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federal register

Tuesday
April 28, 1981

Highlights

23737 **Memorial Day** Presidential proclamation

23816 **Health** HHS/HSA intends to clarify distinction between designation of an area as a Health Manpower Shortage Area (HMSA) and designation of an area as a Medically Underserved Area (MUA).

23766 **Toxic Shock Syndrome** HHS/FDA reopens comment period on proposed regulation to require a statement in labeling menstrual tampons to warn users.

23906 **Grant Programs—Native Americans** HHS/HDSO announces availability of fiscal year 1981 financial assistance for a Tribal Environmental Protection Program. (Part V of this issue)

23837 **Grant Programs—Criminal Justice** Justice/NIJ has interest in sponsoring studies which will widen scope of criminal justice evaluation activities. The range of funding for each award will be from $50,000 to $250,000, for research of up to two years duration.

23739 **Occupational Safety and Health** Labor/OSHA publishes administrative stay and request for comments and information concerning access to employee exposure and medical records with respect to the construction industry.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

23755 **Crude Oil** DOE/ERA intends to adopt a rule that will provide mechanism for adjusting entitlement purchase and sale obligations.

23742 **Procurement** GSA/TPUS publishes temporary regulation regarding use of cash to procure emergency passenger transportation services costing more than $100.

23866 **Securities** Treasury/Sec'y announces 14½ percent interest rate on notes of series Q–1983.

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Title 3—

The President

Proclamation 4842 of April 24, 1981

Memorial Day, May 25, 1981

By the President of the United States of America

A Proclamation

Over one hundred years ago, Memorial Day was established to commemorate those who died in the defense of our national ideals. Our ideals of freedom, justice, and equal rights for all have been challenged many times since then, and thousands of Americans have given their lives in many parts of the world to secure those same ideals and insure for their children a lasting peace. Their sacrifice demands that we, the living, continue to promote the cause of peace and the ideals for which they so valiantly gave of themselves.

Today, the United States stands as a beacon of liberty and democratic strength before the community of nations. We are resolved to stand firm against those who would destroy the freedoms we cherish. We are determined to achieve an enduring peace—a peace with liberty and with honor. This determination, this resolve, is the highest tribute we can pay to the many who have fallen in the service of our Nation.

In recognition of those Americans whom we honor today, the Congress, by joint resolution of May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and a period during such day when the people of the United States might unite in prayer.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Memorial Day, Monday, May 25, 1981, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer.

I urge the press, radio, television, and all other information media to cooperate in this observance.

I also request the Governors of the United States and the Commonwealth of Puerto Rico and the appropriate officials of all local units of Government to direct that the flag be flown at half-staff during this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control, and I request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of April, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-12953
Filed 4-27-81; 10:59 am]
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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 203

[Docket No. 79N-0186]

Prescription Drug Products That Require Patient Package Inserts; Temporary Stay of Effective Dates

AGENCY: Food and Drug Administration.

ACTION: Temporary stay of effective dates of final rules.

SUMMARY: The Food and Drug Administration (FDA) is staying the effective dates of final regulations amending the patient package insert regulations to list ampicillin, amoxicillin, hetacillin, cimetidine, clofibrate, phenytoin, and propoxyphene as drugs that must be dispensed with patient package inserts. Elsewhere in this issue of the Federal Register, FDA is staying the effective dates of notices announcing the availability of final guideline patient package inserts for ampicillin and related drugs, cimetidine, clofibrate, phenytoin, and propoxyphene and applying the agency's patient package insert regulations to those drugs.

EFFECTIVE DATE: This stay is effective as of April 23, 1981.

FOR FURTHER INFORMATION CONTACT: Michael C. McGrane, Bureau of Drugs (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 12, 1980 (45 FR 60754), FDA adopted final regulations establishing requirements and procedures for the preparation and distribution of patient package inserts for prescription drugs for human use. Although the regulations were effective October 14, 1980, they do not apply to particular drugs or drug classes until 180 days after publication of a separate notice in the Federal Register specifically applying the regulations to a drug or drug class.

In a notice published in the Federal Register of November 25, 1980 (45 FR 78516), the agency announced the applicability of the regulations to cimetidine, clofibrate, and propoxyphene effective May 25, 1981, and published final guideline patient package inserts for those drugs. In a notice published in the Federal Register of January 2, 1981 (46 FR 160), the agency announced the applicability of the regulations to ampicillin and related drugs and phenytoin effective July 1, 1981, and published final guideline patient package inserts for those drugs.

In both cases with FDA published a notice applying the regulations to particular drug products, the agency also amended § 203.31 (21 CFR 203.31) of the patient package insert regulations to list the drugs and provide a permanent inventory in the Code of Federal Regulations to help persons determine to which drugs and drug classes the regulations apply. Section 203.31 was amended to list cimetidine, clofibrate, and propoxyphene in the Federal Register of November 25, 1980 (45 FR 78514), and amended to list ampicillin and related drugs and phenytoin in the Federal Register of January 2, 1981 (46 FR 28). The amendments were to be effective May 25, 1981 and July 1, 1981, respectively.

The agency is now staying those effective dates. This stay does not affect requirements for patient package inserts for the oral contraceptive estrogen, and progestational drug products codified at §§ 310.501, 310.515, and 310.516, (21 CFR 310.501, 310.515, and 310.516), respectively.

The action is taken under § 10.35(a) of FDA's procedural regulations (21 CFR 10.35(a)), which authorize the agency to stay at any time the effective date of a pending action or following a decision on any matter. Important questions continue to be raised regarding the cost, necessity, and utility of FDA's patient package insert program. These questions merit further review before final implementation of any requirements. FDA also believes additional review of these requirements to be consistent with the spirit of the provisions of Executive Order 12291 (46 FR 13193; February 19, 1981).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 503, 505, 507, 701, 52 Stat. 1041 as amended, 1050–1053 as amended, 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 321, 352, 353, 355, 357, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), the effective dates of the amendments to § 203.31 published in the Federal Register of November 25, 1980 (45 FR 78514) and January 2, 1981 (46 FR 28) are stayed until further notice.

Dated: April 23, 1981.

Arthur Hull Hayes, Jr.,
Commissioner of Food and Drugs.

[FR Doc. 81–12871 Filed 4–23–81; 2:36 pm]
BILLING CODE 4110–03–M

DEPARTMENT OF LABOR

Employment Standards Administration

Office of the Secretary

29 CFR Parts 1, 4, 5, and 6

Further Deferral of Effective Dates of Regulations

AGENCY: Wage and Hour Division, ESA, and Office of the Secretary, Labor.

ACTION: Notice of further deferral of effective dates of final rules.

SUMMARY: This notice further defers the effective dates of certain Labor Department regulations from May 1, 1981 until July 1, 1981. This action is taken in order to permit consultation with interested groups on the issues as part of the reconsideration of these rules in accordance with Executive Order 12291.

EFFECTIVE DATE: The effective dates are deferred until July 1, 1981. See the table below for more information.

ADDRESS: Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Frances Perkins Department of Labor Building, Room S–3502, 200 Constitution Avenue, NW, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Henry T. White, Jr., telephone: (202) 523–8305.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 6, 1981 (46 FR 11253–11254) the Department of Labor published a notice deferring the effective dates of Parts 1, 5, and 6 of Title 29 of the Code of Federal Regulations (29 CFR Parts 1, 5, and 6) until March 30, 1981. This action was taken in response to a January 29, 1981 Memorandum from President Reagan in order to allow for a full and appropriate review of these rules. In the **Federal Register** of February 12, 1981 (46 FR 11971) this Department published a notice deferring (staying) the effective date of Part 4 (including § 4.133) of Title 29 of the Code of Federal Regulations (29 CFR Part 4) until April 17, 1981 to permit further review of the rule. In the **Federal Register** of March 27, 1981 (46 FR 18973) the Department of Labor published a notice further deferring the effective dates of Parts 1, 4, 5, and 6 of Title 29 of the Code of Federal Regulations (29 CFR Parts 1, 4, 5, and 6) until May 1, 1981 in order to permit reconsideration of these regulations in accordance with Executive Order 12291.

This document will further defer the effective dates of all of these regulations until July 1, 1981. This action is necessary in order to permit consultation with interested groups concerning the numerous issues as part of the reconsideration of these regulations pursuant to Executive Order 12291. The time required for such consultation constitutes good cause for this deferral. For this reason and because these rules are scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary and contrary to the public interest and good cause exists for making these postponements effective immediately. This finding is made pursuant to 5 U.S.C. 553(b)3(B).

The following chart contains a description of each of the rules being deferred by this notice:

Rule	Subject	Original publication of rule in final form	Previously scheduled effective date
1. 29 CFR Part 1	Procedure for Predetermination of Wage Rates	Jan. 16, 1981 (46 FR 4306)	May 1, 1981.
2. 29 CFR Part 4	Service Contract Act; Labor Standards for Federal Service Contract	Jan. 16, 1981 (46 FR 4320) and Jan. 19, 1981 (46 FR 4806).	May 1, 1981.
3. 29 CFR Part 5	Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).	Jan. 16, 1981 (46 FR 4380)	May 1, 1981.
4. 29 CFR Part 6	Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal and Federally Assisted Construction Contracts and Federal Service Contracts.	Jan. 16, 1981 (46 FR 4398)	May 1, 1981.

Authority

The statutory authority for this action is as follows:

1. As to 29 CFR Part 1: 5 U.S.C. 301; R.S. 161, 64 Stat. 1267; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 29 U.S.C. 259; 40 U.S.C. 276a–276a–7; 40 U.S.C. 276c; and the laws listed in Appendix A of Part 1.

2. As to 29 CFR Part 4: 41 U.S.C. 351, *et seq.*, 79 Stat. 1034, as amended in 86 Stat. 789, 90 Stat. 2358; 41 U.S.C. 38 and 39; and 5 U.S.C. 301.

3. As to 29 CFR Part 5: 40 U.S.C. 276a–276a–7; 40 U.S.C. 276c; 40 U.S.C. 327–332; Reorganization Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301; and the statutes listed in section 5.1(a) of Part 5.

4. As to 29 CFR Part 6: Sections 4 and 5, 79 Stat. 1034, 1035 as amended by 86 Stat. 789, 790, 41 U.S.C. 353 and 354; 5 U.S.C. 301; Reorg. Plan No. 14 of 1950, 64 Stat. 1267, 5 U.S.C. Appendix; 46 Stat. 1494, as amended by 49 Stat. 1011, 76 Stat. 238, 40 U.S.C. 276a–276a–7; 76 Stat. 357–359, 40 U.S.C. 327–332; 48 Stat. 948, as amended by 63 Stat. 108, 72 Stat. 967, 40 U.S.C. 276c.

Signed at Washington, D.C. this 22d day of April 1981.

Raymond J. Donovan,

Secretary of Labor.

Craig A Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81–12882 Filed 4–27–81; 8:45 am]
BILLING CODE 4510–27–M

Occupational Safety and Health Administration

29 CFR Part 1910

Access to Employee Exposure and Medical Records; Construction Industry; Administrative Stay

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Administrative stay; request for comments and information.

SUMMARY: The Occupational Safety and Health Administration (OSHA) has decided to stay § 1910.20 of 29 CFR concerning access to employee exposure and medical records with respect to the construction industry, except that employers in the industry will: (1) continue to preserve exposure and medical records and make them available to OSHA, and (2) make employee medical records available to employees. Notice is hereby given of this stay, which is effective immediately, and comments are solicited on whether this stay should be continued pending consideration by the Construction Advisory Committee of the appropriateness of the access standard for the construction industry.

DATES: The administrative stay is effective April 28, 1981.

Comments on continuance of the stay must be received on or before: June 12, 1981.

ADDRESS: Written comments should be submitted, in quadruplicate, to the Docket Officer, Docket No. H–112C, Room S–6212, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (202–523–7894).

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Department of Labor, OSHA, Office of Public Affairs, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (202–523–8151).

SUPPLEMENTARY INFORMATION: On May 21, 1980, the Occupational Safety and Health Administration (OSHA) promulgated an occupational health standard on Access to Employee Exposure and Medical Records (29 CFR 1910.20; 45 FR 35212 *et seq.*). This standard applied to employers in general industry, maritime, and construction. By this notice, OSHA announces its intention to submit the entire issue of records access in the contract construction industry to the Advisory Committee on Construction Safety and Health ("the Construction Advisory Committee"), which was not consulted during the original development of the records access standard. This notice also serves to immediately stay § 1910.20 with respect to the contract construction industry, and solicits public comment on whether the standard should continue to be stayed pending the Construction Advisory Committee's deliberations and the outcome of any rulemaking process which the Secretary may determine is warranted.

The terms of the stay require that employers in the construction industry must preserve exposure and medical records, and make them available, upon request, to the Assistant Secretary for Occupational Safety and Health or his designees. The employer must also make employee medical records available, upon request, to employees and to individuals acting with the specific written consent of an employee. Such access includes access to medical records made or maintained by contract physicians to the extent that the records are available to the employer. Access is to be provided within a reasonable amount of time and at a reasonable place. For the purposes of this stay, "employee exposure record" means a record of monitoring or measuring which contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents, but does not include research and development studies performed on an experimental basis solely for the purpose of advancing employee safety and health in the contract construction industry. The terms "access," "employee medical record," and "specific written consent" shall have the same meaning as the definitions provided in the final standard (29 CFR 1910.20 (c)(1), (c)(6) and (c)(10), respectively).

This action stems from a challenge to the records access standard which was brought by the National Constructors Association (NCA), a trade association of firms engaged in the engineering, design and construction of industrial facilities on a contract basis. On June 17, 1980, NCA petitioned OSHA for an administrative stay of the standard as it applied to the contract construction industry on the grounds that: (1) OSHA had failed to consult with the construction Advisory Committee, and (2) the standard posed certain practical compliance difficulties for their industry. On July 18, 1980, NCA filed a petition to review the standard, pursuant to section 6(f) of the Occupational Safety and Health Act, 29 U.S.C. 655(f), in the U.S. Court of Appeals for the District of Columbia. On August 19, 1980, OSHA administratively stayed a portion of the standard (paragraphs (e)(2) and (g)) for the construction industry until October 1, 1980, to permit discussions concerning possible settlement of this matter. When those discussions proved unsuccessful, the stay lapsed and the entire standard went into effect for the contract construction industry on October 1.

After further consideration, OSHA has decided that the Construction Advisory Committee should now have the opportunity to consider the entire records access issue and make recommendations on whether the standard should be modified to meet the contract construction industry's particular needs and conditions. If necessary, OSHA will undertake a new rulemaking for the purpose of promulgating a modified records access standard unique to the contract construction industry. This determination reflects OSHA's basic belief that while the regulatory goals of providing employees and their designated representatives with access to information concerning toxic exposures and worker health should not vary from industry to industry, implementation of those goals may appropriately be tailored to fit unique circumstances in particular industries.

The decision to submit the records access standard to the Construction Advisory Committee raises the question of whether the standard should be stayed for the contract construction industry pending completion of that process, including any ensuing rulemaking.

OSHA has decided that an immediate stay, subject to the conditions stated above, is appropriate. Since this immediate stay will be of very brief duration, we find that notice and comment thereon is unnecessary and impractical within the meaning of 5 U.S.C. 553. However, since the standard was issued in May 1980 and has applied to contract construction since October 1, 1980, it is also appropriate to submit for public comment the question of whether this brief stay or any other stay should continue in effect pending the Advisory Committee's consideration and any subsequent rulemaking. Accordingly, written comment is invited on the stay issue, with particular regard to the following:

1. What has been the experience in the construction industry with the standard since October 1?
2. What are the unique aspects of the construction industry which would render the existing access standard inappropriate?
3. What have been the benefits and costs, if any, of the standard's being in effect?
4. Are there alternatives to total effectiveness or total stay of the employee access provisions of the standard which would maximize the benefits or minimize the costs of the standard to the contract construction industry and its employees?

All interested persons are therefore invited to submit information and views on the issue of the stay of the records access standard for the contract construction industry. All comments must be received by (insert date 45 days after publication in the Federal Register) to be assured of consideration by the agency. Written comments should be submitted in quadruplicate, to the OSHA Docket Office, Docket No. H-112C, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone (202) 523-7894. The requests and comments will be available for inspection and copying at the Docket Office.

(Sec. 6 (84 Stat. 1593; 29 U.S.C. 655); 5 U.S.C. 553; Secretary of Labor's Order No. 8-76 (41 FR 25059))

Signed at Washington, D.C., this 23rd day of April, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-12811 Filed 4-27-81; 8:45 am]

BILLING CODE 4510-26-M

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29 CFR Part 1910

[Docket No. H-004E]

Occupational Exposure to Lead; Supplemental Statement of Reasons and Amendment of Standard; Notice of Deferral of Effective Date

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of further deferral of effective date of final rule.

SUMMARY: This notice defers the effective date of the Supplemental Statement of Reasons and Amendment of the Lead Standard until June 30, 1981. The action is necessary to allow additional time to consider the appropriateness of the lengthy and complex document in light of the numerous petitions for administrative review which have been received, and to allow time for final disposition of complicated issues before the Supreme Court.

DATE: The effective date is deferred until June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Beliles, Occupational Safety and Health Administration, Room N3617, U.S. Department of Labor, Washington, D.C. 20210 (202) 523-7081.

SUPPLEMENTARY INFORMATION: On January 21, 1981, OSHA published in the Federal Register (46 FR 6134) a supplemental statement of reasons assessing the technological and economic feasibility of meeting the permissible exposure level for lead contained in the lead standard (29 CFR 1910.1025), in 46 industries. The document was prepared in response to a

remand order from the U.S. Court of Appeals for the D.C. Circuit, in the "United Steelworkers of America v. Marshall," No. 79-1048 (August 15, 1980). The supplemental statement of reasons covered nearly 100 pages in the **Federal Register**, and was originally scheduled to be effective on February 20, 1981. On February 6, 1981, the effective dates of several final regulations were deferred until March 30, 1981 pursuant to a Presidential Memorandum to the Secretary of Labor and other cabinet officials (46 FR 11253). On March 27, 1981, (46 FR 18973) OSHA further deferred the effective date, for a period of 30 days, so that it might have additional time to consider the numerous petitions for administrative review of the supplemental statement of reasons—a very lengthy and complex document.

In response to the D.C. Circuit's opinion on the lead standard several petitions for certiorari were filed with the Supreme Court. The agency responded on April 17, 1981, stating that the petitions for certiorari should be granted, that the judgment of the court of appeals should be vacated, that the case should be remanded with directions to return the record to the agency for further administrative proceedings, and that the standard that is currently effective should be left undisturbed. On the same day, OSHA filed with the **Federal Register** an advance notice of proposed rulemaking, published on April 21, 1981 (46 FR 22764), which stated the agency's intention to review the technological and economic feasibility of the lead standard, to assess the practicality of relying on cost-benefit analysis in setting occupational health standards, and to reevaluate several other important issues concerning the lead standard. Interested parties were invited to comment on the advance notice by June 1, 1981.

In light of the above, and since the Supreme Court has yet to dispose of the petitions before it dealing with the reevaluation of the lead standard, additional time is needed to make an appropriate and coordinated decision on the supplemental statement of reasons. Therefore, the effective date of the supplemental statement and amendment to 29 CFR § 1910.1025(e) is hereby deferred until June 30, 1981. Due to the short deferral period, notice and opportunity for public comment on the deferral is impractical and unnecessary under 5 U.S.C. 533 and 29 U.S.C. 655(b).

Signed at Washington, D.C. this 23d day of April, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-13810 Filed 4-27-81; 8:45 am]

BILLING CODE 4510-26-M

Office of Federal Contract Compliance Programs

41 CFR Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-50, 60-60, 60-250, and 60-741

Government Contractors; Affirmative Action Requirements; Further Deferral of Effective Date of Regulations

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice of further deferral of effective date of final rule.

SUMMARY: This notice further defers the effective date of certain OFCCP regulations regarding affirmative action requirements for Government Contractors from April 29, 1981, until June 29, 1981. This action is taken in order to permit consultation with interested groups on the issues as part of the reconsideration of these rules in accordance with Executive Order 12291.

DATES: The effective date is deferred until June 29, 1981.

FOR FURTHER INFORMATION CONTACT: James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C-3324, U.S. Department of Labor, Washington, D.C. 20210, Telephone (202) 523-9426.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 28, 1981 (46 FR 9084), the Department of Labor published a notice deferring the effective date of amendments published on December 30, 1980 (45 FR 86216) and corrected on January 23, 1981 (46 FR 7332) to Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-50, 60-60, 60-250 and 60-741 of Title 41 of the Code of Federal Regulations until April 29, 1981. This action was taken in response to a request from President Reagan in order to allow for a full and appropriate review of these rules.

This document will further defer the effective date of these regulations until June 29, 1981. This action is necessary in order to permit consultation with interested groups concerning the numerous issues as part of the reconsideration of these regulations in accordance with Executive Order 12291. The time required for such consultation constitutes good cause for this deferral. For this reason and because these rules are scheduled to become effective very shortly, additional notice and public procedure on this change of effective dates is impracticable, unnecessary and contrary to the public interest and good cause exists for making this postponement effective immediately. This finding is made pursuant to 5 U.S.C. 553(b)(3)(B).

Authority: E.O. 11246 (30 F.R. 12319), as amended by E.O. 11375 (32 F.R. 14303) and by E.O. 12086 (43 F.R. 46501); Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 2012); Section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793), as amended by Section 111 (a), Pub. L. 93-516, 88 Stat. 1619 (29 U.S.C. 706), and by Sections 119 and 122 of the Rehabilitation Comprehensive Services and Developmental Disabilities Amendment of 1978, Pub. L. 95-602, 92 Stat. 2955, and E.O. 11758.

Signed at Washington, D.C. this 22nd day of April 1981.

Raymond J. Donovan,

Secretary of Labor.

Craig A. Berrington,

Deputy Assistant Secretary of Labor for Employment Standards.

[FR Doc. 81-12883 Filed 4-27-81; 8:45 am]

BILLING CODE 4510-27-M

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Service

41 CFR Ch. 101

[FPMR Temp. Reg. G-45]

Use of Cash To Procure Emergency Passenger Transportation Services Costing More Than $100

AGENCY: Transportation and Public Utilities Service, GSA.

ACTION: Temporary regulation.

SUMMARY: This regulation replaces FPMR Temporary Regulation G-43 (45 FR 56807, August 26, 1980) and permits Federal agency heads to delegate their authority to approve the use of cash for the purchase of emergency transportation services exceeding $100 instead of using Standard Form 1169, U.S. Government Transportation Request (GTR). Currently, agency heads are not permitted to delegate such authority and this limitation is not practicable for those agencies with large numbers of employees spread throughout the United States. Removing this restriction will reduce the administrative burden on Federal agency heads.

DATES: Effective date: April 28, 1981. Expiration date: April 1, 1982.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Reports and

Procedures Branch, Office of Transportation Audits, (202–275–0664).

SUPPLEMENTARY INFORMATION: FPMR Temporary Regulation G–43 (45 FR 56807, August 26, 1980) is canceled and deleted from the appendix at the end of Subchapter G in 41 CFR Chapter 101.

(31 U.S.C. 244)

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter G to read as follows:

April 3, 1981.

Federal Property Management Regulations—Temporary Regulation G–45

To: Heads of Federal agencies.

Subject: Use of cash to procure emergency passenger transportation services costing more than $100.

1. *Purpose.* This regulation provides policy and procedures revising § 101–41.203–2 to allow the use of cash for the procurement of emergency transportation services costing more than $100 instead of using Standard Form 1169, U.S. Government Transportation Request (GTR).

2. *Effective date.* This regulation is effective upon publication in the Federal Register.

3. *Expiration date.* This regulation expires on April 1, 1982, unless sooner revised or superseded.

4. *Applicability.* This regulation applies to heads of all Government agencies that are subject to the audit authority of GSA under 31 U.S.C. 244.

5. *Background.* The General Services Administration has authority for the audit and adjustment of payments to carriers and forwarders furnishing transportation for the account of the United States and for prescribing uniform procedures and transportation-related forms governing the accounting of these payments. SF 1169, U.S. Government Transportation Request (GTR), is used for the procurement of passenger transportation services. However, § 101–41.203–2 grants to agencies the option of requiring travelers to use cash instead of GTR's where the passenger transportation services cost more than $10 but do not exceed $100 for each authorized trip.

6. *Revised policy and procedures.*

a. The policy and procedures in § 101–41.203–2(a) are amended by adding, after the last sentence, the following:

"Under emergency circumstances, where the use of GTR's is not possible, heads of agencies, or their designated representatives, may authorize travelers to exceed the $100 limitation when procuring passenger transportation services. To justify the use of cash in excess of $100 instead of GTR's when procuring passenger transportation services, both the Government agency head, or his or her designated representative, and the traveler shall certify on the travel voucher the reasons for this use. In the absence of specific authorization or approval, the traveler shall be responsible for all additional costs involved for this travel, such as the use of foreign-flag carriers, first-class travel, or more costly modes. The traveler should bear in mind the fact that currently there are many Government discount fares and contract fares, only obtainable through the use of a GTR.

"(1) Delegation of authority for authorizing and approving the use of cash in excess of $100 for the procurement of emergency transportation services shall be held to as high an administrative level as practicable to ensure adequate consideration and review of the circumstances. These delegations of authority shall be made in writing and copies retained to permit monitoring of the system. These records of delegations of authority shall be available for examination by GSA auditors."

"(2) Authorization for the use of cash in excess of $100 for procurement of passenger transportation services shall be made before the actual travel unless emergency situations make advance authorization impossible. If advance authorization cannot be obtained, the traveler shall obtain written approval from the agency head, or his or her designee, at the earliest practicable time."

b. Section 101–41.203–2(c) is amended by adding, after the last sentence, the following:

"Travel vouchers shall be maintained in the agency to be available for site audit by GSA auditors. General Records Schedule 9, Travel and Transportation Records (see § 101–11.404–2), provides instructions for the disposal of these travel vouchers."

7. *Effect on other directives.* When the provisions of this regulation are in conflict with other regulations and related directives, the provisions of this regulation will govern. FPMR Temporary Regulation G–43 (45 FR 56807, Aug. 26, 1980) is canceled and deleted from the appendix at the end of Subchapter G in 41 CFR Chapter 101.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–12735 Filed 4–27–81; 8:45 am]

BILLING CODE 6820–35–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6034]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program, (202) 755–5581 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland. Room 5270, 451 Seventh Street, SW. Washington, DC. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition of construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Alabama: Jefferson	Homewood, city of	015008C	Apr. 1,1981, suspension withdrawn	Mar. 26, 1973 and July 1, 1974, and Aug. 6, 1976.
Arkansas: Jefferson	Grubbs, city of	0501018	do	Aug. 9, 1974 and July 2, 1976.
Connecticut: New London	Ledyard, town of	0901578	do	May 27, 1977.
Maine:				
Oxford	Brownfield, town of	2300898	do	Sept. 13, 1974 and Jan. 14, 1977.
Cumberland	Sebago, town of	2302068	do	Jan. 17, 1975 and Mar. 11, 1977
Michigan:				
Lenawee	Deerfield, village of	260436A	do	Sept. 12, 1975
Monroe	Whiteford, township of	2601578	do	June 28, 1974 and June 25, 1976
Minnesota:				
Dakota	Unincorporated areas	2701018	do	Oct. 18, 1974 and Aug. 12, 1977.
Ramsey	Shoreview, city of	2703648	do	June 14, 1974 and Oct. 10, 1975.
Missouri: St. Louis	Town and Country, city of	2903698	do	Dec. 28, 1973 and June 11, 1976.
Montana: Lewis and Clark	Unincorporated areas	3000398	do	Dec. 27, 1974 and Sept. 13, 1977.
New Hampshire:				
Hillsborough	Antrim, town of	3300828	do	Apr. 12, 1974 and Aug. 27, 1976.
Coos	Gorham, town of	3300328	do	Mar. 1, 1974 and July 30, 1976.
New Jersey:				
Hunterdon	Alexandria, township of	3402308	do	Feb. 1, 1974 and June 18, 1977.
Do	Lambertville, city of	3402378	do	Feb. 11, 1977.
Do	West Amwell, township of	340843C	do	May 11, 1973 and June 18, 1977.
New York:				
Ontario	Canandaigua, city of	3600878	do	June 28, 1974 and Jan. 2, 1976.
Schuyler	Montour Falls, village of	3610188	do	May 3, 1974 and Jan. 16, 1976.
Orange	Washingtonville, village of	3606368	do	Dec. 28, 1973 and Dec. 19, 1975.
North Carolina: Halifax	Weldon, town of	3701198	do	Mar. 1, 1974 and June 25, 1976.
Oklahoma: Garfield	North Enid, town of	4004258	do	Jan. 24, 1975 and Nov. 14, 1975.
Oregon:				
Morrow	Heppner, city of	4101758	do	Nov. 23, 1973 and Dec. 19, 1975.
Do	Ione, city of	410176A	do	Nov. 22, 1974.
Morrow	Unincorporated areas	4101738	do	Jan. 24, 1975, and July 19, 1977.
Pennsylvania:				
Berks	Alsace, township of	421378A	do	Jan. 24, 1975.
Lancaster	Brecknock, township of	421762B	do	May 16, 1974 and July 30, 1976.
Do	Ephrata, borough of	420551C	do	Mar. 22, 1974, and May 17, 1974 and Dec. 23, 1977.
Luzerne	Fairmont, township of	4216278	do	Jan. 17, 1975, and Mar. 21, 1980.
York	Felton, borough of	4209228	do	Mar. 4, 1977.
Do	Fawn, township of	422219A	do	Dec. 27, 1974.
Do	North Hopewell, township of	422229A	do	Dec. 20, 1974.
Bradford	North Towanda, township of	4210878	do	July 26, 1974, and July 23, 1976.
York	Springfield, township of	422231A	do	Dec. 27, 1974.
South Carolina: Charleston	Ravenel, town of	4500438	do	June. 14, 1974, and Apr. 2, 1976.
Tennessee: Cheatham	Ashland, town of	4700278	do	Aug. 16, 1974, and July 2, 1976.
Texas: Dallas and Ellis	Cedar Hill, city of	4801688	do	Mar. 1, 1974, and June. 18, 1976.
Vermont:				
Chittenden	Bolton, town of	500308A	do	Feb. 21, 1975.
Franklin	Sheldon, town of	500058B	do	Apr. 22, 1974, and Oct. 29, 1976.
Virginia: Independent City	Martinsville, city of	5100958	do	May 31, 1974, and June. 4, 1976.
Washington: King	Kent, city of	5300808	do	June. 7, 1974, and Apr. 22, 1977.
Wisconsin:				
Sheboygan	Random Lake, village of	550426C	do	June. 28, 1974, and Aug. 6, 1976, and Aug. 12, 1977.
Jefferson and Dodge	Watertown, city of	5501078	do	May 31, 1974, and June. 11, 1976.
Illinois: McHenry	McHenry, city of	1704838	Jan. 17, 1974, emergency, Nov. 19, 1980, regular, Nov. 19, 1980, suspended, Apr. 1, 1981, reinstated.	Mar. 9, 1974, Sept. 24, 1976 and Feb. 24, 1978.
Indiana: Delaware	Muncie, city of	1800538	Apr. 4, 1975, emergency, Jan. 16, 1981, regular, Jan. 16, 1981, suspended, Apr. 1, 1981, reinstated.	Jan. 16, 1974 and June 4, 1976.
Pennsylvania: York	Carroll, township of	422216A	Sept. 16, 1974, emergency, Mar. 2, 1981, regular Mar. 2, 1981, suspended, Apr. 1, 1981, reinstated.	Jan. 3, 1975.
Louisiana: Natchitoches	Goldonna, village of	220290	Apr. 2, 1981, emergency	Sept. 19, 1975.
New York: St. Lawrence	Piercefield, town of	361426	do	Jan. 31, 1975.
Massachusetts: Bristol	Acushnet, town of	250048A	Apr. 3, 1981, emergency	Sept. 6, 1974 and Oct. 15, 1976.
Texas:				
Rusk	New London, city of	481113	do	Nov. 5, 1976.
Fort Bend	Fulshear, town of	481486	do	
Hill	Hubbard, city of	480658	do	Oct. 29, 1976.
Henderson	Murchison, city of	480330	do	Do.
Minnesota:				
Morrison	Randall, city of	2703028	Mar. 19, 1975, emergency, Mar. 2, 1981, regular, Mar. 2, 1981, suspended, Apr. 3, 1981, reinstated.	June 7, 1974 and July 23, 1976.
Hennepin	Medina, city of	2701718	July 18, 1975, emergency, Sept. 3, 1980, regular, Sept. 3, 1980, suspended, Apr. 3, 1981, reinstated.	June 28, 1974 and Sept. 26, 1975.
California: San Diego	Poway, city of	060702-New	Apr. 8, 1981, emergency	
Pennsylvania:				
Somerset	New Baltimore, borough of	420799	do	Nov. 8, 1974.
Green	Wayne, township of	421679	do	Dec. 27, 1974.
Bradford	Stevens, township of	4214078	do	Dec. 1, 1974, June 25, 1976 and Aug. 6, 1980.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Minnesota: Wabasha	Hammond, city of	270485B	Sept. 18, 1974, emergency, Nov. 19, 1980, regular, Nov. 19, 1980, suspended, Apr. 8, 1981, reinstated.	Aug. 2, 1974, Oct. 18, 1976 and Mar. 9, 1979.
Florida: Jefferson	Monticello, city of	120365	Apr. 9, 1981, emergency	July 23, 1976.
Pennsylvania: Luzerne	Hazle, township of	421830A	Apr. 7, 1975, emergency, Apr. 1, 1975, regular, Apr. 1, 1981, suspended, Apr. 9, 1981, reinstated.	Nov. 8, 1974.
New York: Cattaraugus	Humphrey, town of	360078A	Apr. 13, 1981, emergency	July 16, 1976 and Aug. 30, 1974.
Texas: Gregg	Warren City, city of	480840	do	Aug. 13, 1976.
Arkansas: Crawford	Mountainburg, city of	050051A	Apr. 15, 1981, emergency	July 3, 1974 and Nov. 28, 1975.
Kansas: Kiowa	Greensburg, city of	200501	do	July 30, 1976.
California: Contra Costa	Lafayette, city of	065037B	Feb. 12, 1971, emergency, Mar. 16, 1981, regular, Mar. 16, 1981, suspended, Apr. 15, 1981, reinstated.	July 26, 1974 and Dec. 5, 1975.
Minnesota: McLeod	Unincorporated areas	2606168	Mar. 4, 1974, emergency, Feb. 4, 1981, regular, Feb. 4, 1981, suspended, Apr. 15, 1981, reinstated.	June 3, 1977.
Arizona: Santa Cruz	Nogales, city of	040091B	April 15, 1981, suspension withdrawn	May 24, 1974 and Nov. 14, 1975.
Illinois:				
Dupage	Bloomingdale, village of	170201B	do	Mar. 1, 1974 and May 21, 1976.
Cook	Unincorporated areas	170054B	do	May 27, 1977.
Dupage	Downers Grove, village of	170204B	do	Mar. 15, 1974 and Feb. 27, 1976.
Louisiana: Jefferson and Davis Parish.	Jennings, city of	220096B	do	Feb. 1, 1974 and Mar. 5, 1976.
Minnesota: Hennepin	Greenfield, city of	270673B	do	Dec. 7, 1973 and Apr. 16, 1976.
Missouri: Barry and Lawrence	Monett, city of	290023B	do	May 24, 1974 and Jan. 9, 1976.
Montana: Powell	Deer Lodge, city of	300060B	do	Jan. 9, 1974 and Apr. 30, 1976
Nebraska: Lancaster	Firth, village of	310135A	do	Nov. 8, 1974.
New Hampshire:				
Rockingham	Brentwood, town of	330125B	do	June 28, 1974 and Dec. 10, 1976.
do	Derry, town of	330126B	do	Mar. 4, 1977
Cheshire	Gilsum, town of	330021B	do	May 31, 1974 and Mar. 4, 1977
Grafton	Holderness, town of	330059B	do	Mar. 22, 1974 and Dec. 10, 1976.
Cheshire	Walpole, town of	330027A	do	May 24, 1974
Rockingham	Plaistow, town of	330139B	do	Oct. 18, 1974 and Aug. 27, 1976.
New Jersey: Bergen	Harrington Park, borough of	340040B	do	June 28, 1974 and Sept. 24, 1976.
Ohio:				
Clermont	Unincorporated areas	390065B	do	Dec. 2, 1977.
Preble	Eaton, city of	390462B	do	May 31, 1974 and Dec. 20, 1974.
do	New Paris, village of	390463B	do	Feb. 8, 1974 and May 7, 1976.
Summit	Tallmadge, city of	390533B	do	Aug. 15, 1975.
Warren	Unincorporated areas	390757B	do	Jan. 6, 1976.
Oklahoma: Oklahoma	Choctaw, city of	400357B	do	Jan. 21, 1977.
Oregon: Jackson	Medford, city of	410096B	do	June 21, 1974 and Mar. 12, 1976.
Pennsylvania:				
Chester	Birmingham, township of	421474A	do	Nov. 22, 1974.
Lancaster	Christiana, borough of	420542B	do	June 28, 1974 and July 16, 1976.
Luzerne	Huntington, township of	421832A	do	Jan. 3, 1975.
Dauphin	Lower Paxton, township of	420384B	do	Jan. 9, 1974 and Feb. 11, 1977.
Lancaster	Little Britain, township of	421775B	do	Sept. 20, 1974 and July 2, 1976.
Perry	Miller, township of	421954A	do	Jan. 17, 1975.
Fayette	Newell, borough of	420465B	do	June 28, 1974 and April 23, 1976.
Lancaster	Salisbury, township of	421783B	do	Sept. 20, 1974 and July 16, 1976.
Lehigh	Washington, township of	421816A	do	Nov. 15, 1974.
Tioga	Wellsboro, borough of	420829C	do	Mar. 22, 1974 and Aug. 20, 1976 and Mar. 25, 1977.
Texas:				
Tarrant	Crowley, city of	480591C	do	June 28, 1974 and July 2, 1976 and May 15, 1979.
San Patricio	Gregory, city of	480555B	do	May 7, 1974 and Dec. 5, 1975.
Washington: Clark	Battle Ground, township of	530025B	do	May 24, 1974 and Dec. 26, 1975.
Wisconsin: Milwaukee	West Allis, city of	550285C	do	April 12, 1974 and July 23, 1976 and May 20, 1977.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 20, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-12882 Filed 4-27-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Commission Organization; Amendment of Part 0 of the Commission's Rules.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This amendment updates the Commission's Rules to incorporate the reorganization of the Ofice of Executive Director. These amendments are necessary because the functions of the Office have been amended and titles and responsibilities have changed.

EFFECTIVE DATE: April 27, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Marietta, Jr., Office of Executive Director: (202) 632–7513.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of Part 0 of the Commission's rules.

Order

Adopted: April 13, 1981.

Released: April 16, 1981.

1. In September, 1979, the Commission reorganized the Office of Executive Director. As a result, the functions of the Office have been amended and the titles and responsibilities of divisions within the Office changed. Part 0 is being revised to reflect the new Office functions and division titles.

2. The Office of Executive Director has been structured to aliga closely-related functions in two major areas: 1) information management and 2) operations. Other divisions continue as before.

3. The amendment adopted herein is editorial and pertains to agency procedure and practice. The prior notice and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 533, are therefore inapplicable. Authority for the amendment adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended.

4. In view of the foregoing, it is ordered, effective April 27, 1981, that Part 0 of the Rules and Regulations is amended as set forth in the Appendix hereto.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

R. D. Lichtwardt,
Executive Director.

Appendix

47 CFR Part O is amended by revising §§ 0.11 and 0.12 to read as follows:

§ 0.11 Functions of the Office.

The Executive Director is appointed by the Commission and is directly responsible to the Commission under the supervision of the Chairman. The Executive Director has the following duties and responsibilities:

(a) To provide sustained administrative leadership and coordination of staff activities in carrying out the policies of the Commission, through overall supervision and coordination, but not control, of such staff activities. Coordinate the activities of policy making staff officers to assure that adequate information and recommendations on important policy areas are expeditiously considered by the staff and brought promptly to the attention of the Commission.

(b) To review with the Commission and with heads of the Bureaus and Offices, the programs and procedures of the Commission. Make recommendations thereon as may be necessary to administer the Communications Act most effectively in the public interest. Plan and coordinate program evaluation activities throughout the Commission. Monitor or conduct such evaluations and assure that evaluation results are utilized in Commission decision-making and priority-setting activities.

(c) To assist the Chairman in carrying out the administrative and executive responsibilities delegated to the Chairman as the administrative head of the agency and, in connection therewith, plan, direct, coordinate and manage the administrative affairs of the Commission with respect to the functions of personnel management, budget and financial management, information management and processing, management analysis and improvement, international telecommunications settlements, procurement, office services, supply and property management, records management, security and internal auditing, and emergency communications.

(d) To give general direction to the Secretary of the Commission.

(e) To serve as the principal operating official on *ex parte* matters involving restricted proceedings. Review and dispose of all *ex parte* communications received from the public and others. In consultation with the General Counsel, approve waivers of the applicability of the conflict of interest statutes pursuant to 18 U.S.C. 205 and 208, or initiate necessary actions where other resolutions of conflicts of interest are called for.

(f) To coordinate, under the general direction of the Defense Commissioner, the defense activities of the Commission, including recommendation of national emergency plans and preparedness programs covering Commission licensees and planning for continuity of essential Commission functions during national emergency conditions, Act as alternate Commission representative to emergency planning groups of other agencies.

(g) To interpret rules and regulations pertaining to fees with the concurrence of the General Counsel.

§ 0.12 Units in the Office.

(a) Immediate Office of the Executive Director.
(b) Computer Applications Division.
(c) Information Processing Division.
(d) Planning and Analysis Division.
(e) Financial Management Division.
(f) Operations Support Division.
(g) Personnel Management Division.
(h) Emergency Communications Division.
(i) Internal Review and Security Division.
(j) The Secretary.

[FR Doc. 81-12838 Filed 4-27-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 2

[FCC 81-119]

Amendment of the Commission's Rules To Revise Footnote US116 to the National Table of Frequency Allocations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its table of frequency allocations found in § 2.106 to delete the allocations for government radio stations in support of the Department of the Army's doppler velocity attitude projectile system. This action is being taken in response to notification from the Department of the Army that it had ceased operating the doppler system. This change to the rules will result in increased spectrum availability to the primary non-government users of frequency bands.

EFFECTIVE DATE: April 14, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Maureen Cesaitis, Office of Science and Technology, Washington, D.C. 20554, (202) 653-8164, Room 7310.

SUPPLEMENTARY INFORMATION:

In the Matter of Amendment of Part 2 of the Commission's rules and regulations to revise footnote US116 to the National Table of Frequency Allocations.

Order

Adopted: March 26, 1981.

Released: April 1, 1981.

By the Commission: Chairman Ferris not participating.

1. Footnote US116 to the National Table of Frequency Allocations, Section 2.106 of the Commission's rules and regulations, specifies conditions under which Government assignments to radio stations may be made in the frequency bands 890–902 MHz and 928–942 MHz. These conditions include but are not limited to stations in support of the

Army's doppler velocity attitude projectile (DOVAP) system. The Department of the Army has discontinued this system and has recommended to the IRAC that the FCC modify US116 to reflect this cancellation. This change can be accomplished by deleting from US116 that portion which applies to the DOVAP system. (The full text of the revised footnote appears in the attached Appendix.) Because this amendment will not affect any FCC licensee and reflects an increase in spectrum availability to the remaining users of these frequency bands, compliance with the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) is unnecessary.

2. Accordingly, it is ordered that, effective April 14, 1981, Section 2.106 of the rules is amended as set forth in the Appendix. Authority for this action is contained in Section 4(i) and 303 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. Section 2.106 is amended by revising footnote US116 to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

US116 In the bands 890–902 and 928–942 MHz, no new assignments are to be made to Government radio stations after July 10, 1970, except, on a case-by-case basis, to experimental stations and to additional stations of existing networks in Alaska. Government assignments, existing prior to July 10, 1970, to stations in Alaska may be continued. All other existing Government assignments shall be on a secondary basis to stations in the non-Government land mobile service and shall be subject to adjustment or removal from the bands 890–902 and 928–942 MHz at the request of the FCC.

[FR Doc. 81-12885 Filed 4-27-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-505; RM-3393]

Radio Broadcast Services; FM Broadcast Station in Jacksonsville, Lumberton, Roanoke Rapids, and Rockingham, North Carolina; Farmville and Kenbridge, Virginia; Changes Made in Table of Assignments

AGENCY: Federal Communication Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns noncommercial educational television Channel *31 to Lumberton, Channel *36 to Roanoke Rapids, and Channel *53 to Rockingham, North Carolina, reserves Channel *19 at Jacksonville, North Carolina, for noncommercial educational use; and reassigns Channel *31 from Kenbridge, Virginia to Farmville, Virginia, in response to a petition filed by the University of North Carolina. These assignments will provide the first noncommercial Television service to a substantial number of people and improved service to others.

DATE: Effective June 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Jacksonville, Lumberton, Roanoke Rapids, and Rockingham, North Carolina; Farmville and Kenbridge, Virginia).

Report and Order

(Proceeding Terminated)

Adopted: April 10, 1981.

Released: April 16, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 Fed. Reg. 55244, published August 19, 1980, proposing the assignment of noncommercial educational television Channel *31 to Lumberton, Channel *36 to Roanoke Rapids, and Channel *53 to Rockingham, North Carolina, the reservation of Channel *19 at Jacksonville, North Carolina, for noncommercial educational use, and the reassignment, of Channel *31 from Kenbridge, Virginia to Farmville, Virginia. The *Notice* was issued in response to a petition filed by the University of North Carolina ("petitioner").[1] Petitioner filed comments in support of the proposal, and restated its intent to apply for the channels, if assigned.

2. As stated in the *Notice*, the assignment of Channel *36 to Roanoke Rapids (pop. 13,506)[2] would provide a first noncommercial television service to 48,000 persons, and improved service to others in the north central portion of North Carolina. The Channel *19 assignment at Jacksonville (pop. 16, 289) would reflect the intended use of the channel by petitioner which was recently granted a Construction Permit (BPET-790606KG). In addition, Channel *31 at Lumberton (pop. 16,961) and Channel *53 at Rockingham (pop. 5,852) would serve the south central portion of the state, providing service to 137,000 persons and improved service to the underserved areas. Petitioner claims that the proposed assignments would assist in the continued development of an effective statewide educational television service in North Carolina. The Lumberton assignment requires assigning Channel *31 from Kenbridge to Farmville, Virginia. The Virginia Public Telecommunications Council has not objected to the reassignment.

3. The Commission believes that the public interest would be served by the proposed assignments, since it could provide a first noncommercial television service to a substantial population and improved service to others. The assignments can be made in compliance with the minimum distance separation requirements and other technical requirements. As proposed, Channel *31 will be reassigned from Kenbridge to Farmville.

4. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(i), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, it is ordered, That effective June 9, 1981, the Television Table of Assignments (Section 73.606(b) of the Rules) is amended with respect to the communities listed below:

City	Channel No.
Jacksonville, North Carolina	*19
Lumberton, North Carolina	*31
Roanoke Rapids, North Carolina	*36—

[1] Licensee of eight public television stations in North Carolina: WUNC-TV, Chapel Hill (CH *4), WUND-TV, Columbia (CH *2), WUNE-TV, Linville (CH *17), WUNF-TV, Asheville (CH *33), WUNG-TV, Concord (CH *58), WUNJ-TV, Wilmington (CH *39), WUNK-TV, Greenville (CH *28), and WUNL-TV, Winston-Salem (CH *25); additionally it has five translator stations in the state.

[2] Population figures are taken from the 1970 U.S. Census.

City	Channel No.
Rockingham, North Carolina	*59
Farmville, Virginia	*31—
Kenbridge, Virginia	

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-12837 Filed 4-27-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-524; RM-3400, RM-3516]

Radio Broadcast Services; FM Broadcast Stations in Sanger, Clovis, Visalia, and Fresno, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF television Channels 43 and 59 to Fresno, California, and substitutes reserved UHF television Channel *49 for reserved Channel *43 in Visalia, California. In taking this action, the Commission denies requests by Golden-Door Properties, Ltd. and Sanger Telecasters for television assignments to Clovis, California and Sanger, California, respectively. This action is in response to petitions filed by both Golden Door Properties, Ltd., and Sanger Telecasters.

DATE: Effective June 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Sanger, Clovis, Visalia, and Fresno, California).

Report and Order

(Proceeding Terminated)

Adopted: April 10, 1981.

Released: April 23, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 Fed. Reg. 58627, published September 4, 1980, proposing four alternative television assignment plans for the above-captioned communities. Option I proposes the assignment of Channel 43 to Clovis, California, Channel 59 to Sanger, California, and the substitution of Channel *49 for Channel *43 in Visalia, California.[1] Option II proposes the assignment of Channel 69 to Clovis, and Channel 59 to Sanger. Option III proposes the assignment of Channels 43 and 59 to Fresno, California, and the substitution of Channel *49 for Channel *43 in Visalia. Option IV proposes the assignment of Channels 59 and 69 to Fresno. The assignment plans were proposed in response to petitions filed by Golden-Door Properties, Ltd. ("Golden-Door"), for the Clovis assignment, and by Sanger Telecasters ("Telecasters"), for the Sanger assignment. Because Clovis and Sanger are both very close to the much larger city of Fresno, the Commission, on its own motion, proposed Options III and IV which would assign the two additional channels to Fresno, but make the channels available for application to Sanger and to Clovis under the Commission's "15-mile rule," Section 73.607(b). Comments supporting the assignments to Sanger and Clovis were filed by Telecasters and Golden-Door, respectively. An opposition to the assignments was filed by Pappas Telecasting Inc. ("Pappas"), licensee of Station KMPH(TV), Visalia, California. Reply comments were submitted by Telecasters, Golden-Door, and Pappas. Additional comments were filed by the Tulare County Board of Education which requests that a noncommercial educational channel be retained at Visalia for future use.

2. Telecasters, in its comments, supports the adoption of either Plan I or Plan II, both of which propose the assignment of Channel 59 to Sanger. Telecasters states that if Channel 59 is assigned to Sanger, it will apply for the channel. In response to the Commission's stated concern regarding the economic dependence of the proposed Sanger station on the larger city of Fresno, Telecasters presents further information about the needs of Sanger for its own station. Telecasters admits that it would seek revenues from other portions of the Fresno television market, but asserts that Sanger can provide the core of the economic support required for a new television station. Telecasters argues that the assignment should be made to Sanger, and not Fresno, because Sanger is a fast growing community and is independent and separate from Fresno in both government and other municipal services.

3. Golden-Door states in its comments that it supports the adoption of Option I, which, as it relates to Clovis, would assign Channel 43 to Clovis, and substitute Channel *49 for Channel *43 in Visalia. Golden-Door supports this option because it states that it already has an ownership interest in a Channel 43 antenna, and has an option to purchase additional Channel 43 equipment. Golden-Door states, however, that should the Commission decide to adopt Option II and thereby assign Channel 69 to Clovis, it would apply for that channel as well. Golden-Door responds to the Commission's questions about the ability of Clovis to support its own station by reaffirming that the station's primary emphasis and obligation will be service to Clovis. Golden-Door admits that it will accept advertising from the entire Fresno area, however. Like Telecasters, Golden-Door opposes making the new assignments to Fresno. Golden-Door avers that Clovis is an independent community and a first local assignment to Clovis will help meet the city's unmet needs for local news, public affairs and entertainment programming.

4. Pappas, in its opposition to the proposed assignments, states that it has a direct interest in the proposals because any new stations in the Fresno area would be in direct competition for audience and revenues with its station in Visalia. Pappas contends that the proponents of the new assignments propose to serve substantially the same areas and populations that are served by existing stations. Pappas also asserts that the proponents have not demonstrated that Sanger and Clovis are independent communities or that they have distinctive programming needs not being met by the stations serving the Fresno television market. According to Pappas, the Fresno market is currently served by seven television stations and a plethora of cable television services. Pappas avers that the addition of two stations to the market may destroy the ability of existing stations to serve the public interest. For these reasons, Pappas urges the Commission to deny the proposed assignments.

5. In their reply comments, Telecasters and Golden-Door suggest that Pappas' objections to the proposed assignments are clearly based solely on the fear of increased economic competition. The proponents argue in response, that competitive impact is relevant at the

[1] Channel *43 at Visalia is currently unused and unapplied for.

application stage of the proceeding, but has no relevance in making television assignments. Pappas, in its reply, addresses only the comments of Golden-Door and the propriety of making an assignment to Clovis. Pappas reiterates its claim that Golden-Door has not demonstrated that its proposed operation would or could differ from the existing stations that serve the Fresno area. Citing *Baytown, Texas*, 11 F.C.C. 2d 941 (1968), Pappas argues that the Commission has consistently rejected requests to assign television channels to suburban communities such as Clovis. According to Pappas, the assignment of a channel to Clovis would in fact be an assignment to Fresno, and since no party has expressed any interest in a new station at Fresno, the assignment should not be adopted.

6. Clovis (pop. 13,856),[2] in Fresno County (pop. 413,329), is located approximately 320 kilometers (200 miles) north of Los Angeles and 16 kilometers (10 miles) northeast of Fresno. There is no local television broadcast service in Clovis. Sanger (pop. 10,088), also in Fresno County, is located 21 kilometers (13 miles) east of Fresno. There is no local television service in Sanger. Fresno (pop. 165,972) currently has five television stations licensed to it.

7. Telecasters and Golden-Door have, in our opinion, presented convincing evidence that a demand exists for additional television stations in the greater Fresno area. However, we are not persuaded that the communities of Sanger and Clovis are sufficiently independent from Fresno to justify assignments to those communities. Indeed, both petitioners admit that advertising revenues from Fresno would be solicited if the Sanger and Clovis assignments were made. In this situation, the Commission's policy has been to assign the television channels to the larger community and allow interested parties to apply for the channel at suburban communities under the "15-mile rule." See, *e.g., Oklahoma City, Oklahoma*, 44 Fed. Reg. 67664, published November 27, 1979. At the application stage of the proceeding, the applicants can make a more detailed showing with regard to the separateness of Sanger and Clovis from Fresno and their independent needs for service.[3] In this way, the suburban community issue could be explored more fully in a hearing if necessary, where, in addition, the economic impact on other stations could also be analyzed. As an allocations matter, however, the more appropriate place for the assignment of additional television channels in this area is to the major focus of the market—Fresno. The fact that neither petitioner has stated an interest in applying for the channel at Fresno is beside the point. By assigning the channels to Fresno, both parties can apply for the channels for those cities which they choose to serve or an interest in a Fresno station can be entertained. Regarding Pappas' contention that the new stations in the Fresno area will dilute the area's limited revenue base, it is settled Commission policy that such issues are better considered during the application process rather than in an assignment proceeding. *Grand Junction, Colorado*, 26 RR 2d 513 (1973); *Hay Springs, Nebraska*, 42 RR 2d 1673 (1978).

8. The final issue for resolution concerns whether to assign Channel 43 (and make a channel substitution in Visalia) or simply assign Channel 69 to Fresno. Golden-Door states that it currently has rights to a Channel 43 antenna and an option on other Channel 43 equipment. The Board of Education, which had originally objected to the channel substitution in Visalia, now states only that a reserved channel should be retained in Visalia for future use. Because there are no objections to the channel substitution in Visalia, we shall assign Channel 43 to Fresno, and substitute Channel *49 for Channel *43 in Visalia. Accordingly, we are adopting assignment Option III.

9. In view of the foregoing, IT IS ORDERED, That effective June 9, 1981, the Television Table of Assignments, Section 73.606(b) of the Commission's Rules, is amended to read as follows:

City	Channel No.
Fresno, California	*18+, 24, 30+, 43, 47, 53, 59
Visalia, California	*49

10. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

11. It is further ordered, That this proceeding is terminated.

12. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-12035 Filed 4-27-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-657; RM-3670]

TV Broadcast Station in Victoria, Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF television Channel 31 to Victoria, Texas, as that community's third commercial television channel, at the request of Community Television of Victoria.

DATES: Effective June 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Stations. (Victoria, Texas), BC Docket No. 80-657, RM-3670,

Report and Order—Proceeding Terminated

Adopted: April 10, 1981.

Released: April 20, 1981.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 70920, published October 27, 1980, proposing the assignment of UHF Television Channel 31 to Victoria, Texas, as its third commercial television assignment. The *Notice* was issued in response to a petition filed by Community Television of Victoria ("CTV"). Comments supporting the assignment were filed by CTV, the South Texas Educational Broadcasting Council ("STEBC") and Community Broadcasting of Coastal Bend, Inc., ("Community"). No oppositions to the proposal were received.

2. Victoria (pop. 41,349),[1] seat of Victoria County (pop. 53,766), is located in south-central Texas, approximately 195 kilometers (120 miles) southwest of Houston, Texas. Currently assigned to Victoria are UHF Channel 19 (Station

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[2] Population figures are taken from the 1970 U.S. Census.

[3] This showing could include proposed transmitter sites demonstrating coverage areas or other information which would serve to diminish our doubts about these channels being used primarily to serve Fresno. See *Communications Investment Corp. v. FCC*, (D.C. Cir. Nos. 78-1715, 1724, 1885) decided January 21, 1981.

[1] Population figures are taken from the 1970 U.S. Census.

KXIX), and Channel 25. Two applications are now pending for the use of Channel 25 in Victoria. The applications have been submitted by CTV (File No. BPCT800625KG), and by Community (File No. BPCT801208KH). Also, STEBC is the permittee of an educational television translator on Channel 25 (BPTT800313II).[2]

3. CTV states in its comments that if it is not successful in securing a construction permit for Channel 25, it will then apply for Channel 31. CTV reasons that the assignment of Channel 31 is logical because there are two applicants for Channel 25, and the loser on that channel can then apply for the new channel. STEBC states in its comments that it will shortly file a petition with the Commission seeking a non-commercial reservation for Channel 25, the channel for which it currently has a translator permit. If the reservation is adopted, STEBC asserts that the additional Channel 31 assignment will be necessary to meet the demand of commercial interests. Community, in its comments, simply restates the status of the three interests in Victoria and concludes that the existence of these three interests justifies the assignment of an additional television channel.

4. As a general matter, a television assignment will not be made without an expression by an interested party that it will apply for the channel if assigned. In this instance, none of the commenters has stated unequivocally that such an application will be made. However, CTV states that it will apply for Channel 31 if its application for Channel 25 is rejected. Presumably, Community would do the same. Furthermore, if a construction permit for Channel 25 is granted to CTV or Community, STEBC will be forced to terminate its translator operation on that channel, and it too, might then seek authorization to transmit on Channel 31. Therefore, it appears that under any of the anticipated occurrences an interest in the assignment of Channel 31 will arise. We feel that this is a sufficient expression of interest in the channel to justify its assignment.

5. In view of the foregoing, the Commission believes that the public interest would be served by assigning UHF Channel 31 to Victoria. The commenters have shown that there is an apparent need for a third local television service to the community. The assignment can be made in compliance with the minimum distance separation requirements.

6. Mexican concurrence in the assignment has been obtained.

7. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective June 9, 1981, the Television Table of Assignments, § 73.606(b) of the Commission's rules, is amended as follows:

City	Channel No.
Victoria, Texas	19+, 25, 31

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-12884 Filed 4-27-81; 8:45 am]

BILLING CODE 6712-01-M

[2] According to the Commission's rules (§ 74.702) translator operation on an assigned channel will be terminated when a full-service television station goes on the air.

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Proposed Rules

Federal Register
Vol. 46, No. 81
Tuesday, April 28, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Semiannual Agenda of Regulations

AGENCY: Office of Personnel Management.

ACTION: Notice of delay in publication date of regulatory agenda.

SUMMARY: E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act require publication of semiannual agenda in April and October of each year. Because of the need for additional time to apply the new criteria to OPM regulations under review or development, the Office of Personnel Management's (OPM) first semiannual agenda under the new requirements will be published in May 1981. Thereafter, agenda will be published in October and April of each year.

FOR FURTHER INFORMATION CONTACT: Beverly McCain Jones, Issuance System Manager, (202) 254–7066.

SUPPLEMENTARY INFORMATION: OPM published a semiannual agenda on December 2, 1980 (45 FR 79846). OPM's Office of Planning and Evaluation has compiled a status report of regulations listed on this semiannual agenda. Interested parties may obtain a copy of this update by contacting the Issuance System Office, Room 3509, Office of Personnel Management, 1900 E St., N.W., Washington, D.C. 20415, or by calling (202) 254–7066.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

[FR Doc. 81-12803 Filed 4-27-81; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

7 CFR Part 2851

[Docket No. 79-752P]

United States Standards for Grades of Gladiolus Corms (Bulbs)[1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule would be to issue new voluntary grade standards for Gladiolus Corms (Bulbs). This proposed rule is submitted by the Department at the request of the North American Gladiolus Council. The proposed rule would establish quality and size requirements consistent with current industry marketing practices and encourage uniformity and consistency in commercial trading, while assisting in the orderly marketing process.

DATE: Comments must be received on or before: June 29, 1981.

ADDRESS: Written comments should be sent to: Regulations Coordination Division, ATTN: Annie Johnson, Food Safety and Quality Service, U.S. Department of Agriculture, Room 2637, South Building, Washington, D.C. 20250. (For additional information on comments, see Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Francis J. O'Sullivan, Fresh Products Branch, Fruit and Vegetable Quality Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2186.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that no new costs are being imposed on the affected industry. The proposal merely reflects current industry marketing practices. Consequently, it will not result in an annual effect on the economy of $100 million or more; a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Donald L. Houston, Administrator, Food Safety and Quality Service, has determined this proposed rule would not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601, because this reflects current marketing practices.

Comments

Interested persons are invited to submit written comments concerning this proposal. Written comments must be sent in duplicate to the office of the Regulations Coordination Division and should bear a reference to the date and page number of this issue of the Federal Register. All comments submitted pursuant to this notice will be made available for public inspection in the office of Regulations Coordination Division during regular business hours (7 CFR 1.27[b]).

Background

In July 1974 the North American Gladiolus Council (NAGC) formally requested the development of U.S. Standards for Grades of Gladiolus Corms (Bulbs). Staff members of USDA's Fruit and Vegetable Division of the Agricultural Marketing Service met with the Standards Committee of the Council in February 1975.

A study draft was developed which included quality and size factors recommended by the Committee. This draft, with a comment period ending December 31, 1975, was widely distributed to interested persons. Three letters of comment were received supporting the development of the standards with recommendations for a few minor changes in the proposed text of the standards.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal and State laws.

In January 1976 at the request of the NAGC, a representative of the Department met with the Standards Committee, Board of Directors and the general membership for discussions of the study draft. At that time the general membership voted to request the Department to delay development of the standards until such time as they conducted further studies. The request for delay was granted for an indefinite period of time.

The Federal Trade Commission (FTC) was at this time considering rescinding their rules covering the gladiolus bulb industry trading practices that had been in effect since January 1952. Although the rules had not been extensively used by the industry, the NAGC requested FTC not to rescind these rules until the industry had time to develop grade standards to replace them. The request for delay was granted. However, on August 5, 1977, the FTC declared obsolete its rules covering gladiolus bulbs.

The Standards Committee in January 1978, after conducting further studies in relation to development of grade standards, requested that the Department develop a revised study draft incorporating changes for certain requirements as outlined in the original study draft. On May 9, 1978, an Advanced Notice of Proposed Rulemaking was published in the **Federal Register** (43 FR 19857) noting the availability of the revised study draft with a comment period ending November 30, 1978. The study draft was widely distributed to interested persons on an international as well as national basis. Five letters of comment received generally supported the proposed standards as set forth in the revised study draft. A few minor changes based on these comments have been incorporated in this proposed rule.

In the revised study draft, at the recommendation of the Standards Committee, all of the circumference measurements of the corms shown in the text of the proposed standards were in the metric system of measurement. This system is widely used throughout the industry. However, due to opposition from certain segments of industry to this concept, this proposed rule has been drawn using a dual system for circumference and diameter measurements.

This proposed new standard would provide industry with a uniform basis for trading which would be in line with current quality and size specifications for use in the promotion of efficient and orderly marketing practices.

Accordingly, a new subpart—United States Standards for Grades of Gladiolus Corms (Bulbs) (7 CFR 2851), §§ 2851.4240 through 2851.4247, are proposed as follows:

PART 2851—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

* * * * *

Subpart—United States Standards for Grades of Gladiolus Corms (Bulbs)

Sec.
2851.4240 General.
2851.4241 Grades.
2851.4242 Size.
2851.4243 Tolerances.
2851.4244 Application of tolerances.
2851.4245 Sample for grade and size determination.
2851.4246 Definitions.
2851.4247 Classification of Defects.

Subpart—United States Standards for Grades of Gladiolus Corms (Bulbs)

§ 2851.4240 General.

These standards apply to corms (bulbs) of the genus *Gladiolus* characteristically flattened in shape, consisting of solid corms (bulbs) propagated by the new corm which grows on top of the old corm (bulb) or by cormels (bulblets) which form between the old and new corms. (See Figure I)

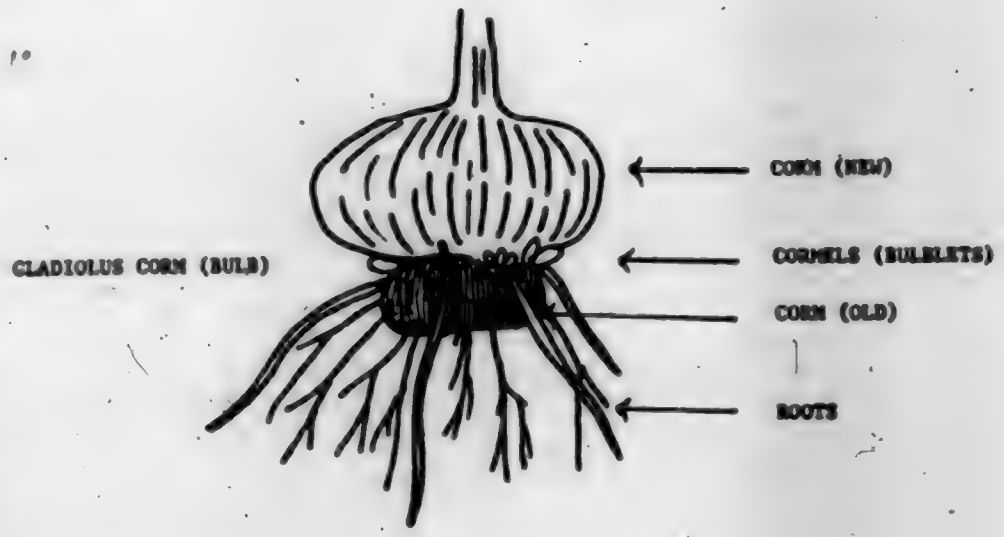

(Figure I)

§ 2851.4241 Grades.

"U.S. Fancy" consists of gladiolus corms which meet the following requirements:

(a) Basic Requirements:
(1) Mature and well cured;
(2) Well filled;
(3) Clean; and,
(4) Well trimmed.
(b) Free From:
(1) Mold;
(2) Shattered corms;
(3) Thrips;
(4) Freezing;
(5) Nut sedge;
(6) Grass roots;
(7) Rogues; and,
(8) Decay.
(c) Free from damage by any means.
(d) Size. See § 2851.4242
(e) Tolerances. See § 2851.4243

"U.S. Fancy Mixture" consists of gladiolus corms which meet the requirements of U.S. Fancy, except for rogues.

"U.S. No. 1" consists of gladiolus corms which meet the requirements of U.S. Fancy, except for increased tolerances specified in § 2851.4243.

"U.S. No. 1 Mixture" consists of gladiolus corms which meet the requirements of U.S. No. 1, except for rogues.

§ 2851.4242 Size.

(a) The size of corms may be specified in connection with the grade in terms of minimum circumference, maximum circumference, minimum diameter, maximum diameter, or in accordance with one of the size designations given in Table I.

(b) Circumference or diameter means the greatest dimension of the corm at right angles to a line running from the stem to the center of the basal portion.

Table I

Size designation	Diameter				Circumference			
	Minimum		Maximum		Minimum		Maximum	
	Inches	Centimeters	Inches	Centimeters	Inches	Centimeters	Inches	Centimeters
Jumbo	[1] 1 3/16	[1] 4.4			[1] 5 9/16	[1] 14		
1	1 3/16	3.8	1 11/16	4.4	4 11/16	12	5 9/16	14
2	1 3/16	3.2	1 3/16	3.8	4	10	4 11/16	12
3	1	2.5	1 3/16	3.2	3 9/16	8	4	10
4	13/16	1.9	1	2.5	2 3/4	6	3 9/16	8
5	9/16	1.3	13/16	1.9	1 11/16	4	2 3/4	6
6	9/16	.8	9/16	1.3	13/16	2	1 11/16	4
7			[2] 9/16	[2] 1.5			[2] 13/16	[2] 2
Large	1 3/16	3.2	1 11/16	4.4	4	10	5 9/16	14
Medium	13/16	1.9	1 3/16	3.2	2 3/4	6	4 11/16	12
Small	9/16	.8	13/16	1.9	13/16	2	4	10

[1] Over.
[2] Under.

§ 2851.4243 [illegible]ances.

In order to allow for variations incident to proper grading and handling the following tolerances, by count, shall be permitted in any lot.

Table II

	Percent	
	U.S. Fancy	U.S. No. 1
A. Total defects included in "A"	6	10
Internal defects	2	3
Rogues	2	4
Thrips	1	1
Nut sedge, grass roots, freezing and decay	½ of 1	½ of 1

B. Size: Not more than 10 percent of the corms in any lot may fail to meet a specified size, including therein not more than 5 percent for corms which fail to meet the specified minimum circumference or diameter.

§ 2851.4244 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: Provided, That the averages for the entire lot are within the tolerances specified for the grade:

(a) Individual samples may contain not more than double the tolerance specified.

(b) One defective and one off-size specimen may be permitted in any package.

(c) Packages containing 10 specimens or less are not restricted as to the percentage of defects, except not more than one specimen which is affected by decay or otherwise seriously damaged, and one off-size specimen may be permitted in any package.

§ 2851.4245 Sample for grade and size determination.

Each sample shall consist of 50 corms, except when individual packages contain less than 50 corms the sample shall be the individual package.

§ 2851.4246 Definitions.

(a) "Mature and well cured" means corm is firm with a well-healed base scar and dry neck.

(b) "Well filled" means compact and plump.

(c) "Clean" means practically free from dirt and other foreign material.

(d) "Fairly clean" means not materially caked with dirt or materially stained.

(e) "Well trimmed" means tops are not more than 1 inch (2.5 cm) in length. New stem growth is not considered when determining trim.

(f) "Fairly well trimmed" means tops are not more than 2 inches (5.1 cm) in length. New stem growth is not considered when determining trim.

(g) "Rogues" means a distinctly different cultivar from that labeled for the entire lot. Corms of different cultivars usually vary in conformation and color.

(h) "Shriveled" means a marked change in form, such as being shrunken, drawn or wrinkled.

(i) "Soft" means gives readily to moderate pressure.

(j) "Damage" means any specific defect described in § 2851.4247—Table III; or any equally objectionable variation of any one of these defects, any other defect, or any combination of defects which materially detracts from the marketing quality of the corm.

(k) "Serious damage" means any specific defect described in § 2851.4247—Table III; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the marketing quality of the corm.

(l) "Permanent defects" means defects which are not subject to change during shipment or storage, such as: cleanness, shape, trim.

(m) "Condition defects" means defects which are subject to change during shipment or storage, such as: shriveling, softness, decay.

§ 2851.4247 Classification of defects.

Table III

Defects	Damage	Serious damage
Bacterial spot	Aggregating more than ¼ inch in diameter (.6 cm) on a corm 1 inch in diameter (2.5 cm), and correspondingly lesser or greater areas on smaller or larger corms.	
Discoloration	Aggregating more than ¼ inch in diameter (.6 cm) on a corm 1 inch in diameter (2.5 cm), and correspondingly lesser or greater areas on smaller or larger corms.	
Cuts	Aggregating more than ½ inch in length (1.3 cm) and ¼ inch in depth (.6 cm) on a corm 1 inch (2.5 cm) in diameter, and correspondingly lesser or greater areas on smaller or larger corms.	
Bruises	Aggregating more than ¼ inch in diameter (1.9 cm) and the area being soft or indented on a corm 1 inch in diameter (2.5 cm), and correspondingly lesser or greater areas on smaller or larger corms.	
Thrips	When any feeding on the corm is evident or when thrips are present.	
Nut sedge	When present or penetrates the corm surface.	
Grass roots	When penetrating the corm surface.	
Mold	When affecting the incipient root system (living tissue) or which penetrates below the epidermis.	
Shattered	When corms are cracked, crushed or split.	
Freezing	When corm is frozen or shows any amount of brown discoloration or is soft following freezing.	
Decay	Soft, mushy or mummified condition or disintegration or breakdown of the tissue of the corm.	

(Agricultural Marketing Act of 1946, secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Done at Washington, D.C., on: April 14, 1981.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 81-12733 Filed 4-27-81; 8:45 am]

BILLING CODE 3410-DM-M

Animal and Plant Health Inspection Service

9 CFR Part 72

Texas (Splenetic) Fever in Cattle

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations concerning the approval of dips permitted by the Department in official dipping for interstate movement of livestock affected with ticks. This action is necessary to provide information on a pesticide which the Department believes is safe and effective for such treatment of livestock. The effect of this action would be to identify in the regulations an additional "permitted dip" as effective for the treatment of animals affected with ticks and to prescribe the concentrations of such dip to be used.

DATE: Comments on or before June 29, 1981.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, VS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. R. L. Rissler, USDA, APHIS, VS, Sheep, Goat, Equine, and Ectoparasites Staff, Room 734, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8321.

In accordance with the National Environmental Policy Act the Department is preparing an environmental impact statement regarding the use of pesticides used in the Department's cattle tick program. When completed, a notice of the availability of the environmental impact statement will be published in the **Federal Register.**

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed in conformance with Executive Order 12291 and has been classified not a "major rule".

Based on information compiled by the Department, it has been determined that this rule will have no appreciable effect on the economy; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because this action only provides for the use of an additional "permitted dip" as an option for treatment of animals affected with ticks.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to Section 2 of the Act of February 2, 1903, as amended, 32 Stat. 792, Secs. 4–7 of the Act of May 29, 1884; 23 Stat. 791, Sec. 1 of the Act of February 2, 1903; 32 Stat. 791; Secs. 1 through 4 of the Act of March 3, 1905, 33 Stat. 1264 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), the Animal and Plant Health Inspection Service (APHIS) is considering amending Part 72, Title 9, Code of Federal Regulations.

Part 72 regulates the interstate movement of animals infested with ticks or exposed to tick infestation. Existing § 72.13(b) of the regulations provides notice of the approved brands of pesticides permitted by the Department for the treatment of livestock affected with ticks. The "permitted dips" are approved proprietary brands of specific pesticides at prescribed concentrations. Proprietary brands of "permitted dips" in existing § 72.13(b) are permitted to be used for purposes of this part under § 72.13(c) only when approved in specific cases by the Deputy Administrator, Veterinary Services. Before a "permitted dip" is specifically approved for such use, Veterinary Services requires that, among other things, the product be registered for such use under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135 et seq.).

In addition, before a dip will be specifically approved as a "permitted dip," its efficacy and stability must have been demonstrated and trials must have been conducted to determine that its concentration can be maintained and that under actual field conditions the dipping of cattle in a bath of definite strength will effectively eradicate ticks without injury to the animals dipped.

Veterinary Services of APHIS has been requested to grant "permitted dip" status to approved proprietary brands of organophosphorous insecticides (Prolate®), which have been registered under the provisions of FIFRA.

Since September 11, 1975, Prolate® has been permitted by APHIS in the treatment of cattle for scabies mites (40 FR 42179). Prolate® is an organophosphorous product which is biodegradable and has been registered by the Environmental Protection Agency (EPA) for some time for use against grubs, lice, hornflies, cattle ticks, and southern cattle ticks.

The efficacy and stability of Prolate® has been demonstrated. Trials were conducted in connection with its proposed approval by the Department to determine that its concentration can be maintained. In addition, extensive field trials have been conducted to demonstrate that the dipping of cattle in a bath of 0.15 to 0.25 percent concentration will effectively eradicate ticks without injury to the animals dipped. Such trials demonstrated the efficacy of Prolate® against ticks at the specified concentrations.

Therefore, the Department is proposing to amend § 72.13(b) to specify that the approved proprietary brands of organophosphorous insecticide (Prolate®), which are determined to be effective in the treatment of ticks by EPA, will be permitted by the Department in official dipping for the interstate movement of livestock affected with ticks.

The dips permitted by the Department for the treatment of livestock for ticks in § 72.13(b) would, therefore, include approved proprietary brands of organophosphorous insecticides (Prolate®) which are registered by EPA under FIFRA, in a concentration of 0.15 to 0.25 percent.

For reasons set out in the preamble, Part 72, Title 9, Code of Federal Regulations, is proposed to be amended as follows:

In § 72.13, a new paragraph (b)(4) would be added to read as follows:

§ 72.13 Permitted dips and procedures.

* * * * *

(b) * * *

(4) Approved proprietary brands of organophosphorous insecticides (Prolate®) used at a concentration of 0.15 to 0.25 percent.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 733, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue of the Federal Register.

Done at Washington, D.C., this 22d day of April.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-12745 Filed 4-27-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-81-01]

Entitlements Adjustment Mechanism

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of intent to issue a final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) intends to adopt a rule that will provide a mechanism for adjusting entitlements purchase and sale obligations under the domestic crude oil allocation program for periods prior to the decontrol of crude oil on January 28, 1981. The rule will be issued as soon as ERA can fully address and respond to the public comments received and make necessary revisions to the proposal.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Room–B–110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–4055.

William Funk or Peter Schaumberg, Office of General Counsel, U.S. Department of Energy, Room 6A–127, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–6738 (Funk); 252–6754 (Schaumberg).

SUPPLEMENTARY INFORMATION: In accordance with Section 3 of Executive Order No. 12287 (46 FR 9909, January 30, 1981), which on January 28, 1981, exempted crude oil and refined petroleum products from the price and allocation regulations adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (Pub. L. 93–159), the ERA issued a notice of proposed rulemaking (46 FR 15112, March 3, 1981) to amend the domestic crude oil allocation ("entitlements") program set forth at 10 CFR 211.67. The NOPR proposed procedures for permitting firms to file for and receive adjustments to their entitlements purchase and sales obligations for periods prior to decontrol on January 28, 1981. Such procedures, or "clean up" mechanism, would be available for DOE to make adjustments after the issuance of the last regular entitlements notice which had been scheduled to be issued in March 1981, but has been enjoined from issuance, by court orders.

DOE is currently reviewing the many public comments we have received, and we have concluded that a final rule will be adopted to provide an entitlements adjustment mechanism. We are currently addressing and responding to the numerous comments that were received. Revisions are being made to account for the meritorious suggestions that were included. We will issue a rule as soon as this process is complete, but, because of the importance of this rule and the need to assure that the clean-up mechanism adopted is correct in all respects, this process is taking longer than expected.

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 *et seq.*, Pub. L. 93–159, as amended, Pub. L. 93–511, Pub. L. 94–99, Pub. L. 94–133, Pub. L. 94–163, and Pub. L. 94–385; Federal Energy Administration Act of 1974, 15 U.S.C. 787 *et seq.*, Pub. L. 93–275, as amended, Pub. L. 94–332, Pub. L. 94–385, Pub. L. 95–70, and Pub. L. 95–91; Energy Policy and Conservation Act, 42 U.S.C. 6201 *et seq.*, Pub. L. 94–163, as amended, Pub. L. 94–385, and Pub. L. 95–70, Pub. L. 95–619, and Pub. L. 96–30; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95–91, Pub. L. 95–509, Pub. L. 95–619, Pub. L. 95–620, and Pub. L. 95–621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267; E.O. 12287, 46 FR 9909)

Issued in Washington, D.C., April 22, 1981.

T. Wendell Butler,

Acting Deputy Administrator, Economic Regulatory Administration.

[FR Doc. 81-12732 Filed 4-27-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE TREASURY

Customs Service

15 CFR Part 301

Instruments and Apparatus for Educational and Scientific Institutions

AGENCY: Import Administration, International Trade Administration, Commerce; Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: The Departments of Commerce and the Treasury are proposing to amend Part 301, Chapter III of Title 15 of the Code of Federal Regulations relating to their responsibilities under the Educational, Scientific, and Cultural Materials Importation Act of 1966 (the "Act"; Pub. L. 89–651; 80 Stat. 897). The amendments are being proposed for the purposes of (i) improving the public's understanding of the requirements for duty-free entry of instruments and apparatus for educational and scientific institutions by placing both the Commerce and the Treasury regulations in a single part; and (ii) updating and clarifying the existing provisions in the light of program experience.

DATE: Written comments must be received at the address shown below not later than 5:00 p.m., July 27, 1981.

ADDRESS: Comments should be filed in duplicate and addressed to: Statutory Import Programs Staff, Import Administration, International Trade Administration, Room 3109, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Dr. Stanley P. Kramer, who can be reached by telephone on 202–377–4216.

SUPPLEMENTARY INFORMATION: Substantive changes of the Florence Agreement Regulations were last made on October 6, 1969 (34 FR 15787 (1969)). Certain procedural and editorial changes were made on February 24, 1972 (37 FR 3892 (1972)) and on March 18, 1975 (40 FR 12253 (1975)).

In the existing regulations, provisions governing the receipt and processing of applications, exclusion of certain

articles from duty-free entry, entry and liquidation, disposition of articles entered duty free, and other matters within the responsibility of the U.S. Customs Service are incorporated in separate Customs regulations (19 CFR 10.114–10.119). The proposed amendments would consolidate in this part those Customs provisions of most interest to applicant institutions at the time of application.

With regard to the Department of Commerce determinations of scientific equivalency and domestic availability, a number of procedural and definitional improvements are being proposed, based on the Department's accumulated experience in making such determinations. Most significant are the changes proposed in the definitions of "instrument," "specifications" (both "pertinent" and "guaranteed") and in the application of "scientific equivalency" and "excessive delivery time" criteria.

In accordance with Executive Order No. 12291, February 17, 1981 (46 FR 13493), the Commerce Department has determined that these proposed amendments of existing regulations do not constitute a "major rule" as defined by section (1)(b). These regulations implement section 6(c) of Pub. L. 89–651, the "Act', which allows the Secretary of Commerce only very limited regulatory discretion. The proposed amendments would place in a single part of the Code of Federal Regulations those Customs and Commerce provisions of most interest to institutions wishing to import items free of duty under the Florence Agreement. They would also clarify certain procedures, definitions and criteria governing the submission, receipt and processing of the institutions' applications. In both respects the proposed changes are intended and expected to have beneficial effects on the affected public. Consequently, these regulations are not likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Publication of the proposed regulations will have no adverse impact on small business entities for reasons presented in (2) and (3) above. The applicants, under the proposed regulations, will be able to locate the necessary application information in one set of regulations rather than two, and U.S. instrument making firms (small and large) are protected by the provisions of the statute that these regulations implement.

Finally, the Departments have determined that these regulations, if adopted, will not enlarge paperwork requirements for applicants for duty-free entry of scientific instruments. Accordingly, publication of these rules is consistent with the Departments' responsibilities under the Paperwork Reduction Act of 1980.

The Departments propose to revise 15 CFR Part 301 to read as set forth below.

PART 301—INSTRUMENTS AND APPARATUS FOR EDUCATIONAL AND SCIENTIFIC INSTITUTIONS

Sec.

301.1 General provisions.
301.2 Definitions.
301.3 Application for duty-free entry of scientific instruments.
301.4 Processing of applications by the Department of the Treasury (U.S. Customs Service).
301.5 Processing of applications by the Department of Commerce.
301.6 Appeals.
301.7 Final disposition of an application.
301.8 Instructions for entering instruments through U.S. Customs under Tariff Item 851.60.
301.9 Uses and disposition of instruments entered under Item 851.60, TSUS.
301.10 Importation of repair components under Item 851.65 for article previously entered under 851.60.

Authority: Subsection 6(c), Pub. L. 89–651, 80 Stat. 897 (19 U.S.C. 1202).

§ 301.1 General provisions.

(a) *Purpose.* This part sets forth the regulations of the Department of Commerce and the Department of the Treasury applicable to the duty-free importation of scientific instruments and apparatus by public or private nonprofit institutions.

(b) *Background.* (1) The Agreement on the importation of Educational, Scientific and Cultural Materials (Florence Agreement; "the Agreement") is a multinational treaty, contracted to by approximately 70 countries, which seeks to further the cause of peace through the freer exchange of ideas and knowledge across national boundaries, primarily by eliminating tariffs on certain educational, scientific and cultural materials.

(2) Annex D of the Agreement provides that scientific instruments and apparatus intended exclusively for educational purposes or pure scientific research use by qualified nonprofit institutions shall enjoy duty-free entry if instruments or apparatus of equivalent scientific value are not being manufactured in the country of importation.

(3) Public Law 89–651, the Educational, Scientific, and Cultural Materials Importation Act of 1966 (19 U.S.C. 1202; "the Act"), implements the Agreement in the United States. Section 6(c) of the Act gives effect to Annex D of the Agreement. This section added tariff item 851.60 to the Tariff Schedules of the United States (TSUS) to provide for the duty-free importation of instruments and apparatus "entered for the use of any nonprofit institution, whether public or private, established for educational or scientific purposes * * * if no instrument or apparatus of equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used is being manufactured in the United States." Headnote 1 to Schedule 8, Part 4, TSUS, was amended by Pub. L. 89–651 and provides for the use, disposition and transfer of articles and their repair components accorded duty-free entry under tariff items 851.60 and 851.65, respectively, and Headnote 6, added by Pub. L. 89–651, sets forth the duty-free entry procedures and responsibilities.

(c) *Summary of statutory procedures and requirements.* (1) Headnote 1 provides, among other things, that articles covered by tariff items 851.60 (scientific instruments and apparatus) and 851.65 (repair components therefor) must be exclusively for the use of the institutions involved and not for distribution, sale or other commercial use within five years after being entered. These articles may be transferred by a qualified nonprofit institution to another such institution without duty liability being incurred. However, if such article is transferred other than as provided by the preceding sentence, or is used for commercial purposes within five years after having been entered, duty shall be assessed in accordance with the procedures established in Headnote 1.

(2) Pursuant to Headnote 6 an institution desiring to enter an instrument or apparatus under tariff item 851.60 TSUS must file an application with the Secretary of the Treasury (U.S. Customs Service) in accordance with these regulations. If the application is made in accordance with the regulations, notice of the application is published in the **Federal Register** to provide an opportunity for interested persons and government agencies to present views. The application is reviewed by the Secretary of Commerce (Director, Statutory Import Programs

Staff) whose decision as to whether or not duty-free entry may be accorded the instrument is published in the **Federal Register**. An appeal of the final decision may be filed with the United States Court of Customs and Patent Appeals, on questions of law only, within 20 days after publication of the decision in the **Federal Register**.

(3) Repair components for instruments or apparatus admitted duty-free under tariff item 851.60 require no application and may be entered duty-free in accordance with the procedures prescribed in § 301.10.

(d) *Authority and delegations.* The Act authorizes the Secretaries of Commerce and the Treasury to prescribe joint regulations to carry out their functions under headnote 6, TSUS. The Secretary of the Treasury has delegated authority to the Assistant Secretary for Enforcement and Operations, who has retained rulemaking authority and further delegated administration of the regulations to the Commissioner of the U.S. Customs Service. The authority of the Secretary of Commerce has been delegated to the Deputy Assistant Secretary for Import Administration, who has retained rulemaking authority and further delegated administration of the regulations to the Director of the Statutory Import Programs Staff.

§ 301.2 Definitions.

For the purposes of these regulations and the forms used to do implement them:

(a) "Director" means the Director of the Statutory Import Programs Staff, International Trade Administration, U.S. Department of Commerce.

(b) "Customs" means the U.S. Customs Service and "The Commissioner" means Commissioner of the U.S. Customs Service, or the official(s) designated to act on the Commissioner's behalf.

(c) "Customs Port" or "the Port" means the port where a particular claim has been or will be made for duty-free entry of a scientific instrument or apparatus under tariff item 851.60.

(d) "Entry" means entry of an instrument into the Customs territory of the United States for consumption or withdrawal of an instrument from a Customs bonded warehouse for consumption.

(e) "United States" includes only the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(f) "Instrument" means only instruments and apparatus classifiable under the tariff items specified in headnote 6(a) of part 4 of Schedule 8. A combination of a basic instrument or apparatus and accompanying accessories shall be treated as a single instrument provided that, under normal commercial practice, such combination is considered to be a single instrument and provided further that the applicant has ordered or, upon favorable action on its application, firmly intends to order the combination as a unit. Unless the context indicates otherwise, instrument or apparatus shall mean a foreign "instrument or apparatus" for which duty-free entry is sought under tariff item 851.60. Spare parts typically ordered and delivered with an instrument are also considered part of an instrument for purposes of these regulations. The term "instruments" shall *not* include:

(1) Materials or supplies used in the operation of instruments and apparatus, such as paper, cards, tapes, ink, recording materials, expendable laboratory materials, apparatus that loses identity or is consumed by usage or other materials or supplies.

(2) Ordinary equipment for use in building construction or maintenance; or equipment for use in supporting activities of the institution, such as its administrative offices, machine shops, libraries, centralized computer facilities, eating facilities, or religious facilities; or support equipment such as copying machines, glass working apparatus and film processors.

(3) General purpose equipment such as air conditioners, electric typewriters, electric drills, refrigerators.

(4) General-purpose computers. Accessories to computers which are not eligible for duty-free treatment are also ineligible. Scientific instruments containing embedded computers which are to be used in a dedicated process or in instrument control, as opposed to general data processing or computation, are, however, eligible for duty-free consideration.

(5) Instruments initially imported solely for testing or review purposes which were entered under bond under tariff item 864.30, subject to the provisions of Headnote 1(a) of Subpart C, Part 5, Schedule 8 TSUS and must be exported or destroyed within the time period specified in that headnote.

(g) "Domestic instrument" means an instrument which is manufactured in the United States. A domestic instrument need not be made exclusively of domestic components or accessories.

(h) "Accessory" has the meaning which it has under normal commerical usage. An accessory, whether part of an instrument or an attachment to an instrument, adds to the capability of an instrument. An accessory for which duty-free entry is sought under item 851.60 shall be the subject of a separate application when it is not an accompanying accessory.

(i) "Accompanying accessory" means an accessory for an instrument that is listed as an item in the same purchase order and that is necessary for accomplishment of the purposes for which the instrument is intended to be used.

(j) "Ancillary equipment" means an instrument which may be functionally related to the foreign instrument but is not operationally linked to it. Examples of ancillary equipment are vacuum evaporators or ultramicrotomes, which can be used to prepare specimens for electron microscopy. Further, equipment which is compatible with the foreign instrument, but is also clearly compatible with similar domestic instruments, such as automatic sampling equipment sold for use with a variety of mass spectrometers, will be treated as ancillary equipment. A separate application will be required for ancillary equipment even if ordered with the basic instrument.

(k) "Components" of an instrument means parts or assemblies of parts which are substantially less than the instrument to which they related. A component enables an instrument to function at a specified minimum level, while an accessory adds to the capability of an instrument. Applications shall not be accepted for components of instruments that did not enter duty free under tariff item 851.60 or for components of instruments being manufactured or assembled by a commercial firm or entity in the U.S. However, applications shall be considered for components or novel instruments being built or assembled by qualified nonprofit institutions as part of the institution's scientific research or science related educational program.

(l) "Produced for stock" means an instrument which is manufactured, on sale and available from a stock.

(m) "Produced on order" means an instrument which a manufacturer lists in current catalog literature and is able and willing to produce and have available without unreasonable delay to the applicant.

(n) "Custom-made" means an instrument which a manufacturer is willing and able to make to purchaser's specifications. Instruments resulting from a development effort are treated as custom-made for the purposes of these regulations. Also, a special-order variant of a produced on order instrument, with significant modifications specified by the applicant, may be treated as custom-made.

(o) "Same general category" means the category in which an instrument is customarily classified in trade directories and product-source lists, e.g., scanning electron microscope, mass spectrometer, light microscope, x-ray spectrometer.

(p) "Comparable domestic instrument" means a domestic instrument capable or potentially capable of fulfilling the applicant's technical requirements or intended uses, whether or not in the same general category as the foreign instrument.

(q) "Specifications" means the particulars of the structural, operational and performance characteristics or capabilities of a scientific instrument.

(r) "Guaranteed" specifications are those specifications which are an explicit part of the contractual agreement between the buyer and the seller (or which would become part of the agreement if the buyer accepted the seller's offer), and refer only to the minimum and routinely achievable performance levels of the instrument under specified conditions. If a capability is listed or quoted as a range (e.g., "5 to 10 angstroms") or as a minimum that may be exceeded (e.g., "5 angstroms or better"), only the inferior capability may be considered the guaranteed specification. Evidence that specifications are "guaranteed" will normally consist of their being printed in a brochure or other descriptive literature of the manufacturer; being listed in a purchase agreement upon which the purchase is conditioned; or appearing in a manufacturer's formal response to a request for quote. If, however, no opportunity to submit a bid was afforded the domestic manufacturer or if, for any other reason, comparable guaranteed specifications of the foreign and domestic instruments do not appear on the record, other evidence relating to a manufacturer's ability to provide an instrument with comparable specifications may, at the discretion of the Director, be considered in the comparison of the foreign and domestic instruments' capabilities.

(s) "Pertinent" specifications are those specifications necessary for the accomplishment of the specific scientific research and/or science-related educational purposes described by the applicant. Specifications or features (even if guaranteed) which afford greater convenience, satisfy personal preferences, accommodate institutional commitments or limitations, or assure lower costs of acquisition, installation, operation, servicing or maintenance are not pertinent. For example, a design feature, such as a small number of knobs or controls on an instrument primarily designed for research purposes, would be a convenience. The ability to fit an instrument into a small room, when the required operations could be performed in a larger room, would be either a cost consideration or a matter of convenience and not a pertinent specification. In addition, mere differences in design (which would, for example, broaden the educational experience of students but not provide superior scientific capability) would not be pertinent. Also, unless the applicant demonstrates it is necessary for the accomplishment of its specific scientific purposes, the term does not extend to such characteristics as size, weight, appearance, durability, reliability, complexity (or simplicity), ease of operation, ease of maintenance, productivity, versatility, "state of the art" design, specific design, or other such characteristics.

§ 301.3 Application for duty-free entry of scientific instruments.

(a) *Who may apply.* An applicant for duty-free entry of an instrument under tariff item 851.60 must be a public or private nonprofit institution which is established for educational or scientific purposes and which has placed a *bona fide* order or has a firm intention to place a *bona fide* order for a foreign instrument within 60 days following a favorable decision on the institution's application.

(b) *Application forms.* Applications must be made on Form ITA–338P which may be obtained from the Statutory Import Programs Staff, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, or from the various District Offices of the U.S. Department of Commerce.

(c) *Where to apply.* Applications must be filed with the U.S. Customs Service, Department of the Treasury, at the address specified on page 1 of the form.

(d) Six copies of the form, including relevant supporting documents, must be submitted to the U.S. Customs Service. Two copies of the form shall be signed in the original by the person in the applicant institution under whose direction and control the foreign instrument will be used and who is familiar with the intended uses of the instrument. The remaining four copies of the form may be copies of the originals. Attachments should be fully identified and referenced to the question(s) on the form to which they relate.

(e) A single application (in the requisite number of copies) may be submitted for any quantity of the same type or model of foreign instrument provided that the entire quantity is intended to be used for the same purposes and provided that all units are included on a single purchase order. A separate application shall be submitted for each different type of model or variation in type or model of instrument for which duty-free entry is sought even if covered by a single purchase order. Orders calling for multiple deliveries of the same type or model of instrument over a substantial period of time may, at the discretion of the Director, require multiple applications.

(f) Failure to answer completely all questions on the form in accordance with the instructions on the form or to supply the requisite number of copies of the form and supporting documents (six) may result in return of the application without processing, delays in processing of the application while the deficiencies are remedied, or denial of the application. Any questions on these regulations or the application form should be addressed to the Director.

§301.4 Processing of applications by the Department of the Treasury (U.S. Customs Service).

(a) *Review and determination.* The Commissioner shall date each application when received by Customs. If the application appears to be complete, the Commissioner shall determine:

(1) Whether the institution is a nonprofit private or public institution established for research and educational purposes and therefore authorized to import instruments into the U.S. under tariff 851.60. In making this determination the Commissioner will generally review the application to determine if the applicant has attached a copy of the letter from the Internal Revenue Service (IRS) granting the institution nonprofit status (exemption from Federal income tax) under Section 501(c)(3) of the IRS Code or will determine if the institution is listed in a current edition of "Cumulative List of Exempt Organizations";

(2) Whether the instrument falls within the classes of instruments eligible for duty-free entry consideration under tariff item 851.60 (For eligible classes see Headnote 6(a), Part 4, Schedule 8, TSUS); and

(3) Whether the instrument which is the subject of the application is intended for the exclusive use of the applicant institution and is not intended to be used for commercial purposes. For the purposes of this section, commercial uses would include, but not necessarily be limited to: Distribution or sale of the instrument by the applicant institution; any use by, or for the primary benefit of, a commercial entity; or use of the

instrument for demonstration purposes in return for a fee or other valuable consideration. In making the above determination, the Commissioner may consider, among other things, whether the results of any research to be performed with the instrument will be fully and timely made available to the public. For the purposes of this section, use of an instrument for the treatment of patients is considered noncommercial. If any of the Commissioner's determinations is in the negative, the application shall be found to be outside the scope of the Act and shall be returned to the applicant with a statement of the reason(s) for such findings.

(b) *Forwarding of applications to the Department of Commerce.* If the Commissioner finds the application to be within the scope of the Act and these regulations, the Commissioner shall (1) assign a number to the application and (2) forward one copy to the Secretary of the Department of Health and Human Services (HHS), and three copies, including one that has been signed in the original, to the Director. The Commissioner shall retain one copy signed in the original, and return the remaining copy to the applicant stamped "Accepted For Transmittal to the Department of Commerce". The applicant shall file the stamped copy of the form with the Port when formal entry of the article is made. If entry has already occurred under a claim of tariff item 851.60, the applicant (directly or through his/her agent) shall at the earliest possible date supply the stamped copy to the Port. Further instructions for entering instruments are contained in § 301.6 of the regulations.

§ 301.5 Processing of applications by the Department of Commerce.

(a) *Public notice and opportunity to present views.* (1) Within 10 days of receipt of an application from the Commissioner, the Director shall make a copy available for public inspection during ordinary business hours of the Department of Commerce. Unless the Director determines that an application has deficiencies which preclude consideration on its merits (e.g., insufficient description of intended purposes to rule on the scientific equivalency of the foreign instrument and potential domestic equivalents), he shall publish in the **Federal Register** a notice of the receipt of the application to afford all interested persons a reasonable opportunity to present their views with respect to the question "whether an instrument or apparatus of equivalent scientific value for the purpose for which the article is intended to be used is being manufactured in the United States." The notice will include the application number, the name and address of the applicant, a description of the instrument(s) for which duty-free entry is requested, the name of the foreign manufacturer and a brief summary of the applicant's intended purposes extracted from the applicant's answer to question 7 of the application. In addition, the notice shall specify the date the application was accepted by the Commissioner for transmittal to the Department of Commerce.

(2) If the Director determines that an application is incomplete or is otherwise deficient, he may request the applicant to supplement the application, as appropriate, prior to publishing the notice of application in the **Federal Register**. Supplemental information/material requested under this provision shall be supplied to the Director in three copies within 20 days of the date of the request and shall be subject to the certification contained in Question 11 of the form. Failure to provide timely the requested information shall result in a denial of the application without prejudice to resubmission.

(3) *Requirement for presentation of views (comments) by interested persons.* Any interested person or government agency may make written comments to the Director with respect to the question whether an instrument of equivalent scientific value, for the purposes for which the foreign instrument is intended to be used, is being manufactured in the United States. Except for comments specified in paragraph (a)(4) of this section, comments should be in the form of supplementary answers to the applicable questions on the application form. Comments must be postmarked no later than 20 days from the date on which the notice of application is published in the **Federal Register**. In order to be considered, comments and related attachments must be submitted to the Director in triplicate; shall state the name, affiliation and address of the person submitting the comment; and shall specify the application to which the comment applies. In order to preserve the right to appeal the Director's decision on a particular application pursuant to § 301.6 of these regulations, a domestic manufacturer or other interested person must make timely comments on the application. Separate comments should be supplies on each application in which a person has an interest. However, brochures, pamphlets, printed specifications and the like, included with previous comments, if properly identified, may be incorporated by reference in subsequent comments. If the Director knows of the availability of a domestic instrument which may be comparable to the foreign instrument, he may: (i) Require the applicant to compare the domestic instrument with the foreign instrument; or (ii) compare the two instruments whether or not comments are received from a domestic manufacturer on the specific application.

(4) *Comments by domestic manufacturers.* Comments of domestic manufacturers opposing the granting of an application should:

(i) Specify the domestic instrument considered to be scientifically equivalent to the foreign article for the applicant's specific intended purposes and include documentation of the domestic instrument's guaranteed specifications and date of availability.

(ii) Show that the specifications claimed by the applicant in response to question 8 to be pertinent to the intended purpose can be equalled or exceeded by those of the listed domestic instrument(s) or that the applicant's alleged pertinent specifications should not be considered pertinent within the meaning of § 301.2(s) of the regulations for the intended purposes of the instrument described in response to question 7 of the application.

(iii) Where the comments regarding paragraphs (a)(4)(i) and (a)(4)(ii) of this section relate to a particular accessory or optional device offered by a domestic manufacturer, cite the type, model or other catalog designation of the accessory or device and include the specification therefor in the comments.

(iv) Where the justification for duty-free entry is based on excessive delivery time, show whether—

(A) The domestic instrument is as a general rule either produced for stock, produced on order, or custom-made and;

(B) An instrument or apparatus of equivalent scientific value to the article, for the purposes described in response to question 7, could have been produced and delivered to the applicant within a reasonable time following the receipt of the order.

(v) Indicate whether the applicant afforded the domestic manufacturer an opportunity to furnish an instrument or apparatus of equivalent scientific value to the article for the purposes described in response to question 7 and, if such be the case, whether the applicant submitted a formal invitation to bid that included the technical requirements of the applicant.

(5) *Untimely comments.* Comments must be made on a timely basis to ensure their consideration by the

Director and the technical consultants, and to preserve the commenting person's right to appeal the Director's decision on an application. The Director, in his discretion, may entertain comments filed untimely to the extent that they contain factual information, as opposed to arguments, explanations or recommendations.

(6) *Provision of general comments.* A domestic manufacturer who does not wish to oppose duty-free entry of a particular application, but who desires to apprise the Director of the availability and capabilities of its instrument(s), may at any time supply documentation to the Director without reference to a particular application. Such documentation shall be routinely taken into account by the Director when applications involving comparable foreign instruments are received. The provision of general comments does not preserve the commentor's right to appeal the Director's decision on a particular application.

(7) *Provision of application to domestic manufacturers.* To facilitate timely comments, the Director may furnish copies of certain applications to domestic manufacturers who intend to comment on applications, provided:

(i) The manufacturer requests the service in writing;

(ii) The manufacturer provides copies of current company literature regarding the domestic instrument and its guaranteed capabilities; and

(iii) The manufacturer identifies the specific models or types of comparable foreign instrument(s) that it proposes to comment on. The Director may furnish for comment copies of the appropriate applications to the domestic manufacturer until the firm requests that the service be discontinued, provided the firm utilizes the service to supply written comments on applications. If the recipient of the service fails to avail itself of the opportunity to comment on appropriate applications for a period of one year, the Director may at his discretion discontinue the service. For reasons of cost and administrative burden, the service may be discontinued at the discretion of the Director. In such case the Director shall notify all recipients of the service in writing of such discontinuance.

(b) *Additions to the record.* The Director may solicit from the applicant or from foreign or domestic manufacturers, and agents thereof, or any other person or Government agency considered by the Director to have competence on any issue pertaining to an application, any additional information the Director deems necessary to the rendering of a decision. The Director may attach such conditions and time limitations deemed appropriate upon the provision of such information and may draw appropriate inferences from a person's failure to provide the requested information.

(c) *Advice from technical consultants.* (1) The Director shall consider any written advice from the Secretary of HHS, or his delegate, on the question whether a domestic instrument of equivalent scientific value to the foreign instrument, for the pruposes for which the instrument is intended to be used, is being manufactured in the United States.

(2) After the comment period has ended (§ 301.5(a)(3)), the complete application and any comments received and related information are forwarded to the appropriate technical consultants for their written advice.

(3) The technical consultants are requested to provide their written recommendation within 30 days of the date of transmittal. The technical consultants relied upon for advice may include, but are not limited to, the National Institutes of Health (delegated the function by the Secretary of HHS), the National Bureau of Standards and the National Oceanographic and Atmospheric Administration.

(d) *Criteria for the determinations of the Department of Commerce*—(1) *Scientific Equivalency.* (i) The determination of scientific equivalency shall be based on a comparison of the pertinent specifications of the foreign instrument with similar pertinent specifications of comparable domestic instruments (see § 301.2(s) for the definition of pertinent specification). Ordinarily, the Director will consider only those performance characteristics which are "guaranteed specifications" within the meaning of § 301.2(r), above. In no event, however, shall the Director consider performance capabilities superior to the manufacturer's guaranteed specifications or their equivalent. In making the comparison the Director may consider a reasonable combination of domestic instruments that combines two or more functions into an integrated unit if the combination of domestic instruments is capable of accomplishing the purposes for which the foreign instrument is intended to be used. If the Director finds that a domestic instrument possesses all of the pertinent specifications of the foreign instrument, he shall find that there is being manufactured in the United States an instrument of equivalent scientific value for such purposes as the foreign instrument is intended to be used. If the Director finds that the foreign instrument possesses one or more pertinent specifications not possessed by the comparable domestic instrument(s), the Director shall find that there is not being manufactured in the United States an instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument is intended to be used.

(ii) Programs that may be undertaken at some unspecified future date shall not be considered in the Director's comparison. In making the comparison, the Director shall consider only the instrument and accompanying accessories described in the application and determined eligible by the U.S. Customs Service. The Director shall not consider the planned purchase of additional accessories or the planned conversion of the article at some unspecified future time for such programs.

(iii) In order for the Director to make a determination with respect to the "scientific equivalency" of the foreign and domestic instruments, the applicant's intended purposes must include either scientific research or science-related educational programs. Instruments used exclusively for nonscientific purposes have no scientific value, thereby precluding the requisite finding by the Director with respect to "whether an instrument or apparatus of equivalent scientific value to such article, for the purposes for which the article is intended to be used, is being manufactured in the United States." In such cases the Director shall deny the application for the reason that the instrument has no scientific value for the purposes for which it is intended to be used. Examples of nonscientific purposes would be the use of an instrument in a hospital for routine diagnosis or patient care (as opposed to clinical research); use of an instrument in the teaching of a nonscientific trade (e.g., printing, shoemaking, metalworking or other types of vocational training); use of an instrument in the teaching of nonscientific courses (e.g., music, home economics, journalism, drama); and use of an instrument to convey cultural information to the public (e.g., a planetarium in the Smithsonian Institution).

(2) *Manufactured in the United States.* An instrument shall be considered as being manufactured in the United States if it is customarily "produced for stock," "produced on order" or "custom-made" within the United States. In determining whether a U.S. manufacturer is able and willing to produce an instrument, and have it available without unreasonable

delay, the normal commercial practices applicable to the production and delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take into account under the circumstances of a particular case. For example, in determining whether a domestic manufacturer is able to produce a custom-made instrument, the Director may take into account the production experience of the domestic manufacturer including (i) the types, complexity and capabilities of instruments the manufacturer has produced (ii) the extent of the technological gap between the instrument to which the application relates and the manufacturer's customary products, (iii) the manufacturer's technical skills, (iv) the degree of saturation of the manufacturer's production capacity, and (v) the time required by the domestic manufacturer to produce the instrument to the purchaser's specification. Whether or not the domestic manufacturer has field tested or demonstrated the instrument will not, in itself, enter into the decision regarding the manufacturer's ability to manufacture an instrument. Similarly, in determining whether a domestic manufacturer is willing to produce an instrument, the Director may take into account the nature of the bid process, the manufacturer's policy toward manufacture of the product(s) in question, the minimum size of the manufacturer's production runs, whether the manufacturer has bid similar instruments in the past, etc. Also, if a domestic manufacturer was formally requested to bid an instrument, without reference to cost limitations and within a leadtime considered reasonable for the category of instrument involved, and the domestic manufacturer failed formally to respond to the bid, for the purposes of this section the domestic manufacturer would not be considered willing to have supplied the instrument.

(3) *Burden of proof.* The burden of proof shall be on the applicant to demonstrate that no instrument of equivalent scientific value for the purposes for which the foreign instrument is to be used is being manufactured in the United States.

(4) *Excessive delivery time.* Duty-free entry of the instrument shall be considered justified without regard to whether there is being manufactured in the United States an instrument of equivalent scientific value for the intended purposes if excessive delivery time for the domestic instrument would seriously impair the accomplishment of the applicant's intended purposes. For purposes of this section, (i) except when objective and convincing evidence is presented that, at the time of order, the actual delivery time would significantly exceed quoted delivery time, no claim of excessive delivery time may be made unless the applicant has afforded the domestic manufacturer an opportunity to quote, and the delivery time for the domestic instrument exceeds that for the foreign instrument; and (ii) failure by the domestic manufacturer to quote a specific delivery time shall be considered a non-responsive bid (see § 301.5(d)(2)). In determining whether the difference in delivery times cited by the applicant justifies duty-free entry on the basis of excessive delivery time, the Director shall take into account (A) the normal commercial practice applicable to the production of the general category of instrument involved; (B) the efforts made by the applicant to secure delivery of the instruments (both foreign and domestic) in the shortest possible time; and (C) such other factors as the Director finds relevant under the circumstances of a particuair case.

(e) *Denial without prejudice to resubmission (DWOP).* The Director may, at any stage in the processing of an application by the Department of Commerce, DWOP an application if the application contains any deficiency which, in the Director's judgment, prevents a determination on its merits. The Director shall state the deficiencies of the application in a letter to the applicant in making the provisional denial.

(1) The applicant has 60 days from the date of the DWOP to correct the cited deficiencies in the application, unless a request for an extension of time for submission of the supplemental information has been received by the Director prior to the expiration of the 60-day period and is approved.

(2) The written request (letter of telegram) for an extension should indicate the reasons for the request and the amount of additional time needed. If granted, extensions of time will generally be limited to 30 days.

(3) Resubmissions must reference the application number of the earlier application. The resubmission shall be made by letter and filed in triplicate with the Director. The record of a resubmitted application shall include the original submission. Any new material or information contained in a resubmission should be clearly labeled and referenced to the applicable question(s) on the application form. The resubmission should be signed and dated by the individual in the applicant institution who signed the original application and must be for the instrument covered by the original application unless the DWOP letter specifies to the contrary. The resubmission shall be subject to the certification in the original application.

(4) If the applicant fails to resubmit within the applicable time period, the prior DWOP shall, irrespective of the merits of the case, have the effect of a final decision.

(5) The Director shall use the postmark date of the fully completed resubmission in determining whether the resubmission was made within the allowable time period. Certified or registered mail, or some other means which can unequivocally establish the date of mailing, is recommended.

(6) The applicant may, at any time prior to the end of the resubmission period, notify the Director in writing that it does not intend to resubmit the application. Upon such notification, the application will be deemed to have been withdrawn. (See § 301.5(g).)

(7) Information provided in a resubmission that, in the judgment of the Director contradicts or conflicts with information provided in a prior submission, or is not a reasonable extension of the information contained in the prior submission, shall not be considered in making the decision on an application that has been resubmitted. Accordingly, an applicant may elect to reinforce an original submission by elaborating in the resubmission on the description of the purposes contained in a prior submission and may supply additional examples, documentation and/or other clarifying detail, but the applicant shall not introduce new purposes or other material *changes* in the nature of the original application. The resubmission should address the specific deficiencies cited in the DWOP. The Director may draw appropriate inferences from the failure of an applicant to attempt to provide the information requested in the DWOP.

(8) In the event an applicant fails to address the noted deficiencies in the response to the DWOP, the Director may deny the application.

(9) Upon receipt of a responsive resubmission the Director shall publish a notice in the **Federal Register** citing the number of the earlier application, the name and address of the applicant institution, the instrument(s) involved, and any other information the Director deems relevant. The notice will also include the **Federal Register** citation for the original notice of application. Procedures applicable to comments on

the processing of original applications shall thereafter apply.

(f) *Decisions on applications.* The Director shall prepare a written decision granting or denying each application. However, when he deems appropriate, the Director may issue a consolidated decision on two or more applications. The Director shall promptly forward a copy of the decision to each applicant institution and to the **Federal Register** for publication.

(g) *Withdrawal of applications.* The Director shall discontinue processing an application withdrawn by the applicant and shall publish notice of such withdrawal in the **Federal Register.**

(h) Nothing in this subsection shall be construed as limiting the Director's discretion at any stage of processing to insert into the record and consider in making his decision any information in the public domain which he deems relevant.

§ 301.6 Appeals.

(a) An appeal from any decision made pursuant to 301.5(f) may be taken, in accordance with headnote 6(e) to part 4 of Schedule 8, only to the U.S. Court of Customs and Patent Appeals and only on a question or questions of law, within 20 days after publication of the decision in the **Federal Register.** If at any time while its application is under consideration by the Director or by the Court of Customs and Patent Appeals on an appeal from a finding by him, an institution cancels an order for the instrument or apparatus to which the application relates or ceases to have a firm intention to order such instrument or apparatus, the institution shall promptly notify the Director or such court, as the case may be.

(b) An appeal may be taken by:

(1) The institution which makes the application;

(2) A person who, in the proceeding which led to the decision, timely represented to the Secretary of Commerce in writing that he/she manufactures in the United States an instrument of equivalent scientific value for the purposes for which the instrument to which the application relates is intended to be used;

(3) The importer of the instrument, if the instrument to which the application relates has been entered at the time the appeal is taken; or

(4) An agent of any of the foregoing.

(c) Questions regarding appeal procedures should be addressed directly to the U.S. Court of Customs and Patent Appeals, Clerk's Office—Room 401, 717 Madison Place NW., Washington, D.C. 20439.

§ 301.7 Final disposition of an application.

(a) Disposition of an application shall be final when 20 days have elapsed after publication of the Director's final decision in the **Federal Register** (See § 301.6(a)) and no appeal has been taken pursuant to § 301.6 of these regulations, or if such appeal has been taken, when final judgment is made and entered by the Court.

(b) The Director shall notify the Customs Port when disposition of an application becomes final. If the Director has not been advised of the port of entry of the instrument, or if entry has not been made when the decision on the application becomes final, the Director shall notify the Commissioner of final disposition of the application.

(c) An instrument, the duty-free entry of which has been finally denied, may not be the subject of a new application from the same institution.

§ 301.8 Instructions for entering instruments through U.S. Customs under Tariff Item 851.60.

Failure to follow the procedures in this section may disqualify an instrument for duty-free entry notwithstanding an approval of an application on its merits by the Department of Commerce.

(a) *Entry procedures.* (1) An applicant desiring duty-free entry of an instrument must make a claim at the time of entry of the instrument into the Customs territory of the United States that the instrument is entitled to duty-free classification under tariff item 851.60.

(2) If no such claim is made the instrument shall be immediately classified without regard to tariff item 851.60, duty will be assessed, and the entry liquidated in the ordinary course.

(3) If a claim is made for duty-free entry under tariff item 851.60, the entry shall be accepted without requiring a deposit of estimated duties provided that a copy of the form, stamped by Customs as accepted for transmittal to the Department of Commerce in accordance with § 301.4(b), is filed simultaneously with the entry.

(4) If a claim for duty-free entry under tariff item 851.60 is made but is not accompanied by a copy of the properly stamped form, a deposit of the estimated duty is required. Liquidation of the entry shall then be suspended for a period of 180 days from the date of entry. On or before the end of this suspension period the applicant must file with the Customs Port a properly stamped copy of the form. In the event that the Customs Port does not receive a copy of the properly stamped form within 180 days the instrument shall be classified and liquidated in the ordinary course, without regard to tariff item 851.60.

(5) Entry of an instrument after the Director's approval of an application. Whenever an institution defers entry until after it receives a favorable final determination on the application for duty-free entry of the instrument, the importer shall file with the entry of the instrument (i) the stamped copy of the form, (ii) the institution's copy and (iii) proof that a *bona fide* order for the merchandise was placed on or before the 90th day after the favorable decision became final pursuant to § 301.7 of these regulations. Liquidation in such case shall be made under tariff item 851.60.

(b) *Normal Customs entry requirements.* In addition to the above entry requirements mentioned in paragraph (a) of this section, the normal Customs entry requirements must be met. In most of the cases, the value of the merchandise will be such that the formal Customs entry requirements, which generally include the filing of a Customs entry bond, must be complied with. (For further information, see 19 CFR 142.3 and 142.4 (TD–221)).

(c) *Late filing.* Notwithstanding the preceding provisions of § 301.8 any document, form, or statement required by regulations in this section to be filed in connection with the entry may be filed at any time before liquidation of the entry becomes final, provided that failure to file at the time of entry or within the period for which a bond was filed for its production was not due to willful negligence or fraudulent intent. Liquidation of any entry becomes conclusive upon all persons if the liquidation is not protested in writing in accordance with 19 CFR Part 174, or the necessary document substantiating duty-free entry is not produced in accordance with 19 CFR 10.112, within 90 days after notice of liquidation. Upon notice of such final and conclusive liquidation, the Department of Commerce will cease the processing of any pending application for duty-free entry of the subject article. In all other respects, the provisions of this section do not apply to Department of Commerce responsibilities and procedures for processing applications pursuant to other sections of these regulations.

(d) *Payment of duties.* The applicant will be billed for payment of duties when Customs determines that such payment is due.

§ 301.9 Uses and disposition of instruments entered under item 851.60, TSUS.

(a) An instrument granted duty-free entry may be transferred from the applicant institution to another eligible institution provided the latter institution agrees not to use the instrument for commercial purposes within 5 years of the date of entry of the instrument. In such cases title to the instrument must be transferred directly between the institutions involved. An institution transferring a foreign instrument entered under item 851.60 within 5 years of its entry shall so inform the Customs Port in writing and shall include the following information:

(1) The name and address of the transferring institution.

(2) The name and address of the transferee.

(3) The date of transfer.

(4) A detailed description of the instrument.

(5) The serial number of the instrument and any accompanying accessories.

(6) The entry number, date of entry, and port of entry of the instrument.

(b) Whenever the circumstances warrant, and occasionally in any event, the fact of continued use for 5 years for noncommercial purposes by the applicant institution shall be verified by Customs.

(c) If an instrument is transferred in a manner other than specified above or is used for commercial purposes within 5 years of entry, the institution for which such instrument was entered shall promptly notify the customs officials at the Port and shall be liable for the payment of duty in an amount determined on the basis of its condition as imported and the rate applicable to it.

§ 301.10 Importation of repair components under item 851.65 for article previously entered under item 851.60.

An institution which owns an instrument entered under tariff item 851.60 and desires to enter repair components for such instrument under tariff item 851.65 may do so without regard to the application procedures applicable to entries under item 851.60 provided the institution certifies to the customs official at the port of entry upon entry of such components that they are needed repair components for an instrument owned by that institution and previously entered and classified under tariff item 851.60.

John D. Greenwald,
Deputy Assistant Secretary for Import Administration, Department of Commerce.

William T. Archey,
Acting Commissioner, Customs Service.

John P. Simpson,
Acting Assistant Secretary (Enforcement & Operations), Treasury Department.

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BILLING CODE 4810-22-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 761-0069]

Miles Laboratories, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, an Elkhart, Indiana manufacturer and seller of various non-prescription health care products to cease failing to make its advertising and promotional allowances available on proportionally equal terms to all customers, both direct and indirect. The order would also require the company to notify all its customers, as specified, of its advertising and promotional programs, and of the availability of usable and economically feasible alternatives. The firm would be further required to distribute a special written notice informing customers of the modification in its promotional programs, and provide its sales personnel with a copy of the order.

DATE: Comments must be received on or before June 29, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523-3601.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

United States of America Before Federal Trade Commission

In the Matter of Miles Laboratories, Inc. a corporation; File No. 761-0069, agreement containing consent order to cease and desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Miles Laboratories, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, and it now appearing that it is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Miles Laboratories, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Respondent Miles Laboratories, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 1127 Myrtle Street, in the City of Elkhart, State of Indiana.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of compalint here attached.

8. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

A. It is ordered that respondent, Miles Laboratories, Inc., a corporation, and its officers, directors, agents, representatives and employees, and its successors and assigns, directly or indirectly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or distribution of adult vitamins, pediatric vitamins, antiacid products, topical antiseptics such as Bactine, or other nonprescription health care products, except diagnostics, environmental control products, steriod products, aluminum acetate products, acne treatment products, medicated paste bandages and colloidal bath products (hereinafter referred to as "Respondent's Covered Products") in or affecting commerce, as "commerce" is defined in the Clayton Act, as amended, or the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

Paying or contracting for the payment of anything of value to, or for the benefit of, any customer as compensation or in consideration for any advertising or promotional services or any other service of facility furnished by or through such customer in connection with the handling, sale or offering for sale of any of Respondent's Covered Products, unless (1) such payment or consideration is made available on proportionally equal terms to all customers, including customers who do not purchase directly from respondent, who compete in the distribution or resale of Respondent's Covered Products; and (2) all customers, including customers who do not purchase directly from respondent, who compete in the distribution or resale of Respondent's Covered Products are informed, in writing, in the manner provided in Paragraph I B, of (a) the terms and conditions of the promotional program or plan under which such payments are made, including the services or facilities to be furnished the methods by which performance will be proved; and (b) the availability of usable and economically feasible alternative services or facilities which competing customers could provide and be paid for on proportionally equal terms if the furnishing of identical services of facilities would not be economically feasible and usable in a practical business sense by all competing customers.

B. It is further ordered that respondent shall inform all customers of the terms and conditions of each of its advertising or promotional programs, the methods by which performance will be proved, and the availability of alternatives, as required by Paragraph I A, in the following manner:

1. Respondent shall cause copies of deal sheets or similar materials explaining the plan or program to be presented or delivered to each direct customer of respondent in sufficient time to enable each such customer to make an informed judgment whether to participate, and

2. At or about the same time respondent shall deliver sufficient copies of deal sheets or similar materials to respondent's wholesalers for presentation or distribution to each customer of such wholesalers that purchases any of Respondent's Covered Products. Respondent shall take steps, which need not include direct mailings, to insure that its indirect purchasing customers are informed of its advertising or promotional programs.

II

It is further ordered that respondent shall within thirty (30) days after service upon it of this order notify each retailer that purchased less than $5,000 of Respondent's Covered Products in 1979 of the availability of alternative methods of participation in respondent's advertising or promotional allowance programs by distributing a written notice in the form attached hereto as Exhibit A[1] in the following manner:

(1) Respondent's sales representatives will hand deliver sufficient copies of such notice to respondent's wholesalers for distribution to each customer of such wholesalers that purchases any of Respondent's Covered Products;

(2) Respondent will send such notice by direct mail to each retailer that buys Respondent's Covered Products directly from respondent and purchased less than $5,000 of such products in 1979; and

(3) Respondent will notify independent pharmacies by placing such notice in PHARMALERT, a national coop mailing service for independent drug stores.

III

It is further ordered that respondent shall deliver a copy of this order to cease and desist to all sales and sales management personnel employed on the date of service of this order in each of respondent's operating divisions that is engaged in the sale of Respondent's Covered Products within the United States.

IV

It is further ordered that respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

V

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Exhibit A

Letter to Smaller Direct/Non-Direct Retailers

Dear Retailer: Miles has recently revised its promotional trade advertising policy to encourage greater participation in its promotions by smaller direct retailers and non-direct retailers. We are recognizing the fact that some accounts would prefer more flexibility in advertising performance requirements, and for this reason we feel our new trade advertising policy will better serve your needs. We anticipate the ultimate results will be a stronger promotional program for both you and Miles.

Trade Advertising Performance Requirements

To receive promotional advertising payments a qualifying performance must be rendered by a participating account employing their most used medium such as newspapers, radio, television, circulars, handbills, window/wall banners, in-store displays, feature pricing, etc.

Upon completion of the advertising performance, the retailer must submit his invoice (or paid wholesaler invoice) to Miles along with a Miles Certificate of Advertising Performance for advertising other than newspaper, radio and television. This form provides for a discription of the advertising performance rendered by the account with the specific date(s) of performance. (See Attachment 1)

We look forward to your greater participation in Miles' promotions through your own creative advertising performance.

Miles Laboratories, Inc.

[1] Exhibit A not reproduced here, but submitted with original document and available for inspection at principal office of Commission.

Attachment 1

Certificate of Advertising Performance

(Non-Direct Retailers)

This is to certify that advertising performance was rendered on the following Miles Laboratories, Consumer Products Division brands and package sizes:

Brand/ package size(s)	Date(s) of performance	Regular price	Feature price

Performance rendered on the above brands was my normal and most frequently employed form of advertising and price featuring to my customers. (Check form of advertising)

( ) Newspaper (tearsheet attached)
( ) Radio (script/affidavit attached)
( ) Television (script/affidavit attached)
( ) Home delivered Circular/Handbill (attached)
( ) Window/Wall Banner (attached)
( ) In-Store Extra Off-shelf Display (Describe)

( ) Other (describe) _____

Attached is my original paid wholesaler invoice to verify promotional purchases of the above ad featured Miles Brands.

Retailer's Name _____
Address _____
City _____
State _____
Zip Code _____
Authorized Signature for Retailer

_____
(Title)

Send to Miles Laboratories, Inc., Dept. "G", P.O. Box 340, Elkhart, IN 46515.

Miles Laboratories, Inc.

File No. 761-0069

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Miles Laboratories, Inc. The agreement is the product of the Commission's investigation of the advertising and promotional practices of Miles and requires Miles to modify certain of its advertising and promotional practices.

The proposed consent order is being placed on the public record for sixty (60) days for comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Miles is a major manufacturer of health and beauty aids and home care products. The Commission's investigation focused on Miles' advertising and promotional practices in connection with its sales of antacid products, adult vitamins, and pediatric vitamins.

The complaint alleges that Miles paid or contracted for the payment of credits or sums of money in the form of discounts, allowances, rebates or deductions, as compensation or in consideration for promotional services or facilities provided by its customers in connection with the offering for sale or sale of Miles' products. The complaint further alleges that these promotional allowances discriminated against particular customers or classes of customers in that they were not available, in a practical business sense, on proportionally equal terms to all customers competing in the sale and distribution of Miles' products.

The purpose of the proposed order is to ensure that Miles' advertising and promotional programs do not discriminate against certain customers or classes of customers. Section I of the proposed order requires Miles to make its advertising and promotional allowances available on proportionally equal terms to all customers, including those who purchase Miles products from wholesalers, and to notify each of its customers of its advertising and promotional programs and of the availability of usable and economically feasible alternative programs that will enable all customers to participate.

Section I B specifies the steps Miles will take to notify its customers of these promotional programs. In addition, Miles has agreed, under Section II, to distribute a special written notice to inform all of its customers of the modifications in its promotional programs.

Section III requires Miles to distribute a copy of the order to its sale personnel.

Section IV requires that Miles file a report within sixty days after service of the order, setting forth the manner and form in which it has complied with the order.

In Section V, Miles agrees to notify the Commission at least thirty days prior to any organizational change that would affect compliance obligations.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-12704 Filed 4-27-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

Federal Old-Age, Survivors, and Disability Insurance Benefits; Supplemental Security Income for the Aged, Blind, and Disabled; Reduction of Retroactive Social Security Benefits

Correction

In FR Doc. 81-10671, published at page 22609 on Monday, April 20, 1981, on page 22611, in the first column, in § 404.1123(d), in the twenty-third line, "§ 404.408(b))" should be corrected to read "§ 404.408b(b))".

BILLING CODE 1505-01-M

Food and Drug Administration

21 CFR Part 610

[Docket No. 81N-0118]

General Biological Products Standards for Aluminum in Biological Products

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the biologics regulations to increase the permissible level of aluminum in licensed biological products. The agency is proposing this amendment to make the biologics regulations consistent with standards adopted by the World Health Organization (WHO).

DATE: Comments by May 28, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Paul K. Hiranaka, Bureau of Biologics (HFB-620), Food and Drug Administration, 600 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: Aluminum in the form of aluminum hydroxide, aluminum phosphate, or alum is commonly used as an adjuvant

in biological products. Products such as Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed contain aluminum adjuvants to increase their immunogenicity.

The amount of aluminum permitted in the recommended single human dose of a product is governed by § 610.15(a) (21 CFR 610.15(a)), which limits the aluminum to no more than 0.85 milligram/dose if the level is assayed, or 1.14 milligrams (mg) if the level is calculated. These levels are inconsistent with the standard of 1.25 mg of aluminum per single human dose adopted by the WHO. Moreover, based on recent data concerning hepatitis B vaccine, it appears that certain groups such as renal dialysis patients, who are at high risk of contracting hepatitis, may require a higher dosage of the vaccine which would, in turn, require amounts of the aluminum as high as 1.25 mg per single dose. Although as yet unlicensed, the first license for hepatitis B vaccine may be approved by FDA in the near future. To make the biologics regulations consistent with the WHO standard and to ensure that § 610.15(a) does not prohibit the usage of required amounts of hepatitis B vaccine, the agency is proposing to amend § 610.15(a). The proposed amendment would permit the use of up to 1.25 mg of aluminum (determined by assay) per single human dose of a product if data demonstating that the amount of aluminum used is safe and necessary to produce the intended effect, are submitted to and approved by the Director, Bureau of Biologics.

The agency has determined pursuant to 21 CFR 25.24(d)(10) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 701, 52 Stat. 1050–1051 as amended, 1055–1056 as amended (21 U.S.C. 352, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Part 610 be amended by revising § 610.15(a) to read as follows:

§ 610.15 Constituent materials.

(a) *Ingredients, preservatives, diluents, adjuvants.* All ingredients used in a licensed product, and any diluent provided as an aid in the administration of the product, shall meet generally accepted standards of purity and quality. Any preservative used shall be sufficiently nontoxic so that the amount present in the recommended dose of the product will not be toxic to the recipient, and in the combination used it shall not denature the specific substances in the product to result in a decrease below the minimum acceptable potency within the dating period when stored at the recommended temperature. Products in multiple-dose containers shall contain a preservative, except that a preservative need not be added to Yellow Fever Vaccine, Polio Virus Vaccine Live, Oral, or to viral vaccines labeled for use with the jet injector, or to dried vaccines when the accompanying diluent contains a preservative. An adjuvant shall not be introduced into a product unless there is satisfactory evidence that it does not affect adversely the safety or potency of the product. The amount of aluminum in the recommended individual dose of a biological product shall not exceed:

(1) 0.85 milligram if determined by assay;

(2) 1.14 milligrams if determined by calculation on the basis of the amount of aluminum compound added; or

(3) 1.25 milligrams determined by assay provided that data, demonstrating that the amount of aluminum used is safe and necessary to produce the intended effect, are submitted to and approved by the Director, Bureau of Biologics.

* * * * *

Hepatitis B vaccine is a potentially life-saving vaccine that should be available in the very near future. As discussed above, the current regulation would prohibit the use of the amount of hepatitis B vaccine which may be required for renal dialysis patients. The agency has therefore decided to reduce the comment period from 60 days to 30 days pursuant to 21 CFR 10.40(b)(2).

Interested persons may, on or before May 28, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Pub. L. 96–354 and Executive Order 12291, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not have a significant impact on a substantial number of small entities and does not involve major economic consequences as defined by Executive Order 12291. The proposal would not place any additional economic burdens on either small or large businesses. A copy of the regulatory flexibility assessment and the regulatory impact assessment supporting these determinations are on file with the Dockets Management Branch, Food and Drug Administration.

Dated: April 13, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-11734 Filed 4-27-81; 8:45 am]
BILLING CODE 4110-03-M

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21 CFR Part 801

[Docket No. 80N-0425]

Menstrual Tampons; User Labeling; Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed Rules; Reopening of Comment Period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period on its proposed regulation to require a statement in the labeling of menstrual tampons warning users about toxic shock syndrome (TSS). FDA is taking this action because of new information concerning TSS and in response to two requests to extend the comment period.

DATES: Written comments on or before June 29, 1981. FDA intends that any final regulation issued in this matter would become effective 60 days after the date of publication of the final rule.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lawrence Kobren, Bureau of Medical Devices (HFK–310), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7222.

Background

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 21, 1980 (45 FR 69840), FDA published a proposed rule that would require that tampons be labeled with a warning concerning the dangers of toxic shock syndrome (TSS). Interested persons were given until

November 20, 1980, to comment on the proposed rule.

At the time of publication of the proposal, FDA placed in the administrative record on file in the Dockets Management Branch, two TSS studies conducted by the Centers for Disease Control (CDC) and TSS studies conducted by the Utah and Minnesota State health departments. After the comment period closed, two articles concerning TSS were published in *The New England Journal of Medicine* (Refs. *1* and *2*). Davis et al. (Ref. *1*) presented the results of a study conducted by Wisconsin public health and University of Wisconsin personnel; Shands et al. (Ref. *2*) summarized the most recent CDC study (CDC 2). Also, the health departments of Minnesota, Wisconsin, and Iowa conducted a case-control TSS study (the tri-State study) (Ref. *3*), and the CDC issued a *Morbidity and Mortality Weekly Report* (MMWR) summarizing the incidence of TSS through December 1980 (Ref. *4*).

FDA recognizes that reopening the comment period will result in a delay in issuing any final rule. FDA believes, however, that all interested persons should have an opportunity to comment on the new studies, information, and analysis now available (Ref. *5*). Further, FDA, CDC, and tampon manufacturers have provided considerable information to health professionals and consumers about the danger of TSS and its association with tampons. The news media also have widely publicized TSS (Ref. *6*). For these reasons, FDA believes the delay in final action on the proposal is warranted.

Studies

FDA believes that studies in the record demonstrate that: (1) tampons as a class are associated with TSS; (2) users of Rely® brand of tampon have a higher risk of getting TSS than users of other brands of tampons; and (3) menstruating women of all ages who use tampons are at risk of contracting TSS—there is a higher incidence of TSS among younger women (Ref. *15*). (The Rely® brand tampon was removed from the market by the manufacturer under a consent agreement with FDA.)

CDC 2 and Utah

Given the data available to FDA on TSS and tampons, a possible hypothesis is that use of tampons still on the market is not associated with TSS. To test this hypothesis, FDA analyzed data from the CDC 2 and Utah studies, separately and combined, in each case excluding the Rely® data (Ref. *7*).

The Utah study results, when considered separately from other data, failed to show an increased risk of TSS for users of tampons other than Rely®. The apparent support for the hypothesis presented by analysis of the Utah study was not unexpected. When a study contains so few cases (as in this instance when data concerning Rely® tampons are removed), it has little power to detect other than very large risks. FDA believes, therefore, that the Utah study can neither disprove nor confirm the hypothesis.

The CDC 2 results, when considered separately from other data, do not confirm the hypothesis. Quite the contrary, those results indicate that the hypothesis is wrong and, that tampons other than Rely® *do* contribute to the increased risk of TSS. The CDC 2 results were "borderline" with respect to a statistically significant association between TSS and tampons other than Rely® ($P=0.053$, Fisher's exact). However, as stated in the findings on statistical significance in the Commissioner's decisions on Cyclamate and Benylin, although $P<0.05$ has in the past been used as a standard, this usage is grounded in custom, not science or law (Refs. *8* and *9*). The difference between a confidence level of $P=0.05$ and $P=0.053$ is merely a matter of the degree of certainty. In the former case, one is 95 percent certain that the observed result is not due to chance. In the latter case, one is 94.7 percent certain. There is no valid scientific or legal rationale for concluding that there is a substantial difference between the two confidence levels. For that reason, FDA believes the CDC 2 results show that there is an association between TSS and tampons other than Rely®.

When data from the Utah and CDC 2 studies were pooled and reanalyzed, they showed an increased risk of TSS for users of tampons other than Rely® ($P=0.0072$, Fisher's exact) and no statistically significant difference in risk was found among the other brands ($P=0.269$, Chi-square).

The two studies were pooled to provide a sample size adequate to permit more elaborate statistical analysis. Pooling data from more than one study is a routine procedure used in data analysis and is appropriate whenever the methodologies used to collect the data are sufficiently similar and the data are sufficiently homogeneous. More observations improve the precision of estimates of risk and the power to detect differences of changes in risk. FDA combined the CDC 2 and Utah studies because these studies alone contain data based on exclusive use, data from which conclusions can be drawn relating specific brand use to risk of TSS. Further, the case definitions for Utah and CDC 2 are the same, and the cases and controls are matched in a similar manner. The CDC 2 cases and controls are matched by age, sex, and "best friend." Each case recommended three "best friends" of the same age and sex. The "best friend" method of control selection tends to match cases and controls on several socio-economic variables such as income, race, education, and marital status. When the cases and controls in the CDC 2 study are compared with respect to these variables, no important differences are found. The Utah cases and controls are matched by age, sex, and "neighbor." The "neighbor" method of selection also tends to match cases and controls on such variables as income, race, education, and marital status. When the cases and controls in the Utah study are compared with respect to these variables, no important differences are found.

In summary, FDA believes that the CDC 2 study shows that tampon users as a class are at greater risk than nonusers, even when the tampon users use a tampon other than Rely®. The CDC 2 and Utah studies, when combined, further confirm the increased risk of TSS for users of tampons other than Rely® In addition, in the combined data no statistically significant difference in risk was found among those other brands of tampons.

Tri-State

Beginning on January 12, 1981, Dr. Michael Osterholm, Minnesota Health Department epidemiologist, made public the preliminary findings of the tri-State study, which compared 80 cases of TSS to 160 matched controls. Dr. Osterholm reported, in part, that: (1) Users of each brand of tampons have a greater risk of contracting TSS than non-tampon users; (2) users of high-absorbency tampons have a greater risk of contracting TSS than users of low-absorbency tampons; (3) there is some indication of increased risk associated with Rely® brand tampons beyond that predicted by their absorbency; and (4) 50 percent of the cases in the tri-State study involved women under 19 years of age (Ref. *3*).

At the time tri-State study was announced, FDA informally reviewed the study's preliminary data, design, and the analytical methods applied to the data. Following this informal review, FDA tentatively concluded that the conclusions summarized above were supported by the data. FDA believes that this study provides significant information regarding TSS that confirms

earlier studies on TSS as reported in the October 21, 1980, proposal. For that reason, FDA has requested from the Minnesota Department of Health the study and its underlying data (Refs. *10, 11,* and *12*). This information has been furnished to FDA to be added to the administrative record (Ref. *17*).

Wisconsin

As stated above, the final results of the Wisconsin study previously reported in the June 27, 1980, MMWR have been published in *The New England Journal of Medicine* (Ref. *1*). Davis et al. concluded that the study showed (1) an association between TSS and tampon use ($P<0.01$); (2) the incidence of TSS in Wisconsin was 6.2 per 100,000 menstruating women per year; and (3) the rate of TSS among women younger than 30 years was 2.4 to 3.3 times the rate among those who were 30 or older. FDA has reviewed the article and believes that the analyses performed and statistical techniques used are appropriate, and that the conclusions drawn are valid. The agency also requested from Dr. Davis the data underlying the Wisconsin study. These data have been received and added to the administrative record (Refs. *13* and *14*).

Morbidity and Mortality Weekly Report

On January 30, 1981, CDC published MMWR Vol. 30, No. 3 summarizing the incidence of TSS in the United States from 1970 to 1980 (Ref. *4*). The MMWR reported that to date 941 cases of TSS have been confirmed to CDC. Of the confirmed cases, 928 (99 percent) were in women; 905 (98 percent) of these women had onset during a menstrual period while using tampons. Eleven cases occurred in the postpartum period. The age range for female patients was 6 to 61 years, with a mean of 23 years. One-third of all cases occurred in women 15 to 19 years old. Seventy-three cases (all women) resulted in death (case fatality ratio=7.8 percent).

The MMWR indicates that there was a rapidly increasing upward trend in reported TSS cases through August 1980, and a sudden decrease in the fourth quarter of 1980. More than 100 cases were reported in August; thereafter there was a decline and in December 1980, fewer than 40 cases were reported. CDC has subsequently advised FDA that through March 2, 1981, 1,024 confirmed cases with 78 deaths have been reported to CDC (Ref. *16*). Although the significance of the sudden decline in the number of reported TSS cases is unknown, the decline may be due to factors such as the removal of Rely3from the market, the lag time in case reporting, diminished interest in the disease due to waning media attention, seasonal variation for the syndrome, a decrease in tampon usage, and a change in the tampon wearing habits of women.

Public Comment

FDA invites comments on all aspects of TSS and its relationship with tampons, but FDA particularly invites comments on the following aspects at this time.

1. Is there a need for a warning statement or has that need been obviated by (a) the widespread dissemination of information concerning TSS at the time the proposal was issued or (b) the apparent decline in the number of cases during the last quarter of 1980? (c) Other factors?

2. Should FDA make changes in the content, format, or location of the proposed warning in light of all the studies, information, and analyses now available? For example, should the warning include a statement directed towards women under the age of 20? 30? Any specific age?

3. Is FDA's rationale and support for combining data from the CDC 2 and Utah studies appropriate?

References

The following information has been placed in the Dockets Management Branch, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen by interested persons from 9 a.m. to 4 p.m., Monday through Friday.

1. Davis, J. P., et al., "Toxic-Shock Syndrome," *The New England Journal of Medicine*, 303:1429–1435, December 18, 1980.
2. Shands, K. N., et al., "Toxic-Shock Syndrome in Menstruating Women," *The New England Journal of Medicine*, 303:1436–1442, December 18, 1980.
3. News Release from the Minnesota Department of Health, January 13, 1981.
4. Epidemiologic Notes and Reports: Follow-up on Toxic-Shock Syndrome, International Notes, Toxic-Shock Syndrome-Canada, *Morbidity and Mortality Weekly Report*, Centers for Disease Control, January 30, 1981, Vol. 30, No. 3.
5. FDA News Release P81–3 January 12, 1981.
6. Letter from Jere E. Goyan to Judith Beck and Charlotte Oram, Woman Health International, December 19, 1980.
7. BMD Combined Utah and CDC 2 Data Analysis, February 3, 1981.
8. Cyclamate (Cyclamic Acid, Calcium Cyclamate, and Sodium Cyclamate), Commissioner's Decision 45 FR 61474 at 61479; September 16, 1980.
9. Warner-Lambert/Parke-Davis & Co., Benylin; Final Decision 44 FR 51512 at 51520; August 31, 1979.
10. Letter from Mark Novitch, M.D. to Dr. Michael Osterholm, Minnesota Department of Health, January 27, 1981.
11. Memorandum of telephone conversation, Dr. Michael Osterholm-Ann B. Holt, DVM, February 2, 1981.
12. Letter from Michael T. Osterholm, Ph.D., M.P.H. to Mark Novitch, M.D., February 9, 1981.
13. Letter from Mark Novitch, M.D., to Jeffrey P. Davis, M.D. Wisconsin Division of Health, January 27, 1981.
14. Letter and enclosure from Jeffrey P. Davis, M.D., to Dr. Ann Holt, February 20, 1981.
15. Chart showing distribution of confirmed TSS cases by age—Prepared by the Bureau of Medical Devices on the basis of data provided by CDC, March 10, 1981.
16. Table and chart showing distribution of confirmed TSS cases by date of onset, January 1979 through February 1981—Prepared by the Bureau of Medical Devices on the basis of data provided by CDC, March 10, 1981.
17. Memorandum of telephone conversation, Mark Novitch, M.D.-Dr. Michael Osterholm, April 3, 1981.

Interested persons may, on or before June 29, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 3, 1981.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 81-12474 Filed 4-27-81; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 1800-8]

Approval and Promulgation of Implementation Plans; Revision to the Massachusetts State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve a revison to the Massachusetts State Implementation Plan submitted by the Massachusetts Department of Environmental Quality Engineering on 25 November 1980. This revision would relax 310 CMR 7.05(1)(d)2 for a thirty (30) month period to allow unit 7 of

Boston Edison's Mystic Generating Station in Everett, Massachusetts, to burn up to 2.2% sulfur content residual oil.

DATES: Comments must be received on or before May 28, 1981.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M. St., S.W., Washington, D.C. 20460; and Department of Environmental Quality Engineering, 600 Washington Street, Boston, Massachusetts 02111.

Comments should be submitted to Harley Laing, Chief, Air Branch, Region I, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Brian Hennessey, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–5609.

SUPPLEMENTARY INFORMATION: On 25 November 1980, the Commissioner of the Massachusetts Department of Environmental Quality Engineering (DEQE) submitted a revision (described below) to the Massachusetts State Implementation Plan (SIP) to EPA for review and approval. This SIP revision is the latest in a series of sulfur dioxide (SO_2) emission limit relaxations applicable to Boston Edison's steam electric generating stations in the Metropolitan Boston area. SIP revisions which EPA has already approved for these plants include:

(1) The initial Massachusetts SIP limitation on fuel sulfur content, which applied throughout the Boston core area and required the use of residual fuel with a sulfur content not over 0.28 pounds of sulfur per million (#S/10^6 Btu (37 FR 10842). For residual oil this limit corresponds to approximately 0.5% sulfur (S) by weight.

(2) A temporary relaxation of the basic SIP SO_2 limitation which allowed Boston Edison's L Street, New Boston, and Mystic Generating Stations (consisting of units 4, 5, 6, and 7) to burn residual fuels with a sulfur content up to 0.55 #S/10^6 Btu or about 1.0% S by weight for residual oil (40 FR 56889).

(3) A one year extension of the foregoing 0.55 #S/10^6 Btu sulfur limitation (42 FR 42218).

(4) Another one year extension of the 0.55 #S/10^6 Btu limit (43 FR 56040).

(5) A revision permanently allowing use of 0.55 #S/10^6 Btu residual fuel in Boston Edison's L Street, New Boston, and Mystic Generating Stations (44 FR 157380).

The SIP revision EPA is proposing to approve today represents a variance approved by DEQE pursuant to 310 CMR 7.50 of the Regulations for the Control of Air Pollution in the Metropolitan Boston Air Pollution Control District. The variance applies to the 551 MW unit 7 at Boston Edison's Mystic Generating Station in Everett, Massachusetts, and not to units 4, 5, and 6 at Mystic Station or to the Company's L Street and New Boston Generating Stations which must all continue to comply with the 0.55 #S/10^6 Btu limit. Further, sulfur-in-fuel requirements remain unchanged for all of the many other major and minor SO_2 point sources throughout the Boston core area. Among the terms DEQE has attached to the variance, and therefore to the SIP revision EPA proposes to approve, are the following:

(1) Regulation 310 CMR 7.05(1)(d)2 would be relaxed from 0.55 #S/10^6 Btu (approximately 1.0% S by weight) to allow the use of fuel with a sulfur content of up to 1.21 #S10^6 Btu (approximately 2.2% S by weight) in unit 7 of Boston Edison's Mystic Generating Station.

(2) Relaxation of 310 CMR 7.05 (1)(d)2 would be effective for a thirty (30) month period commencing on the date of receipt by DEQE of written agreement to the terms of the variance from Boston Edison.

(3) DEQE will require particulate stack tests on the higher sulfur fuel to demonstrate compliance with the 0.05 #10^6 Btu particulate emission limit of 310 CMR 7.02(8). Failure to comply with this emission limit will result in a return to use of 0.55 #S/10^6 Btu residual fuel in unit 7.

(4) By March 1982 Boston Edison must submit to DEQE a plan and schedule for system wide SO_2 reductions to pre-variance levels.

(5) Unit 7 must burn low sulfur fuel under adverse meterological conditions when directed by DEQE.

Assuming 1978 fuel consumption and the 0.55 #S/10^6 Btu fuel sulfur limitation, the Mystic Generating Station emits approximately 22800 tons per year (TPY) of SO_2. If units 4, 5, and 6 continue to burn 0.55 #S/10^6 But fuel and use of 1.21#S/10^6 Btu fuel is approved for unit 7, annual SO_2 emissions from the Mystic Generating Station will increase by 19500 TPY SO_2 to total 42100 TPY SO_2.

EPA must approve SIP revisions such as this one if it is shown that neither Prevention of Significant Deterioration (PSD) air quality increments nor national ambient air quality standards (NAAQS) will be violated. It is EPA's judgment, base on a review of dispersion modelling submitted by Boston Edison To DEQE, that approval of 1.21 #S/10^6 Btu fuel use in Mystic Station unit 7 will violate neither the NAAQS for SO_2 nor the Class II SO_2 air quality increments. The modelling reviewed by EPA consisted of five year Industrial Source Complex Model runs for four Boston Edison Plants contemplating SO_2 emission relaxations and two increment-consuming SO_2 sources in the Boston area. In the NAAQS analysis, the interaction of all other sources (i.e. major, minor, and area SO_2 sources within 20 km) with the Edison plants was investigated using ambient monitoring data and screening models exclusively. These analyses predicted SO_2 concentrations, or levels in units of micrograms per cubic meter ($\mu g/m3$) as follows:

NAAQS analysis	Standard level	Highest level predicted
3 hour	1,300	621.4
24 hour	365	303.1
Annual	80	75.7

PSD increment analysis	Class II increment level	Highest level predicted
3 hour	512	411.3
24 hour	91	*136.4
Annual	20	8.7

While the highest 24 hour incremental impact (marked with an asterisk) exceeds the corresponding Class II SO_2 PSD increment, the highest second high predicted impact, which was 87.3 $\mu g/m^3$, does not. Since highest second high concentration predictions are the ultimate test of compliance with short term standards and increments, unit 7 of Mystic Station can burn higher sulfur fuel and meet all applicable ambient SO_2 air quality requirements. Last, it should be noted that the foregoing model estimates may be conservative because high sulfur fuel use at maximum load was assumed for the entire Mystic Generating Station.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regualtory Impact Analysis. This regulation is not major because it only approves state actions. It imposes no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to these comments are available for public

inspection at EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant impact on a substantial number of small entities 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper. In addition, the action applies to only one facility.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Section 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7401 and 7601).

Dated: February 20, 1981.

Leslie Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 81-12741 Filed 4-27-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A10 FRL 1804-1]

State of Oregon; State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rulemaking.

SUMMARY: EPA proposes to approve several actions that Oregon Department of Environmental Quality (DEQ) has taken to satisfy EPA's conditions of approval on the State Implementation Plan (SIP). This is the initial step toward full unconditional approval of the Oregon SIP. Public comment is sought on EPA's proposed action.

DATE: Comments must be received on or before May 28, 1981.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A–80–9), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Bldg., Portland, Oregon 97207

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

FOR FURTHER INFORMATION CONTACT: Michael F. Gearheard, Air Programs Branch, M/S 625 Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101 Telephone No. (206) 442–1226 (FTS) 399–1226.

SUPPLEMENTARY INFORMATION:

I. Background

On June 24, 1980 (45 FR 42265) EPA published final action on the Oregon Part D SIP by approving some portions and conditionally approving other portions. As part of that actions, EPA described the conditional approval process and its effect on the rulemaking action.

For all but one of the conditionally approved portions of the SIP, Oregon was required to submit material to satisfy the conditions by December 24, 1980. One condition required Oregon to submit their vehicle inspection and maintenance program operating rules by July 15, 1980. This condition was satisfied, and EPA published approval of Oregon's submittal on January 2, 1981 (46 FR 35).

DEQ submitted material to satisfy the remaining approval conditions on September 8, 1980, October 16, 1980, December 5, 1980, and December 19, 1980. EPA announced receipt of these materials on January 21, 1981 (46 FR 6021), and accepted comments on the information until February 20, 1981. Public comment is now sought on EPA's proposed approval of these materials as adequate to satisfy the conditions of approval placed on the Oregon Part D SIP.

II. Analysis of Submitted Material and Proposed EPA Action

The analysis of the material submitted by Oregon to satisfy the approval conditions in EPA's June 24, 1980 **Federal Register** action is presented below. Each condition is stated in the order it appeared in the **Federal Register**. State action to satify the condition and EPA's proposed action(s) are described for each condition.

40 CFR 52.1982(a) Control Strategy: Ozone. June 24, 1980 (45 FR 42279):

1. *Condition*—The rules governing volatile organic compounds (VOC) sources in the Salem nonattainment area are made equivalent to reasonably available control technology (RACT).

State Action—On October 16, 1980, Oregon submitted revised rules (OAR 340–22–100 through 340–22–220) governing VOC sources. These rules are judged to be RACT.

EPA Proposed Action—Approve, the condition is satisfied.

2. *Condition*—DEQ submits approvable source test procedures for VOC sources in the Salem nonattainment area.

State Action—On December 19, 1980, Oregon submitted their source test manual for VOC sources.

EPA Proposed Action—Although EPA has not completed final review of DEQ's submitted source test procedures manual, EPA is proposing approval at this time based on EPA's preliminary assessment that the procedures manual is substantially approvable.

3. *Condition*—DEQ submits formally adopted compliance schedules for the VOC sources in the Salem nonattainment area.

State Action—On October 16, 1980, DEQ submitted revised rules governing VOC sources. These rules include compliance schedules for VOC sources in nonattainment areas.

EPA Proposed Action—Approve, the condition is satisfied.

4. *Condition*—The rules governing VOC sources in the Portland and Medford-Ashland nonattainment areas are made equivalent to RACT.

State Action—As stated under Condition #1 above, Rules OAR 340–22–100 through 340–22–220, submitted by DEQ on October 16, 1980, are judged to be RACT. Also on September 8, 1980, DEQ submitted documentation that requirements placed on one VOC source in the Medford-Ashland area are equivalent to RACT.

EPA Proposed Action—Approve, the condition is satisfied with the understanding described below under Condition #15 regarding paper coating processes.

5. *Condition*—DEQ submits approvable source test procedures for VOC sources in the Portland and the Medford-Ashland nonattainment areas.

State Action—Same as for Condition #2 above.

EPA Proposed Action—Approve, as described for Condition #2 above.

6. *Condition*—DEQ submits formally adopted compliance schedules for VOC sources in the Portland and Medford-Ashland nonattainment areas.

State Action—Same as for Condition #3 above.

EPA Proposed Action—Approve, the condition is satisfied.

40 CFR 52.1985(a) Rules and Regulations. June 24, 1980 (as FR 42279):

7. *Condition*—The Oregon new source review regulations (OAR 340–20–190 through 340–20–197) are modified to include an adopted emission offset program.

State Action—On December 17, 1980, DEQ submitted draft revised new source review regulations scheduled for public hearing in March and adopted in April or May 1981. The draft regulations include an emission offset program.

EPA Proposed Action—Approve, with the understanding that the draft new source review regulations will be adopted, substantially unchanged, before EPA takes final action on this condition.

8. *Condition*—The Oregon new source review regulation (OAR 340–20–192(3)) governing multiple sources under single ownership is modified to require that other sources owned by the company applying for the permit be in compliance "with all applicable emission limitations and standards under the Act."

State Action—The draft revised Oregon new source review regulations noted above under Condition #7 appear to satisfy this condition.

EPA Proposed Action—Approve, as described for Condition #7 above.

9. *Condition*—For gasoline marketing VOC sources the definition of "delivery vessel" is changed to require vapor capture in the transfer of gasoline from terminals to bulk plants.

State Action—The revised VOC rules submitted by DEQ on October 16, 1980 include the modification specified in the EPA approval conditions at OAR 340–22–102(11).

EPA Proposed Action—Approve, the condition is satsified.

10. *Condition*—For gasoline marketing VOC sources the conflicting vapor capture exemptions in the Oregon rules at OAR 340–20–110(2)(c) and OAR 340–20–115(5) are removed by deleting OAR 340–20–110(2)(c) from the rules.

State Action—The revised VOC rules submitted by DEQ on October 16, 1980 include the modification specified in the EPA approval conditions at OAR 340–22–110.

EPA Proposed Action—Approve, the condition is satisfied.

11. *Condition*—For gasoline marketing VOC sources the exemption of delivery vessels and storage tanks at gasoline dispensing facilities from vapor capture requirements, where the source (gasoline dispensing facility) receives 250,000 gallons of gasoline or less per year from a bulk plant, is changed to an exemption of no greater than 10,000 gallons per month.

State Action—The revised VOC rules submitted by DEQ on October 16, 1980 include the modification specified in the EPA approval conditions at OAR 340–22–120.

EPA Proposed Action—Approve, the condition is satisfied.

12. *Condition*—For gasoline marketing VOC sources the vapor capture rules for (1) "Small Storage Tanks" and (2) "Bulk Gasoline Plants and Delivery Vessels" are revised to require vapor-tight capture systems.

State Action—The revised VOC rules submitted by DEQ on October 16, 1980 include the modification specified in the EPA approval conditions at OAR 340–22–110.

EPA Proposed Action—Approve, the condition is satisfied.

13. *Condition*—The rules for asphalt VOC sources are revised to contain limits, consistent with EPA guidance, on the amount of solvent which is permitted in emulsified asphalts.

State Action—The revised VOC rules submitted by DEQ on October 16, 1980 include the modification specified in the EPA approval conditions at OAR 340–22–140.

EPA Proposed Action—Approve, the condition is satisfied.

14. *Condition*—The rules for surface coating VOC sources are revised so that the term "coating line" is defined to include the coater, flash-off area, and dryer.

State Action—The revised VOC rules submitted by DEQ on October 16, 1980 include the modification specified in the EPA approval conditions at OAR 340–22–170.

EPA Proposed Action—Approve, the condition is satisfied.

15. *Condition*—For paper coating VOC sources documentation is to be provided to show that the "inert gas process paper coating" rule is in fact reasonably available control technology.

State Action—On September 8, 1980, DEQ provided documentation that the emission control requirements applicable to inert gas process paper coating is RACT. DEQ's revised rule governing surface coating (OAR 340–22–170) specifies an emission limitation of 2.9 pounds per gallon for all paper coating processes.

EPA Proposed Action—While EPA agrees that Oregon's RACT documentation satisifies this condition, clarification of OAR 340–22–170 paragraph five, concerning compliance determination, is currently sought from DEQ.

The last sentence of OAR 340–22–170 paragraph five states:

> Compliance determination of surface coated product(s) pursuant to the requirements of Table 1 may be based upon an equivalency determination (See EPA May 5, 1980 memo "Procedure to Calculate Equivalency with the CTG Recommendations for Surface Coating" on file with the Department) of the mass of VOC per volume of solids applied including transfer efficiency as applicable, on a plant site or a process basis."

EPA believes that inclusion of this sentence in the surface coating rule jeopardizes the enforceability of the rule. The inert gas process is located at a large paper coating facility in the Medford-Ashland ozone nonattainment area. EPA is currently asking DEQ to: (a) specify the emission level, calculated according to OAR 340–22–170 paragraph five, above which a source would be considered to be in violation of the 2.9 pound per gallon emission limitation; (b) define the SIP-required source test procedures used to determine compliance with this calculated emission level; and (c) specify the exact portions of the inert gas process subject to this emission level. EPA approval of this condition is with the understanding that Oregon will modify the SIP accordingly, before EPA takes final approval action.

As an alternative to items (a), (b), and (c) above, DEQ may delete the last sentence of OAR–22–170 paragrpah five. If DEQ intends to grant relief from the 2.9 pound per gallon limit in OAR 340–22–170, then they must submit as a SIP revision the operating permits for the affected sources.

Therefore, EPA is proposing to approve OAR 340–22–170, except for the last sentence of paragraph five.

16. *Condition*—The rules applicable to degreasers are revised to include specific requirement for agitated solvents, heated solvents, and solvents with higher vapor pressures.

State Action—The revised VOC rules submitted by DEQ on October 16, 1980 include the modification specified in the EPA approval conditions at OAR 340–22–180.

EPA Proposed Action—Approve, the condition is satisfied.

17. *Condition*—The rules applicable to open top vapor degreasers are revised to require both a powered cover and a specific freeboard ratio.

State Action—The revised VOC rules submitted by DEQ on October 16, 1980 include the modification specified in the EPA approval conditions at OAR 340–22–183.

EPA Proposed Action—Approve, the condition is satisfied.

18. *Condition*—The rules for vaporized degreasers with an air/vapor interface greater than two square meters are revised to require a major control device.

State Action—The revised VOC rules submitted by DEQ on October 16, 1980 include the modification specified in the EPA approval conditions at OAR 340-22-186.

EPA Proposed Action—Approve, the condition is satisfied.

19. *Condition*—DEQ submits approval source test procedures for VOC souces.

State Action—Same as for Condition #2 above.

EPA Proposed Action—Approve, the condition is satisfied.

20. *Condition*—DEQ submits adopted compliance schedules for VOC sources.

State Action—Same as for Condition #3 above.

EPA Proposed Action—Approve, the condition is satisfied.

21. *Condition*—DEQ submits the operating regulations by July 15, 1980 for the Portland vehicle inspection and maintenance program.

State Action—DEQ submitted the subject regulations (OAR 340-24-300 through 300-24-350) to EPA on July 26, 1980.

EPA Action—EPA approved these regulations for the Portland vehicle inspection and maintenance program on January 2, 1981 (46 FR 35).

EPA's June 24, 1980 conditional approval of the Oregon Part D SIP included two additional items under 40 CFR 52.1985(a)(3);

(i) Specific conditions are submitted under which the Director may lift the prohibition on wigwam waste burner operation.

(ii) A visable emission rule for hogged fuel boilers that restricts plume opacity to twenty percent (20%) or less is adopted and submitted.

These two items were included in the June 24, 1980 **Federal Register** as "suggested improvements" for the Medford-Ashland TSP plan, not conditions of approval. They were deleted from the **Federal Register** by EPA action on August 20, 1980 (45 Fr 55422).

EPA finds that good cause exists for providing a 30-day comment period for the following reasons: (1) the public has had adequate notice of the guidelines for preparation of State Implementation Plans and has had several opportunities to comment on those guidelines, (2) the **Federal Register** notice of receipt and request for public comments was published on January 21, 1981 and (3) the impact of this rulemaking is limited only to the State of Oregon. Therefore, EPA is soliciting public comments for 30 days on its proposed approval of various Oregon SIP revisons.

Interested parties are invited to comment on all aspects of this proposed approval of the Oregon SIP. Comments should be submitted, preferable in triplicate, to the address listed in the front of this Notice. Public comment postmarked by May 28, 1981, will be considered in any final action EPA takes on this proposal.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of January 27 certification. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of regulatory impact analysis. This regulation is not judged to be major because it only approves State actions. It imposes no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the locations listed in the "Addresses" section.

(Section 110 and 172 of the Clean Air Act (42 U.S.C. 7410(a) and 7502))

Dated: February 25, 1981.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 81-12740 Filed 4-27-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-10-FRL 1794-1]

Oregon State Implementation Plan; Volatile Organic Compound Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to describe proposed approval action on revised operating permits and a consent order affecting three sources of volatile organic compound emissions for inclusion in the State of Oregon's State Implementation Plan. The permits and the consent order were submitted to meet the requirements for new source emission offsets under EPA's Emission Offset Interpretive Ruling. The public is invited to comment on this action.

DATE: Comments must be received on or before May 28, 1981.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-81-3), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Bldg., Portland, Oregon 97207.

COMMENTS SHOULD BE ADDRESSED TO: Laurie M. Kral, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Michael F. Gearheard, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-1226, (FTS) 399-1226.

SUPPLEMENTARY INFORMATION: On December 31, 1980 the Oregon Department of Environmental Quality (DEQ) submitted a request to EPA to revise the Oregon State Implementation Plan (SIP) to include revised operating permits and a consent order affecting three sources of volatile organic compound (VOC) emissions. The permits and the consent order were submitted to meet the requirements for new source emission offsets under EPA's Emission Offset Interpretive Ruling (found at 40 CFR Part 51, Appendix S). This notice describes the subject new source activity, identifies the obtained emission offsets, and proposes approval of a SIP revision to incorporate the revised permits and the consent order.

On March 29, 1979 Spaulding Pulp and Paper Company, a subsidiary of Publishers Paper Company, applied for a permit under Oregon Administrative Rules (OAR) Chapter 340, Sections 14 and 20, to construct a new wood fired boiler at the Publishers Paper Company plant in Newberg, Oregon. Although the new boiler is not in an ozone nonattainment area, emission offsets are required for this new source because

VOC emissions from the boiler will impact the Portland and Salem ozone nonattainment areas. Therefore, under the Emission Offset Interpretive Ruling, the source is required to obtain one-for-one emission offsets. DEQ granted the permit on January 3, 1980. As a prerequisite to beginning operation of the new boiler, the DEQ permit required the permittee to obtain and have in effect emission reductions (offsets) in an amount adequate to offset 100 percent of the expected VOC emissions from the new boiler.

Since Newberg, Oregon is located in an area currently designated as "attainment/unclassifiable" for the National Ambient Air Quality Standards for ozone, EPA's Prevention of Significant Deterioration (PSD) regulations apply to all major new VOC emission sources in the area. The new wood-fired boiler meets the criteria for a major new VOC source; therefore, Publishers Paper Company was required to obtain a PSD permit for the new boiler. EPA received a complete PSD permit application on September 6, 1979 and EPA issued a PSD permit (PSD–X80–03) to Publishers Paper Company for the new facility on February 5, 1980. This permit required the Company to obtain and have in effect emission reductions adequate to offset the new VOC emissions before beginning operation of the boiler.

Publishers Paper Company obtained offsets to satisfy the requirements of the DEQ permit and the PSD permit as described below:

1. Vamply, Inc. has agreed to provide 97 tons/year of offset credit from the shutdown of the D.G. Shelter Products facility in Beaverton which is now owned by Vanply.

2. Industrial Laundry and Drycleaning has agreed to provide 51.5 tons/year of offset credit by installing controls on a dry cleaning plant in Southeast Portland.

3. Publishers has provided an offset of 29 tons/year by shutting down the sawmill facilities at their Portland division.

4. Publishers has de-rated an existing boiler at the Newberg Mill (Boiler #9) to provide an additional 12 tons/year of VOC.

The total VOC emission offset required in the DEQ and PSD permits, 189 tons/year, is exceeded by the offsets listed above. Therefore, EPA today is proposing to revise the Oregon SIP to incorporate the following Oregon Air Contaminant Discharge Permits and Stipulation and Consent Final Order, submitted to EPA on December 31, 1980:

1. Oregon Air Contaminant Discharge Permit No. 36–6041 Addendum No. 1, issued to Spaulding Pulp and Paper Company on December 11, 1980.

2. Oregon Air Contaminant Discharge Permit No. 26–3025, issued to Industrial Laundry Dry Cleaners, Inc. on December 9, 1980.

3. Oregon Environmental Quality Commission Stipulation and Consent Final Order concerning Vanply, Inc, dated December 30, 1980.

EPA finds that good cause exists for providing a 30-day comment period for the following reasons: (1) the public has had adequate notice of the guidelines for preparation of State Implementation Plans and has had several opportunities to comment on those guidelines, and (2) the impact of this rulemaking is limited only to the State of Oregon. Therefore, EPA is soliciting public comments for 30 days on its proposed approval of these Oregon SIP revisions.

Interested parties are invited to comment on all aspects of this proposed approval of revisions to the Oregon SIP. Comments should be submitted, preferably in triplicate, to the address listed in the front of this Notice. Public comments postmarked by May 28, 1981, will be considered in any final action EPA takes on this proposal.

Purusant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities 46 FR 8709 (January 27, 1981). This action, is promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirement of regulatory impact analysis. This regulation is not judged to be major, since it merely proposes approval of an action taken by the State and does not establish any new requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the locations listed in the "Addresses" section.

(Section 110 and 172 of the Clean Air Act (42 USC 7410(a) and 7502))

Dated: March 18, 1981.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 81-12734 Filed 4-27-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[PP 9E2225/P168; PH FRL 1769-8]

Ethephon; Proposed Tolerance

Correction

In FR DOC. 81–6936 appearing at page 15182 in the issue of Wednesday, March 4, 1981, make the following change:

On page 15183, first column, under § *180.000 Ethephon; tolerance for residues."* second sentence, "regulatory" should read "regulator".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5973]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of New Haven, Oswego County, New York.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the **Federal Register** at 46 FR 8039 on January 26, 1981, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Assessor's Office, Stone Road, New Haven, New York.

SEND COMMENTS TO: Honorable Gordon Schipper, New Haven Town Supervisor, R.D. 2, Mexico, New York 13114.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Town of New Haven, Oswego County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

State	City-town-county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
New York	New Haven, Town, Oswego County	Catfish Creek	Confluence with Lake Ontario	*249
			2,150' upstream of confluence with Lake Ontario	*250
			1,330' downstream of the Dam	*260
			540' downstream of the Dam	*270
			80' downstream of the Dam	*280
			10' upstream of the Dam	*292
			10' upstream of County Road 6	*293
			1,220' upstream of County Road 6	*295
			1,700' upstream of County Road 6	*298
		Otter Branch	Confluence with Lake Ontario	*249
			900' upstream of confluence with Lake Ontario	*250
			2,500' upstream of confluence with Lake Ontario	*260
			2,400' downstream of North Road	*270
			1,570' downstream of North Road	*280
			700' downstream of North Road	*290
			Downstream side of North Road	*297
		Lake Ontario	Entire coastline within community	*249

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: April 13, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administrator.

[FR Doc. 81–12801 Filed 4–27–81; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81–249; RM–3698]

FM Broadcast Station Weed, California; Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: This action proposes the substitution of Class C Channel 274 for Channel 265A at Weed, California, in response to a petition for rule making filed by Jeanne M. and Robert C. Crabb. Petitioner states that the present FM facility operating in Weed can not provide service beyond the immediate vicinity of the city. A class C channel would provide a first FM service to a substantial portion of the area.

DATES: Comments must be filed on or before June 9, 1981; reply comments must be filed on or before June 29, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Weed, California); Notice of proposed rule making.

Adopted: April 10, 1981.

Released: April 23, 1981.

By the Chief, Policy and Rules Division:

1. A petition for rule making [1] was filed by Jeanne M. and Robert C. Crabb ("petitioner"), seeking the substitution of Class C FM Channel 274 for Channel 265A at Weed, California. The channel can be assigned to Weed in compliance with the minimum distance separation requirements. No timely oppositions have been submitted.[2]

2. Weed (population 2,983)[3], in Siskiyou County (population 33,225), is located approximately 400 kilometers (250 miles) north of San Francisco, California. Weed currently has no local aural service, although there is an application pending for unused FM Channel 265A at Weed.

3. In support of its proposal, petitioner states that a Class A facility operating at Weed connot provide service beyond the immediate vicinity of the city to the

[1] *Public Notice* of the petition was given July 7, 1980, Report No. 1238.

[2] Valley FM Radio, applicant for Channel 265A at Weed (File No. BPH-800305AD), submitted an opposition to the petition almost two months after the comment filing deadline. Petitioner responded in a letter by opposing our acceptance of the opposition as untimely. We agree and shall, instead, consider the pleading in response to this *Notice*. Valley FM Radio may, of course, submit additional comments to this *Notice*.

[3] Population figures are taken from the 1970 U.S. Census.

surrounding unserved or underserved rural areas. In this regard, petitioner asserts that a Class C channel at Weed would provide a first FM service to an area of 7,066 square kilometers (2,728 square miles) and 5,690 people, and a second FM service to an area of 12,218 square kilometers (4,773 square miles) and 18,300 people. By contrast, petitioner asserts that a Class A facility would cover little, if any, of the white area and only a small portion of the grey area that a Class C facility would serve. With regard to the pending application on file for Channel 265A at Weed (see footnote 2, *supra*), petitioner states that a mere expectancy interest in an application and the Commission's cut-off rules must yield to the public interest benefits which would result from the requested channel substitution.

4. *Preclusion Study*—Petitioner did not submit a preclusion study although it did state that several other channels appear to be available for assignment in the area. Before making a Class C assignment to Weed, we will require that petitioner submit a preclusion study showing the communities with a population over 1,000 persons which will be precluded by the assignment of Channel 274 to Weed. For those affected communities which currently have no FM assignments, petitioner should list alternative channels which could be assigned to those cities.

5. The Commission does not normally assign high-power Class C channels to communities as small as Weed unless the proponent of the assignment makes convincing showing that a Class C channel would serve a large unserved or underserved area. Petitioner indicates that the Class C channel at Weed would provide significant FM white and grey area service. However, our review of petitioner's figures shows them to be in error. Petitioner did not take into account several unused assignments and did not use "reasonable facilities" as required in calculating the areas currently with little or no FM service. Consequently, the figures stated by petitioner are greatly exaggerated. Because the submission of first and second service data is essential in making a Class C assignment to such a small community, we request petitioner to provide in its comments more accurate data on this issue.

6. In order to give further consideration to the proposal, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Weed, California	265A	274

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before June 9, 1981, and reply comments on or before June 29, 1981.

9. It Is ordered, That the Secretary of the Commission shall send a copy of this *Notice* by certified mail, return receipt requested, to Steven Fuss, President, Valley FM Radio, Inc., 2300 Nottingham Avenue, Los Angeles, California 90027, the applicant for Channel 265A at Weed.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Michael A McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-12809 Filed 4-27-81; 8:45 am]
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Notices

Federal Register
Vol. 46, No. 81
Tuesday, April 28, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Forest Service

Availability of the Final Programmatic Environmental Impact Statement on the Cooperative Gypsy Moth Suppression and Regulatory Program

AGENCY: Animal and Plant Health Inspection Service and Forest Service, USDA.

ACTION: Notice of availability of the final programmatic environmental impact statement (PEIS) on the Cooperative Gypsy Moth Suppression and Regulatory Program.

SUMMARY: The final PEIS (USDA FS-FEIS 81-01) was sent to the Environmental Protection Agency (EPA) on February 27,1981, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, by the USDA. On March 6, 1981, a notice was published in the Federal Register by EPA that a final PEIS on the Cooperative Gypsy Moth Suppression and Regulatory Program had been prepared.

ADDRESS: Requests for a copy of the PEIS should be addressed to: Pest Programs Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Room 630, Hyattsville, MD 20782; or Northeastern Area, State and Private Forestry, Forest Service, U.S. Department of Agriculture, 370 Reed Road, Broomall, PA 19008.

Copies are available for public inspection at the following locations:

Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 302-E, Administration Building, 14th and Independence Avenue, Washington, DC 20250

Plant Protection and Quarantine, Animal and Plant Healthe Inspection Service, U.S. Department of Agriculture, Room 630, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782

Northeastern Area, State and Private Forestry, Forest Service, U.S. Department of Agriculture, 370 Reed Road, Broomall, PA 19008

Northeastern Area, State and Private Forestry, Forest Service, U.S. Department of Agriculture, 180 Canfield Street, Morgantown, WV 26505

FOR FURTHER INFORMATION CONTACT:
Gary Moorehead, Staff Officer, Pest Program Development Staff, Plant Protection and Quarantine, APHIS, USDA, Federal Building, Room 630, Hyattsville, MD 20782, (301) 436-8745.
Peter Orr, Staff Director, Insect and Disease Management Staff, Northeastern Area, State and Private Forestry, Forest Service, U.S. Department of Agriculture, 370 Reed Road, Broomall, PA 19008, (215) 461-3158.

SUPLEMENTARY INFORMATION: The Animal and Plant health Inspection Service and the Forest Service of the United States Department of Agriculture Cooperated in the preparation of a Programmatic Environmental Impact Statement (PEIS) on the Cooperative Gypsy Moth Suppression and Regulatory Program. While both of these agencies conduct separate programs related to gypsy moth, the Department believed that a joint PEIS would represent, from an economic and resources viewpoint, the best approach to conducting an environmental review of the separate programs.

A notice that the draft PEIS on the Department's gypsy moth programs was available for review was published in the Federal Register on December 5, 1980, by EPA. Comments were due January 25, 1981. All comments received pursuant to the draft PEIS were considered in the preparation of the final PEIS. The final PEIS was furnished to the Environmental Protection Agency. Copies are available at the above noted addresses upon request.

Done at Washington, D.C., this 23rd day of April 1981.

Harvey L. Ford,
Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

Done at Washington, D.C., this 23rd day of April 1981.

J. Lamar Beasley,
Acting Chief, Forest Service.

April 21, 1981.

[FR Doc. 81-12722 Filed 4-27-81; 8:45 am]
BILLING CODE 3410-34-M

Soil Conservation Service

Stephens County Roadbanks Critical Area Treatment RC&D Measure, Georgia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Dwight M. Treadway, State Conservationist, Soil Conservation Service, Federal Building, 355 East Hancock Avenue, Athens, Georgia 30613, telephone 404-546-2273.

Notice

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Stephens County Roadbanks Critical Area Treatment RC&D Measure, Stephens County, Georgia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Dwight M. Treadway, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to stabilize 88 acres of eroding roadbanks through the establishment of erosion control vegetation.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Dwight M. Treadway. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 28, 1981.

(Catalog of Federal Domestic Assistance Progam No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 10, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-12714 Filed 4-27-81; 8:45 am]

BILLING CODE 3410-16-M

Bass Lake Outlet, Critical Area Treatment RC&D Measure, Michigan; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

Notice

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bass Lake Outlet, Critical Area Treatment, RC&D Measure, Mason County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of practices for critical area treatment. The planned works of improvement include the following items: planting about 50,000 beachgrass plants on about 2 acres, and placement of about 300 feet of snow fence. Total construction cost is estimated to be $4,500; $2,000 RC&D funds, and $2,500 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 28, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 10, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-12712 Filed 4-27-81; 8:45 am]

BILLING CODE 3410-16-M

Little Black River RC&D Measure, Michigan; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

Notice

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Little Black River RC&D Measure, Cheboygan County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of practices for critical area treatment. The planned works of improvement include the following items: Shape and seed streambank, place rock riprap, remove sediment, replace fill material around structures, and install fence to keep cattle out of the channel. Total construction cost is estimated to be $30,200; $22,650 RC&D funds, and $7,000 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 28, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 10, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-12713 Filed 4-27-81; 8:45 am]

BILLING CODE 3410-16-M

West Juliand Hill Flood Prevention RC&D Measure, New York; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Paul A. Dodd, State Conservationist, Soil Conservation Service, Room 771, 100 South Clinton Street, Syracuse, New York 13260, telephone 315-423-5070.

Notice

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department

of Agriculture, gives notice that an environmental impact statement is not being prepared for the West Juliand Hill Flood Prevention RC&D Measure, Chenango County, New York.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for flood control in the village of Greene, New York. The planned works of improvement include the installation of a trash rack at the upstream end of a culvert. The trash rack will prevent the culvert from clogging, thereby relieving flood problems.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Paul A. Dodd. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 28, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 10, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-12715 Filed 4-27-81; 8:45 am]

BILLING CODE 3410-16-M

Napoleon Flood Prevention RC&D Measure, North Dakota; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. J. Michael Nethery, State Conservationist, Soil Conservation Service, Federal Building, Rosser Avenue and Third Street, P.O. Box 1458, Bismarck, North Dakota 58502, telephone 701-255-4011.

Notice

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Napoleon Flood Prevention RC&D Measure, Logan County, North Dakota.

The environmental evaluation of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. J. Michael Nethery, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure plan will be a floodway constructed from a proposed new highway bridge on North Dakota State Highway 3 south of Napoleon flowing westerly until it reenters McKenna Coulee. The floodway will be approximately 3,150 feet in length. Depth of excavation will range from 0 to 14 feet. It will have a uniform 70-foot bottom width, 3:1 side slope and 0.0003 grade. The new highway bridge on North Dakota State Highway 3 will consist of 3 (10'x10') box culverts with 8-foot weir drop.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. J. Michael Nethery. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 28, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-12717 Filed 4-27-81; 8:45 am]

BILLING CODE 3410-16-M

New Boston Park RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone 614-469-6962.

Notice

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the New Boston Park RC&D Measure, Scioto County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for drainage improvement on an open space recreation area. Conservation practices planned include subsurface drains and reseeding of areas disturbed by construction.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Robert R. Shaw. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 28, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 9, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-12718 Filed 4-27-81; 8:45 am]

BILLING CODE 3410-16-M

Bloxom Elementary School Drainage RC&D Measure, Virginia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Manly S. Wilder, State Conservationist, Soil Conservation Service, 400 North 8th Street, P.O. Box 10026, Richmond, Virginia 23240, telephone (804) 771-2455.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bloxom Elementary School Drainage RC&D Measure, Accomack County, Virginia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Manly S. Wilder, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of subsurface drainage, water control structures, grading and shallow swale for the baseball field and play area on the Bloxom Elementary School grounds. The drainage work involves filling, grading, shaping, installation of tile, and reestablishment of the baseball field and play area turf.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Manly S. Wilder. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 28, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 9, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-12716 Filed 4-27-81; 8:45 am]

BILLING CODE 3410-16-M

North Platte River Water-Based Recreation and Fish and Wildlife Development RC&D Measure, Wyoming; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank S. Dickson, Jr., State Conservationist, Soil Conservation Service, Room 3209, Federal Building, 100 East "B" Street, P.O. Box 2440, Casper, Wyoming 82602, telephone 307-265-5550.

Notice

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the water-based recreation and fish and wildlife development RC&D measure, Laramie County, Wyoming.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Frank S. Dickson, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of an 8-foot wide asphalt bikeway-walkway along 5,000 feet of the west bank of the North Platte River. The measure includes about 2 acres of disturbed area seeding. The project area will be open to the public, and includes 11 acres of dryland and 36 acres of land under the North Platte River.

Fish and wildlife development will be in the form of fish habitat structures placed in the North Platte River. Structures will be constructed of large rocks and boulders (2-4 feet in diameter) to provide cover areas for trout. Construction of the fish habitat structures will be under the guidance of the Wyoming Game and Fish Department.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Frank S. Dickson, Jr. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 28, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 10, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-12719 Filed 4-27-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Change in Docket Section Procedure

April 22, 1981.

Because of diminishing staff and increased sunset activities, it is necessary to discontinue or cut back certain services previously offered by the Civil Aeronautics Board. Effective May 1, 1981, therefore, the following will become standard practice in the Board's Docket Section:

Change in Filing Time Hours

The hours for acceptance of pleadings filed with the Board will be changed to *8:30 a.m. to 4:30 p.m.* No filings will be docketed or stamped in after the 4:30 p.m. deadline. All documents presented after 4:30 p.m. will be returned to sender for filing the next day or at some other time. These hours will be strictly enforced and no exceptions made.

Improperly Filed Documents

All pleadings improperly or incorrectly filed will be rejected by the Docket Section and returned with a preprinted explanatory rejection slip.

The Section will no longer make corrections on the pleadings. It will be the responsibility of the filing parties to make all necessary changes or corrections before filing with the Docket Section and at the same time to pay any necessary filing fees. If there are questions as to filing procedures, they should be taken up with Docket Section staff before preparation of the document and presentation for filing. Adherence to Board Rules and Regulations will ensure acceptance of documents at time of presentation.

Cressworth Lander,

Managing Director.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-12875 Filed 4-27-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39285]

Texas International-Continental; Acquisition Case

Notive is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument on the petition of Texas International Airlines, Inc, filed on April 20, 1981, for modification of Board Order 81-3-30 and other relief, and the petition of Continental Air Lines, Inc. filed on April 21, 1981 to withdraw approval of voting trust and order divestiture will be held before the Board on Wednesday, April 29, 1981, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.[1]

With respect to the petition of Texas International, parties should focus on its request for modification of the voting trust plan which we approved in Order 81-3-30 rather than its request for approval of a "reverse voting trust." Texas International should be prepared to identify and describe precisely the minimum authority it needs as a shareholder to protect its investment in Continental and to discuss the effects of a grant by the Board of some but not all of the requested modifications to the previously approved voting trust. All other parties should likewise be prepared to address the implications of a partial grant of the relief sought.

In addition, Continental and Texas International are requested to file all proxy materials relating to Continental's annual meeting by 5:00 p.m. Monday, April 27, 1981.

Dated at Washington, D.C. on April 22, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-12876 Filed 4-27-81; 8:45 am]

BILLING CODE 6320-01-M

[1] All persons interested in participating should notify the Board's Secretary by 5:00 p.m. Friday, April 24, 1981.

DEPARTMENT OF COMMERCE

International Trade Administration

Diamond Tips for Phonograph Needles From the United Kingdom; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On March 20, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on diamond tips for phonograph needles from the United Kingdom. The review covered two of the three known exporters of this merchandise to the United States. The review covered separate time periods up to March 31, 1980 for each exporter. Interested parties were given an opportunity to submit written comments or request a hearing on these preliminary results. The Department received no comments or requests for a hearing.

EFFECTIVE DATE: April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Philip S. Gallas, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4023).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 1, 1972, an antidumping finding with respect to diamond tips for phonograph needles from the United Kingdom was published in the Federal Register as Treasury Decision 72-91 (37 FR 6665). On March 20, 1981, the Department of Commerce ("the Department") published in the Federal Register the preliminary results of its administrative review of the finding (46 FR 17821-22). The Department has now completed its administrative review of that anti-dumping finding.

Scope of the Review

The imports covered by this review are diamond tips for phonograph needles, consisting of an almost microscopic chip of diamond bonded to steel and shaped to fit into the grooves of a phonograph record. Diamond tips for phonograph needles are currently classifiable under item 685.3400 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of three exporters to the United States of diamond tips for phonograph needles from the United Kingdom. This review covers two of them, Bauden Precision Diamonds Ltd. ("Bauden") and Diamond Stylus Company Ltd. ("Diamond Stylus"), for separate time periods up to March 31, 1980 for each company. The Department is currently conducting a review of the third company, Fidelitone International Ltd., and will publish the results in a subsequent notice.

Final Results of the Review

The Department received no written comments or requests for a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made with purchase dates or export dates, as appropriate, during the time periods involved. Individual differences between purchase price or exporter's sales price and foreign market value may vary from the percentages presented in the preliminary results of review. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results, based upon the most recent of the margins in the preliminary results, that is:

Company	Cash deposit
Diamond Stylus/Phono Stylus	.79 (percent).
Diamond Stylus	0.
Bauden	0.

This requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of April, 1982.

(Section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53))

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

April 23, 1981.

[FR Doc. 81-12878 Filed 4-27-81; 8:45 am]

BILLING CODE 3510-25-M

Steel Units for Electrical Transmission Towers From Italy; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on steel units for electrical transmission towers from Italy. The review covers the period January 1, 1980, through December 31, 1980. As a result of this review, the Department has preliminarily determined the net amount of the subsidy to be the full value of the rebate for this product under Italian law 639. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 21, 1967, a final contervailing duty determination on steel units for electrical transmission towers from Italy, T.D. 67-102, was published in the **Federal Register** (32 FR 6274). The notice stated that the Department of the Treasury had determined that exports of steel units for electrical transmission towers from Italy benefitted from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). On April 3, 1980, the International Trade Commission ("the ITC") notified the Department that an injury determination for this order had been requested under section 104(b) of the TAA. Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after that date. The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on steel units for electrical transmission towers from Italy.

Scope of the Review

Imports covered by this review are galvanized fabricated structural steel units for the erection of electrical transmission towers imported directly or indirectly from Italy. These imports are currently classifiable under items 652.94 and 652.96, Tariff Schedules of the United States.

The review covers the period January 1, 1980, through December 31, 1980, and is limited to rebates granted under Italian Law 639 of July 5, 1964, which was the only program found countervailable in the Final Determination.

Preliminary Results of the Review

Under Italian Law 639, exporters receive rebates of customs duties and certain indirect taxes on the export of specified products containing iron and steel. The rates differ for particular types of products. For steel units for electrical transmission towers the rebate is 18 lire per kilogram.

The Government of Italy provided no substantive response to our questionnair of June 26, 1980, nor were our follow-up requests for information answered. Our independent investigation has confirmed that the rate legislated in Law 639 still applies in full for exports of this merchandise to the United States.

Because we have received no information to indicate that any part of the rebate is not countervailable, we preliminarily determine that the rate of net subsidy conferred upon producers exporting to the United States is 18 lire per kilogram.

The Department intends to instruct the Customs Service to assess countervailing duties of 18 lire per kilogram on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and prior to April 3, 1980. The provisions of section 303(a)(5) of the Tariff Act, prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Accordingly, the Department also intends to instruct the Customs Service to assess countervailing duties of 13.67 lire per kilogram, the amount set forth in T.D. 67-102, on all unliquidated entries of this merchandise which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980. (The lower rate is due to allowable offsets reported on during the initial investigation but not reported during this review.) In addition, should the ITC find that there is injury or likelihood of injury to an industry in the United States, the Department intends to instruct the Customs Service to assess countervailing duties of 18 lire per kilogram on all unliquidated entries of steel units for electrical transmission towers entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, and exported on or before December 31, 1980. Further, as required by § 355.38(c) of the Commerce Regulations, a cash deposit of estimated countervailing duties of 18 lire per kilogram shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, the existing deposit of estimated duties of 13.67 lire per kilogram shall continue to be required on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended on entries made on or after April 3, 1980 until the Department is notified of a determination by the ITC.

Interested parties may submit written comments on these preliminary results on or before May 28, 1981 and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

(Section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.41 of the Commerce Regulations (19 CFR 355.41))

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

April 23, 1981.

[FR Doc. 81-12880 Filed 4-27-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

[Docket No. S-688]

Application for Section 804 Waiver

Notice is hereby given that Ogden Marine, Inc. (Ogden), by application dated September 10, 1980, as amended, for a long-term (20 year) Operating-Differential Subsidy Agreement to aid in the operation of two dry bulk cargo vessels with an optional one or two additional vessels, has requested a waiver under section 804 of the Merchant Marine Act, 1936, as amended (the Act), for the continued ownership and operation of foreign-flag vessels by affiliated companies.

Subsidiaries of Universal Bulk Carriers, Inc., which is a subsidiary of Ogden (the ODS applicant), currently own and operate a total of 17 foreign-flag tankers and other bulk vessels which compete with U.S.-flag vessels on a worldwide basis in an essential service under section 211 of the Act. Two additional foreign-flag tankers are presently on order.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099–B, Department of Commerce Building, 14th and E Streets, N.W., Washington, D.C. 20230.

Any person, firm or corporation having an interest in such section 804 waiver application, and who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board, should submit such views and comments in writing, in triplicate, to the Secretary, Maritime Subsidy Board, by the close of business on May 22, 1981. This notice of Ogden's application is published as a matter of discretion. The Maritime Subsidy Board will consider such views and comments and take such actions with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance, Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board, Dated: April 14, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-12807 Filed 4-27-81; 8:45 am]

BILLING CODE 3510-15-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Jordan Creek Pumped Storage Study; Intent To Prepare Environmental Impact Statement

AGENCY: Army Corps of Engineers, Department of Defense.

ACTION: Notice of intent to prepare a draft environmental impact statement (EIS) for a feasibility-level study called the Jordan Creek Pumped Storage Study.

SUMMARY: a. *Proposed Action.* The Seattle District's tentatively selected plan of action involves the construction of a pumped storage project in northcentral Washington close to the city of Bridgeport and Chief Joseph Dam. This alternative would consist of an upper reservoir, a lower reservoir, and an underground powerhouse with penstocks. During periods of low electricity demand, the upper reservoir would be filled by pumping water from the lower reservoir through the penstocks to the upper reservoir. During periods of peak electricity demand, water would be released from the upper reservoir, through the penstocks and powerhouse, to the lower reservoir, generating electricity. The upper reservoir would be created by a dam near the headwaters of Jordan Creek, and Rufus Woods Lake (the reservoir created by Chief Joseph Dam) would be used as the lower reservoir. Two powerhouses are presently being studied: a 1,500-megawatt (MW) powerhouse and a 3,000-MW powerhouse. The most serious project-related adverse impacts would be the entrainment of fish from Rufus Woods Lake during the pumping cycle, the inundation of 600 to 900 acres of land (primarily used for agriculture) from the creation of the upper reservoir, and socio-economic impacts to the city of Bridgeport during project construction.

b. *Alternative.* Alternatives under consideration are other methods which could be used to achieve peaking power or methods to reduce the demand for peak electrical power. The most likely alternatives (other than the tentatively selected plan) which will be considered in detail in the draft EIS are: combustion turbines, the addition of power units at existing dams, other pumped storage sites, load management, conservation, and the no-Federal-action plan. As studies progress, some of these alternatives may be dropped from consideration and others added.

c. *Public Involvement and Review.* The Corps of Engineers conducted a Pacific Northwest regional pumped storage study throughout much of the 1970's. This study investigated over 500 potential pumped storage sites in the Pacific Northwest and, after evaluating these sites, recommended eight sites for futher investigation. Jordan Creek was one of the recommended sites. The regional study had a comprehensive public and agency involvement program which included coordination with the affected states, Federal and local agencies, and a series of nine public workshops held throughout the Pacific Northwest. Public and agency comments were an important consideration in the selection of final eight sites.

In October 1980, members of the Corps of Engineers met with local landowners in a workshop to discuss the Jordan Creek Pumped Storage Study. In March 1981, a public meeting was held in Bridgeport to discuss the outcome of our completed engineering and design studies. A final public meeting is scheduled for the winter of 1981–1982. To date the majority of comments received have been in favor of pumped storage at the Jordan Creek site.

d. *Significant Issues.* The following will be among the issues evaluated during planning and will be presented in the draft EIS: (1) How much peaking capacity is needed in the Pacific Northwest, and when would pumped storage be needed? (2) Is the Corps of Engineers' selected plan the best method for producing future peaking power? (3) What impact would the selected plan and the other alternatives have on significant resources? (4) What impact would the selected plan have on the local communities during construction? These and other issues will be addressed in the draft EIS.

e. *Other Environmental Review and Consultation Requirements.* Should the recommended plan involve the placement of dredged or fill material in waters of the United States and/or their adjacent wetlands, the draft EIS will contain a section 404(b) evaluation.

The study is being coordinated with the U.S. Fish and Wildlife Service (FWS) and will satisfy requirements of section 7(C) of the Endangered Species Act of 1973.

f. *Availability of Draft EIS:* The draft EIS is presently scheduled to become available to the public in early 1982.

g. *Address:* Information about the proposed action and draft EIS can be obtained by contacting: Mr. Paul Cooke, Environmental Resources Section, U.S. Army Corps of Engineers, Post Office Box C–3755, Seattle, Washington 98124, Telephone: (206) 764–3626.

William B. Willard, Jr.,
LTC., Acting District Engineer.

[FR Doc. 81–12343 Filed 4–27–81; 8:45 am]
BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Search Committee of the Intergovernmental Advisory Council on Education; Closed Meeting

AGENCY: Search Committee of the Intergovernmental Advisory Council on Education.

ACTION: Notice of Closed Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the Search Committee of the Intergovernmental Advisory Council on Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: May 13, 1981.

ADDRESS: Department of Education 400 Maryland Avenue SW., Rm. 3181 Washington, D.C. 20202

FOR FURTHER INFORMATION CONTACT: Donna Rhodes, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202, (202) 245–9248.

SUPPLEMENTARY INFORMATION: The Search Committee meeting will be closed to the public to interview applicants for the position of Executive Director of the Council. The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix 1) and under exemptions (2) and (6) contained in the Government in the Sunshine Act (Pub. L. 94–409; 5 U.S.C. 552b (c)(2) and (6)). Discussion will include consideration of the qualifications and fitness of the candidates and will touch upon matters which would constitute a serious invasion of privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552(c) will be available to the public within 14 days of the meeting.

Signed at Washington, D.C. on April 23, 1981.

William L. Smith,
Acting Deputy Under Secretary.

[FR Doc. 81–12361 Filed 4–27–81; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; United States and Europe

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Betweenthe Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for shipment of enriched uranium/aluminum alloy fuel from the location below to the DOE Savannah River facility for reprocessing and storage of recovered uranium.

Reactor and location	Kilograms of contained uranium
Orphee, France	36

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. This arrangement for returning U.S. origin highly enriched uranium (HEU) to the U.S. is consistent with U.S. non-proliferation policy in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than May 13, 1981.

Dated: April 22, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,
Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–12360 Filed 4–27–81; 8:45 am]
BILLING CODE 6450–01–M

International Atomic Energy Agreements; Civil Uses; European Atomic Energy Community and Japan; Correction

In 46 FR page 18581, published March 25, 1981, in the table headed Reactor and location, the line reading JMTR, Japan should read JMTR, JRR–2, and JRR–4, Japan.

Since this correction does not alter the proposed transaction in any significant way, the date upon which the subsequent arrangement was scheduled to take effect (April 9, 1981 or thereafter) is not hereby changed.

Dated: April 22, 1981

For the Department of Energy.

Harold D. Bengelsdorf,
Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–12362 Filed 4–27–81; 8:45 am]
BILLING CODE 6450–01–M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; United States and Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the transfer of 16.2 milligrams of uranium–238 contained in a dosimeter to Japan for irradiation in the JOYO reactor and subsequent return to the United States.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material under Contract Number WC–JA–28 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 13, 1981.

Dated: April 22, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,
Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–12340 Filed 4–27–81; 8:45 am]
BILLING CODE 6450–01–M

National Petroleum Council, Synthetic Fuels Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Synthetic Fuels Task Group of the Committee on Environmental Conservation has changed the location of its meeting for May 1981. The

National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Synthetic Fuels Task Group meeting follows:

The Synthetic Fuels Task Group meeting scheduled for Wednesday, May 13, 1981, at 9:00 a.m., has changed the location of its sixth meeting from the Fairmont Hotel, Denver, Colorado, to the Aspen Room, Sheraton-Denver-Airport Hotel, 3535 Quebec Street, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Review preliminary draft of the Task Group Report.

2. Discuss any other matters pertinent to the overall assignment of the Synthetic Fuels Task Group.

The meeting is open to the public. The Chairman of the Synthetic Fuels Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the pubic who wishes to file a written statement with the Synthetic Fuels Task Group will be permitted to do so, either before of after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE–190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 21, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

April 21, 1981.

[FR Doc. 81-12967 Filed 4-27-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Environmental Protection Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Environmental Protection Task Group of the Committee on Arctic Oil and Gas Resources will meet in May 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Environmental Protection Task Group meeting follows:

The fourth meeting of the Environmental Protection Task Group will be held on Monday, May 18, 1981, starting at 8:30 a.m., in the Seventy-Six Room, Union Oil Center, 461 South Boylston Street, Los Angeles, California.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Co-chairman.

2. Review progress of individual assignments.

3. Discussion of the timetable of the Task Group.

4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Environmental Protection Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Environmental Protection Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 21, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

April 21, 1981.

[FR Doc. 81-12943 Filed 4-27-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Jurisdictional Issues Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Jurisdictional Issues Task Group of the Committee on Arctic Oil and Gas Resources will meet in May 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Jurisdictional Issues Task Group meeting follows:

The third meeting of the Jurisdictional Issues Task Group will be held on Tuesday, May 12, 1981, starting at 10:00 a.m., in Room 530, Annapolis Hilton Inn, Compromise at St. Mary's Streets, Annapolis, Maryland.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.

2. Review drafts of individual assignments.

3. Discussion of the timetable of the Task Group.

4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Jurisdictional Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Jurisdictional Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the

Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 21, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

April 21, 1981.

[FR Doc. 81–12844 Filed 4–27–81; 8:45 am]

BILLING CODE 6450–01–M

National Petroleum Council, Resource Assessment Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Resource Assessment Task Group of the Committee on Arctic Oil and Gas Resources will meet in May 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Resource Assessment Task Group meeting follows:

The fifth meeting of the Resource Assessment Task Group will be held on Monday, May 11, 1981, starting at 9:00 a.m., in Room 202, Anaconda Tower, 555 Seventeenth Street, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review drafts of individual assignments.
3. Review the timetable of the Task Group.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Resource Assessment Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitiate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Resource Assessment Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 21, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

April 21, 1981.

[FR Doc. 81–12845 Filed 4–27–81; 8:45 am]

BILLING CODE 6450–01–M

National Petroleum Council, Transportation Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Transportation Task Group of the Committee on Arctic Oil and Gas Resources will meet in May 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Transportation Task Group meeting follows:

The fifth meeting of the Transportation Task Group will be held on Thursday, May 14, 1981, starting at 9:00 a.m., in the Yukon/Pacific Room, Atlantic Richfield Company, 515 South Flower Street, Los Angeles, California.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review drafts of individual assignments.
3. Review and discuss the overall time schedule of the Task Group.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Transportation Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Transportation Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 21, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

April 21, 1981.

[FR Doc. 81–12846 Filed 4–27–81; 8:45 am]

BILLING CODE 6450–01–M

Bonneville Power Administration

Garrison-Spokane Proposed 500-kV Transmission Line; Amended Notice of Intent To Revise and Reissue a Draft Environmental Impact Statement

The Bonneville Power Administration (BPA) hereby amends the public notice of its intent to revise and reissue its draft environmental impact statement (EIS) on the proposed Hot Springs-Bell 500-kV transmission line. The original notice of intent was published in the **Federal Register**, August 6, 1979 (44 FR 45987). This amendment is necessary because BPA has expanded the scope of the EIS to consider the impacts and alternative locations associated with interconnecting the Federal Columbia River Transmission System to the Colstrip Transmission System at a point east of Missoula, Montana, rather than west of Missoula as originally proposed. To reflect this expanded scope, the title of the proposed action that is the subject of the EIS is now "Garrison-Spokane 500-kV Transmission Project."

This proposed action involves constructing a 500-kV double-circuit transmission line from a substation near Garrison, Montana (selection of the substation site is pending completion of a supplement to the final Colstrip Project EIS), to an existing substation that would be expanded or to a new substation that BPA would construct in western Montana, and constructing a

500-kV single-circuit transmission line from there to Glenn H. Bell Substation near Spokane, Washington. Possible alternative sites for the proposed new substation in western Montana are near Plains and Taft; an alternative site would be the existing Hot Springs Substation, which would be expanded. Several transmission route location alternatives are possible east toward Garrison as well as west toward Spokane from each of these new substation sites. A connected action is The Washington Water Power Company's proposed reinforcement of electrical service to their loads in northern Idaho.

Scoping for the EIS has already proceeded. Included in this process were a direct mailing of notices requesting public and agency comment and several public scoping meetings held in the project area. BPA will hold additional scoping meetings soon, probably in the towns of Drummond, Potomac, Clinton, Lolo, Frenchtown, and Missoula, Montana. Times and addresses will be announced in the **Federal Register**, in local media, and by direct-mail notification to affected and interested parties. Consultation has taken place with The Washington Water Power Company to plan for reinforcing electrical service to northern Idaho mining areas. Additional consultations will take place with (1) the Montana Power Company and the State of Montana, to identfy long-term service needs and plans for the Missoula area; (2) with the U.S. Forest Service and the Bureau of Land Management, the principal Federal permit-granting authorities and cooperating agencies; and (3) other involved local, regional, State, and Federal agencies as well as environmental organizations.

BPA welcomes comments so that issues and concerns can be identified early and fully considered in the preparation of the draft EIS. Any suggestions or questions regarding the proposed action and EIS should be directed to John E. Kiley, Environmental Manager, Bonneville Power Administration, P.O. Box 3621—SJ, Portland, Oregon 97208; telephone (503) 234–3361, extension 5137.

Dated at Portland, Oregon, this 21st day of April, 1981.

Earl Gjelde,

Acting Administrator.

[FR Doc. 81-12720 Filed 4-27-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP80-581]

Pataya Storage Co.; Informal Technical Conference

April 22, 1981.

Take notice that on April 30, 1981, at 9:00 a.m. an informal technical conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

The purpose of the conference is to enable Staff to acquire information from Transcontinental Gas Pipe Line Corporation relative to its experiences with the design, engineering, construction, operation, and cost aspects of its Eminence Storage Project It is hoped that the conference will give Staff insight with respect to Pataya's proposal in Docket No. CP80–581 to solution-mine two underground cavities in a salt formation for the storage of natural gas.

The informal technical conference is open to the public; however, attendance or participation at the conference will not serve to make the attendees parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the applicant's filings are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12634 Filed 4-27-81; 8:45 am]

BILLING CODE 6450-85-M

Bonneville Power Administration

Record of Decision for the San Juan Islands Service Project, San Juan County, Wash.

Decision Summary

The Bonneville Power Administration (Bonneville) has decided to build the proposed 115-kV submarine transmission cable from Fidalgo Substation, located near Anacortes, Washington, to Lopez Substation, on Lopez Island, Washington, along proposed Route 1. This project was described in the San Juan Islands Service Final Location Supplement EIS (DOE/EIS–0005–FS) filed with EPA and issued to the public February 2, 1981. Bonneville has also decided to route the cable outside the existing right-of-way for a short distance on Decatur Island to avoid a large rock outcropping and to replace about 1,600 feet of existing overhead line on the east side of Decatur Island with underground cable.

Alternatives

Two routing alternatives were evaluated in the Supplement. Alternative 1 consisted of: (1) a 115–kV submarine cable from Fidalgo Substation across Rosario Strait to the eastern shore of Decatur Island and from the western shore of Decatur Island across Lopez Sound to Lopez Substation; (2) a 115–kV underground cable across Decatur Island; and (3) replacement of about 1,600 feet of existing overhead lines with an underground cable on the eastern side of Decatur Island. All but 1,400 feet of the project was within existing right-of-way.

Alternative Route 2 consisted of a submarine cable from Fidalgo Substation to Lopez Substation. The route crossed Rosario Strait and Lopez Sound south of Decatur and Ram Islands.

In addition to interisland transmission, several other alternatives were previously evaluated in the Final Planning Supplement (DOE/EIS–0005), issued April 1978. These included energy conservation, combustion generation on the islands, an alternative transmission route from the mainland via Lummi Island to Orcas Island, and no action. At that time, the decision was made to build an interisland submarine cable system from Fidalgo Substation to Lopez Substation because the plan had long-term usefulness, was economically feasible, had lower system losses, made better use of existing substation and transmission facilities, and met reliability criteria. The interisland submarine cable system also avoided adverse economic and social impacts associated with no-action and energy conservation alternatives.

Impacts of Route 1 include increased soil erosion on Decatur Island and at Fidalgo Substation, low martality to shellfish as a result of trenching sedimentation, disruption of a previously excavated shell midden on Decatur Island, and disturbance of island residents and recreationists by construction noise and dust. These impacts will be mitigated to a great degree, with only minor short-term residual impacts. Visual impacts normally associated with overhead lines are avoided because the line across Decatur Island is buried. While Route 2 would have lower impacts to those resources discussed above, it would have several long-term impacts to resources which could not reasonably mitigated. New right-of-way through a subdivided area on Lopez Island would be needed; drag-net fishing south of Decatur and Ram Islands would be

restricted; more underground and some underwater blasting would be necessary; and collection of marine specimens necessary for ongoing physiology research at Friday Harbor Laboratories would be severely limited. As Route 2 crosses rough marine topography and is longer, the risk of cable failure and possible oil spills would be higher. Because impacts of Route 1 are relatively minor and can be mitigated to a great degree, it is environmentally preferred to Route 2, which has long-term impacts that cannot reasonably be mitigated.

Factors Used in Making Decisions

Major decision factors in the route selection were environmental concerns, design and installation feasibility, reliability, and economics. A minor decision factor was Bonneville's policy to parallel existing routes where possible. Route 1 was the environmentally preferable alternative. It avoided rugged and rocky marine topography which would make design and installation of the cable quite difficult as well as increase the risk of cable failure. Construction along Route 1 would not require extensive blasting and would be less costly. In addition, no new marine right-of-way would be required. For these reasons, BPA has selected Route 1.

Factors used to make the decision of whether to reroute the cable on Decatur Island were economics and environmental concerns. The reroute would eliminate costly trench excavation through solid rock and erosion problems associated with a backfilled trench in solid rock. By following an existing logging road around the rock, clearance of vegetation and other disruption created by a new right-of-way as well as the cost of clearance would be minimized.

Design feasibility, compliance with State land use plans, and public concerns were the factors weighed in the decision to replace a portion of existing overhead lines on Decatur Island with an underground cable. Relocation of the terminal of the two existing lines would comply with a 1975 landowners' petition, meet requirements of the San Juan County Shorelines Master Program, provide room for the new cable at the shoreline, and minimize concern about appearance of the facility expressed by the most impacted property owner.

Mitigation

The following practicable means of mitigating environmental impacts resulting from the construction of Alternative 1 have been adopted:

1. Insulating oil pressurization equipment on Decatur Island will be designed so insulating oil cannot leak from the immediate area of the equipment.

2. On Decatur Island, Oil pressurization equipment will be in underground concrete vaults or, if surface mounted, will be screened from view to minimize visual impacts.

3. Any slash burning will be timed to minimize air pollution and done in a manner prescribed by Washington Department of Ecology.

4. Roadbed mats will be used where specified by the Bonneville access road committee to protect soils that ponding or high water table make highly susceptible to erosion.

5. The marine cable will be jacketed in a lead alloy sheath and coated with thermoplastic polyethylene. A cathodic protection system will also be used to protect the cable.

6. To protect the cable, a 4-inch thick slab of weak concrete (1 part cement to 10 parts sand) cement will be placed in the trench over the underground cables at all road crossings and crossings of other utility service lines.

7. Cable will be laid in Rosario Strait and Lopez Sound only between July 15 and October 25 to minimize impacts to shellfish during reproductive periods or marine fishes in larval or juvenile stages of growth.

8. To avoid violating the Endangered Species Act (as amended) 16 U.S.C. 1531, no work will be performed within 330 feet of trees containing raptor nests until a Bonneville wildlife biologist approves such action, and no such trees will be felled or disturbed.

9. Off-road vehicles used for construction and maintenance activities will normally be confined to the construction zone and the right-of-way to minimize disturbance of wildlife and wildlife habitat.

10. If archeological materials are uncovered during construction, work will halt until mitigation and/or excavation actions are undertaken (according to 36 CFR Part 800) under guidance of the Washington State Historic Preservation Officer.

11. Disturbed areas in Washington Park will be regraded to original contours and reseeded following construction.

12. Workers staying in Washington Park will camp only in designated camping areas.

13. Bonneville will notify the U.S. Coast Guard 4 to 6 weeks in advance of anticipated cable installation, so they may submit the information to "Notice to Mariners."

14. The cable-laying vessels will maintain radio contact with the Puget Sound Vessel Traffic Service when laying cable in Rosario Strait and Lopez Sound.

15. All construction in Washington Park will be coordinated with the City of Anacortes Parks and Recreation Department to minimize impacts to recreationists.

16. The trench across Washington Park will be closed as soon as possible after the cable is installed. During nonworking hours, the trench will be barricaded with snow fences.

17. No construction equipment will be stored on Washington Park property during nonconstruction hours to minimize impacts to park visitors.

18. Large rocks and logs in the right-of-way will not be removed unless they clearly impede construction or emergency maintenance of the cable or overhead lines, as they provide highly specilized habitat for prey species.

19. Bonneville will comply with all applicable Federal and State floodplain protection standards.

20. The trench surface and adjacent disturbed areas will be contoured and seeded with a grass/clover mix prior to October 31.

21. A Bonneville-designated archeologist will be present when trenches are dug across known archeological sites on Decatur Island.

22. Bonneville will comply with the standards of the Washington State Shorelines Master Program with regard to site restoration, reduced clearing, runoff control, and utility line burial.

23. Bonneville will prepare an oil-spill contingency plan to detail: (a) estimated rate of flow and total potential quantity of oil spill; (b) preventative systems to be installed both on shore and underwater, i.e. cathodic protection, cable armor, etc.; (c) commitment of resources to be made for control and cleanup of any spill that occurs; (d) any necessary reports; and (e) compliance with any applicable state rules, regulations, and guidelines. This plan will be completed and approved by all involved divisions within Bonneville prior to installation of the cable.

24. All fixed structures will be analyzed dynamically to see that they meet the established seismic criteria for the San Juan Islands area.

25. Bonneville will locate the cable to avoid interference with use of the Washington Park boat ramp during low tide.

26. Following identification of an insulating oil leak in the cable, Bonneville will reduce oil pressure in the system as much as possible to

minimize oil release while still protecting the cable system.

27. For safety, trenches on Decatur, Fidalgo, and Lopez Islands will be left open only through actual laying of the cable.

28. If they meet U.S. Coast Guard safety regulations (33 CFR 64, 14 USC 86, 33 USC 1225) Bonneville will replace the three existing cable-crossing signs to mitigate visual impacts at the shorelines. Bonneville will submit drawings, specifications, and location details to U.S. Coast Guard for review and approval.

The only practicable mitigation measure not adopted by Bonneville was:

An oil pressurization system which was simple, with very few moving parts and no pumps, would be used to reduce risk of equipment falure.

Although a pressurization system with no pumps is anticipated, the preliminary project specifications allowed for design innovation and did not state pumps would not be allowed. A system using pumps will be considered by Bonneville if it is economically advantageous, all pumps are confined to the terminal substations, and there is no pressurization equipment on Decatur Island.

Monitoring and Enforcement

Bonneville has adopted the following program to monitor and enforce the mitigation measures.

Mitigation Measures 1 through 22 will be monitored and enforced through:

1. Participation in review of contract documents by the Environmental Analysis Branch to ensure all items are included.

2. Identification in monthly report from the construction inspector of each mitigation measure that has been initiated and/or completed as specified in the project contract.

The following will also be adopted by Bonneville where indicated to ensure implementation:

1. Items 1, 2, 5, 6, 24, and 25—Memorandum from the project manager to the Director of the Division of Transmission Engineering stating plan and/or proposal compliance checks have been made.

2. Item 20—Inspection 6 months following seeding to ensure adequate cover has been established.

3. Item 21—Notification to Bonneville one week prior to excavation of areas of concern (shown on map to be provided to contractor).

4. Item 23—Memorandum from approving official to the Chief Engineer, with an information copy to the Environmental Analysis Branch, when signed.

5. Item 26—Inclusion in the oil spill contingency plan.

6. Item 27—Self-enforcing mitigation monitored through inspection.

7. Item 28—Memorandum from project manager to Chief Engineer, with an information copy to Environmental Analysis Branch, upon approval from U.S. Coast Guard and from Line Construction Branch to Chief Engineer when installed.

Integration With Other Records

1. Under Office of Management and Budget (OMB) Circular No. A–95, Bonneville has notified the Washington State A–95 Clearinghouse of its proposed actions through the draft and final environmental impact statements sent to it. Bonneville feels the San Juan Islands project is consistent and compatible with State, area, and local development plans. This ROD will be sent to A–95 clearinghouses to notify them of actions Bonneville will take.

2. Because the project crosses the coastal floodplain, Bonneville has prepared and published a Statement of Findings according to Executive Order 11988—Floodplain Management and Department of Energy's Compliance with Floodplain/Wetlands Environmental Review requirements (10 CFR 1022.15). Bonneville has concluded there is no practicable alternative to crossing the coastal floodplains of Fidalgo, Decatur, and Lopez Islands if loads in the San Juan Islands are to be served.

3. No memorandum of agreement as outlined in the Advisory Council on Historic Preservation regulations (36 CFR 800.5(c) and 800.6(c)(3)) is required for this project as no National Register properties will be adversely affected.

4. Bonneville has provided Washington State agencies with consistency information on the National Oceanic and Atmospheric Administration coastal management program through the draft location supplement issued June 9, 1980.

5. No biological opinions were required on this project by the Fish and Wildlife Service or the National Marine Fisheries Service under the Endangered Species Act. Both agencies concurred with the biological assessments prepared on endangered species known to occur in the San Juan Islands area.

Dated: March 12, 1981.

Earl Gjelde,

Acting Administrator.

[FR Doc. 81-12731 Filed 4-27-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of March 6 Through March 13, 1981

During the week of March 6 through March 13, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 22, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of Mar. 6 through Mar. 13, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 6, 1981	Ephraim and Flint (Sogue), Washington, D.C.	BFA-0629	Appeal of Information Request Denial. If granted: The February 4, 1981 Information Request Denial issued by the Office of Procurement Operations would be rescinded, and Ephraim and Flint would receive access to the names of "key personnel", contained in contract No. DE-AC01-80EI10413 (King Research, Inc.).
Mar. 6, 1981	Jordan Gas Company, Centre, Alabama	BEE-1642	Price Exception. If granted: The Jordan Gas Company would receive a retroactive exception from the provisions of 10 C.F.R. Part 212 which would modify its base price for liquified petroleum gas.
Mar. 6, 1981	Tulsa Daily World, Tulsa, Oklahoma	BER-0105	Request for Modification/Recission. If granted: The January 8, 1981 Decision and Order (Case No. BFA-0530) issued to Tulsa Daily World by the Office of Hearings and Appeals would be modified regarding the release of a cost proposal submitted by Fulton Energy Corp. to the DOE.
Mar. 9, 1981	Cougar Oil Marketers, Inc., Washington, D.C.	BEG-0046, BES-0147, BET-0147.	Petition for Special Redress, Request for Stay/Temporary Stay. If granted: The Office of Hearings and Appeals would review the decision of the Audit Director of the Houston Crude Oil Reseller Division not to review a denial of Cougar Oil Marketers, Inc.'s Application to Quash Subpoenas. The firm would receive a stay pending a final determination on its Petition for Special Redress.
Mar. 9, 1981	J. M. Reeves Chevron, Decatur, Georgia	BEE-1643	Price Exception. If granted: J. M. Reeves Chevron would receive a retroactive exception from the provisions of 10 C.F.R. Part 212 which would modify the historical ceiling prices applicable to the motor gasoline sold by the firm.
Mar. 9, 1981	Office of Special Counsel/Continental Oil Company, Washington, D.C.	BRZ-0068	Interlocutory Order. If granted: The Office of Hearings and Appeals would issue an Order to the Office of Special Counsel (OSC) with respect to Continental Oil Company's Motion for Discovery in connection with Continental's Statement of Objections to a Proposed Order of Disallowance issued by OSC (Case No. BRO-1153).
Mar. 9, 1981	Texaco, Inc./Office of Special Counsel, Washington, D.C.	BRJ-0194	Motion for Protective Order. If granted: Texaco, Inc. would enter into a Protective Order with the Office of Special Counsel (OSC) regarding the release of proprietary information to OSC in connection with Texaco's Statement of Objections to a Proposed Remedial Order (Case No. DRO-0188).
Mar. 10, 1981	Golden Gate Petroleum Company, Emeryville, California	BES-1644, BES-1644	Exception from Reporting Requirements; Request for Stay. If granted: Golden Gate Petroleum Company would not be required to file form EIA-9A ("No. 2 Distillate Price Monitoring Report.") The firm would receive a stay pending a final determination on its Application for Exception.
Mar. 10, 1981	Sheila Kast, Washington, D.C.	BFA-0624	Appeal of Information Request Denial. If granted: The February 4, 1981 Information Request Denial issued by the Office of General Counsel would be rescinded, and Sheila Kast would receive access to all Transition Team reports regarding the DOE.
Mar. 10, 1981	Standard Oil Company of Indiana, Chicago, Illinois	BER-0106	Request for Modification/Recission. If granted: The January 15, 1981 Decision and Order (Case No BES-0126) issued to Standard Oil Company of Indiana by the Office of Hearings and Appeals with respect to the 341 Tract Unit of the Citronelle Field would be modified.
Mar. 10, 1981	Stephen M. Shaw, La Jolla, California	BFA-0625	Appeal of Information Request Denial. If granted: The January 8, 1981 Information Request Denial issued by the Freedom of Information Officer would be rescinded, and Stephen M. Shaw would receive access to certain DOE materials.
Mar. 10, 1981	Stephen M. Shaw, La Jolla, California	BFA-0626	Appeal of Information Request Denial. If granted: The December 23, 1980 Information Request Denial issued by the Division of FOIA and Privacy Acts Activities would be rescinded and Stephen M. Shaw would receive access to records referring to silicon, silicon tetrachloride, dichlorosilane, silane, amorphous silicon, and polycrystalline silicon.
Mar. 10, 1981	Stephen M. Shaw, La Jolla, California	BFA-0627	Appeal of Information Request Denial. If granted: The December 17, 1980 Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Stephen M. Shaw would receive access to certain DOE materials.
Mar. 10, 1981	Stephen M. Shaw, La Jolla, California	BFA-0628	Appeal of Information Request Denial. If granted: Stephen M. Shaw would receive access to certain DOE information.
Mar. 11, 1981	Alabama River Pulp Company, Claiborne, Alabama	BEA-0629	Appeal of ERA Decision and Order. If granted: The February 28, 1980 Decision and Order issued by the Economic Regulatory Administration to Alabama River Pulp Company would be rescinded, and the firm would be permitted to earn entitlements as a producer of petroleum substitutes.
Mar. 11, 1981	Gulf States Oil & Refining Company, Washington, D.C.	BEN-1616	Interim Order. If granted: Gulf States Oil & Refining Company would receive an exception from the provisions of 10 C.F.R. 211.67 on an interim basis pending a final determination on its Application for Exception (Case No. BEE-1616).
Mar. 12, 1981	Caribou Four Corners, Inc., Washington, D.C.	BEX-0177	Supplemental Order. If granted: Caribou Four Corners, Inc. would receive an Exception from the provisions of 10 C.F.R. 211.67 which would modify its entitlement purchase obligations for the period December 1980 through March 1981.
Mar. 12, 1981	Congleton Oil Company, Inc., Richmond, Kentucky	BEE-1645	Exception from Reporting Requirements. If granted: Congleton Oil Company, Inc. would not be required to file form EIA-9A ("No. 2 Distillate Price Monitoring Report").

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Mar. 6 through Mar. 13, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 12, 1981	Mobil Oil Corporation, Washington, D.C.	BEA-0630	Appeal of Entitlements Notice. If granted: The December 1980 Entitlements Notice would be modified with respect to Mobil Oil Corporation's entitlement purchase obligations.
Mar. 12, 1981	Navajo Refining Company, Dallas, Texas	BEX-0179	Supplemental Order. If granted: The January 27, 1981 Decision and Order (Case No. BXE-1356) issued to Navajo Refining Company by the Office of Hearings and Appeals would be modified with respect to the firm's reporting requirements.
Mar. 12, 1981	Plateau, Inc., Washington, D.C.	BEX-0178	Supplemental Order. If granted: Plateau, Inc. would receive and exception from the provisions of 10 C.F.R. § 211.67 which would modify its entitlement purchase obligations for the period December 1980 through March 1981.
Mar. 12, 1981	Tenneco Oil Company/Kern County Refinery, Inc., Washington, D.C./Los Angeles, California.	BRJ-0195	Motion for Protective Order. If granted: Tenneco Oil Company would enter into a Protective Order with Kern County Refinery, Inc. regarding the exchange of proprietary information between the two firms in connection with Tenneco Oil Company's Statement of Objections to a Proposed Remedial Order (Case No. BRO-1280).
Mar. 12, 1981	Warrior Asphalt Company of Alabama, Washington, D.C.	BEX-0174	Supplemental Order. If granted: Warrior Asphalt Company of Alabama would receive an exception from the provisions of 10 C.F.R. § 211.67 which would modify its entitlement purchase obligations for the period December 1980 through March 1981.
Mar. 12, 1981	Young Refining Corporation, Washington, D.C	BEX-0176	Supplemental Order. If granted: Young Refining Corporation would receive an exception from the provisions of 10 C.F.R. § 211.67 which would modify its entitlement purchase obligations for the period December 1980 through March 1981.
Mar. 13, 1981	Office of Enforcement (Colline Gasoline Corp.)	BEF-0036	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R. Part 205, in connection with the November 19, 1979 Consent Order issued to Colline Gasoline Corporation.
Mar. 13, 1981	Westland Oil Development Corporation, Washington, D.C.	BRR-0107	Request for Modification/Rescission. If granted: The June 23, 1980 Consent Order entered into between the Office of Enforcement and Westland Oil Development Corporation would be rescinded.

Notices of Objection Received

[Week of Mar. 6 through Mar. 13, 1981]

Date	Name and location of applicant	Case No.
Mar. 10, 1981	Consumers Power Company, Washington, D.C.	DRI-0001
Mar. 13, 1981	Beacon Oil Company, Washington, D.C.	BEE-1382

Dismissed Cases Reopened

[Week of Mar. 9, 1981 through Mar. 13, 1981]

Date	Case name	Case No.	Location city/State
Mar. 09, 1981	Welch Oil Company	BXE-1563	Merrillville, Indiana.
Mar. 10, 1981	Southern Colorado Agri-Fuel	DEE-7079	Pueblo, Colorado.
Mar. 10, 1981	Augusta Mall Gulf Service	DEE-8481	Augusta, Georgia.
Mar. 11, 1981	South Florida Gasohol, Inc	BEE-0932	Washington, D.C.

[FR Doc. 81-12720 Filed 4-27-81; 8:45 am]
BILLING CODE 6450-85-M

Cases Filed; Week of March 13 through March 20, 1981

During the week of March 13 through March 20, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

April 22, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of Mar. 13 through Mar. 20, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 13, 1981	Husky Oil Company of Delaware, Washington, D.C.	BEX-0179	Supplemental Order. If granted: Husky Oil Company of Delaware would receive an exception from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program) for the period January 1977 through March 1978 pursuant to an Order issued by the U.S. District Court for the District of Wyoming on September 29, 1978.
Mar. 16, 1981	Gulf Oil Corporation, Houston, Tex.	BEX-0180	Supplemental Order. If granted: The March 6, 1981 Decision and Order (Case No. BEX-0173) concerning the 341 Tract Unit of the Citronelle Field would be modified.
Mar. 16, 1981	Office of Enforcement (Natomas), Washington, D.C.	BEF-0037	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R. Part 205, in connection with the July 28, 1980 Consent Order issued to Natomas North America, Inc.
Mar. 16, 1981	Office of Enforcement (Triton Oil), Washington, D.C.	BEF-0038	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R. Part 205, in connection with the June 27, 1979 Consent Order issued to Triton Oil & Gas Corporation.
Mar. 16, 1981	Ralph E. Moore, Inc., Livingston, Mont.	BEE-1646	Exception from Reporting Requirements. If granted: Ralph E. Moore, Inc. would not be permitted to file Form EIA-8A ("No. 2 Distillate Price Monitoring Report").
Mar. 17, 1981	Beacon Oil Company, Hanford, Calif.	BEE-1647	Exception from the Entitlements Program. If granted: Beacon Oil Company would receive an exception from the provisions of 10 C.F.R. § 211.67 which would modify its entitlement purchase obligations.
Mar. 17, 1981	Gary Energy Corporation, Washington, D.C.	BEE-1648	Exception from the Entitlements Program. If granted: Gary Energy Corporation would receive an exception from the provisions of 10 C.F.R. § 211.67 which would modify the level of its entitlement sales benefits.
Mar. 17, 1981	Hawthorne Oil & Gas Corporation, Lafayette, La.	BRR-0108	Request for Modification/Rescission. If granted: The February 17, 1981 Decision and Order regarding Hawthorne Oil & Gas Corporation's requests for discovery and an evidentiary hearing (Case Nos. DRH-0208 and DRD-0209) would be rescinded.
Mar. 17, 1981	Indian Wells Oil Company, Inc., Kansas City, Mo.	BFA-0631	Appeal of Information Request Denial. If granted: The February 12, 1981 Information Request Denial issued by the Central Enforcement District Manager, Economic Regulatory Administration, would be rescinded and Indian Wells Oil Company, Inc. would receive access to materials relating to a Notice of Probable Violation issued on September 26, 1980 to Indian Wells Oil Company, Inc.; Indian Wells Operating Company, Inc.; Kathol Petroleum, Inc.; Tomlinson Oil Company, Inc.; and Crockett Gas Processing Company.
Mar. 18, 1981	341 Tract Unit of the Citronelle Field, Mobile, Ala.	BEX-0181	Supplemental Order. If granted: A special trustee would be appointed to assist the Department of Energy in monitoring the tertiary recovery project to be undertaken on the 341 Tract Unit of the Citronelle Field.
Mar. 18, 1981	Intercontinental Oil Company, Washington, D.C.	BER-0109	Request for Modification/Rescission. If granted: The May 13, 1980 Decision and Order (Case No. BFA-0323) issued by the Office of Hearings and Appeals to Intercontinental Oil Company would be modified to order the release by the Houston Crude Oil Reseller Division of the Office of Enforcement of documents previously withheld.
Mar. 19, 1981	Austral Oil Company, Washington, D.C.	BRD-0107	Motion for Discovery. If granted: Discovery would be granted to Austral Oil Company in connection with the Statement of Objections submitted in response to the February 9, 1981 Proposed Remedial Order (Case No. DRO-0141) issued to the firm.
Mar. 19, 1981	Engelhard Minerals & Chemical Corp., Washington, D.C.	BFA-0633	Appeal of Information Request Denial. If granted: The January 28, 1981 Information Request Denial issued by the Economic Regulatory Administration would be rescinded, and Engelhard Minerals & Chemicals Corp. would receive access to documents relating to the November 28, 1980 Notice of Probable Violation issued to the firm by the Office of Enforcement.
Mar. 20, 1981	Ernest E. Allerkamp, Denver, Colo.	BES-0149	Request for Stay. If granted: Ernest E. Allerkamp would receive a stay of its obligation to file a Statement of Objections in response to the Proposed Remedial Order (Case No. DRO-0020) issued to the firm on September 21, 1979.
Mar. 20, 1981	Crown Central Petroleum Corporation, Baltimore, Md.	BRD-0108	Motion for Discovery. If granted: Discovery would be granted to Crown Central Petroleum Corporation in connection with the Statement of Objections submitted in response to the August 31, 1978 Proposed Remedial Order (Case No. DRO-0111) issued to the firm.
Mar. 20, 1981	Larkin, Hoffman, Daly & Lindgren, Ltd. (Hennessey), Minneapolis, Minn.	BFA-0634	Appeal of Information Request Denial. If granted: The February 13, 1981 Information Request Denial issued by the Office of Special Counsel for Compliance would be rescinded, and Larkin, Hoffman, Daly & Lindgren, Ltd. would receive access to materials related to the investigation and audit of Standard Oil Company of Indiana (Amoco).
Mar. 20, 1981	Office of Enforcement (John H. Hendrix Corporation), Washington, D.C.	BEF-0040	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R. Part 205, in connection with the January 2, 1980 Consent Order issued to the John H. Hendrix Corporation.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Mar. 13 through Mar. 20, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 20, 1981	Office of Enforcement (Shawnee), Washington, D.C	BEF-0039	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R. Part 205, in connection with the August 27, 1979 Consent Order issued to Shawnee Oil and Gas Corporation.

Notices of Objection Received

[Week of Mar. 13 through Mar. 20, 1981]

Date	Name and location of applicant	Case No.
03/16/81	Somerset Refining, Inc., Washington, D.C	BEE-1500
03/17/81	Southwestern Refining Company, Inc., Washington, D.C	BEE-1567
03/17/81	Tom Brown, Inc., Midland, Tex	BEE-1300

Dismissed Cases Reopened

[Week of Mar. 13 through Mar. 20, 1981]

Date	Case name	Case No.	Location city/state
03/16/81	Bud Antle, Inc	DEO-0462	Salinas, California.
03/16/81	Arnold's Arco & Rental	BEO-0560	Olympia, Washington.
03/16/81	Chevy Chase Exxon	BEE-0346	Chevy Chase, Maryland.
03/16/81	Gugino's Amoco Service	BEO-0774	Kenmore, New York.
03/19/81	Crystal Oil Company	BEG-0042	Washington, D.C.
03/19/81	Griesz Oil Company	BEO-1068	Tulsa, Oklahoma.

[FR Doc. 81-12727 Filed 4-27-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of March 20 Through March 27, 1981

During the week of March 20 through March 27, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulation, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 21, 1981.

Submission of Cases Received by the Office of Hearings and Appeals

[Week of Mar. 20 through Mar. 27, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 20,1981	Argo Petroleum Corporation, Washington, D.C	BRD-0104	Motion for Discovery. If granted: Discovery would be granted to Argo Petroleum Corporation in connection with the Statement of Objections submitted in response to the November 2, 1978, Proposed Remedial Order (Case No. DRO-0146) issued to Argo Petroleum Corporation by the Office of Enforcement.
Mar. 20, 1981	Tiger Petroleum Products, Lebanon, Illinois	BFA-0635	Appeal of Information Request Denial. If granted: The February 18, 1981, Information Request Denial issued by the Central Enforcement District, Economic Regulatory Administration, would be rescinded and Tiger Petroleum Products would receive access to certain DOE information.
Mar. 23, 1981	Borton, Petrini & Conron, Bakersfield, California	BFA-0636	Appeal of Information Request Denial. If granted: The January 30, 1981, Information Request Denial issued by Energy Data Operations, Energy Information Administration, would be rescinded and Borton, Petrini & Conron would receive access to data from forms FEA-P302-M-1, FEA-P314-M-0, EIA-14, and FEO-98.
Mar. 23, 1981	Chevron U.S.A. Inc., San Francisco, CA	BEX-0185	Supplemental Order. If granted: The January 19, 1981, Decision and Order issued to Chevron U.S.A. Inc. (Case No. DEA-0322) would be modified regarding the firm's entitlements purchase obligations.
Mar. 23, 1981	Southland Corporation, Washington, D.C	DEG-0048	Petition for Special Redress. If granted: Southland Corporation would receive relief pursuant to 10 CFR Part 205, Subpart R, in connection with an ongoing audit by the Region IV Office of the Economic Regulatory Administration.
Mar. 24, 1981	Asamera Oil (U.S.), Inc., Washington, D.C	BED-0110	Motion for Discovery. If granted: Discovery would be granted to Asamera Oil (U.S.), Inc. in connection with the Statement of Objections submitted in response to the January 15, 1981, Proposed Decision and Order (Case No. BEE-1491) issued to Asamera.
Mar. 24, 1981	Navajo Refining Company, Artesia, New Mexico	BEX-0184	Supplemental Order. If granted: The March 9, 1981, Decision and Order (Case No. BER-0103) issued to Navajo Refining Company would be modified regarding the firm's entitlements purchase obligations.
Mar. 24, 1981	Taverna Fuel Company, New York, New York	BRD, BRH-1406	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-1406) issued to Taverna Fuel Company.
Mar. 25, 1981	Ashland Oil, Inc., Washington, D.C	BEA-0637	Appeal of Entitlements Notice. If granted: The February 21, 1981, Entitlements Notice would be modified with respect to Ashland Oil, Inc.'s entitlements purchase obligations.

Submission of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Mar. 20 through Mar. 27, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 25, 1981	Dameurs Service Station, Washington, D.C.	BRR-0110	Request for Modification/Rescission. If granted: The Proposed Remedial Order issued to Dameurs Service Station (Case No. BRW-0068) by The Office of Enforcement would be modified regarding implementation of special refund procedures.
Mar. 26, 1981	Frank's Marina, Freeport, New York	BRW-0084	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Frank's Marina on October 29, 1980, would be issued as a final Remedial Order.
Mar. 26, 1981	Goodhope Sunoco, Washington, D.C.	BRW-0088	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order to Goodhope Sunoco on October 3, 1980, would be issued as a final Remedial Order.
Mar. 26, 1981	Jamison's Sunoco, Washington, D.C.	BRW-0089	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Jamison's Sunoco on October 3, 1980, would be issued as a final Remedial Order.
Mar. 26, 1981	Lakeside Refining Co., Inc., Washington, D.C.	BSG-0047	Petition for Special Redress. If granted: Lakeside Refining Company, Inc., would receive a stay of proceedings regarding the March 17, 1980, Notice of Probable Violation pending conclusion of a Department of Justice investigation.
Mar. 26, 1981	Matty's Service Station, Yonkers, New York	BRW-0079	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Matty's Service Station on March 26, 1980, would be issued as a final Remedial Order.
Mar. 26, 1981	Placid Refining Company, Washington, D.C.	BES-1649	Request for Stay. If granted: Placid Refining Company would receive a stay of provisions of 10 C.F.R. 211.67 pending a final determination on its Applications for Exception (Case No. BEE-1649 and 1650).
Mar. 26, 1981	Placid Refining Company, Washington, D.C.	BEE-1649	Request for Exception from the Entitlements Program. If granted: Placid Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Mar. 26, 1981	Riggs Road Sunoco, Washington, D.C.	BRW-0087	Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Riggs Road Sunoco on October 3, 1980, would be issued as a final Remedial Order.
Mar. 26, 1981	Rodriquez Standard, Tucker, Ga	BRW-0086	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Rodriquez Standard on May 9, 1980, would be issued as a final Remedial Order.
Mar. 26, 1981	Roger's Standard, Arlington Heights, Ill.	BRW-0090	Proposed Remedial Order Finalization. If granted: A proposed Remedial Order issued to Roger's Standard on November 11, 1980, would be issued as a final Remedial Order.
Mar. 26, 1981	Steven Frank Arco, Spring Valley, NY	BRW-0085	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Steven Frank Arco on October 28, 1980, would be issued as a final Remedial Order.
Mar. 20, 1981	Texas City Refining, Inc., Texas City, Texas	BEN-1419	Request for Interim Order. If granted: Texas City Refining, Inc. would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No, DEE-1419).
Mar. 26, 1981	Trester Oil Co. and Transit Oil Co., Washington, D.C.	BER-0111	Request for Modification/Rescission. If granted: The February 27, 1981, Decision and Order (Case No BED-0373) issued to Atlantic Richfield Company would be rescinded regarding the response to certain interrogatories by Trester Oil Co., and Transit Oil Co.
Mar. 26, 1981	Twin Parks Service Station, Bronx, N.Y.	BRW-0078	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Twin Parks Service Station on February 29, 1980, would be issued as a final Remedial Order.
Mar. 26, 1981	Mt. Olivet Sunoco, Washington, D.C.	BRW-0091	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Mt. Olivet Sunoco on October 2, 1980, would be issued as a final Remedial Order.
Mar. 26, 1981	New York Ave. Sunoco, Washington, D.C.	BRW-0092	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order issued to New York Avenue Sunoco on October 2, 1980, would be issued as a final Remedial Order.
Mar. 26, 1981	Office of Enforcement/James M. Forgotson et al.	BER-0112 to BER-0117	Request for Modification/Rescission. If granted: The Decisions and Orders which were previously issued by the Office of Hearings and Appeals in Case Nos. DFF-0005, BRF-0001, BRF-0002, BFF-0003, BFF-0004, and BFF-0006, would be modified regarding the implementation of special refund procedures under 10 CFR Part 205, Subpart V.
Mar. 27, 1981	Asamera Oil/Chevron U.S.A., Washington, D.C.	BEJ-0196	Motion for Protective Order. If granted: Asamera Oil (U.S.) Inc. would enter into a protective order with Chevron U.S.A. regarding the exchange of proprietary information in connection with Asamera Oil (U.S.) Inc.'s Application for Exception (Case No. BEE-1491).
Mar. 27, 1981	Mt. Airy Refining Company, et al., Washington, D.C.	BES-1651 and BET-1651	Request for Stay and Temporary Stay. If granted: Mt. Airy Refining Company, Peerless Petrochemicals, Shepherd Oil, Inc. and Vicksburg Refining, Inc. would receive a stay and temporary stay of the implementation of the tertiary incentive program rules in the entitlements notice for January 1981.
Mar. 27, 1981	Oil, Chemical & Atomic Workers, International Union	BFA-0038	Appeal of an Information Request Denial. If granted: The February 24, 1981, Information Request Denial issued by the Oak Ridge Operations Office would be rescinded, and the Oil, Chemical and Atomic Workers International Union would receive access to certain DOE materials.

Notices of Objection Received

[Week of Mar. 20 through Mar. 27, 1981]

Date	Name and location of applicant	Case No.
Mar. 23, 1981	Joe E. Smith, Austin, Texas	DEE-2246.
Mar. 25, 1981	Arizona Fuels Corporation, Washington, D.C.	DEE-0064.
Mar. 25, 1981	Arizona Fuels Corporation, Washington, D.C.	BEE-0526.
Mar. 25, 1981	Commonwealth Oil Refining Company, Washington, D.C.	BXE-1575.
Mar. 26, 1981	Edgington Oil Company, Washington, D.C.	BEE-1656.

[FR Doc. 81-12736 Filed 4-27-81; 8:45 am]

BILLING CODE 6450-85-M

Issuance of Proposed Decisions and Orders; Week of March 2 Through March 6, 1981

During the week of March 2 through March 6, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 22, 1981.

Beacon Oil Co., Hanford, Calif., BEE–1382, crude oil

Beacon Oil Co. filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit Beacon Oil Co. to be issued additional entitlements for the firm to sell which are equal in value to those entitlements which Beacon was obliged to purchase during the first seven months of its 1980 fiscal year. On March 4, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

The Crude Co., Washington, D.C., BEE–1015, crude oil

The Crude Company (TCC) filed an Application for Exception from the provisions of 10 CFR 212.126(b) and 212.187(b). The exception request, if granted, would permit TCC to be relieved of the requirement that it file certain crude oil reseller's certification reports until currently pending criminal proceedings are concluded. On March 5, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Dunigan Operating Company, Inc., Pampa, Texas, BEE–1233, crude oil

Dunigan Operating Company, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit the firm to classify the M. B. Davis Lease as a "stripper well lease" and to sell the crude oil produced from that lease located in Gray County, Texas, at exempt prices. On March 2, 1981, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be denied.

The Somerset Refinery, Inc., Washington, D.C., BEE–1500, crude oil

The Somerset Refinery, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit the firm to receive additional entitlements in order to bring its average crude oil acquisition costs into substantial parity with those of other crude oil refiners. On March 6, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Tom Brown, Inc., Midland, Texas, BEE–1300, crude oil

Tom Brown, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit Tom Brown, Inc. to retroactively increase the prices for crude oil produced from its Neta Crawford lease. On March 5, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

[FR Doc. 81–12725 Filed 4–27–81; 8:45 am]

BILLING CODE 6450–85–M

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. ECAO–CD–79–1; FRL 1813–4]

Air Quality Criteria for Particulate Matter and Sulfur Oxides

AGENCY: Environmental Protection Agency.

ACTION: Extension of Comment Period on Second External Review Draft.

SUMMARY: On March 6, 1981 (46 FR 15569) EPA announced a 60-day comment period on the second draft criteria document for particulate matter and sulfur oxides (PM/SOx), to end on May 5, 1981. This notice announces a 10-day extension of the comment period. Pursuant to this extension, the new deadline for submission of comments is Friday, May 15, 1981.

SUPPLEMENTARY INFORMATION: As stated in the **Federal Register** of March 6, 1981, EPA is seeking to issue a revised criteria document for PM/SOx as rapidly as possible, consistent with maintaining the quality of the final document. EPA has passed the statutory deadline for completing appropriate revisions to the criteria document and is currently engaged in litigation concerning the timing of criteria document review and revision. As part of the criteria document revision process, EPA has requested that the Clean Air Scientific Advisory Committee (CASAC) meet to provide advice on the second draft. That meeting, which will be announced in a subsequent **Federal Register**, is currently scheduled for July 7–9, 1081.

Recently, several parties have requested extensions of the May 5 deadline for receipt of comments on the draft. Several reasons for the extensions were cited, including the length and complexity of the document, and the great importance of the proceeding to them. Such requests have come from the American Mining Congress, the American Petroleum Institute, and eight companies in the nonferrous smelter industry. In considering whether to extend the comment period, I have weighed the compelling need to expeditiously complete issuance of a final document, with the stated needs of these parties for additional time. Because an extension of the comment period to May 15, 1981, will not require postponement of the CASAC meeting, and therfore not retard progress in preparing a revised document, I have decided to grant this short extension to the comment period.

As was the case with the original deadline, all comments must be actually received by EPA in Research Triangle Park, North Carolina, by 5 p.m., May 15, 1981. Comments should reference the docket number ECAO–CD–79–1, and be addressed to Diane Chappell-PM/SOx, Environmental Criteria and Assessment Office, MD–52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. Furthermore, commenter are again encouraged to send all or part of their comments to EPA before the deadline, where possible, in order to facilitate EPA's consideration of them.

Dated: April 23, 1981.

Richard M. Dowd,

Acting Assistant Administrator for Research and Development.

[FR Doc. 81-12869 Filed 4-27-81; 8:45 am]

BILLING CODE 6560-38-M

[OPTS-51252; TS FRL 1812-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of eight PMN's and provides a summary of each.

DATE: Written comments by:

PMN 81-131, 81-133, 81-134, 81-135—May 16, 1981

PMN 81-141, 81-142, 81-144, 81-145—May 23, 1981

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No., Notice Manager, Telephone, and Room Number

81-131, Rachel Diamond, (202-426-8616), E-221

81-133, 81-134, 81-135, 81-141, 81-142, 81-144, and 81-145, David Dull, (202-382-2277), E-229

Michael Brown, (202-472-3376), E-335

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 8, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN Must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "Dates", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51252]" and the specific PMN number. Comments received may be seen Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 20, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-131

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 15, 1981.

Manufacturer's Identity. Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, MO 63166.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Allylglycidyl ether polyol resin.

Use. The manufacturer states that the PMN substance will be used in a cross-linking adhesive in paper bonding.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	5,000	20,000

The 1982 and 1983 production estimates were claimed confidential business information.

Physical Chemical Properties

Viscosity—150 cps.
Boiling point—750°F (estimated at 1 atmosphere).
Vapor pressure—< 0.1 mm Hg at 140°F.
Specific gravity—1.06
Percent volatiles—< 1%.
Flash point—335°F, Cleveland open cup.
Solubility—Insoluble in water. Soluble in polar organic solvents such as acetone.

Environmental Test Data

LC_{50} (mg/1):
Rainbow trout (96 hr)—240
Bluegill sunfish (96 hr)—26
Daphnia Magna (48 hr)—51

Toxicity Data

Single oral LD_{50} (rats)—3,700 mg/kg.
Single dermal LD_{50} (rabbits)—> 5,000 mg/kg.
Skin irritation (rabbits)—Non-irritating.
Eye irritation (rabbits)—Slightly irritating.

Exposure. The submitter states that at two sites 2–5 workers manufacturing and processing the new chemical could have minimal inhalation exposure 8 hr/da, 100 da/yr, during transfer operations.

Environmental Release/Disposal. The manufacturer states that there is no anticipated release or disposal of the new chemical into the environment; amounts released by accidental spill will be recycled or disposed of by incineration or landfill.

PMN 81–133

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 15, 1981.

Manufacturer's Identity. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Unsaturated carboxylic amide.

Use. Fuel additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted on the PMN substance. The manufacturer provided the following data from tests on a typical mixture of PMN substances.

Oral LD_{50} (rats)—> 5,000 mg/kg; very low toxicity
DOT skin corrosion test (rabbits)—Non-corrosive.
Primary skin irritation (guinea pigs)—Moderately to mildly irritating in 24 and 48 hours.
Skin sensitization (guinea pigs)—Not sensitizing.
(Details and results of other tests are available at EPA).

Exposure. No data were submitted. The manufacturer states that the PMN substance will be manufactured in a closed system; skin or inhalation exposure would be accidental and minimal.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–134

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 15, 1981.

Manufacturer's Identity. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Unsaturated carboxylic amide-carboxylic acid.

Use. Fuel additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted on the PMN substance. The manufacturer provided the following data from tests on a typical mixture of PMN substances:

Oral LD_{50} (rats)—> 5,000 mg/kg; very low toxicity.
DOT skin corrosion test (rabbits)—Non-corrosive.
Primary skin irritation (guinea pigs)—Moderately to mildly irritating in 24 and 48 hours.
Skin sensitization (guinea pigs)—Non-sensitizing.
(Details and results of other tests are available at EPA).

Exposure. No data were submitted. The manufacturer states that the PMN substance will be manufactured in a closed system; skin or inhalation exposure would be accidental and minimal.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81–135

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 15, 1981.

Manufacturer's Identity. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic polymer.

Use. The manufacturer states that the PMN substance will be used in the preparation of textile fiber.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted on the PMN substance.

Toxicity Data. No data were submitted on the PMN substance.

Exposure. The manufacturer states that 129 workers could have skin and inhalation exposure to the new substance 152 da/yr at a concentration of 0 to 10 mg/m³.

Environmental Release/Disposal. Reactor and filter vapors are discharged through water scrubbers and then, along with the dryer exhaust air, vented through a stack to the atmosphere. The liquid from filtration is distilled for recovery and recycling of unreacted monomers and the waste from the recovery system is discharged to the plant waste treatment system.

PMN 81–141

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 22, 1981.

Manufacturer's Identity. Andrews Paper & Chemical Co., Inc., 1 Channel Drive, P.O. Box 509, Port Washington, NY 11050.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: 4–*N,N*-Diethylaminobenzene diazonium sulfonate salt.

Use. The manufacturer states that the PMN substance will be used in an industrial and commercial use as diazo reproduction paper and film.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	300	3,500
2d year	600	6,000
3d year	1,000	12,000

Physical/Chemical Properties

Molecular weight—422.
Physical appearance—Yellow-green powder.
Decomposition range—162–167° C.
Non-flammable; does not ignite with a flame.
Soluble in water, alcohol at pH >7.
Sensitive to ultra violet light, reacts with couplers in alkaline media to give azo dyes.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that two manufacturing workers could have accidental skin and inhalation exposure 1 hr/da, 20 da/yr, at average and peak concentrations of 0–1 mg/m³ during filtering, drying, packing, and drum filling operations. At approximately 20 sites not controlled by the submitter, 20 processing workers could have accidental skin and inhalation exposure 0.1 hr/da, 50 da/yr, while weighing the new chemical and adding it to a solution. Daily skin exposure would occur to 500 commerical users of articles containing the new substance.

Enviromental Release/Disposal. The manufacturer states that none of the new substance will be released into the air and that less than 10 kg/yr will be released 0.1 hr/da, 30 da/yr, into a publicly owned treatment works (POTW) after pH neutralization. At the sites of approximately 20 users, none will be released into the air and less than 10 kg/yr through waste disposal companies.

PMN 81–142

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 22, 1981.

Manufacturer's Identity. Andrews Paper & Chemical Co., Inc., 1 Channel Drive, P.O. Box 509, Port Washington, NY 11050.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: 4-(4-morpholinyl)-2,5-dibutoxybenzene diazonium sulfonate salt.

Use. The manufacturer states that the PMN substance will be used in an industrial and commercial use as diazo reproduction paper and film.

Production Estimates

Year	Kilograms per year	
	Minimum	Maximum
1st	250	1,000
2d	400	2,000
3d	600	3,000

Physical/Chemical Properties

Molecular weight—580.
Physical appearance—Yellow powder.
Decomposition range—133 to 136° C.
Nonflammable; does not ignite with a flame.
Soluble in water, alcohol at pH over 7.
Sensitive to U.V. light; reacts with couplers in alkaline media to give azo dyes.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that two manufacturing workers could have accidental skin and inhalation exposure 1 hr/da, 10 da/yr, at average and peak concentrations of 0–1 mg/m³ during filtering, drying, packing, and drum filling operations. At approximately 20 sites not controlled by the submitter, 20 processing workers could have accidental skin and inhalation exposure 0.1 hr/da, 50 da/yr, while weighing the new chemical and adding it to a solution. Daily skin exposure would occur to 500 commerical users of articles containing the new substance.

Enviromental Release/Disposal. The manufacturer states that none of the new substance will be released into the air and that less than 10 kg/yr will be released 0.1 hr/da, 10 da/yr, into a POTW after pH neutralization. At the sites of approximately 20 users of the new chemical, none will be released into the air and less than 10 kg/yr through waste disposal companies.

PMN 81–144

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 22, 1981.

Manufacturer's Identity. Andrews Paper & Chemical Co., Inc., 1 Channel Drive, P.O. Box 509, Port Washington, NY 11050.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: 4-(1-Prolidinyl)-3-methylbenzene diazonium sulfonate salt.

Use. The manufacturer states that the PMN substance will be used in an industrial and commercial use as diazo reproduction paper and film.

Production Estimates

Year	Kilograms per year	
	Minimum	Maximum
1st	250	1,250
2d	500	2,500
3d	750	4,000

Physical/Chemical Properties

Molecular weight—434.
Physical appearance—Yellow-orange powder.
Decomposition range—135–140° C.
Nonflammable; does not ignite with a flame.
Soluble in water, alcohol at pH over 7.
Sensitive to U.V. light; reacts with couplers in alkaline media to give azo dyes.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that two manufacturing workers could have accidental skin and inhalation exposure 1 hr/da, 20 da/yr, at average and peak concentration of 0–1 mg/m³ during filtering, drying, packing, and drum filling operations. At approximately 20 sites not controlled by the submitter, 20 processing workers could have accidental skin and inhalation exposure 0.1 hr/da, 50 da/yr, while weighing the new chemical and adding it to a solution. Daily skin exposure would occur to 500 commercial users of articles containing the new substance.

Environmental Release/Disposal. The manufacturer states that none of the new substance will be released into the air and that less than 10 kg/yr will be released 0.1 hr/da, 20 da/yr, into a POTW after pH neutralization. At the sites of approximately 20 users of the new chemical, none will be released into the air and less than 10 kg/yr through waste disposal companies.

PMN 81–145

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 22, 1981.

Manufacturer's Identify. Andrews Paper & Chemical Co., Inc., 1 Channel Drive, P.O. Box 509, Port Washington, NY 11050.

Specific Chemical Identify. Claimed confidential business information. Generic name provided: 4-*N,N*-Dimethylaminobenzene diazonium sulfonate salt.

Use. The manfacturer states that the PMN substance will be used in an industrial and commercial use as diazo reproduction paper and film.

Production Estimates

Year	Kilograms per year	
	Minimum	Maximum
1st	300	3,000
2d	600	6,000
3d	1,000	10,000

Physical/Chemical Properties

Molecular weight—394

Physical appearance—Yellow-orange powder.
Decomposition range—165–170° C.
Nonflammable; does not ignite with a flame.
Soluble in water, alcohol at pH over 7.
Sensitive to U.V. light; reacts with couplers in alkaline media to give azo dyes.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that two manufacturing workers could have accidental skin and inhalation exposure 1 hr/da, 15 da/yr, at average and peak concentrations of 0–1 mg/m³ during filtering, drying, packing, and drum filling operations. At approximately 20 sites not controlled by the submitter, 20 processing workers would have accidential skin and inhalation exposure 0.1 hr/da, 50 da/yr, while weighing the new chemical and adding it to a solution. Daily skin exposure would occur to 500 commercial users of articles containing the new substance.

Environmental Release/Disposal. The manfuacturer states that none of the new substance will be released into the air and that less than 10 kg/yr will be released 0.1 hr/da, 20 da/yr, into a POTW after pH neutralization. At the sites of approximately 20 users of the new chemical, none will be released into the air and less than 10 kg/yr through waste disposal companies.

[FR Doc. 81-12856 Filed 4-24-81; 8:45 am]
BILLING CODE 6560-31-M

[OPP 100001; PH FRL 1812-7]

Confidential Business Information; Transfer of Data to Contractors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has transferred to eight contractors and the Canada Department of National Health and Welfare information received under section 3 and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Some of the information has been claimed to be confidential business information (CBI). the contracts listed below have met the requirements of 40 CFR 2.301(h)(2) and the data have been tranferred to the contractors for performance of the contracts.

FOR FURTHER INFORMATION CONTACT: William C. Grosse, Chief, Information Services Branch, Program Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington., D.C. 20460, (703) 557–7143.

SUPPLEMENTARY INFORMATION: The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 10(e) provides that confidential business information (CBI), or business information which is alleged to be confidential, may be disclosed to an authorized contractor when such disclosure is necessary for the performance of the contract. EPA routinely receives such CBI as part of the data that are submitted by pesticide registrants and others as provided for in FIFRA sections 3(c)(2) and 6(a)(2). Contractors are authorized to receive such data after the EPA program office managing the contract makes the determinations that are specified in 40 CFR 2.301(h)(2) as referenced in § 2.201. Such determinations have been made on the current contracts listed below. Advance notice covering all new contracts as specified by § 2.301(h)(2)(iii) shall be provided.

(a) Contractors to whom FIFRA CBI is being disclosed:

(1) Raven Systems and Research, Washington, D.C.—Contract No. 68–01–4934. Technical data are indexed, coded, and entered into the Pesticide Document Management System (PDMS) from which retrievals are run and bibliographies produced to support Registration Standards, RPAR and other data-dependent aspects of the pesticide regulatory program.

(2) Computer Sciences Corp., Falls Church, Va—Contract No. 68–01–3840. Computer processing of confidential and nonconfidential data is performed on the premises of EPA. This contractor is not concerned with the meaning of the data being processed, under security safeguards, at EPA headquarters.

(3) TRW Inc., Redondo Beach, Cal.—Contract No. 68–02–3174. Major pest control strategies in forest management are evaluated. Toxicology, environmental effects, and options for disposal are evaluated.

(4) Enviro Control, Inc., Rockville Md.—Contract No. 68–01–5144. Use pattern profiles for all pesticide chemicals are prepared. Contract No. 68–01–5830. Environmental exposure data on pesticides are reviewed and evaluated, primarily in the reregistration process.

(5) Mitre Corp., McLean, Va—Contract No. 68–01–5944. Risk and benefit studies are performed. Contract No. 68–01–5965. Socioeconomic impact analyses of current and proposed pesticide regulations are made.

(6) Geomet Technologies Inc., Gaithersburg, Md.—Contract No. 68–01–5155. Use pattern analyses for environmental fate, ecological effects, residue chemistry, and economics are made.

(7) Clement Associates, Inc., Washington, D.C., and EPL, Inc., Herndon, Va.—Contract No. 68–01–5824. Assessment of scientific data is made in support of pesticide evaluations.

(8) Jacobs Engineering Group, Inc., Pasadena, Cal.—Contract No. 68–03–2569. RPAR trigger review is made for two pesticides. (b) Disclosure of FIFRA CBI under intergovernmental administrative agreements: Environmental Health Directorate, Health Protective Branch, Canada Department of National Health and Welfare—Memorandum of Understanding, February 12, 1980. Under this agreement, EPA (Office of Pesticide Programs) and the Canada Department of National Health and Welfare (Health Protection Branch) share technical data and information on ingredients found in pesticide formulations regulated by both countries. This agreement specifies that each nation's policy on data confidentially be scrupulously observed by the other in protection any and all information shared under this agreement. With respect to providing security of data from unauthorized release, EPA has determined that the security provisions contained in 40 CFR 2.301(h)(2) are met by provisions of the Canadian Pest Control Products Act and Official Secrets Act. The agreement further stipulates that both governments will hold confidential all CBI unless disclosure is authorized in writing by the government furnishing the data. This assures that both governments retain the discretion to follow their security procedures with respect to data disclosure, prior to disclosure by the other government.

(Sec. 10 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: April 16, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs

[FR Doc. 81-12857 Filed 4-27-81; 8:45 am]
BILLING CODE 6560-32-M

[ER FRL 1812-4]

EPA Comments on Environmental Impact Statements and Other Actions Impacting the Environment; Availability of Report

AGENCY: Office of Federal Activities (A–104), Environmental Protection Agency.

PURPOSE: Pursuant to the requirements of section 102(2)(c) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as

amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment.

SUMMARY OF NOTICE: A report which identifies EPA's comments on EIS's and other actions impacting the environment which were released during March 1981 has been prepared and is available upon request. To obtain a copy of this report you should contact: Ms. Kathi L. Wilson, Office of Federal Activities (A–104), U.S. Environmental Protection Agency, Washington, D.C. 20460.

This report is also published in the monthly publication entitled, 102 Monitor, which is available through subscription with the Government Printing Office, Superintendent of Documents, Washington, D.C. 20402.

CONTENTS OF REPORT: The report contains the type and title of the document reviewed by EPA, the agency responsible for preparing document, the EPA review control number, the classification of the nature of EPA's comments for draft EIS's and a summary of the EPA's comments is given for final EIS's and other actions.

Dated: April 21, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

[FR Doc. 81–12884 Filed 4–27–81; 8:45 am]

BILLING CODE 6560–37–M

[AS FRL 1812–3]

Science Advisory Board Executive Committee; Open Meeting

Under Pub. L. 92–463 notice is hereby given of a meeting of the Executive Committee of the Science Advisory Board. The meeting will be held May 14–15, 1981 starting at 9:15 am in Room 1101, West Tower, EPA Headquarters, 401 M Street, SW., Washington, D.C. 20460.

The agenda for the meeting includes a discussion of issues concerning science and decision-making in EPA. These issues include: Distinctions between science and policy issues; criteria development for scientific studies and standard setting; risk analysis and standard setting; and development of scientifically supportable standards. Other issues on the agenda include a briefing on the revisions to EPA research budget for fiscal year 1982.

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Richard M. Dowd, Director, Science Advisory Board at (202) 755–2600 or Terry F. Yosie, Staff Officer, Science Advisory Board at (202) 755–0263 before close of business May 7, 1981.

Richard M. Dowd,

Director, Science Advisory Board.

April 22, 1981.

[FR Doc. 81–12883 Filed 4–27–81; 8:45 am]

BILLING CODE 6560–30–M

[OPTS 90001; TSFRL 1812–8]

Toxics Integration Information Series; Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA announced in the Federal Register of August 25, 1980 (45 FR 56432) the availability of the Toxics Integration Information Series. The Information Series provides data and analysis regarding the assessment and regulation of chemical substances throughout the Environmental Protection Agency. This notice announces the availability of four documents.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS–799), Office of Toxic Substances, U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll free: (800–424–9065), Washington, D.C.: (554–1404). Outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION: Section 9 of the Toxic Substances Control Act (TSCA), Pub. L. 94–469, requires the Environmental Protection Agency to integrate and coordinate the various Federal activities involved with controlling toxic substances whenever regulatory action is contemplated or initiated under this Act.

The Toxics Integration Information Series contains publications that (1) provide basic data on the status of assessment and regulation of chemical substances throughout the Environmental Protection Agency, (2) provide locator and reference information regarding groups and agencies charged with responsibility for chemical substance research, assessment, and regulatory missions, and (3) contain occasional publications analyzing scientific, technical, and business information regarding chemical substances and groups of substances that will be useful to EPA and other decisionmakers.

Ordering

This notice announces the availability of four documents. These documents are intended primarily for EPA program managers, but they may be helpful to Federal and State health and environmental officials, industry, labor, environmentalists, and others interested in EPA activities related to chemicals.

To have your name placed on the mailing list to receive Notices of future documents as they become available in the Toxics Integration Information Series, send in your complete mailing address (name, company/organization, street address, city, State, and zip code) to the Industry Assistance Office (address above). If you have already placed your name on this list, do not do so now.

After the initial supply of each document is exhausted, copies can be purchased from the National Technical Information Service (NTIS). The NTIS reference number can be obtained from the Industry Assistance Office.

Documents Available

The first document, "EPA Chemical Activities: Status Report, Second Edition," is an annual catalog of chemicals being regulated and/or studied by EPA for possible regulation. The publication enables a person to locate for a specific chemical under what authority it is being considered and the nature of current activities. The document summarizes information about pre-regulatory assessments, surveys, investigations, monitoring, technical assistance programs, and regulatory activities.

The second document, "Chemical Selection Methods: An Annotated Bibliography," is a catalog of resource materials about the selection, ordering, and ranking of chemical substances. The bibliography provides individuals interested in chemical selection (priority setting, ranking, indexing, sorting) with a collection of extant materials and, thus, may prevent duplicative effort and assist in developing new methods. Most entries include information on where the documents may be obtained.

The third document, the "Chemical Information Resources Handbook," is a compendium describing approximately 70 computerized resources containing information about chemicals available through government and private organizations.

The Handbook provides a framework for retrieving information on chemical toxicology, environmental effects, spill responses, disposal methods, ambient air and water concentrations, control technologies, and existing regulations. The various resources provide both bibliographic and other information on these subjects. Beyond currently available resources, the Handbook describes resources that will be

available in the future, how to access the systems, cost of resource access, and the format and form of the output.

The Handbook was developed for presentation at 35 nationwide orientation sessions on chemical information resources. The Environmental Protection Agency (EPA) sponsored these sessions to promote an understanding of the resources available in the field of chemical information.

The fourth document, the "TSCA Status Report for Existing Chemicals," is a periodic publication with lists all the existing chemicals of interest to the Office of Pesticides and Toxic Substances under the Toxic Substances Control Act and indicates the regulatory/assessment status of each.

Dated: April 8, 1981.

Marilyn C. Bracken,

Associate Assistant Administrator for Toxics Integration.

[FR Doc. 81-12859 Filed 4-27-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 81-268, 81-269; File Nos. BPH-800318AJ, BPH-800829BF]

DOXA Inc., and Covington Area Broadcasters, Inc.; Consolidated Hearing on Stated Issues

In re applications of DOXA, Inc., Covington, Indiana, Req. 103.1 MHz, Channel 276A 3kW, (H&V), 299 feet, BC Docket No. 81-268, File No. BPH-800318AJ; Covington Area Broadcasters, Inc., Covington, Indiana, Req: 103.1 MHz, Channel 276A 3.00 kW (H&V), 300 feet; BC Docket No. 81-269, File No. BPH-800829BF, for a construction permit; for a New FM Station.

Hearing Designation Order

Adopted: April 15, 1981.

Released: April 21, 1981.

1. The Commission, by the Chief, Broadcasting Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by DOXA Inc. (DOXA) and Covington Area Broadcaster (CAB).

2. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

3. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

4. It is further ordered, that, to avail themselves of the opportunity § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

5. It is further ordered, that the applicants herein shall pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually, or if feasible and consistent with the rule, jointly) and shall advise the Commission of the publication of such notice as required by § 73.3594 of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-12861 Filed 4-27-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-217; FCC 81-131]

MCI Telecommunications Corp., et al; Designated Application for Hearing on Stated Issues

In the matter of MCI Telecommunications Corporation v. American Telephone and Telegraph Company and the Pacific Telephone and Telegraph Company and In the matter of MCI Telecommunications Corporation, CC Docket No. 81-217.

Memorandum Opinion and Order

Adopted: March 26, 1981.

Released: April 7, 1981.

By the Commission: Chairman Ferris not participating; Commissioner Fogarty dissenting and issuing a statement; Commissioner Jones concurring in the result.

1. The Commission has before it for reconsideration a Memorandum Opinion and Order in *MCI Telecommunications Corp. v. AT&T*, 74 FCC 2d 184 (1979) (Second Order). There the Commission denied a formal complaint [1] filed by MCI Telecommunications Corporation (MCI) against The American Telephone and Telegraph Company (AT&T) and Pacific Telephone and Telgraph Company (PT&T), and also denied a petition for reconsideration and petition for stay of our Memorandum Opinion and Order in *MCI Telecommunications Corporation*, 62 FCC 2d 703 (1976) (First Order). MCI sought judicial review of the Second Order in the United States Court of Appeals for the District of Columbia Circuit.[2] Thereafter, on June 16, 1980, the Commission voluntarily requested the Court to remand the case to the Commission for consideration of matters raised in MCI's brief which either were not addressed or were addressed inadequately in the order under review. The Court ordered the remand on September 2, 1980. For reasons discussed below, we now conclude that the Second Order was inadequate to dispose of the complaint, and we will direct an expedited hearing on MCI's complaint.

Background

2. In February of 1975, MCI entered into a contract with General Motors (GM) to provide private line service connecting GM offices in Chicago, Detroit, and Oakland, California. The service was to begin in July of that year. MCI's own facilities extended from Chicago and Detroit, through Phoenix, to Los Angeles. However, it did not have circuits from Los Angeles or Phoenix to Oakland. MCI thus sought to lease AT&T circuits linking MCI offices in either Los Angeles or Phoenix with GM's office in Oakland.

3. By letter dated March 31, 1975, MCI ordered 116 voice grade circuits from Phoenix to Oakland under AT&T's Other Common Carrier Tariff FCC No. 266 (OCC tariff). After some delays in finding the correct AT&T officer, the order was repeated on April 8. The order was stated by MCI to be "under the provisions of Tariff FCC 266 as modified in FCC 20099 negotiations."

4. Two days later, MCI placed another order, as agent for GM, requesting two bundles of Telpak C circuits from a GM switch in Oakland "to an MCI provided switch on General Motors premises" located in MCI's Los Angeles office. On April 15, AT&T refused to accept the Telpak C order because it did "not relate to the provision of facilities as covered in Tariff FCC No. 266 and modified in Docket 20099." The Telpak service would have cost MCI about $32,000 a month under AT&T's Tariff FCC 260.

[1] File No. TS 7-76, filed September 22, 1976.

[2] *MCI Telecommunications Corporation v. FCC*, No. 79-2315 (D.C. Cir. filed Nov. 2, 1979.)

5. On April 18, AT&T informed MCI that its order under the OCC tariff for service from Oakland to Phoenix could not be completely filled by the July 1 date requested. Only 40 circuits, it said, could be made available by then, and 10 of those might be technically unacceptable for MCI's purposes. AT&T further stated that the remaining facilities could be made available within a normal interval of 25 weeks from the date of the order. The bill for this service would have been about $84,500 per month by AT&T's calculations, $52,000 per month according to MCI.[3]

6. MCI then ordered 118 circuits from Pacific Telephone and Telegraph (PT&T) and a week later cancelled the order from AT&T under the OCC tariff. PT&T billed MCI at its interstate single channel rate under P.T.T. Tariff FCC No. 128 at about $181,000 a month. However, MCI only paid it $32,000 a month (the Telpak rate), while at the same time gradually replacing the PT&T circuits. On March 22, 1976, PT&T notified MCI by letter that its remaining facilities, seven circuits, were subject to disconnection for failure to pay the billed charges and demanded payment of accumulated bills totalling $889,203.03.

7. It was at this point that the Commission became involved. On April 20, 1976, MCI filed a petition for emergency relief in which it asked the Commission to enjoin the termination pending a determination of the proper charges. It also argued that the so-called customer premises restriction in AT&T's Tariff 260, which was the apparent basis for AT&T's denial of Telpak service, was in violation of the Act as well as court and Commission orders.

8. Significantly, even before these events, the Commission had been considering the reasonableness of two restrictions in AT&T's Tariff 260. In the *Resale and Shared Use Decision*, 60 FCC 2d 261 (1976)[4] (*Resale*), the Commission concluded that the restrictions on resale or sharing of private line services, including those offered under Telpak rates, were unreasonable and thus unlawful. That order was adopted on July 1, 19765. Two weeks later, the Commission struck down the customer premises restriction, finding it inconsistent with its landmark *Hush-a-Phone*,[5] *Carterfone*,[6] and *Specialized Common Carrier Services*[7] decisions. *AT&T, Restrictions on Interconnection of Private Line Services*, 60 FCC 2d 930 (1976) (the "Piece-Out" decision).

9. At the same meeting, the Commission also considered MCI's petition and denied it. The Commission found that MCI was obliged to pay PT&T all charges properly billed and that self-help by refusing to pay part of the bill was not an acceptable remedy. The Commission also noted that the proper proceeding for obtaining a ruling on the issues MCI raised was by way of complaint for reparation under Sections 206–209 of the Act, 47 U.S.C. 206–209. Finally, it concluded that it was unable to determine whether AT&T actually needed 25 weeks to provide the OCC tariff services requested by MCI. Accordingly, AT&T was directed to submit a detailed explanation of the factors which had prevented it from meeting MCI's request for service.

10. MCI filed a petition for reconsideration and also filed a complaint, both of which were denied by the Commission in the Second Order on September 13, 1979. That order concluded first that the explanation AT&T provided for the 25-week period of delay was not unreasonable. Next, it examined the agency relationship between MCI and GM, concluding that MCI had acted as a reseller. Finally, it reasoned that its decision to eliminate restrictions on resale of Telpak circuits was a matter of new policy and that it would be unfair to give the decision retroactive effect. As such, the Commission distinguished *Carterfone*, where it had given retroactive effect to a finding that a tariff restriction was unlawful, on the grounds that the restriction in that case violated a preexisting policy. The decision, however, found it unnecessary to reach the question of whether the rejection of the customer premises restrictions should be given retroactive effect.

Discussion

11. MCI seeks damages upon two distinct theories: the first relates to MCI's request for Telpak C circuits under AT&T's Tariff 260 and the second to the request for service under the OCC tariff. We deal with each theory separately.

A. The Telpak Issue

12. At the time of MIC's order, AT&T's Tariff 260 contained two restrictions which ostensibly justified AT&T's refusal to provide Telpak C circuits to MCI. The customer premises or "piece-out"[7] restriction provided that connection of AT&T's private line services was available only at the premises of customer and prohibited many types in connections of AT&T private line services at other common carrier premises, including the connection requested by MCI at its Los Angeles office. Further, the resale restriction barred the provision of service or facilities to an intermediary who then reoffered the service or facilities to the public.[8]

13. MCI argues that because the Commission determined that these restrictions were unlawful a short time later the restrictions were also unlawful at the time MCI placed its order. Thus, it contends it should have received service under Tariff 260 at the Telpak rate, which is the rate it actually did pay to PT&T. AT&T contends, on the other hand, that the restrictions were lawful at the time of MCI's order, and as these provisions were legally in effect, its refusal of service was proper.

14. The basic legal issues presented are whether, notwithstanding the tariff restrictions that were in effect at the time MCI placed its order, AT&T is liable to MCI for unlawfully refusing service, and if so, in what amount. To repeat, in our Second Order, we denied MCI's complaint on the ground that our *Resale* decision had prospective effect only. Left unaddressed, however, was the question whether, apart from our *Resale* decision, the restrictions were unlawful at the time AT&T denied MCI's request for circuits.

15. Section 206 of the Act, 47 U.S.C. 206, provides that

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[3] MCI in its pleadings and brief to the D.C. Court argued that 25 weeks was an unreasonably long time to provide these circuits and that GM was such a vitally important customer for MCI at that time, because MCI's credibility and actual survival were at stake, that it was forced to use any service it could get to meet the July deadline. It also contended that AT&T knew this because of its own bid for GM's contract.

[4] *Amended on recon.*, 62 FCC 2d 588 (1977), *aff'd sub nom., AT&T v. F.C.C.* 572 F.2d 17 (2d Cir. 1978), *cert. denied* 439 U.S. 875 (1978).

[5] *Hush-a-Phone v. United States*, 230 F.2d 208 (D.C. Cir. 1956).

[6] *Carterfone*, 13 FCC 2d 420, *recon denied*, 14 FCC 2d 571 (1968).

[7] *Specialized Common Carrier Services*, 29 FCC 2d 870 (1971), *aff'd sub nom., Washington Utilities and Transportation Commission v. F.C.C.*, 513 F. 2d 1142 (9th Cir. 1975), *cert. denied*, 423 U.S.C. 836 (1976).

[7] The customer premises restriction effectively restricted interconnection of AT&T private line services to premises where a non-carrier customer had a regular and continuing need to originate and terminate calls. The restriction thereby prevented customers from "piecing out" a communications system by interconnecting AT&T private lines with lines provided by the customer itself or competing common carriers.

[8] We note in passing that MCI argued in its brief to the court that it was not a reseller because it would have provided the services to GM at a loss. Even assuming this was the case, it is dispositive on the issue of status as a reseller. The resale restrictions applied to any use for which a payment or other compensation would be received, and it is undeniable that MIC would have received compensation for the services from GM.

> In case any common carrier shall do, or cause or permit to be done, any act, matter, or thing in this Act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this Act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this Act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

Section 207, 47 U.S.C. 207, allows recovery either by complaint to the Commission or suit in United States district court (but not both). Section 208, 47 U.S.C. 208, goes on to provide specific procedures for complaints to the Commission, and Section 209, 47 U.S.C. 209, allows the Commission to make awards of damages against carriers. These provisions were lifted directly from the Interstate Commerce Act (ICA) and are essentially identical to the provisions of that Act in effect when the Communications Act was adopted in 1934. For this reason, the Commission has often looked to reparations cases decided under the ICA for guidance.[9]

16. AT&T's position is basically that since the Act provides that tariffs became effective if the Commission fails to reject or suspend and investigate them, and the carrier is bound by Section 203(c) of the Act to apply those tariffs, the tariffs are conclusively legal until revised or the Commission finds otherwise, and not subject to later recovery of damages. On the other hand, MCI seems to argue that once a tariff provision is found unreasonable in an investigation or rulemaking, that determination is conclusive to any claim for damages by an injured party.

17. The leading decisions which spell out the nature of the ICC's (and impliedly this Commission's) functions in this area are *Baer Brothers v. Denver & R. G. R. R.*, 233 U.S. 479 (1914) and *Arizona Grocery v. Atchison, T. & S. F. R., Co.*, 284 U.S. 370 (1932). In *Baer*, the Court held that damages cases and rate fixing cases are essentially different:

> That the two subjects of Reparations and Rates may be dealt with in one order is undoubtedly ture. But awarding reparation for the past and fixing rates for the future involve the determination of matters essentially different. One is in its nature private and the other public. One is made by the Commission in its *quasi*-judicial capacity to measure past injuries sustained by a private shipper; the other in its *quasi*-legislative capacity, to prevent future injury to the public. But testimony showing the unreasonableness of a past rate may also furnish information on which to fix a reasonable future rate and both subjects can be, and often are, disposed of by the same order. This, however, is not necessarily so * * * Then, too, there are cases in which a rate, reasonable when made, becomes unreasonable as the result of a gradual change in conditions, so that no reparation is ordered even though a new rate be established for the future. Conversely, there may be cases where what was an unreasonable rate in the past is found to be reasonable at the date of the hearing. In such a case reparation would be awarded for past unreasonable charges collected but no new rate would be established for the future. (citations omitted) 233 U.S. at 486–87, 488

Baer establishes in other words, that action on a complaint for damages is a quasi-judicial function and that the outcome of an administrative ratemaking (i.e., quasi-legislative) proceeding is not necessarily dispositive for purposes of a related damages case. Practical and theoretical considerations, too, may in some cases justify differing rulings. This difference in function is also reflected in different procedural requirements. For example, the carrier has the burden of proving the reasonableness of an increased charge in a rate investigation, but the customer bears the burden of proving unreasonableness, as well as damages, in a complaint proceeding.[10]

18. MCI thus is not entitled automatically to a judgment in its favor simply as a result of the Commission's decisions in the *Piece Out* and *Resale* cases; indeed, the question of damages was not even considered in either case. By the same token, however, the fact that we were making policy prospectively in these decisions does not bar a ruling on the merits of MCI's timely complaint and our conclusion to that effect in the Second Order was erroneous. The issues in MCI's complaint for damages are somewhat different from those in the two policy-making investigations involving as they do questions of past rather than future unlawfulness, and there may be changes in circumstances or other defenses available to AT&T which would justify a different result. An expedited hearing will provide the proper forum for resolution of the complaint.

19. AT&T's argument that MCI should be denied an award of damages because the customer premises restriction was a legally effective provision in AT&T's Tariff 260 at the time is similarly erroneous. Carrier-initiated tariff provisions may be subject to a damages award if the provisions are later found to be unlawful. As the Supreme Court explained in *Arizona Grocery, supra*, the ICA specifically preserves the common law duty of carriers to charge reasonable rates, and the carrier "[takes] its chances that in an action by the shipper these might be adjudged unreasonable and reparation be awarded."[11] The fact that the ICC has the power to review carrier-initiated tariffs does not alter this basic duty. Carrier-initiated rates and regulations in legally effective tariffs can always be challenged as unreasonable and unlawful. The Court put it this way:

> In order to render rates definite and certain, and to prevent discrimination and other abuses, the statute required the filing and publishing of tariffs specifying the rates adopted by the carrier, and made these the *legal* rates, that is, those which must be charged to all shippers alike. Any deviation from the published rate was declared a criminal offense, and also a civil wrong giving rise to an action for damages by the injured shipper. Although the Act thus created a legal rate, it did not abrogate, but expressly affirmed, the common-law duty to charge no more than a reasonable rate, and left upon the carrier the burden of conforming its charges to that standard. In other words, the legal rate was not made by the statute a lawful rate—it was lawful only if it was reasonable. Under (49 U.S.C. 6) the shipper was bound to pay the legal rate; but if he could show that it was unreasonable he might recover reparation.
>
> The Act altered the common law by lodging in the Commission the power theretofore exercised by courts, of determining the reasonableness of a published rate. If the finding on this question was against the carrier, reparation was to be awarded the shipper, and only the enforcement of the award was relegated to the courts. (footnotes omitted) 284 U.S. at 384–85.

20. Because prospective ratemaking was considered a quasi-legislative function, and out of considerations of fairness to carriers, rates which were approved or prescribed by the Commission were distinguished and held to be lawful rates not subject to reparation in *Arizona Grocery*. But this restriction was narrowly construed, and rates which the ICC ruled had merely not been shown to be unlawful, but did not specifically approve, stood only as carrier-made rates open to possible recovery of reparations in a later proceeding.[12]

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[9] See, e.g., *Carterfone, supra; Hughes Sports Network v. AT&T*, Docket No. 16043, 25 FCC 2d 550 (1970); *United States v. AT&T*, Memorandum of FCC as Amicus Curiae, 62 FCC 2d 1102, 1113 (1977). See also, *Stanley v. Western Union Telegraph Co.*, 23 F. Supp. 674 (S.D. Fla. 1938).

[10] 47 U.S.C. 204(a). See *Southern R. Co. v. Seaboard Allied Milling Corp.*, 442 U.S. 444, 454–55 (1979).

[11] 284 U.S. at 383.

[12] *Interstate Commerce Com. v. Inland Waterways Corp.*, 319 U.S. 671 (1943).

21. To sum up, then, the lessons of *Arizona Grocery* and its progeny come down to this: as a matter of fairness to carriers, where the regulatory agency after investigation finds that carrier initiated rates are lawful or prescribes its own rates, those rates will not subject the carrier to damages. Conversely, where the agency merely permits the rates to become effective, those rates may subject the carrier to damages liability in a future proceeding should be complainant meet its burden of proving unlawfulness and damages.

22. In the present case, AT&T's customer premises and resale restrictions plainly were never approved or prescribed by the Commission; they were merely initiated by AT&T and permitted to become effective. Applying the principles of *Arizona Grocery*, the Commission may therefore award damages for injury suffered as a result of those restrictions, if they are found to have been unlawful at the time and under the circumstances in which they were applied.

B. The 25 Weeks Issue

23. Assuming damages may not be awarded on the first ground, MCI argues alternatively that the Commission should order an evidentiary hearing on the reasonableness of the 25-week period claimed necessary by AT&T in order to meet MCI's service requirement under the OCC tariff. The Commission concluded in the Second Order that AT&T's explanation of the 25-week period was not unreasonable, and that MCI "did not present sufficient evidence to significantly contradict the evidence presented by AT&T." 74 FCC 2d at 191. In its brief to the D.C. Circuit MCI argued that the AT&T data is inherently suspect, based upon MCI's own experience, but that discovery processes or cross-examination would be necessary to determine the accuracy of AT&T's report.

24. We conclude upon reexamination of the record that a hearing is warranted on this issue. AT&T did provide an explanation for the delay in response to the Commission's First Order, but that explanation was unsupported. There is no specific evidence, aside from AT&T's statements, that the delay was normal or reasonable. On the whole, we conclude that MCI should have an opportunity to develop facts which might demonstrate that AT&T's treatment of its OCC tariff order was unreasonable. If MCI prevails on the issue of liability, it will bear the burden of proving the actual damage it suffered as a result of any unreasonable act on the part of AT&T.

25. Accordingly, it is ordered, that pursuant to Sections 201(a), 201(b) and 206–209 of the Communications Act of 1934, as amended, 47 U.S.C. 201(a), 201(b) and 206–209, this matter is designated for hearing in an expedited proceeding on the following issues:

(a) Whether AT&T's refusal to accept MCI's April 10, 1975 order of two bundles of Telpak C offerings from Oakland, CA to Los Angeles, CA was unjust or unreasonable or otherwise in violation of Section 201(b) or 202(a) or the Communications Act;

(b) Whether, and if so, to what extent, AT&T's response to MCI's March 31 and April 8, 1976 orders for 116 voice grade circuits from Phoenix, AZ to Oakland, CA was unjust or unreasonable or otherwise unlawful under Sections 201(b) or 202(a) of the Communications Act; and

(c) What damages, if any, should be awarded to MCI for any unlawful acts of omissions of AT&T found under issues (a) and (b) above.

26. It is further ordered, that the hearing in this proceeding shall be held before an Administrative Law Judge at a time and place to be specified by subsequent order; and that such Administrative Law Judge shall, upon closing of the record, prepare and issue an initial decision, which shall be subject to the submittal of exceptions and request for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules (47 CFR 1.276 and 1.277), after which the Commission shall issue its decisions as provided in § 1.282 of the Commission's rules (47 CFR 1.282). The Administrative Law Judge is hereby authorized to conduct this proceeding in such a manner as to insure that the initial decision will be issued within six months of the release date of this Memorandum Opinion and Order.

27. It is further ordered, that MCI Telecommunications Corporation, American Telephone and Telegraph Company, Pacific Telephone and Telegraph Company, and the Chief, Common Carrier Bureau are designated parties to this proceeding.

28. It is further ordered, That the parties herein may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(e) of the rules, 47 CFR 1.221(e) of the rules, 47 CFR 1.221(e), within twenty (20) days of the release date of this Memorandum Opinion and Order, a written notice stating an intention to appear on the date set for hearing and present evidence on the issues specified.

29. It is further ordered, that the decision of the Commission in *MCI Telecommunications, Corp., v. AT&T*, 74 FCC 2d 184 (1979) is vacated.

30. It is further ordered, that Notice of this decision is directed to be provided to the United States Court of Appeals for the District of Columbia Circuit.

Federal Communications Commission [1]

William J. Tricarico,

Secretary.

Dissenting Statement of Commissioner Joseph R. Fogarty

In Re: MCI Telecommunications Corporation v. American Telephone and Telegraph Company and Pacific Telephone and Telegraph Company; and MCI Telecommunications Company—Memorandum Opinion and Order.

I must dissent to the Commission's decisions to vacate its Memorandum Opinion and Order in *MCI Telecommunications Corp.* v. *AT&T*, 74 FCC 2d 184 (1979) [Second Order] and to direct an expedited hearing on MCI's complaint. Based on the record, I believe that the Commission correctly concluded in the *Second Order* that MCI's petitions should be denied on the grounds that the resale policy, under which restrictions such as AT&T's "piece-out" prohibitions were held to be unlawful, should not be applied retroactively and that AT&T had submitted a sufficient explanation as to the reasonableness of the 25-week delay. No new evidence or additional legal arguments have been presented which would rebut these conclusions and serve to justify vacating the *Second Order* and designating MCI's complaint for hearing. Under these circumstances, I am unable to agree that the Commission's decision adopting the *Second Order* was incorrect. I, therefore, believe this action by the Commission vacating the *Second Order* to be improper.

[FR Doc. 81-12805 Filed 4-27-81; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket Nos. 81-242, 81-243]

Q. Communications, Inc., and Glen J. Goldenberg; Hearing Designation Order

In re applications of Q, Communications, Inc., Saloma, Kentucky, Req: 910 kHz, 500 W, DA, Day, BC Docket 81-242, File No. BP-20,838; Glen J. Goldenberg, Burnside, Kentucky, Req: 910 kHz, 500 W, DA, Day, BC Docket 81-243, File No. BP-781205AG; for construction permit.

[1] See attached dissenting statement of Commissioner Fogarty.

Adopted: April 3, 1981.
Released: April 14, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new AM broadcast stations.

2. *Q. Communications, Inc.* Q. Communications failed to submit its corporate by-laws, as required by Question 3 of Section II, FCC Form 301. An amendment is necessary.

3. *Glen J. Goldenberg.* We have no evidence that Goldenberg published local notice of his application, as required by Section 73.3580 of the Commission's Rules. He will be required to demonstrate proper notice by filing a statement of publication with the presiding Administrative Law Judge.

4. *Other matters.* The two proposals, although for different communities, would serve substantial common areas. Consequently, in addition to an issue to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio services, a contingent comparative issue will be specified.

5. Both applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

6. Accordingly, it is order, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

2. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it be concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, that Q. Communications, Inc. shall file the amendment specified in paragraph 2, above, within 30 days after this order is published in the Federal Register, (May 28, 1981).

8. It is further ordered, that Glen J. Goldenberg shall publish local notice of his application (if he has not already done so), and shall file a state of publication with the presiding Administrative Law Judge within 40 days after this order is published in the Federal Register (June 8, 1981).

9. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

10. It is further ordered, that pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.
Larry D. Eads,
Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-11771 Filed 4-27-81; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket No. 81-256; File No. BPH-791220AB et al.]

Triangle Broadcasting Co. et al.

In re Application of Triangle Broadcasting Company, Havre, Montana, BC Docket No. 81-256, file No. BPH-791220AB; Req: 95.1 MHz, Channel 236C 100 kW (H&V), 420 feet; Hi-Line Radio Fellowship Inc., Havre, Montana, BC Docket No. 81-257, file No. BPH-800828AA; Req: 95.1 MHz, Channel 236C 100 kW (H&V), 793 feet; Havre Broadcasting Corporation, Havre, Montana, BC Docket No. 81-258, file No. BPH-800829AT; Req: 95.1 MHz, Channel 236C 100 kW (H&V), 422 feet; for construction permit for a new FM station.

Hearing Designation Order: Designating Applications for Consolidated Hearing on Stated Issues

Adopted: April 9, 1981.
Released: April 21, 1981.
By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of Triangle Broadcasting Co. (Triangle), Hi-Line Radio Fellowship Inc. (Hi-Line), and Havre Broadcasting Co. (Havre) for a construction permit for a new FM station.

2. *Triangle.* Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. The local notice must contain the names of all corporate officers, directors and 10% shareholders. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. Triangle's certification of local notice does not contain the names of its officers, directors and 10% shareholders. Accordingly, Triangle will be required to republish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

3. Applicants for new broadcast stations are required to submit information to the Commission establishing their ability to finance construction costs and three months operation costs for the proposed station. Triangle has submitted a letter from the Citizens Bank of Montana which approves its loan request of $100,000 but fails to specify the terms of the loan. Moreover, Triangle submits balance sheets of its stockholders without any explanation of what the stockholders are obligated to contribute. Additionally, Triangle has failed to submit an estimate of its three months operating costs, legal costs, and necessary information indicating the manner in which it will finance construction and operation of the station. In light of these deficiencies, a general financial issue will be specified.

4. The Triangle application does not indicate how many full-time and part-time employees it intends to employ. Section VI of Form 301 and § 73.2080 of the Rules require that an Equal Employment Opportunity Plan detailing the applicant's hiring and promotion policies be submitted if there will be five or more full-time station employees. Triangle did not submit an EEO program nor indicate that it is exempt from this requirement. Accordingly, an issue will be specified.

5. *Havre.* Havre has not provided us with a current FAA clearance. Accordingly, an appropriate issue will be specified.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Triangle Broadcasting Co. is financially qualified to construct and operate the proposed station.

2. To determine whether Triangle must comply with § 73.2080 of the Commission's Rules and submit an Equal Employment Opportunity Plan.

3. To determine whether there is a reasonable possibility that the tower height and location proposal by Havre Broadcasting Corporation would constitute a hazard to air navigation.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That Triangle file a statement with the presiding Administrative Law Judge demonstrating compliance with the public notice requirement of § 73.3580(f) of the Commission's Rules.

9. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

10. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicant's herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934 as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-13003 Filed 4-27-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreement at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 18, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this been done.

Agreement No.: T-3967.

Filing Party: Joe H. Hamner, Jr., Esquire, Board of Commissioners of the Port of New Orleans, P.O. Box 60046, New Orleans, Louisiana 70160.

Summary: Agreement No. T-3967, between the Board of Commissioners of the Port of New Orleans (Board) and Ryan-Walsh Stevedoring Company, Inc. (Lessee), provides for the lease of bulk terminal facilities and related equipment, located at the Mississippi River-Gulf Outlet, Orleans Parish, Louisiana. Lessee will utilize the facilities in their present condition for the handling of a limited number of bulk commodities loaded or unloaded from various carriers. The term of the agreement will be for five years, with an option to extend the lease for one further period of five years. The Lessee's right to renew the lease is conditioned on its having invested not less than $2,000,000 in capital improvements on the leased premises before the expiration of the initial five year term of the lease. As rent, Lessee shall pay to the Board a tonnage charge of 70¢ per ton of 2,000 pounds for each ton of cargo first handled at the leased premises. If Lessee handles cargoes other than dry bulk commodities, the tonnage charge shall not apply. In lieu thereof, Lessee shall pay additional rent in the amount equal to the wharfage charges published in the Board's Dock Department Tariff. Lessee guarantees that the total amount of charges paid under the tonnage charge shall not be less than $500,000 during each year of the lease term. If the total amount of tonnage charges paid to the Board during any year of the term, reaches $1,000,000, the tonnage charges on dry bulk commodities shall be reduced 10¢ per ton, for the remainder of the year. The parties further agree as to the terms of indemnification, assignment and subletting and other terms and conditions provided for in the agreement.

Agreement No.: 50-38.

Filing Party: F. Conger Fawcett, Graham & James, One Maritime Plaza, Suite 300, San Francisco, California 94111.

Summary: Agreement No. 50-38 amends the basic agreement of the Pacific/Australia-New Zealand Conference by eliminating the 2nd paragraph of Article VI to remove the zonal restriction on transshipment service by water. The primary reason for deleting this prohibition is to permit Blue Star Line, Ltd., to serve Tacoma, Washington on a transshipment basis.

Agreement No.: 93-23.

Filing Party: Ralph M. Pais, Esquire, Graham & James, One Maritime Plaza, Suite 300, San Francisco, California 94111.

Summary: Agreement No. 93-23 amends the basic agreement of the North Europe-U.S. Pacific Freight Conference to extend the expiration date of the independent action clause through June 30, 1982.

Agreement No.: 7770-21.

Filing Party: Mr. Howard A. Levy, Ms. Patricia E. Byrne, Attorneys at Law, 17 Battery Place, New York, New York 10004.

Summary: Agreement No 7770-21 modifies the basic agreement of the North Atlantic French Atlantic Freight

Conference by eliminating the unanimity requirement for votes taken by poll.

Agreement No.: 8210–44.

Filing Party: Mr. Howard A. Levy, Ms. Patricia E. Byrne, Attorneys for Agreement No. 8210, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 8210–44 modifies the basic agreement of the Continental North Atlantic Westbound Freight Conference to comply with a Commission directive to delete certain references to intermodal shipments from the basic agreement.

Agreement No.: 9214–27.

Filing Party: Mr. Howard A. Levy, Ms. Patricia E. Byrne, Attorneys for Agreement No. 9214, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 9214–27 modifies the basic agreement of the North Atlantic Continental Freight Conference to comply with a Commission directive to delete certain references to intermodal shipments from the basic agreement.

Agreement No.: 10416.

Filing Parties: William H. Fort, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Washington, D.C. 20006. Morris R. Garfinkle, Esquire, Galland, Kharasch, Calkins & Short, 1054 31st Street NW., Washington, D.C. 20007.

Summary: Agreement No. 10416, between Trailer Marine Transport Corporation and Puerto Rico Maritime Shipping Authority, permits the parties to discuss, establish and maintain uniform tariff rules, regulations, provisions and charges, including terminal and accessorial charges but excluding any of the parties' ocean freight rates, in connection with the common carriage of cargo by the parties in the trades between: (1) ports in the United States and ports in Puerto Rico; (2) ports in the United States and ports in the U.S. Virgin Islands, and (3) ports in Puerto Rico and ports in the U.S. Virgin Islands. The agreement shall become effective upon Federal Maritime Commission approval, and shall remain in effect for 36 months unless otherwise cancelled. The agreement may be extended upon further agreement of the parties and with approval by the Commission. Each party to the agreement must publish its own tariffs and file same with the Commission. Any common carrier by water regularly engaged in one or more of the covered trades, or who intends to serve such trades, may become a party to this agreement.

By Order of the Federal Maritime Commission.

Dated: April 22, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-12823 Filed 4-27-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-30]

The Boston Shipping Association, Inc. and New York Shipping Association, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by The Boston Shipping Association against The New York Shipping Association was served April 21, 1981. Complainant alleges that Rule 10 of the Master Contract negotiated by respondent with the International Longshoreman's Association, effective October 1, 1980, exacts charges or assessments in violation of Section 8 of the Merchant Marine Act, 1920, section 205 of the Merchant Marine Act, 1936 and Sections 15, 16, 17, and 18 of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Joseph N. Ingolia. Initial decision in this matter will be issued on or before December 20, 1981 (Rule 75). Any hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-12720 Filed 4-27-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-31]

The Boston Shipping Association, Inc. and New York Shipping Association, Inc.; Filing a Complaint and Assignment

Notice is given that a complaint filed by The Boston Shipping Association, Inc. against New York Shipping Association, Inc. was served April 21, 1981. Complainant alleges that Rule 10 of the Master Contract negotiated by respondent with the International Longshoremen's Association, effective October 1, 1977, exacted charges of assessments in violation of section 8 of the Merchant Marine Act, 1920, section 205 of the Merchant Marine Act, 1936 and sections 15, 16, 17 and 18 of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Joseph N. Ingolia. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-12721 Filed 4-27-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governers to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which

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they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 19, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Citicorp, New York, New York (consumer finance and insurance activities; North Carolina): To relocate an existing office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., from 3535 South Wilmington Street, Raleigh, North Carolina, to 4915 Waters Edge Drive, Raleigh, North Carolina; and to expand the service area and activities of the office at the new location. The previously approved activities which will be relocated to the new office are as follows: the purchasing and servicing for its own account of sales finance contracts; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the sale of credit-related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissible under applicable state insurance laws and regulations; and the servicing, for any person, of loans and other extensions of credit. The previously approved service area of the office would be expanded to include the entire state of North Carolina. The proposed new activity to be conducted from the office would be: the making of loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans. The sale of credit related property and casualty insurance would not be expanded to the new service area nor extended to cover the proposed new activity. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

2. Manufacturers Hanover Corporation, New York, New York (relocation of office and expansion of service area; Georgia): To engage, through its indirect subsidiary, Ritter Finance Company, Inc., of Georgia, in consumer finance, sales finance and home equity lending activities and in the sale of single and joint credit life insurance, and credit accident, health and property insurance at 4434 Jonesboro Road, Forest Park, Georgia 30236. Manufacturers Hanover Corporation has received the approval of the Federal Reserve to engage in these activities at 118 South Main Street, Jonesboro, Georgia 30236. The application is to engage in the activities at a different location serving an expanded service area; the application does not involve the commencement of any new activities at the new location that have not been approved by the Federal Reserve for the old location. The new office will serve customers in Clayton, western Henry, southwestern DeKalb, northeastern Fayette, and Fulton Counties.

6. Manufacturers Hanover Corporation, New York, New York (relocation of office; Louisiana): To engage in consumer finance and sales finance activities and in the sale of insurance related to such lending activities through its indirect subsidiary, Templan Incorporated of Louisiana, Shreveport, Louisiana, at 3713 Jewels Road, Shreveport, Louisiana 71109. Manufacturers Hanover Corporation has received the approval of the Federal Reserve to engage in these activities at 333 Market Street, Shreveport, Louisiana 71101. The application is only to engage in activities at a different location; the application does not involve the commencement of any new activities at the new location that have not been approved by the Federal Reserve for the old location. The new office will continue to serve customers in the eastern half of Caddo Parish and in western Bossier Parish.

B. *Federal Reserve Bank of Minneapolis* (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

First Bank System, Inc., Minneapolis, Minnesota (mortgage banking; Washington and Oregon): To engage through its subsidiary, FBS Mortgage Corporation, in mortgage banking activities. The application is for a relocation of Applicant's previously approved office in Seattle, Washington, to Bellevue, Washington, serving the metropolitan areas of Seattle, Washington and Portland, Oregon.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12840 Filed 4-27-81; 8:45 am]
BILLING CODE 6210-01-M

Champaign Bancorp, Inc.; Formation of Bank Holding Company

Champaign Bancorp, Inc., Champaign, Illinois, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares, less directors' qualifying shares, of the successor by merger to The First National Bank in Champaign, Champaign, Illinois. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 19, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12839 Filed 4-27-81; 8:45 am]
BILLING CODE 6210-01-M

Continental Illinois Corp.; Proposed Acquisition of Certain Assets of Drillamex, Inc.

Continental Illinois Corporation, Chicago, Illinois, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire certain assets of Drillamex, Inc., New York, New York.

Applicant states that the assets would be acquired by its wholly-owned subsidiary, Continental Illinois Energy Development Corporation, and are related to loans financing energy development and exploration projects located Alabama, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Mississippi, Montana, Nebraska, New Mexico, Oklahoma,

Oregon, Texas, Utah, and Wyoming. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 19, 1981.

Board of Governors of the Federal Reserve System, April 20, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12830 Filed 4-27-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81F-0112]

American Cyanamid Co.; Withdrawal of Petition for Food Additives

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the withdrawal without prejudice of the petition (FAP 0A2513) proposing the safe use of glycerol ester of tall oil rosin for adjusting the density of citrus oils used in the preparation of beverages.

FOR FURTHER INFORMATION CONTACT: Thomas C. Brown, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), American Cyanamid Co., Wayne, NJ 07470, has withdrawn its petition (FAP 0A2513), notice of which was published in the Federal Register of May 23, 1970 (35 FR 7996) proposing that the food additive regulations be amended to provide for the safe use of glycerol ester of tall oil rosin for adjusting the density of citrus oils used in the preparation of beverages.

Dated: April 17, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-12824 Filed 4-27-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81M-0055]

Analytab Products; Premarket Approval of API 3600S Standardized Antimicrobic Susceptibility System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the API 3600S Standardized Antimicrobic Susceptibility System sponsored by Analytab Products, Plainview, NY. After reviewing the recommendation of the Microbiology Device Section of the Immunology and Microbiology Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 28, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry A. Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On June 2, 1980, Analytab Products, Plainview, NY, submitted to FDA an application for premarket approval of the API 3600S Standardized Antimicrobic Susceptibility System, an antimicrobial susceptibility system. The application was reviewed by the Microbiology Device Section of the Immunology and Microbiology Devices Panel, an FDA advisory committee, which recommended approval of the application. On January 30, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 28, 1981, file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be

seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 21, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12662 Filed 4-27-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80P-0355]

Caloric Corp., Approval of Variance for Microwave Ovens Used in Combination Microwave Ranges

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for microwave ovens has been approved by the Bureau of Radiological Health (the Bureau) for microwave ovens used in combination microwave ranges manufactured by Caloric Corp. The Bureau Director has determined that the microwave ovens may be manufactured with three safety interlocks (instead of the usual two) such that the ovens will still be operable when the primary and secondary interlocks have failed, and such that suitable radiation protection will still be provided.

DATES: The variance became effective March 12, 1981, and ends March 12, 1983.

ADDRESS: The application and all correspondence on the application have been placed on public display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Wang, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Caloric Corp., Topton, PA 19562, has been granted a variance from § 1030.10(c)(2)(vi) (21 CFR 1030.10(c)(2)(vi)) of the performance standard for microwave ovens. The variance applies to microwave ovens used in combination microwave electric self-clean and in combination microwave gas self-clean ranges marketed as: Caloric Corp. models ERP 381, 383, and 385, RRR 383, ERR 384, 385, and 394; Montgomery Ward and Co. models CG 2500 and 4500; Sharp Electronics Corp. model R 3700; or Amana Refrigeration, Inc., model MRR 1000. The variance relieves the microwave ovens used in the combination microwave ranges from the requirement of § 1030.10(c)(2)(vi) to provide a means of monitoring the primary or secondary safety interlocks and to prevent the ovens from operating until repaired in the event either interlock should fail to perform properly. Microwave ovens under this variance shall have three safety interlocks (instead of the usual two) with monitors on the primary and tertiary interlocks. Should both the primary and secondary interlocks fail, microwave ovens under this variance can still be operable when controlled solely by the tertiary interlock and its monitor. The product shall bear the variance number 80P-0355.

By letter of March 12, 1981, the Director of the Bureau approved the requested variance, which ends on March 12, 1983.

In accordance with § 1010.4, the application and all correspondence including the written notice of approval on the application have been placed on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, and may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 21, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12661 Filed 4-27-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by the Commissioner of Food and Drugs.

DATE: The meeting will be held at 1 p.m., Tuesday, May 5, 1981.

ADDRESS: The meeting will be held in the Hubert H. Humphrey Bldg. Auditorium, 200 Independence Ave. SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Alexander Grant, Associate Commissioner for Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rm. 16-85, Rockville, MD 20857, 301-443-5006.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to exchange information between FDA officials and consumer representatives, by providing an opportunity for consumer representatives to present their views directly to the Commissioner and to the top managers of FDA, by seeking solutions to any problems agreed on during this communication, and by giving the agency an opportunity to discuss and communicate vital health and policy issues to the concerned public. Proposed discussion at the meeting will focus on the issues of sodium policy and food irradiation.

Dated: April 21, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12660 Filed 4-27-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0113]

Hercules, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Hercules, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of hydrocarbon resins formed from mixtures of mono-unsaturated and di-unsaturated aliphatic, alicylic and monobenzenoid hydrocarbons derived from cracked petroleum and terpene stocks as a component of adhesives intended for food contact.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), FDA gives notice that Hercules, Inc., 910 Market St., Wilmington, DE 19899, has filed a petition (FAP OB3501) proposing that § 175.105 *Adhesives* be amended to permit the safe use of hydrocarbon resins formed from mixtures of mono-unsaturated and di-unsaturated aliphatic, alicyclic, and monobenzenoid hydrocarbons derived from cracked petroleum and terpene stocks as a component of adhesives intended for food contact.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the

Federal Register in accordance with 21 CFR 25.40(c) (proposed December 11, 1978; 44 FR 71742).

Dated: April 17, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-12660 Filed 4-27-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0105]

Unitech Chemical, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Unitech Chemical, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of epoxidized soybean oil in food for human consumption.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7A3329) has been filed by Unitech Chemical, Inc., 115 W. Jackson Blvd., Chicago, IL 60604, proposing that the food additive regulations be amended to provide for the safe use of epoxidized soybean oil as a halogen stabilizer in brominated soybean oils intended for use in foods for human consumption.

The agency has carefully considered the potential environmental effects of this proposed action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that document may be seen at the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 17, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-12660 Filed 4-27-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81N-0038]

Brandenfels Scalp and Hair Applications and Massage; Denial of Hearing and Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs denies a hearing and withdraws approval of the new drug application for Brandenfels Scalp and Hair Applications and Massage on the basis that this drug product lacks substantial evidence of effectiveness for its labeled indications.

EFFECTIVE DATE: May 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mary E. Catchings, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 3684), published in the Federal Register of September 25, 1970 (35 FR 14954), the Commissioner of Food and Drugs announced his conclusions, after evaluating reports received from the National Academy of Sciences/National Research Council, Drug Efficacy Study Group (NAS/NRC), concerning certain sulfonamide-containing preparations, including Brandenfels Scalp and Hair Applications and Massage (NDA 6-367), held by Carl Brandenfels, Scappoose, OR 97056, hereinafter referred to as "Brandenfels"). The announcement stated that the drug product was regarded as "possibly effective" for its labeled indications. Brandenfels and any person marketing such a drug without approval were given 6 months to submit substantial evidence of effectiveness for those conditions classified as "possibly effective." The announcement stated that at the end of the 6-month period, the Food and Drug Administration (FDA) would evaluate the data to determine whether substantial evidence of effectiveness had been provided, and if it had not, FDA would initiate procedures to withdraw approval of the new drug application under section 505(e) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(e)).

On March 18, 1971, in response to the September 25, 1970 notice, Brandenfels wrote to FDA and requested a 6-month extension to submit additional material supporting the effectiveness of the Brandenfels treatment. On June 21, 1971, FDA granted the request and informed Brandenfels that it would review the data that Brandenfels had submitted on September 25, 1964, for evidence of effectiveness.

Subsequently, the agency issued a notice of opportunity for hearing (formerly Docket No. FDC-D-406), published in the Federal Register of February 12, 1972 (37 FR 3198), for Brandenfels Scalp and Hair Applications and Massage. FDA stated in the notice that no evidence of effectiveness had been submitted within the time period specified by the September 25, 1970 notice, and it reclassified the "possibly effective" indications to "lacking substantial evidence of effectiveness." FDA proposed to issue an order withdrawing approval of the new drug application and all amendments and supplements thereto on the grounds that new information, evaluated together with the evidence available when the application was approved, showed there is a lack of substantial evidence that the drug will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Before initiating such action, the agency invited Brandenfels and any other interested person who would be adversely affected by the order withdrawing approval to submit within 30 days a written notice electing whether to avail themselves of the opportunity for a hearing. Those requesting a hearing were instructed to state the reasons why approval of the new drug application should not be withdrawn and to provide a well-organized and full factual analysis of the clinical and other investigational data they were prepared to prove in support of their opposition to the agency's intended action.

By letters of March 13, and May 10, 1972, FDA granted Brandenfels a 30-day extension for filing a written appearance. On June 9, 1972, Brandenfels wrote FDA and requested another extension for a period of 60 days from June 14, 1972, to file a written appearance. The agency granted this request on June 14, 1972.

On June 14, 1972, Brandenfels filed a written appearance and requested a hearing on the proposed withdrawal of NDA 6-367 for Brandenfels Scalp and Hair Applications and Massage.

In its hearing request, Brandenfels objected that it did not have adequate time to prepare its response. Brandenfels also contended that it had been denied adequate notice of the agency's decision to withdraw approval of its new drug application because FDA did not furnish it with the reasons for

the proposed action in violation of the Administrative Procedure Act.

In addition, Brandenfels contended that, in deciding to withdraw approval of its new drug application, FDA had not considered the efficacy evidence that Brandenfels had submitted on September 25, 1964. This submission included two clinical studies, a bacteriological study, autopsy studies, statements made by three physicians in a 1946 Post Office proceeding against Brandenfels, a second statement of one of those physicians, references to the medical literature, letters and photographs received from selected subjects who had used the Brandenfels treatment, and the results of questionnaires sent to selected patients who had used the Brandenfels treatment. Brandenfels argued that, as a matter of "simple deduction" from established medical facts, its claims were justified, and that its September 25, 1964 submission, plus the list of scientific articles and the excerpts from the medical literature that it submitted with its hearing request, established this fact.

No further submissions have been received from Brandenfels

After considering all of the material submitted by Brandenfels, I have concluded that there is no genuine and substantial issue of fact requiring a hearing, and that the legal objections offered are insubstantial. A full discussion follows.

I. The Drug

Brandenfels Scalp and Hair Applications and Massage is an aqueous solution of 0.25 percent sulfanilimide (Formula A) and an aqueous solution of 1.5 percent lanolin (Formula B).

II. Recommended Uses

The labeling reviewed by the NAS/NRC claimed that Brandenfels Scalp and Hair Applications and Massage tends to soften the scalp, to remove dandruff scales, and to aid the scalp and hair. The present labeling contains the same claims.

The directions for use in the labeling instruct users first to massage the scalp using the pressure massage pictured in the labeling and then to apply Formula A by pressing it on the scalp. The massage is repeated, and then Formula B is applied in a similar manner. The labeling also suggests that the massage be repeated, without application of the formulas, two additional times each day.

The label for Formula A warns that persons with high blood pressure, with hardening of the arteries, or with a "sensitivity to sulfanilimide or sulfanilimide drug or lanolin, and small children should not use this preparation except on the advice of their physician." The label for Formula B contains a similar warning to people sensitive to wool or lanolin.

It is implied in advertisements for the Brandenfels Scalp and Hair Applications and Massage that use of the product as directed and adherence to the scheduled massage technique offers the user the expectation of diminished hair loss, hair regrowth in cases of baldness, and alleviation of dandruff.

III. Data Submitted To Support Claims of Effectiveness

A. *Clinical Studies.* Brandenfels submitted two clinical studies purporting to establish the effectiveness of Brandenfels Scalp and Hair Applications and Massage:

1. *University of Oregon Medical School Study.* This unpublished study, of 242 subjects with normal scalps, dandruff, or varying degrees of baldness, was performed by a committee of four physicians on the faculty of the University of Oregon Medical School at Portland. The two solutions, Formula A and Formula B, were applied to the scalp twice daily, with massage four times daily. Many of the subjects failed to adhere to the regime, particularly the massage, because of the time and inconvenience involved. Duration of treatment was from 15 to 98 days. The patients were observed weekly to detect adverse effects, such as local irritation, but not for an evaluation of effectiveness. Seventy-two of 165 patients with dandruff, 7 of 11 patients with falling hair, and 10 of 58 patients with baldness reported improvement. Adverse effects reported by patients included falling hair (11 patients) and worsening of the condition of baldness (4 patients).

This study does not support the claims of effectiveness for the Brandenfels treatment because it does not satisfy any of the fundamental criteria set forth in 21 CFR 314.111 (a)(5)(ii) for an adequate and well-controlled clinical investigation.

In addition, the study is inadequate because it does not explain the method of selection of the subjects (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)) or the methods of observing and recording results (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)). A summary of the methods of analysis and evaluation of data derived from the study, including appropriate statistical methods, also is not provided. Thus, the study fails to comply with the standard set forth in 21 CFR 314.111(a)(5)(ii)(*a*)(*5*). The report on the study only contains a summary of subjective descriptions of patient reactions. It does not contain any definitions of the parameters that were used in assessing the effectiveness of the drug, nor does it contain a system for quantifying symptom severity. Furthermore, the subjects were not assigned to test groups in such a way as to eliminate bias or to provide for comparable test and control groups. Instead, all but 19 subjects (of 223) were treated with the active formulae, the identity of which was known to the subjects. Consequently, the study is also deficient under 21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*ii*), because subjects were not assigned to test groups in a way that would minimize bias, under 21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*), because the comparability of test and control groups was not assured. Moreover, the effects of the Brandenfels treatment were not compared with a control of any kind. The 19 subjects who did not use the Brandenfels treatment were designated as "controls". However, there is no indication of how these "controls" were selected, of any alternative therapy being given to them, or of any use to which these "controls" were put. A basic requirement of an adequate and well-controlled study is that there be a properly selected control group. 21 CFR 314.111(a)(5)(ii)(*a*)(*4*). Because the investigators did not avail themselves of the control group in this study, it is impossible to ascertain whether the improvement reported was due to the Brandenfels treatment, or whether the condition would have improved absent medication.

Clearly, this study is not adequate and well-controlled within the meaning of 21 CFR 314.111(a)(5)(ii). Even if it were submitted as a corroborative study under 21 CFR 314.111(a)(5)(ii)(*c*), it could not be considered because it lacks the details that permit scientific evaluation.

2. *Biopsy or Sub-Dermal Research Study.* The second clinical study submitted was on the histopathological changes in the scalp after a course of treatment with the Brandenfels solutions. It was performed in 1949 by Dr. Frank Menne, a pathologist, and Dr. Ervin Ladd. The protocol of the study provided for visual examinations and biopsies to be done on 27 subjects with various forms of alopecia before use of the Brandenfels treatment. After a few months of treatment, examinations were again to be made, with biopsies in selected cases. Six of the 27 patients did not complete the study for unexplained reasons. The remaining patients were diagnosed as 7 cases of male pattern baldness and 14 cases of alopecia areata. Of the 7 cases of male pattern

baldness, marked regrowth was reported in 3 patients and some regrowth was reported in 1 patient. Of the 14 alopecia areata cases, marked improvement was reported in 8 patients and slight improvement was reported in 4 patients. In regard to histological findings, a marked change was reported in 11 subjects and slight change in 5 subjects. The examining pathologist stated that he found definite improvement in cellular structure in certain cases, with less inflammation and more numerous and healthy follicles. Case reports, biopsy photographs, and "before" and "after" photographs showing marked improvement are presented for only three subjects. These subjects were diagnosed as alopecia areata with male pattern baldness. Also included are photomicrographs and pathological findings of scalp biopsies on cadavers with full heads of hair and with partial to complete baldness.

This study is not adequate and well-controlled within the meaning of 21 CFR 314.111(a)(5)(ii) for several reasons. The description of the study submitted fails to show that the method of subject selection was suitable for the purposes of this study. There is no indication that the diagnoses were established by a qualified clinician. 21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*i*). The history, physical examinations, and photographs of the three patients reported are compatible with alopecia areata, a condition that might resolve spontaneously, but not with male pattern baldness.

In addition, the study is inadequate because no control group of any kind was employed. 21 CFR 314.111(a)(5)(ii)(*a*)(*4*). All subjects were treated with active formulae. The methods of observation and recording results are not explained, contrary to the requirement in 21 CFR 314.111(a)(5)(ii)(*a*)(*3*), nor does it provide a summary of the methods of analysis and an evaluation of the data, required by 21 CFR 314.111(a)(5)(ii)(*a*)(*5*). Thus, this study was uncontrolled, and the clinincal data are inadequate for evaluation. It therefore does not support the effectiveness of the Brandenfels treatment. 21 CFR 314.111(a)(5)(ii)(*c*).

B. *Bacteriological Study.* In this study, Dr. Norman David, a pharmacologist, did bacterial counts on the hair roots of six subjects before and after 1 week of treatment with the Brandenfels solutions and found a decrease in counts in four subjects. He stated that the prevalence of bacteria has a definite relation to thinning of hair, and that treatment by application of antiseptics combined with massage represents the general consensus of medical opinion. It was his opinion that the Brandenfels treatment brings about a condition conducive to normal hair growth and decreases dandruff, and that massage facilitates penetration of the ingredients.

Very little information has been provided about the conduct of this study. From the information that has been provided, however, it is clear that the study is not adequate and well-controlled within the meaning of 21 CFR 314.111(a)(5)(ii). There is no clear statement of the objectives of the study as required by 21 CFR 314.111(a)(5)(ii)(*a*)(*1*). The objective of the study appears to have been to demonstrate the effect of the product on scalp bacterial counts. However, it has not been shown that the prevalence of bacteria in the scalp and hair follicles is causally related to either baldness or dandruff (Refs. *1* through *3*).

The study is inadequate because a control group was not employed. 21 CFR 314.111 (a)(5)(ii)(*a*)(*4*). Although the investigator took a bacterial count on each of the six subjects before use of the Brandenfels treatment as a "control," all of the six subjects were treated with the product. Consequently, a quantitative evaluation of the results of the study cannot be made. 21 CFR 314.111 (a)(5)(ii)(*a*)(*4*). In addition, the methods of observation and recording results are not explained (21 CFR 314.111 (a)(5)(ii)(*a*)(*3*)), and a summary of the methods of analysis and an evaluation of the data, including any appropriate statistical methods, is not provided (21 CFR 314.111 (a)(5)(ii)(*a*)(*5*)).

C. *Autopsy Studies.* In the course of autopsies, Dr. Frank Menne made "studies" in which he compared the follicular and cellular structures in scalps of bald and balding men with the follicular and cellular structures in the scalps of men with full hair. Photomicrographs and pathological findings were made of the cadavers and included in Brandenfels' submission. However, Brandenfels does not present any evidence that these "studies" were intended or could be used to establish the effectiveness of the Brandenfels treatment. There is no indication in Brandenfels' submission that the people whose scalps were examined had used the Brandenfels treatment before their death. In addition, Brandenfels does not represent that Dr. Menne drew any conclusions from these studies. It merely states that these studies constituted a part of his fund of knowledge. Brandenfels Appearance and Response to Notice of June 14, 1972, page 20. These "studies" do not in any way comply with the essentials of an adequate and well-controlled clinical investigation as defined in 21 CFR 314.111 (a)(5)(ii). Therefore, they do not provide substantial evidence of effectiveness of the Brandenfels treatment for its labeled indications.

D. *Expert Opinion.* 1. Two statements by Dr. Frank Menne were submitted. In each, he described his experience with the Brandenfels treatment as a result of his participation in the University of Oregon Medical School study and of the biopsy study previously described. As a result of this participation and of personal experience, Dr. Menne concluded that there was a reasonable probability that in some cases the Brandenfels treatment would cause: (a) a change in the cellular structure of the scalp, (b) a condition that will help nature to allow hair to grow, (c) a lessening of excessive falling hair, and (d) relief from dandruff scale. Dr. Menne's stated rationale for the effectiveness of the treatment was that two of the causative factors in baldness are diminished circulation and inflammation around a follicle which interferes with its nutrition. He explained that removal of the inflammation would result in improvement, while massage would increase circulation. In addition, in his opinion, the lanolin in the Brandenfels treatment keeps down dandruff and softens the follicular opening, making it easier for the hairs to penetrate.

2. The statement of Dr. Norman David, who also participated in the University of Oregon Medical School study and in the bacteriolgical study, was submitted by the firm. Dr. David shared the opinion of Dr. Menne that the Brandenfels treatment is effective for its labeled indications. Dr. David stated that the prevalence of bacteria has a definite relation to thinning of hair, and that treatment by antiseptics, combined with massage, represents the general consensus of medical opinion. He felt that the Brandenfels sulfanilimide solution, aided in penetration by the lanolin and the massage, has a bacteriostatic effect at the hair root.

3. The statement of Dr. Ervin Ladd described his participation in and the results of the biopsy study.

Brandenfels has not established that the opinions of Dr. Menne and Dr. David concerning the etiology or alopecia of dandruff represent current medical opinion (Refs. *1* through *3*). Moreover, even if the views of these physicians did represent the consensus current medical opinion respecting the etiology of the conditions for which the product is recommended, their statement are in the

nature of estimonials and do not provide the requisite genuine and substantial issue of fact for a hearing. The courts have consistently held that such testimonials in no way constitute substantial evidence of effectiveness within the meaning of the new drug provisions of the act, 21 U.S.C. 355(d). *Weinberger* v. *Hynson, Westcott & Dunning Inc.*, 412 U.S. 609, 619 (1973); *Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645, 652 (1973); *Upjohn Co.* v. *Finch*, 412 U.S. 944, 951–954 (6th Cir. 1970); *PMA* v. *Richardson*, 318 F. Supp. 301, 309–310 (D. Del. 1970). As the Supreme Court noted in *Weinberger* v. *Hynson, Westcott & Dunning, Inc.*, *supra*, 412 U.S. at 619, Congress, as early as 1961, considered such testimonial evidence "treacherous" and, as a result, narrowly defined the nature and quality of evidence acceptable under the act.

E. *Medical Literature Citations.* Brandenfels' submission also included a bibliography of 32 citations to "pertinent" articles in the medical literature. However, none of the articles cited were reproduced in their entirety. FDA attempted to locate these articles, but the full text of only six articles could be found for review. None of these articles assess the effectiveness of the Brandenfels treatment.

1. Light, A. E., "Histological Study of Human Scalps Exhibiting Various Degrees of Non-Specific Baldness," *Journal of Investigative Dermatology*, 13:53, 1949. The author performed histological studies on the skin of normal and bald scalps and found an apparent relationship between a decrease in the number of hairs and an infiltration of the fat layer with connective tissue in which the blood vessels had thickened walls and smaller lumens. The article in no way attemts to assess the effectiveness of any drug product. The Brandenfels treatment is nowhere mentioned. The article thus does not constitute an adequate and well-controlled clinical investigation of the effectiveness of the Brandenfels treatment within the meaning of 21 CFR 314.111(a)(5)(ii).

2. Montagna, W., "Introduction, Annals of the New York Academy of Science," 83:362, 1959. This article is an introduction to a monograph on hair growth, following a conference on that subject. The author stresses that baldness should not be thought of as a degenerative, pathological condition, and that an attempt should be made to define it in anatomical terms. No clinical studies are presented, and the Brandenfels treatment is not mentioned. Thus, the report does not purport to be, nor does it constitute, an adequate and well-controlled clinical investigation of the Brandenfels treatment within the meaning of 21 CFR 314.111(a)(5)(ii).

3. Vickers, H. R., "Premature Baldness," *The Practitioner*, 186:756, 1961. The author states his opinion that the most common local cause of hair loss is seborrhea capitis, which he claims is due to low-grade infection of the skin and to a lowering of the natural resistance of the skin. In this article, the author makes no attempt to study the effectiveness of any drug product, including the Brandenfels product. The article does not purport to be, nor does it constitute, an adequate and well-controlled clinical investigation of the effectiveness of the Brandenfels treatment within the meaning of 21 CFR 314:111(a)(5)(ii).

4. Lubowe, I. I., "The Evaluation of a New Anti-Seborrheic Formulation," *Medical Times*, 85:58, 1957. The author states that the recent finding of an abundance of *P. ovale* in seborrheic scales has reemphasized the importance of this organism in the pathogenesis of seborrhea capitis and cites two articles that report a relationship between seborrhea capitis and hair loss. He describes clinical studies performed in patients with dandruff and hair loss using a solution containing a benzopyran derivative. The Brandenfels treatment does not contain a benzopyran derivative. Thus, this article does not assess the effectiveness of the Brandenfels treatment. Hence, the report is not an adequate and well-controlled clinical investigation of the effectiveness of the Brandenfels treatment within the meaning of 21 CFR 314.111(a)(5)(ii).

5. Van Scott, E. and T. M. Ekel, "Geometric Relationship between the Matrix of the Hair Bulb and Its Dermal Papilla," *Journal of Investigative Dermatology*, 31: 281, 1958. This article reports on a study of the relationship between the volume of the hair bulb matrix and that of the dermal papilla in normal scalps, bald scalps, and scalps with alopecia areata. The Brandenfels treatment is not mentioned. The study does not purport to be, nor does it constitute, an adequate and well-controlled clinical investigation of the effectiveness of the Brandenfels treatment within the meaning of 21 CFR 314.111(a)(5)(ii).

6. Naide, M., "Relation of Growth of Hair on Digits to the Severity of Ischemia," *New England Journal of Medicine*, 248:179, 1953. The author performed a study on patients with peripheral ischemia and found that the growth of hair on the toes could be correlated with the degree of ischemia. This article was apparently cited by Brandenfels because of its labeling claim that use of the Brandenfels treatment will increase blood supply to the scalp. The study does not purport to be, nor does it constitute, an adequate and well-controlled clinical investigation of the Brandefels treatment within the meaning of 21 CFR 314.111(a)(5)(ii).

F. *Testimonial Letters and Photographs, Questionnaire Results, and Bibliography.* Brandenfels submitted photocopies of numerous testimonial letters from individuals who had used the Brandenfels treatment and were satisfied with the results. Brandenfels claimed that these letters were a representative sample of the 25,233 letters and statements it had received from people who reported renewed hair growth, less excessive falling hair, relief from dandruff scale, or improved scalp conditions after use of the product. Photographs showing several of the people who wrote letters before and after they used the Brandenfels treatment were also submitted.

The Brandenfels submission also includes the tabulated results of a questionnaire that Brandenfels sent in 1949 to 290 people who had used the product. The questionnaire inquired about the user's scalp and hair conditions before and after they used the Brandenfels treatment and about the names of any doctors who had treated them for their scalp and hair conditions. On the basis of this survey, Brandenfels claims that meager to good results may be expected in baldness cases about 50 percent of the time. No explanation is provided of how the 290 people were selected. In addition, no explanation is provided of how the questionnaires were evaluated.

These letters, photographs, and questionnaires do not provide substantial evidence of the effectiveness of the Brandenfels treatment. 21 U.S.C. 355(d); *Weinberger* v. *Hynson, Westcott & Dunning, Inc., supra; Weinberger* v. *Bentex Pharmaceuticals, Inc., supra; Upjohn Co.* v. *Finch, supra; PMA* v. *Richardson, supra.* These data lack the detail that would permit scientific evaluation and cannot be considered in evaluating whether substantial evidence exists supporting the effectiveness of the Brandenfels treatment. 21 CFR 314.111(a)(5)(ii)(*c*).

References

1. Munro, D. D., "Disorder Affecting the Skin Appendages," *in* "Dermatology in General Medicine," edited by Fitzpatrick, T. B., et al., McGraw-Hill, New York, pp. 302–303, 1971.

2. Ebling, F. J. and A. Rook, "Hair," *in* "Textbook of Dermatology," edited by Rook.

A., et al., 2d ed., Blackwell Scientific Publications, London, vol. II, pp. 1589–1587, 1639–1640, 1971.

3. Pillsbury, D. M., "Eczema," *in* "Dermatology," edited by Moschella, S. L., et al., W. B. Saunders Co., Philadelphia, vol. I, pp. 282–283, 1975.

IV. Summary

Brandenfels did not submit any adequate and well-controlled studies that demonstrate the effectiveness or Brandenfels Scalp and Hair Applications and Massage for the various labeled indications.

The University of Oregon Medical School study and the biopsy study share the same basic defects: neither of the studies provide the essential details required under 21 CFR 314.111(a)(5)(ii), such as patient selection and diagnostic criteria or summaries of the methods of analysis and evaluation of data derived from the study. Because all of the subjects (except for 19 subjects in the Oregon Medical School study) were treated with the same active formulae, the identity of which was known to the subjects, neither study provides a comparison of the results of treatment with an appropriate control. 21 CFR 314.111(a)(5)(ii)(*a*)(*4*).

In addition to also containing these same basic defects, the bacteriological study, which found a decrease in the bacterial counts of the hair roots in four of six subjects after a week of treatment, does not evaluate the effectiveness of the Brandenfels treatment. The sponsor has not shown that the prevalence of bacteria in the scalp and hair follicles is causally related to either hair loss or dandruff. The autopsy studies do not in any way comply with the essentials of an adequate and well-controlled clinical investigation as defined in 21 CFR 314.111(a)(5)(ii).

The testimonial letters, photographs, questionnaire results, bibliography, and statements submitted from various doctors are inadequate as a matter of law to support the claims of effectiveness for the Brandenfels treatment.

V. Legal Arguments

Brandenfels made two legal arguments in its hearing request. First, it contended that FDA violated the Administrative procedure Act by not supplying the reasons and facts upon the agency based its proposed withdrawal of approval of the Brandenfels new drug application. Interspersed in this argument are allegations that FDA acted in bad faith.

Brandenfels' argument is without merit. FDA specified in the February 12, 1972 notice of opportunity for hearing the facts and evidence on which it proposed to withdraw approval of Brandenfels' application. The agency stated that the evidence available when the application was originally approved did not provide substantial evidence that the drug would have the effect it was purported or represented to have under the conditions of use prescribed, recommended, or suggested in its labeling, and that no evidence of effectiveness was submitted by Brandenfels after the publication of the September 25, 1970 notice. Brandenfels was also given actual notice in the February 12, 1972 notice and in various letters from FDA that evidence of the effectiveness of the Brandenfels treatment would have to meet the standard set forth in the regulations promulgated in the **Federal Register** of May 8, 1970 (35 FR 2751). In *Weinberger v. Hynson, Westcott & Dunning, Inc., supra*, 412 U.S. at 622, the Supreme Court stated:

> The drug manufacturers have full and precise notice of the evidence they must present to sustain their NDA's, and under these circumstances we find FDA hearing regulations unexceptionable on any statutory or constitutional ground.

Therefore, FDA has provided Brandenfels with adequate notice, and further notice is not required.

Brandenfels' second major argument was that the data that were submitted consisting of testimonials from three experts, together with "the experience of many users of the treatment," established the effectiveness of the Brandenfels treatment.

However, as previously stated, it is well established that medical opinion does not provide substantial evidence of the effectiveness of a drug under 21 U.S.C. 355(d), unless it is based on adequate and well-controlled studies. *Weinberger* v. *Hynson, Westcott & Dunning, Inc., supra; Weinberger* v. *Bentex Pharmaceuticals, Inc., supra; Upjohn Co.* v. *Finch, supra; PMA* v. *Richardson, supra.* The only studies upon which each of Brandenfels' experts based his opinion were the studies previously submitted by Brandenfels. As explained above, none of these studies was adequate and well-controlled. It is also well established that testimonials from lay users of a drug product do not meet the standards of substantial evidence of effectiveness. *Weinberger* v. *Hynson, Westcott & Dunning, Inc., supra; PMA* v. *Richardson, supra.*

VI. Findings

On the basis of the foregoing review, I find that there is a lack of substantial evidence that Brandenfels Scalp and Hair Applications and Massage has the effect it is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Since Brandenfels has not offered any data or legal reason to demonstrate the existence of a genuine and substantial issue of fact requiring a hearing, the hearing request is hereby denied.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 76 Stat. 782 as amended (21 U.S.C. 355 (e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), approval of NDA 6–367 for Brandenfels Scalp and Hair Applications and Massage, and all amendments and supplements thereto, is hereby withdrawn effective May 8, 1981.

Dated: January 30, 1981.

Mark Novitch,

Assistant Commissioner of Food and Drugs.

[FR Doc. 81-12921 Filed 4-27-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80N–0370]

Prescription Drugs; Final Guideline Patient Package Inserts for Ampicillin and Related Drugs, Cimetidine, Clofibrate, Phenytoin, and Propoxyphene

AGENCY: Food and Drug Administration.

ACTION: Temporary stay of effective dates for final guideline patient package inserts.

SUMMARY: The Food and Drug Administration (FDA) is staying the effective dates for final guideline patient package inserts for ampicillin and related drugs, cimetidine, clofibrate, phenytoin, and propoxyphene. Elsewhere in this issue of the **Federal Register**, FDA is staying the effective dates of final regulations amending its patient package insert regulations to list ampicillin, cimetidine, clofibrate, phenytoin, and propoxyphene as drugs that must be dispensed with patient package inserts.

EFFECTIVE DATE: This stay is effective as of April 23, 1981.

FOR FURTHER INFORMATION CONTACT: Michael C. McGrane, Bureau of Drugs (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 12, 1980 (45 FR 60754), FDA adopted final regulations establishing requirements and procedures for the preparation and distribution of patient package inserts for prescription drugs for human use. Although the regulations were effective

October 14, 1980, they do not apply to particular drugs or drug classes until 180 days after publication of a separate notice in the **Federal Register** specifically applying the regulations to a drug or drug class.

In a notice published in the **Federal Register** of November 25, 1980 (45 FR 78516), the agency announced the applicability of the regulations to cimetidine, clofibrate, and propoxyphene effective May 25, 1981, and published final guideline patient package inserts for those drugs. In a notice published in the **Federal Register** of January 2, 1981 (46 FR 160), the agency announced the applicability of the regulations to ampicillin and related drugs and phenytoin effective July 1, 1981, and published final guideline patient package inserts for those drugs.

The agency is now staying those effective dates. This stay does not effect requirements for patient package inserts for oral contraceptive, estrogen, and progestational drug products codified at §§ 310.501, 310.515, and 310.516 (21 CFR 310.501, 310.515, and 310.516), respectively.

This action is taken under § 10.35(a) of FDA's procedural regulations (21 CFR 10.35(a)), which authorize the agency to stay at any time the effective date of a pending action or following a decision on any matter. Important questions continue to be raised regarding the cost, necessity, and utility of FDA's patient package insert program. These questions merit further review before final implementation of any requirements. FDA also believes additional review of these requirements to be consistent with the spirit of the provisions of Executive Order 12291 (46 FR 13193; February 19, 1981).

The agency is aware that this stay may affect some manufacturers and distributors who are preparing to implement the regulations. A distributor of an ampicillin product has informed the agency that it has reprinted its product's labels to include a statement that a patient package insert must be distributed with the product, as required under § 203.24(a)(1)(iii) (21 CFR 203.24(a)(1)(iii)). The distributor suggested that if the agency's patient package insert regulations were stayed it did not intend to incur the expense of voluntarily distributing inserts. The distributor asked whether use of its newly printed labels which contain the statement that the dispenser must provide patient package inserts to patients to whom the drug is dispensed, would misbrand the drug.

The agency advises that it will not view as misbranded labeling that contains a statement required under § 203.24(a)(1)(iii) that was printed in anticipation of the effective date of the patient package insert requirements. The agency requests that the private sector assist in publicizing this stay so that dispensers will not be misled by such statements that may appear on the label of particular drugs that were scheduled to be subject to the final regulations.

Notices establishing final guideline patient package inserts were published in the **Federal Register** of November 25, 1980 (45 FR 78516) for cimetidine, clofibrate, and propoxyphene and in the **Federal Register** of January 2, 1981 (46 FR 160) for ampicillin and phenytoin. The effective dates of these notices, which apply FDA's patient package insert regulations in Part 203 (21 CFR Part 203) to those drugs, are stayed until further notice.

Dated: April 23, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-12872 Filed 4-23-81; 2:36 pm]

BILLING CODE 4110-03-M

Health Services Administration

Genetic Diseases Review And Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1981:

Name: Genetic Diseases Review and Advisory Committee
Date and Time: June 15-17, 1981, 9:00 a.m.
Place: Conference Room M, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Open June 15, 9:00 a.m.-5:00 p.m. and June 16, 9:00 a.m.-12:00 noon
Closed for remainder of meeting.

Purpose. To advise and make recommendations to the Secretary and the Administrator, Health Services Administration, regarding genetic diseases services grants for projects to establish and operate voluntary genetic testing and counseling programs primarily in conjunction with other existing health programs, including programs assisted under Title V of the Social Security Act. The Committee will advise on the development of services relating to genetic diseases, including the dissemination of information and materials to persons providing health care, to teachers and students, and to the public generally in order to most rapidly make available the latest advances in the testing, diagnosis, counseling, and treatment of individuals respecting genetic diseases.

Agenda. This is the first meeting of the Committee. The open portion of the meeting will be devoted to a presentation to the Committee, by program of the background legislative mandate and current status of program activities and accomplishments followed by a discussion of the role of the Committee and future program directions. The remainder of the meeting will be closed to the public for the review of grant applications for Genetic Diseases Education, Testing, and Counseling Programs. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Administrator, Health Services Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should write to or contact Dr. Audrey F. Manley, Chief, Genetic Diseases Services Branch, Office for Maternal and Child Health, Bureau of Community Health Services, Room 7-49, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-1080.

Agenda items are subject to change as priorities dictate.

Dated: April 21, 1981.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 81-12814 Filed 4-27-81; 8:45 am]

BILLING CODE 4110-84-M

Designation of Medically Underserved Areas

AGENCY: Health Services Administration, PHS, HHS.

ACTION: Notice.

SUMMARY: This notice is intended to clarify, for purposes of certain Federal health programs, the distinction between designation of an area as a Health Manpower Shortage Area (HMSA) and designation of an area as a Medically Underserved Area (MUA). Although it is possible for an area to be designated as both an HMSA and an MUA, the two designation processes are independent, each having its own established criteria and procedures. An area designated as an HMSA will be considered as an MUA only if it has been formally designated as an MUA under the criteria and procedures published in the **Federal Register**. The latest such publication is that of October 15, 1976 (41 FR 45718-45777), "Designation of Medically Underserved Areas."

FOR FURTHER INFORMATION CONTACT: Mr. James J. Corrigan, Director, Division of Policy Development, Bureau of Community Health Services, Room 6-40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone number 301 443-1034.

SUPPLEMENTARY INFORMATION: The designation of MUAs has significance for a number of Federal health

programs. Community Health Center (CHC) and Hospital-Affiliated Primary Care Center (HAPCC) projects must serve MUAs in order to receive Federal grants administered by the Bureau of Community Health Services (BCHS) under sections 328 and 330 of the Public Health Service (PHS) Act. Federal funding under the following programs is also affected by MUA designations:

(1) Health Maintenance Organizations (PHS Act, Title XII);

(2) Health Systems Agencies (PHS Act, Title XV);

(3) Health Resources Development (PHS Act, Title XVI); and

(4) Medicare/Medicaid Reimbursement for Rural Health Clinic Services (Social Security Act, Titles XVIII and XIX).

The basis for identifying medically underserved areas and populations is the index of medical underservice (IMU). The IMU is obtained by applying weights to data on the following indicators:

(1) Ratio of primary care physicians to population;

(2) Infant mortality rate;

(3) Percentage of the population which is age 65 or over; and

(4) Percentage of the population with family income below the poverty level.

The designation of HMSAs is significant in that public or noaprofit entities in areas so designated are eligible to apply for the assignment of members of the National Health Service Corps to provide services in or to the areas. These areas are also eligible service areas for PHS scholarship and loan repayment programs.

The criteria for the designation of areas, population groups, medical facilities and other public facilities as HMSAs considering the following factors:

(1) Practitioner-to-population ratios;

(2) Infant mortality rates;

(3) Health status;

(4) Access to health services;

(5) Other indicators of need; and

(6) Percentage of physicians who are foreign medical graduates.

On October 15, 1976, the Secretary published a notice in the Federal Register (42 FR 45716–45777), describing how the list of MUAs is produced and setting forth the procedure for ongoing revision of the list. The publication stated that "Areas designated as Critical Health Manpower Shortage Areas * * * are designatable as medically underserved."

On February 16, 1978, BCHS Regional Memorandum 78–6 established the policy that areas designated as primary care physician HMSAs would be considered as MUAs for the purposes of meeting BCHS funding criteria. This policy was aimed at eliminating the necessity of applying for two separate, though related, area designations pertaining to medical underservice. The 2½ years' experience with this policy, however, revealed that the HMSA designation tends to be more volatile than the MUA designation. Relatively small changes in numbers of physicians or demographic characteristics affect the HMSA criteria more than MUA criteria. The Bureau concluded that it was unwise to base multiyear funding commitments to health centers on a relatively unstable area designation. Therefore, on October 28, 1980, BCHS Regional Memorandum 80–20 was issued to repeal the policy announced in Regional Memorandum 78–6.

Dated: April 17, 1981.

John H. Kelso,

Acting Administrator.

[FR Doc. 81-12885 Filed 4-27-81; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment on the Tuolumne River Flow Schedule Revision (Canyon Power Project)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that an Environmental Assessment on the Tuolumne River Flow Schedule Revision (Canyon Power Project, California) has been completed and is available for public review.

The U.S. Fish and Wildlife Service has determined that flows in a twelve-mile reach of the Tuolumne River below O'Shaughnessy Dam (Hetch Hetchy Reservoir) in Yosemite National Park should be maintained at 75 cubic feet per second (cfs) during the period October 1-April 30; 200 cfs during May 1-June 30; and at 150 cfs July 1-September 30. The purpose of these flow releases would be to protect fishery, recreation and aesthetic values of the river within Yosemite National Park and Stanislaus National Forest.

Copies of the Environmental Assessment are available from the Area Manager, William W. Sweeney, Sacramento Area Office, Fish and Wildlife Service, 2800 Cottage Way, Room E–2740, Sacramento, California 95825. Telephone 916–484–4684.

Summary

The U.S. Fish and Wildlife Service has completed an Environmental Assessment on a proposal to establish minimum streamflows below Hetch Hetchy Reservoir in Yosemite National Park. Under the recommended action, streamflows will be increased from interim minimum levels of 35 cubic feet per second (cfs) during the winter and 75 cfs during the summer to new levels of 200 cfs during May and June, 150 cfs from July through September, and 75 cfs from the first of October through April 30.

The interim flows have been in effect since completion of the Canyon Power Project by the City and County of San Francisco in 1967. The Canyon Power Project is one segment of the Hetch Hetchy Water and Power System which diverts water from Yosemite National Park through powerhouses, pipelines and tunnels to the San Francisco Bay Area some 150 miles distant.

The recommended flow increases are based on fishery, recreation and aesthetic studies requested by the Secretary of the Interior in 1961, when approval was given to begin construction of the power project. Agencies which cooperated in the studies included the U.S. Fish and Wildlife Service, the National Park Service, the U.S. Forest Service, the California Department of Fish and Game, and the City and County of San Francisco.

The Environmental Assessment discusses the impacts of providing the recommended release or any of 6 alternative flow schedules (including the current interim flow regime of 35 cfs during September 16-April 30 and 75 cfs during May 1-April 30 and 75 cfs during May 1-September 15) on fish, recreational, and aesthetic values, and also on the generation of electric power and delivery of water by the City and County of San Francisco Hetch Hetchy Water and Power System.

The recommended flow schedule is based on cooperative field studies and other information supplied by the National Park Service, the U.S. Forest Service, the California Department of Fish and Game, and the City and County of San Francisco. The recommended flow schedule would provide good trout habitat and acceptable recreation/aesthetic conditions. The Hetch Hetchy project's dependable electric generation capacity would be reduced by an estimated 11% (from 371 to 333 Mw) and also the number of years of full projected water supply delivery capability (448,000 acre-feet annually)

would be reduced by about 2% (from 88% to 86%), as compared to conditions under the current interim flow schedule.

Dated: April 17, 1981.

Michael J. Spear,

Associate Director.

[FR Doc. 81-12834 Filed 4-27-81; 8:45 am]

BILLING CODE 4310-03-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before April 17, 1981. Pursuant to § 1202.13 of 36 CFR 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 13, 1981.

Carol Shull,

Chief, Registration Branch.

Pending April 28, 1981

Connecticut

New London County

Groton, *Smith, Jabez, House,* North Rd.

Nevada

Clark County

Overton vicinity, *Pueblo Grande de Nevada,* S of Overton

New Hampshire

Hillsborough County

Wilton vicinity, *County Farm Bridge,* NW of Wilton on Old County Farm Rd.

Merrimack County

Concord, *White Farm,* 144 Clinton St.

Texas

Eastland County

Cisco, *Mobley Hotel,* 4th St. and Conrad Hilton Ave.

Tarrant County

Fort Worth, *Fort Worth Main Post Office Building,* Lancaster and Jennings Aves.

[FR Doc. 81-12849 Filed 4-27-81; 8:45 am]

BILLING CODE 4310-03-M

Bureau of Land Management

Canon City District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Canon City district advisory council meeting.

SUMMARY: Notice is hereby given, in accordance with Public Law 94-579, that a meeting of the Canon City District Advisory Council will be held on Thursday and Friday, May 28-29, 1981.

The meeting will be from 1:00 p.m. to 5:00 p.m. on May 28th and from 8:00 a.m. to noon on May 29th at the Lamplighter Motel, 419 Main Street, Alamosa, Colorado.

The topics of discussion will be: recreation management along the Arkansas River, wilderness-mining conflicts, San Luis Grazing EIS implementation and maintenance, and Northeast Resource Management Plan issues.

The meeting will be open to the public. Interested persons may make oral statements to the council during an allotted time period beginning at 9:00 a.m. on May 29th and lasting at least one hour. The District Manager may establish a time limit for oral statements depending on the number of people wishing to speak.

ADDRESS: Anyone wishing to address the council should notify the District Manager, Bureau of Land Management, 3080 E. Main, (P.O. Box 311), Canon City, Colorado 81212, phone (303) 275-0631, by May 22, 1981.

Melvin D. Clausen,

District Manager.

[FR Doc. 81-12812 Filed 4-27-81; 8:45 am]

BILLING CODE 4310-84-M

[4700 (N-6616)]

Use of Helicopters To Gather Wild Horses; Notice of Meeting

Notice is hereby given in accordance with Section 404 of P.L. 94-579 that the Battle Mountain District of the Bureau of Land Management will conduct a public meeting on June 3, 1981, to discuss the use of helicopters to gather wild horses. The meeting will begin at 1:00 p.m. in the conference room of the Bureau of Land Management Office at 2nd and Scott, Battle Mountain, Nevada.

The agenda for the meeting will include the discussion of the helicopter gathering techniques that will be utilized in the Bald Mountain Wild Horse Gather. The gather is scheduled to take place in July, 1981. The meeting is open to the public. Oral or written comments are welcome.

Dated: April 20, 1981.

Michael C. Mitchel,

Acting District Manager, Battle Mountain District, Nevada.

[FR Doc. 81-12870 Filed 4-27-81; 8:45 am]

BILLING CODE 4310-84-M

[W-73911 Amendment]

Wyoming; Notice of Application

April 20, 1981.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado, filed an application amendment for a reroute of their proposed right-of-way to construct 4-inch and 6-inch pipelines for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 13 N., R. 97 W.,
- Sec. 1, S½NW¼, NE¼SW¼, and NW¼SE¼;
- Sec. 2, lots 1, 2, 3, and SE¼NE¼.

T. 14 N., R. 97 W.,
- Sec. 27, N½SW¼, W½SE¼, and SE¼SE¼;
- Sec. 28, S½SW¼, and SE¼;
- Sec. 32, N½NE¼;
- Sec. 33, NW¼NW¼;
- Sec. 34, E½NE¼, and NE¼SE¼;
- Sec. 35, W½SW¼, and SE¼SW¼.

The proposed pipelines will serve to transport natural gas from the #1 Monument Valley Well and the #1 Federal Twin Fork Well in sections 28 and 32, T. 14 N., R. 97 W., to a point of connection with an existing pipeline in section 1, T. 13 N., R. 97 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-12867 Filed 4-27-81; 8:45 am]

BILLING CODE 4310-84-M

[W-21090]

Wyoming; Notice of Termination of Classification

April 17, 1981.

The following described lands were classified for disposal pursuant to the Classification and Multiple Use Act of September 19, 1964, 78 Stat. 986 (formerly 43 U.S.C. 1411–18), and for sale pursuant to the Public Land Sale Act of September 19, 1964, 78 Stat. 988 (formerly 43 U.S.C. 1421–27), on October 30, 1970, by Classification Decision Wyoming 21090:

Sixth Principal Meridian, Wyoming

T. 19 N., R. 105 W.,
Sec. 14, Lots 3, 4, and 6.

The area described contains 125.28 acres in Sweetwater County, Wyoming.

Classification Wyoming 21090 segregated the above lands from all forms of appropriation under the public land laws, including the mining and the mineral leasing laws, except for sale pursuant to the Public Land Sale Act of September 19, 1964. Classification Decision W–21090 was modified December 12, 1974, to allow granting of rights-of-way on the lands.

The above lands were classified for sale in response to a Public Land Sale Application filed by the City of Rock Springs, Wyoming. The City withdrew their application for sale on December 24, 1974. The Public Land Sale Act of September 19, 1964, has expired, and the lands can no longer be disposed of under that authority. Accordingly, pursuant to 43 CFR Part 2400, Classification Wyoming 21090, affecting the above described lands is hereby terminated in its entirety.

At 10:00 a.m., on May 29, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m., on May 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land will be open to mineral location and the mineral leasing laws at 10:00 a.m., on May 29, 1981. For Oil and Gas leasing, the land must first be made available on the Simultaneous lands available list.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,
State Director.

[FR Doc. 81-13089 Filed 4-27-81; 8:45 am]
BILLING CODE 4310-84-M

National Park Service

General Management Plan, Redwood National Park

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental impact statement and a general management plan for Redwood National Park, California. Copies of the plan and record of decision are available at the following locations:

National Park Service, Department of the Interior, 18th and C Street, NW., Washington, D.C. 20240
Redwood National Park, Drawer N, 1111 Second Street, Crescent City, California 95531
National Park Service, Western Region Office, 450 Golden Gate Avenue, San Francisco, California 94102

The record of decision follows this notice.

Dated: April 20, 1981.

Howard H. Chapman,
Regional Director, National Park Service, Western Region.

Redwood National Park General Management Plan, Record of Decision

The National Park Service has decided to adopt the general management plan as presented in the Redwood National Park Final Environmental Impact Statement (FES 80–46). This final environmental impact statement and plan were released to the public on October 31, 1980, after a two-year planning process which included extensive public involvement.

This plan for Redwood National Park is intended to guide management of the park for a ten-year period. It outlines specific actions for visitor use and facilities development, cultural resources management, and natural resources management. Annual reviews of park conditions may affect specific actions or management techniques, but the National Park Service is confident that thoughtful planning and thorough public review have produced sound and sensible guidelines for the life of the plan. These guidelines are flexible, and specific actions may be modified to meet changing conditions, such as visitor travel patterns or national priorities. This flexibility, however, will not prevent steady progress toward ensuring the preservation of "significant examples of the primeval coastal redwood forests, and the associated streams and seashore" (Public Law 90–545).

I. The Plan

The Redwood General Management Plan embodies the concepts set forth in the preferred alternative of the draft and final environmental impact statements. The plan provides for all practicable means to avoid or minimize environmental harm.

Of 106,000 acres of the land authorized for a national park by Public Law 90–545 and Public Law 95–250, 27,470 acres are in state parks and 83.12 acres are county lands, excluding county roads. To enhance visitor experience and to facilitate park management, the National Park Service will cooperate with the State of California and Humboldt County to manage state, county, and national park lands as one management entity.

Visitor Use and Facility Development

The central administrative headquarters will remain in Crescent City, California, and the maintenance center will be developed at Requa (formerly an Air Force radar installation).

The natural features and recreational opportunities of the park will always be focal points for the many visitors to the region, but specific services for the visitors—restaurants, motels, and developed campgrounds—will continue to be provided in the local communities. Commercial facilities required in the park will be operated on a concession. Long-established visitor use patterns such as camping and interpretive programs at the three state parks will continue to be offered. Additional use areas and facilities within the national park will be created to allow people to seek new outdoor recreational opportunities. More of the park will be made accessible, but fragile areas will be protected from the effects of overuse. Barrier free programs will be made available to disabled visitors.

The most significant proposals in terms of physical change in the park involve the development of activity centers and sites. These visitor developments will each feature one aspect of the park's natural environment. Interpretive themes at the activity centers will be "Redwoods and the River" in the Jed Smith unit and "Flora and Fauna of the Redwoods" in the Prairie Creek unit.

Themes at the various activity sites will include "Upland Redwoods" at Mill Creek Campground; "The Coast" at Crescent Beach North and South, and also at Lagoon Creek; and "Redwoods at the Sea" at Skunk Cabbage Hill.

Day and overnight use capacities will increase throughout the park from approximately 7,700 to 10,700 persons, and from 1,402 to 1,940 persons, respectively.

The outdoor schools at Howland Hill and Wolf Creek will be used primarily for education group activities.

The National Park Service will continue to work with the five established Native American Heritage Advisory Committees to implement the plan. Native Americans are encouraged to practice their traditional ceremonies in the park to the extent they are consistent with values for which Redwood National Park was established. They will also be urged to share their traditions, culture and history with park visitors.

Redwood National Park supports the concept of a Native American repertory theater in neighboring communities.

Cooperative programs for information/orientation services and for interpretation will be developed with local, state, and other federal agencies, principally with the U.S. Forest Service and the California Department of Parks and Recreation.

A national cemetery will not be developed in the park. Such a cemetery would result in an irreversible commitment of park resources to a use that is not complementary to the park's mandate or purpose.

The plan has been found consistent by the regional Coastal Commission. The management of the coastal zone takes into account resource protection and public access. Commercial fishing and sport-fishing will continue in cooperation with the California Department of Fish and Game. Commercial wood gathering will not be allowed on federal lands. Gathering firewood for local use will be allowed by permit at designated locations on a seasonal basis.

Major access and circulation for visitors will continue to be U.S. 101 and U.S. 199. The park circulation system will involve both internal National Park Service roads and external state and county roads. The interior system will enable visitors to participate in a variety of visual, interpretive, and recreational experiences, and it will also provide access to such opportunities as walking, horseback riding, boating, bicycling, automobile touring, and riding on public conveyances. Visitors can thereby choose different degrees of personal involvement with the redwood forest, the ocean's edge, and other park resources. The exterior system, which will connect with various elements of the interior system, will allow access for food, accommodations, and regional recreation pursuits.

Proposed maintenance and alteration of present traffic routes will not be implemented until rights-of-way have been donated by the state and county to the federal government. The state will enforce laws on commercial roadways.

The National Park Service is currently preparing an environmental impact statement on the rerouting of U.S. 101 around Prairie Creek Redwoods State Park. This development was authorized by Public Law 95–250.

The C-Line Road shuttle will continue to provide bus service to the vicinity of the Tall Trees Grove. With the expansion of the National Park Service shuttle program, visitors will have easier access to Gold Bluffs Beach or to trailheads in Prairie Creek Redwoods State Park. Much of the park will be accessible by trails and paths, and the Coastal Trail will run the entire length of the park.

Housing will be provided for a limited number of seasonal or transient personnel. The U.S. Forest Service facilities at the Redwood Experimental Forest will be returned to the U.S. Forest Service. The National Park Service currently uses these facilities, known as the Redwood Ranger Station, for offices, shops and residences.

Natural Resources Management

The goal of natural resources management within the park is to restore and/or maintain the natural ecosystems of the park as they would have evolved without disturbance by man. The natural resources management plan will be combined with the cultural resources management plan. It is currently under preparation and is expected to be distributed for public review in 1981. One important component of the natural/cultural resources management plan is the watershed rehabilitation program. Important aspects of this program include: Encouraging the return of a natural pattern of vegetation, minimizing or eliminating man-induced erosion, and cooperating with others to reduce cumulative effects of man's actions upstream from the national park and within the park protection zone, while still fostering the productivity of commercial forestland in the protection zone.

Cultural Resources Management

Cultural resources management at Redwood National Park is designed to protect those significant elements associated with man's habitation and use of the redwood forests and environs. Cultural themes, and the resources representing them, assist visitors, scientists and managers in obtaining a balanced interpretation of the park's internationally significant natural resources. Within the park boundary are resources as diverse as aboriginal village sites, architecturally significant buildings, historic trails, and areas of sacred and traditional importance to the descendants of the original Native American inhabitants. The actions proposed to protect this record of man in the redwoods are fully compatible with the legislative, executive and regulatory requirements for cultural resources, as well as with the other elements of this general management plan.

Jurisdictional Considerations

The Park Service presently has proprietary jurisdiction of those Federally-owned lands within the park boundary. In the future it may be appropriate to seek concurrent jurisdiction over all or portions of these lands, together with any lands (whether private lands, state parks and roads, county roads, tide and submerged lands, etc.) subsequently acquired by purchase or donation, in order to efficiently manage and protect the resources within the limited number of personnel available. Meanwhile, mutual aid agreements may be developed under the proprietary jurisdiction status or reciprocal working agreements might be formulated when concurrent jurisdiction is obtained.

II. Alternatives Considered

The alternatives for visitor use and facility development are the preferred alternative, no action, extended visits, and restructured visitor use.

Alternative A—No Action

This alternative would have continued current management practices and limited capital investment in new facilities. Current access and circulation patterns would have been unchanged but traffic safety would have been improved by the elimination of hazardous conditions, such as the making of certain roads one way.

Alternative B—Extended Visits

This alternative would have emphasized the development of additional facilities and services within the park to permit longer visits and more opportunities for enjoying park resources and activities. Activity centers would have been developed adjacent to significant park features. Construction of new hiking trails and the conversion of several former logging roads to trails or one-way park roads would have made much more of the park accessible to hikers, horseback riders and motorists. While the number of vehicle campsites would have been maintained at current levels, opportunities for different styles of overnight use would have been provided by adding walk-in and primitive camping areas along with hostels.

Alternative C—Restructured Visitor Use

This alternative would have emphasized closer interaction between the National Park Service and adjacent communities. Visitors would have been encouraged to leave their automobiles in a central location, such as a downtown parking lot or at their place of lodging, and ride shuttle buses to sites in the park.

Shuttle systems would have supplemented private vehicle use and most roads served by shuttle buses would have remained open for private vehicles.

The environmental impacts of the preferred alternative, the extended visits alternative, and the restructured visitor use alternatives are not substantially different. However, the preferred alternative was judged to be the environmentally preferred alternative because it will result in fewer cumulative impacts. The park will experience both an improvement in visitor services and activities and an improvement in the quality of the natural resources.

III. Mitigating Measures

A. Natural Environment

The watershed rehabilitation program will utilize existing literature on the subject along with techniques developed during rehabilitation projects. Monitoring results at rehabilitation sites and monitoring sediment transport in the basin as a whole will continue.

Vegetation losses due to visitor developments and watershed rehabilitation projects will be minimized by replanting distrubed areas with native vegetation.

Revegetation and mulching techniques developed during watershed rehabilitation programs will be used to reduce surface soil erosion in freshly disturbed areas.

Proposed development areas, along with other actions that disturb vegetation, will be reviewed to determine if any endangered or threatened species exist in the disturbed area. Surveys will be conducted where appropriate. Specific development actions may be modified to avoid damage to threatened or endangered plants.

Redwood groves will be studies to determine the effects of visitor use on soil fertility and vegetation.

During watershed rehabilitation projects, excavation of stream channels will closely proximate the original channel. Rocking, wooden check dams and a variety of other energy dissipation devices will be utilized to reduce further channel downcutting and erosion.

Water quality monitoring will be continued to measure, among other items, sediment levels and bacteriological contamination. Prior to specific site development requiring water, the feasibility of using groundwater will be studied.

Consultation with State of California, Department of Fish and Game, and U.S. Fish and Wildlife Service personnel will continue on formal and informal basis regarding effects of proposed actions on endangered or threatened wildlife. Although no negative impacts are foreseen, development proposals will be evaluated as new information becomes avilable.

B. Cultural Environment

Cultural resources management will be carried out in accordance with National Park Service Cultural Resource Management guidelines (NPS–28). A cultural resources management plan is being developed as a component of the park's resources management plan.

In accordance with the National Historic Preservation Act of 1966 (Public Law 89–665) and the procedures of the Advisory Council on Historic Preservation (36 CFR 800) a memorandum of agreement has been concluded between the State Historic Preservation Officer, Advisory Council on Historic Preservation and the National Park Service on actions affecting cultural resources and the actions to be taken to avoid, minimize effects or mitigate adverse effects.

Geographic areas not specifically covered by current archaeological inventory surveys, such as inholdings and lands proposed for rehabilitation, will be surveyed. Development proposals that may affect cultural resources will reflect a sensitivity to preservation of the historic scene through compatible and complementary designs. All developments with potential for ground disturbance will be preceeded by archaeological identification surveys.

A project clearance form has been initiated to assist in identifying potential impacts and insuring proper review of developments.

If effects on cultural resources cannot be avoided, all necessary mitigation will be conducted according to professional standards and in compliance with Section 106 of the National Historic Preservation Act of 1966.

Local Native American Heritage Advisory Committees will be consulted regarding proposals with potential for effects on traditional sites. Recommendations made by such committees that pertain to actual project implementation actions will be incorporated at that stage, or they will be reviewed through additional consultations if a conflict with management goals becomes apparent.

IV. Rationale for the Decision

The proposal calls for the development and management of Redwood National Park in such a manner as to complement the activities and services provided in adjoining communities. Access will be improved so that visitors may better appreciate the outstanding natural resources of the park. The watershed rehabilitation program is the first step in restoring Redwood Creek areas to a fascimile of its natural conditions.

Dated: March 13, 1981.

Robert D. Barbee,

Superintendent, Redwood National Park.

Dated: April 20, 1981.

Approved.

Howard H. Chapman,

Regional Director, Western Region.

[FR Doc. 81–12866 Filed 4–27–81; 8:45 am]

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Water and Power Resources Service

[INT–FES 81–18]

Polecat Bench Area, Shoshone Extensions Unit, Pick-Sloan Missouri Basin Project, Wyoming; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a final environmental statement on a proposed water development plan for providing irrigation water to 19,260 irrigable acres. Water for the project will be stored in the existing Buffalo Bill Reservoir. Delivery will be made through the existing Shoshone Canyon Conduit and Heart Mountain Canal of the Shoshone Project. Holden Reservoir will be an off-channel storage feature.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Water and Power Resources Service, Department of the Interior, 18th and C Streets NW., Room 7622, Washington, DC 20240, telephone: (202) 343–4991.

Division of Management Support, General Services, Library Branch, Code D–050, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, telephone: (303) 234–3019.

Regional Director, Water and Power Resources Service, Federal Building, 316 North 26th, Billings, MT 59103, telephone: (406) 657–6214.

Single copies of the statement may be obtained on request to the Director, Office of Environmental Affairs, or the Regional Director at the above address. Copies will also be available for inspection in libraries in the project vicinity.

Dated: April 22, 1981.

Clifford L. Barrett,

Acting Deputy Commissioner.

[FR Doc. 81–12861 Filed 4–27–81; 8:45 am]

BILLING CODE 4310–09–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. §§ 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 C.F.R. 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable

provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: April 22, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams.

Agatha L. Mergenovich,

Secretary.

MC–F–14609, filed March 30, 1980 (correction) (Previously published in the **Federal Register** issue of April 15, 1981, at page 22076). CALDWELL FREIGHT LINES, INC. (Caldwell) (U.S. Hwy 321 South, P.O. Box 620, Lenoir, NJ 28645)—Purchase—LENOIR TRANSFER COMPANY, INC. (Lenoir) (U.S. Hwy 321 South, P.O. Box 698, Lenoir, NC 28645). The purpose of this republication is to correct certain typographical errors in the address of transferor and transferee and to correctly identify the territorial scope of the household goods authority. The territorial scope of such authority should read as follows: (a) between points in Caldwell, Burke and Catawba Counties, NC, (b) from points in Caldwell, Burke and Catawba Counties, NC, to points in NC on and west of U.S. Hwy 29, and (c) from points in NC on and west of U.S. Hwy 29 to points in Caldwell, Burke and Catawba Counties, NC.

[FR Doc. 81–12669 Filed 4–27–81; 8:45 am]

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[Permanent Authority Decisions Volume No. 68]

Motor Carriers; Restriction Removals; Decision-Notice

Decided: April 23, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 3854 (Sub-61)X, filed April 16, 1981. Applicant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham. Representative: Edward G. Villalon, Suite 1032, Pennsylvania Ave. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 3, 6, 19, 27 and 34 certificates and E8, E9 and E10 letter notices to: (1) broaden the commodity description to "tobacco products" from tobacco and tobacco containers in the lead, materials, supplies and equipment used in processing, etc. of manufactured tobacco in Sub-Nos. 1, and 6; reconstituted or homogenized tobacco in Sub-Nos. 3, 6, 19, E–8 and E–9; tobacco, various shipping or packing materials for tobacco and unmanufactured tobacco in Sub-No. 6; tobacco in sheets or baskets in Sub-No. 6 and E–9; and tobacco and materials, equipment and supplies in Sub-Nos. 6, 27 and 34; (2) remove restrictions against the transportation of commodities in bulk, in tank vehicles in Sub-Nos. 1, 6, 27 and 34; (3) remove an "originating at or destined to" restriction and restriction against the transportation of cigarette paper in Sub-No. 34. The Sub-No. 34 authorizes service between points in CT, FL, GA, KY, MD, MA, MO, NJ, NY, NC, OH, PA, SC, TN, VA and WV and thus embraces the territorial authority contained in Sub-Nos. 1, 3, 6, 19, 27 and E–8, 9 and 10. Therefore the commodity expansion will subsume the above subnumbered authorities.

MC 18121 (Sub-34)X, filed April 13, 1981. Applicant: ADVANCE TRANSPORTATION COMPANY, 5005 South Sixth Street, Milwaukee, WI 53201. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its MC 144677 permit to (1) broaden the commodity descriptions to "such commodities as are manufactured, processed, sold, distributed, dealt in or used by wholesale, retail and chain grocery stores, food processing houses, variety houses, or manufacturers, converters, distributors and printers of paper and paper products" from, specified commodities such as, packinghouse products, dairy products, meat, canned goods, agricultural commodities, soap products, commodities awarded as premiums and advertising matter, and groceries, and (2) authorize service between points in the U.S.

MC 40068 (Sub-4)X, filed April 16, 1981. Applicant: L. L. BUCHANAN AND CO., INC., d.b.a. BUCHANAN AUTO FREIGHT, 115 W D St., Yakima, WA 98902. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions in its lead and Sub-No. 3F certificate to (1) broaden the commodity descriptions from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) authorize service to all intermediate points between Yakima, WA, and Seattle, WA; and Yakima, WA, and Tacoma, WA, in the lead; (3) remove the restrictions to pickup only and delivery only in the lead; and traffic moving of freight forwarder bills of lading in Sub-No. 3F; and (4) expand city-wide to county-wide irregular route authority from Yakima to Yakima County, WA, and authorize two-way irregular route authority between Yakima County, WA, and points in Yakima, Kittitas, Benton, and Franklin Counties, WA, in Sub-No. 3F; and

regular route authority between Yakima, WA, and Tacoma, WA, in the lead.

MC 57697 (Sub-25)X, filed April 9, 1981. Applicant: LESTER SMITH TRUCKING, INC., 2645 East 51st Avenue, Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-Nos. 1, 2, 4, 6, 7, 8, 9, 10, 11, 17F, 19F and 20F certificates to (1) broaden the commodity descriptions from (a) agricultural commodities, other than in containers, and livestock to "farm products"; building and fencing materials, farm machinery, used farm equipment, feed, seed, hides, wool, and irrigation supplies to "building materials, machinery, transportation equipment, food and related products, and metal products"; household goods, as defined by the Commission to "household goods"; machines, other than farm, maximum 5,000 pounds each to "machinery"; and oil-well casings, pipe, and supplies to "Mercer Commodities" in the lead; (b) agricultural commodities, seed, feed, building materials and farm machinery (except commodities in bulk, in tank vehicles, and coal) to "farm products, food and related products, building materials, and machinery", in Sub-No. 2; (c) plastic pipe and plastic pipe fittings to "rubber and plastic products" in Sub-No. 4; (d) lumber, lumber mill products, sawmill products, wood products, composition board, and wall board to "lumber and wood products and pulp, paper, and related products" in Sub-No. 6; (e) lumber and lumber mill products, wood products, and forest products to "lumber and wood products" in Sub-Nos. 7, 11, 17F, and 19F; (f) aluminum irrigation pipe and aluminum pipe and pipe fittings to "metal products" in Sub-Nos. 8 and 10; (g) brick to "clay, concrete, glass or stone products" in Sub-No. 9; and (h) refractory and refractory products, and materials, equipment, and supplies used in the manufacture of the foregoing commodities (except commodities in bulk), to "clay, concrete, glass, or stone products, ores and minerals, and metal products" in Sub-No. 20F; (2) remove the restrictions "Transportation between Sterling, CO, and points in Colorado on Colorado Highway 113 between Sterling and the Nebraska-Colorado State line on the one hand, and, on the other, Big Spring, NE, and points on U.S. Highway 30 between Cheyenne, WY, and North Platte, NE; on U.S. Highways 26 and 26N between Northport, NE, and the Wyoming-Nebraska State line; on Nebraska Highway 29 between Kimball and Scottsbluff, NE; on Nebraska Highway 19 between Alliance, NE, and the Colorado-Nebraska State line shall be restricted to agricultural commodities, other than in containers, livestock, and household goods as defined by the Commission, only. Said authority is restricted against being used (a) for interlining or interchanging any traffic involving the transportation of farm machinery, including farm tractors, and farm equipment, having any prior or subsequent movement by F–B Truck Line Company or any successor thereof, or (b) in the event Lester Smith Trucking, Inc., and F–B Truck Line Company or their successors shall merge their operations, as a basis for performing any through operations;" in Sub-No. 1; against the transportation of lumber originating at Saratoga and Cody, WY; against being used (a) for interlining or interchanging any traffic involving the transportation of farm machinery, including farm tractors, having any prior or subsequent movement by F–B Truck Line Company or any successor thereof or (b) in the event Lester Smith Trucking, Inc., and F–B Truck Line Company or their successors shall merge their operations, as a basis for performing any through operations; and against the transportation of feed between points in Wyoming on the one hand, and, on the other, points in South Dakota; and except precased and prestressed concrete products and the size and weight limitation in Sub-No. 2; and except composition board and wallboard in Sub-No. 7; (3) eliminate the facilities limitations in Sub-Nos. 4, 6, 10, 11 and 19F; (4) expand city-wide to county-wide to county-wide authority from McPherson to McPherson County, KS in Sub-No. 4; York to York, County, NE in Sub-No. 6; Pueblo and Trinidad to Pueblo and Las Animas Counties, CO in Sub-No. 9; Hastings to Adams County, NE in Sub-No. 10; Spearfish to Lawrence County, SD in Sub-No. 11; and Newcastle to Weston County, WY in Sub-No. 19F; (4) change one-way to radial authority between (a) McPherson County, KS, and, points in 15 named States and the Upper Peninsula of Michigan in Sub-No. 4; (b) points in ID, MT, OR and WA, and, points in 16 named States in Sub-No. 6; (c) points in WY (except Afton, Himes, Newcastle and Saratoga), and, points in KS, MO, NE, NM, OK and SD in Sub-No. 7; (d) York County, NE, and, points in numerous named States in Sub-No. 8; (e) Pueblo and Las Animas Counties, CO, and, points in numerous named States in Sub-No. 9; (f) Adams County, NE, and, points in numerous named States in Sub-No. 10; (g) Lawrence County, SD, and, points in several named States in Sub-No. 11; (h) points in Davis County, UT, and, those point in the U.S. in and west of OH, KY, TN and AL; and points in ID and MT, and, points in Davis County, UT in Sub-No. 17F; and, (i) Weston County, WY, and, points in several named States in Sub-No. 19F; and (5) remove the restrictions, "originating at and destined to" in Sub-No. 11, and "AK, HI and UT" in Sub-No. 17F.

MC 57697 (Sub-28)X, filed April 13, 1981. Applicant: LESTER SMITH TRUCKING, INC., 2645 East 51st Avenue, Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-No. 16 certificate to (1) broaden the commodity description in the authority from (A) bulk and service station equipment, each article to weigh a maximum of 5,000 pounds, agricultural commodities, feeds, seeds, feedlot supplies, office and store fixtures (except those transported as part of a household-goods movement), telephone and power line materials and coal to "machinery, transportation equipment, metal products, farm products, food and related products, chemcials and related products, instruments and photographic goods, furniture and fixtures, telephone and powerline materials, coal and coal products," (B) building materials (except precast and prestressed concrete products and commodities, the transportation of which, because of size and weight, requires the use of special equipment to "building materials," (C) agricultural machinery and implements and parts thereof when transported in the same vehicle and at the same time with such machinery and implements, as described in Appendix 111 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 20 (except commodities which by reason of size or weight require the use of special equipment) to "machinery"; (2) eliminate the "commodities in bulk, in tank vehicles, and coal" restriction; (3) eliminate restrictions in (A) "each article to weight a maximum of 5,000 pounds," "except those transported as part of a household-goods movement)," and "the authority granted in (A)(5) above is restricted against transportation between Julesburg, on the one hand, and, on the other, points in WY;" (4) eliminate the restriction prohibiting joint-line service with named carriers or any of their successors or the transportation of building and construction equipment, farm machines and agricultural machinery and implements, including agricultural

tractors; (5) authorize radial authority between points in MO, CO, and WY, where appropriate, on sheets 3, 4 and 5.

MC 69224 (Sub-55)X, filed April 3, 1981. Applicant: H & W MOTOR EXPRESS COMPANY, 3000 Elm Street, Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 32, 35, 37, 39, 40, 41, 42, 43, 48F, 49F, 50F, and 52F certificates to (A) broaden the commodity description to (1) "food and related products" from (a) vinegar, malt beverages, butter, eggs and poultry, bakery products, cheese, sandwich spread and related articles in the lead certificate, irregular route portion, parts 2, 4, 11, 13 and 15, (b) meats, meat products, and meat by-products and articles distributed by packinghouses as described in sections A & C of App. I in the descriptions cases, in Sub-No. 39, (2) "petroleum, natural gas and their products and chemicals and related products" from petroleum products and antifreeze compounds, in the lead certificate, part 3, (3) "building materials and materials, equipment and supplies used in the manufacture, sale and distribution thereof" from building supplies and materials, sheet metal products, culverts, builders, hardware and construction materials, in the lead certificate, part 6, (4) "metal products" from (a) iron and steel tanks, in the lead certificate, part 6, and (b) iron castings, in Sub-No. 49F, (5) "machinery" from (a) metal and woodworking machinery and automatic sprinkler systems, in the lead certificate, part 7, and (b) electrical power line construction materials and equipment, in the lead certificate, part 16, and (6) "farm products" from grains, milled grains, feeds and seeds, in the lead certificate, part 12; (B) remove the restriction which prohibits the transportation of commodities (1) in containers, in the lead certificate, part 3, and (2) in bulk, in tank vehicles and hides, in Sub-No. 39; (C) authorize service at all intermediate points on its regular routes between various combinations of named points in IA, IL, and MN in the lead certificate; (D) eliminate the restriction which limits service to (1) the junction of IL Highways 64 and 72 near Lanark, IL, and (2) the termini of Marshalltown and Cedar Falls, IA, for purposes of joinder, only, in the lead certificate; (E) eliminate the originating at and destined to named facilities restriction, in Sub-No. 39; (F) authorize county-wide authority to replace city-wide service: (1) in the irregular route portion of the lead certificate, part 2, from Freeport, IL, to Stephenson County, IL; part 3, from Waterloo and Dubuque, IA, to Blackhawk and Dubuque Counties, IA; part 4, from Mankato, MN, to Blue Earth County, MN; and East Dubuque, IL, to Jo Daviess County, IL; parts 4 and 5, from Dubuque, IA, to Dubuque County, IA; part 7, from Rockford, IL, to Winnebago County, IL; part 9, from Rock Island, Moline, East Moline, Rockford and Freeport, IL, to Rock Island, Winnebago and Stephenson Counties, IL; part 12, from Minneapolis-St. Paul and Winona, MN, to Minneapolis-St. Paul and Winona County, MN; and from Cedar Falls, IA, to Blackhawk County, IA; part 13, from Dubuque and Davenport, IA, to Dubuque and Scott Counties, IA, and from Duluth, MN, to St. Louis County, MN; part 15, from Freeport, IL, to Stephenson County, IL; Marshalltown, Charles City, Mason City and Ottumwa, IA, to Marshall, Floyd, Cerrogordo and Wapelo Counties, IA; and, part 16, from Dubuque, Clinton and Decorah, IA, to Dubuque, Clinton and Winneshiek Counties, IA; (2) in Sub-No. 39, from Dubuque, IA, to Dubuque County, IA; (3) in Sub-No. 49, from Marhalltown, IA, to Marshall County, IA, and Racine, WI, to Racine County, WI; and; (4) in Sub-No. 50F, from Manchester, IA, to Delaware County, IA; and, (G) authorize radial authority to replace existing one-way service between various combinations of cities and counties in (a) IA and WI, in the irregular route portion of the lead certificate, and Sub-Nos. 48F, 49F, and 50F, and, (b) IL and MN, in the irregular route portion of the lead certificate.

MC 71478 (Sub-52)X, filed April 17, 1981. Applicant: THE CHIEF FREIGHT LINES COMPANY, 2401 North Harvard Avenue, Tulsa, OK 74115. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 45F certificate to (1) broaden the commodity description from general commodities, with the usual exceptions, to "general commodities (except classes A and B explosives)"; and (2) broaden the territorial scope by removing restrictions: (a) against serving intermediate points to authorize service at all intermediate points between Dallas and Houston, TX and (b) against the handling of traffic where carrier's origin and carrier's destination are both within the State of Texas.

MC 82806 (Sub-21)X, filed April 3, 1981. Applicant: C.L. HUNT, d.b.a HUNT & SONS, P.O. Box 433, Warrensburg, MO 64093. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. Applicant seeks to remove restrictions in its lead and Sub-Nos. 17F and 20F certificates to (A) broaden the commodity descriptions to (1) in its lead certificate, (a) "farm products" from livestock and hay, (b) "food and related products" from feed and groceries, (c) "building materials" from fencing materials and roofing materials, (d) "machinery and metal products" from farm machinery agricultural implements, poultry processing equipment, new, used, or damaged, farm equipment and agricultural implements, and parts and attachments for farm machinery, (e) "lumber and wood products" from logs, (f) "chemicals and related products" from fertilizer, and (g) "general commodities (except classes A and B explosives)" from general commodities (with usual exceptions); (2) in Sub-No. 17F, "building materials and pulp, paper and related products" from insulation, insulation products, insulation materials, and equipment used in the installation thereof, and materials, supplies and equipment used in the manufacture thereof, (3) in Sub-No. 20F, "chemicals and related products, and rubber and plastic products" from plastic articles, styrocups, food containers and materials and supplies used in the manufacture thereof; (B) authorize county-wide authority in lieu of existing city-wide or plantsite service: (1) in its lead certificate, irregular route portion, (a) Jackson County, MO, for Atherton, MO, (b) Douglas and Johnson Counties, KS, for Laurence and Olathe, KS, (c) Johnson County, MO, for Warrensburg, Centerview, Chilhowee, Shawnee Mount, and Knob Noster, MO, (d) Leavenworth County, KS, for Leavenworth, KS, (2) in Sub-No. 17F, Jackson County, MO for Grain Valley, MO, and (3) in Sub-No. 20F, Lafayette County, MO, for plantsite located in Higginsville, MO; (C) remove the territorial restriction which limits service to precise or no intermediate points, to authorize service at all intermediate points on its regular routes between (1) Higginsville, MO, and Kansas City, MO, (2) Blairstown, MO, and Kansas City, KS, in its lead certificate, (D) remove the restriction prohibiting service to (1) AK and HI, in the irregular route portion of its lead certificate, Sub-Nos. 17F and 20F, and (2) MO in Sub-No. 17F; (E) remove the restriction limiting or prohibiting service to the transportation of shipments (1) moving to or from missile sites of the Minuteman Missile Complex of Whitman Air Force Base, MO, as it applies to general commodities in the irregular route portion of its lead certificate, and (2) originating at or destined to a named point, as it applies to farm machinery, and equipment, and agricultural implements, in the irregular

route portion of its lead certificate; (F) remove the restriction prohibiting the transportation of commodities in bulk, in tank vehicles, in Sub-No. 17F; and (G) authorize radial authority to replace existing one-way service between cities and counties in various combinations of States throughout the U.S., in the lead certificate and Sub-No. 17F.

MC 92319 (Sub-5)X, filed April 17, 1981. Applicant: KENNETH GRAHAM, Route #1, Box 41–A, Brimley, MI 49715. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Applicant seeks to remove restrictions in its MC–92319 and Sub-No. 4 Permits to (1) broaden the commodity descriptions from potatoes and empty been containers, fresh fruit, vegetables, groceries, furniture, hardware, and canned goods, and fresh fruit, vegetable, groceries, canned goods, hardware and beer to "such commodities as are dealt in by wholesale and retail grocery, furniture, and hardware business houses" in the lead; and from nonalcoholic beverages to "food and related products", in Sub-No. 4 (2) remove restrictions which inhibit service at intermediate points on its regular route authorities, in the lead; and (3) expand the territorial description to between points in the U.S. under continuing contract(s) with a named shipper in both permits.

MC 103937 (Sub-6)X, filed April 10, 1981. Applicant: ANTHRA-TRANS, INC., R.D. No. 3, Moscow, PA 184444. Representative: Ronald N. Cobert, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Applicant seeks to remove restriction from its Sub-Nos. 1, 4, 6 and 7F certificates to broaden the commodity description (1) in Sub-Nos. 1, 4, 6, and 7 from coal to "coal and coal products"; (2) in Sub-No. 6 from cullet to "clay, concrete, glass or stone products"; and (3) in Sub-No. 6 from scrap iron, steel and copper to "metal products"; (4) replace city with county-wide authority: Elmira, NY with Chemung County, NY in part B of Sub-No. 6; Dickson City, PA, Roebling, Perth Amboy and Mahwah, NJ with Lackawanna County, PA and Burlington, Middlesex and Bergen Counties, NJ in part C of Sub-No. 6; and, (6) change one-way to radial authority between (a) Scranton, PA and points within 20 miles of Scranton, and, Jersey City, NJ and New York, NY; and Scranton, PA and points in PA within 12 miles of Scranton, PA, and, Points in 5 NJ counties in Sub-No. 1, (b) points in 3 PA counties, and, 1 point in NH, 5 points in MA, and described portions of VT, and NY; points in 2 PA counties, and, points in a described portion of NY; points in Jersey City, NJ and points in PA, and, points in 1 NY county; and, points in 1 PA county, and, 3 NJ counties in Sub-No. 6, and (c) points in 3 PA counties, and, points in 6 states in Sub-No. 7.

MC 113475 (Sub-40)X, filed April 9, 1981. Applicant: RAWLINGS TRUCK LINE, INC. P.O. Box 631, Emporia, VA 23847. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000-16th Street, NW., Washington, DC 20036. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 12, 13,17, 18, 19, 21, 24, 26, 27, 28F, 29, 30F, 31F, 32F, 33F, certificates to (1) broaden the commodity descriptions from (a) wooden boxes, set up box shooks, and lumber, box shooks, and lumber in the lead; lumber, not including plywood and veneer and wooden boxes and box shooks in Sub-No. 5, lumber (except plywood and veneer) in Sub-No. 24, lumber in Sub-No. 27, and lumber in Sub-No. 28F to "lumber and wood products"; (b) flakeboard and lumber (except plywood and veneer in Sub-No. 13, compressed wood logs in Sub-No. 17, wood pulp in Sub-No. 18, landscape timbers and fencing in Sub-No. 21, lumber and lumber (except plywood and veneer) in Sub-No. 12, and paper, paper products, and composition board in Sub-No. 19 to "lumber and wood products, and pulp, paper and related products"; (c) lumber, lumber mill products, and forest products in Sub-No. 32F to "lumber and wood products, and forest products"; (d) change waste paper in Sub-No. 26 to "pulp, paper, and related products"; and (e) change gypsum and gypsum products in Sub-No. 29F to "clay, concrete, glass and stone products and building materials," (2) change one-way authorities to radial authorities between specified counties and cities and points throughout the U.S. in the lead and Sub-Nos. 5, 12, 13, 17, 18, 19, 21, 24, 26, 27, 28F, 29F, 31F, 32F, and 33F. (3) broaden the territorial scope by substituting cities for counties: in the lead Brunswick County for Laurenceville, VA; Brunswick, Dinwiddie, and Sussex Counties for Smoky Ordinary, Alberta, Dinwiddie and Stoney Creek, and Waverly, VA; in Sub-No. 12, Sussex County for Waverly, VA in Sub-Nos. 17, 19 Washington County for Plymouth, NC; in Sub-No. 18, Craven and Morehead Counties for Askin and Morehead City, NC in Sub-No. 21, Washington and Craven Counties for Plymouth and Weyco, NC; Wicomico County for Salisbury, MD; Chesterfield County for Pageland, SC; in Sub-No. 24, Mecklenburg County for Charlotte, NC; Richland, Sumter and Georgetown Counties for Columbia, Sumter, and Georgetown, SC; in Sub-No. 26, Washington County for Plymouth, NC; in Sub-No. 27, Sussex, and Dinwiddie Counties, VA, for Wakefield, and McKenney, VA; in Sub-No.29, Caroline County for Milford, VA; Erie County for Akron, NY; New Castle County for Wilmington, DE; Westchester County for Buchanon, NY; in Sub-No. 30, Bucks County for Quakertown, PA; in Sub-No. 31, Mahoning, Belmont, Jefferson Counties for Canfield, Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH; Washington and Westmoreland Counties for Allenport and Monnessen, PA; Brooke, Marshall, and Ohio Counties for Beechbottom Benwood, Follansbee, and Wheeling, WV; in Sub-No. 32, Greene County for Athens, NY; Burlington County for Hainesport, NJ; Wicomico County for Fruitland, MD; in Sub-No. 33, Bucks, Allegheny, Forest, Cambria, and Westmoreland Counties for Fairless, Dravosburg, Homestead, Duquesne, Clariton, Mc Kees Rock, Johnstown, Mc Keesport, and Vandergrift, PA; and Lorain, Cuyahoga and Mahoning Counties for Lorain, Cleveland, and Youngstown, OH; (4) delete plantsite restrictions in Sub-Nos. 13, 21, 26, 30, 31, and 33; (5) authorize radial authority between the counties named above and points in named Eastern states in the lead and Sub-Nos. 5, 12, 13, 17, 18, 19, 21, 24, 26, 27, 28, 29, 31, 32, and 33; and (6) eliminate tacking restriction in Sub-No. 5 against the transportation of traffic from or through named points and destined to named points in NC, NY, DC, DE, VA, WV, MD, NJ, PA, OH;

Note.—Applicant's ability to tack its Sub-No. 5 authority will be governed by 49 CFR part 1042.

MC 121568 (Sub-84)X, filed April 3, 1981. Applicant: HUMBOLDT EXPRESS, INC., P.O. Box 100906, Nashville, TN 37210. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 31F, 34F, 35F, 36F, 38F, 39F, 41F, 47F, 51F, 53F, 55F, 62F, 63F, and 68F, certificates to (A) broaden the commodity descriptions as follows: in Sub-No. 31f part (1) from cotton and rayon mop yarn, and in Sub-No. 63F part (1) from cloth (except woven, knitted, or stitched), to "textile mill products"; in Sub-No. 34F from cash register paper, printed forms, computer paper, printing paper, ribbons, film plastic duplicating, chemicals, and micro film viewing machines, to "pulp, paper and related products, printed matter, rubber and plastic products, chemicals and related products and instruments and photographic goods"; in Sub-No. 35F from casting, iron and steel to "metal products"; and Sub-No. 36F from paint

to "chemicals and related products"; in Sub-No. 38F part (1) from film to "instruments and photographic goods"; in Sub-No. 39F part (1) from caulking and glazing compounds, paint, roof coating and roofing cement to "chemicals and related products, and clay, conrete, glass or stone products"; in Sub-No. 41F from clothing to "textile mill products" in Sub-No. part (1) from oil and air filters elements and units for oil and air filters elements to "transportation equipment"; in Sub-No. 51F from (1) wood burning stoves and fireplaces, and (2) parts for the commodities in (1); in Sub-No. 55F part (1) from outdoor barbecue grills and folding metal furniture; and in Sub-No. 68F part (1) from bearings and bushings to "metal products"; in Sub-No. 62F part (1) from games and toys to "miscellaneous products of manufacture"; and Sub-No. 53F part (1) from plastic articles, folding doors, window shades and parts for window shades to "lumber and wood products and furniture and fixtures"; (B) remove the restrictions: (a) except in bulk in Sub-Nos. 34F, 35F, 36F, 38F, 39F, 62F, 63F, and 68F; (b) except AK and/or HI in Sub-Nos. 38F, 53F, 55F, 63F and 68F; and (c) limiting traffic to transportation originating at or destined to named shippers in Sub-No. 53F and (c) broaden the territorial scope by replacing city-wide and/or facilities with county-wide authority, as follows: in Sub-No. 31F, Covington and Humboldt with Tipton and Gibson Counties, TN; in Sub-No. 34F, Morristown and Humboldt with Hamblen and Gibson Counties, TN; in Sub-No. 34F, Lufkin with Angelina County, TX; in Sub-No. 36F, Gallaway and Whiteville with Fayette and Hardeman Counties, TN; in Sub-No. 41F, Elizabethton with Cater County, TN and Amarillo with Potter and Randall Counties, TX; in Sub-No. 47F, Albion with Edwards County, IL; in Sub-No. 53F Covington with Tipton County, TN; and in Sub-No. 62F, Collierville with Shelby County, TN.

MC 126136 (Sub-3)X, filed April 17, 1981. Applicant: ALASKA TRANSFER & STORAGE, INC., P.O. Box 832, Kodiak, AK 99615. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its Sub-No. 1 certificate, acquired in MC-FC-78424, to (1) broaden the commodity description from general commodities, except those of unusual value to "general commodities" and (2) broaden city-wide authority to authorize service (a) between points on Kodiak Island, AK and points in the Third Judicial District of Alaska (for Homer, Seldoria and Seward, AK) and (b) between points on Kodiak Island, AK.

MC 134477 (Sub-444)X, filed April 13, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43466, St. Paul, MN, 55164. Applicant seeks to remove restrictions in its Sub-No. 383 certificate, which authorizes the transportation of such commodities as are dealt in or used by department stores, hardware stores, building material supply centers, home improvement stores, and farmer cooperative associations, to (A) remove the "except commodities in bulk" restriction, (B) remove the restriction limiting service to transportation of traffic originating at the name origins and destined to the indicated destinations, and (C) change one-way service to radial service between points in numerous States and DC, and, points in six States.

MC 134925 (Sub-5)X, filed April 6, 1981. Applicant: CUMMINGS TRUCKING COMPANY, INC., 1321 7th Ave., North, Birmingham, AL 35202. Representative: Lewis Cummings, Jr. (same address as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, and 3 certificates to (1) broaden the commodity descriptions (a) from paper, iron and steel, pipe, pipe fittings, contractor's equipment, building materials, coal, cotton, cotton seed, cotton seed meal and hulls, pitch and fertilizers to "pulp, paper and related products, metal products, machinery, coal and coal products, petroleum, natural gas and their products, farm products, food and related products and chemicals and related products", from explosives to "ordinance and accessories", from general commodities (with exceptions other than classes A and B explosives) to "general commodities"; from road machinery, tractors, graders, boilers, hoisting engine and construction equipment (sheet 6) to "machinery and supplies, and metal products"; from household goods such as personal affects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment, and property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments; and articles including objects of art, displays, and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods, to "household goods, furniture and fixtures, and articles of unusual value" in its lead; (b) from pipe, valves, fittings, hydrants, castings and accessories, and commodities used in, or in connection with construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof in Sub-No. 1 to "metal products"; machinery and supplies, and rubber and plastic products, and materials, equipment and supplies used in the manufacture of such commodities" (c) from waste paper and scrap metals in Sub-No. 2 to "waste or scrap materials not identified by industry producing"; and (d) from roofing materials (except liquid commodities in bulk, in tank vehicles), and materials and supplies used in the installation of roofing materials (except liquid commodities in bulk, in tank vehicles), in Sub-No. 3F to "building materials; and equipment, materials and supplies used in the manufacture and installation thereof" (2) serve all intermediate points on its regular routes in AL (not including alternate routes) in its lead; (3) remove restrictions (a) against interlined traffic; (b) against traffic to or from various combinations of Birmingham, Florence, Sheffield, Tuscaloosa, Decatur, or Russellville, AL and (c) requiring commodities in bulk to move from or to specified points in AL in its lead; (4) remove facilities limitations at Holt, AL in Sub-No. 1 and at Tuscaloosa, AL, in Sub-No. 2; (5) replace Holt, AL, with Tuscaloosa County, AL, in Sub-No. 1 and Tuscaloosa, AL with Tuscaloosa County, AL in its lead (sheets 4 and 6) (6) remove originating at or destined to restrictions in its lead and Sub-Nos. 1, and 2, (7) remove the restriction against the transportation of limestone in bulk in Sub-No. 3, and (8) change one-way radial authority between Tuscaloosa County, AL, and, points in 6 states in Sub-Nos. 1, and 2, and points in 9 states in Sub-No. 3.

MC 136509 (Sub-3)X, filed April 14, 1981. Applicant: JAMES R. COLELLO, INC., 174 Plain St., Millis, MA 02054. Representative: William P. Sullivan, 818 Connecticut Ave. N.W., Washington, DC 20006. Applicants seeks to remove restrictions in its lead and Sub-Nos. 1 and 2 permits to (1) broaden the commodity descriptions from Stone dust, in bulk, in the lead, and talc, in bulk, in Sub-No. 1 to "ores and minerals", and from insulating materials, asbestos, asphalt, cement, roofing and building materials, [except in bulk) and materials, equipment, and supplies in Sub-No. 2, to "insulating materials, building materials, equipment,

and supplies used in the manufacture, distribution, and installation of the above commodities"; and (2) broaden the territorial description in all permits to between points in the U.S. under continuing contract(s) with named Shippers.

MC 136774 (Sub-21)X, filed April 13, 1981. Applicant: MC–MOR–HAN TRUCKING CO. INC.; P.O. Box 368, Shullsburg, WI 53586. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 14F, 15 and 16 certificates: (1) In Sub-No. 14F, (a) change the commodity description from liquid calcium chloride to "Chemicals and Related Products"; (b) remove the in bulk, in tank vehicle restriction; (c) replace city with county-wide authority, and change one way to radial authority between Cook County, (Lemont) IL, and points in IA, MN and WI; and (2) In Sub-No. 15, change the commodity description from liquid corn syrup and blends of liquid corn syrup to "Food and Related Products"; and (3) In Sub-No. 16, (a) change the commodity description from foodstuffs to "Food and Related Products"; and (b) remove the "in bulk" restriction, and remove the AK and HI exceptions in Sub-Nos. 15 and 16.

MC 138157 (Sub-274)X, filed April 13, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a., SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 136F certificate to (1) broaden the commodity description from heating and air conditioning equipment, materials, equipment, and supplies to "such commodities as are dealt in by manufacturers of heating and air conditioning equipment"; (2) delete the exceptions of service to AK and HI; (3) authorize county-wide authority in place of city-wide service: Elyria, OH, with Lorain County, OH; (4) delete restriction against the transportation of commodities in bulk, and which by reason of size or weight require the use of special equipment and to traffic originating at or destined to named facilities; and (5) authorize radial authority between Lorain County, OH, and points in the U.S.

MC 138609 (Sub-11)X, filed April 6, 1981. Applicant: ROBERT L. ARNOLD, d.b.a., PLANTATION TRANSPORT COMPANY, P.O. Box 2044, Albany, Georgia 31702. Representative: Robert L. Arnold (same address). Applicant seeks to remove restrictions in Sub-Nos. 1, 4F, 7F, 8F, and 9F certificates to (1) broaden the commodity descriptions from (a) in Sub-Nos. 1 and 4F, wooden pallets, lumber, and wooden pallets and boxes, to "lumber and wood products", (b) in Sub-No. 7F, malt beverages, advertising matter, labels, corrugated boxes, cardboard separators, empty keys, bottles, cans, bottle caps or crown and can lids, to "such commodities as are dealt in or used by retailers or wholesale distributors of malt beverages," (c) in Sub-No. 8F, iron and steel to "metal products", in Sub-No. 9F, precast and prestressed concrete products, to "clay concrete, glass, and stone products", (2) replace city-with county-wide authority in Sub-No. 8F, Florence, AL, to Colbert and Lauderdale Counties, AL, and Chattanooga, TN, to Bradley County, TN, and Richland, Sylvester, Ellaville, Moultrie, Waycross, Millen, Thomasville, and Eatonton, GA, to Webster, Worth, Schley, Colquitt, Ware, Jenkins, Thomas and Putnam Counties, GA; and in Sub-No. 9F Knoxville, TN, to Knox County, TN; and (3) replace one-way authority with radial authority as follows: in Sub-Nos. 1 and 4F between Stewart and Randolph Counties, GA, and points in AL and FL; in Sub-No. 7F, between Dougherty County, GA, and points in AL, FL, KY, LA, MS, and TN; in Sub-No. 8F, between Colbert and Lauderdale Counties, AL, and Bradley County, TN, and points in Putnam, Schley, Jenkins, Colquitt, Webster, Worth, Thomas and Ware Counties, GA; in Sub-No. 9F, between Knox County, TN, and points in AL, FL, GA, NC, and SC.

MC 140546 (Sub-7)X, filed April 9, 1981. Applicant: ROADHOUND TRUCK COMPANY, INC., 811 West Hale St., Osceola, AR 72370. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its No. MC–138213 and Sub-No. M1F permits and No. MC–140546 and Sub-Nos. 2, 3, and 4 certificates to (1) broaden the commodity descriptions from plastic articles, paper, paper products, such other articles as are dealt in by paper manufacturers or distributors, printing paper, wrapping paper, paper bags, tape, toilet tissue, paper tablets and pads, waxed paper, drawing paper, newsprint, paper towels and napkins, autographic register pages, computing paper, index cards, paper envelopes, and clipboard boxes and trays to "rubber and plastic articles and pulp, paper and related products" in No. MC–138213 and Sub-No. M1F; from iron and steel, iron and steel products, and copper and copper products to "ores and minerals and metal products" in No. MC–140546; from roofing and roofing materials and materials and supplies used in the manufacture, distribution and sale thereof to "building materials" in Sub-No. 2F; and from iron and steel articles to "ores and minerals and metal products" in Sub-Nos. 3F and 4F; (2) remove restrictions (a) requiring a prior or subsequent movement by water in No. MC-140546; (b) requiring traffic to move from or to specific points; (c) against traffic moving from or to specific points in its lead; (3) remove originating at or destined to restrictions in Sub-No. 2F, 3F, and 4F; (4) replace Osceola, AR with Mississippi County, AR in MC–1240546; facilities at Meridian, MS, with Lauderdale County, MS, in Sub-No. 2F; facilities at or near Hope, AR, with Hempstead County, AR in Sub-No. 3F; facilities at or near Plum,TX, with Fayette County, TX in Sub-No. 4F; (5) remove the exceptions of AK and HI in Sub-Nos. 3F and 4F; (6) replace one-way with radial authority (a) between Mississippi County, AR, and AR, MO, and TN in MC–140546; (b) between Little Rock, AR, and Lauderdale County, MS, and 18 southern and mid-western states in Sub-No. 2F; (c) between Hempstead County, AR, and the U.S. in Sub-No. 3F; (d) between Fayette County,TX and points in the U.S. in Sub-No. 4F; and (7) broaden the territorial descriptions in No. MC–138213 and Sub-No. M1F to between points in the U.S. under continuing contract(s) with named shippers.

MC 144693 (Sub-10)X, filed April 17, 1981. Applicant: GLENN'S TRUCK SERVICE, INC., #1 Produce Row, St. Louis, MO 63102. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (1) broaden the commodity description from foodstuffs to "foodstuffs, and equipment, materials, and supplies used in the manufacture, distribution, or sale thereof"; (2) remove the in bulk restriction; (3) eliminate the facilities limitations at St. Louis, MO, and Itasca, IL, and (4) expand city to county-wide authority from Itasca to DuPage County, IL, and authorize radial authority between St. Louis, MO, and DuPage County, IL, and, points in the U.S.

MC 145011 (Sub-14)X, filed April 6, 1981. Applicant: R. F. WESTBURY, P.O. Box 498, Sandston, VA 23150. Representative: Carroll B. Jackson, 1610 Vicennes Road, Richmond, VA 23229. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, 3F, 4F, 5F, 6F, 7F, 8F, 9F, and 10F permits to broaden the territorial description to "between

points in the U.S.", under continuing contract(s) with named shippers.

MC 145813 (Sub-4)X, filed April 13, 1981. Applicant: POINTS WEST TRUCKING, INC., P.O. Box 55085, Valencia, CA 91355. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its No. MC-145813F certificate, and No. MC-143760 and Sub-Nos. 2F, 3F, 4F, and 5F permits to (A) broaden the commodity descriptions, as follows: to "pulp, paper and related products" from paper products in the lead certificate; to "machinery" from electrical motors and component parts (except size and weight commodities) in the lead permit; to "rubber and plastic products" from plastic sheeting in Sub-No. 2; to "food and related products" from foodstuffs and grocery products in Sub-No. 3; and to "chemicals and related products" from toilet preparations and pharmaceutical products in Sub-No. 4; (B) in the lead certificate, remove the "originating at and destined to" restriction, replace the named facilities and city with county-wide authority, and change one-way service to radial service between points in Suffolk County, NY (facilities at Deer Park, NY), and, points in seven States; and (C) broaden the territorial description in all permits to authorize service between points in the U.S., under continuing contract(s) with named shippers.

MC 146075 (Sub-8)X, filed April 13, 1981. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 West 29th Place, Wheatridge, CO 80214. Representative: Delbert Ewing (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 2F and 5F certificates to (1) broaden the commodity description from paint in Sub-No. 2F and paint and paint products in Sub-No. 5F, to "chemicals and related products"; and (2) replace one-way with radial authority between Houston, TX and Denver, CO, and, CO, WY, MT, and UT in Sub-No. 2F, and Harris County, TX, and, AR, LA, OK and NM in Sub-No. 5F.

MC 146247 (Sub-5)X, filed April 3, 1981. Applicant: DELTA MOTOR EXPRESS, INC., 1309 Fifth Street, N.E., Washington, DC 20002. Representative: Neal A. Jackson, 1156 15th Street, N.W., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 4F certificates to (1) broaden the commodity description to "food and related products" from bananas and agricultural commodities otherwise exempt from regulation when transported in mixed shipments with bananas, in both certificates, and (2) authorize radial authority to replace existing one-way service between: Baltimore, MD, Wilmington, DE, New York, NY and Charleston, SC, and, DE, MD, NJ, NY, PA, VA, WV, and DC in Sub-No. 2, and Norfolk, VA, and points in the eastern US in Sub-No. 4F.

MC 146293 (Sub-82)X, filed April 16, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 44 certificate to (A) broaden the commodity description in part 1 from carpet tack strip, adhesive cement, racks, stands, nails, rims, strips and tools to "such commodities as are dealt in by hardware stores"; (B) remove the in bulk restriction in part (2); (C) broaden the territorial description by replacing city-wide authority with county-wide authority to authorize service between Rockdale County, GA (for Conyers, GA), and Buncombe County, NC (for Asheville, NC) and points in the U.S., and (D) remove AK and HI exceptions.

MC 146818 (Sub-6)X, filed April 13, 1981. Applicant: CARL PRINCE, d.b.a. PRINCE TRUCKING, Route 1, Box 159, Cane Hill, AR 72717. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 4F, and 4F certificates to (A) broaden the commodity descriptions in each to "furniture and fixtures" from furniture, in cartons, and (B) substitute county-wide authority in lieu of the named facilities and cities, and change one-way service to radial service: Sub-No. 2, between points in Newton County, MO (facilities near Neosho, MO), and , points in 10 States; Sub-No. 4, between points in Sebastian County, AR (facilities at Fort Smith, AR), and, points in 10 States; Sub-No. 5, between points in Faulkner County, AR (Conway, AR), and, points in 10 States.

MC 146831 (Sub-3)X, filed April 17, 1981. Applicant: STUMPS REFRIGERATED EXPRESS, INC., R.D. No. 1, Trio, OH 44887. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 2 certificates to (1) broaden the commodity description to "such commodities as are dealt in or used by plumbing supply houses" from plumbing materials and materials and supplies used in the manufacture and distribution of plumbing materials in its Sub-No. 1 and to "food and related products" from meats, meat products, meat by-products, and articles distributed by meat-packing houses in its Sub-No. 2; (2) replace city-wide authority with county-wide authority as follows: Ashland County, OH for Ashland, OH, Richland County, OH for Shelby, OH and Wyandot County, OH for Upper Sandusky, OH in its Sub-No. 1; (3) change one-way to radial authority between points in El Paso, Lubbock and Potter Counties, TX, and Caddo Parish LA, and points in several states and DC in its Sub-No.2; (4) remove "except hides and liquid commodities in bulk" restriction in its Sub-No. 2 and "except commodities in bulk" restriction in its Sub-No. 1.

MC 149591 (Sub-3)X, filed April 8, 1981. Applicant: VALLEY EXPRESS, INC. P.O. Box 68, Glyndon, MN 56547. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description to "food and related products," from frozen potato products; (2) remove the facilities restriction; (3) remove the restriction prohibiting service to AK, HI, and ND; and (4) authorize radial, county-wide authority to replace existing one-way, city-wide service between points in Grand Forks County, ND (for Grand Forks, ND) and, points in the U.S.

MC 151005 (Sub-2)X, filed April 13, 1981. Applicant: MOTOR CARGO, INC., 12872 Brady, Redford, MI 48239. Representative: William B. Elmer, 624 Third Street, Traverse City, MI 49684. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities, with the usual exceptions, to "general commodities (except classes A and B explosives)"; and (2) broaden the territorial scope by removing the facility limitation at or near Detroit, MI.

MC 151072 (Sub-1)X, filed April 6, 1981. Applicant: NORTH CANTON TRANSFER CO., 7836 Freedom Ave., N.W., North Canton, OH 44720. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity description from petroleum products (except in bulk), to "such commodities as are dealt in or used by manufacturers or distributors for petroleum and petroleum products"; (2) replace Freedom, McKees Rocks, and Washington, PA, and Congo, WV, with Beaver, Allegheny, and Washington Counties, PA, and Hancock County, WV; and (3) change one-way to radial authority between the above-specified counties, and points in OH, those in PA on and west of U.S. Hwy. 219, and those

in WV on and north of Interstate Hwy. 70.

[FR Doc. 81-12882 Filed 4-27-81; 9:45 am]
BILLING CODE 7035-01-M

[Sec. 5b Application Nos. 2, 3 and 6]

Western Railroads—Agreement; Eastern Railroads—Agreement; Southern Railroads—Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Clarification of prior notice of decision.

SUMMARY: The Commission issued a final decision, served January 21, 1981, disapproving the proposed collective ratemaking agreements. Notice of that decision was published at 46 FR 9218, on January 28, 1981. The Southern Freight Association sought clarification of the status of 49 U.S.C. 10721 rates. The Commission will consider proposed government rates to be single-line for the purposes of 49 U.S.C. 10706(a)(3)(A)(i). Rate bureaus may file supplements to their amended agreements complying with this decision on or before May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: On March 27, 1981, the Southern Freight Association (SFA) sought clarification of our January 21, 1981, decision, with regard to government rates and the single-line voting prohibition of 49 U.S.C. 10706(a)(3)(A)(i). That provision prohibits a rate bureau from permitting a rail carrier to discuss, to participate in agreements related to, or to vote on single-line rates proposed by another carrier.

In our January 21, 1981, decision we found that surcharge and contract rates will be considered single-line rates for the purposes of Section 10706(a)(3)(A)(i). The Commission has stated that rail contracts, like other contracts, should be the result of private negotiations, and should not, without an exceptional showing of need, be made available to the parties' competitors or to the general public. Ex Parte No. 387, *Railroad Transportation Contracts*, notice served October 24, 1980.

Section 10721 provides that a common carrier may transport property for the United States Government, a State, or a municipal government without charge or at reduced rates. Except in extraordinary circumstances, the carrier must file the quoted rate, concurrently, with the Commission and with the government agency, department, etc., for which the quotation was made. Carriers are not required to publish such rates in tariffs, and the rate level is not subject to our jurisdiction. See, Docket No. 37314, *South Carolina Public Service Authority—Petition for Declaratory Order—Agreements Calling for Reduced Government Rates*, decided September 24, 1980.

By their nature government rates are similar to contract rates. A quotation or quoted rate, not unlike a bid, is offered by a carrier and is either accepted or rejected by the governmental body. The rate level is, in effect, negotiated by the parties. As with contract rates, we see no apparent need to involve a rate bureau in this transaction. Permitting a carrier's competitors to participate, discuss or vote on its government rate proposal thwarts effective competition. Because section 10721 rates correspond to contract rates, they will be treated as single-line for the purposes of 10706(a)(3)(A)(i). This treatment includes all government rate proposals. The rate bureau may publish these rates pursuant to 10706(4). This issue was not addressed in our January 21, 1981 decision. Due to the filing of this petition so near the April 6, 1981, filing deadline for revised rate bureau agreements, SFA and other rate bureaus may file supplements complying with this decision on or before May 13, 1981.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources and will not have an adverse impact on small business.

(49 U.S.C. 10706)

It is ordered: The petition for clarification is granted.

Dated: April 16, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Clapp, whom Commissioner Gresham joined, dissented in part with a separate expression.

Agatha L. Mergenovich,
Secretary.

Commissioner Clapp, whom Commissioner Gresham joins, dissenting in part:

A purported "clarification" of our decision served January 21, 1981 is not the proper procedural device to resolve the future role that rail rate bureaus will play in the quotation of government rates. That decision stated that "contract rates (new section 10713) will be considered single-line rates" for purposes of determining applicable restrictions on consideration of these rates in a rail rate bureau. The Conference Report states that existing Federal antitrust laws apply to section 10713. Since treating a rate as a single-line prevents collective consideration of that rate, our January decision simply implemented unambiguous legislative intent.

Section 10713 rates are a new statutory creation and the Commission had not dealt with the question of their collective consideration before the January decision. By contrast, certain government rate tenders have been processed collectively in the past. There is no discussion of those rates in the legislative history of the Staggers Act. Legally, a change in this treatment seems to require adequate notice and the opportunity for comment.

The theory that government rate tenders "correspond" to section 10713 contract rates and should be treated similarly sounds logical and may in fact be correct. However, this theory has been propounded in a vacuum without benefit of the views of those most affected. With government traffic, considerations of national defense should, where relevant, be given the utmost weight. I believe that an intelligent and pragmatic policy calls for input by government shippers and railroads before this decision becomes effective.

[FR Doc. 81-12881 Filed 4-27-81; 9:45 am]
BILLING CODE 7035-01-M

Long- and Short-Haul Applications for Relief (Formerly Fourth Section Applications)

April 23, 1981.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. on or before May 13, 1981.

FSA No. 43913, Southwestern Freight Bureau, Agent's No. B–121, rates on Acid, Carbolic (phenol), in tank cars, carload, from stations in Texas to Linden, NJ. The rates are published in Supplement 185 to its Tariff ICC SWFB 3355–D, to become effective May 13, 1981. Grounds for relief—market competition.

FSA No. 43914, Southwestern Freight Bureau, Agent's No. B–122, rates on iron or steel pipe and related articles, minimum weight 70,000 and 80,000 pounds, from Gerald and Union, MO to Southwestern destinations. The rates are published in Supplement 267 to its Traffic ICC SWFB 4853, to become effective May 19, 1981. Grounds for relief—market competition and rate relationship.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-12841 Filed 4-27-81; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each application is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-2-053

Decided: April 20, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 29563 (Sub-64), filed April 6, 1981. Applicant: ROCKFORD MILWAUKEE DISPATCH, INC., 1318 18th Avenue, Rockford, IL. Representative: James Robert Evans, 145 W. Winconsin Avenue, Neenah, WI 54956, (414) 722-2848. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Milwaukee, WI and Kaukauna, WI; from Milwaukee over U.S. Hwy 141 to Junction U.S. Hwy 10, then over U.S. Hwy 10 to Junction WI Hwy 55, then over WI Hwy 55 to Kaukauna and return over the same routes; (2) between Milwaukee, WI and Kaukauna, WI: from Milwaukee over U.S. Hwy 41 to Junction WI Hwy 96, then over WI Hwy 96 to Kaukauna and return over the same routes; (3) between Milwaukee, WI and Appleton, WI: from Milwaukee over WI Hwy 57 to Junction WI Hwy 10, then over WI Hwy 10 to Appleton and return over the same routes; (4) between Fond du Lac, WI and Sheboygan, WI, over WI Hwy 23 to Sheboygan; (5) between Fond du Lac, WI and Milwaukee, WI: from Fond du Lac over U.S. Hwy 151 to Junction WI Hwy 33, then over WI Hwy 33 to Junction WI hwy 26, then over WI Hwy 26 to Junction WI Hwy 16, then over to WI Hwy 16 to Milwaukee, and return over the same routes; (6) between Rockford, IL and Watertown, WI: from Rockford over Interstate Hwy 90 to Junction WI Hwy 26, then over WI Hwy 26 to Watertown and return over the same routes; (7) between Delavan, WI and Milwaukee, WI: from Delavan over WI Hwy 50 to Junction WI Hwy 31, then over WI Hwy 31 to Milwaukee and return over the same routes; and (8) between Elkhorn, WI and Racine, WI, over WI Hwy 11.

MC 104652 (Sub-4), filed April 9, 1981. Applicant: NESTER TRANSFER, INC., 2531 Alabama Avenue, Norfolk, VA 23513. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, (202) 463-0644. Transporting *Household Goods*, as defined by the Commission, (1) Between points in KY, NC, SC, OH, PA, WV, VA, TN, MS, MI, GA, AL, FL, DE, IL, IN, MD, NJ, NY and DC. (2) Between points in KY, NC, SC, OH, PA, WV, VA, TN, MS, MI, GA, AL, FL, DE, IL, IN, MD, NJ, NY and DC, on the one hand, and, on the other, points in ME, NH, CT, MA, RI, VT, MS, LA, TX, OK, AR, MO, KS, CO, NM, NB, IA and WI.

MC 107012 (Sub-691F), filed April 10, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *such commodities* as are dealt in by manufacturers and distributors of polyurethane foam products, between Richmond, VA and in Riverside County, CA, Logan County, KY, Catawba County, NC, and Bell County, TX, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-692), filed April 10, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *such commodities* as are dealt in by manufacturers and distributors of truck and automotive equipment, between points in the U.S.

MC 107012 (Sub-693), filed April 10, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *such commodities* as are dealt in by manufacturers and distributors of personal care products, between points in Los Angeles County, CA and Gallatin County, KY, on the one hand, and, on the other, points in the U.S.

MC 114562 (Sub-11), filed April 8, 1981. Applicant: WENDELL TRANSPORT CORPORATION, P.O. Box 100, Wendell, NC 27591. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828-0731. Transporting *commodities in bulk* (1) between points in New Hanover County, NC on the one hand, and, on the other, points in FL, GA, NC, SC, and VA; (2) between Williamsburg, VA and

Baltimore, MD on the one hand, and, on the other, points in New Hanover County, NC; and (3) between Williamsburg, VA on the one hand, and, on the other, Baltimore, MD.

MC 134752 (Sub-6), filed April 9, 1981. Applicant: HILL & WILLIAMS BROS., INC., 799–44th Street, Marion, IA 52302. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *general commodities*, between points in Linn County, IA, on the one hand, and, on the other, points in the U.S.

MC 146272 (Sub-2), filed April 9, 1981. Applicant: J & H TRUCKING, LTD., Box 255, Lillooet, B. C., Canada VOK 1VO. Representative: Michael D. Duppenthaler, 211 S. Washington, St., Seattle, WA 98104, (206) 622–3220. Transporting, in foreign commerce, *lumber and wood products*, between points in the U.S., under continuing contract(s) with Evans Products, Ltd., of Canada.

MC 152002, filed April 9, 1981. Applicant: DOUGLAS A. HILL, d.b.a. MOUNTAIN HAUS TOURS, 7215 Skillman, Dallas, TX 75231. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768, (512) 476–6063. Transporting passengers and their baggage, in special and charter operations, beginning and ending at points in Dallas, Tarrant, Denton, Collin, Rockwall, Kaufman, Smith, Ellis, Harris, Jefferson, Madison, Johnson and Travis Counties, TX, and extending to points in the U.S.

MC 153082 (Sub-3), filed April 9, 1981. Applicant: TRANS CONTINENTAL TRANSPORT, INC., P.O. Box 7583, Boise, ID 83707. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111, (801) 531–1306. Transporting (1) *lumber and wood products*, (2) *building materials*, (3) *metal products*, (4) *hides and pelts*, (5) *waste and scrap materials*, (6) *clay, concrete, glass, or stone products*, and (7) *such commodities* as are dealt in by hardware stores, between points in U.S. in and west of ND, SD, NE, KS, OK, and TX.

MC 153742, filed March 30, 1981. Applicant: ATLANTIC INTERMOUNTAIN EXPRESS, INC., 3000 East Hedley St., Philadelphia, PA 19137. Representative: Ira G. Megdal, 499 Cooper Landing Road, Cherry Hill, NJ 08002, (609) 667–8000. Transporting *food and related products* between the facilities of Campbell Soup Company at Camden, NJ, on the one hand, and, on the other, points in NY, PA, DE, MD, VA, CT, MA, RI, VT, ME, NH and DC.

MC 155212, filed April 8, 1981. Applicant: J. & T. LEASING, INC., 1 River Rd., Edgewater, NJ 07020. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building products, between points in the U.S., under continuing contract(s) with Dynamit Novel of America, Inc. of Northvale, NJ and its subsidiaries.

Volume No. OPY–2–054

Decided April 21, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

FF–53 (Sub-2), filed April 6, 1981. Applicant: YELLOW FORWARDING CO., P.O. Box 7270, Overland Park, KS 66207. Representative: William F. Martin, Jr. (same address as applicant), (913) 383–3000. *As a freight forwarder*, in connection with the transportation of *general commodities* (except clases A and B explosives), between points in CA, on the one hand, and, on the other, points in ID, OR, and WA.

MC 29452 (Sub-6), filed April 13, 1981. Applicant: B.O.W. EXPRESS, INC., 1251 Taney, N. Kansas City, MO 64116. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *general commodities* (except classes A and B explosives), (1) between the Kansas City, MO commercial zone and Cedar Vale, KS: from Ottawa, KS over U.S. Hwy 59 to junction U.S. Hwy 169, then over U.S. Hwy 169 to junction U.S. Hwy 54, then over U.S. Hwy 54 to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction U.S. Hwy 166, then over U.S. Hwy 166 to Cedar Vale, serving all intermediate points (expect Garnett, KS) and return over the same route. (2) between the Kansas City, MO commercial zone and Fredonia, KS: from Ottawa, KS over U.S. Hwy 59 to junction U.S. Hwy 169, then over U.S. Hwy 169 to junction U.S. Hwy 54, then over U.S. Hwy 54 to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction KS Hwy 47, then over U.S. Hwy 47 to Fredonia, and return over the same route. (3) between Kansas City, MO commercial zone and Hartford, KS: from Osage City, KS over KS Hwy 170 to Reading, KS, then over an unnumbered county road to Interstate Hwy 35, then over Interstate Hwy 35 to junction KS Hwy 130, then over KS Hwy 130 to Hartford, KS, serving all intermediate points. Applicant indicates intention to tack with existing authority. Applicant also seeks to interline traffic originating at or destined to all points and intermediate points in parts 1, 2 and 3 above.

MC 105733 (Sub-83), filed April 14, 1981. Applicant: RITTER TRANSPORTATION, INC., P.O. Box 1084–A, Rahway, NJ 07065. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW, Washington, DC 20005, (202) 296–3555. Transporting *commodities in bulk*, between points in Hudson and Warren Counties, NJ, on the one hand, and, on the other, points in FL, AL, LA, MS, AR, TX, MO, IA, and WI.

MC 107012 (Sub-696), filed April 15, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant), (219) 429–2234. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of medical equipment, between points in the U.S., under continuing contract(s) with General Electric Company, Medical Systems Business Division, of Milwaukee, WI.

MC 110563 (Sub-324), filed March 9, 1981, (correction), previously published in the FR issue of March 30, 1981, and republished this issue. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29, North, Sidney, OH 45365. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 845–8565. Transporting (1) *such commodities* as are dealt in or used by chain discount stores, grocery stores and food business houses, and (2) *food and related products*, between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation of carrier's outstanding certificates and withdrawal of any pending applications which duplicates in entirety the above-specified authority. The carrier shall submit a list of existing certificates, with dates of issue, to be cancelled.

Note.—This republication is to correct the commodity description and to clarify the condition.

MC 129712 (Sub-44), filed April 15, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326, (404) 237–6472. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of induction heating and melting systems, between points in the U.S., under continuing contract(s) with American Induction Heating Corp. of Detroit, MI.

MC 142803 (Sub-46), filed April 14, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Susan E. Mitchell (same address as applicant), (413) 732-6283. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilder Industries, of Philadelphia, PA.

MC 143593 (Sub-3), filed April 10, 1981. Applicant: ROTA-CONE OILFIELD OPERATING CO., 434 Palmer Dr., Muskogee, OK 74401. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (404) 528-3884. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of pulp, paper and related products and lumber and wood products, between points in the U.S., under continuing contract(s) with Champion International Corporation, of Stamford, CT.

MC 144293 (Sub-21), filed April 13, 1981. Applicant: DUANE McFARLAND, P.O. Box 1006, Austin, MN 55912. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *food and related products*, between points in IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, and WI. Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation, at carrier's written request, of all of carrier's authority under MC 144293 and Sub Nos. 5, 9, 11, 14, 15, 16, 17, and 18.

MC 149553 (Sub-2), filed April 13, 1981. Applicant: VALLEY TRANSPORTATION SERVICE, INC., P.O. Box 1527, Mission, TX 78572. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790-2510. Transporting *building materials*, between points in Webb and El Paso Counties, TX, on the one hand, and, on the other, points in OK, TX, LA, CO, NM, UT, KS, IA, MS, IL, OH, and IN.

MC 152702 (Sub-2), filed April 2, 1981. Applicant: CHESAPEAKE PIEDMONT CORPORATION, 1210 Gallop Ave., P.O. Box 1452, Chesapeake, VA 23320. Representative: John W. Ford, 9612 14th View St., Norfolk, VA 23503, 804-583-5714. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with City Beverage Co., Inc., of Elizabeth City, NC.

MC 155052 (Sub-1), filed April 10, 1981. Applicant: GENPAK CORPORATION, 88 Warren St., Glens Falls, NY 12801. Representative: Richard R. Barcus (same address as applicant), 1-(518) 798-0511. Transporting (1) *pulp, paper and related products*, (2) *rubber and plastic products*, (3) *printed matter*, and (4) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Medline Industries, Inc., of Northbrook, IL.

MC 155162, filed April 6, 1981. Applicant: BRUCE J. HAWLEY, 22920 S.W. 82nd Ave., Tualatin, OR 97062. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, points in OR.

MC 155182, filed April 8, 1981. Applicant: G. RINGER & CO., 5360 Broadway Rd. NE., Louisville, OH 44641. Representative: Harold E. Ringer, Jr. (same address as applicant), (216) 456-9427. Transporting *pulp, paper and related products*, between Cleveland, OH, on the one hand, and, on the other, points in PA, WV, NY, IN, IL, and DC.

MC 155343, filed April 16, 1981. Applicant: GALA, INC., 840 North Martin Dr., Palatine, IL 60067. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263-2306. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MO, MN, NY, OH, PA, TN, WV, and WI.

Volume No. OPY-3-050

Decided April 21, 1981.

By The Commission, Review Board No. 2. Members Carleton, Fortier and Williams.

MC 42405 (Sub/43), filed April 3, 1981. Applicant: MISTLETOE EXPRESS SERVICE, P.O. Box 25614, Oklahoma City, OK 73125. Representative: Stephen L. Blake (same address as applicant), (405) 236-1481. Over regular route, transporting *general commodities* (except classes A and B explosives), (1) between OK-TX State line at or near Texhoma, TX and Dalhart, TX, over U.S. Hwy 54, (2) between NM-TX State line near Texline and Port Lavaca, TX, over U.S. Hwy 87, (3) between OK-TX State line near Higgins and the TX-NM State line near Farwell, over U.S. Hwy 60, (4) between TX-OK State line approximately 7 miles north of Perryton and Brownsville, TX, over U.S. Hwy 83, (5) between TX-NM State line at or near Farwell and the TX-LA State line at or near Joaquin, TX, over U.S. Hwy 84, (6) between TX-NM State line near Anthony, TX, and the TX-LA State line near Jonesville, TX, over U.S. Hwy 80, (7) between TX-OK State line at or near Burkburnett, TX and Brownsville, TX over U.S. Hwy 281, (8) between TX-OK State line approximately 7 miles north of Oklaunion and Refugio, over U.S. Hwy 183, (9) between TX-OK State line approximately 7 miles north of Gainesville and Brownsville, over U.S. Hwy 77, (10) between TX-OK State line approximately 10 miles north of Denison and Galveston TX, over U.S. Hwy 75, (11) between TX-OK State line near Arthur City and Tyler, over U.S. Hwy 271, (12) between TX-OK State line approximately 13 miles north of DeKalb and Nacogdoches, TX, over U.S. Hwy 259, (13) between TX-AR State line approximately 8 miles north of Texarkana and Laredo, TX, over U.S. Hwy 59, (14) between TX-OK State line approximately 17 miles northwest of Stratford, TX and Port Arthur, TX, over U.S. Hwy 287, (15) between Muleshoe, TX and Vernon, TX, over U.S. Hwy 70, (16) between Plains, TX and Texarkana, TX, over U.S. Hwy 82, (17) between TX-NM State line near Bronco, TX and junction U.S. Hwy 69 and 67 at or near Greenville, TX, (18) between Denison, TX and Wordville, TX, over U.S. Hwy 79, (19) between Presidio, TX and Texarkana, TX, over U.S. Hwy 67, (20) between Dallas, TX and Jacksonville, TX, over U.S. Hwy 175, (21) between TX-LA State line approximately 3 miles east of Panola, TX and junction Interstate Hwy 35 and U.S. Hwy 81, (22) between Van Horn, TX and Orange, TX, over U.S. Hwy 90, (23) between junction U.S. Hwys 90 and 290 and Houston, TX, over U.S. Hwy 290, (24) between Waco and Laredo, TX, over Interstate Hwy 35, (25) between Seymour, TX and Del Rio, TX, over U.S. Hwy 277, (26) between Hartley, TX and Marathon, TX, over U.S. Hwy 385, (27) between junction U.S. Hwys 290 and 190 and TX-LA State line near Bon Wier, over U.S. Hwy 190, (28) between Tensha, TX and junction U.S. Hwys 69 and 287, over U.S. Hwy 96, (29) between Glenrio, TX and TX-OK State line approximately 14 miles east of Shamrock, TX, over U.S. Hwy 66, serving points in TX as off-route points in connection with carrier's otherwise-authorized regular-route operations.

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 106644 (Sub-361), filed April 13, 1981. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker III (same address as applicant), (404) 792-2550. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Edward Hines Lumber Co., of Chicago, IL.

MC 107295 (Sub-1031), filed April 10, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842.

Representative: Duane Zehr (same address as applicant), (309) 928–2141. Transporting *fabricated metal products, roof and wall panels,* and *iron and steel articles,* between points in Waukesha County, WI, on the one hand, and, on the other, points in the U.S.

MC 107295 (Sub-1032), filed April 10, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928–2141. Transporting *air systems, environmental control systems, support structures,* and *iron and steel articles,* between the facilities used by Zurn Industries, Inc., in the U.S. on the one hand, and, on the other, points in the U.S.

MC 109685 (Sub-18), filed April 10, 1981. Applicant: VALLEY TRANSPORTATION, INC., 516 Oxford Road, Oxford, CT 06483. Representative: L. C. Major, Jr., Suite 400 Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special operations, from points in Hartford, New Haven and Fairfield Counties, CT, to points in ME, VT, NH, MA, and NY, and return.

MC 113855 (Sub-531), filed April 14, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *lumber and wood products,* between points in Beltrami County, MN, on the one hand, and, on the other, points in CO, IL, IN, IA, KS, MI, MN, MO, MT, NE, NY, ND, OH, PA, SD, WI and WY.

MC 135605 (Sub-17), filed April 6, 1981. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: Billy L. Wilkinson (same address as applicant), (501) 572–9689. Transporting (1) *sporting goods,* and (2) *recreational equipment,* between points in Bossier County, IA, on the one hand, and, on the other, points in the U.S.

MC 136384 (Sub-27), filed April 6, 1981. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, GA 31402. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6286. Transporting *appliances,* between the facilities of General Electric Company, in Fulton and Gwinnett Counties, GA, on the one hand, and, on the other, points in AL, NC, and SC.

MC 138134 (Sub-10), filed April 7, 1981. Applicant: DONALD HOLLAND TRUCKING, INC., 1300 Main St., Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Sheller Globe Corporation, of Keokuk, IA.

MC 138574 (Sub-3), filed April 10, 1981. Applicant: NORTHERN EXPRESS, INC., 31 Virginia Ave., Carteret, NJ 07008. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting (1) *pharmaceuticals,* (2) *medicines,* (3) *toilet preparations,* (4) *animal feed supplements,* and (5) *chemicals and related products,* between points in Warren County, NJ, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY and PA.

MC 140334 (Sub-8), filed April 6, 1981. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 850, Anderson, SC 29621. Representative: John T. Wirth, 717–17th St., Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives), betwen points in the U.S. under continuing contract(s) with Automation Industries, Inc., of Abbeville, SC.

MC 141424 (Sub-9), filed April 10, 1981. Applicant: P–Y TRANSPORT, INC., 2393 W. Market St., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005, (202) 783–7900. Transporting *malt beverages,* between the facilities of Clair E. Sheffer d.b.a. Sheffer Beer Distributor, in York, PA, on the one hand, and, on the other, points in the U.S.

MC 142125 (Sub-3), filed April 6, 1981. Applicant: WESTERN WISCONSIN TRUCKING CO., INC., Route #1, Independence, WI 54747. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601, (608) 788–2000. Transporting *cement,* between points in La Crosse County, WI, and Cero Gordo County, IA, on the one hand, and, on the other, points in Houston, Winona, and Wabasha Counties, MN, and Buffalo and Trempealeau Counties, WI.

MC 144345 (Sub-23), filed April 10, 1981. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Ave., Caldwell, ID 83605. Representative: Irene Warr, 430 Judge Bldg., Salt lake City, UT 84111, (801) 531–1306. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Lamb-Weston, Inc., of Portland, OR.

MC 145375 (Sub-8), filed April 13, 1981. Applicant: H. D. EDGAR TRUCKING COMPANY, INC., Route 1, Box 48, Opp, AL 36467. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005, (202) 296–3555. Transporting *textile mill products,* between points in Covington County, AL, on the one hand, and, on the other, points in the U.S.

MC 145545 (Sub-6), filed April 14, 1981. Applicant: CENTURY REEFER SERVICE, INC., 8 Main St., Salisbury, MA 01950. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005, (202) 296–3555. Transporting *food and related products,* between points in Cook and kane Counties, IL, and Cuyahoga County, OH, on the one hand, and, on the other, points in CT, ME, MA, NH, RI and VT.

MC 146074 (Sub-5), filed April 14, 1981. Applicant: PORT TRANSFER CO., a corporation, 225 South Maple, Morton, IL 61550. Representative: Douglas G. Brown, 913 South Sixth St., Springfield, IL 62703, (217) 753–3925. Transporting *agricultural chemicals,* between points in the U.S. under continuing contract(s) with Shell Oil Company, of Houston, TX.

MC 146555 (Sub-2), filed April 13, 1981. Applicant: BAR S TRUCKING, Route 1, Gracemont, OK 73042. Representative: Michael H. Lennox, 531 N. Portland, Oklahoma City, OK 73147, (405) 943–2722. Transporting *carpets and carpeting,* between points in the U.S. under continuing contract(s) with Hollytex Carpet Mills, of Anadarko, OK.

MC 149025 (Sub-1), filed April 13, 1981. Applicant: VAN NORTWICK BROS., INC., 129 State Highway 36, East Keansburg, NJ 07734. Representative: Jeffrey A. Vogelman, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. As a *broker,* at East Keansburg and points in Ocean County, NJ, in arranging for the transportation of *passengers and their baggage,* in special and charter operations, beginning and ending at points in Ocean County, NJ, and extending to points in the U.S.

MC 149114 (Sub-5), filed April 13, 1981. Applicant: NATIONAL TRANSPORT SERVICES CO., INC., 100 Industrial Ave., Edison, NJ 08837. Representative: Brian H. Siegel, 1101 Connecticut Ave., Suite 1000, Washington, D.C. 20036, (202) 857–0141. Transporting *frozen food products,* between points in the U.S. under continuing contract(s) with Lender's Bagel Bakery, Inc., of West Haven, CT.

MC 149114 (Sub-6), filed April 13, 1981. Applicant: NATIONAL TRANSPORT SERVICES CO., INC., 100 Industrial Ave., Edison, NJ 08837. Representative: Brian H. Siegel, 1101

Connecticut Ave., Suite 1000, Washington, D.C. 20036, (202) 857-0141. Transporting *rubber and plastic products*, between points in the U.S. under continuing contract(s) with The Goodyear Tire and Rubber Co., of Akron, OH.

MC 152134 (Sub-7), filed April 6, 1981. Applicant: BESTWAY TRANSPORT CO., a corporation, Route 2, Willard, OH 44890. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215, (614) 224-2477. Transporting *printed matter and related products*, between points in Huron County, OH, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 152544 (Sub-9), filed April 13, 1981. Applicant: CYPRESS TRUCK LINES, INC., 1746 East Adams St., Jacksonville, FL 32202. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202, (304) 632-230. Transporting *general commodities* (except classes A and B explosives), between the facilities of COS-Concrete Systems, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152844 (Sub-1), filed April 13, 1981. Applicant: WILLIAM J. CALL, d.b.a. WISCONSIN CARTAGE, 1121 West Grange Ave., Milwaukee, WI 53221. Representative: David Earl Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036, (202) 887-5868. Transporting *general commodities* (except classes A and B explosives), between points in IL and WI.

MC 152874 (Sub-4), filed April 13, 1981. Applicant: MIDWEST EXPRESS, INC., P.O. Box 550, Miami, OK 74354. Representative: Michael H. Lennox, 531 N. Portland, Oklahoma City, OK 73147, (405) 943-2722. Transporting *chemicals and related products*, between points in MA, on the one hand, and, on the other, points in CA, IL and TX.

MC 152985 (Sub-1), filed April 10, 1981. Applicant: SOVEREIGN SANITATION, INC., 310 Forth St., Blawnox, PA 15238. Representative: David M. O'Boyle, 2310 Grant Building, Pittsburgh, PA 15219, (412) 471-1800. Transporting *hazardous materials*, between points in the U.S., under continuing contract(s) with Kipin Industries, Inc., of Coraopolis, PA.

Note.—The permit authorized in this proceeding shall expire 5 years from the date of issuance.

MC 153215 (Sub-1), filed April 13, 1981. Applicant: DON'S REFRIGERATED EXPRESS, LTD., 1168 168th St. R.R. #7, White Rock, British Columbia, Canada V4B 5A8. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104, (206) 622-3220. Transporting *malt beverages*, between points in the U.S., under continuing contract(s) with Arthur J. Fritz, & Co., of Blaine, WA.

MC 153744 (Sub-1), filed April 13, 1981. Applicant: JOSEPH S. MICELLI, d.b.a. M & M MOTOR SERVICE, 1720 Algonquin Rd., Mount Prospect, IL 60056. Representative: Stephen H. Loeb Suite 2027, 33 North LaSalle St., Chicago, IL 60602, (312) 726-9722. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in FL, GA, IA, IN, KY, MI, MN, MO, OH, TN, and WI.

MC 153985 (Sub-1), filed April 14, 1981. Applicant: COASTAL FREIGHT LINES, INC., 10 East Oregon Ave., Philadelphia, PA 19148. Representative: Richard Rueda, 135 North 4th St., Philadelphia, PA 19106, (215) 627-1923. Transporting *such commodities* as are dealt in or used by retail stores, between points in the U.S., under continuing contract(s) with Marshall's Inc., of Woburn, MA.

MC 153994 (Sub-1), filed April 13, 1981. Applicant: NORM SCHILLING TRUCKING, INC., 18042 S Kedzie Ave., Hazelcrest, IL 60429. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602, (312) 326-8225. Transporting *clay, concrete, glass or stone products*, between points in IL, WI, MO, OH, IN, MI and MN.

MC 155074 (Sub-1), filed April 10, 1981. Applicant: JOHNSON FEED, INCORPORATED, Fairview, SD 57027. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101, (605) 335-1777. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Cargill, Inc., Salt Division, of Minneapolis, MN.

MC 155244, filed April 10, 1981. Applicant: TOTAL ARMORED CAR SERVICE, INC., 13800 West Seven Mile Rd., Detroit, MI 48235. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941-5313. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with American Bakeries Company, of Toledo, OH, and Franks Nursery and Crafts, Inc., of Detroit, MI.

MC 155264, filed April 13, 1981. Applicant: WEST QUALITY FOOD SERVICE, INC., P.O. Box 2906, Laurel, MS 39440. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601)948-8820. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with KFC National Purchasing Cooperative, Inc., of Louisville, KY. .

MC 155285, filed April 14, 1981. Applicant: WILFORD WILLIAM BOWERS, d.b.a. BOWERS TRANSPORT, 13500 E. Imperial Hwy, Santa Fe Springs, CA 90670. Representative: (Same as applicant) (213)921-9713. Transporting *Mercer commodities, machinery and metal products*, between points in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in AZ, CO, ID, NV, NM, OR, UT, WA, and WY.

On April 16, 1981, Volume No. OPY-3-039 was published on page 22275 of the **Federal Register** without the sentence:

"Applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and the Commission regulations."

This sentence should be included in the prefix.

On April 17, 1981, Volume No. OPY-3-040 was published on page 22485 of the **Federal Register** with the above-quoted sentence. Please ignore this sentence in the prefix.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-12642 Filed 4-27-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 81-11035, appearing at page 21701 in the issue for Monday, April 13, 1981, some material was inadvertantly omitted. On page 21709, in the third column, between paragraphs "MC 155074 (Sub-4-1TA)" and "MC 83539 (Sub-5-4TA)" please insert the following:

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC35320 (Sub-5-58TA), filed March 30, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Lubbock, TX. 79408. Representative: Kenneth G. Thomas (same as applicant). Common, regular. *General commodities, except Classes A and B explosives*, serving points in Chatham County, GA., as off-route points in connection with carrier's

otherwise authorized regular-route operations. Supporting shippers: Boyd Nursery & Garden Cener, 7804 Abercorn Expressway, Savannah, GA. 31406; Great Southern Parts Distributions, 1302 Bay Street, Savannah, GA. 31401; Bill Moore Supply Co., 1121 Old Louisville Rd., Savannah, GA. 31401; Savannah Industrial Supply Co., Inc., 1119 Louisville Rd., Savannah, GA. 31402.

MC52460 (Sub-5–32TA), filed March 30, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK. 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., P.O. Box 9637, Tulsa, OK. 74107. *Food and Related Products*, from Parishes of Jefferson and St. John the Baptist, LA, to points in AL., AR., FL., GA., IA., IL., IN., KS., KY., ML., MS., MO., NE., NC., OK., SC., TN., TX., VA., and WI. Supporting shipper: Godchaux—Henderson, P.O. Box Drawer AM, Reserve, LA. 70084.

MC 52460 (Sub-5–33TA), filed March March 30, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga, P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. *Food and Related Products*, from St. James Parish, LA to points in AL, AR, CO, FL, GA, IA, IL, IN, KS, KY, MS, MO, NE, NC, NM, OK, SC, TN, TX, VA, & WI. Supporting shipper: Colonial Sugar Co.—Gramercy, LA 70052.

MC 67234 (Sub-5–17TA), filed March 30, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Oxford cloth shirts, shirts, and such commodities as are dealt in by retail clothing stores*, between Vidalia, GA to Freeport, ME. Supporting shipper: L. L. Bean, Inc., Casco Street, Freeport, ME 04032

MC 111401 (Sub-5–35TA), filed March 30, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Jet Fuel, in bulk*, in Tank Vehicles, from Lake Charles Refining Co., near Lake Charles, LA to points in TX. Shippers: Commercial Helicopters, Inc., Suite 204, 4919 Jamestown Ave., Baton Rouge, LA 70808 and Era Helicopters, P.O. Box 6566, Lake Charles, LA 70606.

MC 114211 (Sub-5–28TA), filed March 30, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren, P.O. Box 420, Waterloo, IA. *Steel frames, steel articles, and steel air filters*, from pts in Washington County, OR, to pts in the U.S. Supporting shipper: Ted Nelson Company, P.O. Box 23398, Portland, OR 97223.

MC 119399 (Sub-5–57TA), filed March 30, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Thomas P. O'Hara (address same as applicant). *Transformer Bases and Plastics Pallets and materials and supplies used in the manufacture and distribution thereof* between the facilities of Thermodynamics Corporation at Broken Arrow, OK, on the one hand, and on the other, points in the U.S. Supporting shipper: Thermodynamics Corporation, Broken Arrow, OK 74102.

MC 119399 (Sub-5–58TA), filed March 30, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Food and Related Products (except commodities in bulk and commodities requiring refrigeration)* between Gretna, LA on the one hand, and, on the other, points in the U.S. restricted to traffic originating at or destined to Colonial Molasses Company. Supporting shipper: Colonial Molasses Company, Gretna, LA 70054.

MC 124174 (Sub-5–46TA), filed March 30, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *(1) Pet products, pet foods, pet supplies and accessories, (2) inedible 3–D and 4–D foodstuffs, and (3) feed ingredients*, (1) between all pts in the USA for the account of Con Agra Pet Accessories Division, (2) between pts in KS, TX, NM, WY, CO, IA, NE, MO, IL, IN, CA, OK, and OH, and (3) between pts in CA, WA, and OR, on the one hand, and pts in the USA on the other. Supporting shipper(s): Con Agra Pet Accesories Division, 3902 Leavenworth, Omaha, NE 68105; Consolidated Pet Foods, Inc., Dodge City, KS 67801; Tri State Industries, P.O. Box 1422, Dodge City, KS 67801; Piggyback Consolidators, Inc., P.O. Box 428, Midway City, CA 92655.

MC 135469 (Sub-5–2TA), filed March 30, 1981. Applicant: HAWKEYE TRANSPORT CO., 601 Front Street, Stanwood, IA 52337. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *Anhydrous ammonia, in buld, in tank vehicles* from at or near Bellevue, IA, to pts in IL and WI. Supporting shipper: United States Steel Corporation, USS Agri-Chemicals Division, 233 Peachtree Street, N.E., Atlanta, GA 30303.

MC 135691 (Sub-5–9TA), filed March 30, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. *Non-exempt food and kindred products as described in Item 20 of the Standard Transportation Commodity Code*, from Franklin Park, IL; Denver, CO; Los Angeles and Milpitas, CA to points in the contiguous U.S. Supporting shipper: Fearn International, Inc., 9353 Belmont Avenue, Franklin Park, IL 60131.

MC 135691 (Sub-5–10TA), filed March 30, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. *(1) Containers, container accessories and sprayers, and (2) materials, supplies and equipment used in the manufacture, sale and distribution of the commodities in (1) above*, between points in Lowndes, Clinch and Clayton Counties, GA, Pearl River County, MS and Duval County, FL, on the one hand, and, on the other, points in the contiguous U.S. Supporting shipper: Standard Container, 1101–A Commerce Road, Morrow, GA 30260.

MC 138469 (Sub-4–40TA), filed March 30, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75367, Oklahoma City, OK 73147. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. *(a) Chemicals, NOI, Cleaning compounds, NOI and (b) materials, equipment and supplies used in the manufacture of commodities in (a) above*, between Ferndale, MI; Waterbury, CT and Los Angeles, CA, on one hand and the following points on the other, Alsip, IL; Atlanta, GA; Chicago, IL; Cincinnati, OH; Cleveland, OH; Dallas, TX; Denver, CO; Euclid, OH; Grand Rapids, MI; Greensboro, NC; Hollywood, FL; Indianapolis, IN; Kansas City, KS; Maryland Hgts., MO; Minneapolis, MN; Phoenix, AZ; St. Louis, MO; Ferndale, MI; Waterbury, CT; Los Angeles, CA and points in their Commercial Zones. Supporting shipper: MacDermid, Inc., 1221 Farrow, Ferndale, MI 48220.

MC 139973 (Sub-5–7TA), filed March 30, 1981. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 396, Fulton, MO 65251. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309. *General commodities (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, and articles because of their size and weight require special equipment)*, between points in

the U.S., restricted to traffic originating at or destined to the facilities of ITOFCA, Inc., or its members. Supporting shipper: ITOFCA, Inc., Two Walter Avenue, P.O. Box 188, Clarendon Hills, IL.

MC 140665 (Sub-5–66TA), filed March 30, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Ann Holcombe, P.O. Box 786, Ravenna, OH 44266. *Liquor alcoholic, Not in bulk* between Portland, OR, and points in and east of ID, UT, and AZ. Supporting shipper: Potter Distilleries, Inc., 18700 N. E. San Rafael Rd., Portland, OR 97230.

MC 140831 (Sub-5–1TA), filed March 30, 1981. Applicant: ASHAWK TRANSPORT, INC., 455 West Pine Street, Ponchatoula, LA 70454. Representative: Byard Edwards, Jr., (same as applicant). *Contract; Irregular. *Forest Products and Lumber and Wood Products,* between points in the LA, MS, TX, AR, AL, GA, FL, MO, TN, and KY. Supporting shippers: Buffalo Mills Lumber Company, Inc., Amite, LA; Ponchatoula Hardwood Incorporated, Ponchatoula, LA.

MC 142913 (Sub-5–2TA), filed March 30, 1981. Applicant: TRAVIS TRANSPORT, INC., 3546 Vandalia Road, Des Moines, IA 50317. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Petroleum products,* from Scott County, IA, to points in that part of IL located on, north and west of U.S. Hwy 66. Supporting shipper: Casey's General Stores, Inc., P.O. Box 3288, Des Moines, IA 50316.

MC 144595 (Sub-5–2TA), filed March 30, 1981. Applicant: ROBERT D. ANTHOLZ, d.b.a PAWNEE GRAIN COMPANY, Route 3, Box 42, Pawnee City, NE 68420. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. *Transportation equipment and metal articles,* between Douglas County, NE on the one hand, and, on the other, pts in the US. Supporting shipper: Unafco Transportation Equipment, Division of UNR Industries, 13840 L Street, Omaha, NE 68137.

MC 145441, (Sub-5–44TA), filed March 30, 1981. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, AR 72119. *Lighting fixtures, lamps and materials and equipment used in the manufacture of lightbulbs* between Middlesex County, NJ on the one hand, and on the other, points in the U.S. (except AK, HI, & NJ), restricted to traffic originating at or destined to facilities served by Action Tungsram. Supporting shipper: Action Tungsram, 11 Elkins Road, East Brunswich, NJ 08816.

MC 146078 (Sub-5–23TA), filed March 30, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Paper and paper products* from Pryor, OK, to all points and places in the U.S. Supporting shipper: API, Inc., 5911 Fresca Drive, La Palma, CA 90623.

MC 146616 (Sub-5–6TA), filed March 30, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 West 21st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, Irregular; (1) *Iron and steel articles; and (2) equipment and supplies used in the manufacture and distribution of the commodities named in (1) above,* between points in the U.S., under continuing contract(s) with Service Steel, Inc. of Tulsa, OK. Supporting shipper: Service Steel, Inc., 9726 E. 42nd St. Suite 232, Tulsa, OK 74145.

MC 148035 (Sub-5–8TA), filed March 30, 1981. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Anhydrous ammonia and fertilizer* from Council Bluffs and Whiting, IA to pts in NE. Supporting shipper: United Suppliers, Inc., P.O. Box 538, Eldora, IA 50627.

MC 148643 (Sub-5–1TA), filed March 30, 1981. Applicant: MONTY R. COBLE, d.b.a. ARK CITY WAREHOUSE CO., 1201 South First St., Arkansas City, KS 67005. Representative: Monty R. Coble (same as applicant). Contract; irregular. *Malt beverages (beer),* from St. Louis, MO to Arkansas City, KS. Supporting shipper: Ark Valley Distributing, Inc., 1003 W. Madison, Arkansas City, KS 67005.

MC 151383 (Sub-5–4TA), filed March 30, 1981. Applicant: NICKELL TRUCKING CO., 4901 West 51st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Rahal & Anderson, A Professional Corporation, Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract, irregular; *(1) Turbines, pipe, pipeline components, valves, check valves, recuperators, motors, and pumps; (2) equipment and supplies used in the manufacture and distribution of commodities named in (1) above.* Between points in the U.S. under continuing contract(s) with Mapco, Inc. of Tulsa, OK. Supporting shipper: Mapco, Inc., 1800 S. Baltimore Ave., Tulsa, OK 74119.

MC 152069 (Sub-5–1TA), filed March 30, 1981. Applicant: BEATRICE FREIGHT LINE, INC., 1935 Park Boulevard, Lincoln, NE 68502. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Metal products, furniture and fixtures, pulp paper and related products,* between pts in Gage County, NE on the one hand, and on the other, pts in CA, CO, GA, IA, IL, IN, KS, KY, LA, MN, MO, OH, OK, TN, TX, WI and WY. Supporting shippers: Hoover Universal, Division of Hoover Universal, Inc., 700–710 South 7th Street, Beatrice, NE 68310; and Storekraft Manufacturing Company, P.O. Box 807, Beatrice, NE 68310.

MC 153710 (Sub-5–2TA), filed March 30, 1981. Applicant: DENNIS FISHER, d.b.a. FISHER TRUCKING, P.O. Box 62, Perry, IA 50220. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309. *Feed ingredients,* between Omaha, NE on the one hand, and on the other, pts in IA, MN, MO and KS. Supporting shipper: Western By-Products, P.O. Box 7234, 4115 S. 33rd Street, Omaha, NE 68107.

MC 154597 (Sub-5–1TA), filed March 30, 1981. Applicant: HUELLINGHOFF BROS., INC., R.R. 2, Box 166, Union, MO 63084. Representative: Anthony J. Huellinghoff (same as applicant). *Propane* from Madison and Saint Clair counties IL, to points in MO. Supporting shipper: Great Plans Gas, 2727 Main, Jefferson City, MO 65101.

MC 154998 (Sub-5–1TA), filed March 30, 1981. Applicant: BUCKLEY MACHINERY COMPANY, P.O. Box 19433, Kansas City, MO. 64141. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO. 64068. Contract irregular *machinery and related products and transportation equipment,* between all points in the U.S. Supporting shippers: Contractors Equipment & Rental, Inc., 3104 Manchester Trafficway, Kansas City, Missouri 64129. Pitman Manufacturing Co., Division of Emerson Electric, P.O. Box 120, Grandview, Missouri 64030.

MC 155099 (Sub-5–1TA), filed March 30, 1981. Applicant: K & B EQUIPMENT LEASING, 1004 11th Street NE., Ardmore, OK 73401. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *(1) Metal tanks; iron or steel articles; and well drilling equipment, and (2) equipment, materials, and supplies used in the manufacture, sale, and distribution of the articles in (1) above* between the facilities of Semco, at or near Springer, OK on the one hand

and, on the other, points in the U.S. Supporting shipper: Valmont Industries, Inc., Valley, NE 68064.

MC 155010 (Sub-5–1TA), filed March 30, 1981. Applicant: CRUMP TRANSPORTATION MANAGEMENT, INC., 11843 Missouri Bottom Road, Hazelwood, MO 63042. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Contract irregular *Rubber Products and materials, equipment and supplies used in the manufacture and distribution of rubber products* between points and places in the U.S. (excluding AK, HI, and MO.) Supporting shipper: Cupples Company, Manufacturers, 9430 Page Avenue, P.O. Box 8430, St. Louis, MO 63132.

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated January 19, 1981, and published in the Federal Register on January 27, 1981; (46 FR 8799), Eli Lilly and Company, Inc., Chemical Plant, Kilometer 148.7, State Road 2, Mayaquez, Puerto Rico 00708, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Dextropropoxyphene, a basic class of controlled substance listed in schedule II.

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations Section 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: April 21, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-12666 Filed 4-27-81; 8:45 am]

BILLING CODE 4410-09-M

National Institute of Justice

Announcement for the General Evaluation Program—2; Solicitation

The National Institute of Justice has an interest in sponsoring studies which will widen the scope of its criminal justice evaluation activities.

The specific goal of this program is to fund a limited number of evaluation proposals that are not necessarily designated as priority areas in the Institute Program Plan but which address significant criminal justice issues, are of sound methodological design, and have potentially important implications for criminal justice policy and practice. Attention should be given to planned or operational innovative programs where evaluation is needed.

Proposals in the general area of criminal justice evaluation which have the potential of answering a significant question for practitioners are invited.

Eligible applicants include: universities, state and local agencies involved in the criminal justice process, other not-for profit and non-profit research organizations, and profit making organizations that are willing to waive their fee.

At this time the NIJ appropriation for fiscal year 1981 has not been finalized. If the proposed request is adopted, the Institute will allocate approximately $650,000 for the GEP–2. If a figure less than the amount requested is appropriated, this funding level may be modified. In either case, the total amount of awards will depend upon receipt of high quality proposals that meet all criteria.

The range of funding for each award will be from $50,000 to $250,000, for research of up to two years duration, with preferences being given to projects budgeted toward the lower end of the range.

In order to be eligible for funding under this program solicitation, eight copies of the proposal must be postmarked no later than midnight, June 26, 1981.

Copies of the solicitation and further information about the program may be obtained by calling or writing: W. Jay Merrill, Office of Program Evaluation, National Institute of Justice, 633 Indiana Avenue N.W., Washington, D.C. 20531, (301) 492–9065.

David I. Tevelin,

Acting General Counsel.

[FR Doc. 81-12673 Filed 4-27-81; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the

determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 23rd day of April 1981.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending Apr. 25, 1981

Name of applicant and location of enterprise	Principal product or activity
Collins Industries, Inc., Hutchinson, Kansas.	Manufacturer of buses, ambulances, fire apparatus and special products for the handicapped.
Northland Recreation, Inc., Flagstaff, Arizona, and Beaver, Utah.	Recreation ski facilities.

[FR Doc. 81-12739 Filed 4-27-81; 8:45 am]

BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-33; Exemption Application No. D-649]

Exemption From the Prohibitions for Certain Transactions Involving the Evergreen Industries, Inc., Profit Sharing Trust Located in Lynnwood, Washington

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption exempts a certain lease of equipment by the Evergreen Industries, Inc. Profit Sharing Trust (the Plan) to Evergreen Industries, Inc. (the Employer), and the subsequent sale of the equipment by the Plan to the Employer. The lease was entered into before the effective date of the Employee Retirement Income Security Act of 1974 (the Act), but after July 1, 1974, the date specified in the transition rules contained in sections 414 and 2003 of the Act.

EFFECTIVE DATE: This exemption is effective January 1, 1975 with respect to the lease and October 28, 1979 with respect to the sale.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 6, 1981, notice was published in the **Federal Register** (46 FR 15611) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for transactions described in an application filed on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notice to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the leasing by the Plan to the Employer of a Hitachi Seiki Numerical Control Machining Center (the Machine), from January 1, 1975 until October 28, 1979, for the rental amount stated in the lease, provided the rental payments were no less than the fair rental value of the Machine and to the sale of the Machine by the Plan to the Employer on October 28, 1979, for $80,000, provided such amount was not less than the fair market value of the Machine at the time of the sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application

accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washington, D.C., this 22nd day of April 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-12736 Filed 4-27-81; 8:45 am]
BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-34; Exemption Application Nos. D-1938 and D-1942].

Exemption From the Prohibitions for Certain Transactions Involving the Filtrex, Inc., Employees' Money Purchase Pension Plan and Profit Sharing Plan Located in Hayward, California

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the sale of a certain parcel of real property by the Filtrex, Inc. Employees' Money Purchase Pension Plan and Profit Sharing Plan (the Plans) to Filtrex, Inc. (the Employer).

FOR FURTHER INFORMATION CONTACT: Mr. Elliot Arditti of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 6, 1981, notice was public in the **Federal Register** (46 FR 15612 of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retired Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the sale of a parcel of property by the Plans to the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants have represented the notification requirements set forth in the notice of pendency have been complied with. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale of a parcel of real property, located at 1945 Alpine Way, Hayward, California, by the Plans to the Employer for a purchase price of $85,000, provided that this sales price is not less than the fair market value at the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 22nd day of April 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-12737 Filed 4-27-81; 8:45 am]
BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-35; Exemption Application No. D-2389]

Exemption From the Prohibitions for Certain Transactions Involving Merrill Lynch Realty Management, Inc., Located in New York City, New York

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption, which is effective as of February 2, 1981, permits certain aspects of the proposed provision of real estate services by Merril Lynch Realty Management, Inc. (Merrill Lynch Realty) and its affiliates to banking and other financial institutions with trust powers (Banking Institutions) maintaining collective investment funds in which employee benefit plans invest.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S.

Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 3, 1981, notice was published in the **Federal Register** (46 FR 15009) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(b) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (E) and (F) of the Code, for certain aspects of the proposed provision of real estate services by Merrill Lynch Realty and its affiliates to Banking Institutions maintaining collective investment funds in which employee benefit plans invest. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any intrested person might submit a written request that a public hearing be held relating to this exemption. The applicant commented that in paragraph 6 of the Summary of Facts in the notice of pendency the statement is made that "If Merrill Lynch Realty is presented with Investment Guidelines it deems to be inappropriate, Merrill Lynch Realty will suggest that the banking institution retain the services of another broker in lieu of Merrill Lynch Realty." The applicant noted that the appropriate representation should read "If Merrill Lynch Realty is presented with Investment Guidelines it deems to be inappropriate, Merrill Lynch Realty will suggest that the banking institution retain the services of a non-affiliated entity for assistance." The Department approves the substitution of "non-affiliated entity" for "broker" as it has determined that the main concern in this regard is that such entity will not be an affiliate of Merrill Lynch Realty. Accordingly, such change will be incorporated into this final grant. The applicant also commented to the effect that in the application it represented "that Merrill Lynch Realty Management is a wholly-owned subsidiary of Merrill Lynch Hubbard Inc., which is wholly-owned subsidiary of Merrill Lynch & Co." However, in the very near future, Merrill Lynch Realty Management will become a wholly-owned subsidiary of Merrill Lynch Realty Associates, which is also a wholly-owned subsidiary of Merrill Lynch & Co. The Department notes this change and incorporates such into this final grant. No other comments were received by the Department. No requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties repecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(a) of the Act and section 4975(c)(1)(A) through (D) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rule. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the plans and of its participants and beneficiaries; and

(c) It is protective of the rights of the particiants and beneficiaries of the plans.

Accordingly the restrictions of section 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(E) through (E) of the Code, effective February 2, 1981 shall not apply to the provision of real estate brokerage services as described in the notice of pendency and the receipt of commission with respect to such services by Merrill Lynch Realty and its affiliates.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 23rd day of April 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-12736 Filed 4-27-81; 8:45 am]
BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-6744]

Alma Products Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on June 16, 1980, in response to a petition which was filed by the Oil, Chemical and Atomic Workers International Union on behalf of workers at Alma Products Company, Alma, Michigan. Workers at the firm produce and remanufacture clutch pressure plates, clutch discs, and torque converters.

The investigation revealed that with respect to workers producing clutch pressure plates, clutch discs, and torque converters, criterion 3 has not been met.

Petitioners allege that imports of automobiles have contributed importantly to declines in sales, production and employment at Alma Products Company. Although imported automobiles incorporate clutch pressure plates, clutch discs, and torque converters, imports of the whole product are not like or directly competitive with their component parts. Imports of the specific products must be considered in determining import injury to workers producing clutch pressure plates, clutch discs, and torque converters at Alma Products Company.

Preliminary estimates indicate that imports of clutch pressure plates were insignificant relative to domestic production in 1979 and 1980.

Alma Products' sales and production of clutch pressure plates increased in 1979 compared with 1978, and increased during the first half of 1980 compared with the same period in 1979. Quarterly variations in sales and production levels are due to normal business fluctuations.

Clutch discs and torque converters were not imported significantly by customers of Alma Products during the period under investigation. Alma Products' major customers responded to a Department survey indicating they did not purchase imported torque converters and that their purchases of imported clutch discs were insignificant in the context of their total demand for clutch discs.

The investigation revealed that workers engaged in remanufacturing operations do not produce an article within the meaning of section 222(3) of the Act. The Department of Labor has consistently determined that the performance of services does not constitute the production of an article as required by section 222; this determination has been upheld by the U.S. Court of Appeals. Therefore workers engaged in remanufacturing may be certified only if their separation was caused importantly by a reduced demand for their services by a parent firm, a firm otherwise related to the subject firm by ownership, or a firm related by control. In any case the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and that reduction must be directly related to the product impacted by imports. These conditions have not been met for workers engaged in remanufacturing in this case.

Conclusion

After careful review, I determine that all workers of Alma Products Company, Alma, Michigan are denied eligibility to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of April 1981.

James F. Taylor,
Director, Office of Management Administration and Planning.

[FR Doc. 81-12705 Filed 4-27-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-10,166]

Ambroson Gloves, Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 18, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers at Ambroson Gloves, Incorporated, Gloversville, New York. The workers produce sport and dress gloves.

U.S. imports of dress gloves and mittens increased relative to domestic production during every year from 1975 through 1979. U.S. imports of sport gloves increased both absolutely and relative to domestic production during every year from 1976 through 1979.

A survey of manufacturers for whom Ambroson has performed work on a contract basis was conducted by the Department. Survey results revealed that a major manufacturer reduced contract work with Ambroson while increasing contract work with foreign firms during 1979 compared to 1978 and during 1980 compared to 1979. An additional manufacturer reduced contracts with Ambroson and increased foreign contracts during 1979 compared to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with sport and dress gloves produced at Ambroson Gloves, Incorporated, Gloversville, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certifications:

All workers of Ambroson Gloves, Incorporated, Gloversville, New York who became totally or partially separated from employment on or after October 1, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of April 1981.

James F. Taylor,
Director, Office of Management Administration and Planning.

[FR Doc. 81-12706 Filed 4-27-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-8968, 8968, 8968A and 8968B]

Anderson-Bolling Manufacturing Co.; Negative Determination Regarding Application for Reconsideration

By letter dated March 10, 1981, the petitioner requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of former workers producing automotive stampings at Anderson-Bolling Manufacturing Company's Spring Lake, Michigan plant, and at the North and Elcona plants in Goshen, Indiana. It was further requested that the impact date for workers who were certified at the South (store fixture) plant in Goshen, Indiana (TA-W-8968B) be reset to an earlier date. The

determinations were published in the Federal Register on February 27, 1981 (46 FR 14501).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained or was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or,

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the determination.

The petitioner claims that bumping occurs between the company's automotive metal stamping plants and the store fixture plant according to seniority, based on job classifications rather than on departments. Since the company does not keep records indicating work assignments on a day-to-day basis, according to the petitioner, "there is no way of knowing where people were working on the date of layoff." The petitioner further contends that two of Anderson-Bolling's major customers transferred several "job lots" to Canada and Mexico, causing a decrease in production and employment, and finally, that the impact date applied in the certification of the store fixture plant (South Plant, Goshen, Indiana, TA-W-8968B) was erroneously determined.

The Department's review of the investigative file shows that customers buying automotive metal stampings did not import a substantial number of metal stamping types. With regard to those types of metal stampings which customers imported, most of the stampings were purchased in decreasing amounts in model year 1980 and model year 1981 compared to model year 1979 and model year 1980, respectively. The stampings which were purchased in increasing amounts from foreign sources and decreasing amounts from domestic sources represented a small percentage of Anderson-Bolling's sales. Secondly, U.S. imports of automobile frames and frame parts decreased both absolutely and relative to domestic production from model year 1979 to model year 1980, and U.S. imports of light truck frames and frame parts decreased absolutely from model year 1979 to model year 1980. The ratio of U.S. imports of grilles to total U.S. production was less than four percent in each model year 1978 through model year 1980.

With respect to the company's lack of record keeping of employees' work assignments and bumping procedures on a day-to-day basis between the several plants, the Department has issued guidelines for interpreting certifications. The Employment and Training Administration has issued instructions on how to handle bumping cases. The determination of worker eligibility must be decided by the respective state employment service offices using company employment records. Concerning the petitioner's claim that two of its major customers transferred several "job lots" to plants in Canada and Mexico, such transfers would have been reflected in the results of the Department's original customer survey, assuming that these completed "job lot" products were returned to the U.S. as imports.

Regarding the impact date which the petitioner requested to be set prior to the July 15, 1980 date previously established by the Department for workers certified at Anderson-Bolling's South (store fixture) plant in Goshen, Indiana (TA-W-8968B), it is recommended that the impact date remain unchanged because some layoffs at this plant are the result of bumping from other company plants. Further, sales and employment at the South plant increased in 1979 compared to 1978 and increased in the second quarter of 1980 compared to the same quarter in 1979.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decisions. The application is, therefore, denied.

Signed at Washington, D.C. this 21st day of April 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-12707 Filed 4-27-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9771]

Cotton Plant Apparel Co., Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 4, 1980 in response to a petition which was filed on behalf of workers at Cotton Plant Apparel Co., Inc., Cotton Plant, Arkansas. The workers produce primarily ladies' knit tops and tee shirts.

U.S. imports of women's, misses' and children's blouses and shirts (including knit tops and tee shirts) increased absolutely in 1980 compared to 1979.

The Department conducted a survey of customers representing a large percentage of total sales at Cotton Plant Apparel co., Inc. The survey revealed that major customers which decreased their purchases from Cotton Plant Apparel Co., Inc., in the January through November period of 1980 compared to the same period of 1979, increased their purchases of imported knit tops and tee shirts on both an absolute basis and relative to their total purchases in this same time period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' knit tops and tee shirts produced at Cotton Plant Apparel Co., Inc., Cotton Plant, Arkansas contributed importantly to the decline in sales or production and to the total or partial separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Cotton Plant Apparel Co., Inc., Cotton Plant, Arkansas, who became totally or partially separated from employment on or after February 15, 1980 and on or before July 31, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of April 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-12708 Filed 4-27-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9600 and 9193]

Gould, Inc., Elastomer Products Division; Negative Determination Regarding Application for Reconsideration

By an application dated March 27, 1981, one of the petitioners requested administrative reconsideration of the Department of Labor's Negative

Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing automotive bushings at Gould's Elastomer Products Division plants at Napoleon, Ohio and Milan, Ohio. The determination was published in the Federal Register on February 27, 1981 (46 FR 14485).

Pursuant to 29 CFR 29.18(c), reconsideration may be granted under the following circumstances:

(1) if it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) it it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

One of the petitioners claimed that production from Napoleon and Milan, Ohio is being transferred to Gould's plant in Canada. Petitioner also claims unequal treatment since workers at Ford component plant do not have to show that their worker separations are related to imports of component parts. A corollary claim by the petitioner is that Gould's customers, many of whom have workers certified for trade adjustment assistance, own the molds or patents on Gould's production. Lastly, petitioner claims that imports of Japanese autos and trucks have caused worker separations and a decline in production at Milan and Napoleon.

The Department's review showed that the worker petition did not meet the "contributed importantly" test of the Trade Act of 1974. The Department's survey of Gould's customers of bushings, which represented a preponderant portion of their model years 1979 and 1980 sales, showed that they did not increase their import reliance of busings.

The Department's rationale for certifying Ford component workers and denying certification for Gould component workers is that Ford component plants are a part of the Ford Motor Company and as such the Ford Motor Company is the "workers' firm" and also because their production is integrated into the production of automobiles at Ford where the Secretary of Labor was able to determine that imports of autos are related to worker separations. Workers at Gould, however, belong to an independent company which produces component parts for autos. Although autos incorporate component parts, such as busings, imports of the final product (autos) are not like or directly competitive with their component parts within the meaning of the Act. The courts have sustained this position in *United Shoe Workers of America, AFL-CIO,* v. *Bedell,* 506 F 2d 174 (D.C. Cir., 1974).

The issue of the transfer of production to Canada concerns only the workers at the Napoleon plant since the record indicates that none of Milan's production (rubber components to the bushings) was transferred. The Department notes that there was always a small interchange of production between Napoleon and St. Thomas in order to better utilize the skills and resources of the division. However, this interchange of production is very small. The St. Thomas plant did not make the rubber components to the bushing but received these parts from Milan.

The Department notes that since increased imports of like or directly competitive component parts (automotive bushings) did not contribute importantly to their layoffs, the only for workers at Gould's plants at Milan and Napoleon, Ohio to obtain certification is if one of their customers, Ford, General Motors or Chrysler, is the "workers' firm" within the meaning of the Trade Act of 1974. One of the customers may be determined to be the "workers' firm" if one is related to Gould by ownership or control or if the workers are *de facto* employees of Ford, General Motors or Chrysler. However, Ford, General Motors or Chrysler is not the "workers' firm" under either test. The workers at Gould Corporation, being an independent firm, are not *de facto* employees of Ford, General Motors or Chrysler since all payroll transactions personnel actions and employee benefits are under the control of Gould. The fact that Gould's customers may own the molds or patents is not sufficient to support a determination that they are the "workers' firm".

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 21st day of April 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-12709 Filed 4-27-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,280]

Mississippi Valley Structural Steel Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the absolute decline in sales or production.

The investigation was initiated on August 18, 1980 in response to a petition which was filed by the Teamsters on behalf of workers at the St. Louis, Missouri plant of the Mississippi Valley Structural Steel Company. Workers at the St. Louis plant produce fabricated structural steel.

The investigation revealed that criterion (3) has not been met.

Sales, production and employment increased at the St. Louis, Missouri plant of the Mississippi Valley Structural Steel Company in 1979 compared to 1978, before declining in 1980 compared to 1979.

The petitioners allege that a fabrication contract on which Mississippi Valley bid in 1980 was awarded to a foreign firm, and that the loss of tis contract contributed importantly to declines in sales or production and to loss of employment at Mississippi Valley's St. Louis plant. The investigation revealed that the Mississippi Valley Structural Steel Company was not the highest ranked domestic bidder on the contract.

Conclusion

After careful review, I determine that all workers of the St. Louis, Missouri plant of the Mississippi Valley Structural Steel Company are denied eligibility to apply for adjustment

assistance under section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of April 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-12710 Filed 4-27-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,402]

Peerless Gage, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on August 25, 1980 in response to a petition which was filed by the United Automobile, Aerospace and Agricultural Implement Workers of America on behalf of workers at Peerless Gage, Incorporated, Livonia, Michigan. Workers at the plant produce tooling devices including gages, fixtures, and jigs.

The investigation revealed that criterion (3) has not been met.

Peerless Gage, Incorporated produces tooling devices that are used by the automobile industry for the machining of component parts. Petitioners allege that increased imports of automobiles contributed importantly to the decline in sales, production and employment at Peerless Gage, Incorporated. Although tooling devices are utilized in the production of imported automobiles, imports of automobiles are not like or directly competitive with tooling devices. Imports of tooling devices must be considered in determining import injury to workers producing tooling devices at Peerless Gage, Incorporated.

U.S. imports of jigs and fixtures were negligible in relation to domestic shipments in the years 1975 through 1979.

Sales and production of tooling devices at Peerless Gage, Incorporated increased in 1979 compared with 1978 and in 1980 compared with 1979.

Conclusion

After careful review, I determine that all workers of Peerless Gage, Incorporated, Livonia, Michigan are denied eligibility to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of April 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-12711 Filed 4-27-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Mathematical and Computer Sciences; Subcommittee for Computer Science; Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Computer Science of the Advisory Committee for Mathematical and Computer Sciences

Date and time: May 27, 28 and 29, 1981—8:00 a.m. each day

Place: Rooms 642 and 540, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550

Type of meeting: Part Open—5/27 Closed—9:00 a.m. to 5:00 p.m.
5/28 Open—8:00 a.m. to 3:00 p.m.
5/28 Closed—3:00 p.m. to 5:00 p.m.
5/29 Open—8:00 a.m. to 3:00 p.m.

Contact person: Mr. Kent K. Curtis, Head, Computer Science Section, Room 339, National Science Foundation, Washington, D.C. 20550 Telephone: (202) 357-9747. Anyone planning to attend this meeting should notify Mr. Curtis no later than 5/18/81

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Computer Science

Agenda: *Wednesday, May 27, 1981—8:00 a.m. to 5:00 p.m.—Closed*

Review and comparison of declined proposals (and supporting documentation) with successful awards under the Computer Science Research Equipment Program and the Intelligent Systems Program, including review of peer review materials and other privileged material.

Preparation of reports based upon the above reviews.

Thursday, May 28, 1981—8:00 a.m. to 1:00 p.m.—Open

8:00 a.m.—Welcome, Mr. Kent K. Curtis
8:15 a.m.—NSF Research Support Policies and Budgets, Dr. William Klemperer, AD/MPS
10:00 a.m.—Coordinated Experimental Research, Dr. W. Richards Adrion
10:45 a.m.—Computer Science Research Network, Dr. C. William Kern
11:30 a.m.—New Investigators Program and Postdoctoral Program, Dr. Bruce H. Barnes
12:00 Noon—Computer Engineering Program, Dr. Bernard Chern
1:00 p.m.—Box Lunch, Discussion of Research Support Issues in Computer Science

Thursday, May 28, 1981—3:00 p.m. to 5:00 p.m.—Closed

3:00 p.m.—Oversight Review and New Directions for Computer Science Research Equipment
4:00 p.m.—Oversight Review and New Directions for Intelligent Systems

Friday, May 29, 1981—8:00 to 3:00 p.m.—Open

9:00 a.m.—Joint meeting with Advisory Subcommittee for Mathematical Sciences to discuss cryptology issues.
12:00 Noon—Lunch
1:00 p.m.—Committee Business, Dr. Jack Minker
2:00 p.m.—Chairman's Items, Dr. Jack Minker
3:00 p.m.—Adjourn

Reason for closing: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer delegated the authority to make such determinations by the Acting Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 23, 1981.

[FR Doc. 81-12832 Filed 4-27-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Social and Economic Science; Subcommittee for Geography and Regional Science; Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science

Foundation announces the following meeting:

Name: Subcommittee for Geography & Regional Science of the Advisory Committee for Social and Economic Science
Date/time: May 18, 1981; 8:30 a.m. to 5:00 p.m.
Place: Room 523, National Science Foundation, 1800 G Street, N.W., Washington, D.C.
Type of Meeting: Closed
Contact person: Dr. Barry M. Moriarty, Program Director, Geography & Regional Science, Room 312, National Science Foundation, Washington, D.C. 20550; telephone (202) 357–7326
Purpose of subcommittee: To provide advice and recommendations concerning support for research in Geography and Regional Science
Agenda: Closed portion: To review and evaluate research proposals and projects as part of the selection process for awards
Reason for closing: The proposals being reviewed include information of a proprietry or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub .L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator
April 23, 1981.
[FR Doc. 81–12033 Filed 4–27–81; 8:45 am]
BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–368]

Arkansas Power and Light Co. (Arkansas Nuclear One, Unit No. 2); Order for Modification of License

I

The Arkansas Power and Light Company (the licensee) holds Facility Operating License No. NPF–6, which authorizes the licensee to operate the Arkansas Nuclear One Unit No. 2 (the facility) at power levels not in excess of 2815 megawatts (thermal) rated power. The facility, which is located at the licensee's site in Pope County, Arkansas is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH–1400, identified in a PWR an inter-system loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been know, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability. In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 24, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for your facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an inter-system LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. NPF–6 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. NPF–6 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of this Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice

Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 20, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Nick Reynolds, Esq., DeBevoise & Liberman, 1200 Seventeenth Street, N.W., Washington, D.C. 20036 attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of procedings on this Order or any other time, the Director will take appropriate action.

Effective Date: This 20th day of April, 1981. Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

Attachments:

1. Safety Evaluation Report
2. Technical Evaluation Report
3. Technical Specifications

Attachments are available in the NRC Public Documents Rooms.

[FR Doc. 81-12701 Filed 4-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power and Light Co. (St. Lucie Nuclear Power Plant, Unit No. 1); Order for Modification of License

I

The Florida Power and Light Company (the licensee) holds Facility Operating License No. DPR-67, which authorizes the licensee to operate the St. Lucie Nuclear Power Plant, Unit No. 1 (the facility) at power levels not in excess of 2560 megawatts (thermal) rated power. The facility, which is located at the licensee's site in St. Lucie County, Florida is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an inter-system loss of coolant accident (LOCA) whch is a significant contributor to risk of core melt accidents (Event V). The design examine in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is intitiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure intergrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 17, 1980, you responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for your facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of conern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals has become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is

required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Secton III below to verify that each valve is seated properly and functioning s a pressure isolation device. Such testing will reduce the overall risk of an inter-system LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-67 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, It is hereby ordered that effective immediately, Facility Operating License No. DPR-67 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of this Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3 the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Robert Lowenstein, Esq., Lowenstein, Newman, Reis and Alexrad, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036 attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectivenss of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: This 20th day of April, 1981. Bethesda, Maryland.

Attachments:
1. Safety Evaluation Report
2. Technical Evaluation Report
3. Technical Specifications

Attachments are available in the NRC Public Document Rooms.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-12702 Filed 4-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-31, and Amendment No. 56 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments update the Technical Specifications Table 4.2-1 (7.1) Reactor Coolant Pump Flywheel inservice inspection to conform to Regulatory Guide 1.14, Section XI of the ASME Code and the Standard Review Plan.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in

connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 5, 1981, (2) Amendment Nos. 64 and 56 to License Nos. DPR-31 and DPR-41, and (3) the Commission's letter dated April 16, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of April 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-12869 Filed 4-27-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-250, 50-251]

Florida Power and Light Co. (Turkey Point Plant, Units 3 and 4); Order for Modification of Licenses

I

The Florida Power and Light Company (the licensee) holds Facility Operating License Nos. DPR-31 and DPR-41 which authorizes the licensee to operate the Turkey Points Units 3 and 4 at power levels not in excess of 2200 megawatts thermal rated power. The licenses were originally issued on July 19, 1972 and April 10, 1973 and both will expire on April 27, 2007. The facility, which is located at the licensee's site in Dade County, Florida, is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low presure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g. (1) two check valves in series, or (2) two check valves in series with motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage. By letter dated March 17, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0 a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that value internals had become disassembled. At the Sequoyah Nuclear Plant, Two Residual Heat Removal (RHR) injection check, valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure islation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Oder may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are exceeded in accordance with Section 2.2. of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License Nos. DPR-31 and DPR-41 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License Nos. DPR-31 and DPR-41 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the data of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening.)

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been

prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order an remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Mr. Robert Lowenstein, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, NW, Suite 1214, Washington, DC 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

Attachments:

1. Safety Evaluation Report
2. Technical Evaluation Report
3. Technical Specifications

Attachments are available in the NRC Public Document Rooms.

[FR Doc. 81-12884 Filed 4-27-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 38 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

This amendment revises the Technical Specifications to specify requirements consistent with Lessons Learned Category "A" requirements that resulted from our review at the Three Mile Island Unit No. 2 accident.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 15, 1980, as revised December 31, 1980, (2) Amendment No. 38 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida 32629. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of April, 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-12885 Filed 4-27-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co. (Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2); Order for Modification of Licenses

I

The Northern States Power Company, (the licensee) holds Facility Operating License Nos. DPR-42 and DPR-60, which authorize the licensee to operate the Prairie Island Generating Plant, Unit Nos. 1 and 2 (the facilities) at power levels not in excess of 1650 megawatts (thermal) rated power. The facilities, which are located at the licensee's site in Goodhue County, Minnesota are pressurized water reactors (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes

an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event E configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 23, 1981, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for your facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 20 provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuring investigation found that valve internals had become dissassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License Nos. DPR–42 and DPR–60 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License Nos. DPR–42 and DPR–60 are modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of this Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street NW., Washington, D.C. 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operating of the facility on terms consistent with this Order is not stayed

by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: This 20th day of April, 1981. Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

Attachments:
1. Safety Evaluation Report
2. Technical Evaluation Report
3. Technical Specifications

Attachments are available in the NRC Public Document Rooms.

[FR Doc. 81-12703 Filed 4-27-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co. (Surry Power Station, Unit Nos. 1 and 2); Order for Modification of Licenses

I

The Virginia Electric and Power Company (the licensee) holds Facility Operating License Nos. DPR-32 and DPR-37, which authorizes the licensee to operate the Surry Power Station Unit Nos. 1 and 2 at power levels not in excess of 2441 megawatts thermal rated power. The licenses were originally issued on May 25, 1972 and January 29, 1973 and will expire on June 25, 2008. The facilities, which are located at the licensee's site in Surry County, Virginia, are pressurized water reactors (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an inter-system loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accident (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configurations exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letters dated March 14 and August 13, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configurations(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configurations(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfoactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an inter-system LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-32 and DPR-37 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License Nos. DPR-32 and DPR-37 are modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall

include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Mr. Michael W. Maupin, Houston and Williams, Post Office Box 1535, Richmond, Virginia 23213, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 of this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981.
Bethesda, Maryland.

For the Nuclear Regulatory Commission.
Darrell G. Eisenhut,
Director, Division of Licensing.

Attachments:
1. Safety Evaluation Report
2. Technical Evaluation Report
3. Technical Specifications

Attachments are available in the NRC Public Documents Rooms.

[FR Doc. 81-12888 Filed 4-27-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric and Power Co. (North Anna Power Station, Unit No. 1); Order for Modification of License

I

The Virginia Electric and Power Company (the licensee) holds Facility Operating License No. NPF-4, which authorizes the licensee to operate the North Anna Power Station, Unit No. 1, (the facility) at power levels not in excess of 2775 megawatts (thermal) rated power. The facility, which is located at the licensee's site in Louisa County, Virginia is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Collant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event Visolation value configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revisd or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 14, 1980, you responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for your facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial lenght of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2. of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. NPF–4 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. NPF–4 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of this Order, and (b) found to comply with a the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude indavertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of athe date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

The licensee or any other person has an interest affected by this Order may request a hearing on this Order on or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Michael W. Maupin, Esq., Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212 attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.741(a)(2), the manner in which his or her interest is affected by this Order. Any request for a Hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: this 20th day of April, 1981. Bethesda, Maryland.

Attachments:

Darrell G. Eisenhut,

Director, Division of Licensing.

1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

Attachments are available in the NRC Public Document Rooms.

For the Nuclear Regulatory Commission.

[FR Doc. 81–12809 Filed 4–27–81; 8:45 am]
BILLING CODE 7590–01–M

[Docket Nos. 50–266 and 50–301]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Unit Nos. 1 and 2); Order for Modification of Licenses

I

The Wisconsin Electric Power Company (the licensee) holds Facility Operating License Nos. DPR–24 and DPR–27, which authorize the licensee to operate the Point Beach Nuclear Plant, Unit Nos. 1 and 2, (the facilities) at power levels not in excess of 1518 megawatts (thermal) rated power. The facilities, which are located at the licensee's site in Manitowoc County, Town of Two Creeks, Wisconsin are pressurized water reactors (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH–1400, identified in a PWR and intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) form the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurizatin and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping, e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance of perodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

If addition to the above, licensees were asked to perform individual check

valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 21, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for your facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License Nos. DPR–24 and DPR–27 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. DPR–24 and DPR–27, are modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of this Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in compliance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Jay E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street N.W., Washington, D.C. 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 of this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: This 20th day of April, 1981. Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

Attachments:

1. Safety Evaluation Report
2. Technical Evaluation Report
3. Technical Specifications

Attachments are available in the NRC Public Document Rooms.

[FR Doc. 81-13700 Filed 4-27-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–305]

Wisconsin Public Service Corp. et al. (Kewaunee Nuclear Power Plant); Order for Modification of License

I

The Wisconsin Public Service Corporation et al. (the licensee) holds

Facility Operating License No. DPR–43, which authorizes the licensee to operate the Kewaunee Nuclear Power Plant at power levels not in excess of 1650 megawatts thermal rated power. The license was originally issued on December 21, 1973 and will expire on Midnight, August 6, 2008. The facility, which is located at the licensee's site in Kewaunee County, Wisconsin, is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH–1400, identified in a PWR an inter-system loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 18, 1980 the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR–43 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. DPR–43 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question exists as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Steven E. Keane, Esquire, Faley and Lardner, 777 East Wisconsin Avenue, Milwaukee,

Wisconsin, 53202, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981.
Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

Attachments:
1. Safety Evaluation Report
2. Technical Evaluation Report
3. Technical Specifications

Attachments are available in the NRC Public Document Rooms.

[FR Doc. 81-12087 Filed 4-27-81; 8:45 am]
BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

MIT Computer Laboratory, Cambridge, Mass.; Visit to Facility

April 23, 1981.

Notice is hereby given that Acting Chair Steiger, Vice Chairman Bright, Commissioners DuPont and Fritschler, and Commission staff members will visit the MIT Computer Laboratory, Cambridge, MA, on Thursday, April 30, 1981, for the purpose of acquiring general knowledge of a computer originated mail transmission system.

A report of the visit will be on file in the Commission's docket room.

David F. Harris,

Secretary.

[FR Doc. 81-12087 Filed 4-27-81; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 17744; File No. 4-208]

American Stock Exchage, Inc., et al.; Implementation of an Automated Interface [1]

April 21, 1981.

In the matter of American Stock Exchange, Boston Stock Exchange, Inc., Cincinnati Stock Exchange, Inc., Midwest Stock Exchange, Inc., National Association of Securities Dealers, Inc., New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., Philadelphia Stock Exchange, Inc.

The Securities and Exchange Commission announced today that it has issued an order ("Order") under the Securities Exchange Act of 1934 ("Act")[2] which requires the current participants in the Intermarket Trading System ("ITS")[3] and the National Association of Securities Dealers, Inc. ("NASD") to implement, by March 1, 1982,[4] an automated interface ("Automated Interface") between the ITS and the NASD's NASDAQ system, as enhanced to include, among other things, an order routing and automatic execution capability. That Interface, when completed, will permit market professionals trading in securities subject to Rule 19c-3 under the Act ("Rule 19c-3 securities") on participating exchanges or over-the-counter to route orders efficiently between those two types of markets and will therefore significantly further the goals of a national market system.

I. Background

On February 5, 1981, the Commission published a release ("Proposal Release")[5] in which it proposed to issue an Order requiring an Automated Interface between the ITS and the enhanced NASDAQ system.[6] In publishing the Proposal Release, the Commission recognized that the Congress, in amending the Act to direct the Commission to facilitate the establishment of a national market system, set out as an explicit objective of that system the "linking of all markets for qualified securities through communication and data processing facilities."[7] Moreover, the Commission noted that, pursuant to that statutory objective, it has, for a period of three years, repeatedly emphasized the need for an efficient linkage between OTC and exchange markets, thus providing the securities industry with substantial advance notice both of its expectations of industry progress and its intention to take regulatory action if insufficient progress occurred.[7]

In determining to propose the Order, the Commission reiterated its belief that the prompt implementation of the Automated Interface is a critical event in the development of a national market system which will address market fragmentation, reduce pricing inefficiencies, enhance the ability of a brokerage firm to obtain best execution of its customers' orders and promote the type of competitive market structure which a national market system was designed to achieve.[8]

The Commission also emphasized in the Proposal Release that its determination to propose the Order should not be understood as being intended to discourage industry efforts to develop a generally accepted means of addressing internalization.[9] Indeed, the Commission specifically indicated that it recognized the potential problems which may flow from internalization and committed itself to address those, and related, concerns as part of its ongoing evaluation of the effects of Rule 19c-3 on the securities markets. Notwithstanding its support of industry effors to address internalization

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[1] For further information contact: Robert Colby (202-272-2868) Room 390, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

[2] 15 U.S.C. § 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975).

[3] The ITS is an intermarket order routing system operated jointly by certain national securities exchanges and authorized by the Commission, on a provisional basis, as a national market system facility pursuant to Section 11A(a)(3)(B) of the Act.

[4] *See* text accompanying notes 61-67, *infra*.

[5] Securities Exchange Release No. 17518 (February 5, 1981), 46 FR 12379.

[6] Section 11A(a)(1)(D) of the Act, 15 U.S.C. § 78k-1(a)(1)(D).

[7] For a more complete discussion of the Commission's previous statements regarding the need for an efficient linkage between the exchange and OTC markets. *See* the Proposal Release, *supra* note 5, at 3-17, 46 FR 12380-12382.

[8] Proposal Release, *supra* note 5, at 19-20, 46 FR 12382-12384.

[9] The Commission had defined the term "internalization" as referring to "the withholding of retail orders from other market centers, for the purpose of executing them in-house, as principal, without exposing those orders to buying and selling interest in those other market centers." *See* Securities Exchange Act Release No. 16888 (June 11, 1980), at 18, n.31, 45 FR 41125, 41128, n.31 ("Rule 19c-3 Adoption Release").

concerns, the Commission indicated its preliminary belief that those efforts should not operate to delay implementation of the Automated Interface because that implementation would not exacerbate internalization concerns as a structural matter.[10]

Subsequent to the issuance of the Release, the enhancements to the NASDAQ system have become operational on a pilot basis. The Commission has been informed by the NASD that, to date, there have been no serious technical problems encountered in the operation of the system.

In response to the Commission's solicitation of comment on the Order, the Commission received comments from eight organizations.[11] of those comments, four were from organizations generally representing the exchange community, two were from OTC representatives and the other two were from Merrill Lynch and Instinet, a registered broker-dealer which operates a computerized stock execution system. After consideration of those comments, and for the reasons articulated below, the Commission has determined to issue the Order, in revised form, effective upon publication of this release in the Federal Register.

[10] Proposal Release, *supra* note 5, at 19, 46 FR 12362.

[11] See letter to George Fitzsimmons, Secretary, SEC, from David V. Shields, President, Alliance of Floor Brokers Inc., dated March, 1981; letter to George A. Fitzsimmons, Secretary, SEC, from William A. Schreyer, Chairman of the Board, Merrill Lynch Pierce Fenner & Smith, Inc. ("Merrill Lynch") dated March 6, 1981 ("Merrill Lynch letter"); letter to George Fitzsimmons, Secretary, SEC, from James E. Buck, Secretary, New York Stock Exchange ("NYSE"), dated March 13, 1981 ("NYSE letter"); letter to George A. Fitzsimmons, Secretary, SEC from Jerome M. Pustilnik, Chairman of the Board, Institutional Network Corporation ("Instinet"), dated March 13, 1981 ("Instinet letter"); letter to George A. Fitzsimmons, Secretary, SEC, from Jim Gallagher, President, Pacific Stock Exchange ("PSE") dated March 9, 1981 ("PSE letter"); letter to Georger A. Fitzsimmons, Secretary, SEC, from Richard M. Hufnagel, Chairman and Morton N. Weiss, President, National Security Traders Association ("NSTA") dated March 13, 1981 ("NSTA letter"); letter to George A. Fitzsimmons, Secretary, SEC, from Gordon S. Macklin, President, NASD, dated March 18, 1981 ("NSDA letter"); letter to George A. Fitzsimmons, Secretary, SEC, from Robert J. Birnbaum, President, American Stock Exchange ("Amex") dated March 16, 1981, ("Amex letter"), and letter to George A. Fitzsimmons, Secretary, SEC, from John G. Weithers, President, Midwest Stock Exchange ("MSE") dated March 16, 1981 ("MSE letter") contained in File No. 4-208.

The Commission has also received and placed in the public file letters from both the Senate and House Oversight Subcommittees on Securities which address, among other things, the proposed Order.

II. Discussion

A. Introduction

A major objective of the national market system is assuring "fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets." [12] In attempting to improve competitive opportunities in the markets (and, in particular, the opportunity for regional exchange specialists and third market dealers to make markets in listed securities in competition with the primary markets), the Commission has taken a number of regulatory actions, including the adoption of its consolidated last sale and quotation reporting rules and the approval of intermarket linkage and trading systems, such as ITS and the Cincinnati Stock Exchange's ("CSE") National Securities Trading System ("NSTS"). Unfortunately, those actions alone have not resulted in significant increases in market making competition (at least on the basis of published quotations) and have not provided the Commission with sufficient actual experience with respect to the dynamics of a competitive market environment characterized by concurrent OTC and exchange trading in listed securities.[13]

In order to permit additional market making competition and to provide "a valuable learning experience" to the Commission and the securities industry with respect to the effects on the markets of direct competition between exchange and OTC markets,[14] the Commission adopted Rule 19c-3 eliminating exchange off-board trading restrictions for most newly listed securities.[15] The Commission noted that the Rule was "justified by its experimental value" and that

> [w]hile adoption of the Rule could not be expected to yield empirical data sufficient to support definitive conclusions regarding the removal of remaining off-board trading restrictions, the Commission [believed] that experience under the Rule will yield data which will enable the Commission to analyze the direct effects of the Rule on the trading markets for Rule 19c-3 Securities.[16]

In addition, the Commission noted that the Rule might "provide insight" into (i) the ability of exchanges to continue to compete for order flow in the absence of off-board trading restrictions and (ii) whether the absence of off-board trading restrictions has any significant effects on pricing efficiency.[17] Finally, the Commission stated that experience under the Rule would assist the Commission in gauging the effectiveness of existing linkage and trading systems to meet the needs of an integrated OTC-exchange trading environment.[18]

In determining to adopt Rule 19c-3 and to conduct a limited (and closely monitored) experiment in concurrent exchange and OTC trading in listed securities, the Commission recognized (and in fact expected) that both the number of OTC market makers and the amount of OTC trading in securities subject to the Rule would increase and that, because some of those additional market makers would be retail-oriented, integrated firms, a collateral result of that increase might be increased opportunities for internalization of customers' orders. However, the Commission determined that it was premature to consider a regulatory response to internalization in the absence of actual trading experience under the Rule or some demonstrated (or at least clearly probable) adverse effects on the markets for Rule 19c-3 securities resulting from internalization by OTC market makers. Moreover, an essential part of that determination (and a basic underlying assumption for it) was that an ITS/NASDAQ linkage would first be in place and operating to permit some empirical assessment of whether such a linkage may be sufficient to address any concerns in fact arising from internalization, as well as to enhance order interaction between exchange and OTC Markets.

The Commission remains fully cognizant of the concerns raised by commentators relating to internalization by OTC market makers and its possible effects on the securities markets. However, the Commission carefully considered these concerns in the context of its Rule 19c-3 proceeding and determined that, on balance, any

[12] Section 11A(a)(1)(C)(ii) of the Act, 15 U.S.C. 78k-1(a)(1)(C)(ii).

[13] Although "third market" trading has been a part of the trading environment with respect to listed securities for many years, following the complete elimination of fixed rates of brokerage commissions in 1975, the competitive significance of the third market has been reduced to *de minimis* levels.

[14] Of course, the Commission also determined that adoption of Rule 19c-3 was necessary and appropriate in order to limit the anti-competitive effects of exchange off-board trading restrictions.

[15] Specifically, Rule 19c-3 precludes off-board trading rules from applying with certain exceptions, to any reported security (1) which was not traded on an exchange on April 26, 1979, or (2) which was traded on an exchange on April 26, 1979, but which ceases to be traded on an exchange for any period of time thereafter.

[16] Rule 19c-3 Adoption Release, *supra* note 3, at 12, 45 FR 41125, 41127.

[17] *Id.* at 13, 45 FR 41125, 41127.

[18] *Id.* at 13-14, 45 FR 41125, 41127.

adverse effects resulting from the removal of off-board trading restrictions for a limited number of newly listed securities were off-set by the prospects of enhanced competitive and experimental benefits resulting from that action. The Commission concludes that it is neither necessary nor appropriate to reconsider that determination at this time. While the Commission views self-regulatory efforts to resolve industry concerns relating to OTC trading in listed securities as significant and positive, and remains prepared to take regulatory action itself if adverse consequences result from internalized trading and SRO efforts are unsuccessful, the Commission believes that the achievement of an efficient linkage between exchange and OTC markets is fundamental to the entire national market system program and must be implemented promptly independent of these collateral market structure concerns.

The Commission also emphasizes that its decision today to issue the Order represents an integral part of its continuing program to facilitate the orderly evolution of the nation's securities markets into an integrated national market system. The Commission continues to believe that the development of a national market system should be primarily an industry endeavor.[19] Thus, the Commission has attempted to facilitate the development of a national market system by identifying, through the publication of comprehensive policy statements and numerous specific proposals, near-term goals while permitting the industry itself to fashion the means of achieving those goals and defining the specific characteristics of resulting systems and rules.[20] However, while the Commission, in general, is reluctant to take regulatory action where either competitive forces or industry initiatives are sufficient to achieve a particular national market system goal, it also recognizes that the Congress, in enacting the Securities Act Amendments of 1975 ("1975 Amendments") intended that, where competitive forces are not sufficient,

The Commission will use the power granted to it in (the 1975 Amendments) to act promptly and effectively to assure that the essential mechanisms of an integrated secondary trading system are put into place as rapidly as possible.[21]

The Commission has acted today only after providing the securities industry with an extended opportunity to achieve the subject linkage voluntarily. In this regard, the Commission has repeatedly called for such a linkage over the last three and a half years. Finally, the Commission has decided to issue the Order only after thorough consideration and upon making a clear determination that the industry would not otherwise promptly achieve the market linkage necessary to continue progress toward a national market system.

B. Need for, and Timing of, an Automated Interface

1. *Comments.* All of the commentators were in agreement that the development of a linkage between OTC and exchange markets was desirable and, with the exception of two regional exchanges[22] and Instinet,[23] generally agreed that such a linkage would appropriately be achieved through the implementation of the Automated Interface. In this regard, the NYSE specifically indicated that it "has long recognized the need for the [Automated Interface]"[24] and is committed "to the integration of all markets—both exchange markets and off-floor markets—in qualified securites in order to achieve a truly effective MMs".[25] Similarly, the Amex noted its continued support for a "linkage of all markets as a fundamental underpinning of the national market system envisoned by Congress in the 1975 Securities Acts Amendments" and affirmed its readiness to cooperate in the development of a pilot Automated Interface.[26]

Notwithstanding the general agreement with respect to the need for, and desirability of, establishment of the Automated Interface, a number of commentators opposed issuance of the Order at this time. Specifically, the exchange commentators argued that the Automated Interface should not become operational until some industry-wide measures had been taken to address the concerns expressed by those commentators regarding the ability of exchange member firms to internalize their customers' orders in Rule 19c–3

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[19] *See* Securities Exchange Act Release No. 15671 (March 22, 1979), 44 FR 20360 (1979).

[20] For example, the Commission has deferred action on its proposed price protection rule (Proposed Rule 11Ac1–13, Securities Exchange Act Release No. 15770 (April 20, 1979), 44 FR 26682), in order to afford the ITS participants the opportunity to implement such a rule voluntarily. The recent agreement by the ITS participants to adopt a trade-through rule without regulatory compulsion shows that this approach can operate effectively if the industry is committed to taking joint affirmative action.

[21] Committee of Conference, Report to Accompany S. 249, H.R. Rept. No. 94–249, 94th Cong., 1st Sess. 92 (1975). *See* Subcomm. on Oversight and Investigations and Sub-Comm. on Cons. Protection of the House Comm. on Interstate and For. Comm., Report on Oversight Administration of the Securities Acts Amendments of 1975, Comm. Print No. 95–27, 95th Cong., 1st Sess. 4 (1977) (". . . the evolutionary process [of developing a national market system] must be shepherded by the SEC which must step in when the pace of progress slackens and use the considerable authority Congress granted it").

[22] The PSE argued that, rather than immediately implementing an Automated Interface, it would be desirable, as a first step toward linking the OTC market with ITS, to place ITS terminals in the trading rooms of OTC market makers for Rule 19c-3 Securities ("Direct ITS Access"). The PSE also stated that such access (which would be identical to the access provided exchange market participants) would not place OTC market makers at a competitive disadvantage vis-a-vis these exchange market makers. PSE letter, *supra* note 11, at 9–10. The MSE also suggested that the Automated Interface might not be an appropriate mechanism, by itself, to provide an efficient linkage between exchange and OTC markets because not all OTC market makers would be required to trade through the enhanced NASDAQ. MSE letter, *supra* note 11, at 3–4.

The Commission disagrees with the PSE's assertion that linkage with the OTC market should initially be accomplished through Direct ITS Access. Direct ITS Access would be totally redundant with the enhanced NASDAQ system. Aside from requiring a completely duplicative set of transmission lines, Direct ITS Access also would require installation of new ITS terminals in each OTC market maker's office which would be redundant with the enhanced NASDAQ terminals to be installed in each OTC market maker's office in the near future. In addition, Direct ITS Access would require the display of each OTC market maker quotation, in a particular ITS stock, on the floor of each ITS participant while the use of the Automated Interface would permit the other ITS participants to display only a single OTC best bid and offer quotation rather than quotations from each OTC market maker. Similarly, ITS pre-openings might be unnecessarily complicated because the primary exchange specialists would be required to respond to a potentially large number of individual OTC market maker responses. In contrast, because an Automated Interface would use existing NASDAQ facilities, it would also appear to be more cost effective, and would ensure the inclusion, at a reasonable cost, of all OTC market makers wherever located. Similarly, the utilization of the enhanced NASDAQ system also would ensure adequate systems capacity to handle large numbers of OTC market makers. Finally, the automatic execution capabilities of the enhanced NASDAQ should minimize the risks of accessing OTC market quotations.

The Commission recognizes the MSE's concern that, while all OTC market makers in Rule 19c-3 Securities will eventually be permitted to trade through the enhanced NASDAQ, there is no requirement that they do so. The Commission does not believe it is appropriate, at this time, to require all Rule 19c-3 OTC market makers to trade through the enhanced NASDAQ system; however, as discussed in the context of a possible internalization rule, such a requirement may be appropriate in the future if it appears that a significant amount of OTC trading occurs outside the system. In addition, the Commission expects that the NASD will impose restrictions against any OTC market maker, executing a transaction at a price inferior to the publicly disseminated quotation of any other market ("trade-throughs"), whether or not it is registered for trading in CAE, in Rule 19c-3 securities traded through the Automated Interface. *See* n. 53, infra.

[23] *See* text accompanying note 37, *infra*.

[24] NYSE letter, *supra* note 11 at 7–8, n.*.

[25] *Id.*

[26] Amex letter, supra note 11 at 21.

Securities.[29] Specifically, the NYSE reaffirmed its support for a two-phase "test" linkage between the ITS and the enhanced NASDAQ system. Under this proposal, the first phase of the "test" would consist of two elements—the actual electronic linkage (operated on a pilot basis for the 20 most active Rule 19c–3 Securities) and a "preliminary" rule with respect to internalization. Phase two of the "test", which would permit all Rule 19c–3 Securities [30] to be traded through the Automated Interface, would only occur after periodic evaluation of participant experience under the "preliminary rule" and "agreed upon changes" in the "preliminary rule" or in the operation of the Automated Interface and after an industry "evaluation of the policies, rules and regulations which will be needed to assure a fair field of competition among the markets and the market participants which are to be connected through the electronic linkage" and the implementation of any "agreed upon" rule change resulting from this evaluation.[31] Both the Amex and PSE supported the NYSE's proposal in their comment letters on the proposed Order.[32]

The exchange commentators argued that it was inappropriate to mandate implementation of the Automated Interface before the ITS participants and the NASD had agreed upon a preliminary rule addressing internalization concerns because issuing the Order, at this time, would "seriously endanger, and may well destroy, the industry's chances of succeeding in its efforts to resolve internalization [concerns]." [33] In this regard, the NYSE argued that the Order would "remove the incentive for OTC representatives to negotiate and could create a less than optimum environment for an industry resolution of the internalization issue." [34]

The Amex and the MSE also disagreed with the Commission's preliminary belief, indicated in the Proposal Release, that the implementation of the Automated Interface would not exacerbate internalization concerns as a structural matter. The Amex and the MSE argued that the Automated Interface will "intensify the problems of internalization."[35] Specifically, these exchanges argued that the operation of the Automated Interface will encourage OTC market making in Rule 19c–3 Securities because it will provide OTC market makers with more efficient and less costly access to the floors of the other ITS participants and thus reduce the risks of providing agency orders with "primary market price protection." As a result of this increased OTC market making, the Amex and the MSE argued that there would be a quantitative increase in internalized trading which they suggested would have significant adverse competitive effects on the exchanges.[36]

In addition to the concerns noted above, the PSE argued that the implementation of the Automated Interface should await resolution of certain disparities in the regulation of OTC and exchange market makers.[37] While not articulating any reasons why "equal regulation" concerns were heightened by the operation of the Automated Interface, the PSE, in effect, argued that the Commission should reverse its decision to permit the Commission and the industry to evaluate the relative competitive advantages and disadvantages of OTC and exchange market makers in a limited environment free of off-board trading restrictions before determining whether any regulatory action was necessary to ensure equal regulation of all markets.[38]

Finally, Instinet, while apparently supporting Commission action in this area, argued that the Commission should "employ Instinet's proprietary System" to effect a linkage between exchange and OTC markets.[39]

In contrast, each of the OTC representatives and Merrill Lynch supported the issuance of the proposed Order as necessary to ensure consummation of the Automated interface.[40] The NASDA indicated its belief that implementation of the Automated Interface would be "a major factor in achieving competition among the markets for listed securities."[41] Similarly, the NSTA suggested that prompt issuance of the Order was necessary because, in the present trading environment, exchange markets were frequently "trading-through" OTC markets, "causing many market makers to halt their participation in [19c–3 trading] or discouraging some from even beginning to participate."[42] Merrill Lynch stated that delays in implementing an efficient linkage between the OTC and exchange markets

> • • • have impaired the ability of the industry to handle periods of high volume efficiently and to prepare for even further increases in securities trading. We also believe that the public has not always been well-served by the present inefficient systems of locating the best prices and obtaining executions at those prices. Our own experience, for example, in trading 19c–3 securities is that our customers have benefited from a price superior to the quoted markets in a significantly high percentage of the time. We can only conclude from this that many other public customers are deprived of obtaining superior prices for their orders by the lack of the kind of linkage which the Commission is ordering.[43]

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[29] While the commentators only addressed concerns regarding internalization by OTC market makers, the Commission has indicated that "internalization (*i.e.*, failure to expose orders to potential buying and selling interest in other markets) is present in the trading of listed securities on exchanges, as well as the over-the-counter market." Rule 19c–3 Adoption Release, *supra* note 9, at 25–27, 45 FR 61123, 61129. The MSE has suggested, however, that internalization by OTC market makers trading through the enhanced NASDAQ System differs from internalization by exchanges because, while exchanges require that orders be exposed within their own marketplace for displacement by other orders, OTC marketmakers are not required to expose their orders to other buying and selling interest in the enhanced NASDAQ. While the Commission understands this difference in theory, few stocks traded on a regional exchange have sufficient order flow to permit actual interaction of orders without a dealer. In fact, Phlx's PACE system precludes such order exposure by exchange rule. MSE letter, *supra* note 11, at 10. *See* also n. 58, *infra*.

[30] The NYSE's proposal did not provide for the inclusion of exchange-traded securities which were not subject to Rule 19c–3.

[31] NYSE letter, *supra* note 11, at 2–3.

[32] *See* Amex and PSE letters, *supra* note 11, at 9 and 2, respectively.

[33] NYSE letter, *supra* note 11, at 11.

[34] NYSE letter, *supra* note 11, at 11–12. *See also* Amex letter, *supra* note 11, at 8.

[35] Amex letter, *supra* note 11 at 7.

[36] *See* Amex letter, *supra* note 11, at 7–8 and MSE letter, *supra*, note 11, at 11–12. The Amex also suggested that the implementation of the Automated Interface was "a structural exacerbation of the internalization problem because it removes the incentive which otherwise existed for all parties to reach agreement on internalization as a predicate for the linkage". Amex letter, *supra* note 11, at 7.

[37] PSE letter, *supra* note 11, at 4–6. The PSE also raised concerns regarding possible disparities of transaction reporting in the OTC and exchange markets. The Commission believes that the concern expressed by the PSE is no longer warranted. On July 7, 1980, the Commission approved a proposed rule change submitted by the NASD which requires the reporting of OTC transactions on a "gross" basis, exclusive of any mark-up or mark-down. In approving the rule the Commission specifically noted the NASD's commitment to conduct a rigorous surveillance program to ensure compliance with the rule change. Accordingly, the adoption of this rule by the NASD has effectively eliminated any disparity in transaction reporting procedures between the exchange and OTC markets. *See* Securities Exchange Release No. 16960 (July 7, 1980), 45 FR 47281.

[38] PSE letter, *supra* note 11, at 4–6.

[39] Instinet letter, *supra* note 11, at 1–4.

[40] Merrill Lynch letter, *supra* note 11, at 1; NASD letter, *supra* note 11, at 1; and NSTA letter, *supra* note 11, at 1. While expressing its support of the Automated Interface, the NASD also articulated certain timing and technical concerns regarding the provisions of the Order. *See* discussion accompanying notes 62–65 and 69–72, *infra*.

[41] NASD letter, *supra* note 11, at 1.

[42] NSTA letter, *supra* note 11, at 2.

[43] Merrill Lynch letter, *supra* note 11, at 1.

In addition, Merrill Lynch argued that no further rule change should be "a prerequisite to the start of the linkage."[42] While Merrill Lynch recognized that the securities industry was currently discussing possible approaches to address internalization, it suggested that "the present experience with trading in 19c–3 securities indicates that this is a vastly overrated problem."[43] Accordingly, Merrill Lynch argued that no need had been shown for the adoption of a "preliminary rule" addressing internalization prior to effecting the Automated Interface.[44]

2. *Discussion.* As the Commission noted in the Proposal Release, the absence of an efficient linkage between exchange and OTC markets in listed securities is frustrating progress toward achievement of important objectives of the Act. First, the failure to achieve such a linkage inhibits a broker's ability to ensure best execution of customer orders.[45] In the Proposal Release, the Commission stated:

> Orders routed to exchange floors cannot be easily redirected to the OTC market in situations where more favorable prices are offered by OTC market makers. Conversely, OTC market makers have no efficient means of achieving rapid execution of their orders on exchange floors.[46]

Similarly, without such a linkage in place, fair competition between and among different types of trading markets and market professionals is severely impeded since OTC market makers have little ability either to interact with the vast majority of retail orders which presently are routed to the primary exchange markets or to attract additional order flow through their displayed quotations.

In addition, the Commission noted that delays in the implementation of the Automated Interface would contribute to deferral of nationwide price protection—another important national market system goal.[47] While the ITS participants have taken a significant step toward achievement of nationwide intermarket price protection by agreeing to a uniform rule precluding trade throughs in all ITS linked markets,[48] the Commission noted that

> The Failure to provide an efficient linkage between the OTC market and exchange markets provides a significant impediment to the effectiveness of any trade through rule adopted by the exchanges and would significantly inhibit efforts to achieve comprehensive nationwide price protection.[49]

The support by the commentators for the development of an efficient linkage between exchange and OTC markets confirms the Commission belief that the implementation of the Automated Interface is a critical element of the national market system which should be effected as quickly as possible. As Merrill Lynch and NSTA point out, the implementation of the Automated Interface should enhance pricing efficiency, market making competition and the ability of brokerage firms to ensure best execution of their customers' orders. Inded, without implementation of the Automated Interface, a number of major national market system initiatives of the Commission and the industry, if not rendered totally ineffective, will remain, at best, unfinished.[50]

The Commission recognizes the significance of the concerns raised by commentators regarding the ability of exchange member firms permitted to make markets upstairs pursuant to Rule 19c–3 to internalize their customers' order flow. In this connection, the Commission continues to support the NYSE's leadership role, together with the informal coordination by the Securities Industry Association, in encouraging industry development of approaches to address concerns relating to internalization in connection with Rule 19c–3 trading. Notwithstanding the Commission's support of this industry initiative, however, the Commission does not accept the arguments of the ITS participants that industry efforts to address internalization concerns should be considered a prerequisite to, or act to delay, the actual operation of the Automated Interface.

The ITS participants, in arguing that the adoption of a "preliminary rule" to address internalization concerns should be a precondition to operation of the Automated Interface, essentially reiterated the arguments against removal of off-board trading restrictions which they presented at the Commission hearing regarding then proposed Rule 19c–3. The Commission considered these arguments carefully during the Rule 19c–3 proceeding but determined to adopt the Rule in light of its limited scope and the ability of the Commission to respond promptly, should trading develop in Rule 19c–3 Securities in a manner inimicable to the public interest, the maintenance of fair and orderly markets or fair intermarket competition. In reaching that decision, the Commission attached significant weight to its belief that Rule 19c–3 presented the Commission and the industry with a unique opportunity to consider concerns relating to the effects of internalization in a limited context and that regulatory action by the Commission, if deemed necessary to deal with internalization concerns, should await actual experience under the Rule. The Commission continues to believe that, for the reasons noted above, the benefits of removing off-board trading restrictions for a limited group of securities outweigh any potential adverse effects resulting from that action.

Although several commentators have argued strenuously that implementation of the Automated Interface without an effective internalization rule in place will increase the degree of internalization, the Commission is not persuaded either that internalization concerns with respect the OTC trading of listed securities will, in fact, become more acute or that such concerns cannot be adequately evaluated and, if necessary, addressed through regulatory action after the Interface is operational.

First, the implementation of the Automated Interface will not permit exchange member firms to internalize customer orders in any stock which they are not already permitted to do so pursuant to Rule 19c–3. Rather, the Automated Interface will provide OTC market makers with a means to attract order flow from other markets, the very converse of internalization. Moreover, the existence of the Automated Interface may also provide the Commission and the industry with a facility through which the industry or the Commission could take further regulatory action to

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[42] *Id.*

[43] *Id.*

[44] Merrill Lynch also urged the ITS Participants to take "prompt action" to develop an automated execution capability for the ITS with respect to commitments to trade sent to exchange participants. Merrill Lynch urged that such a capability "would provide a greater degree of efficiency and enhance the ability of customers to have their orders executed with a minimum delay and in a manner which increases the ability to obtain the best available price". *Id.* at 1.

[45] Proposal Release, *supra* note 5, at 20–21, 46 FR 12382, 12383. *See* Section 11A(a)(1)(C)(iv), 15 U.S.C. 78k–1(a)(1)(C) (iv).

[46] Proposal Release, *supra* note 5, at 20–21, 46 FR 12383. In addition, as the Commission has previously emphasized, the need for an efficient linkage between ITS and the OTC market has been heightened by the adoption of Rule 19c–3. *See* the Proposal Release, *supra* note 5, at 22–23, 46 FR 12382, 12383.

[47] *Id.* at 22, 46 FR 12382, 12383.

[48] *See* Securities Exchange Release No. 17704 (April 9, 1981).

[49] Proposal Release, *supra* note 5, at 22, 46 FR 12382, 12383.

[50] In addition to the significant limitations on the effectiveness of any trade-through rule, the absence of an efficient linkage between exchange and OTC markets renders impossible the Commission's goal of nationwide price protection of limit orders. Moreover, as discussed in n. 58, *infra*, the implementation of the Automated Interface will provide the securities industry and the Commission with a mechanism to address concerns raised by OTC trading of exchange-traded securities.

ameliorate those concerns.[51] Finally, the operation of an Automated Interface will permit the Commission and the industry to observe the degree to which integrated firms will internalize their order flow if given the opportunity to efficiently route orders elsewhere, and thereby increase the value of the Rule 19c–3 experience as a basis for evaluating internalization concerns.

The Commission recognizes the argument that the implementation of the Automated Interface may result in additional OTC market making in Rule 19c–3 securities and thereby indirectly cause an increase in the extent of internalized trading activity. This argument appears to be based on the assumption that any enhanced efficiency in OTC market making for Rule 19c–3 Securities should be opposed because it might thereby result in increased market making and increased internalization. The Commission does not accept this underlying assumption. Increased market making is wholly consistent with the Commission's desire, in adopting Rule 19c–3, to permit OTC market making in Rule 19c–3 securities. Accordingly, the Commission has determined that, in the near term, any regulatory concerns arising from the adoption of Rule 19c–3 are outweighed by the increased competition and experimental opportunities resulting from the removal of off-board trading restrictions for a limited number of securities. As a result, the Commission adopted Rule 19c–3 without adopting any rule addressing internalization. In light of this prior determination, as well as the fact that internalization concerns are not directly exacerbated by the Automated Interface, the Commission does not believe that consideration of the proposed Order is the appropriate forum for reviewing those concerns.[52]

Similarly, the Commission does not agree with the assertions of certain commentators that questions regarding "equal regulation" of exchange and OTC market makers must be resolved prior to the implementation of the Automated Interface. The implementation of the Automated Interface does, for the first time, provide a direct link between exchange and OTC market makers. However, the commission does not perceive how the operation of the Automated Interface will heighten concerns regarding the lack of uniform regulation of all 19c–3 market makers.

Each exchange participating in the ITS has varying regulations governing its marketmakers; however, the participants have seen fit to require uniform obligations only with respect to the actual operation of ITS and related measures such as "locked markets" and "trade throughs." Assuming that OTX market makers were governed by these same rules (as the order would require),[53] the Commission does not perceive how the inclusion of the OTC market in ITS raises any new "equal regulation" concerns. Indeed, the automated execution capability of the enhanced NASDAQ, in effect, imposes an additional obligation on OTC market makers since that capability will provide exchange participants with assurance that any OTC quotation which they may attempt to execute against is absolutely firm.

In addition, the Commission does not agree that the more general questions regarding the present differences in regulation in the OTC and primary exchange markets must be resolved in the context of the Order. As the Commission noted in the Rule 19c–3 Adoption Release, uniform regulation is appropriate only when applied in the context of persons who "enjoy similar privileges, perform similar functions and have the potential for similar market impact." [54] Accordingly, as it has stated in the past, the Commission has determined to defer any consideration of modification of Commission or exchange rules until it has had an opportunity to gain experience with trading in an environment free of off-board trading restrictions, because, without such experience, it would be extremely difficult, if not impossible, to determine the extent to which any type of market maker regulation should be universally applied.[55]

The Commission continues to believe that it is premature to determine what, if any, market maker obligations should be applied to all markets in a national market system. As noted above, the NYSE and the Amex continue to be the "primary" markets in virtually all Rule 19c–3 securities with OTC market makers presently accounting for a relatively small percentage of the total consolidated volume. It may be that, once the Automated Interface is operational and the enhanced NASDAQ is expanded to include all OTC market makers and all exchange-traded stocks, OTC market makers may be successful in attracting additional order flow. However, in light of the present trading environment,[56] the Commission continues to believe that it would not be appropriate, at this time, to either impose additional regulatory obligations on OTC market makers or alter existing rules of the "primary" exchanges which impose "affirmative" and "negative" obligations upon specialists.

Similarly, the Commission does not agree with the suggestion of Merrill Lynch that it would be appropriate, at this time, to require all of the exchange ITS participants to provide a universally available automated execution capability similar to what would be provided by the enhanced NASDAQ System. The Commission does believe, however, that providing an automated execution capability for ITS (at least with respect to the secondary markets) would greatly enhance the efficiency of that system and might increase the ability of secondary markets to attract orders through ITS. Therefore, the

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[51] See n. 58, *infra*.

[52] The Commission recognizes the concern expressed by a number of exchange commentators that the issuance of the Order at this time may reduce the incentive for OTC representatives to actively pursue agreement on a "preliminary rule" to address internalization concerns. However, the Commission cannot agree that achievement of this most critical national market system initiative should be delayed because of speculative concerns regarding the ability of the industry to reach agreement on a means to address internalization, especially in light of the Commission's determination that the Automated Interface will not directly exacerbate internalization concerns. The Commission wishes to emphasize, however, that it expects the NASD and all other OTC representatives to pursue, in good faith, active consideration of an appropriate "preliminary rule."

[53] The Order specifically requires the NASD and the ITS participants to submit to the Commission amendments to the ITS Plan providing for the participation of the NASD in ITS. The Commission would emphasize that this provision of the Order envisions acceptance, by the NASD, of the trading rules contained in the ITS Plan.

The Commission wishes to note, however, that the MSE's related concern regarding the willingness of the NASD to "assume responsibility for the conduct of (OTC market makers) trading over ITS" should not delay participation of the NASD in ITS. MSE letter, *supra* note 11, at 7–8. The exchanges presently only accept liability (to varying degrees) for uncompared trades resulting from errors not traceable to any exchange member involved in the trade. Because of the automated trading characteristics of the enhanced NASDAQ, that system is capable of providing a "locked-in" trade report in which the identity of each of the persons trading through the enhanced NASDAQ may be identified. Accordingly, if each of the OTC market makers participating in the enhanced NASDAQ undertakes to be responsible for whatever trades the system's "locked-in" trade reports showing participating in, there would appear to be no reason for the NASD ever to be required to assume liability for uncompared trades.

[54] Rule 19c–3 Adoption Release, *supra* note 9, at 36–38, 45 FR 41125, 41131.

[55] *Id.* Thus, experience under Rule 19c–3 should, in addition to providing the Commission with the opportunity to evaluate internalization concerns in a limited context, provide similar opportunities for the industry and the Commission to evaluate equal regulation concerns.

[56] The Commission wishes to emphasize that its determination at this time, not to require uniform regulation of all market makers trading in Rule 19c–3 Securities should not be construed as a determination that changes in existing regulations governing market making would not be appropriate in the future as the national market system evolves.

Commission would support any determination by the ITS participants to enhance ITS to provide for the capability for market makers in ITS participating exchanges to offer automated execution of commitments.

Although the Commission has concluded that it should not now consider regulatory action with respect to OTC market making in conjunction with the instant Order, the Commission wishes to reemphasize its continuing commitment to observe closely trading patterns in Rule 19c–3 securities, both before and after implementation of the Automated Interface, with a view to identifying any adverse effects resulting from internalization, unequal regulation, or any other aspect of the present Rule 19c–3 trading environment.[57] In this connection, the Commission has requested the staff to complete its first monitoring report on 19c–3 trading by the end of May 1981. As the Commission has previously stated, if it determines as a result of that review, or at any time in the future, that the ability of OTC market makers to internalize or the present regulatory structure regarding market makers has had unwarranted adverse effects on the markets for Rule 19c–3 securities, it will not hesitate to take whatever regulatory action is necessary to address those effects.[58]

However, the Commission does not believe, as some commentators suggested, that the implementation of the Automated Interface should be delayed pending the results of the Commission's monitoring of experience under Rule 19c–3.[59] While the Commission will review carefully the findings of the forthcoming staff monitoring report, that report will not be based on widespread Rule 19c–3 OTC trading due in part, the Commission believes, to the absence of an OTC trading environment characterized by an efficient intermarket linkage for Rule 19c–3 Securities. Therefore, the Commission anticipates that this initial annual report will not permit any conclusive evaluation of the Rule 19c–3 experiment which has been frustrated in significant respects due to the absence of an effective OTC link to exchange markets.

In summary, the Commission believes that the immediate implementation of the Automated Interface is a critical event in the development of a national market system and will not directly exacerbate internalization or any other regulatory concerns as a structural matter. Accordingly, while the Commission reaffirms its support of industry efforts to address internalization concerns promptly (and urges both the ITS participants and the NASD to commit themselves fully and in good faith to the process), the Commission has also determined that any further delay in implementing the Automated Interface would be inconsistent with the public interest, the protection of investors and the establishment of a national market system. Therefore, the Commission has determined to issue the Order, in revised form, effective upon publication in the Federal Register.[60]

III. Timing for the Implementation of the Automated Interface

The proposed Order would have required that the ITS participants and the NASD jointly effect the Automated Interface, on a pilot basis, by September 30, 1981. In order to ensure acceptable progress toward that goal, the order would have also required the ITS participants to provide the NASD, by April 15, 1981, complete technical specifications of line protocols, message formats and other matters relevant to the Automated Interface and both the ITS participants and the NASD to prepare and submit to the Commission, by May 15, 1981, a description of, and timetable for, the implementation of the Interface. In connection with these requirements, the Commission also requested the NASD to provide to the Commission, by April 15, 1981, a status report regarding its progress in testing the automatic execution capability of the enhanced NASDAQ system. The Commission expressly requested comment on the feasibility of the September 30 deadline for implementation of the Automated Interface, as well as regarding the remainder of the timetable set forth in the proposed Order.[61]

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[57] In the Rule 19c–3 Adoption Release, the Commission indicated its intention to monitor the effects the Rule, by increasing opportunities for internalization, might have on (1) the fairness of inter-market dealer competition, (2) fragmentation of securities markets (with collateral effects on pricing efficiency) and (3) occurrences of overreaching. Rule 19c–3 Adoption Release, *supra* note 9, at 49–52, 43 FR 41125, 41134; *see generally* Securities Exchange Act Release No. 13662 (June 23, 1977), at 45–66, 42 FR 33310. In this regard, the Commission expects to analyze bid and ask quotation spreads in Rule 19c–3 Securities to attempt to determine whether adoption of the Rule has had any significant weight on market maker competition, the quality of the market in Rule 19c–3 Securities (including the extent to which the published quotations in Rule 19c–3 Securities are an accurate reflection of all buying and selling interest in a particular market for those securities) and the quality of executions in Rule 19c–3 securities, with particular reference to the relationships between transactions and quotations in those securities.

[58] The Commission's statement that it is prepared to take regulatory action to respond to adverse market structure or competitive problems resulting from internalization in Rule 19c–3 Securities should not be read as an indication that internalization, to the extent it is a problem, is confined to the OTC market. As indicated above, the Commission believes that, to a large extent, exchange-based trading today is internalized since much of the order flow sent to exchange markets is not in fact effectively exposed to other markets prior to execution on those exchanges. Therefore, the Commission believes that any regulatory response to internalization must take into consideration the impact of existing exchange-based internalization.

The Commission does recognize, however, that, unlike some exchange market makers (e.g., primary exchange specialists in more actively traded stocks) which actually expose their agency orders to other participants in their own market, OTC market makers do not expose agency orders to any other trading interest. *See* MSE letter, *supra* note 11, at 10–11. Consistent with this view, in the Rule 19c–3 Adoption Release, the Commission indicated that, if internalization concerns are borne out it might (1) require all OTC trading in Rule 19c–3 securities to be effected through a trading system (such as the enhanced NASDAQ System, Instinet or NSTS) which provides an opportunity for order interaction; (2) require integrated firms to "hold-out" customer orders through such a system or the consolidated quotation system for a minimum period of time prior to executing those orders as principal; or (3) require market makers in Rule 19c–3 securities to send their own agency order flow to other market makers. The MSE in its comment letter made a similar suggestion. *See* MSE letter, *supra* note 11, at 12. In addition, in light of the present lack of effective order interaction on the regional exchanges, the Commission will also consider whether any of these exposure requirements should be applied to all secondary markets, whether exchange or OTC.

[59] *See, e.g.*, PSE letter, *supra* note 11, at 4.

[60] The Commission wishes to reaffirm, however, that it does not regard the Automated Interface as necessarily the exclusive means of providing for interaction between the OTC and exchange markets. In this connection, the Commission is sensitive to the concerns raised by Instinet that the Commission is implicitly enfranchising the ITS and the enhanced NASDAQ system as the exclusive means for inter-market trading in a national market system. *See* Instinet letter, *supra* note 11, at 4–8. The Commission has never mandated the development or participation in any particular inter-market trading system to the exclusion of any other system or participation therein. Rather, through encouragement of the development of ITS, Instinet, the enhanced NASDAQ system, NSTS and the NYSE's proposed "competitive market maker system," the Commission has attempted to provide an environment in which competing systems could develop and which would permit the industry to determine, on the basis of its own needs, which systems should evolve into permanent market fixtures. Accordingly, Instinet's request that the Commission somehow require all exchange and OTC market makers to trade in its system would be contrary to the Commission's basic evolutionary approach to facilitating a national market system. However, to the extent Instinet wishes to establish a linkage, similar to that envisioned by the Order, between its system and other trading markets, Instinet should explore the possibility of doing so with the ITS participants and the NASD.

[61] Proposal Release, *supra* note 5, at n. 37 and 61, 46 FR 12382, 12385. In addition to the dates noted above, the proposed Order would have required the ITS participants (i) to prepare and submit to the Commission, by August 1, 1981, proposed amendments to the ITS Plan necessary to reflect participation of the NASD in the ITS ("NASD

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In response to that request for comment, the NASD indicated that it would be difficult, if not impossible, for it to implement the Automated Interface by September 30, 1981. However, the NASD did commit to work to establish an automated interface within six months of the date agreement on design specifications for the Interface was reached.[63] In this connection, the NYSE has indicated that a draft of the technical specifications for the Automated Interface has been prepared by the Securities Industry Automation Corporation ("SIAC"), the ITS Plan Processor, and anticipated that "those specifications can be put in final form satisfactory to the ITS Participants and the NASD, by April 15." [64] The Commission understands that those specifications have now been provided to the NASD. Moreover, the NYSE also indicated its belief that "from a systems standpoint" the NASD and the ITS participants will be able to prepare, by May 15, a time schedule for the implementation of the Automated Interface.[65]

The Commission agrees with the NYSE that the ITS participants and the NASD should be able to reach agreement on final specifications shortly after the issuance of the Order and, therefore, the Order as issued, requires that the NASD and the ITS participants submit a time schedule for the implementation of the Automated Interface by June 15, 1980.[66]

Accordingly, in light of the NASD's indication that the Automated Interface could be built in six months from that date as well as the Commission's continuing belief that there are no significant technical problems in implementing the Automated Interface in the form provided in the Order, as issued,[67] there would appear to be general agreement that the Automated Interface can be implemented by year end. However, in order to provide the NASD and the ITS participants with additional flexibility, the Order, as revised, provides an outside date for activation of the Automated Interface of March 1, 1982.[67]

IV. Functional Provisions of the Order

A. Comments

The proposed Order sets forth the functional characteristics of the Automated Interface.[68] While commentators generally did not raise objections to those characteristics, the NASD did suggest certain revisions.

The NASD raised two concerns generally regarding the scope of the proposed Order. First, the NASD argued that the Order should not restrict trading through the Automated Interface to Rule 19c–3 Securities. The NASD argued that there were no technical reasons for this limitation and therefore urged that the Automated Interface should permit trading in all ITS stocks traded by an OTC market maker.[69] Second, the NASD suggested that the provision for a six month pilot period, during which the Automated Interface would be limited to the thirty most active Rule 19c–3 stocks, was unnecessary. Instead, the NASD argued that the Automated Interface should immediately permit trading in all ITS securities traded in the OTC market with no limitation on the number of participating market makers.[70]

In addition to its concerns regarding the scope of the proposed Order, the NASD expressed concern over the requirement in the proposed Order that the enhanced NASDAQ System be capable of aggregating all CAE market maker responses to pre-opening applications. The NASD suggested that this requirement would necessitate "significant modifications" to the enhanced NASDAQ which might delay the implementation of the Automated Interface. As an alternative, the NASD suggested designing the Automated Interface to permit each CAE market maker to send individual pre-opening responses to other ITS participants. In addition, to the extent that this revision might act to delay implementation of the Automated Interface, the NASD indicated it would be willing, on an interim basis, to agree either to aggregate manually CAE market maker opening responses or to preclude CAE market makers from participating in the pre-opening application.[71]

The NASD also argued that the provision in the proposed Order limiting participation in the Automated Interface, during the pilot period, to five CAE market makers per stock was unnecessary. While the NASD recognized that the ITS was presently technically unable to accept more than five "contra-parties" for an ITS commitment, it argued that this limitation should not restrict the number of CAE market makers in any stock. Instead, the NASD suggested that, until this problem has been remedied, it would program the enhanced NASDAQ to allocate a particular ITS commitment to a maximum of five CAE market makers.[72]

B. Discussion

The Commission shares the NASD's desire to include all Rule 19c–3 stocks in the Automated Interface as quickly as possible. However, the Commission continues to believe that the immediate

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Participation Amendment") and (ii) prior to July 31, 1981, to develop a capability to receive quotations from market makers participating in the enhanced NASDAQ ("CAE market-makers") and revise quotation displays on their respective floors to reflect quotations from CAE market makers. Finally, the Commission requested the ITS participants to submit, by July 31, 1981, a report on progress toward the development of a preliminary rule addressing internalization. *See* discussion accompanying note 67 *infra*.

[63] NASD letter, *supra* note 11, at 1.

[64] NYSE letter, *supra* note 11, at 14. Without specifying any reason why the initial timetable set by the proposed Order was infeasible, the MSE argued that it was inappropriate for the Commission to base its timing requirements "solely" on the timing estimates of the NASD. MSE letter *supra* note 11, at 6. As noted above, however, both the NASD and the NYSE, after consulting with SIAC, appear to be in agreement that the Automated Interface can be technically built in the new time period provided by the revised Order issued today. The Commission would also note that it is perfectly appropriate for it to place primary emphasis on the NASD's timing estimates because the Order imposes on the NASD the principal responsibility for building the Automated Interface.

[65] *Id.*

[66] The Commission has, however, deleted from the Order the requirement that final specifications for the Automated Interface be provided the NASD by April 15, 1982, in light of its understanding that the Consolidated Quotation Operation Committee has voluntarily forwarded those specifications to the NASD.

[67] The Order, as issued, has also been revised to require the ITS participants to submit the NASD Participation Amendment by November 1, 1981 and to develop a capability to receive CAE market makers' quotations by March 1, 1982. The Commission also wishes to reaffirm its request that the ITS participants and the NASD provide it with status reports on progress toward the development of a "preliminary rule" addressing internalization concerns by July 31, 1981.

[68] The Order, as issued, does not provide technical specifications for the Automated Interface because the Commission believes that it would be unnecessarily cumbersome and inflexible for the Commission to dictate such specifications.

[69] The NASD did raise a concern regarding its ability to technically effect certain functional characteristics contained in the proposed Order regarding pre-opening applications. However, the Commission believes that the Order, as adopted, is responsive to the concerns expressed by the NASD. *See* text accompanying notes 69–72, *infra*.

In addition, while the Amex, MSE and PSE did not identify any technical problems relating to the Automated Interface, those exchanges argued that it was inappropriate to issue the Order because, in light of the very limited opportunity the ITS participants have had to observe an operational enhanced NASDAQ system, technical problems may be discovered in the future. *See* Amex letter, *supra* note 11, at 5. MSE letter, *supra* note 11, at 4–6 and PSE letter, supra note 11, at 9. To the extent that unforeseen technical problems arise, the Commission expects that the NASD will devote every effort to resolve those problems expeditiously. Moreover, if, despite efforts by the NASD, unforeseen technical problems delay implementation of the Automated Interface, the Commission, of course, will take those problems into account.

[69] NASD letter, *supra* note 11, at 3.

[70] *Id.* at 3.

[71] *Id.* at 1–2.

[72] *Id.* at 2–3.

inclusion of all Rule 19c–3 stocks might act to delay implementation of the Automated Interface. Accordingly, the Order, as issued, continues to provide for a six month pilot phase during which trading through the Automated Interface could be limited to the thirty most active Rule 19c–3 stocks.[73] The Commission would note, however, that, to the degree that the ITS participants and the NASD can agree that a pilot phase is unnecessary, the Order would in no way preclude the inclusion of additional stocks in the Automated Interface.

The Commission also agrees with the NASD that the Automated Interface should ultimately permit trading in all ITS securities. However, because of the potential for greater OTC market making activity in Rule 19c–3 Securities, the Commission continues to believe that it is appropriate for the Order to continue to be limited exclusively to those Securities. However, the Commission urges the ITS participants and the NASD, after they have had an opportunity to observe the effects of trading Rule 19c–3 Securities through the Automated Interface,[74] to consider permitting the inclusion of additional ITS securities in the Automated Interface.[75]

The Commission also agrees with the NASD that the development of a capability to aggregate automatically CAE market maker pre-opening responses should not delay the implementation of the Automated Interfaces. Accordingly, the Order, as issued, has been revised to permit the NASD to perform that aggregation function manually.[76] The Commission disagrees, however, with the NASD's suggestion that the Automated Interface and the ITS should eventually permit each CAE market maker individually to send his pre-opening response to other ITS participants. Without any provision for aggregation of CAE market maker responses, the specialist who initially sent the pre-opening application potentially would be required to assimilate and respond to large numbers of individual responses before opening the stock. The Commission belives that such a procedure would be extremely unwieldy and would result in unnecessary delays in opening stocks in which pre-opening applications have been sent. Accordingly, the Commission believes that the NASD should modify the enhanced NASDAQ, as expeditiously as practicable, to permit that System to aggregate automatically and send pre-opening responses by the end of the pilot phase of the Automated Interface.[77]

Finally, the Commission is also sympathetic to the NASD's desire to avoid placing any limitation on the number of CAE market makers for any stock traded through the Automated Interface. In this connection, the Commission has been informed by the ITS participants that they expect to complete planned enhancements to the ITS which would permit that System to accept up to forty "contra-parties" by September 1, 1981. Therefore, the Commission would anticipate that any limitation on the number of market makers trading through the Automated Interface will prove unnecessary. However, in the event that the planned enhancements to the ITS become delayed, the Commission does not believe that the NASD's suggestion that its enhanced NASDAQ be programmed to only allocate ITS commitments among a maximum of five market makers is appropriate in itself. The best bid and offer quotation for CAE market makers ("OTC BBO"), which the Order, as issued, requires the NASD to provide to each of the ITS participants, would have aggregated the quotation sizes of all CAE market makers at the same price. Accordingly, in cases in which there were more than five CAE market makers bidding or offering at one price, other ITS participants would be misled as to the actual size of the OTC market which they could access.[78] Thus, the Order, as issued, limits CAE market maker participation in the pilot phase of the Automated Interface to the extent that "contra party" information cannot be provided either at the time of the trade or on a "names later" basis.

C. Description of the Order

With the exception of the changes discussed above, the Order, as adopted, has not been substantively changed.[79] The Order requires the ITS participants and the NASD to effect jointly the Automated Interface. The Interface will

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[73] The Commission recognizes that certain of the thirty most active Rule 19c–3 stocks may not presently be traded in ITS because they are currently traded by only one ITS participant. However, with the inclusion of NASD as an ITS participant, the Commission believes that it is imperative that all of these stocks, in which CAE market makers either make markets or indicate an interest in making markets, should be traded through ITS.

[74] The Commission understands that certain of the ITS participants have expressed concerns that the application of the Automated Interface to non-Rule 19c–3 Securities might, in effect, constitute the removal of off-board trading restrictions with respect to those securities. *See* letter from John C. Weithers, President, MSE, to John J. Phelan, Jr., President, NYSE, dated July 31, 1980. As the Commission has previously indicated, however, it does not view the existence of an Automated Interface as having any particular effect on existing off-board trading rules or any subsequent Commission action with respect to those rules.

[75] In this connection, a number of commentators requested clarification regarding whether the enhanced NASDAQ should be treated as an "exchange" for purposes of the Act. *See, e.g.*, NYSE letter, *supra* note 11, at 21–25. While certain trading characteristics of the enhanced NASDAQ are functionally similar to the traditional exchange-type trading mechanism, the Commission does not believe that such similarity transforms any electronic trading mechanism into an exchange for purposes of the Act. Moreover, there was no suggestion in the 1975 Amendments, which were written during a period when Instinet was already operating and other electronic trading systems were widely contemplated, that the Congress intended that all such systems be registered as national securities exchanges. At the same time, the Act does not prohibit an exchange, such as the CSE, from operating an electronic trading system, such as the NSTS, as an exchange facility.

The Act specifically addresses the regulation of national securities associations in Section 15A of the Act. That Section was substantially revised by the 1975 Amendments to provide for treatment of associations which was substantively similar to treatment of exchanges in Section 6 of the Act. Most significantly, Section 15A(b)(6) provides that the governing rules of a national securities association, which must be filed with the Commission for approval pursuant to Section 19(b) of the Act, should be designed, among other things, to remove impediments to and perfect the mechanism of a free and open market and a national market system. Accordingly, it appears clear that Congress anticipated that the NASD, as well as the exchanges, would participate in building the facilities necessary to create a national market system.

In addition, pursuant to Section 15A and 19 of the Act, the NASD would be required to file, and has filed, with the Commission for its approval, a complete description of the functional attributes of the enhanced NASDAQ system. *See* Securities Exchange Release No. 17601 (March 4, 1981), 46 FR 16171. Therefore, because the Commission's authority under Section 15A with respect to the development by the NASD of national market system facilities such as the enhanced NASDAQ is as great as that which it would possess if that facility were deemed a facility of an exchange, and since the standards for approval of that system's rules and operational procedures are comparable to those applicable to exchange trading facilities, no regulatory purpose would be furthered by treating the enhanced NASDAQ as an exchange.

[76] The Commission would emphasize, however, that the Order does require that the enhanced NASDAQ provide CAE market makers with the ability to initiate pre-opening applications. The Commission understands that the enhanced NASDAQ is capable of performing that function through the broadcast of an administrative message.

[77] Because participation in the ITS pre-opening application affords an attractive trading opportunity, the Commission would expect that CAE market makers will encourage the NASD to implement this system enhancement promptly.

[78] This concern might be eliminated if the NASD were to aggregate the size of a maximum of only five market makers in calculating the best bid and offer quotation for CAE market makers. Accordingly, if planned enhancements to the ITS are not completed by March 1982, the Commission would consider amending the Order to permit additional CAE market maker participation if the NASD effected the quotation aggregation limitation discussed above.

[79] The Commission has, however, made certain language changes in the Order in response to comments by the NYSE. *See* NYSE letter, *supra* note 11, at 18–21.

be required to permit users of the enhanced NASDAQ and the ITS to send ITS commitments, responses and other existing types of messages (with the exception of responses to pre-opening applications) between the ITS and the enhanced NASDAQ.

The Order also requires the NASD to assume sole responsibility to (1) modify the enhanced NASDAQ to send and receive commitments, administrative messages, pre-opening notifications and any other existing message (with the exception of pre-opening responses) in the ITS standard format, (2) develop a capability, either manually or through the enhanced NASDAQ, to send aggregated pre-opening responses in the ITS in standard ITS format and (3) collect and make available to SIAC, as ITS plan processor, the best bid and offer, with size, for CAE market makers, in each security traded through the Automated Interface.[80] In this connection, the Order also requires the ITS participants to develop the capability to receive and display CAE market maker quotations.

Finally, the Order continues to provide that OTC firm access to ITS, in particular stocks, would be limited to firms making markets in those stocks.[81]

V. Effects on Competition

In determining to issue the Order, the Commission has considered whether any anti-competitive impact of the Commission's action would outweigh the regulatory benefits gained in terms of furthering the purposes of the Act. The Commission believes, however, that issuance of the Order would not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Indeed, as discussed above, the Automated Interface, by enhancing the access of OTC and exchange market makers to each other's markets, should increase market making competition.

The Commission recognizes the concerns expressed by some commentators that the ability of exchange member firms to internalize their customer's orders and the present "disparities" of regulations imposed on OTC and exchange market makers may have certain adverse competitive effects on exchange market makers.[82] However, as discussed in detail above, the Commission, when it adopted Rule 19c–3, determined that any such potential adverse competitive effects were outweighed by the benefits obtained from the removal of off-board trading restrictions.[83] In light of this determination and the fact that the implementation of the Automated Interface does not structurally exacerbate internalization concerns, the Commission has determined that any burden on competition imposed by the Order is outweighed by the important benefits to be obtained from implementation of the Automated Interface.

VI. Text of Proposed Order

The Securities and Exchange Commission hereby issues an order pursuant to its authority under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)] and particularly Sections 2, 3, 6, 10, 11, 11A, 15A, 17 and 23 thereof [15 U.S.C. 78b, 78c, 78f, 78j, 78k, 78K–1, 78o–1 78q, 78w(a)]. The text of the order is as follows:

I. It is hereby ordered that the American Stock Exchange, Inc., Boston Stock Exchange, Inc., Cincinnati Stock Exchange, Inc., Midwest Stock Exchange, Inc. New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., Philadelphia Stock Exchange, Inc. and any other self-regulatory organization which hereafter becomes a participant in the Intermarket Trading System ("ITS") (collectively, the "Current ITS Participants") and the National Association of Securities Dealers, Inc. ("NASD") shall

A. Act jointly in planning, developing and operating an automated intermarket communications linkage ("Automated Interface") between the ITS and the NASDAQ electronic interdealer quotation system, as modified by the NASD to permit computer assisted execution ("Enhanced NASDAQ"), in order to permit those systems to send and receive, in standard ITS format, commitments to trade and responses thereto, pre-opening notifications and responses thereto (which, with respect to responses sent from the Enhanced NASDAQ, shall be aggregated, manually or automatically, as a single, or series of, responses) and administrative messages with respect to any security:

(1) Which is subject to Rule 19c–3 under the Act and is not a "covered security" as defined in that Rule;

(2) Included in the ITS; and

(3) In which at least one over-the-counter market maker ("CAE market maker") is registered, or indicates an intention to register, as such with the NASD for purposes of use of the Enhanced NASDAQ; *Provided, however,* that (i) no person other than a CAE market maker may have access to the Automated Interface to send or receive ITS commitments to trade, pre-opening notifications and responses thereto or administrative messages otherwise than on or through the facilities of an exchange participating in ITS and (ii) CAE market makers may have access to the Automated Interface only with respect to securities in which they are acting as a market maker in the Enhanced NASDAQ.

B. The Current ITS Participants and the NASD shall take whatever actions are appropriate, individually or jointly, to ensure that the Automated Interface is operational on or before March 1, 1982; *Provided, however,* that, if full operation of the Automated Interface is not deferred beyond September 1, 1982, the Automated Interface may initially be made operational on a pilot basis, limited to the following terms, or such other terms as are agreed to by the ITS participants and the NASD:

(1) No more than the number of CAE market makers per stock whose identity the enhanced NASDAQ is capable of providing, and the ITS is capable of receiving, either at the time of a trade or on a "names later" basis; and

(2) Those 30 securities subject to Rule 19c–3 under the Act in which a CAE market maker is either presently registered or indicates an interest in becoming registered for trading and which had the largest aggregate share volume as reported in the consolidated transaction reporting system during the fourth quarter of 1981.

C. The Current ITS Participants and the NASD shall file with the Commission, not later than June 15, 1981, a detailed timetable for implementation of the Automated Interface, including the Automated Interface testing schedules between the Current ITS Participants, details of any pilot phase, and plans for expansion beyond any such pilot phase.

II. In implementing the foregoing, the NASD and Current ITS Participants are

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[80] See n. 78, *supra.*

[81] As discussed in the Proposed Release, this limitation is responsive to concerns raised by the regional exchanges that, with the Automated Interface in place, exchange member firms could use the ITS as an order routing mechanism for both agency and proprietary orders, in securities where they are not acting as a market maker, enabling those firms to use the ITS to avoid floor brokerage and transaction fees and perhaps the need for exchange membership.

The Commission recognizes that the PSE has suggested that this limitation be expanded so that CAE market makers would not be permitted to route agency orders through the Automated Interface. *See* PSE letter, *supra* note 11, at 10–11. The Commission believes, however, that such a limitation would be inconsistent with the purposes of the Act because it would inhibit the ability of OTC market makers to achieve a better execution of their customers' orders.

[82] *See, e.g.,* PSE letter, *supra* note 11, at 3–4.

[83] *See* text *supra* accompanying notes 14–18 and 31–32.

hereby further ordered, to submit to the Commission, on or before November 1, 1981, proposed amendments to the "Plan for the purpose of creating and operating an Intermarket Communication Linkage" filed with and approved by the Commission ("ITS Plan"), reflecting the inclusion of NASD as an ITS Participant.

III. The Current ITS participants are hereby further ordered, prior to March 1, 1982, to develop a capability to receive aggregated quotations from CAE market makers and revise quotation displays on their respective floors to reflect aggregated quotations from CAE market makers.

IV. The NASD is hereby further ordered to collect and process quotations from CAE market makers and make available to the ITS Plan processor, on a current and continuous basis during each trading day, the best bid and best offer of all such CAE market makers, together with the size associated with such best bid and such best offer; *Provided, however,* that in the event two or more CAE market makers make available bids or offers at the same price the size of the best bid or offer shall be the aggregate of the size indicated by the CAE market makers.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 21, 1981.

[FR Doc. 81-12723 Filed 4-27-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

[Supplement to Department Circular; Public Debt Series No. 11-81]

Series Q-1983 Notes; Interest Rate

April 23, 1981.

The Secretary announced on April 22, 1981, that the interest rate on the notes designated Series Q-1983, described in Department Circular—Public Debt Series—No. 11-81, dated April 16, 1981, will be 14½ percent. Interest on the notes will be payable at the rate of 14½ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-12866 Filed 4-27-81; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 81
Tuesday, April 28, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 2 p.m. (eastern time), Tuesday, April 28, 1981.

PLACE: Commission Conference Room 8240, fifth floor, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE DISCUSSED:

1. Freedom of Information Appeal No. 81-1-FOIA-3-NO, concerning a request for subpoenas and supporting documents issued by the New Orleans District Office during a certain time period.

2. A report on Commission Operation by the Executive Director.

Closed to the Public:

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued April 21, 1981.

[S-691-81 Filed 4-24-81; 10:16 am]

BILLING CODE 6570-06-M

2

FEDERAL COMMUNICATIONS COMMISSION.

Additional Item To Be Considered at Closed Meeting

The Federal Communications Commission will consider an additional item on the subject listed below at the Closed Meeting, Thursday, April 23, 1981, Following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Common Carrier—1—*Title:* ITT World Communications Required Rate of Return CC Docket No. 80-633; IT World Communications Rate Base and Expense Investigation

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: April 24, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[S-689-81 Filed 4-24-81; 2:00 pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of Agenda Item

The following item has been deleted from the list of agenda items scheduled for consideration at the April 23, 1981, Open Meeting, and previously listed in the Commission's Public Notice of April 16, 1981.

Agenda, Item No., and Subject

Television—3—*Title:* Southern Television Corp. *Summary:* Application filed by Southern Television Corporation for authority to construct a new UHF television translator station in Columbia, Mississippi. A petition to deny filed by Columbus TV Cable Corp. Petitioner alleges that grant of the application will result in a regional concentration of control in violation of Section 73.636 of the Commission's Rules.

Additional information concerning this item may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: April 24, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[S-690-81 Filed 4-24-81; 2:00 pm]

BILLING CODE 6712-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Thursday, April 23, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Charles E. Lord, acting in the place and stead of Director John G. Heimman (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Notice of acquisition of control of an insured State nonmember bank.

Recommendation regarding the liquidation of a bank's assets acquird by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,745-L—The Mission State Bank & Trust Company, Mission, Kansas

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Request from the Comptroller of the Currency that the Corporation, pursuant to section 10(b) of the Federal Deposit Insurance Act, assist in an examination of a national bank.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter added to the agenda in a meeting open to public observation; and that the matter added to the agenda could be considered in a closed meeting by authority of subsections (c)(8) and (c)(9)(A)(ii) of the

"Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Dated: April 23, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-665-81 Filed 4-24-81; 11:20 am]

BILLING CODE 6714-01-M

5

[NM-81-14]

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 22850, April 21, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m. Tuesday, April 28, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Pipeline Accident Report:* Union Light, Heat, and Power Company, Natural Gas Explosion and Fire, Simon Kenton High School, Independence, Kentucky, October 9, 1980, and *Recommendations* to Union Light, Heat, and Power Company, the Research and Special Programs Administration, and the American Gas Association.

2. *Railroad Accident Report:* Derailment of Amtrak Passenger Train No. 21 on the Illinois Central Gulf Railroad, at Springfield, Illinois, October 30, 1980, and *Recommendations* to the Illinois Central Gulf Railroad, Amtrak, and the Federal Railroad Administration.

3. *Railroad Accident Report:* Head-end Collision of Amtrak Passenger Train No. 74 and Conrail Freight Train OPSE-7 at Dobbs Ferry, New York, November 7, 1980, and *Recommendations* to Consolidated Rail Corporation, National Railroad Passenger Corporation, and the Federal Railroad Administration.

4. *Letter* to the Federal Aviation Administration regarding "Access to Flight Data Recorder Tapes," Docket 20661, Notice No. 80-14B.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

April 24, 1981.

[S-660-81 Filed 4-24-81; 12:07 pm]

BILLING CODE 4910-58-M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Week of April 27, 1981 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

matters to be considered

Tuesday, April 28

10:00 a.m.—1. Discussion of Revised Licensing Procedures (Public meeting) (as announced)

1:30 p.m.—1. Discussion of Full-Power Operating License for Salem (Approx 1 hr) (Public meeting) (as announced)

2. Briefing on Long-Range Research Plan (Public meeting) (Approx 1½ hrs) (as announced)

3. Discussion of Management-Organization and Internal Personnel Matters (Closed meeting) (rescheduled from 4/29)

Thursday, April 30

10:00 a.m.—1. Proposed Rule on Operating License Applications and Interim Amendments on Hydrogen Control (Public meeting)

2:00 p.m.—1. Meeting with Representatives of Scientists and Engineers for Secure Energy (Approx 2 hrs) (Public meeting)

2. Affirmation/Discussion Session (Public meeting) Affirmation and/or Discussion and Vote:

a. Commission Review of ALAB-603, St. Lucie Nuclear Power Plant

b. Requests for Hearings in the Matter of the Proposed Decontamination of Dresden Unit 1

c. Alternative Site Issues in Operating License Proceedings

d. Review of Director's Decision under 10 CFR 2.206, DD-81-3 (Matter of Pacific Gas and Electric Company)

E. Rulemaking to Upgrade the Emergency Preparedness of Certain Fuel Cycle and Materials Licenses

ADDITIONAL INFORMATION: By a vote of 4-0 on April 23, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107a of the Commission's Rules that Commission business required that the affirmation of Leithauser Motion for Official Notice of Intervenor Status, held that day, be held on less than one week's notice to the public. Affirmation of Proposed Amendment to Part 71 to Restrict Air Transport of Plutonium and TMI Restart Schedule—Issuance of Proposed Draft Order, scheduled for 4/23, were cancelled.

Automatic telephone answering service for schedule update: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, (202) 634-1410.

Gary Gilbert,

Office of the Secretary.

April 23, 1981.

[S-671-81 Filed 4-27-81; 10:22 am]

BILLING CODE 7590-01-M

7

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on May 21, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634-4015.

Dated: April 24, 1981.

[S-663-81 Filed 4-24-81; 10:09 am]

BILLING CODE 7600-01-M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m. on May 14, 1981.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Patricia Bausell (202) 634-4015.

Dated: April 24, 1981.

[S-662-81 Filed 4-24-81; 10:09 am]

BILLING CODE 7600-01-M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 1 p.m. on May 7, 1981.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634-4015.

Dated: April 24, 1981.

[S-661-81 Filed 4-24-81; 10:09 am]

BILLING CODE 7600-01-M

10

[1P0401]

PAROLE COMMISSION.

Public Announcement

TIME AND DATE: 9:30 a.m., Wednesday, April 29, 1981.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 11 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5826.

[S-606-81 Filed 4-24-81; 12:53 pm]

BILLING CODE 4410-01-M

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" citation of previous announcements: To be published.

STATUS: Open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Tuesday, April 21, 1981.

CHANGES IN THE MEETING: Deletion/correction. The following item will not be considered at an open meeting scheduled for Thursday, April 30, 1981, at 10:00 a.m.

Consideration of whether to issue a release adopting an amendment to Rule 11a1–5 which would permit Registered Equity Market Makers and Registered Competitive Market Makers registered on the American Stock Exchange and New York Stock Exchange respectively, to credit revenues derived from their transactions as such towards satisfaction of the "business mix" test of Section 11(a)(1)(G) of the Securities Exchange Act and Rule 11a1–1(T) thereunder. For further information, please contact Stuart Strauss at (202) 272–2413.

In addition, item no. 4 on the open meeting agenda for the same date should be corrected to indicate that consideration will be given to whether to *propose* amendments to Regulation S–X. (See 46 FR 23187)

Acting Chairman Loomis and Commissioners Friedman and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2092.

April 23, 1981.

[S-607-81 Filed 4-24-81; 12:10 pm]

BILLING CODE 8010-01-M

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federal register

Tuesday
April 28, 1981

Part II

Department of Agriculture

Office of the Secretary

Semi-Annual Regulatory Agenda

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Chs. I–VII, IX–XII, XIV–XVIII, XXI, XXIV–XXIX

9 CFR Chs. I–IV

36 CFR Ch. II

41 CFR Ch. 4

Semi-Annual Regulatory Agenda: Major Regulations Pending and Planned for April 1981 through October 1981

AGENCY: Office of the Secretary, USDA.

ACTION: Semi-Annual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of major regulations being developed in all agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291, Federal Regulations. The agenda also describes regulations affecting small entities as required by section 602 of the "Regulatory Flexibility Act," Pub. L. 96-354. The purpose of the agenda is to inform the public, small entities, and other government agencies of all major actions and regulation review activities as early as possible so interested parties may get background information and comment on these decisions while they are being developed.

FOR FURTHER INFORMATION CONTACT: For further information on any specific decision shown in this agenda, please contact the person listed for that decision.

Requests for copies of this agenda should be directed to: Regulatory Agenda, OBPE, Office of the Secretary, Room 147–E, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 382–1270. If you requested a copy of a previous Decision Calendar, we have placed you on our mailing list for the Regulatory Agenda. You will receive a copy as soon as they are available.

SUPPLEMENTARY INFORMATION:

Purpose of This Agenda

The purpose of publication of the Agenda is to provide the public and other government agencies early notice of pending major actions under consideration by USDA; thus the agenda provides an overview of all Departmental decisionmaking. The projected schedules shown for each action make it possible for interested individuals or groups to plan ahead, acquire background information, and prepare to provide information and comments at appropriate steps in the decisionmaking process (i.e., when proposals are published for comment, or when pre-notices are published).

This Agenda is a substantial revision and update of the Decision Calendar published in the **Federal Register** on November 14, 1980.

Agenda Organization

The Agenda includes 3 sections:

- A list of the titles of actions formerly reported which have been completed, designated as "non-major", or withdrawn from consideration since publication of the last Decision Calendar;
- A list of major regulatory actions planned or under development between April and October of 1981. Actions are organized under headings identifying the USDA agency responsible and include descriptions, legal authority, projected schedules, and information contacts; and
- A list of regulations scheduled for review, for which review is ongoing or will be initiated between now and October 1981.

Be sure to review each of these sections to identify decisions on which you may want to comment. If additional information is desired on an entry, contact the person identified in that entry.

How To Identify New Items on the Agenda

The Regulatory Agenda number shows the month and year that the item was identified as major and placed on the Regulatory Agenda. The first 2 digits after the agency abbreviation identify the month, and the third digit provides the year. Thus, ASCS 031–4 indicates that it was identified as major in March (i.e., "03") of 1981 (i.e., "1"). Any entry with a number indicating a date later than November 1980 is new on the Regulatory Agenda.

Background of Regulatory Agenda

The Regulatory Agenda is published and updated in April and October of each year as part of USDA's response to Executive Order 12291 and the "Regulatory Flexibility Act," Pub. L. 96–354.

This Administration is committed to reducing the burden of Federal regulation on the American economy. USDA is serving as an active and aggressive partner with the President in this effort. To this end, procedures have been established to concentrate greater effort on analyzing major regulatory actions to ensure that government action is needed, that it is clearly within delegated legal authority, and that the effects of taking the action are as well understood as possible.

Also, USDA is focusing added attention on regulatory actions which affect small entities. "Small entities" include small businesses, small not-for-profit organizations, and small governmental jurisdictions. Any time an agency cannot certify that a rule (as defined in the Regulatory Flexibility Act) will not have a significant economic impact on a substantial number of small entities, a Regulatory Flexibility Analysis (RFA) must be completed. The RFA will identify and analyze less burdensome alternative regulatory strategies consistent with the law. Entries in the Agenda for which a Regulatory Flexibility Analysis will be carried out are identified by the symbol "(RFA)" found at the end of the action's "Description." This symbol is shown both in the list of ongoing actions and in the "List of Regulations Scheduled for Review."

Criteria for Major Actions

For a regulatory action to warrant publication in this Agenda, and to receive intensive review and analysis, it must meet one or more of the following criteria:

- An annual effect on the economy of $100 million or more; or
- A major increase in costs or prices for:
  - —Consumers;
  - —Individual industries,
  - —Government agencies (federal, state, or local),
  - —Geographic regions; or
- Significant adverse effects on:
  - —Competition,
  - —Employment,
  - —Investment,
  - —Productivity,
  - —Innovation, or
  - —The ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The criteria used to determine whether actions are "major" are significantly more stringent than those previously used to determine whether actions were "significant." As a result, fewer actions are listed on this agenda than were listed on previous calendars. The lesser number of actions will allow more intensive analyses to be conducted, so as to more accurately assess the impacts of these important actions.

In this Agenda, we have attempted to list all major actions pending at the time of the agenda, but some may have been inadvertently missed. There is no legal

significance to an item not appearing on this listing.

The dates shown for the steps of each action are estimated and are not commitments to act on, or by the date shown. The "pre-notice" date, when given, is an indication the agency intends to seek public input prior to the "notice of proposed rulemaking."

How To Influence Decisions

The purpose of comment periods and other forms of public participation is to get information and varying points of view which may not be otherwise available to decisionmakers at USDA. All comments are useful in the decisionmaking process. However, the more substantive, well-reasoned, and well-documented a comment is, the more likely it is that it will have a strong influence on the decision.

Comments on the following topics are of particular value:

(1) Alternatives that have been overlooked;

(2) Redefinition of the problem being addressed or assumptions as to what the basis of the problems is;

(3) Suggested changes in the Department's goals in dealing with the problem; and

(4) Other inadequacies in the Department's analysis.

If comments are supported with any of the following types of information, they will be particularly effective:

(1) Identification of major factors that should be considered in the decision;

(2) Costs or benefits or other positive or negative impacts on specific groups, sectors of the economy or parts of the country, etc.—whether direct or indirect, quantifiable or not;

(3) Validity or reliability problems with data or information used, if any;

(4) Data not considered;

(5) Problems with the analytical technique employed, if any;

(6) New analytical techniques;

(7) Different interpretations of the intent of the law, citing the documents on which such interpretations are based;

(8) Case law which USDA may not have considered and explanations of how it bears on the decision;

(9) Other governmental directives or regulations which may overlap or be in conflict with the decision; and

(10) Attitudes, opinions and other comments relevant to the decision.

In view of the above, it is clearly an advantage to have a good understanding of what is behind a "pre-notice" or "proposal." This Regulatory Agenda not only describes the decisions so you can select the ones of interest to you, it provides the projected schedules so you can plan to review any background material in time to comment.

Getting Background Information

Even before a "pre-notice" or "proposal" is published, there are often articles, studies, or preambles to earlier versions of the regulations or decisions, etc., which are helpful in understanding the contemplated action. The "contact" listed for the decision can provide these. When any major action is proposed, a Preliminary Regulatory Impact Analysis is available, usually from this same contact. The analysis describes the options considered in developing the proposal and the costs and benefits of implementing each option. Use of this type of material will help you understand the rationale for the proposal and increase the influence your comments have on USDA decisionmaking.

Review of Existing Regulations

USDA is conducting a comprehensive review of all its existing regulations. Executive Order 12291 requires that reviews be carried out on all currently effective rules and that Regulatory Impact Analyses be performed on all such major rules.

Review of an existing regulation is differentiated from the revision of a regulation because the entire regulation must be examined rather than the specific provision(s) being changed.

The regulation review list contained in this Agenda is a planning and public information activity which precedes and/or accompanies more substantive review activity. Each item is listed on the "List of Regulations Scheduled for Review," with "major" actions appearing in the body of the agenda as well. Substantive review normally begins in the subsequent six-month period.

This "List of Regulations Scheduled for Review" also identifies those regulations with a significant economic impact on a substantial number of small entities, thereby indicating that the required Regulatory Flexibility Analysis will be carried out.

Dated: April 22, 1981.

John R. Block,

Secretary.

List of Actions Formerly Reported Which Have Been Completed, Designated as Non-Major, or Withdrawn

AMS 106–7; Designated Non-Major; Review of Regulations Under the Federal Seed Act

AMS 106–44; Completed; Amendment of Nebraska-Western Iowa Milk Order

AMS 106–49; Completed; New Federal Milk Order for Boise, Idaho, Area

AMS 099–60; Withdrawn; Regulatory Treatment of Reconstituted Milk in All Federal Milk Orders

AMS 128–111; Designated Non-Major; Proposed New Milk Marketing Order for Alabama-West Florida

AMS 020–5; Designated Non-Major; Amendment of the Eastern South Dakota Federal Milk Order

AMS 040–18; Designated Non-Major; Review of Existing Regulations and Policy Statements Issued Under the Packers and Stockyards Act—First Phase

AMS 040–24; Completed; Marketing Policy Statement for California Walnuts Under M.O. No. 984

AMS 040–26; Completed; Marketing Policy Statement for California Raisins Under M.O. No. 989

AMS 040–30; Completed; Set Annual Marketing Policy for Navel Oranges Grown in Arizona and Designated Part of California

AMS 040–33; Designated Non-Major; Amendment of 29 Milk Orders

AMS 050–57; Completed; Proposed Amendment to Filbert Marketing Order

AMS 090–78; Designated Non-Major; Notice of Hearing on Proposed Further Amendment of California Dried Prune Marketing Order

AMS 090–79; Completed; Proposed Free and Restricted Percentages for the 1980–81 Marketing Policy Year—Filberts

AMS 090–78; Designated Non-Major; Review of Regulations: Amendment of Flue-Cured Tobacco Grower Designation Regulations

AMS 100–85; Designated Non-Major; Review of Existing Regulations Issued Under the Packers and Stockyard Act—Second Phase

AMS 100–86; Completed; Marketing Policy for Hops of Domestic Production Under M.O. 991 for 1981–82

AMS 100–87; Completed; Marketing Policy for Valencia Oranges Grown in California and Arizona for 1980

AMS 100–88; Withdrawn; Marketing Policy for Cranberries Grown in 10 Designated States for 1981

AMS 100–90; Completed; Revision of Marketing Policy for Hops of Domestic Production Under M.O. 991

AMS 110–101; Completed; Marketing Policy and Recommendation for Volume Regulation—Far West Spearmint Oil

AMS 021–6; Withdrawn; Proposed Amendments to Regulations Governing Official Standards for Flue-Cured Tobacco, U.S. Types 11–14

AMS 021–8; Designated Non-Major; Amendment of Filbert Marketing Order Regulations and Import Grade Regulations

AMS 031–12; Withdrawn; Merger of Inland Empire and Puget Sound Federal Marketing Orders

APHIS 108–10; Withdrawn; Revision of Export Livestock Handling Requirements

APHIS 099–12; Designated Non-Major; Revised Cattle Scabies Regulations

APHIS 099–23; Designated Non-Major; Revise Brucellosis Regulations to Parallel Uniform Methods and Rules

APHIS 099–45; Designated Non-Major; Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry

APHIS 020–2; Designated Non-Major; Proposal to Increase Swine Brucellosis Indemnity Rates in 9 CFR Part 51
APHIS 030–4; Withdrawn; Pseudorabies Testing of Export Swine
APHIS 070–33; Designated Non-Major; Endangered Species Regulations
APHIS 070–35; Designated Non-Major; Mediterranean Fruit Fly
APHIS 080–38; Withdrawn; Oriental Fruit Fly
APHIS 100–40; Designated Non-Major; Brucellosis Indemnity
APHIS Oil–2; Completed; Declaration of Emergency Because of the Existence of African Swine Fever in Haiti
APHIS Oil–3; Designated Non-Major; Interstate Movement of Certain Psittacine Birds.
ASCS 040–11; Completed; 1981 Feed Grain and Soybean Programs
ASCS 040–12; Completed; 1981 Rice Set-Aside and Land Diversion Payment Program and the 1981 Rice Loan Purchase and Payment Program
ASCS 040–13; Completed; 1981 Upland Cotton Program Provisions
ASCS 040–15; Completed; 1981 Crop Peanuts—National Acreage Allotment and National Poundage Quota
ASCS 040–25; Completed; 1981 Crop Flue-Cured Tobacco Marketing Quota
ASCS 040–29; Completed; 1981 Crop Burley Tobacco Marketing Quota
ASCS 070–33; Withdrawn; 1980 Crop Oil Sunflower Seed Price Support Program
ASCS 100–42; Completed; 1981 Crop Peanuts—National Average Price Support Levels and General Program Provisions
ASCS 100–43; Completed; Semiannual Adjustment of the Milk Support Price
ASCS 120–48; Completed; Grain Reserve Program for 1980 & Subsequent Crops
ASCS 021–1; Withdrawn; Revised Beekeeper Indemnity Payment Program for FY 1981
ASCS 031–2; Designated; Non-Major; Farm Facility Loan Program
ASCS 031–3; Designated; Non-Major; Reduction or Waiver of 10 Cents Liquidated Damages on Reentry into the U.S. of Contract Additional Peanuts
ASCS 031–6; Completed; 1982 Crop Wheat (Proclamation of National Marketing Quota for the 1982 Crop of Wheat)
FAS 100–3; Designated Non-Major; Proposed Establishment of Selected Area Agricultural Trade Offices
FAS 100–38; Completed; Proposed Designation of Agricultural Counselors
FAS 100–3; Withdrawn; Implementation of Meat Import Act of 1979, Pub. L. 96–177
FAS 110–7; Withdrawn; Notice of Intention to Suspend Meat Import Limitations
FAS 021–2; Completed; Notice—Office of the Secretary—Swiss Cheese Price Undercutting
FGIS 100–3; Withdrawn; Dust Particle Size Limits
FGIS 100–61; Designated Non-Major; Review of the Part 68 Regulations Under the Agricultural Marketing Act of 1946
FGIS 040–7; Designated Non-Major; Review of Regulations—U.S. Standards for Corn, Soybeans, and Mixed Grain
FGIS 080–13; Designated Non-Major; Review of Regulations—U.S. Standards for Barley
FmHA 100–1; Withdrawn; Review of Thermal Insulation Standards for Masonry Construction
FmHA 100–2; Completed; Planning and Performing Site Development Work
FmHA 100–3; Withdrawn; Solar Demonstration Retrofit
FmHA 100–10; Designated Non-Major; Revision of Policy and Procedures Relating to Self-Help Technical Assistance Grants
FmHA 100–12; Withdrawn; Home Ownership Assistance Program
FmHA 100–14; Withdrawn; Coordinated Use of Loan and Grant Programs to Meet Low-Income Needs
FmHA 100–44; Withdrawn; Phase II, National Rural Community Facilities Assessment Study
FmHA 100–50; Withdrawn; Needs Assessment Capability Study
FmHA 070–45; Completed; Fees and Charges for B&I Loans
FmHA 060–53; Withdrawn; Review of Minimum Property Standards to Assess Applicability to Rural Housing
FmHA 060–66; Completed; Revision of Community Programs Loan and Grant Approval Authorities, FmHA Instruction 1901–A, Exhibit B
FNS 110–8; Withdrawn; School Breakfast Program: Grain-Fruit Product—Limits on Utilization, Part 220 to Use the Product in the School Breakfast Program
FNS 110–13; Designated Non-Major; Assessment, Improvement, and Monitoring System (AIMS) for School Nutrition Programs
FNS 110–70; Designated Non-Major; Work Registration and Job Search Joint Rulemaking
FNS 030–1; Completed; Changes in WIC Food Packages
FNS 100–11; Designated Non-Major; Amendments to Part 250 on Processing of Donated Foods By Commercial Firms
FNS 030–3; Completed; Procedures for Reducing Food Stamp Allotments
FNS 060–16; Designated Non-Major; Authorization of Wholesalers
FNS 070–24; Completed; Food Stamp Program: Quality Control Sanction and Incentive System
FNS 070–26; Designated Non-Major; Food Delivery System Amendments to WIC Regulations
FNS 080–30; Designated Non-Major; Amendment on Lunch Pattern Monitoring
FNS 090–50; Designated Non-Major; Overall Revision of Food Distribution Regulations
FS 100–3; Designated Non-Major; Cost Reimbursement
FS 100–8; Designated Non-Major; Implementation of Pub. L. 95–313. The Cooperative Forestry Assistance Act of 1978
FS 040–2; Completed; Evaluation of Forest Pest Management Programs
FS 110–7; Completed; Revision of Secretary's Log Export Regulations
FS 120–22; Designated Non-Major; Federal Register Notice—Leasing of Wilderness Lands for Oil, Gas and Other Minerals
FSQS 090–13; Completed; Change in Reporting Frequency (MP Form 404) from Weekly to Annually of Processing Operations at Official Establishments
FSQS 100–41; Completed; Designation of the State of Maine Under Title II of the Federal Meat Inspection Act
OEO 060–1; Designated Non-Major; Age Discrimination Regulation
OEO 120–2; Designated Non-Major; Comprehensive Civil Rights Regulation
SCS 100–2; Designated Non-Major; 7 CFR Chapter VI, Part 622, Watershed Projects
SCS 100–4; Designated Non-Major; SCS Public Participation Plan
SCS 100–13; Withdrawn; Plan for Completing Soil Mapping Nationwide
SCS 100–16; Designated Non-Major; Revision of SCS Policy Relating to Endangered Species
SCS 100–20; Designated Non-Major; Procedures for Protecting Archeological and Historical Properties Encountered in SCS Assistance Programs
SCS 060–1; Withdrawn; 7 CFR Chapter VI, Subchapter E—Resource Conservation and Development
SCS 060–10; Withdrawn; Southeast Choctawhatchee River Watershed, Alabama
SCS 060–11; Withdrawn; Hacklebarney Watershed, Iowa
SCS 060–12; Withdrawn; Indian-Van Buren Watershed, Iowa
SCS 060–15; Withdrawn; San Bois Creek Watershed, Oklahoma
SCS 060–16; Withdrawn; Calapooya Watershed, Oregon
SCS 100–22; Withdrawn; South Fork Licking River Watershed, Ohio
SCS 100–24; Withdrawn; Douglas Watershed, Wyoming
SCS 100–25; Withdrawn; CFR, Chapter VI Conservation Operation, Part 612, Snow Survey and Water Supply Forecasting
SCS 100–26; Withdrawn; Plant Materials Centers
SCS 040–4; Designated Non-Major; Review of Regulation—Water Resources—River Basin Investigations and Surveys
SEA 030–1; Withdrawn; National Agricultural Research Award
SEA 030–4; Withdrawn; Nutrition Status Monitoring Program
SEA 030–7; Withdrawn; Green Thumb Project
SEC 050–3; Designated Non-Major; Implementation of the Resources Conservation Act of 1977
SEC 040–1; Designated Non-Major; Uniform Regulations to Implement the Archaeological Resources Protection Act of 1979

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

ASCS 031–4

REVISE EMERGENCY FEED PROGRAM (EFP) REGULATIONS

DESCRIPTION: Issue emergency rule to (1) reduce cost-share assistance from 50 percent to 30 percent, (2) exclude from eligible livestock those livestock owned less than six months, and (3) limit the amount of pasture loss to 50 percent of the computed pasture loss when determining the applicant's total

allowance. This action is necessary to reduce program costs and to prevent program abuse.

AUTHORITY: Sec. 1105 of Food and Agriculture Act of 1977, Pub. L. 95–13, 91 Stat. 955; 7 CFR 1475.50–1475.68.

PROJECTED SCHEDULE

a. Date of pre-notice: None.
b. Date of proposal: None.
c. Final Decision: 5/1/81.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Clarence Domire, (202) 447–7997, USDA, ASCS, Room 4095S, Washington, D.C. 20250.

ASCS 041–7

PRICE SUPPORT LEVEL FOR MILK, 1981–82 MARKETING YEAR (BEGINNING OCTOBER 1, 1981)

DESCRIPTION: The Agricultural Act of 1949, as amended, requires that the price of milk be supported at such level between 75 and 90 percent of parity as the Secretary deems necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs.

AUTHORITY: The Agricultural Act of 1949, as amended, Section 201, 7 U.S.C. Section 1446, 7 CFR Part 1430.

PROJECTED SCHEDULE

a. Date of pre-notice: None.
b. Date of proposal: 6/1/81.
c. Final Decision: 9/30/81.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Donald Friedly, (202) 447–4037, USDA, ASCS, Room 5749S, Washington, D.C. 20250.

ASCS 041–8

FLUE-CURED TOBACCO—1982 QUOTA

DESCRIPTION: Announce the National Marketing Quota for the 1982 Marketing Year as prescribed by law.

AUTHORITY: The Agricultural Adjustment Act of 1938, as amended, Section 312, 7 U.S.C. Section 1312, 7 CFR Part 725.

PROJECTED SCHEDULE

a. Date of pre-notice: None.
b. Date of proposal: 8/15/81.
c. Final Decision: 12/1/81.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Robert Tarczy, (202) 447–6733, USDA, ASCS, Box 2415, Washington, D.C. 20013.

FARMER'S HOME ADMINISTRATION

Review of all contemplated regultory actions is underway for the Farmer's Home Administration. Appropriate actions, if any, will be announced in the October USDA Regulatory Agenda.

FEDERAL GRAIN INSPECTION SERVICE

FIGS 108–6

PROPOSED AMENDMENT TO THE OFFICIAL U.S. STANDARDS FOR GRAIN (WEEVILY)

DESCRIPTION: Presently, the standards for various grains require varying sizes of samples used for determining insect infestation and different tolerances for insects between grains. We are evaluating the need for providing uniform requirements as to sample size and procedures used in order to reflect actual grain quality in a more uniform and useful manner.

AUTHORITY: Section 4 of U.S. Grain Standards Act. (7 U.S.C. 76)

PROJECTED SCHEDULE

a. Date of pre-notice: 12/28/79 (45 FR 78835).
b. Date of proposal: 5/31/81.
c. Final Decision: 10/31/81.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James L. Driscoll, (816) 348–2861, FTS 753–6861 Richards-Gebaur AFB, Bldg. 221, Grandview, Mo. 64030.

FOOD SAFETY AND QUALITY SERVICE

Review of all contemplated regulatory actions is underway for the Food Safety and Quality Service. Appropriate actions, if any, will be announced in the October USDA Regulatory Agenda.

FOREST SERVICE

FS 041–1

REVIEW OF REGULATIONS—REGULATIONS FOR NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING

DESCRIPTION: The regulation prescribes how land and resource management planning is to be conducted for National Forest System Lands. It sets forth a process for developing, adopting and revising land and resource management plans to meet the requirements of the Forest and Rangeland Renewable Resources Planning Act.

AUTHORITY: 36 CFR Part 219, Subpart A.

PROJECTED SCHEDULE

a. Date of pre-notice: 5/81.
b. Date of proposal: 8/81.
c. Final Decision: 12/81.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Raymond M. Housley, (202) 447–3523, USDA, FS, Room 3018S Washington, D.C. 20250.

RURAL ELECTRIFICATION ADMINISTRATION

Review of all contemplated regulatory actions is underway for the Rural Electrification Administration. Appropriate actions, if any, will be announced in the October USDA Regulatory Agenda.

SOIL CONSERVATION SERVICE

SCS 048–6

REVIEW OF REGULATION—GREAT PLAINS CONSERVATION PROGRAM

DESCRIPTION: Recent legislation to extend the Great Plains Conservation Program was signed into law June 6, 1980. Rules will need to be reviewed and revised to continue the program as directed by Congress and guided by public participation. SCS enters into contracts with producers based upon approved conservation plans to provide cost-sharing for land treatment where appropriate and in the public interest.

AUTHORITY: Pub. L. 75–430, 49 Stat. 1151 (U.S.C. 590d); Pub. L. 84–1021, 70 Stat. 1115 (16 U.S.C. 590p(b)); Pub. L. 91–118, 83 Stat. 194 (16 U.S.C. 590d), 7 CFR Part 631.

PROJECTED SCHEDULE

a. Date of pre-notice: 11/1/80.
b. Date of proposal: 6/1/81.
c. Final Decision: 10/1/81.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Guy D. McClaskey (202) 447–2324, USDA, SCS, Room 6109S, Washington, D.C. 20250.

BILLING CODE 3410-01-M

LIST OF REGULATIONS SCHEDULED FOR REVIEW

This list provides an overview of the USDA regulations undergoing review between April 1981 and October 1981. All "major" regulation review actions are listed first, with each entry shown under the name of the responsible USDA agency along with the CFR parts affected, a brief description, and an agency contact. Following the "major" items, all "non major" items are listed in a similar fashion. "Major" regulations are also listed in the preceding section of this agenda, which shows a projected schedule of activity.

Any action deemed to have a significant economic impact on a substantial number of small entities will be identified with the letters "RFA" (Regulatory Flexibility Act) following the description.

Regulations are reviewed and announced in the Federal Register (FR) using, basically, the same procedural rules which apply to new regulations. Each "major" item listed is to be analyzed by means of an Impact Analysis taking into account impacts on the affected publics.

If you wish to comment and influence decisionmaking, get in touch with the "contact" identified for the item of interest to you. Please note, however, that this particular list is not a request for comments; it serves as an announcement only.

Parts Affected	Subject	Description	Contact
	Agricultural Marketing Service - Scheduled, Non Major		
7 CFR Part 28 Subpart E (AMS 031-43)	Cotton Fiber and Processing Tests	These regulations describe fiber and processing tests on the properties of cotton samples as to applicability, impact, need, fees, and relationship to private industry activities in the domain of cotton.	Harvan R. Smith AMS, USDA Room 3128 Annex Washington, D.C. 20250 (202) 447-2260
7 CFR 29.9201-.9281 (AMS 011-4)	Official Standards for Type 32 Maryland Broadleaf Tobacco	This regulation sets forth procedures for marketing Maryland tobacco.	T.A. VanGorkom AMS, USDA Room 502 Annex Washington, D.C. 20250 (202) 447-2567
7 CFR Part 35 (AMS 041-60)	Regulations Under the Export Grape and Plum Act	These regulations require that, prior to shipment, any person shipping or offering for shipment, viaofora species table grapes to any foreign destination must have the fruit inspected by the Federal or Federal-State Inspection Service and certified as meeting specified quality and other requirements. Copies of the "Export Form Certificate" or Memorandum of Inspection issued by the inspector must be retained by the export carrier for a period of not less than three years after the date of export.	William J. Doyle AMS, USDA Room 2532S Washington, D.C. 20250 (202) 447-5975
7 CFR Part 46 (AMS 041-59)	Regulations for the Enforcement of the Produce Agency Act	This regulation imposes accounting requirements on consignment transactions involving fresh produce received in interstate commerce. It specifies the evidence needed to justify dumping of produce.	M.D. Price, AMS USDA, Room 2095S Washington, D.C. 20250 (202) 447-4180
7 CFR Part 103 (AMS 031-42)	Tobacco Warehouses	These regulations are applicable to tobacco warehouses applying for license or licensed under provisions of the United States Warehouse Act. They define acceptable warehousing practices and specify basic responsibilities of licensees.	Orval Kerchner, AMS USDA, Room 2720S Washington, D.C. 20250 (202) 447-3616
7 CFR Part 104 (AMS 031-41)	Wool Warehouses	These regulations are applicable to wool warehouses applying for for license or licensed under provisions of the United States Warehouse Act. They define acceptable warehousing practices and specify basic responsibilities of licensees.	Orval Kerchner, AMS USDA, Room 2720S Washington, D.C. 20250 (202) 447-3616
9 CFR 201.17-.24 and 201.25 (AMS 031-40)	Packers and Stockyards: Rates and Charges	Third phase. This continues the plan for review of existing regulations and policy statements issued under the Packers and Stockyards Act. This phase will review procedures for filing and amending schedules of rates and charges filed by market agencies and stockyard operators.	John A. Sands, AMS USDA, Room 3400S Washington, D.C. 20250 (202) 447-6951
AMS has scheduled the following regulation for review for which the category was not yet determined as of the publication deadline for this regulatory agenda.			
7 CFR 900-999	Fruit and Vegetable Marketing Orders	The Agricultural Marketing Service is developing a plan for evaluating the 47 fruit and vegetable marketing order programs, which regulate the marketing of fruits and vegetables in specific areas. (This evaluation is in response to the Presidential Task Force on Regulatory Relief mandate that these programs be examined to determine their effectiveness.)	William T. Manley AMS, USDA Room 3069S Washington, D.C. 20250 (202) 447-4276

Parts Affected	Subject	Description	Contact
	Animal and Plant Health Inspection Service - Scheduled		
APHIS has scheduled the following regulations for review for which the category was not yet determined as of the publication deadline for this regulatory agenda.			
7 CFR 318.13 (APHIS 041-15)	Hawaiian Fruits and Vegetables	This regulation prescribes the conditions under which Hawaiian fruits and vegetables, cut flowers, rice straw, mango seeds and cactus plants are allowed into the continental United States. This quarantine is designed to prevent the spread of several dangerous plant diseases and insect infestations, including the Mediterranean fruit fly.	T. Lanier USDA, APHIS-PPQ Rm. 635, Federal Bldg. Hyattsville, MD. 20782 (301) 436-8247
7 CFR 318.58 (APHIS 041-18)	Fruits and Vegetables from Puerto Rico or Virgin Islands	This regulation limits the movement of raw or unprocessed fruits and vegetables from Puerto Rico and the U.S. Virgin Islands to prevent the spread of certain dangerous insect infestations, including certain fruit flies and the bean pod borer. It also restricts the movement of cactus plants from the U.S. Virgin Islands to the U.S. to prevent the spread of a cactus borer.	T. Lanier USDA, APHIS-PPQ Rm. 635 Federal Bldg. Hyattsville, MD. 20782 (301) 436-8247
7 CFR 319.19 (APHIS 041-17)	Sugarcane	Prohibits the importation into the United States of canes, cuttings, or leaves of sugarcane and bagasse from all foreign countries and localities to avoid pest risk.	T. Lanier USDA, APHIS-PPQ Rm. 635, Federal Bldg., Hyattsville, MD. 20782 (301) 436-8247
7 CFR 319.56 (APHIS 041-16)	Fruits and Vegetables	In order to prevent the introduction into the United States of certain injurious insects, including fruit and melon flies, this regulation restricts the importation of fruits and vegetables and of plants used as packing material in shipments of fruits and vegetables.	T. Lanier USDA, APHIS-PPQ Rm. 635 Federal Bldg., Hyattsville, MD. 20782 (301) 436-8247
7 CFR 322 (APHIS 041-14)	Importation of Adult Honeybees into the United States	Places restrictions upon the importation of adult honeybees from any country other than Canada in an effort to prevent the introduction of diseases dangerous to the adult honeybee.	T. Lanier, USDA, APHIS-PPQ Rm. 635, Federal Bldg., Hyattsville, MD. 20782 (301) 436-8247
9 CFR 55 (APHIS 041-19)	Cattle Destroyed Because of Anaplasmosis	Provides agreement with State of Hawaii to enforce quarantine restrictions for control and eradication of anaplasmosis. Provides 50% of expenses to purchase and dispose of affected cattle.	J.D. Kopac, USDA APHIS-VS, Room 810 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8713
9 CFR 113.50-.55 (APHIS 041-20)	Ingredient Requirements	Gives standards of purity and quality for all ingredients used in a licensed biological product.	R.J. Price, USDA APHIS-VS, Room 827 Federal Bldg. Hyattsville, Md. 20782 (301) 436-8245
	Foreign Agricultural Service - Scheduled		
FAS has scheduled the following regulations for review for which the category was not yet determined as of the publication deadline for this regulatory agenda.			
7 CFR 1520.1-.6 (FAS 041-5)	Availability of Information to the Public	Prescribes the method by which the public may obtain FAS material.	J. Don Looper, FAS USDA, Room 5074S Washington, D.C. 20250 (202) 447-3448
7 CFR 2507.1-.6 (FAS 041-4)	Availability of Information to the Public	Prescribes the method by which the public may obtain OGSM materials. This regulation is being cancelled.	J. Don Looper, FAS USDA, Room 5074S Washington, D.C. 20250 (202) 447-3448

Parts Affected	Subject	Description	Contact
	Farmers Home Administration - Scheduled, Non Major		
7 CFR 1806 426.1 (FmHA 100-58)	Real Property Insurance	Prescribes the authorizations, methods and procedures for obtaining and servicing property insurance.	George Moore, FmHA USDA, Room 5324S Washington, D.C. 20250 (202) 447-4572
7 CFR 1823 442.11 (FmHA 100-61)	Loans to Indian Tribes and Tribal Corporations	Provides policies and procedures for making initial and subsequent insured loans to Indian tribes or tribal corporations for the acquisition of land within tribal reservations and Alaskan communities.	Allen Brock, FmHA USDA, Room 5013S Washington, D.C. 20250 (202) 447-4671
FmHA has scheduled the following regulation for review for which the category was not yet determined as of the publication deadline of this regulatory agenda.			
7 CFR 1901-K (FmHA 041-11)	Certificates of Beneficial Ownership and Insured Notes	Prescribes policies and procedures for certificates of beneficial ownership and insured notes.	LaVerne Isenberg FmHA, USDA Room 5332S Washington, D.C. 20250 (202) 447-2952
	Federal Crop Insurance Corporation - Scheduled		
FCIC has scheduled the following regulations for review for which the category was not yet determined as of the publication deadline for this regulatory agenda.			
7 CFR 411	Grapes	Regulations scheduled for review in the light of insuring experience and farming practices.	Peter F. Cole, FCIC USDA, Room 4096S Washington, D.C. 20250 (202) 447-3353
7 CFR 426	Rice	Regulations scheduled for review in the light of insuring experience and farming practices.	Peter F. Cole, FCIC USDA, Room 4096S Washington, D.C. 20250 (202) 447-3325
	Federal Grain Inspection Service - Scheduled, Non Major		
7 CFR 68.101-.122 and 7 CFR 68.130-.138 (FGIS 100-18)	Review of Regulations - United States Standards for Beans	FGIS will conduct a review of the United States Standards for Beans.	J. Driscoll, FGIS USDA, Richards-Gebaur AFB, Bldg. 221, Grandview, MO. 64030 (816) 348-2861
7 CFR 68.201-.213 (FGIS 100-17)	Review of Regulations - United States Standards for Rough Rice	FGIS will conduct a review of the United States Standards for Rough Rice.	J. Driscoll, FGIS USDA, Richards-Gebaur AFB, Bldg. 221, Grandview, MO. 64030 (816) 348-2861
7 CFR 68.251-.264 (FGIS 100-17)	Review of Regulations - United States Standards for Brown Rice for Processing	FGIS will conduct a review of the United States Standards for Brown Rice for Processing.	J. Driscoll, FGIS USDA, Richards-Gebaur AFB, Bldg. 221, Grandview, MO. 64030 (816) 348-2861
7 CFR 68.301-.316 (FGIS 100-17)	Review of Regulations - United States Standards for Milled Rice	FGIS will conduct a review of the United States Standards for Milled Rice.	J. Driscoll, FGIS USDA, Richards-Gebaur AFB, Bldg. 221, Grandview, MO. 64030 (816) 348-2861
7 CFR 800.0 (FGIS 031-2)	Review of Regulations - Meaning of Terms	FGIS will conduct a review of that section of the regulations under the U.S. Grain Standards Act dealing with the definition of terms used throughout the regulations.	J.T. Abshier, FGIS USDA, Room 2405 Auditors Bldg. Washington, D.C. 20250 (202) 447-8262

Parts Affected	Subject	Description	Contact
	Federal Grain Inspection Service - Scheduled, Non Major (Continued)		
7 CFR 800.2-.8 (FGIS 031-2)	Review of Regulations - Administrative Procedures	FGIS will conduct a review of that section of the regulations under the U.S. Grain Standards Act dealing with the administration of responsibilities and policies.	J.T. Abshier, FGIS USDA, Room 2405 Auditors Bldg. Washington, D.C. 20250 (202) 447-8262
7 CFR 810.201-.211 (FGIS 080-13)	Review of Regulations - United States Standards for Barley	FGIS will conduct a review of the United States Standards for Barley.	J. Driscoll, FGIS USDA, Richards-Gebaur AFB, Bldg. 221, Grandview, MO. 64030 (816) 348-2961
	Food Safety and Quality Service - Scheduled		
FSQS has scheduled the following regulation for review for which the category was not yet determined as of the publication deadline for this regulatory agenda.			
9 CFR Parts 317, 319	Mechanically Processed (Species) Product	This regulation controls labelling, standards, and use of mechanically processed (species) products, commonly known in the industry as mechanically deboned meat. (RFA)	L.L. Gast, FSQS USDA, Room 332-E Washington, D.C. 20250 (202) 447-8217
	Forest Service - Scheduled, Major		
36 CFR 219 Subpart A (FS 041-1)	National Forest System Land and Resource Management Planning	The regulation prescribes how land and resource management planning is to be conducted for National Forest System lands. It sets forth a process for developing, adopting, and revising land and resource management plans to meet the requirements of the Forest and Rangeland Renewable Resources Planning Act.	Charles Hartgraves FS, USDA Room 4021S Washington, D.C. 20250 (202) 447-6697
	Rural Electrification Administration - Scheduled, Non Major		
Bulletin 1-7 (REA 041-8)	General Funds	Sets forth policy with regard to borrowers general fund, working capital and reserve fund levels.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
Bulletin 20-5:320-2 (REA 041-9)	Extensions of Payments of Principal and Interest	Provisions under Section 12 of Rural Electrification Act which permits borrowers to request extensions of principal payments under certain conditions.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
Bulletin 20-8 (REA 041-10)	Purchase of Real Estate by Electric Borrowers	Requirements and procedures concerning the purchase of real estate by electric borrowers with Rural Electrification Administration (REA) loan funds or borrowers' general funds.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
Bulletin 20-20 (REA 041-11)	Deferment of Principal Repayments for Investment in Supplemental Leading Institutions	Criteria for providing assistance to borrowers to aid investment in supplemental financing organizations.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-5900
Bulletin 42-1 (REA 041-12)	Architectural Services for Electric Borrowers	States the REA policy regarding selection of architects by REA electric borrowers, and the procedures to be followed in contracting for architectural services.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813
Bulletin 60-10 (REA 041-13)	Construction Work Plans, Electric Distribution Systems	Requires that each electric borrower follow the practice of having two-year construction work plans prepared, and provides guidance in the preparation, use and approval of construction work.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813
Bulletin 81-7:381-11 (REA 041-14)	Changes or Corrections in Line Construction	Provides a procedure and a sample form for use for authorizing changes in contract construction (construction change order) where the cost of the change is to be borne by the borrower.	Archie Cain, REA USDA, Room 1270S Washington, D.C. 20250 (202) 447-3813

Parts Affected	Subject	Description	Contact
	Rural Electrification Administration - Scheduled, Non Major (Continued)		
Bulletin 86-2 (REA 041-15)	Pre-Construction Activities for Headquarters Facilities for Electric Borrowers	Sets forth REA requirements and procedures for the contract construction of borrower headquarters facilities.	Archie Cole, REA USDA, Room 12708 Washington, D.C. 20250 (202) 447-3813
Bulletin 86-3 (REA 041-16)	Headquarters Facilities for Electric Borrowers	Sets forth REA policy and procedures under which borrowers may obtain financing for headquarters facilities.	Archie Cole, REA USDA, Room 12708 Washington, D.C. 20250 (202) 447-3813
Bulletin 100-2 (REA 041-17)	Minutes of the Meetings of Boards of Directors, Members or Stockholders	REA requirements for borrowers with regard to the submission of minutes of board meetings when certain actions are taken.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-3900
Bulletin 100-4 (REA 041-18)	Financial Security of REA Distribution Borrowers	REA policy and procedures for assisting borrowers identified as having financial problems.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-3900
Bulletin 107-1;407-1 (REA 041-19)	Data Processing Systems	Sets forth policy regarding data processing systems used by REA borrowers.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-3900
Bulletin 109-4 (REA 041-20)	Selecting a Qualified Manager	Sets forth REA policy and procedures on the selection of a manager by electric borrowers.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-3900
Bulletin 115-1 (REA 041-21)	Sales of Capital Assets by Electric Borrowers	REA policies and procedures to be followed in the sale of mortgaged property.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-3900
Bulletin 180-6;460-2 (REA 041-22)	Selection of Depositories for Funds of REA Borrowers	REA policies and procedures regarding the selection of depositories by borrowers.	Sheldon Chazin, REA USDA, Room 4307S Washington, D.C. 20250 (202) 447-7221
	Rural Electrification Administration - Scheduled		
REA has scheduled the following regulations for review for which the category was not yet determined as of the publication deadline for this regulatory agenda.			
Bulletin 2-1	Guiding Statement of REA Policy Concerning Its Relationship with Borrowers.	Sets forth policy concerning the relationship between the Rural Electrification Administration (REA) and its borrowers.	B.D. Stockton REA, USDA Room 4024S Washington, D.C. 20250 (202) 447-4512
Bulletin 100-1	Selection of an Attorney by an REA Borrower	REA policy for approval by REA of the selection of an attorney by a borrower.	B.D. Stockton REA, USDA Room 4024S Washington, D.C. 20250 (202) 447-4512
Bulletin 111-1	Wholesale Contracts for Purchase and Sale of Electric Energy	Sets forth REA policy concerning wholesale power supply contracts.	C.R. Weaver, REA USDA, Room 3344S Washington, D.C. 20250 (202) 447-3900

Parts Affected	Subject	Description	Contact
	Rural Electrification Administration - Scheduled (Continued)		
Bulletin 111-6	Electric Wholesale Rates - Power Supply Borrowers	Sets for REA policy and general recommendations with respect to electric wholesale rates charged by REA power supply borrowers. Wholesale rates include all rates and charges for electric power sold for resale.	C.R. Weaver, REA USDA, Room 33445 Washington, D.C. 20250 (202) 447-3900
Bulletin 320-4	Pre-loan Procedures for Telephone Loan Applicants	Sets forth REA policy and procedures relating to applications for financing the improvements and extension of telephone service to the widest practicable number of rural users.	John N. Rose, REA USDA, Room 29135 Washington, D.C. 20250 (202) 447-5252
Bulletin 320-9	Organization and Capital Structure of Telephone Borrowers	Sets forth REA policy relating to the organization and capital structure of loan applications in order to minimize legal complications affecting loan security.	John N. Rose, REA USDA, Room 29135 Washington, D.C. 20250 (202) 447-5252
Bulletin 320-16	Loans for Telephone System Improvements and Extensions	Sets forth procedures and requirements for supplemental loans to existing borrowers for telephone system improvements and extensions.	John N. Rose, REA USDA, Room 29135 Washington, D.C. 20250 (202) 447-5252
Bulletin 320-23	Construction Certification Procedures for Designated Telephone Borrowers	Establishes the REA policies and requirements relating to post-loan procedures for telephone borrowers with substantial and continuing construction programs.	Joseph Flanigan, REA, USDA, Room 13355 Washington, D.C. 20250 (202) 447-6985
Bulletin 324-1	Loans for Refinancing Outstanding Indebtedness of Telephone Borrowers	Outlines REA policy on the provision of loan funds to refinance outstanding indebtedness of telephone borrowers.	John N. Rose, REA USDA, Room 29135 Washington, D.C. 20250 (202) 447-5252
Bulletin 323-1	Financing Lines, Facilities or Systems Outside of Rural Areas	Sets forth guidelines to be used by the Administrator of REA in determining that loans are necessary for the improvement, expansion, acquisition, and operation of telephone lines, facilities or systems outside of rural areas when loans for these purposes are required to furnish or improve telephone service in rural areas.	John N. Rose, REA USDA, Room 29135 Washington, D.C. 20250 (202) 447-5252
Bulletin 326-1	Acquisitions of Telephone Facilities and Systems	Sets forth factors to be considered by telephone borrowers (loan applicants) planning to acquire existing telephone lines, facilities, or systems with REA loan funds.	John N. Rose, REA USDA, Room 29135 Washington, D.C. 20250 (202) 447-5252
Bulletin 361-6	Contract Construction Telephone Borrowers' Initial System Outside Plant Facilities	Sets forth the requirements and procedures pertaining to the contract construction of telephone borrowers' initial systems outside plant facilities. Initial system means the basic system to be constructed in each central office area to serve the subscribers estimated to be taking service at time of cutover.	Joseph Flanigan REA, USDA Room 13355 Washington, D.C. 20250 (202) 447-6985
Bulletin 383-1	Preparation of Plans and Specifications for Construction of Outside Plant Facilities	Furnishes telephone borrowers and their engineers with a guide for preparing the plans and specifications for the construction of telephone system outside plant facilities.	Joseph Flanigan REA, USDA Room 13355 Washington, D.C. 20250 (202) 447-6985
Bulletin 383-6	Post-Loan Engineering Design Requirements for Supplemental Loans	Presents the post-loan engineering design requirements and procedures for loans to existing telephone borrowers (supplemental loans).	Joseph Flanigan REA, USDA Room 13355 Washington, D.C. 20250 (202) 447-6985
Bulletin 384-3	Central Office Equipment Contracts and Specifications	Announces the issuance of new or revised central office equipment, contracts, or specifications and provides a list of current editions of central office equipment contracts and specifications.	Joseph Flanigan REA, USDA Room 13355 Washington, D.C. 20250 (202) 447-6985
Bulletin 385-1	Pre-loan Procedures and Requirements for Two-Way Radio-Telephone Service	Sets forth considerations, requirements and procedures for loan applications to provide two-way radio-telephone equipment.	John N. Rose, REA USDA, Room 29135 Washington, D.C. 20250 (202) 447-5252

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Tuesday
April 28, 1981

Part III

Department of Labor

Office of the Secretary

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Chs. 29 and 60

Semiannual Regulatory Agenda

AGENCY: Department of Labor.

ACTION: Semiannual agenda of regulations selected for review or development.

SUMMARY: This Document sets forth the Department's Semiannual Agenda of Regulations selected for review or development during the coming six month period, under both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between April 28, 1981, and October 27, 1981.

FOR FURTHER INFORMATION CONTACT: Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, N.W., Room N2428, Washington, D.C. 20210, 202-523-8201.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the Federal Register of an agenda of regulations.

Executive Order 12291 became effective on February 17, 1981, and in substance requires the Department of Labor to publish an agenda, listing all the regulations it expects to consider, review, or issue during the coming 6 month period, and to conduct a Regulatory Impact Analyses for all "major" regulations being reveiwed or developed.

The "Regulatory Flexibility Act" became effective on January 1, 1981, applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities." For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analyses, to guage the economic consequences of the rule, and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities." For all proposed regulations that will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule, along with a succinct statement explaining the reasons for such certification.

As permitted by law, the Department of Labor is combining in this publication its agendas under the Regulatory Flexibility Act and Executive Order 12291.

Each entry is identified by Agency, Title and Code of Federal Regulations citation, and contains a brief description of the regulation, states why the regulation is being reviewed or developed, and indicates if the regulation is a "major" regulation for which a Regulatory Impact Analyses may be required under Executive Order 12291. Each entry is arranged by status for the particular regulatory initiative, and provides the name, address and telephone number of a knowledgeable agency official who may be contacted by any person who has an interest in the regulation. To better inform the public, the Department of Labor has also listed those regulations which have taken effect as final regulations since the publication of its last semiannual agenda (published pursuant to requirements of Executive Order 12044, at 45 FR 81160, on December 9, 1980; Executive Order 12044 has since been revoked by Executive Order 12291).

Those entries which are not subject to the Regulatory Flexibility Act, because they will not have a "significant economic impact on a substantial number of small entities," are identified in the index with an asterisk [*]. All other entries, for which a notice of proposed rulemaking issued on or after January 1, 1981, are regulations which may require a Regulatory Flexibility Analyses.

The Regulatory Reform process continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that improved regulatory management, more clearly written regulations, and in many instances, significantly less burdensome regulations are all attributable to our regulatory reform program.

Further improvement is certainly needed and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the Agenda.

The Department of Labor's next Semiannual Agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in October 1981.

Guide to Agency Abbreviation Code

ETA—Employment and Training Administration
OSHA—Occupational Safety and Health Administration
OASAM—Office of the Assistant Secretary for Administration and Management
MSHA—Mine Safety and Health Administration
LMSA—Labor-Management Services Administration
LMSA—ERISA Labor-Management Services Administration/Employee Retirement Income Security Act
ESA—Employment Standards Administration

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I

Regulations that have become final since their publication in the Department of Labor's last semiannual agenda:

1. *ETA*—Extended benefits for unemployment insurance claimants, including Federal employees and ex-servicemen.*
2. *ETA*—Labor Certification Process for Permanent Employment of Aliens in the United States.
3. *ETA*—Basic and Support Services of the Employment Service System.
4. *OSHA*—Electrical.
5. *OASAM*—Administrative Requirements Governing All Grants and Agreements by Which Department of Labor Agencies Award Funds.
6. *ESA*—Overtime Compensation.
7. *MSHA*—Respirable Dust Standard For Surface Coal Mines.
8. *MSHA*—Transfer of Miners.
9. *LMSA/ERISA*—Transitional Relief for Certain Loans, Leases, and Dispositions of Property Prior to June 30, 1984, under Sections 414(c)(1), (2) and (3) of ERISA.
10. *LMSA/ERISA*—Certain Exemptions For Plans Under Which Membership in a Health Maintenance Organization is Offered as an Option.
11. *LMSA/ERISA*—Maintenance of Indicia of Ownership of Plan Assets Outside Jurisdiction of District Courts of the United States.
12. *LMSA/ERISA*—Alternative Method of Compliance With the Reporting and Disclosure Requirements of ERISA For Certain (Non-Model) Simplified Employee Pensions.
13. *LMSA/ERISA*—Alternative Method of Compliance with the Reporting and Disclosure Requirements of ERISA in Respect to Short Plan Years.

II

Regulations that have been published as final regulations, that have not taken effect, and that are now being proposed to be withdrawn by the Department of Labor:

1. *ETA*—Adverse Effect Wage Rate Methodology.
2. *OSHS*—Walkaround Pay.
3. *ESA*—Payment of Membership Fees in Private Clubs and Organizations.

III

Regulations that have been published as final regulations, that have not taken effect, and that are now under policy review by the Department of Labor:

1. *Office of the Secretary*—Rules of Practice for Administrative Proceedings Enforcing Labor Standards in the Federal and Federally Assisted Construction Contracts and Federal Service Contracts.
2. *OSHA*—Occupational Exposure to Noise.
3. *ESA*—Office of Federal Contract Compliance Programs Coverage, Requirements, Prohibited Practices, and Guidelines.
4. *ESA*—Labor Standards for Federal Service Contracts.
5. *ESA*—Labor Standards Provisions, Davis-Bacon and Related Acts.
6. *ESA*—Defining the Terms "Executive," "Administrative," "Professional," and "Outside Salesman".
7. *LMSA/ERISA*—Suspension of Benefits.

IV

Regulations for which a general notice of proposed rulemaking has issued:

1. *ETA*—Veterans Indicators of Compliance.
2. *ETA*—Unemployment Compensation for Federal Civilian Employees.*
3. *ETA*—Unemployment Compensation for Ex-Servicemembers.*
4. *ETA*—Comprehensive Employment and Training Act (CETA). Allowability of Legal Expenses.
5. *ETA*—Comprehensive Employment and Training Act (CETA); Complaints, Investigations and Sanctions.
6. *ETA*—Labor Certification Process for the Permanent Employment of Aliens in the United States.
7. *ETA*—Senior Community Service Employment Program.
8. *ETA*—Airline Employee Protection Program.
9. *ETA*—Comprehensive Employment and Training Act (CETA) Regulations Concerning Eligibility of Prisoners.
10. *ETA*—Labor Standards for the Registration of Apprenticeship Program.
11. *ETA*—Labor Certification Process for Employment of Temporary Alien Agricultural Workers in the U.S.
12. *OSHA*—Safety and Health Regulations for Marine Terminal Facilities.
13. *Office of the Secretary*—Employees Served with Subpoenas.
14. *OASAM*—Minority Business Enterprises.
15. *OASAM*—Small and Disadvantaged Business Concerns and Labor Surplus Areas Concerns.
16. *ESA*—Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era and, Handicapped Workers.
17. *ESA*—Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts.
18. *ESA*—Procedures for Processing Discrimination Complaints Under Section 428 of the Black Lung Benefits Act.*
19. *MSHA*—Telephones and Signaling Devices.
20. *MSHA*—Pattern of Violations.
21. *MSHA*—Civil Penalties
22. *MSHA*—Miner Participation in Respirable Dust Sampling Procedures.
23. *MSHA*—Electrical Components and Headlights for Mobile Diesel-powered Transportation Equipment.
24. *MSHA*—Electric Caplamps.
25. *LMSA*—Protective Arrangements Under Section 1642(c), Public Health Services Act.
26. *LMSA*—Election Enforcement Provisions of the LMRDA.
27. *LMSA*—Redwood Employee Protection Program.
28. *LMSA/ERISA*—Individual Benefit Reporting and Recordkeeping for Single Employer Plans.
29. *LMSA/ERISA*—Individual Benefit Reporting and Recordkeeping for Multiple Employer Plans.
30. *LMSA/ERISA*—Definition of Plan Assets and Establishment of Trust.
31. *LMSA/ERISA*—Revision of Annual Report Forms re: Master Trusts.
32. *LMSA/ERISA*—Supplemental Pay.
33. *LMSA/ERISA*—Proposed Regulations Relating to the Summary Annual Report Furnished Participants and Beneficiaries of Employee Benefit Plans.

V

Regulations under consideration by the Department of Labor, but not yet proposed:

1. *ETA*—Services For Veterans.
2. *ETA*—Transfers to State Accounts Under Section 903 of the Social Security Act (Reed Act).*
3. *ETA*—Special Programs and Activities Under Title III of the Comprehensive Employment and Training Act (CETA).
4. *ETA*—Adjustment Assistance for Workers After Certification Under the Trade Act of 1974.*
5. *ETA*—Federal-State Extended Benefits.
6. *ETA*—Temporary Labor Certification Process for Occupations on Guam other than Agricultural and Logging.
7. *ETA*—Social Security Disability Amendments of 1980 (Pub. L. 96-265). Work Incentive Program for AFDC Recipients Under Title IV of the Social Security Act. Title 29, Subtitle A, Part 56 for the Department of Labor. Title 45, Chapter II, Part 224 for the Department of Health and Human Services.
8. *ETA*—Change in the Effective Date of the Annual Listing of Eligible Labor Surplus Areas.
9. *ETA*—Standards for Benefit Payment Promptness—Unemployment Compensation.*
10. *ETA*—Comprehensive Employment and Training Act Regulations; Amendments to Title VII & PSE Base Average Annual Wage Provisions.
11. *ETA*—Migrant and Other Seasonally Employed Farmworkers Program under the Comprehensive Employment and Training Act (CETA).
12. *OSHA*—Occupational Exposure to Lead.
13. *OSHA*—Hazardous Materials.
14. *OSHA*—Concrete—Concrete Forms and Shoring.
15. *OSHA*—Occupational Exposure to Asbestos.
16. *OSHA*—Respiratory Protection.
17. *OSHA*—Occupational Exposure to Cotton Dust.
18. *OSHA*—Identification and Labeling of Hazardous Materials in the Workplace.
19. *OSHA*—Conveyors.
20. *OSHA*—Occuptional Exposure to MBOCA.
21. *MSHA*—Review of Metal and Nonmetal Standards.
22. *MSHA*—Wire Rope Standards.
23. *MSHA*—Revisions to Mandatory Safety Standards for Coal and Metal and Nonmetal Mines Based on Affirmative Decisions on Petitions for Modification of the Application of Standards.
24. *MSHA*—Radon Daughters.
25. *MSHA*—Safety and Health Standards for Construction Work At Surface Areas of Mines.
26. *ESA*—Employment of Homeworkers in Certain Industries.
27. *ESA*—Criteria for Determining Whether State Workers' Compensation Laws Provide Adequate Coverage For Pneumoconiosis and Listing of Approved Laws.
28. *ESA*—Black Lung Benefits: Requirements for Coal Mine Operators Insurance.
29. *ESA*—Claims for Compensation Under the Federal Employees' Compensation Act, as Amended.
30. *ESA*—Claims for Benefits Under Part C of Title IV of the Federal Mine Safety and Health Act, as Amended.
31. *ESA*—Longshoremen's and Harbor Workers' Compensation.*
32. *LMSA*—Labor Organization Annual Reports.
33. *LMSA/ERISA*—Transitional Relief for Certain Dispositions of Property Under Section 414(c)(5) of ERISA.
34. *LMSA/ERISA*—Prohibited Sales, Exchanges and Leases.
35. *LMSA/ERISA*—Certain Plans for Management and Highly Compensated Employees.
36. *LMSA/ERISA*—Participant Directed Individual Account Plans.
37. *LMSA/ERISA*—Loans to Participants.
38. *LMSA/ERISA*—Prohibited Extension of Credit.
39. *LMSA/ERISA*—Definition of the term "qualifying employer real property."
40. *LMSA/ERISA*—Bonding.
41. *LMSA/ERISA*—Conversions, Splits & Other Transactions not Deemed "Acquisitions".
42. *LMSA/ERISA*—Conversion of Securities.
43. *LMSA/ERISA*—Eligible Individual Account Plans.
44. *OASAM*—Cost Principles for State Employment Security Agency (SESA) Grants.
45. *OASAM*—Debarred, Suspended and Ineligible Bidders.
46. *OASAM*—Administrative Requirements Governing All Grants and Agreements by

Which Department of Labor Agencies Award Funds.

47. *OASAM*—Administrative Requirements Governing all Grants and Agreements by Which Department of Labor Agencies Award Funds.

48. *OASAM*—Administrative Requirements Governing All Grants and Agreements by Which Department of Labor Agencies Award Funds.

I

The following regulations are final regulations that have taken effect since their publication in the Department of Labor's last semiannual agenda, and are therefore being removed from the agenda.

1. ETA—20 CFR Part 615—Extended benefits for unemployment insurance claimants, including Federal employees and ex-servicemen.

This regulation modified the previously used "trigger" for bringing the Extended Benefit Program into operation by excluding claims for extended benefits from the calculations. The purpose of this change was to improve the method by which the calculation of unemployment insurance indicator rates are made.

Status: A final regulation was published on January 3, 1980. However, the U.S. District Court for the District of Columbia ruled the change invalid, and the revised regulation rescinding the January change was published in final on January 13, 1981, and took effect on February 13, 1981. Therefore, this item is removed from the Agenda. A regulatory impact analysis was not required.

Contact: Ed Kerley, Room 7100—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–7104.

2. ETA—20 CFR Part 656—Labor Certification Process for Permanent Employment of Aliens in the United States.

These regulations set forth the alien labor certification process in detail, describe the responsibilities of employers who wish to employ aliens on a permanent basis, and delineate the role of the public employment service in assisting employers in finding available U.S. workers. A regulatory impact analysis was not required.

Status: The final regulation was published on December 19, 1980, and became effective January 19, 1981. This item is therefore removed from the agenda.

Contact: Aaron Bodin, Room 8410, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376–6295.

3. ETA—20 CFR Part 652, Subparts A and E—Basic and Support Services of the Employment Service System.

The purpose of these regulations is to clarify and simplify existing policies, procedures, and guidelines contained in the Employment Security Manual and the field instructions governing basic services of the Employment Service System. The Employment Service Manual contains a complex assortment of directives and advisory material. It has evolved over a 30 year period and much of it is now out of date and incomplete. The need for review of existing regulations and for the development of new regulations where only a manual existed, was determined in discussions involving both State and Federal agencies. Recent court rulings have highlighted the need for the Employment Service to codify and clarify its regulations, policies and procedures. A regulatory impact analysis was not required.

Status: These regulations were published January 23, 1981, in their final form and became effective on April 23, 1981. This item is therefore removed from the agenda.

Contact: Edward A. Waters, Room 8018—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6700.

4. OSHA—29 CFR Part 1910, Subpart S—Electrical.

This Subpart contains provisions related to the design and installation of electrical systems in public and private facilities. OSHA revised Subpart S to simplify the current regulations and to bring them up to date with consensus standards and new technology. A regulatory analysis was not required.

Status: A final regulation was published on January 16, 1981, and became effective on April 16, 1981. This item is therefore removed from the agenda.

Contact: Joseph Pipkin, Room N3510, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7198.

5. OASAM—41 CFR Part 29–70—Administrative Requirements Governing All Grants and Agreements by Which Department of Labor Agencies Award Funds.

This regulation will amend 41 CFR 29–70.103, "Cost Principles," and 41 CFR 29–70.216, "Procurement standards; required provisions for recipient contracts." The amendment is needed to incorporate requirements of amended OMB Circulars which govern Federal standards and cost principles applicable to Federal financial assistance. The Office of Management and Budget recently published revised cost principles for educational institutions as OMB Circular A–21; and for nonprofit organizations as OMB Circular A–122; and revised Attachment O to OMB Circular A–102 which amended "Federal Standards Governing State and Local Grantee Procurement." A regulatory impact analysis was not required.

Status: A final regulation was published on December 16, 1980. This item is removed from the agenda.

Contact: Theodore Goldberg, Room S1323, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–6174.

6. ESA—29 CFR Part 778—Overtime Compensation.

This regulation implements and interprets the overtime and maximum hours provisions of the FLSA. Because of increases in the Federal minimum wage under the 1974 and 1977 amendments to the Act, arithmetic examples in this regulation were obsolete and needed to be updated. Obsolete material related to provisions of the FLSA which have been repealed by the 1974 amendments to the Act has been deleted. In addition, a needed change was made in order to clarify the computation of overtime pay in situations where employers pay for certain activities, such as eating lunch, which are not ordinarily regarded as hours worked. A regulatory analysis was not required.

Status: A final regulation was published and took effect on January 23, 1981. This regulation is therefore removed from the agenda.

Contact: James L. Valin, Room S3508—Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7043.

7. MSHA—30 CFR Part 71—Respirable Dust Standard For Surface Coal Mines.

This is a health standard which sets forth the dust level and procedures for sampling respirable coal mine dust in surface coal mines. This regulation changes the current sampling procedure and reduces by one half the number of samples required to be collected by mine operators and limits the dust monitoring program to high risk work positions. The sampling procedures are similar to the rules applicable to underground coal mines. A regulatory impact analysis was not required.

Status: A proposed regulation was published on April 8, 1980. Public hearings were held June 3 and 5, 1980. The final rule was published on December 5, 1980. The regulation became effective on March 30, 1981.

This item is therefore removed from the Agenda.

Contact: Frank White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 703–235–1910.

8. MSHA—30 CFR Part 90—Transfer of Miners.

These regulations contain procedures for the transfer of underground coal miners with evidence of pneumoconiosis to low dust work areas in order to prevent further development of the disease. To improve the health environment of coal miners and for consistent enforcement, MSHA is revising all of its respirable dust regulations. This regulation will give miners both greater health and economic protections and it is expected that the regulation will encourage more miners to exercise their transfer rights. A regulatory impact analysis was not required.

Status: A proposed regulation was published on April 8, 1980. The final rule was published on December 5, 1981, and became effective on March 30, 1981. This item is therefore removed from the agenda.

Contact: Frank White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203 703–235–1910.

9. LMSA-ERISA—29 CFR 2550.414c–1, 2 and 3–Transitional Relief for Certain Loans, Leases, and Dispositions of Property Prior to June 30, 1984, under Sections 414(c)(1), (2) and (3) of ERISA.

These regulations clarify the scope of transitional relief provided in section 414(c)(1), (2) and (3) of ERISA, which suspends until June 30, 1984, the application of the prohibited transaction provisions of sections 406 and 407(a) of ERISA to certain loans, leases, joint uses and dispositions of property between employee benefit plans and parties in interest. In part, these regulations will define certain terms and clarify certain conditions contained in section 414(c)(1), (2) and (3). These regulations relieve the Department's administrative burden by reducing the number of applications for exemptions from the prohibited transaction provisions of ERISA. A regulatory impact analysis was not required.

Status: A proposed regulation was published in April, 1979. A final regulation was published on January 23, 1981. The regulations under sections 414(c)(1) and (2) have taken effect and are therefore removed from the Agenda. The regulation under section 414(c)(3) became effective on March 30, 1981, and is therefore removed from the Agenda.

Contact: William J. Flanagan, Office of the Solicitor, Room C–4508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7931.

10. LMSA/ERISA—29 CFR Part 2520—Certain Exemptions For Plans Under Which Membership in a Health Maintenance Organization is Offered as an Option.

This regulation would provide exemptions from certain reporting and disclosure requirements, where application of those requirements might be duplicative in view of the Health Maintenance Organization Act of 1973. It will also provide that the grievance procedures which qualified HMOs are required to establish under the HMO Act with respect to benefits offered by the HMO will be deemed to satisfy the claims requirements of ERISA. The action taken is intended to harmonize the requirements of the two Acts and reduce unnecessary paperwork. A regulatory impact analysis was not required.

Status: A final regulation was published on January 21, 1981. The regulation became effective on March 30, 1981. This item is therefore removed from the agenda.

Contact: Robert Doyle, PWBP, Room N–4472, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8518.

11. LMSA-ERISA—29 CFR Part 2550—Maintenance of Indicia of Ownership of Plan Assets Outside Jurisdiction of District Courts of the United States.

Revision of this regulation will clarify the conditions under which banks may maintain the indicia of ownership of certain plan assets in foreign entities under 29 CFR § 2550.404(b). Public comments received from banks have requested clarification of this regulation. A regulatory impact analysis was not required.

Status: A final regulation was published on January 6, 1981. The regulation became effective on March 30, 1981. This item is therefore removed from the Agenda.

Contact: Scott Galloway, Office of the Solicitor, Room C–4508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8658.

12. LMSA/ERISA—29 CFR Part 2520—Alternative Method of Compliance With the Reporting and Disclosure Requirements of ERISA for Certain (Non-Model) Simplified Employee Pensions.

This regulation provides an alternative method of compliance with the reporting and disclosure requirements of ERISA for certain simplified employee pensions (SEPs) other than Model SEPs. The Secretary of Labor is authorized to prescribe such an alternative method of compliance by section 110(a) of ERISA. The regulation is intended to reduce the reporting and disclosure requirements for these Non-Model SEPs. A regulatory impact analysis was not required.

Status: A final regulation was published on January 6, 1981. The regulation became effective on March 30, 1981. This item is therefore removed from the Agenda.

Contact: Charmaine Gordon, Office of the Solicitor, Room C–4508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–9503.

13. LMSA/ERISA—29 CFR Part 2520—Alternative Method of Compliance with the Reporting and Disclosure Requirements of ERISA in Respect to Short Plan Years.

This regulation provides an alternative method of compliance with the reporting and disclosure requirements of ERISA in respect to engaging independent qualified public accountants where short plan years are involved. The Secretary of Labor is authorized to prescribe such an alternative method of compliance by section 110(a) of ERISA. The intent of the regulation is to reduce the administrative burden for employee benefit plans. A regulatory analysis is not required.

Status: A final regulation was published on January 6, 1981. This item is, therefore, removed from the Agenda.

Contact: John Malagrin, Room N4700, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8684.

II

The following regulations were published as final regulations, did not take effect, and are now being proposed to be withdrawn by the Department of Labor.

1. ETA—20 CFR Part 655.207—Adverse Effect Wage Rate Methodology.

This subpart contains regulations related to establishing Adverse Effect Wage Rates for the Temporary Employment of Aliens in Agriculture. This final regulation would establish a new methodology for computing and applying a wage rate offered by employers who request utilization of temporary alien workers in agriculture. The proposal will not impact on sheepherding or logging activities.

Status: A regulatory impact analysis is not required. The publication of a final regulation occurred on January 16, 1981,

to take effect on February 17, 1981. However, on February 6, 1981, in response to the January 29, 1981 memorandum from President Reagan concerning the postponement of final regulations, the Department published in the Federal Register a notice deferring the effective date of these regulations until March 30, 1981, in order to allow for a full and appropriate review. On March 27, 1981, the Department published a proposal which would withdraw the final rule which had been published on January 16, 1981. In addition, on March 27, 1981, the Department published a separate notice which deferred the effective date of the January 16, 1981 rule until action is taken upon the proposal to withdraw the rule.

Contact: Ken Bell, Room 6410, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202-376-6295.

2. OSHA—29 CFR 1981.8—Walkaround Pay.

OSHA proposed two regulations requiring employers to pay representatives, authorized by employees for time spent accompanying OSHA compliance officers during OSHA inspections and to pay employees for time spent in discussing occupational safety or health matters with compliance officers during inspections. A regulatory impact analysis was not required.

Status: A walkaround pay regulation pursuant to sections 8(e) and 8(g)(2) of the Occupational Safety and Health Act was published in the Federal Register on January 16, 1981 (46 FR 3852) and was scheduled to become effective on February 17, 1981. This action has been delayed until May 30, 1981, pursuant to notice published March 27, 1981 (46 FR 18951). In a related document published on March 27, 1981, (46 FR 18999) the agency proposes to revoke the regulation in its entirety. All data and comments regarding the proposed revocation must be postmarked on or before April 30, 1981.

Contact: Barry Zettler, Office of Field Coordination, Rm. N3603, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7725.

3. ESA—41 CFR Part 60-1—Payment of Membership Fees in Private Clubs and Organizations.

On January 22, 1980, a proposal was published which would have made it a violation of E.O. 11246 for contractors to pay membership fees or other expenses to organizations which bar, restrict, or limit membership on the basis of race, color, religion, sex or national origin where such restrictions or limitations impacted upon employees' promotional opportunities, status, compensation, or other terms and conditions of employment. The contractor, however, could refute such a violation if it established that the membership of its employees in these clubs or organizations had no impact on the employees' opportunity for promotion, compensation, or other terms and conditions of employment. Public comments on this proposal were received until March 24, 1980.

Status: A final rule was published on January 16, 1981, to take effect on February 17, 1981. On February 6, in response to the January 29, 1981, memorandum from President Reagan concerning postponement of pending regulations, the Department published a notice in the Federal Register deferring the effective date of their regulation until March 30, 1981, in order to allow for a full and appropriate review. On March 27, 1981, the Department proposed withdrawal of the regulation, invited public comments on the proposed withdrawal until April 27, 1981, and further suspended the effective date of the regulation until the Department takes final action on the proposed withdrawal.

Contact: Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs (OFCCP), Room C3324—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-9426.

III

The following regulations have been published as final regulations, have not taken effect, and are under policy review by the Department of Labor.

1. Office of the Secretary—29 CFR Part 6—Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal and Federally Assisted Construction Contracts and Federal Service Contracts.

The revisions to this part are intended to provide administrative hearings in enforcement cases and substantial interest proceedings involving the Davis-Bacon and related acts, the Service Contract Act, and the Contract Work Hours and Safety Standards Act, and substantial variance and arm's length proceedings under Section 4(c) of the Service Contract Act. These revisions are designed to make such proceedings as uniform as possible. A regulatory impact analysis is not required. In addition, an appeal is provided from decisions under the Service Contract Act.

Status: A proposal was published on April 22, 1980. Final regulations were published on January 16, 1981, to take effect on February 17, 1981. However, on February 6, 1981, in response to the January 29, 1981, memorandum from President Reagan concerning postponement of pending regulations, the Department published in the Federal Register a notice deferring the effective date on these regulations until March 30, 1981, in order to allow for a full and appropriate review. The effective date has now been further deferred until July 1, 1981, to permit reconsideration of the regulations under Executive Order 12291.

Contact: Gail Coleman, Room N2464, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8268.

2. OSHA—29 CFR 1910.95—Occupational Exposure to Noise.

In 1974, OSHA proposed standards governing occupational noise exposure. Public hearings were held during 1975 and 1976. Specific requirements for hearing conservation programs, methods of compliance, and permissible exposure limits were reviewed and various alternatives analyzed. On January 6, 1981, OSHA published amendments to the current noise standard. These amendments were directed toward the establishment of hearing conservation programs. A regulatory analysis was performed.

Status: The hearing conservation amendments were scheduled to become effective on April 15, 1981; however, the effective date has been postponed to June 1, by Federal Register notice published April 10, 1981. The amendments are currently under policy review.

Contact: Sheldon Weiner, Room N3669—Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7157.

3. ESA—41 CFR Parts 60-1, 60-2, 60-4, 60-20, 60-30, 60-40, 60-50, 60-60, 60-250 and 60-741. Office of Federal Contract Compliance Programs Coverage, Requirements, Prohibited Practices, and Guidelines.

This group of regulations contains OFCCP's rules covering obligations of Federal contractors and under E.O. 11246 (41 CFR Part 60-1); affirmative action program requirements under E.O. 11246 (41 CFR Part 60-2); construction contractors' affirmative action requirements under E.O. 11264 (41 CFR Part 60-4); sex discrimination guidelines under E.O. 11246 (41 CFR Part 60-20); administrative hearing rules under E.O. 11246, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act and Section 503 of the Rehabilitation

Act of 1973 (41 CFR Part 60–30); religion and national origin discrimination guidelines under E.O. 11246 (41 CFR Part 60–50); non-construction contractor evaluation procedures under E.O. 11246 (41 CFR Part 60–60); affirmative action requirements and enforcement provisions under Section 402 of the Vietnam Era Veterans Readjustment Assistance Act (41 CFR Part 60–250); and affirmative action requirements and enforcement provisions under Section 503 of the Rehabilitation Act of 1973 (41 CFR Part 60–741); and examination and copying of OFCCP documents (41 CFR Part 60–40).

Proposed changes to the regulations were published in the Federal Register on December 28, 1979, and February 22, 1980. Comments on these proposals were received until March 24, 1980. A final rule was published on December 30, 1980. These regulations were to take effect on January 29, 1981 (except certain recordkeeping and reporting requirements). However, the effective date has now been deferred until July 1, 1981, to allow the Department time to review the regulations fully before they took effect. The need for a regulatory impact analysis is under study.

Status: The OFCCP regulations are now being reviewed to streamline and reduce contractor administrative burdens while ensuring meaningful equal employment opportunity requirements and objectives.

Contact: Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs (OFCCP), Room C3324—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–9426.

NOTE: Additional regulatory activities relating to 41 CFR Parts 60–1, 60–250, and 60–741 are listd in item 3, category II, and item 16, category IV of this Agenda.

4. ESA—29 CFR Part 4—Labor Standards for Federal Service Contracts.

These provisions contain regulations and interpretations governing the administration of the Service Contract Act, which requires certain contractors and subcontractors performing work under service contracts with the United States Government to observe prevailing wage and fringe benefit standards for the various classes of employees engaged in the performance of the contract. There is a need for a thorough review of this regulation to reflect and codify the Department's policies for administering the Act. A regulatory impact analysis is required.

Status: A proposal was published on December 28, 1979, and modified by a proposal concerning the treatment of concession contracts published on December 12, 1980. Final regulations were published on January 16 and 19, 1981, to take effect on February 17 and 18, 1981, respectively. However, on February 12, 1981, the effective dates of these regulations were stayed until April 17, 1981, to permit the Department to review the rules fully before they take effect. In staying the effective date, the Department also indicated its intention to repropose appropriate modifications to Part 4 after conducting the analysis and review. The effective date has now been further deferred until July 1, 1981, to permit reconsideration of the regulation in accordance with Executive Order 12291.

Contact: Dorothy P. Come, Room S3502—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8333.

5. ESA—29 CFR Parts 1 and 5—Labor Standards Provisions, Davis-Bacon and Related Acts.

These provisions contain regulations governing the issuance of prevailing wage determinations and the administration of labor standards required to be included in federally-funded or assisted construction contracts under the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, and responsibilities under the Copeland Anti-Kickback Act. There is a need for a thorough review of these regulations to reflect and codify the Department's policies for administering the Act. A regulatory impact analysis is required.

Status: The publication of a proposed Part 1 and Subpart A of Part 5 occurred on December 28, 1979. Final regulations were published on January 16, 1981, for Part 1 and Subpart A of Part 5 to take effect on February 17, 1981. However, on February 6, 1981, in response to the January 29, 1981 memorandum from President Reagan concerning postponement of pending regulations, the Department published in the Federal Register a notice deferring the effective date on these regulations until March 30, 1981, in order to allow for a full and appropriate review. The effective date has now been further deferred until July 1, 1981, to permit reconsideration of the regulations under Executive Order 12291.

Contact: Dorothy P. Come, Room S3502—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8333.

6. ESA—29 CFR Part 541—Defining the Terms "Executive," "Administrative," "Professional," and "Outside Salesman".

These regulations set forth criteria for determining the application of the Fair Labor Standards Act exemption for "executive," "administrative," "professional," and outside sales employees from the minimum wage and overtime requirements of the Act. They delineate and duties, responsibilities, and salary levels necessary for employees. In addition, they set an "upset" test—a salary level above which employees are considered exempt if they simply meet a primary duty test. The current salary test levels were established on April 1, 1975, on an interim basis, with the last "permanent" levels having been set in March 1970. Salaries paid to executive, administrative and professional employees, and other workers have increased substantially since the 1975 test levels were adopted. Changes in these salary tests may be appropriate to reflect the general salary levels at which executive, administrative and professional workers are currently paid in order to assure that the exemption is applied in accord with the purposes of the Act. A regulatory impact analysis is required.

Status: (A proposed rule was published on April 7, 1978 (43 FR 14668)). A final rule was published on January 13, 1981, to take effect on February 13, 1981. However, on February 12, 1981, the effective date was stayed indefinitely in order to allow the Department to review the regulation more fully before it takes effect. Also, the public comment period was reopened until April 6, 1981. On March 27, 1981, the Department published as a proposed rule its intention to suspend indefinitely the final regulations which had been scheduled to become effective on February 13, 1981, to provide further time for the Department to consider the economic effects of the regulation and to determine whether it should go into effect in its present form, and invited specific comments focusing on the precise economic impact of the regulation in certain respects. The public comment period is scheduled to close on April 27, 1981.

Contact: James L. Valin, Room S3506—Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7043.

7. LMSA/ERISA—29 CFR 2520.203–3 Suspension of Benefits.

This regulation will describe the circumstances under which an employee pension benefit plan will be permitted to suspend the payment of benefits to an employed retiree under section 203(a)(3)(B) of The Employee Retirement Income Security Act (ERISA). Section 203(a)(3)(B) of ERISA directs the

Secretary to prescribe such regulations as may be necessary to carry out the purposes of that provision, including regulations with respect to the meaning of the term "employed".

Status: A proposed regulation was published on December 19, 1978. A final regulation was published on January 27, 1981, to become effective May 27, 1981. This regulation is under consideration pursuant to the requirements of E.O. 12291.

Contact: Jay S. Neuman, Office of the Solicitor, Frances Perkins Building, 200 Constitution Avenue, N.W. Washington, D.C. 20210, 202–523–8430 and Judith B. Kahn, PWBP, Room N4461, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8430.

IV

The following are regulations for which a general notice of proposed rulemaking has issued.

1. ETA—20 CFR Part 653.230—Veterans Indicators of Compliance.

The Department has issued regulations to implement 38 U.S.C. Chapters 41 and 42 at 20 CFR Part 653, Subpart C. These regulations set forth requirements concerning services to veterans by State employment service agencies.

Sections 653.221–226 set forth standards of performance governing State agency service to veterans, and § 653.230 sets forth veterans preference indicators of compliance for use in determining whether the performance standards have been met. Under 20 CFR 653.230(c), (e) and (j) the Employment and Training Administration is required to update the numerical values for the veterans preference indicators of compliance on an annual basis and to publish such values in the Federal Register.

Status: Indicators of Compliance for fiscal year 1981 were published for comment on January 23, 1981. The date for the issuance of final regulations has not yet been established. A regulatory impact analysis is not required.

Contact: Lance Grubb, Patrick Henry Building, Room 8206, 601 D Street, N.W., Washington, D.C. 20213, (202) 376–6755.

2. ETA—20 CFR [illegible]—Unemployment Compensation for Federal Civilian Employees.

These regulations implement 5 U.S. Code §§ 8501–8508, which establish a permanent program of unemployment compensation for Federal civilian employees administered under agreements with State Employment Security Agencies. A review of the regulations is required because of amendments made to the law by Public Law 94–566. A regulatory impact analysis is not required.

Status: These regulations were published in Federal Register Vol 46, No. 15, (7786) Friday, January 23, 1981 as proposed rules. The publication date of a final regulation has not been established.

Contact: Charles Reynolds, Room 7014—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6222.

ETA—20 CFR Part 614—Unemployment Compensation for Ex-Servicemembers.

These regulations implement 5 U.S.C. 8521–8525 which establish a permanent program of unemployment compensation of ex-servicemembers. The program is administered under agreements with State Employment Security Agencies. A review of the regulation is required because of amendments to the law made by Public Law 94–566. A regulatory impact analysis is not required.

Status: These regulations were published in the Federal Register, Vol 46, No. 15 (7796) Friday, January 23, 1981, as proposed rules. The publication date of a final regulation has not been established.

Contact: Charles Reynolds, Room 7014—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6222.

4. ETA—20 CFR 676.40–3—Comprehensive Employment and Training Act (CETA). Allowability of Legal Expenses.

This regulation would specify the conditions under which Comprehensive Employment and Training Act (CETA) funds may be used by recipients (and their subrecipients and contractors) for legal fees associated with administration of grants. The regulations would provide CETA recipients with more explicit and comprehensive guidance as to the allowability of legal costs than presently exists. A regulatory impact analysis is not required.

Status: These regulations were published in proposed form on January 23, 1981, and a final regulation by Summer 1981 is anticipated. This date is subject to change as a result of Excutive Order 12291 on regulatory management signed by President Reagan on February 17, 1981.

Contact: Mr. Robert Anderson, Administrator, Patrick Henry Biulding, 601 D Street, N.W., Wahington, D.C. 20213, (202) 376–6254.

5. ETA—20 CFR Parts 675 and 676—Comprehensive Employment and Training Act (CETA); Complaints, Investigations and Sanctions.

This regulation would revise the CETA rules concerning complaints, investigations and sanctions. These revisions are considered necessary for the proper operation of complaint, investigation and hearing procedures under CETA. A regulatory impact analysis is not required.

Status: These regulations were published in proposed form on January 27, 1981, and a final regulation by May 1981 is anticipated. This date is subject to change as a result of Executive Order 12291 on regulatory management signed by President Reagan on February 17, 1981.

Contact: Mr. Robert Anderson, Administrator, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376–6254.

6. ETA—20 CFR 656—Labor Certification Process for the Permanent Employment of Aliens in the United States.

This is a modification of a previous regulation.

A proposal was published in the Federal Register to add to schedule A of 20 CFR 656.10 Canadian citizens who work for international railroads and who have qualified for employment in the United States on the basis of seniority rights under a collective bargaining agreement between the employer and an international labor union.

A regulatory impact analysis is not required.

Status: A proposed rule was published on January 16, 1981. The comment period on the proposed rule has been extended for 60 days. A final rule should be published by the end of September 1981.

Contact: Aaron Bodin, Room 6410, Patrick Henry Building, 601 D Street, N.W. Washington, D.C. 20213, (202) 376–6295.

7. ETA—29 CFR Part 89—Senior Community Service Employment Program.

These regulations govern the Senior Community Service Employment Program under Title V of the Older Americans Act. Review is required by amendments to the enabling Act. A regulatory impact analysis is not required.

Status: A proposed regulation was published on March 25, 1980. The publication of a final regulation by Summer 1981 is anticipated.

Contact: Paul Mayrand, Room 6122—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6233.

8. ETA—CFR Part 638—Airline Employee Protection Program.

These regulations are being developed to implement the employee protection provisions of the Airline Deregulation Act (Public Law 95–504). The Department is required to develop these regulations in accordance with this new legislation. A regulatory impact analysis is not required.

Status: The regulations are being reviewed. The publication date of a final regulation has not been established.

Contact: Robert S. Kenyon, Room 10430—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376–7545; or LSMA Contact: Lary Yud, Room S5639—Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–6495.

9. ETA—20 CFR 675.5–1(e)—Comprehensive Employment and Training Act (CETA) Regulations Concerning Eligibility of Prisoners.

This regulation would amend the regulation at 20 CFR 675.5–1(e), published on May 20, 1980, at 45 FR 33859, concerning CETA eligibility requirements for persons institutionalized in prisons, jails or similar correctional institutions. The proposal would permit CETA funds to be used to provide employment and training services to prisoners consistent with participation timeframes applicable to CETA programs, with the restriction that stipends or allowances shall not be paid to any prisoner participating in such activities within the confines of the prison prior to one year from presumptive release. A regulatory impact analysis is not required.

Status: These regulations were published in proposed form January 23, 1981, and a final regulation by Spring 1981 is anticipated. This date is subject to change as a result of Executive Order 12291 on regulatory management signed by President Reagan on February 17, 1981.

Contact: Mr. Robert Anderson, Administrator, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376–6254.

10. ETA—29 CFR Part 29—Labor Standards for the Registration of Apprenticeship Programs.

The purpose of this proposed addition to the regulations is to set forth a listing of occupations considered apprenticeable by the Bureau of Apprenticeship and Training or one or more of the State and territorial apprenticeship agencies. Appendix A is an initial listing of those occupations that appear to possess all of the required characteristics listed in Title 29, CFR 29.4. This is not a "major regulation" that requires preparation of a regulatory analysis.

Status: Appendix A was published as proposed on March 11, 1980, in 45 FR 15571. On February 13, 981, in 46 FR 12213, the comment period was extended until June 30, 1981.

Contact: Paul H. Vandiver, Room 5414, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376–6217.

11. ETA—20 CFR Part 655.202(b)(4)—Labor Certification Process for Employment of Temporary Alien Agricultural Workers in the U.S.

A proposal has been published to amend this regulation which specifies that an employer seeking to import alien agricultural labor must first make an offer of three meals a day to U.S. workers. The purpose of the amendment is to allow for exceptions to this offer if prevailing practice supports other arrangements. A regulatory analysis is not required.

Status: Decision to publish final rule pending further review of proposal.

Contact: Grover Sanders, Room 6406, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376–6889.

12. OSHA—29 CFR Part 1918—Safety and Health Regulations for Marine Terminal Facilities.

These regulations will prescribe safety and health standards for workers in the marine terminal environment and represent a comprehensive set of performance based standards that will, upon promulgation, provide a significant reduction in the amount of regulatory compliance presently incumbent upon those industies engaged in marine cargo handling. The large number of General Industry standards (29 CFR 1910) would become inapplicable to these industries and the Agency would, in effect, reduce the volume of regulations to ⅙ that of the existing regualtions that currently apply. The need for a regulatory impact analysis is under study.

Status: A notice of proposed rulemaking was published in the Federal Register on January 16, 1981. Comments on the proposal are being received; public meetings are scheduled to be held in Washington, D.C. on April 28, 29 and 30, 1981.

Contact: Basil Needham, Room N3471, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7234.

13. Office of the Secretary—29 CFR 2.20–2.24 (Subpart C)—Employees Served With Subpoenas.

This proposed regulation will amend three separate Parts of the Labor Department's regulations in order to establish one procedure to be followed by all Labor Department employees who have received subpoenas calling for the production of records or other materials, or the disclosure of information. A uniform procedure should result in more equitable treatment for the general public and place responsibility for determining the response to subpoenas on the appropriate Department officials. This proposal also seeks to amend 20 CFR 10.11 and 29 CFR Part 1906. A regulatory impact analysis is not required.

Status: A proposal was published on January 23, 1981, with comments due by March 24, 1981. The publication of a final regulation by June 30, 1981, is anticipated.

Contact: Sofia Petters, Room N2462, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–6807.

14. OASAM—41 CFR Subpart 29–1.13—Minority Business Enterprises.

This regulation proposes to add a new subpart to the Department of Labor Procurement Regulations (DOLPR). It implements Federal Procurement Regulation 41 CFR Subpart 1–1.13—Minority Business Enterprises, and provides additional policies and procedures for contracts with the Small Business Administration pursuant to Section 8 of the Small Business Act, as prescribed in 41 CFR Subpart 29–1.7. A regulatory impact analysis is not required.

Status: A proposed rule was published on December 19, 1980, with the period for public comment ending on February 17, 1981. Publication of a final rule is anticipated by May 30, 1981.

Contact: Walter C. Terry, see item 15.

15. OASAM—41 CFR Subpart 29–1.7—Small and Disadvantaged Business Concerns and 41 CFR Subpart 29–1.8—Labor Surplus Areas Concerns.

These regulations propose to amend 41 CFR Subpart 29–1.7 "Small Busines Concerns" and propose to add a new subpart, 41 CFR Subpart 29–1.8, entitled "Labor Surplus Area Concerns." The proposed regulations are needed to incorporate requirements of Public Law 95–507, which amends the Small Business Act of 1953. The proposed regulations formally assign responsibility for administering and managing the programs under Sections 8 and 15 of the Small Business Act, as amended, to the Office of Small and Disadvantaged Business Utilization; update procedures for carrying out the goals of the programs; and set out the duties of official personel involved in the programs. A regulatory impact analysis is not required.

Status: A proposed rule was published on December 19, 1980, with the period for public comment ending on February 17, 1981. Publication of a final rule is anticipated by May 30, 1981.

Contact: Walter C. Terry, Room S1325, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–9148.

16. ESA—41 CFR Part 60–1, 60–250 and 60–741—Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era and Handicapped Workers.

A proposal was published December 30, 1981, to make the definition section of these regulations consistent with 1978 amendments to the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act, and to conform these regulations to changes in the Department's regulations implementing Section 504 of the Rehabilitation Act. (See 29 CFR Part 32, 45 FR 66708, October 7, 1980). The need for a regulatory impact analysis is under study.

Status: A proposal was published on December 30, 1980, for public comments. Public comments are now being analyzed.

Contact: Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs (OFCCP), Room C3324—Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (202) 523–9426.

17. ESA—29 CFR Part 505—Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts.

The regulations sets forth procedures to carry out the provisions of Section 5(j) of the National Foundation on the Arts and Humanities Act of 1965 relating to labor standards requirements on projects or productions assisted by grants from the National Endowment for the Arts. The regulation must be updated to reflect the application of labor standards requirements with respect to all professional performers and related or supporting professional personnel employed on projects or productions financed in whole or in part under grants made by the National Endowment for the Humanities brought about by the 1978 amendments to the National Foundation on the Arts and the Humanities Act of 1965. The need for a regulatory impact analysis is under study.

Status: A proposed regulation was published on December 19, 1980. The public comment period has been extended to May 22, 1981, for this proposal.

Contact: James L. Valin, Room S3508—Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7043.

18. ESA—29 CFR Part 730. Procedures for Processing Discrimination Complaints Under Section 428 of the Black Lung Benefits Act.

Regulations are needed to implement Section 428 of the Black Lung Benefits Act, which prohibits coal mine operators from discharging or otherwise discriminating against any miner in their employ because such miner is suffering from pneumoconiosis. These regulations will establish procedures for the processing of these discrimination complaints set out in a December 1979 Memorandum of Understanding between the Mine Safety and Health Administration and the Employment Standards Administration of the Department. A regulatory impact analysis is not required.

Status: Proposed regulations were published for comment on January 27, 1981.

Contact: Robert Dorsey, Room C3310, Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–9480.

19. MSHA—30 CFR Part 23—Telephones and Signaling Devices.

This regulation would permit MSHA to approve telephones that are connected to the mine power system. Previously MSHA could approve only battery operated telephones. This amendment would conform the existing regulation to advances in technology. A regulatory impact analysis is not required.

Status: MSHA is reviewing public comments to NPRM published August 22, 1980. The final rule is expected to be published by July 1981.

Contact: Frank A. White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–1910.

20. MSHA—Pattern of Violations.

Under the Federal Mine Safety and Health Act of 1977, MSHA can issue a "pattern of violations" notice to operators who have a pattern of violations which could have significantly and substantially contributed to the cause and effect of safety and health hazards in the mine. After receiving notice that a pattern of violations exists the operator may be subject to closure orders for subsequent, significant and substantial violations. These proposed regulations set forth criteria for determining if a "pattern of violations" exists. A regulatory impact analysis is under study.

A significant element in one of the criteria is the percentage of significant and substantial violations which a mine operator receives during a given review period. In a recent civil penalty case *(Cement Division of National Gypsum Co. v. MSHA)*, the Federal Mine Safety and Health Review Commission (Commission) expressed concern over MSHA's policy with respect to the issuance of significant and substantial violations. MSHA has now received the Commission's written decision and is in the process of evaluating it to determine the extent of the impact and what specific legal and administrative actions will be taken in response to it.

Status: NPRM was published August 1980. After a review of the Commission decision, MSHA will make a determination of its impact on the proposed rule and prepare a notice of public hearing consistent with that determination.

Contact: Frank A. White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–1910.

21. MSHA—30 CFR Part 100—Civil Penalties.

The civil penalty regulations were promulgated on May 30, 1978. At that time, MSHA made a commitment to review them after one year to determine if changes were needed. In August 1979, MSHA initiated this review and invited all segments of the mining industry to comment on both the substance and the application of the regulations. In response to those comments, MSHA has determined that there is a need to amend the regulations in order to restructure the civil penalty system. This project is one of MSHA's highest priorities. A regulatory impact analysis is under study.

Status: A proposed rule was published on November 7, 1980. We are reviewing the comments received on the proposed rule and anticipate that public hearings will be held during the summer of 1981.

Contact: Frank A. White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–1910.

22. MSHA—30 CFR Part 70, 71 & 90—Miner Participation in Respirable Dust Sampling Procedures.

This proposal would amend MSHA's respirable coal dust regulations to permit miners' representatives to participate in the dust sampling process of underground and surface mines and for miners who have evidence of pneumoconiosis. This issue was first raised in a significant way during the public hearings on revisions to the procedures for sampling respirable dust in underground coal mines. Miners and their representatives were critical of

how the sampling program was actually being implemented in the Nation's mines. The participation of miners' representatives in the sampling procedures is intended to promote better cooperation between the coal mine operators and the miners whose health may be affected in order to improve the effectiveness of the respirable dust control program. Public hearings were held on August 12 and 14, 1980. A regulatory impact analysis is under study.

Status: The publication of a final rule by October 1981 is anticipated.

Contact: Frank A. White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–1910.

23. MSHA—30 CFR Part 36—Electrical Components and Headlights for Mobile Diesel-powered Transportation Equipment.

MSHA is proposing to modify the requirements and conditions for approval of permissible mobile diesel-powered transportation equipment for use in gassy metal and nonmetal mines. The regulation would remove current design restrictions which prohibit the use of certain electric-powered accessories on such equipment. The change would not affect currently aproved equipment, but it would allow operators of gassy mines to obtain improved equipment which incorporates advanced technoloby, and thereby afford greater safety and health protection for miners. A regulatory impact analysis is not required.

Status: Proposed rule published October 21, 1980; comment period closed October 21, 1980; final rule anticipated July 1981.

Contact: Frank White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–1910.

24. MSHA—30 CFR Part 19—Electric Caplamps.

This proposal would permit MSHA to modify procedures for testing caplamps which incorporate advances in technology. Thus, MSHA could test and evaluate new and innovative caplamp designs to determine if the caplamp is safe for its intended use. The proposal would not affect currently approved caplamps, and it would not affect testing and evaluation of any caplamp design which can be approved under the existing procedures in this part. A regulatory impact analysis is not required.

Status: A draft of the final rule is undergoing review. The final rule is expected to be published by July 1981.

Contact: Frank White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–1910.

25. LMSA—29 CFR Part 228—Hospital Employee Protection Program Under Section 1642(c), Public Health Services Act.

President Carter signed the Health Planning and Resources Development Act of 1979 on October 4, 1979. Included in Title III of this legislation is a new HHS administered grant program designed to encourage and assist the discontinuance of unneeded hospital services.

Section 1642(c)(1) of the Act requires the certification of employee protective arrangements by the Secretary of Labor before the approval of grant applications by HHS. Section 1642(c)(2) states that "[t]he Secretary of Labor shall by regulation prescribe guidelines for arrangements for the protection of the interests of employees affected by the discontinuance of hospital services."

The Act requires the Secretary of Labor to certify that "fair and equitable arrangements have been made to protect the interests of employees affected by the discontinuance of services against a worsening of their positions with respect to their employment, including arrangements to preserve the rights of employees under collective bargaining agreements, continuation of collective bargaining rights consistent with the provisions of the National Labor Relations Act, reassignment of affected employees to other jobs, retraining programs, protecting pension, health benefits and fringe benefits of affected employees, and arranging adequate severance pay, if necessary." A regulatory impact analysis is not required.

Status: A proposed regulation was published on January 23, 1981, with comments due by March 24, 1981. This regulation is now under policy review.

Contact: Ron Glass, Room N5639—Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–6495.

26. LMSA—29 CFR Part 452, Subpart J—Election Enforcement Provisions of the LMRDA.

A proposed regulatory statement to revise and update existing enforcement provisions of the interpretative bulletin on elections (29 CFR Part 452) has been prepared. A regulatory impact analysis is not required.

Status: Proposed regulations were published in the Federal Register on October 3, 1980, allowing 60 days for public comments and a notice extending the comment period by 15 days was published on December 2, 1980. Publication of the final regulations is anticipated on or about October 1, 1981.

Contact: Herbert Raskin, Room N5109, Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523–7373.

27. LMSA—29 CFR Part 92—Redwood Employee Protection Program.

The Department of Labor is responsible for administering the Redwood Employee Protection Program established by Title II of the Redwood National Park Expansion Act of 1978 (P.L. 95–250). Under Title I of the Act, employees whose jobs were lost as a result of this Park expansion were designated to receive preference in hiring for both Federal civilian jobs and jobs with certain private employers. In addition, under Title II of the Act, these employees were provided with a program of income and benefit maintenance, and with retraining, job search, and job relocation allowances.

The Department proposes to clarify criteria to be used in determining applicant eligibility for Redwood Employee Protection Program (REPP) benefits based on layoffs occurring subsequent to September 30, 1980.

Status: Proposed regulations were published in the Federal Register on March 13, 1981, allowing 30 days for public comment. A regulatory impact analysis is not required.

Contact: Robert Johnson, Room N5639, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–6495.

28. LMSA/ERISA—29 CFR Parts 2520 and 2530—Individual Benefit Reporting and Recordkeeping for Single Employer Plans.

These regulations will govern (1) reports that must be furnished to participants in single employer pensions plains (defined to include plans maintained by groups of employers under common control) and in some cases, to their benificiaries, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. These regulations, if adopted, would provide necessary guidance to employers contributing to pension plans and to pension plan administrators for compliance with certain statutory reporting and recordkeeping requirements of ERISA. Consideration is being given to whether a regulatory impact analysis is required pursuant to the provisions of E.O. 12291.

Status: A proposed regulation was published on August 1, 1980. A public

hearing on the regulation was held on November 25, 1980. The publication date of a final regulation is under consideration.

Contact: Mary O. Lin, Office of the Solicitor, Room C-4506 Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-9595.

29. LMSA/ERISA—29 CFR Parts 2520 and 2530—Individual Benefit Reporting and Recordkeeping for Multiple Employer Plans.

These regulations will govern (1) reports that must be furnished to participants in multiple employer pension plans (other than plans maintained by groups of employers under common control) and in some cases, to their beneficiaries, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. These regulations, if adopted, would provide necessary guidance to employers contributing to pension plans and to the pension plan administrators for compliance with certain statutory reporting and recordkeeping requirements of ERISA. Consideration is being given to whether a regulatory impact analysis is required pursuant to the provisions of E.O. 12291.

Status: A proposed regulation was published on August 8, 1980. A public hearing on the proposed regulation was held on December 8, 1980. The publication date of a final regulation is under consideration.

Contact: Mary O. Lin, Office of the Solicitor, Room C-4506 Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-9595.

30. LMSA/ERISA—29 CFR 2550—Definition of Plan Assets and Establishment of Trust.

This regulation would clarify what will be regarded as assets of an employee benefit plan under ERISA and would provide certain exemptions from the requirements that plan assets be held in trust. Clarification of the term "plan asset" is needed since it is a basic concept used, for example, in determining what property must be held in trust, and to what transactions the fiduciary responsibilities provisions of ERISA would apply. In addition, clarification was requested by commentators on a previously proposed regulation. Consideration is being given to whether a regulatory impact analysis in required pursuant to the provisions of E.O. 12291.

Status: A reproposed regulation was published on June 6, 1980. The publication date of a final regulation is under consideration.

Contact: William A. Schmidt, Office of the Solicitor, Room C-508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8610.

31. LMSA/ERISA—29 CFR Part 2520—Revision of Annual Report Forms re: Master Trusts.

This forms revision would change the manner in which employee benefit plans' investments in master trusts are reported annually under ERISA. The contemplated revision would make reporting easier for plans with no loss of information available to either the Secretary of Labor or to plan participants. Consideration is being given to whether a regulatory impact analysis is required pursuant to the provisions of E.O. 12291.

Status: A proposed revised form was published on December 30, 1980. The publication date of a final regulation is under consideration.

Contact: John Christensen, PWBP, Room N-4700, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8684 and Stevan Durovic, Office of the Solicitor, Room C-4508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7924.

32. LMSA/ERISA—29 CFR Part 2510—Supplemental Pay.

This regulation amends the existing regulation under section 3(2) of ERISA by describing the circumstances under which supplemental payments by employers to retirees to help offset the effect of inflation on pension benefits will be deemed to be made under an employee welfare benefit plan rather than under an employee pension benefit plan. Consideration is being given to whether a regulatory impact analysis is required pursuant to the provisions of E.O. 12291.

Status: A proposed regulation was published on January 27, 1981 and republished (in order to correct typographical errors) on February 6, 1981. The publication date of a final regulation is under consideration.

Contact: R.F. Nuissl, PWBP, Room N-4456, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7901, and Scott Galloway, Office of the Solicitor, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8658.

33. LMSA/ERISA—29 CFR 2520.104b-10—Proposed Regulations Relating to the Summary Annual Report Furnished Participants and Beneficiaries of Employee Benefit Plans.

Pursuant to section 104(b)(3) of ERISA and 29 CFR § 2520.104b-10 (April 3, 1979), the administrator of an employee benefit plan, unless otherwise excepted, is required to furnish participants and beneficiaries each year a summary annual report (SAR) accurately reflecting financial information contained in the plan's annual return/report. Under 29 CFR § 2520.104-41 (August 1, 1980), however, plans with fewer than 100 participants are required to file a full return/report (Form 5500-C or K) only every third year and are permitted to file a shorter, registration-type statement (Form 5500-R) in the two intervening years. The Department has under consideration amendments to the current SAR requirements which would harmonize with the new triennial filing cycle. Consideration is being given to whether a regulatory impact analysis is required pursuant to the provisions of E.O. 12291.

Status: A proposed regulation was published on January 6, 1981. The publication date of a final regulation is under consideration.

Contact: Joseph L. Roberts III, Room N-4700, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8685.

V

The following are regulations under consideration, for which a general notice of proposed rulemaking has not yet issued.

1. ETA—20 CFR Part 653—Subpart C—Services For Veterans.

P.L. 96-466, Veterans Rehabilitation Amendments of 1980, signed by the President October 17, 1980, made changes affecting services for veterans provided by the United States Employment Service. A regulatory impact analysis is not required.

Status: The date for proposed rulemaking has not yet been established.

Contact: Oscar Gjernes, Room 8118—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202-376-6909.

2. ETA—20 CFR 640—Transfers to State Accounts Under Section 903 of the Social Security Act (Reed Act).

These regulations describe the purposes for which Reed Act funds may be used and the administrative requirements which apply to their use. Review may be required to develop a clear and comprehensive set of requirements applicable to the use of Reed Act funds. A regulatory impact analysis is not required.

Status: The Department has reviewed these regulations and determined that

proposed regulations will be published by Fall 1981.

Contact: Merlin A. Myers, Room 4207—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6394.

3. ETA—20 CFR Part 667—Special Programs and Activities Under Title III of the Comprehensive Employment and Training Act (CETA).

These regulations will replace the existing provision of 29 CFR Part 97, Subpart D, which governs special programs and activities under Section 301 of CETA. Revision is required by the 1978 amendments to CETA. A regulatory impact analysis is not required.

Status: The publication of a proposed regulation by October 1981 is anticipated.

Contact: James M. Aaron, Room 6213—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6257.

4. ETA—29 CFR Part 91—Adjustment Assistance for Workers After Certification Under the Trade Act of 1974.

These regulations are required by Section 248 of the Trade Act of 1974 to implement provisions relating to individual entitlements to trade adjustment assistance for certain workers, and because the current regulations were published on April 11, 1975, (40 FR 16304), with a post-publication comment period. A review of the regulations is underway to determine whether it is necessary to clarify existing provisions, correct errors and omissions, and update those sections relating to program administration. A regulatory impact analysis is not required.

Status: The publication of a proposed regulation by August 1, 1981, is anticipated.

Contact: Bob Gillham, Room 7306—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6715.

5. ETA—20 CFR Part 615—Extended Benefits.

These regulations are being amended to implement amendments made by the Multiemployer Pension Plan Amendments Act of 1980 (Pub. L. 96–364) and the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499) to the Federal-State Extended Unemployment Compensation Act of 1970, providing for the denial of extended benefits to certain interstate claimants and to individuals who fail to meet certain specified requirements relating to acceptance of or application for suitable work, or who fail to actively engage in seeking work, and providing for the purging of certain disqualifications in order to establish eligibility for extended benefits. Other technical and clarifying amendments will also be considered. A regulatory impact analysis is not required.

Status: Publication of proposed rules in 1981 is anticipated.

Contact: Edwin Kerley, Room 7102—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–7105.

6. ETA—20 CFR 655 Subpart B—Temporary Labor Certification process for occupations on Guam other than agricultural and logging.

This is a revision of previous regulations, with modification of the apprentice/journeyman wage progressions for construction workers on Guam to bring them into line with wages on the mainland. The need for a regulatory impact analysis is under review.

Status: The publication of a proposed regulation in Fall 1981 is anticipated.

Contact: Aaron Bodin, Room 8410, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, 202–376–6295.

7. ETA—Social Security Disability Amendments of 1980 (P.L. 96–265). Work Incentive Program for AFDC Recipients Under Title IV of the Social Security Act. Title 20, Subtitle A, Part 86 for the Department of Labor. Title 45, Chapter II, Part 224 for the Department of Health and Human Services.

These regulations are proposed to update and introduce changes to the WIN program as well as to sharpen the focus of the work requirement and rationalize program operations in other areas, especially sanctions and adjudication. The major provisions of the regulations include the addition of employment search programs as a registration activity; the authority to provide social services to support all registrants (applicants and recipients) in employment search; the exemption of full time working recipients from registration; and the authority for the Secretaries to fix sanction periods for failure to participate. A regulatory impact analysis is not required for these regulations.

Status: The regulations are presently under review and will be published by April 15, 1981, as proposed rulemaking with a thirty day comment period.

Contact: Robert W. Easley, OWIN, Room 5106, Patrick Henry Building, 601 D Street, N.W., Washington, 20513, (202) 376–7030.

8. ETA—20 CFR Part 654—Change in the Effective Date of the Annual Listing of Eligible Labor Surplus Areas.

Under the current regulations, labor surplus areas are classified on an annual basis, effective from June 1 through May 31, of the following year. The Department proposes to change the effective date of the "Annual Listing of Eligible Labor Surplus Areas" from June 1 to October 1 of each year to correspond with the fiscal year.

Status: A regulatory impact analysis is not required. The publication date for this regulation has not yet been established.

Contact: James W. Higgins, Room 9304, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376–6538.

9. ETA—20 CFR Part 640—Standards for Benefit Payment Promptness—Unemployment Compensation.

These regulations establish standards for promptness in the payment of unemployment benefits, set forth criteria States must attain to meet these standards and establish corrective action to be taken when a State's performance falls below the criteria. Revision of these regulations is necessary to clarify existing requirements and to fulfill a commitment made to revise the standards. A regulatory impact analysis is not required.

Status: The publication date of a proposed regulation has not been established.

Contact: Edwin Kerley, Room 7102, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376–7105.

10. ETA—20 CFR Parts 676 and 678—Comprehensive Employment and Training Act Regulations; Amendments To Title VII and PSE Base Average Annual Wage Provisions.

The purpose of this regulation is to implement the statutory amendment to Title VII of the Comprehensive Employment and Training Act enacted on December 23, 1980 (Pub. L. 96–583). The amendment made various substantive changes in provisions governing Private Sector Initiative Programs under Title VII of CETA and also amended Section 122(i)(2) of the Act to increase the base average annual wage for Public Service Employment under Titles II–D and VI.

The Department has determined that this is not a "major regulation" which requires preparation of a regulatory analysis.

Status: It is planned to publish this regulation in proposed form during Spring 1981.

Contact: Jess Ramaker, Room 5402, U.S. Department of Labor, Employment

and Training Administration, 601 D Street, N.W., Washington, D.C. 20213, (202) 376-6366.

11. ETA—20 CFR Part 669—Migrant and Other Seasonally Employed Farmworkers Program Under the Comprehensive Employment and Training Act (CETA).

These amendments to regulations at 20 CFR Part 669.204 and 20 CFR Part 669.206 will modify the competitive process by which CETA Section 303 Migrant and seasonal farmworkers grantees are selected by incorporating improvements recommended by the General Accounting Office and the National Academy of Public Administration. A regulatory impact analysis is not required.

Status: The publication of a proposed regulation by May 1981 is anticipated.

Contact: Lindsay Campbell, Room 6308, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, (202) 376-6126.

12. OSHA—29 CFR 1910.1025—Occupational Exposure to Lead.

OSHA is undertaking a reevaluation and reconsideration of the occupational health standard regulating exposure to lead. The purpose of this proceeding is to review the technological and economic feasibility of complying with the regulation. The economic consequences of the regulation will be reexamined on two bases. First, the affected industries' ability to comply with the standard will be reexamined. Second, a cost-benefit analysis will be performed, in order to assess the practicality of relying on this approach in setting occupational health standards in the context of a specific regulation.

All provisions of the lead standard will be subject to this reexamination. In particular, the economic and technological feasibility of the present permissible exposure limit of 50 micrograms of lead per cubic meter of air (50 ug/m^3) averaged over an eight-hour day, and the medical removal protection provisions of the regulation, will be subject to analysis. Additionally, for a few industries where employees appear to be exposed to lead on an intermittent basis, the question whether the employees face a significant risk of lead-related disease will be addressed.

Status: An advance notice of proposed rulemaking was published in the **Federal Register** on April 21, 1981. Public comments in response to the notice must be submitted to the agency by June 1, 1981.

Contact: Robert P. Belliles, Room N3718, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7061.

13. OSHA—29 CFR 1910, Subpart H—Hazardous Materials.

Subpart H contains safety requirements for hazardous materials with particular emphasis on fire and explosion hazards. OSHA believes that there may be a need to revise these standards in order to better address the more significant hazards to employees, address technological advances or changes, and simplify the standards as much as possible. A regulatory impact analysis is not required.

Status: An advance notice of proposed rulemaking was issued January 23, 1981. The notice requests written comments by July 30, 1981. A public meeting was held on April 8 and 9, 1981.

Contact: Thomas Seymour, Room N3463, Frances Perkins Building, 200 Constitution Ave., N.W., Washington, D.C. 20210, 202-523-7216.

14. OSHA—29 CFR Part 1926, Subpart Q, Concrete—Concrete Forms and Shoring.

This subpart contains standards to protect employees in the concrete construction industry. The existing standards are being reorganized to eliminate the need for users to read separate reference standards in order to obtain all of the requirements to assure compliance. The revised standard will also incorporate the latest technological changes and fill the gaps in coverage. The revision will result in a clear, easy to understand regulation. The agency is studying whether a regulatory impact analysis is required.

Status: The publication of an advance notice of proposed rulemaking by August 31, 1981, is anticipated.

Contact: Allan Martin, Room N3457, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-8161.

15. OSHA—29 CFR 1910.1001—Occupational Exposure to Asbestos.

OSHA is considering revisions to its current asbestos standard. New research on the health hazards of asbestos, particularly its role as a cause of occupationally related cancer, and concern for the adequacy of our current standard has prompted Agency review. Revisions may or may not include changes to the permissible exposure limit and provisions for medical surveillance, monitoring, etc. A regulatory impact analysis will be prepared.

Status: The Agency anticipates publication of an advance notice of proposed rulemaking by October 1981, however, this action is currently under policy review.

Contact: Robert P. Belliles, Room N3718, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7061.

16. OSHA—29 CFR 1910.143; 1926.103; 1915.82; 1916.82; 1917.83 and 1918.103—Respiratory Protection.

OSHA is building a public record to ascertain what changes should be made to present regulations for respiratory protection. The present regulations do not provide guidelines for fit testing in particular. It is considered desirable to build the public record in order to determine the desirability of fit testing and to consider other important issues as well.

Status: The Agency expects to publish an advance notice of proposed rulemaking on or before June 19, 1981.

Contact: Sheldon Weiner, Room N3663, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7151.

17. OSHA—29 CFR 1910.1043—Occupational Exposure to Cotton Dust.

OSHA is undertaking a reevaluation and reconsideration of the current occupational health standard regulating employee exposure to cotton dust. The purpose of this action is to review the economic consequences of the regulation and, in particular, to evaluate the feasibility and utility of relying upon cost-benefit analysis in setting occupational health standards in the context of a specific regulation. A regulatory impact analysis will be performed.

Status: An advance notice of proposed rulemaking was published in the **Federal Register** on March 31, 1981. Public comments in response to the notice must be submitted to the agency by May 15, 1981.

Contact: Robert P. Belliles, Room N3718, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202-523-7081.

18. OSHA—29 CFR Part 1900—Identification and Labeling of Hazardous Materials in the Workplace.

OSHA is reevaluating a proposed regulation that would require employers to inform employees of the identities of hazardous chemicals in the workplace by such means as labels, lists, material safety data sheets, hazard warnings, and records preservation. A regulatory impact analysis will be prepared.

Status: A proposed standard was published January 16, 1981 (46 FR 4412). The proposal was withdrawn on February 12, 1981 (46 FR 12020) pending further analysis of regulatory

alternatives. This action is currently under policy review.

Contact: Bailus Walker, Room N3718—Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7075.

19. OSHA—29 CFR 1910.180—Conveyors.

This regulation will prescribe standards to protect employees from safety hazards encountered around conveyors, to help control such problems as limbs being caught in conveyors, workers falling while going over conveyors, and objects falling from conveyors onto workers. A regulatory impact analysis is required.

Status: A notice to reopen the record to introduce new information, and to provide opportuntiy to comment, was issued on November 14, 1980. On January 16, 1981, a notice was issued to extend the public comment period and to announce the scheduling of public hearings. On April 10, 1981, a notice was published in the Federal Register to change the Hearings to meetings. Public meetings will begin in Washington, D.C., on May 5, 6, and 7, 1981, and will continue in Chicago, Illinois, on May 12, 13, and 14, 1981, and in Los Angeles, California, on May 19, 20 and 21, 1981.

Contact: Mr. Carrol E. Burtner, Room N3605, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7202.

20. OSHA—29 CFR 1910.1005—Occupational Exposure to MBOCA.

OSHA is considering development of a standard for occupational exposure to MBOCA (4, 4 methylene bis (2-chloroaniline)) which may inlcude a permissible exposure limit and provisions for medical surveillance, environmental monitoring, methods of compliance, and employee training. (An earlier standard for MBOCA was vacated for a procedural reason through judicial action.) MBOCA has been found to increase the risk of liver and bladder cancer. The need for a regulatory impact analysis is under study.

Status: The Agency anticipates publication of an advance notice of proposed rulemaking and a proposed standard for MBOCA by September 1981, however, this action is currently under policy review.

Contact: Robert P. Beliles, Room N3718, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7081.

21. MSHA—30 CFR Parts 55, 56 and 57—Review of Metal and Nonmetal Standards.

MSHA is undertaking a thorough review of the metal and nonmetal health and safety standards. MSHA informed the metal and nonmetal mining community, by publication of an ANPRM in March 1980, that it would conduct a study of all the metal and nonmetal standards to determine their applicability and effectiveness. The need for a regulatory impact analysis is under study.

Status: Publish MSHA specific priorities for review and further public comment by July 1981.

Contact: Frank A. White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–1910.

22. MSHA—30 CFR Parts 75 and 77—Wire Rope Standards.

This regulation will revise 30 CFR Parts 75 and 77 to include requirements for the selection, installation, use, inspection, maintenance, and removal of wire ropes. Currently, MSHA's wire rope standards incorporate by reference the American National Standards Institute (ANSI) standard M.11.1 on wire ropes in mines. Two administrative law judges of the Federal Mine Safety and Health Review Commission have reached different conclusions as to whether the standard is advisory or mandatory. These decisions have encouraged MSHA to expedite its planned review of the wire rope standards.

This proposal, which will set forth specific requirements for wire ropes, will eliminate the need to incorporate by reference the ANSI standard. A regulatory impact analysis is not required.

Status: MSHA is preparing a proposed rule and anticipates publication by October 1981.

Contact: Frank A. White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–1910.

23. MSHA—30 CFR Parts 55, 56, 57, 75 and 77—Revisions to Mandatory Safety Standards for Coal and Metal and Nonmetal Mines Based on Affirmative Decisions on Petitions for Modification of the Application of Standards.

Under Section 101(c) of the Mine Act, MSHA has granted many petitions for modification of the appplication of standards (variances) based on mine operators' implementation of alternative methods which reflect advances in technology. MSHA intends to review the standards for which modifications have been granted and determine which standards should be revised to allow the use of improved and alternative methods which provide adequate protection for miners. A regulatory impact analysis is not required.

Status: MSHA anticipates publishing an ANPRM by October 1981.

Contact: Frank White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–1910.

24. MSHA—30 CFR Part 57.5–37—Radon Daughters. MSHA has received a petition to revise the standards for radon daughter exposure in underground metal mines. The petitioners allege that miners are at an increased risk of lung cancer under the current exposure limits and that additional protective provisions are needed in the standard.

The National Institute for Occupational Safety and Health (NIOSH) submitted a report to MSHA in June 1980 which reviewed the literature regarding radon daughter exposure and concluded that a substantial health risk exists at current exposure levels. As a result of that report, NIOSH will provide MSHA with a quantitative assessment of risk and a more complete review of the scientific literature. After a review of that information, MSHA will determine whether there exists a significant risk of material impairment of health to justify a reduction of existing exposure limits. The need for a regulatory impact analysis is under study.

Status: A decision on the need for a revision of the existing regulation will not be made until late 1981.

Contact: Frank White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–1910.

25. MSHA—30 CFR Part 110—Safety and Health Standards for Construction Work at Surface Areas of Mines.

This regulation would set forth minimum safety and health requirements for construction workers at surface areas of mines. Section 101(a)(8) of the Federal Mine Safety and Health Act of 1977 requires that the Secretary, to the extent practicable, promulgate separate standards applicable to mine construction activity on the surface. The need for a regulatory impact analysis is under study.

Status: An advance notice of proposed rulemaking, in which MSHA proposed to basically adopt OSHA's construction standards, was published in August 1979. We have received and analyzed the comments. A draft proposed rule is under review.

Contact: Frank White, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203, 703–235–1910.

26. ESA—29 CFR Part 530—Employment of Homeworkers in Certain Industries.

This regulation sets forth the conditions under which certificates can be issued authorizing the employment of individuals as homeworkers in certain restricted industries. There has been no comprehensive revision of this regulation since its inception is the early 1940's. Revisions may be needed to resolve problems which have recently been brought to light. A regulatory impact analysis is not anticipated.

Status: Public hearings were held on January 13 and 14, 1981, in Burlington, Vermont, and on February 17 and 18, 1981 in Washington, D.C. for the purpose of soliciting suggestions as to how, if at all, this regulation should be changed. A notice of proposed rulemaking is expected in early May.

Contact: James L. Valin, Room S3508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7043.

27. ESA—20 CFR Part 722—Criteria for Determining Whether State Workers' Compensation Laws Provide Adequate Coverage For Pneumoconiosis and Listing of Approved Laws.

These regulations establish procedures and standards to be applied by the Secretary of Labor in determining whether a State workers' compensation law provides adequate coverage for death or disability due to pneumoconiosis. Review and revision of Part 722 is necessary because of the amendments to Section 421 of the Black Lung Benefits Act by the Black Lung Benefits Reform Act of 1977. A regulatory impact analysis is not required.

Status: The publication of a proposed regulation by October 30, 1981, is anticipated.

Contact: James Yocom, Room C3520, Main Labor Building, 200 Constitution Avenue, N.W. Washington, D.C. 20210, 202–523–8692.

28. EST—20 CFR Part 726—Black Lung Benefits: Requirements for Coal Mine Operators Insurance.

These rules govern the manner by which a coal mine operator shall fulfill its insurance obligations under the Black Lung Benefits Act, either by qualification as a self-insurer or by contracting with a commercial insurance company. Revision of Part 726 is necessary as a result of enactment of the Black Lung Benefits Reform Act of 1977 and the Black Lung Benefits Revenue Act of 1977. The need for a regulatory impact analysis is under study.

Status: The publication of a proposed regulation by October 30, 1981, is anticipated.

Contact: James Yocom, Room C3520, Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8692.

29. EST—20 CFR 10 et seq.—Claims for Compensation under the Federal Employees' Compensation Act, as amended.

Revisions in this regulation would define standards for determining the degree of disability attributable to specific occupational diseases. The changes will produce greater uniformity in the disability determinations in such cases. A regulatory impact analysis is not required.

Status: Publication of notices of proposed rulemaking concerning hearing loss and asbestosis are anticipated by October 30, 1981.

Contact: John D. McLellan, Jr., U.S. Department of Labor, Room S3329, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7552.

30. ESA—20 CFR 725. Claims for Benefits Under Part C of Title IV of the Federal Mine Safety and Health Act, as Amended.

These regulations define the procedures for the adjudication and payment of benefits on claims for total disability due to Black Lung disease. Several changes are under study. One would clarify the circumstances under which a lessor of a coal mine will not be liable for the payment of such benefits. Another will change the rate of interest to be paid by mine operators or other employers on reimbursements to the Black Lung Disability Trust Fund. A regulatory impact analysis is not required.

Status: A proposed change to Section 725.491(b) (2) clarifying the obligations of coal mine lessors was published for comment on January 27, 1981. Publication of a notice of proposed rulemaking modifying section 725.606 on interest charges is anticipated by June 30, 1981.

Contact: Robert Dorsey, Room C3316, Main Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–9486.

31. ESA—20 CFR Parts 702, and 703—Longshoremen's and Harbor Workers' Compensation.

Revisions and additions to the Longshoremen's Act regulations are being considered. These revisions would establish standards to permit employer groups to qualify as self-insurers under 20 CFR Part 703; reflect and codify the Department's policies and procedures for handling second injury relief cases; modify procedures for requiring employers to pay additional compensation for failure to pay compensation without an award; clarify procedures related to the provision of rehabilitation services; and make other changes. The need for a regulatory impact analysis is under study.

Status: Proposed regulations on the handling of second injury relief cases were published for comment on January 27, 1981. Publication of proposals on other matters is anticipated by October 30, 1981.

Contact: Neil Montone, Room C4315, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8572.

32. LMSA—29 CFR 403—Labor Organization Annual Reports.

LMSA is planning to revise the Labor Organization Annual Reports, Forms LM–2 and LM–3, which are incorporated by reference in 29 CFR 403.3 and 403.4. Those reporting forms require the disclosure of certain details regarding the financial condition and operations of labor organizations pursuant to the Labor-Management Reporting and Disclosure Act of 1959, as amended. A number of changes in format and content are being considered in order to simplify the reporting requirements of labor organizations, facilitate more efficient processing of the reports by the Department, and reduce the paperwork for labor organizations and the Department. A regulatory impact analysis is not required.

Status: Proposed revisions will be published in the Federal Register for public comments on or about June 1, 1981.

Contact: Herbert Raskin, Room N5109, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7373.

33. LMSA/ERISA—29 CFR 2550.414(c) (5)—Transitional Relief for Certain Dispositions of Property Under Section 414(c) (5) of ERISA.

This proposed regulation would clarify the scope of the transitional relief provided in section 414(c) (5) of ERISA. The proposed regulation is designed to clarify the circumstances under which the prohibited transaction provisions contained in sections 406 and 407(a) of ERISA are inapplicable to certain sales, exchanges or othe dispositions of property to a party in interest. Consideration is being given to whether a regulatory impact analysis is required.

Status: The publication date of a proposed regulation is under consideration.

Contact: Douglas Wham, Office of the Solicitor, Room C–4506, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7923.

34. LMSA/ERISA—29 CFR 2550.406a–1—Prohibited Sales, Exchanges and Leases.

Section 406(a)(1)(A) of ERISA provides that a fiduciary with respect to a plan should not cause the plan to engage in a transaction if he knows or should know that such transaction constitutes a direct or indirect sale, exchange or lease of property between the plan and a party in interest. The Department has received correspondence in the form of inquiries and requests for advisory opinions as to the scope or the prohibitions contained in Section 406(a)(1)(A).

The purpose of this proposed regulation is to provide guidance regarding the Department's view of sales, exchanges and leases between a plan and a party in interest. Consideration is being given to whether a regulatory impact analysis is required pursuant to the provisions of E.O. 12291.

Status: The publication date of a notice of proposed rulemaking is under consideration.

Contact: Jay A. Neuman, Office of the Solicitor, Room C–4508, Francis Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210 (202) 523–8658.

35. LMSA/ERISA—29 CFR 2510.3–40—Certain Plans for Management and Highly Compensated Employees.

The proposed regulation will provide guidance regarding the circumstances under which a plan will be deemed unfunded and maintained by an employer primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.

Plans which have these characteristics are exempted from coverage under Parts 2 (participation and vesting), 3 (funding), and 4 (fiduciary), of Title I of ERISA, by sections 201(2), 301(a)(3) and 401(a) of ERISA respectively. Consideration is being given to whether a regulatory impact analysis is required.

Status: The publication date of a notice of proposed rule is under consideration.

Contact: Jay S. Neuman, Office of the Solicitor, Room C4508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8658.

36. LMSA/ERISA—29 CFR 2550.404c—Participant Directed Individual Account Plans.

Section 404(c) of ERISA provides that if a participant or beneficiary in certain plans that provide for individual accounts excercises control over the assets in his account, then the participant or beneficiary will not be deemed to be a fiduciary by reason of his exercise of control, and other plan fiduciaries will not be liable for any loss, or by reason of any breach of their fiduciary duties under Title I of ERISA, that results from the exercise of control. Section 404(c) specifically contemplates the issuance of regulations by the Department regarding the circumstances under which a participant or beneficiary will be deemed to have exercised control over assets in his individual account.

The purpose of the proposed regulation is to describe the kinds of plans referred to in section 404(c), the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account and the consequences under section 404(c) of such an exercise of control. Consideration is being given to whether a regulatory impact analysis is required pursuant to the provisions of E.O. 12291.

Status: The publication date of a notice of proposed rulemaking is under consideration.

Contact: William A. Schmidt, Office of the Solicitor, Room C–4508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8610.

37. LMSA/ERISA—29 CFR Part 2550—Loans to Participants.

This regulation will describe the circumstances under which the exemption in section 408(b)(1) from the prohibited transaction provisions for loans by a plan to plan participants will be available. Consideration is being given to whether a regulatory impact analysis is required.

Status: The publication date of a proposed regulation is under consideration; it is not anticipated that the proposal will be published before 1982.

Contact: William Flanagan, Office of the Solicitor, Room C4508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8610.

38. LMSA/ERISA—29 CFR Part 2550—Prohibited Extension of Credit.

This regulation will interpret aspects of the statutory prohibition in section 406(a)(1)(B) of ERISA against the lending of money and other extensions of credit between a plan and a party in interest. Consideration is being given to whether a regulatory impact analysis is required.

Status: The publication date of a proposed regulation is under consideration; it is not anticipated that the proposal will be published before 1982.

Contact: Mary O. Lin, Office of the Solicitor, Room C4508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8606.

39. LMSA/ERISA—29 CFR Part 2550—Definition of the term "qualifying employer real property".

This regulation would define various terms used in the statutory definition of "qualifying employer real property." Such property generally is real estate owned by a plan and leased to the employer sponsoring the plan. With specified exceptions, plans may not invest more than 10% of their assets in employer real property and securities issued by the employer. Consideration is being given to whether a regulatory impact analysis is required.

Status: The publication date of a proposed regulation is under consideration; it is not anticipated that the proposal will be published before 1982.

Contact: Charmaine Gorden, Office of the Solicitor, Room C4508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8593.

40. LMSA/ERISA—29 CFR Part 2550—Bonding.

Section 412 requires that every person who handles plan assets be bonded. This regulation will provide necessary guidance with respect to these bonding requirements. Consideration is being given to whether a regulatory impact analysis is reuired.

Status: The publication date of a proposed regulation is under consideration; it is not anticipated that the proposal will be published before 1982.

Contact: Doris Jacobs, Office of the Solicitor, Room C4508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–8644.

41. LMSA/ERISA—29 CFR Part 2550—Conversions, splits and other transactions not deemed "acquisitions".

This regulation will specify the extent to which conversions, splits, the exercise of rights and similar transactions will not be treated as "acquisitions" for purposes of section 407(d)(6), which limits the extent to which an employee benefit plan may acquire securities issued by the employer sponsoring the plan. Consideration is being given to whether a regulatory impact analysis is required.

Status: The publication date of a proposed regulation is under consideration; it is not anticipated that the proposal will be published before 1982.

Contact: Charmaine Gordon, Office of the Solicitor, Room C4508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–0593.

42. LMSA/ERISA—29 CFR Part 2550—Conversion of Securities.

Section 408(b)(7) provides an exemption for the exercise of a privilege to convert securities, but only to the extent provided by regulation. This regulation will specify the circumstances under which the exemption is available. Consideration is being given to whether a regulatory impact analysis is required.

Status: The publication date of a proposed regulation is under consideration; it is not anticipated that the proposal will be published before 1982.

Contact: Douglas Wham, Office of the Solicitor, Room C4508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–7923.

43. LMSA/ERISA—29 CFR Part 2550—Eligible Individual Account Plans.

This regulation will clarify the term "eligible individual account plans" as used in section 407(d)(3). Such plans may invest all their assets in securities and real property related to the employer, provided certain conditions are met. Consideration is being given to whether a regulatory impact analysis is required.

Status: The publication date of a proposed regulation is under consideration; it is not anticipated that the proposal will be published before 1982.

Contact: William Schmidt, Office of the Solicitor, Room C4508, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–0592.

44. OASAM—41 CFR Part 29–15—Cost Principles for State Employment Security Agency (SESA) Grants.

These regulations establish general principles and procedures governing the allowability of SESA costs. They consist of descriptions of particular types of costs which are allowable, allowable with prior Department of Labor approval, and unallowable as charges to grants to States for employment security and unemployment insurance administration.

These regulations are needed to implement Federal Management Circular 74–4 and OMB Circular A–102 and to provide complete guidance to State agencies on the use of Reed Act funds.

Legislative authority appears in the rulemaking provisions of the Wagner-Peyser Act (29 U.S.C. 49 C–3). A regulatory impact analysis is not required.

Status: A proposed rule was published on December 19, 1980. Comments are being reviewed. A revised proposed rule is expected to be published by October 30, 1981.

Contact: Theodore Goldberg, Room S1323, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–9174.

45. OASAM—41 CFR 29–1.6—Debarred, Suspended and Ineligible Bidders.

These regulations govern the exclusion of individuals and concerns from eligibility to receive Department of Labor contracts on account of violations of applicable Federal laws and regulations. Current departmental regulations on this subject need to be reviewed and updated. A regulatory impact analysis is not required.

Status: The publication of a proposed regulation by October 30, 1981, is anticipated.

Contact: Theodore Goldberg, Room S1323, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–9174.

46. OASAM—41 CFR Part 29–70—Administrative Requirements Governing All Grants and Agreements by Which Department of Labor Agencies Award Funds.

This regulation will amend 41 CFR Part 29–70 to add a new section 29–70.213, "Suspension and termination of grants and agreements; debarment." This section implements Attachment L to OMB Circular A–110 and the part of Attachment L to OMB Circular A–102 which deals with sanctions under grants. Section 29–70.213 includes the Federal standards which apply if a grant must be suspended or terminated; or if a grantee is debarred from eligibility to receive a Department of Labor grant. A regulatory impact analysis is not required.

Status: The publication of a proposed regulation by September 30, 1981 is anticipated.

Contact: Theodore Goldberg, Room S1323, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–9174.

47. OASAM—41 CFR Part 29–70—Administrative Requirements Governing all Grants and Agreements by Which Department of Labor Agencies Award Funds.

This regulation will amend 41 CFR 29–70.207–4, "Federal and non-Federal audit requirements," to implement Attachment P to OMB Circular A–102. Attachment P provides for independent audits of financial operations (including certain provisions of Federal law and regulation) of Federal grantees that are State or local governments or Indian tribal governments. A regulatory impact analysis is not required.

Status: Publication of the regulation as a proposed rule is anticipated by September 30, 1981.

Contact: Theodore Goldberg, Room S1323, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–9174.

48. OASAM—41 CFR Part 29–70—Administrative Requirements Governing all Grants and Agreements by Which Department of Labor Agencies Award Funds.

This regulation will amend 41 CFR Part 29–70 to add a new § 29–70.212, "Closeout procedures." This section will implement Attachment K to OMB Circular A–110 and the part of Attachment L to OMB Circular A–102 dealing with closeout. It will provide uniform Federal standards for closing out Department of Labor grants and agreements. A regulatory impact analysis is not required.

Status: Publication of the regulation as a proposed rule is anticipated by September 30, 1981.

Contact: Theodore Goldberg, Room S1323, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 202–523–9174.

Signed this 22nd day of April 1981 at Washington, D.C.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-12882 Filed 4-27-81; 8:45 am]

BILLING CODE 4510-23-M

federal register

Tuesday
April 28, 1981

Part IV

Department of Agriculture

Office of Environmental Quality

Environmental Policy; Categorical Exclusions

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DEPARTMENT OF AGRICULTURE

Environmental Policy; Categorical Exclusions

AGENCY: Office of Environmental Quality, Agriculture.

ACTION: Final determination of categorical exclusions.

SUMMARY: Notice is hereby given that the Office of Environmental Quality (OEQ), pursuant to consultations with the Council on Environmental Quality (CEQ) and the Agencies set forth below has made a final determination that the current programs and activities of those USDA Agencies listed below come within the categorical exclusions contained in the Department of Agriculture's policies and procedures for compliance with the National Environmental Policy Act (NEPA) (7 CFR § 3100.22; 44FR 44802–44803). As a result of this determination, the designated Agencies will not prepare specific agency procedures for compliance with NEPA and the regulations of CEQ and the Department of Agriculture. However, those Agencies will continue to review their programs and activities to evaluate any new programs or activities which may necessitate the development of specific Agency procedures.

SUPPLEMENTARY INFORMATION: June 6, 1980, the OEQ published a proposed determination of categorical exclusions from the requirement of preparation of specific regulations and procedures for compliance with the National Environmental Policy Act (45 FR 38092). As of the closing date of August 5, 1980, the OEQ received two comments regarding the proposed categorical exclusion of the Agricultural Marketing Service (AMS). There were no comments as to the other designated Agencies.

One comment was concerned with the relationship between Federal fruit and vegetable marketing order regulations and pesticide usage, suggesting that such regulations are based upon cosmetic quality standards, which induce farmers to increase their use of pesticides.

There are indications that certain standards established by various government Agencies and the private sector may have effects on the use of pesticides, which effects may merit further studies. However, the programs and activities of AMS in this area do not have significant effects on pesticide usage and accordingly do not constitute significant effects on human environment. The establishment of Federal grades and standards for fruits and vegetables is not under the authority of AMS.

The other comment was concerned with the process by which AMS analyzed the potential effects of proposed amendments of the Plant Variety Protection Act of 1970, which amendments have since become law. AMS considers its analysis of those amendments to have been adequate. Further, the comment deals with the process by which the analysis was made and is not pertinent to the issue of categorical exclusions of AMS under NEPA.

DESIGNATED USDA AGENCIES FOR CATEGORICAL EXCLUSIONS UNDER NEPA:
Agricultural Cooperative Service
Agricultural Marketing Service
Economics and Statistics Service
Federal Grain Inspection Service
Food and Nutrition Service
Foreign Agricultural Service

EFFECTIVE DATE: April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Barry R. Flamm, Director, Office of Environmental Quality, USDA Washington, D.C. 20250, Phone (202) 447–3965.

Dated: April 22, 1981.

Barry R. Flamm,

Director, Office of Environmental Quality.

[FR Doc. 81–12060 Filed 4–27–81; 8:45 am]
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federal register

Tuesday
April 28, 1981

Part V

Department of Health and Human Services

Office of Human Development Services

Native American Programs; Tribal Environmental Protection; Availability of Fiscal Year 1981 Financial Assistance

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement 13612-816]

Native American Programs; Tribal Environmental Protection

AGENCY: Office of Human Development Services, DHHS.

SUBJECT: Announcement of Availability of Fiscal Year 1981 Financial Assistance for a Tribal Environmental Protection Program.

SUMMARY: The Administration for Native Americans announces that applications are being accepted for financial assistance under Section 805 of the Native American Programs Act of 1974, Pub. L. 93-644, as amended. Regulations covering this program are published in the *Code of Federal Regulations* in 45 CFR Part 1336.

DATE: Closing date for receipt of all applications under this program announcement is July 13, 1981.

Program Purpose

The major purpose of the Administration for Native Americans program is to promote the goal of economic and social self-sufficiency for Native Americans. A priority emphasis of the program is to strengthen the executive functions and institutions of tribal governing bodies to support social and economic development of the tribe.

The program and policy initiatives of the Administration for Native Americans are framed around three major objectives aimed at attaining Native American self-sufficiency. These objectives are:

1. *Social Development*—The development of social institutions and Native American leadership in ways that enhance the capacity of Native Americans to influence their social environment and the services to which they are entitled.

2. *Economic Development*—The realization of the full benefit from Native American resources, both potential and actual. Progress in the area of economic development is perceived as critical to addressing the fundamental causes of the acute and chronic social problems found among Native Americans.

3. *Service Improvement*—The elimination of gaps in services as a result of jurisdictional ambiguities, unclear areas of program responsibility, discrimination, and fragmented program efforts, is fundamental to improving the delivery of human services.

The Administration for Native Americans operates on the principle that economic and social development are essentially interrelated concerns in Native American affairs. One means of promoting social and economic self-sufficiency is through the implementation of research and demonstration projects designed to test or develop new approaches or methods that will assist in overcoming special problems or address specific needs of Native American communities.

Program Goals

The Tribal Environmental Protection Program is a joint initiative of the Environmental Protection Agency (EPA) and the Administration for Native Americans (ANA). The goal of the Tribal Environmental Protection Program is to assist tribal governments to establish and maintain the ongoing capability to protect reservation environments. This program supports EPA's mission to work cooperatively with State and local governments by extending to tribal governments assistance which increases their capacity to administer environmental programs and enforce environmental standards. In addition, the Tribal Environmental Protection Program complements and reinforces ANA's priorities to strengthen the executive functions and institutions of tribal governing bodies to support social and economic development of the tribe.

Background

The protection of reservation environments is a vital concern of many tribal governments. Tribes undertaking the development of natural resources on their reservations have expressed the need to establish and enforce standards for environmental protection. In other instances, tribes have expressed concern over activities of non-tribal entities, both on and off the reservation, which have had an adverse impact on the reservation environment.

At the Federal level, the Environmental Protection Agency has lead responsibility for administering the major environmental statutes. Primarily, EPA is a regulatory agency with responsibilities for the establishment and enforcement of Federal environmental standards. In the past, EPA has generally relied on State governments to implement and enforce environmental standards, with little assistance directed toward tribal governments to undertake comparable environmental protection activities. Since State governments usually do not have full legal jurisdiction on reservation lands, this approach has had limited effectiveness in addressing the environmental problems of Indian reservations.

While protection of reservation lands clearly falls within the purview of the Federal trust responsibility, the active role of tribal governments is vital to the success of such efforts. Programs to protect reservation environments must be predicated on a tribal/Federal partnership if programs are to be relevant to tribal concerns and effectively implemented and enforced. The Federal government recognizes tribal governments as legitimate units of government with regulatory authority over environmental concerns on reservation lands. Likewise, tribal governments are increasingly recognizing the advantages of developing and exercising the governmental functions associated with environmental protection.

Program Objectives

The primary objective of the program is to assist tribal governments to develop or enhance their institutional capability to undertake environmental protection projects and enforce environmental standards on reservation lands. Tribal environmental protection projects may address all or part of a wide range of environmental concerns, from the air pollution problems associated with large-scale energy development to problems more typical of rural America, such as the provision of safe drinking water, and adequate sewage and solid waste disposal.

The program is designed to be flexible, so that tribes can establish systems for addressing environmental concerns in a manner that is consistent with tribally-determined priorities and needs. The program will assist tribal governments to exercise their basic authority to undertake environmental protection activities on reservation lands. The strategies to accomplish environmental protection and enforcement will be determined by each tribe. Project activities may include, among other things, establishment and enforcement of standards, monitoring and evaluation, development of inventories, environmental planning, research, and acquiring appropriate expertise and training. Where appropriate, tribes may wish to develop projects to assume delegable EPA programs. Similarly, they may wish to develop cooperative agreements with tribal, State or Federal agencies, or establish consortia as part of their environment protection strategy.

The Tribal Environmental Protection Program is broad in scope, as it is

intended to respond to actual needs of the reservation environment and the tribal government. As a result, the specific strategies and proposed activities may vary significantly among tribal applicants, depending upon the nature of local issues, needs, priorities and unique circumstances in each community. For example, projects may address environmental problems which are reservation-wide, or which occur only on part of a reservation. In addition, projects may address a variety of problems or focus on one specific concern. However, proposals must address environmental concerns which have already been identified, as this program is not intended to fund activities for the primary purpose of identifying environmental problems.

The purpose of this program is to assist tribes to establish environmental protection efforts as an integral part of tribal governments. It is expected that tribal environmental protection efforts initiated under this program will be continued, or the expertise gained in the project will be utilized by the tribe on an ongoing basis. Therefore, during the project period, preparations must be made, and prospective sources of funds identified, for long-term operation and maintenance of tribal environmental protection programs. Such funds must be obtained from sources other than this program. Applicants will be required to submit a plan for long-range (3–5 year) funding beyond the designated project period.

Project Design

The applicant must document the environmental needs and concerns of the community and must clearly identify the problems to be addressed by the Tribal Environmental Protection project.

The applicant must clearly describe the goals and objectives of the project and clearly describe the manner in which the project will improve the capability of the tribal government(s) to respond to environmental issues on an on-going basis. Although the project period will be limited to a maximum of 3 years, with an initial budget period of 15 months, the applicant should present a clear and concise description and justification of the methodology and strategies it intends to follow over a 3–5 year period.

The applicant must include a statement of work for the implementation of each program objective for the 15-month budget period. The statement of work should include specific time frames, and must describe the method for monitoring and evaluating the activities proposed.

The applicant must include a detailed budget with justifications. The applicant should detail the total amount of resources (financial, human, training and technical assistance) required for the accomplishment of the proposed objectives and should indicate any anticipated sources of support which supplement activities conducted under this program announcement.

The applicant must provide information which indicates that the proposed personnel and management resources are adequate and appropriate to accomplish the proposed objectives.

The applicant must submit a preliminary plan for the long-range maintenance and operation of the tribal environmental protection project, or for long-term utilization of the expertise gained under the project. The plan should identify potential sources of funding for continuation of the project or for similar environmental protection efforts. Funding obtained under this program announcement may not be considered long-range funding. It is expected that preliminary plans will be further developed and refined during the course of the project.

The applicant must include a resolution from the Tribal Council indicating its knowledge, involvement and support of this application.

Applicants who wish further clarification or explanation of this announcement should call Ms. Jan Phalen, Administration for Native Americans (202) 245–7730, or Ms. Jeanne Rubin, ANA, (202) 245–7714.

Eligible Applicants

Applicants eligible for this program are governing bodies of Federally-recognized Indian reservations, or consortia of such governing bodies.

Available Funds

This program is jointly funded by ANA and EPA. A total of $250,000 is available in fiscal year 1981 for new projects under this program. It is anticipated that five to seven (5–7) grants will be awarded. The budget period for awards made under this competition will be fifteen (15) months. The project period for each grant may be up to three (3) years. Refunding on a non-competitive basis beyond the first fifteen months will depend upon the grantee's satisfactory progress, the availability of funds, and the grantee's compliance with ANA Regulations (45 CFR 1336).

Grantee Share of the Project

Grantees must provide 20% of the approved cost of the project. Grantee contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services. The contribution must be allowable under the Department's applicable regulations in 45 CFR Part 74, Subparts G and Q.

Under certain circumstances, some or all of the non-Federal share of the project may be waived by ANA. Further explanation is contained in § 1336.52 of ANA's Regulations (45 CFR 1336).

The Application Process

Availability of application forms. In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and in the manner prescribed by ANA. An application kit containing the necessary forms as well as supplemental descriptive project information may be obtained from: Ms. Carol Jones, Department of Health and Human Services, Administration for Native Americans, Room 5300, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, (202) 245–7776, Attention: No. 13612–816.

Application submission. One signed original and six copies of the grant application, including all attachments, must be submitted to the address specified in the application kit. The application must be signed by the principal official of the tribe or by his or her designee.

A–95 Notification Process. Federally-recognized tribes are not subject to the requirements of the Office of Management and Budget Circular No. A–95, revised (procedures at 41 FR 2052, January 13, 1976). However, the Administration for Native Americans encourages applicants to inform the State and Areawide Clearinghouses of their intent to apply for Federal assistance under this program announcement..

Application consideration. The Commissioner determines the final action to be taken with respect to each grant application for this program. Applications which do not conform to this announcement or are not complete will not be accepted for review and applicants will be notified in writing accordingly. Applications which are complete and conform to the requirements of this program announcement are subject to a competitive review and evaluation by qualified persons independent of the Administration for Native Americans. The results of the review assist the Commissioner in the consideration of competing applications. The Commissioner's consideration also takes into account the comments of

ANA and EPA staff, and other interested parties. The Commissioner makes grant awards consistent with the purpose of the Act, the regulations, and the program announcement within the limits of funds available.

After the Commissioner has reached a decision either to disapprove or to fund a competing grant application, unsuccessful applicants are notified of the decision in writing. Successful applicants are notified through the issuance of a Notice of Financial Assistance Awarded which sets forth to the recipient, in writing, the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the amount of recipient participation. It also specifies the total project period for which support is contemplated.

Criteria for Review and Evaluation

Competing grant applications will be reviewed and evaluated against the following criteria:

1. Goals and Objectives

(a) The applicant clearly understands the program goals and objectives described in this program announcement. (5 points)

(b) The project objectives are clearly capable of achieving the program goals and objectives described in this program announcement. (15 points)

2. Problems to be addressed are well defined, and the proposed project effectively addresses the identified environmental needs and concerns of the community. (15 points)

3. The proposed methodologies and strategies, if well executed, are capable of achieving the project objectives. (10 points)

4. The statement of work is comprehensive and adequate for the successful implementation of the proposed activities and includes quantifiable objectives, an appropriate time frame for accomplishment and a plan for monitoring and evaluating the activities proposed. (15 points)

5. The applicant has an adequate plan for long-term operation, maintenance and funding of the project or for long-term utilization of the expertise gained in the project. (10 points)

6. The applicant organization has adequate and appropriate personnel and management resources to accomplish the proposed objectives:

(a) the proposed staff are, or will be, well qualified to carry out the required activities. (10 points)

(b) the applicant has the necessary administrative experience, facilities and resources to carry out the proposed tasks effectively (a brief record of the applicant's experience in conducting related activities should be provided). (10 points)

7. The budget is given in detail with justifications and explanations. Estimated costs are commensurate with the level of effort needed to accomplish the objectives and the cost is reasonable to the government considering the anticipated results. (10 points)

Closing Date for Receipt of Application

The closing date for receipt of all applications under this program announcement is July 13 1981.

Applications may be mailed or hand delivered. An application will be considered on time if:

- The application was sent by registered or certified mail not later than July 13, 1981 as evidenced by the U.S. Postal Service;
- The application is received on or before close of business July 13, 1981 in the HDS Grants Receiving Office in Washington, D.C. (address provided in the application kit); or
- The application is hand-delivered to the address on the application kit by close of business July 13, 1981. Hand-delivered applications will be accepted daily from 9 a.m. to 5:30 p.m. except Saturdays, Sundays, and Federal holidays. The official time and date of receipt is that registered by the Department of Health and Human Services.

Applications received after the deadline because they were postmarked or hand-delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog Federal Domestic Assistance Program No. 13.612 Native American Programs)

Dated: April 10, 1981.

A. David Lester,

Commissioner, Administration for Native Americans.

Approved: April 23, 1981.

Warren Master,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 81-12874 Filed 4-27-81; 8:45 am]
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federal register

Tuesday
April 28, 1981

Part VI

Pension Benefit Guaranty Corporation

Valuation of Plan Benefits in Non-Multiemployer Plans; Correction

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Valuation of Plan Benefits in Non-Multiemployer Plans; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; Interim rule; Correction.

SUMMARY: This document corrects a final rule and an interim rule with requests for comments on the valuation of benefits in non-multiemployer pension plans which were published January 28, 1981 (46 FR 9492). This action is necessary to correct typographical errors in actuarial formulas and tables and in the text of the regulation. Because of printing errors in § 2610.42, that entire section is reprinted for clarity.

FOR FURTHER INFORMATION CONTACT: Nina R. Hawes, (202) 254–3010.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

Accordingly, the following corrections are made in FR Doc. 81–2983 appearing on 9492 in the issue of January 28, 1981:

1. On page 9497, column two, the first paragraph, under "Appendixes" the second line "tables of a_x's for healthy and disabled" is corrected to read "tables of q_x's for healthy and disabled".

2. On page 9498, column three, first paragraph, in § 2610.3(a), the eleventh line, "benefits assigned to priorities categories" is corrected to read "benefits assigned to priority categories".

3. On page 9500, starting in column two, § 2610.42 is corrected to read as follows:

§ 2610.42 Mathematical symbols and terms.

(a) *Fundamental symbols.* The following fundamental symbols represent the basic actuarial concepts used in computing the present value of a benefit:

x represents the insurance age of a participant.

q_x represents the probability that an individual whose present age is x will not survive to attain age x+1.

l_x represents the number of people within a closed group expected to survive to age x and is calculated to four decimal places.

ω represents the first age for which $l_x=0$. Since the values of l_x are carried to four decimal places, ω is the first age for which l_x is less than .00005.

i represents an effective annual interest rate which is the amount of money that 1 invested at the beginning of a year will earn during the year, where interest is paid at the end of the year.

m represents the number of times per year payments of benefits are made. It also represents the number of times per year the amount of a death benefit decreases.

n represents a period of time consisting of n years.

p represents the percentage of a benefit which continues to be paid to a survivor under a joint and survivor annuity.

(b) *Derived symbols.* The following derived symbols and commutation functions are representations of actuarial computations in a condensed form and are used to facilitate the expression of actuarial equations:

v is the present value of one dollar payable one year from today, and is computed by the equation

$$v = \frac{1}{1+i}.$$

d_x is equal to the number of people within a closed group alive at age x, that is, l_x, who are not expected to attain the age of x+1, and is computed by the following equation, rounded to four decimal places $d_x=q_x \cdot l_x$.

l_{x+1} is equal to the number of people within a closed group expected to be alive at age x+1, and is computed by the equation $l_{x+1}=l_x-d_x$.

D_x is equal to the quantity $v^x \cdot l_x$.

N_x is equal to the sum of all D_y's for all ages y equal to or greater than x, to the last age when a person in a closed group is expected to be alive, and is computed by the equation

$$N_x = D_x + D_{x+1} + D_{x+2} \cdots + D_{\omega-1}.$$

$N_x^{(m)}$ is a modification of N_x used in situations where annuity payments are made in equal amounts m times a year, and is computed by the equation

$$N_x^{(m)} = N_x - \frac{m-1}{2m} D_x.$$

C_x is equal to the quantity $v^{x+1} \cdot d_x$.

M_x is equal to the sum of all C_y's for all ages y equal to or greater than x, to the last age when a person in a closed group is expected to be alive, and is computed by the equation

$$M_x = C_x + C_{x+1} + C_{x+2} + \cdots C_{\omega-1}.$$

R_x is equal to the sum of all M_y's for all ages y equal to or greater than x, to the last age when a person in a closed group is expected to be alive, and is computed by the equation

$$R_x = M_x + M_{x+1} + M_{x+2} + \cdots M_{\omega-1}.$$

$\overline{C}_x$ is a modification of C_x used in situations where death benefits are payable upon death, (rather than at the end of the year of death), and is computed by the equation

$$\overline{C}_x = \left(1 + \frac{i}{2}\right) C_x.$$

$\overline{M}_x$ is a modification of M_x used in situations where death benefits are payable upon death, (rather than at the end of the year of death) and is computed by the equation

$$\overline{M}_x = \left(1 + \frac{i}{2}\right) M_x.$$

$\overline{R}_x$ is a modification of R_x used in situations where death benefits are payable upon death, (rather than at the end of the year of death), and is computed by the equation

$$\overline{R}_x = \left(1 + \frac{i}{2}\right) R_x.$$

$D_{x,y}$ is a modification of D_x used in situations where the status of another life limits annuity payments, and is computed by the equation

$$D_{x,y} = \frac{(1+i)^{1/2(x+y)} D_x \cdot D_y}{10{,}000}.$$

$N_{x,y}$ is equal to the sum of all $D_{w,z}$ is for all pairs of ages of the form $w=x+t$, $z=y+t$, where t is a non-negative integer, and is computed by the equation $N_{x,y} = D_{x,y} + D_{x+1,y+1} + D_{x+2,y+2} + \cdots$.

$N_{x,y}^{(m)}$ is a modification of $N_{x,y}$ used in situations where annuity payments are made in equal amounts m times per year, and is computed by the equation

$$N_{x,y}^{(m)} = N_{x,y} - \frac{m-1}{2m} \cdot D_{x,y}$$

(c) *Actuarial notation.* The following actuarial notations are used in this subpart:

a represents the present value of an annuity of one dollar per annum.

A represents the present value of a death benefit which provides for the payment of one dollar at the end of the year in which death occurs.

DA represents the present value of a death benefit which provides payments of uniformly decreasing amounts over a specified period of time with no payments if death occurs after the expiration of the period.

¨ is a notation which, when placed over a symbol representing the value of an annuity, indicates that payments are to be made at the beginning of the payment period, for example $\ddot{a}_{\overline{n}|}$.

¯ is a notation which, when placed over a symbol representing a period of time, indicates that an annuity or death benefit payment will not be made beyond that period of time.

: is a notation which separates two symbols in a suffixed subscript representing the status of two periods of life or time, when two such periods are utilized in the context of an actuarial symbol. For example, $\bar{a}_{x:\overline{n}|}$ indicates that the annuity is payable until the expiration of a life aged x, or a term certain of n years, whichever is earlier.

– is a notation which, when placed over a symbol indicating the value of a death benefit, indicates that the benefit is payable immediately upon death. When placed over two symbols in a suffixed subscript representing the existence of a life or a period of time, it indicates that benefit payments continue during the existence of either. For example, $\bar{A}$ represents the present value of a benefit payable immediately upon death, and $a_{\overline{x:n}|}$ represents an annuity payable until the later of the end of a life age x or the passage of n years.

1 is a notation which, when placed over a symbol in a suffixed subscript indicating the existence of a life or a period of time, indicates that expiration of such life or period of time causes payments to commence, if such expiration occurs before the expiration of the other period represented in the subscript. For example $A^{1}_{x:\overline{n}|}$ indicates that payment is made only if the death of the individual, age x, occurs before the expiration of n years.

4. On page 9501, column two, § 2610.44(a), line 6, "Paragraphs (c)–(o) of this section along" is corrected to read "Paragraphs (c)–(n) of this section along".

5. On page 9502, column three, § 2610.44(n), 24th line from the bottom "certain is determined by dividing the" is corrected to read "certain shall be determined by dividing the".

6. On page 9503, column one, § 2610.45(b), line four, "the annuity as of the date of payments" is corrected to read, "the annuity as of the date payments".

7. On page 9504, column one, § 2610.47(f), line 17, "date of plan termination as set forth in," is corrected to read, "valuation date as set forth in".

8. On page 9504, column one, § 2610.48, lines four and five, "benefit and, if any, pre-retirement death benefit is the amount of mandatory" are corrected to read, "benefit and in lieu of a pre-retirement death benefit, if any, is the amount of mandatory".

9. On page 9504, column two, § 2610.63(b)(1), line two, "guaranteed monthly benefit payable at" is corrected to read "monthly benefit payable at".

10. On page 9505, column one, Appendix A to Part 2610—Construction of Mortality Tables, is corrected down to Table I to read as follows:

Appendix A—Construction of Mortality Tables

The plan administrator shall construct mortality tables of l_x's for a closed group using the q_x's contained in the tables in Appendix A and the following procedure which assumes a radix of 10,000 at age 15.

(1) $l_{15}=10{,}000$

(2) Compute l_{16} from the equation $l_{16}=l_{15}-d_{15}$ where $d_{15}=l_{15}\cdot q_{15}$.

(3) Compute l_{17} from the equation $l_{17}=l_{16}-d_{16}$.

(4) This process is continued until the first age x when $l_x=0$. That is, until the age is reached when no person will be alive. l_x will equal zero for all ages equal to and beyond ω.

The PBGC has calculated mortality tables based on 10,000 lives at age 15. They are set forth in Appendix C to this part.

* * * * *

11. On page 9505, column two, Table I, the rate for age 98, "0.378365" is corrected to read "0.378885".

12. On page 9505, column two, Table II the heading "q_x" is corrected to read "q_x".

13. On page 9505, column three, the heading for Table III, "Mortality Rates for Disabled Male Participants" is corrected to read "Mortality Rates for Disabled Male Participants Not Receiving Social Security Disability Benefit Payments".

14. On page 9506, column two, the heading for Table IV, "Mortality Rates for Disabled Female Participants" is corrected to read, "Mortality Rates for Disabled Female Participants Not Receiving Social Security Disability Benefit Payments".

15. On pages 9506 and 9507, the parenthetical in Title V and in Table VI "(For plans that terminate on or after September 4, 1974 and before December 1, 1980)" is corrected to read, "(For plans that terminate on or after September 2, 1974 and before December 1, 1980)".

16. On page 9507, Table Va is moved from after Table VI to before Table VI and after Table V.

17. On pages 9512 and 9513, in the Columnar headings of Table Va, "l_x" is corrected to read "l_x".

18. On page 9516, column one, Appendix E to Part 2610, first paragraph, line four, "examples use the tables in Appendix C to this" is corrected to read, "examples use the tables in Appendix D to this".

19. On page 9517, column one, first paragraph, line one, "Using Table I–80 of Appendix C and items", is corrected to read, "Using Table I–80 of Appendix D and items".

20. On page 9517, column two, first paragraph, line two, "retirement at valuation date) and vertically" is corrected to read "retirement age at valuation date) and vertically".

21. On page 9497, third column, the title of Part 2610, "Valuation of Benefits" is corrected to read "Valuation of Plan Benefits in Non-Multiemployer Plans".

22. On page 9505, third column, Table II, at age 80, the figure, "0.05775" is corrected to read "0.057775".

23. On page 9506, middle column, Table IV, at ages 61 through 84, in the first three figures, "0.10" of each corresponding number, the figure 1 is removed from after the decimal point, to correctly read "0.0" and the remaining six figures stay the same.

24. On page 9498, third column, Subpart B, § 2610.21, line 5 of text, delete the word "to" after the word "receiving".

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[FR Doc. 81-12877 Filed 4-27-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

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Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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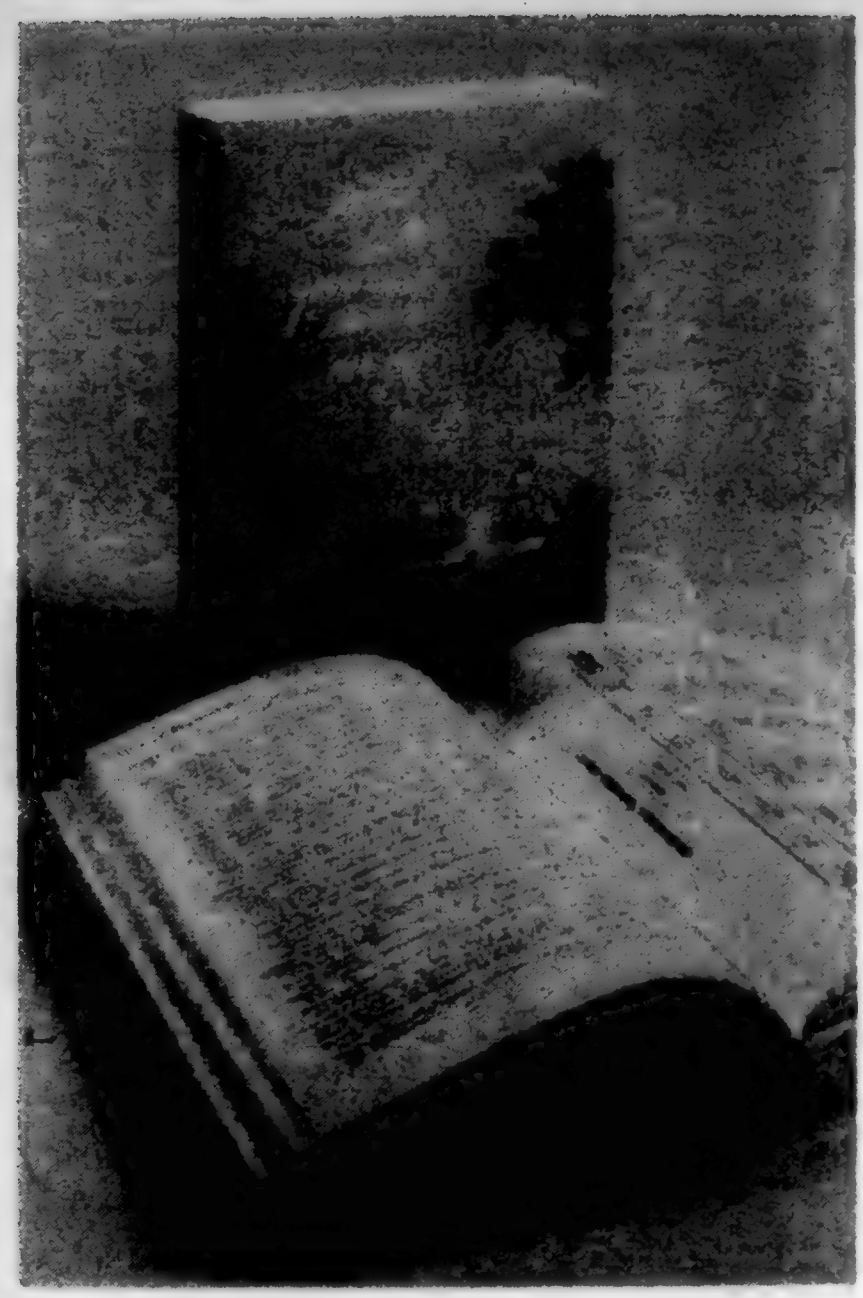

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24128 Justice/INS/DEA/CRD/PARCOM (4 documents)
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Regulatory Flexibility Agendas

24092 NRC
23942 SEC

23923 **Export** Commerce/ITA publishes termination of embargo on the export of Agricultural Commodities and Phosphatic Materials to the U.S.S.R. and Afghanistan.

24060 **Postal Service** PRC gives notice of U.S. Postal Service's filing of a request for a recommended decision on establishing ZIP plus 4 subclasses for first-class letters and cards.

23925 **Veterans** VA amends regulation concerning persons who shall be included as having served on active duty. The effect of this action is to confer veteran status for Veterans' Administration benefit purposes on former members of these groups who were discharged under honorable conditions.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

23950 **Energy** DOE/FERC proposes to eliminate the 31 metropolitan areas as incremental pricing regions.

23940 **"Small Entities"** CFTC proposes establishment of definitions of "Small Entities" for purposes of the Regulatory Flexibility Act.

23939 **Debts** GAO proposes an amendment requiring agencies to extend to debtors an opportunity for a pre-offset oral hearing when a question of indebtedness cannot be resolved by review of documentary evidence and issues of credibility or veracity exist.

23925 **Veterans** VA publishes regulations providing that no Federal benefits shall be payable to a person who enlists in the armed forces and who fails to complete at least 24 months of the person's term of enlistment.

24046 **Grant Programs—Arson** Justice/NIJ announces competitive research grant to study arson adjudication in the United States. The grant will be awarded for up to 21 months and for not more than $300,000.

23952 **Pollution** Treasury/CS proposes to amend regulations relating to illegal discharge of oil and the pollution of coastal and navigable waters by the deposit of refuse matter or hazardous substances.

23947 **Energy** DOE/FERC proposes adoption of single-tier alternative fuel price ceiling.

23916, 23920 **National Security Information** DOE establishes overall U.S. Government policy and procedures for the classification, declassification, and protection of National Security Information; and establishes and maintains guidelines for systematic review covering 20-year old permanently valuable National Security Information under its jurisdiction. (2 documents)

23929 **Endangered and Threatened Wildlife** Interior/FWS publishes regulation permitting commercial importation of red, eastern gray and western gray kangaroos, and their parts and products.

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Rules and Regulations

Federal Register
Vol. 46, No. 82
Wednesday, April 29, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Fee Schedule; Aerial Photographic Reproductions

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: The fee schedule is amended to show price changes in aerial photographic reproductions. The increased fee changes are necessary to offset increased production costs.

EFFECTIVE DATE: April 29, 1981.

FOR FURTHER INFORMATION CONTACT: Don Widener, Fiscal Policy and Management Division, Office of Operations and Finance, USDA, Washington, D.C. 20250, (202) 755–1246.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum 1955 and has been determined to be exempt from those requirements. Dean K. Crowther, Director of the Office of Operations and Finance made this determination because this action is an agency management decision required to assure recovery of increased production costs. As an agency management action, this document is exempt from Executive Order 12291 and from the President's January 29, 1981, memorandum, "Postponement of Pending Regulations". This action is also not a rule as defined by P.L. 96–354, the Regulatory Flexibility Act; consequently it is exempt from the provisions of that Act. Further, since this final rules relates to agency management, pursuant to 5 USC–553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the Federal Register.

Accordingly, Appendix A of 7 CFR Part 1 (Subpart A) is amended as set forth below:

Sec. 16, paragraph c.2. is revised, the introductory text and table to Sec. 16, paragraph c.5. is revised, the introductory text and the text of the second table to Sec. 16, paragraph c.7. is revised; and Sec. 16, paragraph c.8. is revised as follows:

Appendix A—Fee Schedule

	Price each
• • • • •	
Sec. 16. *Photographic Reproduction Prices.*	
c. *Aerial photographic reproductions: black and white.* • • •	
1. *Contact prints.* • • •	
2. *Dispositives.*	
Size:	
10 by 10 in film positive	3.00

• • • • • •

5. *Enlargements (projection prints).* The price for enlargements of various sizes are set forth below. The size in each case refers to the approximate paper size required to produce the enlargement ordered.

	Price each	
	RC (resin coated base) paper	Film positive transparency
Size		
12 by 12 in	$6.00	10.00
17 by 17 in	7.00	12.00
24 by 24 in	8.00	
30 by 36 in	25.00	30.00
24 by 36 in (oxalids)	4.00	N/A

6. *Aperture cards (photo indexes).* • • •

7. *Color aerial photography.* Furnished only by the Agricultural Stabilization and Conservation Service, Aerial Photography Field Office in Salt Lake City, Utah.

• • • • •

Reproduction made from color positive transparencies (natural color or color infrared):

	Price each	
	White opaque base color print film	Color film positive transparency
Size:		
12 by 12 in	$20.00	
17 by 17	35.00	N/A
24 by 24 in	25.00	
36 by 36 in		$80.00

8. *Special need.* For special needs not covered above, persons desiring aerial photographic reproductions should contact the agencies listed in section 10a or the departmental aerial photography coordinator, Aerial Photography Field Office, USDA–ASCS, 2222 West 2300 South, P.O. Box 30010, Salt Lake City, Utah 84130.

• • • • • •

(5 U.S.C. 301 and 552; 31 U.S.C. 483a; and 7 CFR 275 (a) (3) (iii))

Signed at Washington, D.C. on April 20, 1981.

Dean K. Crowther,
Director, Office of Operations and Finance.

[FR Doc. 81-12870 Filed 4-28-81; 8:45 am]
BILLING CODE 3410-09-M

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document delegates to the Under Secretary for Small Community and Rural Development and the Administrator, Farmers Home Administration, the authority to assist the Commodity Credit Corporation in administering the provisions of the Rural Development Act of 1972, as added by the Food and Agriculture Act of 1977, regarding loans for pilot projects for production of industrial hydrocarbons and alcohols from agricultural commodities and forest products.

EFFECTIVE DATE: April 29, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Siegler, Deputy Assistant General Counsel, Office of the General Counsel, United States Department of Agriculture, Washington, D.C. 20250, 202–447–6035.

SUPPLEMENTARY INFORMATION: Section 1420 of the Food and Agriculture Act of 1977 added a new section 509 to the Rural Development Act of 1972 to require the Secretary of Agriculture to provide for four pilot projects for the production of industrial hydrocarbons

and alcohols from agricultural commodities and forest products, by guaranteeing loans, not to exceed $15 million for each such project. While it is provided that the projects should be carried out through the Commodity Credit Corporation, it has been determined that CCC cannot administer the pilot projects without assistance. Since the Farmers Home Administration administers other loan guarantee programs, it has been determined the authority to assist the CCC in administering the program should be delegated to the Under Secretary for Small Community and Rural Development and the Administrator, Farmers Home Administration.

In addition, the delegations of authority to the Director of Science and Education are amended to clarify that the delegations to the Director do not include the authority to administer section 509 of the Rural Development Act of 1972, as amended. This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Lastly, since this rule relates to internal agency management, this action will not have a significant economic impact on a substantial number of small entities.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

1. Section 2.23 is amended by adding a new paragraph (a)(15) to read as follows:

§ 2.23 Delegations of authority to the Under Secretary for Small Community and Rural Development.

* * * * *

(a) *Related to farmers home activities.*

* * *

(15) Assist the Commodity Credit Corporation in administering section 509 of the Rural Development Act of 1972, as amended (7 U.S.C. 2669).

* * * * *

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

2. Section 2.39 is amended by revising paragraph (a)(22) to read as follows:

§ 2.39 Delegations of authority to the Director of Science and Education.

* * * * *

(a) *Related to science and education.*

* * *

(22) Administer in cooperation with the States a cooperative rural development and small farm research and extension program under the Rural Development Act of 1972, as amended (7 U.S.C. 2661–2668, 2670).

* * * * *

Subpart I—Delegations of Authority by the Under Secretary for Small Community and Rural Development

3. Section 2.70 is amended by adding a new paragraph (a)(30) to read as follows:

§ 2.70 Administrator, Farmers Home Administration.

(a) *Delegations.* * * *

(30) Assist the Commodity Credit Corporation in administering section 509 of the Rural Development Act of 1972, as amended (7 U.S.C. 2669).

* * * * *

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

For Subparts C, D and I.

Dated: April 21, 1981.

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-12908 Filed 4-28-81; 8:45 am]

BILLING CODE 3410-01-M

Animal and Plant Health Inspection Service

7 CFR Part 301

Gypsy Moth Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the list of gypsy moth regulated areas (regulated areas are divided into high-risk areas and low-risk areas) under the Federal Gypsy Moth and Browntail Moth Quarantine and Regulations by adding the town of Penfield in Monroe County, New York, and all of Orange County, New York, to the list of gypsy moth high-risk areas. The quarantine and regulations impose restrictions on the interstate movement of certain articles from gypsy moth high-risk areas and gypsy moth low-risk areas. The amendments are necessary as emergency measures in order to prevent the artificial spread interstate of the gypsy moth.

DATES: Effective date of this final rule April 29, 1981. Written comments concerning this final rule must be received on or before June 29, 1981.

ADDRESS: Written comments concerning this final rule should be submitted to E. E. Crooks, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: E. E. Crooks, Acting Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782, 301–436–8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule". Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of approximately $1,000; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this final rule.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. Due to the possibility that gypsy moth could be artificially spread interstate to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause

that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the Federal Register. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the Federal Register as soon as possible.

Certification under the Regulatory Flexibility Act

Dr. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from the town of Penfield in Monroe County, New York, and from all of Orange County, New York. Based on information compiled by the Department it has been determined that there are hundreds of small entities that move regulated articles interstate from New York and many thousands of small entities that move regulated articles interstate from other States. However, based on such information, it has been determined that fewer than 5 entities move regulated articles interstate from the specified areas affected by this action. Further, the annual overall economic impact from this action is estimated to be only about $1000.

Written Comments

Interested persons are invited to submit written comments concerning the final rule. Comments should bear a reference to the the date and page numbers of this issue of the Federal Register. All written comments made pursuant to this document will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782, during regular hours of business, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays, in a manner convenient to the public business (7 CFR 1.27(b)).

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a highly destructive pest of forest trees. The Gypsy Moth and Browntail Moth Quarantine and Regulations (7 CFR 301.45 *et seq.*) quarantines certain States because of the gypsy moth, and restricts the interstate movement from regulated areas of articles designed as regulated articles because of the gypsy moth. Regulated areas are divided into high-risk areas and low-risk areas. As an emergency measure this document adds the town of Penfield in Monroe County, New York, and all of Orange County, New York, to the list of gypsy moth high-risk areas.

Areas designated as gypsy moth regulated areas are areas in which a gypsy moth infestation has been found by an inspector, or areas which are necessary to regulate because of proximity to gypsy moth infestation or inseparability for quarantine enforcement purposes from infested localities. Under the regulations there is a basis for designating an area as a high-risk area when an inspector determines that regulated articles exist within or adjacent to an area where defoliation has occured or where an inspector has reason to believe that 50 or more egg masses per acre of the gypsy moth are present. Low-risk areas are those portions of regulated areas that are not designated as high-risk areas.

Section 301.45–3(a), (b), and (c) of the regulations imposes the following conditions on the movement of regulated articles:

"(a) A regulated article shall not be moved interstate from any high-risk area into or through any nonregulated area unless a certificate or permit has been issued and attached to such regulated article in accordance with §§ 301.45–4 and 301.45–7.

"(b) A regulated article shall not be moved interstate from any low-risk area into or through any nonregulated area when it is determined by an inspector that any life stage of the gypsy moth or browntail moth is on the regulated article, and the person in possession thereof has been so notified by an inspector, unless a certificate or permit has been issued and attached to such regulated articles in accordance with §§ 301.45–4 and 301.45–7.

"(c) A regulated article originating outside of any high-risk area, except any regulated article in any low-risk area determined by an inspector to present a hazard of spreading the gypsy moth or browntail moth pursuant to paragraph (b) of this section, may be moved interstate directly through any high-risk area without a certificate or permit, if the point of origin of the article is clearly indicated by shipping documents, their identity has been maintained, and they have been safeguarded against infestation while in any high-risk area."

These regulations are designed to restrict the interstate movement of regulated articles in those circumstances where there would be a significant risk of spread of the gypsy moth. A certificate or limited permit is authorized to be issued based on treatment of a regulated article or based on a determination that movement of a regulated article without treatment would not result in the spread of the gypsy moth.

A document published in the Federal Register on April 9, 1981 (46 FR 21143–21146), substantially changed the list of gypsy moth regulated areas by revising the list of regulated areas for eleven States. As part of this revision, the town of Penfield in Monroe County, New York, and all of Orange County, New York, were deleted from the list of gypsy moth high-risk areas and were designated as nonregulated areas. This action with respect to the town of Penfield and Orange County was in error. Based on recent surveys, inspectors have determined that defoliation has occurred in these areas because of the gypsy moth or that there is reason to believe that 50 or more egg masses per acre of the gypsy moth are present in these areas. Also, regulated articles exist within or adjacent to these areas. Accordingly, there is a substantial risk of artificially spreading the gypsy moth by unrestricted interstate movement of such regulated articles. Therefore, as an emergency measure, it is necessary to designate such areas as gypsy moth high-risk areas and impose restrictions on the interstate movement of regulated articles from these areas in accordance with the regulations in order to prevent the artificial spread of the gypsy moth.

§ 301.45–2a [Amended]

Under the circumstances referred to above, the listing under "High-risk area" for New York in § 301.45–2a(a) of the gypsy moth and browntail moth quarantine and regulations (7 CFR 301.45–2a(a)) is amended by adding "Penfield," immediately before "Perinton" in the listing for *Monroe County*, and by adding "*Orange County*. The entire county." immediately after the listing for *Oneida County*.

(Secs. 8 and 9, 37 Stat. 318, as amended, secs. 105 and 106, 71 Stat. 32, 71 Stat. 33; 7 U.S.C. 161, 162, 150dd, 150ee; 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 24th day of April 1981.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine Animal and Plant Health Inspector Service.

[FR Doc. 81–12881 Filed 4–28–81; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Reg. 4, Amdt. 12]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action lowers the minimum grade requirement for domestic shipments of Florida pink seedless grapefruit and imports of pink seedless grapefruit from Improved No. 2 to U.S. No. 2 Russet. It also lowers the minimum diameter requirement for domestic shipments of Florida white seedless grapefruit and imports of white seedless grapefruit from 3⁹⁄₁₆ inches to 3⅜ inches. These changes recognize current and prospective demand for such grapefruit and are consistent with the remaining crop in the interest of growers and consumers.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. The regulation with respect to Florida seedless grapefruit is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other information. The minimum grade and size requirements for imported seedless grapefruit are consistent with Section 8e of the act. This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. The grade and size requirements specified for imported seedless grapefruit are the same as those for domestic shipments of Florida seedless grapefruit. It is hereby found that this regulation will tend to effectuate the declared policy of the act.

It is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified. This amendment relieves restrictions on shipments of Florida seedless grapefruit and imports of seedless grapefruit.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

Accordingly, it is found that the provisions of § 905.304 Orange, Grapefruit, Tangerine and Tangelo Regulation 4 (45 FR 67047; 76651; 79002; 80269; 81199; 83192; 46 FR 5859; 1089; 11655; 11656; 14115; 16237) should be and are amended by revising Table I paragraph (a), applicable to domestic shipments, to read as follows:

§ 905.304 Orange, Grapefruit, Tangerine and Tangelo Regulation 4.

(a) * * *

Table I

(1) Variety	(2) Regulation period	(3) Minimum grade	(4) Minimum diameter (inch)
Grapefruit			
Seedless, pink.	Apr. 24, 1981, through Aug. 23, 1981.	U.S. No. 2 Russet.	3⁹⁄₁₆
	Aug. 24, 1981, through Oct. 18, 1981.	Improved No. 2.	3⅜
Seedless, except pink.	Apr. 24, 1981, through Aug. 23, 1981.	Improved No. 2.	3⅜
	Aug. 24, 1981, through Oct. 18, 1981.	Improved No. 2.	3⅜

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: April 24, 1981.

Russell L. Hawes,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-12980 Filed 4-28-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Part 1045

National Security Information; Classification and Declaration

AGENCY: Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: Executive Order 12065, "National Security Information", June 28, 1978 established overall U.S. Government policy and procedures for the classification, declassification, and protection of National Security Information (NSI). In accordance with Section 5–402 of that Executive Order, this rule establishes Department of Energy (DOE) information security classification policy and procedures.

EFFECTIVE DATE: April 29, 1981.

ADDRESSES:

For Mandatory Review Requests:
Robert T. Duff, Director, Office of Classification, Department of Energy, Washington, D.C. 20545.

For Mandatory Review Appeals:
Chairman, Classification Review Committee, Office of the Deputy Assistant Secretary for Defense Programs, Department of Energy, Washington, D.C. 20545.

Freedom of Information Office:
Freedom of Information Office, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Robert T. Duff, Director, Office of Classification, Department of Energy, Washington, D.C. 20545, (301) 353–3521

Leon Silverstrom, Assistant General Counsel for International Development and Defense Programs, Department of Energy, Washington, D.C. 20585, (202) 252–6975

These regulations have been submitted to the Information Security Oversight Office in accordance with section 5–401 of Executive Order 12065.

These regulations, which do not raise any substantial issue of law or fact and do not have a substantial impact on the nation's economy or large numbers of individuals or businesses, are issued with respect to a "military or foreign affairs function of the United States". Consequently, these regulations are exempt from the provisions of 5 U.S.C. 553, 603, and 604, 42 U.S.C. 7191, and Executive Order 12291.

Issued in Washington, D.C., on April 6, 1981.

R. L. Morgan,

Assistant Secretary for Defense Programs.

Accordingly, 10 CFR Chapter X is amended by adding a new Part 1045, Subpart A, to read as follows:

PART 1045—NATIONAL SECURITY INFORMATION

Subpart A—Classification and Declassification

Sec.

1045.1 Purpose and objectives.
1045.2 Scope.
1045.3 Definitions.
1045.4 Policy and procedures.
1045.5 Responsibilities and authorities.

Authority: E.O. 12065 (43 FR 28949) July 3, 1978, Information Security Oversight Office Directive No. 1 (43 FR 46280) October 5, 1978.

Subpart A—Classification and Declassification

§ 1045.1 Purpose and objectives.

(a) This part establishes policy and procedures to be followed within the Department of Energy (DOE) for the classification and declassification of National Security Information (NSI). Procedures are also established for the submission of mandatory declassification review requests to the DOE under Section 3–5 of Executive Order (E.O.) 12065.

(b) The objectives of the Department of Energy security classification program are: (1) to establish the proper classification of information within the purview of the DOE that requires protection in the interest of the security of the United States, and (2) to identify those documents that reveal such information in order to assure its protection.

§ 1045.2 Scope.

This part applies to classification and declassification of National Security Information (NSI) and NSI documents within the DOE and its contractor and subcontractor organizations. Accordingly, Restricted Data (RD) and Formerly Restricted Data (FRD) classified pursuant to the Atomic Energy Act of 1954, as amended, are outside the scope of this part.

§ 1045.3 Definitions.

(a) "Authorized Classifier" means one authorized to derivatively classify documents and material (Authorized Derivative Classifier) or to originally classify National Security Information (Authorized Original Classifier).

(b) "Authorized Declassifier" means one authorized to declassify documents or material.

(c) "Classification Authority" means authority to derivatively or originally classify National Security Information or NSI documents or material.

(d) "Classification Guide" means a document containing classification guidance for the use of Authorized Classifiers and Authorized Declassifiers in making classification determinations.

(e) "Confidential" means the classification level applied to information whose unauthorized disclosure could reasonably be expected to cause identifiable damage to the national security.

(f) "Declassification Authority" means authority to determine that information, documents, or material can be declassified and to authorize such declassification.

(g) "Foreign Government Information" means information that is (1) provided to the United States by a foreign government or international organization of governments in the expectation, express or implied, that the information is to be kept in confidence; or (2) produced by the United States pursuant to a written joint arrangement with a foreign government or international organization of governments requiring that either the information or the arrangement, or both, be kept in confidence. Such a written joint arrangement may be evidenced by an exchange of letters, a memorandum of understanding, or other written record.

(h) "Mandatory Review" means a declassification review that can be initiated or requested by a member of the public, a Government employee, or another Government agency pursuant to Executive Order 12065.

(i) "National Security Information" means information pertaining to the national security (i.e., national defense and foreign relations of the United States) and classified in accordance with an Executive Order.

(j) "Secret" means the classification level applied to information whose unauthorized disclosure could reasonably be expected to cause serious damage to the national security.

(k) "Systematic Review" means a classification review required by Executive Order 12065 to be conducted for National Security Information and NSI documents that have been classified for 20 years (30 years for foreign government information).

(l) "Top Secret" means the classification level applied to information whose unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security.

§ 1045.4 Policy and procedures.

(a) It is DOE policy to classify as National Security Information, in accordance with the provisions of Executive Order 12065, only information that requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States. Specifically, information may be classified as National Security Information only when both of the following conditions are met (unless otherwise prohibited by Executive Order 12065):

(1) The information falls under one of the classification criteria set forth in Section 1–301 of Executive Order 12065, and

(2) Unauthorized disclosure of the information could reasonably be expected to cause at least identifiable damage to the national security.

(b) It is DOE policy that information classified in the DOE or its predecessor organizations pursuant to an Executive Order shall be declassified as soon as national security considerations permit. Declassification decisions shall be based on loss of the information's sensitivity with the passage of time or on the occurrence of an event that permits declassification of the information.

(c) It is DOE policy that only individuals specifically authorized to do so may classify or declassify information, documents, or materials. Those in the DOE who possess such authority must ensure that not only are their classification or declassification determinations made upon proper authority, but also that such determinations are in compliance with Executive Order 12065 and its implementing directives, appropriate statutes and Executive Orders, approved classification policy and guidance, and the provisions of DOE classification guidance.

(d) Within the DOE, classification and declassification authority shall be granted in accordance with Executive Order 12065, its implementing directives, and DOE regulations issued pursuant thereto.

(e) Classification guides dealing with National Security Information may be used only by Authorized Classifiers or Authorized Declassifiers to determine the proper classification of information, documents, or material. Because use of classfication guides often involves judgments and interpretations of topics, they should be authorized for use only by those who are intimately familiar with the information covered by the guides. Authorized Classifiers and

Authorized Declassifiers may use only those classification guides approved for their use, and must follow the guidance appearing in the classification guide when classifying or declassifying a document or material.

(f) Mandatory Review. A member of the public, a Government employee, or a Government agency may request a Mandatory Review for declassification of information or documents. Such requests should be sent to the Director of Classification, U.S. Department of Energy, Washington, D.C. 20545. The following procedures will be followed in responding to such requests.

(1) The Office of Classification will immediately acknowledge receipt of the request in writing. (Classification coordination requests from other government agencies for information or documents requested under the Mandatory Review provisions of Executive Order 12065 do not require such an acknowledgement.)

(2) If a request does not describe the information or documents to be reviewed well enough so that a search can be made, the requester shall be asked to provide more information and shall be informed that no further action will be taken unless and until the information or document requested is described well enough to conduct a search.

(3) Information and documents less than 10 years old originated by the President, the White House staff, or committees or commissions appointed by the President, or by others acting on behalf of the President, are exempted from these Mandatory Review provisions. However, such information and documents over 10 years old shall be subject to Mandatory Review for declassification. Requests for Mandatory Review of such information or documents shall be processed in accordance with procedures developed by the Archivist of the United States.

(4) Every effort will be made to complete action on each request within 30 days of its receipt. If action cannot be completed within 30 days, the Director of Classification shall so advise the requester and specify why more time is necessary. Actions on all requests made pursuant to the Mandatory Review provisions of Executive Order 12065 will be completed within 60 days of the request.

(5) If the Director of Classification determines that requested information or documents must remain classified pursuant to Executive Order 12065, the requester shall be promptly notified in writing, with a brief statement as to why the information or documents cannot be declassified. As appropriate, classified sections of a requested document shall be identified, and the requester shall be advised that an unclassified, deleted version of the document can be provided, with an appropriate unclassified description of the deleted information. When requested information or documents are denied in whole or in part, the requester shall be notified that an appeal of the determination can be made to the DOE Classification Review Committee.

(6) If any requested information or documents can be declassified and are releasable (i.e., their withholding is not otherwise warranted under applicable law), the requester shall be notified, and the information or documents will be available to him upon payment of appropriate fees. (See 10 CFR 1004.9 for schedule of fees charged for documents provided to individual requesters.)

(7) Requesters who are denied information or documents on the basis of classification may appeal such denials in writing to the Chairman of the Classification Review Committee, Office of the Assistant Secretary for Defense Programs, U.S. Department of Energy, Washington, D.C. 20545. Appeals shall specify why the requester believes that the information or document does not warrant classification. Such appeals must be submitted to the DOE within 60 days of notification of denial of the original request.

(8) Immediately upon receipt of an appeal request, the Chairman of the Classification Review Committee shall bring the appeal to the attention of the permanent Committee members and any DOE organizations that may have an interest in the subject of the appeal.

(9) The Director of Classification will provide the Chairman of the Classification Review Committee all information, documents, and other documentation pertinent to the appeal, and advise the Committee with regard to the classification of the information involved.

(10) The Classification Review Committee will act upon and decide the appeal within 30 days of receipt of the appeal request by the Chairman of the Committee. The appeal will be decided by a simple majority vote of those serving on the Committee (one vote per organization represented), except that the Chairman will vote only to break a tie.

(11) When the Classification Review Committee has made a determination, it will promptly notify the requester of the appeal decision. If the Committee determines that any information or documents that were originally denied can be declassified and released, the Chairman will make the information or documents available to the requester upon payment of appropriate fees. If the Committee determines that requested information or documents must remain classified, the Chairman shall give the requester a brief statement why they cannot be declassified.

(g) Systematic Review. Classified information constituting permanently valuable records of the Government, as defined by 44 USC 2103, shall be reviewed for declassification as it becomes 20 years old (30 years for foreign government information). In accordance with Executive Order 12065, only the Secretary of Energy may extend classification beyond 20 years for information under DOE jurisdiction (30 years for foreign government information). This authority may not be delegated. The Office of Classification shall conduct the DOE Systematic Review program. When information or documents are identified as requiring classification beyond 20 years (30 years for foreign government information), the Director of Classification shall prepare an action for the Secretary of Energy to authorize such extension of classification. Classification may be extended only up to 10 additional years unless the Director of the Information Security Oversight Office (ISOO) has authorized a longer time. In such cases when an extension longer than 10 years is necessary, the Director of Classification, in coordination with the DOE organizations having an interest in such extension, will prepare an action for the Secretary of Energy to request such an extension from the Director of ISOO. Such requests will include the Secretary's personal certification (1) that the classified information for which the extension is requested was systematically reviewed; (2) that a definitive date for declassification could not then be determined; and (3) that the results of the review established an identifiable need to continue classification for at least the extended period of time requested.

(h) Freedom of Information Act and Privacy Act Requests. Classification review and other actions regarding review of classified information and documents requested pursuant to the Freedom of Information Act (FOIA) of The Privacy Act shall be conducted in accordance with FOIA, Privacy Act, and Classification regulations.

(i) Confirmation of Existence of Documents. Persons responding to requests for classified documents made pursuant to the FOIA or the Mandatory Review provisions of Executive Order 12065 may not refuse to confirm the existence or nonexistence of the

documents, unless the fact of their existence or nonexistence would itself be classifiable.

§ 1045.5 Responsibilities and authorities.

(a) Secretary of Energy.

(1) Originally classifies information up to Top Secret.

(2) Delegates Top Secret original classification authority to those of his principal subordinates who have a frequent need to exercise such authority.

(3) Determines that specific categories of information are related to national security and require protection against unauthorized disclosure pursuant to Section 1-301(g) of Executive Order 12065.

(4) Exercises, as necessary, the authority granted by Section 1-606 of Executive Order 12065 to classify documents when such documents have been requested pursuant to the FOIA or the Mandatory Review provisions of Executive Order 12065.

(5) Extends the classification of specific categories of information or documents beyond 20 years (30 years for foreign government information) when it has been determined that such extended duration of classification is justified and is consistent with Executive Order 12065.

(6) Requests, as necessary, from the Director of the ISOO, waivers from the 10-year review requirement for information reviewed under the Systematic Review provisions of Executive Order 12065.

(b) Deputy Secretary exercises, as necessary, the authority granted by Section 1-606 of Executive Order 12065.

(c) Assistant Secretary for Defense Programs.

(1) Approves basic DOE policy on the classification and declassification of NSI.

(2) Assures DOE implementation of Executive Order 12065.

(3) Ensures that programs are established to take appropriate and prompt corrective action whenever a violation of the classification or declassification provisions of Executive Order 12065 occurs.

(d) Director of Classification.

(1) Develops overall DOE classification policy for the approval of the Assistant Secretary for Defense Programs.

(2) Makes the interpretation of DOE classification policy.

(3) Develops and implements DOE classification and declassification standards, rules, and procedures; conducts programs for the classification and declassification of information.

(4) Assures the preparation, coordination, and issuance of classification guides for all programs that have a potential for involving or generating classified information; approves all program and local classification guides prior to their issuance.

(5) Coordinates and assures issuance of classification guidance for classified information generated under the cognizance of the DOE when the classification policy for such information is developed by other Government agencies or foreign governments.

(6) Determines the proper classification of information and declassifies NSI on a DOE-wide basis, consistent with established DOE classification policy.

(7) Administers DOE implementation of Executive Order 12065 and its implementing directives except for those provisions pertaining to special access programs and personnel and physical security.

(i) Conducts a continuous review of and revises as necessary DOE classification guides for NSI.

(ii) Issues Systematic Review guidelines covering 20-year-old classified NSI and 30-year-old classified foreign government information under the purview of the DOE, publishes such guidelines in the **Federal Register**, and makes such guidelines available to the Archivist of the United States, the Director of the ISOO, and other Government agencies, as appropriate; conducts a Systematic Review of NSI documents as they approach 20 years of age (30 years for foreign government information); and recommends to the Secretary any specific information or documents that should not be declassified at that time.

(iii) Publishes in the **Federal Register** those DOE regulations that implement classification aspects of Executive Order 12065; submits such regulations for review by the ISOO.

(iv) Makes recommendations to the Secretary with regard to the determination of categories of information related to national security and requiring protection against unauthorized disclosure pursuant to Section 1-301(g) of Executive Order 12065; ensures that such determinations are reported to the ISOO.

(v) Makes recommendations to the Secretary concerning the designation of Top Secret Authorized Original Classifiers; acts for the Secretary in designating Secret and Confidential Authorized Original Classifiers in organizations that do not have Top Secret original classification authority and are not under the immediate jurisdiction of a Top Secret Authorized Original Classifier. Monitors the requirements for and use of original classification authority in DOE and DOE contractor organizations.

(vi) Acts for the Secretary in designating Authorized Declassifiers.

(vii) Requests from the ISOO waivers for NSI, as necessary, from the portion marking requirement of Executive Order 12065, Section 1-504.

(viii) Represents the Secretary on the Interagency Information Security Committee; acts as the DOE contact with the ISOO; and advises the Secretary and the Assistant Secretary for Defense Programs with regard to actions and determinations made by the Director of the ISOO affecting the DOE.

(ix) Collects information for, and prepares and submits reports to, the ISOO as required by Executive Order 12065, its implementing directives, and requests of the ISOO.

(x) Is the central DOE authority for receiving all requests for declassification review of information under the Mandatory Review provisions of Executive Order 12065.

(xi) Determines, in coordination with appropriate DOE program organizations, whether the public interest in disclosure of specific NSI outweighs the damage to national security that might reasonably be expected from its disclosure, when such questions arise (Section 3-303, Executive Order 12065). [Balancing Test.]

(xii) Exercises, as necessary, for documents originated before 12/1/78 (the effective date of Executive Order 12065), the authority granted by Section 1-606 of Executive Order 12065.

(xiii) Designates personnel, as required, to assist the Archivist of the United States in the Systematic Review of classified information of interest to the DOE.

(8) Conducts a continuous review of the DOE classification and declassification program to ensure compliance with the classification and declassification provisions of Executive Order 12065 and DOE regulations.

(9) Appraises the effectiveness of the classification functions of DOE organizations; provides reports of such appraisals to heads of DOE organizations concerned.

(10) Develops classification and declassification education and training programs, and administers such programs for Headquarters personnel and, as required, field organization personnel.

(11) Reviews all classified documents requested from the DOE under the FOIA, determines the proper classification thereof, and is the DOE

denying official with regard to the denial of classified information pursuant to the FOIA; advises system managers with regard to classified documents requested pursuant to the Privacy Act of 1974.

(12) Reviews all testimony, transcripts, and other documents prepared for the Congress and, as requested, documents prepared by Congress dealing with DOE-related programs involving classified information or where any uncertainty may exist concerning the classification of such documents.

(13) Conducts classification and declassification reviews of documents and materials (including patent applications).

(14) Designates certain Authorized Derivative Classifiers; monitors the requirements for and use of derivative classification authority.

(15) Maintains liaison with, serves as the DOE contact with, and, as appropriate, provides classification and declassification guidance and training to other Government agencies and private interests on matters concerning DOE classification and declassification policies and procedures.

(16) Maintains liaison and serves as DOE contact with foreign governments on matters concerning classification and declassification of information.

[FR Doc. 81-12805 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-01-M

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10 CFR Part 1045

National Security Information; Systematic Review Guidelines

AGENCY: Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: Executive Order 12065, "National Security Information," June 28, 1978, requires that the Department of Energy (DOE) establish and maintain guidelines for systematic review covering 20-year old permanently valuable National Security Information (NSI) under its jurisdiction. Accordingly, this rule establishes specific limited categories of NSI under the purview of the DOE which, because of their national security sensitivity, should not be declassified automatically, but should be reviewed item-by-item to determine whether continued protection beyond twenty years is needed.

EFFECTIVE DATE: May 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert T. Duff, Director, Office of Classification, Department of Energy, Washington, D.C. 20545 (301) 353-3521

Leon Silverstrom, Assistant General Counsel for International Development and Defense Programs, Department of Energy, Washington, D.C. 20585 (202) 252-6975

These regulations have been submitted to the Information Security Oversight Office in accordance with section 5-401 of Executive Order 12065.

These regulations, which do not raise any substantial issue of law or fact and do not have a substantial impact on the nation's economy or large numbers of individuals or businesses, are issued with respect to a "military or foreign affairs function of the United States". Consequently, these regulations are exempt from the provisions of 5 U.S.C. 553, 603, and 604, 42 U.S.C. 7191, and Executive Order 12291.

Issued in Washington, D.C., on April 6, 1981.

R. L. Morgan,

Assistant Secretary for Defense Programs.

Accordingly, 10 CFR, Chapter X is amended by adding to Part 1045, Subpart B to read as follows:

PART 1045—NATIONAL SECURITY INFORMATION

Subpart B—Systematic Review Guidelines

Sec.

1045.10 Purpose.
1045.11 Scope.
1045.12 Definitions.
1045.13 Policy and procedures.
1045.14 Responsibilities and authorities.
Appendix 1—Categories of Information to be Reviewed for Declassification.

Authority: EO 12065 (43 FR 28949) July 3, 1978, Information Security Oversight Office Directive No. 1 (43 FR 46280) October 5, 1978.

Subpart B—Systematic Review Guidelines

§ 1045.10 Purpose.

This part establishes the Department of Energy (DOE) Systematic Review Guidelines for National Security Information required by Section 3-402 of Executive Order 12065, "National Security Information," June 28, 1978. The purpose of these Guidelines is to describe specific categories of National Security Information (NSI) under the jurisdiction of the Department of Energy (DOE) which, because of national security sensitivity, should not be automatically declassified but should be systematically reviewed by the DOE to determine whether continued classification beyond 20 years is needed.

§ 1045.11 Scope.

This part applies to the systematic review of 20-year-old permanently valuable National Security Information, as defined by 44 U.S.C. 2103, originated or classified by or for the DOE of its predecessor agencies that is under the classification jurisdiction of the DOE. Accordingly, information that is foreign government information; Restricted Data or Formerly Restricted Data under the Atomic Energy Act of 1954; or in nonpermanent records is outside the scope of this part.

§ 1045.12 Definitions.

(a) "Communications Security (COMSEC)" means the protection resulting from the application of cryptosecurity, transmission security, and emission security measures to telecommunications and from the application of physical security measures to COMSEC information. These measures are taken to deny unauthorized persons information of value which might be derived from the possession and study of such telecommunications, or to insure the authenticity of such telecommunications.

(b) "Compromise" means the disclosure of classified data or classified information to persons who are not authorized to receive such data or information.

(c) "Compromising emanations" means unintentional data-related or intelligence-bearing signals which, if intercepted and analyzed, disclose classified information being transmitted, received, handled, or otherwise processed by any information-processing equipment.

(d) "Computer security" means the protection resulting from the application of hardware and software security measures, which are taken to deny unauthorized persons access to computer equipment processing classified information and/or to classified information processed, produced, or stored by such equipment.

(e) "Emanations Security (EMSEC)" means the protection resulting from all measures designed to deny unauthorized persons information of value which might be derived from intercept and analysis of compromising emanations from other than crypto-equipment and telecommunications systems.

(f) "Environmental security" means the application of safeguards, such as electrical, acoustical, physical, etc., to an area to minimize the risk of unauthorized interception or otherwise obtaining classified information from the area.

(g) "Foreign Government Information" means information that is (1) provided to the United States by a foreign

government or international organization of governments in the expectation, express or implied, that the information is to be kept in confidence; or (2) produced by the United States pursuant to a written joint arrangement with a foreign government or international organization of governments requiring that either the information or the arrangement, or both, be kept in confidence. Such a written joint arrangement may be evidenced by an exchange of letters, a memorandum of understanding, or other written record.

(h) "Foreign intelligence information" means information relating to the capabilities, intentions, and activities of foreign powers, organizations, or persons, but not including counterintelligence except for information on international terrorist activities. This information may or may not be foreign government information.

(i) "Formerly Restricted Data (FRD)" means classified information jointly determined by the DOE or its predecessors (the Energy Research and Development Administration and the Atomic Energy Commission) and the Department of Defense to be related primarily to the military utilization of atomic weapons, and removed by the DOE (or its predecessors) from the Restricted Data category pursuant to Section 142.d. of the Atomic Energy Act.

(j) "Inventory difference" means the algebraic difference between a physical inventory and its concomitant book inventory after determining that all known removals and additions have been reflected in the book inventory. (Also called Material Unaccounted For—MUF.)

(k) "National Security Information (NSI)" means information pertaining to the national security and classified in accordance with an Executive Order. (Formerly called Defense Information.)

(l) "Naval nuclear propulsion information" means all information concerning the design, arrangement, development, manufacture, testing, operation, administration, training, maintenance, and repair of the propulsion plants of naval nuclear powered ships, including the associated nuclear support facilities.

(m) "Nuclear safeguards" means an integrated system of physical protection, accountability, and material control measures designed to deter, prevent, detect, and respond to unauthorized possession and use of Special Nuclear Materials. In practice, it is the development and application of techniques and procedures dealing with the establishment and continued maintenance of a system of activities including physical protection, quantitative knowledge of the location and use of Special Nuclear Materials, and administrative controls and surveillance to assure that procedures and techniques of the system are effective and are being carried out.

(n) "Nuclear weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, weapon prototype, or a weapon test device. (Includes "atomic weapon" and "nuclear explosive device".)

(o) "Nuclear weapons effects" means the energy output from the detonation of a nuclear weapon, particularly blast, thermal radiation, neutrons, gamma rays, etc., and the response of objects exposed to such output.

(p) "Nuclear weapons hardness" means the degree to which nuclear weapons and their components and constituents resist or minimize counter-measures or adverse environments.

(q) "Nuclear weapons vulnerability" means the response of nuclear weapons or missile systems to various countermeasure environments which could result in a degradation in the performance of the weapon.

(r) "Physical security" means the component of security which results from all physical measures necessary to safeguard classified equipment, material, and documents from access thereto or observation thereof by unauthorized persons.

(s) "Restricted Data (RD)" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of Special Nuclear Material; or (3) the use of Special Nuclear Material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to Section 142 of the Atomic Energy Act of 1954, as amended.

(t) "Special Nuclear Material (SNM)" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, but not including source material; or (2) any material artificially enriched by any of the foregoing, but not including source material.

(u) "Surreptitious listening devices" means devices designed to permit monitoring of acoustic signals without knowledge of the originator.

(v) "Technical security" means that phase of a security program designed to isolate, nullify, or detect the presence or use of equipment and techniques applied to obtain unauthorized access to classified information.

(w) "Teleprocessing" means the overall function of an information transmission and man-machine interface equipment and their interaction as an integrated whole.

(x) "Teleprocessing security" means the protection from all measures designed to prevent deliberate or inadvertent unauthorized disclosure, acquisition, manipulation, or modification of information in a teleprocessing system.

§ 1045.13 Policy and procedures.

(a) DOE classified information that is permanently valuable, as defined by 44 U.S.C. 2103, shall be systematically reviewed for declassification when it is 20 years old whether the information:

(1) Has been transferred to the General Services Administration for accession into the Archives of the United States or in the possession and control of the Administrator of General Services under 44 U.S.C. 2107 or 2107 note, or

(2) Is in the possession or control of the DOE.

(b) When DOE National Security Information becomes 20 years old, it shall be:

(1) Declassified automatically if it is not within one of the categories specified in Enclosure 1.

(2) Reviewed for declassification by responsible DOE reviewers in accordance with the declassification provisions of Executive Order 12065, if it is within any of the categories specified in Enclosure 1. If the responsible DOE reviewer decides that the public disclosure of the information being reviewed would no longer result in at least identifiable damage to the national security the information must be declassified.

§ 1045.14 Responsibilities and authorities.

(a) The Secretary of Energy acts upon recommendations from the Director of Classification regarding the extension of classification of specific information or documents beyond 20 years and is the sole DOE authority for extending the classification of such information or documents when it has been determined that such extended duration of classification is justified and is consistent with Executive Order 12065.

(b) The Director of Classification issues Systematic Review guidelines covering 20-year old permanently valuable National Security Information under the purview of the DOE, publishes such guidelines in the Federal Register, and approves such guidelines for use by the Archivist of the United States and,

as appropriate, other government agencies.

(c) The Director of Classification is responsible for overseeing and conducting the DOE Systematic Review program for National Security Information and documents containing such information as they approach 20 years of age, and designates personnel, as necessary, to assist the Archivist of the United States in the Systematic Review of classified information of interest to the DOE.

(d) Recommendations for extending the classification of specific information or documents beyond 20 years shall be made to the Director of Classification by heads of offices, DOE Headquarters, and by Classification Officers of the DOE field offices and/or contractor organizations. Such recommendations shall be made only after a classification review of the information or documents has been conducted and it has been determined by the reviewer(s) that classification beyond 20 years is justified. The Director of Classification is responsible for submitting such recommendations for classification extension to the Secretary of Energy.

(e) Within the DOE, documents will be reviewed for declassification under the Systematic Review program in accordance with DOE Order 5650.2 and revisions thereto.

(f) The Archivist of the United States is authorized to use these Systematic Review guidelines in the review of 20-year old classification documents containing information under the purview of the DOE.

Appendix—Categories of Information To Be Reviewed for Declassification

Unless previously marked with declassification instructions such that they will have become eligible for automatic declassification within 20 years of origination, NSI documents 20 years old and older containing information under the exclusive or concurrent declassification authority of the DOE falling within one or more of the following categories of information may not be automatically declassified but should be reviewed for possible declassification by qualified, specifically designated personnel of the Department of Energy.

A. All Atomic Energy Commission (AEC) Foreign Intelligence Information, such as

(1) Activities related to the monitoring of nuclear developments abroad, including but not limited to research, development, engineering, characteristics, effectiveness, vulnerability, etc., of satellites and other methods for surveillance of nuclear developments abroad (such as nuclear tests).

(2) Scope and substance of studies, analyses, etc., of intelligence data undertaken by AEC or AEC contractor organizations.

(3) Information that could reveal or identify a present, past, or prospective intelligence source or method.

B. All AEC Nuclear Safeguards Informations, such as

(1) Measurement criteria for investigation of Special Nuclear Material inventory differences.

(2) Physical protection of nuclear facilities and Special Nuclear Material.

(3) Vulnerability and vulnerability assessments of nuclear facilities and Special Nuclear Material.

(4) Threat information.

(5) Total site inventories of Special Nuclear Material.

(6) Material Balance Reports.

(7) See also Category C below.

C. All AEC Security Information (other than that associated with Cryptology), such as

(1) Operation or vulnerability (including sabotage vulnerability) of security systems, including physical security, computer security (excluding COMSEC aspects of teleprocessing security), emanations security, technical security, and environmental security.

(2) Security Plans.

(3) Security Surveys and Audits.

(4) Patrol Tactical Response Plans.

(5) Surreptitious Listening Device Prevention Programs.

(6) Alarm Systems.

(7) Physical Compromise of Classified Information.

(8) Compromising Emanations (other than that pertaining to COMSEC).

(9) Physical Security Reviews of Foreign Nuclear Programs.

(10) See also Category B, above, for Nuclear Safeguards Information.

D. Nuclear Nonproliferation Information (such as programs and studies related to the proliferation of Special Nuclear Materials and nuclear weapons to nonweapons states or subnational groups, and programs for the control of exports of nuclear materials and equipment and transfer of technology), i.e.,

(1) All AEC documents in this area.

(2) Other agency documents concerned with the AEC nonproliferation program.

(3) Nuclear export policy studies.

E. All Nuclear Arms Control Information, such as

(1) Negotiations and studies (AEC documents only).

(2) Purpose, location, and capabilities of U.S. arms control treaty verification systems.

(3) Research and technology concerned with verification, such as

a. Seismology Monitoring.

b. Ionospheric Disturbance.

c. Nuclear Test Detection.

(4) Evaluations of arms control proposals or other matters related to arms control (AEC documents only).

F. Information related to all U.S. Government nuclear programs, such as

(1) Nuclear Weapons Testing (U.S. and Foreign).

(2) Nuclear Weapons Storage and Stockpile.

(3) Nuclear Weapons Effects, Hardness, and Vulnerability.

(4) Nuclear Weapon Test Detection and Evaluation.

(5) Naval Nuclear Propulsion Information.

[FR Doc. 81-12306 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 19

Federal Interaction With Voluntary Standards Bodies; Procedures; Deferral of Effective Date

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation, Commerce.

ACTION: Deferral of effective date of final rule.

SUMMARY: The Procedures on Federal Interaction with Voluntary Standards Bodies were published at 46 FR 1574, January 6, 1981 to become effective February 5, 1981. In response to President Reagan's Memorandum of January 29, 1981, the effective date of these procedures was postponed until March 30, 1981 by notice of rulemaking published at 46 FR 11657, February 10, 1981. The effective date was then postponed until April 29, 1981 (46 FR 19227) to allow time to complete a rulemaking proceeding on the issues of (1) whether the procedures should be suspended indefinitely pending reexamination, or (2) whether the procedures should be allowed to have interim effect while they are under review. See 46 FR 19286 (March 30, 1981). The effective date is being further postponed until June 29, 1981, to allow additional time for analysis of the 115 or more comments received in the rulemaking proceeding noted above.

EFFECTIVE DATE: The effective date of 15 CFR Part 19 is deferred until June 29, 1981. This amendment is effective April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Ellert, Acting Assistant Secretary for Productivity, Technology and Innovation, Room 3859, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377–5394; or Mr. Donald M. Malone, Deputy Assistant General Counsel for Productivity, Technology and Innovation, Room 3859, Department of Commerce, Washington, D.C. 20230, telephone (202) 377–5394.

SUPPLEMENTARY INFORMATION: The Department of Commerce issued, on December 31, 1980 Part 19 of Title 15, entitled "Federal Interaction With Voluntary Standards Bodies; Procedures." This part appeared in the

Federal Register for January 6, 1981. These procedures were issued in response to Section 7a(1)(a) of OMB Circular A-119, entitled "Federal Participation in the Development and Use of Voluntary Standards." In response to President Reagan's Memorandum of January 29, 1981 entitled, "Postponement of Pending Regulations," the effective date of the procedures was postponed to March 30, 1981 (see 46 FR 11857, February 10, 1981).

A decision was made to reexamine the procedures, insofar as there is lawful discretion to do so. A notice of proposed rulemaking proposed to suspend the procedures for an indefinite period of time while they are being reexamined, or permit them to go into effect on an interim basis during the period of reexamination. See 46 FR 19266 (March 30, 1981). To allow time for completion of the rulemaking proceeding initiated by that notice, the effective date of the procedures was extended for an additional 30 days until April 29, 1981 (46 FR 19227). To allow more time for analysis of the 115 or more comments received in response to that notice of proposed rulemaking, the effective date of the procedures is being extended for an additional 61 days until Monday, June 29, 1981.

Effective date of this amendment: April 28, 1981.

Issued: April 24, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

1. The preamble to FR Doc 81-254, published at 46 FR 1574, January 6, 1981 is amended by revising the effective date caption in the first column to read "Effective Date: June 29, 1981."

§ 19.5 [Amended]

2. The first sentence of § 19.5 of title 15 of the Code of Federal Regulations (46 FR 1574, 1579) is revised to read as follows:

This subpart shall become effective on June 29, 1981. * * *

[FR Doc. 81-12880 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-13-M

International Trade Administration

15 CFR Parts 376, 385, 386, and 399

Termination of the Embargo on the Export of Agricultural Commodities and Phosphatic Materials to the U.S.S.R. and Afghanistan

AGENCY: Office of Export Administration, International Trade Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: By memorandum dated April 24, 1981, the President has directed the termination of the embargo on the export of agricultural commodities and phosphatic materials to the U.S.S.R. implemented in 1980. This rule implements the President's decision. In addition, it removes controls on such commodities to Afghanistan. The purpose of those Afghanistan controls was to implement more effectively the embargo on exports to the U.S.S.R. As of the effective date, the affected commodities heretofore subject to validated licensing may be exported under General License to the U.S.S.R. and Afghanistan. License applications pending in the Office of Export Administration as of the effective date will be returned without action to the applicant.

DATES: This rule is effective 12:30 p.m. EST April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Patricia Huber, Short Supply Division, Office of Export Administration, Department of Commerce, Washington, DC 20230, Telephone: (202) 377-3984.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

This rule removes restrictions on exports. In connection with various rulemaking requirements it has been determined that:

1. Section 13 of the Export Administration Act does not apply to this rule.

2. This rule relates to a foreign affairs function of the United States and is not a "major rule" within the meaning of sections 1(a) (2) and (b), respectively, of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulations."

3. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

Therefore, this rule is issued in final form.

Savings Provision

This rulemaking shall not affect any violation of rules, regulations, orders, licenses or other forms of administrative action during the period that export controls on agricultural commodities and phosphatic materials were in effect. Accordingly, the Export Administration Regulations are amended as follows:

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

§§ 376.5, 376.15 [Reserved]
Supplement Nos. 1, 2, and 3 [Removed]

1. Sections 376.5 and 376.15 are removed and reserved, and Supplement Nos. 1, 2, and 3 to Part 376 are removed.

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

§ 385.2 [Amended]

2. Section 385.2(e) is removed and subsequent paragraph (f) is redesignated as (e).

3. Section 385.4(f) is revised to read as follows:

§ 385.4 [Amended]

* * * * *

(f) *Afghanistan.* The Soviet military presence in Afghanistan requires special attention to exports because of the likelihood that commodities or technical data entering Afghanistan will be available to the U.S.S.R. Accordingly, the validated licensing requirements for the U.S.S.R. extend to shipments to Afghanistan. The purpose of this action is not to deny commodities or technical data to Afghanistan but to implement more effectively those national security and foreign policy controls already in existence with regard to the U.S.S.R. Accordingly, the statutory bases for controlling such shipments to Afghanistan parallel those for the U.S.S.R. With regard to applications for shipments subject to national security controls, the general policy is to deny such applications if they would be denied if destined for the U.S.S.R. Further, foreign policy controls in effect for shipments to the U.S.S.R. of oil and gas exploration and production equipment are extended to Afghanistan as a means of preventing diversion. The general policy is to approve applications for such shipments when intended for use to meet the needs of the civilian Afghan economy and such shipments are otherwise consistent with U.S. foreign policy interests.

PART 386—EXPORT CLEARANCE

§ 386.7 [Amended]

4. Section 386.7(a)(3) is removed, paragraph (a)(1) is amended by adding the word "or" at the end of that paragraph, and paragraph (a)(2) is amended by adding a period at the end of the phrase "Supplement to Part 377" and removing the word "or".

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

§ 399.1 [Amended]

5. Section 399.1 is amended by removing entries 4994F and 6794F and accompanying footnotes.

§ 399.2 [Amended]

6. Section 399.2 is amended by removing footnote No. 2 to Interpretation 24 and by removing and reserving Interpretation 27.

(Secs. 5, 6, 7, 13, and 15, Pub. L. 96-72, U.S.C. app. 2401 *et seq.;* Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, January 30, 1980) and 41-4 (45 FR 65003, October 1, 1980))

Dated: April 24, 1981.

Joseph R. Wright, Jr.,

Acting Secretary of Commerce.

[FR Doc. 81-12894 Filed 4-27-81; 8:45 am]

BILLING CODE 3510-24-M

National Oceanic and Atmospheric Administration

15 CFR Parts 935 and 936

Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries; Partial Suspension of Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Continued suspension of final rules.

SUMMARY: The Office of Coastal Zone Management within NOAA is suspending until September 30, 1981, those provisions of the regulations issued pursuant to the designations of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary (but only insofar as these regulations affect hydrocarbon activities). During this period, NOAA will reconsider the regulations in accordance with Executive Order 12291. This reconsideration will involve an analysis of the costs and benefits to the Nation which would result from imposing additional prohibitions on hydrocarbon activities to the controls imposed under the Outer Continental Shelf Lands Act and other Federal statutes.

DATES: The provisions in §§ 935.6, 935.7 and 936.6 which would directly prohibit or have the effect of prohibiting hydrocarbon development are suspended until September 30, 1981. Comments will be accepted until June 30, 1981.

ADDRESS: Send Comments to: Dallas Miner, Director, Sanctuary Programs Office, Office of Coastal Zone Management, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Dallas Miner, telephone (202) 634-4236.

SUPPLEMENTARY INFORMATION: The majority of the regulations issued pursuant to the designation of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries became effective on March 30, 1981, and April 5, 1981, respectively.

On March 30, 1981, (46 FR 19227) NOAA suspended those portions of the regulations which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary for a period of 30 days during which it considered whether to suspend them for an additional period of up to 6 months while it reconsidered their substantive impact in accordance with Executive Order 12291. A 15-day comment period on this initial decision was provided.

The comments received were divided fairly evenly on the issue. Generally those that favored the regulations on substantive grounds during previous review processes, e.g., the State of California, the County of Santa Barbara and various environmental groups, favored making them effective on an interim basis. Those that opposed the regulations, e.g., the oil industry and the Department of the Interior favored continued suspension.

No lease sales involving the Channel Islands Sanctuary will be held during the period in question. While certain tracts in the Point Reyes-Farallon Islands Sanctuary could be leased in June, no activities which would impact the Sanctuary substantively are anticipated prior to the completion of reconsideration. NOAA has determined to continue suspension of §§ 935.6 and 936.6(a)(1) prohibiting hydrocarbon development as well as §§ 935.7(a)(2) and 936.6(a) (2), (3) which might indirectly have such effect but only insofar as these sections relate to hydrocarbon activities. As to other activities the regulations are effective. This suspension action will not result in any practical effect on either Sanctuary; therefore, NOAA finds no advantage to changing the current status of the regulations to interim final status.

Executive Order 12291 directs Federal agencies to reconsider pending "major" regulations in accordance with the objectives of the Executive Order and prepare a Regulatory Impact Analysis. A major regulation is defined as one likely to result in:

1. An annual effect on the economy of $100 million or more;
2. A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
3. Significant adverse effects or competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In response to the President's Executive Order, NOAA will be reviewing in depth these proposed hydrocarbon development prohibitions in the two Sanctuaries. NOAA has examined the issues in considerable detail already to satisfy Executive Order 12044, the predecessor to Executive Order 12291. However, NOAA will be reexamining them in light of Executive Order 12291 (46 FR 13193, February 19, 1981) and determining whether the prohibitions meet the criteria for "major" regulations and, in any event, whether they are consistent with the general requirement of Section 2 of this Executive Order including the requirement that the potential benefits to the Nation outweigh the potential costs. Comments on these issues are invited until June 30, 1981.

Dated: April 20, 1981.

William Matuszeski,

Acting Assistant Administrator, Office of Coastal Zone Management.

[FR Doc. 81-12834 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 716, and 785

Surface Coal Mining and Reclamation Operations; Initial and Permanent Regulatory Program; Deferral of Effective Dates and Reopening of Public Comment Period

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Deferral of effective dates and reopening of public comment period.

SUMMARY: The effective dates of four final rules, which were deferred at 46 FR 20211 (April 3, 1981) are further

postponed until June 15, 1981, and the public comment period is reopened in response to requests for additional time to allow public comment as to whether the rules should be modified or suspended indefinitely pending the outcome of rulemaking. The four rules deal with exemptions and definitions for the prime farmland rules of OSM's initial and permanent regulatory programs and an exemption for operations which affect two acres or less.

DATES: The new due date for public comments is 5 p.m. e.s.t. May 9, 1981, (ten days from publication). The new effective date for 30 CFR 716.7 (a) and (b) as published on January 22, 1981, is June 15, 1981. The effective date of § 716.7(a)(2) and 785.17(a) as published on January 23, 1981, and § 700.11(b) as published on January 23, 1981, is June 16, 1981.

ADDRESSES: Written comments must be mailed or hand delivered to the Office of Surface Mining, U.S. Department of the Interior, Room 153, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, (202) 343-4728.

FOR FURTHER INFORMATION CONTACT: Edward Johnson or Tom Leshendok, Office of Surface Mining, Department of the Interior, Washington, D.C. 20240, telephone: (202) 343-2601.

SUPPLEMENTARY INFORMATION: On April 3, 1981, 46 FR 20211, the Department of the Interior extended until May 4, 1981, and May 5, 1981, the effective dates of four final rules which had not yet become effective. The four rules deal with exemptions and definitions for the prime farmland rules of OSM's initial and permanent regulatory programs and an exemption for operations which affect two acres or less. The affected rules are: 30 CFR 700.11(b), 716.7 (a) and (b), 716.7(a)(2), and 785.17(a).

During the public comment period on the proposed suspension of these rules, OSM received requests to reopen the comment period which ended on April 20, 1981, to allow the public additional time to comment. OSM has agreed to grant these requests and the public comment period is thus being extended until May 9, 1981. Therefore, the effective dates of the rules must also be further postponed as set forth in the "DATES" portion of this document. This will allow time to analyze the public comments and to decide whether to suspend indefinitely these four rules pending the outcome of further rulemaking.

Dated: April 23, 1981.

Andrew Bailey,

Acting Director, Office of Surface Mining Reclamation & Enforcement.

[FR Doc. 81-12885 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans Benefits; Persons Included as Having Served on Active Duty

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration amends its regulation concerning persons who shall be included as having served on active duty. The need for this action results from recent decisions of the Secretary of Defense that (1) Quartermaster Corps Female Clerical Employees Serving with the AEF (American Expeditionary Forces) in World War I and (2) Civilian Employees of Pacific Naval Air Bases Who Actively Participated in Defense of Wake Island During World War II are considered to have served on active duty. The effect of this action is to confer veteran status for Veterans Administration benefit purposes on former members of these groups who were discharged under honorable conditions.

EFFECTIVE DATE: This change is effective January 22, 1981, the date the Secretary of Defense held that service in the above groups constituted active duty.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr. (202-389-3005).

SUPPLEMENTARY INFORMATION: The VA is not providing for a public comment period since the decision of the Secretary of Defense concerning active duty status is binding on the Veterans Administration.

The agency has determined that this regulation is nonmajor in accordance with Executive Order 12291, Federal Regulation. The agency has also determined, as required Pub. L. 96-354, the Regulatory Flexibility Act, that it imposes no compliance costs or reporting burdens on the public and has no effect on businesses or State and local governments.

Approved: April 9, 1981.

Rufus H. Wilson,

Acting Administrator.

The Veterans Administration amends Part 3 as follows:

In § 3.7(x), subparagraphs (5) and (6) are added as follows:

§ 3.7 Persons included.

* * * * *

(x) *Active military service certified as such under section 401 of Pub. L. 95-202.* Such service if certified by the Secretary of Defense as active military service and if a discharge under honorable conditions is issued by the Secretary. The effective dates for an award based upon such service shall be as provided by § 3.400(z) and 38 U.S.C. 3010, except that in no event shall such an award be made effective earlier than November 23, 1977. Service in the following groups has been certified as active military service.

* * * * *

(5) Quartermaster Corps Female Clerical Employees serving with the AEF (American Expeditionary Forces) in World War I.

(6) Civilian Employees of Pacific Naval Air Bases Who Actively Participated in Defense of Wake Island During World War II.

[FR Doc. 81-12890 Filed 4-28-81; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 3

Veterans Benefits; Length of Service Requirement

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration has amended its regulations to implement a new law, the Department of Defense Authorization Act, 1981. This law generally provides that no Federal benefits shall be payable to a person who enlists in the armed forces and who fails to complete at least 24 months of the person's term of enlistment.

EFFECTIVE DATE: This change is effective September 8, 1980, the effective date specified in the new law designated as Pub. L. No. 96-342.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr. (202-389-3005).

SUPPLEMENTARY INFORMATION: On pages 8574-75 of the Federal Register of January 27, 1981, the Veterans Administration published a proposed regulation to implement Pub. L. No. 96-342, § 1002.

Interested persons were given until February 25, 1981, to submit comments, objections, or suggestions to the proposed regulation. We did not receive any and, consequently, the proposed regulation is adopted without change.

The agency has determined that this regulation is nonmajor in accordance with Executive Order 12291, Federal Regulation. The agency has also

determined, as required by Pub. L. No. 96-354, the Regulatory Flexibility Act, that it imposes no compliance costs or reporting burdens on the public and has no effect on businesses or State and local governments.

Approved: April 8, 1981.

Rufus H. Wilson,

Acting Administrator.

1. In Part 3 § 3.12a is added to read as follows:

§ 3.12a Length of service requirement.

(a) *General.* Any person who enlists in a regular component of the armed forces after September 7, 1980; and who fails to complete at least 24 months of his or her original period of enlistment shall not be eligible to receive disability compensation based on the period of service of less than 24 months.

(b) *Exceptions.* The provisions of paragraph (a) of this section do not apply to the following persons:

(1) A person who was discharged under 10 U.S.C. 1173 (hardship discharge) before completing 24 months of service.

(2) A person who was discharged under chapter 61 of title 10, United States Code (disability discharge) before completing 24 months of service.

(3) A person who failed to complete at least 24 months of service if it is later established that the person is suffering from an injury or disease incurred in or aggravated during the period of service of less than 24 months provided that the injury or disease was not the result of the person's willful misconduct and was not incurred during a period of unauthorized absence. 10 U.S.C. 977

§ 3.13 [Amended]

2. Section 3.13(b) is amended by removing the reference "§ 3.3(d)(3)" and inserting "§ 3.3(b) (3) and (4)."

[FR Doc. 81-12273 Filed 4-28-81; 8:45 am]

BILLING CODE 6320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A5 FRL 1805-1]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves an alternative compliance schedule for the Columbus and Southern Ohio Electric Company's Conesville power plant in Coshocton County, Ohio. The compliance schedule incorporates the installation of a coal washing facility that will allow the utility to continue to use Ohio coal and meet its current sulfur dioxide (SO_2) emission limitation of 2435.0 nanograms of sulfur dioxide per joule (5.66 lbs. SO_2/MMBTU). EPA proposed approval of the schedule on November 7, 1980 (45 FR 73975).

Compliance with the Conesville SO_2 emission limitation was stayed until June 19, 1980 (45 FR 41501). EPA restarted the original compliance schedule for Conesville as of that date. 45 FR 73927 (November 7, 1980). The Agency is today approving the Conesville coal washing compliance schedule as an alternative to the original compliance schedule. Therefore, if the facility chooses to comply with its emission limitation by installing the coal washing facility, it will have to meet the interim dates set forth in the alternative schedule rather than those in the original schedule. However, the attainment date remains the same.

EFFECTIVE DATE: This final rule becomes effective April 29, 1981.

ADDRESSES: The docket for this revision, #5A-80-14 is on file at the Region V address given below and at the Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, USEPA, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604, (312) 886-6088.

SUPPLEMENTARY INFORMATION: On June 29, 1978, the U.S. Court of Appeals for the Sixth Circuit remanded to EPA for its further consideration the Agency's use of the Pasquill-Gifford (P-G) dispersion coefficients in setting emission limitations for isolated rural sources in Ohio. *Cincinnati Gas and Electric Company v. EPA*, 578 F. 2d 660 (1978). On February 7, 1979, EPA solicited comment on its preliminary findings on the Class A issue. 44 FR 7798. The Agency stated in the Febrary 7, 1979 notice that the Court's remand stayed compliance with the original emission limitations for four Ohio power plants, including the Conesville plant, pending the Agency's final determination.

On June 19, 1980, EPA published its final determination on use of the P-G Class A dispersion coefficients in setting emission limitations for the four Ohio plants (45 FR 41501). EPA found that the scientific data supported the Agency's original decision to use the P-G Class A coefficients. Thus, the Agency reaffirmed the emission limitations for the four plants on June 19, 1980. In order to bring Conesville and the other plants into compliance, EPA restarted the original compliance schedules for these plants as of June 19, 1980 (45 FR 73927, November 7, 1980). Accordingly, the attainment date for these plants was revised to three years from June 19, 1980.

Columbus and Southern Ohio Electric (CSOE) first indicated its intent to meet the Conesville emission limitation by coal washing in February of 1979 during negotiations with the agency under section 125 of the Clean Air Act. After several meetings to discuss proposed schedules, CSOE finally submitted the terms of its coal washing program and a schedule to EPA on January 23, 1980. The coal washing program will allow CSOE to continue using Ohio coal and still meet its emission limitation. EPA reviewed the CSOE schedule and determined that it is as expeditious as practicable and provides for compliance within three years of approval. EPA proposed to approve the Conesville schedule as an alternative to its original schedule on November 7, 1980 (45 FR 73975). CSOE was the only commenter on the proposal. The issues raised in the CSOE comment are discussed below.

Issue: CSOE stated that the docket requirements of Section 307(d) of the Clean Air Act have not been followed. The commentor claimed that on November 14, 1980 there was no docket or record at Region V for the proposed CSOE Conesville coal washing schedule.

Response: On October 14, 1980 Docket 5A-80-14 for the CSOE Conesville coal washing schedule was established in the Region V office and a copy was forwarded to EPA's Washington office. Since that time the docket has been available for public review.

Issue: CSOE stated that three years is an unreasonably short period of time to achieve final compliance by coal washing. CSOE also stated that since achievement of the secondary NAAQS is the only issue, the Clean Air Act does not mandate compliance within three years, but within a "reasonable period."

Response: EPA based the proposed compliance schedule on factual data submitted by CSOE. In CSOE's letters to EPA, which are contained in Docket 5A-80-14, CSOE agreed to a three year compliance schedule. Additionally, CSOE submitted a technical study of coal washing systems in support of their request for a coal washing schedule. The study indicates that less than a three year schedule is adequate for the Conesville facility to achieve compliance. Based on these materials and EPA's own evaluation, three years is a reasonable period for compliance. In

addition, the original compliance schedule promulgated by EPA in 1976 was a three year schedule. This schedule was subject to judicial review as part of the litigation on the agency's SO_2 plan; however, none of the petitioners, including CSOE, challenged the 3-year schedule.

Comment: CSOE stated that no valid emission limitation has been promulgated for Conesville.

Response: On June 19, 1980, EPA reaffirmed the originally promulgated emission limitation for the CSOE Conesville facility (45 FR 41501). The source is now required to come into compliance with its original emission limitation. There is no need for the Agency to repromulgate an emission limitation for this facility, as suggested by CSOE. The current SO_2 emission limitation for CSOE Conesville is 2435.0 nanograms of sulfur dioxide per joule (5.66 lbs. SO_2/MMBTU). 40 CFR 52.1881(b)(21).

Comment: CSOE stated that a definitive compliance demonstration method was needed for Conesville. CSOE also stated that the only compliance demonstration method promulgated as a rule is the three hour method 6 stack test and this method presents a statistically unacceptable risk of noncompliance for washed coal at Conesville.

Response: The means of demonstrating compliance with emission limitations under the federally promulgated sulfur dioxide plan for Ohio has always been a stack test conducted in accordance with 40 CFR Part 60, Appendix A, Method 6. See 40 CFR 52.1881(b)(2). However EPA is currently reviewing the issue of sulfur variability and has established an interim enforcement policy until the results of that review are completed. The interim policy focuses the agency's enforcement resources on those sources that present the greatest environmental threat based on 30-day average coal analysis conducted in accordance with ASTM method D3176. 45 FR 9101 (February 11, 1980) and 45 FR 71422 (October 28, 1980).

Comment: CSOE stated that several of the early compliance milestones will have already passed by the time the schedule is finalized.

Response: The first four milestones in the schedule consist of planning steps that CSOE has already initiated and probably already completed. However, in order to make the schedule current, EPA has revised the dates of the early milestones to specified periods after promulgation of this schedule.

EPA is today approving the CSOE's coal washing compliance schedule as an alternative to the original compliance schedule for the Conesville plant based on CSOE's stated intention to install a coal washing facility to meet its emission limitation. Approval of CSOE's coal washing schedule as an alternative to the original schedule means that if CSOE chooses to comply with its emission limitation by installing the coal washing facility, it will have to meet the interim dates in the coal washing schedule. If CSOE chooses not to install the coal washing facility, it will have to comply with the original compliance schedule. The attainment date remains the same. This action is being made immediately effective to enable the source to choose the alternate compliance schedule with ample time to meet the compliance date.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation since it imposes no new regulatory requirements but merely approves an alternative compliance schedule requested by CSOE. This schedule will allow the company to continue to use Ohio coal. The company may elect to use the alternative or the existing schedule. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order. Any comments from OMB to EPA and any EPA response to these comments are available for public inspection at the Region V EPA office listed above.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action and supporting record is available only by the filing of a petition for review in the United States Court of Appeals for the Sixth Circuit within 60 days of the date of this publication. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110, Clean Air Act as amended, 42 U.S.C. Sec. 7410)

Dated: April 23, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart KK—Ohio

1. Section 52.1882 is amended by adding paragraph (i) as follows:

§ 52.1882 Compliance schedules.

* * * * *

(i) If the owner or operator of the Columbus and Southern Ohio Electric Company's Conesville plant in Coshocton County elects to comply with the emission limitation set forth in § 52.1881(b)(21) by installing a coal-washing facility, the owner or operator shall meet the following compliance schedule in lieu of meeting the compliance schedule set forth in § 52.1882(b).

(1) 4 weeks from date of promulgation of this schedule: Notify the Administrator of intent to use washed coal to comply with sulfur dioxide emission limitations for the Conesville steam plant; submit a projection for ten years of the amount of coal necessary to enable compliance at this facility; submit the quality specifications of the fuel that is to be used. Such specifications shall include sulfur content, ash content, heat and moisture content.

(2) 8 weeks from date of promulgation of this schedule: Submit data to the Administrator demonstrating the availability of fuel necessary to achieve compliance at the Conesville steam plant. Such data shall consist of copies of signed contracts with coal suppliers and/or signed contracts with a vendor pursuant to which the utility shall construct a coal preparation facility; submit statement to the Administrator as to whether boiler modifications at the Conesville steam plant will be required for combustion of the prepared (washed) complying coal. If boiler modifications are required, submit plans for such modifications.

(3) 8 weeks from date of promulgation of this schedule: If a coal preparation facility is to be constructed by the utility for preparing all or a portion of the fuel for combustion at the Conesville steam plant, submit to the Administrator a plant detailing actions to be taken to ensure completion of construction and startup in sufficient time to provide complying fuel for the final compliance date.

(4) 52 weeks from June 19, 1980: Complete engineering and specifications for the coal preparation facility.

(5) 64 weeks from June 19, 1980: Award contract for construction of the coal preparation facility providing incentives to the contractor to expedite the project.

(6) 108 weeks from June 19, 1980: Initiate on-site construction of the new coal preparation facility.

(7) 152 weeks from June 19, 1980: Complete construction of the coal preparation facility.

(8) 52 weeks from June 19, 1980: Submit to the Administrator a

continuous monitoring plan detailing the equipment to be installed, equipment locations, and data reduction techniques as well as schedule of installation.

(9) 104 weeks from June 19, 1980: Complete installation and certification of sulfur dioxide monitors on stacks 1, 2 and 3 at the Conesville steam plant.

(10) 152 weeks from June 19, 1980: Complete any necessary boiler modifications to the Conesville steam plant units 1–4.

(11) 156 weeks (three years) from June 19, 1980: Achieve and demonstrate compliance at units 1–4 of the Conesville steam plant with the applicable emission limitation in § 52.1881 of this chapter.

[FR Doc. 81–12894 Filed 4–28–81; 8:45 am]
BILLING CODE 6560–30–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80–246; RM–3614]

Radio Broadcast Services; FM Broadcast Station in Hertford, N.C.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 285A to Hertford, North Carolina, as that community's first FM assignment, at the request of Perquimans County Broadcasters.

DATE: Effective June 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: April 10, 1981.

Released: April 21, 1981.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Hertford, North Carolina). BC Docket No. 80–246 RM–3614.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 41171, published June 18, 1980, proposing the assignment of FM Channel 285A to Hertford, North Carolina, as that community's first local aural service, at the request of Perquimans County Broadcasters ("petitioner"). Petitioner filed comments supporting the assignment and stated that if the assignment is made, it will promptly apply for authorization to build and operate a station in Hertford. No comments opposing the assignment were received. As stated in the *Notice*, Channel 285A can be assigned to Hertford in compliance with the minimum distance separation requirements, provided the transmitter site is located approximately 1.6 kilometers (1 mile) east of Hertford.[1]

2. Hertford (pop. 2,023),[2] seat of Perquimans County (pop. 8,351), is located approximately 200 kilometers (125 miles) northeast of Raleigh, North Carolina. Hertford currently has no local aural service.

3. Petitioner has submitted persuasive information with respect to Hertford and its need for a first local FM assignment.

4. The Commission believes that it would be in the public interest to assign FM Channel 285A to Hertford, North Carolina. Interest has been shown for its use and the assignment would provide the community with is first local aural broadcast service.

5. Accordingly, IT IS ORDERED, That effective June 9, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, IS AMENDED with respect to Hertford, North Carolina, as follows:

City	Channel No.
Hertford, N.C.	285A

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §0.281 of the Commission's Rules.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[1] The assignment of Channel 285A to Hertford, conflicts with a petition for rule making, filed July 28, 1980, proposing the substitution of Channel 284 for Channel 285A at Havelock, North Carolina (RM–3731). We have determined that a site restriction on the proposed Havelock substitution will avoid the separation conflict. Thus, we shall propose such a site restriction in the Havelock proceeding.

[2] Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81–12895 Filed 4–28–81; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 80–430; RM–3577]

Radio Broadcast Services; FM Broadcast Station in Greybull, Wyoming, Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 282 to Greybull, Wyoming, as that community's first FM assignment, at the request of Robert D. Zellmer.

DATE: Effective June 22, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: April 21, 1981.

Released: April 27, 1981.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Greybull, Wyoming); BC Docket No. 80–430 RM–3577.

By the Chief, Policy and Rules, Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 27905, published August 6, 1980, proposing the assignment of either Class C FM Channel 282 or Class A Channel 281 to Greybull, Wyoming, at the request of Robert B. Zellmer ("petitioner"). Petitioner submitted comments supporting the assignment of Channel 282 to Greybull, and stating that he would apply for either channel but clearly urging the assignment of the Class C channel. No oppositions to the proposal were received.

2. Greybull (population 1,953),[1] in Big Horn County (population 10,202), is located approximately 458 kilometers (285 miles) northwest of Cheyenne, Wyoming. Greybull is currently served

[1] Population figures are taken from the 1970 U.S. Census.

by daytime-only AM Station KMMZ, which is licensed to petitioner.

3. In the *Notice*, we asked petitioner to indicate whether channels were available for assignment to the communities which would be precluded by assigning Channel 282 to Greybull. Petitioner responded by providing a detailed qualitative discussion of the existing aural services receivable in the precluded communities, but did not offer alternative channels available for assignment. Regarding those precluded communities which have no FM assignments currently, petitioner opines that because the communities are very small, they probably lack the economic base necessary to support a broadcast station. We also stated in the *Notice* that, absent a showing of significant first and second service to unserved and underserved areas, Class C channels are not generally assigned to communities as small as Greybull. We therefore asked petitioner to submit information concerning the amount of first and second service which would be provided by the proposed Class C channel at Greybull. Again, petitioner submitted no quantitative data but instead presented subjective information concerning aural services which can be received in various portions of Big Horn County. Petitioner concludes that Greybull and Big Horn County are definitely underserved in terms of signal availability.

4. Although petitioner failed to provide the information requested in the *Notice* and did not present any explanation why the information was not forthcoming, we have decided to assign Class C Channel 282 to Greybull. Information submitted to the Commission in other proceedings indicates that sufficient additional channels are available for assignment in the area so that preclusion should not be a significant problem. As to first and second service areas, a staff study indicates that a Class C assignment to Greybull would provide a first FM service to a very large geographic area. Because the area is sparsely populated, the number of persons receiving a first FM service appears to be small. However, persons living in these areas are not likely to receive local service because the communities to which such channels could be assigned to probably too small to support their own stations and therefore, interest in new stations in this area is not anticipated. Thus, high-power Class C stations may be the only means by which persons living outside the larger communities would receive FM service. This provision of service to unserved areas clearly serves the public interest and fully justifies assigning a Class C channel to Greybull. We believe this result is appropriate notwithstanding petitioner's failure to provide the data requested of him. Denying the requested assignment due to petitioner's procedural deficiencies is not an appropriate response, where, as here, a finding has been made that a significant public interest benefit will result from making the assignment.

5. Accordingly, IT IS ORDERED, That effective June 22, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, IS AMENDED, as follows:

City	Channel No.
Greybull, Wyo.	282

6. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-12804 Filed 4-28-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Kangaroos; Final Rule To Permit Commercial Importation

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of final rule.

SUMMARY: When the red kangaroo (*Megaleia rufa*), the eastern gray kangaroo (*Macropus giganteus*) and the western gray kangaroo (*Macropus fuliginosus*) were listed as Threatened on December 30, 1974, the United States imposed a ban on the commercial importation of these species (including their parts and products) until the Australian states could satisfy certain conditions. These Australian states have now established, to the Service's satisfaction, that their management programs are effective and that commercial importation of kangaroos (and their parts and products) will not result in detriment to the species. Therefore, the Service is permitting, through this rule, commercial importation of red, eastern gray and western gray kangaroos, and their parts and products.

DATES: The rule becomes effective on May 29, 1981.

ADDRESSES: Questions concerning this rule may be addressed to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to the action are available by appointment for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

On June 16, 1980, the Service published in the Federal Register (45 FR 40958), a proposed rule to permit the importation for commercial purposes of eastern gray, western gray and red kangaroos (including, parts and products such as raw or tanned hides). The ban on the commercial importation of these kangaroos was imposed on December 30, 1974, when they were listed as Threatened species pursuant to the Endangered Species Act of 1973. At that time, it was stated (50 CFR 17.40(a)(1)(i)(B)) that:

> Upon receiving from the Australian Government a certificate that (1) a particular Australian state has developed an effective sustained-yield management program for such wildlife and (2) the taking of such wildlife in that state will not be detrimental to the survival of the species or subspecies of which such wildlife is a part, the Director may, consistent with the purposes of the Act, permit by publication in the Federal Register the commercial importation of any such wildlife originating from the state * * *

The Service feels that the Australian states have now met the conditions for resuming commercial trade with the United States and is therefore permitting the commercial importation of kangaroos from these states. The action is based on the best scientific and commercial data available and will remain in effect for a least a two year period from the effective date of this

rule. At the close of this period, the Service will review again the entire situation and determine at that time whether the importation ban should be reimposed to conserve the kangaroos.

Summary of Data Pertaining to Resumption of Commercial Trade

Most of the data which follow in this section are taken from Poole (1978) and Anderson (1980). The factors which move the Service to permit resumption of commercial trade in kangaroos are those outlined in 50 CFR 17.40 (a)(1)(i)(B). These are:

(1) *The Australian States (New South Wales, Queensland, South Australia and Western Australia) have developed effective sustained-yield programs for the kangaroos.*

Poole (1978) summarized the kangaroo management programs of the four involved Australian States as follows:

Queensland

All 24 species of the Macropodidae found in Queensland are protected by law. Open seasons may be granted for eight abundant species: the red kangaroo, eastern gray kangaroo and to a lesser extent the eastern wallaroo, the whip-tail wallaby (*Macropus parryi*), the red-necked wallaby (*M. rufogriseus banksianus*), the black-striped wallaby (*M. dorsalis*), the agile wallaby (*M. agilis*), and the swamp wallaby (*Wallabia bicolor*).

Management programs include assessment of land use and habitat in relation to distribution and number, and evaluation of a reserve sanctuary system. Continuous monitoring of kangaroo populations and the annual determination of safe harvesting levels are undertaken to ensure maintenance of stable equilibria within populations. Such stability is reflected in the detailed records of annual harvests. Apart from short-term seasonal fluctuations, no adverse downward trends in the size of the harvest have been observed over many years. There has been no significant change in the persistence of any exploited species within its known area of distribution and no changes either in the proportion of young to old animals or in the number of females relative to males.

Shooters require a permit, and are restricted to a particular "fauna district," within which they must declare their area of operation and hold written permission from the landholders on whose properties they shoot. Dealers, whether for skins or carcasses or both, must be registered, and the number and location of their premises are controlled. The total number of sites is determined annually but may not exceed 80. Official, serially-numbered tags are purchased from the state fauna authority and must be attached to all kangaroos taken, the annual quota being controlled by the number of tags issued. Permits are also required for movement of skins and carcases within the state or other states. Both dealers and shooters are required to keep records and submit returns indicating the species and numbers of kangaroos handled by them. Dealers must provide returns monthly and shooters annually or on demand.

New South Wales

The State is divided into a number of management zones. Of these, several embracing an area of more than one-third of the State, are closed to commercial shooting. All species of kangaroos are protected by law but red kangaroos, both species of gray kangaroos, the wallaroo and occasionally small numbers of red-necked and whip-tail wallabies may be taken under license if investigations of compliants show that damage to property, e.g., pasture, crops, fence, is occurring or is likely to occur. With each license authorizing the shooting of protected fauna, the Service issues cloth tags equal to the number of animals to be taken. These tags bear a code and serial number which identify the zone, shooter and property.

If kangaroos are to be used commercially, the landholder may obtain a commercial license or more usually a licensed professional shooter may be engaged. Such shooters are limited in number and restricted to a particular management zone. Minimum weight limits apply to carcasses which may be legally taken. Currently these weights are 16 kg (35 lb) for red kangaroos, 12 kg (25 lb) for gray kangaroos and 13 kg (28 lb) for wallaroos. (One public comment stated that these minimum weights have been abolished). However, very few wallaroos are taken. Special permission must be sought by individual shooters if skins alone are taken for sale. Minimum lengths of skins then apply. The length taken in the mid-dorsal line, from square with the base of the tail, must be not less than 915 mm (36 in) for red and 813 mm (32 in) for gray kangaroos. A numbered, nylon locking tag on which a royalty has been paid must be used to attach the previously issued cloth tag to each carcass or skin, if it alone is taken. Both tags must remain attached to a carcass or skin until they are processed by a wholesaler licensed to purchase kangaroos exclusively from shooters operating in an allocated area. The wholesalers must register their premises. Wholesalers and retailers trading in kangaroo meat or products are required to keep records of all transactions on prescribed forms subject to inspection.

Management programs include classification of land use and habitat and evaluation of reserves in relation to the needs of fauna. An attempt to monitor levels of harvest by utilizing data on age structure of the population was to an extent successful, but was abandoned when more staff and assistance from universities and other bodies permitted direct assessment of the size of kangaroo populations and the determination of safe harvesting levels. Particular emphasis has been placed on aerial surveys, but where the density of vegetation rendered this impossible, counts along ground transects have been undertaken.

Note.—New South Wales has had aerial surveys in four of the past five years and continues to survey their commercial zone on an annual basis. No ground transects are currently being run to estimate population size—Anderson, 1980.

South Australia

All species of kangaroos are protected by law, but may be taken under permit when damage to crops, stock, or improvements to the environment can be demonstrated. No open seasons are proclaimed, and permits are issued only for the red kangaroo, western gray kangaroo, the euro, and in limited numbers the Tammer wallaby (*Macropus eugenii*) when it causes damage on Kangaroo Island.

Commercial hunting of kangaroos is permitted only in 25 percent of the state in a strip of land running west to east through pastoral lands in the center of the state. Kangaroos taken under permit in the area where commercial hunting is permitted may be sold to registered processors or skin dealers nominated by the landholder, as a "trade carcase", meaning the whole body from which the head, viscera, and forelimbs from the elbow and hind legs from the knees have been removed, and which retains no more than 15 cm of the tail. Permission may also be granted to sell the carcass as a "trade butt", defined as a trade carcass from which the flesh and bones but not the skin have been removed above the region of the first lumbar vertebra.

Regulations provide that minimum weight limits may be applied to both trade carcasses and trade butts. Such limits, though not invoked to date, may be declared by notice published in the South Australian Government Gazette and relate to animals for which a royalty has been declared payable and

which have been taken in a specified part of the state. The weight may be varied according to the species and the notice may specify any other conditions, restrictions or limitations which shall apply in relation to a weight limit.

Regular assessment of populations of kangaroos and of their distribution in relation to habitat is undertaken primarily by ground surveys in the area where commercial harvesting is permitted. Some aerial surveys already have been undertaken and more are under consideration.

Note.—Aerial surveys were run in 1978 and 1979 and will run annually in the future. No ground surveys have been run since 1976—Anderson, 1980.

Regardless of the numbers present, an upper limit for harvest of 80,000 for the whole State is imposed but this is not set as a target to be achieved and may not be reached. All applications for permits are checked against periodic reports prepared by district rangers. The reports are based on thorough surveys of selected properties, which are then related to other district properties by more general inspection when property size, stocking rates and information from previous inspections are considered in the recommendation of a maximum permit allocation. No permit is issued for a greater number than applied for even if it is below the number recommended by the ranger. If a permit is granted within northern pastoral areas, only a specified quota of animals in excess of a declared minimum density, one per square km, may be removed, while within southern agricultural areas and depending on the extent of proved damage a proportion of those animals present in the areas may be taken.

Property owners with permits to take kangaroos may permit only licensed shooters to take the animals on their behalf and must provide them with written permission. All animals utilized for commerical purposes must bear a sealed tag issued by the fauna authority on payment of a royalty. All licensed persons associated with the taking and processing of kangaroos must keep up-to-date records of all transactions and furnish returns as required.

Western Australia

All wild vertebrate fauna is protected until otherwise declared by the state's Minister for Fisheries and Wildlife. Open seasons may be declared for red kangaroos in the pastoral zone where large populations have built up following changes in pasture composition and provision of watering points associated with land use by domestic stock. The aim of management is to ensure continuation of self-perpetuating populations of kangaroos throughout their preferred range, and to this end populations are assessed by ground and aerial surveys and are monitored for age structure, reproductive success, sex ratios, and hunting success per unit effort.

A commercial industry is used as a tool of management and is regulated through the licensing of hunters and processors. The number of animals taken is limited by the issue each season of serially numbered tags which must be attached to each carcass.

Gray kangaroos may be taken only under the terms of a damage mitigation license issued following a fauna officer's report on the damage and on the number of kangaroos. In some areas if kangaroos are troublesome a limited open season may be declared, in which case a landholder may shoot kangaroos provided the carcasses or skins are not sold, and the district fauna office is informed. The fauna officer may then examine the situation and may order the operations to cease.

If there is intention to sell the animals culled, the landholder must obtain a license and tags for the number of kangaroos which the fauna officer authorizes to be killed. The landholder may authorize a licensed shooter to take the animals on his behalf, but the shooter is restricted to private property and the number of animals may not exceed the supply of tags provided by the fauna officer.

In addition to the above information from Poole, the Service has information from Dr. David Anderson, Leader, Utah Cooperative Wildlife Research Unit, who visited Australia early in 1980, to investigate the kangaroo situation at first hand for the Service. Anderson (1980) reports that, in general, each of the four states has an extensive management program for the kangaroos in question. He says that although the Poole report is only two years old, several important advances have been made in the management programs since that time. The most important of these is that South Australia has now instituted aerial surveys of kangaroo abundance and incorporated the results directly into their management program for establishing harvest quotas and controlling the spatial distribution of the harvest. Otherwise, Anderson reports that his findings are in complete agreement with those of Poole. In addition Anderson states:

There is good coordination among the Australian states via the Council of Nature Conservation Ministers (CONCOM) representing both State and Federal interests and responsibilities. The Australian National Parks and Wildlife Service reviews and coordinates all recommendations concerning harvest quotas suggested by individual states. A standardized, mandatory tagging system is in effect in all four states. This tagging system insures control of the harvest and restricts the harvest to a particular state (even to regions *within* the state of N.S.W.). Enforcement is easy and effective because the numbered tags must be attached to the harvested animal. Each state requires regular reporting by all parties involved in the commercial harvest. Cross checks, by specific tag numbers, are made to police the system. Import permits and export permits control the interstate shipment of hides and meat among states in Australia. An import permit must be secured *before* a state can issue an export permit. Harvested animals must be tagged at all times.

Enforcement of the commercial harvest is adequate at all stages (this is not to say that violations are rare or that all are found by enforcement agents). Enforcement is greatly facilitated at all stages by the standardized tagging system. The relatively few chiller boxes and skin/meat processing plants facilitate repeated inspection by enforcement personnel. Skin (only) dealers are more difficult to police and have less to lose if they are found in violation and their license is revoked. All states are moving away from skin-only operators.

(2) *The Australian states have adequately shown that taking of the three* species of kangaroos in question for commercial purposes will not be *detrimental to the survival of the species.*

Overall data obtained by Anderson (1980) provide the following population estimates for the Australian states which expect to commercially export kangaroo hides to the United States: New South Wales, 5,000,000; Queensland, 25,000,000; South Australia, 1,400,000; Western Australia, 1,125,000. Of these estimates, only those of New South Wales and South Australia are based on extensive aerial surveys. The other states have not done complete aerial surveys because of the greater areas involved, the complex habitats that need to be covered, or the prohibitive expense of such surveys. They depend instead on other techniques such as annual hunter take or extrapolation from the New South Wales estimate, although Queensland has been the subject of two partial surveys. Anderson feels, and the Service concurs that the estimates for these other states, however, are reasonable. The above then provide an overall adult population of some 32,000,000 kangaroos in the four states. Basically the estimate of 32 million kangaroos in the four states is very conservative. The 5 million kangaroos in New South Wales represents merely the estimate of the

number that occurs in the commercial zone. The remaining ⅛ of New South Wales has never been surveyed and does not contribute to the 5 million shown. Seven million would certainly be a realistic number for the state as a whole. The 1.4 million in South Australia also relates to only the commercial zone; this is about ¼ of the state. South Australia is very dry and not particularly fine kangaroo habitat, but 600,000 for the remaining ¾ of South Australia seems very conservative. These minor adjustments bring a reasonable total to slightly over 35 million in the four states. The survey program, of course, does not count the young in the pouch which would be a significant figure. Therefore, *they are surveys only of the adult segment of the population.* Thus, the Service's opinion is that these figures make it clear than an estimate of 32 million kangaroos is indeed conservative.

The kill quota for 1980 has been set nationwide in Australia at 2.8 million. This kill quota is based on population estimates and is distributed among the various states so that conservation of the kangaroos is insured. Given the population estimates cited in Anderson (1980), the Service feels that the kangaroos could sustain themselves at that level of take, barring any new, unforeseen human or natural pressures, and that the commercial take will not be detrimental to the three species. It should be noted that although the nationwide quota for kangaroo harvest is 2.8 million, the actual harvest will probably be less than that. In recent years, the quotas have not been approached by a significant margin. Because of the possibility, however, of unforeseen human or natural pressures, the Service feels that the quota must be watched closely and the situation monitored to protect against such unforeseen pressures.

Anderson (1980) sums up his review of the commercial harvest of kangaroos as follows:

> Exploitation of kangaroos has taken place for well over a century in Australia. Before a commercial industry was established to utilize the products (meats and hides), kangaroos were shot and poisoned and left in the field. Poole (1978) states that in one state alone, some 2 million dollars were paid in bounties and government subsidies for 26 million scalps over a period of 40 years prior to 1917. In the past 3/4 century, Queensland alone has harvested tens of millions of kangaroos. The harvest in recent years has continued to be large (approximately 570,000, 750,000 and 900,000 in 1977, 1978, and 1979, respectively). This is essentially prima facie evidence that a long-term, sustained harvest can be taken from kangaroo populations. Even though 900,000 kangaroos is a large number of animals, it is only 3 to 4.5% of the population (i.e., the harvest rate is 0.03 to 0.045). Furthermore, this level of harvest has only been exceeded in 6 of the past 20 years.

Rationale for Permitting Commercial Trade

One criticism which has been raised repeatedly during this finding is that the import of a threatened species on a commercial scale is inconsistent with the conservation mandate of the Endangered Species Act of 1973, with respect to threatened species. This criticism fails to recognize both the current status of kangaroos as well as the intent of Congress in creating a two-tiered system of classification in the Act. The Act's disparate classification of species as Endangered or Threatened is a congressional response to the number and complexity of factors which bear upon a species' survival and represents an authorization to develop a broad range of conservation programs which can be adjusted to individual Threatened species. In this way, regulatory mechanisms may be tailored to the needs of the Threatened species.

The critical section of the Act with respect to kangaroos is Section 4(d) which directs the Secretary to "issue such regulations as he deems necessary and advisable to provide for the conservation of such Threatened species." Thus, Congress did not create automatic prohibitions on taking of Threatened species as it did for Endangered species but placed authority in the hands of the Secretary to do what was necessary and advisable.

The legislative history of the 1973 Act is replete with references to the need for flexibility and for a listing process whereby wildlife and plants which were in precarious circumstances, but not yet Endangered, could be identified and given some measure of protection under the Act. This was the basis for the Threatened species classification and the legislative history clearly shows that species which are only "Threatened" were not to be automatically covered by the same rigid prohibitions against taking which applied to Endangered Species. It was recognized by Members of Congress, and by this Department, that "taking" and commercial trade could be permitted for a particular Threatened species if the facts so warranted. Thus, in exercising his regulatory flexibility and discretion under Section 4(d), the Secretary could publish regulations for a given Threatened species which ranged from imposing a total ban on all taking to allowing regulated or commercial harvests, assuming that such regulations were deemed necessary and advisable for the conservation of the species. In discussing Section(d), the House Report, No. 93412, 93rd Congress, First Session, July 27, 1973, stated:

> Once an animal is on the threatened list, the Secretary has an almost infinite number of options available to him with regard to the permitted activities for those species. He may, for example, permit taking, but not importation of such species, or he may choose to forbid both taking and importation but allow the transportation of such species.

There are other similar statements both in the legislative history and in the statements of this Department before Congress. Based on this statutory provision, legislative history, and its own consistent interpretation and administration of the Act, this Department has allowed the taking of a number of Threatened species under various circumstances and will now allow the import of kangaroo products.

A criticism of this approach which has been raised is that it conflicts with the Act's definition of conservation:

> To use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Some commentors have suggested that this definition of conservation, read in conjunction with Section 4(d), prohibits the taking of Threatened species except for extraordinary circumstances of population pressure which cannot be relieved in any other way. This interpretation, however, effectively eliminates any difference in the two classifications and completely defeats Congress' purpose of creating the Threatened category of species which were not Endangered and which could be subject to more flexible controls. It is also significant to note that the proposed action does not involve authorization for taking of kangaroos by the Secretary since he has no such power under the Act to control taking in a foreign country. (See Conference Committee Report, House of Representatives No. 93–740, 93rd Congress, First Session, December 19, 1973, page 27.)

In the Service's opinion, it is more reasonable to read the extraordinary population pressure portion of the

conservation definition as simply one in a continuum of management and conservation options available for the protection and conservation of Threatened species. Thus, the commercial import of a Threatened species could be authorized even where such extraordinary population pressures do not exist. Any other conclusion undermines the flexibility intended for the Threatened classification. The Service is acting pursuant to the intent of Congress as set out in the Act and legislative history, and pursuant to an interpretation this Department has given the Act and kangaroo regulations for 7 and 5 years, respectively.

At most, there is a tension between Section 4(d) of the Act and the concept of Threatened species as distinct from Endangered, and the definition of "conservation" in the Act and the Conference Committee, House Report No. 93–740, 93rd Congress, First Session, December 19, 1973. Congress obviously wishes to allow flexibility in dealing with Threatened species and stated so repeatedly, yet arguably inadvertently defined the term conservation so as to defeat that purpose. In such circumstances, it is up to the agency charged with implementation of a statute to provide an interpretation. This Department's interpretation, outlined above, is entitled to deference and is intended to satisfy all of the purposes and policies of the Act.

Furthermore, it is significant to point out that even if Interior's interpretation of its regulatory authorities under Section 4(d) were rejected and the restrictive interpretation of the commentors accepted, commercial import of kangaroo products could still proceed because of the population pressures which currently exist in Australia for this cyclical animal. In the Service's opinion, the three species of kangaroos in question do provide the "extraordinary case" under the definition of "Conservation" in the Act.

These kangaroos are extremely abundant in some areas; they outnumber the human population of the country by a ratio of possibly more than three to one. They are grazing animals and hence competitors with livestock for food as well as water. Ranchers in general do not want them because of this competition, and in the past have resorted to such drastic measures as indiscriminate poisoning in order to reduce their numbers. The Australian government now prohibits by law such activities by ranchers, but must have recourse itself to other measures of control in order to prevent mass unregulated killing. Customary control measures, such as live-trapping and transplanting, or even systematic hunting or lethal trapping by game agents, are impossible to undertake on the scale needed for relief. On the other hand, to allow ranchers themselves simply to legally kill the kangaroos would not permit for sufficient control or data necessary for population management. Therefore, a system which allows for a regulated commercial harvest by licensed private hunters seems to be the only feasible way to control populations and at the same time to avoid the excessive costs, impracticality, and the possibility of abuses, that are inherent in other control methods.

Threatened Status for the Kangaroos

Given the fact that kangaroo populations appear to be abundant at present in Australia, the question arises as to whether they can be legitimately regarded as Threatened pursuant to the Act. In its June 16, 1980, proposal (45 FR 40958) the Service outlined its reasons for maintaining these kangaroos as Threatened while at the same time acknowledging that their numbers were so great as to require control through a commercial harvest. Briefly, the Service reasons as follows:

Kangaroos are commercial commodities that are, and will continue to be, utilized in world trade. In the past, all three species under consideration have been overexploited in various areas, and in the opinion of some, this condition could occur again. In addition, all three species are cyclical in nature, and may experience periods of great abundance and then decline again to periods of relative scarcity. Given these facts, and the facts that none of these species are subject to any international trade control, the Service feels that the prudent course of action is to continue a classification of Threatened under the Act so that should any unforeseen catastrophe occur (prolonged drought, increased illegal poaching, etc.), action could be taken immediately to close down commercial trade with the United States. The Service feels that the Threatened classification thus is warranted because of the susceptibility of these animals to overexploitation and because of the difficulty in predicting the severity and damage that might be caused by natural or man-made factors affecting them. More information on these factors can be provided by the regulatory systems set up by the States for management of the kangaroo populations and the kangaroos' status will be monitored by the Service.

Summary of Comments and Recommendations

The original comment period for the proposal closed on July 16, 1980. Subsequently, as a result of a petition, the Service held a public hearing on the proposal, and reopened the comment period from September 16 until October 1, 1980. Comments received at the public hearing and during the reopened comment period are discussed under a separate section later in this document. The present section deals only with those comments received during the original comment period of June 16, 1980, to July 16, 1980.

During the original comment period, 112 letters were received. Of these, 12 favored the proposal; 100 were in opposition. Of the 112 comments received, 105 offered no new data or insights into the situation but were essentially pleas for or against lifting the ban. Some of these pointed out the extreme cruelty often associated with hunting kangaroos; others stressed the notion that kangaroos are so abundant that they are approaching plague proportions. At any rate, none provided substantive data that could be used in formulating this final rule.

Certain letters contained major issues that need to be addressed individually. These were the following:

Defenders of Wildlife—In a letter dated July 16, 1980, this group made the following points: (1) That the action is inconsistent with the conservation mandate of the Act to allow mass commercial importation of a threatened species; (2) that the "Service has not made a finding as required by the Endangered Species Act that killing of kangaroos should be encouraged and condoned;" (3) that the "benefits claimed for the program may not exist and are irrelevent to statutory mandates." Defenders legal contentions are among those addressed above in the discussion of the Act and the conservation mandate of Section 4. In addition, the Service responds that: (1) These kangaroos represent the unusual case where a species may be Threatened because of demonstrated vulnerability to potential threats, yet occur at the present time in such numbers as to require control measures. These animals are potentially important commercial commodities that have been reduced in the past through widespread exploitation, prolonged droughts, and illegal hunting. Given the lack of international trade control, and the possibility of unforeseen environmental or other catastrophes, these factors are still of sufficient import to require the continued Threatened classification. At the same time, however, the Service acknowledges that the present numbers of these animals are high, and that they are a nuisance in many areas. In order to protect them to the maximum extent possible from illegal and excessive

hunting by ranchers, the Service feels that a regulated and controlled hunt is warranted. As explained earlier, this is best achieved through commercial harvest and state management. (2) The Service has found that there are probably in excess of 32,000,000 red and gray kangaroos in the Australian states as discussed above. Ranchers and farmers report time and again to Australian authorities, and to the Service, that these animals are in plague numbers in many areas. To live trap and transplant these kangaroos into other parts of the country is prohibited by biological factors (kangaroo mortality is high during such trapping operations) and by the great expense involved in such operations. It has been suggested by some that the various states could hire rangers to shoot kangaroos and that the kangaroos should be left in the field with no use made of the hide or carcass. This control method also has the disadvantage of being excessively expensive and impractical, and seems to present an unwarranted waste of resources. Other methods of control would involve mass poisoning or indiscriminate shooting. A regulated harvest, as envisaged by the states' management plans, is superior to any of the above and, in addition, this constitutes under the Act "* * * the extraordinary case where population pressures within a given ecosystem cannot otherwise be relieved." (3) The benefits claimed for permitting the commercial importation of kangaroos and/or parts into the United States do exist. The Service contends that the alternative to a regulated commercial harvest is indiscriminate wholesale killing of kangaroos which could be extremely detrimental to the survival of the three species and which would deprive the Australian states of needed harvest and population data provided pursuant to existing management plans.

Monitor—In a letter (28 pages) dated June 16, 1980 (the date is apparently incorrect—as the proposal was published on such date, and the letter was received at Interior on July 16, 1980), this organization made essentially the following points: (1) That it is unprecedented for the Service to propose maintaining a species as threatened under the Act, while at the same time allowing the import of large numbers of these threatened species for commercial purposes; (2) that the Service failed to provide specific data on each of the three species involved, but rather spoke in general terms of "kangaroos;" (3) that Dr. Anderson's findings and recommendations are suspect because of the limited time he spent in Australia and because most of his contacts there were biased; (4) that some Australian scientists oppose lifting the ban; (5) that two scientists within the Service's Office of Endangered Species had on two occasions written memoranda opposing lifting the ban; (6) that habitat loss is a major threat to the kangaroo's survival; (7) that lack of law enforcement capability provides a threat to the species; and (8) that lack of knowledge of the effect of drought on kangaroo populations is a major shortcoming of any action to permit commercial import.

Responses to the above are as follows: (1) This point has already been fully discussed in response to the comments of Defenders of Wildlife above; (2) this point is not correct. In South Australia, Grigg and Caughley (1979) estimate, through aerial counts, that there are in excess of 1,000,000 red kangaroos and 215,000 gray kangaroos in that State. In 1977, Caughley *et al.* estimated that there were over 2,000,000 red kangaroos and 1,500,000 gray (both eastern and western) kangaroos in New South Wales. In fact, virtually all of the data collected on the problem exist for each of the three species. For example, the reports of survey results cited by Anderson give population size estimates and their sampling variances by species for each year.

This is true in both South Australia and New South Wales. In all four states kill quotas are set by species. In all four states the kill is determined and recorded by species. The import and export program and the movement of skins and carcasses within a state are controlled, monitored and recorded species by species. In general, there is no reason to believe that one or the other of the species is decreasing alarmingly, or that one or the other will necessarily be more vulnerable to commercial harvest. The Service, therefore, does not believe that there is any reason at this time to alter its proposal. (3) Dr. Anderson is a trained populations biologist who went to Australia fully aware that the issue was emotional and that there would be efforts to influence him from all sides. He is fully convinced, however, that the period he spent in Australia was sufficient for him to make an objective appraisal of Australian state management plans and survey procedures, which was the purpose of his visit. In addition, Dr. Anderson's itinerary, attached to his report, shows that he met with spokespersons for disparate positions, including members of the Australian Kangaroo Protection Committee (KPC). In fact, Dr. Anderson specifically requested such a meeting as part of his trip. He also met with Mr. Milo Dunphy of the Australian Conservation Foundation whom the KPC has described as "a highly respected conservationist." Dr. Anderson did not visit Australia to conduct population surveys. (4) Monitor cites two Australian scientists who were opposed to lifting the ban but the statements and qualifications cited by Monitor are inadequate to outweigh Dr. Anderson's findings. Dr. Anderson reports: "Although I repeatedly asked, I could not find a single biologist, trained to an advanced degree and having experience in Australia, that believed the current ban had any validity or was a constructive influence." (5) The two scientists in question, within the Service's Office of Endangered Species, claimed by Monitor to be in opposition to lifting the ban, wrote the memoranda cited *before* Dr. Anderson's visit to Australia. They had been asked to examine material submitted to the Service by the Australian States and recommend on possible Service action. Based on the limited data available to them, their conclusions were that sufficient problems still existed to warrant maintenance of the ban. The data and procedures reviewed by Dr. Anderson in Australia, however, answered the questions which concerned the Endangered Species biologists and they subsequently concurred that permitting commercial importation with a 2-year review would be a reasonable move. (6) The Service finds that Monitor's statement is not supported by the facts. Only about 8% of the land area of the continent of Australia is in either urban or intensive agricultural use. The remaining 92% is used for pastoral purposes and represents the primary habitat for the three kangaroo species. Anderson reports also, that the reserve system for kangaroos in Australia is excellent and concludes that it provides good habitat for all three species. (7) The Service concurs that lack of enforcement capability provides a threat to the species. It is one of the major reasons why the Service does not remove the species from a Threatened classification under the Act. However, commercial incentives for legal shooters should provide additional protection for the kangaroos and will help reduce illegal poaching. The present rule, therefore, would act as a conservation measure in this regard. Money and personnel are, indeed, limited. It is important, however, to recognize the difference between commercial and illegal kills. Lifting the ban will not significantly affect the

latter kill but it will affect the former and encourage compliance with the Australian states' management plans. Australia feels that its industry control is adequate on a state and national basis and the Service agrees. (3) Although some areas have been experiencing drought conditions in Australia, others have not. Australia is a huge continent and it is unlikely that a drought could affect the entire country. In addition, some authorities feel that kangaroos would be better off today, if severe drought struck, than in the past since man-made waterholes from which kangaroos could drink are now widely scattered over the "outback." Kangaroos are adapted to adverse conditions and to the extent any drought occurred in Australia, there is no evidence to suggest that it has had or would have any significant detrimental effect on the kangaroo populations. While it is true that mortality may be higher in drought years, the concept of a ubiquitous "unprecedented drought" is simply not supported by existing meteorological data. To the extent that there is increasing mortality from any drought conditions, many wildlife management personnel would take the position that such conditions merit an increase in the quota. The Australian states' management plans allow for any drought induced variations in the population. Drought conditions which do exist are often localized and should not be extrapolated to the entire continent. Finally, a recent report from Australia (Drought Review, Australia, Department of Science and the Environment, Bureau of Meteorology, No. 124, November, 1980) indicates that drought conditions recently have eased in many areas. Rainfall during October, 1980, was average or above over most of the country, and was very much above average rainfall in South Australia. It has broken the 3-month drought in that state, while rain in east Gippsland in Victoria was sufficient to break the 8-month drought there; in Queensland, the area of serious or severe rainfall deficiencies has been reduced to small pockets. Although this information does not indicate an end to localized drought problems, it does illustrate the mercurial climate of the continent, a climate to which the kangaroo has adapted.

Animal Protection Institute of America—This organization, in a letter dated July 3, 1980, made the following points: (1) That the Service's population estimates are subject to question; (2) that habitat loss and degradation continue to exert pressure on the kangaroos; (3) that law enforcement presents major problems in a country the size of Australia; and (4) that Australia is entering a period of drought that will adversely affect populations. The Service responds to these points as follows: (1) The population estimates for New South Wales and South Australia are based on acceptable sampling techniques and hence have a good deal of credibility. Estimates for Queensland and Western Australia are less reliable, but in the opinion of the Service they are acceptable. These estimates constitute the best scientific and commercial data available (as required by the Act) and hence, in the Service's opinion, form a solid basis for the present rule. Points 2, 3, and 4 have already been discussed in the Service's responses to other communications above.

Society for Animal Protective Legislation and the Humane Society of the United States—In a letter dated July 16, 1980, these two groups submitted their comments to the proposal through Monitor. Separately, however, they submitted a petition to the Service for a public hearing on the matter. This was done under Section 4(f)(2)(A)(ii) of the Act which states:

> If any person who feels he may be adversely affected by the proposed regulations files (within 45 days after the date of publication of general notice) objections thereto and requests a public hearing thereon, the Secretary may grant such request, but shall, if he denies such request, publish his reasons therefore in the Federal Register.

In support of the petition, these organizations contended that: (1) There is a serious scientific issue within the Service over the impact on a Threatened species of commercial exploitation of that species; (2) that the Service's evidence has not established that commercial exploitation will not endanger the survival of the kangaroos; and (3) that when it is certain that up to 3,000,000 members of a species recognized as Threatened may be killed as a result of that proposed action, it is not too much to ask for a public hearing on their fate.

In the interest of assuring full public participation in the process, the petition for a public hearing was accepted by the Service. Accordingly, a notice was published on August 22, 1980, in the Federal Register (45 FR 56117) that the comment period on the proposal would be reopened between September 16, 1980, and October 1, 1980, and that a public hearing would be held in Washington, D.C., on September 16, 1980, to hear public testimony on the issue. The public hearing was held as scheduled; testimony presented at this hearing, and comments received during the reopened comment period, are discussed in a separate section of this document.

American Fur Industry—This organization supported the proposal in a letter dated July 8, 1980, but questioned whether any large animal with an estimated population of 32,000,000 should be classified as "threatened." It also questioned whether the two year monitoring period would be meaningful with animals that are cyclical in nature. The Service has already presented its reasoning as to why it still considers these kangaroos to be Threatened species in spite of the proposal to lift the ban on commercial imports. With regard to the monitoring period, the Service feels that it is prudent to monitor the management and harvest of the kangaroo populations. It is possible that a periodic reexamination of the situation may be necessary to assure that adequate controls are operational and that the species are not being subjected to overexploitation.

Kangaroo Protection Co-operative Ltd. (previously known as Kangaroo Protection Committee)—In a letter dated June 19, 1980, this Australian conservation group cited a number of specific objections to observations and findings of Dr. David Anderson during his visit to Australia. In summary, their comments reflect the following: (1) That Dr. Anderson's visit was too brief to acquire a satisfactory understanding of the problems; (2) that he may have been susceptible to both "window dressing", and the amount of publicity accorded his visit; (3) that he approves in principle the "harvesting" of animals, and that this may, by implication, have biased his judgement in the situation; (4) that if the U.S. reopens the market to kangaroo trade, conservation will be subservient to commerce; and (5) that the majority of kangaroos killed will be in Queensland for which satisfactory population estimates do not exist.

To these comments, the Service responds as follows: (1) Dr. Anderson is satisfied that the period of time he spent in Australia was sufficient for him to grain an adequate insight into the situation and the problems involved. In any event, the Service's review and monitoring of the kangaroo situation has not been limited to the period of Dr. Anderson's visit to Australia but has included continued review and assessment of scientific literature and public comment over a number of years; (2) The Service is satisfied that Dr. Anderson met with representatives of the diversified parties concerned and obtained a well rounded variety of opinions and comments on the matter; (3) The Service is also satisfied that Dr.

Anderson began his investigation of the subject objectively, without bias and that he formed no opinions and made no judgements regarding the kangaroo ban until after he had met with the representatives of the various parties including representatives of the Kangaroo Protection Co-operative; (4) the Service is completely satisifed that the various Australian states, as evidenced by their management plans and practices, will put conservation before commerce in any situation where detriment to kangaroo populations might result from excessive kangaroo exploitation. The Service will not assume that the Australian states intend to ignore the conservation mandate of and their own management plans and provide no deference to United States responsibilities under the Endangered Species Act; and (5) the Queensland population estimates are, to the Service's satisfaction, adequate to permit the establishment of the kill quota set for that state. Dr. Anderson spoke with various Australian management and scientific personnel and examined the states' management plan. The Service has determined that each Australian state has an adequate management plan for sustained yield harvest as evidenced by the discussions of those plans above. Many of the letters criticizing the lack of such information are now dated and the evidence indicates that, notwithstanding any doubts about sustained yield levels which do exist, the states' quotas are well below any such level, and the management systems for monitoring such yields are much improved. Passage of time will certainly result in more yield data becoming available, but this, of course, will always be the case, and the Service is satisfied that existing data and management systems permit lifting the import ban without any detriment to the survival of the species.

In a letter dated July 11, 1980, the Kangaroo Protection Committee commented as follows:

1. That the responses presented by the Australian States concerning habitat losses in those States over the past 5 to 10 years are "irresponsible." The K.P.C. contends that each of these States has suffered appreciable land use changes and habitat has been drastically reduced.

2. That the only reason there has not been overutilization of kangaroos for commercial purposes in recent years is because of the closed U.S. market.

3. That the regulatory mechanisms of the various Australian States are nonexistent and exist on paper only.

In response to points 1 and 3, the Service accepts in good faith the data presented by the Australian States and trusts to their sincerity and truthfulness in the issues involved. In addition, Anderson's report provides proof of the regulatory mechanisms of the various Australian States, and shows that kangaroo habitat has not by any means been reduced to the extent that would threaten the continued existence of the species. There is no evidence that the kangaroos' habitat has been drastically reduced and the contrary is indicated by the thriving kangaroo populations.

It is the Service's opinion that the characterization of the Australian regulatory system is unwarranted and that Anderson's report provides proof that the states have effective management plans. With regard to the second point, the purpose of the 2-year review is to assure that overutilization does not again occur and that the Australian states are effectively managing their kangaroo populations. It is interesting to note that for the period of 1968–1973, the United States' percentage of the kangaroo export from Australia steadily declined from over 50% to under 30% before the ban was imposed. Even assuming a high of 50%, the total skins imported into the United States would not be significant when compared to the total population figures.

Public Hearing and Comments From the Reopened Comment Period

A public hearing has held on September 16, 1980, in Washington, D.C., on the kangaroo issue. At the hearing, 10 testimonies were presented of which seven were in opposition and three favored the proposal. A summary of these testimonies, with the Service's responses, is as follows:

Defenders of Wildlife—This organization, in opposition to the proposal, contended that the regulations which are the basis for this proposal are unlawful and directly in conflict with the mandatory provisions of the Endangered Species Act. It consequently urged that the Service abandon its proposal and abandon the hearings. In support of its contention, Defenders stated that importation of the three species of kangaroos is inconsistent with both the spirit and letter of the Endangered Species Act; the commercial importation will not promote the conservation and restoration of the kangaroos to non-threatened status; and that the Service has not shown that "regulated taking" of the kangaroos presents the "extraordinary case" required by the Act. These contentions have all been addressed above.

Society for Animal Protective Legislation—In opposition to the proposal, Cristine Stevens made the following points for this organization: (1) That drought conditions are now widespread and that the numbers of kangaroos are drastically down; (2) that Queensland lacks interest in, and control over kangaroo harvest; and (3) that Queensland's population estimates are too generous given the fact that the state has not undertaken any overall count of kangaroo numbers.

The Service has spoken to all of these issues in responses to other comments earlier in this document.

Marian Newman, also speaking for the *Society for Animal Protective Legislation*, in opposition to the proposal, made the following points (in addition to numerous other points that have already been addressed in depth): (1) That no state in Australia has a verified sustained-yield program for the kangaroos; (2) G. Caughley is quoted as saying that nothing is known about sustained yield in the big kangaroos; (3) that there is no real monitoring of kangaroos in Queensland; (4) that Australian scientists are undecided on a safe shooting level for the big kangaroos; (5) that killing is indiscriminate with regard to age, sex, and weight; (6) that there is no interstate coordination on control, harvesting, tagging, reporting, etc. of take; (7) that no state has demonstrated that taking will not be deterimental to the survival of the species; and (8) that there is a continuing loss of habitat for kangaroos due to loss of such habitat to cropland, mining, grazing, etc.

The Service's point by point response to the above is as follows:

(1) Certainly New South Wales and South Australia have good programs for sustained yield; in the Service's opinion, this is true for Queensland and Western Australia as well; (2) Caughley's statement was written in 1976, before all the advancements in knowledge of recent years, and in any event he went on to say that the harvest level at that time was well below any maximum sustained-yield; (3) Queensland has killed at least 60 to 80 million kanagroos during the past century; the harvest rate is low, populations are very abundant, Queensland had adopted an adequate management plan, and recent aerial survey data for parts of Queensland have added to the knowledge of that state's population; (4) this is due to the fact that the studies referred to by Ms. Newman were conducted in different areas at different times and under different conditions, such as in drought, etc. Dr. Anderson feels that it is becoming clear that a maximum allowable total harvest of these kangaroos would be in the vicinity of

20% per year *for all causes* (it may drop in drought periods); no Australian state even approaches this level; (5) this statement is incorrect in that the abundance permits a high degree of selectivity by age, sex, and size and the economics of shooting compels selectivity; (6) this statement is also incorrect; there is an elaborate system of interstate monitoring, discussed in Dr. Anderson's report, on both a state and national level; (7) Queensland, among others, has demonstrated over the past century that a take in excess of 60 million kangaroos has not been detrimental. The very purpose of Dr. Anderson's visit and the required certification from the Australian states, is to insure that the Service is satisfied that any take resulting from a lifting of the ban will not be detrimental to the species; and (8) cropland is very minor in importance compared to total kangaroo habitat and has not increased substantially in recent years; mining, grazing, timbering, etc. are certainly factors to consider, but overall, the evidence indicates that they appear to contribute little toward loss of kangaroo habitat.

Animal Protection Institute and Humane Society of the United States—All of the comments presented by those groups in opposition to the proposal were presented by others and have already been addressed elsewhere in this document.

American Fur Industry—This organization supported the proposal, and made many of the points discussed by the Service above in reaching its decision to permit commercial importation.

Oliver Garfield, Information Retrieval Systems—This witness presented essentially the same comments that have been addressed earlier. To the extent that his testimony related to the biological status of the kangaroos, his concerns were primarily the lack of reliable population estimates and the relationship of what he considers high kill quotas to uncertain population estimates.

The William Amer Company, and a private citizen, John Kane—These witnesses supported the proposal and presented evidence and arguments much in line with the reasoning used by the Service in the present decisionmaking although they objected to the kangaroos remaining on the list as Threatened.

Most of the groups which presented oral testimony at the hearings on September 16, also submitted comments in written form to the Service. These written testimonies were restatements or extensions of comments presented either in the earlier comment period or orally at the public hearings and have been addressed by the Service above.

In response to the notice of the public hearing, the Embassy of Australia, which did not testify orally at the public hearings, presented two submissions to the Service on September 16, 1980, which it wished incorporated into the public record. These submissions were from the Australian National Parks and Wildlife Service, and the Australian National Farmers' Federation. The Embassy also submitted a joint statement by Australia's Deputy Prime Minister for Trade and Resources, and the Minister for Science and Environment. All three documents favored lifting the ban. The submission by the Australian National Parks and Wildlife Service and the joint statement by the Ministers addressed only the ban, and presented the same basic information on status and management of the kangaroos that has led to this action. The submission from the National Farmers' Federation, however, requested a removal of the kangaroos from the Threatened list as well. It based its request on the following statement that appeared in the Federal Register proposal (45 FR 40958) to lift the ban on commercial import of kangaroo hides:

> The Act provides for the listing of a species as Endangered or Threatened when one or more of the following five factors is contributing to *the likelihood of the species' extinction throughout all or a significant portion of its range.*

The Federation contends that the kangaroos in question cannot in any way be regarded as likely to become extinct throughout all or a significant portion of their ranges.

The Service concurs with the Federation in its assertion that the kangaroos are not likely to become extinct, but points out that the statement in question in the Federal Register is incorrect and does not accurately reflect what the Endangered Species Act of 1973 says. The Act actually reads on this point as follows: "The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following (five) factors * * *" The Act does, however, define a threatened species as: "* * * any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." The Service feels that kangaroos are a threatened species under this definition, and regrets the misleading wording that appeared in the June 16, 1980, proposal that led to the Federation's misunderstanding. The Service's basis for keeping kangaroos listed as Threatened is outlined above.

The reopening of the comment period between September 16, and October 1, 1980, led to the receipt of hundreds of letters (in addition to the testimonies and public comments discussed above), all but a few of which were in opposition to the proposal. None of these, however, contained any substantive scientific, biological, or management data that could be of use in reaching this final decision.

Effect of Rule

The only effect of this rule will be that beginning with the effective date, eastern gray, western gray, and red kangaroos (live animals and/or parts and products) will be permitted to be imported into the United States for commercial purposes without a permit issued pursuant to the Endangered Species Act of 1973. The three species will remain listed as Threatened, and all other provisions of the Act pertaining to Threatened and Endangered species will apply.

National Environmental Policy Act

A final Environmental Assessment has been prepared and is on file in the Service's Office of Endangered Species. This assessment is the basis for a decision that this rule is not a major Federal action that significantly affects the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, implemented at 40 CFR Parts 1500–1508.

This notice was written by John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

Note.—The Department of the Interior has determined that this is not a major rule and does not require preparation of a regulatory analysis under Executive Order 12291.

The Form 3–177, Importation/exportation declaration filed with the U.S. Customs Service upon import shall constitute the report required under this general permit. Form 3–177 was approved by OMB on September 18, 1978 and expires on August 31, 1982. The OMB approval number is 1018–0012.

Further, the Department of the Interior, has determined that the rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. This determination is based upon the fact that because of the existing ban no firms presently are engaged in domestic kangaroo leather handling, processing, or fabrication. Only two are

expected to be initially measureably impacted, both beneficially.

These determinations are discussed in more detail in a Determination of Effects which has been prepared by the U.S. Fish and Wildlife Service.

Literature Cited

Anderson, David R. 1980. Information on management programs for red, eastern gray, and western gray kangaroos in relation to the U.S. Endangered Species Act. Unpublished report to U.S. Fish and Wildlife Service, April 8, 1980, 41 pp.

Caughley, G., R. G. Sinclair, and G. R. Wilson. 1977. Numbers, distribution, and harvesting rate of kangaroos of the inland plains of New South Wales. Australian Wildl. Res. 4, pp. 99–103.

Grigg, Gordon and Graeme Caughley. 1979. The 1979 survey of kangaroos in the pastoral areas of South Australia. Nat. Parks and Wildl. Serv., South Australia, 34 pp.

Poole, W. E. 1978. Management of kangaroo harvest in Australia. C.I.R.S.O. Occ. Papers, No. 2, 29 pp.

Accordingly, 50 CFR 17.40(a)(1)(i)(B) is revised to read as follows:

§ 17.40 Special rules—mammals.

(a) * * *
(1) * * *
(i) * * *

(B) Eastern Gray, Red, and Western Gray kangaroos—including parts and products of such wildlife—which have been tagged or otherwise identified as removed from the wild in accordance with the management plans of Australian states may be imported into the United States without permits for individual shipments otherwise required by 50 CFR Part 17. Importation into the United States must comply with the requirements of 50 CFR Part 14. Service Form 3–177, Declaration for Importation or Exportation of Fish or Wildlife, filed with the U.S. Customs Service upon import shall satisfy the reporting requirements of 50 CFR Part 14, Subpart C.

* * * * *

Dated: April 10, 1981.

C. F. Layton,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-12980 Filed 4-28-81; 8:45 am]

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V. 46 / 82
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Proposed Rules

Federal Register
Vol. 46, No. 82
Wednesday, April 29, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

GENERAL ACCOUNTING OFFICE

DEPARTMENT OF JUSTICE

4 CFR Part 102

Collecting Debts by Offset

AGENCIES: General Accounting Office—Department of Justice.

ACTION: Proposed rule.

SUMMARY: This proposed amendment would require that agencies, in accordance with implementing regulations, extend to debtors an opportunity for a pre-offset oral hearing when a question of indebtedness cannot be resolved by review of documentary evidence and issues of credibility or veracity exist. Recent court decisions have emphasized the need for the Government to provide due process protections to debtors before collecting an alleged debt by offset. Granting an opportunity for a pre-offset oral hearing in appropriate cases conforms with due process requirements and will minimize the risk that the Government will collect invalid debts by involuntary offset.

DATE: Comments must be received by June 29, 1981.

ADDRESS: U.S. General Accounting Office, Accounting and Financial Management Division, Associate Director, Claims Group, Room 5858, 441 G Street, NW., Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT: Chris Farley, Jr., U.S. General Acconting Office, Accounting and Financial Management Division, Claims Group, Room 5860, 441 G Street, NW., Washington, D.C. 20548, (202) 275–6088.

SUPPLEMENTARY INFORMATION: Recent court decisions have emphasized the need for the Government to assure that claimant agencies provide due process protection to debtors prior to initiating offset actions.

If a determination that a debt exists and is certain in amount can be satisfactorily made by review of the documentary evidence and no issues of credibility and veracity exist, then under this proposed rule an agency need not provide an opportunity for an oral hearing before offsetting the debt against benefits, pay, or employee compensation. The terms "credibility" and "veracity" cannot be precisely defined due to the multiplicity of circumstances under which Federal debts arise and the limited circumstances in which the courts have considered due process with respect to offset. The terms are not applicable, however, in circumstances where the subject matter of a dispute can be resolved through correspondence or review of the written record.

Issues of credibility and veracity are more likely to arise in situations where a statute mandates that the head of an agency waive or forgive an indebtedness if the debtor is "without fault" or if recovery of the debt would be against "equity and good conscience." "Fault" and "equity and good conscience" determinations are sometimes difficult to make on the basis written evidence alone as they may require a subjective evaluation of the individual's knowledge, motives, good faith and ability to recognize errors. In the case of waiver or forgiveness statutes which are entirely permissive, such as 5 U.S.C. 5584 or 10 U.S.C. 2774, and an agency determines in advance that it is in the interest of the United States to grant waiver where certain statutory conditions are met, debtors should be provided with opportunity for a pre-offset oral hearing if the determination of whether the statutory conditions are in fact met turns on an issue of credibility or veracity. Where the agency does not dispute the debtor's factual contentions no oral hearing need be granted.

The form of hearings, when granted, will depend on the nature of the transactions giving rise to the debts and the complexity of the issues in dispute. For the vast majority of Government claims, we anticipate that informal conferences before an agency official will suffice; however, for the more complicated issues, more extensive type hearings might have to be held. It is contemplated that in either case, such hearings will be conducted by conference telephone call if the debtor elects not to appear in person at his own expense at the placed designated by the agency for hearings. Agencies shall maintain at least a summary record of the hearing accorded to the debtor.

Any general plan for using offset to collect debts from individuals will require that claimant agencies establish implementing regulations for granting pre-offset oral hearings in appropriate cases and for providing the procedural protections outlined in this amendment. In establishing implementing regulations, agencies should consider the principles developed by the courts in determining when opportunities for hearings are required. For example, for those debt collection programs in which issues of credibility and veracity rarely arise, it will not be necessary to sift through all requests for reconsideration and grant a hearing to the few that involve credibility. See *Califano* v. *Yamasaki*, 442 U.S. 682 (1979). This amendment is not intended to eliminate this discretion.

This proposed amendment is not a "major rule" as defined in Executive Order 12291 dated February 17, 1981.

Accordingly, we propose to revise 4 CFR 102.3 as follows:

§ 102.3 Collection by offset.

(a) Collections by offset will be undertaken administratively in accordance with these standards and implementing regulations established by the head of each agency on claims which are liquidated or certain in amount in every instance in which this is feasible. Collections by offset from persons receiving pay or compensation from the Federal Government shall be effected over a period not greater than the period during which such pay or compensation is to be received. See 5 U.S.C. 5514.

(b) When the head of an agency, or his designee, pursuant to 5 U.S.C. 5514, 5522, 5705, 5724(f), or other statutory authority, seeks to collect a debt by offset against accrued pay, compensation, accrued benefits or amount of retirement credit due to a present or former government employee, a member of the armed forces, a Reserve of the armed forces, or a present or former employee of the U.S. Postal Service, the agency to which the debt

allegedly is owed will accord such debtor an opportunity for a pre-offset oral hearing when (1) the debtor requests waiver of the indebtedness and the waiver determination turns on an issue of credibility or veracity or (2) when the individual requests reconsideration of the debt and the head of the agency or his designee determines that the question of the indebtedness cannot be resolved by review of the documentary evidence, for example, when the validity of the debt turns on an issue of credibility or veracity: *Provided,* That, where the employment or active duty status of a debtor entitled to a hearing under paragraph (b) (1) or (2) of this section terminates, and the creditor agency determines that (i) amounts accruing to the debtor upon such termination are available for offset in satisfaction of the alleged indebtedness (ii) such amounts would not be available for offset subsequent to termination and (iii) time prior to termination does not permit a pre-offset hearing, the agency may withhold from amounts accruing to the individual upon termination, a sum not greater than that of the alleged indebtedness and, subsequent to termination, promptly provide an opportunity for an oral hearing to resolve the issue of indebtedness or waiver. Amounts withheld but later determined not owing to the Government shall be promptly refunded.

(c) Except when employment or military status is about to terminate as described in the proviso of paragraph (b) of this section, prior to collecting any indebtedness by offset the head of the agency to which the debt allegedly is owed or his designee shall provide the debtor a written demand containing the notices prescribed in § 102.2 above and include therein: (1) Notice of the agency's intention to collect by offset; (2) an opportunity to request reconsideration of the debt, or if provided for by statute, waiver of the debt, and (3) an explanation of the debtor's rights pursuant to this section.

(d) Collection by offset against a judgment obtained by the debtor against the United States shall be accomplished in accordance with the Act of March 3, 1875, 18 Stat. 481, as amended, 31 U.S.C. 227.

(e) Appropriate use should be made of the cooperative efforts of other agencies in effecting collections by offset, including utilization of the Army Holdup List, and all agencies are enjoined to cooperate in this endeavor.

Dated: April 22, 1981.

Milton J. Socolar,

Acting Comptroller General of the United States.

Dated: April 24, 1981.

Edward C. Schmults,

Acting Attorney General of the United States.

[FR Doc. 81-13019 Filed 4-28-81; 8:45 am]

BILLING CODE 1610-01-M

BILLING CODE 4410-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Proposed Definitions of "Small Entities" for Purposes of the Regulatory Flexibility Act

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed establishment of definitions.

SUMMARY: The Commodity Futures Trading Commission is inviting comments on definitions of small entities which the Commission will use in connection with future Commission rulemaking proceedings. The definitions would be used in accordance with the provisions of the Regulatory Flexibility Act, (RFA) which requires that agencies, in proposing rules, consider their impact on small business. The Commission seeks to define small entities with respect to the four major categories of entities regulated by the Commission: contract markets, futures commission merchants, commodity pool operators and commodity trading advisors. The Commission proposes that designated contract markets and registered futures commission merchants and commodity pool operators not be considered small entities and that consideration as to which commodity trading advisors are small entities be addressed in the context of specific rule proposals affecting commodity trading advisors. In addition, those business concerns which are large traders in commodity futures would not be considered small entities for purposes of the Commission's large trader reporting requirements.

DATES: Comments on the proposed definitions should be submitted by June 29, 1981.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Nancy Yanofsky, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Telephone: (202) 254-5716.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*, ("RFA") requires each Federal agency to consider in the course of proposing and promulgating substantive rules, the effect of those rules on small entities. A small entity is defined to include, *inter alia,* a "small business" and a "small organization" 5 U.S.C. 601(6).[1] In defining small business, the RFA adopts the defintion of "small business concern" in Section 3 of the Small Business Act, 5 U.S.C. 601(3). Section 3 of the Small Business Act, 15 U.S.C. 632 (1976), essentially provides a three-part definition of "small business concern": (a) One that is independently owned and operated; (b) which is not dominant in its field; and (c) which falls within the size standards regarding sales and/or employment established by the Administrator of the Small Business Administration ("SBA") by rule, *see* 13 CFR Part 121. An agency, however, after consultation with the Office of Advocacy of the SBA, may establish its own definition or definitions of small business. 5 U.S.C. 601(3). Since the SBA has not established size standards for small businesses engaged in commodity futures activities, or other activities regulated by the Commission,[2] the Commission proposes to establish its own standards with respect to the four major types of entities regulated by it:

[1] "Small organization" in the RFA means a "not-for-profit enterprise which is independently owned and operated and is not dominant in its field, * * *." 5 U.S.C. 601(4). The RFA does not incorporate size standards for the Small Business Administration for small organizations. Agencies are expressly authorized to establish their own definitions of small organization. (*Id.*)

[2] Present SBA definitions of small business are clearly limited in their usefulness for Commission purposes. The current size standards of the SBA define small business concerns according to (1) the program involved (*e.g.*, government procurement, sales or leases of government property, SBA loans), (2) the type of business involved (*e.g.*, manufacturing, construction, wholesale, retail, services) and (3) geographic area (*see* 13 CFR 121.3-7). For example, service industries bidding on government contracts are designated "small business concerns" if their average annual receipts for the preceding 3 fiscal years do not exceed $2 million. 13 CFR 121.3-8(e). Service industries seeking SBA loans are designated as "small business concerns" if their annual receipts in any one year do not exceed $2 million. 13 CFR 121.3-10)(d)(1). For numerous concerns which provide certain specifically designated services, the maximum annual receipts requirement is higher. *See* 13 CFR 121.3-8(e) and 121.3-10(d). It should be noted, however, that the SBA has proposed revised size standards which generally would establish one size standard, in terms of number of employees, for all SBA programs: under those standards, firms providing business services which have 25 or less employees would be considered small businesses. 45 FR 15442 (March 10, 1980).

contract markets, futures commission merchants, commodity pool operators and commodity trading advisors. In addition, the Commission proposes an interpretation which would make it clear that the definition of small entities, for purposes of applicability of the RFA to Commission rulemaking, does not include those business concerns which are large traders in commodity futures, insofar as Commission rules require large trader reporting.

Contract markets

Commission designation of contract markets is central to the regulation of trading in commodity futures contracts. Sections 4 and 4h of the Act, 7 U.S.C. 6 and 6h (1976), generally require a commodity futures transaction to be made by or through a member of a board of trade which has been designated by the Commission as a contract market.[3] To obtain designation, a board of trade must meet stringent standards enumerated in Section 5 of the Act, 7 U.S.C. 7 (1976).[4] Once designated, a contract market must continue to satisfy these initial criteria and must also comply with the additional requirements set forth in Section 5a of the Act, 7 U.S.C. 7a (1976 and Supp. III 1979). Since the essential scheme of regulation under the Act centers on the effective functioning of designated contract markets, subject to Commission regulation and oversight, the Commission does not consider any contract market designated under the Act to be a small entity for purposes of the RFA.[5]

Futures Commission Merchants

Futures commission merchants ("FCMs") accept and hold the funds of public customers in a fiduciary capacity. Section 4f(2) of the Act, 7 U.S.C. 6f(2) (1976) requires that FCMs registered with the Commission must meet minimum financial requirements. The Commission's minimum financial requirements for FCMs take into account the fiduciary responsibilities of such firms. At present, FCMs are required at all times to maintain adjusted net capital equal to or in excess of the greater of $50,000, ($100,000 for each FCM that is not a member of a contract market), or 4 percent of the customers' funds held by the FCM or, for securities brokers and dealers, 4 percent of aggregate debit items computed in accordance with the Securities and Exchange Commission's formula for determination of reserve requirements.[6] Moreover, the Commission has proposed amendments to the minimum financial requirements for FCMs which would increase the minimum dollar requirements to $100,000 for members of a contract market and $250,000 for non-members.[7] Taking into account the fiduciary nature of a FCM's business and these minimum net capital requirements the Commission does not consider a registered FCM to be a small business for purposes of the RFA.[8]

Commodity Pool Operators

A commodity pool operator, as defined in Section 2(a)(1) of the Act, 7 U.S.C. 2 (Supp. III 1979) means:

> Any person engaged in a business which is of the nature of an investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in any commodity for future delivery on or subject to the rules of any contract market, but does not include such persons not within the intent of this definition as the Commission may specify by rule or regulation or by order.

The Commission presently exempts certain small firms from the requirement to register as commodity pool operators ("CPOs").[9] Commission Rule 4.13(a), 17 CFR 4.13(a), provides that:

> A person is not required to register with the Commission as a commodity pool operator if—
>
> (1)(i) It does not receive any compensation or other payment, directly or indirectly, for operating the pool, except reimbursement for the ordinary administrative expenses of operating the pool; (ii) it operates only one commodity pool at any time; (iii) it is not otherwise required to register with the Commission and is not a business affiliate of any person required to register with the Commission; and (iv) neither the person nor any other person involved with the pool does any advertising in connection with the pool (for purposes of this section, advertising includes the systematic solicitation of prospective participants by the telephone or seminar presentation); or
>
> (2)(i) The net asset value of the pool it operates (or, if it operates more than one pool, the combined net asset values of the pools it operates) does not exceed $50,000 at the beginning of the pool's fiscal year, and (ii) none of the pools operated by it has more than 15 participants (excluding the pool's operator and trading advisor(s)) at any time during the pool's fiscal year.

The Commission proposes to adopt its definition of small commodity pool operators, as set forth in Rule 4.13(a), as the applicable definition for purposes of the RFA.[10]

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[3] A "board of trade" is defined in the Act as "any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling any commodity or receiving the same for sale on consignment * * *." Section 2(a)(1), 7 U.S.C. 2 (1976).

[4] For example, a board of trade seeking designation as a contract market must demonstrate its ability to prevent price manipulation, concerning and the dissemination of misleading reports respecting the commodity involved. *See, e.g.*, Sections 5(d) and 5(c), 7 U.S.C. 7(d) and 7(c) (1976). And, as a result of Congress' addition in 1974 of a new Section 5(g) to the Act, 7 U.S.C. 7(g) (1976), a board of trade is required to demonstrate that futures transactions in the commodity for which designation is sought "will not be contrary to the public interest."

[5] The Commission also notes that contract dollar volume on exchanges is currently well-beyond the trillion dollar level. In addition the clearing organizations affiliated with the exchanges hold billions of dollars in margin or letters of credit and daily clear many millions of dollars in trades. Further no exchange and its affiliated clearing organization has less than twenty-five employees. *Cf.* footnote 2, *supra*.

[6] Commission Rule 1.17, 17 CFR 1.17, as amended, 45 FR 79416 (Dec. 1, 1980). Adjusted net capital means current assets less total liabilities minus certain specified safety factors or "haircuts."

[7] 45 FR 79490 (Dec. 1, 1980).

[8] As the Commission has noted in proposing to amend its minimum financial and related reporting requirements for FCMs, this requirement serves to: enhance the protection of customers' segregated funds and better protect the financial condition of FCMs, and those two results are of the greatest importance to the security and overall well-being of individual participants and institutions involved in the futures markets. The Commission believes that the proposed amendments would cause the minimum financial requirement to reflect more accurately the amount of customer business of an FCM, help to safeguard customers' funds and provide an improved system of early warning of the deterioration of an FCM's financial condition.
45 FR 42633, 42635 (June 25, 1980).

[9] Commodity pool operators exempted from the Commission's registration requirements remain subject to the Commission's antifraud and reparations rules. See Commission Rule 4.13(d), 17 CFR 4.13(d).

[10] The Commission has proposed to expand the exemptions provided in regulation 4.13 as follows:
(a) A person is not required to register under the Act as a commodity pool operator if—
(1)(i) It does not receive any compensation or other payment, directly or indirectly, for operating the pool, except reimbursement for the ordinary administrative expenses of operating the pool; (ii) it operates only one commodity pool at any time; (iii) it is not otherwise required to register with the Commission and is not a business affiliate of any person required to register with the Commission; and (iv) neither the person nor any other person involved with the pool does any advertising in connection with the pool (for purposes of this section, advertising includes the systematic solicitation of prospective participants by the telephone or seminar presentation); or
(2)(i)(A) It operates or intends to operate one pool, the gross receipts for units of participation in that pool do not exceed $100,000 or (i)(B) it operates or intends to operate more than one pool, the total gross receipts for units of participation in those pools in the aggregate do not exceed $200,000, and (ii) none of the pools operated by it has more than 15 participants at anytime. For purposes of computing the number of participants for this paragraph (a)(2)(ii), the following participants shall be excluded: (A) The pool's operator, commodity trading advisor, and the principals thereof; and (B) any relative, spouse or relative of such spouse living in the same household as such participant.
45 FR 51000, 51005 (August 4, 1980).

Commodity Trading Advisors

Section 2(a)(1) of the Act, 7 U.S.C. 2 (Supp. III 1979) defines a commodity trading advisor ("CTA") as

> Any person who, for compensation or profit, engages in the business of advising others, either directly or through publications or writings, as to the value of commodities or as to the advisability of trading in any commodity for future delivery on or subject to the rules of any contract market, or who for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning commodities; but does not include (i) any bank or trust company, (ii) any newspaper reporter, newspaper columnist, newspaper editor, lawyer, accountant, or teacher, (iii) any floor broker or futures commission merchant, (iv) the publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation including their employees, (v) any contract market, and (vi) such other persons not within the intent of this definition as the Commission may specify by rule, regulation, or order: *Provided*, That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession.

This definition encompasses a broad category of business enterprises. It is therefore difficult to determine a small business standard that would be applicable to the whole spectrum of commodity trading advisors. The Commission notes, however, that existing rules with respect to commodity trading advisors merely require registration with the Commission and set standards for disclosure and recordkeeping. See Commission Rules 1.10c, 4.31, 4.32, 17 CFR 1.10c. 4.31, 4.32.

It may be that, with respect to commodity trading advisors, analysis of which concerns constitute small entities should depend on the nature of the proposed rule and its impact on any specific type of commodity trading advisor.[11] The Commission invites comments on whether a general definition of small entities as applied to commodity trading advisors would be suitable and, if so, what the proper standard would be.[12]

Large Traders

Among the entities subject to the Commission's regulations are business concerns with trade in large volume in the commodity futures market, either for purposes of hedging or speculation. When any one trader holds or controls a position in a significant number of contracts, that trader must report its positions and related information to the Commission pursuant to the requirements of Parts 15, 18 and 19 of the Commission's rules.

Specifically, Commission regulations require reports from traders who hold "reportable positions" as set forth in Rule 15.03(a), 17 CFR 15.03(a). Traders who hold market positions less than those quantities specified in § 15.03(a) for each commodity are exempted from reporting burdens. Indeed, the Commission has on a number of occasions raised the threshold position level for reporting in a number of commodities.[13] These actions have been carefully designed to balance the compliance cost of traders and the processing costs incurred by the Commission with the need for important surveillance information. As a result of these actions, Commission large trader reporting requirements affect approximately ten to fifteen percent of all traders, depending on the commodity.

Thus, the large trader reporting requirements focus on the size of an entity's position rather than the absolute size of its business, and this is the only informational basis with which the Commission is concerned with respect to these entities. The large trader reporting requirements are concerned with a dimension of size directly related to the performance of the futures markets. It is because of the need to prevent undue dominance of the futures markets that this information is required. The Commission does not believe that any large trader, insofar as it must comply with Commission reporting requirements, need be deemed a small entity for purposes of the RFA.

Accordingly, the Commission invites public comment on its proposal to establish definitions of the term "small entity," as discussed above for analyses of proposed rules pursuant to the RFA.

* * * * *

Issued in Washington, D.C., on April 22, 1981, by the Commission.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 81-12818 Filed 4-28-81; 8:45 am]
BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release No. 33-6312, 34-17738, 35-22016, 39-627, IC-11739 and IA-758; File No. S7-883]

Regulatory Flexibility Agenda for Purposes of the Regulatory Flexibility Act

AGENCY: Securities and Exchange Commission.

ACTION: Publication of regulatory flexibility agenda for purposes of the regulatory flexibility act.

SUMMARY: The Securities and Exchange Commission is today publishing a regulatory flexibility agenda, pursuant to Chapter Six of the Administrative Procedure Act. The agenda is intended to provide advance notice of certain rulemaking actions anticipated during the next six months. The Commission is seeking public comment on subject areas and particular items of the agenda.

DATE: Comments are due by June 30, 1981.

ADDRESSES: Persons wishing to submit written views should file four copies thereof with George A Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-883 and will be available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Jeffry L. Davis, Acting Director, Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Additional names of persons to contact with regard to specific agenda items are listed at the end of such items.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980)) ("RFA") added a new Chapter Six to the Administrative Procedure Act (5 U.S.C. 601 *et seq.*). Among other things, the RFA requires that the Commission, during October and April of each year, publish in the Federal Register a

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[11] For example, the Commission is considering whether to propose rules specifically governing those commodity trading advisors who deal in leverage transactions. See Section 19 of the Act, 7 U.S.C. 23 (Supp. III 1979).

[12] The Commission specifically requests comment on the suitability of setting standards for commodity trading advisors based on their number of employees, comparable to the standards proposed by the SBA. See footnote 2, supra.

The Commission further notes that, pursuant to Sections 4e and 4g of the Act, 7 U.S.C. 6e and 6g (1978 and Supp. III 1979), floor brokers of the contract markets are registered and regulated by the Commission. By and large, floor brokers act as individuals and are not business entities. For the small number of floor brokers that are business entities, the Commission similarly invites comment as to whether a general definition of small entities would be suitable.

[13] *See* 42 FR 25486 (May 17, 1977); 44 FR 18169 (March 27, 1979); and 46 FR 16132 (March 4, 1981).

regulatory flexibility agenda containing (i) a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;[1] (ii) a summary of the nature of any such rule, the objectives and legal basis for the issuance of the rule and an approximate schedule for completing action on any such rule for which a general notice of proposed rulemaking has been issued;[2] and (iii) the name and telephone number of an agency official knowledgeable concerning the rule.[3]

In a separate action, the Commission has proposed to define the terms "small business" and "small organization" for purposes of the RFA as those terms may apply to entities that are issuers of securities or otherwise engaged in securities or other business activities subject to disclosure and reporting requirements or regulation by the Commission pursuant to the Securities Act of 1933, 15 U.S.C. 77a *et seq.* ("Securities Act"), the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.* ("Exchange Act"), the Public Utility Holding Company Act of 1935, 15 U.S.C. 79a *et seq.* ("Holding Company Act"), the Trust Indenture Act of 1939, 15 U.S.C. 77aaa *et seq.* ("Trust Indenture Act"), the Investment Company Act of 1940, 15 U.S.C. 80a *et seq.* ("Investment Company Act"), or the Investment Advisers Act of 1940, 15 U.S.C. 80b–1 *et seq.* ("Advisers Act").[4]

The agenda in this release relies on the proposed definitions of the terms "small business" and "small organization" contained in that prior release, as those terms may relate to various entities subject to the Commission's rules and regulations. If the definitions which are later adopted by the Commission differ substantially from those proposed, the Commission will give consideration to publishing a revised agenda.

I. Regulatory Flexibility Agenda

As provided by the RFA, the publication of the Commission's regulatory flexibility agenda does not preclude it from considering or acting on any matter not included therein, nor is the Commission required to consider or act on any matter which is included therein.[5] Furthermore, the inclusion of a rule in the Commission's regulatory flexibility agenda reflects only the staff's preliminary judgment that such rule, if promulgated, may have a significant economic impact on a substantial number of small entities. This preliminary judgment, of course, is subject to change upon further development and analysis. In this regard, the staff has some doubts about whether some of the anticipated rules would have any such economic impact, if promulgated, but such rules have been included in the agenda in order to maximize the opportunity for public comment.

The following agenda lists the particular rules which the Commission expects to consider for proposal or promulgation during the next six months, which, if promulgated, may have a significant econmic impact on a substanial number of small entities.

A. Disclosure Rules

1. Amendments to Regulation A

On December 23, 1980, the Commission proposed a comprehensive revision and reformatting of Schedule I of Regulation A under the Securities Act so that the item requirements of the Schedule will reflect current Commission disclosure policies.[6] The proposals have their legal basis in the Commission's rulemaking authority under Section 19(a) and its authority to exempt securities from registration under Section 3(b) of the Securities Act. Regulation A is a conditional exemption pursuant to Section 3(b) that may be used by a variety of issuers for public offerings not in excess of $1.5 million in any 12-month period. A notification and offering circular with the information prescribed by Schedule I must be filed with the Commission's regional office in the region in which the company's principal business activities are conducted. The proposals are designed to codify disclosure standards which are currently being applied to Regulation A offerings and to provide specific disclosure requirements for different types of issuers and different types of offerings. To this end the proposed structure of the revised Schedule I contemplates the establishement of a "pool" of disclosure items which range from basic items common to all transactions to specialized items germane to a particular issuer or transaction. The Commission expects to consider the adoption of a final rule during Summer 1981. Agency contact: Daniel Abdun-Nabi, Office of Small Business Policy, Division of Corporation Finance, (202 272–644.

2. Classification of Issuers Under the Exchange Act

On June 2, 1980, the Commission published an advance notice of proposed rulemaking to solicit comment on the advisability of establishing, pursuant to its rulemaking authority under Section 23(a) of the Exchange Act, certain defined classes of smaller issuers for purposes of reducing or modifying the registration, reporting and other requirements under Section 12 and Section 15(d) of the Exchange Act.[7] Currently, issuers that are required to file periodic reports with the Commission, whether by reason of their registration under Section 12 or pursuant to Section 15(d) of the Exchange Act, are now required to provide essentially the same type and quality of information regardless of their size. Many commentators have noted that the cost of compliance with the periodic reporting requirements is not only substantial in absolute amounts but is relatively greater for smaller companies than for larger issuers. A classification system for certain defined classes of smaller issuers, as currently being considered by the Commission, could modify the nature or frequency, or both, of reports that are, at present, required to be filed. The purpose of such a system would be to reduce the compliance burdens imposed by the reporting requirements of the Exchange Act which are disproportionately higher for smaller issuers. The Commission expects to consider a specific proposal for classifying issuers in Summer 1981. Agency contact: Paula L. Chester, Office of Small Business Policy, Division of Corporation Finance, (202) 272–2644.

3. Examination of Exemptions From the Registration Provisions of the Securities Act

On December 23, 1980 the Commission issued a release soliciting the written views of interested members of the public on a number of issues prompted by the enactment of the Small Business Investment Incentive Act of 1980 [Pub. L. No. 96–477 (Octaober 21, 1980)].[8] The principal purpose of the release was to focus on questions raised as a result of the enactment of the Section 4(6) exemption and the increase in the limit of Section 3(b) to $5,000,000. However, commentators were encouraged to provide their views on the broader question of whether the various exemptions under the Securities Act provide a coherent scheme for relieving issuers of the burdens of the

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[1] 5 U.S.C. 602(a)(1).
[2] 5 U.S.C. 602(a)(2).
[3] 5 U.S.C. 602(a)(3).
[4] See Securities Act Release No. 6302 (March 20, 1980) (46 FR 19251).
[5] 5 U.S.C. 602(d).
[6] Securities Act Release No. 6275 (December 23, 1980) (46 FR 2637).
[7] Securities Exchange Act Release No. 16808 (June 2, 1980) (45 FR 40145).
[8] Securities Act Release No. 6274 (December 23, 1980) (46 FR 2631).

full scale registration, and, if not, what steps the Commission should take to make the scheme more coherent. The exemptions to be examined include existing Rules 240, 242, 257, Regulation A and Rule 146, along with the newly created Section 4(6) exemption. The first set of issues the Commission requested commentators to focus on related to the interrelationship between Section 4(6) and Rules 146 and 242. Specifically, comments were invited on the concepts of "accredited investor," "qualified issuer," and "issue of securities" as these concepts currently exist in the three exemptions. The Commission also invited public discussion as to whether the ceiling should be raised for existing exemptive provisions under Section 3(b), or whether a new exemption tailored to offerings between $2,000,000 and $5,000,000 should be developed. The Commission expects to consider specific proposals regarding the various exemptions in Summer 1981. Agency contact: Michael J. Eizelman, Office of Small Business Policy, Division of Corporation Finance, (202) 272-3060.

4. Amendments to Regulation C

The Commission may propose, using its rulemaking authority under Section 19(a) of the Securities Act, a comprehensive revision and reformatting of the rules contained in Regulation C under the Securities Act so that the rules will reflect current Commission disclosure policies. The purpose of Regulation C is to standardize the mechanics of securities registration under the Securities Act, implementing the statute and providing more specific instructions for registrants than are contained in the Securities Act itself. Regulation C is being reviewed in its entirety in conjunction with the Commission's ongoing program to integrate and streamline disclosure regulations under the Federal securities laws. Changes in the rules will be consonant with this policy and will improve the efficiency of the registration process under the Securities Act. The Commission intends to consider the proposal of a revised Regulation C sometime during summer 1981. Agency contact: W. Scott Cooper, Office of Disclosure Policy, Division of Corporation Finance, (202) 272-2589.

5. Comprehensive Revision to System for Registration of Securities Offerings.

The Commission may adopt, under Sections 6, 7, 10 and 19(a) of the Securities Act, a comprehensive revision to its system for registration of securities offerings. Such offerings must be registered pursuant to the Securities Act in such a manner and form as the Act and the Commission by rule prescribe. Under the proposal, which was published in Securities Act Release No. 6235 (September 2, 1980) (45 FR 63693), three new forms would constitute the basic disclosure format for most Securities Act registrations, with different levels of disclosure and delivery requirements applicable for different levels of companies registering offerings of securities. Under the proposal, the three new forms would replace existing Form S-1 (17 CFR 239.28) and Form S-2 (17 CFR 239.12), Form S-7 (17 CFR 239.26) and Form S-16 (17 CFR 239.27). The framework of the proposal contemplates dividing issuers into three categories. The category to which an issuer belongs would determine the extent to which previously disseminated information would also be required to be presented in the prospectus or otherwise delivered to potential investors. Because of its prior impact on the market and to ensure its accuracy, information not actually delivered to investors would be incorporated by reference in the forms. The Commission intends to consider appropriate action on the proposal sometime in Summer 1981. Agency Contact: William H. Carter, Office of Disclosure Policy, Division of Corporation Finance, (202) 272-2589.

6. Revision of Regulation S-K and Registration and Reporting Guides

The Commission may adopt, pursuant to Sections 7, 10 and 19(a) of the Securities Act and Sections 13, 14, 15(d) and 23(a) of the Exchange Act, a proposal to recategorize by subject matter Regulation S-K, the repository of standard instructions for disclosure under the Securities Act and the Exchange Act, and to withdraw or codify, where appropriate, Commission Guides for the Preparation and Filing of Registration Statements and Reports. These proposals were published for comment in Securities Act Release No. 6276 (December 23, 1980.) (46 FR 78). The proposed changes to Regulation S-K would, for the most part, re-arrange items of disclosure already required. The proposals would also expand Regulation S-K to include uniform disclosure items with respect to the distribution of securities. Such disclosure items now appear in each separate registration form. The proposals concerning the Guides would: (1) Eliminate all presently existing Guides, except those which pertain to disclosure by certain industries; (2) transfer to Regulation C those Guides which relate to procedural matters; and (3) transfer to Regulation S-K those Guides which set forth certain disclosure requirements. The proposals would result in the outright elimination of 22 out of 68 Guides. The proposals are part of the Commission's on-going sunset review of regulations and are designed to eliminate unnecessary requirements and to consolidate and organize all remaining regulations into a coherent framework. The comment period on the proposals ended on March 6, 1981. The Commission intends to consider appropriate action on this proposal in Summer 1981. Agency contact: Linda Quinn, Office of Disclosure Policy, Division of Corporation Finance, (202) 272-3208.

7. Revision of Form 8-K

The Commission may propose amendments to Form 8-K, the form for current reports to be filed by companies subject to the continuous disclosure requirements of the Exchange Act. The amendments would be proposed in order to ensure that the provisions of Form 8-K are consistent with and complement the recently revised provisions of the other forms for reporting under that act, (*i.e.* Forms 10-K and 10-Q). The objective is to make Exchange Act reporting sufficiently complete and of sufficiently high quality that it is able to perform its essential role in the Commission's integration program. The amendments, which may include changes in both the timing and nature of current disclosure requirements, are anticipated to be proposed during Summer 1981 pursuant to the Commission's Exchange Act rulemaking authority in Section 23(a) and the periodic reporting requirements of Sections 13(a) and 15(d). Agency contact: Catherine Collins McCoy, Office of Disclosure Policy, Division of Corporation Finance, (202) 272-2589.

8. Rule 463 and Form SR

The Commission may consider a comprehensive revision of Rule 463 and related Form SR under the Securities Act. Proposed amendments were published for comment in Securities Act Release No. 6251 (October 23, 1980) (45 FR 71811). Currently, Rule 463 requires first-time issuers to file on Form SR, within specified time limits, a report of sale of securities and use of proceeds therefrom. The proposed revision would expand the types of issuers required to file Form SR and would revise the disclosure requirements for Form SR, particularly those relating to use of proceeds and accounting for the expenses of offerings. The proposal is designed to elicit more meaningful information regarding first-time issuers, direct distributions and best efforts offerings. The legal basis for Rule 463

and Form SR thereunder is found in Section 19(a) of the Securities Act, which gives the Commission authority to make "such rules and regulations as may be necessary" to carry out the provisions of the Securities Act. The Commission expects to consider the appropriate action on Rule 463 and Form SR in late 1981. Agency contact: Susan Davis, Office of Disclosure Policy, Division of Corporate Finance, (202) 272-2390.

B. Securities Markets and Securities Industry Rules

1. Rules 10b-10 and 15c2-12

The Commission intends to consider whether to adopt or withdraw previously proposed amendments to Rule 10b-10 and proposed 15c2-12 under the Exchange Act. The amendments and the proposed rule would require brokers, dealers, and municipal securities dealers to disclose on customers' confirmations the amount of any remuneration received in certain transactions in debt securities. The proposals were published in Securities Exchange Act Release No. 15220 (Oct. 6, 1978) (43 FR 47333). The Commission at the same time may also consider whether to propose amendments to Rule 10b-10 to require the disclosure of certain yield and call information for transactions in debt securities and also to require the disclosure of the payment of "special compensation" to associated persons in connection with any securities transaction. The proposed amendments and the other proposals currently being considered are intended to provide customers with information that may be pertinent in assessing the quality of services provided by a broker or dealer. The amendments to Rule 10b-10 would be adopted pursuant to the Commission's authority under Sections 3, 10, 11, 15, 17 and 23 of the Exchange Act. The proposed Rule 15c2-12 would also be adopted pursuant to the above sections, as well as Section 15B of the Exchange Act. The Commission anticipates considering the proposals during the third calendar quarter of 1981. Agency contact: Jeffrey E. Jordan, Division of Market Regulation, (202) 272-2847.

2. Rule 15b7-1

The Commission plans to consider during the third calendar quarter of 1981 whether to repropose for further public comment proposed Rule 15b7-1. Section 15(b)(7) of the Exchange Act states that the Commission shall, by rule, adopt minimum qualification standards for broker-dealers. In implementing this section in 1977, the Commission proposed Rule 15b7-1 for comment in Securities Exchange Act Release No. 13679 (June 27, 1977) (42 FR 34328). The proposed rule would establish uniform minimum qualification standards for all registered brokers and dealers (including SECO brokers and dealers) and their associated persons. The Commission will consider whether to consolidate and simplify various self-regulatory organization requirements and to eliminate unnecessary disparities in requirements of self-regulatory organizations and the Commission's rules applicable to non-member broker-dealers. Agency contact: Patricia Payne, Division of Market Regulation, (202) 272-2840.

3. Rules 15c3-2 and 17a-23

The Commission intends to consider during the third calendar quarter of 1981 whether to propose a new Rule 17a-23 and to repropose previously proposed amendments to Rule 15c3-2, prescribing minimum delivery and disclosure requirements for customer account statements. The Commission may consider whether to amend Rule 15c3-2 to require broker-dealers to send at least quarterly a statement to each customer for whom the broker-dealer owes or has owed money or securities since the date of the last statement. The statement would set forth all money balances and securities positions in the customer's account as of the date of the statement and would make disclosures relating to use of customer securities and free credit balances in the broker-dealer's business. Also, broker-dealers would be required to send a complete account statement, showing all transactions in a customer's account, upon request. Rule 17a-23, in contrast to Rule 15c3-2, would require that most broker-dealers automatically send at least quarterly a complete account statement to their customers. This rule also would include a requirement that the account statement disclose information on the remuneration received from the customer by the broker-dealer. The proposals are designed to make available to investors on a regular basis information necessary for them to understand, reconcile, and evaluate trading activity in their accounts. These rules would be proposed pursuant to the Commission's authority under Sections 15, 17, and 23 of the Exchange Act. A proposal to amend Rule 15c3-2 was previously published in Securities Exchange Act Release No. 11196 (Jan. 23, 1975) (40 FR 4454). Agency contact: Michael Cline, Division of Market Regulation, (202) 272-2415.

4. Rule 17a-5

The Commission intends to consider during the third calendar quarter of 1981 whether to propose to engage in rulemaking to reconsider whether existing exemptions from the requirement that brokers and dealers file audited reports pursuant to Rule 17a-5 adequately reflect current costs to broker-dealers and benefits to the public. Currently, most broker-dealers file an annual report with audited financial statements pursuant to Rule 17a-5. Some broker-dealers, however, are exempt from that requirement, and the Commission may consider whether to create new exemptions or to eliminate any of the existing exemptions, except those for specialists and floor brokers, in order to assure the integrity of required reports. The amendments would be proposed pursuant to the Commission's rulemaking authority under Sections 15, 17 and 23 of the Exchange Act. Agency contact: Michael Macchiaroli, Division of Market Regulation, (202) 272-2372.

5. Rule 17a-5

During the third calendar quarter of 1981 the Commission intends to consider whether to repropose for further public comment amendments to Parts II and IIA of the Financial and Operational Combined Uniform Single Report ("FOCUS Report"), which is required to be filed by brokers and dealers pursuant to Rule 17a-5. Part II of the FOCUS Report is filed quarterly by brokers and dealers who clear transactions or carry customer accounts; a shorter Part IIA of the FOCUS Report is filed quarterly by brokers and dealers who neither clear transactions nor carry customer accounts. The amendments are designed to revise and clarify certain operational and financial reporting requirements. The amendments were first published for public comment in Securities Exchange Act Release No. 17138 (Sept. 9, 1980) (45 FR 62092) pursuant to Sections 15, 17, and 23 of the Exchange Act. Agency contact: James Moody, Division of Market Regulation, (202) 272-2370.

C. Investment Management Rules

1. Rule 3a-4

In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479), the Commission proposed for public comment Rule 3a-4 which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Investment Company Act. The principal objective of the rule would be

to provide a "safe harbor" for any investment manager which provides its clients with treatment based on the individual needs and goals of each client. Under such circumstances, regulation of investment management services under the Investment Company Act would appear to be unnecessary. The authority of the Commision to promulgate this rule is in Sections 6(c) and 38(a) of the investment Company Act. The comment period for the proposal expired in January 1981, and the approximate date for completing action is August 31, 1981. Agency contact: Arthur J. Brown, Division of Investment Management, (202) 272–2048.

2. Proposed Rule 22d–6

The Commission is considering whether to propose a Rule 22d–6, which would exempt certain persons from the provisions of Section 22(d) of the Investment Company Act. That section generally requires that redeemable securities issued by investment companies be sold to the public only at a current offering price described in the prospectus. The rule would permit an investment company and its underwriters to decide the pricing system for the securities being offered without first obtaining Commission approval therefore or a specific exemption from Section 22(d) of the Investment Company Act. The authority for the Commission to propose any such rule is in Sections 6(c) and 38(a) of that Act. The approximate date for completing action is June 30, 1981. Agency contact: Arthur J. Brown, Division of Investment Management, (202) 272–2048.

3. Rule 180

In Securities Act Release No. 6247 (October 14, 1980) (45 FR 69478) the Commission proposed for public comment Rule 180, which would exempt from the registration requirements of the Securities Act interests and participations issued in connection with the tax-qualified retirement plans commonly known as "H.R. 10" plans of certain partnerships. Because H.R. 10 plans are not entitled to the exemption from registration available to the tax-qualified retirement plans of certain employers, many such plans have applied for and received exemptions from such registration requirements. The proposed rule is designed to obviate the need for most, if not all, such applications. The legal basis of the Commission's authority to take this action is in Section 3(a)(2) of the Securities Act. The comment period for this rule expired in January 1981, and the approximate date for completing action is September 30, 1981. Agency contact: Arthur J. Brown, Division of Investment Management, (202) 272–2048.

4. Amendment of Rule 17g–1

In Investment Company Act Release No. 11193 (June 2, 1980) (45 FR 38407), the Commission proposed for public comment an amendment to Rule 17g–1 under the Investment Company Act, which would clarify the scope of the rule by explicitly requiring bonding of officers and employees of an investment company's depositor, trustee, investment adviser or other manager, and of any affiliated person of such persons, who, because they have access to the securities or funds of the investment company, function as officers and employees of the investment company. The authority of the Commission to promulgate such rule is in Sections 17(g) and 38(a) of the Investment Company Act. The period for public comment expired in July 1980, and the approximate date for completing action is July 31, 1981. Agency contact: Arthur J. Brown, Division of Investment Management, (202) 272–2048.

5. Amendments to Form N–1Q

The Commission proposed amendments to Form N–1Q under the Investment Company Act in Investment Company Act Release No. 11448 (November 17, 1980) (45 FR 78158). Form N–1Q is used by most investment management companies to report the occurrence during the preceding calendar quarter of any one or more of twelve specified events. The principal change proposed by the Commission was to replace the requirement that investment companies filing Form N–1Q list certain information about changes in their securities portfolios on a calendar quarterly basis with a requirement that this information be reported annually on either Form N–1 or Form N–2, the registration statement forms under the Investment Company Act and the Securities Act for, respectively, open-end and closed-end management investment companies. In addition, the Commission proposed to add the continuation of the reporting company's current investment advisory contract to the list of routine matters submitted to a vote of the company's security holders which need not be reported on Form N–1Q. The proposals are designed to reduce the number of times a reporting company must file Form N–1Q. The legal basis for the proposals lies in the Commission's authority to prescribe quarterly reporting by investment companies under Sections 8 and 30 of the Investment Company Act and Sections 13 and 15(d) of the Exchange Act. The comment period expired on February 27, 1981. The approximate date for completing action is April 30, 1981. Agency contact: Jane A. Kanter, Division of Investment Management, (202) 272–2112 or Anthony A. Vertuno, Division of Investment Management, (202) 272–2107.

6. Standardization of Financial Statement Requirements

On December 15, 1980 (in Investment Company Act Rlease No. 11490 [45 FR 83517]), the Commission proposed amendments to Regulation S–X, the Commission's general regulation on the form and content of and requirements for financial statements in disclosure documents; amendments to Forms N–1 and N–2, the registration statement forms under the Securities Act and Investment Company Act for, respectively, open-end and Investment Company Act for respectively, open-end and closed-end management companies; and new Rule 30d–1 under the Investment Company Act. The proposals would reconcile the differences in the financial statements required of management for investment company prospectuses and shareholder reports and would thus permit such companies to prepare a single set of financial statements for both the annual report to shareholders and the updated prospectus. In addition, open-end management investment companies would be permitted, at their option, either to incorporate by reference financial statements from shareholder reports into the prospectus or to transmit a currently effective prospectus as the equivalent of any report to shareholders. The Commission's legal basis for the proposed amendments is the Commission's authority under Section 7, 8 and 19(a) of the Securities Act to prescribe the form of prospectuses and under Sections 8, 30(d), 31(c) and 38(a) of the Investment Company Act to prescribe the form of shareholder reports and to provide for uniformity in financial statements filed by investment companies. The comment period on these proposals expired on March 16, 1981, and the approximate date for completing action is June 1, 1981. Agency contact: Susan P. Hart, Division of Investment Management,

(202) 272–2098 or Dianne E. O'Donnell, Division of Investment Management, (202) 272–2116.

7. Revisions to Forms ADV and ADV–S, Amendments to Rules 204–1 and 204–3

On January 30, 1979, the Commission adopted new integrated disclosure requirements for investment advisers registered under the Advisers Act, which became effective on July 31, 1979 (Advisers Act Release No. 664 [44 FR 7870]). These requirements consist principally of certain revisions to Form ADV, the investment adviser registration form; new Rule 204–3 (the "Brochure Rule") and new Form ADV–S, a short annual supplement to Form ADV. Form ADV was reorganized into two parts. Revisions contained in Part I reflect, in part, amendments to the Advisers Act made by the Securities Acts Amendments of 1975 and also seek information about the basic characteristics of the advisory industry to facilitate the Commission's efforts to improve its regulatory effort regarding investment advisers and to allow its investment adviser inspection program to operate more effectively. Revisions contained in Part II, in substantial part, related to the requirements of the Brochure Rule. As a general matter, the Brochure Rule requires an investment adviser to deliver, or to offer to deliver, to prospective and existing clients a written disclosure statement which contains specified information regarding the background and business practices of the adviser. An investment adviser may deliver or offer to deliver either a copy of Part II of Form ADV or another document containing at least the same information. Form ADV–S is a two-page supplement to Form ADV which must be filed annually by all registered investment advisers. The Commission intends to propose amendments to the integrated disclosure requirements designed to correct inconsistencies and technical errors and to eliminate unnecessary provisions in the forms and rules. The proposals would have their legal basis in the Commission's authority under: (i) Section 203(c) to prescribe the form to be used, and certain information to be provided in applications, for investment adviser registration; (ii) Section 204 to prescribe records which an adviser subject to registration shall make and keep and furnish or make available to the Commission; (iii) Section 206(4) to define and prescribe means reasonably designed to prevent acts, practices and courses of business by investment advisers which would be fraudulent, deceptive or manipulative; and (iv) Section 211(a) to make or amend such rules as are necessary or appropriate to the exercise of the functions and power conferred upon the Commission in the Advisers Act. The approximate date for completing action is May 27, 1981. Agency contact: Michael Berenson, Division of Investment Management, (202) 272–2079.

8. Amendments to Rule 204–2

Section 204 of the Advisers Act requires investment advisers subject to registration under Section 203 to make and keep such records and furnish such copies thereof as the Commission, by rule, may prescribe. Section 204 also provides that such records are subject at any time to reasonable examination by the Commission's representatives. Rule 204–2, adopted in 1962, sets out the requirements which investment advisers subject to registration must follow as to recordkeeping. The staff has recently completed its first comprehensive review of Rule 204–2 since its adoption. As a result of this review, a number of amendments to Rule 204–2 are being proposed which would clarify the nature and extent of the books and records required to be kept by investment advisers. These proposed amendments reflect changes in the nature of the investment advisory industry since adoption of the rule and the experience of the Commission staff in conducting its inspection program. The proposed amendments would be adopted pursuant to the Commission's authority under: (i) Section 204 to prescribe such records an adviser subject to registration shall make, keep, furnish and make available to the Commission; and (ii) Section 211(a) to make, issue, amend and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon the Commission elsewhere in the Advisers Act. The approximate date for completing action in September 30, 1981. Agency contact: Michael Berenson, Division of Investment Management, (202) 272–2079.

II. Public Comment

The Commission invites public comment on any aspect of the subject areas or particular items in the foregoing regulatory flexibility agenda.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 20, 1981.

[FR Doc. 81–12470 Filed 4–28–81; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

Incremental Pricing; Adoption of Single-Tier Alternative Fuel Price Ceiling

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission proposes to amend its regulations on incremental pricing under Title II of the Natural Gas Policy Act of 1978. Because of problems relating to the calculation of price ceilings and the potential wasteful capital investment inherent in a three tier-system, the Commission proposes to amend §§ 282.402 and 282.403 to permanently establish a single-tier, high sulfur No. 6, alternative fuel price ceiling.

DATES: Written comments on the proposed rule are due on May 22, 1981. Written requests for a public hearing are due on May 7, 1981.

ADDRESS: Comments and requests for hearing must be filed with: the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Thomas P. Gross, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–8171, or

Ronald Leach, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357–5417.

SUPPLEMENTARY INFORMATION: Issued: April 22, 1981.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations on incremental pricing (18 CFR Part 282) under Title II of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301–3432). Specifically, the Commission proposes to amend §§ 282.402 and 282.403 to permanently establish a single-tier, high-sulfur No. 6, alternative fuel price ceiling.

II. Alternative Fuel Price Ceiling

A. Background

Title II of the NGPA requires the Commission, within certain guidelines, to institute and administer an incremental pricing program. The program is designed to pass through, by

surcharge, a portion of the increases in the wellhead prices of natural gas allowed under Title I of the NGPA to certain industrial facilities that use of natural gas as boiler fuel. The purpose of the program is to shield high-priority customers from the natural gas price increases permitted under Title I and to prepare the market for deregulation of natural gas pricing in 1985.

Generally, under Title II of the NGPA, the incremental pricing surcharge applicable to a particular facility is the difference between the price paid for natural gas by that facility and the price at which the facility can purchase alternative fuel. The price of the alternative fuel, the alternative fuel price ceiling, is determined in accordance with section 204(e) of the NGPA. Section 204(e)(1) provides that the alternative fuel price ceiling for an incremental pricing region is the price of No. 2 fuel oil that is determined by the Commission to be paid by industrial users in that region. Section 204(e)(2) provides that the Commission may reduce the alternative fuel price ceiling to an amount not lower than the price for No. 6 fuel oil, if it determines that the reduction is necessary to prevent an increase in rates to residential, small commercial, and other high priority customers.

On September 28, 1979, the Commission issued a rulemaking in Docket No. RM79–21 (Order No. 50) implementing section 204(e) by establishing a three-tier system for alternative fuel price ceilings.[1] Under this system, three alternative fuel price ceilings are to be published for each incremental pricing region. The three price ceilings are calculated on the basis of sales in the region of No. 2 fuel oil, low-sulfur No. 6 fuel oil, and high-sulfur No. 6 fuel oil, respectively. The price ceiling applicable to a particular industrial boiler fuel facility is the price published for the region in which that facility is located which corresponds to the lowest priced fuel oil that the facility has the installed capability and legal authority to burn.

However, for reasons discussed below, the Commission determined that implementation of the three-tier system was inappropriate at that time, and, accordingly, also issued on September 23, 1979, a second rulemaking in Docket No. RM79–21 (Order No. 51),[2] which postponed the application of the three-tier system of alternative fuel price ceilings. Issued under the authority of section 206(d) of the NGPA, Order No. 51 provided that from January 1, 1980 until November 1, 1980, a single-tier, high-sulfur No. 6 alternative fuel price ceiling would be published for each region and would be applied to incrementally-priced industrial facilities. This single-tier system temporarily exempted industrial facilities from that portion of incremental pricing surcharges which would otherwise result from application of an alternative fuel price ceiling above the price of No. 6 high-sulfur fuel oil, regardless of the facilities' alternative fuel capabilities.

Because the Commission foresaw that the problems with the three-tier system would not be solved by November 1, 1980, the Commission subsequently issued another rulemaking in Docket No. RM79–21 (Order No. 81),[3] which extended the application of a single-tier, high-sulfur No. 6 fuel oil, price ceiling until October 31, 1981. Thus three-tier system is presently scheduled to take effect on November 1, 1981.

B. *Discussion*

The problems which have thus far induced the Commission to refrain from imposition of the three-tier system relate to the calculation of the price ceilings and to the potential wasteful capital investment inherent in a three-tier system.

With respect to the calculation of the price ceilings, the Commission and its staff, in conjunction with the Energy Information Administration (EIA),[4] have devoted a great deal of time and effort to analysis of the appropriate incremental pricing regions for which price ceilings should be calculated and to analysis of the methodology which would yield price ceilings that would most accurately reflect the price of alternative fuel in each region.[5] For reasons discussed therein, the Commission in Order No. 50 established that the current incremental pricing regions are the 48 continental states. Based upon its analysis and upon its experience to date in administering the incremental pricing program, the Commission has determined that, in view of the present fluctuations in the oil market, even under the single-tier system there are serious difficulties in developing a methodology which would yield an alternative fuel price ceiling that accurately reflects the current price of fuel oil, on a monthly basis, in the individual states. The difficulties primarily center around the requirement that the price ceiling for a particular state must be calculated on the basis of the sale prices of the fuel oil in that state for a particular month. In states where there have been only a few sales of fuel oil in that month, the price ceiling computed on the basis of so few sales can lead, and has led, to significant disparities in price ceilings in neighboring states.[6] Such disparities generally indicate that the price ceiling do not always accurately reflect the actual market price of the alternative fuel, since many facilities could buy the alternative fuel in the neighboring state at a lower price than the price ceiling calculated for their own state. Commission experience and comments received in another docket [7] indicate that incrementally priced facilities are sensitive to increases in price ceilings. The Commission, therefore, is concerned about disparities that might lead to fuel switching and commensurate load loss. Such load loss could result in shifting a higher proportion of fixed system costs to high-priority gas customers, thereby defeating one purpose of the incremental pricing program, the partial shielding of high-priority users from higher natural gas costs.

Although the Commission has attempted to mitigate these difficulties by revising its methodology to computing price ceilings,[8] it believes that implementation of the three-tier system, requiring the calculation of price ceilings for three fuel oils on a monthly basis for each state, would create additional disparities and would exacerbate the problems associated with the calculation of the price ceilings. In view of the problems associated with

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[1] Regulations Implementing Alternative Fuel Cost Ceilings on Incremental Pricing under the Natural Gas Policy Act of 1978, Docket No. RM79–21, Order No. 50, issued September 28, 1979, 44 FR 57754 (October 5, 1979).

[2] Rule Exempting Industrial Boiler Fuel Facilities from Incremental Pricing Above the Price of No. 6 Fuel Oil, Docket No. RM79–21, Order No. 51, issued September 28, 1979, 44 FR 57778 (October 5, 1979).

[3] Rule Further Exempting Industrial Boiler Fuel Facilities From Incremental Pricing Above the Price of No. 6 Fuel Oil and Applying Ceiling Prices to Forty-Eight Incremental Pricing Regions, Docket No. RM79–21, Order No. 81, issued May 7, 1980, 45 FR 31300 (May 13, 1980).

[4] The Energy Information Administration of the Department of Energy is responsible for the collection of data and the calculation and publication of the alternative fuel price ceilings.

[5] *See, e.g.*, Notice of Inquiry, Docket No. RM79–21, issued November 4, 1980, 45 FR 74506 (November 10, 1980).

[6] *See, e.g.*, Rule Adopting Revised Alternative Fuel Price Ceilings for the State of Kentucky, Interim Rule, Docket No. Rm81–6, issued December 24, 1980, 46 FR 2036 (January 8, 1981).

[7] See comments submitted in response to a Notice of Inquiry in Docket No. RM79–21, issued November 4, 1980, 45 FR 74506 (November 10, 1980) and Rule Adopting Revised Alternative Fuel Price Ceilings for the State of Kentucky, Interim Rule, Docket No. RM81–6, issued December 24, 1980, 46 FR 2036 (January 8, 1981).

[8] Regulations Implementing Alternative Fuel Price Ceilings for Incremental Price Under the Natural Gas Policy Act of 1978, Interim Rule, Docket No. RM79–21, issued March 2, 1981, 46 FR 15498 (March 6,1981).

calculation of the alternative fuel price ceilings under the single-tier system and the foreseeable multiplication of those problems under the three-tier system, the Commission has concluded that an accurate, equitable, and administrable three-tier price ceiling program has not yet been, and may not be able to be, developed.

In addition to the problems associated with the calculation of the price ceilings, the Commission is also concerned, as noted in earlier rulemakings,[9] that implementation of the three-tier system, to a certain extent, would be ineffective. As discussed above, incrementally priced facilities are sensistive to even small increases in alternative fuel price ceilings. The Commission believes that the substantial increases in price ceilings which would result from implementation of the three-tier system would cause facilities that do not now possess the capability for using No. 6 fuel oul as an alternative fuel to make substantial investments to acquire that capability, solely for the purpose of qualifying for a lower incremental pricing surcharge. Such actions would result in potential wasteful capital investments for equipment not likely to be used and would undercut the purpose of the three-tier system by permitting, in effect, facilities whose only alternative fuel is higher-priced No. 2 fuel oil to be incrementally priced at the lower, No. 6 fuel oil price.

The Commission recognizes that, in the short term, a three-tier system theoretically would maximize the recovery of incremental costs from industrial facilities by maximizing the surcharges absorbed by those facilities. However, it believes that this benefit is outweighed by the problems discussed above. Furthermore, in the long term, the benefit may be illusory, due to the fuel switching and installation of unnecessary lower-priced fuel oil burning capability. Accordingly, the Commission is proposing a rule that would establish, on a permanent basis, the current single-tier system, based on the price of high-sulfur No. 6 fuel oil, for all incrementally priced facilities.

Section 206(d) of the NGPA provides that the Commission "may by rule or order, provide for the exemption, in whole or in part, of any other incrementally priced industrial facility or category thereof" from the incremental pricing program. The proposed rule would be issued pursuant to section 206(d) as were Order Nos. 51 and 81, which postponed implementation of the three-tier system. However, interested persons are encouraged to submit comments and data relating to the required findings under section 204(e) for implementation of a single-tier system.

[9] *See, e.g.*, Order Nos. 51 and 81, *supra*.

C. Summary of the Proposed Rule

The proposed rule would amend §§ 282.402 and 282.403 of the Commission's current regulations. Current § 282.402(a), which states that a facility's alternative fuel capability is to be determined in accordance with § 282.403, would be deleted. Current § 282.402(b)(1), which provides for the determination and publication of alternative fuel price ceilings based on sales of No. 2 fuel oil, low-sulfur No. 6 fuel oil and high-sulfur No. 6 fuel oil, would also be deleted.

Current § 282.402(b)(2), with two changes, would become the general rule is revised § 282.402. The changes are: (1) the addition of a phrase to specify that the published price ceiling is the price ceiling for high-sulfur No. 6 fuel oil; and (2) the deletion of the clause relating to the alternative fuel capability of the facility. Thus, revised § 282.402 would generally provide that the alternative fuel price ceiling applied to a non-exempt industrial boiler fuel facility for any month is the ceiling which is published for high-sulfur No. 6 fuel oil for that month for the incremental pricing region in which the facility is located.

Current § 282.402(c), which provides for the temporary imposition of a single-tier system, would be deleted.

Current § 282.403(a) provides that an incrementally priced facility is deemed to have the capability of using No. 2 fuel oil as an alternative to natural gas, unless the facility is certified to have the capability to burn other specified fuel oils. Paragraphs (b) through (i) of current § 282.403 establish the requirements for obtaining certification. Since under the proposed rule, the alternative fuel price ceiling applicable to all facilities would be high-sulfur No. 6 fuel oil, current § 282.403 would be deleted in its entirety.

III. Congressional Review

Rules issued pursuant to section 206(d) of the NGPA are required to be submitted to Congress prior to becoming effective. Accordingly, if the Commission issues a final rule in this docket, as proposed, under authority of section 206(d), the rule would be transmitted to each House of Congress and would take effect after 30 days from the transmittal date of continued session of Congress (as set forth in section 507(b) of the NGPA), unless either House of Congress adopts a resolution of disapproval within the 30-day period. Congress will therefore have the opportunity to review the considerations inherent in the choice between a single-tier or three-tier system. If Congress disapproves this exemption, the three-tier system will go into effect.

IV. Certification of No Significant Economic Impact

The Regulatory Flexibility Act (RFA) [10] requires certain statements, descriptions and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities."

Pursuant to section 605(b) of the RFA, the Commission finds that the provisions of that Act do not apply to this rulemaking. If promulgated, this rulemaking would permanently establish the program already in effect for alternative fuel price ceilings. The program would continue to use the single-tier price ceiling (at the level of high-sulfur No. 6 fuel oil) and would not impose any additional requirements. Those who are required to comply with the filing requirements of the existing program are generally large oil dealers whose individual sales of high-sulfur No. 6 fuel oil are in excess of 4,000 gallons. Moreover, small industrial boiler fuel facilities are exempt from any incremental pricing surcharges.

Therefore, this rulemaking does not impose any regulatory or administrative burden upon small entities, nor does it require an expense of resources by such entities. For these reasons, the Commission hereby certifies that this rulemaking, if promulgated, would not have a significant impact on a substantial number of small entities.

V. Comment Procedures

A. Written Comments

Interested persons are invited to submit written comments, data, views, or arguments with respect to this notice. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, and should reference Docket No. RM81-27. An original and 14 copies should be filed. All comments received on or before May 22, 1981, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection through the Commission's Office of Public Information, Room 1000, 825 North

[10] 5 U.S.C. 601-612 (Pub. L. 96-354, September 19, 1980).

Capitol Street NE., Washington, D.C. 20426, during regular business hours.

B. Public Hearing

Interested persons may request the opportunity for an oral presentation of their views at a public hearing. Requests for an oral hearing should be submitted no later than May 7, 1981, to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, and should reference Docket No. RM81-27. If any requests are received by that time, the Commission will give notice of the date and time of the public hearing by May 12, 1981. Interested persons may also obtain information on the public hearing by calling the Office of the Secretary of the Commission on or after that date.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.* Department of Energy Organization Act, 42 U.S.C. 7701 *et seq.* E.O. 12009, 42 CFR 46267 (1978))

In consideration of the foregoing, the Commission proposes to amend Part 282, Subchapter I of Chapter I, Title 18 of the Code of Federal Regulations, as provided below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 282.402 is revised to read as follows:

§ 282.402 General rule.

The alternative fuel price ceiling which shall be applied to a non-exempt industrial boiler fuel facility for incremental pricing purposes for any month shall be the ceiling which has been published for No. 6 high-sulfur fuel oil for that month, in accordance with § 282.404, for the incremental pricing region in which the facility is located, except as permitted in § 282.405.

§ 282.403 [Reserved]

2. Section 282.403 is removed and reserved.

[FR Doc. 81-12866 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

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18 CFR Part 282

[Docket No. RM81-28]

Incremental Pricing: Elimination of 31 Metropolitan Regions

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission proposes to amend its regulations on incremental pricing under Title II of the Natural Gas Policy Act of 1978. Specifically, the Commission proposes to amend § 282.404 to eliminate the 31 metropolitan areas as incremental pricing regions, because they lack statistically significant data for the calculation of accurate alternative fuel price ceilings.

DATES: Written comments on the proposed rule are due on May 22, 1981. Written requests for a public hearing are due on May 7, 1981.

ADDRESS: Comments and requests for hearing must be filed with: the Office of the Secretary, 825, North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Thomas P. Gross, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8171,
Ronald Leach, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-5417.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations on incremental pricing (18 CFR Part 282) under Title II of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301–3432). Specifically, the Commission proposes to amend § 282.404 to eliminate the 31 metropolitan areas as incremental pricing regions.

II. The Metropolitan Regions

A. Background

Section 204(e) of the NGPA provides that the Commission is to designate the incremental pricing regions for which alternative fuel price ceilings are to be determined. In Order No. 50,[1] the Commission established that there are 48 incremental pricing regions corresponding to the 48 continental states. It also provided that, as of October 20, 1980, the number of regions would be expanded to 79 regions, consisting of the 48 states and 31 metropolitan regions. Subsequently, in Order No. 61,[2] the Commission deferred implementation of the metropolitan regions until October 20, 1981. Accordingly, under the current regulations, beginning on October 20, 1981, price ceilings must be determined and published for, and incremental pricing surcharges calculated on the basis of, 79 incremental pricing regions.

B. Discussion

The Commission's purpose for establishing 31 metropolitan regions in addition to the 48 state regions was to accurately reflect actual market prices which must be paid by incrementally priced facilities located in large metropolitan areas. The Commission believed that, due to circumstances peculiar to large metropolitan areas, the price at which alternative fuel would be available to facilities located in those areas might differ significantly from the price at which the fuel would be available to facilities located in other areas in the state. However, the Commission could not implement the metropolitan regions immediately, because the Energy Information Administration (EIA) was experiencing difficulties in calculating statistically accurate price ceilings for those regions due to insufficient oil price data.[3] The Commission therefore postponed implementation of the metropolitan regions until October 1980 to give EIA time to develop a satisfactory methodology for making the necessary calculations. When it became clear that EIA would not be able to meet the October 1980 date, the Commission postponed implementation of the metropolitan regions until October 20, 1981.

In a Notice of Inquiry in Docket No. RM79-21, the Commission explored the difficulties encountered by EIA and sought comment on the advisability, in light of the difficulties, of continuing its attempts to implement the metropolitan regions as incremental pricing regions.[4] Although some comments urged implementation for the metropolitan regions based upon the different circumstances for facilities located in those regions as compared to facilities located elsewhere in the state, other commenters, including a large trade association representing the natural gas industry, urged the Commission to eliminate the metropolitan regions. The trade association, previously an advocate of the use of the metropolitan regions, reassessed its position and concluded that lack of available data on

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[1] Regulations Implementing Alternative Fuel Cost Ceilings on Incremental Pricing under the Natural Gas Policy Act of 1978, Docket No. RM79-21, Order No. 50, issued September 28, 1979, 44 FR 57754 (October 5, 1979).

[2] Rule Further Exempting Industrial Boilder Fuel Facilities From Incremental Pricing Above the Price of No. 6 Fuel Oil and Applying Ceiling Prices to Forty-Eight Incremental Pricing Regions, Docket No. RM79-21, Order No. 61, issued May 7, 1980, 45 FR 31300 (May 13, 1980).

[3] The Energy Information Administration of the Department of Energy is responsible for the collection of data and the calculation and publication of the alternative fuel price ceilings.

[4] Notice of Inquiry, Docket No. RM79-21, issued November 4, 1980, 45 FR 74505 (November 10, 1980).

oil prices militates against adoption of the metropolitan areas.

After more than a year's experience in administering the program with 48 incremental pricing regions and more than two years' effort in studying the advantages and disadvantages associated with implementation of the 31 metropolitan regions, the Commission believes that no benefit will be gained by adding the 31 metroplitan areas as incremental pricing regions. The lack of statistically significant data upon which to base calculations of alternative fuel price ceilings for the metropolitan regions makes the purpose for adding the regions, more accurate price ceilings, unattainable. Accordingly, the Commission is proposing to eliminate the 31 metropolitan regions, and to retain the 48 state regions, as incremental pricing regions.

C. Summary of the Proposed Rule

The proposed rule would revise § 282.404 and Appendix I to Subpart D of Part 282 of the Commission's regulations. Paragraph (a) of § 282.404, which sets the general rule for publishing alternative fuel price ceilings and lists corrections to previously published price ceilings, would not be changed by the proposed rule.

Current paragraph (b)(1) of § 282.404, which establishes the date upon which the monthly price ceilings will be published, would remain unchanged in substance by the proposed rule. Current paragraph (b)(2), which establishes the date for publication of price ceilings for the metropolitan regions, would be deleted.

Current paragraph (c)(1) of § 282.404 provides that, until publication of price ceilings for the metropolitan regions, the 48 state regions are the incremental pricing regions. The proposed rule would delete the clause referring to the metropolitan regions, thus removing any limitation on the 48 state regions as incremental pricing regions. The proposed rule would delete current paragraph (c)(2) which provides that, after the date of publication of price ceilings for the metropolitan regions, the incremental pricing regions will be the 48 state regions and the 31 metropolitan regions.

Appendix I to Subpart D of Part 282 lists the 31 metropolitan regions and eight multistate regions. The proposed rule would delete the list of metropolitan regions.

Finally, the map at the end of Appendix I, on which the metropolitan regions are represented, would be deleted by the proposed rule.

III. Certification of No Significant Economic Impact

The Regulatory Flexibility Act (RFA)[5] requires certain statements, descriptions and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities."

Pursuant to section 605(b) of the RFA, the Commission finds that the provisions of that Act do not apply to this rulemaking. If promulgated, this rulemaking would permanently establish the incremental pricing regions already in effect for which alternative fuel price ceilings are published. The program would continue to use the 48 states as regions and eliminate the 31 metropolitan areas as regions. No additional requirements would be imposed. Those who are required to comply with the filing requirements of the existing program are generally large oil dealers whose individual sales of high-sulfur No. 6 fuel oil are in excess of 4,000 gallons. Moreover, small industrial boiler fuel facilities are exempt from any incremental pricing surcharges.

Therefore, this rulemaking does not impose any regulatory or administrative burden upon small entities, nor does it require an expense of resources by such entities. For these reasons, the Commission hereby certifies that this rulemaking, if promulgated, would not have a significant impact on a substantial number of small entities.

IV. Comment Procedures

A. Written Comments

Interested persons are invited to submit written comments, data, views, or arguments with respect to this notice. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should reference Docket No. RM81–28. An original and 14 copies should be filed. All comments received on or before May 22, 1981, will be considered by the Commission, prior to promulgation of final regulations. All writen submissions will be placed in the public file which has been established in this docket and which is available for public inspection through the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours.

B. Public Hearing

Interested persons may request the opportunity for an oral presentation of their views at a public hearing. Requests for an oral hearing should be submitted no later than May 7, 1981, to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should reference Docket No. RM81–28. If any requests are received by that time, the Commission will give notice of the date and time of the public hearing by May 22, 1981. Interested persons may also obtain information on the public hearing by calling the Office of the Secretary of the Commission on or after that date.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.* Department of Energy Organization Act, 42 U.S.C. 7701 *et seq.* E.O. 12009, 42 CFR 46267 (1978))

In consideration of the foregoing, the Commission proposes to amend Part 282, Subchapter I of Chapter I, Title 18 of the *Code of Federal Regulations*, as provided below.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

1. Section 282.404 is revised in paragraphs (b) and (c) to read as follows:

§ 282.404 Alternative fuel price ceilings.

* * * * *

(b) *Publication.* Alternative fuel price ceilings shall be published for each of the contiguous 48 states of the continental United States on or before the twentieth day of each month.

(c) *Incremental pricing regions.* The incremental pricing regions used for purposes of this part shall be each of the contiguous 48 states within the continental United States. The alternative fuel price ceilings applicable to the District of Columbia shall be the ceilings published for the State of Maryland.

2. Appendix I to Subpart D of Part 282 is revised by removing the map of the continental United States illustrating the 31 metropolitan incremental pricing regions and is further revised to read as follows:

Appendix I—Incremental Pricing Regions

The following are multistate regions which may be used by the Commission in deriving alternative fuel price ceilings for state incremental pricing regions (1) for which statistically valid samples of oil prices may be unavailable, or (2) where the Commission determines that the public interest requires use of the regional ceiling in place of the state ceiling.

Region A—New England Multistate Region

Maine	Massachusetts
New Hampshire	Connecticut
Vermont	Rhode Island

[5] 5 U.S.C. 601–612 (Pub. L. 96–354, September 19, 1980).

Region B—Mid-Atlantic Multistate Region

New York	Delaware
Pennsylvania	Maryland
New Jersey	

Region C—Southeastern Multistate Region

Virginia	Georgia
North Carolina	Florida
South Carolina	Alabama
Tennessee	Mississippi

Region D—Midwestern Miltistate Region

West Virginia	Michigan
Kentucky	Illinois
Ohio	Wisconsin
Indiana	

Region E—Great Plains Multistate Region

Minnesota	Nebraska
Iowa	North Dakota
Missouri	South Dakota
Kansas	

Region F—South Central Multistate Region

Arkansas	Oklahoma
Louisana	New Mexico
Texas	

Region G—Rocky Mountain Multistate Region

Montana	Utah
Idaho	Colorado
Wyoming	

Region H—Pacific Coast Multistate Region

Washington	California
Oregon	Arizona
Nevada	

[FR Doc. 81-12880 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

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18 CFR Part 284

[Docket No. RM79-34]

Transportation Certificates for Natural Gas for the Displacement of Fuel Oil; Petition and Answer

April 21, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of petition and answer.

SUMMARY: The Commission's program for transporting natural gas to be used to displace fuel oil consumption is scheduled to expire on May 31, 1981. Seven participants in this program have filed a petition on March 10, 1981, seeking a rulemaking to extend this program and not to replace ultimately the regulations contained in Subpart F of Part 284 of the Commission's Regulations with a more comprehensive program. On April 7, 1981, the Process Gas Consumers Group and the American Iron and Steel Institute filed an answer opposing the conduct of the rulemaking. The Commission is giving notice of this petition and answer to afford the public an opportunity to comment on whether a notice and comment rulemaking proceeding is desirable on this question.

DATES: Comments due May 5, 1981.

ADDRESS: Office of Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT
Robert C. Platt, Assistant Advisory Counsel, Office of the General Counsel, 825 North Capitol Street NE., Washington, D.C. 20426, 202-357-8457.

SUPPLEMENTARY INFORMATION:

In the matter of Transportation Certificates for Natural Gas for the Displacement of Fuel Oil, Docket No. RM79-34; and Transportation of Oil Displacement Gas by Pipeline Pursuant to Blanket Certificates of Public Convenience and Necessity, Docket No. RM81-22.

Take notice that on March 10, 1981, Consolidated Edison Company of New York, Inc., National Gas and Oil Corporation, Ohio Producers Group, Public Service Electric and Gas Company, Salt River Project Agricultural Improvement and Power District, Long Island Lighting Company, Alabama-Tennessee Natural Gas Company and Phelps Dodge Corporation (Petitioners) filed a petition pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure to conduct a rulemaking proceeding. Petitioners seek to extend the Commission's program authorizing the transportation of natural gas which is used to displace fuel oil consumption. This program, which was initially promulgated by Commission Order No. 30 is scheduled to expire on May 31, 1981. (See 18 CFR 284.201). The Petitioners seek a rulemaking to establish a permanent comprehensive program for transporting fuel oil displacement gas and would have the Commission extend the Order No. 30 program until the new comprehensive program would take effect.

On April 4, 1981, the Process Gas Consumers Group and the American Iron and Steel Institute (PGCG) filed an answer to the petition. PGCG disputes the factual basis for the petition and does not believe that the proposed rulemaking are desirable.

The Commission has not yet determined whether the public interest would be served by conducting the rulemakings proposed by the Petitioners, and, as an exercise of its discretion, brings this petition and answer to the attention of the public. This notice is not a notice of proposed rulemaking, but merely provides the public with an informal opportunity to comment in writing on the question of whether the Commission should take further action on the petition.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 5, 1981, file comments with the Federal Energy Regulatory Commission, Washington, D.C. 20426. The petition and answer are on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12881 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Proposed Customs Regulations Amendments Concerning the Illegal Discharge of Oil and the Pollution of Coastal and Navigable Waters

AGENCY: U.S. Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This notice proposes to amend the Customs Regulations relating to the illegal discharge of oil and the pollution of coastal and navigable waters by the deposit of refuse matter or hazardous substances. The amendments are being proposed to conform the Customs Regulations with changes made by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500), which were enacted to restore and maintain the chemical, physical, and biological integrity of the nation's waters.

DATES: Comments must be received on or before June 29, 1981.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations and Information Division, U.S. Customs Service, 1301 Constitution Avenue NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:
Paul Hegland, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5706).

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 91, Title 46, United States Code (46 U.S.C. 91), before any vessel may depart the United States for a foreign port, clearance must be obtained from Customs at the port of departure. To assist in the enforcement of the Federal Water Pollution Control Act, as amended, the Water Quality

Improvement Act of 1970 (33 U.S.C. 1161, 1162), provides that the Secretary of the Treasury, at the request of the Secretary of the Department in which the Coast Guard is operating, shall withhold clearance of any vessel the owner or operator of which is subject to a penalty for violation of the Act.

Section 4.66a, Customs Regulations (19 CFR 4.66a), provides that if a district director of Customs receives a request from an officer of the Coast Guard to withhold clearance of a vessel whose owner or operator is subject to a civil penalty for *knowingly* discharging oil in violation of the Water Quality Improvement Act of 1970, clearance shall not be granted until the request is withdrawn or a bond or other surety satisfactory to the Coast Guard has been filed.

Section 4.66b, Customs Regulations (19 CFR 4.66b), provides procedures for Customs officers to follow in reporting to the Coast Guard discharges of refuse matter, hazardous substances, or oil in U.S. waters in violation of section 13 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 407), and the Water Quality Improvement Act of 1970 (33 U.S.C. 1161, 1162).

The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1321 (1976)), extended the provision for withholding clearance to include discharges of hazardous substances as well as oil, *whether discharged knowingly or not*, and deleted the provision for granting clearance upon withdrawal of the Coast Guard's request to withhold clearance. In addition, the authority cited for §§ 4.66a and 4.66b was changed to section 2, 86 Stat. 862, 864, 865, as amended; 33 U.S.C. 1321. Therefore, Customs proposes to amend §§ 4.66a and 4.66b, Customs Regulations, to conform with the amended law.

Proposed Amendments

It is proposed to amend Part 4, Customs Regulations (19 CFR Part 4), in the following manner:

Section 4.66a would be revised to read as follows:

§ 4.66a Illegal discharge of oil and hazardous substances.

If a district director receives a request from an officer of the U.S. Coast Guard to withhold clearance of a vessel whose owner or operator is subject to a civil penalty for discharging oil or a hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in quantities determined to be harmful by appropriate authorities, such clearance shall not be granted until the district director is informed that a bond or other surety satisfactory to the Coast Guard has been filed.

(Sec. 2, 86 Stat. 862, *et seq.*, as amended; R.S. 4197, as amended; (33 U.S.C. 1321, 46 U.S.C. 91))

Section 4.66b(a) would be revised to read as follows:

§ 4.66b Pollution of coastal and navigable waters.

(a) If any Customs officer has reason to believe that any refuse matter is being or has been deposited in navigable waters or any tributary of any navigable waters in violation of section 13 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 407), or oil or a hazardous substance is being or has been discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in violation of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1321), he shall promptly furnish to the district director a full report of the incident, together with the names of witnesses and, when practicable, a sample of the material discharged from the vessel in question.

* * * * *

(30 Stat. 1152; sec. 2, 86 Stat. 862, *et seq.*, as amended; (33 U.S.C. 407, 1321))

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), on normal business days during the hours of 9:00 a.m. to 4:30 p.m., at the Regulations and Information Division, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

Authority

These changes are proposed under the authority of R.S. 251, as amended; R.S. 4197, as amended; 30 Stat. 1152; section 624, 46 Stat. 759; section 2, 86 Stat. 862, *et seq.*, as amended (19 U.S.C. 66, 1624; 33 U.S.C. 407, 1321; 46 U.S.C. 91).

Inapplicability of Regulatory Flexibility Act

Because the contemplated effects of the Federal Water Pollution Control Act Amendments of 1972 are presumed to have been considered by the Congress, and are considered to flow from that legal authority, not from the regulation, the regulation is not expected to: Have significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from small entities through comments, either formal or informal.

Accordingly, the proposed amendments do not require a regulatory flexibility analysis under the provisions of Pub. L. 96-354, the "Regulatory Flexibility Act" (5 U.S.C. 601, *et seq.*).

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Approved: April 22, 1981.

John P. Simpson,
Acting Assistant Secretary of the Treasury.

William T. Archey,
Acting Commissioner of Customs.

[FR Doc. 81-12699 Filed 4-28-81; 8:45 am]
BILLING CODE 4810-22-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Placement of Halazepam, Alprazolam and Triazolam into Schedule IV

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice is a proposed rule to place the drugs, halazepam, alprazolam and triazolam, into Schedule IV of the Controlled Substances Act. The Administrator of the Drug Enforcement Administration has received recommendations from the Department of Health and Human Services that halazepam, alprazolam and triazolam be controlled in Schedule IV.

DATES: Comments must be submitted on or before June 29, 1981.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT:
Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537; Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: On March 19, 1981, the Administrator of the Drug Enforcement Administration received a letter from the Acting Assistant Secretary for Health, acting on behalf of the Secretary of the Department of Health and Human Services, recommending that triazolam be placed in Schedule IV of the Controlled Substances Act (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801-966)). Enclosed with this letter from the Acting Assistant Secretary was a document which listed the factors which the Act requires the Secretary to consider and the summarized considerations of the Secretary in recommending control for triazolam. In his letter, the Acting Assistant Secretary recommended further that this scheduling action become effective if and when the triazolam New Drug Application (NDA) receives final approval by the Food and Drug Administration.

On March 20, 1981, the Administrator of the Drug Enforcement Administration received a letter from the Acting Assistant Secretary for Health, acting on behalf of the Secretary of the Department of Health and Human Services, recommending that alprazolam be placed in Schedule IV of the Controlled Substances Act (21 U.S.C. 801-966). A document which listed the factors which the Act requires the Secretary to consider and the summarized considerations of the Secretary in recommending control for alprazolam accompanied this letter from the Acting Assistant Secretary. The Acting Assistant Secretary further stated that the alprazolam NDA is nearing final FDA approval and recommended that the scheduling action become effective immediately.

The Drug Enforcement Administration has received information from the Food and Drug Administration that the NDA for halazepam is nearing final approval. On January 23, 1976, the Assistant Secretary for Health sent a letter to the Administrator of the Drug Enforcement Administration which recommended that halazepam be placed into Schedule IV of the Controlled Substances Act (21 U.S.C. 801-966). Accompanying the letter from the Assistant Secretary was a document which listed the factors which the Act requires the Secretary to consider and the summarized considerations of the Secretary in recommending control. Relying on the evaluations and recommendations of the Secretary, the Administrator of the Drug Enforcement Administration, in a **Federal Register** notice (41 FR 31553) dated July 29, 1976, proposed to place halazepam in Schedule IV of the Controlled Substances Act. No comments, objections or requests for hearing were received during the comment period. Since this scheduling proposal for halazepam was published almost five years ago, in light of the probability of the availability of new data relevant to the scheduling of halazepam, and in order to provide any newly interested parties an opportunity to comment on this matter, the Administrator of the Drug Enforcement Administration has decided to publish a second proposal to place halazepam in Schedule IV.

The factors considered by the Secretary for each of the drugs, triazolam, alprazolam and halazepam were:

(1) Its actual or relative potential for abuse;

(2) Scientific evidence of its pharmacological effect, if known;

(3) The state of current scientific knowledge regarding the drug or other substance;

(4) Its history and current pattern of abuse;

(5) The scope, duration, and significance of abuse;

(6) What, if any, risk there is to the public health;

(7) Its psychic or physiological dependence liability; and

(8) Whether the substance is an immediate precursor of a substance already controlled under the Controlled Substances Act.

Relying on the scientific and medical evaluation and the recommendation of the Acting Assistant Secretary for Health, received in accordance with section 201(f) of the Act (21 U.S.C. 811(f)), the Administrator of the Drug Enforcement Administration, pursuant to sections 201(a) and 201(b) of the Act, (21 U.S.C. 811(a)) and 811(b)), finds that:

(1) Based on information now available, alprazolam, halazepam and triazolam each have a low potential for abuse relative to the drugs or other substances currently listed in Schedule III;

(2) Alprazolam, halazepam and triazolam will, upon issuance of New Drug Applications by the Food and Drug Administration, have currently accepted medical uses in treatment in the United States; and

(3) Abuse of alprazolam, halazepam and triazolam may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV.

Therefore, under the authority vested int the Attorney General by section 201(a) of the Act (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0), the Administrator hereby proposes to revise 21 CFR 1308.14(c)(1)-(24) to read as follows:

§1308.14 Schedule IV.

* * * * *

(c) * * *

(1) Alprazolam	2,882
(2) Barbital	2,145
(3) Chloral betaine	2,460
(4) Chloral hydrate	2,465
(5) Chlordiazepoxide	2,744
(6) Clonazepam	2,737
(7) Clorazepate	2,768
(8) Diazepam	2,765
(9) Ethchlorvynol	2,540
(10) Ethinamate	2,545
(11) Flurazepam	2,767
(12) Halazepam	2,762
(13) Lorazepam	2,885
(14) Mobutamate	2,800
(15) Meprobamate	2,820
(16) Methohexital	2,264
(17) Methylphenobarbital (mephobarbital)	2,250
(18) Oxazepam	2,835
(19) Paraldehyde	2,585
(20) Petrichloral	2,591
(21) Phenobarbital	2,285
(22) Prazepam	2,764
(23) Temazepam	2,925
(24) Triazolam	2,887

* * * * *

All interested persons are invited to submit their comments or objections in writing regarding this proposal. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by notice in the **Federal Register**, summarizing the issues to be heard and setting the time for the hearing (which will not be less than 30 days after the date of the order).

Pursuant to Title 5, United States Code, Section 605(b), the Administrator certifies that the control of alprazolam, halazepam, and triazolam, as proposed herein, will have no significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act. The actions involve the proposed initial

control of substances not previously approved for marketing in the United States.

In accordance with the provisions of Section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this proposal to place alprazolam, halazepam and triazolam into Schedule IV, is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and as such, have been exempted from the consultation requirements of Executive Order 12291.

Dated: April 21, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-12771 Filed 4-28-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 888

[Docket No. R-81-918]

Section 8 Housing; Fair Market Rents for New Construction and Subetantial Rehabilitation; Congressional Waiver Request

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of Congressional waiver request.

SUMMARY: Section 7(o)(4) of the Department of Housing and Urban Development Act permits the Secretary to request waiver of the legislation's requirements in appropriate instances. This Notice lists and briefly summarizes for public information a final rule with respect to which the Secretary is presently requesting waiver.

FOR FURTHER INFORMATION CONTACT: Richar F. Lasner, Assistant General Counsel for Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both Congressional Banking Committees the final rule listed below. The purpose of the transmittal is to request waiver of the 30-day delayed effective date for the final rule under Section 7(o)(3) of the Department of Housing and Urban Development Act. A summary of the rulemaking document for which waiver has been requested is set forth below:

Final Rule—24 CFR Part 888—Fair Market Rents

This final rule establishes Section 8 Fair Market Rents applicable to New Construction and Substantial Rehabilitation for the States of New Hampshire, Rhode Island and Virginia; as well as Market Areas within the States of Kansas, Louisiana, Michigan, North Carolina and Pennsylvania, in compliance with the requirements of Section 8(c)(1) of the U.S. Housing Act of 1937.

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., April 21, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-12831 Filed 4-28-81; 8:45 am]

BILLING CODE 4210-01-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Semiannual Regulatory Agenda

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Semiannual regulatory agenda and review.

SUMMARY: Pursuant to Executive Order 12291, "Federal Regulations," February 17, 1981, (46 FR 13193, February 19, 1981), the Pennsylvania Avenue Development Corporation (Corporation), is not planning to issue, prior to October 1, 1981, any major rules as defined in Executive Order 12291. In addition, the Corporation has determined that none of its existing rules in Subchapter A (36 CFR Parts 901-907) are "major." The Corporation plans to review the balance of its existing rules, Subchapter B, 36 CFR 920-923, prior to October 1, 1981.

Pursuant to the Regulatory Flexibility Act ("Act," 5 U.S.C. 601, et seq.), the Corporation is not planning to issue, prior to October 1, 1981, any rules which would have a significant economic impact on a substantial number of small entities. In addition, the Corporation has determined that none of its existing rules in Subchapter A (36 CFR Parts 901-907) have had or will have a significant economic impact on a substantial number of small entities. The Corporation plans to review the balance of its existing rules, Subchapter B, 36 CFR 920-923, prior to October 1, 1981.

As an informational aid to the public, the Corporation is enumerating below, those non-major and nonsignificant rules that it plans to publish prior to October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Clifford A. Brooks, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, 425 13th St., N.W. Suite 1148, Washington, D.C. 20004; (202) 566-1078.

Dated: April 24, 1981.

T. J. Regan, Jr.,

Acting Executive Director.

Regulatory Agenda for Period Ending Sept. 30, 1981

Title	Current status	Contact
(1) Affirmative Action Policy and Procedures.	Interim rule (36 CFR 906).	Ms. Gail Porter, Affirmative Action/Public Relations Officer, (202) 523-1320.
(2) Policy on Environmental Quality and Control; Procedures for Implementing the National Environmental Policy Act.	Interim rule (36 CFR 907).	Ms. Jo-Ann Neuhaus, Project Manager, (202) 523-3726.
(3) Policy and Procedures to Facilitate Successful Relocation of Businesses and Residents Within the Pennsylvania Avenue Development Area.	Under development.	Mr. Jerry M. Smedley, Chief of Real Estate Operations.

[FR Doc. 81-12895 Filed 4-28-81; 8:45 am]

BILLING CODE 7630-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL 1793-6]

State of Washington; Primary Nonferrous Smelter Orders; Maintenance of Pay Provision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This Notice solicits public comment on EPA's proposed approval of maintenance of pay provision. On June 24, 1980, EPA published in the Federal Register (45 FR 42514) minimum requirements for primary nonferrous smelter orders (NSO) issued pursuant to Section 119 of the Clean Air Act (herein referred to as the Act). However, before any NSO can be issued, a provision regarding protection of the employee from loss of pay must be included in the Washington State Implementation Plan. EPA advised the State of this requirement and the State submitted on

April 28, 1979 a maintenance of pay provision to satisfy Section 110(a)(6) of the Act.

DATE: Comments will be accepted up to May 29, 1981.

ADDRESSES: The relevant material in support of this revision may be examined during normal business hours at the following locations:

Central Docket Section (10A–80–24), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460;

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101;

State of Washington, Department of Ecology, 4224—Sixth Avenue, SE., Rowe Six, Bldg 4, Lacey, Washington, 98503.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442–1226, FTS: 399–1226.

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442–1226, FTS: 399–1226.

SUPPLEMENTARY INFORMATION:

Background

Under Section 110(a) and 302(k) of the Clean Air Act as amended, (hereafter referred to as the Act), the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2) must be attained through use of constant controls which remove oxides of sulfur from gas streams prior to release to the atmosphere. However, Section 119 of the Act allows certain nonferrous smelters that are at present unable to meet required levels of constant SO_2 control to utilize dispersion-dependent techniques, as opposed to constant controls, to attain NAAQS for SO_2 on a temporary basis under terms of a Section 119 nonferrous smelter order (NSO). Such techniques include the use of supplementary control systems (SCS).

Under an SCS, production is curtailed to avoid an NAAQS violation whenever meteorological conditions are not conducive to good disperson of pollutants. When this occurs production is stopped, shut down or curtailed until favorable meteorological conditions are present. During periods of SCS production shutdown, smelter workers' schedules are often curtailed and worker pay reduced.

In 1977, Congress amended the Act (Pub. L. 95–95) to include Section 110(a)(6), which requires each State Implementation Plan (SIP) to provide that if a source is allowed to use supplemental or intermittent controls the corresponding reduction in production will not result in loss of pay to any employee.

On June 24, 1980, EPA published in the **Federal Register** (45 FR 42514) the minimum requirements for an initial primary nonferous smelter order (NSO) issued pursuant to Section 119 of the Act. One of those requirements is the existence of a maintenance of pay provision in the federally approved SIP.

Washington SIP

On May 31, 1972 (37 FR 10842) the Administrator of EPA pursuant to Section 110 of the Act and 40 CFR Part 51, approved with specified exceptions the Washington State Implementation Plan. In response to the 1977 Amendments, each State was to adopt and submit a revised plan to implement and enforce newly enacted provisions of the Act. On April 28, 1979, the State of Washington submitted a revised SIP for EPA's consideration. Included in the revised SIP is WAC 173–400–160 which is the proposed maintenance of pay provision. Comments are being solicited only on this revision.

Call for Comments

We are soliciting public comments for 30 days instead of 60 days for three reasons: (1) there is only a short period of time allowed for issuance of an NSO, (2) the impact of this rulemaking is limited only to the State of Washington, and (3) the public has had adequate notice of guidelines for preparation of State Implementation Plans.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of regulatory impact analysis. This regulation is not major because it does not have annual effect on the economy of $100 million or more; cause a major increase in costs or prices of consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or create significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Interested parties are invited to comment on all aspects of this proposed amendment to the Washington SIP. Comments should be submitted, preferably in triplicate, to the address listed in the front of this Notice. Public comments postmarked by May 29, 1981 will be considered in any final action EPA takes on this proposal.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the locations listed in the "Addresses" section.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant impact on a substantial number of small entities 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This imposes no new requirements. Moreover, due to the nature of the Federal-State relationship, Federal inquiry into the economic reasonableness of the State actions would serve no practical purpose and could well be improper.

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410(a) and 7502))

Dated: March 16, 1981.

Donald P. Dubois,

Regional Administrator.

[FR Doc. 81–12883 Filed 4–28–81; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Dockets 80–396 and 80–603]

Inquiry Relating to Preparations for 1983 Region 2 Administrative Radio Conference on Broadcasting-Satellite Service; Inquiry Into the Development of Regulatory Policy With Regard to Direct Broadcast Satellites

AGENCY: Federal Communications Commission.

ACTION: Notices of inquiry; inclusion of application in Docket files and extension of comment and reply comment period.

SUMMARY: This Order placed two reports filed by the National Association of Broadcasters (NAB) into the records of Gen. Dockets 80–396 (Inquiry Relating to Preparations for 1983 Region 2 Administrative Radio Conference of the

International Telecommunication Union for Planning of Broadcast-Satellite Service in 12 GHz Band and Associated Uplinks) and 80-603 (Inquiry into the Development of Regulatory Policy in regard to Direct Broadcast Satellites (DBS) for the period following the 1983 Regional Administrative Radio Conference). The Order also extends the comment and reply comment period on permanent DBS issues in Gen. Docket 80-603 but denies a request to reopen the comment period with regard to interim Direct Broadcast Satellite issues. This action is being taken in response to petitions filed by the NAB.

DATES: Comments are now due by April 30, 1981 and replies by June 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Bruce Franca, Office of Plans and Policy (202) 653-5940.

SUPPLEMENTARY INFORMATION:

Order

Adopted: March 30, 1981.

Released: March 31, 1981.

By the Chief Scientist and Chief, Office of Plans and Policy.

In the Matter of Inquiry Relating to Preparations for 1983 Region 2 Administrative Radio Conference of the International Telecommunication Union for Planning of Broadcasting-Satellite Service in 12 GHz Band and Associated Uplinks, Gen. Docket No. 80-398, (45 FR 51914) and Inquiry into the Development of Regulatory Policy in Regard to the Period Following the 1983 Regional Administrative Radio Conference, Gen. Docket No. 80-603, (45 FR 72719.)

1. On March 26, 1981, the National Association of Broadcasters (NAB) filed petitions requesting leave to file two studies in the above-captioned proceedings. The two studies are:

(a) "Direct Broadcast Satellites: Service, Economic and Market Factors," prepared by Browne, Bortz & Coddington, Denver, Colorado, (January 1981); and

(b) "Broadcasting, Satellite Study," prepared by Satellite Systems Engineering, Inc., Washington, D.C. (February 13, 1981).

2. In support of their request, the NAB indicates that the Chief Scientist, in denying an earlier NAB petition to defer the comment dates in Gen. Docket 80-398, indicated that the NAB reports would be received, as they became available.[1] NAB requests that both studies be included in the record of Gen. Docket 80-398 and suggests that further notices in this proceeding provide an appropriate vehicle for soliciting public comment on both studies.

3. With regard to Gen. Docket 80-603, the NAB requests that the Commission take the following further procedural steps:

(a) Issue a public notice announcing the acceptance of the two studies into the record;

(b) Reopen the comment period on "interim" policies to permit public comment on the significance of those studies in that respect, and defer any Commission action on the "interim" phase of this proceeding until such comments have been received and considered; and

(c) Reschedule the dates for comments and replies on "permanent" policies, to permit parties an opportunity to take the studies submitted into account.

The NAB states that the studies are equally relevant to "interim" and "permanent" DBS issues.

4. The NAB notes that the Chief, Office of Plans and Policy denied earlier requests by a number of parties for extensions of time in which to file comments but reopened the comment period on "interim" DBS issues and extended the dates for submission on "permanent" DBS policies subsequent to Comsat's December 17th application filing. The NAB indicates that it asks only that its studies be afforded equal treatment.

5. In response to NAB's petition, the following action will be taken:

(a) We will place the two studies received from the NAB into the record of Gen. Docket 80-398. However, these reports will be considered in Gen. Docket 80-398 in the context of submissions to the *Second Notice of Inquiry* in the proceeding when such a *Notice* is issued.

(b) We will place the two studies into the record of Gen. Docket 80-603 dealing with permanent DBS policy issues.

(c) We will extend the comment and reply dates on permanent DBS regulatory policies from March 31, 1981 and May 29, 1981 to April 30, 1981 and June 30, 1981, respectively.

(d) We are, however, denying NAB's request that the comment and reply comment period on interim DBS issues be reopened. We are unconvinced by the NAB's argument that its studies be afforded equal treatment to Satellite Television Corporation's (STC) December 17th application for a satellite-to-home television service. We note that the action placing STC's application into the docket file and reopening the comment period was taken by the Commission on its own motion and not at the applicant's request. Furthermore, we believe that sufficient time has been granted for comment with regard to interim DBS issues.

Accordingly, the petitions filed by the National Association of Broadcasters for leave to file policy and engineering studies in Gen. Docket 80-398 and for leave to file and for modification of procedural schedule in Gen. Docket 80-603 are granted to the extent indicated herein and otherwise denied.

6. This action is taken pursuant to authority delegated to the Chief Scientist and the Chief, Office of Plans and Policy, in §§ 0.241 and 0.271 of the Commission's Rules.

Stephen J. Lukasik,
Chief Scientist,
Kalmann Schaefer,
Acting Chief, Office of Plans and Policy.

[FR Doc. 81-13054 Filed 4-28-81; 8:45 am]
BILLING CODE 6712-01-M

[1] *Order*, released October 15, 1980 (FCC Mimeo No. 00319). In that *Order*, the Chief Scientist stated that "future *Notices of Inquiry* will provide the necessary vehicle for the input of the NAB report into this process."

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 657

Atlantic Butterfish Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; notice of initial approval and availability of plan amendment.

SUMMARY: The Assistant Administrator for Fisheries (Assistant Administrator), NOAA, has initially approved Amendment No. 2 to the Fishery Management Plan for the Butterfish Fishery of the Northwest Atlantic Ocean (FMP). The amendment extends the FMP for one year (April 1, 1981, through March 31, 1982). Because the regulations do not contain an expiration date, all regulations governing foreign and domestic fishing for Atlantic butterfish continue in effect. The intended effect is to continue the optimum yield at the same level as the 1980-1981 fishery.

DATE: Written comments must be received on or before June 15, 1981.

ADDRESSES: Comments should be sent to: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930.

or Frank Grice, Fisheries Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Mark "Comments on Butterfish Amendment No. 2" on the outside of the envelope. Copies of the FMP and current regulations are available by writing to either of the above individuals.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr., Regional Director; or Frank Grice, Fishery Management Division; telephone for both individuals is (617) 281-3600.

SUPPLEMENTARY INFORMATION: The FMP for butterfish *(Peprilus triacanthus)* was approved on November 9, 1979, under the authority of the Magnuson Fishery Conservation and Management Act, and published in the **Federal Register** on February 6, 1980 (45 FR 8030). The FMP established: (1) the 1979–80 annual optimum yield (OY) at 11,000 metric tons (mt); (2) the domestic allowable harvest (DAH) equal to the domestic allowable processing (DAP) at 7,000 mt; and (3) the total allowable level of foreign fishing (TALFF) at 4,000 mt. The maximum sustainable yield (MSY) for butterfish was set at 16,000 mt. On March 5, 1980, the Assistant Administrator approved Amendment No. 1 which extended the FMP from April 1, 1980, through March 31, 1981. Final regulations to implement the FMP were published on October 28, 1980 (45 FR 71357).

The Mid-Atlantic Fishery Management Council is considering consolidating the individual management plans for squid, mackerel, and butterfish into a single, multi-species plan. The Council and the National Marine Fisheries Service (NMFS) determined that the consolidated plan could not be reviewed and approved by April 1, 1981, the start of the new fishing year, and that the current FMP for butterfish should be continued in effect. The Assistant Administrator has given initial approval to Amendment No. 2, which will extend the FMP through March 31, 1982, and will retain all management measures adopted in the FMP. All foreign and domestic fishing regulations on Atlantic butterfish are proposed to continue in effect without change.

Data from a stock assessment done in July 1980 by the Northeast Fisheries Center, NMFS, indicated that abundance of butterfish has increased and a good 1979 year class is expected to enter the butterfish fishery. However, the data also revealed a decline in large (age 2+) fish.

The Council maintains that an OY of 11,000 mt will encourage butterfish exports. The OY is below the estimated MSY of 16,000 mt. The Council believes that a higher OY and TALFF would hinder U.S. export opportunities. Foreign fleets would presumably catch Atlantic butterfish rather than purchase it from U.S. processors. The primary importers of U.S. butterfish are the Japanese. From 1970 to 1976, the Japanese butterfish catch off the Northeast United States coast averaged 6,700 mt per year. After management measures were implemented, the Japanese catch of butterfish declined to an average of 470 mt per year (1977 to 1980). The U.S. butterfish catch over the last four years has been increasing. Approximately 5,350 mt were landed in 1980; of this, approximately 85 percent was exported.

National Environmental Policy Act of 1969. Since Amendment No. 2 merely extends the existing management regime, no impacts are anticipated at variance with those considered in Environmental Impact Statement and Supplementary Environmental Impact Statement documents prepared for the adoption of the FMP and Amendment No. 1.

Executive Order 12291. The Acting Administrator has determined that this extension of the FMP is not a major rule requiring the preparation of a Regulatory Impact Statement under E.O. 12291.

Regulatory Flexibility Act of 1980. The Acting Administrator also determined that this amendment will not have a significant economic impact on a substantial number of small entities and, therefore, does not require a regulatory flexibility analysis.

Paperwork Reduction Act of 1980. The amendment does not increase the Federal paperwork burden for individuals or small businesses.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C., this 22d day of April, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-12941 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 652

Mid-Atlantic Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration/DOC.

ACTION: Notice of public hearings.

SUMMARY: The Mid-Atlantic Fishery Management Council will hold public hearings for the purpose of public input on Amendment No. 3 to the Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries (FMP).

DATES: Written comments on the amendment to the FMP from members of the public may be submitted no later than June 8, 1981. Individuals or organizations wishing to comment on the amendment may do so at public hearings to be held at the locations listed below:

May 18, 1981—
Cape Charles, Virginia
May 19, 1981—
Salisbury, Maryland
May 20, 1981—
Wakefield, Rhode Island
May 21, 1981—
Wildwood Crest, New Jersey

ADDRESS: Send comments to: Chairman, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901. Public hearing locations:

May 18, 1981—
America House Motor Inn, Route 13 (Adjacent to North toll booth of Chesapeake Bay Bridge-Tunnel), Cape Charles, Virginia
May 19, 1981—
Sheraton Inn, 300 S. Salisbury Boulevard (Route 13 South) Salisbury, Maryland
May 20, 1981—
Government Center, Tower Hill Road, Wakefield, Rhode Island
May 21, 1981—
Holiday Inn, 9601 Atlantic Avenue, Wildwood Crest, New Jersey

All of the public hearings mentioned above will convene promptly at 7:00 P.M. Hearings will be tape recorded and the tapes will be filed as an official formal transcript of the proceedings. Summary minutes will be prepared on each hearing.

FOR FURTHER INFORMATION CONTACT: Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901. Telephone: 302-674-2331.

SUPPLEMENTARY INFORMATION: The FMP was approved by the Assistant Administrator for Fisheries, NOAA, on November 17, 1977, for the period through September 1979. Amendment No. 1 extended the FMP through December 31, 1979, and revised reporting requirements to bring them in compliance with the amended Magnuson Fishery Conservation and Management Act. Amendment No. 2 extended the FMP through the end of calendar year 1981.

The purpose of Amendment No. 3 is to extend the FMP beyond the end of calendar year 1981 and to make revisions to the management regime. The management unit of this FMP is all surf clams and ocean quahogs in the Atlantic fishery conservation zone. The recommended alternative includes annual and quarterly quotas for surf clams and an annual quota for ocean quahogs. The New England surf clam management area would be continued. In the Mid-Atlantic, the surf clam quarterly quotas would be equal for each quarter. The bad-weather make-up day would be in effect during November, December, January, February, March, and April. The fishing week would begin at 6:00 P.M. on Sunday and end at 6:00 P.M. on Thursday. Effort restrictions would be set by the Regional Director so as to insure fishing throughout a quarter with the minimum chance of closure while also minimizing the effort changes during the quarter. Areas closed for containing concentrations of small surf clams, when reopened, would have allowable catches estimated separately from the overall quota and appropriate effort restrictions would be imposed in such areas to insure that the harvest of the allowable catch would extend throughout a predetermined time period. Fishermen would be required to advise the National Marine Fisheries service if they wanted to fish in a reopened area.

Estimates of optimum yield, domestic annual harvest, and domestic annual processing, and quotas would be set annually through a consultative process involving the Mid-Atlantic Fishery Management Council, its Scientific and Statistical Committee, and Surf Clam and Ocean Quahog Advisory Subpanel. For surf clams, the values would be between 1.8 and 2.9 million bushels (approximately 30–50 million pounds of meats) for the Mid-Atlantic and 25,000 bushels (approximately 425,000 pounds of meats) for New England. For ocean quahogs, the values would be between 4.0 and 6.0 million bushels (40–60 million pounds of meats). A permit limitation system would replace the moratorium on entry of vessels in the Mid-Atlantic surf clam fishery.

Dated: April 23, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-13062 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 82
Wednesday, April 29, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on May 18, 1981, at 7:30 p.m., a public information meeting will be held at the Round Up Inn, Will Rogers Memorial Center, 3400 Crestline Road, Fort Worth, Texas.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed upgrading of the West Leg of I-35W/I-30 Interchange (I-30 from Summit Avenue to I-35W) Fort Worth, Texas, an undertaking of the assisted by the Federal Highway Administration that will adversely affect Fort Worth Main Post Office, Texas and Pacific Terminal Complex and the Fort Worth Market Complex, a property included in the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the property by the Texas State Department of Highway and Public Transportation.

III. A statement by the Texas State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statements to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, Lake Plaza South, Suite 616, 44 Union Boulevard, Lakewood, Colorado 80228; 303-234-4946; Attn: Robert Fink.

Dated: April 23, 1981.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 81-12747 Filed 4-28-81; 8:45 am]
BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Land and Resource Management Plan, Uwharrie and Crotan National Forests; Davidson, Montgomery, Randolph, Carteret, Craven, and Jones Counties, N.C.; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)c of the National Environmental Policy Act of 1969 (Pub. L. 91-190), the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the Land and Resource Management Plan for the Uwharrie and Croatan National Forests in North Carolina.

The Uwharrie National Forest consists of 46,390 net acres located in the Piedmont section of North Carolina. The Croatan National Forest includes approximately 157,000 acres in the Coastal Plains of North Carolina.

The Land and Resource Management Plan is being prepared in accordance with requirements of the Secretary of Agriculture's regulations promulgated pursuant to the National Forest Management Act of 1976. The resulting plan will provide for multiple-use and sustained yield of goods and services from the Uwharrie and Croatan National Forests.

The planning process will integrate all resource planning—timber, lands, fish and wildlife, soil and water, wilderness and recreation—together with resource protection and resource use activities. The process will be issue-oriented; i.e., public issues, management concerns, and development opportunities will be analyzed continually throughout the process.

A reasonable range of alternatives will be formulated by an interdisciplinary team to provide different ways to address and respond to the major public issues, management concerns, and resource opportunities identified during this planning process.

Alternatives will reflect a range of resource output and expenditure levels. In formulating these alternatives, the following criteria will be used.

(1) Each alternative will be capable of being achieved.

(2) A no-action alternative will be formulated; that is, the most likely condition expected to exist in the future if current management direction would continue unchanged.

(3) Each alternative will provide for orderly elimination of backlogs of needed treatment for the restoration of renewable resources as necessary to achieve the multiple-use objectives of that alternative.

(4) Each identified major public issue and management concern will be addressed in one or more alternatives.

(5) Each alternative will represent to the extent practicable the most cost efficient combination of management practices examined that can meet the objectives established in the alternative. Each alternative will state at least:

(a) The condition and uses that will result from long-term application.

(b) The goods and services to be produced, and the timing and flow of these outputs.

(c) Resource management standards and guidelines; and

(d) The purposes of the management direction proposed.

As an early step in the planning process, Federal, State, and local agencies, organizations, and individuals who may be interested in, or be affected by the decision will be invited to participate in a scoping process which includes: (a) identification of those issues to be addressed; (b) identification of those issues to be analyzed in depth; and (c) elimination from detailed study those issues which are not judged significant or which have been covered by prior environmental review.

To accomplish this scoping effort, Uwharrie and Croatan National Forests

will send letters to interested publics inviting them to assist and provide input into the analysis of the issues. Key individuals and groups may be contacted directly for their input.

Initial collection of public issues and concerns is expected to be completed by July 1, 1981.

The draft Environmental Impact Statement is scheduled for completion by March 1983, with a 3-month review period, and the final Environmental Impact Statement is scheduled for filing in September 1983.

Lawrence M. Whitfield, Regional Forester, Southern Region of the Forest Service, is the responsible official for the Environmental Impact Statement and Plan.

Written comments and suggestions for the Uwharrie and Croatan Land and Resource Management Plan should be sent to George A. Olson, Forest Supervisor, National Forests in North Carolina, P.O. Box 2750, Asheville, North Carolina. All comments received will become part of the public record and be available for inspection at the Supervisor's Office in Asheville, North Carolina.

If you need more information about the planning process before you submit your issues and concerns, you can get placed on the Uwharrie-Croatan Land Management Plan mailing list by contacting Robert Phillips, Forest Planning Staff Officer, National Forests in North Carolina, P.O. Box 2750, Asheville, NC 28802; phone 704/258-2850, extension 367 (FTS 672-0367).

Dated: April 21, 1981.

Clark Sell,

Acting, Regional Forester.

[FR Doc. 81-12728 Filed 4-28-81; 8:45 am]

BILLING CODE 3410-11-M

Northeastern Area, State and Private Forestry; Cooperation Gypsy Moth Suppression Projects—1981; Finding of No Significant Impact; Correction

AGENCY: USDA Forest Service.

ACTION: Correction.

This corrects the Decision Notice and Finding of No Significant Impact that was published in the **Federal Register** of April 13, 1981 (46 FR 21635) FR Doc. 81-1469. The notice was signed by the Area Director, Northeastern Area, State and Private Forestry, USDA Forest Service on April 8, 1981. The notice stated that implementation of the selected alternative by the USDA Forest Service would take place no sooner than 30 days from the date of the decision.

This statement has been corrected to read: Implementation of the selected alternative by the USDA Forest Service will take place on May 1, 1981.

Because of unseasonably warm temperatures and early wide-spread gypsy moth egg hatch, it is necessary to implement the selected alternative on May 1, 1981 to insure adequate insect control and maximum foliage protection. Implementation on the original date of May 8, 1981 would result in reduced insect control, increased defoliation, tree mortality and aesthetic value loss. The reduced effectiveness of the treatements would also significantly decrease the economic effeciency of the selected alternative.

Questions about the Decision Notice and Finding of No Significant Impact should be directed to Peter W. Orr, Staff Director, Northeastern Area State and Private Forestry, 370 Reed Road, Broomall, Pa. 19008.

SUPPLEMENTARY INFORMATION: The Decision Notice and Finding of No Significant Impact related to the selected alternative identified in the site-specific Environmental Assessment for 1981 Cooperative Gypsy Moth Suppression Projects in the States of Maine, Rhode Island, New York, Pennsylvania and New Jersey.

Dated: April 23, 1981.

Allen J. Schacht,

Director, Northeastern Area State and Private Forestry.

[FR Doc. 81-12869 Filed 4-28-81; 8:45 am]

BILLING CODE 3410-11-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Special Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of Special Meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (ATBCB) will hold a special meeting at 1:00 p.m., on May 5, 1981, to consider numerous items, including development of an ATBCB phase out plan as required by the Office of Management and Budget, adoption of procurement procedures, expansion of the ATBCB transportation policy, and a petition for amendment of ATBCB minimum guidelines and requirements. The ATBCB procurement policy would be in the form of publication in the **Federal Register** of designations of the various ATBCB officials' responsibilities under the Federal Property and Administrative Services Act, 40 U.S.C. 471 et seq., 41 U.S.C. 251-260, and statements of the nature of ATBCB involvement in various procurements, including sole source procurement. ATBCB transit policy seeks mobility for disabled persons comparable to that available to the general public. The expanded ATBCB Transportation Policy would be in the form of publication in the **Federal Register** of a notice enumerating the requisite characteristics of transit systems providing service to disabled persons. The petition of the Committee of Independent Telephone Manufacturers seeks revision of ATBCB minimum guidelines and requirements relating to the height of telephones, as well as the requirements relating to telephone enclosures. Discussion of proposed publication of a notice of proposed rescission of the ATBCB minimum guidelines and requirements is also planned. Suspension of work or proposed cancellation of a contract with the National Conference of States on Building Codes and Standards, Inc. (NCSBCS) relating to the ATBCB minimum guidelines and requirements is also on the agenda for action by the ATBCB.

DATE: May 5, 1981, 1:00 p.m.-4:30 p.m.

ADDRESS: 330 Independence Avenue, SW., Room 5051, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Director of Public Information, (202) 245-1591 (voice or TDD).

SUPPLEMENTARY INFORMATION: The next regularly scheduled meeting of the ATBCB is May 12, 1981; however, to allow members to participate in and attend the annual meeting of the President's Committee on Employment of the Handicapped, the ATBCB is advancing its meeting. The ATBCB may be terminated as of October 1, 1981, as President Reagan has asked Congress not to appropriate funds for the ATBCB in fiscal year 1982. The ATBCB procurement policy is being developed to provide a clearer understanding of roles of the members and staff in ATBCB procurements. The elaboration of the ATBCB Transportation Policy follows from adoption of the original policy in May 1980. The petition seeking amendment of the ATBCB minimum guidelines and requirements provides the ATBCB its first formal opportunity

to reconsider its rule adopted January 6, 1981. 46 FR 4270.

ATBCB committee meetings are scheduled for Monday, May 4, 1981. For specific times, locations, and agendas of these meetings, contact Larry Allison, Director of Public Information (202) 245–1591 (voice or TDD).

Mason H. Rose, V,

Chairperson.

[FR Doc. 81-13000 Filed 4-28-81; 8:45 am]

BILLING CODE 4000-07-M

COMMISSION ON CIVIL RIGHTS

Michigan Advisory Committee; Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Michigan Advisory Committee of the Commission originally scheduled for April 30, 1981, at East Lansing, Michigan, (FR Doc. 81–11272, on page 21797 April 14, 1981) has been cancelled.

Dated at Washington, D.C., April 24, 1981

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-12866 Filed 4-28-81; 8:45 am]

BILLING CODE 6335-01-M

Wisconsin Advisory Committee; Meeting Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Wisconsin Advisory Committee of the Commission originally scheduled for May 14–16, 1981, at Milwaukee and Racine, Wisconsin, (FR Doc. 81–11828, on page 22630, April 20, 1981) has been amended.

The briefing session will now be held on May 15, 1981, beginning at 10:00 am and will end at 12 Noon, at the United Community Center, 1028 South Ninth Street, Milwaukee, Wisconsin, 53204. The meeting will convene at 1:00 pm and will end at 9:00 pm, on May 15, 1981. It will be held at the same location as the briefing session. The meeting on May 16, 1981, will convene at 1:00 pm, and will end at 9:00 pm, at the John Bryant Center, 601 21st Street, Racine, Wisconsin 53403.

Dated at Washington, D.C., April 24, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-12867 Filed 4-28-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Impression Fabric of Manmade Fiber From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on impression fabric of manmade fiber from Japan. The review covers the two known exporters and the period November 14, 1978 through April 30, 1980. This review indicates the existence of dumping margins for one of the companies based upon the best information available. The second company made no shipments of the covered merchandise to the United States during the period of review.

As a result of this review, the Department has preliminarily determined to assess dumping duties for the one exporter equal to the difference between United States price and foreign market value on its shipments occurring during the period. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 29, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2496).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 25, 1978, a dumping finding with respect to impression fabric of manmade fiber from Japan was published in the **Federal Register** as Treasury Decision 78–143 (43 FR 22344–45). On January 1, 1980 the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on impression fabric of manmade fiber from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service Regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of impression fabric of manmade fiber, currently classifiable under items 338.3001, 338.3002 and 347.6020 of the Tariff Schedules of the United States Annotated (TSUSA). The Department requested information from the two known exporters, Nichibo, Co., Ltd. and Nissei Co., Ltd., for the period November 14, 1978 through April 30, 1980. Nichibo reported that for this period of review, it made no shipments of the covered merchandise to the United States. In a prior response to the Department of the Treasury, it stated that all of its existing contracts and sales to U.S. customers are for fabric of 100 percent pure silk. The estimated deposit rate for Nichibo shall be the best available information, that is the rate used for Nissei Co., Ltd.

Nissei Co., Ltd. provided an inadequate response to our questionnaire; therefore, our review is based upon the best information available, that is, margins based upon the most recent appraisement instructions ("master lists").

Preliminary Results of the Review

As a result of our review, we preliminarily determine that a margin of 10.12 percent of the entered value exists for both companies. Interested parties may submit written comments on these results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of publication. A request for an administrative protective order must be made within five days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made by Nissei Co., Ltd. within the period of this review. The Department will issue separate appraisement instructions directly to the Customs Service.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margin calculated above, that is, 10.12 percent of the entered value, shall be required on all

shipments of manmade impression fabric from Japan entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

April 23, 1981.

[FR Doc. 81-12879 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-25-M

Unrefined Montan Wax From the German Democratic Republic; Antidumping—Amended Preliminary Determination of Sales at Less Than Fair Value

AGENCY: U.S. Department of Commerce.

ACTION: Amended preliminary determination of sales at less than fair value.

SUMMARY: On March 12, 1981, we determined that there is a reasonable basis to believe that unrefined montan wax from the German Democratic Republic (GDR) is being, or is likely to be, sold in the United States at less than fair value. We directed the U.S. Customs Service to suspend the liquidation of entries of this merchandise. We stated that a cash deposit, bond, or other security in an amount equal to the estimated dumping margin of 29.5 percent will be required at the time of each entry, or withdrawal from warehouse for consumption in the United States. We are amending our preliminary determination of sales at less than fair value by directing the U.S. Customs Service to require a cash deposit, bond, or other security in an amount equal to an estimated dumping margin of 51.4 percent at the time of each entry, or withdrawal from warehouse, for consumption in the United States. On April 21, 1981, we announced in the Federal Register (46 FR 22778-9) an extension of the period for a final determination. We will make a final determination by July 17, 1981.

EFFECTIVE DATE: April 29, 1981.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe or Charles E. Wilson, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230 (202-377-3003 or 202-377-5288).

SUPPLEMENTARY INFORMATION: Our notice of March 12, 1981, stated that, for purposes of the preliminary determination, we established foreign market value on the basis of the constructed value of montan wax as produced in the U.S., adjusted for certain known difference in costs of production in the GDR. We identified these adjustments as costs of lignite, direct labor, thermal energy and solvents.

Our calculation of the thermal energy component of the constructed value of montan wax, has been revised. The formula used in the conversion of kilocalorie to BTU's understated thermal energy costs. That error has been corrected. This results in a higher constructed value of montan wax. We found that the margins ranged from 44.2 percent to 62.9 percent and the weighted-average margin was 51.4 percent.

Accordingly, we are amending our preliminary determination of sales at less than fair value by directing the U.S. Customs Service, upon this notice's publication, to require a cash deposit, bond, or other security in an amount equal to an estimated dumping margin of 51.4 percent at the time of each entry, or withdrawal from warehouse, for consumption in the United States.

This determination is published in accordance with § 353.39, Commerce Regulations (19 CFR 353.39).

April 23, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-12880 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-25-M

Numerically Controlled Machine Tool Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to numerically controlled machine tool or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: May 20, 1981, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C.

AGENDA:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of procedural or organizational matters relating to the Technical Advisory Committee.

(4) Review results of evaluation of the National Machine Tool Builders' Association (NMTBA) reports on the International Machine Tool Show—1980.

(5) Discuss observations by any attendees at recent Westec Machine Tool Show.

(6) Review status of proposed letter to Robot Institute of America.

(7) New Business.

Executive Session

(8) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available

for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202–377–2583.

Dated: April 24, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-12911 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT–APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

Chief, Intellectual Property Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310

Patent application 6,140,205: Erosion Lithography to Abrade a Pattern Onto a Substrate; filed May 12, 1980.

Patent 4,174,162: Aerial Camera Mounting Means; filed July 7, 1978; patented Nov. 13, 1979; not available NTIS.

Patent 4,192,349: Air Conditioning Valve; filed Aug. 7, 1978; patented Mar. 11, 1980; not available NTIS.

Patent 4,195,525: Sampling Valve; filed Mar. 23, 1979; patented Apr. 1, 1980; not available NTIS.

Patent 4,197,360: Multilayer Laminate of Improved Resistance to Fatigue Cracking; filed May 1, 1978; patented Apr. 8, 1980; not available NTIS.

Patent 4,197,547: High Frequency Aircraft Wire Antenna; filed June 28, 1978; patented Apr. 8, 1980; not available NTIS.

Patent 4,198,017: Control Augmentation System for Flight Vehicles; filed Oct. 13, 1978; patented Apr. 15, 1980; not available NTIS.

Patent 4,198,767: Recording System for Laser Weapon Simulator; filed July 3, 1978; patented Apr. 22, 1980; not available NTIS.

Patent 4,199,760: Method for Measuring Range to a Rocket in Flight Employing a Passive Ground Tracker Station; filed Sept. 15, 1978; patented Apr. 22, 1980; not available NTIS.

Patent 4,199,762: Pedestal and Gimbal Assembly; filed May 18, 1977; patented Apr. 22, 1980; not available NTIS.

Patent 4,200,028: Multi-Purpose Gun Safety; filed Aug. 16, 1978; patented Apr. 29, 1980; not available NTIS.

Patent 4,201,812: Bonding Plastic Layers; filed May 15, 1978; patented May 6, 1980; not available NTIS.

Patent 4,207,434: Integral Electric Generator, Multiplexer, Data Acquisition System; filed Apr. 17, 1978; patented June 10, 1980; not available NTIS.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, DC 20324

Patent application 6,200,226: Scan Corrected Vidicon Camera Apparatus; filed Oct. 23, 1980.

Patent application 6,200,283: Data Bus System Utilizing FM Communication Techniques; filed Oct. 24, 1980.

Patent application 6,201,583: Frequency Shift Keying Data Bus Communication System; filed Oct. 29, 1980.

Patent application 6,201,854: Modified Pulse Width Modulation Data Bus Communication System; filed Oct. 29, 1980.

Patent 4,231,248: Laser Tensile Test Sample Holder; filed June 15, 1979; patented Nov. 4, 1980; not available NTIS.

Patent 4,231,293: Submissile Disposal System; filed Oct. 20, 1966; patented Nov. 4, 1977; not available NTIS.

Patent 4,231,533: Static Self-Contained Laser Seeker System for Active Missile Guidance; filed July 9, 1975; patented Nov. 4, 1980; not available NTIS.

Patent 4,231,534: Active Optical Tracking System; filed Nov. 4, 1977; patented Nov. 4, 1980; not available NTIS.

Patent 4,232,221: Method and Apparatus for Trimming IR/CCD Mosaic Sensors; filed Jan. 22, 1979; patented Nov. 4, 1980; not available NTIS.

Patent 4,232,278: High Power Microwave Integrated Circuit Receiver Protector with Integral Sensitivity Time control; filed July 6, 1979; patented Nov. 4, 1980; not available NTIS.

Patent 4,232,440: Gage for Measuring Decrease in Dimension of Test Specimen in Tensile Test; filed Mar. 30, 1979; patented Nov. 11, 1980; not available NTIS.

Patent 4,232,996: Light Weight Fan Assembly; filed Oct. 6, 1978; patented Nov. 11, 1980; not available NTIS.

Patent 4,233,103: High Temperature-Resistant Conductive Adhesive and Method Employing Same; filed Dec. 20, 1978; patented Nov. 11, 1980; not available NTIS.

Patent 4,233,426: Channel Sealant Compositions; filed Apr. 4, 1979; patented Nov. 11, 1980; not available NTIS.

Patent 4,234,144: Base Vent Assembly for Entry Space Vehicles; filed Oct. 24, 1978; patented Nov. 18, 1980; not available NTIS.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6,144,811: Automatic Exposure Control for Pulsed Active TV Systems; filed May 7, 1980.

Patent 4,169,701: Hydroacoustic Detection System; filed Mar. 9, 1971; patented Feb. 19, 1980; not available NTIS.

Patent 4,223,426: Method and Apparatus for Securing a Ferroelectric Stack to a weighted Projection Surface; filed July 2, 1973; patented Sept. 23, 1980; not available NTIS.

Patent 4,226,649: Method for Epitaxial Growth of GaAs Films and Devices Configuration Independent of GaAs Substrate Utilizing Molecular Beam Epitaxy and Substrate Removal Techniques; filed Sept. 11, 1979; patented Oct. 7, 1980; not available NTIS.

Patent 4,226,801: Terminated Bis (3,4-Dicyanophenoxy) Alkanes; filed June 25, 1979; patented Oct. 7, 1980; not available NTIS.

Patent 4,227,170: Current-Reducing Device; filed June 22, 1977; patented Oct. 7, 1980; not available NTIS.

Patent 4,228,437: Wideband Polarization-Transforming Electromagnetic Mirror; filed June 29, 1979; patented Oct. 14, 1980; not available NTIS.

Patent 4,229,812: Apparatus for Securing a Ferroelectric Stack to a Weighted Projection Surface; filed Nov. 24, 1971; patented Oct. 21 1980; not available NTIS.

Patent 4,231,103: Fast Fourier Transform Spectral Analysis System Employing Adaptive Window; filed Feb. 12, 1979; patented Oct. 28, 1980; not available NTIS.

Patent 4,231,891: Solid Compositions for Generation of Gases Containing a High Percentage of Hydrogen or Its Isotopes; filed June 16, 1978; patented Nov. 4, 1980; not available NTIS.

Patent 4,234,142: High Angle-of-Attack Missile Control System for Aerodynamically Controlled Missiles; filed June 8, 1978; patented Nov. 18, 1980; not available NTIS.

Patent 4,234,852: Coherent Frequency Shift Key Demodulator; filed Nov. 15, 1978; patented Nov. 18, 1980; not available NTIS.

Patent 4,236,546: Electronic Breathing Mixture Control; filed Oct. 23, 1978; patented Dec. 19, 1980; not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsels for Patent Matters, NASA Code GP-4, Washington, DC 20546

Patent application 6,162,880: Modified Spiral Wound Retaining Ring; filed Aug. 29, 1980.
Patent application 6,195,226: Beam Connector Apparatus and Assembly; filed Oct. 6, 1980.
Patent 4,217,633: Solar Cell System Having Alternating Current Output; filed Aug. 10, 1979; patented Aug. 12, 1980; not available NTIS.

[FR Doc. 81-12781 Filed 4-28-81; 8:45 am]
BILLING CODE 3510-04-M

Office of the Secretary

Potential Role of Advanced Materials in the Aerospace Industry

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation.

ACTION: Notice of Public Workshop on Conservation and Substitution Technology for Critical Materials.

SUMMARY: In section 5(c) of the National Materials and Minerals Policy, Research and Development Act of 1980, Public Law 96-479, the Secretary of Commerce, in consultation with the Federal Emergency Management Agency, the Secretaries of Interior and Defense, and the Director of the Central Intelligence Agency, is directed to report to the Congress before October 21, 1981, on critical materials needs in a specific case related to national security, economic well-being, and industrial production.

As used in the Act, the term "materials" means substances, including minerals, of current or potential use that will be needed to supply the military, industrial, and essential civilian needs of the United States in the production of goods or services, including those which are primarily imported or for which there is a prospect of shortages or uncertain supply, or which present opportunities in terms of new physical properties, use, recycling, disposal, or substitution, with the exclusion of food and of energy fuels used as such.

The Department of Commerce has selected the aerospace industry as a focus for the first report and within that industry the anticipated specific needs for chromium, cobalt, titanium, tantalum, rapid solidification metals, near net shape, and composites. Attention will be devoted to opportunities with metallurgical coatings systems, and increased utilization of metals with domestic sources. Consideration will be given to requirements for an information stockpile on substitutes for critical materials. The Secretary of Commerce will be recommending programs to assist in assuring that the future needs of the American aerospace industry for these materials can be met.

The Departments of Commerce and Interior, by this Notice, are soliciting participation in a public Workshop defining technical opportunities to deal with needs for the above materials. The Workshop will take place on 15-17 June 1981, in Light Hall at Vanderbilt University, Nashville, Tennessee, under the Chairmanship of Allen Gray, Technical Director, American Society for Metals and Adjunct Professor of Metallurgy at Vanderbilt. Participation of the public is encouraged. Requests for information should be addressed to Professor Robert Nash, School of Engineering, Vanderbilt University, P.O. Box 1553, Station B, Nashville, Tennessee 37235, Telephone: (615) 322-4877.

The tentative Workshop Program is set out below.

Dated: April 24, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

Tentative workshop program:

Monday, 15 June

Opening Session

Opportunities in Conservation and Substitution—Allen Gray
Technology for Critical Materials—American Society for Metals
Current Activities in Substitution
- National Bureau of Standards—John B. Wachtman, Jr.
- Bureau of Mines—Ralph C. Kirby
- U.S. Department of Defense—Jerome Persh, Research and Engineering
- National Aeronautics and Space Administration—Joseph R. Stevens, NASA-Lewis Research Center

Charge to Workshop in Relation to Materials Policy Legislation (Pub. L. 96-479)—John B. Wachtman, Jr.

Chromium

Keynote Address—David C. Goldberg, Westinghouse Electric Corporation
Computer Systems for Developing Chromium-free Steels for Hardenability—Dale H. Breen, International Harvester Co.
Mn-Al-Fe Alloys: Substitutes for Stainless Steels—Samir K. Banerji, Foote Mineral Co.
Substitution for Chromium in Spring Steels—S. T. Furr, Bethlehem Steel Co.
Substitution of Modified 9Cr-1Mo for Austenitic Stainless Steels—Vinod Sikka, Oak Ridge National Laboratory
Substitute Stainless Steels with Less Chromium—Joe Douthett, ARMCO Steel
Comments from Floor
Development of views on action topics on chromium substitution

Cobalt

Keynote Address—Joseph R. Stevens, NASA-Lewis Research Center
Reduction of Cobalt in Gas Turbine Engines—Dennis Evans, Pratt and Whitney Aircraft Div.
Role of Cobalt in Astroloy—John Tien, Columbia University
Reduction of Cobalt in Mar-M247—Michael Nathal, Case Western Reserve University—NASA-Lewis Research Center
Role of Processing: Substitution for Cobalt in High Speed Steels—W. T. Haswell, Jr, Colt Industries/Crucible, Inc.
Substitution for Cobalt in Magnetic Alloys—Thomas D. Schlabach, Bell Laboratories
Boronizing as a Substitute for Cobalt—H. C. Dill, Hughes Tool Co.
Comments from floor
Development of views on action topics on cobalt substitution

Tuesday, 16 June*

Titanium

Keynote Address—Harris M. Burte, Air Force Materials Laboratory
Advantages in Materials and Energy Utilization for Powder Metallurgy Titanium—Stanley Abkowitz, Dynamet Technology, Inc.
Benefits of Titanium in Airframes and Compromises in Substitution—Donald G. Goehler, Boeing Commercial Airplane Co.
Comments from floor
Development of views on action topics on titanium availability and utilization

Tantalum

Keynote Address—Thomas D. Schlabach, Bell Laboratories
Tantalum in High Temperature Alloys—James Ford, Cabot Corp.
Future Uses for Tantalum in Gas Turbine Engines—Henry A. Johnson, Air Force Materials Laboratory
Comments from floor
Development of views on action topics on substitution for tantalum and electronic materials

Technological Opportunities for Conservation of Critical Metals Utilizing Metallurgical Coating Systems

Keynote Address—David S. Duvall, Chairman, High Alloys Committee, Welding Research Council, Pratt and Whitney Aircraft Division, United Technologies Corp.
Potential for Hard Facing Application Technology to Conserve Critical Metals—S. J. Matthews, Cabot Corp., Chairman, Subcommittee on Hard Facing and Wear, Welding Research Council
Potential for Claddings to Conserve Critical Metals—James M. Glazebrook, Lukens Steel Co.
Conservation of Critical Metals Utilizing Surface Alloying—R. J. Van Thyne, DILEX Systems—Materials Research Corp.
Surface Modification Techniques to Conserve Critical Metals—Joe E. Jenkins and Dieter Sundermeyer, Leybold-Heraeus Vacuum Systems, Inc.

*Parallel sessions.

Potential for Ceramic Coatings to Conserve Critical Metals—Paul A. Siemers, General Electric Co.
Comments from floor
Development of views on action topics on conservation of critical metals by use of metallurgical coating systems

Technological Opportunities More Fully To Utilize Metals With Domestic Sources or Near Domestic Sources as Substitutes for Critical Metals

Keynote Address—Horace N. Lander, AMAX, Inc.
Molybdenum—Ralph M. Davison, AMAX, Inc.-Climax
Nickel—Robert J. Johnson, International Nickel Co.
Vanadium—R. J. Klotzbach, Union Carbide Corp.
Tungsten—C. C. Clark, AMAX, Inc.-Tungsten
Vanadium/Molybdenum System—P. L. Mangonon, Foote Mineral Co.
Comments from floor
Development of views on action topics on opportunities for domestic sources

Opportunities for Conservation and Substitution of Critical Metals Utilizing Rapid Solidification Technology and Near Net Shape Processing

Keynote Address—Arden Bement, TRW, Inc.
Potential for Rapid Solidification for Aluminum Alloys—Walter Cebulak, Alcoa Laboratories
Potential for Near Net Shapes—J. Stanley Mosier, Manager, NNS Operation, General Electric Co.
Outlook for As-HIP'ed Near Net Shapes—John Moll, Colt/Crucible Research Center
Comments from floor
Development of views on action topics on conservation and substitution using rapid solidification and near net shape techniques

Wednesday, 17 June

Role of Composites in Substitution, Conservation, and Displacement of Critical Metals

Keynote Address—Alfred E. Brown, Celanese Corp.
Potential for Substitution in Aerospace—Military and Commerical—Richard N. Hadcock, Grumman Aerospace Corp.
Potential for Substitution in All Uses other than Aerospace—John Riggs, Celanese Plastics and Specialties Co.
Comments from floor
Development of views on action topics on potential of composites for substitution for critical materials

Substitution Preparedness—Information Stockpile on Substitution Technology

Keynote Address—A. O. Schaefer, Metals Properties Council
Presentations by
J. H. Westbrook, General Electric Co.
H. David Chafe, American Society for Metals
Hugh M. Morrow, III, Climax Molybdenum Co.
Harold Mindlin, Metals and Ceramics Information Center, Battelle
James H. Graham, Deere & Co.
John R. Rumble, Jr., National Bureau of Standards
Ellis D. Verink, University of Florida
Frank M. Richmond, Universal-Cyclops Specialty Steel Division
Maurice A. H. Howes, IIT Research Institute

General Discussion: Summary of what is needed to provide an information system for substitution preparedness.

Summary of Workshop—N. E. Promisel

[FR Doc. 81-12868 Filed 4-28-81; 8:45 am]
BILLING CODE 3510-13-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Restraint Levels for Certain Cotton and Man-Made Fiber Textile Products From the Dominican Republic

April 24, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by the application of swing and carryforward the levels of restraint established for men's and boys' woven cotton shirts in Category 340 and man-made fiber brassieres in Category 649 to 139,054 dozen and 1,712,250 dozen, respectively, and decreasing, by the square yard equivalent amount of swing granted to Categories 340 and 649, the level for women's, girls, and infants' knit shirts and blouses of man-made fibers in Category 639 to 230,601 dozen. These adjustments apply to cotton and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the agreement year which began on June 1, 1980 and extends through May 31, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142).)

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979 between the Governments of the United States and the Dominican Republic provides that specific ceilings may be increased by not more than seven percent during an agreement year (swing), provided the amount of increase is offset by an equivalent decrease in one or more specific limits. The agreement further provides for the borrowing of yardage from the following agreement year (carryforward) with the amount used being deducted from the level in the following year. In accordance with the terms of the bilateral agreement, and at the request of the Government of the Dominican Republic, the import restraint levels established for Categories 340, 639, and 649 are being adjusted for the 12-month period which began on June 1, 1980.

EFFECTIVE DATE: April 24, 1981.

SUPPLEMENTARY INFORMATION: On June 4, 1980, there was published in the Federal Register (45 FR 37716) a letter dated May 30, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established import restraint levels for certain specified categories of cotton, and man-made fiber textile products, including Categories 340, 639 and 649, produced or manufactured in the Dominican Republic and exported to the United States during the 12-month period which began on June 1, 1980 and extends through May 31, 1981. In accordance with the terms of the bilateral agreement and at the request of the Government of the Dominican Republic, the Chairman of the Committeee for the Implementation of Textile Agreements directs the Commissioner of Customs in the letter published below to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 340, 639 and 649 in excess of the respective, adjusted levels of restraint of 139,054 dozen, 230,601 dozen and 1,712,250 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

United States Department of Commerce, International Trade Administration
Washington, D.C., April 24, 1981.

Committee for the Implementation of Textile Agreements
Commissioner of Customs, Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: On May 30, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period which began on June 1, 1980 and extends through May 31, 1981 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Dominican Republic, in excess of designated levels of restraint. The Chairman further advised you the levels of restraint are subject to adjustment.[1]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979 between

Continued

Effective on April 24, 1981, the levels of restraint established for Categories 340, 639 and 649 in the directive of May 30, 1980 are adjusted to the following:

Category and Adjusted 12-Month Level of Restrain[t]

340 139,054 dozen
639 230,801 dozen
649 1,712,250 dozen

The actions taken with respect to the Government of the Dominican Republic and with respect to imports of cotton and man-made fiber textile products from the Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-12826 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare Draft Environmental Statement for Proposed Farming Operation by Prudential Life Insurance Co. and McLean, Inc.

Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS) for a proposed farming operation by Prudential Life Insurance Company and McLean, Incorporated, a joint venture (Prulean Farms) which will will require a Department of the Army Permit to place excavated materials in wetlands in the vicinity of Milltail Creek, east of Alligator River, Dare County, North Carolina.

Lead Agency: U.S. Army Corps of Engineers, Wilmington District, North Carolina.

Action: Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

Summary: Prulean Farms plan to clear and drain 22,325 acres of land for the purpose of developing it for agricultural production of row crops. The proposed work will incorporate existing canals, roads, and ditches constructed by prior owners and new canals, roads, and ditches to be constructed by Prulean Farms.

Canals are to be excavated by dragline and the excavated material is to be placed adjacent to the canals to form roads. The canals are intended to provide primary drainage and convey water to "pump stations." The "V" ditches are to be excavated by backhoe at 300-foot intervals. A typical "V" ditch is to have a 5–6-foot top, a 1½-foot bottom and a 5-foot depth. Excavated material from the "V" ditches is to be initially placed alternately on each side of each "V" ditch.

After construction of the "V" ditches, timber is to be removed by customary logging practices and equipment.

After timber is removed, stumps, roots, brush and branches are to be cleared by bulldozer and piled in windrows down the center of each field delineated by "V" ditches. The windrows are to be eliminated by a process of burning, repiling, burning, and ultimately hauling remaining debris from the land.

Excavated material from "V" ditches is to be leveled and the fields are to be shaped and leveled by bulldozer and land planes. It is intended that each field have a center crown 9 inches higher than the field edge at the "V" ditch bank (⅛% slope). Each block of fields is to be served by a road across one side and a primary canal across the opposite side.

Excessive rainfall is to be drained from fields by the "V" ditches and carried to the primary canals. Primary canals are to convey the water to the pump stations.

The land is presently either forested with predominant vegetation consisting of mixed hardwoods and pine, or has been heavily timbered in recent years with existent vegetation being brush and young hardwood and pine regrowth.

The project area is relatively flat with elevations ranging from 1.5 feet to 3.5 feet.

The area has been logged repeatedly during the last ¾ century and is subject to frequent fires.

The wetland area is vegetated with pond pine (*Pinus serotina*), cypress (*Taxodium* spp), red maple (*Acer rubrum*), loblolly bay (*Gordonia lasianthus*), titi (*Cyrilla racemiflora*), black gum (*Nyssa sylvatica*), fetter bush (*Lyonia lucida*), pepper bush (*Clethra ainifolia*), and blueberry (*Vaccinium* spp.).

Alternatives to the proposed action that will be investigated include complete avoidance of wetlands, partial avoidance of wetlands, forestry, animal farming, peat mining, combinations of any of the above, and "no action." In addition, alternative techniques of site preparation and mitigation and various drainage configurations, hydraulic flow regimes, and road alignments wil be explored.

A scoping meeting was held on January 28, 1981 at the North Carolina Marine Resources Center, Manteo, North Carolina to help determine issues to be addressed in the DEIS and for identifying the significant issues related to the proposed action. All affected Federal, State, and local agencies and other interested persons or groups were encouraged to attend this meeting by public notice of December 18, 1980. Written and oral comments were taken at the meeting and written comments were accepted until February 14, 1981. As a result of this meeting, a Scoping Report has been prepared and is available to the public.

The three most important issues as ranked by the attendees at the scoping meeting were effects on water quality and aquatic life, effects on terrestrial wildlife and wildlife habitat, and effects on air quality. These issues will be analyzed in depth in the DEIS.

It is anticipated that the DEIS will be released for review and comment in early 1982.

Questions about the proposed action and DEIS should be addressed to Mr. David Frankensteen, Special Projects Manager, Regulatory Functions Branch, Wilmington District, Corps of Engineers, PO Box 1890, Wilmington, North Carolina 28402, telephone (919) 343–4952, FTS 671–4952.

Robert K. Hughes,

Colonel, Corps of Engineers, District Engineer.

April 22, 1981.

[FR Doc. 81-12869 Filed 4-28-81; 8:45 am]

BILLING CODE 3710-GN-M

Office of the Secretary

Privacy Act of 1974; Notice of System of Records: Deletion

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletion of a system notice.

SUMMARY: The Office of the Secretary of Defense proposes to delete the system notice for the system of records identified as DWHS P33 entitled: "Statement of Affiliation and Financial Interest Files." This system of records is

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the Governments of the United States and the Dominican Republic, which provide, in part, that: (1) specific limits may be exceeded by designated percentages to account for swing with comparable amounts being deducted from other specific limits; (2) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[1] The levels of restraint have not been adjusted to account for any imports after May 31, 1980.

being cancelled due to the fact it is adequately covered by the OPM/GOVT-6 system notice.

DATES: This deletion shall be effective May 29, 1981.

ADDRESSES: Send any comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, Pentagon, Washington, D.C. 20301. Telephone: 202/695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the Federal Register.

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 18, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7567 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20200) April 3, 1981

This proposed deletion is not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of new or altered system reports. It identifies the system notice to be deleted which was inadvertently omitted from FR Doc. 81-11473 (46 FR 22257), April 16, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

April 24, 1981.

[FR Doc. 81-12882 Filed 4-28-81; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Review on MX Missile Basing Panel Meeting

The Defense Science Board Panel to Review MX Missile Basing will meet in closed session on 28, 29, and 30 May 1981 in San Francisco, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

This meeting of the Defense Science Board Panel to Review MX Missile Basing on 28, 29, and 30 May 1981 will review options and make recommendations concerning basing schemes for the MX Missile.

In accordance with 5 U.S.C. App 1 10(d) (1976), it has been determined that this Defense Science Board Panel meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 24, 1981.

[FR Doc. 81-12880 Filed 4-28-81; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Task Force on Water in Southwest Asia Advisory Committee Meeting

The Defense Science Board Task Force on Water in Southwest Asia will meet in closed session on 20-21 May 1981 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.At the meeting on 20-21 May 1981 the Task Force will review the current and future capability of the U.S. to provide water support to military forces in Southwest Asia and make recommendations concerning improvements and other associated programmatic actions.

In accordance with 5 U.S.C. App. 1 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 24, 1981.

[FR Doc. 81-12869 Filed 4-28-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Fund for the Improvement of Postsecondary Education

AGENCY: Fund for the Improvement of Postsecondary Education.

ACTION: Notice of Closed Meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Sec. 10(a)(2)).

DATE: May 28, 1981 at 5:00 p.m. through May 30, 1981 at 2:30 p.m.

ADDRESS: Belmont Conference Center, 6555 Belmont Woods, Elkridge, Maryland.

FOR FURTHER INFORMATION CONTACT: Arturo Madrid, Director, Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, SW., Washington, D.C. 20202 (202/245-8091).

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education was established under Section 1003 of the Higher Education Amendments of 1980, Title X. The National Board of the Fund was established to:

> Advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education * * * on the selection of projects under consideration for support by the Fund in its competitions.

The meeting of the National Board is closed to the public.

The proposed agenda includes: Reviewing and evaluating grant applications submitted to the Fund under the Comprehensive Program. The Board meeting will be closed to the public for review, discussion or consideration of proposals submitted to the Fund for the awards of grants or contracts. In accordance with the requirements of Section 10(d) of the Federal Advisory Committee Act, and subsections (4) and (6) of Section (c) of the Government in the Sunshine Act, Pub. L. 94-409, it has been determined that the meeting will be closed because the discussions of the applications and the qualifications of proposed staff will disclose commercial or financial information obtained from applicants which is confidential, or disclose information of a personal nature where disclosure to the public would constitute a clearly unwarranted invasion of personal privacy.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within fourteen days of the meeting.

Signed: April 15, 1981.

Dick Hays,

Acting Assistant Secretary, Educational Research and Improvement.

[FR Doc. 81-12904 Filed 4-28-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement; Civil Uses of Atomic Energy; United States and Japan

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the transfer of special nuclear material of United States origin from Japan to the United Kingdom for the purpose of reprocessing. The material consists of 252 irradiated fuel elements containing 46,117 kilograms of uranium enriched to 1.19% in U–235, and 292 kilograms of plutonium, from the Fukushima I Plant, Units 3, 4, 5, and 6. This subsequent arrangement is designated as RTD/EU(JA)–39.

The Department of Energy has received a letter of assurance from the Government of Japan that the recovered uranium and plutonium will not be transferred from the reprocessing site, nor put to any use, without the prior approval of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 14, 1981, and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: April 24, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-12901 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement; Civil Uses of Atomic Energy; United States and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the transfer of special nuclear material of United States origin from Japan to France for the purpose of reprocessing. The material consists of 164 irradiated fuel elements containing 72,600 kilograms of uranium enriched to 0.95% in U–235, and 663 kilograms of plutonium, from the Mihama Unit No. 3, Ohi Unit No. 2, and the Takahama Unit No. 2 Plants. This subsequent arrangement is designated as RTD/EU(JA)–37.

The Department of Energy has received a letter of assurance from the Government of Japan that the recovered uranium and plutonium will not be transferred from the reprocessing site, nor put to any use, without the prior approval of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 14, 1981, and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: April 24, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-12902 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement; Civil Uses of Atomic Energy; United States and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the transfer of special nuclear material of United States origin from Japan to the United Kingdom for the purpose of reprocessing. The material consists of 98 irradiated fuel elements containing 18,500 kilograms of uranium enriched to 1.24% in U–235, and 135 kilograms of plutonium, from the Tsuruga Power Station and from the Tokai Power Station No. 2. This subsequent arrangement is designated as RTD/EU(JA)–38.

The Department of Energy has received a letter of assurance from the Government of Japan that the recovered uranium and plutonium will not be transferred from the reprocessing site, nor put to any use, without the prior approval of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 14, 1981, and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the

Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: April 24, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-12803 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Aminoil U.S.A., Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

COMMENTS BY: May 29, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-5932.

SUPPLEMENTARY INFORMATION: On April 8, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Aminoil U.S.A., Inc. ("Aminoil"). Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Aminoil, with its home office located in Houston, Texas, is engaged in the processing and sale of natural gas liquids (NGL) and NGL products, and is subject to the Mandatory Petroleum and Allocation and Price Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Aminoil, the ERA Office of Enforcement and Aminoil entered into a Consent Order, the significant terms of which are as follows:

1. The Office of Enforcement has examined Aminoil's books and records and reviewed all pertinent matters relating to Aminoil's compliance with the DOE petroleum price regulations in effect during the period from September 1, 1973 through January 28, 1981. All civil matters pertaining to compliance with the DOE petroleum price regulations and prices charged by Aminoil in sales of NGL and NGL products during the period September 1, 1973 through January 28, 1981 are resolved by this Consent Order.

2. Aminoil will refund the aggregate amount of $16,500,000, which includes interest through the date on which the Consent Order becomes effective.

3. Execution of the Consent Order constitutes neither an admission by Aminoil nor a finding by DOE that Aminoil has violated any statutes or applicable regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration or the Department of Energy.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Aminoil agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $16,500,000 within 36 months after the Consent Order becomes effective.

Such refund will be made to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, overcharges may have been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III Submission of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure of a person to provide written notification of a potential claim within the comment period for this notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim on or before May 29, 1981 to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106 You may obtain a free copy of the Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "comments on Aminoil Consent Order." We will consider all comments we receive on or before May 29, 1981. You should identify any information or data which is, in you opinion, confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in *Kansas City, Missouri* on the 14th day of April, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel.

[FR Doc. 81-12804 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 52721-6126-1 through 20-22; Docket No. ERA-FC-80-035]

Southern California Edison Co.; Powerplant Exemptions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Availability of Tentative Staff Analysis.

SUMMARY: On August 29, 1980, the Southern California Edison Company (Edison) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for twenty permanent peakload powerplant exemptions from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of natural gas or petroleum in new powerplants.

Edison plans to install twenty 64,500 KW distillate oil-fired simple cycle combustion turbine units at its Lucerne Valley Project (Units CT-1 through CT-20). Edison certifies that each unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of each unit.

ERA required the submission of additional information which was subsequently received from Edison on September 25, 1980. ERA accepted the petition on November 12, 1980, and published notice of its acceptance in the Federal Register on November 19, 1980 (45 FR 76513). Publication of the Notice of Acceptance commenced a 45-day public comment period pursuant to Section 701 of FUA. Interested persons were also afforded an opportunity to request a public hearing. The comment period ended January 5, 1981. No comments or requests for a public hearing were received.

ERA's staff has reviewed the information presently contained in the record of this proceeding. A Tentative Staff Analysis recommends that ERA issue an order which would grant the permanent peakload powerplant exemptions to Edison. ERA will issue a final order granting or denying the petitions for permanent exemptions from the prohibitions of the Act within six months, unless extended by ERA, after the public comment period provided for in this notice has expired. Notice of, and a statement of reasons for, any extension will be published in the Federal Register.

DATES: Written comments on the Tentative Staff Analysis and requests for a hearing are due on or before May 13, 1981.

ADDRESSES: Fifteen copies of written comments, and any request for a public hearing shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Docket Number ERA-FC-80-035 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055.

Louis T. Krezanosky, Economic Regulatory Administration, Department of Energy, Room 3012B, 2000 M Street NW., Washington, D.C. 20461, Phone (202) 653-4206.

Marx Elmer, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2967.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting material on this proceeding is available for inspection upon request at ERA, Room B-110, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: Southern California Edison Company (Edison) plans to install twenty 64,500 KW distillate oil-fired simple cycle combustion turbine units at its Lucerne Valley Project (Units CT-1 through CT-20). Six of these units are scheduled for commercial operation in June 1985, six in 1986, and eight in 1987. Based upon estimates by Edison, each proposed unit is expected to consume the energy equivalent of approximately 176,000 barrels of distillate fuel oil per year (482 bbl/day).

Edison submitted a sworn statement with the petition signed by Mr. A. Arenal, Vice President of Southern California Edison Company, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Arenal certified that Units CT-1 through CT-20 will be operated solely as peakload powerplants and will be operated only to meet peakload demand for the life of each unit. He also certified that the maximum design capacity of each unit is 64,500 KW and that the maximum generation that each unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 96,750,000 Kwh.

National Environmental Policy Act Compliance

Section 763(3) of the FUA provides that the grant or denial of an exemption is not a major Federal action for purposes of Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) where "* * * the Secretary finds, in consultation with the appropriate Federal agency, and publishes such finding that an environmental impact statement is required in connection with another Federal action and such statement will be prepared by such agency and will reflect the exemption adequately."

DOE's Office of Environment has determined, after consultation with the Bureau of Land Management of the U.S. Department of Interior (BLM), that an environmental impact statement (EIS) is required to analyze the cumulative effect of operating twenty peakload units, as well as impacts from the construction of transmission lines and water and fuel pipelines.

In order to determine the environmental soundness of the Lucerne Valley project, BLM will supervise the preparation of an EIS for the Lucerne valley Project in cooperation with DOE in accordance with § 1501.5 of the Council on Environmental Quality Regulations which provides for agency cooperation in the NEPA process. BLM has agreed to act as lead agency and prepare the EIS in a manner which adequately reflects the petitioner's requested peakload powerplant exemptions. Accordingly, under the authority of Section 763(3) ERA's decision on Edison's petition is not a major Federal action for purposes of NEPA and a separate EIS is not required to be prepared by DOE.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemptions. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding including any comments received on the Tentative Staff Analysis.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to include terms and conditions in any order granting an exemption. Based upon the information submitted by Edison and upon the results of the staff analysis, the staff of

ERA has tentatively determined and recommends that any order which would grant the requested permanent peakload powerplant exemptions should, pursuant to Section 214 of the Act, be on the following terms and conditions:

A. Edison shall not produce more than 96,750,000 Kwh during any 12-month period with each unit. Edison shall provide annual estimates of the expected periods (hours during specific months) of operation of Units CT-1 through CT-20 for peakload purposes (e.g., 8:00-10:00 am and 3:00-6:00 pm during the June-September period, etc.). Estimates of the hours in which Edison expects to operate Units CT-1 through CT-20 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. Edison shall comply with the reporting requirements set forth at 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in each unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. Edison shall comply with any terms and conditions which may be imposed pursuant to the environmental requirements set forth at 10 CFR 503.15(b).

Issued in Washington, D.C., on April 23, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-12906 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-199-000]

Central Telephone and Utilities Corp.; Filing

April 22, 1981.

The filing company submits the following:

Take notice that on March 30, 1981, Central Telephone and Utilities Corporation submitted for filing revised rate schedules and revised cost of service statements pursuant to the Commission's order of February 27, 1981, in the above-referenced proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washinton, D.C. 20426, on or before May 14, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12762 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4386-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 22, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4386 to be known as the Bell Creek, Trinity Project located on Bell Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 45-foot long, 5-foot high concrete and rock diversion structure; (2) a 6,100-foot long diversion conduit or channel; (3) a 750-foot long, 25-inch diameter steel penstock; (4) a powerhouse containing generating units with a combined rated capacity of 1,170 kW; and (5) a 4-mile long 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 4.6 million kWh.

Purpose of Project—The project's energy will be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months, during which time it will conduct geological, environmental, engineering and economic feasibility studies. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an FERC license application is $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows and interested person to file the competing application no later than August 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS".

"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4386. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12703 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4379-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 22, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4379 to be known as Soda Creek, Plumas located on Soda Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 100-foot long, 5-foot high, 8-foot wide concrete division structure; (3) a 9,700-foot long diversion conduit or channel; (4) a 900-foot long, 32-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 4,500 kW; and (6) a 4-mile long, 12.5 kV transmission line. The Applicant estimates that the average annual energy output would be 19.8 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intevene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4379. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12704 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4210-000]

Enagenics; Application for Preliminary Permit

April 22, 1981.

Take notice that Enagenics (Applicant) filed on February 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed

Project No. 4210 to be known as Yellowtail Afterbay Dam located on the Big Horn River in Big Horn County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W. Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the northwest end of the dam containing generating units having a total installed capacity of 5.72 MW; (2) a proposed penstock and tailrace; (3) proposed transmission lines; and (4) appurtenant facilities. Applicant would utilize an existing dam owned by the Water and Power Resources Service, Department of the Interior. Applicant's facilities would be located on U.S. lands. The Applicant estimates that the average annual energy output would be 34.3 GWh.

Purpose of Project—Energy produced at the project would be sold to Western Area Power Administration or Pacific Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months. During that time studies would be conducted to determine the engineering, economic, and environmental feasibility of the project. In addition, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project, along with preparing an application for FERC license. Applicant estimates the cost of the studies would be approximately $40,000.00.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc., Project No. 3749, filed on November 17, 1980. Anyone desiring to file a competing application must submit to the Commission, on or before April 28, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 29, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4210. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12795 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4281-000]

Energenics Systems, Inc.; Application for Preliminary Permit

April 22, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on March 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4281 to be known as Kentucky River Lock and Dam No. 8 located on Kentucky River in Jessamine County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of resonse that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the west end of the existing dam, containing generating units having a total installed capacity of 9.0 MW; (2) proposed penstocks and intake structures; (3) proposed 138 kV transmission lines; and (4) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. The Applicant estimates that the average annual energy output would be 31.4 GWh.

Purpose of Project—Energy produced at the project would be sold to Kentucky Utilities Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a

period of 36 months to study and determine the engineering, environmental, and economic feasibility of the project. In addition Federal, State, and local government agencies would be consulted to determine the environmental effects of the project, along with preparing an application for FERC license. Applicant estimates the cost of the studies would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Incorporation Project No. 3643 filed on November 3, 1980, and Dam Eight Development Ltd. Project No. 3677 filed on November 5, 1980. Anyone desiring to file a competing application must submit to the Commission, on or before June 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 7, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4281. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12786 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-415-000]

Florida Power & Light Co.; Filing

April 21, 1981.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) on April 14, 1981 tendered for filing documents entitled "Exhibit I to Service Agreement for Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibit, FPL will transmit power and energy for the Fort Pierce Utilities Authority (Fort Pierce) as is required by Fort Pierce in the implementation of its interchange agreement with the Utilities Commission of the City of New Smyrna Beach.

FPL requests that waiver of § 35.13 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FPL states that copies of the filing were served on the Director of Fort Pierce.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12792 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-416-000]

Idaho Power Co.; Filing

April 21, 1981.

The filing Company submits the following:

Take notice that on April 15, 1981, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during February, 1981, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12793 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-24-000]

JKJ Co.; Application for Adjustment and Request for Interim Relief

April 22, 1981.

On April 2, 1981, JKJ Company (JKJ), P.O. Box 668, Graham, Texas 76046, filed an application for a staff adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3412(c) (Supp. II 1978), and § 1.41 of the Federal Energy Regulatory Commission (Commission) Rules of Practice and Procedure.

Specifically, JKJ alleges that it is a Texas oil and gas operator in Young County, Texas, which sells natural gas to Southwestern Gas Pipeline Company (Southwestern) under a contract dated December 13, 1968. JKJ states that under the terms of the contract, JKJ is obligated to compress the gas from its gas well I.D. Number 45165 and place it in Southwestern's pipeline at pressures up to 600 p.s.i. JKJ alleges that at the present contract price, $1.00 per Mcf (the maximum lawful price under NGPA section 105), it cannot produce and compress the gas and show a reasonable profit. As a result, JKJ claims that it has shut the well in, except for a small amount of production necessary to keep the lease in effect. JKJ requests an adjustment from NGPA section 110 and the commission regulations implementing the section so that it can place the well back in production. In addition, JKJ seeks interim relief under § 1.41(m) of the Commission regulations.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41 (44 FR 18961, March 30, 1979). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before May 14, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12797 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP70-239]

Kansas-Nebraska Natural Gas Co., Inc.; Amendment to Petition To Amend

April 21, 1981.

Take notice that on March 30, 1981, Kansas-Nebraska Natural Gas Company, Inc. (Petitioner), P.O. Box 608, Hastings, Nebraska 68901, filed in Docket No. CP70-239 [1] an amendment to its pending petition to amend further the order issued July 22, 1970, in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to eliminate its request for blanket authorization to add and delete delivery points under its Rate Schedule X-5, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Petitioner states that the July 22, 1970, order authorized the exchange of natural gas between Petitioner and Cities Service Gas Company (Cities Service) in accordance with the exchange agreement dated March 27, 1970. It is submitted that said exchange agreement is on file with the Commission as Petitioner's Rate Schedule X-5.

Petitioner further states that on September 22, 1980, it filed a petition to amend the order issued July 22, 1970, so as to authorize Petitioner to deliver gas to Cities Service at an additional delivery point and to grant blanket certificate authority to add and delete delivery points under Rate Schedule X-5 with Petitioner to file with the Commission on or before January 31 of each year a tariff filing showing additions or deletions of delivery points.

It is asserted that Petitioner and Cities Service have determined that they do not desire the Commission to grant, at this time, the requested blanket certificate authority to add and delete delivery points. Therefore, Petitioner amends its petition to amend by withdrawing its request for such blanket authority.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12796 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket Nos. ER76-827 and ER77-427]

Minnesota Power and Light Co.; Filing

April 21, 1981.

The filing company submits the following:

Take notice that on or about April 13, 1981, Minnesota Power and Light Company submitted for filing two separate compliance reports. The first report is being submitted pursuant to the Commission Opinion No. 86, as modified by Opinion No. 86-A, in docket number ER75-827; the second filing is being submitted pursuant to Commission Opinion No. 87, as modified by Opinion No. 87-A, in docket number ER77-427.

A copy of this filing has been sent to the parties to this proceeding.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12795 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4351-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

April 22, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-

825(r)] for proposed Project No. 4351 to be known as Alum Creek Dam Hydroelectric Project located on Alum Creek in Delaware County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with that requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would utilize the existing Corps of Engineers' Alum Creek Flood Control Dam and would consist of: (1) a new powerplant built just below the dam; (2) turbine/generator units rated at 900 kW and operating under a head of 66 feet; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,000,000 kWh.

Purpose of Project—The Applicant anticipates that all project would be sold to Columbus and Southern Ohio Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform survey and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4351. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12768 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4352-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

April 22, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4352 to be known as the Delaware Dam Hydroelectric Project located on Olentangy River in Delaware County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would utilize the existing Corps of Engineers' Delaware Flood Control Dam and would consist of: (1) a new powerplant built just below the dam; (2) turbine/generator units rated at 1.2 MW and operating under a head of 34 feet; and (3) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 3,800,000 kWh.

Purpose of Project—All project power would be sold to Columbus and Southern Ohio Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power,

secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (b) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4352. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12700 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ID-1838-000]

Neil A. Armstrong; Filing

April 21, 1981.

The filing party submits the following:

Take notice that on March 30, 1981, Neil A. Armstrong submitted an application, pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, The Cincinnati Gas & Electric Company, Public Utility
Director, Eaton Corporation, Electrical Equipment Supplier

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12706 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-256-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Notice of Application

April 21, 1981.

Take notice on March 27, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-256-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation and sales agreement with Panhandle and Trunkline Gas Company (Trunkline) dated October 30, 1980, Applicant proposes to sell to Panhandle at Panhandle's option up to 20 percent of Applicant's 100 percent interest in gas produced from Grand Isle Block 83, offshore Louisiana, as partial consideration for the transportation by Panhandle of the dedicated reserves. It is stated that such gas is purchased by Applicant from Mobil Oil Exploration and Producing Southeast, Inc.

It is stated that Trunkline would receive Applicant's Block 83 gas at the existing side tap on Trunkline's Terrebone system in Grand Island Block 82 and transport the gas to its Longville, Louisiana, compressor station in Beauregard Parish, Louisiana, for further delivery by Panhandle and Trunkline to Applicant's system.

Applicant states that the gas would be sold to Panhandle on a monthly cost of service basis which is estimated to average $3.40 per Mcf for the first year.

Any person desiring to be heard or to make any protest with reference to said

application should on or before May 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12707 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-417-000]

Otter Tail Power Co.; Filing

April 22, 1981.

The filing company submits the following:

Take notice that on April 14, 1981, Otter Tail Power Company (Otter Tail) submitted for filing an agreement for an emergency tie at 12,500 volts between Otter Tail and Nodak Rural Electric Cooperative, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12708 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-187-000]

Public Service Co. of New Mexico; Filing

April 21, 1981.

The filing company submits the following:

Take notice that on March 27, 1981, Public Service Company of New Mexico submitted for filing a report in compliance with the Commission's order issued February 27, 1981, in the above-referenced proceeding.

A copy of this filing has been served upon the New Mexico Public Service Commission, Community Public Service Company, the United States Department of Energy—Albuquerque Operations Office, Plains Electric Generation and Transmission Cooperative, and the City of Farmington, New Mexico.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12709 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-12-000]

State of Arkansas v. Middle South Utilities, Inc.; Filing

April 21, 1981.

The filing company submits the following:

Take notice that on April 1, 1981, the State of Arkansas (Arkansas) submitted for filing a petition for a declaratory order that the Commission declare a Memorandum of Understanding to the Middle South Utilities System Agreement (memo) to be in violation of section 206(a) of the Federal Power Act and therefore null and void. Arkansas further requests that the Commission order Middle South Utilities (MSU) to refrain from any discrimination against cogenerators.

In its petition, Arkansas submits that in the memo, the MSU member companies agreed to ignore purchase of cogeneration capacity in calculating capacity equalization charges. Furthermore, Arkansas alleges that purchases of cogeneration energy will be priced at the highest avoided energy cost. As a result of these actions, Arkansas claims that the memo provides for unreasonably discriminatory treatment of cogeneration capacity.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12710 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-19-000]

State of Oklahoma; Petition To Vacate Final Well Category Determination and Request for Withdrawal

Issued: April 21, 1981.

In the matter of State of Oklahoma, Section 108 NGPA determination, Tenneco Oil Exploration and

Production, Mike Mayer, Jr. "A" #1 Well, JD. No. 80-24422.

On January 7, 1981, Tenneco Oil Exploration and Production (Tenneco) filed with the Federal Energy Regulatory Commission (Commission) a petition to vacate and permit withdrawal of the final well category determination for the Mike Mayer, Jr. "A" #1 Well pursuant to the Commission's authority under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. II 1978). Tenneco states that the Oklahoma Corporation Commission made an affirmative determination that the subject well qualifies as a stripper well under section 108 of the NGPA and that the determination became final 45 days after the Commission received notice pursuant to § 275.202(a) of the Commission's regulations.

Tenneco further states that subsequent to the time the determination became final, it conducted an audit of its stripper well filings. On the basis of that audit, Tenneco learned that the well does not meet section 108 standards and it therefore requests that the final determination be vacated for the purpose of withdrawal. The petition states that no refunds are due as no section 108 rates were collected for gas from the subject well.

Any person desiring to be heard or to protest this petition should, on or before May 29, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or a petition to intervene in accordance with § 1.8 or 1.10 of the Commission's Rules of Practice and Procedure. All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12800 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-22-000]

Superwood Corp.; Application for Adjustment

Issued: April 22, 1981.

On March 19, 1981, Superwood Corporation (Superwood) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) wherein Superwood sought relief from liability for certain incremental pricing surcharges.

Superwood uses natural gas as a boiler fuel to manufacture hardboard. The Commission's incremental pricing regulations (18 CFR Part 282) imposed surcharges on the purchases of natural gas Superwood used as boiler fuel from January 1, 1980, the date the incremental pricing program took effect, through December of 1980, the last billing month before Superwood's natural gas use qualified as an agricultural use exempt from incremental pricing. On December 5, 1980 the Commission determined that natural gas used to manufacture hardboard is an agricultural use of gas, and thus exempt from incremental pricing under section 206(b) of the NGPA. Order No. 114, Docket No. RM80-48 (45 FR 82915, Dec. 17, 1980). Superwood did not pay these surcharges and now requests an adjustment from the Commission's incremental pricing regulations to relieve it of liability to pay these surcharges retroactively.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41. Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with the provisions of § 1.41(e). All petitions to intervene must be filed on or before May 14, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12791 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4255-000]

Taylor County Commission and the Town of Flemington; Application for Preliminary Permit

April 22, 1981.

Take notice that Taylor County Commission and the Town of Flemington (Applicant) filed on February 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4255 to be known as the Tygart Hydro Project located on the Tygart River in Taylor County, West Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Wendel B. Turner, County Administrator, Room 105, Courthouse-West Main Street, Grafton, West Virginia 26354. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Tygart Lake Dam and Reservoir and would consist of: (1) a powerhouse containing generating units having a total rated capacity of 20,000 kW; (2) a trailrace; (3) a new 138-kV transmission line, approximately 2.5 miles long; and (4) appurtenance facilities. The Applicant estimates that the average annual energy output would be 30,000,000 kWh.

Purpose of Project—Project energy would be sold to local public utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to West Virginia Renewable Resources application for Project No. 3417 filed on September 2, 1980, under 18 CFR § 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4255. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulator Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12803 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-97, etc.]

Tennessee Gas Pipeline Co., et al.; Technical Conference and of Informal Settlement Conference

April 21, 1981.

In the matter of Tennessee Gas Pipeline Company, Docket No. RP80-97; Michigan Wisconsin Pipe Line Company, Docket No. RP80-100; Southern Natural Gas Company, Docket No. RP80-102; Natural Gas Pipe Line Company of America, Docket No. 80 RP80-107; Transcontinental Gas Pipe Line Corporation, Docket No. RP80-117; United Gas Pipe Line Company, Docket No. RP80-121; Trunkline Gas Company, Docket No. RP80-106; Columbia Gulf Transmission Corporation, Docket No. RP80-148; Sea Robin Pipeline Company, Docket No. RP80-118; Florida Gas Transmission Company, Docket No. RP81-7; High Island Offshore System, Docket No. RP81-18; and U-T Offshore System, Docket No. RP81-20.

Take notice that on May 7, 1981 at 10:00 a.m., there will be a technical conference of all interested persons for the purpose of reviewing certain data to be submitted and to discuss the derivation and treatment of that data and that there will be an informal conference of all interested persons on May 13, 1981 at 1:30 p.m. and if necessary on May 15, 1981 at 10:00 a.m. for the purposes of discussing settlement of issues pertaining to the allocation of transmission costs between the transportation of natural gas and liquids and liquefiable hydrocarbons. Such issues appear to arise in the above-captioned dockets, which while not consolidated, will be the subject of joint discussions as a matter of convenience and to assure consistency in the resolution of these issues to the extent possible.

The meeting place for the technical conference and for the informal settlement conference will be the offices of the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Hearing Room A, Washington, D.C. 20426.

Customers, those retaining an interest in the subject liquids and liquefiable hydrocarbons and other interested persons will be permitted to attend this conference, but if such persons have not previously been permitted to intervene in any of the above-captioned dockets by order of the Commission or of a Presiding Administrative Law Judge attendance will not be deemed to authorize intervention as a party in any of these proceedings nor will attendance by a person granted intervention in one or more of the above-captioned proceedings be deemed to authorize intervention in any other docket.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in those proceedings in which they have a pertinent and cognizable interest and to make commitments with respect to such issues and to any offer of settlement or stipulations discussed at the conference.

Inquiries concerning these conferences may be made to Lawrence Acker or Norma Rosner at (202) 357-8522.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12801 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4046-000]

Town of Huntington, Massachusetts; Application for Preliminary Permit

April 22, 1981

Take notice that the Town of Huntington, Massachusetts (Applicant) filed on January 22, 1981, and revised on March 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4046 to be known as the Knightville Project located on the Westfield River in Hampshire County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Hans Schott, Chair, Board of Selectmen, Town Hall, Huntington, Massachusetts 01050. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would utilize the existing U.S. Army Corps of Engineers' Knightville Dam and would consist of: (1) a new penstock tapping into the existing outlet tunnel; (2) a new powerhouse; (3) a turbine/generator unit rated at 1.5 MW; (4) necessary transmission equipment and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 4.7 million kWh.

Purpose of Project—Project power would either be sold directly by the Applicant to its citizens or sold to a local power company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, state, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the application filed by the Water Power Development Corporation for Project No. 3337 on August 19, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4046. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12804 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-115-000]

Tucson Electric Power Co.; Application for Exemption

April 21, 1981.

Take notice that Tucson Electric Power Company (Tucson), on March 31, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, information on the costs of providing electric service as specified in Subpart E.

In its application for exemption, Tucson states that it should not be required to file the specified data for the following reasons:

1. Tucson will completely comply with Subparts B, C and D.

2. Tucson has retained a management consulting firm to assist it because of a lack of sufficient staff to enable them to do the required gathering and reporting of load data "in-house."

3. The Arizona Corporation Commission has concurred with Tucson's request for an exemption

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the Federal Register. Within that 45-day period such person must also serve a copy of such comments on: Tucson Electric Power Company, Attention: Mr. Frederick B. Durland, Assistant Vice President, P.O. Box 711, Tucson, Arizona, 85702.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12802 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[AD-FRL 1813-7]

National Air Pollution Control Techniques Advisory Committee; Open Meeting

Under Public Law 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held on June 2 and 3, 1981, at the Holiday Inn of Old Town, Brent Room, 480 King Street, Alexander, Virginia 22314. The commercial telephone number is (703) 549-6080.

The tentative agenda for the meeting is as follows:

June (Tuesday)—9:00 a.m.

Heatset Web-Offset Lithographic Printing, Control Techniques Guidelines for Volatile Organic Compounds [Sections 101(b) and 103]

Manufacture of High Density Polyethylene, Polypropylene, and Polystyrene Resins, Control Techniques Guidelines for Volatile Organic Compounds [Sections 101(b) and 103]

Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry, Control Techniques Guidelines for Volatile Organic Compounds [Sections 101(b) and 103]

June 3 (Wednesday)—9:00 a.m.

Continuation of June 2—As Required

Volatile Organic Compounds Fugitive Emissions in the Petroleum Refining Industry, New Source Performance Standard (Section 111)

All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by May 26, 1981. The commercial telephone number is (919) 541-5571, and the FTS number is 629-5571.

The docket containing material relevant to volatile organic compounds fugitive emissions in the petroleum refining industry (A–80–44) is located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby-Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

Dated: April 23, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–12827 Filed 4–28–81; 8:45 am]

BILLING CODE 6560–26–M

[OPP–30061; PH–FRL 1814–3]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: May 29, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St. SW., Washington, DC 20460 (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS–767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 516, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7121).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration Number	Product name	Registrant	Date registered
82–6	Westclume	West Chemical Products, Inc., 1000 Horsetown Rd., Princeton, NJ 08540.	Mar. 9, 1953.
100–447	ATRA–BOR 8P Granular Herbicide	Ciba-Geigy Corp., Agricultural Division; P.O. Box 11422, Greensboro, NC 27409.	Feb. 18, 1980.
148–784	Fumigant No. 1	Thompson Hayward Chemical Company, P.O. Box 2383, Kansas City, KS 66110.	Feb. 1, 1968.
148–889	T–H Vault Fumigant	do	Mar. 18, 1970.
148–891	T–H Grain Fumigant No. 7	do	Apr. 27, 1972
148–1041	T–H E.D.B. 40	do	Apr. 21, 1972.
148–1069	T–H 2% Trithion Dust	do	Apr. 21, 1972.
148–1087	T–H E.D.B. 85	do	Apr. 21, 1972
239–35	Solfume 25	FMC Corporation, Industrial Chemical Group, 2000 Market St., Philadelphia, PA 19103.	Feb. 14, 1950.
239–102	Vapotone Concentrate	Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond, CA 94801.	Jan. 19, 1948.
239–2366	Ortho Vapotone XX Emulsive	do	June 12, 1972.
239–2367	Ortho Tapp 40 Spray	do	Apr. 27, 1972.
461–1	Selig's Rodenta Rat Killer Antu 25%	Selig, Inc., 840 Selig Dr., SW., Atlanta, GA 30336.	Dec. 30, 1947.
576–6	Berry's Derma-Seal Screw Worm Killer	Suwannee Drug Co., P.O. Box 128, Newberry, FL 32669.	Oct. 5, 1972.
705–32	Kro-Foot-Kill	Alice Roleby Company, Inc., P.O. Box 267, Marietta, Ohio 45750.	Oct. 11, 1972.
1269–39	DeWitt S–77 Weed Killer	Zep Manufacturing Co., Box 2015, Atlanta, GA 30301.	Nov. 7, 1960.
1269–104	DeWitt Number 170 Brush Killer	do	June 19, 1970.
1270–63	Zep Formula 91	do	Nov. 22, 1961.
1270–164	Zep-O-Fume Grain Mill Fumigant	do	Feb. 8, 1973.
1553–14	Moxar MI–X Fumigant	Moxr, Inc., 1630 Ellsworth Industrial Drive, NW., Atlanta, GA 30318.	July 6, 1948.
1553–67	Moxar Grain-Guard Grain Protectant in Liquid Form.	do	Aug. 9, 1968.
4667–60	Stephenson Chemicals Fumarin Rat Bait Pellets	Stephenson Chemical Company, Inc., Box 87188, College Park, GA 30337.	Jan. 9, 1961.
4667–120	Stephenson Chemicals Fumarin Rat Bait Meal	do	Mar. 22, 1966.
5967–64	Trithion 25W	Moyer Chemical Co., P.O. Box 945, San Jose, CA 95108.	Apr. 30, 1973.
5967–93	Trithion-Sulfur Dust No. 3–60	do	Mar. 18, 1974.
8560–66	Agway Sentome	Agway, Inc., Chemical Division, Box 1333, Syracuse, NY 13201.	Apr. 6, 1966.
8560–365	Agway Inhibitor 3E	do	Mar. 13, 1975.
9776–196	Riverdale Stand 10D	Riverdale Chemical Company, P.O. Box 171376, Memphis, TN 38117.	Feb. 28, 1973.
9776–220	Riverdale Stand 10G	do	Apr. 3, 1975.
10659–35	Oxy 10–30–10 with 0.25% Phostemic T	Occidental Chemical Company, P.O. Box 1185, Houston, Texas 77001.	Oct. 31, 1973.
10659–36	Oxy 10–30–10 with 0.33% Phostemic T	do	Nov. 1, 1973.
10659–37	Oxy 10–30–10 with 0.40% Phostemic T	do	Oct. 29, 1973.
10659–38	Oxy 10–30–10 with 0.50% Phostemic T	do	Oct. 29, 1973.
10659–39	Oxy 10–30–10 with 0.75% Phostemic T	do	Oct. 30, 1973.
10659–40	Zipp 5–30–4 with 1.0% Phostemic T	do	Nov. 1, 1973.
35639–1	Sodium Hypochlorite	Aqua Chemical Corporation, 13501 Baltimore Blvd., Laurel, MD 20810.	Sept. 17, 1975.

The Agency has agreed that such cancellation shall be effective May 29, 1981 unless within this time the registrant or other interested person with the concurrence of the registrant, requests that the registration be

continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66061]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E-106, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973, 89 Stat. (751, 7 U.S.C. 136))

Dated: April 22, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-12829 Filed 4-28-81; 8:45 am]

BILLING CODE 6560-32-M

[AD-FRL-1741-1]

Standards of Performance for New Stationary Sources; Petroleum Liquid Storage Vessels: Proposed Equivalency Determinations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Equivalency Determinations and Public Hearing.

SUMMARY: This is a notice of EPA's proposed determination that two seal systems for petroleum liquid storage vessels, for which equivalency determinations were requested by the manufacturers, are not equivalent to volatile organic compound (VOC) emission control systems required by the standards of performance in Subpart Ka of 40 CFR Part 60. A public hearing will be held to provide interested persons an opportunity for oral presentations of data, views, or arguments concerning these determinations.

DATES: *Comments.* Comments must be received on or before June 29, 1981.

Public Hearing. A public hearing will be held on May 28, 1981 (about 30 days after publication beginning at 9 a.m.).

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by May 22, 1981.

ADDRESSES: *Comments.* Comment should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-80-58, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Public Hearing. The public hearing will be held at the office of Administration Auditorium, EPA, Research Triangle Park, N.C. Persons wishing to present oral testimony should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5571.

Docket. Docket No. A-80-58, containing supporting information used in making the determinations is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW, Washington, D.C. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5624.

SUPPLEMENTARY INFORMATION:

Background

On April 4, 1980, under the authority of Sections 111, 114, and 301(a) of the Clean Air Act, EPA promulgated and on December 16, 1980, published a correction to standards of performance in Subpart Ka of 40 CFR Part 60 for volatile organic compound (VOC) emissions from petroleum liquid storage vessels. One of the requirements of these standards is that each new, modified, or reconstructed petroleum liquid storage vessel of greater than 151,416 liters (40,000 gallons) capacity containing a petroleum liquid with a true vapor pressure greater than 10.3 kPa (1.5 psia) and less than 76.6 kPa (11.1 psia) be equipped with one of the following:

1. An external floating roof fitted with a double seal system, which must meet specific seal gap criteria between the tank wall and the floating roof;

2. A fixed roof with an internal-floating cover equipped with a seal between the tank wall and the edge of the cover;

3. A vapor recovery and disposal or return system which reduces VOC emissions by at least 95 percent, by weight; or

4. Any system which is demonstrated to the Administrator to be equivalent to those described above.

As required by Section 111(h)(3) of the Clean Air Act, the standards provide that after notice and opportunity for public hearing, the Administrator may approve the use of equipment or procedures, or both, which are equivalent in terms of reduced VOC emissions to equipment or procedures required by the standards. This provision, in 40 CFR 60.114a, requires that EPA be provided with emission data, if available, or other information to determine the VOC emission reduction capabilities of the equipment or procedures.

An important consideration in determining equivalency is the intent of the standards promulgated on April 4, 1980. The intent of the standards was to require new, modified, and reconstructed petroleum liquid storage vessels to install the best systems of emission reduction. One of the best systems is an external floating roof equipped with two seals instead of the single seal which was allowed by the original 1974 standards. The Administrator believes that over a period of time, at least nominal gaps between a seal and the tank wall will occur due to tank out-of-roundness and normal operations which cause the seal system to deteriorate. When gaps occur, a single seal releases VOC emissions to a much greater extent than a double seal system. Therefore, the standards require a double seal system, or its equivalent, to provide insurance against high VOC emissions in the event seal gaps occur between periodic seal inspections.

Requests for Equivalency Determinations

EPA has received two requests for equivalency determinations for seals for external floating roofs. The first request, submitted by Pittsburgh-Des Moines Steel Company (PDM), is for approval of the TUBESEAL® and weathershield as equivalent to a liquid-mounted primary

seal equipped with a continuous secondary seal. The TUBESEAL® is PDM's liquid-filled, liquid-mounted seal design. A weathershield is typically an arrangement of overlapping thin metal sheets either bolted or hinged to the rim of a floating roof and extending over the liquid in the rim space to ride against the tank wall. Since there are "openings" between the overlapping metal sheets, a weathershield does not meet the requirements in the standard for a secondary seal to "completely" cover the area between the roof edge and tank wall. PDM submitted emission data from a 35-foot diameter field-installed external floating roof test tank equipped with their liquid-filled, liquid-mounted primary seal and weathershield. The PDM test, however, was conducted with no gaps in the primary seal. Since information available to EPA and comments provided during development of the standards show that at least nominal gaps occur in a field tank between seal inspections, the PDM data obtained with no gaps were obtained under conditions not representative of normal operations. Therefore, to fully evaluate the PDM seal with weathershield, it was necessary to calculate emissions under a range of conditions based on data on this seal system obtained from controlled tests performed by Chicago Bridge and Iron Company (CBI) on a 20-foot diameter pilot test tank (see Figure 1). The calculations are in close agreement with PDM's field test results and confirm PDM's claim that the liquid-mounted primary seal is very effective in reducing emissions when there are no gaps between the seal and tank wall. Calculations based on the CBI data also show, however, that emissions increase significantly when gaps occur. A continuous secondary seal with no gaps would reduce the emissions by about 78 percent, whereas a weathershield such as PDM's would reduce the emissions by only about 48 percent when the primary seal has nominal gaps (2.4 in^2 per foot of tank diameter). When the primary seal has gap areas as large as 10.0 in^2 per foot of tank diameter the results would be similar, as shown in Figure 1. These data indicate that a liquid-mounted primary seal has the potential for high VOC emissions when gaps occur and that a continuous secondary seal is almost twice as effective as a weathershield in reducing those emissions. Therefore, the Administrator has determined that the PDM liquid-mounted primary seal with a weathershield is not equivalent to a seal system which meets the requirements of the standards.

The second request, submitted by R.F.I. Services Corporation and Republic Fabricators Inc. (RFI), is for approval of the "Weather-Guard" single seal system as equivalent to a double seal system (specifically, the vapor-mounted, foam seal system) required by the standards. The "Weather-Guard" is a vapor-mounted single seal analogous to the primary foam seal in the vapor-mounted foam seal system. RFI submitted leak rate data on the "Weather-Guard" compared to data they collected on a foam seal system (vapor-mounted foam primary seal with a secondary flapper seal) installed in commercial 68-foot diameter gasoline storage tanks. The leak rates were determined by injecting nitrogen under the "Weather-Guard" and under the primary foam seal and measuring the nitrogen flow (Leakage) at various pressures under these seals. The leak rate data indicate that the "Weather-Guard" seal, with no gaps greater than 0.32 cm (⅛ inch), leaks at a lower rate than the double seal systems required by the standards. Actual emission estimate, however, would be difficult to determine from these leak rate data. While it may be possible to estimate emissions for similar vapor-mounted single seals based on the "Weather-Guard" leak rate, it is not possible to estimate emissions from double seal systems. The pressure variations between the seals introduce a variable that cannot be solved with linear equations. A further complication is that the linear approach ignores the fact that pressure under the seal in actual operation decreases linearly from the leeward to the windward side of the tank and also does not take into account the pressure drop of the air becoming saturated with hydrocarbon as it flows around the rim vapor spaces under the seals. Therefore, the leak rate data submitted by the requestor are not adequate to make an accurate comparison of the emission reduction potential of the "Weather-Guard" seal to that of the double seal systems required by the standards.

In the absence of adequate data on the "Weather-Guard's" emission reduction capability, the equivalency determination is based on emission data for a vapor-mounted foam primary seal to which the "Weather-Guard" is analogous. Calculations based on emission tests performed by the Chicago Bridge and Iron Company (CBI) on a 20-foot diameter test tank indicate that a vapor-mounted foam seal with a gap of 1.0 in^2 per foot of tank diameter and a secondary seal with no gaps [i.e., gap widths of 0.32 cm (⅛ inch) or less] would emit 6 pounds of VOC per day. The same vapor-mounted seal without a secondary seal would emit 128 pounds of VOC per day. The "Weather-Guard" seal could be expected to have the same high emission potential due to the large vapor space between the seal and the petroleum liquid. Therefore, although under "no gap" conditions, the "Weather-Guard" would possibly perform as well as the vapor-mounted foam primary seal with a secondary seal, it would not perform as well if gaps occurred between inspections. As indicated in the preamble to the proposed standards (43 FR 21621, May 18, 1978), EPA believes that at least nominal gaps could occur in a field tank between seal inspections. Due to the high emission potential of the "Weather-Guard" seal, the Administrator has determined that it is not equivalent to any of the seal systems required by the standards in terms of reducing VOC emissions to the atmosphere.

Public Hearing

A public hearing will be held to discuss the equivalency determinations in accordance with Sections 111(h)(3) and 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the ADDRESSES section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement before, during, or within 30 days after the hearing. Written statement before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the ADDRESSES section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, D.C. (see ADDRESSES section of this preamble).

Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered in the development of these determinations. The principal purposes of the docket are (1) to allow interested parties to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review.

Miscellaneous

The Administrator will welcome comments on all aspects of the equivalency determinations, including

economic and technological issues. Comments on a particular issue should contain specific information and data pertinent to an evaluation of the magnitude and severity of its impact and suggested alternative courses of action that would avoid this impact.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 601 *et seq.* is not required for these determinations. The proposed determinations, if made final, would not have a significant economic impact on a substantial number of small entities, because they would not impose any new requirements. In addition, since the determinations would do no more than deny requests for agency action, they are not "rules" for the purposes of 5 U.S.C. 601 *et seq.*

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. These determinations of equivalency are not major because they would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be a "major rule."

This action was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at: Central Docket Section (A-130) Attention Docket number A-80-58, U.S. EPA 401 M Street SW., Washington, D.C. 20460.

Dated: April 21, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

BILLING CODE 6560-26-M

Figure 1. Emissions from liquid-filled, liquid-mounted primary seals under various test conditions normalized to 7.5 psia and 5.4 mph

V 46 / 82 APR 29 81 UMI

Figure 1. Emissions from liquid-filled, liquid-mounted primary seals under various test conditions normalized to 7.5 psia and 5.4 mph

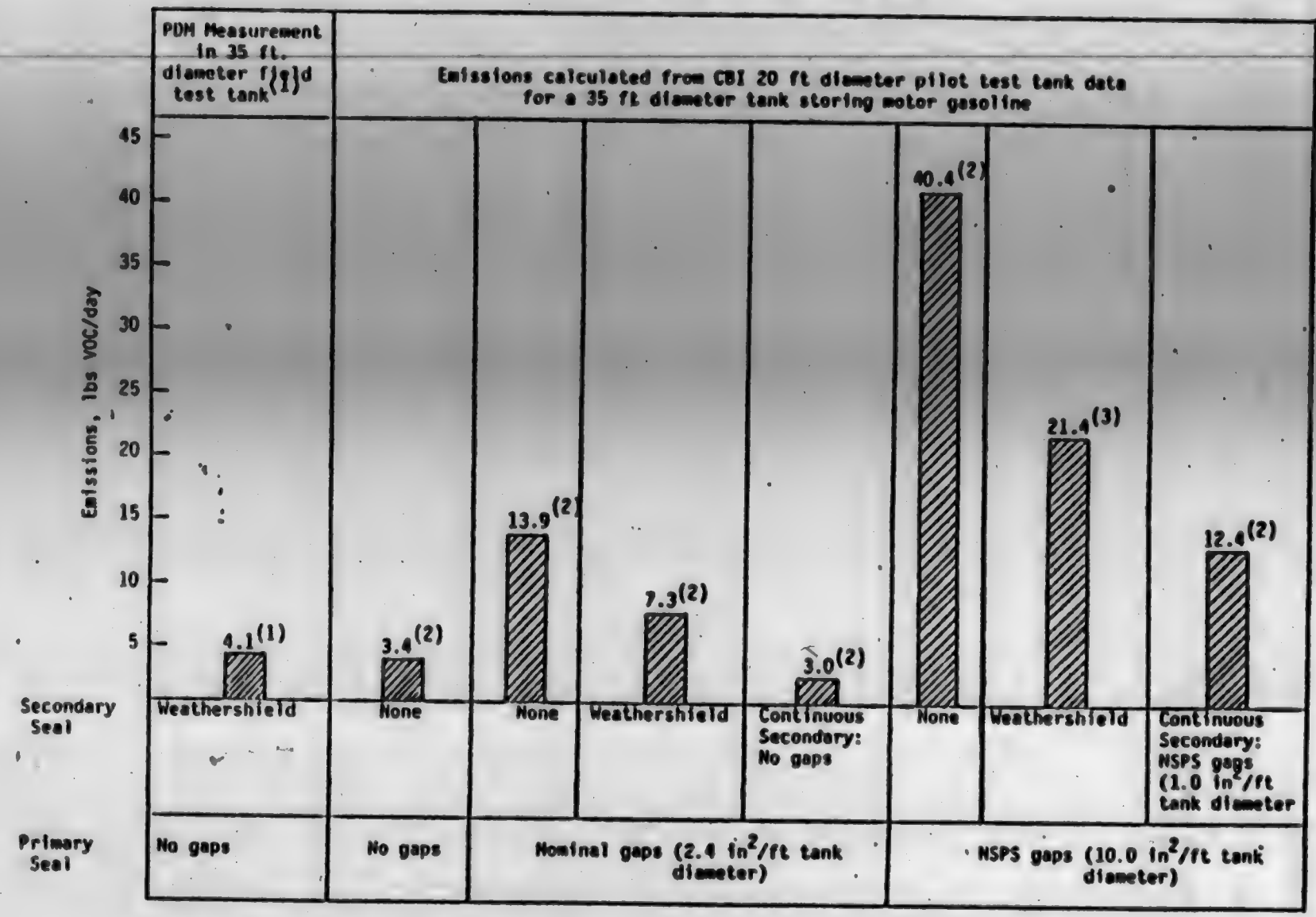

(1) Average daily emissions measured over a 106-day period when storing gasoline with conditions normalized to 7.5 psia and 5.5 mph.

(2) Calculated from specific CBI tests.

(3) Calculated from specific CBI primary seal test using a weathershield efficiency of 48 percent from other tests.

[FR Doc. 81-13020 Filed 4-28-81; 8:45 am]
BILLING CODE 6560-26-C

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 80-765; Transmittal 13565; FCC 81-183]

American Telephone and Telegraph Company; Revisions to Tariff FCC No. 259—Wide Area Telecommunications Service (WATS)

AGENCY: Federal Communications Commission.

ACTION: Investigation; Denial of petition for oral argument.

SUMMARY: The FCC previously set for investigation AT&T's September 1980 WATS (46 FR 9754, Jan. 29, 1981). It invited comments on questions concerning the implementation of time-of-day pricing for WATS. Petitioner requests oral argument in order that conflicting viewpoints set forth in the comments may be presented to the Commission in a succinct and comprehensive Manner. The FCC denies the petition because the comments and reply comments have provided parties ample opportunity to present their views. Moreover, the FCC has stressed the need for expedition in conducting this investigation.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Anne Coffey, Common Carrier Bureau, (202) 632-6917.

SUPPLEMENTARY INFORMATION:

Order

Adopted: April 22, 1981.

Released: April 22, 1981.

By the Commission:

1. By petition filed March 30, 1981, Aerospace Industries Association of America, Inc. ("AIA") requests that the Commission schedule oral argument for the purpose of addressing all the issues raised in the above-captioned proceeding relating to the implementation of a time-of-day rate structure for WATS.[1] AIA argues in support that parties submitting comments in this investigation have demonstrated conflicting viewpoints as to which of the time-of-day pricing alternatives contained in the record would best promote more efficient use of the public switched network. An oral argument scheduled as soon as possible would assertedly facilitate the Commission's resolution of the time-of-day question before a new WATS tariff goes into effect at the end of the suspension period on June 1, 1981.[2]

2. We deny AIA's petition. After careful consideration of its request, we find that oral argument would not substantially aid us in our analysis of the time-of-day proposals before us. Parties have had a full opportunity through their comments and reply comments to set forth the myriad of questions which relate to implementation of time-of-day WATS pricing. We believe the comprehensive record before us is sufficient for purposes of exploring these questions fully, and we are now preparing an order which will resolve them. Thus, any benefits which might result from oral argument at this time would be marginal.

3. The Commission has repeatedly emphasized, moreover, the need for expedition of this investigation. *See, e.g.*, FCC 80-777 at para. 27. In this regard, we remind AIA that our efforts to establish a just and reasonable WATS tariff are controlled by a court ordered schedule. *See MCI Telecommunications v. FCC*, 627 F. 2d 322 (D.C. Cir. 1980). We therefore have consistently attempted throughout our investigation to avoid unwarranted delay.[3]

4. Accordingly, it is ordered that the petition of Aerospace Industries Association of America, Inc. for oral argument is denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-12869 Filed 4-28-81; 8:45 am]

BILLING CODE 6712-01-M

[1] On September 15, 1980, the American Telephone and Telegraph Company ("AT&T") filed revisions to its WATS tariff. We suspended the filing for five months and initiated an investigation into the need for a time-of-day WATS rate structure. We deferred consideration of other issues raised by the September proposal until the time-of-day question was resolved. *See* American Telephone and Telegraph Co., CC Docket No. 80-765, FCC 80-777, released December 29, 1980 (hereafter "FCC 80-777").

[2] Southern Pacific Communications Company ("SPCC") and the Ad Hoc Telecommunications Users Committee have submitted comments in support of AIA's petition. AT&T has filed an opposition.

[3] For example, we have issued orders denying requests by the United States Independent Telephone Association ("USITA") and the Ad Hoc Telecommunications Users Committee for extensions of time within which to file comments and reply comments. *See* orders in Docket No. 80-765, released February 11, 1981, and March 4, 1981.

[Report No. 16306; Gen. Docket No. 80-184]

Third Notice of Inquiry Issued in Preparation for ITU 1982 World Administrative Radio Conference for Mobile Telecommunications

April 13, 1981.

The Commission has issued its Third Notice of Inquiry in preparation for an International Telecommunication Union (ITU) 1982 World Administrative Radio Conference[1] (WARC) for mobile telecommunications to be held in Geneva, Switzerland, beginning March 3, 1982.

The purpose of the notice is to solicit comments on the U.S. preliminary views contained in Appendix I. These preliminary views, or draft proposals, will be refined further in the next several weeks as the comments received are taken into account, results of coordination with the appropriate government agencies and the results of appropriate international meetings.

The refined proposals will then be sent to the Department of State this summer as the recommended U.S. proposals. Parties commenting should bear in mind that more specific regulatory changes may need to be developed further as the proposals progress, or in some cases other resulting changes will have to be further refined.

Comments are due May 15, 1981, replies May 29, 1981.

For additional information contact Lawrence Palmer, (202) 632-6102. Due to the effort to minimize publishing costs, the Third Notice of Inquiry which contains appendix I will not be printed herein. However, copies of that document in its entirety may be obtained from the Press Office, Rm. 202, 1919 M St. NW., Washington, D.C.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-12848 Filed 4-28-81; 8:45 am]

BILLING CODE 6712-01-M

[1] See 45 FR 35416, May 27, 1980 and 45 FR 73792, Nov. 6, 1980.

[Report No. B-15]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: April 22, 1981.

Cut-off date: May 29, 1981.

Notice is hereby given that the following applications have been

accepted for filing. Because they are in conflict with applications previously accepted for filing and subject to cut-off dates for conflicting applications, no application which would be in conflict with them will be accepted for filing.

Petitions to deny these applications must be on file with the Commission not later than the close of business on May 29, 1981.

Minor amendments to these applications, and to those they are in conflict with, may be filed as a matter of right not later than the close of business on May 29, 1981.

BP-810330AF (new), Miami, Florida, ICBC Corporation, Req: 670 kHz, 2.5 kW, 50 kW-LS, DA-2, U

BP-810410AT (new), Gatlinburg, Tennessee, Vacation Media, Inc., Req: 1230 kHz, 250 W, 1 kW-LS, U

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-12830 Filed 4-28-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-270, File No. BPCT-790815KS; and BC Docket No. 81-271, File No. BPCT-800602LE]

Kare-Kim Broadcasting Co., Inc., and Benko Broadcasting Co.; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: April 15, 1981.

Released: April 28, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applicatioins for authority to construct a new commercial television station to operate on Channel 53, Lansing, Michigan.

Kare-Kim Broadcasting Company, Inc.

2. Kare-Kim Broadcasting Company, Inc. (Kare-Kim), Lansing, Michigan, proposes to lease its broadcast equipment from Van Arnem Co. (Van Arnem), an entity engaged in the business of leasing equipment. However, Van Arnem has agreed to lease that equipment only if it finds suitable financing to purchase the equipment. This contingency precludes us from determining whether Van Arnem, in fact, has communications equipment available to lease. Consequently, an issue with respect to the availability of equipment will be specified against the applicant.

3. Applicant's financial proposal indicates that $901,487 will be required to construct and operate the proposed station for three months, estimated as follows:

Equipment payments with interest, 6 months	$206,000
Buildings	23,000
Legal fees	45,000
Engineering costs	4,5000
Miscellaneous	57,500
Operating costs, 3 months	566,487

To meet these expenses, Kare-Kim relies upon $4,124,354, itemized as follows:

Existing capital	$8,359
New capital, stock subscription from Mr. Donald L. Haney	2,500
Note receivable from Mr. H. Van Arnem	13,495
Note receivable from John C. Kingsbury & Co.	4,100,000

4. Analysis of this financial data leads to the following determinations:

(a) Since Mr. Haney did not submit a balance sheet, we cannot determine whether he possesses sufficient net liquid assets to meet his commitment. See Form 301, Section III, page 3, Item 4(b).

(b) The balance sheet submitted by Mr. Van Arnem was dated June 30, 1978, which is at least one year from the date the application was filed. Since Mr. Van Arnem has not provided a current balance sheet, we cannot conclude that he has sufficient net liquid assets to meet his commitment to Kare-Kim. See Form 301, Section III, page 3, Item 4(b).

(c) The commitment letter from the investment banker, John C. Kingsbury and Co., indicates that it does not intend to invest in applicant's proposal. Rather, Kingsbury states that it has obtained expressions of interest in funding that proposal from other investors. However, there is no information specifying who the potential investors will be and their ability to provide funds to the applicant. Therefore, we cannot conclude that the Kingsbury funds are available.

In light of this analysis, we conclude that Kare-Kim has shown the availability of only $8,359 to meet his initial costs, estimated at $901,487. Accordingly, an appropriate financial issue will be specified to determine whether applicant has an additional $893,128 to finance its construction and operation cost for three months.

Benko Broadcasting Company

5. The financial data submitted by Benko Broadcasting Company (Benko), Lansing, Michigan, reveals that at least $144,700 will be required to construct and operate the proposed station for three months, itemized as follows:

Equipment, cash purchase	$97,000
Land	0
Buildings	13,000
Legal fees	0
Engineering and installation costs	12,000
Miscellaneous	1,000
Operating costs, 3 months	21,000

6. Applicant indicates that it will incur no costs for land acquisition. Generally, there are three situations in which a no-cost assessment would be plausible: (1) when the applicant owns the land; (2) when, under a land-lease agreement, no payments are due during the first three months of operations; and (3) when land costs have been pre-paid. Benko has failed to provide information documenting any of the above circumstances. Therefore, we cannot determine whether or not Benko will incur land acquisition expenses and if so, the cost of acquiring that land. Accordingly, an appropriate issue will be specified.

7. Applicant also has indicated that it will incur no legal costs in prosecuting its application. Since Benko is herein designated for a comparative hearing, an appropriate issue will be specified to determine whether Benko has provided an accurate projection for legal expenses and if not, the cost of the legal services involved.

8. Since applicant's land acquisition and legal services costs have not been established, the total cost figure for applicant's proposal cannot be determined. Accordingly, a limited financial issue will be specified to determine the total cost figure for applicant's construction and operation costs for three months.

9. To meet the proposed expenses, Benko relies upon $220,000, as itemized as follows:

New capital, subscription agreements from Messrs. George and Robert Benko	$10,000
Loans from Messrs. George and Robert Benko	60,000
SBA loan	150,000

Analysis of this data leads to the following determinations:

(a) Examination of the balance sheets submitted by George and Robert Benko indicates that only George Benko possesses sufficient net liquid assets to meet his subscription ($5,000) and loan ($30,000) commitments to the applicant. Robert Benko's balance sheet does not segregate liabilities into current and long-term items, nor does it provide data concerning the marketability of securities. See Form 301, Section III, page 3, Item 4(b). Therefore, we cannot determine that he has sufficient net liquid assets to meet his commitments.

(b) Applicant has provided no information documenting the viability and terms of the SBA loan. Therefore, we cannot conclude that these funds will be available to the applicant.

In light of this analysis, we conclude that Benko has shown the availability of only $35,000 to meet its estimated costs, which have yet to be determined. See paragraph 9 above. Accordingly, an appropriate financial issue will be specified to determine whether applicant has sufficient funds to meet its initial expenses.

10. Question and Answer 11 of the *Primer on Ascertainment of Community Problems by Broadcast Applicants (Primer)*, 27 F.C.C. 2d 650, 683 (1971), states that, in the case of a new applicant, consultations with community leaders must be made by principals, management-level employees, or prospective management-level employees. Applicant may use a professional research service for the general public survey. Benko has failed to indicate who conducted its ascertainment surveys. Therefore, we cannot determine whether applicant has complied with the *Primer*. Accordingly, an appropriate issue will be specified

11. Applicants seeking authority to construct a commercial television station are required to afford equal employment opportunity to all qualified persons. See Section 73.2080 of the Commission's Rules. Pursuant to this requirement, an applicant who proposes to employ five or more full-time station employees must establish a program of practices to assure equal employment opportunity for women. Applicant must also establish a similar program for minority groups, unless those groups are represented in the area in such insignificant numbers that such program would be meaningless. Although Benko intends to employ at least five full-time employees, it has failed to submit its proposed equal employment opportunity program for women and minority groups. In the alternative, Benko has failed to demonstrate that there is an insignificant number of minority groups in the Lansing area and that an EEO program would be ineffective. Therefore, we cannot conclude that Benko has complied with the requirements described above. Accordingly, an appropriate issue will be specified.

Conclusion and Order

12. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since these applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

13. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Kare-Kim Broadcasting Company, Inc.:

(a) whether broadcast equipment is available to applicant and, if not, the effect thereof on the applicant's qualifications;

(b) whether it has an additional $893,128 available to meet the estimated construction and three-month operational costs; and

(c) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified to construct and operate as proposed.

2. To determine, with respect to Benko Broadcasting Company:

(a) the land acquisition and legal services costs;

(b) in light of the evidence adduced above, the total cost estimate for construction and three-month operational costs;

(c) the availability of financial resources to meet the estimated construction and three-month operational costs;

(d) whether, in light of the evidence adduced pursuant to the foregoing issues, applicant is financially qualified to construct and operate as proposed;

(e) whether applicant has complied with Question and Answer 11 of the *Primer*;

(f) whether applicant has complied with the requirements specified in § 73.2080 of the Commission's Rules and FCC Form 301, Section VI; and

(g) whether, in light of the evidence adduced pursuant to the foregoing issues, applicant is qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

14. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

15. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-12838 Filed 4-28-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1262]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

April 24, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed by May 14, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Parts 2, 81 and 83 of the Commission's Rules to Allocate Spectrum for an Automated Inland Waterways Communications System (IWCS) along the Mississippi River and Connecting Waterways and Maritime Mobile Radio Services: Improvement in Service Through Provision for Automated VHF Common Carrier Systems and, VHF Frequency Assignments to the Maritime Radio Services in the New Orleans and Lower Mississippi Rivers Areas and on the coastline of the contiguous states. (Gen Docket No. 80-1, RM's 3101, 3128 & 3129)

Filed by: Richard F. Swify, Attorney for Mid-America Television Company (KRCG-TV) on 4-8-81. John M. Ballenger, Attorney for WJG Telephone Company on 4-8-81. Jeremiah Courtney & Jack R. Smith, Attorneys for River Communications, Inc. on 4-10-81. Martin W. Bercovici, Attorney for Waterway Communications System, Inc. on 4-9-81. (Petition for Clarification)

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Auburn, Maine) (BC Docket No. 80-204, RM-3421).

Filed by: Alan C. Campbell, Attorney for Guy Gannett Broadcasting Services (WGAN-AM-FM) on 4-3-81.

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 81-12827 Filed 4-28-81; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 11, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. T-3909-A-1.
Filing party: Richard L. Landes, Deputy, Offices of the City Attorney of Long Beach, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.
Summary: Agreement No. T-3909-A-1, between the City of Long Beach (City) and Orient Overseas Container Line Limited (Assignee), provides for the assignment of two 40-long ton Paceco MACH portainers originally assigned under Agreement No. T-3990-A, which the parties mutually agree are available and usuable for Assignee's permitted uses, prior to the effective date of Agreement No. T-3909-A. The term of the agreement commences upon the latest of: (a) its approval by the Commission; (b) the date Assignee accepts the cranes as ready to use under this agreement after City has accepted the cranes as complete under the contract with Paceco, Inc.; or (c) on June , 1981. The agreement shall terminate ten years thereafter, or upon the earlier purchase of the cranes by Assignee in accordance with the provisions of the agreement. Except as expressly amended, all terms and conditions of Agreement No. T-3909-A shall remain in force and effect.

Agreement No. T-3964.
Filing party: J. L. Haskell, Deputy Port Director, Port of Milwaukee, 500 N. Harbor Drive, Milwaukee, Wisconsin 53202.
Summary: Agreement No. T-3964, between the Port of Milwaukee (Port) and Tanco Terminals, Inc. (Tanco), provides for the lease by Port to Tanco of a ten-acre parcel of land on the South Harbor Tract in the Port of Milwaukee for use as a bulk cargo handling facility. As compensation, Tanco will pay Port a monthly rental of $5,747.50, a monthly charge of 10¢ per long ton of cargo handled, and monthly wharfage charges based on prevailing Port tariff rates. The initial term of the lease is for two years with one three-year renewal option and four subsequent five-year renewal options.

Agreement No. T-3966.
Filing party: William H. Vaughan, Jr., Grimball, Cabaniss, Vaughan & Robinson, 30 Broad Street, Charleston, South Carolina 29402.
Summary: Agreement No. T-3966, among the South Carolina State Ports Authority (the Authority), Charleston County (County) and Alumax of South Carolina, Inc. (Alumax), provides for the financing and operation of bulk terminal facilities at the Port of Charleston, South Carolina. Under the agreement, County will issue revenue bonds in the amount of $16,000,000 to finance the cost of acquiring the facility from Alumax, which will be responsible for the operation and maintenance of the facility subject to the jurisdiction of the Authority. As compensation for promotion of the facilities, Alumax will pay the Authority a fee in the amount of 80 percent of dockage charges collected by Alumax for use of the facilities; and will retain will wharfage, line handling, service and facility charges, storage and other charges.

Agreement No. T-3968.
Filing party: John W. Angus, Esquire, Preston, Thorgrimson, Ellis & Holman, Suite 500, 1776 G Street NW., Washington, D.C. 20006.
Summary: Agreement No. T-3968 is a terminal lease agreement between the Port of Seattle (Port) and American President Lines, Ltd. (APL), and provides for the Port's lease to APL of approximately 47 acres of terminal land and APL's preferential use of three (3) cranes at Terminal 46 in the Port of Seattle. The premises will be used for the loading and discharging of APL and Johnson ScanStar vessles. APL will compensate the Port for the lease of the premises and cranes according to a rental schedule as mutually agreed to and appended to the agreement. The term of the agreement is 20 years.

Agreement No. T-3968 will supersede and terminate the presently effective lease between these parties, covered by Agreement No. T-2640. By Order of the Federal Maritime Commission.

Dated: April 23, 1981.
Joseph C. Polking,
Acting Secretary.
[FR Doc. 12805 Filed 4-28-81; 8:45 am]
BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2055-R]

Anthony Transportation Service, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Anthony Transportation Service, Inc., 719 Bradfield Rd, Houston, Texas 77060 was cancelled effective April 23, 1981.

By letter dated April 3, 1981, Anthony Transportation Service, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 2055-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Anthony Transportation Service, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2055-R be and is hereby revoked effective April 23, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 2055-R issued to Anthony Transportation Service, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Anthony Transportation Service, Inc.

Daniel J. Connors,
Director, Bureau of Certification & Licensing.
[FR Doc. 81-12806 Filed 4-28-81; 8:45 am]
BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 423]

Preston J. Ellis, d.b.a. Ellis Forwarding Co.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in

force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Preston J. Ellis, d.b.a. Ellis Forwarding Company, 8561 Long Point Road, Houston, Texas 77055 was cancelled effective March 20, 1981.

By letter dated February 23, 1981, Preston J. Ellis, d.b.a. Ellis Forwarding Company was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 423 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Preston J. Ellis, d.b.a. Ellis Forwarding Company has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 423 be and is hereby revoked effective March 20, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 423 issued to Preston J. Ellis, d.b.a. Ellis Forwarding Company be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Preston J. Ellis, d.b.a. Ellis Forwarding Company.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-12888 Filed 4-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-26; Agreement No. 10247-3]

Australian Loading Expense Agreement; Correction

The Commission's Order to Show Cause in this proceeding, served April 13, 1981 and published at 46 FR 22264, April 16, 1981, inadvertently failed to indicate that Commissioner Daschbach believes the Agreement is subject to the Shipping Act, 1916 and would vote to approve it.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-12913 Filed 4-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Fact Finding Investigation No. 12]

Bloc Voting by Conference Members in the United States Pacific Trades

On January 16, 1981, the Commission conditionally approved certain Japanese flag space charter and revenue pooling agreements (Agreements Nos. 9718-7, 9731-8, 9835-5, 9975-7, 10116-4 and 10274-1). *Order of Conditional Approval*, January 16, 1981. Carriers who had protested approval of those agreements argued, among other things, that the Japanese lines comprise a joint service and should be restricted to a single vote in conferences. According to the protesting carriers, the six Japanese carriers vote together in order to carry out the objectives of their agreements, and that by so doing they are able to block many conference decisions and deprive other carriers of a fair say in conference matters. The Japanese carriers replied that no specific voting patterns emanate from their agreements. See *Order of Conditional Approval, supra* at 7-9.

The Commission concluded that whether alleged bloc voting occurred to the detriment of other conference carriers was not relevant to the issue of approval or disapproval of the agreements at issue. However, we went on to say that, in order to ascertain the existence, nature and extent of this alleged bloc voting and its impact on conference agreements, the Commission will institute a fact finding investigation by separate order. *Id.* at 19, 21.

Therefore, it is ordered, That pursuant to sections 21, 22 and 27 of the Shipping Act, 1916 and section 214(a) of the Merchant Marine Act of 1936, a nonadjudicatory investigation is hereby instituted into the existence, nature, extent, and impact, if any, of bloc voting by conference members in the United States Eastbound and Westbound Pacific Trades; and whether such practices, if they have occurred, have allowed certain carriers to exercise a disproportionate and/or detrimental influence over conference activities; said investigation to be conducted pursuant to the Commission's rules of practice and procedure, 46 CFR 502.281-291.

It is further ordered, That the Investigative Officer shall be Mr. Paul J. Kaller of the Commission. Mr. Kaller shall direct the investigation and shall be assisted by such staff members as he may designate.

The Investigative Officer shall have the full authority of the Commission to hold public or nonpublic sessions, to resort to all compulsory processes authorized by law (including the issuance of subpoenas), to administer oaths and to perform such other duties as may be necessary in accordance with the laws of the United States and the regulations of the Commission;

It is further ordered, That any persons having an interest and desiring to participate in this proceeding, shall file a statement with the Investigative Officer, describing their interest on or before June 10, 1981;

It is further ordered, That the Investigative Officer shall issue to the Managing Director interim progress reports every three months and a final report of findings and recommendations no later than one year after publication of this Order in the **Federal Register**, all such reports to remain confidential unless and until the Commission rules otherwise; and

It is further ordered, That Notice of this Order be published in the **Federal Register.**

By the Commission, April 22, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-12814 Filed 4-28-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Company; Notice of Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating

how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 20, 1981.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Imperial Bancorp, Inglewood, California (data processing and management consulting activities; New England, New York and Delaware): to engage de novo through a second tier subsidiary, Imperial Data Resources Northeast, Inc. (the "Company"), in the activities of providing bookkeeping or data processing services and storing and processing other banking, financial, or related economic data and management consulting advice to nonaffiliated banks. The Company will be substantially owned and controlled by a wholly-owned subsidiary of Imperial Bancorp, Imperial Data Resources, Inc. ("IDR"). The Company does not intend to sell excess computer time. The activities proposed to be engaged in by IDR and the Company will be marketed by another subsidiary, Imperial Automation, Inc. ("IA").

Imperial Data Resources, Inc. activities are head-quartered and the executive offices are located in Inglewood, California. The Company's activities will be conducted throughout the States of Connecticut, New Hampshire, Vermont, Maine, Massachusetts, New York, Rhode Island and Delaware, from an office located in Needham, Massachusetts. IA will conduct its activities from offices located in Costa Mesa, California; San Francisco, California; Chicago, Illinois; Baltimore, Maryland; and Atlanta, Georgia.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12821 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

Capital Bancorp.; Formation of Bank Holding Company

Capital Bancorp, North Bay Village, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 51 percent of the voting shares of Capital Bank, North Bay Village, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12819 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

Delaware Bancshares, Inc.; Formation of Bank Holding Company

Delaware Bancshares, Inc., Jay, Oklahoma, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Delaware County Bank, Jay, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than May 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12822 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

First Baird Bancshares, Inc.; Formation of Bank Holding Company

April 23, 1981.

First Baird Bancshares, Inc., Baird, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of the The First National Bank of Baird, Baird, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12822 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

First Glen Bancorp, Inc.; Formation of Bank Holding Company

First Glen Bancorp, Inc., Glens Falls, New York, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the (voting shares of the successor by merger to The First National Bank of Glens Falls, Glens Falls, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be

received not later than May 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12823 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

Guaranty State Holding; formation of Bank Holding Company

Guaranty State Holding Company, St. Paul, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act 912 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98.7 percent or more of the voting shares of Guaranty State Bank of St. Paul, St. Paul, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12834 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

National Bancshares Co. of Texas; Proposed Acquisition of National Bancshares Life Insurance Co.

National Bancshares Corporation of Texas, San Antonio, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of National Bancshares Life Insurance Company, San Antonio, Texas.

Applicant states that the proposed subsidiary would engage in the activity of underwriting credit life, accident and health insurance. These activities would be performed from offices of Applicant's subsidiary in San Antonio, Texas, and the geographic areas to be served are the areas surrounding San Antonio, Eagle Pass, Houston, Kerrville and Universal City, Texas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 20, 1981.

Board of Governors of the Federal Reserve System, April 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12835 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

United Bancshares, Inc.; Formation of Bank Holding Company

United Bancshares, Inc., Chattanooga, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger to United Bank of Chattanooga, Chattanooga, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12836 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-6]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Delaware Public Service Commission involving the application of the Diamond State Telephone Company for an increase in rates for telecommunications services.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Delaware Public Service Commission involving the application of the Diamond State Telephone Company for an increase in rates for telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies,

procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 20, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-12537 Filed 4-28-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Fort Union Regional Coal Team; Meeting

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of Fort Union Regional Coal Team Meeting.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR 3400.4(b), the Montana State Office is issuing this notice to announce a Fort Union Regional Coal Team meeting on May 28, 1981, in the Large Hearing Room in the North Dakota State Capitol Building in Bismarck, North Dakota. The meeting will begin at 8:30 a.m. There are two main topics on the agenda:

1. The Coal Team will discuss the public comment on the Department of Energy production goals, and, using this and other information, they will establish a preliminary leasing target (or range of targets) to be recommended to the Secretary of the Interior.

2. The Coal Team will also discuss and approve a list of subfactors that will be used in the ranking of coal tracts. After receiving Coal Team approval, the subfactors will be issued for public comment.

The public is welcome to attend. There will be time for questions and comments from the public.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Frey, Branch of Environmental Coordination, Bureau of Land Management, P.O. 30157, Billings, Montana 59107, telephone FTS: 8-585-6632, Com: 406-657-6632.

Michael J. Penfold,

State Director.

April 22, 1981.

[FR Doc. 81-12759 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-15324]

Idaho; Proposed Withdrawal Continuation

The Bureau of Land Management has filed a statement of justification for continuation of an existing land withdrawal made by Public Land Order 3543 of February 11, 1965. The Bureau desires to continue the withdrawal in its entirety for a period of 20 years. The continuation would be made pursuant to the authority contained in Section 204(L) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2754; 43 U.S.C. 1714). The following described land is included in the proposed continuation:

Boise Meridian, Idaho

(I-15324), Public Water Reserve #63, Executive Order of April 15, 1922

T. 11 S., R. 3 E.,
Sec. 24, SW¼NW¼, NW¼SW¼.
T. 11 S., R. 4 E., Lot 3.

The area described aggregates 120.84 acres in Owyhee County, Idaho.

The land is segregated from operation of the public land laws, including location for non-metalliferous minerals under the mining laws. It is otherwise open to the mining and mineral leasing laws. No change in the segregative effect of the withdrawal is proposed.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer on or before May 29, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before May 29, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for, and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-12757 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Intent To Prepare an Environmental Impact Statement on a Coal-Fired Steam/Electric Power Generating Plant Proposed by Sierra Pacific Power Co. on Lands in Northeastern Nevada

The Bureau of Land Management, Nevada State Office, will be preparing an Environmental Impact Statement (EIS) on the impacts of a proposed coal-fired steam/electrical power generating plant proposed by Sierra Pacific Power Co. (SPPCo) on public and private lands in northeastern Nevada. It is intended that the new electrical capacity will supplement, and reduce utilization of, existing capacity that is fueled by oil and/or natural gas. The new plant will reduce dependence on imported fuels, reduce and stabilize that part of the cost of electricity which is dependent on the energy source, and it will serve the increasing demands for power in Northern Nevada, and other areas served by participating utilities.

The site for the proposed plant was identified in a statewide study conducted to locate potential plant sites. In the study, several sites were identified as being environmentally and technically satisfactory for power plant development. Final site selection was based on SPPCo's ability to acquire both the land and the water needed for the project.

The proposal includes the construction of three (3) 500 megawatt generating units near Toano Draw in the Thousand Springs Valley, Elko County, Nevada. Coal will be supplied for reserves or exiting mines in Utah, Wyoming, or Colorado, although no commitment to any specific source has been made at this time. The plant site is located near the mainline of the Southern Pacific Railroad. It is planned that a new rail spur will be constructed to connect to the Southern Pacific

Railroad and that coal will be delivered to the plant site by rail. The plant site is located in an area where air quality is considered good. A monitoring program to document existing air quality and site specific meterorological conditions is presently underway. The plant will be a net consumer of watef. Water rights associated with SPPCo's recently acquired land holdings in the Thousand Springs Valley will be utilized for providing the plant's water requirements.

Construction of the three units will continue over about an eight year period starting in 1985, with full operation scheduled for 1993. It is estimated that the peak labor force for construction will be about 2500 persons, and that for years two through seven the project construction labor force will average about 2200 persons. When all three units are operational, it is expected that the plant will require about 200 full time employees. Transmission corridors and terminals for distributing power from the proposed project have not been finally identified at this time, primarily because contractual arrangements with participating utilities are still being negotiated. Sierra Pacific Power Company plans to use existing and identified energy corridors within Nevada to the maximum practical extent for serving the proposed project. Transmission corridors extending beyond Nevada, if identified as project related facilities, will be included in the project impact assessments.

The proposed project will be constructed in a sparsely populated area, and most of the project work force must be assembled from beyond reasonable commuting distances. Project planning includes providing living accommodations for workers in the project vicinity.

Alternatives to the proposed action that are being considered for analysis include: (1) No action, (2) Ultimate plant capacity, (3) Scheduling of units, (4) Transmission line routes, (5) Location of worker accommodations and (6) Power plant sites.

The Bureau of Land Management's scoping process for the EIS will include: (1) identification of issues to be addressed; (2) Identification of additional viable alternatives; (3) Notifying interested individuals, groups, and agencies so that additional information concerning these issues can be obtained; and (4) Identification of persons within BLM who can answer questions about the proposed action and alternatives.

The following steps will be utilized to accomplish the scoping process:

—A news release regarding the start of the EIS process will be issued.

—Letters of invitation to participate in the scoping process will be mailed.

—A scoping document which further clarifies the proposal, alternatives, and significant issues being considered will be mailed to selected parties and available upon request.

—Three public scoping meetings will be held as follows:

7 p.m., May 11, 1981, Wells High School Auditorium, Wells, NV
7 p.m., May 12, 1981, Stockman Hotel, Elko, NV
7 p.m., May 13, 1981, El Dorado Hotel, Reno, NV

—A formal briefing will be held between the Bureau of Land Management and the Nevada State Clearinghouse at 1:30 p.m. on May 8, 1981.

—Additional briefing meetings will be considered if requested.

—The following individuals will be available during the scoping period to answer questions about the proposed action and/or to receive information concerning the EIS:

Ed Tilzey, Environmental Protection Specialist, Room 3145, Federal Building, 300 Booth Street, Reno, NV 89520. Phone: (702) 784-5602
Monte McClendon, District Environmental Specialist, Elko, NV. Phone: (702) 738-4071

Written comments will be accepted until May 27, 1981. Comments should be sent to the State Director (N-921), Bureau of Land Management, P.O. Box 12000, 300 Booth Street, Reno, Nevada 89520.

Dated: April 15, 1981.

John L. Gregg,
Acting State Director, Nevada.

[FR Doc. 81-13010 Filed 4-28-81; 8:45 am]
BILLING CODE 4310-84-M

[INT FES 81-19]

Utah; Availability of Final Environmental Impact Statement on Proposed Moon Lake Powerplant Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Final Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(C) of the Environmental Policy Act of 1969, the Department of the Interior, Bureau of Land Management (BLM), and the Department of Agriculture, Rural Electrification Administration (REA), have prepared a Final Environmental Impact Statement for the proposed Moon Lake Power Plant Project, Units 1 and 2, Uintah County, Utah. The Forest Service (FS) and the Office of Surface Mining (OSM) have assisted in the preparation of the EIS.

All four of the above Federal agencies will use the EIS as input to decisions on these requested actions:

BLM—Issue rights-of-way and other land use authorizations for powerplant site and linear facilities.

REA—Provide financing assistance for Unit 1 project.

FS—Issue rights-of-way and other land use authorizations for transmission lines.

OSM—Approve mine plan for Deserado Coal Mine in Rio Blanco County, Colorado.

DATE: Federal decisions will be made following a waiting period of 30 days from the date that the Environmental Protection Agency Notice of Availability for the Moon Lake Power Plant Project Final EIS is published in the Federal Register. This waiting period is expected to end on or about June 1, 1981.

ADDRESS: Notice is hereby given that written comments on the content of the final EIS may be submitted during the 30-day waiting period as noted above. Comments on the final EIS should be directed to:

State Director (U-910), Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111, or

Administrator, Rural Electrification Administration, South Agriculture Bldg., Room 5831, Washington, D.C. 20250.

Comments relating to the coal mine (mining and reclamation plan) can be submitted also to the Regional Director, OSM, Region V, 1020 15th Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT:

Gregory F. Thayn, Team Leader, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111, Telephone (801) 524-5645, FTS 588-5645, or

Frank Bennett, Director, Power Supply Division, USDA-REA, South Agriculture Bldg., Room 5831, Washington, D.C. 20250, Telephone (202) 447-6183, FTS 447-6183, or

Floyd L. Johnson, Office of Surface Mining, 1020 15th Street, Denver, Colorado 80202, Telephone (303) 837-5656, FTS 327-5656.

SUPPLEMENTARY INFORMATION: The EIS addresses the proposal by Deseret Generation and Transmission Cooperative (Deseret) to construct two 400 megawatt (MW) generating units northwest of Bonanza, Utah, in Uintah

County; and by Western Fuels-Utah, Inc., to develop and operate an underground coal mine northeast of Rangely, Colorado.

The proposal includes piping of up to 17,470 acre-feet of water over approximately 19 miles from a collector well system located beside the Green River to the Bonanza site. The project would require up to 2.7 million tons of coal annually. Coal would be delivered to the site by a 35-mile-long electric railroad from the proposed underground coal mine.

The electricity generated by Unit 1 of the plant would be distributed by one 345-kilovolt (kV) alternating current (a.c.) transmission line to a proposed substation near Mona, Utah, in Juab County, and by three 138-kV a.c. lines to existing substations near Upalco, Utah, in Duchesne County; Vernal, Utah, in Uintah County; and Rangely, Colorado, in Rio Blanco County. With the future construction of Unit 2, a second 345-kV line would be built from the plant site to the existing UP&L Ben Lomond substation near Ogden, Utah, or to the oil shale fields in Utah and Colorado depending upon power demands. Several alternatives, including the approval of the proposed power plant and coal mine, approval of an alternative Rangely powerplant site, use of alternative coal sources, a variety of tranmission line routes, and "no action" are discussed in the EIS.

The EIS, along with all comments received, will be considered in the Federal decision process. Decisions on use of public lands will be made by the BLM Director, decisions on loan guarantees will be made by the REA Administrator, decisions on use of National Forest lands will be made by the FS Regional Forester, and decisions on the coal mining and reclamation plan will be made by the Secretary of the Interior or his delegate.

Because the final EIS incorporates by reference material not reprinted from the draft EIS, both documents are needed for complete EIS information. A limited number of copies of the draft and final EIS are available on request. Copies of the final EIS may be obtained or reviewed at all addresses identified in the preceding information, as well as these additional locations:

Washington Office (W-332), Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240
Richfield District Office, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701
Craig District Office, Bureau of Land Management, 455 Emerson, Craig, Colorado 81625
Vernal District Office, Bureau of Land Management, 170 South 5th East, Vernal, Utah 84078
Colorado State Office, Bureau of Land Management, 1600 Broadway, Room 700, Denver, Colorado 80202

Ed Hastey,

Acting Director, Bureau of Land Management.

April 23, 1981.

Cecil S. Heffmann,

Special Assistant to Assistant Secretary, Policy, Budget, and Administration.

[FR Doc. 81-12812 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Environmental Assessment Regarding Proposed Outer Continental Shelf Oil and Gas Lease Sale in the Eel River Basin

The Bureau of Land Management, pursuant to 40 CFR Part 1501.3, has prepared an Environmental Assessment which evaluates the potential impacts of oil and gas leasing, exploration, and development on 30 tracts on the Outer Continental Shelf in the Eel River Basin, offshore Humboldt County, California. These 30 tracts are included in the proposal known as Proposed OCS Oil and Gas Lease Sale No. 53. The Draft and Final Environmental Impact Statements for proposed OCS Sale No. 53 analyzed the potential impacts of the leasing, exploration, and development of gas resources in the Eel River Basin. However, the analysis in the Environmental Impact Statement assumed there were no economically recoverable oil resources in these tracts. In August 1980, the U.S. Geological Survey revised the resource estimates for proposed OCS Sale No. 53, indicating that economically recoverable oil resources are likely to exist in the Eel River tracts. The Secretarial Issue Document prepared for the decision on the proposed sale re-evaluated the impacts in the Eel River Basin based on the assumption that both oil and gas may be found in the Eel River tracts.

The Environmental Assessment prepared for the Eel River Basin includes information found in both the Final Environmental Impact Statement and the Secretarial Issue Document and considers the potential impacts which may result from the development of both oil and gas in the basin. It has been determined that there would be no significant environmental impacts from leasing, exploration, and development in the Eel River Basin in addition to those which have been analyzed in the Sale No. 53 Environmental Impact Statement and this Environmental Assessment for the Eel River Basin.

The Environmental Assessment is being made available to the public for review and comment. Copies may be obtained by contacting the Manager, Pacific OCS Office, Bureau of Land Management, 1340 W. 6th Street, Los Angeles, California 90017, or the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240. Comments should be addressed to Director (542), Bureau of Land Management, Washington, D.C. 20240, and should be submitted on or before May 29, 1981.

Arnold E. Petty,

Acting Director, Bureau of Land Management.

April 24, 1981.

[FR Doc. 81-12843 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that the Idaho Falls District Grazing Advisory Board will meet June 4, 1981.

The Grazing Advisory Board members will convene at 8:00 a.m. at the Bureau of Land Management Office, 940 Lincoln Road, Idaho Falls, Idaho 83401, for a field tour. The tour is open to the public; anyone wishing to go on the tour is asked to notify the Idaho Falls BLM District Manager at the above address by May 27, 1981.

The purpose of the field tour is to discuss allotment management plans and survey range improvements in the allotments in the Little Lost River and Birch Creek valleys. The Advisory Grazing Board will also make arrangements for the next meeting.

Summary minutes of the Board meeting will be kept in the District Office and be available for public inspection and reproduction during regular business hours within 30 days of the Board meeting.

Dated: April 20, 1981.

O'dell A. Frandsen,

District Manager.

[FR Doc. 81-12862 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Vale District, Oreg.; Public Meeting To Discuss the Use of Helicopters in Gathering Wild Horses

AGENCY: Bureau or Land Management.

ACTION: Meeting Notice.

SUMMARY: A public meeting to discuss the use of helicopters in gathering wild horses will be held at 1:00 pm, May 22, 1981 in the Vale District Office of the

Bureau of Land Management, 365 'A' Street West, Vale, Oregon.

Horses will be gathered from the Hog Creek wild horse herd management area of the Vale District during the summer of 1981.

FOR FURTHER INFORMATION CONTACT: Barry Rose, Bureau of Land Management, 365 'A' Street West, Vale, OR 97918, (503) 473-3144.

Dated: April 16, 1981.

Paul M. Vetterick,

Acting State Director.

[FR Doc. 13851 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Archaeological Resources; Closure of Access and Determination of Special Areas

April 22, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Closure of Public Access and Determination of Special Areas.

DECISION: Notice is hereby given relating to the closure of public access to Archaeological Resources located on lands under administration of the Albuquerque District Office, Bureau of Land Management. Public access and use of these areas will be limited to specifically authorized permits as set forth herein.

This restriction has been made in the interest of public health and safety and for the conservation, preservation and protection of public resources. This closure is made under authority contained in 43 U.S.C. 1201 and regulations contained in 43 CFR 8364.1-1.

Notice is also given that these areas have been determined to be "special areas" in accordance with provisions contained in 43 CFR 8372.0-5(g) and require special management and control measures for their protection.

An antiquities act permit as provided for in 43 CFR Part 3 is required for use of these areas. The areas are closed for any other use except that recognized educational institutions may use this area for educational purposes as long as their activities do not involve surface disturbance and with written permit of the Taos Resource Area Manager.

The area affected by this closure consist of all surface areas enclosed by boundary fences and/or access closure signs at the following named archaeological resource locations in Rio Arriba County:

Ponsipe = Akeri Pueblo—15 acres
Hupobi Pueblo—5 acres
Posi Pueblo—7 acres

These sites have been identified with signs which specify that entrance is allowed by permit only, and contain the address of the responsible Bureau of Land Management office.

The above-named sites are enclosed to public access except through authorized entry, as set forth herein. Due to the continued vandalism, littering, the destruction of some fragile features, and the increasing safety hazards present as these sites become less stable, legal closure is necessary to augment existing protective measures. Past administrative penalties have not been commensurate with the several damage to the resource. A legal closure and attendant criminal penalties will provide BLM greater flexibility in protecting these public resources.

This notice and land closure become effective upon publication in the Federal Register and will remain in effect until rescinded or modified by the State Director. Violations of this closure order are punishable upon conviction by a fine not to exceed $1000 or imprisonment of not more than 12 months, or both.

ADDRESS: For further information about this closure, contact the following BLM Office:

L. Paul Applegate, District Manager, Bureau of Land Management, Albuquerque District Office, P.O. Box 6770, Albuquerque, New Mexico 87107; or

Richard C. Niemeyer, Area Manager, Bureau of Land Management, Taos Resource Area Office, P.O. Box 1045, Taos, New Mexico 87571.

Charles W. Luscher,

State Director.

[FR Doc. 81-12016 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Miles City District Advisory Council Meeting

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Miles City District Advisory Council will be held on Friday, June 5, 1981 at 10:00 a.m. in the Conference Room, Powder River County Courthouse, Broadus, Montana.

Agenda for the meeting will include:

1. Coal Leasing with an update on the Powder River Coal Region.
2. Resource Management Plans.
3. Cooperative Advisory Council/ Grazing Advisory Board Projects.
4. Noxious Weed Control.
5. Arrangements for the next meeting.

This meeting is open to the public. The public may make oral statements before the Council or file written statements for the Council's consideration. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

For further information contact: District Manager, Miles City District, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

Darrel G. Pistorius,

Acting District Manager.

[FR Doc. 81-12000 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

[Survey Group 456]

Colorado; Filing of Plats of Survey

April 21, 1981.

Plats of survey of the following described lands accepted March 17, 1981 will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado effective June 15, 1981.

Sixth Principal Meridian

T. 19 S., R. 72 W.

This plat, in four sheets, representing the dependent resurvey of the west boundary of T. 19 S., R. 71 W.; the independent resurvey of the north boundary and a portion of the subdivisional lines; the survey of the Sectional Correction Line; and the metes-and-bounds survey of Tract Nos. 39 through 51.

Sixth Principal Meridian

T. 19 S., R. 73 W.

This plat, in five sheets, representing the independent resurvey of the north and east boundaries and a portion of the subdivisional lines; the survey of the Sectional Correction Line; and the metes-and-bounds survey of Tract Nos. 37 through 48.

These surveys were executed to meet certain administrative needs of the Bureau.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

George C. Hinton,

Chief, Public Affairs.

[FR Doc. 81-12007 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Realty Action Lease; Public Lands in Idaho County, Idaho

The following described lands have been examined and found suitable for lease under Section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2761);

T. 29 N., R. 6 E., Boise Meridian, Sec. 33, Portion of S½SW¼NW¼ and S½N½SW¼NW¼. Portion of N½SE¼NW¼SW¼, N½SW¼NE¼SW¼, NW¼NE¼SW¼ and NE¼NW¼SW¼. Portion of NW¼NW¼SW¼. Approximately 22 acres.

A proposal has been submitted by Shearer Lumber Products, Inc. to lease the above-described lands for their use in the mill operation and to allow for expansion of the mill facilities. The involved tracts of public land are adjacent to the private land on which the mill site is presently situated. Expansion proposals would provide visitor and employee parking and a truck shop with additional parking and storage areas. Because of Shearer's valid preference right interests, the lands would not be offered for lease through bidding but would be offered for lease to the corporation at fair market value.

Shearer Lumber Products, Inc. is an important employer in the Elk City area; its continued operation and expansion significantly affect the economic and social climate there. The public lands are well situated to be adapted to the proposed uses with no significant adverse environmental impacts. The proposal is consistent with the Bureau's land use planning and does not conflict with any State or local government programs or regulations. The proposal would have no adverse affect upon the grazing lease issued on a portion of the public lands involved.

Some of the proposed uses would be located in or near the floodplain, as is the existing mill site. This existing floodplain development has not been significantly impacted by past flooding, nor has it adversely affected the floodplain function. Therefore, on the condition that new development occurs at least at the same elevation as past development, the proposed use is compatible with proper floodplain management.

For a period of 30 days from the date of this notice, interested parties may submit comments to the State Director, Idaho State Office, Boise, Idaho 83724. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by State Director, this realty action will become the final determination of the Department of the Interior.

Dated: April 21, 1981.

Guy E. Baier,

Acting State Director.

[FR Doc. 81-12808 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Chevron U.S.A., Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 3301, 4130, 2632, and 2612, Blocks 192, 193, 236, and 237, Garden Banks Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 20, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-12795 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Company, U.S.A.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1447, Block 21, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 20, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-12796 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-31-M

Outer Continental Shelf; Oil, Gas, and Sulphur Operations; Development and Production Plan, Chevron U.S.A. Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to

conduct on lease OCS–P 0296, San Pedro Bay, offshore California. The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Pacific OCS Region, U.S. Geological Survey, 1340 West Sixth Street, Room 160, Los Angeles, California 90017.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records Room 160, open weekdays 8:30 a.m. to 3:00 p.m., 1340 West Sixth Street, Los Angeles, California 90017, Phone (213) 688–2846.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Reid T. Stone,

Acting Conservation Manager, Pacific OCS Region.

[FR Doc. 81-12868 Filed 4-28-81; 8:45 am]
BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Gulf Oil Exploration and Production Company, Unit Operator of the South Timbalier Block 135 Federal Unit, Agreement No. 14–08–001–6669, submitted on March 23, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the South Timbalier Block 135 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 228.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 23, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexcio OCS Region.

[FR Doc. 81-12869 Filed 4-28-81; 8:45 am]
BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Texaco Inc., Unit Operator of the Eugene Island Block 205 Federal Unit, Agreement No. 14–08–001–8654, submitted on February 24, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Eugene Island Block 205 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:00 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone 837–4720, ext. 228.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 23, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexcio OCS Region.

[FR Doc. 81-12870 Filed 4-28-81; 8:45 am]
BILLING CODE 4310-31-M

Lowell Historic Preservation Commission

Lowell Historic Preservation District and Park; Notice of Standards for Rehabilitation and Construction

AGENCY: Lowell Historic Preservation Commission, Interior.

ACTION: Notice of Standards for Rehabilitation and Construction.

SUMMARY: This notice sets forth the standards established according to 16 U.S.C. 410cc–32(e). These standards are applicable to the construction, preservation, restoration, alteration and use of all properties in the Lowell Historic Preservation District and Park in order to protect their historic integrity. The Preservation District is a 500 acre area adjacent to the Lowell National Historical Park; the Park and District contain over 750 buildings, 383 of which are nationally significant.

The City of Lowell is responsible for establishing and enforcing regulations consistent with these standards. The Commission will provide the City with technical assistance to carry out this responsibility.

This notice describes the standards for building materials and design elements for existing buildings and for new construction. Each standard is introduced by a statement of the concern it addresses.

DATE: The standards were approved January 19, 1981 by the Secretary of the Interior.

FOR FURTHER INFORMATION CONTACT: Sarah Peskin, Planning Director, Lowell Historic Preservation Commission, 204 Middle Street, Lowell, MA 01852.

SUPPLEMENTARY INFORMATION: The development of these standards is one of the Lowell Historic Preservation Commission's major responsibilities as mandated in 16 U.S.C. 410cc–410cc–36. These standards were designed specifically to protect the buildings in Lowell and are consistent with the Secretary of the Interior's "Standards

for Rehabilitation." Comprehensive inventories of historic properties in the Preservation District provided background research for the standards.

A complete discussion of the standards as they apply to the Preservation District is found in the "Preservation Plan" and "Details of the Plan." Both volumes are available from the Commission's offices at 204 Middle Street, Lowell, MA 01852.

The Standards

I. Preservation of Existing Buildings

1. E–1 Preservation vs. Demolition—General Principles.

(a) Concern: The historical richness of the District is reduced when significant buildings are fully or partially demolished. Owners may believe demolition is the only alternative.

(b) Standards:

• New development and reuse programs should be planned so that full or partial demolition of buildings in the District is not necessary.

• An incompatible use that would require demolition should be shifted to another site or portion of the site.

• Technical assistance can help owners to secure buildings against vandalism and introduce measures to prevent further physical deterioration while a reuse program is being developed

• Soundness and reuse potential of a building should not be judged by its present appearance for this may be deceptive. Practical reuse opportunities can be determined through technical assistance.

• The retention and repair of historical elements such as woodwork, masonry and metal details (see E–4, E–5, E–6) can be more feasible than it may appear. Technical assistance should be sought before removing any building elements.

• If demolition does occur, historic building materials and details should be salvaged for possible future use in buildings of the same style and type.

2. E–2 Historic Architectural Features—General Principles.

(a) Concern: Historic buildings owe their character to the particular blend of their architectural features: scale, rhythm, form, massing and proportion. Rehabilitation should be sympathetic to these design elements.

(b) Standards:

• Orginal building features should whenever feasible be preserved rather than replaced.

• If features have been or must be removed, technical assistance can help ascertain the original design of the building and determine the most appropriate techniques for replacement.

• Building complexes constructed over time, such as most of the mills, when rehabilitated, should retain the appropriate historic design characteristics of each of their components. The imposition of historically unsympathetic architectural treatments should be avoided.

• Recent remodelling that altered the appearance of an historical structure with applied veneers, or the addition of isolated building features (doors, windows, roof or cornice changes, etc.) should be corrected wherever possible to restore or approximate the orginal design character.

3. E–3 Historic Materials—General Principles.

(a) Concern: Historic character also comes from the use and design of construction materials. It is often thought that appropriate techniques to retard deterioration are unavailable or too expensive.

(b) Standards:

• The original materials used in a building, the technical process of repair or replacement required and the availability and cost of appropriate restoration techniques can be determined through technical assistance.

• If immediate complete restoration cannot be accomplished, the preservation of deteriorating materials should be assured through partial or temporary measures to stabilize and protect them.

• Standards for materials most commonly found in Lowell, as well as for appropriate substitute materials are listed on the following pages, covering:

• Masonry: brick, stone, mortar, stucco.

• Wood: siding, trim and replacement materials.

• Metals: iron and steel, sheet metals, contemporary metal replacements.

• Roofing Materials: membrane and built-up roofing, slate, composition shingles, sheet metal.

4. E–4 Masonry.

(a) Concern: Brick and stone masonry are easily damaged by improper cleaning and repair methods. Since these materials are common in Lowell, special care must be taken to preserve them.

(b) Standards:

• Do not abrasively blast masonry to clean and/or remove paint. Instead, clean using the gentlest means possible generally by means of an aqueous system which does not damage either the masonry unit or the mortar joints.

• Test all cleaning or paint removal methods before proceeding with the full job to determine the gentlest means of producing acceptable results without immediate or long term negative consequences.

• Use cleaning methods which are based on these procedures: low pressure water presoaking (less than 60 psi); soft bristle brush or low pressure spray application of mild, highly diluted alkaline or acidic cleaners properly matched to the type of masonry; thorough medium pressure (less than 800 psi) rinsing of cleaning solution after a short time (usually no more than 5 minutes). Some masonry may be adequately cleaned using only the rinsing process, possibly in conjunction with soft fiber brushing.

• Remove paint with water rinsable alkali and/or solvent-based chemicals applied by brush and removed with medium pressure spray. As determined by testing, allow paint remover to remain on masonry only long enough to dissolve paint but before soaking into masonry.

• Apply coatings to stabilize deteriorated masonry only if they have been proven neither to cause more deterioration or soiling that accelerates over time nor to block the water vapor permeability of the masonry.

• Replace missing masonry units by matching the original in size, color, and texture; make new mortar joints or repair existing joints by matching the original in width and tooling.

• In the application of new mortar approximate the original in porosity, strength, elasticity, color, and texture.

• Request technical assistance if necessary to evaluate the appropriate techniques for a particular building.

• On principal facades do not coat masonry with stucco.

• Do not paint masonry that historically was not painted unless it can be proven that only such a coating will preserve the masonry.

5. E–5 Wood.

(a) Concern: Existing original woodwork is a valuable, reclaimable resource. Repair is not necessarily more costly than replacement with other materials.

(b) Standards: Caring for existing wood:

• Patch damaged or deteriorated wood with compatible wood fillers to remedy cosmetic damage.

• Strip, scrape, and/or sandpaper existing wood to prepare for repainting. Do not sandblast.

• Paint wood with historically appropriate or compatible colors.

Replacing wood when it is beyond salvage:

• Duplicate the architectural feature in the original as closely as possible.
• Use wood rather than synthetic materials.
• The use of vinyl or a aluminum siding to cover or replace wood siding is discouraged.

Infilling with new design in wood:
• Match existing profiles and moldings where historically significant material provides clues.
• Relate new design in wood to local historical examples.
• Paint wood with historically appropriate or compatible colors (see E–9 for colors)

8. E–6 Metals.

(a) Concern: Historic metal elements—functional and decorative—often have been removed, damaged or covered by later alterations. Replacement metal or substitute materials should be visually compatible.

(b) Standards:
• Cast and wrought-iron and steel; clean rusted or overpainted iron and steel with abrasive blasting before repainting while protecting adjacent materials from damage; repair or replace broken or deteriorated cast iron elements with new cast iron or other replacement materials such as cast aluminum, cast or molded plastic, wood, or weather resistant cast fillers, providing for structural sufficiency as required.
• Sheet metals: remove deteriorated or painted sheet metal elements and replace in a matching configuration with the same kind of sheet metal, compatible sheet metal or molded plastic.

7. E–7 Windows.

(a) Concern: Windows are important visual elements of historic buildings. A building's character can be ruined when windows are inappropriately repaired or replaced.

(b) Standards: Repair existing windows if the wood is sound:
• Patch or replace deteriorated wooden parts.
• Make sash operable to provide a ready means of natural ventilation by reworking sliding surfaces of sash and frame, by repairing sash cords, and by restoring or replacing hardware.
• Scrape and sandpaper in order to prepare surfaces for fresh paint.
• Repaint all window elements with oil-base primer and paint.
• For thermal protection install insulated shutters or a second layer of glazing on inside of windows to preserve the exterior character of original windows.

Replace windows only if all or major part of assembly is beyond repair:
• Reuse existing frames with new sash or install new frames which match visually the size, detail, and setback of the original.
• Fit the rough openings in exactly the same way as original windows.
• Match sash with face dimensions of original. Sash should be made with a grid of muntin bars and lights the same as the original in size and number. Avoid non-functional muntin bars.
• Match the basic structural configuration of original transoms and mullions in size and number.
• Use wood or metal with color finishes compatible with historic paint colors (E–9 Color).
• Avoid introducing inappropriate historic motifs.

8. E–8 Roofs.

(a) Concern: A roof's shape can be irreversibly damaged by the removal of towers, original slate shingles, upper stories, and other elements or by additions of inappropriate materials. Repair or replacement can be consistent with historic preservation.

(b) Standards:
• Maintain existing historic roofing material where visible from the street through spot repairs using original or matching materials.
• For coated steel maintain a regular schedule of painting to prevent corrosion.
• For slate roofs replace deteriorated slate in kind and recycle existing slate in good condition.
• If roofing has deteriorated and needs total replacement, consider the life cycle costs of roofing changes. More costly materials such as slate and certain sheet metals can be expected to last much longer than other typically used modern materials.
• If it is infeasible to retain or repair a slate roof, consider replacing it preferably with a fiber reinforced shingle or, as a last resort, a compostion shingle, which approximates the variegated coloring and size of the original slates.
• If a sheet metal roof is corroded beyond repair, replace it with a matching or compatible sheet metal, avoiding the use of unfinished aluminum sheet metal. Similarly, avoid the use of this unfinished material for flashing or other roofing accessories.
• Replace concealed gable, flat or hip roofs with modern materials as necessary if preservation of historic materials is infeasible.
• Install roof solar collectors for energy savings or skylights for natural lighting where they will not be visually detrimental to the historic character of the roof.

9. E–9 Color.

(a) Concern: Paint and finishes are often applied in colors that are inconsistent with a building's style and without proper surface preparation.

(b) Standards:
• Determine the colors original to the building. Examine old paint for evidence of the historical paint finishes. Research historical records for the building. Seek technical assistance.
• Consider new colors based on the building's original colors if these can be determined. If these cannot be determined, base color scheme on historic precedents, or contemporary colors compatible in spirit with the period colors.
• Do not use strong paint strippers (chemical or mechanical) that can permanently damage the surface.
• Typical use of color:
• 1830–1860: trim-white; body—light greys, pastels, light browns.
• 1860–1895: deep earth tones or tones red, orange, yellow, green, blue, violet.
• 1895–1930: all white or light colors.

10. E–10 Interior Spaces.

(a) Concern: Many interior spaces contain finely crafted materials that are not available today. Sometimes these are hidden or removed in "modernizations" instead of being incorporated into the rehabilitation scheme.

(b) Standards:
• Determine whether an interior is significant before starting a major rehabilitation project.
• Give special attention to buildings rated A1, A2, B.
• Match new uses of the development programs to interior spaces in the buildings in a way that makes use of significant interiors with the least alteration.
• Repair and restore original materials if finishes are largely intact.
• If some decorative details are beyond both repair and practical replacement, eliminate these and simplify design by focusing on preservable details.
• If some reuse requires subdivision, wherever possible adopt part-height partitioning that allows the original spatial envelope with its shape and proportions to remain intact.

11. E–11 Doors and Egresses.

(a) Concern: Most projects require alteration or addition of egresses to meet building codes and for handicapped access. These changes do not have to damage a building's historic integrity.

(b) Standards:
• Provide new emergency egresses or retrofit existing doors to meet egress requirements in such a way that the

historic quality of the building is preserved.

• Preserve and restore historic doors and hardware wherever possible.

• Provide new vertical egress on side walls or on rear elevations of the building out of public view.

• Provide ramps for handicapped access in places other than main historic entrances and/or in a way which does not substantially impair the visual quality of the building. Seek technical assistance with the appropriate architectural design of these elements.

• In satisfying health, welfare, and safety requirements provide interior architectural solutions which do not require changes to the exterior of the buildings and which minimize the need for interior alteration of significant features.

• Take advantage of those portions of the Massachusetts State Building Code which allow alternative methods of compliance for existing buildings. See Section 436.0 Historic Buildings, and Article 22, Existing Buildings.

12. E–12 Mechanical Equipment.

(a) Concern: Air ducts, air conditioning units, roof equipment, solar panels, etc. can visually disrupt a historic facade or actually damage it if improperly installed.

(b) Standards:

• Locate necessary new mechanical equipment unobtrusively: in existing attic spaces; on flat roofs set back out of sight of the street; in basements; in other secondary spaces within the building; or remote from the building.

• Do not locate through wall or window units, vents, air intakes or louvers anywhere on the main public facades of a building.

• Carefully select the least disruptive methods and places for running ductwork, electrical wiring and plumbing pipes.

• Utilize fixtures of the existing mechanical system if they are part of the historic interior of the building and can be adapted to meet contemporary building code requirements. Likely reusable components include lighting fixtures, plumbing fixtures, stoves and fireplaces, radiators and air ducts.

• Obtain technical assistance to ensure the best architectural solution to the introduction of new mechanical systems.

13. E–13 Relocation of Historic Buildings.

(a) Concern: Moving a building may detrimentally alter the original site, it should be done only if there is no other way to save a building from demolition.

(b) Standards:

• Avoid relocation of historic buildings by finding a use for the original building on its site.

• If an historic building must be moved, select a site within a setting of similar context and in close proximity to the old. A fitting site may be one where a similar building once sat but which is now cleared. Moving a building requires care and planning. Both wood frame and masonry buildings can be moved and it is sometimes even feasible to move large buildings if this is the only way to preserve them.

• Do not create an artificial historic atmosphere, for example, by concentrating on one site a number of historic buildings into a configuration that has no legitimate historic basis. Instead, select an indivudual site for each building to occupy within existing compatible urban fabric.

14. E–14 Mill Buildings—General Principles.

(a) Concern: Preservation of the mill complexes is essential for interpreting the history of Lowell and may not be possible without adaptation for new uses.

(b) Standards—General:

• These standards discuss the mill buildings in general. On the following pages standards specifically related to mill buildings treat issues of adaptive use, industrial hardware, and millyard landscapes. The preceding standards E–1 through E–13 are also applicable to mill buildings.

• Preserve unaltered the critical exterior features of the including:

• The front facades of the original mills and connector buildings.

• Courtyards incorporating such facades.

• River and canal front facades.

• Prominent towers, cupolas and other highly visible elements.

• Maintain the true historic differences between structures produced during different periods of the evolution of the mills. Avoid imposing the image of the architectural style of a single period onto building elements from different periods.

• Give preference to new uses that can take advantage of the physical qualities of the buildings in their historical form and do not demand the alteration of significant building features or major additions.

• Somewhat greater flexibility for alteration will be allowed in the interior of the buildings and in secondary courtyard spaces.

15. E–15 Mill Buildings—Alteration for Adaptive Use.

(a) Concern: Most new uses for mills require some interior and exterior changes. These changes should not violate the buildings' historic quality.

(b) Standards:

• Functions within "primary millyards and within built space facing these millyards should relate to and be compatible with public pedestrian access.

• Do not alter facades or outdoor space in "primary" millyards.

• Millyards designated "secondary" are better suited for alterations such as elevator towers, or glass roof enclosures over gathering places like hotel lobbies, or shopping arcades. Such alterations should be permitted subject to satisfactory design solutions.

• The exterior appearance of windows should not be changed when interior spaces are subdivided with partitions or ceilings are lowered.

• Millyards should be kept free of parking.

• Deliveries and services should be organized to avoid conflict with pedestrians. Services can be restricted to certain periods if necessary to avoid conflict.

16. E–16 Mill Buildings—Industrial Hardware.

(a) Concern: Hardware relating to the original industrial power system and manufacturing processes may be historically significant and should be preserved. A distinction should be made between these items and those added later which clutter the millyards.

(b) Standards:

• Determine significance of hardware by its role in original manufacturing, its completeness, and its potential for interpreting the history of Lowell. Retain elements with such significance.

• Retain industrial features within millyards or inside buildings that contribute to the visual composition of the millyard, even if they are not of major historical value.

• If industrial hardware within primary millyards is preserved, keep its original relationship to the building intact and illustrate its original use. In the millyards designated "secondary" industrial equipment may be adapted to unrelated uses with decorative intent; for example, using industrial vats as planters.

• Remove industrial features judged historically insignificant, visually detrimental, and in poor repair.

17. E–17 Mill Buildings—Millyard Landscape.

(a) Concern: The open spaces surrounded by mill complexes, once attractively landscaped, are now paved and cluttered with vehicles and equipment.

(b) Standards:

• Develop the space within primary millyards and at mill fronts in simple and robust terms recalling the spirit of these spaces at the height of their original use.

• Restore or re-assemble landscaping elements from the original periods, especially in the Boott, Lawrence, and Massachusetts Mills where the opportunities for restoring the historic atmosphere is greatest. Preserve elements such as: paving blocks from street surfaces; lighting fixtures; fences, stone block walls, gates; fire hose houses and hydrants; and industrial hardware (E–16).

• Exclude parking from the "primary" mill spaces.

• Organize deliveries to avoid conflict with pedestrian uses. Restrict them by time of day if necessary to avoid conflict.

• Allow greater flexibility for design at "secondary" courtyards and facades.

18. E–18 Commercial Streets—General Principles.

(a) Concern: The vitality of downtown Lowell depends on lively ground floor uses that attract people during the day and evening. Rehabilitated or new buildings should be designed to help unify these streets.

(b) Standards:

• Preferred ground level uses on "primary" commercial streets are: retail, restaurant, entertainment or other functions directly open to the public and accessible from the sidewalk. Similar uses would be desirable on "secondary" commercial streets.

• When rehabilitating or infilling with new construction, reflect the scale and rhythm, strength of cornice line and general level of architectural detail typical of the street. Maintain also the variety of styles and details historically characteristic of the street.

• The demolition of portions of buildings, the removal of architectural details, or the covering of facades with new materials should generally not be allowed.

19. E–19 Commercial Streets—Storefronts.

(a) Concern: Many storefronts on historic buildings have been altered or replaced wtih incompatible materials and designs. Storefronts should be rehabilitated when possible or compatibly redesigned.

(b) Standards: To rehabilitate existing storefronts:

• Remove later fronts applied over remaining original storefront elements.

• Patch or replace in kind deteriorated original wooden parts. (See Standard E–5: wood)

• Remove paint non-abrasively from originally unpainted masonry elements still in good condition.

• Remove non-abrasively or scape and sandpaper existing painted wood to obtain a good surface for repainting.

• Repaint wood and iron elements.

To redesign storefronts altered or removed:

• Respect the system of structural bays. Reuse the orignial structural elements, such as piers, columns, and lintels. Infill using elements of base panel, window, and transom that are historically appropriate to the fascade. Retain any historic system or elements as closely as the needs of the new uses will allow.

• Construct storefront preferably in wood or in extruded aluminum framing. Coat wood with paint or aluminum with anodized or baked enamel finishes appropriate to or compatible with historic colors.

• Where there is no evidence of the original storefront interpret historic elements with a contemporary design solution.

20. E–20 Commercial Streets—Signage.

(a) Concern: Modern signage on historic buildings is often too large, covers architectural details and adds confusion to the street. Historic signs were usually designed to blend with storefronts and can be used as models.

(b) Standards:

• Meet the requirements of the *Lowell Sign Ordinance*, especially noting the requirement that signs not obscure the architectural features of the building.

• Design signs in styles, materials, type faces, color schemes, and letter relief appropriate or sympathetic to the historical style of the building.

• Avoid signs which are done in a style or design which predates the era of the building.

• Refrain from attaching signs in a manner which requires the removal of historic building materials to achieve clearance for the sign.

• Attach signs through joints in masonry units rather than directly into the unit itself.

21. E–21 Residential Buildings.

(a) Concern: The character of a street depends on the buildings, gardens, pavings, etc. of each house on it. Removal of architectural details in favor of more contemporary treatments can diminish historic character and vitality of the street.s

(b) Standards:

• Review and employ the "Guidelines" for residential facades, windows, shutters, entries, siding materials, and street-scape outlined in *Lowell—The Building Book*, "Houses," pp. 3–24 and "Technical Information," pp. 55–66.

II. New Construction

1.N–1 New Buildings—General Design Criteria.

(a) Concern: New buildings and activities are important for economic revitalization; they should be designed using a contemporary vocabulary that adds to the richness and compactness of existing 19th century buildings.

(b) Standards:

• In the overall design of buildings certain qualties of the physical fabric of historic Lowell should be adopted and interpreted into contemporary design:

• Use buildings to create continuous walled complexes that hold the lines of streets, canal and riverfronts and to create interior courtyard spaces. Avoid buildings designed as freestanding objects.

• Animate the cornice lines of buildings and design new high structures in the character of historic spires and towers. Avoid large utilitarian building blocks where these can dominate the skyline.

• The use program and design of ground levels in new buildings should ensure continuous animated cultural or commercial activity along the sidewalks of primary designated Commercial Streets and Pedestrian Ways of the District. Contribute public improvements and pedestrian amenities such as planting, benches, shelter, etc. (see P–2), along these streets.

• In new construction contemporary design vocabulary in details is encouraged rather than copies of historical elements.

• Give preference to using naturally textured materials and subdued colors related to the historic materials of the District. Interpret into the contemporary achitectural design the scale, rhythms, proportions, and level of animation found in the historic buildings of Lowell.

2. N–2 Infill Structures vs. Major Sites.

(a) Concern: Infill structures inserted between historic buildings are crucial to reinforcing the streetscape. Structures on major sites can significantly influence larger areas.

(b) Standards:

• For infill structures: blend with the existing architectural fabric as seen from the street level, and reinforce continuity rather than stand out individually. See detailed standards for:

• Height and Setback (N–3).

• Exterior Design and Details (N–4).

• For major sites: on the street level these projects should conform to the general design principles (N–1); they

also can create their own contemporary environment with greater flexibility. In regard to the vistas of the city the new projects should allow views of the mills and their towers to dominate the street and cityscape. See detailed standards for:

• Massing and Height (N–5).

• Canal and Riverbank Development (N–6).

3. N–3 Infill Structures—Height and Setback.

(a) Concern: When new buildings have setbacks and heights appreciably different from adjacent buildings, they call attention to themselves. New structures should reinforce historic relationships.

(b) Standards:

• Height Limitation for Infill Structures:

H_1=minimum height: recommended to be no less than the lower of the adjacent buildings or two stories, whichever is greater.

H_2=maximum height generally allowed: equal to the taller of the immediately adjacent buildings along the block face but no less than two stories.

H_3=maximum height based on the merits of the design determined through the review process: height can be allowed up to that of the highest existing building along the face of the block which includes the infill structure. Authorization for this extra height will be considered as a bonus for compliance with standards for ground level use and exterior design details.

• Setback limitation for infill structures: the setback of the street wall of an infill building must be no more than that of the adjacent building with the greater setback, and no less than the adjacent building with the lesser setback. Elements exempted from this rule include:

• The portions of height above H_1 if permitted, may be set back, but if such setback is used it should be a minimum of 20 feet from the street wall.

• Storefronts at the ground level may be set back from the Street Wall to create arcades, but the line of structural supports should remain at the street wall.

4. N–4 Infill Structures—Exterior Design Details.

(a) Concern: A new building's design should relate to existing historic buildings by proper attention to architectural elements and treatments such as walls, roofs, major horizontal and vertical lines, placement and size of windows and doors.

(b) Standards:

• Develop design proposals for review. Seek technical assistance for design and presentation. Include in the presentation

• The treatment proposed for the critical elements listed.

• Analysis of critical design features of surrounding buildings.

• Compatibility of the new proposal with existing buildings illustrated by the use of photomontage, architectural model or other suitable technique.

• Avoid obviously incompatible elements: curtain walls; windowless walls facing the street; mill finish aluminum frames; porcelain enamel and other incompatible panel materials; brightly colored, shiny-surfaced materials above the ground level.

5. N–5 Major Sites—Massing and Height.

(a) Concern: The historic quality of the District can be damaged if major new buildings are significantly taller or more massive than existing ones. Respect for the tightly-knit building and street fabric is important.

(b) Standards:

• Build new structures in the industrial and commercial sections of the District to the lot line along street and canal fronts. Buildings should be a minimum of 2 stories or 25 feet and a maximum of 5 stories or 60 feet high at these lines.

• Building higher than this limit may be allowed as exceptions based on the merits of the design determined through the review process. The following may be considered as the criteria for granting exceptions:

• Set back the high rise element from the lot line at least 40 feet when there are intervening lower building elements.

• Demonstrated analysis of and design response to: key historic views, shadows and wind currents caused by the building, traffic and pedestrian flows that are compatible with the District.

• Design of the building as an appropriate vertical focal point and a worthy neighbor to the towers and spires of historic Lowell.

• Compliance with recommended ground level uses and provision of public pedestrian amenities.

6. N–6 Major Sites—Canals and River Bank Development.

(a) Concern: Existing sympathetic relationships between buildings, canals, and riverbanks should be reflected in new buildings. Public access to the water, should continue with new projects.

(b) Standards:

• Buildings under the 5 story or 60 foot height limit should be located within a maximum of 20 feet from the water edge in order to maintain the traditional close relationship of the buildings and the water.

• Building elements higher than this limit, if allowed through the review process, should be set back a minimum of 40 feet from the water's edge. No such high rise elements should be allowed in most cases unless at least 70% of the water edge included in the site is being built up to at least 3 stories in height.

• Provide a public path along the open edges or within an arcade as part of the continuous system of public ways.

• Avoid locating open parking lots closer than 20 feet to the edge of the water. Screen the parking lot from the waterfront with dense vegetation or opaque fence or wall.

7. N–7 Commercial Streets—Ground Level Use.

(a) Concern: New projects will enhance downtown vitality if cultural, retail uses and pedestrian amenities are located in commercial buildings. New storefronts should have the same scale and materials as historic ones.

(b) Standards:

• Signs and awnings on new buildings should respect the zone and manner of display for these on existing historic buildings in the historic commercial area (See E–20 Commercial Streets—Signage).

• Provide a minimum of 60% transparency for shopfronts with pedestrian-oriented displays. (See N–4 Infill Structures—Exterior Design and Detail)

• Incorporate pedestrian amenities such as street furniture and awnings or arcades into the design of new buildings.

• Maintain columns or walls of new building in line with existing facades—this Standard also applies when the ground-level design includes an arcade.

8. N–8 Auto Access, Parking and Service.

(a) Concern: Parking and servicing can interfere with pedestrian use and enjoyment of the sidewalk and access to shops. Limiting curb cuts, restricting parking locations, and requiring screening for parking lots can help to minimize this interference.

(b) Standards:

• Auto access to new project sites should be as direct as possible from major access routes. Dutton or French Streets should be used if possible. Channeling additional traffic through major commercial streets or pedestrian paths will be discouraged.

• New curb cuts and open lot parking along primary shopping streets such as Merrimack and Central will be discouraged.

• One curb cut (maximum 20 feet wide) per lot or per 100 feet of frontage

are strongly recommended on other than primary shopping streets.

• Parking should be prohibited between building and street line.

9. N–9 Parking Garages.

(a) Concern: Parking garages can overwhelm downtown historic character unless care is taken with location, design, ground level use, size relative to adjacent buildings, auto and pedestrian entrances and exits.

(b) Standards:

• *Location.* Locate no garages directly within any of the historic mill complexes or historic residential groups. Avoid parking on the ground level along primary commercial streets and give preference if possible to uses other than parking along the upper floors of the street facade. Provide access to garages directly from automobile feeder streets and avoid all curb cuts along major commercial streets and pedestrian ways.

• *Ground Level Treatment.* Include shops along the full ground floor frontage on primary shopping streets (see N–7 commercial streets—Ground Level Use for design requirements). Provide design treatment continuous with the adjacent buildings and add landscaping and pedestrian amenities appropriate for the street.

• *Massing and Facade Treatment.* Large garages are comparable in size to the mill structures. They should not imitate these historic buildings but may best fit in by responding to their scale and emphasizing overall mass and exterior brick walls with openings rather than the structure of horizontal floor levels.

• The construction of any garage in the District containing more than 25 cars should be permitted only contingent on the compatibility and merit of the design determined through the review process.

Fred Faust,

Executive Director.

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BILLING CODE 4310–KD–M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–115

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 59457 (Sub-1–5TA), filed April 16, 1981. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., 5 Old Amity Road, Bethany, CT 06525. Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. *Printed matter and equipment, materials and supplies used in the manufacture, distribution and sale of printed matter* between Detroit, MI on the one hand, and, on the other, NC, SC, TN, GA, AL, AR, MS and CT. Supporting shipper: Triangle Publications, Radner Corporate Center, 100 Matson Ford Road, Radner, PA 19088.

MC 154993 (Sub-1–1TA), filed April 16, 1981. Applicant: H & W ENTERPRISES, South Witham Road, Auburn, ME 04210. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. *Contract carrier:* irregular routes: *Textile mill products,* (1) between points in ME on the one hand, and, on the other, points in MA and (2) from points in MA and ME to points in CT, NH, NJ, NY, RI, and VT under continuing contract(s) with Carlton Woolen Mills, Inc., Winthrop, ME. Supporting shipper: Carlton Woolen Mills, Inc., Main Street, Winthrop, ME 04364.

MC 146 (Sub-1–1TA), filed April 15, 1981. Applicant: CHAMBERS-THOMPSON MOVING & STORAGE, INC., 596 Hilliard St., Manchester, CT 06040. Representative: Glover Thompson (same as applicant). *(1) Pumps and pump materials and supplies* from Wallingford, CT to Marion, IL and South Bend, IN and between South Bend, IN and Marion, IL; *(2) Telephone equipment, materials and supplies* from Niles, MI and Chicago, IL to Yonkers, NY, Suffern, NY, Kearny, NJ, Pawtucket, RI; *(3) Printed matter* between Honesdale, PA and Windsor, CT. Supporting shippers: Western Electric, 2121 Chicago Road, Niles, MI 49120; ABS Pumps, 25 Village Lane, Wallingford, CT 06492; Aetna Life Insurance Co., 151 Farmington Avenue, Hartford, CT 06156.

MC 140950 (Sub-1–1TA), filed April 15, 1981. Applicant: BROOKVILLE TRANSPORT, LIMITED, P.O. Box 2322, Station C, St. John, New Brunswick, CD. Representative: John C. Lightbody, Esquire, Murray, Plumb & Murray, Portland, ME 04101. (A) *Beer* from US-CD boundary at Calais, ME to Woodland, ME, restricted to traffic with a subsequent movement by rail. (B) *Piggyback trailers* between points on the US-CD boundary at Calais, ME and Woodland, ME restricted to traffic with a prior or subsequent movement by rail. Supporting shipper: Alliance Shippers, Incorporated, 8440 Archer Avenue, Willow Springs, IL 60480.

MC 155338 (Sub-1–1TA), filed April 16, 1981. Applicant: CREST-FOAM TRUCKING CORP., 100 Carol Place, Moonachie, NJ 07074. Representative: Ronald I. Shapss, Esq., 450 Seventh Ave., New York, NY 10123. *Contract carrier:* irregular routes: *Plastic and plastic products and materials and supplies used in the manufacture thereof* between Moonachie and Edison, NJ on the one hand, and on the other, points in the US under continuing contract(s) with Crest-Foam Corp of Moonachie, NJ. Supporting shipper: Crest-Foam Corp., 100 Carol Place, Moonachie, NJ 07074.

MC 155339 (Sub-1–1TA), filed April 15, 1981. Applicant: FOSTER TRUCKS, INC., Trucking Division, East Middlebury, VT 05740. Representative: John R. Barrera, Esq., Conley and Foote, P.O. Box 391, Middlebury, VT 05753. *Contract carrier:* irregular routes: *Cheese and cheese products and equipment and materials and supplies*

used in the manufacture of cheese and cheese products, between Hinesburg, VT on the one hand, and, on the other hand, CT, DE, DC, FL, GA, IL, IN, MA, MD, MI, NC, NJ, NY, OH, PA, RI, SC, VA, and WV, under continuing contract(s) with International Cheese Co. Inc. of Hinesburg, VT. Supporting shipper: International Cheese Co., Inc., Hinesburg, VT 05461.

MC 150616 (Sub-1–2TA), filed April 16, 1981. Applicant: AVION TRANSPORT, INC., 43 East Hollis Street, Nashua, NH 030360. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. *Contract carrier:* Irregular routes: *(1) Plastic articles, and (2) equipment, material and supplies used in the manufacture and distribution of the commodities named in (1) above* between Medford, MA, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Composite Container Corporation of Medford, MA. Supporting shipper: Composite Container Corporation, 330 Middlesex Ave., Medford, MA 02155.

MC 149536 (Sub-1–5TA), filed April 16, 1981. Applicant: RODCO LEASING, INC., 380 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Plastic and plastic articles and equipment, materials and supplies used in the manufacture, sale and distribution of such commodities,* between Hampshire City, MA and points in the contiguous 48 states. Supporting shipper: Hammerplast, Inc., 238 Nonotuck Street, Florence, MA 01060.

MC 127955 (Sub-1–7TA), filed April 15, 1981. Applicant RICCI TRANSPORTATION CO., INC., Odessa Ave & Aloe St., Pamona, NJ 08240 Representative: Joseph A Keating, Jr., 121 S Main St. Taylor, PA 18517 *Malt Beverages, in containers* from Baltimore, MD and Latrobe, PA Atlantic City, NJ and from Rochester and South Volney Township, NY to Wall Township, Monmouth County, NJ, Supporting Shipper(s): Kramer Beverage Co., Inc., 110 N. Virginia Ave., Atlantic City, NJ. Point Pleasant Distributor's, Inc., 319 Hawthorne Ave., Point Pleasant Beach, NJ.

MC 112963 (Sub-1–11TA), filed April 15, 1981. Applicant: ROY BROS., 764 Boston Road, Pinehurst, MA 01866. Representative: Leonard E. Murphy (same as applicant). *Plastic materials, dry, in bulk tank vehicles,* between Passaic, NJ and Point Pleasant, WV, on the one hand, and, on the other, points in GA, NY, NJ, NC, OH, PA, TN, VA, WV, and SC. Supporting shipper: Pantosote, Inc, 26 Jefferson St., Passaic, NJ 07055.

MC 153611 (Sub-1–5TA), filed April 16, 1981. Applicant: TRANSPORTATION SYSTEM OF AMERICA, INC., 3906 River Road, Pennsauken, NJ, 08110. Representative: Richard M. Parnicky, 71 West Park Avenue, Vineland, NJ 08360 *Elliptic and semi-elliptic tractor springs, and such commodities as are dealt in and used by manufacturers and distributors of automotive repair parts,* between Philadelphia, PA and Baltimore, MD, on the one hand, and, on the other hand, points in the US. Supporting shipper: Impex Industries, Inc., 6801 State Road, P.O. Box 17671, Philadelphia, PA 19135.

MC 111729 (Sub-No. 1–12TA) filed April 16, 1981. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same address as applicant). *Machinery and Products related to the operation and maintenance thereof; Metal Products; Paper and Related Products, in packages weighing 70 lbs. each:* 1. Between Boston, MA, on the one hand, and, on the other, points in CT, ME, NH and RI. 2. Between Secaucus, NJ, on the one hand, and, on the other, points in Adams, Bedford, Berks, Blair, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntington, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, PA; and points in CT, ME, NH, NY anda RI.3. Between Pennsauken, NJ, on the one hand, and, on the other, points in DE, MD and PA. 4. Between Syracuse, NY, on the one hand, and, on the other, points in PA. 5. Between Webster, NY, on the one hand, and, on the other, points in Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Erie, Franklin, Geauga, Guernsey, Harrison, Holmes, Huron, Knox, Lake, Licking, Lorain, Mahoning, Medina, Muskingum, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas and Wayne Counties, OH; and points in CT, DE, ME, MA, MD, NH, NJ, PA, RI and DC. 6. Between Springfield, VA, on the one hand, and, on the other, points in Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Clearfield, Crawford, Dauphin, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Philadelphia, Somerset, Venango, Warren, Washington and Westmoreland Counties, PA; and points in DE, MD, NJ, NC, SC and DC. 7. Between Charlotte, NC, on the one hand, and, on the other, points in SC and VA. 8. Between Cleveland, OH, on the one hand, and, on the other, points in Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington and Westmoreland Counties, PA. 9. Between points in OH, on the one hand, and, on the other, points in WV (except those in Berkeley, Brooke, Grant, Hampshire, Hancock, Hardy, Jefferson, Marshall, Mineral, Morgan, Ohio, Pendleton, Tucker and Wetzel Counties). 10 Between Detroit, MI, on the one hand, and, on the other, Indianapolis, IN, points in Indiana on the North of U.S. Hwy No. 24, and points in OH. 11. Between Kansas City, MO, and Wichita, KS. 12. Between St. Louis, MO, on the one hand, and, on the other, points in IL, IN, IA and KY. 13. Between Omaha, NE, on the one hand, and, on the other, points in IA and SD. 14. Between Minneapolis, MN, on the one hand, and, on the other, points in IA, ND, SD and WI. 15. Between Portland, OR, on the one hand, and, on the other, points in WA. 16. Between Seattle, WA, on the one hand, and, on the other, points in OR. 17. Between Des Plaines, IL, on the one hand, and, on the other, points in Allen, Auglaize, Brown, Butler, Champaign, Clark, Clinton, Clermont, Defiance, Darke, Franklin, Fulton, Greene, Hamilton, Hancock, Henry, Highland, Logan, Lucas, Mercer, Miami, Montgomery, Ottawa, Paulding, Preble, Putnam, Sandusky, Seneca, Van Wert, Warren, Wood, and Williams Counties, OH; and points in IN, IA, MI, MO, and WI. 18. Between Dallas, TX, on the one hand, and, on the other, points in AR, LA and NM. 19. Between Atlanta, GA, on the one hand, and, on the other, points in AL, FL, MS, NC, SC, and TN. 20. Between Norfolk, VA, on the one hand, and, on the other, points in NC and WV. Supporting shipper: Xerox Corporation, 800 Phillips Road, Webster, New York 14580.

MC 155325 (Sub-1–1TA), filed April 15, 1981. Applicant: NEW JERSEY CHARCOAL CO., 18 Commerce Road, Fairfield, NJ 07006. Representative: Alan Kahn, Barry D. Clegan, 1430 Land Title Bldg., Philadelphia, PA 19110. *Contract carrier:* Irregular routes: *Charcoal briquets, fireplace logs, wood chips, and barbecue and fireplace related items,* from the facilities utilized by the Kingsford Company at Fairfield, NJ to points in CT, DE, MA, NH, NY, PA and

RI, under continuing contract(s) with the Kingsford Company of Louisville, KY. Supporting shipper: The Kingsford Company, 1700 Commonwealth Building, P.O. Box 1033, Louisville, KY 40201.

MC 151193 (Sub-1–17TA), filed April 17, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam, 3 Commerce Drive, Cranford, NJ 07016. *Contract carrier;* irregular routes; *(1) Foodstuffs, (2) such commodities as are dealt in and sold by supermarkets (except commodities in bulk) and equipment, materials, and supplies used in the manufacture, sale and distribution of such commodities in (1) and (2) (except commodities in bulk),* between FL, GA, IL, MA, PA, NJ and DC, under continuing contract(s) with Allied Old English, Inc., Pt. Reading, NJ. Supporting shipper: Allied Old English, Inc., 100 Markley Street, Pt. Reading, NJ 07064.

MC 149061 (Sub-1–1TA), filed April 15, 1981. Applicant: SUBURBAN TRAILS, INC., 750 Somerset Street, New Brunswick, NJ 08901. Representative: Edward F. Bowes, Esq., Bowes, Millner and Rodgers, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Common carrier:* regular routes: *Passengers and their baggage and express and newpapers in the same vehicle with passengers,* between Plainsboro and Cranbury, NJ and New York, NY serving all intermediate points as follows: (1) From the jct of US Hwy 1 and Princeton-Plainsboro Rd in the township of Plainsboro, NJ, over Princeton-Plainsboro Road to jct Plainsboro-Cranbury Rd., then over Plainsboro-Cranbury Rd to jct Maplewood Ave. in the Township of Cranbury, NJ, then over Maplewood Ave to jct Half Acre Rd., then over Half Acre Rd. to jct Forsgate Dr. (NJ Hwy 32) in the Township of South Brunswick, NJ, then over Forsgate Dr. to NJ Turnpike, then over the NJ Turnpike to jct Int. Hwy 495 in Secaucus, NJ, then over Int. Hwy 495, via the Lincoln Tunnel, to New York, NY, and return over the same route. (2) From the jct of US Hwy 1 and Ridge Road (Middlesex Cty Hwy 522) in the Township of South Brunswick, NJ over Ridge Rd. to jct Shalks Crossing Rd., then over Shalks Crossing Rd. to jct Plainsboro-Cranbury Rd. in the Township of Plainsboro, NJ then over the routes specified above to New York, NY, and return over the same routes. (3) From the jct of US Hwy 130 and Cranbury-South River Rd. (Middlesex Cty Hwy 535) in the Township of Cranbury, NJ, over Cranbury-South River Rd., to jct Forsgate Drive in the Township of South Brunswick, NJ then over the routes specified above to New York, NY, and return over the same routes. (4) From the jct of US Hwy 1 and NJ Hwy 18 in the City of New Brunswick, NJ, over NJ Hwy 18 to the NJ Turnpike then over the routes specified above to New York, NY and return over the same routes. Applicant propose to join the proposed routes with its existing regular route passenger authority in Docket MC–149061. Supporting shipper(s): There are 25 supporting shipper statements included with this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 142114 (Sub-1–6TA), filed April 17, 1981. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, MA 01824. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Contract Carrier:* Irregular routes: *glass; glass products; supplies, equipment and machinery used in the manufacture and shipping thereof in the following states:* all points in the 48 contiguous United States, under continuing contract(s) with General Glass International Corp., of New Rochelle, NY. Supporting shipper: General Glass International Corp., 270 North Avenue, New Rochelle, NY 10801.

MC 117466 (Sub-1–1TA), filed April 17, 1981. Applicant: HAST, INC. d.b.a. ROYAL MESSENGER SERVICE, 9 Indian Neck Avenue, Branford, CT 06405. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. *Photographic materials, printed matter and dental supplies* between CT on the one hand, and, on the other, Hampden County, Hampshire County and Franklin County, MA; Suffolk County, Putnam County and Westchester County, NY; and the New York, NY Commercial Zone. Suppporting shippers: There are seven statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm., 620, Philadelphia, PA 19106.

MC 107012 (Sub-II–155TA), filed April 8, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). *Contract; irregular: Data processing systems, supplies, units and devices in connection therewith* between Ulster and Duchess Counties, NY, on the one hand, and, on the other, points in the U.S. in and west of MN, IA, MO, AR, and LA for 270 days. Supporting shipper(s): International Business Machines Corp., P.O. Box 10, Princeton, NJ 08540.

MC 107012 (Sub-II–156TA), filed April 13, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Furniture* from the facilities of the Overland Shippers Association and its members in MA to points in NC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Overland Shippers and Receivers Assoc., Inc., 15751 Brookhurst St., Suite 101, Westminister, CA 92683.

Note.—Common control may be involved.

MC 129124 (Sub-II–11TA), filed April 13, 1981. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036. *Coal, in bulk in dump vehicles,* between points in Clarion and Jefferson Counties, PA, on the one hand, and, on the other, points in WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Basic Energies, Inc., 414 Main St., Reynoldsville, PA 15851.

MC 136782 (Sub-II–2TA), filed April 13, 1981. Applicant: R.A.N. TRUCKING CO., P.O. Box 128, Eau Claire, PA 16030. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Food and related products,* between points in Will County, IL on the one hand, and, on the other, points in OH for 270 days. Supporting shipper: Julius Wile Sons & Co., Inc., One Hollow Lane, Lake Success, NY 11042.

MC 154900 (Sub II-1TA), filed April 13, 1981. Applicant: FULTON HAULING CORP., 943 Illinois Ave., Pittsburgh, PA 15221. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. *Steel rails, railroad ties, light poles, and equipment, tools and supplies used in the installation of railroad systems,* from points in PA, OH, WV, MD, VA, and NJ to points in Allegheny County, PA, for 270 days. Supporting shipper(s): Port Authority of Allegheny County, Beaver and Island Aves., Pittsburgh, PA 15233; Ellwood City Iron & Wire Co., P.O. Box 832, Ellwood City, PA 16117; and Appalachian Timber Service, Inc., P.O. Box 7518, Charleston, WV 25313.

MC 74416 (Sub II-3TA), filed April 9, 1981. Applicant: LESTER M. PRANGE, INC., Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. *Foodstuffs, and materials, equipment, and supplies used in the manufacture, packaging, and*

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distribution thereof, between Anne Arundel, Prince Georges and Baltimore Counties, MD, and Baltimore, MD, on the one hand, and, on the other, points in CT, DE, GA, IL, IN, KS, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, WI, and DC, for 270 days. Supporting shipper: J. H. Filbert, Inc., Baltimore, MD 21229.

MC 41706 (Sub II-2TA), filed April 9, 1981. Applicant: TOSE, INC., 424 W. Fourth St., Bridgeport, PA 19405. Representative: Anthony C. Vance, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Common, regular: *General commodities (except Classes A and B explosives),* serving points in Tolland and Winham Counties, CT, as off-route points to its regular routes which traverse said counties. Applicant intends to tack this authority with its other authority held in MC–41706 and other subs. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are eight supporting shippers' statements attached to this application which may be examined in the Phila. Regional office.

MC 146632 (Sub II-4TA), filed April 13, 1981. Applicant: CHARLES A. STOECKLER, INC., 3 Spring St., Wilkes Barre, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Such commodities as are dealt in by retail department stores* between Luzerne County, PA on the one hand, and, on the other, Pensacola, Tallahassee and Jacksonville, FL, Mobile, AL, Pleasantville, Cherry Hill and Princeton, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Jewelcor, Inc., Erie & Susquehanna Ave., Exeter, PA 18643.

MC 155261 (Sub-II–1TA), filed April 13, 1981. Applicant: ROBERT PARRY, 620 Powell Ave., Clarks Summit, PA 18411. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Salt and salt products, salt and pepper containers, industrial salt and materials and supplies used in the manufacture and distribution of such commodities and rejects on return* between Watkins Glen and Restoff, NY and Scranton, PA, on the one hand, and, on the other, points in MD, PA, KY, DE, VA, WV, NC, SC, GA, OH, IN, IL, MI and LA. An underlying ETA seeks 120 days authority. Supporting shipper(s): International Salt Co., Morgan Hwy., Clarks Summit, PA 18411.

MC 155176 (Sub-II–1TA), filed April 8, 1981. Applicant: ELLIS LIMOUSINE SERVICE, INC., 1690 Republic Rd., Huntingdon Valley, PA 19006. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Passengers and their baggage, in special and charter operations, in nonscheduled door-to-door service, limited to the transportation of not more than six (6) passengers in one vehicle (not including the driver, and not including children under 10 years of age who do not occupy a seat or seats),* between New York, NY; Newark, NJ, points in Atlantic County, NJ and those in Bucks, Montgomery and Philadelphia Counties, PA, for 270 days. Supporting shipper(s): Associated Safety & Fire Consultants, Inc., P.O.B. 202 Penndel, PA 19047; Robert Bruce, Inc., C & Westmoreland Sts, Philadelphia, PA 19134; Holiday Travel Service, 3558 Street Rd., Bensalem, PA 19020; and Cullis Distributing Co., 1690 Republic Rd., Huntingdon Valley, PA 19006.

MC 129124 (Sub-II–12TA), filed April 16, 1981. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 56, Woodland, PA 16881. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036. *Ores and minerals, in bulk in dump vehicles,* from points in Shenandoah and Frederick Counties, VA, to pts. in Chemung Co., NY for 270 days. An underlying ETA seeks 120-day authority. Supporting shipper: Thatcher Glass Manufacturing Co., P.O. Box 265, Elmira, NY 14902.

MC 149484 (Sub-II–16TA), filed April 15, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Barry Weintraub, Suite 600, 8133 Leesburg Pike, Vienna, VA 22180. *Printing paper, other than newsprint, materials, equipment and supplies used in the manufacturing and distribution thereof,* between the facilities of Appleton Papers Inc., Camp Hill, PA, Appleton, WI, Combined Locks, WI, and Roaring Spring, PA on the one hand, and on the other points in the U.S. (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Appleton Papers, Inc., 2850 Appleton St., Camp Hill, PA 17011.

MC 152509 (Sub-II–8–TA), filed April 10, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., P.O. Box 5856, Cleveland, OH 44101. Representative: Robert R. Harris, 1730 M Street, N.W., Washington, D.C. 20036. *Contract Irregular: General commodities* (except Classes A and B explosives, commodities in bulk, and hazardous materials) under continuing contracts with Northeastern Pennsylvania Shippers Cooperative Association, Inc. of Dunmore, PA, or its members between points in NY, NJ, and PA, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Northeastern Pennsylvania Shippers Cooperative Association, Inc., 1212 O'Neill Highway, Dunmore, PA 18512.

MC 116132 (Sub-II–1TA), filed April 13, 1981. Applicant: NATIONAL TANK TRUCK DELIVERY, INC., 85 E. Gay St., Columbus, OH 43215. Representative: Earl N. Merwin, 85 E. Gay St., Columbus, OH 43215. *Contract Irregular: General commodities* (except Classes A and B explosives), (1) between Detroit and Melvindale, MI, on the one hand, and, on the other, Louisville, KY; (2) between Nashville, TN, on the one hand, and, on the other, Dearborn, Wayne, Wixom, Melvindale, and Detroit, MI; Lorain, OH; and Louisville, KY, for 270 days. Supporting shipper: Ford Motor Co., 1 Parklane Blvd., Ste. 200 Parklane Twrs., E., Dearborn, MI 48126.

MC 155085 (Sub-II–1TA), filed April 13, 1981. Applicant: B & H INDUSTRIES, INC., Rt. 1, West Unity, OH 43570. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Such commodities as are dealt in or used by manufacturers of brass and brass products,* between the facilities of Chase Brass, located at or near Montpelier, OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Restricted to the transportation of shipments originating at or destined to the origins specified above for 270 days. Supporting Shipper: Kennecott Engineered Systems Company, a division of Kennecott Corporation, 20600 Chagrin Boulevard, Cleveland, OH 44122.

MC 155322 (Sub-II–1TA), filed April 15, 1981. Applicant: HANDY ROYALTY, d.b.a. ROYALTY TRUCKING, 2311 Starling Rd., Bethel, OH 45106. Representative: Norbert B. Flick, 2250 Beechmont Ave., Cincinnati, OH 45230. *Iron and Steel Articles,* Railroad Car Parts and Castings and Forgings between points in OH and KY, for 270 days. Supporting shipper(s): Ortner Freight Car Co., 2652 Erie Ave., Cincinnati, OH 45208.

MC 155342 (Sub-II–1TA), filed April 16, 1981. Applicant: G.W.D. EXPRESS, INC., P.O. Box 396, Pioneer, OH 43554. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of brass and brass products,* between the facilities of Chase Brass & Copper Unit of Kennecott Corporation at or near Montpelier, OH on the one hand, and, on the other, points in the U.S. in and east of ND, SD,

NE, KS, OK and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kennecott Engineered Systems Company, Div. of Kennecott Corporation, 200 Chagrin Boulevard, Cleveland, OH 44122.

MC 124212 (Sub-II–4TA), filed April 17, 1981. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Fly ash,* from Ashtabula County, OH to points in NY and PA for 270 days. Supporting shipper: Penn Virginia Materials Corp., 4950 East 345th St., Willoughby, OH 44094.

MC 150568 (Sub-II–3TA), filed April 17, 1981. Applicant: CASE CARRIAGE CO., 715 South Sugar Street, Celina, OH 45822. Representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. *Foodstuffs and related commodities,* between the facilities of Vernon Calhoun Packing Company in Anderson County, TX, on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper(s): Vernon Calhoun Packing Company, P.O. Box 709, Palestine, TX 75801.

MC 141424 (Sub-II–2TA), filed April 17, 1981. Applicant: P–Y TRANSPORT, INC., 2393 W. Market St., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, D.C. 20005. *Wheel rims,* in containers, from the facilities of Redco Corporation, Red Lion, PA, to the Port of Baltimore, MD. Supporting shipper: Redco Corporation, Red Lion, PA 17356.

MC 139814 (Sub-II–2TA), filed April 16, 1981. Applicant: G. W. TRANSFER, INC., P.O. Box 295, 3100 State Rte 95, Mt. Gilead, OH 43338. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Oil well pumping jacks, and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between the facilities of Morgan Engineering, Oil Products Div., A Unit of AMCA International Corp. at Alliance, OH, on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Morgan Engineering, Oil Products Div., A Unit of AMCA International Corp., 947 E. Broadway, Alliance, OH 44601.

MC 154713 (Sub-II–5TA), filed April 16, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Metal products and machinery* between points in Greenup and Boyd Counties, KY, on the one hand, and, on the other, points in NM, CO, VA, IL, KY, AL, PA, WY, MI, WV, MD and MN. Supporting shipper: National Mine Service Co., P.O. Box 1447, Ashland, KY 41101.

MC 72069 (Sub-II–12TA), filed April 16, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. *Synthetic polymers,* between points in the U.S. and east of MN, IA, MO, AR and TX, for 270 days. Supporting shipper: Plastic Materials Co., Inc., Milford, DE 19963; J. L. Moorshead Co., Inc., Greensboro, MD 21963.

MC 155113 (Sub-II–1TA), filed April 16, 1981. Applicant: TRANSIRE, INC., 633 Matzinger Rd., Toledo, OH 43612. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *General commodities,* except classes A and B explosives, between points in Lucas County, OH, on the one hand, and, on the other, points in Cook County, IL. Applicant intends to interline at Cook County, IL. An underlying ETA seeks 120 days authority. Supporting shippers: Gross Manufacturing Co., 152 Hamilton, Toledo, OH 43695; I–SIS, Inc., 5405 Telegraph Rd., Toledo, OH 43612; Keystone Lighting Co., 3300 Bishops St., Toledo, OH 43606; and Mid-West Electronics, Inc., 228 Fassett St., Toledo, OH 43605.

MC 151707 (Sub-II–11TA), filed April 15, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis Kupchik (same as applicant). Contract; irregular: *Aluminum Siding, Aluminum Coils, Aluminum Accessories,* Materials and Supplies used in the manufacture thereof between Detroit, MI, and points in and east of the states of ID, UT, and AZ, under continuing contract(s) with Bendix Modern Materials Corp. An underlying ETA seeks 120 days authority. Supporting shipper: Bendix Modern Materials Corp., 301 S. Green, Detroit, MI 48217.

MC 151346 (Sub-II–3TA) Applicant: ZEE CORPORATION, P.O. Box 693, Langhorne, PA 19047. Representative: Robert W. Flowers, P.O. Box 245, Langhorne, PA 19047. Contract, irregular: (a) iron and steel articles, and (b) supplies used in the installation, manufacture, sale, or production of iron and steel articles between points in the U.S. (except AK and HI) under continuing contracts with Prior Coated Metals for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Prior Coated Metals, 2233 26th St., S.W., Allentown, PA 18103.

MC 152230 (Sub-II–2TA), filed April 17, 1981. Applicant: THEODORE F. MILLER, d.b.a. T. & L. MILLER, 36 West Eighth St., Bloomsburg, PA 17815. Representative: David C. Venable, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Canned foodstuffs and materials, supplies and equipment* used in the manufacture of canned foodstuffs, between Northumberland and Palm, PA, on the one hand, and, on the other, points in the U.S. (except FL, GA, NC, AK, HI, and SC) for 270 days. An underlying ETA is seeking authority for 120 days. Supporting shipper: Furman Canning Co. R.D. 2, Northumberland, PA 17857.

MC 115391 (Sub-II–3TA), filed April 17, 1981. Applicant: GENSIMORE TRUCKING, INC., P.O. Box L, Pleasant Gap, PA 16823. Representative: Barry L. Gensimore (same as applicant). Common, irregular—*coak, foundry facing, and foundry core compounds* from Butler County, PA., to points in DE, IL, IN, MD, MI, NY, OH, TN, VA, and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Limewood Corporation, R.D. 1, Boyers, PA 16020.

MC 94265 (Sub-II–28TA), filed April 17, 1981. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305—Route 460 W, Windsor, VA. 23487. Representative: William K. Gainey, P.O. Box 305, Windsor, VA 23487. *Non-exempt food or kindred products as described in Item 20 of the STCC,* from New Castle County, DE, and Hudson County, NJ to points in MD, VA, WV, NC, DC, Atlanta, GA, Greenville, MI, Chicago, IL, and Plover, WI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gagliardi Brothers, Inc., 700 N Five Point Road, West Chester, PA 19380.

MC 138000 (Sub-II–33TA), filed April 17, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 98, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *New furniture,* between Winchester, VA, including its commercial zone, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, KS, OK and TX, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Ron McDole, Inc., P.O. Box 2979, Winchester, VA 22601.

MC 2788 (Sub-II–2TA), filed April 17, 1981. Applicant: GLOVER TRUCKING CORP., P.O. Box 7206, Holland Station, Suffolk, VA 23437. Representative: James F. Flint, 406 World Center Bldg., 918 16th St., NW., Wash., DC 20006.

General commodities (except classes A and B explosives), Between Norfolk and its commercial zones and pts. in Southampton County, VA, on the one hand, and, on the other, pts. in NY, PA, OH, NJ, DE, MD, VA, TN, KY, NC and SC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Sachs Nut Co., Inc., P.O. Box 209, Franklin, VA 23851; Hippage Co., Inc., P.O. Box 3237, Norfolk, VA 23510; and Cavalier Shipping Co., Inc., P.O. Box 3386, Norfolk, VA 23514.

MC 146383 (Sub-II–2TA), filed March 26, 1981. Orginally published in Federal Register dated April 13, 1981. Applicant: NATIONAL RETAIL TRANSPORTATION INC., 10 E. Oregon Ave., Phila., PA 19106. Representative: Richard Rueda, 135 N. 4th St., Phila., PA 19146. *Merchandise as is dealt in by retail stores and chain food business houses and materials equipment and supplies used in the conduct of such business* between New York City commercial zone; Akron, Canton, Cleveland, Cincinnati, Columbus, Daytoh, Lima, Parma and Springfield, OH; Phila., and Pittsburgh, PA; Providence, RI; Columbus and Greenville, SC; Memphis, TN; Arlington, Austin, Baytown, Callas, Fort Worth, Houston, Irving, Pasadena and Plano, TX; Brookfield, Greendale, Glendale and Milwaukee, WI; Birmingham, AL; Scottsdale, Phoenix, and Tucson, AZ; Carmel, Costa Mesa, La Habra, Lakewood, Los Angeles, Oakland, Sacramento, Pasadena, San Diego, San Mateo, Santa Ana, Santa Barbara, Santa Clara and Torrance, CA; Athens, Atlanta, Augusta and Liburn, GA; Chicago, IL; Indianapolis, IN; Florence, Lexington and Louisville, KY; Kensington and Worchester, MD; Burlington, Chestnut Hill, Framingham, Hyannis and Sargos, MA; Charlotte and Gastonia, NC; Manchester, NH; Hackensack, Paramus and Woodbridge, NJ; Long Island, New Rochelle, New York, White Plains and Rochester, NY on the one hand, and, on the other, pts. in the US (except the states of MT, UT, ND, SD and NE), for 270 days. Supporting shipper: Federated Department Stores, Inc., 7 W. 7th St., Cincinnati, OH 45202. The purpose of republication is to include Parma, OH and Glendale, WI which were omitted.

MC 153918 (Sub-II–1TA), filed April 17, 1981. Applicant: TRANSPORTATION & CONSOLIDATING CENTERS, INC., P.O.B. 1524, Harrisburg, PA 17105. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Loudspeakers and phonograph and sound mechanism assemblies* between Milroy, Montgomery, Harrisburg and Camp Hill, PA on the one hand and on the other, points in CA and IL, for 270 days. Supporting shipper: Fisher Corporation, Fisher Park, Milroy, PA 17063.

MC 154652 (Sub-II–1TA), filed April 17, 1981. Applicant: PENNCO TRUCKING, INC., P.O. Box 129, New Cumberland, PA 17070. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *General commodities (except Classes A & B explosives, household goods, commodities in bulk and commodities requiring special equipment)* between points in Dauphin, Perry, Cumberland, Franklin, Adams, York, Lancaster, Lebanon and Berks Counties, PA, for 270 days. Applicant intends to interline. Supporting shipper(s): Bolling Katlin, Inc., 192 Hempt Rd., Mechanicsburg, PA 17055; Bowman Transportation, Inc., P.O. Box 17744, Atlanta, GA 30310; Mercury Motor Express, Inc., P.O. Box 23406, Tampa, FL 33623.

MC 151585 (Sub-II–4TA), filed April 20, 1981. Applicant: BEST TRUCKING CO., INC., 2913 Halstead Road, Richmond, VA 23235. Representative: Carroll B. Jackson, 1610 Vincennes Rd., Richmond, VA 23229. *Contract* irregular, *general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* (1) between Norfolk, VA and Richmond, VA (and points in their commercial zones) and (2) between Richmond, VA (and points in its commercial zone) on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NC, NH, NJ, NY, PA, RI, SC, VA, VT, WV and DC, under continuing contract(s) with Joslyn Mfg. and Supply Co., of Franklin Park, IL 60131. An underlying ETA seeks 120 days authority. Supporting shipper: Joslyn Mfg. and Supply Co., 9200 West Fullerton Avenue, Franklin Park, IL 60131.

MC 52861 (Sub-II–4TA), filed April 20, 1981. Applicant: WILLS TRUCKING, INC., 3185 Columbia Road, Richfield, Ohio 44286. Representative: James W. Moore (same). *Calcium Chloride,* in bulk, in dump vehicles, from Ludington and Midland, MI to Solon, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Revere Chemical, 30875 Carter Street, Solon, Oh 44139.

MC 148536 (Sub-II–1TA), filed April 20, 1981. Applicant: ANTHONY W. CATRONE, d.b.a. CATRONE TRUCKING, 848 Lee Dr., Orrville, OH 44667. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Contract; irregular: scrap iron, steel and metal* between points in Lorain and Cuyahoga Counties, OH, on the one hand, and, on the other, points in PA under continuing contracts with Atlas Lederer Co. of Cleveland, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Atlas Lederer Co., 9515 Woodland Ave., Cleveland, OH 44120.

MC 136386 (Sub-II–1TA), filed April 20, 1981. Applicant: KEPHART TRUCKING COMPANY, P.O. Box 386, Bigler, PA 16825. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830. *Coal, in dump vehicles,* from points in Elk Co., PA to points in Frederick Co., MD for 270 days. Supporting Shipper: Half-Mile Corporation, P.O. Box 195, Apollo, PA 15613.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Compliant and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 48441 (Sub-4–6TA), filed April 16, 1981. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: Michael D. Bromely, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. *(1) Paper and paper products; and (2) equipment, materials and supplies used in the manufacture and distribution of the commodities in (1) above,* between Van Wert, OH, Atlanta, GA, and Three Rivers, MI, on the one hand, and, on the other, points in the U.S. Restricted to traffic originating at or destined to the facilities of the Continental Group, Inc. Supporting shipper: Continental Forest industries, Greenwich Office Park II, Greenwich, CT 06830.

MC 109376 (Sub-4–3TA), filed April 20, 1981. Applicant: SKINNER TRANSFER CORP., P.O. Box 284, Reedsburg, WI 53959. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Plastic molded parts, and plastic flat and roll stock* from the facilities of Penda Corp., located at or near Portage, WI to Athens, AL; Elmira, NY; Dayton, OH; and Brownsville, TX. An underlying ETA seeks 120 days authority. Supporting shipper, Penda Corp., Route 3, Industrial Road, Portage, WI 53901.

MC 109449 (Sub-4–9), filed April 17, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th Street, Winona, MN 55987. Representative: Gary Shurson, 6366 West 6th Street, Winona MN 55987. *Food and Related Products;* from points in CA, FL, IL, KY, MD, MI, MO, NJ, NY, OH, and TN to Nicollet County, MN. Supporting shipper: State Distributing

Co., Inc., 1119 Center, No. Mankato, MN 56001.

MC 109449 (Sub-4-10TA), filed April 17, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th Street, Winona, MN 55987. Representative: Gary Shurson, 6366 West 6th St., Winona, MN 55987. *Malt Beverages and Supplies, Materials and Equipment used in the sale of Malt Beverages,* between St. Louis City County, MO and Olmstead County, MN. Supporting shipper: Schott Dist. Co., Inc., 6735 Hwy 14 East, Rochester, MN 55901.

MC 129872 (Sub-4-1TA), filed April 16, 1981. Applicant: SCHUSTER TRANSPORT, INC., Route 6, Menomonie, WI 54751. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Castings, and material, equipment and supplies used in the manufacture and distribution thereof,* between Menomonie, WI, and Minneapolis, MN, on the one hand, and, on the other, Dallas, TX. Supporting shippers: Badger Iron Works, R.R. 2 Parkway Road, Menomonie, WI 54751; Scott-Atwater, 2200 1st Street N., Minneapolis, MN 55411.

MC 140729 (Sub-4-1), filed April 17, 1981. Applicant: RUSS EDIGER TRUCKING, INC., 4001 Martindale Road, Sioux Falls, SD 57107. Representative: Russ Ediger (same address as applicant). *Food products,* between Rapid City, SD, and points in MN, NE, WY, and SD. Supporting shipper: Brown Swiss Milk Company, Inc., P.O. Box 860, Rapid City, SD 57701.

MC 143698, (Sub-4-TA), filed April 20 1981. Applicant: DONALD BUEHRING, 6860 Clairville Road, Oshkosh, WI 54901. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. *Contract* irregular: *Dry fertilizer* between points in IL, WI, MN, and MI. Restriction: Limited to a transportation service to be performed under continuing contract with International Minerals and Chemical Corporation. Supporting Shipper: International Minerals and Chemical Corp., 421 E. Hawley St., Mundelein, IL 60060.

MC 145217 (Sub-4-1TA), filed April 20, 1981. Applicant: RICHARD MC NAY INC., Rural Route 8, Quincy, IL 62301. Representative: Joel H. Steiner, Esq., 39 South LaSalle, Suite 600 Chicago, IL 60603. *Food and related products and materials, equipment and supplies used in the manufacture, sale or distribution thereof,* between points in Adams, McDonough and Sangamon Counties, IL, on the one hand, and, on the other, points in IA, IN, MO, WI and CO. Supporting shipper: Pepsi-Cola Quincy Bottling Company, 1121 Locust Street, P.O. Box 3035, Quincy, IL 62301.

MC 150103 (Sub-4-13TA), filed April 20, 1981. Applicant: SCHWEIGER INDUSTRIES, INC., 116 West Washington Street, Jefferson, WI 53549. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Contract* irregular: *Packaging materials* between Hawthorne, NJ, on the one hand and, on the other, South Holland, IL under a continuing contract(s) with Astro Packaging, Inc. Underlying ETA seeks 120 day authority. Supporting shipper: Astro Packaging, Inc., 470 W. 169th Street, South Holland, IL 60473.

MC 155344 (Sub-4-1TA), filed April 16, 1981. Applicant: B & M TRUCKING, INC., Gwinner, ND 58040. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Such commodities as are dealt in or used by agricultural equipment manufacturers and dealers,* from the facilities of Austin Products, Inc., at or near Dallas, TX, and Athens, TN to points in ND, SD and MN, including ports of entry on the U.S.-Canada International Boundary line in ND. An underlying ETA seeks 120 days authority. Supporting shipper: Austin Products, Inc., Gardner, ND 58036.

MC 155357 (Sub-4-1TA), filed April 17, 1981. Applicant: WILLIAM N. ECONOMOS & JOSEPH W. BUCHALO d.b.a. WEB TRANSPORT, 1918 West Devon Avenue, Elk Grove Village, IL 60007. Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. *Contract* irregular: *General Commodities, Except Classes A and B Explosives and Household Goods, as defined by the ICC;* between Chicago, IL and points in its Commercial Zone on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH and WI. Restricted to traffic moving under continuing contract with Web Services Ltd. Supporting shipper: Web Services Ltd., 1918 West Devon Avenue, Elk Grove Village, IL 60007.

MC 155382 (Sub-4-1TA), filed April 15, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202. *General commodities* (except Classes A and B explosives), (1) between Chicago, IL and Greensboro, NC and (2) between points in GA, NC, TN, SC, and VA on the one hand, and, on the other, Lenoir, NC and points in TX, restricted to the transportation of traffic originating at or destined to the facilities of Terminal Freight Cooperative Association or its member affiliates for 270 days. Supporting shipper: Terminal Freight Cooperative Association, 1430 Branding Lane, Downers Grove, IL 60515.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 531 (Sub-5-10TA), filed April 20, 1981. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same as applicant). *Chemicals,* in bulk, in shipper-owned trailers, from the facilities of Dow-Corning Corp., located at or near Hemlock (Saginaw County), MI, to Phoenix, AZ. Supporting shipper: Motorola Semiconductor Group, 4221 E. Raymond St., Phoenix, AZ.

MC 16334 (Sub-5-2TA), filed April 20, 1981. Applicant: DEBRICK TRUCK LINE COMPANY, R.R. #2, Paola, KS 66071. Representative: Arnold E. Debrick (same as applicant). *(1) Hides, (2) Materials and supplies used in the processing and distribution of (1) above* between points in the U.S. Supporting shippers: 14.

MC 53965 (Sub-5-11TA), filed April 20, 1981. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Post Office Drawer 1387, Salina, KS 67401. Representative: Bruce A. Bullock, ANR Freight System, Inc., One Woodward Avenue, Detroit, MI 48226. *New furniture and fixtures (and materials and equipment used in the manufacture and distribution thereof),* between the facilities of SK Products at Houston, TX and Alsip (Chicago), IL on the one hand, and, on the other, all points in KS, MO, IA, TX, OK, CO and NE. (applicant intends to tack and interline). Supporting shipper: SK Products, 5355 Bucknell Dr., Atlanta, GA, 30378.

MC 111401 (Sub-5-40TA), filed April 20, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Petroleum lubricating oil, in bulk,* from Kansas City, KS to points in MN. Supporting shipper: Phillips Petroleum Co., 734 Adams Building, Bartlesville, OK, 74004.

MC 111651 (Sub-5-3TA), filed April 20, 1981. Applicant: MIDDLEWEST FREIGHTWAYS, INC., 6810 Prescott Avenue, St. Louis, MO 63147. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068. Common regular *General Commodities, except Classes A and B explosives,* between Topeka, KS and Great Bend, KS, serving all intermediate points, from Topeka over I-70 to its

junction with KS Hwy. then over KS Hwy. 156 to its junction with US Hwy. 56, then over US Hwy. 56 to Great Bend, and return over the same route; between Topeka, KS and Ft. Riley, KS, serving all intermediate points, from Topeka over US Hwy. 24 to Ft. Riley, KS and return over the same route; between McPherson, KS and the junction of I–70 and US Hwy. 135, serving all intermediate points, from McPherson over US Hwy. 81 to the junction of US Hwy. 81 and I–70, and return over the same route; between McPherson, KS and Great Bend, KS, serving all intermediate points, from McPherson over US Hwy. 56 to Great Bend, KS, and return over the same route; between the junction of US Hwy. 81 and KS Hwy. 4, on the one hand, and on the other, Hoisington, KS, serving all intermediate points, from the junction of US Hwy. 81 and KS Hwy. 4, over KS Hwy. 4 to Hoisington, KS, and return over the same route; between Great Bend, KS and Hoisington, KS, serving all intermediate points, from Great Bend, KS, over US Hwy. 281 to Hoisington, and return over the same route; between Lyons, KS and Hutchinson, KS, serving all intermediate points, from Lyons, KS over KS Hwy. 14 to its junction with KS Hwy. 96, then over KS Hwy. 96 to Hutchinson, and return over the same route. Applicant intends to tack and interline supporting shippers: 29.

MC 115331 (Sub-5–16TA), filed April 20, 1981. Applicant: TRUCK TRANSPORT, INCORPORATED, 11040 Manchester Road, St. Louis, MO 63122. Representative: J. R. Ferris (same as applicant). *Cement,* from the facilities of National Cement at or near Cordova, TN to Mississippi, Poinsetta, Cross, Crittenden, St. Francis, and Lee Counties, AR, Shelby, Fayette, Haywood, Tipton, Hardeman, Madison, Crockett and Lauderdale Counties, TN, and MS, restricted to traffic having a prior movement by rail. Supporting shipper(s): National Cement Company, Inc., 110 Office Park Drive, Birmingham, AL 35253.

MC 119399 (Sub-5–61TA), filed April 20, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Adhesives, chemicals, dextrines, starches and resins, including materials equipment and supplies used in the manufacture, installation, distribution and sale thereof (except commodities in bulk)* (1) from the commercial zone of Kansas City, KS to Carthage and Springfield, MO; (2) from the commercial zones of Atlanta, GA; Lima, OH; Clinton and Decatur, IL to the commercial zone of Kansas City, KS. Supporting shipper: H. B. Fuller Company, Kansas City, KS.

MC 119399 (Sub 5-62TA), filed April 20, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Fiberboard cartons, KD, flat and corrugated cartons, KD, flat* from Kansas City, MO to Dallas, TX and from N. Kansas City, MO to Blackwell and Ponca City, OK. Supporting shipper: National Folding Carton Corporation, North Kansas City, MO, Owens-Illinois, Inc., North Kansas City, MO 64116.

MC 119399 (Sub 5–63TA), filed April 20, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Lead silicate, litharge, sublimed lead and lead peroxide* (except commodities in bulk), from Joplin, MO to points in AL, AR, CO, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, NE, NC, ND, OH, OK, PA, SC, SD, TN, TX, WI and WY. Supporting shipper: Eagle-Picher Industries, Inc., Joplin, MO 64801.

MC 119399 (Sub 5–64TA), filed April 20, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Notebook binders and printed matter;* (1) from Bryan, TX to Kansas City, MO; Chicago, IL; Baltimore, MD; Atlanta, GA and Carson, CA. (2) From Minneapolis, MN to Kansas City, MO; Atlanta, GA and Carson, CA. Supporting shipper: H & R Block, Inc., Kansas City, MO 64111.

MC 119399 (Sub 5–63TA), filed April 20, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Charcoal briquets and material and supplies used in the production and distribution thereof* between Dent County, MO and Lunenburg County, VA on the one hand, and, on the other, points in AL, CO, CT, DE, FL, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, NE, NJ, NY, NC, OH, OK, PA, RI, TN, TX, WI and DC. Supporting shipper: Imperial Products Company, St. Louis, MO 63117.

MC 119493 (Sub 5–6TA), filed April 20, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as applicant). *Pet food in packages* from McKenzie, to AR, AL, FL, GA, IL, IN, KY, LA, MO, MS, NC, OK, SC, VA, & WV. Supporting shipper: Martha White Foods, Inc., P.O. Box 58, Nashville, TN 37202.

MC 124109 (Sub-5–3TA) filed April 20, 1981. Applicant: B. F. C. TRANSPORTATION, INC., P.O. Box 985, Cedar Rapids, IA 52406. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Contract: Irregular. *General commodities (except Classes A and B explosives and hazardous waste),* between the facilities of Worley Warehousing, Inc., at Cedar Rapids, IA on the one hand, and, on the other, pts in IL, IN, IA, MN, MO, NE, ND, OH, SD and WI, under contract with Worley Warehousing, Inc. Supporting shipper: Worley Warehousing, Inc., 423 Southdate Court, S.W., Cedar Rapids, IA 52404.

MC 125299 (Sub-5–3TA) filed April 20, 1981. Applicant: WITTE BROTHERS EXCHANGE, INCORPORATED, 690 East Cherry Street, Troy, MO 63379. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *General Commodities (except household goods as defined by the Commission and Classes A and B explosives)* between St. Louis, MO; Lewisville, AR; Philadelphia, PA; El Paso, TX, and their respective commercial zones, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: Falcon Products, Inc., 9387 Dielman Industrial Drive, St. Louis, MO 63132.

MC 1261118 (Sub- No. 5–63TA), filed April 20, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *General commodities (except Classes A and B explosives),* between the facilities of Amyway Corporation at or near Ada and Grand Rapids, MI, on the one hand, and, on the other, pts in the U.S. (except AK and HI). Restriction: Restricted to the transportation of traffic for the account of Amyway Corporation. Supporting shipper: Amway Corporation, Samuel J. Pullara, Manager, Corporate Transportation, Ada, MI. 49355.

MC 128988 (Sub-5–1TA), filed April 20, 1981. Applicant: METROPOLITAN CARTAGE AND LEASING, INC., 1703 West 9th Street, Kansas City, MO 64101. Representative: Tom B. Kretsinger, P.O. Box 258, 20 East Franklin, Liberty MO 64068. *Such commodities as are used by or dealt in by wholesale and retail distributors of foodstuffs and foodstuff products,* between points in Crawford, Jackson, Johnson, Leavenworth, Shawnee and Wyandotte Counties, KS on the one hand, and on the other,

points in AL, DC, FL, GA, KS, KY, LA, MO, NC, SC, TX and VA. Supporting shippers: Midland Foods Corporation, 200 North Kansas Avenue, Topeka, KS 66603; Mid Continent Underground Storage & Dist., Box 356, Bonner Springs, KS 66012; and Midland Meats, 622 W. Third, P.O. Box 460, Lee's Summit, MO 64063.

MC 129806 (Sub-5–53TA), filed April 20 1981. Applicant: AMERICAN FARM LINES, INC., 6125 S.W. 15th St, Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Furniture and fixtures* between points in the U.S. Supporting shipper: Jim Keller Company, Inc., 306 N. Meridian, Suite C, Oklahoma City, OK.

MC 134501 (Sub-5–14TA), filed, April 20, 1981. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. (1) *Furniture*, from Allentown, PA, to points in the U.S. (except AK, AZ, AR, CA, HI, LA, MS, OK, TX, and TN, except Shelby County); and (2) *fixtures*, from Allentown, PA, to points in the U.S. (except AK and HI). Supporting shipper: Bethlehem Furniture Co., P.O. Box 203, Allentown, PA 18101.

MC 134709 (Sub-5–1TA, filed April 20, 1981. Applicant: ROWLAND CONSTRUCTION CO., INC., 601 West Main Street, Wilburton, OK 74578. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Machinery, Materials, Equipment* and *Supplies, incidental to, or used in, the construction, development, operation* and *maintenance of facilities for the discovery, development and production of natural gas and petroleum*, between points in TX., on the one hand, and on the other, points in OK. Applicant intends to tack with its presently held authority. Supporting shipper: Dual Drilling Co., Inc., Wichita Falls, TX 76307.

MC 135078 (Sub-5–12TA), filed April 20, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. *Paperboard containers or boxes*, from the Commercial Zone of Kansas City, MO, to the Commercial Zones of Omaha, NE, and Council Bluffs, IA. Supporting shipper: Owens Illinois, Inc., 1401 Iron Street, North Kansas City, MO 64116.

MC 136786 (Sub-5–56TA), filed April 20, 1981. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *(1) conveyer belts, and (2) equipment, materials, and supplies used in the manufacture, distribution, or sale of the commodities in (1)*, from Charlotte, NC to pts in the county of Polk, IA. Supporting shipper: All-State Belting Co., Inc., 800 S. 19th Street, West Des Moines, IA 50265.

MC 138469 (Sub-5–41TA), filed April 20, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 74107. Representative: Daniel O. Hands, (attorney at law), Suite 200–A, 205 W. Touhy Ave., Park Ridge, IL 60068. *Chemicals and related products* (1) from San Carlos, CA to the facilities of Industrial Chemical Labs, Inc. at Seattle, WA and (2) between the facilities of Industrial Chemicals Labs, Inc. at Omaha, NE, on the one hand, and, on the other, points in the U.S. Supporting shipper: Industrial Chemical Labs, Inc., 1015 N. 14th Street, Omaha, NE 68102.

MC 141312 (Sub-5–4TA), filed April 20, 1981. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, NE 68463. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. *Ammonium nitrate*, from Jasper, Marion and Pike Counties, MO; Clinton County, IA; and Cherokee County, KS, to the facilities of Explo-Midwest, Inc. at or near Weeping Water, NE. Supporting shipper: Explo-Midwest, Inc., Weeping Water, NE 68463.

MC 144246 (Sub-5–2TA), filed April 20, 1981. Applicant: LARSEN TRUCKING INC., 7703 Sunset Drive, Omaha, NE 68127. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Wire*, between the facilities of Eastern International, Fenton, MO, on the one hand, and, on the other, pts in OH, IN, WI, IL, MN, IA, ND, SD, NE, KS, OK, TX, and CO. Supporting shipper: Eastern International, 965 Horan Drive, Fenton, MO 63026.

MC 146152 (Sub-5–7TA), filed April 20, 1981. Applicant: K & H TRUCKING, INC., 3301 So. Lamar St., Dallas, TX. 75215. Representative: Edmond E. Payne (same as applicant). *(1) Paint Coatings (2) Equipment, and supplies used in the manufacture, sale, and distribution of Paint Coatings (Except Commodities in Bulk)*, From points in IL, IN, TN, GA, CT, WV, FL, NC, and SC, to AL. Restricted to shipments originating at or destined to the facilities of Midland Division, The Dexter Corp. Supporting shipper: Midland Division, The Dexter Corp., P.O. Box 9468, Birmingham, AL 35215.

MC 149333 (Sub-5–4TA), filed April 20, 1981. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC., 500 Bennington Avenue, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. *Rubber Products*, between the Commercial Zone of Chicago, IL, on the one hand, and, on the other, points in the U.S. Supporting shipper: Park Rubber Company, 80 Genessee Street, Lake Zurich, IL 60047.

MC 150600 (Sub-5–3TA), filed April 20, 1981. Applicant: BAY'S TEXACO SERVICE & SUPPLY INC., 110 E. Osage Street, Pacific, MO. 63069. Representative: Miles E. Bay (same as applicant). *(1) Hardboard, Particleboard, Plain or Covered, Cut to Size, materials used in the manufacturing of Hardboard. (2) Metal Tubing, Plastics, Raw and Finished products used in the manufacturing of Baby Carriages.* Between all Points in MO to all Points in AL, AR, IA, IL, IN, KS, LA, MA, MS, MO, NH, NJ, NY, OK, TN, and TX. Supporting shipper's: Midwest Hardboard Fabricators, 1 Midwest Industrial Court, Pacific, MO. 63069; and Welsh Co., 1535 S. 6th Street, St. Louis, MO. 63104.

MC 150999 (Sub-5–4TA), filed April 20, 1981. Applicant: GENE F. LACAEYSE, d.b.a. G. F. Lacaeyse Transport, R. R. #2, Box 110, Montezuma, IA 50171. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309. *Such commodities as are dealt in by food business houses, and (2) materials, equipment, and supplies used in the manufacture, distribution, or sale of the commodities in (1) above*, between the facilities of Oscar Mayer & Company and its subsidiaries, on the one hand, and, on the other, all Points in the U.S. Supporting shipper: Oscar Mayer & Company, P.O. Box 7188, Madison, WI 53707.

MC 152416 (Sub-5–2TA), filed April 20, 1981. Applicant: FLOUR TRANSPORT, INC., 5218 Denison Street, Muskogee, OK 74401. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Contract, Irregular. *Such commodities as are dealt in by milling companies*, Between Shawnee, OK, on the one hand, and on the other, points in AR and TX, under a continuing contract with Shawnee Milling Co. of Shawnee, OK.

MC 153395 (Sub-5–2TA), filed April 20, 1981. Applicant: CHAR-LINE CORPORATION, 616 E. Funston, Wichita, KS 67211. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Plastic articles and materials and supplies used in the manufacture of such items*, Between the facilities of Ritricia Plastic

Corporation, of Wichita, KS, on the one hand, and on the other, points and places in the States of IN and MO. Supporting shipper(s): Ritricia Plastic Corporation, 816 E. Funston, Wichita, KS 67211.

MC 153913 (Sub-5–2TA), filed April 20, 1981. Applicant: MISSOURI ALCOHOL FUEL, INC., 406 Thompson Bldg., Tulsa, OK 74103. Representative: Robert J. Wiruth, 406 Thompson Bldg, Tulsa, OK 74103. *Liquid fertilizer* between all points in MO and KS. Supporting shipper: Chevron Chemical Co., Ft. Madison, IA 52627.

MC 154104 (Sub-5–2TA), filed April 20, 1981. Applicant: THREE RIVERS EXPRESS, INC., 509 West Cherokee, Wagoner, Ok 74467. Representative: Farrell Rosson, Three Rivers Express, Inc., 509 West Cherokee, Wagoner, OK 74467. Contract; Irregular. *Steel pipe, flat steel plate and steel fabricated products,* between points in the U.S. under bilateral contracts with LaBarge, Inc., Tubular Division, 20 S. Fourth St., St. Louis, MO.

MC 154696 (Sub-5–3TA), filed April 20, 1981. Applicant: SILLIMAN BROS. FREIGHT CO., INC., Route 1, Box 150, Bernie, MO 63822. Representative: B.W. LaTourette, Jr., 11 S. Meramac, Suite 1400, St. Louis, MO 63105. *Anhydrous Ammonia* between Blytheville, AR, and Woodstock, TN on the one hand, and on the other, Dexter, MO. Supporting shipper: Fleeman Farm Supply, Inc., Dexter, MO 63841.

MC 155287 (Sub-5–1TA), filed April 20 1981. Applicant: GARY B. FLOSS, d.b.a. FLOSS TRUCKING, 2235 Lincoln, Lot 27, Cedar Falls, IA 50613. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. *Mobile Homes,* from Marshfield, Lancaster, Spencer, and Dorchester, WI; Grand Island, and Aurora, NE; and Redwood Falls and Blue Earth, MN to pts in Black Hawk County, IA. Supporting shippers: Joe Reuter Mobile Homes, 2520 Falls Ave., Waterloo, IA 52701; Green Acres, Old Highway 20 East, Cedar Falls, IA 50613; and McGowan Mobile Homes, 3766 West Airline Highway, Waterloo, IA 52701.

MC 155392 (Sub-5–1TA), filed April 20, 1981. Applicant: TRIPLE S GRAIN & LIVESTOCK, INC., Route 2, Box 14, Colby, KS. 67701. Representative: Clyde N. Christey, Ks. Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. Contract irregular *Part 1) wooden boxes & pallets & lumber & supplies & materials useful in the manufacture of wooden boxes & pallets. Part 2) clothing, garments, fabrics & articles & materials useful in the manufacture of clothing & garments,* between Ellis County, KS on the one hand and points and places in the U.S. (except AK & HI) on the other hand. Supporting shipper: Developmental Services of Northwest Kansas, Inc., P.O. Box 1016, Hays, KS 67601.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-12807 Filed 4-28-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the applications later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–131

Decided: April 21, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor. (Taylor not participating.)

MC 155310, filed April 10, 1981. Applicant: ACL AGENCIES, INC., 80 Pine Street, New York, NY 10005. Representative: O.I.M. Porton (same address as applicant), (212) 908–2200. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 155320, filed April 13, 1981. Applicant: WILLIAM C. CLEMENTS, INC., 4529 Old Court Rd., Baltimore, MD 21208. Representative: William C. Clements (same address as applicant), (301) 655–7095. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155330, filed April 15, 1981. Applicant: MINNESOTA-PACIFIC, INC., 710 West 4th St., Rush City, MN 55069. Representative: Robert H. Odgaard, Jr., (same address as applicant), (612) 358–

4337. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155331, filed April 14, 1981. Applicant: ELBERT AND JOSEPHINE CRUMBLE, d.b.a. JO-EL TRUCKING, 4841 West Lexington Street, Chicago, IL 60644. Representative: Josephine Crumble (same address as applicant), (312) 378–5554. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–2–052

Decided: April 20, 1981.

By the Commission Review Board No. 1, Members Parker, Chandler and Taylor.

MC 126453 (Sub-2), filed April 9, 1981. Applicant: DISTRICT MOVING & STORAGE, INC., 3805 Penn Belt Place, Forestville, MD 20028. Representative: James J. Fratino, P.O. Box 62, Edgewater, MD 21037, (301) 261–7227. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151132 (Sub-7), filed April 6, 1981. Applicant: AMERICAN WESTERN TRANSPORT, INC., 805 West 2400 South, Salt Lake City, UT 84119. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW., Washington, DC 20005, (202) 296–3555. Transporting for or on behalf of the United States Government *general commodities* (except used household goods), hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151382 (Sub-2), filed April 6, 1981. Applicant: LAND TRUCKING COMPANY, 1560 Jessie St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202, (904) 353–0707. As a *broker of general commodities* (except household goods) between points in the U.S.

MC 155282F, filed April 14, 1981. Applicant: J & J CONSULTING SERVICES, INC., P.O. Box 23053, New Orleans, LA 70183. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 463–6044. As a *broker of general commodities* (except household goods) between points in the U.S.

Volume No. OPY–3–63

Decided: April 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier and Williams.

MC 136875 (Sub-301), filed April 10, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208)–376–5757. Transporting for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155294, filed April 13, 1981. Applicant: CROWN TRANSPORT, INC., 94 Sundale Circle, P.O. Box 113, Paragould, AR 72450. Representative: William D. Shipley (same address as applicant), (501) 239–9059. Transporting *general commodities* (except classes A and B explosives), between Mintz, NC, Primrose and Lutherseville, GA, Cardwell, Arbyrd, and Hornersville, MO, McHenry, ND, Narcisso, Russellville, and Roaring Springs, TX, Raymond, Oakley, Adams, and Myles, MS, and Snyder and Hamburg, AR, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–12908 Filed 4–28–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. 69]

Motor Carriers; Permanent Authority Decisions; Restriction Removals, Decision-Notice

Decided: April 23, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Spore, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 3062 (Sub-56)X, filed April 6, 1981. Applicant: INMAN FREIGHT SYSTEM, INC., 321 North Spring Avenue, Cape Girardeau, MO 63701. Representative: G.H. Boles (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 12, 33, 41 and 43 certificates to (1) authorize service to all intermediate points along described regular routes between Memphis, TN and Kennett, MO in Sub-No. 12, Hayti, MO and Dyersburg, TN and Cairo, IL in Sub-No. 33; Paducah, KY and Memphis, TN, Cairo, IL, St. Louis, MO, and Evansville, IN in Sub-No. 41, and between Dyersburg and Humboldt, TN and a junction in TN and Memphis, TN in Sub-No. 43F; (2) remove the originating at, destined to or interchanged at Dyersburg, Humboldt and Memphis, TN restrictions in Sub-Nos. 33 and 43, (3) remove a restriction "for joinder purposed only", in Sub-Nos. 12 and 33 and (4) remove the restrictions (a) against transportation of forgings from Humboldt, TN to Evansville, IN, in Sub-No. 43; (b) and remove the following restrictions in Sub-No. 12: Restricted against service at any point on MO Hwy 25 between Malden, MO., and the Dunklin-Stoddard County line; against service at Matthews and at any point on MO Hwy 105 and MO Hwy N between Matthews junction (junctions of Missouri Highway N and U.S. Highway 61 and 62) and the New Madrid–Mississippi County line; and against combination of the involved routes with any of its presently authorized routes so as to preform a radial through service between Memphis, TN, and St. Louis, MO, and points within the St. Louis MO-East St. Louis, Ill., Commercial Zone as defined by the Commission.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.

MC 8472 (Sub-11)X, filed April 16, 1981. Applicant: SOUTH END CARTAGE, INC., 4222 South Knox Avenue, Chicago, IL 60632. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. Applicant seeks to remove restrictions in its lead and Sub-No. 5F and 7F certificates to (1) broaden the commodity descriptions from bananas, coconuts and pineapples, in mixed loads to "food and related products and farm products" in the lead, and from general commodities with the usual exceptions to "general commodities except classes A and B explosives" in the lead and Sub-Nos. 5F and 7F; (2) remove "in containers" and "in intermodal containers, without chassis" restrictions in Sub-Nos. 5F and 7F; (3) remove restrictions limiting service to the transportation of traffic having a prior or subsequent movement by rail or water in the lead and Sub-No. 7F; (4) remove the steamship and rail facilities limitation at points in Illinois in Sub-No. 5F; (5) remove the restriction against the transportation of trailers with fixed under frames in Sub-No. 7F; and (6) replace existing one-way authority with radial authority between Chicago, IL and 6 midwestern states in the lead.

MC 64373 (Sub-14)X, filed April 20, 1981. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 788, Cowpens, SC 293330. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restrictions in its Sub-No. 8G certificate to broaden the commodity description to "commodities which, because of size or weight, require the use of special equipment" from used or second-hand textile machinery.

MC 70267 (Sub-19)X, filed April 8, 1981. Applicant: ECKERT TRUCKING, INC., 1090 E. Springettysburg Ave., York, PA 17403. Representative: David Zimmerman (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 15, 16F, and 17F certificates to (1) broaden its commodity descriptions: from roofing, building paper, asphalt, insulating material, etc., to "building materials" in the lead and Sub-No. 16F; from fertilizer and feed to "farm products" in the lead; from canned goods and sugar to "food and related products" in the lead; from bricks, clay products, etc., to "glass, concrete, clay or stone products" in the lead; from steel plates, etc., to "metal products" in the lead; and to add "materials, equipment, and supplies used in the manufacture and distribution of contractor's equipment, materials, and supplies" in Sub-No. 15; (2) remove restrictions against the transportation of named commodities, such as machinery, acids, petroleum products, etc., in Sub-No. 15; (3) remove facilities restrictions in Sub-Nos. 16F and 17F; (4) replace authority to serve named points with county-wide authority: in the lead, York County, PA, for York, West York Borough, Hanover, and Spring Garden Township, PA; Dauphin County, PA, for Harrisburg, PA; Cumberland County, PA, for New Cumberland and Lemoyne, Pa; Gettysburg County, PA, for Gettysburg, PA; Lancaster County, PA, for Ephrata, PA; Franklin County, PA, for Chambersburg, PA; New Castle County, DE, for Wilmington, DE; Montgomery County, MD, for Carterock, MD; Anne Arundel County, MD, for Annapolis, MD; Washington, County, MD, for Hagerstown, MD; Kent and Sussex Counties, DE, for Dover, Milford, and Harrington, DE; Nassau and Sullivan Counties, NY, for Monticello and Manhasset, NY; Cumberland, Glouster, Hudson, and Ocean Counties, NJ, for Bridgeton, Swedesboro, New Egypt, and Jersey City, NJ; and in Sub-No. 16F, Kane County, IL, for Elgin and Hampshire, IL; (5) remove the restriction against service to AK and HI in Sub-No. 17F, and; (6) replace existing one-way authority with radial authority generally between the above-named counties and points throughout the U.S. in the lead, and Sub-Nos. 16F and 17F.

MC 75627 (Sub-5)X, filed April 8, 1981. Applicant: PERILLO MOTOR LINES, INC., 499 Central Avenue, New Providence, NJ 07974. Representative: Grace A. Perillo (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 1 and 4 certificates to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)," in the lead; (a) from electrical equipment, fittings, and fixtures, and materials, supplies, and equipment used in the production of the commodities in (a) above (except in bulk) to "furniture and fixtures, rubber and plastics products, clay, concrete, glass, or stone products, metal products, and machinery, and materials, supplies, and equipment used in production of the above commodities", in Sub-Nos. 1 and 4 (2); from general commodities, (except household goods, as defined by the Commission, but only in bulk lots comprising the contents, fixtures, fittings, or appurtenances of buildings, office plants, boats, ships, or stores, which have been or are to be, the subject of bulk lot sale, such as a sale of bankrupt stocks, a sale of Government surplus, stocks, or a sale under order of authority are necessary for completion of a particular undertaking) to "general commodities (except Classes A and B explosives)," in Sub-No. 4 (1); knitting and pressing machines, with parts, equipment, fittings, fixtures, and accessories thereof to "machinery," in Sub-No. 4(3); from soap chemicals, and textile and lubricating oils, in containers to "petroleum, natural gas and their products, and chemicals and related products," in Sub-No. 4(4), and from radios and television sets, incidental parts, batteries and supplies, and electrical equipment to "furnitures, metal products, and machinery, and materials, supplies and equipment used in the production of the above commodities" in Sub-No. 4(5), and (2) authorize radial authority in place of one-way authority between areas in the Northeast in Sub-Nos. 4(1) and 4(4).

MC 106400 (Sub-128)X, filed February 5, 1981, noticed in the Federal Register of February 25, 1981, republished as corrected this issue. Applicant: KAW TRANSPORT COMPANY, P.O. Box 8525, Sugar Creek, MO 64054. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions to (a) broaden the commodity descriptions (1) to "petroleum, natural gas and their products," from liquified petroleum gas in Sub-Nos. 16 and 27, coal tar pitch and creosote oil in Sub-No. 23, crude oil in Sub-No. 123F, petroleum lube oil, in Sub-No. 124; (2) to "chemicals and related products from anhydrous ammonia, nitrogen fertilizer solution, aqua ammonia, methanol and anti-freeze preparation in Sub-No. 12, printing ink in Sub-No. 91, acids and chemicals in Sub-No. 17, dry phosphate and phosphoric acid in Sub-No. 40, nitrogen fertilizer solutions in Sub-No. 47, anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid and fertilizer solutions in Sub-No. 54, chemicals in Sub-Nos. 59, 78, 92, 102, 114F, 115F, 118F, and 119F, liquid chemicals in Sub-No. 71, dry plastic materials in Sub-No. 76, dry fertilizer and dry fertilizer materials in Sub-No. 86, liquid feed in Sub-No. 109, alcohol in Sub-No. 127F; (3) to "chemicals and related products and petroleum, natural gas, and their products" from asphalt, asphalt cement, asphalt cutback and emulsified asphalt in Sub-No. 121F; (4) to "pulp, paper and related products" from lignin liquor in Sub-No. 82 and (5) to "food and related products" from dry corn and soybean products in Sub-No. 111; (6) to "petroleum and petroleum products" from anhydrous ammonia in Sub-Nos. 61, 69 and 73; and (b) eliminate restrictions in bulk, tank vehicles or

hopper type vehicles in Sub-Nos. 6, 12, 16, 17, 22, 23, 27, 29, 36, 40, 47, 54, 59, 61, 70, 71, 76, 86, 91, 102, 111, 114F, 115F, 118F, 119F, 121F, 123F, 124F, 125F, and 127F, (6) expand the territorial description from one-way to radial authority primarily between midwestern states in Sub-Nos. 12, 17, 22, 23, 27, 29, 36, 40, 47, 54, 59, 61, 69, 70, 71, 73, 76, 78, 82, 86, 91, 102, 111, 114F, 115F, 118F, 119F, 121F, 123F, 124F, 125F and 127F, (7) eliminate the facilities limitations in Sub-Nos. 16, 22, 27, 29, 54, 61, 69, 70, 73, 102, 111, 115F, 121F and 125F and (8) authorize county-wide authority: in Sub-Nos. 12 and 40, Douglas County, KS, for Lawrence, KS, in Sub-No. 27, from Kearney, MO to Clay County, MO, from Moberly, MO to Randolph County, MO, in Sub-No. 36, from Coffeyville, KS, to Montgomery County, KS, from Ava, MO to Douglas County, MO, from Neodasha, KS, to Wilson County, KS, from Chanute, KS to Neosho County, KS; in Sub-No. 47, from Weaverly, MO to Lafayette, County, MO; in Sub-No. 69, from Dodge City, KS to Ford County, KS; in Sub-No. 70 from Wathena, KS to Doniphan County, KS; in Sub-No. 73 from Conway, KS to McPherson County, KS; in Sub-No. 86 from Springfield, MO to Green County, MO; and in Sub-No. 121F from Nevada, MO to Vernon County, MO. The purpose of this republication is to indicate that anhydrous ammonia should properly be expanded to "petroleum and petroleum products."

MC 109708 (Sub-105)X, filed April 20, 1981. Applicant: INDIAN RIVER TRANSPORT COMPANY, INC., 2580 Executive Rd., P.O. Box A G, Dundee, FL 33838. Representative: Russell E. Haas (same as applicant). Applicant seeks to broaden the commodity description in its Sub-No. 103X certificate to "commodities in bulk" from food and related products which was broadened from citrus juices, fruit juices, concentrate, and citrus oils (in bulk, in tank vehicles), in its Sub-Nos. 47, 67, and 87F certificates in No. MC–109708 (Sub-No. 103)X. The food and related products grant originally requested by applicant does not encompass all commodities previously authorized in the above sub-numbers.

MC 111231 (Sub-361)X, filed April 6, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 177, 200, 218 and 273F certificates to (1) eliminate the "in bulk" restriction (2) remove restriction limiting service to the transportation of shipments originating at or destind to named facilities, (3) replace specified plantsites with county-wide authority to authorize service (a) between Benton County, AR (for Bentonville, AR) and points in AR, KS, LA, MO, OK and TN, in Sub-No. 177, (b) between Benton County (for Bentonville, AR) and points in IL, in Sub-No. 218 and (c) between Anderson County, TX, (Palestine, TX) and points in AR, CO, IL, IA, KS, KY, LA, MI, MO, NE, OK, and TN, in Sub-No. 273F.

MC 111812 (Sub-759)X, filed April 21, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57104. Representative: R. H. Jinks (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 705F certificate to (1) broaden the commodity description from such commodities as are dealt in by retail music store outlets and home entertainment stores to "such commodities as are dealt in by retail stores"; (2) delete the exception of service to AK and HI.

MC 116073 (Sub-384)X, filed April 16, 1981. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Representative: Paul D. Borghesani, 300 Communicana Bldg., 421 So. Second St., Elkhart, IN 46516. Applicant seeks to remove restrictions in its Sub-Nos. 87, and 333 certificates to (1) broaden the commodity descriptions as follows: from trailers designed to be drawn by passenger automobiles to "trailers" in Sub-Nos 87 and 333; from building, in sections mounted on wheeled under carriages, in Sub-No. 87, and from buildings, complete or in sections mounted on wheeled under carriages in Sub-No. 333 to "buildings"; (2) remove restrictions limiting service to secondary movements, in truckaway service, and initial movements in both Sub-Nos.; (3) remove the travel trailers and camping trailers exception in Sub-No. 333; (4) authorize radial service in place of existing one-way authority: between numerous States and points in the U.S. in both Sub-Nos; and (5) delete the restriction excluding HI in both Sub-Nos.

MC 116254 (Sub-326)X, filed April 21, 1981. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35360. Representative: Fred H. Daly, 2550 M Street, N.W., Suite 475, Washington, D.C. 20037. Applicant seeks to remove restrictions in its Sub-No. 316F certificate to delete the restriction limiting transportation fo "commodities in bulk" from its authority to transport chemials and petroleum and coal products.

MC 118069 (Sub-45)X, filed March 24, 1981, previously noticed in the Federal Register of April 6, 1981, republished as corrected in this issue. Applicant: ROBERT HEATH TRUCKING, INC., P.O. Box 2501, 2909 Avenue "C", Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Applicant seeks to remove restrictions in its lead and Sub-Nos. 11, 12, 16, 17, 18, 24, 25, 27F, 28, 29F, 32F, 33F, 35F, 38F, 40F, 41F, 41F, and 43F certificates to (1) broaden its commodity descriptions (a) to "food and related products, and materials, equipment and supplies used in the manufacture or distribution thereof", from bananas, meats, meat products, and meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk, in tank vehicles), animal feed, feed ingredients, and feed additives (except commodities in bulk, and hides), in the lead certificate and Sub-Nos. 11, 12, 16, 17, 18, 24, 25, 32F, 33F, 35F, 38F, 40F, 42F, and 42F, (b) to "pulp, paper, and related products", from paper and paper articles (except in bulk, in tank vehicles), in Sub-Nos. 28F and 29F, and (c) to "building materials, and materials, equipment and supplies used in the manufacture or distribution thereof", from doors, and materials, equipment and supplies used in the installation of doors, (except in bulk), in Sub-No. 43F; (2) replace its facilities and cities with county-wide authority: in the lead, Gulfport, MS, with Harrison County, MS, Freeport, TX with Brazoria County, TX, Galveston, TX with Galveston County, TX, Roswell, NM with Chaves County, NM, Lubbock, TX with Lubbock County, TX, and Amarillo, TX with Potter and Randall Counties, TX; in Sub-No. 11, facilities of Clovis, NM, with Curry County, NM; in Sub-No. 12, Amarillo, TX, with Potter and Randall Counties, TX; in Sub-Nos. 16, and 18, facilities at or near Cactus, TX, with Moore County, TX; in Sub-Nos. 17, 32F, and 42F, facilities at or near Amarillo, TX, with Potter and Randall Counties, TX; in Sub-Nos. 24, and 25, facilities at or near Wallula, WA, with Walla Walla County, WA; in Sub-No. 28 and 29F, Monroe and West Monroe, LA, with Ouachita Parish, LA; in Sub-No. 33F, facilities at or near Los Angeles and Irvine, CA, with Los Angeles and Irvine, CA; in Sub-No. 35F, facilities at or near Amarillo TX, and Vernon, CA, with Potter and Randall Counties, TX, and Los Angeles County, CA; in Sub-No. 38F, facilities at or near Plainview and Friona, TX, with Hale and Parmer Counties, TX; in Sub-No. 40F, facilities at or near El Paso and Lubbock, TX,

with El Paso and Lubbock Counties, TX; in Sub-No. 41F, Clovis, NM, and Laredo, TX, with Curry County, NM, and Webb County, TX; and in Sub-No. 43F, Tacoma, WA, with Pierce and King Counties, WA; (3) change its one-way authority to radial authority between the named cities and counties and points and specified points in numerous cities, counties, and states throughout the U.S., in each certificate; and (4) eliminate (a) the restriction limiting transportation to shipments in vehicles equipped with mechanical refrigeration, in Sub-No. 27F, (b) the originating at and destined to restrictions, in Sub-Nos. 11, 12, 16, 17, 18, 24, 25, 27F, 32F, and 40F, and (c) the AK and HI exception, in Sub-No. 33F.

MC 121821 (Sub-18)X, filed April 15, 1981. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100363, Nashville, TN 37210. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-No. 8F certificate to (1) broaden its commodity description from general commodities with exceptions to "general commodities except classes A and B explosives," and (2) authorize service at all intermediate points on a regular route between Chattanooga and Pulaski, TN.

MC 123329 (Sub-55)X, filed April 13, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: D. S. Vincent (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 3, 10, 11, 26, 39F, 44F, 48F, and 54F certificates to (1) broaden the commodity description (a) from liquified petroleum gases, in bulk, in tank vehicles in Sub-Nos. 3 and 10 and white oil, in bulk, in tank vehicles, in Sub-No. 26, to "petroleum, natural gas and their products"; (b) from petroleum additives in bulk, in tank vehicles, in Sub-No. 44F, to "petroleum, natural gas and their products and chemicals and related products"; (c) from dimethylamine, in bulk, in Sub-No. 39F, to "chemicals and related products"; (d) from grape juice, in bulk, in tank vehicles in Sub-No. 48F, and from wine concentrate, wine, and grape juice, in bulk, in tank vehicles, in Sub-No. 54F, to "food and related products"; (2) substitute (a) AK First Judicial District for Haines, AK, and AK Fourth Judicial District for Fairbanks, AK, in Sub-No. 3; (b) AK Third Judicial District for Anchorage, AK, in Sub-No. 10; (c) Butler County, PA, for Petrolia, PA, in Sub-No. 26; (d) Santa Rosa County, FL, for Pace, FL, in Sub-No. 39F; (e) Union County, NJ, for Bayway, NJ, in Sub-No. 44F; (f) Van Buren County, MI, for Paw Paw, MI, in Sub-No. 48F; (g) Ontario and Steuben Counties, NY, for Naples, Canandaigua and Hammondsport, NY, in Sub-No. 54F; (3) remove the restriction to transportation in foreign commerce in Sub-No. 44F; (4) replace specified ports of entry on the International Boundary line between the United States and Canada in the named States to all ports of entry in those States: AK in Sub-Nos. 3 and 10, MN, ND and MT, in Sub-No. 26, ND in Sub-No. 44F, and NY in Sub-No. 54F; (5) replace one-way with radial authority (a) between ports of entry on the International Boundary line between the U.S. and Canada in AK and AK First and Fourth Judicial Districts in Sub-No. 3; (b) AK Third Judicial District and ports of entry on the International Boundary line between the U.S. and Canada in AK in Sub-No. 10; (c) between Butler County, PA and ports of entry on the International Boundary line between the U.S. and Canada in MN, ND, and MT in Sub-No. 26; (d) between Santa Rosa County, FL, and ports of entry on the International Boundary line between the U.S. and Canada in ND in Sub-No. 39F; (e) between Union County, NJ, and ports of entry on the International Boundary line between the U.S. and Canada in ND in Sub-No. 44F; (f) between Van Buren County, MI, and ports of entry on the between the U.S. and Canada in ND in Sub. No. 48F; and (g) between Ontario and Steuben Counties NY, and ports of entry on the International Boundary line between the U.S. and Canada in ND in Sub-No. 54F.

MC 124236 (Sub-111)X, filed April 3, 1981. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 North Central Expressway, Dallas, TX 75205. Representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX 75202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 4, 6, 8, 14, 15, 17, 18, 19, 21, 24, 25, 27, 29, 30, 32, 34, 35, 37, 38, 39, 42, 44, 45, 47, 48, 49, 54, 55, 56, 57, 62, 63, 66, 67, 68, 69, 72, 73, 74, 76, 78, 80, 81, 85, 89F, 90F, 91F, 92F, 94F, 102F, 103F, 107F and 109F certificates (1) to broaden its commodity descriptions: from asphaltic roofing materials, cement in bags, package, containers, etc. to "building materials" in Sub-Nos. 24; 27; 47, sheet 1, sheet 3 paragraph 3, and sheet 4 paragraph 3; and 76; from salt, in packages and bulk to "commodities in bulk and chemicals and related products" in Sub-No. 39, sheet 13 paragraph 1; from dry chemicals, in bags and mixed loads to "chemicals and related products" in Sub-No. 47, sheet 8 paragraph 4; from fertilizer in bulk and bags, herbicides, fungicides, etc. in bags to "chemicals and related products and commodities in bulk" in Sub-No. 47, sheet 8 paragraph 5, and sheet 9 paragraphs 1 and 2; from sand, lime, lime in bulk or packages, cement in bulk or packages, etc. to "commodities in bulk and building materials" in Sub-Nos. 2; 3; 4; 6; 8; 15; 18; 19; 21; 25; 29; 30; 32; 35; 38; 44; 47, sheet 2 paragraph 1, sheet 3 paragraphs 2 and 4, sheet 4 paragraphs 1, 3, and 4, sheet 5 paragraph 1, sheet 6 paragraph 1, and sheet 7 paragraph 2; 48; 54; 56; 66; 74; 78; 81 sheet 2; 90F, 91F, 92F; and 94F; from doors, moulding, plate glass, putty, used store fixtures, etc. to "building materials and furniture and fixtures" in Sub-No. 63, sheet 3 paragraphs 1 and 2; and from a variety of commodities, including cement, fly ash, dry fertilizer, activated carbon, feldspar, salt, sand, catalyst, feed, liquid asphalt, urea, soda ash, corn, jet fuel, clay, plastic pellets, limestone, silica sand, ammonium nitrate, barite, petroleum products, all in bulk, to "commodities in bulk" in the lead and Sub-Nos. 14; 17; 37; 39 (except sheet 13, paragraph 1); 42; 45; 47, sheet 2 paragraphs 3, 4, and 5, sheet 3 paragraphs 1 and 3, sheet 4 paragraph 2, sheet 6 paragraph 2, sheet 7 paragraphs 1, 3, and 4, and sheet 8 paragraphs, 1, 2, and 3; 49; 55; 57; 63 sheets 1 and 2; 67; 68; 69; 72; 73; 81 sheet 1; 89F; 102F; 103F; 107F; and 109F; (2) to remove restrictions limiting service to transportation in tank, hopper, or dump vehicles where ever they appear in Sub-Nos. 14; 39; 47; 48; 63; 72; 73; 107F; and 109F; (3) to remove restrictions limiting service to the transportation of traffic having a prior movement by rail or water in Sub-Nos. 15; 17; 25; 47, sheet 3 paragraph 2, sheet 4 paragraph 2, and sheet 5; (4) to remove the restriction against the transportation of cement in bulk and packages from named plantsites in TX in Sub-No. 35 sheet 2; (5) to replace existing one-way authority with radial authority between named counties and States, generally in TX, LA, OK, AR, KS, and MO, in the lead and Sub-Nos. 2, 3, 4, 6, 8, 14, 17, 18, 19, 21, 24, 25, 27, 29, 30, 32, 34, 35, 37, 38, 39, 42, 44, 45, 47, 48, 49, 54, 55, 56, 57, 62, 63, 66, 67, 68, 69, 72, 73, 74, 76, 78, 80, 81, 85, 89F, 90F, 91F, 92F, 94F, 103F, 107F and 109F; (6) to remove the restriction against the transportation of Muriatic (hydrochloric acid) in Sub-No. 39, sheet 2 paragraph 2; (7) to remove the "originating at and destined to" restriction in Sub-No. 47, sheet 8; (8) to remove the "mixed load" restriction in Sub-No. 47, sheet 8 paragraph 4, and sheet 9 paragraphs 1 and 2; (9) to remove facilities restrictions, generally at points in TX, in the lead and Sub-Nos. 6; 19; 25; 30; 35; 39, sheet 3 paragraphs 1 and 2, sheet 5, paragraphs 1 and 4, and

sheet 13 paragraph 1; 47, sheet 5 sheet 6 paragraphs 1 and 2, and sheet 7 paragraphs 3 and 4; 48; 49; 56; 57; 62; 63; and 69; (10) remove the restriction prohibiting the carrier from attaching open-flame burners to its vehicles in Sub-No. 47, sheet 22 paragraph 4; and (11) to replace authority to serve named points with county-wide authority: Ellis County, TX for Midlothian, TX in the lead; Lubbock County, TX for Lubbock, TX in Sub-No. 6; Ashley County, AR for Crossett, AR in Sub-No. 14; Ector County, TX for Douro, TX in Sub-Nos. 3 and 18; Tarrant County, TX for Hart Spur, TX in Sub-No. 24; McLennan County, TX for Atco, TX in Sub-No. 30; Nolan County, TX for Maryneal or Sweetwater, TX in the lead and Sub-Nos. 29, 39, and 62; Orange County, TX for Echo, TX in the lead and Sub-No. 34; Mobile County, AL for Mobile, AL in Sub-Nos. 14 and 39; Caddo Parish, LA for Brian, LA in Sub-Nos. 14 and 39; Pulaski County, AR for Little Rock or North Little Rock, AR in Sub-Nos. 14 and 39; Smith County, TX for Tyler, TX in Sub-Nos. 21 and 109F; Calcasieu Parish, LA for Lake Charles or West Lake Charles, LA in Sub-Nos. 39 and 47; McKinley County, NM for Ciniza or Gallup, NM in Sub-Nos. 39 and 45; Morehouse Parish, LA for Bastrop, LA, Scurry County, TX for Snyder, TX, Clark County, AR for Arkadelphia, AR, Jackson County, MS for Pascagoula, MS, Montgomery County, TN for Clarksville, TN, Dyer County, TN for Dyersburg, TN, Shelby County, TN for Memphis, TN, Henry County, TN for Paris, TN, Ettowah County, AL for Gadsden, AL, Tuscaloosa County, AL for Tuscaloosa, AL, Cohoma County, MS for Clarksdale, MS, Adams County, MS for Natchez, MS, Phillips County, AR for Helena or West Helena, AR, Jefferson County, KS for Topeka, KS, Ottawa County, OK for Miami, OK, Union County, AR for El Dorado, AR, Kay County, OK for Ponca City, OK, Grant County, KS for Hickok or Ryus, KS, Fort Bend County, TX for Sugar Land or Missouri City, TX, Galveston County, TX for Texas City, TX, Nueces County, TX for Corpus Christi, TX, Tulsa County, OK for Sand Springs, OK, Creek County, OK for Sapula, OK Jasper County, MO, for Carthage or Atlas, MO, Chaffee County, CO for Salida, CO, Maverick County, TX for Eagle Pass, TX, Webb County, TX for Laredo, TX, and Ward County, TX for Monahans, TX, in Sub-No. 39; Lea County, NM for Eunice, Johnson Siding, Witco, or Lovington, NM in Sub-Nos. 39 and 73; Jefferson County, TX for Port Neches or Beaumont, TX in Sub-Nos. 39, 47, and 103F; Okmulgee County, OK for Ikmulgee or Henryetta, OK in Sub-Nos. 39, 47, and 63; Sedgwick County, KS for Wichita, KS in Sub-Nos. 39 and 47; Muskogee County, OK for Muskogee, OK in Sub-Nos. 39 and 47; Van Zandt County, TX for Grand Saline, TX, St. Francois County, MO for River Mines, MO, Independence County, AR for Batesville, AR, Schuyler County, IL for Camden, IL, Acadia Parish, LA for Crowley, LA, Wyandotte County, KS for Muncie, KS, Otoro County, CO for Cheraw, CO, Dodge County, NE for Freemont, NE, Ida County, IA for Ida Grove, IA, Fairfield County, OK for Enid, OK, Crawford County, AR for VanBuren, AR, Audrain County, MO for Mexico, MO, Jefferson County, MO for Horne, MO, Buchanan County, MO for St. Joseph, MO, Douglas County, KS for Lawrence, KS, Moore County, TX for Etter, TX, Ouachita Parish, LA for Sterlington, LA, Yazoo County, MS for Yazoo City, MS, Angelina County, TX for Dolan, TX, Douglas County, IL for Tuscola, IL, Midland County, MI for Midland, MI, Fayette County, TX for Flatonia, TX, Milam County, TX for Sandow, TX, Colorado County, TX for Eagle Lake, TX, Harris County, TX for Sheldon, Almeda, and Hockley, TX, Newton County, TX for Deweyville, TX, Kleberg County, TX for Riviera, TX, Jefferson County, AL for Birmingham, AL, and Scotts Bluff County, NE for Scottsbluff, NE in Sub-No. 39; Plaquemines Parish, LA for Belle Chasse or Venice, LA in Sub-Nos. 39 and 47; Harrison County, TX for Marshall, TX in Sub-Nos. 39 and 42; Tulsa and Osage Counties, OK for Tulsa, OK in Sub-Nos. 39, 47, and 63; Mayes County, OK for Pryor, OK in Sub-Nos. 39, 47, 92F, and 94F; Lincoln County, OK for Stroud, OK, Sebastian County, AR for Fort Smith, AR, Payne County, OK for Cushing, OK, Pontotoc County, OK for Ada, OK, Washington County, OK for Dewey, OK, Woodward County, OK for Woodward, OK, Wilson County, KS for Freedonia, KS, Henry County, MO for LaDuc, MO, Saline County, AR for Bauxite, AR, Union County, AR for El Dorado, AR, Barton County, KS for Great Bend, KS, Ellis County, KS for Hayes, KS, Barker County, KS for Medicine Lodge, KS, Greenwood County, KS for Eureka, KS, La Bette County, KS for Parsons, KS, Bossier Parish, LA for Bossier City, LA, Lafayette Parish, LA for Lafayette, LA, Victoria County, TX for Victoria, TX, Terrebonne Parish, LA for Houma, LA, Jim Wells County, TX for Alice, TX, Caldwell County, TX for Luling, TX, Anderson County, TX for Palestine, TX, Gregg County, TX for Kilgore, TX, Matagorda County, TX for Bay City, TX, and Hunt County, TX for Greenville, TX in Sub-No. 47; Sequoyah County, OK for Sallisaw or Marble City, OK in Sub-Nos. 47, 48, 49, and 78; Johnson County, OK for Mill Creek, OK in Sub-Nos. 47, 55, 67, and 81; Titus County, TX for Mount Pleasant, TX in Sub-Nos. 69 and 107F; Freestone County, TX for Wortham or Fairfield, TX in Sub-Nos. 68 and 69; Cherokee County, KS for Military, KS in Sub-Nos. 39 and 47; Hidalgo County, TX for Mission or Hidalgo, TX in Sub-Nos. 47 and 90F; Wichita County, TX for Witchita Falls, Electra, or Burkburnett, TX in Sub-Nos. 63; Stephens County, OK for Sunray, OK in Sub-No. 63; Pawnee County, OK for Cleveland, OK in Sub-No. 63; Creek County, OK for Bristow, OK in Sub-No. 63; Montgomery County, KS for Coffyville, KS in Sub-No. 67; Marshall County, OK for Madrill, OK in Sub-No. 68; Bernalillo County, NM for Albuquerque, NM in Sub-No. 73; Taos County, NM for Molybdenum NM in Sub-No. 73; Potter County, TX for Amarillo, TX, in Sub-No. 81; Hot Springs County, AR for National, AR in Sub-No. 89F; Biennville Parish, LA for Arcadia, LA in Sub-No. 103F; and Ouachita Parish, LA for Monroe, LA in Sub-No. 109F.

MC 124774 (Sub-137)X, filed April 9, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 86 and 99 certfificates to (1) broaden the commodity description to "such commodities as are dealt in by department, hardware or chain stores," from games, toys, hobby and craft articles, gym sets, wading pools, and children's vehicles; (2) eliminate the plantsite restrictions at Des Moines, IA, and Omaha, NE in both Sub-Nos; and (3) authorize radial authority to replace existing one-way service between various combinations of States and the above points in both certificates.

MC 126869 (Sub-4)X, filed April 13, 1981. Applicant: M & W TRUCKING, INC., P.O. Box 58, Bowden, GA 30108. Representative: Robert E. Born, Suite 508, 1447 Peachtree St. NE., Atlanta, GA 30309. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 3 permits to (1) broaden the commodity description from solid and semi-pneumatic tires, plastic or rubber handle bar grips, pedals and mud flaps, plastic streamers and wheels, steel wheels, and wheels mounted with solid or semi-pneumatic tires, and materials, equipment, and supplies used in the production thereof in Sub-Nos. 1 and 3, and from rubber and plastic tile and

floor products and wall facing strips, and materials equipment and supplies used in the production thereof in Sub-No. 3, to "rubber and plastic products and metal products"; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 128133 (Sub-32)X, filed April 13, 1981. Applicant: H. H. OMPS, INC., Route 7, Box 295, Winchester, VA 22601. Representative: Jeremy Kahn, 733 Investment Building, 1511 K St., NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 28 certificate to broaden the commodity description in part (1) to "food and related products" from apple products and distilled vinegars, on its radial authority between VA, and, points 9 States and DC.

MC 138157 (Sub-275)X, filed April 16, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as applicant). Applicant seeks to remove restrictions in its MC–134150 Sub-No. 6 permit to: (1) broaden the commodity description to "such commodities as are sold by retail fabric stores and materials, supplies and equipment utilized in the installation and operatting of retail fabric stores" from such merchandise as is sold by retail fabric stores and supplies and (2) broaden the territorial description to "between points in the US" under continuing contract(s) with a named shipper.

MC 140615 (Sub-65)X, filed April 21, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 56 Certfificate to (1) delete the restriction against the transportation of commodities in bulk, and (2) authorize the transportation of "food and related products and chemicals and related products" in conjunction with its authority to transport pets, animals, supplies and equipment.

MC 141033 (Sub-90)X, filed April 20, 1981. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91749. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions from its Sub-No. 58 certificate which authorizes the transportation of such commodities as are dealt in by appliance manufacturers (except iron and steel articles) from IL and IN to points in the U.S. (except AK and HI) to (1) eliminate the iron and steel articles exception; (2) authorize radial authority in place of one-way authority; and (3) remove the AK and HI exception.

MC 143059 (Sub-175)X, April 17, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 136F certificate to broaden part (1) of the commodity description from plastic, plastic articles, pipe, fittings and connections to "rubber and plastic products, clay, concrete, glass, or stone products, and metal products".

MC 143185 (Sub-4)X; filed April 13, 1981. Applicant: CHARLES G. LAWSON TRUCKING, INC., P.O. Box 2805, Montgomery, AL 36105. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-No. 3F permit to (1) broaden the commodity description from meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), to "food and related products"; and (2) broaden the territory description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 145773 (Sub-10)X, filed April 10, 1981. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandemark Rd., Sidney, OH 45365. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restriction in its lead and Sub-No. 1F permit to (1) broaden the commodity description from refrigeration compressors and condensing units, scrap materials, household dishwashers, parts for household dishwashers, household compactors, food processing equipment, computing scales, and commercial refrigerators, and materials, equipments, and supplies used in the manufacture and distribution thereof to "machinery, electrical equipment and supplies, parts, accessories and attachments, scrap materials and equipment, materials and supplies used in the manufacture of said commodities" (2) remove the in bulk, in tank vehicles restriction in the lead and in bulk restriction in Sub-No. 1; and (3) broaden the territorial description to between points in the U.S. in the lead and between points in the U.S. under continuing contract(s) with a named shipper in Sub-No. 1.

MC 145904 (Sub-37)X, filed April 10, 1981. Applicant: SOUTH WEST LEASING, INC., 170 West 18th Street, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. Applicant seeks to remove restrictions in its Sub-Nos. 25F, 28F, 29F, 30F, 31F, 32F and 34F certificates to: (A) broaden the commodity descriptions as follows: in Sub-Nos. 25F, 30F, 31F and 34F, from general commodities, with exceptions, to "general commodities (except classes A and B explosives)"; in Sub-No. 29F, from foundry supplies, refractories, sand, clay and abrasives, to "ores and minerals, chemicals and related products, clay, concrete, glass or stone products, machinery and waste or scrap materials not identified by industry producing"; (B) remove restrictions (a) against commodities in bulk and/or hides in Sub-Nos. 28F, 29F, and 32F and (b) requiring use of mechanically refrigerated vehicles in Sub-No. 28F; (C) broaden the territorial scope by replacing one way with radial authority in Sub-Nos. 25F, 28F, 29F, 30F and 32F and replacing city wide and/or facilities with country-wide authority as follows: in Sub-No. 29F, Jacksonville with Calhoun County, AL; Aurora with Kane and Kendall Counties, Joliet with Will County, Moline with the Davenport, IA and Rock Island-Moline, IL commercial zone; Seneca and Wedron with LaSalle Counties and Quincy with Adams County, IL; Hammond with Lake County, IN; Atchison with Atchison County, KS; Mt. Savage with Allegany County, MD; Adrain with Lenawee County, MI; Farber and High Hill with Audrain and Montgomery Counties, MO; Southard with Blaine County, OK and Curwensville, Mt. Union and Womelsdorf with Clearfield, Huntington and Berks Counties, PA; and in Sub-No. 32F, Shakopee with Scott County, MN; and (D) remove the restriction limiting traffic to transportation originating at and destined to named points in Sub-Nos. 25F, 28F, 29F, 30F, and 32F.

MC 147400 (Sub-6)X, filed April 16, 1981. Applicant: RAEMARC, INC., 1903 Chicory Road, Racine, WI 53403. Representative: William D. Brejcha, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 4F certificates to (1) broaden the general commodities description (with the usual exceptions) to "general commodities (except classes A and B explosives)"; and (2) remove the restriction limiting service to the transportation of traffic have an immediately prior or subsequent movement by rail or water.

MC 147782 (Sub-1)X, filed April 13, 1981. Applicant: ROSS TRANSPORT CO., INC., 10 East Oregon Ave., Philadelphia, PA 19148. Representative: Richard Rueda, 133 North 4th St., Philadelphia, PA 19106. Applicant seeks to remove restrictions in its No. MC-35706 Sub-Nos. 4, 5, 6, and 9F certificates acquired in MC-78146 to (1) broaden its commodity descriptions from juvenile furniture, juvenile vehicles (except commodities in bulk), and new furniture, to "furniture and fixtures, and miscellaneous products of manufacturing", in all of the above sub-numbers; (2) replace its cities and facilities with county-wide authority (a) in Sub-No. 4, facilities at Bedford and Philadelphia, PA, with Bedford County, PA and Philadelphia, PA, (b) in Sub-No. 5, facilities at Elverson and Hellam, PA, with Chester and York Counties, PA, (c) in Sub-No. 6, facilities in Philadelphia, PA, with Philadelphia, PA, and (d) in Sub-No. 9F, facilities at Granville, NY, with Washington County, NY; (3) change its one-way to radial authority between the above named counties, and points in several specified northeastern States and DC, in Sub-Nos. 4, 6, and 9F; and (4) eliminate the originating at and destined to restriction in Sub-No. 4.

MC 147812 (Sub-2)X, filed April 13, 1981. Applicant: ANTHONY W. DAUITO, d.b.a. DAUITO'S EXPRESS, 3526 Northwest Blvd., Vineland, NJ 08360. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (A) remove all restrictions in its general commodities authority "except classes A and B explosives," and (B) remove the restriction limiting service to the transportation of traffic having an immediately prior or subsequent movement by rail, on its radial operations between Alexandria, VA, and, New York, NY, and Philadelphia, PA.

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BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents wil be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-128

Decided: April 21, 1981.

By The Commission, review Board No. 1. Members Parker, Chandler and Taylor (Taylor not participating.)

MC 2860 (Sub-220), filed April 14, 1981. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Richard M. Parnicky (same address as applicant), (609) 691-7000. Transporting *general commodities* (except classes A and B explosives), between the facilities of U.S. Gypsum Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 2960 (Sub-48), filed April 13, 1981. Applicant: ENGLAND TRANSPORTATION CO. OF TEXAS, INC., 2301 McKinney, Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *general commodities* (except classes A and B explosives), between points in TX, LA and OK.

MC 17470 (Sub-3), filed April 13, 1981. Applicant: NEW YORK MASSACHUSETTS MOTOR SERVICE, INC., 83 Progress St., P.O. Box 3667, Springfield, MA 01101. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, VT, MA, RI, CT, NY, NJ, and PA.

MC 26120 (Sub-10), filed April 15, 1981. Applicant: GEORGE L. HOOKER, INC., Tuscarawas Rd., Uhrichsville, OH 44683. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889-2531. Transporting *building materials*, between points in Stark, Carroll, Columbian, Mahoning and Tuscarawas Counties, OH, Marshall County, WV, Beaver, Butler, Allegheny and Washington Counties, PA, and Cumberland County, NJ, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. CONDITION: issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Permit No. MC-26120.

MC 35320 (Sub-654), filed April 13, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant), (806) 745-7263. Transporting *general commodities* (except classes A and B explosives), serving points in Hall County, GA, as off-route points in

connection with applicant's otherwise authorized regular-route operations.

Note.—Applicant intends to tack this authority to its existing regular-route authority.

MC 56640 (Sub-56), filed April 13, 1981. Applicant: DELTA LINES, INC., P.O. Box 2081, Oakland, CA 94604. Representative: Kirk Wm. Horton (same address as applicant), (415) 577–7000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chesebrough-Ponds, Inc., of Greenwich, CT.

MC 75471 (Sub-4), filed April 14, 1981. Applicant: ELSTON RICHARDS STORAGE COMPANY, a corporation, 3739 Patterson SE., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Bldg., Grant Rapids, MI 49503, (616) 942–9541. Transporting *furniture or fixtures, clocks, and appliances,* between the facilities of Superior Furniture, J. C. Penney, Inc., and Butler Specialty at those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 82841 (Sub-311), filed April 13, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339–3003. Transporting *general commodities* (except classes A and B explosives), between the facilities of Armstrong World Industries, Inc. in the U.S., on the one hand, and, on the other, points in the U.S.

MC 97251 (Sub-17), filed April 13, 1981. Applicant: TURNER TRUCKING COMPANY, INC., 1215 West Main St., Lebanon, IN 46052. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *general commodities* (except classes A and B explosives), between points in Allen, Bartholomew, Boone, Carroll, Clark, Clay, Clinton, DeKalb, Delaware, Fountain, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Johnson, Lake, Madison, Marion, Montgomery, Morgan, Newton, Porter, Putnam, Scott, Shelby, Steuben, Tippecanoe, Tipton, Vigo, Wayne, and White Counties, IN, on the one hand, and, on the other, St. Louis, MO, points in IL, IN, KY, and OH, and Allegan, Berrien, Barry, Branch, Calhoun, Cass, Eaton, Hillsdale, Ingham, Jackson, Kalamazoo, Kent, Lenawee, Livingston, Macomb, Monroe, Oakland, Ottawa, St. Joseph, Van Buren, Washtenaw, and Wayne Counties, MI.

MC 102401 (Sub-28), filed April 2, 1981. Applicant: TAYLOR HEAVY HAULING, INC., 59765 Market st., South Bend, IN 46614. Representative: John M. Roelke (same adress as applicant), (219) 234–0031. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of machinery, between points in Elkhard and St. Joseph Counties, IN, on the one hand, and, on the other, points in the U.S.

MC 115391 (Sub-3), filed April 13, 1981. Applicant: GENSIMORE TRUCKING, INC., P.O. Box L, Pleasant Gap, PA 16823. Representative: Barry L. Gensimore (same address as applicant), (814) 355–5461. Transporting *coke, foundry facing, and foundry core compounds,* betwen points in Butler County, PA, on the one hand, and, on the other, points in DE, IL, IN, MD, MI, NY, OH, TN, VA, and WV.

MC 124211 (Sub-386), filed April 3, 1981. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant), (712) 328–2393. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request of its existing certificates in MC–124211 and subs thereunder and all gateway elimination "E" authorities MC–124211 Sub Nos. E–1 through E–115.

MC 134820 (Sub-11), filed April 13, 1981. Applicant: R. S. ALBRIGHT, INC., 6640 Ellis Ave. South, P.O. Box 81025, Seattle, WA 98108. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624–2832. Transporting (1) *pulp, paper and related products,* and *packaging materials,* and (2) *such commodities* as are dealt in or used by manufacturers, distributors, or convertors of cellulose materials and products, between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation of Portland, OR.

MC 146900 (Sub-1), filed April 9, 1981. Applicant: BOBBY W. RAGAN, d.b.a. TEKAMAH TRANSFER, 1414 J Street, Tekamah, NE 68061. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *materials, equipment and supplies* used in the manufacture and distribution of mobile homes, between points in Burt County, NE, on the one hand, and, on the other, points in the U.S.

MC 147160 (Sub-3), filed April 14, 1981. Applicant: SCHILL TRUCKING SERVICE, INC., Route 3, St. Cloud, MN 56301. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Ste. 307, Edina, MN 55424, (612) 252–4550. Transporting *food and related products,* (1) between points in MN, on the one hand, and, on the other, points in MN, ND, SD, and WI, (2) between points in Outagamie and Waupaca Counties, WI, on the one hand, and, on the other, points in ND, and (3) between points in Lincoln and Minnehaha Counties, SD, on the one hand, and, on the other, points in WI.

MC 148731 (Sub-5), filed April 14, 1981. Applicant: MINKEVITCH TRUCKING & HAULING, INC., P.O. Box 21525, Salt Lake City, UT 84121. Representative: Fred J. Minkevitch, Jr., 6290 S. Holladay Blvd., Salt Lake City, UT 84121, (801) 277–6160. Transporting *ores and minerals,* and *refractory equipment and supplies,* between points in the U.S., under continuing contract(s) with Ostler's Rocky Mountain Refractories of Salt Lake City, UT.

MC 148741 (Sub-2), filed April 14, 1981. Applicant: K. A. GOTCHAL, 6530 Powerline Road, Fallon, NV 89406. Representative: K. A. Gotchal (same address as applicant), (702) 867–3277. Transporting *transportation equipment,* between points in Washoe County, NV, on the one hand, and, on the other, points in WA, OR, and CA.

MC 150211 (Sub-15), filed April 13, 1981. Applicant: ASAP EXPRESS, INC. P.O. Box 3250, Jackson, TN 38301. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Transporting *metal products,* between Chicago, IL, on the one hand, and, on the other, points in AL, AR, GA, MS, MO, and TN. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Certificates Nos. MC–150211 Subs 4F and 9F.

MC 151970, filed April 6, 1981. Applicant: HENRY C. WILKEY, d.b.a. WILKEY AND SONS, TRUCKING, 6156

Oliva Ave., Lakewood, CA 90712. Representative: Henry C. Wilkey (same address as applicant); (213) 531–6709. Transporting (1) *buildings, (2) building materials, (3) machinery, and (4) metal products,* between points in CA, on the one hand, and, on the other, points in the U.S. (except points in CT, MA, ME, MN, MI, ND, NH, RI, SD, VT, and WI).

MC 154430 (Sub-1), filed April 15, 1981. Applicant: COAST TO COAST TRANSPORT, INC., P.O. Box 35507, 7411 South Atlanta, Tulsa, OK 74135. Representative: Paul Capps (same address as applicant), (918) 494–4016. Transporting *general commodities* (except classes A and B explosives), between points in Hancock and Breckenridge Counties, KY, on the one hand, and, on the other, points in the U.S.

MC 155161, filed April 7, 1981. Applicant: CARRIER NATIONWIDE TRANSPORTATION, INC., 30 Peters Drive, Leominster, MA 01453. Representative: Roger Carrier (same address as applicant), (617) 537–7691. Transporting *general commodities* (except classes A and B explosives), between points in MA, ME, NH, VT, RI, and CT, on the one hand, and, on the other, points in the U.S.

MC 155290, filed April 14, 1981. Applicant: NORMAN MEIER, Rt. No. 1, Box 190, Perham, MN 56573. Representative: Norman Meier (same address as applicant), (218) 346–3102. Transporting *general commodities* (except classes A and B explosives), between Fargo, ND, on the one hand, and, on the other, points in Becker, Otter Tail and Wadena Counties, MN.

MC 155340, filed April 15, 1981. Applicant: BRUCE MARKO, d.b.a. BRUCE MARKO TRUCKING, 4321 American Lake Blvd., Tacoma, WA 98409. Representative: Kenneth R. Mitchell, 2205 Pacific Hwy E, Tacoma, WA 98424, (206) 922–0110. Transporting *metal products, machinery, and those commodities which because of their size or weight require the use of special handling and equipment,* between points in OR and WA.

Volume No. OPY2–055

Decided: April 20, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 31023 (Sub-5F), filed April 13, 1981. Applicant: THOMAS EXPRESS CO., INC., 624 Mercer Street, Highstown, NJ 08520. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, (201) 575–7700. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MD, MA, NJ, NY, PA, RI, VA and DC.

MC 47583 (Sub-140F), filed April 10, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, (913) 843–0110. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Johns-Manville Sales Corp. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 47583 (Sub-141F), filed April 13, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, (913) 843–0110. Transporting *food and related products,* between points in CA, MS and NY, on the one hand, and, on the other, points in the U.S.

MC 66632 (Sub-4), filed April 14, 1981. Applicant: VERMONT MOVING & STORAGE CORP., 562 Montauk Avenue, Brooklyn, NY 11208. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, (202) 463–6044. Transporting *household goods,* as defined by the Commission, between New York City and points in Suffolk and Nassau Counties, NY, on the one hand, and, on the other, points in MD, DE, VA, WV, NC, SC, GA, FL and DC.

MC 155252, filed April 9, 1981. Applicant: TRAVEL MONGER, 12853 New Lothrop Rd., Byron, MI 48418. Representative: Pamla Warner (same as applicant), (313) 266–4897. To engage in operations, in interstate or foreign commerce, as a *broker* at Byron, MI, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* between points in MI, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–4–096

Decided: April 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 107 (Sub-12), filed April 10, 1981. Applicant: BORO BUSSES COMPANY, a Corporation, 445 Shrewsbury Ave., Shrewsbury, NJ 07701. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840–8565. Transporting *passengers and their baggage,* when moving in the same vehicle with passengers, in charter and special operations beginning and ending at points in Middlesex and Monmouth Counties, NJ, and extending to points in the U.S.

MC 107 (Sub-13), filed April 10, 1981. Applicant: BORO BUSSES COMPANY, a Corporation, 445 Shrewsbury Ave., Shrewsbury, NJ 07701. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840–8565. Transporting *passengers and their baggage,* when moving in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Northampton and Lehigh Counties, PA, and extending to points in the U.S.

MC 78687 (Sub-113), filed April 9, 1981. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001, (202) 628–9243. Transporting *general commodities* (except classes A and B explosives), between points in DE, MD, NC, NJ, NY, OH, PA, and VA, on the one hand, and, on the other, those points in the U.S., in and east of MI, IL, KY, TN, MS, and LA.

MC 87107 (Sub-4), filed April 14, 1981. Applicant: KELLEHER AND FLAHERTY, INC., 5 Winter St., Worcester, MA 01604. Representative: Steven H. Dorne, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760, (301) 840–8565. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, and RI.

MC 120657 (Sub-9), filed April 10, 1981. Applicant: DUGAN TRUCK LINE, INC., 1407 So. Walnut, Wichita, KS 67213. Representative: Paul V. Dugan, 2707 W. Douglas, Wichita, KS 67213, (316) 943–2325. Transporting (1) *metal products,* (2) *rubber and plastic products,* (3) *paint,* (4) *machinery,* and (5) *transportation equipment,* between points in Reno, Harvey, McPherson, Kingman, and Sedgwick Counties, KS, on the one hand, and, on the other, points in AR, CO, GA, IL, IN, IA, KY, MI, MN, MS, MO, NE, NJ, NY, OH, OK, PA, SC, SD, TX, and WI.

MC 125687 (Sub-24), filed April 10, 1981. Applicant: EASTERN STATES TRANSPORTATION PA., INC., 1060 Lafayette St., York, PA 17405. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St. NW., Washington, DC 20005, (717) 843–3849. Transporting *food and related products,* between points in Lehigh County, PA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, RI, VT, and DC.

MC 128837 (Sub-33), filed April 9, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626.

Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5466. Transporting *metal products, fencing, and poultry netting*, between points in Harris County, and Dallas County, TX, Jefferson County, LA, Washington County, MS, Shelby County, TN, and Dade County, FL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, KS, OK, and TX.

MC 128827 (Sub-34), filed April 9, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5466. Transporting *food and related products*, between points in Hopkins County, TX, on the one hand, and, on the other points in AR, CO, KS, LA, MO, MS, NM, OK, and TN.

MC 134197 (Sub-16), filed April 10, 1981. Applicant: JACKSON AND HOHNSON, INC., P.O. Box 327, Savannah, NY 13146. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265–9510. Transporting *plastic products*, between points in the U.S., under continuing contract(s) with Mobil Chemical Company, of Macedon, NY.

MC 138627 (Sub-116), filed April 13, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *general commodities* (except classes A and B explosives), between the facilities of Payless Cashways, Inc. (also known as Furrow Building Materials), at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146807 (Sub-27), filed April 14, 1981. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same address as applicant), (717) 735–0188. Transporting *general commodities* (except classes A and B explosives), between the facilities of Northeastern Pennsylvania Shipper's Cooperative Association, Inc., and its members, at points in OH, CT, PA, NY, and NJ, on the one hand, and, on the other, points in the U.S.

MC 148047 (Sub-1), filed April 10, 1981. Applicant: JAMES E. JARBOE, d.b.a. FLOORCO DISTRIBUTING COMPANY, 8507 Brownsboro Rd., Louisville, KY 40222. Representative: William P. Whitney, Jr., Suite 708, McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *textile mill products*, between points in GA, on the one hand, and, on the other, points in FL, OH, MO, and IL.

MC 152217 filed April 8, 1981. Applicant: GYPSY TRUCKING, 706 S. March Point Rd., Anacortes, WA 98221. Representative: Wallace B. Farbo, 1298 5th Tee, Burlington, WA 98233, (206) 757–0917. Transporting *boats, boat molds, boat trailers, and boat accessories*, between points in WA, OR, ID, MT, WY, UT, AZ, NM, CA, NV, CO, TX, and AK.

Volume No. OPY5–43

Decided: April 20, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 25706 (Sub-32), filed April 3, 1981. Applicant: LANEY TANK LINES, INC., P.O. Box 2729, Chapel Hill, NC 25714. Representative: Francis W. McInerny, No. 502, 1000-16th St. NW., Washington, DC 20036, 202–783–8131. Transporting *petroleum, natural gas and their products*, between points in Lexington and Chesterfield Counties, SC, on the one hand, and, on the other, points in TN.

MC 28579 (Sub-7), filed April 6, 1981. Applicant: GRIFFITH MOTOR EXPRESS, INC., 1607 S. Rogers St., Bloomington, IN 47402. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655. Transporting *general commodities* (except classes A and B explosives), (1) between Martinsville, IN, and Spencer, IN, over IN Hwy 39 to junction IN Hwy 67, then over IN Hwy 67 to junction U.S. Hwy 231, then over U.S. Hwy 231 to Spencer and return over the same route, (2) between Bloomington, IN and Linton, IN, from Bloomington over IN Hwy 45 to junction IN Hwy 54 then over Hwy 54 to Linton and return over the same route, (3) between Nashville, IN, and Bloomington, IN, over IN Hwy 46, (4) between Bedford, IN and Bloomington, IN, over IN Hwy 37, serving all intermediate points on routes 1 thru 4 and the off-route point of Mooresville, IN, in connection with presently authorized regular routes.

MC 38799 (Sub-6), filed April 7, 1981. Applicant: EDWARDS TRANSFER & STORAGE CO., 2170 Eakin Rd., Columbus, OH 43223. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in the U.S.

MC 40978 (Sub-85), filed April 6, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203 (414) 273–7410. Transporting *such commodities* as are dealt in or used by retail department stores, between the facilities of Montgomery Ward & Co., Incorporated in IA, IL, IN, KY, MI, MN, MO, OH, and WI, on the one hand, and, on the other, points in IA, IL, IN, KY, MI, MN, MO, OH, and WI.

MC 81908 (Sub-16), filed April 3, 1981. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, OH 45840. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212 (614) 481–8821. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of fertilizer and agricultural chemicals, between the facilities of Agrico Chemical Company in OH, IN, MI, and KY, on the one hand, and, on the other, points in OH, IN, MI, and KY.

MC 81908 (Sub-17), filed April 7, 1981. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, OH 45840. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212 (614) 481–8821. Transporting *food and related products* between points in Ottawa County, OH, on the one hand, and, on the other, points in the U.S.

MC 105269 (Sub-97), filed April 10, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503 (616) 459–6121. Transporting (1) *lumber and wood products*, and (2) *forest products*, between points in IL, IN, IA, KY, MI, MN, MO, OH, PA, WV, and WI.

MC 114096 (Sub-56), filed April 13, 1981. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004 (202) 628–4600. Transporting (1) *lumber and wood products and forest products*, between points in the U.S., under continuing contract(s) with American Cross-Arm Co., Inc., of Jacksonville, FL, and AIFP Trading Group, Inc., of Portland, OR, and (2) *metal products*, between points in the U.S., under continuing contract(s) with Kent-Moore Corp., of York, SC, and Penn Ventilator Co., Inc., of Philadelphia, PA.

MC 114989 (Sub-98), filed April 10, 1981. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, Milford, OH 45150. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204 (317) 638–1301. *Food and related products*, between points in IL, IN, KY, MI, and OH.

MC 117119 (Sub-839), filed April 6, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant) 501–248–7281. Transporting *printed matter* between points in the U.S.

MC 121489 (Sub-24), filed April 2, 1981. Applicant: NEBRASKA-IOWA XPRESS, INC., 3219 Nebraska Ave., Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102 (612) 227–7731. Transporting *general commodities* (except classes A and B explosives), between points in Richardson and Nemaha Counties, NE, on the one hand, and, on the other, points in the U.S.

MC 124078 (Sub-1041), filed April 9, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201 (414) 671–1600. Transporting *chemicals and related products*, between points in Burlington County, NJ, on the one hand, and, on the other, points in AL, FL, GA, NC, SC, VA, and WV.

MC 127239 (Sub-12), filed April 2, 1981. Applicant: UNIVERSIAL BOW TRANSPORT, INCORPORATED, P.O. Box 276 Hall St., Concord, NH 03310. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043, 617–749–6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Universal Packaging Corporation of Bow, NH.

MC 128409 (Sub-9), filed April 8, 1981. Applicant: HAROLD MILLER TRUCKING, INC., P.O. Box 623, Moorehead, MN 56560. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, 701–233–2572. Transporting (1) *machinery*, between points in Clay, Hennepin and Ramsey Counties, MN on the one hand, and, on the other, points in ND, MT, and SD. (2) *building materials, wall coverings* and *floor coverings*, between points in ND and MN.

MC 129808 (Sub-30), filed April 10, 1981. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., P.O. Box 2078, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501 (404) 475–6761. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kaco Supplies, of Grand Island, NE.

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Decided: April 20, 1981.

By The Commission, Review Board No. 3, Members Krock, Joyce and Dowell

MC 134328 (Sub-8), filed April 6, 1981. Applicant: D & G TRUCKING CO., INC., P.O. Box 1004, Wynne, AR 72396. Representative: James N. Clay, III, 222 E. Mallory Ave., Memphis, TN 38109, 901–774–9992. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Arkansas Glass Container Corp., of Jonesboro, AR.

MC 134978 (Sub-23), filed April 10, 1981. Applicant: C. P. BELUE, d.b.a. BELUE'S TRUCKING, Rt. 3, Campobello, SC 29322. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602, (803) 288–9300. Transporting *petroleum, natural gas and their products*, between points in Chatham, Elbert, and Franklin Counties, GA, NC, and SC.

MC 136206 (Sub-12), filed February 12, 1981, previously noticed in FR issue of March 23, 1981. Applicant: CREAGER TRUCKING CO., INC., P.O. Box 306, Yreka, CA 96097. Representative: O. L. Stidham (same address as applicant) (916) 842–4161. Transporting *pulp, paper and related products*, between points in Multnomah County, OR, and Kings County, CA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

Note.—This republication changes the territorial description.

MC 146659 (Sub-6), filed April 6, 1981. Applicant: GOLDSTON TRANSFER, INC., P.O. Box 1059, Eden, NC 27288. Representative: Archie W. Andrews, P.O. Box 528, Eden, NC 27288, 919–623–9106. Transporting (1) *rubber and plastic products*, and (2) *pulp, paper and related products*, between the facilities of Lily, Division of Owens-Illinois, located at points in NC, NJ, KY, GA, OH, MO, NV, and CA, on the one hand, and on the other, points in the U.S.

MC 148678 (Sub-4), filed April 6, 1981. Applicant: McGRATH TRUCKING, INC., 229 Old Elm St., Mansfield, MA 02048. Representative: Ronald McGrath (same address as applicant) 617–285–7419. Transporting *such commodities* as are dealt in by grocery and food business houses between points in the U.S., under continuing contract(s) with Springfield Sugar Products Co., of Suffield, CT.

MC 150248 (Sub-2), filed April 6, 1981. Applicant: BERNIE BERGER, d.b.a. BERGER BROS. TRUCKING, Box 20, Rural Route 4, Mandan, ND 58554. Representative: William J. Gambucci, Suite M–20, 400 Marquette Ave., Minneapolis, MN 55401, 612–340–0606. Transporting *machinery* between the facilities of the Morris Rod-Weeder Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151069 (Sub-8), filed April 3, 1981. Applicant: BLUE RIBBON TRUCKING, INC., Industrial Park Rd., Putnam, CT 06260. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, 201–575–7700. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Campbell Soup Company of Camden, NJ.

MC 151158 (Sub-1), filed April 6, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, 901–767–5600. Transporting *such commodities* as are dealt in or used by grocery stores between points in AR, on the one hand, and, on the other, points in MO, MS, and TN.

MC 153289 (Sub-1), filed April 6, 1981. Applicant: GEORGE W. LANE, d.b.a. G. W. LANE TRUCKING, 5501 Fireside Court, Virginia Beach, VA 23464. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, 804–282–3809. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Norfolk Banana Distributing Co., Inc., of Norfolk, VA.

MC 154548, filed March 6, 1981. Applicant: MADIERA TOURS, INC., 1616 Gordon Place, Rahway, NJ 07065. Representative: Harris Gould, 284 Lafayette St., Newark, NJ 07105, (201) 344–2332. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in Union, Essex, Monmouth, and Middlesex Counties, NJ, and extending to points in NY, PA, Prince Georges County, MD, New London County, CT, and Boston, MA, and the District of Columbia.

MC 154758 (Sub-1), filed April 7, 1981. Applicant: HARRY J. MILLER, R.D. #4, Box 467, Williamsport, PA 17701. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, 717–344–6030. Transporting *waste or scrap metal not identified by industry producing*, between points in Lycoming County, PA, on the one hand, and, on the other, points in NY, NJ, MD, and DE.

MC 155118, filed April 3, 1981. Applicant: T. D. S. TRANSPORTATION, INC., 1700 South Wolf Rd., Des Plaines, IL 60018. Representative: H. Barney Firestone, 10 South LaSalle St., Suite

1600, Chicago, IL 60603, 312–263–1600. Transporting *general commodities* between points in the U.S., under continuing contract(s) with City Products Corporation of Des Plaines, IL, T. G. & Y Stores Co., of Oklahoma City, OK, Coast to Coast Stores (Central Organization), Inc., of Minnetonka, MN, White Stores, Inc., of Wichita Falls, TX, Von's Grocery Co., of El Monte, CA, and Huffman-Koos Co., of Linden, NJ.

MC 155129, filed April 6, 1981. Applicant: RICHARD PUGSLEY, d.b.a. WAR-RIC TRUCKING COMPANY, P.O. Box 97, Palmyra, NE. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *metal products* between points in Lancaster County, NE, on the one hand, and, on the other, those points in the U.S. in and west of MI, OH, KY, TN, and AL.

MC 155169, filed April 7, 1981. Applicant: WEBSTER TRUCKING CORP., 393 Mystic Ave., Medford, MA 02155. Representative: James F. Martin, Jr., 8 W. Morse Rd., Bellingham, MA 02019, 617–966–2093. Transporting *general commodities* (except classes A and B explosives), between points in MA, ME, NH, VT, RI, CT, NY, and NJ.

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Decided: April 22, 1981.
By the Commission Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 228 (Sub-81), filed April 13, 1981. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, NY 11021, (516) 482–0681. Over regular routes, transporting *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between New York, NY and Freeport, NY, from New York, NY over NY Hwy 27 to junction Main Street in Freeport, NY, then over Main Street, Federal Plaza West, to NY Hwy 27 and return over the same route serving all intermediate points, and (2) between Hempstead, NY and Freeport, NY, from junction Clinton Street and Fulton Street in Hempstead, NY over Clinton Street to junction Henry Street, then over Henry Street to junction Greenwich Street, then over Main Street to Sunrise Hwy in Freeport, NY, and return over the same route serving all intermediate points.

MC 488 (Sub-26), filed April 13, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Joseph E. Breman, 700 Fifth Ave. Bldg., 5th Fl., Pittsburgh, PA 15219, (412) 281–1980. Transporting *clay, concrete, glass, or stone products*, between points in Stark County, OH, on the one hand, and, on the other, points in PA.

MC 1768 (Sub-3), filed April, 6, 1981. Applicant: INLAND FREIGHTWAYS, INC., Foot of John Hay Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *such commodities* as are dealt in or used by department stores, between New York, NY, and points in Westchester, Orange, Rockland, Nassau and Suffolk Counties, NY, NJ, and CT, on the one hand, and, on the other, points in the U.S.

MC 15859 (Sub-13), filed April 13, 1981. Applicant: THE HINE LINE, 247 Emmet Street, Newark, NJ 07114. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *metal products*, between points in Middlesex County, NJ, on the one hand, and, on the other, points in and east of KS, ND, NE, OK, SD, and TX.

MC 93439 (Sub-9), filed April 8, 1981. Applicant: McCLATCHY BROS., INC., P.O. Box 4128, Midland, TX 79701. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, 512–472–8442. Transporting *Mercer commodities* between points in CO, KS, LA, MS, ND, NM, OK, TX, and WY.

MC 133589 (Sub-1), filed April 8, 1981. Applicant: BCT, INC., P.O. Box 7747, Boise, ID 83708. Representative: John D. Burke (same address as applicant), (208) 384–7172. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Boise Cascade Corporation, of Boise, ID.

MC 133689 (Sub-355), filed February 12, 1981 previously noticed in Federal Register issue of March 17, 1981. Applicant: OVERLAND EXPRESS, INC., 9651 Naples St., NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *clay, concrete, glass or stone products*, between the facilities of Guardian Industries Corporation at points in MI, TX, OH, MA, and CA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 134328 (Sub-9), filed April 13, 1981. Applicant: D & G TRUCKING CO., INC., P.O. Box 1004, Wynne, AR 72396. Representative: James N. Clay III, 222 E. Mallory Ave., Memphis, TN 38109, (901) 774–9992. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of swimming pools and pool decks, between points in the U.S., under continuing contract(s) with Dougboy Recreational, Inc., of Cucamonga, CA.

MC 135598 (Sub-57), filed April 8, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, 312–236–0375. Transporting (1) *food and related products* between points in the U.S., under continuing contract(s) with Haubrich Enterprises, Inc., d.b.a. Schneidman Distributing Co., of Quincy, IL, and (2) *chemcials and related products* between points in the U.S., under continuing contract(s) with Western Minerals Corporation of Quincy, IL, and Philipp Brothers Chemical, Inc., of Qunicy, IL, and its subsidiaries.

MC 136818 (Sub-128), filed April 13, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Rd., Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275–3124. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, points in AZ.

MC 136819 (Sub-129), filed April 13, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Rd., Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275–3124. Transporting *petroleum, natural gas, and their products* between Houston, TX, on the one hand, and, on the other, points in OK.

MC 140889 (Sub-16), filed April 8, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114, (216) 781–1600. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Abel's Bagels, div. of Lender's Bagel Bakery, Inc., of W. Seneca, NY, and Lender's Bagel Bakery, Inc., of W. Haven, CT 06516.

MC 142059 (Sub-168), filed April 13, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant), (815) 729–3808. Transporting *lumber and wood products*, between points in Beltrami County, MN, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 142268 (Sub-47), filed April 6, 1981. Applicant: GORSKI BULK TRANSPORT, INC., R.R. No. 4, Harrow, Ontario, Canada NOR 1GO. Representative: William H. Shawn, 1730 M Street, NW, Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *food and related products*, (1) between points in TX, and (2) between points in TX, on the one hand, and, on the other, points in the U.S.

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Decided: April 22, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 143739 (Sub-49), filed April 13, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Leonard K. Sackson (same address as applicant), (507) 465–3235. Transporting *food and related products*, between points in Johnson County, KS, and Grimes County, TX, on the one hand, and on the other, points in AR, IA, IL, KS, LA, MN, MO, OK, TX, and WI.

MC 143988 (Sub-17), filed April 6, 1981. Applicant: JAMES W. TATE, d.b.a JAMAR TRUCKING, P.O. Box 18970, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, 901–767–5600. Transporting *machinery* between Memphis, TN, on the one hand, and, on the other, New Orleans, LA, and points in TX, NM, AZ, NV, ID, WA, OR, and UT.

MC 144969 (Sub-31), filed April 13, 1981. Applicant: WHEATON CARTAGE COMPANY, Third & "G" Sts., Millville, NJ 08332. Representative: Laurence J. DiStefano, 1101 Wheaton Ave., Millville, NJ 08332, (609) 825–1400 Ext. 2414. Transporting (1) *rubber and plastic products*, and (2) *printed matter*, between the facilities used by Reliable Tire Distributors and their suppliers in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146578 (Sub-11), filed April 6, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same address as applicant), 800–533–6038. Transporting *lumber and wood products* between points in Marion and Baxter Counties, AR, on the one hand, and, on the other, points in the U.S.

MC 146758 (Sub-12), filed April 6, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same address as applicant); 800–533–6038. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK, and its subsidiaries.

MC 148018 (Sub-5), filed April 8, 1981. Applicant: JAMES S. BATT, d.b.a. BATT TRUCKING, P.O. Box 921, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transporting *general commodities* (except classes A and B explosives, between points in the U.S., under continuing contract(s) with American Wood Products, Inc., and McCluskey Commissary, Inc., both of Caldwell, ID, and Hehr International, Inc., and Union Seed Company, both of Nampa, ID.

MC 149378 (Sub-2), filed April 6, 1981. Applicant: KIRBY TRANSPORT, INC., P.O. Box 17, Gilberts, IL 60136. Representative: Miles L. Kavaller, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212, (213) 277–2323. Transporting *general commodities* (except classes A and B explosives between points in the U.S., under continuing contract(s) with ABC-Trans National Transport, Inc., and Acme Fast Freight, Inc., both of Los Angeles, CA.

MC 150339 (Sub-27), filed April 6, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant), (301) 673–7151. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Hanover Brands, Inc., of Hanover, PA.

MC 151299 (Sub-2), filed April 6, 1981. Applicant: DEPPE LUMBER CO., INC., d.b.a. DEPPE ENTERPRISES, 300 Water St., Baraboo, WI 53913. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238–3119. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in Sauk County, WI.

MC 152229 (Sub-5), filed April 6, 1981. Applicant: SALINAS TRUCK BROKERS, INC., P.O. Box 128 (730 Airport Blvd.), Salinas, CA 93902. Representative: Ben Ryburn (same address as applicant), (408) 757–2991. Transporting *general commodities* (except classes A and B explosives) between points in Tunica County, MS, on the one hand, and, on the other, points in the U.S.

MC 153508 (Sub-1), filed April 6, 1981. Applicant: BRETT DINGES, d.b.a. BRETT DINGES TRUCKING, Route 2, P.O. Box 23, Monroe, WI 53566. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238–3119. Transportintg *food and related products*, between points in the U.S., under continuing contract(s) with American Cheesemen, Inc., of Brodhead, WI.

MC 155119 (Sub-1), filed April 6, 1981. Applicant: HELDERS MOTOR SERVICE CO., a corporation, 3201 South Kostner Ave., Chicago, IL 60623. Representative: Themis N. Anastos, 120 West Madison St., Chicago, IL 60602, (312) 782–6868. Transporting (1) *machinery*, (2) *metal products*, and (3) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in NM, IL, IN, MI, IA, WI, MN, KY, MO, AR, KS, TX, and OK.

MC 155136, filed April 6, 1981. Applicant: KEN PULASKI, d.b.a. KEN'S TRUCKING, 1524 East 12th St., Newton, KS 67114. Representative: Brad T. Murphree, 614 Century Plaza Bldg., Wichita, KS 67202, (316) 265–2634. Transporting *machinery*, between points in Harvey, McPherson, Reno, and Sedgwick Counties, KS.

MC 155219, filed April 8, 1981. Applicant: GAUDETTE MACHINERY MOVERS, INC., 22 Bradford Drive, Lincoln, RI 02865. Representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Rd., Harwich, MA 02645, (617) 432–0907. Transporting *machinery*, (1) between points in CT, MA, ME, NH, RI, and VT, on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT, and (2) between the ports of entry on the international boundary line between the United States and Canada at points in ME, NH, NY, and VT, on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-12886 Filed 4-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB–18 (Sub- 320)]

Chesapeake and Ohio Railway Co.—Abandonment Between Edmore and Remus, Mich.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided April 14, 1981, a finding, was made by the Commission, Review Board Number 3, stating that the public convenience and necessity permit the abandonment by the Chesapeake and Ohio Railway Company (C&O) of the line of railroad extending between milepost 0.00 near Edmore, and milepost 15.98 near Remus, a distance of 15.98 miles in Montcalm, Isabella, and Mecosta Counties, MI, subject to the conditions for the protection of employees developed in

Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the C&O based on the above-described finding of abandonment, 30 days after this decision becomes final unless within 15 days from the date of publicatioc the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice; and

(2) It is likely that such perferred proferred assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 90 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued immediately. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-12981 Filed 4-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10928, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, the Motor Carrier Board, Members Krock, Joyce, and Dowell.

MC-FC-79031. By decision of March 13, 1981, issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to North Way Petroleum Transport, Inc. of Chatham, NJ Permit No. MC-60528 issued September 22, 1958 and Sub-No. 10 issued May 18, 1977 to Foley & Sheldon, Inc. of Chatham, NJ, authorizing the transportation of (1) *liquid petroleum products, alcohol, and acid,* from points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J., to points in Dutchess, Orange, Putnam, Rockland, Sullivan, and Westchester Counties, NY; with return transportation authorized for rejected, damaged or surplus shipments; and (2) *Gasoline,* in tank vehicles, from points in Essex and Union Counties, NJ, to points in Ulster County, NY, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under (2) herein are limited a transportation service to be performed, under a continuing contract, or contracts with Llody's Gas and Service Centers Inc., of Middletown, NY. Applicant's representative: Ronald F. Shapss, Esq., P.O. 450 7th Ave., New York, NY 10123. An application seeking TA has not been filed. Transferee holds no authority.

MC-FC-79032. By decision of March 4, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Dave Eugene Thomas, an individual of Montpelier, VA of Permit No. MC-88980 and Subs thereunder issued to Douglas Smith Stone authorizing the transportation of lumber and sawdust as a contract carrier over regular and irregular routes from Montperlier, VA to specified points in Maryland, Pennsylvania, West Virginia, North Carolina, Ohio, New Jersey, Delaware, and The District of Columbia, subject to the following conditions: if any authority in permit Nos. MC-88980 Sub-No. 2 and 4 is limited to transportation pertained under a continuing contract with Jones Lumber Company of Beaverdam, VA and J.E. Jones Lumber Company of Montpelier, VA, respectively. Applicant's representative: Donald H. Schulart, Esq., P.O. Box 5010, 200 West Grace Street, Suite 415, Richmond, VA 23220. Transferee presently holds no authority from the Commission. In application for temporary authority has been filed.

MC-FC-79033. By decision of March 9, 1981, issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR Part 1132. Review Board Number 3 approved the transfer to Billy B. Cortner, Inc. of Certificate No. MC-128469 (Sub-No. 33) issued September 14, 1979, to Gaston Feed Transports, Inc. authorizing the transportation of *processed grain and soybean products,* (except commodities in bulk in tank vehicles), from Hutchinson, KS, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon,

Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Applicant's representative is: John E. Jandero, P.O. Box 1979, Topeka, KS. TA application has not been filed.

MC–FC–79034. By decision of March 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. Review Board Number 3 approved the transfer to Midwestern Express, Inc., of Detroit, MI, of Certificate No. MC–145018 (Sub-No. 2) issued July 15, 1980, to Northeast Delivery, Inc., of Taylor, PA, authorizing the transportation of *foodstuffs* (except in bulk) from Lawton, MI, to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, restricted to the transportation of traffic originating at the facilities of Welch Foods, Inc., at Lawton, MI. Applicant's representative is: William J. Boyd, Attorney, 2021 Midwest Road—Suite 205, Oak Brook, IL 60521, 312–629–2900. Transferee presently holds no authority from the Commission. TA application has not been filed.

MC–FC–79035. By decision of March 9, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1145. Review Board Number 3 approved the transfer to Delmar A. Kirby, d/b/a Freight Traffic Service of El Paso, TX of License No. MC–130650F issued to Don Retynski, d/b/a Commercial Freight Bureau of El Paso, TX a broker service at El Paso, TX of general commodities (except household goods) between all points in the United States. Applicant's representative is: Delmar A. Kirby, P.O. Box 31426, El Paso, TX 79931. Transferee holds authority as a Broker in No. MC–130650.

MC–FC–79037. By decision of March 6, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. Review Board Number 3 approved the transfer to Winston Limousine Service of Conn., Inc. of College Point, NY of Certificate No. MC–143427 Sub–No. 2 issued December 10, 1980 to Winston Limousine Service, Inc. of Bohemia, NY authorizing the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special operations, in non-scheduled door to door service, between New York, NY, and Newark, NJ, on the one hand, and, on the other, points in Fairfield, New Haven, and Middlesex Counties, CT, subject to the following conditions: restricted to the transportation of (1) not more than eleven passengers in any one vehicle, and (2) passengers having an immediately prior or subsequent movement by air. Applicant's representative is: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022.

MC–FC–79043. By decision of March 17, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Hudson Express, Inc. of Certificate No. MC–147203 (Sub-Nos 3, 4, 5, 6) issued to Hudson Products, Inc. authorizing the transportation of plastic resin (except in bulk), over irregular routes, from Akron, OH, to Des Moines, IA, and points in Minnesota, Wisconsin, and Illinois in the Sub–No. 3. Gummed paper, plastic film, and aluminum foil, over irregular routes, from certain points in Ohio to Sioux Falls, SD, and points in Minnesota and Wisconsin in the Sub–No. 4. Chemicals (except in bulk), over irregular routes, from Niagara Falls, NY, and points in Illinois, Michigan, and Hudson, WI, and plastic containers, from Addison, IL to Hudson, WI, in the Sub–No. 5. Plastic resin (except in bulk), over irregular routes, from North Kingsville, OH, and Lafayete, IN, to Minneapolis, MN. Applicants' representative is Grant J. Merritt, 4444 ID Center 80, South Eighth Street, Minneapolis, MN.

MC–FC–79050. By decision of March 24, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Laurel Hill Trucking Company of Secaucas, NJ, of Permit No. MC–145729 Sub-Nos. 1 and 3 issued to Symplex Leasing, Inc. of Bayonne, NJ, authorizing the transportation of (1) paint, paint equipment, patching compounds and adhesives (except commodities in bulk), from Bayonne, NJ to points in the United States (except Alaska and Hawaii) to Bayonne, NJ, under continuing contract(s) with Norton & Son, Inc. of Bayonne, NJ. (1) Stereos and turntables from New York, NY to points in the United States (except Alaska and Hawaii), and (2) wood products from points in the United States (except Alaska and Hawaii) to Bayonne, Elizabeth and Jersey City, NJ, under continuing contract(s) with Sound Design Corporation of Jersey City, NJ. Applicant's representative is William J. Augello, 120 Main Street, Huntington, NY 11743.

Note.—Authority will be sought to have Laurel Hill Trucking Company substituted as applicant in MC–145729 (1–1 TA) presently pending before this Commission.

MC–FC–79055. By decision of April 2, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to G. H. Clark & Son, Inc., of Mount Vernon, NY, of Certificate No. MC–46857 issued on June 13, 1960 to James E. Hall & Son, Inc., of Yonkers, NY authorizing the transportation of IRREGULAR ROUTES: *household goods*, between Yonkers and New York, NY, on the one hand, and, on the other, points in New York, Vermont, Rhode Island, Connecticut, Delaware, Massachusetts, Pennsylvania, New Jersey, Ohio, Michigan, Illinois, Virginia, North Carolina, Maryland, Georgia, and Florida; *household goods* as defined by the Commission, between Yonkers and New York, NY, on the one hand, and, on the other, points in Indiana, Maine, New Hampshire, South Carolina, and the District of Columbia; between points in Westchester County, NY, except Yonkers, on the one hand, and, on the other, points in New York, Vermont, Rhode Island, Connecticut, Delaware, Massachusetts, Pennsylvania, New Jersey, Ohio, Michigan, Illinois, Virginia, North Carolina, Maryland, Georgia, Florida, Indiana, Maine, New Hampshire, South Carolina, and the District of Columbia. Applicants representative: William A. Egan, Jr., 199 Main Street, White Plains, NY 10601.

MC–FC–79056. By decision of March 30, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to MARK S. ROSSI AND KEN M. BRENDLER, a partnership, doing business as NORTHWEST PRODUCE EXPRESS, of Portland, OR, of Permit No. MC–143075 (Sub-No. 1) issued to HAROLD AND CHARLENE BRENDLER, a partnership doing business as NORTHWEST PRODUCE EXPRESS, of Portland, OR, authorizing the transportation of (1) *dairy products, food requiring refrigeration, glassware, grocery products, paper products* and *plastic jugs*, and (2) *commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act when moving in mixed loads with dairy products, food requiring refrigeration, glassware, grocery products, paper products and plastic jugs, between Salem, Beaverton, Portland and Pendleton, OR, on the one hand, and, on the other, Yakima, Pasca and Walla Walla, WA, and Lewiston, ID, under continuing contracts with Pacific Gamble Robinson, doing business as Pacific Fruit and Produce, of Seattle, WA, P.D.Q. Institutional Goods, of Yakima, WA, and Walla Walla Produce, of Walla Walla, WA. Applicants' representative: Mario E. Rossi, 5924 S.E. 39th Ave., Portland, OR 97202.

Note.—Application for TA has not been filed. Transferee does not hold any authority from this Commission.

MC–FC–79057. By decision of March 26, 1981 issued under 49 U.S.C. 10926

and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to T. J. MARQUART & SONS, INC., of Bliss, NY, of Certificate Nos. MC–140029 (Sub-Nos. 2, 4, and 8), issued to CLIFFORD H. HALL, INC., of Attica, NY, authorizing the transportation of (1) *liquid corn silage additive,* from Arcade, NY, to points in MD, NJ, and PA; (2) *molasses,* in bulk, in tank vehicles, from Buffalo, NY, to points in Crawford, Erie, Forest, McKean, Potter, Venango and Warren Counties, PA, and points in OH; and (3) *feed and feed ingredients,* between points in New York (except Cayuga County), on the one hand, and, on the other, points in OH, PA, VA, and WV, restricted (a) to traffic originating at or destinted to the facilities of Agway, Inc., Allied Mills, and Ruminant Nitrogen Products Company, (b) against the transportation of salt and salt products, and (c) against the transportation of limestone and limestone products from Centre County, PA. Applicants' representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202.

Note.—Application for TA has been filed. Transferee holds no authority from this Commission.

MC–FC–79063. By decision of March 24, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Winston Airport Transportation Service, Inc. of College Point, NY, of Certificate No. MC–143427 Sub 3F and MC–135268 (acquired in No. MC-FC-77928 issued to Winston Limousine Service, Inc., of Bolemia, NY, authorizing the transportation of *passengers and their baggage,* limited to the transportation of not more than eleven (11) passengers in any one vehicle (excluding the driver), in special non-scheduled door-to-door service, between points in Orange and Rockland Counties, NY, on the one hand, and on the other, Newark, NJ, and New York, NY, restricted to passengers having an immediately prior or subsequent movement by air or water. Passengers, having prior or subsequent movement by air or water, and their baggage, in the same vehicle with passengers, in special operations, in non-scheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, between points in Bergen, Passaic, Hudson, Essex, Union, and Morris Counties, NJ, on the one hand, and, on the other, John F. Kennedy International Airport, La Guardia Airport, and Steamship piers in New York, NY. Applicant's representative is Sidney J. Leshin, 575 Madison Ave., New York, NY 10022. Transferee is not a carrier. TA lease is not sought.

MC-FC–79065. By decision of March 24, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to D & D Trucking, Inc. of Jersey City, NJ, of Certificate No. MC–128310 and MC–128310 (Sub-No. 2) issued April 25, 1967 and March 17, 1971 respectively, to Dairy Dispatch Corp. of Jersey City, NJ generally authorizing the transportation of dairy products (except commodity in bulk), in vehicles equipped with mechanical refrigeration, between points in that part of the New York, NY Commerical Zone as defined by the Commission, within which local operations may be conducted under the partial exemption provided by section 203(b)(8) of the Act (the exempt zone), on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Union and Passaic Counties, NY, and New York, NY. Applicant's representative is Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. TA lease is not sought. Transferee is not a carrier.

MC-FC–79070 By decision of April 2, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Clay Transport, Inc. of New Kensington, PA of Certificate No. MC–21788 issued February 25, 1969 to J. A. Grimm & Wheeling Motor Express, Inc. of Pittsburgh, PA, authorizing transportation as a motor *common carrier* over regular routes transporting *general commodities,* with the usual exceptions, between Pittsburgh, PA and Appollo, PA, Moundsville and Wheeling, WV, and Bellaire, OH, serving named intermediate and off-route points. Applicant's representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222.

MC–FC–79071. By decision of April 2, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Vic Adams, Inc. of Yates Center, KS of Certificate No. MC–126489 (Sub-No. 13) issued April 8, 1974 to Gaston Feed Transports, Inc. of Hutchinson, KS authorizing transportation as a *common carrier* over irregular routes transporting (a) *alfalfa products,* from points in Dawson County, NE and points in Kansas, to points in Arizona, Colorado, Kansas, New Mexico, Texas, and those in Oklahoma west of U.S. Hwy 61, and (b) *dry feed ingredients,* from Pratt, KS, to points in Colorado, Nebraska, New Mexico, Oklahoma, and Texas, subject to the following conditions: that transferee submit for cancellation the operating rights it currently holds which duplicate the rights to be transferred. Applicant's representative: John E. Jandera, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601.

MC–FC–79084. By decision of April 2, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1131, Review Board Number 3 approved the transfer to K. D. Inc., of Louisville, KY, of Certificate No. MC–142977 (Sub-No. 6) issued to Hoosier Freight Lines, Inc., of Louisville, KY, authorizing: (1) *household appliances* and (2) *equipment, materials and supplies* used in the manufacture and distribution of household appliances between the facilities of General Electric Company, Appliance Park, at Louisville, KY, and points in Indiana and Cincinnati, OH. Applicant's representative: James B. Murphy, 825 W. Jefferson St., No. 102, Louisville, KY 40202. TA lease is sought. Transferee is not a carrier.

MC–FC–79097. By decision of April 7, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to Knute Trucking, Inc., of Rochelle, IL, of permit number MC 143966 Sub 3 issued January 29, 1980, to Gerald Stager and Dennis Drda, d.b.a. Stager-Drda Transportation of Rockford, IL, authorizing the transportation of malt beverages and advertising materials from St. Paul, MN, to the facilities of D and D Distributing Co., Inc., at or near Rockford, IL, under contract with D and D Distributing Co., Inc., of Rockford, IL. Applicant's representative is William J. Monheim, P.O. Box 1756, Whittier, CA 90609. TA application has been filed. Transferee holds no authority.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–12980 Filed 4–28–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decision; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance

applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the commission's policy of simplifying grants of operating authority.

Findings:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extend that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Volume No. OPY-4-100.

Decided April 22, 1981.

By the Commission, Review Board No. 2, Carleton Fortier and Williams.

MC 155177, filed April 6, 1981. Applicant: H.F.C.S. TRANSPORT COMPANY, a corporation, 780 N. Water St., Milwaukee, WI 53202. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with C.P.C. International, Inc., of Englewood Cliffs, N.J.

Note.—This application is directly related to MC-F-14616, published in this same Federal Register issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-12804 Filed 4-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Volume No. OPY-4-101

Decided April 22, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier and Williams.

MC-F-14616, filed April 6, 1981. P&S INVESTMENT COMPANY, INC. (P&S)—Continuance in Control—H.F.C.S. TRANSPORT COMPANY (HFCS) AND RENN TRANSPORTATION CO., INC. (RENN) (All of 780 North Water Street, Milwaukee, WI 53202). Representative: Carl L. Steiner, 30 South LaSalle Street, Chicago, IL 60603. P&S seeks authority

to continue in control of H.F.C.S. and Renn, upon the institution by H.F.C.S. and Renn of operations in interstate or foreign commerce, as motor contract carriers. John F. Pomprowitz and Joan P. Schaupp—equal stockholders of P&S seek authority to continue in control of H.F.C.S. and Renn through the transaction. P&S controls through stock ownership of L.C.L. Transit Company, a motor common carrier, operating under MC–119974 and subs thereunder, which authorizes the transportation of specified commodities, over irregular routes, in IL, IN, IA, MI, MN, MO, WI, KS, KY, NE, ND, OH, SD, NY, PA, and TN. H.F.C.S. holds no present authority. Simultaneously herewith it has filed a contract carrier application docketed No. MC–155177 to transport food and related products, over irregular routes, between points in the U.S., under a continuing contract with C.P.C. International, Inc., which is published in this same Federal Register issue. Renn has a pending application for authority, as a contract carrier, under MC–154185 to transport general commodities (except classes A and B explosives), between points in the U.S., under continuing contracts with 28 individual shippers, published in the Federal Register of March 10, 1981.

Condition: P&S Investment Company, a non-carrier holding company, shall be considered a carrier within the meaning of 49 U.S.C. 11348 and is subjected to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations whichmay relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, P&S Investment Company need only file such special reports as the Commission may from time to time require. P&S Investment Company is not made subject the the accounting requirements of 49 U.S.C. 11142.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–12883 Filed 4–28–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 29, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY4–889

Decided April 23, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fortier, Williams.

MC 123997 (Sub-5), filed April 10, 1981. Applicant: COMET FAST FREIGHT, INC., 101 Welham Ave., N.E., Glen Burnie, MD 21061. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, (202) 783–7900. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY5–47

Decided April 22, 1981.

By the Commission, Review Board No. 3. Members Krock, Joyce and Dowell.

MC 141369 (Sub-7), filed April 7, 1981. Applicant: V.I.P. LIMOUSINE, INC., 11 Brownhouse Rd., Stamford, CT 06902. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006 (202) 833–8884. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 155179, filed April 6, 1981. Applicant: WILLIAM W. COLEMAN, 433 Fairview Ave., P.O. Box 332, Waynesboro, PA 17268. Representative: William W. Coleman (same address as applicant) (717) 762–3703. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–12882 Filed 4–28–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[332-125]

Analysis of Recent Trends in U.S. Barter and Countertrade; Investigation

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), the Commission has instituted investigation No. 332-125 for the purpose of gathering and presenting information on U.S. barter/countertrade and its significance in the world market. This study will document and analyze selected data on the volume and composition of U.S. trade involving barter/countertrade (B/CT) with non-market economy countries, developing nations, and industrialized countries. The study will examine the more important and representative instances of B/CT and focus on the current and future impact of B/CT arrangements on the U.S. industry and employment.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald J. DeMarines, Machinery and Equipment Division, U.S. International Trade Commission, Washington, D.C. 20436 (telephone 202-523-0259).

WRITTEN SUBMISSIONS: There is no public hearing scheduled for this study; however, written submissions from interested parties are invitied. Commerical or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than September 9, 1981. All submissions should be addressed to the Secretary to the Commission at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: April 23, 1981.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-12876 Filed 4-28-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 751-TA-2 (Formerly AA1921-66A)]

Television Receiving Sets From Japan; Announcement of Administrative Deadline

AGENCY: U.S. International Trade Commission.

ACTION: Establishment and announcement of administrative deadline.

SUMMARY: On December 17, 1980, the Commission announced an indefinite postponement and waiver of the administrative deadline in this investigation under section 751(b) of the Tariff Act of 1930 (45 FR 83088). The deadline was postponed until a sufficient number of purchasers and importers of television receiving sets from Japan responded to the Commission's questionnaires to provide it with adequate information to enable it to make an informed decision. The purpose of the investigation is to determine whether an industry in the United States would be materially injured, or would be threatened with material injury if the antidumping finding concerning television receiving sets from Japan were revoked.

The Commission hereby establishes a new administrative deadline of June 12, 1981, for notifying the Department of Commerce of its final determination in this investigation.

WRITTEN SUBMISSIONS: Only submissions in response to the statement of Orion Electric Co., Ltd. and Otake Trading Co., Ltd. which was received by the Commission on April 1, 1981, and responses to other developments that have occurred since the Commission's hearing on November 12 and 13, 1980 will be accepted. The final date for submissions to the record is May 8, 1981.

EFFECTIVE DATE: April 23, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel F. Leahy, Jr., U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, 202-523-1369.

By order of the Commission.

Issued: April 23, 1981.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-12877 Filed 4-28-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-99]

Certain Molded-in Sandwich Panel Inserts and Methods for Their Installation; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 27, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Shur-Lok Corporation, 2451 White Road, Irvine, California 92713. The complaint alleges unfair methods of competition and unfair acts in the importation of certain molded-in sandwich panel inserts into the United States, or in their sale, by reason of (1) the alleged infringement by said molded-in sandwich panel inserts of the sole claim of U.S. Letters Patent 3,182,015, (2) the alleged infringement of claims 1-4 of U.S. Letters Patent 3,271,498 and all four claims of U.S. Letters Patent 3,392,225 and the inducement of and/or contribution to said infringement, and (3) the alleged misappropriation of complaint's trade secrets. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The complainant requests that, after a full investigation, the Commission issue a permanent exclusion order and a cease and desist order.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure.

SCOPE OF THE INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on April 21, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain molded-in sandwich panel inserts into the United States, or in their sale, by reason of (1) the alleged infringement by said molded-in sandwich panel inserts of the sole claim of U.S. Letters Patent 3,182,015, (2) the alleged infringement of claims 1-4 of U.S. Letters Patent 3,271,498 and all four claims of U.S. Letters Patent 3,392,225 and the inducement of and/or contribution to

said infringement, and (3) the alleged misappropriation of complainant's trade secrets, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Shur-Lok Corporation, 2451 White Road, Irvine, California 92713.

(b) The respondents are the following companies and are the parties upon which the complaint is to be served:

(i) The Young Engineers, Inc., 23151 Alcada Drive, B–5, Laguna Hills, California 92653—
is allegedly engaged in the unlawful importation of certain molded-in sandwich panel inserts into the United States, or in their sale, in the inducement of and/or contribution to the practice of certain methods for the installation of said inserts (said inserts and methods being covered by one or more claims of complainant's patents hereinabove specified), and in the misappropriation of complainant's trade secrets; and

(ii) C&D Plastics, 5412 Argosy Drive, Huntington Beach, California 92649
Hitco Corporation, 18662 MacArthur Boulevard, Irvine, California 92707
Composites Unlimited, 17962 Cowan Street, Irvine, California 92714
U.O.P. Aerospace Division, 7107 Jackson Street, Paramount, California 90723
Weber Aircraft, 2620 Ontario Street, Burbank, California 91504—
are allegedly engaged in the unlawful use of certain imported molded-in sandwich panel inserts and in the unlawful practice of certain methods for their installation (said inserts and methods being covered by one or more claims of complainant's patents hereinabove specified);

(c) Ralph Elsas-Patrick, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation;

Respondents named in paragraph (2)(b)(ii) above were not proposed by complainant but were named because allegations in the complaint so warrant.

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Ralph Elsas-Patrick, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0440.

Issued: April 22, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-12873 Filed 4-28-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-86]

Certain Shell Brim Hats; Termination

AGENCY: International Trade Commission.

ACTION: Termination of investigation and issuance of consent order.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has approved and issued a consent order in the above-captioned investigation, thereby terminating the investigation.

SUPPLEMENTARY INFORMATION: In connection with a complaint filed on May 4, 1980, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) alleging unfair acts and methods of competition in the importation into and sale in the United States of certain shell brim hats, complainant, the Commission investigative attorney, and the respondents entered into a consent order agreement. Complainant is Zwicker Knitting Mills and respondents are Aris Isotoner Gloves Inc. and Aris (Philippines) Inc. In a notice of investigation published in the **Federal Register** on June 25, 1980 (45 FR 42894), the Commission stated that the investigation was being undertaken to determine whether section 337 is being violated by reason of infringement of U.S. Letters Patent 3,898,699 by respondents' shell brim hats.

Copies of the Commission's Action and Order, the consent order, and all other non-confidential documents in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0359.

Issued: April 22, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-12874 Filed 4-28-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 22–43]

Certain Tobacco; Change of Date of Public Hearing

AGENCY: International Trade Commission.

ACTION: Change of date of public hearing in investigation No. 22–43 to June 24, 1981.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. William Lipovsky, 202–724–0097.

SUPPLEMENTARY INFORMATION: The hearing in this investigation will be held beginning at 10 a.m., e.d.t., Wednesday, June 24, 1981, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. A hearing date of May 11, 1981, had previously been announced in the Commission's notice of institution of the investigation as published in the **Federal Register** of March 11, 1981 (46 FR 16162). The Commission's hearing has been rescheduled as a result of a request for a postponement by the United States Department of Agriculture in order to prepare its testimony on the issues involved in this investigation.

Persons wishing to appear at the hearing should follow the prehearing procedures outlined in the notice of March 11, 1981. Requests to appear at

the Commission's hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.d.t.), May 27, 1981. The prehearing conference will be held on Friday, May 29, 1981, at 10 a.m., e.d.t., in Room 117 of the U.S. International Trade Commission Building. Nineteen copies of the prehearing briefs should be submitted to the Secretary to the Commission not later than the close of business on June 18, 1981. Written statements submitted by interested persons in lieu of an appearance at the hearing must be received not later than July 1, 1981.

Issued: April 21, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-12873 Filed 4-28-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-75]

Certain Large Video Matrix Display Systems and Components Thereof; Change in Time Limit for Oral Argument on Violation

AGENCY: International Trade Commission.

ACTION: Change in time limit for argument on violation issue at Commission hearing on May 8, 1981.

SUMMARY: Upon a timely request by respondent SSIH Equipment S.A. showing need, the Commission has ordered that parties to the investigation be allowed 40 minutes for argument concerning the presiding officer's recommended determination at the May 8, 1981, hearing, rather than the 20 minutes specified in the notice of hearing, 46 FR 22995 (April 22, 1981).

FOR FURTHER INFORMATION CONTACT: Michael B. Jennison, Esq., Office of the General Counsel, U.S. International Trade Commission, 202-532-0350.

Issued: April 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-12872 Filed 4-28-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. TA-203-7]

Nonrubber Footwear; Investigation Report To the President

April 22, 1981.

In accordance with sections 203(i)(2) and (i)(3) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2) and (i)(3)), the United States International Trade Commission herein reports the results of an investigation (No. TA-203-7) conducted with respect to nonrubber footwear.

Summary of advice of the Commission

The Commission unanimously advises, on the basis of information obtained in the investigation, that termination of the import relief presently in effect with respect to imports of nonrubber footwear from Taiwan would have a significant adverse economic effect on the domestic nonrubber footwear industry and therefore advises that such relief should be extended for 2 years at the 1980-81 quota year level[1] on all categories of footwear covered by the present relief except athletic footwear. The Commission further advises that, if import relief with respect to Taiwan is extended, the certificate of origin program concerning imports of footwear from Hong Kong should likewise be extended, since the program is an adjunct to the relief with respect to Taiwan.

Commissioners Alberger, Calhoun, and Stern further advise that termination of the import relief presently in effect with respect to imports of nonrubber footwear from the Republic of Korea and athletic footwear from Taiwan would not have a significant adverse economic effect on the domestic nonrubber footwear industry and therefore advise that such relief should not be extended.

Commissioner Bedell further advises that termination of the import relief presently in effect with respect to imports of nonrubber footwear from the Republic of Korea and athletic footwear from Taiwan would have an adverse economic effect on the domestic nonrubber footwear industry and therefore advises that the present relief should be extended for 2 years at the 1980-81 quota year levels.

Commissioners Alberger, Calhoun, and Bedell further advise that any proclamation extending relief should once again refer to the President's residual authority in section 203(e)(3) of the Trade Act in order to make it clear that the extended import relief includes the authority to provide additional relief in the event the initial relief proves ineffective.

Background

The investigation was instituted on December 5, 1980, following receipt on October 23, 1980, of a petition filed by the American Footwear Industries Association, the Amalgamated Clothing and Textile Workers Union, AFL-CIO, and the United Food and Commercial Workers Union, AFL-CIO. Public notice of the investigation and hearing was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the Federal Register of December 11, 1980 (45 FR 81668). A public hearing in connection with the investigation was held on March 9-10, 1981, in Washington, D.C. All interested persons were afforded an opportunity to be present, to present evidence, and to be heard.

The information contained in this report was obtained from fieldwork, from questionnaires sent to domestic manufacturers and importers, from responses to Commission questionnaires sent in connection with the annual nonrubber footwear reports (investigation No. 332-93), from the Commission's files, from other Government agencies, from information received at the hearing, from briefs filed by interested parties, and from other sources.

Statement of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun, and Commissioner Catherine Bedell

On the basis of the information before the Commission in this investigation, it is our judgment that termination of the import relief presently in effect with respect to nonrubber footwear from Taiwan would have a significant adverse economic effect on the domestic nonrubber footwear industry, and therefore we advise that such relief be extended at the 1980-1981 fourth quota year level for an additional 2 years in order that the domestic industry may have more time in which to complete the process of adjusting to import competition. However, Commissioners Alberger and Calhoun advise that there is no need to extend such relief with respect to athletic footwear from Taiwan.

In addition, Commissioner Bedell is of the judgment that termination of the import relief presently in effect with respect to imports of nonrubber footwear from the Republic of Korea will have an adverse economic effect on the domestic nonrubber footwear industry and therefore advises that such relief should also be extended at 1980-1981 levels for an additional 2 years. However, Commissioners Alberger and Calhoun are of the view that termination of the import relief presently in effect with respect to such imports from Korea will not have a significant adverse economic effect on the domestic

[1] Commissioners differ with respect to the conditions under which relief should be extended.

industry and therefore advise that it need not be extended.

All three of us are of the judgment that the certificate of origin program presently in effect with respect to nonrubber footwear from Hong Kong should be extended for such period of time as relief with respect to Taiwan is extended, since this program operates as an adjunct to the relief concerning Taiwan. We further advise that any proclamation extending relief should, to the extent permissible by law, once again refer to the President's residual authority in section 203(e)(3) of the Trade Act of 1974, in order to make clear that the extended import relief includes the authority to provide additional relief in the event this extended relief proves ineffective.[2] We believe that effective use of this surge mechanism can be invaluable in assuring that the industry receives the necessary relief to continue its adjustment to import competition.

We are in full agreement (except as noted) in our assessment of the health of the domestic industry and its efforts to adjust to import competition. We are also largely in agreement with respect to our advice concerning the impact of termination of relief on the domestic industry and the need to extend relief. Since the bulk of the imports covered by the present relief are from Taiwan, we are in full agreement, with the exception of athletic footwear,[3] regarding the need to extend the relief now in effect.

The major point of advice on which we differ concerns athletic footwear. Commissioners Alberger and Calhoun are of the view that the athletic footwear segment of the domestic nonrubber footwear industry is quite healthy and not in need of additional import protection. The bulk of the imports from Korea are in the form of athletic footwear. Commissioner Bedell, on the other hand, does not believe that the facts warrant the carving out of an exception for athletic footwear and further believes that the Korean industry, although smaller than that in Taiwan, has the ability to rapidly increase its exports to the United States and thus jeopadize the domestic industry's adjustment program already under way.

[2] A question was raised in the hearing and in submissions filed by both the domestic industry and importers as to whether an extension of relief includes the residual authority of the President to impose additional relief when an OMA does not continue to be effective. This issue seems to be one more properly answered by the President than by this Commission.

[3] See the additional statements of Chairman Alberger and Vice Chairman Calhoun and Commissioner Bedell infra.

The above advice is based on our assessment of several factors, including the present state of the industy's health, levels and trends of imports during he relief period, particularly from Taiwan and Korea, efforts made by the industry to adjust during the relief period, and the factors set forth in section 202(c) of the Trade Act of 1974.

State of health of the industry and industry efforts to adjust to import competition

During the import relief period, the long-term decline of the domestic industry has slowed, employment and production levels have stabilized to a degree, and some economic factors, such as profits, have even shown modest improvement. However, the industry today is by no means healthy. During the relief period, the industry has made major efforts to adjust to competition by substantially increasing its investment in plant and equipment. The benefits of these investments are just beginning to be felt, but it will be some time before their full impact will be realized.

Domestic production, employment, and the number of firms producing nonrubber footwear continued to decline during the relief period, although at a slower rate than during the period preceding relief. Thus, between 1976 (the last full year preceding relief) and 1980, domestic nonrubber footwear production declined from 422.5 million pairs to 394.5 million pairs. This represented a decline of 6 percent, as compared with a 20 percent decline in production between 1972 and 1976, the period immediately preceding the OMA relief. Similarly, the number of nonrubber footwear production workers continued to decline from 149,600 in 1974 to 137,000 in 1977, the year in which relief was first provided, to 129,000 in 1980. Further, the number of firms producing nonrubber footwear has continued to decline, from 400 in 1974 to 334 in 1977, the year in which relief was granted, and to 307 in 1980. Despite this contined decline in number of producers, the industry has continued to have considerable unused productive capacity—23.6 percent in 1980 versus 23.3 percent in 1976 and 26.7 percent in 1977.[4]

[4] Chairman Alberger and Vice Chairman Calhoun note that all of the declines must be read against a general decline in apparent consumption and a slight increase in import market penetration. Moreover, some part of the decline in employment and in the number of producing firms must be viewed as part of the industry's adjustment process. For instance, the decline in producing firms tends to have come from the smaller producers. The decline in employment has been at a faster rate than the decline in production, alluding to an improvement in productivity. The impact of these factors is evident in operating profit margins, the one area in which there seems to have been clear improvement in the health of the industry.

The one area where there seems to have been some improvement in the state of health of the industry is that involving operating profit margins. Operating profit margins for the 68 firms furnishing usable data increased from 5.8 percent in 1977 to 6.5 percent in 1978, declined to 6.4 percent in 1979, and increased to 8.5 percent in 1980. However, the number of firms in the industry operating at a loss has remained relatively constant during the relief period (13 in 1977, 15 in both 1978 and 1979, and 14 in 1980). While profits were clearly better in 1980 than in some earlier years, on satisfactory year does not necessarily signify a trend.

The industry has made a considerable effort to improve its competitive position vis-a-vis imports during the relief period. First, annual new plant and equipment expenditures increased by about one-third between 1976 and 1979, with more than half of this investment dedicated to new machinery, equipment, and fixtures. Second, major technological innovations have been introduced or more widely used to reduce labor input. Such innovations have included laser cutting, flow molding, computer tape stitching, better lasting machinery, injection molding, and unit bottoms. Third, with the help of programs funded by the Department of Commerce, the industry has undertaken efforts to improve its marketing, designing, and responsiveness to style changes.

Imports during the relief period

Import restrictions during the period of relief applied to imports from only two countries, Taiwan and the Republic of Korea. The restrictions were in the form of import quotas based on orderly marketing agreements which the United States had negotiated with each of the two countries. The certificate of origin program with Hong Kong was established during the relief period in order to stem the alleged flow from Hong Kong of footwear assembled there with parts made in Taiwan. The certificate program has functioned as a valuable adjunct to the Taiwan quota and thus should be maintained if import restraints with respect to footwear from Taiwan are extended.

Taiwan filled all three elements of its quota in the first 3 years of the relief period and will fill all three elements in the fourth year if trends through the first three quarters of the fourth year continue. Korea filled both parts of its quota in the first year of the relief

period, but filled only the larger of the two categories (athletic and footwear other than leather) in the second and third years. In the fourth year, Korea seems likely to fill only its athletic footwear category, which was 86 percent full at the end of the first 9 months of the quota year.

The quotas on imports from both countries have clearly restricted imports from the two countries during the quota year. Imports from Taiwan totalled 166.5 million pairs for calendar year 1977, but only 122 million pairs, the maximum permitted, during the first quota year (June 28, 1977–June 30, 1978). Imports from Taiwan were permitted to increase slowly to 130.7 million pairs in the present quota year (a level not yet but likely to be reached). Imports from Korea totalled 58.6 million pairs in calendar 1977, but were limited to 33 million pairs in the first quota year (July 1, 1977–June 30, 1978). The fourth year quota permits Korean imports to increase to 38 million pairs.

Imports from all countries other than Taiwan and Korea have increased by an average of about 10 percent per year during the calendar years covered by the quotas (1977–1980). In 1978 and 1979, imports from Italy more than doubled, due to demand for a particular style of shoe, the "Candie." Imports from Italy declined to half the 1979 level in 1980. It is our view that the surge mechanism is appropriate for dealing with such increases and may be useful in looking at increasing imports from other countries not under restraint.

Extension of relief for 2 years

Relief in the form of quantitative restrictions at present levels (i.e., July 1980–June 1981 levels) on imports of footwear from Taiwan (except, in the opinion of Commissioners Alberger and Calhoun, restrictions on athletic footwear) should be continued for an additional 2 years for several reasons.

First, the industry needs added time to adjust. Four years is a short adjustment period when viewed in the context of the length of time required to devise and implement new technology, marketing approaches, and other adjustment efforts. The recent recession and high inflation rate have made it more difficult to invest in new plants and equipment or to modernize old plants and equipment, which is a very important part of the adjustment process. Further, the quotas did not have much of an impact on imports until well into the first quota year because of large importer inventories built up in anticipation of some kind of Presidential action. In view of the anticipated slowness of this adjustment process, the Commission recommended at the time it found the requisite serious injury in early 1977 that relief be provided for the full 5-year initial period.[5]

Second, the overall industry is not "healthy" at this time, even though many of the key economic indicators which together show its overall condition have stabilized. Better profits for 1 year, 1980, are not necessarily indicative of a trend. Import penetration during the relief period has increased from 44 percent to 49 percent, which means that the domestic industry is giving up nearly one half of its home market to imports and remains vulnerable to increased penetration and injury in the absence of additional protection. However, in view of efforts presently being made by the industry, there is good reason to believe that the industry, with another 2 years of relief, will be more demonstrably on its way to recovery and better able to withstand import competition.

Third, Taiwan, with its export-oriented production and competitive prices, remains a serious threat to the domestic industry. Taiwan has consistently filled all three categories of its quota, indicating that imports from Taiwan would be appreciably higher, perhaps as high as or higher than pre-quota levels, in the absence of an extension of relief. The domestic industry has raised its prices only moderately since the beginning of relief, by about 9 percent annually, primarily in response to rising raw material (especially leather) and labor cost. Termination of relief at this time would exert downward pressure on industry prices and increase the vulnerability of the industry.

Fourth, the domestic nonrubber footwear industry is one that has been long beset with import problems. It has sought import relief since the late 1960's but only received relief since 1977, although many firms and workers in the industry had received adjustment assistance prior to that time. Congress clearly had the well-being of this industry in mind when it passed the Trade Act of 1974 and when it subsequently made some minor changes to provisions relating to section 201 investigations.[6] The industry provides employment to thousands of low-skilled persons, mostly located in small towns, a majority of them women, a large proportion of whom are older, and many of them of minority groups. They are among our lowest paid industrial workers, earning an average of $4.42 per hour in 1980. Alternative employment generally is not available. Many are secondary wage earners for whom relocating is out of the question because it would require relocation on the part of their spouses or other family members. We believe that the industry is on the threshold of recovery and that extension of the present relief should make it possible to preserve many of these jobs after extended relief expires.

In deciding what advice we would give, we reviewed the various considerations set forth in section 202(c) of the Trade Act and have touched upon many of these considerations in the discussion above. While we subscribe to the comments regarding these considerations set forth beginning on p. A–87 of the attached report, we would like briefly to comment further on several of them. First, the information before the Commission clearly shows that the United States is the focal point for exports of nonrubber footwear from Taiwan. The United States is and has been the most open large market in the world for footwear imports despite the recent restrictions. Most of the production facilities in Taiwan remain geared to serving the U.S. market. Second, we do not believe that relief has had or that the extension of relief will have a significant impact on U.S. consumers. During the relief period prices have risen only modestly and sufficient quantities of all types and styles of footwear have remained available. Third, we believe that the relief presently in effect has been generally effective in promoting adjustment by the industry to import competition. However, as indicated above, we believe that the relief can be more effectively implemented and that extension as indicated is essential for sufficient adjustment to occur. Finally, we believe, for reasons articulated above, that significant economic and social costs may be incurred by taxpayers, communities, and workers if the present relief is not extended.

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[5] In the earlier investigation, No. TA–201–18, Commissioner Bedell found the industry to be seriously injured and recommended the provision of relief for a 5-year period.

[6] For example, Congress provided in sec. 503(c)(1) of the Trade Act (19 U.S.C. 2463(c)(1)) that most nonrubber footwear articles are by law "import-sensitive articles" and are therefore not eligible for duty-free treatment under the Generalized System of Preferences (GSP); and in 1979 Congress amended sec. 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)) to redefine the concept of "remedy finding" of the Commission in view of Congress' inability to require the President to provide relief as a result of the first affirmative Commission footwear determination under sec. 201 of the Trade Act (investigation No. TA–201–7)—sec. 1601(a) of the Tax Reform Act of 1976 (Pub. L. 94–455, 1976).

Additional Statement of Chairman Alberger and Vice Chairman Calhoun

As stated above, it is our advice that relief with respect to all nonrubber footwear imports from Korea, which is primarily in the form of athletic footwear, and athletic footwear imports from Taiwan can be terminated without adversely affecting the domestic industry to any significant degree.

It is our judgment, based on the best information available to us, that the segment of the domestic nonrubber footwear industry producing athletic footwear is healthy and has been for the duration of the relief. This judgment was confirmed by testimony of the only domestic industry official to appear at the hearing urging extension of relief; no other producer of athletic footwear supplied information to the contrary.[7] While most categories of nonrubber footwear experienced continuous declines in production during the period of import relief, production of athletic footwear increased 56 percent, from 16 million pairs in 1977 to 25 million pairs in 1980. This significant increase occurred despite an equally significant overall increase in the level of imports of athletic footwear. The relative shares of the market held by domestic producers and by importers remained essentially unchanged throughout the period. The net effect, therefore, is that both domestic producers and importers have benefitted equally in the growing market for athletic footwear. Further, the best available financial data concerning domestic firms producing athletic footwear [8] indicate that such firms have had an average operating profit margin during the relief period which is considerably higher than the average operating margin of 6.8 percent for the domestic industry during the relief period.

As a further matter, close analysis of the pattern and concentration of imports from Taiwan might suggest the possibility of terminating import restrictions with respect to Taiwan on certain types of shoes. Such a termination of restrictions could be based on information showing that these types of shoes are characterized by low total import penetration from Taiwan, concentration of these imports in the lower price ranges, and concentration of domestically produced shoes in the medium and higher price ranges. A further characteristic of these types of shoes is high import penetration from countries not covered by the OMAs. In this regard, we consider six types of shoes: men's, youth's and boy's leather dress shoes and casuals; men's, youth's, and boy's leather boots; leather work shoes; women's and misses' leather dress shoes and casuals; women's and misses' leather boots; and leather sandals. During the last 2 years, import penetration from Taiwan for all of these types of shoes was less than 7 percent, and in each of these types, imports from Taiwan were concentrated in the two lowest price ranges.

We have considered this argument and decided to raise it for the President's review. However, we are concerned that, if these items were removed, Taiwan has the ability to shift production into those exempt categories. That would nullify the remaining relief to the domestic industry during the 2-year extension period.

We would terminate all relief with respect to Korea for two reasons. First, the major portion of the nonrubber footwear imports entering under the Korean quota is athletic footwear covered by the category commonly called K–2, which contain vinyl footwear, and footwear not covered by the other Korean category. In our view, the U.S. industry no longer needs protection from such imports.

Second, Korea has failed to fill in 2 of the last 3 years the second part of its quota (the category commonly called K–1, which covers leather footwear other than athletic), and it seems unlikely to fill this second part in the fourth year as well. In the third quota year, Korea filled only 31.7 percent of that part of its quota, and in the first 9 months of the fourth quota year Korea had filled only 23 percent. Imports entering under category K–1 have been negligible, accounting for approximately 1 percent of total apparent U.S. consumption during the relief period. We are persuaded by the Koreans' claim that they have lost their competitive advantage in this field as a result of increased raw material and labor costs.[9] Because imports of such leather footwear from Korea have been far under the level allowed by the quota and because it appears unlikely that a continued quota would have a restraining effect on such imports in the near future, we advise that this aspect of the quota be terminated. If such imports suddenly increased again, an event we think most unlikely, the surge mechanism should be used to deal with them.

Finally, it is our view that the extension of import relief with respect to Taiwan may, if certain conditions are met, be further relaxed at the present rate of a 2.4 percent quantitative increase per year. The gradual reduction in the level of relief that was built into the existing OMA with Taiwan theoretically promotes the continuing process of adjustment to import competition during the period of relief. While we generally agree with this mechanism for easing the domestic industry into a more competitive environment, we believe that this orderly transition could be seriously disrupted by surges of imports from other countries not under an agreement. Thus, it is our view that the relaxation of import restraint levels with respect to imports from Taiwan should only be undertaken if the surge mechanism is to be continued as part of the extended relief and if it is effectively utilized to prevent any further erosion of the market share held by the domestic industry.

Additional statement of Commissioner Bedell concerning relief with respect to imports of athletic footwear and imports from Korea

I advise that import relief presently in effect should be extended for 2 years and, more specifically, that the relief applicable to athletic footwear from Taiwan and nonrubber footwear from Korea should *not* be terminated. My reasons for these conclusions are set forth below.

First, I do not think that there is sufficient information to permit us to draw separate conclusions concerning the athletic footwear segment of the domestic industry. My colleagues have based their conclusions in large part on financial information supplied by four firms accounting for only about 17 percent of domestic athletic footwear production. These four firms were the only firms to supply us with usable financial information primarily relating to athletic footwear operations. I do not believe that data from four firms accounting for only 17 percent of domestic athletic footwear production is necessarily representative of general conditions concerning such production in the United States. Furthermore, financial data received from other large domestic producers of athletic footwear who make other types of footwear and who could not or did not provide separate financial data on the profitability of their athletic footwear

[7] See the testimony of Jerry Turner, Executive Vice President of Brooks Shoe Manufacturing Co., in the transcript of the Mar. 9, 1981, public hearing, pp. 125–322, especially p. 190.

[8] We have based our judgment on questionnaire data received from four firms accounting for 17 percent of total domestic production of nonrubber athletic footwear in 1980.

[9] See, for example, the posthearing brief of the Korean Footwear Exporters Association and the Korean Leather Products Exporters Association, p. 1.

operations show profit margins which closely approximate the average profit margin of the whole industry and therefore indicate that the profit margins of the four firms may well *not* be representative of profit margins for athletic footwear operations. Thus, while it is possible that some domestic producers of athletic footwear may be doing well, there is no body of information which convinces me that on balance the economic condition of athletic footwear operations differs markedly from nonathletic footwear operations.

Second, I believe that producers of footwear in Taiwan and Korea continue to pose a serious threat to domestic nonrubber footwear producers, including those producing athletic footwear. Korea in particular filled the athletic footwear category of its quota in the first 3 years of the quota period and had filled 86 percent of the fourth year quota in the first 9 months of the quota year. Furthermore, Taiwan, which does not have a separate quota category for athletic footwear, has filled all three of its quota categories in the first 3 years of the relief period and will do so again in the fourth year if present trends continue. Even with orderly marketing agreements in place, Taiwan and Korea accounted for 65 percent of domestic athletic footwear consumption in 1980. Thus, I believe that in the absence of continued relief imports of athletic footwear from Taiwan and Korea will increase both in absolute terms and as a share of U.S. consumption.

Third, Korean nonrubber footwear exports in general remain a serious threat to the domestic industry. Korean production is highly export oriented, and an average of nearly 60 percent of Korean footwear exports have been shipped to the U.S. market during the period 1977–80. The Korean industry is dominated by four firms which collectively account for over half of total Korean footwear production (including types of footwear not covered by the relief). The industry has shown considerable ability to accommodate to changing market conditions and has upgraded the quality of its exports during the relief period. This adaptability of the Korean industry and knowledge of the rapid rate at which Korean exports to the United States increased prior to the imposition of quotas (Korean exports of nonrubber footwear to the United States increased at an annual rate of 65 percent during 1974–77) lead me to believe that the conditions confronting the U.S. industry with regard to Korean imports in 1977 could readily recur and jeopardize the adjustment process underway if existing relief is allowed to terminate.

Statement of Commissioner Paula Stern

Framework for Advice

The purpose of this investigation—and of this statement—is to provide advice upon which the President can base his decision to extend or alter the import relief program currently in effect for the domestic nonrubber footwear industry. The Commission's counsel is based on its "judgment as to the probably economic effect on the industry of the *extension, reduction, or termination* of the import relief * * *." [Emphasis added.] [10] Section 203(i)(4) of the Trade Act directs that such advice take into account all relevant economic factors, including the considerations set out in section 202(c) and the progress and specific efforts made to adjust to import competition.[11]

My examination of these factors takes place within the framework of the dual objectives of the escape clause: (1) The prevention or remedy of serious injury to the domestic industry, and (2) adjustment of the industry to import competition.[12] Essentially, in order to merit extension of import relief under the escape clause, it must be clear that an industry is either still experiencing serious injury or has not adjusted to import competition, or both.[13] In either case the probably economic effect of termination would be adverse, assuming that the foreign potential to supply has not shifted significantly since the original investigation.

Section 203(i)(4), however, provides guidance which should take the Commission beyond a simple comparison of the health of the domestic industry in relation to the two goals of the escape clause. For example, by directing the Commission to examine specific efforts made by the industry to adjust, the statute implies that if an industry is not making serious adjustment efforts the Commission need not advise the President to continue relief. The legislative history of the escape clause supports this view: [14]

> The escape clause is not intended to protect industries which fail to help themselves become more competitive through research and investment efforts, steps to improve productivity and other measures that competitive industries must continually undertake.[15]

The framework for my advice regarding the scope of relief in an extension period is derived from section 201(d)(1)(A) which limits the remedy to only such relief as is "necessary to prevent or remedy the injury." This direction applies equally to a 203 investigation. In an investigation instituted under section 203(i)(2) the Commission is instructed to consider "reduction," not simply extension or termination of import relief. Section 203(h) makes clear that Congress's intent is that relief be phased down "to the extent feasible" and if extended, be at a level no greater than that in effect immediately prior to the extension. The petitioner's position in this investigation, that exemption of a particular category of footwear or a particular country from a recommended extension is "impermissible," is not valid. In a 203 investigation, any relief should be tailored to the problems at hand at the time of the investigation.

Condition of the U.S. Nonrubber Footwear Industry [16]

U.S. workers in the labor-intensive nonrubber footwear industry are not overpaid relative to U.S. wage earners in general.[17] But, they are paid considerably more than their foreign counterparts. In 1978, for example, average hourly earnings in Korea and Taiwan averaged 15 percent of the U.S. rate. This significant wage rate differential has given rise to the view of

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[10] This investigation was instituted under sections 203(i)(2) and 203(i)(3) of the Trade Act of 1974 (Trade Act).

[11] Section 203(i)(4) of the Trade Act. For statutory background on section 203(i) *see* Views of Commissioners Alberger and Stern, *Stainless Steel and Alloy Tool Steel* (Investigation No. TA–203–3).

[12] Section 203(a) of the Trade Act. *See also Trade Reform Act: Report of the Committee on Finance* * * *, S. Rept. No. 93–1298 (93d Cong., 2d Sess.) 128 (Senate Report).

[13] To make such a judgment, focus is placed on the current state of the industry. But, the "current" focus is not done with blinders on. The latest data is assessed in relation to industry indicators not only for the relief period, but also in relation to the condition of the industry health prior to the provisions of relief.

[14] Section 203(i)(4) has not been specifically interpreted by the Congress.

[15] Senate Report, at 122.

[16] I do not believe that Commissioners are bound in a 203 investigation, under the escape clause statute or through the principle of *res judicata*, to the Commission majority's industry definition made at the time of the original 201 investigation. The doctrine of *res judicata* applies to decisions of administrative agencies only when the agency is acting in a judicial capacity and confronted with a set of static facts (*i.e.*, facts that cannot change). In the present case the Commission is neither acting in a judicial capacity nor confronted with a set of static facts. Nevertheless, I do not find it necessary or feasible to revise the 201 industry definition in this case. Since section 203 is a remedy exercise, it is possible to examine appropriate segments of the industry without formally changing the industry definition.

[17] Workers in plants producing nonrubber footwear were paid substantially lower wages than workers in nondurable manufacturing during the 1974–80 period. *See* Report, A–60.

some that this industry is terminally ill—that for this industry adjustment to import competition consists of an orderly demise. others point out that competition consists of an orderly demise. Others point out that competition in the footwear industry encompasses many factors besides wage rates—that appropriate marketing strategies and manufacturing flexibility together with innovative production techniques and proximity to the market could result in adjustment to import competition in carefully selected product lines. Data gathered in this investigation support this more optimistic view.

The domestic nonrubber footwear industry is no longer experiencing serious injury. It is clearly *adjusting* to import competition; declaring the industry as a whole *adjusted* to import competition would be premature.

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Some of the data [18] gathered in this investigation show further negative trends since the 201 investigation—but the magnitude of these trends certainly does not parallel developments prior to the provision of import relief.[19] Though consumption was basically steady from 1977–79, dropping significantly only in 1980, shipments and capacity fell regularly, 10 percent (in quantity) and 6 percent respectively from 1977–80.[20] Production and employment held nearly steady from 1977–78 but dropped thereafter. From 1978–80 production declined 6 percent and employment dropped 3 percent. Meanwhile inventories rose 4 percent in quantity over the relief period and 53 percent in value.

Do these negative trends demonstrate continued serious injury? The petitioners certainly think so; those opposed to the petition do not. First, some opponents suggest that these data point to "stabilization" of the industry in a condition which is said to be an improvement over serious injury. Second, other opponents to the petition suggest that, to advise the President that the "reconstituted" industry is still experiencing serious injury, the Commission must, in effect, find a reoccurrence of serious injury during the relief period. These parties seem to expect the Commission to isolate the data for the relief period alone to ascertain if the negative trends from the beginning of the relief period (1977) to the end of the relief (1980) are of sufficient severity to support a finding of serious injury.

I reject both suggestions of the opponents. The slowing of some negative trends since the 201 does not necessarily indicate "stabilization" in an improved condition; such trends could instead indicate "stabilization" in a condition of serious injury. Examination of all the information available in the investigation is necessary.

The second suggestion is simply not in line with the statute; nowhere does the statute direct the Commission to focus exclusively on the relief period to determine anew if the industry has been seriously injured.[21] Since the aim of import relief is to lessen import competition for a temporary period, it would be illogical to expect a domestic industry to demonstrate serious injury substantially caused by imports during a period when relief from such injury was in effect.

Examination of the additional available data in this investigation reveals that the petitioner's view is equally unconvincing. In particular, the financial data belie the assertion that the industry is still experiencing serious injury. In 1980 the pre-tax profit margin for the nonrubber footwear industry at 7.4 percent was nearly at the level of all manufacturing (7.8 percent).[22] Moreover, the strong financial performance in 1980 was not limited to the largest firms. A look at the operating profit margin of firms by range of production reveals that for all categories, except the smallest, the profit margin was 6 percent or above. It is difficult to determine the profitability of these small firms since many are owner-operated and profits are taken out in salaries and other benefits.[23] The largest firms (with production ranges of from 2 million to 4 or more million pairs) which account for roughly 85 percent of U.S. footwear production averaged profit margins of from 6.3 to 9.3 percent in 1980.

Since the nonrubber footwear industry is not a capital intensive industry, an average profit return on net sales can produce a higher than average return on total assets and stockholders' equity. Still the data for 1980 are striking. Both the ratio of net profits before taxes to total assets and the ratio of net profit before taxes to stockholders' equity rose over 50 percent from 1979 to 1980. While these two ratio were below the rates for all manufacturing in 1979, they were either twice or nearly twice the rate for all manufacturing in 1980.

Given this financial performance, the industry can no longer be said to be experiencing serious injury. The more difficult issue is whether the industry has adjusted to import competition. Neither the statute nor the legislative history provide a definition of such "adjustment." [24] A natural measure of "adjustment" is the standard business measure of success—profitability. In fact, in this case where import levels did not decline over the relief period, [25] a good profitability "showing" is more indicative of "adjustment" to open trading conditions than of adjustment to a stringently protected market. The performance of the industry in foreign markets may also be a sign of adjustment. From 1977–80 exports grew some 141 percent.[26]

Over the relief period the industry, with intensive government support, has made serious efforts to adjust. These efforts are detailed on pp. A–24–36 of the accompanying report. Though increases in capital expenditures (in real terms), and productivity are not particularly impressive, the participation in the Department of Commerce's Footwear Revitalization Program, the results of the Commission questionnaire on efforts to compete, and the data on the spread of use of new technologies in

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[18] The Commission staff made strenuous efforts to obtain responses to the questionnaire which was sent to all domestic nonrubber footwear producers. Despite these efforts, the response rate of the petitioning industry was disappointing. Even some companies which undertook the considerable time and expense to send a representative to Washington to testify at the Commission's hearings did not respond to the questionnaire. I do not think it is appropriate to speculate that companies that did not respond were too unprofitable to do so. One could just as easily speculate that such non-respondents are so profitable that they chose not to submit data in order to encourage a recommendation for extension. Fortunately, the questionnaire data for certain indicators can be supplemented in this investigation by Department of Commerce (DOC) data. On factors not available from DOC, *e.g.*, profitability, I must rely on the questionnaire responses alone.

[19] Over the five-year period prior to the provision of import relief (1971–76), data indicate that domestic capacity, production, shipments, and employment all declined by approximately 20 percent.

[20] Though the OMAs began in mid-1977, the data used in this analysis will include all of 1977. Data is not available which precisely coincides with the OMAs. I do not believe that the use of full 1977 data seriously affects my analysis.

[21] My reference to the serious injury factors in the Views of Commissioner Alberger and myself in *Stainless Steel and Alloy Tool Steel* was not intended to imply that an industry must demonstrate existence of serious injury for the relief period exclusively.

[22] Report at A–61.

[23] *Ibid.*, at A–60.

[24] S. Rept. at 128 and *Trade Reform Act of 1973: Report of the Committee on Ways and Means* * * *, H. Rept. No. 93–571 (93d Cong., 1st Sess. 1973), 52.

[25] The level of imports remained basically steady over the relife period, except for the "surge" in 1978, as a result of a fleeting but substantial fashion shift to Italian made "Candies." The import/consumption ratio grew two percent over this period. *See* Report at pp. A–21–22 and G–4.

[26] Report at A–45.

the industry all indicate that the industry is making adjustment attempts.

The record as a whole yields a picture of an industry in the process of restructuring that is beinning to see the fruits of its efforts. The negative trends are in part a reflection of this restructuring. Information on plant closings must be balanced with the fact that a substantial number of new plants opened during the same period.[27] The number of small producers—historically the least profitable according to published data—has declined dramatically. The number of producers at the upper end—1 million to over 4 million pairs—has increased. The financial data seem to demonstrate that the results of this shifting have only recently become visible. From 1977–79 the net profit before taxes to net sales ratio for the industry was below that of other manufacturers in each year. During that period, however, the largest producers still made respectable profits. In 1980 profitability for nearly the entire industry increased dramatically.[28]

It is still too soon to pronounce the industry "adjusted." The recent stronger industry performance—particularly the 1980 financial data—has been aided by ephemeral fashion trends (for example, for the "preppie" look and cowboy boots) and by the decline in the record-high 1979 leather prices without a concomitant decline in shoe prices. Without these favorable circumstances, the current condition of the industry might be less rosy. As a whole, the industry is adjusting, but it needs more time to consolidate its position, to assure that its 1980 performance is at least a new plateau if not the beginning of a resurgence.

Relief Under Proclamation 4510

Taiwan

Termination of the Orderly Marketing Agreement with Taiwan in June 1981 would have a significant adverse economic effect on the U.S. industry and therefore the relief should be extended for two additional years. Some adjustments in the level of relief, however, would be advisable.

* * * * *

Taiwan is by far the largest foreign supplier of nonrubber footwear to the U.S. market. Even with the OMA in place Taiwan's exports to the U.S. in 1980 were more than triple those of the next largest foreign supplier. In that year, imports from Taiwan accounted for 39.4 percent of total U.S. imports.[29]

Taiwan is capable of substantially increasing its exports.[30] The industry is almost entirely export-oriented, with only three percent of production retained for the domestic market. This export performance is important to Taiwan; in 1979 footwear manufacturing ranked as Taiwan's fourth most important export industry in terms of value. Exports to the U.S. already comprise the bulk of Taiwan's total exports (51 percent), and the possibility that even more shipments could be directed to the United States is real since Taiwan faces import restrictions in a number of other countries.[31]

The nature of Taiwan's shoe industry also demonstrates the potential for increased exports to the United States. Factories in Taiwan are small, with the average factory employing about 200 to 250 workers, and they are capitalized at low levels. In 1979, approximately half of the factories were capitalized at less than $3,000. As a result, the industry is characterized by much fluidity. The ease with which it can grow has been seen. From 1967 to 1973 the number of shoe factories in Taiwan increased from 30 to 280; by 1979 there were 582 factories.

Developments over the relief period have not significantly altered Taiwan's potential. Though labor is said to be tight, labor turnover in this industry is high, and given recent rapid increases in wage rates it is doubtful that labor availability will seriously affect the growth rate of the industry. Currently, the real limit to Taiwan's growth is the size of the unrestricted world market. Competition from other low cost producers (*e.g.*, Hong Kong, Singapore, PRC) is growing, but at least for the near future importers have indicated that Taiwan is still the preferred supplier.[32] Tawian's short-term prospects are particularly good, as its major competitor, Korea, is facing higher costs.

Taiwan's shipments to the United States under the OMA fall into three categories.[33] All three categories have been completely filled throughout the entire relief period. These shipments cover a broad spectrum of shoe categories. Taiwan's U.S. market share increased over the OMA period in women's and misses' leather boots; men's, youth's and boys' plastic dress and casuals; women's and misses' plastic dress and casuals; women's and men's plastic boots; men's, youth's and boys' fiber dress and casuals; and athlectic footwear. In two other categories—women's and misses' plastic sandals and women's and misses' fiber dress and casuals—its share fell during the OMA period, but it was still substantial, 55.2 percent and 26.8 percent respectively. Clearly, Taiwan's capability creates competitive pressure on the U.S. industry over a broad range of product lines.

In my view the condition of the U.S. industry warrants an extension of the OMA with Taiwan for an additional two years. The domestic industry has presently not adjusted to the point that it would not be adversely affected by termination of the Agreement in June 1981. But the data on the industry are favorable enough that I advise against extending relief for the entire three years permissible under the statute. Continuation of the certificate of origin program instituted with Hong Kong to prevent the transshipment of shoes made in Taiwan is also appropriate. Transshipment could just as easily become a problem during an extension period as it did during the original relief period before the certification process was established.

I further advise two adjustments to the relief. First, in line with the discussion below (see Korea, p. 38), I advise exclusion of athletic footwear. I do not think it would be equitable to terminate the OMA with Korea and yet include athletic footwear in a new OMA with Taiwan.

Second, I think it would be useful to adjust the overall quota levels upward each year as was done under the original OMA. Congress clearly intended that relief under the escape clause be phased down to the extent

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[27] Report at A–38. The usefulness of the available data on openings and closings is limited. The staff was not able to ascertain how many closings were in fact consolidations.

[28] Report at A–50 and discussion on profit and loss on pp. 27—28 of this statement.

[29] Report at C–6.

[30] Both the petitioner and the Commission staff have projected the level of import growth if OMAs were discontinued based on historic trends. The validity of extrapolating a trend is based on the assumption that what happened in the past will continue in the future. In the case of footwear imports, there are two good reasons to expect that the future will not be like the past. First, the growth rates of imports in the early 1970's were high because they began from a small base. Second, new competitors have become established over the OMA period. It will be much more difficult for Taiwan and Korea to resume their pre-OMA growth rates if the OMAs are terminated. The Commission staff has tried to take some account of these factors in its projections. Nevertheless, I consider historically-based projections of future import levels without OMAs to be of limited value in assessing the expected impact of termination of OMAs with particular countries. A more reliable estimate of the real potential of a country to supply the U.S. if relief is terminated can be obtained by also considering the current condition of its industry.

[31] Report at A–72 and A–94.

[32] Hearing Transcript at p. 340, American Importers' Association Prehearing Brief at pp. 21–24, Volume Footwear Retailers of America Posthearing Brief at p. 6.

[33] Report at A–9.

possible during the relief period.[34] Congress's aim was to encourage a more orderly adjustment process. Increasing the number of imports each year in the relief period necessitates adjustment decisions by firms and workers thereby preparing them for the legally inevitable time when relief expires. In this industry many workers do not have the skills or mobility that facilitate adjustment. A phase-down of relief would encourage workers to make realistic plans rather than deluding them with an unsustainable sense of security.

The current OMA allows for a yearly increase of 2.4 percent in the overall quota level. I advise that if an OMA with Taiwan is extended that provision also be made for a similar [35] or somewhat higher increase in the quota level each year. In light of the consumption projections made by the Commission staff [36], such an increase would not place an undue burden on the domestic industry, but would encourage further adjustment.

This advise was developed taking into account section 202(c) considerations, some of which have already been addressed. A full discussion of these considerations, which I endorse, is included in the Report (at pp. A–88 through A–95). In these views I want to emphasize that I have closely examined the economic and social costs that may be incurred by taxpayers, communities and workers if the present relief is not extended (section 202(c)(9)) as well as the costs of extension of relief to consumers (section 202(c)(4)). Though the negative effects on consumers were alleviated to some degree over the original OMA period as a number of U.S. importers simply initiated or expanded purchases with non-controlled foreign producers of low-cost footwear, it is clear that the OMA did increase the burden on consumers and that an extension will continue this burden.[37] Limiting an extension with Taiwan to two years and including the adjustments I have advised will lessen this burden somewhat. I also considered two further adjustments that were appealing in terms of consumer interests—exclusion of low value footwear and/or exclusion of children's and infants' footwear. In conclusion, however, I must advise that, based on the information before me, the economic and social costs to the U.S. industry and its workers of these adjustments outweigh the benefits they would provide to U.S. consumers.

It is true that the U.S. industry has not played a key role in supplying the domestic market with low-priced footwear (*e.g.*, $4-and-under a pair) except in the children's and infants' and athletic categories.[38] But with the adoption of labor-saving devices such as injection molding machines, the industry seems to be developing a new competitive capability in this market.[39] Exclusion of low-priced footwear from the OMA could stymie these developments. Innovative low-priced producers using the latest technology could use more time to develop their marketing strategies and consolidate their supplier links.

The existence of a low-value footwear exclusion would also have an adverse impact on domestic producers of medium-priced shoes. Some consumers might shift away from purchases of domestic medium-priced shoes as the supply of cheaper shoes from Taiwan increased. Also, some producers in Taiwan would undoubtedly lower the prices of their shoes to avoid the OMA, particularly since they would no longer have to pay the alleged quota fee. As producers of shoes priced closest to the value-break lower their prices to avoid the OMA, the competitive pressure on U.S. producers of medium-priced footwear would further increase. The relief provided by the extension would thus be nullified.[40]

I also considered exclusion of children's and infants' footwear. Data available to the Commission, however, indicate that this segment of the domestic industry is particularly weak. Profitability in 1980 was well below the industry average.[41] The probable economic effect of an exclusion would, therefore, argue against excluding this category from relief.

Korea

Termination of the Orderly Marketing Agreement currently in effect with the Republic of Korea would not have a significant adverse effect on the U.S. industry.

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Korean exports to the U.S. that are controlled by the OMA fall into two categories: Leather footwear except athletic (K1) and leather athletic footwear (K2). However in 1980, nearly 77 percent of such exports were leather athletic footwear. The quota has been completely filled for this category in each quota year, and in fact adjustments permissible under the Agreement have been made to accommodate maximum allowable exports. Still the OMA has probably been only minimally effective in controlling the level of Korean athletic footwear exports. Korean manufacturers learned early on that with only a minor adjustment to the shoes (substitution of a vinyl for a leather strip) shipments could be made under a TSUS item (700.60 rubber/fabric footwear) that was not covered by the Agreement.[42] Shipment of athletic shoes as rubber footwear has not been entirely satisfactory for Korean manufacturers, however, U.S. duties on medium- and lower-priced athletic footwear amount to about $1.50 to $2.25 a pair more if the shoes are classified as rubber rather than nonrubber footwear. As a result, termination of the OMA, or exclusion of athletic non-rubber footwear, is likely to bring about a reverse shift—a leather strip would be substituted for a vinyl strip to obtain the duty savings. Overall, I would expect exports to the U.S. to increase only to the extent that this duty savings, if passed on to the customer, creates some additional demand.

In light of the objectives of the escape clause, however, U.S. producers of athletic footwear—the segment of the industry most fully affected by Korean shipments—should not be protected from this somewhat intensified competition. These producers have had a robust performance over the relief period despite the limited protection provided. Shipments and production of athletic footwear increased roughly 56 percent from 1977 to 1980 and there has been a substantial increase in U.S. exports of inexpensive mass-produced athletic footwear. Inventories were cut in half over the period, and unfilled orders increased. Capacity utilization, at about 81 percent, was well above the average for other segments of the nonrubber footwear industry. Furthermore, data available to the Commission on the financial performance of U.S. footwear producers with substantial athletic footwear production shows that profits for these producers over the entire OMA period have been higher than the industry average and that for both 1979 and 1980 profit margins were above the level for all U.S. nondurable goods and for all

[34] Trade Act, sections 203(h)(2), 203(h)(3) asnd 203(h)(4).

[35] I point out that Chairman Alberger and Vice Chairman Calhoun have also discussed a relaxation of relief along the same lines.

[36] Report at A–81.

[37] Report at A–78.

[38] Report at A–67.

[39] Hearing Transcript at 152–3.

[40] Likewise, I agree with Chairman Alberger and Vice Chairman Calhoun that exemption of certain leather footwear types from the OMA coverage would nullify the remaining relief.

[41] Profitability refers here to operating profit margin. *See* Report at A–84.

[42] *See* Report at pp. 13–15 and Table 6 at C–18 which show the rapid increase in rubber/fabric exports after the institution of the OMA.

U.S. manufacturing.[43] The opponents of the petition referred to this very favorable view of the profitability of the domestic athletic producers a number of times during the hearing and the petitioners never disputed it.[44] The data show that U.S. athletic producers are healthier than the industry as a whole. Relief should not be extended.

It is also no longer appropriate to continue controls on Korea's K1 exports, but for different reasons. Since the first quota year Korean exports to the U.S. of K1 footwear have been steadily plummeting. In the third quota year only about 32 percent of the quota was filled. From 1977–80 combined exports of leather work shoes and other nonathletic shoes fell regularly from 10.6 million pairs to 4.9 million pairs. During the same period shipments of men's, women's, and children's vinyl footwear fell to only 1 million pairs. These developments appear to relate to changed circumstances in the Korean industry.

The structure of Korea's footwear industry is very different from that of Taiwan. The industry is comprised of a small number of very large producers which are highly capitalized. These producers use conveyor machinery [45] which staff advises increases considerably the expense of product shifts. Counsel for the Korean footwear exporters testified that the competitive strength of their products has been affected disproportionately by oil price increases (56 percent in 1979 and 100 percent in 1980), by inflation (47 percent in 1980) and by wage increases (up 473 percent from 1978–80). Further testimony was presented indicating that expansion of the Korean industry is not planned and that money is not available to finance an expansion.[46] The performance of the Korean industry has deteriorated over the OMA period (notwithstanding the fact that the OMA did little to control Korean exports). Total production fell 7.1 percent from 1978 to 1980.

It is improbable that Korea will increase its K1 exports to the U.S. over the next few years as rapidly as it did before the OMA was initiated. Projections based on historical trends are particularly distorting for Korea, as circumstances in the Korean industry have changed since the 1970's. Moreover, U.S. imports of K1-type footwear from many other countries are at or above the level of recent Korean shipments. In sum, to take action against Korean K1 exports during an extension period would be discriminatory.

Since protection is no longer justified for K2 exports or necessary for K1 exports, I advise letting the OMA with Korea expire.

The surge mechanism

Parties to this investigation have disputed whether the President can, as a matter of law, extend the OMAs to additonal countries during an extension period. This legal judgment does not come under the purview of the International Trade Commission. If the President concludes that he does have the authority to take action against surge countries during an extension period, I would advise him to exercise such authority in line with the criteria specified in paragraph 4b of the current proclamation (4510). Paragraph 4b provides residual authority for relief in the event that "the quantity of imports of footwear *of the types covered*" by the existing OMA, from countries not now controlled, "appear likely to *disrupt* the effectiveness" of the provisions of the orderly marketing agreement(s) (emphasis added). An import surge that meets this criteria is likely to be the focus of consultations under the equity clause[47] of the existing OMA(s). Import surges that may occur but do not result in consultations under the equity clause are less likely to be "of the types covered" or be of sufficient quantity to "disrupt" the OMA.

Although an OMA with Taiwan may technically cover all nonrubber footwear other than athletic, there are categories of nonrubber footwear which simply are not produced in Taiwan or are not competing with Taiwan's footwear production. A surge in such imports from a third country is not likely to "disrupt the effectiveness" of the provisions of an OMA with Taiwan and is also unlikely to result in consultations under the equity clause. If the President should, however, decide to consider taking relief action in these circumstances, I suggest that he (1) examine the product-scope of the surging imports to assess their potential to affect adversely the domestic industry; and (2) review the economic condition of producers of the products most directly competitive with the surging imports to determine if, in keeping with the limited purposes for which relief is appropriate under the escape clause, this particular group of producers warrants relief. In short, a refined approach to the remedy question is appropriate during an extension period.

If the President has residual authority during an extension period, I strongly urge him to utilize it to deal with surges that would indeed nullify the relief I have recommended. Import surges can be expected in a fashion-oriented, labor-intensive industry like footwear and there is also the distinct possibility that such future surges will come from competitors of Taiwan. Foot wear produced in Taiwan competes with footwear produced in many countries. Moreover, the growth potential of other footwear producers has been demonstrated. From 1977–80 U.S. imports from Hong Kong, the Philippines, Thailand, Singapore, the PRC and Hungary all increased by nearly 150 percent or more. During this period imports from Brazil also rose substantially. Imports from Italy are sizable, and the sharp increase in shipments of "Candies" in 1979 demonstrates the Italian industry's capability to create a surge. Given this vigorous competition, if the President has residual authority during an extension period, it is incumbent upon him to exercise this authority as appropriate to assure that the U.S. industry has the respite it requires.

Conclusion

Many commentators wrote off the domestic nonrubber footwear industry as a "loser" long ago. the escape clause process has provided another perspective on the adaptive capability of this industry in the face of shifting international competitive conditions. The nonrubber industry has shown itself to be more resilient than anticipated. The process of adjustment has had positive results thus far, and with some further limited protection these results should solidify.

Issued: April 22, 1981.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

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[43] All statements, except the statement on capacity utilization, are based on data in the Report. The source for the capacity utilization statement is the AFIA data included in the Korean Footwear Exporters Association and the Korean Leather Products Exporters Association prehearing brief.

[44] *See* Hearing Transcript at pp. 467–8.

[45] *Ibid.*, p. 481.

[46] Hearing Transcript at p. 494.

[47] Report at B–9 paragraph 10 of the Orderly Marketing Agreement Between the United States of America and the Republic of China.

DEPARTMENT OF JUSTICE

Attorney General

Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants by United States Steel Corp. (Fairless Works)

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on or about April 2, 1981, a proposed consent decree in *United States* v. *United States Steel Corporation* (E.D. Pa., Civ. Nos. 79–3645 and 80–0743), was lodged with the United States District Court for the Eastern District of Pennsylvania. The proposed consent decree requires the Corporation to bring its Fairless Works in Bucks County, Pennsylvania, into compliance with requirements of the Clean Air Act.

The proposed consent decree may be examined at the office of the United States Attorney, 3310 U.S. Courthouse, Independence Mall West, 601 Market Street, Philadelphia, Pennsylvania 19106, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, at a cost of $8.10 per copy to cover reproduction expense. A check or money order for $8.10 and made payable to the Treasurer of the United States must accompany any request for a copy of the proposed decree.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *United States Steel Corporation* (E.D. Pa.), D.J. Ref. 90–5–3–967.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 12793 Filed 4-28-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Proposed Revised 1981 Aggregate Production Quotas

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Proposed Revised 1981 Aggregate Production Quotas.

SUMMARY: This notice proposes revised 1981 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act. Since the establishment of the 1981 aggregate production quotas on September 18, 1980 (45 FR 62228) and December 30, 1980 (45 FR 85843), DEA has reviewed data submitted by registered manufacturers concerning actual 1980 dispositions and year-end inventories and has determined that revisions of some of the previously established quotas are necessary.

DATE: Comments or objections should be received on or before May 29, 1981.

ADDRESS: Send comments or objections in quintuplicate to: Administrator, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On September 18, 1980 and December 30, 1980, notices of the 1981 aggregate production quotas for these substances were published in the **Federal Register** (45 FR 62228, 45 FR 85843). Also indicated in these notices was that pursuant to Title 21 of the Code of Federal Regulations, § 1303.23(c), the Administrator of the Drug Enforcement Administration would in early 1981 adjust these quotas based upon a review of 1980 end-of-year inventory and 1980 disposition data as submitted by quota applicants, as well as other information which would be available to DEA at this time.

When determining the below listed proposed revised 1981 aggregate production quotas, the following factors influenced DEA's determination to propose either raising or lowering the previously finalized quotas for 1981:

a. Relative to amphetamine and desoxyephedrine (methamphetamine and levodesoxyephedrine), a reduction in their initially established quotas is proposed based on 1980 year-end inventories greater than had been previously estimated as well as an expected decline in sales in 1981. A reduction in the quota for phenylacetone is also proposed as this substance is used to manufacture amphetamine, methamphetamine and levodesoxyephedrine.

b. Relative to methaqualone, a reduction from the previously established quota to 0 kg. is proposed. The sole bulk manufacturer of methaqualone has discontinued the manufacturer of this substance. Also, the 1980 year-end inventory of this material is expected to exceed the need for this substance in 1981, which has been sharply declining in recent years.

c. Relative to codeine (for sale), dextropropoxyphene, dihydrocodeine, diphenoxylate, fentanyl, hydrocodone, hydromorphone and methadone, the proposed upward revisions reflect 1980 year-end inventories which were lower than had been estimated. For codeine (for sale) and diphenoxylate, the lower than expected inventories appear to be due to lower production in 1980 than was authorized. For methadone, changes in the pattern of distribution above the retail level require increased production in 1981 tio satisfy inventory needs. For the other substances, actual sales exceeded that estimated for 1980. The proposed increased quotas for morphine (for conversion), codeine (for conversion), methadone intermediate and thebaine (for sale) reflect the increases proposed for the Schedule II substances derived from them.

Based upon the above considerations, as well as estimates of the medical needs of the United States submitted to the Drug Enforcement Administration by the Food and Drug Administration, the Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations, does hereby propose the following changes in the aggregate production quotas for 1981 for the below listed controlled substances, expressed in grams of anhydrous acid or base:

Basic class	Previously established 1981 aggregate production quota	Proposed revised 1981 aggregate production quota
Schedule II:		
Amphetamine	1,253,000	862,000
Codeine (for sale)	51,966,000	56,426,000
Codeine (for conversion)	3,125,000	4,148,000
Desoxyephedrine	1,971,000	1,683,000
(methamphetamine)	(200,000)	(148,000)
(levodesoxyephedrine)	(1,771,000)	(1,535,000)

Basic class	Previously established 1981 aggregate production quota	Proposed revised 1981 aggregate production quota
Dextropropoxyphene	44,796,000	48,439,000
Dihydrocodeine	1,145,000	1,585,000
Diphenoxylate	652,000	700,000
Fentanyl	3,000	4,000
Hydrocodone	856,000	1,022,000
Hydromorphone	106,500	116,000
Methadone	1,190,000	1,489,000
Methadone Intermediate	1,700,000	2,127,000
Methaqualone	5,671,000	0
Morphine (for conversion)	55,651,000	58,430,000
Phenylacetone	8,000,000	7,000,000
Thebaine (for sale)	2,303,000	2,319,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. A person may object to or comment on the proposal relating to any of the above mentioned substances without filing comments or objections regarding the others. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrant a hearing, the Administrator shall order a public hearing by a notice in the **Federal Register**, summarizing the issues to be heard and setting the time for the hearing.

Pursuant to Sections 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The establishment of annual aggregate production quotas for Schedule I and II controlled substances is mandated by law and by the international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Dated: April 10, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-12832 Filed 4-28-81; 8:45 am]

BILLING CODE 4410-09-M

National Institute of Justice

Arson Adjudication in the United States; Solicitation

The National Institute of Justice announces a competitive research grant to study arson adjudication in the United States. The purpose is to improve both the process and outcomes of arson adjudication procedures. The sources of data will consist mainly of case files and interviews with persons who have been involved in arson adjudication cases. The grant will be awarded for up to 21 months and not more than $300,000 unless terminated earlier by reason of unsatisfactory performance.

The solicitation requests submission of full proposals and requires that submitting organizations have experience and capabilities in this kind of legal case study research.

To be considered for review and possible funding, all proposals must be postmarked not later than June 12, 1981.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, Arson Adjudication, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: March 25, 1981.

Approved:

Harry M. Bratt,

Acting Director, NIJ.

[FR Doc. 81-12754 Filed 4-28-81; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-41)]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Transport Aircraft.

DATE AND TIME: May 20, 1981, 8:30 a.m. to 4:30 p.m.; May 21, 1981, 9 a.m. to 5 p.m.

ADDRESS: NASA Headquarters, Federal Building 10B, Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Winblade, National Aeronautics and Space Administration, Code RJT-2, Washington, DC 20546 (202/755-3000).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Transport Aircraft has been established to assist the NASA in assessing the current adequacy of transport aircraft technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program in transport advanced aerodynamics, active controls, materials, propulsion, avionics, and safety. The Subcommittee, chaired by Mr. Russell Hopps, is comprised of seven members. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons including the Subcommittee members and participants).

Type of meeting: Open.

Agenda

May 20, 1981

8:30 a.m.—Opening Remarks.

9 a.m.—Summary of NASA Budget Situation and Philosophy for Future Aeronautics Programs.

10 a.m.—FY 1983-92 NASA Aeronautics Long Range Plan.

1 p.m.—FY 1983-92 NASA Transport Aircraft Program Plan.

3:30 p.m.—Facilities Productivity Improvement.

4:30 p.m.—Adjourn.

May 21, 1981

9 a.m.—Review of Wood's Hole Workshop Conclusions.

10 a.m.—Subcommittee Assessment of Planned NASA Technology Demonstration and Validation Programs.

1 p.m.—Discussion of NASA Transport Program—Scope, Content, and Critical Issues.

3 p.m.—Subcommittee Recommendations on NASA Transport Program.

4:30 p.m.—Areas for Possible Future Discussion.

5 p.m.—Adjourn.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

April 23, 1981.

[FR Doc. 81-12761 Filed 4-28-81; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting at 8:30 a.m. on May 14 and 15, 1981, Royal Court Inn, 1750 S. Elmhurst Road, Des Plaines, IL. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria. Notice of this meeting was published April 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will

be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday and Friday, May 14 and 15, 1981

8:30 a.m. until the conclusion of business each day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the DOE, their contractors, the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552(c)(4).

Dated: April 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-12821 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Decay Heat Removal Systems; Meeting; Change of Time

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting at *1:00 p.m.* instead of 8:30 a.m. on May 5, 1981 in Room 1167 at 1717 H Street, N.W., Washington, DC.

All other items regarding this meeting remain the same as announced in the Federal Register published Monday, April 20, 1981 (FR 46 22703).

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-12822 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Metal Components; Meeting

The ACRS Subcommittee on Metal Components will hold a meeting at 8:30 a.m. on May 19, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC. The Subcommittee will discuss the failures of safety related bolts and bolt assemblies in operating plants as well as discussion of bolt design criteria for plants under construction or plants being designed. In addition, safety issue TASK A-12, Fracture Toughness of Supports will also be discussed. Notice of this meeting was published April 21.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, May 19, 1981

8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested presons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: April 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-12823 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-313]

Arkansas Power & Light Co. (Arkansas Nuclear One, Unit No. 1); Order for Modification of License

I

The Arkansas Power & Light Company (the licensee) holds Facility Operating License No. DPR-51, which authorizes the licensee to operate the Arkansas Nuclear One, Unit No. 1 (the facility) at power levels not in excess of 2568 megawatts thermal rated power. The facility, which is located at the licensee's site in Pope County, Arkansas is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an

intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 24, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR–51 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *It Is Hereby Ordered That Effective Immediately*, Facility Operating License No. DPR–51 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

The licensee or any other person who has an interest affected by this Order May request a hearing on this Order on or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Nicholas S. Reynolds, Debevoise & Liberman, 1200 17th Street, Washington, D.C. 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical

Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

Attachments:[1]
1. Safety Evaluation Report,
2. Technical Evaluation Report,
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-12825 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270 and 50-287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 97, 97 and 94 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the licenses for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3 (the facilities) located in Oconee County, South Carolina. The amendments are effective as of the date of issuance, and are to be implemented in accordance with the provisions of 10 CFR 73.40(b) and 10 CFR 73.55(b)(4).

These amendments add license conditions to include the Commission-approved Safeguards Contingency Plan and Guard Training and Qualification Plan as a part of each license.

The licensee's filings, which have been handled by the Commission as an application, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

The licensee's filings dated March 23, 1979, August 3, 1979, August 17, 1979, May 30, 1980 and June 9, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendments Nos. 97, 97 and 94 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (2) the Commission's related letter to the licensee dated April 20, 1981. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. A copy of the amendments and the Commission's related letter may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of April 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-12826 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270, and 50-287]

Duke Power Co. (Oconee Nuclear Station, Units Nos. 1, 2, and 3); Order for Modification of Licenses

I

The Duke Power Company (the licensee) holds Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, which authorize the licensee to operate the Oconee Nuclear Station, Units Nos. 1, 2 and 3 (the facilities) at power levels not in excess of 2568 megawatts thermal rated power for each unit. The facilities, which are located at the licensee's site in Oconee County, South Carolina, are pressurized water reactors (PWRs) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated vale (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 13, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facilities, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at your facilities. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants

[1] Attachments are available in the NRC Public Document Rooms.

have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered that effective immediately*, Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55 are modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 26, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to William S. Porter, Duke Power Company, P.O. Box 2178, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facilities on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

Attachments: [1]
1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-12867 Filed 4-28-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Issuance of Amendment to Facility Operation License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

This amendment modifies the Technical Specifications to authorize entry into Modes 1, 2, 3 and 4 with one Main Stream Isolation Valve (MSIV)

[1] Attachments are available in the NRC Public Document Rooms.

closed. Partial authorization which permitted entry into Mode 3 with one MSIV closed was granted by telephone April 16, 1981, and was confirmed by letter dated April 16, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 15, 1981, (2) the Commission's letter to Florida Power Corporation dated April 16, 1981, (3) Amendment No. 39 to License No. DPR-72, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Crystal River Public Library, Crystal River, Florida. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 17th day of April 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-12826 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al., (Crystal River Unit No. 3 Nuclear Generating Plant); Order for Modification of License

I

The Florida Power Corporation (the licensee) and eleven other co-owners hold Facility Operating License No. DPR-72, which authorizes the licensee to operate the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) at power levels not in excess of 2452 megawatts thermal rated power. The facility, which is located at the licensee's site in Citrus County, Florida is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 14, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-72 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered that effective immediately*, Facility Operating License No. DPR-72 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic

surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satified with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to S. A. Brandimore, Vice President and General Counsel, P.O. Box 14042, St. Petersburg, Florida 33733, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981
Bethesda, Maryland.
Attachments: [1]
1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-13829 Filed 4-28-81; 8:45 am]
BILLING CODE 7590-01-M

[Dockets Nos. 50-321 and 50-366]

Georgia Power Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 83 to Facility Operating License No. DPR-57, and Amendment No. 24 to Facility Operating License No. NPF-5, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, which revised the licenses for operation of the Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, located in Appling County, Georgia. The amendments are effective as of the date of issuance and are to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Guard Training and Qualification Plan as part of the licenses.

The licensee's filing, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

The licensee's filing dated May 28, 1980, and its revision submitted by letter dated July 14, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 83 to License No. DPR-57, and Amendment No. 24 to License No. NPF-5, and (2) the Commission's related letter to the licensee dated April 20, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Appling County Public Library, Parker Street, Baxley, Georgia. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of April 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-13830 Filed 4-28-81; 8:45 am]
BILLING CODE 7590-01-M

[1] Attachments are available in the NRC Public Document Rooms.

[Docket No. 50-289]

Metropolitan Edison Co., et al. (Three Mile Island Nuclear Station, Unit No. 1); Order for Modification of License

I

The Metropolitan Edison Company (the licensee) and two other co-owners hold Facility Operating License No. DPR-50, which authorizes the licensee to operate the Three Mile Island Nuclear Station, Unit No. 1 (the facility) at power levels not in excess of 2535 megawatts thermal rated power. The facility, which is located at the licensee's site in Dauphin County, Pennsylvania is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersytem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 31, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exists at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leaked tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals has become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-50 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered that effective immediately*, Facility Operating License No. DPR-50 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technial Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on

or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to G. F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a needs for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

Attachments:[1]

1. Safety Evaluation Report,
2. Technical Evaluation Report,
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director Division of Licensing.

[FR Doc. 81-12891 Filed 4-29-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District (Fort Calhoun Station, Unit No. 1); Order for Modification of License

I

The Omaha Public Power District (the licensee) holds Facility Operating License No. DPR-40, which authorizes the licensee to operate the Fort Calhoun Station, Unit No. 1 (the facility) at power levels not in excess of 1500 megawatts (thermal) rated power. The facility, which is located at the licensee's site in Washington County, Nebraska is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated vale (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 28, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for your facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this Modification of Facility Operating License No. DPR-40 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered that effective immediately*, Facility Operating License No. DPR-40 is modified by the addition of the following requirements:

[1] Attachments are available in the NRC Public Document Rooms.

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of this Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satifactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 26, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Marilyn A. Tebor, Esq., LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue, NW., Washington, D.C. 20036 attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: This 20th day of April, 1981. Bethesda, Maryland.

Attachments: [1]

1. Safety Evaluation Report
2. Technical Evaluation Report
3. Technical Specifications

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-12982 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric and Gas Company (Salem Nuclear Generating Station, Unit No. 1); Order for Modification of License

I

The Public Service Electric and Gas Company (the licensee) holds Facility Operating License No. DPR-70, which authorizes the licensee to operate the Salem Nuclear Generating Station, Unit No. 1 at power levels not in excess of 3338 megawatts thermal rated power. The license was originally issued on August 13, 1976 and will expire on September 25, 2008. The facility, which is located at the licensee's site in Salem County, New Jersey, is a pressurized water reactor (PWR) used for the commercial generation of electricity.

[1] Attachments are available in the NRC Public Document Rooms.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 14, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants

have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-70 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. DPR-70 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order by May 29, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Mark J. Wetterhahn, Esquire, Conner, Moore and Cober, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, DC, 20006, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any Request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981; Bethesda, Maryland.

[1] Attachments:
1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,
Director, Division of Licensing.

[FR Doc. 81-12905 Filed 4-28-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-312]

The Sacramento Municipal Utility District (Rancho Seco Nuclear Generating Station); Order for Modification of License

I

The Sacramento Municipal Utility District (the licensee) holds Facility Operating License No. DPR-54, which authorizes the licensee to operate the Rancho Seco Nuclear Generating Station (the facility) at power levels not in excess of 2772 megawatts thermal rated power. The facility, which is located at the licensee's site in Sacramento County, California is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an inter-system loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary

[1] Attachments are available in the NRC Public Document Rooms.

Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 12, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an inter-system LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-54 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *It is hereby ordered that effective immediately*, Facility Operating License No. DPR-54 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening.)

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order within on or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to David S. Kaplan, Secretary and General Counsel, 6201 S Street, P.O. Box 15830, Sacramento, California 95814, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical

Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

Attachments:[1]
1. Safety Evaluation Report,
2. Technical Evaluation Report,
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-12933 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and the Cleveland Electric Illuminating Co. (Davis-Besse Nuclear Power Station, Unit No. 1); Order for Modification of License

I

The Toledo Edison Co. and the Cleveland Electric Illuminating Company (the licensees) hold Facility Operating License No. NPF-3, which authorizes the licensees to operate the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) at power levels not in excess of 2772 (megawatts thermal) rated power. The facility, which is located at the licensees' site in Ottawa County, Ohio, is pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 21, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facilities, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensees as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. NPF-3 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered that effective immediately,* Facility Operating License No. DPR-63 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening.)

3. The MOV shall not be closed as indicated in paragraph 2 above unless a

[1] Attachments are available in the NRC Public Document Rooms.

supporting safety evaluation has been prepared to determine whether closing the MOV results in an unreviewed safety question during plant operation. If the safety evaluation results in a determination that no unreviewed safety question exists as defined in 10 CFR 50.59(a)(2), the MOV shall be closed as indicated in paragraph 2 above. If the safety evaluation results in a finding that closing the MOV does present an unreviewed safety question pursuant to 10 CFR 50.59(a)(2), the facility shall be shut down within 30 days of the date of this Order and remain shut down until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

The licensees or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 26, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensees. If a hearing is requested by a person other than the licensees, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensees or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensees should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

Attachments:[1]
1. Safety Evaluation Report,
2. Technical Evaluation Report,
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-12804 Filed 4-28-81; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding the Application of Certain International Agreements

This notice modifies the determination published in the Federal Register of January 4, 1980 (45 FR 1161), as amended.

Paragraph 3 of Presidential Determination Regarding the Acceptance and Application of Certain International Trade Agreements, signed December 14, 1979 (44 FR 74784), delegates the functions of the President under section 2(b) of the Trade Agreements Act of 1979 ("the Act") and 701(b) of the Tariff Act of 1930, as amended by section 101 of the Act, to the United States Trade Representative (so designated by section 1–105 of Executive Order 12188) who shall exercise such authority with the advice of the Trade Policy Committee.

Now therefore, I, William E. Brock, United States Trade Representative, in conformity with the provisions of Section 2 of the Act (19 U.S.C. 2503), section 701 of the Tariff Act of 1930 as amended effective January 1, 1980 (19 U.S.C. 1671), and paragraph 3 of the Presidential Determination Regarding the Acceptance and Application of Certain International Trade Agreements (44 FR 74781), do hereby determine, effective except as otherwise noted on the date of signature of this Notice, that:

1. Greece has become a member state of the European Community effective from January 1, 1981. For the purposje of determinations made under the Act concerning agreements which the United States applies to the European Community, Greece, unless otherwise indicated, shall be entitled to receive the benefits accruing to the Community and its member states: Belgium, Denmark, the Federal Republic of Germany, France, Greece, Ireland, Italy, luxembourg, the Netherlands and the United Kingdom.

[1] Attachments are available in the NRC Public Document Rooms.

2. With respect to the Agreement on Interpretation and Application of Article VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (the "Subsidies Code") Chile has accepted the obligations of the agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement.

In accordance with section 701(b)(1) of the Tariff Act of 1930, as amended effective January 1, 1980 (19 U.S.C. 1671), Chile will be considered a "country under the Agreement."

3. With respect to the Agreement on Technical Barriers to Trade, the following countries have accepted the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement: Chile; the Philippines, and Tunisia.

4. With respect to the Agreement on Import Licensing Procedures, Chilej has accepted the Agreement and should not otherwise be denied the benefits of the Agreement.

5. With respect to the Arrangement Regarding Bovine Meat, Tunisia has accepted the Agreement and should not otherwise be denied the benefits of the Agreement.

William E. Brock,

United States Trade Representative.

[FR Doc. 81-13047 Filed 4-28-81; 8:45 am]
BILLING CODE 3190-01-M

Import Relief for Nonrubber Footwear; Solicitation of Public Views on Extension, Reduction, or Termination

On June 22, 1977 the President issued Proclamation 4510 implementing import relief in the form of Orderly Marketing Agreements on nonrubber footwear. The OMA's were entered into by the Governments of the United States and Taiwan on June 14, 1977, and the Governments of the United States and the Republic of Korea on June 21, 1977. Under the OMA's, which became effective on June 28, 1977, Taiwan and Korea agreed to limit their exports to the United States of nonrubber footwear provided for in TSUS items 700.05 through 700.85, inclusive (except items 700.51, 700.52, 700.53, 700.54, 700.60, 700.75 and disposable footwear designed for one-time use provided for in item 700.65). That action was taken pursuant to Section 203(a) of the Trade Act of 1974 in response to a finding by the USITC that the domestic industry producing like or directly competitive products was suffering from serious injury or the threat thereof substantially caused by increased imports of such products.

The import relief will expire on June 30, 1981 unless extended by the president. Pursuant to Section 203(h)(3) and (4) of the Trade Act, the President may extend reduce, or terminate the import relief after receiving advice from the USITC and taking into account the considerations in 202(c) of the Trade Act.

On April 22, 1979 the USITC reported to the President its advice under 203 (1)(2) and (1)(5) of the Trade Act as to the probable economic effects of such expiration, which was summarized as follows: *"The Commission* unanimously advises, on the basis of information obtained in the investigation, that termination of the import relief presently in effect with respect to imports of nonrubber footwear from Taiwan would have a significant adverse economic effect on the domestic nonrubber footwear industry and therefore advises that such relief should be extended for 2 years at the 1980–81 quota year level [1] on all categories of footwear covered by the present relief except athletic footwear. The Commission further advises that, if import relief with respect to Taiwan is extended, the certificate of origin program concerning imports of footwear from Hong Kong should likewise be extended, since the program is an adjunct to the relief with respect to Taiwan." (See USITC Report Number TA–203–7 of April 22, 1981 for further details).

The Office of the United States Trade Representative chairs the interagency Trade Policy Committee structure that makes recommendations to the President as to what action, if any, he should take with respect to any action on an extension, reduction or termination of relief. In order to assist the Trade Policy Staff Committee in developing recommendations to the President, interested persons are invited to submit written briefs to the Trade Policy Staff Committee on the probable effects of any extension, reduction or termination of present import restrictions now in effect with respect to nonrubber footwear, specifically with respect to the following factors:

(1) The probable effectiness of the extension, reduction, or termination of import relief as a means to promote adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relevant to the position of the industry in the nation's economy;

(2) The effect of the extension, reduction or termination of import relief on consumers and on competition in the domestic markets for such articles;

(3) The effect of the extension, reduction or termination of import relief on the international economic interest of the United States;

(4) The impact on United States industries and firms as a consequence of any possible modification of duties or other import restrictions which may result from international obligations with respect to compensation;

(5) The geographic concentration of imported products marketed in the United States;

(6) The extent to which the United States market is a focal point for exports of such article by reason of restraints on exports of such article to, or on imports of such article into, third country markets; and

(7) The economic and social costs which would be incurred by taxpayers, communities and workers if import relief were or were not extended, terminated or reduced;

In addition, views on the President's legal authority to control imports from presently uncontrolled sources, or to impose, relief unilaterally, that is, without an extension of one or both of the OMA's will be considered.

Briefs should be submitted in twenty (20) copies to the Secretary, Trade Policy Staff Committee, Room 413, 600 17th Street, N.W., the Winder Building, Washington, D.C. 20506.

To be considered by the Trade Policy Staff Committee, submissions should be received by the Secretary no later than the close of business Thursday, May 14, 1981.

For further information, contact Tom St. Maxens, Room 411 (202–395–7210). Legal questions should be directed to Mike Hathaway, Room 219 (202–395–3432).

Ann H. Hughes,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81–12984 Filed 4–28–81; 8:45 am]
BILLING CODE 3190–01–M

[1] Commissioner differs with respect to the conditions under which relief should be extended.

POSTAL RATE COMMISSION

[Docket No. MC81–3]

Mail Classification Schedule, 1981; ZIP+4 First-Class Subclasses for Letters and Cards; Notice of United States Postal Service's Filing of a Request for a Recommended Decision

April 24, 1981.

Notice is hereby given that on April 21, 1981, the United States Postal Service ("Postal Service"), pursuant to Chapter 36 of Title 39, United States Code, filed a request with the Postal Rate Commission for a recommended decision on establishing two new subclasses of first class, ZIP+4 letters and ZIP+4 cards. This filing has been assigned Docket No. MC81–3.[1]

The Postal Service states that its request contains such information and data which explain the nature, scope, significance and impact of the proposed ZIP+4 first-class subclasses.[2] The Postal Service proposes that nonpresorted and 5-digit presorted first-class mail which meets its eligibility and preparation requirements be given a discount of ½ cent per piece if it bears a proper ZIP+4 code. The requirements are that (1) the mailing contains at least 500 pieces, (2) the pieces are machinable, (3) the addresses are readable by the Postal Service's processing equipment, and (4) postage is paid in a manner not requiring cancellation. The Postal Service's filing states further that mailings must be tendered at limited acceptance points, generally post offices, and must be in trays or other approved containers. The Postal Service says it is proposing these subclasses to pass on to mailers the additional benefits resulting from use of the ZIP+4 in conjunction with the Postal Service's planned automation of its mail processing system.

Hearings will be held on the proposal submitted by the Postal Service in Docket No. MC81–3. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before May 15, 1981, and must be in accordance with § 3001.20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to § 3001.20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing.[3] Alternatively, persons

[1] While this case has both rate and classification elements, we have followed the Postal Service's designation and the case has been docketed using the classification nomenclature of "MC." However, no particular significance should be attached to that nomenclature.

[2] The Specific additions to the Domestic Mail Classification Schedule are set out in legislative format in Attachment A of the Postal Service's Request.

[3] In this regard, parties who intend to participate actively in this proceeding are encouraged to inform

Continued

seeking limited participation, but who do not wish to become parties may, on or before May 15, 1981, file a written request for leave to be heard as a "limited participator," pursuant to § 3001.19a of the Commission's rules of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to § 3001.19b of the Commission's rules (39 CFR 3001.19b).

At the same time as it filed its Proposal, the Postal Service, pursuant to Commission rules 22 and 64(h)(3), filed a motion for waiver of "the requirements of sections 54(f), 54(h) and 64(d) concerning cost analysis, of section 54(i) concerning billing determinants, and of 64(g) concerning workpaper documentation."

The Postal Service requests waiver of 64(h)(2) and 64(d) insofar as they require projection and allocation of costs through fiscal year 1982, the test year. The Postal Service gives as its rationale that the cost consequences could be realized only partially in the test year. The Postal Service supports its request for waiver of full compliance with 54(f), 54(h) and 64(d) by saying that the test year used in R80–1, which was subjected to intensive and extensive cost analysis, includes half of the MC81–3 test year, and a further half-year projection would not provide information pertinent to the patterns of projected cost avoidance. The Postal Service says 54(l) should be waived because the financial impact of the proposed discount can be assessed by the rate differential and the projected volume of the subclasses. The Postal Service requests that the workpaper documentation requirement of rule 64(g) be waived because the workpapers contain test data that should not be made public until the Postal Service finishes its contracting procedure. The Postal Service promises to file the performance standard data for the equipment it purchases after the contracting procedure is complete.

Parties who wish to address the Postal Service's motion should file their answers by June 1, 1981.

The request of the Postal Service for a recommended decision on establishing subclasses for ZIP+4 first class and the motion for waiver of certain filing provisions of the Commission's rules of practice and procedure are on file with the Commission and are available for public inspection during regular business hours.

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the Postal Service informally and promptly of desired preliminary clarifications of the Postal Service's presentation wherever the participant believes such clarification will expedite this proceeding.

By order of the Commission.

David F. Harris,

Secretary.

[FR Doc. 81-12945 Filed 4-28-81; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11745/812-4818]

Magellan Fund, Inc., et al.; Filing of Application

April 23, 1981.

In the Matter of Magellan Fund, Inc., Salem Fund, Inc., Fidelity Management & Research Company, Salem Investment Plans, Edward C. Johnson, 3d, and Caleb Loring, Jr., 82 Devonshire Street, Boston, Massachusetts 02109.

Notice is hereby given that Magellan Fund, Inc. ("Magellan") and Salem Fund, Inc., ("Salem") (collectively, the "Funds"), Fidelity Management & Research Company ("FMR"), Salem Investment Plans ("Salem Plans"), Edward C. Johnson 3d and Caleb Loring, Jr. (collectively, "Applicants") filed an application on February 2, 1981, and an amendment thereto on April 13, 1981, for an order of the Commission pursuant to Section 17(b) of the Investment Company Act of 1940 (the "Act") exempting from the provisions of Section 17(a) of the Act the proposed merger, and certain affiliated transactions incidental thereto, of Salem into Magellan through the exchange of shares of Magellan, at net asset value, for the assets of Salem, and for an order permitting certain affiliated persons of the Funds to participate in transactions incidental to the proposed merger pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Both Magellan and Salem are Massachusetts corporations registered under the Act as open-end, diversified, management investment companies. Magellan was organized on December 31, 1962, and, as of February 28, 1981, had net assets of $53,844,788. Salem was organized on August 5, 1964, and, as of February 28, 1981, had net assets of $49,552,386. The Funds' Boards of Directors are identical and their officers are substantially identical. FMR is the Funds' investment adviser and Messrs. Johnson and Loring are Officers and Directors of Salem, and each owns more than 5% of Magellan's outstanding shares.

Magellan's investment objective is to seek possible growth of capital through investments in securities of domestic corporations which operate primarily or entirely in this country, domestic corporations which have significant activities and interests outside the United States, and foreign companies. Salem's investment objective is to seek growth of capital generally through investments in common stock and securities convertible into common stock. While neither Fund places any restriction on the type of security which may be purchased, both Magellan and Salem have historically invested primarily in common stocks or securities convertible into common stocks. In the case of both Funds, any income return is considered incidental to their capital growth objective. Magellan's investment objective and policies may result in substantially greater portfolio turnover rates than for Salem or other investment companies.

As of January 31, 1981, FMR and its affiliated companies owned 202,927 shares (10.21%) of Magellan and 27,698 shares (.43%) of Salem. In addition, retirement plans for the benefit of employees of FMR and its affiliated companies owned 49,600 shares (2.5%) of Magellan and 168,749 shares (2.6%) of Salem. As of the same date, Edward C. Johnson 3d beneficially owned 369,156 shares (18.58%) of Magellan and 28,977 shares (.45%) of Salem. As of January 31, 1981, Caleb Loring, Jr., benefically owned 160,346 shares (8.07%) of Magellan and 170,028 shares (2.66%) of Salem. As of the same date, the officers and directors of Magellan and Salem as a group, including Messrs. Johnson and Loring, owned 410,500 shares (20.65%) of Magellan and 199,767 shares (3.13%) of Aalem (eliminating duplicated shares).

Salem Plans is registered under the Act as a unit investment trust providing for the accumulation of shares of Salem. Its sponsor is Fidelity distributors Corporation, an affiliate of FMR. Prior to March 1975, Salem Plans offered front-end load and single payment contractual plans. While no new Salem contractual plans have been offered since that time, current planholders may make investments under their plans with the invested cash being utilized by the Salem Plan's Custodian to purchase shares of Salem. On the effective date of the proposed merger ("Effective Date"), the shares of Salem held by Salem plans will be converted into shares of Magellan in the manner described below. As of January 31, 1981, Salem Plans held 558,773 (8.75%) of the shares of Salem. The separate existence of Salem Plans will continue after the

Effective Date, with shares of Magellan constituting the security held under the individual plans and with subsequent cash investments being utilized by the Custodian to purchase shares of Magellan.

The Funds propose to enter into an Agreement of Merger and Plan of Reorganization ("proposed merger"), by the terms of which Salem will be merged into Magellan. Magellan will be the surviving corporation and the separate existence of Salem will cease. On the Effective Date of the merger the outstanding shares of capital stock of Salem held by each shareholder of record shall be converted into that number of full and fractional shares of Magellan as shall have an aggregate net assets value equal to such shareholder's interest in the value of the net assets of Salem, all valued as of the close of business on the New York Stock Exchange on the Effective Date. If the Effective Date had been February 28, 1981, each share of Salem's common stock would have been exchanged for approximately .287 shares of Magellan's common stock, and Magellan would have issued a total of 1,822,985 shares in the merger transaction. The proposed merger is contingent on the Funds obtaining the necessary approvals of their shareholders, a satifactory tax ruling from either the IRS or opinion of counsel, certain necessary approvals by governmental authorities, and the Magellan shareholders approving a new Advisory and Services Contract with FMR.

In the opinion of the officers of the Funds the combination of the securities portfolios of Salem and Magellan as a result of the proposed merger will not require the sale of any material amount of acquired portfolio securities. However, such sales may be made in the ordinary course of portfolio management of Magellan as the Surviving Fund. Each of the Funds will bear its own expenses incurred in the merger transaction. The estimated expenses of Salem are $62,000; and the estimated expenses of Magellan are $65,000.

On or before the Effective Date, Salem will distribute to its shareholders a dividend taxable to its shareholders consisting of substantially all of its then undistributed net taxable investment income and any net taxable capital gains in excess of its capital loss carryovers. Such dividend will be paid in addtional shares of Salem or, at the election of each shareholder, in cash.

As of February 28, 1981, Salem had net unrealized appreciation of investments of $1,187,375, realized gains of approximately $4,346,000 and capital loss carryovers of approximately $5,899,000. On the same date Magellan had net unrealized appreciation of $4,196,987 and no capital loss carryovers. With respect to any net taxable capital gains realized by Salem prior to the Effective Date (which date will terminate Salem's 1981 taxable year), salem will retain (rather then distribute) any such net taxable gains to the extent that they may be offset by its capital loss carryovers. Thus, the capital loss carryovers available to the Surviving Fund will be substantially lower than the $5,899,000 available to Salem as of February 28, 1981.

With respect to net taxable capital gains realized by Magellan from March 31, 1981, up to the Effective Date, such gains may be retained (and not distributed) by Magellan because such gains may be offset (i) by available capital loss carryovers of the Surviving Fund or (ii) by net capital losses realized by Magellan subsequent to the Effective Date of the proposed merger. Thus, former shareholders of Salem who have become shareholders of Magellan may or may not incur any tax consequences with respect to any realized net capital gains of Magellan which exist on the Effective Date.

The Board of Directors of the Funds have determined that the proposed merger should be consummated on the basis of the relative net asset values of the Funds and that use of a tax adjustment formula is not appropriate. The directors noted that there is no assurance that Magellan as the Surviving Fund will be able to fully utilize any available capital loss carryovers of Salem before they expire. In addition, any tax adjustment would reflect only the potential value of a deferral of tax liability to shareholders of Magellan and would be likely to have an uneven impact on individual Fund shareholders in view of their different holding periods and tax bases for Fund shares, and the various rates of tax to which they are subject.

The terms of the Advisory and Service Contracts between each Fund and FMR are substantially the same except for the advisory and service fee rates and except for a provision in the Magellan Contract imposing a limitation on, and reimbursement by FMR for certain of Magellan's expenses if they exceed a specified percentage of Magellan's average net assets. The Salem Advisory Contract was adopted effective January 1, 1979, and continued on December 15, 1980; the Magellan Advisory Contract was adopted effective June 25, 1976, and most recently continued on June 13, 1980.

The Salem Advisory Contract provides for a fee composed of three elements: a "Group" fee based on the aggregate assets of all registered investment companies advised by FMR; and Individual Fund fee; and a Performance Adjustment based on the comparative investment performance of the Fund and the Standard & Poor's Daily Stock Price Index of 500 Common Stocks (the "Index"). Based on the assets of the Funds in the Fidelity Group for the month of January, 1981 ($9.3 billion), the annualized Group fee for Salem was .4510%. The annual Individual Fund fee for Salem is .12%. These two elements constitute the basic fee. The Salem Advisory Contract provides that the basic fee rate is to be adjusted by .02% for each percentage point of difference between the performance of the Fund and the record of the Index, to an annualized maximum of plus or minus .2%.

The period for comparing the performance and determining Salem's average net assets, against which the fee rate is applied, is the prior 36 months. Until the Salem Advisory Contract has been in effect for 36 months, certain interim provisions apply. Under these provisions, for each of the first 11 months the basic fee rate (excluding the Performance Adjustment) was applied to the Salem average net assets for the month in question. Commencing with the twelfth month (December, 1979), the basic fee rate was adjusted for the relative performance of Salem and the Index from the beginning date of the Advisory Contract (January 1, 1979). Salem's assets are measured over the same period. When the Salem Advisory Contract has been in effect for 36 months, as each additional month is added to the 36 month performance period, the oldest month is eliminated from consideration.

The existing Magellan Advisory Contract provides for a basic annual advisory and service fee computed and payable monthly at the annual rate of .8% of Magellan's average daily net assets for the period covering the preceding 36 months. Like the fee of Salem, the basic fee is subject to upward or downward adjustment depending upon whether, and to what extent, Magellan's investment performance over the 36-month period exceeds or is exceeded by the Index. In applying the Performance Adjustment, the existing Magellan Advisory Contract provides that there will be no adjustment to the basic fee unless the percentage variation between the investment performance of Magellan and the Index over the performance

period amounts to more than 15%. For each percentage point that the difference in relative performance for the period exceeds 15%, the basic fee will be increased or decreased at an annual rate of .02% of average net assets over the 36-month period, up to a maximum of 10 percentage points. Under the existing Magellan Advisory Contract, if the aggregate average net assets of all of the Funds in the Fidelity Group exceeds $4 billion for any month, the advisory and service fee for that month on its portion of that excess (determined on the basis of Magellan's portion of the aggregate average net assets) will be reduced by 10%. The existing Magellan Advisory Contract also provides that the maximum annual fee rate payable by Magellan may not exceed 1.0% of average net assets over the performance period and the minimum may not be less than .8%.

The terms of the existing Magellan Advisory Contract further provide that FMR will reimburse Magellan to the extent that Magellan's annual operating expenses exceed 1½ percent of Magellan's average annual net assets up to $30,000,000, plus 1 percent of such assests in excess of $30,000,000. Any such reimbursement is limited to the amount of the advisory and service fee otherwise payable for the fiscal year in question.

As noted above, it is a condition of the proposed merger that shareholders of Magellan adopt a new Advisory and Service Contract (the "New Magellan Advisory Contract"), the terms of which are identical in all material respects to Salem's existing Advisory Contract, except for the dates of execution and termination and a revised advisory and service fee as described below. The application states that the advisory and service fee rate under the proposed New Magellan Advisory Contract is substantially identical to Salem's, except that the annual Individual Fund fee is .30 percent compared with .12 percent for Salem. If the proposed merger of Salem with and into Magellan is consummated, the basic (i.e., excluding Performance Adjustment) advisory and service fee rate payable to FMR by Magellan as the Surviving Fund will be a maximum of .18 percent higher on an annual basis than the fee currently being paid to FMR by Salem. In addition, the proposed New Magellan Advisory Contract contains provisions adjusting the fee computation in connection with the possible merger or other combination of Magellan with other investment companies, including the proposed merger of Salem into Magellan. These provisions would operate to redefine the term "average net assets" of Magellan in the event either of two types of transaction occurs: (i) a combination of another investment company with Magellan where the other investment company was advised by FMR and utilized a performance adjustment in calculating its management fee, and (ii) a combination of another investment company with Magellan which did not utilize a performance adjustment or which was not advised by FMR and has current net assets of $10 million or more.

Under the New Magellan Advisory Contract a merger of Magellan with another investment company advised by FMR which utilizes a performance adjustment would be treated as follows:

(a) The average net assets of Magellan, for purposes of calculating the basic fee, shall include the aggregate net assets of the acquired Fund averaged over Magellan's performance period through the date of the merger transaction, as if they had been included in Magellan from the first day of Magellan's performance period existing on the date of the transaction through the date of the merger transaction; and

(b) For purposes of determining the performance adjustment for the first thirty-five months of combined operations, in any month the net asset value per share of Magellan on the first day of the applicable performance period shall be adjusted for the first thirty-five months pursuant to a formula prescribed by the New Magellan Advisory Contract whereby such net asset value will be adusted based on the dollar-weighted investment performance of both Salem and Magellan for the period from the first day of such performance period through the date of the merger transaction.

In addition, under the New Magellan Advisory Contract a merger of Magellan with an entity not previously advised by FMR and having net assets of $10 million or more, or if advised by FMR, not utilizing a performance adjustment will be treated as follows:

(a) For purposes of determining the basic fee, the average net assets of Magellan shall include the aggregate net asset value of such other entity on the date of the merger transaction as if such value had been included in Magellan from the first day of Magellan's performance period existing on the date of the transaction through the date of the merger transaction. One-twelfth of the basic fee rate is then applied to this amount of average net assets; and

(b) For purposes of determining the amount of the performance adjustment, Magellan shall compute its average net assets as currently provided under its advisory contract (i.e., without the adjustment provided in item (a) above). One-twelfth of the performance fee rate is then applied to such average net assets and the resulting amount is added to or subtracted from the amount of the basic fee.

The Applicants state that in effect the merger provisions of the New Magellan Advisory Contract essentially retain the *status quo* in a merger situation with respect to the calculation of "average net assets" for purposes of computing the advisory and service fee, i.e., (i) where both funds are advised by FMR and utilize a performance adjustment, it combines the monthly "average net asset" level of the merged or combined companies at approximately the same level as it would have been had the companies not merged and had the same performance period so that the level of advisory fee revenues to FMR would be approximately the same as if the companies had not merged; and (ii) where one fund is not advised by FMR and has net assets of $10 million or more or is advised by FMR but does not utilize a performance adjustment, the level of advisory fees would be comparable to that which would result if the New Magellan Advisory Contract looked solely to the current month's average net assets in calculating the advisory fee for that month. Applicants, other than Salem Plans, submit that with respect to the averaging of performance where both entities are advised by FMR and the acquired entity utilizes a performance adjustment, the New Magellan Advisory Contract will produce a performance adjustment which reflects the performance of both entities prior to the merger or combination.

The Directors of the Funds, according to the application, considered the potential impact of calculating the monthly average net assets of Magellan as the Surviving Fund over its performance period but without including the average net assets of the acquired Fund on the date of the merger transaction as if they had been included in Magellan from the first day of Magellan's performance period existing on the date of that transaction through the date of the merger transaction. Such an approach would result in the average net assets of Magellan for purposes of computing the advisory and service fee after the merger being substantially less than the aggregate average net assets of the two Funds if they had remained separate. The disinterested directors of the Funds have determined as a general matter that a reduction in advisory and service fee revenues to FMR resulting

solely from such a method of calculating "average net assets" is inconsistent with this type of fee structure which is designed to compensate the investment adviser in large part based upon the assets which it manages, and that it would be inequitable in a merger transaction of the type herein contemplated to calculate an advisory fee against an artifically reduced level of average net assets rather than against the level of net assets actually being managed. Accordingly, the directors of the Funds have approved submission of the New Magellan Advisory Contract to shareholders of Magellan in order to provide a more equitable method for the calculation of average net assets and the Performance Adjustment in the event of a merger or other business combination.

The New Magellan Advisory Contract retains Magellan's performance period for purposes of calculating average net assets for both the Group Fee and the Performance Adjustment portions of the advisory and service fee. The application states that the directors of both Funds considered, as an alternative, using Salem's performance period for purposes of this calculation. They also acknowledged Magellan's considerably better performance record as compared with Salem's (for the calendar year of 1980, the respective performances of Magellan and Salem were +64.57% and +27.62%) and that, taken together with the different performance periods of those Funds, the Performance Adjustment of the combined Fund would be different than if Salem had not merged. The directors determined that, based upon net asset levels and performance results through February 28, 1981, the use of Magellan's performance period would result in a somewhat smaller advisory fee payment to FMR and thus would be more favorable to shareholders of the combined Fund, that the New Magellan Advisory Contract will produce a performance adjustment which, in an acceptable manner, reflects the performance of both entities prior to the merger, and that the proposed merger is appropriate.

The Board of Directors of each Fund, a majority of whom are not interested persons of the Fund or FMR, have concluded that the New Magellan Advisory Contract was appropriate, and the Board of Directors of Magellan, including the disinterested directors, unanimously have voted to approve the New Magellan Advisory Contract. The disinterested directors of the Funds are of the opinion that the New Magellan Advisory Contract as it relates both to the merger transaction contemplated in the application and to business combinations including Magellan in general, does not involve overreaching on the part of any person concerned, does not result in participation by either Fund on a basis different from or less advantageous than that of any other participant, and is in the best interests of each Fund and its shareholders.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company or affiliated person of such person, acting as principal, knowingly to sell to or purchase from such company any security or other property except securities of which the investment company is the issuer. Section 17(b) of the Act, however, provides that the Commission may exempt a proposed transaction from Section 17(a) of the Act if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Applicants state that the Funds might be deemed to be "affiliated persons" of each other by virtue of being under common control within the meaning of Section 2(a)(3) of the Act and that any conversion of Salem shares into Magellan shares by the Funds pursuant to the terms of the proposed merger might be deemed to be prohibited by Section 17(a) of the Act. Consequently, the disposition of portifolio securities by Salem to Magellan and the acquisition by Magellan of those securities pursuant to the terms of the proposed merger and the resulting exchange by Applicants of Salem shares for Magellan shares in connection with the merger transaction might be deemed to be prohibited by Section 17(a) of the Act. While the Funds do not necessarily agree with such an interpretation, they deem it advisable to resolve any uncertainty by requesting the Commission to exercise its exemptive authority under Section 17(b) of the Act.

Applicants further state that Section 17(a) of the Act might be deemed to apply to the transactions contemplated by the proposed merger because FMR, which is an affiliated person of both Funds under Section 2(a)(3) of the Act because it is their investment adviser and an affiliated person of Magellan because FMR or its affiliated persons own more than 5% of Magellan's outstanding shares, will participate in the merger transaction as a Salem shareholder. Finally, according to the Applicants Section 17(a) of the Act could be deemed to apply to the transactions contemplated by the proposed merger because Magellan is an affiliated person of Edward C. Johnson 3d and Caleb Loring, Jr. under Section 2(a)(3) of the Act, due to the ownership by Mr. Johnson and Mr. Loring of more than 5% of Magellan's outstanding shares (as of January 31, 1981), and because each individual is an affiliated person of Salem by virtue of his position as an Officer and Director of the Fund.

Applicants, other than Salem Plans, submit in accordance with the provisions of Section 17(b) of the Act that the terms of the proposed merger transaction are fair and reasonable and do not involve overreaching on the part of any person concerned, that the proposed merger transaction is consistent with the investment objective of each of the Funds and that the proposed merger is consistent with the general purposes of the Act. In this regard the directors of each Fund, including those Board members who are not "interested persons" of the Funds or FMR, have approved the proposed merger and have determined to recommend its approval by the shareholders of their respective Funds as being in their best interests. According to the application the Salem directors believe that the more flexible investment policies of Magellan could significantly improve the Salem shareholders' opportunity to achieve their investment objective, notwithstanding the fact that in recent years Magellan's portfolio turnover rate has been substantially higher than Salem's. By virtue of the proposed merger, Magellan will acquire substantial portfolio securities which are compatible with its investment objective without incurring brokerage commissions. Furthermore, the Fund directors believe that cetain economies of scale will be achieved as a result of the proposed merger. It is estimated that the first year operating expenses of the combined Fund will be approximately $46,000 lower than their anticipated level if the two Funds remain separate. Applicants further submit that the merger transaction will be accomplished on the basis of the net asset values of each Fund computed using Magellan valuation procedures (which are virtually identical to Salem's) under the authority of the directors of each Fund and reviewed by the independent certified public accountants for each Fund. The Applicants also state that each Fund will bear its respective

expenses in connection with the proposed merger and those expenses allocable to both Funds will be allocated to each in proportion to their respective net assets as of the date of consummation of the merger transaction.

Finally, the Applicants state that Rule 17a–8 under the Act, which exempts from the prohibitions of Section 17(a) of the Act a purchase or sale of property pursuant to a merger or consolidation of registered investment companies which may be deemed affiliated persons of each other *solely* by reason of having common officers, directors and/or investment adviser, would be available for the Funds to rely upon here, except for the fact of the percentage ownership by Messrs. Johnson and Loring of Magellan and the possible affiliation of Salem Plans to Salem and Magellan, all as noted above. The Funds submit that the proposed merger would otherwise meet the conditions of Rule 17a–8, because the directors of each Fund have, in the course of approving the merger, made the requisite findings that (i) participation in the merger transaction is in the best interests of their Fund and (ii) the interests of existing shareholders of their Fund will not be diluted if the merger transaction is consummated.

Rule 17d–1, adopted by the Commission pursuant to Section 17(d) of the Act, provides, in part, that no affiliated person of any registered investment company and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in this Rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation of such registered investment company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

As noted above, FMR is an "affiliated person" of both Magellan and Salem within the meaning of Section 2(a)(3) of the Act. Thus, FMR in receiving shares of Magellan as a result of the proposed merger transaction, which its officers and employees in their capacity as Fund officers developed and proposed to the directors of each Fund and on which it will have voted, might be deemed to have a joint participation with Magellan and/or Salem and therefore be engaged in a joint enterprise or arrangement prohibited by Section 17(d) of the Act and Rule 17d–1 thereunder without Commission approval. Moreover, because Mr. Johnson and Mr. Loring each owns of record more than 5% of the outstanding shares of Magellan, Magellan and each of Messrs. Johnson and Loring are affiliates of each other. In view of such ownership of Magellan shares and the ownership by each of Salem shares, the participation of each in the proposed merger might be deemed to be subject to the provisions of Section 17(d) of the Act. Furthermore, also as noted above, Salem and Magellan may be deemed to be affiliated persons of each other, and Salem Plans may be deemed to be an affiliated person of Salem and Magellan. Accordingly, the participation of the Funds and Salem Plans in the proposed merger might also be deemed to be subject to the provisions of Section 17(d) of the Act and Rule 17d–1 thereunder.

The Applicants, other than Salem Plans, submit that, in accordance with the provisions of Section 17(d) of the Act and Rule 17d–1 thereunder, the terms of the proposed merger transaction as described above are reasonable and fair to all parties, and are consistent with the provisions, policies and purposes of the Act. The Applicants state that the agreement with respect to bearing expenses involved in the merger transaction will result in a fair allocation of expenses, reflecting in the view of the directors of the Funds the relative benefits to each such Fund and its shareholders. Further, the Funds, FMR and Mr. Johnson submit that (i) FMR, which has participated in the negotiation of and preliminary activity with respect to the proposed merger transaction to the extent set forth in the application regarding advisory fee rates, will be treated no differently from all other shareholders of Magellan or Salem although its participation, as a shareholder, will be on a basis different from that of Magellan and Salem, the corporate parties to the merger transaction; and (ii) Mr. Johnson and Mr. Loring, who have participated in the negotiation of the proposed merger transaction solely in their capacities as Officers and Directors of the Funds, will be treated no differently from all other shareholders of Magellan and Salem, although their participation will necessarily be on a basis different from that of Magellan and Salem, the corporate parties to the transaction. Finally, although Salem Plans disclaims any participation in the proposed merger transaction within the meaning of Rule 17d–1 under the Act, the Applicants state that to the extent Salem Plans may be deemed a participant its participation will be on the same basis as that of all the other shareholders of Salem.

Notice is further given that any interested person may, not later than May 18, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–13013 Filed 4–28–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34-17749; File No. SR-NSCC-81-4]

National Securities Clearing Corporation; Proposed Rule Change Relating to the Implementation of a Fee for Listing Executing Brokers in Connection with the Executed-by Program

Comments requested on or before May 20, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 7, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Text of Proposed Rule Change

Add a new Section V. J. to National Securities Clearing Corporation's SCC Division Consolidated Rate Structure as follows:

J. A monthly fee of $10.00 to be billed to participants for each broker/dealer on whose behalf participants have indicated they will act as provided in NSCC Rule 3, Section 4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC Rule 3, Section 4 requires that a list be maintained of firms which have correspondent relationships with NCSS participants. This list facilitates the comparison of OTC correspondent trades. Costs attributable to this list have been identified and should be billed, at a break-even level, to those firms benefiting from the service performed. The recommended fee was determined by analyzing the costs attributed to maintaining the list of correspondents (i.e., file maintenance, Important Notices of changes in the list as they occur, the quarterly publishing of an updated list in the NSCC Directory and maintaining mailing lists. These costs were allocated to all correspondents on the list and a unit monthly fee established. This fee will result in approximately $18,000 additional billings per year (assuming 44 percent budgeted discount). NSCC does not know of any significant problems which persons affected are likely to have in complying with the proposed rule change. The proposed rule change is consistent with the requirements of Section 17A of the Securities Exchange Act of 1934 in that it provides for the equitable allocation of reasonable dues, fees and other charges among NSCC's participants. The proposed rule change is not applicable to the safeguarding of securities and funds in NSCC's custody or control or for which it is responsible because the rule establishes a fee for a service provided. The proposed fee will be equitably allocated among all participants using the service referred to in Filing No. SR-NSCC-80-17.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change is concerned solely with the implementation of a fee for a service provided only by NSCC and therefore NSCC cannot perceive that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments on the proposed rule change will be solicited pursuant to Important Notice to NSCC's participants.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 20, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

Dated: April 23, 1981.

[FR Doc. 81-12814 Filed 4-28-81; 8:45 am]
BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc., Applications for Unlisting Trading Privileges and of Opportunity for Hearing

April 23, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Donaldson, Lufkin & Jenrette, Inc.
Common Stock, $.10 Par Value (File No. 7-5905)

Emerson Radio Corp.
Common Stock, $.10 Par Value (File No. 7-5906)

Piedmont Aviation, Inc.
Common Stock, $1 Par Value (File No. 7-5907)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 14, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies therof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-12818 Filed 4-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22019; 70-6569]

Vermont Yankee Nuclear Power Corp. et al., Proposed Entry Into Sales Agreement Under New Nuclear Fuel Trust; Sponsor Guarantees of Agreement Obligations; and Issuance of Note

April 23, 1981.

In the matter of Vermont Yankee Nuclear Power Corporation, 77 Grove Street, Rutland, Vermont 05701; New England Power Company, 25 Research Drive, Westborough, Massachusetts 01581; Montaup Electric Company, P.O. Box 391, Fall River, Massachusetts 02722; The Connecticut Light & Power Company, P.O. Box 270, Hartford Connecticut 06101; The Hartford Electric Light Company, P.O. Box 270, Hartford, Connecticut 06101; Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089.

Vermont Yankee Nuclear Power Corporation ("Vermont Yankee"), a subsidiary of New England Electric System ("NEES") and Northeast Utilities ("NU"), registered holding companies; New England Power Company ("NEP"), a subsidiary of NEES; The Connecticut Light & Power Company ("CL&P"), the Hartford Electric Light Company ("HELCO"), and Western Massachusetts Electric Company ("WMECO"), subsidiaries of NU; and Montaup Electric Company ("Montaup"), a subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, have filed an application-declaration and an amendment thereto with this Commission under Section 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a) (2) thereunder.

Vermont Yankee operates a 540 megawatt nuclear power generating plant in Vernon, Vermont. Vermont Yankee is owned by the applicant-declarants and five other companies not subject to the filing requirements of the Act ("Sponsors"). Each Sponsor is required to provide equity capital to Vermont Yankee and to purchase its plant capacity and output in an amount equal to the Sponsor's ownership percentage.

Vermont Yankee proposes to enter into a nuclear fuel sales agreement ("Agreement") with the Vernon Energy Trust ("Trust"), a newly created trust for the sole purpose stated herein, for the purchase of nuclear fuel by Vermont Yankee for use in its plant. The Trust would finance up to $40,000,000 outstanding at any one time of nuclear fuel inventory. The Trust would acquire an inventory of nuclear fuel in process from, or on behalf of, Vermont Yankee and after fabrication is completed sell it back to Vermont Yankee nd lend Vermont Yankee funds to pay for such fuel. The loan by the Trust would be secured by a pledge of Vermont Yankee's right to receive the payment of fuel costs under power contracts with its Sponsors. The loans would be paid as fuel is consumed. Vermont Yankee intends to initially borrow under the Agreement based on the fuel in its reactor and sell the Trust its interest in other uranium and fuel contracts as additional financing is needed.

Under the terms of the Agreement, the Trust will make additional payments up to $40,000,000 at any one time outstanding to suppliers, processors and manufacturers necessary to carry out the terms of any contracts assigned under the Agreement or will reimburse Vermont Yankee for any such payments made by it. To obtain its necessary capital the Trust will issue and sell its commercial paper ("CP Notes") and will enter into a Credit Agreement with Banker's Trust Company ("Bank") pursuant to which the Bank will issue Letters of Credit for the benefit of the holders of the CP Notes and/or the Bank will provide loans to the Trust up to an aggregate commitment of $40,000,000 at any time outstanding. The Bank will contract with two other banks, the First National Bank of Boston and Marine Midland Bank, N.A., to participate in the Agreement. The Trust will pay the Bank an annual fee of ⅝ of 1 percent on the daily average aggregate outstanding principal amount of CP Notes and an annual commitment fee of ¼ of 1 percent on any unused portion of the commitment. In addition, the Trust will grant to the Bank, on behalf of itself and the holders of the CP Notes, a security interest in its inventory of nuclear fuel, the Agreement, and its rights under the Guarantee Agreements referred to below.

Vermont Yankee will also enter into a Promissory Note ("Note") under the provisions of which it is obligated to make payments to the Trust to the extent that the unpaid principal amount of the Note exceeds the aggregate cost of the Nuclear Cores less any deductions for actual burn-up of the fuel during the heat production process. Payments under the Note will be charged to interest expense and billed *pro rata* to the Sponsors. Each sponsor will execute a Guarantee Agreement to unconditionally guarantee its respective percentage of Vermont Yankee's payment obligation under the Agreement.

Vermont Yankee represents that the Agreement constitutes the most economical method of financing its fuel requirements presently available to it. Based upon a commercial paper rate for high grade commercial paper of 14.25 percent per annum, the effective interest cost to the Trust of its proposed commercial paper would be 15.5 percent per annum. If the Trust were to resort to the short-term borrowings available to it, assuming a prime rate of 17 percent per annum, the interest cost would be 18.70 percent per annum. These costs to Vermont Yankee are either payable in the form of Quarterly Finance Charges under the Agreement with respect to nuclear fuel covered by the Agreement or as interest payments on the Note with respect to nuclear cores financed under the Agreement. In the event of any default in any payment (either under the Agreement or under the Note), an additional interest penalty at a rate per annum equal to 2 percent above the rate otherwise payable will be payable until the overdue amount has been paid in full.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Any interested person wishing to comment or request a hearing should submit views in writing by May 15, 1981 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-delarants at the addresses specified above and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with

the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-12817 Filed 4-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11746; 812-4800]

Temporary Investment Fund, Inc., et al.; Filing of Application for Investment Company Act Exemption

April 23, 1981.

In the matter of: Temporary Investment Fund, Inc., Municipal Fund for Temporary Investment, Inc., Trust for Short-Term Federal Securities, Suite 204, Webster Building, 3411 Silverside Road, Wilmington, DE 19810; Provident Institutional Management Corporation, Concord Plaza, 105 Springer Building, 3411 Silverside Road, Wilmington, DE 19810; Provident National Bank, Broad and Chestnut Streets, Philadelphia, PA 19107; Shearson Loeb Rhoades Inc., Two World Trade Center, 102nd Floor, New York, NY 10048; Henry M. Watts, Jr., Mitchel, Schreiber, Watts & Co., 20 Broad Street, New York, NY 10005 (812-4800).

Notice is hereby given that Temporary Investment Fund, Inc. ("TempFund"), Municipal Fund for Temporary Investment, Inc. ("MuniFund"), Trust for Short-Term Federal Securities (the "Trust") (collectively, the "Funds"), Provident Institutional Management Corporation ("PIMC"), Provident National Bank ("Provident"), Shearson Loeb Rhoades Inc. ("Shearson"), and Henry M. Watts, Jr. ("Watts") (collectively, these parties are referred to as "Applicants") filed an application on January 12, 1981, and amendments thereto on March 24, 1981, and April 10, 1981, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission declaring that Watts shall not be deemed to be an "interested person" of the Funds, PIMC, Provident or Shearson within the meaning of Section 2(a)(19) of the Act by reason of his being an officer, director and employee of a broker-dealer. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

TempFund and MuniFund, both Maryland corporations, and the Trust, a Pennsylvania business trust, are each open-end, diversified, management investment companies registered under the Act. PIMC, a wholly-owned subsidiary of Provident, is the investment adviser for each of the Funds. Provident is sub-adviser for each of the Funds and Shearson is the administrator, distributor and principal underwriter for each of the Funds.

According to the application, TempFund is a "money-market" fund designed as a convenient vehicle for the short-term investment of funds held by banks and other institutions in a fiduciary, advisory, agency, custodial or other similar capacity. TempFund's investment objective is to provide current interest income and stability of principal by investing in a portfolio of "money-market" instruments with maturities generally not exceeding six months. The application states that MuniFund is designed primarily as a vehicle through which institutions can invest cash reserves in a portfolio of short-term obligations issued by or on behalf of states, territories and possessions of the United States and the District of Columbia and their political subdivisions, agencies, instrumentalities or authorities, the interest income from which is exempt from federal income tax. The application also states that the Trust is designed as a convenient vehicle for the short-term investment of funds held by banks and other institutions in a fiduciary, advisory, agency, custodial or other similar capacity, and that the Trust consists of two separate portfolios, FedFund and T-Fund. FedFund consists of obligations issued or guaranteed by the United States Government, its agenices or instrumantalities and the United States Treasury bills, notes and other direct Treasury obligations. T-Fund consists of United States Treasury bills, notes and other direct obligations of the United States Treasury.

The application states that Watts is chairman of the board of directors of Mitchel, Schreiber, Watts & Co., Inc. ("Mitchel, Schreiber, Watts & Co."), a brokerage firm registered with the Commission under the Securities Exchange Act of 1934. Mitchel, Schreiber, Watts & Co. is described as a professional brokerage firm which executes and clears transactions on the national and regional securities exchanges solely on behalf of other broker-dealers; its sole function performed on behalf of its clients is the technical execution and clearance of exchange-traded securities; it does not provide research analysis or other financial services.

Section 2(a)(3) of the Act defines an "affiliated person" of another person to include, among others, any officer, director, partner, copartner, or employee of that other person. Section 2(a)(19) of the Act defines an "interested person" of an investment company or the investment adviser or principal underwriter for any investment company to include, among others, any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer. Thus, by virtue of his status as an officer, director and employee of Mitchel, Schreiber, Watts & Co., Mr. Watts is deemed to be an interested person of each of the Funds and of PIMC, Provident and Shearson.

Applicants affirm that PIMC and Provident may, from time to time, place transactions on a national or regional securities exchange on behalf of other accounts managed by them (not including any of the Funds). However, they assert that because neither PIMC nor Provident is a registered broker-Dealer, Mitchel, Schreiber, Watts & Co. does not execute transactions on behalf of PIMC or Provident. The application states that if Mitchel, Schreiber, Watts & Co. were to act indirectly (through an intermediary broker-dealer) on behalf of PIMC or Provident, neither Mitchel, Schreiber, Watts & Co., PIMC nor Provident would have any knowledge of the other party's identity or participation in such a transaction.

Applicants claim that although Shearson is a registered broker-dealer, a relatively small brokerage firm such as Mitchel, Schreiber, Watts & Co. does not execute transactions on behalf of large sophisticated firms such as Shearson. The application states that, to Watts's knowledge, Mitchel, Schreiber, Watts & Co. has not directly acted on behalf of, or received any compensation from, Shearson since Shearson's formation in December, 1979.

Section 6(c) of the Act provides, in part, that the Commission may upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any of the provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the

purposes fairly intended by the policy and provisions of the Act.

Applicants submit that the business activities of Mitchel, Schreiber, Watts & Co. are limited solely to acting as broker for other broker-dealers in the execution of securities transactions on national and regional securities exchanges, and that portfolio securities of the type held by the Funds are not traded on such exchanges. Accordingly, Applicants assert, Mitchel, Schreiber, Watts & Co. has no direct or indirect business relationship with the Funds and it also has no direct business relationship with PIMC, Provident or Shearson. Applicants submit that the requested exemption is appropriate in the public interest and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In connection with the application, the following representations have also been made:

1. The Funds represent that they do not now use Mitchel, Schreiber, Watts & Co. for portfolio brokerage or for the distribution of their respective shares and, in the event their respective investment policies change or the business of Mitchel, Schreiber, Watts & Co. changes, the Funds represent that they will not use Mitchel, Schreiber, Watts & Co. for such brokerage or distribution so long as Watts is a director of any of the Funds and a director, officer or employee of Mitchel, Schreiber, Watts & Co.; and

2. The Funds, to the best of their knowledge, PIMC, Provident and Shearson, to the extent of their respective business relationships, and Watts represent that since at least October 1, 1978, Watts has not had a material business or professional relationship with PIMC, Provident or Shearson or with the principal executive officers or any controlling persons of PIMC, Provident or Shearson.

Notice is further given that any interested person may, not later than May 18, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon each Applicant at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–12810 Filed 4–28–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81—108]

Courier Services; Procedure for Processing Importations by Courier Services

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This document announces that Customs has established uniform procedures for processing importations by Courier Services. The procedures, designed to expedite the processing of importations made by Courier Services and to afford protection of the revenue, are being implemented in response to questions which have arisen in regard to Customs processing of courier service importations. They were prepared after review of public comments received in response to a notice inviting comments on Customs handling of Courier Services.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Marcia Kaplan, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–2938).

SUPPLEMENTARY INFORMATION

Background

Courier Services provide overnight delivery service of articles from overseas. Usually, they import: Intangibles (described in General headnote 5, Tariff Schedules of the United States); commercial drawings or plans; business records; diagrams; and other data. Although intangibles are exempt from entry, all other articles, unless specifically exempted from entry as provided for in 19 CFR 141.4, are required to be entered.

Courier Services generally import their shipments in two ways. One is by use of an "on board" Courier, an individual who brings the articles with him. the other is by use of a "cargo courier."

The "on board" courier usually is an employee of the courier service who imports the shipment as accompanying baggage, filing a baggage declaration (see 19 CFR 148.23). This courier typically brings 10 to 15 duffle bags each containing a large number of separately addressed envelopes and parcels. Often there is commingling of both intangibles and other dutiable and nondutiable articles. Articles within the duffle bags or pouches which, under Customs regulations, cannot be cleared on the baggage declaration require the filing of an entry, formal or informal.

The "cargo courier," on the other hand, usually is a courier service employee overseas who arranges for an unaccompanied shipment of the article to a courier service in the United States which is generally named as consignee on the shipping documents. Another courier service employee in the United States, accompanied by a customhouse broker, picks up the shipment on arrival and the broker files the entries, formal and informal, for articles which generally are of the same kind imported by "on board" couriers.

At the request of members of the importing community, Customs published a notice in the **Federal Register** on June 19, 1980, (45 FR 41565), inviting the public to comment on Customs handling of courier services. By notice published in the **Federal Register** on August 22, 1980 (45 FR 56221), the time for the submission of comments was extended from August 18 to September 18, 1980.

Specifically, the public was asked to comment on the following questions which arose in regard to certain problems encountered during the processing of importations made by courier services:

(1) Should the bags or pouches imported by "on board" couriers be treated as accompanying baggage of the individual courier?

(2) May a courier service designated as the consignee of merchandise brought or shipped to the United States by courier service employees file a formal or informal entry in its own name? (Under 19 U.S.C. 1483, all merchandise

imported into the United States is deemed the property of the person to whom that property is consigned).

(3) May a courier service which is not the consignee of the merchandise and has not been authorized in writing by the consignee, execute a power of attorney designating a broker to make the entry?

Numerous comments from business organizations, various professions, customhouse brokers, and courier services were received in response to the notice. Following an analysis of the comments and a review of the issues, Customs reached the following conclusions:

A. A courier service, by virtue of possession, may clear baggage through Customs by means of a baggage declaration to the extent authorized by § 148.23(c), Customs Regulations (19 CFR 148.23(c)).

B. If a courier service qualifies as the consignee under 19 U.S.C. 1483, it may file formal or informal entries in its own name or may, by a power of attorney, authorize a customhouse broker to make entry. One of the forms of evidence of right to make entry listed in § 141.11(a), Customs Regulations (19 CFR 141.11(a)), shall be filed in connection with the entry.

Entry and clearance of courier service importations will be treated in accordance with these legal principles. To assure expeditious clearance, a courier service will be required to separate sacks into two groups:

a. Merchandise transported as baggage and limited to (1) intangibles which, although exempt from entry, may include currency or other monetary instruments subject to the reporting requirements of 31 CFR 103.23, and (2) business records which the courier service proposes to clear via a baggage declaration, pursuant to § 148.23(c), Customs Regulations (19 CFR 148.23(c)).

b. All other items. This category generally will not be examined in the passenger clearance area, but will be removed to the cargo area for normal processing as air cargo. Formal or informal entry normally will be required.

If a courier commingles other merchandise with business records and intangibles which he proposes to clear via a baggage declaration, the appropriate Customs officer will refer all sacks to the cargo processing area to ensure proper processing and adequate protection of the revenue.

District/area directors will prescribe operational safeguards to ensure that couriers are conforming to the procedures. Where operationally feasible, pouches which may be cleared via a baggage declaration may be processed in passenger processing facilities. When protection of the revenue dictates, Customs will require a formal or informal entry for articles which a courier intended for clearance on a baggage declaration.

Processing of pouches requiring formal or informal entry will be conducted elsewhere than in the passenger inspection area, with facilities suitable for proper inspection of cargo or mail packages.

Regional commissioners and district/area directors will, based upon local conditions, determine if articles requiring formal or informal entry may be processed outside normal cargo processing duty hours, or whether they should be routed to the cargo area for processing during regular duty hours.

When protection of the revenue so requires, and in cases where a courier service continues to provide insufficient or inaccurate documentation or does not segregate the articles as prescribed, Customs will require that *all* courier pouches be transferred to the cargo area for processing.

In cases of continued violations, the district/area director will take action to impose the sanctions provided for violation of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), and may refer the matter to the Office of Investigations, U.S. Customs Service, for further investigation.

Unaccompanied courier shipments will be processed in the same manner as other cargo shipments.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Information Division, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

George C. Corcoran, Jr.,

Acting Commissioner of Customs.

Approved: April 6, 1981.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-13117 Filed 4-28-81; 8:01 am]

BILLING CODE 4810-22-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 82
Wednesday, April 29, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-314; April 23, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., April 30, 1981.

PLACE: Room 1027, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Docket 39285, Texas International-Continental Acquisition Case. Instructions to staff (OGC)

3. Dockets 28800 and 32126, *Phoenix-Des Moines/Milwaukee Route Proceeding; Twin Cities-Kansas City Oklahoma-Texas Route Proceeding* (OGC)

4. Docket 33237, Draft Environmental Impact Statement for John Wayne Airport, Orange County, California; petition of the City of Newport Beach, California for further proceedings (Memo 467, BDA)

5. Docket EAS-349, Essential Air Transportation Determination of Crescent City, California (BDA, OCCR, OGC)

6. Commuter carrier fitness determination of Williams Air (Memo 461, BDA, OGC)

7. Commuter carrier fitness determination of Chaparral Airlines, Inc. (BDA)

8. Dockets 38922 and EAS-423—Frontier's notice of intent to suspend service at Liberal, Kansas (Memo 166-A, BDA, OCCR)

9. Dockets 38503, 38504, EAS 410 and EAS 414—Notices of Intent of Mississippi Valley Airlines to suspend service at Clinton and Ottumwa, Iowa (BDA, OCCR, OGC)

10. Docket 38706, Notice of intent of Cascade Airways, to terminate service at Moses Lake/Ephrata, Washington (Memo 063-B, BDA, OCCR)

11. Docket 38849, Air Illinois' notice of intent to terminate all service at Mt. Vernon, Illinois (BDA)

12. Docket 38244, Southern Nebraska Carrier Selection Case (BDA)

13. Docket 38158, Sun International's interim rate for providing essential service at Aguadilla, Puerto Rico (BDA, OCCR, OC, BALJ)

14. Docket 37165, *Great Northern Airlines Service Mail Rates Investigation* (Memo 393-A, BDA)

15. Dockets 30790, 36766, 30897, 37184, 37596, 38302, and 30789; Order Granting Boston-Foreign Points Authority (Memo 465, BIA, OGC)

16. Dockets 32878, 34783, 35028, 38218, 38535, 35135, 29757, 30050 and 38104; Applications of Braniff, Pan American, Transamerica and Trans World for scheduled authority from the United States to various points in the Middle East. (Memo 464, BIA, OGC, BALJ)

17. Dockets 39229, 39230, 39231, 39288, 39296, 39297 and 39393; Applications of Trans Global Airlines, Intercontinental Airways, K-Air, Peninsular Air Transport, Jet Fleet Corp., International Travel Airlines, and Transocean Air Lines for transatlantic cargo charter authority. (Memo 460, BIA, OGC, BALJ)

18. Dockets 38951 and 39155, Applications of Laker Airways to amend its foreign air carrier permit to add new authority (a) between Manchester, England and Prestwick, Scotland and Miami, Florida and Los Angeles, California, and (b) between Manchester, England and New York, New York and between London, England and Tampa, Florida. (Memo 459, BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-673-81 Filed 4-27-81; 3:51 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, May 8, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., ninth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-673-81 Filed 4-27-81; 11:07 am]

BILLING CODE 6351-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

April 23, 1981.

TIME AND DATE: 2 p.m., May 5, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Staff briefing in United Gas Pipeline Company, Docket No. RP71-29.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

[S-674-81 Filed 4-27-81; 2:57 pm]

BILLING CODE 6450-85-M

4

POSTAL SERVICE.

Board of Governors

Notice of Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 3:00 P.M. on Monday, May 4, and at 9:00 A.M. on Tuesday, May 5, 1981, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, SW, Washington, D.C. 20260. Except as indicated in the following paragraphs, the meetings are open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

On April 6, 1981, the Board of Governors of the United States Postal Service voted to close to public observation portions of its next meeting which is expected to be attended by the following persons: Governors Babcock, Camp, Ching, Hardesty, Hughes, Hyde, Jenkins and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary to the Board Cox; and Counsel to the Governors Califano.

One portion of the meeting to be closed will involve a continuation of the discussion of the Postal Service's possible strategies and positions in connection with anticipated collective bargaining negotiations. A second portion of the meeting to be closed will involve a discussion concerning Red Tag mail. A third portion of the meeting to be closed will consist of a continuation of the discussion of prospects for identifying measures to deal with appropriations reductions and other revenue deficiencies which was started at the April 6 meeting.

Agenda

Monday Afternoon Session (Closed):

1. Discussion of prospects for identifying additional measures to curb postal deficit.

(The Board will continue its discussion of prospects for identifying measures to deal with appropriations reductions and other revenue deficiencies.)

2. Discussion concerning Red Tag Mail
(At the August 5, 1980, meeting, the members agreed that management should be directed to prepare a new Rate Commission filing on Red-Tag mail, to be presented to the Board for approval at its regular meeting to be held in May of 1981.)

3. Discussion of Labor Relations
(The Board will continue its discussion of the Postal Service's possible strategies and positions in connection with anticipated collective bargaining negotiations involving parties to the 1978 National Agreements between the Postal Service and four labor organizations representing certain postal employees, which is scheduled to expire in July of 1981.)

Tuesday Morning Session (Open):

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General.
(In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. Quarterly Report on Financial Performance.
(Mr. Finch, Senior Assistant Postmaster General, Finance Group, will present the quarterly summary of financial performance.)
4. Quarterly Report on Service Performance.
(Mr. Jellison, Senior Assistant Postmaster General, Operations Group, will present the quarterly summary of service performance.)
5. Express Mail Insurance Claim Eligibility Requirements.
(Mr. Finch will outline proposed changes in the "Domestic Mail Classification Schedule" to provide Express Mail insurance coverage when no value for the item is declared and to permit either the recipient or the sender of an Express Mail shipment to file an insurance claim.)
6. Capital Investment Projects:
a. Reconsideration of Boiler Plant at the Chicago Main Post Office
(Mr. Craig, Assistant Postmaster General, Real Estate and Buildings Department, will present a proposal for reconsideration of the capital investment approved last August for a new boiler plant at the Chicago Main Post Office in light of the question whether the plant should be fueled by natural gas.)
b. Proposed new General Mail Facility/ Vehicle Maintenance Facility at Fort Worth, Texas.
(Mr. Chapp, Assistant Postmaster General, Engineering and Technical Support Department, will present a proposal for a new General Mail Facility and Vehicle Maintenance Facility at Fort Worth, Texas.)
c. Proposed new General Mail Facility/ Vehicle Maintenance Facility at Springfield, Massachusetts.
(Mr. Lee, Acting Regional Postmaster General, Northeast Region, will present a proposal for a new General Mail Facility and Vehicle Maintenance Facility for Springfield, Massachusetts.)

Louis A. Cox,
Secretary.

[S-672-81 Filed 4-27-81; 10:41 am]
BILLING CODE 7710-12-M

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federal register

Wednesday
April 29, 1981

Part II

Nuclear Regulatory Commission

Regulatory Flexibility Agenda

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory flexibility agenda.

SUMMARY: This semi-annual Regulatory Flexibility Agenda contains rules under development by the NRC which are likely to have a significant economic impact upon a substantial number of small entities. This is the first Regulatory Flexibility Agenda published by the NRC as required by the Regulatory Flexibility Act (Pub. L. 96-354), which became effective January 1, 1981.

ADDRESSES: All interested persons who desire to submit written comments or suggestions for consideration in connection with any item on the agenda should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Copies of the agenda and any comments received on any item on the agenda are available for public inspection and copying at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

General

For further general information on the agenda, contact J. M. Felton, Director, Division of Rules and Records, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7211.

Specific

For further information about any particular item on the Agenda, contact the individual listed in the column headed "contact" for that item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (Pub. L. 96-354) was established to encourage Federal agencies to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. The Act requires an agency to prepare a regulatory flexibility analysis for any proposed rule issued after January 1, 1981 (or final rule for which a proposed rule was issued after January 1, 1981) if the rule will have a significant economic impact on a substantial number of small entities. If the rule will not have a significant economic impact on a substantial number of small entities, the head of the agency must certify in the rule that the analysis need not be prepared.

The Act's reference to "small entities" means small business, small organization, or small governmental jurisdiction. "Small business" has the same meaning as used in section 3 of the Small Business Act (15 U.S.C. 632 et seq.); that is, a business enterprise which is independently owned and operated and is not dominant in its field. In its rules, the Small Business Administration has defined various types of small business based upon factors such as the number of employees, volume of business, assets, etc. There are no specific guidelines covering the nuclear industry. "Small organization" means any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. "Small governmental jurisdiction" means governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000.

The Act provides in section 602(d) that agencies endeavor to notice this agenda to small entities or their representatives through direct notification or publication of the agenda in publications likely to be obtained by such small entities and shall invite comments upon each subject area on the agenda. In addition to this public notice, the NRC is issuing a public announcement to be accompanied by this agenda which will be distributed to 500 news media recipients and approximately 5,000 other interested recipients.

Dated at Bethesda, Maryland this 23rd day of April, 1981.

For the Nuclear Regulatory Commission.

E. Kevin Cornell,

Acting Executive Director for Operations.

NUCLEAR REGULATORY COMMISSION SEMI-ANNUAL REGULATORY FLEXIBILITY AGENDA

Subject area	Summary	Approximate date for completing action	Contact
Performance Testing of Personnel Dosimetry (Part 20).	**A. Description:** The proposed rule would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service accredited as competent to perform these technical measurements. The accreditation program will include minimum quality assurance criteria that must be maintained by personnel dosimetry processors who perform dosimetry services for NRC licensees. **B. Objective:** Improve the accuracy and consistency of occupational radiation dose measurements. **C. Legal Basis:** 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201 (b), (i) and (o), 2273, 5841, 5842.	*Proposed Rule:* †July 1981. *Final Rule:* †July 1982	Nancy A. Dennis, Office of Nuclear Regulatory Research, (301) 443–5970.
Standards for Protection Against Radiation (Part 20).	**A. Description:** The proposed rule would revise Part 20, "Standards for Protection Against Radiation." Part 20 applies to all NRC licensees. It establishes standards for protection against radiation hazards under licenses issued by the NRC. The revision would incorporate current standards for radiation protection. **B. Objective:** To incorporate current standards for protection against radiation hazards into a revised Part 20. **C. Legal Basis:** 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201 (b), (i) and (o), 2273, 5841, 5842.	*Proposed Rule:* †October 1981. *Final Rule:* †October 1984.	Robert E. Baker, Office of Nuclear Regulatory Research, (301) 443–5890.
Occupational ALARA Rule Change (Parts 20, 30, 40, 50, and 70).	**A. Description:** The proposed rule would require NRC licensees to develop and use means to achieve and control occupational radiation dosages that are as low as reasonable achievable (ALARA). This requirement would become part of the Radiation Protection Programs of licensees required to provide personnel monitoring to perform bioassays or to measure concentrations of radioactivity in the air. **B. Objective:** To further control occupational radiation exposures by requiring them to be maintained as low as reasonably achievable (ALARA) using means that are subject to NRC inspection and enforcement. **C. Legal Basis:** 42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2133, 2134, 2201 (b), (i), and (o), 2232, 2233, 2273, 5841, 5842.	*Proposed Rule:* †August 1981 *Final Rule:* †August 1982.	Jack Bell, Office of Nuclear Regulatory Research, (301) 443–5970.
Irretrievable Well-logging Sources (Parts 30 and 70).	**A. Description:** The final rule will establish requirements to be followed in the event a well-logging source (a measurement/detection device which contains sealed radioactive source material) becomes disconnected from the wireline which suspends the source in the well and for which all reasonable efforts at recovery, as determined by the Commission, have been expended. **B. Objective:** To ensure that there is no damage to the source through drilling operations which might result in dispersal of the radioactive material to the biosphere. **C. Legal Basis:** 42 U.S.C. 2073, 2111, 2201 (b), (i) and (o), 5841.	*Proposed Rule:* * 43 FR 44547 November 27, 1978. *Final Rule:* †April 1982.	Michael E. Wangler, Office of Nuclear Regulatory Research, (301) 443–5946.
Responsibilities of various eschelons of nuclear medicine personnel (Part 35).	**A. Description:** The proposed rule would (1) define the medical uses of byproduct material, (2) define authorized physician user, and (3) list responsibilities which may be delegated to other physicians and paramedical personnel.	*Proposed Rule:* †August, 1981. *Final Rule:* †August 1982.	Elizabeth Rodenbeck, Office of Nuclear Regulatory Research, (301) 443–5760.

NUCLEAR REGULATORY COMMISSION SEMI-ANNUAL REGULATORY FLEXIBILITY AGENDA

Subject area	Summary	Approximate date for completing action	Contact
	B. Objective: To improve licensee understanding of the responsibilities of the authorized physician user which will lead to: (1) better supervision of nuclear medicine personnel; (2) fewer technical errors; and (3) improved management accountability.		
Licensing Requirements for Land Disposal of Radioactive Waste (Part 61).	**C. Legal Basis:** 42 U.S.C. 2111, 2201b **A. Description:** The proposed rule would establish performance objectives for land disposal of waste, including technical requirements for the siting, design, operations, and closure activities for a near surface land disposal facility. This rule also sets forth proposed technical requirements on waste form that waste generators must meet for classification and disposal of waste. Finally, the rule proposes administrative and procedural requirements for licensing a disposal facility and requirements governing the certification and use of shipping manifests to track waste shipments. **B. Objective:** Provide regulations for land disposal of low-level radioactive waste that protects the public health and safety and the environment. **C. Legal Basis:** 42 U.S.C. 2201(a), 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233, 5842, 5846.	*Proposed Rule:* †May, 1981. *Final Rule:* †September 1982.	Sandra Wastler, Office of Nuclear Regulatory Research, (301) 427–4570.
Advance Notification to States of Transportation of Certain Types of Nuclear Waste (Part 71).	**A. Description:** The final rule will require a NRC licensee, who is to ship nuclear waste (including spent fuel) to, through, or across the boundary of a state, to provide advanced notification of the shipment to the governor of any state affected. **B. Objective:** To allow state governments the opportunity to take measures necessary to protect the health and safety of their citizens. **C. Legal Basis:** 1. Sec. 301 of PL 96–295 2. 42 U.S.C. 2073, 2077, 2092, 2093, 2201(i) and (o)	*Proposed Rule:* *45 FR 81058 December 9, 1980. *Final Rule:* †June 1981.	John P. Roberts, Office of Nuclear Material Safety and Safeguards, (301) 427–4205.
Export/Import of Nuclear Equipment and Material (Part 110).	**A. Description:** The final rule will: (1) expand significantly the authority of persons exporting under a general license nuclear equipment and material, and;. (2) provide further clarification and simplification of Part 110. **B. Objective:** To increase U.S. international nuclear commerce while maintaining adequate non-proliferation controls.. **C. Legal Basis:** 42 U.S.C. 2071, 2091, 2111, 2139, 5841, 5846.	*Final Rule:* †October, 1981	Marvin Peterson, Office of International Programs, (301) 5492–8155.
License Fees (Part 170).....	**A. Description:** The proposed rule would adjust the NRC fee schedule in Part 170 to take into account experience gained since adoption of the rule on March 23, 1978. **B. Objective:** To recover the Commission's cost of reviewing applications, licenses, permits, special projects, and conducting inspections. **C. Legal Basis:** 31 U.S.C. 483a	*Proposed Rule:* †December 31, 1981. *Final Rule:* †June 1, 1982.	William O. Miller, License Fee Management Branch, Office of Administration, (301) 492–7225.

The symbol (†) indicates that the dates for unpublished proposed or final rules are tentative.

The symbol (*) indicates that these proposed rules were published prior to January 1, 1981, and that a Regulatory Flexibility Analysis will not be issued with the final rule.

[FR Doc. 81-12748 Filed 4-28-81; 8:45 am]
BILLING CODE 7590-01-M

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federal register

Wednesday
April 29, 1981

Part III

Department of Commerce

Office of the Secretary

Semiannual Agenda of Regulations

DEPARTMENT OF COMMERCE

13 CFR Chs. III and V

15 CFR Subtitle A and Chs. I, III, IV, VIII, and IX-XII

19 CFR Ch. III

37 CFR Ch. I

46 CFR Ch. II

50 CFR Chs. II-IV and VI

Semiannual Agenda of Regulations

AGENCY: U.S. Department of Commerce.

ACTION: Semiannual agenda of regulations.

SUMMARY: In compliance with Executive Order 12291, the Department of Commerce (DOC) will publish twice a year an Agenda of regulatory actions under consideration by its units. The Agenda also complies with the requirements of the Regulatory Flexibility Act. The purpose of the regulatory Agenda is to provide information to the public on regulations issued by the Department and to facilitate comments and views by interested public parties.

The closing date for information submitted for inclusion in this Agenda was March 13, 1981. Regulatory activities arising after that date are not included.

FOR FURTHER INFORMATION: For additional information about a specific regulatory action contained in the Agenda, contact the individual identified as the contact person. Comments or inquiries of a general nature about the Agenda should be directed to:

Robert T. Miki, Director of Regulatory Policy, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: (202) 377-2482

For information on this edition of the Agenda contact:

Roger J. Mallet, Office of Regulatory Policy, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: (202) 377-2153

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed Executive Order 12291, "Federal Regulation." The Executive Order requires that all executive agencies publish semiannually an Agenda of regulations which are under consideration. The Executive Order directs government agencies to provide in the Agenda the following following information regarding major regulations under consideration: a summary of the proposal, objectives and legal basis for the agency's action, the name and telephone number of a knowledgeable agency official, and an approximate schedule for completing action on the proposal. Major regulations are identified in the Agenda as requiring a regulatory impact analysis (RIA).

The Department's Agenda also complies with the informational requirements of the Regulatory Flexibility Act. Regulatory actions having a significant economic impact on a substantial number of small entities are identified as requiring a regulatory flexibility analysis (RFA).

In addition to those regulations which have been identified as requiring a RIA or RFA, the Department will develop brief economic analyses for several of its pending regulatory actions which are deemed important. The analyses will be performed even though the proposed actions may not be "major" under E.O. 12291.

As required by the Executive Order, a list of regulations to be reviewed is provided in the Agenda. The Department's Agenda includes all regulatory actions that will be considered over the 12-month period May 1, 1981 to April 30, 1982.

Explanation of Information Contained in the Agenda

The Department has 13 primary operating units in addition to departmental offices. Operating units, such as the Maritime Administration (MARAD), have major regulatory activities whereas other operating units, such as the Minority Business Development Agency (MBDA), currently have no regulations in effect. Departmental offices, such as the Office of Investigations and Security and the Office of Administrative Services, have few regulations.

The abbreviations and names of the Department units which have reported regulatory activities in this Agenda are as follows:

ADMIN—Assistant Secretary for Administration
EDA—Economic Development Administration
ITA—International Trade Administration
MARAD—Maritime Administration
MBDA—Minority Business Development Agency
NOAA—National Oceanic and Atmospheric Administration
  NMFS—National Marine Fisheries Service
  OCZM—Office of Coastal Zone Management
  OME—Office of Ocean Minerals and Energy
NTIA—National Telecommunications and Information Administration
OADS—Office of the Associate Deputy Secretary
  ORD—Office of Regional Development
OCE—Office of the Chief Economist
  CENSUS—Bureau of the Census
  BEA—Bureau of Economic Analysis
PTI—Assistant Secretary for Productivity, Technology and Innovation
  PTO—Patent and Trademark Office

Schedule A lists regulatory actions under consideration. Regulations under consideration include new regulations being proposed and changes, additions, or deletions to existing rules and regulations. The schedule indicates whether the regulation is major and thus requires a regulatory impact analysis, whether a regulatory flexibility analysis is required, and the date (month or season) the next regulatory action(s) is anticipated. The name and telephone number of a person familiar with the regulation is provided. Additional information on each major action, including those significantly impacting small entities, is provided in the appendix to the Agenda.

Schedule B lists existing regulations scheduled for review by Department units over the next 12 months. A more detailed presentation of the regulatory review effort is provided in the Department's Inventory of Regulations published in the Federal Register on October 27, 1980 (45 FR 71068). The Inventory contains 241 existing Department regulations and provides the review schedule for these regulations. To date, the Bureau of Economic Analysis, the Bureau of Industrial Economics, the Bureau of the Census, and the National Bureau of Standards have scheduled tentatively for review by December 1982. An update of the Inventory will be published in the Federal Register in June 1981.

Schedule C lists regulations in previous agendas which have been deleted from Schedules A and B. The reasons for deletion are given. For example, a regulation previously under consideration was adopted, or the scheduled review of an existing regulation was completed. Where appropriate, a Federal Register citation is provided.

Ten of the 13 primary operating units of the Department reported regulations under consideration.

There are 136 regulations in the Department's Agenda. Of the total, 84 are regulations under consideration (Schedule A) and 52 are existing regulations scheduled for review (Schedule B).

Of the 84 regulations reported under consideration, 3 are determined to be "major" by agency heads and will therefore require preparation of

regulatory impact analyses. Sixty-three are considered not major. A total of 5 regulations will significantly impact small entities. Regulatory flexibility analyses will be prepared for these proposals. In addition, Department units will undertake economic analyses of 14 regulations listed in the Agenda even though these are not major actions. In these instances, the agency involved has determined that such an analysis will benefit the development of cost effective regulations.

The importance of 18 regulations has not been determined. In these instances, the regulations under consideration will not reach the notice of proposed rulemaking stage within the next 6 months.

A large number of the regulations presented in the Agenda deal with fishery management programs under NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS's programs, a section on "Explanation of Information Contained in NMFS's Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS's Regulatory Entries

The Fishery Conservation and Management Act of 1976 (the Act), 16 U.S.C. 1801 et. seq., requires that a preliminary fishery management plan (PMP) be prepared for all fisheries within a fishery conservation zone (FCZ) fished in by foreign fishing nations. The FCZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles. Fishery management plans (FMPs) are to be prepared if those fisheries require conservation and management measures. Although PMPs apply only to foreign fishing, the FMPs regulate both foreign and domestic fishing. When promulgated, the FMPs supersede the PMPs. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs for fisheries within their respective areas.

The Act requires that certain standards be met in regulated fisheries. Among the factors, the optimum yield of the fisheries is to be specified. This entails the development of appropriate regimes to ensure sound management of involved stocks while taking into account relevant biological, social, and economic factors. Domestic fishermen are given a preferred status by the Act. However, for those fisheries in which are optimum yield is greater than the domestic harvest, foreign nations are permitted to fish, provided certain conditions are met. For each fishery, the total allowable level of foreign fishing (TALFF) is determined. The TALFF is allocated among foreign nations by the Secretary of State. Governing International Fishery Agreements are executed between the United States and nations desiring to fish. Allocations are based on standards such as historic fishing rights and reciprocal fishing privileges. Also, vessels of foreign nations are to apply for and receive permits to fish in the FCZ.

Classes of domestic fishermen may be allocated shares of the harvest in fisheries regulated under FMPs. Such allocations are not to be discriminatory and must relate to the conservation and management of the fishery. There can be allocations between the commercial and recreational sectors of the fishery.

In the allocation of fish stocks, fish caught as a result of directed effort (target catch), and fish caught incidentally (incidental catch), are taken into account. Various management tools are used to regulate fisheries. These include limitations based on certain types of gear (e.g., bottom trawls, longlines), seasons, and the necessity of opening or closing areas to fishing based upon gear conflicts, conditions of the stocks, or other factors.

The initiation of FMPs is the responsibility of the eight Councils. Guidelines for the development of the FMPs are published in the Federal Register. In the development of such plans (and regulations), the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs makes it difficult for the NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory Agenda is published. Frequently, the NMFS does not have specific plan objectives or alternatives for management since the Councils have neither approved nor submitted plans to the Secretary of Commerce for review, adoption and implementation.

Public Participation Summary

Supervision: The Consumer Affairs Office, in conjunction with the Office of Regulatory Policy, coordinates consumer participation responsibilities throughout the Department. The Consumer Affairs Office and consumer contact persons in the operating units are responsible for assuring that timely and meaningful consumer participation occurs throughout the development and review of the Department's rules, policies and programs.

Participation Mechanisms: Notices of proposed and final rules, programs, and policies will appear in the Federal Register. Quarterly notices of forthcoming rulemaking activities are disseminated to consumer representatives and consumer media by the Consumer Affairs Office, and to other constituents. Informal meetings and briefings will be arranged between Commerce officials and consumer leaders to discuss emerging or ongoing problems and issues, as well as policy and program developments.

Technical Assistance: The operating units, with advice from the Consumer Affairs Office, will determine staff responsibilities, assistance procedures and types of technical assistance for consumers.

Contact Person: Lee L. Gray, Director of Consumer Affairs, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: (202) 377–5001.

Malcolm Baldrige,

Secretary of Commerce.

BILLING CODE 3510-BT-M

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SCHEDULE A - DOC SEMIANNUAL AGENDA OF PENDING REGULATIONS

Department Unit	Title of Regulation Under Consideration	Contact Person	Regulatory Impact Analysis Yes	No	Unknown	Regulatory Flexibility Analysis Yes	No	Unknown
ADMIN	Section 504 of Rehabilitation Act of 1973	Arthur E. Cisek Ofc. of Civil Rights (202) 377-4993		X			X	
ADMIN	Age Discrimination Act of 1975 (As Amended)	Arthur E. Cisek Ofc. of Civil Rights (202) 377-4993		X			X	
ADMIN	Public Information, Freedom of Information (15 CFR Subtitle A-Part 4)	Marilyn S. McLennan Ofc. of Organization & Mgmt. Systems (202) 377-4217		X			X	
ADMIN	Public Information, Freedom of Information (15 CFR Subtitle A-Part 4 — Privacy Act, 15 CFR Subtitle A-Part 4b	Marilyn S. McLennan Ofc. of Organization & Mgmt. Systems (202) 377-4217		X			X	
ITA	Energy Regulation 1: Allocation Regulations (Old 32A CFR Part 671)	Iain S. Baird Ofc. of Industrial Mobilization (202) 377-2233		X			X	
MARAD	Requirements and Procedures for the Administration of Condition Surveys and Maintenance and Repair Subsidy (46 CFR Part 272)	John J. Davis Div. of Ship Mgmt. (202) 377-3640		X			X	
MARAD	Construction-Differential Subsidy (CDS) Repayment: Total Repayment Policy and Procedure (46 CFR Part 276)	William B. Ebersold Ofc. of Trade Studies & Statistics (202) 377-4791	X				X	
MARAD	Documentation Transfer or Charter of Vessels (46 CFR Part 221)	Virginia O'Brien Div. of Ship Mgmt. (202) 377-3213		X			X	
MARAD	Construction-Differential Subsidy (CDS) Requirements for Aid (46 CFR Part 251) - Entire Part	James E. Saari Ofc. of Gen. Counsel (202) 377-2771		X			X	
MARAD	Cargo Preference-U.S. Flag Vessels - Determination of Fair and Reasonable Rates (46 CFR 381.8, 381.9, and New Part 382)	Frederick R. Larson Ofc. of Ship Operating Costs (202) 377-5532		X			X	

Anticipated Date of Regulatory Action
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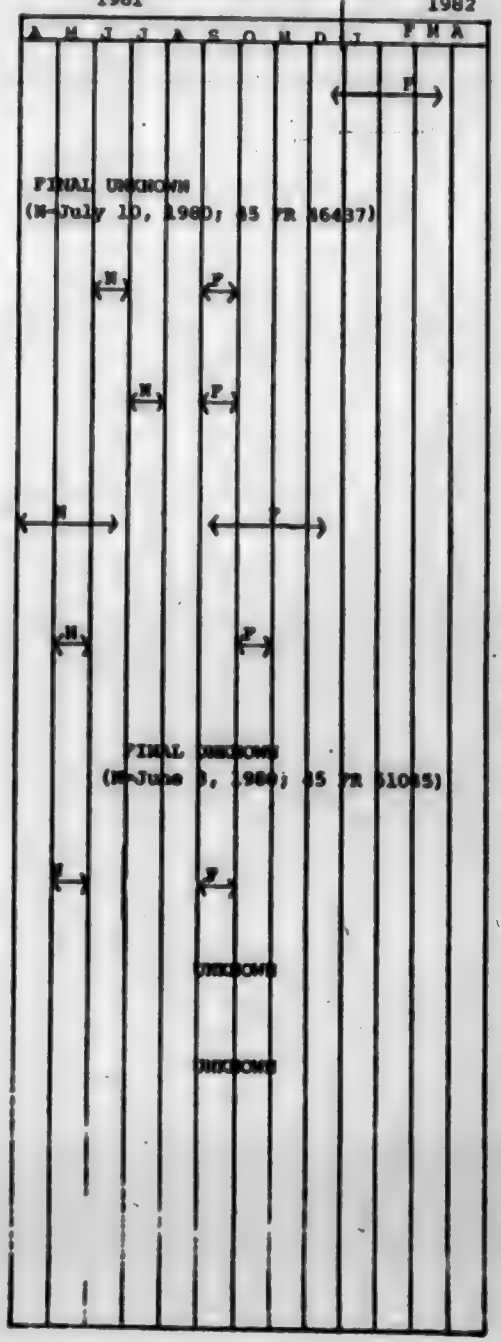

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SCHEDULE A - DOC SEMIANNUAL AGENDA OF PENDING REGULATIONS

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Department Unit	Title of Regulation Under Consideration	Contact Person	Regulatory Impact Analysis Yes	No	Unknown	Regulatory Flexibility Analysis Yes	No	Unknown
MARAD	Merchant Marine Training (46 CFR Part 310)	Kathleen A. Shetler Ofc. of Maritime Labor & Training (202) 377-5653	X				X	
MARAD	Award and Administration of Operating-Differential Subsidy (ODS) for Dry Bulk Cargo Vessels (46 CFR Part 254)	Frederick R. Larson Ofc. of Ship Operating Costs (202) 377-5532	X				X	
MARAD	Construction-Differential Subsidy (CDS) Standard Contracts (46 CFR Part 251)	Melvin S. Eck Ofc. of Gen. Counsel (202) 377-2771	X				X	
MARAD	Requirements for Establishing United States Citizenship (46 CFR Part 355)	Doris Lansberry Ofc. of Gen. Counsel (202) 377-2506	X				X	
MARAD	Federal Tax Aspects of the Capital Construction Fund (46 CFR Part 391)	E. A. Uttridge Ofc. of Subsidy Contracts (202) 377-3797	X				X	
MARAD	Rules of Practice and Procedure; Procedure for Hearing on Operating-Differential Subsidy (ODS) Applications; Applications for Subsidies and Other Direct Financial Aid (46 CFR Parts 201, 208 (New), and 251)	Robert J. Patton, Jr. Secretary, Maritime Subsidy Board (202) 377-2056	X				X	
MARAD	Cargo Preference - Geographical Allocation of Preference Cargoes (46 CFR Part 381)	Robert J. Patton, Jr. Secretary, Maritime Subsidy Board (202) 377-2056	X				X	
MARAD	National Shipping Authority (NSA) (46 CFR Parts 315-319; 345-347)	Burton T. Kyle Ofc. of Ship Operations (202) 377-3640	X				X	
MARAD	Uniform System of Accounts for Maritime Carriers (46 CFR Part 282)	Earl L. Loe Ofc. of Financial Management (202) 377-3824	X				X	

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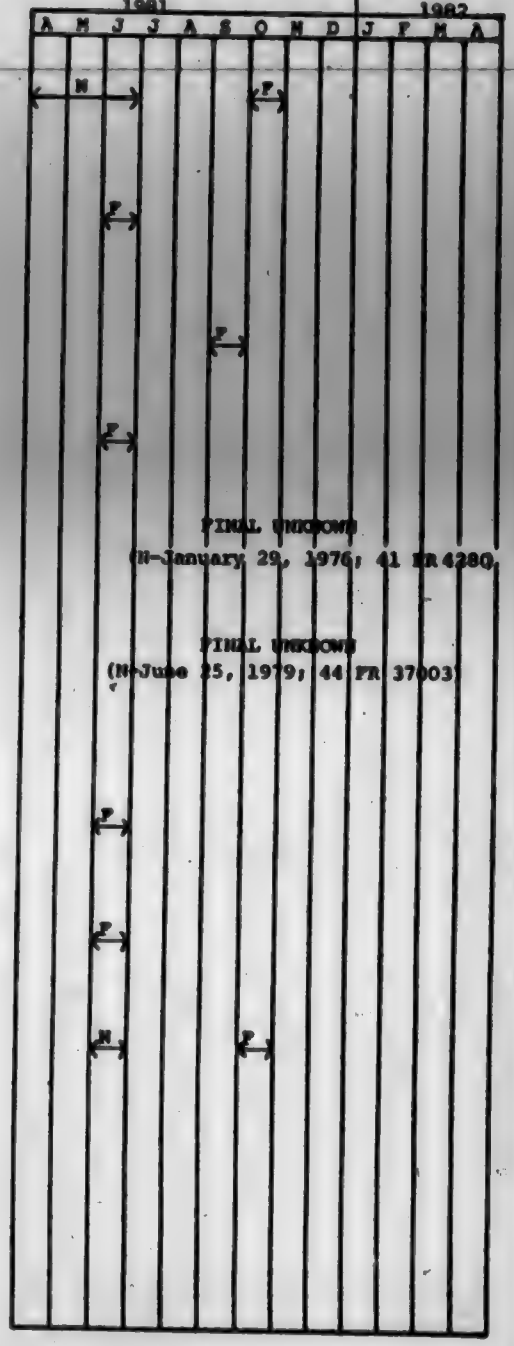

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MEDA	Financial Assistance Awards	John Smith Ofc. of Gen. Counsel (202) 377-4939		X			X		N F
NOAA/NMFS	Atlantic Butterfish Fishery Management Plan (FMP) - Amendment No. 2	Allen E. Peterson, Jr. Northeast Region (617) 281-3600		X			X		N F
NOAA/NMFS	Extension of Commercial/Recreational Salmon off California, Oregon and Washington Fishery Management Plan (FMP) (50 CFR Part 661) (Fishing Year 1981)	Herbert Larkins Northwest Region (206) 442-7575	X1/			X			N F
NOAA/NMFS	Designation of Critical Habitat for the Hawaiian Monk Seal (50 CFR Part 222)	Alan W. Ford Southwest Region (213) 548-2575			X			X	UNKNOWN
NOAA/NMFS	Regulation Declaring Restricted Fishing Areas (Port Canaveral and Other Areas) (50 CFR Part 227)	Richard B. Roe Ofc. of Marine Mammals & Endangered Species (202) 634-7461			X			X	N F
NOAA/NMFS	Fish and Wildlife Coordination Act, Uniform Procedures for Compliance	Robert E. Smith Ofc. of Habitat Protection (202) 634-7490		X			X		F
NOAA/NMFS	Precious Coral Fishery Management Plan (FMP) - Western Pacific	Alan W. Ford Southwest Region (213) 548-2575	X1/				X		F
NOAA/NMFS	Reef Fish Resources of the Gulf of Mexico Fishery Management Plan (FMP)	Harold B. Allen Southeast Region (813) 893-3141		X1/				X	N F
NOAA/NMFS	Fishery Management Plan (FMP) for the Spiny Lobster Fishery in Puerto Rico and the Virgin Islands	Harold B. Allen Southeast Region (813) 893-3141		X1/				X	N F
NOAA/NMFS	Coastal Migratory Pelagic Fishery Management Plan (FMP)	Harold B. Allen Southeast Region (813) 893-3141		X1/				X	N F

1/ A brief Economic Anlaysis of the regulation will be performed even though the regulation may not be a "major" action under E.O. 12291.

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NOAA/NMFS	Fishery Management Plan (FMP) for the Shrimp Fishery of the Gulf of Mexico	Harold B. Allen Southeast Region (813) 893-3141		X1/				X	N F
NOAA/NMFS	Fishery Management Plan (FMP) for the Shrimp Fishery of the South Atlantic	Harold B. Allen Southeast Region (813) 893-3141		X1/				X	N F
NOAA/NMFS	Fishery Management Plan (FMP) for the Coastal Migratory Pelagic Fishery of the Gulf of Mexico and South Atlantic	Harold B. Allen Southeast Region (813) 893-3141		X1/				X	N F
NOAA/NMFS	Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic	Harold B. Allen Southeast Region (813) 893-3141		X1/				X	N F
NOAA/NMFS	Fishery Management Plan (FMP) for the Coastal Migratory Pelagic Fishery of the Gulf of Mexico and South Atlantic	Harold B. Allen Southeast Region (813) 893-3141		X1/				X	N F
NOAA/NMFS	Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic	Harold B. Allen Southeast Region (813) 893-3141		X1/				X	N F
NOAA/NMFS	Fishery Management Plan (FMP) for the Coastal Migratory Pelagic Fishery of the Gulf of Mexico and South Atlantic	Harold B. Allen Southeast Region (813) 893-3141		X1/				X	N F
NOAA/NMFS	Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic	Harold B. Allen Southeast Region (813) 893-3141		X1/				X	N F

SCHEDULE A - DOC SEMIANNUAL AGENDA OF PENDING REGULATIONS

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NOAA/NMFS	Spiny Lobster Fishery Management Plan (FMP) (Western Pacific)	Alan W. Ford Southwest Region (213) 548-2575		x[1/]				x	N F
NOAA/NMFS	Fishery Management Plan (FMP) for the Shrimp Fishery of the Gulf of Mexico	Harold B. Allen Southeast Region (813) 893-3141	x[1/]			x			A F
NOAA/NMFS	Bering Sea and Aleutian Islands Groundfish Fishery Management Plan (FMP)	Robert W. McVey Alaska Region (907) 586-7221		x[1/]				x	N F
NOAA/NMFS	Tanner Crab Fishery Management Plan (FMP) Regulations (Alaska) - (Amendment No. 7)	Robert W. McVey Alaska Region (907) 586-7221	x			x			N F
NOAA/NMFS	Groundfish in the Gulf of Mexico Fishery Management Plan (FMP) (in 4th Agenda as Groundfish FMP - Southeast Region)	Harold B. Allen Southeast Region (813) 893-3141		x[1/]				x	N F
NOAA/NMFS	Whaling (50 CFR Part 230)	Richard B. Roe Ofc. of Marine Mammals & Endangered Species (202) 634-7461		x				x	N F
NOAA/NMFS	High Seas Salmon Fishery Management Plan (FMP) - Amendment No. 2	Robert W. McVey Alaska Region (907) 586-7221	x[1/]			x			N F
NOAA/NMFS	American Lobster Fishery Management Plan (FMP)	Allen E. Peterson, Jr. Northeast Region (617) 281-3600		x				x	N F
NOAA/NMFS	Amendment to the Atlantic Groundfish Fishery Management Plan (FMP), Supplement No. 4 to the Final Environmental Impact Statement	Allen E. Peterson, Jr. Northeast Region (617) 281-3600	x[1/]				x		A F
NOAA/NMFS	Amendment to the Atlantic Groundfish Fishery Management Plan (FMP), Supplement No. 5 to the Final Environmental Impact Statement	Allen E. Peterson, Jr. Northeast Region (617) 281-3600		x				x	N F

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NOAA/NMFS	Surf Clam and Ocean Quahog Fishery Management Plan (FMP) (Amendment No. 3)	Allen E. Peterson, Jr. Northeast Region (617) 281-3600		X				X	N F
NOAA/NMFS	Regulations for the U.S. Sockeye and Pink Salmon Fisheries under the Fraser River Fishery Convention	Herbert Larkins Northwest Region (206) 442-7575	X				X		N F
NOAA/NMFS	Guidelines for Development of Fishery Management Plan's (FMP's) (50 CFR 602.2) National Standards	William G. Gordon Ofc. of Resource Conservation & Mgmt. (202) 634-7218	X				X		N F
NOAA/NMFS	Determination of Critical Habitat for Endangered and Threatened Species of Sea Turtles in Mosquito Lagoon, Florida (50 CFR Part 226)	Richard B. Roe Ofc. of Marine Mammals & Endangered Species (202) 634-7461		X				X	N
NOAA/NMFS	Scientific Research and Public Display Permit Regulations (Proposed 50 CFR Part 223)	R. B. Brumsted Ofc. of Marine Mammals & Endangered Species (202) 634-7529	X				X		N F
NOAA/NMFS	Trawl Fisheries of Washington, Oregon, and California Preliminary Fishery Management Plan (FMP) (Fishing Year 1981)	Herbert Larkins Northwest Region (206) 442-7575	X				X		N F
NOAA/NMFS	Amendment to 50 CFR Part 251 (Financial Aid Program Procedures)	Michael L. Grable Financial Svcs. Div. (202) 634-7496	X				X		N F
NOAA/NMFS	Atlantic Mackerel Fishery Management Plan (FMP) (Amendment No. 2)	Allen E. Peterson, Jr. Northeast Region (617) 281-3600	X 1/				X		N F
NOAA/NMFS	Tanner Crab Fishery Management Plan (FMP) Regulations (Alaska) (Amendment No. 6)	Robert W. McVey Alaska Region (907) 586-7221	X				X		F

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Anticipated Date of Regulatory Action

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NOAA/NMFS	Gulf of Alaska Groundfish Fishery Management Plan (FMP) (Amendment No. 8) (Part 7 only)	Robert W. McVey Alaska Region (907) 586-7221	X			X			
NOAA/NMFS	Groundfish of the Gulf of Alaska Fishery Management Plan (FMP) (Amendment No. 9)	Robert W. McVey Alaska Region (907) 586-7221	X			X			
NOAA/NMFS	Guidelines for Development of Fishery Management Plans (FMP) (50 CFR Part 602 - sections addressing content and format (e.g., 602.3 and 602.4)	William G. Gordon Ofc. of Resource Conservation & Mgmt. (202) 634-7218	X			X			
NOAA/NMFS	Uniform Standards for Organization, Practices, and Procedures - Regional Fishery Management Councils (50 CFR Part 601, Subpart C)	William G. Gordon Ofc. of Resource Conservation & Mgt. (202) 634-7218	X			X			
NOAA/NMFS	Whaling (50 CFR Part 351)	Richard B. Roe Ofc. of Marine Mammals & Endangered Species (202) 634-7461		X				X	
NOAA/NMFS	Termination of Utility Services (50 CFR 215)	Walter Kirkness Northwest Region (206) 442-7777	X					X	
NOAA/NMFS	Regulations Governing the Taking and Importing of Marine Mammals; Taking and Related Acts Incidental to Commercial Fishing Operations (50 CFR 216.24)	Richard B. Roe Ofc. of Marine Mammals & Endangered Species (202) 634-7461		X				X	
NOAA/NMFS	Groundfish of the Gulf of Alaska Fishery Management Plan (FMP) - (Amendment No. 10)	Robert W. McVey Alaska Region (907) 586-7221	X			X			
NOAA/NMFS	Northern Anchovy Fishery Management Plan (FMP) - Amendment for 1980	Alan W. Ford Southwest Region (213) 548-2575	X			X			
NOAA/NMFS	Amendment to 50 CFR 250 (Fisheries Loan Fund)	James D. Meehan Financial Services Division (202) 634-7486	X			X			

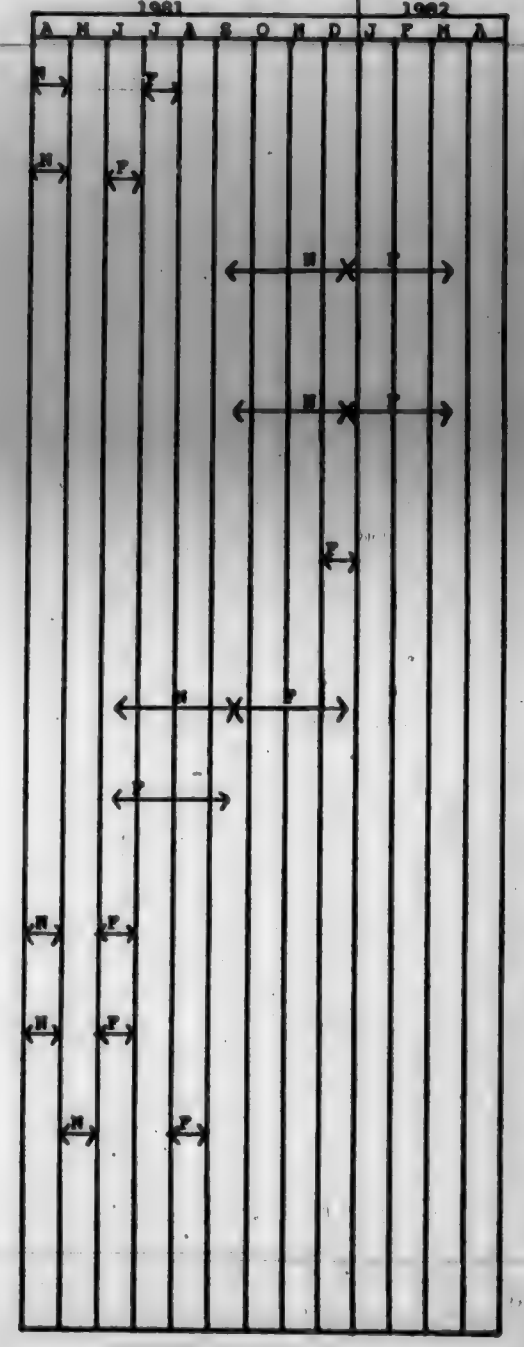

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SCHEDULE A - DOC SEMIANNUAL AGENDA OF PENDING REGULATIONS

Department Unit	Title of Regulation Under Consideration	Contact Person	Regulatory Impact Analysis Yes	No	Unknown	Regulatory Flexibility Analysis Yes	No	Unknown
NOAA/NMFS	Amendment to 50 CFR 258 (Fishermen's Protective Act)	Kathryn E. Hanaley Financial Svcs. Div. (202) 634-4688		X			X	
NOAA/NMFS	Amendment to 50 CFR Part 259.31 (Interim Fishing Vessel Capital Construction Fund Procedures)	Lee F. Bowersox Financial Svcs. Div. (202) 634-7496		X			X	
NOAA/NMFS	Fishing Vessel Obligation Guarantee Program Procedures (50 CFR Part 255)	James D. Meehan Financial Svcs. Div. (202) 634-7496		X			X	
NOAA/NMFS	Fishery Conservation and Management: Confidentiality of Statistics (50 CFR Part 603)	B. G. Thompson Resource Statistics Division (202) 634-7415		X			X	
NOAA/NMFS	Sea Scallops Fishery Management Plan (FMP)	Allen E. Peterson, Jr. Northeast Region (617) 281-3600			X			X
NOAA/OCZM	Federal Consistency with Approved Coastal Management Programs	Jane P. Rogers Policy, Evaluation, & External Relations (202) 634-4245			X		X	
NOAA/OCZM	Implementation of the Coastal Zone Management Improvement Act of 1980	Jane P. Rogers Policy, Evaluation, & External Relations (202) 634-4245			X		X	
NOAA/OCZM	Regulations for Proposed Looe Key Marine Sanctuary	Nancy Foster Sanctuary Programs Ofc. (202) 634-4236		X			X	
NOAA/OCZM	Estuarine Sanctuary Regulations	James W. McFarland Sanctuary Programs Ofc. (202) 634-4236		X			X	

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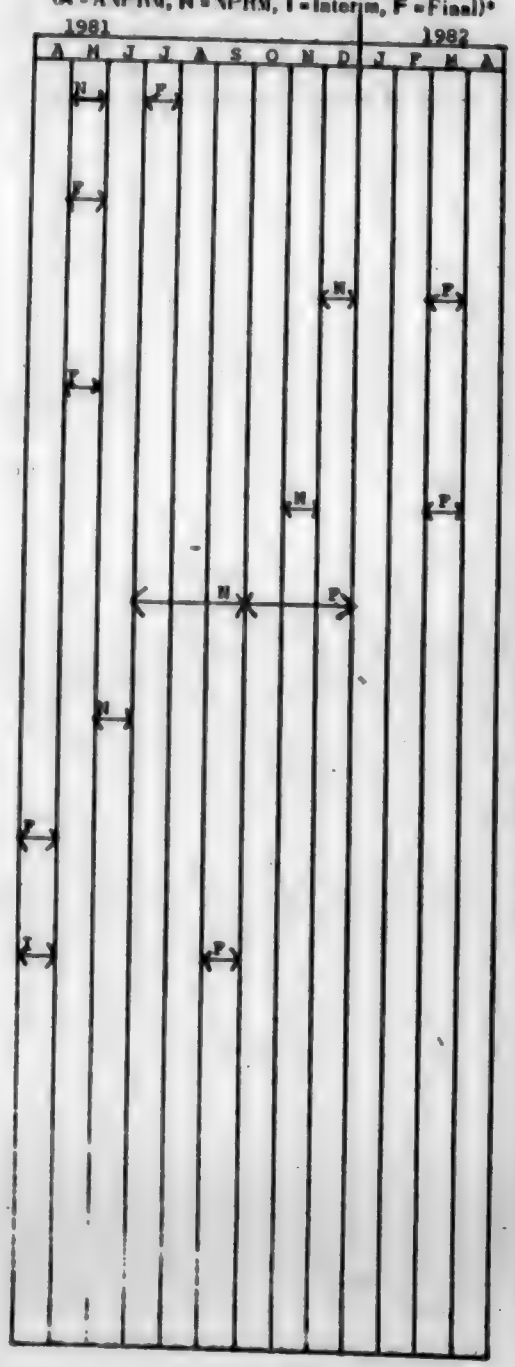

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SCHEDULE A - BOC SEMIANNUAL AGENDA OF PENDING REGULATIONS

Department Unit	Title of Regulation Under Consideration	Contact Person	Regulatory Impact Analysis Yes	No	Unknown	Regulatory Flexibility Analysis Yes	No	Unknown	Anticipated Date of Regulatory Action (A = ANPRM, N = NPRM, I = Interim, F = Final)*
NOAA/OCRM	Final Regulations for Key Largo Coral Reef National Marine Sanctuary	Nancy Foster Sanctuary Programs Ofc. (202) 634-4236		X			X		
NOAA/OCRM	Regulations for Proposed Flower Garden Banks National Marine Sanctuary	Nancy Foster Sanctuary Programs Ofc. (202) 634-4236			X		X		
NOAA/OCRM	Regulations for Proposed St. Thomas National Marine Sanctuary St. Thomas, Virgin Islands	Nancy Foster Sanctuary Programs Ofc. (202) 634-4236		X			X		
NOAA/OME	Ocean Thermal Energy Conversion (OTEC) Regulations (15 CFR Part 1001)	Lowell Martin & Rich Norling Ofc. of Ocean Minerals & Energy (202) 254-3483	X				X		
NOAA/OME	Deep Seabed Mining Regulations for Exploration Licenses (15 CFR Part 970, Subparts A-K)	James P. Lawless Ofc. of Ocean Minerals & Energy (202) 653-8257	X				X		
BEA/BEA	Direct Investment Surveys (15 CFR Part 806)	Lester G. Walch, Jr. Mgmt. Svcs. Div. (202) 523-0505	X				X		
BEA/CENSUS	Foreign Trade Statistics (15 CFR Part 30)	Emerson Jones Foreign Trade Div. (301) 763-7982	X				X		
PTO/PTO	Patent Interference Proceedings (37 CFR 1.225, 1.231, 1.253, 1.254, 1.258 and 1.288)	Ian A. Calvert Chairman, Board of Patent Interferences (703) 557-3625	X				X		
PTO/PTO	Correction of Inventorship (37 CFR 1.45, 1.48 and 1.324 and 1.420)	Louis O. Maassel Editor, Manual of Patent Examining Procedure (703) 557-3070	X					X	

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PTI/PTO	File Wrapper Continuing Application Procedure (37 CFR 1.62 and 1.138)	Louis O. Maassel Editor, Manual of Patent Examining Procedure (703) 557-3070		X			X		(FINAL-JUNE 1982)
PTI/PTO	Advertising Permitted by Practitioners (37 CFR 1.344, 1.345, 2.13 and 2.14) (Previously cited as "Professional Conduct and Advertising By Persons Registered to Practice Before the PTO")	Harry I. Moatz Ofc. of Commissioner of Patents & Trademarks (703) 557-2238		X				X	N F
PTI/PTO	Continuation-In-Part Application Oath or Declaration (37 CFR 1.65, 3.18 and 3.18(a)	Louis O. Maassel Editor, Manual of Patent Examining Procedure (703) 557-3070		X				X	F
PTI/PTO	Requests for Identifiable Records (37 CFR 1.15)	John W. Dewhirst Ofc. of Commissioner of Patents & Trademarks (703) 557-3542		X				X	N F
PTI/PTO	Secrecy of Certain Inventions and Licenses to File Applications in Foreign Countries (37 CFR Part 5)	S. W. Engle Special Laws Admin. Group (703) 557-2897		X				X	N F
PTI/PTO	Ex Parte Prosecution of Trademark Applications, Inter Partes Proceedings Before the Trademark Trial and Appeal Board, Petitions to the Commissioner and Post-Registration Requirements (37 CFR 2.20, 2.27, 2.63, 2.65, 2.81, 2.88, 2.94-2.135, 2.142, 2.146, 2.165, 2.173, 2.184, and 2.186)	David J. Kera Member, Trademark Trial & Appeal Board (703) 557-3551		X				X	N F

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PTI/PTO	Rules of Practice in Patent Cases (37 CFR 1.1-1.378)	Louis O. Maassel Editor, Manual of Patent Examining Procedure (703) 557-3070		X			X		(FINAL-JUNE 1982)
PTI/PTO	Rules of Practice in Trademark Cases (37 CFR 2.1-2.189)	Harry I. Moatz Ofc. of Commissioner of Patents & Trademarks (703) 557-2238		X				X	N F
PTI/PTO	Rules of Practice in Trademark Cases (37 CFR 2.1-2.189)	Harry I. Moatz Ofc. of Commissioner of Patents & Trademarks (703) 557-2238		X				X	N F
PTI/PTO	Rules of Practice in Trademark Cases (37 CFR 2.1-2.189)	Harry I. Moatz Ofc. of Commissioner of Patents & Trademarks (703) 557-2238		X				X	N F
PTI/PTO	Rules of Practice in Trademark Cases (37 CFR 2.1-2.189)	Harry I. Moatz Ofc. of Commissioner of Patents & Trademarks (703) 557-2238		X				X	N F

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PTI/PTO	Reexaminations and Inter Partes Protest Proceedings (37 CFR 1.1, 1.5, 1.11, 1.21, 1.26, 1.33, 1.34 1.36, 1.104, 1.107, 1.109, 1.111, 1.112, 1.113, 1.115, 1.116, 1.121, 1.191, 1.192, 1.231, 1.247, 1.248 1.291, 1.301, 1.303, 1.501, 1.510, 1.515, 1.520, 1.525, 1.530, 1.535, 1.540, 1.550, 1.552, 1.555, 1.560, 1.565, and 1.570)	R. Franklin Burnett Ofc. of Asst. Commissioner for Patents (703) 557-3054		X			X		F
PTI/PTO	Revised See Schedule (37 CFR 1.21 and 2.6)	R. Franklin Burnett Ofc. of Asst. Commissioner for Patents (703) 557-3054	X				X		N

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SCHEDULE B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Non-Discrimination in Federally-Assisted Programs of the DOC - Implementation of Title VI of the Civil Rights Act of 1964 (15 CFR Part 8)	ADMIN	42 U.S.C. 2000-1	Under Review	Winter 1981	Arthur E. Cizek Ofc. of Civil Rights (202) 377-4993
DAO 217-6, Operation of Vending Stands	ADMIN	40 Stat. 1559	March 1981	May 1981	Tony Stadeker Ofc. of Admin. Svcs. (202) 377-4501
Instruments and Apparatus for Educational and Scientific Institutions (15 CFR Part 301)	ITA	19 U.S.C. 1202	Under Review	Fall 1981	Frank Creel Statutory Import Programs Staff (202) 377-1660
Defense Materials System and Defense Priorities System (15 CFR Parts 330-32, 340-43, and 350-54)	ITA	50 U.S.C. App. 2061 et. seq., Executive Order 10480	Under Review	Spring 1981	Iain S. Baird Ofc. of Industrial Mobilization (202) 377-2233
Effects of Imported Articles on the National Security (15 CFR Part 359)	ITA	19 U.S.C. 1862 Reorganization Plan No. 3 (1979) Executive Order 12188	Under Review	Spring 1981	John A. Richards Ofc. of Industrial Mobilization (202) 377-3695
General Regulations Governing Foreign-Trade Zones in the United States, with Rules of Procedure (15 CFR Part 400)	ITA	19 U.S.C. 81a-81u	Under Review	Fall 1981	B. Waring Partridge, III Ofc. of Import Admin. (202) 377-1782
Antidumping Duties and Countervailing Duties (19 CFR Parts 353 and 355)	ITA	5 U.S.C. 301, P.L. 96-39	Under Review	Summer 1981	B. Waring Partridge, III Ofc. of Import Admin. (202) 377-1782
Values for War Risk Insurance (46 CFR Part 309)	MARAD	46 U.S.C. 1114(b)	Under Review	April 1981	Jack Malkin Ofc. of Marine Insurance (202) 377-4820
Operation-Differential Subsidy (ODS) for Bulk Cargo Vessels Engaged in Carrying Grain to the U.S.S.R. (46 CFR Part 294) - Entire Part	MARAD	46 U.S.C. 1114(b)	July 1981	October 1981	Frederick R. Larson Ofc. of Ship Operating Costs (202) 377-5532
Limitations on the Award of Operating-Differential Subsidy (ODS) for Liner Operators (46 CFR Part 280) - Entire Part	MARAD	46 U.S.C. 1114(b)	Under Review	April 1981	E. A. Ottridge Ofc. of Subsidy Contracts (202) 377-3797
Operating-Differential Subsidy (ODS) for Bulk Cargo Vessels in the United States Foreign Commerce on the Great Lakes, Connecting Rivers, St. Lawrence River and Gulf of St. Lawrence (46 CFR Part 279) - Entire Part	MARAD	46 U.S.C. 1114(b)	July 1981	October 1981	Frederick R. Larson Ofc. of Ship Operating Costs (202) 377-3797

SCHEDULE B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

	RESPONSIBLE		PROPOSED DATE	TARGET DATE	CONTACT PERSON

SCHEDULE B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Marine Mammals: Pribilof Islands (50 CFR Part 215, Subparts A and C)	NOAA/NMFS	P.L. 89-702 80 Stat. 1091 16 U.S.C. 1151-1187	Summer 1981*	Fall 1981	Georgia Cranmore, Ofc. of Marine Mammals & Endangered Species (202) 634-1792 and Walter Kirkness, Northwest Region (206) 442-7777
Marine Mammals: Pribilof Islands Public Display of Living Fur Seals (50 CFR Part 215, Subpart B)	NOAA/NMFS	P.L. 89-702 80 Stat. 1091 16 U.S.C. 1151-1187	Summer 1981	Fall 1981	Gary Barone Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Introductions and Prohibitions (50 CFR Part 216, Subparts A and B)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407	Summer 1981	Fall 1981	Gary Barone Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Penalties and Procedures for Their Assessment (50 CFR Part 216, Subpart F)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407	Under Review	September 1981	Stephen J. Powell Ofc. of the General Counsel (202) 254-8350
Regulations Governing the Taking and Importing of Marine Mammals: Notice and Hearing on Section 103 Regulations (50 CFR Part 216, Subpart G)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	Summer 1981	Not Determined	Ronald Naveen Ofc. of the General Counsel (202) 634-4224
Regulations Governing the Taking and Importing of Marine Mammals: Approval and Review of State Laws and Regulations (50 CFR Part 216, Subpart H)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407-8 86 Stat. 1027	Summer 1981	Not Determined	Georgia Cranmore, Ofc. of Marine Mammals & Endangered Species (202) 634-1792 and Ronald Naveen, Ofc. of the General Counsel (202) 634-4224
Regulations Governing the Taking and Importing of Marine Mammals: Taking by State and Local Government Officials (50 CFR 216.22)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	Under Review	September 1981	Thomas McIntyre Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Native Exceptions (50 CFR 216.23)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	Summer 1981	Fall 1981	Georgia Cranmore Ofc. of Marine Mammals & Endangered Species (202) 634-1792

*Regulatory Flexibility Analysis required.

SCHEDULE B. REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Regulations Governing the Taking and Importing of Marine Mammals: Excepted Marine Mammals and Marine Mammal Products (50 CFR 216.25)	NOAA/NMFS	P.L. 95-522 16 U.S.C. 1361-1407 86 Stat. 1027	January 1981	September 1981	Thomas McIntyre Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Collection of Certain Marine Mammal Parts (50 CFR 216.26)	NOAA/NMFS	P.L. 95-522 16 U.S.C. 1361-1407 86 Stat. 1027	January 1981	December 1981	Thomas McIntyre Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Scientific Research Permits and Public Display Permits (50 CFR 216.31)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	Summer 1981	Fall 1981	Gary Barone Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Procedures for Issuance of Permits and Modifications, Suspension, or Revocation Thereof (50 CFR 216.33)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	Summer 1981	Fall 1981	Gary Barone Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Possession of Permits (50 CFR 216.34)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	Summer 1981	Fall 1981	Gary Barone Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Importation at Designated Ports (50 CFR 216.40)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	Summer 1981	Fall 1981	Gary Barone Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Endangered Species: General Provisions (50 CFR Part 217)	NOAA/NMFS	P.L. 93-205 87 Stat. 884 88 Stat. 905	Summer 1981	Fall 1981	Gary Barone Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Endangered Species: General Permit Procedures (50 CFR Part 220, Subparts A, B, C, and D)	NOAA/NMFS	P.L. 93-205 87 Stat. 884	Summer 1981	Fall 1981	Gary Barone Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Atlantic Mackerel Fishery Management Plan (FMP)	NOAA/NMFS	16 U.S.C. 1801 et seq.	Under Review 1/	June 1981	Allen E. Peterson Jr. Northeast Region (617) 281-3600
Extension of Commercial/Recreational Salmon off California, Oregon, and Washington Fishery Management Plan (FMP) (Fishing Year 1981)	NOAA/NMFS	16 U.S.C. 1801 et seq.	Under Review 1/	June 1981	Herbert Larkins Northwest Region (206) 442-7575

1/ A Regulatory Impact Analysis of the regulation will be performed even though the regulation may not be a "major" action under E.O. 12291.

SCHEDULE: B REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

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TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Endangered Species: Permits Involving Endangered or Threatened Sea Turtles (50 CFR Part 220, Subpart E)	NOAA/NMFS	P.L. 93-205 87 Stat. 884	Summer 1981	Fall 1981	Gary Barone Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Endangered Species: Importation and Exportation at Designated Ports (50 CFR Part 221)	NOAA/NMFS	P.L. 93-205 87 Stat. 884	Summer 1981	Fall 1981	Gary Barone Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Marine Mammals: Federal/State Cooperation in the Conservation of Endangered and Threatened Species (50 CFR Part 225)	NOAA/NMFS	P.L. 93-205 87 Stat. 884 16 U.S.C. 1531-1543	Not Determined	Not Determined	Charles Karnella Ofc. of Marine Mammals & Endangered Species (202) 634-7471
Threatened Fish and Wildlife (50 CFR Part 227)	NOAA/NMFS	P.L. 93-205 16 U.S.C. 1531 et seq.	Summer 1981	Fall 1981	Gary Barone Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products: U.S. Standards for Grade of Fish Steaks (50 CFR Part 262)	NOAA/NMFS	7 U.S.C. 1621-1630	Summer 1981	Winter 1981-82	James R. Brooker Seafood Quality & Inspection Division (202) 634-7458
U.S. Standards for Grades of Fried Fish Sticks and Fried Fish Portions (50 CFR Part 264, Subpart G)	NOAA/NMFS	7 U.S.C. 1621-1630	Under Review	December 1981	James R. Brooker Seafood Quality & Inspection Division (202) 634-7458
Fishery Marketing Cooperatives: Issuance of Cease and Desist Orders by the Government (50 CFR Part 290)	NOAA/NMFS	15 U.S.C. 522	Under Review	December 1981	Jukka Kolhonen Fishery Development Division (202) 634-7451
Interagency Cooperation - Endangered Species Act of 1973 (50 CFR Part 402) (Joint regulations with the Department of the Interior) (Section 7)	NOAA/NMFS	16 U.S.C. 1531 et seq.	Summer 1981	Not Determined	Charles Karnella Ofc. of Marine Mammals & Endangered Species (202) 634-7471
U.S. Standards for Grades of Frozen Raw Headless Shrimp (50 CFR Part 265, Subpart A)	NOAA/NMFS	7 U.S.C. 1621-1630	March 1982	Not Determined	James R. Brooker Seafood Quality & Inspection Division (202) 634-7458

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SCHEDULE B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Fishery Conservation and Management: Civil Procedures (Magnuson Fishery Conservation and Management Act) (50 CFR Part 621)	NOAA/NMFS	16 U.S.C. 1801-1861	Under Review: Regs. amended 3/24/80— partial attainment of review objectives	September 1981	Stephen J. Powell Ofc. of the General Counsel (202) 254-8350
Regulations for Proposed Point Reyes/ Farallon Islands Marine Sanctuary	NOAA/OCZM	16 U.S.C. 1432(f)	Under Review	September 1981	Nancy Foster Sanctuary Programs Ofc. (202) 634-4236
Regulations for Proposed Channel Islands National Marine Sanctuary	NOAA/OCZM	16 U.S.C. 1432(f)	Under Review	September 1981	Nancy Foster Sanctuary Programs Ofc. (202) 634-4236
Coastal Energy Impact Program, Engineering and Construction Guidelines for Applicants	NOAA/OCZM	16 U.S.C. 1461	Not Determined	Not Determined	Bart Chambers Coastal Energy Impact Program Ofc. (202) 634-4128
Coastal Energy Impact Program, Project Assessments and Environmental Impact Statements	NOAA/OCZM	16 U.S.C. 1956,1966	Not Determined	Not Determined	Eileen Mulaney Coastal Energy Impact Program Ofc. (202) 634-4128
Monitor Marine Sanctuary (15 CFR Part 921)	NOAA/OCZM	16 U.S.C. 1432(f)	June 1981	Not Determined	Nancy Foster Sanctuary Programs Ofc. (202) 634-4236
Coastal Zone Management Program, Development and Approval Provisions (15 CFR 923)	NOAA/OCZM	16 U.S.C. 1456, 1466	Not Determined	Not Determined	Jane Rogers Policy & External Relations (202) 634-4245
Public Telecommunications Facilities Program	NTIA	47 U.S.C. 390	October 1981	April 1982	Robert M. Hunter Ofc. of Chief Counsel (202) 377-1866
Rules of Practice in Patent Cases (37 CFR Part 1)	PTI/PTO	35 U.S.C. 6	January 1982	June 1982	R. Franklin Burnett Ofc. of Asst. Commissioner for Patents (703) 557-3054
Forms for Patent Cases (37 CFR Part 3)	PTI/PTO	35 U.S.C. 6	January 1982	May 1982	R. Franklin Burnett Ofc. of Asst. Commissioner for Patents (703) 557-3054
Government Inventions Jurisdiction (37 CFR Subchapter B)	PTI/PTO	Executive Order 10096 as amended by Executive Order 10930	January 1982	May 1982	O., A. Neumann Ofc. of Gov't Employee Inventions (703) 557-3539
Register of Government Interests in Patents (37 CFR Part 7)	PTI/PTO	Executive Order 9424	June 1981	October 1981	B. R. Padgett Special Laws Administration Group (703) 557-2037

SCHEDULE B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

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TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Procedures for Enforcing Regulations Relating to the Use of Patent and Trademark Office Records Facilities (Published in Federal Register (43 FR 21345))	PTI/PTO	40 U.S.C. 486(c) 41 CFR 101-20.3	March 1982	May 1982	Bradford R. Huther Ofc. of Commissioner for Administration (703) 557-2290
Procedural Regulation Setting Forth the Criteria for Applications for Federal Recognition of International Expositions (15 CFR Part 1202)	Ofc. of Asst. Secy. for Trade Development (transferred from Ofc. of Assoc. Dep. Secy.)	22 U.S.C.1801	Unknown	Unknown	Lyle Ryter Dep. Asst. Secy. for Trade Development (202) 377-1461

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA[1]

Department Unit	Title of Regulation	Prior Agenda Listing[2]	Reasons for Deletion from Agenda
ADMIN	Procedure for Handling and Settlement of Claims under the Federal Tort Claims Act	UR	Review completed. No changes necessary at this time.
EDA	Miscellaneous Amendments Regarding the Administration of Programs (13 CFR 302.41(b), 303.4-1(d)(3), 305.5(f), 305.8, 305.95, 309.4, 309.28)	UC	Published in final on January 28, 1981 (46 FR 9025).
EDA	Environmental Requirements (13 CFR 309.18)	UC	Published in final on November 13, 1980 (45 FR 74902).
EDA	Hospitals, Nursing Homes and Convalescent Care Facilities (13 CFR 305.42)	UC	Published in interim on January 5, 1981 (46 FR 859); publication in final postponed pending further review.
ITA	Foreign Excess Property Regulations (15 CFR Part 302)	UR	Review completed. No changes anticipated at this time.
ITA	China Trade Act Corporations (15 CFR Part 363)	UR	Removed from CFR on December 22, 1980 (45 FR 84020).
ITA	Export Administration Regulations (15 CFR Parts 368 and 370-399)	UR	Resources needed to perform this review are not available at this time. Review will be scheduled at a later date.
MARAD	Payments of Capital Reserve Fund (46 CFR Part 255)	UR	Revoked. Published in the Fed. Reg. on January 5, 1981 (46 FR 913).
MARAD	Valuation of Vessels for Determining Capital Employed and Net Earnings Under Operating-Differential Subsidy (ODS) Agreements (46 CFR Part 284)	UR	Revoked. Published in the Fed. Reg. on January 5, 1981 (46 FR 913).

1/ Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).
2/ Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA 1/

Department Unit	Title of Regulation	Prior Agenda Listing[2]	Reasons for Deletion from Agenda

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA 1/

Department Unit	Title of Regulation	Prior Agenda Listing 2/	Reason for Deletion from Agenda
MARAD	Operating-Differential Subsidy (ODS) for Bulk Cargo Vessels Engaged in Worldwide Service (46 CFR Part 252 - Entire Part)	UR	Review completed. See Schedule A (46 CFR New Part 254).
MARAD	National Shipping Authority (NSA) Review of 28 Regulations that were transferred from 32A CFR Chapter XVIII to 46 CFR Chapter II (Parts 315-339 and 345-347)	UR	Review completed. See Schedule A.
MARAD	Establishment of Construction Reserve Funds (46 CFR Part 287)	UR	Review completed.
MARAD	Operating-Differential Subsidy (ODS) Rates for Liner Vessels - New Part (Procedure Now Published in a Manual; Will be Revised and put in Regulatory Form)	UR	Review completed.
MARAD	Capital Construction Fund (46 CFR Part 390)	UR	Review completed.
NOAA/NMFS	Pacific Billfish and Oceanic Sharks Fishery Management Plan (FMP) (Western Pacific)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Caribbean Shallow Water Reef Fish Fishery Management Plan (FMP)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Fishery Management Plan (FMP) for Sharks and Other Elasmobranchs	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Pink Shrimp off Washington, Oregon, and California Fishery Management Plan (FMP)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.

1/ Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).
2/ Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

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SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA[1]

Department Unit	Title of Regulation	Prior Agenda Listing [2]	Reason for Deletion from Agenda
NOAA/NMFS	Atlantic Squid Fishery Management Plan (FMP) (Amendment No. 2)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Bluefish Fishery Management Plan (FMP)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Alaska King Crab Fishery Management Plan (FMP)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Bering Sea-Chukchi Sea Herring Fishery Management Plan (FMP)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Amendments of U.S. Yellowfin Tuna Regulations for the Atlantic Ocean	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Amendments to U.S. Yellowfin Tuna Regulations for the Pacific Ocean	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Pacific Billfish and Oceanic Sharks Preliminary Fishery Management Plan (FMP)	UC	Published in Fed. Reg. in final on January 7, 1981 (46 FR 1738).
NOAA/NMFS	Atlantic Mackerel Fishery Management Plan (FMP) (Amendment No. 1)	UC	Published in Fed. Reg. in final on November 30, 1980 (45 FR 77445).

1/ Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).
2/ Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA[1]

Department Unit	Title of Regulation	Prior Agenda Listing [2]	Reason for Deletion from Agenda

2/ Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA 1/

Department Unit	Title of Regulation	Prior Agenda Listing 2/	Reason for Deletion from Agenda
NOAA/NMFS	Trawl and Herring Gillnet Fishing in the Eastern Bering Sea Preliminary Fishery Management Plan (PMP)	UC	Published in Fed. Reg. in final on January 8, 1981 (46 FR 2081).
NOAA/NMFS	Foreign Trawl Fisheries of Northwestern Atlantic Preliminary Fishery Management Plan (PMP) - Extention for 1981 Fishery	UC	Published in Fed. Reg. in final on January 7, 1981 (46 FR 1738).
NOAA/NMFS	Hake Preliminary Fishery Management Plan (PMP) - Extension for 1981 Fishery	UC	Published in Fed. Reg. in final on January 7, 1981 (46 FR 1738).
NOAA/NMFS	Bering Sea Snail Preliminary Fishery Management Plan (PMP) Regulations	UC	Published in Fed. Reg. in final on January 7, 1981 (46 FR 1738).
NOAA/NMFS	Tanner Crab Fishery Management Plan (FMP) Regulations (Alaska) (Amendment No. 5)	UC	Published in Fed. Reg. in final on November 3, 1980 (45 FR 72667).
NOAA/NMFS	Atlantic Butterfish Fishery Management Plan (FMP) (Amendment No. 1)	UC	Published in Fed. Reg. in final on October 28, 1980 (45 FR 71357).
NOAA/NMFS	Atlantic Butterfish Fishery Management Plan (FMP)	UC	Published in Fed. Reg. in final on October 28, 1980 (45 FR 71357).
NOAA/NMFS	Regulations Governing the Taking and Importing of Marine Mammals, Taking and Related Acts Incidental to Commercial Fishing Operations (50 CFR 216.24(b)(i)(iii)(iv) and (v)	UR	Published in Fed. Reg. in final on December 10, 1980 (45 FR 81244).
NOAA/NMFS	Regulations Governing the Taking and Importing of Marine Mammals, Taking and Related Acts Incidental to Commercial Fishing Operations (50 CFR 216.24(b)(ii). (Also reported in previous agenda under Schedule A -- "Amendments to Regulations to Control the Incidental Take of Porpoise in the Yellowfin Tuna Purse Seine Fishery.")	UR	Published in Fed. Reg. in final on October 31, 1980 (45 FR 72187).

1/ Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).
2/ Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

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SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA[1/]

Department Unit	Title of Regulation	Prior Agenda Listing [2/]	Reason for Deletion from Agenda
NOAA/NMFS	Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products: U.S. Standards for Grades of Whole or Dressed Fish (50 CFR Part 261)	UR	Review completed with no changes made in the permissive regulations.
NOAA/NMFS	Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products: Inspection and Certification (50 CFR Part 260)	UR	Regulations revised to increase hourly rate for inspection fees. Published in Fed. Reg. on February 20, 1981 (46 FR 13220).
NOAA/NMFS	Regulations Governing the Taking and Importing of Marine Mammals: Actions Permitted by International Treaty, Convention, or Agreement (50 CFR 216.21)	UR	Review completed; no action contemplated.
NOAA/NMFS	Regulations Governing the Taking and Importing of Marine Mammals: Waivers of the Moratorium (50 CFR 216.32)	UR	Section was deleted from the CFR in September 1980.
NOAA/NMFS	Fishery Conservation and Management: Confidentiality of Statistics (50 CFR Part 603)	UR	Review completed. Existing interim regulation will be finalized to incorporate changes necessary to operations and to incorporate comments received from the public. See Schedule A.
NOAA/NMFS	Aid to Fisheries: Fishing Vessel Obligation Guarantee Program Procedures (50 CFR Part 255)	UR	Review completed. The Program will be extended. See Schedule A.
NOAA/NMFS	Aid to Fisheries: Control or Elimination of Jellyfish (50 CFR Part 254)	UR	Last year for authorization was 1977. Regulations are no longer in effect.
NOAA/NMFS	Aid to Fisheries: Commercial Fisheries Research and Development (50 CFR Part 253)	UR	Review completed. No action contemplated.
NOAA/NMFS	Anadromous Fisheries Conservation, Development, and Enhancement (50 CFR Part 401) (Joint regulations with the Department of the Interior)	UR	Review completed. No action contemplated in the near future.

1/ Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).
2/ Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA[1/]

Department Unit	Title of Regulation	Prior Agenda Listing [2/]	Reason for Deletion from Agenda

1/ Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).
2/ Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA1/

Department Unit	Title of Regulation	Prior Agenda Listing2/	Reason for Deletion from Agenda
NOAA/NMFS	Seamount Groundfish Preliminary Fishery Management Plan (PMP)	UC	Published in Fed. Reg. in final on January 23, 1981 (46 FR 7386). Effective April 30, 1981.
NOAA/NMFS	Determination of Critical Habitat for Kemp's Ridley and Loggerhead Sea Turtles (50 CFR Part 226)	UC	Published in final January 1980 (45 FR 45905). Inadvertently entered in the 4th Agenda.
NOAA/OCZM	Coastal Energy Impact Program Regulations (15 CFR Part 931)	UR	Review completed. Regulatory requirements have been incorporated in the proposed regulations on "Implementation of the Coastal Zone Management Improvement Act of 1980." See Schedule A.
NOAA/OCZM	Regulations for Gray's Reef National Marine Sanctuary	UC	Published as final on January 26, 1981 (46 FR 7942).
NOAA/OCZM	Regulations for Proposed Monterey Bay Marine Sanctuary	UC	Regulations not proposed. Regulations considered probably unnecessary for this sanctuary.
NOAA/OCZM	Regulations for Improving the Achievement of Coastal Zone Management Objectives	UC	Review completed. Regulatory requirements have been incorporated in the proposed regulations on "Implementation of the Coastal Zone Management Improvement Act of 1980." See Schedule A.
NOAA/OCZM	Review of the Performance of Coastal States with Respect to Coastal Management	UC	Review completed. Regulatory requirements have been incorporated in the proposed regulations on "Implementation of the Coastal Zone Management Improvement Act of 1980." See Schedule A.
NOAA/OCZM	Revision of the Regulations for Allocating Funds under the Coastal Energy Impact Program	UC	Review completed. Regulatory requirements have been incorporated in the proposed regulations on "Implementation of the Coastal Zone Management Improvement Act of 1980." See Schedule A.

1/ Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).
2/ Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA 1/

Department Unit	Title of Regulation	Prior Agenda Listing 2/	Reason for Deletion from Agenda
NOAA/OCZM	Regulations for Proposed Point Reyes/Farallon Islands Marine Sanctuary	UC	Published as final on January 26, 1981 (46 FR 7936). Before becoming effective, the regulations were temporarily suspended in response to President Reagan's memorandum of January 29, 1981 (See 46 FR 14741, March 2, 1981) and amended to suspend for six months the effective date of the prohibition on hydrocarbon activities to allow reconsideration of the impact in response to E.O. 12291. See Schedule B.
NOAA/OCZM	Regulations for Proposed Channel Islands National Marine Sanctuary	UC	Published as final on October 2, 1980 (45 FR 65198). Before becoming effective, the regulations were temporarily suspended in response to President Reagan's memorandum of January 29, 1981 (See 46 FR 14741, March 2, 1981) and amended to suspend for six months the effective date of the prohibition on hydrocarbon activities to allow reconsideration of the impact in response to E.O. 12291. See Schedule B.
OCE/BEA	Foreign Direct Investment in the United States Survey (15 CFR 804)	UR	Notice to revoke regulation published in the Fed. Reg. March 16, 1981 (46 FR 16892). Direct Investment Data will be obtained under 15 CFR 806 in the future.
OCE/BEA	Preliminary Survey of International Leasing Transactions in 1975 (15 CFR 805)	UR	Elimination of one-time reporting requirements. Regulation no longer deemed necessary. Notice to revoke regulation published in the Fed. Reg. March 16, 1981 (46 FR 16892).
OSD	Amendments to Rules Covering Regional Action Planning Commissions (13 CFR, Chapter V)	UC	Regulation to be revoked. Department unit to be abolished.
PTI/OPSP	Procedures for Listing and Delisting Voluntary Standards Bodies and Their Standards-Developing Groups	UC	Inadvertantly omitted from 4th Agenda. Final procedures issued on December 21, 1980 and published January 6, 1981 (46 FR 1574). Effective date of the regulations has been postponed until April 29, 1981.

1/ Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).
2/ Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA 1/

Department Unit	Title of Regulation	Prior Agenda Listing 2/	Reason for Deletion from Agenda

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA 1/

Department Unit	Title of Regulation	Prior Agenda Listing 2/	Reason for Deletion from Agenda
PTI/PTO	Deposit of Computer Program Listings (37 CFR 1.21, 1.77, and 1.96)	UC	Final rule published in Fed. Reg. January 12, 1981 (46 FR 2611).
PTI/PTO	Compulsory Counterclaims in Trademark Opposition and Cancellation Proceedings (37 CFR 2.106 and 2.114)	UC	Final rule published in Fed. Reg. January 22, 1981 (46 FR 6934).

1/ Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).
2/ Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

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Appendix

Department Unit: MarAd

Title: Construction-Differential Subsidy (CDS) Repayment: Total repayment policy and procedure (46 CFR Part 276).

(a) *Description and Need:* The Maritime Subsidy Board (Board) published a notice in the Federal Register on November 2, 1978, proposing to amend 46 CFR Part 276 to include a new section describing its policy in considering applications for the total repayment of CDS, including terms for repayment. At the time of publication there was pending before the U.S. Court of Appeals for the District of Columbia a decision by the District Court, holding that the Secretary of Commerce has the authority to accept total repayments of CDS in exchange for removal of domestic trade restrictions imposed by section 506 of the Merchant Marine Act, 1936, as amended. The Board issued proposed regulations prior to final disposition of the litigation based upon the request of the parties to promulgate regulation, as suggested by the District Court in its decision. The Board had not proceeded with final rulemaking action, pending final resolution of the issue of the Secretary's authority to accept the total CDS repayment. On February 20, 1980, the Supreme Court ruled that the Secretary had this authority. The Supreme Court reversed the Court of Appeals decision, and remanded the case to the Court of Appeals for further consideration of whether the Secretary could accept a promissory note as repayment.

(b) *Objective:* State policy for the exercise of authority by the Secretary of Commerce to accept total repayment of CDS in return for removal of domestic trade restrictions incident to award of CDS, including determinations of interest on amounts repaid.

(c) *Legal Authority:* Sec. 204(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)).

(d) *Importance:*

(i) Major (yes x, no ——, unknown ——).

(ii) Small Entity Impact (yes ——, no x, unknown ——).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form (June 3, 1980; 45 FR 51045).

(ii) In interim form (October 15, 1980; 45 FR 68393).

(iii) In final form (unknown, may delay until final disposition of litigation).

(f) *Tentative Plan for Obtaining Public Comments:* Through publication in proposed form in the Federal Register with information released to and published by *Journal of Commerce* and *Congressional Information Bureau* (Maritime industry publication).

(g) *Major Issues:* Under what circumstances should the Secretary of Commerce exercise existing authority to accept total repayment of CDS, and what terms of repayment will be equitable, balancing the interests of the CDS vessel owners, competitors whose vessels were built without CDS, and the Government.

(h) *Documents Available to the Public:*

(i) Regulatory Analysis (yes x, no ——, unknown ——). Anticipated Date of Draft (May 1981).

(ii) Regulatory Flexibility Analysis (yes ——, no x, unknown ——).

(iii) Other Documents (None).

(i) *Agency Contact:* William B. Ebersold, Director, Office of Trade Studies and Statistics, Maritime Administration, Washington, D.C. 20230, (202) 377–4791.

Department Unit: National Marine Fisheries Service, NOAA

Title: Extension of Commercial/Recreational Salmon Off California, Oregon, and Washington Fishery Management Plan (FMP) (50 CFR Part 661) (Fishing Year 1981)

(a) *Description and Need:* This amendment addresses two fundamental and interrelated problems: conservation of the salmon resource and allocation of the resource among fishery participants.

(b) *Objectives:* The objectives of this amendment are to provide for adequate spawning escapement; allocation to treaty Indian fisheries; allocation among ocean and "inside" sport and commercial fisheries; consideration of interests of non-fishing participants (e.g., processors, marine trades industry); and consideration of the interests of non-fishery related groups (e.g., consumers, taxpayers).

(c) *Legal Authority:* 16 U.S.C. 1801 et seq.

(d) *Importance:*

(i) Major (yes ——, no x, unknown ——).

(ii) Small Entity Impact (yes x, no ——, unknown ——).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposal form: Emergency regulations effective May 1981. See Federal Register dated July 31, 1980 (45 FR 50764).

(f) *Tentative Plan for Obtaining Public Comments:* Public hearings were held on the draft amendments to the FMP on February 19, 20, and 21, 1981. Proposed regulations will be published in the Federal Register for a 60-day comment period.

(g) *Major Issues:* What management strategy will be chosen by the Pacific Regional Fishery Management Council to achieve the objectives of the amendment?

(h) *Documents Available to the Public:*

(i) Draft Regulatory Analysis (E.O. 12044). Anticipated Date of Draft: February 1981.

(ii) Regulatory Flexibility Analysis (yes x, no ——, unknown ——). Anticipated Date of Draft: not determined.

(iii) *Other Documents:* Commercial and Recreational Salmon FMP Amendment, 1979; Commercial and Recreational Salmon FMP, 1978; Commercial and Recreational Salmon Fisheries Off the Coast of Washington, Oregon, and California FMP, 1977; and Commercial and Recreational Salmon FMP Amendment, 1980.

(i) *Agency Contact:* Herbert Larkins, Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue, North, Seattle, Washington 98109, (206) 442–7575.

Department Unit: National Marine Fisheries Service, NOAA

Title: High Seas Salmon Fishery Management Plan (FMP)—Amendment No. 2

(a) *Description and Need:* The 1981 amendment is needed to respond to the following problems: excessive effort and harvest in the fishery conservation zone (FCZ) with consequent negative impacts on depressed naturally spawning stocks of southeast Alaskan and Pacific Northwest chinook salmon; and inadequate in-season collection of catch information which hinders the ability to monitor the fishery.

(b) *Objectives:* The objective is to promote conservation of ocean salmon resource, while allowing utilization of these stocks for food production, and to bring regulations in the FCZ into conformity with regulations promulgated by the State of Alaska.

(c) *Legal Authority:* 16 U.S.C. 1801 et seq.

(d) *Importance:*

(i) Major (yes ——, no ——, unknown x).

(ii) Small Entity Impact (yes x, no ——, unknown ——).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposal form: Emergency regulations effective April 1981. See Federal Register dated September 8, 1980 (45 FR 59172).

(ii) In final form: July 1981.

(f) *Tentative Plan for Obtaining Public Comments:* Public hearings have been held on the draft amendment. Proposed regulations will be published

in the Federal Register for a 60-day comment period.

(g) *Major Issues:* What management measures are necessary to prevent overfishing, depletion of the stocks, and to equitably allocate salmon among fishing groups?

(h) *Documents Available to the Public:*

(i) Draft Regulatory Analysis (E.O. 12044). Anticipated Date of Draft: February 1981.

(ii) Regulatory Flexibility Analysis (yes x, no ——, unknown ——). Anticipated Date of Draft: April 1981.

(iii) *Other Documents:* High Seas Salmon Fishery Management Plan.

(i) *Agency Contact:* Robert W. McVey, Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, (907) 586-7221.

Department Unit: National Marine Fisheries Service, NOAA

Title: Fishery Management Plan (FMP) for the Shrimp Fishery of the Gulf of Mexico

(a) *Description and Need:* The shrimp fishery occurs in the fishery conservation zone in the Gulf of Mexico, as well as in the area of jurisdiction of various Gulf States. Shrimp species within the fishery are brown shrimp, white shrimp, pink shrimp, royal red shrimp, seabobs, and rock shrimp.

The problems in the shrimp fishery includes: conflict among user groups as to area; size at which shrimp are to be harvested; discard of shrimp through the wasteful practice of culling; conflicts with other fisheries, such as the stone crab fishery in southern Florida, the groundfish fishery of the north central Gulf, the reef fish fishery in the Gulf; and the incidental capture of sea turtles.

(b) *Objectives:* The objectives of this FMP are (1) optimize yield from shrimp recruited to the fishery, (2) coordinate development of shrimp management measures by the Gulf Fishery Management Council with shrimp management programs of the several states, and (3) promote consistency with the Endangered Species Act and the Marine Mammal Protection Act.

(c) *Legal Authority:* 16 U.S.C. 1801 et seq.

(d) *Importance:*

(i) Major (yes ——, no ——, unknown x).

(ii) Small Entity Impact (yes x, no ——, unknown ——).

(e) *Timetable: Anticipated Dates for* **Federal Register** Publication:

(i) In proposed form: November 7, 1980 (45 FR 74178).

(ii) In final form: May 1981.

(f) *Tentative Plan for Obtaining Public Comments:* Public hearings have been held. Proposed regulations were published in the Federal Register on November 7, 1980.

(g) *Major Issues:* The major issues in the FMP include: (1) What are the appropriate management measures to reduce user conflicts and lower the quantity of shrimp discarded? (2) What is the appropriate design of the data collection system? (3) What is the appropriate design of the enforcement system? and (4) What management measures are necessary to reduce the incidental catch of sea turtles?

(h) *Documents Available to the Public:*

(i) Draft Regulatory Analysis (E.O. 12044). Anticipated Date of Draft: October 1979.

(ii) Regulatory Flexibility Analysis (Yes x, no ——, unknown ——). Anticipated Date of Draft: Not determined.

(iii) *Other Documents:* Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico.

(i) *Agency Contact:* Harold B. Allen, Acting Director, Southeast Region, National Marine Fisheries Service, Duval Bldg., 9450 Koger Blvd., St. Petersburg, Florida 33702 (813) 893-3141.

Department Unit: National Marine Fisheries Service, NOAA

Title: Tanner Crab Fishery Management Plan (FMP) Regulations (Alaska) Amendment No. 7

(a) *Description and Need:* Amendment No. 7 would eliminate the 16.5 million pounds of total allowable level of foreign fishing (TALFF) for *C. opilio* tanner crab; reduce the optimum yield (OY) for *C. opilio* in the Bering Sea management area from 130 million pounds to equal domestic allowable harvest (DAH) within a range of 39.5–91.0 million pounds; establish OY's for *C. bairdi* in the Chignik management area at 5.0 million pounds, and in the South Peninsula management areas at 6.0 million pounds; and increase the range of OY for *C. bairdi* in the Bering Sea management area from 22.0–33.0 million pounds to 28.0–36.0 million pounds.

(b) *Objectives:* To increase harvest levels and abundance of *C. bairdi* tanner crab to the full acceptable biological catch (ABC) of *C. opilio* in the Bering Sea by U.S. fishermen.

(c) *Legal Authority:* 16 U.S.C. 1801 et seq.

(d) *Importance:*

(i) Major (yes ——, no x, unknown ——).

(ii) Small Entity Impact (yes x, no ——, unknown ——).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form: April 1981.

(ii) In final form: June 1981.

(f) *Tentative Plan for Obtaining Public Comments:* Proposed regulations will be published in the Federal Register for public comment. Public hearings have been held by the Regional Fishery Management Council.

(g) *Major Issued:* The major issue is the optimum yield that is consistent with efforts of U.S. fishermen to develop an export market for tanner crab.

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes ——, no, unknown ——).

(ii) Regulatory Flexibility Analysis (yes x, no ——, unknown ——). Anticipated Date of Draft: Not determined.

(iii) *Other Documents:* Commerical Tanner Crab Fishery Off the Coast of Alaska Fishery Management Plan (FMP).

(i) *Agency Contact:* Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802 (907) 586-7221.

Department Unit: Office of Ocean Minerals and Energy, NOAA

Title: Ocean Thermal Energy Conversion (OTEC) Regulations (15 CFR Part 1001)

(a) *Description and Need:* The Ocean Thermal Energy Conversion Act of 1980, Pub. L. 96-320 (the "Act") authorizes the Administrator of NOAA to license (and requires persons to obtain licenses prior to) the construction, location, ownership, and operation of:

- OTEC facilities connected to the United States by pipeline or cable;
- OTEC facilities located in the territorial sea of the U.S.;
- OTEC facilities and plantships documented under the laws of the United States; and
- OTEC plantships that are constructed, owned, or operated by U.S. citizens.

The Act requires NOAA to issue regulations with respect to the licensing of these OTEC facilities and plantships, in accordance with the provisions of the Act. NOAA is responsible for enforcing the Act and its implementing regulations.

(b) *Objective:* The regulations will provide for the licensing of OTEC facilities and plantships.

(c) *Legal Authority:* Ocean Thermal Energy Conservation Act of 1980; 42 U.S.C. 9101 et seq.; Pub. L. 96-320; 94 Stat. 974.

(d) *Importance:*

(i) Major (yes x, no ——, unknown ——).

(ii) Small Entity Impact (yes x,

no ——, unknown ——).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form (March 30, 1981—46 FR 19418).

(ii) In final form (August 3, 1981).

(f) *Tentative Plan for Obtaining Public Comments:* NOAA plans additional public hearings to hear views of representatives of affected industries, environmental groups, State and local government officials, and interested citizens. A scoping meeting on the Environmental Impact Statement (EIS) was held on Thursday, October 30, 1980, from 9 to 12 a.m., in room 4830 of the Department of Commerce Building, Washington, D.C. A public hearing was held on the Advance Notice of Proposed Rulemaking on Wednesday, January 7, 1981, from 9 to 12 a.m., in Room 6830 of the Department of Commerce Building, Washington, D.C. At least one public hearing will be held on the draft EIS and the proposed regulations after they are issued. Relevant documents will be sent to all persons who request them, and comments will be invited. Funds for public participation in the rulemaking and EIS process were offered on Friday, October 4, 1980 (45 FR 70475) in accordance with 15 CFR Part 904 (NOAA regulations on public participation). However, no eligible participants applied.

(g) *Major Issues:* The regulations will address matters such as: (1) the type of technical, financial, environmental and other information to be submitted with an application for construction, ownership, or operation of an OTEC facility or plantship; (2) environmental safeguards and monitoring requirements; and (3) methods of, and requirements for, avoiding undue interference with other users of the ocean.

(h) *Documents Available to the Public:* NOAA published a notice in the **Federal Register** requesting other Federal agencies with expertise or jurisdiction over OTEC facilities and plantships to provide NOAA with a description of their expertise and statutory responsibilities (45 FR 56857; August 26, 1980). On September 30, 1980, NOAA published an Ocean Thermal Energy Conversion Environmental Issues Discussion Paper (45 FR 63543). NOAA also published an Advanced Notice of Proposed Rulemaking (45 FR 77038; November 21, 1980).

(i) Regulatory Impact Analysis (yes x, no ——, unknown ——). Anticipated Date of Draft (Completed March 26, 1981).

(ii) Regulatory Flexibility Analysis (yes x, no ——, unknown ——). Anticipated Date of Draft (Completed March 26, 1981).

(iii) *Other Documents.* Draft Environmental Impact Statement prepared. Anticipated Date of Draft (March 26, 1981).

(i) *Agency Contact:* Lowell Martin, OTEC Regulatory Program Manager, and Rich Norling, OTEC Program Manager, Office of Ocean Minerals and Energy, Page Building #1, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 254–3463.

Department Unit: Office of Minerals and Energy, NOAA.

Title of Regulation: Deep Seabed Mining Regulations for Exploration Licenses (15 CFR Part 970, Subparts A–K)

(a) *Description and Need:* The Deep Seabed Hard Mineral Resources Act (the Act) was signed into law on June 28, 1980. It establishes a legal structure pursuant to which United States citizens may proceed with the exploration for and commercial recovery of deep seabed hard minerals (commonly referred to as "manganese nodules"), pending conclusion of an acceptable Law of the Sea Treaty which would address the same issue. The Act authorizes the Administrator of NOAA to issue to eligible U.S. citizens licenses permitting the exploration for deep seabed hard minerals (which licenses may not be issued before July 1, 1981) and permits for the commercial recovery of such minerals (which permits may not authorize commercial recovery to commence before January 1, 1988). The subject regulations are proposed for the issuance of exploration licenses. They have been developed, consistent with the purposes of the Act, to establish a legal framework to facilitate the development of the new seabed mining industry in the United States, while assuring that such efforts proceed in a responsible and environmentally sensitive manner. The regulations are intended to provide the necessary degree of certainty to the industry in order to facilitate capital investment. The regulations also recognize the need for flexibility in order to promote the development of deep seabed mining technology and allow initiative on behalf of miners to develop mining techniques and systems in a manner compatible with the requirements of the Act and these regulations.

(b) *Objective:* These regulations are intended to implement NOAA's responsibilities under the Act for the issuance of deep seabed mining exploration permits, to establish a legal regime pursuant to which U.S. companies can obtain priority rights to specified areas of the sea floor, and thus proceed with the development of a deep seabed mining industry.

(c) *Legal Authority:* Deep Seabed Hard Mineral Resources Act; Pub. L. 96–283.

(d) *Importance:*

(i) Major (yes x, no ——, unknown ——).

(ii) Small Entity Impact (yes ——, no x, unknown ——).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form (March 24, 1981–46 FR 18448).

(ii) In final form (September 21, 1981)

(f) *Tentative Plan for Obtaining 21, 1981):* NOAA has taken several steps to involve those parties outside the agency in the regulation development process. The agency published in the **Federal Register** an advance notice of proposed rulemaking on July 28, 1980 (45 FR 49953), seeking comments and information for use in this rulemaking, and sent copies of the notice to individuals or organizations already known to have an interest in the area of seabed mining. In addition, the notice requested that those who are interested in receiving relevant documents during the course of this rulemaking effort advise the agency, so that they may be added to a mailing list. In November 1980, after considering the responses received on the advance notice, NOAA issued a discussion on the major issues to be addressed in regulations. This paper was sent to interested persons and organizations, and a notice published in the **Federal Register** on November 28, 1980 (45 FR 79089). Also, a public hearing was held on December 17, 1980, to receive comments.

Furthermore, the Act requires that federal departments or agencies having expertise concerning, or jurisdiction over, any aspect of the recovery or processing of seabed mineral resources shall transmit to NOAA written comments as to their expertise or statutory responsibilities pursuant to the Act or any other federal law. NOAA is required to coordinate its functions under the Act with relevant federal agencies. To assure that these agencies are aware of this requirement, NOAA published a notice thereof in the **Federal Register**, and in addition sent individual letters to those agencies with the most relevant responsibilities.

The proposed rules were prepared after considering the above comments. Public hearings have been scheduled on the rules as follows: Honolulu, Hawaii (April 24); San Francisco, California (April 28); and Washington, D.C. (May 8).

(g) *Major Issues:* The major issues over which NOAA has discretion in implementing the Act are as follows:

1. The extent of information needed to determine the applicant's financial responsibility to engage in the proposed exploration.

2. The extent of information needed to determine the applicant's technological capability to undertake the proposed exploration.

3. The information specified for an applicant to include in its exploration plan.

4. The extent of information or analysis to be required on, and basis for evaluating potential environmental effects from, exploration activities.

5. Criteria and procedures for resolving overlapping applications by pre-enactment explorers.

6. Criteria for evaluating the proposed size and location of an exploration area.

7. Criteria for resolving potential conflicts on uses of the high seas and other international conflicts.

8. Criteria for determining whether there are undue threats to the safety of life and property at sea.

9. Criteria for terms, conditions and restrictions to be included in a license for the purpose of ensuring diligent exploration.

10. Requirements in the form of license terms, conditions and restrictions relative to environmental impact monitoring and mitigation measures.

11. Provisions for terms, conditions and restrictions in licenses to avoid waste during mining and to allow the opportunity for future recovery of the unrecovered balance of nodules.

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis Anticipated Date of Draft (yes x, no ——, unknown ——P.

(ii) Regulatory Flexibility Analysis Anticipated Date of Draft (yes x, no ——, unknown ——). (April 15, 1981).

(iii) *Other Documents:* Draft Programmatic Environmental Impact Statement; Advance notice of proposed rulemaking (45 FR 49953, July 28, 1980); and Discussion paper on the regulations (November 1980, available from Office of Ocean Minerals and Energy).

(i) Agency Contact: James P. Lawless, Office of Ocean Minerals and Energy, Page Building #1, 2001 Wisconsin Ave., N.W., Washington, D.C. 20235 (202) 653-8257.

[FR Doc. 81-12755 Filed 4-28-81; 8:45 am]
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federal register

Wednesday
April 29, 1981

Part IV

Department of Justice

Immigration and Naturalization Service

Drug Enforcement Administration

Civil Rights Division

Parole Commission

Regulatory Agendas

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Ch. I

Seimannual Agenda of Significant Regulations Under Development or Review

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Publication of the semiannual regulatory agenda.

SUMMARY: This Semiannual Agenda of Significant Regulations is issued pursuant to Executive Order No. 12291 (46 FR 13193). The purpose of the agenda is to provide the public with information about significant regulatory activity by the Immigration and Naturalization Service. Knowledge of the scope and nature of this activity, as well as specific proposals and reviews being considered, should result in more effective public participation in the Service's regulatory actions.

FOR FURTHER INFORMATION CONTACT: For inquiries or comments related to specific regulations in the agenda, the public is encouraged to contact the appropriate knowledgeable officials listed. Questions or comments concerning the overall agenda should be sent to Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 6733–3048.

SUPPLEMENTARY INFORMATION: This semiannual agenda covers:

(1) New significant regulations under development or those anticipated to be under development within the next twelve months;

(2) Existing significant regulations under review for possible revision or those anticipated to be reviewed within the next twelve months; and

(3) An update of the significant entries included in the semiannual agenda published in the **Federal Register** on January 30, 1981.

This publication in the **Federal Register** does not impose any binding obligation on the Service with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded or limited by the publication.

A. Plans for Modifying Regulations

1. Title. Refugee and Asylum Procedures

Description of the Regulation. Interim regulations to promulgate the provisions of the Refugee Act of 1980 were published on June 2, 1980 (45 FR 37392). These regulations added Parts 207, 208, and 209 to 8 CFR. Vast numbers of refugees and political asylees, from Cuba, Haiti, Indochina, and other areas were processed under these interim regulations. This experience indicated the need for some modification to the present regulations to simplify procedures for processing the applicants. The modified regulations also will have new provisions for preliminary processing of refugees overseas by the State Department. Assurances of employment and housing will be more liberal to allow reputable resettlement organizations as well as individuals to sponsor refugees rather than the former guarantee which was required of individual sponsors only. Old sections of 8 CFR which conflict with the new regulations will be deleted from the code. We believe these changes will be of benefit in providing the necessary guidance to Service personnel and the public when processing refugees and political asylees.

Legal basis. Refugee Act of 1980, Pub. L. 96–212, 94 Stat. 102, dated March 17, 1980.

Regulatory Analysis. A regulatory analysis is not required.

Knowledgeable Official. John L. Rebsamen, Director, Office of Refugee and Parole, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington DC 20536. (202) 633–2361.

B. New Regulations Under Development

The Immigration and Naturalization Service has no new regulations under development to report in this agenda. While the Select Commission on Immigration and Refugee Policy has reviewed numerous sections of the Immigration and Nationality Act and is in the process of drafting its recommendations, no new legislation has been enacted to change the Act which would in turn require new regulations. Future Congressional action may require INS to initiate plans for developing new regulations and such action wil be announced by publication in the **Federal Register.**

C. Status of Regulations Previously Listed in the Semiannual Agenda of Significant Regulations Published on October 6, 1980 (45 FR 66173)

1. Title Refugee and Asylum Procedures

These interim regulations are being finalized as described in Part A above.

For further information contact: John L. Rebsamen, Director, Office of Refugee and Parole, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington DC 20536. (202) 633–2361.

2. Title. Rules for Employment Authorization for Certain Aliens, 8 CFR Part 109

On July 25, 1979 (44 FR 43480) and March 26, 1980 (45 FR 19563) the Service published proposed rules to codify various Service Operations Instructions, policy statements, and other memoranda relating to granting employment authorization to aliens in the United States. After careful consideration of the comments received during the public comment periods, the Service is preparing a final rule to incorporate employment authorization under one part of the CFR which will codify all of the prior material.

For further information contact: H. F. Klajbor, Deputy Assistant Commissioner, Adjudications, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. (202) 633–3229.

Semiannual Agenda Overview

Title of regulations	Target dates	
	Publish for comment	Issuance of final regulation
A. Regulations under review and revision: 1. Refugee and asylum procedures (interim).	June 2, 1980	June 1981.
B. New regulations under development: None.		
C. Status of regulations previously listed in the semiannual agenda of significant regulations published on October 6, 1980 (45 FR 66173):		
1. Refugee and asylum procedures (final).	(1)	
2. Rules for employment authorization for certain aliens.	July 25, 1979	June 1981.

[1] See Part A above.

Dated: April 22, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-12869 Filed 4-28-81; 8:45 am]

BILLING CODE 4410-10-M

Drug Enforcement Administration

21 CFR Ch. II

Semiannual Agenda of Regulations; Regulatory Flexibility Agenda

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Drug Enforcement Administration publishes its semiannual agenda of regulations pursuant to Section 5 of Executive Order 12291 and Section 602 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: For inquiries or comments related to specific regulations in this agenda, the public is encouraged to contact the appropriate knowledgeable official. Questions concerning the overall agenda should be addressed to William M. Lenck, Chief Counsel, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, (202) 633–1276.

A. Plans for Modifying Regulations

Title. Schedules of Controlled Substances; Denial of Petition to Decontrol Mazindol: Rescheduling of Mazindol into Schedule IV.

Description of the Regulation. On April 17, 1981 (47 FR 22393), DEA published a combined Final Rule and Notice of Proposed Rulemaking in which it denied a petition to remove mazindol (Sanorex) from the list of substances controlled under the Controlled Substances Act and proposed to reschedule this drug from Schedule III to Schedule IV of the Act. Interested parties and the public at large have been invited to submit comments with respect to the proposed action. The comment period is scheduled to close on June 16, 1981. The proposed rescheduling of mazindol is based upon the medical and scientific evaluation and recommendations of the Assistant Secretary for Health, Department of Health and Human Services.

Legal Basis. 21 U.S.C. 811.

Regulatory Analysis. No regulatory analysis or regulatory flexibility analysis is required.

Knowledgeable Official. Howard McClain, Jr. Chief., Regulatory Control Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, (202) 633–1366.

B. New Regulations Under Development

DEA has no other new regulations under development.

C. Status of Regulations Previously Listed in the Semiannual Agenda of Regulations Published on January 30, 1981 (46 FR 10185)

1. *Title.* Schedules of Controlled Substances; Placement of Temazepam in Schedule IV.

In the January 30, 1981 agenda, DEA advised that it had published a Notice of Proposed Rulemaking to list temazepam in Schedule IV of the Controlled Substances Act. No comments or objections to the proposed scheduling were received and on April 7, 1981 (46 FR 20671) DEA published a Final Rule placing temazepam in Schedule IV along with similar drugs currently listed in that schedule.

For further information contact: Howard McClain, Jr., Chief, Regulatory Control Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, (202) 633–1366.

2. *Title.* Reports from Manufacturers of Schedule III and IV Products Listed in the Psychotropic Convention of 1971.

In the January 30, 1981 agenda, DEA advised that it was planning to amend 21 CFR 1304.43 to impose a new reporting requirement upon manufacturers of substances listed in Schedules III and IV of the Psychotropic Convention of 1971. This matter is still under study and no Notice of Proposed Rulemaking has been issued. DEA will attempt to devise a reporting format which will provide the information needed to meet this country's international obligations while imposing the least possible additional burden upon the affected registrants.

For further information contact: Alfred A. Russell, Chief, Regulatory Support Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, (202) 633–1570.

3. *Title.* Transfer of Prescription Information for Schedule II, IV and V Controlled Substances.

In the January 30, 1981 agenda, DEA advised that it had issued a Notice of Proposed Rulemaking (45 FR 21652, April 2, 1980) to amend 21 CFR § 1306.26 to permit the transfer of prescriptions for certain controlled substances from one pharmacy to another. This proposal has resulted in the submission of an unusually large number of comments, both for and against. The proposal is still under study.

For further information contact: Ronald W. Buzzeo, Chief, Compliance Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, (202) 633–1321.

D. Regulatory Flexibility

The Controlled Substances Act and the regulations promulgated thereunder have from their inception recognized the differences between large and small entities. The recordkeeping, reporting and security requirements imposed upon retail-level registrants, such as pharmacies and individual practitioners, are considerably less involved than those imposed upon manufacturers and distributors. Manufacturers, in many cases, produce controlled substances under internationally mandated quotas and reporting requirements and distributors typically handle large volumes of highly abusable and dangerous drugs.

The recordkeeping and reporting requirements administered by DEA are mandated by the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, and by the treaties and other international agreements to which the United States is a party. The ultimate purpose of these requirements is to prevent the diversion of controlled substances from legitimate medical, scientific and industrial channels into the illicit marketplace. Without losing sight of this important purpose, DEA continuously reviews its regulations in order to ascertain that they impose the least possible burden upon registrants, large and small. These efforts predate the enactment of the Regulatory Flexibility Act and other regulatory reform measures. With respect to this on-going review process, registrants and other interested persons are encouraged to make their comments, suggestions and concerns known to the administration through the various responsible officials listed above.

Dated: April 21, 1981.

Frederick A. Rody, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-12870 Filed 4-28-81; 8:45 am]

BILLING CODE 4410-09-M

Civil Rights Division

28 CFR Ch. I

Semiannual Agenda of Regulations

AGENCY: Civil Rights Division, Justice.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: The Civil Rights Division is publishing its semiannual agenda of

regulations under Executive Order 12291.

FOR FURTHER INFORMATION CONTACT: For information regarding individual regulations, contact the individual identified as the knowledgeable official.

A. Plans for Modifying Regulations

Title. Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs

Description of Regulation. The Civil Rights Division is amending its Title VI coordination regulation, 28 CFR Part 42, Subpart F, to reflect the increased coordination responsibility vested in the Attorney General by Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws." This Executive Order, which supersedes Executive Orders 11764 and 11914, assigns to the Attorney General the overall responsibility for coordinating the enforcement of the following laws:

(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); (2) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); (3) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); and (4) any other statutory provision of Federal law which provides in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

The Executive Order in Section 1–2, "Coordination of Nondiscrimination Provisions," also enumerates several specific responsibilities of the Attorney General in carrying out this oversight and coordination function which were not included in either of the two previous Orders. Accordingly, the current regulation must be completely revised.

Legal Basis. Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws," 45 FR 72995, November 4, 1980.

Regulatory Analysis. A regulatory analysis is not required.

Knowledgeable Official. Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530 (202) 724–6757.

B. New Regulations Under Development

Title. Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds

Description of the Regulation. This proposed rule sets forth procedures for the handling of complaints of employment discrimination which are filed with Federal fund granting agencies under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and other provisions of Federal law which prohibit discrimination on grounds of race, color, religion, sex, or national origin in programs or activities receiving Federal financial assistance. The regulation allows the fund granting agency to refer complaints to the Equal Employment Opportunity Commission (EEOC). For complaints covered both by Title VI or Title IX and Title VII of the Civil Rights Act of 1964, the regulations contemplate that those complaints which allege individual acts of discrimination will be referred to EEOC for investigation and conciliation, while those complaints which allege systemic discrimination will be retained by the fund granting agency. Employment discrimination complaints which are not covered by Title VI or Title IX will be transferred to EEOC.

This proposed rule will allow Federal fund granting agencies to focus their enforcement efforts on services discrimination and systemic employment discrimination which affects the rights of beneficiaries. At the same time, it will avoid duplication of investigations by Federal agencies and should therefore remove needless burdens from recipient employers.

This proposed rule will be promulgated jointly with EEOC.

Legal Basis. Executive Order 12250, 45 FR 72995 (November 4, 1980) and Executive Order 12067, 43 FR 28967 (June 30, 1978).

Knowledgeable Official. David L. Rose, Chief, Federal Enforcement Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 633–3861.

C. Status of Regulations Previously Listed in the Semiannual Agenda of Significant Regulations Published on October 8, 1980 (45 FR 66813)

1. Title. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965

On March 21, 1980, the Attorney General published in the **Federal Register** (45 FR 18290) for comments proposed revised Procedures for Administration of Section 5 of the Voting Rights Act of 1965, 28 CFR Part 51. On January 5, 1981, the Attorney General published in the **Federal Register** (46 FR 870) final revised Procedures. Editorial corrections to the final revised Procedures were published on January 29, 1981 (46 FR 9570). For further information contact David H. Hunter, Attorney, Voting Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 724–7189.

2. Title. Nondiscrimination Based on Handicap in Federally Assisted Programs

The final rule for nondiscrimination based on handicap in Federally assisted programs was published in the **Federal Register** on Tuesday, June 3, 1980, 45 FR 37620. For further information contact Robert N. Dempsey, Attorney, Federal Enforcement Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 633–2374.

3. Title. Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance

The Civil Rights Division published the Department's regulation proposed to implement the Age Discrimination Act of 1975, as amended, on May 19, 1980, at 45 FR 32710. Following the comment period, the Division worked with the Office of the General Counsel of the Department of Health and Human Services and developed modifications to the proposed regulation. The Office of Legal Counsel at Justice has approved the proposed regulation, with the technical modifications noted, as to form and legality. On November 10, 1980, the Civil Rights Division forwarded to the Secretary of the Department of Health and Human Services the final version of the Department of Justice regulation and requested the Secretary's approval, following which it will be submitted to the Attorney General for signature and then published as a final rule. For further information contact David B. Marblestone, Attorney, Appellate Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 633–4492.

4. Title. Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance—Implementation of Title IX of the Education Amendments Act of 1972, as Amended

This regulation was listed in the semiannual agenda of the Civil Rights Division published on October 8, 1980. 45 FR 66813. Notice of Proposed Rulemaking was published on June 11, 1980, 45 FR 41001, and the comment period on that notice was extended on September 19, 1980, 45 FR 54770. A revised Notice of Proposed Rulemaking is expected to be published for comment. For further information contact Stewart B. Oneglia, Chief, Coordination and Review Section, Civil

Rights Division, Department of Justice, Washington, D.C. 20530, (202) 724–6757.

James P. Turner,

Acting Assistant Attorney General, Civil Rights Division.

[FR Doc. 81-12868 Filed 4-28-81; 8:45 am]
BILLING CODE 4410-01-M

Parole Commission

28 CFR Ch. I

Semiannual Agenda of Regulations

AGENCY: United States Parole Commission.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: This semiannual agenda of significant regulations is issued pursuant to Executive Order No. 12291 (46 FR 13193).

The purpose of this semiannual agenda is to provide the public with information about regulatory activities in the United States Parole Commission. The last agenda was published on January 30, 1981.

FOR FURTHER INFORMATION CONTACT: For inquiries or comments related to regulations described in the agenda, the public is encouraged to contact the identified knowledgeable official. Questions or comments concerning the overall agenda should be sent to Toby Slawsky, General Counsel's Office, United States Parole Commission, Park Place, One North Park Building, 5550 Friendship Blvd., Bethesda, Maryland 20015, (301) 492–5959.

SUPPLEMENTARY INFORMATION: The semiannual agenda covers regulations under development at the time this agenda is prepared or which the Parole Commission anticipates developing within the next twelve months. For all regulations that were included in the last semiannual agenda published January 30, 1981, a status update is included.

A. Plans for Modifying Regulations

Title. Delegation to Hearing Examiners, 28 CFR 2.23

Description of Regulation. The Parole Commission is considering modifying its regulations at 28 CFR 2.23 and 2.49(e) to provide that a Regional Commissioner can personally conduct local revocation hearings. The Commission is considering this action as a cost saving measure since it would allow a Commissioner to conduct a local revocation hearing in conjunction with other official travel.

Legal Basis: 18 U.S.C. 4203(a)(1)

Knowledgeable Official: Rockne Chickinell, Attorney, General Counsel's Office (301) 492–5959.

2. Title. Reopening of Cases, 28 CFR 2.28

Description of Regulation. The Commission is considering modifying 28 CFR 2.28(c) to eliminate the requirement that the Commission hold a new hearing when a prisoner receives an additional federal sentence following his initial parole consideration, where the Commission has previously evaluated the new criminal behavior which led to the additional federal sentence at a rescission hearing under 28 CFR 2.34 and has set a presumptive or effective parole date. The Commission is considering this modification as a cost saving measure to eliminate duplicative hearings.

Legal Basis: 18 U.S.C. 4203(a)(1).

Knowledgeable Official: Rockne Chickinell, Attorney, General Counsel's Office (301) 492–5959.

B. New Regulations Under Development

The Parole Commission has no new regulations under development to report.

C. Status of Regulations Previously Listed in the Semiannual Agenda Published on January 30, 1981 (46 FR 10108)

Paroling Policy Guidelines, 28 CFR 2.20. The Parole Commission published its proposed rule modifying its offense severity scale on March 3, 1981 at 46 FR 14904. For further information contact Barbara Meierhoefer, Research Unit, (301) 492–5980.

Dated: April 22, 1981.

Cecil C. McCall,

Chairman, United States Parole Commission.

[FR Doc. 81-12871 Filed 4-28-81; 8:45 am]
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Wednesday
April 29, 1981

Part V

Department of the Interior

Bureau of Land Management

State Grants; Amendments to the State Indemnity Selections Regulations

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2620

[Circular No. 2486]

State Grants; Amendments to the State Indemnity Selections Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior, in close cooperation with the affected States, has developed a new State Indemnity Selection process that will expedite the selection by the States of their remaining in-lieu selection rights. This final rulemaking makes technical amendments to the existing regulations that will facilitate the expedited process.

EFFECTIVE DATE: May 29, 1981.

ADDRESS: Any suggestions or inquiries should be sent to: Director (321), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Keith Corrigall, (202) 343–8693.

SUPPLEMENTARY INFORMATION: This final rulemaking is one step in a two step change in the procedures covering the State indemnity selection process. These changes will speed up the process of completing the remaining in-lieu selection rights of several of the States.

The first change is the deletion of § 2621.1 which was placed in the existing regulations as a result of the enactment of the Act of August 27, 1958 (72 Stat. 928). This Act, among other things, granted the States a preference, on revocations made within ten years from the date of the enactment of the Act, to select from lands which had been withdrawn but on which the withdrawal was revoked. Section 2621.1 permits a State to waive its preference. Since the ten year period expired on August 27, 1968, this provision is no longer applicable and its removal has no impact on the selecting States.

The second change is the deletion of § 2621.2(d)(2) which contains a 12,000 acre limitation on the amount of land that can be included in one application. This limitation was imposed by regulation at a time when there were large acreages outstanding under the State indemnity selection process and was designed to keep the State Offices of the Bureau of Land Management from being overwhelmed by a single application. The State Offices of the Bureau can handle the limited acreages now outstanding under the State indemnity selection process and the limitation no longer serves a valid purpose.

The third administrative change is an amendment to § 2621.2(d)(3) that will make it easier for the Department of the Interior to process applications from the States on an aggregate or pool basis because States will no longer be required to offer a specific base parcel for a specific land parcel of the Federal Government at the time of the filing of an application. Prior to approval of the application, the States and the Department will identify the specific base parcels being used for entitlement purposes.

The fourth administrative change made by this final rulemaking is deletion of § 2621.2(e). This section provides that each application for in-lieu lands shall be accompanied by a non-refundable fee of $5. The Secretary of the Interior has decided, pursuant to the authority granted by section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734), to waive the fees in connection with the State indemnity selection process. The present fee is not adequate to cover the costs of processing State indemnity selections. Waiving the fee is an administrative action and has a beneficial impact on the affected States.

Good cause exists for issuance of this rulemaking as a final rulemaking. Because the changes are administrative and technical in nature and make only procedural changes in the existing regulations, public comment is unnecessary. The changes have no adverse impact on the States involved in indemnity selections, but should have the beneficial impact of expediting the process.

The principal authors of this final rulemaking are Keith Corrigall, Branch of Land Resources, Division of Land Resources and Realty, Bureau of Land Management and Robert C. Bruce, Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is neither a major regulatory action requiring the preparation of a regulatory analysis under Executive Order 12291 nor a regulatory action having a significant economic effect on a substantial number of small entities and does not require a small entity flexibility analysis under the Regulatory Flexibility Act (Pub. L. 96–354).

Under the authority of sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), Subpart 2621, Part 2620, Group 2600, Subchapter B, Chapter II of the Code of Federal Regulations is amended as set forth below.

David C. Russell,

Deputy Assistant Secretary of the Interior.

April 10, 1981.

§ 2621.1 [Removed]

§§ 2621.2—2621.5 [Renumbered 2621.1—2621.4]

1. Section 2621.1 is removed in its entirety and §§ 2621.2, 2621.3, 2621.4 and 2621.5 are renumbered 2621.1, 2621.2, 2621.3, and 2621.4 respectively.

§ 2621.1 [Amended]

2. Paragraph (d)(2) is removed from § 2621.2, renumbered 2621.1 above, and paragraphs (d)(3), (d)(4) and (d)(5) are renumbered (d)(2), (d)(3) and (d)(4) respectively.

3. Paragraph (d)(3) of the existing regulations, renumbered paragraph (d)(2) above, is revised to read as follows:

* * * * *

(d) * * *

(2) Separate base or bases do not have to be assigned to each smallest legal subdivision of selected surveyed lands or mineral estate and to each tract of unsurveyed lands upon application. However, prior to final approval of the selection, separate base or bases shall be assigned. Assignment of the smallest actual or probable legal subdivision as base will constitute an election to take indemnity for the entire subdivision and is a waiver of the State's rights to such subdivision, except that any remaining balance of acreage may be used as base in other selections.

* * * * *

4. Paragraph (e) is removed in its entirety from § 2621.2, renumbered 2621.1 above.

[FR Doc. 81-13060 Filed 4-28-81; 8:45 am]

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Wednesday
April 29, 1981

Part VI

Department of the Interior

Bureau of Land Management

Amendment To Provide Segregation for State Indemnity Lands

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ACTION: P

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2090

Amendment To Provide Segregation for State Indemnity Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Department of the Interior, in close cooperation with the affected States, has developed a new State indemnity selection process that will expedite the selection by the States of their remaining in-lieu selection rights. This proposed rulemaking will amend the existing regulations to provide for the segregation of lands applied for by a State as part of the indemnity selection process. This change will facilitate the expedited process.

DATES: Comments by June 1, 1981.

ADDRESS: Comments should be sent to: Director (650), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

Comments will be available for public review in room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.) on work days.

FOR FURTHER INFORMATION CONTACT: Keith Corrigall, 202–343–8693.

SUPPLEMENTARY INFORMATION: This proposed rulemaking is one step in a two step change in the procedures covering the State indemnity selection process. The two proposed changes to the existing regulations will speed up the process of completing the remaining in-lieu selection rights of several of the States. Several administrative changes are being made through a separate final rulemaking. This proposed rulemaking makes one substantive change in the existing regulations on segregation. It adds a new § 2091.2–6 to Subpart 2091 which deals with segregation of lands. The new section provides for the segregation of the lands covered by an application of a State for indemnity lands and requires the publication of notice of the filing of the application. The publication will be made in the **Federal Register**. The new section also provides the procedure for terminating the segregative effect. Segregating the lands covered by an application for indemnity lands will protect those lands from entry under the public land laws, including the mining laws, during the processing of the application.

The principal authors of this proposed rulemaking are Keith Corrigall, Branch of Land Resources, Division of Land Resources and Realty, Bureau of Land Management, and Robert C. Bruce, Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is neither a major regulatory action requiring the preparation of a regulatory analysis under Executive Order 12291 nor a regulatory action having a significant economic effect on a substantial number of small entities, and does not require a small entity flexibility analysis under the Regulatory Flexibility Act (Pub. L. 96–354).

Under the authority of section 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), it is proposed to amend Subpart 2091, Part 2090, Group 2000, Subchapter B, Chapter II of the Code of Federal Regulations as set forth below:

A new § 2091.2–6 is added as follows:

§ 2091.2 Upon application for.

* * * * *

§ 2091.2–6 State indemnity selections.

The filing of an application for selection under the provisions of Subpart 2621 of this part shall segregate the lands described in the application from settlement, sale, locations or entry under the public land laws, including the mining laws. The authorized officer shall promptly publish in the **Federal Register** a notice of the filing of the selection application. Any application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant. The segregative effect of the selection application on the public lands shall terminate upon issuance of a document of conveyance to such lands, upon publication in the **Federal Register** of a notice of termination of the segregation or the expiration of 2 years from the date of the filing of the selection application, whichever occurs first. Where administrative appeal or review actions have been sought pursuant to Part 4 or Subpart 2450 of this title, the segregative period shall continue in effect until publication of a notice of termination of the segregation in the **Federal Register**.

David C. Russell,

Deputy Assistant Secretary of the Interior.

April 10, 1981.

[FR Doc. 81–12987 Filed 4–28–81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of May 3 through May 9, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

15494 3-6-81 / Contagious Equine Metritis, method for release of breeding mares under quarantine; comments by 5-5-81

Office of the Secretary—

21016 4-8-81 / Employee responsibilities and conduct; comments by 5-8-81

CONSUMER PRODUCT SAFETY COMMISSION

20032 4-2-81 / Safety standard for unvented gas-fired space heaters; proposed extension of effective date; comments by 5-4-81

EDUCATION DEPARTMENT

16321 3-24-81 / Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance; comments by 5-8-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

16903 3-16-81 / Natural gas companies; pipeline blanket certificates, interstate; routine transactions; comments by 5-8-81

21192 4-9-81 / Procedures for operator protests relating to stripper well natural gas; comments by 5-8-81

21189 4-9-81 / Revised notice of proposed revisions to Form No. 15, Interstate Pipelines Annual Report of Gas Supply; comments by 5-4-81

ENVIRONMENTAL PROTECTION AGENCY

83952 12-19-80 / Air pollutants, hazardous; national emission standards; benzene from storage vessels with capacity greater than four cubic meters; comments by 5-8-81

[Comment period extended at 46 FR 9660, 1-29-81]

20233 4-3-81 / Air quality, Alabama, designation of areas for planning purposes, Jefferson County; comments by 5-4-81

20234 4-3-81 / Air quality, Alabama; designation of areas for planning purposes, Lauderdale County; comments by 5-4-81

20231 4-3-81 / Air quality, Georgia; surveillance plan revision; comments by 5-4-81

20233 4-3-81 / Air quality, Missouri; revision of State Implementation Plan; comments by 5-4-81

20236 4-3-81 / Air quality, South Carolina; designation of areas for planning purposes; comments by 5-4-81

21629 4-13-81 / Application submitted by General Motors Corporation (GM) for waiver of 1982 model year carbon monoxide (CO) exhaust emission standard for its 2.5 liter (L) throttle body fuel injected (TBFI) engine family; comments by 5-4-81

20573 4-6-81 / California; air quality implementation plans; delayed compliance; comments by 5-6-81

20707 4-7-81 / Iron and steel manufacturing point source category; effluent limitations guidelines; pretreatment standards and new source performance standards; comments by 5-8-81

20703 4-7-81 / Motor vehicle pollution control; procedures for application for waiver of effective date of carbon monoxide emission standards for certain 1982 model year light-duty motor vehicle models; comments by 5-4-81

20705 4-7-81 / Motor vehicle pollution control; procedures for application for waiver of the 1981-1984 model year oxides of nitrogen emission standard for light-duty diesel motor vehicles; comments by 5-4-81

20692 4-7-81 / State Implementation Plans; revision; Commonwealth of Virginia; comments by 5-7-81

20696 4-7-81 / State Implementation Plan; revision; Commonwealth of Virginia; comments by 5-7-81

20690 4-7-81 / State Implementation Plans; approval and promulgation; Wisconsin; comments by 5-7-81

FEDERAL COMMUNICATIONS COMMISSION

20707 4-7-81 / Elimination of the telephone company cable television cross-ownership rules for rural areas; reply comments by 5-6-81

17809 3-20-81 / FM broadcast station in Ansley, Ala.; changes in table of assignment; comments by 5-4-81

17811 3-20-81 / FM broadcast station in Bend, Oreg.; changes made in table of assignment; comments by 5-4-81

17810 3-20-81 / FM broadcast stations in Fort Bragg and Mendocino, Calif.; changes made in table of assignments; comments by 5-4-81

13740 2-24-81 / FM broadcast station in Crockett, Texas; changes in table of assignment; reply comments by 5-4-81

13738 2-24-81 / FM broadcast stations, table of assignments; Owenton, Kentucky; reply comments by 5-4-81

13739 2-24-81 / FM broadcast stations, table of assignments; Sparks, Nevada; reply comments by 5-4-81

15749 3-9-81 / Regulatory policies and procedures for the Domestic Public Land Mobile radio service; reply comments by 5-7-81

[Corrected at 46 FR 21042, 4-6-81]

21633 4-13-81 / Television broadcast station in Santa Barbara, Calif.; amendment to table of assignments; reply comments extended to 5-6-81

[*See also* 45 FR 55244, 8-19-80]

INTERIOR DEPARTMENT

Fish and Wildlife Service—

21208 4-6-81 / African elephants; proposed easing of restrictions on domestic activities; comments by 5-7-81

20713 4-7-81 / International Trade in Endangered Species of Wild Fauna and Floria; amendments to appendices of the convention on; comments by 5-6-81

Surface Mining Reclamation and Enforcement Office—

22399 4-17-81 / Permanent regulatory program for surface coal mining and reclamation operation; comments by 5-6-81

INTERSTATE COMMERCE COMMISSION

17814 3-20-81 / C.O.D. shipments; authorization of individual carriers to establish own nondiscriminatory collection and remittance rules; comments by 5-4-81

17234 3-18-81 / Detention of motor vehicles—nationwide and Alaska; comments by 5-4-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

20229 4-3-81 / Nevada State Plan; notices of violation in lieu of citations for certain other than serious violations; comments by 5-4-81

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

15720 3-9-81 / Commission operations and relocation procedures; recodification, revision and additions to Part 700—Commission Operations and Relocation Procedures; comments by 5-8-81

NUCLEAR REGULATORY COMMISSION

20215 4-3-81 / Power reactor operating licenses review procedures; immediate effectiveness rule; comments by 5-4-81

15154 3-4-81 / Uranium fuel cycle environmental data; comments by 5-4-81

PERSONNEL MANAGEMENT OFFICE

20213 4-3-81 / Excepted service; appointments of disadvantaged youth under Summer Aid Program to permit appointment of mentally retarded or severely physically handicapped youths, regardless of financial need; comments by 5-4-81

SECURITIES AND EXCHANGE COMMISSION

15713 3-9-81 / Dissemination of quotations for reported securities; comments by 5-8-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

14749 3-3-81 / Petitions for rulemaking; summary of petition received and disposition of petition denied; comments by 5-4-81

TREASURY DEPARTMENT

Internal Revenue Service—

15883 3-10-81 / Definitions and special rules relating to generation-skipping transfers; comments by 5-6-81

Revenue Sharing Office—

20230 4-3-81 / Handicapped discrimination regulations; comments by 5-4-81

Deadlines for Comments on Proposed Rules for the Week of May 10 through May 16, 1981

COPYRIGHT ROYALTY TRIBUNAL

20566 4-6-81 / Regulations for copyright owner access to phonorecord players (jukeboxes) and certain establishments; comments by 5-15-81

ENERGY DEPARTMENT

Economic Regulatory Administration—

20508 4-3-81 / Crude oil and refined petroleum products; price and allocation regulation revocation; comments by 5-15-81

[Corrected at 46 FR 21357, 4-10-81]

Federal Energy Regulatory Commission—

22004 4-15-81 / High-cost gas produced from tight formations, Alabama; comments by 5-11-81

ENVIRONMENTAL PROTECTION AGENCY

21390 4-10-81 / Air quality, Ohio; deadline to remedy conditionally approved portions for primary nonattainment area of Middletown; comments by 5-11-81

21391 4-10-81 / Air quality, Washington; review of implementation plans as applied to energy facilities; comments by 5-11-81

18055 3-23-81 / Canned and preserved seafood processing point source category; comments by 5-11-81

21200 4-9-81 / Consideration of request that a variance to Virginia's Air Pollution Control Regulations be processed as revision to the State Implementation Plan; comments by 5-11-81

21632 4-13-81 / Polyethylene glycol; exemption from the requirement of a tolerance; comments by 5-13-81

21199 4-9-81 / Proposed approval of revisions of the South Dakota State Implementation Plan; comments by 5-11-81

2556 1-9-81 / Proposed disposal standards for inactive uranium processing sites; comments by 5-11-81

22005 4-15-81 / Standards of performance for new stationary sources: stationary gas turbines; comments by 5-15-81

21790 4-14-81 / State and Federal administrative orders permitting a delay in compliance with State implementation plan requirements; proposed disapproval of administration order issued by Indiana Air Pollution Control Board to Bethlehem Steel Corp.; comments by 5-14-81

18978 3-27-81 / State hazardous waste programs, requirements for authorization; comment period extended to 5-11-81

[*See also* 46 FR 8296, 1-26-81]

21395 4-10-81 / Water pollution, Virginia, expansion of program to include discharges from Federal facilities; comments by 5-11-81

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15888 3-10-81 / Financial disclosure requirements for bank employees; comments by 5-11-81

FEDERAL COMMUNICATIONS COMMISSION

17233 3-18-81 / Automation of the use of measurement data for AM broadcast stations; comments extended to 5-11-81

[*See also* 45 FR 82973, 12-17-80]

15185 3-4-81 / FM broadcast station in East Hampton, N.Y.; Proposed changes in table of assignments; reply comments by 5-11-81

15186 3-4-81 / FM broadcast station in Fort Worth and Palestine, Tex.; Proposed changes in table of assignments; reply comments by 5-11-81

15184 3-4-81 / FM broadcast station in Tioga and Boyce, La.; Proposed changes in the table of assignments; reply comments by 5-11-81

FEDERAL COMMUNICATIONS COMMISSION

23087 4-23-81 / Inquiry into the role of low-power television broadcasting and television translators in the National Telecommunications system; reply comment period extended to 5-13-81

[*See also* 46 FR 50178, October 17, 1980]

22626 4-20-81 / Interservice sharing of frequencies in the private land mobile service below 470 MHz; comments by 5-15-80

12024 2-12-81 / Telephone systems; license contract agreements and other intrasystem arrangements; comments by 5-11-81

19005 3-27-81 / TV broadcast station in Lander, Wyo.; changes in table of assignments; comments by 5-12-81

19269 3-30-81 / TV broadcast station in Orchard, Nebr.; changes in table of assignments; comments by 5-15-81

19267 3-30-81 / TV broadcast stations in Arcata and Eureka, Calif.; changes in table of assignments; comments by 5-15-81

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17064 3-17-81 / Interest in Reparation Proceedings; comments by 5-13-81

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21784 4-14-81 / Funeral industry practices extension of rebuttal comment period to 5-13-81

[Originally published at 46 FR 6976, 1-22-81]

16274 3-12-81 / George Irvin Chevrolet Co.; proposed consent agreement with analysis to aid comment; comments by 5-11-81

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19271 3-30-81 / C.O.D. shipments, handling of funds; elimination of requirements; comments by 5-14-81

19273 3-30-81 / Railroad employees; revision of reporting requirements; comments by 5-14-81

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4182 1-16-81 / Marine terminals; health and safety standards; comments by 5-15-81

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22762 4-21-81 / Federal credit unions; share, share draft and share certificate accounts; deregulation of deposit rate ceilings; comments by 5-15-81

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18559 3-26-81 / Proposed availability of Rule 242 to certain mining companies; definition of "qualified issuer"; comments by 5-15-81

12011 2-12-81 / Proxy rules and shareholder communications; disclosure and compliance; comments by 5-15-81

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15746 3-9-81 / Balloon Federation of America; balloon pilot and flight instructor certification; petition for rulemaking; comments by 5-11-81

3776 1-15-81 / Parts manufacturer approvals; and falsification of airworthiness certification documents; reply comments by 5-15-81

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21620 4-13-81 / Regulations review; comments by 5-15-81

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21389 Loan guaranty; home financing by State and local agencies and VA; simultaneous veteran participation; comments by 5-11-81

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21211 4-9-81 / San Juan National Forest Grazing Advisory Board, Durango, Colo. (open), 5-6-81

21211 4-9-81 / Sierra National Forest Grazing Advisory Board, Fresno, Calif. (open), 5-6-81

21796 4-14-81 / Targhee Forest Grazing Advisory Board, St. Anthony, Idaho (open), 5-6-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

19371 3-30-81 / Arts and Artifacts Indemnity Panel, Washington, D.C. (closed), 5-6-81

22702 4-20-81 / Humanities National Council Advisory Committee, Washington, D.C. (partially closed), 5-7 and 5-8-81

22997 4-23-81 / National Council on the Arts, Washington, D.C. (partially open), 5-9 and 5-10-81

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21797 4-14-81 / Colorado Advisory Committee, Denver, Colo. (open), 5-9-81

22246 4-16-81 / Indiana Advisory Committee, Indianapolis, Ind. (open), 5-4-81

21798 4-14-81 / Washington and Alaska Advisory Committees, Seattle, Wash. (open), 5-5-81

21796 4-14-81 / Washington and Alaska Advisory Committees, Seattle, Wash. (open), 5-6-81

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22920 4-22-81 / Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, Washington, D.C. (closed), 5-7-81

National Oceanic and Atmospheric Administration—

21798 4-14-81 / Inter-Council Billfish Committee, Arlington, Va. (open), 5-6 and 5-7-81

21636 4-13-81 / Mid-Atlantic Fishery Management Council, Scientific and Statistical Committee, Philadelphia, Pa. (open), 5-6-81

21051 4-8-81 / Pacific Fishery Management Council, Scientific and Statistical Committee, Pink Shrimp Subpanel, San Rafael, Calif. (partially open), 5-5 through 5-7-81

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22788 4-21-81 / Board of Visitors, United States Military Academy, Washington, D.C. (open), 5-6-81

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22256 4-16-81 / Scientific Advisory Group on Effects, San Francisco, Calif. (closed), 5-4 through 5-7-81

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19970 4-2-81 / DoD Advisory Group on Electron Devices (AGED), Arlington, Va. (closed), 5-4-81

17826 3-20-81 / Wage Committee, Washington, D.C. (closed), 5-5-81

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22257 4-16-81 / National Advisory Council on Indian Education, Anchorage, Alaska (partially open), 5-1 through 5-3-81

19294 3-30-81 / National Council on the Handicapped, Washington, D.C. (open), 5-6-81

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22930 4-22-81 / Energy Research Advisory Board, Washington, D.C. (open), 5-7 and 5-8-81

22782 4-21-81 / International Energy Agency, Industry Working Party, Paris, France (closed), 5-4, 5-5, and 5-6-81

22025 4-15-81 / National Petroleum Council, Environmental Conservation Committee, Land Use Task Group, Washington, D.C. (open), 5-5-81

22423 4-17-81 / Oak Ridge Reservation to the City of Oak Ridge, Tennessee; intent to prepare an environmental impact statement, Oak Ridge, Tenn. (open), 5-6-81

21692 4-13-81 / Preparation of an environmental impact statement on an inactive uranium mill tailings pile near Salt Lake City, Utah, Salt Lake City, Utah (open), 5-5-81 and Tooele, Utah (open), 5-6-81

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20266 4-3-81 / Tucson Electric Power Company, Tucson, Ariz. (open), 5-4-81

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22259 4-16-81 / Science Advisory Board, Ecology Committee, Task Group on Marine Ecosystem Monitoring, Washington, D.C. (open), 5-4 through 5-6-81

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22653 4-20-81 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 5-4-81

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21309 4-9-81 / Meeting of the Council, Washington, D.C. (open), 5-4 through 5-6-81

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21824 4-14-81 / Anesthetic and Life Support Drugs Advisory Committee, Rockville, Md (open), 5-4-81

21826 4-14-81 / Consumer Exchange Meeting, Brooklyn, N.Y. (open), 5-4-81

21824 4-14-81 / Fertility and Maternal Health Drugs Advisory Committee, Rockville, Md. (open), 5-7 and 5-8-81

21824 4-14-81 / Gastrointestinal Drugs Advisory Committee, Bethesda, Md. (open), 5-4 and 5-5-81

21823 4-14-81 / Immunology Section of the Immunology and Microbiology Device Panel, Silver Spring, Md. (open), 5-7 and 5-8-81

21824 4-14-81 / Microbiology Device Section of the Immunology and Microbiology Devices Panel, Silver Spring, Md. (open), 5-4-81

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22042 4-15-81 / Health Planning and Development National Council, Washington, D.C. (open), 5-6-81

22041 4-15-81 / Health Planning and Development National Council, National Guidelines and Technology Subcommittee, Washington, D.C. (open), 5-7-81

22042 4-15-81 / Health Planning and Development National Council, Implementation and Administration Subcommittee, Washington, D.C. (open), 5-3-81

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18070 3-23-81 / Allergy and Infectious Diseases Institute, Scientific Counselors Board, Bethesda, Md. (partially open), 5-6 through 5-8-81

21448 4-10-81 / Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee, Bethesda, Md. (open), 5-7 and 5-8-81

15778 3-6-81 / Heart, Lung, and Blood Institute; Scientific Counselors Board, Bethesda, Md. (partially open), 5-4 and 5-5-81

18070 3-23-81 / Pulmonary Diseases Advisory Committee, Detroit, Mich. (open), 5-6-81

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20783 4-7-81 / Carson City District Advisory Council, Hawthorne, Nevada (open), 5-7-81

16794 3-26-81 / Coal gasification facility proposed by Emery Synfuels Associates; environmental impact: Salt Lake City, Utah, 5-4-81; Price, Utah, 5-5-81, Castledale, Utah, 5-6-81, Green River, Utah, 5-7-81 (all sessions open)

21004 4-6-81 / Idaho Stateline inventory, Twin Falls, Idaho (open), 5-5-81

22270 4-16-81 / Iditarod Trail Advisory Council, Anchorage, Alaska (open), 5-7 and 5-8-81

22270 4-16-81 / Las Vegas District Multiple Use Advisory Council, Las Vegas, Nev., 5-6-81

20785 4-7-81 / Salmon District Grazing Advisory Board, Salmon, Idaho (closed), 5-7-81

19997 4-2-81 / Shoshone Management Framework Plan Amendment and Environmental Impact Statement, Gooding, Idaho (open), 5-5-81

18799 3-25-81 / Winnemucca District Grazing Advisory Board, Winnemucca, Nev. (open), 5-5-81

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22660 4-20-81 / Boston National Historical Park Advisory Commission, Boston, Mass. (open), 5-5-81

22661 4-20-81 / San Antonio Missions Advisory Commission, San Antonio, Tex. (open), 5-9-81

21096 4-6-81 / Sleeping Bear Dunes National Lakeshore Advisory Commission, Cedar, Mich. (open), 5-6-81

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22502 4-17-81 / Business Research Advisory Council, Washington, D.C. (open), 5-6-81

22502 4-17-81 / Business Research Advisory Council, Price Indexes and Wages and Industrial Relations, Washington, D.C. (open), 5-5-81

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21368 4-10-81 / Conveyor standards, Washington, D.C. (open), 5-5 through 5-7-81

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22507 4-17-81 / NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Aerodynamics, Washington, D.C. (open), 5-5 and 5-6-81

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21867 4-14-81 / Behavioral and Neural Sciences Advisory Committee, Anthropology (Social and Cultural) Subcommittee, Washington, D.C. (closed), 5-7 and 5-8-81

22507 4-17-81 / Behavioral and Neural Sciences Advisory Committee, Psychobiology Subcommittee, Washington, D.C. (partially open), 5-7 through 5-9-81

22507 4-17-81 / NSF Advisory Council, Washington, D.C. (open), 5-7 and 5-8-81

22508 4-17-81 / Advisory Council, task group No. 15, Washington, D.C. (open), 5-6-81

21868 4-14-81 / Physiology Cellular, and Molecular Biology Advisory Committee, Washington, D.C. (closed), 5-6, 5-7, and 5-8-81

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22987 4-23-81 / Social and Economic Science Advisory Committee, Measurement Methods and Data Resources Subcommittee, Washington, D.C. (partially open), 5-7 through 5-8-81

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17173 3-17-81 / Meteorological Factors of Emergency Preparedness; Nuclear Power Reactors; Functional Criteria for Emergency Response Facilities (closed)

May 5, 1981: Philadelphia, Penn.

May 6, 1981: Elyn, Ill.

May 8, 1981: Atlanta, Ga.

22940 4-21-81 / Reactor Safeguards Advisory Committee, Babcock and Wilcox Water Reactors Subcommittee, Washington, D.C. (partially open), 5-6-81

22703 4-20-81 / Reactor Safeguards Advisory Committee, Decay Heat Removal Systems Subcommittee, Washington, D.C. (open), 5-5-81

22703 4-20-81 / Reactor Safeguards Advisory Committee, Reactor Fuels and Emergency Core Cooling Systems Subcommittee, Washington, D.C. (partially open), 5-5-81

22940 4-21-81 / Reactor Safeguards Advisory Committee, Safety Philosophy, Technology and Criteria Subcommittee, Washington, D.C. (partially open), 5-6-81

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22711 4-20-81 / Oceans and International Environmental and Scientific Affairs Advisory Committee, General Panel, Washington, D.C. (open), 5-6-81

22711 4-20-81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Subdivision, Stability and Load Lines Working Group, Washington, D.C. (open), 5-5-81

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22298 4-16-81 / Radio Technical Commission for Aeronautics, Special Committee 146 on Airborne Automatic Direction Finding Equipment, Washington, D.C. (open), 5-6 and 5-7-81

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7123 1-22-81 / Safety Standards International Harmonization; Group of Rapporteurs is on Safety Provisions, Rome, Italy; 5-5 through 5-8-81

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22730 4-20-81 / Educational Allowances Station Committee, Atlanta, Ga. (open), 5-5-81

20022 4-2-81 / Health-related effects of herbicides, Washington, D.C. (open), 5-5-81

16774 3-13-81 / Medical Research Service, Merit Review Boards; Hematology, Washington, D.C., 5-4-81; Infectious Diseases, Washington, D.C., 5-5 and 5-6-81; Cardiovascular studies, 5-7-81 (all meetings partially open)

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18448 3-24-81 / Deep seabed mining regulations for exploration licenses, Washington, D.C., 5-6-81

22011 4-15-81 / New England Fishery Management Council, Wildwood Crest, N.J., 5-5-81; Norfolk, Va., 5-6-81; Manteo, N.C., 5-7-81

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22257 4-16-81 / National Advisory Council on Indian Education, Anchorage, Alaska, 5-4-81

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18903 3-16-81 / Interstate pipeline blanket certificates; Washington, D.C., 5-4-81

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1165 1-5-81 / Air pollutants, hazardous; national omission standards for benzene fugitive emissions; Research Triangle Park, N.C.; 5-5-81

[Rescheduled at 46 FR 9660, 1-29-81]

15205 3-4-81 / Federal radiation protection guidance for occupational exposures; Chicago, Ill., 5-5 and 5-6-81; San Francisco, Calif., 5-8 and 5-9-81

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20905 4-6-81 / Big Desert Grazing Draft Environmental Impact Statement, Idaho Falls, Idaho, 5-5-81

15792 3-26-81 / Federal coal production goals for the Fort Union Coal Production Region, Miles City, Mont., 5-6-81

18603 3-25-81 / Outer Continental Shelf, Gulf of Mexico, proposed Oil and Gas Lease Sales No. 67 and 69, New Orleans, La., 5-5-81

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22920 4-22-81 / Certain large video matrix display systems and components thereof, Washington, D.C., 5-6-81

9284 1-26-81 / Menthol from People's Republic of China, Washington, D.C., 5-5-81

[Rescheduled at 46 FR 17314, 3-18-81]

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21285 4-9-81 / D & J Transportation Co. commuter bus accident, Washington, D.C., 5-4-81

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15892 3-10-81 / State and local government deferred compensation plans, Washington, D.C., 5-5-81

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This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

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23273 4-24-81 / HHS/Secy—Public and medical assistance; time limits for States to file claims, comments by 6-23-81

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22790 4-21-81 / ED—Cooperative Education Program; Application notice for new applications for fiscal year 1981; apply by 5-22-81

23106 4-23-81 / ED—New projects under Special Services for Disadvantaged Students, Talent Search and Upward Bound programs; apply by 6-11-81

22856 4-20-81 / HHS/HSA—Financial distress grants; apply by 5-29-81

22305 4-24-81 / HHS/HDSO—Model Projects on Aging Program; apply by 7-10-81

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22991 4-22-81 / HHS/PHS—Health Care Technology Council, National Center for Health Care Technology, Coverage Subcommittee, Washington, D.C. (partially open), 5-14-81

22702 4-20-81 / NFAH—Humanities National Council Advisory Committee, Washington, D.C. (partially closed), 5-7 and 5-8-81

22997 4-22-81 / NFAH—National Council on the Arts, Washington, D.C. (partially open), 5-9 and 5-10-81

23354 4-24-81 / NSF—Equal Opportunities in Science and Technology Committee, Washington, D.C., (open), 5-27 and 5-28-81

22836 4-21-81 / NSF—Ocean Sciences Advisory Committee, Review of Sea-Air Exchange ad hoc Subcommittee, Washington, D.C. (closed), 5-11 and 5-12-81

22997 4-22-81 / NSF—Social and Economic Science Advisory Committee, Measurement Methods and Data Resources Subcommittee, Washington, D.C. (partially open), 5-7 through 5-9-81

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22921 4-22-81 / HHS/HDSO—Federal allotments to States for Fiscal Year 1981 Personnel training and retraining directly related to Title XX; revised; effective 10-1-80

22996 4-22-81 / LSC—Grants and Contracts; California; Soliciting comments and recommendations

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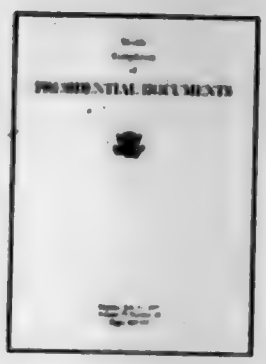

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federal register

Thursday
April 30, 1981

Highlights

24141 **Economic support fund assistance for Nicaragua** Presidential determination.

24148 **Mortgages** FHLBB authorizes Federal savings and loan associations and Federal mutual savings banks to make, purchase, participate or otherwise deal in adjustable mortgage loan instruments which permit adjustment of the interest rate.

24174 **Natural Gas** DOE/FERC computes and makes available maximum lawful prices and inflation adjustments prescribed in Title I of the Natural Gas Policy Act before the beginning of any month for which such figures apply.

24184 **Radioactive Materials** DOT/RSPA renews exemption for air transport of limited quantities of materials exhibiting low levels of radiation.

24225 **Energy** DOE gives notice of availability of the National Electric Reliability Study proposed final report and related technical study reports.

24452 **Metric System** Interagency Committee on Metric Policy publishes notice alerting interested parties to the existence of final version of the Metric Conversion Policy for Federal agencies and the accompanying Federal Agency Guidelines for implementation of Metric Conversion Policy. (Part V of this issue.)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

24223 **Antidumping** Commerce/ITA issues final results of administrative review of antidumping duty order for Spun Acrylic Yarn for Italy.

24186 **Endangered and Threatened Wildlife and Plants** Interior/FWS defers effective dates for rules relating to Hawaiian Tree Snails, the Texas Poppy-Mallow and Gypsum Wild Buckwheat and Todsens Pennyroyal.

24224 **Imports** CITA announces import restraint levels for certain cotton, wool and man-made fiber textile products from the Polish People's Republic.

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Title 3—

The President

Presidential Determination No. 81–5 of April 14, 1981

Economic Support Fund Assistance for Nicaragua

Memorandum for the Secretary of State

By virtue of the authority vested in me by the Foreign Assistance Act of 1961, as amended (the Act), I hereby:

(1) determine and direct, in accordance with the requirements of section 533(f) of the Act, that assistance to the Government of Nicaragua under chapter 4 of part II of the Act be terminated;

(2) determine under section 614(a)(1) of the Act that the continuation of assistance to the Government of Nicaragua pursuant to loans previously extended under chapter 4 of part II of the Act, without regard to section 533(f) of the Act, is important to the security interests of the United States; and

(3) authorize the continuation of such assistance.

You are requested to report this determination to the Congress immediately in accordance with the requirements of the Act.

This determination shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
April 14, 1981.

[FR Doc. 81-13193
Filed 4-28-81; 2:08 pm]
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Federal Register
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Thursday, April 30, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 520]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period May 1–May 7, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and is not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on April 28, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. Section 907.820 is added as follows:

§ 907.820 Navel Orange Regulation 520.

The quantities of navel oranges grown in Arizona and California which may be handled during the period May 1, 1981, through May 7, 1981, are established as follows:

(1) District 1: 1,200,000 cartons;

(2) District 2: Unlimited cartons;

(3) District 3: Unlimited cartons;

(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April , 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-13350 Filed 4-29-81; 12:00 pm]

BILLING CODE 3410-02-M

7 CFR Parts 911 and 944

[Lime Reg. 42; Lime Import Reg. 9]

Limes Grown in Florida and Limes Imported into the United States

AGENCY: Agricultural Marketing Service.

ACTION: Interim rule.

SUMMARY: These regulations specify minimum grade and size requirements for shipments of fresh limes grown in Florida, and for limes imported into the United States. Such action is necessary to assure the shipment of adequate supplies of limes of acceptable grades and sizes in the interest of producers and consumers.

DATES: Lime Regulation 42 effective May 1, 1981 and expires on August 15, 1981. Lime Import regulation 9 effective May 4, 1981; comments which are received by June 1, 1981, will be considered.

ADDRESS: Send comments to: Office of the Hearing Clerk, USDA, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. The Florida lime regulation is issued under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The lime import regulation is issued under section 8e (7 U.S.C. 608e–1) of this act. The regulation applicable to limes

grown in Florida is based upon recommendations and information submitted by the Florida Lime Administrative Committee, established under the marketing agreement and order, and upon other information. It is found that this action will tend to effectuate the declared policy of the act.

These grade and size requirements reflect the Department's appraisal of the need for regulating limes during the period May 1 through August 15, 1981, based on the available supply and current and prospective market demand conditions. The committee has adopted a marketing policy for the 1981–82 season Florida lime crop, in which it estimates that this season 2,200,000 bushels of limes will be produced in Florida. Of this amount, it estimates 1,100,000 bushels will be shipped to the fresh market, and the remainder will be available for processing. While Florida is the major supplier of limes to the domestic fresh market, imports from Mexico are substantial and additional supplies are available from California. More than adequate supplies of limes should be available to meet fresh market demand during the 1981–82 season.

The lime import regulation is issued under section 8e of the act, which requires that when specified commodities, including limes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of these regulations until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) shipment of the current crop of limes grown in Florida is now underway; (2) the current Florida lime and lime import regulations (45 FR 27910, 57364) will expire April 30, 1981; (3) the Florida lime regulation was recommended by the committee following discussion at a public meeting on April 8, 1981; (4) Florida lime handlers have been apprised of these requirements for Florida limes and the effective date; (5) the requirements for Florida limes and imported limes are the same as those currently in effect; (6) the lime import requirements are mandatory under § 8e of the act, and they should become effective on the date specified; (7) the grade and size requirements for imported limes are the same as those for Florida limes; and (8) at least three days notice of this import regulation is provided, the minimum prescribed by § 8e of the act.

Forms required for operations under this Part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

Accordingly, it is found that the requirements for the handling of Florida limes and those applicable to imported limes should be and are established as follows: (§ 911.344 expires August 15, 1981, and will not be published in the annual Code of Federal Regulations).

PART 911—LIMES GROWN IN FLORIDA

1. Section 911.344 is added to read as follows:

§ 911.344 Florida Lime Regulation 42.

(a) During the period May 1, 1981, through August 15, 1981, no handler shall handle any variety of limes grown in the production area unless:

(1) Such limes of the group known as seeded or true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements specified for U.S. No. 2 grade limes in the U.S. Standards for Persian (Tahiti) Limes, except as to color: *Provided,* That such limes not meeting these requirements may be handled within the production area, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) Limes, and if they are handled in containers other than those authorized in § 911.329.

(2) Such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color: *Provided,* That stem length shall not be considered a factor of grade: *Provided further,* That such limes not meeting these requirements may be handled within the production areas, if they meet the minimum juice content requirement of at least 42% by volume specified in the U.S. Standards for Persian (Tahiti) limes, if they meet the minimum size requirements specified in paragraph (a)(3) of this section, and if they are handled in containers other than those authorized in § 911.329.

(3) Such limes of the group knows as seedless, large-fruited, or Persian limes (including Tahiti, Bearss, and similar varieties) are at least 1⅞ inches in diameter; *Provided,* That not more than 10 percent, by count, of the limes in any lot of containers may fail to meet this minimum size requirements; *Provided further,* That not more than 15 percent of the limes, by count, in any individual container containing more than four pounds of limes may fail to meet this minimum size requirement.

(b) Terms relating to grade and diameter shall mean the same as in the U.S. Standards for Persian (Tahiti) Limes (7 CFR 2851.1000–1016).

PART 944—FRUITS; IMPORT REGULATIONS

Section 944.208 is added to read as set forth below:

§ 944.208 Lime Import Regulation 9.

(a) *Applicability to imports.* Pursuant to section 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any limes is prohibited during the period May 4, 1981, through August 15, 1981, unless such limes meet the minimum grade and size requirements specified in § 911.344 Florida Lime Regulation 42.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, United States Department of Agriculture is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of limes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective Service, applicable to the particular shipment of limes, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Certification (7 CFR Part 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(e) *Minimum quantity exemption:* Any person may import up to 250 pounds of

limes exempt from the requirements specified in this section.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated: April 28, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-13271 Filed 4-30-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 925

[California Desert Grape Regulation 1]

Grapes Grown in a Designated Area of Southeastern California; Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes quality, container, inspection and packing handling regulations for grapes grown in Southeastern California during the period May 1–August 15, 1981. Such action is necessary to assure shipment of ample supplies of grapes of acceptable quality and to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: May 1, 1981. Section 925.300 expires on August 15, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. This document is issued under marketing agreement and Order No. 925 (7 CFR Part 925; 45 FR 40565), regulating the handling of grapes grown in a designated area of Southeastern California. This marketing agreement and order are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the California Desert Grape Administrative Committee, established under the marketing agreement and order, and upon other information. It is found that the regulation of shipments of grapes, as hereafter provided, will tend to effectuate the declared policy of the act.

This rule contains material incorporated by reference. This material is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

The regulation would establish minimum grade and size requirements specified in the U.S. No. 1 Table grade of the U.S. Standards for Grades of Table Grapes (European or Vinifera Type), and minimum maturity requirements specified in the California Administrative Code. These requirements are necessary to assure shipment of ample supplies of acceptable quality grapes. The regulation would require standard pack, container, and container marking requirements to provide standardized packing practices and informative labeling that will facilitate more orderly marketing of such grapes. Packing holidays on Saturdays and Sundays are designed to prevent an accumulation of excessive supplies of grapes at distribution points during periods of reduced demand. Exemptions for "organically-grown" grapes, and grapes for processing are provided if certain conditions and safeguards are met. Regulations require mandatory inspection and certification to assure compliance with these requirements.

These requirements reflect the Department's appraisal of the need for regulating 1981 season shipments of California desert grapes, based on available supply and current and prospective market demand conditions. The committee estimates 1981 shipments of grapes at 4,000,000 lugs (22 pounds net weight), compared with shipments of 4,379,886 in 1980, 4,084,764 in 1979, and 3,629,855 in 1978.

It is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). It is necessary to effectuate the declared policy of the act to make these regulatory provisions effective as specified. Shipments of grapes from the production area are expected to begin on or about May 1, 1981, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this Part are subject to clearance by the Office of Management and Budget.

Therefore, new § 925.300 is added to read as follows: (§ 925.300 expires August 15, 1981, and will not be published in the annual Code of Federal Regulations).

§ 925.300 California Desert Grape Regulation 1.

During the period May 1, 1981, through August 15, 1981, no person shall handle any variety of grapes unless such grapes are handled in accordance with the requirements of this section, and no person shall pack any such grapes on any Saturday or Sunday, unless approved in accordance with paragraph (g).

(a) *Grade and size.* Such grapes shall meet the minimum grade and size requirements specified in § 2851.884 for U.S. No. 1 Table grade, as set forth in the U.S. Standards for Grapes of Table Grapes (European or Vinifera Type) (7 CFR 2851.880–2851.912).

(b) *Minimum maturity.* Such grapes shall meet the minimum maturity standards in accordance with applicable sampling and testing procedures specified in §§ 1436.3–1436.17 of the Administrative Code of California (Title 3).

(c) *Container and pack.* (1) Such grapes shall be packed in one of the following containers, which are new and clean, and which otherwise meet the requirements of § 1380.19 of the Administrative Code of California (Title 3):

(i) Sawdust pack with inside dimensions of 7¾ x 14 1⁵⁄₁₆ x 18⅝ inches, specified as container 28;

(ii) Polystyrene lug with inside dimensions of 6¾ x 12½ x 15⅝ inches, specified as container 38J;

(iii) Standard grape lug with dimensions in inches of 4½ to 8½ (inside) x 13½ to 14½ (outside) x 16⅝ to 17½ (outside), specified as container 38K;

(iv) Polystyrene lug with inside dimensions of 6¼ or 8¼ x 11½ x 18¼ inches specified as container 38Q;

(v) Grape lug with dimensions in inches of 4 to 7 (inside) x 15¾ (outside) x 19 1⁵⁄₁₆ (outside), specified as container 38R;

(vi) Such other types and sizes of containers as may be approved by the committee for experimental or research purposes.

(2) The minimum net weight of grapes in any such containers, except for containers containing grapes packed in sawdust, cork, excelsior or similar packing material, and experimental containers, shall be 22 pounds based on the average net weight of grapes in a representative sample of containers.

(3) Such containers of grapes shall be plainly marked with the minimum net weight (with numbers and letters at least one-fourth inch in height), the name of the variety of the grapes and the name of the distributor.

(d) *Organically grown grapes.* Organically grown grapes (defined to mean grapes which have been grown for market as natural grapes by performing all the normal cultural practices, but not using any inorganic fertilizers or agricultural chemicals including insecticides, herbicides, and growth regulators, except sulfur) need not meet the minimum individual berry size requirements of this section if the following conditions and safeguards are met:

(1) The handler of such grapes has registered and certified with the committee on a date specified by the committee the location of the vineyard, the acreage and the variety of grapes, and such other information as may be needed by the committee to carryout these provisions.

(2) Each container of organically grown grapes bears the words "organically grown" on one outside end of the container in plain letters in addition to requirements specified under paragraph (c)(3) of this section.

(e) *Inspection.* (1) No handler shall handle any grapes unless such grapes have been inspected at shipping point by the Federal-State Inspection Service, and an appropriate inspection certificate has been issued certifying that such grapes meet the minimum requirements specified in this section.

(2) All containers of such grapes shall be lot stamped with the lot stamp number by an authorized inspector, except only 90 percent of the containers in a 3' x 3' pallet need be stamped, if the containers not stamped are in the center tier of the pallet.

(f) *By-product grapes.* The handling of grapes for processing (raisins, crushing and other by-products) is exempt from requirements specified in paragraphs (a), (b), (c), (d), and (e) if the committee determines that (1) the person handling such grapes has secured the appropriate permit or order from the County Agricultural Commissioner and (2) the by-product plant or packing plant to which the grapes are shipped has adequate facilities for commercial processing, grading, packing or manufacturing of by-products for resale.

(g) *Suspension of packing holidays.* Upon approval of the committee, the prohibition against packing grapes on any Saturday or Sunday may be modified or suspended to permit the handling of grapes provided such handling complies with procedures and safeguards specified by the committee.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated April 27, 1981 to become effective May 1, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-13264 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 92

Restrictions on Importation of Horses From Japan

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms the final rule that extended to Japan the prohibitions previously placed on the importations into the United States of certain horses from or that have been in countries affected with contagious equine metritis (CEM). The action is necessary to protect the livestock of the United States from such disease.

EFFECTIVE DATE: July 8, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 815, Hyattsville, Maryland 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified not a "major rule." The Department has determined that this rule will not have an annual effect on the country of $100 million or more, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Department records show that a total of only eight horses were imported from Japan during the 12 months previous to July 1980.

A document published in the **Federal Register** on July 8, 1980 (45 FR 45888–45889) declared that since contagious equine metritis (CEM), an infectious and communicable venereal disease of horses, had been found to exist in Japan, the prohibitions on the importation of certain horses from or that have been in that country within 12 months immediately preceding their export to the United States were placed in effect. The document stated that the amendment was necessary as an emergency measure to protect the livestock of the United States against the introduction and dissemination of CEM in the United States.

Comments were solicited for 60 days after publication of the amendment. No comments were received in response to the amendment.

The factual situation which was set forth in the document on July 8, 1980, still provides a basis for the amendment. Accordingly, it has been determined that the final rule revising § 92.2(i)(1) should remain effective as published in the **Federal Register** on July 8, 1980.

Done at Washington, D.C., this 23rd day of April, 1981.

Norvan L. Meyer

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-12743 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 92

Specifically Approved States To Receive Stallions Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document adds the State of California to the list of specifically approved States authorized to receive certain stallions imported into the United States from countries affected with contagious equine metritis (CEM).

This action is being taken because the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has determined that this State has laws or regulations in effect to require the additional inspection, treatment and testing of such horses to further insure their freedom from CEM as required by the regulations.

DATES: Effective date: April 23, 1981. Comments must be received on or before June 29, 1981.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." This regulation

should result in only an insignificant annual effect on the economy; should result in no increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and should have no adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Actions of this kind were anticipated under the provisions of 9 CFR 92.4 published in the Federal Register (45 FR 1003–1006) Friday, January 4, 1980, and are specifically considered in the Final Impact Statement prepared for that action. Thus, the Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available on request from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8695.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. The economic impact of the addition of California to the list of States approved to accept stallions from countries affected with CEM should not be significant. This action will provide a means by which stallions from countries affected with CEM and bound for California could be imported directly into California. This should result in a decrease of transportation costs for such horses of approximately 20%. Furthermore, only 26 stallions from countries affected with CEM were imported into the United States in 1980.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action.

This amendment relieves certain restrictions presently imposed on certain horses being imported into the United States, and should be made effective immediately in order to permit affected persons to move certain horses into the United States without unnecessary restrictions.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the Federal Register. Comments have been solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the Federal Register as soon as possible.

Section 92.2(i)(2) of Title 9, Code of Federal Regulations (9 CFR 92.2(i)(2)), authorizes the importation of male horses (stallions over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into specified States for further inspection, treatment and testing by the State of destination. The amendment established minimum standards which a State must meet in order to be approved to receive stallions imported from CEM-affected countries. These standards contain treatment, testing and handling procedures believed necessary to insure that the stallions being imported into the United States are free of the contagion of CEM.

This document adds the State of California to the list of specifically approved States to receive such horses, on the basis of a determination of their eligibility for such approval under § 92.4(a)(6) of the regulations.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 92 reads as follows:

Authority: Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306, 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134f.

§ 92.4 [Amended]

2. In 9 CFR, Part 92, § 92.4(a)(5)(ii) is amended by adding "The State of California," before "The State of Colorado," as States approved to receive stallions pursuant to § 92.2(i)(2)(iv) of the regulations.

All written submissions made pursuant to this final rule will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the Federal Register.

Done at Washington, D.C., this 23rd day of April, 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-12744 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR 106

Exemption for Biological Products Used in Department Programs or Under Department Control or Supervision

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms the final rule in the Federal Register on Thursday, October 2, 1980, amending the regulations concerned with animal biological products by adding a new Part 106 which provides authority for the Deputy Administrator, Veterinary Services, to exempt biological products from one or more requirements contained in the regulations. This provision is necessary to facilitate conducting animal disease control and eradication programs in certain situations.

EFFECTIVE DATE: October 2, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Veterinary Biologics Staff, Room 827, 301–436–8245, USDA, APHIS, VS, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "Major Rule." Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it does not affect the commercial interstate distribution and sale of licensed animal vaccines.

A document published in the Federal Register on October 2, 1980 (45 FR 65183–65184) authorized the Deputy Administrator, Veterinary Services, to use Brucella Abortus Vaccine in a manner other than in accordance with required label instructions. However, the amendment was written more broadly authorizing the Deputy Administrator to exempt products for use in other situations where the Department will be in a position to supervise or control the use of the exempted product.

The document specified that the amendments were needed immediately because delay in their implementation would have serious adverse effects on the National Brucellosis Eradication Program.

Comments were solicited for 60 days after publication of the regulation and one was received. It took no exception to the regulation as written, but considered the added regulation unnecessary and redundant because these exemptive powers are already provided for in the current regulations. It has been determined that the final rule should remain effective as published in the **Federal Register** on October 2, 1980.

Done at Washington, D.C., on this 23rd day of April 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-12742 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 81-206]

Adjustable Mortgage Loan Instruments

Dated: April 23, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board hereby authorizes Federal savings and loan associations and Federal mutual savings banks to make, purchase, participate or otherwise deal in adjustable mortgage loan instruments, which permit adjustment of the interest rate. A rate adjustment may be implemented through changes in the payment amount, the outstanding principal loan balance, and the term of the loan, provided that the term never exceeds 40 years. Adjustments to the interest rate must be based upon the movement of an index agreed to by the lender and the borrower. This regulation replaces and subsumes existing regulations authorizing Federally-chartered thrift institutions to make renegotiable-rate mortgage loans and variable-rate mortgage loans. By this action, the Board preempts all state laws that would directly or indirectly restrict a Federal association or Federal savings bank from making an adjustable mortgage loan, including state laws prohibiting the charging of interest on interest. The regulation provides for notice to borrowers of payment changes, prohibits prepayment penalties, and requires full disclosure of the types of adjustable mortgage loans offered by individual institutions. Promulgation of this regulation will provide Federally-chartered thrift institutions with broad flexibility in designing various types of mortgage loan instruments.

EFFECTIVE DATE: April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Hall, Office of General Counsel ((202) 377-6466) or Joseph A. McKenzie, Office of Policy and Economic Research ((202) 377-6783), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On October 23, 1980, the Board proposed to amend its renegotiable-rate mortgage (RRM) regulation with regard to maximum annual interest-rate changes and grouping of loans, and to amend its alternative mortgage instrument regulation to make it consistent in certain respects with the RRM regulation (FHLBB Res. No. 80-653; 45 FR 72675, November 3, 1980).

After studying the comments received both in response to that proposal and at joint hearings held with the Office of the Comptroller of the Currency, the Board requested comment on several additional issues not specifically addressed in its October 1980 proposal (FHLBB Res. No. 81-118; 45 FR 15175, March 4, 1981). The request greatly broadened the scope of possible amendments to the Board's adjustable-rate mortgage regulations by raising the following issues: whether a limitation should be placed on the amount by which payments may be increased; whether, if such a limitation were imposed, there should also be a limitation on the amount by which the interest rate may be adjusted periodically; whether additions to the principal loan balance should be permitted in connection with a limitation on monthly payment increases; and whether the proposed amendments should contain a provision regarding adjustment of the interest rate over the life of the loan other than the 5 percentage-point limitation initially proposed.

On March 23, 1981, the Office of the Comptroller of the Currency issued final regulations governing the issuance by national banks of adjustable-rate mortgage loans. In summary, the regulations permit interest rate increases of up to 2 percentage points per year with no limitation on the amount by which the rate may be increased over the life of the loan. Negative amortization is permitted, though not in excess of 10 percent of the principal loan balance at the beginning of any five-year period. Changes in the interest rate must be tied to one of three specified indices—the Board's RRM index, the 3-year Treasury securities rate, or the 6-month Treasury bill rate. The regulations do not apply to mortgage loans that, instead of limiting interest rate adjustments, contain a limitation on the amount by which the monthly payment may be increased from one time interval to the next.

Overview of Comments

The Board has received some 830 comments on adjustable-rate mortgages since October 1980: approximately 650 comments in response to its February 1981 request and 181 comments in response to its October 1980 proposal. Approximately 54 percent of the comment letters were from Federal savings and loans, 19 percent were from state-chartered savings and loans, and 11 percent were from consumers and consumer-oriented organizations. Other commenters included trade associations, real estate professionals, secondary market entities, title insurers, lawyers, investment brokers and consultants, commercial banks, and the Federal Home Loan Banks.

Savings and loans overwhelmingly supported the broadest possible liberalization of the Board's adjustable-rate mortgage regulations. The majority of associations supported the elimination of both periodic and aggregate interest-rate adjustment limitations, favoring instead imposition of a cap of 10 percent or less on the amount by which the monthly payment could be increased from one interval to the next. Industry commenters felt that the decision as to the frequency of adjustments to both the interest rate and the monthly payment should be left to each association. Approximately 58 percent of the 160 associations addressing the issue asserted that movement of the loan interest rate should be a managerial decision rather than formally tied to one or more specified indices; a majority of those recommending a specific index preferred one relating to the cost of funds. Approximately 80 percent of the associations supported regulatory authorization of negative amortization in connection with loans containing caps on monthly payment increases. Of those associations commenting on the issue, approximately 55 percent suggested that no prepayment penalties should be permitted in connection with adjustable-rate mortgages, while 28 percent recommended that the existing RRM prepayment penalty provision be retained.

In contrast, consumers opposed any liberalization of the restrictions currently contained in the RRM regulation. Their major concern was that large interest-rate increases, and consequent payment increases, might make it impossible for home buyers to meet mortgage payments. Some concern was also expressed with the impact negative amortization could have on a borrower's ability to repay the loan in those areas where property values cannot be expected to rise steadily.

Adjustable Mortgage Loan Instruments

After careful consideration of the comment letters, testimony at the hearings, staff reports and other available information, the Board has determined to authorize a flexible mortgage instrument. An adjustable mortgage loan (AML) permits adjustment of the interest rate, which may be implemented through changes in the payment amount, the outstanding principal loan balance, the loan term, or any combination of these variables. The AML regulation imposes no restriction on the amount by which any of these factors may be adjusted, except that the term of an AML, inclusive of adjustments, may never exceed 40 years from the date of loan closing. Interest-rate adjustments must reflect the movement of one of the indices authorized by paragraph (c) of the regulation. The regulation provides that, for purposes of determining compliance with the Board's loan-to-value limitations (12 CFR 545.6–2(a)) relative to an AML that permits rate increases to be implemented as additions to principal, the Board will assume continued compliance where the original loan-to-value ratio met the regulatory limitations.

The AML regulation replaces existing provisions authorizing Federally-chartered thrift institutions to issue RRMs (12 CFR 545.6–4(a)) and VRMs (12 CFR 545.6–4(c) (1980)). This approach was supported by over 95% of those commenting on the issue of whether the Board's adjustable-rate mortgage regulations should be combined into one regulation. By rescinding the VRM regulation, the Board effectively deletes existing provisions that limit an association's VRM investments to 50 percent of the association's total home mortgage loans and that would have prohibited VRM investments altogether after December 31, 1982. By this action, the Board also deletes the requirement in 12 CFR 545.6–4(a) that Federal associations offer the choice of a conventional fixed-rate mortgage to applicants who are eligible for a VRM, graduated payment mortgage or reverse annuity mortgage.

As with the VRM and RRM regulations, the AML regulation applies only to loans made on the security of one-to-four family homes that are or are to be occupied by the borrowers. Associations are not restricted as to adjustment of the interest rate on any other type of loan.

Indices

In its October 1980 proposal, the Board requested comment on whether one or more different indices should be substituted for the indices currently utilized in the Board's adjustable-rate mortgage regulations. The RRM is currently tied to a national average mortgage-rate index, and the VRM is tied to a national cost-of-funds index. While some commenters suggested use of either a cost-of-funds index or an average mortgage-rate index, a number of commenters suggeted that lenders be given the choice of several specified indices.

Some commenters supported the use of a single index, citing the need for uniformity among mortgage instruments to allow a secondary market to be established. It was also suggested that use of a single index might aid borrowers' "comparison shopping" for an AML. Those supporting authorization of several indices, however, argued that it would significantly increase lenders' flexibility without harming establishment of a secondary market. These commenters felt that secondary market entities would indicate the indices acceptable to them, and that lenders would then be free to use any other index on mortgages originated for their own portfolios.

The Board has determined to permit AML lenders to utilize any interest-rate index that is readily verifiable by the borrower and that is beyond the control of the lender. This provision effectively prohibits AML lenders from utilizing their own cost of funds or current mortgage loan rate as an index, a result that was felt to be an important consumer protection. At the same time, it will allow associations flexibility in choosing relevant indices, a fact that will not disadvantage the consumer, especially in view of the comprehensive disclosure this regulation requires. The regulation does list a number of indices that would be acceptable, including the Board's national average mortgage rate index, currently used on the RRM; the Board's average cost-of-funds to FSLIC-insured institutions, either for all Federal Home Loan Bank Districts (currently used on the VRM) or for a particular District or Districts; the three- or six-month Treasury bill rates; or the monthly average yield on Treasury securities with a maturity of one, two, three, or five years.

Rate and Payment Limitations; Negative Amortization

As is noted above, the great majority of associations favored the elimination of both periodic and aggregate limitations on adjustment of the interest rate. The AML regulation imposes no such limitations, nor does it limit the size of adjustments to the payment amount.

In formulating the regulation, the Board took into account that interest rates have shown enormous volatility in the recent past in contrast to the much smaller rate fluctuations that used to characterize financial markets. Associations currently are obtaining a large portion of their funds in rate-sensitive liabilities, whether deposits or borrowings. Of total deposits outstanding, almost 58 percent are already in deposits that are rate-sensitive or not subject to rate control. Meanwhile, the Depository Institutions Deregulation Committee is considering proposals that would further hasten deregulation of interest rates on deposits. In less than five years, all existing rate controls on deposits—which already are hardly rigid in nature—will lapse by law.

In contrast, only about seven percent of mortgages held by associations at the end of 1980 were adjustable-rate, and almost all of these permitted only limited rate-change flexibility. Thus, there is an enormous disparity in rate flexibility as between the asset and liability sides of the balance sheet and savings and loan management remains severely constrained in its ability to pursue sound asset/liability maturity policies. This creates serious problems for the savings and loan industry and its ability and willingness to put additional funds into mortgages.

The Board believes it is inconsistent and unsound to expose associations to the impact of wide swings in the cost of funds, which occurred as a result of the deregulation of liabilities, without providing associations with the power to attain complementary changes in the mortgage portfolio yield. The mortgage borrower is ultimately hurt by restrictions on mortgage loan instruments that discourage Federal associations from placing the bulk of their lending funds in residential mortgages. The borrower is also hurt by restrictions that make it difficult for associations, the dominant source of mortgage lending, to remain viable and

compete effectively for funds *vis-a-vis* other savings competitors.

Against these factors, the Board considered the benefits of imposing constraints on the amount of periodic and aggregate rate increases to limit the financial burden that unusually large payment increases may impose on a borrower. The Board is of the view that the inclusion of rate-adjustment limitations in a loan contract should depend on the situation of the particular borrower, the geographic area, the interest rate offered on the loan, whether the loan is to be sold, and a variety of other pertinent factors. The only feasible way to structure a loan instrument that is responsive to all of these factors is to permit the lender and the borrower to determine the provisions of a loan.

The Board is firmly of the opinion that AMLs will contain a variety of payment caps and rate-change limitations even though not required by regulation. Lenders, who have an interest in ensuring that borrowers meet scheduled payments, are aware that such constraints make economic sense in a time of volatile interest rates. Thus, from the lender's point of view, some form of payment or rate-change limitation may be the surest way of simplifying underwriting of the loan. More importantly, borrower resistance to a totally unlimited mortgage instrument could render such an instrument unmarketable. Finally, third parties such as mortgage insurers and secondary market purchasers will likely exert pressure that will result in market limitations on AMLs. The Board believes that competition and other factors in the mortgage market will encourage lenders to compete on terms and conditions that will best serve all parties involved, and that the mortgage market is competitive enough to produce the appropriate constraints.

Because the Board believes associations should be given maximum flexibility in designing rate-adjustable mortgage instruments, the regulation places no limits on the amount of negative amortization that can occur on an AML. The Board is of the view that individual associations should be free to develop their own underwriting standards relative to negative amortization. While the Board's regulations require private mortgage insurance on all loans exceeding 90 percent of the value of the security property, the Board believes the determination as to how much the loan balance exceeds 90 percent of the value of the property due to negative amortization should be left to the lender and the mortgage insurer. Therefore, the Board will assume continued compliance with its loan-to-value requirements (12 CFR 545.6–2(a)) if the original loan-to-value ratio of the AML met the requirements.

Prepayment Penalty

The Board requested comment on whether the authorization to charge a prepayment penalty on an adjustable-rate loan should be eliminated altogether if the Board's regulations are liberalized. Currently, RRM borrowers may prepay without penalty at any time after notice of the first interest-rate adjustment, and VRM borrowers may prepay without penalty during a 90-day period surrounding each adjustment of the interest rate.

The Board has determined to permit AML borrowers to prepay their loans in full or in part without penalty at any time during the loan term. The Board believes that, since the AML regulation gives lenders broad flexibility in shaping rate-sensitive mortgage loan instruments, borrowers should be given maximum flexibility in locating alternative sources of financing should a particular interest rate or monthly payment adjustment prove excessively burdensome. Approximately 55 percent of all associations commenting on the issue supported elimination of the authorization to charge a prepayment penalty if all periodic rate-adjustment limitations were eliminated.

Disclosure

The Board requested comment on how to ensure that the ramifications of adjustable mortgages, expecially regarding negative amortization, are properly disclosed. Lenders addressing this issue urged the Board to keep disclosure documents simple. Some requested that the Board provide a standardized disclosure document such as is contained in the RRM regulation. Consumers generally requested comprehensive disclosure documents.

The Board's current RRM regulation sets out a disclosure form describing the basic operation of an RRM that must be given to applicants at the time of receipt of an RRM application, while the VRM regulation establishes disclosure requirements without setting out a required format.

The AML regulation establishes a disclosure format similar to that of the RRM and attempts to ensure that consumers are given the information to negotiate and choose the mortgage instrument most suitable to their needs. At the time of receipt of an AML loan application, the borrower must be furnished a disclosure form. The form must contain a textual explanation of the flexibility provided for by the AML regulation. It also must contain a summary of the key terms of the type of AML to be offered the borrower, and requires a short explanation of each term. Finally, the disclosure form requires the lender to provide an example of the operation of the type of AML to be offered the borrower.

Notice of Payment Adjustments

In October 1980, the Board proposed to amend its VRM regulation to require notification of an interest-rate adjustment at least 60 but not more than 90 days prior to the rate adjustment, and requested comment on whether the appropriate length of a notification period would be longer or shorter than that proposed. Currently, the RRM regulation requires at least 90 but not more 120 days notice, and the VRM regulation requires 30 days notice prior to rate adjustment.

The majority of commenters felt a 90-day minimum notice period would be excessively long for an instrument that would allow interest rate adjustments as often as every six months. Most of these commenters felt the proposed 60-day notice period was acceptable, but asserted a 30-day notice period was more appropriate for a mortgage instrument that permitted adjustments every six months.

The Board has determined to require that notification of an AML payment adjustment be given at least 30 but not more than 45 days prior to the adjustment. A longer notice period would not be appropriate in view of the fact that the regulation imposes no limitations on the frequency with which interest rates and payments may be adjusted. A 30-day minimum notice should not hinder a borrower searching for alternative financing since the borrower may prepay the principal loan balance at any time without penalty.

Conversion Option for Elderly Borrowers

In its February 1980 request for comments, the Board noted that one of the adjustable-rate mortgage plans reviewed by the California State Legislature in 1980 contained a provision that would have permitted an adjustable-rate mortgage borrower to convert to a fixed-rate loan after reaching the age of 65. The adjustable-rate loan would have had to have been in effect for at least nine years prior to the conversion, and the security property would have had to remain the borrower's principal residence.

The Board has determined not to require associations to extend such an option to elderly borrowers. The Board believes that inclusion of such an option in a loan contract is a decision that should be left to individual associations. This approach was supported by most of the commenters. Four of the five trade associations commenting on the issue also opposed making such a provision mandatory. Only one consumer commented on the issue, supporting extension of such an option to elderly borrowers.

Grouping Authority

The current RRM regulation authorizes extension of the initial renewal or adjustment period for up to six months longer than subsequent periods. The extended period is added at the beginning of the initial three-, four-, or five-year term or adjustment period rather than at the end. The regulation provides that the initial index rate, which in conjunction with the index rate available at the time of adjustment of the interest rate establishes the amount by which the contract interest rate may be adjusted, be set at the end of the extended period. As a result, neither the lender, the borrower nor secondary market investors know the value of the initial index rate at the time the loan is closed.

In order to eliminate this uncertainty, the Board's October 1980 proposal would have required that the initial index rate be established as of the date that is six months prior to the date three, four or five years before the first adjustment of the index rate—i.e., three, four or five years *plus* six months prior to the first adjustment. This meant that, where the initial term or adjustment period is extended by less than six months, the initial index rate would actually have pre-dated the closing date of the loan.

However, because the AML regulation gives associations broad authority to establish a payment schedule, it is unnecessary to address specifically the matter of extending the first period to permit grouping of loans. The regulation merely provides that the initial index value must be the value most recently available at, or within six months prior to, the date of loan closing. This allows associations greater flexibility in picking the initial index value than would have been available under the Board's October 1980 proposal, and ensures that all parties will know the initial index value as of loan closing. It also prevents the confusion and abuse that could accompany use of a more remote initial index value.

Extension of Loan Maturity

In its October 1980 proposal, the Board proposed to permit both VRM and RRM borrowers to extend the loan term by up to ten years in order to avoid or lessen the impact on monthly payments of interest-rate increases. Currently, VRM borrowers may extend the loan term up to a maximum of one-third of the original loan term; RRM borrowers do not have a right of extension. Federal associations commenting on this proposal opposed inclusion of such a provision by almost a two-to-one ratio, pointing out that, on any loan with an original maturity of twenty-five or more years, extension of the loan maturity would provide very little mitigation of monthly payment increases while substantially increasing the total number of payments on the loan. These commenters also suggested that such authority would create administrative problems for lenders and secondary market investors.

In keeping with its view that associations should be given maximum flexibility in designing mortgage loan instruments, the Board has determined not to require associations to give AML borrowers this option. Inclusion of such an option in a loan contract is most appropriately an individual association's decision.

Federal Preemption of State Laws

In the AML regulation, the Board codifies its view that the regulation is promulgated pursuant to the Board's plenary and exclusive authority to regulate all aspects of the operations of Federally-chartered savings and loan associations and mutual savings banks. As such, the Board's exercise of this authority is preemptive of any state law purporting to restrict the ability or right of any Federal association or Federal savings bank to use adjustable mortgage loan instruments. This preemption has the effect of precluding the application of the laws of approximately 30 states prohibiting the charging of interest on interest. The Board also takes this opportunity to amend 12 CFR 545.6–4, pertaining to other alternative mortgage instruments, by inserting a similar preemption of inconsistent state law.

Graduated Payment Adjustable Mortgage

In September 1980, the Board proposed to promulgate a regulation authorizing Federal associations to issue graduated payment adjustable mortgages (GPAMs). A GPAM would combine the adjustable-rate feature of the RRM with the graduated payment feature of the GPM, which permits negative amortization.

Although the Board considered incorporating the GPAM into the AML regulation, it was felt that all of the implications of such an amalgamation had not yet been fully explored. Therefore, the Board determined at this time to authorize a new loan instrument that permits adjustments to the payment, principal loan balance and the loan term only if such adjustments result from rate changes.

Transition Period

The regulation provides that associations may continue to make VRMs and RRMs for up to 90 days after the effective date of this regulation. This authority will prevent disruption of existing lending activities of associations.

The Board finds that delay of the effective date of this regulatory action for 30 days after publication pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary because (1) it relieves restriction, and (2) it is in the public interest since it will increase the availability of mortgage funds and provide lenders with flexibility in earnings during a time of unstable market conditions.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 545, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

Subchapter C—Federal Savings and Loan System

PART 545—OPERATIONS

§ 545.6–2 [Amended]

1. Remove the existing reference in paragraph (a)(4)(iii) of § 545.6–2 to the title of § 545.6–4a and substitute in its place "("adjustable mortgage loan instruments")."

2. Amend § 545.6–4 by revising paragraph (a); removing paragraph (b)(6)(iv), replacing "; and" at the end of subparagraph (b)(6)(iii) with a period, and adding the word "and" at the end of paragraph (b)(6)(ii); removing paragraph (c); and redesignating paragraph (d) as paragraph (c); to read as follows:

§ 545.6–4 Alternative mortgage instruments.

(a) *Authorization.* (1) Associations making, purchasing, participating or otherwise dealing in loans pursuant to § 545.6–2(a) of this Part may use the alternative mortgage instruments described in this section. The instruments described in this section allow certain payment and other

provisions otherwise prohibited by this Subchapter. An association using an alternative mortgage instrument shall obtain and retain in the loan application file a certification signed by the prospective borrower indicating that the borrower has received the disclosure materials specified in this section before electing to take the alternative mortgage instrument.

(2) This regulation is promulgated pursuant to the plenary and exclusive authority of the Board to regulate all aspects of the operations of Federal associations, as set forth in 5(a) of the Home Owners' Loan Act of 1933, as amended. This exercise of the Board's authority is preemptive of any state law purporting to address the subject of a Federal association's ability or right to make, purchase, or participate in the alternative mortgage instruments set forth in this section, or to directly or indirectly restrict such ability or right.

* * * * *

(c) *Reverse-annuity mortgage.* * * *

3. Revise § 545.6–4a in its entirety to read as follows:

§ 545.6–4a Adjustable mortgage loan instruments.

(a) *Authorization.* (1) Associations making, purchasing, participating or otherwise dealing in loans pursuant to § 545.6–2(a) of this Part may use adjustable mortgage loan instruments as described in this section.

(2) This regulation is promulgated pursuant to the plenary and exclusive authority of the Board to regulate all aspects of the operations of Federal associations, as set forth in 5(a) of the Home Owners' Loan Act of 1933, as amended. This exercise of the Board's authority is preemptive of any state law purporting to address the subject of a Federal association's ability or right to make, purchase, participate, or otherwise deal in adjustable mortgage loans, or to directly or indirectly restrict such ability or right.

(b) *Description.* (1) An adjustable mortgage loan is a loan that permits adjustment of the interest rate. Adjustments to the interest rate may be implemented through changes in the payment amount and/or through adjustments to the outstanding principal loan balance or the loan term, provided that the total loan term may not exceed 40 years, and shall reflect the movement of one of the indices authorized by paragraph (c) of this section.

(2) Adjustments to the principal loan balance are permissible only if the initial payment amount is sufficient to fully amortize the loan at the beginning of the loan term and if the payment amount is adjusted at least every five years to a level sufficient to amortize the loan at the then-existing interest rate and principal loan balance over the remaining term of the loan.

(3) For purposes of determining compliance with the loan-to-value-ratio limitations set out in § 545.6–2(a) of this Part, the Board will assume continued compliance where the original loan-to-value ratio met the requirements of § 545.6–2(a).

(4) Prepayment in full or in part of the outstanding principal loan balance may be made without penalty at any time.

(c) *Index.* (1) Adjustments to the interest rate of an adjustable mortgage loan shall correspond directly to the movement of an index authorized by subparagraph (2) of this paragraph, subject to such rate-adjustment limitations, if any, as an association may provide. The initial index value shall be the most recently available value of the index at, or within six months prior to, the date of the closing of the loan. The amount of a rate adjustment shall reflect the difference between the initial index value and either the index value most recently available as of the date of rate adjustment, if the payment is not simultaneously adjusted, or the index value most recently available as of the date of notification of a payment adjustment: *Provided,* That where the movement of the index permits an interest-rate increase, the association may decline to increase the interest rate by the indicated amount, and the association may decrease the interest rate at any time.

(2) For the purpose of adjusting the interest rate, an association may use any interest-rate index that is readily verifiable by the borrower and is beyond the control of the association. An association may use

(i) The national average mortgage contract rate for major lenders on the purchase of previously-occupied homes, as computed monthly by the Board, published in the Board's *Journal,* and made available in news releases;

(ii) The average cost of funds to FSLIC-insured savings and loan associations, either for all Federal Home Loan Bank Districts or for a particular District or Districts, as computed semi-annually by the Board, published in the Board's *Journal,* and made available in news releases;

(iii) The monthly average of weekly auction rates on United States Treasury bills with a maturity of three months or six months, as published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release G.13(415) during the first week of each month;

(iv) The monthly average yield on United States Treasury securities adjusted to a constant maturity of one, two, three, or five years, as published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release B.13(415) during the first week of each month; or

(v) Any other interest-rate index that meets the requirements of this paragraph (c)(2).

(d) *Costs or fees.* The borrower may not be charged any costs or fees in connection with regularly-scheduled adjustments to the interest rate, the payment, the outstanding principal loan balance, or the loan term.

(e) *Notice to borrower of payment adjustment.* At least thirty (30) but not more than forty-five (45) days before adjustment of the payment, the association shall send written notification to the borrower containing the following information:

(1) The fact that the payment on the loan with the association, secured by a mortgage or deed of trust on property located at the appropriate address, is scheduled to be adjusted on a particular date;

(2) The outstanding balance of the loan on the adjustment date, assuming timely payment of the remaining payments due by that date;

(3) The interest rate on the loan as of the adjustment date, the index value on which that rate is based, the period of time for which that interest rate will be in effect, the next following payment adjustment date, and the rate adjustment dates, if any, between the upcoming payment adjustment date and the next following payment adjustment date;

(4) The payment amount as of the payment adjustment date;

(5) The date(s), if any, on which the rate was adjusted since the last payment adjustment, the rates on each such rate adjustment date, and the index values corresponding to each such date;

(6) The dates, if any, on which the outstanding principal loan balance was adjusted since the last payment adjustment, and the net change in the outstanding principal loan balance since the last payment adjustment;

(7) The fact that the borrower may pay off the entire loan or a part of it without penalty at any time; and

(8) The title and telephone number of an association employee who can answer questions about the notice.

(f) *Disclosure.* An applicant must be given, at the time of receipt of an application, or upon request, a disclosure notice in the following form:

IMPORTANT INFORMATION ABOUT THE ADJUSTABLE MORTGAGE LOAN—PLEASE READ CAREFULLY

You have received an application form for an adjustable mortgage loan ("AML"). The AML may differ from other mortgages with which you are familiar.

General Description of Adjustable Mortgage Loan

The adjustable mortgage loan is a flexible loan instrument. Its interest rate may be adjusted by the lender from time to time. Such adjustments will result in increases or decreases in your payment amount, in the outstanding principal loan balance, in the loan term, or in all three (see discussion below relating to these types of adjustments). Federal regulations place no limit on the amount by which the interest rate may be adjusted either at any one time or over the life of the loan, or on the frequency with which it may be adjusted. Adjustments to the interest rate must reflect the movement of a single, specified index (see discussion below). This does not mean that the particular loan agreement you sign must, by law, permit unlimited interest-rate changes. It merely means that, if you desire to have certain rate-adjustment limitations placed in your loan agreement, that is a matter you should negotiate with the lender. You may also want to make inquiries concerning the loan terms offered by other lenders on AMLs to compare the terms and conditions.

Another flexible feature of the AML is that the regular payment amount may be increased or decreased by the lender from time to time to reflect changes in the interest rate. Again, Federal regulations place no limitations on the amount by which the lender may adjust payments at any one time, or on the frequency of payment adjustments. If you wish to have particular provisions in your loan agreement regarding adjustments to the payment amount, you should negotiate such terms with the lender.

A third flexible feature of the AML is that the outstanding principal loan balance (the total amount you owe) may be increased or decreased from time to time when, because of adjustments to the interest rate, the payment amount is either too small to cover interest due on the loan, or larger than is necessary to pay off the loan over the remaining term of the loan.

The final flexible feature of the AML is that the loan term may be lengthened or shortened from time to time, corresponding to an increase or decrease in the interest rate. When the term is extended in connection with a rate increase, the payment amount does not have to be increased to the same extent as if the term had not been lengthened. In no case may the total term of the loan exceed 40 years.

The combination of these four basic features allows an association to offer a variety of mortgage loans. For example, one type of loan could permit rate adjustments with corresponding changes in the payment amount. Alternatively, a loan could permit rate adjustments to occur more frequently than payment adjustments, limit the amount by which the payment could be adjusted, and/or provide for corresponding adjustments to the principal loan balance.

Index

Adjustments to the interest rate of an AML must correspond directly to the movement of an index, subject to such rate-adjustment limitations as may be contained in the loan contract. If the index has moved down, the lender must reduce the interest rate by at least the decrease in the index. If the index has moved up, the lender has the right to increase the interest rate by that amount. Although taking such an increase is optional by the lender, you should be aware that the lender has this right and may become contractually obligated to exercise it.

[Name and description of index to be used for applicant's loan, initial index value (if known) or date of initial index value, a source or sources where the index may be readily obtained by the borrower, and the high and low index rates during the previous calendar year.]

KEY TERMS OF FEDERAL SAVINGS AND LOAN ASSOCIATION'S ADJUSTABLE MORTGAGE LOAN

Following is a summary of the basic terms on the type of AML to be offered to you. This summary is intended for reference purposes only. Important information relating specifically to your loan will be contained in the loan agreement.

[Provide summary of basic terms of the loan, including the loan term, the frequency of rate changes, the frequency of payment changes, the maximum rate change, if any, at one time, the maximum rate change, if any, over the life of the loan, the maximum payment change, if any, at one time, minimum increments, if any, of rate changes, and whether there will be adjustments to the principal loan balance, in the following format:

Loan term ———————————
Frequency of rate changes ———————————
Frequency of payment changes ———————————]

How Your Adjustable Mortgage Loan Would Work

Initial Interest Rate

The initial interest rate offered by ——— Federal Savings and Loan Association on your AML will be established and disclosed to you on [commitment date, etc.] based on market conditions at the time.

[Insert a short description of each of the key terms of the type of AML to be offered to the borrower, using headings where appropriate.]

Notice of Payment Adjustments

——— Federal Savings and Loan Association will send you notice of an adjustment to the payment amount at least 30 but not more than 45 days before it becomes effective. [Describe what information the notice will contain.]

Prepayment Penalty

You may prepay an AML in whole or in part *without penalty at any time* during the term of the loan.

Fees

You will be charged fees by ——— Federal Savings and Loan Association and by other persons in connection with the origination of your AML. The association will give you an estimate of these fees after receiving your loan application. However, you will not be charged any costs or fees in connection with any regularly-scheduled adjustment to the interest rate, the payment, the outstanding principal loan balance, or the loan term initiated by the lender.

Example of Operation of Your Type of AML

[Set out an example of the operation of the type of AML to be offered to the borrower, including, where appropriate, the use of a table.]

(g) *Transition period.* Until July 31, 1981, associations may continue to make, purchase, participate or otherwise deal in variable-rate mortgage loans pursuant to § 545.6–4(c) of this Part or renegotiable-rate mortgage loans pursuant to § 545.6–4a of this Part, as those sections were constituted prior to April 30, 1981.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947; 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 81-13094 Filed 4-29-81; 8:45 am]
BILLING CODE 6720-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 741

[IRPS 81-3]

Statement of Interpretation and Policy; State Chartered Federally Insured Credit Unions as "Most Favored Lenders"

AGENCY: National Credit Union Administration.

ACTION: Statement of Interpretation and Policy.

SUMMARY: In IRPS 80–11 NCUA stated that it would interpret Section 205(g)(1) of the Federal Credit Union Act to accord "most favored lender" status to a state chartered federally insured credit union. This status would be triggered only when the interest rate the credit union could normally charge on a loan was less than the discount rate plus one percent. If triggered, this status would apply only when the credit union granted a loan other than a first mortgage loan, a business loan of $1000 or more, or an agricultural loan of $1000 or more. This document replaces IRPS 80–11. It removes the trigger mechanism and states that the "most favored lender" status will apply to any loan the credit union grants.

EFFECTIVE DATE: April 1, 1980 (the effective date of Pub. L. 96–221).

FOR FURTHER INFORMATION CONTACT: John L. Culhane, Jr., Senior Attorney, or Barbara A. Burrows, Attorney-Advisor, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, D.C. 20456. Telephone: (202) 357–1030.

SUPPLEMENTARY INFORMATION: Pub. L. 96–221, the Depository Institutions Deregulation and Monetary Control Act of 1980, added Section 205(g)(1) to the Federal Credit Union Act. Section 205(g)(1) reads as follows:

> If the applicable rate prescribed in this subsection exceeds the rate an insured credit union would be permitted to charge in the absence of this subsection, such credit union may, notwithstanding any State constitution or statute which is hereby preempted for the purposes of this subsection, take, receive, reserve, and charge on any loan, interest at a rate of not more than 1 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve District where such credit union is located or at the rate allowed by the laws of the State, territory, or district where such credit union is located, whichever may be greater.

In IRPS 80–11 NCUA stated that it would interpret this Section to grant "most favored lender" status to state chartered federally insured credit unions. This status would be triggered whenever one per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve bank in the Federal Reserve District where a credit union was located was higher than the rate the credit union could normally charge on a loan other than a first mortgage loan, a business loan of $1000 or more, or an agricultural loan of $1000 or more. Once triggered, the credit union would have two options. It could charge up to one per centum in excess of that discount rate or it could charge any rate any other lender could charge on that loan under state law, whichever would be greater. 45 FR 78624 (1980).

After the IRPS was published, credit unions and credit union trade associations requested that NCUA reconsider certain aspects of its interpretation. While the commenters agreed with NCUA that Section 205(g)(1) grants "most favored lender" status to state chartered federally insured credit unions, they argued for certain changes in the interpretation. Two of the commenters' arguments are being addressed in this IRPS. First, they argued that the statute could be interpreted in such a way as to eliminate the trigger mechanism. Second, they argued that the statute could be interpreted in such a way as to accord "most favored lender" status regardless of the type of loan being granted.

The trigger mechanism was imposed based on NCUA's interpretation of the phrase, "the applicable rate prescribed in this subsection." Although noting that the phrase was not entirely clear, NCUA interpreted the phrase to refer to one percent over the discount rate for ninety-day commercial paper, as that rate was the only rate specifically set out in Section 205(g)(1). In addition, this interpretation seemed to be consistent with certain references in the legislative history of Pub. L. 96–221. *See* Conf. Rep. No. 842, 96th Cong., 2d Sess. 78 (1980).

The commenters argued that an equally supportable reading of the phrase would be that "the applicable rate prescribed in this subsection" refers *both* to one percent over the discount rate for ninety-day commercial paper *and* to the rate allowed by the laws of the state, territory, or district where the credit union is located. It was further argued that this interpretation would be more consistent with the Congressional intent of placing state chartered federally insured credit unions in parity with national banks. And it was also argued that this interpretation would avoid the operational problems associated with a trigger mechanism. The NCUA Board is persuaded by these arguments and has revised its interpretation accordingly.

The limitation on the loans that could be granted by a credit union as a "most favored lender" was imposed based on NCUA's interpretation of the structure of Title V of Pub. L. 96–221. Title V contained three parts. Part A was entitled, "Mortgage Usury Laws." Part B was entitled, "Business and Agricultural Loans." Part C was entitled, "Other Loans." Section 205(g)(1) was added by Part C; hence it appeared that it applied only to loans that were not covered by Parts A or B.

The commenters argued that an equally supportable reading would be that a loan could be made at the greatest rate permissible under either Parts A, B, or C. It was further argued that this interpretation would be more consistent with the Congressional intent of placing state chartered federally insured credit unions in parity with national banks. And it was also argued that this interpretation was supported by Section 528 of Pub. L. 96–221 which, in pertinent part, states that: "In any case in which one or more provisions of, or amendments made by . . . this title [i.e. Title V] . . . apply with respect to the same loan, mortgage, credit sale, or advance, such loan, mortgage, credit sale, or advance may be made at the highest possible rate." The NCUA Board finds these arguments persuasive and has revised its interpretive ruling accordingly.

However, the Board once again cautions state chartered federally insured credit unions that Section 525 of Pub. L. 96–221 permits a state to elect not to have Section 205(g)(1) of the Federal Credit Union Act apply in that state. Before granting loans under the authority of Section 205(g)(1) and this interpretive ruling, a state credit union should contact its state supervisory agency to determine whether or not Section 205(g)(1) has been superceded.

According the NCUA Board cancels IRPS No. 80–11 and in its place adopts the following.

Text of Statement of Interpretation and Policy [IRPS 81–3]

Section 205(g)(1) of the Federal Credit Union Act states that:

> If the applicable rate prescribed in this subsection exceeds the rate an insured credit union would be permitted to charge in the absence of this subsection, such credit union may, notwithstanding any State constitution or statute which is hereby preempted for the purposes of this subsection, take, receive, reserve, and charge on any loan, interest at a rate of not more than 1 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal Reserve Bank in the Federal Reserve District where the insured credit union is located or at the rate allowed by the laws of the State, territory, or district where such credit union is located, whichever may be greater.

NCUA interprets this Section to grant "most favored lender" status to state chartered federally insured credit unions. On any particular class of loans, state chartered federally insured credit unions may charge interest at a rate not to exceed the greater of one percent over the discount rate on ninety-day commercial paper or the rate allowed to the "most favored lender" on the particular class of loans under state law, provided the greater of either of these rates exceeds the rate state chartered federally insured credit unions are normally permitted to charge under state law.

Rosemary Brady,

Secretary NCUA Board.

April 24, 1981.

[FR Doc. 81–12900 Filed 4–29–81; 8:45 am]

BILLING CODE 7535–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-WE-41-AD; Amdt. 39-4092]

Puritan-Bennett Aero Systems Co.; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing Airworthiness Directive Amendment 39-4017, (46 FR 3495), AD 81-02-03, as amended by Amendment 39-4066, (46 FR 16868), which requires replacement of regulator diaphragms in certain Puritan-Bennett Aero Systems Company (PBASCo) oxygen masks. After issuing Amendment 39-4066, the agency was advised by the manufacturer that additional oxygen masks may have been delivered with improper diaphragms. The supersedure is necessary to revise the AD applicability by adding 97 serial numbers of masks.

DATES: Effective April 30, 1981.

Compliance schedule—Within 120 calendar days from the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Puritan-Bennett Aero Systems Co., 111 Penn Street, El Segundo, California 90245.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: This supersedes Amendment 39-4017, (46 FR 3495), AD 80-02-03, as amended by Amendment 39-4066, (46 FR 16868), which was adopted in accordance with NPRM procedures. A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring replacement of the oversized diaphragm in certain PBASCo oxygen masks P/N 174039, 174010-01, 174010-03, and ZMR100 series was published in the Federal Register at 45 FR 59904. The proposal was prompted by an FAA determination that certain regulators on PBASCo oxygen masks P/N 174039, 174010-01, 174010-03, and ZMR100 series contain oversized diaphragms. Under certain conditions, an oversized diaphragm can cause the regulator inlet valve either to leak or to develop positive pressure within the facecone. Although the regulator may work properly in normal usage, it can develop one of the above conditions without warning. There is no reliable field test method for determining when or where the mask will develop the problems. Since this condition is likely to exist or develop on other oxygen masks of the same type design, this AD requires replacement of the oversized diaphragm, in certain PBASCo oxygen masks P/N 174039, 174010-01, 174010-03, and ZMR100 series.

Interested persons have been afforded the opportunity to participate in the making of this Amendment 39-4017, which was amended by Amendment 39-4066. No objections were received. However, after issuing Amendment 39-4066, the FAA was advised by the manufacturer that PBASCo masks P/N 174010-03, S/N 294 through 390, should have been included in the applicability statement. In addition, it has come to light that initially PBASCo did not serialize the oxygen masks. These masks, without serial numbers, are not included in the AD because they were delivered long before the oversized diaphragm was designed and they have the satisfactory diaphragm installed. Therefore, the FAA is superseding Amendment 39-4017, as amended by Amendment 39-4066, to designate all known oxygen masks, including the additional oxygen masks, which, if previously identified to the agency, would have been originally included in the AD.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Puritan-Bennett Aero System Company: Applies to Puritan-Bennett Aero Systems Company oxygen masks P/N 174039, 174010-01, 174010-03, and ZMR100 series as listed below.

Note.—Masks manufactured without serial numbers are not affected by this AD.

S/N for P/N 174039

0001 through 0012

S/N for P/N 174010-01 and 174010-03

00100 through 00144
146, 147, 149
00150 through 00194
195 through 259
261 through 273
275 through 292
294 through 390

S/N for P/N ZMR100 series

0603 through 7234.

Compliance required as indicated, unless already accomplished.

To prevent the regulator inlet valve from causing either leakage or positive pressure within the facecone, accomplish the following:

(a) Within 120 calendar days from the effective date of this Airworthiness Directive, remove diaphragm assembly P/N F334-1001-1 and install diaphragm assembly P/N F334-1001-1 modified to include diaphragm and plate assembly P/N F334-1003-1, Revision E.

(b) After modification per paragraph (a) of this AD, permanently mark letter "M" at the end of or beneath the mask serial number. This serial number is located under the face cushion on the left-hand side of the hardshell on the 174039 and ZMR100 series masks, and on the back surface of the head harness on the 174010-01 and 174010-03 masks.

(c) The modified diaphragm replacement of paragraph (a) of this AD shall be accomplished by returning the mask to Puritan-Bennett Aero Systems Company, 111 Penn Street, El Segundo, California 90245. However, this replacement in the ZMR100 series masks listed below may be accomplished in the field in accordance with the following Puritan-Bennett Aero System ATA Component Maintenance Manuals:

35-10-25 for the ZMR100 mask
35-10-27 for the ZMR129 mask
35-10-28 for the ZMR129-1 mask
35-10-29 for the ZMR118 mask

Note.—Puritan-Bennett Aero Systems Company Service Bulletin No. 1, dated April 15, 1980, pertains to the subject of this Airworthiness Directive.

Alternate inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

This AD supersedes amendment 39-4017, (46 FR 3495) AD 81-02-03, as amended by amendment 39-4066 (46 FR 16868).

The manufacturers' specifications and procedures indentified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to:

Puritan-Bennett Aero Systems Co., 111 Penn Street, El Segundo, California 90245.

These documents may also be examined at:

FAA Western Region Office, Room 6W14, 15000 Aviation Boulevard, Hawthorne, California 90261; and at:

FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. 20591.

An historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region Office.

This amendment becomes effective April 30, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The amendment is not a major rule under Section 1(b) and 8 of the Executive Order 12291. This amendment only effects 930 oxygen masks and involves approximately $56,000.00 in related costs. It has been determined under the criteria of the Regulatory Flexibility Act this rule, as promulgated, will not have a significant impact on a substantial number of small entities.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the Courts of Appeal of the United States, or the United States Court of Appeal for the District of Columbia.

Issued in Los Angeles, Calif., on April 6, 1981.

John D. Mattson,

Director, FAA Western Region.

Note.—The incorporation by reference provisions in this document were approved by the Director of the Federal Register on January 19, 1967.

[FR Doc. 81-12781 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 21683; Amdt. 39-4106]

Societe Nationale Industrielle Aerospatiale Model SA 365C Series Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Societe Nationale Industrielle Aerospatiale Model SA 365C series helicopters by individual telegrams. The AD requires inspection of the leg-to-ring welded junction of the tail rotor gearbox tripod mount assembly for cracks, replacement as necessary, and installation of tail ballast. The AD is necessary to prevent failure of the tail rotor gearbox tripod mount assembly, which could result in loss of control of the helicopter.

DATES: Effective April 30, 1981, as to all persons except those persons to whom it was made immediately effective by the telegraphic AD issued May 25, 1979, which contained this amendment.

Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable manufacturer's service literature may be obtained from: Societe Nationale Industrielle Aerospatiale (SNIAS), 37, Blvd. de Montmorency, 75781 Paris Cedex 16, France.

A copy of the manufacturer's service literature is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: On May 18, 1979, a telegraphic airworthiness directive was issued and made effective immediately as to all known U.S. owners and operators of certain Societe Nationale Industrielle Aerospatiale Model SA 365C series helicopters. The AD required inspection of the leg-to-ring welded junctions of the tail rotor gearbox tripod mount assembly for cracks, replacement as necessary, and repetitive inspections. The AD was superseded on May 25, 1979, by a telegraphic AD which required an additional inspection of the mount assembly using the dye penetrant method, and installation of tail ballast, as well as clarification of the repetitive inspection schedule, the applicability statement, and the need to use new mount assemblies for replacements. AD action was necessary to prevent failure of the tail rotor gearbox tripod mount assembly, which could result in loss of control of the helicopter.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known U.S. owners and operators of certain Societe Nationale Industrielle Aerospatiale Model SA 365C series helicopters by individual telegrams issued May 25, 1979. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons. Editorial changes have been made to the AD for purposes of clarification.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale (SNIAS). Applies to Model SA 365C series helicopters, certificated in all categories, which have skid type landing gear P/N 365A82.1370 and/or P/N 365A82.1400 installed, and either do not have tail ballast installed in accordance with Aerospatiale Drawing 365MR0351, or are not modified in accordance with Aerospatiale Service Bulletin Dauphin No. 53.04, dated May 10, 1979.

Compliance required as indicated, unless already accomplished.

To prevent failure of the tail rotor gearbox tripod mount assembly, accomplish the following:

(a) Within the next five hours time in service after the effective date of this AD, and every five hours thereafter, and prior to the first flight of each day, inspect the tail rotor gearbox tripod mount assembly, P/N 360A23.0024 (hereinafter referred to as TRGB mount assembly) for cracks in accordance with Aerospatiale Work Card No. 53.10.605, dated March 1979, or an FAA-approved equivalent.

(b) If any crack or cracks are found, remove the TRGB mount assembly from service and replace with a new TRGB mount assembly, and thereafter inspect in accordance with paragraph (a) until compliance with paragraph (c) is accomplished.

(c) Within the next 100 hours time in service:

(1) Incorporate a tail ballast weight in accordance with Aerospatiale Dauphin Service Bulletin No. 53.04, dated May 10, 1979, or an FAA-approved equivalent.

(2) Remove the tail rotor and tail rotor gearbox in accordance with Aerospatiale Work Card No. 65.42.401, dated March 1979, or an FAA-approved equivalent.

(3) Inspect the three leg-to-ring junction welds of the TRGB mount assembly for cracks using the dye penetrant method in accordance with Aerospatiale Standard Practice Manual, Section 02.80, dated August 1976, or an FAA-approved equivalent, and

(i) If no cracks are found, reinstall the tail rotor and tail rotor gearbox in accordance with Aerospatiale Work Card No. 65.42.401, dated March 1979, or an FAA-approved equivalent, and return to service.

(ii) If any cracks are found, remove the TRGB mount assembly from service, replace with a new TRGB mount assembly, reinstall the tail rotor and tail rotor gearbox in accordance with Aerospatiale Work Card No. 65.42.401, or an FAA-approved equivalent, and return to service.

(d) After accomplishment of paragraph (c) of this AD, the inspection requirements of this AD may be discontinued.

(e) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective April 30, 1981, as to all persons except those persons to whom it was made immediately effective by the telegraphic AD issued May 25, 1979, which contained this amendment.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Societe Nationale Industrielle Aerospatiale (SNIAS), 37, blvd. de Montmorency, 75781 Paris Cedex 16, France. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule was previously issued in telegraphic form to known owners and operators to correct an unsafe condition in aircraft. The present action codifies the rule and makes it effective as to all persons. It has been further determined that this rule involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on April 21, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-12780 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-19-AD, Amdt. No. 39-4096]

Airworthiness Directive: Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment provides terminating action by amending an existing Airworthiness Directive (AD) applicable to Lockheed-California Company Model L-1011-385 series airplanes by providing for the replacement of main landing gear truck pivot pins and pivot pin journal bushings. This amendment is needed to establish terminating action information which will provide relief for operators affected by the original AD.

DATES: Effective date May 22, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Department 63-11, U33, B-1. Also, a copy of the service information may be reviewed at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108; or 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey Chimerine, Aerospace Engineer, Airframe Branch, ANW-120L, Los Angeles Area Aircraft Certification Office, Federal Aviation Administration, Northwest Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6359.

SUPPLEMENTARY INFORMATION: Amendment 39-3629 (44 FR 69279), AD 79-25-02, requires visual checks and inspections of the main landing gear piston clevis lugs, including the web area directly above the lugs on the main landing gear assemblies of Lockheed-California Company Model L-1011-385-1 series airplanes. After issuing Amendment 39-3629, the FAA evaluated substantiating data and additional service instructions prepared by the manufacturer and determined that the procedures and replacements as set forth in Lockheed Service Bulletin 093-32-154 Revision #2 dated January 5, 1981, provide alternate means of compliance with the inspection requirements of the original AD, including actions which permit termination of the repetitive inspection requirements of the original AD. Therefore, the FAA is amending Amendment 39-3629 to provide for the installation of main landing gear truck beam and shock strut piston pivot pin and bushings according to the procedures set forth in Lockheed Service Bulletin 093-32-154 Revision #2 dated January 5, 1981.

Since this amendment provides an alternative means of compliance, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3629 (44 FR 69279), by renumbering paragraphs (c), and (d) of AD 79-25-02 to (d) and (e) respectively and adding a new paragraph (c) as follows identical to paragraph (c) in this amendment.

(c) Installation and/or modification of the main landing gear uplock snubber, truck pivot pin and bushings using Kits 1630462-101, -103, -105, and -107 or alternate Kits 1630462-109, -111, -113, and -115 per Lockheed Service Bulletin 093-32-154 Revision #2 dated January 5, 1981, constitutes terminating action for this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 92520, Attention: Commercial Support Contracts, Department 63-11, U33, B-1.

These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261, Room 6W14.

This amendment becomes effective May 22, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.89))

Note.—Since the regulatory action involves amendments which are relieving in nature; The FAA has determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); it is not major under the provisions of Executive Order 12291; the preparation of a regulatory evaluation is not warranted.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on April 17, 1981.

Charles R. Foster,

Northwest Region.

Note.—The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 9, 1967.

[FR Doc. 81-12988 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-16-AD, Amdt. 39-4097]

Airworthiness Directive: Lockheed-California Company Model L-1011-385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment provides terminating action by amending an existing Airworthiness Directive (AD) applicable to Lockheed-California Company Model L-1011-385 series airplanes by providing for the replacement of main landing gear truck pivot pins and pivot pin journal bushings. This amendment is needed to establish terminating action information which will provide relief for operators affected by the original AD.

DATES: Effective date May 22, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Department 63-11, U33, B-1. Also, a copy of the service information may be reviewed at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108; or 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey Chimerine, Aerospace Engineer, Airframe Branch, ANW-120L, Los Angeles Area Aircraft Certification Office, Federal Aviation Administration, Northwest Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6359.

SUPPLEMENTARY INFORMATION: Amendment 39-3448 (44 FR 23819), AD 79-08-04, requires visual checks and inspections of the main landing gear truck pivot pins and replacement of the pins, if necessary, on the main landing gear assemblies of Lockheed-California Company Model L-1011-385-1 series airplanes. After issuing Amendment 39-3448, the FAA evaluated substantiating data and additional service instructions prepared by the manufacturer and determined that the procedures and replacements as set forth in Lockheed Service Bulletin 093-32-154 Revision #2 dated January 5, 1981, provide alternate means of compliance with the inspection requirements of the original AD, including actions which permit termination of the repetitive inspection requirements of the original AD. Therefore, the FAA is amending Amendment 39-3448 to provide for the installation of main landing gear truck beam and shock strut piston pivot pin and bushings according to the procedures set forth in Lockheed Service Bulletin 093-32-154 Revision #2 dated January 5, 1981.

Since this amendment provides an alternative means of compliance, has no adverse economic impact, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3448 (44 FR 23819), by renumbering paragraphs (d) and (e) of AD 79-08-04 to (e) and (f) respectively, and adding a new paragraph (d) as follows:

(d) Installation and/or modification of the main landing gear uplock snubber, truck pivot pin and bushings using Kits 1630462-101 -103, -105, and -107 or alternate Kits 1630462-109, -111, -113, and -115 per Lockheed Service Bulletin 093-32-154 Revision #2 dated January 5, 1981, constitutes terminating action for this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Department 63-11, U33, B-1.

These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261, Room 6W14.

This amendment becomes effective May 22, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.89))

Note.—The FAA has determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), not major under the provisions of Executive Order 12291 and the preparation of a regulatory evaluation is not warranted since the regulatory action involves amendments which are relieving in nature, with a minimal anticipated manner.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on April 17, 1981.

Charles R. Foster,

Northwest Region.

Note.—The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 9, 1967.

[FR Doc. 81-12987 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NW-44-AD, Amdt. 39-4087]

Airworthiness Directives: Boeing Model 707/720 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to Boeing Model 720/720B series airplanes by decreasing the initial inspection threshold for the wing lower skin splice stringers; and extending the applicability to the 707-300, -400, 300B, and 300C series. This action is necessary because cracks have been detected on 720 airplanes which had accumulated less than 18,000 landings as well as on a 707-400 airplane. This action is intended to prevent cracks from developing which would seriously compromise the structural capability of the wing lower surface.

DATE: Effective date May 17, 1981.

ADDRESSES: The service bulletins specified in this airworthiness directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION:

History

Airworthiness Directive (AD) 79-19-01 (44 FR 52876, September 10, 1979) requires inspection and repair, as necessary, of the wing lower skin splice stringers of Boeing 720/720B airplanes.

Recent inspections have revealed the following:

1. Many small cracks were found in the wing lower surface skin splice stringers of a Boeing 707-400. The cracks initiated from fastener holes in the splice stringers.

2. AD 79-19-01 required a mandatory inspection of all 720/720B airplanes. Cracks have been found in the same area of 720/720B airplanes with less than 18,000 landings.

A Notice of Proposed Rulemaking (NPRM) was published in the Federal Register (45 FR 68661) on October 16, 1980, which proposed lowering the inspection thresholds, and extending the applicability of the AD to 707-300, -400, -300B, and 300C series airplanes.

Public Participation

All interested persons have been given an opportunity to participate in the making of this amendment and due consideration has been given all matters presented. Only one comment was received.

Comment

The Air Transport Association of America (ATA) on behalf of American Airlines stated that the service experience at American on their B707-300B/300C airplanes had revealed on cracking of the stringer splices. They, therefore, believe it inappropriate to amend AD 79-19-01 to extend it to these airplanes.

While the adverse service experience was discovered on a B707-400 airplane, the structural similarity between the B707-400 and the B707-300, 300B and 300C series airplanes in the lower wing panels makes it reasonable to expect that the crack development will be similar for all series. Since this condition, therefore, is likely to exist or develop in other products of the same type design, the rule, as proposed, is adopted. It is estimated 170 US registered aircraft will be affected by this AD, that it will take approximately 8 manhours per aircraft to accomplish the required actions and that the average labor cost per manhour will be $35. Based on these figures, the total cost impact of this AD is estimated to be $47,600 per inspection for the fleet.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 79-19-01 (Amdt. 39-3556, 44 FR 52876), as follows:

Delete paragraph A and the applicability sentence which precedes it and replace with the following:

Boeing: Applies to all Boeing 720/720B, 707-300, 707-400, 707-300B, and 707-300C series airplanes.

A. After the effective date of this Amendment, perform a low frequency eddy current inspection for cracks in the wing lower surface splice stringers in accordance with Boeing Service Bulletin 3226 Revision 4, dated October 17, 1980, or in a manner approved by the Chief, Seattle Area Aircraft Certification Office. The inspections are to be made at the threshold times within the prescribed initial interval and repetitive intervals shown below.

Airplane	Threshold (landings)	Initial inspection (landings)		Repetitive interval (landings)
		Within	Unless accomplished within the last	
720/720B	14,000	715	715	1,430
707-300/400	21,000	1,675	1,675	3,350
707-300B	19,000	1,425	1,425	2,850
707-300C	17,000	725	725	1,450
707-300C (passenger only)	17,000	1,425	1,425	2,850

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.45)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and is not major as defined in Executive Order 12291. A final regulatory evaluation prepared for this action is contained in the regulatory docket and summarized earlier in this rule. A copy of it may be obtained by contacting the person indentified above under the caption "FOR FURTHER INFORMATION CONTACT."

This regulation is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485). As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on April 2, 1981.

Charles R. Foster,

Director, Northwest Region.

Note.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 81-12868 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 21682, Amdt. 39-4105]

Airbus Industrie Model A300 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain serial numbered Airbus Industrie Model A300 series airplanes by individual telegrams. The AD requires initial and repetitive inspections for cracks of the two rear attachment lugs of the landing gear brake control pedal position transmitter brace assembly, and replacement or modification of the brace assembly prior to further flight if cracks are found. The AD is necessary to prevent possible reduction in braking performance.

DATES: Effective April 30, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T80-16-52, issued August 1, 1980, which contained this amendment. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletins may be obtained from: Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France. A copy of each service bulletin is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American

Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone: 202-426-8192.

SUPPLEMENTARY INFORMATION: On August 1, 1980, telegraphic AD T80-16-52 was issued and made effective immediately as to all known U.S. owners and operators of certain serial numbered Airbus Industrie Model A300 series airplanes. The AD was issued following reported failures of the two rear attachment lugs of the brake control pedal position transmitter brace assembly. The AD required initial and repetitive inspections for cracks of the two rear attachment lugs of the landing gear brake control pedal position transmitter brace assembly, and replacement or modification of the brace assembly prior to further flight, if cracks are found. AD action was necessary because cracking or failure of the lugs could cause reduction in braking performance and subsequent inability of the flight crew to bring the airplane to a safe stop following a landing or rejected takeoff.

Subsequent to issuance of the telegraphic AD, the FAA became aware that certain serial numbers in the applicability statement should not have been included. The amendment, as adopted, includes this correction. In addition, the FAA became aware that the preventive modification may be accomplished on an uncracked P/N A3241000000002 brace assembly in addition to a P/N A3241000000003 brace assembly. The amendment, as adopted, incorporates this alternate action. These changes are relieving in nature and therefore notice and public procedure thereon is unnecessary. Editorial changes have also been made for ease of reading.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed for making the AD effective immediately by individual telegrams issued August 1, 1980, to all known U.S. owners and operators of certain serial numbered Airbus Industrie Model A300 series airplanes. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Airbus Industrie. Applies to Model A300 series airplanes, serial numbers 002 through 095 inclusive, except serial numbers 058, 001, 080, 082, 089, 090 and 094, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent reduction in brake performance, accomplish the following:

(a) Within the next 50 landings after the effective date of this AD, and thereafter at intervals not to exceed 50 landings, visually inspect the two rear attachment lugs of brake pedal position transmitter cast brace assembly, P/N A3241000000002 or A3241000000003, for cracks in accordance with Airbus Industrie Service Bulletin A300-32-284, dated May 27, 1980, or an FAA-approved equivalent. Report defects found to the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174).

(b) If a crack or cracks are found as a result of any inspection required by paragraph (a) of this AD, replace the brace assembly prior to further flight with a serviceable brace assembly.

(c) The inspections required by paragraph (a) of this AD may be discontinued after installation of a cast brace assembly modified in accordance with Airbus Industrie Service Bulletin A300-32-287, dated July 4, 1980, or an FAA-approved equivalent.

(d) Airplanes may be ferried in accordance with FAR §§ 21.197 and 21.199 to a facility where inspections and repairs can be accomplished.

(e) If an equivalent means of compliance is used in complying with this AD, that equivalent must be approved by the Chief, Aircraft Certification Staff, Europe, Africa and Midele East Office, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective April 30, 1981, as to all persons except those persons to whom it was immediately effective by telegraphic AD T80-16-52, issued August 1, 1980, which contained this amendment.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, BP 33, 31700 Blagnac, France. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule was previously issued in telegraphic form to known owners and operators to correct an unsafe condition in aircraft. The present action codifies the rule and makes it effective as to all persons. It has been further determined that this rule involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, D.C., on April 21, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-12291 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 72-WE-8 AD, Amdt. 39-4085]

Beech Model C-45G, TC-45G, C-45H, TC-45H, TC-45J (SNB-5), RC-45J (SNB-5P), D18C, D18S, E18S, E18S-9700, G18S, H18, JRB-6, 3N, 3NM and 3TM; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing Airworthiness Directive (AD) applicable to certain Beech aircraft modified in accordance with Volpar Supplemental Type Certificate (STC) SA4-1531, SA111WE, SA1832WE, or any other STC modification incorporating the provisions of the Volpar Tri-gear Installation by increasing the number of landings allowed between the repetitive inspections specified in the AD. The service history has shown that the requirements of the AD can be relaxed and the requirements of safety can be served with an increased number of landings between inspections.

DATE: Effective April 16, 1981.

Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: Same as original.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: This amendment further amends Amendment 39-1494, (37 FR 15421), AD 72-16-02, as amended by Amendment 39-1549, (37 FR 23418), as amended by Amendment 39-2211, (40 FR 22124) which currently requires repetitive inspections for cracks in the landing gear for airplanes incorporating Volpar Tri-gear installation on certain Beech series airplanes. Based on the subsequent service history, the FAA has determined that the number of landings between inspections can be increased without compromising safety. Therefore, the FAA is further amending Amendment 39-1494, as amended by Amendment 39-1549, as amended by Amendment 39-2211 by increasing the number of landings allowed between repetitive inspections on Beech Models C-45G, TC-45G, C-45H, TC-45H, TC-45J (SNB-5), RC-45J (SNB-5P), D18C, D18S, E18S, E18S-9700, G18S, H18, JRB-6,N, 3N, 3NM, and 3TM aircraft modified in accordance with Supplemental Type Certificate (STC) SA4-1531, STC SA111WE, STC SA1832WE, or any other STC modification incorporating the provisions of the Volpar Tri-gear Installation.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by further amending Amendment 39-1494, (37 FR 15421), AD 72-16-02, as amended by Amendment 39-1549, (37 FR 23418), as amended by Amendment 39-2211, (40 FR 22124) by revising paragraph 1.a. of the amendment to read, in pertinent part, as follows:

* * * * *

and thereafter at intervals not to exceed 100 hours time in service or 70 landings

* * *

* * * * *

Amendment 39-1494 became effective August 3, 1972.

Amendment 39-1549 became effective November 3, 1972.

Amendment 39-2211 became effective May 27, 1975.

This amendment becomes effective April 30, 1981.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

This amendment is not a major rule under Sections 1.(b) and 8. of the Executive Order 12291. The amendment to the AD is relieving in that it allows an increase in the number of landings allowed between inspections. It has been determined under the criteria of the Regulatory Flexibility Act that this rule will not have a significant impact on a substantial number of small entities. 5 U.S.C. 605.

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Los Angeles, Calif., on March 31, 1981.

John Matteson,

Director, FAA Western Region.

[FR Doc. 81-12985 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AEA-1]

Amendment to North Atlantic Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action expands the North Atlantic control area to provide additional control area airspace offshore. This action will ensure efficient joint use of warning area airspace by permitting the application of domestic rather than oceanic air traffic control procedures within the affected airspace.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On February 19, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to expand the North Atlantic control area as published in the **Federal Register** (46 FR 12985) to coincide with scheduled expansions of Warning Areas W-72 and W-386 by separate nonregulatory action. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Of the comments received, none were objections. This rule is the same as that proposed in the notice. Section 71.163 was republished on January 2, 1981 (46 FR 449).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations expands the North Atlantic control area to coincide with the scheduled expansion of Warning Areas W-72 and W-386 by separate nonregulatory action. The North Atlantic Control Area is one of several additional control areas which are categories of controlled airspace designated for the purpose of extending the application of domestic air traffic control procedures into offshore airspace. This action allows for a more efficient civil joint use of the airspace defined as the North Atlantic Control Area by using these domestic procedures rather than oceanic air traffic control procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the North Atlantic Control Area under § 71.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 449), is amended, effective 0901 G.m.t., June 11, 1981, by revising the description to read as follows:

That airspace extending upward from 2,000 feet MSL within the area bounded by a line beginning at Lat. 35°29'30" N., Long. 75°24'50" W.; thence along a line 3 NM east of and parallel to the U.S. shoreline to Lat. 41°40'00" N.; thence to Lat. 41°40'00" N., Long. 67°00'00" W.; to Lat. 39°00'00" N., Long. 67°00'00" W.; to Lat. 38°35'00" N., Long. 66°53'00" W.; to Lat. 38°20'00" N., Long. 69°57'00" W.; to Lat.

37°31'00" N., Long. 71°41'00" W.; to Lat. 37°13'39" N., Long. 72°40'00" W.; to Lat. 35°05'35" N., Long. 72°40'00" W.; to Lat. 34°29'17" N., Long. 73°34'23" W.; to Lat. 34°33'10" N., Long. 73°40'50" W.; to Lat. 34°21'18" N., Long. 73°58'53" W.; to point of beginning.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 7, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12708 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-13]

Alteration of Control Zone; Little Rock, Arkansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the control zone at Little Rock, Arkansas (Adams). The intended effect of the amendment is to eliminate unnecessary controlled airspace for aircraft executing instrument approach procedures to Adams Field Airport. This amendment is necessary since a review of controlled airspace at Little Rock, Arkansas (Adams) revealed it is in excess of that needed for aircraft arriving/departing the Adams Field Airport.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (917) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR 71) as republished (46 FR 455) the Little Rock, Arkansas, control zone is designated for the protection of aircraft executing instrument approach procedures to the Adams Field Airport. A review of the required airspace disclosed that the control zone description is in excess of that required. Therefore, this action reduces the size of the control zone. This action will release the constraints and, in effect, the impact on the user imposed by the control zone. Therefore, public circularization of this action was not considered necessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 GMT, June 11, 1981, as follows:

Little Rock, Arkansas (Adams)

Within a 5-mile radius of Adams Field (latitude 34°43'49" N., longitude 92°13'59" W.).

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation is not major under Executive Order 12291. The FAA has also determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on April 6, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12413 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ANW-5]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone Oak Harbor, Washington

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The nature of the action being taken is alteration of the control zone at Oak Harbor. The intended effect of the action is to release controlled airspace which will result in more efficient utilization of the affected airspace. The circumstances which created the need for the action is the reevaluation of the airspace requirements at Oak Harbor.

DATES: Effective date: June 11, 1981.

Comment date: Comments must be received on or before May 30, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Chief, Operations, Procedures, and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The official docket may be examined at the following location: Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

The airspace requirements for the Oak Harbor Airport were reevaluated and it was determined that the present five mile radius control zone could be reduced to a three mile radius zone with a two mile extension to the east. Reduction of the controlled airspace will not eliminate that required for the protection of aircraft executing instrument procedures at the Oak Harbor Airport. Since this action results in increased public access to the affected airspace, notice and public procedures are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 GMT, June 11, 1981, as follows:

Oak Harbor, Washington

Replace description in its entirety and substitute: "within a 3 mile radius of the Oak Harbor Airport (latitude 48°15'06"N, longitude 122°40'40"W), excluding the portion within the Whidbey Island, Washington, Control Zone; within 2.5 miles each side of the 091° bearing from the airport extending from the 3 mile radius zone to 5 miles

east of the airport. The control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 nor a significant rule under DOT Regulatory Policies and Procedures, (44 FR 11034; February 26, 1979) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. The anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Seattle, Washington, April 1, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-13030 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-NE-10]

Amend the Effective Hours of the Lawrence, Massachusetts, Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Lawrence, Massachusetts, Control Zone by changing the effective hours to coincide with the period of operation of the Control Tower. A recent conversion in time of operation of the Lawrence Control Tower necessitates this change.

DATES: Effective date: April 21, 1981.

Comment date: Comments on the Rule must be received on or before June 21, 1981.

ADDRESS: Send comments to Charles Taylor, Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION: As the hours of operation of the Lawrence Control Tower have been changed, it is necessary to change the present description of the Lawrence, Massachusetts, Control Zone so that the effective hours will coincide with the period of operation of the Control Tower.

Request for Comments on the Rule

Although this action is in the form of a Final Rule, which was not preceded by notice and public procedure, comments are invited on the Rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the Rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the Rule that might suggest the need to modify the Rule.

The Rule

The FAA is amending subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the description of the Lawrence, Massachusetts, Control Zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

§ 71.171 [Amended]

1. Amend § 71.171 of the Federal Aviation Regulations so as to amend the description of the Lawrence, Massachusetts, Control Zone by removing:

"The Lawrence Control Zone will be effective from 0700 to 2300 . . ."

and inserting in lieu thereof:

"The Lawrence Control Zone will be effective from 0800 to 1800 hours (local time) daily or during the specific dates and times established in advance by a Notice to Airmen which, thereafter, will be continuously published in the Airport Facility Directory."

It has been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have significant impact on a substantial number of small entities.

(Secs. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not major under Executive Order 12291 or significant under the provisions of Department of Transportation Regulatory and Procedures [44 FR 11034; February 26, 1979]. The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on April 8, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-13016 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ARM-22]

Alteration of Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the control zone and 700' and 1,200' transition areas at Williston, North Dakota, to provide additional controlled airspace for aircraft executing the new VOR/DME runway 29 standard instrument approach procedure (SIAP) developed for the Sloulin Field International Airport, Williston, North Dakota.

EFFECTIVE DATE: 0901 GMT, June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Robert E. Greene, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

History

On Monday, January 19, 1981, the FAA published for comment (46 FR 4946) a proposal to alter the control zone and 700' and 1,200' transition areas at Williston, North Dakota. The only comments received as a result of the circular expressed no objection.

Rule

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) alters the control zone and 700' and 1,200' transition areas at Williston, North Dakota, to provide additional controlled airspace for aircraft executing the new VOR/DME runway 29 standard instrument approach procedure developed for the Sloulin

Field International Airport, Williston, North Dakota.

Drafting Information

The principal authors of this document are Robert E. Greene, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., June 11, 1981, as follows:

By amending Subpart F, § 71.171 so as to alter the following control zone to read:

Williston, North Dakota

Within a 5-mile radius of the Sloulin International Airport (latitude 48°10'37" N., longitude 103°38'16" W.); within 1.5 miles each side of the Williston VORTAC 136° radial, extending from the 5-mile radius area to 1.5 miles southeast of the Williston VORTAC, and within 2 miles north and 3 miles south of the 126° bearing from the Sloulin International Airport, extending from the 5-mile radius area to 10 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airport/Facility Directory.

By amending Subpart G, § 71.181 so as to alter the following transition area to read:

Williston, North Dakota

That airspace extending upward from 700' above the surface within a 10-mile radius of the Sloulin Field International Airport (latitude 48°10'37" N., longitude 103°38'16" W.); within 3.5 miles each side of the Williston VORTAC 316° radial, extending from the 10-mile radius area to 11.5 miles northwest of the VORTAC; within 3.5 miles north and 5.5 miles south of the 126° bearing from the Sloulin Field International Airport extending from the 10-mile radius area to 16 miles southeast of the airport; and that airspace extending upward from 1,200' above the surface within a 25-mile radius of the Williston VORTAC (latitude 48°15'12" N., longitude 103°45'01" W.) extending from the west edge of V-439 clockwise to the north edge of V-430, and within 45 miles of the Williston VORTAC extending from the south edge of V-430 clockwise to the east edge of V-439 excluding the Watford and Newtown 1,200' transition areas.

(Sec. 307(a) Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 (as implemented by DOT Regulatory Policies and Procedures (44 FR 11034) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. Also, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Aurora, Colo., on March 27, 1981.

Arthur Varnado,

Director, Rocky Mountain Region.

[FR Doc. 81-12776 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Docket No. 81-AAL-1]

Redescription of Control Zone; Anchorage, Alaska (Anchorage International Airport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The Anchorage International Airport geographical reference point has been changed because a new runway was commissioned. This amendment redescribes the Anchorage, Alaska (Anchorage International Airport) control zone based upon the new reference point. This change will not affect controlled airspace volume, but will result in slight shifting to the northwest of the 5-mile radius control boundaries.

DATES: Effective date: June 11, 1981.

Comment date: Comments must be received on or before July 27, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Alaskan Region, Attn.: Chief, Air Traffic Division, Docket No. 81-AAL-1, 701 C Street, Box 14, Anchorage, Alaska 99513.

Comments may be examined in the Rules Docket, weekdays except Federal Holidays, between 8:00 a.m. and 4:30 p.m.

The official docket may be examined at the following location: Office of the Regional Counsel, Alaskan Region, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513.

An informal docket may be examined at the office of the Chief, Air Traffic Division, at the above address.

FOR FURTHER INFORMATION CONTACT:

Jerry M. Wylie, Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513, telephone (907) 271-5903.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, it prescribes only a minor change in the Anchorage International Airport control zone boundary and will not cause additional constraints on the public; and, thus, was not preceded by notice and public procedure. Comments are however invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide a factual basis to support the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

History

The Anchorage International Airport recently commissioned a new runway which required that the airport reference point be reestablished at coordinates latitude 61°10'39"N., longitude 149°59'38"W. Because portions of the boundaries of the Anchorage International Airport control zone are based on a radius from the airport reference point, it is necessary to redescribe the control zone based upon the reestablished airport reference point. The volume of controlled airspace will remain the same, but the five-mile radius boundaries would move approximately ½-mile northwest.

The Rule

This amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) redescribes the Anchorage International Airport control zone based upon a revised airport reference point.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71), as republished (46 FR 455), is amended, effective 0901 G.m.t. June 11, 1981, by amending Anchorage, Alaska (Anchorage International Airport) control zone by deleting the coordinates "(Latitude 61°10'16"N., longitude 149°58'38"W.)" and substituting coordinates "(latitude 61°10'39"N., longitude 149°59'38"W.)" therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958, (49 U.S.C. § 1348(a) and § 1354(a);

Sec. 6(c) of the Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and it is not a major rule under Executive Order 12291.

Issued in Anchorage, Alaska, on April 2, 1981.

Garland P. Castleberry,

Acting Director, Alaskan Region.

[FR Doc. 81-12824 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ARM-15]

Establishment of Control Zone: Provo, Utah

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a control zone at Provo, Utah, to provide controlled airspace for aircraft executing the new instrument landing system (ILS) standard instrument approach procedure (SIAP) developed for the Provo Municipal Airport, Provo, Utah.

EFFECTIVE DATE: 0901 G.m.t. June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Robert E. Greene, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

History

On Monday, January 19, 1981, the FAA published for comment (46 FR 4945) a proposal to establish a control zone at the Provo Municipal Airport, Provo, Utah. The only comments received as a result of the circular expressed no objection.

Rule

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) establishes a control zone for the Provo Municipal Airport, Provo, Utah to provide controlled airspace for aircraft executing the new ILS standard instrument approach procedure.

Drafting Information

The principal authors of this document are Robert E. Greene, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., June 11, 1981, as follows:

By amending Subpart F, § 71.171 so as to establish the following control zone to read:

Provo, Utah

Within a 5-mile radius of Provo Municipal Airport (latitude 40°12'56" N., longitude 111°43'14" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time thereafter to be continuously published in the Airport/Facility Directory.

(Sec. 307(a) Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 (as implemented by DOT Regulatory Policies and Procedures (44 FR 11034)) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. Also, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Aurora, Colo., on March 27, 1981.

Arthur Varnado,

Director, Rocky Mountain Region.

[FR Doc. 81-12777 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ANW-14]

Designation of Control Zone, Burns, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a control zone at Burns, Oregon, to provide controlled airspace to protect aircraft executing instrument operations at the Burns Municipal Airport. Weather observation and reporting is now available at the airport and complete the criteria needed for control zone establishment.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

On January 8, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a part-time control zone at Burns, Oregon (46 FR 2085). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. This is the same amendment as that proposed in the notice. Section 71.171 of Part 71 was republished in the Federal Register on January 2, 1981 (46 FR 455).

Adoption of The Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 G.m.t., June 11, 1981, by adding a control zone at Burns, Oregon, to read as follows: Burns, Oregon

Within a 5 mile radius of the Burns Municipal Airport (latitude 43°35'32"N, longitude 118°57'14"W); and within 2 miles each side of the Wildhorse VOR (latitude 43°35'36"N, longitude 118°57'14"W) 090° radial extending from the 5 mile radius zone to 9.5 miles east of the Wildhorse VOR; within 2.5 miles each side of the Wildhorse VOR 141° radial extending from the 5 mile radius zone to 9.5 miles southeast of the Wildhorse VOR; within 2 miles each side of the Wildhorse VOR 227° radial extending from the 5 mile radius zone to 8.5 miles southwest of the Wildhorse VOR. This control zone shall be effective during the times established by a Notice to Airmen and thereafter published continuously in the Airport/Facility Directory.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 nor a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. The anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Seattle, Wash., April 7, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-12778 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ANW-11]

Designation of Control Zone; Coeur D'Alene, Idaho

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a control zone at Coeur d'Alene, Idaho, to provide controlled airspace to protect aircraft executing instrument operations at the Coeur d'Alene Municipal Airport. Weather observation and reporting is now available at the airport and complete the criteria needed for control zone establishment.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

On February 9, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a part-time control zone at Coeur d'Alene, Idaho (46 FR 11555). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. This is the same amendment as that proposed in the notice. Section 71.171 of Part 71 was republished in the **Federal Register** on January 2, 1981 (46 FR 455). No comments were received objecting to the proposal.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455) is amended, effective 0901 G.m.t June 11, 1981, by adding a control zone at Coeur d'Alene, Idaho, to read as follows: Coeur d'Alene, Idaho

Within a 5-mile radius of Coeur d'Alene Air Terminal, Coeur d'Alene, Idaho (latitude 47°46'28"N, longitude 116°49'05"W); within 4 miles each side of the Coeur d'Alene VOR 251° radial extending from the 5 mile radius zone to 7 miles southwest of the airport. The control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 nor a significant rule under DOT Regulatory Policies and Procedures, (44 FR 11034; February 26, 1979) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. The anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Seattle, Wash., April 7, 1981.

Charles R. Foster,

Director, Northwest Region

[FR Doc. 81-12770 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ANW-18]

Alteration of Pocatello and Idaho Falls, Idaho, Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action provides for controlled airspace for aircraft to operate on direct routes or on radar vectors throughout east central Idaho at altitudes considerably lower than the existing floor of controlled airspace.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

On December 11, 1980, a Notice of Proposed Rulemaking was published in the **Federal Register** (45 FR 81603) stating that the Federal Aviation Administration proposed to alter transition areas at Pocatello and Idaho Falls, Idaho. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No comments were received objecting to the proposal.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 G.m.t. June 11, 1981, as follows:

Pocatello, Idaho

By amending Pocatello, Idaho, transition area by deleting all words after, "east of the VORTAC;" beginning on line 4.

Idaho Falls, Idaho

By amending Idaho Falls, Idaho, transition area by deleting all words after, "northeast of the VORTAC;" beginning on line 4 and substituting: "That airspace extending upward from 1200 feet above the surface bounded by a line beginning at the intersection of longitude 112°30'00"W and the south edge of V298, extending east along V298 to the west edge of V465, southwest on V465 to the north edge of V4, west on V4 to the south edge of V269, then northeast on V269 to the INT of the 29-mile radius circle centered on the Pocatello, VORTAC, then clockwise via the 29-mile radius arc to latitude 43°05'40"N, longitude 113°08'00"W, then direct latitude 43°20'30"N, longitude 112°45'30"W, then direct latitude 43°32'00"N, longitude 112°35'00"W, then direct latitude 43°50'20"N, longitude 112°30'00"W, then direct to point of beginning, excluding that airspace within Federal Airways and the Jackson, WY, Burley, ID, transition areas."

(Sec. 307(a), 313(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c), and 1510); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69)

Note—The FAA determined that this regulation is not a major rule under Executive Order 12291 nor a significant rule under DOT Regulatory Policies and Procedures, (44 FR 11034; February 26, 1979) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. The anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Seattle, Wash., April 7, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-12767 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ANW-20]

Alteration of Transition Area, Medford, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action provides for controlled airspace for aircraft to operate on direct routes or on radar vectors throughout Northwest California and Southwest Oregon at altitudes considerably lower than the existing floor of controlled airspace.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

On February 17, 1981, a Notice of Proposed Rulemaking was published in the Federal Register (46 FR 12501) stating that the Federal Aviation Administration proposed to alter transition area at Medford, Oregon. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No comments were received objecting to the proposal.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 G.m.t. June 11, 1981, as follows:

Medford, Oregon

Delete line 9 and remainder of description and substitute "west by the east edge of V23E; and that airspace west of the Medford VORTAC bounded on the north by the south edge of V287; on the west by the east edge of V27; on the south by the north edge of V122."

(Sec. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c), and 1510; sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69))

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 nor a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. The anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Seattle, Wash., April 2, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-12940 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ASW-55]

Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters part of VOR Federal Airway V-77E by revoking the segment between Pioneer, Okla., and Oklahoma City, Okla., and extending VOR Federal Airway V-354 from Pioneer via TRUMP, Okla., Intersection to Oklahoma City. This action improves traffic flow in the Oklahoma City terminal area.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On February 19, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke the segment of alternate airway V-77E between Pioneer, Okla., and Oklahoma City, Okla. In addition, V-354 has been extended from Pioneer to Oklahoma City via TRUMP, Okla., Intersection (46 FR 12982). This amendment permits more flexibility for maneuvering traffic in the Oklahoma City terminal area, thereby reducing delays and improving safety. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments have been received objecting to the proposal. Except for editorial changes, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends part of V-77E by revoking that segment between Pioneer, Okla., and Oklahoma City, Okla., and extends V-354 from Pioneer via TRUMP, Okla., Intersection to Oklahoma City. This action will improve traffic flow in the terminal areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409), is amended, effective 0901 G.m.t., June 11, 1981, as follows:

1. By amending V-77, by deleting the words "Pioneer, Okla., including an E alternate via INT Oklahoma City 037° and Pioneer 186° radials;" and substituting for them the words "Pioneer, Okla.;"

2. By amending V-354, by deleting the words "From Pioneer, Okla.;" and substituting for them the words "From Oklahoma City, Okla., via INT Oklahoma City 045° and Pioneer, Okla., 186° radials; Pioneer;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 8, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12774 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-15]

Revocation of Transition Area; LaGrange, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revoke the transition area at LaGrange, Texas. The intended effect of the amendment is to cancel controlled airspace for aircraft

executing an instrument approach procedure to the Rocky Creek Ranch Airport. This amendment is necessary to release controlled airspace previously designated for aircraft executing an instrument approach procedure. Since there is no instrument approach to this airport, the controlled airspace is not necessary.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On June 15, 1966, a final rule was published in the Federal Register (31 FR 8358) stating that the Federal Aviation Administration proposed to designate the LaGrange, Texas, transition area. There is no current instrument approach procedure to this airport; the need for designated controlled airspace is unnecessary. Since this action releases controlled airspace for public use, I find that notice and public procedure are unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, June 11, 1981, by deleting the LaGrange, Texas, transition area.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation is not major under Executive Order 12291. The FAA has also determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on April 6, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12818 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-14]

Revocation of Transition Area; Mullin, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment will revoke the transition area at Mullin, Texas. The intended effect of the amendment is to cancel controlled airspace for aircraft executing an instrument approach procedure to the Smokey Bend Ranch Airport. This amendment is necessary to release controlled airspace previously designated for aircraft executing an instrument approach procedure. The FAA has been notified that the proposed nondirectional radio beacon (NDB) will not be installed.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817)624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On April 17, 1980, a final rule was published in the Federal Register (45 FR 26033) stating that the Federal Aviation Administration was designating the Mullin, Texas, transition area. Since this time, the sponsor has notified the FAA that the proposed NDB would not be installed, therefore, eliminating the need for the transition area. Since this action releases controlled airspace for public use, I find that notice and public procedure are unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, June 11, 1981, by deleting the Mullin, Texas, transition area.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation is not major under Executive Order 12291. The FAA has also determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Forth Worth, Texas, on April 6, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12817 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-ASW-45]

Alteration of Transition Area and Control Zone Amendment; Greenville, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: In a rule published in the Federal Register on January 29, 1981, Vol. 46, page 9563, altering the transition area and control zone at Greenville, Texas, the statement that the control zone would be part-time was omitted from the description. This action corrects that error; thereby making the description of the control zone as intended for the protection of aircraft executing instrument approach procedures to the Majors Field Airport.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Federal Register document 81-3301, published on January 29, 1981, (46 FR 9563) altered the transition area and control zone at Greenville, Texas, to designate the necessary controlled airspace for newly established instrument approach procedures. In describing the transition area and control zone, the statement at the end of the description which permits the airspace to be part-timed was inadvertently omitted. This amendment corrects the error. Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was published in the Federal Register on January 2, 1981 (46 FR 455). Since this amendment is a minor matter upon which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

Adoption of the Amendment

In Federal Register Document No. 81-3301 as published in 46 FR 9563 on January 29, 1981, under Greenville, Texas, add the following: "This control zone is effective during the specified dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation is not major under Executive Order 12291. The FAA has also determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on April 8, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-13838 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-AWE-17]

Designation of New VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a new VOR Federal Airway V-388 between Paradise, Calif., and Palm Springs, Calif. V-388 permits a lower minimum en route altitude (MEA) in this area, thereby saving fuel, reducing controller workload, and increasing aviation safety.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783

SUPPLEMENTARY INFORMATION:

History

On February 19, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a new VOR Federal Airway V-388 from Paradise, Calif., to Palm Springs, Calif., via a north dogleg (46 FR 12983). This airway is designed to provide a route which permits a lower minimum en route altitude (MEA) between those terminal areas. The MEA for the current direct route is 13,000 feet MSL. This action increases aviation safety by providing a lower MEA, thereby saving fuel. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, and except as specifically discussed below, this amendment is that proposed in the notice. Section 71.123 was republished on January 2, 1981 (46 FR 409).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designates a new VOR Federal Airway V-388 from Paradise, Calif., to Palm Springs, Calif. V-388 permits a lower minimum en route altitude (MEA), thereby increasing aviation safety and aids flight planning.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR part 71) as republished (46 FR 408), is amended, effective 0901 G.m.t., June 11, 1981, by adding "V-388 From Paradise, Calif., via INT Paradise 067° and Palm Springs, Calif., 267° radials; to Palm Springs."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 8, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-13773 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 81-AWE-12]

Amendments to Restricted Areas R-2524 Trona, Calif., and R-2509 Cuddeback Dry Lake, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments realign the boundaries of two restricted areas within their existing lateral and vertical dimensions and change the name of an existing restricted area. The change benefits the requirements of the using agencies for more efficient scheduling and will result in no additional restrictions to nonparticipating aircraft.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

The Rule

These amendments to §§ 71.151 and 73.25 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) realign R-2524 Trona, Calif., and R-2509 Cuddeback Dry Lake, Calif., within the confines of their existing vertical and lateral dimensions, and renames R-2509 as R-2509 Superior Valley, Calif. There are no changes to the existing activities in either area. This internal realignment of existing restricted area airspace is to benefit the requirements of the using agency for more efficient scheduling and utilization of the area. Because this action only involves a name change and interdivision of existing restricted area airspace and adoption of the amendment would not be affected by public comment, I find that notice and public procedure are unnecessary. Sections 71.151 and 73.25 were republished on January 2, 1981 (46 FR 446 and 787).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.151 and 73.25 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (46 FR 446 and 787) are amended, effective 0901 G.M.T., June 11, 1981, as follows:

1. In § 71.151 by changing "R-2509 Cuddeback Dry Lake, Calif." to read "R-2509 Superior Valley, Calif."

2. In § 73.25 by changing "R-2509 Cuddeback Dry Lake, Calif." to read "R-2509 Superior Valley, Calif." and by changing the description of the boundaries to read:

"Boundaries. Beginning at Lat. 35°15'56"N., Long. 117°12'27"W.; to Lat. 35°24'00"N., Long. 117°12'27"W.; to Lat. 35°24'00"N., Long. 116°55'20"W.; to Lat. 35°15'56"N., Long. 116°55'20"W.; to point of beginning."

3. In § 73.25 under "R-2524 Trona, Calif." by changing the description of the boundaries to read:

"Boundaries. Beginning at Lat. 35°47'46"N., Long. 116°55'20"W.; to Lat. 35°24'00"N., Long. 116°55'20"W.; to Lat. 35°24'00"N., Long. 117°12'27"W.; to Lat. 35°15'56"N., Long. 117°12'27"W.; to Lat. 35°15'56"N., Long. 117°26'00"W.; to Lat. 35°36'00"N., Long. 117°26'00"W.; to Lat. 35°36'00"N., Long. 117°16'52"W.; to Lat. 35°47'46"N., Long. 117°16'52"W.; to point of beginning."

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 9, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12769 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 75

[Airspace Docket No. 80-AGL-48]

Cleveland, Ohio, VORTAC Facility Name Change

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The name of the Cleveland, Ohio, VORTAC has been changed to "DRYER." These amendments substitute the name "DRYER" in the description of all airways, jet routes, and compulsory reporting points in which Cleveland appears.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION: The purpose of these amendments to § 71.123, § 71.181, § 71.203, § 71.207, § 75.100 and § 75.400 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) is to amend the description of several VOR Federal Airways, Jet Routes and Compulsory Reporting Points that have Cleveland, Ohio, in their text. The Cleveland VORTAC has been renamed DRYER; therefore, it is necessary to alter the text of all descriptions where the Cleveland VORTAC name appears. Since these amendments are editorial in nature, they are minor matters on which the public would have no particular desire to comment, therefore notice and public procedure thereon is unnecessary. Sections 71.123, 71.181, 71.203, 71.207, 75.100 and 75.400 were republished in the Federal Register on January 2, 1981, (46 FR 409, 540, 747, 754, 834 and 848).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, §§ 71.123, 71.181, 71.203, 71.207, 75.100 and 75.400 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished (46 FR 409, 540, 747, 754, 834 and 848) and amended (45 FR 85439 and 71774) are further amended, effective 0901 G.m.t., June 11, 1981; in each instance in which the Cleveland, Ohio, VORTAC is used in the description of the airspace by deleting the word "Cleveland" and substituting for it the word "DRYER" in the following airspace descriptions:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

§ 71.123 [Amended]

1. Under the descriptions of Airways V-5, V-6, V-14, V-26, V-30, V-40, V-42, V-75, V-126, V-435 and V-443.

§ 71.181 [Amended]

2. Under the description of the Cleveland, Ohio, transition area.

§ 71.203 [Amended]

3. Under the descriptions of the Cleveland, Ohio, and GILLS, Ohio, low altitude reporting points.

§ 71.207 [Amended]

4. Under the description of the Cleveland, Ohio, high altitude reporting point.

PART 75—ESTABLISHMENT OF JET ROUTES AND REPORTING POINTS

§ 75.100 [Amended]

5. Under the descriptions of Jet Route Nos. 29, 34, 60, 82, 83, 85, 162, 518, 545.

§ 75.400 [Amended]

6. Under the description of area high route J610R.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on April 8, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12773 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ARM-21]

Establishment of Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes 700' and 1,200' transition areas at Powell, Wyoming to provide controlled airspace for aircraft executing the new nondirectional radio beacon (NDB) standard instrument approach procedure developed for the Powell Municipal Airport, Powell, Wyoming.

EFFECTIVE DATE: 0901 G.m.t., August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Robert E. Greene, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

History

On Monday, January 12, 1981, the FAA published for comment (46 FR 2630) a proposal to establish a 700' and 1,200' transition area at Powell,

Wyoming. The only comments received as a result of this circular expressed no objections.

Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (FAR's) establishes 700' and 1,200' transition areas at Powell, Wyoming, to provide controlled airspace for aircraft executing the new NDB standard instrument approach procedure developed for the Powell Municipal Airport, Powell, Wyoming.

Drafting Information

The principal authors of this document are Robert E. Greene, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., June 11, 1981, as follows:

By amending Subpart G, § 71.181 so as to establish the following transition areas to read:

Powell, Wyoming

That airspace extending upward from 700' above the surface within an 8-mile radius of the Powell Municipal Airport (latitude 44°52'10" N., longitude 108°47'28" W.) and within 3 miles each side of the Powell NDB (latitude 44°52'10" N., longitude 108°47'02" W.) 164° bearing extending from an 8-mile radius area to 9 miles southeast of the Powell NDB; and that airspace extending upward from 1,200' above the surface beginning at latitude 45°22'00" N., longitude 108°55'00" W., to latitude 45°22'00" N., to longitude 108°11'00" W., to latitude 44°11'00" N., longitude 108°11'00" W.; thence southwestward along the edge of the Worland, Wyoming, 1,200' transition area to latitude 44°00'00" N., longitude 108°25'00" W., to latitude 44°00'00" N., longitude 108°42'30" W., to latitude 44°25'45" N., longitude 108°57'30" W., to latitude 44°25'45" N., longitude 108°41'45" W.; thence along the west side of V-495 to point of beginning, excluding the Cody, Wyoming, 1,200' transition area.

(Sec. 307(a) Federal Aviation Act of 1958 as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 or Significant under DOT Regulatory Policies and Procedures (44 FR 11034) since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. Also, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Aurora, Colo., on March 31, 1981.

F. L. Cunningham,

Acting Director, Rocky Mountain Region.

[FR Doc. 81-12880 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-58]

Alteration of Transition Area: Falfurrias, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Falfurrias, Texas. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Brooks County Airport. This amendment is necessary to properly describe the transition area due to the nondirectional radio beacon (NDB) approach being changed from Runway 30 to Runway 35.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On January 29, 1981, a notice of proposed rulemaking was published in the Federal Register (46 FR 9630) stating that the Federal Aviation Administration proposed to alter the Falfurrias, Texas, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 G.m.t., June 11, 1981, as follows:

Falfurrias, Texas

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Brooks County Airport (latitude 27°12'30" N., longitude 98°07'15" W.); and within 3.5 miles each side of the 177° bearing of the Brooks County NDB (latitude 27°12'23" N., longitude 98°07'24" W.) extending from the 6-mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation is not major under Executive Order 12291. The FAA has also determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Texas, on April 6, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12881 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-48]

Alteration of Transition Area: Elk City, Oklahoma

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Elk City, Okla. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Elk City Municipal Airport. This amendment is necessary to provide protection for aircraft executing a new area navigation (RNAV) approach to Runway 17.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101, telephone (817)624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On October 30, 1980, a notice of proposed rulemaking was published in the Federal Register (45 FR 71610) stating that the Federal Aviation Administration proposed to alter the Elk City, Okla., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments

were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, June 11, 1981, as follows:

Elk City, Oklahoma

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Elk City Municipal Airport (latitude 35°25'30"N., longitude 99°23'35"W.).

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation is not major under Section 8 of the Executive Order 12291. The FAA has also determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Forth Worth, Texas, on April 2, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12982 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-59]

Designation of Transition Area: Big Lake, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Big Lake, Tex. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Reagan County Airport. This amendment is necessary to protect aircraft executing instrument approach procedures to the Reagan County Airport using the proposed nondirectional radio beacon (NDB) located on the airport.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On January 19, 1981, a notice of proposed rulemaking was published in the Federal Register (46 FR 4948) stating that the Federal Aviation Administration proposed to designate the Big Lake, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 g.m.t., June 11, 1981, by adding:

Big Lake, Texas

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Big Lake, Texas, Reagan County Airport, (latitude 31°11'51", longitude 101°28'21") and within 3 miles each side of the 345° bearing from the NDB (latitude 31°11'33" N., longitude 101°28'09" W.) extending from the 7-mile radius area to 8.5 miles northwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation is not major under Section 8 of the Executive Order 12291. The FAA has also determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Fort Worth, Tex., on April 2, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12983 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-57]

Alteration of Transition Area: Andrews, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at Andrews, Tex. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Andrews County Airport. This amendment is necessary to protect aircraft executing instrument approach procedures to the Andrews County Airport and release unnecessary controlled airspace to the aviation public.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: On January 19, 1981, a notice of proposed rulemaking was published in the Federal Register (46 FR 4946) stating that the Federal Aviation Administration proposed to alter the Andrews, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective, 0901 g.m.t., June 11, 1981, as follows:

Andrews, Texas

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Andrews County Airport, Andrews, Tex., (latitude 32°19'53" N., longitude 102°31'38" W.), and within 3 miles each side of the 355° true bearing from the Andrews County NDB (latitude 32°20'56" N., longitude 102°32'10" W.), extending from the 7-mile radius area to 8.5 miles north of the Andrews County NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c),

Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this regulation is not major under Section 8 of the Executive Order 12291. The FAA has also determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Forth Worth, Tex., on April 2, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-13205 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3063]

Boekamp, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a San Diego, Calif. firm and its corporate officer engaged in the manufacture, sale and distribution of an electric space heater known as the "Boekamp Quartz Heater" to cease misrepresenting the efficiency, energy savings, performance characteristics and durability of the product. Respondents are further prohibited from making any energy-related advertising claim without reliable substantiation and barred from using the term "energy saver" or similar terms in product names. The order additionally requires respondents to send a copy of a prescribed letter to all individuals or business entities engaged in the sale of the Boekamp Quartz Heater advising them of the terms of the order and requesting the return of all advertisements or promotional material which contain prohibited claims or which fail to include required disclosures.

DATES: Complaint and order issued April 9, 1981.[1]

[1] Copies of the Complaint and the Decision and Order filed with the original document.

FOR FURTHER INFORMATION CONTACT:

Lois G. Pines, Director, 2R, Boston Regional Office, Federal Trade Commission, 150 Causeway St., Room 1301, Boston, Mass. 02114. (617) 223-6621.

SUPPLEMENTARY INFORMATION: On Thursday, December 4, 1980, there was published in the Federal Register, 45 FR 80301, a proposed consent agreement with analysis in the Matter of Boekamp, Inc., a corporation, and Konrad Boekamp, individually and as an officer of said corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.20 Comparative data or merits; § 13.110 Endorsements, approval and testimonials; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service, 13.170-30 Durability or permanence, 13.170-34 Economizing or saving, 13.170-43 Heating; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533-20 Disclosures, 13.533-45 Maintain records, 13.533-53 Recall of merchandise, advertising material, etc., 13.533-75 Warranties. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1575 Comparative data or merits; § 13.1647 Guarantees; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported. Subpart—Misrepresenting Oneself and Goods—Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.2063 Scientific or other relevant facts. Subpart—Using Misleading Name—Goods: § 13.2325 Qualities or properties.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 81-13204 Filed 4-29-81; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. 9126]

National Tea Company, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission order issued on July 23, 1980 (45 FR 53455), by modifying Paragraph IG of the Order to relieve respondent from the obligation of divesting a specific store, since no purchaser could be found.

DATES: Order issued July 23, 1980. Modifying order issued April 15, 1981.

FOR FURTHER INFORMATION CONTACT:

FTC/C, E. Perry Johnson, Washington, D.C. 20580, (202) 523-3601.

SUPPLEMENTARY INFORMATION: In the Matter of National Tea Company, a corporation, and Applebaums' Food Markets, Inc., a corporation. The prohibited trade practices and/or corrective actions as codified under 16 CFR Part 13, and appearing in 45 FR 53455, remain unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

The Order Modifying Cease and Desist Order Issued July 23, 1980 is as follows:

The Federal Trade Commission having considered respondent National Tea Company's petition filed on January 29, 1981 to reopen this matter and to modify the consent order to cease and desist issued by the Commission on July 23, 1980, and having determined that reopening and modification of the order is warranted:

It is ordered that this matter be, and it hereby is reopened and that Paragraph I(G) of the Commission's order be and it is hereby modified to read as follows:

(G) The "disposition stores" means the following National ("N") stores and Applebaums' ("A") store:

1. N-80 (2328 Louisiana, St. Louis Park);

2. N-91 (3115 E. 38th St., Minneapolis);

3. N–99 (150 Apache Plaza, St. Anthony Village);
4. N–210 (4300 Xycon Ave., New Hope);
5. N–130 (1901 W. 80th St., Bloomington); and
6. A–8 (900 E. Maryland, St. Paul).

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-13003 Filed 4-29-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. C-3062]

Energy Efficient Systems, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Middletown, Conn. corporation and two corporate officers engaged in the advertising, sale and distribution of an electric space heater known as the "Boekamp Quartz Heater" to cease misrepresenting the efficiency, energy savings, performance characteristics and durability of the product. The order further prohibits respondents from making any energy-related advertising claim without reliable substantiation, and bars them from using the term "energy saver," or similar terms in product names. Additionally, respondents are required to send a copy of a prescribed letter to all individuals or business entities engaged in the sale of the Boekamp Quartz Heater advising them of the terms of the order and requesting the return of all advertisements and promotional materials which contain prohibited claims or which fail to include required disclosures.

DATES: Complaint and order issued April 9, 1981.[1]

FOR FURTHER INFORMATION CONTACT: Lois G. Pines, Director, 2R, Boston Regional Office, Federal Trade Commission, 150 Causeway St., Room 1301, Boston, Mass. 02114. (617) 223–6621.

SUPPLEMENTARY INFORMATION: On Thursday, Dec. 4, 1980, there was published in the **Federal Register**, 45 FR 80301, a proposed consent agreement with analysis in the Matter of Energy Efficient Systems, Inc., a corporation, and John P. White and Elaine B. Owen, individually and as officers of said corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considerd by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.20 Comparative data or merits; § 13.110 Endorsements, approval and testimonials; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service, 13.170–30 Durability or permanence, 13.170–34 Economizing or saving, 13.170–43 Heating; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533–20 Disclosures, 13.533–45 Maintain records, 13.533–53 Recall of merchandise, advertising material, etc., 13.533–75 Warranties. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1575 Comparative data or merits; § 13.1647 Guarantees; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported. Subpart—Misrepresenting Oneself and Goods—Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.2063 Scientific or other relevant facts. Subpart—Using Misleading Name—Goods: § 13.2325 Qualities or properties.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 81-13005 Filed 4-29-81; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80-53]

Maximum Lawful Prices Under the Natural Gas Policy Act for May, June, and July 1981

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: Pursuant to the authority delegated by 18 CFR 357.307(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of May, June, and July, 1981. Section 101(b)(6) of the NGPA required that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Director, OPPR (202) 357–8500.

Publication of Prescribed Maximum Lawful Prices Under the Natural Gas Policy Act of 1978.

Order Of The Director, OPPR

Issued April 22, 1981.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of May, June, and July, 1981, are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to sections 102, 103, 106(b)(1)(B), 107(c)(5), 108, and 109 of the NGPA. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA.

Table III of § 271.102(c) contains the inflation adjustment factors.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

1. Section 271.101(a) is amended by inserting the maximum lawful prices for May, June and July, 1981, in Tables I and II.

2. Section 271.101(a), Table II, is amended by adding footnote number [3] to read as follows:

[3] The price for certain Permian Basin gas, small producers, for the month of July, 1979, reflects the correct price as originally published for that month.

As revised § 271.101(a) Tables I and II are set forth below.

3. Section 271.102(c) is amended by inserting the inflation adjustment for the months of May, June and July, 1981, in Table III. As revised, § 271.102(c) Table III is set forth below.

§ 271.10 Ceiling prices for certain categories of natural gas.

Table I—*Natural Gas Ceiling Prices (Other Than NGPA Secs. 104 and 106(a))*

Subpart of part 271, NGPA section, and category of gas	Maximum lawful price per MMBtu for deliveries in:									
	Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	June 1979	July 1979	Aug. 1979	Sept. 1979
B, 102, New, Natural Gas, Certain OCS Gas	$2.078	$2.096	$2.116	$2.136	$2.156	$2.177	$2.198	$2.220	$2.224	$2.266
C, 103, New, Onshore Production Wells	1.988	1.980	1.983	2.006	2.019	2.033	2.047	2.062	2.079	2.096
F, 106(b)(1)(B), Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas [1]	1.121	1.128	1.136	1.144	1.152	1.160	1.168	1.176	1.185	1.185
G, 107(c)(1), High-Cost Gas (deep gas) [2]	2.078	2.096	2.116	2.136	2.156	2.177	2.198	2.220	2.244	2.266
107(c)(5), Gas Produced from Tight Formations [3]								4.124	4.158	4.192
H, 108, Stripper Gas	2.224	2.243	2.264	2.285	2.306	2.329	2.352	2.375	2.400	2.426
I, 109, Not Otherwise Covered	1.639	1.639	1.650	1.661	1.672	1.684	1.696	1.708	1.722	1.736

Subpart of part 271, NGPA section, and category of gas	Maximum lawful price per MMBtu for deliveries in:									
	Oct. 1979	Nov. 1979	Dec. 1979	Jan. 1980	Feb. 1980	Mar. 1980	Apr. 1980	May 1980	June 1980	July 1980
B, 102, New Natural Gas, Certain OCS Gas	$2.292	$2.314	$2.336	$2.358	$2.381	$2.404	$2.428	$2.453	$2.478	$2.504
C, 103, New, Onshore Production Wells	2.113	2.138	2.143	2.158	2.173	2.188	2.204	2.221	2.238	2.256
F, 106(b)(1)(B), Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas [1]	1.205	1.213	1.221	1.229	1.238	1.247	1.256	1.266	1.276	1.286
G, 107(c)(1), High-Cost Gas (deep gas) [2]	2.292									
107(c)(5), Gas Produced from Tight Formations [3]	4.226	4.256	4.286	4.316	4.346	4.376	4.408	4.442	4.476	4.510
H, 108, Stripper Gas	2.452	2.475	[4] 2.469	2.523	2.548	2.573	2.598	2.625	2.652	2.680
I, 109, Not Otherwise Covered	1.750	1.762	1.774	1.786	1.799	1.812	1.825	1.839	1.853	1.867

Subpart of part 271, NGPA section, and category of gas	Maximum lawful price per MMBtu for deliveries in:									
	Aug. 1980	Sept. 1980	Oct. 1980	Nov. 1980	Dec. 1980	Jan. 1981	Feb. 1981	Mar. 1981	Apr. 1981
B, 102, New Natural Gas, Certain OCS Gas	$2.532	$2.560	$2.588	$2.614	$2.640	$2.667	$2.696	$2.729	$2.761
C, 103, New, Onshore Production Wells	2.274	2.293	2.312	2.329	2.346	2.363	2.384	2.406	2.428
F, 106(b)(1)(B), Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas [1]	1.297	1.308	1.319	1.329	1.339	1.349	1.361	1.373	1.385
G, 107(c)(5), Gas Produced from Tight Formations [3]	4.548	4.586	4.624	4.658	4.692	4.726	4.768	4.812	4.856
H, 108, Stripper Gas	2.710	2.740	2.770	2.798	2.826	2.855	2.888	2.922	2.956
I, 109, Not Otherwise Covered	1.863	1.886	1.915	1.929	1.943	1.957	1.975	1.993	2.011

[1] Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I.

[2] Commencing November 1, 1979, the price of natural gas finally determined to be eligible as deep high-cost gas under section 107(c)(1) of the NGPA is deregulated. (*See*, Part 272 of the Commission's Regulations.) Prior to that date, the maximum lawful price applicable to deep high-cost gas was the price specified in Subpart B of Part 271.

[3] The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in Subpart C of Part 271. The maximum lawful price for tight formation gas applies on or after July 16, 1979 (See, § 271.703 and § 273.204.)

[4] The price for stripper gas for the month of November 1979, reflects the correct price as originally published for that month.

Subpart of part 271, NGPA section, and category of gas	Maximum lawful price per MMBtu for deliveries in:		
	May 1981	June 1981	July 1981
B, 102, New Natural Gas, Certain OCS Gas	$2.757	$2.813	$2.849
C, 103, New, Onshore Production Wells	2.444	2.480	2.478
F, 108(b)(1)(B), Alternative Maximum Lawful Price for Certain Interstate Rollover Gas [1]	1.394	1.403	1.412
G, 107(c)(5), Gas Produced from Tight Formations [2]	4.966	4.980	4.992
H, 108, Stripper Gas	2.994	3.012	3.041
I, 109, Not Otherwise Covered	2.004	2.027	2.050

TABLE II.—*Natural Gas Ceiling Prices: NGPA Sections 104 and 106(a)*

[Subpart D, Part 271]

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in:											
		Dec. 1978	Jan. 1979	Feb. 1979	Mar. 1979	Apr. 1979	May 1979	June 1979	July 1979	Aug. 1979	Sept. 1979	Oct. 1979	Nov. 1979	Dec. 1979
Post-1974 gas	All producers	$1.690	$1.639	$1.660	$1.661	$1.672	$1.694	$1.696	$1.706	$1.722	$1.736	$1.750	$1.762	$1.774
1973–1974 Biennium gas	Small producer	1.379	1.387	1.396	1.406	1.414	1.424	1.434	1.444	1.456	1.469	1.480	1.490	1.500
Do	Large producer	1.068	1.084	1.071	1.078	1.085	1.093	1.101	1.109	1.118	1.127	1.136	1.144	1.152
Interstate rollover gas [1]	Small producer	.702	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715	.715
Do	Large producer	.803	.807	.811	.815	.819	.823	.827	.831	.836	.841	.846	.850	.854
Replacement contract gas or recompletion gas.	Small producer	.771	.775	.780	.786	.790	.796	.802	.808	.815	.822	.829	.835	.841
Do	Large producer	.593	.596	.600	.604	.608	.612	.616	.620	.625	.630	.636	.639	.643
Flowing gas	Small producer	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422	.425	.428
Do	Large producer	.332	.334	.336	.338	.340	.342	.344	.346	.348	.352	.356	.357	.359
Certain Permian Basin gas	Small producer	.462	.465	.468	.471	.474	.477	.480	.483	[3] .487	.491	.495	.498	.501
Do	Large producer	.406	.407	.410	.413	.416	.419	.422	.425	.428	.431	.434	.437	.440
Certain Rocky Mountain gas	Small producer	.462	.465	.468	.471	.474	.477	.480	.483	.487	.491	.495	.498	.501
Do	Large producer	.393	.395	.398	.401	.404	.407	.410	.413	.416	.419	.422	.425	.428
Certain Appalachian Basin gas	North subarea contracts dated after 10–7–69.	.368	.370	.372	.374	.376	.378	.382	.385	.388	.391	.394	.397	.400
Do	Other contracts	.344	.346	.348	.350	.352	.355	.358	.361	.364	.367	.370	.373	.376
Minimum rate gas [2]	All producers	.200	.204	.205	.206	.207	.208	.209	.210	.212	.214	.216	.217	.218

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in:											
		Jan. 1980	Feb. 1980	Mar. 1980	Apr. 1980	May 1980	June 1980	July 1980	Aug. 1980	Sept. 1980	Oct. 1980	Nov. 1980	Dec. 1980	Jan. 1981
Post-1974 gas	All producers	$1.796	$1.799	$1.812	$1.825	$1.838	$1.853	$1.867	$1.883	$1.899	$1.915	$1.929	$1.943	$1.957
1973–1974 Biennium gas	Small producer	1.510	1.521	1.532	1.543	1.555	1.567	1.579	1.592	1.605	1.618	1.631	1.643	1.655
Do	Large producer	1.160	1.166	1.176	1.184	1.193	1.202	1.211	1.221	1.231	1.241	1.250	1.259	1.268
Interstate rollover gas [1]	Small producer	.726	.726	.726	.726	.726	.726	.726	.726	.726	.726	.726	.726	.741
Do	Large producer	.859	.864	.869	.874	.879	.884	.889	.895	.701	.707	.712	.717	.722
Replacement contract gas or recompletion gas.	Small producer	.847	.853	.859	.865	.872	.879	.886	.893	.901	.909	.916	.923	.930
Do	Large producer	.647	.652	.657	.662	.667	.672	.677	.683	.688	.695	.700	.705	.710
Flowing gas	Small producer	.431	.434	.437	.440	.443	.446	.449	.453	.457	.461	.464	.467	.470
Do	Large producer	.361	.364	.367	.370	.373	.376	.379	.382	.383	.386	.391	.394	.397
Certain Permian Basin gas	Small producer	.504	.508	.512	.516	.520	.524	.528	.532	.536	.541	.545	.549	.553
Do	Large producer	.443	.446	.449	.452	.455	.458	.463	.467	.471	.475	.479	.483	.487
Certain Rocky Mountain gas	Small producer	.504	.508	.512	.516	.520	.524	.528	.532	.536	.541	.545	.549	.553
Do	Large producer	.431	.434	.437	.440	.443	.446	.449	.453	.457	.461	.464	.467	.470
Certain Appalachian Basin gas	North subarea contracts dated after 10–7–69.	.403	.406	.409	.412	.415	.418	.421	.425	.429	.433	.436	.439	.442
Do	Other contracts	.379	.382	.385	.388	.391	.394	.397	.400	.403	.406	.409	.412	.415
Minimum rate gas [2]	All producers	.220	.222	.224	.226	.228	.230	.232	.234	.236	.238	.240	.242	.244

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in:					
		Feb. 1981	Mar. 1981	Apr. 1981	May 1981	June 1981	July 1981
Post-1974 gas	All producers	$1.975	$1.993	$2.011	$2.024	$2.037	$2.050
1973–1974 Biennium gas	Small producer	1.670	1.686	1.700	1.711	1.722	1.733
Do	Large producer	1.279	1.291	1.303	1.311	1.319	1.327
Interstate rollover gas [1]	Small producer	.741	.741	.743	.746	.753	.756
Do	Large producer	.729	.736	.743	.746	.753	.756
Replacement contract gas or recompletion gas.	Small producer	.838	.946	.955	.961	.967	.973
Do	Large producer	.716	.722	.729	.734	.739	.744
Flowing gas	Small producer	.474	.478	.482	.486	.488	.491
Do	Large producer	.401	.406	.409	.412	.415	.418
Certain Permian Basin gas	Small producer	.556	.563	.568	.572	.576	.580
Do	Large producer	.491	.495	.499	.502	.506	.509
Certain Rocky Mountain gas	Small producer	.556	.563	.568	.572	.576	.580

		Maximum lawful price per MMBtu for deliveries made in:					
		Feb. 1981	Mar. 1981	Apr. 1981	May 1981	June 1981	July 1981
Do	Large producer	.474	.478	.482	.485	.488	.491
Certain Appalachian Basin gas	North subarea contracts dated after 10-7-69.	.446	.450	.454	.457	.460	.463
Do	Other contracts	.419	.423	.427	.430	.433	.436
Minimum rate gas [2]	All producers	.248	.248	.250	.252	.254	.256

[1] The price for interstate rollover gas is the higher of the price listed in this table or the just and reasonable price under the expired contract as adjusted for inflation. (See § 271.402(c)(2).)
[2] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.
[3] The price for certain Permian Basin gas, small producers, for the month of July 1979, reflects the correct price as originally published for that month.

(b) * * *

§ 271.102 Calculation of inflation adjustment for certain maximum lawful prices.

* * * * *

(c) * * *

TABLE III.—*Inflation Adjustment*

Month of delivery	Factor [1]
1977:	
May	1.00636
June	1.00636
July	1.00491
August	1.00491
September	1.00491
October	1.00463
November	1.00463
December	1.00463
1978:	
January	1.00597
February	1.00597
March	1.00597
April	1.00666
May	1.00666
June	1.00666
July	1.00561
August	1.00561
September	1.00561
October	1.00561
November	1.00561
December	1.00561
1979:	
January	1.00561
February	1.00667
March	1.00667
April	1.00667
May	1.00713
June	1.00713
July	1.00713
August	1.00606
September	1.00606
October	1.00606
November	1.00660
December	1.00660
1980:	
January	1.00660
February	1.00713
March	1.00713
April	1.00713
May	1.00774
June	1.00774
July	1.00774
August	1.00843
September	1.00843
October	1.00843
November	1.00744
December	1.00744
1981:	
January	1.00744
February	1.00804
March	1.00804
April	1.00804
May	1.00843
June	1.00843
July	1.00843

[1] Factor by which price in preceding month is multiplied.

[FR Doc. 81-13001 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-06-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 52

Tribal Reorganization Under a Federal Statute

April 24, 1981.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Deferral of effective date for final rule.

SUMMARY: At the request of the Office of Management and Budget, the Bureau of Indian Affairs is delaying the effective date of 25 CFR Part 52, which was published in the Federal Register as a final rule on January 7, 1981 (46 FR 1666). The effective date is being deferred so that the Office of Management and Budget will have adequate time to review and approve the information collection requirements that are contained in this rule.

DATES: The effective date of 25 CFR Part 52 is deferred to June 15, 1981. This extension is effective April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Farring, Division of Tribal Government Services, Branch of Tribal Relations, Bureau of Indian Affairs, 202–343–4045.

SUPPLEMENTARY INFORMATION: 25 CFR Part 52, as published in the Federal Register on January 7, 1981 (46 FR 1666) was originally scheduled to become effective on February 6, 1981. However, because of the President's moratorium on the publication of final rules and final rules becoming effective, it was necessary to defer the effective date of 25 CFR Part 52 to April 30, 1981 (46 FR 19233; March 30, 1981).

The Office of Management and Budget reviewed 25 CFR Part 52 during the moratorium and determined that the information collection requirements contained in §§ 52.6, 52.10, 52.11, 52.12, 52.19, and 52.23 must be approved by that Office as required by the Paperwork Reduction Act of 1980. So that the Bureau of Indian Affairs will comply with the Act, the effective date of 25 CFR Part 52 is deferred to June 15, 1981. The information collection requirements may not become effective unless they have been approved by the Office of Management and Budget.

Dated: April 24, 1981.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-13008 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 13-81-02]

Seattle Opening Day Yacht Parade and Crew Race

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This notice establishes a restricted zone in the areas of Union Bay, Portage Bay and Lake Washington on May 2, 1981 from 0800 until 1400. This action is required to permit the conducting of an approved marine event. It is intended to restrict general navigation in the area for the safety of the spectators and participants in the event.

EFFECTIVE DATE: This final rule will be effective from 0800 until 1400 on May 2, 1981.

FOR FURTHER INFORMATION CONTACT: LCDR R. B. MILLSON, Boating Safety Office, (206) 442–7355.

SUPPLEMENTARY INFORMATION: 1. This regulation is published as a final rule. The rule is effective in less than 30 days after publishing since there is insufficient time to publish a proposed rule before the date of the event. In addition, this regulation is needed in order to protect life and property during the event.

2. The final rule has been submitted to the Director, Office of Management and Budget, for a ten-day review in accordance with section (3C3) of Executive Order 12291. It is not considered a major rule under the terms of Executive Order 12291 since it will involve minimal costs and will have

insignificant impact on recreational and commercial vessels and other marine interests in the area affected by the rule. This conclusion follows from the fact that the rule will only be effective for a six-hour period on a Saturday. Furthermore, the rule is necessary to insure the protection of life and property in the area during the event.

3. For the reasons stated in paragraph 2, the District Commander has determined that the rule will not have a significant impact on a substantial number of small entities.

4. In accordance with DOT Order 2100.5, economic impact from this rule will be minimal for the reasons stated in paragraph 2. Consequently, an economic evaluation is not required.

DRAFTING INFORMATION: The principal persons involved in drafting this notice are LCDR R. B. MILLSON, USCG, Project Officer, CCGD13 Boating Safety Office, and LT PECOS BILL FIELD, USCG, Project Attorney, CGD13 Legal Office.

Discussion of Final Rule

5. The annual yachting season Opening Day Yacht Parade sponsored by the Seattle Yacht Club is scheduled to be held on May 2, 1981 in the Lake Washington Ship Canal between Portage Bay and Webster Point beginning at about 0800 and ending at about 1400 Pacific Daylight Savings Time. A collegiate crew race will also be conducted in this area between 1100 and 1200 PDST. As a result of these two events, traffic in the area will be congested.

6. By the authority contained in Title 46, U.S. Code, Section 454, as implemented by Title 33, Part 100 U.S. Code of Federal Regulations, a Special Local Regulation controlling navigation on the waters described is promulgated. By the same authority, the waters involved will be patrolled by vessels of the U.S. Coast Guard. Coast Guard Officers and/or Petty Officers will enforce the regulation and cite persons and vessels in violation.

FINAL REGULATIONS:

In consideration of the foregoing, the Coast Guard is amending Part 100 of Title 33 Code of Federal Regulations, by adding the following new section:

§ 100.35-1301 Lake Washington/Portage Bay/Union Bay/Opening Day Crew Race and Yacht Parade.

(a) The patrol of the described areas will be under the direction of a designated Coast Guard Patrol Commander who is empowered to forbid and control movement of vessels on the parade course and in the adjoining water areas immediately prior to, during and after the parade for such time as he finds it necessary for the safe and orderly conduct of the program. Portage Cut will be closed to all traffic except crew shells and vessels in the parade from 1030 PDST until the termination of the yacht parade.

(b) Specific areas restricted to general navigation or anchorage from 0800 PDST until termination of the yacht parade are:

(1) The waters of Portage Bay Southeast of a line running from the Western corner of the pier (Showboat) 70 yards South of 47°39′ N. 122°18′40″ W. across Portage Bay to the Northwest corner of "L" shaped moorage (at foot of East Shelby St.) 425 yards Southwest of 47°339′ N., 122°18′40″ W.

(2) All waters of Portage Cut (also known as Montlake Cut), to Union Bay Channel Buoy 27 and Union Bay Channel Buoy 28.

(3) All waters between an East and West line connecting Bay Channel Buoy 27, Union Bay Channel Buoy 29 and Union Bay Channel Buoy 31 and Webster Point Light 33 and an East and West line connecting Union Bay Channel Buoy 28, Union Bay Channel Buoy 30, 470 yards East of Union Bay Channel Buoy 30 to a point 80 yards South of Webster Point Light 33.

(4) The waters between the judging and reviewing vessels and the Southern edge of the channel described above. This area is generally the area South of Union Bay Channel Buoy 28 and North of Foster Island. The judging and reviewing vessels will be identified by appropriate signs showing over their sides.

(c) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(Sec. 1, 35 Stat. 68, as amended, sec. 6(b)(1), 80 Stat. 937; (46 U.S.C. 454, 49 U.S.C. 1655(b)(1)) 33 CFR Part 100.35; 49 CFR 1.46(b))

Dated: April 24, 1981.

C. E. Larkin,

Rear Admiral, U.S. Coast Guard, Commander, 13th Coast Guard District.

[FR Doc. 81-13097 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-14-M

National Park Service

36 CFR Part 7

Special Regulations, Areas of the National Park System; Glacier Bay National Park and Preserve

AGENCY: National Park Service, Department of Interior.

ACTION: Deferral of effective date of final rule with request for comments.

SUMMARY: The National Park Service is further postponing the effective date of a final rule which was previously postponed until April 30, 1981. This rule was published in the Federal Register on December 30, 1980 (45 FR 85741), and was scheduled to become effective on January 29, 1981. On that day a memorandum was issued by the President which, among other things, directed executive agencies to postpone for 60 days the effective dates of regulations which had been issued but were scheduled to become effective during that 60-day period.

In a notice published February 17, 1981 (46 FR 12496), the National Park Service postponed the effective date of this rule until March 30, 1981. Executive Order 12291, issued by the President on February 17, 1981 (46 FR 13193) directed agencies to suspend or postpone the effective dates of all rules that had been promulgated in final form but not yet become effective to the extent necessary to permit reconsideration of the rules in accordance with the Order. The Department of the Interior issued a notice on March 30, 1981 (46 FR 19233) delaying the effective date of the Glacier Bay regulations until April 30, 1981.

This notice further delays the effective date of these regulations until May 29, 1981. This is necessary as the review of these rules under Executive Order 12291 is not complete. Public comment was solicited until April 9, 1981 (46 FR 19233) on whether this rule is major under the criteria of the Order.

DATES: The new effective date for these final rules is May 29, 1981. Comments on this new effective date must be received on or before May 15, 1981.

ADDRESS: Written comments should be sent to Associate Director, Management and Operations, National Park Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Maureen Finnerty, Division of Ranger Activities and Protection, National Park

Service, Washington, D.C. 20240, telephone: (202) 343–4874.

J. Craig Potter,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

April 23, 1981.

[FR Doc. 81-13080 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

Rules of Practice in Patent Cases; Fee for Filing a Request for Reexamination

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office is amending its rules of practice in patent cases to add a new fee for the filing of a request for reexamination of a patent and to provide for a refund if the request is denied. Public Law 96–517 of December 12, 1980 authorizes reexamination beginning on July 1, 1981. Public Law 96–517 requires a person requesting reexamination to pay a fee established by the Commissioner of Patents and Trademarks. This amendment establishes the fee for filing a request for reexamination and the amount of any refund if the request is denied.

DATES: Effective date: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. R. Franklin Burnett by telephone at (703) 557–3054 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: This notice changes two rules to add an appropriate fee for requesting reexamination and to refund a portion thereof if reexamination is not ordered. 35 U.S.C. 41(g) requires 60 days notice in the **Federal Register** before a fee can take effect. 35 U.S.C. 41(d) requires that the Commissioner establish fees for services, such as reexamination, which will recover the estimated average cost to the Office of performing the service.

Background:

A notice of proposed rulemaking relating to the fee, and refund, as well as the procedures for reexamination, was published in the **Federal Register** on January 13, 1981 at 46 FR 3162–3174 and in the Official Gazette on February 17, 1981 at 1003 O.G. 36–47. An oral hearing was held on April 16, 1981. This amendment relates only to section 1.21 on fees and section 1.26 on refunds. It is being issued separately to meet the 60-day notice requirement of 35 U.S.C. 41(g). The reexamination procedures will be the subject of a later amendment. There is no difference in the amount of the fee or refund between the final rule and the proposal.

Discussion of the Background and Major Issues Involved: Two written comments and one oral comment relating to proposed section 1.21(x) indicated that the fee of $1500 seemed excessive. One comment indicated that it should be $65, the amount of the current filing fee for a United States patent application. Several oral comments indicated the amount of the fee was appropriate. In response, it is not considered possible to charge only $65 for a reexamination because 35 U.S.C. 41(d) requires the Commissioner to set the fee for reexamination at a level which will recover the estimated average cost to the Office. The estimated average cost reported to the Congress, and still considered proper, is $1500 per reexamination.

Two written comments and one oral comment referred to proposed section 1.26(c). One written comment proposed the use of a percentage rather than a dollar amount in the rule wording. In response, it is felt that the wording using the actual dollar amount is clearer. Since the amount of the fee is expected to be changed infrequently, changing section 1.26 to follow a change in § 1.21 would not be burdensome. One written comment and one oral comment indicated that a fixed fee should be set without any refund in order to simplify processing. Although a fixed fee system would be less complicated, it is felt that persons who have not received a reexamination in response to their request should not be required to pay the same amount as those who had the reexamination requested. No comments were received concerning the amendments to paragraphs (a) and (b) of section 1.26 which reorganize some of the wording and raise the minimum refund without specific demand from ten cents to fifty cents.

Environmental, Energy, and Other Considerations.

The rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

The rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96–354).

The Patent and Trademark Office has determined that this rule change is not a major rule under Executive Order 12291.

Amendment of Regulations

For the reasons set out in the preamble and under the authority given to the Commissioner of Patents and Trademarks by 35 U.S.C. 6 and 41, Part 1 of Title 37 CFR is amended as set forth below.

1. Section 1.21 is amended by adding a new paragraph (x) to read as follows:

§ 1.21 Patent and miscellaneous fees and charges

* * * * *

(x) To file a request for reexamination—$1,500.00

2. Section 1.26 is revised to read as follows:

§ 1.26 Refunds.

(a) Money paid by actual mistake or in excess, such as a payment not required by law, will be refunded, but a mere change of purpose after the payment of money, as when a party desires to withdraw his application or to withdraw an appeal, will not entitle a party to demand such a return. Amounts of fifty cents or less will not be returned unless specifically demanded within a reasonable time, nor will the payer be notified of such amount; amounts over fifty cents but less than one dollar may be returned in postage stamps, and other amounts by check or, if requested, by credit to a deposit account.

(b) Refund of a portion of any international search fee paid to the Patent and Trademark Office may be made where the prior art search made during the subsequent examination of a national application is wholly or partly based on the earlier international search made in the international application for which the search fee was paid. The amount of the refund will be as determined by the examiner according to the value of the prior international search made by the Patent and Trademark Office as an International Searching Authority, as 90 percent, 45 percent, or 0 percent of the international search fee. If the amount of the refund is not a multiple of $5, it will be rounded to the next higher multiple of $5. (Note § 1.446 for refund of the search fee in an international application.)

(c) If the Commissioner decides not to institute a reexamination proceeding, a refund of $1,200.00 will be made to the requestor of the proceeding. Reexamination requestors should indicate whether any refund should be made by check or by credit to a deposit account.

Dated: April 17, 1981.

Rene D. Tegtmeyer,

Acting Commissioner of Patents and Trademarks.

Approved:

Robert B. Eliert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

April 20, 1981.

[FR Doc. 81-13089 Filed 4-29-81; 8:45 am]

BILLING CODE 3510-16-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A8 FRL 1808-1]

Air Programs; Approval and Promulgations of State Implementation Plans; Colorado

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA today is approving portions of Regulation No. 3, "Regulation Requiring Air Pollutant Emission Notice, Emission Permits and Fees", which is contained in the Colorado State Implementation Plan. Regulation No. 3 has been amended to meet the requirements of Section 172 and 173 of the Clean Air Act which are the new source review nonattainment area requirements.

EFFECTIVE DATE: June 1, 1981.

ADDRESSES: Copies of the materials submitted by the Governor of Colorado and comments received on the proposal may be examined during normal business hours at:

Environmental Protection Agency, Air Programs Branch, Region VIII, Suite 200, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), Mail Code PM-213, 401 M Street, SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Eliot Cooper, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3711.

SUPPLEMENTARY INFORMATION:

Background

In our October 5, 1979, Final Rulemaking (44 Fr 57405 and 57406) on the Colorado SIP, EPA noted the following deficiencies in Colorado's requirements for permits to construct major sources and modifications (Regulation NO. 3):

1. The requirement in State law for the automatic issuance of an emission permit when specific time limits have been exceeded is inconsistent with the requirements of Sections 110 and 173 of the Act. EPA stated that all permits issued for this reason will be invalid, and disapproved that portion of Regulation No. 3.

2. The exemption for sources increasing emissions by less than 10 percent could exempt major modifications for new source review and, therefore, it is inconsistent with Sections 171 and 172 of the Act.

3. The exemption from offset requirements in nonattainment areas for sources with "actual" emissions less than the 50 tons per year, 1,000 pounds per day or 100 pounds per hour cutoffs must be revised to be "allowable" emissions.

4. As required by Section 173(1)(A), offsets, in addition to being greater than one-for-one, must represent reasonable further progress toward attainment of the national ambient air quality standards as required by Section 171(1).

5. The definition of "source" and "facility" must be the same as defined by EPA's Emission Offset Interpretative Ruling (44 FR 3274, January 16, 1979).

6. "Significant" as defined in Section (D)(3)(d) must be the same as defined by EPA's Emission Offset Interpretative Ruling, Section (II)(D).

7. It did not provide for a program consistent with Section 172(b)(11)(A) of the Act.

With the exception of the first deficiency EPA conditionally approved Regulation No. 3 with the understanding that these deficiencies would be corrected by March 1, 1980, (44 FR 57428 and 45 FR 7802).

State Submittal

On June 20, 1980, the Governor of Colorado submitted to EPA the following amended rules:

REPEAL AND REPROMULGATION OF REGULATION NO. 3 "A Regulation Requiring Air Pollutant Emission Notice, Emission Permits and Fees."

REVISIONS TO COMMON PROVISIONS REGULATION as they relate to changes in Regulation No. 3.

Regulation No. 3, in general, requires emission offsets and lowest achievable emission rate technology (LAER) for major new sources and modifications that will significantly affect nonattainment areas. It also provides for banking of offsets and alternative emission reductions ("bubble").

Regulation No. 3 was written from both the Emission Offset Interpretative Ruling and EPA's September 5, 1979, proposed changes (44 FR 51924) to this ruling. In meeting the combination of the old and the proposed new requirements, Regulation No. 3 is at least as stringent as either the old or new set of requirements. However, on August 7, 1980 (45 FR 52676), EPA promulgated final rules amending the emission offset new source review regulations interpretative ruling (40 CFR 51.18). Since the State will have nine months to submit regulations consistent with the recently issued rules, EPA is not disapproving any portion of the State's regulations which is consistent with previous regulations, but not consistent with the recent promulgation.

Comments

On September 5, 1980 (45 FR 58861), EPA proposed to approve portions of Regulation No. 3 and solicited comments. Two commentors responded.

Both commentors objected to EPA's proposed disapproval of the provisions in Section IV.D.2.b(ii)(G) which exempt fuel switching to certain alternate fuels, including shale oil, on the basis that the State's requirement is not restricted to sources capable of accommodating the change prior to December 21, 1976. The commenters stated that the exemption for alternate fuel use was put into the Colorado Air Quality Control Act to accommodate similar provisions in the Federal Fuel Use and Conservation Acts and, therefore, EPA cannot broadly reject this provision without violating procedures in other Federal laws.

EPA has rejected the provision for an exemption from a "major modification" due to a fuel switch to shale oil, since our previous and newly published regulations (August 7, 1980, 45 FR 52676) do not provide for this exemption and the State made no showing of the impact this exemption would have on air quality in areas that already violate National Ambient Air Quality Standards for total suspended particulates. (The entire State of Colorado is attainment for sulfur dioxide). Although the State did provide that reasonable further progress could not be interfered with, EPA believes that uncertainties in determining reasonable further progress due to the nature of the total suspended particulate plans, which only contain commitments for nontraditional source control measures, makes this determination impossible. Therefore, EPA believes that this exemption is not authorized under the Clean Air Act.

One commentor objected to the provision in EPA's proposal that a

source which escapes review due to discrepancies between State and Federal regulations, or receives a State permit not fully in compliance with federal regulations, would be subject to federal enforcement action.

EPA felt this was the best approach since the State regulations were adequate except for certain provisions. Our other option was to disapprove the entire regulation until the regulation met all our concerns. Since these provisions only would apply to specific and rare instances, we felt our approach would benefit all concerned parties.

One comment addressed the automatic issuance of an emission permit when statutory defined time limits have been exceeded. Although EPA agrees that time limits for action on a permit application are necessary to avoid delays in the permitting process, EPA disagrees that time limits are essential for precluding the permitting authority from denying a permit application by inaction and, thereby, avoiding or delaying an applicable decision. Any permit issued for this reason would violate the requirements of Section 110 and 173 of the Clean Air Act.

EPA proposed to disapprove that portion of Regulation 3 which allowed for excluding fugitive particulate emissions in determining the applicability of the new source review requirements if the applicant demonstrates that there would be no public health impact. Both commentors objected to EPA's assertion that available health effects data would not support the claim that, based on size and substance, fugitive particulate emissions will not adversely affect public health or welfare. They note that the applicant must make a showing that there are no adverse effects. In addition, the commenters believed that by rejecting this exemption EPA was ignoring the mandate of Congress which intended EPA to act with administrative good sense with regard to all questions involving the total suspended particulate standard.

Although EPA has used a Fugitive Dust Policy in rural and nonindustrialized areas when making nonattainment designations under Section 107 of the Act and developing control strategies, it is EPA's position that particulate matter, regardless of size and substance, shall be included in the applicability determination, since the health impact cannot be assessed with the health effects data now available. In addition, Regulation 3 includes no criteria for an adequate demonstration. More importantly, the existing standard does not provide for this exemption.

Comments were also received on the definition of "reconstruction" as removing any incentive for a facility to modernize, and the six month "debugging" provisions as a practical approach to a problem which Congress did not address in the 1977 Amendments to the Act. Our response to these comments appears in the *EPA Action* section of this notice.

EPA Action

The automatic issuance of a permit when specific defined time limits have been exceeded, was disapproved in our October 5, 1979, final rulemaking. This provision remained unchanged in the revised Regulation No. 3. An amendment to the Colorado Air Quality Control Act will be needed before this deficiency can be remedied.

EPA finds the amended Colorado rules have resolved deficiencies 2 through 7 summarized earlier in this notice. However, in amending these rules the Colorado Air Quality Control Commission made additional changes to Regulation No. 3 which EPA finds unacceptable. These changes and EPA's concerns are as follows:

1. Section IV.D.2.(b.)(ii.)(G) exempts from the "major modification definition" a "change of an existing oil-fired or gas-fired boiler to the use of a coal/oil mixture, shale oil, or coal-derived fuels provided that such change would not interfere with reasonable further progress (RFP) towards attainment of any National Ambient Air Quality Standard."

EPA is disapproving this exemption since it does not include a requirement that the source was capable of accommodating such a change prior to December 21, 1976.

2. Section IV.D.2.(b.)(iii.), the definition of "major modification" and "major stationary source" in the Common Provisions Regulation provide that fugitive emissions of particulate matter from any of the 26 listed sources will be excluded in determining whether a source is major, even though quantifiable, if the owner or operator of the source demonstrates to the satisfaction of the Colorado Air Pollution Control Division that such emissions are of a size and substance that will not adversely affect public health or welfare.

EPA is disapproving this exclusion based on size and substance of particulate matter since this demonstration regarding public health impact cannot be made with the health effects data now available. At this time, it is EPA's position that particulate matter, regardless of size and substance, shall be included in the applicability determination since the existing National Ambient Air Quality Standard (NAAQS) for total suspended particulates (TSP) was established to protect public health and does not provide for this type of exemption. The particulate standard is currently being reviewed and the possibility of a new size specific standard exists. However, until the review of the particulate standard is complete (1981) and unless it is changed, EPA is disapproving this exemption. In addition, even if such an exemption were permissible under existing federal standards and regulations, this portion of the regulation provides no criteria for the Division's decision and, thus, is too vague to be acceptable.

3. Under Section IV.H.6. the Division may grant an applicant a period greater than six months to bring a source into compliance. EPA is disapproving this extension since it would not meet the requirements of Section 110(i) of the Act.

4. Regulation No. 3 also lacked a definition of a "reconstruction." In our Emission Offset Interpretative Ruling as well as in the recently promulgated new source review regulations (40 CFR 51.18(j)(1)(ix)), EPA defines "reconstruction" as improvements at an existing source which equal 50 percent or more of the capital cost for replacing the source.

The Administrator included this approach, in accordance with Congressional intent, to subject new construction in nonattainment areas to requirements such as LAER even though a replacement of an older unit would result in a net reduction from previous emission levels.

This was premised on the fact that nonattainment areas require very stringent permitting procedures to overcome the inertia of the nonattainment problem. Having a reconstruction provision would promote maximum air quality improvements by requiring more construction projects to meet LAER and bring other sources in the State under common control into compliance with the attainment plan.

If any major source is "reconstructed" in a nonattainment area in Colorado and escapes review under Section IV.D.2., Requirements Applicable To Nonattainment Areas, its State permit will not be deemed valid by EPA and will be subject to federal enforcement action.

5. Section IV.D.2.(iii)(AA) requires fugitive emissions being regulated under Regulation No. 6, Standards of Performance for New Stationary

Sources, and Regulation No. 8, The Control of Hazardous Air Pollutants, to be included in the determination of whether a major modification has occurred. This provision also appears in the definition of Major Stationary Source in the Common Provisions Regulation.

EPA has a provision which appears in the definition of "potential to emit" and provides that fugitive emissions shall be included in determining "potential to emit" for any stationary source being regulated under Section 111, New Source Performance Standards (NSPS), the Section 112, National Emission Standards for Hazardous Pollutants (NESHAPS). Colorado's Regulation No. 6 and No. 8 are not up to date with current additions to EPA's NSPS and NESHAPS regulations and, therefore, sources could be exempted from review under IV.d.2 until the State updates their regulations.

Therefore, any source which escapes review under Section IV.D.2 by discounting its fugitive emissions since it was not subject to Regulation No. 6 or No. 8, even though EPA had made revisions to NSPS or NESHAPS applicable to that source, will be subject to federal enforcement action.

6. Section IV.D.2.(b.)(ix) provides that, with respect to sources located in nonattainment areas without an approved implementation plan or a plan which is "incomplete," the significant net increase in "potential to emit," provided for in Major Modifications, Section IV.D.2.(b.), shall be determined only with respect to increases and decreases that have occurred at the particular piece of process equipment which has been modified (i.e., the "bubble concept" shall be applied only to the particular piece of process equipment). In EPA's final new source review regulation, published on August 7, 1980, (45 FR 52696–52697), this distinction between complete and incomplete SIP's has been eliminated. Therefore, this provision in the State regulation is no longer permissible since the dual definition now applies across the entire nonattainment area. The State will have until May 7, 1981, to submit regulations consistent with this recently issued rule.

Regulation No. 3 also has provisions for banking of emission offsets and the "bubble" approach. In both provisions, SIP revisions are required. EPA will base its review of these SIP revisions on the demonstration of RFP for banking, and conformity with the conditions set forth in our Alternative Emissions Reduction Options Policy Statement ("Bubble Policy," December 11, 1979, Federal Register).

Although EPA has noted these additional deficiencies in Regulation No. 3 and set forth conditions when EPA would take necessary enforcement action should invalid State permits be issued, we do find Regulation No. 3 to be adequate to satisfy the requirements of Section 172 and 173 of the Act.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate Circuit within 60 days of (date of publication). Under Section 307(b)(2) of the Clean Air Act, the requirements, which are the subject of today's notice, may not be challenged later in the civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. The SIP approvals announced today are not major because they only approve state actions. They impose no new regulatory requirements. The disapprovals also are not Major because they preserve the status quo. New and modified sources will continue to be subject to existing review requirements. In addition, each of these disapprovals involves only a single narrow issue and is expected to affect only a small number of sources.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at EPA Region VIII, Suite 200, 1860 Lincoln Street, Denver, Colorado 80295.

(Sec. 110, and 172 of the Clean Air Act as amended (42 USC 7410 and 7572))

Dated: January 29, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Colorado was approved by the Director of the Federal Register on July 1, 1980.

Title 40, Part 52 of the Code of Federal Regulation is amended as follows:

Subpart G—Colorado

1. Section 52.320(c)(21) is added as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(21) On June 22, 1980, the Governor submitted the following amended rules:

REPEAL AND REPROMULGATION OF REGULATION NO. 3 "A Regulation Requiring Air Pollutant Emission Notice, Emission Permits and Fees."

REVISIONS TO COMMON PROVISIONS REGULATION as they relate to changes in Regulation No. 3.

2. Section 52.324 a new paragraph (c) is added as follows:

§ 52.324 Legal authority.

* * * * *

(c) The requirements of § 51.11(a)(4) of this chapter are not met since Regulation No. 3 provides that an emission permit be issued when automatically specific defined time limits have been exceeded. EPA will consider invalid any permit granted automatically pursuant to Section IV.F. of Regulation No. 3. Persons constructing or modifying sources under the authority of automatically issued permits will be subject to Federal enforcement action.

§ 52.327 [Amended]

3. In Section 52.327, paragraphs (a)(2) and (a)(3) are removed.

§ 52.328 [Removed]

4. Section 52.328 is removed.

5. Section 52.329 is revised as follows:

§ 52.329 Rules and regulations.

(a) *Part D disapproval.* Regulation No. 3 and the Common Provisions Regulations are approved except for the following provisions which are disapproved:

(1) Section IV.D.2(b)(ii)(G), which exempts from "major modification," a change of an existing oil-fired or gas-fired boiler to the use of a coal/oil mixture, shale oil, or coal-derived fuels, provided that such change would not interfere with reasonable further progress toward attainment of any National Ambient Air Quality Standard.

(2) Section IV.D.2.(b)(iii), "major modification" and the definition of "major stationary source" in the Common Provisions Regulation that provides that fugitive emissions of particulate matter from any of the 26 listed source categories will be excluded in determining whether the source is major, even though quantifiable, if the owner or operator of the source demonstrates to the satisfaction of the Colorado Air Pollution Control Division that such emissions are of a size and substance that will not adversely affect public health or welfare.

(3) Section IV.H.6., that allows the Division to grant an applicant a period of greater than six months to bring a source into compliance.

(4) Regulation No. 3 did not include a provision for "reconstruction," and certain fugitive emissions may escape review since they were not included in Colorado Regulations No. 6 and No. 8, but were regulated under Federal New Source Performance Standards or National Emission Standards for Hazardous Pollutants. Any source which escapes review because of these deficiencies in Regulation No. 3 will be subject to federal enforcement actions.

[FR Doc. 81-12074 Filed 4-29-81; 8:45 am]
BILLING CODE 6560-38-M

VETERANS ADMINISTRATION

41 CFR Part 8-1

Procurement Responsibility and Authority

Correction

In FR Doc. 81-12028 appearing on page 22895 in the issue of Wednesday, April 22, 1981, make the following correction:

In the first column of page 22896, in the last line of paragraph (a)(1) of § 8-1.403-51, ". . . is $200,000.)" should have read ". . . is $500,000.)".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 173, 174, 176, and 178

[Docket No. HM-167; Amdt. Nos. 171-60, 173-144, 174-40, 176-13, 178-65]

Intermodal Portable Tanks; Correction

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule issued under Docket HM-167, Intermodal Portable Tanks, which was published in the Federal Register on Thursday, January 29, 1981 (46 FR 9880). This action is necessary to correct editorial errors in the section references; to correct certain omissions, and to clarify certain requirements. In addition, the IM Tank Table which was published separately from Docket HM-167 (available from the Associate Director for Hazardous Materials Regulation through the Dockets Branch (DCA-22)), also contains references which need clarification. Consequently, a correction to the IM Tank Table will be issued and will be available through the Dockets Branch after May 1, 1981. These changes will not impose an undue burden on persons affected by the regulations.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Richard C. Barlow (202-755-4906) or Hattie L. Mitchell (202-426-2075), Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours are 8:00 a.m. to 4:30 p.m. Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Since the publication of the final rule under Docket HM-167, several descrepancies have surfaced which include incorrect section references, typographical errors, and unclear phrases within sections. Because the changes do not impose additional requirements, public notice is not necessary. The MTB has determined that there is not environmental impact and no significant economic impact associated with these changes.

The following is a summary of the corrections made in Docket HM-167 appearing on page 9880 in the January 29, 1981, issue of the Federal Register.

Part 171

In § 171.7, a paragraph designation is corrected.

Part 173

In § 173.32a, paragraph (e)(1)(ii) is revised to clarify that the requirements for welded joints in tank shells are only intended to apply to new construction of IM portable tanks. Paragraph (e)(3) is revised to provide for tanks that do not meet the specifications for reasons other than those exceptions listed in § 173.32a (e)(1), but otherwise have been designed for a level of safety equivalent to that provided by specification tanks, and may be re-marked (certified) as a DOT specification IM 101 or IM 102 portable tank upon approval by the Associate Director for HMR.

In § 173.118a, a paragraph designation is corrected.

In § 173.190, a paragraph is added to authorize the shipment of phosphorus, white or yellow, in IM 101 portable tanks.

In § 173.266, paragraph (a)(3) is corrected to specify the correct percentage of hydrogen peroxide by weight as 60 percent.

In § 173.272, a paragraph designation is corrected.

In item numbers 25 and 26, certain paragraph designations are added or corrected.

Part 178

In § 178.76, paragraph (g)(2), the 55,000 pound gross weight restriction is removed.

Part 178

In § 178.270-2, paragraph (e) is corrected to clarify when a jacket is needed and the introductory text to paragraph (f) is corrected to clarify if a tank is lined, the lining material must meet the specified requirements.

In § 178.270-7, a typographical error is corrected.

In § 178.270-11(d)(1), the first sentence is corrected by removing the reference to diameter. This removes the confusion created by designating a valve diameter without specifying which diameter. The minimum flow capacity is sufficient to limit the minimum size of the valve. Paragraph (d)(5) is corrected in response to a commenter in a petition for reconsideration and clarifies the fact that the insulation and the jacket together must be effective at 1200F. and the jacket by itself must withstand 1200°F.

In § 178.270-12(b), a clerical error is corrected.

In § 178.270-13(c) (1) and (2), the paragraph headings are changed to avoid confusion with terms used in the regulations of the International Convention for Safe Containers. Also, in § 178.270-13(c)(1), the first sentence is changed to correct an error in the test procedure.

In consideration of the foregoing, FR Document 81-2734 published January 29, 1981 (46 FR 9880) and Parts 173 and 178 of Title 49 Code of Federal Regulations are corrected and amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

§ 171.7 [Corrected]

1. In § 171.7, paragraph "(d)(23)" is corrected to read "(d)(24)."

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. Section 173.32a is corrected by revising paragraphs (e)(1)(ii) and (e)(3) to read as follows:

§ 173.32a Approval of specification IM portable tanks.

* * * * *

(e) * * *

(1) * * *

(ii) Any IM portable tank which is modified or re-rated and brought into full conformance with IM 101 or IM 102 specification except that compliance with the ASME weld procedure and

welder performance qualifications is not required;

* * * * *

(3) If an IM portable tank covered by an exemption cannot meet the appropriate requirements specified in paragraph (e)(1) of this section, the owner or manufacturer of the portable tank shall advise the Associate Director for HMR before September 1, 1981, giving the reasons why the necessary modification cannot be made. After reviewing this notification, the Associate Director for HMR may authorize the tank to be remarked (certified) as a DOT specification IM 101E * * * * or IM 102E, * * * * as applicable (with the asterisks replaced by the DOT exemption number).

* * * * *

§ 173.118a [Corrected]

3. In § 173.118a, paragraph "(b)(4)" is corrected to read, "(b)(5)."

4. In § 173.190, paragraph (b)(5) is added to read as follows:

§ 173.190 Phosphorus, white or yellow.

* * * * *

(b) * * *

(5) Specification IM 101 portable tanks (§§ 178.270, and 178.271 of this subchapter) are authorized under the conditions specifed in the IM Tank Table. The material must be immersed in water or blanketed with an enert gas and be loaded at a temperature not exceeding 140°F. After unloading, the tank must be filled with an inert gas or water having a temperature not exceeding 140°F.

* * * * *

§ 173.266 [Corrected]

5. In § 173.266, paragraph (a)(3) is corrected by changing "70 percent" to read "60 percent."

§ 173.272 [Corrected]

6. In § 173.272, paragraph "(i)(29)" is corrected to read "(i)(30)."

7. In item number 25, the following paragraph references listed are corrected to read as follows:

"§ 173.283(a)(30)" is corrected to read "§ 173.283(a)(31)"
"§ 173.284(a)(20)" is corrected to read "§ 173.284(a)(21)"
"§ 173.270(a)(6)" is corrected to read "§ 173.270(a)(3)"
"§ 173.271(a)(19)" is corrected to read "§ 173.271(a)(20)"
"§ 173.290(a)(3)" is corrected to read "§ 173.290(a)(4)"
"§ 173.294(a)(12)" is corrected to read "§ 173.294(a)(4)"

8. In item number 25, "§§ 173.277(a)(9)", and "173.295(a)(13)" are added.

9. In item number 26, the following paragraph references are corrected as follows:

"§ 173.131(a)(2)" is corrected to read "§ 173.131(a)(3)"
"§ 173.245(a)(35)" is corrected to read "§ 173.245(a)(37)"

PART 176—CARRIAGE BY VESSEL

§ 176.76 [Amended]

10. In § 176.76, paragraph (g)(2) is removed.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

11. Section 178.270–2 is corrected by revising paragraphs (e) and (f) to read as follows:

§ 178.270–2 General.

* * * * *

(e) When credit is taken for insulation to reduce the required emergency venting capacity of safety relief devices, the insulation must be jacketed or otherwise protected from the accumulation of moisture or foreign matter that would decrease its efficiency or corrode the tank.

(f) Each portable tank that has a lining must have a lining material that meets the following requirements:

* * * * *

§ 178.270–7 [Corrected]

12. In § 178.270–7, the word "or" in the last sentence is changed to "and."

13. Section 178.270–11 is corrected by revising the first sentence in paragraph (d)(1) and (d)(5) to read as follows:

§ 178.270–11 Pressure and vacuum relief devices.

* * * * *

(d) * * *

(1) *Pressure relief valves (spring-loaded).* Each pressure relief valve must have a minimum vent capacity of at least 170 standard cubic meters per hour (SCMH) (6,000 standard cubic feet per hour (SCFH)).

* * * * *

(5) Insulation systems, used for the purpose of reducing the venting capacity, must be approved by the approval agency. In all cases, insulation systems approved for this purpose must:

* * * * *

§ 178.270–12 [Corrected]

14. In § 178.270–12, paragraph (b), fourth line from the top of page 9898, "to" is changed to read "of."

15. In § 178.270–13, the italicized subparagraph headings in (c) (1) and (2) the introductory sentence in paragraph (c)(1), are corrected to read as follows:

§ 178.270–13 Testing.

* * * * *

(c) * * *

(1) *Longitudinal inertia.* "The tank loaded to its maximum gross weight must be positioned with its longitudinal axis vertical." * * *

(2) *Lateral inertia.*

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that since these corrections do not impose additional requirements, this document will not result in a "major rule" under the terms of Executive Order 12291 and is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on April 23, 1981.

Alan I. Roberts,

Acting Director, Materials Transportation Bureau.

[FR Doc. 81–13080 Filed 4–29–81; 8:45 am]
BILLING CODE 4910–60–M

Research and Special Programs Administration, Materials Transportation Bureau

49 CFR Parts 172 and 175

[Docket No. HM–149C; Amdt. Nos. 172–67, 175–19]

Air Transportation of Limited Quantities of Radioactive Materials; Exemption Renewal

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The Materials Transportation Bureau (MTB) is renewing the exemption found in 49 CFR 172.204(c)(4), 175.10(a)(6), and 175.700(c) for air transport of limited quantities of materials exhibiting low levels of radiation. These materials do not present a significant hazard to passengers and crew on an aircraft. The effect of this action is to permit continued transportation by passenger-carrying aircraft of radioactive materials under existing restrictions.

EFFECTIVE DATE: May 3, 1981.

ADDRESS: Copies of supporting documents and the Draft Regulatory Evaluation and Environmental Assessment are available for inspection and reproduction at the following

address: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426–3148.

FOR FURTHER INFORMATION CONTACT: Thomas G. Allan, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590. Telephone (202) 426–2075.

SUPPLEMENTARY INFORMATION: The MTB published a Notice of Proposed Exemption Renewal on April 2, 1981 (46 FR 21202) seeking public comment on the proposed renewal for two years of the exemption found at 49 CFR 172.204(c)(4), 175.10(a)(6) and 175.700(c) for air transportation of limited quantities of materials exhibiting low levels of radiation. The period for submitting comments ended on April 17, 1981, during which MTB received three comments concerning the proposal. All comments support the renewal of this exemption.

Conforming with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806) governing exemptions, the exemption in §§ 172.204(c)(4), 175.10(a)(6) and 175.700(c) is limited to a two-year life unless reexamined and renewed. The exemptions were last renewed under Docket HM–149B (44 FR 25238) published on April 30, 1979. The legal background and regulatory history of these exemptions are discussed in that amendment and the preceding notice of proposed rulemaking (44 FR 15748, March 15, 1979). The present exemption expires on May 3, 1981. The MTB is renewing the exemption on the finding that renewal is consistent with the public interest and safety.

In consideration of the foregoing, Parts 172 and 175 of Title 49, Code of Federal Regulations are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.204, paragraph (c)(4) is revised to read as follows:

§ 172.204 Shipper's certification.

* * * * *

(c) * * *

(4) *Radioactive material.* Each person who offers any radioactive material for transportation aboard a passenger-carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1983, this provision does not apply to materials meeting the requirements of § 173.391(a), (b), or (c) of this subchapter in effect on May 3, 1981.

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

2. In § 175.10, paragraph (a)(6) is revised to read as follows:

§ 175.10 Exceptions.

(a) * * *

(6) Prior to May 3, 1983, radioactive materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

* * * * *

3. In § 175.700, paragraph (c) is revised to read as follows:

§ 175.700 Special limitations and requirements; radioactive materials packages in passenger-carrying aircraft.

* * * * *

(c) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1983, this prohibition does not apply to materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

Authority 49 U.S.C. 1803, 1804, 1806; 49 CFR 1.53, Appendix A to Part 1, and paragraph (a)(4) of Appendix A to Part 106.

Note.—The Materials Transportation Bureau has determined that this regulation is not a major rule under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A draft regulatory evaluation and environmental assessment is available for review in the Docket. Based on limited information available concerning size and nature of entities likely to be affected by these amendments, I certify that this amendment will not, as promulgated, have a significant economic impact on a substantial number of small entities. These amendments will not affect not-for-profit enterprises, or small governmental jurisdictions. Small businesses potentially affected include light manufacturing, air carriers, wholesale traders, health services, and research and development services. The total number of such small entities affected is likely to be less than 100,000. The economic impact on such small entities will be positive.

Issued in Washington, D.C. on April 24, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-12909 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-60-M

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49 CFR Part 174

[Docket No. HM–167; Amdt. No. 174–40A]

Intermodal Portable Tanks—"Trailer-on-Flatcar Service"

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise a regulation which prohibits the transportation of an IM 101 or IM 102 portable tank in trailer-on-flatcar (TOFC) service. The regulation, which prohibits TOFC rail service, was promulgated in a final rule issued under Docket HM–167, Intermodal Portable Tanks, published on January 29, 1981 (46 FR 9880). The effect of this final rule is to permit TOFC service under conditions specified by the Associate Administrator for Safety of the Federal Railroad Administration.

The Materials Transportation Bureau (MTB) believes that this revision to the final regulation governing TOFC service by rail (§ 174.63(d)(2)), is needed to allow the continuation of a needed service, and will impose no undue burden on persons affected by the regulations.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Richard C. Barlow (202–755–4906), Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are 8:00 a.m. to 4:30 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the MTB published the final rule on Intermodal Portable Tanks under Docket HM–167 (46 FR 9880) which authorized the use of two new specification intermodal portable tanks. One of the principal commenters to the NPRM under Docket HM–167 was the AAR who submitted several comments concerning the design, test, and usage of IM portable tanks when carried in rail service. The AAR comments were discussed in the preamble to the final rule (46 FR 9881–9883).

The AAR took exception to the proposed authorization for the

transportation of portable tanks in TOFC service. The MTB and the FRA carefully reviewed the matter and decided that there may be merit in AAR's comments. As a result, TOFC service was prohibited in the final rule and MTB opened Docket HM-177 entitled, "Transportation of Hazardous Materials in TOFC Service." In addition, the MTB held a public hearing on February 25, 1981 (46 FR 8055), in Rosemont, Illinois, at which a representative of the AAR stated he did not believe that tank containers were being transported at high centers of gravity (higher than 98 inches above rail) in TOFC operations. Subsequent to the hearing, a petition for reconsideration of the final rule issued under Docket HM-167 was received from the AAR removing its objection to authorized transportation of portable tanks in TOFC service. However, the AAR objected to the requirement of obtaining FRA approval for container-on-flatcar (COFC) service. Rather, the AAR proposal supported the use of industry standards to monitor TOFC and COFC service. The MTB is not aware of the existence of a formal industry standard specifying conditions for TOFC and COFC transportation of hazardous materials in intermodal portable tanks. Therefore, the MTB will keep Docket HM-177 open to receive proposals for the adoption of such a standard. However, as an interim measure until proposals are received and considered during a rulemaking proceeding, FRA's Associate Administrator for Safety will approve the conditions for TOFC and COFC service for IM portable tanks, as is required for DOT 51, 56, and 57 portable tanks and cargo tanks (See §§ 174.61(c) and 174.63(b)).

As stated in the preamble to the final rule (46 FR 9880, page 9888), the Office of Management and Budget (OMB) must clear the report preparation and recordkeeping requirements adopted in the rule. Acting under the Paperwork Reduction Act of 1980, OMB has approved the specified reporting and recordkeeping requirements; Applications for Designation as an Approval Agency (OMB Approval No. 2137-0008), Applications for Approval of an IM Portable Tank (OMB Approval No. 2137-0011), Certification Reports for an IM Portable Tank under DOT Exemption (OMB Approval No. 2137-0012), Proposed Addition (or Change) to IM Tank Table (OMB Approval No. 2137-0013), and Manufacturing Data and Test Reports (OMB Approval No. 2137-0014).

In consideration of the foregoing, § 174.63(d)(2) is revised to read as follows:

§ 174.63 Freight containers and portable tanks and IM portable tanks.

* * * * *

(d) * * *

(2) May not be transported in trailer-on-flatcar (TOFC) service except under conditions approved by the Associate Administrator for Safety, FRA.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that, since this rule amends a previous final rule to permit the use of TOFC service in the rail mode, which service would have been prohibited by the previous final rule (46 FR 9880), this rule will reduce costs and regulatory burdens. Therefore, this document will not result in a "major rule" under the terms of Executive Order 12291, nor is it a "significant regulation" under DOT's regulatory policy and procedures (44 FR 11034). Furthermore, this rule does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on April 23, 1981.

Alan L. Roberts,

Acting Director, Materials Transportation Bureau.

[FR Doc. 81-13100 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Correction of Error in Lists of Endangered and Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule—correction of error.

SUMMARY: In the **Federal Register** (46 FR 11665) of February 10, 1981, the Service published a correction to an error that appeared in the May 20, 1980, Republication of Lists of Endangered and Threatened Species (45 FR 33768). This error involved the incorrect listing or Hartmann's mountain zebra (*Equus zebra hartmannae*) as an Endangered species; actually Hartmann's mountain zebra is officially listed as a threatened species. Unfortunately, the published correction, through a typographical error, perpetuated the false impression that Hartmann's mountain zebra is an Endangered species pursuant to the Act. The present notice informs the public that Hartmann's mountain zebra (*Equus zebra hartmannae*) is a Threatened species, not an Endangered species; it was officially listed as Threatened by publication of a rulemaking in the **Federal Register** (44 FR 49218) on August 21, 1979. We regret the perpetuation of this error, and apologize for the inconvenience it has caused. This notice was prepared by John L. Paradiso, Office of Endangered Species (703/235-11975).

Dated: April 24, 1981.

F. Eugene Hester,

Acting Director, Fish and Wildlife Service.

§ 17.11 [Amended]

Therefore, 50 CFR 17.11(h) is amended: By adding between "Zebra, Grevy's" and "Zebra, mountain:" Zebra, Hartmann's mountain—*Equus zebra hartmannae*—South West Africa/Nambia—Entire—T—54—NA—NA.

[FR Doc. 81-13099 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-55-M

50 CFR 17

Endangered and Threatened Wildlife and Plants; Deferral of Effective Dates for Final Rules; Request for Comments

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Deferral of effective dates for final rules with request for comments.

SUMMARY: The Department of the Interior is deferring the effective date of rules issued in final form but not yet in effect to permit reconsideration of the rules under Executive Order 12291. The deferred rules relate to the Hawaiian Tree snails, the Texas poppy-mallow and gypsum wild buckwheat and Todsens pennyroyal. The Department is also requesting comments on whether the rules listed are major under Executive Order 12291.

DATES: The rules are deferred until May 30, 1981. This deferral is effective April 30, 1981. Comments must be received on or before May 15, 1981.

ADDRESSES: Written comments should be sent to Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Telephone 703-235-2771 or Ms. Patricia Bangert, Office of the Solicitor, Telephone 202-343-2172.

SUPPLEMENTARY INFORMATION: The President's Memorandum of January 29, 1981, directed Federal agencies to defer the effective dates of regulations issued in final form but not yet in effect for a 60-day period. In notices published February 4, 1981 (46 FR 10707), February 17, 1981 (46 FR 12496), and March 30, 1981 (45 FR 60), the Department of the Interior deferred the effective dates of the regulations listed below to April 30, 1981. Executive Order 12291, issued by the President on February 17, 1981 (published 46 FR 13193, February 19, 1981), directed agencies to suspend or postpone the effective dates of all major rules that had been promulgated in final form but had not yet become effective to the extent necessary to permit reconsideration of the rules in accordance with the Order. The Department of the Interior is further deferring the effective dates of the rules listed below to the dates indicated to allow the Department sufficient time to determine whether the rules are major and to comply with the terms of the Order.

Rule	Date published and FR page	Effective date
Fish and Wildlife Service 50 CFR Part 17. Endangered and Threatened species.	Jan. 19, 1981, 46 FR 3178, 3184 (2 documents). (Hawaiian Tree snails and Texas Poppy-mallow).	May 30, 1981.
Fish and Wildlife Service 50 CFR Part 17. Endangered and Threatened species.	Jan. 19, 1981, 46 FR 5730. (Gypsum wild buckwheat and Todsens pennyroyal).	May 30, 1981.

The Department is requesting public comment on whether the rules listed are major under Executive Order 12291. Written comments must be sent to the address given above on or before May 15, 1981.

Dated: April 24, 1981.

F. Eugene Hester,

Acting Deputy Director, Fish and Wildlife Service.

[FR Doc. 81-13153 Filed 4-29-81; 8:45 a.m.]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 46, No. 83
Thursday, April 30, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

7 CFR Part 1137

Milk in the Eastern Colorado Marketing Area; Proposed Suspension of Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Suspension of rules.

SUMMARY: This notice invites written comments on a proposal to suspend an order provision affecting the regulatory status of a distributing plant. The action was requested by a regulated handler that operates two fluid milk distributing plants in the market. It would remove the requirement that a distributing plant must dispose of at least 50 percent of its milk receipts as fluid milk products on routes before the plant is qualified for pool plant status and thus have its producer milk pooled and priced under the order. The suspension is proposed for May 1981 through August 1981.

DATE: Comments are due not later than May 7, 1981.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington D.C. 20250 (202) 447-7183.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the completion of the required suspension procedures and the inclusion of May 1981 in the requested suspension period if this is found necessary. The initial request for the action was received on April 20, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and therby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisons of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provision of the order regulating the handling of milk in the Eastern Colorado marketing area is being considered for the months of May 1981 through August 1981:

In § 1137.7 (a)(1) the words "an amount equal to 50 percent or more of the total receipts of".

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies of their views to the Hearing Clerk, U.S. Department of Agriculture, Washington D.C. 20250, not later than May 7, 1981. The period for filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include May 1981 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (CFR 1.27(b)).

Statement of Consideration

The proposed action would make inoperative for May through August 1981 the provision that at least 50 percent of the receipts of milk at a pool distributing plant be disposed of as fluid milk products on routes. The order now requires that a distributing plant must dispose of at least 50 percent of its milk receipts as fluid milk products on routes before the plant is qualified for pool plant status.

The suspension was requested by Meadow Gold Dairies, a proprietary handler who operates two distributing plants in the market. The handler indicates that the request is supported by a major cooperative association in the market who regularly supplies all of the fluid milk needs of the two plants.

The handler indicates that its Greeley, Colorado distributing plant will be unable to meet the 50 percent route disposition requirement because of the loss of substantial Class I sales due to school closings in May. It claims that this situation will continue until September 1981 when schools will reopen.

Furthermore, Meadow Gold Dairies states that without the suspension it might be able to meet the 50 percent route disposition requirement by moving considerable quantities of fluid milk products between its two distributing plants associated with the market. The handler indicates, however, that this would involve excessive additional handling and energy costs and disrupt the production schedules of the two plants. It contends that the temporary suspension action will permit the orderly marketing of the milk supply from producers normally associated with the Greeley distributing plant.

Signed at Washington, D.C., on April 24, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-12982 Filed 4-29-81; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-65-AD]

Airworthiness Directive: Boeing Model 747-100/-200 and SR Series Airplanes With Certain Autopilot Installations Produced by Sperry Flight Systems.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of Time for Comments on NPRM.

SUMMARY: A Notice of Proposed Rulemaking (NPRM) was published in the Federal Register (45 FR 80630) on December 8, 1980, proposing an amendment which would prohibit the use of the autopilot for automatic landings on certrain Boeing Model 747 series airplanes, until these airplanes are modified. Comments on the NPRM were to be received by the FAA on or before January 30, 1981.

Recent Boeing flight tests indicate an extended development program may be necessary to design an acceptable modification. In addition, requests have been made by the airline industry to extend the comment period. The FAA concurs with these requests, and accordingly, the comment period is extended.

DATE: The deadline for comments is extended to May 15, 1981.

ADDRESS: Sent comment(s) on the proposal in duplicate to: Federal Aviation Administration., Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 80-NW-55-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Clyde L. Halstead, Systems and Equipment Branch, ANW-130S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

Availability of NPRMS

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 80-NW-5-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

SUPPLEMENTARY INFORMATION: Performance and failure analyses recently conducted by the Boeing Commercial Airplane Company have revealed that under certain flight conditions single faults of the automatic landing system with a Monitor and Logic (M&L) Unit, can result in sink rates which exceed 12 feet per second at touchdown.

Factors not previously considered or assumed to be negligible include high altitude effects, automatic stabilizer trim tolerances and single channel hardover. These factors with the single faults can result in sink rates which may exceed the limit load of the landing gear.

As a solution, Boeing had proposed a modification to the automatic stabilizer trim system which would change the elevator trim threshhold to ±0.5° centered at the 3° (nominal) elevator trailing edge down position when dual channel automatic landing system is engaged. After extensive flight testing, Boeing indicates this proposed changed while effective in reducing the descent rate is not acceptable when the overall performance through touchdown and rollout is considered.

The rejection by Boeing of this solution and the need to define and flight evaluate a new design will require additional time.

These developments, coupled with the requests received from the airline industry, support extending the comment period.

Extension of Comment Period

Accordingly, the deadline for comments on the NPRM in Docket No. 80-NW-55-AD is hereby extended to May 15, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—The FAA has determined that this extension of comment period is necessary to afford all interested persons an opportunity to present their views on a proposed rule. It, therefore—(1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Seattle, Wash., on April 15, 1981.

Charles R. Foster,

Director Northwest Region.

[FR Doc. 81-12869 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-CE-4-AD]

Beech Models 99, 99A, A99A, A99 and B99 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes a new Airworthiness Directive (AD), applicable to Beech Models, 99, 99A, A99A, A99 and B99 Airplanes. This AD requires the deletion of the Minimum Equipment List (MEL) and Configuration Deviation List (CDL) from the FAA Approved Airplane Flight Manual (AAFM) and the insertion therein of a new document entitled Kinds of Operations Equipment List for these Beech model airplanes. The new Kinds of Operations Equipment List cites the kinds of operations for which the airplanes were type certificated and lists the systems and equipment that must be installed and operable for each kind of operation. Some items of equipment which the present Beech 99 series MEL and CDL allow to be inoperative could result in the unsafe operation of these airplanes.

DATE: Comments must be received on or before June 1, 1981.

ADDRESS: Send comments on the proposal in duplicate to: FAA Central Region, Office of the Regional Counsel, ACE-7, Attn: Rules Docket Clerk, Docket No. 81-CE-4-AD, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Charles J. Maple, Flight Test Pilot, Aircraft Certification Program, FAA, Room 238, Mid-Continent Airport Terminal Building No. 2299, Wichita, Kansas 67209; Telephone (316) 942-4283.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested person are invited to participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Information on the economic, environmental and energy impact that might result because of adoption of the proposed rule is requested. Communications should identify the AD Docket Number and be submitted in duplicate to the address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before action is taken on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Although the FAA Approved Airplane Flight Manuals (AAFMs) for Beech Model 99 series airplanes contain a Minimum Equipment List (MEL) and Configuration Deviation List (CDL), the certification basis for these airplanes did not speak to the inclusion of such lists in the AAFM. In addition, prior to December 1, 1978, Federal Aviation Regulation (FAR) Part 135 did not include provisions whereby those airplanes could be operated with inoperable equipment if that equipment

was authorized on an MEL. However, at the time of the certification of these airplanes, which was prior to the 1978 date, the manufacturer presented such lists for inclusion in the approved AFM. Since certification requirements do not specifically prohibit the inclusion of these lists and these documents did identify equipment deviations appropriate to the particular situations encountered in operations conducted in accordance with the provisions of Part 135 prior to December 1, 1978, the FAA established an airworthiness and operations committee in the Central Region which developed the MEL/CDL lists that appeared in the AAFM. For reasons hereinafter set forth, the agency has determined that inclusion of these lists in the AAFM is not now appropriate. For instance, the addition of certain equipment in these airplanes made it necessary for the FAA to accomplish certain revisions of these documents. In making these revisions, several items of equipment required by previously issued ADs were allowed to be inoperative subject to the condition that specific inspections be performed prior to each flight. For example, AD 69-24-02 requires an out-of-trim warning system while the MEL in the AAFM permitted the system to be inoperative if certain visual checks are made prior to takeoff. As a result, the MEL and CDL portions of the AAFM permitted the operation of the airplane in a configuration that could result in an unsafe condition.

Also, effective December 1, 1978, Part 135 was revised to establish more stringent operating, crew qualification, and maintenance requirements, with the intent to provide a higher level of safety in commuter aircraft operations. New Section 135.179 of the FARs, included in this revision, provides for the use of an MEL and contains certain requirements for the MEL contents. Attendant to this action, Flight Operations Evaluations Boards (FOEBs), in various FAA regions, developed a Master Minimum Equipment List (MMEL) for most nontransport category airplanes. As a part of their responsibilities, the Central Region FOEB developed an MMEL effective July 25, 1979, for Model 99 series aircraft since these airplanes are primarily used in Part 135 operations. Following the development of an MMEL for the Beech Model 99 series airplanes, certain conflicts between this list and the earlier approved MEL and CDL in the AAFM were obvious. Following publication of the MMEL, the FAA received requests to permit certain items of equipment to continue to be inoperative as permitted by these older lists. The FAA, on more than one occasion, met with interested parties in an attempt to resolve these conflicts. As a result of those meetings, the FAA reviewed the documents in question, along with requests to revise specific items on the MMEL and the data submitted to support the requests. Following this review, the FOEB revised certain items on the MMEL that had become effective July 25, 1979, and superseded it with MMEL Revision 1, effective July 3, 1980. Upon comparison of the approved and revised MMEL developed by the FOEB with the MEL and CDL of the AAFM, the agency has determined that the MEL and CDL in the AAFM allow certain items to be inoperative that could result in the unsafe operation of these airplanes. Additionally, the existence of two FAA-approved documents (the MEL and CDL in the AAFM and the separate MMEL document) inject an element of confusion into the administration of the revised FAR Part 135 requirements.

To correct the situation noted in regard to the possible unsafe conditions that may result from the use of the MEL and CDL in the Beech 99 series AAFM and confusion resulting from the existence of two FAA-approved documents, the FAA believes that the MEL and CDL in the AAFM should be deleted and replaced by Kinds of Operations Equipment List approved as prescribed by Type Certification Regulation, Section 23.1583(h) of the FARs. Since the condition described herein may exist or develop in other airplanes of the same type design when the existing AAFM is followed, an AD is being proposed which rescinds FAA approval of the MEL and CDL contained in the Beech Model 99 series Airplane Flight Manuals, and directs their deletion, together with related references from those manuals. In addition, a new Kinds of Operations Equipment List developed by the FAA in cooperation with the airplane manufacturer, would be required to be added to the AAFM.

The existing Beech 99 Master Minimum Equipment List (MMEL) that was made effective July 3, 1980, by the FAA Central Region Flight Operations Evaluation Board (FOEB) and those Beech 99 MELs authorized under FAR 135.179 may need to be revised/updated to be consistent with the Kinds of Operations Equipment List; however, such actions are not part of this AD.

The MMEL can only be revised/updated by the appropriate FOEB. An MEL which is consistent with the updated MMEL and approved by the FAA under FAR 135.179 or an operating rule which provides for use of an MEL may authorize certain operations with certain inoperative equipment.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive.

Beech: Applies to Models 99, 99A, A99A and A99 (Serial Numbers U-1 through U-145 and U-147) and Model B99 (Serial Numbers U-146, U-148 and subsequent) airplanes certificated in all categories.

Compliance: required as indicated, unless previously accomplished. To preclude operations with inoperative systems which are required to be functioning for safe flight, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(A) Make the following revisions to the applicable Approved Airplane Flight Manual (AAFM) and operate the airplane in accordance with the revised manual.

1. In P/N 99-590012-1D, FAA Approved Airplane Flight Manual for Beechcraft 99 Airliner:

(a) Delete from page 4-1 the entry "Minimum Equipment List . . . 4-35" and the entry "Configuration Deviation List . . . 4-44."

(b) Remove and destroy pages 4-35 through 4-46.

2. In P/N 99-590019-1C, FAA Approved Flight Manual for the Beechcraft 99A Airliner:

(a) Delete from page 4-1 the entry "Minimum Equipment List . . . 4-31" and the entry "Configuration Deviation List . . . 4-40."

(b) Remove and destroy pages 4-31 through 4-42.

3. In P/N 99-590023-1, FAA Approved Flight Manual for the Beechcraft A99A Airliner:

(a) Delete from page 4-1 the entry "Minimum Equipment List . . . 4-33" and the entry "Configuration Deviation List . . . 4-42."

(b) Remove and destroy pages 4-33 through 4-44.

4. In P/N 99-590024-1, FAA Approved Flight Manual for the Beechcraft A99 Airliner:

(a) Delete from page 4-1 the entry "Minimum Equipment List . . . 4-29" and the entry "Configuration Deviation List . . . 4-38."

(b) Remove and destroy pages 4-29 through 4-40.

5. In P/N 99-590026-1, FAA Approved B99 Airliner Airplane Flight Manual:

(a) Delete from page 4-1 the entry "Minimum Equipment List . . . 4-33" and the entry "Configuration Deviation List . . . 4-42."

(b) Remove and destroy pages 4-33 through 4-44.

(B) In the applicable FAA Approved Airplane Flight Manual identified in paragraph A of this AD:

1. In Section 1, Limitations, delete in its entirety, the paragraph which reads as follows:

"The airplane is approved for the following types of operation when required equipment is installed and operational as defined herein.

1. VFR day and night.
2. IFR day and night.
3. Known icing conditions.
4. FAR 135 operations when all pertinent limitations and performance considerations are complied with.
5. FAR 91 operations when all pertinent limitations and considerations are complied with."

2. In Section 1, Limitations, insert the Kinds of Operations Equipment List, a copy of which is attached hereto and identified as Appendix I for temporary insertion until an identical permanent list is provided by the manufacturer, and operate the airplane in accordance with that Equipment List.

(C) This AD may be accomplished by the holder of at least a private pilot certificate issued under part 61 of the Federal Aviation Regulations on any airplane owned or operated by that person provided the airplane is not used in air carrier service. An entry must be made in the Aircraft Maintenance Records indicating compliance with this AD.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Department of Tranportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Office of the Regional Counsel, Room 1558, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-5446.

This proposed rule, if promulgated, will not result in a major rule nor meet any criteria of a major rule as defined in Section 1(b) of Executive Order No. 12291 dated February 17, 1981. The annual effect on the economy and the ecoomic impact on airplane operators, commuting public, local airport and government agencies because of this action was assessed for direct costs involved plus aniticipated or estimated cost increases. The direct cost as a result of this action is largely a one-time only administrative cost to airplane operators and the Federal Aviation Administration. The aniticpated or estimated costs are primarily related to any changes in airplane maintenance and maintenance scheduling which may result from this action. This action will not impose any design changes or any new airworthiness requirements.

It has also been determined under the criteria of the Regulatory Flexibility Act (Pub. L. 96-354) under 5 U.S.C. 605(b), that this proposed rule, at promulgation, will not have a significant economic impact on a substantial number of small entities. This determination is based on the past 5-year Beechcraft Model 99 service difficulty record which shows there would not be a significant economic impact due to systems or equipment failures on the Beech 99 operators, small airport operators and/or the commuting public. In addition, the new Kinds of Operation Equipment List is not significantly different from the previous MEL/CDL in the Beech 99 AFMs and, therefore, would not adversely affect operation of those airplanes.

Issued in Kansas City, Missouri, on April 9, 1981.

John E. Shaw,

Acting Director, Central Region.

Appendix.—Kinds of Operations Equipment List

This airplane may be operated in day or night VFR, day or night IFR and icing conditions when the appropriate equipment is installed and operable.

The following equipment list identifies the systems and equipment upon which type certification for each kind of operation was predicated and must be installed and operable for the particular kind of operation indicated. However, certain operations may be authorized with certain listed equipment and/or systems inoperative under certain conditions and under provisions defined by a current Minimum Equipment List (MEL) approved by the FAA which is dated concurrently with or after this AFM revision and authorized under an operating regulation which provides for use of an MEL.

	VFR day	VFR night	IFR day	IFR night	Icing
Electrical Power:					
1. Battery	1	1	1	1	1
2. D.C. Generator	2	2	2	2	2
3. D.C. Loadmeter	2	2	2	2	2
4. D.C. Generator Warning Light	2	2	2	2	2
5. Inverter	2	2	2	2	2
6. Inverter Warning Light	1	1	1	1	1
7. Feeder Limiter Warning Light	1	1	1	1	1
8. Battery Monitor System	1	1	1	1	1
Equipment/Furnishings: 1. Exit Signs—Self-Illuminated	3	3	3	3	3
Fire Protection:					
1. Engine Fire Detector	2	2	2	2	2
2. Firewall Fuel Shutoff	2	2	2	2	2
Flight Controls:					
1. Flap System	1	1	1	1	1
2. Flap Position Indicator	1	1	1	1	1
3. Horizontal Stabilizer Trim System—Main	1	1	1	1	1
4. Horizontal Stabilizer Trim System—Standby	1	1	1	1	1
5. Stabilizer out-of-trim Aural Warning Indicator	1	1	1	1	1
6. Trim-in-Motion Aural Indicator	1	1	1	1	1
7. Horizontal Stabilizer Position Indicator	1	1	1	1	1
8. Stall Warning Horn	1	1	1	1	1
9. Trim Tab Indicator—Rudder	1	1	1	1	1
10. Trim Tab Indicator Aileron	1	1	1	1	1
Fuel:					
1. Fuel Boost Pumps (4 are Installed)	(1)	(1)	(1)	(1)	(1)
2. Fuel Quantity Indicator	2	2	2	2	2
3. Fuel Quantity Gauge Selector Switch	1	1	1	1	1
4. Nacelle Not-Full Warning Light	2	2	2	2	2
5. Crossfeed Light	1	1	1	1	1
6. Fuel Boost Pump Low Pressure Warning Light	2	2	2	2	2
7. Fuel Flow Indicator	2	2	2	2	2
8. Jet Transfer Pump	2	2	2	2	2
Ice and Rain Protection:					
1. Engine Inlet Scoop Deicer Boot	2	2	2	2	2
2. Engine Inlet Scoop/Deicer/Propeller Deicer Indicator	2	2	2	2	2
3. Engine Inertial Anti-Icing System	2	2	2	2	2
4. Pitot Heat	0	0	2	2	2
5. Alternate Static Air Source	0	0	1	1	1
6. Engine Auto-Ignition System	2	2	2	2	2
7. Propeller Deicer	0	0	0	0	2
8. Windshield Heat (Left)	0	0	0	0	1
9. Surface Deicer System	0	0	0	0	1
10. Stall Warning Mounting Plate Heater	1	1	1	1	1
11. Wing Ice Light (Left)	0	0	0	0	1
12. Windshield Wiper (Left)	1	1	1	1	1
Landing Gear:					
1. Landing Gear Position Indicator Lights	3	3	3	3	3
2. Landing Gear Handle Light	1	1	1	1	1
3. Flap-Controlled Landing Gear Aural Warning	1	1	1	1	1
4. Nose Steering Disconnect Actuator	1	1	1	1	1
Lights:					
1. Cockpit and Instrument (Required Illumination)	0	1	0	1	0
2. Anti-Collision	0	2	0	2	0
3. Landing Light Assembly (two lamps)	0	1	0	1	0
4. Position Lights (System)	0	1	0	1	0
5. Cabin Door Warning Light	1	1	1	1	1
6. Baggage Door Warning Light	1	1	1	1	1
Navigation (Instrument):					
1. Altimeter (left)	1	1	1	1	1
2. Airspeed (left)	1	1	1	1	1
3. Magnetic Compass	1	1	1	1	1
4. Outside Air Temperature	1	1	1	1	1
Vacuum System: 1. Suction Gauge	1	1	1	1	1
Propeller:					
1. Autofeather System	2	2	2	2	2
2. Low Pitch Light (PT6A-20 Engine Only)	2	2	2	2	2
3. Do not Reverse Warning Light	2	2	2	2	2
Engine Indicating:					
1. Tachometer Indicator (Propeller)	2	2	2	2	2
2. Tachometer Indicator (Gas Generator)	2	2	2	2	2

	VFR day	VFR night	IFR day	IFR night	Icing
3. ITT Indicator	2	2	2	2	2
4. Torque Indicator	2	2	2	2	2
Engine Oil:					
1. Oil Temperature Indicator	2	2	2	2	2
2. Oil Pressure Indicator	2	2	2	2	2
3. Low Oil Pressure Light	2	2	2	2	2
4. Engine Chip Detector	2	2	2	2	2

[1] PER AFM limitations.

NOTE 1.—The zeros (0) used in the above list mean that the equipment and/or system was not required for type certification for that kind of operation.

NOTE 2.—The above system and equipment list is predicated on a crew of one pilot.

NOTE 3.—Equipment and/or systems in addition to those listed above may be required by operating regulations (FAR Part 135) that may specify certain items of equipment for more than one pilot.

[FR Doc. 81-12886 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 77-SW-8]

Mitsubishi MU-2B Series Airplanes (Certificated Under Type Certificate A10SW); Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD) applicable to certain Mitsubishi MU-2B series airplanes by providing an alternate means of compliance involving an elevator trim tab bracket and rod modification. The amendment is needed to make the AD applicable to additonal Model MU-2B series airplanes, because the FAA has determined that these airplanes are also susceptible to the trim tab bracket and rod failures to which the AD is directed and to allow additional modifications which will eliminate repetitive inspections and lubrication requirements.

DATE: Comments must be received on or before May 20, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, Attention: Docket No. 77-SW-8, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The applicable service bulletin may be obtained from Mitsubishi Aircraft International, Inc., P.O. Box 3848, San Angelo, Texas 76901. A copy of the technical data is contained in the Rules Docket at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: R. T. Weaver, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Documents should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination by interested persons, both before and after the closing date for comments, in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the docket.

This notice proposes to amend Amendment 39-2841 (42 FR 10842), AD 77-04-07, which currently requires inspection of the elevator trim tab bracket for wear and repair as necessary on Mitsubishi Models MU-2B-25, -26, -26A, -35, -36, -36A airplanes certificated under Type Certificate A10SW. After issuing Amendment 39-2841, the FAA has determined that the reasons for issuing AD 77-04-07 are valid for additional Model MU-2B airplanes and that, if a specific modification of the elevator trim tab bracket and rod is accomplished, the repetitive inspections and lubrication required by the AD are no longer necessary. Therefore, the FAA is considering amending Amendment 39-2841 to make the AD applicable to additional Model MU-2B series airplanes and to allow additional modifications which will eliminate repetitive inspections on Mitsubishi MU-2B series airplanes certificated under Type Certificate A10SW.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by amending Amendment 39-2841 (42 FR 10842), AD 77-04-07, as follows:

By revising the model effectivity to read: Mitsubishi Aircraft International, Inc., applies to MU-2B Series (s/N 313 S.A., 321 S.A., 348 S.A. through 352 S.A., 355 S.A. through 399 S.A., 652 S.A., 661 S.A., 697 S.A., through 741 S.A.) certificated in all categories.

By revising paragraphs (a), (b), and (c) of the amendment to read as follows:

(a) For Model MU-2B-25, S-N 313 S.A., at the initial inspection replace the 010A-22119 brackets with 010A/22127 brackets in accordance with Mitsubishi Aircraft International MU-2 Service Bulletin SB 002/27-001 dated December 8, 1978, or SB 019/27-003 dated September 15, 1980; thereafter inspect the 010A-22127 brackets at intervals not to exceed 300 hours' time in service from the last inspection in accordance with Service Bulletin SB 002-27-001 dated December 8, 1978, or with SB 019/27-003 dated September 15, 1980.

(b) For Models MU-2B-30, MU-2B-26A, and MU-2B-40, S/N 321 S.A., 348 S.A. through 352 S.A. and 355 S.A., through 399 S.A., and for Models MU-2B-35, S/N 652 S.A., and MU-2B-36, MU-2B-36A, and MU-2B-60, S/N 661 S.A., 697 S.A. through 741 S.A. inspect the 010A-22127 bracket in accordance with Mitsubishi Aircraft International MU-2 Service Bulletin SB 002/27-001 dated December 8, 1978, or SB 019/27-003 dated September 15, 1980. After the initial inspection, inspect the 010A/22127 brackets at intervals not to exceed 300 hours' time in service from the last inspection.

(c) For Model MU-2B-25, S/N 313 S.A., and Models MU-2B-30, MU-2B-26A, and MU-2B-40, S/N's 321 S.A., 348 S.A. through 352 S.A., 355 S.A. through 399 S.A., and for Models MU-2B-35, S/N 652 S.A., and MU-2B-36, MU-2B-36A, and MU-2B-60, S/N's 661 S.A. 697 S.A. through 741 S.A., apply Molycote grease in accordance with Mitsubishi Aircraft International MU-2 Service Bulletin SB 002/27-001 dated December 8, 1978, or SB 019/27-003 dated September 15, 1980, to the inner surface of the bracket bushing and outer surface of the spacer. Apply the grease at intervals not to exceed 100 hours' time in service from the last application.

By adding a new paragraph (d) to read:

(d) Replacement of the 010A-22119 brackets and 010A-22127 Elevator trim tab brackets with the 010A-22127-3 trim tab bracket in accordance with Part 3 of the Mitsubishi Aircraft International Service Bulletin SB 019/27-003 dated September 15, 1980, will remove the requirement for the 300-hour repetitive inspections of paragraphs (a) and (b) and the 100-hour repetitive grease applications of paragraph (c).

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed regulation that is not major under the provisions of Executive Order 12291 since it affects only 17 airplanes and adds requirements resulting in a total cost of less than $10,000. It has been further determined that this proposed regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact." It has also been determined for the same reasons cited above that under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities.

Issued in Fort Worth, Texas, on April 8, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-12997 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 81-ASW-11]

Kawasaki Heavy Industries, Ltd. Models KV107-II/-IIA Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to issue a new airworthiness directive (AD) which would require an identification of service life expectancy on the main rotor tension-torsion strap assemblies, P/N 107R2003-1 of the Kawasaki Model KV107-II/-IIA helicopters. This AD is necessary due to a determination of Boeing Vertol's Model 107 revised operational spectrum, which identifies mandatory removal and replacement of the tension-torsion strap assemblies on or before the accumulation of 27,800 hours time in service. The two helicopter designs are nearly identical. Failure of a strap assembly will result in loss of a main rotor blade.

DATE: Comments must be received on or before May 30, 1981.

ADDRESSES: Send comments on the proposal in duplicate to: Regional Counsel, Attention: Docket No. 81-ASW-11, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT:

J. H. Major, Helicopter Policy and Procedures Staff, ASW-211, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, including economic impact data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments and information submitted will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the docket.

Boeing Vertol revised their aircraft operational spectrum to identify a life expectancy factor of the main rotor tension-torsion strap assembly. It was once considered to have infinite life. It was concluded by Boeing Vertol, and the FAA concurred, that the main rotor tension-torsion straps of the Model 107-II would experience a high probability of fatigue failure, although no fatigue failure has been experienced in any of the helicopters. A service life of 27,800 hours was assigned to the strap assembly. Amendment 39-3987, AD 80-25-08, effective December 12, 1980, for the Boeing Vertol Model 107-II helicopter, established this finite service life for the tension-torsion strap assembly. In view of the similarity of the type design of the Kawasaki and the Boeing Vertol models, it is likely that the same potential condition may exist on the Kawasaki models. Accordingly, an airworthiness directive is being proposed which requires the removal and replacement of the tension-torsion strap assemblies (P/N 107R2003-1) on or before the accumulation of 27,800 hours' time in service. Failure of a strap will result in loss of a main rotor blade.

There are presently four U.S. registered KV107-II-/IIA helicopters in service. The cost for the replacement of tension-torsion straps for these helicopters is presently $66,400. The labor cost associated with the installation of these tension-torsion straps, based on 48 hours per helicopter at $35 per man-hour, is estimated to be $6,720. This results in an estimated costs impact to the U.S. KV107-II/-IIA fleet of $93,120 or $0.84 per flight hour for each helicopter.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new directive:

Kawasaki Heavy Industries, Ltd. (KHI). Applies to Models KV107-II and KV107-IIA helicopters equipped with main rotor tension-torsion strap assemblies, P/N 1107R2003-1, certificated in all categories (Airworthiness Docket 81-ASW-11).

Compliance required as indicated.

To prevent fatigue failure of the main rotor tension-torsion strap assemblies, remove from service tension-torsion strap assemblies Part No. 107R2003-1 on or before the accumulation of 27,800 hours' time in service and replace with an airworthy part that meets the requirement of this AD.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this document involves a proposed rule that will not be a major regulation under the provisions of Executive Order 12291. It has been further determined that this document does not involve a significant regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and the impact is so minimal that it does not warrant the preparation of regulatory evaluation.

If it is subsequently determined to have an impact a draft regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities since four aircraft are affected.

Issued in Fort Worth, Texas, on April 15, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-12998 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-CE-29]

Transition Area, Atchison, Kans.; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Atchison, Kansas, to provide additional airspace for aircraft executing a new instrument approach procedure to the Amelia Earhart Airport utilizing the Atchison nondirectional radio beacon (NDB) as a navigational aid.

DATES: Comments must be received on or before May 23, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles M. Bumstead, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before May 23, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Atchison, Kansas. To enhance airport usage, an additional instrument approach procedure is being developed for the Amelia Earhart Airport, Atchison, Kansas, utilizing the Atchison NDB as a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the transition area at Atchison, Kansas, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

A Regulatory Impact Analysis and Review is not being prepared for this action, as this proposal does not meet the criteria for consideration as a "Major Rule," under Section 1(B) of Executive Order 12291. The proposal does not have an annual effect on the economy of $100 million or more; causes no major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or has no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by altering the following new transition area:

Atchison, Kansas

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Amelia Earhart Airport (Latitude 39°34'15" N, Longitude 95°10'47" W) and within 3 miles each side of the St. Joseph VORTAC 207° radial extending to 5 miles northeast of the airport; within 2.5 miles each side of the SUMMR waypoint (Latitude 39°42'29" N, Longitude 95°12'02" W) 174° bearing extending from the 5 mile radius area to 8 miles northwest of the airport and within 3 miles each side of the 003° bearing from the Atchison, Kansas NDB (Latitude 39°34'20" N, Longitude 95°10'56" W) extending from the 5 mile radius area to 8.5 miles northwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has also been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities, as this is an individual action affecting only one location and has no appreciable impact on the community or its environs, and imposes no new requirements.

Issued in Kansas City, Missouri, on April 3, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-13615 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-CE-2]

Transition Area, Lyons, Kans.; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Lyons, Kansas, to provide additional controlled airspace for aircraft executing a new VOR/DME-A instrument approach procedure to the Lyons-Rice County Municipal Airport, Lyons, Kansas.

DATE: Comments must be received on or before May 27, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation

Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles M. Bumstead, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such writtern data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before May 27, 1981 will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Lyons, Kansas. To enhance airport usage, a new VOR/DME-A instrument approach procedure to the Lyons-Rice County Municipal Airport, Lyons, Kansas, is being established. The establishment of this new intrument approach procedure entails the alteration of the transition area at Lyons, Kansas, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

A Regulatory Impact Analysis and Review is not being prepared for this action, as this proposal does not meet the criteria for consideration as a "Major Rule," under Section 1(B) of Executive Order 12291. The proposal does not have an annual effect on the economy of $100 million or more; causes no major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or has no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by altering the following new transition area:

Lyons, Kansas

That airspace extending upwards from 700 feet above the surface within a 5 mile radius of the Lyons-Rice County Airport (38°20'33" N/98°13'35" W) and 3 miles each side of the 349° bearing of the Lyons nondirectional beacon (NDB) (38°20'50" N/98°13'36" W) extending from the 5 mile radius to 8.5 miles northwest; and 3 miles each side of the Hutchinson VORTAC (37°59'48.6" N/97°56'01.7" W) 326° radial and extending from the 5 mile radius to 5.5 miles southeast, excluding that airspace that overlies the Hutchinson, Kansas, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

It has also been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities, as this is an individual action affecting only one location and has no appreciable impact on the community or its environs, and imposes no new requirements.

Issued in Kansas City, Missouri, on April 3, 1981.

James O. Robinson,
Acting Director, Central Region.

[FR Doc. 81-13619 Filed 4-29-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ARM-20]

Establishment of 700' and 1,200' Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice of Proposed Rulemaking (NPRM) proposes to establish 700' and 1,200' transition areas at Douglas, Wyoming to provide controlled airspace for aircraft executing the new VOR runway 28 standard instrument approach procedure (SIAP) developed for the Converse County Airport, Douglas, Wyoming.

DATES: Comments must be received on or before June 15, 1981.

ADDRESSES: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

A public docket will be available for examination by interested persons in the Office of Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

FOR FURTHER INFORMATION CONTACT: Robert E. Greene, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM-534), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the

Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The Federal Aviation Administration (FAA) is considering an amendment to subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing a 700' and 1,200' transition area at Douglas, Wyoming, to provide controlled airspace for aircraft executing the new VOR runway 28 SIAP for the Converse County Airspace, Douglas, Wyoming.

At present, the Converse County Airport is visual flight rule (VFR) only. As a result of the new VOR runway 28 SIAP developed for the Converse County Airport, it is necessary to change the status of the subject airport from VFR to instrument flight rule (IFR) and develop a 700' and 1,200' transition area to provide controlled airspace for aircraft executing the VOR runway 38 SIAP.

It is proposed to make the establishment of the transition areas coincide with the effective date of the new standard instrument approach. Accordingly, the FAA proposes the following amendments to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending Subpart G, § 71.181 so as to establish the following transition areas:

Douglas, Wyoming

That airspace extending upward from 700' above the surface within a 9-mile radius of the Converse County Airport, Douglas, Wyoming (latitude 42°44'40" N., longitude 105°21'56" W.) within 5 miles each side of the Douglas VORTAC 123° radial extending from the 9-mile radius to 10.5 miles southeast of the VORTAC; and that airspace extending upward from 1,200' above the surface within the area bounded by a line beginning at a point latitude 43°14'00" N., longitude 105°28'01" W., east along the south edge of V28 to latitude 43°28'30" N., longitude 104°30'00" W., to latitude 43°00'00" N., longitude 104°30'00", east to the Wyoming-Nebraska State boundary, south to the north edge of V100, west to the west edge of V18, northwest to latitude 42°27'30" N., longitude 105°52'05" W.; thence to point of beginning, excluding the Casper and Cheyenne, Wyoming, transition areas.

Drafting Information

The principal authors of this document are Robert E. Greene, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel, Rocky Mountain Region.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Note.—The FAA has determined that this regulation is not a major rule under Executive Order 12291 or Significant under DOT Regulatory Policies and Procedures (44 FR 11034) and at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since this action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. Also, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

Issued in Aurora, Colorado on March 31, 1981.

F. L. Cunningham,

Acting Director, Rocky Mountain Region.

[FR Doc. 81-13871 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 81-AWE-11]

Proposed Temporary Restricted Areas, Twenty Nine Palms, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a temporary restricted area with five subdivisions in the vicinity of Twenty Nine Palms, Calif., to contain a major joint military exercise. Appropriate portions of the area would be included in the Continental control area. This action would prohibit unauthorized flight operations by nonparticipating aircraft within the proposed restricted area during the time the area is in use by the military.

DATES: Comments must be received on or before June 1, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWE-11, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWE-11." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed

in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering amendments to § 71.151 and § 73.25 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate temporary restricted areas identified as R–2514A, R–2515B, R–2514C, R–2514D, and R–2514E McGregor, N. Mex., to contain a major joint military readiness exercise entitled BOLD STAR 81. The applicable proposed restricted areas would be included in the Continental Control Area. This exercise will provide training for several military commands operating under the sponsorship of the U.S. Air Force Readiness Command, Langley AFB, Va. The air activities associated with the exercise will be such that flight by nonparticipating aircraft cannot be safely conducted simultaneously within the proposed temporary restricted areas when they are in use by the military. These activities will consist of air operations such as close air support, interdiction, air defense/counter air, electronic warfare, reconnaissance, tactical airlift missions, and aerial refueling. It is estimated that approximately 200 aircraft would be utilized to conduct approximately 100 fixed wing and 200 helicopter sorties daily. The boundary abutments to the existing restricted areas are necessary to accommodate interarea transition into and out of R–2501N, S, E, and W which, along with existing BRISTOL and TURTLE MOAs, will be used extensively during the exercise. Communications equipment would be installed and maintained between the appropriate military and FAA facilities to coordinate movement of nonparticipating aircraft through the temporary areas when military activity permits. Additionally, a reverse charge telephone number and VHF radio communication frequencies would be established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. The proposed temporary restricted areas would be designated as joint use to permit use by the controlling agency for nonparticipating VFR and IFR air traffic when the areas are not in use by the military. The military would provide aerial access to private or public use land within the proposed temporary areas. The Department of the Air Force will serve as lead agency for purposes of compliance with the National Environmental Policy Act (NEPA). Send comments on environmental and land use aspects to: Mr. Gilbert N. Burnet, Headquarters TAC/DEEV, Langley AFB, Va. 23665, telephone 804–764–4430. The description of these restricted areas under Parts 71 and 73 were republished on January 2, 1981, (46 FR 446 and 787).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.151 and § 73.25 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73), as republished (46 FR 446 and 787), as follows:

1. By amending § 71.151, after "R–2513 Hunter-Liggett, Calif." to add, the following designations:

R–2514A Twenty Nine Palms, Calif.
R–2514B Twenty Nine Palms, Calif.
R–2514C Twenty Nine Palms, Calif.
R–2514D Twenty Nine Palms, Calif.

2. By amending § 73.25 after "R–2513 Hunter-Liggett, Calif.," to add the following designations:

R–2514A Twenty Nine Palms, Calif.
Boundaries. Beginning at Lat. 34°41'00" N., Long. 116°30'00" W.; to Lat. 34°43'00" N., Long. 116°28'00" W.; to Lat. 34°43'00" N., Long. 116°17'00" W.; to Lat. 34°41'00" N., Long. 116°05'00" W.; to Lat. 34°41'00" N., Long. 116°03'00" W.; to Lat. 34°38'00" N., Long. 115°58'00" W.; to Lat. 34°35'00" N., Long. 115°55'00" W.; to Lat. 34°33'00" N., Long. 115°47'00" W.; to Lat. 34°25'00" N., Long. 115°47'00" W.; to Lat. 34°25'00" N., Long. 115°44'00" W.; to Lat. 34°14'00" N., Long. 115°44'00" W.; to Lat. 34°14'00" N., Long. 116°17'00" W.; to Lat. 34°20'00" N., Long. 116°20'00" W.; to Lat. 34°30'00" N., Long. 116°28'00" W.; to Lat. 34°36'00" N., Long. 116°28'00" W.; thence to point of beginning.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous, 0001 August 21 until 2400 local time August 29, 1981.
Controlling agency. FAA Los Angeles ARTCC.
Using agency. U.S. Air Force Readiness Command (USAFRED) Langley AFB, Va.

R–2514B Twenty Nine Palms, Calif.
Boundaries. Beginning at Lat. 34°41'00" N., Long. 116°30'00" W.; to Lat. 34°36'00" N., Long. 116°28'00" W.; to Lat. 34°30'00" N., Long. 116°26'00" W.; to Lat. 34°20'00" N., Long. 116°20'00" W.; to Lat. 34°14'00" N., Long. 116°17'00" W.; to Lat. 34°14'00" N., Long. 116°28'00" W.; to Lat. 34°18'00" N., Long. 116°37'00" W.; to Lat. 34°28'00" N., Long. 116°42'00" W.; thence to point of beginning.
Designated altitudes. 500 feet AGL to FL 500.
Time of designation. Continuous, 0001 August 21 until 2400 local time August 29, 1981.
Controlling agency. FAA Los Angeles ARTCC.
Using agency. U.S. Air Force Readiness Command (USAFRED) Langley AFB, Va.

R–2514C Twenty Nine Palms, Calif.
Boundaries. Beginning at Lat. 34°16'00" N., Long. 116°37'00" W.; to Lat. 34°14'00" N., Long. 116°28'00" W.; to Lat. 34°14'00" N., Long. 116°17'00" W.; to Lat. 34°14'00" N., Long. 115°44'00" W.; to Lat. 34°08'00" N., Long. 115°53'00" W.; to Lat. 34°03'00" N., Long. 116°13'00" W.; to Lat. 34°03'00" N., Long. 116°24'00" W.; to Lat. 34°04'00" N., Long. 116°32'00" W.; thence to point of beginning.
Designated altitudes. 2,000 feet AGL to 17,000 feet MSL.
Time of designation. Continuous, 0001 August 21 until 2400 local time August 29, 1981.
Controlling agency. FAA Los Angeles ARTCC.
Using agency. U.S. Air Force Readiness Command (USAFRED) Langley AFB, Va.

R–2514D Twenty Nine Palms, Calif.
Boundaries. Beginning at Lat. 34°43'00" N., Long. 116°17'00" W.; to Lat. 34°43'00" N., Long. 115°27'00" W.; to Lat. 34°22'00" N., Long. 115°35'00" W.; to Lat. 34°17'00" N., Long. 115°41'00" W.; to Lat. 34°17'00" N., Long. 115°44'00" W.; to Lat. 34°25'00" N., Long. 115°44'00" W.; to Lat. 34°25'00" N., Long. 115°47'00" W.; to Lat. 34°33'00" N., Long. 115°47'00" W.; to Lat. 34°35'00" N., Long. 115°55'00" W.; to Lat. 34°36'00" N., Long. 115°58'00" W.; to Lat. 34°41'00" N., Long. 116°03'00" W.; to Lat. 34°41'00" N., Long. 116°05'00" W.; thence to point of beginning.
Designated altitudes. 500 feet AGL to FL 500.
Time of designation. Continuous, 0001 August 21 until 2400 local time August 29, 1981.
Controlling agency. FAA Los Angeles ARTCC.
Using agency. U.S. Air Force Readiness Command (USAFRED) Langley AFB, Va.

R–2514E Twenty Nine Palms, Calif.
Boundaries. Beginning at Lat. 34°43'00" N., Long. 115°27'00" W.; to Lat. 34°41'00" N., Long. 114°51'00" W.; to Lat. 34°14'00" N., Long. 114°48'00" W.; to Lat. 34°14'00" N., Long. 115°44'00" W.; to Lat. 34°17'00" N., Long. 115°44'00" W.; to Lat. 34°17'00" N., Long. 115°41'00" W.; to Lat. 34°22'00" N., Long. 115°35'00" W.; thence to point of beginning.

Designated altitudes. 14,000 feet MSL to Fl. 500.

Time of designation. Continuous, 0001 August 21 until 2400 local time August 28, 1981.

Controlling agency. FAA Los Angeles ARTCC.

Using agency. U.S. Air Force Readiness Command (USAFRED) Langley AFB, Va.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 6, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12778 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 81-ASO-19]

Proposed Temporary Restricted Area, Elgin AFB, Fla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a temporary restricted area in the vicinity of Elgin AFB, Fla., to contain a major joint military exercise to be conducted between October 24–31, 1981. This action would prohibit unauthorized flight operations by nonparticipating aircraft within the proposed temporary restricted area during the time the area is in use by the military.

DATE: Comments must be received on or before June 1, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 81-ASO-19, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: George O. Hussey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASO-19." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20951, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 73.29 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to designate a temporary restricted area identified as R-2929, Eglin AFB, Fla., to contain a major military readiness exercise between October 24–31, 1981. This exercise will provide training for several military commands operating under the sponsorship of the U.S. Air Force Readiness Command, Langley AFB, Va. The air activities associated with the exercise will be such that flight by nonparticipating aircraft cannot be safely conducted simultaneously within the proposed temporary restricted area when it is in use by the military. These activities will consist of air operations such as close air support, interdiction, air defense/counter air, electronic warfare, reconnaissance, tactical airlift missions, and aerial refueling. It is estimated that approximately 120 aircraft would be utilized to conduct approximately 150–200 sorties daily. The boundary abutments to the existing restricted areas and MOAs are necessary to accommodate interarea transition into and out of the existing areas which will be used extensively during the exercise. Communications equipment would be installed and maintained between the appropriate military and FAA facilities to coordinate movement of nonparticipating aircraft through the temporary areas when military activity permits. Additionally, a reverse charge telephone number and radio communication frequencies would be established and published for pilots of nonparticipating aircraft to coordinate directly with the military if desired. The proposed temporary restricted area would be designated as joint use to permit use by the controlling agency for nonparticipating VFR and IFT air traffic when the area is not in use by the military. Procedures would be established to maintain the integrity of the Bob Sikes Airport instrument approach. The Department of the Air Force will serve as lead agency for purposes of compliance with the National Environmental Policy Act (NEPA). Send comments on environmental and land use aspects to: Captain Ron Descheneaux, Headquarters TAC/DEEV, Langley AFB, Va. 23665, telephone 804-764-4430. Section 73.29 of Part 73 was republished on January 2, 1981 (46 FR 793).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.29 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73), as republished (46 FR 793), by adding a new restricted area to read as follows:

"R-2929 Eglin AFB, Fla.

Boundaries. Beginning at Lat. 30°33'30" N., Long. 86°38'00" W.; thence clockwise along the Eastern boundary of R-2915A to Lat. 30°43'00" N., Long. 86°36'00" W.; to Lat. 30°43'00" N., Long. 86°27'30" W.; thence along the Western boundary of R-2918 to Lat. 30°33'30" N., Long. 86°25'30" W.; to point of beginning.

Designated altitudes. Surface to 4,000 feet MSL.

Time of designation. 0700–1700, local time, October 24–31, 1981.

Controlling agency. FAA Jacksonville ARTCC.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command, Langley AFB, Va."

(Secs. 307(a) 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 23, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-12984 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 93

[Docket No. 19497; Notice No. 81-5]

Proposed Special Airport Traffic Areas and Air Traffic Rules for Abbotsford, BC, and Sault Ste. Marie, ON, Canada

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish special Airport Traffic Areas and Air Traffic Rules in U.S. airspace near Sault Ste. Marie, Ontario, and Abbotsford, British Columbia, Canada. The proposed rule would require pilots to establish two-way radio communication with the Canadian airport traffic control tower and to receive authorization from Canadian Air Traffic Control before operating in the designated special airport traffic area. The requirements would, by establishing consistency with rules applied in Canadian Positive Control Zones enhance the level of safety within the designated U.S. airspace. The rule would reduce the midair collision potential caused by uncontrolled and unknown aircraft operating in the airspace in which air traffic control is currently provided by Canada to aircraft operating under instrument flight rules (IFR).

DATE: Comments must be received on or before: June 30, 1981.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No., 800 Independence Avenue, SW., Washington, DC 20591.
Or delivered in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Davis, Air Traffic Rules Branch (AAT-220), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-3128.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 19497." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Background

By a letter dated January 9, 1978, the Superintendent of International Coordination, Transport Canada, requested the FAA to issue a special air traffic rule under Part 93 of the Federal Aviation Regulations. That rule would establish special airport traffic areas and air traffic rules that would apply to operations in U.S. airspace within control zones designated for certain Canadian airports. It would require pilots to establish two-way radio communication with the Canadian airport traffic control tower and receive a Canadian ATC clearance before operating in the specified areas. The U.S. areas (control zones) affected would be described as special airport traffic areas and would be associated with airports located at Sault Ste. Marie, ON, and Abbotsford, BC, Canada.

Through letters of agreement, jurisdiction of certain U.S. airspace juxtaposed to Canadian positive control zones is delegated by the United States to the Canadian air traffic facilities for the control of IFR traffic. However, unlike the requirements for operation in U.S. airport traffic areas under FAR §§ 91.85 and 91.87, Canadian rules for

positive control zones in Canadian airspace require aircraft to have authorization to enter or operate in the control zone and to maintain two-way radio communications with the control tower. Further, the Canadian requirement does not govern aircraft operating in U.S. airspace. Similarly, a U.S. airport traffic area does not exist, under the general rules, for Canadian airports and the requirements of §§ 91.85 and 91.87 do not apply to operations in the vicinity of those airports with operating control towers in Canada. Consequently, pilots operating to, from, and near those airports do not have protection of either rule while in the United States airspace. A special rule could fill that void and enhance the level of safety within those areas. It would tend to reduce the midair collision potential by requiring pilots, whether or not they cross into Canadian airspace, to communicate with, and receive clearances and authorizations from, the Canadian control towers that provide air traffic service to IFR aircraft in the designated areas in the U.S. airspace.

Discussion of the Proposed Rule

In order for the Canadian airport control towers to effectively control the air traffic within the control zones, it is necessary that the controller in the terminal area be aware of all aircraft movements within the control tower's area of jurisdiction. With this awareness, controllers will be better able to separate aircraft and provide pilots with air traffic services, thereby enhancing the safe and efficient use of the navigable airspace.

Those objectives can be achieved in the affected airspace by requiring pilots of aircraft to comply with requirements that would apply if that airspace were Canadian and controlled by appropriate Canadian air traffic control tower (Abbotsford, BC, or Sault Ste. Marie, ON, control towers).

This proposal would apply the special air traffic rules to the U.S. Abbotsford control zone, at or below 3,000 feet MSL and to the U.S. Sault Ste. Marie, control zone, at or below 4,000 feet MSL. Thus, a requirement for radio contact would be placed on pilots desiring to operate aircraft within or through the Abbotsford and Sault Ste. Marie positive control zones and the corresponding U.S. special airport traffic areas prior to entering the designated U.S. areas. Accordingly, a comparable level of safety to that achieved by the Canadian airspace would be provided in the U.S. airspace. The U.S. airspace, however, would not be referred to as positive control zones but as special airport traffic areas. The proposed rule would require all aircraft operating in the special airport traffic areas to have an air traffic control clearance from, and to maintain two-way communication with, the Canadian Air Traffic Control. This would enable ATC to effectively control the air traffic within the tower's area of jurisdiction, including that in the United States. It is also expected to increase efficiency in the navigable airspace associated within the Canadian positive control zones. The mix of controlled, uncontrolled and unknown traffic in this airspace would be effectively eliminated.

The Proposed Rule

Accordingly, the Federal Aviation Administration proposes to amend Part 93 of the Federal Aviation Regulations (14 CFR Part 93) by adding a new Subpart Q to Part 93 to read as follows:

Subpart Q—Abbotsford, BC, and Sault Ste. Marie, ON: Special Airport Traffic Areas and Air Traffic Rules

Sec.
93.181 Applicability; scope.
93.183 Special airport traffic areas.
93.185 Communications.

Authority: Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348, 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45.

Subpart Q—Abbotsford, BC, and Sault Ste. Marie, ON: Special Airport Traffic Areas and Air Traffic Rules

§ 93.181 Applicability; scope.

This subpart prescribes special airport traffic areas and air traffic rule for persons operating in the airspace designated under this subpart for Abbotsford, British Columbia, and Sault Ste. Marie, Ontairo, Canada.

§ 93.183 Special airport traffic areas.

Special airport traffic areas under this subpart are designated as follows:

(a) *For Abbotsford, BC*—that air space in the United States at or below 3,000 feet MSL within (the control zone designated for Abbotsford, British Columbia, Canada) the area bounded by a line beginning 48°57'30"N; 122°21'43"W, thence counter-clockwise along the arc of a circle of 4 nautical miles radius centered on the Abbotsford airport at 49°01'32"N; 122°21'43"W, thence to 49°02'00"N; 122°27'40"W, to 49°02'00"N; 122°33'45"W, to 48°57'30"N; 122°33'45"W; and thence to the point of beginning.

(b) *For Sault Ste. Marie, ON*—That airspace in the United States at or below 4,000 feet MSL within (the control zone designated for Sault Ste. Marie, Ontario, Canada) the following areas:

(1) Within a 5-statute-mile radius of the Sault St. Marie, Ontario Airport (lat. 46°29'N; long. 84°31'W, estimated);

(2) Within 1.75 statute miles north of the 180°T bearing from the geographical center of the airport extending from the 5-statute-mile radius zone to 5.5 statute miles southeast;

(3) Within 1.75 statute miles each side of the 118°T bearing from the geographical center of the airport extending from the 5-statute-mile radius zone to all statute miles southeast; and

(4) Within 1.75 statute miles each side of the 293°T bearing from the geographical center to the airport extending from the 5-statute mile radius zone to 5.5 statute miles mortheast.

§ 93.185 Communications.

For operations within the special airport traffic areas under this subpart the following apply:

(a) *General.* Unless otherwise authorized or required by ATC, each person operating an aircraft within a special airport traffic area designated under this subpart shall comply with the applicable provisions of this section.

(b) *ATC clearance.* No person may operate an aircraft within a special airport traffic area designated under this subpart without prior authorization from the appropriate Canadian airport traffic control tower.

(c) *Two-way radio communication.* No person may operate an aircraft within a special airport traffic area designated under this subpart unless two-way radio communications are maintained between that aircraft and the appropriate control tower. However, if the radio fails in flight on an aircraft operating under VFR, within the designated area (with weather conditions at or above VFR weather minimums), and the operator maintains visual contact with the tower, the operator may continue to operate that aircraft and land as soon as possible. If the radio fails in flight on an aircraft operating either under IFR within the designated area, or under VFR within the designated area and visual contact with the tower cannot be maintained, the operator shall comply with the requirements of § 91.127 of this chapter.

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348, and 1354(a); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45)

Note.—The FAA has determined that this document involves a proposed regulation which is—(1) not major under Executive Order 12291 (46 FR 13193; February 19, 1981); and (2) not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 20, 1979). A copy of the draft

evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT." Further, it has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities because of its low altitude and localized applicability in two small areas on the Canadian border and the nominal, routine nature of the air traffic rules involved.

Issued in Washington, DC, on April 7, 1981.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 81-12770 Filed 4-30-81; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Ch. II

Agenda of Significant Regulations

AGENCY: Civil Aeronautics Board.

ACTION: Publication of Agenda of Significant Rules under Development or Review.

SUMMARY: As part of its implementation of the Regulatory Flexibility Act, Pub. L. 96-354, and in accordance with the policy announced in Executive Order 12291, *Federal Regulation*, the CAB publishes its semiannual Agenda of Significant Rules under Development or Review.

DATE: Adopted: April 23, 1981.

ADDRESSES: Copies of the rulemaking documents listed in this agenda can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428; (202) 673-5432. Each document should be identified by the designation appearing in parentheses after the Federal Register citation.

Persons wishing to be placed on a mailing list for future editions of this agenda should send a postcard request to the Distribution Section at the above address.

FOR FURTHER INFORMATION CONTACT: About a specific rulemaking action listed in this agenda—the contact person listed below. About this agenda—Mark Schwimmer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: The Board is publishing this Agenda of Significant Rules under Development or Review in accordance with the Regulatory Flexibility Act, Pub. L. 96-345, and the policy announced in Executive Order 12291, *Federal Regulation* issued on February 17, 1981. The next agenda will be published in October 1981, as provided in the Regulatory Flexibility Act. The Board's previous agenda appears at 45 FR 78060, November 28, 1980.

This agenda is divided into two main categories, *Rules Under Development* and *Existing Rules under Review*, and an Appendix. An action to amend an existing part of the Code of Federal Regulations is not necessarily listed as an existing rule under review. If it does not involve a reexamination of the basic policy and purpose of that part, it is listed as a rule under development. We are using a new numbering scheme so that entries in this and future agendas can be numbered consistently. Entries in *Rules Under Development* are listed with a letter prefix indicating the subject areas: A—Small Community Air Service Program; B—Fares, Rates, and Tariffs; C—Charters; and D—Miscellaneous. Each rulemaking included in *Existing Rules Under Review* is listed according to the CFR part it would primarily affect, with a numerical suffix to distinguish it from other rulemakings that are listed under the same part. The Appendix lists any rulemaking that appeared in the previous agenda and has since been completed or terminated.

For each rulemaking action listed in this agenda, the following information is set out: title, the name, office abbreviation, and telephone number of a knowledgeable Board official to contact for further information; action schedule; and description. For each proceeding in which a notice of proposed rulemaking has been issued, a scheduled completion date is listed. Addresses for all contact person are Civil Aeronautics Board, Washington, D.C. 20428. Unless otherwise noted, the legal authority for a rulemaking action is the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978 and the International Air Transportation Competition Act.

The only rules that the Regulatory Flexibility Act requires agencies to include in their agendas are those that are "likely to have a significant economic impact on a substantial number of small entities." This agenda is more inclusive, listing all significant Board rulemaking activity. The following items appear to meet the statutory criterion: A2, B1, B2, B4, B5, C4, D4, D11, 211-1, 221-2, 241-1, 241-4, 252-1, 293-1, 296-1, 313-1, 323-1, 380-2, and 389-1. We have not made this determination in cases where a notice of proposed rulemaking was issued before January 1, 1981, because the regulatory flexibility analysis requirements do not apply to those proceedings.

None of the rulemaking included in this agenda is "major" within the meaning of E.O. 12291, and the Board does not plan to perform any formal Regulatory Impact Analyses. Each rulemaking, however, undergoes an analysis of benefits, costs, and alternatives, in a degree of detail and formality that is commensurate with the importance of the rule. The Board also retains the discretion to prepare a formal Regulatory Impact Analysis on any rulemaking.

Statements in the action schedule column that a notice or advance notice of proposed rulemaking is in preparation indicate that the staff is preparing a draft for Board action. They do not imply that the proposal will necessarily be issued, that the Board has endorsed the substance of the proposal, or that the petition (if any) prompting the rulemaking activity will necessarily be granted. Scheduled completion dates are estimates only, and so do not bind the Board or indicate that a final rule will necessarily be adopted.

Although this agenda is intended to list all significant Board Regulations that are under development or review, it is not a complete guide to all significant rulemaking activity for the 6 months until publication of the next agenda. First, new rulemaking actions may arise and be completed between now and then.

Second, we may have inadvertently omitted one or more items. Any such omission shall not preclude the Board from taking action on the item, and shall not be a ground for judicial review of the rule.

Abbreviations Used in This Agenda

"Act" means the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1301 *et. seq.*, including amendments made by the Deregulation Act and the International Air Transportation Competition Act, Pub. L. 96-192, 94 Stat. 35.

"Deregulation Act" means the Airline Deregulation Act of 1978, Pub. L. 95-504, 92 Stat. 1705.

"CFR" means Code of Federal Regulations.

"FR" means Federal Register.

"ANPRM" means advance notice of proposed rulemaking.

"NPRM" means notice of proposed rulemaking.

Office abbreviations:

BCAA—Bureau of Carrier Accounts and Audits

BCCP—Bureau of Compliance and Consumer Protection

BDA—Bureau of Domestic Aviation

BIA—Bureau of International Aviation

OC—Office of Comptroller

OCR—Office of Civil Rights
OEA—Office of Economic Analysis
OGC—Office of the General Counsel
ER–, EDR–, SPR–, SPDR–, and similar designations appearing in parentheses after a **Federal Register** citation are the Board's internal designations for final rules and proposed rules. Using these designations, interested persons can obtain copies of documents from the Distribution Section at the address listed above. The Distribution Section will also establish and maintain a list of persons wishing to receive copies of future agendas.

Accordingly, the Civil Aeronautics Board publishes the attached Agenda of Significant Regulations under Development or Review.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

Note.—Abbreviations explained above tables.

Rules Under Development

Contact person	Action schedule	Description
A. Small Community Air Service Program:		
A1. *Essential air service subsidy guidelines* (proposed 14 CFR Part 271). John R. Hokanson, BD, 202-673-5268, or David Schaller, OGC, 202-673-5442.	NPRM, 45 FR 83254, December 18, 1980 (EDR-418, Docket 39041). Comment period closed February 17, 1981. Scheduled for completion: July 1981.	The Board provides subsidy to airlines to ensure that small communities receive essential air service at a level determined in accordance with 14 CFR Part 398. This rule would implement section 419(d) of the Act, which directs the Board to establish guidelines for computing the fair and reasonable amount of compensation necessary to guarantee that level of service.
A2. *Essential air service subsidy procedures* (proposed 14 CFR Part 328). David Schaller, OGC, 202-673-5442	NPRM in preparation	The Board pays a subsidy to airlines for providing essential air service to small communities. This rule would establish when the rate conference with the airline is held, what happens at the end of the airline's rate term, and other procedural matters involved in setting subsidy rates.
A3. *Obligation of carriers to provide adequate service at eligible points* (14 CFR Part 398). David Schaller, OGC, 202-673-5442	NPRM, 45 FR 67357, October 10, 1980 (PSDR-68, Docket 39807). Comment period closed December 9, 1980. Scheduled for completion: May 1981.	The Board has set essential air service levels under section 419 of the Act for eligible points (small communities). Some of these points are being served by air carriers that are not providing the required level of service. This rule would establish a new policy under which the Board would rely on the "adequate service" provision of section 404(a) of the Act as authority to order these carriers to provide adequate (*i.e.*, essential) service at points they now serve.
B. Fares, Rates, and Tariffs:		
B1. *Plain English for airline/passenger contracts* (proposed 14 CFR Part 255). Patricia J. Kennedy, BCP, 202-673-5168	NPRM, 45 FR 29817, April 16, 1980 (EDR-396, Docket 39021). Comment period closed August 15, 1980. Reply comment period closed September 3, 1980. NPRM, 45 FR 42029, June 23, 1980 (EDR-404, Docket 39349). Comment period closed September 3, 1980. Reply comment period closed September 23, 1980. Supplemental NPRM in preparation.	Contracts between airlines and their passengers are governed by tariffs, which are filed with the Board and available for inspection at airline ticket offices. Although tariffs are complicated and relatively inaccessible documents, passengers are presumed to have read them and consented to their terms and conditions. Over the past several years, many businesses have developed "plain English" contracts so that customers clearly understand what they are agreeing to. The proposed rule would apply this approach to airline/passenger contracts by prohibiting airlines from enforcing tariff provisions against passengers unless the airlines make available to passengers a "plain English" notice of the terms and conditions of the contract. The supplemental NPRM would consolidate this rulemaking with an earlier proposal to simplify the requirements that airlines disclose certain information to consumers on passengers' tickets and counter signs.
B2. *Elimination of mandatory joint fares* (14 CFR Part 399). Joanne Petrie, OGC, 202-673-5442 or Julien Schvank, BDA, 202-673-5298.	Petition filed in Docket 39565. NPRM in preparation	The mandatory joint fare requirements established in the *Domestic Passenger Fare Investigation* will end by January 1, 1983, with the end of the Board's jurisdiction over domestic passenger fares. On its own initiative, and in response to a petition filed by American Airlines, the Board is considering whether to eliminate the mandatory joint fare program sooner or to phase it out.
B3. *Maximum tariffs* (14 CFR Parts 221, 296, 297). Mark S. Kahan, BIA, 202-673-5371	NPRM, 45 FR 64984, September 24, 1980 (EDR-408, Docket 39746). Comment period closed December 1, 1980. Action deferred, 46 FR 934, January 5, 1981 (EDR-408C).	This rule would allow airlines to file tariffs that state prices as maximum amounts instead of exact amounts, so that any price up to the maximum could be charged. The rule would also allow the payment of commissions to air freight forwarders and foreign air freight forwarders. The proposal was prompted by exemption requests from several airlines. The Board has deferred action on this item pending related developments in the *Competitive Marketing Investigation*.
B4. *Extension of fare flexibility to Micronesia* (14 CFR Part 399). Joanne Petrie, OGC, 202-673-5442	Petition filed in Docket 39875. NPRM in preparation	In response to a petition filed by Air Micronesia and Continental Air Lines, the Board is considering whether broader-than-statutory fare flexibility should be extended to U.S.-Micronesia and Intra-Micronesia service.
B5. *International cargo rate flexibility* (14 CFR Part 399). Mark Schwimmer, OGC, 202-673-5442	NPRM, 45 FR 3586, January 18, 1980 (PSDR-66, Docket 37444). Comment period closed April 9, 1980. Oral argument held July 15, 1980. Scheduled for completion: May 1981.	This rule would establish a policy of not reviewing international cargo rate changes for economic justification if the changes were below a prescribed ceiling, except in extraordinary circumstances. The ceiling would be set initially at the October 1, 1979, rate levels for general commodity rates, and would be periodically adjusted for operating cost increases.
B6. *International cargo rate policy—further changes* (14 CFR Part 399). Joanne Petrie, OGC, 202-673-5442	ANPRM in preparation	This notice would invite comments on the broad question of what the Board's cargo rate policy should be, to advise the Board on future rulemaking or legislative proposals.

Rules Under Development—Continued

Contact person	Action schedule	Description
C. Charters:		
C1. *Charter flight delays* (14 CFR Parts 207, 208, 212, 214).		
Mark Schwimmer, OGC, 202-673-5442	NPRM, 42 FR 64808, December 29, 1977 (EDR-343, Docket 31229). Comment period closed April 14, 1978. Reply comment period closed May 15, 1978. Scheduled for completion: June 1981.	This rule would tighten the existing rules on flight delays by U.S. charter airlines and extend those rules to passenger charter flights of all types of direct air carriers, other than air taxi operators.
C2. *Escrow accounting for Public Charters* (14 CFR Part 380).		
Joanne Petrie, OGC, 202-673-5442	NPRM, 44 FR 32388, June 6, 1979 (SPDR-68, Docket 35706). Comment period closed August 6, 1979. Scheduled for completion: June 1981.	This rule would amend the escrow system for the protection of Public Charter passengers' funds, to simplify the accounting procedures and to eliminate a limitation on disbursements by the escrow bank.
C3. *Registration of foreign charter operators* (14 CFR Parts 211, 215, 380, 385).		
Joanne Petrie, OGC, 202-673-5442	NPRM, 45 FR 26084, April 17, 1980 (EDR-396/SPDR-77/ODR-30, Docket 36023). Comment period closed June 16, 1980. Scheduled for completion: June 1981.	This rule would replace the requirement that foreign charter operators obtain a foreign air carrier permit under section 402 of the Federal Aviation Act with a simple registration requirement, to ease market entry and promote competition.
C4. *Charter price flexibility* (14 CFR Part 380).		
Patricia Y. Strom, BDA, 202-673-6088	Petition filed in Docket 36300. Petition filed in Docket 36323. NPRM in preparation.	The Board's current rules allow charter operators, in their contracts with participants, to reserve the right to increase the charter price up to 10%, as long as the increase occurs 10 or more days before departure. On its own initiative and in response to petitions filed by the American Institute for Foreign Study and the United States Tour Operators Association, the Board is considering whether to eliminate this flexibility, to retain it as is, to retain it but require increases to be cost-justified, or to increase the flexibility.
C5. *Registration procedures for Canadian charter air taxi operators* (proposed 14 CFR Part 294).		
Ira Leibowitz, BIA, 202-673-5035, or Nancy Pitzer, BIA, 202-673-5134.	NPRM, 45 FR 80117, December 3, 1980 (EDR-414, ODR-22, SPDR-80, SPDR-80). Comment period closed February 2, 1981. Reply comment period closed February 17, 1981. Scheduled for completion: June 1981.	This rule would eliminate the requirement that Canadian charter air taxi operators obtain foreign air carrier permits under section 402. Instead of the extensive information normally required by 14 CFR Part 211, these carriers would merely have to register with the Board. Registration would be quicker and easier to obtain than a regular permit.
C6. *Removal of restrictions on administrative costs for charters* (14 CFR Parts 207, 208, 212, 214).		
Joanne Petrie, OGC, 202-673-5442	NPRM, 46 FR 10164, February 2, 1981 (EDR-419, Docket 39173). Comment period closed March 30, 1981. Scheduled for completion: May 1981.	This rule would remove all restrictions on administrative costs that can be charged to pro rata and single entity charters. This action is at the Board's initiative.
C7. *Direct carrier responsibility for returning stranded charter passengers* (14 CFR Parts 207, 208).		
David Schaffer, OGC, 202-673-5442	NPRM, 45 FR 46812, July 11, 1980 (EDR-405, Docket 37169). Comment period closed September 25, 1980. Reply comment period closed October 10, 1980. Scheduled for completion: August 1981.	This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating the *force majeure* clause from charter contracts.
C8. *Using insurance policies to protect Public Charter passengers' funds* (14 CFR Parts 207, 208, 212, 214, 380).		
David Schaffer, OGC, 202-673-5442	NPRM, 45 FR 63500, September 25, 1980 (EDR-407/SPDR-79, Docket 36958). Comment period closed November 24, 1980. Reply comment period closed December 8, 1980. Scheduled for completion: September 1981.	This rule would authorize insurance plans as an additional alternative to the security arrangements now permitted for Public Charter passengers' funds.
D. Miscellaneous:		
D1. *Nondiscrimination on the basis of handicap* (proposed 14 CFR Part 382).		
Mark Schwimmer, OGC, 202-673-5442	NPRM, 44 FR 32401, June 6, 1979 (SPDR-70, Docket 34030). Comment period closed September 4, 1979. Reply comment period closed September 24, 1979. Scheduled for completion: May 1981.	This rule would prohibit unlawful discrimination against handicapped air travelers and implement section 504 of the Rehabilitation Act of 1973.
D2. *Consumer protections for members of scheduled-service tour groups.*		
Joanne Petrie, OGC, 202-673-5442	ANPRM, 44 FR 43481, July 25, 1979 (SPDR-71, Docket 34997). Comment period closed October 23, 1979. Reply comment period closed November 22, 1979. NPRM in preparation.	The Board is considering whether consumer protection rules are needed for scheduled-service tours.
D3. *Air carrier fitness (continuing fitness)* (14 CFR Part 204).		
Neil G. Whitehouse, BDA, 202-673-5329	NPRM in preparation	The Board is considering the development of a system to monitor the continuing fitness of air carriers as required by section 401(r) of the Act.
D4. *Fitness determinations for dormant carriers* (14 CFR Part 204).		
Terri Smith, BDA, 202-673-5348	NPRM, 45 FR 73085, November 4, 1980 (EDR-411, Docket 36804). Comment period closed December 15, 1980. Reply comment period closed December 30, 1980. Scheduled for completion: June 1981.	This rule would impose a 2-year limit for starting service or continuing service after a fitness determination. Carriers that did not begin service or operate within that time period would be required to resubmit fitness data and obtain reauthorization before beginning service.
D5. *Zones for mail rates* (proposed 14 CFR Part 233).		
Barry Molar, OGC, 202-673-5205 or Lawrence Myers, OGC, 202-673-5205.	NPRM, 44 FR 52246, September 7, 1979 (EDR-387/PDR-68, Docket 36497). Supplemental NPRM, 45 FR 83510, December 19, 1980 (EDR-387C/PDR-68C, Docket 36497). Comment period closed February 17, 1981. Scheduled for completion: January 1982.	This rule would end the Board's current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. Each zone would be defined by maximum and minimum rates prescribed by the Board, and airlines would be free to contract with the Postal Service for the carriage of mail at any price within the zone.
D6. *Amendment of service segment data reporting* (14 CFR Part 241).		
Clifford M. Rand, OC, 202-673-6044	Petition filed in Docket 36367. NPRM in preparation	The Board's current rules require larger carriers to file more detailed traffic and capacity statistics than are received from smaller carriers. In response to a petition filed by USAir, the Board is considering whether to reduce reporting by larger carriers.

Rules Under Development—Continued

Contact person	Action schedule	Description
D7. *Exemption from report on financial interests.* (14 CFR Parts 245, 246). Gwyneth Jones, OGC, 202-673-5442	NPRM in preparation	This rule would exempt officers and directors of air carriers from the shareholder reporting requirement in section 407(c) of the Act.
D8. *Age discrimination* (proposed 14 CFR Part 378). David Schaller, OGC, 202-673-5442	NPRM, 44 FR 55363, September 26, 1979 (EPDR-74, Docket 36639). Comment period closed November 26, 1979. A final rule was adopted by the Board on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. Scheduled for completion: August 1981.	This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975.
D9. *Policy statement on preemption* (14 CFR Part 399). Patricia Snyder, OGC, 202-673-5205	Interim rule, 44 FR 9948, February 15, 1979 (PS-83). Request for comments on interim rule, 44 FR 9953, February 15, 1979 (PSDR-56, Docket 34694). Comment period closed April 16, 1979. Scheduled for completion: August 1981.	This rule will set out final Board policies for regulation of the rates, routes and services of airlines that have interstate authority. The Board has concluded that under section 105 of the Act it, not the States, is responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.
D10. *Insurance for air carriers* (proposed 14 CFR Part 205). J. Kevin Kennedy, BDA, 202-673-5918, Richard Loughlin, BIA, 202-673-5660.	NPRM, 45 FR 7566, February 4, 1980 (EDR-395, Docket 37531). Comment period closed April 15, 1980. Reply Comment period closed May 6, 1980. Scheduled for completion: July 1981.	This rule would establish liability insurance requirements for all U.S. and foreign direct air carriers, to protect the public against losses caused by those carriers. The rule would implement section 401(q)(1) of the Act, as added by the Deregulation Act.
D11. *Foreign indirect air carrier operations in domestic markets* (14 CFR Parts 296, 380). Glenn Detroit, BIA, 202-673-5514	NPRM in preparation	This rule would authorize foreign indirect air carriers to organize tours and forward freight in domestic markets.
D12. *Dual authority* (14 CFR Part 298). Mark Schwimmer, OGC, 202-673-5442	NPRM, 45 FR 73087, November 4, 1980 (EDR-412, Docket 38908). Comment period closed January 5, 1981. Reply comment period closed January 26, 1981. Scheduled for completion: June 1981.	Airlines that use only small aircraft are already exempt from many regulatory requirements of the Act. This rule would grant similar exemptions to certificated airlines (which usually operate large aircraft) for their small aircraft operations, in order to promote competition.
D13. *Liberalized regulation of wet lease agreements* (14 CFR Parts 207, 208, 212, 214, 399). Mark Schwimmer, OGC, 202-673-5442	NPRM, 46 FR ——, May ——, 1981 (EDR——). Comment period closes ——, 1981. Scheduled for completion: August 1981.	This rule would liberalize the restrictions on wet leases (leases of aircraft with crew) between airlines, to eliminate unnecessary barriers to competition.
D14. *Employee protection program* (proposed 14 CFR Part 314). Michael Schopf, OGC, 202-673-5234; or Steven S. Farbman, BDA, 202-673-5340.	NPRM, 45 FR 49291, July 24, 1980 (EDR-406/PSDR-72; Docket 38483). Comment period closed September 8, 1980. Scheduled for completion: May 1981.	Section 43 of the Airline Deregulation Act of 1978 established an employee protection program. Eligible protected employees may receive monthly assistance payments from the Secretary of Labor if the Board determines that a qualifying dislocation of an airline has taken place. This rule would set forth procedures for those Board determinations.
D15. *Elimination of airport notices and approved service plans* (14 CFR Parts 202 and 213). Ann Pongracz, BIA, 202-673-5203	NPRM in preparation	The Board is reviewing the requirements that airlines file airport notices and changes in approved service plans, with a view toward eliminating them.
D16. *Update of agreement-filing rules* (14 CFR Parts 261, 262, 263, 288, 302). Gwyneth Jones, OGC, 202-673-5442	NPRM in preparation	This rule would update the agreement-filing rules to conform to statutory changes that make agreement filing voluntary, and would remove the now unnecessary Part 288 agreement-filing exemption.
D17. *Civil penalty for violation of rules of conduct* (14 CFR Part 300). Gwyneth Jones, OGC, 202-673-5442	NPRM, 45 FR 73002, November 4, 1980 (PDR-73). Comment period closed February 10, 1981. Scheduled for completion: June 1981.	This rule would amend the Board's rules of conduct to include a civil penalty as an alternative sanction for violations.

Existing Rules Under Review

202-1. *Format of certificates beginning January 1, 1982* (14 CFR Part 202). Anne W. Stockvis, BDA, 202-673-5198	NPRM in preparation	The termination of route regulation on December 31, 1981, poses questions about various provisions that are now in the carriers' certificates of public convenience and necessity and certain other problems. Among subjects under review are: maintenance of seasonal service requirements, skip-stop provisions in relation to essential air service levels, handling of temporary authority, notice requirements for carriers with dual authority, effect of termination of route regulation on Airport Development Aid Program, slot allocation, and the handling of certain airport and aircraft-type restrictions, and the status of carriers' section 406 subsidy eligibility.
211-1. *Reduction of evidence requirements for foreign air carrier permit renewals* (14 CFR Part 211). Regis P. Milen, Jr., BIA, 202-673-5678	NPRM in preparation	Under this rule, foreign air carriers applying for routine renewals or amendments of their permits would, if previous unopposed licensing proceedings had met certain evidentiary standards, be excused from resubmitting certain evidence whose continuing validity could be attested to.
217-1 *Reporting of civil aircraft charters* (14 CFR Parts 217 and 241). Clifford M. Rand, OC, 202-673-6044	NPRM in preparation	This rule would significantly reduce the Board's charter data reporting requirements.

Rules Under Development—Continued

Contact person	Action schedule	Description
221-1. *Flexibility in charging applicable through or local fare* (14 CFR 221.52). Mark S. Kahan, BIA, 202-673-5371	NPRM in preparation	Carriers are now required to charge the applicable published through fare between a point of origin and a point of destination, even if it is higher or lower than the sum of intermediate fares. The Board is considering a rulemaking to give carriers and their agents more flexibility in charging the lowest possible fare.
221-2. *Liability for lost, delayed, and damaged baggage* (14 CFR Part 221). Joseph A. Brooks, OGC, 202-673-5442	NPRM in preparation	The Board is reviewing the current baggage liability limits and rules in the carriers' tariffs in order to determine which rules, if any, should be placed in the regulations, perhaps to be kept after the sunset of the Board.
221a-1. *Fare summaries* (14 CFR Part 221a). Joanne Petrie, OGC, 202-673-5442	Petition filed in Docket 35139. Petition granted, 44 FR 57085, October 4, 1979 (Order 79-9-118). NPRM in preparation.	This rule requires certificated scheduled airlines to provide concise information in pamphlet form to the public about the various fares they offer in domestic air transportation. Fare summaries do not seem to have received a great deal of attention from passengers, however. In response to a petition from American Airlines, the Board is reviewing this rule to decide how it might be improved, or whether it should be abolished. The Board has also waived the effectiveness of the rule, pending the review.
222-1. *Regulation of intermodal services of foreign air carriers* (14 CFR Part 222). Joseph DiBella, BIA, 202-673-5035	NPRM, 45 FR 42318, June 17, 1980 (EDR-403, Docket 36329). Comment period closed August 22, 1980. Reply comment period closed September 22, 1980. Scheduled for completion: June 1981.	This rule would eliminate all Board restrictions on intermodal services performed by U.S. air carriers, and would require Statements of Authorization for intermodal services by foreign air carriers. This rule would coordinate the Board's treatment of intermodal services with the Congressional modification of the Interstate Commerce Commission's jurisdiction over such services in the Motor Carrier Act of 1980.
234-1. *On-time arrival standards* (14 CFR Part 234). Joanne Petrie, OGC, 202-673-5442	Petition filed in Docket 27881. NPRM in preparation	The Aviation Consumer Action Project has petitioned the Board to restate its on-time arrival standards in terms of actual-versus-scheduled *arrival* times, instead of actual-versus-scheduled *elapsed* times.
241-1. *Air carrier financial and statistical reporting* (14 CFR Part 241). Clifford M. Rand, OC, 202-673-6044	NPRM, 45 FR 85064, December 24, 1980 46 FR 11827, February 11, 1980, (EDR-417, EDR-417A, Docket 39077). Comment period closed, March 25. Reply comment period closed April 9, 1981. Scheduled for completion: July 1981.	As part of a major review of its largest reporting system, the Board expects to eliminate, consolidate, and refine a substantial number of financial and statistical reporting schedules to reduce reporting burdens on all certificated air carriers. Particular emphasis will be placed on reducing the burdens of small air carriers.
241-2. *Amendment of fuel cost and consumption reporting* (14 CFR Part 241). Clifford M. Rand, OC, 202-673-6044	NPRM, 46 FR 21185, April 9, 1981. (EDR-422). Comment period closes, June 8, 1981. Reply comment period closes June 29, 1981. Scheduled for completion: August 1981.	This rule would reduce the amount of fuel information reportedly by air carriers each month, and delay the release of carrier-specific information until after the end of each quarter.
241-3. *Alignment of Uniformed System of Accounts and Reports with generally accepted accounting principles* (14 CFR Part 241). Richard G. Minick, BCAA, 202-673-5259	NPRM in preparation	As part of the continuing effort to align the Board's accounting rules with generally accepted accounting principles, certain sections of the Uniform System of Accounts and Reports need to be deleted or amended. These changes should provde relief from the present requirements for most carriers.
241-4. *Commuter financial and traffic data* (14 CFR Part 241, 298). Clifford M. Rand, OC, 202-673-6044	NPRM in preparation	This rule would modify statistical reporting requirements and impose financial reporting requirements on some commuter carriers, to assist in the administration of essential air service programs.
250-1. *Denied boarding compensation—extra sections* (14 CFR Part 250). Gwyneth Jones, OGC, 202-673-5442	NPRM, 45 FR 30068, May 7, 1980 (EDR-400, Docket 36294). Comment period closed July 7, 1980. Scheduled for completion: August 1981.	Airlines are required to pay denied boarding compensation to passengers who are bumped from their flights. This rule would clarify the applicability of that requirement to extra sections of flights. The rule would also eliminate a minor exception to the requirement.
250-2. *Denied boarding compensation—low-fare airlines* (14 CFR Part 250). Gwyneth Jones, OGC, 202-673-5442	Petition filed in Docket 39378. NPRM in preparation	Transamerica Airlines, Inc. has petioned the Board to eliminate or relax its denied boarding rules, or to relax them for low-fare airlines.
250-3. *Denied boarding compensation—small aircraft* (14 CFR Part 250). Lawrence R. Krevor, BDA, 202-673-5333	ANPRM, 45 FR 31413, May 13, 1980 (EDR-401, Docket 36108). NPRM, 46 FR 8561, January 27, 1981 (EDR-401A, Docket 36108). Comment period closed March 30, 1981. Scheduled for completion: June 1981.	The Board has invited comments on whether, and in what form its denied boarding rules should apply to commuter air carriers and to certificated carriers operating small (less-than-60-seat) aircraft.
250-4. *General review of denied boarding compensation* (14 CFR Part 250). David Graham, OEA, 202-673-6084	Review in progress	The Board is conducting a general review of the need for rules on denied boarding compensation.

Rules Under Development—Continued

Contact person	Action schedule	Description
252-1. *Smoking on airplanes* (14 CFR Part 252).		
David Schaffer, OGC, 202-673-5442	A: Final rule, 44 FR 5071, January 25, 1979 (ER-1091). NPRM, 44 FR 29466, May 21, 1979 (EDR-377, Docket 35944). Editorial correction at NPRM, 44 FR 35416, June 11, 1979 (EDR-377A). Comment period closed August 20, 1979. Reply comment period closed September 19, 1979. NPRM, 46 FR 11827, February 11, 1981 (EDR-420). Comment period closed April 13, 1981. Scheduled for completion: June 1981.	A: In January, 1979, the Board amended its rules on smoking aboard aircraft to provide passengers more effective protection from tobacco smoke. The new requirements include special segregation of cigar and pipe smokers, a minimum of two rows of seats in the no-smoking area for each class of service, and enough seats in no-smoking areas for all persons who wish to be seated there, with provision for expansion of those areas to meet passenger demand. In May, 1979, the Board proposed further changes, including special seating for susceptible passengers, buffer zones, and special locations for cigar and pipe smoking. Other options include a ban on cigar and pipe smoking, and prohibitions based on the type of aircraft (for example, banning smoking on planes with 30 or fewer seats) or length of flight (for example, banning smoking on all flights of less than 1 hour). In February 1981 the Board expanded the proceeding to include the following additional alternatives: banning smoking on airplanes, and eliminating all CAB regulation of in-flight smoking.
Do.	B: NPRM, 45 FR 26876, April 22, 1980 (EDR-398; Docket 35048). Comment period closed June 23, 1980. Scheduled for completion: June 1981.	B: This rule would permit airlines to refuse to expand the no-smoking section for standby passengers and those who check in less than 5 minutes before scheduled departure.
Do.	C: Final rule, 45 FR 83206, December 18, 1980 (ER-1203).	C: This rule invites carriers to apply for waivers to experiment with alternative methods of protecting nonsmokers from tobacco smoke.
293-1. *Alaskan subcontract agreements* (14 CFR Part 293).		
David Schaffer, OGC, 202-673-5442	NPRM in preparation	Part 293 applies to subcontract agreements involving the operation of scheduled air services by air taxi operators over Alaskan bush routes of a certificated air carrier. The Board is considering whether to revoke this rule and replace it with a simpler filing requirement.
296-1. *Exemption for air freight forwarders* (14 CFR Part 296).		
Joseph A. Brooks, OGC, 202-673-5442	NPRM, 46 FR 20693, April 6, 1981 (EDR-421). Comment period closes: June 5, 1981. Reply comment period closes: June 25, 1981. Scheduled for completion: November 1981.	The rule would eliminate the registration and reporting requirements applicable to air freight forwarders, and would allow such carriers to operate under a blanket exemption without having to register with the Board.
296-2. *Cooperative shippers associations to act as agents of direct carriers* (14 CFR Parts 296 and 297).		
Joseph A. Brooks, OGC, 202-673-5442	NPRM, 45 FR 83075, December 34, 1980 (EDR-416, Docket 36470). Comment period closed: February 2, 1981. Reply comment period closed: February 23, 1981. Scheduled for completion: June 1981.	Cooperative shippers associations are indirect air carriers of property. They are now allowed to become agents of their shippers, but not of direct carriers. In response to a petition, the Board is considering allowing cooperatives to act as agents of the direct carriers, to give those indirect carriers greater flexibility in providing services to their customers.
302-1. *Requests for confidential treatment of materials filed with the Board* (14 CFR Part 302).		
Mark Schwimmer, OGC, 202-673-5442	NPRM in preparation	This rule would revise the procedures governing requests for confidential treatment of material filed with the Board, to clarify the relation between those procedures and the Freedom of Information Act.
306-1. *Nonpublic investigations by the Bureau of Consumer Protection* (14 CFR Part 306).		
Elton D. Hill, BCCP, 202-673-5639	NPRM in preparation	This rule would clarify and simplify the procedures for conducting nonpublic investigations.
313-1. *Fuel information in certificate applications* (14 CFR Parts 313 and 201).		
William J. Wagner, BIA, 202-673-5035	NPRM in preparation	To implement the goals of the Energy Policy and Conservation Act, the Board requires applicants for new operating authority to submit fuel information. This rule would eliminate that requirement in instances where it is unnecessary because the United States and a foreign country have agreed that new service is required by the public interest.
315-1. *Information submitted in merger applications* (14 CFR Part 315).		
David Schaffer, OGC, 202-673-5442	Interim rule, 46 FR 23646, April 9, 1980 (PR-221). Request for comments on interim rule, 45 FR 47696, July 16, 1980 (PDR-71, Docket 37970). Comment period closed September 15, 1980. Scheduled for completion: June 1981.	This rule sets forth the information that must be submitted with a section 408 merger application. It is needed to enable the Board to meet the 6-month deadline imposed by the Act for issuing a final order or decision in a merger case.
323-1. *Suspension notices after January 1, 1982* (14 CFR Part 323).		
David Schaffer, OGC, 202-673-5442	NPRM in preparation	After December 31, 1981, the Act requires carriers to file termination notices only when the suspension would deprive a community of essential air service. This rule would eliminate most notices now required by Part 323 and may require a few new ones to ensure that the Board retains the capability to monitor essential service levels at eligible points.
323-2. *Elimination of suspension notices for foreign air transportation* (14 CFR Parts 323, 231).		
David Schaffer, OGC, 202-673-5442	NPRM in preparation	The Board is reviewing the requirements in 14 CFR Part 323 for suspension notices in foreign air transportation, which does not involve essential air service, with a view to substituting a simple increase in the number of copies of schedule changes filed pursuant to 14 CFR Part 231.
370-1. *Employee responsibilities and conduct* (14 CFR Parts 370, 300).		
Kenneth G. Caplan, OGC, 202-673-5790	NPRM in preparation	The Board is preparing revisions of its ethics rules to reflect experience since the last revision and to conform to the Ethics in Government Act, Pub. L. 95-521.

Rules Under Development—Continued

Contact person	Action schedule	Description
375–1. *Navigation of foreign civil aircraft* (14 CFR Part 375). George Wellington, BIA, 202–673–5678	NPRM in preparation	The Board is reviewing its regulations governing the navigation of foreign civil aircraft within the United States. The review will focus on simplifying and clarifying the procedures to be followed in obtaining operating authority, and on ensuring that conditions imposed on such operations satisfactorily serve the public interest.
379–1. *Nondiscrimination in Federally-assisted programs of the Board* (14 CFR Part 379). Kenneth G. Caplan, OGC, 202–673–5760 or Shawn D. Land, OCR, 202–673–5544.	NPRM in preparation	The Board is reviewing its rules that implement Title VI of the Civil Rights Act of 1964, in response to suggestions from the Department of Justice.
380–1. *Protection of charter participants' funds* (14 CFR Parts 372, 380). Brinley Williams, BCP, 202–673–5937	NPRM, 42 FR 61408, December 2, 1977 (SPDR–63, Docket 31735). Comment period closed June 30, 1978. Reply comment period closed July 31, 1978. Supplemental NPRM in preparation.	The Board has been reviewing the patchwork of redundant, and sometimes inconsistent, regulations for the protection of charter participants' funds, with a view towards establishing a simpler, uniform set of requirements. The redundancies and inconsistencies were largely eliminated when five different charter regulations were replaced by the Public Charter rule, 14 CFR Part 380. The Board is now considering whether to issue a new proposal on this subject in light of the planned sunset of the agency.
380–2. *Elimination of prospectus filing for Public Charters* (14 CFR Part 380). Joanne Petrie, OGC, 202–673–5442	NPRM in preparation	Currently a charter operator cannot begin to market a Public Charter until at least 10 days after it files a prospectus with the Board. If the Board disapproves the prospectus, the delay can be longer. The prospectus must include a flight schedule and tour itinerary (if any). It must also include certifications that the charter operator has entered into a charter contract with an airline and made certain arrangements for the protection of passengers' funds. This rule would replace the prospectus-filing requirement with a simple registration requirement.
380–1. *Charge in license and filing fee schedules* (14 CFR Part 380). Joseph A. Brooks, OGC, 202–673–5442	Order 77–4–42, dated April 8, 1977. NPRM in preparation.	Because of decisions in the Supreme Court and the U.S. Court of Appeals, the Board suspended its license fees in 1977. Its filing fees have also become outdated in relation to costs. The Board is considering a rulemaking to change its method for calculating filing fees and to bring them into line with current costs. It is also considering deleting the suspended license fees.
399–1. *Domestic passenger fare standards* (14 CFR Part 399, Subpart C). Julien Schrenk, BDA, 202–673–5298	Final rule, 43 FR 39522, September 5, 1978 (PS–90). Final rule, 45 FR 24115, April 9, 1980 (PS–92, Docket 31290). Interim policy statement, 45 FR 40966, June 17, 1980 (PS–94, Docket 37982). Interim policy statement, 45 FR 48800, July 21, 1980 (PS–96, Dockets: 37982, 33636, 35119, 29196). Interim policy statement, 45 FR 70431, October 24, 1980 (PS–98, Docket 37982). Petition filed in Docket 30497. NPRM in preparation.	In Summer, 1978, after a review of the entire body of pricing standards developed in the *Domestic Passenger Fare Investigation*, the Board ended its practice of prescribing normal fares in the continental United States. Airlines were instead allowed the flexibility to set fares within a specific zone without fear of suspension by the Board. The Airline Deregulation Act of 1978 confirmed this policy by establishing a "zone of reasonableness" within which the Board could not find any domestic fare unlawful. In PS–92, the Board amended its general policy statement on fare flexibility to reflect the Deregulation Act. In PS–94, the Board broadened its zone with an interim policy of full downward fare flexibility in all markets and upward flexibility as follows: unlimited, for markets up to 200 miles; up to 50 percent above the standard industry fare level for markets from 201 to 400 miles; and up to 30 percent above the standard industry fare level for markets above 400 miles. Upon reconsidering PS–94, the Board in PS–96 revised its interim policy to allow upward fare flexibility to the standard industry fare level plus $15, plus another 20 percent, in all markets. The Board will suspend fares in this zone only in limited circumstances. The Air Transport Association has filed a petition asking that the 20 percent figure be increased to 50 percent. In PS–98, the Board adopted broadened flexibility for Puerto Rico, Virgin Islands, Hawaii, and Alaska markets. The Board is continually monitoring passenger fares and reviewing its flexibility policies.

Appendix.—*Rulemaking Completed or Terminated Since Previous Agenda*

[Numbers in brackets are entry numbers from previous agenda.]

Contact person	Status	Description
[1.] *Procedures for compensating air carriers for losses* (14 CFR Part 224). David Schaffer, OGC, 202–673–5442.	Interim rule, 44 FR 42171, July 19, 1979 (PR–209). Final rule, 46 FR 11606, February 11, 1981 (PR–229).	The Board can order an airline to continue to provide essential air service to a community while the agency tries to find a replacement airline, but it must compensate the incumbent airline for any financial losses incurred in complying with the order. This rule governs proceedings for determining the compensation for the incumbent airline's losses.
[2.] *Determining the number of seats needed to provide essential air service* (14 CFR Part 398). David Schaffer, OGC, 202–673–5442.	Interim rule, 44 FR 65584, November 14, 1979 (PS–89). Final rule, 46 FR 13686, February 24, 1981 (PS–102).	Under guidelines for determining the level of essential air service for small communities, the Board first determines the number of passengers that will need to be accommodated. It then determines the number of available seats it needs to guarantee, on the assumption that the average load factor (percentage of seats filled) will be 60 to 65 percent. That figure is based on normal load factors with large aircraft. This amendment lowered that figure, to reflect the fact that with smaller aircraft a lower load factor is needed to ensure the same likelihood that no passenger will be denied a seat.

Appendix.—Rulemaking Completed or Terminated Since Previous Agenda—Continued

[Numbers in brackets are entry numbers from previous agenda.]

Contact person	Status	Description
[5.] *Schedule listings and delays in discontinuing service* (14 CFR Part 323). David Schaffer, OGC, 202-673-5442.	Final rule, 45 FR 84666, December 24, 1980 (PR-229)	This rule makes two changes in the Board's regulation that requires airlines to provide notice before discontinuing certain types of air service. First, airlines must maintain all generally-distributed schedule listings of flights for which notice had been filed, until discontinuance is permitted by the Board. Second, airlines must discontinue service within 30 days after the intended date stated in the notice (unless required to serve longer by the Board) or also file a new notice of discontinuance.
[9.] *Pre-filing tariff approval for fare reductions* (14 CFR Part 221). Thomas Moore, BDA, 202-673-5039.	Final rule, 45 FR 87008, December 31, 1980	This rule set up a procedure to minimize delay in acting on domestic passenger fare reduction proposals. If an airline files an application for a fare decrease in the morning, the Board will take action on it the same day, and the airline can begin charging the fare the next day.
[13.] *Review of foreign air carrier charter authority* (14 CFR Parts 212, 214). David Schaffer, OGC, 202-673-5442.	Final rule, 46 FR ——, May ——, 1981 (ER——)	This rule amends the Board's prior authorization requirements for charters by foreign air carriers. Prior approval is required for "fifth freedom" charter flights, instead of "all-route" charters, as required under the previous rules.
[18.] *Removal of limit on agent commissions for charters* (14 CFR Parts 207, 208, 212, 214). Joanne Petrie, OGC, 202-673-5442.	Final rule, 46 FR 10455-10457, February 3, 1981 (ER-1209, 1210, 1211, 1212).	This rule removes the limitation on the commission that air carriers can pay to travel agents for pre rate and single-entity charters and permits payments and donations from carriers and travel agents to chartering organizations or their individual members.
[28.] *Reporting of air cargo traffic* (14 CFR Parts 291, 298). Clifford M. Rand, OC, 202-673-6044.	Petition filed in Docket 38544. Petition denied by Board Order 81-1-24, January 6, 1981.	The Air Freight Forwarders Association petitioned the Board to increase requirements that airlines and freight forwarders file reports of their cargo traffic, to monitor the effects of air cargo deregulation. The Board denied the petition because it decided that the additional reporting was not necessary.
[33.] *Advertising of Flights as "Direct"*. Brinley H. Williams, BCP, 202-673-6937.	Rulemaking terminated	This rule would have prohibited airlines from advertising flights as "direct" when there is a change of aircraft. The rulemaking has been terminated because the problems in this area do not appear to be significant enough to justify regulatory intervention.
[39.] *Ticket notices and ticket office counter signs* (14 CFR Parts 221, 250, 256, 298). Patricia J. Kennedy, BCCP, 202-673-5159.	This item is being merged with 81	See item 81.
[49.] *Revision of record-retention requirements* (14 CFR Part 249). Clifford M. Rand, OC, 202-673-6044.	Final rule, 46 FR ——, May ——, 1981. (ER-1214, 1215, 1216, 1217, 1218, 1219, SPR-174).	This is the first major revision of the Board's record-retention requirements since 1957. It is designed to make them less burdensome and easier to understand and administer.
[54.] *Reregistration of air taxis* (14 CFR Part 298). Joanne Petrie, OGC, 202-673-5442.	Final rule, 46 FR 12477, February 17, 1981 (ER-1213)	This rule eliminates the requirement that air taxis reregister with the Board every 2 years.
[66.] *Determination of depreciation for service mail rates* (14 CFR 399.42). Julien R. Schrank, BDA, 202-673-5298.	Final rule, 45 FR 82624, December 16, 1980 (PS-66)	The Board has changed its policy so that the service lives and residual values used by carriers to calculate flight equipment depreciation expenses may be used to determine service mail rates for non-subsidized carriers.

[FR Doc. 81-12897 Filed 4-29-81; 8:45 am]

BILLING CODE 6320-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of Regulatory Flexibility Agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of rules which the Commission expects to propose or promulgate over the next year which may have a significant impact on a substantial number of small entities.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Nancy Yanofsky, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Telephone: (202) 254–6716.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*, ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of October and April of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain—

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking, and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year.[1] These matters include the following:[2]

1. Minimum Financial and Related Reporting Requirements for Futures Commission Merchants

The Commission has proposed amendments to certain of its minimum financial and related reporting requirements for futures commission merchants ("FCMs"), as well as the basic financial reporting form for FCMs, Form 1–FR. One proposed amendment would alter the minimum dollar amount of adjusted net capital which must be maintained by FCMs. The Commission has also proposed a further amendment to the minimum financial regulations regarding the treatment of undermargined accounts. In addition, the Commission has proposed one specific capital charge relating to concentration of positions, and has invited further comment to assist it in the development of further appropriate minimum financial regulations concerning concentration of positions. The Commission expects to determine whether to adopt the proposals in the fall of 1981.

Legislative Authority: Sections 4d, 4f and 8a of the Commodity Exchange Act, 7 U.S.C. 6d, 6f and 12a (1976 and Supp. III 1979).

Agency Contact: Dan Driscoll, Chief Accountant, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Minimum Financial and Related Reporting Requirements: Proposed Rule Amendments, 45 FR 42633 (June 25, 1980); 45 FR 79496 (Dec. 1, 1980); Extension of Comment Period, 46 FR 16691 (March 13, 1981).

2. Regulation of Foreign Brokers and Traders

The Commission has proposed rules which would require domestic futures commission merchants who carry accounts for foreigners to obtain certain information on behalf of the Commission. If the information were not provided to the Commission on request, the FCM would be required to liquidate its customer's account. Public comments have been received on this proposal and on the question whether information which FCMs must make available should be maintained by the FCMs on a routine basis or obtained by the FCMs only when specifically requested by the Commission. The Commission expects to decide whether to adopt these rules in final form in the fall of 1981.

Legislative Authority: Sections 4g, 4i, 5, 5a and 8a of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, 7, 7a and 12a (1976 and Supp. III 1979).

Agency Contact: William Anthony, Division of Economics and Education, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–7227).

Outstanding Federal Register Notices: Futures Commission Merchants—Duties Concerning Accounts Carried for Foreign Brokers and Traders; Proposed Rule, 45 FR 31731 (May 14, 1980).

3. Bankruptcy and Related Regulations

The Bankruptcy Reform Act of 1978 permits the Commission to adopt regulations implementing Subchapter IV of Chapter 7 of the Act which pertains specifically to bankruptcies of commodity firms. In this connection, the Commission expects to propose regulations which will address each of the matters with respect to which it is authorized to promulgate regulations, including the scope of "customer

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[1] The Commission previously published semiannual agendas of significant rules in voluntary compliance with Executive Order 12044. See, e.g., 45 FR 49560 (July 25, 1980). As noted in the last such publication:

The Commission published its first semiannual agenda on January 23, 1979 (44 FR 4752). Subsequently, changes in the Commission's internal agenda-setting procedures were effected as a result of which the Commission now establishes its calendar on a monthly basis. Because of these changes, the Commission is no longer able to project the dates on which particular matters will be considered more than a month in advance.

The Commission's agenda, therefore, represents its best estimate at this time of significant rules which will be considered sometime over the next twelve months. In this regard, 5 U.S.C. 602(d) provides:

Nothing in this section precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda.

[2] The Commission is simultaneously publishing for comment proposed definitions of small entities which the Commission may use in connection with future rulemaking proceedings. If these definitions are established, many of the items listed in this agenda would not be appropriately considered as regulatory flexibility agenda matters. For example, if the Commission determines, as proposed, that contract markets should in no event be considered small entities, proposed rulemaking concerning economic and public interest tests for contract market designation (agenda item 9), dormant and low volume contracts (agenda item 12), definition of "rule" of contract markets (agenda item 10), restrictions on trading by certain contract market and clearing organization employees (agenda item 11) and speculative position limits (agenda item 13), need not be included in these agendas. Further, listing of an item in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. See 5 U.S.C. 605(b). However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

property," the requirements for characterizing property as specifically identifiable, the method of calculating net equity, the criteria for the transfer of customer property free of the avoidance powers of the bankruptcy trustee, and guidelines for the operation of a debtor's estate pending its liquidation. As the commodity chapter of the Bankruptcy Act pertains to certain businesses for which the Commission has not yet developed financial regulations, such as leverage transaction merchants and foreign futures commission merchants, it is expected that the proposed bankruptcy rules will include regulations expanding the reach of the segregation requirements and modifying the existing requirements in some respects.

The Commission staff's recommendations in the bankruptcy area will be considered in the summer of 1981.

Legislative Authority: Sections 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 12a and 24 (1976 and Supp. III 1979).

Agency Contact: Andrea M. Corcoran, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: None.

4. Proficiency Examinations for Applicants for Registration as Associated Person ("AP")

The Commission has proposed to adopt a rule which, in essence, would require new applicants for registration as an AP to pass a written proficiency examination as a condition of registration. The proposed rule would require each AP applicant to have passed at the minimum competency level a specified written proficiency examination within two years preceding the date of his filing an application to be registered as such. Under the proposal, however, a currently registered AP would not be subject to the examination requirement unless his registration lapsed for a period of two years or more prior to his reapplication.

The examination program would be developed and administered by a person or persons selected by the Commission, subject to Commission supervision. In the event, however, that a futures association is registered under Section 17 of the Commodity Exchange Act, the program, if adopted, would be one of the functions the association could assume, under Commission oversight.

The Commission intends that an independent testing organization would be utilized to develop and administer the examination. Such organization would establish and collect a reasonable examination fee, approved by the Commission or, if the Commission so directs, by a registered futures association. The Commission expects to determine whether to adopt the proposal in the fall of 1981.

Legislative Authority: Sections 4k, 4p and 8a of the Commodity Exchange Act, 7 U.S.C. 6k, 6p and 12a (1976 and Supp. III 1979).

Agency Contact: David S. Mitchell, Esq., or Robert P. Shiner, Assistant Director for Registration, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Proficiency Examinations for Associated Persons; Delegation of Authority; Proposed Rules, 46 FR 20679 (April 7, 1981).

5. Registration of Non-Clerical Employees and Agents of Commodity Pool Operators ("CPOs") and Commodity Trading Advisors ("CTAs")

The Commission has proposed to adopt rules that would implement and facilitate the registration of non-clerical employees and agents of CPOs and CTAs. The Commission requested interested persons to submit comments to assist the Commission in the formulation of such rules. The Commission expects to determine whether to adopt the proposals in the summer of 1981.

Legislative Authority: Sections 2(a)(1), 4b, 4c, *4l*, 4m, 4n, 4*o*, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 6b, 6c, *6l*, 6m, 6n, 6*o*, 12a and 23 (1976 and Supp. III 1979).

Agency Contact: Barbara R. Stern, Special Counsel, Front Office Audit Unit, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Revisions of Commodity Pool Operator and Commodity Trading Advisor Regulations; Proposed Rules, 45 FR 51600 (August 4, 1980); Extension of Comment Period, 45 FR 65257 (October 2, 1980); Extension of Comment Period, 45 FR 69248(October 20, 1980).

6. Reform of Reparation System

The Commission has proposed amendments to its rules governing the initial phase of its reparation system. The amendments are intended to expedite processing and resolution of reparation complaints. Under the proposed rules, the Director of the Complaints Section would be authorized to screen, investigate and report on incoming reparation claims and all responses to those claims, to clarify the contested issues in each case and to encourage the parties to seek settlement. Additionally, under the proposed amendments the right to a hearing would be deemed to be waived unless timely requested by a respondent. Public comments have been requested on the proposals, which will be considered by the Commission in the fall of 1981.

Legislative Authority: Sections 2(a)(11), 8a and 14 of the Commodity Exchange Act, 7 U.S.C. 4a(j), 12a and 18 (1976 and Supp. III 1979) and Section 483a of the Independent Office Appropriation Act of 1952; 31 U.S.C. 483a.

Agency Contact: Budd J. Hallberg, Director, Complaints Section, 2033 K Street, N.W., Washington, D.C. 20581 (202 254–3067).

Outstanding Federal Register Notice: Procedures of the Complaints Section and Conforming Amendments to Reparation Rules, 45 FR 42324 (June 24, 1980).

7. Dealer Options

Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of granting options on a physical commodity and in the business of buying, selling, producing or otherwise using that commodity.

The Commission has recently reproposed rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. A sixty-day period has been provided for public comment, and the Commission expects to decide whether to adopt these rules in the fall of 1981. In proposing these rules, the Chairman, on behalf of the Commission, has certified that these rules, if promulgated, will not have a significant impact on a substantial number of small entities, but has invited comment from any small firms which believe that promulgation of these rules will have a significant impact on them.

Legislative Authority: Sections 4c(b), 4c(d) and 8a(5) of the Commodity

Exchange Act, 7 U.S.C. 6c(b), 6c(d) and 12a(5) 1976 and Supp. III 1979).

Agency Contact: R. Britt Lenz, Office of the Executive Director, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–7360).

Outstanding Federal Register Notices: Proposed Reissuance and Amendments to Commodity Option Regulations, 43 FR 59396 (Dec. 20, 1978); Proposed Reissuance of and Amendments to Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities (23469).

8. Regulation of Leverage Transactions

The Commission has directed its staff to develop a program for regulating gold and silver leverage transactions. These proposals will be considered by the Commission in April, 1981. They may include proposals concerning the registration of leverage transaction merchants, minimum financial requiremnts, and requirements for the segregation of funds, issuance of disclosure statements, and recordkeeping and reporting. A moratorium on the entry of new firms into the gold and silver leverage business which were not in that business on June 1, 1978, has been in effect since January 4, 1979. The Commission had previously announced its intention to regulate gold and silver leverage transactions as contracts for future delivery under the Commodity Exchange Act effective January 1, 1980, but has delayed implementation of this approach until October, 1982.

Legislative Authority: Sections 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 12a and 23 (1976 and Supp. III 1979).

Agency Contact: David Merrill, Office of the General Counsel, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–7602).

Outstanding Federal Register Notices: Regulation of Leverage Transactions as Contracts for Future Delivery, 44 FR 44177 (July 27, 1979); Regulation of Leverage Transactions as Contracts for Future Delivery; Postponement of Effective Date, 44 FR 69304 (December 3, 1979).

9. Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation

The Commodity Exchange Act requires a board of trade seeking to become a contract market for a particular commodity futures contract to show that trading in the contract would not be contrary to the public interest. Guideline No. 1 sets forth the general criteria to be met by a contract market in making such a showing. They include an economic purpose test, a demonstration of the commercial viability of the contract and a showing that transactions for futrue delivery in the commodity will not be contrary to the public interest. The Commission has proposed a rule which would clarify the requirments boards of trade must comply with for initial and continuing designation as contract markets. Proposed rules in this regard were published for comment in November, 1980, and the Commission expects to decide whether to adopt these rules in final form in the fall of 1981.

Legislative Authority: Sections 2(a), 5, 5a and 8a of the Commodity Exchange Act, 7 U.S.C. 2a, 7, 7a, 8 and 12a (1976 Supp. III 1979).

Agency Contact: Blake Imel, Division of Economics and Education, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–3203).

Outstanding Federal Register Notices: Economic and Public Interest Requirements for Contract Market Designation, 45 FR 73504 (Nov. 5, 1980); Extension of Comment Period, 46 FR 9958 (January 30, 1981).

10. Definition of "Rule" of Contract Markets

The Commission has proposed to amend the definition of the term "rule" of a contract market in Commission regulation 1.41(a)(1), 17 CFR 1.41(a)(1) (1980), to state explicitly that the definition includes actions by a contract market, its governing board, or any of its committees or officials which are adopted or taken pursuant to enabling authority set forth in any existing rule of the contract market. The Commission expects to determine whether to adopt the rule in the fall of 1981.

Legislative Authority: Sections 5, 5a and 8a of the Commodity Exchange Act, 7 U.S.C. 7, 7a and 12a (1976 and Supp. III 1979).

Agency Contact: Linda Kurjan, Assistant Director, or Kenneth M. Rosenzweig, Esq., Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Contract Market Rules, 45 FR 64062 (December 22, 1980).

11. Restrictions on Trading By Certain Contract Market and Clearing Organization Employees

The Commission has proposed to adopt a rule which, with certain exceptions, would make it unlawful for contract market or clearing organization employees or staff members to participate in commodity futures transactions, options transactions, and investment transactions in actual commodities. The proposed rule would also require each contract market to adopt rules prohibiting such trading and prohibiting such employees or staff members from misusing sensitive non-public information. The Commission expects to determine whether to adopt the proposal in the summer of 1981.

Legislative Authority: Sections 3, 4b, 5, 5a, 6, 6b, 8, 8a and 9 of the Commodity Exchange Act, 7 U.S.C. 5, 6b, 7, 7a, 8, 12, 12a, 13, and 13a (1976 and Supp. III 1979).

Agency Contact: Lawrence B. Patent, Esq. Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Trading Restrictions Applicable to Certain Contract Market and Clearing Organization Employees, 45 FR 84084 (December 22, 1980).

12. Dormant and Low Volume Contracts

The Commission has proposed two rules concerning dormant and low volume contracts. Rule 5.2 provides that additional delivery months may be listed for dormant contracts only pursuant to passage by a contract market of an implementing bylaw, rule, regulation or resolution and approval by the Commission under Section 5a(12) of the Act and Rule 1.41(b). Rule 5.3 establishes contract reporting requirements for low volume contracts. This includes data concerning the contract's daily trading volume and number of open contracts during the low volume trading period, summary data concerning the nature of trading by floor brokers or traders during that period, indications that the contract is being used by commercial participants and surveillance procedures instituted by the contract market to monitor trade practices in the low volume contract. The Commission expects to determine whether to adopt the proposal in the fall of 1981.

Legislative Authority: Sections 5, 5a, 6 and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 7, 7a, 8 and 12a(5) (1976 and Supp. III 1979).

Agency Contact: Blake Imel, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–3203).

Outstanding Federal Register Notices: Dormant and Low Volume Contracts; Proposed Rule, 45 FR 73499 November 5, 1980); Extension of Comment Period, 46 FR 9958 (January 30, 1981).

13. Speculative Position Limits

The Commission is proposing that speculative position limits be in effect in all commodity futures contracts traded on designated contract markets. Under the Commission's proposed Rule 1.61, contract markets would, for all futures contracts not currently subject to exchange and Commission imposed limits, set limits on the amount of contracts for future delivery which any one trader, or group of traders acting in concert, may own or control. Transactions classified as hedging by the contract market would be exempt from these additional exchange imposed limits. The Commission expects to determine whether to adopt the proposal in the fall of 1981.

Legislative Authority: Sections 4a(1), 5, 5a, 6c and 8a of the Commodity Exchange Act, 7 U.S.C. 6a(1), 7, 7a, 13a–1 and 12a (1976 and Supp. III 1979).

Agency Contact: Monty Reese, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–3310).

Outstanding Federal Register Notices: Speculative Position Limits; Proposed Rule, 45 FR 79831 (December 2, 1980); Extension of Comment Period, 46 FR 13525 (February 23, 1981).

14. Regulations to Govern Trading in Domestic Exchange-Traded Commodity Options

Section 4c(c) of the Commodity Exchange Act, as amended, 7 U.S.C. 6c(c), provides an exemption from the general ban on commodity option trading for commodities subject to regulation since April 1975 provided (1) the Commission transmits to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry documentation of its ability to regulate successfully such transactions, including a copy of the Commission's proposed rules and regulations, and (2) thirty calendar days of continuous session of Congress after the date of such transmittal elapse. The Commission may propose, within the next six months, regulations to govern a program for domestic exchange-traded commodity options.

Legislative Authority: Sections 2(a)(1), 4c(a), 4c(b), 4c(c), 4f, 4g, 8a and 17 of the Commodity Exchange Act, 7 U.S.C. 2, 6c(a), 6c(b), 6c(c), 6f, 6g, 12a and 21 (1976 and Supp. III 1979).

Agency Contact: Frank D. Moore, Jr., Chief Counsel, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Proposed Amendments to Interim Regulations, 42 FR 55538 (October 17, 1977); Commodity Option Transactions: Supplemental Notice of Proposed Rulemaking, 44 FR 22088 (April 13, 1979).[3]

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Issued in Washington, D.C., on April 23, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-12997 Filed 4-29-81; 8:45 am]

BILLING CODE 6351-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda; Semiannual Summary

AGENCY: Agency for International Development.

ACTION: Agency Regulations Agenda.

SUMMARY: The Agency for International Development (A.I.D.) is publishing this Agenda as required by Section 5(a) of Executive Order 12291, Federal Regulations (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96–354, September 30, 1980). This Agenda is divided into two sections: (1) an Agenda of proposed and final regulations which will have a significant economic impact on a substantial number of small entities that A.I.D. expects to publish in the **Federal Register** during the next six months; and (2) an Agenda of existing rugulations under Agency review pursuant to E.O. 12291 which may be revised, revoked or continued without change. It is expected that the information provided in this agenda will enable the public to be more aware of, and more effectively participate in A.I.D.'s rule making process.

[3] In addition, one major aspect of the Commission's regulatory activities which is currently underway is consideration of the application of the National Futures Association for registration as a futures association under Section 17 of the Commodity Exchange Act, 7 U.S.C. 21 (1976 and Supp. III 1979). Although the registration process for such an association does not constitute rulemaking within the meaning of the Regulatory Flexibility Act, and a summary of the application is therefore not included in this agenda, the grant or refusal of registration of a futures association could have significant economic impact on a substantial number of small entities. The Commission notes its intent to ensure the broadest possible public participation in consideration of this application for registration.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda or the Review List, in general, contact: Mr. Joseph R. Ellis, Office of Management Planning, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235–2386.

Specific

For further information about any particular item on the Agenda, contact the individual listed as contact for that item.

Regulatory Flexibility Act

With respect to rule-making subject to the Regulatory Flexibility Act, the Agency does not at this time have any items for inclusion on the Agenda. Application of the Act to existing regulations will be covered in the Plan for review of all regulations subject to the Act, which the Agency will publish by July, 1981.

Executive Order 12291

The following regulations are under review pursuant to Section 5(a) of Executive Order 12291:

1. The Regulations governing the requirements and procedures applicable to Commodity Transactions financed by A.I.D. (22 CFR Part 201) are scheduled for review. Inquiry regarding these Regulations may be directed to: Kathleen O'Hara, Office of Commodity Management, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235-2173.

2. Regulations governing the registration of agencies for voluntary foreign aid (22 CFR Part 203) are being revised, specifically the definition of Private Voluntary Organizations (PVOs) and the conditions of their registration.

A notice will be published in the **Federal Register** for public comment. Inquiry regarding the regulations on PVO registration may be directed to: Robert S. McClusky, Chief, Public Liaison Division, Bureau for Private and Development Cooperation, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235-1844.

3. Regulations governing nondiscrimination in federally-assisted programs of A.I.D. (22 CFR Part 209) are being revised. Inquiries regarding these Regulations may be directed to: Jan W. Miller, Office of the General Counsel, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632-8218.

4. The Regulations governing the policy and procedures for public access to Agency information (22 CFR Part 212) are being revised. Inquiry regarding these Regulations may be directed to:

Arnold H. Dadian, Public Affairs, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632–1850.

6. Regulations governing the collection of civil claims by the Agency for International Development (22 CFR Part 213) are being reviewed. Inquiry regarding these Regulations may be directed to: Bruce K. Birnberg, Chief, Accounting Systems, Office of Financial Management, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632–0162.

6. The Regulations governing A.I.D. Advisory Committees (22 CFR Part 214) are under review. Inquiries regarding these Regulations may be directed to: Gwendolyn H. Joe, Office of Management Planning, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235–2113.

7. Regulations covering the implementation of the Privacy Act of 1974 (22 CFR Part 215) are being reviewed. Inquiry regarding these Regulations may be directed to: Arnold H. Dadian, Public Inquiry Staff, Office of Public Afairs, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632–1850.

In accordance with the procedural steps outlined in Section 5(a) of Executive Order 12291, A.I.D. will give the public full opportunity to comment on the review any any proposed revisions to the Regulations listed above.

Dated: April 24, 1981.

John F. Owens,

Acting Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 81-13052 Filed 4-29-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 16

[AAG/A Order No. 56-81]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Proposed Rule.

SUMMARY: In the Notice Section of today's Federal Register, the Department of Justice proposes to exempt a new system of records, the Agent Recruit Assessment Program, JUSTICE/DEA–030 from the provisions of 5 U.S.C. 552a(d), (e)(4)(G) and (H), and (f). These exemptions are required to maintain the integrity of the selection and recruitment process for Special Agents of the Drug Enforcement Administration.

DATE: All comments must be received on or before June 1, 1981.

ADDRESS: All comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th Constitution Avenue NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202–633–3452).

The authority for this proposed rule is 5 U.S.C. 552a. Accordingly, it is proposed that 28 CFR 16.98 be amended by adding new paragraphs (i) and (j) as set forth below.

Dated: April 22, 1981.

William D. Van Stavoren,

Acting Assistant Attorney General for Administration.

§ 16.98 Exemption of Drug Enforcement Administration Systems.

* * * * *

(i) The following system of records is exempted, pursuant to the provisions of 5 U.S.C. 552a(k)(6), from subsections (d), (e)(4)(G) and (H), and (f):

(1) Agent Recruit Assessment Program, JUSTICE/DEA–030. These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(k)(6).

(j) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (d) because access would reveal information which could assist an individual in compromising or subverting the process whereby candidates are selected for training as Special Agents.

(2) From subsections (e)(4)(G) and (H) because the system is exempt from the individual access provisions of subsection (d) pursuant to subsection (k).

(3) From subsection (f) because the system is exempted from the individual access provisions of subsection (d) pursuant to subsection (k).

[FR Doc. 81-13020 Filed 4-29-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 158

[CGD 77-029]

Ocean Dumping Surveillance System

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of proposed rule.

SUMMARY: This action withdraws the Notice of Proposed Rulemaking, Docket Number 77–029, published in the Federal Register on December 13, 1979 (44 FR 72188). The notice published the Coast Guard's proposal to require waste transporters to install electronic surveillance equipment on vessels engaged in ocean dumping and requested comments from the public regarding this proposed action. After reviewing the comments and reevaluating the proposal, the Coast Guard has determined that this approach is no longer a valid method for augmenting the ocean dumping surveillance program. Accordingly, the notice is hereby withdrawn.

EFFECTIVE DATE: This withdrawal is effective on April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Gregory S. Voyik, Prevention and Enforcement Division (G–WPE), Room 1611, U.S. Coast Guard Headquarters, 2100 Second Street, S.W. Washington, D.C. 20593 [(202) 755–7938].

SUPPLEMENTARY INFORMATION: In 1973, the need for an electronic device to enhance the Coast Guard's ocean dumping surveillance capability was identified. Conventional methods consisting of aircraft and vessel patrols are limited by daylight and weather conditions. The use of shipriders overcomes some of these considerations; however, it provides no deterrent against illegal activities by unaccompanied vessels.

A research and development project initiated in 1973 evaluated several alternatives to surveillance augmentation and concluded with the recommendation that some type of electronic device be located on dumping vessels to provide recorded navigational data, disposal mission identification, and actual dumping information.

Based on this recommendation, the Ocean Dumping Surveillance System (ODSS) was developed. ODSS consists of a Loran-C receiver, data input section, digital cassette recorder, and dump mechanism status sensors. The recorded tape is "read" by computers so that the voyage can be reconstructed to ascertain whether the dumper travelled to the proper site, remained for an appropriate period of time, and discharged the material within the dumpsite.

The progression of ODSS development through two design stages and the subsequent testing and evaluation resulted in the framework for the operational implementation of the ODSS.

A decision was made in 1977 to implement the program through the promulgation of regulations. Drafting efforts on the proposed rules began with the termination of the operational testing phase of the research and development project in 1978. The publication of the Notice of Proposed Rulemaking (NPRM) in December 1979 was followed by a public comment period which terminated in March 1980. During that two and one-half month period, a total of 21 public comments were received from federal, state, and local government agencies, the dumping industry, and several national associations representing this industry.

The comments identified several potential problems that might result if the regulations were implemented. These comments have caused an intensive reevaluation of ODSS as an alternative surveillance method resulting in the decision to withdraw the NPRM. This decision is based on the following problem areas.

Short phase-in date. The regulations call for a six month period between the effective date of the regulations and the date when equipment would be required to be installed on vessels. Several comments stated that this was not enough time for manufacturers to develop equipment, have it tested, approved, and marketed and for vessel owners to take delivery and install the equipment. If the phase-in date is extended to a year, ODSS would not be on board vessels until at least mid-1982.

ODSS is too complex. Because ODSS is a fairly sophisticated piece of electronic equipment, many felt there would be excessive maintenance problems. Part of this fear comes from the fact that an ODSS, if installed on a dump scow, would likely be exposed to the elements, untrained personnel, and unacceptable power fluctuations from vessel generators.

ODSS is easy to subvert. Some comments felt that ODSS would be too easy to subvert and, thus, be ineffective as a surveillance device.

Lack of interest within electronic industry. Several comments pointed out that electronic equipment manufacturers have shown little interest in developing and marketing ODSS. This is primarily due to the small number of vessels impacted by the regulations and thus, the small number of ODSS units that would be required. Because of the lack of industry interest, it would be questionable whether the regulations could be implemented.

Low violation rate. Many comments stated that ODSS was not needed because of the small number of violations detected by the Coast Guard and other agencies over the past several years. The comments concluded that the possibility of loss of employment and dumping contracts is a more effective incentive than penalties for violations. As a result, the incentive to dump illegally is considered very low industry-wide.

ODSS implementation may not be cost effective. Several comments stated that a $10,000 estimated cost for an ODSS was extremely low. Estimates as high as 50 times that suggested in the Coast Guard economic analysis were submitted. There is no question that inflation alone probably makes the $10,000 figure low; however, the actual cost of a production ODSS is unknown. One electronic equipment manufacturer provdided an estimate in the range of $30,000. Another comment pointed out that installation costs of $1,000 to $2,000 were very low if drydocking or any type of coded VHF-FM communications link between towboat and barge was required. For these reasons, the cost effectiveness of the ODSS implementation would be in jeopardy.

Declining ocean dumping activity. The December 31, 1981 phase-out of sewage sludge disposal under Pub. L. 95-153 and some industrial waste disposal under Pub. L. 96-572 will allow the Coast Guard's resources now conducting surveillance of these disposal operations to be used to improve the surveillance of other disposal activities.

Record keeping and reporting requirements. Eight separate record keeping and reporting requirements would be placed on the public as a direct result of the proposed regulations. These burdens, in addition to the economic burden placed on the dumping industry by the proposed rule, would be avoided if present surveillance methods are continued.

The Coast Guard plans to reevaluate its ocean dumping surveillance program to determine if improvements in resource utilization can be made. For the past several years, the Coast Guard has been at or near the program standards established for ocean dumping surveillance. The Coast Guard will continue to emphasize its present program of vessel and aircraft patrols, shipriders, Vessel Traffic Service (VTS) radar coverage, radio reports, and other methods of surveillance.

The Withdrawal

The proposed rules were considered "nonsignificant" under the Department of Transportation Order No. 2100.5 entitled "Policies and Procedures for Simplification, Analysis, and Review of Regulations". They would not have constituted a major rulemaking under E.O. 12291. The proposed rules would not have relieved affected parties of any burden. As described above, withdrawing the proposal avoids adding to the cost of conducting ocean dumping. There are no known adverse consequences associated with terminating the proposal.

For the reasons stated above, the notice of proposed rulemaking, docket number 77-029, published in the **Federal Register** on December 13, 1979 [44 FR 72188], is hereby withdrawn.

(Pub. L. 92-532, Title 1, § 108; 86 Stat. 1059 (33 U.S.C. 1418); 49 CFR 1.46(n)(5))

Dated: April 27, 1981.

K. G. Wiman,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 81-12998 Filed 4-29-81; 8:45 am]
BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-3-FRL 1804-8]

Proposed Redesignation of Attainment Status for the District of Columbia

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: The District of Columbia has revised its designation of attainment status under Section 107 of the Clean Air Act with respect to total suspended particulates (TSP), and requested that EPA review and approve this change. If approved, the revision would redesignate to attainment all areas within the District currently designated as not meeting the primary or secondary standards for TSP. For reasons stated herein, EPA is proposing to modify the District's request by retaining the designation of "does not meet secondary standards" for certain areas, and by redesignating the "central business district" area from "does not meet primary standards" to "does not meet secondary standards."

DATE: All comments must be submitted on or before June 1, 1981.

ADDRESSES: Copies of the asociated support materials are available for public inspection during normal business hours at the following locations:

District of Columbia Department of Environmental Services, Bureau of Air and Water Quality, 5010 Overlook

Avenue, SW., Washington, D.C. 20032, Attn: V. Ramadass
U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA. 19106
Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C.

All comments should be addressed to: Mr. Ray Cunningham, Chief (3AH10), Air Programs Branch, U.S. Environmental Protection Agency, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106.

FOR FURTHER INFORMATION CONTACT:
Mr. Harold A. Frankford (3AH12), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Street, Philadelphia, Pa. 19106, Phone: 215/597-6392.

SUPPLEMENTARY INFORMATION:

Proposed TSP Redesignation

On April 1, 1980, the District of Columbia submitted to the Administrator, Environmental Protection Agency, a revised redesignation of attainment status, pursuant to Section 107 of the Clean Air Act, with respect to particulates. The District requested that those portions of the District currently designated either "does not meet primary standards" or "does not meet secondary standards" be reclassified as "better than national standards." The District of Columbia's Department of Environmental Services (DES) submitted an analysis showing that there were no violations of the primary TSP standards recorded at any of the high-volume sampler monitoring sites which conform to the guidelines set forth in 40 CFR Part 58. One monitor site (Tenley-Friendship Library), which has recorded violations of the primary TSP standards in 1978, was determined by EPA and the District's DES to be unduly influenced by METRO construction and thus, the data was not relied upon. The monitor has since been relocated. Thus, EPA concludes that the entire District is, and has been for all of 1978 and 1979, attaining the national primary ambient air quality standards for TSP.

However, several valid monitoring sites have recorded violations of the 24-hour national secondary ambient air quality standard for TSP during 1978 and 1979. In certain cases, the District's DES argued that some of these data should be considered invalid according to criteria set forth in the EPA publication "Quality Assurance Handbook for Air Pollution Measurement Systems," Volume I—Principles, EPA 600/9-76-005 (March 1976):

> . . . due to unusual conditions of measurement, e.g., a TSP concentration which is abnormally large due to local environmental conditions during the time of sample collection. Such observations would not be indicative of the average concentration of TSP, and may be eliminated depending upon the use of this data.

EPA agrees with this conclusion as it pertains to certain monitor sites. However, there are three valid sites in the District that have recorded violations of the national secondary standard for TSP within the past eight quarters, although no violations have been recorded within the past four quarters at two of these sites (Catholic University and Sharpe School). In the absence of any demonstration by the District that emission reductions commensurate with the improvement in air quality have occurred with respect to these sites, EPA cannot consider a reclassification to a designation other than "does not meet secondary standards" at this time. The area represented by the Catholic University and Sharpe School monitors is currently designated as "does not meet secondary standards," 43 FR 40512 (1978). EPA will retain this classification until the District submits additional evidence of either eight consecutive quarters of air quality data showing attainment or conclusive proof of emission reductions if the past four quarters have shown attainment.

However, the West End Monitor, which is considered representative of an area currently designated as "does not meet primary standards", has recorded violations of secondary TSP standards but no violations of primary standards, during the past eight consecutive quarters. This "primary nonattainment" area, as defined in 40 CFR 81.309, generally corresponds to Washington's "central business district." While EPA cannot act upon the District of Columbia's request to reclassify this area as "better than national standards," EPA proposes to reclassify the area as "does not meet secondary TSP standards" based on the air quality information submitted by the District's DES. The boundaries of this area are defined in a chart accompanying this notice.

Submittal of Public Comments

The public is invited to submit comments on EPA's proposed TSP redesignation for the District of Columbia. All comments received on or before June 1, 1981 will be considered.

Under Executive Order 12291, EPA must decide whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not major because it imposes no new regulatory requirements, but only changes an area air quality designation. It is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB or EPA and any EPA response to those comments are available for public inspection at the Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106.

Regulatory Flexibility Certification

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that, if promulgated, the denial of the District's request to redesignate areas currently designated as nonattainment for the secondary TSP standard to attainment will not have a significant economic impact on a substantial number of small entities. The Administrator has previously certified that attainment status redesignations such as the attached proposal to redesignate the District's central business district to secondary nonattainment will not have a significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). This action constitutes an attainment status redesignation under section 107(d) within the terms of the January 27 notice.

Neither of the proposed actions will impose regulatory requirements. Any such requirements which may become necessary will be dealt with in a separate action.

(Secs. 107(d), 171(2), 301(a), of the Clean Air Act, as amended (42 U.S.C. 7407(d), 7501(2), 7601(a))

Dated: February 25, 1981.

Jack J. Schramm,
Regional Administrator.

Subpart C—Section 107 Attainment Status Designations

It is proposed that 40 CFR Part 81 be amended as follows:

In § 81.309 under the heading "TSP" paragraphs 1-3 are revised to read as follows:

81.309 District of Columbia.

District of Columbia—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
1. Area bounded by: East Capitol Street S.E., District Line (Southern Avenue S.E.), Eastern Shore of Potomac River and Eastern Shore of Anacostia River.				X
2. Area bounded by: Francis Scott Key Bridge, M Street, N.W., 23rd Street N.W., Florida Avenue N.W., U Street N.W., Florida Avenue N.W.–N.E., 4th Street N.E.–S.E. Southeast-Southwest Freeway (295, 395), 15th Street S.W.–N.W., Constitution Avenue N.W., Theodore Roosevelt Memorial Bridge, Potomac River.		X		
3. Remainder of the District of Columbia portion of the National Capital Interstate AQCR.		X		

[FR Doc. 81-13061 Filed 4-29-81; 8:45 am]

BILLING CODE 6560-38-M

NATIONAL SCIENCE FOUNDATION

41 CFR Ch. 25

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda.

AGENCY: National Science Foundation.

ACTION: Publication of Semiannual Regulations Agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981).

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Gail McHenry, Division of Personnel and Management, National Science Foundation, Washington, D.C. 20550, (202) 357–9520.

A. Status of Regulations Previously Listed

1. Grant Policy Manual (NSF 77–47)

This document sets forth the basic policies and procedures in the award and administration of all Foundation grants. The Manual is revised periodically as policies and procedures change. As such, the Manual is undergoing continuous review. An updated edition of the Manual was issued in October 1979. No significant changes in the Manual were made in the October 1979 Transmittal Memorandum No. 2, in the second half of fiscal year 81, to contain: *Attachment A*, a list of changes with a brief explanation; and *Attachment B*, containing looseleaf replacement pages for insertion in the GPM. Changes included are non-substantive, being mostly corrections, clarification of present NSF policy or procedure or insertion of sections inadvertently omitted from the October 1979 revision. GPM Transmittal Memorandum No. 2 will be available through subscription to the GPM through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Legal basis for issuance: Section 11 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1870) (hereinafter referred to as the NSF Act).

Name of Agency official: Francis G. Naughten, Division of Grants and Contracts, (202) 357–7880.

Regulatory analysis: None required.

2. Conflict of Interest Regulations (45 CFR Part 600)

These regulations govern the conduct of NSF employees and officers and special Government employees. Since publication of the last agenda, amendments have continued under review and editing. Because of the sensitive issues involved, the policy questions under consideration, and the new Ethics in Government Act, progress on readying the regulations for public comment has been slower than anticipated. Proposed amendments may be published within the next three months.

Legal basis for issuance: Section 11 of the NSF Act; Executive Order 11225; 5 CFR Part 735.

Name of Agency official: Harriet E. Tucker, Esq., Office of the General Counsel, (202) 357–7483.

Regulatory analysis: None required.

3. Age Discrimination Regulations (45 CFR Proposed Part 605)

These regulations, which will prohibit discrimination on the basis of age in all Foundation-assisted programs, have been developed in coordination with the Department of Health and Human Services (HHS). HHS regulations were published on June 12, 1979, but NSF regulations have been delayed pending clearance by HHS. The regulations will be published, but the time is uncertain.

Legal basis for issuance: Section 11 of the NSF Act; The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

Name of Agency official: Frank Hersman, Esq., Office of the General Counsel, (202) 357–7485.

Regulatory analysis: None required.

4. Handicapped Regulations (45 CFR Proposed Part 615)

These regulations, which will prohibit discrimination on the basis of physical handicap in all Foundation-assisted programs, were published for comment in the April 18, 1978 Federal Register. Draft final regulations were sent to HHS for review, as required by E.O. 11914. Final publication is expected in the near future.

Legal basis for issuance: Section 11 of the NSF Act; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

Name of Agency official: Frank Hersman, Esq., Office of the General Counsel, (202) 357–7485.

Regulatory analysis: None required.

5. Availability of Records and Information (45 CFR Part 612)

These regulations are issued pursuant to the Freedom of Information Act. The Foundation has been consolidating these regulations with various implementing memoranda and NSF Bulletins issued since publication of the regulations, but the consolidation continues in the draft stage. No proposed regulations are anticipated for public comment within the next six months.

Name of Agency official: Arthur J. Kusinski, Esq., Office of the General Counsel, (202) 357–9445.

Regulatory analysis: None required.

6. Civil Rights—Title VI Regulations (45 CFR Part 611)

These regulations prohibit

discrimination on the basis of race, color, or national origin in all NSF-assisted programs. The Foundation is considering technical changes recently suggested by the Department of Justice. If such changes are adopted, they will be proposed in the Federal Register for public comment. However, no decision has yet been made with respect to the changes and consequently any publication date.

Legal basis for issuance: Section 11 of the NSF Act and Title VI of the Civil Rights Act of 1964.

Name of Agency official: Frank Hersman, Esq., Office of the General Counsel, (202) 357–7485.

Regulatory analysis: None required.

B. Existing Regulations Under Review

None.

C. New Regulations Under Development

1. Regulations Designating Pollutants Harmful to the Antarctic Environment

The Foundation intends to designate as a pollutant any substance the Director finds likely, if introduced into Antarctica, to hazard human health, to harm living things, to damage amenities, or to interfere with legitimate uses of Antarctica.

Legal basis for issuance: Section 11 of the NSF Act; Antarctic Conservation Act of 1978 (Pub. L. 95–541).

Name of Agency official: Edward P. Todd, Division of Polar Programs, (202) 357–7766.

Regulatory analysis: None required.

2. Regulations to Prevent or Control Pollutants in Antarctica

The Foundation also intends to specify actions to prevent or control the discharge of pollutants in Antarctica.

The schedule for publication of these regulations has not been established.

Legal basis for issuance: Section 11 of the NSF Act; Antarctic Conservation Act of 1978 (Pub. L. 95–541).

Name of Agency official: Edward P. Todd, Division of Polar Programs, (202) 357–7766.

Regulatory analysis: None required.

D. Existing Regulations Scheduled for Review Within the Next Six Months

1. Grant Policy Manual

See item A.1.

2. Conflict of Interest Regulations

See item A.2.

Dated: April 27, 1981.

Donald N. Langenberg,

Acting Director.

[FR Doc. 81-13118 Filed 4-29-81; 8:45 am]

BILLING CODE 7555-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Chapter X

Semi-Annual Agenda of Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Semi-annual Agenda of Regulations.

SUMMARY: In keeping with its responsibilities under section 602 of the Regulatory Flexibility Act, Pub. L. 96–354, and Executive Order 12291, 46 FR 13193, February 19, 1981, the Commission is publishing an agenda of rulemaking proceedings either currently underway or expected to be opened in the near future.

ADDRESSES: Public comments in any Commission proceeding are available, after the close of the comment period, at the Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, during normal business hours. Documents may be copied for a nominal charge.

FOR FURTHER INFORMATION CONTACT: For further information about any item listed in the agenda, contact the individual listed in the column headed "Contact" for that item.

SUPPLEMENTARY INFORMATION: The following list of rulemaking proceedings is composed primarily of rulemakings of general public interest in which the public comment period is either now running or soon to begin. However, four of the proceedings, numbers 1, 5, 6, and 9, have not, as of this date, been approved by the Commission. The Commission may vote to approve the proceedings as proposed, to modify them, or to reject them.

Two of the proceedings, numbers 8 and 9, may involve Regulatory Impact Analyses as required by the Regulatory Flexibility Act. Proceeding number 8 has already been opened by the issuance of an advanced notice of proposed rules. After the comments on the advance notice are reviewed, the Commission will decide what, if any, rulemaking action to propose, and decision will be made at that time as to whether a Regulatory Impact Analysis will be required. In proceeding number 9 a draft notice of proposed rules, containing a Regulatory Impact Analysis, is presently before the Commission for a vote. If the Commission approves the draft decision, it will be published in the next few weeks.

The great majority of Commission rulemaking proceedings are designed to eliminate unnecessary regulations and to reduce the compliance burden for those regulations which are necessary. As a result, most rulemaking proceedings opened since the passage of the Regulatory Flexibility Act have contained a certification, in accordance with section 605(b) of the Act, that the rules will not have a significant economic impact on a substantial number of small entities. The certifications usually request public comment on the issue of impact on small entities, and the public is encouraged to file comments on the issue as it relates to any of the proceedings listed in this agenda.

Agatha L. Mergenovich,

Secretary.

Interstate Commerce Commission Semi-Annual Agenda of Regulations

Title and docket No.	Description, nature, and objective of rule	Legal basis 49 U.S.C.	Approximate schedule	Contact
1. Revision of Abandonment Regulations, Ex Parte No. 274 (Sub-No. 5).	Proceeding to revise regulations (49 CFR 1121) to reflect various policy changes made since present regulations were adopted. Policy changes are a result of Commission decisions, court decisions, and new legislation. In particular, changes will be made affecting cost evidence in railroad abandonment proceedings.	10362 and 10903–08...	NPRM is scheduled to be published in May, provided it is approved by the Commission. Comments will be due within 60 days of publication; final rule should be published within 90 days of close of comment period.	Ellen D. Hanson, Deputy Director, Section of Finance, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275–7245.
2. Detention of Motor Vehicles—Nationwide, Ex Parte No. MC–96.	Proceeding in response to petitions seeking change in present detention rules for regulated motor carrier industry (49 CFR 1307.25(e) and 1310.15(f)). The Commission is considering returning the issue of detention to the jurisdiction of motor carrier management.	10101, 10741, and 10762.	Comments on NPRM due May 4, 1981. Final rule possible by Fall 1981.	Richard Felder or Jane Mackall, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington,D.C. 20423, (202) 275–7693.

Interstate Commerce Commission Semi-Annual Agenda of Regulations—Continued

Title and docket No.	Description, nature, and objective of rule	Legal basis 49 U.S.C.	Approximate schedule	Contact
3. Coal Rate Guidelines—Nationwide Ex Parte No. 347 (Sub-No. 1).	Proceeding to set guidelines for determining reasonable rates for rail transportation of coal.	10701a and 10704	Comment period on NPRM extended to May 11, 1981. No date set for issuance of final rule.	Richard Felder or Jane Mackall, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7693.
4. Leasing Rules Modifications, Ex Parte No. MC-43 (Sub-No. 12).	Proceeding to revise regulations (49 CFR Part 1057) which govern leasing of equipment by motor carriers holding ICC authority. Purpose is to eliminate distinctions in treatment of private and for-hire motor carriers.	10102(14) and 10534(a).	Comment period on NPRM closed Apr. 30, 1981. Final rules possible within 90 to 120 days.	Edward Gallvin, Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7691.
5. Interchange Policies at International Boundaries, Ex Parte No. MC-73 (Sub-No. 1).	Proceeding to adopt rules to facilitate movement of traffic over international boundaries. NPRM was published previously; however, Motor Carrier Act of 1980 precludes adoption of original proposal. New proposal being formulated; if approved by the Commission, it will be published as 2nd NPRM.	10101 and 10107	2nd NPRM should be published by end of May; comments will be due within 60 days of publication.	Edward Gallvin, Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7691.
6. Elimination of Accounting and Reporting Requirements for Class II Railroads, No. 37614.	Proceeding to eliminate accounting and reporting requirements for Class II railroads. The Commission no longer uses the data contained in Class II railroad reports.	11141 through 11145	NPRM should be published in next few days. Comments will be due 45 days after publication of NPRM. Final rule possible by end of June.	Bryan Brown, Jr., Chief, Section of Accounting and Reporting, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7448.
7. Revisions to Preliminary Report of Number of Employees of Class I Railroads and Monthly Report of Employees Service and Compensation, Forms A & B No. 37025.	Proposal to combine two reports into one and to greatly reduce the amount of information that has to be filed each month.	11141 through 11145	Comments on NPRM due May 15, 1981. No date set for issuance of final rules.	Bryan Brown, Jr., Chief, Section of Accounting and Reporting, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7448.
8. Regulations Governing Minimum Amounts of Cargo Insurance, Bonds, and Other Security Required to be Held by Motor Carriers of Property and Freight Forwarders, Ex Parte No. MC-6 and Ex Parte No. 159.	Proceeding to review present rules (49 CFR 1043) to determine whether they are needed and whether current minimum requirements offer sufficient protection to the public. Proceeding will also review present list of low-value commodities exempt from requirements.	10927	Comments due on ANPRM May 1, 1981. NPRM should be published by August, 1981.	Particia M. Schultz, Transportation Industry Analyst, Office of Consumer Protection, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7475.
9. Agricultural Cooperative Exemption, Ex Parte No. MC-75 (Sub-No. 3).	Proceeding to implement the enhanced enforcement powers given the Commission by section 24 of the Motor Carrier Act of 1980. Would modify 49 CFR 1047 to require agricultural cooperatives to maintain additional information concerning their transportation activities. Staff proposed NPRM has not at this date, been approved by the Commission.	10526(a)(2) and 10528.	If NPRM is approved by the Commission, it will be published in the FEDERAL REGISTER in the next few weeks.	Phyllis Gunn, Transportation Industry Analyst, Office of Consumer Protection, Interstate Commerce Commission, Washington D.C. 20423, (202) 275-7475.

[FR Doc. 81-12896 Filed 4-29-81; 8:45 am]
BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 83
Thursday, April 30, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

R. G. Warner, d.b.a. Rawhide Scottsdale, Arizona, et al.; Proposed Posting of Stockyards

The Chief, Rates and Registrations Branch, Packers and Stockyards, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AL-111, R. G. Warner, d.b.a. Rawhide, Scottsdale, Arizona
CA-174, Butte Livestock Sales, Chico, California
NY-161, Bullville Auction, Bullville, New York
NY-162, Englan Select Sales, Inc., Madison, New York
TN-177, Anderson County Livestock Producers, Inc., Clinton, Tennessee
TX-322, East Texas Livestock of Crockett, Inc., Crockett, Texas

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, by May 15, 1981.

All written submissions made pursuant to this notice shall be made available for public inspection in the office of the Chief of the Rates and Registrations Branch during normal business hours.

Done at Washington, D.C., this 24th day of April 1981.

Jack W. Brinckmeyer,
Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-13081 Filed 4-29-81; 8:45 am]
BILLING CODE 3410-02-M

Trenton Livestock Market, Inc., Trenton, Florida, et al.; Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on respective dates specified below.

Facility Number, Name, and Location of Stockyard and Date of Posting

Florida

FL-128, Trenton Livestock Market, Inc., Trenton, April 6, 1981
FL-129, Marvin Wages Auction, Leesburg, March 15, 1981

Mississippi

MS-158, Central Mississippi Livestock Exchange, Inc., Bay Springs, April 15, 1981
MS-160 George County Stockyards, Inc., Lucedale, April 16, 1981

New York

NY-160, Walt Wagner Cattle Sales, Central Bridge, March 20, 1981

Done at Washington, D.C., this 24th day of April 1981.

Jack W. Brinckmeyer,
Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-13082 Filed 4-29-81; 8:45 am]
BILLING CODE 3410-02-M

Forest Service

Lincoln National Forest Grazing Advisory Board; Meeting

The Lincoln National Forest Grazing Advisory Board will meet at 8:00 a.m., June 19, 1981, at the Guadalupe Christian Camp, Queen Route, Carlsbad, New Mexico. The purpose of this meeting is to provide grazing permittees of the Lincoln National Forest means for offering advice and recommendations concerning 1) overview of the utilization of range betterment funds and 2) the development of management plans. Other items to be discussed are off-road vehicle use and land management planning.

The meeting will be open to the public. Persons who wish to attend should notify Don Cunico, Lincoln National Forest Supervisor's Office, Federal Building, 11th & New York, Alamogordo, New Mexico 88310. Telephone (505) 437-6030. Written statements may be filed with the Board before or after the meeting.

Rules for public participation will be established at the meeting.

James R. Abbett,
Forest Supervisor.

April 21, 1981.

[FR Doc. 81-13083 Filed 4-29-81; 8:45 am]
BILLING CODE 3410-11-M

Pacific Crest National Scenic Trail Advisory Council; Meeting

The Pacific Crest National Scenic Trail Advisory Council will meet on June 25-27, at the Tree House Motel in Mt. Shasta, California. The meeting will begin on June 25, at 8:00 a.m., with a field trip to view the development and management issues linked with the trail. The business session will begin at 3:00 p.m., at the Tree House Motel.

The purpose of the meeting is to provide orientation to the Council members and to receive Council recommendations. The meeting will include a review of trail status through council and agency reports, a review of the draft comprehensive plan for the PCT, a review of public information material, and a discussion of volunteer efforts for the trail.

The meeting will be open to the public. Persons who wish additional information should contact Alan Lamb, Director, Recreation Management, Pacific Southwest Region, Forest Service, 630 Sansome Street, San Francisco, California 94111. Phone (415) 556-0983.

Dated: April 24, 1981.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 81-13057 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-11-M

Sierra National Forest Grazing Advisory Board; Meeting

The Sierra National Forest Grazing Advisory Board meeting scheduled for May 8, 1981 has been postponed to June 1, 1981. The meeting on June 1 will begin at 9:00 a.m. at the Sarah McCardle Room, Fresno County Library, 2420 Mariposa Street, Fresno, CA 93721.

The agenda of the meeting will be as previously scheduled and will include:

A. Rationale of grazing stewardship on the Sierra National Forest to date. What has been the emphasis of management and the purpose of past use of Range Betterment Funds (by District).

B. Interrelationship of other resources management with grazing use: recreation use, timber harvest, chaparral management, wildlife habitat improvement, watersheds, roads, etc.

C. Work plans for 1981, 1982, 1983. Allotment priorities and anticipated accomplishments, Range Betterment Fund Projects, other projects (grazing or other resources).

D. Grazing scenario from the Forest Land Management Plan.

E. Public statements, comments, or questions.

This meeting is open to the public. Matters identified by the public will be considered by the Board at the close of the above agenda.

Richard L. Stauber,

Forest Supervisor, Sierra National Forest.

April 24, 1981.

[FR Doc. 81-13058 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Conneautville Flood Prevention RC&D Measure, Pennsylvania; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Conneautville Flood Prevention RC&D Measure, Crawford County, Pennsylvania.

A Notice of Intent to Prepare an Environmental Impact Statement was published in the Federal Register on June 14, 1978. However, further investigations indicate that no significant aquatic or wildlife habitat exists at the sites of the proposed local flood prevention measures and that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that preparation and review of an environmental impact statement are not needed for this measure.

The measure concerns a plan for flood prevention. The planned works of improvement include a single purpose flood prevention dam and flood prevention conduit on Thatcher Run in Conneautville. The dam will have 69 acre feet of storage and control runoff water from a 100-year, 10-day storm. The conduit will be large enough to pass the controlled 100-year, 24-hour type II, AMC II storm flow from the principal spillway of the dam and the uncontrolled flow from the drainage areas above the upper end of the conduit (approximately 320 c.f.s.). The conduit will include an energy dissipater to reduce turbulence at the confluence with Conneaut Creek.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 1, 1981.

Dated: April 24, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-13060 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

April 24, 1981.

In accordance with Part 121 (14 CFR 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 39521, from Blue Bell, Inc., P.O. Box 21488, Greensboro, North Carolina 27420, for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before May 21, 1981. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13079 Filed 4-29-81; 8:45 am]

BILLING CODE 6320-01-M

Subsidy Rate for Five Local Service Carriers for the Period January 1, 1981, Through June 30, 1981

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 81-4-144. Amendment Five to Order 79-10-51.

SUMMARY: The Board has adopted the maximum subsidy rates due and payable to the five local service carriers for the period January 1, 1981, through June 30, 1981. Under the provisions of Class Rate IX, semi-annual reviews are conducted to determine adjustments to the base period subsidy rates as set in Order 79-10-51. The adjustments in this order are based on operating results for the year ended September 30, 1980. The annual subsidy level effective January 1, 1981, for the entire class is $104.5 million. This includes an upward median percentage change of 86.95 percent

applied to the base period net formula provisions and service incentive payments of eligible carriers, and a reduction of the industry's Federal tax allowance by $.1 million. Due to service suspensions during the rate period, the maximum annual subsidy rate has declined to $101.6 million.

DATES: Parties must file exceptions and supporting rationale within 7 days of the date of service.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, or James Craun, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. (202) 673-5368.

The complete text of Order 81-4-144 is available from our Distribution Section. Persons outside the metropolitan areas may send a postcard request for the order to the Distribution Section, B-22b, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: April 23, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13077 Filed 4-29-81; 8:45 am]

BILLING CODE 6320-01-M

Petition of Air California

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause and Establishing Procedures: Order 81-4-155.

SUMMARY: The Board has decided to grant in part and to defer in part the petition of Air California for a section 401(g) investigation to determine whether or not a new carrier should be designated to replace the dormant carriers holding authority to serve Routes A.3 and A.4 of the U.S.-Mexico Bilateral Agreement. The Board is granting Air California's petition as it relates to Route A.4 and is proposing that the primary and back-up certificates of public convenience and necessity, respectively, of Republic Airlines, Inc. and Western Air Lines, Inc. to serve Route A.4 should be deleted. The Board is deferring consideration of Air California's petition as it relates to Route A.3 and directing Western Air Lines, Inc. to confirm in writing by July 31, 1981 of its intent to inaugurate service over Route A.3 on September 25, 1981.

Objections: All interested persons having objections to the Board's tentative findings and conclusions that this action be taken, as described in the order cited above, shall no later than May 20, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 39090, Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to Air California, Republic Airlines, Inc., Western Air lines, Inc., the Ambassador of Mexico in Washington, D.C. and the Departments of State and Transportation. A statement of objections must cite the Docket number and must include a summary of testimony, statistical data or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to the disapproval of the President, make final the Board's tentative findings and conclusions and delete the certificates of public convenience and necessity of Republic Airlines, Inc. and Western Air Lines, Inc. to serve Los Angeles/San Diego, California-La Paz, Loreto, and San Jose del Cabo, Mexico.

To get a copy of the complete order, request it from the Civil Aeronautics Board, Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: William J. Wagner, (202) 673-5514, Legal Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, April 24, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13079 Filed 4-29-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 39285]

Texas International-Continental Acquisition Case

In the notice dated April 22, 1981, setting oral argument in this matter, the Board indicated certain areas of concern which are to be the focus of the Board's interest. If any party wishes to submit an alternative proposal for relief, the nature and extent of its proposal should be discussed in the written answers to be filed by noon, April 27, 1981.

Dated at Washington, D.C. on April 24, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13078 Filed 4-29-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

New York Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a conference of the New York Advisory Committee to the Commission will convene at 8:30 am and will end at 5:30 pm., on May 27, 1981, at the Sheraton Conference Center, 53rd and Seventh Avenue, New York, New York 10003. The purpose of this conference is to determine program objectives for private businesses in the wake of the President's policy on equal employment.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Hon. Franklin H. Williams, Phelps Stokes Fund, 10 East 87th Street, New York, New York 10028, (212) 427-8100; or the Mid-Atlantic Regional Office, 2120 L Street NW., Room 510, Washington, D.C. 20037, (202) 254-6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 27, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-13112 Filed 4-29-81; 8:45 am]

BILLING CODE 6335-01-M

Pennsylvania Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:30 p.m., on May 21, 1981, at the Green Federal Building, Room 7310, 6700 Arch Street, Philadelphia, Pennsylvania 19106. The purpose of this meeting is to report progress on Lewisburg; plant closing; bigotry and violence; annual status report; Northeast Corridor Project; correspondence with Commission; and new business.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Grace Alpern, 280 South 15th Street, Philadelphia, Pennsylvania 19126, (215) 546-7600; or the Mid-Atlantic Regional Office, 2120 L Street NW., Room 510, Washington, D.C. 20037, (202) 254-6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 27, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-13113 Filed 4-29-81; 8:45 am]
BILLING CODE 6335-01-M

Pennsylvania Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 12:00 Noon, on May 21, 1981, at the Green Federal Building, Room 7310, 600 Arch Street, Philadelphia, Pennsylvania 19106. The purpose of this meeting is to continue research on NECIP (Rail) project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Grace Alpern, 260 South 15th Street, Philadelphia, Pennsylvania 19126, (215) 546-7600; or the Mid-Atlantic Regional Office, 2120 L Street, NW, Room 510, Washington, D.C. 20037.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 27, 1981.
John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 81-13114 Filed 4-29-81; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81-00166. Applicant: Jewish Hospital, 217 E. Chestnut, Louisville, KY 40202. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in tissue, soft tissue tumor, lymphoma and leukemia diagnosis. The article will also be used for examination of body fluids. The main thrust of research will be directed toward renal biopsy materials. Application received by Commissioner of Customs: March 24, 1981.

Docket Number 81-00168. Applicant: The Pennsylvania State University, Department of Chemistry, Whitmore Laboratory, University Park, PA 16802. Article: Mass Spectrometer Instrumentation. Manufacturer: KRATOS Scientific Instruments, United Kingdom. Intended use of article: The article is intended to be used to carry out analyses of organic compounds as requested by faculty and graduate students in the departments of chemistry (mainly), chemical engineering, metallurgy, biochemistry, soil microbiology, dairy science, food science and geochemistry. These organic compounds include alkaloids (potential anti-cancer agents), hormones, pesticide residues and degradation products, products derived from coal, organometallic catalysts, flavor constituents, shale oil components, commercial chemicals and drugs. Experiments to be conducted will include analyses of materials by the ionization techniques of electron impact, chemical ionization or field desorption at low resolution or high resolution (yielding elemental compositions) with fast, extended mass range scanning. Application received by Commissioner of Customs: March 23, 1981.

Docket Number 81-00170. Applicant: Columbia University in the City of New York, Department of Chemistry, 119th Street & Broadway, New York, NY 10027. Article: Accessories for High Pressure Cell (30 sets of small cells). Manufacturer: Union Giken Co., Ltd., Japan. Intended use of article: The articles are to be used in conjunction with the High Pressure Cell which is being used for studies of aqueous detergent micelle solutions. CMC, aggregate numbers, dynamics of formation, entrance and exit rates will be investigated. Application received by Commissioner of Customs: March 23, 1981.

Docket Number 81-00171. Applicant: University of Maryland, School of Medicine, Department of Biological Chemistry, 660 W. Redwood Street, Baltimore, MD 21201. Article: Nanosecond Fluorometer System. Manufacturer: Photochemical Research Associates, United Kingdom. Intended use of article: The article is intended to be used for studies of fluorescence lifetime, quantum yield, and fluorescence depolarization lifetimes, which are measures of probe mobility, microviscosity of lipid environment, rotational mobility of proteins, and energy transfer between fluorophores. Experiments will be of a broad range in basic biochemical studies, all dealing with fluorescence properties of biological samples. The objectives pursued in the course of these investigations are to obtain a basic understanding of molecular processes going on during ion transport across membranes in a number of well-characterized systems, such as the (Ca^{2+} + Mg^{2+})-ATPase from skeletal and cardiac sarcoplasmic reticulum, and a recently isolated CA^{2+}-translocating protein from beef heart and rat liver. Application received by Commissioner of Customs: March 23, 1981.

Docket Number 81-00172. Applicant: University of Kansas Center for Research, Inc., 2291 Irving Hill Road, Lawrence, Kansas 66045. Article: Weissenberg Rheogoniometer, Model R19, Type A/D/L with Programmable Drive System. Manufacturer: Sangamo Transducers, United Kingdom. Intended use of the article: The article is intended to be used for studies of polymer types polyacrylamide, polysaccharide and hydroxyethyl cellulose. These polymer types will be investigated for their gelatin properties. This research is being conducted to investigate methods of permeability reduction in porous rocks to control movement of fluids in underground reservoirs. Application received by Commissioner of Customs: March 23, 1981.

Docket Number 81-00175. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Article: Phosphate Laser Amplifier Disks. Manfacturer: Hoya Corporation, Ltd., Japan. Intended use of the article: The article is intended to be used to demonstrate the feasibility of the generation of usable power in a controlled thermonuclear fusion reaction. The phenomenon to be

investigated is the feasibility of producing a thermonuclear microexplosion using a unique high intensity laser pulse. Experiments will be conducted using the existing SHIVA laser in combination with the NOVA–I laser system to obtain isentropic compression of deuterium-tritium targets to greater than 10,000 times liquid density, producing for the first time in any research facility the thermonuclear reaction of as many as 10 to the 17th neutrons per microexplosion.
Application received by Commissioner of Customs: March 27, 1981.

Docket Number 81–00176. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: WM–300 High Resolution NMR Spectrometer with Multinuclear Observation and Accessories. Manfacturer: Bruker Analytik GmbH, West Germany. Intended use of the article: The article is intended to be used in conducting the following research projects:

1. Non-Covalent Interactions in Fatty Acid Biosynthesis.
2. Synthetic Organotransition Metal Chemistry.
3. Crown Ether and Cryptate Coordination Chemistry.
4. Structure, Dynamics and Assembly in Biological Systems.
5. Problems in Biologically Related Inorganic Chemistry.

Application received by Commissioner of Customs: March 27, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–13089 Filed 4–29–81; 8:45 am]
BILLING CODE 3510–25–M

Spun Acrylic Yarn From Italy; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Final Results of Administrative Review of Antidumping Duty Order.

SUMMARY: On March 25, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on spun acrylic yarn from Italy. The review covered six exporters and the time period of December 20, 1979 through March 31, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Larry T. Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3058).

SUPPLEMENTARY INFORMATION:

Background

On April 8, 1980, an antidumping duty order with respect to spun acrylic yarn from Italy was published in the Federal Register (45 FR 23684–5). On March 25, 1981, the Department of Commerce ("the Department") published in the Federal Register the preliminary results of its administrative review of the order (46 FR 18566–9). The Department has now completed its administrative review of the antidumping duty order.

Scope of the Review

The imports covered by this review are spun acrylic plied yarn primarily for machine knitting. Spun acrylic yarn is currently classifiable under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covered five exporters of Italian spun acrylic yarn to the United States and one additional firm listed in the Treasury Department's determination of sales at less than fair value. The review covered the time period of Decembver 20, 1979 through March 31, 1980.

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Results of the Review

Evidence indicates that one company, listed in the "Antidumping Withholding of Appraisement Notice and Determination of Sales at Less than Fair Value" published in the Federal Register on December 20, 1979 (44 FR 75547–8), has never produced or exported to the United States merchandise of the type subject to this order. Therefore, the Department does not consider Zegna Baruffa—Lane Borgosesia S.p.A. to be subject to this administrative review or any future administrative review until such time as they export merchandise subject to this order to the United States.

Since we have received no comments, the final results of our review, other than that for Zegna Baruffa—Lane Borgosesia S.p.A., are the same as those presented in the preliminary results of review. We therefore determine that a margin of 48.05 percent of the entered value exists. There was no known shipments to the United States during this time period.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margin above, that is, 48.05 percent of the entered value, shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of April, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary, Import Administration.

April 24, 1981.

[FR Doc. 81–13090 Filed 4–29–81; 8:45 am]
BILLING CODE 3510–25–M

National Technical Information Service

Intent To Grant Limited Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Johnson & Johnson International a limited exclusive right in the United States and certain foreign countries to manufacture, use and sell products embodied in the invention, "A Short Total Synthesis of Dihydrothebainone, Dihydrocodeinone and Nordihydrocodeinone."

The invention is protected by U.S. Patent Application No. 165,690, (July 3, 1980). Copies of the application may be purchased from NTIS, Springfield, VA 22161 at five dollars per copy. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the right to license this invention has been transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the Federal Register (45 FR 70958; October 27, 1980); *Government Inventions for Licensing* (November 25, 1980); and the Patent and Trademark Office's *Official Gazette* (December 9, 1980). To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under this patent. The proposed limited exclusive license will be royalty-bearing and will expire

five years after the invention is put into practice on a commercial scale. The terms and conditions of the license will comply with 35 U.S.C. 209 (Pub. L. 96-517) and 41 CFR 101-4.1.

The proposed license may be granted unless, within sixty days from the date of publication of this Notice, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time; or (2) written evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed limited exclusive license must be submitted to the Office of Government Inventions and Patents, NTIS, Springfield, VA 22161. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter (including the basis therefor).

Dated: April 22, 1981.

Melvin S. Day,

Director,

[FR Doc. 81-13020 Filed 4-29-81; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products from the Polish People's Republic, Effective January 1, 1981

April 27, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products imported from Poland, effective on January 1, 1981.

SUMMARY: On September 15, 1980 and March 20, 1981 the Governments of the United States and the Polish People's Republic exchanged notes establishing a new Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effective on January 1, 1981. The new agreement establishes specific levels of restraint for certain cotton, wool and man-made fiber textile products, among others, in Categories 333, 410, 443, 443/643/644 and 645/646, produced or manufactured in Poland and exported during the twelve-month period beginning on January 1, 1981. The agreement also establishes consultation levels for categories, such as Category 612, which are not subject to specific ceilings and which may be adjusted during the year upon agreement between the two governments.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in the foregoing categories in excess of the designated twelve-month levels of restraint.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), and August 12, 1980 (45 FR 53506))

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: May 4, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-2184).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

UNITED STATES DEPARTMENT OF COMMERCE

International Trade Administration, Washington, DC., April 27, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 15, 1980 and March 20, 1981, between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 4, 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouses for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Poland, in excess of the indicated levels of restraint:

Category	Twelve-month level of restraint
333	74,000 dozen
410	2,200,000 square yards
420	7,155 dozen
443/643/644	10,052 dozen of which not more than 13,000 dozen shall be applied to all T.S.U.S.A. numbers in these categories except 380.6145, 380.6451, 380.6651, and 380.6652
612	2,000,000 square yards
645/646	60,216 dozen

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Poland, which have been exported to the United States on and after January 1, 1980 and extending through December 31, 1980 shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period which began on January 1, 1980 and extends through December 31, 1980. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this notice.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of September 15, 1980 and March 20, 1981, between the Governments of the United States and the Polish People's Republic, which provide, in part that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these levels may also be adjusted for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), and August 12, 1980 (45 FR 53506).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton, wool and man-made fiber textile products from Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,
Paul T. O'Day,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-12073 Filed 4-29-81; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Military Traffic Management Command, Military Personal Property Symposium; Open Meeting

Announcement is made of a meeting of the Military Personal Property Symposium. This meeting will be held on May 21 1981 at the Quality Inn, Pentagon City, 300 Army Navy Drive, Arlington, VA, and will convene at 0900 hours and adjourn at approximately 1500 hours.

Proposed Agenda

The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34–R), and the handling of other matters of mutual interest relating to the movement and/or storage of household goods and unaccompanied baggage, as well as proposed changes and innovations in the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should submit them in writing to the Commander, Military Traffic Management Command, ATTN: MT–PPM, Washington, DC 20315. Topics to be discussed should be received on or before 11 May 1981.

Dated: 17 April, 1981.
John J. Durant,
Colonel GS, Director of Personal Property.

[FR Doc. 81-13099 Filed 4-29-81; 8:45 am]
BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of the Committee: Army Science Board (ASB)
Dates of Meeting: 19–21 May 1981
Place: White Sands Missile Range, New Mexico and Electronic Proving Grounds, Fort Huachuca, Arizona
Time: 0830–1600 hours, 19 May 1981—Closed; 0830–1630 hours, 20 and 21 May 1981—Closed
Proposed Agenda: The ASB Ad Hoc Sub-Group on "Testing of Electronic Systems" will receive classified briefings and facility tours to assist them in their examination of the overall facets of this subject. Specifically, the group will address the adequacy of Army concepts, plans and equipments for the testing of modern command, control and communications intelligence and computer-based systems.

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Helen Pipon,
Administrative Officer.

[FR Doc. 81-12257 Filed 4-29-81; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

National Electric Reliability Study; Availability

AGENCY: Department of Energy.

ACTION: Notice of Availability of National Electric Reliability Study.

SUMMARY: The Department of Energy gives notice of the availability of the National Electric Reliability Study proposed final report and related technical study reports. Comments from the public are invited on these documents.

DATE: Written comments must be received by June 1, 1981, 4:30 p.m., Eastern Standard Time.

ADDRESS: Written comments should be addressed to Department of Energy, Room 4002, 2000 M Street, NW, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Richard E. Weiner, Director, Division of Power Supply and Reliability, Room 4103, 2000 M Street, NW, Washington, D.C. 20461, (202) 653–3899.

SUPPLEMENTARY INFORMATION: Section 209(a) of the Public Utility Regulatory Policies Act of 1978 provides that the Secretary of Energy, in consultation with the Federal Energy Regulatory Committion, shall conduct a study with respect to:

(a) The level of reliability appropriate to adequately serve the needs of electric consumers, taking into account cost effectiveness and the need for energy conservation;

(b) The various methods which could be used in order to achieve such level of reliability and the cost effectiveness of such methods; and

(c) The various procedures that might be used in case of an emergency outage to minimize the public disruption and economic loss that might be caused by such an outage and the cost effectiveness of such procedures.

The Study has been submitted to the President and to the Congress. All written comments on the Study received by the Department of Energy by June 1, 1981, will be submitted separately to the President and to the Congress.

The National Electric Reliability Study proposed final report and related technical study reports are available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, in the DOE Reading Room GA–152, James Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585.

The public is invited to submit written comments on this Study to Department of Energy, Room 4002, 2000 M Street, NW, Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "National Electric Reliability Study."

Ten copies should be summitted. All written comments and related information must be received by the Department of Energy by June 1, 1981, in order to be included in the comments forwarded to the Congress and the President for consideration along with the reports. All comments received will be available for public inspection in the DOE Reading Room, 1E–190, James Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Issued in Washington, D.C. on April 21, 1981.

Barton R. House,
Acting Assistant Secretary for Environmental Protection, Safety and Emergency Preparedness.

[FR Doc. 81-12729 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-01-M

Bonneville Power Administration

Privacy Act of 1974; Revision of a System of Records

AGENCY: Department of Energy, Bonneville Power Administration.

ACTION: Revision of a system of records subject to the Privacy Act of 1974 (Pub. L. 93–579; 5 U.S.C. 552a).

SUMMARY: The Department of Energy is revising an existing system of records entitled "Residential Solar Hot Water Heating Records" to reflect the addition of information associated with a pilot residential solar water heating workshop program in the Pacific Northwest. The system to be revised was established in 1980, and a notice describing the system was published in the Federal Register on May 6, 1980, at

45 FR 30470. The Bonneville Power Administration (BPA), in cooperation with various publicly owned utilities, will sponsor workshops to provide information and instruction on solar energy principles and hands-on experience in solar water heater construction and installation. BPA will rebate an amount equal to the average value to BPA of the energy savings of each system to eligible workshop attendees that build and install their own system. Eligibility will be based on current use of electricity for water heating, amount of solar access, and other factors. The revision of the system of records has been determined to require neither the submission of a Report of New Systems under OMB Circular No. A–108 nor the solicitation of public comment.

FOR FURTHER INFORMATION CONTACT: Walter E. Pollock, Bonneville Power Administration, Acting Director, Division of Conservation, PE, P.O. Box 3621, Portland, OR 97208.

SUPPLEMENTARY INFORMATION: The Bonneville Power Administration of the Department of Energy (DOE) proposes to establish a revised system of records, entitled "Solar Water Heating Workshops Pilot Program," which will be a part of BPA's pilot energy conservation program in Oregon, Washington, Idaho, and Montana. As a part of this program, BPA will provide a rebate for solar water heating systems constructed and installed by workshop attendees meeting BPA standards. The amount of the rebate will be equal to the average value to BPA of the energy savings of each system over its life. Rebate eligibility will be based on current use of electricity, adequate south-facing collector area, complete system installation within 8 months of the workshop, and approved inspection. BPA will contract with the local utilities to provide workshops and to evaluate and determine eligibility for BPA rebates.

The Solar Water Heating Workshops Pilot Program will operate as follows: Each participating utility selects a workshop site, which is the utility customer's home where the workshop is to be conducted and a solar water heating system is actually to be installed. Utilities advertise to inform their customers of the workshops and rebates available. At the customer's request, the utility registers customers for the workshop. This step involves the collection of information about the customer which will constitute a portion of the system of records. This portion includes the names and addresses of utility customers participating in the program. If the workshop attendee installs a solar water heating system, system installation inspection data, the amount of electricity used for water heating, hot water consumption, and other system performance data will be collected. The records will be maintained by the utility.

The records in the system will be disclosed as follows: (1) portions of the records will be provided to potential workshop attendees to announce the place and time of the workshop; (2) other parts of the record will be used to determine rebate eligibility; (3) records will be made available to BPA for audit and program evaluation purposes; and (4) the records, in statistical form, will become part of a public data base on residential solar water heating systems to be maintained by DOE.

The system of records was established and maintained pursuant to the Bonneville Project Act of 1937 (16 U.S.C. Ch. 12B), as amended by the Flood Control Act of 1944 (16 U.S.C., Chapter 838). The collection of data and maintenance of the system of records are incidental to the performance of the overall Solar Water Heating Workshops Pilot Program, whose objective is to provide instruction on solar energy principles and hands-on experience in solar hot water construction, and to determine the extent to which owner-built systems can displace electric energy for residential water heating in the Northwest using financial incentives as a stimulant.

Some states in the region currently offer financial incentives such as tax credits or deductions for solar applications. The BPA program will provide additional incentives to residential customers on a pilot basis and assist utilities with conservation efforts.

Information to be maintained in the revised system will be collected using a data collection form which has been submitted to OMB for clearance under the Federal Reports Act and OMB Circular No. A–40, as amended.

The text of the system notice is set forth below.

Dated: April 23, 1981.

William S. Heffelfinger,

Director of Administration.

DOE 69

SYSTEM NAME:

Residential Solar Water Heating Workshops Pilot Program Records.

SYSTEM LOCATION:

Bonneville Power Administration, Division of Conservation, P.O. Box 3621, Portland, Oregon 97208; and utilities that may participate in the program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested participation in the Residential Solar Water Heating Workshops Pilot Program and who meet the homeowner eligibility criteria agreed upon by BPA and by participating utilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information about a participant's household hot water consumption prior to installation of a solar hot water heating system, electric energy consumption for water heating, family size, siting and orientation of house, roof area available for solar collectors, hours of daily sunlight on the roof top year round, extent of shading by nearby buildings or vegetation, storage area for water tank(s), structural aspects relating to solar system installation, and data about the performance of the water heating system after installation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Bonneville Project Act of 1937, 16 U.S.C. Chapter 12B (1976), as amended by the Flood Control Act of 1944 (16 U.S.C Section 825s), and the Federal Columbia River Transmission Act of 1974 (16 U.S.C. Chapter 838).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information will be maintained by the utility and will be used (1) to assess the electric energy displacement for water heating by the solar system; (2) to evaluate the performance of several types of solar water heating systems, under varying seasonal and climatic conditions; (3) to assess the potential regional impact of solar energy used for water heating; (4) to determine eligibility of participants for BPA rebates; and (5) to evaluate the performance of owner-built solar water heating systems.

BPA will use this information in statistical form to (1) evaluate the overall effectiveness of the program, and (2) to provide a public data base which will be used to plan and analyze appropriate conservation measures for residents of the Pacific Northwest.

The utility will make information available (1) to Federal, State, and local agencies and organizations with an interest in solar development in the region, and (2) to BPA for audit and program evaluation purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM STORAGE:

Records are maintained (1) on paper in file folders, and (2) on computer tape.

RETRIEVABILITY:

Records are indexed by a utility account number assigned to each utility customer.

SAFEGUARDS:

Access to and use of these records is limited to those persons who official duties require such access. All files are locked when unattended.

RETENTION AND DISPOSAL:

A records retention and disposal will be developed and issued consistent with Order 1324.1, Records Disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Walter E. Pollock, Acting Director, Division of Conservation, Bonneville Power Administration, P.O. 3621, Portland, Oregon 97208, (503) 234–3361 Ext. 4062.

NOTIFICATION PROCEDURE:

Individuals about whom information is maintained in this system of records are aware of that fact through participation in the program. However, inquiries may be addressed to the System Manager named above. Requests should include the individual's full name and address.

RECORD ACCESS PROCEDURES:

Requests for access may be directed to the System Manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in this system should direct their request to the System Manager named above.

RECORD SOURCE CATEGORIES:

The information in this system is solicited from the individual to who the record pertains. Information about homes will be gathered by representatives of the utilities based on an examination of the home conducted in cooperation with the customer.

[FR Doc. 81-13118 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

Farmer's Union Central Exchange; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces an action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

Comments by: June 1, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Mangement Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374–5932.

SUPPLEMENTARY INFORMATION: On April 13, 1981, the Office of Enforcement of the ERA executed a Consent Order with Farmer's Union Central Exchange (Cenex), of St. Paul, Minnesota. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Cenex, with its home office located in St. Paul, Minnesota, is a firm engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Cenex the Office of Enforcement, ERA, and Cenex entered into a Consent Order, the significant terms of which are as follows:

1. This Consent Order covers the production and sales of crude oil by Cenex during the period September 1, 1973 through December 31, 1978.

2. The reason for the overcharges was Cenex sold crude oil at prices in excess of the applicable ceiling price, as defined at 6 CFR 150.354 and at 10 CFR 212.73.

3. It is understood that Cenex does not, by entering into the Consent Order, admit that it has violated any regulations of the DOE.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Cenex agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1 above, the sum of $150,000, including interest as specified in Terms and Conditions, paragraph 1, of the Consent Order. The refund shall be made in one lump sum payment and completed within one month of the effective date of the Consent Order. Such refund will be made to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions decribed in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure of a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing

the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of the Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on Cenex Consent Order." We will consider all comments we receive on or before June 1, 1981. You should identify any information or data which is, in your opinion, confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 16th day of April 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 81-13088 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-01-M

J. M. Huber Corp.; Final Action on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of final action taken.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action to accept a Consent Order after consideration of comments received from the public.

EFFECTIVE DATE: April 13, 1981.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: On March 13, 1981, the Office of Enforcement of the ERA published Notice of a Consent Order which had been executed between J. M. Huber Corporation and DOE. With that Notice, and in accordance with 10 CFR 205.199J(c), the Office of Enforcement invited interested persons to comment on the Consent Order. A press release was issued simultaneously, in conformity with 10 CFR 205.199J(c). Under the terms of 10 CFR 205.199J(c), no Consent Order involving sums in excess of $500,000 shall become effective until the DOE publishes Notice of its execution and solicits and considers public comments with respect to its terms. Pursuant to 10 CFR 205.199J, the Office of Enforcement of the ERA hereby gives Notice of final action taken on the Consent Order.

I. Comments Received

No comments were received with respect to the terms of the Consent Order.

II. Determination

The Office of Enforcement of the ERA has determined that the refund procedures as provided in the Consent Order are appropriate under the circumstances of this case.

The Office of Enforcement has concluded that the Consent Order as executed between DOE and J. M. Huber Corporation is an appropriate resolution of the compliance proceedings described in the Notice published on March 13, 1981, and hereby gives Notice that the Consent Order is made effective by written notice to J. M. Huber Corporation on April 13, 1918.

Issued in Kansas City, Missouri on this 15th day of April, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel.

[FR Doc. 81-13089 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4385-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4385 to be known as the Bear Creek, Humboldt Power Project located on Bear Creek in Humboldt County, California. The application is one file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 62-foot long, 5-foot high rock and concrete diversion structure; (2) a 3,700-foot long diversion conduit or channel; (3) a 1,050-foot long, 32-inch diameter steel penstock; (4) a powerhouse containing generating units with a combined rated capacity of 1,450 kW; and (5) a 0.5-mile long 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 5.7 million kWh.

Purpose of Project—Project Energy will be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months, during which time it will conduct geological, engineering, environmental and economic feasibility studies and prepare an application for FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for FERC license is $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4385. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13011 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4405-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 4405 to be known as the Devils Canyon Creek, Trinity Project located on Devils Canyon Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 165-foot long, 5-foot high concrete and rock diversion structure; (2) a 8,400-foot long diversion conduit or channel; (3) a 1,150-foot long, 48-inch diameter steel penstock; (4) a powerhouse housing generating units with a combined rated capacity of 3,900 kW; and (5) a 12-mile long 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 15.3 million kWh.

Purpose of Project—Project energy will be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months, during which time the Applicant would conduct engineering, environmental and economic feasibility studies and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS".

"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4405. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13012 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4094-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on January 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4094 to be known as Copper and Twin Valley Creeks located on Copper Creek and Twin Valley Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 62-foot long, 5-foot high, 8-foot wide natural rock diversion structure; (2) a 5,300-foot long diversion conduit or channel; (3) a 710-foot long, 36-inch diameter penstock; (4) a powerhouse containing generating equipment with a combined capacity of 2,030-kW; and (5) a 6-mile long, 12.5-kV transmission line.

The Applicant estimates that the average annual energy output would be 8.1 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Power and Light.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the property; study the geology; prepare an environmental report; perform economic and financial feasibility studies; and apply for necessary rights.

The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4094. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13013 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4326-000]

Consolidated Hydroelectric, Inc., Notice of Application for Preliminary Permit

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 12, 1981, an application for

preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4326 to be known as the Big East Fork Canyon Creek Project located on the Big East Fork Canyon Creek in Trinity County, near Dedrick, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: 1) a 5-foot high by 48-foot long combination natural rock and concrete diversion structure; 2) a 5,400-foot long, 39-inch diameter diversion conduit; 3) a 1,000-foot long, 28-inch diameter steel penstock serving; 4) a powerhouse with a total installed capacity of 1,220 kW; and 5) approximately 0.5 mile of 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company transmission line.

The Applicant estimates that the average annual energy output would be 4.8 million kWhs.

Purpose of Project—Applicant proposes to sell the project energy to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 36 months, during which it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Application to be about $140,000. Some ground disturbing activities, including field tests, and borings, will be undertaken during the permit period. All disturbances will be kept at a minimal and will be restored to their original condition as close as possible. No new road construction would be required to conduct the field studies under the proposed permit.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT OF FILING COMPETING APPLICATION," 'COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filiNgs must also state that it is made in response to this notice of application for preliminary permit for Project No. 4326. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13014 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4390-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4390 to be known as the Eagle Creek Project located on Eagle Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock and concrete diversion structure on Eagle Creek; (2) a 5,800-foot long diversion conduit or channel; (3) a 750-foot long, 36-inch diameter penstock; (4) a powerhouse with a capacity of 2,000 kW; and (5) associated electrical equipment. The Applicant estimates that

the average annual energy output would be 12,400 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed feasibility study including economic, technical, and environmental investigations of the proposed project. Applicant estimates the costs of its studies at between $80,000 and $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protest, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in Procedure, 18 C.F.R. § 1.8 or §1.10 (1980). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4390. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13015 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4389-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4389 to be known as the Eltapom Creek, Trinity Project located on Eltapom Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 163-foot long, 5-foot high concrete and rock diversion structure; (2) a 2,800-foot long diversion conduit or channel; (3) a 900-foot long, 44-inch diameter steel penstock; (4) a powerhouse containing generating units with a combined rated capacity of 4,700 kW; and (5) a 2-mile long 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 18.7 million kWh.

Purpose of Project—The project energy will be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months, during which time the Applicant would conduct engineering, environmental and economic studies and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or

before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4389. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13018 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4387-000]

Consolidated Hydroelectric, Inc.; Notice of Application for Preliminary Permit

April 27, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4387 to be known as the Grindstone and Board Creek, Tehama Project located on Grindstone and Board Creeks in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 696 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) two rock and concrete diversion structures, one 52 feet long by 5 feet high and the other 78 feet long by 5 feet high; (2) two 14,000-food long diversion conduits or channels; (3) a 1,500-foot long, 45-inch diameter steel penstock; (4) a powerhouse containing generating units with a combined rated capacity of 4,600 kW; and (5) a 20-mile long 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 16.0 million kWh.

Purpose of Project—Project energy would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months, during which time it would conduct a property survey, engineering, environmental, and economic study, and prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but a person who merely files a protests or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4387. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13017 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-533 (Phase I)]

Louisiana Power & Light Co.; Notice of Filing

April 23, 1981.

The filing company submits the following:

Take notice that on April 13, 1981, Louisiana Power and Light Company submitted for filing a revised cost of service study and an amended rate schedule pursuant to Commission Opinion No. 110, issued January 28, 1981, in the above-referenced proceeding.

A copy of this filing has been served upon the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 15, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13018 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-279-000]

Northern Natural Gas Co., Division of InterNorth, Inc. Notice of Application

April 28, 1981.

Take notice that on April 8, 1981, Northern Natural Gas Company, Division of InterNorth, Inc., (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-279-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for a new delivery point for the delivery of natural gas to Iowa Electric Light and Power Company (Iowa Electric), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate an additional delivery point for Iowa Electric to be used as an additional town border station located in Cherokee, Iowa. It is stated that this station would provide new commercial service to the Cherokee Disposal Plant for heating purposes. The estimated usage is 14 Mcf of natural gas per day and 2,100 Mcf per year.

Applicant estimates the cost of the proposed facilities to be $3,075 which would be reimbursed by Iowa Electric. Applicant further states that the proposed entitlements are within Iowa Electric's present volumetric entitlement and that deliveries would be made pursuant to its service agreement with Iowa Electric.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13019 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1691-000]

Paul J. Sullivan, Notice of Application

April 23, 1981.

The filing individual submits the following:

Take notice that the following application was filed by Paul J. Sullivan on April 10, 1981, pursuant to Section 305(b) of the Federal Power Act, for authority to hold position of officer or director of more than one public utility, viz.:

Title and Company

Director—Connecticut Yankee Atomic Power Company
Director—Massachusetts Electric Company
Vice President & Director—New England Power Company
Director—The Narragansett Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13020 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4416-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 24, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4416 to be known as Rock Creek, Siskiyou Power Project located on Rock Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock and concrete diversion structure within the southern bank of Rock Creek; (2) a 2,800-foot long conduit or channel; (3) a 450-foot long, 48-inch diameter penstock; (4) a powerhouse containing generating units with a total rated capacity of 4,600 kW; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 30.2 million kWh.

Purpose of Project—Project energy would be sold to a public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs are estimated by the Applicant to be between $80,000 and $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4416. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13021 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4185-000]

Consolidated Hydroelectric, Inc., Application for Preliminary Permit

April 24, 1981

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on February 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4185 to be known as Beegum Creek located on Beegum Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed would consist of: (1) a natural rock diversion structure; (2) a 170-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 9,150-foot long conduit or channel; (4) a 475-foot long penstock, (5) a powerhouse containing a 3,200-kW generating unit; and (6) a 2-mile long, 12.5-kV transmission line.

The Applicant estimates that the average annual energy output would be 156.8 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electricity Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would survey the project boundary; make a geologic study; prepare an environment report; prepare economic and financial feasibility studies; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4185. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent competing application, or petition to interview must also be served upon each representive of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13022 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4396-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 24, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1978, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4396 to be known as Eddy Creek Siskiyou Project located on Eddy Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 606 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 5-foot high rock-and-concrete diversion structure; (2) a 7,500-foot long diversion conduit or channel; (3) a 1,170-foot long steel penstock; (4) a powerhouse containing one generating unit rated at 1,950 kW; and (5) a 2-mile long transmission line. The Applicant estimates that the average annual energy output would be 7.7 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the studies to be conducted under the preliminary permit is estimated to be $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for license.

Agency Comments—Federal, State, and local agencies that receive this

notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4396. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13822 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4343-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 24, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4343 to be known as Kill Dry Creek, Glenn located on Kill Dry Creek in Glenn County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Consolidated Hydroelectric, Inc., 696 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) an 84-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 7,700-foot long diversion conduit or channel; (4) an 1,000-foot long, 37-inch diameter penstock; (5) a powerhouse containing generating equipment with a total capacity of 2,880-kW; and (6) a 15-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 11.3 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; determine the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will

consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4343. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13034 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4397-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 24, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4397 to be known as Walker Creek Siskiyou Project located on Walker Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 5-foot high rock-and-concrete diversion structure; (2) a 6,000-foot long diversion conduit or channel; (3) an 800-foot long steel penstock; (4) a powerhouse containing one generating unit rated at 1,900 kW; and (5) a 0.5-mile long transmission line.

The Applicant estimates that the average annual energy output would be 7.4 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, and feasibility, and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of these studies is estimated by the Applicant to be $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.339 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4397. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13035 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2921]

Central Power and Light Co.; Application for Exemption for Small Conduit Hydroelectric Facility

April 23, 1981.

Take notice that on September 8, 1980, the Central Power and Light Company (CP&L) (Applicant), filed an application, under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)] for exemption of a small conduit hydroelectric facility known as the Eagle Pass Hydroelectric Project (FERC No. 2921) from the requirements of Part I of the Act. On November 28, 1980, Applicant filed a request, under Section 1.7(b) of the Commission's Rules of Practice and Procedure [18 CFR 1.7(b) (1980)] for waiver of the discharge requirement of Section 4.91(f)(5). The project powerhouse is located on lands owned by the Applicant, near the Town of Eagle Pass, in Maverick County, Texas. Correspondence with the Applicant should be directed to: Mr. William P. Smith, Jr. or Mr. Scott Murray, Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403.

Purpose of Project—Project No. 2921 utilizes a complex system of water conveyance conduits, known as the Eagle Pass Irrigation Project (FERC No. 1952), which in turn is used by Maverick County Water Control and Improvement District No. 1 (Maverick) primarily to supply irrigation water. The energy generated by the small conduit hydroelectric facility is incidental to the irrigation water supply function of the system. The water purchased by Applicant from Maverick is discharged back into the Rio Grande after being used for power generation. Project power is used during peak demand periods in the Applicant's utility grid.

Project Description—The constructed project, located at milepost 31.5 along Maverick's main irrigation canal, consists of: (1) an intake canal; (2) an intake control structure; (3) a waste spillway; (4) three buried penstocks; (5) a powerhouse containing three generating units having a total installed capacity of 9,600-kW; (6) a tailrace; (7) a substation; and (8) appurtenant facilities. The project utilizes a gross hydraulic head of 81.0 feet and has a hydraulic capacity of 1,500 cfs. The project's average annual energy production approximates 34,680,000 kWh.

Agency Comments—The U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Department are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 8, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13034 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4208-000]

Energenics Systems, Inc.; Application for Preliminary Permit

April 23, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on February 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4208 to be known as Monongahela River Lock and Dam No. 7 located on the Monongahela River in Fayette County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009 (202) 667-8228. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing Corps of Engineers' Monongahela River Lock and Dam No. 7 and would consist of a powerhouse containing one or more generating units having a rated capacity of 13.5 MW, existing transmission lines, and appurtenant facilities. The Applicant estimates that the average annual energy output would be 50.7 GWh.

Purpose of Project—Energy generated at the proposed project would be sold to West Penn Power Company, nearby public institutions, or industrial users.

Proposed Scope and Cost of Studies Under Permit—The proposed term of the requested permit is 36 months. The work proposed under the preliminary permit would include economic anaylysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should

be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Atlantic Power Development Corporation's Project No. 3521 submitted on October 2, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments no in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 22, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4208. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13033 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4413-000]

Kennebago Corp.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

April 23, 1981.

Take notice that the Kennebago Corporation (Applicant) filed with the Federal Energy Regulatory Commission on March 24, 1981, an application for exemption for its Kennebago Hydroelectric Project No. 4413 from all or part of Part 1 of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Kennebago River and Kennebago Lake, Franklin County, Maine. Corresponding with the Applicant should be directed to: Mr. Philip Merrill, Esq., 165 Commercial Street, Portland, Maine 04101.

Project Description—The proposed project would be comprised of two existing developments and would consist of: (a)(1) the existing 15-foot high, 132-foot long, concrete gravity, Mahaney Dam which includes 15 stop log bays and a wastegate; (2) Kennebago Lake with a surface area of 1,700 acres and a storage capacity of approximately 8,500 acre-feet (lake level will continue to be controlled by the Kennebago Camp Owner's Association from May 16 to September 30); (3) the existing powerhouse at the dam containing a single 100 kW turbine-generator, to be rebuilt; (b)(1) the existing 15-foot high, 90-foot long, Kennebago Falls dam, located 700-feet downstream of Mahaney Dam, of concrete gravity construction, including four stoplog bays and a headgate; (2) a 5 acre reservoir; (3) an existing 7-foot diameter, 100-foot long, steel penstock; (4) the existing powerhouse containing either a new, single turbine-generator with a total rated capacity of 588 kW or two existing turbine-generator units, rebuilt, and an additional new turbine-generator altogether having a total rated capacity of 784 kW; (5) a new 3-phase transmission line replacing the existing single phase transmission line which extends approximately twelve miles to Central Maine Power Company's Oquossoc substation; and (6) appurtenant facilities.

The Kennebago Falls Dam will require extensive repairs.

Purpose of Project—Project energy would be sold to the Central Maine Power Company for distribution to customers in its service area.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicants desiring to file a competing application must submit to the Commission on or before June 8, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than October 6, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a

[1] Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).

protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 8, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4413. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13037 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4346-000]

New England Hydro; Application for Preliminary Permit

April 23, 1981.

Take notice that New England Hydro (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4346 to be known as Technical Tape Hydro Project located on Fishkill Creek in Dutchess County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Andre Jeager, 3 Great Pasture Road, West Redding, Connecticut 07896. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) an existing masonry and stone day, 240 feet long and 20 feet high, with a 130 feet long spillway section; (2) a reservoir having negligible pondage; (3) a forebay and gates in serviceable condition; (4) a penstock to be restored; (5) a powerhouse to be restored, or rebuilt downstream, to contain generating units having a total rated capacity of 950 kW; (6) a tailrace; (7) a new transmission line; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 8,000,000 kWh.

Purpose of Project—Project energy would be sold to the Central Hudson Power Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $36,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 25, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4346. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13008 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2738-001]

New York State Electric & Gas Corp.; Application for Amendment of License

April 23, 1981.

Take notice that on January 22, 1981, New York State Electric & Gas Corporation (Licensee) filed an application [pursuant to the Federal Power Act, 16 U.S.C. §§ 971(a)–825(r)] for amendment of its license for its Saranac River Project No. 2738, located on the Saranac River in Clinton County, New York. Correspondence with the Licensee should be directed to: Mr. A. E. Kintigh, Vice President—Generation, New York State Electric & Gas Corporation, 4500 Vestal Parkway East, Binghamton, New York 13902.

License requests that its license be amended to authorize the addition of: (A) at the Mill "C" Development: (1) a 45-foot long and 8-foot diameter steel penstock; (2) a concrete powerhouse 64 feet long and 21 feet wide; (3) a turbine/generator unit rated at 3.4 MW; (4) a 1.0-mile long, 6.6-kV transmission line connecting the Mill "C" Development to the Kent Falls Development to the Kent Falls Development; (5) apportenant mechanical and electrical equipment; (B) at the Kent Falls Development: (1) a turbine/generator unit rated at 4.2 MW in the vacant third bay of the existing powerhouse; (2) appurtenant mechanical and electrical equipment. Annual average generation at the project would be increased by almost 21 million kWh.

Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must be file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before June 8, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13009 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4024-000]

Gregory Wilcox; Application for Preliminary Permit

April 23, 1981.

Take notice that Gregory Wilcox (Applicant) filed on January 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4024 to be known as the Shavano Falls Hydro Project located on the Uncompahgre River in Montrose County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gregory Wilcox, Attorney-At-Law; 506–15th Street, 6th Floor, Oakland, California 94612. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the Existing Water and Power Resources Service's Montrose and Delta Diversion Dam and Canal and would consist of: (1) a new intake structure located at the top of the Shavano Falls; (2) the Shavano Falls, a manmade feature having a drop in elevation of 90 feet; (3) a new penstock; leading to (4) a new powerhouse, located at the base of the Shavano Falls, having a generating capacity of 2,500 kW; (5) a new tailrace; (6) a new transmission line; and (7) appurtenant facilities. The Montrose and Delta Diversion Dam and Canal are presently maintained and operated by the Uncompahgre Valley Water Users Association. The Applicant estimates that the average annual energy output would be 11,300,000 kWh.

Purpose of Project—Project energy would be sold to local municipalities and/or utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federall, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR §4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commisison, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in $1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a

party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 25, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4024. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, DC. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13838 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4353-000]

Mitchell Energy Company, Inc.; Application for Preliminary Permit

April 24, 1981.

Take notice that the Mitchell Energy Company, Inc. (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4353 to be known as the Deer Creek Hydroelectric Project located on Deer Creek in Pickaway County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would utilize the existing Corps of Engineers' Deer Creek Flood Control Dam and would consist of: (1) a new powerhouse just below the dam; (2) turbine/generator units rated at 2.2 MW and operating under a head of 39 feet; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 4,800,000 kWh.

Purpose of Project—It is anticipated that project power would be sold to the Columbus and Southern Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, is issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments ont the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4253. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13026 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ES81-42-000]

Northwestern Public Service; Application

April 24, 1981.

Take notice that on April 20, 1981, Northwestern Public Service Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Act, seeking authorization to issue, and to renew or extend the maturity of, promissory notes and commercial paper from time to time, provided that the aggregate principal amount of such notes outstanding at any one time shall not exceed (20 million. The notes will be issued through the period ending July 1, 1983, and with maturities of not exceeding 360 days.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). the application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13027 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ES81-43-000]

Pacific Power & Light Co.; Application

April 24, 1981.

Take notice that on April 20, 1981, Pacific Power & Light Company (Applicant) a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking authority to negotiate for the placement of not more than 4,000,000 shares of Common Stock, with a par value of $3.25 per share.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13028 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4213-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

April 24, 1981.

Take notice that the Puget Sound Power & Light Company (Applicant) filed on February 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4213 to be known as the Jackman Creek Project located on the Jackman Creek in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 40-foot high, 40-foot long concrete arch dam; (2) a 75 acre-foot reservoir; (3) a 700-foot long, 96-inch diameter tunnel through the right abutment; (4) a 1,300-foot long, 63-inch diameter penstock; (5) a powerhouse containing a 4.6-MW generating unit; (6) a short tailrace discharging into Jackman Creek; and (7) a 3,000-foot long transmission line. The Applicant estimates that the average annual energy output would be 20,000,000 kWh.

Purpose of Project—The power generated by the proposed project would be used by the Applicant, and utility company, to meet their energy demands.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct geologic field investigations including geologic mapping, geophysical investigations, borings, and test pits; make a field survey and hydrologic studies; prepare an environmental report; and study the economic feasibility. The cost of these studies is estimated by the Applicant to be $250,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a

person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 25, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENT," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4213. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13029 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2861-001]

Robert Shaw; Application for Major License at an Existing Dam

April 24, 1981.

Take notice that an application was filed on March 26, 1981, under the Federal Power Act, 16 U.S.C. 791(a)–825(r), by Robert Shaw (Applicant) for a license for the Pontook Hydroelectric Project, FERC No. 2861. The project would be located on the Androscoggin River near the town of Dummer, Coos County, New Hampshire. Correspondence with the Applicant on this matter should be addressed to: Mr. Robert Shaw, 4 Parsons Street, Colebrook, New Hampshire 03576.

Project Description—The Pontook Project would consist of: (1) an existing 9-foot high, 532-foot long, log-crib dam with 2-foot high flashboards to be rebuilt to its original specifications; (2) an existing gate structure at the dam containing two 10'6" wide, 13-foot high gates and three 4'6" wide 12-foot high gates; (3) an existing reservoir with a normal water surface elevation of 1,159 feet m.s.l. with no usable storage capacity, to be restored to a normal water surface elevation of 1,162 feet m.s.l. (1 foot below the historic level); (4) a new 170-foot long timber-crib canal intake structure containing four inlet gates; (5) a new 4,200-foot long, 100-foot wide, 7 to 21-foot deep, earth lined, inlet canal; (6) a new penstock intake bulkhead with trashracks; (7) two new 14-foot diameter, 330-foot long steel penstocks; (8) a new powerhouse containing two turbine-generators with a total rated capacity of 8,575 kW; (9) a new 1,800-foot long, 120-foot wide tailrace channel; (10) a new 500-foot long, 34.5 kV transmission line; and (11) appurtenant facilities. The project would be operated as a run-of-the-river facility, generating up to 55,737,500 kWh annually, saving the equivalent of 92,000 barrels of oil or 25,800 tons of coal.

The Applicant proposes to construct a parking area west of the dam with a public telephone, toilet facilities, a canoe portage and an access road on the east side of the dam with a bridge over the canal intake structure to allow vehicular and pedestrian access.

The application was filed during the term of the preliminary permit issued to the Applicant on March 30, 1979.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 5, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 5, 1981. Since this application was filed during the term of a preliminary permit, any party intending to file a competing application should review 18 CFR 4.33(h). A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 5, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13030 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4412-000]

Thornton Lake Resource Co.; Application for Preliminary Permit

April 24, 1981.

Take notice that Thornton Lake Resource Company (Applicant) filed on March 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4412 to be known as Thornton Creek Project located on Thornton Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sherri M. Lee, 2100 Electric Avenue, #328, Bellingham, Washington 98225. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 4-foot high prefabricated steel and concrete gravity weir; (2) a 2,500-foot long and 24-inch diameter penstock; (3) a concrete powerhouse containing one generating unit rated at 1,500 kW; and (4) a tailrace. Thornton Creek is a tributary to the Skagit River, which has been designated for inclusion in the wild and scenic rivers system. The Applicant estimates that the average annual energy output would be 10.8 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Puget Sound Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering and geological studies, perform preliminary designs, conduct environmental studies,

make an economic and feasibility analysis, and prepare an FERC license application. Test borings may be conducted at the dam, penstock, and powerhouse sites. The cost of the work to be done under the preliminary permit is estimated to be $110,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST", or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4412. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13003 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4312-000]

Water Song Resources, Partnership; Application for Preliminary Permit

April 24, 1981.

Take notice that Water Song Resources, Partnership (Applicant) filed on March 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4312 to be known as the Canyon Creek Project located on the Canyon Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William L. Devine, 8040 Mt. Baker Highway, P.O., Box 68, Maple Falls, Washington 98266. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a new 4-foot high by 125-foot long prefabricated steel and concrete diversion weir; (2) an approximately 12,000-foot long, 48-inch diameter penstock; (3) a powerhouse with an installed capacity of 5 MW; (4) a tailrace channel; and (5) approximately 0.75 mile of 55-kV transmission line to connect to an existing Puget Sound Power and Light Company transmission line.

The Applicant estimates that the average annual energy output would be 35 GWhs.

Purpose of Project—Applicant proposes to sell the project energy to Puget Sound Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about $150,000. A detailed work plan and schedule was submitted as part of the application. Some ground disturbing activities, including field tests, and borings, will be undertaken during the permit period. All disturbances will be kept at a minimal. No new road construction would be required to conduct the field studies under the proposed permit.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and

consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 25, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 25, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4312. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Fedeal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13033 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3798-000]

Town of Wilmington, New York; Application for Preliminary Permit

April 24, 1981.

Take notice that the Town of Wilmington, New York (Applicant) filed on November 28, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3798 to be known as the Wilmington Hydro Project located on the Ausable River, West Branch, in Essex County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donal S. DeMacy, Supervisor, Town Hall, Wilmington, New York 12997. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) an existing concrete dam, approximately 220 feet long and 14 feet high, with an ogee spillway section; (2) a reservoir having negligible pondage; (3) a rehabilitated intake structure; (4) a penstock; (5) a new powerhouse containing a generating unit having a total rated capacity of 300 kW; (6) a tailrace; (7) a new transmission line, approximately 300 feet long; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be between 1,100,000 kWh and 1,500,000 kWh.

Purpose of Project—Project energy would be utilized by the municipality and would be sold to a local furniture manufacturer.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for a FERC license. Applicant estimates the cost of the studies under the permit would be $25,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 5, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene

in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 5, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3798. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13031 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 406]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1981.

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1981.

JD NO	JA DKT	AFI NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION						
-ACE DRILLING SERVICES INC			RECEIVED: 03/27/81 JA: LA			
8123175	81-530	1711122699 108	GIBSON ESTATE #11	MONROE	14.0	WEST MONROE GAS GATH
-ACE DRILLING SERVICES INC			RECEIVED: 03/31/81 JA: LA			
8123080	81-130	1711122195 108	JARMON ESTATE #2	MONROE	11.0	WEST MONROE GAS GATH
8123081	81-132	1711122198 108	JARMON ESTATE #5	MONROE	11.0	WEST MONROE GAS GATH
-AMERICAN QUASAR PETROLEUM CO OF NEW			RECEIVED: 03/27/81 JA: LA			
8123108	81-453	1701521389 103	OLINKRAFT 678 #1 WELL	ALDEN BRIDGE	8.0	UNITED GAS PIPE LINE
-AMOCO PRODUCTION CO			RECEIVED: 03/27/81 JA: LA			
8123115	81-460	1702321525 103	GULF LAND D R/A A NO 41	WEST MACKBERRY	650.0	VALLEY GAS TRANSMISS
8123116	81-461	1702321336 103	MIAMI CORP I R/A C NO 14	LITTLE PECAN LAKE	730.0	COLUMBIA GAS TRANSMI
8123112	81-457	1703121018 103	R F MARSHALL NO 1	BENSON	548.0	
-BETHLAN PRODUCTION CORP			RECEIVED: 03/27/81 JA: LA			
8123154	81-503	1707321370 103	A THIBEAUX #1	MONROE GAS	25.0	UNITED GAS PIPELINE
8123155	81-504	1707321407 103	A THIBEAUX #2	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123156	81-505	1707321422 103	A THIBEAUX #3	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123157	81-506	1707321427 103	A THIBEAUX #4	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123153	81-502	1707321406 103	CUMMINS #1	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123144	81-493	1707321399 103	OUACHITA PARISH SCHOOL BOARD #1	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123145	81-494	1707321401 103	OUACHITA PARISH SCHOOL BOARD #2	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123146	81-495	1707321402 103	OUACHITA PARISH SCHOOL BOARD #3	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123147	81-496	1707321418 103	OUACHITA PARISH SCHOOL BOARD #4	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123149	81-498	1707321419 103	OUACHITA PARISH SCHOOL BOARD #5	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123150	81-499	1707321430 103	OUACHITA PARISH SCHOOL BOARD #6	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123148	81-497	1707321431 103	OUACHITA PARISH SCHOOL BOARD #7	MONROE GAS	25.0	UNITED GAS PIPE LINE
8123151	81-500	1703214370 103	OUACHITA PARISH SCHOOL BOARD #8	MONROE GAS	25.0	UNITED PIPE LINE CO
8123152	81-501	1707321438 103	OUACHITA PARISH SCHOOL BOARD #9	MONROE GAS	25.0	UNITED GAS PIPE CO
-CHEVRON U S A INC			RECEIVED: 03/27/81 JA: LA			
8123120	81-465	1712120115 107	19100 TUSC RA SUP D OLIVER #1	PROFIT ISLAND	3725.0	SUGAR BOWL GAS CORP
8123119	81-464	1707720229 107	19100 TUSC RA SUU HURST-RICARD #1	PROFIT ISLAND	3621.0	SUGAR BOWL GAS CORP
-DENEX INC			RECEIVED: 03/27/81 JA: LA			
8123107	81-452	1710922263 103	PAUL THERIOT #1	SOUTH CHAUVIN	183.0	SOUTH COAST GAS CO
-FIFTY THIRD CORP AND KMOC			RECEIVED: 03/27/81 JA: LA			
8123123	81-472	1706721616 103	NAVARRO # 7	MONROE	11.0	IMC PIPELINE COMPANY
8123166	81-521	1706721615 103	NAVARRO #6	MONROE	11.0	IMC PIPELINE CO INC
*8123124	81-473	1706721617 103	NAVARRO #8	MONROE	11.0	IMC PIPELINE CO
-GOLDKING PRODUCTION COMPANY			RECEIVED: 03/27/81 JA: LA			
8123117	81-462	1702321485 103	REINA NO 2	KINGS BAYOU	169.5	LOUISIANA INTRASTATE
-HARVEY BROYLES			RECEIVED: 03/27/81 JA: LA			
8123165	81-520	1706120230 103	AULDS #1 HOSS RA SUA	TREMONT	165.0	TEXAS EASTERN TRANSM
-HIBBARD-FROST-SMITH			RECEIVED: 03/27/81 JA: LA			
8123133	81-482	1707321527 103	MOBIL OIL & P SE INC #9	MONROE GAS	7.0	MID LOUISIANA GAS CO

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123125	81-474	1707321443	103	MOBIL OIL E & P SE INC #1	MONROE GAS	26.0	UNITED GAS PIPELINE
8123134	81-483	1707321531	103	MOBIL OIL E & P SE INC #10	MONROE GAS	6.0	MID LOUISIANA GAS CO
8123126	81-475	1707321444	103	MOBIL OIL E & P SE INC #2	MONROE GAS	27.0	UNITED GAS PIPELINE
8123127	81-476	1707321451	103	MOBIL OIL E & P SE INC #3	MONROE GAS	22.0	UNITED GAS PIPELINE
8123128	81-477	1707321452	103	MOBIL OIL E & P SE INC #4	MONROE GAS	27.0	UNITED GAS PIPELINE
8123129	81-478	1707321453	103	MOBIL OIL E & P SE INC #5	MONROE GAS	29.0	UNITED GAS PIPELINE
8123130	81-479	1707321504	103	MOBIL OIL E & P SE INC #6	MONROE GAS	26.0	UNITED GAS PIPELINE
8123131	81-480	1707321505	103	MOBIL OIL E & P SE INC #7	MONROE GAS	31.0	UNITED GAS PIPELINE
8123132	81-481	1707321530	103	MOBIL OIL E & P SE INC #8	MONROE GAS	24.0	UNITED GAS PIPELINE
-HUNT PETROLEUM CORPORATION				RECEIVED: 03/27/81 JA: LA			
8123161	81-516	17033200A1	107	19100 TUSC RA SU C TRANS MATCH B#1	PROFIT ISLAND	1757.0	TEXAS GAS TRANSMISSI
8123121	81-466	1703320034	107	19100 TUSC RA SU A TRANS MATCH #1	PROFIT ISLAND	5156.0	TEXAS GAS TRANSMISSI
-IMC EXPLORATION COMPANY				RECEIVED: 03/27/81 JA: LA			
8123219	81-575	1707321417	108	BRIGGS # F-320	MONROE	5.0	IMC PIPELINE CO
8123207	81-563	1707321405	108	COLE # N-260	MONROE	7.0	IMC PIPELINE CO
8123206	81-562	1707321409	108	COLE # N-261	MONROE	7.0	IMC PIPELINE CO
8123213	81-569	1711122562	108	FORD #13	MONROE	7.0	IMC PIPELINE CO
8123204	81-560	1711122534	108	FROST #81	MONROE	17.0	IMC PIPELINE CO
8123205	81-561	1711122572	108	GRAYLING #N-262	MONROE	16.0	IMC PIPELINE CO
8123216	81-572	1711122701	108	J T SAVAGE #2	MONROE	12.0	IMC PIPELINE CO
8123203	81-559	1711122505	108	L M LANKFORD #6	MONROE	16.0	IMC PIPELINE CO
8123215	81-571	1711122509	108	LOVE #15	MONROE	7.0	IMC PIPELINE CO
8123218	81-574	1706721588	108	MRS CHERRIE BERNSTEIN ETAL #30	MONROE	9.0	IMC PIPELINE CO
8123217	81-573	1711122528	108	OLIN MATHIESON #31	MONROE	7.0	IMC PIPELINE CO
8123210	81-566	1706721573	108	TENSAS DELTA # F-324	MONROE	7.0	IMC PIPELINE CO
8123208	81-564	1706721569	108	TENSAS DELTA # F-325	MONROE	12.0	IMC PIPELINE CO
8123209	81-565	1706721570	108	TENSAS DELTA # F-326	MONROE	12.0	IMC PIPELINE CO
8123212	81-568	1706721567	108	TENSAS DELTA #F-321	MONROE	12.0	IMC PIPELINE CO
8123211	81-567	1706721568	108	TENSAS DELTA #F-323	MONROE	2.0	IMC PIPELINE CO
8123214	81-570	1711122510	108	UNION PRODUCING CO # N-226	MONROE	11.0	IMC PIPELINE CO
-JEEMS BAYOU PRODUCTION CORP				RECEIVED: 03/27/81 JA: LA			
8123122	81-467	1703120976	103	CONTINENTAL CAN CO ET AL (1632089)	BROGAN	140.0	TENNESSEE PIPELINE C
-K D LANKFORD JR & L&N DRLG CO				RECEIVED: 03/27/81 JA: LA			
8123111	81-456	1711121464	108	MEEKS NO 4	MONROE	15.0	UNITED GAS PIPELINE
8123110	81-455	1711121876	108	MEEKS NO 5	MONROE	15.0	UNITED GAS PIPELINE
-LANKFORD & NANCE				RECEIVED: 03/27/81 JA: LA			
8123177	81-532	1711122300	108	BARR NO 1	MONROE	15.0	TEXAS GAS TRANSMISSI
8123176	81-531	1711122807	108	JENNY NO 1	MONROE	6.0	MID LOUISIANA GAS CO
8123178	81-533	1711122578	108	K D LANKFORD NO 2	MONROE	10.0	TEXAS GAS TRANSMISSI
-LEAR PETROLEUM CORPORATION				RECEIVED: 03/27/81 JA: LA			
8123160	81-509	1702720761	102	JUS RA SUC ROXIE FINLEY NO 1	EAST DYKESVILLE	54.0	UNITED GAS PIPELINE
-LOCK ARBOR PRODUCTION CO				RECEIVED: 03/27/81 JA: LA			
8123199	81-555	1707321296	108	SMITH ET AL #17	MONROE	8.0	UNITED GAS PIPE LINE
8123200	81-556	1707321297	103	SMITH ET AL #18	MONROE	12.0	UNITED GAS PIPE LINE
8123198	81-554	1707321403	103	SMITH ET AL #19	MONROE	8.0	UNITED GAS PIPE LINE
8123201	81-557	1707321404	108	SMITH ET AL #21	MONROE	8.0	UNITED GAS PIPE LINE
8123202	81-558	1707321479	103	SMITH ET AL #24	MONROE	8.0	UNITED GAS PIPE LINE
-MARSHALL EXPLORATION INC				RECEIVED: 03/27/81 JA: LA			
8123162	81-517	1703100705	108	RAMSEY ET AL #4 FBG RA SU 34	LOGANSPORT	16.0	TENNESSEE GAS PIPELI
-MCCORMICK OPERATING CO				RECEIVED: 03/27/81 JA: LA			
8123114	81-459	1711321044	103	FRED STOVALL NO 8	LIVE OAK	1800.0	LOUISIANA RESOURCES
-MID LOUISIANA GAS COMPANY				RECEIVED: 03/27/81 JA: LA			

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123167	81-522	1711121958	108	MLGC FEE GAS NO 828	MONROE	19.0	
8123118	81-463	1711122056	108	MLGC FEE GAS NO 858	MONROE FIELD	14.6	
8123135	81-484	1711122328	103	MLGC FEE GAS NO 872	MONROE	36.0	
8123136	81-485	1711122481	103	MLGC FEE GAS NO 896	MONROE	36.0	
8123137	81-486	1711122516	103	MLGC FEE GAS NO 904	MONROE	9.7	
8123138	81-487	1711122517	103	MLGC FEE GAS NO 905	MONROE	9.7	
8123139	81-488	1711122518	103	MLGC FEE GAS NO 906	MONROE	36.0	
8123140	81-489	1711122538	103	MLGC FEE GAS NO 910	MONROE	18.0	
8123141	81-490	1711122540	103	MLGC FEE GAS NO 912	MONROE	18.0	
8123142	81-491	1711122601	103	MLGC FEE GAS NO 935	MONROE	36.0	
8123143	81-492	1711122730	103	MLGC FEE GAS NO 985	MONROE	24.0	
-MONROE GAS JOINT VENTURE				RECEIVED: 03/31/81 JA: LA			
8123082	81-173	1711120957	108	MINERAL LANDS N-1 (1523751)	MONROE	924.0	INC PIPELINE CO INC
-QUINTANA PRODUCTION COMPANY				RECEIVED: 03/27/81 JA: LA			
8123194	81-549	1771420063	107	SL 6430 NO 4 TB NVUA	TIMBALIER BAY	3000.0	LOUISIANA RESOURCES
-RELIANCE TR-JV				RECEIVED: 03/27/81 JA: LA			
8123226	81-582	1711122961	103	D H MCVICKER NO 2	MONROE	13.0	TEXAS GAS TRANSMISSI
8123227	81-583	1711122962	103	D H MCVICKER NO 3	MONROE	13.0	TEXAS GAS TRANSMISSI
8123228	81-584	1711122963	103	D H MCVICKER NO 4	MONROE	13.0	TEXAS GAS TRANSMISSI
8123173	81-528	1711122612	108	E JOHNSON #1	MONROE	9.0	TEXAS GAS TRANSMISSI
8123174	81-529	1711122288	108	E JOHNSON #2	MONROE	9.0	TEXAS GAS TRANSMISSI
8123220	81-576	1711122766	103	G ODOM NO 1	MONROE	13.0	TEXAS GAS TRANSMISSI
8123225	81-581	1711123016	103	H D GREEN #5	MONROE	13.0	TEXAS GAS TRANSMISSI
8123221	81-577	1711123029	103	H D GREEN NO 6	MONROE	13.0	TEXAS GAS TRANSMISSI
8123229	81-585	1711123027	103	H D GREEN NO 7	MONROE	13.0	TEXAS GAS TRANSMISSI
8123169	81-524	1711122190	108	OLINKRAFT #11	MONROE GAS	15.0	TEXAS GAS TRANSMISSI
8123170	81-525	1711122191	108	OLINKRAFT #12	MONROE	10.0	TEXAS GAS TRANSMISSI
8123171	81-526	1711122285	108	OLINKRAFT #15	MONROE	9.0	TEXAS GAS TRANSMISSI
8123168	81-523	1711122286	108	OLINKRAFT #16	MONROE	8.7	TEXAS GAS TRANSMISSI
8123172	81-527	1711122609	108	OLINKRAFT #17	MONROE	9.0	TEXAS GAS TRANSMISSI
8123224	51-580	1711123018	103	W WAYNE ESTATE NO 5	MONROE	13.0	TEXAS GAS TRANSMISSI
8123230	81-586	1711123019	103	W WAYNE ESTATE NO 6	MONROE	13.0	TEXAS GAS TRANSMISSI
8123222	81-578	1711123031	103	WHEELER NO 2	MONROE	13.0	TEXAS GAS TRANSMISSI
8123223	81-579	1711123032	103	WHEELER NO 3	MONROE	13.0	TEXAS GAS TRANSMISSI
-SAMEDAN OIL CORPORATION				RECEIVED: 03/27/81 JA: LA			
8123183	81-538	1711320238	107	STATE LEASE 3020 WELL NO 1	NORTH BUCK POINT	365.0	SUGAR BOWL GAS CORP
-SAND MILL LTD (LA)				RECEIVED: 03/27/81 JA: LA			
8123186	81-541	1711122313	108	FROST LUMBER CO #1	MONROE	3.9	PETRO-LEWIS FUNDS IN
8123191	81-546	1711122316	108	FROST LUMBER CO #2	MONROE	13.0	PETRO-LEWIS FUNDS IN
8123190	81-545	1711122346	108	FROST LUMBER CO #3	MONROE	11.7	PETRO-LEWIS FUNDS IN
8123189	81-544	1711122317	108	FROST LUMBER CO #4	MONROE	9.8	PETRO-LEWIS FUNDS IN
8123187	81-542	1711122347	108	FROST LUMBER CO #6	MONROE	9.8	PETRO-LEWIS FUNDS IN
8123192	81-547	1711122318	108	FROST LUMBER CO NO 5	MONROE	11.0	PETRO-LEWIS FUNDS IN
8123197	81-553	1711122319	108	RAMSEY ET AL NO 1	MONROE	12.0	PETRO-LEWIS FUNDS IN
8123185	81-540	1711122320	108	RAMSEY ET AL NO 2	MONROE	10.0	PETRO-LEWIS FUNDS IN
8123184	81-539	1711122321	108	RAMSEY ET AL NO 3	MONROE	14.0	PETRO-LEWIS FUNDS IN
8123188	81-543	1711122322	108	RAMSEY ET AL NO 4	MONROE	13.2	PETRO-LEWIS FUNDS IN
8123193	81-548	1711122348	108	UNION PRODUCING #1	MONROE	4.5	PETRO-LEWIS FUNDS IN
-SHELL OIL CO				RECEIVED: 03/27/81 JA: LA			
8123163	81-518	1709720590	102	EG RICHARD ETAL #1 L WX RA SUH	ELBA	0.0	
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 03/27/81 JA: LA			
8123189	81-454	1703121389	103	LELONG NO 3	RED RIVER BULL BAYOU	110.0	LOUISIANA INTRASTATE

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-SUPERIOR OIL CO					RECEIVED: 03/27/81 JA: LA			
8123164	81-519	1711321048	107		B T BROUSSARD NO 5 KA CAM 1 RA SUA	KAPLAN	6008.0	
-TEXACO INC					RECEIVED: 03/27/81 JA: LA			
8123105	81-450	1770720079	103		SL 340 MOUND POINT #60	MOUND POINT	0.0	KAISER ALUMINUM & CH
8123106	81-451	1770720091	103		SL 340 MOUND POINT NO 70	MOUND POINT	1715.0	NATURAL GAS PIPELINE
-TEXAS OIL & GAS CORP					RECEIVED: 03/27/81 JA: LA			
8123113	81-458	1703121391	103		BURFORD-SHOWS #1	BETHANY-LONGSTREET	102.5	ARKANSAS LOUISIANA G
-TRANSCO EXPLORATION COMPANY					RECEIVED: 03/27/81 JA: LA			
*8123158	81-507	1703121254	102		DORINDA MILLER NO 1	SPIDER	88.0	TRANSCONTINENTAL GAS
*8123159	81-508	1703121334	102		ISABELL MILLER NO 1	SPIDER	88.0	TRANSCONTINENTAL GAS
-VIKING RESOURCES (LA)					RECEIVED: 03/27/81 JA: LA			
8123195	81-551	1711122545	108		OLIN #1	MONROE	15.5	PETRO-LEWIS FUNDS IN
8123196	81-552	1711122561	108		OLIN #2	MONROE	9.7	PETRO-LEWIS FUNDS IN
8123182	81-537	1707321467	108		SPADES NO 1	MONROE	17.3	PETRO-LEWIS FUNDS IN
8123181	81-536	1707321555	108		SPADES NO 3	MONROE	16.9	PETRO-LEWIS FUNDS IN
8123180	81-535	1711122473	108		UNION POWER C #1	MONROE	18.0	PETRO-LEWIS FUNDS IN
8123179	81-534	1711122474	108		UNION POWER C #2	MONROE	18.3	PETRO-LEWIS FUNDS IN
MISSISSIPPI OIL & GAS BOARD								
-ANDERMAN OPERATING COMPANY					RECEIVED: 03/30/81 JA: MS			
8123098	8-81-437	2309528298	102		DOBBS RICHARDSON UNIT #1	BUTTAHATCHIE	0.0	
-BROWNING & WELCH					RECEIVED: 03/30/81 JA: MS			
8123096	113-80-117	2302520024	102		J R HAWKINS WELL NO 1	SILOAM	18.2	TEXAS EASTERN TRANSM
8123104	111-80-117	2302520004	102		R F MCFADDEN NO 1	SILOAM	100.0	TEXAS EASTERN TRANSM
-SOHIO PETROLEUM CO					RECEIVED: 03/30/81 JA: MS			
8123097	11-81-147	2314720120	107		BULLOCK #1	KNOXO	547.5	
-SONAT EXPLORATION COMPANY					RECEIVED: 03/30/81 JA: MS			
8123103	108-80-448	2309120117	107		F E FORBES JR NO 1 WELL	WEST SANDY HOOK	167.3	SOUTHERN NATURAL GAS
-TEXACO INC					RECEIVED: 03/30/81 JA: MS			
8123102	95-80-147	2309120068	107		BOARD OF SUPERVISORS UE 1	KNOXO	467.0	SOUTHERN NATURAL GAS
8123101	94-80-147	2314720118	107		FORTENBERRY ETHON ET UX 3	KNOXO	803.0	SOUTHERN NATURAL GAS
8123099	92-80-147	2309120076	107		M L RANKIN ET AL 1	KNOXO	62.0	SOUTHERN NATURAL GAS
8123100	93-80-147	2309120071	107		M L BENNET JR 1	KNOXO	402.0	SOUTHERN NATURAL GAS
-TOMLINSON INTERESTS INC					RECEIVED: 03/30/81 JA: MS			
8123095	3-81-467	2309120120	107		FORTENBERRY MRS LEONA WILLIAMS #1	EAST MORGANTOWN FIELD	1.0	TRANSCONTINENTAL GAS
NORTH DAKOTA GEOLOGICAL SURVEY								
-CITIES SERVICE COMPANY					RECEIVED: 03/31/81 JA: ND			
8123087	347	3300700568	102		BARLOW A-3	LITTLE KNIFE	0.0	WESTERN GAS PROCESSO
-LADD PETROLEUM CORPORATION					RECEIVED: 03/31/81 JA: ND			
8123086	346	3305301058	102		DUNCAN PRINCE #31-41	SCAIRT WOMAN	1379.7	KOCH HYDROCARBON CO
-MOSBACHER PRODUCTION CO					RECEIVED: 03/31/81 JA: ND			
8123083	343	3305301124	102		EDWIN M DAHL 23-1	INDIAN HILLS	36.0	MONTANA-DAKOTA UTILI
-TENNECO OIL COMPANY					RECEIVED: 03/31/81 JA: ND			
8123084	344	3300700435	102		MESCHKE #2-2 (DUPEROW)	MYSTERY CREEK	158.0	WESTERN GAS PROCESSO
8123085	345	3302300178	102		STATE COM #1-15	WILDCAT	130.0	PHILLIPS PETROLEUM C
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY								
-PHILADELPHIA OIL COMPANY					RECEIVED: 03/30/81 JA: VA			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123078		4519520357	103		R-105 JAMES H DUNN			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123078		4519520357	103		P-105 JAMES H DUNN	NORA	34.5	KENTUCKY WEST VIRGIN
8123079		4505120376	103		P-113 SAMUEL HENSLEY	NORA	15.0	KENTUCKY WEST VIRGIN
**********								
** U.S. GEOLOGICAL SURVEY - METAIRIE,LA								
**********								
-AMINOIL USA INC					RECEIVED: 03/30/81 JA: LA 3			
8123088	60-1714	1771140401	102		OCS-G-0434 WELL NO D-2D	SHIP SHOAL	75.0	TENNESSEE GAS PIPELI
-CNG PRODUCING COMPANY					RECEIVED: 03/30/81 JA: LA 3			
*8123090	61-1820	1771240091	102		A-755 ALT	SHIP SHOAL	800.0	CONSOLIDATED GAS SUP
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 03/30/81 JA: LA 3			
8123091	61-1835	1770540392	102		VERMILION BLOCK 37 WELL NO 5	VERMILION AREA	46.0	TRANSCONTINENTAL GAS
-GULF OIL CORPORATION					RECEIVED: 03/30/81 JA: LA 3			
*8123089	61-1815	1770940409	102		EUGENE IS BLK 252 OCS-G 0983 6-12	EUGENE ISLAND	3500.0	SEA ROBIN PIPELINE C
-MOBIL OIL EXPLORATION & PROD S E					RECEIVED: 03/30/81 JA: LA 3			
8123092	61-1837	1770340332	102		EAST CAMERON 24 NO 1-A	EAST CAMERON	2200.0	TEXAS EASTERN TRANSM
-TEXACO INC					RECEIVED: 03/30/81 JA: LA 3			
*8123093	61-1822	1770940117	102		BLOCK 196 OCS G-0802 NO B-10	EUGENE ISLAND	1468.0	SEA ROBIN PIPELINE C
-SUPERIOR OIL CO					RECEIVED: 03/30/81 JA: TX 3			
8123094	61-1846	4271500021	102		BLOCK NO 9 WELL NO 7	SABINE PASS	0.0	NATURAL GAS PIPELINE

OTHER PURCHASERS VOLUME NO 0406

8123089	TEXAS EASTERN TRANSMISSION CORP
8123090	TENNESSEE GAS PIPELINE CO
8123093	TRANSCONTINENTAL GAS PIPE LINE CORP
8123124	I-C PIPELINE COMPANY
8123156	LOUISIANA INTRASTATE GAS CORP
8123157	LOUISIANA INTRASTATE GAS CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13042 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 407]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1981.

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION							
-AN-SON CORPORATION				RECEIVED: 03/30/81 JA: OK			
8123303	07878	3504520679	108	BERRYMAN RANCH #1-23	S PEEK	2.4	PANHANDLE EASTERN PI
-ANDOVER OIL COMPANY				RECEIVED: 03/30/81 JA: OK			
8123274	07743	3515321023	103	BENNIE J MOORE #28-1	MORROW	118.0	PRODUCERS GAS CO
8123274	07743	3515321023	102	BENNIE J MOORE #28-1	MORROW	118.0	PRODUCERS GAS CO
-ARCO OIL AND GAS COMPANY				RECEIVED: 03/30/81 JA: OK			
8123290	08018	3509321746	103	CARL SPAFFORD #2	NE CEDARDALE	189.5	MICHIGAN WISCONSIN P
8123280	08000	3504722083	102	J R MAXEY #2	SOUTH DOUGLAS	73.8	
-BETTIS BOYLE & STOVALL				RECEIVED: 03/30/81 JA: OK			
8123256	07959	3500700000	103	ANSCHUTZ NO 2	LAVERNE COUNCIL GROVE	73.9	CITIES SERVICE GAS C
8123260	07957	3500721743	103	WATSON NO 1	MOCAN-LAVERNE	91.3	PANHANDLE EASTERN PI
-CHOCTAW GAS CO				RECEIVED: 03/30/81 JA: OK			
8123299	08101	3512120666	103	WOODY NO 1	FEATHERSTON	240.0	SOUTHEAST TRANSMISSI
8123298	08102	3512120696	103	WOODY NO 2	FEATHERSTON	48.0	SOUTHEAST TRANSMISSI
-CIMARRON PETROLEUM CORPORATION				RECEIVED: 03/30/81 JA: OK			
8123302	07813	3507322046	103	LANKARD CPC #106		36.5	PHILLIPS PETROLEUM C
-CONOCO INC				RECEIVED: 03/30/81 JA: OK			
8123279	01100	3507350331	108	E S MOBBS A NO 1	DOVER MENNESSEY	17.0	OKLAHOMA NATURAL GAS
-COTTON PETROLEUM CORPORATION				RECEIVED: 03/30/81 JA: OK			
8123239	10836	3505121861	107	DARWIN NO 1	SOUTH VERDEN	250.0	SOUTHERN NATURAL GAS
-DON D MONTGOMERY JR				RECEIVED: 03/30/81 JA: OK			
8123286	04882	3500721640	103	BARTH #1	FORGAN	0.0	PANHANDLE EASTERN PI
8123287	03734	3500721641	103	MCADAMS B #1	SECTION 29-6N-24ECM	15.0	PANHANDLE EASTERN PI
-DONALD C SLAWSON				RECEIVED: 03/30/81 JA: OK			
8123278	07482	3501721583	103	#2 ERICKSON B	WATONGA TREND	188.0	CITIES SERVICE GAS C
8123278	07482	3501721583	102	#2 ERICKSON B	WATONGA TREND	188.0	CITIES SERVICE GAS C
-E T S ENTERPRISES INC				RECEIVED: 03/30/81 JA: OK			
8123252	10675	3510920524	107	ROY E BARKER NO 1	WEST REYDON	365.0	EL PASO NATURAL GAS
-EARLSBORO OIL AND GAS CO INC				RECEIVED: 03/30/81 JA: OK			
8123258	07965	3509321778	103	BULLER ESTATE NO 1-8	WEST CLEO	189.0	AMINOIL USA INC
8123257	07964	3510720769	103	DOVIE BETTS NO 1-27	S W HICKORY RIDGE	120.0	HICKORY RIDGE GAS CA
8123264	07949	3509321779	103	ELDRED SMITH NO 1-18	WEST CLEO	182.0	AMINOIL USA INC
-ECC OIL CO				RECEIVED: 03/30/81 JA: OK			
8123284	07948	3514721583	103	LORIAUX #1 SW	OGLESBY GAS FIELD	84.6	OKAN GAS CO
-EL PASO NATURAL GAS COMPANY				RECEIVED: 03/30/81 JA: OK			
8123304	10866	3512920514	107	MCLEAN #1	UNDESIGNATED UPPER MORRO	4000.0	EL PASO NATURAL GAS
-EXXON CORPORATION				RECEIVED: 03/30/81 JA: OK			
8123273	07699	3513935996	108	CAMPBELL-SILLERS #1	HARDESTY	18.5	NATURAL GAS PIPELINE
-F C D OIL CORP				RECEIVED: 03/30/81 JA: OK			
8123275	07839	3509321827	103	CORNELSON 1-18	CLEO SPRINGS	244.6	PIONEER GAS PRODUCTS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME		
8123244	07841	3507322488	103		LITTLE 2-31		
8123245	07837	3507322593	103		LUBER 4-26		
					RECEIVED: 03/30/81	JA:	OK
-F M BUXTON							
8123285	07843	3508300000	108		JANE COLE NO 1		
					RECEIVED: 03/30/81	JA:	OK
-FLYNN ENERGY CORPORATION							
8123236	07282	3501120968	103		HEINRICH 1-1		
					RECEIVED: 03/30/81	JA:	OK
-GEORGE RODMAN INC							
8123263	07926	3502920250	103		WELLS NO 1-26		
					RECEIVED: 03/30/81	JA:	OK
-GETTY OIL COMPANY							
8123308	10869	3504321031	107		BARNITZ NO 1		
					RECEIVED: 03/30/81	JA:	OK
-GRAHAM OIL & GAS LTD							
8123241	08036	3505920933	103		WEIBENER HEIRS #1		
					RECEIVED: 03/30/81	JA:	OK
-GULF OIL CORPORATION							
8123249	07424	3501121013	102		SAM BUTLER #1-22		
					RECEIVED: 03/30/81	JA:	OK
-HALLIBURTON OIL PRODUCING COMPANY							
8123296	08020	3507322564	103		POLLARD A #3		
8123242	08019	3507322562	103		POLLARD A-1		
					RECEIVED: 03/30/81	JA:	OK
-HAWK EXPLORATION LTD							
8123306	07864	3509321870	103		CROW NO 14-1		
					RECEIVED: 03/30/81	JA:	OK
-HULEN H LEMON							
8123282	07963	3501721594	103		MUSTANG #2		
					RECEIVED: 03/30/81	JA:	OK
-JAMES B URBAN PETROLEUM							
8123295	07962	3510522699	103		PRESLEY #1		
8123297	10818	3510522709	103		WITTENBORN NO 3		
					RECEIVED: 03/30/81	JA:	OK
-JAN OIL CO							
8123305	08030	3505382292	108		DIETZ NO 1		
8123300	08028	3500300000	108		WOKATY NO 2		
					RECEIVED: 03/30/81	JA:	OK
-JERRY SCOTT DRILLING CO INC							
8123243	08012	3508321219	103		J DYER #1		
					RECEIVED: 03/30/81	JA:	OK
-JONES & PELLOW OIL CO							
8123262	07945	3501922015	103		STRINGER 32-3		
					RECEIVED: 03/30/81	JA:	OK
-KAISER-FRANCIS OIL COMPANY							
8123276	07519	3503920335	103		BERGNER #1		
8123276	07519	3503920335	102		BERGNER #1		
					RECEIVED: 03/30/81	JA:	OK
-LADD PETROLEUM CORPORATION							
8123291	08004	3509321855	103		HUSTON NO 2		
8123253	08003	3509321847	103		PALMER B #2		
					RECEIVED: 03/30/81	JA:	OK
-LENHART & BENNETT INC							
8123268	06342	3507121184	103		EDNA GARTNER NO 10-1		
8123266	06344	3507121185	103		EDNA GARTNER NO 10-2		
8123267	06343	3507121183	103		EDNA GARTNER 2-2		
8123269	06339	3507121286	103		EDNA GARTNER 3-2		
8123270	06340	3507121186	103		EDNA GARTNER 34-1		
8123271	06341	3507121187	103		MERZ 34-1		
8123289	06345	3507121054	103		ROSA GARTNER #1		
8123265	06346	3507121101	103		ROSA GARTNER #2		
					RECEIVED: 03/30/81	JA:	OK
-MACKELLAR INC							
8123294	07970	3507300000	103		BADGER #4		
					RECEIVED: 03/30/81	JA:	OK
-MAJOR OIL CORP							
*8123238	06794	3509321722	103		MAJOR NO 1-24		
8123255	07967	3500320736	103		WALTER JANTZ NO 1-14		
					RECEIVED: 03/30/81	JA:	OK
-MARATHON OIL COMPANY							
8123247	07474	3504520748	102		LAUGHAN 35 WELL NO 1		

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FIELD NAME	PROD	PURCHASER
SOONER TREND	29.2	PHILLIPS PETROLEUM
N E OKARCHE	24.5	PHILLIPS PETROLEUM
SOONER TREND	14.0	CONOCO INC
S E OKEENE	188.0	ARKANSAS LOUISIANA G
SOUTH ASHLAND	182.0	ARKANSAS LOUISIANA G
W RHEA	735.0	
LOVEDALE	0.0	
WEST OMEGA	5.0	OKLAHOMA NATURAL GAS
WEST LOVELL	5.0	EASON OIL CO
WEST LOVELL	5.0	EASON OIL CO
SOONER TREND	0.0	PIONEER GAS PRODUCTS
SOUTH YUKON	275.0	MOBIL OIL CORP
WILDCAT	438.0	NOWATA ASSOCIATES
DELAWARE-CHILDERS	738.0	NOWATA ASSOCIATES
WAKITA TREND	25.0	SUN CO
MENDON	5.1	SUN CO
N W EVANSVILLE	109.0	CITIES SERVICE GAS C
NORTH ORR	73.0	AMINOIL USA INC
N W HYDRO	300.0	MICHIGAN WISCONSIN P
N W HYDRO	300.0	MICHIGAN WISCONSIN P
OKEENE	95.0	OKLAHOMA NATURAL GAS
RINGWOOD	41.6	OKLAHOMA GAS GATHERI
EAST DILWORTH	40.0	CITIES SERVICE GAS C
EAST DILWORTH	40.0	CITIES SERVICE GAS C
EAST DILWORTH	40.0	CITIES SERVICE GAS C
EAST DILWORTH	180.0	CITIES SERVICE GAS C
EAST DILWORTH	365.0	CITIES SERVICE GAS C
EAST DILWORTH	18.3	CITIES SERVICE GAS C
NEVA	54.8	CITIES SERVICE GAS C
	20.1	CITIES SERVICE GAS C
SOONER TREND	0.0	CITIES SERVICE GAS C
MENO-RINGWOOD	0.0	OKLAHOMA NATURAL GAS
GOLTRY	75.0	PANHANDLE EASTERN PI
COMMISSION CREEK	1700.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME		
-MARSHALL OIL CORP							
8123246	07530						
					RECEIVED: 03/30/81	JA:	OK
		3509520226	102		GAYNOR #1		

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FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME			FIELD NAME	PROD	PURCHASER
-MARSHALL OIL CORP					RECEIVED: 03/30/81	JA: OK				
8123246	07530	3509520226	102		GAYNOR #1			ISOM SPRINGS	15.0	NATURAL GAS PIPELINE
-MOBIL OIL CORP					RECEIVED: 03/30/81	JA: OK				
8123248	10518	3503920360	107		TED WEBB B UNIT NO 1			NORTH CUSTER CITY	1186.0	NATURAL GAS PIPELINE
-MUSTANG PRODUCTION CO.					RECEIVED: 03/30/81	JA: OK				
8123283	07966	3501121480	103		SUCCESSOR OF MAIL #1-17			GREENFIELD	150.0	DELHI GAS PIPELINE C
-INTERNORTH INC					RECEIVED: 03/30/81	JA: OK				
8123277	07803	3500721757	103		ANDERSON #1-34			MOCANE-LAVERNE	0.0	INTERNORTH INC
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 03/30/81	JA: OK				
8123261	07956	3507322539	103		ALIG A #1			HUNTON - MISS	0.0	PANHANDLE EASTERN PI
-QUANAH CO					RECEIVED: 03/30/81	JA: OK				
8123292	07973	3512120701	103		BRISTOW #1			BLOCKER-FEATHERSTON	100.0	SOUTH EAST TRANSMISS
8123281	07972	3512120700	103		LARRY ALLEN #1			BLOCKER-FEATHERSTON	100.0	SOUTH EAST TRANSMISS
-RAMBLER OIL CO					RECEIVED: 03/30/81	JA: OK				
8123301	08024	3509321846	103		OVIATT #1-22			SE ORION	0.0	DELHI PIPELINE CO
-RED EAGLE OIL CO					RECEIVED: 03/30/81	JA: OK				
8123293	07971	3509321937	103		GOFF NO 1			SOONER TREND	146.0	
-SAMSON RESOURCES COMPANY					RECEIVED: 03/30/81	JA: OK				
8123250	08042	3506120333	103		FLOYD NO 1			KINTA	255.5	ARKANSAS LOUISIANA G
-SEARCH DRILLING CO					RECEIVED: 03/30/81	JA: OK				
8123288	07504	3502520422	102		TWOMBLY #1-22A			E BAMPSEL	133.0	PANHANDLE EASTERN PI
-TEXAS OIL & GAS CORP					RECEIVED: 03/30/81	JA: OK				
8123307	07777	3504500000	108		GRAY A #1			SO BISHOP	8.0	CITIES SERVICE
8123251	06682	3501720457	108		RICKER #1			WATONGA	20.0	OKLAHOMA GAS & ELECT
-THE GHK COMPANY					RECEIVED: 03/30/81	JA: OK				
8123248	07437	3503920295	102		HUTSON #1-15			ATOKA	470.0	MICHIGAN-WISCONSIN P
-UNION OIL COMPANY OF CALIF					RECEIVED: 03/30/81	JA: OK				
8123272	05981	3508520343	103		HOFFMAN #2-2			NE ORR	90.0	
-W M & A P FULLER					RECEIVED: 03/30/81	JA: OK				
8123237	07282	3504721905	103		ELMER STUTZ NO 2			E WAUKOMIS	150.0	PANHANDLE EASTERN PI
-WARREN DRILLING CO INC					RECEIVED: 03/30/81	JA: OK				
8123259	07961	3509321773	103		EDWARDS #1-11			CHEYENNE VALLEY	75.0	PHILLIPS PETROLEUM C
-WOHNLICH OIL CO					RECEIVED: 03/30/81	JA: OK				
8123254	07991	3507323490	103		YORK NO 24-1			RINGWOOD	36.5	PHILLIPS PETROLEUM C
**********										
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK										
**********										
-DANCE OIL CO					RECEIVED: 03/30/81	JA: OK	8			
8123233		3511325589	103		LONG #1-3			LABARDIE DOMES	400.0	PHILLIPS PETROLEUM C
-ECC OIL CO					RECEIVED: 03/30/81	JA: OK	8			
*8123232		3511300000	103		MIGHTOWER 537-33			SOUTH EAST GUAPAW	107.0	OKAN GAS CO
-GEORGE C WALLACE					RECEIVED: 03/30/81	JA: OK	8			
8123234		3511300000	103		TOWER #1-8			SOUTH HOMINY LAKE	70.0	ANDOVER OIL CO
-HUDSON & ROBERTSON					RECEIVED: 03/30/81	JA: OK	8			
8123231		3511300000	103		HEARD #7			OKESA	18.0	NATIONAL ZINC
-RESERVE ENERGY CORP					RECEIVED: 03/30/81	JA: OK	8			
8123235		3511300000	103		COX NO 1-9				50.0	CITIES SERVICE GAS C

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CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	R: Revision of Redetermination by Jurisdictional Agency C: Correction to Prior Fed. Reg. Notice
81-14388	OK	Western Continent Oil Corp	HAZELTON 3-33	365	02-20-81	C: 102 Approved (Not 103)
81-14387	OK	Western Continent Oil Corp	SMITH 2-36	365	02-20-81	C: 102 Approved (Not 103)
81-17763	OK (35)	B & H Exploration Company	State Van Pelt No. 1	379		C: Depth 2300
81-07866	US 3	Shell Oil Company	OCS-G 3119 No. 1	338	12-31-80	C: Reservoir From OGRA to OGRB
81-02179	OK	Kaiser-Francis Oil Co	HARROD #1 Well	309	11-06-80	C: 103 and 102
81-19385	NM	ARCO Oil & Gas	Frederick H. Curry WN No. 5	387	03-20-81	C: 6.0(b) Contract Date

OTHER PURCHASERS

8123232 CITIES SERVICE GAS CO
8123238 PIONEER GAS PRODUCTS

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these procedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13043 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
-ADOBE OIL & GAS CORPORATION				RECEIVED: 03/25/81 JA: TX			
8123572	31292	4244500000	103	CLARE NO 2 WELL	PRENTICE (6700) FIELD	13.0	AMOCO PRODUCTION CO
8123570	31290	4244500000	103	CLARE NO 3 WELL	PRENTICE (6700)	8.0	AMOCO PRODUCTION CO
8123571	31291	4244500000	103	CLARE NO 4 WELL	PRENTICE (6700) FIELD	12.0	AMOCO PRODUCTION CO
8123473	30846	4213300000	102	KERR #6	MANGUM NORTH	25.0	ODESSA NATURAL CORP
-AGOIL INC				RECEIVED: 03/25/81 JA: TX			
8123310	12587	4246931302	102	MCCAN NO 7	CRANE (3300)	91.0	TENNESSEE GAS PIPELI
8123310	12587	4246931302	103	MCCAN NO 7	CRANE (3300)	91.0	TENNESSEE GAS PIPELI
8123311	12589	4246931301	102	MCCAN NO 9	CRANE (3100)	91.0	TENNESSEE GAS PIPELI
8123311	12589	4246931301	103	MCCAN NO 9	CRANE (3100)	91.0	TENNESSEE GAS PIPELI
-AMERADA HESS CORPORATION				RECEIVED: 03/25/81 JA: TX			
8123516	30987	4210520205	108	HELBING RANCH #2	OZONA	15.1	NORTHERN NATURAL GAS
8123501	30600	4250531163	102	LEONARD HAYNES ESTATE NO 8	LOS MOGOTES (WILDCAT)	183.0	NATURAL GAS PIPELINE
-AMMEX PETROLEUM CORP				RECEIVED: 03/25/81 JA: TX			
8123320	21474	4205100000	102	MASSEY-GRAVES #2 (12527)	GIDDINGS (AUSTIN CHALK)	263.0	CLAJON GAS CO
8123320	21474	4205100000	103	MASSEY-GRAVES #2 (12527)	GIDDINGS (AUSTIN CHALK)	263.0	CLAJON GAS CO
8123390	27409	4205130685	102	RUTH UNIT #1	GIDDINGS (AUSTIN CHALK)	150.0	CLAJON GAS CO
8123390	27409	4205130685	103	RUTH UNIT #1	GIDDINGS (AUSTIN CHALK)	150.0	CLAJON GAS CO
-AMMEX PETROLEUM INC				RECEIVED: 03/25/81 JA: TX			
8123349	25343	4205130624	102	HARVEY W SMITH #3	GIDDINGS (AUSTIN CHALK)	52.0	CLAJON GAS CO
8123349	25343	4205130624	103	HARVEY W SMITH #3	GIDDINGS (AUSTIN CHALK)	52.0	CLAJON GAS CO
-AMOCO PRODUCTION CO				RECEIVED: 03/25/81 JA: TX			
8123332	22976	4213532176	103	E F COWDEN A # 137	COWDEN SOUTH/CANYON 8790	25.5	PIONEER NATURAL GAS
8123536	31139	4234931410	102	H P BONNER GAS UNIT /B/ WELL NO 1	CHENEYBORO SW /9585/	180.0	VALERO TRANS CO
8123536	31139	4234931410	107	H P BONNER GAS UNIT /B/ WELL NO 1	CHENEYBORO SW /9585/	180.0	VALERO TRANS CO
8123599	31410	4239330773	103	J B WATERFIELD B NO 4	N W MENDOTA	209.0	MICHIGAN-WISCONSIN P
8123535	31138	4228330773	102	ROSBOROUGH GAS UNIT /B/ WELL NO 1	BLOCKER/COTTON VALLEY/	290.0	UNITED GAS PIPE LINE
8123535	31138	4228330773	107	ROSBOROUGH GAS UNIT /B/ WELL NO 1	BLOCKER/COTTON VALLEY/	290.0	UNITED GAS PIPE LINE
-ANCIL T FULLER				RECEIVED: 03/25/81 JA: TX			
8123439	29426	4223900000	102	WEIDE-KOOP GAS UNIT #1	E INEZ	100.0	UNITED GAS PIPELINE
8123439	29426	4223900000	103	WEIDE-KOOP GAS UNIT #1	E INEZ	100.0	UNITED GAS PIPELINE
-ARCO OIL AND GAS COMPANY				RECEIVED: 03/25/81 JA: TX			
8123632	31541	4221531058	103	ARCADIA GUERRA #5	SAN SALVADOR (7900)	265.0	TENNESSEE GAS PIPELI
8123608	31445	4244538823	103	ARCO FEE 25 #1	WARHORSE (CLEARFORK UP)	3.0	AMOCO PRODUCTION CO
8123352	25465	4236585207	102	J W WILTCHER GAS UNIT WELL #2	CARTHAGE	200.0	SOUTHERN NATURAL GAS
8123352	25465	4236585207	103	J W WILTCHER GAS UNIT WELL #2	CARTHAGE	200.0	SOUTHERN NATURAL GAS
8123609	31446	4206530785	103	R C WARE #21	PANHANDLE CARSON COUNTY	18.3	GETTY OIL CO
8123544	31191	4250131771	103	SABLE SAN ANDRES UNIT #48	SABLE (SAN ANDRES)	4.0	WARREN PETROLEUM CO
8123560	31262	4229530686	102	SORENSON-DIXON UNIT WELL #1-L	LEAR (LOWER MORROW)	36.5	TRANSWESTERN PIPELIN
-ARKLA EXPLORATION COMPANY				RECEIVED: 03/25/81 JA: TX			

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123344	25015	4236531040	102		JOE MAURITZEN #1	CARTHAGE (COTTON VALLEY)	250.0	ARKANSAS LOUISIANA G
-ART MACHIN & ASSOCIATES INC					RECEIVED: 03/25/81 JA: TX			
8123477	30081	4220130761	103		J M BOSCH NO C-1 WELL	LANSING NORTH (TRAVIS PE	480.0	ARKANSAS LOUISIANA G
-BAKER & TAYLOR DRILLING CO					RECEIVED: 03/25/81 JA: TX			
8123618	31447	4239330829	103		KILLEBREW #1	KILLEBREW (MORROW LO)	0.0	NORTHERN NATURAL GAS
-BASIN OPERATING CO LTD					RECEIVED: 03/25/81 JA: TX			
8123484	30228	4200130983	103		TEMPLE-EASTEX INC WELL NO 3	YELLOW BRANCH (WILCOX 25	212.0	DELHI GAS PIPELINE C
-BENNETT PRODUCTION CORP					RECEIVED: 03/25/81 JA: TX			
*8123382	27151	4223700000	108		CLOER	DEWEBER (CONGL)	15.0	KOCH OIL CO
*8123381	27138	4223700000	108		EARLENE TAYLOR	DEWEBER (CONGL)	5.0	KOCH OIL CO
-BLADE OIL CO					RECEIVED: 03/25/81 JA: TX			
8123612	31452	4223330933	103		J M SANFORD E#20 (84578)	PANHANDLE	0.0	PHILLIPS PETROLEUM C
8123611	31451	4223330891	103		J M SANFORD E#25 (84578)	PANHANDLE	0.0	PHILLIPS PETROLEUM C
-BLAIR OIL COMPANY					RECEIVED: 03/25/81 JA: TX			
8123565	31280	4206530852	103		GREG #3	PANHANDLE - CARSON	20.5	PANHANDLE EASTERN PI
8123566	31281	4206530850	103		GREG #4	PANHANDLE - CARSON	21.9	PANHANDLE EASTERN PI
-BLANKS ENERGY CORP					RECEIVED: 03/25/81 JA: TX			
8123393	27571	4243130818	103		TERRY 17-2L (25699)	W A M (FUSS)	84.0	INTRATEX GAS CO
-BORDER EXPLORATION CO					RECEIVED: 03/25/81 JA: TX			
*8123507	30702	4214330680	103		FULFER-CREECH NO 1	SINGLETON (BEND LIME)	74.0	VALERO ENERGY CORP
-CAB PETROLEUM CORP					RECEIVED: 03/25/81 JA: TX			
8123369	26486	4228730616	102		COLVIN UNIT NO 1 (88763)	GIDDINGS AUSTIN CHALK GA	360.0	P G P GAS PRODUCTS
8123369	26486	4228730616	103		COLVIN UNIT NO 1 (88763)	GIDDINGS AUSTIN CHALK GA	360.0	P G P GAS PRODUCTS
8123403	28507	4205130802	102		KARISCH NO 2 (13317)	GIDDINGS (AUSTIN CHALK)	365.0	CLAJON GAS CO
8123403	28507	4205130802	103		KARISCH NO 2 (13317)	GIDDINGS (AUSTIN CHALK)	365.0	CLAJON GAS CO
-CAL-TEX OIL CO					RECEIVED: 03/25/81 JA: TX			
8123603	31435	4206500000	103		GARNER-WARE (00108) NO 4	PANHANDLE CARSON COUNTY	7.0	GETTY OIL CO
8123607	31440	4206500000	103		GARNER-WARE (00108) NO 5	PANHANDLE CARSON COUNTY	1.0	GETTY OIL CO
8123604	31437	4206500000	103		GARNER-WARE (00108) NO 6	PANHANDLE CARSON COUNTY	5.0	GETTY OIL CO
8123605	31438	4206500000	103		GARNER-WARE (00108) NO 7	PANHANDLE CARSON COUNTY	5.0	GETTY OIL CO
8123606	31439	4206500000	103		GARNER-WARE (00108) NO 8	PANHANDLE CARSON COUNTY	18.0	GETTY OIL CO
-CARTER ENERGY CORP					RECEIVED: 03/25/81 JA: TX			
8123426	29284	4223732840	103		HARRY CAMPSEY #1	WHITLEY (CONGL 5600) FIE	216.0	TEXAS UTILITIES FUEL
8123425	29202	4223733276	103		LON CAMPSEY #1	WHITLEY (CONGL 5600) FIE	90.0	TEXAS UTILITIES FUEL
-CASHCO ENERGY CORPORATION					RECEIVED: 03/25/81 JA: TX			
8123370	26503	4218530237	102		BRUNNER NO 1	IOLA (SUBCLARKSVILLE) FI	0.0	LONE STAR GAS CO
8123370	26503	4218530237	103		BRUNNER NO 1	IOLA (SUBCLARKSVILLE) FI	0.0	LONE STAR GAS CO
8123372	26505	4218530240	102		RAGAN CREEK NO 1	IOLA (GEORGETOWN) FIELD	0.0	LONE STAR GAS CO
8123372	26505	4218530240	103		RAGAN CREEK NO 1	IOLA (GEORGETOWN) FIELD	0.0	LONE STAR GAS CO
8123371	26504	4218530234	102		SCAMARDO UNIT NO 1 WELL NO 1	HILL (SUBCLARKSVILLE) FI	0.0	LONE STAR GAS CO
8123371	26504	4218530234	103		SCAMARDO UNIT NO 1 WELL NO 1	HILL (SUBCLARKSVILLE) FI	0.0	LONE STAR GAS CO
8123376	26815	4218500000	102		WILLIAMS NO 1	WILDCAT FIELD	0.0	LONE STAR GAS CO
8123376	26815	4218500000	103		WILLIAMS NO 1	WILDCAT FIELD	0.0	LONE STAR GAS CO
-CENTURA INCORPORATED					RECEIVED: 03/25/81 JA: TX			
8123399	28263	4231130880	102		ROOS NO 1 (77723)	HOSTELLER NE (1700)	91.0	TEXAS EASTERN TRANSM
-CHEVRON U S A INC					RECEIVED: 03/25/81 JA: TX			
8123355	25602	4230130230	103		REGAN MC ELVAIN #18	WHEAT	1.0	PHILLIPS PETROLEUM C
-CHRISTIE ENERGY CO INC					RECEIVED: 03/25/81 JA: TX			
8123338	23786	4214330626	102		RICHARD D SWANNER WELL #1	CHANCELLOR (CONGLOMERATE	410.0	CHRISTIE GAS TRANSMI
-CIMMARON OIL CO INC					RECEIVED: 03/25/81 JA: TX			
8123451	29609	4222130631	102		WAYNE #2	GRANBURY NE	43.0	EMPIRE PIPE LINE COR
8123453	29636	4222130628	102		QUARLES GAS UNIT #1	GRANBURY NE (MARBLE FALL	365.0	EMPIRE PIPE LINE COR

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123452	29613	4222130624	102		RICHARDSON GAS UNIT #1	GRANBURY NE	255.5	EMPIRE PIPE LINE COR
-CIRCLE SEVEN PRODUCTION CO			RECEIVED: 03/25/81 JA: TX					
8123511	30818	4223732183	103		J GUNTER NO 1 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-CLAYTON W WILLIAMS JR			RECEIVED: 03/25/81 JA: TX					
8123417	28950	4228730673	102		ELMER J PARRISH -A- #1	GIDDINGS	13.1	VALERO TRANSMISSION
8123492	30309	4205130866	102		FRANKLIN J CHMELAR #1	GIDDINGS	113.9	VALERO TRANSMISSION
8123466	29936	4205100000	102		J SOBOTIK ET AL UNIT -A- #1	GIDDINGS	153.3	VALERO TRANSMISSION
8123465	29935	4205130872	102		RAYMOND KNESEK #2	GIDDINGS	244.4	VALERO TRANSMISSION
8123420	29013	4205130844	102		RUST 2A	GIDDINGS	0.0	VALERO TRANSMISSION
8123418	28951	4228730789	102		ZOCH-NOACK UNIT #1	GIDDINGS	86.4	VALERO TRANSMISSION
-COASTAL OIL & GAS CORP			RECEIVED: 03/25/81 JA: TX					
8123613	31455	4237530754	103		BIVINS 3305	PANHANDLE (RED CAVE)	10.0	COLORADO INTERSTATE
8123587	31346	4237530756	103		BIVINS 3309 S	PANHANDLE (RED CAVE)	16.0	COLORADO INTERSTATE
8123588	31348	4237530759	103		BIVINS 3701 RO	PANHANDLE (RED CAVE)	16.0	COLORADO INTERSTATE
8123496	30465	4237530733	103		BIVINS 55-4 S	PANHANDLE (RED CAVE)	3.0	COLORADO INTERSTATE
-COLA PETROLEUM INC			RECEIVED: 03/25/81 JA: TX					
*8123573	31293	4238331467	103		HOLT 110 NO 2	CALVIN (DEAN)	18.0	UNION TEXAS PETROLEU
*8123574	31294	4238331489	103		HOLT 132 NO 2	CALVIN (DEAN)	33.5	UNION TEXAS PETROLEU
-COLUMBIA GAS DEVELOPMENT CORP			RECEIVED: 03/25/81 JA: TX					
8123456	29664	4205131045	102		COLUMBUS PROF BLDGS WELL NO 2	GIDDINGS (AUSTIN CHALK)	103.0	FERGUSON CROSSING PI
-CONOCO INC			RECEIVED: 03/25/81 JA: TX					
8123590	31360	4243300000	108		A BRINKLEY JR -A- #27 (84263)	FLOWERS	0.3	CITIES SERVICE OIL C
*8123331	22871	4230100000	107		CONTINENTAL TXL #1 (86774)	CENTRAL PINAL DOME	225.5	TRANSCONTINENTAL GAS
8123594	27613	4237100000	108		J C TREES ESTATE "19" #1 (78441)	WAHA	6.5	DELHI GAS PIPELINE C
8123593	31363	4213500000	108		MRS L E WIGHT -A- #16 (23778)	COWDEN NORTH	10.3	AMOCO PROD CO.
8123589	31359	4247500000	108		RED WILSON #2 (08065)	WIL-JOHN	4.7	CLAJON
8123554	31227	4242700000	108		T B SLICK EST A NO 36 (84164)	RINCON	8.0	TENNESSEE GAS PIPELI
8123558	31255	4242700000	108		T B SLICK EST B NO 13 (63230)	RINCON (B-2 FRIO)	6.0	TENNESSEE GAS PIPELI
8123555	31229	4242700000	108		T B SLICK EST B NO 159 (70835)	RINCON (E 1 & 2)	9.0	TENNESSEE GAS PIPELI
8123592	31362	4248500000	108		T J & J L WAGGONER 836 (18376)	WICHITA COUNTY REGULAR	0.1	EAGLE PETROLEUM
8123591	31361	4248500000	108		T J & T L WAGGONER 845 (18376)	WICHITA COUNTY REGULAR	0.1	EAGLE PETROLEUM
8123595	31365	4238300000	108		UNIVERSITY #97 (00229)	BIG LAKE	1.9	DORCHESTER
8123594	31364	4200300000	108		W T FORD #38 (01665)	FUHRMAN-NIX	2.2	PHILLIPS PET CO
8123554	25492	4216300000	108		WASSON -48- #48 (17975)	WASSON	2.8	SHELL OIL CO
-CORPUS CHRISTI OIL AND GAS CO			RECEIVED: 03/25/81 JA: TX					
8123421	29141	4278330068	102		NO 12 STATE TRACT 520-L NW/4	EL GORDO (MIOCENE)	0.0	HOUSTON PIPE LINE CO
8123423	29144	4270330058	102		NO 4 STATE TRACT 520-L NW/4	EL GORDO (MIOCENE)	0.0	HOUSTON PIPE LINE CO
8123422	29143	4270330062	102		NO 8 STATE TRACT 520-L NW/4	EL GORDO (MIOCENE)	0.0	HOUSTON PIPE LINE CO
-CRB OIL & GAS INC			RECEIVED: 03/25/81 JA: TX					
8123379	27023	4214930590	102		TAYLOR NO 1	GIDDINGS (AUSTIN CHALK)	146.0	CLAJON GAS CO
-D & G GAS & OIL CO			RECEIVED: 03/25/81 JA: TX					
8123506	30700	4212732075	103		STUMBERG NO 2	CATARINA SW (OLMOS)	182.0	VALERO TRANSMISSION
-D & J OPERATING INC			RECEIVED: 03/25/81 JA: TX					
8123464	29913	4239931563	102		ALFON JANSA #1 (90708)	JANSA (GARDNER)	73.0	EL PASO NATURAL GAS
-DALLAS TRUST CO			RECEIVED: 03/25/81 JA: TX					
8123374	26537	4236332103	102		STONE A NO 1	SANTO EAST (3800 CONGL)	189.5	SOUTHWESTERN GAS PIP
8123374	26537	4236332103	103		STONE A NO 1	SANTO EAST (3800 CONGL)	189.5	SOUTHWESTERN GAS PIP
-DELTA DRILLING CO			RECEIVED: 03/25/81 JA: TX					
8123357	25795	4236500000	103		BOWEN #1	NORTH BECKVILLE (COTTON	1191.0	NATURAL GAS PIPELINE
8123357	25795	4236500000	107		BOWEN #1	NORTH BECKVILLE (COTTON	1191.0	NATURAL GAS PIPELINE
*8123368	26467	4236500000	102		BRIGGS #1	BECKVILLE NORTH (COTTON	365.0	NATURAL GAS PIPELINE
*8123368	26467	4236500000	103		BRIGGS #1	BECKVILLE NORTH (COTTON	365.0	NATURAL GAS PIPELINE
8123339	23936	4241300000	103		JONES B #3	ELDORADO (CANYON)	111.0	NORTHERN NATURAL GAS
8123339	23936	4241300000	107		JONES B #3	ELDORADO (CANYON)	111.0	NORTHERN NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123596	31366	4200300000	108		W T FORD #39 (01665)	WASSON	2.8	SHELL OIL CO
8123597	31367	4200300000	108		W T FORD #40 (01665)	WASSON	2.8	SHELL OIL CO
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123509	30816	4223732183	103		J GUNTER NO 2 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123510	30817	4223732183	103		J GUNTER NO 3 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123512	30819	4223732183	103		J GUNTER NO 4 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123513	30820	4223732183	103		J GUNTER NO 5 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123514	30821	4223732183	103		J GUNTER NO 6 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123515	30822	4223732183	103		J GUNTER NO 7 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123516	30823	4223732183	103		J GUNTER NO 8 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123517	30824	4223732183	103		J GUNTER NO 9 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123518	30825	4223732183	103		J GUNTER NO 10 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123519	30826	4223732183	103		J GUNTER NO 11 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123520	30827	4223732183	103		J GUNTER NO 12 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123521	30828	4223732183	103		J GUNTER NO 13 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123522	30829	4223732183	103		J GUNTER NO 14 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123523	30830	4223732183	103		J GUNTER NO 15 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123524	30831	4223732183	103		J GUNTER NO 16 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123525	30832	4223732183	103		J GUNTER NO 17 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123526	30833	4223732183	103		J GUNTER NO 18 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123527	30834	4223732183	103		J GUNTER NO 19 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123528	30835	4223732183	103		J GUNTER NO 20 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123529	30836	4223732183	103		J GUNTER NO 21 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123530	30837	4223732183	103		J GUNTER NO 22 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123531	30838	4223732183	103		J GUNTER NO 23 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123532	30839	4223732183	103		J GUNTER NO 24 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123533	30840	4223732183	103		J GUNTER NO 25 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123534	30841	4223732183	103		J GUNTER NO 26 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123535	30842	4223732183	103		J GUNTER NO 27 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123536	30843	4223732183	103		J GUNTER NO 28 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123537	30844	4223732183	103		J GUNTER NO 29 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123538	30845	4223732183	103		J GUNTER NO 30 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123539	30846	4223732183	103		J GUNTER NO 31 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123540	30847	4223732183	103		J GUNTER NO 32 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123541	30848	4223732183	103		J GUNTER NO 33 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123542	30849	4223732183	103		J GUNTER NO 34 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123543	30850	4223732183	103		J GUNTER NO 35 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123544	30851	4223732183	103		J GUNTER NO 36 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123545	30852	4223732183	103		J GUNTER NO 37 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123546	30853	4223732183	103		J GUNTER NO 38 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123547	30854	4223732183	103		J GUNTER NO 39 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123548	30855	4223732183	103		J GUNTER NO 40 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123549	30856	4223732183	103		J GUNTER NO 41 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123550	30857	4223732183	103		J GUNTER NO 42 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123551	30858	4223732183	103		J GUNTER NO 43 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123552	30859	4223732183	103		J GUNTER NO 44 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123553	30860	4223732183	103		J GUNTER NO 45 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123554	30861	4223732183	103		J GUNTER NO 46 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123555	30862	4223732183	103		J GUNTER NO 47 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123556	30863	4223732183	103		J GUNTER NO 48 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123557	30864	4223732183	103		J GUNTER NO 49 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123558	30865	4223732183	103		J GUNTER NO 50 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123559	30866	4223732183	103		J GUNTER NO 51 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123560	30867	4223732183	103		J GUNTER NO 52 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123561	30868	4223732183	103		J GUNTER NO 53 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123562	30869	4223732183	103		J GUNTER NO 54 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123563	30870	4223732183	103		J GUNTER NO 55 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123564	30871	4223732183	103		J GUNTER NO 56 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123565	30872	4223732183	103		J GUNTER NO 57 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123566	30873	4223732183	103		J GUNTER NO 58 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123567	30874	4223732183	103		J GUNTER NO 59 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123568	30875	4223732183	103		J GUNTER NO 60 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123569	30876	4223732183	103		J GUNTER NO 61 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123570	30877	4223732183	103		J GUNTER NO 62 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123571	30878	4223732183	103		J GUNTER NO 63 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123572	30879	4223732183	103		J GUNTER NO 64 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123573	30880	4223732183	103		J GUNTER NO 65 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123574	30881	4223732183	103		J GUNTER NO 66 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123575	30882	4223732183	103		J GUNTER NO 67 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123576	30883	4223732183	103		J GUNTER NO 68 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123577	30884	4223732183	103		J GUNTER NO 69 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123578	30885	4223732183	103		J GUNTER NO 70 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123579	30886	4223732183	103		J GUNTER NO 71 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123580	30887	4223732183	103		J GUNTER NO 72 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123581	30888	4223732183	103		J GUNTER NO 73 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123582	30889	4223732183	103		J GUNTER NO 74 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123583	30890	4223732183	103		J GUNTER NO 75 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123584	30891	4223732183	103		J GUNTER NO 76 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123585	30892	4223732183	103		J GUNTER NO 77 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123586	30893	4223732183	103		J GUNTER NO 78 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123587	30894	4223732183	103		J GUNTER NO 79 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123588	30895	4223732183	103		J GUNTER NO 80 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123589	30896	4223732183	103		J GUNTER NO 81 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123590	30897	4223732183	103		J GUNTER NO 82 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123591	30898	4223732183	103		J GUNTER NO 83 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123592	30899	4223732183	103		J GUNTER NO 84 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123593	30900	4223732183	103		J GUNTER NO 85 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123594	30901	4223732183	103		J GUNTER NO 86 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123595	30902	4223732183	103		J GUNTER NO 87 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123596	30903	4223732183	103		J GUNTER NO 88 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123597	30904	4223732183	103		J GUNTER NO 89 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123598	30905	4223732183	103		J GUNTER NO 90 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123599	30906	4223732183	103		J GUNTER NO 91 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123600	30907	4223732183	103		J GUNTER NO 92 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123601	30908	4223732183	103		J GUNTER NO 93 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123602	30909	4223732183	103		J GUNTER NO 94 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123603	30910	4223732183	103		J GUNTER NO 95 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123604	30911	4223732183	103		J GUNTER NO 96 (79194)	RIGGS (CONGOMERATE)	0.0	SOUTHWESTERN GAS PIP
-DOMINION OIL & GAS CO			RECEIVED: 03/25/81 JA: TX					
8123605	30912	4223732183	103		J GUNTER NO 97 (79194)

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-DERNICK RESOURCES INC					RECEIVED: 03/25/81 JA: TX			
8123358	25957	4222130428	103		STEWART NO 1-U	LIPAN (STRAWN)	38.0	NORTHERN GAS PRODUCT
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 03/25/81 JA: TX			
8123621	31505	4221100000	108		BILLY JARVIS & SONS NO 5	CANADIAN S E	4.0	SOUTHWESTERN PUBLIC
8123317	28332	4219500000	108		J I STEELE B NO 5	TWIN	13.0	NORTHERN NATURAL GAS
8123620	31504	4239300000	108		LOIS WEBB NO 2-83	MENDOTA NW	11.0	SOUTHWESTERN PUBLIC
-DILLEY PRODUCTION CO					RECEIVED: 03/25/81 JA: TX			
8123575	31307	4216331822	103		GARCIA-ASTRO #1	PEARSALL (AUSTIN CHALK)	18.0	CACAHUATE GAS CORP
-DISCOVERY OPERATING INC					RECEIVED: 03/25/81 JA: TX			
8123596	31394	4241330967	102		LIN C #1	W O D (CANYON)	198.0	
8123596	31394	4241330967	103		LIN C #1	W O D (CANYON)	198.0	
*8123415	28933	4200332232	103		UNIVERSITY 11 #1	BLOCK 11 (WICHITA LOWER)	61.0	PHILLIPS PETROLEUM C
8123416	28934	4200332246	103		UNIVERSITY 12 #1	BLOCK 12 (YATES)	57.0	NORTHERN NATURAL GAS
-DYCO PETROLEUM CORPORATION					RECEIVED: 03/25/81 JA: TX			
8123474	3804A	4229500000	103		FRASS #1-105	FRASS MORROW (UPPER)	120.0	NORTHERN NATURAL GAS
-E L GREEN JR					RECEIVED: 03/25/81 JA: TX			
8123561	31263	4223300000	108		JOHNSON #1 (24632)	WEST PANHANDLE	5.0	PHILLIPS PETROLEUM C
-ENERGY RESERVES GROUP INC					RECEIVED: 03/25/81 JA: TX			
8123505	30697	4238331639	103		RUPERT P RICKER NO #8	CALVIN (DEAN)	18.7	UNION TEXAS PETROLEU
-ENSERCH EXPLORATION INC					RECEIVED: 03/25/81 JA: TX			
8123463	29844	4220300000	103		J T GEORGE NO 2	WHELAN	487.0	TEXAS EASTERN TRANSM
-ESENJAY PETROLEUM CORP					RECEIVED: 03/25/81 JA: TX			
8123365	26369	4235531570	102		F R SHORT NO 2-C	ROCKETT (6550)	25.0	ESPERANZA TRANSMISSI
8123365	26369	4235531570	103		F R SHORT NO 2-C	ROCKETT (6550)	25.0	ESPERANZA TRANSMISSI
8123364	26368	4235531570	102		F R SHORT NO 2-T	ROCKETT (6830)	730.0	ESPERANZA TRANSMISSI
8123364	26368	4235531570	103		F R SHORT NO 2-T	ROCKETT (6830)	730.0	ESPERANZA TRANSMISSI
-EUROPEAN SOUTHWEST CO					RECEIVED: 03/25/81 JA: TX			
8123396	27743	4213332323	103		T D JOINER #1	DESDEMONA (BRESSLER SAND	28.0	NORTH GORMAN GATHERI
-EXXON CORPORATION					RECEIVED: 03/25/81 JA: TX			
8123630	31530	4249531171	103		EUGENIA E BROWN #1	EMPEROR EAST (CLEARFORK	9.0	PIONEER NATURAL GAS
8123631	31531	4249531170	103		EUGENIA E BROWN #2	EMPEROR EAST (CLEARFORK	61.0	PIONEER NATURAL GAS
8123583	31320	4237133121	103		FORT STOCKTON UNIT #1125	FORT STOCKTON (YATES LOW	6.0	NUECES CO
*8123562	31264	4200332354	103		FULLERTON CLEARFORK UNIT #1435	FULLERTON	28.0	PHILLIPS PETROLEUM C
8123468	29992	4247532114	103		HOWE-STATE #2	HOWE (DEVONIAN)	440.0	INTRATEX GAS CO
8123627	31526	4210332301	103		J B TUBB A/C 1 #222U	SAND HILLS (MCKNIGHT)	4.0	EL PASO NATURAL GAS
8123582	31318	4210332366	103		J B TUBB A/C 1 #232L	SAND HILLS (TUBB)	24.0	EL PASO NATURAL GAS
8123597	31480	4247330314	102		KATY GAS FIELD UNIT 2 W-47	KATY GAS FIELD	450.0	AMOCO
8123628	31527	4208130932	103		LOU E JOHNSON ESTATE B #9	JAMESON (STRAWN)	85.0	
8123443	29536	4204730824	103		MCGILL BROS 459 (88694)	KELSEY DEEP (ZONE 22-C)	225.0	TRUNKLINE GAS CO
8123563	31265	4200332350	103		MEANS/SAN ANDRES/UNIT #6462	MEANS	4.0	PHILLIPS PETROLEUM C
8123581	31317	4208130588	103		R H HARRIS ESTATE #38	I A B (HARRIS SAND)	110.0	SUN GAS CO
8123580	31316	4216531724	103		ROBERTSON/CLEARFORK/UNIT #1845	ROBERTSON N (CLEARFORK 7	8.0	PHILLIPS PETROLEUM C
-FLOURNOY PRODUCTION COMPANY					RECEIVED: 03/25/81 JA: TX			
8123455	29648	4248930616	102		TODD GAS UNIT #1 WELL #1	CHESS SW	150.0	TENNESSEE GAS PIPELI
-FRAC INC					RECEIVED: 03/25/81 JA: TX			
8123629	31528	4200332343	103		W T FORD NO 1 WELL (26891)	FUHRMAN-MASCHO	73.0	PHILLIPS PETROLEUM C
-G DEPRANG OIL CO					RECEIVED: 03/25/81 JA: TX			
8123543	31177	4208331929	103		R E DEPRANG #1 (16403)	LINDA LOU (GARDNER)	6.0	UNION TEXAS PETROLEU
-GAGE & CO					RECEIVED: 03/25/81 JA: TX			
8123616	31484	4235330929	103		JAMES JAMESON A #1	JAMESON N (STRAWN)	8.0	SUN OIL CO
-GENERAL AMERICAN OIL COMPANY OF TEX					RECEIVED: 03/25/81 JA: TX			
*8123427	29243	4210332368	103		CENTRAL DUNE UNIT NO 3017	DUNE	18.0	WARREN PETROLEUM CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8123428	29244	4210332369	103		CENTRAL DUNE UNIT NO 6017	DUNE	10.0	WARREN PETROLEUM CO
-GENERAL PRODUCTION CORP					RECEIVED: 03/25/81 JA: TX			
8123401	28374	4205131013	103		HENRY SHEPARD NO 2	WILLARD (NAVARRO) FIELD	0.0	FERGUSON CROSSING PI
-GEODYNAMICS OIL AND GAS INC					RECEIVED: 03/25/81 JA: TX			
8123460	29809	4205130768	102		GRAFF #1	GIDDINGS (AUSTIN CHALK)	215.0	CLAJON GAS CO
8123586	31342	4205130966	102		PATTERSON B #3	STONE CITY (AUSTIN CHALK	96.0	CLAJON GAS CO
8123461	29810	4205130744	102		RUBACH #2	CALDWELL (AUSTIN CHALK)	204.0	CHAMPLIN PETROLEUM C
8123462	29811	4205130804	102		RYAN A #1	CALDWELL (AUSTIN CHALK)	250.0	CLAJON GAS CO
8123510	30810	4205100000	102		RYAN-LYON UNIT #1 WELL	CALDWELL (AUSTIN CHALK)	173.0	CLAJON GAS CO
8123478	30101	4205130357	102		VYCHOPEN #2	CALDWELL (AUSTIN CHALK)	105.0	CLAJON GAS CO
-GEORGE H MITCHELL					RECEIVED: 03/25/81 JA: TX			
8123442	29493	4237100000	108		STATE HART #1	ABELL (PERMIAN GENERAL)	11.2	PGP GAS PRODUCTS INC
-GETTY OIL COMPANY					RECEIVED: 03/25/81 JA: TX			
8123346	25123	4236530944	103		BARNETT UNIT WELL #2	CARTHAGE (COTTON VALLEY)	270.0	DELHI GAS PIPELINE C
8123406	28680	4235300000	108		LAKE TRAMMEL UNIT NO 51	WEST LAKE TRAMMEL (CANYO	0.1	EL PASO NATURAL GAS
8123343	24826	4235300000	108		NORTH NENA LUCIA UNIT #24	NENA LUCIA (STRAWN REEF)	0.3	WEST LAKE NATURAL GA
8123351	25424	4236500000	103		WERNER D WELL #2	CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELINE C
8123350	25421	4236500000	103		WERNER-SPRADLEY WELL #2	CARTHAGE (COTTON VALLEY)	0.0	DELHI GAS PIPELINE C
-GIBSON DRILLING CO					RECEIVED: 03/25/81 JA: TX			
8123313	17162	4248103067	103		W F ARNOLD ESTATE NO 1-A	SCOOBER CREEK (RODESS-HI	365.0	DELHI GAS PIPELINE C
-GMW CORP					RECEIVED: 03/25/81 JA: TX			
8123614	31459	4249531139	103		COMANCHE UNIT WELL #5	CHEYENNE (CAPITAN)	6.0	EL PASO NATURAL GAS
-GOLDKING PRODUCTION COMPANY					RECEIVED: 03/25/81 JA: TX			
8123333	23064	4217531270	102		J T DENTON NO 1	HORDES CREEK (UPPER MASS	584.0	
8123514	30933	4208931073	103		LEO DRLIK ET AL #2	FRANKA (6200)	61.0	HOUSTON PIPELINE CO
8123334	23199	4248131895	102		POOLE NO 2 (066382)	LISSIE SOUTH	730.0	TENNESSEE GAS PIPELI
-GOLDSTON OIL CORP					RECEIVED: 03/25/81 JA: TX			
8123485	30260	4215731064	103		HELEN J FARMER WELL NO 1 (912139)	NEEDVILLE (BLK 5 FRIO 57	182.0	PHILLIPS PETROLEUM C
-GRACE PETROLEUM CORPORATION					RECEIVED: 03/25/81 JA: TX			
8123378	26981	4223732826	102		W W CONKLIN ESTATE #1	LUCKY RIDGE NE (CONGL 51	150.0	NATURAL GAS PIPELINE
8123377	26972	4228930354	102		WELDON COX NO 1	BEAR GRASS (TRAVIS PEAK)	720.0	DELHI GAS PIPELINE C
-GRAND BANKS ENERGY CO					RECEIVED: 03/25/81 JA: TX			
*8123546	31202	4246131446	103		G R DAVIS ESTATE #1	DAVIS (WOLFCAMP)	95.2	MOBIL OIL CORP
-H & L OPERATING COMPANY					RECEIVED: 03/25/81 JA: TX			
8123615	31474	4235731042	102		HARRIS #1 (90594)	HUNTOON SW (BASAL MORROW	365.0	DIAMOND SHAMROCK COR
-H E BRYAN					RECEIVED: 03/25/81 JA: TX			
8123316	20177	4206530731	103		BUCKSHOT NO 1	PANHANDLE WEST	88.0	NORTHERN NATURAL GAS
-HAMMAN OIL & REFINING CO					RECEIVED: 03/25/81 JA: TX			
8123318	20373	4220130924	102		MANDELL #1 (84340)	CYPRESS (COCKFIELD A)	8.0	TENNESSEE GAS PIPELI
-HAROLD D COURSON					RECEIVED: 03/25/81 JA: TX			
8123540	31174	4217900000	108		CUBINE B #4 (25818)	PANHANDLE EAST	6.0	COLTEXO CORP
8123542	31176	4217900000	108		CUBINE B#2 (25808)	PANHANDLE EAST	7.0	COLTEXO CORP
8123504		4235700000	108		LEROY SMITH #1	FARNSWORTH SE/CLEVELAND	18.0	DIAMOND SHAMROCK COR
8123541	31175	4248300000	108		PAKAN #1 (39274)	PANHANDLE EAST	1.0	PHILLIPS PETROLEUM C
-HARRIS R FENDER					RECEIVED: 03/25/81 JA: TX			
8123529	31107	4223931479	102		E H SEIDEL #1	WATKINS CROSSING (FRIO)	208.0	HOUSTON PIPELINE CO
-HILL PRODUCTION CO					RECEIVED: 03/25/81 JA: TX			
8123559	31258	4240131016	102		GOLDSBERRY #2	BETTY JO (HILL) FIELD	900.0	DELHI GAS PIPELINE C
8123319	20556	4236530966	103		J D MCJIMSEY #1	BETHANY (COTTON VALLEY)	300.0	DELHI GAS PIPELINE C
8123319	20556	4236530966	107		J D MCJIMSEY #1	BETHANY (COTTON VALLEY)	300.0	DELHI GAS PIPELINE C
-HILLIARD OIL & GAS INC					RECEIVED: 03/25/81 JA: TX			
8123400	28312	4206730311	102		C R PRUITT ET AL #1	KILDARE (SMACKOVER)	72.0	TEXAS EASTERN TRANSM

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-HNG OIL COMPANY					RECEIVED: 03/25/81 JA: TX			
8123395	27736	4230130251	107		LUDEMAN 6 #1	WILDCAT	1825.0	INTRATEX GAS CO
-HOU-TEX OIL & GAS CO					RECEIVED: 03/25/81 JA: TX			
8123494	30421	4235500000	102		THOMAS ERMIS UNIT NO 1	BAILEY W	0.0	DELHI GAS PIPELINE C
-HOUSTON OIL & MINERALS CORPORATION					RECEIVED: 03/25/81 JA: TX			
8123618	31501	4231732211	103		COOK #1	ACKERLY (DEAN SAND)	48.0	ADOBE OIL & GAS CORP
8123617	31500	4231732193	103		NAIL D11 #1	SPRABERRY (TREND AREA)	11.0	ADOBE OIL & GAS CORP
8123341	24573	4270330175	102		STATE TRACT 525-L (SE/4) NO 1	WEST CAVALLO	1332.0	VALLEY PIPELINE CO
8123341	24573	4270330175	103		STATE TRACT 525-L (SE/4) NO 1	WEST CAVALLO	1332.0	VALLEY PIPELINE CO
-HUGHES & HUGHES					RECEIVED: 03/25/81 JA: TX			
8123568	31284	4228730721	103		RAYMOND #1	GIDDINGS (AUSTIN CHALK)	264.0	CLAJON GAS CO
8123567	31283	4228730719	103		WHYTE #1	GIDDINGS (AUSTIN CHALK)	288.0	CLAJON GAS CO
-HUMBLE EXPLORATION CO INC					RECEIVED: 03/25/81 JA: TX			
8123315	19916	4228730511	102		PENELOPE #1 (85278)	GIDDINGS AUSTIN CHALK GA	3946.0	PHILLIPS PETROLEUM C
8123315	19916	4228730511	103		PENELOPE #1 (85278)	GIDDINGS AUSTIN CHALK GA	3946.0	PHILLIPS PETROLEUM C
-HUNT OIL COMPANY					RECEIVED: 03/25/81 JA: TX			
8123353	25479	4246131547	102		V T AMACKER 64 #1	AMACKER-TIPPETT W (STRAW	19.0	EL PASO NATURAL GAS
-J CLEO THOMPSON					RECEIVED: 03/25/81 JA: TX			
8123498	30303	4210532924	103		UNIVERSITY 36-1	OZONA CANYON	64.0	PHILLIPS PETROLEUM C
-J M PALMER					RECEIVED: 03/25/81 JA: TX			
8123569	31288	4210332345	103		JACK BELL NO 2 WELL (234349)	DAWSON E (DEVONIAN)	2.7	PHILLIPS PETROLEUM C
-J R HAMILTON					RECEIVED: 03/25/81 JA: TX			
8123450	29581	4213100000	102		V CUELLAR NO 3 (90026)	J R FIELD (5940)	150.0	VALERO TRANSMISSION
-JACK HUFF					RECEIVED: 03/25/81 JA: TX			
8123448	29571	4200332184	103		JACK HUFF ARCO UNIVERSITY #1	MARTIN CLEARFORK SOUTH	58.0	PHILLIPS PETROLEUM C
-JACKSON EXPLORATION INC					RECEIVED: 03/25/81 JA: TX			
8123531	31112	4246131442	103		OBERHOLTZER #2	SPRABERRY (TREND AREA)	30.0	PHILLIPS PETROLEUM C
8123532	31117	4246131443	103		OBERHOLTZER #3	SPRABERRY (TREND AREA)	30.0	PHILLIPS PETROLEUM C
8123549	31217	4246131444	103		OBERHOLTZER #4	SPRABERRY (TREND AREA)	30.0	PHILLIPS PETROLEUM C
-JOHN M HENDRIX CORP					RECEIVED: 03/25/81 JA: TX			
8123680	31422	4203330589	103		CLARA GOOD #1	CLARA GOOD (FUSSELMAN)	28.0	GETTY OIL CO
-JOHN L COX					RECEIVED: 03/25/81 JA: TX			
8123414	28930	4246131601	103		NEAL ESTATE 14-B #1	BENEDUM (FUSSELMAN)	28.0	EL PASO NATURAL GAS
-JOHN RUSH VANN					RECEIVED: 03/25/81 JA: TX			
8123476	30078	4236700000	103		O L JONES UNIT NO 1 - WELL #1 (778*	BRAZOS E (CADDO)	108.0	TEXAS UTILITIES FUEL
8123479	30144	4236700000	103		R HILL UNIT - WELL #1 (78021)	BRAZOS E (STRAWN)	108.0	TEXAS UTILITIES FUEL
-JOHN T PALMER					RECEIVED: 03/25/81 JA: TX			
8123481	30196	4241900000	102		SELF EUGENE #1	CENTER WEST (TRAVIS PEAK	250.0	TEXAS EASTERN TRANSM
-KEITH D GRAHAM					RECEIVED: 03/25/81 JA: TX			
*8123467	29943	4205130673	102		KOEHLER #1	GIDDINGS (AUSTIN CHALK)	137.0	CHAMPLIN PETROLEUM C
*8123480	30188	4205131093	102		POEHL-TELG UNIT #1	GIDDINGS (AUSTIN CHALK)	227.0	CHAMPLIN PETROLEUM C
8123482	30203	4205130969	102		SPENCER UNIT #1	GIDDINGS (AUSTIN CHALK)	75.3	FERGUSON CROSSING PI
-LA SALLE ENERGY CORP					RECEIVED: 03/25/81 JA: TX			
8123491	30306	4205130895	102		J R UNIT #1	GIDDINGS (AUSTIN CHALK)	365.0	CLAJON GAS CO
-LEAR PETROLEUM CORPORATION					RECEIVED: 03/25/81 JA: TX			
8123413	28894	4224500000	102		LEAR NO 1 KOELEMAY	DOYLE LEGER	360.0	PRODUCERS GAS CO
-LEWIS ENERGY CORP					RECEIVED: 03/25/81 JA: TX			
*8123359	26043	4224931180	103		JORDAN NO 1-C	LA GLORIA (HORNSBY A)	750.0	TRANSCONTINENTAL GAS
-MARALO INC					RECEIVED: 03/25/81 JA: TX			
8123419	28981	4222731647	102		KILPATRICK #1	LUTHER SE (PENN REEF)	279.0	EL PASO NATURAL GAS
8123419	28981	4222731647	103		KILPATRICK #1	LUTHER SE (PENN REEF)	279.0	EL PASO NATURAL GAS
-MCCORMICK OPERATING CO					RECEIVED: 03/25/81 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123441	29483	4234931322	102		HARVARD UNIT #1	CHENEYBORO (COTTON VALLE	130.0	LONE STAR GAS CO
-MCGOLDRICK OIL COMPANY					RECEIVED: 03/25/81 JA: TX			
8123486	30289	4236530938	107		DANIELS GAS UNIT #1 WELL #1 (85277)	BECKVILLE W (COTTON VALL	400.0	UNITED GAS PIPELINE
-MGF OIL CORP					RECEIVED: 03/25/81 JA: TX			
8123557	31254	4231732242	103		HENSON #2	GORDON STREET WEST (WOLF	28.8	
8123556	31253	4203330616	103		LEMON #1	ACKERLY (DEAN SAND)	21.9	
-MITCHELL ENERGY CORPORATION					RECEIVED: 03/25/81 JA: TX			
8123335	23211	4250333683	103		C A MCMURTRY #1	GERMAN WEST (CADDO)	310.0	SOUTHWESTERN GAS PIP
8123397	28052	4236300000	108		C C MCCLURE #7 (76130)	PALO PINTO S W (STRAWN)	4.0	SOUTHWESTERN GAS PIP
8123398	28055	4249700000	108		E T REDELL #1 (46816)	BOONSVILLE (BEND CONGL G	0.0	SOUTHWESTERN GAS PIP
8123405	28565	4249700000	108		JOE M SMITH #1 (28807)	BOONSVILLE (BEND CONGL G	7.0	NATURAL GAS PIPELINE
8123408	28864	4223700000	108		LIZZIE HENSON #2 (13171)	CHICO WEST (CONGL 5700)	5.0	NATURAL GAS PIPELINE
8123407	28862	4223700000	108		R L MORRIS C #1 (17823) (KATIE)	MORRIS (CONSOLIDATED CON	13.0	UPHAM OIL & GAS
8123545	31195	4249731815	103		R P MALONE #8-2	ALVORD (CADDO CONGLOMERA	21.0	NATURAL GAS PIPELINE
8123326	22421	4223700000	108		R R GILLEY #4 (16722)	GILLEY WEST (ATOKA CONGL	4.4	CITIES SERVICE GAS C
8123404	28559	4249700000	108		S M GOSE #1 (42846)	CHICO WEST (CONGL 5700)	5.0	NATURAL GAS PIPELINE
8123380	27101	4249731797	103		T W WOMACK #5	BOONSVILLE (BEND CONGL G	50.0	NATURAL GAS PIPELINE
8123409	28870	4249700000	108		W M PORTWOOD #2 (35785)	BOONESVILLE (BEND CONGL	12.0	NATURAL GAS PIPELINE
8123356	25729	4223733020	103		WILLIAM WILLIAMS #2	BOONESVILLE (BEND CONGL	57.9	SOUTHWESTERN GAS PIP
-MOBIL PROD TEXAS & NEW MEXICO INC					RECEIVED: 03/25/81 JA: TX			
8123539	31173	4246131381	103		AMERICAN REPUBLIC A NO 4	PEGASUS (SPRABERRY)	8.4	EL PASO NATURAL GAS
8123538	31168	4232930920	103		SHACKELFORD SPRABERRY UNIT NO 132	SPRABERRY (TREND AREA)	9.9	EL PASO NATURAL GAS
8123431	29286	4230130257	102		W D JOHNSON ET AL E NO 1	DIMMIT (CHERRY CANYON)	20.1	INTRATEX GAS CO
8123495	30422	4230130258	102		W D JOHNSON ET AL F NO 1	DIMMIT (CHERRY CANYON)	132.5	INTRATEX GAS CO
-MONSANTO CO					RECEIVED: 03/25/81 JA: TX			
8123488	30292	4207931251	103		STARNES 41-36	LEVELLAND	5.3	
8123489	30294	4207931250	103		STARNES 41-37	LEVELLAND	10.5	CITIES SERVICE CO
-MONSANTO COMPANY					RECEIVED: 03/25/81 JA: TX			
8123487	30291	4207931249	103		STARNES 41-26	LEVELLAND	10.5	CITIES SERVICE CO
-MOSBACHER PRODUCTION CO					RECEIVED: 03/25/81 JA: TX			
8123471	30022	4205130798	102		ROBERT F SPEARMAN C WELL NO 1	GIDDINGS (AUSTIN CHALK)	63.0	CLAJON GAS CO
-MUSTANG EXPLORATION CO INC					RECEIVED: 03/25/81 JA: TX			
8123449	29580	4214930397	102		CHERRY #1	GIDDINGS (AUSTIN CHALK)	125.0	PHILLIPS PETROLEUM C
8123366	26422	4246931345	102		WEST WELL NUMBER 1	NURSERY (2800)	120.0	VALERO TRANSMISSION
-NATURAL ENERGY PRODUCTION CO					RECEIVED: 03/25/81 JA: TX			
8123329	22440	4249700000	103		J J WILSON A #1 (85148)	BOONSVILLE (BEND CONGL G	212.0	NATURAL GAS PIPELINE
8123345	25090	4249700000	103		MCDONALD #1 (87282)	BOONSVILLE BEND (CONGL G	0.0	SOUTHWESTERN GAS PIP
8123328	22436	4223732834	103		RUTH BERRY BOWEN #1 (19712)	MARYETTA SE (CONGL)	0.0	LONE STAR GAS CO
8123330	22453	4249700000	103		WADSWORTH #1 (82698)	PARK SPRINGS (CONGL)	0.0	TEXAS UTILITIES FUEL
-NEUMIN PRODUCTION CO					RECEIVED: 03/25/81 JA: TX			
8123373	26515	4223900000	102		IRA SCOVILLE (FRANCITAS GAS UNIT) •	FRANCITAS (F-13)	184.0	ALUMINUM CO OF AMERI
-NEV-TEX OIL & GAS INC					RECEIVED: 03/25/81 JA: TX			
8123469	30008	4208332005	103		ANNABELLE #2 (89187)	BERRYMAN (KICHI CREEK LI	458.0	ODESSA NATURAL CORP
-OILWELL OPERATORS INC					RECEIVED: 03/25/81 JA: TX			
8123509	30784	4217900000	108		HOLMES #3 (00259)	PANHANDLE-WEST	6.0	PHILLIPS PETROLEUM C
8123440	29458	4250300000	102		WOODARD #1	CREE (4700 CONGLOMERATE)	308.0	SOUTHWESTERN GAS PIP
-OLSEN ENERGY INC					RECEIVED: 03/25/81 JA: TX			
8123493	30338	4213533495	103		PARKER #4	HARPER	4.0	PHILLIPS PETROLEUM C
-OTEX ENERGY INC					RECEIVED: 03/25/81 JA: TX			
8123601	31425	4235730991	103		BROWNLEE RANCH NO 1-136 (84555)	DUTCHER-CLEVELAND	27.2	PHILLIPS PETROLEUM C
-OTTO PETROLEUM CO					RECEIVED: 03/25/81 JA: TX			
•8123312	14866	4208930878	102		A J HRUZEK JR	AMERICAN (3100)	188.0	COLORADO GAS GATHERI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-OUTLINE OIL CORP					RECEIVED: 03/25/81 JA: TX			
8123638	31559	4246900000	108		HEINOLD UNIT NO 1 (51448)	MISSION VALLEY (8650)	20.0	TRANSCONTINENTAL GAS
-PARAFFINE OIL CORP					RECEIVED: 03/25/81 JA: TX			
8123584	31324	4246931572	102		KEERAN B NO 1-C	KEERAN E (8530)	50.0	FLORIDA GAS TRANSMIS
8123533	31118	4246931573	102		KEERAN C NO 1	KEERAN EAST (7550)	7.0	FLORIDA GAS TRANSMIS
8123533	31118	4246931573	103		KEERAN C NO 1	KEERAN EAST (7550)	7.0	FLORIDA GAS TRANSMIS
8123534	31119	4205731024	103		P H WELDER C NO 1-L	HEYSER SE (SANDY 6-13)	250.0	FLORIDA GAS TRANSMIS
8123534	31119	4205731024	102		P H WELDER C NO 1-L	HEYSER SE (SANDY 6-13)	250.0	FLORIDA GAS TRANSMIS
-PARKER & PARSLEY INC					RECEIVED: 03/25/81 JA: TX			
8123579	31315	4231732236	103		ATCHISON WELL NO 1	SPRABERRY (TREND AREA)	15.0	ADOBE OIL & GAS CORP
8123578	31313	4232930931	103		DANIEL WELL NO 1	SPRABERRY (TREND AREA)	15.0	EL PASO NATURAL GAS
8123577	31310	4231732257	103		RICHARDS E WELL NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
8123576	31308	4232930933	103		WINDHAM A WELL NO 1	PEGASUS (SPRABERRY)	15.0	PHILLIPS PETROLEUM C
-PAUL DE CLEVA					RECEIVED: 03/25/81 JA: TX			
8123517	31006	4249731381	103		FLORIDA NO 1	BOONSVILLE (BEND CONGL)	89.0	NATURAL GAS P L CO O
8123518	31009	4249731036	103		RHINE NO 1	BOONSVILLE (BEND CONGL)	160.0	NATURAL GAS P L CO O
-PAYNE OIL FIELD CONSULTING & OPER					RECEIVED: 03/25/81 JA: TX			
8123475	30077	4249731889	103		CLARK NO 1	TERESA (CONGL)	80.0	NATURAL GAS PIPELINE
-PENNZOIL PRODUCING COMPANY					RECEIVED: 03/25/81 JA: TX			
8123483	30213	4235300000	103		CLARA DRISCOLL NO A 14-D	AGUA DULCE (7150 SAND)	347.0	UNITED GAS PIPE LINE
8123622	31508	4235500000	108		CLARA DRISCOLL NO A-15-L	AGUA DULCE (7150 SAND)	4.0	UNITED GAS PIPE LINE
-PHARAOH & ASSOCIATES INC					RECEIVED: 03/25/81 JA: TX			
8123348	25331	4205130534	102		ALVIN HEIN NO 1	CALDWELL (AUSTIN CHALK)	188.0	FERGUSON CROSSING PI
8123348	25331	4205130534	103		ALVIN HEIN NO 1	CALDWELL (AUSTIN CHALK)	188.0	FERGUSON CROSSING PI
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 03/25/81 JA: TX			
8123391	27444	4242100000	108		DEMPSEY #1	TEXAS HUGOTON	0.0	PANHANDLE EASTERN PI
8123634	31555	4242100000	108		IVENS M #1	TEXAS HUGOTON	0.0	MICHIGAN WISCONSIN P
8123635	31556	4206500000	108		JORDAN D #25	PANHANDLE CARSON	0.0	GETTY OIL CO.
8123633	31554	4223300000	108		LAND S #2	PANHANDLE WEST	0.0	PANHANDLE EASTERN PI
8123636	31557	4217900000	108		LEHMAN #1	PANHANDLE GRAY	0.0	
8123503	30674	4200304641	108		TEX UNIV CC #21 (22853)	HAGUTEX (STRAUN)	2.0	NORTHERN NATURAL GAS
-PITTS OIL CO & DALLAS PROD INC					RECEIVED: 03/25/81 JA: TX			
8123402	28379	4207330385	102		HOLCOMB NO 1	WHITE OAK CREEK (TRAVIS	685.0	DELHI GAS PIPELINE C
-QUEST PETROLEUM INC					RECEIVED: 03/25/81 JA: TX			
8123515	30949	4249700000	103		CARAWAY UNIT A-1	BOONESVILLE (BEND CONGL	0.0	NATURAL GAS PIPELINE
-QUINTIN LITTLE CO					RECEIVED: 03/25/81 JA: TX			
8123347	25195	4214930484	102		BALD EAGLE A-84	GIDDINGS (AUSTIN CHALK)	0.0	PHILLIPS PETROLEUM C
-R H ENGELKE					RECEIVED: 03/25/81 JA: TX			
8123497	30503	4246931422	103		A F SCHIFFBAUER ETAL NO 1-A	NORTH VICTORIA	73.0	TENNESSEE GAS PIPELI
-R L KIRKWOOD JR					RECEIVED: 03/25/81 JA: TX			
8123457	29731	4202531400	102		DAN A HUGHES WELL NO 4 (89885)	FRIENDSHIP CHURCH (3700)	0.0	VALERO TRANSMISSION
-RAY MERRING					RECEIVED: 03/25/81 JA: TX			
8123522	31021	4241293126	103		ROGERS #1	JOHNNY (CONGL UPPER)	146.0	WARREN PETROLEUM CO
-REALITOS ENERGY CORP					RECEIVED: 03/25/81 JA: TX			
8123410	28804	4246931666	102		A J HUBER NO 1	WILDCAT- PROPOSED COLETT	365.0	
-REMUDA OIL & GAS CO					RECEIVED: 03/25/81 JA: TX			
8123585	31341	4240100000	108		JARRELL NO 1 (71855)	MINDEN (TRAVIS PEAK)	7.7	TEXAS UTILITIES FUEL
8123502	30668	4218300000	103		LAWSON LACY UNIT NO 1 (802345)	WILLOW SPRINGS (TRAVIS P	36.5	WESTERN GAS CO
-ROY FARRELL					RECEIVED: 03/25/81 JA: TX			
8123362	26292	4214330521	103		JUANITA LITTLE NO 1	MORGAN MILL MARBLE FALLS	58.0	SOUTHWESTERN GAS PIP
-RYDER SCOTT OIL CO					RECEIVED: 03/25/81 JA: TX			
8123447	29564	4207731582	102		WINKLER #2	WINKLER (CONGL)	2.0	TEXAS UTILITIES FUEL

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-SAGE ENERGY CO					RECEIVED: 03/25/81 JA: TX			
8123361	26151	4205130700	102		BERT #1 (12950)	GIDDINGS (AUSTIN CHALK)	73.0	CLAJON GAS CO
8123360	26150	4214930422	102		PLUM UNIT (88014)	GIDDINGS (AUSTIN CHALK)	365.0	PHILLIPS PETROLEUM C
-SANCHEZ-OBRIEN MINERALS CORP					RECEIVED: 03/25/81 JA: TX			
8123375	26616	4247932690	102		MAYERS GAS UNIT NO 4 WELL NO 1	DELORES CREEK (8400 WILC	500.0	UNITED TEXAS TRANSMI
-SAXON OIL COMPANY					RECEIVED: 03/25/81 JA: TX			
8123564	31271	4246131646	103		WINDHAM E NO 1	SPRABERRY (TREND AREA)	20.0	EL PASO NATURAL GAS
-SEARCH DRILLING CO					RECEIVED: 03/25/81 JA: TX			
8123392	27512	4239330750	103		MAHLER #1-106	MENDOTA NW (GRANITE WASH	328.0	MICHIGAN-WISCONSIN P
-SOHIO PETROLEUM CO					RECEIVED: 03/25/81 JA: TX			
8123530	31108	4217331089	103		D J CAUBLE WELL NO 5	CALVIN (DEAN)	35.0	EL PASO NATURAL GAS
-SOUTHWESTERN GAS EXPLORATION CORP					RECEIVED: 03/25/81 JA: TX			
8123342	24645	4249700000	103		CHARLES TACKEL #1	BOONESVILLE (BEND CONGL)	301.6	SOUTHWESTERN GAS PIP
8123336	25268	4214330452	103		R T DRAKE A #1	MORGAN MILL (MARBLE FALL	95.3	ENERGY PIPELINE
-SPENCER & HUTSON					RECEIVED: 03/25/81 JA: TX			
8123513	30840	4214930648	103		LOIS WELL #1	GIDDINGS (AUSTIN CHALK)	219.0	SOUTH CEN-TEX GAS CO
8123512	30839	4214930647	103		WILMA WELL #1	GIDDINGS (AUSTIN CHALK)	146.0	SOUTH CEN-TEX GAS CO
-STAHL PETROLEUM CO					RECEIVED: 03/25/81 JA: TX			
*8123314	17800	4248300000	108		REID #1	EAST PANHANDLE	0.0	TRANSWESTERN PIPELIN
-STOVERS OIL & GAS					RECEIVED: 03/25/81 JA: TX			
8123383	27273	4217930758	103		COBB #2	WEST PANHANDLE	100.0	CABOT CORP
-SUBURBAN PROPANE GAS CORP					RECEIVED: 03/25/81 JA: TX			
8123458	29745	4205130614	102		HUDDLESTON UNIT WELL #1	CALDWELL/AUSTIN CHALK	25.6	CLAJON GAS CO
-SULPHUR RIVER EXPLORATION INC					RECEIVED: 03/25/81 JA: TX			
8123327	22427	4228900000	108		MCBRIDE GAS UNIT - (54760)	MCDEE/RODESSA	15.9	TEXAS UTILITIES FUEL
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 03/25/81 JA: TX			
8123550	31221	4250131823	103		BENNETT RANCH UNIT WELL #325	WASSON	3.3	SHELL OIL CO
8123384	27277	4236531115	103		C E MOORE NO 2	CARTHAGE	756.0	TEXAS GAS TRANSMISSI
8123528	31106	4242731407	103		D LAUREL NO 12	SUN NORTH	35.0	
8123553	31224	4243330550	103		I S MCMILLIN A/C 3 #14	FRANKIRK (ELLENBURGER)	0.6	CITIES SERVICE CO
8123552	31223	4243330551	103		I S MCMILLIN A/C 3 #15	FRANKIRK (ELLENBURGER)	1.2	CITIES SERVICE CO
8123551	31222	4243330801	103		I S MCMILLIN A/C 3 #16	FRANKIRK (ELLENBURGER)	4.5	CITIES SERVICE CO
8123508	30596	4214330582	102		INDIANOLA RAILROAD #3	INDIANOLA (STRAWN)	73.0	SOUTHWESTERN GAS PIP
8123526	31101	4239300000	108		PARSELL ESTATE NO 4U	PARSELL	19.0	TRANSWESTERN PIPELIN
8123508	30733	4242731427	103		SALAZAR-VILLARREAL UNIT-WELL 1	GARCIA	285.0	
8123521	21828	4246931492	102		SHELTON-WEST UNIT B WELL NO 1	PALO ALTO (-O- SAND LOWE	101.0	UNITED TEXAS TRANSMI
8123523	31097	4233531507	103		V T MCCABE A NO 15	JAMESON NORTH (STRAWN)	73.0	VALERO TRANS CO
8123524	31098	4233531689	103		V T MCCABE NO 31	JAMESON NORTH (STRAWN)	50.0	VALERO TRANS CO
8123525	31099	4233531784	103		V T MCCABE NO 35	JAMESON NORTH (ODOM)	85.0	VALERO TRANS CO
-SUPERIOR OIL CO					RECEIVED: 03/25/81 JA: TX			
8123367	26457	4216730784	103		NELSON-BAKER OIL UNIT NO 1	ALCOA (24 SAND)	2.0	FLORIDA GAS TRANSMIS
-TAHOE OIL & CATTLE CO					RECEIVED: 03/25/81 JA: TX			
8123309	07627	4223500000	108		SAMMY H SUGG NO 1 WELL	SIXTY-SEVEN (CANYON)	3.5	CRA INC
-TENNECO OIL COMPANY					RECEIVED: 03/25/81 JA: TX			
8123322	22386	4237330440	103		KINGSBURY CO HOLDING CORP NO 5	LIVINGSTON (2950 SAND)	60.0	UNITED TEXAS TRANSMI
-TEXACO INC					RECEIVED: 03/25/81 JA: TX			
8123499	30583	4247532134	103		STATE OF TEXAS DF #3	WAR-WIAK (S WOLFCAMP)	49.0	PIONEER NATURAL GAS
8123498	30542	4243130895	103		STERLING R FEE #1	CONGER (PENN)	145.0	VALERO TRANSMISSION
-TEXAS INTERNATIONAL PET CORP					RECEIVED: 03/25/81 JA: TX			
8123430	29411	4228730773	102		BARKER UNIT #1	GIDDINGS	274.0	CLAJON GAS CO
8123470	30011	4205131095	102		BLINKA-POEHL #1	GIDDINGS (AUSTIN CHALK)	438.0	CLAJON GAS CO
8123411	28887	4205130898	102		NACHOVSKY #2	GIDDINGS	292.0	CLAJON GAS CO
8123437	29410	4205130897	102		NACHOVSKY A-1	GIDDINGS	0.0	CLAJON GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

UD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123472	30045	4205130807	102		OBRIEN #1	GIDDINGS (AUSTIN CHALK)	67.0	CLAJON GAS CO
8123412	28888	4205130878	102		RAY LODEN #1	GIDDINGS (AUSTIN CHALK)	274.0	CLAJON GAS CO
8123459	29776	4205130879	102		WILHELM #1	GIDDINGS (AUSTIN CHALK)	158.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP			RECEIVED: 03/25/81 JA: TX					
8123623	31511	4240130637	103		BIRDWELL #1	MINDEN E (TRAVIS PEAK)	211.0	DELHI GAS PIPELINE C
8123548	31208	4229330422	103		EASTERLING #1	PERSONVILLE N (COTTON VA	365.0	DELHI GAS PIPELINE C
*8123547	31207	4216130428	103		HALE #1	REED (HAYNESVILLE)	329.0	DELHI GAS PIPELINE C
8123598	31405	4216130465	103		LEDBETTER GAS UNIT #2-1	REED (HAYNESVILLE)	331.0	DELHI GAS PIPELINE C
8123537	31165	4223931382	103		MOLINA & U #1	ANITA (6500)	78.0	UNITED GAS PIPELINE
8123363	26353	4229500000	102		PARKER F #1	KIOWA CREEK N (MORROW UP	2400.0	DELHI GAS PIPELINE C
8123626	31517	4207330361	103		SUMMERS #1	WHITE OAK CREEK (TRAVIS	129.0	DELHI GAS PIPELINE C
8123625	31516	4207330333	103		WHITEMAN GAS UNIT #1	WHITE OAK CREEK (TRAVIS	218.0	DELHI GAS PIPELINE C
8123624	31515	4207130929	103		WILLOW SLOUGH GAS UNIT #3-1	WILLOW SLOUGH (FB-B SD2)	278.0	DELHI GAS PIPELINE C
-THOMAS D COFFMAN			RECEIVED: 03/25/81 JA: TX					
8123445	029551	4214930698	102		HALL UNIT NO 1 (088987)	GIDDINGS (AUSTIN CHALK)	374.5	SOUTH CEN-TEX GAS CO
8123619	31502	4214930751	102		KUTAC NO 1 (095212)	GIDDINGS (AUSTIN CHALK)	55.8	SOUTH CEN-TEX GAS CO
8123444	029550	4214930319	102		MULLINS NO 1 (039236)	GIDDINGS (AUSTIN CHALK)	7.3	PHILLIPS PETROLEUM C
8123446	29552	4214930499	102		MULLINS NO 5 (074185)	GIDDINGS (AUSTIN CHALK)	7.7	PHILLIPS PETROLEUM C
8123386	27351	4214930365	102		NULL A NO 2 (055380)	GIDDINGS (AUSTIN CHALK)	600.0	SOUTH CEN-TEX GAS CO
8123387	27352	4214930343	102		NULL NO 1 (049820)	GIDDINGS (AUSTIN CHALK)	800.0	SOUTH CEN-TEX GAS CO
8123385	27342	4214930533	102		PARKER NO 1 (077734)	GIDDINGS (AUSTIN CHALK)	511.0	SOUTH CEN-TEX CO
-THOMAS D COFFMAN INC			RECEIVED: 03/25/81 JA: TX					
8123388	27354	4214930378	102		BROOME UNIT NO 1 (058186)	GIDDINGS BUDA	17.5	SOUTH CEN-TEX GAS CO
8123389	27355	4214930354	102		MULLINS NO 2 (052867)	GIDDINGS (AUSTIN CHALK)	227.0	SOUTH CEN-TEX GAS CO
-TRINITY RESOURCES INC			RECEIVED: 03/25/81 JA: TX					
8123429	29263	4203931469	102		DEBBIE NO 1 WELL	DANBURY DOME (F-5-A) FIE	250.0	VALERO TRANSMISSION
8123429	29263	4203931469	103		DEBBIE NO 1 WELL	DANBURY DOME (F-5-A) FIE	250.0	VALERO TRANSMISSION
-TSPI INC			RECEIVED: 03/25/81 JA: TX					
8123637	31558	4223300000	103		29A NO 1	PANHANDLE FIELD	188.0	PANHANDLE PRODUCING
-U S OPERATING INC			RECEIVED: 03/25/81 JA: TX					
8123424	29155	4228730570	102		BRENDA NO 1 (12978)	GIDDINGS (AUSTIN CHALK)	180.0	PGP GAS PRODUCTS INC
8123454	29644	4228730557	102		HELEN NO 1 (85684)	GIDDINGS (AUSTIN CHALK G	4426.0	PGP GAS PRODUCTS INC
-W E CARL			RECEIVED: 03/25/81 JA: TX					
8123602	31431	4248132847	102		JAMES MAREK #1	HILLJE (FRIO 5998)	182.0	HOUSTON PIPELINE CO
-WARREN PETR CO A DIV OF GULF OIL CO			RECEIVED: 03/25/81 JA: TX					
8123337	23714	4210332191	103		W M WADDELL ET AL TR A NO 1133	SAND HILLS (JUDKINS)	42.0	EL PASO NATURAL GAS
8123340	24125	4210332195	103		W M WADDELL ET AL TR A NO 1145	SAND HILLS (JUDKINS)	46.0	EL PASO NATURAL GAS
-WESSELY ENERGY CORPORATION			RECEIVED: 03/25/81 JA: TX					
8123438	29264	4216130594	103		E M COOPER WELL NO 1 (077802)	TEAGUE TOWNSITE (COTTON	620.0	UNITED TEXAS TRANSMI
8123438	29264	4216130594	107		E M COOPER WELL NO 1 (077802)	TEAGUE TOWNSITE (COTTON	620.0	UNITED TEXAS TRANSMI
-WHEELER OIL COMPANY			RECEIVED: 03/25/81 JA: TX					
8123434	29313	4208700000	103		BAKER #1	PANHANDLE EAST	27.0	EL PASO NATURAL GAS
8123436	29315	4208700000	103		JAMES #1	PANHANDLE EAST	126.0	EL PASO NATURAL GAS
8123435	29314	4248300000	103		SIMPSON #1	PANHANDLE EAST	75.0	EL PASO NATURAL GAS
8123432	29311	4208700000	103		WALKER #1	PANHANDLE EAST	8.9	EL PASO NATURAL GAS
8123433	29312	4248300000	103		WISCHKAEMPER #1	PANHANDLE EAST	324.0	EL PASO NATURAL GAS
-WORLD PRODUCERS INC			RECEIVED: 03/25/81 JA: TX					
8123527	31105	4236731747	102		CLAYTON #1	CLAYTON (CONGL)	280.0	SOUTHWESTERN GAS PIP
8123521	31020	4236731957	102		EARL KING #2	MOBY DICK (CONGL)	180.0	SOUTHWESTERN GAS PIP
8123520	31019	4236731919	102		LAMB #1	CLAYTON (CONGL)	200.0	SOUTHWESTERN GAS PIP
8123519	31018	4236731881	102		TIMMONS #2	TIMMONS (CADDO)	50.0	SOUTHWESTERN GAS PIP
-ZEPHYR OIL CO			RECEIVED: 03/25/81 JA: TX					

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123323	22405	4240100000	108		BAILEY E SMITH #1 (34593)	HENDERSON (RUSK COUNTY P	0.0	UNITED GAS PIPE LINE
8123325	22407	4240100000	108		MCNEE #2 (16156)	HENDERSON SOUTH (TRAVIS	10.0	TEXAS UTILITIES FUEL
8123324	22406	4240100000	108		PARMELEE #1 (16115)	HENDERSON (RUSK CO PETTI	14.0	TEXAS UTILITIES FUEL

OTHER PURCHASERS

8123312 TEXAS EASTERN TRANSMISSION CORP
8123314 WARREN PETROLEUM COMPANY
8123331 VALERO TRANSMISSION CO
8123359 NATURAL GAS PIPELINE CO OF AMERICA
8123368 UNITED GAS PIPELINE
8123381 CITIES SERVICE OIL CO
8123382 TEXAS UTILITIES & FUEL CO
8123415 EL PASO NATURAL GAS CO
8123427 PHILLIPS PETROLEUM CO
8123428 PHILLIPS PETROLEUM CO
8123467 FERGUSON CROSSING P/L CO
8123483 FERGUSON CROSSING P/L CO
8123507 VALERO TRANS CO
8123546 VALERO TRANS CO
8123547 UNITED TEXAS TRANS CO
8123562 AMOCO
8123573 EL PASO NATURAL GAS CO
8123574 EL PASO NAT GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.W., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 15, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13044 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1981.

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
********** OHIO DEPARTMENT OF NATURAL RESOURCES **********						
-ALMCO INC			RECEIVED: 04/01/81 JA: OH			
8123774		3410322475 103	ALBERS #1	GRANGER	20.0	
-ALSID OIL & GAS DEVELOPMENT CO			RECEIVED: 04/01/81 JA: OH			
8123823		3415521371 103	JEWELL #1	BLOOMFIELD	15.0	
8123824		3415521424 103	JEWELL #2	BRISTOL	15.0	
8123770		3409921022 103	WEIZENECKER #1	SMITH	15.0	
8123771		3409921230 103	WEIZENECKER #2	SMITH	15.0	
8123798		3412121546 103	WILLIAMS-BOND 699	BUFFALO	15.0	
-AMERICAN WELL MANAGEMENT COMPANY			RECEIVED: 04/01/81 JA: OH			
8123793		3411925466 103	RILLA KNIGHT NO 1	NEWTON	18.0	
-ATLAS ENERGY GROUP INC			RECEIVED: 04/01/81 JA: OH			
8123821		3415520688 108	ADAMS NO 1		24.0	COLUMBIA GAS TRANSMI
8123815		3413522401 103	CARVER BASINAIS NO 2	DEERFIELD	0.0	EAST OHIO GAS CO
-BEREA OIL AND GAS CORPORATION			RECEIVED: 04/01/81 JA: OH			
8123792		3411924824 103	DRILL #2	RICH HILL	0.0	COLUMBIA GAS TRANSMI
8123797		3411925553 103	WICKHAM #1	RICH HILL	0.0	COLUMBIA GAS TRANSMI
-BJVC ENERGY MANAGEMENT CORP			RECEIVED: 04/01/81 JA: OH			
8123778		3410521697 103	CHARLES GOEGLEIN #1	SAILSBURY	3.0	COLUMBIA GAS TRANSMI
-BREMEN ENERGY INC			RECEIVED: 04/01/81 JA: OH			
8123744		3404520662 103	VIRGIE SHARP #1	VIRGIE SHARP	45.0	NATIONAL GAS & OIL C
-BROWN PETROLEUM CORP			RECEIVED: 04/01/81 JA: OH			
8123737		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123742		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123760		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-BUCKHORN OIL COMPANY INC			RECEIVED: 04/01/81 JA: OH			
8123756		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123753		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-C W RIGGS INC			RECEIVED: 04/01/81 JA: OH			
8123830		3416724192 103	CHELLA THORNILEY #1-A	RENO	5.5	
8123831		3416724218 103	CHELLA THORNILEY #2-A	RENO	7.3	
8123832		3416724296 103	D MCKAY #1	RENO	3.7	
8123849		3416725626 103	DALE MOSSER #1	NEWPORT	3.7	
8123845		3416725435 103	DUNMOOR FARMS #5	RENO	4.4	
8123841		3416725058 103	ERNEST WHEATON #1	NEWPORT	4.8	
8123844		3416725431 103	ERNEST WHEATON #2	NEWPORT	4.8	
8123842		3416725287 103	ETHEL WEINSTOCK #1	RENO	4.3	
8123843		3416725365 103	F & R HAYS #1	NEWPORT	5.3	
8123828		3416724187 103	H SCHRAMM #2	RENO	3.7	
8123829		3416724191 103	HENRY KESSELING #7	RENO	11.0	
8123850		3416725814 103	HUGH PATTERSON #3	NEWPORT FIELD	4.3	
8123839		3416724934 103	KERMIT LANE #1	RENO	28.3	

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
-CABOT OIL & GAS CORP			RECEIVED: 04/01/81 JA: OH			
8123807		3415521424 103	JEWELL #2	BRISTOL	15.0	
8123808		3415521371 103	JEWELL #1	BLOOMFIELD	15.0	
8123809		3409921022 103	WEIZENECKER #1	SMITH	15.0	
8123810		3409921230 103	WEIZENECKER #2	SMITH	15.0	
8123811		3412121546 103	WILLIAMS-BOND 699	BUFFALO	15.0	
-CARLTON OIL CORP			RECEIVED: 04/01/81 JA: OH			
8123795		3411925466 103	RILLA KNIGHT NO 1	NEWTON	18.0	
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 04/01/81 JA: OH			
8123775		3410322475 103	ALBERS #1	GRANGER	20.0	
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123739		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123741		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123759		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123755		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123752		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123736		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123738		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123757		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123754		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123751		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123735		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123734		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123758		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123733		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123732		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123761		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123762		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123763		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123731		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123730		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123764		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123765		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123766		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123729		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123728		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123767		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123768		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123769		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123727		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123726		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123772		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123773		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123776		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123725		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123724		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123777		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123779		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123780		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123723		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123722		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123781		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123782		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123783		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123721		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123720		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123784		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123785		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123786		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123719		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123718		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123787		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123788		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123789		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123717		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123716		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123790		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123791		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123796		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123715		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123714		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123799		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123800		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123801		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123713		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123712		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123802		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123803		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123804		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123711		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123710		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123805		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123806		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123812		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123709		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123708		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123813		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123814		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123816		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123707		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123706		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123817		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123818		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123819		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123705		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123704		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123820		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123822		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123825		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123703		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123702		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123826		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123827		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123833		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123701		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123700		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123834		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123835		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123836		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123699		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123698		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123837		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123838		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123840		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123697		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123696		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123846		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123847		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123848		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123695		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123694		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123851		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123852		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123853		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123693		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123692		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123854		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123855		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123856		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123691		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123690		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123857		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123858		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123859		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123689		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123688		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123860		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123861		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123862		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123687		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123686		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123863		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123864		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123865		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123685		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123684		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123866		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123867		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123868		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123683		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123682		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123869		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123870		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123871		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123681		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123680		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123872		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123873		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123874		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123679		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123678		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123875		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123876		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123877		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123677		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123676		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123878		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123879		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123880		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123675		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123674		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123881		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123882		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123883		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123673		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123672		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123884		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123885		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123886		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123671		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123670		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123887		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123888		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123889		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123669		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123668		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123890		3407522905 103	SNOW #1	KILLBUCK	1.4	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123891		3407522719 103	HOUSE #5	KILLBUCK	20.0	COLUMBIA GAS TRANSMI
8123892		3407522610 103	SCHLAUCH #1	RICHLAND	0.0	COLUMBIA GAS TRANSMI
-CHARLES E BROWN			RECEIVED: 04/01/81 JA: OH			
8123667		3403123740 103	GROVES #1	BEDFORD	1.0	COLUMBIA GAS TRANSMI
8123666		3403124219 103	ROSS.#1C	BEDFORD	1.5	COLUMBIA GAS TRANSMI
8123893		3407522905 103	SNOW #1	KILL

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123827		3416724154	103		RICK SCHRAMM #1	RENO	5.5	
8123851		3416725898	103		SARAH J MATHERY #1	NEWPORT	4.8	
8123826		3416724141	103		SAVER-GUINN #3	RENO	3.7	
-CALTEK MINERALS CORP					RECEIVED: 04/01/81 JA: OH			
8123840		3416724998	103		ARTHUR HEARN #1	BELLS RUN	23.8	COLUMBIA GAS TRANSMI
8123834		3416724526	103		DEUCHER #1 WELL	INDEPENDENCE	23.7	COLUMBIA GAS TRANSMI
8123838		3416724810	103		FLOYD S & MARY DEPUY #1 WELL	LAWRENCE	23.7	COLUMBIA GAS TRANSMI
8123835		3416724613	103		FORREST TAYLOR #1 WELL	INDEPENDENCE	23.3	COLUMBIA GAS TRANSMI
8123836		3416724719	103		LYLE T FICKIESEN #1 WELL	NEWPORT	22.7	COLUMBIA GAS TRANSMI
8123833		3416724525	103		R S MEYER #1 WELL	INDEPENDENCE	21.8	COLUMBIA GAS TRANSMI
8123848		3416725549	103		WILLIAM DEPUY #1 WELL	LAWRENCE	18.3	COLUMBIA GAS TRANSMI
-CLAY COUNTY PRODUCTION	CO INC				RECEIVED: 04/01/81 JA: OH			
8123804		3412724627	103		A ARKOUSE #1	READING	12.5	COLUMBIA GAS TRANSMI
-CLINTON OIL CO					RECEIVED: 04/01/81 JA: OH			
8123752		3407522034	108		SEMAC INDUSTRIES #1		17.8	
-DANVILLE PIPE & SUPPLY	COMPANY				RECEIVED: 04/01/81 JA: OH			
8123763		3408322683	103		ISAAC MILLER 1-A	UNION	8.8	COLUMBIA GAS TRANSMI
-DERBY OIL & GAS CORP					RECEIVED: 04/01/81 JA: OH			
8123749		3405922843	103		ANDREW ZEMON #1	SPENCER	12.8	COLUMBIA GAS TRANSMI
8123748		3405922777	103		HARLEY STARR #1	SPENCER	12.8	COLUMBIA GAS TRANSMI
8123751		3405922880	103		HARRY WHITED #1	SPENCER	12.8	COLUMBIA GAS TRANSMI
8123750		3405922863	103		HARRY WHITED #2	SPENCER	12.8	COLUMBIA GAS TRANSMI
-DEVELOPMENT DRILLING MGMT CORP					RECEIVED: 04/01/81 JA: OH			
8123822		3415521219	103		ANDREW ZELENAK #2	NEWTON	48.8	COLUMBIA GAS TRANSMI
-DON MCKEE DRILLING CO INC					RECEIVED: 04/01/81 JA: OH			
8123767		3408923970	103		CAREY & KAREN DUDGEON #2	EDEN	5.8	OHIO FUEL SUPPLY CO
-DRILLERS PETROLEUM CORP					RECEIVED: 04/01/81 JA: OH			
8123837		3416724767	103		WILBER RINARD WELL #1	LUDLOW	60.8	
-DRILLEX INC					RECEIVED: 04/01/81 JA: OH			
8123766		3485202980	103		TRESGER INC M COTTER #1	PAINESVILLE	38.8	EAST OHIO GAS CO
-EDCO DRILLING & PRODUCING INC					RECEIVED: 04/01/81 JA: OH			
8123738		3403123765	103		BL-5A GAMERTSFELDER	CLARK	18.8	EDCO DRILLING & PROD
-EVERFLOW EASTERN INC					RECEIVED: 04/01/81 JA: OH			
8123769		3409928754	108		STRUDTHOFF #1	GOSHEN	18.8	AMERICAN ENERGY SERV
-FRANKLIN GAS & OIL CO INC					RECEIVED: 04/01/81 JA: OH			
8123817		3415123341	103		JOHN & RENA REGULA NO 1	SUGAR CREEK	8.8	COLUMBIA GAS TRANSMI
-GEO ENERGY INC					RECEIVED: 04/01/81 JA: OH			
8123794		3411925475	103		B KENNEDY #31-1	RICH HILL	5.8	
8123806		3412724773	103		LOGAN SAND & GRAVEL #10-1	MONROE	15.8	
-GIANT PETROLEUM CORPORATION					RECEIVED: 04/01/81 JA: OH			
8123732		3400716550	103		Z & M DAUTARTAS #2	COLEBROOK	20.8	EAST OHIO GAS CO
-GREEN GAS COMPANY					RECEIVED: 04/01/81 JA: OH			
8123746		3405921383	108		DAVIS #2		4.8	EAST OHIO GAS CO
-H L M CO					RECEIVED: 04/01/81 JA: OH			
8123754		3407522676	103		WOLGAMOTT #1	HOLME-KNOX TWP	20.8	COLUMBIA GAS TRANSMI
-HOPEWELL OIL AND GAS DEVELOPMENT CO					RECEIVED: 04/01/81 JA: OH			
8123782		3411121944	103		EARL ANDERSON #2	SUMMIT	12.8	
8123783		3411922036	103		HAROLD WEAVER #1	MALTA	12.8	COLUMBIA GAS TRANSMI
-IRVIN PRODUCING COMPANY					RECEIVED: 04/01/81 JA: OH			
8123796		3411925489	103		FRED D GUTRIDGE #2	HOPEWELL	12.8	NATIONAL GAS & OIL C
8123785		3411922778	103		GEORGE SIMS #1	WAYNE	12.8	COLUMBIA GAS TRANSMI
-J D DRILLING CO					RECEIVED: 04/01/81 JA: OH			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123745		3405320555	103		GEORGE & DOROTHY BOOTH #1	CHESHIRE	4.0	COLUMBIA GAS TRANSMI
8123779		3410521868	103		RAYMOND J SMITH #1	RUTLAND	3.0	COLUMBIA GAS TRANSMI
-JOHN C MASON					RECEIVED: 04/01/81 JA: OH			
8123740		3403124036	103		ALICE BICKLE #3	MONROE	10.0	NATIONAL GAS & OIL C
-L & M OPERATING INC					RECEIVED: 04/01/81 JA: OH			
8123807		3412724886	103		NEIL ADCOCK #3	READING	10.0	COLUMBIA GAS TRANSMI
-L & M PETROLEUM INC					RECEIVED: 04/01/81 JA: OH			
8123805		3412724628	103		ARKOUSE #4	READING	12.0	COLUMBIA GAS TRANSMI
-LAKE REGION OIL INC					RECEIVED: 04/01/81 JA: OH			
8123772		3410322336	103		JAMES ST VINCENT #2	SPENCER	10.0	COLUMBIA GAS TRANSMI
8123758		3407522806	103		RONALD & M ELAINE LANDON #1	KILLBUCK	10.0	COLUMBIA GAS TRANSMI
8123759		3407522819	103		WILLIS CHANEY #3	KILLBUCK	10.0	COLUMBIA GAS TRANSMI
-MARGARET SAMPLES					RECEIVED: 04/01/81 JA: OH			
8123764		3408322801	103		THEODORE & LOUISE FARMER #3	THEODORE & LOUISE FARMER	75.0	COLUMBIA GAS CO
-MILLER OIL & GAS CO					RECEIVED: 04/01/81 JA: OH			
8123741		3403124164	103		EPPLEY #1	CLARK	10.0	COLUMBIA GAS TRANSMI
-MURPHY OIL CO					RECEIVED: 04/01/81 JA: OH			
8123780		3410521997	103		JOHN A SMITH #1	SUTTON	5.0	
8123781		3410522055	103		WILLIAM AND RACHEL DOWNIE #1	SUTTON	5.0	
-OHIO PURE OIL CORP					RECEIVED: 04/01/81 JA: OH			
8123801		3412122451	103		DAVID L SOBIE #1	ELK	36.5	
-OMEGA OIL CORP					RECEIVED: 04/01/81 JA: OH			
8123802		3412122460	103		LOVE #1	ELK	36.5	
-ONEAL PRODUCTIONS INC					RECEIVED: 04/01/81 JA: OH			
8123747		3405922198	103		GREGORY #1	BUFFALO	22.5	COLUMBIA GAS TRANSMI
8123784		3411522225	103		HEATON #1	CENTER	28.0	TRANSWESTERN GAS SUP
-OXFORD OIL CO					RECEIVED: 04/01/81 JA: OH			
8123789		3411924336	108		DONALD SANDERS #1		20.0	NATIONAL GAS & OIL
8123735		3403122848	108		DOUGLAS SWIGERT #1		12.0	NATIONAL GAS & OIL
8123791		3411924722	108		GERALD SHAFFER #1		14.0	NATIONAL GAS & OIL
8123790		3411924369	108		GREG STEVENS #1		19.0	NATIONAL GAS & OIL
8123736		3403122990	108		JAMES SHEARN #1		2.0	NATIONAL GAS & OIL
8123788		3411924363	108		JOHN L SCANLON #1		8.0	NATIONAL GAS & OIL
8123787		3411924253	108		P L SHAW #1		9.0	NATIONAL GAS & OIL
8123765		3408322812	103		THOMAS GOSLEE #1		10.0	
-P & H PUMPING SERVICE					RECEIVED: 04/01/81 JA: OH			
8123808		3412724893	103		STURGEON WELL #4	HOPEWELL	4.0	NATIONAL GAS & OIL C
-PARTNERSHIP PROPERTIES CO					RECEIVED: 04/01/81 JA: OH			
8123776		3410521625	108		JAMES DREHEL #1		5.7	COLUMBIA GAS TRANSMI
-PENN-OHIO ENERGY CORP					RECEIVED: 04/01/81 JA: OH			
8123761		3407522919	103		TILLIE HOCHSTETLER B-3-1	BERLIN	75.0	COLUMBIA GAS TRANSMI
-PETROC CO					RECEIVED: 04/01/81 JA: OH			
8123786		3411922852	103		SPRING & WAGNER WELL #2	ADAMS	0.0	COLUMBIA GAS CO
-PETROCON INC					RECEIVED: 04/01/81 JA: OH			
8123816		3415123319	103		DIMMERLING A WELL #2	ORNABURG	0.0	
-POI ENERGY INC					RECEIVED: 04/01/81 JA: OH			
8123813		3413322314	103		AURORA COUNTRY CLUB #3	AURORA	13.0	
8123731		3400721651	103		HELINSKI #3	COLEBROOK	55.0	EAST OHIO GAS CO
8123720		3400721302	103		KAMPF #5	ROME	38.0	
8123722		3400721451	103		KLEIN #1	ROME	22.0	
8123723		3400721467	103		KLEIN #2	ROME	22.0	
8123728		3400721518	103		MATISH-SATTERFIELD #1	ROME	25.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123730		3400721561	103		MECKLEY-SIRRINE #2	ROME	50.0	EAST OHIO GAS CO
8123726		3400721489	103		MURCKO-BAUMAN #1	ORWELL	16.0	
8123721		3400721427	103		RIGBY #2	ORWELL	9.0	
8123727		3400721493	103		SHELTON #1	COLEBROOK	22.0	
8123724		3400721470	103		SOLOWEYKO #1	HARTSGROVE	18.0	
8123725		3400721471	103		SOLOWEYKO #2	HARTSGROVE	14.0	
8123729		3400721540	103		STRINGFELLOW #9	NEW LYME	14.0	
8123812		3413322217	103		WHITTINGTON #1	FRANKLIN	25.0	
-PONDEROSA OIL COMPANY					RECEIVED: 04/01/81 JA: OH			
8123855		3416922495	103		JACOB E SLABAUGH #1	SUGAR CREEK	12.0	COLUMBIA GAS TRANSMI
8123755		3407522682	103		PETER E MILLER #1	PRAIRIE	11.0	COLUMBIA GAS TRANSMI
-PREMIER ENERGY CORP					RECEIVED: 04/01/81 JA: OH			
8123847		3416725505	103		ROBERT F LANG #2	WATERTOWN	8.0	COLUMBIA GAS TRANSMI
8123846		3416725504	103		ROBERT T LANG #1	WATERTOWN	8.0	COLUMBIA GAS TRANSMI
-QUAKER STATE OIL REFINING CORP					RECEIVED: 04/01/81 JA: OH			
8123820		3415123402	103		BEABER #1	WASHINGTON	36.5	EAST OHIO GAS CO
8123818		3415123390	103		MENNING #1	PARIE	18.3	EAST OHIO GAS CO
8123819		3415123396	103		ROSENBERGER #1	WASHINGTON	27.4	EAST OHIO GAS CO
8123743		3404520633	103		STROHMEYER #1	RICHLAND	36.5	COLUMBIA GAS TRANSMI
-SCHRIMSHER OIL & GAS EXPLORATION					RECEIVED: 04/01/81 JA: OH			
8123773		3410322447	103		HUFF 1-A	GUILFORD	20.0	COLUMBIA GAS TRANS C
-SHAMROCK EQUIPMENT CO					RECEIVED: 04/01/81 JA: OH			
8123795		3411925484	103		SCOTT & GRACE RANKIN #1	HOPEWELL	6.0	NATIONAL GAS & OIL C
-SHELDON L TURRILL					RECEIVED: 04/01/81 JA: OH			
8123768		3408924011	103		M MCCOY #2	HOPEWELL	100.0	NEWZANE GAS CO
-SUNSET PETROLEUM INC					RECEIVED: 04/01/81 JA: OH			
8123825		3415521435	103		CHALKER-ELSTON #1	SOUTHINGTON	10.0	COLUMBIA GAS TRANSMI
-TIGER OIL INC					RECEIVED: 04/01/81 JA: OH			
8123799		3412122402	103		BECKER-SCHRAMM HEIRS #2	ELK	8.0	COLUMBIA GAS TRANSMI
8123800		3412122403	103		BECKER-SCHRAMM HEIRS #3	ELK	8.0	COLUMBIA GAS TRANSMI
8123803		3412122566	103		ULLMAN-BECKER-SCHRAMM #1	ELK	8.0	COLUMBIA GAS TRANSMI
-TIME ENERGY INC					RECEIVED: 04/01/81 JA: OH			
8123739		3403124005	103		F MIKESELL #1	PIKE	12.0	NATIONAL GAS & OIL C
-TORO OIL & GAS CO					RECEIVED: 04/01/81 JA: OH			
8123814		3413322382	103		SUMMERS UNIT #1	WINDHAM	6.0	EAST OHIO GAS CO
-VESCORP INDUSTRIES INC					RECEIVED: 04/01/81 JA: OH			
8123810		3413320990	108		CITY OF RAVENNA #1		30.0	TIMKEN CO
8123811		3413321000	108		CITY OF RAVENNA #2		30.0	TIMKEN CO
-W J LYDIC INC					RECEIVED: 04/01/81 JA: OH			
8123809		3412724950	103		STUDER #1	READING	0.0	
-WHITMAN OIL & GAS CORP					RECEIVED: 04/01/81 JA: OH			
8123733		3400922087	103		LEE E DORR #3	CANAAN	15.0	
8123853		3416726254	103		MABEL STACY #3	MUSKINGUM	10.0	
8123854		3416726387	103		R LONG #1	ADAMS	10.0	
8123852		3416726151	103		SPINDLER #1	ADAMS	10.0	
8123734		3400922092	103		VELMA POSTON #1	CANAAN	12.0	
-WILLIAM F HILL					RECEIVED: 04/01/81 JA: OH			
8123757		3407522775	103		DAVID D NOBLE #1	KNOX	6.0	
8123762		3407522997	103		RICHARD FOWLER #1	KILLBUCK	7.0	
-WILLIAM H PUTNAM					RECEIVED: 04/01/81 JA: OH			
8123777		3410521695	108		ANCHORAGE - DUNFEE		3.9	COLUMBIA GAS TRANSMI
8123775		3410521076	108		ANCHORAGE - T F DYE		1.4	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
WEST VIRGINIA DEPARTMENT OF MINES						
-BLUE CREEK GAS COMPANY			RECEIVED: 03/31/81 JA: WV			
8123714		4701501415 108	BROWN MC CORKLE #1	HENRY	12.0	COLUMBIA GAS TRANSMI
8123712		4701501265 108	BROWN MCCORKLE #2	HENRY	12.0	COLUMBIA GAS TRANSMI
8123715		4701501416 108	BROWN MCCORKLE #4	HENRY	12.0	COLUMBIA GAS TRANSMI
8123716		4701501417 108	BROWN MCCORKLE #5	HENRY	12.0	COLUMBIA GAS TRANSMI
8123713		4701501277 108	BROWN MCCORKLE #7	HENRY	12.0	COLUMBIA GAS TRANSMI
8123717		4701501419 108	BROWN MCCORKLE #8	HENRY	12.0	COLUMBIA GAS TRANSMI
8123710		4701501195 108	CAMPBELL WOODS #1	HENRY	12.0	COLUMBIA GAS TRANSMI
8123711		4701501216 108	CAMPBELL WOODS #2	HENRY	12.0	COLUMBIA GAS TRANSMI
-NRM PETROLEUM CORPORATION			RECEIVED: 03/31/81 JA: WV			
8123704		4708300336 103	KOON - HUBER #4	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
8123703		4709702095 103	KOON - HUBER #5	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
-PENNZOIL COMPANY			RECEIVED: 03/31/81 JA: WV			
8123658		4704900579 108	A O TALKINGTON #1	LINCOLN	3.9	
8123691		4704900580 108	A O TALKINGTON #4	LINCOLN	0.0	
8123690		4704900581 108	A O TALKINGTON #5	LINCOLN	0.0	
8123688		4704900583 108	A O TALKINGTON #7	LINCOLN	3.9	
8123689		4704900585 108	A O TALKINGTON 13	LINCOLN	3.9	
8123645		4704900479 108	B F BLACKSHERE #13	MANNINGTON	3.9	
8123644		4704900480 108	B F BLACKSHERE #19	MANNINGTON	3.9	
8123647		4704900476 108	B F BLACKSHERE #7	MANNINGTON	3.9	
8123646		4704900477 108	B F BLACKSHERE #8	MANNINGTON	3.9	
8123678		4704900565 108	C A PRITCHARD #1	LINCOLN	1.9	
8123677		4704900566 108	C A PRITCHARD #2	LINCOLN	3.9	
8123649		4704900567 108	C A PRITCHARD #4	LINCOLN	3.9	
8123684		4704900552 108	C B MORGAN #1	MANNINGTON	3.9	
8123683		4704900557 108	C B MORGAN #6	MANNINGTON	3.9	
8123687		4704900586 108	CATHERINE TENNANT #1	MANNINGTON	2.8	
8123702		4704900587 108	CATHERINE TENNANT #4	MANNINGTON	1.5	
8123701		4704900591 108	D D TUCKER #1	MANNINGTON	3.9	
8123700		4704900593 108	D D TUCKER #3	MANNINGTON	3.9	
8123655		4704900544 108	DAVID JONES #12	PAW PAW	2.4	
8123652		4704900543 108	DAVID JONES #5	PAW PAW	2.4	
8123685		4704900551 108	E MOORE HEIRS #1	MANNINGTON	0.8	
8123654		4704900546 108	ELLA KINSEY #3	MANNINGTON	1.8	
8123670		4704900529 108	EUGENUS HIBBS #2	MANNINGTON	3.9	
8123669		4704900530 108	EUGENUS HIBBS #3	MANNINGTON	3.9	
8123668		4704900531 108	EUGENUS HIBBS #4	MANNINGTON	3.9	
8123682		4704900555 108	G R MORGAN #2	MANNINGTON	3.9	
8123664		4704900537 108	GEORGE A HUEY #4	MANNINGTON	3.9	
8123663		4704900538 108	GEORGE A HUEY #5	MANNINGTON	3.9	
8123662		4704900539 108	GEORGE A HUEY #7	MANNINGTON	3.9	
8123672		4704900572 108	GEORGE W RICE #2	MANNINGTON	0.5	
8123671		4704900573 108	GEORGE W RICE #5	MANNINGTON	0.5	
8123666		4704900534 108	J A HOLBERT #1	LINCOLN	3.9	
8123665		4704900535 108	J A HOLBERT #2	LINCOLN	3.9	
8123698		4704900596 108	J G MYERS #1	LINCOLN	3.9	
8123647		4704900532 108	J S HIBBS #2	MANNINGTON	3.9	
8123680		4704900562 108	J W PHILLIPS #6	MANNINGTON	3.9	

JD NO	JA DKT	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
8123681		4704900563 108	J W PHILLIPS #7	MANNINGTON	3.9	
8123675		4704900569 108	J W PHILLIPS #8	MANNINGTON	3.9	
8123676		4704900570 108	J W PHILLIPS #9	MANNINGTON	3.9	
8123673		4704900574 108	J W RICE #1	MANNINGTON	0.5	
8123674		4704900575 108	J W RICE #3	MANNINGTON	0.5	
8123679		4704900564 108	J W RICE #4	MANNINGTON	0.5	
8123697		4704900595 108	J W RICE #5	MANNINGTON	0.5	
8123696		4704900594 108	J W RICE #6	MANNINGTON	0.5	
8123694		4704900592 108	J W RICE #7	MANNINGTON	0.5	
8123695		4704900597 108	J W RICE #8	MANNINGTON	0.5	
8123692		4704900588 108	J W RICE #9	MANNINGTON	0.5	
8123693		4704900589 108	J W RICE #10	MANNINGTON	0.5	
8123699		4704900590 108	J W RICE #11	MANNINGTON	0.5	
8123686		4704900582 108	J W RICE #12	MANNINGTON	0.5	
8123653		4704900545 108	J W RICE #13	MANNINGTON	0.5	
8123650		4704900568 108	J W RICE #14	MANNINGTON	0.5	
8123651		4704900542 108	J W RICE #15	MANNINGTON	0.5	
8123648		4704900478 108	J W RICE #16	MANNINGTON	0.5	
8123641		4704900481 108	J W RICE #17	MANNINGTON	0.5	
8123642		4704900482 108	J W RICE #18	MANNINGTON	0.5	
8123643		4704900483 108	J W RICE #19	MANNINGTON	0.5	
8123640		4704900484 108	J W RICE #20	MANNINGTON	0.5	
8123639		4704900485 108	J W RICE #21	MANNINGTON	0.5	
8123638		4704900486 108	J W RICE #22	MANNINGTON	0.5	
8123637		4704900487 108	J W RICE #23	MANNINGTON	0.5	
8123636		4704900488 108	J W RICE #24	MANNINGTON	0.5	
8123635		4704900489 108	J W RICE #25	MANNINGTON	0.5	
8123634		4704900490 108	J W RICE #26	MANNINGTON	0.5	
8123633		4704900491 108	J W RICE #27	MANNINGTON	0.5	
8123632		4704900492 108	J W RICE #28	MANNINGTON	0.5	
8123631		4704900493 108	J W RICE #29	MANNINGTON	0.5	
8123630		4704900494 108	J W RICE #30	MANNINGTON	0.5	
8123629		4704900495 108	J W RICE #31	MANNINGTON	0.5	
8123628		4704900496 108	J W RICE #32	MANNINGTON	0.5	
8123627		4704900497 108	J W RICE #33	MANNINGTON	0.5	
8123626		4704900498 108	J W RICE #34	MANNINGTON	0.5	
8123625		4704900499 108	J W RICE #35	MANNINGTON	0.5	
8123624		4704900500 108	J W RICE #36	MANNINGTON	0.5	
8123623		4704900501 108	J W RICE #37	MANNINGTON	0.5	
8123622		4704900502 108	J W RICE #38	MANNINGTON	0.5	
8123621		4704900503 108	J W RICE #39	MANNINGTON	0.5	
8123620		4704900504 108	J W RICE #40	MANNINGTON	0.5	
8123619		4704900505 108	J W RICE #41	MANNINGTON	0.5	
8123618		4704900506 108	J W RICE #42	MANNINGTON	0.5	
8123617		4704900507 108	J W RICE #43	MANNINGTON	0.5	
8123616		4704900508 108	J W RICE #44	MANNINGTON	0.5	
8123615		4704900509 108	J W RICE #45	MANNINGTON	0.5	
8123614		4704900510 108	J W RICE #46	MANNINGTON	0.5	
8123613		4704900511 108	J W RICE #47	MANNINGTON	0.5	
8123612		4704900512 108	J W RICE #48	MANNINGTON	0.5	
8123611		4704900513 108	J W RICE #49	MANNINGTON	0.5	
8123610		4704900514 108	J W RICE #50	MANNINGTON	0.5	
8123609		4704900515 108	J W RICE #51	MANNINGTON	0.5	
8123608		4704900516 108	J W RICE #52	MANNINGTON	0.5	
8123607		4704900517 108	J W RICE #53	MANNINGTON	0.5	
8123606		4704900518 108	J W RICE #54	MANNINGTON	0.5	
8123605		4704900519 108	J W RICE #55	MANNINGTON	0.5	
8123604		4704900520 108	J W RICE #56	MANNINGTON	0.5	
8123603		4704900521 108	J W RICE #57	MANNINGTON	0.5	
8123602		4704900522 108	J W RICE #58	MANNINGTON	0.5	
8123601		4704900523 108	J W RICE #59	MANNINGTON	0.5	
8123600		4704900524 108	J W RICE #60	MANNINGTON	0.5	
8123599		4704900525 108	J W RICE #61	MANNINGTON	0.5	
8123598		4704900526 108	J W RICE #62	MANNINGTON	0.5	
8123597		4704900527 108	J W RICE #63	MANNINGTON	0.5	
8123596		4704900528 108	J W RICE #64	MANNINGTON	0.5	
8123667		4704900533 108	J W RICE #65	MANNINGTON	0.5	
8123661		4704900540 108	J W RICE #66	MANNINGTON	0.5	
8123660		4704900541 108	J W RICE #67	MANNINGTON	0.5	
8123657		4704900547 108	J W RICE #68	MANNINGTON	0.5	
8123656		4704900548 108	J W RICE #69	MANNINGTON	0.5	
8123659		4704900549 108	J W RICE #70	MANNINGTON	0.5	
8123705		4704900550 108	J W RICE #71	MANNINGTON	0.5	
8123706		4704900553 108	J W RICE #72	MANNINGTON	0.5	
8123707		4704900554 108	J W RICE #73	MANNINGTON	0.5	
8123708		4704900556 108	J W RICE #74	MANNINGTON	0.5	
8123709		4704900558 108	J W RICE #75	MANNINGTON	0.5	
8123704		4704900559 108	J W RICE #76	MANNINGTON	0.5	
8123703		4704900560 108	J W RICE #77	MANNINGTON	0.5	
8123702		4704900561 108	J W RICE #78	MANNINGTON	0.5	
8123701		4704900571 108	J W RICE #79	MANNINGTON	0.5	
8123700		4704900576 108	J W RICE #80	MANNINGTON	0.5	
8123699		4704900577 108	J W RICE #81	MANNINGTON	0.5	
8123698		4704900578 108	J W RICE #82	MANNINGTON	0.5	
8123697		4704900582 108	J W RICE #83	MANNINGTON	0.5	
8123696		4704900584 108	J W RICE #84	MANNINGTON	0.5	
8123695		4704900587 108	J W RICE #85	MANNINGTON	0.5	
8123694		4704900590 108	J W RICE #86	MANNINGTON	0.5	
8123693		4704900592 108	J W RICE #87	MANNINGTON	0.5	
8123692		4704900594 108	J W RICE #88	MANNINGTON	0.5	
8123691		4704900596 108	J W RICE #89	MANNINGTON	0.5	
8123690		4704900598 108	J W RICE #90	MANNINGTON	0.5	
8123689		4704900599 108	J W RICE #91	MANNINGTON	0.5	
8123688		4704900600 108	J W RICE #92	MANNINGTON	0.5	
8123687		4704900601 108	J W RICE #93	MANNINGTON	0.5	
8123686		4704900602 108	J W RICE #94	MANNINGTON	0.5	
8123685		4704900603 108	J W RICE #95	MANNINGTON	0.5	
8123684		4704900604 108	J W RICE #96	MANNINGTON	0.5	
8123683		4704900605 108	J W RICE #97	MANNINGTON	0.5	
8123682		4704900606 108	J W RICE #98	MANNINGTON	0.5	
8123681		4704900607 108	J W RICE #99	MANNINGTON	0.5	
8123680		4704900608 108	J W RICE #100	MANNINGTON	0.5	
8123679		4704900609 108	J W RICE #101	MANNINGTON	0.5	
8123678		4704900610 108	J W RICE #102	MANNINGTON	0.5	
8123677		4704900611 108	J W RICE #103	MANNINGTON	0.5	
8123676		4704900612 108	J W RICE #104	MANNINGTON	0.5	
8123675		4704900613 108	J W RICE #105	MANNINGTON	0.5	
8123674		4704900614 108	J W RICE #106	MANNINGTON	0.5	
8123673		4704900615 108	J W RICE #107	MANNINGTON	0.5	
8123672		4704900616 108	J W RICE #108	MANNINGTON	0.5	
8123671		4704900617 108	J W RICE #109	MANNINGTON	0.5	
8123670		4704900618 108	J W RICE #110	MANNINGTON	0.5	
8123669		4704900619 108	J W RICE #111	MANNINGTON	0.5	
8123668		4704900620 108	J W RICE #112	MANNINGTON	0.5	
8123667		4704900621 108	J W RICE #113	MANNINGTON	0.5	
8123666		4704900622 108	J W RICE #114	MANNINGTON	0.5	
8123665		4704900623 108	J W RICE #115	MANNINGTON	0.5	
8123664		4704900624 108	J W RICE #116	MANNINGTON	0.5	
8123663		4704900625 108	J W RICE #117	MANNINGTON	0.5	
8123662		4704900626 108	J W RICE #118	MANNINGTON	0.5	
8123661		4704900627 108	J W RICE #119	MANNINGTON	0.5	
8123660		4704900628 108	J W RICE #120	MANNINGTON	0.5	
8123659		4704900629 108	J W RICE #121	MANNINGTON	0.5	
8123658		4704900630 108	J W RICE #122	MANNINGTON	0.5	
8123657		4704900631 108	J W RICE #123	MANNINGTON	0.5	
8123656		4704900632 108	J W RICE #124	MANNINGTON	0.5	
8123655		4704900633 108	J W RICE #125	MANNINGTON	0.5	
8123654		4704900634 108	J W RICE #126	MANNINGTON	0.5	
8123653		4704900635 108	J W RICE #127	MANNINGTON	0.5	
8123652		4704900636 108	J W RICE #128	MANNINGTON	0.5	
8123651		4704900637 108	J W RICE #129	MANNINGTON	0.5	
8123650		4704900638 108	J W RICE #130	MANNINGTON	0.5	
8123649		4704900639 108	J W RICE #131	MANNINGTON	0.5	
8123648		4704900640 108	J W RICE #132	MANNINGTON	0.5	
8123647		4704900641 108	J W RICE #133	MANNINGTON	0.5	
8123646		4704900642 108	J W RICE #134	MANNINGTON	0.5	
8123645		4704900643 108	J W RICE #135	MANNINGTON	0.5	
8123644		4704900644 108	J W RICE #136	MANNINGTON	0.5	
8123643		4704900645 108	J W RICE #137	MANNINGTON	0.5	
8123642		4704900646 108	J W RICE #138	MANNINGTON	0.5	
8123641		4704900647 108	J W RICE #139	MANNINGTON	0.5	
8123640		4704900648 108	J W RICE #140	MANNINGTON	0.5	
8123639		4704900649 108	J W RICE #141	MANNINGTON	0.5	
8123638		4704900650 108	J W RICE #142	MANNINGTON	0.5	
8123637		4704900651 108	J W RICE #143	MANNINGTON	0.5	
8123636		4704900652 108	J W RICE #144	MANNINGTON	0.5	
8123635		4704900653 108	J W RICE #145	MANNINGTON	0.5	
8123634		4704900654 108	J W RICE #146	MANNINGTON	0.5	
8123633		4704900655 108	J W RICE #147	MANNINGTON	0.5	
8123632		4704900656 108	J W RICE #148	MANNINGTON	0.5	
8123631		4704900657 108	J W RICE #149	MANNINGTON	0.5	
8123630		4704900658 108	J W RICE #150	MANNINGTON	0.5	
8123629		4704900659 108	J W RICE #151	MANNINGTON	0.5	
8123628		4704900660 108	J W RICE #152	MANNINGTON	0.5	
8123627		4704900661 108	J W RICE #153	MANNINGTON	0.5	
8123626		4704900662 108	J W RICE #154	MANNINGTON	0.5	
8123625		4704900663 108	J W RICE #155	MANNINGTON	0.5	
8123624		4704900664 108	J W RICE #156	MANNINGTON	0.5	
8123623		4704900665 108	J W RICE #157	MANNINGTON	0.5	
8123622		4704900666 108	J W RICE #158	MANNINGTON	0.5	
8123621		4704900667 108	J W RICE #159	MANNINGTON	0.5	
8123620		4704900668 108	J W RICE #160	MANNINGTON	0.5	
8123619		4704900669 108	J W RICE #161	MANNINGTON	0.5	
8123618		4704900670 108	J W RICE #162	MANNINGTON	0.5	
8123617		4704900671 108	J W RICE #163	MANNINGTON	0.5	
8123616		4704900672 108	J W RICE #164	MANNINGTON	0.5	
8123615		4704900673 108	J W RICE #165	MANNINGTON	0.5	
8123614		4704900674 108	J W RICE #166	MANNINGTON	0.5	
8123613		4704900675 108	J W RICE #167	MANNINGTON	0.5	
8123612		4704900676 108	J W RICE #168	MANNINGTON	0.5	
8123611		4704900677 108	J W RICE #169	MANNINGTON	0.5	
8123610		4704900678 108	J W RICE #170	MANNINGTON	0.5	
8123609		4704900679 108	J W RICE #171	MANNINGTON	0.5	
8123608		4704900680 108	J W RICE #172	MANNINGTON	0.5	
8123607		4704900681 108	J W RICE #173	MANNINGTON	0.5	
8123606		4704900682 108	J W RICE #174	MANNINGTON	0.5	
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8123603		4704900685 108	J W RICE #177	MANNINGTON	0.5	
8123602		4704900686 108	J W RICE #178	MANNINGTON	0.5	
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8123599		4704900689 108	J W RICE #181	MANNINGTON	0.5	
8123598		4704900690 108	J W RICE #182	MANNINGTON	0.5	
8123597		4704900691 108	J W RICE #183	MANNINGTON	0.5	
8123596		4704900692 108	J W RICE #184	MANNINGTON	0.5	
8123667		4704900693 108	J W RICE #185	MANNINGTON	0.5	
8123661		4704900694 108	J W RICE #186	MANNINGTON	0.5	
8123660		4704900695 108	J W RICE #187	MANNINGTON	0.5	
8123657		4704900696 108	J W RICE #188	MANNINGTON	0.5	
8123656		4704900697 108	J W RICE #189	MANNINGTON	0.5	
8123659		4704900698 108	J W RICE #190	MANNINGTON	0.5	
8123705		4704900699 108	J W RICE #191	MANNINGTON	0.5	
8123706		4704900700 108	J W RICE #192	MANNINGTON	0.5	
8123707		4704900701 108	J W RICE #193	MANNINGTON	0.5	
8123708		4704900702 108	J W RICE #194	MANNINGTON	0.5	
8123709		4704900703 108	J W RICE #195	MANNINGTON	0.5	
8123704		4704900704 108	J W RICE #196	MANNINGTON	0.5	
8123703		4704900705 108	J W RICE #197	MANNINGTON	0.5	
8123702		4704900706 108	J W RICE #198	MANNINGTON	0.5	
8123701		4704900707 108	J W RICE #199	MANNINGTON	0.5	
8123700		4704900708 108	J W RICE #200	MANNINGTON	0.5	
8123699		4704900709 108	J W RICE #201	MANNINGTON	0.5	
8123698		4704900710 108	J W RICE #202	MANNINGTON	0.5	
8123697		4704900711 108	J W RICE #203	MANNINGTON	0.5	
8123696		4704900712 108	J W RICE #204	MANNINGTON	0.5	
8123695		4704900713 108	J W RICE #205	MANNINGTON	0.5	
8123694		4704900714 108	J W RICE #206	MANNINGTON	0.5	
8123693		4704900715 108	J W RICE #207	MANNINGTON	0.5	
8123692		4704900716 108	J W RICE #208	MANNINGTON	0.5	
8123691		4704900717 108	J W RICE #209	MANNINGTON	0.5	
8123690		4704900718 108	J W RICE #210	MANNINGTON	0.5	
8123689		4704900719 108	J W RICE #211	MANNINGTON	0.5	
8123688		4704900720 108	J W RICE #212	MANNINGTON	0.5	
8123687		4704900721 108	J W RICE #213	MANNINGTON	0.5	
8123686		4704900722 108	J W RICE #214	MANNINGTON	0.5	
8123685		4704900723 108	J W RICE #215	MANNINGTON	0.5	
8123684		4704900724 108	J W RICE #216	MANNINGTON	0.5	
8123683		4704900725 108	J W RICE #217	MANNINGTON	0.5	
8123682		4704900726 108	J W RICE #218	MANNINGTON	0.5	
8123681		4704900727 108	J W RICE #219	MANNINGTON	0.5	
8123680		4704900728 108	J W RICE #220	MANNINGTON	0.5	
8123679		4704900729 108	J W RICE #221	MANNINGTON	0.5	
8123678		4704900730 108	J W RICE #222	MANNINGTON	0.5	
8123677		4704900731 108	J W RICE #223	MANNINGTON	0.5	
8123676		4704900732 108	J W RICE #224	MANNINGTON	0.5	
8123675		4704900733 108	J W RICE #225	MANNINGTON	0.5	
8123674		4704900734 108	J W RICE #226	MANNINGTON	0.5	
8123673		4704900735 108	J W RICE #227	MANNINGTON	0.5	
8123672		4704900736 108	J W RICE #228	MANNINGTON	0.5	
8123671		4704900737 108	J W RICE #229	MANNINGTON	0.5	
8123670		4704900738 108	J W RICE #230	MANNINGTON	0.5	
8123669		4704900739 108	J W RICE #231	MANNINGTON	0.5	
8123668		4704900740 108	J W RICE #232	MANNINGTON	0.5	
8123667		4704900741 108	J W RICE #233	MANNINGTON	0.5	
8123666		4704900742 108	J W RICE #234	MANNINGTON	0.5	
8123665		4704900743 108	J W RICE #235	MANNINGTON	0.5	
8123664		4704900744 108	J W RICE #236	MANNINGTON	0.5	
8123663		4704900745 108	J W RICE #237	MANNINGTON	0.5	
8123662		4704900746 108	J W RICE #238	MANNINGTON	0.5	
8123661		4704900747 108	J W RICE #239	MANNINGTON	0.5	
8123660		4704900748 108	J W RICE #240	MANNINGTON	0.5	
8123659		4704900749 108	J W RICE #241	MANNINGTON	0.5	
8123658		4704900750 108	J W RICE #242	MANNINGTON	0.5	
8123657		4704900751 108	J W RICE #243	MANNINGTON	0.5	
8123656		4704900752 108	J W RICE #244	MANNINGTON	0.5	
8123655		4704900753 108	J W RICE #245	MANNINGTON	0.5	
8123654		4704900754 108	J W RICE #246	MANNINGTON	0.5	
8123653		4704900755 108	J W RICE #247	MANNINGTON	0.5	
8123652		4704900756 108	J W RICE #248	MANNINGTON	0.5	
8123651		4704900757 108	J W RICE #249	MANNINGTON	0.5	
8123650		4704900758 108	J W RICE #250	MANNINGTON	0.5	
8123649		4704900759 108	J W RICE #251	MANNINGTON	0.5	
8123648		4704900760 108	J W RICE #252	MANNINGTON	0.5	
8123647		4704900761 108	J W RICE #253	MANNINGTON	0.5	
8123646		4704900762 108	J W RICE #254	MANNINGTON	0.5	
8123645		4704900763 108	J W RICE #255	MANNINGTON	0.5	
8123644		4704900764 108	J W RICE #256	MANNINGTON	0.5	
8123643		4704900765 108	J W RICE #257	MANNINGTON	0.5	
8123642		4704900766 108	J W RICE #258	MANNINGTON	0.5	
8123641		4704900767 108	J W RICE #259	MANNINGTON	0.5	
8123640		4704900768 108	J W RICE #260	MANNINGTON	0.5	
8123639		4704900769 108	J W RICE #261	MANNINGTON	0.5	
8123638		4704900770 108	J W RICE #262	MANNINGTON	0.5	
8123637		4704900771 108	J W RICE #263	MANNINGTON	0.5	
8123636		4704900772 108	J W RICE #264	MANNINGTON	0.5	
8123635		4704900773 108	J W RICE #265	MANNINGTON	0.5	
8123634		4704900774 108	J W RICE #266	MANNINGTON	0.5	
8123633		4704900775 108	J W RICE #267	MANNINGTON	0.5	
8123632		4704900776 108	J W RICE #268	MANNINGTON	0.5	
8123631		4704900777 108	J W RICE #269	MANNINGTON	0.5	
8123630		4704900778 108	J W RICE #270	MANNINGTON	0.5	
8123629		4704900779 108	J W RICE #271	MANNINGTON	0.5	
8123628		4704900780 108	J W RICE #272	MANNINGTON	0.5	
8123627		4704900781 108	J W RICE #273	MANNINGTON	0.5	
8123626		4704900782 108	J W RICE #274	MANNINGTON	0.5	
8123625		4704900783 108	J W RICE #275	MANNINGTON	0.5	
8123624		4704900784 108	J W RICE #276	MANNINGTON	0.5	
8123623		4704900785 108	J W RICE #277	MANNINGTON	0.5	
8123622		4704900786 108	J W RICE #278	MANNINGTON	0.5	
8123621		4704900787 108	J W RICE #279	MANNINGTON	0.5	
8123620		4704900788 108	J W RICE #280	MANNINGTON	0.5	
8123619		4704900789 108	J W RICE #281	MANNINGTON	0.5	
8123618		4704900790 108	J W RICE #282	MANNINGTON	0.5	
8123617		4704900791 108	J W RICE #283	MANNINGTON	0.5	
8123616		4704900792 108	J W RICE #284	MANNINGTON	0.5	
8123615		4704900793 108	J W RICE #285	MANNINGTON	0.5	
8123614		4704900794 108	J W RICE #286	MANNINGTON	0.5	
8123613		4704900795 108	J W RICE #287	MANNINGTON	0.5	
8123612		4704900796 108	J W RICE #288	MANNINGTON	0.5	
8123611		4704900797 108	J W RICE #289	MANNINGTON	0.5	
8123610		4704900798 108	J W RICE #290	MANNINGTON	0.5	
8123609		4704900799 108	J W RICE #291	MANNINGTON	0.5	
8123608		4704900800 108	J W RICE #292	MANNINGTON	0.5	
8123607		4704900801 108	J W RICE #293	MANNINGTON	0.5	
8123606		4704900802 108	J W RICE #294	MANNINGTON	0.5	
8123605		4704900803 108	J W RICE #295	MANNINGTON	0.5	
8123604		4704900804 108	J W RICE #296	MANNINGTON	0.5	
8123603		4704900805 108	J W RICE #297	MANNINGTON	0.5	
8123602		4704900806 108	J W RICE #298	MANNINGTON	0.5	
8123601		4704900807 108	J W RICE #299	MANNINGTON	0.5	
8123600		4704900808 108	J W RICE #300	MANNINGTON	0.5	
8123599		4704900809 108	J W RICE #301	MANNINGTON	0.5	
8123598		4704900810 108	J W RICE #302	MANNINGTON	0.5	
8123597		4704900811 108	J W RICE #303	MANNINGTON	0.5	
8123596		4704900812 108	J W RICE #304	MANNINGTON	0.5	
8123667		4704900813 108	J W RICE #305	MANNINGTON	0.5	
8123661		4704900814 108	J W RICE #306	MANNINGTON	0.5	
8123660		4704900815 108	J W RICE #307	MANNINGTON	0.5	
8123657		4704900816 108	J W RICE #308	MANNINGTON	0.5	
8123656		4704900817 108	J W RICE #309	MANNINGTON	0.5	
8123659		4704900818 108	J W RICE #310	MANNINGTON	0.5	
8123705		4704900819 108	J W RICE #311	MANNINGTON	0.5	
8123706		4704900820 108	J W RICE #312	MANNINGTON	0.5	
8123707		4704900821 108	J W RICE #313	MANNINGTON	0.5	
8123708		4704900822 108	J W RICE #314	MANNINGTON	0.5	
8123709		4704900823 108	J W RICE #315

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123679		4704900563	108		J W PHILLIPS #7	MANNINGTON	3.9	
8123699		4704900594	108		J W WETZEL #2	PAW PAW	2.4	
8123695		4704900599	108		JAMES YOST #1	PAW PAW	2.4	
8123658		4704900605	108		JAMES YOST #10	PAW PAW	2.4	
8123694		4704900602	108		JAMES YOST #7	PAW PAW	2.4	
8123693		4704900604	108		JAMES YOST #9	PAW PAW	2.4	
8123653		4704900547	108		KOEN-MCGRAW #4	MANNINGTON	3.9	
8123686		4704900548	108		KOEN-MCGRAW #5	MANNINGTON	3.9	
8123641		4704900473	108		LINDSAY ATHA #3	MANNINGTON	3.9	
8123656		4704900570	108		M A PRITCHARD #5	MANNINGTON	3.9	
8123661		4704900541	108		M E INGRAM #2	PAW PAW	2.4	
8123660		4704900574	108		M S SNODERLY #4	MANNINGTON	3.9	
8123681		4704900558	108		NIMROD MORGAN #5	MANNINGTON	3.9	
8123659		4704900578	108		O J SUTTON #1	PAW PAW	2.4	
8123639		4701701957	108		PETER ASH #8	MCCLELLAN	0.7	
8123648		4704900568	108		PRITCHARD-WOOD #2	MANNINGTON	3.9	
8123657		4704900569	108		PRITCHARD-KOEN #1	MANNINGTON	3.9	
8123648		4704900047	108		REZIN AMOS #1	LINCOLN	3.9	
8123697		4704900597	108		S L MYERS #2	LINCOLN	3.9	
8123696		4704900598	108		S L MYERS #4	LINCOLN	3.9	
8123651		4704900608	108		SUSAN YOST #8	PAW PAW	2.4	
8123643		4704900475	108		T L ATHA #2	MANNINGTON	3.9	
8123642		4704900474	108		WATSON HEIRS #4	MANNINGTON	3.9	
-PITTSBURG TUBE CO					RECEIVED: 03/31/81 JA: WV			
8123676		4701701855	108		CHARLENE UNDERWOOD #2 S 204	GRANT DISTRICT	18.8	CONSOLIDATED GAS SUP
8123675		4701701800	108		CHARLENE UNDERWOOD S-198	GRANT DISTRICT	18.8	CONSOLIDATED GAS SUP
-QUAKER STATE OIL REFINING CORP					RECEIVED: 03/31/81 JA: WV			
8123706		4703923481	103		A S PRICE #3	ELK DISTRICT	13.9	COLUMBIA GAS TRANSMI
8123692		4703923484	103		B WALKER #2	ELK DISTRICT	18.8	COLUMBIA GAS TRANSMI
8123707		4703923482	103		FACEMYER #4	BIG SANDY DISTRICT	13.9	COLUMBIA GAS TRANSMI
8123709		4709520407	108		HARRY ASH #1	CENTERVILLE DISTRICT	4.7	COLUMBIA GAS TRANSMI
8123708		4709520411	108		HARRY ASH #2	CENTERVILLE DISTRICT	4.7	COLUMBIA GAS TRANSMI
8123705		4703923479	103		J H COPENHAVER #13	ELK DISTRICT	18.9	COLUMBIA GAS TRANSMI
8123718		4703923486	103		W REXROAD #4	ELK DISTRICT	19.3	COLUMBIA GAS TRANSMI
-THUNDER CORP					RECEIVED: 03/30/81 JA: WV			
8123719		4708504280	102		D A P NULL #3	A P NULL FARM	8.8	CONSOLIDATED GAS SUP
-UNITED PETRO LTD					RECEIVED: 03/31/81 JA: WV			
8123674		4701302967	108		E C KNOTTS #1-UPL	ORMA-MINNORA GAS	12.8	CONSOLIDATED GAS SUP
8123673		4701302968	108		E C KNOTTS #2-UPL	ORMA-MINNORA GAS	12.8	CONSOLIDATED GAS SUP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicated that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 15, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13045 Filed 4-29-81; 8:45 am]
BILLING CODE 6450-85-M

V46N83P3081 UMI

[Volume 410]
Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD							
-CLAYTON W WILLIAMS JR				RECEIVED: 04/02/81 JA: AL			
8123969	3-20-812PD-A	0109720156	107	MATTIE M SMITH 9-13 NO 1	CHUNCHULA (SMACKOVER)	0.0	
-GRACE PETROLEUM CORPORATION				RECEIVED: 04/02/81 JA: AL			
8123967	2-18-81-3PD-	0105720224	102	WHITE ESTATE 21-9	MUSGROVE CREEK	188.0	
-MORROW OIL & GAS CO				RECEIVED: 04/02/81 JA: AL			
8123973	3-20-818PD	0105720231	102	ARTHUR UNIT 21-7 NO 1	MCCRACKEN MOUNTAIN	498.0	WARRIOR DRILLING & E
-PRUET PRODUCTION CO				RECEIVED: 04/02/81 JA: AL			
8123974	3-20-819-PD	0107520269	102	FANNIE V FOX ET AL 31-1 NO 1	BEAVERTON	538.0	SOUTHERN NATURAL GAS
8123971	3-20-816PD	0107520291	102	ODOM 11-9 NO 1	MILLPORT	767.0	TENNESSEE GAS PIPELI
8123972	3-20-817PD	0107520274	102	ODOM 26-14 NO 1	BLOWHORN CREEK	438.0	SOUTHERN NATURAL GAS
8123978	3-20-813	0107520288	102	REDUS WILLIAMS 8-4 NO 1	STAR	650.0	TENNESSEE GAS PIPELI
8123976	3-20-8111PDA	0107520258	102	WEYERHAEUSER 26-11 NO 1	BLOWHORN CREEK OIL	91.0	SOUTHERN NATURAL GAS
8123975	3-20-8110PD	0107520259	102	WRIGHT 32-6 NO 1	BEAVERTON	405.0	SOUTHERN NATURAL GAS
8123977	3-20-8112PDA	0107520290	102	YOUNGHANSE 22-15 NO 2	BLOWHORN CREEK OIL	28.0	SOUTHERN NATURAL GAS
8123978	3-20-8114PD	0107520285	102	YOUNGHANSE 22-16 NO 1	BLOWHORN CREEK OIL	164.0	SOUTHERN NATURAL GAS
-SHELL OIL CO				RECEIVED: 04/02/81 JA: AL			
8123968	3-20-811PD-A	0100320044	107	INTERNATIONAL PAPER CO 20-9 NO 1	SEVEN MILE AREA WILDCAT	145.0	
COLORADO OIL & GAS COMMISSION							
-ABRAXAS PETROLEUM CORP				RECEIVED: 03/27/81 JA: CO			
8123860	80-440	0507508749	103	KERSCHNER #1	RAYMER CREEK	100.0	KANSAS NEBRASKA NATU
-AMOCO PRODUCTION CO				RECEIVED: 03/27/81 JA: CO			
8123861	80-454	0508107498	103	CHAMPLIN 287 AMOCO C WELL #3	ZENITH	18.0	VESSELS GAS PROCESSI
8123862	80-451	0503906326	103	CHAMPLIN 569 AMOCO D #1	DEADEYE	18.0	SUN OIL CO
8123873	80-514	0512308678	108	FLOYD ADLER GAS UNIT C WELL #1	WATTENBERG	19.5	PANHANDLE EASTERN PI
8123874	80-496	0512308271	108	PAUL ODENBAUGH GAS UNIT WELL #1	WATTENBERG	18.6	PANHANDLE EASTERN PI
8123864	80-455	0506706330	103	SHARP GAS UNIT NO 1E	BASIN DAKOTA	30.0	EL PASO NATURAL GAS
8123865	80-452	0500107352	103	UPRR 23 PAN AM D WELL #2	JAMBOREE	110.0	PANHANDLE EASTERN PI
8123866	80-453	0500107497	103	UPRR 23 PAN AM D WELL #4	JAMBOREE	150.0	PANHANDLE EASTERN PI
8123863	80-456	0500107561	103	W E POPE WELL #2	QUAIL	320.0	PANHANDLE EASTERN PI
-CONTINENTAL GAS TRANSMISSION				RECEIVED: 03/27/81 JA: CO			
8123867	80-450	0500107592	103	1-34 PARIS	QUAIL	50.0	PANHANDLE EASTERN PI
-ENERGY MINERALS CORPORATION				RECEIVED: 03/27/81 JA: CO			
8123875	80-370	0512308578	108	BRETT #1	SPINDLE	18.6	COLORADO INTERSTATE
8123858	80-498	0512310023	102	FLOYD #1	WAITE LAKE	64.8	PHILLIPS PETROLEUM
8123876	80-633	0512309385	108	JOE #1	ROGGEN	18.4	CRYSTAL GAS RESOURCE
8123859	81-65	0512309882	102	LEROY #1	WAITE LAKE	93.6	PHILLIPS PETROLEUM
8123877	80-612	0512309317	108	STANLEY #5	SPINDLE	18.7	PANHANDLE EASTERN PI
8123878	80-613	0512309556	108	STANLEY #7	SPINDLE	18.7	PANHANDLE EASTERN PI

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-J-W OPERATING COMPANY					RECEIVED: 03/27/81 JA: CO			
8123857	80-427	0512506266	102		M MURRAIN #2	WAVERLY	40.0	KANSAS NEBRASKA NAT
8123856	80-449	0512506338	102		T BROPHY #19	WAVERLY	60.0	KANSAS NEBRASKA NATU
-KANSAS-NEBRASKA NATURAL GAS CO INC					RECEIVED: 03/27/81 JA: CO			
8123879	80-522	0512506065	108		FONTE 1-27	REPUBLICAN	20.0	
8123880	80-523	0512506134	108		SHORT 1-23	REPUBLICAN	16.0	
-MACEY & MERSHON OIL INC					RECEIVED: 03/27/81 JA: CO			
8123881	80-504	0512300000	108		CHILDRENS HOSPITAL #1	WATTENBERG	14.0	PANHANDLE EASTERN PI
8123882	80-494	0512300000	108		LEONARD #1	WATTENBERG	17.5	COLORADO INTERSTATE
8123883	80-495	0512300000	108		SALISBURY #1	WATTENBERG	17.0	PANHANDLE EASTERN PI
-MARTIN OIL SERVICE INC					RECEIVED: 03/27/81 JA: CO			
8123884	80-491	0512307562	108		CINQUE #1	SPINDLE	15.2	PANHANDLE EASTERN PI
8123885	80-489	0512307560	108		CINQUE #2	SPINDLE	15.2	PANHANDLE EASTERN PI
8123886	80-488	0512307563	108		CINQUE #3	SPINDLE	15.2	PANHANDLE EASTERN PI
8123887	80-492	0512307561	108		CINQUE #4	SPINDLE	15.2	PANHANDLE EASTERN PI
8123888	80-490	0512307564	108		CINQUE #5	SPINDLE	15.2	PANHANDLE EASTERN PI
8123889	80-432	0501306020	108		LUTZ #1	SPINDLE	15.0	PANHANDLE EASTERN PI
-MCALESTER FUEL COMPANY					RECEIVED: 03/27/81 JA: CO			
8123890	80-563	0502508701	108		CEDAR CREEK RANCH 17-9	WEST PLAINS - NO	21.0	KANSAS-NEBRASKA NATU
-MBF OIL CORP					RECEIVED: 03/27/81 JA: CO			
8123896	80-438	0512309335	108		NORRIS ESTATE 14-6	WATTENBERG	70.0	PANHANDLE EASTERN PI
8123897	80-437	0500106783	108		PUTNAM #41-18	WATTENBERG	35.0	PANHANDLE EASTERN PI
-MOUNTAIN PETROLEUM LTD					RECEIVED: 03/27/81 JA: CO			
8123891	80-441	0512506046	108		STATE #1-29	BEECHER ISLAND	20.0	KANSAS-NEBRASKA NATU
-NORTHWEST EXPLORATION COMPANY					RECEIVED: 03/27/81 JA: CO			
8123868	80-448	0504506250	103		CLOUGH #102	RULISON - WASATCH	198.0	NORTHWEST PIPELINE C
-NORTHWEST PIPELINE CORPORATION					RECEIVED: 03/27/81 JA: CO			
8123893	80-376	0506705331	108		BONDAD 33-9 #9	IGNACIO BLANCO	19.0	NORTHWEST PIPELINE C
8123892	80-189	0506705295	108		IGNACIO 33-7 #12MV	IGNACIO BLANCO MESAVERDE	0.0	EL PASO NATURAL GAS
-PARACHUTE RANCH INC					RECEIVED: 03/27/81 JA: CO			
8123894	80-444	0512300000	108		O'HARA #2-9	LOST CREEK SEC 9-2N-62W	18.0	PHILLIPS PETROLEUM C
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 03/27/81 JA: CO			
8123895	80-499	0500500000	108		J D SCHMIDT NO 1	DRAGOON	2.5	COLORADO INTERSTATE
-TEXAS OIL & GAS CORP					RECEIVED: 03/27/81 JA: CO			
8123870	80-458	0506706417	103		M SMITH U #1	IGNACIO BLANCO	220.0	WESTERN SLOPE GAS CO
8123869	80-447	0506706393	103		MCDONALD C #1	IGNACIO BLANCO	145.0	EL PASO NATURAL GAS
8123871	80-446	0506706416	103		TIFFANY C #1	IGNACIO BLANCO	150.0	NORTHWEST PIPELINE C
8123872	80-457	0506706381	103		UTE #2	IGNACIO BLANCO	27.0	NORTHWEST PIPELINE C
**********								
WEST VIRGINIA DEPARTMENT OF MINES								
**********								
+ALLEGHENY LAND & MINERAL COMPANY					RECEIVED: 04/02/81 JA: WV			
8123952		4703301058	103		A-659	EAGLE	0.0	CONSOLIDATED GAS SUP
8123954		4700100866	103		A-662	PHILIPPI	0.0	CONSOLIDATED GAS SUP
8123950		4703301105	103		A-670	SARDIS	0.0	CONSOLIDATED GAS SUP
8123953		4701701891	103		A-746	SOUTHWEST	0.0	CONSOLIDATED GAS SUP
8123951		4703301260	103		A-749	UNION	0.0	CONSOLIDATED GAS SUP
-APPALACHIAN EXPLORATION & DEVEL INC					RECEIVED: 04/02/81 JA: WV			
8123919		4706700513	102		P CAUDILL #1	GRANT	15.0	EQUITABLE GAS CO
8123918		4706700519	102		WILLIAMS A-1	GRANT	30.0	EQUITABLE GAS CO
-BEREA OIL AND GAS CORPORATION					RECEIVED: 04/02/81 JA: WV			
8123960		4710720926	103		GARRISON #1	UNION	17.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123962		4710720965	103		HICKMAN #2	UNION	0.0	
8123961		4710720964	103		HICKMAN #1	UNION	0.0	
8123963		4710720966	103		HICKMAN #3	UNION	0.0	
8123964		4710720967	103		HICKMAN #4	UNION	0.0	
8123965		4710720968	103		HICKMAN #5	UNION	0.0	

JD NO	DA DMT	API NO	SEC	C	WELL NAME	FIELD NAME	PROD	PURCHASER
8123962		4710720965	103		HICKMAN #2	UNION	0.0	
8123961		4710720927	103		HUGGINS #1	UNION	17.0	
-CHASE PETROLEUM			RECEIVED: 04/02/81 JA: WV					
8123947		4701702541	103		GARRETT #1	SALEM	30.0	
8123945		4703302228	103		LEONARD #1	SALEM	30.0	
8123949		4704102871	103		STALNAKER #2	VANDALIA	40.0	
8123948		4701702557	103		T V SMITH #1	BENSON RUN	20.0	
8123946		4701702573	103		T V SMITH #3	BENSON RUN	20.0	
-FOX DRILLING CO INC			RECEIVED: 04/02/81 JA: WV					
8123955		4700101330	103		JONES #3	BELINGTON	18.0	COLUMBIA GAS TRANSMI
8123959		4700101313	103		LANTZ #1	BELINGTON	25.0	COLUMBIA GAS TRANSMI
8123958		4700101336	103		LANTZ #2	BELINGTON	48.0	COLUMBIA GAS TRANSMI
8123956		4700101287	103		ONEAL #1	BELINGTON	15.0	COLUMBIA GAS TRANSMI
8123957		4700101288	103		ONEAL #2	BELINGTON	18.0	COLUMBIA GAS TRANSMI
-GLENN W JOHNSON DBA JOHNSON PRODUCI			RECEIVED: 04/02/81 JA: WV					
8123932		4709700000	108		J A RUSMISELL #1	BANKS	1.6	COLUMBIA GAS TRANS C
8123931		4709702012	108		OGDEN #1	BANKS	1.4	COLUMBIA GAS TRANS C
-GULF OIL CORPORATION			RECEIVED: 04/02/81 JA: WV					
8123966		4702100061	108		GAINER HEIRS #1	DE CALB	1.8	CONSOLIDATED GAS SUP
-PENNZOIL COMPANY			RECEIVED: 04/02/81 JA: WV					
8123906		4704900492	108		B F & JOHN BLACKSHERE #1	MANNINGTON	3.9	
8123939		4704900283	108		B F & JOHN BLACKSHERE #2	MANNINGTON	2.4	
8123900		4704900481	108		B F BLACKSHERE #20	MANNINGTON	3.9	
8123901		4704900482	108		B F BLACKSHERE #21	MANNINGTON	3.9	
8123902		4704900487	108		B F BLACKSHERE #29	MANNINGTON	3.9	
8123903		4704900489	108		B F BLACKSHERE #35	MANNINGTON	3.9	
8123904		4704900490	108		B F BLACKSHERE #38	MANNINGTON	2.3	
8123905		4704900491	108		B F BLACKSHERE #43	MANNINGTON	3.9	
8123941		4703501459	108		C S MCCARTY #1	RAVENSWOOD	0.8	
8123911		4704900498	108		C W BROWN #7	PAW PAW	2.4	
8123930		4704900527	108		D F HAMILTON #14	MANNINGTON	3.9	
8123936		4704900460	108		D L FLOYD #2	MANNINGTON	2.8	
8123907		4704900494	108		E A BLACKSHERE #14	MANNINGTON	3.9	
8123934		4704900466	108		E FLOYD #1	MANNINGTON	3.9	
8123914		4704900518	108		ELLSWORTH FRY #3	MANNINGTON	3.9	
8123929		4704900528	108		G T HAMILTON #2	MANNINGTON	11.5	
8123935		4704900463	108		J F FLUHARTY #1	MANNINGTON	3.9	
8123915		4704900519	108		J H FURBEE #3	MANNINGTON	4.8	
8123917		4704900522	108		J H FURBEE #7	MANNINGTON	2.9	
8123916		4704900521	108		J H FURBEE #8	MANNINGTON	3.9	
8123913		4704900514	108		J L ERWIN #6	MANNINGTON	3.9	
8123927		4704900102	108		J L ERWIN #7	MANNINGTON	3.9	
8123909		4704900496	108		J R BLACKSHERE #12	LINCOLN	3.9	
8123910		4704900497	108		J R BLACKSHERE #14	LINCOLN	2.1	
8123908		4704900495	108		J R BLACKSHERE #4	LINCOLN	3.9	
8123912		4704900504	108		JACOB CUNNINGHAM #3	MANNINGTON	0.2	
8123926		4704900147	108		JOHN KENNDY #7	MANNINGTON	3.9	
8123898		4710700993	103		LOUISE MARSHALL ET AL #1	DALLISON	0.0	PENNZOIL CO
8123943		4701702252	108		MARTHA J SMITH #2	MCCLELLAN	0.7	
8123942		4701702253	108		MARTHA J SMITH #4	MCCLELLAN	0.7	
8123933		4704900469	108		P B AMOS #7	CLAY	2.4	
8123940		4704900036	108		R D TENNANT #5	PAW PAW	5.2	

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8123899		4710700992	103		ROBERT E LEE #1	DALLISON	0.0	PENNZOIL CO
8123928		4704900098	108		S L TOOTHMAN #2	MANNINGTON	1.0	
8123944		4701702190	108		SILAS ASH #16	GRANT	0.0	
8123938		4704900458	108		W C FLEMING #2	MANNINGTON	3.9	
8123937		4704900459	108		W C FLEMING #3	MANNINGTON	3.9	
-STAR GAS COMPANY			RECEIVED: 04/02/81 JA: WV					
8123965		4707900520	108		C C THORTON #1	EIGHTEEN MILE CREEK	1.5	AJAX PIPELINE CO
8123922		4703901149	108		ELLEN WHITE #1	BROWNS CREEK	1.9	AJAX PIPELINE CO
8123920		4707900321	108		FRANK ARBAUGH #1	TRACE FORK MUD RIVER	1.9	AJAX PIPELINE CO
8123923		4703901119	108		J M JAVINS #1	BROWNS CREEK	8.1	AJAX PIPELINE CO
8123924		4707900523	108		M S WALDLING #1	BIG BUFFALO CREEK	4.0	TEAVEE OIL & GAS INC
8123921		4703901178	108		O A SPRADLING #1	FALLS CREEK	4.8	AJAX PIPELINE CO
8123925		4707900474	108		RONALD PAYNE #1	LITTLE BUFFALO CREEK	2.9	TEAVEE OIL & GAS INC
8123963		4703500715	108		SUSIE PARSONS #1	LITTLE MILL CREEK	7.2	CONSOLIDATED GAS SUP
8123964		4703500707	108		WALTER CLICK #1	MILLS CREEK	1.5	CONSOLIDATED GAS SUP
** U.S. GEOLOGICAL SURVEY - DENVER,CO								
-ANADARKO PRODUCTION COMPANY			RECEIVED: 04/02/81 JA: CO 1					
8123994	CC 379-0	0508106390	103		COTTONWOOD GULCH FEDERAL A NO 2	NO CRAIG	188.0	MOUNTAIN FUEL SUPPLY
-ARCO OIL AND GAS COMPANY			RECEIVED: 04/02/81 JA: CO 1					
8123988	CD0108-80	0506706345	103		SOUTHERN UTE 14-3 32-9 (MV)	IGNACIO BLANCO (MV)	344.0	NORTHWEST PIPELINE C
8123987	CD0107-80	0506706351	103		SOUTHERN UTE 24-2 32-9 (MV)	IGNACIO BLANCO (MV)	348.0	WESTERN SLOPE GAS CO
8123985	CD 0005-81	0506706353	103		SOUTHERN UTE 24-3 32-9 (MV)	IGNACIO BLANCO	86.0	EL PASO NATURAL GAS
-FUEL RESOURCES DEVELOPMENT CO			RECEIVED: 04/02/81 JA: CO 1					
8123980	CC411-0	0510308351	103		#8-10-3-101-S	CATHEDRAL	96.0	MOUNTAIN FUEL SUPPLY
8123981	CC 409-0	0510308349	103		#1-20-3-101-S	CATHEDRAL	130.0	MOUNTAIN FUEL SUPPLY
8123979	CC410-0	0510308346	102		C-23-3-101-S	CATHEDRAL	25.0	NORTHWEST PIPELINE C
-MESA PETROLEUM			RECEIVED: 04/02/81 JA: CO 1					
8123995	CC 446-0	0512506378	102		FEDERAL #1-5	ECKLEY	55.0	CITIES SERVICE GAS C
-NORTHWEST EXPLORATION COMPANY			RECEIVED: 04/02/81 JA: CO 1					
8123992	CD0019-81	0504506255	102		FEDERAL RULISON #118 (FORMERLY #4)	RULISON - WASATCH	152.0	NORTHWEST PIPELINE C
-TEXAS GAS EXPLORATION CORP			RECEIVED: 04/02/81 JA: CO 1					
8123983	CC521-0	0504506198	103		FEDERAL 23-4	BRIDLE	300.0	
8123982	CC 522-0	0507708287	103		FEDERAL 41-19	BRIDLE	150.0	
-ARCO OIL AND GAS COMPANY			RECEIVED: 04/02/81 JA: UT 1					
8123989	UC 426-0	4301930528	103		SAN ARROYO FEDERAL #32	SAN ARROYO	36.0	MESA PIPELINE
-BELCO PETROLEUM CORPORATION			RECEIVED: 04/02/81 JA: UT 1					
8123991	UD0013-81	4304730626	103		DUCK CREEK 11-16	DUCK CREEK	0.0	NORTHWEST PIPELINE C
-COASTAL OIL & GAS CORP			RECEIVED: 04/02/81 JA: UT 1					
8123984	UC 448-0	4304730511	103		CIGE 31-1-10-22	BITTER CREEK	657.0	COLORADO INTERSTATE
-CONOCO INC			RECEIVED: 04/02/81 JA: UT 1					
8123990	UC 442-0	4304730665	103		CONOCO UTE TRIBAL 35 NO 19	OURAY	788.0	MOUNTAIN FUEL SUPPLY
-GAS PRODUCING ENTERPRISES INC			RECEIVED: 04/02/81 JA: UT 1					
8123993	UC 322-0	4304730504	103		NATURAL BUTTES UNIT 33Y	BITTER CREEK	492.0	COLORADO INTERSTATE
-TEXACO INC			RECEIVED: 04/02/81 JA: UT 1					
8123986	UD 0008-81	4304730277	108		SEEP RIDGE UNIT NO 5	SEEP RIDGE	9.0	MESA PIPELINE CO
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK								
-NORMAN W HORTON			RECEIVED: 04/02/81 JA: OK 8					
8124009		3511300000	108		BRANSTETTER #11	QUAPAW	3.3	CITIES SERVICE GAS C
8124010		3511300000	108		BRANSTETTER #12	QUAPAW	8.2	CITIES SERVICE GAS C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124011		3511300000	108		BRANSTETTER #13	QUAPAW	3.3	CITIES SERVICE GAS C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124011		3511300000	108		BRANSTETTER #13	QUAPAW	3.3	CITIES SERVICE GAS C
8124012		3511300000	108		BRANSTETTER #14	QUAPAW	4.7	CITIES SERVICE GAS C
8124013		3511300000	108		BRANSTETTER #15	QUAPAW	4.8	CITIES SERVICE GAS C
8124014		3511300000	108		BRANSTETTER #16	QUAPAW	3.1	CITIES SERVICE GAS C
8124003		3511300000	108		BRANSTETTER #2	QUAPAW	8.1	CITIES SERVICE GAS C
8124005		3511300000	108		BRANSTETTER #6	QUAPAW	8.8	CITIES SERVICE GAS C
8124006		3511300000	108		BRANSTETTER #7	QUAPAW	0.5	CITIES SERVICE GAS C
8124007		3511300000	108		BRANSTETTER #8	QUAPAW	8.6	CITIES SERVICE GAS C
8124008		3511300000	108		BRANSTETTER #9	QUAPAW	2.3	CITIES SERVICE GAS C
8124004		3511300000	108		FORREST H LINDSAY #5	QUAPAW	2.3	CITIES SERVICE GAS C
-OKLAHOMA DRILLING CORP		RECEIVED: 04/02/81 JA: OK 8						
8123996		3511300000	103		JOHN T OXLEY #1-B	EAST ATLANTIC	7.0	PHILLIPS PETROLEUM C
8124002		3511300000	103		JOHN T OXLEY #12	EAST ATLANTIC	2.0	PHILLIPS PETROLEUM C
8123998		3511300000	103		JOHN T OXLEY #2	EAST ATLANTIC	3.0	PHILLIPS PETROLEUM C
8123997		3511300000	103		JOHN T OXLEY #3	EAST ATLANTIC	5.0	PHILLIPS PETROLEUM C
8123999		3511300000	103		JOHN T OXLEY #5	EAST ATLANTIC	5.0	PHILLIPS PETROLEUM C
8124000		3511300000	103		JOHN T OXLEY #6	EAST ATLANTIC	35.0	PHILLIPS PETROLEUM C
8124001		3511300000	103		JOHN T OXLEY #9	EAST ATLANTIC	8.0	PHILLIPS PETROLEUM C

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 15, 1981.

Please refer to the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13040 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed; Period of February 16 Through March 6, 1981

During the period of February 16 through March 6, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before May 20, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 23, 1981.

Lobo Oil Co., Snyder, Texas; BRO-1414, Crude oil

On March 3, 1981, Lobo Oil Corporation, Clairmont Road, Snyder, Texas 79549 filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Southwest District Office of Enforcement issued to the firm on February 6, 1981.

In the PRO the Southwest District found that during the period September 1, 1973 through May 31, 1977, the firm committed pricing violations in connection with the sale of crude oil in Texas.

According to the PRO the Lobo Oil Corporation violation resulted in $205,071.79 of overcharges.

Koch Industries, Wichita, Kansas: BRO-1415, Motor gasoline

On March 3, 1981, Koch Industries, Inc. (Koch) P.O. Box 2256 Wichita, Kansas 67201, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the Office of Special Counsel issued to the firm on September 9, 1980. In the PRO the OSC found that during the period from August 1979 through August 1980, and during October 1980, Koch violated 10 CFR 211.9(a)(1) by refusing to supply motor gasoline to two retail outlets owned by Startex Petroleum, Inc. (Startex). The OSC has proposed that Koch be required to offer Startex the base period entitlements of motor gasoline (as reduced by the applicable allocation fraction) of the two outlets for the period August 1979 through August 1980, and October 1980.

J. M. Reeves, Chevron, Decatur, Georgia: BRO-1416, Gasoline

On March 4, 1981, J. M. Reeves Chevron, 3893 N. Druid Hills Rd., Decatur, Ga. 30033 filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Southeast District Office of Enforcement issued to the firm on May 7, 1980.

In the PRO the Southeast District found that during the period September 1, 1979 through March 31, 1980, J. M. Reeves Chevron charged prices in excess of the maximum legal selling price allowed by 10 CFR Part 212.

According to the PRO the Reeves violation resulted in $7,509.51 of overcharges.

Plaza Service Center, Las Vegas, New Mexico; BRO-1425, Motor gasoline

On March 4, 1981, Plaza Service Center, 1625 South Pacific Street, Las Vegas, New Mexico 87701, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on November 10, 1980. In the Proposed Remedial Order the Southwest District found that during August 1, 1979 through September 8, 1980, Plaza Service Center committed pricing violations in sales of motor gasoline in the State of New Mexico.

According to the Proposed Remedial Order the Plaza Service Center violation resulted in $21,554.05 of overcharges. This Notice of Objection has been transferred to the Southwest Regional Center of the Office of Hearings and Appeals for analysis.

Shimek, Ben, San Francisco, California: BRO-1417, Motor gasoline

On March 5, 1981, Ben Shimek d/b/a Ray's Shell, 1070 Oak Street, San Francisco, CA 94117 filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Western District Office of Enforcement issued to the firm on December 31, 1980.

In the PRO the Western District found that during the period from August 1, 1979 to July 30, 1980, the firm charged prices in excess of the maximum lawful selling price for motor gasoline in violation of 10 CFR 212.93.

According to the PRO the Ray's Shell violation resulted in $40,239.16 of overcharges.

Shimek, Ben, San Francisco, California: BRO-1418, Motor gasoline

On March 5, 1981, Ben Shimek d/b/a Fell Street Chevron, 1101 Fell Street, San Francisco, CA filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on December 31, 1980.

In the PRO the Western District found that during the period from December 1, 1979 to July 31, 1980, Fell Street Chevron charged prices for motor gasoline that exceeded the maximum lawful selling price allowed by 10 CFR Part 212.

According to the PRO the Fell St. Chevron violation resulted in $62,341.31 of overcharges.

Shimek, Ben, San Francisco, California: BRO-1419, Motor gasoline

On March 5, 1981, Ben Shimek d/b/a Luster Car Wash, 444 Divisidero, San Francisco, CA 94117 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on December 31, 1980.

In the PRO the Western District found that during the period from August 1, 1979 to July 31, 1980, the firm charged prices for motor gasoline that exceeded the maximum lawful selling price in violation of 10 CFR 212.93.

According to the PRO the Luster Car Wash violation resulted in $9,964.13 of overcharges.

Shimek, Ben, San Francisco, California; BRO-1420, motor gasoline

On March 5, 1981, Ben Shimek d/b/a Ben's Shell, 1698 Van Ness Avenue, San Francisco, CA 94109 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on December 31, 1980.

In the PRO the Western District found that during the period August 1, 1979 through July 31, 1980, Ben's Shell charged prices in sales of motor gasoline that exceeded the prices permitted according to 10 CFR Part 212.

According to the PRO the Ben's Shell violation resulted in $16,301.15 of overcharges.

Shimek, Ben, San Francisco, California; BRO-1421, Motor Gasoline

On March 5, 1981, Ben Shimek d/b/a Andy's Shell, 400 South Van Ness, San Francisco, CA 94105 filed a Notice of

Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on December 31, 1980.

In the PRO the Western District found that from August 1, 1979 to July 31, 1980, Andy's Shell overcharged consumers in sales of motor gasoline.

According to the PRO the Andy's Shell violation resulted in $9,084.55 of overcharges.

Shimek, Ben, San Francisco, California; BRO-1421, motor gasoline

On March 5, 1981, Ben Shimek d/b/a Auto City Chevron, 501 South, Van Ness San Francisco, CA filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on December 31, 1980.

In the PRO the Western District found that from August 1, 1979 to July 31, 1980, the firm charged prices to motorists in sales of motor gasoline that exceeded the maximum lawful selling price. 10 CFR 212.93.

According to the PRO the Auto City Chevron violation resulted in $41,673.81 of overcharges.

[FR Doc. 81-13085 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of April 3 Through April 10, 1981

During the week of April 3 through April 10, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

April 23, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of Apr. 3 through Apr. 10, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 3, 1981	Independent Terminal Operators Association, Washington, D.C.	BES-0149	Request for Stay. If granted: The March 23, 1981 Agreement between the National Oil Jobbers Council and the Office of Enforcement of the Economic Regulatory Administration of the DOE would be stayed.
Apr. 3, 1981	Mitchell energy Corporation, Washington, D.C.	BRZ-0093	Motion for Interlocutory Order. If granted: The Office of Enforcement would be compelled to provide Mitchell Energy Corporation with further discovery pursuant to the January 23, 1981 Decision and Order (Case No. DRD-0093).
Apr. 3, 1981	Mobil Oil Corporation, Fairfax, Virginia	BES-0630 and BET-0630	Request for Stay and Temporary Stay. If granted: Mobil Oil Corporation would receive a stay and temporary stay of the provisions of 10 CFR 211.67 pending a final determination on its Appeal (Case No. DEA-0630).
Apr. 6, 1981	Audubon Society of the Everglades, West Palm Beach, Florida.	BFA-0654	Appeal of an Information Request Denial. If granted: The March 6, 1981 Information Request Denial issued by the Office of Procurement Operations would be rescinded and the Audobuon Society of the Everglades would receive access to proposals submitted by Palm Beach Junior College Foundation.
Apr. 6, 1981	Navajo Refining Company, Artesia, New Mexico	BEX-0189	Supplemental Order. If granted: Navajo Refining Company's Supplemental Order (Case No. BEX-0184) would be modified with respect to additional exception relief.
Apr. 6, 1981	Newburgh Transportation Center, Newburgh, New York	BRW-0093	Proposed Remedial order Finalization. If granted: The Proposed Remedial Order issued to Newburgh Transportation Center on July 22, 1980 would be issued as a final Remedial Order.
Apr. 6, 1981	Office of Enforcement/Bloomingdale Service, Washington, D.C.	BRR-0118	Request for Modification. If granted: The Proposed Remedial Order which was finalized on December 4, 1980 (Case No. BRW-0118) would be modified.
Apr. 6, 1981	Office of Safeguards & Security, Washington, D.C.	BER-0119	Request for Modification/Rescission. If granted: The January 21, 1981 Decision and Order (Case No. BFA-0555) issued to David Bowman regarding access to DOE information would be modified.
Apr. 6, 1981	Roger's Standard, Arlington Height, Illinois	BRW-0095	Proposed Remedial Orderd Finalization. If granted: The Proposed Remedial Order issued to Roger's Standard on August 25, 1980 would be issued as a final Remedial Order.
Apr. 6, 1981	West Ashley Exxon, Charleston, South Carolina	BRW-0094	Proposed Remedial Order Finalization. If granted: The Proposed Remedial Order issued to West Ashley Exxon on August 11, 1980 would be issued as a final Remedial Order.
Apr. 7, 1981	Marathon Oil Company, Washington, D.C.	BRZ-0094	Interlocutory Order. If granted: The Motion for Discovery filed by the Office of Special Counsel on July 14, 1980 would be struck.
Apr. 7, 1981	Murphy Oil Company, Washington, D.C.	BRZ-0095	Interlocutory Order. If granted: The Motion for Discovery filed by the Office of Special Counsel on July 14, 1980 would be struck.
Apr. 7, 1981	Office of Enforcement, Washington, D.C.	BRD-0111	Motion for Discovery. If granted: Discovery would be granted to the Office of Enforcement in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. DRO-0243) issued to Hughes & Hughes Oil & Gas.
Apr. 8, 1981	Lunday-Thagard Oil Company, Los Angeles, California	BEX-0190	Supplemental Order. If granted: The August 27, 1980 Decision and Order (Case No. DXE-3717) issued to Lunday-Thagard Oil Company would be modified.
Apr. 8, 1981	Miller Oil Purchasing Company, Jackson, Mississippi	BEX-0191	Supplemental Order. If granted: Refund procedures would be established for revenues received through the tertiary incentive program regarding the 341 Tract unit, Citronelle Field.
Apr. 9, 1981	Ernest Gutierrez, Tampa, Florida	BFA-0656	Appeal of an Information Request Denial. If granted: Ernest Gutierrez would receive access to certain DOE information.
Apr. 9, 1981	GKCO Consultants, Alexandria, Virginia	BFA-0656	Appeal of an Information Request Denial. If granted: The March 11, 1981 Information Request Denial would be rescinded and GKCO Consultants would receive access to certain information regarding DOE contract DE-AC01-80CS40382 with General Energy Associates.
Apr. 9, 1981	Mid Continent Systems, Inc., Washington, D.C.	BRR-0120	Request for Modification/Rescission. If granted: The July 24, 1979 Decision and Order (Case No. DRA-0179) issued to Mid Continent Systems, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's price relief.
Apr. 10, 1981	Batzell, Nunn, and Bode (Wales), Washington, D.C.	BEG-0048 thru BEG-0052	Request for Special Redress. If granted: Batzell, Nunn and Bode (Wales) would receive access to certain DOE information.
Apr. 10, 1981	Mitchell Energy Corporation, Washington, D.C.	BMR-0121	Request for Modification/rescission. If granted: The January 23, 1981 Decision and Order (Case No. DRD-0093) issued to Mitchell Energy Corporation regarding its Motion for Discovery would be modified.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Apr. 3 through Apr. 10, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 10, 1981	Shell Oil Company, Houston, Texas	BEA-0657	Appeal of the Entitlements Notice. If granted: The February 1981 Entitlements Notice would be modified with respect to Shell Oil Company's entitlements purchase obligations.

Notices of Objection Received

[Week of Apr. 3 to Apr. 10, 1981]

Date	Name and location of applicant	Case No.
Apr. 7, 1981	Meeker and Company, Washington, D.C.	DEE-1668.
Apr. 8, 1981	Southland Oil Company, Washington, D.C.	BXE-1666.
Apr. 9, 1981	Dunigan Operating Co., Inc., Pampa, Texas	BEE-1223.

Dismissed Cases Reopened

[Week of Apr. 6, 1981]

Date	Case name	Case No.	Location
Apr. 7, 1981	Marina South Car Wash	BEX-0092	Los Angeles, Calif.
Apr. 9, 1981	Wolff Development, Inc.	BEE-1498	San Diego, Calif.

[FR Doc. 81-13086 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

Issuance of Decisions and Orders, Week of March 30 Through April 3, 1981

During the week of March 30 through April 3, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m, except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Office of Hearings and Appeals.

April 23, 1981.

Appeals

Diamond Shamrock Corporation, 4/1/81, BEA-0040

On November 6, 1979, Diamond Shamrock Corporation (Diamond) filed an Appeal from the July 1979 Entitlements Notice. In that Notice, Diamond's entitlements obligations was adjusted in order to correct reporting errors reflected in the Notices issued for January through June 1979. In its Appeal, Diamond contended that in correcting its entitlements position the DOE Office of Petroleum Operations (OPO) should have taken account of the change in the small refiner bias which occurred on June 1, 1979, and that OPO's failure to do so deprived Diamond of $16,618 worth of entitlements benefits which it should be received.

After considering Diamond's Appeal, the DOE determined that the Appeal should be granted, and that Diamond should be issued additional entitlements having a value of $16,618. The DOE held that in making adjustments for Diamond's reporting errors, OPO should have applied, for each month in which the firm reported an error, the bias in effect during that month, instead of the reduced bias in effect after June 1, 1979.

Larry V. Ellis, 4/2/81, BFA-0618

Larry V. Ellis filed an Appeal from a partial denial by the Privacy Act System Manager of the DOE Idaho Operations Office of a request for access to records which Mr. Ellis had submitted under the Privacy Act of 1974. Mr. Ellis sought copies of all records concerning him which are maintained by the Idaho Operations Office. In considering the Appeal, the DOE found that the System Manager had considered the request for access under standards set forth in regulations which had already been superseded at the time of his determination. The DOE concluded that the matter should be remanded for review under the DOE's currently applicable Privacy Act regulations.

Exxon Co., U.S.A., BFA-0609
Miller & Chevalier, 4/1/81, BFA-0614

Exxon Co., U.S.A., and Miller & Chevalier filed Appeals from partial denials by the Assistant Administrator for Enforcement of the Economic Regulatory Administration of Requests for Information which the firms had submitted under the Freedom of Information Act (the FOIA). In considering the Appeals the DOE found that certain of the documents which were initially withheld under exemption 5 should be released to the firms. The DOE further determined that the withholding of documents under exemptions 4 and 7(A) had not been adequately justified and therefore these documents were remanded to the Assistant Administrator with directions to either release them or provide a detailed explanation of the reasons which justify withholding them.

Remedial Order

Car Care Club of Oklahoma, 3/30/81, DRO-0333

The Car Care Club of Oklahoma filed a Statement of Objections to an Interim Remedial Order for Immediate Compliance (IROIC) which was issued to it on July 30, 1979, by the Southwest District of Enforcement of the Economic Regulatory Administration. In the IROIC, the ERA found that the Club was violating 10 CFR 210.62 by engaging in discriminatory business practices and ordered the Club to cease such practices. In considering the IROIC, the DOE held that the order did not satisfy the requirements of 10 CFR 205.199D because the conclusory statements concerning possible damage to the DOE regulatory program that would be occasioned in the absence of the IROIC did not demonstrate a compelling public interest in the immediate enforcement action which would preclude the full procedural due process rights normally accorded to a firm that is allegedly violating the regulations. The IROIC was therefore rescinded and the Club's Objection to it was dismissed.

Requests for Modification and/or Rescission

Atlantic Richfield Co., 3/30/81, BER-0092 through BER-0098

The Atlantic Richfield Company, Chevron Company, U.S.A. Inc., Conoco, Inc., Exxon Company, U.S.A., Getty Refining and Marketing Company, Marathon Oil Company, and Mobil Oil Corporation filed a Consolidated Motion for Reconsideration of a discovery decision issued on December 18,

1980, which relates to an exception proceeding involving the Union Oil Company of California (Case No. DEE-5748). *Getty Refining and Marketing Company*, 7 DOE ¶ 82,525 (1980). In their Consolidated Motion, the petitioners requested that OHA direct Union to provide additional information relating to its business decisions that may have contributed to the crude oil cost disparity experienced by Union during the second half of 1979. In considering the Motion, the DOE found that the record in the exception proceeding should be supplemented by requiring Union to provide documents relating to its purchases and sales of crude oil and refined petroleum products to third parties (outside its normal distribution chain). Union was also directed to provide documents relating to any failure by the firm to renew foreign crude oil contracts. The Consolidated Motion for Reconsideration was therefore granted in part.

Douglas L. Miller, BER-0078
DOE Office of Personnel, 3/31/81, BER-0078

The DOE Office of Personnel and Douglas L. Miller separately filed Applications for Modification or Rescission of *Douglas L. Miller*, 8 DOE ¶ 80,186 (1980), which granted in part an Appeal Miller had submitted under the Freedom of Information Act. The DOE found that Miller's Application failed to state the reasons why he believed the original determination to be erroneous. It was therefore denied summarily. With respect to the Office of Personnel's Application, the DOE found that none of the substantive arguments presented by the Office of Personnel would have been persuasive even if raised in the original proceeding. Therefore, its Application was also denied except with respect to its request that a clerical error in the original Order be modified.

Requests for Exception

City of Long Beach, California, 4/3/81, BXE-1529

The City of Long Beach, California filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D, in which it sought an extension of exception relief previously granted to continue to sell certain quantities of the crude oil which it produces from the Fault Block II Unit at upper tier ceiling price levels. In considering the request, the DOE found that exception relief was necessary to provide a financial incentive to continue crude oil production operations at the property. Accordingly, exception relief was granted.

City of Long Beach, 3/31/81, BXE-1142

The City of Long Beach filed an Application for Exception from the provisions of 10 CFR Part 212. The firm sought an extension of relief previously granted which allowed the petitioner to sell certain quantities of crude oil which it produced from the Fault Block II Unit at upper tier prices. In considering the request, the DOE found that exception relief was necessary to provide a financial incentive so that crude oil extraction operations at the property would be continued. Accordingly, exception relief was granted.

Gasol, Inc., 4/2/81, BEE-0061

Gasol, Inc., filed an Application for Exception from the DOE Mandatory Petroleum Allocation Regulations, 10 CFR Part 211, in which the firm sought an increase in its base period allocation of motor gasoline for the purposes of blending and marketing gasohol. In considering the Application, the DOE determined that the Application had been rendered moot by the exemption of all petroleum products from allocation controls. Accordingly, the Application for Exception was dismissed.

Mohawk Petroleum Corporation, Inc. 4/3/81, DXE-3714

The DOE reviewed the exception relief granted to Mohawk Petroleum Corporation, Inc. during its 1979 fiscal year. Although the DOE found that Mohawk received excess entitlements benefits during the 1979 fiscal year, no adjustment was made because such a determination would have been inconsistent with the determination in a prior decision regarding Mohawk's 1979 fiscal year review.

Young Refining Corporation, 3/30/81, BEE-1296, BED-1296, BXE-1479

Young Refining Corporation filed two Applications for Exception in which the firm sought relief from its obligations under the DOE Crude Oil Entitlements Program (10 CFR 211.67) for two time periods covering its fiscal year April 1, 1980 through March 31, 1981. In considering the requests, the DOE determined that exception relief should be approved under the *Delta/Beacon* standards applicable to small refiners, but that Young should be required to make restitution for excess entitlements relief already received by the firm. The DOE also determined that a Motion for Discovery, filed by Young in connection with the exception proceeding No. BEE-1296, should be denied. Accordingly, the Applications for Exception were granted, with adjustments, and the Motion for Discovery was denied.

Zack Hadri Exxon Service, 3/31/81, BEO-0624

Zack Hadri Exxon Service filed an Application for Exception from the DOE Mandatory Petroleum Allocation Regulations, 10 CFR Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the Application, the DOE determined that the Application had been rendered moot by the exemption of all petroleum products from allocation controls. Accordingly, the Application for Exception was dismissed.

Supplemental Orders

Caribou Four Corners, Inc., 4/2/81, BEX-0177

On its own motion, the DOE issued a Supplemental Order to Caribou Four Corners, Inc. on April 2, 1981 in connection with a Proposed Decision and Order issued to the firm in response to an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The Supplemental Order terminated the relief granted to the firm in the Proposed Decision and Order with the Entitlements Notice which the DOE publishes to account for crude oil receipts and runs to stills for the month of January 1981

Kentucky Oil and Refining Co., Inc., 3/31/81, BEX-0105

On its own motion, the DOE issued a Supplemental Order to Kentucky Oil and Refining Co., Inc. on March 31, 1981 in connection with an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) filed by the firm. The Supplemental Order implemented immediately the relief found appropriate in the Proposed Decision and Order issued to Kentucky Oil and Refining Co., Inc. on March 27, 1981.

Laketon Asphalt Refining Company, 3/31/81, BEX-0104

On its own motion, the DOE issued a Supplemental Order to Laketon Asphalt Refining Company on March 31, 1981 in connection with an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) filed by the firm. The Supplemental Order implemented immediately the relief found appropriate in the Proposed Decision and Order issued to Laketon on March 27, 1981.

Navajo Refining Co., 3/30/81, DEX-0122

This proceeding involved a review by the DOE of the exception relief from the provisions of 10 CFR 211.67 which Navajo Refining Company received during its 1979 fiscal year. On the basis of the actual financial and operating data which Navajo provided for that year, the DOE concluded that the benefits that the firm received were insufficient. Accordingly, Navajo was granted additional entitlements benefits in the amount of $488,850.

Navajo Refining Company, 3/31/81, BEX-0131

On December 12, 1980 the DOE issued a Proposed Decision and Order to Navajo Refining Company in which it tentatively determined that the exception relief which the firm actually received for its 1980 fiscal year was less than the amount of relief warranted under the *Delta* standards. Subsequently, the firm filed a Statement of Objections in which it contended that Navajo was entitled to a greater amount of additional relief for its 1980 fiscal year. In considering the firm's submission, the DOE determined that it was appropriate to apply the firm's actual marginal tax rate in order to calculate its after-tax income. The DOE also adjusted the firm's entitlement purchase obligation in order to account for a reporting error that the firm made during the period under consideration. On the basis of these adjustments, the firm was granted additional relief to compensate for the insufficient benefits which it received for its 1980 fiscal year. In addition, the Decision and Order sets forth the reasons that the resale profit adjustment is not applicable to the ROIC test.

Navajo Refining Company, 4/2/81, BEX-0178

On its own motion, the DOE issued a Supplemental Order to Navajo Refining Company on April 2, 1981 in connection with a final Decision and Order issued to the firm in response to an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The supplemental

Order requires that Navajo submit certain financial and operating data to the DOE by April 15, 1981.

Navajo Refining Company, 4/3/81, BEX-0184

On its own motion, the Department of Energy amended a Decision and Order (BER-0103) which granted Navajo Refining Company exception relief from the provisions of 10 CFR 211.67 (the Entitlements Program). The amendment was necessary in order to correct a computational error which was made in calculating the firm's average capital for the period under consideration.

Plateau, 4/2/81, BEX-0175

On its own motion, the DOE issued a Supplemental Order to Plateau, Inc. on April 2, 1981 in connection with a Proposed Decision and Order issued to the firm in response to an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The Supplemental Order terminated the relief granted to the firm in the Proposed Decision and Order with the entitlements Notice which the DOE publishes to account for crude oil receipts and runs to stills for the month of January 1981.

Southland Oil Company/VGS Corporation, 4/1/81, BEX-0168

On its own motion, the DOE issued a Supplemental Order to Southland Oil Company/VGS Corporation on April 1, 1981 in connection with an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) filed by the firm. The Supplemental Order implemented immediately the relief found appropriate in the Proposed Decision and Order issued to Southland on March 30, 1981.

Southland Oil Company/VGS Corporation, 4/1/81, BEX-0180

On February 23, 1981, the DOE issued a Decision and Order to Southland Oil Company/VGS Corporation requiring that the firm purchase entitlements equal in value of $7,651,617. Southland filed an Appeal of the February 23 determination with the Federal Energy Regulatory Commission. On March 20, 1981, the FERC Presiding Officer directed the Office of Hearings and Appeals to reconsider certain aspects of the February 23, 1981, Decision. The directive to reconsider the February 23 Decision was in response to comments which Southland had filed with the FERC in which Southland asserted that the DOE had made a calculation error in the determination. After reconsidering all aspects of the February 23 Decision the DOE determined that no calculational error had occurred as Southland had asserted. The DOE further found that an adjustment which it had made in reaching the February 23 Decision was erroneous and that Southland should therefore be required to purchase additional entitlements with a value of $1,630,068.

Warrior Asphalt Company of Alabama, Inc., 4/2/81, BEX-0124

On its own motion, the DOE issued a Supplemental Order to Warrior Asphalt Company of Alabama, Inc. on April 2, 1981 in connection with a Proposed Decision and Order issued to the firm in response to an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The Supplemental Order terminated the relief granted to the firm in the Proposed Decision and Order with the Entitlements Notice which the DOE publishes to account for crude oil receipts and runs to stills for the month of January 1981.

Young Refining Corporation, 4/2/81, BEX-0176

On its motion, the DOE issued a Supplemental Order to Young Refining Corporation on April 2, 1981 in connection with a Proposed Decision and Order issued to the firm in response to an Application for Exception from the provisions of § 211.67 (the Entitlements Program). The Supplemental Order terminated the relief granted to the firm in the Proposed Decision and Order with the Entitlements Notice which the DOE publishes to account for crude oil receipts and runs to stills for the month of January 1981.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The DOE issued Decisions and Orders which determined that the requests be dismissed without prejudice.

Company Name and Case No.

Putnam Fuels, Inc., BEE-0569
Samir's Shell & Auto Center, BEO-0732
Stephen J. Zona Sunoco, BEO-1131

The following submissions were dismissed without prejudice:

Name and Case No.

Alpha Park Public Library District, BEE-0322
Downtown Standard, DEE-6415
Farmland Industries, Inc., BEE-0054
John Wright Refinery, DEE-1417
Jones Oil, Co., Inc., DEE-7133
Murphys Exxon, BEO-0390
Stephen M. Shaw, BFA-0621, BFA-0626, BFA-0627
Stephen M. Shaw, BFA-0622, BFA-0625
Stephen M. Shaw, BFA-0628
Young Refining Corp., BEE-1038

[FR Doc. 81-13067 Filed 4-29-81; 8:45 am]
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Objection to Proposed Remedial Orders Filed Week of February 9 Through February 13, 1981

During the week of February 9 through February 13, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,
Director, Office of Hearings and Appeals.
April 23, 1981.

National Distillers & Chemical Corporation, Washington, D.C., BRO-1384, natural gas liquid products

On February 10, 1981, National Distillers & Chemical Corporation, Washington, D.C. filed a Notice of Objection to a Proposed Remedial Order which the DOE Central District Office of Enforcement issued to the firm on January 19, 1981. In the Proposed Remedial Order the Central District found that during September 1973 to August 1978, National Distillers & Chemical Corporation sold natural gas liquid products at prices in excess of those allowed by the regulations.

According to the Proposed Remedial Order the overcharge violation resulted in $102,778 (plus interest) of overcharges.

Peninsula Avenue Shell, San Mateo, California, BRO-1385, motor gasoline

On February 13, 1981, Peninsula Avenue Shell, 400 Peninsula Avenue, San Mateo, California 94401 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during December 15, 1979 to June 10, 1980, Peninsula Avenue Shell committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Peninsula Ave. Shell violation resulted in $1,896.96 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Alameda Chevron, Alameda, California, BOR-1387, motor gasoline

On February 13, 1981, Alameda Chevron, 1802 Webster, Alameda, California 94501 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Alameda Chevron committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Alameda Chevron violation resulted in $1,097.78 of overcharges. This Notice of Objection has been transferred to the

Western Regional Center of the Office of Hearings and Appeals for analysis.

Alemany Chevron Service Center, San Francisco, California, BRO–1388, motor gasoline

On February 13, 1981, Alemany Chevron Service Center, 1998 San Jose Ave., San Francisco, California 94112 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to January 30, 1980, Alemany Chevron Service committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Alemany Chevron Service Center violation resulted in $3,222.74 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Ben Sosbee's Service; San Jose, California, BRO–1389, motor gasoline

On February 13, 1981, Ben Sosbee's Service, 3151 Senter Road, San Jose, California 95111 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during May 1, 1980 to October 30, 1980, Ben Sosbee's Service committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Ben Sosbee's Service violation resulted in $21,612.87 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

C. J. King Chevron, San Jose, California, BOR–1391, motor gasoline

On February 13, 1981, C. J. King Chevron, 403 S. Saratoga Ave., San Jose, California 95129 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during December 15, 1979 to November 6, 1980, C. J. King Chevron committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the C. J. King Chevron violation resulted in $4,736.86 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Charlie's Exxon Service, Milpitas, California, BRO–1392, motor gasoline

On February 13, 1981, Charlie's Exxon Service, 39 South Park Victoria Drive, Milpitas, California 95035 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 8, 1979, Charlie's Exxon Service, committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Charlie's Exxon Service, violation resulted in $6,519.18 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Demitri's Arco, Pacifica, California, BRO–1393, motor gasoline

On February 13, 1981, Demitri's Arco, 2095 Coast Highway 1, Pacifica, California 94044 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Demitri's Arco committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Demitri's Arco violation resulted in $6,367.19 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

East 14th Auto Clinic, Oakland, California, BRO–1394, motor gasoline

On February 13, 1981, East 14th Auto Clinic, 3750 East 14th Street, Oakland, California 94601 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, East 14th Auto Clinic committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the East 14th Auto Clinic violation resulted in $4,288.29 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Hughes Burlingame Shell, Burlingame, California, BRO–1395, motor gasoline

On February 13, 1981, Hughes Burlingame Shell, 1490 Burlingame Avenue, Burlingame, California 94610 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Hughes Burlingame Shell committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Hughes Burlingame Shell violation resulted in $7,284.16 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Jerry's Shell Service, Milpitas, California, BRO–1396, motor gasoline

On February 13, 1981, Jerry's Shell Service filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 8, 1979, Jerry's Shell Service committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Jerry's Shell Service violation resulted in $6,063.41 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Moury Chevron, Freemont, California, BRO–1398, motor gasoline

On February 13, 1981, Moury Chevron, 5300 Moury Avenue, Freemont, California 94538 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during December 15, 1979 to May 21, 1980, Moury Chevron committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Moury Chevron violation resulted in $26,322.19 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Pacifica Shell Service, Pacifica, California, BRO–1399, motor gasoline

On February 13, 1981, Pacifica Shell Service, 4475 Coast Highway, Pacifica, California 94044 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Pacifica Shell Service committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Pacifica Shell Service violation resulted in $3,774.09 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Redhill Mobil and Towing, San Amilmo, California, BRO–1400, motor gasoline

On February 13, 1981, Redhill Mobil & Towing, 631 St. Francis Drake Boulevard, San Amilmo, California 94960, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Redhill Mobil & Towing committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Redhill Mobil & Towing violation resulted in $4,589.18 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Shelter Creek Chevron, San Bruno, California, BRO–1401, motor gasoline

On February 13, 1981, Shelter Creek Chevron, 2101 San Bruno Avenue, San Bruno, California 94066 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during May 1, 1979 to November 13, 1979, Shelter Creek Chevron

committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Shelter Creek Chevron violation resulted in $10,569.61 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Skycrest Shell, Daly City, California, BRO-1402, motor gasoline

On February 13, 1981, Skycrest Shell, 1000 King Drive, Daly City, California 94105 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Skycrest Shell committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Skycrest Shell violation resulted in $1,952.62 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Terry McGovern's Shell, Concord, California, BRO-1403, motor gasoline

On February 13, 1981, Terry McGovern's Shell, 2484 Alview Road, Concord, California 94520 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during December 15, 1979 to July 7, 1980, Terry McGovern's Shell committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Terry McGovern's Shell violation resulted in $10,758.90 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

William Laraway Chevron, Campbell, California, BRO-1404, motor gasoline

On February 13, 1981, William Laraway Chevron, 1402 Camden Avenue, Campbell, California 95008 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during December 15, 1979 to October 3, 1980, William Laraway Chevron committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the William Laraway Chevron violation resulted in $11,156.48 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Bud Exxon Service, Hayward, California, BRO-1390, motor gasoline

On February 13, 1981, Bud Exxon Service, 26115 Hesperian Boulevard, Hayward, California 94545 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Bud Exxon Service committed pricing violations on its sales of motor gasoline

According to the Proposed Remedial Order the Bud Exxon Service violation resulted in $8,774.43 of overcharges. This Notice of Objection has been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Miles Union Service, San Leandro, California, BRO-1397, motor gasoline

On February 13, 1981, Miles Union Service, 500 Bancroft Avenue, San Leandro, California 94577, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on January 29, 1981. In the Proposed Remedial Order the Western District found that during August 1, 1979 to November 13, 1979, Miles Union Service committed pricing violations on its sales of motor gasoline.

According to the Proposed Remedial Order the Miles Union Service violation resulted in $1,969.09 of overcharges. This Notice of Objectionhas been transferred to the Western Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, Sayville, New York, BRO-1407, motor gasoline

On February 17, 1981, Stephen Slevinski, 188 Montauk Highway, Sayville, New York 11782 filed a Notice of Objection to a Proposed Remedial Order which the DOE northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the periods September 7, 1979 to October 4, 1979 and January 4, 1980 to January 17, 1980, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Slevinski violation resulted in $441.00 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, Northport, New York, BRO-1408, motor gasoline

On February 17, 1981, Stephen Slevinski, Route 25A and Laurel Road, Northport, New York 11768 filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the period August 1, 1979 to March 11, 1980, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Selvinski violationresulted in $54,916.31 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, Farmingdale, New York, BRO-1409, motor gasoline

On February 17, 1981, Stephen Slevinski, 1050 Broadhollow Road, Farmingdale, New York 11735, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the period September 7, 1979 to October 4, 1979, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Slevinski violation resulted in $483.00 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, Bayshore, New York, BRO-1410, motor gasoline

On February 17, 1981, Stephen Slevinski, 5th Avenue and Sunrise Highway, Bayshore, New York 11706, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the period August 1, 1979 to January 8, 1980, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Slevinski violation resulted in $27,373.43 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, West Islip, New York, BRO-1411, motor gasoline

On February 17, 1981, Stephen Slevinski, 340 Sunrise Highway, West Islip, New York 11795, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the periods September 7, 1979 to October 4, 1979; November 30, 1979 to December 14, 1979; January 4, 1980 to January 17, 1980; and February 29, 1980 to March 10, 1980, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Slevinski violation resulted in $3,788.98 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, Commack, New York, BRO-1412, motor gasoline

On February 17, 1981, Stephen Slevinski, 2211 Jericho Turnpike, Commack, New York 11725, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the periods August 10, 1979 to October 4, 1979 and January 4, 1980 to February 28, 1980, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Slevinski violation resulted in $7,151.73 of overcharges. This Notice of

Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

Stephen Slevinski, Commack, New York, BRO-1413, motor gasoline

On February 17, 1981, Stephen Slevinski, Jericho Turnpike and Veterans Highway, Commack, New York 11725, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on May 28, 1980. In the Proposed Remedial Order the Northeast District found that during the period August 1, 1979 to December 17, 1979, Stephen Slevinski committed pricing violations on its sales of motor gasoline in the State of New York.

According to the Proposed Remedial Order the Stephen Slevinski violation resulted in $41,020.84 of overcharges. This Notice of Objection has been transferred to the Northest Regional Center of the Office of Hearings and Appeals for analysis.

Taverna Fuel Company, Inc., Staten Island, New York, BRO-1408, No. 2 heating oil

On February 17, 1981, Taverna Fuel Company, Inc., 7 North Street, Staten Island, New York, filed a Notice of Objection to a Proposed Remedial Order which the DOE Region III District Office of Enforcement issued to the firm on December 31, 1980. In the Proposed Remedial Order the Region III District found that during the period November 1, 1973 to March 31, 1980, Taverna sold No. 1 oil at prices in excess of those allowed pursuant to § 150.359(c) of the Cost of Living Council Phase IV Regulations and § 212.93(a) of the Mandatory Petroleum Price Regulations.

According to the Proposed Remedial Order the Taverna violation resulted in $351,671.43 in overcharges. This Notice of Objection has been transferred to the Regional Center of the Office of Hearings and Appeals for analysis.

Caulkins Oil Company, Sante Fe, New Mexico, BRO-1405, crude oil

On February 17, 1981, Caulkins Oil Company, c/o Jason Kellahin, Esq., Kellahin & Kellahin, Post Office Box 1769, Sante Fe, New Mexico 87501, filed a Notice of Objection to a Proposed Remedial Order which the DOE Rocky Mountain District Office of Enforcement issued to the firm on January 19, 1981. In the Proposed Remedial Order the Rocky Mountain District found that during the period September 1, 1973 to January 31, 1976, Caulkins sold crude oil from certain oil-producing properties at prices in excess of the maximum lawful selling prices permitted by 10 CFR Part 212.

According to the Proposed Remedial Order the firm's violation resulted in $32,128.48 of overcharges.

[FR Doc. 81-13110 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Special Counsel for Compliance

Action on Consent Order With Koch Industries, Inc.

AGENCY: Department of Energy (DOE).

ACTION: Adoption of Proposed Consent Order As Final.

SUMMARY: The Office of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR 205.199J that it has adopted the Consent Order with Koch Industries, Inc., executed on January 16, 1981 and published for comment in 46 FR 8100 on January 26, 1981 as a final order of DOE. The Consent Order resolves all civil issues of compliance with the DOE Petroleum Price and Allocation Regulations, with the exceptions set forth in the Consent Order, for the period March 1973 through November 1980. To remedy any civil violations that may have occurred during the period, Koch has agreed to refunds totalling $14 million.

As required by the regulation cited above, OSC received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Ten comments were received. OSC has considered those comments and determined that the Consent Order should be made final with the following modifications:

(1) $2 million has been added to the claims fund, providing a $6 million fund;

(2) All claims against the claims fund must be submitted within 60 days after the Consent Order has been made final;

(3) The price reduction remedy has been deleted; and

(4) The bank reduction component has been deleted.

The Consent Order is effective as an order of the DOE on April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue, NW, Washington, D. C. 20461, (202) 633-9165.

Copies of the Consent Order may be received free of charge by written request to: Koch Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, NW., Room 3109, Mail Stop 4111, Washington, D.C. 20461.

Copies may also be otained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 independence Avenue, SW, Room 1E-190, Washington, D.C.

SUPPLEMENTARY INFORMATION:

The Consent Order

On January 26, 1981, OSC published notice in the **Federal Register** at page 8100, announcing the execution of a Consent Order between Koch and OSC. In compliance with DOE regulations, that notice, and a press release issued on January 21, 1981, summarized the Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order.

The proposed Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of OSC's audit of Koch's compliance with the Mandatory Petroleum Price and Allocation Regulations, including the entitlements and mandatory oil import programs, for the period March 1973 through November 1980 (the audit period). With the exception of the matters excluded from the settlement in the Consent Order, the Consent Order resolves all civil issues not previously resolved concerning the allocation and sale of covered products during the audit period.

2. Koch will refund $4 million to certain utility customers.

3. Koch will refund $4 million to certain state or local government or transportation customers.

4. Within fourteen days of the effective date of the Consent Order, Koch will place $4 million in an escrow account for refunds on behalf of Koch's customers. The $4 million will be used to satisfy judgements against Koch and to pay settlements between Koch and its customers, subject to the approval of OSC, for alleged violations of the federal petoleum price and allocation regulations. Claims should be addressed to Koch Industries, Inc., Post Office Box 2256, Wichita, Kansas 67201. Six months after the effective date of this Consent Order, the balance remaining in the fund will be distributed among the identified state and local government and transportation customers referred to in paragraph 3 above.

5. Koch will implement a price reduction of $.03 per gallon in sales of motor gasoline at service stations owned by Koch until a total of $2 million has been refunded.

6. Effective October 31, 1980, Koch will reduce its "bank" of unrecovered increased costs for motor gasoline to $70 million, with $45 million of that restricted in use, e.g., for price maintenance purposes as provided for in the Regulations. Effective October 31, 1980, Koch will also reduce its "bank" of unrecovered increased costs for propane to $5 million.

7. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. These matters include Koch's obligation under DOE recordkeeping regulations and DOE's obligation to maintain the

confidentiality required by law of proprietary data received from Koch. The Consent Order also provides that Koch has waived its right to an administrative or judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Koch nor a findings by OSC of a violation of any federal petroleum price and allocation statutes or regulations.

Modifications to the Consent Order

After careful consideration of the comments received in response to the Notice of Proposed Consent Order and further negotiations with Koch pursuant to paragraph 901 of the Consent Order, the following modifications to the Consent Order have been accepted by Koch:

(1) $2 million has been added to the claims fund to provide for a $6 million fund for the satisfaction of judgements and the settlement of claims;

(2) All claims against the claims fund must be submitted within 60 days after the Consent Order has been made final;

(3) The price reduction remedy has been deleted; and

(4) The bank reduction component has been deleted.

The bank reduction remedy, as more fully stated below, is an appropriate method of resolving outstanding compliance issues. Where the remedy is to take effect so close to the date of decontrol, the remedy's prospective impact is diminished or eliminated, and, therefore, the parties have determined that it should no longer be included as a component in this Consent Order. The price reduction remedy called for by the proposed consent order relied on a mechanism for determining a pass-through of reported increased costs as part of the remedy. While it is possible to construct a rollback remedy that does not rely on the regulatory concept of increased costs, the parties have agreed to an alternate means of refunding this $2 million. Accordingly, the claims fund has been increased by the amount of the discontinued price reduction remedy. The residual portion of the claims fund is unaltered so that any leftover monies from the claims fund will be disbursed proportionately to the public utilities and state and local governments receiving money pursuant to paragraphs 401 and 402 of the Consent Order. As modified, the Consent Order provides for a more orderly claims procedure by requiring claimants, who purchased covered products from Koch, to submit a claim within 60 days after the Consent Order is finalized and to include a statement concerning the nature of the alleged overcharge. All claims should be addressed to William Pitcher, Esq., Koch Industries, Inc., Post Office Box 2256, Wichita, Kansas 67201.

These modifications are discussed in greater detail below in response to specific comments.

Comments Received

OSC received ten comments, including two from organizations, the Transportation Group and the National Consumer Law Center, which were addressed to all nine Consent Orders published for comment on January 26, 1981. In addition, comments were received from a law firm representing three independent marketers, a transportation company, the Air Transport Association, the State of Minnesota, a fuel jobber and a wholesaler/retailer of petroleum products.

The Tranpsortation Group is an organization representing four trade associations—the Air Transport Association of America, Inc., the American Bus Asscociation, the American Trucking Association, Inc., and the Association of American Railroads—whose members are large volume consumers of refined petroleum products. The Transportation Group expressed its approval of OSC's enforcement efforts and the settlement process which resulted in the Consent Orders announced in the January 26, 1981 Federal Register notices. The organization also evined the following concerns regarding the nine Consent Orders: OSC should endeavor to identify overcharged purchasers or categories of purchasers in order to provide for direct refunds or payments based volumetrically on the amount of petroleum products purchased; transportation firms should receive a larger share of the refunds than they have heretofore and OSC should provide additional information concerning refund amounts and methods of refund computation.

The Department's aim in structuring remedies it to achieve some form of restitution. To the extent that the Department's expedited audits identified violations to individual purchasers or classes of purchasers, the Consent Orders contain restitutionary remedies on their behalf. The audits, however, do not oridinarily result in the identification of specific customers who may have been overcharged for several reasons: First, audits are necessarily conducted on a sample basis and, as such, may not focus on specific purchasers, even where they generally identify aggregate violations regarding specific products to classes of purchasers. Second, these audits focus predominantly on "cost violations" and because of the nature of the regulations, would require tracing the violation to specific product sales, a difficult, if not impossible, task. Third, these violations occurred as much as seven years ago, and given the mobility within the distribution chain, it would be extremely difficult to identify and locate injured customers. Finally, purchasers of products from a major refiner may have resold those products to others, passing on the consequences of any violation to their customers. However, as stated previously, the Department's priority is to seek remedies which achieve some form of restitution, wherever possible. In order to effect an equitable distribution of monies, the refunds have generally been determined according to a volumetric allocation based on the amount of product purchased by the recipient.

The Transportation group accurately notes that OSC has previously determined that the refunds received by regulated transportation firms will not constitute a "windfall" to the recipients. OSC's review of the operation of the agencies which regulate transportation companies and their applicable regulations indicate that refunds are factored into the fuel cost aspects of their rate making systems. Similary, OSC is examining the passthrough of refunds by utilities to end users. To that end, OSC contacted the public service commissions for the states in which the recipient utilities were located as well as a number of utilities themselves. They have agreed that receipt of any refund is contingent upon the passthrough of the refunds by the utilities to consumers. It has been determined that the customers of the utilities will receive the benefit of the refunds by operation of a fuel adjustment clause in which the refund would appear as an offset to fuel costs in the computation of any fuel adjustment factor, or in the reconciliation of current costs or, finally, reflected as direct credit to customers. OSC also obtained assurances that the passthrough will be documented either in public records or through the assistance of the staffs of the various utilities and commissions.

The Transportation Group's comment with regard to other remedies, e.g., that any benefit to the bank reduction remedy is compromised and made meaningless with the advent of decontrol, has been dealt with below.

The National Consumer Law Center (NCLC), a non-profit legal organization representing low-income individuals and groups, submitted comments that, while generally addressing all nine

Consent Orders published for comment on January 26, 1981, raised several issues that are pertinent to this Consent Order.

Although the NCLC initially recognizes that the "limited flow of information * * * is admittedly somewhat inherent in the nature of the private settlement/public comment process," the NCLC nevertheless complains that the Consent Orders and Federal Register notices are "extremely skimpy on relevant detail * * *." The DOE regulations, at 10 CFR 205.199J(A), require that a Consent Order "Set forth the relevant facts which form the basis for the Order." The Consent Order itself indicates that "[i]t settles and finally resolves all civil and administrative claims and disputes * * * relating to Koch's compliance with the federal petroleum price and allocation regulations * * *" Because the Consent Order constitutes neither an admission by the Company nor a finding by DOE that Koch has violated any federal petroleum price or allocation regulation, it would not be appropriate, as the NCLC suggests, to detail and quantify in the Consent Order the preliminary claims and issues that arose in the course of the settlement negotiations and to relate those claims and issues to the terms and conditions of the Consent Order. Further, as NCLC acknowledges, to reveal how OSC and the company arrived at the dollar figures for the various components of the settlements would breach the confidentiality necessarily accorded to the negotiation process and would impringe upon OCS's prosecutorial discretion. Thus, OSC believes that it has provided the necessary in formation in the Consent Order and Federal Register notice to enable the public to comment meaningfully upon this settlement.

The NCLC also maintains that the Consent Orders do not provide adequate benefits, focusing particularly on the bank reduction provisions, and the "heavy reliance" placed on them in these settlements. NCLC seeks renegoitation of the agreements to convert the bank reductions to some cash value.

In the process that leads to settlement, OSC determines the potential liability of a refiner based on its audit of that refiner. That audit addresses all areas of dispute under the price regulations. As a result, the disputes focus on issues of the determination, recognition, allocation and carry over of costs, which form the basis for the determination of maximum lawful selling prices. Because of the carry over or banking provision, a refiner may have lawful costs available from previous periods to offset disputes in later months. The existence of those legitimate costs militates against the existence of overcharges. In litigation, a refiner is likely to argue that those banks obviate the possibility of overcharge. Thus, in determining a firm's potential liability, two factors are addressed: The legitimacy of the costs claimed and banked and the potential for overcharges, given the existence of banks and a firm's pricing practices. In reaching settlement, OSC determined the amount of cash refund necessary to reasonably settle any possible overcharges, and the amount of bank reduction appropriate to settle the cost disputes.

Bank reductions are appropriate to remedy certain types of disputes resulting from the audit. In negotiating the bank reduction in this case, OSC sought a reduction to the lowest level consistent with allowing the refiner to maintain, but not increase prices as a result of the existence of banks. That reduction was determined to be a satisfactory resolution of the outstanding cost issues. However, decontrol pre-empts the intended prospective impact of such bank reductions on the firm's pricing: If the bank reduction were to take place while gasoline were still under controls, the reduction in the bank of costs available to support prices would have placed a restriction on the company's ability to increase prices. Furthermore, the end of the Consent Order period, November 30, 1980, is so close to the month of decontrol, January 1981, that the reduction has been substantially deprived of its ability to restrain prices in the intervening period by virtue of the company's anticipation of the effect of the bank reducition on its pricing practices. Since the bank reduction will not have the intended prospective effect, and since the Consent Order resolved all outstanding matters, obviating the need to address the amount of costs available to justify selling prices in the future, OSC has determined to eliminate this provision, paragraph 405, from the Consent Order. This modification does not indicate that the bank reduction is inappropriate in light of the disputes raised, but only that in light of the absence of any prospective effect on the company there is no prospective benefit to be derived from including such a provision in the order. Because the elimination of this provision does not alter the effect of the Consent Order, we have determined that the modification does not require that we provide an opportunity to file additional comments.

In addition to its comments on the bank reduction components of the settlements, the NCLC also raises several points concerning the settlements' cash components. Of relevance here, the NCLC expresses concern that the refunds to many of the refiners' immediate purchasers may not be passed through to ultimate consumers. Each of these settlements utilizes "conduits" for passing a substantial portion of the refund through to ultimate consumers. OSC chose as conduits regulated industries, such as the utility and transportation industries, for which some mechanism exists to assure a passthrough of benefits to their customers, and state and local government entities that purchased petroleum products in their proprietary capacities. Refunds to these conduits are, therefore, intended to provide general restitution to those unidentifiable ultimate consumers who, through their utility, transportation, or tax bills, may have borne any overcharges that did occur.

A law firm representing three independent marketers submitted nearly identical comments for each of these companies, which took issue with several provisions of the Consent Order. According to these comments, insufficient information was provided as to the audit and any alleged regulatory violation, and the remedies were inadequate since the remedies did not equal the assumed amount of overcharges plus interest.

Before executing the Consent Order, OSC conducted an intensified and comprehensive audit to determine the company's compliance with the relevant DOE regulations during the period covered by the Consent Order. Upon completion of the audit, OSC and the company entered into an agreement which resolved the outstanding issues to avoid the possibility of protracted, complex and costly litigation. The Consent Order constitutes neither an admission by the company nor a finding by DOE that the company violated any federal petroleum price or allocation regulation. Because there was no finding of a regulatory violation or an overcharge, it would not be appropriate to state any of the preliminary claims and relate those claims to the remedies provided for in the Consent Order. Information provided in the audit is proprietary. Its disclosure may result in harm to the company's continued operations and would breach the confidentiality necessary to the negotiation process. Furthermore, it was stated in *U.S. Oil Company Inc., et al.* v. *DOE and Koch Industries*, No. 81–C–196

(E.D. Wisc., filed March 27, 1981), "the court is satisfied that, as a matter of law, the information set forth by the DOE in the proposed Consent Order compl[ies] with its own regulations requiring the setting forth of relevant facts upon which the order is based." Slip Op. at page 10.

In asserting that DOE should have disclosed the audit data, the comment contended that DOE's actions violated the Fifth Amendment, citing *Armstrong* v. *Manzo*, 380 U.S. 545 (1965), and that the agency's reliance on undisclosed data violates "fundamental fairness," citing *U.S. Lines* v. *Federal Maritime Commission*, 584 F.2d 519 (D.C. Cir. 1978).

Complying with the requirements of the Administrative Procedure Act, DOE has published a Notice of Proposed Consent Order and provided the public with details of the proposed agreement and an opportunity to provide meaningful comments. An agreement is finalized only after receiving and considering the public's comments. DOE, therefore, has fulfilled its statutory and regulatory obligations.

Armstrong v. *Manzo, supra*, is not relevant to this Consent Order. The Supreme Court held in that case that in an adjudicative hearing allowing a step-father to adopt his step-daughter, the court must give the natural father prior notice of such a hearing so that he may object to the adoption and demonstrate his compliance with the applicable state law. A Consent Order is not an adjudicative hearing and DOE has provided interested persons with adequate notice before any final action.

Similarly, *U.S. Lines* v. *Federal Maritime Commission, supra*, is not applicable here. In *U.S. Lines*, there was a statutory requirement that the agency hold a hearing before taking any final action and the court determined that agency action resulting from that hearing must be based upon substantial evidence on the record in that hearing. There are no similar requirements for DOE Consent Orders.

The comments received from the law firm also included an assertion that the Consent Order permits the company to destroy its records. In relieving the company of its duty to comply with the recordkeeping requirements of 10 CFR 210.92 for the period covered by the Consent Order, OSC has simply exercised the authority conferred by 10 CFR 210.92(d)(2)(B) to remove a requirement, the need for which no longer exists. With the completion of OSC's audit and the settlement of all disputes and claims for the period covered by the Consent Order, the records are no longer needed. The Court in *U.S. Oil, supra*, noted that "the recordkeeping provisions established by DOE were never intended to assist private litigants. They were designed and created to assist the DOE in determining whether the defendants and other major oil refiners and producers were complying with the price regulations." Slip Op. at Page 6.

For a response to the concerns raised with respect to the bank reduction remedy, see the response to comments submitted by the National Consumer Law Center.

The Chicago and Northwestern Transportation Company questioned the amount of the payment which Koch will make to it based upon diesel fuel purchases made after 1976.

Payments to individual public utilities, state and local governments or transportation accounts are determined by a volumetric allocation based upon purchases of covered products during the period when these products were subject to the price and allocation regulations. Purchases made during the period when that product was decontrolled were not used to calculate the proportionate share of the payments to be made.

Because diesel fuel was decontrolled on July 1, 1976, purchases made from that date and on were not used to calculate the amount of the payment to be madeThe payment being made to the transporation company reflects the company's proportionate share based upon the company's volumes purchased during the period of controls.

The Air Transport Association endorsed the Consent Order process and was supportive of the cash payment provisions. The Association desired more information as to the possible recipients of the payments under paragraphs 401 and 402 of the Consent Order and urged that payments be made on the basis of volumetric proportionality.

Payments to recipients are in fact based upon volumetric proportionality. As previously stated, the recipients of the payments are Koch customers who are public utilities, state and local governments or transportation accounts and who purchased products from the company during the period when those products were controlled.

A fuel jobber stated that refunds should be made to fuel jobbers since they have been overcharged. He and a wholesaler/retailer of petroleum products requested more information on the claims fund.

In response to comments from the Transportation Group, the OSOC stated that there has been no finding of overcharges to any Koch customers. Payments were made to public utilities and transportation companies since in each case refunds are factored into the rate making process, which benefits the customers of these entities. The jobber and the wholesaler/retailer, however, may submit a claim under the claims fund. The fund may be used to satisfy a judgement or order by a court of law or an administrative body against Koch, or may result from any negotiated settlement that may be reached between Koch and another party, subject to OSC approval. Claimants are expected to set out the basis for their claims which include the notice of an overcharge and the amount claimed. In response to the inquiry concerning an amount per gallon to be disbursed from the claims fund, there is no fixed amount per gallon or any stated maximum on any claim beyond the $6 million provided by the Consent Order. The claims fund was intended to provide all would be claimants with an alternative method of relief, rather than having to resort to litigation. To the extent that such claims are not settled, a private party may exercise his litigation option and secure adequate relief in that manner.

The other comments from the wholesaler/retailer concerning disclosing audit data, relieving Koch of its recordkeeping duties and requiring DOE to participate in all private litigation against Koch has been discussed above.

The State of Minnesota requested the release of information gathered by DOE as a result of its audit of the company and questioned the recordkeeping provision in the Consent Order. DOE's response to the NCLC comments and the comments submitted by the law firm representing independent marketers adequately deals with each of the respective issues.

Minnesota also expresses reservations with the provison which states that DOE will not voluntarily participate adversely to the company in any administrative or civil judicial proceeding relating to Koch's compliance with the federal petroleum price and allocation regulations settled by this consent order. The purpose of the Consent Order is to resolve the outstanding issues between DOE and the company. DOE's agreement to forego voluntary participation in private party litigation involving these issues conforms to the understanding between the company and DOE that such disputes are separate and apart from the matters resolved by this order. However, the agreement to avoid DOE involvement in such private actions does not bar DOE from complying with

any court order requiring the agency to participate in such litigation.

Having considered all comments submitted, DOE has determined that the Consent Order with Koch should be made final, with the modifications noted above, effective April 30, 1981.

Issued in Washington, D.C., April 23, 1981.

Avrom Landesman,

Acting Special Counsel for Compliance.

[FR Doc. 81-12974 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL 1814-6]

The National Contingency Plan Draft Revision; Meetings

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of Public Meetings on the draft revision of the National Contingency Plan.

SUMMARY: The National Contingency Plan currently provides a mechanism for response to discharges of oil and hazardous substances into surface waters of the United States. With the passage of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the National Contingency Plan must be revised to provide a multi-media approach not only for discharges of oil or hazardous substances into the surface waters of the United States, but also releases or possible releases of hazardous substances into ground water, air and on land. We expect the required revisions to improve the ability of Federal and State agencies to prevent or minimize damage to the environment and threats to people's health.

Date: May 18, 1981, from 10:00 a.m. to 4:00 p.m.

Address: Old Faneuil Hall, Merchant Row, Boston, Massachusetts

Date: May 20, 1981, from 10:00 a.m. to 4:00 p.m.

Address: Best Western Hotel, 600 N. Lakeshore Drive, Chicago, Illinois

Date: May 21, 1981, from 10:00 a.m. to 4:00 p.m.

Address: University of Texas, Health Science Center, Gooch Auditorium, 5323 Harry Hines Boulevard, Dallas, Texas

Date: May 22, 1981, from 10:00 a.m. to 4:00 p.m.

Address: Hyatt Union Square, 345 Stockton, San Francisco, California

Date: May 28, 1981, from 10:00 a.m. to 4:00 p.m.

Address: National Academy of Sciences Auditorium, 2100 C Street, N.W., Between 21st and 22nd Street, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Steve Cohen, Environmental Protection Agency, Office of Hazardous Emergency Response, (WH-548-D), 401 M Street, SW., Washington, D.C. 20460, Telephone (202) 382-2186

David Pickman, Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Telephone (617) 223-7223

Greg Vanderlaan, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 886-6217

Charles Barnes, Environmental Protection Agency, Region VI, First International Building, 1201 Elm Street, Dallas, Texas 75270, Telephone (214) 767-4075

Jo Ann Semones, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105, Telephone (415) 556-6925

SUPPLEMENTARY INFORMATION: The draft revised National Contingency Plan is expected to be published in the Federal Register in early May 1981. If for any reason the revised Plan is not published in the Federal Register on schedule, draft copies will be available at the above contacts by May 12, 1981.

Michael B. Cook,

Deputy Assistant Administrator for Hazardous Emergency Response.

[FR Doc. 81-13007 Filed 4-29-81; 8:45 am]

BILLING CODE 6560-29-M

[EN-FRL 1803-8]

Approval of Revision to Illinois NPDES Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of approval of revision to Illinois National Pollutant Discharge Elimination System (NPDES) program.

SUMMARY: On April 23, 1981, the Administrator of EPA approved a revision to the Illinois NPDES program which provides for public participation in State enforcement actions. As a result of the decision in *Citizens for a Better Environment* (596 F.2d 720) States administering an NPDES program must provide for public participation in the State enforcement process in one of two regulated procedures. The effect of this revision for Illinois is that the Illinois Environmental Protection Agency will investigate and provide written responses to all written complaints from citizens and will publish notice, providing at least 30 days for public comment, on any proposed settlement of an administrative or civil action directly related to the States' NPDES program.

EFFECTIVE DATE: April 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Rashida Mims, Permits Division (EN-336), Office of Water Enforcement, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION: Under Section 402(b) of the Clean Water Act (33 U.S.C. 1251, et seq.), States may be authorized to participate in the NPDES permit program if they satisfy certain minimum requirements. On October 23, 1977, Illinois was approved to administer the NPDES program within its borders.

On May 19, 1980, new regulations were promulgated by EPA (45 FR 33290, et seq.) which contain requirements established in response to the decision of the Court of Appeals for the Seventh Circuit in *Citizens for a Better Environment* v. *EPA*, 596 F.2d 720, petition for rehearing denied, 13 ERC 1095 (7th Cir. 1979). In that opinion the Court invalidated the Administrator's approval of the Illinois NPDES permit program on the grounds that EPA had failed to promulgate regulations providing for public participation in State enforcement actions. However, the Court stayed enforcement of its decision in order to allow EPA to promulgate remedial regulations and to review the adequacy of the Illinois program under these new regulations.

In response to the *CBE* decision, 40 CFR 123.9(d) specifies that States administering an NPDES program must provide for public participation in the State enforcement process by providing either: (1) authority which allows intervention as of right in any civil or administrative action to obtain certain remedies by any citizen having an interest which is or may be adversely affected; or (2) assurance that the State agency or enforcement authority will: (i) investigate and provide written responses to all citizen complaints of possible violations; (ii) not oppose intervention by any citizen when permissive intervention may be authorized by statute, rule or regulation; and (iii) publish notice of and provide at least 30 days for public comment on any proposed settlement of a State enforcement action.

In response to the regulations, Illinois chose option 2 and submitted to EPA two letters: one dated July 7, 1980, from the Director of the Illinois Environmental Protection Agency (IEPA) that the "IEPA will investigate and provide written responses to all

written complaints from citizens and will publish notice, providing at least 30 days for public comment, on any proposed settlement of an administrative or civil action to enforce any provision relating to the State's NPDES program filed at the request of IEPA"; and the other dated July 1, 1980, from the Office of the Attorney General of Illinois that the State "has a policy of not opposing citizen intervention in proceedings under the National Pollutant Discharge Elimination System in those cases where intervenors meet the statutory and regulatory requirements for intervention."

Before making a final decision as to the adequacy of the Illinois program under the new regulations, a 30-day public notice of the Illinois response was published in the **Federal Register** (45 FR 57768, August 29, 1980), and in the *Chicago Sun-Times* and *The State Journal-Register* newspapers on August 29, 1980. In addition, a public notice was mailed to over 2,300 interested persons and permit holders and the proposed action was published in the regional public participation publication, *Printout*, which has a wide distribution. As a result of the public notice announcements, only two responses were received, one supporting the State program submission and the other stating that the submission from Illinois does comply with the requirements of the new regulations but that the Illinois submission does not comply with public participation requirements as stated in the Clean Water Act, Section 101(e). This comment questions the adequacy of the new regulations, not the compliance by Illinois.

Since the Illinois submission meets the requirements of 40 CFR 123.9(d) regarding public participation in State enforcement actions, I have today approved the revision to the Illinois NPDES program to provide for public participation in State enforcement actions.

Review Under the Regulatory Flexibility Act and Executive Order 12291

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Under Executive Order 12291, EPA must prepare a Regulatory Impact Analysis for all rules which are classified under the Executive Order as "major."

The approval of the Illinois NPDES permit program merely transfers responsibility for administration of the program from the Federal to the State government. No new substantive requirements are established by this action. Therefore, this notice does not have a significant impact on a substantial number of small entities and is not a "major" rule. It does not trigger the requirement for preparation of either a Regulatory Flexibility Analysis or a Regulatory Impact Analysis.

This notice was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection.

Dated: April 23, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-13008 Filed 4-29-81; 8:45 am]

BILLING CODE 6560-33-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Records and Reports; Local Union Report EEO-3; Apprenticeship Information Reports EEO-2 and EEO-2E; Waiver of Filing Reports for Calendar Year 1980

At a duly constituted meeting on April 22, 1981, the Equal Employment Opportunity Commission voted to waive the requirement for filing the Local Union Report EEO-3 and the Apprenticeship Information Reports EEO-2 and EEO-2E for the calendar year 1980. The recordkeeping requirements for calendar year 1980 remain unchanged and are not waived. The Commission reaffirms its filing requirements for these reports on an annual basis including calendar year 1981.

Note.—Since the reporting requirements have been waived and no forms have been mailed to entities required to report, no further reporting action is required on 1980 reports.

Signed at Washington, D.C. this 22nd day of April 1981.

J. Clay Smith, Jr.,

Acting Chairman, Equal Employment Opportunity Commission.

[FR Doc. 81-12980 Filed 4-29-81; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81-259 etc.; File No. BPCT-791214KE etc.

Comark Television, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: April 15, 1981.
Released: April 24, 1981.

In re applications of Comark Television, Inc., Daytona Beach, Florida, BC Docket No. 81-259, File No. BPCT-791214KE; Metrovision, Inc., Daytona Beach, Florida, BC Docket No. 81-260, File No. BPCT-800708KF; WTWV, Inc., New Smyrna Beach, Florida, BC Docket No. 81-261, File No. BPCT-800806KF; Daytona Broadcasting Co., Inc., Daytona Beach, Florida, BC Docket No. 81-262, File No. BPCT-800811KE; Life Style Broadcasting, Inc., Daytona Beach, Florida, BC Docket No. 81-263, File No. BPCT-800811KF; Daytona Beach Family Television, Inc., Daytona Beach, Florida, BC Docket No. 81-264, File No. BPCT-800811KG; Daytona Beach Television Corp., Daytona Beach, Florida, BC Docket No. 81-265, File No. BPCT-800811KH; for a television construction permit.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it: (a) the above-captioned mutually exclusive applications of Comark Television, Inc. (Comark), Metrovision, Inc. (Metrovision), WTWV, Inc. (WTWV), Daytona Broadcasting Company, Inc. (Daytona Broadcasting), Life Style Broadcasting, Inc. (Life Style), Daytona Beach Family Television, Inc. (Family), and Daytona Beach Television Corporation (Daytona Beach TV) for a new commercial television station to operate on Channel 26, Daytona Beach, Florida;[1] (b) an informal objection and a petition to deny filed by Caloosa Television Corporation (Caloosa), licensee of Station WEVU(TV), Naples, Florida, against Comark; (c) a petition to deny filed by Daytona Beach TV against Metrovision;[2] (d) Family's motion for leave to amend its application and WTWV's comments thereon;[3] and (e) related pleadings.

2. One applicant specifies New Smyrna Beach as its city of license, while the others specify Daytona Beach. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as

[1] Pursuant to § 73.607(b) of the Commission's Rules, WTWV proposes New Smyrna Beach, Florida, as its principal community of license.

[2] Daytona Beach TV's petition is, in essence, a pre-designation petition to specify issues. Since such petitions are no longer permitted, it will be dismissed. *Processing of Contested Broadcasting Applications*, 72 F.C.C. 2d 202 (1979).

[3] Family seeks to amend its application pursuant to Section 1.65 of the Commission's Rules to reflect recent changes in the other broadcast interests of its principals. WTWV argues that the amendment is untimely and seeks to improve Family's comparative position with respect to the diversification of media ownership. Family's motion will be granted, but no comparative preference will be accorded.

amended, whether a new station in New Smyrna Beach or Daytona Beach would best provide a fair, efficient, and equitable distribution of radio service. If the Section 307(b) issue is not determinative (the applicants would serve substantial areas in common), all the applicants can be considered under the comparative issue.

3. Comark, Metrovision, and Daytona Beach TV have proposed transmitter sites that would be 199.4 miles, 203.8 miles, and 161.7 miles, respectively, from Caloosa's existing site, although Section 73.610(b)(1) of the Commission's Rules requires a minimum separation of 205 miles between cochannel UHF stations in Zone III. Consequently, the applicants respectively propose 5.6 mile, 1.2 mile, and 23.3 mile short-spacings.

4. On February 29, 1980, Caloosa, arguing that Comark has failed to request a waiver of our spacing requirements, filed its objection urging the Commission to return Comark's application as unacceptable for filing. On March 13, however, in response to the informal objection, Comark requested a waiver of § 73.610(b). On August 11, Caloosa, asserting that Comark has not demonstrated the unavailability of other non-short-spaced sites, filed its peition to deny. Comark responds that although there are 524 square miles in which to situate its tower and still meet all spacing requirements, 75 percent of that area is unusable because it consists of lakes, swampland, the Ocala National Forest, the Tomoka State Park, the Tomoka Wildlife Management Area, or areas near the two regional airports.

5. Metrovision and Daytona Beach TV have also requested waiver of § 73.610(b). Although Caloosa has not objected to either of these proposals (and one is significantly more short-spaced than the Comark proposal) the Commission must still evaluate the waiver requests. Since four of the applicants have proposed fully spaced sites, we cannot determine that fully spaced sites are unavailable to Comark, Metrovision, and Daytona Beach TV. Accordingly, Caloosa's informal objection and its petition to deny will be granted, and Caloosa will be made a party to the hearing. Spacing issues will be specified against Comark, Metrovision, and Daytona Beach.

6. Since we have not received determinations from the Federal Aviation Administration that Metrovision's, WTWV's and Daytona Broadcasting's proposed tower heights and locations would not constitute hazards to air navigations, issues regarding this matter are required.

Comark Television Inc.[4]

7. Comark proposes to purchase its equipment from Comark Communications, Inc. (CCI) on a deferred credit basis. Richard Fiore, David Smith, and LeRoy Wallace, the stockholders and officers of Comark, each owns 100 shares of CCI and holds the same offices in both corporations. Since Comark has failed to submit CCI's balance sheet, as required by FCC Form 301, Section III, Question 4 for non-manufaturer suppliers, we are unable to determine CCI's ability to supply the equipment. Accordingly, an issue with respect to the availability of equipment will be specified.

Metrovision, Inc.

8. Metrovision estimates that $1,249,750 will be required to construct its proposed station and to operate it for three months, itemized as follows

Equipment (down payment)	$450,000
(three months)	114,750
Land	50,000
Other	235,000
Operating costs, including studio rental (three months)	400,000
Total	$1,249,750

To meet these expenses, Metrovision intends to rely on a $2,000,000 loan from The Chase Manhattan Bank in New York and $125,000 in assets consisting of prepaid expenses, current assets (securities account), and a donation. The bank letter merely states that Chase Manhattan has a "strong interest in pursuing the financing" of Metrovision's proposal; the letter does not meet the requirements of FCC Form 301, Section III, Question 4e, in that it fails to indicate a willingness to provide a loan showing the amount of the loan, terms of repayment, collateral required, and rate of interest to be charged. As to Metrovision's other proposed sources of funds, we cannot determine the net liquid assets available to the applicant, since its balance sheet was outdated, even upon the initial filing of its application. See FCC Form 301, Section III, Question 2a. Even assuming the currency of its balance sheet, Metrovision has failed to show which, if any, of its proposed $1,249,750 in expenses are prepaid, whether the donation is in cash or in services, and whether "current assets (securities account)" are liquid or non-liquid. Consequently, we are unable to determine the availability of any funds to Metrovision, and an appropriate financial issue will be specified.

Daytona Broadcasting Company, Inc.

9. Daytona Broadcasting estimates that $958,176 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment (down payment)	$447,750
(three months)	114,176
Building	100,000
Other	32,500
Operating costs (three months)	263,750
Total	$958,176

The applicant fails to provide for the cost of leasing or purchasing its proposed transmitter site, so we are unable to determine exactly how much will be required to meet Daytona Broadcasting's construction and three month operating costs. Accordingly, an appropriate financial issue will be specified.

10. To meet these expenses, Daytona Broadcasting intends to rely on $250,000 in stock subscriptions and $850,000 in loans from its stockholders, Anthony Kupris and his six children, and an $800,000 loan from the First National Bank of Atlanta. The children have not submitted balance sheets, and Kupris' balance sheet was nine months old upon the initial filing of Daytona Broadcasting's application and, therefore, outdated.[5] Consequently, we are unable to determine the availability of any funds through stock subscriptions or loans from stockholders. In that the applicant has demonstrated the availability of only $800,000, an appropriate financial issue will be specified.

Life Style Broadcasting, Inc.

11. J. Kermit Coble, Secretary-Treasurer, Director, and 10.6% owner of Life Style, also has an ownership interest in Halifax Cable TV, Inc.

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[4] Comark has also applied for television stations to operate on:
Channel 49, Buffalo, New York
Channel 38, New Orleans, Louisiana
Channel 18, San Juan, Puerto Rico
Channel 51, Portland, Maine
Channel 62, Syracuse, New York
In addition, David Smith, who is Secretary-Treasurer, Director, and 33 percent owner of Comark, is the 4.8 percent owner of Commercial Radio Institute, Inc., which has interests in:
WPTT-TV, Pittsburgh, Pennsylvania
WBFF-TV, Baltimore, Maryland
Channel 23, Columbus, Ohio (grantee)
Channel 38, St. Petersburg, Florida (applicant)
Channel 59, Indianapolis, Indiana (applicant)
Channel 61, Wilmington, Delaware (applicant)
Channel 61, Hartford, Connecticut (applicant)
Section 73.636(a)(2) of the Commission's Rules limits a party to direct or indirect interest in no more than seven television stations.

[5] The Kupris family has also committed $1,200,000 to Gemini Broadcasting Company for a new television station to operate on Channel 16 in Little Rock, Arkansas (BPTC-791218KF).

(Halifax), Daytona Beach. Section 76.501(a)(2) of the Commission's cross-ownership rules prohibits the common ownership of a cable television system and of a television station whose predicted Grade B contour, as here, overlaps part of the cable system service area. Coble states that he will terminate his interest in Halifax if required as a condition to the grant of Life Style's application. Accordingly, in the event of a grant of Life Style's application, the construction permit will be conditioned to require Coble to terminate his interest, in Halifax.

12. Life Style has failed to submit the minority, racial, or ethnic breakdown of Daytona Beach as required by Question and Answer 9 of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 F.C.C. 2d 650 (1971). Further, the applicant has failed to indicate when its survey of community leaders was taken and what the ascertained problems were, as required by Questions and Answers 15 and 22 of the *Primer*. Accordingly, an appropriate ascertainment issue will be specified.

Daytona Beach Family Television, Inc.

13. In the event of a grant of Family's application, the construction permit will be conditioned to require Family to demonstrate that its proposed antenna will not alter the radiation patterns of AM station WNDB, Daytona Beach on the same tower.

Daytona Beach Television Corporation [6]

14. Daytona Beach TV estimates that it will require $1,580,635 to construct its proposed facility and to operate it for three months, itemized as follows:

Equipment (downpayment)	$677,000
(three months)	223,635
Other, including land	230,000
Building	(1)
Operating costs (three months)	250,000
Total	1,580,635

[1] Lease.

To meet this requirement, Daytona Beach TV intends to rely on a $1,000,000 (net $1,533,333) loan from the Sun Bank of Volusia County and $200,000 in stock subscriptions. However, the subscribers have demonstrated net liquid assets of only $126,400. At no place in its application does Daytona Beach TV set out the cost of the building lease; however, in view of the fact that it would be improbable that Daytona Beach TV's cost to lease the building would exceed $79,000 (the amount available to the applicant after it meets its other expenses), we will not specify an issue here as to Daytona Beach TV's availability of funds.

Conclusion and Order

15. Except as indicated by the issues specified below, the applicants are qualified to operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

16. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Comark Television, Inc.:

(a) whether the proposal of the applicant is consistent with the minimum mileage separation requirements of § 73.610 of the Commission's Rules, and, if not, whether circumstances warrant a waiver of the Section;

(b) whether broadcast equipment is available to the applicant as proposed;

(c) whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is qualified.

2. To determine, with respect to Metrovision, Inc.:

(a) whether the proposal of the applicant is consistent with the minimum mileage separation requirements of § 73.610 of the Commission's Rules, and, if not, whether circumstances warrant a waiver of the Section;

(b) whether there is a reasonable possibility that the tower height and location proposed by the applicant would constitute a hazard to air navigation;

(c) whether the applicant has $1,249,750 available for construction and three month operating costs; and

(d) whether, in light of the evidence adduced pursuant to (a)–(c) above, the applicant is qualified to construct and operate as proposed.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by WTWV, Inc. would constitute a hazard to air navigation and, if so, whether the applicant is qualified.

4. To determine, with respect to Daytona Broadcasting Company, Inc.:

(a) the cost of leasing or purchasing the applicant's proposed transmitter site;

(b) in light of the evidence adduced pursuant to (a) above, Daytona Broadcasting's total cost of construction and operation;

(c) the availability of financial resources in addition to the $800,000 bank loan to meet the applicant's construction and operation costs;

(d) whether, in light of the evidence adduced pursuant to (a)–(c) above, the applicant is financially qualified to construct and operate as proposed; and

(e) whether there is a reasonable possibility that the tower height and location proposed by the applicant would constitute a hazard to air navigation and, if so, whether the applicant is qualified.

5. To determine, with respect to Life Style Broadcasting, Inc.:

(a) whether the applicant has complied with the provisions of Questions and Answers 9, 15, and 22 of the *Primer*;

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified; and

(c) Whether there is a reasonable possibility that the tower height and location proposed by Life Style would constitute a hazard to air navigation and, if so, whether the applicant is qualified.

6. To determine with respect to Daytona Beach Television Corporation:

(a) whether the proposal of the applicant is consistent with the minimum mileage separation requirements of § 73.610 of the Commission's Rules, and, if not, whether circumstances warrant a waiver of that section; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified.

7. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient, and equitable distribution of television service.

8. In the event it is concluded from Issue 7 above that a choice between

[6] Daytona Beach TV proposes to operate from a tower 1000 feet above ground. Section 1.1305(a)(2) of the Rules considers a tower in excess of 300 feet in height to be a major action within the meaning of the National Environmental Policy Act, and Section 1.1311 requires the submission of an environmental narrative statement from applicants proposing such major actions. Daytona Beach TV argues that it is exempt from this requirement, since its proposed site is 1.3 miles from two existing towers and, therefore, in an antenna farm; however, the 1.3 miles separation is too great to be considered an antenna farm. Consequently, Daytona Beach TV will be required to submit an environmental narrative statement within 20 days of the mailing of this Order.

applications should not be based solely on considerations relating to section 307(b), to determine which of the proposals would, on a comparative basis, best serve the public interest.

9. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

17. It is further ordered, That the informal objection and the petition to deny filed by Caloosa against Comark are granted.

18. It is further ordered, That the petition to deny filed by Daytona Beach TV against Metrovision is dismissed.

19. It is further ordered, That the motion for leave to amend filed by Family is granted, but no comparative preference shall be accorded.

20. It is further ordered, That Caloosa Television Corporation is made a party respondent.

21. It is further ordered, That the Federal Aviation Administration is made a party respondent.

22. It is further ordered, That within 20 days of the mailing of this Order, Daytona Beach TV shall submit its environmental narrative statement as a supplement to its application.

23. It is further ordered, That, in the event of a grant of Life Style's application, the construction permit shall contain the following condition:

Prior to the commencement of operation, J. Kermit Coble shall certify to the Commission that he has severed all interest in or connection with Halifax Cable TV, Inc.

24. It is further ordered, That, in the event of a grant of Family's application, the construction permit shall contain the following condition:

During installation of the television antenna, AM station WNDB, Daytona Beach, shall determine operating power by the indirect method and, if necessary, request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point values within authorized limits. Upon completion of the installation, common point impedance measurements of the AM array shall be made and a partial proof of performance, as defined by Section 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected. Before TV program tests are authorized, the results shall be submitted to the Commission along with a tower sketch of the installation in an application by Station WNDB to return to the direct method of power determination.

25. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney within 20 days of the mailing of this Order, file with Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

26. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Acts of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-13088 Filed 4-29-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Company; Proposed de Novo Nonbank Activities; Key Banks, Inc.

Correction

In FR Doc. 81-11113, appearing at page 21697 in the issue for Monday, April 13, 1981, on page 21698, in the first column, in the third complete paragraph, in the first line, "*Kei Banks Inc.*" should have read "KEY BANKS INC."

BILLING CODE 1505-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review

Notice is hereby given that the Nuclear Regulatory Commission (NRC) by letter of February 18, 1981, subject: Post-TMI requirements for the Emergency Operations Facility (Generic Letter 81-10), requested confirmation of certain implementation dates or a schedule of new dates with a justification for any proposed delays. The reporting requirements were imposed without first submitting to and obtaining a clearance from the U.S. General Accounting Office prior to April 1, 1981, under the Federal Reports Act, 44 U.S.C. 3512 (1976). The request for information does not meet the criteria for use of the generic clearance R0072 cited in the NRC letter.

Section 3512(c) of title 44, United States Code, provided in part:

> * * * an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—
>
> (1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified, and
>
> (2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section.* * *

Accordingly, the Commission has no effective clearance of the reporting and recordkeeping requirements contained in the Generic Letter 81-10.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81-13089 Filed 4-29-81; 8:45 am]

BILLING CODE 1610-01-M

Regulatory Reports Review; Violation of Federal Reports Act

Notice is hereby given that the Nuclear Regulatory Commission has imposed reporting requirements on all power reactor licensees and license applicants under Generic Letter 81-11, dated February 22, 1981, without first submitting to and obtaining a clearance from the U.S. General Accounting office prior to April 1, 1981, under the Federal Reports Act, 44 U.S.C. 3512 (1976).

Section 3512(c) of title 44, United States Code, provided in part:

> * * * an independent regulatory agency shall not conduct or sponsor the collection of information upon an indentical item from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plan or forms to be used in the collection—
>
> (1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified, and
>
> (2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section. * * *

Accordingly, the Commission has no effective clearance of the reporting and

recordkeeping requirements contained in the Generic Letter 81–11.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 81-13010 Filed 4-29-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health; National Cancer Institute

Board of Scientific Counselors, Division of Cancer Biology and Diagnosis; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Biology and Diagnosis, National Cancer Institute, May 14, 15, and 16, 1981. This meeting will be open to the public on May 14, 1981, Building 37, Conference Room 4E–06, National Institutes of Health, from 1:00 p.m. to 5:30 p.m. to discuss the scientific program of the Laboratory of Biochemistry, Division of Cancer Biology and Diagnosis, and from 7:00 p.m. to 10:00 p.m. for concept review of proposed Division of Cancer Biology and Diagnosis research projects. On May 15, 1981, Building 37, Conference Room 4E–06, National Institutes of Health, from 9:00 a.m. to 5:00 p.m. the open meeting will continue with discussion of the scientific program of the Laboratory of Biochemistry, Division of Cancer Biology and Diagnosis. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 16, 1981, from 9:00 a.m. to adjournment, for the review, discussion, and evaluation of individual programs and projects conducted by the Division of Cancer Biology and Diagnosis, National Cancer Institute, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Alan S. Rabson, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31A, Room 3A–03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–4345) will furnish substantive program information.

Dated: April 16, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-12950 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-08-M

Transplantation Biology and Immunology Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Transplantation Biology and Immunology Committee, National Institute of Allergy and Infectious Diseases, June 1, 1981 at the National Institutes of Health, Westwood Building, Conference Room 740, Bethesda, Maryland 20205.

The meeting will be open to the public from 9:00 a.m. to approximately 10:30 a.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Committee will be closed to the public for approximately five to six hours from 10:30 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications and contract proposals. These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schrieber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Harley G. Sheffield, Executive Secretary, Transplantation Biology and Immunology Committee, NIAID, NIH, Westwood Building, Room 706, Bethesda, Maryland 20205, telephone (301) 496–7966, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,

Deputy Director, National Institute of Health.

[FR Doc. 81-12951 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-08-M

Aging Review Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Aging Review Committee, National Institute on Aging, on June 25–26, 1981, in Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on June 25, for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on June 25, from 10:00 a.m. to adjournment on June 26, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA, Building 31, Room 2C08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5898, will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health.)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-12942 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-08-M

Allergy and Clinical Immunology Research Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Allergy and Clinical Immunology Research Committee, National Institute of Allergy and Infectious Diseases, June 10, 1981 at the National Institutes of Health, Westwood Building, 5333 Westbard Avenue, Conference Room 740, Bethesda, Maryland 20205.

The meeting will be open to the public on June 10 from 8:30 a.m. to approximately 10:30 a.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92–463, the meeting of the Committee will be closed to the public on June 10 for approximately five to six hours from 10:30 a.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Harley G. Sheffield, Executive Secretary, Allergy and Clinical Immunology Research Committee, NIAID, NIH, Westwood Building, Room 706, Bethesda, Maryland 20205, telephone (301) 496–7966, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.856, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-12843 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-08-M

Animal Resources Review Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Animal Resources Review Committee, Division of Research Resources, June 3 and 4, 1981, Conference Room 9, Building 31, National Institutes of Health, Bethesda, Maryland 20205.

The meeting will be open to the public on June 3 from approximately 1:00 p.m. to recess, during which time there will be a brief staff presentation on the current status of the Animal Resources and Primate Research Centers program, and the Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on June 3 from 8:00 a.m. to approximately 12:00 noon for the review, discussion, and evaluation of individual grant applications submitted to the Primate Research Centers Program, and on June 4 from 8:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications submitted to the Laboratory Animal Sciences Program.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Carl E. Miller, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, Laboratory Animal Sciences and Primate Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-12845 Filed 4-29-81; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee, Microbiology and Infectious Diseases Subcommittee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, and its Subcommittees on May 28–29, 1981 at the National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Maryland 20205.

The meeting will be open to the public on May 28 from approximately 9:00 to 9:30 a.m., and from 12:30 p.m. to approximately 5:00 p.m. On May 29 the meeting will be open to the public from approximately 8:30 a.m. to 9:30 a.m. This will be to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92–463, the meetings of the NAAIDC Allergy and Immunology Subcommittee and of the NAAIDC Microbiology and Infectious Diseases Subcommittee will be closed to the public for approximately three hours for the review, evaluation, and discussion of individual grant applications. It is anticipated that this will occur from 9:30 a.m. until approximately 12:30 p.m. on May 28, 1981. The meeting of the full council will be closed from approximately 9:30 a.m. until adjournment on May 29 for the review, evaluation, and discussion of individual grant applications.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide

summaries of the meetings and rosters of the council members as requested.

D. Luz A. Froehlich, Acting Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496–7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.355, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–12944 Filed 4–29–81; 8:45 am]

BILLING CODE 4110–08–M

Board of Scientific Counselors; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK), June 4–6, 1981, National Institutes of Health, Building 2, room 102, Bethesda, Maryland 20205.

This meeting will be open to the public from 7:30 to 10:00 p.m. on June 4, from 9:00 a.m. to 4:30 p.m. on June 5, and from 9:00 to approximately 11:00 a.m. on June 6. The open portion of the meeting will be devoted to scientific presentations by various laboratories of the NIADDK intramural research program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 7:00 to 7:30 p.m. and 10:00 to 10:30 p.m. on Thursday, June 4, from 4:30 to 5:30 p.m. on June 5, and from approximately 11:30 a.m. to 12:30 p.m. on Saturday, June 6, for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meeting and rosters of the members will be provided by the Committee Management Office, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Building 31, Room 9A46, Bethesda, Maryland 20205. Further information concerning the meeting may be obtained by contacting the office of Dr. J. E. Rall, Executive Secretary, Board of Scientific Counselors, National Institutes of Health, Building 10, Room 9N–222, Bethesda, Maryland 20205, (301) 496–4128.

Dated: April 16, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–12940 Filed 4–29–81; 8:45 am]

BILLING CODE 4110–08–M

Microbiology and Infectious Diseases Advisory Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Microbiology and Infectious Diseases Advisory Committee, National Institute of Allergy and Infectious Diseases, July 9 and 10, 1981 at the National Institutes of Health, Building 31C, Conference Room 8, Bethesda, Maryland 20205.

The meeting will be open to the public on July 9 from 8:30 a.m. to approximately 9:30 a.m. and on July 10 from 8:30 a.m. to approximately 9:30 a.m. to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92–463, the meeting of the Committee will be closed to the public on July 9 from approximately 9:30 a.m. until adjournment and on July 10 from approximately 9:30 until the meeting adjourns for the review, discussion, and evaluation of individual grant applications and contract proposals. These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Committee members as requested.

Dr. Susan B. Spring, Executive Secretary, Microbiology and Infectious Diseases Advisory Committee, NIAID, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–7465, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–12943 Filed 4–29–81; 8:45 am]

BILLING CODE 4110–08–M

National Advisory General Medical Sciences Council; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, on June 4 and 5, 1981, Building 31, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on June 4, 1981, from 9 a.m. to 3 p.m. for opening remarks; report of the Director, NIGMS; and other business of the Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public for approximately the last two hours of the day on June 4, 1981, and eight hours on June 5, 1981. It is estimated that the closed session will occur on June 4 from approximately 3 p.m. to 5 p.m., and on June 5, 1981, from 9 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A12, Westwood Building, Bethesda, Maryland 20205, Telephone 301–496–7301 will provide a summary of the meeting and a roster of council members. Dr. Ruth L. Kirschstein, Executive Secretary, NAGMS Council, National Institutes of Health, Building,

31, Room 4A52, Bethesda, Maryland 20205, Telephone: 301–496–5231 will provide substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13–821, Physiology and Biomedical Engineering; 13–859, Pharmacology-Toxicology Research; 13–862, Genetics Research; 13–863, Cellular and Molecular Basis of Disease Research; and 13–880, Minority Access to Research Careers (MARC))

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–13267 Filed 4–29–81; 8:45 am]

BILLING CODE 4110–08–M

National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council; Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council and its subcommittees on May 31, June 1, 2, 1981 in Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on June 1 at 8:30 a.m. to approximately 12:00 Noon, to discuss administration, management, and special reports. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, on May 31 the Subcommittee meetings will be closed to the public from 8:30 a.m. to closing. The full Council meeting will be closed to the public for approximately the last four hours on June 1 and for approximately four hours on June 2. It is estimated that this will occur from 1:00 p.m. on June 1 and from 8:30 a.m. until adjournment on Tuesday, June 2, for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the Council meeting may be obtained from Dr. George T. Brooks, Executive Secretary, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Westwood Building, Room 637, Bethesda, Maryland 20205, (301) 496–7277.

A summary of the meeting and roster of the members may be obtained from the office of the Committee Management Assistant, NIADDK, Building 31, Room 9A46, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5765.

(Catalog of Federal Domestic Assistance Program No. 13.846–849, Arthritis, Bone and Skin Diseases; Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 15, 1981.

Thomas E. Malone,

Deputy Director, NIH

[FR Doc. 81–13266 Filed 4–29–81; 8:45 am]

BILLING CODE 4110–08–M

Public Health Service

National Toxicology Program Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the auditorium of Building 101, South Campus, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina, on May 27 and 28, 1981.

The meeting will be open to the public from 8:45 a.m. to 4:00 p.m. on May 27. The preliminary agenda is as follows:

8:45 a.m.–11:30 a.m. Review of NIH/NTP Program in Chemical Disposition
11:30 a.m.–12:30 p.m. Report on the NTP Benzidine Initiative
1:30 p.m.–4:00 p.m. Review of NTP Program in Immunotoxicology

In accordance with the provisions set forth in Section 552b(c)(6) Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 27 from 4:00 p.m. to adjournment for further evaluation of NTP programs in chemical disposition, and immunotoxicology, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The meeting on May 28 will be open to the public from 8:30 a.m. to adjournment. The preliminary agenda is as follows:

8:30 a.m.–10:30 a.m. Overview of Programs, Staffing, Resources, and Projected Initiatives
10:30 a.m.–11:30 a.m. Concept Review of NTP Contract Initiatives
11:30 a.m.–12:00 noon. Report and Recommendations on Warning Statements Concerning Hazard to Humans Based on Animal Test Results
12:00 noon–12:30 p.m. Other Business
1:30 p.m.–5:00 p.m. Peer Review and Priority Ranking of Chemicals Nominated for NTP Testing. (Twenty chemical nominations will be reviewed and are listed in the Federal Register Volume 46, page 21828, April 14, 1981.)

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Programs, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541–3971, FTS 629–3971, will furnish summary minutes of the meeting, rosters of Board members, directions to the South Campus, and other program information.

Dated: April 17, 1981.

David P. Wall,

Director, National Toxicology Program.

[FR Doc. 81–13262 Filed 4–29–81; 8:45 am]

BILLING CODE 4110–08–M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on May 11, 1981, at 7:00 p.m., a public information meeting will be held at the Chambersburg Community Service Center, 611 Chestnut Street, Trenton, New Jersey.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed Chambersburg Shopping Center, Trenton, New Jersey, an undertaking assisted by the city of Trenton that will adversely affect the Colorado Fuel and Iron Corporation Complex, a property eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the property by the city.

III. A statement by the New Jersey State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statements to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting if available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005, 202–254–3495.

Dated: April 27, 1981.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 81-13083 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-10-M

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on May 21, 1981, at 7:00 p.m., a public information meeting will be held at the City Council Chambers, Savannah City Hall, corner of Bay and Bull Street, Savannah, Georgia.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed construction of an office building at 21 Bull Street, Johnson Square. This undertaking is to be assisted by the city of Savannah with Urban Development Action Grant funds administered by the U.S. Department of Housing and Urban Development and will adversely affect the Savannah Historic District, Savannah, Georgia, a property included in the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the Savannah Historic District by the City of Savannah.

III. A statement by the Georgia State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the Savannah Historic District.

V. A general question period.

Speakers should limit their statements to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Room 530, Washington, D.C. 20005, 202–254–3495; Attn: Don L. Klima.

Dated: April 27, 1981.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 81-13084 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Development and Production Plan; Houston Oil and Minerals Corporation

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Houston Oil and Minerals Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 3740 and 3741, Blocks 391 and 393, Galveston Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 24, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-13086 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-31-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Pacific Outer Continental Shelf (OCS)

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Pacific OCS.

SUMMARY: The USGS, in accordance with Federal regulations (40 CFR Section 1501.4 and Section 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EA's) and findings of no significant impact (FONSI's), prepared by the USGS for the following oil and gas exploration activities proposed on the Pacific OCS. This listing includes all proposals for which environmental documents were prepared by the Pacific OCS Region in the 3-month period preceding this Notice.

Activity/operator	Location	FONSI date
Conoco, Exploration Plan	OCS–P 0322 [1]	Jan. 9, 1981.
Chevron, Exploratory Plan	OCS–P 0349, 0350 [2].	Jan. 16, 1981.

[1] Fifty nine miles W. of Santa Barbara, California.
[2] Thirty five miles W.S.W. of Santa Barbara, California.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's prepared for activities on the Pacific OCS are encouraged to contact one of the USGS offices in the Pacific OCS Region.

FOR FURTHER INFORMATION CONTACT: Deputy Conservation Manager, Pacific OCS Region, U.S. Geological Survey, 1340 West Sixth Street, Suite 160, Los Angeles, California 90017, (213) 688–2846.

District Supervisor, Oil and Gas Office, Ventura District, Pacific OCS Region, U.S. Geological Survey, 145 No. Brent Street, Suite 202, Ventura, California 93003, (805) 648-5131.

SUPPLEMENTARY INFORMATION: The Conservation Division of the USGS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Pacific OCS. The EA's examine the potential environmental effects of activities described in the proposals and present USGS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA § 102(2)(C). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Reid T. Stone,

Acting Regional Conservation Manager, Pacific OCS Region.

[FR Doc. 81-12966 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[NM 44658]

New Mexico; Coal Exploration License Application

April 24, 1981.

United States Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87501. Pursuant to coal exploration license application NM 44658, qualified members of the public are hereby invited to participate with Salt River Project Agricultural Improvement and Power District (Salt River Project), a "Public Body" pursuant to 43 CFR 3400.0-5(oo), on a pro rata cost sharing basis, in a program for the exploration of coal deposits owned by the United States of America. Participation in the exploration of these deposits is not limited to public bodies. The lands are located in San Juan County, New Mexico, and are described as follows:

New Mexico Principal Meridian, New Mexico

T. 23 N., R. 10 W.,
Sec. 5: All;
Sec. 6: Lots 1, 2, S½NE¼, E½SW¼, SE¼;
Sec. 7: All;
Sec. 8: N½.
T. 24 N., R. 10 W.,
Sec. 28: S½, NW¼;
Sec. 29: S½, NE¼;
Sec. 30: NE¼;
Sec. 31: Lots 1, 2, 3, E½, E½W½;
Sec. 33: NE¼, W½.
T. 23 N., R. 11 W.,
Sec. 1: Lots 3, 4, S½NW¼, S½;
Sec. 3: All;
Sec. 12: All.
T. 24 N., R. 11 W.,
Sec. 34: All;
Sec. 35: All.

Any party electing to participate in this exploration program shall notify, in writing, both the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501 and Salt River Project, P.O. Box 1980, Phoenix, Arizona 85001. Such written notice must be received no later than May 31, 1981.

This proposed exploration program is for the purpose of determining the quality and quantity of the coal in the area and is fully described and will be conducted pursuant to an exploration plan to be approved by the U.S. Geological Survey and the Bureau of Land Management. A copy of the exploration plan as submitted by Salt River Project may be examined at the Bureau of Land Management State Office, Room 3031, U.S. Post Office and Federal Building, South Federal Place, Santa Fe, New Mexico.

Charles W. Luscher,

State Director.

[FR Doc. 81-12968 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 31382]

Invitation To Participate in Coal Exploration Program; Application for License by Peabody Coal Co.

April 21, 1981.

Members of the Public are hereby invited to participate with Peabody Coal Company, in a program for the exploration of certain coal deposits owned by the United States of America in the following described lands located in Routt County in the State of Colorado:

T. 4 N., R. 88 W., 6th P.M.,
Sec. 8: Lots 1-4, S½ (All);
Sec. 9: Lots 1-4, S½ (All);
Sec. 10: Lots 1-4, S½ (All);
Sec. 11: Lots 3-4, N½SW¼;
Sec. 15: NW¼;
Sec. 16: N½.
T. 5N., R. 88 W., 6th P.M.
Sec. 31: Lots 21-25;
Sec. 32: Lots 9-12;
Sec. 33: Lots 9-12;
Sec. 34: Lots 11,12.

Containing 2853.38 acres, more or less.

Any party electing to participate in this proposed program must provide written notice of that election to the Bureau of Land Mangement and the applicant directed to the following persons at the addresses indicated:

Leader, Craig Team, Branch of Adjudication, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Bldg., 1600 Broadway, Denver, CO 80202
and
Mr. R. J. Cheeseman, Peabody Coal Company, Rocky Mountain Division, 1901 Energy Court, Suite 200, Gillette, WY 82716.qQ02

Such written notice must be received by the above indicated persons at the addresses shown not later than May 29, 1981.

A copy of the exploration plan, as submitted by Peabody Coal Company, is available for public review during normal business hours in the following office under Serial Number C-31382: Colorado State Office, Bureau of Land Management, Room 701, Colorado State Bank Bldg., 1600 Broadway, Denver, CO 80202.

The exploration plan and the exact lands to be included in the license are subject to the approval of the U.S. Geological Survey and the Bureau of Land Management, both agencies of the Department of the Interior, which will review the environmental aspects of the proposed exploration program before determining whether the license may be issued and under what terms.

Questions concerning this application may be directed to Mr. William Norton in the Colorado State Office of the Bureau of Land Managment at Telephone Number (303) 837-3891. This notice is published pursuant to 43 Code of Federal Regulations, § 3410.2-1(d)(1).

Rodney A. Roberts,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 81-12965 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

[ORE 012261-A]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Public Land Order No. 3165, July 31, 1963, be continued in part as to the following described lands for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Revested Oregon and California Railroad Grant Land

T. 34 S., R. 8W.,
Sec. 13, Lot 14.

Containing 0.94 acres in Josephine County, Oregon.

The purpose of the withdrawal is to protect the recreational and scenic values associated with the Rogue River Scenic Corridor. The lands are currently segregated from operation of the public land laws generally. The overlapping Rouge River Wild and Scenic Rivers withdrawal segregates the land from operation of the mining and mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before June 5, 1981.

Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of in addition to attendence at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before June 5, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P. O. Box 2965, Portland, Oregon 97208.

Dated: April 22, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-12867 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 18994-A]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of February 12, 1929, be continued in part as to the following described lands for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Public Water Reserve No. 118

T. 18 S., R. 37 E.,

Sec. 29, SE¼SW¼, N½SE¼.

Containing 120.00 acres in Malheur County, Oregon.

The purpose of the withdrawal is to protect existing permanent water sources. The lands are currently segregated from operation of the pubic land laws generally, including non-metalliferous mineral location under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before June 5, 1981.

Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before June 5, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. We will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: April 22, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-12868 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 31449]

Invitation to Participate in Coal Exploration Program; Application for License by Energy Fuels Corporation

April 21, 1981.

Members of the Public are hereby invited to participate with Energy Fuels Corporation in a program for the exploration of certain coal deposits owned by the United States of America in the following described lands located in Routt County in the State of Colorado:

T. 4 N., R. 86 W., 6th P.M.
Sec. 7: Lots 10, 11, SE¼
Sec. 8: Lot 4, SW¼
Sec. 9: NE¼SW¼SW¼, W½SW¼SW¼
Sec. 18: Lots 1–7, 9–16
Sec. 19: Lots 1–8, 10–14, N½NE¼
NE¼NE¼, NW¼NE¼NE¼, NW¼NE¼
Sec. 30: Lot 4
T. 4 N., R. 87 W., 6th P.M.
Sec. 13: S½NE¼, S½
Sec. 14: SE¼SW¼, S½SE¼
Sec. 23: E½, E½W½
Sec. 24: All
Sec. 25: N½N½
Sec. 26: N½NE¼, NE¼NW¼

Containing 3421.03 Acres, more or less.

Any party electing to participate in this proposed program must provide

written notice of that election to the Bureau of Land Management and the applicant directed to the following persons at the addresses indicated:

Leader, Craig Team, Branch of Adjudication, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Bldg., 1600 Broadway, Denver, Colorado 80202 and James D. Larson, President, Energy Fuels Corporation 3 Park Central, Suite 900 1515 Arapahoe Street Denver, CO 80202.

Such written notice must be received by the above indicated persons at the addresses shown not later than June 1, 1981.

A copy of the exploration plan, as submitted by Energy Fuels Corporation, is available for public review during normal business hours in the following office under Serial Number C-31449: Colorado State Office, Bureau of Land Management, Room 701, Colorado State Bank Bldg., 1600 Broadway, Denver, CO 80202.

The exploration plan and the exact lands to be included in the license are subject to the approval of the U.S. Geological Survey and the Bureau of Land Management, both agencies of the Department of the Interior, which will review the environment aspects of the proposed exploration program before determining whether the license may be issued and under what terms.

Questions concerning this application may be directed to Mr. William Norton, in the Colorado State Office of the Bureau of Land Management at Telephone Number (303) 837-3891. This notice is published pursuant to 43 CFR, 3410.2-1(d)(1).

Rodney A. Roberts,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 81-12984 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 81-19]

APS/SDG&E Interconnection Project

AGENCY: Bureau of land Management (BLM), Interior.

ACTION: Notice of Availability of the Supplement to the Draft Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, BLM has prepared a supplement to the draft environmental impact statement for the proposed APS/SDG&E Interconnection Project. This supplement to the draft document was prepared as a result of comments, suggestions, and requests by individuals and various public entities. The draft document was released in August 1980. The California Public Utilities Commission (CPUC) was a joint lead agency for the preparation of this combined environmental document. The document also complies with the requirements of the California Environmental Quality Act.

DATE: Comments on the supplement will be accepted until June 28, 1981.

ADDRESS: Comments should be sent to: State Director (920), Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

FOR FURTHER INFORMATION CONTACT: Stan Wagner, Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, Phone: (602) 261-4127.

SUPPLEMENTARY INFORMATION: The BLM and CPUC have prepared a combined environmental document on a proposal by Arizona Public Service Company and San Diego Gas and Electric Company to construct a 500KV transmission line and ancillary facilities from the Palo Verde Nuclear Generating Switchyard near Phoenix, Arizona, through the Yuma, Arizona area to the Miguel Substation near San Diego, California.

The document analyzes environmental effects of the proposal in addition to alternatives of various route alignments, no action, energy conservation and load management, alternative generating sources, and other transmission systems and technologies.

A limited number of copies are available upon request to the Arizona State Director at the above address.

Public reading copies will be available for review at the following locations:

Arizona State Office, BLM, 2400 Valley Bank Center, Phoenix, Arizona 85073, (602) 261-3706.

Phoenix District Office, BLM, 2929 W. Clarendon Ave., Phoenix, Arizona 85017, (602) 241-2501.

Yuma District Office, BLM, 2450 Fourth Ave., Yuma, Arizona 85364, (602) 726-6300.

Office of Public Affairs, Bureau of Land Management, U.S. Department of the Interior, 18th & C Streets NW., Washington, D.C. 20240.

California State Office, BLM, Federal Office Bldg., Rm. E-2841, 2800 Cottage Way, Sacramento, California 95825, (916) 484-4541.

California Desert District Office, BLM, 1695 Spruce St., Riverside, California 92507, (714) 787-1462.

El Centro Resource Area, BLM, 333 S. Waterman Ave., El Centro, California 92243, (714) 352-5842.

Public Meetings to receive oral or written comments on the supplement will be held as follows:

June 16, 1981; 7 p.m. Yuma—Civic and Convention Center (West Wing) 1440 Desert Hill Drive

June 17, 1981; 2 to 4 & 7 to 9 p.m. El Centro—Imperial Irrigation District Auditorium, 1285 Broadway

June 18, 1981; 2 to 4 & 7 to 9 p.m. San Diego—County Administration Center (Room 358) 1600 Pacific Highway

California Public Utilities Commission personnel will preside over the California hearings and BLM personnel over the hearing in Arizona. Oral comments should be limited to the 10 minutes.

Dated: April 24, 1981.

Clair M. Whitlock,

Bureau of Land Management State Director.

[FR Doc. 81-13048 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

Upland Petroleum Leasing—Alaska; Call for Areas of Interest and Comments, Upland Oil and Gas Leasing

Section 1008 of the Alaska National Interest Lands Conservation Act (ANILCA) authorizes study and leasing of certain Federal lands for oil and gas purposes under the Mineral Leasing Act. The authorization pertains to Federal lands outside of the National Park System, the National Petroleum Reserve—Alaska, the Arctic National Wildlife Refuge, the National Wilderness Preservation System and National Monuments administered by the U.S. Forest Service, and any other areas where applicable law prohibits such leasing.

The Department of the Interior is seeking State, Native, industry, and other public views on establishing oil and gas lease priorities for applicable Federal lands, pursuant to the ANILCA, and on identifying significant environmental concerns associated with the possible leasing of those applicable areas. Preliminary studies and lease planning will be the immediate result of information gathering by the Department.

Lands under consideration for oil and gas leasing are shown on the accompanying map as shaded blocks 1 through 99. Specifically, the Department is intereted in obtaining levels of interest for those areas. Expressions of interest should be described as either high, medium, or low for each identified block. Expressions of interest are to be for the entire block. Comments are also requested regarding specific areas

which should receive special consideration or be deleted because of environmental reasons. The reasons for deletion or special consideration should also be included.

Information gathered will be used to establish a preliminary ranking of areas under consideration for leasing and will also be considered in classifying and designating areas as favorable petroleum geological provinces pursuant to Section 1008 of the ANILCA.

In a parallel and separate effort and to assist the Department in accomplishing the study required under Section 1001 of the ANILCA in the Central Arctic area of Alaska, we are seeking similar expressions of interest and comment on areas depicted on the enclosed map as blocks A through G.

Expressions of interest and comment for the areas under consideration for study and leasing must be submitted no later than June 17, 1981, and labeled "Alaska Oil and Gas Leasing Program" to:

For Refuge lands: Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99501.

For BLM-administered lands: State Director (930), Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

For National Forest lands: Regional Forester, U.S. Forest Service, Federal Office Building, Box 1628, Juneau, Alaska 99802.

For further information call the Bureau of Land Management at (907) 271-5069 in Alaska, or (202) 343-7722 in Washington, D.C.; the U.S. Fish and Wildlife Service (907) 276-3800 in Alaska, or (202) 343-4047 in Washington, D.C.; or the U.S. Forest Service at (907) 586-7247 in Alaska or (703) 235-8105 in Washington, D.C.

Ed Hastey,

Acting Director, Bureau of Land Management.

Michael J. Spear,

Acting Director, U.S. Fish and Wildlife Service.

BILLING CODE 4310-84-M

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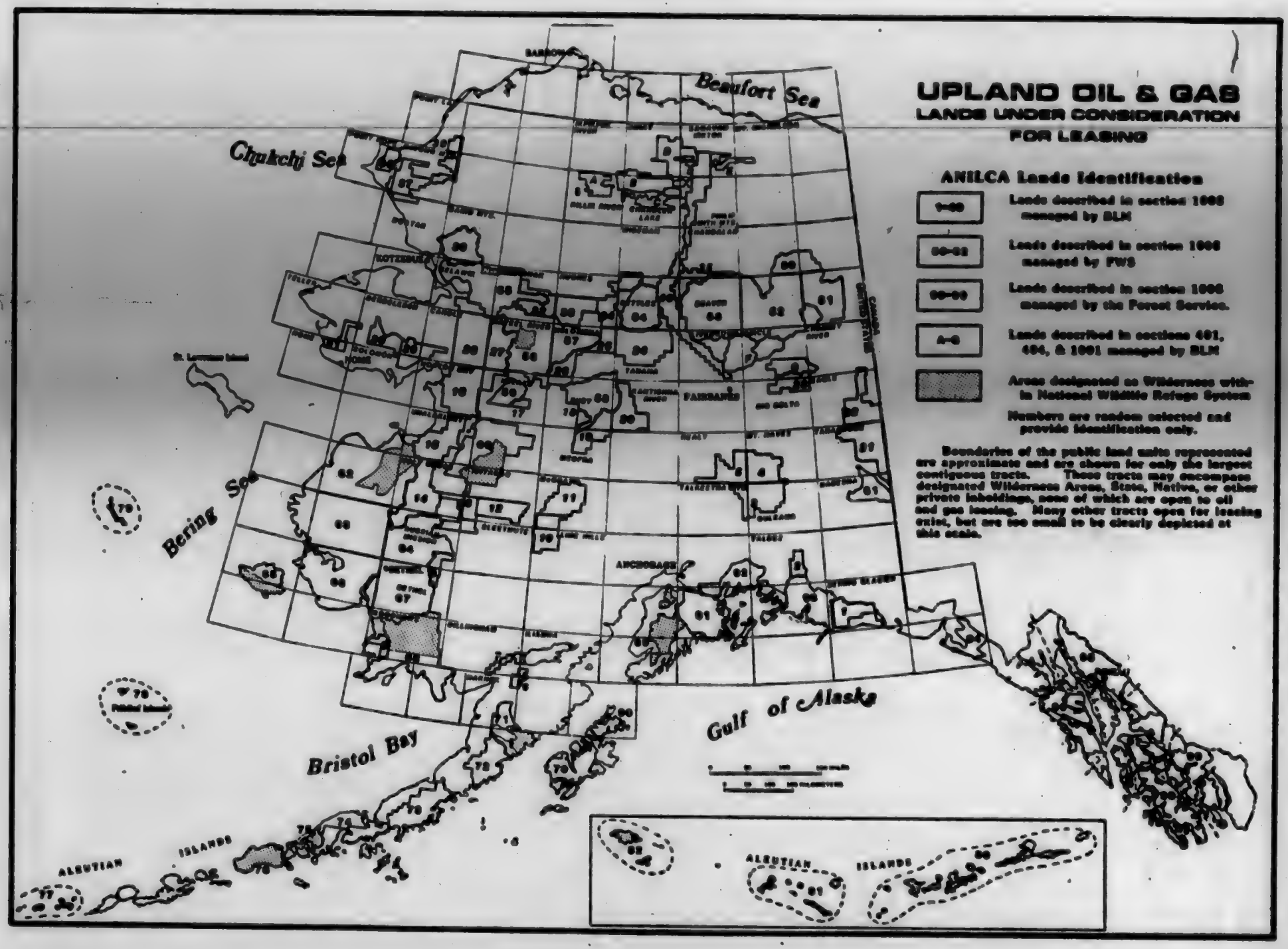

[FR Doc. 81-12962 Filed 4-29-81; 8:45 am]
BILLING CODE 4310-84-C

Burley District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of meeting and agenda for Burley district grazing advisory board.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463, the Federal Advisory Committee Act, and Pub. L. 94–579, the Federal Land Policy and Management Act, that the Burley District Grazing Advisory Board will meet on May 27 and 28, 1981. The meeting will consist of two parts, an office session on the 27th and a field trip on the 28th. The office session will convene at 9 a.m. in the Commissioners' Room of the Oneida County Courthouse in Malad, Idaho, and will last until 4:30 p.m. A no-host lunch break will be taken at noon. Agenda items for the meeting will include a review and discussion of:

(1) Bannock-Oneida Allotment Management Plans including Pleasantview, Samaria-South Stone revisions and the Curlew Allotment Management Plan;

(2) Proposed fiscal year 1982 range improvement projects, and range betterment funds and;

(3) The proposed Rangeland Improvement Policy.

A tour of the Curlew Allotment will commence at 10 a.m. on May 28 at Molley's Cafe in Snowville, Utah, and last until about 4 p.m.

The meeting and tour are open to the public. Interested persons may make oral statements to the Board between 3 and 4 p.m. on May 27, or they may file written statements for the Board's consideration.

Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318, by May 22. Depending on the number of persons wishing to make oral statements, a per-person time limit may be established by the District Manager. Persons desiring to make the field trip should furnish their own transportation. Summary minutes of the Board meeting will be maintained in the district office at 200 South Oakley Highway, Burley, Idaho, and will be available for public inspection during regular business hours 7:45 a.m. to 4:30 p.m., Monday through Friday, within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Inez Hanna, Information Officer, Burley District Office, Route 3, Box 1, Burley, Idaho 83318. Phone (208) 678–5514 or FTS 554–6641.

Nick J. Cozakos,
District Manager.

[FR Doc. 81–13061 Filed 4–29–81; 8:45 am]
BILLING CODE 4310–84–M

California Desert Conservation Area Advisory Committee; Meeting

Notice is hereby given in accordance with Public Laws 92–463 and 94–579 that the California Desert Conservation Area Advisory Committee to the Bureau of Land Management, U.S. Department of the Interior, will meet May 27, 1981, in San Bernardino, California. The purpose of the meeting is to discuss progress of implementation of the California Desert Plan. The meeting will begin at 8:00 a.m., Wednesday, May 27, and is scheduled to adjourn by 5:00 p.m. Location is the California Room, San Bernardino Convention Center, 303 North "E" Street, San Bernardino, California 92418. The meeting is open to the public and interested persons may attend and file statements with the Advisory Committee.

Further information may be obtained from Mr. Clayton A. Record, Jr., Chairman, California Desert Conservation Area Advisory Committee, c/o California Desert District Office, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

Dated: April 22, 1981.

Wesley T. Chambers,
Acting District Manager.

[FR Doc. 81–13062 Filed 4–29–81; 8:45 am]
BILLING CODE 4310–84–M

[Coal Lease Application (W–50061)]

Wyoming; Land in Carbon County, Wyoming; Request for Public Comment

April 23, 1981.

U.S. Department of the Interior, Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001. The Bureau of Land Management requests public comment on the fair market value of certain coal resources it proposes to offer for competitive lease sale.

The coal resource to be evaluated consists of the coal recoverable by underground mining methods from the A to D zone of the Finch group, the G seam of the Finch group, the E seam of the Blue group and the Johnson seam in the following described land located approximately twelve (12) miles southeast of Hanna, Wyoming:

T. 21 N., R. 79 W., 6th P. M., Wyoming
Sec. 8, all;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½, (all);
Sec. 20, N½ and SW¼;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½, (all).
T. 21 N., R. 80 W., 6th P. M., Wyoming
Sec. 12, all;
Sec. 14, all;
Sec. 22, all;
Sec. 24, all;
Sec. 26, all;
Sec. 28, W½ and SE¼;
Sec. 32, E½, and SE¼SW¼;
Sec. 34, all.
Containing 7,065.75 acres.

The estimated total reserves are 319 million tons. The average coal quality is as follows: BTU—11,100/lb., Sulfur—0.55 and Ash—7.25 to 8.74 percent. This would classify the coal as high volatile C bituminous under ASTM Specification D 388–66. The A to D zone of the Finch group averages 16.5 feet over 1,702.00 acres of the described lands; the G seam of the Finch group averages 6.9 feet over 2,560.00 acres; the E seam of the Blue group averages 3.3 feet over 3,542.00 acres; and the Johnson coal bed averages 22.5 feet thick over all the described lands. The tract lies within the Hanna and Carbon Basins known recoverable coal resource area (KRCRA), Carbon County, Wyoming.

The public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1–2. Should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the

submission. Information so marked will not be available to the public if it meets exemptions in the Freedom of Information Act. Comments should be sent to both the State Director, Wyoming State Office, Bureau of Land Management, at the above address, and to the Conservation Manager, North Central Region, U.S. Geological Survey, 100 East "B" Street, Room 4130, Casper Wyoming 82601, to arrive no later than May 29, 1981.

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-13003 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 16773]

Exchange of Public and Private Lands in Malheur and Harney Counties, Oregon; Notice of Realty Action

The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Willamette Meridian, Oregon

Harney County

T. 36 S., R. 36 E., W.M.
- Sec. 5, Lots 3, 4, S½NW¼, N½SW¼;
- Sec. 6;
- Sec. 8;
- Sec. 18;
- Sec. 20;
- Sec. 30;
- Sec. 32.

T. 37 S., R. 36 E., W.M.
- Sec. 6;
- Sec. 8;
- Sec. 17, S½S½, NW¼SW¼;
- Sec. 18;
- Sec. 19;
- Sec. 20;
- Sec. 21, W½SE¼, SE¼SE¼, S½NW¼, NW¼NW¼, SW¼NE¼, SW¼;
- Sec. 22;
- Sec. 24, W½SW¼, SW¼NW¼;
- Sec. 25, SE¼NE¼, SW¼SE¼, SW¼, S½NW¼;
- Sec. 28;
- Sec. 35.

T. 38 S., R. 38 E., W.M.
- Sec. 13, Lot 1, NE¼SE¼

Total 10,345.36 acres in Harney County.

Malheur County

T. 35 S., R. 37 E., W.M.
- Sec. 4, N½SW¼SW¼;
- Sec. 11, NE¼NE¼;
- Sec. 17, N½, SE¼, E½SW¼;
- Sec. 18, Lots 1, 2, 3, 4, E½W½, NE¼, W½SE¼;
- Sec. 19, Lots 1, 2, 3, 4, E½W½, W½E½;
- Sec. 30, Lots 1, 2, 3, 4, E½NW¼;
- Sec. 31, Lots 1, 2, E½E½;
- Sec. 32;
- Sec. 33, S½, W½NW¼
- Sec. 34.

T. 36 S., R. 37 E., W.M.
- Sec. 5, Lots 2, 3, 4, SW¼NW¼, NW¼SW¼;
- Sec. 7, Lots 1, 2, 3, 4, NE¼NW¼, NW¼NE¼;
- Sec. 8;
- Sec. 18;
- Sec. 20;
- Sec. 30;
- Sec. 32.

T. 37 S., R. 37 E., W.M.
- Sec. 30, Lots 18, 20 and 21;
- Sec. 31, Lots 2, 3, 4, 7, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23.

T. 38 S., R. 39 E., W.M.
- Sec. 18, Lots 4, 5, E½SW¼, SW¼SE¼;
- Sec. 19, W½NE¼, NE¼NW¼.

Total 8,494.43 acres in Malheur County.

Comprising 18, 839.79 acres of public land in Harney and Malheur Counties, Oregon. In exchange for these lands, the Federal Government will acquire scattered tracts of private land in Harney and Malheur Counties from Whitehorse Ranch, Inc. described as follows:

Willamette Meridian, Oregon

Harney County

T. 32 S., R. 25 E., W.M.
- Sec. 36.

T. 35 S., R. 34 E., W.M.
- Sec. 7, Lots 3, 4, E½SW¼;
- Sec. 9, S½NE¼, NE¼NW¼, SW¼NW¼, S½;
- Sec. 11, S½SE¼, SE¼SW¼, NW¼SW¼;
- Sec. 13, NW¼NE¼, SE¼NE¼, SE¼, S½SW¼, NW¼SW¼, NW¼;
- Sec. 15, W½;
- Sec. 21;
- Sec. 23, N½, SW¼;
- Sec. 25;
- Sec. 27, S½, NW¼
- Sec. 31, Lots 1, 2, 3, 4, E½W½, NE¼;
- Sec. 33, W½, SE¼;
- Sec. 35.

T. 36 S., R. 34 E., W.M.
- Sec. 3;
- Sec. 5, Lots 1, 2, 3, 4, SE¼NE¼, SE¼, SE¼NW¼, SW¼;
- Sec. 9, N½NE¼, NW¼NW¼.

T. 35 S., R. 35 E., W.M.
- Sec. 17, SW¼SE¼, SW¼SW¼;
- Sec. 19.

T. 36 S., R. 35 E., W.M.
- Sec. 5, SE¼;
- Sec. 23, NE¼.

T. 35 S., R. 36 E., W.M.
- Sec. 31, Lot 4.

T. 37 S., R. 36 E., W.M.
- Sec. 27, NE¼NE¼, NW¼SW¼, SW¼NW¼;
- Sec. 28, E½NE¼;
- Sec. 34, SE¼NW¼, NE¼SW¼, S½SW¼.

T. 38 S., R. 38 E., W.M.
- Sec. 19, Lot 4, E½, SW¼;
- Sec. 21, E½SE¼;
- Sec. 22, SW¼SW¼;
- Sec. 27, N½NW¼, SE¼NW¼, SW¼NE¼, NW¼SE¼, SE¼SE¼;
- Sec. 30, Lot 1;
- Sec. 34, NE¼NE¼;
- Sec. 35, W½W½.

T. 39 S., R. 38 E., W.M.
- Sec. 2, Lot 4.

Total 9,623.56 acres in Harney County.

Malheur County

T. 35 S., R. 37 E., W.M.
- Sec. 1, Lots 1, 2, 3, 4, S½N½, SE¼;
- Sec. 2, Lots 3, 4, S½NW¼, SW¼;
- Sec. 3, Lots 1, 2, S½NE¼, S½;
- Sec. 4, Lots 1, 2, S½NE¼, N½SW¼, SE¼SW¼, S½SW¼SW¼;
- Sec. 5, Lots 1, 2, S½NE¼, SE¼;
- Sec. 9;
- Sec. 10, E½;
- Sec. 11, W½;
- Sec. 12, NE¼.

T. 36 S., R. 37 E., W.M.
- Sec. 1;
- Sec. 3, Lots 1, 2, 3, 4, S½NW¼, SE¼NE¼, S½;
- Sec. 9, S½NW¼;
- Sec. 11;
- Sec. 13;
- Sec. 15;
- Sec. 23;
- Sec. 25, N½NE¼, SE¼SE¼NE¼, W½SW¼NE¼, W½;
- Sec. 27, E½NE¼, SW¼SE¼, E½SW¼, NW¼SW¼, W½NW¼;
- Sec. 33, W½, N½NE¼, SE¼NE¼, N½SE¼, SW¼SE¼;
- Sec. 34, SW¼;
- Sec. 35, N½NE¼, SW¼NE¼, E½SW¼, NW¼.

T. 37 S., R. 37 E., W.M.
- Sec. 5, Lot 2, W½SW¼;
- Sec. 7, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, NW¼NE¼, SE¼NE¼, SE¼, SW¼NE¼;
- Sec. 17, NE¼, N½SE¼, SW¼SE¼, SW¼, S½NW¼, NE¼NW¼;
- Sec. 19, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, NE¼, E½SE¼;
- Sec. 30, E½NE¼, NE¼SE¼.

T. 33 S., R. 38 E., W.M.
- Sec. 23, SW¼SW¼, SE¼SE¼.

T. 35 S., R. 38 E., W.M.
- Sec. 7, SE¼;
- Sec. 9, E½NW¼;
- Sec. 10, Lots 1, 2, 3, 4, E½NW¼.

T. 33 S., R. 39 E., W.M.
- Sec. 3, SE¼NE¼;
- Sec. 19, E½NE¼;
- Sec. 21, SW¼SW¼;
- Sec. 33, NW¼NW¼, NW¼SE¼, NE¼NE¼.

T. 32 S., R. 40 E., W.M.
- Sec. 3, N½ of Lot 3.

T. 36 S., R. 40 E., W.M.
- Sec. 5;
- Sec. 7, Lots 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22;
- Sec. 9, W½NW¼;
- Sec. 19, Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23.

T. 37 S., R. 40 E., W.M.
- Sec. 18, SW¼SE¼;
- Sec. 17, E½SW¼;
- Sec. 20, E½NW¼.

T. 31 S., R. 41 E., W.M.
- Sec. 31, NW¼NE¼.

Total 15,556.45 acres in Malheur County.

Comprising 25,180.03 acres of private lands in Harney and Malheur, Oregon. The purpose of the land exchange is to facilitate multiple use mangement of the

public lands and acquire private lands which will benefit and support a multiple use federal program. These multiple use values include wildlife and wild horse habitat areas; fish habitat on Willow Creek for the Whitehorse Cutthroat Trout (a sensitive species), and cultural resource values.

The exchange is consistent with the Bureau's planning for the lands involved. The public interest will be well served by making the exchange. The value of the lands to be exchanged are approximately equal and the acreage will be adjusted or money will be used to fully equalize the values upon completion of the final appraisal of the lands.

The publication of this notice segregates the public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976.

The terms, conditions, convenants, and reservations applicable to the land exchange are:

1. The public and private lands described above will be subject to the value equalization and adjustment for title and mineral problems, wilderness and cultural resource values and any other management reasons which may become apparent in the final stage of consummation of the land exchange.

2. The public lands will be exchanged subject to all valid existing rights, including any rights-of-way, easements, and leases of record.

3. The following described public land has been encumbered by 51 lode mining claims and will be eliminated from the exchange unless the claims are relinquished:

Harney County

T. 37 S., R. 36 E., W.M.
Sec. 17, S½S½, NW¼SW¼;
Sec. 20;
Sec. 21, W½SE¼, SE¼SE¼, SW¼, S½NW, NW¼NW¼, SW¼NE¼.
1280 acres.

4. Where possible, the full fee estate will be exchanged. This will not be possible for all the lands involved as the mineral estate of portions of the private land is already owned by the United States or is encumbered by third party interests. The United States will convey the mineral estate to the public lands in an acreage as nearly equal to the mineral estate of the private lands acquired as practicable. As to the remaining public lands, the United States will reserve minerals to the extent they are known or reported to be valuable or prospectively valuable.

5. Roads identified as BLM owned and which are necessary for public access and/or land management will be retained by requiring the proposed grantee to convey easements concurrently with issuance of patent, rather than reserving roads in the patent documents.

Detailed information concerning the land exchange, including the Environmental Analysis, Official Land Report, and the record of public discussion, is available for review at the Vale District Office, 365 A Street West, (P.O. Box 700), Vale, Oregon 97918.

For a period of 45 days interested parties may sumit comments to the Chief, Branch of Lands and Minerals Operations, P.O. Box 2965, Portland, Oregon 97208.

Dated: April 23, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-13063 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Decision Notice

As indicated by the findings below, the commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC-FC-79004. By decision of February 20, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 5 approved the transfer to Wrights Van and Storage, Inc. of Certificate No. MC-136389 (Sub-No. 1) issued December 14, 1972 to Wright's Moving and Storage, Inc. authorizing the transportation of used household goods, between New Albany, IN on the one hand, and on the other, points in Brown, Barthelomew, Jackson, Jennings, Jefferson, Switzerland, Ohio, Scott, Washington, Clerk, Crawford, Floyd and Hanson Counties, IN.

Applicant's representative: Mr. Robert Warrall, Vice President, Wright's Van & Storage, Inc., 128 West Main Street, New Albany, IN 47150.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-1310 Filed 4-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931, and 10932.

We Find

Each transaction is exempt from section 11343 (formerly Section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

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relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, The Motor Carrier Board, Members Krock, Joyce, and Dowell.

MC–FC–78512. By decision of April 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Bickford Transportation, Inc., of Yarmouth, ME, of Certificate No. MC–44250 issued to Sullivan & Hansberry Moving & Storage Inc. (Indian Head National Bank, Secured Party) of Nashua, NH, authorizing: *Woodwork,* and *materials, supplies, and equipment* incidental to the manufacture and assembly of woodwork, Between Nashua, N.H., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, and that part of New York east and south of a line beginning at the Vermont-New York State line and extending along U.S. Highway 11 to junction unnumbered highway (formerly portion U.S. Highway 11), thence along unnumbered highway through Perrys Mills, N.Y., to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified. *Woodwork,* and *materials, supplies, and equipment* incidental to the manufacture and assembly of woodwork, restricted to shipments picked up as a part of an original order leaving Nashua, N.H. From Boston and Somerville, Mass., to points in the above-described territory. *Woodwork,* and *materials, supplies, and equipment* incidental to the manufacture and assembly of woodwork, in truckload lots, From Boston and Somerville, Mass., to Bristol, Meriden, and Hartford, Conn., and points in Rhode Island. *Asbestos products,* From Nashua, N.H., to New York, N.Y., and points in Maine and Vermont, *Ironing boards, medicine cabinets, sashes, windows,* and *door cases,* Between Fitchburg, Mass., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, and that part of New York east and south of a line beginning at the Vermont-New York State line and extending along U.S. Highway 11 to junction unnumbered highway (formerly portion U.S. Highway 11), thence along unnumbered highway through Ferrys Mills, N.Y., to junction U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified. *Nails, window weights, and trim and finish,* Between Worcester, Mass., on the one hand, and, on the other, points in the above-described Territory. Household goods as defined by the Commission, Between points in Cheshire, Hillsboro, Merrimack, and Rockingham Counties, N.H., and those in Massachusetts within 20 miles of Nashua, N.H., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, Georgia, Florida, West Virginia, Ohio, Michigan, Illinois, and the District of Columbia. Between points in Cheshire, Hillsboro, Merrimack, and Rockingham Counties, N.H., and those in Massachusetts within 20 miles of Nashua, N.H., on the one hand, and, on the other, points in Wisconsin, Indiana, and South Carolina. Applicant's representative: Erving H. Bickford, RR #1, Box 333, Yarmouth, ME 04096. TA lease is sought. Transferee is a carrier.

MC–FC–78869. By decision of March 30, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number approved the transfer to (transferee, city and state) Capitol Movers, Inc. Dover Delaware of Certificate No. MC–133536 Sub 1 and Sub 2 issued (date) June 24, 1970 to (transferor's name, city and state) authorizing the common carrier transportation over irregular routes: Sub (1) *Used household goods,* between points in Delaware points in Northampton and Accomack Counties Va., and points in Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Tablot, Wicomico, and Worcester Counties, Md. Sub (2) *Household goods,* as defined by the Commission. Between points in Delaware, on the one hand, and, on the other, points in New York, New Jersey, Maryland, Pennsylvania, Virginia, and the District of Columbia. Applicant's representative is: J. Richard Berry, President, Capitol Movers, Inc., 773 N. DuPont Highway, Dover, Delaware 19901.

MC–FC–78955. By decision of March 27, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Alabama Storage Company, Inc., DBA Alabama-Mayflower, Birmingham, AL 35211 of certificate No. MC–26544 (Sub-No. 2) issued (date) May 6, 1975 to Alabama Storage Company, Inc., (X & Y Corp.), Dothan, AL 36301 authorizing the transportation of *used household goods,* Between points in Calhouns, Cherokee, Clay, Clerburne, Etowah, Randolph, Saint Clar, Talladega, De Kalb, Bibb, Blount, Cullman, Fayette, Jefferson Lamar, Marion, Pickens, Shelby, Tuscaloosa, Walker and Winston Counties, Ala. Applicant's representative is: Jim Laftin, P.O. Box 1333, Dothan, AL 36302. No TA application has been filed. Transferee holds no authority.

MC–FC–79051. By decision of April 7, 1981, issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, Review Board No. 3 approved the lease for one year to Walter Mark Boka DBA Boka Freightline of Certificate of Registration No. MC–120647 (Sub-No. 1) issued August 17, 1964 to T.R. Henningsen dba Henningsen Freightlines, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Montana Public Service Commission certificate of public convenience and necessity No. 2753 dated July 28, 1960, subject to the following condition: Applicant furnish a certified copy of the order permitting the lease of the corresponding intrastate certificate. The lease has been limited to a one year period to correspond to the term permitted by the Montana Public Service Commission. The Certificate of Registration authorizes the transportation of property over U.S. Highway No. 91, between Batte, MT, and Onida, MT. Applicant's Representative is: Max A. Hansen, Attorney and Counselor, P.O. Box 1301, 230 North Idaho Street, Dillion, Montana 59725, (406) 683–4301.

MC–FC–79064. By decision of March 30, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Blue Water Transport, a

Division of Internation Movements, Inc., of Pasadena, MD, of Certificate No. MC-84751 and Subs 3 and 4 issued to Merchants Storage Company of Virginia, of Alexandria, VA, (Richart A Bartl, authorizing the transportation of trustee in Bankruptcy) *Used automobiles*, in Driveaway service, from Washington, DC, to New York, NY, and points in New York and New Jersey within ten miles of New York, NY; Baltimore, MD, Portsmouth, Newport News, and Norfolk, VA, and Philadelphia, PA., with no transportation for compensation on return except as otherwise authorized, subject to certain restrictions. *Household goods* as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points within 100 miles of the District of Columbia. Between Park, MD, Alexandria, VA, points in Arlington County, VA, and points in Maryland within ten miles of Takoma Park, MD, on the one hand, and, on the other, points in Pennsylvania, Delaware, Georgia, South Carolina, North Carolina, Virginia, Maryland, and Florida. *Household goods* as defined by the Commission, and *soda fountain equipment*, between Washington, DC, on the one hand, and, on the other, points in Pennsylvania, Delaware, New Jersey, New York, Rhode Island, Tennessee, Georgia, South Carolina, North Carolina, Virginia, Maryland, and Florida. Used Household Goods Between the District of Columbia, Alexandria, VA, and points in Montgomery, Howard, Frederick, Carroll, Baltimore, Anne Arundel, Prince Georges, Calvert, Charles, and St. Marys Counties, MD, Baltimore, MD, and points in Arlington, Fairfax, Prince William, Stafford, Spotsylvania, King George, Facquier, and Loudoun Counties, VA, subject to certain restrictions *Household goods*, Between Washington, DC, on the one hand, and, on the other, points in Illinois, Ohio, Connecticut, Kentucky, Massachusetts, West Virginia, Vermont, and Maine. Applicant's representative: Alan F., Wohlstertter, 1700 K St., N.W., Washington, DC 20006. Transferee is not a carrier. TA lease is not sought.

FC-79066. By decision of April 7, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 3 approved the transfer to Douglas Kriebel D/B/A Duble and Kriebel of Certificate No. MC-59281 and No. MC-59281 (Sub-No. 2) issued December 29, 1958, and February 23, 1955 respectively to George Kriebel D/B/A Duble Kriebel authorizing the transportation No. MC 59281 of *Household goods* as defined by the Commission, from Philadelphia, PA., and points within 10 miles thereof, to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island, with no transportation for compensation on return except as otherwise authorized, and in No. MC-59281 (Sub-No. 2) of *Household goods*, as defined by the Commission, between points in Philadelphia County, PA, on the one hand, and on the other, points in Pennsylvania, Maryland, New Jersey, New York, and the District of Columbia. Applicant's representative is: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Road & Cottman Street, Jenkintown, PA 19046.

MC-FC-79068. By decision of April 2, 1981 issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR 1133, Review Board Number 3 approved the transfer to E & H Tours, Inc., of License No. MC-12290 issued February 13, 1970 to Bliss Tours, Inc., in arranging the transportation as a broker at New York, NY, of passengers and their baggage, between New York, NY on the one hand, and, on the other, points in the United States (except Aneria, Copake and Kent, NY, Salisbury, CT; and points in Alaska and Hawaii). Applicant's representative is: Elson & Halpenn, Attorney At Law, 40 Exchange Place, New York, NY 10005.

MC-FC-79069. By decision of March 24, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Wiegmann Co., Inc., of Carnegie, PA, of Certificate No. MC-21788 (Sub-No. 2) F issued to J.A. Grimm & Wheeling Motor Express, Inc., of Pittsburgh, PA, authorizing: General Commodities (usual exceptions), between Waynesburg, PA, on the one hand, and, on the other, Washington, Brownsville, Point Marion, and Pittsburgh, PA, and between Carmichaels and Uniontown, PA, all over defined regular routes, serving named intermediate and off-route points. Household goods and machinery and equipment used in the petroleum industry, between points in Greene County, PA, on the one hand, and, on the other, points in New Jersey, Maryland, New York, West Virginia, Virginia, Ohio, and * * *. Applicant's representative: John A. Pillar, 1500 Bank Tower, 307 Forth Avenue, Pittsburgh, PA 15222.

MC-FC-79072. By decision of March 30, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Number 3 approved the transfer to (transferee, city and state) Pacific Intermodal Transport, Inc. Bothell, Washington, of Certificate No. MC-125551 (portion) and MC-125551 Sub 16 F issued (date) December 3, 1969 to (transferor's name, city and state) K & W Trucking Co., Inc. St. Cloud, Minnesota authorizing the common carrier transportation over irregular routes of (1) *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in Bulk, and those requining special equipment, between points in Alaska with the pertinent restrictions. Sub (2) *General commodities* (except classes A and B explosivies), between points in the commercial zone of Seattle, WA, restricted to traffic having a prior or subsequent movement by water. Applicant's representative is: Robert D. Gisuold (612) 333-1341, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402.

MC-FC-79074. By decision of April 12, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Rockingham Enterprises, Inc. of Permit No. MC-6607 (lead and Sub-No. 11, 12, 14, and 16) issued to J. J. Minehan, Inc., authorizing the transportation of (1) lead, sugar and related products, hides, dairy products, containers, veneer, fresh meats, canned goods, syrup, paper, potatoes, cotton and cotton waste, Navy food equipment and related items, meat, fish, agricultrual commodities, packing house products, groceries, and related products, salvage (2) Sub-11 paper place mats, sugar fence kits, under contract with Armstar Corpoation of New York, NY (3) Sub-12 corn products, sugar and blends under contract with Revere Sugar Corporation of Charlestown, MA and Armstan Corporation, of New York, NY (40 Sub-14—same commodities CPC International, Inc., of Englewood Cliff, NJ and (5) Sub-16—water under contract with General Dynamics Corporation, Electric Boat Division, Groton, CT, and generally from and to points in Massachusetts, Rhode Island, Connecticut, Maine, New Hampshire and Vermont. Applicant's representative is: Frederick T. O'Sullivan, Esq., P.O. Box 2184, Peabody, MA 01960.

MC-FC-79078. By decision of April 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Jim and Bee Inc., of Ore City, TX of Certificate No. MC-66100 (Sub-No. 41F), issued July 23, 1980 to D.P. Bonham Transfer, Inc. of Bartlesville, OK authorizing the transportation of *coal tar pitch, coal tar pitch products and coal tar pitch by-products* between

the facilities of Reiley Tar & Chemical, at or near Lone Star, TX, on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). Transferee presently holds no authority from the Commission. TA has not been filed. Applicants' representative: Larry E. Gregg, P.O. Box 1979, Topeka, KS 66601.

MC–FC–79081. By decision of April 3, 1981 issued under 49 U.S.C. 10928 and the transfer at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Leonard M. Moyers and Leeman M. Moyers, partnership, d.b.a. Moyers Transfer, of Middleboro, KY, of Certificate No. MC–108759 issued November 13, 1980, to Kenneth Spangler, individual, d.b.a. Kenneth Spangler Moving and Storage of Middlesboro, KY, authorizing the transportation of *household goods*, as defined by the Commission, between points in Bell County, KY, Claiborne County, TN, and Lee County, VA, on the one hand, and, on the other, points in Kentucky, Tennessee, Virginia, West Virginia, Ohio, Indiana, Michigan, North Carolina, South Carolina, Georgia, and Alabama. *Caskets*, between Middleboro, KY, and Cumberland Gap, TN. Applicant's representative is: George M. Catlett, Attorney, Suite 708, McClure Building, Frankfort, KY 40601, (502) 227–7384. Application for TA has not been filed. Transferee presently holds no authority from the Commission.

MC–FC–79082. By decision of April 13, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Curtis D. Gunn and Daniel J. Gunn, partnership, d.b.a. Stan's Vans, of Long Beach, CA, of Certificate No. MC–129912 (Sub-No. 1), issued November 21, 1968, and No. MC–129912 (Sub-No. 2), issued July 14, 1970, to Stanley Levinson, d.b.a. Stan's Vans, of Long Beach, CA, authorizing the transportation in No. MC–129912 (Sub-No. 1) of *household goods* as defined by the Commission, between points within 25 miles of Los Angeles, CA, including Los Angeles. In No. MC–129912 (Sub-No. 2) of *used household goods*, between points in Kern, Ventura, Los Angeles, San Bernardino, Orange, Riverside, San Diego, Imperial, and Santa Barbara Counties, CA. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Applicant's representative is: Milton W. Flack, Attorney, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, (213) 655–3573. Application for TA has not been filed. Transferee presently holds no authority from the Commission.

MC–FC–79087. By decision of April 3, 1981, issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to William E. Johnson, d.b.a. William E. Johnson Trucking Company, of Dallas, TX of Certificate No. MC–146599 (Sub-No. 2)F, issued to Hannan Trucking, Inc., of Dallas, TX (Rick Frazier, Trustee in Bankruptcy) authorizing: *such commodities as are dealt in or used by grocery and food business houses* (except commodities in bulk, in tank vehicles), between Grand Prairie, TX, on the one hand, and, on the other, points in Kansas and Oklahoma. Applicant's representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. TA lease is not sought. Transferee is not a carrier.

MC–FC–79095. By decision of April 7, 1981 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Country Road Freightlines, Inc., of Certificate of Registration No. MC–120782 (Sub–No. 2) issued July 2, 1973, to Harding's Freight Service (a California Corporation), of San Diego, CA, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificate No. 809939 dated January 9, 1973 issued by the California Public Utilities Commission, subject to the following conditions: The Commission must be furnished a copy of the state order approving the transfer of the underlying intrastate rights. The Certificate of Registration authorizes general commodities, with named exceptions, (1) betwen points in San Diego County, CA; and (2) between San Diego, CA, and Devose, CA, serving all intermediate points on Interstate Hwy 15 and all off-route points located within 10 miles laterally of said highway (except those in the San Bernardino National Forest). Applicant's representative: Robert K. Sall, 25231 Paseo de Salicia, Suite 101, Laguna Hills, CA 92653. Transferee is not a carrier. TA lease is not sought.

MC–FC–79096. By decison of April 3, 1981 issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR 1133, Review Board Number 3 approved the transfer to South/U.S.A., Inc., of Atlanta, GA, of License No. MC–130570 issued to South USA, Inc., of Atlanta, GA, authorizing: a brokerage service at Atlanta, arranging for transportation of passengers and their baggage, in the same vehicle with passengers, in round-trip special and charter operations, beginning and ending at points in the United States (including Alaska and Hawaii), and extending to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. Applicant's representative: Laurence D. Pless, 3100 Peachtree, Summit Bldg., 401 W. Peachtree Street, Atlanta, GA 30365.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–13102 Filed 4–29–81; 8:45 am]
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[Permanent Authority Decision Volume No. 70]

Restriction Removals

Decision-Notice

Decided: April 24, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Person wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminary, that each applicant has demonstrated that its requested removal or restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2153 (Sub-52)X, filed April 6, 1981. Applicant: MIDWEST MOTOR EXPRESS, INC., 5015 East Main, P.O. Box 1058, Bismarck, ND 58501. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Applicant seeks to restrictions in its lead and Sub-Nos. 13, 19, 21, 23, 29, 33, 37, 41, 42, 49, and 50 certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) to change one-way to radial authority in the lead between Bismarck, ND, and, points within 100 miles thereof (with exceptions); (3) to authorizes service at all intermediate points in place of authorize to serve or no intermediate points or restricted service to intermediate points on described regular routes in the lead between St. Paul, MN, and Mandan, ND; in Sub-No. 21 between Duluth, MN, and West Fargo, ND; in Sub-No. 29 between Bismarck, ND, and Minot, ND; in Sub-No. 33 between Ashley, ND, and Hague, ND; in Sub-No. 37 between Fargo, ND, and Grand Forks, ND, and between Moorhead, MN, and Grand Forks, ND; in Sub-No. 42 between St. Paul, MN, and McGregor, MN; in Sub-No. 47 between Portal, ND, and South St. Paul, MN, and between Detroit Lakes, MN, and Crookston, MN; and in Sub-No. 49 between Glendive, MT, and Billing, MT; (4) remove restriction against tacking its regular route authority in Sub-No. 42; (5) to remove restriction to the transportation of traffic moving interstate commerce in Sub-No. 47 and (6) remove the restriction limiting service at the off-route points of Sartell, MN, pickup of paper moving to Bismarck, ND in the lead.

MC 2230 (Sub-19)X, filed April 16, 1981. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 North 17th St., P.O. Box 82407, Lincoln, NE 68501. Representative: Eugene C. Ewald, 100 W. Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 7, 8, 15, 16 and 18 certificates to: (1) broaden the commodity description to "transportation equipment" from new automobiles parts and accessories in the lead, new automobiles, trucks, chassis, bodies, cabs, parts and accessories in Sub-No. 2, passenger automobiles in Sub-No. 8 automotive vehicles in Sub-No. 15, all-terrain vehicles in Sub-No. 16 and new motor vehicles in Sub-No. 18 and remove exceptions to the transportation of trailers in Sub-Nos. 7 an 18; (2) remove the restriction to initial or secondary movements and to truckaway or driveaway service in the lead, and Sub-Nos. 2, 7, 8, 15, and 18, (3) broaden the territorial authority, where applicable, to county-wide services and authorize radial operations in place of one-way service: between places of manufacture and assembly in MI (except Lansing and Pontiac) and NE; between Chicago Heights (Cook County) IL and NE in the lead; between South Bend (St. Joseph County), IN and Billings (Yellowstone) County) MI, Carter County, MI, 6 counties in SD, 7 counties in ID and Crook County, WY; between IN, IL, IA, and NE and the above destination counties, between IL, IN, LA, NE and MI (except Lansing and Pontiac) and 8 counties in MT and 3 counties in WY in Sub-No. 2; between St. Louis County, MO and points in NE in Sub-No. 8; between Lincoln (Lancaster County) NE and points in the US in Sub-No. 16; between Omaha (Douglas County) NE and points in SD (except 6 counties) in Sub-No. 18; (4) remove a restriction against the transportation of motor vehicle, in interline service, having and immediately prior movement from named shipper plants in Clay County, MO in Sub-No. 7; (5) remove the exception of service at AK and HI in Sub-Nos. 15 and 16; (6) remove the facilities limitation in Sub-Nos. 8 and 15; (7) remove the "origination at" restriction in Sub-No. 16.

MC 32882 (Sub-163)X, filed April 2, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-Nos. 55, 76, 90, 92F, 95F, 103F, 106F, 112F, 119F, 138F, 140F, 141F, 145F 147F, and 148F, certificates to (A) broaden the commodity descriptions as follows: (1) in Sub-No. 55, from paper and paper products to "pulp, paper and related products and printed matter"; (b) in Sub-No. 76 from contractors, construction, and mining machinery and equipment and parts to "machinery"; (c) in Sub-Nos. 90, 103F, and 119F, from flatglass, highway marking strip, spheres, ballotine, crushed and beaded cullet, rock or stone, crushed in bags to clay, "concrete glass or stone products"; (d) in Sub-No. 92F, from refractories and refractory products to clay, "concrete, glass or stone products, ores and minerals and metal products"; (e) in Sub-No. 95F, from bentonite clay and lignite coal to "ores and minerals and coal and coal products"; (f) in Sub-No. 112F, from pre-cut cedar log homes, knocked down to "lumber and wood products"; (g) in Sub-No. 138F, from lumber, lumber mill products, wood products and composition board, to "lumber, lumber mill products, wood products, pulp, paper and related products"; (h) in Sub-No. 140F, from talc in bags to "ores and minerals"; (i) in Sub-No. 141F, from (1) platform trucks, platform tractors, electric cars, barrows, platform wagons, parts, and rectifiers, and (2) iron and steel articles to "transportation equipment and metal products"; (j) in Sub-Nos. 106F and 145F, from truck parts and tractor cabs and in Sub-No. 145F, part (1) from railroad crossing modules, to "transportation equipment"; (k) in Sub-No. 147F part (1) from fiberglass products, to "rubber and plastic products"; (l) in Sub-No. 148F, part (1) from insulation and insulation panels and boards, to "building materials"; (B) remove "except in bulk" restrictions in Sub-Nos. 92F, 95F, 103F, 145F, 147F and 148F; (C) delete the facilities restrictions in Sub-Nos. 76, 90F, 95F, 119F, 141F, 145F, 147F, and 148F; (D) replace authority to serve specified cities or plantsites with county-wide authority: San Jose, Stockton, and Antioch with Contra Costa, San Joaquin and Santa Clara, CA, in Sub-No. 55; plantsite at or near Kingsburg, CA, with Fresno County, Ca, in Sub-No. 90F; Cleveland, OH, with Cuyahoga County, OH, Brownwood, TX, with Brown County, TX, Anaheim, CA with Orange County, CA, and Canby, OR, with Clackamas County, OR, in Sub-No. 103F; Orrville, OH, and Ogden, UT, with Wayne County, OH, and Weber County, UT, in Sub-No. 106F; Three Forks and Dillon, MT, with Beaverhead and Gallatin Counties, MT, in Sub-No. 140F; Malad, ID, with Oneida County, ID, in Sub-No. 145F; (E) replace existing one-way authority with radial authority between the named counties and states predominantly in the Western half of the U.S. in Sub-Nos. 55, 90F, 95F, 103F, 106F, 112F, 119F, 140F, 141F; remove "originating and/or destined to" restrictions in Sub-Nos. 92F and 138F; (F) remove restriction against transportation of traffic to (a) AK and HI in Sub-Nos. 103F, 145F and 147F; (b) AK, HI and WY in Sub-No. 95F; (c) AK, HI and UT in Sub-No. 111F; (d) AK, HI and ID in Sub-No. 119F, (e) AK, HI and CA in Sub-No. 141F.

MC 41098 (Sub-58)X, filed April 10, 1981. Applicant: GLOBAL VAN LINES, INC., Number One Gloval Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-No. 36

certificate by removing the restriction prohibiting service to AK from its authority to transport household goods between points in the U.S.

MC 45675 (Sub-12)X, filed April 17, 1981. Applicant: AIR FREIGHT SPECIALISTS, INC., 333 North 25th Street, Milwaukee, WI 53233. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Applicant seeks to remove restrictions in its Sub-No. 8 certificate to (1) broaden the commodity description from general commoidites, with exceptions to "general commodities (except classes A and B explosives)"; (2) replace the base points of O'Hare Airfield and General Mitchell Airfield with Cook County, IL, and Milwaukee County, WI; and (3) remove the restriction limiting transportation to traffic having a prior or subsequent movement by air.

MC 53965 (Sub-191)X, filed April 20, 1981. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock, ANR Freight System, Inc., One Woodward Avenue, Detroit, MI 48226. Applicant seeks to remove restrictions in its Sub-Nos. 107, 118, 143F and 155F certificates to: (1) broaden the commodity descriptions from meat, meat products, meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk), to "food and related products"; (2) remove facility limitations and expand to county-wide service and authorize radial operatings; between Sedgwick County (Wichita) KS and points in MN, IA, MO, AR, LA, TX, OK, NE, SD, ND, IN, CO, IL, TN, MS and AL in Sub-No. 107; Barton and Shawnee Counties (Great Bend and Topeka) KS in Sub-No. 118; between Ford County (Dodge City) KS and points in AZ, AR, CA, IL, IA, MO, NE, NM, ND, OK, TX and SD in Sub-No. 143F; and between Ford County (Dodge City) KS and points in AL, CO, GA, IN, KY, LA, MI, MN, ND, OH, TN and WI in Sub-No. 155F; and (3) remove an "originating at" restriction in Sub-No. 155F and "originating at and destined to" restrictions in Sub-Nos. 107, 118 and 143.

MC 79999 (Sub-15)X, filed April 15, 1981. Applicant: RANGER TRUCK LINE, INC., P.O. Box 2006, Houston, TX 77001. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 10 certificate (1) to broaden the commodity description from iron and steel articles (except pipe used for certain purposes), to "metal products"; and (2) to broaden the territorial description by (a) replacing Lone Star, TX, and points in within 5 miles thereof, with points in Morris Camp, Cass, Upshur, and Marion Counties, Texas, (b) replacing one-way authority with two-way radial authority between the counties named above and points in the U.S.; (c) delete the exceptions of service to AK and HI; (d) eliminate the originating at or destined to named points restriction.

MC 82337 (Sub-1X), filed April 16, 1981. Applicant: MOELLER TRANSFER AND STORAGE CO., P.O. Box 152, Montgomery, AL 36101. Representative: George M. Thornbury (same as applicant). Applicant seeks to remove restrictions in its lead certificate to authorize radial in place of one-way authority: between Montgomery, Ala. and points in Alabama within 125 miles of Montgomery.

MC 83960 (Sub-90)X, filed April 17, 1981. Applicant: VANCE TRUCKING COMPANY, Inc., P.O. Box 1119, Henderson, NC 27536. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-Nos. 1 sheet 3 and 4, 10, 16, 21, 23, 24, 44, and 70 certificates to (1) broaden its commodity descriptions to "tobacco products and materials, equipment, and supplies used in the marketing, packing, processing, and handling of tobacco products", from various commodities such as tobacco, leaf tobacco, empty containers for leaf tobacco, unmanufactured tobacco, empty containers and materials in seasonal operation during the period July 1 to September 30, inclusive, of each year, redried leaf tobacco, strips, scraps or stems, in hagsheads, tierces or boxes, materials, supplies and equipment, used in marketing, packing processing, and handling of leaf tobacco, except liquid chemicals in bulk, in tank vehicles, and reconstituted, homogenized, or reconstructed tobacco, in all of the above sub-numbers; (2) replace cities with county-wide authority (a) in Sub-No. 16, Blackstone, Kenbridge, and Farmville, VA, with Nottoway, Lunenburg, and Prince Edward Counties, VA, and Lancaster, Mount Joy, Red Lion, and York, PA, with Lancaster and York Counties, PA, (b) in Sub-No. 21, Brightwaters, NY, with Suffolk County, NY, and (c) in Sub-No. 44, Spotswood, NJ, with Middlesex County, NJ; Jacksonville, FL, with Duval County, FL; and Lancaster, PA, with Lancaster County, PA; and (3) change one-way to radial authority (a) in Sub-No. 21, between NC and VA, and points in Suffolk County, NY, and (b) in Sub-No. 44, between Middlesex County, NJ, and points in Duval County, FL, and Lancaster County, PA.

MC 115092 (Sub-130)X, filed April 10, 1981. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0), Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8, 12, 17, 21, 33, 35, 36, 42, 47, 49, 50, 51, 55, 59, 61, 64, 66, 72F, 73F, 79F, 80F, 82F, 85F, 91F, 98F, 105F, 106F, 107F, and 110F certificates to (1) broaden the commodity descriptions as follows: in lead certificate, first part, from machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum and in second part, from machinery, equipment, materials and supplies, except gilsonite used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, not including the stringing or picking up of pipe in connection with the construction or dismantling of pipelines to "mercer commodities"; third part, from crude oil to "petroleum, natural gas and their products" and fourth part, from oil-based drilling mud to "mercer commodities"; in Sub-Nos. 6 and 8, from crude oil to "petroleum, natural gas and their products"; in Sub-Nos. 12, 35 and 55, from lumber and lumber mill products to "lumber and wood products"; in Sub-No. 17, from barite to "ores and minerals"; in Sub-No. 21, from wooden and metal curtain rods to "furniture and fixtures"; in Sub-Nos. 33, 72F, and 98F from flat glass to "clay, concrete, glass or stone products"; in Sub-No. 36, from foam board insulation and insulated gypsum foam board panels to "building materials"; in Sub-No. 42, from plastic conduit, plastic and iron fittings and connections, valves, hydrants and gaskets, and materials, equipment, and supplies used in the installation of the above-described commodities to "rubber and plastic products, metal products and clay, concrete, glass or stone products"; in Sub-No. 47, from particleboard and lumber and lumber products to "lumber and wood products"; in Sub-No. 49, from cedar shakes and shingles to "lumber and wood products"; in Sub-No. 50, from insulation foam to "rubber and plastic products"; in Sub-No. 51, from insulating materials to "clay, concrete, glass or stone products"; in Sub-Nos. 59 and 61, from lumber, lumber mill products,

lumber products and wood products to "lumber and wood products"; in Sub-No. 64, from wooden moldings to "lumber and wood products"; in Sub-No. 66m from minerals or mineral products to "ores and minerals"; in Sub-No. 73F, from expanding plastic products to "rubber and plastic products"; in Sub-No. 79F, from scrap paper and waste paper to "waste or scrap materials not identified by industry producing"; in Sub-No. 80F, from lumber and lumber products to "lumber and wood products"; in Sub-No. 82F, from (1) plastic articles and (2) materials, equipment and supplies used in the manufacture and installation of plastic articles to "rubber and plastic products and materials, equipment and supplies used in the manufacture and installation thereof"; in Sub-No. 85F, from cedar shakes and shingles to "lumber and wood products"; in Sub-No. 91F, from junk batteries to "waste or scrap materials not identified by industry producing"; in Sub-No. 105F, part (1) from wallboard and insulation board to "clay, concrete, glass or stone products"; Sub-No. 107F, part (1) from doors, door frames, parts and accessories to "lumber and wood products, furniture and fixtures, rubber and plastic products, clay, concrete, glass or stone products, metal products and transportation equipment"; (2) authorize county-wide authority for city-wide service: in Sub-No. 17, Lander County for Battle Mountain, NV; in Sub-No. 21, St. Joseph County for Sturgis, MI; Los Angeles County for City of Commerce, CA; in Sub-No. 35, Archuleta, Eagle La Plata, and Rio Grande Counties for Pagosa Springs, Eagle, Durango, and South Fork, CO; Uintah County for Vernal, UT; and Albany County for Laramie, WY; in Sub-No. 42, Boone County for Columbia, MO; in Sub-No. 51, Mesa County for Fruita, CO; in Sub-No. 61, Eagle County for Eagle, CO; in Sub-No. 64, Washoe County for Reno, NV; in Sub-No. 72, Fresno County for Kingsbury and Fresno, CA; in Sub-No. 73, Los Angeles County for Torrance, CA; in Sub-No. 79, Lincoln County for Toledo, OR; in Sub-No. 98, Jefferson County for Crystal City, MO; in Sub-No. 105, San Bernardino County for Ontario, CA; in Sub-No. 106, San Joaquin County for Tracy, CA; in Sub-No. 110, El Paso County for Colorado Springs, CO; in Sub-No. 110, Alameda County for Fremont, CA; (3) authorize radial service in lieu of existing one-way authority between the counties named above and points throughout the U.S. in Sub-Nos. 6, 8, 12, 17, 21, 33, 35, 36, 42, 47, 49, 50, 51, 55, 59, 61, 64, 66, 72, 73, 79, 80, 85, 91, 98, 105; and (4) eliminate all restrictions against service in bulk or packages, to AK and HI and delete all plantsite and originating at and destined to restrictions where applicable in lead certificate and Sub-Nos. 6, 12, 17, 33, 35, 36, 42, 50, 64, 66, 72F, 73F, 80F, 82F, 98F, 105F, 106F, 107F and 110F

MC 128302 (Sub-22)X, filed April 21, 1981. Applicant: THE MANFREDI MOTOR TRANSIT CO., 1481 Sperry Road, Newbury, OH 44065. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its MC 112184 (Sub-No. 64F) permit to (1) broaden the commodity description to "food and related products and materials, equipment, and supplies used in the production and distribution of food and related products" from liquid sugars; (2) broaden its territorial description to between points in the U.S. under continuing contract(s) with a named shipper; and (3) remove "in bulk, in tank vehicles" restriction.

MC 129420 (Sub-5)X, filed April 13, 1981. Applicant: LILE INTERNATIONAL COMPANIES, 15605 SW 72nd Ave., Tigard, OR 97223. Representative: John A. Anderson, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to (1) replace the authority to serve between the commercial zones of Seattle, Tacoma, Longview and Vancouver, WA and Portland, OR, with Snohomish, Island, King, Pierce, Clark and Cowlitz Counties, WA and Columbia, Washington, Clackamas and Multnomah Counties, OR; and (2) remove the "prior or subsequent movement by water" restriction.

MC 134182 (Sub-41)X, filed April 13, 1981. Applicant: ALLIED TRANSPORTATION SERVICES, INC., P.O. Box 7424, Shawnee Mission, KS 66207. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7, 8, 9, 10, 11, 21, 23, 30, and 32 (all acquired in MC-FC-77646) and Sub-Nos. 34F, 35F, 36F, 38F, and 40F certificates to (1) broaden the commodity descriptions to "food and related products" from: frozen prepared foods, and frozen poultry in the lead; meats, meat products, and meat by-products and articles distributed by meat packinghouses, in Sub-Nos. 7, 8, 10, 23, 34, 38F, and 40F; frozen foods in Sub-Nos. 11 and 36F; frozen batters in Sub-No. 21; fruit juices, fruit punch, and fruit flavored drinks (except frozen beverages) in Sub-No. 30; beverages, not frozen (except in bulk) in Sub-No. 32; and foodstuffs in Sub-No. 35F; (2) eliminate the "except hides and/or commodities in bulk" restrictions in Sub-Nos. 7, 8, 10, 32, 34, 38F, and 40F; (3) remove all plantsite and originating at and/or destined to restrictions wherever they appear in above named certificates; (4) replace some cities with authority to serve the county: Carrollton, Macon, Marshall and Moberly with Carroll, Macon, Saline and Randolph Counties, MO in the lead and Sub-No. 36F; Milan and Sedalia with Sullivan and Pettis Counties, MO in the lead; Emporia with Lyon County, KS in Sub-No. 7; Holton with Jackson County, KS in Sub-No. 8; Mankato with Jewell County, KS in Sub-Nos. 10 and 38F; Dodge City with Ford County, KS in Sub-No. 34F; Wellston with Jackson County, OH in Sub-No. 11; Lawrence with Douglas County, KS in Sub-Nos. 30 and 32; Highlands with Harris County, TX in Sub-No. 32; and Vineland, Seabrook and Pitman with Cumberland, Salem, and Gloucester Counties, NJ in Sub-No. 35F; and (5) change its one-way authorities to radial authorities between points throughout the U.S. in the lead and Sub-Nos. 7, 8, 10, 11, 21, 23, 30, 32, 34F, 35F, 36F, and 38F.

MC 136728 Sub-5)X, filed April 21, 1981. Applicant: HUB FREIGHT SYSTEMS, INC., P.O. Box 729, Marietta, OH 45750. Representative: A. Charles Tell, 100 East Broad Street, Suite 1800, Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2F and 4F certificates to (1) broaden the commodity description from (a) general commodities (with exceptions not including classes A and B explosives) to "general commodities" in the lead; (b) aluminum articles to "metal products" in Sub-No. 2; (c) precast concrete products, and materials and supplies used in the erecting and assembling thereof to "contactor's equipment," in Sub-No. 4; (2) delete the restriction limiting transportation of shipments moving in mixed loads in Sub-No. 4; (3) authorize county-wide authority for city-wide: in the lead, Washington County, for Marietta, OH; in Sub-No. 2, Jackson County for Ravenswood, WV; (4) authorize radial service in lieu of existing one-way authority between points in OH and WV, and points in 15 eastern states in Sub-Nos. 2 and 4; (5) eliminate the restriction against the transportation of ferro-alloys, in bulk, in dump vehicles, from named facilities at or near Riverview, OH, in the lead; and (6) delete the plantsite restriction in Sub-No. 2.

MC 138762 (Sub-55)X, filed April 17, 1981. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500,

Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. Applicant seeks to remove restrictions in its Sub-Nos. 1, 23F, 26F, 29F, 30F, 31F, 37F, 39F, 40F, 41F, 45F, 50, 52F and 54F certificates to (1) remove the "in bulk, in tank vehicles" restrictions in Sub-Noe. 1, 26F, 29F, 31F, 37F, 39F, 40F, 41F, 45F, 50, 52F and 54F; (2) remove the "in bulk" restriction in Sub-No. 23F; (3) change one-way authorities to radial authorities between points in U.S. in all the above certificates; (4) broaden the commodity description (a) in Sub-No. 1 from trimethlamine in part (1), polyvinyl chloride resins in part (2), molten sulphur in part (5), anydrous aluminum chloride in part (6), choline chloride in part (8), spent catalyst in part (9), liquid chemicals in part (12), and isocyanates in part (13) to "chemicals and related products"; (b) in Sub-No. 1 from bread crumb products in part (3) to "food and related products"; (c) in Sub-No. 1 from lime and lime products in part (4) and tall oil in part (15) to "commodities in bulk"; (d) in Sub-No. 1 from liquid chemicals and petroleum products in parts (10) and (11) to "chemicals and related products and petroleum, natural gas and their products"; (e) in Sub-No. 1 from anydrous ammonia in part (7), propane and butane in part (14) to "petroleum, natural gas and their products"; (f) from phosphoric acid in Sub-No. 29F, wood preservatives in Sub-No. 31F, polyvinyl chloride in Sub-No. 37F, tall oil and synthetic alcohol and acrylic copolymer in Sub-No. 39F, choline chloride and methyl formate in Sub-No. 40F, molten sulphur in Sub-No. 41F, polyvinyl chloride in Sub-No. 52F and chlorinated trisodium phosphate in Sub-No. 54F to "chemicals and related products"; (g) from soybean oil and soybean meal in Sub-No. 23F to "food and related products"; (h) from liquid asphalt products in Sub-No. 26F to "petroleum, natural gas and their products"; (i) from cement in Sub-No. 30F, lime and lime products in Sub-No. 45F, and paint products in Sub-No. 50 to "building materials"; (5) replace specified cities with county-wide authority as follows: (a) Spartanburg County, SC for Wellford, SC in Sub-No. 1 part (1); (b) Marshall County, IL for Henry, IL; Salem County, NJ for Pedricktown, NJ; and Lorain County, OH for Avon Lake, OH in Sub-No. 1 part (2); (c) Rockingham County, NH for Portsmouth, NH in Sub-No. 1 part (3); (d) Beaver County, PA for Aliquippa, PA in Sub-No. 1 part (4); (e) Bay County, MI for Bay City, MI in Sub-No. 1 part (5); (f) Harris County, TX for Baytown and Houston, TX; Jefferson County, TX for Beaumont and Port Arthur, TX; Bexar County, TX for San Antonio, TX; Galveston County, TX for Texas City, TX; East Baton Rouge Parish for Baton Rouge, LA; and Plaquemines Parish, LA for Oak Point, LA in Sub-No. 1 part (10); (g) Jefferson County, TX for Port Neches, TX; Montgomery County, TX for Youens, TX; and Travis County, TX for Austin, TX in Sub-No. 1 part (11); (h) Ascension Parish, LA for Geismar, LA in Sub-No. 1 part (12); (i) Bay County, FL for Panama City, FL and Webster Parish, La for Springhill, LA in Sub-No. 1 part (15); (j) Shelby County, OH for Sidney, OH in Sub-No. 23F; (k) Bay County, MI for Essexville, MI in Sub-No. 30F; (l) Shelby County, TN for Memphis, TN in Sub-No. 31F; (m) Venango, Beaver and Montgomery Counties, PA for Franklin, Mechanicsburg and Conshohoken, PA and Hudson County, NJ for Kearny, NJ in Sub-No. 37F; (n) Bay County, FL for Panama City, FL, Webster Parish, LA for Springhill, LA and Polk County, GA for Rockmart, GA in Sub-No. 39F; (o) Gray County, TX for Kingsmill, TX in Sub-No. 40F; (p) Bay County, MI for Bay City, MI in Sub-No. 41F; (q) Beaver County, PA for Aliquippa, PA in Sub-No. 45F; (r) Kent County, DE for Dover, DE in Sub-No. 52F; and (s) Adams County, IL for Quincy, IL in Sub-No. 54F; (6) expand a specified port of entry (at Buffalo, NY) on the International Boundary line between the United States and Canada to authorize all ports of entry within the State of NY in Sub-Nos. 26F and 26F and 29F; (7) eliminate the restriction to transportation in foreign commerce in Sub-Nos. 26F, 30F, 31F, 40F, 41F, 45F and 52F; and (8) eliminate origin or destination facilities limitations in Sub-Nos. 1 parts (11, 12, 13), 23F and 30F.

MC 138878 (Sub-9)X, filed April 9, 1981. Applicant: JOHN S. WATSON, d.b.a. JOHN S. WATSON TRUCKING COMPANY, Route 2, Box 94, Weston, WV 26452. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4, 6, 7, and 8F certificates to (A) broaden the commodity description to (1) "clay, concrete, glass or stone products," from (a) brick and clay products, in Sub-No. 2, and (b) brick, in Sub-No. 6; (2) "lumber and wood products," from (a) timber, cants and railroad ties, in Sub-Nos. 2 and 4, (b) wood residuals, in Sub-Nos. 4 and 6, (c) wood chips, in Sub-No. 4, and (d) wood pallets and wood pallets and wood pallet parts, in Sub-No. 6; (3) "metal products," from steel tubing, in Sub-Nos. 4 and 7; (4) "metal products and materials, equipment and supplies used in the manufacture thereof" from pipe, tubing and materials, equipment and supplies used in the manufacture thereof, in Sub-No. 8, part (2), and (5) "mercer commodities," from oil field supplies, pipe, valves and fittings, in Sub-No. 8, part (1); (B) remove the facilities restriction at or near Reedy, WV, in Sub-No. 2; (C) broaden the territorial description to county-wide authority to replace existing city-wide service: (1) Lewis, Braxton and Roane Counties, WV, for Weston, Sutton and Reedy, WV, in Sub-No. 2; (2) Lewis, Braxton and Wirt Counties, WV, for Jane Lew, Sutton, and Elizabeth, WV; Coshocton and Muskingum Counties, OH, for Coshocton and Philo, OH, in Sub-No. 4; (3) Lewis County, WV, for Jane Lew, WV, in Sub-Nos. 6 and 7; and (4) Beaver County, PA, for Monaca, PA, and Lewis County, WV, for Jane Lew, WV, in Sub-No. 8; (D) remove the restriction prohibiting the transportation of specified commodities between points in WV and points in 8 PA counties, in Sub-No. 8; and (E) authorize radial authority to replace existing one-way service between points in various combinations of States throughout the U.S., in Sub-Nos. 2, 4, 6 and 7.

MC 141489 (Sub-16)X, filed April 6, 1981. Applicant: HUNTER TRUCKING, INC., 805 32d Avenue, Council Bluffs, IA 51501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 6, 8, 10, 12, 15–19, 44 and 46 certificates, and certificate No. MC 138328 (MC–F–13639) to: (1) broaden the commodity descriptions to: (a) "lumber and wood products" from lumber in Sub-Nos. 2 and 16, lumber and lumber products in Sub-No. 6 and used crossties in Sub-No. 44; (b) "metal products" from metal drywall products in Sub-No. 3 and iron and steel articles in Sub-Nos. 10, 15, 19 and 46; (c) "such commodities as are dealt in or used by manufacturers and distributors of pipe, fittings and accessories" from plastic pipe, fittings and accessories in Sub-No. 6; (d) "construction materials" from pre-cast concrete construction members in Sub-No. 15; and (e) "food and related products" from soybean meal, soybean products and soybean byproducts in MC 138328; (2) to authorize service at all intermediate points in connection with regular route operations between Hershey, NE and Denver, CO; Hershey, NE and Council Bluffs, IA and Hershey, NE and Cheyenne, WY in the lead; (3) expand city to county-wide service: Evanstown and Cheyenne to Uinta and

Laramie Counties, WY in Sub-No. 2F; Fredonia, Payson and Whiteriver, to Navajo, Gila and Coconino Counties, AZ; Craig and Eagle to Moffat and Eagle Counties, CO; and Panguitch to Garfield County, UT in Sub-No. 6F; Washington to Washington County, IA, Pueblo to Pueblo County, CO in Sub-No. 15F; Ola and Waldo to Columbia and Yell Counties, AR in Sub-No. 16F; facilities near Shreveport to Caddo and Bossier Parishes, LA in Sub-No. 18F; Jewett to Leon County, TX in Sub-No. 46F; and Cedar Rapids and Washington to Linn and Washington Counties, IA in MC 138328; (4) permit round-trip service in place of one-way operations between the above counties and points and States throughout the U.S.; (5) remove facilities limitations in Sub-Nos. 3F, 8, 10F, 18F, 19F; (6) remove the restriction against service to AK, HI and NE in Sub-No. 3F, against service to AK, HI and IA in Sub-No. 8 and against service to AK and HI in Sub-No. 12F; (7) remove restrictions against the transportation of commodities in bulk in Sub-No. 18F and against commodities in bulk in tank vehicles in Sub-No. 8 and certificate No. MC 138328; and (8) remove the "originating at" limitation in Sub-No. 12F.

MC 144096 (Sub-2)X, filed April 14, 1981. Applicant: MERLE GREEN, d.b.a MERLE GREEN TRUCKING, North Cable Road, Anaconda, MT 59711. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) replace its facilities with county-wide authority: facilities at or near Troy, ID, and Superior and Yaak, MT, with Latah County, ID, and Mineral and Lincoln Counties, MT; facilities at or near Troy, MT, and Bonner's Ferry, ID, with Lincoln County, MT, and Boundary County, ID; and facilities at Colburn, ID, with Bonner County, ID; (2) change its one-way to radial authority between the above named counties, and points in CO, IA, IL, IN, KS, MI, MN, MO, ND, and NE; and (3) eliminate the originating at and destined to restriction.

MC 145562 (Sub-2)X, filed April 17, 1981. Applicant: THE BROWNIE CORPORATION, P.O. Box 273, Port Huron, MI 48060. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave. NW., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (a) remove a restriction limiting service to ex-water traffic, (b) expand the commodity description from beet pulp pellets, in bulk, to "commodities in bulk," (c) broaden the territorial description from Port Huron, MI, and Essexville, MI, to Bay and St. Clair Counties, MI and (d) authorize round-trip rather than one-way service between points in the Lower Peninsula of MI, and St. Clair and Bay Counties, MI.

MC 146404 (Sub-2)X, filed April 21, 1981. Applicant: C & J TRUCKING INC., 2055 South High Street, Columbus, OH 43207. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description to "metal products and materials, equipment and supplies used in the manufacture and distribution of metal products" from iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles, (2) replace facilities authority with county-wide authority as follows: facilities at or near Newark, Ohio to Licking County, and (3) remove the "except commodities in bulk" restriction.

MC 146609 (Sub-1)X, filed April 17, 1981. Applicant: DELTA EXPRESS, INC., 251-57 Jericho Turnpike, Bellerose, NY 11426. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; and (2) remove the restrictions against the transportation of packages or articles weighing in the aggregate more than 300 pounds from one consignor to consignee on any one day, and the ex-air restriction.

MC 147338 (Sub-3)X, filed April 16, 1981. Applicant: POWER PACKAGING TRANSPORTATION CORP., 1150 Powis Road, West Chicago, IL 60185. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions from its lead certificate to (1) expand its commodity description from foodstuffs to "food and related products"; (2) eliminate the restriction "except commodities in bulk"; (3) remove the facilities limitations at Chicago, IL, Grand Prairie, TX and Placentia, CA and expand Grand Prairie to Tarrant and Dallas Counties, TX; Placentia to Orange County, CA; (4) eliminate the AK and HI exceptions; and (5) remove the "originating at or destined to" restriction.

[FR Doc. 81-13169 Filed 4-29-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte 367 (Sub-29)]

Western Pacific Railroad Co. Exemption for Contract Tariff ICC-WP-C-0002

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract and contract tariff to be filed will become effective one day after receipt by this Commission. This exemption may be revoked if protests are filed on or before May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Western Pacific Railroad Company filed a petition on April 22, 1981, pursuant to Section 10505 of the Interstate Commerce Act, 49 U.S.C. (§) 10505, to exempt a contract and contract tariff to be filed by Western Pacific from the statutory notice requirements contained in Section 10713(e) of the Interstate Commerce Act, 49 U.S.C. (§) 10713(e) to permit Western Pacific to file the contract tariff on one day's notice effective April 30, 1981. The contract involves the movement of motor vehicles over the Western Pacific from Salt Lake City, Utah to Northern California for the account of Chrysler Corporation. The contract will become effective the first month following the effective date of the contract and extends for a period of ninety days during which time Western Pacific will provide an allowance to Chrysler Corporation in the amount of five percent of its total divisions for the movement of not less than 95 percent of Chrysler's total rail shipments to Northern California. This contract would require a minimum of 325 carloads of motor vehicles within that ninety day period.

There is no provision for waiving the section 10713(e) requirement that contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. CF. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe, in this exceptional situation, an exemption should be granted. An early effective date is central to assist Chrysler in its financing arrangement. Moreover, the contract should provide improved service and

thereby should, in addition, provide improved service to other shippers and should not impair the carrier's ability to service its shipper.

We will impose the following conditions:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713 (g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review the contract or to disapprove it.

Subject to compliance with the conditions set out above, under U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract tariff to be filed in conformity with our tariff publishing regulations may become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Decided: April 24, 1981.

By the Commission, Division 1, Commissioners Clapp, Alexis, and Gilliam. Commissioner Alexis dissented.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13104 Filed 4-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3-052

Decided: April 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams. (Member Fisher not participating.)

MC 1515 (Sub-299), filed April 13, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (same address as applicant), (602) 248-5016. Over regular routes, transporting *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between Camarillo, CA, and junction CA Hwy 118 and Interstate Hwy 5, from Camarillo over CA Hwy 34 to junction CA Hwy 118, then over CA Hwy 118 to junction Interstate Hwy 5, and return over the same route, and (2) between Thousand Oaks, CA, and Simi Valley, CA, from Thousand Oaks over CA Hwy 23 to junction Tierra Rejada Road, then over Tierra Rejada Road to Simi Valley, and return over the same route.

Note.—Applicant intends to tack this authority with authority it presently holds in MC 1515.

MC 2934 (Sub-105), filed April 16, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875-1142. Transporting: *carpet* and *expanded cellular plastic and adhesives*, between points in Essex County, MA, and Camden County, NJ, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 15735 (Sub-33), filed April 17, 1981. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681-8378. Transporting *such commodities* as are dealt in or used by medical facilities or manufacturers of medical equipment, between points in the U.S., under continuing contract(s) with the General Electric Company, Medical Systems Business Division, of Milwaukee, WI.

MC 29745 (Sub-10), filed April 8, 1981. Applicant: BODGE LINES, INC., 501 South West St., P.O. Box 548, Indianapolis, IN 46206. Representative: Phillip V. Price, 1444 Consolidated Bldg., Indianapolis, IN 46204, (317) 634-2200. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Indianapolis, IN, and Dayton, OH: (a) From Indianapolis over U.S. Hwy 40 to junction OH Hwy 49, then over OH Hwy 49 to Dayton, and return over the same route, and (b) From Indianapolis over U.S. Hwy 40 to junction U.S. Hwy 35, then over U.S. Hwy 35 to Dayton, and return over the same route, serving in (1) (a) and (b) above points in Montgomery County, OH, as off-route points; (2) Between St. Louis, MO, and St. Joseph, MO: (a) From St. Louis over U.S. Hwy 50 to junction U.S. Hwy 169, then over U.S. Hwy 169 to St. Joseph, and return over

the same route, and (b) From St. Louis over U.S. Hwy 40 to junction U.S. Hwy 71, then over U.S. Hwy 71 to St. Joseph, and return over the same route, serving in (2) (a) and (b) above points in Buchanan, St. Charles, St. Louis, Jackson, Clay and Platte Counties, MO, and Wyandotte and Johnson Counties, KS, as off-route points; (3) Between Indianapolis, IN, and Louisville, KY, (a) over U.S. Hwy 31, (b) From Indianapolis over U.S. Hwy 31 to junction Alternate U.S. Hwy 31 at Columbus, IN, then over Alternate U.S. Hwy 31 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Louisville, and return over the same route, and (c) from Indianapolis over U.S. Hwy 31 to junction U.S. Hwy 31W, then over U.S. Hwy 31W to Louisville, and return over the same route; and (4) Between Indianapolis, IN, and Cincinnati, OH, (a) over U.S. Hwy 52, and (b) From Indianapolis over U.S. Hwy 421 to junction IN Hwy 46, then over IN Hwy 46 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Cincinnati, and return over the same route.

Note.—Applicant intends to tack this authority with its existing authority.

MC 30624 (Sub-22), filed April 16, 1981. Applicant: AALCO EXPRESS COMPANY, INC., 13727 Shoreline Drive, Earth City, MO 63045. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 524 13th Street, NW., Washington, DC 20004, (202) 737–1030. Transporting *commodities which because of their size or weight require the use of special handling or equipment*, between points in MO on and east of U.S. Hwy 63, and those in IL on and south of U.S. Hwy 36, on the one hand, and, on the other, points in TX, IA, WI, LA, MS, GA, AL, and FL.

MC 100225 (Sub-7), filed April 17, 1981. Applicant: LAWSON TRUCKING COMPANY, INCORPORATED, 616 Weeden St., Pawtucket, RI 02860. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187, (617) 696–7610. Transporting *textile mill products, lumber and wood products, metal products, machinery,* and *transportation equipment*, between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VT, VA, WV, and DC.

MC 115975 (Sub-45), filed April 17, 1981. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Woodriver, IL 62095. Representative: M. Burnell Watson (same address as applicant), (618) 254–6770. Transporting *coal and coal products, petroleum, natural gas and their products,* and *chemicals and related products*, between points in the U.S., under continuing contract(s) with Century Hulburt Inc., of Kansas City, KS.

MC 107295 (Sub-1033), filed April 17, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 148, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928–2141. Transporting *metal products*, between points in St. Clair County, AL, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MA, ME, MD, MI, MN, MS, MO, NE, NC, ND, NH, NJ, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC.

MC 116544 (Sub-251), filed April 15, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303, (415) 856–0117. Transporting *general commodities*, between the facilities of Heublein, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 119894 (Sub-24), filed April 17, 1981. Applicant: BOWARD TRUCK LINE, INC., 100 Roesler Rd., Suite 200, Glen Burnie, MD 21061. Representative: M. Bruce Morgan (same address as applicant), (301) 761–2580. Transporting (1) *malt beverages*, (2) *food and related products*, (3) *textile mill products*, (4) *clay, concrete, glass or stone products*, (5) *transportation equipment*, and (6) *metal products*, between points in GA, MD, NC, SC, TN, VA, WV, and DC.

MC 123265 (Sub-4), filed April 16, 1981. Applicant: SANTRY TRUCKING CO., a corporation, 10505 N.E. 2nd Ave., Portland, OR 97211. Representative: George R. Labissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *fuel brick*, between points in the U.S., under continuing contract(s) with I & B Coal Sales, of Olympia, WA.

MC 126514 (Sub-77), filed April 17, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603, (312) 236–0375. Transporting *general commodities* (except classes A and B explosives), between points in CA, on the one hand, and, on the other, points in the U.S.

MC 133314 (Sub-10), filed April 15, 1981. Applicant: SILVAN TRUCKING COMPANY, INC., Route 2, Box 137, Pendleton, IN 46064. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204, (317) 634–0313. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Mallory Components Group, Emhart Industries, Inc., of Indianapolis, IN.

MC 140174 (Sub-7), filed April 17, 1981. Applicant: BROOKS TRUCKING, INC., P.O. Box 187, Vanlue, OH 45890. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. BOX 97, Dublin, OH 43017, (614) 889–2531. Transporting *concrete products*, between points in Wyandot County, OH, on the one hand, and, on the other, points in IL, IN, MI, KY, NY, PA, TN, and WV; (2) *burial crypts*, between points in Allen County, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, NY, TN, and those in PA and WV on and west of U.S. Hwy 219; and (3) *steel tubing*, between the facilities used by the Copperweld Corporation, its division and subsidiaries, in the U.S., on the one hand, and on the other, points in the U.S.

Note.—Issuance of a certificate in this proceeding is subject to coincidental cancellation of Permits Nos. MC 140174 and Subs 1, 3, 5, and 6.

MC 143385 (Sub-3), filed April 17, 1981. Applicant: TRANSPORT ROBERT (1973) LTEE, 150 First Avenue—C.P. 38, Rougemont, P. Quebec, Canada JOL IMO. Representative: Robert D. Schuler, 100 West Long Lake Rd., Ste. 102, Bloomfield Hills, MI 48013. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with J. Demers, Inc., of Quebec, Canada.

Note.—Issuance of a permit is subject to prior or coincidental cancellation, at applicant's written request, of Permit No. MC 14338.

MC 144115 (Sub-18), filed April 16, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th Street NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677–2566. Transporting *food and related products*, between points in IA, on the one hand, and, on the other, points in the U.S.

MC 145744 (Sub-5), filed April 15, 1981. Applicant: C. V. SOHN, INC., 142 Midland, Maryland Heights, MO 63043. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *food and related products*, (1) between St. Joseph, MO, on the one hand, and, on the other, points in the U.S., and (2) between points in Jackson County, KS, on the one hand, and, on the other, points in the U.S.

MC 148275 (Sub-4), filed April 16, 1981. Applicant: J. L. McCOY, INC., P.O.

Box 525, Ravenswood, WV 26164. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526, (304) 562–3460. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Revere Copper & Brass, Inc., of Ravenswood, WV, and its divisions and subsidiaries.

MC 149244 (Sub-4), filed April 16, 1981. Applicant: PEAKE, INC., Midwest Business Center, 2022 Avenue "A", Kearney, NE 68847. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304, (515) 243–2730. Transporting *chemicals and related products*, between Sioux City, IA, and points in Woodward County, OK, on the one hand, and, on the other, points in IL, KS, MN, MO, NE, ND and SD.

MC 149275 (Sub-1), filed April 17, 1981. Applicant: GNAN TRUCKING, INC. Route 8, Box 367, Brainerd, MN 56401. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth St., Minneapolis, MN 55402 (612) 339–4546. Transporting (1) *malt beverages*, between points in WI, IL, and MO, on the one hand, and, on the other, points in MN, (2) *pulp, paper and related products*, between points in Crow Wing and Carlton Counties, MN, on the one hand, and, on the other, points in IA, WI, IL, and MI, and (3) *metal products*, between points in Crow Wing County, MN, on the one hand, and, on the other, Chicago, IL, Detroit, MI, and points in Monroe County, OH, and Colbert County, AL.

MC 149575 (Sub-9), filed April 16, 1981. Applicant: ADAMS CARTAGE COMPANY, INC., P.O. Box 3043, Macon, GA 31205. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345 (404) 321–1765. Transporting *plastic pipe and fittings*, between points in Geneva County, AL, and Guilford County, NC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, CO, OK, and TX.

MC 150235 (Sub-4), filed April 15, 1981. Applicant: POWELL TRUCKING COMPANY, INC., Route 3, Box 13, P.O. Box 346, Sumrall, MS 39482. Representative: Fletcher W. Cochran, 1338 Gause Blvd., Suite 300, P.O. Box 741 Slidell, LA 70569 (504) 641–7630 Transporting (1) *forest products*, (2) *lumber and wood products*, and (3) *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation, of Bogalusa, LA.

MC 150254, filed April 17, 1981. Applicant ALLIED INTERNATIONAL TRUCKING CO., INC., 210 Beacham St., Everett, MA 02149. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102 Rockville MD 20850 (301) 424–2420. Transporting (1) *lumber and wood products*, and (2) *building materials*, between these points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 150954 (Sub-24), filed April 17, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 6916 Tesoro Drive, Suite 215, San Antonio, TX 78217. Transporting *such commodities* as are dealt in by retail grocery, drug and department stores, between points in the U.S., under continuing contract(s) with Purex Corporation, of St. Louis MO.

MC 153225 (Sub-1), filed April 17, 1981. Applicant: BRAINERD RECREATIONAL SUPPLY, INC., P.O. Box 311, Brainerd, MN 56401. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 South Fifth St., Minneapolis, MN 55042 (612) 340–0800. Transporting *transportation equipment*, between points in the U.S., under a continuing contract(s) with Starcraft Co., Division of Bangor-Punta Corporation, of Topeka, IN.

MC 154545 (Sub-1), filed April 17, 1981. Applicant: LOUIS E. BURRISS, d.b.a. L & M EXPRESS, 3224 Toone St., Baltimore, MD 21224. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740 (301) 797–8080. Transporting *machinery*, between Baltimore, MD, on the one hand, and, on the other, points in the U.S.

MC 154625 (Sub-1), filed April 16, 1981. Applicant: RAYDAN TRANSPORT, LTD., 1802–8 St., Nisku, Alberta, Canada T0C 2G0 Representative: Daniel O. Hands, Suite 200–A, 205 W. Touhy Ave., Park Ridge, IL 60068 (312) 698–2235. Transporting *Mercer commodities*, between ports of entry on the International Boundary line between the U.S. and Canada in MT and ND, on the one hand, and, on the other, points in the U.S. in and west of MN, IA, MO, AR and LA.

MC 155205 (Sub-1), filed April 13, 1981. Applicant: T.L. VAN, INC., P.O. Box 1166, Center, TX 75935. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767 (512) 472–1101. Transporting *malt beverages*, between points in Jefferson County CO, on the one hand, and, on the other, points in TX and LA.

MC 155314, filed April 13, 1981. Applicant: R.C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33853. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600 Chicago, IL 60603 (312) 263–1600. Transporting *food and related products*, between points in Hillsborough County, FL, on the one hand, and, on the other, points in IL, IN, OH, IA, KS, AL, GA, LA, TX, NC, MS, SC, and WI.

MC 155255 (Sub-1), filed April 16, 1981. Applicant: D & L TRANSPORTATION, INC., 3245 Fourth St. Southeast, Minneapolis MN 55414. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424. (612) 927–8855. Transporting *general commodities* (except classes A and B explosives), between those points in MN in and south of Traverse, Stevens, Pope, Stearns, Benton, Sherburne, Isanti and Chisago Counties.

MC 155315, filed April 13, 1981. Applicant: BLUFORD JACKSON & SON, INC., 910 U.S. Route 50, Milford, OH 45150. Representative: Boyd B. Ferris, 50 West Broad St., Columbus, OH 43215. (614) 464–4103. Transporting (1) *hazardous materials*, and (2) *waste or scrap materials* not identified by industry, between points in the U.S. NOTE: To the extent the certificate granted in this proceeding authorizes the transportation of hazardous matrials it will expire 5 years from the date of issuance.

MC 155334, filed April 15, 1981. Applicant: LOUISIANA HOT SHOT SERVICE, INC., 821 Hilma St., P.O. Box 488, Westlake, LA 70669. Representative: Skipper M. Drost, 702 First Ave., P.O. Drawer 1075, Sulphur, LA 70663. (318) 527–8658. Transporting *Mercer Commodities*, between points in LA, TX, OK, MS, and AL.

MC 155335, filed April 15, 1981. Applicant: CARE LINE, INC., Long View Drive, P.O. Box 488, Portland, TN 37148. Representative: Colin Barrett, 11764 Indian Ridge Rd., Reston, VA 22091. (703) 860–8521. Transporting (1) *pulp, paper and related products*, and (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with (a) Bill Cude Hospital Disposables, Inc., of Portland, TN, (b) Western Enterprises, of Portland, TN, (c) Southern Insulated Containers, Inc., of Clearwater, FL, and (d) Tri State Hospital Supply, of Howell, MI.

MC 155355, filed April 15, 1981. Applicant: WITTE BROTHERS EXCHANGE, INCORPORATED, 690 East Cherry St., Troy, MO 63379. Representative: B. W. LaTourette, 11 S. Meramec, Suite 1400, St. Louis, MO 63105. (314) 727–0777. Transporting *general commodities* (except classes A and B explosives), between St. Louis,

MO, Philadelphia, PA, El Paso, TX, and points in Lafayette County, AR, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13100 Filed 4-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier, dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4-061

Decided: April 24, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 152457 (Sub-1), filed January 28, 1981, previously noticed in the **Federal Register** issue of February 24, 1981, and republished this issue. Applicant: OLIN WILLINGHAM, d.b.a. WILLINGHAM'S GARAGE, 2122 Wilson Rd., Newberry, SC 29108. Representative: Frank A. Graham, Jr., P.O. Box 11864, Columbia, SC 29211. Transporting *Wrecked or disabled vehicles and replacement vehicles therefor, and repossessed vehicles*, (1) between points in GA, NC, and SC, and (2) between points in (1) above, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correctly state the commodities description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13047 Filed 4-29-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OPY–4–91.

Decided April 21, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fortier and Williams.

MC 147546 (Sub-3), filed April 10, 1981. Applicant: DEPENDON, INC., 875 East Rand Rd., Des Plaines, IL 60016. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5466. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in U.S.

MC 150936 (Sub-2), filed April 14, 1981. Applicant HERMANN ASSOCIATES, INC., d.b.a. BANK DRAYAGE, 1405 Indiana St., San Francisco, CA 94107. Representatives Donald W. White (Same address as applicant) (415) 285–8486. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–4–96

Decided April 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 155326, filed April 14, 1981. Applicant: JACK L. HICKS, JR., JAY'S PACKAGE DELIVERY, 8 Baker Lane, Budd Lake, NJ 07828. Representative: Jack L. Hicks, Jr. (Same address as applicant) (201) 691–2760. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–4–103,

Decided April 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 151707 (Sub-8), filed April 13, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis J. Kupchik (Same address as applicant) (215) 985–6853. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155297, filed April 13, 1981. Applicant: ROYAL FREIGHT, INC., 632 Allen Court, N.W., Atlanta, GA 30327. Representative: Richard M. Tettelbaum (Same address as applicant) (404) 256–1077. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–13048 Filed 4–29–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal Action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–4–92

Decided April 21, 1981.

By the Commission, Review Board No. 2, members Carleton, Fortier, and Williams.

W–536 (Sub-1), filed April 3, 1981. Applicant: RIVERWAY BARGE CO., 7703 Normandale Rd., Suite 110, Minneapolis, MN 55435. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312 (703) 750–1112. Transporting *raw sugar* by non-self-propelled vessels with the use of separate towing vessels, between West Palm Beach, FL, on the one hand, and, on the other, ports and points along the Gulf Intracoastal Waterway and the Gulf of Mexico between Brownsville, TX and Tampa, FL and along the Mississippi River and Mississippi River Gulf Outlet Channel, below and including Baton Rouge, LA. Condition: This is a major regulatory action and requires preparation of a statement of energy impact under the provisions of 49 CFR 1106.5(a)(8). Accordingly, applicant must submit the information required by 49 CFR 1106.7(a). Upon submission of such information, an appropriate statement of energy impact will be prepared.

Note.—Applicant intends to tack the authority herein with its existing operating rights.

MC 3246 (Sub-24), filed April 13, 1981. Applicant: MASTERSON TRANSFER CO., INC., 3000 Pennsylavania Ave., W., Warren, PA 16365. Representative: Ronald W. Malin Bankers Trust Bldg., 4th Fl., Jamestown, NY 14701 (716) 664–

5210 Transporting (1) *metal products*, and (2) *plastic products*, between points in Chautauqua County, NY, on the one hand, and, on the other, points in the U.S.

MC 129086 (Sub-35), filed April 13, 1981. Applicant: SPENCER TRUCKING CORPORATION, Rt. 2, Box 254A, Keyser, WV 26726. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740 (301) 797–6060. Transporting *coal and coal products*, between points in MD, PA, VA, WV, and DC.

MC 133966 (Sub-60), filed April 9, 1981. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW, Washington, DC 20004. Transporting (1) *pulp, paper and related products*, (2) *rubber and plastic products*, and (3) *lumber and wood products*, between points in the U.S., under continuing contract(s) with St. Regis Paper Company, of New York, NY.

MC 136816 (Sub-12), filed April 9, 1981. Applicant: THE UNIVERSE COMPANY, INC., 3523 "L" St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397–7033. Transporting *food and related products*, between Omaha, NE, on the one hand, and, on the other, points in IA, WI, and MN.

MC 140986 (Sub-16), filed April 13, 1981. Applicant: GREAT NORTHERN TRUCK LINES, INC., Love Lane-P.O. Box 112, Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904 (201) 572–5551. Transporting *such commodities* as are manufactured, dealt in, or used by manufacturers of paper and plastic products and containers, between points in the U.S., under continuing contract(s) with American Company, of Greenwich, CT.

MC 141396 (Sub-11), April 14, 1981. Applicant: DELP, INC., Hwy 71 South, P.O. Box 369, Springdale, AR 72764. Representative: Stanley W. Ludwig, P.O. Box 285, 529 S. Holcomb St., Springdale, AR 72764 (501) 751–9452. Transporting *food and related products*, between points in Adams County, WA, Hubbard County, MN and Clark County, SD, on the one hand, and, on the other, points in the U.S.

MC 145676 (Sub-7), filed April 13, 1981. Applicant: JOHN BREITWEISER TRUCKING, INC., P.O. Box 217, Jerseyville, IL 62052. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5466. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Shasta Beverage, Division of Consolidated Foods Company, of Granite City, IL.

MC 147896 (Sub-6), filed April 13, 1981. Applicant: WESTERN SONTEX, INC., P.O. Box 667, Seal Beach, CA 90740. Representative: Miles L. Kavaller, 315 So. Beverely Dr., Suite 315, Beverly Hills, CA 90212 (213) 277–2323. Transporting *starch*, between points in the U.S., under continuing contract(s) with Busch Industrial Products Corporation, a subsidiary of Anheuser-Busch Companies, Inc., of St. Louis, Mo.

MC 149536 (Sub-2), filed April 14, 1981. Applicant: RODCO LEASING, INC., 380 Union St., West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Springfield, MA 01103 (413) 781–8205. Transporting *plastic and plastic products*, between points in Hampshire County, MA, on the one hand, and, on the other, points in the U.S.

MC 150746 (Sub-7), filed April 13, 1981. Applicant: DFC TRANSPORTATION COMPANY, A CORPORATION, 12007 Smith Dr., P.O. Box 929, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 So. LaSalle St., Chicago, IL 60603 (312) 236–8375. Transporting *metal and plastic products*, between points in the U.S., under continuing contract(s) with Interlake, Inc., of Riverdale, IL.

MC 154646 (Sub-2), filed April 10, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Land O'Lakes, Spencer Beef Division, of Spencer, IA.

MC 154646 (Sub-3), filed April 10, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. Transporting *clay, concrete, glass or stone products*, between points in CA, on the one hand, and, on the other, points in NC, NE, IL and OH.

MC 154646 (Sub-4), filed April 10, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. Transporting *metal products*, between points in the U.S., under continuing contract(s) with D. L. Steel Co., of Chicago, IL.

MC 155286, filed April 14, 1981. Applicant: RICHARD J. BERGKAMP d.b.a. BUCKO TRUCKING, P.O. Box 1262, Colton, CA 92324. Representative: Earl N. Miles, 3704 Candlewood Dr. Bakersfield, CA 93306 (805) 872–1106. Transporting (1) *clay, concrete, glass or stone products* and (2) *metal products*, between points in the U.S., under continuing contract(s) with Colton-Wartsila, Inc., of Colton, CA.

Volume No. OPY–4–84

Decided April 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 99896 (Sub-9), filed April 13, 1981. Applicant: ATKINSON TRANSFER, INC., 1475 W. River Rd., Dayton, OH 45418. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in IL, IN, and KY.

MC 105566 (Sub-250), filed April 13, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. Transporting (1) *ores and minerals*, and (2) *clay, concrete, glass or stone products*, between points in Greene County, TN, on the one hand, and, on the other, points in Los Angeles, Orange, Riverside, and San Bernardino Counties, CA.

MC 113666 (Sub-196), filed April 13, 1981. Applicant: FREEPORT TRANSPORT, INC., P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (same address as applicant), (412) 295–2181. Transporting (1) *refractories and refractory products*, (2) *clay, concrete, glass or stone products*, (3) *insulation and insulating materials*, and (4) *carbon and carbonaceous materials*, between points in the U.S.

MC 119936 (Sub-2), filed April 13, 1981. Applicant: FAIRFIELD MOTOR TRANSPORTATION COMPANY, 4350 W. 123rd St., Alsip, IL 60658. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602, (312) 726–9722. Transporting *food and related products*, between the facilities of Nabisco, Inc. at points in CO, IA, IL, IN, KY, MI, MN, MO, OH, and WI, on the one hand, and, on the

other, points in CO, IA, IL, IN, KY, MI, MN, MO, OH, and WI.

MC 140676 (Sub-2), filed April 13, 1981. Applicant: MID-WAY TRANSPORTATION, INC., P.O. Box 756, Hewitt, TX 76643. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768, (512) 476-6083. Transporting *brick, tile, and refractory products,* between points in TX, NM, OK, AR, LA, MS, and MO.

MC 155316, filed April 14, 1981. Applicant: EARL EDWARD KLADSTRUP, JR., Box 8092, Incline Village, NV 89450. Representative: Earl Edward Kladstrup, Jr. (same address as applicant), (702) 832-0234. Transporting *passengers and their baggage,* between points in Washoe, Ormsby and Douglas Counties, NV, and those in El Dorado, Placer and Nevada Counties, CA.

Volume No. OPY-4-85

Decided: April 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier and Williams.

MC 10436 (Sub-4), filed April 10, 1981. Applicant: NORTH MANCHESTER TRUCKING CO., INC., P.O. Box 268, North Manchester, IN 46962. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 636-1301. Transporting *general commodities* (except classes A and B explosives), between points in Allen, Cass, De Kalb, Fulton, Huntington, Kosciusko, Lagrange, Marshall, Miami, Noble, Steuben, Wabash, and Whitley Counties, IN.

MC 124306 (Sub-89), filed April 15, 1981. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Francis W. McInerny, Suite 502, 1000 16th Street NW., Washington, DC 20036, (202) 783-8131. Transporting *chemicals and related products,* between points in Sullivan County, TN, on the one hand, and, on the other, points in Richland County, SC.

MC 142716 (Sub-6), filed April 13, 1981. Applicant: C & L TRUCKING, INC., 1609 27th Street NW., Cedar Rapids, IA 52405. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *liquid fertilizer,* between points in Kossuth and Cerro Gordo Counties, IA, on the one hand, and, on the other, points in MN.

MC 143696 (Sub-23), filed April 14, 1981. Applicant: AMERICAN INDUSTRIAL TRANSPORTATION, INC., P.O. Box 1416, Hwy. 259 South, Henderson, TX 75652. Representative: Hugh T. Matthews, 555 Griffin Square, Suite 850, Dallas, TX 75202, (214) 742-9175. Transporting (1) *metal products,* (2) *machinery,* (3) *commodities* which because of their size of weight require the use of special handling or equipment, and (4) *mercer commodities,* between points in TX and LA, on the one hand, and, on the other, points in the U.S.

MC 144776 (Sub-11), filed April 14, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner Street SW., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996-6266. Transporting *chemicals and related products,* between the facilities of Anitox Corp. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152476 (Sub-2), filed April 14, 1981. Applicant: COMBINED TRANSPORTATION SERVICES, INC., 8300 Bletzer Road, Baltimore, MD 21222. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442-8330. Transporting (1) *metal products,* and (2) *machinery,* between points in the U.S., under continuing contract(s) with Hitachi Metals International, Ltd., of White plains, NY.

MC 152946 (Sub-1), filed April 15, 1981. Applicant: ALBERT FARMS, INC., St. David Rd., Madawaska, ME 04756. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101, (207) 733-5651. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Fraser Paper Limited and Northern Trading Co., Inc., both of Madawaska, ME, and Agway, Inc., of Presque Isle, ME.

MC 155336, filed April 16, 1981. Applicant: KENNETH HARLAN CARSTON, d.b.a. CARSTON TRUCKING, 10732 Chowen Avenue South, Bloomington, MN 55431. Representative: Samuel Rebenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting (1) *rubber and plastic products,* and (2) *chemicals and related products,* between points in the U.S., under continuing contract(s) with Poly-Tech, Div. of U.S. Industries, of Minneapolis, MN.

MC 155346, filed April 16, 1981. Applicant: COUGAR TRUCKING, INC., 218 W. Main St., Ligonier, PA 15658. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281-9494. Transporting *coal,* between points in Westmoreland, Cambria, Somerset, Allegheny, Fayette, and Indiana Counties, PA, on the one hand, and, on the other, points in VA, WV, MD, OH, NY, and DC.

Volume No. OPY4-102

Decided: April 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 13087 (Sub-59), filed April 9, 1981. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, IA 50401. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. Transporting *food and related products,* between points in Polk County, IA, on the one hand, and, on the other, points in IL, IN, KS, MI, MN, MO, NE, ND, SD and WI.

MC 118537 (Sub-25), filed April 8, 1981. Applicant: MARX TRUCK LINE, INC., 220 Lewis Blvd., Sioux City, IA 51101. Representative: Robert L. Marx (same address as applicant), (712) 252-4334. Transporting (1) *chemicals and related products,* (2) *rubber and plastic products,* and (3) *such commodities* as are dealt in or used by manufacturers and distributors of fishing tackle, between points in Dakota County, NE, Union County, SD, and Woodbury County, IA, on the one hand, and, on the other, points in AR, CO, IL, IN, KS, MI, MN, MO, MT, NE, ND, OH, OK, SD, TN, TX, WI, and WY.

MC 118537 (Sub-26), filed April 8, 1981. Applicant: MARX TRUCK LINE, INC., 220 Lewis Blvd., Sioux City, IA 51101. Representative: Robert L. Marx (same address as applicant), (712) 252-4334. Transporting (1) *such commodities* as are dealt in or used by processors of honey and apiaries, and (2) *food and related products,* between points in AR, CO, IL, IA, IN, KS, MI, MN, MO, MT, NE, ND, OK, SD, TX, WI, and WY.

MC 144667 (Sub-21), filed April 6, 1981. Applicant: ARTHUR R. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *food and related products,* between Denver, CO, and points in Morgan and Logan Counties, CO, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 146447 (Sub-6), filed April 7, 1981. Applicant: TANBAC, INC., 847 Glenbrook Rd., Orange, CT 06477. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732-1136. Transporting *such commodities* as are dealt in by manufacturers and distributors of (1) plastic products, (2) food products and related products, (3) textile mill products, and (4) shoe products, between points in the U.S., under

continuing contract(s) with Chelsea Industries, Inc., of Boston, MA, and its subsidiaries, affiliates and divisions.

MC 146927 (Sub-22), filed April 6, 1981. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives), between the facilities of Scott Paper Company, and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148447 (Sub-5), filed April 7, 1981. Applicant: LCBS TRUCKING ENTERPRISES, 329 Ouida St., Irving, TX 75061. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Sewell Plastics Company, of Dallas, TX, and Roper Plastics, Inc., and D & D Container Corporation, both of Grand Prairie, TX.

MC 148647 (Sub-24), filed April 9, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 W. 79th Street, Burbank, IL 60459. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601 (312) 332–5106. Transporting *general commodities (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Syndicate Sales, Inc., of Kokomo, IN, and Reichard-Coulston, Inc., of Bethlehem, PA.*

MC 149437 (Sub-18), filed April 13, 1981. Applicant: DOUGLAS TRUCK LINES, INC., 587 SW 1st Street, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *food and related products*, between points in ND and MN, on the one hand, and, on the other, points in IL, IA, MO, NE, SD, KS, and WI.

MC 152977 (Sub-1), filed April 6, 1981. Applicant: FULTONVILLE, PLASTICS, INC., 1 Union Street, Fultonville, NY 12072. Representative: Robert Abrams, 1215 Western Avenue, Albany, NY 12203, (518) 438–3567. Transporting *glass containers*, between points in the U.S., under continuing contract(s) with Beech-Nut Foods Corp., of Canajoharie, NY.

MC 154437 (Sub-1), filed April 8, 1981. Applicant: LA VERNE L. JENSEN, 205 2d Avenue, Audubon, IA 50025. Representative: Thomas E. Leahy, 1980 Financial Ct., Des Moines, IA 50309, (515) 245–4300. Transporting *fertilizer and feed ingredients* (1) between points in Crawford, Sac, Carroll, Greene, Shelby, Audubon, Guthrie, Pottowattamie, Cass, Webster, and Adair Counties, IA, on the one hand, and, on the other, points in NE, MO, KS, SD, and MN, and (2) between points in Carroll County, IA, on the one hand, and, on the other, points in Audubon County, IA.

MC 154457 (Sub-1), filed April 10, 1981. Applicant: ELKAY TRANSFER, INC., Polifka Rd., Box 187, Francis Creek, WI 54214. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Rosi-Jean Alcohol, Inc., of Greenleaf, WI.

MC 154877 (Sub-2), filed April 8, 1981. Applicant: NORTHERN VIRGINIA LINES, INC., 1429 N. Quincy St., Arlington, VA 22207. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910, (301) 587–8656. Over regular routes, transporting *passengers and their baggage and express, mail and newspapers*, in the same vehicle with passengers, (1) between junction U.S. Hwys 211 and 50 and junction VA Hwy 236 and U.S. Hwy 50, over U.S. Hwy 50, (2) between junction VA Hwy 236 and U.S. Hwy 50 and junction Interstate Hwy 66 and U.S. Hwy 211, over U.S. Hwy 211, and (3) between junction Interstate Hwy 66 and U.S. Hwys 29 and 211 and Washington, DC, over Interstate Hwy 66, as an alternate route for operating convenience only, serving all intermediate points.

MC 155217, filed April 10, 1981. Applicant: MEXICO EXPRESS, INC., 2904 Cresthaven, Grapevine, TX 76051. Representative: Edwin M. Synder, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *general commodities* (except classes A and B explosives), between Dallas and Ft. Worth, TX, and on the one hand, and, on the other, ports of entry on the international boundary line between the United States and the Republic of Mexico located in Texas.

MC 155237, filed April 10, 1981. Applicant: GOLDEN RING TRAVEL AND TRANSPORTATION, INC., 8800 Yellow Brick Rd., Rossville, MD 21237. Representative: L.C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. To engage in operations, in interstate or foreign commerce, as a broker, at Rossville and Annapolis, MD, and at Washington, DC, in arranging for the transporation, by motor vehicle, of *passengers and their baggage*, between points in the U.S.

MC 155247, filed April 10, 1981. Applicant: W.S.I. TRUCKING, INC., 655 Brighton Beach Rd., Menasha, WI 54952. Representative: Michael J. Collins, 330 E. Wilson St., Madison, WI 53703, (608) 255–9483. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s), with Warehouse Specialists, Inc., of Menasha, WI.

MC 155267, filed April 13, 1981. Applicant: ROBERT PADEN, d.b.a. PRUDHOE BAY FREIGHT LINES, P.O. Box 0–436, Anchorage, AK 99508. Representative: Robert Paden (same address as applicant), (907) 279–0138. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Northern Ventures, Inc., Seattle, WA.

MC 155287, filed April 13, 1981. Applicant: GARY B. FLOSS d.b.a. FLOSS TRUCKING, 2235 Lincoln, Lot 27, Cedar Falls, IA 50613. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Ste. 307, Edina, MN 55424, (612) 927–6855. Transporting *mobile homes and portable buildings*, between points in Blackhawk, Linn, and Polk Counties, IA, on the one hand, and, on the other, points in NE, MN, and WI.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13080 Filed 4-29-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Consent Decree in Action To Enforce Compliance With Provisions of the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on March 10, 1981, a proposed consent decree in *United States* v. *Tecumseh Corrugated Box Company*, Civil Action No. C81–383A, was lodged with the United States District Court for the Northern District of Ohio, Eastern Division. The proposed decree provides for compliance with the Clean Air Act and with the federally approved Ohio State Implementation Plan for sulfur dioxide at boilers at the company's Jaite Paper Mill, located in Brecksville, Ohio. The proposed decree requires the company to maintain process modifications at one boiler and to utilize low sulfur fuel at a second boiler to comply with the Ohio State Implementation Plan.

The Department of Justice will recevie for a period of thirty (30) days (June 1, 1981) written comments relating to the proposed consent decree. Comments should be addressed to the Assistant

Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *Tecumseh Corrugted Box Company*, D.J. Ref. 90-5-2-1-337.

A proposed consent decree may be examined at the office of the United States Attorney, Northern District of Ohio, Eastern Division, Room 400, United States Courthouse, Cleveland, Ohio 44114; at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; and The Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $2.10 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-12969 Filed 4-29-81; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action for Penalties and Injunctive Relief for Violations of the Louisiana State Implementation Plan, Requiring the Installation of a Vapor Recovery System, by Evangeline Refining Company at its Loading Facility Near Jennings, Louisiana

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19025, notice is hereby given that on April 20, 1981, a proposed consent decree in *United States* v. *Evangeline Refining company*, (W.D. Ca. No. 80-0068); was lodged with the United States District Court for the Western District of Louisiana. The proposed consent decree requires the defendant to install at its Jennings, Louisiana facility, by May 1, 1981, a vapor recovery system as prescribed by the Louisiana State Implementation Plan, LACC 22.5, approved by the United States Environmental Protection Agency on February 14, 1980 pursuant to Section 110 of the Clean Air Act, 42 U.S.C. 7410. In addition, the consent decree requires the defendant to pay a civil penalty of five thousand dollars upon final entry of this consent decree.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty days (30) (June 1, 1981). Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Evangeline Refining Company*, (D.J. Ref. No. 90-5-1-1-281).

The proposed consent decree may be examined at the Clerk's Office, United States Courthouse, 500 Fannin Street, Shreveport, Louisiana; and at the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice, Room 1254, Tenth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-12973 Filed 4-29-81; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 F.R. 19029, notice is hereby given that on April 20, 1981, a proposed consent decree in *United States of America* v. *Whirlpool Corporation*, Case No. C-78-540, was lodged with the United States District Court for the Northern District of Ohio. The proposed consent decree will require Whirlpool Corporation to pay $98,000.00 in penalties for failure to meet the terms and conditions of its NPDES permit for its washing machine manufacturing facility at Clyde, Ohio.

The Department of Justice will receive for thirty (30) days (June 1, 1981) written comments related to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Whirlpool Corporation*, D.J. Ref. 90-5-1-1-1039.

The proposed consent decree may be examined at the office of the United States Attorney, United States Courthouse, Toledo, Ohio 43624, at the Region V Office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check or money order in the amount of $1.80 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-12972 Filed 4-29-81; 8:45 am]

BILLING CODE 4410-01-M

Attorney General

[AAG/A Order No. 65-81]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to establish a new system of records to be maintained by the Drug Enforcement Administration. Further, in the Proposed Rules Section of today's **Federal Register**, the Drug Enforcement Administration proposes to exempt the system, to the extent the information is subject to exemption pursuant to 5 U.S.C. 552a(k)(6), from the provisions of 5 U.S.C. 552a(d), (e)(4)(G) and (H), and (f). The purpose of these exemptions is as follows:

(1) From subsection (d) because access to the data contained in this system would reveal information which could assist an individual in compromising or subverting the process whereby candidates are selected to be Special Agents of the Drug Enforcement Administration.

(2) From subsections (e)(4)(G) and (H) because the system is exempt from the individual access provisions of subsection (d) pursuant to subsection (k).

(3) From subsection (f) because the system is exempted from the individual access provisions of subsection (d) pursuant to subsection (k).

The Agent Recruit Assessment Program, (JUSTICE/DEA-030) is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published in the **Federal Register**.

5 U.S.C. 552a(e)(4) and (11) provide that the public be provided a 30-day period in which to comment; the Office of Management and Budget (OMB), which has oversight responsibilities

under the provisions of the Act, requires a 60-day period in which to review the system before it is implemented. Therefore, the public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Justice Management Division, Room 6239, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530. If no comments are received from either the public, OMB, or the Congress on or before June 29, 1981, the system will be implemented without further notice in the **Federal Register** except that a final rule exempting the system will be published after 60 days. No oral hearings are contemplated.

A report of the proposed system has been provided to the Director, OMB, to the President of the Senate and to the Speaker of the House of Representatives.

Dated: April 22, 1981.

William D. Van Stavoren,

Acting Assistant Attorney General for Administration.

JUSTICE/DEA-030

SYSTEM NAME:

Agent Recruit Assessment Program.

SYSTEM LOCATION:

Drug Enforcement Administration (DEA), 1405 I Street, N.W., Washington, D.C. 20537.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Prospective recruits for basic agent classes

B. Basic agent trainees

C. Special Agents

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information concerning: (1) scores on measurement instruments; (2) personality score derivatives; and (3) job-related factors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is maintained under DEA's authority to recruit and train Special Agents to enforce the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records maintained in this system are utilized only for internal purposes and no dissemination outside the Department of Justice is contemplated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The automated portion of the records is maintained on an ADP storage device. Documentary records are maintained in manual file folders.

RETRIEVABILITY:

Information relating to an individual is retrieved by name or a unique identifying number assigned by DEA.

SAFEGUARDS:

Access to the system is restricted to DEA personnel on a strict need-to-know basis. The records are maintained in a secure area at DEA headquarters, which is protected by guards and electronic means.

RETENTION AND DISPOSAL:

The automated portion of the system is maintained for 15 years and then purged from the data base. Manual records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for Enforcement, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

NOTIFICATION PROCEDURES:

Inquiries should be addressed to: Freedom of Information Division, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Information pertaining to individuals in the system is obtained from test protocols and allied records or provided by the individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (d), (e)(4)(G) and (H), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(6). See 28 CFR 16.98 for exemption regulations.

[FR Doc. 81-13119 Filed 4-29-81; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL CREDIT UNION ADMINISTRATION

Central Liquidity Facility: Notice of Changes to Regular Member Repayment, Security and Credit Reporting Agreement

AGENCY: National Credit Union Administration.

ACTION: Notice.

SUMMARY: This notice announces a number of changes to the Repayment, Security and Credit Reporting Agreement for Regular members of the Central Liquidity Facility (CLF) that will bring it into conformity with the Repayment, Security and Credit Reporting Agreement for Agent members of the CLF. These changes were approved by the National Credit Union Administration Board (NCUA Board) on December 20, 1979. The contract changes are (1) a modification of the late payment charge to be assessed by CLF from 5 percent of the overdue principal to 2 percent of overdue principal and 20 percent of overdue interest, along with a provision to carry overdue loans until paid at the higher of the contract rate or the highest rate being charged by the CLF on loans on the day of default; (2) adoption of a "Severability" clause; and (3) adoption of a restructured "Modification Procedures" clause.

EFFECTIVE DATE: April 30, 1981.

ADDRESS: National Credit Union Administration, Central Liquidity Facility, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Mark Medvin, at the above address. Telephone: (800) 424-3205.

SUPPLEMENTARY INFORMATION: On December 20, 1979, the NCUA Board approved additions to the Repayment, Security and Credit Reporting Agreement for Regular CLF members that bring that Agreement into conformity with the Repayment, Security and Credit Reporting Agreement for Agent CLF members. Those changes are outlined below.

Late Payment Charges

The late payment charge assessed by CLF is changed from 5 percent of the overdue principal to 2 percent of overdue principal and 20 percent of overdue interest. In addition, a provision is added to carry overdue loans until paid, at the higher of the contract rate or the highest rate being offered by CLF on loans on the day of default.

Severability Clause

This additional clause indicates that the Agreement is severable. That is, the possible invalidity of any of its terms and conditions shall not invalidate the remainder of the Agreement, each term and condition of which shall remain fully enforceable.

Modification Procedures Clause

This clause permits the NCUA Board to modify the Agreement from time to time. All such modifications shall be published in the **Federal Register** and mailed to Regular members at the address on file at the CLF. Such modifications shall become effective as of the date specified in the **Federal Register** provided that the date specified is not less than 30 days after the required publication and mailing *unless* (1) the modification is limited to the reduction or elimination of any one or more of the obligations imposed on credit unions by any term or condition of the Agreement; or (2) the NCUA Board makes a finding that an earlier effective date is necessary and such finding is included in the required publication and mailing.

Credit unions may submit written data, views or arguments to the CLF concerning proposed modifications at any time up to five (5) days before the effective date specified in the **Federal Register**. Modifications shall apply to all CLF advances after such effective date. All modifications, including those occurring prior to the signing of the Agreement, shall become part of the Agreement. Operating circulars issued by CLF may include interpretive rules and statements of policy concerning terms and conditions of the Agreement. Such circulars, however, will not serve to modify any term or condition of the Agreement.

Without modifying the Agreement, the CLF may waive any part or all of any obligation imposed on a credit union by any term or condition of the Agreement. The CLF also retains the right to reinstate any part or all of any such obligation previously waived.

The usual rulemaking procedures involving notice and comment have not been complied with pursuant to the specific exemption for contracts found at 5 U.S.C. 553(a)(2).

Accordingly, the National Credit Union Administration Central Liquidity Facility Repayment, Security and Credit Reporting Agreement (Regular Member) is modified as follows:

Section 5 is modified to read:

"(5) *Repayment obligation.* When the regular member receives an advance of funds from the Facility, a repayment obligation is created (herein a "repayment obligation created hereunder") whereby the credit union, for value received, agrees:"

"(i) to pay the Facility on each principal repayment date an amount equal to the principal amount due on such principal repayment date; and "

"(ii) to pay the Facility on each interest payment date an amount equal to unpaid interest from the date of the advance through such interest payment date; and"

"(iii) to pay the Facility on the maturity date an amount equal to the unpaid balance of the amount of the advance, if any, plus unpaid interest from the date of the advance through the maturity date; and"

"(iv) if the principal amount due on any principal repayment date is not paid on or before such date, to pay the Facility—"

"(A) reasonable expenses of collection, including the reasonable attorney's fees and expenses incurred, plus"

"(B) a late principal payment charge equal to 2 percent of such principal amount, plus"

"(C) interest after such date through the maturity date on the unpaid balance of such principal amount at the interest rate specified in the confirmation; and"

"(v) if the unpaid interest due on any interest payment date or the maturity date is not paid on or before such date, to pay the Facility—"

"(A) reasonable expenses of collection, including the reasonable attorney's fees and expenses incurred, plus"

"(B) a late interest payment charge equal to 20 percent of such unpaid interest;[1A] and"

"(vi) if the amount due on the maturity date is not paid on or before the maturity date, to pay the Facility—"

"(A) reasonable expenses of collection, including the reasonable attorney's fees and expenses incurred, plus"

"(B) a late principal payment charge equal to 2 percent of the unpaid balance of the amount of the advance, as due on the maturity date, plus"

"(C) interest after the maturity date on the unpaid balance of the overdue principal amount at the overdue interest rate specified in this agreement."

"As used herein, unless the context otherwise requires, the date and amount of the advance, the interest rate, the principal repayment dates, the principal amount due on each such principal repayment date, the interest payment dates, and the maturity date are the dates, amounts and rate specified as such in the confirmation issued by the Facility in connection with the advance; the overdue principal amount used for determining interest after the maturity date is equal to the unpaid balance of the amount of the advance, as due on the maturity date, plus unpaid interest from the date of the advance through the maturity date plus the unpaid balance of any late principal and interest payment charges payable through the day after the maturity date; and the overdue interest rate is the higher of the following two rates, namely, the interest rate specified in the confirmation, as in effect on the maturity date, or the highest interest rate set by the Facility for Facility advances to any party on the maturity date. If the interest rate specified in the confirmation is variable, the variable interest rate determined in the manner specified in the confirmation shall constitute the 'interest rate specified in the confirmation' as used herein. Interest from the date of the advance through the maturity date shall be determined hereunder as follows, using the interest rate specified in the confirmation: interest shall accrue each day on the unpaid balance of the amount of the advance, and the unpaid interest from the date of the advance through any date shall be equal to all accrued interest through such date less the portion of such accrued interest that has been paid prior to such date.[1B]"

"The Regular member may make a prepayment in any amount at any time. When the unpaid balance of the amount of the advance is reduced as a result of a prepayment, the principal amount due on the next succeeding principal repayment date shall be reduced by an amount equal to the reduction in the unpaid balance of the amount of the advance. If any amount due on any interest payment date or the maturity date includes an amount that has previously been subjected to a late interest payment charge or a late principal payment charge under subparagraphs (5)(v) or (5)(iv) hereof, the amount used for computing any late interest payment charge or late principal payment charge on the amount due on

[1A] Under paragraph (9) of this Agreement, the full amount owed to the Facility at maturity will become immediately due and payable, unless otherwise determined by the Facility, if the regular member fails to pay the amount due on any principal repayment date or any interest repayment date. In such case, the late payment charges and overdue interest rate specified in subparagraphs 5(v) and 5(vi) hereof would apply to the full amount owed to the Facility."

[1B] The number of days used for computing accrued interest shall exclude the date of the advance and shall include the date through which the accrued interest is being computed."

such date shall exclude the amount that has previously been subjected to such a charge under subparagraphs (5)(v) or (5)(iv) hereof. The Facility may waive any part or all of the interest, late principal payment charge, late interest payment charge or overdue interest. Each payment on a repayment obligation created hereunder, including a prepayment thereon, shall be applied as follows to the amounts payable under the repayment obligation: if the payment is made on or before the maturity date, it shall be applied first to the unpaid balance of any late principal and interest payment charges payable through the time of the payment, then to any unpaid interest that was not paid when due, then to the unpaid balance of any principal amount that was not paid when due at the time of the payment, then to the unpaid balance of any principal amount that is due at the time of the payment, then to the remaining unpaid balance of the amount of the advance, and then to the remaining unpaid interest; if the payment is made after the maturity date, it shall be applied first to unpaid interest on the overdue principal amount and then to the unpaid balance of the overdue principal amount. If the amounts owed to the Facility on all repayment obligations created hereunder become immediately due and payable under the terms of paragraph (9) hereof, the maturity date of each such repayment obligation, as used herein, is the earlier of the following two dates, namely."

"—The date such amounts became immediately due and payable, or

"—The date specified as the maturity date in the confirmation issued by the Facility in connection with the advance that created the repayment obligation."

New Section 15 is added to read:

"This agreement shall be severable. The invalidity of any term or condition of this agreement shall not invalidate the remainder of this agreement, and each term and condition of this agreement shall be fully enforceable regardless of the validity of any other term or condition of this agreement."

Section 13 is modified to read:

"This agreement may be modified from time to time by the NCUA Board. Any such modification shall be published in the **Federal Register** and shall be mailed to the Regular member at the address shown for such member in the records of the Facility. The modification shall become a part of this agreement as of the effective date specified in the **Federal Register**, provided that the effective date specified in the **Federal Register** shall not be less than 30 days after the required publication and mailing unless:"

"(i) the modification is limited to the reduction or elimination of any one or more of the obligations imposed on the Regular member by any term or condition of this agreement, or"

"(ii) the NCUA Board makes a finding that an earlier effective date is necessary and the finding is included in the required publication and mailing."

"Written data, views or arguments concerning the modification may be submitted to the Facility by the Regular member at any time up to five days before the effective date specified in the **Federal Register**. The modification shall apply to all advances made by the Facility after such effective date. All such modifications are a part of this agreement, including modifications that occurred prior to the signing of this agreement. Operating circulars issued by the Facility may include interpretive rules and statements of policy with respect to the terms and conditions of this agreement but may not modify any such term or condition. Without modification of this agreement, the Facility may waive any part or all of any obligation imposed on the Regular member by any term or condition of this agreement, and the Facility may reinstate any part or all of any such obligation previously waived by the Facility."

Rosemary Brady,

Secretary, NCUA Board.

April 24, 1981.

[FR Doc. 81-12969 Filed 4-29-81; 8:45 am]

BILLING CODE 7535-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Panel (Special Exhibitions Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Museum Panel (Special Exhibitions Section) to the National Council on the Arts will be held on May 18-20, 1981, from 9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E. St., N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 21, 1981.

[FR Doc. 81-13072 Filed 4-29-81; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-18]

Reports, Recommendations, Responses; Availability

Recently released by the National Transportation Safety Board are these documents:

• *Highway Accident Report—Central Texas Bus Lines, Inc., Charter Bus, State Route 7 near Jasper, Arkansas, June 5, 1980 (NTSB-HAR-81-1).* During its investigation, the Safety Board issued to the State of Arkansas recommendations H-80-45 and -46, reported at 45 FR 52517, Aug. 7, 1980. (See 45 FR 62234, Sept. 18, 1980, for response.) On March 24, following investigation, the Board issued these additional recommendations:

To the State of Arkansas: Correct the drainage channel hazard at the accident site and, whenever feasible, take action to ensure that all highway drainage channels conform to the recommendations of the American Association of State Highway and Transportation Officials. (Class II, Priority Action) (H-81-10)

To the Federal Highway Administration: Develop national standards for the signing of brake check areas. (Class II) (H-81-11)

Conduct research to develop guidelines for the location and illumination of brake check areas. (Class II) (H-81-12)

To the Bureau of Motor Carrier Safety: Maintain strict surveillance of the Central Texas Bus Lines, Inc., operations and maintenance procedures to ensure that all facility survey deficiencies are corrected. (Class I, Urgent Action) (H-81-13)

Issue an ON GUARD Bulletin, with emphasis on distribution to charter bus companies, outlining the particulars of this accident relating to drivers' hours of service and other safety-related matters, and recommending that charter bus contracts include a statement that all tours will be

restricted on a daily basis to the mileage that can be safely traveled at legal speeds and within the authorized 10-hour driving time. (Class I) (H–81–14)

Give appropriate consideration to the identification of violations and enforcement of the Federal Motor Carrier Safety Regulations pertaining to Hours of Service of Drivers, Maintenance of Vehicles, and other carrier safety matters in developing the annual BMCS Work Schedule. (Class II) (H–81–15)

To the National Tour Brokers Association: Inform member tour brokers of the particulars of this accident and encourage them in their contract negotiations with passenger carriers who have Interstate Commere Commission operating authority to emphasize the importance of the carrier's compliance with all safety regulations. (Class II) (H–81–16)

• *Safety Effectiveness Evaluation—Federal and State Enforcement Efforts in Hazardous Materials Transportation by Truck (NTSB–SSE–81–2).* As a result of this evaluation, the Safety Board on March 17 issued these recommendations:

To the Federal Highway Administration: Develop and implement a data collection and analysis plan for use in determining the relationship between compliance with the Federal Motor Carrier Safety Regulations and the motor vehicle-related Federal Hazardous Materials Regulations and motor carrier accident/incident reduction. (Class II) (H–81–2)

Develop a plan for performing periodic vehicle inspections, based on random selection methods, of sufficient magnitude and appropriate frequency to provide statistically vaild data on carrier compliance with the Federal Motor Carrier Safety Regulations and the motor vehicle-related Federal Hazardous Materials Regulations. Such a plan should consider the potential for assistance by the States in performing these inspections. The data should be published in a form usable by States with motor carrier safety or hazardous materials enforcement programs. (Class II) (H–81–3)

Develop a written plan for using the BMCS Management Information System to (1) improve the effectiveness of the Bureau's motor carrier safety and hazardous materials enforcemnent activities; (2) evaluate the effectiveness of these activities on carrier compliance with the Federal regulations and on reducing the risks of motor carrier transportation and hazardous materials carriage by truck; (3) assist States in developing and conducting motor carrier safety and hazardous materials enforcement programs. (Class II) (H–81–4)

Allocate more resources to the development of the Management Information System and provide the Bureau of Motor Carrier Safety with adequate and timely programming support to facilitate the system's development. (Class II) (H–81–5)

Develop explicit criteria for deciding which carriers and hazardous materials shippers to audit to ensure that the small resources of the Bureau of Motor Carrier Safety are focused on the companies most in need of attention. The criteria should take into account such factors as accident experience, type of cargo, compliance history, measures of exposure, and other factors related to the degree of hazard presented by the candidate companies. (Class II) (H–81–6)

Develop explicit criteria to guide field staff of the Bureau of Motor Carrier Safety in the development of enforcement case reports, including criteria for initially determining that a case should be developed and the number and types of violations to document. (Class II) (H–81–7)

Develop and publish FHWA policy and procedures for determining initial and final assessments against motor carriers and hazardous materials shippers for violations of the Federal Motor Carrier Safety Regulations or the Federal Hazardous Materials Reagulations, for use by FHWA attorneys and others. (Class II) (H–81–8)

Direct FHWA regional and headquarters attorneys to systematically document the reason(s) for the amount of initial assessment, the arguments advanced by respondents for withdrawing or mitigating the initial assessment, the disposition of those arguments, and the reason(s) for the amount of the final assessment. Determine whether such documentation could be included in the carrier and hazardous materials shipper computer files of the Management Information System of the Bureau of Motor Carrier Safety. (Class II) (H–81–9)

To the Research and Special Programs Administration: Develop and use a common shipper identifier in all DOT hazardous materials compliance records. (Class II) (I–81–3)

• *Aviation Safety Recommendations A–81–44 and –45 to the Federal Aviation Administration, April 16, 1981:*

Immediately issue a General Aviation Airworthiness Alert warning Decathlon owners of the potential hazards to aerobatic flight when they modify Decathlon acrobatic restraint systems by attaching the shoulder harness to the seatpan frame and/or route the shoulder straps behind the seatback. (Class I) (A–81–44)

Issue an Airworthiness Directive revising the Bellanca Decathlon FAA-approved flight manual for aircraft manufactured prior to 1977 to include the relevant cautionary information of section 2.1.9, "Occupant Restraint Systems," which is contained in subsequent approved flight manuals. An accurate description of the proper installation of the restraint systems should be included. (Class II) (A–81–45)

• *Highway Safety Recommendations H–81–17 through –19, March 20, 1981.*—In connection with its investigation of the February 16, 1981, commuter bus addicent near Quantico, Va., the Safety Board has issued these recommendations:

To the Federal Highway Administration: Issue an ON-GUARD Bulletin and other appropriate material to alert both interstate and intrastate operators of large commercial vehicles to the preliminary findings of this accident investigation and point out that worn ball joint assemblies and end fittings on power assist mechanisms may not be detectable using the procedures prescribed in the National Highway Traffic Safety Administration inspection standards. (Class I) (H–81–17)

Develop, in coordination with the National Highway Traffic Safety Administration, steering mechanism inspection procedures and inspection intervals that will ensure the detection of all worn ball joint assemblies and end fittings in the steering linkages with particular attention to those vehicles equipped with power assist mecahanism. (Class II) (H–81–18)

To the National Highway Traffic Safety Administration: In coordination with the manufacturers, develop standards prescribing inspection procedures and intervals which will ensure detection of all warn ball joints assemblies and end fittings in the steering linkage of large commercial vehicles, with particular attention to those equipped with power steering mechanisms, and coordinate with the Bureau of Motor Carrier Safety in disseminating such standards to the motor carrier industry. (Class II) (H–81–19)

Recont Responses to Safety Recommendations

From the Federal Aviation Administration: A–75–27 (April 15).—Supplements response of May 27, 1975 (40 FR 25862, June 19, 1975). Reports on regulatory action taken, including proposal No. 80–27 (46 FR 76, Jan. 2, 1981) re installation of pitot heat indication systems.

A–78–59 through –62 (April 14).—Responds to Board inquiry of July 22, 1980, and supplements response of Nov. 3, 1978 (43 FR 55021, Nov. 24, 1978) on which the Board commented Feb. 7, 1979. Forms and instructions re airport inspection now revised. FAA Order 5010.4, Airport Safety Data Program, published. Alternate action re legends on Sectional Aeronautical Charts pending consideration.

A–78–76 (April 15).—Supplements response of Jan. 3, 1979 (44 FR 5216, Jan. 25, 1979) and responds to Board inquiry of Sept. 17, 1980. Reports on inspection of Piper PA–28 and PA–32 fuel tanks for sealant deterioration and procedures for minimizing fuel system contamination.

From Alaska Air Carriers Association: A–80–105 (March 30).—Response is to recommendation reported at 45 FR 73828, Nov. 6, 1980. The nonprofit Alaskan Aviation Safety Foundation, to be launched in 1981, will foster aviation safety through education programs.

From the U.S. Coast Guard: P–80–16 and –17 (April 6).—Responds to Board comments of Sept. 4, 1980, on initial response of Aug. 7, 1980 (45 FR 55879.

Aug. 21, 1980). Will publish by Jan. 1, 1982, rulemaking proposal dealing with use of navigational charts informing of location of submarine pipelines and other harbor hazards before conducting anchor-handling activities. USCG Public Notice 80-5 re hazards survey effective July 1, 1980.

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purcahased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

April 23, 1981.

[FR Doc. 81-12839 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on May 7–9, 1981, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on April 21, 1981.

The agenda for the subject meeting will be as follows:

Thursday, May 7, 1981

8:30 a.m.–8:45 a.m.: Opening Session (Open)—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

8:45 a.m.–12:30 p.m.: Control System Failures that Could Cause or Exacerbate Nuclear Power Plant Accidents (Open)—The Committee will hear and discuss the report of its subcommittee and consultants who may be present regarding the evaluation of control system failures in nuclear plants that could cause or exacerbate nuclear power plant accidents. The Committee will also hear and discuss presentations by members of the NRC Staff and representatives of the nuclear industry who may be present.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

1:30 p.m.–2:30 p.m.: Anticipated Transients Without Scram (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding the ability to calculate ATWS consequences and actions taken subsequent to the Browns Ferry Nuclear Plant partial failure to scram. The Committee will also hear and discuss presentations by members of the NRC Staff and representatives of the nuclear industry who may be present.

2:30 p.m.–3:00 p.m.: Siting Policy (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding reevaluation of NRC siting policy for nuclear power plants.

3:00 p.m.–4:00 p.m.: Emergency Planning (Open)—The Committee will hear and discuss a report from the NRC Staff regarding consideration of natural events in emergency planning.

4:00 p.m.–5:00 p.m.: North Anna Power Station Unit 2 (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding changes in the decay heat removal systems in the North Anna Nuclear Plant Unit 2 which would improve systems reliability and performance.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

5:00 p.m.–6:00 p.m: Safety Features for Future Nuclear Plants (Open)—The Committee will hear and discuss the report of its Subcommittee regarding requirements for improved safety features in nuclear power plants.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

Friday, May 8, 1981

8:30 a.m.–10:30 a.m.: Interim Requirements Related to Hydrogen Control and Certain Degraded Core Conditions for Nuclear Power Plants (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding a proposed NRC rule (10 CFR Part 50) regarding hydrogen control and certain degraded core conditions in the design of nuclear power plants. The Committee will also hear and discuss comments from members of the NRC Staff and representatives of the nuclear industry who may be present regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

10:30 a.m.–11:00 a.m.: Quantitative Risk Criteria (Open)—The Committee will hear and discuss a report from a representative of the NRC Interoffice Steering Group regarding development of quantitiative risk criteria to be used in the licensing of nuclear facilities.

11:00 a.m.–12:00 noon: Probabilistic Assessment of Nuclear Facilities (Open)—The Committee will hear and discuss a report from representatives of the NRC Staff regarding use of probabilistic assessment in the review and evaluation of nuclear facilities.

12:00 noon–12:45 p.m.: Scheduling ACRS Project Reviews (Open)—The Committee will discuss with members of the NRC Staff the basis for proposed scheduling of ACRS project reviews and the impact of such schedules on the NRC licensing process.

1:45 p.m.–2:30 p.m.: ACRS Activities (Open)—The Committee will discuss the future schedule for ACRS activities and proposed items for the meeting with the NRC Chairman and other NRC Commissioners.

2:30 p.m.–3:30 p.m.: Meeting with NRC Chairman and Commissioners (Open)—The Committee and Commissioners will discuss the scheduling of ACRS project reviews for CP and OL applications. The status of the ACRS review of proposed NRC interim requirements for hydrogen control and certain degraded core conditions will also be discussed.

3:30 p.m.–4:00 p.m.: Revised Cladding Swelling and Rupture Models (Open)—The Committee will meet with members of the NRC Staff to clarify the Committee's report to NRC of 1/8/81 regarding NUREG–0630, "Cladding Swelling and Rupture Models for LOCA Analysis."

4:00 p.m.–5:00 p.m.: Crystal River Nuclear Generating Plant Unit 3 (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding a proposed power level increase for the Crystal River Nuclear Generating Plant Unit 3. Members of the NRC Staff and representatives of the licensee will participate, as appropriate.

Portions of this session will be closed as necessary to discuss Proprietary Information related to the matter being discussed.

Saturday, May 9, 1981 this matter.

5:00 p.m.–6:00 p.m.: ACRS Reports to NRC (Open)—The Committee will discuss proposed reports to NRC regarding items considered during this meeting.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this matter.

8:30 a.m.–12:50 p.m.: Concluding Session (Open/Closed)—The Committee will discuss proposed ACRS positions

and reports to NRC as appropriate regarding items discussed during this meeting. The scope, content, and format of ACRS reports will also be discussed.

The Committee will discuss the qualifications of candidates proposed for appointment to the ACRS.

Portions of this session will be closed as necessary to discuss Proprietary Information related to the matters being reviewed and to discuss information the release of which would constitute a clearly unwarranted invation of personal privacy.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 7, 1980 (45 FR 66535). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)), and information of a personal nature where disclosure would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 a.m. and 5:00 p.m. edt.

Dated: April 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-12875 Filed 4-29-81; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses To Export/Import Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for export/import licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

A request for hearing or a petition for leave to intervene may be filed on or before May 29, 1981. Any request for hearing or petition for leave to intervene shall be served by the requester or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20420.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this day April 24, 1981, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Exxon Nuclear, Mar. 19, 1980, Mar. 19, 1980, XSNMO1703(01).	2.65 percent enriched uranium.	.....	[1] 1 Kg	To cover actual amount in cylinder after reanalysis, LEU for Gundremmingen B and/or C.	West Germany.
Mitsui & Company, Apr. 2, 1981, Apr. 7, 1981, XSNMO1803.	2.84 percent enriched uranium.	75,171	1,726	Initial core loading for Onagawa Nuclear Power Plant	Japan.
General Electric, Apr. 3, 1981, Apr. 7, 1981, XSNMO1804.	3.95 percent enriched uranium.	1,835	63	For surface treatment and return to United States for fabrication of domestic fuel.	West Germany.
Dept. of Energy, Apr. 7, 1981, Apr. 8, 1981, XSNMO1805.	97.6 percent enriched uranium.	4.400	[2] 4.250	Irradiation in Canadian test reactors and return to United States for post-irradiation examination as part of continuing U.S. civilian reactor development.	Canada.
Exxon Nuclear, Apr. 7, 1981, Apr. 13, 1981, XSNMO1770(01).	3.50 percent enriched uranium.	[1] 2,300	[2] 81	Fuel for Biblis A	West Germany.
Mitsui & Company, Apr. 8, 1981, Apr. 13, 1981, XSNMO1807.	3.75 percent enriched uranium.	11,618	312	Routine reload for Fukushima II, Unit I	Japan.
Transnuclear, Inc., Apr. 13, 1981, Apr. 14, 1981, XSNMO1808.	45.4 percent enriched uranium.	64.700	29.374	Fuel elements for FRJ-1 (Merlin) and FRJ-2 (DIDO)	West Germany.
Do	93.3 percent enriched uranium.	31.300	29.203	do	Do.
Westinghouse, Mar. 27, 1981, Apr. 1, 1981, ISNM81006.	3.1 percent enriched uranium.	2,146	67	For fuel fabrication production line	From Sweden.
Department of Energy, Apr. 7, 1981, Apr. 8, 1981, ISNM81007.	97.6 percent enriched uranium.	4.400	[2] 4.250	Irradiation in Canadian test reactors and return to United States for post-irradiation examination as part of continuing U.S. Civilian reactor development.	From Canada.
Edlow International, Mar. 31, 1981, Apr. 2, 1981, XUO8520.	Natural uranium	10,176	.....	For use in the conversion plant located at the Korea Advanced Energy Research Institute in Daejeon.	South Korea.

[1] Additional.
[2] U-235 and/or U-233.

[FR Doc. 81-12881 Filed 4-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254, 265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Consideration of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-29 and DPR-30, issued to Commonwealth Edison Company (the licensee), for operation of the Quad Cities Station, Units 1 and 2, located at the licensee's site near Cordova, Illinois.

The proposed amendment would modify the Technical Specifications to increase the combined spent fuel storage capacity from 2920 spaces to 7570 spaces.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. By June 1, 1981 the licensee or any person whose interest may be affected by this action may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition would specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration.

A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Thomas A. Ippolito: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Isham, Lincoln and Beale, Counselors at Law, One First National Plaza, 42nd Floor, Chicago, Illinois 60603, attorneys for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated March 26, 1981, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Moline Public Library, 504 17th Street, Moline, Illinois 61265.

Dated at Bethesda, Md., this 23rd day of April 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito, *Chief,*

Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-12879 Filed 4-29-81; 8:45 am]

BILLING CODE 7590-01-M

Safety Goal; Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Public Meetings on Safety Goal.

The Nuclear Regulatory Commission (NRC) will hold four public meetings to elicit public comment on its project to develop a safety goal. The safety goal will define the level of safety in the nuclear industry which the NRC considers adequate. Procedures for the meetings and issues that NRC has considered in the development of the goal are described in an "Announcement of Public Meetings and Staff Working Paper," available from the contacts listed below. The project is described in detail in three documents published by the NRC:

1. "Development of a Safety Goal: Preliminary Policy Considerations" (Federal Register Notice published March 26, 1981, 46 FR 18827; 4 pages.)

2. *Toward a Safety Goal: Discussion of Preliminary Policy Considerations* (NUREG–0764; March 1981; 58 pages). This document includes item 1 and a summary of item 3.

3. *An Approach to Quantitative Safety Goals for Nuclear Power Plants* (NUREG–0739; October 1980; 161 pages). This document was submitted to the NRC by the Advisory Committee on Reactor Safeguards, which characterized it as a "preliminary proposal" and a "first step in an iterative process." It was accepted as such by the Commission, which has not taken a position on the document.

The details of the meetings are listed below. Interested persons are invited to write or phone the local contacts listed to register to speak at a meeting, to obtain any of the documents listed above, or for further information.

Date, Time, Place and Local Contact

May 19, 1981, 1:30–5 p.m., 7–10 p.m., Chicago Public Library, Cultural Center, 78 East Washington St., Chicago, Ill.; Judy Elsass, League of Women Voters of Illinois, 67 East Madison, Chicago, Illinois 60603, (312) 236–0315

May 27, 1981, 1:30–5 p.m., 7–10 p.m., Gardner Auditorium, State House, Beacon Street, Boston, Mass.; Marcia Wood, League of Women Voters of Massachusetts, 120 Boylston Street, Boston, Massachusetts 02116, (617) 357–4128 (call after May 5)

June 4, 1981, 1:30–5 p.m., 7–10 p.m., Los Angeles Museum of Science, Esposition Blvd. at Harbor Freeway, Exposition Park, Los Angeles, Calif.; Joan Riddle, P.O. Box 1150B, Garden Grove, California 92814, (800) 422–4488 (call after May 5)

June 11, 1981, 9–12 noon, Colony Square Hotel, Peachtree at 14th St., N.E., Atlanta, Ga., 7–10 p.m., Northlake Hilton Inn, 4156 La Vista Road, Atlanta, Ga.; Kenneth Clark, Joseph Gilliland, NRC Region II, 101 Marietta Street, Atlanta, Georgia 30303,(404) 242–5503

Dated at Washington, D.C., this 24th day of April 1981.

Dennis K. Rathbun,

Acting Director, Office of Policy Evaluation.

[FR Doc. 81-12878 Filed 4-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–309]

Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station); Order Confirming Licensee's Commitments for Event V

The Maine Yankee Atomic Power Company (the licensee) holds Facility Operating License No. DPR-36, which authorizes the licensee to operate the Maine Yankee Atomic Power Station (the facility) at power levels not in excess of 2630 megawatts thermal. The facility, which is located at the licensee's site in Lincoln County, Maine is a pressurized water reactor (PWR) used for the commerical generation of electricity.

II

The Reactor Safety Study (RSS), WASH–1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check values isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Safety Injection (LPSI) system piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPSI low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exists, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exists, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 13, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for the facility, I have concluded that one valve configuration of concern exists at the facility.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check value in the LPSI failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open againt valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, vertification of valve integrity is required.

Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that actions must be undertaken by the licensee to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA.

III

The licensee's submittal dated March 9, 1981, was committed to implement each of the actions specified in Section IV. We have reviewed the licensee's submittal and determined that it is acceptable because:

1. The licensee's action ensures two in a series closed valves that provide a pressure barrier that isolates the High Pressure Primary Coolant System from the Low Pressure Safety Injection (LPSI) system.

2. The licensee's actions ensure the pressure boundary by leak testing the valves periodically.

Accordingly, I have determined that these commitment are required in the interest of public health and safety and, therefore, should be confirmed by an immediately effective order.

IV

Accordingly, pursuant to Sections 103 and 161i of the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR Parts 2 and 50, It is hereby ordered effective immediately

that the license be amended to include the following conditions:

1. The licensee will assure that MOV's LSI–M–11, 21 and 31 remain in their normally closed position during power operation by modifying existing surveillance procedures to include monthly monitoring of the downstream check valve, affix a CAUTION tag to each valve switch, and provide training to the operators relative to the reasons for these modifications including relief from monthly performance testing of these valves. These actions are required until the Maine Yankee Atomic Power Station is shut down for the Spring 1981 Cycle 6 refueling.

2. Prior to returning to power after the Spring 1981 Cycle 6 refueling, the licensee shall (1) install an additional leak tight check valve and its associated leak testing capabilities between the two existing LPSI check valves and (2) obtain approval for appropriate technical specifications for periodic surveillance to verify the integrity of the LPSI check valves.

V

Any person who has an interest affected by this Order may request a hearing on this Order on or before May 26, 1981. A request for a hearing shall be submitted to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which that interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the license should be modified as set forth in Section IV of this Order.

Dated at Bethesda, Md., this 20th day of April 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–12977 Filed 4–29–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–344]

Portland General Electric Co., City of Eugene, Oregon and Pacific Power and Light Co., (Trojan Nuclear Plant); Order for Modification of License

I

The Portland General Electric Company, et al., (the licensee) holds Facility Operating License No. NPF–1, which authorizes the licensee to operate the Trojan Nuclear Plant (the facility) at power levels not in excess of 3411 megawatts (thermal) rated power. The facility, which is located at the licensee's site in Columbia County, Oregon, is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH–1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 31, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for your facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. NPF–1 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. NPF-1 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of this Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valvea tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

The license or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 26, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to J. W. Durham, Esq. Vice President and Corporate Counsel, Portland General Electric Company, 121 SW. Salmon Street, Portland, Oregon 97204, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(1) Whether the license should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by paragraphs 2 and 3 of section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: this 20th day of April 1981. Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

Attachments:
1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

[FR Doc. 81-12978 filed 4-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361A and 50-362A]

Southern California Edison Co. and San Diego Gas and Electric Co.; Finding of No "Significant Antitrust Changes" and Time for Filing of Request for Reevaluation

The Director of Nuclear Reactor Regulation has made an initial determination in accordance with Section 105c(2) of the Atomic Energy Act of 1954, as amended, that no significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review of San Onofre 2 and 3 by the Attorney General and the Commission that would require an operating license antitrust review of the application. The finding is as follows:

Section 105c(2) of the Atomic Energy Act of 1954, as amended, provides for an antitrust review of an application for an operating license if the Commission determines that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review. The Commission has delegated the authority to make the "significant change" determination with respect to nuclear reactors to the Director, Office of Nuclear Reactor Regulation. Based upon examination of the events that have transpired since issuance of the San Onofre 2 and 3 construction permits to the Southern California Edison Company and the San Diego Gas and Electric Company, the staffs of the Office of Nuclear Reactor Regulation and the Office of the Executive Legal Director, hereafter referred to as the "staff," have jointly concluded, after consulting with the Department of Justice, that the changes that have occurred since the antitrust construction permit review are not sufficiently "significant" in an antitrust context to require a second antitrust review at the operating license stage of the application for licenses; i.e., the changes which have occurred either are not reasonably attributable to the licensees or do not have antitrust implications that would likely warrant some Commission remedy.

In reaching this conclusion, the staff considered the structure of the electric utility industry in Southern California, the events relevant to the San Onofre 2 and 3 construction permit antitrust review, and the events that have occurred subsequent to that permit review.

The Summary and Conclusion of the Staff's analysis is as follows:

During the construction permit review of San Onofre 2 and 3, the Attorney General's first advice letter did not identify any anticompetitive situation attributable to San Diego Gas and Electric Company ("SDG&E") but specifically referred to actions taken and positions asserted by Southern California Edison Company ("SCE") as foreclosing its customers from bulk power supply alternatives. Presumably, in reaching a settlement agreement later with SCE, the Attorney General considered that this problem had been, or would be, resolved by the San Onofre license conditions.

Based on this operating license review of San Onofre, staff has some concern that the actions and positions taken by SCE with respect to transmission services are still, at least to a limited degree, foreclosing SCE's customers from bulk power supply alternatives. This represents a change, at least of some significance, with respect to the

[1] Attachments are available in the NRC Pulbic Document Rooms.

situation envisioned at the close of the San Onofre construction permit antitrust review. This change appears to have been brought about principally by a trend toward development of bulk power supply alternatives outside of the SCE service area and, to a lesser extent, by SCE's interpretation of what was required under its license conditions.

Staff must decide as to whether these changes since the construction permit review are reasonably attributable to SCE and have significant antitrust implications that would likely warrant some Commission remedy at this operating license stage. In reaching this decision, staff takes note of the Attorney General's advice letters for San Joaquin, Palo Verde 1, 2, 3, and Palo Verde 4 and 5, each of which found no reason to recommend a hearing with respect to SCE. We also note the letters of Riverside and Anaheim which state that the issues are being fully aired and litigated before other agencies including the FERC and District Court. Since Riverside and Anaheim are the entities that have been principally affected by SCE's transmission policies, staff has concluded in this finding that there are no "significant changes" that would warrant a second antitrust review of SCE or SDG&E with respect to their San Onofre 2 and 3 applications.

Based on the Staff's analysis, it is my finding that an operating license antitrust review of SCE or SDG&E with respect to the San Onofre Nuclear Units 2 and 3 is not required.

Copies of the Director of Nuclear Reactor Regulation's "Finding" and the staff's complete analysis and appendices are available for inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 and in the local public document room at Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California.

Any person whose interest may be affected by this finding may file with full particulars a request for reevaluation with the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 by (60 days).

For the Nuclear Regulatory Commission.

Argil Toalston,

Acting Chief, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 81-12990 Filed 4-29-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

April 27, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Managment and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

- Forest Service

Maine Woodland Ownership Study

Nonrecurring

Individuals or households/farms/ businesses or other institutions

Owners of privately owned forestland in Maine

- SIC: All Small businesses or organizations conservation and land management, 938 responses, 469 hours, $31,075 Federal cost, 1 form, not applicable under 3504 (H) 202-395-7340

Charles A. Ellett,

To provide estimates of timber volume and acreage of timber that might be available for harvesting, describe attitudes of typical owners toward forest land ownership, management,

timber harvest and recreation. Uses—planning, and economic development.

• Agricultural Stabilization and Conservation Service
Supplemental Qualifications Statement Agricultural Program Specialist GS-1145-5/7
ASCS-650
On occasion
Individuals or households
Applicants for agricultural program specialist, GS-1145/5/7
Farm income stabilization, 1,000 responses, 2,000 hours, $12,800 Federal cost, 1 form, not applicable under 3504 (H) 202-395-7340
Charles A. Ellett,

This form is to be used to obtain supplemental qualifications from candidates for positions as agricultural specialists at the GS-5 and GS-7 levels. The right to collect this information is based on the authority to examine delegated to office of personnel management by Title 5 U.S.C. 1104.

• Agricultural Cooperatives Service
Marketing Operations of Dairy Cooperatives
Nonrecurring
Businesses or other intitutions
Dairy marketing cooperatives
SIC: 202 514
Small businesses or organizations
Agricultural research and services, 465 responses, 470 hours, $88,000 Federal cost, 1 form, not applicable under 3504 (H) 202-395-7340
Charles A. Ellett,

Data on present marketing operations of farmer owned dairy cooperatives are needed to improve the efficiency of dairy marketing. Data will be used to aid cooperatives make changes, to help the executive branch agencies, the Congress, and educational institutions evaluate cooperative dairy marketing programs and perform needed dairy marketing research.

Reinstatements

• Economics and Statistics Service
Sugar Processor Inquiries
Other—see SF83
Businesses or other institutions
Sugar cane and sugar beet refiners
SIC: 206
Small businesses or organizations
Agricultural research and services, 98 responses; 62 hours, $6,000 Federal cost, 1 form, not applicable under 3504 (H)
5• Off. of Federal Statistical Policy and Standard, 202-673-7974

Provides data to estimate sugarcane acreage, sucrose content, puritypolarization, raw sugar and molasses production. Estimates used to keep persons or firms associated with sugarcane production, processing, storage and transportation informed on size, quality and value of the commodity.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montio—202-633-8484

New

• Conservation and Solar Energy
Urban Wastes Demonstration Facilities Guarantee Program
CE-497
Nonrecurring
State or local governments
Municipalities
SIC: 919
Energy conservation, 50 responses, 7,600 hours, $26,500 Federal cost, 1 form, not applicable under 3504 (h)
Jefferson B. Hill, 202-395-7340

The CE-497 is a nonrecurring form to be filed by municipalities applying for loan guarantees to support urban waste facilities. The data will be used for evaluating and selecting applicants to receive loan guarantee support. This is being submitted to OMB on a standby basis since no funds have been appropriated.

• Economic Regulatory Administration
Emergency Interconnection of Electric Facilities and Transfer of Electricity
ERA 737R
On occasion, weekly
Businesses or other institutions
Public utilities inv. in gen., trans. and distr. of elec. en.
SIC: multiple
Small businesses or organizations
Energy information, policy, and regulation, 40 responses, 1,207 hours, 1 form, not applicable under 3504 (h)
Jefferson B. Hill, 202-395-7340

Data will be used to approve or deny application to make permanent connections for emergency use only by persons engaged in the transmission or sale of electric energy where the applicant is not otherwise subject to the jurisdiction defined in section 201 of the Federal Power Act and to order temporary connections of facilities during times of war or national emergency to meet the emergency and serve the public interest.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

Revisions

• Centers for Disease Control
National Disease Surveillance—I. Case Reports
On occasion
State or local governments
State and territorial health departments
SIC: 943
Health, 36,214 responses, 15,572 hours, $100,000 Federal cost, 16 forms, not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

Case reports on the nationally notifiable diseases provide information on epidemiological characteristics such as age, race/ethnicity, sex, geographic location, etc., that may produce significant contributions toward the resolution of public health problems. State and territorial health departments provide clinical and laboratory data on a number of diseases of timely interest in this national surveillance program.

Extensions (No Change)

• Centers for Disease Control
Rat Control Project Activities—Quarterly Report
CDC 7.15
Quarterly
State or local governments
Rat control project grantees
SIC: 943
Health, 272 responses, 2,176 hours, $8,500 Federal cost, 1 form, not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

The form submitted for clearance serves as a quarterly report for the urban rat control program which administered $13 million in fiscal year 1981 to 68 program communities to develop comprehensive urban rat control programs in target areas identified with high infestation areas.

Reinstatements

• National Institutes of Health
Role of Artificial Sweeteners in Bladder Cancer—Water Supply Data Abstracting Form
Nonrecurring
Businesses or other institutions
H20 UT. in U.S. where cancer studies are being conducted
SIC: 494
Health, 230 responses, 115 hours, $145,000 Federal cost, 1 form, not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

Epidemiologic surveys based on mortality records suggest an important role of drinking water contaminants in various types of cancer. Several NCI case-control interview studies, ongoing and planned, afford the opportunity to evaluate the hypothesized associations. This form will serve to collect the necessary water quality information.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

Extensions (Burden Change)

• Government National Mortgage Association
Summary of Guaranty Agreement-Graduated Payment
HUD 1746, 1748A, and 1748B
On occasion, monthly
Business or other institutions
Mortgage Bankers
SIC: 616
Small businesses or organizations
Mortgage credit and thrift insurance, 13,440 responses, 3,360 hours, $15,800 Federal cost, 3 forms, not applicable under 3504(h)
Richard Sheppard, 202–395–6880

This summary contains all of the terms of a particular security issue and for the execution of the guaranty agreement. Execution of this document is necessary to specify the terms under which the guaranty is offered by GNMA. Issuer must agree to these terms by executing the document.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Employment and Training Administration
Research on the Food Stamp Workfare Demonstration
MT 303
Nonrecurring
Individuals or households
Food stamp work registrants
Public assistance and other income supplements, 2,000 responses, 1,600 hours, $1,199,885 Federal cost, 2,000 forms, not applicable under 3504(h)
Arnold Strasser, 202–395–6880

This summary will provide the information to submit the required report to Congress on the impact of the food stamp workfare demonstration project.

Revisions

• Employment and Training Administration
National Longitudinal Survey of Work Exp of Youth
MT–290 (E)
Annually
Individuals of households
Youth 14–21 on January 1, 1979
Training and employment, 2,600 responses, 19,360 hours, $3,500,000 Federal cost 1 form, not applicable under 3504(h).
Arnold Strasser, 202–395–6880

The information provided in this survey will be used by the Department of Labor to help develop programs designed to ease the employment and unemployment problems faced by youth.

Extensions (No Change)

• Bureau of Labor Statistics
Annual OSHA Survey and Prenotification of Recordkeeping requirements
OSHA 200S and OSHA No. 200PRE
Annually
State of local governments/farms/businesses or other institutions
Private sector employers and local government agencies
Small businesses or organizations
Other labor services, 280,000 responses, 0 hours, $4,000,000 Federal cost, 2 forms, not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202–673–7974

Section 8(c) of the Occupational Safety and Health Act (Pub. L. 91–91–596) legislates the Secretary of Labor to require employers to maintain records of occupational injuries and illnesses and to submit periodic reports. Uses of the data: indicates industries needing safety and health attention; guidance in administering Federal and State programs; and used by labor and management for safety program comparisons.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—673–6042

Revisions

• Part 249 of the economic Regulations Preservation of Air Carrier Acounts, Records and Memoranda
91
On occasion
Businesses or other institutions
Certified air carriers
Small businesses or organizations
Air transportaton, 223 responses, 335 hours, 0 form, not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

Prescribes record retention periods for air carrier records to assure availability of records for audit and enforcement purposes. Retention periods are prescribed only for records that support specific regulatory needs.

Extensions (No Change)

• Part 202—Certificates Authorizing Scheduled Route Service: Terms, Conditions and Limitations
On occasion
Businesses or other institutions
Certified air carriers
Small businesses or organizations
Air transportaton, 52 responses, 356 hours, 0 form, not applicable under 3504(h)
Terry Grindstaff, 202–395–7340

Certain provisions are designed to require the carrier to advise the Board of and receive prior Board approval for the specific service the carrier intends to provide to meet its certificate obligations under section 401 of the Federal Aviation Act.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202–287–0747

New

• Permittee Inventory Information
Nonrecurring
State or local governments/businesses or other institutions
Own. and Oper. involved in undergr. inj. and are auth. by rule
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 19,000 responses, 9,500 hours, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Section 1421 of the Safe Drinking Water Act requires a permit or authorization by rule for underground injection. If by rule, then certain information is required, e.g., name of facility, legal contact, nature and type of injection wells.

• On Site Inspection Report
Nonrecurring
Businesses or other institutions
Car and eng. dealers, comm. rep. fac., ser. st., fl. operators
Small businesses or organizations
Pollution control and abatement, 1,225 responses, 102 hours, $1,632.50 Federal cost, 1 form, not applicable under 3504(h)

• Edward H. Clarke, 202–395–7340

Responses verify facility name and address for maintenance of FOSD inspection reports and to insure proper naming of respondent if complaint results from inspection. Survey questions assist FOSD in identifying and assessing impact of industry-wide problems.

• Catalyst Lead Survey
Weekly
Individuals or Households
Vehicle owners in the United States
Pollution control and abatement, 1,000 responses, 166 hours; $3,500 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Lead contamination of automobile catalysts has a direct effect on the level

of HC and CO emissions and hence an effect on air quality. This survey will be used to quantify whether lead contamination of catalysts is a problem and to verify cars tested for recall actions do not have contaminated catalysts.

• Vehicle Owner's Manuals and Warranty Statements
Annually
Businesses or other institutions
Manufacturers of light-duty vehicles and trucks, both domestic and foreign
SIC: 371
Pollution control and abatement, 30 responses, 15 hours; $1,625 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Vehicle manufacturers must submit owner's manuals warranty statements to EPA prior to the introduction of a vehicle for sale. EPA reviews these materials to assure that manufacturers provide the information to purchasers which the Clean Air Act requires. The S. 207(b) emission performance warranty was effective beginning with the 1981 model year.

• Inspection/Maintenance Station Audit
Annually
State or local government/businesses or other institutions
Organizations that run automobile inspection/maintenance programs
Small businesses or organizations
Pollution control and abatement; 24 responses, 96 hours; $40,000 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Inspection/maintenance (I/M) programs have been set up or are being planned in most States. This program was set up to check the accuracy of the instrumentation at I/M sites.

• 1981 Motor Vehicle Tampering Survey
Nonrecurring
State or local governments
Government inspection filling in motorist surveys in urban areas
Pollution control and abatement, 2,500 responses, 208 hours; $30,000 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

A survey of in-use vehicle to assess the degree and type of tampering with motor vehicle emission controls. An annual or bi-annual survey is desired to assess trends in this rate. Needed to determine focus of problems.

• Recordkeeping of Application Data
Nonrecurring
Businesses or other institutions
All NPDES permit appli.-indust. & municipal dischargers
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 65,000 responses, 325,000 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This recordkeeping is necessary to support and document any subsequent EPA enforcement actions for submission of false information on the permit application, for which there are severe penalties. This program cannot work unless EPA has correct information in the application and permit and can enforce this requirement.

• Reporting and Recordkeeping of Monitoring Data
On occasion
Businesses or other institutions
All permittees—industrial and municipal dischargers
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 65,000 responses, 650,000 hours; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Data needed to support possible subsequent enforcement actions where past records indicate the extent of noncompliance. Also to determine if results given to EPA are accurate.

• Variance Req of Publically Owned Treatment Works (POTW)
On occasion
Businesses or other institutions
POTW's
SIC: Multiple
Small businesses or organizations
Pollution control and abatement, 10 responses, 600 hours; $100 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

A publicly owned treatment works seeking a variance from otherwise applicable effluent limitations for discharges into marine waters must submit a request demonstrating why such variance is justified. EPA will evaluate the request. Statutory requirement. CWA section 301(h). Regulatory requirement: 40 CFR sec. 122 53(j)(i).

• Extra Monitoring Report
On occasion
State or local governments
All permtd dischgrs who moni. more freq. than req. by permt
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 1,700 responses, 1,700 hours; $100 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The results of monitoring conducted more frequently than required in the permit must be reported in order to provide EPA with complete monitoring data and to avoid selective reporting of favorable monitoring results. Regulatory requirements: 40 CFR sec. 122.60(e)(2).

• Bypass/Upset Report
On occasion
State or local governments/businesses or other institutions
All NPDES permit apli.—indust. and municipal dischargers
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 4,700 responses, 25,850 hours; $100 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Permittee must report unanticipated bypass of upset orally within 24 hours of discovery and in writing, within 5 days in order to keep EPA informed of such instances, and in the case of upsets, in order for the permittee to establish an affirmative defense to an enforcement action. Permittee must report anticipated bypass, if possible, at least 10 days before the date of the bypass, in order to keep EPA informed of such instances. No action is taken against permittee when bypass is avoida.

• Excessive Discharge Report
Nonrecurring
Businesses or other institutions
All NPDES industrial permit applicants
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 1,000 responses, 2,000 hours; $100 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Existing manufacturing commercial, mining and silvicultural discharges must report discharges of or the use of toxic pollutants not limited in the permit which exceed, specified levels in order to keep EPA informed of such instances and to allow EPA to modify permits when necessary regulatory requirement 40 CFR 122.61(A).

• Changes in pollutant report
On occasion
State or local governments
Municipalities, cities
Sic: Multiple
Pollution control and abatement, 11,000 responses, 66,000 hours; $100 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Publicly owned treatment works ('s) must report any new introduction of pollutants into that POTW and any substantial change in the volume or character of pollutants being introduced

to the POTW in order to keep informed of such instances and to allow EPA to modify permits when necessary, regulatory requirement 40 CFR 122.61(b).

• Additional Monitoring Requirements for NPDES Permits
Quarterly
State or local governments/businesses or other institutions
NPDES permit applicants—industrial and municipal
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 24,000 responses, 24,000 hours; $100 Federal cost, 1 form; not applicable under 3504(h).
Edward H. Clarke, 202–395–7340

Sec. 122.62(I)(III) is a regulatory requirement imposed by sec. 308 of the Clean Water Act. This section requires monitoring for the NPDES program, and includes measuring pollutants in internal waste streams, intake water for net limitations, and frequency and RA of discharge for noncontinuous discharge. The requirement allows the director to require monitoring at the point of discharge is impracticable or infeasible and to specify monitoring requirements for toxic pollutants.

• Construction of New Sources Notification
On occasion
State or local governments/businesses or other institutions
NPDES permit applicants with new source discharges
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 100 responses, 200 hours; $100 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Sec. 122.66(c)(5) requires the permit applicant to notify the regional administrator of any on-site construction of a new source which begins before final agency action in issuing a final permit incorporating appropriate EIS related requirements. Such notification signals a violation of the no on-site construction rule and is ground for denying a permit. EPA may also seek to enjoin construction.

• Transmission of State Information
Semiannually
State or local governments
NPDES approved States (33 States)
Sic: Multiple
Pollution control and abatement, 16,000 responses, 8,000 hours; $100 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This information is necessary so that EPA can continue to oversee a State's program, to insure that permits proposed to be issued comply with applicable State and Federal law, and to provide EPA with the ability to veto permits if necessary as provided by law (40 CFR 123.74).

• Recordkeeping Requirements for Compliance Evaluation
On occasion
State or local governments
33 States with NPDES program
SIC: multiple
Pollution control and abatement, 33 responses, 1,650 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This recordkeeping requirement is necessary to insure that states retain information to monitor its own program and support enforcement actions and so that EPA can examine the effectiveness of the State program and gain information to support its own enforcement actions in the state if needed.

• State Program Revision Submission
On occasion
State or local governments
NPDES approved States (33 States)
SIC: multiple
Pollution control and abatement, 33 responses, 1,659 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This information is necessary so that when Federal regulations chance upon which a State program is based, the State updates its program and provides EPA with updated information as to how the program will be changed along with the necessary legal authority to make any needed changed (40 CFR 123.13(b)(1) and 123.13(g)).

• Permit Consolidation Request
Nonrecurring
Businesses or other institutions
All permit applicants
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 500 responses, 1,000 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The permit applicant may request that the processing of one permit application be consolidated with application. Under other permit programs this will allow one joint draft permit, comment period and one public hearing rather than several.

Consolidation of PSD permit
Nonrecurring
Businesses or other institutions
PSD permit applicants only
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 250 responses, 500 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This requirement is regulatory based on the provision in the clean air act (sec. 165(C)) which requires that PSD permits be issued within one year of the date the application is received. In order to comply with this statutory deadline, this requirement (124.4(e)) allows PSD permits to be consolidated only with the written consent of the permittee.

• Modification of Permit Application
Nonrecurring
Businesses or other institutions
Permittees
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 500 responses, 6,500 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This section requires a permittee whose permit is subject to modification to file an updated application at the request of the Director. Permits can be modified, if there is cause.

• State Certification of EPA-Issued Permits
On occasion
State or local governments
Non NPDES approved States (22 States and territories)
SIC: multiple
Pollution control and abatement, 3,000 responses, 12,000 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Sec. 401(a)(1) of the Clean Water Act requires that the State from which a discharge originates or will originate certify that the discharge complies with applicable State or Federal law. 40 CFR 124.53 insures that this statutory mandate will be satisfied. No final permit can be issued if certification is denied or if the requirements specified in the certification are not incorporated into the final permit (40 CFR 124.53).

• State certification of 301(h) variances
On occasion
State or local governments
States and territories
SIC: multiple
Pollution control and abatement, 80 responses, 480 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Sec. 301(h) of the Clean Water Act allows EPA to issue a variance to POTW discharges into marine waters. This variance can only be issued with the currence of the State which the discharge originates. Sec. 124–54 complies with this statutory mandate.

• Best Management Practices Plans (BMP)
Nonrecurring
Businesses or other institutions
Chemicals and related indust. (pharm., metal finishers, etc.)
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 5,000 responses, 20,000 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

(1) Certification statement—a brief standard by an applicant for an NPDES acknowledging the need to prepare and implement a BMP plan. (2) BMP plan summary—a summary of the NPDES permittee's BMP plan used by the permitting authority to evaluate the quality of the BMP plan and identify the need for followup (i.e. site visit.)

• State Recordkeeping of Public Hearings
On occasion
State or local governments
33 NPDES States
SIC: multiple
Pollution control and abatement, 2,475 responses, 19,800 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The director of an NPDES State program must hold a public hearing on the basis of requests from the public, on draft permits of interest. A tape recording or written transcript of the hearing must be made available to the public.

• Written Variance Request
Nonrecurring
Businesses or other institutions
Major statement sources
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 5 responses, 200 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The owner or operator of a proposed course of modification may demonstrate to the Federal land manager that the emissions from his source would have no adverse impact on the air quality related values values of any lands.

• Permit/Modification/Reissuance
Nonrecurring
State or local governments
All NPDES permit appl.—industrial and municipal dischargers
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 1,500 responses, 9,000 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This is an optional reporting requirement of the permittee, which allows him to take the initiative in changing the permit to his benefit.

• Discharge Allowance for Permit Issuance
Nonrecurring
State or local governments/businesses or other institutions
All NPDES new source or new discharge permit appli., etc.
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 800 responses, 4,800 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This information is needed because discharge into certain water segments not meeting State and water quality standards are prohibited unless a new source or new discharger can show that sufficient pollutant load allocations remain to allow discharge into the segment (40 CFR 122.52(i).)

• Results of Testing Report
On occasion
State or local governments
PDES
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 1,000 responses, 10,000 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This information may be required from certain applicants to assess the toxicity problems at a facility and to determine permit conditions.

• Variance Request (Non-conventional Pollutants)
On occasion
State or local governments/businesses or other institutions
Direct indust. discharges with nonconventional pollutants
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 200 responses, 12,000 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Applicants may present data showing that a level of treatment less than BAT for nonconventional pollutants in their NPDES permits will not have an adverse environmental or human health effect on the receiving water.

• Variance Request (Dischargers With Thermal Components)
On occasion
Businesses or other institutions
Power plants or any point source of a discharge, etc.
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 25 responses, 5,000 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

An industrial discharger seeking a variance for the thermal component of its discharge must submit a request demonstrating why such variance is justified. EPA will evaluate the request.
Statutory requirement: CWA sec. 316(a).
Regulatory requirement: 40 CFR sec. 122.53(a)(6).

• Report of Planned Changes
Nonrecurring
Businesses or other institutions
Industrial and municipal dischargers
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 7,000 responses, 14,000 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Information enables permitting authority to determine if changes will cause a need to modify permit. This will allow the permittee to avoid noncompliance penalties.

• Anticipated (and Other) Non-Compliance Reports
On occasion
Businesses or other institutions
Industrial dischargers
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 9,500 responses, 33,250 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Information needed so that EPA can receive timely information concerning changes in production or other activities that might cause non-compliance and take appropriate action to avoid non-compliance. Reporting other non-compliance allows the agency to determine if enforcement action or permit modifications are needed.

• Permit Transfer Report
Nonrecurring
State or local governments

NPDES permit applicants—industrial and municipal dischargers
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 4,800 responses, 28,800 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

EPA needs to be notified of proposed transfers of discharging facilities so that the permit can be modified before transferred if necessary to reflect the new situation.

• Reporting Permit Violations
On occasion
State or local governments/businesses or other institutions
All NPDES permit appl.—industrial and municipal dischargers
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 5,000 responses, 30,000 hours; $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Permittee must report violations of maximum daily discharge limitations for toxic pollutants and hazardous substances, as well as any noncompliance which may endanger health or the environment, within 24 hours of discovery in order to keep EPA informed about possible danger to the public.

• Report of Inaccurate Previous Information
On occasion
State or local governments
All NPDES permit appl.—industrial and municipal discharges
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 3,500 responses, 7,000 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This information is necessary to ensure that EPA has the most accurate knowledge on hand to self permit conditions and to institute only the appropriate enforcement actions.

• Cessation of Regulated Activities
Nonrecurring
Businesses or other institutions
All NPDES permit appl.—industrial and municipal discharges
Sic: Multiple
Small businesses or organizations
Pollution control and abatement, 2,100 responses, 1,050 hours, $100 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This information is needed to prevent abuses of compliance schedules leading to termination of a regulated activity. Without evidence of a public commitment, the permittee could change its mind about termination and continue discharging indefinitely.

Emission Monitoring and Semiannual Reporting
Semiannually
Businesses or other institutions
Ethylene dichloride, vinyl chloride and polyvinyl chl. plants
Sic: 282
Pollution control and abatement, 116 responses, 27,402 hours, $967 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Sources shall perform continuous monitoring and prepare semiannual reports to ensure the continuing compliance of vinyl chloride sources. Records shall be maintained to support the data and reports.

• Beryllium Sources Emission Test Reporting and Request for Alternative Procedures
Nonrecurring
Businesses or other institutions
Beryllium machine shops, extrac., pound. and ceramic plants
Sic: 333, 325, 286
Pollution control and abatement, 4 responses, 16 hours, $66.70 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Owner of operator is required to perform an emission test, report the results, and retain records of the test to demonstrate to the Administrator that source is initially in compliance. Administrator may approve source request for meeting ambient concentration after monitoring records justify the request.

• Written Report of Performance Tests and Monitoring Systems Performance Under NSPS
On occasion
Businesses or other institutions
New, modified or reconstructed sources covered by NSPS
Sic: 333, 491, 142, 327, 331, 121, 287, 495, 324, 281
Small businesses or organizations
Pollution control and abatement, 570 responses, 2,850 hours, $10,000 Federal cost, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

Each source must furnish a written report of the result of each performance test, and continuous monitoring system performance evaluation if applicable. Records shall be provided to determine the conditions of the performance test. These reports are used to determine if a source has initially met the standard, and to provide the means of insuring continuous compliance.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Thomas P. Goggin—202–634–6983

New

• Practical Utility Survey on Recordkeeping Requirements for UGESP
Nonrecurring
State or local governments
Emps., unions, attrnys., repres., plaintiffs, res. and psychs.
Federal law enforcement activities, 250 responses, 125 hours, $7,800 Federal cost, 6 forms, not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

This survey is being conduced in response to an OMB request for a study evaluating the practical utility of the recordkeeping requirements of the uniform guidelines on employee selection procedures (UGESP). This survey is designed to obtain information on the recordkeeping practices of employers and the impact UGESP has had on those practices.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

New

• Building Service Contractor Work Report
GSA 3430
On occasion
Individuals or households/businesses or other institutions
Bus. firms or indiv. providing services under GSA contracts
Small businesses or organizations
General property and records management, 28,080 responses, 14,040 hours, $501,973 Federal cost, 1 form, not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The GSA Form 3430, Building Service Contractor Work Report, is required to improve GSA's procedures for administering building service contracts such as janitorial, guard, and related services. It is used to record and certify productive hours worked.

• Deposit Bond Individual Invitation—Sale of Government Personal Property
50, 25
On occasion
Individuals or households/businesses or other institutions
Certain bidders on sale of surplus personal property

Sic: Multiple
Small businesses or organizations
Multiple functions, 50 responses, 25 hours, 50 forms, not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The standard form 150 provides data regarding the cash sale of Government personal property whenever the sales invitation permits an individual invitation type of deposit bond in lieu of each or other form of bid deposit, and the sale terms provide for payment in full prior to release of the property.

• Deposit Bond Annual Sale of Government Personal Property
SF–151
Annually
Individuals or households/businesses or other institutions
Certain bidders on sale of surplus personal property
SIC: multiple
Small businesses or organizations
Multiple functions, 400 responses, 100 hours, 1 form, not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The standard form 151 is provided for use in connection with the cash sale of Government personal property whenever the sales invitation permits an "annual" type of deposit bond in lieu of cash of other form of bid deposit.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—

Extensions (Burden Change)

• Application for Authority Under 49 U.S.C. 11343, 11344 Acquire Control of a Motor Carrier or Motor Carriers Through Ownership of Stock or otherwise
OP–F–45
On occasion
Businesses or other institutions
Privately owned motor common carriers
SIC: multiple
Ground transportation, 1,000 responses, 120,000 hours, 1 form, not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Motor carriers proposing the transaction described in answer 5 submit information about their business structure, finan. status, affiliates, transportation operation under the proposal, and terms of the transaction to the ICC. The information provides the minimum factual basis to determine whether the transaction may be authorized. The information serves no other regulatory purpose.

• Appl. for Appvl Under 49 U.S.C. 11349, of the Temp. Oper. of Mot. Carrier Properties Sought To Be Acq. Under Sep. Fil. Appl. Und. 49 U.S.C. 11343, 113, or Transf. of M.C. Cert.
OP–F–46
On occasion
Businesses or other institutions
Privately owned motor common carriers
SIC: multiple
Ground transportation, 1,000 responses, 120,000 hours, 1 form, not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Motor carriers proposing the transaction described in answer 5 submit information about their business structure, terms of the transaction and justification for requested authorization to the ICC. The information provides the minimum factual basis for deciding whether the transaction may be authorized. The information serves no other regulatory purpose. Operations.

Extensions (No change)

• Application for Authority To Consolidate Merge Purchase or Lease Operating Rights of a Motor Carrier
OP–F–44
On occasion
Businesses or other institutions
Privately owned motor common carriers
Ground transportation, 1,000 responses, 120,000 hours, 1 form, not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Motor carriers proposing transactions described in answer 5 submit information about their business structure affiliates financial status, transportation operations under the proposal and about the terms of the transaction. The information provides the minimum factual basis to decide whether the ICC may authorize the transaction. The information serves no other regulatory purpose.

VETERANS ADMINISTRATION

Agency clearance Officer—R. C. Whitt—202–389–2146

Reinstatements

• Pension Verification-Interview Worksheet
20–8849, 8849A, 8849B, 8849C, and 21–8848
Annually
Individuals or households
VA pensioners
Income security for veterans, 4,028 responses, 18,126 hours, $500,000 Federal cost, 5 forms, not applicable under 3504(h)
Robert Neal, 202–395–6880

To continuously verify benefit entitlement and payment under the veterans administration pension program. The program will monitor both the self-reporting system of the pensioners and the VA's income questionnaire processing. The findings will be used to identify and correct defects in the system.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–13115 Filed 4–29–81; 8:45 am]
BILLING CODE 3110–01–M

PANAMA CANAL COMMISSION

Privacy act of 1974; Systems of Records; Annual Publication, Deletions, Revisions

Correction

In FR Doc. 80–39307 published at page 85256 in the issue for Wednesday, December 24, 1980, make the following changes:

1. On page 85257, the first column, the entry reading "PCC–CZG/10–2, News Media Representatives . . ." should read "PCC–CZG/I0–2, News Media Representatives . . .".

2. On the same page, the middle column, the entry reading "PCC–CZG/CAPR–4" should read "PCC–CZG/CAPS–4".

3. On page 85279, the middle column, just before the center heading reading "PCC/GSLM–1", insert the following system of records that was inadvertently omitted:

PCC/GSIS–1

SYSTEM NAME:

Personnel Security Files, PCC/GSIS–1

SYSTEM LOCATION:

Industrial Security Office, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Panama Canal Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal history statements, security clearance, results of background investigations, and documents containing information obtained under a pledge of confidentiality.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450; E.O. 10865; Part 60.14, Sub-Chapter B of Chapter 1, Title 35 CFR; PCPM Chapters 732 and 736; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms, 8 by 10½ inches, microfilm.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Maintained in lockable file cabinets. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Destroy 20 years after date of last action.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Industrial Security, Panama Canal Commission, APO Miami 34011.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system is exempt from certain subsections of 5 U.S.C. 552a and from the procedures for access and contest set forth in the agency's regulations. See 35 CFR 10.21.

4. On page 85281, the first column, the last paragraph, the last sentence which reads "See 33 CFR 10.21 and 10.22." should read "See 35 CFR 10.21 and 10.22.".

5. On page 85297, the first column, just before the center heading reading "PCC/PR–5", insert the following system of records that was inadvertently omitted:

PCC/PR–3

SYSTEM NAME:

Personal Data Records, PCC/PR–3

SYSTEM LOCATION:

Personnel Operations Division, Bldg. 366, Ancon, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, dependents of employees, and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal data maintained for reference and statistical purposes, such as employment history of U.S. citizen employees of Canal agencies and Panama Area Personnel Board; identification of U.S. citizens who would be evacuated from residence in the event of civil disturbance or natural disaster; identification of employees who are earning a special or retained rate of pay which must be adjusted manually; documentation of employees' leave-without-pay to determine periods for within-grade step advancement, conversion to career status, or completion of probationary period; documentation of eligibility for medical services at U.S. Armed Forces hospitals; identification of reemployed Civil Service annuitants; identification of employees who are retired members of the U.S. Armed Forces; authorizations for disposition of pay; and indexes of employees for counseling on retirement, and disciplinary actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3611 (Supp. III 1979); Articles III and X of the Panama Canal Treaty of 1977; 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to court officials for the purpose of compiling jury duty rosters. See also General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records in file folders; cards; lists; and individual forms.

RETRIEVABILITY:

Filed alphabetically by name of employee or former employee or filed by identification number.

SAFEGUARDS:

Stored in metal file cabinets in building locked when not in use. Access and use are restricted to authorized personnel.

RETENTION AND DISPOSAL:

Employment history cards are retained permanently. Legal dependent and leave-without-pay records are transferred to official personnel folder upon employee's separation from service. Other records are destroyed when they are no longer pertinent to the employee's current status.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011.

NOTIFICATION PROCEDURE:

Information may be obtained from Systems Manager or the Agency Records Officer, Administration Building, Balboa Heights. R.P. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of the addresses designated in Notification Procedures, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Subject employees and officials of the Canal agencies.

6. On page 85309, the third column, the entry under the heading "Authority for Maintenance of the system:" should read as follows: "2 C.Z.C. 65, 66, 76A Stat. 11; 22 U.S.C. 3611 (Supp. III 1979); Article III of the Panama Canal Treaty of 1977."

7. On page 85311, the middle column, under the heading "Retention and Disposal:", the fifth line from the bottom, the phrase which reads "mental health patient records destroyed 6 years after last entry;" should read "mental health patient charts destroyed 25 years after patient's discharge; animal patient records destroyed 6 years after last entry;".

BILLING CODE 1505-01-M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer Who Contributes to a Multiemployer Plan

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of Pendency of Request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from Woolco Fashionwear Corp. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. Section 4204(a)(1) provides that the sale of assets an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if three conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. Prior to granting an exemption, the PBGC is

required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATE: Comments must be submitted on or before June 15, 1981.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning, Suite 7300, 2020 K Street, N.W., Washington, D.C. 20006. The request for an exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Terrence M. Deneen, Office of the Executive Director, Policy and Planning, Suite 7300, 2020 K Street, N.W., Washington, D.C. 20006; (202) 254–4860.

SUPPLEMENTARY INFORMATION:

The Statute

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96–364, 94 Stat. 1208 (the "multiemployer Act") became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. 1001 *et seq.* As a result of the Multiemployer Act, an employer that withdraws, or partially withdraws, from a multiemployer pension plan covered under Title IV or ERISA may be liable to the plan for a portion of the plan's unfunded vested benefits. The withdrawal liability rules generally apply to withdrawals occurring after April 28, 1980.

Section 4204 of ERISA, 29 U.S.C. 1384, provides that the sale of assets of contributing employer will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) the purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) the purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) the contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the contract-provision requirement of section 4204(a)(1)(C) if the variance would "more effectively or equitably carry out purposes of [Title IV]." The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

Section 4204(c) requires the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

By letter dated March 5, 1981, the PBGC received a request from Woolco Fashionwear Corp. ("Woolco") for an exemption from the requirements of section 4204(a)(1)(B) of ERISA. In the request, Woolco represents among other things, that:

1. Apparel Buying Associates ("ABA") was a participating employer in the I.L.G.W.U. National Retirement Fund (the "Plan").

2. ABA's average annual contribution to the Plan for the years 1976–1980 was $121,997.00.

3. On December 31, 1980, ABA sold certain of its assets to Woolco, a wholly-owned subsidiary of F.W. Woolworth Co., ("Woolworth"), pursuant to an agreement dated October 10, 1980, and an amendment thereto executed December 31, 1980.

4. According to its audited statements for the fiscal year ending on January 31, 1980, Woolworth has a net worth of $1.3 billion.

5. The sales agreement provides that Woolco will have an obligation to contribute to the plan for substantially the same number of contribution base units for which ABA had an obligation to contribute.

6. The sales agreement provides that ABA shall be secondarily liable if Woolco withdraws from the Plan, either completely or partially, before the end of the fifth plan year beginning after December 31, 1980.

7. The sales agreement further provides that unless the PBGC grants a waiver or variance Woolco will post the bond or escrow required under section 4204(a)(1)(B) of ERISA.

Woolco has requested the PBGC to waive the bond/escrow requirement of section 4204(a)(1)(B). In support of its request, Woolco states that the sale has improved the Plan's condition because a financially sound company, Woolco, has become primarily liable for future contributions to the Plan, while ABA remains secondarily liable.

Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, on or before June 15, 1981. All comments will be made a part of the record. Comments received will be available for public inspection with the application for exemption at the address set forth above.

The application for exemption referred to herein is available for public inspection at Room 7100, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

Issued at Washington, D.C. on this 24 day of April, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-12863 Filed 4-29-81; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22023; 70-6590]

Central Power & Light Co.; Proposal To Lease Rail Coal Cars

April 24, 1981.

In the matter of Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403 (70-6590). Central Power and Light Company ("Company"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 9(a) 10 and 13 of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 86 and 95 thereunder.

Due to increased use of coal at Unit 1 of its Coleto Creek generating station in

Goliad County, Texas coupled with the destruction of and/or need to repair 21 of the rail cars the Company owns, it has become necessary to lease additional coal cars. The Company proposes to enter into a one year lease for 105 rail cars which would commence in May, 1981 with the option to extend that lease for an additional year. The Company has solicited bids for the leasing of the 105 additional cars. The Company has received five bids, and expects to receive 3 to 5 more bids. An affiliate of the Company is contemplating the submission of a bid. If the affiliate's bid either is or matches the lowest bid submitted to the Company, and Company will accept such affiliate's bid. If such affiliate's bid is accepted, the lease rate to be paid by the Company shall not exceed the affiliate's cost of providing such cars.

Because of the emergency need for additional coal cars, subject to Commission approval, the Company has leased 40 coal cars from PLM Railcar Services, Inc. pursuant to a six month lease commencing February 1981 with an option to extend the lease for an additional six months. These cars are leased at a rate of $280 per car per month plus $.02 per mile.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 18, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 81-13084 Filed 4-29-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22024; 70-6428]

System Fuels, Inc.; Amendment of Financing Arrangements Related to Purchase of Fuel by Nonutility Subsidiary for Use by Operating Companies

April 24, 1981.

In the matter of System Fuels, Inc., Noro Plaza, 666 Poydras, New Orleans, Louisiana 70130; Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Mississippi Power & Light Company, Electric Building, Jackson, Mississippi 39205, and New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70112 (70-6428).

Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. (collectively, the "Operating Companies"), all public utility subsidiary companies of Middle South Utilities, Inc. ("Middle South"), a registered holding company, together with System Fuels, Inc. ("SFI"), a jointly owned nonutility subsidiary company of the Operating Companies, have filed with this Commission a post-effective amendment to the declaration previously filed in this proceeding pursuant to Sections 6(a), 7, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(5) thereunder.

By order dated May 22, 1980 (HCAR No. 21584) SFI, with its Operating Companies, was authorized to enter into a loan agreement with Clipper Oil Corporation ("Clipper"), a nonaffiliated company, dated as of May 28, 1980 for the purpose of financing fuel inventory. Under the loan agreement Clipper makes loans to SFI in amounts not to exceed $100,000,000 at any time outstanding out of the proceeds of commercial paper notes issued and sold by Clipper or the proceeds of revolving credit borrowings obtained by Clipper under a credit agreement dated as of May 28, 1981 between Clipper and Bank of America.

A post-effective amendment has now been filed seeking authorization to enter into an amended loan agreement under which the terms of the loan agreement would be extended from May 28, 1981 to July 31, 1982 and certain related conforming changes would be made including changes in the timing and mechanics of subsequent renewals. Subsequent renewals will be for twelve-month periods. Corresponding changes would also be made in the credit agreement which would also be extended to July 31, 1982.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 18, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 81-13087 Filed 4-29-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17753; File No. SR-NSCC-81-5]

Self-Regulatory Organizations; Proposed Rule Change By National Securities Clearing Corporation Relating to Fee Change for Data Entry

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 7, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Text of Proposed Rule Change Amend Section VI.A. of NSCC's Consolidated Rate Structure as follows:

VI. Data Processing Service Fees

A. Paper Input:

[$.10] *$.15* for each item submitted in paper form (includes [trade input,] buy-ins, [CNS exemptions,] priority requests, interface exemptions,

interface inclusions, commission bills, advisories and dividend settlement input).

$.30 per item for each item submitted in paper form where alternate machine readable input systems exist (includes trade input and CNS exemptions).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is designed to increase processing efficiency by encouraging the use of automated input and eliminating the potential for possible data entry delays in periods of high volume. The increased fees represent a reallocation of costs, rather than an overall price increase, since the fees are subject to NSCC's monthly discount. Additionally, the record volume and the resulting higher rate which NSCC discounts participant billings has resulted in a significant imbalance between net data entry revenues and costs. The proposed rule change is intended to both operate the data entry function at break-even and to discourage participant use of manual input where alternate automated input systems exist. NSCC does not know of any significant problems that persons affected are likely to have in complying with the proposed rule change. The proposed rule change is consistent with the requirements of Section 17A of the Securities Exchange Act of 1934 because it encourages processing efficiencies which will facilitate the prompt and accurate clearance and settlement of trades and the safekeeping of assets. The proposed increases in fees represent a break-even level for the cost of data entry and will be equitably allocated among all participants using the service.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change is concerned solely with a change in NSCC's fee schedule for data entry in order to encourage use of automated input systems and to operate the data entry function at cost. Therefore, NSCC cannot perceive that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments on the proposed rule change will be solicited pursuant to a notification to Members.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions, should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 21, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 24, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-13005 Filed 4-29-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17750; File No. SR-NYSE-81-11]

Self-Regulatory Organizations; Proposed Rule Change By New York Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 20, 1981, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change, eliminating paragraph .40, the "sunset" provision, makes permanent Rule 103A which provides the authority for non-disciplinary corrective action by the Exchange's Market Performance Committee in cases where a specialist's market-maker performance is not in violation of any rule but is inadequate in terms of the Exchange's performance standards. It allows the Market Performance Committee to withdraw Exchange approval of a member's registration as specialist in one or more stock(s), if the specialist organization has consistently received below average evaluations by Floor brokers on the quarterly Specialist Performance Evaluation Questionnaire (SPEQ).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the

most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change makes permanent Exchange Rule 103A. The statutory basis for Rule 103A is Section 6(b)(5) of the 1934 Securities Exchange Act which requires exchange rules to be designed to promote just and equitable principles of trade. The Rule provides the Exchange with the authority to reallocate a stock away from a specialist with consistently high performance scores to a specialist with consistently low performance scores in the quarterly brokers' Specialist Performance Evaluation Questionnaire. The Exchange has found Rule 103A effective in motivating those specialists whose questionnaire scores show a tendency toward slackening performance to upgrade their performance.

B. Self-Regulatory Organization's Statement on Burden on Competition

The process of broker evaluation of specialist performance coupled with the Exchange's authority provided by Rule 103A to reallocate stocks, assures that specialists compete with each other not only for the allocation of newly listing stocks but also for the reallocation of stocks in which they are already registered. For these reasons the proposed rule change will not impose any burden on competition; rather, it will enhance competition among specialists on the Floor of the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

By June 4, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communication relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 522, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 21, 1981. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

April 23, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-13068 Filed 4-29-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17757; File No. SR-Amex-81-6, SR-CBOE-81-8, SR-Phlx-81-7]

American Stock Exchange, Inc. et al.; Self Regulatory Organizations; Proposed Rule Change

Proposed rule change by American Stock Exchange, Inc., Chicago Board Options Exchange, Inc., Philadelphia Stock Exchange, Inc., relating to allocation plan, comments requested on or before May 21, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that the American Stock Exchange, Inc. ("Amex"); Chicago Board Options Exchange, Incorporated ("CBOE"); and the Philadelphia Stock Exchange, Inc. ("Phlx") ("self-regulatory organizations")[1] filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II and III below, which Items have been prepared by the self-regulatory organizations. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organizations' Statement of the Terms of Substance of the Proposed Rule Changes

Amex, CBOE and Phlx propose to amend the agreement previously entered into by the options exchanges and approved by the Securities and Exchange Commission on May 30, 1980 (see SEC Release No. 34-16863) concerning selection and replacement of underlying securities for options trading.[2] This agreement is also referred to as the "Allocation Plan." Amex, CBOE, PSE and Phlx have entered into an agreement to adopt the following amendments respecting the replacement of involuntarily delisted options.

The text of the proposed amendments to the Allocation Plan (previously noted in SR-Amex-80-16, SR-CBOE-80-14, SR-PSE-80-9, SR-Phlx-80-14) is set forth below. Italics indicate new material; brackets [] indicate material to be deleted.

A. No change.
B. No change.
C. No change.
D. No change.
E. No change.
F. No change.

G. Until this plan has been approved by the Commission and the initial allocation has been carried out, any options exchange which delists an option because the underlying stock no longer qualifies for options trading shall be eligible to select another underlying stock in accordance with the plan submitted to and approved by the Commission in its Release 14878, of June 22, 1978, and was done by the AMEX and PSE in April of 1980. After the initial allocation described above, such procedure for selecting substitute underlying stocks will be [terminated.] *as follows:*

1. Involuntarily delisted options, delisted either because of failure to meet the maintenance standards and/or because of changes in the corporate structure of the issuer of the underlying security, may be replaced by an exchange outside of the normal allocation procedure if the exchange observes the following procedure. The exchange must select a replacement option within ten business days of the replacement priority date, must promptly notify the other parties to this

[1] Amex's proposed rule change was submitted on April 16, 1981; CBOE's on April 20, 1981; and Phlx's on April 24, 1981.

[2] A proposed rule change substantially identical in content is anticipated from the Pacific Stock Exchange, Incorporated ("PSE").

agreement of the selection and must admit the selection to trading within 90 calender days from the date of selection. Failure of an exchange to observe this procedure shall result in that exchange's forfeiting its right to replacement outside the normal allocation procedure unless all parties to this amendment waive the forfeiture.

2. Unless all parties to this amendment agree otherwise, the replacement priority date for involuntarily delisted options shall be the last day of trading of the involuntarily delisted options; provided however that, when the involuntary delisting occurs as the result of a change in the corporate structure of the issuer of the underlying security, the replacement priority date shall be the effective date of the corporate action which causes the involuntary delisting. Excepting the determination based on volume that is described below in connection with options currently listed on more than one exchange, should a replacement priority date be the same for two or more exchanges, the exchanges shall use a random method to determine the order in which they select replacement options.

3. An exchange on which options are currently listed shall have the first right to select for options listing one of the following: a surviving entity or a new entity, including any spin-off, resulting from an involuntary delisting. Any selection must qualify for options listing. In the case of options currently listed on more than one exchange, the exchange having the greater public contract volume in the past calendar year with respect to those options (as per OCC statistics) shall have the first right described above. The exchange having the lesser public contrast volume shall have the second such right.

4. This amendment is effective as of June 30, 1980 for the purpose of determining the replacement priority date for any exchange which involuntarily delisted an option class in the time period between June 30, 1980 and the date the Commission approves this amendment. Notwithstanding the time limits set forth in paragraph number one above, any exchange which involuntarily delisted an option within this time period for any reason shall be entitled to select, in the order of the replacement priority dates determined in accordance with this amendment, a replacement option for each delisted option provided the selection (a) is made within 20 business days following Commission approval of this amendment and (b) is admitted to trading within 90 calendar days from the date of selection. Under this exception, an exchange having an earlier replacement priority date shall not be able to select as a replacement an option on which another exchange has a first right of selection, unless that other exchange has expressed in writing its intent not to exercise that right.

H. No change.

I. No change.

II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In their filings with the Commission, each self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organizations' Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Changes

The purpose of the Allocation Plan amendments is to provide a replacement plan, outside the normal allocation procedure, to replace involuntarily delisted options. At the present time, there is no plan in effect which covers the replacement of involuntarily delisted options. The amendments set forth in these filing are intended to fill the void in the current Allocation Plan.

This agreement sets forth replacement priority dates for involuntarily delisted options, the first right to select for options whose underlying security leaves a surviving entity or new entity and parameters for replacing involuntarily delisted options.

All the proposed changes are in furtherance of the Commission's request that the option exchanges create a plan that is agreed to by all option exchanges which provides for the equitable allocation of new options among the existing options exchanges. In addition, the changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to national securities exchanges in that they facilitate and standardize the method and procedure for replacing involuntarily delisted options in a fair and equitable manner. Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade.

(B) Self-Regulatory Organizations' Statement on Burden on Competition

Amex and CBOE have stated that the proposed rule changes will not have any impact on competition. Phlx has stated that for the reasons stated above and in Commission Release No. 16701, the Phlx does not believe that this proposal will impose any burden on competition that is not otherwise necessary and appropriate.

Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Changes Received From Members, Participants or Others

Amex's proposed rule change was considered and approved by the Exchange's Options Committee which is composed of Amex members and representatives of Amex member organizations. The CBOE's proposed rule change was considered and approved by the Exchange's Securities and New Products Committee which is composed of CBOE members and representatives of CBOE member organizations. No written comments were solicited or received by the Phlx.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

On or before June 4, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5

U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers in the caption above and should be submitted on or before May 21, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

April 27, 1981.

[FR Doc. 81-13099 Filed 4-29-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17754; File No. SR-PSE-81-07]

Pacific Stock Exchange Inc.; Self-Regulatory Organizations; Proposed Rule Change

Proposed Rule Change by Pacific Stock Exchange Incorporated Relating to rights distribution to members. Comments requested on or before May 21, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 14, 1981 the Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been proposed by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change.

The proposed rule change is a distribution of rights to current members of Pacific Stock Exchange Incorporated. Each right entitles the holder to purchase one-tenth of a membership, with ten rights and payment of $10,000 being required to make the purchase. The rights are transferable.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The purpose of the proposed rule change is to correct an imbalance in the supply of and demand for memberships in Pacific Stock Exchange Incorporated. This imbalance is due in part to the expansion of the options floor, the lifting of a moratorium on new specialist posts on the Los Angeles floor and the desire of certain non-members to use the Exchange's SCOREX system. The use of the rights distribution to correct the imbalance is based upon the desire to have current members share in the benefits resulting from the additional memberships.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 in that it will promote just and equitable principles of trade and remove impediments to a free and open market in securities by correcting an imbalance in the supply of and demand for memberships in the Exchange. The proposed rule change will also help avoid unfair discrimination between brokers or dealers and to foster competition in furtherance of the purposes of the Act.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed rule change will not impose any burden on competition, but will, in fact, have a favorable impact on competition by correcting an imbalance of supply of and demand for memberships, and increasing the number of members participating in the auction market of the Exchange.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.* Written comments were neither solicited nor received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934,

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 21, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 24, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-13091 Filed 4-29-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17756; File No. SR-SCCP 81-2]

Stock Clearing Corporation of Philadelphia; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by Stock Clearing Corporation of Philadelphia, relating to pledgee bank account charge, comments requested on or before May 21, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 21, 1981, Stock Clearing Corporation of Philadelphia filed with the Securities Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Stock Clearing Corporation of Philadelphia (SCCP), as billing agent for Philadelphia Depository Trust Company (PHILADEP), proposes to amend Rule 23 (SCCP and PHILADEP Rate Schedule), to include an account charge of $100 per month for Pledgee Banks. The text of the rule change is as follows.

Rule 23. For the services rendered to [clearing members] *participants and pledgees* as herein provided, such [clearing member] *participant or pledgee* shall pay compensation to Stock Clearing Corporation and PHILADEP as follows:

1. Account Charges:

a. Brokers and Dealers:	
Per Clearing account, per month	$125.00
Per additional suffix, per month	5.00
Minimum transaction charge, per month	25.00
Per PHILADEP account, per month	None.
b. PHILADEP Bank Participants:	
Per PHILADEP account, per month	100.00
Minimum transaction charge, per month	150.00
c. *PHILADEP Pledgee Banks:*	
Per Pledgee Bank, per month	100.00

(Sections 2 through 7 of Rule 23 remain unchanged)

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

The proposed rule change is designed to allocate to pledgee banks some of the costs of PHILADEP's pledgee bank program; e.g., the production and transmission of reports, and the administration of pledges and releases of collateral. By using PHILADEP's pledgee bank program, the banks eliminate the costs and risks attendant upon the handling and physical custody of securities.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 (the Act), in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its participants in accordance with Section 17A(b)(3)(D) thereunder.

B. Self-Regulatory Organization's Statement on Burden on Competition

SCCP and PHILADEP do not foresee any impact on competition, negative or positive, arising from an account charge to Pledgee Banks. Every other depository currently offering this service charges some kind of pledgee bank fee: PHILADEP, up to this point, was the only depository without such a charge.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before June 4, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 21, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 27, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-13092 Filed 4-29-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular (AC) for Performance Standards, Retread, Repair and Alterations of Aircraft Tires

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of extension of comment period.

SUMMARY: This notice extends the period for submission of public comments related to the AC No. 145-XX [AC No. 145-XX, Federal Register Vol. 46, No. 53, Pgs. 17730-17735, Thursday, March 19, 1981]. This action is in response to public requests indicating that persons who may be affected by the AC need additional time to gather data for the preparation of their responses.

DATE: Comment period is extended to July 1, 1981. Comments must identify AC 145-XX and be received on or before July 1, 1981.

ADDRESS: Send all comments on the draft advisory circular to: Federal Aviation Administration, Attention: General Aviation and Commercial Branch (AWS-340), 800 Independence Ave. SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Angelo R. Mastrullo, General Aviation and Commercial Branch, Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Ave. SW., Washington, D.C. 20591, Telephone (202) 426-8204.

Comments received on the draft AC may be inspected in Room 313, FAA Headquarters Building (FOB-10A), 800 Independence Ave. SW., Washington, D.C. 20591, between the hours of 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION: The draft Advisory Circular published in the **Federal Register** on March 19, 1981, is intended to provide guidance for the development, qualification, and approval of aircraft tire repair and retread process specifications and the use of special nondestructive inspection techniques. It also provides information related to certain rule changes having particular emphasis on aircraft tires used on transport aircraft in order that tire reliability will be enhanced, and the incident of tire failure decreased.

Request for additional time to comment was made by Air Treads, Rubber Manufacturers Association, Thompson Aircraft Tire Corporation and Wilkinson Co., Inc., Aircraft Tire Division.

The FAA has reviewed these requests and had determined the extending of the comment period will afford the public an opportunity to collect data to prepare more appropriate and meaningful responses.

Issued in Washington, D.C., on April 23, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-12748 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-11]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary isintended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: May 20, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No.———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e) and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on April 21, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
21558	Todd's Service	14 CFR § 135.243(b)(3)	To permit Mr. Terry R. Wills to operate as pilot in command in petitioner's Part 135 operations without having an instrument rating. This operation would be limited to day visual flight rule conditions.
21443	Murray Air, Limited	14 CFR § 91.90(b)(2)(i)	To permit the petitioner to operate within the Honolulu, Hawaii Terminal Control Area (TCA) without having the aircraft equipped with an operable VOR or TACAN receiver.
21594	Francis G. Gomes	14 CFR § 91.90(b)(2)(i)	To permit the petitioner to operate within the Honolulu, Hawaii Terminal Control Area (TCA) without having the aircraft equipped with an operable VOR or TACAN receiver.
21675	Joseph S. Ohelo Jr	14 CFR § 91.90(b)(2)(i)	To permit petitioner to operate within the Honolulu, Hawaii Terminal Control Area (TCA) without having the aircraft equipped with an operable Transponder.
21579	United Air Carriers, Inc	14 CFR § 121.291(a) and (b)	To permit petitioner to introduce its B-707-323 series aircraft into passenger-carrying service in a 153-seat configuration using four flight attendants without first conducting a full-seating capacity emergency evacuation and ditching demonstration.
21337	Falcon Jet Corp	14 CFR § 21.185(a)	To permit issuance of Special Airworthiness Certificates-Experimental to Dassult/Sud Fan Jet Falcon, all series which are not U.S. Manufactured Aircraft and used for market survey.
21588	Capitol Int'l Airways	14 CFR § 121.163(e)	To permit petitioner to carry passengers in its DC-10 airplanes during proving tests.
21508	Peninsula Airways, Inc	14 CFR § 135.243(b)(3)	To permit Mr. Tibbetts to act as pilot in command on an airplane engaged in Part 135 operations without holding an instrument rating.
21525	Venezolana Int'l de Aviacion, S.A. (VIASA)	14 CFR Parts 21, 43, and 91	To permit petitioner to operate a B-747-273C airplane, N747WR, pursuant to a lease agreement between VIASA and World Airways using the FAA approved master minimum equipment list and to maintain the airplane in accordance with World Airways' FAA-approved continuous airworthiness maintenance and inspection program.
21557	Altair Airlines, Inc	Portions of 14 CFR Parts 61 and 121	To permit certain foreign airmen to serve as simulator and flight instructors under Altair's FAA approved training program.
21405	Warroad Airways, Inc	14 CFR § 135.243(b)(3)	To allow petitioner to use pilots in command in Part 135 operations without having instrument ratings when operation in day, visual flight rule (VFR) conditions.
21387	Flight Safety Int'l (FSI)	14 CFR § 135.303	To permit FSI's employed instructor pilots, seeking FAA approval for check pilot status, to take the flight test in an FAA-approved simulator in lieu of the aircraft.
21574	Ransome Airlines (RAA)	14 CFR § 135.261(b)	To permit RAA to assign a flight crewmember and for flight crewmembers to accept flight duty time without having had at least 10 consecutive hours of rest during the 24-hour period preceding the planned completion of the flight assignment.
21450	Stephen L. Higgins	14 CFR § 61.151(a)	To permit petitioner to obtain an airline transport pilot certificate before reaching his 23rd birthday.
20258	Altair Airlines, Inc	14 CFR § 121.371(a) and § 121.379	Extension of Exemption No. 3038 which allows certain foreign air agencies to overhaul Fokker F-28 aircraft components without meeting the certificate requirements.

Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
14447	Alitalia Airlines, Inc	14 CFR § 121.371(a) and § 121.378	Extension of Exemption No. 2159C which allows certain foreign air agencies to overhaul Nord 262A components without meeting the certificate requirements.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
20699	United Air Lines	14 CFR § 121.311(f)	To permit certain of petitioner's required flight attendants to occupy passenger seats instead of flight attendant seats equipped with the specified restraint system. *Considered withdrawn 4/10/81.*
19444	Kodiak Western Alaska Airlines	14 CFR § 135.203(a)(1) and § 135.205(a)	Extension of Exemption No. 2878 for 1-year. The present exemption permits the petitioner to operate under Visual Flight Rules (VFR) conditions below 500 feet above the surface or less than 500 feet horizontally from any obstacle and permits VFR operations in controlled airspace when the ceiling is less than 1,000 feet and flight visibility is less than 2 miles. *New exemption granted 4/2/81.*
20771	U.S. Air, Inc	14 CFR § 91.307	To amend Exemption No. 3089 to add 2 aircraft. The present exemption allows operation in the United States under a service to small communities. Exemption specified two-engine airplanes, identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows. The new exemption would cover until not later than January 1, 1985—17 DC-9's; and until not later than January 1, 1986—30 DC-9's and 29 BAC 1–11S. *Granted 4/1/81.*
21196	Pocono Airlines Inc	14 CFR § 135.261(b)	To reduce the required 10-hour rest period to 8 hours for flightcrews. *Denied 4/8/81.*
15691	Air Logistics	14 CFR § 43.3(f)	To permit appropriately trained, certificated pilots to remove, check and reinstall magnetic chip detector plugs in Allison 250C series turbine engines and transmissions, and tail rotor gearboxes installed on Bell Model 206 series and Hughes Model 369 series helicopters, and magnetic chip detector plugs in 42° and 90° tail rotor gear boxes installed on Bell Model 205 series and 212 series helicopters. *Granted 4/6/81.*
20162	BarVair Accessories, Inc	14 CFR §§ 135.297(a) and 135.297(b)	To permit petitioner's pilots to serve in air taxi/charter operations without demonstrating their proficiency in conducting all required instrument approaches. *Partial grant 4/9/81.*
21050	Ice Flying Service	14 CFR § 135.297(b)	To provide relief from the requirement for pilots to demonstrate a Non-Directional Radio Beacon instrument approach as a part of the required 6-month proficiency check. *Granted 4/10/81.*
20038	Bighorn Airways, Inc	14 CFR § 135.297(b)	To allow petitioner's pilots in command to operate under Part 135 without first completing the instrument proficiency check using a Non-Directional Beacon (NDB) facility. *Granted 4/10/81.*
20068	International Air Services Co	14 CFR § 135.261(b)	To allow petitioner's pilots to operate when they may not be able to meet the 10-consecutive hours of rest required in any 24-hours period due to possible delays at the turn-around point or at intermediate stops. *Denied 4/10/81.*
21104	Trans-West Air Charter	14 CFR § 135.89(b)(3)	To allow petitioner to operate its Learjet 24 aircraft up to and including FL 410 without requiring one pilot to wear and use an oxygen mask at all times above FL 350. *Partial Grant 4/10/81.*
19332	Soaring Society of America	14 CFR § 91.43(a)(1)(2)	To allow Petitioner to operate aircraft that have an experimental certificate, for other than the purpose for which the certificate was issued. *Granted 4/10/81.*
21233	Air Oregon	14 CFR § 21.197	To allow petitioner to obtain a special flight permit with continuing authorization. The requested permit would authorize petitioner to fly all aircraft utilized in its air carrier operations that may not meet applicable airworthiness requirements but are capable of safe flight for relocation to a facility where maintenance or alterations would be performed. *Granted 4/10/81.*
16299	Kenmore Air Harbor, Inc	14 CFR § 141.57(e) and 3(b)(4) of Appendix D to Part 141.	To permit petitioner to use a seadrome without permanent runway lights for night training flights involving seaplanes; and to credit toward flight instruction, cross-country night instruction, cross-country night flights in seaplanes with a landing in a body of water less than 100 miles from point of departure under certain conditions. *Granted 4/10/81.*
21578	Air Illinois (AIL)	14 CFR § 121.538	Relief from requirement to maintain a full security program. *Granted 4/10/81.*
21565	Aspen Airways, Inc	14 CFR § 121.538	Relief from requirement to maintain a full security program. *Granted 4/13/81.*
21340	Aerospatiale Helicopter, Corp	14 CFR § 91.28(c)	To permit the operation of an aircraft of other than U.S. manufacture without a registration certificate from the country of ownership. *Granted 4/15/81.*

Corrections of Dispositions Previously Published

On April 6, 1981 the FAA published a notice of dispostion (46 FR 20651) of a petition from Frontier Airlines, Inc., incorrectly indicating the granting of an exemption to permit operation of B–737 aircraft with 115 passenger seats using two flight attendants and blocking 6 seats in certain situations. The actual grant was for a B–737 aircraft with 106 passenger seats.

On April 9, 1981, the FAA published a notice of disposition (46 FR 21305) of a petition from World Airways, Inc., incorrectly indicating the granting of an exemption to permit introduction of B–747–200C aircraft into sevice with a 520 passenger seat configuration without first conduction the required full seating capacity emergency evacuation demonstration. The petition for the 520 passenger seat exemption had been withdrawn and replaced with a petition for a 535 passenger seat exemption which was granted on 4/1/81.

[FR Doc. 81-13066 Filed 4-29-81; 8:45 am]

Federal Highway Administration

Environmental Impact Statement; Cumberland County, Maine

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed bridge-highway project in the cities of Portland and South Portland in Cumberland County, Maine.

FOR FURTHER INFORMATION CONTACT: James J. Barakos, Division Administrator, Federal Highway Administration, Room 614, Federal Building, 40 Western Avenue, Augusta, Maine 04330, Telephone: (207) 622–6171 Ext: 486.

or

Richard A. Coleman, Acting Deputy Commissioner and Chief Engineer, Maine Department of Transportation, Transportation Building, Augusta, Maine 04333, Telephone: (207) 289–2055.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration and the Maine Department of Transportation as joint lead agencies will prepare an environmental impact statement (EIS) on a proposal to replace or upgrade the existing State Route 77 low level movable span structure ("Million Dollar Bridge") over Fore River between the cities of Portland and South Portland in Cumberland County, Maine.

Improvements are considered necessary because existing conditions seriously obstruct the flow of vehicular traffic between the cities of Portland and South Portland. Studies show that major delays to traffic are caused by the slow movement of water borne traffic which is impeded by limited horizontal and vertical clearance through the existing Bascule spans.

The existing structure is 66 years old and is suffering significant deterioration particularly in the bascule lift spans. These spans have recently been reconditioned and are expected to be structurally adequate for approximately 10 years.

Alternatives presently under consideration are (1) a multi-lane Bridge and Highway approaches on new location; (2) upgrading the existing facility; (3) no action and (4) alternative modes of transportation. At this time alternative modes are not considered a probable solution to the existing unsatisfactory conditions.

Incorporated into and studied with the various build alternatives will be design variations of grade, alignment, number of lanes and alternate types of structures.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Public notice will be given of the time and place of public meetings and the public hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or MDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: April 17, 1981.

James J. Barakos,

Division Administrator, Augusta, Maine.

[FR Doc. 81–12752 Filed 4–29–81; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Arlington County, Virginia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Arlington County, Virginia.

FOR FURTHER INFORMATION CONTACT: Robert B. Welton, Environmental Coordinator, Federal Highway Administration, P.O. Box 10045, Richmond, Virginia 23240, Telephone: (804) 771–2805.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration, in cooperation with the Virginia Department of Highways and Transportation, will prepare an environmental impact statement (EIS) for proposed improvements in the Jefferson Davis Highway-Route 1 Corridor. Study limits commence in the vicinity of the proposed improved Monroe Street Bridge in the City of Alexandria and terminate in the vicinity of 12th Street in Arlington County.

Alternates considered include (1) no build; (2) Mass Transit; (3) Transportation System Management Option; and (4) upgrading of Route 1.

Letters describing the proposed project and soliciting comments have been sent to appropriate Federal, State, and local agencies. Planning for improvements to the Jefferson Davis Highway corridor has been underway since the early 1960's, involving coordination with various local, state, and federal entities. Recently, the Virginia Department of Highways and Transportation, in conjunction with Arlington County and citizen input through the Jefferson Davis Ad Hoc Committee, has analyzed traffic impacts of planned area development and evaluated potential options for solving current and future transportation problems within the corridor. In addition, a public hearing will be held. Public notice will be given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued on: April 21, 1981.

Robert B. Welton,

Environmental Coordinator, Richmond, Virginia.

[FR Doc. 81–12969 Filed 4–29–81; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement; Raleigh County, West Virginia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA, in cooperation with the West Virginia Department of Highways (WVDOH), is issuing this notice to advise the public that an environmental impact statement will be

prepared for a proposed highway project in the city of Beckley, Raleigh County, West Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. David Price, Environmental and Highway Safety Engineer, Federal Highway Administration, 550 Eagan Street, Charleston, West Virginia 25301. Telephone (304) 348–2067, (FTS: 924–1207.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the WVDOH, will prepare an environmental impact statement (EIS) on a proposal to improve 1.4 miles of WVA 16 (North Valley Drive) in Beckley, West Virgina. The proposed improvement involves the reconstruction and widening of the existing WVA 16 from Raleigh County 6 (Ewart Avenue) to U.S. Route 19 (North Eisenhower Drive). WVA 16. serves as a major north-south route through the city as well as linking the downtown area with the shopping mall and residential developments north of the city. The section of highway under study can no longer accommodate current traffic volumes safely and efficiently.

Alternatives under consideration include: (1) taking no action; (2) widening the existing two-lane highway to five lanes by equal widening on each side; and (3) widening the existing two-lane highway to five lanes by alternating widening on each side (two alternatives). The action alternatives will have varying degrees of social, economic and environmental impacts. Potential impacts include relocation of businesses and residences, stream involvement and increase in noise levels.

A public involvement meeting has been held to solicit input on the proposed alignments. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies. Copies of the draft EIS will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in the proposal. In addition, a public hearing will be held. Public notice will be given of the time and place of the hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: April 21, 1981.

David Price,

Environmental and Highway Safety Engineer, Charleston, West Virginia.

[FR Doc. 81-12750 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Quincy, Illinois and Marion County, Missouri

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed replacement or rehabilitation of the existing two lane U.S. Route 24 Mississippi River Bridge at Quincy, Illinois, commonly none as the Quincy Memorial Bridge. The proposed project also includes associated roadway improvements in Illinois and Missouri. The FHWA and the Illinois Department of Transportation will act as lead agencies. The Missouri State Highway and Transportation Department will act as a cooperating agency.

FOR FURTHER INFORMATION CONTACT:

Mr. Lionel Wood, Staff Specialist for Environment, Federal Highway Administration, 320 W. Washington Street, 7th Floor, Springfield, Illinois 62701, phone (217) 492–4600

W. E. Burns, District Engineer, Illinois Department of Transportation, 126 East Ash Street, Springfield, Illinois 62706, Phone (217) 782–7301

SUPPLEMENTARY INFORMATION: The proposed action would consist of constucting 2- or 4-lane approaches to the Mississippi River Bridge from U.S. 24 (3rd & 4th Streets) in Quincy to the U.S. 61–24 interchange just east of Taylor, Missouri, a distance of approximately 5 miles. This proposed improvement will replace or rehabilitate a functionally and structurally deficient bridge, provide additional bridge traffic lanes for capacity, improve traffic conditions in Quincy, and improve the economic growth and development potential in the Quincy area.

Alternatives under consideration for this project include:

1. Widen only the traffic lanes on the existing bridge.

Construct a new 2-lane bridge three blocks north of the existing bridge (Broadway St. in Quincy) for one-way westbound traffic, and increase the lane widths of the existing 2-lane bridge for one-way eastbound traffic. Existing U.S. 24 would be improved to 4 lanes to the U.S. 61 and 24 interchange just east of Taylor, Missouri.

3. Construct a new 4-lane bridge from three blocks north of the existing bridge (Broadway St. in Quincy), to U.S. 24 just east of West Quincy, Missouri, and improve existing U.S. 24 to 4 lanes to the U.S. 61 & 24 interchange just east of Taylor, Missouri. The existing bridge would be removed with this alternative.

4. Construct a new 4-lane bridge and roadway from three blocks north of the existing bridge (Broadway St. in Quincy), to north of West Quincy, Missouri, and parallel to the Burlington Northern Railroad tracks to the U.S. 61 & 24 interchange just east of Taylor, Missouri. The existing bridge would be removed with this alternative.

5. Construct a 2- or 4-lane bridge from fifteen blocks north of the existing bridge (Locust St. in Quincy) parallel to and south of the Burlington Northern Railroad tracks to the U.S. 61 & 24 interchange just east of Taylor, Missouri; or connect into U.S. 24 just west of West Quincy and continue construction of 4 lanes to the U.S. 61 and 24 interchange just east of Taylor, Missouri. The existing bridge would remain in place with this alternative.

6. No build.

Possible environmental effects associated with this project include conversion of up to 30 acres of prime farmland and 18 acres of wetlands. Properties protected by Section 4(f) of the DOT Act may be affected and floodplain encroachments may occur. Endangered species habitat may also be affected. Displacements of 1 home, and up to 5 businesses may also result.

The scoping process will be achieved by review and comment on a scoping document that has been prepared by the Federal Highway Administration, Illinois Department of Transportation and Missouri Highway and Transportation Department. The scoping document will be sent to the Department of Interior, U.S. Fish and Wildlife Service, Department of Housing and Urban Development, Department of Agriculture, U.S. Environmental Protection Agency, National Park Service, U.S. Coast Guard and the U.S. Army Corps of Engineers. State and local agencies in Illinois and Missouri will also have an opportunity to review and comment on the scoping document. Other interested parties may obtain copies of the scoping document from the contact persons listed in this notice. A notice announcing the availability of the

scoping document will be published in local newspapers.

A formal scoping meeting will not be held for the proposed action.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-19 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Issued on: April 23, 1981.

Lionel H. Wood,

Staff Specialist for Environment, Federal Highway Administration.

[FR Doc. 81-12941 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Clark County, Nev.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Clark County, Nevada.

FOR FURTHER INFORMATION CONTACT: A. J. Horner, Division Administrator, Federal Highway Administration, 1050 East William Street, Suite 300, Carson City, Nevada 89701, Telephone: (702) 885-5320, or J. J. King, Supervisor, Roadside Development and Environmental Services, Nevada Department of Transportation, 1263 South Stewart Street, Carson City, Nevada 89712, Telephone: (702) 885-5680.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Nevada Department of Transportation (NDOT), will prepare an environmental impact statement (EIS) on a proposed improvement to U.S. 93 in Clark County, Nevada. The porposed improvement involves the reconstruction and widening of the existing U.S. 93 from the southern intersection of U.S. 3 with S.R. 500 (in Boulder City) northeasterly for a distance of approximately four miles. Also included in the proposed project is the reconstruction of both intersections of U.S. 93 with S.R. 500. Improvements to this highway are considered necessary to provide for the safe movement of the existing and projected traffic demand.

Alternatives under consideration include (1) taking no action, and (2) reconstruction and widening of the existing U.S. 93 to a two-lane highway with climbing lane and the reconstruction of both intersections of U.S. 93 with S.R. 500. There are several alternative designs for each intersection.

Letters describing the proposed project and soliciting comments will be sent to appropriate Federal, State, and local agencies as well as interested private organizations and individuals. In addition, a public informational meeting will be held May 19, 1981, in the Boulder City Council Chambers to provide general information about the project and solicit public reaction and comment. No formal scoping meeting is planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments, suggestions, or questions concerning this proposed action and the EIS should be directed to the FHWA or NDOT at the addresses provided above.

Dated: April 20, 1981.

A. J. Horner,

Division Administrator, Carson City, Nevada.

[FR Doc. 81-13071 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[FRA Waiver Petition Docket HS-81-5]

Aroostook Valley Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and § 211.9, notice is hereby given that the Aroostook Valley Railroad (AVR) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the AVR be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The AVR seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-5, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before May 25, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8211, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d)) of the regulations of the Office of the Secretary, 49 CFR 1.49(d)

Issued in Washington, D.C. on April 10, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-12700 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-84]

Tariff Classification; Region II Ruling Program; Manual Supplement 2300-09; Guidelines for Issuance of Selected Tariff Classification Rulings

Reproduced below is the text of Manual Supplement 2300-09, dated February 6, 1981, which relates to the issuance of selected tariff Classification rulings by the Regional Commissioner of Customs, Region II (New York).

Under T.D. 80-285 (45 FR 80100), which established the Region II Ruling Program, recipients of rulings from Region II are given the right to appeal those rulings to Customs Headquarters in Washington, D.C. Such appeals must be made promptly, following the procedures set forth in Section 5 of

Manual Supplement 2300-09, as set forth below.

John T. Roth,

Acting Director, Classification and Value Division.

April 15, 1981.

1. Purpose

This Manual Supplement sets forth the guidelines to be used in selecting the tariff classification ruling requests to be acted upon by Region II and in selecting those to be referred to Headquarters for action. These guidelines also cover the circumstances when Headquarters will refer tariff classification ruling requests to Region II for action. Information is also included in this Manual Supplement concerning appeals from Region II rulings, Headquarters' review of Region II rulings for which publication is proposed, and the monitoring of Region II rulings generally for consistency with the law, the regulations, and administrative and judicial precedents.

2. Background

On December 3, 1980, T.D. 80-285 was published in the Federal Register (45 FR 80100) amending Part 177 of the Customs Regulations (19 CFR Part 177) to authorize the Regional Commissioner, New York (Region II), to issue selected tariff classification rulings. These amendments became effective on January 2, 1981. As noted in the explanatory material contained in T.D. 80-285, the Director, Classification and Value Division, Headquarters, has the responsibility for issuing the guidelines to be used by the Regional Commissioner in determining the ruling requests to be acted upon by Region II and those which should be referred to Headquarters for action. The Director, Classification and Value Division, will monitor the rulings issued by Region II for compliance with the law, regulations, and applicable precedents. Region II rulings which are recommended by the Regional Commissioner for publication will be reviewed by Headquarters prior to publication.

3. Action

The following guidelines will be used in identifying the tariff classification ruling requests to be acted upon by Region II, whether received in New York or at Headquarters. The guidelines also provide for the handling of appeals of rulings issued by Region II, for the monitoring by Headquarters of Region II rulings, and for the review of rulings issued by Region II which are recommended for publication in the Customs Bulletin.

These guidelines will apply only with respect to requests for tariff classification rulings which are received on or after January 2, 1981. Requests for rulings received prior to that date will be processed by Headquarters.

4. Guidelines for the Issuance of Tariff Classification Rulings by Region II

The authority delegated to Region II by T.D. 80-285 extends only to rulings requested with respect to prospective transactions. The transactions for which rulings are requested involve many specialty areas, many types of ruling applicants and correspondents, and an infinite variety of fact patterns. Some of the requests received by Region II will be readily identifiable as items appropriately ruled upon or otherwise acted upon by Region II. Other requests will be more complex, often involving issues other than those specifically set forth in the request. Whether these requests should be selected for Region II action or referred to Headquarters will be determined by application of the guidelines set forth below and the exercise of good judgment.

It is likely that Region II will receive correspondence which does not require a ruling by either Region II or Headquarters, such as inquires involving pending transactions. These items should be referred by Region II directly to the port or district where the transaction is pending for reply (or processing in accordance with the internal advice procedures, if applicable). In such instances, the correspondent will be notified of the referral.

Headquarters' experience with the administrative rulings program indicates that tariff classification ruling requests are likely to fall into one of 14 categories, as described below in paragraphs A through N. Requests in certain of the categories will be handled exclusively by Region II, while requests which fall into other categories will be processed solely by Headquarters. In the remaining categories, however, a determination of the proper office to handle the request must be made using the guidelines provided.

A. *Inquires Answerable by Information Letters.* Any ruling request or inquiry which would be answered best by an information letter, as defined in section 177.1(d)(2) of the Customs Regulations (19 CFR 177.1(d)(2)), will be acted upon by Region II. Letters of this nature received by Headquarters will be referred to Region II for reply.

B. *Ruling Requests in Which No Issues Are Raised.* In this category of ruling requests, the correspondent will make no classification claims or claims for exemptions, or otherwise offer any specific suggestions as to how the request should be answered. The classifications in this category of requests will be arrived at by routine applications of the language of specific provisions or pertinent headnotes or of other fundamental rules of construction. This category of ruling requests will be acted upon by Region II unless action by Headquarters would be appropriate under one or more of the guidelines set forth below.

C. *Ruling Requests Involving Unsupported Classification Claims.* Requests in this category will be similar in complexity to those requests where no claims are made, except that the claims which are made will be frivolous or otherwise based on contentions patently lacking in merit. Correspondence of this nature will often be from businessmen, tourists, or other correspondence showing an obvious unfamiliarity with classification principles. An example of this type of inquirty could be one in which the correspondent seeks to avoid a specific higher-rate provision in favor of a free-rate or lower-rate basket provision in the interest of "national trade policy" or other reasons clearly frivolous and not pertinent to the classification of the merchandise. This category of ruling requests will be acted upon by Region II unless bona fide issues warranting Headquarters' attention are raised. In this regard, it should be noted that the fact that the ruling request is from a customhouse broker or other correspondent for whom customs expertise may be presumed would not in itself remove a case from this category or from handling by Region II. However, requests which raise real social or economic issues should be referred to Headquarters under paragraph L, below.

D. *Ruling Requests Involving a Uniform Classification Practice.* Any ruling request which alleges the existence of a uniform and established classification practice based on liquidations, or which will result in a classification based on uniform liquidations rather than on the normal application of the tariff schedules, the headnotes, or the usual rules of construction will be referred to Headquarters for action.

E. *Ruling Requests Involving Special Tariff Classification Provisions.* Ruling requests which involve the entitlement to a conditional exemption from duty under any special tariff classification provisions will be referred to Headquarters for action unless it merely involves technical details concerning a prospective exemption claim normally handled locally. For examply, if the requirements of a specific port

concerning the filing of documentation or other evidence of entitlement are at issue, the matter will be referred to that port for action. Among the ruling in this category warranting Headquarters' attention are those which present such issues as substantial transformation, advancement in condition, further fabrication, diplomatic courtesy, application of the Florence Agreement, or other substantive issues relating the entitlement to free-rate provisions in Schedule 8, TSUS, the Generalized System of Preferences, or any other conditional exemption or special provision.

F. *Ruling Requests Involving Inconsistent Precedents.* Any ruling request concerning a tariff classification to which two or more precedents are pertinent, whether administrative or judicial, *and the precedents are in any material respect inconsistent,* will be referred for Headquarters' action. This guideline applies even when one or more the precedents is a Region II ruling. For further instructions regarding requests involving the application of judicial precedents, see paragraph K, below.

G. *Ruling Requests Involving Reconsiderations.* Any ruling request in which a reconsideration of a ruling (whether issued by Headquarters or Region II) is requested, or any matter which involves a pertinent administrative precedent which Region II believes should be reconsidered, will be referred to Headquarters. However, correspondence in which a reconsideration of a Region II ruling is requested *from Region II,* as opposed to Headquarters (see Section 5, below), will not be referred to Headquarters unless (1) the submission of new material or information makes the referral to Headquarters appropriate under another guideline, or (2) Region II believes that favorable action on the request (*i.e.,* modification or reversal of the earlier Region II ruling) is appropriate. Whenever requests for reconsideration are not referred to Headquarters, the correspondent will be advised of the right to appeal or protest.

H. *Ruling Requests Involving Issues of Fact.* Ruling requests involving bona fide issues of fact will be referred to Headquarters for action. The "issues of fact" contemplated by this guideline are present in those ruling requests where there is a conflict in the evidence present in the materials in the case file, or where the evidence present may be in conflict with information available from reliable secondary sources. For example, a bona fide issue of fact exists (1) if a ruling request includes a private laboratory analysis which is at variance with an official Customs Laboratory report, or (2) if information furnished by the party requesting the ruling is contradicted by information found in pertinent trade media. An issue of fact does not exist because the record is incomplete or pertinent facts or information is not known (for whatever reason). Similarly, an issue of fact does not exist because of bare allegations as to the existence of such an issue and does not result from the presentation of nonauthoritative evidence regarding the facts.

I. *Ruling Requests Presenting Multiple Issues.* Ruling requests involving merchandise where the tariff classification is contingent upon a determination outside the tariff classification area, such as valuation or appraisement, will be referred to Headquarters. However, a peacemeal disposition of the ruling request would be appropriate when the multiple issues presented are clearly separable. In such a situation, Region II will respond to the classification aspect(s) and would advise the party making the request that the balance of the issues presented have been referred to Headquarters for separate reply.

Ruling requests which might be considered to be of a "multi-issue" type because different types of merchandise are involved will be handled by Region II if they otherwise qualify. In appropriate circumstances, parties requesting rulings will be informed that the Customs Service cannot classify all of the items in a catalog or a lengthy list of items; in such cases, an effort will be made to furnish those parties with as much useful information as it is practical to furnish.

J. *Ruling Requests Containing Legal Briefs.* Some requests for rulings, particularly those submitted on behalf of importers or other interested parties by attorneys, may contain sophisticated arguments, advocating the application of a particular tariff provision, precedent, or concept. Ruling requests of this type will generally be acted upon by Headquarters. Region II should refer such requests to Headquarters unless it concludes (1) that *both* the arguments contained in the request, and the tariff classification advocated, are correct, and (2) that such conclusions are supported by uniform precedents and would have been reached by Region II notwithstanding the arguments made in the request.

K. *Ruling Requests Involving the Application of Judicial Precedents.* While one of the purposes of the Region II ruling program is to utilize the National Import Specialists' knowledge of legal precedents pertinent to the classification of merchandise, this resource will only be used to apply judicial precedents which are pertinent because the merchandise which was the subject of the precedent litigation was the same or similar to the merchandise to be ruled upon. However, a ruling request which seeks the application of legal precedents to merchandise of a different class or kind than that involved in the precedents will be referred to Headquarters for a decision. Any classification requiring the application of rules of construction, whether found in headnotes, judicial precedents, or elsewhere, will be referred to Headquarters whenever the application of two or more of such rules produces results that are inconsistent or when, in determining relative specificity, the application of the rules appears to produce ambiguous, impractical, unreasonable, or illogical results.

L. *Ruling Requests Having the Potential for Unusual Social or Economic Impact.* Ruling requests having the potential for unusual social or economic impact, or the potential for national publicity, will be referred to Headquarters for action. This category of cases may include matters where there is special public attention or interest, matters involving international trade organizations or foreign governments, or matters where Customs' action may be of interest to other Government agencies having responsibilities in the area of national trade policy.

M. *Pending Issues.* Region II will issue no rulings on issues which, to Region II's knowledge, the ruling applicant has pending in the form of an appeal, protest, or request for internal advice, or before the U.S. Court of International Trade or any other court. Unless the referral of correspondence of this type to Headquarters would serve some useful purpose, Region II will prepare a brief response to the ruling applicant explaining that a ruling on the issue(s) raised cannot be furnished because of the pendency of the related matter(s). A copy of that response, together with the incoming correspondence, will be forwarded to each office holding the primary file(s) in the pending matter(s) in order that a complete record of the matter may be maintained in the event of litigation.

N. *Other Ruling Requests.* In general, those ruling requests which are not disposed of by application of the foregoing guidelines will be handled by Headquarters. However, in distinguishing between matters which can be effectively acted upon by Region

II and those which are more appropriately handled by Headquarters, it should be borne in mind that the Region II rulings program seeks to utilize the expertise of the National Import Specialists in responding to classification inquiries or ruling requests *which involve well-settled areas or issues easily resolved by reference to precedents.* Ideally, this will permit Headquarters to concentrate its efforts on those matters in which its expertise may best be utilized, including the more complex ruling requests, ruling requests involving novel issues, and other matters which Headquarters action is required by law or regulations.

However, Region II should not fail to consider acting on a ruling request simply because the issues raised are complex or new. Similarly, Region II will not be disqualified from responding to a matter because its consideration of the issue would have been precluded had it been raised in connection with an application for internal advice or in connection with a request for further review of a protest.

It is anticipated that most ruling requests raising issues of the degree of complexity warranting Headquarters attention will be submitted by professionals or experts in various aspects of importing or international trade who will be aware of the option of submitting their presentations to Headquarters, rather than to Region II, and will do so.

5. Appeals

Under T.D. 80–285, recipients of rulings from Region II are given the right to appeal those rulings to Headquarters. The regulations provide no time limit for the filing of that appeal. However, it is possible that between the time when a ruling has been issued and the time the appeal is filed the status of the transaction covered by the ruling may change. Those changes may affect the treatment of the appeal.

When the merchandise has been entered, the entry has been liquidated in accordance with a Region II ruling, and the time for filing a protest has not elapsed, Headquarters will only consider an appeal of that ruling as an adjunct to the protest procedures, as explained below. To provide a separate, direct appeal to the Headquarters in those circumstances could mislead the appellant as to the finality of the liquidation and the necessity to file a timely protest in order to preserve the required standing to sue the Government.

While the status of the transaction to which the Region II ruling relates remains prospective, the ruling may be appealed directly to Headquarters. If the status of the transaction changes from prospective to ongoing after such an appeal if filed, the appellant should provide the port having jurisdiction over the transaction with a copy of both the Region II ruling and the appeal, in order that liquidation can be suspended pending Headquarters action on the appeal.

When the appeal is filed after the status of the transaction has changed from prospective to either ongoing (*i.e.*, the merchandise covered by the ruling has arrived in the U.S., but the entry has not been liquidated) or completed (the entry has been liquidated), the following procedures will be observed:

A. *Appeals Before Liquidation.* When a recipient of a Region II ruling appeals that ruling to Headquarters prior to liquidation of the merchandise covered by that ruling, Headquarters will unconditionally grant the requested review of that ruling. A copy of the Region II ruling and the appeal should be filed by the appellant with the port having jurisdiction over the transaction in order that liquidation of the entry or entries involved can be suspended pending completion of Headquarters' review of the ruling. Although such an appeal may not be properly the subject to a request for internal advice under section 177.11(b)(ii) of the Customs Regulations (19 CFR 77.11(b)(ii)), Headquarters will accord such appeals the same priority status.

D. *Appeals After Liquidation, but Before Liquidation Is Final.* When the transaction to which the Region II ruling relates has been liquidated in accordance with that ruling, but the liquidation has not become final, the proper avenue of appeal of that ruling to Headquarters is through the protest procedures set forth in Part 174 of the Customs Regulations (19 CFR Part 174). When a port or district receives a protest of a Region II ruling, it shall forward the protest and its recommendations to Headquarters for review. Upon completion of the review by Headquarters, which shall be coordinated with Region II, the protest and other documents shall be returned to the port or district together with instructions for the disposition of the protest. The Region II ruling will be modified or reversed, if appropriate.

C. *Appeals After Liquidation Is Final.* When the transaction to which the Region II ruling relates has been liquidated in accordance with that ruling, and that liquidation has become final, an appeal of that ruling must be considered moot. The review of a Region II ruling in those circumstances would serve no purpose in view of the finality of the liquidation. However, if the appellant continues to qualify for a ruling because there will be further prospective transactions, the appeal will be handled in the same manner as an original request for a ruling. In the event that the claims made are sustained and a modification or reversal of the earlier ruling is obtained, the appellant will be advised that the new ruling will not be applicable to any liquidations which have become final, but will only apply to future importations.

6. Recordkeeping, Publication, and Monitoring

Region II will retain the files for all matters it handles. Complete records will be kept primarily to have the necessary records available for transfer to the U.S. Court of International Trade in the event a Region II ruling (or the failure of Region II to rule) becomes the subject of litigation. In this connection, procedures similar to those now in effect at Headquarters will be observed with respect to maintaining reports or memorandums of all telephone contacts or conferences preceding the issuance of a ruling (to the extent that such contacts or conferences provide *factual* information on which the ultimate ruling is based). In some instances, the complete Region II ruling file (including samples, exhibits, laboratory reports, and other pertinent materials) may be requested by Headquarters in connection with a formal or informal review of the ruling. See Section 5.A. and B., above.

Region II will assign to every inquiry it handles under Part 177 of the Customs Regulations and these guidelines a 6-digit control number beginning with 800000. Copies in triplicate of all Region II rulings will be forwarded to the Director, Classification and Value Division, at Headquarters, together with an "Office of Regulations and Rulings Publication Determination" form, within 30 days of issuance. Region II's recommendations as to publication will be set forth on the latter form and will be reviewed, together with the ruling, by Headquarters. A Keyword Precedent Report for each Region II ruling will be completed by Headquarters.

7. Effect on Other Procedures

The relationship between the Region II ruling program and the Headquarters appellate procedures, and the protest review and internal advice programs, is explained in Sections 4 and 5, above. See Sections 5 and 6 for further information concerning the relationship of the Region II ruling program to the litigation process.

Nothing in these guidelines should be construed as curtailing in any way the normal accessibility of Headquarters personnel for advice and counsel.

8. Expiration Date

This Manual Supplement will expire upon the incorporation of the guidelines contained herein in P&PM 2300.

[FR Doc. 81-12882 Filed 4-29-81; 8:45 am]
BILLING CODE 4810-22-M

VETERANS ADMINISTRATION

Calendar of Significant Information Collections

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: In order to inform the public of the most important upcoming infomation collections, the Veterans Administration (VA) is publishing a calendar list of significat information collections for the next 12 months. The calendar has been developed in conformance with a memorandum request from the Office of Management and Budget dated January 12, 1981, under the provisions of E.O. 12174, "Paperwork". The calendar contains all significant information collections proposed to be introduced, those subject to revision and those not previously approved by the Office of Management and Budget. The VA considers an information collection request significant if it has the following qualities: Subsatntail program or policy importance, cost to the government, and burden on the public (e.g., requires 250,000 or more persons to report or maintain specific records, has an annual estimated burden of more than 100,000 hours, has an estimated burden of more than two hours per respondent per year).

FOR FURTHER INFORMATION CONTACT: R. C. Whitt, Agency Clearance Officer, Management Services (62), 810 Vermont Avenue, N.W., Washington, D.C. 20420 (202) 389-2386. Requests for copies of proposed forms, supporting documents, and comments and questions about the items on the calendar should be directed to the above address.

SUPPLEMENTARY INFORMATION: Each entry to the calendar contains the following information:

The title of the form;

OMB approval number (if any);

Agency form number(s) (if any);

The purpose of the information collection;

Who will be required or asked to report;

The Standard Industrial Classification Codes (SIC) referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

An estimate of the number of responses;

An estimate of the total number of burden hours (per FY for a 3 year period);

How often the form will be filled out;

Whether the collection is voluntary, mandatory, or required to obtain a benefit;

An estimate of the cost to the Federal Government; and

An abstract describing the need for ans uses of the information collection.

Approved: April 20, 1981.

Rufus H. Wilson,

Acting Administrator.

Calendar of Significant Information Collection Items

(1) *Request for Determination of Eligibility and Available Loan Guaranty*

OMB No. 2900-0060.

VA Form 26-1880.

Application for benefits.

Individuals.

SIC: Not applicable.

Not used for small businesses.

500,000 responses.

125,000 burden hours.

On occasion.

Required to obtain benefit.

$3,655,000 Federal cost.

Serves as veteran's application for certificate of eligibility for home loan benefits authorized by 38 U.S.C., chapter 37. Provides military service periods and previous guaranteed loan information, if any, to facilitate determination on entitlement required by 38 U.S.C. 1802(a), (b), and (c) and 1818.

(2) *Certification of Loan Disbursement:*

OMB No. 2900-0030.

VA Form 26-1878.

Application for benefits.

Individuals and businesses.

SIC: 602, 604, 612, and 616.

Small businesses.

312,000 responses.

156,000 burden hours.

On occasion.

Required to obtain benefit.

$1,301,000 Federal cost.

Lender's report of home loan closing required by 38 U.S.C. 1802(c). Provides data on terms and closing for loan examination determinations that 38 U.S.C. chapter 37 requirements have been met, terms of loan and conditions affecting the property are in compliance with VA regulations, and are substantially those on which VA based its prior approval.

(3) *50 Percent Employment Survey:*

OMB No. 2900-0235.

VA Forms 22-8722, 22-8723, 22-8724.

Regulatory or compliance.

Graduates of vocational courses, schools and state approving agencies.

SIC: 824.

Not used by small businesses.

300,000 responses.

514,650 burden hours.

Biennially.

Voluntary for student; required of schools; mandatory for state approving agencies.

$245,000 Federal cost.

Authorized by 38 U.S.C. 1673 and 1723, these reports obtain information from graduates, schools and state approving agencies. The information is used to determine effectiveness of the VA's educational benefits program.

(4) *Pension Verification—Interview Worksheet:*

OMB No. 2900-0271.

VA Forms 20-8848, 20-8849, 20-8849a, 20-8849b, 20-8849c.

Program evaluation.

VA pensioners.

SIC: Not applicable.

Not used by small businesses.

4,028 responses.

18,126 burden hours.

Recurring (annually).

Required to obtain or retain benefit.

$500,000 Federal cost.

To continuously verify benefit entitlement and payment under the Veterans Administration pension program. The program will monitor both the self-reporting system of the pensioners and the VA's income questionnaire processing. The findings will be used to identify and correct any defects in the system.

(5) *Solicitation of Identification Data:*

OMB No. (new—not assigned).

VA Form 21-8332a.

Regulatory or compliance.

Individuals.

SIC: Not applicable.

Not used by small businesses.

700,000 responses.

116,667 burden hours.

Nonrecurring.

Mandatory.

$210,000 Federal cost.

The identification data requested will include names, dates of birth and social security numbers for use in identifying veterans or persons claiming or receiving VA benefits and their records and may be used to verify Social Security benefit entitlement (including

amounts payable) with the Social Security Administration (38 CFR 1.575).

[FR Doc. 81-12970 Filed 4-29-81; 8:45 am]
BILLING CODE 8320-01-M

Members of the Performance Review Boards

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: Under the provisions of 5 U.S.C. 4314(c)(4), notice is hereby given of the names of the members of the Performance Review Boards in the Veterans Administration. This notice revises the entire list of members published in the Federal Register, 45 FR 35474, dated May 27, 1980.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: K. Joyce Edwards, Office of Personnel (05A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202-389-3423).

The Members of the VA's Performance Review Boards are:

VA Performance Review Board

Charles E. Clark, Assistant Administrator for Personnel
Donald L. Custis, M.D., Chief Medical Director
Dorothy L. Starbuck, Chief Benefits Director
William R. Martin, Assistant Administrator for Data Management and Telecommunications
Sydney J. Shuman, Chairman, Board of Veterans Appeals
Conrad Hoffman, Controller
Raymond S. Blunt, Assistant Administrator for Planning and Program Evaluation
H. David Burge, Director, Office of Manpower Programs
William A. Salmond, Assistant Administrator for Construction

Department of Medicine & Surgery, Performance Review Board

Turner Camp, M.D., Associate Deputy Chief Medical Director
Donald B. Thompson, Executive Assistant to Chief Medical Director
James A. Christian, Executive Assistant to Deputy Chief Medical Director
Murray Mitts, M.D., Deputy Associate Deputy Chief Medical Director for Operations
Philip T. White, M.D., Deputy Associate Deputy Chief Medical Director for Program Management
Charles V. Yarbrough, Director, Management Support Staff
Carlton M. Smith, Director, Northeastern Region
Charles R. Paulk, Director, Mid-Atlantic Region
Dan G. Kadrovach, Director, Southeastern Region
James H. Caldwell, Jr., Director, Great Lakes Region
Thomas P. Mullon, Director, Mid-Western Region
John J. Peters, Jr., Director, Western Region

Department of Veterans Benefits, Performance Review Board

John W. Hagan, Jr., Deputy Chief Benefits Director
John P. Travers, Field Director, Western Region
David M. Walls, Field Director, Eastern Region
James J. Cox, Director, Veterans Assistance Service
Albert W. Glass, Director, Loan Guaranty Service

Dated: April 20, 1981.

Rufus H. Wilson,
Acting Administrator.

[FR Doc. 81-12971 Filed 4-29-81; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 83
Thursday, April 30, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Item
Copyright Royalty Tribunal	1
Federal Election Commission	2
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1

COPYRIGHT ROYALTY TRIBUNAL.

[Docket No. CRT 80-5]

TIME AND DATE: 10 a.m., June 2, 3, 4, 5, 1981.

PLACE: Room 414, 2100 K Street, N.W., Washington, D.C. 20036.

STATUS: Open.

MATTERS TO BE CONSIDERED: Distribution of 1979 Jukebox Royalty Fees.

Clarence L. James, Jr.,

Chairman, Copyright Royalty Tribunal.

[S-662-81 Filed 4-28-81; 3:06 pm]

BILLING CODE 1410-07-M

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, May 5, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, May 7, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certifications
Advisory opinion 1981-18—Jerry W. Powell, Counsel, Central Bancshares of the South, Inc.
Pending legislation
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Lena L. Stafford,

Administrative Assistant.

[S-660-81 Filed 4-28-81; 3:04 pm]

BILLING CODE 6715-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 23649, April 28, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 29, 1981.

CHANGE IN THE MEETING: The following items are being added:

Item No., Docket No., and Company

CAG-20. RP72-6-031, RP72-6-032, CP77-289-025 and CP78-87, El Paso Natural Gas Co.
M-6. RM80-42, Tax normalization for certain items reflecting timing differences in the recognition of expenses or revenues for ratemaking and income tax purposes.
RP-6. TA81-2-48-000, Michigan Wisconsin Gas Pipe Line Co.
CP-5. (a) CP80-430 and CP81-144-000, Columbia Gas Transmission Corp.; (b) CP81-20-000, Columbia Gas Transmission Corp. and Transcontinental Gas Pipe Line Corp.; (c) CP79-2-6-001, Columbia Gas Transmission Corp.

Lois D. Cashell,

Acting Secretary.

[S-670-81 Filed 4-28-81; 11:54 am]

BILLING CODE 6450-85-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: Wednesday, May 6, 1981.

PLACE: 1700 G Street, N.W., board room, six floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Application for Bank Membership—The Binghamton Savings Bank, Binghamton, New York
Request for Extension of Time to Open a Branch Office—First Federal Savings & Loan Association of Sioux City, Sioux City, Iowa
Proposed Merger; Maintenance of Branch Office; Cancellation of Membership and Insurance and Transfer of Stock—Home Federal Savings & Loan Association, Bishopville, South Carolina into Security Federal Savings & Loan Association, Columbia, South Carolina
Designation of Supervisory Agents
Branch Office Application—First Federal Savings & Loan Association, of Brainerd, Brainerd, Minnesota
Application for Bank Membership—The Dime Savings Bank of New York, Brooklyn, New York
Service Corporation Activity—First Federal Savings & Loan Association of Willoughby, Willoughby, Ohio

No. 480, April 28, 1981.

[S-677-81 Filed 4-28-81; 9:42 am]

BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN BANK BOARD.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Wednesday, May 6, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting of Wednesday, May 6, 1981.

Proposed Merger; Maintenance of Branch office; Cancellation of Membership and Insurance and Transfer of Stock—Home Federal Savings & Loan Association, Bishopville, South Carolina *into* Security Federal Savings & Loan Association, Columbia, South Carolina.

No. 481, April 28, 1981.

[S-679-81 Filed 4-28-81; 1:46 pm]

BILLING CODE 6720-01-M

6

FEDERAL RESERVE SYSTEM.

Board of Governors

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR, 23040, Wednesday, April 22, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. Monday, April 27, 1981.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Proposals with respect to the Board's employment goals. (This matter was originally announced for a meeting on April 20, 1981)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: April 27, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-681-81 Filed 4-28-81; 2:53 pm]

BILLING CODE 6210-01-M

7

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of May 4, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Wednesday, May 6, 1981, at 10 a.m., followed by a closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Acting Chairman Loomis and Commissioners Evans, Friedman, and Thomas determined to hold the aforesaid meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, May 5, 1981, at 9:00 a.m., will be:

1. Consideration of whether to grant the Freedom of Information Act (FOIA) Waiver of Fees Appeal of Jay Gary Finkelstein, in connection with the FOIA request for Commission files concerning Lifespring Corporation. For further information, please contact Gilles Attia at (202) 272–2446.

2. Consideration of whether to release to the public a study, entitled *A Monitoring Report on the Operation of the Cincinnati Stock Exchange National Securities Trading System.* For further information, please contact Terry M. Chuppe at (202) 523–5623.

The subject matter of the closed meeting scheduled for Tuesday, May 5, 1981, following the 9:00 a.m. open meeting, will be:

Opinions.
Freedom of Information Act appeals.
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive action and administrative proceeding of an enforcement nature.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Mendelsohn at (202) 272–2091.

April 27, 1981.

[S-676-81 Filed 4-27-81; 5:12 pm]

BILLING CODE 3010-01-M

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federal register

Thursday
April 30, 1981

Part II

Department of Transportation

Federal Aviation Administration

Airplanes; Certification and Operations; Correction

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 125

[Docket No. 19779; Amdt. No. 125-2]

Airplanes; Certification and Operations; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment corrects errors made when the final Part 125 regulation was printed in the Federal Register (45 FR 67214; October 9, 1980). This amendment is required to ensure that ambiguity resulting from those errors is eliminated.

EFFECTIVE DATE: April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Jean Casciano, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION: When Notice of Proposed Rulemaking No. 79-19 was published (44 FR 66324; November 19, 1979), proposed § 125.247(e) read "No person may operate any airplane unless the installed engines have been maintained in accordance with the overhaul periods recommended by the manufacturer or *a program* approved by the Administrator . . ." (emphasis supplied). However, when the manuscript copy of the final rule was sent to the Federal Register for printing, the words "a program" were inadvertently omitted and § 125.247(d)(1) (the subparagraphs were restructured), as submitted and as published, read "The installed engines have been maintained in accordance with the overhaul periods recommended by the manufacturer or approved by the Administrator; and". The words "a program" are necessary to express the concept that a program approved by the Administrator is a satisfactory alternative to compliance with the overhaul periods recommended by the manufacturer.

In addition, when the final rule was sent to the Federal Register for printing, § 125.381(c)(2) stated "Is on final approach segment using a nonprecision approach procedure, or . . ." However, when the rule was printed, editorial marks were misread and the final rule was printed to read "Is on final approach using a segment/nonprecision approach procedure, or . . ." It is necessary to correct this ambiguity so the codification document provision is the same as the provision in the amendment signed by the Administrator.

Need for Immediate Adoption

Since this amendment corrects errors, eliminates ambiguity, and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and contrary to the public interest and that good cause exists for making it effective in less than 30 days.

Adoption of the Amendment

Accordingly, Part 125 of the Federal Aviation Regulations (14 CFR Part 125) is amended as follows, effective April 30, 1981.

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

1. By revising § 125.247(d)(1) to read as follows:

§ 125.247 Inspection programs and maintenance.

* * * * *

(d) * * *

(1) The installed engines have been maintained in accordance with the overhaul periods recommended by the manufacturer or a program approved by the Administrator; and

* * * * *

(2) By revising § 125.381(c)(2) to read as follows:

§ 125.381 Takeoff and landing weather minimums: IFR.

* * * * *

(c) * * *

(2) Is on final approach segment using a nonprecision approach procedure, or

* * * * *

(Secs. 313, 601 through 610, and 1102, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1421-1430, and 1502); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not a major rule under Executive Order 12291 or a significant regulation under the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an amendment that corrects an inadvertent omission and an editorial error and does not make a substantive change, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on April 6, 1981.

Charles E. Weithoner,

Acting Administrator.

[FR Doc. 81-12825 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-13-M

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federal register

Thursday
April 30, 1981

Part III

Department of Education

Office of the Secretary

Semi-Annual Regulations Agenda and Review List

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitle A and Chs. I-VII
41 CFR Ch. 34

Semiannual Regulations Agenda and Review List

AGENCY: Department of Education.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: The Secretary of Education publishes a semiannual agenda of regulations under development as required by Executive Order 12291 entitled "Federal Regulations" and the Regulatory Flexibility Act. This agenda provides a brief description of regulations being developed by the Department of Education. The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION: Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations. Questions or comments on the overall agenda should be directed to A. Neal Shedd, Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2129 FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 245-7091.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act require the Department of Education to publish, in October and April of each year, an agenda of proposed regulations that the Department has issued or expects to issue. This is the first semiannual agenda published by the Department. It includes both proposed regulations currently being drafted and pending final regulations for which NPRMs have been published.

For each set of proposed or final regulations listed, the agenda provides a: (1) title; (2) summary; (3) contact person; and (4) decision date (expected month of publication of the final regulations (FR) or the notice of proposed rulemaking (NPRM)).

The summary of each set of regulations includes: (1) a brief description of the proposed or final regulations; (2) notice whether a regulatory impact analysis is required by Executive Order 12291; (3) notice whether a regulatory flexibility analysis is required by the Regulatory Flexibility Act; (4) a brief statement of the Department's objectives in issuing the regulations; (5) the legal basis for the regulations; and (6) the Code of Federal Regulations part number assigned to the regulations.

The Department is required by Executive Order 12291 to prepare a regulatory impact analysis for any set of regulations that is a "major rule" as defined by the Order, and that is not exempted from the requirements in the Order. This semiannual agenda specifies whether or not a regulatory impact analysis will be prepared for each set of regulations listed.

The Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980, requires that Federal agencies take into account the impact of their regulations on "small entities," including small businesses, small governmental jurisdictions, and other small organizations. The Department must prepare an initial regulatory flexibility analysis for any proposed regulations for which a notice of proposed rulemaking is issued on or after January 1, 1981 if the proposed regulations will have a significant economic impact on a substantial number of small entities. A reference has therefore been included in this agenda to indicate whether a regulatory flexibility analysis is required.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

Dated: April 23, 1981.

T. H. Bell,
Secretary of Education.

Department of Education Semiannual Regulations Agenda and Review List

Title	Summary	Contact	Earliest expected decision date
Continuing Education Outreach-State-Administered Program.	A. *Description:* The regulations establish requirements for a program designed primarily to increase access to post-secondary education for underserved adults. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations describe options available to the States, establish administrative requirements for the conduct of the program, particularly those pertaining to reports and waivers, and reflect recent statutory changes. E. *Legal basis:* Section 111-115 of Title I-B of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1011-1015). F. *Citation:* 34 CFR Part 605.	J. E. Donahue, (202) 245-9668.	FR May 1981.
Continuing Education Outreach-Special Projects Program.	A. *Description:* The regulations establish requirements governing grants and contracts to institutions of higher education, public and private organizations, States, and businesses to meet postsecondary educational needs of adult learners. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations provide comprehensive program information for potential applicants and establish procedures for receipt and evaluation of application. E. *Legal basis:* Section 116 of Title I-B of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1016). F. *Citation:* 34 CFR Part 606.	J. E. Donahue (202) 245-9668.	FR May 1981.
Institutional Aid Programs	A. *Description:* The regulations contain the general fiscal and administrative requirements for three programs under Title III of the Higher Education Act. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not determined. D. *Objective:* The regulations establish general provisions common to the operation of the three programs. E. *Legal basis:* Title III of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1051-1069). F. *Citation:* 34 CFR Part 624.	Alfreda Lisbermann (202) 245-2364.	NPRM June 1981.
Strengthening Institutions Program	A. *Description:* The regulations implement a program of assistance to improve the academic quality, institutional management, and fiscal stability of eligible institutions. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not determined.	Alfreda Lisbermann (202) 254-2364.	NPRM June 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
	D. *Objective:* The regulations establish requirements of a program designed to assist certain institutions of higher education in solving problems, stabilizing their management and fiscal operations, and improving the overall quality of their operations. E. *Legal basis:* Title III of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1057-1059). F. *Citation:* 34 CFR Part 625.		
Aid to Institutions with Special Needs Program.	A. *Description:* The regulations implement a program that provides short-term Federal assistance to strengthen the planning, management, and fiscal capabilities of institutions with special needs. B. *Regulatory impact analysis:* Not determined. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations establish the requirements of a program that provides a maximum of five years, assistance to resolve the special needs of certain institutions of higher education. E. *Legal basis:* Title III of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1060-1062). F. *Citation:* 34 CFR Part 626.	Alfreda Lisbermann (202) 245-2384.	NPRM June 1981.
Challenge Grant Program	A. *Description:* The regulations implement a program under which certain institutions of higher education are eligible for matching assistance as an incentive to develop new sources of financial support. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not determined. D. *Objective:* The regulations establish the requirements of a program designed to assist institutions to develop new sources of income to overcome conditions that may threaten their survival. E. *Legal basis:* Title III of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1064-1066). F. *Citation:* 34 CFR Part 627.	Alfreda Lisbermann, (202) 245-2384.	NPRM June 1981.
College Library Resources Program	A. *Description:* The regulations establish the requirements governing the award of grants to assist institutions of higher education and other eligible library institutions to improve the quality of their library holdings and networking capabilities. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement statutory changes and changes resulting from program experience. E. *Legal basis:* Part A of Title II of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1021). F. *Citation:* 34 CFR Part 773.	Frank Stevens, (202) 245-9530.	FR May 1981.
Library Research and Demonstration Program.	A. *Description:* The regulations establish the requirements governing the award of grants to assist in encouraging research and demonstration projects related to the improvement of libraries, training in librarianship, and improvement of information technology. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement statutory changes, and changes resulting from the administrative experience of the program and incorporate the general selection criteria of EDGAR. E. *Legal basis:* Part B of title II of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1021 *et seq*). F. *Citation:* 34 CFR Part 777.	Frank Stevens, (202) 245-9530.	FR May 1981.
Library Career Training Program	A. *Description:* The regulations to institutions of higher education and other eligible library institutions for training in librarianship and for the improvement of library and information science. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not determined. D. *Objectives:* The amended regulations clarify requirements governing applications for grants and simplify previous regulatory language. E. *Legal basis:* Part B of Title II of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1021). F. *Citation:* 34 CFR Part 776	Frank Stevens, (202) 245-9530.	NPRM August 1981.
Strengthening Research Library Resources.	A. *Description:* The regulations amend existing regulations for a program that assist the Nation's major research libraries to maintain and strengthen their holdings and offer services to researchers and scholars. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not determined. D. *Objectives:* The amended regulations clarify requirements governing applications for grants and incorporate changes resulting from program experience. E. *Legal basis:* Part C of Title II of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1021). F. *Citation:* 34 CFR Part 776.	Frank Stevens, (202) 245-9530.	NPRM August 1981.
Teacher Corps Programs—General	A. *Description:* The regulations establish common provisions governing the three types of Teacher Corps Projects: Teacher Corps Training Projects, Youth Advocacy Projects and Mathematics and Science Development Projects. The program is designed to improve teacher preparation, increase opportunities for children of low-income families, juvenile delinquents, and youth offenders; and develop curriculum offerings or instructional materials that improve instruction in mathematics and science. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations reflect recent statutory changes in the program and clarify the differences among the three types of projects. E. *Legal basis:* Title V-A of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1101 *et seq.*). F. *Citation:* 34 CFR Part 791.	Preston Royster, (202) 653-8320.	FR May 1981.
Teacher Corps—Training Projects	A. *Description:* The regulations establish the requirements for a program of assistance to projects designed to develop methods and procedures for increasing learning opportunities for children from low-income families, develop and demonstrate new and improved approaches to train educational personnel, and install and disseminate improved practices of teacher education.. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required.	Preston Royster, (202) 653-8320.	FR May 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
	D. *Objectives:* The regulations implement and clarify requirements governing applications for grants, the selection of grantees, and the conducting of activities authorized under this program. E. *Legal basis:* Title V–A of the Higher Education Act of 1965, as amended by Pub. L. 96–374 (20 U.S.C. 1101 *et seq.*). F. *Citation:* 34 CFR Part 702.		
Teacher Corps—Youth Advocacy Projects.	A. *Description:* The regulations establish the requirements for a program of assistance to projects designed to provide remedial, basic, and secondary education to juvenile delinquents and youth offenders. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement and clarify requirements governing applications for grants, the selection of grantees, and the conducting of projects under this program. E. *Legal basis:* Title V–A of the Higher Education Act of 1965, as amended by Pub. L. 96–374 (20 U.S.C. 1101, *et seq.*). F. *Citation:* 34 CFR Part 793.	Preston Royster, (202) 653–8320.	FR May 1981.
Teacher Corps—Mathematics and Science Development Projects.	A. *Description:* The regulations establish the requirements for a program of assistance to projects designed to (1) develop, improve, or test curriculum offerings or instructional materials for training teachers in mathematics and science; and (2) provide training for teachers to increase their effectiveness in developing instructional materials and in teaching mathematics and science in schools that have a high concentration of children from low-income families. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations implement statutory changes authorizing activities interpreted as being consistent with the types of projects funded under the Teacher Corps Program. E. *Legal basis:* Title V–A of the Higher Education Act of 1965, as amended by Pub. L. 96–374, (20 U.S.C. 1101 *et seq.*). F. *Citation:* 34 CFR Part 794.	Preston Royster, (202) 653–8320.	FR May 1981.
Museum Services Program	A. *Description:* The regulations govern a grant program that assists museums carrying out institutional assessments to measure their programs and operations by generally accepted professional standards. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations expand the types of assistance offered under the program. E. *Legal basis:* Section 201–210 of the Museum Services Act of Title II of the Arts, Humanities, and Cultural Affairs Act of 1976 (20 U.S.C. 961–968); (5 U.S.C. 552b). F. *Citation:* 34 CFR Part 64.	Tom Litkowski, (202) 436–8677.	FR May 1981.
Experimental Program for Opportunities in Advanced Study and Research in Education.	A. *Description:* The regulations contain requirements governing the award of grants to experimental activities that demonstrate effective ways of increasing the participation of members of underrepresented groups in the field of educational research and development. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations implement administrative requirements that revise the language and format of current provisions and improve their quality. E. *Legal basis:* Section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e) F. *Citation:* 34 CFR Part 703.	Frank Alejandro, (202) 245–8827.	FR May 1981.
Women's Educational Equity Act Program.	A. *Description:* The regulations—which add a subpart to existing regulations—govern a program of financial assistance (Tier II) that helps educational agencies and institutions implement projects of local significance to meet the requirements of Title IX of the Education Amendment of 1972. B. *Regulatory impact analysis:* Not determined. C. *Regulatory flexibility analysis:* Not determined. D. *Objective:* The regulations implement requirements of the grant program for funding Tier II projects. E. *Legal basis:* Part C of Title IX of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 3341–48), and Section 408 of the General Education Provisions Act (20 U.S.C. 1221e–3). F. *Citation:* 34 CFR Part 745.	Leslie Wolfe, (202) 245–2181.	NPRM May 1981.
Fund for the Improvement of Postsecondary Education.	A. *Description:* The regulations contains requirements for a program of grants to help postsecondary institutions and agencies improve postsecondary education. B. *Regulatory impact analysis:* Not determined. C. *Regulatory flexibility analysis:* Not determined. D. *Objectives:* The regulations alter the format and language of the current regulations to conform with the Education Department General Administrative Regulations, and implement changes with respect to annual priorities, selection criteria, and categories of competition. E. *Legal basis:* Title X of the Higher Education Act of 1965, as amended by Pub. L. 96–374 (20 U.S.C. 1135). F. *Citation:* 34 CFR Part 730.	Russell Y. Garth, (202) 245–9091.	NPRM May 1981.
Restrictions on the Use of Former Federal Employees.	A. *Description:* The regulations establish constraints on the services of certain former employees of the Department of Education in conjunction with contractual proposals, negotiations, and awards. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations implement the provisions in the Ethics of Government Act of 1978 concerning the use of former employees by adding a new section to the General Policies subpart of the Department's procurement regulations. E. *Legal basis:* The Department of Education Organization Act, Pub. L. 96–88 (20 U.S.C. 3474). F. *Citation:* 41 CFR, Chapter 34, Subpart 34–1.351	Frederick H. Hunderner, (202) 245–7166.	NPRM July 1981.
Cost of Attendance	A. *Description:* The regulations—which amends existing regulations—establish provisions used by the Pell Grant Program in determining a student's cost of attendance at an institution of postsecondary education. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required.	William L. Moran, (202) 472–4300.	FR May 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
	D. *Objective:* The regulations implement new provisions of the Higher Education Act of 1965 (Section 482(d)), as amended by the Education Amendments of 1980. E. *Legal basis:* Title IV, Part E, of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070a). F. *Citation:* 34 CFR Part 690.		
State Student Incentive Grant Program	A. *Description:* The regulations amend and simplify a program that provides grants to stimulate States to develop and expand grant assistance to eligible students at institutions of postsecondary education. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement changes contained in the Education Amendments of 1980 and simplify previous requirements. E. *Legal basis:* Sections 415A-415D of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070c-1070c-3). F. *Citation:* 34 CFR Part 692.	Lanora Smith, (202) 472-4285.	FR May 1981.
Upward Bound Program	A. *Description:* The regulations implement a grant program designed to help develop the skills and motivation of students who need academic support to complete successfully a program of education beyond high school. The program is intended for individuals who are of low income or who are potential, first-generation college students. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations state the requirements for conducting projects that assist academically promising students to discover their ability and to pursue preparation for postsecondary education. E. *Legal basis:* Sections 417A and 417C of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070d; 1070d-1a). F. *Citation 34CFR Part 645.*	Mary K. Smith, (202) 245-2511.	FR May 1981.
Special Services for Disadvantaged Students.	A.*Description:* The regulations implement a grant program that assists institutions of higher education in providing a range of supportive services to help students to complete postsecondary education. The program is intended for individuals who are physically handicapped or are first-generation college students of low income. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations state the requirements for conducting projects designed to help certain students complete programs of postsecondary education. E. *Legal basis:* Section 417A and D of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070d; 1070d-1b). F. *Citation:* 34 CFR Part 646.	Mary K. Smith, (202) 245-2511.	FR May 1981.
Talent Search Program	A. *Description:* The regulations implement a grant program that identifies and assists qualified youths to complete secondary education and to enter programs of postsecondary education. Projects also assist individuals who have not completed programs of secondary and postsecondary education to reenter educational programs. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations state the requirements for conducting projects that help low-income and potential, first generation college students to complete secondary school and enter or reenter postsecondary educational programs. E. *Legal basis:* Section 417A and 417B of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070d, 1070d-1). F. *Citation:* 34 CFR Part 643.	Mary K. Smith, (202) 245-2511.	FR May 1981.
Educational Opportunity Centers Program.	A. *Description:* The regulations implement a grant program that assist the development and operation of centers providing a range of educational information and services to individuals interested in pursuing postsecondary education. The program is intended to serve mainly persons of low-income who are first generation college students or potential, first-generation college students. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations state the requirements for establishing and operating a center designed to assist certain persons interested in pursuing programs of postsecondary education. E. *Legal basis:* Sections 417A and 417E, of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070d; 1070d-1c). F. *Citation:* 34 CFR Part 644.	Mary K Smith, (202) 245-2511.	FR May 1981.
Training Program for Special Programs Staff and Leadership Personnel.	A. *Description:* The regulations implement a grant program that assists institutions and organizations in providing training for staff and leadership personnel involved in projects under the Special Programs for Students from Disadvantaged Backgrounds. The training is designed, also, to improve the operation of projects. B. *Regulatory impact analysis:* Not needed. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations state the requirements for conducting a project to train staff and leadership personnel. E. *Legal basis:* Sections 417A and 417F of Title IV of the Higher Education Act of 1965, as amended by Sec. 405, Pub. L. 96-374 (20 U.S.C. 1070d; 1070-1d). F. *Citation:* 34 CFR Part 642.	Mary K. Smith, (202) 245-2511.	FR May 1981.
Performance Standards for Special Programs for Students from Disadvantaged Backgrounds.	A. *Description:* The regulations, which amend the regulations governing five programs, state additional criteria for evaluating certain applications. The amendment affects the following programs: Special Services for Disadvantaged Students, Staff Development, Talent Search, Upward Bound, and Educational Opportunity Centers. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not determined. D. *Objectives:* The regulations implement criteria the Secretary uses to evaluate past performance by applicants that have conducted special programs profits within the previous three years. E. *Legal basis:* Section 417A of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070d). F. *Citation:* 34 CFR Parts 642, 643, 644, 645, and 646.	Mary K. Smith, (202) 245-5211.	NPRM June 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
Veterans Cost of Instruction Payment Program.	A. *Description:* The regulations establish requirements for a program that assists eligible institutions in meeting the educational needs of enrolled Vietnam-era veterans through a full-time Office of Veterans Affairs. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement policy decisions, changes in the eligibility criteria, and the payment process of the program. E. *Legal basis:* Section 420 of Title IV, Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070e-1). F. *Citation:* 34 CFR Part 629.	Stanley Patterson, (202) 245-2806.	FR May 1981.
Parent Loans for Undergraduate Students Program.	A. *Description:* The regulations implement a new program of low-interest loans to parents of dependent students in undergraduate study at institutions of postsecondary education. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations state the requirements for participation in this new program authorized by the Education Amendments of 1980. E. *Legal basis:* Title IV, Part B, of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070e-1). F. *Citation:* 34 CFR Part 683.	Jane Bryson, (202) 245-3475.	FR May 1981.
College Housing Program	A. *Description:* The regulations implement a program that provides long-term, low-interest loans to colleges and universities. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations establish the criteria and other requirements for loans to institutions of higher education for construction, acquisition, or modification of dormitories, faculty housing, and related facilities. E. *Legal basis:* Section 401 et seq. of the Housing Act of 1950, as amended (12 U.S.C. 1749); Section 309 of the Department of Education Organization Act (20 U.S.C. 3449). F. *Citation:* 34 CFR Part 614.	Thomas Carr, (202) 245-9514.	FR with invitation to comment, May 1981.
Financial Assistance for Construction, Reconstruction, and Renovation of Academic Facilities—General.	A. *Description:* The regulations contains the general provisions common to four grant and loans programs that provide financial assistance for the improvement of higher education academic facilities. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations establish the general requirements governing these programs of grants and loans to institutions of higher education. E. *Legal basis:* Sections 701-742 of Title VII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1132d-1132e-1). F. *Citation:* 34 CFR Part 617.	Lou Anderson, (202) 245-3253.	FR June 1981.
Financial Assistance for the Construction, Reconstruction, and Renovation of Undergraduate Academic Facilities.	A. *Description:* The regulations establish the selection criteria and other provisions governing grants to institutions of higher education for the construction, reconstruction, or renovation of undergraduate academic facilities. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement provisions of the program related to the awarding of grants and reflect recent statutory changes. E. *Legal basis:* Sections 701-742 of Title VII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1132a-1132e-1). F. *Citation:* 34 CFR Part 618.	Lou Anderson, (202) 245-3253.	FR June 1981.
Financial Assistance for the Construction, Reconstruction, and Renovation of Graduate Academic Facilities..	A. *Description:* The regulations establish the criteria and requirements for grants to institutions of the higher education for construction, reconstruction, or renovation of graduate academic facilities. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement provisions of the program related to the awarding of grants and reflect recent statutory changes. E. *Legal basis:* Sections 701-742 of Title VII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1132a-1132e-1). F. *Citation:* 34 CFR Part 619.	Lou Anderson, (202) 245-3253.	FR June 1981.
Loans for the Construction, Reconstruction, and Renovation of Academic Facilities.	A. *Description:* The regulations establish the selection criteria and other provisions governing loans to institutions of higher education for the construction, reconstruction, or renovation of academic facilities. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement provisions of the program related to the awarding of loans and reflect recent statutory changes. E. *Legal basis:* Sections 701-742 of Title VII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1132a-1132e). F. *Citation:* 34 CFR Part 630.	Lou Anderson, (202) 245-3253.	FR June 1981.
Annual Interest Grants for the Construction, Reconstruction, and Renovation of Academic Facilities.	A. *Description:* The regulations establish the selection criteria and other provisions governing annual interest grants to institutions of higher education to reduce the cost of borrowing funds for the construction, reconstruction, or renovation of academic facilities. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement the provisions of the program and reflect recent statutory changes E. *Legal basis:* Sections 701-742 of Title VII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1132a-1132e-1) F. *Citation:* 34 CFR Part 621	Lou Anderson, (202) 245-3253.	FR June 1981.
Cooperative Education Program—General Provisions.	A. *Description:* The regulations establish the general provisions governing four components of a program designed to assist institutions of higher education in providing students the opportunity to gain career exposure in work experiences B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objective:* The regulations implement general requirements common to the several components of the program E. *Legal basis:* Title VIII of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1133-1133b) F. *Citation:* 34 CFR Part 631	Barbara Freeman, (202) 245-2146.	FR June 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
Cooperative Education Program—Administration.	A. *Description:* The regulations establish requirements governing grants to institutions of higher education for projects designed to provide students with educationally related work experiences B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The regulations implement legislative changes, provide necessary information to potential applicants, and establish the selection criteria by which applications are evaluated E. *Legal basis:* Title VIII of the Higher Education Act of 1965, as amended by Pub. L. 94–374 (20 U.S.C. 1133–1133a) F. *Citation:* 34 CFR Part 632	Barbara Freeman, (202) 245–2146.	FR June 1981.
Cooperative Education Program—Demonstration.	A. *Description:* The regulations establish requirements governing the award of demonstration grants to institutions of higher education to institutionalize cooperative education on a comprehensive, institution-wide basis for a diverse student population B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The regulations implement legislative changes, provide necessary information to potential applicants, and establish criteria by which applications are evaluated E. *Legal basis:* Title VIII of the Higher Education Act of 1965, as amended by Pub. L. 96–374 (20 U.S.C. 1133–1133b) F. *Citation:* 34 CFR Part 633	Barbara Freeman, (202) 245–2146.	FR June 1981.
Cooperative Education Program—Research.	A. *Description:* The regulations establish requirements governing grants to institutions of higher education to conduct research in methods of improving cooperative education programs, promoting the use of cooperative education as an alternative approach, and developing cooperation between secondary schools and institutions of higher education B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The regulations implement legislative changes, provide information to potential applicants, and establish requirements for the program E. *Legal basis:* Title VIII of the Higher Education Act of 1965, as amended by Pub. L. 96–374 (20 U.S.C. 1133–1133b) F. *Citation:* 34 CFR Part 634	Barbara Freeman, (202) 245–2146.	FR June 1981.
Cooperative Education Program—Training.	A. *Description:* The regulations establish the criteria and requirements governing training grants to develop and expand the capacity of institutions to carry out cooperative education programs. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement legislative changes, provide information to potential applicants, and establish requirements for evaluating applications. E. *Legal basis:* Title VIII of the Higher Education Act of 1965, as amended by Pub. L. 96–374 (20 U.S.C. 1133, 1133b). F. *Citation:* 34 CFR Part 635.	Barbara Freeman, (202) 245–2146.	FR June 1981.
Law School Clinical Experience Program	A. *Description:* The regulations establish requirements for a program that provides assistance to accredited law schools to establish or expand programs of clinical experience for students in the practice of law. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations implement the provisions of the program. E. *Legal basis:* Part E of Title IX of the Higher Education Act of 1965, as amended by Pub. L. 96–374 (20 U.S.C. 1134n–1134p). F. *Citation:* 34 CFR Part 639.	Alan Schiff, (202) 245–2347.	FR May 1981.
Assistance for Training in the Legal Profession.	A. *Description:* The regulations establish the criteria and requirements governing assistance to individuals from disadvantaged backgrounds to undertake training for the legal profession. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement provisions covering eligible activities and costs under the program. E. *Legal basis:* Part D of Title IX of the Higher Education Act of 1965, as amended by Pub. L. 96–374 (20 U.S.C. 1134). F. *Citation:* 34 CFR Part 651.	Heather Dillinger, (202) 245–2347.	FR May 1981.
National Graduate Fellows Program	A. *Description:* The regulations establish eligibility and indicate how individuals apply for fellowships for doctoral studies in the arts, the humanities, and the social sciences. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement new provisions required by the Education Amendments of 1980. E. *Legal basis:* Part C of Title IX of the Higher Education Act, as amended by Pub. L. 96–374 (20 U.S.C. 1134h–1134k). F. *Citation:* 34 CFR Part 650.	Heather Dillinger, (202) 245–2347.	FR May 1981.
Institutional Grants for Graduate and Professional Study.	A. *Description:* The regulations establish the criteria and requirements for a program providing financial assistance to institutions of higher education to maintain and strengthen the quality of programs of graduate and professional study and to strengthen undergraduate programs. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement new provisions required by the Education Amendments of 1980. E. *Legal basis:* Part A of Title IX of the Higher Education Act of 1965, as amended by Pub. L. 96–374 (20 U.S.C. 1134–113b). F. *Citation:* 34 CFR Part 648.		
Secretary's State-Administered and Discretionary Programs of Vocational Education.	A. *Description:* The regulations amend matching requirements of a program that provides assistance to States for national priority programs for handicapped and disadvantaged persons. The regulations also make minor, technical amendments to the discretionary portions of the program. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required.	Lee Cornetsen, (202) 472–3440.	FR May 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
	D. *Objective:* The regulations provide guidance in preparing State plans, amend the criteria for and make other regulatory changes in one of the discretionary programs, and provide for the awarding of grants—in addition to contracts—under another discretionary program. E. *Legal basis:* Vocational Act of 1963, as amended by Pub. L. 94-482, Pub. L. 95-40, and Pub. L. 96-46 (20 U.S.C. 2301-2461). F. *Citation:* 34 CFR Parts 400 and 408.		
Bilingual Education Amendments—Training Projects.	A. *Description:* The regulations clarify statutory requirements concerning the formation of an advisory council to assist in the development of an application under this program and statutory requirements concerning the priority for assisting applications that propose to serve areas having the greatest need for training projects. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations clarify statutory requirements concerning advisory councils for applicants and explain how the Secretary will implement the statutory requirement giving priority to applicants that will serve areas having the greatest need. E. *Legal basis:* Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561 (20 U.S.C. 3283, 3231, and 3233). F. *Citation:* 34 CFR Part 518.		
Bilingual Education—Desegregation Support Program.	A. *Description:* The regulations implement a program of Federal financial assistance to local education agencies implementing desegregation plans to meet the special educational needs of minority group children who are from an environment in which the dominant language is other than English and who, as a result of language barriers and cultural differences, do not have equal educational opportunity. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations implement application and grant requirements related to the provision of Federal financial assistance to desegregating local educational agencies for special educational programs for eligible minority groups children. E. *Legal basis:* Part D of Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561 (20 U.S.C. 3261). F. *Citation:* 34 CFR Part 520.	Regina Robbins, (202)472-3520.	FR May 1981.
School Assistance in Federally Affected Areas (SAFA) (School Construction).	A. *Description:* The regulation implement statutory amendments concerning basis of eligibility, hearings, and payment; establish an order of funding priority, describe criteria for waivers, and describe special rules for federally operated schools. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations implement amendments to the law and clarify existing requirements. E. *Legal basis:* Pub. L. 81-815 (20 U.S.C. 631-647), as amended by Pub. L. 95-561. F. *Citation:* 34 CFR Part 221.	Alan Ballma, (202) 245-9412.	FR September 1981.
School Assistance in Federally Affected Areas—Disasters.	A. *Description:* The regulations establish requirements governing the provision of financial assistance to local educational agencies that have incurred disaster damage. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations reflect changes in the operation of the program as a result of a management review. E. *Legal basis:* Section 7 of Pub. L. 81-874 (20 U.S.C. 241-1) and Sec. 16 of Pub. L. 81-815, as amended by Pub. L. 95-561 (20 U.S.C. 646). F. *Citation:* 34 CFR Part 219.	Robert Schneider, (202) 245-9412.	FR May 1981.
Migrant Education—High School Equivalency Program (HEP) and College Assistance Migrant Program (CAMP).	A. *Description:* The regulations implement programs of assistance to institutions of higher education for projects providing educational and supportive services to students whose families are engaged in migrant and seasonal farmwork. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations establish requirements for projects designed to assist eligible students in obtaining the equivalent of a high school diploma and in successfully adjusting to postsecondary school. E. *Legal basis:* Subpart 5, Part A, Section 418A of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070d-2). F. *Citation:* 34 CFR Part 206.	John Ridgway, (202) 245-2222.	FR May 1981.
School Assistance in Federally Affected Areas—Special Impact Aid Program for Refugees.	A. *Description:* The regulations implement a program of Federal financial assistance to local educational agencies that experience in any school year an enrollment increase of at least 20 students who have fled from Cambodia, Vietnam, Laos, or Haiti. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations establish requirements for receiving and using Federal financial assistance. E. *Legal basis:* Pub. L. 81-874, as amended by Pub. L. 96-374 (20 U.S.C. 238a). F. *Citation:* 34 CFR Part 222.	Carroll Dexter, (202) 472-4014.	FR May 1981.
Migrant Education—Interstate and Intrastate Coordination Program.	A. *Description:* The regulations implement a program of Federal financial assistance to improve interstate and intrastate coordination of migrant education activities among State education agencies (SEAs) and local educational agencies. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations establish requirements for interstate and intrastate coordination activities in migrant education. They also enable the Secretary to establish, in consultation with SEAs, priority areas for program funding and to establish appropriate criteria that will ensure the selection of Quality proposals in areas of national need. E. *Legal basis:* Subpart 1, Part B, Section 143 of Title I of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561 (20 U.S.C. 2763). F. *Citation: 34 CFR Part 205.*	John Ridgway, (202) 245-2222.	NPRM June 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
Titles I and IV, ESEA—By-Pass Procedures.	A. *Description:* The regulations establish procedures for the submission of written objections and for show-cause hearings when the Secretary proposes to implement a by-pass to provide equitable services for children enrolled in private schools. B. *Regulatory impact analysis:* Not required. C. Regulatory flexibility analysis: Not required. D. *Objective:* The regulations provide specific timelines and procedures to ensure that an expeditious and fair decision is made on whether the Secretary should implement a by-pass. E. *Legal basis:* Sec. 130 of Title I of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 96-561 (20 U.S.C. 2740); and Sec. 406 of Title IV of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 96-561 (20 U.S.C. 3088). F. *Citation:* 34 CFR Parts 201 and 774.	Stephen Freid, (202) 426-6200	FR May 1981.
Education Department General Administrative Regulations (EDGAR)—Amendments—Parts 75 and 76.	A. *Description:* The regulations consolidate fiscal and administrative requirements for direct grant and State-administered programs of the Department of Education (ED) by incorporating 34 CFR Part 74 (regulations for the Administration of Grants). B. *Regulatory impact analysis:* Not determined. C. Regulatory flexibility analysis: Not required. D. *Objectives:* The regulations assist eligible parties in applying for grants and in conducting or administering federally assisted projects by having all ED fiscal and administrative requirements incorporated into one document. E. *Legal basis:* Sec. 409(a)(1) of Pub. L. 90-247, as amended (20 U.S.C. 1221e-3(a)(1)). F. *Citation:* 34 CFR Parts 75 and 76.	Fred Hundemer, (202) 245-1786.	FR August 1981.
EGDAR Amendments— Parts 75 and 76.	A. *Description:* The regulations incorporate into the Education Department General Administrative Regulations the "Cost Principles" currently found in the appendices of 34 CFR Part 74. B. *Regulatory impact analysis:* Not determined. C. *Regulatory flexibility analysis: Not required.* D. *Objective:* The regulations assist affected parties by incorporating into one document all fiscal and administrative requirements. E. *Legal basis:* Section 409(a)(1) of Pub. L. 90-247, as amended (20 U.S.C 1221e-3(a)(1)). F. *Citation:* 34 CFR Parts 75 and 76.	Joseph Connor, (202) 245-1786.	FR August 1981.
EDGAR Amendments—Part 76.	A. *Description:* The regulations amend the Education Department General Administrative Regulations by adding requirements for participation in State-administered programs by children enrolled in private schools. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The amendment states requirements for participation by eligible children enrolled in private schools. E. *Legal basis:* Section 409(9)(1) of Pub. L. 90-247, as amended (20 U.S.C. 1221e-3(a)(1)). F. *Citation:* 34 CFR Part 76.	Phil Rosenfelt, (202) 427-6300.	FR August 1981.
International Education Programs—General.	A. *Description:* The regulations contain general regulatory requirements common to four programs. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations reflect statutory changes and implement new requirements for grants. E. *Legal basis:* Title VI of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1121-1127); the Elementary and Secondary Education Act of 1965, Pub. L. 89-10 (20 U.S.C., 3063-3065). F. *Citation:* 34 CFR Part 655.	Joseph Belmonte, (202) 245-2356	FR June 1981.
National Resource Centers and Fellowships Program for Language and Area or Language and International Studies.	A. *Description:* The regulations specify requirements governing the establishment and operation of National Resource Centers for the teaching of any modern foreign language. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations reflect statutory changes and implement new requirements for grants. E. *Legal basis:* Title VI of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1122). F. *Citation:* 34 CFR Part 656.	Joseph Belmonte, (202) 245-2356.	FR June 1981.
Undergraduate International Studies and Foreign Language Program.	A. *Description:* The regulations establish requirements governing financial assistance to strengthen and improve undergraduate instruction in international studies and foreign languages in the U.S. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations reflect statutory changes and implement new requirements for grants. E. *Legal basis:* Title VI of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1124). F. *Citation:* 34 CFR Part 658.	Joseph Belmonte, (202) 245-2356.	FR June 1981.
International Studies and Research Program.	A. *Description:* The regulations establish requirements governing financial assistance for research, studies, surveys, and the development of specialized materials. B. *Regulatory impact analysis:* Not required. C *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations reflect statutory changes and implement new requirements for awards. E. *Legal basis:* Title VI of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1125). F. *Citation:* 34 CFR Part 660.	Joseph Belmonte, (202) 245-2356.	FR June 1981.
International Understanding Program.	A. *Description:* The regulations establish requirements governing a new program of grants to stimulate in education at all levels understanding about cultures, actions, and interconnections of nations and people. B. *Regulatory impact analysis:* Not required. C *Regulatory flexibility analysis:* Not required.	Joseph Belmonte, (202) 245-9758.	FR June 1981.

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
	D. *Objectives:* The regulations reflect new statutory provisions and implement requirements for grants. E. *Legal basis:* Part N of Title III of the Elementary and Secondary Education Act of 1965, as amended Pub. L. 96-374 (20 U.S.C. 3083-3085). F. *Citation:* 34 CFR Part 667.		
Teacher Centers	A. *Description:* The regulations govern awards of grants to local educational agencies and institutions of higher education to plan, establish, and operate teacher centers. B. *Regulatory impact analysis:* Not determined. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations propose changes in the original interpretation and implementation of the statute with respect to administration of the program. E. *Legal basis:* Title V-B of the Higher Education Act of 1965, as amended Pub. L. 96-374 (20 U.S.C. 1119a). F. *Citation:* 34 CFR Part 240.	Bruce Gaarder, (202) 472-5602.	NPRM June 1981.
National Institute of Handicapped Research.	A. *Description:* The regulations establish general administrative requirements for programs under the National Institute of Handicapped Research B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations provide selection criteria and operating procedures common to the programs. E. *Legal basis:* Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. *Citation:* 34 CFR Part 350.	Nathan Ed Acree, (202) 472-5248.	FR May 1981.
Handicapped Research: Research and Demonstration projects.	A. *Description:* The regulations govern a program of assistance to projects designed to improve vocational and other rehabilitation services to handicapped individuals through the planning and conducting of research, demonstration activities, and specialized research. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations described the types of projects authorized under the program and establish selection criteria and operating procedures of the program. E. *Legal basis:* Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. *Citation:* 34 CFR Part 351.	Nathan Ed Acree, (202) 472-5248.	FR May 1981.
Handicapped Research: Rehabilitation Research and Training Centers.	A. *Description:* The regulations govern a program of assistance to centers that conduct coordinated and advanced programs of research in rehabilitation, disseminate research findings, and provide training for rehabilitation personnel. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations describe the types of activities supported by the Secretary and establish selection criteria and operating procedures for the program. E. *Legal basis:* Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. *Citation:* 34 CFR Part 352.	Nathan Ed Acree, (202) 472-5248.	
Handicapped Research: Rehabilitation Engineering Program.	A. *Description:* The regulations govern a program of assistance for the application of technology as a means of solving problems in rehabilitation. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations establish selection criteria and operating procedures for the program. E. *Legal basis:* Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. *Citation:* 34 CFR Part 353.	Nathan Ed Acree, (202) 472-5248.	FR May 1981.
Handicapped Research: Model Research and Training Program.	A. *Description:* The regulations govern a program of assistance for the establishment and operation of centers that conduct research and training related to evaluating and developing the employment potential of the handicapped. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations describe the types of activities eligible for assistance and establish selection criteria and operating procedures for the program. E. *Legal basis:* Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. *Citation:* 34 CFR Part 354.	Nathan Ed Acree, (202) 472-5248.	FR May 1981.
Handicapped Research: Knowledge Dissemination and Utilization.	A. *Description:* The regulations govern a program of assistance to promote the dissemination and use of knowledge and research generated by projects funded by the National Institute of Handicapped Research and other sources. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations describe the types of activities eligible for assistance and establish selection criteria and operating procedures for the program. E. *Legal basis:* Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. *Citation:* 34 CFR Part 355.	Nathan Ed Acree, (202) 472-5248.	FR May 1981.
Handicapped Research: Research Fellowships.	A. *Description:* The regulations govern a program of assistance to highly qualified individuals to conduct research related to rehabilitation problems of the handicapped. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations describe eligibility requirements for fellows, the types of problems that may be researched, and the criteria used to select fellows. E. *Legal basis:* Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 760-762). F. *Citation:* 34 CFR Part 356.	Nathan Ed Acree, (202) 472-5248.	FR May 1981.
Rehabilitation Technical Assistance Program.	A. *Description:* the regulations govern a program of technical assistance in matters related to the management of rehabilitation facilities or in matters related to the removal of architectural, transportation, or communication barriers to the handicapped. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required.		

Department of Education Semiannual Regulations Agenda and Review List—Continued

Title	Summary	Contact	Earliest expected decision date
	D. *Objective:* The regulations implement requirements for conducting projects under the program. E. *Legal basis:* Sections 12(a) and 606 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 711(a) and 794(b)). F. *Citation:* 34 CFR Part 393.		
The Helen Keller National Center for Deaf-Blind Youths and Adults.	A. *Description:* The regulations govern a program of assistance to a center designed for the vocational rehabilitation of deaf-blind individuals. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The regulations implement the revised statutory authority for the center program. E. *Legal basis:* Section 313 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 777c). F. *Citation:* 34 CFR Part 384.	Harold F. Shay, (202) 245-0079.	FR May 1981.
Research in Education of the Handicapped.	A. *Description:* The regulations amend current regulations for a program providing grants and contracts for research in the education of the handicapped, including model projects. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations establish priority areas for the funding of model projects and research projects and a method for the annual selection of priorities. They also revise current regulations to provide for contractual awards to for-profit organizations. E. *Legal basis:* Section 641-644 of the Education of the Handicapped Act, as amended by Pub. L. 95-49 (20 U.S.C. 1441-1444). F. *Citation:* 34 CFR Part 324.	Jane Case Williams, (202) 245-3367.	FR May 1981.
Needs Analysis: Common Form—1982-1983.	A. *Description:* The regulations provide a common needs analysis for the need-based student aid programs under Title IV of the Higher Education Act. The programs affected are: Pell Grant, National Direct Student Loans, Supplemental Educational Opportunity Grants, College Work-Study, and Guaranteed Student Loan. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not determined. D. *Objectives:* The regulations establish needs analysis provisions common to the operation of the affected student aid programs. E. *Legal basis:* Section 417A of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 95-374 (20 U.S.C. 1099). F. *Citation:* 34 CFR Part 690.	William Moran, (202) 472-4300.	NPRM June 1981.
Innovative Regulatory Techniques	A. *Description:* The regulations amend the Education Department General Administrative Regulations (EDGAR) and some program regulations to provide administrative relief for certain applicants for grants and certain recipients of grants under programs of the Department of Education. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not determined. D. *Objectives:* The regulations implement provisions that permit certain entities to establish apply and their own compliance and administrative procedures to meet regulatory goals. They also exempt certain small entities from some administrative requirements. E. *Legal basis:* Department of Education Organization Act, Pub. L. 96-88 (20 U.S.C. 3474). F. *Citation:* 34 CFR Parts 75, 76, 77, 108, and 674.	Ruth Feldman, (202) 472-1058.	NPRM July 1981.

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federal register

Thursday
April 30, 1981

Part IV

Department of Health and Human Services

Office of the Secretary

Semi-Annual Agenda of Regulations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I–IV

45 CFR Subtitle A, Chs. II, III, and XIII

Semi-Annual Agenda of Regulations

AGENCY: Department of Health and Human Services.

ACTION: Publication of semi-annual agenda of regulations (Executive Order 12291 and the Regulatory Flexibility Act of 1980).

SUMMARY: The President's February 17, 1981, Executive Order on Regulations (Executive Order 12291) and the Regulatory Flexibility Act of 1980 require the Department to publish in April and October an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their affect on small businesses.

This Agenda contains only those regulations that are: (1) specifically required by statute or court order; (2) implementing decisions made after January 20, 1981; or (3) the result of ongoing review of existing regulations initiated prior to January 20, 1981.

The Department is in the process of establishing new procedures intended to reduce significantly the number and scope of new regulations issued in the future. In addition, the Department is undertaking a systematic review of significant regulations already "on the books" to eliminate unnecessary and overly burdensome requirements.

Many regulations listed in the Department's last semi-annual agenda (published on December 19, 1980) are not included in this April list. The Secretary is reviewing all regulatory actions initiated but not completed prior to January 20, 1981, and decisions to proceed will be made on a case-by-case basis. Therefore, exclusions from this agenda only signifies that decisions have not been made on particular regulatory actions in the December 1980 Agenda.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: Glenn Kamber, Deputy Executive Secretary (Regulations) Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, D.C. 20201, Telephone: (202) 245–3160.

Dated: April 23, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

Department of Health and Human Services Semiannual Regulations Agenda and Review List

Office of the Secretary

Title	Summary	Contact
OIG–1—Grants to States for State Medicaid Fraud Control Units.	A. *Description:* The OIG is reconsidering policy decisions made in existing regulations that governor State Medicaid Fraud Control Units and their relationship to State Medicaid agencies. These rules set forth eligibility for funding, mandatory and optional functions, staffing requirements, application and reporting procedures, and funding limitations. B. *Why Significant:* The proposed amendments would eliminate some unnecessary limitations on unit funding, but would increase minimum requirements for participation to strengthen unit performance. Some of these changes are in response to a GAO report, congressional enactment of permanent funding for these units and expressions of concern on unit activities, and OIG experience with the units. C. *Regulatory Analysis:* Not required D. *Need:* To interpret P.L. 96–499 and to improve the productivity of the units. E. *Legal Authority:* P.L. 96–499; P.L. 95–142; Sections 1903(a)(6) and 1102 of the Social Security Act. F. *Chronology:* The regulations proposal is the first step in the development of the proposed amendments. G. *Covered by the Regulatory Flexibility Act:* No.	Joseph J. Piazza, Director, Division of State Fraud Control, Office of Inspector General, 330 Independence Ave. SW., Washington, D.C. 20201 202/472–3222.
OS–1—Requirements and Procedures Applicable to Appeals Before the Departmental Grant Appeals Board.	A. *Description:* This final rule would set out the requirements and procedures for appeals to Departmental Grant Appeals Board for certain disputes (listed therein) arising for HHS programs. B. *Why Significant:* This rule will revise earlier editions and is designed to provide a fair and impartial process as well as substantial revision to provide for a quick and flexible process. C. *Regulatory Analysis:* Not needed D. *Need:* To keep impartiality of Board while at the same time providing a quicker more flexible process for grantees and agencies. To aid in shortening the time for final closeout or audit reports that are in dispute. E. *Legal Basis:* 5 USC 301; Reorganization Plan of 1953 (Sec. 1, 5, 6 and 7). F. *Chronology:* Revision of previous edition proposed rule published on January 6, 1981; Public Hearing held February 17; comment period ended March 9, 1981.	Narval D. (John) Settle, Chair, Departmental Grant Appeals Board, Room 2004, Switzer Building, 330 C Street SW., Washington, D.C. 20201.
OCR–1—Nondiscrimination on the Basis of Age in Federally Assisted Programs.	A. *Description:* The regulation will prohibit age discrimination in programs and activities that receive financial assistance from the Department. B. *Why Significant:* The regulation will set forth the specific responsibilities of recipients and will protect individuals from age discrimination in HHS-assisted programs and activities. C. *Regulatory Analysis:* Not required D. *Need:* Pursuant to the Act the Secretary is required to promulgate agency-specific regulations setting forth the responsibilities of its recipients. E. *Legal Basis:* 42 U.S.C. 6101 *et seq.* F. *Chronology:* Government-wide final regulations to implement the Act were published by the Department in the FEDERAL REGISTER on June 12, 1979 (44 FR 33768). The Department's agency-specific NPRM was published September 24, 1979 (44 FR 55108). Comment period ended November 23, 1979. G. *Covered by Regulatory Flexibility Act:* No.	George Lyon, Office of the General Counsel, Civil Rights Division, (202) 245–6246, 330 Independence Ave. SW., Washington, D.C. 20201.
Cost Principles for Nonprofit Organizations	A. *Description:* Amendment to HHS General grants administration regulation to implement OMB Circular A–122, Cost Principles for Nonprofit Organizations. B. *Why Significant:* Amendment would implement Government-wide cost principles and further the objective of having consistent rules for Federal grantees. C. *Regulatory Analysis:* Not required	Gary Talarek, Office of Grants and Contract Financial Management, Room 533–H, Humphrey Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202–245–6771.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Office of the Secretary

Title	Summary	Contact
	D. *Need:* Required to comply with OMB directive E. *Legal Basis:* 5 U.S.C. 301 F. *Chronology:* None G. *Covered by the Regulatory Flexibility Act:* No	
Cost Allocation Plans for Public Assistance Programs.	A. *Description:* Revision and Consolidation of current program regulations on submission and approval of cost allocation plans used by State agencies to claim administrative costs on public assistance programs (e.g., Medicaid, AFDC etc.). B. *Why Significant:* Regulation would provide comprehensive guidance on the submission and approval of cost allocation plans required to claim administrative costs on all HHS financed public assistance programs. C. *Regulatory Analysis:* Not required D. *Need:* To clarify requirements, eliminate duplicative coverage in individual program regulations, provide more definitive guidance, and simplify appeals procedures related to "cross-cutting" cost disallowances. E. *Legal Basis:* Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302 F. *Chronology:* None G. *Covered by the Regulatory Flexibility Act:* No	Edward Tracy, Office of Grant and Contract Financial Management, Room 533-H, Humphrey Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202-755-7633.
Equipment Acquired Under Public Assistance Programs.	A. *Description:* Revision and consolidation of current program regulations on the allowability of equipment costs under public assistance programs (e.g., Medicaid, AFDC, etc.) and on the management and disposition of equipment under the programs. B. *Why Significant:* Regulation would substantially liberalize and simplify current regulations on this subject. C. *Regulatory Analysis:* Not required D. *Need:* To establish a more realistic threshold for determining whether equipment costs can be claimed at the time of purchase or must be depreciated. Also needed to eliminate duplicative coverage in individual program regulations, and to simplify and clarify regulations. E. *Legal Basis:* Sec. 1102, 49 Stat. 647, 45 U.S.C. 1302 F. *Chronology:* None G. *Covered by the Regulatory Flexibility Act:* No	Edward Tracy, Office of Grant and Contract Financial Management, Room 533-H, Humphrey Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202-755-7633.
Administration of Grants, 45 CFR Part 74.	A. *Description:* These amendments will transfer certain policies contained in the Department's Grants Administration Manual to the HHS grants administration regulation. Miscellanous clarifications and refinements of current provisions of the regulations will also be made. B. *Why Significant:* This action will secure public participation in the making of grant administration rules which have previously been adopted without public comment. The change will also simplify administrative burdens on grantees who deal with more than one HHS granting agency. C. *Regulation Analysis:* Not required D. *Need:* The regulation will reduce burdens on grantees, and eliminate the need for HHS granting agencies to publish implementation of many policies in the Grants Administration Manual. E. *Legal Basis:* Sec. U.S.C. 301 F. *Chronology:* None G. *Covered by the Regulatory Flexibility Act:* No	Matthias Lasker, Director, Division of Grants Policy and Regulations Development, OGP, Room 513D, Humphrey Bldg., 200 Independence Avenue SW. Washington, D.C. 20201, 202-245-7565.
HHS Procurement Regulation	A. *Description:* Periodic amendments to HHS Procurement Regulation to implement OMB and GSA procurement policy directives and Federal Procurement Regulations. B. *Why Significant:* Amendments will implement government-wide policies and procedures which govern Federal contracts. C. *Regulatory Analysis:* Not required D. *Need:* Required to comply with OMB and GSA policy directives and regulations. E. *Legal Basis:* Chapter 3, Title 41 U.S.C. F. *Chronology:* None. G. *Covered by the Regulatory Flexibility Act:* No	Fred Lewis, Office of Procurement Policy, Room 536H, Humphrey Bldg., 200 Independerice Avenue SW., Washington, D.C. 20201, 202-245-8740.
Payments With Checks-Paid Letters of Credit and Delay-of-Drawdown Letters of Credit.	A. *Description:* The regulations will require that certain recipient organizations adopt the checks-paid letter of credit technique or the alternative delay-of-drawdown technique.. B. *Why Significant:* Provides as a regulatory base that a uniform funding method be used in making funds available to DHHS recipient organizations. The funding method will insure that any recipient organization which drawe an advance of Federal funds, using a letter of credit, will have their funds as they need them, but not far in advance of their need. C. *Regulatory Analysis:* Not required D. *Need:* While the statute does not mandate regulations, the magnitude of advance payments to recipient organizations requires that more sophisticated funding mechanisms be utilized. E. *Legal Basis:* 42 U.S.C. 4213 F. *Chronology:* None G. *Covered by the Regulatory Flexibility Act:* No	David Dukes, Deputy Assistant Secretary for Finance, Room 705D Hubert Humphrey Building, 200 Independence Ave. SW., Washington, D.C. 20201, (202) 254-7084.
Due Process Principles	A. *Description:* The regulation will prescribe the actions that will be taken by DHHS in resolving or attempting to resolve cash management deficiencies or abuses demonstrated by any recipient organization. B. *Why Significant:* Provides a regulation to ensure that DHHS recipient organizations know what will happen when they do not operate within the cash management requirements. In addition to knowing what will happen the recipient organizations will know the time frame in which the various actions will be taken. C. *Regulatory Analysis:* Not required D. *Need:* While the statute does not mandate regulations they are necessary in order to permit DHHS to carry out its cash management responsibilities under the letter of credit and non-letter of credit payment systems. E. *Legal Basis: State of New York* v. *Patricia Harris*, Civil Action No. 80-1265 (U.S.D.C. D.C. July 11, 1980). F. *Chronology:* None G. *Covered by the Regulatory Flexibility Act:* No	David Dukes, Deputy Assistant Secretary for Finance, Room 705D Hubert Humphrey Building, 200 Independence Ave. SW., Washington, D.C. 20201, (202) 245-7084.

Department of Health and Human Services Semiannual Regulations Agenda and Review List

Public Health Service

Title	Summary	Contact
PHS—Confidentiality of Alcohol and Drug Abuse Patient Records, minimum requirements for protecting.	A. *Description:* These regulations apply to the records of the indentity, diagnosis, prognosis, or treatment of alcohol, and drug abuse patients. They require that records be kept confidential and be disclosed only (1) with the written consent of the patient, (2) pursuant to an authorizing court order based upon a finding of good cause, or (3) without either a written consent or an authorizing court order in the following limited circumstances: for a medical emergency, for the conduct of scientific research, an audit, or program evaluation. B. *Why Significant:* This rule applies to alcohol and drug abuse patient records maintained in connection with any alcohol abuse or drug abuse program conducted, regulated, or directly or indirectly assisted by any department or agency of the United States. It implements statutory requirements which encourage alcohol and drug abusers to seek treatment by removing the fear that attempts to enroll in treatment programs would lead to disclosure to employers and other members of the public or lead to police harassment and/or arrest. C. *Regulatory Analysis:* Not required D. *Need:* These regulations are required by section 333(g) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended, and by section 408(g) of the Drug Abuse Office and Treatment Act of 1972, as amended. Rewrite of these regulations will fulfill the Department's commitment to make regulations clearer and more concise and will take into consideration the Department's experience with the regulation over the past five years. E. *Legal Basis:* Section 408 of Pub. L. 92-255, the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1175) as amended by section 303 of Pub. L. 93-282 (88 Stat. 137); and section 333 of Pub. L. 91-616, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. (42 U.S.C. 4582), as amended by section 122(a) of Pub. L. 93-282 (88 Stat. 131). F. *Chronology:* Final Rule, published July 1 1975 (40 FR 27802), has been reviewed and a decision made to recodify. Notice of Decision to develop Regulations published January 2, 1980 (45 FR 83) with a 90-day comment period. G. *Covered by the Regulatory Flexibility Act:* Yes	Judith T. Galloway, Legal Assistant, Alcohol, Drug Abuse, and Mental Health Administration, Room 13C06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443-3200.
PHS—Foreign Quarantine Regulations: Requirements and Inspections.	A. *Description:* This NPRM would provide procedures on preventing the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. B. *Why Significant:* The procedures affect all international traffic arriving in the U.S. by ship, aircraft, or land conveyances. C. *Regulatory Analysis:* Not required D. *Need:* To update the regulations in accordance with current concepts of disease surveillance, investigation, and control. E. *Legal Basis:* Section 361 of the Public Health Service Act (42 U.S.C. 264) F. *Chronology:* Notice of Decision to Develop Regulations published June 29, 1979 (44 FR 37963). Comment period will end 60 days after publication of the NPRM. G. *Covered by Regulatory Flexibility Act:* Yes	Mr. Anthony M. Scardaci, Associate Director, Center for Prevention Services, Centers for Disease Control, 1600 Clifton Road NE., Atlanta, Georgia 30333, (404) 329-3773, FTS: 236-3773.
PHS—Medical Examination of Aliens	A. *Description:* This NPRM would provide for the physical and mental examination of aliens within the United States or in other countries as required by the Immigration laws. B. *Why Significant:* The regulations provide the basis for the physical and mental examination of aliens to determine whether the aliens are afflicted with any of the excludable conditions as stated in the Immigration and Nationality Act. C. *Regulatory Analysis:* Not required D. *Need:* To implement changes in accordance with current epidemiological concepts and medical diagnostic standards. E. *Legal Basis:* Section 325 of the Public Health Service Act (42 U.S.C. 264) and Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182). F. *Chronology:* Notice of Decision to Develop Regulations published June 29, 1979 (44 FR 37962). Comment period will end 60 days after publication of NPRM. G. *Covered by Regulatory Flexibility Act:* Yes	Mr. Anthony M. Scardaci, Associate Director, Center for Prevention Services, Centers for Disease Control, 1600 Clifton Road NE., Atlanta, Georgia 30333, 404-329-3773, FTS: 236-3773.
PHS-NIOSH—Research and Demonstration Grants (42 CFR Part 87).	A. *Description:* The following grant regulations are being combined into a single regulation, and are being revised to conform them to 45 CFR Part 74 and to delete provisions that duplicate or conflict with 45 CFR Part 74: (1) Grants for research and demonstrations relating to occupational safety and health (42 CFR Part 87); and (2) grants for advancement of health in coal mining (42 CFR Part 55). B. *Why Significant:* These regulations provide the regulatory base for these grant programs. C. *Regulatory Analysis:* Not required D. *Need:* To conform the regulations to 45 CFR Part 74, and to implement changes made by the Federal Mine Safety and Health Act 1977. E. *Legal Basis:* (1) Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(1)); and (2) Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.). F. *Chronology:* Notice of Proposed Rulemaking published on March 13, 1980 (45 FR 16209). G. *Covered by Regulatory Flexibility Act:* No	Ms. Mary L. Flint, Regulations Specialist, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Room 8-11, Rockville, Maryland 20857, (301) 443-4493, FTS: 443-4493.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Public Health Service

Title	Summary	Contact
PHS—Fees for Direct Training, Centers for Disease Control.	A. *Description:* Under Section 311(b) of the Public Health Service Act, the Center for Disease Control provides technical training to help ensure that health workers throughout the country possess the necessary skills and knowledge to achieve the objectives of disease control programs. The existing regulation sets forth a fee policy for this training and provides for a fee schedule. A waiver procedure to permit States time to include training costs in their budgets was included in the final need for a waiver of fees. Therefore, the proposed revision will delete this requirement in the regulation. B. *Why Significant:* The proposed revision will clarify the policy regarding tuition for training. It will specify who shall pay tuition for training, and the outdated waiver provision will be removed from the existing regulation. C. *Regulatory Analysis:* Not required. D. *Need:* To update the existing regulation to delete the procedure requiring written requests for waiver of fees. Section 311(b) of Public Health Service Act was amended by Public Law 94-317 (June 1976) to eliminate the need for waivers. E. *Legal Basis:* Section 311(b) of the Public Health Service Act (42 U.S.C. 243). F. *Chronology:* Notice of Decision to Develop Regulations published December 18, 1980 (45 FR 83579). G. *Covered by Regulatory Flexibility Act:* No.	Dr. Seth R. Leibler, Acting Director, Center for Professional Development and Training, Centers for Disease Control, 1600 Clifton Road NE., Atlanta, Georgia 30333, (404) 262-6671, FTS: 236-6671.
PHS—Indian Health Care Improvement Act Programs.	A. *Description:* This NPRM would amend 42 CFR 36, Subpart J—Indian Health Care Improvement Act Program (Pub. L. 94-437) to reflect conformance with the Department's new regulations on grant administration which should result in greater standardization and simplification for IHS grant administration and a greater reliance on the grantee's own management systems. B. *Why Significant:* The regulations will conform existing IHS grant administration regulations to the Department's regulations which establish uniform requirements for the administration of HHS grants and principles for determining costs applicable to activities assisted by HHS grants. C. *Regulatory Analysis:* Not required. D. *Need:* IHS has been directed by the Department to revise 42 CFR 36, Subpart J, as required by the Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments, Circular No. A-102, Revised (published September 12, 1977, 42 FR 45828), to conform to the Department's regulations on grant administration (45 CFR Part 74). E. *Legal Basis:* 5 U.S.C. 301; 42 FR 45828; 25 U.S.C. 1601. F. *Chronology:* Changes to subpart J are governed by Section 702(b) of P.L. 94-437. That section requires that any changes be published in the FEDERAL REGISTER with at least a 60-day comment period and that IHS will consult with appropriate national or regional Indian organizations to the extent practicable. G. *Covered by the Regulatory Flexibility Act:* No.	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301-443-1116).
PHS—Grants for Development, Construction, and Operations of Facilities and Services.	A. *Description:* This NPRM would amend 42 CFR 36, Subpart H—Grants for Development, Construction, and Operations of Facilities and Services (Pub. L. 93-638) to reflect conformance with the Department's new regulations on grant administration which should result in greater standardization and simplification for IHS grant administration and a greater reliance on the grantee's own management system. B. *Why Significant:* The regulation will conform existing IHS grant administration regulations to the Department's regulations which established uniform requirements for the administration of HHS grants and principles for determining costs applicable to activities assisted by HHS grants. C. *Regulatory Analysis:* Not required. D. *Need:* IHS has been directed by the Department to revise 42 CFR 36, Subpart H, as required by the Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments, Circular No. A0-102, Revised (published September 12, 1977, 42 FR 45828), to conform with the Department's regulations on grant administration (45 CFR Part 74). E. *Legal Basis:* 5 U.S.C. 301; 42 FR 45828; 25 U.S.C. 450. F. *Chronology:* Changes governed by procedures out-lined in Section 107(c) of Pub. L. 93-638 requiring proposed changes to be submitted to the committees on Interior and Insular Affairs of the respective Houses of Congress and be published in the FEDERAL REGISTER with at least a 60-day comment period. IHS is also to consult with appropriate national or regional Indian organizations to the extent practicable. In addition, the current regulation requires that IHS consult with the tribes and that the final rule not go into effect until 30 days after publication in the FEDERAL REGISTER. G. *Covered by the Regulatory Flexibility Act:* No.	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301-443-1116).
PHS—Indian Health.	A. *Description:* This final rule amends Subpart A, Scope and Definition, and Subpart B, Availability of Services, are revised as parat of the Department's "Operation Common Sense" to make them clearer. Subpart D, Contagious and Infectious Diseases, is being rescinded because it is no longer necessary given present day treatment modalities. B. *Why Significant:* These are technical amendments. C. *Regulatory Analysis:* Not required. D. *Need:* Part of the Department's continuing Review of existing Regulations. E. *Legal Basis:* 25 U.S.C. 13 (Snyder Act) and 42 U.S.C. 2001 (Transfer Act). F. *Chronology:* NOI published February 7, 1980; NPRM published November 18, 1980; comment period ended January 5, 1981. G. *Covered by the Regulatory Flexibility Act:* No.	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301-443-1116).
PHS—Redesignation of Contract Health Service Delivery Area (CHSDA) for the Penobscot Reservation.	A. *Description:* This final rule amends 42 CFR 36.22(a) to change the counties included in the CHSDA for the Penobscot Reservation. B. *Why significant:* This is a technical amendment affecting only the Penobscot Nation. C. *Regulatory Analysis:* Not required. D. *Need:* The Penobscot Nation has requested a change in their reservation's CHSDA. E. *Legal Basis:* 25 U.S.C. 13 (Snyder Act) and 42 U.S.C. 2001 (Transfer Act).	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301-443-1116).

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Public Health Service

Title	Summary	Contact
	F. *Chronology:* Since it is a technical amendment, a NOI was not required. An NPRM was published on January 6, 1981; the comment period closed February 5, 1981.	
	G. *Covered by the Regulatory Flexibility Act:* No	
PHS—Redesignation of Contract Health Service Delivery Area (CHSDA) for the Passamaquoddy Reservation.	A. *Description:* This NPRM would amend 42 CFR 36.22(a) to change the CHSDA for the Passamaquoddy Reservation. B. *Why Significant:* This is a technical amendment affecting only the Passamaquoddy Indian Tribe. C. *Regulatory Analysis:* Not required D. *Need:* The CHSDA for the Passamaquoddy Reservation needs to be amended to reflect the service area funded by Congress which is greater than that derived by a technical application of the current regulation. E. *Legal Basis:* 25 U.S.C. 13 (Snyder Act) and 42 U.S.C. 2001 (Transfer Act) F. *Chronology:* None. Since it is a technical amendment, a NOI is not required G. *Covered by the Regulatory Flexibility Act:* No	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301-443-1116).
PHS—Redesignation of Contract Health Service Delivery Area (CHSDA) for the Reservation of the Mississippi Band of Choctaw Indians	A. *Description:* This NPRM would amend 42 CFR 36.22(a) to change the CHSDA for the Mississippi Choctaw Reservation. B. *Why Significant:* This is a technical amendment affecting only the Mississippi Band of Choctaw Indians. C. *Regulatory Analysis:* Not required D. *Need:* The CHSDA for the Mississippi Choctaw Reservation needs to be amended to add two counties which were inadvertently omitted when the regulations was initially published. E. *Legal Basis:* 25 U.S.C. 13 (Snyder Act) and 42 U.S.C. 2001 (Transfer Act) F. *Chronology:* None. Since it is a technical amendment, a NOI is not required G. *Covered by the Regulatory Flexibility Act:* No	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857 (301-443-1116).
PHS—Redesignation of Contract Health Service Delivery Area (CHSDA) to conform with Congressional Intent.	A. *Description:* This NPRM would amend 42 CFR 36.22(a) to include in regulation the CHSDA for the Siletz Tribe of Oregon and the Pascua Yaqui Indians of Arizona. B. *Why Significant:* This is a technical amendment affecting only the Siletz and Pascua Yaqui. C. *Regulatory Analysis:* Not required D. *Need:* Both tribes have recently been recognized by Acts of Congress in which Congress indicated the tribes' service area. E. *Legal Basis:* 25 U.S.C. 13 (Snyder Act) and 42 U.S.C. 2001 (Transfer Act); P.L. 95-125 (Siletz Restoration Act); and P.L. 95-375 (Extension of Federal Benefits to Pasqua Yaqui Indians). F. *Chronology:* None. Since it is a technical amendment, a NOI is not required G. *Covered by the Regulatory Flexibility Act:* No	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301-443-1116).
PHS—Abortion	A. *Description:* This NPRM proposes to add Subpart F, Abortions and Related Medical Services in Indian Health Services Facilities and Health Service Programs, to 42 CFR 36, to make the Indian Health Service policy on provision of abortion services consistent with that of other Department of Health and Human Services programs. B. *Why Significant:* This regulation would apply the "Hyde Amendment" restrictions to IHS. C. *Regulatory Analysis:* Not required D. *Need:* The Secretary has determined that the Department should adopt a consistent policy. E. *Legal Basis:* 25 U.S.C 13 (Snyder Act) and U.S.C. 2001 and 2003 (Transfer Act). F. *Chronology:* None G. *Covered by the Regulatory Flexibility Act:* No	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301-443-1116).
PHS—Indian Self-Determination Contracts	A. *Description:* This NPRM would amend 42 CFR 36, Subpart I, and 41 CFR 3-4, Subpart 3-4.60 both titled Contracts Under the Indian Self-Determination Act. B. *Why Significant:* The current regulations are over five years old. Experience has indicated the need for a number of clarifications and changes. C. *Regulatory Analysis:* Not required D. *Need:* Program experience shows a need for a thorough review E. *Legal Basis:* 25 U.S.C. 450 F. *Chronology:* Changes governed by procedures outlined in Section 107(c), Pub. L. 93-638 requiring proposed changes to be submitted to the committees on Interior and Insular Affairs of the respective Houses of Congress and be published in the FEDERAL REGISTER with at least a 60-day comment period. IHS is also to consult with appropriate national or regional Indian organizations to the extent practicable. In addition, the current regulation requires that IHS consult with the tribes and that the final rule not go into effect until 60 days after publication in the FEDERAL REGISTER. G. *Covered by the Regulatory Flexibility Act:* No	Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, (301-443-1116).
PHS—National Institutes of Health Center Grants	A. *Description:* These regulations would cover grants by the National Institutes of Health for the support of research and demonstration centers. These regulations would replace existing regulations covering just centers supported by the National Heart, Lung and Blood Institute. These regulations would be available for other center programs which may be created in the future or operated under the general research authorities of NIH. B. *Why Significant:* Legislation has authorized research and demonstration centers for other diseases such arthritis and diabetes. C. *Regulatory Analysis:* Not required D. *Need:* To develop consistent regulations for research and demonstration centers funded by the National Institutes of Health. E. *Legal Authority:* Section 415(b) of the Public Health Service Act; Pub. L. 93-354; and Pub. L. 93-640. F. Chronology: Notice of Decision to Regulate was published July 17, 1978 (43 FR 31583). G. *Covered by the Regulatory Flexibility Act:* No	Lowell D. Peart, NIH Regulations Officer, Division of Management Policy, National Institutes of Health, Bethesda, Md. 20205, (301) 496-4606.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Public Health Service

Title	Summary	Contact
PHS—National Library of Medicine Programs: Revision of General Rules for the National Library of Medicine, National Library of Medicine Grants, National Institutes of Health and National Library of Medicine Traineeships, and National Institutes of Health and National Library of Medicine Training Grants.	A. *Description:* There are 4 NLM regulations undergoing revision. The regulations at 42 CFR Part 4 relate to the access of facilities and library collections. Those at 42 CFR 98a deal with the NLM extramural programs. These rules provide guidance for applying for grants establishing, expanding and improving basic library resources and for establishing Regional Medical Libraries. The regulations at 42 CFR Part 66 deal with both NIH and NLM traineeships. The regulations at 42 CFR Part 64 govern the training grants of NIH and NLM. B. *Why Significant:* These proposed amendments will bring up to date the NLM regulations by (#1) improving readability and (2) allowing for inclusion of updated nondiscrimination language. Part 98a is changed to remove the requirements that photocopies of biomedical materials be provided without charge to users. Part 63 is proposed to be deleted because NIH no longer has general traineeship authority and the sole remaining NLM program with authority is unfunded with no expectation of being refunded. Part 64 would be expanded to formally cover programs in ADAMHA. C. *Regulatory Analysis:* Not required D. *Need:* These revisions are necessary to comply with the Department's programs of recodification and "Operation Common Sense". E. *Legal Basis:* 42 U.S.C. 216, 42 U.S.C. 280b-2 F. *Chronology:* Notice of Decision to Regulate was published November 21, 1979 (44 FR 66982). G. *Covered by the Regulatory Flexibility Act:* No	Kenneth Carney, Acting Executive Officer, National Library of Medicine, Bethesda, Md. 20209, (301) 496-6401.
PHS—Protections for Employees Adversely Affected by State Actions to Emphasize Outpatient Mental Health Care.	A. *Description:* This final rule imposes new requirements on States to protect the existing rights and benefits of State employees adversely affected by deinstitutionalization of mental patients and provides certain training and job placement benefits for those employees. B. *Why Significant:* A significant number of employees in the mental health field are adversely affected by deinstitutionalization of mental patients. C. *Regulatory Analysis:* Not required D. *Need:* The Secretary of Health and Human Services is required by statute to publish regulations with which the Secretary of Labor concurs. E. *Legal Authority:* Section 501, Mental Health Systems Act F. *Chronology:* NPRM published January 22, 1981 (46 FR 7176). The comment period closed March 9, 1981. G. *Covered by the Regulatory Flexibility Act:* No	Anne B. Driscoll, Assistant to the Director for Program Policy and Planning, Division of Mental Health Service Programs, National Institute of Mental Health, Parklawn Building, Room 11C-22, 5600 Fishers Lane, Rockville, Md. 20857, (301) 443-4678.

Office of Child Support Enforcement

Title	Summary	Contact
OCSE-1—Office of Child Support Enforcement—Federal Financial Participation in the Costs of Cooperative Agreements with Courts, 45 CFR Part 304.	A. *Description:* These proposed regulations will expand the availability of Federal funding of the costs of courts under cooperative agreements with child support agencies to include costs associated with judicial determinations. The expanded funding will be available in costs that exceed calendar year 1978 costs. Federal funding of costs of the judicial decisionmaker, however, will continue to be prohibited. B. *Why Significant:* The expanded Federal funding should encourage more courts to enter into cooperative agreements with child support enforcement agencies. C. *Regulatory Analysis:* Not required D. *Need:* To implement requirements of Section 404 of P.L. 96-265, the Social Security Disability Amendments of 1980, which apply to court costs incurred on or after July 1, 1980. E. Legal Basis: P.L. 96-265, 42 U.S.C. 655(c) F. *Chronology:* None G. *Covered by the Regulatory Flexibility Act:* No	Frank Lindh, (301) 443-6360, Program Analyst, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-2—Office of Child Support Enforcement—Withholding of Advance Funds for Not Reporting, 45 CFR Part 301.	A. *Description:* These proposed regulations would prohibit advance payment of the Federal share of State child support enforcement expenses for a calendar quarter unless the State submits expenditure and child support collection reports for all prior quarters except the two most recent quarters. B. *Why Significant:* These proposed regulations could result in the withholding of quarterly advances of Federal child support funds from a State which failed to meet certain Federal reporting requirements. C. *Regulatory Analysis:* Not required D. *Need:* To implement the requirements of Section 407 of P.L. 96-265, the Social Security Disability Amendments of 1980, which took effect in the quarter beginning January 1, 1981. E. *Legal Basis:* P.L. 96-265, 42 U.S.C. 655(d) F. *Chronology:* A Notice of Proposed Rulemaking was published on January 6, 1981 (46 FR 1319). The comment period closed on March 6, 1981. G. *Covered by Regulatory Flexibility Act:* No	Eileen Brooks, (301) 443-6360, Program Analyst, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-3—Office of Child Support Enforcement—Requests for Collection by the Secretary of the Treasury, 45 CFR Parts 302 and 303.	A. *Description:* These proposed regulations would extend the availability of child support collection services by the Internal Revenue Service (IRS) to families not receiving Aid to Families with Dependent Children (AFDC). In addition, the proposed amendments remove the State plan requirement for IRS collections, and instead place this regulation under 45 CFR Part 303, Standards for Program Operations. Several additional minor changes are proposed to streamline the process of IRS collection. B. *Why Significant:* These regulations could be of significant benefit to non-AFDC families in the collection of child support because they permit the IRS to make collections on behalf of these families. C. *Regulatory Analysis:* Not required D. *Need:* To implement the requirements of Section 402 of P.L. 96-265, the Social Security Disability Amendments of 1980, which took effect on July 1, 1980. E. *Legal Basis:* P.L. 96-265, 42 U.S.C. 652(a)	Eileen Brooks, (301) 443-6360, Program Analyst, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Office of Child Support Enforcement

Title	Summary	Contact
	F. *Chronology:* A Notice of Proposed Rulemaking was published on January 8, 1981 (46 FR 1321). The comment period closed on March 9, 1981. G. *Covered by Regulatory Flexibility Act:* No.	
OCSE-4—Office of Child Support Enforcement—Computerized Child Support Enforcement Systems, 45 CFR Parts 302, 303, and 304	A. *Description:* These regulations will specify conditions States must meet in order to receive 90 percent Federal matching in the costs of developing Child Support Enforcement computer systems. B. *Why Significant:* The higher rate of Federal matching provided for in these regulations will encourage States to develop better automatic data processing capability in their Child Support Enforcement programs. C. *Regulatory Analysis:* Not required. D. *Need:* To implement the requirements of Section 405 of P.L. 96-265, the Social Security Disability Amendments of 1980, which take effect on July 1, 1981. E. *Legal Basis:* P.L. 96-265, 42 U.S.C. 665(a), 42 U.S.C. 654(16), 42 U.S.C. 652 (d) and (e). F. *Chronology:* None. G. *Covered by Regulatory Flexibility Act:* No.	Eileen Brooks, (301) 443-5350, Program Analyst, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-5—Office of Child Support Enforcement—Availability of Incentive Payments to States Which Enforce and Collect on Their Own Behalf, 45 CFR Part 302.	A. *Description:* These regulations will extend the availability of incentive payments on assigned child support collections to any State which makes these collections on its own behalf. B. *Why Significant:* The expanded availability of incentives to States will encourage States to improve their Child Support Enforcement programs. C. *Regulatory Analysis:* Not required. D. *Need:* To implement the requirements of Section 307 of P.L. 96-272, the Adoption Assistance and Child Welfare Act of 1980, which took effect on June 17, 1980. E. *Legal Basis:* P.L. 96-272, 42 U.S.C. 669. F. *Chronology:* None. G. *Covered by Regulatory Flexibility Act:* No.	Pierre Mooney, Program Analyst, (301) 443-5350, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-6—Office of Child Support Enforcement—Use of Federal Parent Locator Service (FPLS) in Child Custody and Parental Kidnapping Cases, 45 CFR Parts 302, 304.	A. *Description:* These proposed regulations would permit the use of the FPLS to locate parents in cases involving child custody and parental kidnapping. B. *Why Significant:* These regulations would extend the use of FPLS services for the first time to cases other than child support cases. C. *Regulatory Analysis:* Not required. D. *Need:* To implement Section 9 of P.L. 96-611, the parental Kidnapping Prevention Act of 1980, which takes effect on July 1, 1981. E. *Legal Basis:* P.L. 96-611, 42 U.S.C. 663. F. *Chronology:* None. G. *Covered by Regulatory Flexibility Act:* No.	Pierre Mooney, (301) 443-5350, Program Analyst, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.
OCSE-7—Office of Child Support Enforcement—Recovery of Assigned Child Support Payments Received Directly and Retained by AFDC Recipients, 45 CFR Parts 302 and 303.	A. *Description:* These proposed regulations will establish procedures for the recovery by IV-D agencies of assigned support payments which are received directly and retained by AFDC recipients. B. *Why Significant:* These proposed regulations will establish Federal policy in the area of recovery of direct payments, and will permit States the flexibility to handle these situations through either their IV-A or IV-D agencies. C. *Regulatory Analysis:* Not required. D. *Need:* To clarify Federal policy in this matter in which the respective responsibilities of IV-A and IV-D agencies have been a source of some confusion among the States. E. *Legal Basis:* 42 U.S.C. 652(a), 42 U.S.C. 1302. F. *Chronology:* Interim instructions were provided by a joint action transmittal issued by OCSE and the Office of Family Assistance (SSA-AT-81-7 (OFA) and OCSE-AT-81-7, dated March 27, 1981). G. *Covered by the Regulatory Flexibility Act:* No.	Frank Lindh, (301) 443-5350, Program Analyst, Policy Branch, Office of Child Support Enforcement, 6110 Executive Blvd., Room 1010, Rockville, Maryland 20852.

Social Security Administration

Title	Summary	Contact
Old-Age, Survivors and Disability Insurance and Supplemental Security Income Program: Determinations of Disability; 20 CFR Part 404, Subpart Q, and Part 416, Subpart J.	A. *Description:* The regulations will specify the responsibilities of the Secretary and the State agencies in administering the disability program. They prescribe standards for accuracy of performance and processing time that State agencies are expected to meet in making disability determinations, and provide the administrative requirements and procedures SSA and the State agencies will follow in carrying out the disability determination function. B. *Why Significant:* These regulations are intended to improve the quality of State agencies performance and improve the timeliness of disability determinations. These regulations will give the State agencies maximum practicable management flexibility in meeting objectives. C. *Regulatory Impact Analysis:* Not required. D. *Need:* The Social Security Disability amendments of 1980 (section 304) require the Secretary to issue regulations to establish performance standards and other requirements for State agencies to insure effective and uniform administration of the SSA disability programs. E. *Legal Basis:* These regulations are issued under the authority contained in 42 U.S.C. 405, 421, 1302, 1382c and 1383. F. *Chronology:* A notice of Decision to Regulate was published on September 26, 1980. (45 FR 63669) A Notice of Proposed Rulemaking was published on January 16, 1981 (46 FR 4584). G. *Covered by the Regulatory Flexibility Act:* No.	William Ziegler, Harry Short, (301) 594-7418, (301) 594-7337, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Social Security Administration

Title	Summary	Contact
Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Limitation for Holding Hearings, Issuing Hearing Decisions and Issuing Appeals Decisions; 20 CFR Part 404, Subpart J, and Part 416, Subpart N.	A. *Description:* These regulations will provide time frames for the holding of hearings, issuance of hearing decisions and Appeals Council reviews for all Title II and Title XVI disability cases. Good cause exceptions which generally benefit claimants are also described. B. *Why Significant:* This regulation provides regulatory assurance to claimants that appeals will be heard promptly and decisions issued promptly. C. *Regulatory Impact Analysis:* Not required D. *Need:* These regulations are needed because, over the last several years, Congress, the Courts, representatives of individuals in social security matters, and the general public have expressed concern over delays in holding hearings, issuing hearing decisions and the reviews of these decisions. In addition, the Court of Appeals in *Blankenship* v. *Califano* ordered the Secretary to prepare and submit regulations for the Court's approval to remedy the problem of unreasonable delays in conducting hearings for the OASDI and SSI programs. E. *Legal Basis:* 42 U.S.C. 405, 1302, 1320(c)(6), 1383, 1383f, and 1383(d) F. *Chronology:* A Notice of Proposed Rulemaking was published on March 12, 1980 (45 FR 12837). G. *Covered by the Regulatory Flexibility Act:* No	Phil Berge, (301) 594-7492, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Representative Payee; 20 CFR Part 404, Subpart Q, and Part 416, Subpart F.	A. *Description:* These regulations will recodify the rules used in determining when a beneficiary needs a representative payee, how a representative payee is selected, and how we assure that the representative payee uses payments in the best interest of the beneficiary. B. *Why Significant:* The guidelines for the use of representative payees are important for members of the public to know. C. *Regulatory Impact Analysis:* Not required D. *Need:* These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. *Legal Basis:* 42 U.S.C. 204, 1302, 1383 F. *Chronology:* A Notice of Decision to Develop Regulations was published on June 19, 1979 (44 FR 35241). A Notice of Proposed Rulemaking was published on December 1, 1980 (45 FR 79501). G. *Covered by the Regulatory Flexibility Act:* No	Phil Berge, (301) 594-7492, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Eligibility; 20 CFR Part 416, Subpart B.	A. *Description:* These regulations will recodify the requirements for individuals to be eligible for SSI benefits. B. *Why Significant:* The basic rules on eligibility under the SSI program will be described in clear language. C. *Regulatory Impact Analysis:* Not required D. *Need:* These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. *Legal Basis:* 42 U.S.C. 1302, 1381a, 1382c, 1383, and 1383b F. *Chronology:* A Notice of Decision to Regulate was published March 27, 1979 (44 FR 16237). An NPRM was published on September 4, 1980 (45 FR 58603). G. *Covered by the Regulatory Flexibility Act:* No	Rita Hauth, (301) 594-7112, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Resources; 20 CFR Part 416, Subpart L.	A. *Description:* These proposed regulations will describe what we count as resources in determining eligibility for supplemental security income. B. *Why Significant:* What is counted as resources in the SSI program is an essential ingredient in determining eligibility. The complex rules will be stated as simply as possible. C. *Regulatory Impact Analysis:* Not required D. *Need:* These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. *Legal Basis:* 42 U.S.C. 1302, 1382, 1382b, 1382c, and 1383 F. *Chronology:* A Notice of Decision to Develop Regulations was published on March 27, 1979 (44 FR 16237). G. *Covered by the Regulatory Flexibility Act:* No	Henry Lerner, (301) 594-7414, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Reductions, Suspensions, and Terminations; 20 CFR Part 416, Subpart M.	A. *Description:* These proposed regulations will recodify the rules for reducing, suspending and terminating an SSI recipient's benefits. B. *Why Significant:* The proposed rules will describe situations when a person may not receive all or part of his or her SSI benefits. C. *Regulatory Impact Analysis:* Not required D. *Need:* These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. *Legal Basis:* 42 U.S.C. 1302, 1382, 1382c, 1382d, and 1383 F. *Chronology:* A Notice of Decision to Develop Regulations was published on June 19, 1979 (44 FR 35241). G. *Covered by the Regulatory Flexibility Act:* No	Charles Campbell, (301) 594-7453, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Interim Assistance Provisions; 20 CFR Part 416, Subpart S.	A. *Description:* These recodified regulations will revise and reorganize rules on interim assistance provisions under the Supplemental Security Income program. The rules permit the Social Security Administration to enter into an agreement with a State to repay the State for interim assistance it gives an individual while an application for SSI is pending. B. *Why Significant:* The rules permit SSA to withhold an individual's SSI benefit payment and send it to the State as repayment for interim assistance, upon the individual's written authorization. C. *Regulatory Impact Analysis:* Not required D. *Need:* These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. *Legal Basis:* Secs. 1102 and 1631 of the Social Security Act as amended; 49 Stat. 647 as amended; 86 Stat. 1475 as amended; 42 U.S.C. 1302 and 1383. F. *Chronology:* A Notice of Decision to Develop Regulations was published on July 11, 1979 (44 FR 40531). A notice of proposed rulemaking was published on April 21, 1980 (45 FR 26718). G. *Covered by the Regulatory Flexibility Act:* No	Clara Powell, (301) 594-7488, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Social Security Administration

Title	Summary	Contact
Supplemental Security Income Program; Medicaid Eligibility Determinations; 20 CFR Part 416, Subpart U.	A. *Description:* The proposed regulations will recodify the rules under which Social Security Administration agrees to make determinations of Medicaid eligibility for SSI beneficiaries on behalf of States and to give States other assistance in Medicaid program administration. B. *Why Significant:* The agreements avoid duplication of effort between State and Federal governments and simplify the Medicaid application process for applicants. C. *Regulatory Impact Analysis:* Not required. D. *Need:* These regulations are being reviewed to consider the possible need for policy revisions, additions, or deletions. They are being rewritten to make them clearer and easier to understand. E. *Legal Basis:* 42 U.S.C. 1302, 1396, 1396a, and 4226. F. *Chronology:* A Notice of Decision to Develop Regulations was published on June 18, 1979 (44 FR 35241). G. *Covered by the Regulatory Flexibility Act:* No.	Cliff Terry, (301) 594-7519, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Social Security Administration; Availability of Information and Records to the Public; 20 CFR Parts 401 and 422.	A. *Description:* These proposed regulations will revise SSA's rules on the Freedom of Information Act to make them consistent with HHS's regulations in 45 CFR Part 5, transfer material concerning HCFA's Medicare program, and relocate certain rules to bring SSA's rules on disclosure and the availability of information together in one part. B. *Why Significant:* These are basically technical revisions to make SSA's rules consistent with those in 45 CFR Part 5. C. *Regulatory Impact Analysis:* Not required. D. *Need:* There is a need to review SSA's rules on the availability of information for consistency with HHS's, revise our rules to reflect creation of Health Care Financing Administration, and to transfer certain Medicare information which no longer applies to SSA activities to 42 CFR Part 5. E. *Legal Basis:* 42 U.S.C. 405 and 1302. F. *Chronology:* A Notice of Decision to Regulate was published on May 16, 1979 (44 FR 28108). G. *Covered by the Regulatory Flexibility Act:* No.	Armand Esposito, (301) 594-7436, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors and Disability Insurance Programs; Limitation on Total Family Benefits in Disability Cases; 20 CFR Part 404, Subpart E.	A. *Description:* There is now a lower ceiling on the total amount of benefits payable to a disabled worker and his family. B. *Why Significant:* The lower benefits now payable are intended to provide an incentive for disabled individuals to continue working or return to work, and at the same time will provide an equitable level of benefits to the family of a worker who is unable to work. C. *Regulatory Impact Analysis:* Not required. D. *Need:* This regulation is needed to carry out section 101 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 94 Stat. 442, Pub. L. 96-265. F. *Chronology:* A Notice of Decision to Develop Regulations was published on September 18, 1980 (45 FR 60822) and a Notice of Proposed Rulemaking was published on December 22, 1980 (45 FR 84006). G. *Covered by the Regulatory Flexibility Act:* No.	Jack Scharnberger, (301) 594-6795, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors, Disability Insurance Program—Basic Computation of Benefits and Lump sums; 20 CFR Part 404, Subpart C.	A. *Description:* These regulations will contain the rules on computations of primary insurance amounts (PIA) in the old-age, survivors, and disability insurance programs. They will also include, for the first time, the new rules on excluding years of low earnings when computing disability benefits, as provided by the Social Security Disability Amendments of 1980. B. *Why Significant:* These regulations will simplify the complex rules on computing benefits, and will introduce the new rules on computing disability benefits. C. *Regulatory Impact Analysis:* Not required. D. *Need:* These regulations are needed so we can give the public clear rules and so we can add the provisions needed to implement section 102 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* Sec. 215 of the Social Security Act; 42 U.S.C. 415; Pub. L. 96-265, Sec. 102. F. *Chronology:* A Notice of Decision to Develop Regulations was published on March 6, 1979 (44 FR 12205). A Notice of Proposed Rulemaking was published on June 25, 1980 (45 FR 42847) to simplify existing rules. A Notice of Proposed Rulemaking was published on December 22, 1980 (45 FR 84006) for the new disability computations, and a Notice of Decision to Develop Regulations was published on January 8, 1981 (46 FR 2093) to modify the new disability computation. G. *Covered by the Regulatory Flexibility Act:* No.	Jack Scharnberger, (301) 594-6795, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Benefits for Severely Disabled Performing Substantial Gainful Activity; 20 CFR Part 416, Subpart B.	A. *Description:* These regulations will clarify how SSA will interpret and apply the unique eligibility factors which are necessary for status as a supplemental income recipient for purposes of Titles XIX and XX. They will also explain the eligibility factors which must be met to acquire and retain eligibility for special SSI payments while an individual is engaged in substantial gainful activity. B. *Why Significant:* This is a 3-year demonstration program which affects individuals who work despite disabling impairments. The demonstration provides Special SSI cash benefits to these people where certain requirements are met. Even when SSI cash benefits are no longer payable these people, if they meet certain eligibility factors, are considered as SSI recipients for purposes of Titles XIX and XX of the Social Security Act. C. *Regulatory Impact Analysis:* Not Required. D. *Need:* Required by the section 201 of the Social Security Amendments of 1980. E. *Legal Basis:* Section 201(a) and (b) of Pub. L. 96-265. F. *Chronology:* Interim regulations were published on January 22, 1981 (46 FR 6903). G. *Covered by the Regulatory Flexibility Act:* No.	Fred Miranda, (301) 594-7341, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Social Security Administration

Title	Summary	Contact
Supplemental Security Income Program; Sheltered Workshops (1) and Earned Income Tax Credits (2); 20 CFR Part 416, Subpart K.	A. *Description:* (1) Sheltered workshop remuneration is earned income as of 10/1/80; (2) Earned income tax credits are earned income as of January 1, 1980. B. *Why Significant:* (1) Eliminates need to determine whether sheltered workshops services are employment or therapy—thus earned or unearned income. Earned income is advantageous to beneficiary as it provides greater exclusions and higher benefits; (2) Earned income tax credits did not affect benefit prior to 1980. These credits would have been unearned income as of 1980 and would have resulted in lower benefits, if this law would not have been enacted. C. *Regulatory Impact Analysis:* Not required. D. *Need:* The regulations will provide the criteria to carry out section 202 of Social Security Disability Amendments of 1980 and the Technical Corrections Act of 1979. E. *Legal Basis:* (1) 42 U.S.C. 1382a; (2) 42 U.S.C. 1382a. F. *Chronology:* A Notice of Proposed Rulemaking was published on January 19, 1981 (46 FR 4946). G. *Covered by the Regulatory Flexibility Act:* No.	Rita Hauth, (301) 594-7112, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Supplemental Security Income Program; Age 18 Deeming and Alien Deeming; 20 CFR Part 416, Subpart K.	A. *Description:* (1) Deeming of parental income and resources to an eligible child ends when a child reaches age 18 unless a savings clause applies to children between 18 and 21; (2) A sponsor's income and resources are deemed to an alien for a period of three years after admission for aliens who first apply after September 30, 1980. B. *Why Significant:* (1) Eliminates different treatment of children aged 18 to 21 depending on status as students; (2) Assumes that sponsors will support aliens and sets more rigid rules than apply to other deeming categories. C. *Regulatory Impact Analysis:* None Required. D. *Need:* (1) and (2) Implement sections 303 and 804 of the Social Security Disability Amendments of 1980. E. Legal Basis: (1) 42 U.S.C. 1382a; (2) 42 U.S.C. 1382c and 1382j. F. *Chronology:* A Notice of Decision to Develop Regulations was published on November 14, 1980 (45 FR 75225). G. *Covered by the Regulatory Flexibility Act:* No.	Rita Hauth, (301) 594-7112, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors and Disability Insurance and Supplemental Security Income Program; Continued Payment of Benefits to Persons in Approved Vocational Rehabilitation Plans; 20 CFR Parts 404, Subpart P, and 416, Subpart L	A. *Description:* These proposed regulations will provide for continued payment of cash benefits to persons whose disabilities have ended if they are participating in vocational rehabilitation programs. Participation in the program must have begun before the person's disability ends and the disability must not have been expected to end prior to the expected completion date of the program. B. *Why Significant:* These proposed regulations will affect those people who medically recover from their disabilities during the course of their vocational rehabilitation programs and who, because of the loss of their benefits, are forced to discontinue their participation in the program and seek substantial gainful work activity. C. *Regulatory Impact Analysis:* Not required. D. *Need:* These regulations are required to implement Section 301 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 42 U.S.C. 425, 1382c, and 1383. F. *Chronology:* A Notice of Decision To Develop Regulations was published on November 28, 1980 (45 FR 78726). G. *Covered by the Regulatory Flexibility Act:* No.	Harry Short, (301) 594-7337, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors and Disability Insurance and Supplemental Security Income Program; Deduction of Work Related Expenses; 20 CFR Parts 404, Subparts P, and 416, Subpart I.	A. *Description:* The proposed regulations will provide for the deduction from earnings of certain impairment related work expenses in determining: (1) Whether a disabled person has done substantial gainful activity; and (2) the amount of a disabled person's earned income for SSI purposes. B. *Why Significant:* The regulation will encourage disabled persons to work by enabling them to deduct certain work expenses. C. *Regulatory Impact Analysis:* Not required. D. *Need:* The proposed regulations are needed to implement Section 302 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 42 U.S.C. 405, 422, 1302, 1382c, and 1383. F. *Chronology:* G. *Covered by the Regulatory Flexibility Act:* No.	David Smith, (301) 594-7338, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors and Disability Insurance and Supplemental Security Income Program; Extension of Trial Work Period and Reinstatement of Benefits; 20 CFR Parts 404, Subpart P, and 416, Subpart I.	A. *Description:* These proposed regulations will provide persons to remain disabled and who have completed a trial work period with an additional period of 15 months in which to continue to test their ability to work. During this period a person may be paid benefits for all months in which he or she does not do substantial gainful activity. The regulations also extend the trial work period provisions (and the additional period) to widows, widowers, and surviving divorced wives. B. *Why Significant:* Persons who remain disabled and who have exhausted their trial work periods will be encouraged to continue their efforts to return to work. For the first time, the trial work period provisions are extended to widows, widowers, and surviving divorced wives. C. *Regulatory Impact Analysis:* Not required. D. *Need:* These regulations are needed to implement Section 303 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 42 U.S.C. 402, 416, 422, 423, 1382, 1382c, and 1383. F. *Chronology:* A Notice of Decision To Develop Regulations was published on November 14, 1980. G. *Covered by the Regulatory Flexibility Act:* No.	Harry Short, (301) 594-7337, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors and Disability Insurance and Supplemental Security Income Program; Personalized Notices to Be Provided Certain SSA Claimants; 20 CFR Parts 404, Subpart J, and 416, Subpart N.	A. *Description:* Any decision made by the Secretary which involves a determination of disability under title II or title XVI, unfavorable in whole or part to the disabled individual, shall contain a statement of the cause in understandable language setting forth a discussion of the evidence and stating the Secretary's determination and the reason or reasons upon which it is based. Where a written personalized notice has been provided, we will not repeat this information. B. *Why Significant:* The proposed regulations require that we furnish additional information to DI and SSI claimants for disability whose claims are being denied.	Phil Sorge, (301) 594-7462, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Social Security Administration

Title	Summary	Contact
	C. *Regulatory Impact Analysis:* Not required. D. *Need:* The proposed regulations implement Section 305 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 42 U.S.C. 405 and 1302. F. *Chronology:* A Notice of Decision To Develop Regulations was published on September 16, 1980 (45 FR 60606). G. *Covered by the Regulatory Flexibility Act:* No.	
Old Age, Survivors and Disability Insurance and Supplemental Security Income Program Limitation on Prospective Life of Applications and Closing of Record After Hearing Decision; 20 CFR Parts 404, Subparts G and J, and 416, Subparts C and N.	A. *Description:* Under these proposed regulations, if a person files an application for benefits before the first month he or she meets all requirements for entitlement, we will allow the claim only if he or she meets all requirements before a hearing decision or dismissal (if there is one) is issued. Also, if the person asks the Appeals Council to review the hearing decision or dismissal, the Council will not consider new evidence unless it relates to the time before the hearing decision or dismissal and there was good cause for not submitting it earlier. B. *Why Significant:* These rules should promote final resolution of cases at the hearing stage and help to reserve Appeals Council review more nearly for cases of a genuinely appellate nature. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To conform our regulations to sec. 306 of the Social Security Disability Amendments of 1980 and to carry out the express intent of Congress in enacting it. E. *Legal Basis:* 42 U.S.C. 402(j)(2), 416(i)(2)(G), and 423(b) as amended by sect. 306 of Pub. L. 96-265. F. *Chronology:* A Notice of Decision to Develop Regulations was published on September 16, 1980 (45 FR 61315). G. *Covered by the Regulatory Flexibility Act:* No.	Cliff Terry, (301) 594-7519, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors and Disability Insurance Programs; Payment for Medical Evidence of Record; 20 CFR Part 404, Subpart P.	A. *Description:* These regulations provide that any non-Federal hospital, clinic, laboratory, or other provider of medical services, or physician who is not employed by the Federal government, and who supplies medical evidence that we ask for and need for making determinations of disability shall be entitled to payment for the reasonable cost of providing the evidence. B. *Why Significant:* Until December 1, 1980, the claimant was primarily responsible for paying for existing medical evidence submitted to us for making a title II disability determination. We will now pay the reasonable cost for existing medical evidence which we ask for and need. The information needed for disability determinations will be obtained more expeditiously and the need for further medical consultative examinations at our expense will be reduced. C. *Regulatory Impact Analysis:* Not required. D. *Need:* These regulations are needed to implement section 309 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 42 U.S.C. 405, 423, and 1302. F. *Chronology:* Interim regulations were published October 30, 1980 (45 FR 71791). G. *Covered by the Regulatory Flexibility Act:* No.	William Ziegler, (301) 594-7415, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Payment of Certain Travel Expenses; 20 CFR Parts 404, Subparts I and P, and 416, Subpart N.	A. *Description:* These proposed regulations will provide for the payment of certain travel expenses to claimants who attend medical exams, and to claimants their representatives, and witnesses who attend reconsideration interviews and proceedings before administrative law judges. B. *Why Significant:* The proposed regulations are significant because they will explain when SSA will pay certain travel expenses. C. *Regulatory Impact Analysis:* Not required. D. *Need:* These regulations are needed to implement Section 310 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 94 Stat. 460 and 480 Pub. L. 96-265. F. *Chronology:* A Notice of Decision to Develop Regulations was published on January 15, 1981 (46 FR 3547). G. *Covered by the Regulatory Flexibility Act:* No.	Clara Barrett Powell, (301) 594-7459, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Aid to Families With Dependent Children; Disclosure of Information for Audits; 45 CFR 205.50.	A. *Description:* This interim regulation will permit HHS to disclose information concerning applicants and recipients under title IV-A of the Social Security Act. Disclosure is permitted for purposes of program audits conducted by any governmental entity authorized by law to conduct such audits. B. *Why Significant:* Clarifies existing guidelines on disclosure, so that all States and the Federal Government are consistent. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To implement section 403 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 94 Stat. 462, Pub. L. 96-265. F. *Chronology:* G. *Covered by the Regulatory Flexibility Act:* No.	Jack Scharnberger, (301) 594-6765, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Aid to Families With Dependent Children; Federal Financial Participation in the Cost of a Statewide Mechanized Claims Processing and Information Retrieval System; 45 CFR 205.	A. *Description:* These interim regulations will provide that 90 percent Federal matching funds will be available for the design, development, installation, and implementation of computerized AFDC Statewide mechanized claims processing and information retrieval systems. This increased matching will also include the cost of purchasing or renting computer equipment and software used for the operation of the system. B. *Why Significant:* The regulations will reduce cost to both the State and Federal governments in the operation of the AFDC program because of the systems implemented. C. *Regulatory Impact Analysis:* Not required. D. *Need:* These regulations will implement section 406 of the Social Security Disability Amendment of 1980. E. *Legal Basis:* 94 Stat. 465, 466, 467 Pub. L. 96-265. F. *Chronology:* G. *Covered by the Regulatory Flexibility Act:* No.	Pat O'Hara, (202) 245-0043, Policy Specialist, Office of Family Assistance, 2110 Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Social Security Administration

Title	Summary	Contact
Old Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Deductions, Reductions and Nonpayment of Benefits; 20 CFR Part 404, Subpart E, and 416, Subpart K.	A. *Description:* These proposed regulations will provide that an individual's retroactive monthly social security will be reduced if the individual received SSI payments for the same period. B. *Why Significant:* These proposed regulations will preclude the windfall payment of SSI benefits that would not have been made if the monthly social security benefits had been paid when regularly due rather than retroactively. C. *Regulatory Impact Analysis:* Not required. D. *Need:* Implements section 891 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 94 Stat. 469, 470 Pub. L. 96-265. F. *Chronology:* A Notice of Decision to Develop Regulations was published on October 20, 1980 (45 FR 69648). G. *Covered by the Regulatory Flexibility Act:* No.	Larry Dudar, (301) 594-8628, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old Age, Survivors and Disability Insurance Programs; Time for Making of Social Security Contributions for Covered State and Local Employees; 20 CFR Part 404, Subpart M.	A. *Description:* These regulations change the rules governing the frequency with which States and interstate instrumentalities must deposit social security contributions on wages and salaries paid to covered employees. This new rule requires States and interstate instrumentalities to deposit contributions within 30 days after the end of each calendar month in which wages are paid. B. *Why Significant:* Regulations were scheduled to go into effect which would have required the States and interstate instrumentalities to deposit the social security contributions sooner than 30 days. Section 503 of the Social Security Disability Amendments of 1980 provided that 30 days would be the period within which these contributions must be deposited. These regulations reflect that amendment. C. *Regulatory Impact Analysis:* Not required. D. *Need:* These regulations are required to implement section 503 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* Sections 205, 218, and 1102 of the Social Security Act. F. *Chronology:* Interim regulations were published on October 31, 1980 (45 FR 72110). G. *Covered by the Regulatory Flexibility Act:* No.	Armand Esposito, (301) 594-7455, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Experiments and Demonstration Projects Under Disability Insurance and SSI Programs; 20 CFR Parts 404, Subparts D and P, and 416, Subparts B and I.	A. *Description:* Amendments of 1980 authorize the Secretary to conduct experiments and demonstration projects under the OASDI and SSI programs. The proposed regulations will alter the requirements for disability benefits and the requirements for SSI benefits when a person has been selected to participate in an experiment or demonstration project under these amendments. B. *Why Significant:* Current regulations provide that in order to be eligible for title II and title XVI benefits, certain requirements must be met. The Social Security Disability Amendments of 1980 authorize the Secretary to waive compliance with benefit requirements for title II and title XVIII and waive any of the conditions, requirements, or limitations of title XVI. C. *Regulatory Impact Analysis:* Not required. D. *Need:* These regulations are needed to implement section 505 of the Social Security Disability Amendments of 1980. E. *Legal Basis:* 42 U.S.C. 1310. F. *Chronology:* A Notice of Decision to Develop Regulations was published on January 8, 1981 (46 FR 2093). G. *Covered by the Regulatory Flexibility Act:* No.	Henry Lerner, (301) 594-7414, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Aid to Families With Dependent Children Program; Incentive for AFDC Recipients to Report Earned Income; 45 CFR 206 and 233.	A. *Description:* The proposed regulations will provide that the earned income disregard will not be applied to any earned income which the recipient failed without good cause to report timely to the State agency. B. *Why Significant:* The proposed regulations will require agencies in States that do not have monthly reporting systems to confirm reported changes to assure that recipients are not penalized due to agency failure to take action on the reported changes. C. *Regulatory Impact Analysis:* Not required. D. *Need:* New rulemaking is necessary to implement section 302 of the Adoption Assistance Child Welfare Act of 1980 in order to assure uniform interpretation by States. E. *Legal Basis:* 94 Stat. 528, Pub. L. 96-272. F. *Chronology:* A Notice of Decision to Develop Regulations was published on December 16, 1980 (45 FR 82661). G. *Covered by the Regulatory Flexibility Act:* No.	Connie Katz, (202) 245-2021, Program Specialist, Office of Family Assistance, Room B-416, Transpoint Building, 2100 Second St., S.W., Washington, D.C. 20024.
Aid to Families With Dependent Children Program; Proration of Shelter Utilities and Similar Expenses for AFDC Children Living With Ineligible Relatives; 45 CFR Part 233.	A. *Description:* These regulations will provide that a State may prorate the shelter, utilities, and similar needs of specified assistance units living with closely related family members who are ineligible for AFDC. States may prorate if the total income of assistance unit members and closely related family members equals or exceeds the States AFDC need standard for an FDC assistance unit of comparable size. B. *Why Significant:* The regulation will provide that if a State chooses to prorate, it must follow a formula specified in the regulation. Under prior law, States had complete flexibility in determining need and payment standards. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To implement section 303 of the Adoption Assistance and Child Welfare Act of 1980. The statute is extremely complex and regulations are needed to insure that all States interpret the statute in the same way. E. *Legal Basis:* 94 Stat. 500 and 528, Pub. L. 96-272. F. *Chronology:* A Notice of Decision to Develop Regulations was published on December 16, 1980 (45 FR 82661). G. *Covered by the Regulatory Flexibility Act:* No.	Connie Katz, (202) 245-2021, Policy Specialist, Office of Family Assistance, Room B416, Transpoint Building, 2100 Second St. SW., Washington, D.C. 20024.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Social Security Administration

Title	Summary	Contact
Supplemental Security Income Program; Disposing of Resources for Less Than Fair Market Value; 20 CFR Part 416, Subpart L	A. *Description:* These proposed regulations provide that an individual (or eligible spouse) who gives away or sells any nonexcludable resource for less than fair market value for the purpose of establishing SSI eligibility will have those disposed of resources counted toward the resource limit for 24 months from the date of disposal. The disposal of a resource at less than fair market value is presumed to be for the purpose of establishing SSI eligibility unless the individual can present convincing evidence that the disposal was exclusively for some other purpose. B. *Why Significant:* These proposed regulations will affect an individual's eligibility for SSI benefits when the individual disposes of a resource for less than fair market value. C. *Regulatory Impact Analysis:* None required. D. *Need:* To implement section 0006 of Pub. L. 96-611. E. *Legal Basis:* 42 U.S.C. 1382b, 94 Stat. 3567. F. *Chronology:* G. *Covered by the Regulatory Flexibility Act:* No.	Henry Lerner, (301) 594-7414, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors, and Disability Insurance Program; Benefits for Certain Prisoners; 20 CFR Part 404.	A. *Description:* The proposed regulations place certain restrictions on the payment of disability benefits to persons who have been convicted of a felony and are imprisoned. B. *Why Significant:* The proposed regulations are significant because they specify the conditions under which disability benefits will not be paid to an imprisoned felon and how a finding of disability may be affected. C. *Regulatory Impact Analysis:* Not required. D. *Need:* Required by Section 5 of the Amendments to the Social Security Program (P.L. 96-473). E. *Legal Basis:* Pub. L. 96-473. F. *Chronology:* G. *Covered by the Regulatory Flexibility Act:* No.	William Ziegler, (301) 594-7415, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Aid to Families With Dependent Children; Child Support Reporting and Matching Procedures; 45 CFR Chapter II.	A. *Description:* This proposed regulation will require the Department to reduce a State's quarterly grant under title IV-A when the State has child support collections which are unreported or not reported in accordance with Federal regulations. B. *Why Significant:* Why Significant: Makes explicit the reduction of Federal Financial Participation by the amount of the Federal share of child support collections made by a State under title IV-D of the Social Security Act. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To implement section 407(c) of Pub. L. 96-265, the Social Security Disability Amendments of 1980. E. *Legal Basis:* Pub. L. 96-265, section 407(c). F. *Chronology:* G. *Covered by the Regulatory Flexibility Act:* No.	John McDonald, (202-245-2058, Financial Management Specialist, Office of Family Assistance, 2100 2nd Street, S.W., Washington, D.C. 20024.
Old-Age, Survivors and Disability Insurance Programs; Changes to the Retirement Test; 20 CFR Part 404, Subpart E.	A. *Description:* These regulations will contain the rules that will eliminate some of the harsh and unintended effects of the Social Security Amendments of 1977. They are retroactively effective as of January 1978. B. *Why Significant:* The provisions of the regulations (1) permit the use of the monthly earnings test to certain beneficiaries in the year that entitlement terminates for a reason other than death, (2) exclude for the purposes of the annual earnings test, self-employment income received in a year after the inital year of entitlement not attributable to services performed after the month of entitlement; and (3) provide all beneficiaries the use of the monthly earnings test in at least 1 year after 1977. C. *Regulatory Impact Analysis:* Not required. D. *Need:* These regulations are needed so we can give the public clear rules and make them aware of the changes that are required by sections 1, 3, and 4 of the 1981 Amendments to the Social Security Program. E. *Legal Basis:* Secs. 1, 3, and 4 of Public Law 96-473, 94 Stat. 2263. F. *Chronology:* G. *Covered by the Regulatory Flexibility Act:* No.	Clara Barrett Powell, (301) 594-7459, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.
Old-Age, Survivors, and Disability Insurance Program; Decreased Retroactivity of Benefit Applications; 20 CFR Part 404, Subpart G.	A. *Description:* This proposed regulation would reduce from 12 months to 6 months the maximum retroactivity of all social security insurance benefits that are not based on the worker's disability or the disability of a widow or widower. B. *Why Significant:* This change would mean that people who wait until some time after they become eligible for these benefits to apply for them will receive them for no more than 6 months before the month they apply, even if they have been eligible for more than 6 months. C. *Regulatory Impact Analysis:* Not required. D. *Need:* Required by Section 1011 of the Omnibus Reconciliation Act. E. *Legal Basis:* Sec. 202(j)(1) of the Social Security Act as amended by section 1011 Pub. L. 96-499 (the Omnibus Reconciliation Act of 1980). F. *Chronology:* Pub. L. 96-499 enacted 12/5/80. G. *Covered by the Regulatory Flexibility Act:* No.	Carl Terry, (301) 594-7519, Legal Assistant, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235.

Health Care Financing Administration

Title	Description	Contact
Health Care Institution Certifications and Surveys	A. *Description:* Hospitals, nursing homes and other institutional health care providers are subject to frequent surveys and reviews. Many of these reviews are a result of the Federal Government's role in insuring the health and safety of patients. Given an expanding role and improved performance of some State and local governments and voluntary organizations in this area, a reassessment of the appropriate Federal role is warranted. B. *Why Significant:* Survey and certification requirements affect thousands of health care providers and are critical to ensuring health and safty of patients. Effective monitoring may be accomplished with greater flexibility to States without loss of quality of health services. C. *Regulatory Impact Analysis:* Yes.	Paul Willging, M.D., Deputy Administration, Health Care Financing Admin., 200 Independence Ave., S.W., Washington, D.C. 20201, (202) 245-6726

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Health Care Financing Administration

Title	Description	Contact
	D. *Need:* To promote State flexibility, reduce costs, and maintain quality standards. E. *Legal Basis:* Titles XVIII and XIX of the Social Security Act F. *Chronology:* Review announced by Vice President on March 25, 1981. One of three HHS regulations slated for review by the President's Task Force on Regulatory Relief. F. *Covered by the Regulatory Flexibility Act:* Yes	
Medicaid Regulations Affecting States	A. *Description:* At present a variety of regulations impose significant administrative requirements on States. States contend that these regulations hamper their ability to provide services to needy people at reasonable funding levels. In addition, the President has promised States that regulatory relief will accompany his proposal to limit Federal Medicaid expenditures. For these reasons, a thorough review is needed. B. *Why Significant:* The regulations would provide greater flexibility to States in meeting the medical needs of Medicaid patients at reduced cost. C. *Regulatory Impact Analysis:* Yes D. *Need:* To reduce regulatory burdens on States and promote program efficiency. E. *Legal Basis:* Title XIX of the Social Security Act F. *Chronology:* Review announced by Vice President on March 25, 1981. One of three HHS regulations slated for review by the President's Task Force on Regulatory Relief. G. *Covered by Regulatory Flexibility Act:* No	Paul Willging, Deputy Administrator, Health Care Financing Admin., 200 Independence Ave., S.W., Washington, D.C. 20201, (202) 245-6728.
HCFA—Medicare/Medicaid Program: Differential Reimbursement/Swing Beds	A. *Description:* This regulation will authorize reimbursement at the State Medicaid intermediate care facility or skilled nursing facility rate where the patient requires a lower level of care, but is inappropriately placed in a hospital; and will provide reimbursement for small, rural hospitals which have been granted a certificate-of-need for provision of long-term care services. This regulation will also set forth conditions of participation for discharge planning and social services for hospitals that provide "swing bed" services. B. *Why Significant:* This regulation will refine institutional reimbursement policies to assure more efficient delivery of needed health care. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 902 (a) and (b), and 904 (a) and (b) of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1102, 1161, 1861(v)(1)(G), 1902, 1902 and 1913 of the Social Security Act. Secs. 902 and 904 of P.L. 96-499. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* Yes	Bill Gosller, ORP, DISR, RPS, Branch Chief, Room 1-D-1 ELR 6401 Security Blvd., Baltimore, MD 21207, 301-597-1602.
HCFA—Medicaid Program: Withholding of Federal Share of Payments to Medicaid Providers to Recover Medicare Overpayments.	A. *Description:* This regulation would allow HCFA to withhold the Federal share of Medicaid payments from providers and physicians in order to recover Medicare overpayments that cannot be recovered through the Medicare program either because the provider is participating in Medicare at a minimum level or the physician no longer accepts assignment for Medicare claims. B. *Why Significant:* This regulation would improve financial management, efficiency and accountability for certain Medicare provider overpayment. C. *Regulatory Analysis:* Not required D. *Need:* To implemented Sec. 905 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1914 of the Social Security Act. F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* Yes	Samuel Gulde, Director, DRRRE, OSPE, BPO, Room 1445, Meadows East Bldg., 6300 Security Boulevard, Baltimore, MD 21207, 301-594-8500.
HCFA—Reporting Financial Interest	A. *Description:* This regulation would require an entity to report only individual interests in mortgages, deeds of trust, notes, or other obligations if the interest equals the lesser of $25,000 or 5 percent of the value of the total property and assets. B. *Why Significant:* This regulation would improve the financial management, efficiency and accountability for certain Medicare providers. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 912 (a) and (b) of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1124(a)(3)(A)(B) and 1902(a)(30) of the Social Security Act; P.L. 95-142 and P.L. 96-499. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No	James F. Patton, Director, DVPS, OPV, BOC, Rm. 3-E-6 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-9213.
HCFA—Medicare/Medicaid Programs: Exclusion of Health Care Professionals.	A. *Description:* This regulation will amend the current rule that excludes physicians and practitioners convicted of crimes from participation in the Medicare and Medicaid programs. This regulation will broaden the rule so that the provisions would also apply to other categories of health professionals, such as administrators of health care institutions. B. *Why Significant:* This regulation will clarify HCFA's authority to bar certain professionals from participation in the Medicare and Medicaid programs. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 913 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1128, 1902(a), 1902(a)(39), and 2003(d)(1) of the Social Security Act; P.L. 95-142 and P.L. 96-499. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No	James F. Patton, Director, DVPS, OPV, BOC, Rm. 3-E-6 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-9213.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Health Care Financing Administration

Title	Description	Contact
HCFA—Medicaid Program Common Audit Requirements for Medicare, Medicaid and Maternal Child Health Providers.	A. *Description:* This regulation would require coordinated audits under the Medicare, Medicaid, and Maternal and Child Health programs. These audits must be coordinated through common procedures with audits performed for Medicare program purposes. If a State declines to participate, payment would be reduce to an amount estimated to be due the State if it had participated in a common audit. B. *Why Significant:* This regulation would eliminate duplicate audits of the same provider under Medicare, Medicaid and the Maternal and Child Health programs. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 914 (a), (b) and (c) of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 806(a)(10), 1126, 1129 and 1902(a)(43) of the Social Security Act. F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No	Dave Landis, Director, DPE, OSPE, BPO, Rm. 1445, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8770.
HCFA—Medicare/Medicaid Program: Life Safety Code (Technical Amendment).	A. *Description:* This regulation will delete reference to the 1967 and 1973 editions of the Life Safety Code and require participating health facilities, hospitals, skilled nursing facilities and intermediate care facilities to comply with the edition of the Life Safety Code designated by the Secretary. A "grandfather" provision will be included to permit facilities which are in compliance with the 1967 or 1973 editions to be certified under these editions so long as they remain in compliance. B. *Why Significant:* This regulation will minimize regulatory burdens on facilities consistent with the protection of health and safety of patients and assure orderly adjustments to changing technology. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 915 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1861(j)(13) of the Social Security Act F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No	Mayer Zimmerman, Program Analyst, HSQB, 3rd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 20207, 301-594-3318.
HCFA—Medicaid/Medicare Program: Alternatives to Decertification of Long Term Care Facilities.	A. *Description:* This regulation will set forth provisions under Medicare and Medicaid for alternatives to the decertification of long term care facilities (skilled nursing facilities and intermediate care facilities) that are out of compliance with the conditions of participation. The regulation will also authorize HCFA to "look behind" State agency surveys on compliance where the adequacy of the State's determination is questionable. B. *Why Significant:* This regulation will make penalties for non-compliance more reasonable. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 916 (a), (b) and (c) of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1866, 1902, and 1910 of the Social Security Act. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* Yes	Robert Javas, Program Analyst, HSQB, 3rd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-3314

Significant Regulations—New Initiatives

Title	Summary	Contact
HCFA—Medicare/Medicaid Programs: Clinical Laboratory Reimbursement.	A. *Description:* This regulation will limit recognition of mark-up of Clinical Laboratory Reimbursement bills from a physician, for services performed by an independent laboratory, to the lesser of the reasonable charge of the laboratory or the amount charged by the physician, plus a nominal handling fee. B. *Why Significant:* This regulation will eliminate unnecessary expenditures for independent laboratory services ordered by a physician. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 918 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1833, 1842, and 1902 of the Social Security Act and Sec. 918 of P.L. 96-499. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* Yes	Paul Reisel, Branch Chief, PPRB, BPP, Rm. 1-A-9 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1843.
HCFA—Medicare/Medicaid Programs: Professional Standards Review Organizations (PSRO) Membership Requirements; Advisory Groups to PSROs; and Statewide Professional Standards Review Council Advisory Group Membership.	A. *Description:* This regulation will revise PSRO membership requirements, delete requirements for formal advisory groups to PSROs and revise requirements for membership to the advisory groups of each Statewide PSRO council. B. *Why Significant:* This regulation will provide more effective PSRO performance. C. *Regulatory Analysis:* Not required D. *Need:* To implement Secs. 921, 922(a), 923 and 927 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1152, 1153, and 1162 of the Social Security Act. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No.	Donna Federman, Program Analyst, HSQB, 1st Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-4272.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Significant Regulations—New Initiatives

Title	Summary	Contact
HCFA—Medicare/Medicaid Program: Professional Standards Review Organizations (PSRO) Hospital Review—Routine Services; Preadmission Review; Preoperative Stays.	A. *Description:* This regulation would require PSROs that are able to do so to give priority to preadmission reviews of areas of relatively frequent overutilization to assure that payment made under Medicare and Medicaid are medically appropriate. These areas include routine tests, unusually long preoperative stays and weekend admissions. B. *Why Significant:* This regulation would improve cost effectiveness by enabling PSROs to determine the appropriate setting for surgical procedures. C. *Regulatory Analysis:* Not required D. *Need:* To implement Secs. 934 and 935 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1154 and 1155 of the Social Security Act. F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No	Sharman Stephens, Program Analyst, HSQB, 1st Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-3103.
HCFA—Medicare Program: Home Health Agency Bonding.	A. *Description:* This regulation will set forth requirements (including the establishment of bonding or escrow accounts) that home health agencies must meet in order to minimize financial risk. B. *Why Significant:* This regulation will assure that home health agencies are financially viable enough to participate in the program. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 930(e) of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1861 of the Social Security Act and Sec. 930 of P.L. 96-499. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* Yes	Bill Gostler, Branch Chief, RPB, BPP, Room 1-D-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1902.
HCFA—Medicare/Medicaid Program: Conditions of Participation for Home Health Agencies.	A. *Description:* This regulation would eliminate the present requirement that proprietary home health agencies can participate in Medicare only in those States that license home health agencies and set forth requirements for a formal training program for home health aides. B. *Why Significant:* This regulation would provide equity between proprietary and non-profit agencies and improve program administration. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 930(e)(2) of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1861(o) of the Social Security Act. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* Yes	Stefan Miller, Program Analyst, HSQB, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Avenue, Baltimore, MD 20207, 301-594-8741.
HCFA—Medicare Program: Preadmission Diagnostic Testing, Same Hospital.	A. *Description:* This regulation will provide full coverage under Medicare for diagnostic services provided in a hospital's outpatient department which the beneficiary then enters as an inpatient. B. *Why Significant:* This regulation would provide incentives for delivering services in lower cost settings. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 932 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1833 of the Social Security Act and Sec. 932 of P.L. 96-499. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No	Henry Hehir, Director, DMSCP, BPP, Room 489 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-9561.
HCFA—Medicare Program: Preadmission Diagnostic Testing; Different Hospital; Physician's Office.	A. *Description:* This regulation would cover diagnostic testing in the outpatient department of another hospital or in a physician's office within 7 days prior to the patient's admission as an outpatient. B. *Why Significant:* This regulation would provide incentives for delivering services in lower cost settings. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 932 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1833 of the Social Security Act and Sec. 932 of Pub. L. 96-499. F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No	Henry Hehir, Director, DMSCP, BPP, Room 489 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-9561.
HCFA—Medicare Program: Outpatient Surgery	A. *Description:* This regulation will provide for 100 percent reimbursement for surgical services performed in free-standing ambulatory surgical centers and in physicians' offices subject to certain restrictions. It will also set forth health and safety standards for ambulatory surgical centers participating in the Medicare program. B. *Why Significant:* This regulation would provide incentives for delivering services in lower cost settings. C. *Regulatory Analysis:* Not required D. *Need:* To implement Secs. 934 (a) and (b) of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1832, 1833, 1883 and 1884 of the Social Security Act and Sec. 934 of Pub. L.96-499. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* Yes	Robert Streimer, Chief, DARS, BPP, Room 1-A-1 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1337.
HCFA—Medicare/Medicaid Program: Outpatient Surgery (Physician's Office).	A. *Description:* This regulation would set forth a reimbursement methodology for determining overhead amounts, and all-inclusive rates per procedures in each outpatient surgery setting. B. *Why Significant:* This regulation would provide incentives for delivering services in lower cost settings. C. *Regulatory Analysis:* Not required	Robert Streimer, Chief, DARS, BPP, Room 1-A-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1337.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Significant Regulations—New Initiatives

Title	Summary	Contact
	D. *Need:* To implement Sec. 934(b) of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1832, 1833, 1863 and 1864 of the Social Security Act and Sec. 934 of Pub. L. 96-499. F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* Yes	
HCFA—Medicare/Medicaid Program: Professional Standards Review Organizations (PSRO) Hospital Review—Outpatient Surgery.	A. *Description:* This regulation would amend existing regulations on PSRO hospital review and PSRO assumption of review responsibilities for inpatient ancillary services, inpatient physician services, and quality review. This regulation would also provide for PSRO review of selected surgical procedures performed in physicians' offices. B. *Why Significant:* This regulation would reduce unnecessary costs C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 934(a) of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1832 and 1833 of the Social Security Act. F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No	Shannon Stephens, Program Analyst, HSQB, 1st Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-3101.
HCFA—Medicare Program: Optometrists' Services.	A. *Description:* This regulation would provide coverage for previously uncovered services furnished by optometrists related to the condition of aphakia (absence of the natural lens of the eye). B. *Why Significant:* This regulation would extend coverage to a previously uncovered service. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 937 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1861(r)(4) of the Social Security Act and Sec. 937 of Pub. L. 96-499. F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* Yes	Henry Hehir, Director, DMSCP, BPP, Room 480 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-9561.
HCFA—Medicare Program: Payment Service Date.	A. *Description:* This regulation will provide that the determination of Medicare reasonable charges for physician services be based on the date the medical service was furnished rather than the date on which the claim was processed. B. *Why Significant:* This regulation will adjust payment levels to those in effect when services were furnished. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 946 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1842 of the Social Security Act and Sec. 946 of Pub. L. 96-499. F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No	Paul Rissel, Branch Chief, PPRB, BPP, Room 1-A-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1843.
HCFA—Medicare/Medicaid Program: Reimbursement of Physician's Services in Teaching Hospitals.	A. *Description:* This regulation would permit reasonable charge reimbursement to physicians in teaching hospitals under certain circumstances, and would allow cost reimbursement to hospitals where all physicians elect it. It would also provide for computation of reasonable charges for purposes of Medicare reimbursement. B. *Why Significant:* This regulation would clarify and refine physician charge reimbursement policies. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 948 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1832, 1842, and 1861 of the Social Security Act and Sec. 948 of P.L. 96-499. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* Yes	Bill Simis, Chief, PPRS, PPRB, BPP, Room 1-E-6 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-5431.
HCFA—Medicare/Medicaid Program: Conditions of Participation for Hospitals—Revised Conditions for Participation.	A. *Description:* This regulation will provide for flexibility in the application of health and safety requirements to small and rural hospitals under 50 beds and for midwives to provide medical services in hospitals. B. *Why Significant:* This regulation will eliminate unnecessary procedural requirements for complying with conditions and reduce burden on small providers. C. *Regulatory Analysis:* Not required D. *Need:* To implement Secs. 949 and 965 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1102, 1861(e), (f), and (g), 1864, and 1891 of the Social Security Act (42 U.S.C. 1302, 1395 et seq.); Sec. 102 of P.L. 94-182. F. *Chronology:* The final is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No	Susan Anderson, Standards and Certification Analyst, HSQB, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9714.
HCFA—Medicare/Medicaid Program: Hospital Utilization Review.	A. *Description:* This regulation will provide for the treatment of podiatrists as physicians under certain circumstances for purposes of utilization. B. *Why Significant:* This regulation will permit enforcement of hospital utilization review requirements designed to reduce medically unnecessary care. C. *Regulatory Analysis:* Not required D. *Need:* To implement Sec. 951 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Secs. 1861(k), 1861(r)(3), 1862(a)(20), 1903(g)(1)(c), and 1903(i)(4) of the Social Security Act. F. *Chronology:* The final is current under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No	Beverly Christian, Program Analyst, HSQB 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-3960.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Significant Regulations—New Initiatives

Title	Summary	Contact
HCFA—Medicare Program: Access to Books and Records to Subcontractors.	A. *Description:* This regulation would prohibit Medicare reimbursement to providers for services furnished under contracts (whose cost or value over 12 months is $10,000 or more) to subcontractors unless the Secretary has access to books and records necessary to verify costs. B. *Why Significant:* This regulation would strengthen HCFA's capacity to effectively preclude or detect fraud and abuse and conform Medicare practice to that of other Federal agencies which buy services. C. *Regulatory Analysis:* Not required. D. *Need:* To implement Sec. 952 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1861(v)(1)(I) of the Social Security Act; P.L. 96-499. F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* Yes.	James F. Patton, Director, DVPS, OPV, BQC, Rm. 3-E-6 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-9213.
HCFA—Medicare Program: Provider Reimbursement Review Board (PRRB): Expedited Judicial.	A. *Description:* This regulation will require the PRRB to determine within 30 days whether it has jurisdiction over an issue brought before it by a provider and authorize judicial reviews without further administrative review where the Board decides it lacks jurisdiction. B. *Why Significant:* This regulation will expedite the administrative appeals process. C. *Regulatory Analysis:* Not required. D. *Need:* To implement Sec. 955 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1878 of the Social Security Act and Sec. 955 of P.L. 96-499. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No.	Stanley Katz, Chief, DTPL, BPP, 2nd Floor, Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9586.
HCFA—Medicare Program: Beneficiary Not at Fault.	A. *Description:* This regulation would require that payment be made for inpatient services under Part A where a beneficiary requiring a higher level of care is erroneously placed in a distinct part of an institution that provides a lower level of care. B. *Why Significant:* This regulation would reimburse at the appropriate level when a beneficiary received covered care but was in an erroneous placement through no fault of his own.. C. *Regulatory Analysis:* Not required. D. *Need:* To implement Sec. 956 of P.L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1879 of the Social Security Act and Sec. 956 of P.L. 96-499. F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No.	Stanley Katz, Chief, DTPL, BPP, 2nd Floor, Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9505.
HCFA—Medicare/Medicaid Program: Technical ESRD Amendments (Technical Amendment).	A. *Description:* This regulation will authorize HCFA to enter into agreements with approved nonprofit entities to provide dialysis equipment to individuals who dialyze at home. B. *Why Significant:* This regulation will provide equipment economically and efficiently. C. *Regulatory Analysis:* Not required. D. *Need:* To implement Sec. 957 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1861(e) of the Social Security Act. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No.	Joe Jackson, Program Analyst, OSP, 1st Floor, Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-597-3151.
HCFA—Medicaid Program: Disputed Medicaid Claims; Interest Charge on Final Determination.	A. *Description:* This regulation would set forth the requirement for interest payments on disputed Medicaid funds after a final determination of allowability. B. *Why Significant:* This regulation would establish the payment of interest as an equitable solution to the use of funds pending a final determination of allowability. It would also expedite the processing of State appeals from notices of disallowances. C. *Regulatory Analysis:* Not required. D. *Need:* To implement Sec. 961 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1903(d) of the Social Security Act. F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No.	David McNally, Director, DFO, OPA, BPO, Rm. 350, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-597-1397.
HCFA—Medicaid Program: Skilled Nursing Facilities/Intermediate Care Facilities (SNFs/ICFs)—Medicaid Reimbursement.	A. *Description:* This regulation would require States to reimburse SNFs and ICFs at rates that are reasonable and adequate to meet the costs incurred by facilities in order to provide care. This regulation would implement certain provisions of the "Omnibus Reconciliation Act of 1980" affecting repeal of Sec. 249 of Pub. L. 92-603 that required most States to pay SNFs and ICFs on a reasonable cost-related basis. B. *Why Significant:* This regulation would provide States with more flexibility in developing methodologies to reimburse nursing homes. C. *Regulatory Analysis:* Not required. D. *Need:* To implement Sec. 962 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1902(a)(13)(E) of the Social Security Act and Sec. 962 of Pub. L. 96-499. F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* Yes.	Alan Spielman, Acting Chief, SIS, SPB, BPP, Room 1-A-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1804.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Significant Regulations—New Initiatives

Title	Summary	Contact
HCFA—Medicare/Medicaid Program: Nurse-Midwife Services.	A. *Description:* This regulation will specify Federal requirements under Medicaid (title XIX of the Social Security Act) for the provision of nurse-midwife services. This regulation will define nurse-midwife services and specify how States are to provide for these services. B. *Why Significant:* Revised requirements will improve access to a cost-effective source of maternity care. C. *Regulatory Analysis:* Not required. D. *Need:* To implement Sec. 965 of Pub. L. 96-499, "Omnibus Reconciliation Act of 1980". E. *Legal Basis:* Sec. 1905 of the Social Security Act and Sec. 965 of Pub. L. 96-499. F. *Chronology:* The final rule with comment period is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No.	Marinos Stratos, Deputy Director, DMSOP, BPP, Room 466 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-6719.
HCFA—Medicare Program: Conditions of Participation for Hospitals; Conditions for Coverage of Services of Independent Laboratories; Immunohematological Testing, Transfusion Services and Bloodbanking.	A. *Description:* This regulation clarifies standards and responsibilities governing the survey and certification of laboratory transfusion and bloodbanking services. B. *Why Significant:* This regulation will reduce unnecessary Departmental and industry expenditures caused by duplicate HCFA and FDA surveys and provide uniformity in standards for transfusion and bloodbanking requirements. C. *Regulatory Analysis:* Not required. D. *Need:* To implement a memorandum of understanding between HCFA and FDA published by the Department on March 25, 1980. E. *Legal Basis:* Secs. 1102, 1861(e)(9), 1861(s)(11), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395(e)(9), 1395x(s)(11), and 1395hh). F. *Chronology:* Memorandum of Understanding was published March 25, 1980 (45 FR 19618). A Notice of Decision to Develop Regulations was published December 18, 1980 (45 FR 83579). The proposed rule has been waived. The final regulation is currently under review. When the review is completed, it will be forwarded to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No.	Stanley Edinger, Ph.D, Program Analyst, 2nd Floor, Dogwood East Bldg., 1649 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-7931.
HCFA—Medicaid Program: Expanded Phase Out Provisions of Intermediate Care Facilities for the Mentally Retarded (ICF/MR); Correction Plans.	A. *Description:* This regulation would allow States to negotiate new corrective action plans for publicly-owned ICFs/MR that do not comply with current standards. The regulation would permit States to negotiate extended plans to phase out beds but require compliance by July 1982 with standards for beds not scheduled for phase out. B. *Why Significant:* This regulation would allow States more flexibility in securing the most appropriate living arrangements for ICF/MR residents. C. *Regulatory Analysis:* Not required. D. *Need:* To provide incentives for deinstitutionalization of residents in ICFs/MR and ensure that the health and safety of residents remaining in ICFs/MR is protected. E. *Legal Basis:* Secs. 1102, 1905(c) and (d) of the Social Security Act (42 U.S.C. 1302, 1396d(c) and d(d)). F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No.	Wayne Smith, Program Analyst, HSOB, 2nd Floor, Dogwood East Bldg., 1649 Gwynn Oak Ave., Baltimore, MD 20207, 301-594-7951.
HCFA—Medicare Program: Determination of Payment Amount for Services Furnished by Independent Rural Health Clinics.	A. *Description:* This regulation revises payment procedures with respect to situations in which a beneficiary has not met the Medicare Part B deductible. This regulation also clarifies the relationship between the amount paid to a clinic on an interim basis and the total amount due the clinic at final cost settlement. B. *Why Significant:* This regulation would resolve confusion caused by inaccuracies in current rules. Final cost settlements that have been postponed pending resolution of the issue of interim payments could be settled once that issue is resolved. C. *Regulatory Analysis:* Not required. D. *Need:* To correct and clarify regulations implementing P.L. 95-210, the Rural Health Clinic Services Act of 1977. E. *Legal Basis:* Secs. 1102, 1833, 1861(aa), and 1871 of the Social Security Act. F. *Chronology:* The final rule is currently under review in the Department. G. *Covered by the Regulatory Flexibility Act:* Yes.	Bernadette Schumaker, Chief, ARSB, BPP, Room 1-C-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1046.
HCFA—Transfer of Assets.	A. *Description:* This regulation will impose a new eligibility requirement on aged, blind, and disabled applicants for Medicaid. It will allow States to deny Medicaid to individuals who dispose of assets for less than fair market value. B. *Why Significant:* This regulation will assure that available income and assets are applied to medical needs before Medicaid is granted. C. *Regulatory Analysis:* Not required. D. *Need:* To implement Sec. 5 of P.L. 96-611. E. *Legal Basis:* Sec. 1613 of the Social Security Act (42 U.S.C. 1382b) and Sec. 5 of P.L. 96-611. F. *Chronology:* The proposed rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No.	Richard Cody, Director, DMEP, BPP, Room 440 EHR, 6401 Security Blvd., Baltimore, MD 21207, 301-594-9050.
HCFA—Conditions of Coverage of Suppliers: End Stage Renal Disease (ESRD).	A. *Description:* This regulation revises the conditions which ESRD facilities must meet to be approved as suppliers of end-stage renal disease services. B. *Why Significant:* This regulation will recognize recent developments in medical practices. C. *Regulatory Analysis:* Not required. D. *Need:* Clarify and expand the types of dialysis service facilities that will be approved to furnish and facilitate program administration. E. *Legal Basis:* Secs. 226A, 1102, 1871, 1861 of the Social Security Act (42 U.S.C. 426-1, 1302, 1395hh, 1395w). F. *Chronology:* The proposed rule was published on January 15, 1981 (46 FR 3794). The comment period closed on March 16, 1981. G. *Covered by the Regulatory Flexibility Act:* Yes.	Bob Moore, Program Analyst, HSOB, 2nd Floor, Dogwood East Bldg., 1649 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9736.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Significant Regulations—New Initiatives

Title	Summary	Contact
HCFA—Certification of Long Term Care Facilities with Repeat Deficiencies.	A. *Description:* This regulation eliminates the provision that prohibits the renewal of long term care provider agreements if the same deficiency, regardless of how minor, appears in successive certification surveys. B. *Why Significant:* This regulation will improve program administration as long as there is no jeopardy or adverse effect to the health and safety of patients. C. *Regulatory Analysis:* Not required D. *Need:* To make the rules for skilled nursing facilities and intermediate care facilities consistent with the rules governing other providers and reduce burden. E. *Legal Basis:* Secs. 1102, 1814, 1861, 1865, 1866, and 1910 of the Social Security Act (42 U.S.C. 1302, 1395f, 1395x, 1395bb, 1395cc, 1395hh and 1396s). F. *Chronology:* The proposed rule was published on March 18, 1980 (45 FR 16500). The comment period closed on May 13, 1980. The final rule is currently under review. When the review is completed, it will be submitted to the Department for approval. G. *Covered by the Regulatory Flexibility Act:* No	Terrance Stutly, Program Analyst, HSQB, 3rd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-7942.
HCFA—Medicare Program: Recordkeeping and Cost Reporting Requirements for Dialysis and Training.	A. *Description:* This regulation sets forth recordkeeping and cost reporting requirements for renal dialysis facilities furnishing maintenance renal dialysis and self-care dialysis training. These requirements apply to all ESRD services furnished in or under the supervision of Medicare-certified dialysis facilities, whether hospital-based or independent. B. *Why Significant:* This regulation implements portions of the ESRD Program Amendments of 1978 (P.L. 95-292) that require us to prescribe in regulations, methods and procedures to determine costs incurred by renal dialysis facilities in furnishing ESRD services. C. *Regulatory Analysis:* Not required D. *Need:* To implement certain provisions of the ESRD Program Amendments of 1978 (P.L. 95-292). E. *Legal Basis:* Secs. 1881(b)(8)(B)(i) of Social Security Act; P.L. 95-292 F. *Chronology:* The proposed rule was published on September 28, 1980 (45 FR 64008) as Incentive Reimbursement for Outpatient Dialysis and Self-Care Dialysis Training (HCFA-31). The comment period closed on November 25, 1980. G. *Covered by the Regulatory Flexibility Act:* No	Bernadette Schumaker, Chief, ARSB, BPP, Room 1-C-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1048.
HCFA—Medicare Program: Methodology and Rates for Reimbursing End Stage Renal Disease Facilities.	A. *Description:* This notice would set forth a proposed methodology and rates for reimbursing ESRD facilities for furnishing outpatient dialysis services. B. *Why Significant:* This regulation implements portions of the ESRD Program Amendments of 1978 (P.L. 95-292) to develop and establish a method of incentive reimbursement for renal dialysis facilities furnishing outpatient or home dialysis ESRD services. C. *Regulatory Analysis:* Yes, being conducted D. *Need:* To implement certain provisions of the ESRD Program Amendments of 1978 (P.L. 95-292). E. *Legal Basis:* Secs. 1881(b)(8)(B)(i) of the Social Security Act, P.L. 95-292 F. *Chronology:* The proposed rule was published on September 28, 1980 (45 FR 64008). The comment period closed November 25, 1980. G. *Covered by the Regulatory Flexibility Act:* Yes	Bernadette Schumaker, Chief, Alter. Reim. Systems Branch, Rm. 1-C-1 ELR, 6401 Security Blvd., Baltimore, MD 21207, 301-597-1048.

Office of Human Development Services, HHS

Title	Summary	Contact
HDS-6—Native American Program: General Rules.	A. *Description:* This proposed regulation would simplify and clarify existing regulations in line with "Operation Common Sense" and implement significant changes in policies and operation to reflect program experience. B. *Why Significant:* The Native American Grants provide valuable resources to Native Americans in their efforts to achieve economic and self-sufficiency. C. *Regulatory Analysis:* Not required D. *Need:* Regulations are needed to make administrative improvements which include a simplified appeals process; improved management control and paperwork reduction; and the removal of unnecessary provisions. E. *Legal Basis:* 42 U.S.C. 2991 F. *Chronology:* None G. *Covered by the Regulatory Flexibility Act:* Yes	David Liston, Acting Director, Policy Planning and Budget Division, Administration for Native Americans, Rm. 5300, HHS North Bldg., 330 Independence Ave., S.W., Washington, D.C. 20201, (202) 245-7776.
HDS-23—Work Incentive Program: Amendments to Implement Statutory Changes.	A. *Description:* This regulation will amend the regulations to the Work Incentive Program for AFDC recipients in order to make them conform with legislative amendments. Changes would include employment search authority and related social services, establishing a fixed sanction period, and other minor changes required by the statute. B. *Why Significant:* These regulations would implement legislative changes affecting some aspects of Work Incentive Program operations. C. *Regulatory Analysis:* Not required D. *Need:* These regulations are needed to implement legislative changes mandated by Pub. L. 96-265. E. *Legal Basis:* 42 U.S.C. 630 et seq F. *Chronology:* None G. *Covered by Regulatory Flexibility Act:* No	Nancy Snyder, Acting Executive Director, National Coordination Committee Work Incentive Program, Rm. 5102, Patrick Henry Building, 601 D St., N.W., Washington, D.C. 20201, (202) 287-6694.
HDS-24—Work Incentive Program: Period within which State Claims must be filed.	A. *Description:* This regulation would establish a 2-year time limit for the payment of claims by the state grantees under the Work Incentive Program in accordance with new legislation. B. *Why Significant:* These regulations are intended to improve the financial management programs under the Social Security Act. C. *Regulatory Analysis:* Not required D. *Need:* The regulation is required by new legislation	Nancy Snyder, Acting Executive Director, National Coordination Committee Work Incentive Program, Rm. 5102, Patrick Henry Building, 601 D St., N.W., Washington, D.C. 20201, (202) 287-6694.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Office of Human Development Services, HHS

Title	Summary	Contact
	E. *Legal Basis:* Section 1132 of the Social Security Act as amended by Pub. L. 96-272. F. *Chronology:* None G. *Covered by the Regulatory Flexibility Act:* No	

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
Revise Inspection Frequency: Licensed Blood Banks.	A. *Description:* This proposed regulation would reduce the frequency of inspections for licensed blood banks from once every year to at least once every two years. B. *Why Significant:* The regulation would reduce the frequency of inspections for licensed blood banks from once every year to once every two years. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To reduce the inspection burden on licensed blood banks. E. *Legal Basis:* Sections 201, 510, 701, 704, 52 Stat. 1055-1056 (21 U.S.C. 321, 360, 371, 374) and Section 351, 58 Stat. 702 (42 U.S.C. 262). F. *Chronology:* A proposed regulation is expected to publish by October 31, 1981.. G. *Covered by Regulatory Flexibility Act:* Yes.	Rada Proehl, Regulations Branch (HFB-620), Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306
Procedures for Reclassifying Category IIIA Biologicals.	A. *Description:* This final regulation would reclassify Category IIIA biological products as either safe, effective, and not misbranded (Category I), or unsafe, ineffective, or misbranded (Category II). The regulation would permit interim marketing pending completion of clinical studies for any biological product reclassified into Category II for which there is a compelling medical need and no suitable alternative therapeutic, prophylactic, or diagnostic agent. B. *Why Significant:* The regulation would establish Agency procedures to reclassify Category IIIA biological products into either Category I or Category II. C. *Regulatory Impact Analysis:* Not required. D. *Need:* The document responds to a petition for action filed by the Health Research Group. E. *Legal Basis:* Sections 201, 502, 505, 701, 52 Stat. 1041-1042, 1050-1051, 1055-1056 (21 U.S.C. 321, 352, 355, 371); Section 351, 58 Stat. 702 (42 U.S.C. 262); Sections 4 and 10, 60 Stat. 238 and 243 (5 U.S.C. 553, 702, 703, 704). F. *Chronology:* The proposed regulation was published January 16, 1981 (46 FR 4634). Comment period extended from March 17, 1981 to May 18, 1981 (46 FR 17063). A final regulation is expected to publish by October 31, 1981. G. *Covered by Regulatory Flexibility Act:* No.	Albert Rothschild, Regulations Branch (HFB-620), Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306
Panel on Review of Blood and Blood Products—Product Effectiveness.	A. *Description:* This proposed regulation would place the subject products in categories designated as (1) safe and effective and not misbranded, and (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products. B. *Why Significant:* The regulation would establish the safety and effectiveness of currently marketed products. It would assure the public of receiving only those products found to be safe and effective. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To bring products into conformance with current standards of safety and effectiveness. E. *Legal Basis:* Section 351, 58 Stat. 702 (42 U.S.C. 252). F. *Chronology:* The proposed regulation is expected to publish by October 31, 1981. G. *Covered by Regulatory Flexibility Act:* FDA will consider the need for an initial regulatory flexibility analysis.	Steven Feller, Regulations Branch (HFB-620), Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306
Panel on Review of Bacterial Toxoids and Bacterial Vaccines with U.S. Standards of Potency—Product Effectiveness.	A. *Description:* This proposed regulation would place the subject products in categories designated as (1) safe and effective and not misbranded and (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products. B. *Why Significant:* The regulation would establish the safety and effectiveness of currently marketed products. It would assure the public of receiving only those products found to be safe and effective. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To bring products into conformance with current standards of safety and effectiveness. E. *Legal Basis:* Section 351, 58 Stat. 702 (42 U.S.C. 262). F. *Chronology:* The proposed regulation is expected to publish by October 31, 1981. G. *Covered by Regulatory Flexibility Act:* FDA will consider the need for an initial regulatory flexibility analysis.	Steven Feller, Regulations Branch (HFB-620), Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.
Bioresearch Monitoring; Obligations of Sponsors and Monitors of Clinical Investigations.	A. *Description:* These regulations would establish procedures to be followed by a sponsor and a monitor before initiating, and during the course of, a clinical investigation involving the use of a drug, medical device, food or color additive, or electronic product. B. *Why Significant:* The regulations will provide greater protection of the rights and safety of subjects in clinical investigations and help assure the quality and integrity of the research data used to support the marketing of products regulated by FDA by specifically defining the responsibilities of sponsors and monitors in clinical investigations. C. *Regulatory Impact Analysis:* Not required.	Marilyn Watson (HFD-30), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3840.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
	D. *Need:* There has been an identifiable need to set forth procedures that would raise the level of the quality of clinical research by more thorough and supervisional contact between the sponsor and investigators. These regulations will define specifically the responsibilities of sponsors and monitors in assuring protection of the rights and safety of subjects involved in clinical investigations and assuring the quality and integrity of the research data used to support the marketing of products regulated by FDA..	
	E. *Legal Basis:* 21 U.S.C. 346, 348, 352, 353, 355, 356, 357, 360, 360b-360f, 360h-360j, 361, 371(a), 378, 381, 42 U.S.C. 216, 262, 263b-263n.	
	F. *Chronology:* The proposed regulations were published on September 27, 1977 (42 FR 49612). The final regulations are expected to publish by October 1981.	
	G. *Covered by Regulatory Flexibility Act:* No.	
Abbreviated New Drug Applications for Post-1962 Drugs.	A. *Description:* This proposed regulation would permit applicants to file abbreviated new drug applications (ANDA's) for products indentical to approved post-1962 drugs and to omit certain reports that are required in a full NDA to show safety and effectiveness of the product. It would apply only to certain drug products specified by FDA. At present, ANDA's are permitted only for pre-1962 drugs that FDA has found are suitable for that kind of submission.	Jean Mansur, Deputy Assistant Director for Regulatory Drug Affairs (HFD-30), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3640.
	B. *Why Significant:* This would reduce duplicative human testing of drugs and also reduce the cost to the manufacturer of getting the affected drugs on the market. By increasing competition among drug manufacturers, it may reduce drug costs to the consumer..	
	C. *Regulatory Impact Analysis:* Yes	
	D. *Need:* This action has the potential to increase competition among drug sources when patents have expired and lower costs of drug products.	
	E. *Legal Basis:* 21 U.S.C. 355, 371(a)	
	F. *Chronology:* The proposed regulation is expected to publish by October 31, 1981.	
	G. *Covered by Regulatory Flexibility Act:* FDA will consider the need for an initial regulatory flexibility analyses..	
New Drug Evaluation; Revision of NDA Regulations.	A. *Description:* Under section 5(a)(3) of E.O. 12291, FDA is reviewing and will propose to revise the existing regulations for new drug applications (NDA's) to improve the efficiency of FDA's operation and to update and refine its internal policies in reviewing, processing, and communicating with sponsors and applicants of NDA's.	Michael McGrane, General Regulations Branch (HFD-30), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5208.
	B. *Why Significant:* These revisions can be expected to aid NDA applicants by expediting the review process, reducing paperwork, and redefining the NDA requirements in line with FDA's experiences and current practices. They should also result in simpler and more useful reporting requirements.	
	C. *Regulatory Impact Analysis:* Threshold assessment underway	
	D. *Need:* Experience with these regulations after a number of years has identified areas where the NDA procedure and requirements need updating and improving.	
	E. *Legal Basis:* 21 U.S.C. 355, 357, 371(a)	
	F. *Chronology:* A public meeting was held on November 7, 1979. The proposed regulation is expected to publish by October 31, 1981.	
	G. *Covered by Regulatory Flexibility Act:* Yes	
Over-the-Counter (OTC) Category III Policy	A. *Description:* This final regulation would revise the OTC procedural regulations to delete the provision that authorized the marketing of a Category III ingredient or labeling claim in an OTC drug product after a final monograph is established. Any testing necessary to resolve the safety or effectiveness issues for Category III ingredients and claims would have to be completed and the data submitted to FDA within a limited time period during the OTC drug rulemaking process, and before the establishment of a final monograph, for a drug product containing these ingredients or claims to be legally marketed.	Marilyn Watson (HFD-30), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3640.
	B. *Why Significant:* This revision would revise a regulation found unlawful by a court. The revision also is expected to expedite the OTC drug review process.	
	C. *Regulatory Impact Analysis:* Threshold assessment underway	
	D. *Need:* This action is necessary to conform to the holding and order of the United States District Court for the District of Columbia in *Cutler v. Kennedy*, 475 F. Supp. 838 (D.D.C. 1979).	
	E. *Legal Basis:* 21 U.S.C. 321, 352, 355, 371(a)	
	F. *Chronology:* The proposed regulation was published on May 13, 1980 (45 FR 31422). The comment period closed on July 14, 1980. The regulation is expected to be published during the 3rd quarter (April–June, 1981).	
	G. *Covered by Regulatory Flexibility Act:* No.	
Over-the-Counter (OTC) Drug Review	A. *Description:* These regulations provide for monographs that specify which OTC drug ingredients and labeling claims are generally recognized as safe and effective.	William E. Gilbertson, Division of OTC Drug Evaluation (HFD-510), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.
	B. *Why Significant:* These regulations will assure consumers that OTC drug products on the market have their claimed effect and bear adequate labeling for safe and effective use.	
	C. *Regulatory Impact Analysis:* Threshold assessment planned for each monograph.	
	D. *Need:* To review all OTC drug ingredients and labeling claims to determine which of these can be considered generally recognized as safe and effective.	
	E. *Legal Basis:* 21 U.S.C. 321, 352, 355, 371	

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
	F. *Chronology:* Significant proposed and tentative monographs published or expected to be published: OTC Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Products (CCABA) proposed monograph, September 9, 1976 (41 FR 38312); (CCABA) Anticholinergic/Expectorant segment tentative final monograph expected to be published May 1981: (CCABA) Bronchodilator segment tentative final monograph expected to publish October 1981; OTC Topical Antimicrobial proposed monograph, September 13, 1974 (39 FR 33103); tentative final monograph, January 6, 1978 (43 FR 1210); External Analgesic Drug Products for OTC Use proposed monograph, December 4, 1979 (44 FR 69768), OTC Internal Analgesic, Antipyretic and Antirheumatic Drug Products proposed monograph, July 8, 1977 (42 FR 35346); OTC nighttime Sleeped and Stimulant Products proposed monograph, December 8, 1975 (40 FR 57292), tentative final monograph, June 13, 1978 (43 FR 25544); Anorectal Drug Products for OTC Use proposed monograph, May 27, 1980 (45 FR 35576); Vaginal Contraceptive Drug Products for OTC Human Use proposed monograph, December 12, 1980 (45 FR 82014); Relief of Oral Discomfort Drug Products proposed monograph expected to publish June 1981; OTC Oral Cavity Drug Products proposed monograph expected to publish September 1981; OTC Weight Control Drug Products proposed monograph expected to publish May 1981; OTC Antiperspirant Drug Products proposed monograph, October 10, 1978 (43 FR 46994), tentative final monograph expected to publish September 1981; OTC Topical Antibiotic Drug Products proposed monograph, April 1, 1977 (42 FR 17842), tentative final monograph expected to publish September 1981; OTC Topical Antifungal Drug Products proposed monograph expected to publish September 1981.	
	G. *Covered by Regulatory Flexibility Act:* FDA will consider the need for an initial regulatory flexibility analysis for each monograph.	
Use of Food Preservatives	A. *Description:* This final regulation would establish an interim food additive regulation for BHT.	Linda Taylor, GRAS Review Branch (HFF-335), Bureau of Foods, Food and Drug Administration, 230 Independence Avenue, S.W., Washington, D.C. 20201, 202-472-4750
	B. *Why Significant:* BHT is a widely used preservative heretofore considered GRAS and about which substantial safety questions have been raised rendering it subject to the food additive law.	
	C. *Regulatory Impact Analysis:* Not required.	
	D. *Need:* To determine if the food preservative BHT can continue to be deemed safe for use in foods.	
	E. *Legal Basis:* Sections 201(s), 409, 701(a), 52 Stat. 1784–1788, as amended (21 U.S.C. 321(s), 348, 371(a)) of the Federal Food, Drug, and Cosmetic Act.	
	F. *Chronology:* The proposed regulation published on May 31, 1977 (42 FR 27603). The comment period closed July 29, 1977. The final regulation is expected to publish July, 1981.	
	G. *Covered by the Regulatory Flexibility Act:* No.	
Prior Sanction of Nitrites in Meat and Poultry Products.	A. *Description:* This final regulation would resolve the issue regarding whether there is a prior sanction for nitrites in meat and poultry products.	John Harman, Division of Food and Color Additives (HFF-300), Bureau of Foods, Food and Drug Administration, 230 Independence Avenue, S.W., Washington, D.C. 20201, 202-472-5676.
	B. *Why Significant:* There is substantial interest and controversy in the legal status of nitrites.	
	C. *Regulatory Impact Analysis:* Not required.	
	D. *Need:* To protect the public health.	
	E. *Legal Basis:* Sections 201(s), 201(t)(1), 402(a), 701(a), 706, 72 Stat. 1784; 74 Stat. 397; 52 Stat. 1046, 1056–1058, as amended (21 U.S.C. 321(s), 321(t)(1), 342(a), 371(a), 376) of the Federal Food, Drug, and Cosmetic Act.	
	F. *Chronology:* The proposed regulation was published on December 21, 1979 (44 FR 75662). The comment period closed on June 18, 1980. The final regulation is expected to publish August, 1981.	
	G. *Covered by the Regulatory Flexibility Act:* No.	
National Shellfish Safety Program	A. *Description:* A notice to withdraw the proposed National Shellfish Safety Program regulation and a proposal to continue the voluntary National Shellfish Sanitation Program.	David Clem, Shellfish Sanitation Branch (HFF-417), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-245-1557.
	B. *Why Significant:* An improved voluntary National Shellfish Sanitation Program would help ensure the safety and wholesomeness of shellfish harvested in waters of participating states.	
	C. *Regulatory Impact Analysis:* Not required.	
	D. *Need:* To improve the voluntary National Shellfish Program.	
	E. *Legal Basis:* Sections 402, 403, 701(a), Pub. L. 717; 52 Stat. 1046–1048, 1055, as amended (21 U.S.C. 342, 343, 371(a)) of the Federal Food, Drug, and Cosmetic Act; Sections 301, 308, 311, 361, Pub. L. 410; 56 Stat. 691, 693, 703; 74 Stat. 364, as amended (42 U.S.C. 241, 242m, 243, 264) of the Public Health Service Act.	
	F. *Chronology:* The proposed regulation published on June 19, 1978 (40 FR 25916). The comment period closed November 13, 1975. The notice is expected to publish September, 1981.	
	G. *Covered by Regulatory Flexibility Act:* No.	
Infant Formulas Quality Control Regulation	A. *Description:* This final regulation would establish specified quality control requirements for infant formula manufacturers.	Ed Scarbrough, Regulatory Affairs Staff (HFF-204), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-245-3117.
	B. *Why Significant:* The nutritional adequacy of infant formulas is a public health issue on which there is substantial public interest.	
	C. *Regulatory Impact Analysis:* Not required.	
	D. *Need:* To assure that the required levels of nutrients are present.	
	E. *Legal Basis:* Sections 201(n), 403(a), 701(a), 52 Stat. 1041 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321 (n), 343(a), 371(a) of the Federal Food, Drug, and Cosmetic Act.	
	F. *Chronology:* The proposed regulation was published on December 30, 1980 (45 FR 86362). The comment period was extended to May 1, 1981 (46 FR 17790). The final regulation is expected to publish October, 1981.	
	G. *Covered by the Regulatory Flexibility Act:* No.	
Infant Formula; Recall Process	A. *Description:* This proposed regulation would establish recall procedures for removing adulterated infant formula from the marketplace.	

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
	B. *Why Significant:* There is considerable public interest in infant formulas due to medical problems in infants resulting from inadequate amounts of essential nutrients.	Howard Pippin, Guidelines and Compliance Research Branch (HFF-312), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-245-3092.
	C. *Regulatory Impact Analysis:* Not required	
	D. *Need:* To protect the public health; regulations are required by statute.	
	E. *Legal Basis:* Sec. 1 et. seq., Pub. L 717, 52 Stat. 1040-1058, as amended (21 U.S.C. 301 et seq.) of the Federal Food, Drug, and Cosmetic Act.	
	F. *Chronology:* The proposed regulation is expected to publish July, 1981	
	G. *Covered by the Regulatory Flexibility Act:* FDA will consider the need for an initial regulatory flexibility analysis.	
Cinnamyl Anthranilate	A. *Description:* These proposed regulations would prohibit cinnamyl anthranilate in human food and ingestible cosmetics because it may pose a risk of cancer.	
	B. *Why Significant:* There is substantial FDA interest due to public health concerns expressed above.	
	C. *Regulatory Impact Analysis:* Not required	Adele Dennis, GRAS Review Branch (HFF-336), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-472-4750.
	D. *Need:* To protect the public health	
	E. *Legal Basis:* Sections 201(s), 402, 409, 701, 52 Stat. 1046-1047, as amended 72 Stat. 1784-1788, as amended (21 U.S.C. 321(s), 342, 348, 371) of the Federal Food, Drug, and Cosmetic Act.	
	F. *Chronology:* The proposed regulations are expected to publish October, 1981	
	G. *Covered by Regulatory Flexibility Act:* Yes	
Umbrella GMP	A. *Description:* This revised regulation will establish new, updated or more current good manufacturing practices for the food industry.	F. Leo Kauffman, Plant & Protein Technology (HFF-214), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-245-1164.
	B. *Why Significant:* Provides industry with requirements designed to prevent or avoid offering a product for sale which might be defective (violative) in a significant respect.	
	C. *Regulatory Impact Analysis:* Required	
	D. *Need:* To ensure a safe and sanitary food supply	
	E. *Legal Basis:* Sections 302, 303, 304, 402(a), 701(a) 52 Stat. 1043-1048 as amended, 1055 (21 U.S.C. 332, 333, 334, 342(a), 371(a)) of the Federal Food, Drug, and Cosmetic Act, and the Public Health Service Act Section 351, 58 Stat. 703 (21 U.S.C. 264).	
	F. *Chronology:* The proposed regulation to revise the umbrella GMP was published June 8, 1978 (44 FR 33228). The comment period closed December 31, 1979. The final regulation is expected to publish October, 1981.	
	G. *Covered by Regulatory Flexibility Act:* No	
Lead in Infant Foods and in Evaporated Milk	A. *Description:* These action guidelines would announce to the public FDA's action levels on lead and withdraw the 1974 proposed tolerance for lead in evaporated milk and evaporated skim milk.	Carl Giannella, Petitions Control Branch (HFF-334), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-472-5690.
	B. *Why Significant:* There is a significant public health interest	
	C. *Regulatory Impact Analysis:* Not required	
	D. *Need:* To lower infant exposure to toxic levels of lead	
	E. *Legal Basis:* Sections 408, 409, 701(a), 52 Stat. 1055, 72 Stat. 1785-1790 (21 U.S.C. 348, 349, 371(a)) of the Federal Food, Drug, and Cosmetic Act.	
	F. *Chronology:* The proposed tolerance for lead in evaporated milk and evaporated skim milk published on December 6, 1974 (39 FR 42740). An Advance Notice of Proposed Rulemaking published August 31, 1979 (45 FR 51233). The action guidelines are expected to publish June, 1981.	
	G. *Covered by Regulatory Flexibility Act:* No	
Labeling of Sodium Content of Foods	A. *Description:* This proposed regulation would define terms such as low sodium and reduced sodium and provide for including sodium content in nutrition labeling.	Allan Forbes, Associate Director for Nutrition and Food Sciences (HFF-200), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-245-1561.
	B. *Why Significant:* There is a substantial public health need for and public interest in consumers being able to regulate intake of sodium.	
	C. *Regulatory Impact Analysis:* Threshold assessment underway	
	D. *Need:* To give consumers an opportunity to regulate their own intake of sodium.	
	E. *Legal Basis:* Sections 201 (n) and (s), 402(a)(2)(C), 403(a), 409(c)(1)(A), and 701(a) (21 U.S.C. 321 (n) and (s), 342(a)(2)(C), 343(a), 348(c)(1)(A), and 371(a)) of the Federal Food, Drug, and Cosmetic Act.	
	F. *Chronology:* The proposed regulation is expected to publish July, 1981	
	G. *Covered by Regulatory Flexibility Act:* Yes	
New Animal Drugs and Food Additives Derived from a New Drug Fermentation; Human Food Safety Evaluation Criteria.	A. *Description:* This notice announces the availability of a guidelines that describes testing and evaluation criteria for the approval of complex products derived from a drug fermentation synthesis and proposed for use in food-producing animal.	Marylyn Cordle, Food Animal Additive Staff, (HFF-350), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-755-1120.
	B. *Why Significant:* The guidelines provides a feasible alterantive means of demonstrating safety for approval for these complex products that are not amendable to the standard criteia.	
	C. *Regulatory Impact Analysis:* Not required	
	D. *Need:* To allow these types of products, which have many potential benefits, to be used in food-producing animals.	
	E. *Legal Basis:* Section 512 (21 U.S.C. 360b) of the Federal Food, Drug, and Cosmetic Act.	
	F. *Chronology:* The notice of availability is expected to publish October, 1981	
	G. *Covered by Regulatory Flexibility Act:* No	
Carcinogenic Constituents in Food and Color Additives.	A. *Description:* This proposed policy statement would describe a policy for assessing the safety of food and color additives that contain carcinogenic constituents.	Teri Trowell, Petitions Control Branch (HFF-334), Bureau of Foods, Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202-472-5690.
	B. *Why Significant:* There is public interest in the use of risk assessment for evaluating carcinogenic constituents in these additives.	
	C. *Regulatory Impact Analysis:* Not required	
	D. *Need:* To clarify agency policy on carcinogenic constituents in food and color additives.	

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
	E. *Legal Basis:* Sections 301(e), 301(l), 402, 406, 701, 706, 52 Stat. 1046–1047, as amended; 72 Stat. 1784–1788, as amended (21 U.S.C. 321(e), 321(l), 342, 346, 371, 376) of the Federal Food, Drug, and Cosmetic Act. F. *Chronology:* The proposed policy statement is expected to publish during the 3rd quarter (April–June, 1981). G. *Covered by Regulatory Flexibility Act:* Yes	
Prosthetic Fiber for Implantation into the Human Scalp; Banning	A. *Description:* This proposed regulation would ban all prosthetic fibers intended for implantation into the human scalp to conceal baldness. B. *Why Significant:* There is public health danger resulting from the side effects associated with the prosthetic fibers. C. *Regulatory Impact Analysis:* Threshold assessment underway. D. *Need:* To protect the public from dangerous side effects following implantation of prosthetic fibers. E. *Legal Basis:* 21 U.S.C. 352(f), 360f, 360h, 360i, 371(a). F. *Chronology:* The proposed regulation is expected to publish September, 1981. G. *Covered by Regulatory Flexibility Act:* FDA will consider the need for an initial regulatory flexibility analysis.	Pamela Woytowicz (HFK–114), Bureau of Medical Devices, Food and Drug Administration, 8758 Georgia Avenue, Silver Spring, MD 20910, 301–427–7218.
User Labeling of Menstrual Tampons	A. *Description:* This final regulation would establish labeling requirements for menstrual tampons about the dangers of toxic shock syndrome (TSS) a rare, but sometimes fatal, disease that affects menstruating women. B. *Why Significant:* The regulation would provide women with information on the risks of TSS. C. *Regulatory Impact Analysis:* Threshold assessment planned. D. *Need:* To inform consumers of the risk of TSS, a serious and sometimes fatal disease. E. *Legal Basis:* 21 U.S.C. 321(n), 352 371(a). F. *Chronology:* The proposed regulation was published October 21, 1980 (45 FR 69640). The comment period closed November 20, 1980. The final regulation is expected to publish October, 1981. G. *Covered by Regulatory Flexibility Act:* No.	Joseph Sheehan (HFK–70), Bureau of Medical Devices, Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7114.
Premarket Approval Procedural Regulation	A. *Description:* This final regulation would set our procedures for submission of premarket approval applications (PMAs), including safety and effectiveness requirements for all Class III medical devices. B. *Why Significant:* The regulation would inform the public of the requirements to obtain FDA approval of Class III devices. It will shorten FDA review time if manufacturers know in advance what must be included in a PMA. C. *Regulatory Impact Analysis:* Threshold assessment underway. D. *Need:* To implement section 515 of the Medical Device Amendments of 1976. E. *Legal Basis:* 21 U.S.C. 351, 352, 353, 360, 360c–360j, 371(a), 373, 374, 375, 378, 381. F. *Chronology:* The proposed regulation was published December 12, 1980 (45 FR 84769). The comment period closes April 10, 1981. The final regulation is expected to publish August, 1981. G. *Covered by Regulatory Flexibility Act:* No.	Harvey Goldstein (HFK–402), Bureau of Medical Devices, Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7445.
Classification of Preenactment Devices	A. *Description:* These regulations classify all medical devices marketed prior to May 28, 1976 into three regulatory general categories. The classifications are based on the recommendations of eight expert advisory panels. B. *Why Significant:* The classification regulations determine the regulatory controls to ensure the safety and effectiveness of medical devices. The classification regulations advise manufacturers whether their devices are subject to general controls, performance standards, or premarket approval. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To implement sections 513 (a) and (b) of the Medical Device Amendments of 1976. E. *Legal Basis:* 21 U.S.C. 360c and 371(a). F. *Chronology:* Final regulations published: Neurological Devices, September 4, 1979 (44 FR 51726); Cardiovascular, February 5, 1980 (45 FR 7904); OB/GYN, February 28, 1980 (45 FR 13582); Hematology/Pathology, September 12, 1980 (45 FR 60579); General Hospital, October 21, 1980 (45 FR 69678. Proposed regulations published: Physical Medicine, August 28, 1979 (44 FR 50458), comment period closed October 29, 1979; Anesthesiology, November 2, 1979 (44 FR 63292), comment period closed January 2, 1980; Microbiology/Immunology, April 22, 1980 (45 FR 27204), comment period closed June 23, 1980; Dental, December 30, 1980 (45 FR 85682), comment period closed April 1, 1981; Gastroenterology/Urology, January 30, 1981 (46 FR 7932), comment period closed March 24, 1981. Expected publication dates of final regulations are: Physical Medicine, May 1981; Anesthesiology, May 1981; Microbiology/Immunology, August 1981; Gastroenterology/Urology, October 1981; Dental, October 1981. Proposals not yet published and expected publication dates: Clinical Chemistry/Toxicology, May 1981; Ear, Nose, and Throat, May 1981; Ophthalmic, May 1981; Radiology, June 1981; General and Plastic Surgery, July 1981; Orthopedic, September 1981. G. *Covered by Regulatory Flexibility Act:* No.	Robert S. Kennedy (HFK–400), Bureau of Medical Devices, Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7230.
Recommendations for State and Local Agencies Concerning Accidental Radioactive Contamination of Human Food and Animal Feeds.	A. *Description:* These recommendations would consist of Protective Action Guides (PAGs), defined as the projected radiological dose equivalent or dose commitment to individuals in the general population that warrants protective action following a release of radioactive material. The Department of Health and Human Services was assigned agency responsibility for this task in the FEDERAL REGISTER of December 24, 1975 (40 FR 59494) by the Federal Preparedness Agency, General Services Administration. Within HHS, this function has been delegated to the Commissioner of Food and Drugs. B. *Why Significant:* Provides guidance following radiological incidents, including nuclear power plant accidents. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To develop necessary guidance under responsibility assigned by Federal Preparedness Agency. E. *Legal Basis:* Federal Preparedness Agency Notice in 40 FR 59494 and Public Health Service Act, 42 U.S.C. 241, 243b, 243.	Gail Schmidt, Immediate Office of the Bureau Director (HFX–1), Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
	F. *Chronology:* Proposed recommendations were published December 15, 1978 (43 FR 58780). Comment period closed on February 13, 1979. The final recommendations are expected to publish September, 1981. G. *Covered by Regulatory Flexibility Act:* No.	
Recommendations for National Standards for Medical Radiation Technologists.	A. *Description:* These proposed recommendations would establish recommended qualifications for medical radiation technologists. The Notice of Intent solicited professional and public input about existing practices of credentialing, the need for uniform national standards, and possible approaches for ensuring that all medical radiation technologists demonstrate a certain level of competence in conducting medical radiation examinations. B. *Why Significant:* The issue concerns a matter on which there is substantial public interest as evidenced by the more than 600 comment letters received on the Notice of Intent. C. *Regulatory Impact Analysis:* Not required. D. *Need:* Medical radiation technologists exercise considerable influence over patient exposure during radiological procedures, and their qualifications are essential for producing quality diagnostic images and therapeutic applications. E. *Legal Basis:* Public Health Service Act, 42 U.S.C. 241, 263d. F. *Chronology:* Notice of Intent published on March 13, 1979 (44 FR 14637). The comment period closed on July 11, 1979. The proposed recommendations are expected to publish September, 1981. G. *Covered by Regulatory Flexibility Act:* No.	Charles Froom, Standards and Regulations Branch (HFX-460), Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.
Notice of Availability of Draft Recommendations on the Use of Potassium Iodide as a Thyroid Blocking Agent in a Radiation Emergency.	A. *Description:* This notice announces the availability of, and solicits comments on, draft proposed recommendations on the use of potassium iodide (KI) as a thyroid blocking agent in a radiation emergency. In December 1978, FDA solicited new drug applications (NDA's) from pharmaceutical manufacturers for producing KI in oral dosage forms. As a result, this thyroid-blocking agent is presently available for commercial distribution in both tablet and solution form. The proposed guidance, accomplishes the following: (1) identifies levels of radiation exposure from a radiation accident that would warrant the use of KI; (2) reiterates specific dosage levels for adults and children and the period of administration contained in the NDA; (3) recommends that State and local authorities establish a system for dissemination of public information on the proper use of KI and the reporting of side effects from the drug; and (4) recommends that the public be advised on how to obtain medical assistance in the event of an adverse reaction to the drug. B. *Why Significant:* The proposed recommendations serve as provisional Federal guidance for State and local health officials and the nuclear industry to use should a serious nuclear accident occur. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To develop guidance under responsibility assigned by the Federal Emergency Management Agency. E. *Legal Basis:* The Department of Health and Human Services responsibilities under the terms of the "National Emergency Preparedness/Response Plan for Commercial Nuclear Power Plant Accidents," issued by the Federal Emergency Management Agency on October 22, 1980 (45 FR 69904). F. *Chronology:* The notice of availability is expected to publish May, 1981. G. *Covered by the Regulatory Flexibility Act:* No.	Bernard Shlein, Office of Health Affairs, Bureau of Radiological Health (HFX-4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6220.
Notice of Availability of Draft Report on Referral Criteria for Chest X-Ray Examinations.	A. *Description:* This notice announces the availability of, and solicits comments on, a draft report developed by a panel of physicians on the utility of selected chest x-ray screening procedures. The draft report was developed under procedures which follow recommendations of the National Conference on Referral Criteria for X-ray Examinations (1978). FDA, under this program, acts as a facilitator by providing logistical support to small panels of clinical and scientific experts, convened by outside contractors. The panels assess the literature and, if possible, formulate draft referral criteria. These drafts then undergo extensive review and, if necessary, clinical trials prior to widespread determination of final criteria. The notice describes this development process. B. *Why Significant:* This notice describes the process whereby FDA acts as a facilitator in the development of radiologic referral criteria. C. *Regulatory Impact Analysis:* Not required. D. *Need:* To allow public review of the draft report and the process by which it was developed. E. *Legal Basis:* Public Health Service Act, 42 U.S.C. 241, 242, 243. F. *Chronology:* The notice of availability is expected to publish May, 1981. G. *Covered by the Regulatory Flexibility Act:* No.	Robert Phillips, Standards and Regulations Branch (HFX-460), Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.
Medicated Feed Task Force Implementation	A. *Description:* This final regulation would revise the existing regulations to provide revised criteria for the need of an approved medicated feed application for the manufacture of medicated feeds. B. *Why Significant:* This regulation would materially change the current requirements for approval for the use of drugs in the manufacture of medicated feeds. C. *Regulatory Impact Analysis:* Not required. D. *Need:* The regulation would establish sound and consistent criteria for approval of medicated feed applications. E. *Legal Basis:* Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a)). F. *Chronology:* The proposed regulation was published on January 9, 1981 (46 FR 2456). Although FDA does not expect to publish a final regulation by October 31, 1981, the Agency is including this regulation in this agenda because it represents a review of existing regulations under section 5(a)(3) of E.O. 12291. G. *Covered by Regulatory Flexibility Act:* No.	George Graber, Division of Animal Feeds (HFV-220), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4438.
Animal Drugs for Minor Species	A. *Description:* This final regulation would define the safety and effectiveness data collection requirements for approval of new animal drug applications for use of a drug in a minor species or for the use of a drug in a major species for treatment of a rare or frequently occurring disease. B. *Why Significant:* To assure the availability of new animal drugs for use in minor species or a minor use in a major species. C. *Regulatory Impact Analysis:* Not required.	Thomas V. Raines (HFV-109), Division of Drugs for Avain Species, Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

Department of Health and Human Services Semiannual Regulations Agenda and Review List—Continued

Food and Drug Administration—Significant Regulations

Title	Summary	Contact
	D. *Need:* Because of little economic incentive to drug manufacturers, under current criteria few drugs have been approved for use in minor species. E. *Legal Basis:* Sections 512, 701(a), 52 Stat. 1055, 52 Stat. 343–351 (21 U.S.C. 360b, 371(a)). F. *Chronology:* The proposed regulation was published on July 20, 1979 (44 FR 42714). The comment period closed on October 19, 1979. The final regulation is expected to publish September, 1981. G. *Covered by Regulatory Flexibility Act:* No.	
Approval of Supplemental New Animal Drug Applications.	A. *Description:* This final regulation would set forth conditions under which a new animal drug application may be approved without complete reevaluation of all safety and effectiveness data in the parent application. B. *Why Significant:* The regulation would constitute a change in agency policy regarding such approval. C. *Regulatory Impact Analysis:* Not required. D. *Need:* The regulation will speed up approval of certain supplemental applications, including those improving safety and effectiveness of the drug. E. *Legal Basis:* Sections 512, 701(a), 52 Stat. 1055, 52 Stat. 343–351 (21 U.S.C. 360b, 371(a)). F. *Chronology:* Notice of intent was published on November 12, 1976 (41 FR 50003) and the proposed regulation was published on December 23, 1977 (42 FR 64367). The comment period closed on March 23, 1978. The final regulation is expected to publish September, 1981. G. *Covered by Regulatory Flexibility Act:* No.	John R. Marlus, Chief Chemist, Scientific Evaluation (HFV-104), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4313.
Chemical Compounds in Food-Producing Animals; Availability of New Threshold Assessment Criteria for Guideline.	A. *Description:* This guideline describes the criteria the agency will use to assess the carcinogenic potential of animal drug residues in human food. B. *Why Significant:* The guideline replaces a previously published threshold assessment guideline which would have required virtually all candidate animal drugs to be tested for carcinogenic potential. The new guideline would refine the screening procedures and would reduce the number of candidate drugs requiring such testing. C. *Regulatory Impact Analysis:* Not required. D. *Need:* The guideline will provide a written standard for making an important human food safety decision that arises with each animal drug. It will help petition reviewers make consistent decisions and will inform the regulated industry as to how these decisions are made. E. *Legal Basis:* Sections 512, 701(a), 52 Stat. 343–351 (21 U.S.C. 360b, 371(a)). F. *Chronology:* An original threshold assessment procedure was published in the preamble of the March 20, 1979 Proposal entitled "Chemical Compounds in Food-Producing Animals." (44 FR 17070) (commonly referred to as "Sensitivity of Method" (SOM)). The guideline is expected to publish May, 1981. G. *Covered by Regulatory Flexibility Act:* No.	Joseph A. Settepani, Acting Associate Director for Human Food Safety (HFV-300), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4500.
National Environmental Policy Act, Policies and Procedures.	A. *Description:* This final regulation would amend agency requirements for compliance with the National Environmental Policy Act to comply with the Council on Environmental Quality's regulations (40 CFR 1500–1508). B. *Why Significant:* The regulation would change the environmental documents and procedures followed for environmental review of actions proposed by or requested by the agency. C. *Regulatory Impact Analysis:* Not required. D. *Need:* Council on Environmental Quality regulations require consistent implementation of NEPA among all Federal agencies. E. *Legal Basis:* Section 701, 52 Stat. 1055–1056 (21 U.S.C. 371); Section 102(2)(C), 83 Stat. 853 (42 U.S.C. 4332); 40 CFR 1500–1508; E.O. 11514, 11991 and 12114. F. *Chronology:* The proposed regulation was published on December 11, 1979 (44 FR 71746). The comment period closed March 12, 1980. The final regulation is expected to publish September, 1981. G. *Covered by Regulatory Flexibility Act:* No.	John Matheson, Acting Chief, Environmental Impact Staff, (HFV-300), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4500.

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federal register

Thursday,
April 30, 1981

Part V

Interagency Committee on Metric Policy

Federal Metric Policy and Guidelines; Notification of "Metric Conversion Policy for Federal Agencies" and "Federal Agency Guidelines for Implementation of Metric Conversion Policy"

INTERAGENCY COMMITTEE ON METRIC POLICY

Federal Metric Policy and Guidelines; Notification of "Metric Conversion Policy for Federal Agencies" and "Federal Agency Guidelines for Implementation of Metric Conversion Policy"

SUMMARY: The Federal Interagency Committee on Metric Policy (ICMP) is today publishing this Notice to alert interested parties to the existence of the final version of the Metric Conversion Policy for Federal Agencies, and the accompanying Federal Agency Guidelines for Implementation of Metric Conversion Policy. The Metric Conversion Act of 1975 established a policy of coordinating and planning the increasing use of the metric system in the United States on a voluntary basis. These two documents have been adopted voluntarily by the members of the ICMP to provide guidance for voluntary activity by Federal agencies.

FOR FURTHER INFORMATION CONTACT: Mr. Howard B. Ellsworth, OUSD (R&E) SS, Department of Defense, Room 2A318, The Pentagon, Washington, D.C. 20310, (202) 695–7915.

SUPPLEMENTAL INFORMATION

I. Background

On January 8, 1980, the ICMP published in the **Federal Register** versions of the Policy, dated June 11, 1979, and the Guidelines, dated October 25, 1979. Even though it was not explicitly published for comment, it was stated that comments were welcomed. As a consequence, a number of comments were received. At the June 4, 1980 meeting of the ICMP's Metrication Operating Committee (MOC), the MOC Chairman announced that no comments had been received during the previous week; therefore, he set a closing date for comments of June 15, 1980. After the closing date, the MOC Executive Board resolved the comments, and the two documents were revised. The MOC approved the revisions by mail ballot and the ICMP then reviewed and approved the revisions of the two documents.

II. Discussion of Comments

The final documents contain revisions based on the ICMP's consideration of the written comments and other available information. The following discussion summarizes substantive comments and the ICMP responses. Those comments which (1) were not considered substantive, (2) dealt with typographical or grammatical errors, (3) were purely laudatory or derogatory, and (4) were of a general nature not specifying any changes to the documents, are not included in this discussion (however, see Section III, below).

Comments on "Metrication Conversion Policy for Federal Agencies"

a. *Purpose:* a.1. Two comments suggested substantive modifications to the first sentence in the Purpose statement.

a.1.a. A comment suggested that "consistent with voluntary conversion in the private sector" be added at the end of the sentence. The ICMP adopted "with consideration of" instead of "consistent with" but otherwise accepted the wording. The ICMP felt that "consistent with" could serve to limit initiatives toward metrication even when they appear to be in the national interest. On the other hand, the ICMP agrees that there needs to be assurances that when an agency sees a need to promote a metric change, it is doing so with good justification and with due consideration of the affected private sector. The ICMP also added "the state and local governments and" before "the private sector." It was recognized that the phrase "private sector" is inadequate.

a.1.b. A comment also suggested that "coordinating" be inserted before "the increasing use of the metric system." The ICMP instead adopted "dealing with" since it was felt that "coordinating" is a limiting term.

a.2. A comment suggested that the last phrase in the paragraph referring to the SI interpretation or modification role of the Secretary of Commerce be deleted. As the present wording accurately reflects the facts and law, the ICMP has retained the wording. However, it added a sentence: "This authority of the Secretary of Commerce is derived from the Metric Conversion Act of 1975 and the Metric Education Act of 1978."

a.3. A comment suggested that a note be added as to where the Secretary of Commerce's interpretation and modification of the SI may be obtained. Accordingly, the ICMP added a second sentence at the end of the "Purpose" paragraph as follows: "(National Bureau of Standards publication NBS LC 1078, revised November 1977, contains this interpretation and modification and may be obtained from the Office of Technical Information, National Bureau of Standards, Washington, D.C. 20234)."

b. *Background:* b.1. A comment suggested that the citations in the first two sentences are incorrect and that the citations should be (1) "An Act to Authorize the Use of the Metric System of Weights and Measures," and (2) "Convention-Weights and Measures." As laws passed by the Congress in the 19th Century usually had no official popular name assigned, this comment, as it relates to the Act of July 28, 1866, has merit. Also, there was no popular name officially assigned to the treaty referred to as the Treaty of the Meter; however, it has been regularly referred to by that name in the past, apparently as a translation of the French popular name, "Convention du Metre."

The ICMP has changed the first sentence to read: "When the Act of July 28, 1866 (14 Stat. 339; 15 U.S.C 204–5) was adopted, the use of the metric system was legalized throughout the United States."

No change to the treaty citation was made. The comment also correctly suggested that, although the treaty was signed by the United States on May 20, 1875, it did not then have official effect. The treaty was ratified by the Senate on May 28, 1878, and proclaimed by the President on September 27, 1878. Accordingly, the second sentence was changed to read "On May 28, 1878, the United States ratified the Treaty of the Meter. . ."

b.2. A comment was suggested that use of the word "uniform" in the third sentence is incorrect as SI has not become "the uniform internationally accepted system for weights and measures. . . ." As it appears that SI is not uniformly used at present, the ICMP has deleted the word "uniform."

c. *Policy Statement:* c.1. A comment suggested that the third sentence in the Policy Statement be changed to read: "Federal agencies shall be in a position to respond to private voluntary conversion activities.

However, some agencies, such as the Department of Defense, may well make a metrication decision in the national defense interest with no private sector motivation. In order to reflect the ICMP's desire to include both the Federal role of accommodating the private sector when it wants to convert to metric as well as the role of taking mission-related initiatives with due consideration of impact on the private sector when there is a national requirement to do so, the ICMP has changed the third sentence to read: "Federal agencies shall encourage and support an environment which can accommodate metrication and when taking initiatives will act with consideration for metrication in the state and local goverments and the private sector."

(As was the case in Item a.1.a. above, "state and local governments" were included along with "private sector.")

c.2 A comment suggested that Subparagraph 1 be changed by substituting "of voluntary" in place of "for", and the insertion of "activities" after "metric conversion" in order that it would read as follows: "Actively undertake coordination and planning of voluntary metric conversion activities, taking into account the interest, views, and conversion plans of other Federal agencies, states and affected parties in the private sector."

The ICMP believes the suggested changes would result in a policy that is too restrictive for some agencies and agreed to retain the original wording. The ICMP did substitute "state and local governments" in place of "States" for the same reason as stated in Item a.1.a. above.

c.3. A comment suggested deletion of Subparagraph 2 and the substitution of the following: "The agency may take a metrication initiative only when it fairly reflects the needs of the United States, when it does not restrict competition and when its authority is validly based on previously existing law."

In order to avoid the perception of mandating conversion activity by agencies, the ICMP adopted some of the modifications proposed above. The word "unduly" should be placed before "restrict competition" above so that agencies may take the proper actions in the Nation's behalf notwithstanding minimal effects on competition. Also, as it is assumed in the law that all officials will act within the law, the last phrase in the suggested change was deleted as unnecessary. The Subparagraph 2 was changed to read: "Identify the areas where metrication is dependent upon the agency's initiative and take action which reflects the needs of the United States and which does not unduly restrict competition."

c.4. A comment suggested that Subparagraph 3 regarding agency metric initiatives be modified to include a definition of the words "appropriate action." The ICMP is inserting "internal" between "appropriate" and "action" and believes that this language guarantees that all internal activities in which individual agencies engage are included. More specificity may have the effect of being restrictive in that it may exclude, in an unintended manner, some internal actions within the existing authority of a Federal Agency.

c.5. A comment suggested that in Subparagraph 5, "Increase the" be substituted for "Facilitate" at the beginning of the sentence. The ICMP accepts this suggestion since it is a proper reflection of the policy in the Metric Conversion Act that public understanding of metric terms and activities be enhanced.

c.6. A comment suggested that the last subparagraph of the Policy Statement together with Subparagraph 6 of the Guidelines seem to mandate conversion if a company wants to do business with the Government. The ICMP believes that the changes to Subparagraph 6 of the Guidelines eliminate this perceived problem. Hence no change was made to this subparagraph.

Note.—A few other technical comments on metric practices were marginally substantive but did not apply to these documents. These comments were referred to, and answered by, the National Bureau of Standards.

Comments on Federal Agency Guidelines For Implementation of Metric Conversion Policy

1. In the first sentence, a comment suggested substitution of "a metric coordinating" in place of "the metric conversion." The ICMP believes that an agency which determines that metrication of any of its operations is necessary, is not assuming a coordinating role. That role would more likely belong to the USMB or ICMP. Accordingly, this change would be inconsistent with agency needs and existing statutory authority when contemplating a needed conversion. The ICMP, therefore, retained the original wording.

2. A comment suggested that the last phrase in the opening paragraph referring to the SI interpretation or modification role of the Secretary of Commerce be deleted. As the present wording accurately reflects the facts and law, the ICMP has retained the wording. However, it added a sentence: "This authority of the Secretary of Commerce is derived from the Metric Conversion Act of 1975 and the Metric Education Act of 1978." (An identical comment appears in paragraph a.2. of the Metric Conversion Policy for Federal Agencies.)

3. A comment suggested that a note be added as to where the Secretary of Commerce's interpretation and modification of the SI may be obtained. Accordingly, the ICMP added a second sentence at the end of the opening paragraph: "(National Bureau of Standards Publication NBS LC 1078, revised November, 1977, contains this interpretation and modification and may be obtained from the Office of Technical Information, National Bureau of Standards, Washington, D.C. 20234)." (An identical comment appears in paragraph a.3. of the Metric Conversion Policy for Federal Agencies.)

4. A comment suggested the substitution in Subparagraph 1 of the words "coordinating activities including" in lieu of "conversion initiatives including the associated timeframes for their initiation and completion. This shall include . . ." For the same reasons as stated in Item 1 above, the ICMP has retained the original wording.

5. A comment suggested in Subparagraph 2 the substitution of the words "coordination shall be recorded by separate budget line items" for the words "implementation should be accepted as part of the ongoing activities of the agency." The ICMP is retaining the original wording as being reflective of more appropriate budget practices and of each agency's prerogatives already provided them by the Congress and the President.

6. For Subparagraph 3, a comment suggested the substitution of "consider establishing" for "immediately establish" and suggested the deletion of the words "the change to." The ICMP is retaining the original wording except that everything after "understanding of" be replaced with, "agency metric policy and practices." The resultant wording more accurately reflects the appropriate agency policy regarding training of their employees. The wording of Subparagraph 3 is now: "Each agency shall immediately establish practices that raise its employees' awareness and understanding of agency metric policy and practices."

7. Several comments were received on Subparagraph 5. One suggested rewording of the paragraph to read in its entirety as follows: "Each agency may adopt metric units and practices when there are substantial reasons for such actions."

A second comment said that Subparagraph 5 was contrary to the voluntary progressive conversion to metrication. "It is particularly troublesome since there is no definition as to what constitutes a 'substantial' reason. This statement could be interpreted to mandate metrication." Therefore it was suggested that wording from the existing Department of Defense policy be used: "Each agency shall consider adoption of metric units whenever they offer an economical, operational, or other advantage or in areas where no disadvantage is incurred."

A third comment on Subparagraph 5 suggested substituting "consistent with operational, economical, technical and safety requirements," in place of "unless there are substantial reasons against such actions" in the first sentence.

The ICMP recognizes that it is easy for the wording to be interpreted as mandating conversion unless there is a reason not to. The ICMP does feel that there eventually will be a desire for substantial movement to increased metric usage by the private sector and that Federal agencies will serve as a substantial barrier to metrication unless they start taking steps now to prepare for metrication. However, it takes substantial time for Federal agencies to adjust to changing circumstances on a strictly reactive basis. Having to show "substantial" reasons for not adopting metric units and practices forces agencies to think about opportunities for metrication. The ICMP recognizes that justification for such initiatives is necessary. In order to serve as a notification that initiatives are necessary, but that the statement will not be interpreted as mandating conversion unless there is a reason not to adopt metric, the ICMP is rewording Subparagraph 5 to read:

"Each agency shall adopt metric units and practices when in the public interest."

This wording is applicable whether the Federal role is one of accommodating the private sector when it wants to convert or taking the initiative with due consideration of impact on the private sector when it is in the public interest to do so. Sometimes, in the latter case, it may be necessary for agencies to devote additional resources over the short term.

Another comment suggested that the last word in Subparagraph 5, "periodically," regarding agency reasons for not metricating, be defined. In view of the above change, no further comment on this suggestion seems necessary.

8. Several comments suggested changes to Subparagraph 6. One suggested the following changes to the first sentence:

a. Insertion of the words "United States Domestic" before "private sector."

b. Insertion of the word "generally" after "private sector."

c. Substitution of "competitive" in place of "reasonable."

d. Substitution of "consider" in place of "give priority to."

Another comment suggested inserting "technically adequate" between "provide" and "metric" and replacing "reasonable" with "equal or lower life cycle."

Another comment suggested that the paragraph is not consistent with the voluntary conversion concept.

In light of these comments, the ICMP reworded the paragraph by:

a. Inserting "or competitive" between "reasonable" and "cost"

b. Substituting "consider" in place of "give priority to."

This paragraph now reads: "When the private sector has a capability to provide metric products or services at reasonable or competitive cost, the agency will, at the earliest possible time, consider the acquisition and use of such metric products or services to the maximum extent permitted by existing law and policy. Small business capability will be considered in development of agency policies and procedures as required by Federal law."

The ICMP believes that there will be times when the cost of metric products and services may be reasonable and justifiable, but not necessarily competitive. Also, as "private sector," as used in this document, refers to the United States domestic private sector, addition of "United States Domestic" may confuse more than clarify. It was felt that "generally" does not clarify, and that "equal or lower life cycle" cost can be too limiting and sometimes it is hard to reach an agreed-upon definition. The ICMP believes that "technically adequate" does not have to be specified because the current procurement process always includes a determination as to whether the product or service is technically adequate. Finally, with the two changes, the ICMP believes the paragraph is consistent with the voluntary conversion concept.

9. A comment suggested that Subparagraph 8a be changed to read: "Information on voluntary conversion activities" rather than "Information on upcoming metrication."

The ICMP has adopted the following wording for Subparagraph 8a: "Information on conversion activities." There will be conversion activities which are initiated by Federal agencies, so that insertion of "voluntary" would not cover all conversion activities.

10. A comment suggested the addition of a new Subparagraph 12 as follows: "Each agency will ensure that unions with national recognition are consulted regarding the impact of metric conversion on the employees they represent."

It is unclear if this suggestion is meant to include unions in the private sector as well as those representing Federal employees. As agencies would deal with employers, but not directly with unions, in the private sector, the ICMP thinks this a good idea if it is applied solely to unions of Federal employees and their employing agencies. Consequently, the ICMP has inserted after "statutory" in Subparagraph 7 the parenthetical expression: "(such as Federal-Labor-Management policy)."

11. A comment suggested the addition of these two paragraphs to the Guidelines: "When an agency decides upon a software and/or hardware conversion to the metric system, such conversion processes shall be suitably placed in a single discernable contract clause so that the private sector can recognize and price this clause in a reasonable manner. Each agency then shall have means for conducting a cost benefit analysis and determining the return on investment for particular situations. Conversions to the metric system shall not be embedded into other program activities or contract line items. The private sector shall not be required involuntarily to take on the burden of changeover to metrics as a result of these Federal agency guidelines.

"Federal agencies shall develop and implement government-funded contractor or joint contractor/government programs for software and/or hardware conversion to the metric system which takes into account the procurement of "mixed" manufacturing/production materials from the private sector and takes into account "mixed" inventory within the national supply system."

Another comment suggested that the Federal Government should select certain contracts to be specified as a metric design and bid on that basis and that each year a higher percentage of contracts would specify metric.

These three comments appear to be matters within the purview of the Office of Federal Procurement Policy (OFPP) rather than the ICMP. Accordingly, the ICMP did not adopt these suggestions. However, the ICMP will forward them to OFPP for consideration and so notify the commentor.

12. A comment suggested that the Guidelines should recognize and urge Federal participation in the preparation and conversion of standards as without this activity, there will be substantial reason for not adopting metric measures. OMB Circular A–119, dated January 17, 1980, sets Federal agency policy on participation in standards activities. As that Circular treats the subject in considerable detail, no further policy statements are perceived by the ICMP to be appropriate at this time.

III. Discussion of Specific Comments Not Related to Wording of the Documents

Several comments were received which related to the documents themselves, but not to the wording of the documents:

1. Please cite your statutory authority for issuing this Federal Register document published on January 8, 1980.

The Federal Metric Policy and Guidelines were formulated by the Interagency Committee on Metric Policy (ICMP) which is composed of authorized representatives of a large number of Federal agencies. Each such agency has authority to conduct its affairs in concert with other agencies. Accordingly, in addition to general authority in the Metric Conversion Act of 1975, the statutory authority for publication of the documents is each agency's authority to exist and conduct business and to publish in the Federal Register if it so desires.

2. Also cite statutory authority for item 10 in the Federal Agency Guidelines for Implementation of Metric Conversion Policy.

3. Are you aware that 16 duly appointed members of the U.S. Metric Board have no voice or vote in the affairs of the ICMP or the MOC. Could it be possible that the ICMP and the MOC may lack legal status and may be in conflict with *89 Stat. 1007*? Also, *Public Law 96–68 of Sept. 24, 1979*? This 1979 law, Public Law 96–68, has as legislative history House Report 96–247 and the Congressional Record of July 12, 1979.

In answer to both items 2 and 3, the ICMP was chartered by the U.S. Metric Board and the Metrication Operation Committee is an authorized activity of the ICMP. Since this was done with the agreement of the ICMP membership, the ICMP has legal status and its existence does not conflict with other United States laws.

4. Would Executive Order 12044 have any application to this documentation and the actions implied?

Executive Order 12044 does not apply to the documents in question.

5. Why are you using a U.S. Metric Board billing code for this Federal Register publication? I believe Billing Code 6820–94–M is for the use of the 17–member U.S. Metric Board, an independent instrumentality created under Public Law 94–168.

The billing code assigned to the U.S. Metric Board was used since the Board paid for the publication of these documents in the Federal Register.

IV. The Final Version of the Policy and Guidelines Was Approved by the ICMP on February 3, 1981 and by the United States Metric Board on February 5, 1981

The text of the two final documents follows:

Metric Conversion Policy for Federal Agencies

Purpose

The purpose is to state for Federal agencies a policy for dealing with the increasing use of the metric system within the Federal Government, with consideration of voluntary conversion in the state and local governments, and the private sector. The metric system, for the purpose of this document, means the International System of Units as established by the General Conference on Weights and Measures in 1960 and as interpreted or modified for the United States by the Secretary of Commerce.

This authority of the Secretary of Commerce is derived from the *Metric Conversion Act of 1975* and the *Metric Education Act of 1978*. (National Bureau of Standards publication NBS LC 1078, revised November 1977, contains this interpretation and modification and may be obtained from the Office of Technical Information, National Bureau of Standards, Washington, D.C. 20234.)

Background

When the Act of July 28, 1866 (14 Stat. 339; 15 U.S.C. 204–5) was adopted, the use of the metric system was legalized throughout the United States. On May 20, 1878, the United States ratified the *Treaty of the Meter* (20 Stat. 709), which provided for an International Bureau for Weights and Measures, an International Committee for Wights and Measures, and a General Conference on Weights and Measures. In recognition of the fact that the International System (SI), as defined by the General Conferences on Weights and Measures since 1960, has now become the internationally accepted system for weights and measures, many sectors of the United States have already started metrication. On December 23, 1975, the President signed the *Metric Conversion Act of 1975* (Public Law 94–168; 15 U.S.C. 205a, which (1) declared that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States, and (2) established the U.S. Metric Board to coordinate the volunatry conversion to the metric system.

Policy Statement

Federal agencies shall conduct their metrication activities in a coordinated manner consistent with the objectives of the Metric Conversion Act and compatible with metric conversion trends in the Nation. (Section 3 of the Act declares that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States.) Federal agencies shall encourage and support an environment which can accommodate metrication and when taking initiatives, will act with consideration for metrication in the state and local governments and the private sector. Each Federal agency shall develop plans, allocate sufficient resources, and take actions to:

1. Actively undertake coordination and planning for metric conversion, taking into account the interests, views, and conversion plans of other Federal agencies, state and local governments, and affected parties in the private sector.

2. Identify the areas where metrication is dependent upon the agency's initiative and take action which reflects the needs of the United States and which does not unduly restrict competition.

3. Identify the areas where metrication is dependent upon initiatives outside the agency which impact the agency and take appropriate internal action.

4. Maximize benefits and minimize costs in areas impacted by the agency's program.

5. Increase the public understanding of, and participation in, metrication activities in agency programs.

6. Identify problems associated with metrication activities in areas impacted by the agency's programs, and appropriately assist in the resolution of these problems.

Each agency shall:

1. Establish the necessary guidelines and structure to adequately carry out the policy.

2. Designate a key executive with the authority to establish intra-agency policies for metrication and to represent and speak for the agency in interagency forums.

3. Identify, on a continuing basis, measurement-sensitive policies and procedures for which it is responsible, and prepare new or revised regulations, standards, specifications, procurement policies, and, if appropriate, legislative proposals, to remove barriers to metric conversion.

Federal Agency Guidelines For Implementation of Metric Conversion Policy

These guidelines are to be used to support and implement the metric conversion policy for agencies of the Federal Government. The intent is to clarify the basic Federal policy and assist in the development and coordination of cost-effective metrication activities and programs. The metric system, for the purpose of this

document, means the International System of Units as established by the General Conference on Weights and Measures in 1960, and as interpreted or modified for the United States by the Secretary of Commerce. This authority of the Secretary of Commerce is derived from the Metric Conversion Act of 1975 and the Metric Education Act of 1978. (National Bureau of Standards publication NBS LC 1076, revised November 1977, contains this interpretation and modification and may be obtained from the Office of Technical Information, National Bureau of Standards, Washington, D.C. 20234.)

1. Each agency shall develop a capability to identify and to implement metric conversion initiatives including the associated timeframes for their initiation and completion. This shall include the capability for coordination with other agencies.

2. The allocation of agency resources for metric implementation should be accepted as part of the ongoing activities of the agency.

3. Each agency shall immediately establish practices that raise its employees' awareness and understanding of agency metric policy and practices.

4. Each agency shall develop education and training plans, as applicable, in metric usage.

5. Each agency shall adopt metric units and practices when in the public interest.

6. When the private sector has a capability to provide metric products or services at reasonable or competitive cost, the agency will, at the earliest possible time, consider the acquisition and use of such metric products or services to the maximum extent permitted by existing law and policy. Small business capability will be considered in development of agency policies and procedures, as required by Federal law.

7. Each agency's use of the metric system in its activities and products shall be consistent with statutory (such as, Federal labor-management policy), operational, economic, technical, and safety considerations. Each agency shall include such considerations as an integral part of its metrication activities.

8. Each agency, recognizing the long-term nature of the public acceptance process, shall immediately begin to develop and implement plans for involving, informing, and educating the various publics affected by the specific metrication activities under way in the agency's programs. Included shall be:

a. Information on conversion activities.

b. The schedule of such conversions.

c. The justification of the conversions.

d. Provision for a mechanism to assure public participation and comment.

e. Explanation of the applicable metric units and practices.

f. The progress of conversion.

9. Each agency shall provide representatives, advisors, and/or participants to metrication groups in the private sector, as appropriate, in order to monitor and/or coordinate agency activities with private sector planning.

10. Each agency shall recognize the Interagency Committee on Metric Policy (ICMP) as the policy-coordinating group for the Federal Government, and that the ICMP representatives are expected to be able to speak for their respective agencies on metric policy matters.

11. Each agency shall designate an Agency Metric Coordinator, who shall serve as a member of the Metrication Operating Committee (MOC). The agency shall also appoint, as appropriate, agency individuals to actively participate in the activities of the various MOC subcommittees.

Dated: April 27, 1981.

Howard B. Ellsworth,

Chairman, Metrication Operating Committee of the ICMP.

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Thursday
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Part VI

Department of the Interior

Office of the Secretary

Semiannual Agenda of Rules Scheduled for Review or Development

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Chs. I and XII

41 CFR Ch. 14

43 CFR Subtitle A, Chs. I and II

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Department of the Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between April and October 1981 and the status of rules previously scheduled. A semiannual agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESSES: Unless otherwise indicated, all Contacts are located at the Department of the Interior, 18th and C Streets, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Contact.

SUPPLEMENTARY INFORMATION: With this publication the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of proposed rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for Departmental review. Simultaneously the Department meets the requirement of the Regulatory Flexibility Act that an agenda be published semiannually identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda. This incorporation of agendas is expressly allowed by Executive Order 12291.

Because this is the first agenda to be published under Executive Order 12291, certain rules which were published as final rules in the Federal Register and became effective prior to the regulatory freeze contain language from and references to Executive Order 12044, which was revoked by Executive Order 12291.

Determinations which were approved under Executive Order 12044 for rules subsequently proposed but not yet final will be evaluated to ensure compliance with Executive Order 12291, as will determinations for final rules published before the freeze, but whose effective dates were deferred by the freeze.

The Department has divided the agenda into two parts, the first of which contains a general listing of rules scheduled for review or development. This list is arranged by bureau and office and structured so that: previously scheduled rules on which final action has been completed and which have become effective are listed first; followed by final rules not yet effective and pending evaluation under Executive Order 12291; proposed rules which must be evaluated under Executive Order 12291; rules for which determinations have been made under Executive Order 12291; rules for which determinations have yet to be made; and rules scheduled for sunset review. It should be noted that determinations of effects may, in some cases, be subject to change as the rules are developed; any such changes will be reflected when the agenda is updated semiannually.

The second part of the agenda identifies 61 rules which have been specifically targeted for review to eliminate excessive, burdensome or counterproductive rules. These rules were identified in public and intra-Departmental comments submitted in response to Secretary Watt's January 28, 1981, request for identification of excessive, burdensome or counterproductive rules. The rules in question will be revised or revoked as necessary. The status of these reviews will be provided in the October 1981 agenda.

Dated: April 24, 1981.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

Part I—Semiannual Agenda of Rules Scheduled for Review or Development

Office of the Assistant Secretary—Policy, Budget and Administration

Subject	Summary	Contact	Action
43 CFR Part 14—Rulemaking	An interim rule with request for comments was published in the FEDERAL REGISTER on December 24, 1980, which incorporated the provisions of the Regulatory Flexibility Act into the Department's rulemaking procedures. The provisions of the Act require Federal agencies to take into consideration and analyze the effects of their regulations on small businesses, small organizations and small governmental jurisdictions. These procedures must again be revised to implement Executive Order 12291 (Government Regulation) which revoked Executive Order 12044 (Rulemaking) on February 17, 1981. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 96-634; E.O. 12291. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Jim Douglas, 202-343-6501	An interim rule with request for comments was published December 24, 1981.
43 CFR Part 20—Employee Responsibilities and Conduct.	This rule is being revised to conform with the Ethics in Government Act of 1978 and to set forth Department policies and identify principal laws and regulations which relate to employee conduct and responsibilities. *Originally Scheduled:* January 1979. *Authority:* Pub. L. 95-521. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Gabriele J. Paone, 202-343-3932.	Appendixes C, D, E, F and G were published on February 20, 1980. The proposed rule was published on October 6, 1980. A Notice announcing the availability of Appendixes C, D, E, F and G was published on March 18, 1981.
41 CFR 14-3.6—Small Purchases.	A new rule is being added to Subpart 14-3.6 to increase the dollar limitations prescribed by the Federal Procurement Regulations for purchases made from imprest funds. Section 14-3.604-5 will be added to prescribe the new limitations which will facilitate small purchasing procedures and provide prompt payment to vendors. *Originally Scheduled:* April 1981. *Authority:* 5 U.S.C. 301. *Determination of Effects:* The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	William Opdyke, 202-343-5814.	

Part I—Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Office of the Assistant Secretary—Policy, Budget and Administration

Subject	Summary	Contact	Action
41 CFR 14-1.5—Regulation System.	Section 14-1.009 will revised to establish new review procedures to control the issuance of procurement policies, procedures, directives, and regulations. This procurement review is required by the Office of Federal Procurement Policy Letter 80-6. *Originally Scheduled:* April. *Authority:* 5 U.S.C. 301. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	William Opdyke, 202-343-5814	
41 CFR 14-3.1—Use of Negotiation.	A new rule is being added to Subpart 14-3.1 to prescribe procedures regarding disclosure of information contained in proposals submitted by offerors. Section 14-3.153 will be added to inform offerors of the Department's responsibilities under the Freedom of Information Act and permit the Department to properly exercise these responsibilities. *Originally Scheduled:* April 1981. *Authority:* 5 U.S.C. 301. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	William Opdke, 202-343-5814	
41 CFR 14-3.8—Price Negotiation Policies and Techniques.	Section 14.3.809 is being added to Subpart 14-3.8 to establish Departmental policy for determining profit or fees under contracts. This rule is required by the Office of Federal Procurement Policy Letter 80-7. *Originally Scheduled:* April 1981. *Authority:* 5 U.S.C. 301. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	William Opdyke, 202-343-5814	

Office of the Solicitor

Subject	Summary	Contact	Action
43 CFR Part 1—Practice Before the Department.	This rule governs practice in administrative proceedings before the Department. It is being revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR part 20) and the Ethics in Government Act. *Originally Scheduled:* January 1981. *Authority:* 43 U.S.C. 1464. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Deborah Ryan, 202-343-5216	
43 CFR Part 2—Records and Testimony.	This rule is being revised to: (1) reflect recent organization title changes; (2) include various technical amendments; and, (3) update the uniform fee schedule in Appendix A for making records available to the public. The last update of the fee schedule was April 28, 1978, and does not reflect the current costs of labor, materials, etc. *Originally Scheduled:* January 1981. *Authority:* 5 U.S.C. 301, 552 and 552a; 31 U.S.C. 483a; 43 U.S.C. 1460. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert E. Weiss, 202-343-5216.	
43 CFR Part 6—Patent Regulations.	This rule, which is scheduled for sunset review, provides the procedures by which employees of the Department are to report inventions and obtain patents. It also provides the procedures under which the public may obtain licenses to use patents and inventions in which the Secretary has transferable interests and which are available for licensing. In addition to a review, the Department will also have to revise this part to implement Pub. L. 96-517. *Originally Scheduled:* January 1981. *Authority:* 5 U.S.C. 301; Executive Orders 10096 and 10930; Sec. 2, Reorganization Plan No. 3 of 1950; Pub. L. 96-517. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Don Gardiner, 202-343-4471	
43 CFR—Implementation of the Equal Access to Justice Act.	These regulations will implement for the Department of the Interior the Equal Access to Justice Act. The Act provides for the award of attorneys fees and other expenses to certain parties who prevail over the Department in administrative adjudications conducted under section 554 of the Administrative Procedure Act. *Originally Scheduled:* April 1981. *Authority:* Pub. L. 96-481 (5 U.S.C. 504). *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Deborah Ryan, 202-343-5216	

Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203

Subject	Summary	Contact	Action
43 CFR Part 4, Subpart D—Rules Applicable to Indian Affairs Hearings and Appeals.	1. Revision of 43 CFR 4.354 to conform Interior Board of Indian Appeals notice time limitations to time limits set by Bureau of Indian Affairs regulation appearing at 25 CFR 2.19. 2. Revision to provide procedural rules in proceedings before Interior Board of Indian Appeals based upon rules currently within 43 CFR Part 4, Subpart B 3. Proposal to provide rules governing intervention in appeals pending before Interior Board of Indian Appeals. *Originally Scheduled:* January 1980. *Authority:* 25 U.S.C. Secs. 2, 9, 372, 374, 373a, 373b *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Franklin Arness (703) 557-1409..	Proposed rules were published September 16, 1980 (45 FR 61322-61328). Final rules were published January 23, 1981 (46 FR 7334-7336).

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203

Subject	Summary	Contact	Action
43 CFR Part 4, Subpart D—Rules Applicable to Indian Affairs Hearings and Appeals.	Revision of regulations to improve procedures in administration of Tribal Purchase of Interests Under Special Statutes (43 CFR §§ 4.300–4.317), and to simplify and reduce language in the regulations. *Originally Scheduled:* January 1979. *Authority:* Pub. L. 91-627; Pub. L. 91-677; Pub. L. 92-443; E.O. 12044. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Pat Sheehy, (703) 557-6200	Proposed rules were published October 9, 1979 (44 FR 57948). Comment period was extended to January 24, 1980 (45 FR 69670, November 20, 1979). Final rules were published July 28, 1980 (45 FR 50329–50333).
43 CFR Part 4, Subpart L—Special Rules Applicable to Surface Coal Mining Hearings and Appeals.	Proposed rules are being developed to govern hearings and appeals provided for in the permanent regulatory program regulations (44 FR 15311, March 13, 1979). *Originally Scheduled:* May 1978. *Authority:* Sec. 201, Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1211 (Supp. I 1977). *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Bruce Harris, (703) 577-6040	Proposed rules were published January 14, 1981 (46 FR 3343–3350).
43 CFR Part 4, Subpart K—Special Procedural Rules Applicable to Content Proceedings to Disenroll Alaska Natives.	Deletion of regulations because the deadline for disenrollment contest review (October 1, 1979) has passed (See 25 CFR 43h.15(f)) *Originally Scheduled:* January 1980. *Authority:* 5 U.S.C. § 301; E.O. 12044. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Bruce Harris, (703) 577-6040	Proposed deletion was published May 27, 1980 (45 FR 36351). Final deletion will be published when disenrollment cases currently pending in federal courts are concluded.
43 CFR Part 4, Subpart J—Special Rules Applicable to the Alaska Native Claims Settlement Act Hearings and Appeals.	Existing rules are being amended to clarify procedures and simplify language, and to carry out Secretarial policy decisions on (1) Alaska Native Claims Appeal Board jurisdiction over appeals by persons claiming rights under Section 14(c) of the Alaska Native Claims Settlement Act; (2) requirements for standing to appeal; (3) standard of review and burden of proof; and (4) procedure for hearings on questions of fact. *Originally Scheduled:* January 1979. *Authority:* Alaska Native Claims Settlement Act, 43 U.S.C. § 1601 *et seq* *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Judith M. Brady, Chairman, Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99501; (907) 265-5308.	Proposed rules were published February 8, 1979 (44 FR 7963–7968) and March 2, 1979 (44 FR 11603). Final rules should be published in July 1981.
43 CFR Part 4, Subpart I—Special Procedural Rules Applicable to Practice and Procedure for Hearings, Decisions, and Administrative Review Under Part 17 of This Title—Nondiscrimination in Federally-Assisted Programs of the Department of the Interior—Effectuation of Title VI of the Civil Rights Act of 1964.	Revision of regulations to comply with Executive Order 12044 which mandates the review, revision, and deletion where necessary, of existing and future regulations *Originally Scheduled:* July 1980. *Authority:* 5 U.S.C. § 301; E.O. 12044. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Kathryn Lynn, (703) 557-6037	Proposed rules were published May 27, 1980 (45 FR 36351). Final rules should be published in July 1981.
43 CFR Part 4, Subpart H—Special Procedural Rules Applicable to Proceedings Conducted Pursuant to Enforcement of Executive Order 11375, and Rules, Regulations and Orders Issued Thereunder.	Deletion of regulations to comply with Executive Order 12086 which transferred all functions under Executive Order 11375, to the Department of Labor. *Originally Scheduled:* January 1980. *Authority:* 5 U.S.C. § 301; E.O. 12044. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final.	Bruce Harris, (703) 557-6040	Proposed deletion was published May 27, 1980 (45 FR 36351). Final deletion should be published in July 1981.
43 CFR Part 4, Subpart G—Special Rules Applicable to Other Hearings and Appeals.	Existing rules are being clarified, simplified, and up-dated for appeals not within the appellate review jurisdiction of established appeals boards of the Office *Originally Scheduled:* July 1979. *Authority:* 5 U.S.C. § 301. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Kathryn Lynn, (703) 557-6037	Proposed revisions were published December 8, 1980 (45 FR 81074–81078).
43 CFR Part 4, Subpart A—General; Office of Hearings and Appeals.	Revision of regulations to comply with E.O. 12044 (43 FR 12661, March 24, 1978) which mandates the review, revision, and deletion where necessary, of existing and future regulations. *Originally Scheduled:* January 1980. *Authority:* 5 U.S.C. § 301; E.O. 12044. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	James Kistler, (703) 557-6040	Proposed rules were published May 27, 1980 (45 FR 36351). Final rules should be published in July 1981.
43 CFR Part 4, Subpart B—General Rules Relating to Procedures and Practice.	The general rules now existing in this subpart are proposed for inclusion, where needed, in the several subparts of 43 CFR Part 4 so that each subpart can stand alone. When this has been done, Subpart B will be deleted. *Originally Scheduled:* January 1979. *Authority:* 5 U.S.C. § 301; E.O. 12044. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Kathryn Lynn, (703) 557-6037	Proposed rulemaking was published May 27, 1980 (45 FR 36351). Final rulemaking should be published when Subpart B is incorporated into other subparts of 43 CFR Part 4 in July 1981.
43 CFR Part 4, Subpart C—Special Rules Applicable to Contract Appeals.	Proposed rules are being developed to update the procedural provisions regarding proceedings before the Board of Contract Appeals in conformance with the Contract Disputes Act of 1978 and generally to conform with the recommended guidelines of OFPP for Boards of Contract Appeals in the Federal Government. *Originally Scheduled:* January 1979. *Authority:* The Contract Disputes Act of 1978, Pub. L. 95-563, 41 U.S.C. § 601 *et seq.*	David Deane, (703) 557-1450	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203

Subject	Summary	Contact	Action
	Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		
43 CFR Part 4, Subpart E—Special Rules Applicable to Public Land Hearings and Appeals.	Existing rules for public land hearings and appeals are being reviewed to determine the necessity for clarification and improvement. They will be revised to include relevant general regulations presently appearing in Subpart B; add limitations to the filing of petitions for reconsideration; amend existing regulations to permit the Board to consider certain proprietary information which has served as the basis for the decision below; require service on parties of recommended decisions of administrative law judges under existing regulation 4.436; provide for intervention in appeals; revise regulation relating to the filing of protests; and coordinate, to the maximum extent feasible, the various hearing procedures as they presently exist. *Originally Scheduled:* July 1979. *Authority:* 43 U.S.C. §§ 1201, 1701. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	James Kisler, (703) 557-8040	
43 CFR Part 4, Subpart L—Special Rules Applicable to Surface Coal Mining Hearings and Appeals.	Existing rules governing hearings and appeals under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201–1328 (Supp. I 1977), are being reviewed to determine the necessity for clarification and improvement. *Originally Scheduled:* July 1980. *Authority:* Executive Order 12044; Sec. 201, Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1211 (Supp. I 1977). *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.Kathryn Lynn, (703) 557-8037		

Office for Equal Opportunity

Subject	Summary	Contact	Action
43 CFR Part 17, Subpart B—Nondiscrimination on the Basis of Handicap.	This rule will set forth guidelines for non-discrimination on the basis of handicap in programs or activities receiving federal financial assistance from the Department. *Originally Scheduled:* January 1979. *Authority:* Sec. 504, Pub. L. 95-602, 29 U.S.C. 794. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Alfred J. Poole, 202-343-4391	The Advance Notice of Proposed rulemaking was published on April 18, 1978. The proposed rule was published on April 14, 1980.
43 CFR Part 17, Subpart C—Nondiscrimination on the Basis of Age.	This rule will set forth guidelines for non-discrimination on the basis of age in programs or activities receiving federal financial assistance from the Department. *Originally Scheduled:* January 1979. *Authority:* 42 U.S.C. 6101; 45 CFR 90. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Alfred J. Poole, 202-343-4391	The proposed rule was published on January 3, 1980.

Geological Survey, National Center, Reston, Virginia 22092

Subject	Summary	Contact	Action
43 CFR Part 35—Involvement of Minority and Female-Owned Business Enterprises in Outer Continental Shelf Leasing Activities.	This rule will established a program for the active participation of business enterprises owned and controlled by minorities and women in all activities related to leasing of the Outer Continental Shelf. *Originally Scheduled:* January 1980. *Authority:* Section 604, Pub. L. 95-372, 43 U.S.C. 1863. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Gerald Rhodes, (703) 860-6461	Proposed rule was published on May 9, 1980. Final rule was published on December 3, 1980. A Notice suspending the reporting and recordkeeping requirements contained in the rule was published on February 26, 1981. These requirements will remain suspended pending review and clearance by OMB. Futher action on this document will occur in the context of the review of rules which are identified in Part II of this Agenda.
30 CFR Part 221—Coal Mining Regulations.	This part is being revised to delineate the functions and responsibilities of the Survey for coal mining operations on Federal lands and to govern coal mining operations for production, development, mineral resource recovery and protection, royalties, diligent development, and maximum economic recovery on Federal lands under the Mineral Leasing Act of 1920, as amended. The revisions will also recodify the regulations relating to the Initial Federal Lands Program under the Surface Mining Control and Reclamation Act of 1977. *Originally Scheduled:* May 1978. *Authority:* 30 U.S.C. 181, 30 U.S.C. 1201. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Wright Sheldon, 703-860-7136	Proposed rule was published May 16, 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Geological Survey, National Center, Reston, Virginia 22092

Subject	Summary	Contact	Action
30 CFR Parts 211, 221, 231 and 270—Royalty Collections.	These parts are being amended to implement the policy of imposing a late payment charge on all payments which are not received by the due date established by the terms of mineral leases and permits issued for Federal and Indian lands. *Originally Scheduled:* July 1980. *Authority:* Treasury Circular No. 1094. *Statement of Significance:* The Department of the Interior has determined that this interim document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. The effects of the final document will be considered under the provisions of E.O. 12291, which revoked E.O. 12044 on February 17, 1981, before it is published as a final rule.	Gerald Daniels, 703-860-7535	Interim rule was published in December 23, 1980. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981.
30 CFR Part 221—Oil and Gas Operating Regulations.	This part is being revised to expand the scope of current operating regulations to include operations in the National Petroleum Reserve in Alaska. This change will eliminate the need for separate operating regulations to cover oil and gas leases issued in this area. In addition, the revision will indicate the transfer of jurisdiction for the remaining Naval Petroleum Reserves from the Secretary of the Navy to the Secretary of Energy. *Originally Scheduled:* April 1981. *Authority:* Pub. L. 96-514, 94 Stat. 2964, 42 U.S.C. 7101, 7158. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Gary W. Horton, 703-860-7515	
30 CFR Parts 250 and 251—Petitions for Reconsideration.	These parts are being revised to limit the right of petitions for reconsideration to a single request which must be made within a specified time limit of the order to be reconsidered. (§ 250.81 and § 251.10). *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1334. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Eva Datz, 703-860-7395	
30 CFR Part 250—Lease Stipulations.	This part is being revised to include OCS lease stipulations. Stipulations, as now written, are becoming routine and may therefore be codified. *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1334. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Price McDonald, 703-860-6831	
30 CFR Part 250—Authority and Requirements for Unitization.	This part is being revised to eliminate the requirement that the portion of the lease not unitized be segregated into a separate lease. (§ 250.50). *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1334. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Price McDonald, 703-860-6831	
30 CFR Part 250—Royalty on Unprocessed Gas.	This part is being amended to delete, from the provision that royalty is not due on gas reinjected, the reference to reinjecting *outside* the same lease or unit. (§ 250.66). *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1334. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Price McDonald, 703-860-6831	
30 CFR Part 250—OCS Well Completion or Recompletion Logs.	This part is being amended to eliminate the necessity for OCS lessees to submit to the Survey operation logs such as cement bond logs, perforating logs, and other. This amendment is intended to alleviate the paperwork burdens on the operator. (§ 250.95). *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1334. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not be made at this time.	Doug McIntosh, U.S. Geological Survey, P.O. Box 7944, Metairie, LA 70010, 504-837-9251.	
30 CFR Parts 250 and 251—Reimbursement to Lessees and Permittees of Reproduction Costs and Costs of Processing Geophysical Data and Information.	These parts are being amended to provide for the reimbursement of OCS lessees and permittees for the costs of reproducing geological and geophysical information and data submitted to, and retained by, the Director. A permittee would also be reimbursed at the lowest rate available for the cost of processing geophysical data in the form and manner of processing normally used in the conduct of the permittee's business. A lessee or permittee would also be reimbursed for the reasonable cost of processing geophysical data when the Secretary dictates the form and manner of processing. These amendments are necessitated by an opinion of the Solicitor, dated November 17, 1980, M-36924. (§ 250.12(d), 34-1(k), 34-2(n), 39, 40, 95; § 251.13). *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1334 and 1352. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	David Schuenke, 703-860-7395	
30 CFR Part 251—Inspection, Selection, and Submission of Geological and Geophysical Data and Information.	This part will be amended to eliminate the requirement that lessees immediately report to the Survey the processing, reprocessing, or interpretation of geological and geophysical data. (§ 251.11(a) and 12(a)). *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1334. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Dan Pakoniak, 703-860-6461	
30 CFR Part 251—Duration of Exploration Activities.	This part is being revised to allow a permittee to submit data and information from a deep stratigraphic test well 90 days prior to the sale date. (§ 251.6-5). *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1334. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ron Michelson, 703-860-7564	
30 CFR Part 290—Appeals Procedures.	This part is being amended to revise the procedures relevant to issuing a stay of an order, that is appealed to the Director, to specify that the Director may require a bond and that late payment charges will be required on any payments deferred under the stay if the appellant's appeal is denied. *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1334 and 1335; 25 U.S.C. 26; 30 U.S.C. 189, 285, 359 and 1023.	Eva Datz, 703-860-7395	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Geological Survey, National Center, Reston, Virginia 22092

Subject	Summary	Contact	Action
30 CFR Part 290—Proprietary Data in Appeals Briefs.	*Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time. This part is being amended to require an appellant to file a second sanitized copy of all appeal briefs deleting all data the appellant claims is not subject to disclosure under a Freedom of Information Act request. *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1334 and 1335; 30 U.S.C. 189, 285, 359, and 1023; 20 U.S.C. 2 and 9. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		

Bureau of Mines, 2401 E Street NW., Washington, D.C. 20241

Subject	Summary	Contact	Action
30 CFR 602—Helium Distribution Contracts.	This proposed rule establishes new regulations associated with the purchase of helium by Federal agencies. The proposed regulations reflect changes required to conform them to Federal court decisions which invalidated current regulations. *Originally scheduled:* January 1981. *Authority:* 50 U.S.C. 167. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	M. H. Williamson, Office of Planning & Analysis, Division of Helium Operations, Bureau of Mines, Box H 4372 Herring Plaza, Amarillo, TX 79101, A/C 806-376-2614.	Proposed rule was published December 16, 1980. Final rule should be published in summer 1981.

Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240

Subject	Summary	Contact	Action
30 CFR Part 716—Special Performance Standards.	This part provides for interim program variance from approximate original contour requirements in steep slope mining areas. *originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Determination of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Harriet Marple, 202-343-5384	Proposed rule was published October 23, 1980 Final rule was published December 17, 1980.
30 CFR Part 722—Enforcement Procedures.	This part was revised to clarify OSM's authority to cite operators for any violations of the Act. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Determination of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Neil Stoloff, 202-343-4119	Final rule was published October 20, 1980.
30 CFR Parts 723 and 845—Failure to Abate Penalties.	These parts were revised to modify the amounts of penalties assessed for cases of non-abatement of violations and provide for enforcement of appropriate action in such abatement cases. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-87. *Determination of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Harriet Marple, 202-343-5384	Final rule was published September 4, 1980.
30 CFR Part 850—Blaster Training and Certification Program (Part I).	This part provides blasting programs for blasters and members of blasting crews and certification programs for blasters. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-87. *Determination of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Jean McIntyre, 70-3756-6967	Final rule was published December 12, 1980.
30 CFR Part 880—Change in Period of Mineral Institute Allotment.	This part was revised to change the grant period from an October 1-September 30 schedule to a July 1-June 20 schedule in order to coincide with the school year. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Determination of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Larry Chasd, 703-756-6961	Final rule was published November 10, 1980.
30 CFR Part 926—State-Federal Cooperative Agreement—Montana.	This part will implement the State-Federal Cooperative Agreement permanent regulatory program on Federal lands in Montana. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95-87. *Determination of Effects:* The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Len Richeson, 703-756-6971	Proposed rule was published November 12, 1980. Final rule was published April 8, 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240

Subject	Summary	Contact	Action
30 CFR Part 948—Reclamation Plan—West Virginia.	This part contains the abandoned mine reclamation plan for West Virginia. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Determination of Effects:* The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Marshall Custforth, 703–756–6955.	Final rule was published January 23, 1981. A Notice was published February 4, 1981 which extended the effective date of this rule to March 30, 1981.
30 CFR Part 950—State-Federal Cooperative Agreement—Wyoming.	This part will implement the State-Federal Cooperative Agreement permanent regulatory program on Federal lands in Wyoming. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95–87. *Determination of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Lan Richeson, 703–756–6971	Proposed rule was published October 1, 1980. Final rule was published January 28, 1981. A Notice was published February 4, 1981 which extended the effective date of this rule to March 30, 1981. Another Notice was published on March 18, 1981 which advanced the effective date of this rule to March 16, 1981. Advancing the effective date of this rule was approved by the Office of Management and Budget.
30 CFR Part 700—Two Acre Exemption—Extraction of Coal.	This part is being revised to address abuses that have been documented regarding the extraction of coal where a surface mining operation affects two acres or less. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95–87. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it becomes effective.	Denny Ellis, 202–343–5361	Final rule was published January 23, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 23, 1981 which suspended the effective date of this rule. A Notice was published on April 3, 1981 which suspended the effective date of this rule until May 4, 1981 and requested comments on the suspension.
30 CFR Part 700—Permanent Regulatory Program.	This part will be amended to clarify OSM's authority to regulate coal processing facilities (§ 700.5). *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95–87. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Murray Newton, 202–343–8081	Proposed rule was published June 24, 1980.
30 CFR Parts 701, 761, and 785—Permanent Program Regulations.	Certain sections of these parts are being revised in response to suits. The topics range from existing structures definitions to treatment of acid and toxic forming materials (§ 701.11(e) (1) & (2); 761.5; 785.5). *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Ray Aulmuth, 202–343–4022	Proposed rule was published February 6, 1980. Further action on these revisions will occur in the context of the review of rules which are identified in Part II of this Agenda.
30 CFR Parts 705—Conflict of Interest.	This part is being revised to clarify the definition of "Employee" as it relates to restricting conflicts of interest for members of the Advisory Committee on Mining and Mineral Research. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95–87. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ruby Cooper, 202–343–5447	
30 CFR Parts 715, 716, 816, 817, and 826—Multiple Seam Mining Steep Slopes.	These parts are being revised to clarify the multiple seam mining requirements. (§ 715.15; 716.2; 816.71; 817.71; 826.16). *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–87. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Ray Aulmuth, 202–343–4022	Proposed rule was published May 16, 1980. Further action on these revisions will occur in the context of the review of rules which are identified in Part II of this Agenda.
30 CFR Parts 715, 816 and 817—Gravity Transport of Excess Spoil.	These parts are being revised to allow gravity transport (end-dumping) of excess spoil material under limited circumstances. (§ 715.15; 816.71; 817.71). *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95–87. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Ray Aulmuth, 202–343–4022	Proposed rule was published August 15, 1980. Further action on these revisions will occur in the context of the review of rules which are identified in Part II of this Agenda.

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Semiannual Agenda of Rules Scheduled for Review or Development—Continued

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Subject	Summary	Contact	Action
30 CFR Part 716—Prime Farmland—Initial Regulatory Program.	This part is being amended to address historical uses of prime farmland. (§ 716.7). *Originally Scheduled:* July 1979. *Authority:* Pub. L. 95-87. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it becomes effective.	Don Smith, 703-756-6964	Final rule was published January 22, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 23, 1981 which suspended the effective date of this rule. A Notice was published on April 2, 1981 which suspended the effective date of this rule until May 4, 1981 and requested comments on the suspension.
30 CFR Parts 716 and 785—Prime Farmland—Interim and Permanent Regulatory Program.	These parts are being amended to revise the grandfather exemption to the prime farmland provisions of the Act. All pre-August 3, 1977, permits and all revisions or renewals of those permits will be exempted from special performance standards. Pre-existing mining operations will also be allowed to continue where the lands to be grandfathered are an extension of a mining pit or pits permitted and in existence on August 3, 1977. All such prime farmland exemptions will terminate on August 3, 1982. *Originally Scheduled:* July 1979. *Authority:* Pub. L. 95-87. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it becomes effective.	Arlo Dalrymple 703-756-6964	Final rule was published January 22, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 23, 1981 which suspended the effective date of this rule. A Notice was published on April 2, 1981 which suspended the effective date of this rule until May 5, 1981 and requested comments on the suspension. Further action on this rule will occur in the context of the review of rules which are identified in Part II of this Agenda.
30 CFR Part 731—Resubmission of State Programs.	This part will authorize the resubmission of a State Program after disapproval and before implementation of a Federal program. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95-87. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Mary Crouter, 202-343-5361	Proposed rule was published January 22, 1981. Public comment period ended February 22, 1981. Further action on this rule will occur in the context of the review of rules which are identified in Part II of this Agenda.
30 CFR 731 and 732—State Program Approvals.	These parts will contain approvals of State programs for regulatory authority in States to administer the Surface Mining Control and Reclamation Act. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-87. *Determination of Effects:* Those documents which already been published as proposed rules were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. They will be reconsidered under the provisions of E.O. 12291 before they are published as final rules. The determinations as to whether the unpublished documents are major rules under E.O. 12291 have not been made at this time.	Bruce Carroll, 202-343-5361	Alabama—Disapproval—10/15/80. [1] Resubmission delayed. Arkansas—Conditional Approval—11/21/80. Colorado—Conditional Approval—12/15/80. Illinois—Partial Approval—10/31/80. [1] Resubmission delayed. Indiana—Partial Approval 11/25/80. [1] Resubmission delayed. Iowa—Partial Approval—10/15/80. [2] Conditional Approval—1/21/81. Kansas—Partial Approval 9/4/80. Conditinal Approval—1/21/81. Kentucky—Partial Approval—10/22/80. [1] Resubmission delayed. Louisiana—Partial Approval—9/4/80. Approval—10/10/80. Maryland—Conditional Approval—12/1/80. Mississippi—Partial Approval—3/25/80. Approval—9/4/80. Missouri—Conditional Approval—11/21/80. Montana—Conditional Approval—4/1/80. New Mexico—Conditional Approval—12/31/80. North Dakota—Conditional Approval—12/15/80. Ohio—Disapproval—10/1/80. [1] Resubmission delayed. Oklahoma—Partial Approval—10/10/80. Conditional Approval 1/15/80. [2] Pennsylvania—Disapproval 10/22/80. [1] Resubmission delayed. Tennessee—Partial Approval—10/10/80. [1] Resubmission delayed. Texas—Conditional Approval—2/27/80. Approval—9/18/80. Utah—Partial Approval 10/24/80. Conditional Approval—1/21/81.

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Subject	Summary	Contact	Action
			Virginia—Partial. Approval—10/22/80. [1]Resubmission delayed. West Virginia—Partial. Approval—10/20/80. Conditional Approval—1/21/81. Wyoming—Partial. Approval—8/31/80. Conditional Approval—11/28/80.
30 CFR Part 732—Deadlines for Enactment of Laws and Regulations for State Program Resubmissions.	This part is being revised to modify the existing rule for resubmission of State Programs. *Originally Scheduled:* January 1981 *Authority:* Pub. L. 95-87. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Arthur Abbs, 202-343-5361	Proposed rule was published October 1, 1980. Further action on this revision will occur in the context of the review of rules which are identified in Part II of this Agenda.
30 CFR Part 910—Georgia Federal Program.	This part will provide for a Federal program in Georgia. *Originally Scheduled:* January 1981 *Authority:* Pub. L. 95-87. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Jim Fulton, 202-343-5361	Proposed rule was published September 15, 1980.
30 CFR Parts 722 and 843—90 Day Abatement of Violations.	These parts are being amended to provide OSM authority in certain limited cases to extend beyond 90 days the total time, as originally fixed and subsequently extended, for abatement of violations. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95-87. *Determination of Effects:* The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Murray Newton, 202-343-5361	
30 CFR Part 701—Non-Steep Slope AOC Alternatives.	30 CFR § 701.5, which contains the regulations regarding alternatives to return to approximate original contours on non-steep slope areas, will be revised. *Originally Scheduled:* July 1980. *Authority:* Pub. L. 95-87. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ray Ashmath, 202-343-4022	
30 CFR Part 705—Definition of Employee.	The definition of "Employee" will be revised as it relates to restrictions on financial interests of State employees. (§ 705.5) *Originally Scheduled:* July 1979. *Authority:* Pub. L. 95-87. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Arthur Abbs, 202-343-5361	
30 CFR Part 715—Blasting Limitations.	This rule will revise peak particle velocity and distance limitations on blasting. (§ 715.19 (e)(1)). *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95-87. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Russ Price, 202-343-4022	
30 CFR Part 750—Permanent Federal Program for Indian Lands.	This rule will apply the permanent program requirements to Indian lands. (§ 750.59) *Originally Scheduled:* January 1981 *Authority:* Pub. L. 95-87 *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	H. D. Simpson, 703-756-6971	
30 CFR Part 850—Blaster Training and Certification Program (Part III).	This part will provide blasting programs for blasters and members of blasting crews and certification programs for blasters. *Originally Scheduled:* January 1980 *Authority:* Pub. L. 95-87. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jean McIntyre, 703-756-6967	
30 CFR Parts 900, 904, 906, 915, 916, 918, 920, 924, 925, 928, 931, 934, 936, 943, 944, 946, and 950—State Programs.	This rule will provide an introduction to Subchapter T and make amendments to certain parts to incorporate by reference the approved State regulatory programs. *Originally Scheduled:* January 1981 *Authority:* Pub. L. 95-87. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	George Stone, 202-343-5361	
30 CFR Parts 901, 906, 913, 914, 915, 916, 917, 919, 925, 931, 934, 935, 938, 942, 946, 950, 944, and 939—State Programs.	These parts have been set-aside for the abandoned mine reclamation plans for various States. *Originally Scheduled:* April 1981 *Authority:* Pub. L. 95-87 *Determination of Effects:* The determinations as to whether these documents are major rules under E.O. 12291 have not been made at this time.	Charles Beasley, 202-343-4012	OSM anticipates receiving/approving reclamation plans during the period April-October 1981 from the following States: Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Missouri, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, Wyoming, and Utah.
30 CFR Part 906—State-Federal Cooperative Agreement—Colorado.	This part will implement the State-Federal Cooperative Agreement permanent regulatory program on Federal lands in Colorado. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-87. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Andy Dovito, 703-756-6970	

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Subject	Summary	Contact	Action
30 CFR parts 921, 922, 937 and 939—Federal Programs for Coal Exploration—Massachusetts, Michigan, Oregon and Rhode Island.	This rule will provide for Federal programs which cover coal exploration activities in four (4) States. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95-87. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jim Fulton, 202-343-5361.	
30 CFR Part 931—State-Federal Cooperative Agreement—New Mexico.	This part will implement the State-Federal Cooperative Agreement permanent regulatory program on Federal lands in New Mexico. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-87. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Andy Devito, 703-756-6870.	
30 CFR Part 934—State-Federal Cooperative Agreement—North Dakota.	This part will implement the State-Federal Cooperative Agreement permanent regulatory program on Federal lands in North Dakota. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95-87. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Andy Devito, 703-756-6870.	
30 CFR Part 944—State-Federal Cooperative Agreement—Utah.	This part will implement the State-Federal Cooperative Agreement permanent regulatory program on Federal lands in Utah. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95-87. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Andy Devito, 703-756-6871.	
30 CFR Part 947—Federal Program—Washington.	This part will provide for a Federal program in the State of Washington. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95-87. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jim Fulton, 202-343-5361.	

[1] 503(d) injunction in Force.
[2] Primacy effective on April 10, 1981—the effective date of Iowa's regulations.
[3] Conditional approval effective upon lifting on 503(d) injunction prohibiting enforcement of the program.

Heritage Conservation and Recreation Service, 440 G St., NW., Washington, D.C. 20243

Subject	Summary	Contact	Action
36 CFR Part 1207—Secretary's Standards for Historic Preservation Projects.	The Service has amended the general standards for historic preservation projects (36 CFR Part 1207.3) in order to encourage consideration of energy conservation needs as well as the economic and technical feasibility of each project. Carrolena Key, 202-343-5712 *Originally Scheduled:* July 1980. *Authority:* Power Plant and Fuel Use Act of 1978, Sec. 402(b), and Executive Order 12185, Energy Conservation of Petroleum and Natural Gas. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Proposed rule published on May 7, 1980. The final rule was published on August 29, 1980.	
36 CFR Part 1212, National Natural Landmarks Program.	This rule sets forth the process used to study, designate, register, and monitor National Natural Landmarks including criteria for listing areas on the National Registry of Natural Landmarks. These regulations will make available to other Federal agencies, State and local governments, private organizations and individuals information on the National Natural Landmarks Program, and formalize the Secretary of the Interior's procedures and criteria for designating National Natural Landmarks *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 461. *Statement of Significance:* The Department of Interior has determined that this document is not significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Wayne Strum, 202-848-4349;..... James Orr, 202-348-4849.....	Interim rule published on November 20, 1979. Final Procedures were published on December 9, 1980 (45 FR 81185).
36 CFR Part 1228—Subparts A, C and D—Urban Park and Recreation Recovery Program: Grants Procedures.	This rule is being revised to incorporate an amendment that will allow projects to begin to incur costs following a tentative grant offer. The Program Information section will also be revised in response to general requests for clarification. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95-625, 16 U.S.C. 2501. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Sam L. Hall, (202) 343-6871.....	Interim rule published on September 3, 1980.
36 CFR Part 1228, Subparts A, C & D—Urban Park and Recreation Recovery Program: Grants Procedures.	This rule is being revised to incorporate provisions for energy conservation by recipients of Federal assistance. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95-625; 16 U.S.C. 2501, E.O. 12185. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Sam L. Hall, (202) 343-6871.....	Proposed rule published September 3, 1980. Publication of a final rule is being delayed pending Administration and Departmental decisions to implement E.O. 12185.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Heritage Conservation and Recreation Service, 440 G St., NW., Washington, D.C. 20243

Subject	Summary	Contact	Action
36 CFR Part 1230—World Heritage Convention.	The rules will set forth the policies and procedures that the Department of the Interior, through the Heritage Conservation and Recreation Service (HCRS), will use to direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, in accordance with Title IV of the National Historic Preservation Act Amendments of 1980. The rules will serve as the single source of definitive guidance for World Heritage policy and procedure to ensure effective implementation of the Convention and participation by interested agencies, organizations, and individuals. *Originally Scheduled:* April 1981. *Authority:* Pub. L. 96-515; 16 U.S.C. 470a-1, a-2; 94 Stat. 3000 *Determination of Effects:* The Department of the Interior has determined that this document is not a major rule under the provisions of E.O. 12291.	James Ott, 202-343-4343	A Notice of Intent was published with the Department's Interpretive Guidelines and Request for Public Comment on January 13, 1981.
36 CFR Part 1213—Procedures for the Identification and Protection of Archeological, Historic and Scientific Properties.	These regulations implement the Department's responsibilities for the identification, protection, preservation and management of archeological, architectural, historic, scientific, and other cultural resources. These regulations fulfill requirements set forth in the National Historic Preservation Act, EO 11593, and other applicable historic preservation laws. They were developed in consultation with the Advisory Council pursuant to section 1(3) of Executive Order 11593, the President's Memorandum on Environmental Quality and Water Resources Management of July 12, 1978, and sections 800.10 and 800.11 of the amended regulations of the Advisory Council, "Protection of Historic and Cultural Properties" (36 CFR 800). *Originally Scheduled:* July 1979. *Authority:* These regulations were issued pursuant to the directive of the President's Memorandum on Environmental Quality and Water Resources Management and section 800.10 of the Advisory Council regulations (36 CFR 800). *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Ray Reaves, 202-343-7105	Proposed rule was published on August 2, 1979. The Service has decided to issue these Departmental procedures as part of the Departmental Manual (519 DM 1) and therefore a final rule will not be published. This Part 1213 will instead contain the implemented regulations that are specific to the Service.
36 CFR Part 1215—Protection and Conservation of Archeological Resources: Uniform Regulations.	This uniform rulemaking, to implement the provisions of the Archeological Resources Protection Act of October 31, 1979, is in response to Section 10(a) of the Act. It is intended that the uniform rulemaking will serve as the foundation and basic policy standard for additional regulations which Departments and independent agencies may promulgate in order to carry out the responsibilities of the Act. The intended effect of this rulemaking action is to advise the public of its obligations to the Federal Government and to further advise of the Federal Government's obligations to the public concerning the protection and conservation of archaeological resources located on public and Indian lands within the United States, its territories, and possessions. *Originally Scheduled:* January 1980. *Authority:* Archaeological Resources Protection Act of 1979 (Pub. L. 96-95; 16 U.S.C. 470 *aa et seq.*). *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document wil be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Charles M. McKinney, 202-343-5264	Public hearings for early input on proposed rulemaking process were held in Denver, Phoenix, Portland, and Knoxville between March 22, 1980 and April 18, 1980.. Proposed rule was published on January 19, 1981. The final rule should be published in July 1981.. Further action on this document will occur in the context of the review of rules identified in Part II of this Agenda..
36 CFR Part 1228—Land and Water Conservation Fund State Assistance Program.	This rule will set forth the regulation for administration of the Statewide of the Land and Water Conservation Fund Program, including the preparation and implementation of Statewide Comprehensive Outdoor Recreation Plans, and the criteria and guidelines for acquisition and development grants from both the general fund and the Secretary's Contingency Reserve. (This rule was previously scheduled as 36 CFR Part 1230). *Originally Scheduled:* January 1979. *Authority:* Land and Water Conservation Fund Act of 1965 (Pub. L. 88-578, 78 Stat. 897) as amended by Pub. L. 95-42, 90 Stat. 1313. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Cathy-Martin Urbanek, 202-343-7801.	
36 CFR 1204—Determination of Eligibility for inclusion in the National Register of Historic Places.	These rules incorporate certain revisions responding to the National Historic Preservation Act Amendments of 1980, Pub. L. 96-515. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. *Originally Scheduled:* July 1979. *Authority:* The National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 *et seq.* *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Carol D. Shull, 202-343-8401	Proposed rule published on May 23, 1980. Due to Pub. L. 96-515 becoming law on December 12, 1980, rules must be again revised.
36 CFR Part 1214—Preservation of American Antiquities: Definition of an Object of Antiquity.	This rule will implement the provisions of the American Antiquities Act of June 8, 1906, and is in response to Federal court ruling on vagueness of the term "object of antiquity" and failure of the federal Government to inform the public in lay terms. (This rule will be redesignated from 43 CFR Part 3.). *Originally Scheduled:* January 1980. *Authority:* American Antiquities Act of 1906 (Pub. L. 59-209, 16 U.S.C. 431-433). *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Charles M. McKinney, 202-343-7105.	Proposed rule was published on April 10, 1978, under 43 CFR Part 3. To be released as proposed rulemaking in fall, 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Heritage Conservation and Recreation Service, 440 G St., NW., Washington, D.C. 20243

Subject	Summary	Contact	Action
36 CFR 1201—National Wild and Scenic Rivers System—Guidelines for Eligibility, Classification and Management of River Areas.	The regulation will provide consistent interpretation of the Wild and Scenic Rivers Act and uniform guidance to agencies of the Departments of Agriculture and the Interior in the conduct of studies under Section 5(a) of Act and in the management of eligible river areas included in the National Wild and Scenic Rivers System. The regulations are a revision of the 1970 guidelines published in-house by the two Departments. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 1271, *et seq.* *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jack Hauptman, 202/343-4793	Draft revised guidelines published as a notice in the FEDERAL REGISTER for 45 days, public comment on January 28, 1981.
36 CFR, Part 1202—Wild and Scenic Rivers System—Procedures for Determining Adverse Effects of Proposed Water Resource Projects.	The regulations will provide for consistent interpretation of Section 7 by the Departments of Agriculture and the Interior and for uniform procedures to be followed by affected Federal agencies in obtaining the concurrence of the Secretaries when planning projects which could have direct and adverse effects on existing and potential wild and scenic rivers. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 1278. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jack Hauptman, 202/343-4793	
36 CFR Part 1202—Nominations to the National Register of Historic Places.	This rule is being amended to revised: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals. *Originally Scheduled:* January 1981. *Authority:* National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470, *et seq.* *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Carol D. Shull, (202) 343-6401	
36 CFR 1208—Historic Preservation Certifications Pursuant to the Tax Reform Act of 1976 and the Revenue Act of 1978.	Rule must be revised to incorporate new requirements of Pub. L. 96-541 in order to provide for the creation of historic easements. *Originally Scheduled:* April 1981. *Authority:* The Tax Reform Act of 1976, as amended, and the Revenue Act of 1978. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Carol D. Shull, 202-343-6401	Final rule published December 18, 1980. Due to Pub. L. 96-541 becoming law in December 1980, rule will again be revised.
36 CFR Part 1527—Federal Recreation Fees.	This rule is being amended to: allow certain categories of disabled persons to enter U.S. Government operated parks, monuments and recreation areas free of charge and to entitle such persons to 50% discount on use fees; and revise the definition of "single-visit" admission period which will allow payment of a single admission fee which shall authorize exits from and re-entries to a single designated area for a period of from one to fifteen days. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 96-344 (September 8, 1980) as it amends the Land and Water Conservation Fund Act of 1965. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Brian Ronnesk, (202) 343-7395.	
36 CFR Part 1201—Criteria for Comprehensive Statewide Historic Surveys and Plans.	Extensive revision of this rule is anticipated because Pub. L. 96-515, the National Historic Preservation Act Amendments of 1980, requires the Secretary of the Interior to promulgate or revise regulations for State historic preservation programs. The Secretary is also required to develop a procedure for certifying local governments as eligible to carry out the purposes of the National Historic Preservation Act, as amended; such certification will allow local governments to receive a portion of their State's annual Historic Preservation Fund (HPF) grant via transfer from the State. It is expected that 36 CFR Part 1201 will be retitled *Criteria for State and Local Historic Preservation Programs.* *Originally Scheduled:* May 1978. *Authority:* National Historic Preservation Act, as amended: 16 USC 470 *et seq.* *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Lawrence E. Aten, 202-343-4941.	Interim rule with request for comments published May 9, 1980. Proposed amendment to rule published September 10, 1980.
36 CFR Part 1205—National Historic Landmark Program.	This rule incorporates certain revisions required by the National Historic Preservation Act Amendments of 1980, Pub. L. 96-515. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for designations of National Historic Landmarks by the Department of the Interior. *Originally Scheduled:* January 1979. *Authority:* Historic Sites Act of 1935, 49 Stat. 666, 16 U.S.C. 461 *et seq.* and the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 *et seq.* *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Carol D. Shull, 202-343-6401	An interim rule with request for comments was published on December 18, 1979. Due to Pub. L. 96-515 becoming law on December 12, 1980, rules must be again revised.
36 CFR Part 1210—Recovery of Scientific, Prehistoric, Historic and Archeological Data: Procedures for Notification, Reporting and Data Recovery.	This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act. It will also help guarantee the uniform high quality of data recovery programs and reports submitted to the Department pursuant to the requirements of section 3(a) of the Act. (This rule will be redesignated from 36 CFR Part 66). *Originally Scheduled:* January 1979. *Authority:* Section 5(c) of the Archeological and Historic Preservation Act of 1974. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Roy Reaves, 202-343-7105.	

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Subject	Summary	Contact	Action
36 CFR Part 7—Fire Island National Seashore—Seaplanes.	This rule will regulate the use of seaplanes within the National Seashore. *Originally scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Maureen Finnerty, 202/343-4874.	Final rule published July 25, 1980.
36 CFR Part 7—Yellowstone National Park—Alcoholic Beverages.	This rule is being revised to delete the subsection dealing with Alcoholic Liquors and to conform to applicable State statutes through provisions in 36 CFR Part 2.16 (§ 7.13). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under E.O.12044 and 43 CFR Part 14.	Maureen Finnerty, 202/343-4874.	Final rule published August 25, 1980.
36 CFR Part 7—Lake Mead National Recreation Area—Alcoholic Beverages.	This rule is being revised to rescind the regulations pertaining to the sale or gift of alcoholic beverages in Lake Mead National Recreation Area, Arizona and Nevada (§ 7.48). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under E.O. 12044 and 43 CFR Part 14.	Maureen Finnerty, 202/343-4874.	Final rule published August 22, 1980.
36 CFR Part 7—Glacier Bay National Monument—Humpback Whale.	This rule protects the declining populations of the humpback whale within the Monument. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 7, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it becomes effective.	Maureen Finnerty, 202/343-4874.	Interim rule and request for comments was published on May 15, 1980. Proposed rule was published on December 29, 1980. Final rule was published on January 28, 1981. A Notice was published on February 17, 1981 which extended the effective date of this rule to March 30, 1980. A Notice was published on March 30, 1981 which further extended the effective date of this rule to April 30, 1981.
36 CFR Part 28—Fire Island National Seashore—Zoning.	This rule will revise existing zoning standards within Fire Island National Seashore in order to achieve consistency with the general management plan *Originally Scheduled:* July 1980 *Authority:* 16 U.S.C. 3 *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Maureen Finnerty, 202/343-4874.	Proposed rule was published on September 18, 1978. A final rule with request for comments was published on January 17, 1980. The final rule was published on September 10, 1980.
36 CFR Part 7—Blue Ridge Parkway—Snowmobiles.	This rule will provide for winter snowmobile travel that is consistent with both the Service snowmobile policy and the off-road vehicle policy of the Department. (§ 7.34). *Originally scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Maureen Finnerty, 202/343-4874.	Proposed rule published September 26, 1980.
36 CFR Part 7—Delaware Water Gap National Recreation Area—Snowmobiles.	To develop regulations to provide for the use of snowmobiles within the recreation area. *Originally scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Maureen Finnerty, 202/343-4874.	Proposed rule published January 6, 1981.
36 CFR Part 7—Gulf Islands National Seashore—Off-Road Vehicles.	This rule will control the use of off-road vehicles within the seashore. *Originally scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Maureen Finnerty, 202/343-4874.	Proposed rule published December 15, 1980.
36 CFR Part 7—Olympic National Park—Hunter Access Routes.	Hunter access routes and special hunting camps will be eliminated within the Queets Corridor of Olympic National Park, Washington. (§ 7.29). *Originally scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Roger Contor, Superintendent, Olympic National Park, Port Angeles, Washington 98362 206/452-4501.	Proposed rule published July 2, 1980.
36 CFR Part 7—Valley Forge National Historic Park—Alcoholic Beverages.	This rule will prohibit the use of alcoholic beverages within the park. *Originally scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Maureen Finnerty, 202/343-4874.	Proposed rules published November 5, 1980.
36 CFR Part 7—Yosemite National Park Fish Management Waters.	This rule is being revised to rescind the regulations relating to experimental fish management waters in Yosemite National Park, California (§ 7.16). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3.	Maureen Finnerty, 202/343-4874.	Proposed rule published August 4, 1980.

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Subject	Summary	Contact	Action
	Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.		
36 CFR Part 13—Alaska National Interest Lands.	This rule provides the regulations for public use and recreation, subsistence and other special provisions for the Alaska National Monuments. *Originally Scheduled:* July 1979. *Authority:* 16 U.S.C. 1.1c, 3.9a, 4.32, 4.92; Pub. L. 96-487. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Maureen Finnerty, 202/343-4874.	Proposed rules published January 19, 1981. Further action on this document will occur in the context of the review of rules identified in Part II of this Agenda.
36 CFR Part 14—Rights-of-Way	Current regulations governing rights-of-way found in 43 CFR Part 2800 are being revoked by the Bureau of Land Management. As a result, the Service has determined that is necessary to develop regulations specifically tailored to the needs of the Service. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 5 and 79; 23 U.S.C. 317. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Maureen Finnerty, 202-343-4874.	An interim rule with request for comments was published July 11, 1980. Notice of intent to propose Rulemaking was published August 18, 1980.
36 CFR Part 50—Sale and Distribution of Printed Matter.	This rule will recodify provisions of 36 CFR 50.24(c)(2) concerning the sale or distribution of printed matter within areas administered by the National Capital Region and will also establish a permit system for the sale and distribution of literature in fixed locations in the public areas of the interiors of specified buildings. (§ 50.19). *Originally Scheduled:* July 1979. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Rick Robbins, 202/343-4338	Interim rule published on October 3, 1979.
36 CFR Part 50—Demonstrations and Special Events.	This rule will permit demonstrations in one-fourth of Lafayette Park while reserving the rest of Lafayette Park and the entire White House Sidewalk for the exclusive use of the Inaugural Committee on January 20, 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The effects of this document were previously considerpd under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Rick Robbins, 202/343-4338	Interim rule published December 24, 1980.
36 CFR Part 50—Demonstrations and Special Events.	This rule will clarify and simplify the procedures for obtaining demonstration and special event permits in Washington, D.C. and its environs (§ 50.19). *Originally Scheduled:* July 1979. *Authority:* July 1979. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Rick Robbins, 202/343-4338	Proposed rule published May 6, 1980.
43 CFR Group 3100, 43 CFR Group 3500—Mineral Leasing.	These rules will amend those sections which pertain to mineral leasing in 5 units of the National Park system. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Maureen Finnerty, 202/343-4874.	Proposed rules published December 22, 1980.
36 CFR Part 3—Boating	This rule will align all Service boating regulations concerning equipment with the provisions of the Federal Boat Safety Act and will revise operational rules. *Originally Scheduled:* January 1979. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202-343-4874.	
36 CFR Part 6—Foreign Currency.	The Service is developing a comprehensive policy concerning the acceptance of foreign currency in LWCFA fee transactions Servicewide. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202-343-4874.	
36 CFR Part 7—Everglades National Park—Use of Airboats.	Rules are being developed to provide for the use of airboats along the stairstep Airboat Trails within the Park. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202-343-4874.	
36 CFR Part 7—Everglades National Park—Commerical Fishing.	This rule, which pertains to prohibiting commerical fishing within the Park, will be reviewed and revised. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Big Cypress National Preserve—Camp Structures.	Amendments will be made to this rule which pertains to camp structures on land not owned by claimants to these structures within the Preserve. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Big Cypress National Preserve—Off-Road Vehicles.	This rule is being revised to better define those sections which limit use of off-road vehicles in the Preserve. *Originally Scheduled:* April 1981.	Maureen Finnerty, 202/343-4874.	

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Subject	Summary	Contact	Action
	Authority: 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		
36 CFR Part 7—Big Cypress National Park—Indian Use and Occupancy.	This rule will define the statutory rights of the Miccosukee and Seminole Indians within the reserve. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Colorado National Monument—Commercial Trucking.	This rule will implement legislation requiring NPS to provide escorts to trucks through the National Monument. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Yosemite National Park—Hazardous Conditions.	This rule will concern the creation of hazardous conditions and reimbursement to National Park Service to rescue. *Originally scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Yosemite National Park—Residential Leases.	This rule will pertain to residential leasing in El Portal. *Originally scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Yosemite National Park—Zoning.	This rule will pertain to zoning for the private lands within Yosemite National Park. *Originally scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Cuyahoga Valley National Recreation Area—Ground Park Use.	This rule will pertain to general park use, i.e. firearms and alcoholic beverages. *Originally scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Grant Canyon National Park—Fishing and Fish Waste Disposal.	This rule will provide for the disposal of fish entrails into the Colorado River and to regulate the use of bait in Grand Canyon National Park Arizona. (§ 7.4). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Olympic National Park—Fishing.	This rule pertains to open water fishing in the park. *Originally scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Isle Royale National Park—Scuba Diving.	This rule pertains to scuba diving in the national park. *Originally scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, (202) 343-4874.	
36 CFR Part 7—Isle Royale National Park—Winter Closing.	This rule will close park areas during the winter because of wolf and moose studies. *Originally scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Glacier National Park—Fishing.	This rule provides Superintendent of the Park with the authority to require a permit of all anglers fishing the waters of the Park (§ 7.3). *Originally scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Kennesaw Mountain National Battlefield Park—Alcoholic Beverages.	This rule will control the use and possession of alcoholic beverages within the park. *Originally scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Lake Mead National Recreation Area—Airstrip.	This rule will reopen an airstrip within the recreation area. *Originally scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Fire Island National Park—Seaplanes.	This rule will pertain to seaplane use at Fire Island National Seashore. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Lake Mead National Recreation Area—Motorboat Noise.	This rule will set limits on motorboat noise and emissions within the recreation area. *Originally scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Yosemite National Park—Water and Sewage.	This rule will pertain to land use, water and sewage and fire preservation within El Portal. *Originally scheduled:* January 1981.	Maureen Finnerty, 202/343-4874.	

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National Park Service

Subject	Summary	Contact	Action
	Authority: 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		
36 CFR Part 7—Lake Mead National Recreation Area—Flotation Devices.	This rule will require flotation devices below Hoover Dam. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Grand Teton National Park—Snowmobiles.	This rule will provide for winter snowmobile travel that is consistent with both the Service snowmobile policy and the off-road vehicle policy of the Department (§ 7.22). *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	Advance notice of proposed rulemaking published May 14, 1980.
36 CFR Part 7—Grand Portage National Monument—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Dinosaur National Monument—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Cuyahoga Valley National Recreation Area—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Curecanti National Recreation Area—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Crater Lake National Park—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Cedar Breaks National Monument—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* January 1981 *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Bighorn Canyon National Recreation Area—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Black Canyon of the Gunnison National Monument—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Bryce Canyon National Park—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area *Originally Scheduled:* January 1981 *Authority:* 16 U.S.C. 3 *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Apostle Islands National Lakeshore—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Acadia National Park—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Zion National Park—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Theodore Roosevelt National Park—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3.	Maureen Finnerty, 202/343-4874.	

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National Park Service

Subject	Summary	Contact	Action
	Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		
36 CFR Part 7—St. Croix National Scenic Riverway—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Rocky Mountain National Park—Snowmobiles	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Pictured Rocks National Lakeshore—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, (202) 343-4874.	
36 CFR Part 7—Perry's Victory and International Peace Memorial—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, (202) 343-4874.	
36 CFR Part 7—Olympic National Park—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 7—Sleeping Bear Dunes National Lakeshore—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, (202) 343-4874.	
36 CFR Part 7—Herbert Hoover National Historic Site—Snowmobiles.	This rule will provide for the use of snowmobiles within the recreation area. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 1—Miscellaneous Provisions.	This Part, which is scheduled for sunset review, contains miscellaneous provisions, definitions and penalties that are applicable to Parts 1–7 of Title 36. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3.	Maureen Finnerty, 202/343-4874.	
36 CFR Part 2—Public Use and Recreation.	This Part, which is scheduled for sunset review, contains the general provisions that are applicable to public use of all units within the National Park System. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 3.	Maureen Finnerty, 202/343-4874.	

Semiannual Agenda of Rules Scheduled for Review or Development

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
50 CFR Part 14—Importation, Exportation, and Transportation of Wildlife.	Provisions of the Endangered Species Act of 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Lacey Act, the Black Bass Act, and other statutes administered by the Service were implemented by amending certain regulations governing the importation, exportation, and transportation of wildlife. The temporary permission to do business granted in the FEDERAL REGISTER on March 5, 1974 (39 FR 8357), to all persons engaged in business as importers or exporters of wildlife was replaced by a licensing system which regulates all persons who import or export wildlife for gain or profit. The licensing system should improve the Service's ability to monitor wildlife traffic, protect wildlife resources, and communicate with persons most affected by subsequent Service rulemakings. Controls on the exportation of wildlife, including declaration requirements, were added to complement those in effect for the importation of wildlife. These controls, which implement obligations regarding certain wildlife exports placed on the Service by the Endangered Species Act of 1973 and the Convention, should provide the Service with previously lacking information on export volume, in total and by species, and further the Service's ability to protect wildlife resources. The definition of "fish or wildlife," the cornerstone of the regulatory scheme, was broadened to include species not currently covered, but still excludes domestic varieties of animals. Some ports through which certain wildlife may enter or leave the United States were changed to coincide with actual wildlife traffic patterns, or to accommodate importers of personally owned pet birds or certain antique articles who must comply with the port of entry requirements of other Federal agencies. Finally, the container marking requirements derived from the Black Bass and Lacey Acts was simplified. *Originally Scheduled:* January 1980. *Authority:* 18 U.S.C. 42–44; 16 U.S.C. 1538(d)–(f), 1540(f); 16 U.S.C. 1382; 16 U.S.C. 704, 712; 31 U.S.C. 483a; 16 U.S.C. 852c. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Clark R. Bavin, (202) 343-8242	Proposed rule published March 27, 1978. Final rule published August 25, 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart D—Threatened Wildlife.	The Service revised the special rule on the American alligator, 50 CFR 17.42(a), promulgated under authority of the Endangered Species Act of 1973. Fabricators, who are engaged in the business of manufacturing products from American alligator leather, are no longer required to obtain a permit issued under the special rule. To insure that fabricators receive only lawfully taken American alligator hides, buyers and tanners engaged in trade in American alligators remain highly regulated. The sale of meat and other parts except hides from lawfully taken American alligators is no longer restricted to the State where the taking occurs. These items may be sold nationwide if such sale is in accordance with the laws and regulations of: (1) the State in which the taking occurs, and (2) the State in which the sale occurs. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 1531–1543. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR part 14.	Clark R. Bavin, (202) 343-8242	Proposed rule, August 6, 1980. Final rule, November 15, 1980.
50 CFR Part 20—Migratory Bird Hunting, Subpart B—Definitions.	The Service amended the definition of "migratory game bird" under 50 CFR 20.11 by deleting the term "wild" wherever found in that definition. Similarly, the Service amended the description of "migratory waterfowl" under 50 CFR 20.91 by deleting the term "wild". *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 703–712. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Clark R. Bavin, (202) 343-8242	Proposed rule, February 29, 1980. Final rule, October 23, 1980.
50 CFR Part 20—Migratory Bird Hunting, Subpart C—Taking.	The Service amended the methods of taking migratory game birds found in the basic hunting regulations, 50 CFR 20.21, to provide paraplegics and persons missing one or both legs and opportunity to take migratory game birds from a stationary motor vehicle or a stationary motor-driven land conveyance. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 703–712. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Clark R. Bavin, (202) 343-8242	Proposed rule, February 15, 1979. Final rule, October 23, 1980.
50 CFR Part 23—Endangered Species Convention Subpart D—Public Participation in Development of Negotiating Positions for Meetings of the Parties.	Adds new subpart D to Part 23 and provides procedures for public participation and agency consultation in the development of negotiating positions for meetings of the Conference of the Parties to the Convention on International Trade in Endangered Species on Wild Fauna and Flora. *Originally Scheduled:* July 1980. *Authority:* Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249; 16 U.S.C. 1531–43. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Richard M. Parsons, (703) 235-1937.	Proposed rule published on May 30, 1980. Final rule published on December 19, 1980.
50 CFR Part 20—Subpart K—Annual Seasons, Limits and Shooting Hours Schedules.	This rule will describe the areas where steel shot will be required. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 703–711. *Determination of Effects:* The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Robert I. Smith, 202-254-3207	
50 CFR Part 20—Subpart K—Annual Seasons, Limits, and Shooting Hours Schedules.	The Service proposes to publish a series of documents establishing migratory bird hunting regulations for the 1981–82 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 703–711. *Statement of Significance:* The Department of the Interior has determined that these documents are significant rules but do not require a regulatory analysis under former Executive Order 12044 and 43 CFR Part 14. These rules are significant because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The Service believes that these rules are major rules under new E.O. 12291, and thus subject to the rulemaking procedures of the Executive Order. *Effects on Small Entities:* The Department of the Interior has determined that these rules will have a significant economic effect on a substantial number of small entities and requires a small entity flexibility analysis under Pub. L. 96-354 and 43 CFR Part 14. Small entities likely affected by the annual migratory bird hunting rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners leasing hunting rights, and mail order houses selling hunting equipment and supplies.	John P. Rogers, (202) 254-3207.	Notice of intent and proposed frameworks published March 25, 1981. Final frameworks (3) scheduled for June, July and August 1981. Final rules (2) scheduled for August and September 1981. Any final environmental assessments and environmental impact statements will be published as expeditiously as possible. The summary of the small entity flexibility analysis and the preliminary regulatory impact analysis were contained in the first proposed rulemaking document published on March 25, 1981. Final regulatory analysis scheduled for late June.
50 CFR Part 12—Seizure and Forfeiture Procedures, Subpart C—Forfeiture Proceedings.	The Service would revise 50 CFR 12.22 to raise the monetary value of seized property which may be the subject of notice by posting from $250 to $1,000. In addition, present regulations requiring posting in both the Service's enforcement office and the United States District Court would be revised to allow posting in either location as well as in the United States Customhouse. The revisions reflect the increase in value of seized property, the availability of alternative forms of publications, and in some instances the impracticability of posting in United States District Courts. *Originally Scheduled:* January 1981. *Authority:* 5 U.S.C. 301; 16 U.S.C. 701–11; 16 U.S.C. 1540; 18 U.S.C. 43–44; 19 U.S.C. 1602–24. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Clark R. Bavin, (202) 343-8242	Proposed rule published December 31, 1980. Final rule scheduled April 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
50 CFR Part 14—Importation, Exportation, and Transportation of Wildlife, Subpart B—Importation and Exportation at Designated Ports.	Designated port status under 50 CFR 14.12 would be conferred on Dallas/Ft. Worth, Texas *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 1538(f). *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Clark R. Bavin, (202) 343-8642	Proposed rule, July 14, 1980. Final rule, April 1981.
50 CFR Part 17—Endangered and Threatened Wildlife and Plants.	Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 1531-43. *Determination of Effects:* These documents which have already been published as proposed rules were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. They will be reconsidered under the provisions of E.O. 12291 before they are published as final rules. The determinations as to whether the unpublished documents are major rules under E.O. 12291 have not been made at this time.	John L. Spinks, (703) 235-2771	Pine Barrens treefrog. Proposed rule to delist scheduled May 1981. Short-tailed albatross (U.S. population). Proposed rule published July 25, 1980. Final rule scheduled June 1981. Thick-billed parrot (U.S. population). Proposed rule published July 25, 1980. Final rule scheduled June 1981. Four Yaqui River fishes. Proposed rule scheduled May 1981. Borax Lake chub. Proposed rule published October 16, 1980. Final rule scheduled June 1981. Chihuahua chub. Proposed rule published December 15, 1980. Final rule scheduled June 1981. Maryland darter. (Critical Habitat). Proposed rule published August 28, 1980. Final rule scheduled June 1981. Unarmored threespine stickleback (Critical Habitat). Proposed rule published November 17, 1980. Final rule scheduled June 1981. El Segundo blue butterfly (Critical Habitat). Proposed rule scheduled May 1981. Uncompahgre fritillary butterfly. Proposed rule scheduled May 1981. Jaguar (U.S. population). Proposed rule published July 25, 1980. Final rule scheduled May 1981. Margay (U.S. population). Proposed rule published July 25, 1980. Final rule scheduled May 1981. Ocelot (U.S. population). Proposed rule published July 25, 1980. Final rule scheduled May 1981. Key Largo woodrat and Key Largo cotton mouse. Proposed rule scheduled May 1981. *Agave arizonica.* Proposed rule scheduled June 1981. *Cereus eriophorus fragrans.* Proposed rule scheduled June 1981. *Cereus robinii* var. *robinii.* Proposed rule scheduled June 1981. *Jatropha costaricensis.* Proposed rule scheduled June 1981. Blue Ridge goldenrod. Proposed rule scheduled June 1981. 'Ewa Plains' Akoko. Proposed rule published September 12, 1980. Final rule scheduled May 1981. Dodder. Proposed rule scheduled June 1981. Ashy dogweed. Proposed rule scheduled June 1981. Johnston frankenia Proposed rule scheduled June 1981. Florida gooseberry. Proposed rule scheduled June 1981. Navasota ladies'-tresses. Proposed rule published June 18, 1980. Final rule scheduled August 1981. Heliotrope milk-vetch. Proposed rule published January 13, 1981. Final rule scheduled August 1981. Osgood Mountains milk-vetch.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
			Proposed rule scheduled April 1981.
			Blue Mountain onion.
			Proposed rule scheduled April 1981.
			McKittrick pennyroyal.
			Proposed rule published August 15, 1980.
			Final rule scheduled May 1981.
			Phacelia formosula.
			Proposed rule published September 2, 1980.
			Final rule scheduled May 1981.
			Aboriginal prickly-apple.
			Proposed rule scheduled June 1981.
			Malheur wire-lettuce.
			Proposed rule published October 31, 1980.
			Final rule scheduled May 1981.
			American alligator (In Louisiana).
			Proposed rule scheduled June 1981.
			Monito gecko.
			Proposed rule published October 22, 1980.
			Final rule scheduled May 1981.
			18 foreign reptiles.
			Proposed rule scheduled June 1981.
			Hawksbill sea turtle (Critical Habitat).
			Proposed rule published October 22, 1980.
			Final rule scheduled May 1981.
			Two California snails.
			Proposed rule scheduled June 1981.
			California freshwater shrimp.
			Proposed rule scheduled June 1981.
			Madison Cave isopod.
			Proposed rule published October 6, 1980.
			Final rule scheduled June 1981.
			Hay's spring amphipod.
			Proposed rule published July 25, 1980.
			Final rule scheduled June 1981.
			Utah prairie dog downlisting.
			Proposed rule scheduled May 1981.
			Puerto Rican parrot (Critical Habitat).
			Proposed rule scheduled May 1981.
			Florida torreya.
			Proposed rule scheduled June 1981.
			Florida yew.
			Proposed rule scheduled June 1981.
			Higgin's eye pearly mussel (Critical Habitat).
			Proposed rule scheduled May 1981.
			Five pearly mussels.
			Proposed rule scheduled May 1981.
			San Benito evening-primrose.
			Proposed rule scheduled April 1981.
			Kauai hau kuahiwi.
			Proposed rule scheduled April 1981.
			Eight foreign mammals.
			Proposed rule scheduled April 1981.
			Leopard downlisting to Threatened.
			Proposed rule published June 16, 1980.
			Final rule scheduled May 1981.
			Kangaroo import ban lifting.
			Proposed rule published June 16, 1980.
			Final rule scheduled May 1981.
			12 Pacific islands birds and mammals.
			Proposed rule scheduled May 1981.
			Least Bell's vireo.
			Proposed rule scheduled June 1981.
			Green sea turtle Critical Habitat.
			Proposed rule scheduled August 1981.
			Kuscha's fleabane and Blumer's dock.
			Proposed rule scheduled September 1981.
			Small whorled pogonia.
			Proposed rule published September 11, 1980.
			Final rule scheduled June 1981.
			Silverling.
			Proposed rule published October 27, 1980.
			Final rule scheduled June 1981.
			Rigid white-topped aster.
			Proposed rule scheduled April 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
			Sneadshaw's lomatium. Proposed rule scheduled April 1981. Pumice grape fern. Proposed rule scheduled April 1981. Amargosa vole. Proposed rule scheduled June 1981. Maguire fleabane. Proposed rule scheduled August 1981. Sonoran pronghorn (critical habitat). Proposed rule scheduled June 1981.
50 CFR Part 20—Migratory Bird Hunting, Subpart M—Wildlife Development Areas.	Procedures found at 50 CFR 20.141–143 for the establishment of wildlife development areas on lands outside the National Wildlife Refuge System would be deleted. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 703–712. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Clark R. Bavin, (202) 343-8242	Proposed rule, July 11, 1979. Final rule, September 1981.
50 CFR Part 20, Subpart N—Special Procedures.	This rule will establish special procedures for issuance of annual migratory bird hunting regulations. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 703 *et seq.* *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	John P. Rogers, (202) 254-3207.	Proposed rule published December 17, 1980. Final rule scheduled for publication April 1981.
50 CFR Part 21—Migratory Bird Permits, Subpart B—General Requirements and Exceptions.	Under 50 CFR 21.12 certain hybrid "barnyard" waterfowl and certain breeds of domesticated mallards would be excepted from the general permit requirements. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 703–712. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Clark R. Bavin, (202) 343-8242	Proposed rule, November 12, 1976. Final rule, September 1981.
50 CFR Part 22—Eagle Permits, Subpart C—Eagle Permits.	Potential conflicts between the prohibitions of the Eagle Protection Act, 16 U.S.C. 668–668d, and resource development and recovery operations throughout the country, particularly future coal mining activities in the Western States, resulted in Congress amending the Eagle Protection Act to allow the Secretary of the Interior to promulgate regulations which permit the taking of golden eagle nests which interfere with resource development or recovery operations. To implement the amendment, the Service would amend Subpart C of 50 CFR Part 22 to allow and regulate the otherwise prohibited destruction or removal of golden eagle nests which interfere with resource development or recovery operations, if the nests are not under construction or occupied and the taking is compatible with the preservation of the golden eagle. *Originally Scheduled:* May 1978. *Authority:* 16 U.S.C. 668a. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Clark R. Bavin, (202) 343-8242	Proposed rule, January 3, 1980. Final rule, June 1981.
50 CFR Part 29—Land Use Management, Subpart C—Mineral Operations.	Regulations will be proposed to develop new rules to govern mining on areas within the National Wildlife Refuge System. *Originally Scheduled:* January 1981. *Authority:* 43 U.S.C. 460k; 16 U.S.C. 668dd *et. seq.* *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Ronald L. Fowler, (202) 343-4305.	Proposed rule published December 31, 1980. Final rule scheduled mid-1981.
50 CFR Part 32—Hunting, Subpart B—Migratory Bird Hunting; Subpart C—Resident Game Hunting.	Regulations will be proposed which would add Rachel Carson National Wildlife Refuge (Maine) to the list of areas open for migratory bird and big game hunting, and would add Holla Bend National Wildlife Refuge (Arkansas) to the list of areas open for upland game hunting. *Originally Scheduled:* January 1981. *Authority:* 43 U.S.C. 460k; 16 U.S.C. 668dd *et. seq.* *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Ronald L. Fowler, (202) 343-4305.	Proposed rule published December 9, 1980. Final rule scheduled for publication in mid-1981.
50 CFR Part 36—Alaska National Wildlife Refuge.	Regulations will be proposed which would implement the Alaska National Interest Lands Act. These regulations would relieve certain restrictions imposed by the National Wildlife Refuge System regulations which are inappropriate in Alaska, such as restrictions on carrying firearms. These regulations would also clarify and implement on an interim basis certain provisions of the Act of immediate importance to Alaskans, such as those relating to subsistence and cabins. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 3101; 16 U.S.C. 742(a); 16 U.S.C. 460k *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	William C. Reffalt, (202) 343-4305.	Proposed rule published December 19, 1981. Further action on this rule will occur in the context of the review of rules identified in Part II of this Agenda.
50 CFR Part 80—Restoration of Game Birds, Fish and Mammal.	Will revise current rules applicable to State fish and wildlife agencies for participation in these grants-in-aid programs. The revised rules are intended to simplify language and to make certain technical changes. No new requirements are imposed. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 669 *et. seq.* and 16 U.S.C. 777 *et. seq.*	Charles K. Phenicle, (703) 235-1526.	Proposal published August 28, 1980. Further action on this rule will occur in the context of the review of rules identified in Part II of this Agenda.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
	Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.		
50 CFR Part 410—Fish and Wildlife Coordination Act.	Rules will be promulgated which will establish uniform procedures for Federal agency compliance with the Fish and Wildlife Coordination Act (FWCA). The President's Water Policy Message of June 6, 1978, and the President's Water Policy Memorandum dated July 12, 1978, directed the publication of these rules. These rules would standardize agency procedures and interagency relationships in the analysis of the impacts of Federal, or federally-approved, water-related projects upon wildlife resources. They related closely to the procedures established for compliance with the National Environmental Policy Act (NEPA). *Originally Scheduled:* January 1979. *Authority:* 16 U.S.C. 661 *et. seq.*; 42 U.S.C. 4332(2)(A) and (B); President's Memorandum on Environmental Quality and Water Resources Managment, July 12, 1978. (See also, Weekly Comp. of Pres. Doc. 105, June 6, 1978). *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Richard K. Robinson, (202) 343-5197. Thomas J. Bond, (202) 343-7292.	Notice of intent to propose rules was published September 28, 1979 Proposed rule and availability of a draft EIS published December 12, 1980. A Notice re-opening the comment period to March 25, 1981, was published on March 4, 1981. Further action on this rule will occur in the context of the review of rules identified in Part II of this Agenda.
50 CFR Part 33—Sport Fishing...	Regulations will be proposed which would add the following National Wildlife Refuges to the list of refuges open for sport fishing: Bogue Chitto NWR, LA Upper Ouachita NWR, LA Mathews Brake NWR, MS Morgan Brake NWR, MS Panther Swamp NWR, MS Lower Hatchie NWR, TN Tennessee NWR, TN Seedskadee NWR, WY *Originally Scheduled:* April 1981 *Authority:* 16 U.S.C. 460d; 16 U.S.C. 668dd *Determination of Effects:* The determinations as to whether this documents is a major rule under E.O. 12291 have not been made at this time.	Ronald L. Fowler, (202) 343-4305.	
50 CFR Parts 96–109—Alaska National Wildlife Monuments.	These rules, which would have provided the general land management regulations for Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn. *Originally Scheduled:* July 1979. *Authority:* 16 U.S.C. 432; 16 U.S.C. 742(f); 16 U.S.C. 460k–3; Presidential Proclamations of December 1, 1978 (43 FR 57009); 16 U.S.C. 3101 superceded the withdrawal proclamation. *Determination of Effects:* The Department of the Interior previously determined that these regulations were not significant under the provisions of E.O. 12044. They will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rules that were published on June 28, 1979.	William C. Reffalt, (202) 343-4791.	Notice of Intent published on February 28, 1979. Proposed rules published on June 28, 1979. Proposed rules will be withdrawn in mid-1981.
50 CFR Part 107—Alaska National Wildlife Monuments, Minerals Management.	This rule, which would have governed mining in Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 432; 16 U.S.C. 742(f); 30 U.S.C. 21 et seq.; Presidential Proclamations of December 1, 1978 (43 FR 57019, 57119); 30 U.S.C. 612; 16 U.S.C. 3101 superceded the withdrawal proclamation. *Determination of Effects:* The Department of the Interior previously determined that this rule was not significant under the provisions of E.O. 12044. It will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rule that was published on January 11, 1980.	William C. Reffalt, (202) 343-4791.	Notice of Intent published February 28, 1979. Proposed rule published January 11, 1980. Proposed rule will be withdrawn in mid-1981.
50 CFR Part 10—General Provisions, Subpart B—Definitions.	The list of migratory birds found at 50 CFR 10.13 would be amended by adding formerly unprotected species which are covered by the convention with the Union of Soviet Socialist Republics for conservation of migratory birds and their environment concluded November 10, 1976. Also, the laughing gull, which was inadvertently omitted when the list was last revised, would be restored. Several species of birds belonging to groups protected under conventions concluded with Canada and Mexico have recently been found in the United States and would also be added to the list. The Mexican duck, which is no longer found in the United States, would be deleted from the list; Mexican-like ducks which are found in the Southwestern United States would continue to be protected as hybrids of the mallard, a migratory bird. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 704, 712. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Clark R. Bavin, (202) 343-8242	
50 CFR Part 12—Seizure and Forfeiture Procedures, Subpart D—Disposal of Forfeited or Transferred Property.	Property (including wildlife, equipment, cargo, vessels, or aircraft) forfeited or transferred to the United States under the provisions of 50 CFR Part 12 would be subject to disposal at the discretion of the Director by any of the following means: (1) utilization by the Service for official purposes; (2) transfer to another government agency for official use; (3) conditional loan; (4) sale (except wildlife listed as "endangered" in 50 CFR 17.11, listed as "Appendix I" in 50 CFR 23.23, protected under the Migratory Bird Treaty Act, or protected under the Eagle Protection Act); (5) destruction; (6) return to the wild in the case of live wildlife. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 7421. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Clark R. Bavin, (202) 343-8242.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
50 CFR Part 16—Injurious Wildlife.	The Fish and Wildlife Service will issue a final rulemaking which restructures regulations governing importation and shipment of wildlife prescribed by the Secretary as injurious. This action is taken to clarify and simplify the injurious wildlife regulations, to outline an amendment procedure and to structure the regulations to conform with other regulations administered by the Service. On the basis of current biological data available to the Service and evidence submitted by government agencies and private interests during the comment period, the previously proposed additions to the list of species prescribed as injurious are scientifically unsupportable at this time. The Service will defer further consideration of the proposed rules until after the sunset review. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 42. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	John L. Spinks, Jr., (703) 235-2771.	Proposed rulemaking published March 7, 1977.
50 CFR Part 17—Endangered and Threatened Wildlife and Plants.	Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 1531–43. *Determination of Effects:* The determinations as to whether these documents are major rules under E.O. 12291 have not been made at this time.		*Sidalcea cursata.* Proposed rule scheduled May 1981. *Schiedea adamantis.* Proposed rule scheduled May 1981. Large-flowered fiddleneck. Proposed rule scheduled May 1981. Columbia tiger beetle. Proposed rule scheduled April 1981. Bay checkerspot butterfly. Proposed rule scheduled April 1981. Bengal cat. Proposed rule scheduled April 1981. Eight foreign birds. Proposed rule scheduled May 1981. 17 foreign birds to be reclassified. Proposed rule scheduled May 1981. Monte Nava Indian paintbrush. Proposed rule scheduled September 1981. Spreading globeflower. Proposed rule scheduled July 1981. Columbia River milk-vetch. Proposed rule scheduled July 1981. Presno kangaroo rat. Proposed rule scheduled May 1981. American Alligator delisting (in Texas). Proposed rule scheduled September 1981. Lahaie's mint. Proposed rule scheduled July 1981. *Styrax texana.* Proposed rule scheduled September 1981. *Clematis subintegra.* Proposed rule scheduled September 1981. *Hedioma diffusum.* Proposed rule scheduled June 1981. *Senecio franciscanus.* Proposed rule scheduled September 1981. *Phlox nivalis texana.* Proposed rule scheduled September 1981. Little Colorado River Spinedace. Proposed rule scheduled August 1981. Warner sucker. Proposed rule scheduled July 1981. Hutton Spring tui chub. Proposed rule scheduled August 1981. Foskett Springs speckled dace. Proposed rule scheduled August 1981. Desert pupfish. Proposed rule scheduled August 1981. Desert dace. Proposed rule scheduled September 1981. Amargosa speckled dace. Proposed rule scheduled September 1981. Maui remya. Proposed rule scheduled September 1981. Inyo brown towhee. Proposed rule scheduled September 1981. Jones' cycladenia. Proposed rule scheduled September 1981. Sodaville milk-vetch. Proposed rule scheduled August 1981. Laramie false sagebrush. Proposed rule scheduled September 1981. Wyoming toad. Proposed rule scheduled September 1981. Bonneville cutthroat. Proposed rule scheduled September 1981. Greenman's lomatium. Proposed rule scheduled July 1981. Dakota skipper butterfly. Proposed rule scheduled July 1981. Ruth's telegraph plant. Proposed rule scheduled August 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
			Tecopa pupfish to be reclassified. Proposed rule scheduled July 1981.
			12 U.S. birds to be reclassified. Proposed rule scheduled July 1981.
50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart A—Introduction and General Provisions.	The Service would amend 50 CFR 17.4 to give pre-Act exempt status to wildlife which otherwise qualifies only if it was not held in the course of a commercial activity on or after December 28, 1973. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 1531-1543. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Clark R. Bavin, (202) 343-9242.	
50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart A—Introduction and General Provisions.	This rule will revise the definition of pre-Act wildlife. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 1531-43. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Richard M. Parsons, (703) 235-1937.	
50 CFR Part 17—Endangered and Threatened Wildlife and Plants, Subpart C—Endangered Wildlife and Subpart D—Threatened Wildlife.	Self-defense rules found at 50 CFR 17.21 and 17.31 for endangered and threatened wildlife respectively would be revised to conform to the Endangered Species Act Amendments of 1978. Under the revision, the taking of endangered or threatened wildlife in good faith for the protection of oneself or others from bodily harm would be a defense to a civil penalty assessment or a criminal prosecution. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 1540 (a), (b). *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Clark R. Bavin, (202) 343-9242.	
50 CFR Part 18—Marine Mammals.	The Fish and Wildlife Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain lawfully taken marine mammals, including those taken by Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. Except for scientific research purposes, the rules would also prohibit exportation of raw parts of these marine mammals from Alaska and the sale of such parts, other than those that are edible, to persons other than resident Alaska Natives. These rules are necessary for management purposes. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 1382(a). *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jim F. Gillett, (202) 632-7463.	
50 CFR Part 20—Migratory Bird Hunting, Subpart C—Taking.	The Service would amend the hunting methods for taking migratory game birds to permit the use of crossbows. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 703-712. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Clark R. Bavin, (202) 343-9242.	
50 CFR Part 20—Subpart K—Annual Seasons, Limits and Shooting Hours Schedules.	This rule will describe the areas where steel shot will be required. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 703-711. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert I. Smith, 202-254-3207.	
50 CFR Part 23—Endangered Species Convention.	Revision of the regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora to clarify them and to incorporate certain recommendations of the Parties. *Originally Scheduled:* January 1980. *Authority:* Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249; 16 U.S.C. 1531-43. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Richard M. Parsons, (703) 235-1937.	
50 CFR 23, Subpart E—Scientific Authority procedures.	This subpart is intended to include policies on findings of nondetriment for trade in protected species, and guidelines for other Scientific Authority decisions. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 1531-43; Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Richard L. Jachowski, (202) 653-5948.	Notice of potential rulemaking published July 10, 1980. Proposed publication scheduled for early 1981.
50 CFR Part 23—Subpart C—Appendices.	This rule would amend the list of species contained in 50 CFR 23 to bring it into conformity with the Appendices of the Endangered Species Convention (CITES), as amended by party nations in 1981. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 1531-43; TIAS 8249. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Richard L. Jachowski, (202) 653-5948.	
50 CFR 23, Subpart F—Export of certain species.	This subpart lists States from which certain species listed in Appendix II of the Endangered Species Convention (CITES) may be exported. It is amended yearly. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 1531-43; Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Richard L. Jachowski, (202) 653-5948.	Proposed findings for the 1981-82 harvest season will be published in June 1981.
50 CFR Part 24—Importation, Exportation, and Transportation of Plants (New Part).	The Service would establish designated ports for the importation, exportation, and reexportation of plants. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 1531-1543. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Clark R. Bavin (202) 343-9242.	
50 CFR Subchapter C—The National Wildlife Refuge System.	Administrative correction and changes are necessary to reflect actions which have resulted from previously issued Executive Orders, public land orders and other administrative documents. No substantive changes are contemplated.	Ronald L. Fowler (202) 343-4305.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
	Originally Scheduled: April 1981. *Authority:* 16 U.S.C. 668dd. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		
50 CFR Parts 26, 32, and 33—Public Entry and Use, Hunting, and Fishing.	Regulations will be proposed which will codify and/or consolidate special regulations relating to public access and use, hunting and fishing on units of the National Wildlife Refuge System. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 460k; 16 U.S.C. 668dd. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		
50 CFR Part 26 Subpart C—National Wildlife Refuges.	Rescinds the emergency management rules for the twelve areas in Alaska which were withdrawn and reserved as National Wildlife Refuges. *Originally Scheduled:* July 1980. *Authority:* 16 U.S.C. 668dd *et seq.*; Section 204(c) Withdrawal Proclamation of February 11, 1980, 45 FR 8682. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	William C. Reffalt (202) 343-4791..	Emergency rule published March 4, 1980. Rule to be rescinded mid-1981.
50 CFR Part 27—Prohibited Acts.	Regulations will be proposed to prohibit the possession of any animal or plant on a National Wildlife Refuge except as authorized by 50 CFR subchapter C. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 460k; 16 U.S.C. 668dd. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ronald L. Fowler (202) 343-4305.	
50 CFR Part 29—Land Use Management, Subpart A—General Rules.	Regulations will be proposed to develop new rules that govern non-Federal activities affecting waterfowl production area easements. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 460k; 16 U.S.C. 668dd *et seq.* *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ronald L. Fowler (202) 343-4305.	
50 CFR Part 32—Hunting Subpart A—General Provisions.	Regulations will be proposed which would rescind a closure of Malheur National Wildlife Refuge (Oregon), previously closed to migratory bird hunting. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 460k; 16 U.S.C. 668dd *et seq.* *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ronald L. Fowler (202) 343-4305.	
50 CFR Part 32—Hunting, Subpart B—Migratory Game Bird Hunting, Subpart C—Resident Game Hunting.	Regulations will be proposed which would add the following National Wildlife Refuges to the list of open areas (migratory game birds): Overlow Creek NWR, AR, Bogue Chitto NWR, LA, Mathews Brake NWR, MS, Lamesteer NWR, MT, Cedar Island NWR, NC, Lower Hatchie NWR, TN, Trempealeau NWR, WI. Proposed additions to the list of open areas (upland game) are as follows: Overflow Creek NWR, AR, Lower Suwannee NWR, FL, Bogue Chitto NWR, LA, Mathews Brake NWR, MS, Lamesteer NWR, MT, Lower Hatchie NWR, TN, Trempealeau NWR, WI. Proposed additions to the list of open areas (big game) are as follows: Overflow Creek NWR, AR, Lower Suwannee NWR, FL, Bogue Chitto NWR, FL, Mathews Brake NWR, MS, Lamesteer NWR, MT, Mackay Island NEW, NC, Lake Zahl NWR, ND, Lower Hatchie NWR, TN, Trempealeau NWR, WI. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 460d; 16 U.S.C. 668dd. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ronald L. Fowler (202) 343-4305.	
50 CFR Part 33—Sport Fishing....	Regulations will be proposed which would add McFaddin National Wildlife Refuge (Texas) to the list of refuges open for sport fishing. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 460d; 16 U.S.C. 668dd. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Ronald L. Fowler (202) 343-4305.	
50 CFR 83—Fish and Wildlife Conservation Act of 1980.	New rules are to be published for the Fish and Wildlife Conservation Act of 1980 which was enacted September 29, 1980, to be implemented October 1, 1981. This rule delineates requirements for participation in the Act by the 50 States, 6 territories, and the District of Columbia. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 2901. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Charles K. Pheniale (703) 235-1529.	
50 CFR 92—Exotic Organisms.....	The Fish and Wildlife Service will propose rules that would implement Executive Order 11987 dealing with exotic organisms. It would implement the Order by clarifying certain of its terms and by establishing procedures for findings of no adverse effect called for by Section 2(d) of the Order. Section 3 of the order directs the Secretary of the Interior to issue implementing regulations in consultation with the Secretary of Agriculture and other appropriate agencies. *Originally Scheduled:* July 1980. *Authority:* Executive Order 11987, Exotic Organisms. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jon F. Gillett (202) 632-7463.	
50 CFR Part 402—Endangered Species—Interagency Cooperation.	The Endangered Species Act Amendments of 1978 and 1979 made some changes in the consultation requirements of Section 7. These proposed rules would amend existing rules governing Section 7 consultation by implementing changes required by the Amendments and incorporating other procedural changes designed to improve interagency cooperation. *Originally Scheduled:* July 1979. *Authority:* 16 U.S.C. 1531-43. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	John L. Spinks, Jr. (703) 235-2771.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

U.S. Fish and Wildlife Service

Subject	Summary	Contact	Action
50 CFR Part 26—Public Entry and Use, Subpart C—Public Use and Recreation.	Temporary and special regulations will be issued governing public access for use and recreation on certain individual national wildlife refuges. These regulations are published periodically in the FEDERAL REGISTER. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 460k; 16 U.S.C. 668dd. *Determination of Effects:* The Service issues these regulations on an as-needed basis, therefore it is not possible to determine the effects of each regulation in advance of that need. Each regulation will, however, be considered under the provisions of E.O. 12291 prior to publication in the FEDERAL REGISTER.		To determine whether special regulations have been issued, consult the CFR List of Sections Affected; see 50 CFR 26.24 in the L.S.A. For reference to specific refuges consult the FEDERAL REGISTER Index under Fish and Wildlife Service.
50 CFR Part 32—Hunting on National Wildlife Refuges.	Temporary and special regulations will be issued governing hunting of migratory birds, upland game, and big game on certain individual national wildlife refuges previously listed as open to such hunting. See 50 CFR 32.11, 32.21, and 32.31 for lists of refuges open to hunting of migratory birds, upland game, and big game, respectively, and which may be subjects of special regulations. These regulations are published periodically in the FEDERAL REGISTER. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 460k; 16 U.S.C. 668dd. *Determination of Effects:* The Service issues these regulations on an as-needed basis, therefore it is not possible to determine the effects of each regulation in advance of that need. Each regulation will, however, be considered under the provisions of E.O. 12291 prior to publication in the FEDERAL REGISTER.	William C. Reffalt (202) 343-4305.	To determine whether special regulations have been issued, consult the CFR List of Sections Affected; see 50 CFR 32.12 (migratory birds), 32.22 (upland game), and 32.32 (big game) in the L.S.A. For reference to specific refuges, consult the FEDERAL REGISTER Index under Fish and Wildlife Service.
50 CFR Part 33—Sport Fishing on National Wildlife Refuges.	Temporary and special regulations will be issued governing sport fishing on certain individual national wildlife refuges previously listed as open to such sport fishing. See 50 CFR 33.4 for the list of refuges open to sport fishing, and which may be subjects of special regulations. These regulations are published periodically in the FEDERAL REGISTER. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 460k; 16 U.S.C. 668dd. *Determination of Effects:* The Service issues these regulations on an as-needed basis, therefore it is not possible to determine the effects of each regulation in advance of that need. Each regulation will, however, be considered under the provisions of E.O. 12291 prior to publication in the FEDERAL REGISTER.	William C. Reffalt (202) 343-4305.	To determine whether special regulations have been issued, consult the CFR List of Sections Affected; see 50 CFR 33.5. For reference to specific refuges, consult the FEDERAL REGISTER Index under Fish and Wildlife Service.
50 CFR Part 1—Definitions, 50 CFR Part 2—Field Organization.	These parts, which are scheduled for sunset review, provide general definitions and locations of regional and area offices. *Originally Scheduled:* January 1981. *Authority:* 5 U.S.C. 301.	Arthur J. Ferguson (202) 343-8914.	
50 CFR Part 3—Nondiscrimination—Contracts, Permits and Facilities.	This part, which is scheduled for sunset review, prohibits discrimination in contracts, permits, and use of facilities of the Service. *Originally Scheduled:* January 1981. *Authority:* 5 U.S.C. 301, 42 U.S.C. 2000d-1, E.O. 10925, E.O. 11114.	Samaul Lyons (202) 343-5486.	
50 CFR Part 10—General Provisions.	This part, which is scheduled for sunset review, provides further definitions, the list of migratory birds, and law enforcement district locations and jurisdictions. *Originally Scheduled:* January 1981. *Authority:* 16 U.S.C. 703–711; 16 U.S.C. 742a–1; 16 U.S.C. 1531–43; 16 U.S.C. 43–44.	Clark R. Bavin (202) 343-8242.	
50 CFR Part 16—Injurious Wildlife.	This part, which is scheduled for sunset review, implements that portion of the Lacey Act which relates to injurious wildlife. *Originally Scheduled:* January 1981. *Authority:* 18 U.S.C. 42.	Jim F. Gillett (202) 633-7403.	

Semiannual Agenda of Rules Scheduled for Review or Development

Water and Power Resources Service

Subject	Summary	Contact	Action
43 CFR Part 428—Sale of Replacement Farms.	This rule will provide for the sale of economic farm units to qualifying farmers whose land is economically infeasible to reclaim from damage resulting from the Teton flood and restore the economic and agricultural base of the flood damaged region. *Originally Scheduled:* January 1980. *Authority:* 42 U.S.C. 2011; Pub. L. 96–238, Section 210. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Terry G. Cooper, 202-343-5204..	Proposed rule published March 18, 1980. Final rule published December 18, 1980.
43 CFR Part 426—Acreage Limitation Rules and Regulations.	This rule will establish policies and procedures to meet the Secretary's responsibilities in administering the acreage limitation and other provisions of Reclamation law. The rule will be issued in compliance with a U.S. District Court order to promulgate rules and regulations dealing with acreage limitations, with specific reference to procedures to be used to approve sales of excess land. *Originally Scheduled:* July 1980. *Authority:* The Reclamation Act of 1902, as amended and supplemented; 43 U.S.C. 371, et. seq. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Vernon S. Cooper, 202-343-2148.	Proposed rule published August 25, 1977. A second proposed rule and Notice of Availability of the Draft EIS were published January 14, 1981. On February 19, 1981, notices were published, which suspended the comment periods on the proposed rule and the draft EIS for an indefinite period of time. Further action on this document will occur in the context of the review of rules which are identified in Part II of this Agenda.
43 CFR Part 429—Recovery of Costs and Procedures for Issuing Rights-of-Way Across Lands of the Water and Power Resources Service.	This rule will prescribe what costs for issuing a right-of-way (ROW) are to be collected from the entity receiving the ROW. It will also prescribe certain clauses which are to be included in all Service ROW documents. *Originally Scheduled:* January 1980. *Authority:* 43 U.S.C. 387; 64 Stat. 463; 43 U.S.C. 399; Assistant Attorney Opinion 34 L.D. 480 (1906); 346 DM 1. *Determination of Effects:* The effect of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Terry G. Cooper, 202-343-5204..	Proposed rule was published September 10, 1979. A second proposed rule should be published in May 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Water and Power Resources Service

Subject	Summary	Contact	Action
43 CFR Part 427—Public Use of Project Lands Administered for Outdoor Recreation.	This rule will identify circumstances under which the use of recreation areas may be restricted in order to protect public safety and health, public property, and natural resources. *Originally Scheduled:* January 1981. *Authority:* Section 10 of the Reclamation Act of 1902; 32 Stat. 390; 43 U.S.C. 373. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Kathy Brocato, 202/343-5204.	
43 CFR Part 21—Cabin Sites	This rule will establish standards for the use of conservation and recreation areas under private cabin permits. *Originally Scheduled:* January 1979. *Authority:* 32 Stat. 390; 43 U.S.C. 373; 92 Stat. 909, as amended, 43 U.S.C. 692; 43 U.S.C. 1201; 44 Stat. 471, as amended, 43 U.S.C. 869; 76 Stat. 653, 16 U.S.C. 460; 48 Stat. 402, as amended, 16 U.S.C. 690; 43 Stat. 661, 16 U.S.C. 725; 49 Stat. 1270, 43 U.S.C. 315; 39 Stat. 535, 16 U.S.C. 9. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	L. David Williamson, 202-343-5208.	
43 CFR Part 421—Rules of Conduct at Hoover Dam.	This rule, which is scheduled for sunset review, relates to the conduct of visitors at Hoover Dam. The rule pertains to: the preservation of property; conformity with signs and emergency directions; disturbances; vehicular and pedestrian traffic; gambling; alcoholic beverages and narcotics; soliciting, vending, and advertising, and distribution of handbills; photography and motion pictures, weapons and explosives; audio devices; abandoned and unattended property; closing of areas; and, nondiscrimination. *Originally Scheduled:* January 1981. *Authority:* 62 Stat. 281, as amended; 40 U.S.C. 318.	Tom Kane, 202-343-8143.	
43 CFR Part 420—Off-Road Vehicle Use.	This rule, which is scheduled for sunset review, provides the regulations for off-road vehicle use on lands of the Water and Power Resources Service. The rule: protects the land resources; promotes the safety of all users; minimizes conflicts among the various; and, ensures that any permitted use will not result in significant adverse environmental impact or cause irreversible damage to existing ecological balances. *Originally Scheduled:* April 1981. *Authority:* 32 Stat. 388; 43 U.S.C. 391 et seq.	Terry G. Cooper, 202-343-5504.	

Semiannual Agenda of Rules Scheduled for Review or Development

Bureau of Land Management

Subject	Summary	Contact	Action
43 CFR Subpart 1881—Payments in lieu of Taxes.	Amend existing payment in lieu of taxes regulations to incorporate changes made by legislative amendments, plus other procedural changes. *Originally Scheduled:* July 1979. *Authority:* 31 U.S.C. 1601–1607. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Edward P. Greenberg, (202) 343-3607. George Hollis, (202) 343-8735.	Final Rulemaking published July 15, 1980, effective August 14, 1980.
43 CFR Part 2650—Alaska Native Selections.	Amend the Alaska Native Selections regulations to include procedure for the determination of a "Federal Installation." *Originally Scheduled:* July 1979. *Authority:* 43 U.S.C. 1601 et seq. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Sue Wolf, (202) 343-8511. Robert C. Bruce, (202) 343-8735.	Final Rulemaking published October 22, 1980, effective November 21, 1980.
43 CFR Part 2800—Rights-of-Way; Principles and Procedures.	Provide the procedure under which applications for rights-of-way, other than oil and gas, across, under or through the public lands are filed and processed. *Originally Scheduled:* January 1979. *Authority:* 43 U.S.C. 1761–1771. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Robert Mollohan, (202) 343-5337. Robert C. Bruce, (202) 343-8735.	Final Rulemaking published July 1, 1980, effective July 31, 1980.
43 CFR Subpart 3809—Surface Management.	Provide the rules and procedures for preventing undue or unnecessary degradation of the surface resources of the public lands from operation authorized by the United States Mining Laws. *Originally Scheduled:* January 1979. *Authority:* 30 U.S.C. 22 et seq.; 43 U.S.C. 1701 et seq. *Statement of Significance:* The changes made in the second proposed rulemaking made it a major Federal action significantly affecting the quality of the human environment and an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) was prepared. This and other facts led to the decision to prepare a regulatory impact analysis as required by Executive Order 12044 and 43 CFR Part 14. A copy of the analysis is available from the Bureau.	Robert Anderson, (202) 343-9537. Robert C. Bruce, (202) 343-8735.	Proposed rule published February 28, 1979. A second proposed rule was published March 3, 1980. Final rule published November 6 November 26, 1980, effective January 1, 1981.
43 CFR Part 4100—Grazing Administration and Trespass.	Amendments to the grazing administration regulations that update the policy for making grazing use adjustments. *Originally Scheduled:* January 1981. *Authority:* 43 U.S.C. 315, 315a-315r. *Statement of Significance:* The Department of the Interior has determined that his document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	David Little, (202) 343-8678. Cecil Feeney, (202) 343-8735.	Proposed Rulemaking published October 15, 1980, comment period ended January 9, 1981. Final Rulemaking published January 19, 1981, effective January 19, 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Land Management

Subject	Summary	Contact	Action
43 CFR Part 8340—Off-Road Vehicles.	Amendment to the off-road vehicle regulations to clarify question of authority to require licensing of drivers of off-road vehicles. *Originally Scheduled:* January 1980. *Authority:* 43 U.S.C. 1701 et seq.; 315a; 16 U.S.C. 1281c et al. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Larry Young, (202) 343-8363 Cecil Feeney, (202) 343-8735	Final Rulemaking published July 17, 1980, effective August 16, 1980.
43 CFR Part 8350—Management Areas.	Provide procedures for the enforcement of Management decisions in Wild and Scenic Rivers areas under the jurisdiction of the Bureau of Land Management. *Originally Scheduled:* January 1980. *Authority:* 16 U.S.C. 1281 et seq. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Larry Young, (202) 343-8363 Cecil Feeney, (202) 343-8735	Final Rulemaking published August 4, 1980, effective September 3, 1980.
43 CFR Part 2200—Exchanges—General Procedures.	Provide procedure under which exchanges of public lands will be processed. *Originally Scheduled:* January 1979. *Authority:* 43 U.S.C. 1716. *Determination of Effects:* The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	David Hamstreet, (202) 343-8731. Robert C. Bruce, (202) 33-8735.	Final rule was published on December 8, 1980. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 30, 1981 which further extended the effective date of this rule to April 15, 1981.
43 CFR Part 2300—Land Withdrawals.	Provide the procedure for the filing and processing of applications for withdrawal of the public lands from the effects of the public land laws. *Originally Scheduled:* January 1979. *Authority:* 43 U.S.C. 1714. *Determination of Effects:* The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Keith Corrigall, (202) 343-8731 Robert C. Bruce, (202) 343-8735.	Final rule was published on January 19, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 30, 1981 which further extended the effective date of this rule to April 15, 1981
43 CFR Group 2800—Use, Leases and Permits.	Provide the procedure under which non-Federal uses of the public lands will be permitted. *Originally Scheduled:* May 1979. *Authority:* 43 U.S.C. 1732. *Determination of Effects:* The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Ralph Conrad, (202) 343-8731 Robert C. Bruce, (202) 343-8735.	Final rule was published on January 19, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 30, 1981 which further extended the effective date of this rule to April 15, 1981.
43 CFR Subpart 1601—Planning.	Make minor amendments to the existing planning regulations. *Originally Scheduled:* January 1981. *Authority:* 43 U.S.C. 1712. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Robert Jones, (202) 343-8892 Robert C. Bruce, (202) 343-8735.	Proposed Rulemaking published December 16, 1980, comment period closed February 17, 1981.
43 CFR Subpart 2561—Native Allotments.	Amend the existing regulations on Native Allotments to carry out a commitment made by the Secretary to change the regulations. *Originally Scheduled:* January 1981. *Authority:* 43 U.S.C. 1201, 711-713. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Beaumont McClure, (202) 343-6511. Robert C. Bruce, (202) 343-8735.	Proposed Rulemaking published August 6, 1980, comment period closed October 6, 1980.
43 CFR Part 2650—Alaska Native Selections.	Amend certain sections of the Alaska Native Selections regulations to make changes needed to clarify and speed the selection process. *Originally Scheduled:* January 1980. *Authority:* 43 U.S.C. 1601 et seq. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Sue Wolf, (202) 343-8511 Robert C. Bruce, (202) 343-8735.	Proposed Rulemaking published May 6, 1980. Comment period closed July 7, 1980.
43 CFR Subpart 3211—Bureau Motion, Land Previously Leased for Geothermal Resources.	Amend existing geothermal leasing regulations to expedite leasing of lands with geothermal potential. *Originally Scheduled:* January 1980. *Authority:* 30 U.S.C. 1001-1025. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Karl Duecher, (202) 343-7722 Cecil Feeney, (202) 343-8735	Proposed Rulemaking published November 28, 1979, comment period closed January 25, 1980.
43 CFR Part 3500—Leasing of Minerals Other than Oil and Gas, General.	Amend the existing regulations to define the term "chiefly valuable." *Originally Scheduled:* January 1980. *Authority:* 30 U.S.C. 181 et seq. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	David Carty, (202) 343-8537 George Hollis, (202) 343-8735	Proposed Rulemaking published March 3, 1980, comment period ended May 4, 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Land Management

Subject	Summary	Contact	Action
43 CFR Part 5400—Sales of Forest Products, General.	Amends existing timber sales program regulations to amend the definition of the term "unprocessed timber" and extends the export limitation provisions to affiliates of purchasers of Federal timber. *Originally Scheduled:* January 1981. *Authority:* 30 U.S.C. 2401 et seq. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	David Eskoli, (202) 343-4009 George Hollis, (202) 343-8735	Proposed Rulemaking published December 22, 1980, comment period ended February 2, 1981.
43 CFR Subpart 9212—Wildfire Protection.	Provide procedure for the prevention of fire on public lands. *Originally Scheduled:* July 1980. *Authority:* 43 U.S.C. 1701 et seq. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Fred McBride, (202) 343-7954 Cecil Feeney, (202) 343-8735	Proposed Rulemaking published July 17, 1980, comment period closed September 15, 1980.
43 CFR Subpart 9239—Kinds of Trespass.	Amend the existing regulations on mineral trespass to clarify the authority of the Secretary of the Interior in instances of mineral trespass. *Originally Scheduled:* July 1980. *Authority:* 30 U.S.C. 181 et seq. *Determination Effect:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Dave Carly (202) 343-8537 Robert C. Bruce (202) 343-8735.	Proposed Rulemaking published March 11, 1980, comment period closed May 12, 1980.
43 CFR Part 1660—Conveyancing Documents.	Provide a pocedure under which documents of disclaimer or corrections of conveyance documents can be applied for and obtained. *Originally Scheduled:* January 1981. *Authority:* 43 U.S.C. 1746, 1748. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert Faithful, (202) 343-8731 Robert C. Bruce, (202) 343-8735.	
43 CFR Part 2090—Special Laws and Rules.	Provide procedures for the management of easements reserved under the Alaska Native Claims Settlement Act. *Originally Scheduled:* January 1981. *Authority:* 43 U.S.C. 1616(b). *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Beaumont McClure, (202) 343-6511. Robert C. Bruce, (202) 343-8735.	
43 CFR Subpart 2091—Segregation of Lands.	Amend existing regulations to provide an additional requirement for the processing of applications for entry on lands covered by a withdrawal or withdrawal application. *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1201. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Keith Corrigal, (202) 343-8663 Robert C. Bruce (202) 343-8735.	
43 CFR Part 2360—National Petroleum Reserve in Alaska.	Revise existing regulations to provide procedures for exploration and surface protection within the National Petroleum Reserve in Alaska. *Originally Scheduled:* April 1981. *Authority:* 42 U.S.C. 6501 et seq.; 94 Stat. 2957, 2964. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Marcia Rohn, (202) 343-77-7753. Robert C. Bruce, (202) 343-8735.	
43 CFR Subpart 2627—Alaska ...	Provide procedure for the recently enacted amendments to the Alaska Statehood Act. *Originally Scheduled:* January 1981. *Authority:* 94 Stat. 2437. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Beaumont McClure, (202) 343-6511. Robert C. Bruce, (202) 343-8735.	
43 CFR Part 2640—FAA Airport Grants.	Amend existing regulations that provide the procedure for processing applications for the conveyance of public lands for airport and airway development to include changes made by the Airport and Airway Development Act. *Originally Scheduled:* April 1981. *Authority:* 49 U.S.C. 1723. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	David Hamstreet, (202) 343-8731. Robert C. Bruce, (202) 343-8735.	
43 CFR Part 2650—Alaska Native Selections.	Revise existing regulations to provide procedures for the recently enacted amendments to the Alaska Native Claims Settlement Act. *Originally Scheduled:* April 1981. *Authority:* 94 Stat. 2481–2549. Determination of Effects: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Sue Wolf, (202) 343-6511 Robert C. Bruce, (202) 343-6511. (202) 343-8735.	
43 CFR Part 2720—Conveyance of Federally-Owned Mineral Interests.	Make minor amendments to the existing regulations on conveyancing of Federally-owned mineral interests. *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1719(b). *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert Faithful, (202) 343-8731... Robert C. Bruce, (202) 343-8735.	
43 CFR Subpart 2730—Designated Sales Areas in Clark County, Nevada.	Provide procedures for carrying out the provisions of the Act of December 23, 1980 (P.L. 96-586), regarding sales of certain lands in Nevada. *Originally Scheduled:* April 1981. *Authority:* Act of December 23, 1980 (P.L. 96-585). *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Roger Jarrell, Nevada State Office, (702) 784-5703. Robert C. Bruce, (202) 343-8735.	
43 CFR Part 2820—Roads and Highways.	Amend existing regulations to incorporate standardized procedures and granting documents for appropriating public lands for highways and material sites under the provisions of the Federal Highway Act. *Originally Scheduled:* January 1981. *Authority:* 23 U.S.C. 107-317 *Determination of Effects:* The Determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert Mollohan, (202) 343-5537. Robert C. Bruce, (202) 343-8735.	Proposed Rulemaking being prepared, should be published in Spring 1981.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Land Management

Subject	Summary	Contact	Action
43 CFR Part 3040—Environment and Safety.	Provide procedures for the management of oil gas geophysical operations on the public lands. *Originally Scheduled:* January 1980. *Authority:* 30 U.S.C. 181 et seq. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Karl Duescher, (202) 343-7722 Robert C. Bruce, (202) 343-8735.	
43 CFR Part 3100—Oil and Gas Leasing.	Revise existing regulations to provide procedures for oil and gas leasing of the National Petroleum Reserve—Alaska. *Originally Scheduled:* April 1981. *Authority:* 30 U.S.C. 181 et seq.; 94 Stat. 2957, 2964. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Marcia Rohn, (202) 343-7753 Robert C. Bruce, (202) 343-8735.	
43 CFR Part 3200—Geothermal Resource Leasing; General.	Revise existing regulations to provide authority to lease fractional interests present and full or fractional future interests in geothermal resources. *Originally Scheduled:* April 1981. *Authority:* 30 U.S.C. 1001–1025. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Karl Duescher (202) 343-7722 George Hollis (202) 343-8735.	
43 CFR Part 3200—Geothermal Resource Leasing; General.	Revise existing regulations to provide a modification of the treatment of escalating rentals when excess exploration expenditures are made and would eliminate the requirement for a plan of operations or exploration to be submitted before a lease can be issued. *Originally Scheduled:* April 1981. *Authority:* 30 U.S.C. 1001–1025. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Karl Duescher (202) 343-8735 George Hollis, (202) 343-8735.	
43 CFR Part 3300—Outer Continental Shelf Minerals and Rights-of-Way Management, General.	Amend existing regulations on Outer Continental Shelf Mineral Leasing to conform them with Department of Energy regulations concerning work commitment and variable profit share bidding systems. *Originally Scheduled:* January 1981. *Authority:* 43 U.S.C. 1331 et seq. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Homer Benton (202) 343-5121 Robert C. Bruce (202) 343-8735.	
43 CFR Part 3600—Mineral Materials Disposal, General.	Revision of the regulations that provide the procedure for disposal of mineral materials on the public lands. *Originally Scheduled:* January 1980. *Authority:* 30 U.S.C. 601, 602; 43 U.S.C. 1732. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert Anderson (202) 343-8537. George Hollis (202) 343-8735.	
43 CFR Subpart 3809—Surface Management.	Amend this subpart to correct problems which were identified during a review of the regulation after it was published as a final rule on November 26, 1980. *Originally Scheduled:* April 1981. *Authority:* 30 U.S.C. 22 et seq.; 612; 43 U.S.C. 1701 et seq; and 16 U.S.C. 1280. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Eugene Carlat (202) 343-8537 Robert C. Bruce (202) 343-8735.	
43 CFR Subpart 3833—Recordation of Mining Claims and Filing Proof of Annual Assessment Work or Notice of Intention to Hold Mining Claims, Mill or Tunnel Sites.	Revise recordation regulations to incorporate needed changes identified during operation of recordation program after the issuance of final regulations. *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1744. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	George Schmidt (202) 343-8537. Robert C. Bruce (202) 343-8735.	
43 CFR Part 4700—Wild Free-Roaming Horse and Burro Protection, Management and Control.	Revise existing regulations to make needed changes identified during operations conducted under the regulations. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 1331–1340. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Chris Erb, (202) 343-4773 George Hollis, (202) 343-8735.	
43 CFR Part 5400—Sales of Forest Products, General.	Amend existing timber sales program regulations to amend the definition of the term "unprocessed timber" to conform to recently enacted legislation. *Originally Scheduled:* April 1981. *Authority:* 50 U.S.C. 2401 et seq. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	David Estola, (202) 343-4009 George Hollis, (202) 343-8735.	
43 CFR Part 5510—Free Use of Timber.	Revise the existing regulations that provides the procedures for the free use deposit of timber and other vegetative resources on O. & C. and public lands. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 604–606; 607; 612; 30 U.S.C. 186; and 43 U.S.C. 1701 et seq. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Dave Estola, (202) 343-4009. George Hollis, (202) 343-8735.	
43 CFR Part 6040—Threatened or Endangered Plants and Animals.	Provide the procedure for protection of endangered plants and their habitats on the public lands. *Originally Scheduled:* January 1979.	F. Michael Heller, (202) 343-6196. George Hollis, (202) 343-8735.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Land Management

Subject	Summary	Contact	Action
	Authority: 43 U.S.C. 1701 et seq.; 16 U.S.C. 1331 et seq. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		
43 CFR Part 7630—Paleontology.	Provide the procedure for the management of paleontological specimens located on the public lands.	Robert Sulenski, (202) 343-8537. Cecil Feeney, (202) 343-8736.	
	Originally Scheduled: July 1980. *Authority:* 43 U.S.C. 1701 et seq. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		
43 CFR Part 8370—Use Authorizations.	Rewrite regulations covering fees for use of recreation areas under the jurisdiction of the Bureau of Land Management.	Larry Young, (202) 343-6363. Cecil Feeney, (202) 343-8736.	
	Originally Scheduled: January 1981. *Authority:* 16 U.S.C. 460l-6a. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		
43 CFR Part 8370—Use Authorizations.	Provide procedure for the allocation of river use for those river areas under the jurisdiction of the Bureau of Land Management.	Larry Young, (202) 343-6363. Cecil Feeney, (202) 343-8736.	
	Originally Scheduled: January 1981. *Authority:* 16 U.S.C. 460. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		
43 CFR Part 9230—Unauthorized Use.	Amend existing trespass regulations to clarify those activities that are prohibited on the public lands and to provide managers with additional authority to resolve existing violations.	Lee Rosenkrance, (202) 343-8735. George Hollis, (202) 343-8735.	
	Originally Scheduled: April 1981. *Authority:* 43 U.S.C. 1701 et seq. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.		
43 CFR Part 2400—Land Classification.	This rule, which provides the procedures for determining if designated public lands are suitable for a given purpose, is being reviewed to determine if it is still needed and if it needs revising.	Keith Corrigall, (202) 343-8731.	
	Originally Scheduled: January 1980. *Authority:* 43 U.S.C. 315, 682, 869, 1171, 1181, 1412-1419; 48 U.S.C. 364.	Robert C. Bruce, (202) 343-8735.	
43 CFR Subpart 2618—Over O. & C. and Coos Bay Revested Lands.	This rule, which provides the process for granting rights-of-way across the O. & C. and Coos Bay Revested Lands, is being reviewed to determine if it is still needed and if it needs revising.	Robert Mollohan, (202) 343-8697.	
	Originally Scheduled: April 1981. *Authority:* 43 U.S.C. 686; 869; 908.	Robert C. Bruce, (202) 343-8735.	
43 CFR Part 3600—Leasing of Minerals Other than Oil and Gas, General.	This rule, which provides the procedure for leasing of minerals other that oil and gas or coal, is being reviewed to determine if it is still needed and if it needs revising.	Dave Carly, (202) 343-8537.	
	Originally Scheduled: January 1981. *Authority:* 30 U.S.C. 181 et seq.	Cecil Feeney, (202) 343-8736.	
43 CFR Part 8560—Operations...	This rule, which provides the procedure for the operations of recreation areas, is being reviewed to determine if its is still needed and if it needs revising.	Larry Young, (202) 343-6363.	
	Originally Scheduled: April 1981. *Authority:* 43 U.S.C. 1181(a-d); 1201; and 1701 et seq.	George Hollis, (202) 343-8736.	

Semiannual Agenda of Rules Scheduled for Review or Development

Bureau of Indian Affairs

Subject	Summary	Contact	Action
25 CFR Part 55b Referendum to permit Yurok voters to determine whether they wish to consider a formal organization through the creation of an interim Yurok governing committee.	This rule was proposed as the next step in implementing the plan for the eventual establishment of a reservation-wide body to manage the resources of the Hoopa Valley Reservation as set forth in the message of Nov. 30, 1978 from the Assistant Secretary—Indian Affairs. *Originally Scheduled:* July 1980. *Authority:* 5 U.S.C. 301, R.S. 463 and 465, 43 U.S.C. 1457, 25 U.S.C. 2 and 9 and Reorganization Plan No. 3 of 1950 (64 Stat. 1262). *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Robert Farring, 202-343-2511.	Proposed rule published on May 7, 1980. Final rule published on July 25, 1980.
25 CFR 120a Land Acquisitions...	These new regulations govern the acquisition of land by the United States for individual Indians and Indian tribes. They cite the statutory authorities and set forth the policies and procedures which are to be followed in such acquisitions. *Originally Scheduled:* January 1979. *Authority:* 25 U.S.C. 409a, 450h, 451, 464, 465, 487, 488, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d-10, 1466, and 1495, and other authorizing acts. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.	Wayne Nordwall, (202) 343-7738.	The final rule was published on September 18, 1980.
25 CFR Part 161 Rights of way over Indian lands.	The Bureau made minor revisions to this part which deals with the granting of rights-of-way over and across tribal land, individually owned Indian land and Government-owned land under the jurisdiction of the Bureau of Indian Affairs. Inasmuch as the rights-of-way regulations underwent major revisions in 1968 and subsequently there has been no major legislation attracting rights-of-way over and across Indian lands, the revisions contained herein are considered necessary as they will clarify certain policies and procedures concerning the granting of rights-of-way. *Originally Scheduled:* May 1978.	Richard S. McDermott, Director, Palm Springs Office, Bureau of Indian Affairs, 587 South Palm Canyon Drive, Palm Springs, CA 92262 (714) 325-2163.	Proposed rule published on July 7, 1978. Final rule published July 8, 1980.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Indian Affairs

Subject	Summary	Contact	Action
	Authority: 5 U.S.C. 301, 92 Stat. 17 (25 U.S.C. 223-229) and other acts cited in the text. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.		
25 CFR Part 252 Business Practices on the Navajo, Hopi and Zuni Reservations.	On October 16, 1979, the BIA published a proposed rule for relieving the Navajo Tribal members of the requirements of 25 CFR 252. The rule is based on the fact that members of the Tribe are subject to the Tribe's jurisdiction and since most live on the reservation or in adjacent communities they can be regulated by the Navajo Tribe. this rule relieves Navajo tribal members of the Trader's regulations. The rule promotes the Congressional intent of P.L. 93-638. *Originally Scheduled:* January 1979. *Authority:* Pub. L. 93-638. *Statement of Significance:* The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR, Part 14.	E. F. Suarez, Sr., 202/343-5788.	The final rule was published in the FEDERAL REGISTER on October 1, 1980.
43 CFR Part 115, Payment of Sioux Benefits.	This rule will add a new Part 115 to Subchapter J, Chapter 1, title 25, CFR, to prescribe the eligibility criteria and application procedures governing payment of Sioux benefits under the 1889 Sioux Allotment Act, as amended, the 1928 Sioux Benefits Act, and section 14 of the 1934 Indian Reorganization Act (25 U.S.C. 474). Revision of the Bureau's regulations is required as a result of a suit brought against the Bureau which challenged the constitutionality of the Bureau's eligibility requirements governing Sioux benefits on the grounds that they were discriminatory on the basis of sex and the race or tribal affiliation of the applicant's spouse. These regulations will resolve the litigation by establishing non-discriminatory criteria for determining "head of family" eligibility for Sioux benefits. *Originally Scheduled:* April 1981. *Authority:* Section 17 of the Act of March 2, 1889, c. 405, § 17, 25 Stat. 888, 890; Act of June 10, 1896, c. 398, 29 Stat. 321, 334; Act of May 21, 1928, c. 902, 45 Stat. 884; Section 14 of Act of June 18, 1934, c. 576, § 14, 48 Stat. 987, 25 U.S.C. 474; 25 U.S.C. 2, 9. *Determination of Effects:* The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Sandy Etheridge, 202-343-9406.	Proposed rule was published January 8, 1981.
25 CFR Part 23, Indian Child Welfare Act; Grants.	The Bureau is revising the portions of this part dealing with procedural requirements for Grants to Indian Tribes and Organizations for Indian Child and Family Programs, Grant Revision, Cancellation or Assumption, and Hearings and Appeals. 25 CFR §§ 23.21-23.66. These regulations are intended to complement the related procedures in 25 CFR Part 23—Indian Child Welfare Act Implementation. *Originally Scheduled:* January 1981. *Authority:* 25 U.S.C. 1952; 5 U.S.C. 301; sections 463 and 465 of the revised statues (25 U.S.C. 2 and 9) and 209 DM 8. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Raymond V. Butler, 703-235-2756.	Proposed rule was published December 12, 1980.
25 CFR Part 31l, Indian Rights and Responsibilities.	This rule will propose a new Part 31l and revoke 25 CFR part 36, which was reviewed and found to be no longer necessary. Part 31l sets forth policies, requirements and procedures to insure the protection of the constitutional and civil rights of students attending Bureau or contract schools and dormitories. *Originally Scheduled:* January 1981. *Authority:* Title XI, subsection 1137, P.L. 95-561; 25 U.S.C. Subsection 2017. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Carmen Taylor, 202/343-4480.....	Proposed rule was published May 22, 1979.
25 CFR Part 31k, Special Education.	This rule will establish standards for the provision of special education and related services to Indian children in schools operated by or under the authority of the Bureau. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 94-142. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Charles Cordova, 202/343-4071.	Proposed rule was published September 29, 1980.
25 CFR Part 72 Attorney Contracts with Indian Tribes.	Two amendments are being developed to: (1) clarify the circumstances under which the Bureau of Indian Affairs may provide funds to an Indian tribe for the payment of a private attorney's legal services; and (2) to establish the current policy of tribal self-determination, to minimize the Federal Government's involvement in tribal self-government and to simplify the regulations by making all tribes, regardless of their organizational status, subject to a single set of regulations. *Originally Scheduled:* July 1980. *Authority:* 5 U.S.C. 301, 25 U.S.C. 13, 450 et seq.; 25 U.S.C. 2, 9, 81, 82a and 476 and 5 U.S.C. 301. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Evelyn W. Pickett (2), 202-343-4045. Hans Walker (1), 202-343-9401.	Proposed rules were published on July 17 and December 16, 1980.
25 CFR Part 103a Indian Moneys, Proceeds of Labor (IMPL).	The purpose of these proposed regulations is to set forth the conditions governing the receipt, deposit, investment, and use of Miscellaneous revenues derived from BIA agencies and schools under the Act of March 3, 1883, as amended (25 U.S.C. 155). These regulations apply only to income belonging to the federal government and not to tribal funds or moneys belonging to individual Indians. *Originally Scheduled:* April 1981 *Authority:* 25 U.S.C. 2, 25 U.S.C. 9, 25 U.S.C. 155. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Thomas A. Stangl, 202-343-4807.	Proposed rules were published on November 3, 1981. Final rules are expected to be published by May 1981.

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Bureau of Indian Affairs

Subject	Summary	Contact	Action
25 CFR Part 103b Special Deposits.	The purpose of these proposed regulations is to set forth the conditions governing the deposit, investment, and distribution of interest on funds held by the Bureau in special deposits. *Authority:* 25 U.S.C. 2, 25 U.S.C. 9. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. This document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Thomas A. Stangl, 202-343-4607.	Proposed rules were published on November 3, 1980. Final rules are expected to be published by May 1981. *Originally Scheduled:* April 1981.
25 CFR 120 Land Records and Title Documents.	As a result of sunset review, this part will be revised to replace the regulations relating to land record and title documents affecting Indian lands. The proposed regulation defines the role of the Land Titles and Records Offices (formerly called title plants) in the Bureau of Indian Affairs as the offices of record for all title documents to Indian lands. It explains procedures to owners and administrators of Indian Affairs, and other persons authorized by law or regulation to have access to information about the current status and ownership of Indian lands. *Originally Scheduled:* April 1981. *Authority:* Act of June 30, 1834 (4 Stat. 738; 25 U.S.C. 9). Act of July 26, 1892 (27 Stat. 272; 25 U.S.C. 9). Reorganization Plan No. 3 of 1950 approved June 20, 1946 (64 Stat. 1262). (Act of April 26, 1906 (34 Stat. 137); Act of May 27, 1908 (35 Stat. 312); Act of August 1, 1914 (38 Stat. 582, 598). *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Siva DeCelles, Bureau of Indian Affairs, P.O. Box 968, Albuquerque, N.M. 87103, (505) 474-2800.	Proposed Rule was published October 22, 1980.
25 CFR Part 131 Leasing and Permitting.	This rule proposes to reorganize Part 131 into three new subheadings: (1) How to Acquire Leases; (2) Special Provisions and Requirements of Leases; and (3) Special Provisions for Specific Reservations. These revisions will facilitate the use of the regulations for easier reference. *Authority:* 25 U.S.C. 396, 398, 394, 395, 397, 402, 402a, 403, 403a, 403b, 403c, 413, 415, 415a, 415b, 415c, 415d, 477, and 635. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Robert Jones, Realty Officer, Phoenix Area Office; Bureau of Indian Affairs, P.O. 7007, Phoenix, AZ 85011 (602) 261-2275.	Proposed rule published on Oct. 27, 1978. *Originally Scheduled:* July 1979.
25 CFR 171 Contracts for Prospecting and Mining on Indian Mineral lands.	The regulations in this part govern contracts for the prospecting for and mining of Indian-owned minerals, other than oil, gas and coal. The new rules would revise existing Part 171 by combining rules for the review and approval of mineral development contracts on both tribal and allotted lands in one part. *Authority:* Sec. 4, Act of May 11, 1938 (52 Stat. 348, 25 U.S.C. 396d), Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 396); sec. 1, Act of August 9, 1955, as amended (69 Stat. 539, 25 U.S.C. 415); Act of July 8, 1940 (54 Stat. 745, 25 U.S.C. 415); Act of June 18, 1934 (48 Stat. 987, 25 U.S.C. 476 and 477). *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Tom Riggs or Ken Core (202) 343-3722.	The proposed rule was published August 11, 1980. Further action on this rule will occur in the context of the review of rules which are identified in Part II of this Agenda. *Originally Scheduled:* May 1979.
25 CFR Part 172 Leasing of Allotted Lands for Mining.	As a result of sunset review, it has been determined that this part is no longer necessary and should be revoked. The rules which currently govern the leasing of oil and gas on Indian allotted lands will be replaced by a new part 182. *Authority:* 35 Stat. 788, as amended, 25 U.S.C. 396. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Tom Riggs or Ken Core (202) 343-3722.	Proposed revocation was published in the FEDERAL REGISTER on August 11, 1980. Further action on this rule will occur in the context of the review of rules which are identified in Part II of this Agenda *Originally Scheduled:* April 1981.
25 CFR Part 173 Leasing of Lands of the Crow Indian Reservation, Montana for Mining.	This part, which was scheduled for sunset review, gives authority to the Director of U.S. Geological Survey to supervise and direct operations under oil and gas or other mining leases on the Crow reservation. The regulations would be revolved in acknowledgement of the fact that the Crow Tribe is now effectively subject to the same statutory authorities effecting Indian mineral development as a result of the Act of May 17, 1968 (82 Stat. 124). *Originally Scheduled:* April 1981. *Authority:* Sec. 6, 41 Stat. 753, sec. I, 44 Stat. 658. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Tom Riggs or Ken Core (202) 343-3722.	The proposed rule was published in the FEDERAL REGISTER on August 11, 1980. Final rule is scheduled in July 1981.
25 CFR Part 177 Operation, Reclamation and Conservation on Mineral Lands.	These regulations provide for mining and exploration plans, performance plans and other operational aspects of mining on Indian lands, including compliance with the National Environmental Policy Act. *Originally Scheduled:* May 1979. *Authority:* Sec. 4, Act of May 11, 1938 (52 Stat. 348, 25 U.S.C. 396d); Act of March 3, 1909 as amended (35 Stat. 783, 25 U.S.C. 396); sec. 1, Act of August 9, 1955, as amended (69 Stat. 539, 25 U.S.C., 415); Act of July 8, 1940 (54 Stat. 745, 25 U.S.C. 380); secs. 16 and 17, Act of June 18, 1934 (48 Stat. 987, 25 U.S.C. 476 and 477); sec. 102, Act of January 1, 1970 (83 Stat. 853); 42 U.S.C. 4332).	Tom Riggs or Ken Core, (202) 343-3722.	Proposed rules were published in the FEDERAL REGISTER on August 11, 1980. Further action on this rule will occur in the context of the review of rules which are identified in Part II of this Agenda.

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Indian Affairs

Subject	Summary	Contact	Action
	Determination of Effects: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.		
25 CFR Part 162 Oil and Gas Contracts.	The new regulations in this part govern contracts for the development of Indian owned oil and gas reserves. The regulations would replace existing regulations in 25 CFR Part 172. *Originally Scheduled:* May 1978. *Authority:* Sec. 4, Act of May 11, 1938 (52 Stat. 349, 25 U.S.C. 396d); Act of March 3, 1909, as amended (35 Stat. 783, 25 U.S.C. 396); sec. 1, Act of August 9, 1955, as amended (69 Stat. 539, 25 U.S.C. 415); secs. 16 and 17, Act of June 18, 1934 (48 Stat. 987, 25 U.S.C. 476 and 477); sec. 102, Act of January 1, 1970 (83 Stat. 853; 42 U.S.C. 4332). *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Tom Riggs or Ken Cara, (202) 343-3722.	Proposed rules were published in the Federal Register on August 11, 1980. Final rules are scheduled for publication during July 1981.
25 CFR Part 251 Licensed Indian Traders.	On April 25, 1980, the Bureau of Indian Affairs (BIA) published a notice of proposed rulemaking that would have amended the regulations governing Indian traders on most Indian reservations (45 F.R. 27962). That proposal would have restricted application of the regulations to businesses located in isolated communities where there is an absence of competition. Most comments received were strongly opposed to the proposal and supportive of diligent enforcement of the trader regulations on all Indian reservations. In response to those comments, the BIA is now proposing to modernize the trading regulations by adopting as its regulations the consumer protection statutes of the state where the business is located. *Originally Scheduled:* April 1981. *Authority:* 25 U.S.C. 261, 262. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. *Effects on Small Entities:* The Department of the Interior has determined that this document will have a significant economic effect on a substantial number of small entities and requires a small entity flexibility analysis under Pub. L. 96-354 and 43 CFR Part 14. This proposed rule would have a significant effect on all small businesses operating on Indian reservations (other than the Navajo, Hopi or Zuni reservations) except those businesses operated by the tribe or its members. The affected businesses would be required to comply with state consumer protection laws. Those businesses operating on reservations not listed in 251.28 of the proposed rule would also be required to post bond, be subject to monitoring by the BIA, and keep records of sales to customers.	E. F. Suarez, Sr., 602/343-5799.	The proposed rule was published in the Federal Register on January 6, 1981. The final rule is scheduled for publication in the Federal Register on September 1, 1981.
25 CFR Part 260 Use of water on Indian Reservations.	This rule states the criteria the Secretary will follow in determining whether to approve water codes enacted by Indian tribes to regulate the use of reserved waters on Indian reservations. *Originally Scheduled:* April 1981. *Authority:* 25 U.S.C. 1a, 2, 9, 381 and 415 and in recognition of the inherent sovereign authority of Indian tribes within their reservations. *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Daniel M. Rosenfelt, (202) 343-6967.	Proposed rule was published on January 5, 1981. Further action on this rule will occur in the context of the review of rules which are identified in Part II of this Agenda.
25 CFR Part 261 Heritage Preservation.	This is a new rule which establishes procedures for implementing the requirements of Federal legislation relating to cultural resources. Subpart A will implement the requirements of the National Historic Preservation Act as it pertains to BIA actions which may affect properties which are listed on the National Register of Historic Places. Subpart B will implement the requirements of the Archaeological Resources Protection Act, particularly the requirement that no archeological resources may be excavated without a permit. *Originally Scheduled:* April 1981. *Authority:* 16 U.S.C. 470f (National Historic Preservation Act, as amended); 16 U.S.C. 470aa (Archaeological Resources Protection Act); 16 U.S.C. 469 (Archaeological and Historic Preservation Act); 42 U.S.C. 1996 (American Indian Religious Freedom Act). *Determination of Effects:* The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.	Dean Suagee, 202-343-4004.....	Subpart A was published as a proposed rule on September 15, 1980. Final rule is now scheduled for publication in July 1981. Schedule for publication of Subpart B will be determined following publication of final uniform rules (36 CFR Part 1215).
25 CFR Part 11 Law and Order on Indian Reservations.	This part is being revised to add a new § 11.22 to preclude Courts of Indian Offenses from adjudicating intra-tribal governmental disputes absent consent of an Indian tribe. *Originally Scheduled:* January 1981. *Authority:* 25 U.S.C. 25. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robert S. Thompson, 202-343-5134.	
25 CFR Part 17 Action on Wills of Osage Indians.	This rule is being revised to permit the Field Solicitor to (1) approve/disapprove wills of persons of Osage Indian blood providing for the disposition of restricted property; (2) issue orders and decisions; (3) issue subpoenas and to administer oaths to witnesses testifying at the hearing; and (4) to send appeals from decisions to the Regional Solicitor. *Originally Scheduled:* January 1981. *Authority:* Public Law 95-496, 92 Stat. 1660. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Cecil O. Wood, Jr. Bureau of Indian Affairs, Osage Agency Grandview Avenue, Pawhuska, OK 74056, (918) 287-5431.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Indian Affairs

Subject	Summary	Contact	Action
25 CFR Part 31c—Procedures and Practices.	This new rule will provide the Office of Indian Education Programs a set of education policies, procedures, and practices for all education-related activities. Coordination of education policies will facilitate the streamlining of education services of the areas and agencies, establish limits for Bureau interference in tribal education programs, and aid Congress in conducting more thorough oversight. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–561; 25 USC 2013. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jerry Waddell, 202/343-6676.	
25 CFR Part 31d—School Boards.	This proposed new rule defines School Boards and their powers and duties in relation to the education programs under the Office of Indian Affairs at the local, Agency, and Area levels and with respect to tribally contracted schools. This rule is needed to provide Indian school boards the legal authority to carry out their duties and facilitate local Indian control of Indian Affairs in all matters relating to education. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95–561. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jerry Waddell, 202/343-6676.	
25 CFR Part 31e—Educational Standards.	This rule is mandated by 25 U.S.C. Subsection 2001 and will prescribe minimum academic standards for the basic education of Indian children in Bureau schools. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–561, Title XI, Subsection 1121; 25 U.S.C. Subsection 2001. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Noah Allen, 202/343-6667	
25 CFR Part 31f—Dormitory Standards.	This rule is mandated by 25 U.S.C. Subsection 2002 and will provide the national criteria for use in the operation of dormitories by the Bureau. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–561, Title VI, Subsection 1122; 25 U.S.C. Subsection 2002. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Carmen Taylor, 202/343-4493.	
25 CFR Part 31h Indian School Equalization Program.	This rule will revise and expand the Indian School Equalization Formula by incorporating additional weighted factors and set up administrative procedures for school closures and termination of education programs. The rule also provides staff cost adjustment, establishes a permanent formula implementation set-aside fund, authorizes new schools, and expands Bureau funded school programs to serve students not previously served. This rule will revise Subparts A, B, C, and F and add eleven (11) new sections. *Originally Scheduled:* January 1981. *Authority:* Pub. L. 95–561. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jerry Waddell, 202/343-6676.	
25 CFR Part 31i Provision of Educational Services By Bureau of Indian Affairs Under Section 1101(d) of Public Law 95–561.	This new rule governs the provision of educational services to Indian children by the Bureau under Section 1101(d) of Public Law 95–561 as a result of a local education agency's failure to comply with the requirements of P.L. 81–874 regarding the education of Indian children as determined by the Assistant Secretary for Elementary and Secondary Education, Department of Education. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 95–561, Sec. 1101 (d). *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Noah Allen, 202/343-6667.	
25 CFR Part 32 Administration of the Higher Education Program.	This rule will revise established policies and provide uniform procedures to govern the Higher Education Program administered under the authority of the Act of November 2, 1921 (42 Stat. 208, 25 U.S.C. 13). This rule applies only to educational grants; Bureau educational loans are governed by Part 91 of this Title—Loans to Indians from the Revolving Loan Fund. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 67–85. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Leroy Falling, 202/343-7387.	
25 CFR Part 32a Adult Education.	This will establish procedures for the conduct of Adult Education programs operated by or under the authority of the Bureau. *Originally Scheduled:* January 1978. *Authority:* Pub. L. 93–638 *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Leroy Falling, 202/343-7387.	
25 CFR Part 32c Bureau Operated Institutions of Higher and Post Secondary Education.	This new rule will revise the policies governing the Bureau's three postsecondary schools and reflect the national policies of Indian tribal self-determination and Pub. L. 95–471. *Originally Scheduled:* April 1981. *Authority:* Pub. L. 95–471. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Leroy Falling, 202/343-7387.	
25 CFR Part 34 Vocational Training for Adult Indians.	This rule will describe eligibility criteria required for participation in the Bureau's program of Vocational Training for Adult Indians and explain application procedures. *Originally Scheduled:* May 1978. *Authority:* Pub. L. 84–958; Pub. L. 88–230. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Bob Delaware, 703-235-8355.	
25 CFR Part 42 Enrollment Appeals.	This rule provides procedures governing enrollment appeals. As a result of sunset review, revision was determined necessary in order to eliminate sexbased criteria and gender-specific terminology. *Originally Scheduled:* January 1981. *Authority:* 25 U.S.C. 2 and 9. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Mitchell L. Bush, Jr., 703-235-8323.	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Indian Affairs

Subject	Summary	Contact	Action
25 CFR Part 43d Preparation of a membership roll of the Pribilof Islands Aleut Communities of St. Paul and St. George.	This rule will add a new Part to provide procedures to govern the preparation of a membership roll to serve as a basis for the distribution of judgment funds pursuant to a judgment plan. The judgment plan, which became effective on June 22, 1980, was prepared in accordance with the Act of October 19, 1973 (87 Stat. 466). The substantive requirements for enrollment will be in accordance with the Communities' membership provisions. *Originally Scheduled:* April 1981. *Authority:* Pub. L. 93-134. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Mitchell L. Bush, Jr., 703-235-8323.	
25 CFR Part 43e Preparation of a roll of Mohave descendants enrolled as members of the Colorado River Indian Tribes.	This rule will add a new Part to provide procedures to govern the preparation of a roll of Mohave descendants enrolled as members of the Colorado River Indian Tribes to serve as a basis for the distribution of judgment funds pursuant to a judgment plan. The judgment plan, which became effective April 12, 1978, was prepared in accordance with the Act of October 19, 1973 (87 Stat. 466). *Originally Scheduled:* April 1981. *Authority:* Pub. L. 93-134. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time	Mitchell L. Bush, Jr., 703-235-8323.	
25 CFR Part 43h Preparation of a roll of Alaska Natives.	This rule is being amended to provide procedures for the redetermination of Permanent Residence of Alaska Natives enrolled pursuant to Pub. L. 92-203 in accordance with section 1(c) of Pub. L. 94-204. *Originally Scheduled:* April 1981. *Authority:* Pub. L. 94-204 and Pub. L. 92-203. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Mitchell L. Bush, Jr., 703-235-8323.	
25 CFR 43k Revision of the final roll of the Menominee Tribe of Wisconsin.	As a result of sunset review, it has been determined that this rule has served the purpose for which issued and will be deleted. The membership roll of the Menominee Tribe has been completed and the tribe has assumed maintenance of its membership roll. Only Sec. 43k.14 remains, the rest of the part having been previously revoked. *Originally Scheduled:* April 1981. *Authority:* Section 7, 67 Stat. 773. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Mitchell L. Bush, Jr., 703-235-8323.	The Proposed rule revoking this Part will be published by July 1981.
25 CFR Part 82 Conduct of elections to adopt or amend tribal constitutions and corporate charters.	This rule will extend to tribes in Oklahoma and Alaskan Native entities published procedures for reorganizing under Federal Statutes previously available only to reservation based tribes under the Indian Reorganization Act. *Originally Scheduled:* July 1978. *Authority:* 25 U.S.C. 473a, 476, 477, and 503. *Determination of Effects:* The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Robert Farring, 202-343-2511.	Proposed rule published on July 10, 1979. Final rule was published January 7, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 30, 1981 which further extended the effective date of this rule to April 30, 1981.
25 CFR Part 83 Procedures for petitioning to request the Secretary of the Interior or the Commissioner to take certain actions.	This rule will clarify confusing language and amend existing procedures to cover petitioning the Secretary to issue a charter to a reorganized tribe and any other action a tribal constitution or charter may authorize the Secretary to take upon receipt of a petition. *Originally Scheduled:* July 1978. *Authority:* 5 U.S.C. 301 and 25 U.S.C. 2, 9, 473a, 476, and 503. *Determination of Effects:* The Department of the Interior has determined that this document is not a major rule under E.O. 12291.	Robert Farring, 202-343-2511.	Proposed rule published on July 10, 1979. Final rule was published January 7, 1981. A Notice was published on February 4, 1981 which extended the effective date of this rule to March 30, 1981. A Notice was published on March 30, 1981 which further extended the effective date of this rule to April 30, 1981.
25 CFR Part 60 Use and Distribution of Indian Judgment Funds.	This rule is being revised to reflect anticipated amendments to Indian Judgment Funds Act of Oct. 19, 1973. Principal Amendments would affect the time period for submittal of Secretarial plans to Congress. *Originally Scheduled:* January 1980. *Authority:* Pub. L. 96-134. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Steve Feraca, 202-343-4822.	
25 CFR Part 80 Reindeer in Alaska.	This rule is scheduled for sunset review. The rule designates the General Reindeer Supervisor at Nome, Alaska, as the duly authorized agent of the Secretary of the Interior, with whom all declarations of reindeer ownership required by the act of September 1, 1937, must be filed within the time limits specified in the act, and in the form stipulated. *Originally Scheduled:* April 1981. *Authority:* Sec. 12, 50 Stat. 902; 48 U.S.C. 250k. Interpret or apply sec. 3, 50 Stat. 900; 48 U.S.C. 250b.	Ulyses S. St. Arnold, (202) 343-8574.	
25 CFR Part 121 Issuance of Patents in Fee, Certificate of Competency, Removal of Restrictions and Sale of Certain Indian lands.	This rule will clarify language, provide additional cross-references and add certain new provisions which more fully encompass the authority found in the statutes. *Originally Scheduled:* January 1979. *Authority:* 25 U.S.C. 378, 379, 404, 405, 372, 373, 483, 355, and 209 DM8. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Willord G. Bowker, Area Realty Officer, Portland Area Office, P.O. Box 3785, Portland, Oregon 97208, (503) 231-6714.	
25 CFR Part 162 Roads of the Bureau of Indian Affairs.	This part is being amended to reflect the current Bureau responsibility for the roads systems on Indian reservations. *Originally Scheduled:* April 1981. *Authority:* 38 Stat. 981, 45 Stat. 750, 25 U.S.C. 47, 42 U.S.C. 2000e(i), 23 U.S.C. 101(a), 208, 308. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	James T. Ball, (202) 343-6041	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Indian Affairs

Subject	Summary	Contact	Action
25 CFR Part 221 Operations and Maintenance Charges.	The Bureau of Indian Affairs is proposing to amend the provision of Section 88d of Part 221 which establishes the criteria for determining operation and maintenance charges of the Joint works. A review of the operating policies of the San Carlos irrigation project has been completed and it has been determined that operation and maintenance charges of the Joint Works should include the cost of the electrical energy required for the operation of Project irrigation pumps. *Originally Scheduled:* April 1981. *Authority:* Sec. 1, 3, 36 Stat. 270, 272, as amended; 25 U.S.C. 385. 43 Stat. 476; 45 Stat. 476; 45 Stat. 210, 25 U.S.C. 387. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Walter Parks, San Carlos Irrigation Project, P.O. Box 458, Coolidge, Arizona 85228, (602) 723-6438.	
25 CFR Part 256 Off-reservation Treaty Fishing.	This rule will govern off-reservation treaty fishing in the waters of the Great Lakes ceded under Treaty of March 28, 1836, 7 Stat. 491. *Originally Scheduled:* April 1981. *Authority:* 25 U.S.C. Sections 2, 9, 43 U.S.C. Sec. 1457, Reorganization Plan No. 3 of 1950 (64 Stat. 1262), Treaty of March 28, 1836 (7 Stat. 491), and 25 CFR 256 Subpart A. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Robin A. Friedman, (202) 343-8596.	
25 CFR Part 258 Indian Fishing—Hoopa Valley Indian Reservation.	This Part is revised annually to take into account changed fishery conditions and to make improvements based on experience with the existing rules. Changes being considered in 1981 include the following: (1) Provide that judgments are stayed only upon order of the trial court or the appellate court. (2) Require that only one ID number at a time be on any net that is being fished. (3) Provide that the BIA superintendent will be responsible for the sale of seized fish. (4) Prohibit gil net fishing on Mondays. (5) Make it an offense to leave fish in a net until they have rotted. *Originally Scheduled:* April 1981. *Authority:* 43 U.S.C. 1457, 25 U.S.C. 2 and 9. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Joe Weller, Hoopa Agency, BIA, P.O. Box 367, Hoopa, Ca. 95546, (916) 625-4285.	
25 CFR 273 Education Contracts under Johnson-O'Malley Act.	This rule will revise and provide consistency with the requirements for tribes under 25 CFR 271, clarify the relationship between tribes and Indian education committees, and organize the subparts for easier use. *Originally Scheduled:* May 1978. *Authority:* Pub. L. 96-561. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Noah Allen, 202/343-8667.	
25 CFR Part 274—School Construction Contracts or Services for Tribally Operated Previously Private Schools.	The proposed revisions are necessary to include the Office of Indian Education Programs in the application and approved procedures for the award of contracts under P.L. 93-638 and in accordance with the mandate of Section 1128, P.L. 96-561 as amended by P.L. 96-46. *Originally Scheduled:* April 1981. *Authority:* Sections 204 and 208, P.L. 93-638, 88 Stat. 2203 (25 U.S.C. 458 and 458d). *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Jay T. Suagee, (202) 343-2706 Harvey Jacobs, (202) 343-4493.	
25 CFR Part 275—Staffing	This Part is scheduled for Sunset Review and outlines methods available to tribes for utilizing the services of Bureau employees, and in addition, the part is being revised to include the Office of Indian Education Programs in the application and approval procedures for the award of contracts under P.L. 93-638 and in accordance with the mandate of Section 1128, P.L. 96-561 as amended by P.L. 96-46. *Authority:* Section 502, P.L. 91-648, 84 Stat. 1909, 1925 (42 U.S.C. 4762); Sec. 105, P.L. 93-638, 88 Stat. 2203, 2208-2210 (25 U.S.C. 4601); 36 U.S.C. 46. *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Patty Pulgham, (202) 343-9309. Harvey Jacobs, (202) 343-4493. *Originally Scheduled:* January 1981..	
25 CFR Part 280—Guidance on the Application of the National Environmental Policy Act (NEPA) to Bureau Decisions.	This is a new rule which will provide guidance to tribal governments and other persons and entities that propose that the BIA take an action which must be preceded by the preparation of either an environmental impact statement (EIS) or an environmental assessment (EA). *Originally Scheduled:* April 1981. *Authority:* 42 U.S.C. 4321-4347 (NEPA). *Determination of Effects:* The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.	Dean Suagee, (202) 343-4004.	
25 CFR 431—Preparation of a roll to serve as the basis for the distribution of judgment funds awarded certain Warm Springs Indians.	This rule is scheduled for sunset review. The rule establishes regulations to govern the compilation of a roll of certain members of the Confederated Tribes of the Warm Springs Reservation living on February 18, 1975, which roll shall be used for distribution of the judgment awarded the Warm Springs Tribes by the Indian Claims Commission in Docket 198. *Originally Scheduled:* April 1981. *Authority:* 87 Stat. 466.	Mitchell I. Bush, Jr., 703-235-8323.	
25 CFR Part 88—Indian Fishing in Alaska.	This rule, which is scheduled for sunset review, regulates all fishing in Alaska within the Annette Island Reserve and to regulate Indian and other native commercial fishing in the Kartuk Indian Reservation. *Originally Scheduled:* April 1981. *Authority:* 25 U.S.C. 2, 9; 43 U.S.C. 1457; sec. 15, 26 Stat. 1101, 48 U.S.C. 358; Presidential Proclamation, Apr. 28, 1916, 39 Stat. 1777; sec. 2, 49 Stat. 1250, 48 U.S.C. 358a; sec. 4, 72 Stat. 339, as amended 73 Stat. 141.	Ulysse S. St. Arnold, (202) 343-8574.	
25 CFR Part 89—Commercial Fishing on Red Lake Reservation.	This rule, which is scheduled for sunset review, grants authority to the Red Lake Fisheries Association and its members to engage in commercial fishing in accordance with stated regulations. *Originally Scheduled:* April 1981. *Authority:* 25 U.S.C. 2, 5 U.S.C. 301.	Ulysse S. St. Arnold, 202/343-8574.	
25 CFR Part 101—Annuity and other Per Capita Payments.	This rule is scheduled for Sunset Review. This rule establishes procedural requirements for paying annuity and other per capita payments. *Originally Scheduled:* April 1981. *Authority:* 5 U.S.C. 301.	Barbara Davis, (202)-343-2993	

Semiannual Agenda of Rules Scheduled for Review or Development—Continued

Bureau of Indian Affairs

Subject	Summary	Contact	Action
25 CFR Part 103—Regulations for Pro Rata Shares of Tribal Funds.	This rule is scheduled for Sunset Review. This rule establishes eligibility criteria and procedural requirements for applying for a Pro Rata Share of tribal funds. *Originally Scheduled:* April 1981. *Authority:* Sec. 2, 34 Stat. 1221, as amended; 25 U.S.C. 121.	Barbara Davis, (202)-343-2963	
25 CFR Part 116—Distribution of Judgment Awarded the Cherokee Nation or Tribe of Indians.	This rule is scheduled for Sunset Review. This regulation governs the disposition of judgment funds of the Cherokee Nation or tribes of Indians of Oklahoma. *Originally Scheduled:* April 1981. *Authority:* Sec. 8, 76 Stat. 778, 25 U.S.C. 998.	Patrick Hayes, (202)-343-6858	
25 CFR Part 111—Reimbursement of the UTE Tribe of the Uintah and Ouray Reservation, Utah.	This rule is scheduled for Sunset Review. This rule governs payment made by the Secretary pursuant to section 3 of the Act of September 18, 1970, to those persons whose names appear on the final roll of Mixed-Blood Indians that was prepared pursuant to Section 8 of the Act of August 27, 1954, 68 Stat. 868 or to their heirs or legatees. *Originally Scheduled:* April 1981. *Authority:* Sec. 3, 84 Stat. 843.	Barton Wright, Financial Mgmt. Officer, Bureau of Indian Affairs, P.O. Box 127, Albuquerque, New Mexico 87103, (505) 474-3498.	
25 CFR Part 114—Procedures for depositing funds to the credit of 14X6140—Deposits of proceeds of lands withdrawn for Native Selection, BIA.	This rule is scheduled for sunset review. The purpose is to describe the procedures to be used by all Departments and Agencies of the Federal Government and the State of Alaska for the deposit of proceeds derived from contracts, leases, permits, and rights-of-way or easements pertaining to affected lands or resources in affected lands withdrawn for Native selection pursuant to the Alaska Native Claims Settlement Act. *Originally Scheduled:* April 1981. *Authority:* 89 Stat. 1145.	Bart Wright, Bureau of Indian Affairs, Chief, Div. of Acctg. Mgmt., P.O. Box 127, Albuquerque, N.M. 87103, (505) 776-3496.	
25 CFR 123—Osage Roll, Certificate of Competency.	This rule is scheduled for sunset review and establishes a determination and preparation of Osage Roll issuance of Certificates of Competency to less than half blood Osages. *Originally Scheduled:* April 1981. *Authority:* 82 Stat. 16, 25 U.S.C. 331.	Wayne Nordwall, (202) 343-7738.	
25 CFR 130—Allotment of lands on the Torres-Martinez Indian Reservation, California.	This rule is scheduled for Sunset Review. The rule governs the preparation of allotment schedules containing the names and allotment selection of the unallotted members of the Torres-Martinez Band of Mission Indians of the Torres-Martinez Indian Reservation. *Originally Scheduled:* April 1981. *Authority:* Sec. 10, 64 Stat. 472.	Wayne Nordwall, (202) 343-7738.	
25 CFR Part 151—General Grazing Regulations.	This rule, which is scheduled for sunset review, protects grazing land from abuse and also authorizes a permiting system. *Originally Scheduled:* April 1981. *Authority:* 5 U.S.C. 301; 25 U.S.C. 2, 9, 466, 69, 179, 397, 402, 403, 394, 393, 413, 476, 477, 69a, 87a, 415, 415e-d.	Bobby Eason, 202-343-4004.	
25 CFR Part 179—Management of Tribal Assets of the Ute Indian Tribe, Uintah & Ouray Reservation, Utah, by the Tribe and the Ute Distribution Corp..	This rule, which is scheduled for sunset review, establishes the procedures for exercising joint management of Ute Indian Tribe, Uintah and Ouray Reservation, Utah, by the Tribe and the Ute Distribution Corp *Originally Scheduled:* April 1981. *Authority:* Secs. 27 and 28 of the Act of August 27, 1954, 68 Stat. 868 (25 U.S.C. 677-677aa).	Charles Spilman, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona 85011, (602) 241-2266.	
25 CFR Part 213—Ft. Hall Indian Irrigation project, Idaho.	This rule, which is scheduled for sun-review, establishes a construction repayment schedule that will be in effect until 1995 for the Fort Hall Unit of the Fort Hall Indian Irrigation project. *Originally Scheduled:* April 1981. *Authority:* Sec. 9, 46 Stat. 1063.	Charles P. Corke, (202) 343-4004..	
25 CFR Part 215—Reimbursement of construction costs, San Carlos Indian Irrigation project Arizona.	This rule, which is scheduled for sunset review, establishes a payment Construction schedule for the San Carlos Indian Irrigation project. *Originally Scheduled:* April 1981. *Authority:* Sec. 5, 43 Stat. 476.	Charles P. Corke, (202) 343-4004.	
25 CFR Part 232—Flathead Indian Irrigation project, Montana.	This rule, which is scheduled for sunset review, contains regulations to be followed for the operation of the electric power system at the Flathead Project, Montana. *Originally Scheduled:* April 1981. *Authority:* Sec. 7, 62 Stat. 272; 5 U.S.C. 301.	Charles P. Corke, (202) 343-4004.	
25 CFR Part 254—Operation of U.S.M.S. "North Star" between Seattle, Washington, and Station of Bureau of Indian Affairs and other Government Agencies, Alaska.	This Part is scheduled for Sunset Review and outlines passenger and freight services offered by the U.S.M.S. North Star. *Originally Scheduled:* April 1981. *Authority:* 5 U.S.C. 301.	Gerald W. Taylor, Director Seattle Liaison Office, 816 United Pacific Building, Seattle, WA 98104, (206) 442-5518.	
25 CFR 259—Preference in Employment.	This Part is scheduled for Sunset Review and outlines the Bureau's policy of extending preference to Indians in making appointment to vacancies in all positions. *Originally Scheduled:* January 1981. *Authority:* 4 Stat. 737, 25 U.S.C. 43; 22 Stat. 88, 25 U.S.C. 48; 28 Stat. 313, 25 U.S.C. 44; 24 Stat. 389, 25 U.S.C. 348; and 48 Stat. 986, 25 U.S.C. 472 and 479.	P. Fulgham, (202) 343-6308.	
25 CFR 276—Uniform Administrative Requirements for Grants.	This rule is scheduled for Sunset Review. The rule establishes requirements for the uniform administration of grants to Indian Tribal Governments, pursuant to Pub. L. 93-638. *Originally Scheduled:* January 1981. *Authority:* Public Law 93-638.	Don Asbra, 703-235-8081.	

Part II—Department of The Interior Semi-annual Agenda

CFR, Subject, Title and Contact (Name, Phone, Bureau)

25 CFR 105, Deposit of Indian Funds in Banks—Rescind for Activities Terminated by BIA—Dave Etheridge, 343-8528, BIA

25 CFR 171, 172, 177, Indian Mineral Development—Modernize Rules Governing Mining on Reservations—Tim Vollmann, 343-8331, BIA

25 CFR 173, Mineral Leasing on Crow Indian Reservation—Rescind—Tim Vollmann, 343-8331, BIA

25 CFR 242, Distribution of Assets of California Rancherias and Reservatons—Rescind—Dave Etheridge, 343-8528, BIA

25 CFR 5, Reservation Acceleration Program—Rescind Rules for Terminated Program—Dave Etheridge, 343-8526, BIA

30 CFR 221, On-Shore Operating Rules—All Except Royalty Provisions—C. Soura, 860-7535, GS

30 CFR 221, Oil and Gas Operations—C. Soura, 860-7535, GS

30 CFR 222, Connolly "Hot Oil" Act—Rescind Obsolete Rules—C. Soura, 860-7535, GS

30 CFR 226, Unit or Cooperative Agreements—Streamline Procedures—C. Soura, 860-7535, GS

30 CFR 229, Federal Assistance/Exploration. For Mineral Reserves—Rescind Rules for Defunct Program—C. Soura, 860-7535, GS

30 CFR 250, OCS Oil and Gas Operations—D. Schuenke, P. Legette, 860-7571, GS

30 CFR 250.34, OCS Exploration, Development, Production—D. Schuenke, P. Smyth, 860-7571, GS

30 CFR 601, Sales of Helium—Reduce Paper Work Burden—Armond Sonnek, John Trezise 634-4734, 343-5216, BOM

30 CFR 700.11, 716.7, 785.17, Prime Farmlands and Two-Acre Exemptions—Ext. of Effective Dates, Comment on Poss. Suspend—Dean Hunt, 343-4264, OSM

30 CFR 701.5, 710.5, Definition of "Approximate Original Contour"—Provide Possible Variances—Dean Hunt, 343-4264, OSM

30 CFR 715.13(D)(9), 716.2(E) Financial Commitments for Post-Mining Land Use Variances—Relieve Operator's Obligation—Dean Hunt, 434-4264, OSM

30 CFR 715.14(B)(1), Second-Cut Highwall Elimination—Relieve Requirement to Restore—Dean Hunt, 343-4264, OSM

30 CFR 715.15(A), Gravity Transport of Excess Spoil Perf. STd.—S. Griles B. Hemmes, 343-8311, OSM

30 CFR 715.15(A), 716.2(A), Multiple Seam Mining Performance Standard—S. Griles B. Hemmes, 343-8311, OSM

30 CFR 715.15(D), Construction of Durable Rock Fills-Clarify Design Criteria—Dean Hunt, 343-4262, OSM

30 CFR 722, 843, Provide for Extension of Period for Correcting Violations of 90 Day Abatement Period—Steve Griles, 343-8311, OSM

30 CFR 730, State Programs-Suspend Federal Rules in States With Primacy—Carl Close, 343-4225, OSM

30 CFR 730-745, State/Federal Programs—Increase State Ability To Shape Program—Carl Close, 343-4225, OSM

30 CFR 732-13, Definition of "Consistent With"—Flexibility for State Regulation Variations—Carl Close 343-4225, OSM

30 CFR 760-769, Lands Unsuitable for Mining—Increase Balancing of Factors, More Procedural Flexibility—Carl Close 343-4225, OSM

30 CFR 770-788, Permit Requirements—Clarify, Reduce Paperwork Burden, Dean Hunt, 343-4262, OSM

30 CFR 795, Small Operator Assistance Program—Increase Appeal/more State Decisions, Carl Close, 343-4225, OSM

30 CFR 800-809, Bonding—Make Bonds and Self-Bonding More Available—Dean Hunt, 343-4264, OSM

30 CFR 810-828, Performance Standards—More Flexible Standards for Mine Operations—Andy Bailey, 343-4006, OSM

30 CFR 840-845, Inspection and Enforcement—Simplify Procedures for Both States and OSM—Steve Griles, 343-8311, OSM

30 CFR 870-889, Abandoned Mine Reclamation—Streamline Procedures—Chuck Beasley, 343-4012, OSM

36 CFR 1215, Archaeological Resources Protection Act 1979—New Rule To Implement Act—Levin/McKiney, 343-7957/5264, NPS

36 CFR 13, Alaska Parks—New Rules To Implement Alaska Lands Act—Lundquist, Ross, Finnerty, Horn, 343-7957, NPS

41 CFR 14-1 et sec., Procurement by Formal Advertising—Elim. Unnecessary Rule Inc. Protests of Awards—R. Piasecki, 343-8068, PAM

41 CFR 14H, 14R, Procurement Regulations—Elimination of Unnecessary Rule—J. Patterson, 343-9201, PAM

43 CFR Part 17, Nondiscrimination in Federally Assisted Programs—Minimize Procedures—Crista Martin, Jim Poole 343-4331, OEO

43 CFR 1601, Planning Programming and Budgeting—Bob Jones 343-5682, BLM

43 CFR 2090, Special Laws and Rules—Keith Corrigal, 343-8693, BLM

43 CFR 230.71-230.84, Reclamation of Arid Lands—Rescind—R. Boyd, M. HacSkaylo, 343-5471/9391, WPRS

43 CFR 2600, State Indemnity Selection—Keith Corrigall, 343-8693, BLM

43 CFR 2800, Rights-of-Way—Reduce Reporting Requirements, Clarify and Expedite Granting Process—John Hafterson, 343-5537, BLM

43 CFR 2880, Oil and Gas Pipelines—Revise To Clarify, Expedite Process and Reduce Requirements—John Hafterson, 343-5537, BLM

43 CFR 3100, Oil and Gas Leasing—Update Rules, Inc. Automated Simultaneous Leasing System—Koivula, Weller, 343-7753, BLM

43 CFR 3200, Geothermal—Revise Definitions To?—K. Duscher, 343-7722, BLM

43 CFR 3400—Coal Management—Walt Schultz, 343-4537 BLM

43 CFR 3436, 3437, Lease Exchange/Alluvial Valley Floors and Coal Lands—Walt Schultz, 343-4537, BLM

43 CFR 35, OCS Nondiscrimination Against Minority and Women Owned Businesses—Rescind Rule—D. Schuenke, J. Kelly, 860-7571, GS

43 CFR 3802, Mining Claims on Wilderness Study Areas—Revise To Conform With Possible Sol Opinion—Gene Carlat, 343-8335, BLM

43 CFR 3809, Surface Management of Mining Claims—More Procedural Flexibility for Special Areas—Gene Carlat, 343-8537, BLM

43 CFR 4.1350-1414, Hearings and Apeals Procedures for OSM Peramanent Program—Estab. Operator Appeals—Will Irwin 557-9037, OHA

43 CFR 4100, Grazing-Streamline Procedures Reduct Paperwork Burden—Paul Leonard, 343-5841, BLM

43 CFR 426, (Proposed) Acreage Limitations Withdraw, Repropose Pursuant To 1976 Court Order—V. Cooper, Michael Hacskaylo, 343-2148, 9391, WPRS

43 CFR 8342, Off-Road Vehicle Areas and Trails—Eliminate Needless Designations—R. Conquergood, 343-9353, BLM

50 CFR 13-16, 21-23, Wildlife Permits—Standardize Information Requirements—Herter, Parsons, 343-2172, 235-1937, FWS

50 CFR 17.11, 17.40, Reclassification of Leopard—Correct Status, Allow Trophy Imports—Swift, Spinks, 343-2172, 235-2771, FWS

50 CFR 17.3—Definition of "Harm" Under Endangered Species Act—Cannon, Spinks, 343-2172, 235-2771, FWS

50 CFR 17.40(A), Kangaroo Import Ban—Lift Ban—Cannon, Spinks, 343-2172, 235-2771, FWS

50 CFR 17.40(E), African Elephant—Ease Restrictions on Domestic Activities/Adjust to Int'l Treaty—Parsons, Herter, 235-1937, 343-2172, FWS

50 CFR 17.42(A), Reclassification of American Alligator—Change Status, Return Management to State—Bancert, Spinks 343-2172, 235-2771, FWS

50 CFR 21.21, Migratory Bird Permits—Eliminate Requirement for Export Permits—Fisher, Bavin, 343-2172, FWS

50 CFR 36, Alaska National Wildlife Refuges—New Rule To Implement Alaska Lands Act—Kaiser, 343-21172, FWS

[FR Doc. 81-13075 Filed 4-29-81; 8:45 am]

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federal register

Thursday
April 30, 1981

Part VII

Department of Energy

Regulatory Agenda

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

Regulatory Agenda

AGENCY: Department of Energy.
ACTION: April 1981 Regulatory Agenda.

SUMMARY: The Department of Energy (DOE) is publishing an agenda of proposed regulations that DOE has issued or expects to issue in the next six months. As required under Executive Order 12291 (46 FR 13193, February 19, 1981), the Agenda includes each major rule being considered. In addition, the Agenda includes each rule that DOE expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities," as required by the Regulatory Flexibility Act (Public Law 96–354, 5 U.S.C. 602). Many of these rules are required by statute to be promulgated. Were it not for these legal requirements, DOE would not promulgate these rules because the Administration has proposed to Congress to prohibit DOE from expending any funds to carry out these programs. The Agenda also includes a list of existing rules to be reviewed for possible modification under Executive Order 12291.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda in general, contact: Jeffrey D. Stoermer (Office of General Counsel), Department of Energy, Room 6A–127, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6754.

Specific

For further information about any particular item on the Agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION:

Executive Order 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978), subsequently extended by Executive Order 12221 (45 FR 44249, July 1, 1980), required every Federal agency to publish semiannually an agenda of its significant regulations under development or review.

On February 17, 1981, the President issued Executive Order 12291, "Federal Regulation" (46 FR 13193, February 19, 1981), revoking Executive Order 12044, and modifying the requirment that each Federal agency publish a regulatory agenda. Under Executive Order 12291 each Federal agency is required to publish, in October and April of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review. At a minimum, the agenda must include: (1) a summary of the nature of each major rule [1] being considered, the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any major rule for which the agency has issued a notice of proposed rulemaking; (2) the name and telephone number of a knowledgeable agency official for each item on the agenda; and (3) a list of existing regulations to be reviewed under the terms of Executive Order 12291, and a brief discussion of each such regulation.

Executive Order 12291 also provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act (Public Law 96–354, 5 U.S.C. 602). The regulatory flexibility agenda must contain: (1) a brief description of the subject area of and a summary of the nature of any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities"; (2) the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and (3) the name and telephone number of an agency official knowledgeable concerning each such rule.

Appended to this Notice is DOE's April 1981 Regulatory Agenda, reflecting the status of rules listed as of April 1, 1981. Incorporated in this Agenda is the regulatory flexibility agenda required under 5 U.S.C. 602.

Many of these rules are required by statute to be promulgated. Were it not for these legal requirements, DOE would not promulgate these rules because the Administration has proposed to Congress to prohibit DOE from expending any funds to carry out these programs. Rules of this type are hereinafter denoted with the symbol (+). DOE will, of course, in promulgating these rules comply with the requirements of Executive Order 12291 and the Regulatory Flexibility Act.

The rules listed in the Agenda are divided into four categories. The first three categories list those proposed rules DOE expects to issue in the next six months as well as currently pending proposed rules that have already been issued. These three categories are: (1) Major rules likely to have a significant economic impact on a substantial number of small entities; [2] (2) Non-major rules likely to have a significant economic impact on a substantial number of small entities; [2] and (3) Major rules *not* likely to have a significant economic impact on a substantial number of small entities.

Proposed rules that are *not* major rules and *not* likely to have a significant economic impact on a substantial number of small entities are not included. The fourth category lists those currently effective rules that DOE will be reviewing for possible modification as directed by the Presidential Task Force on Regulatory Relief under section 3(i) of Executive Order 12291.

On April 8, 1981, a draft of this Agenda was transmitted to the Chief Counsel for Advocacy of the Small Business Administration (SBA) for comment, if any, to fulfill the requirement of 5 U.S.C. 602(b). In addition to publication of this Agenda in the **Federal Register**, DOE has endeavored to give notice of this Agenda to small entities by forwarding copies to a number of trade associations that represent small entities. Small entities are invited to submit comments on any item in the Agenda. Comments should be submitted to: Thomas C. Newkirk, Deputy General Counsel for Regulation, Department of Energy, Room 6A–099, Forrestal Building 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252–6732.

DOE's next Regulatory Agenda will be published in October 1981.

Issued in Washington, D.C. this April 27, 1981.

Eric J. Fygi,

Acting General Counsel.

DOE's April 1981 Regulatory Agenda is as follows:

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[1] Executive Order 12291 defines "major rule" as any regulation that is likely to result in: (1) An annual effect on the economy of $100 million or more; (2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

[2] The rules listed in categories (1) and (2)—those rules likely to have a significant economic impact on a substantial number of small entities—include some rules for which a notice of proposed rulemaking (NOPR) was issued prior to January 1, 1981. Although these rules are listed in the Agenda, under section 4 of the Regulatory Flexibility Act the regulatory flexibility analyses specified in 5 U.S.C. 603–604 are *not* required, and such analyses will not be completed in regard to these rules. These rules, where an NOPR was issued prior to January 1, 1981, are hereinafter denoted with an asterisk (*).

I. Major Rules Likely to Have a Significant Economic Impact on a Substantial Number of Small Entities

A. Conservation and Renewable Energy

1. Building Energy Performance Standards * +
2. Energy Efficiency Standards for Nine Types of Consumer Products * +
3. Energy Efficiency Standards for Five Types of Consumer Products +
4. Commercial and Apartment Conservation Service Program +
5. Federal Standby Residential Conservation Service Plan * +
6. Residential Conservation Service Program—Uran Formaldehyde Foam Insulation Standards +

B. Economic Regulatory Administration

1. Rescission of Tertiary Incentive Crude Oil Program With Respect to Expenses Incurred and Paid After March 18, 1981

II. Non-Major Rules Likely to Have a Significant Economic Impact on a Substantial Number of Small Entities

A. Conservation and Renewable Energy

1. Wind Energy Technology Application Financial Assistance program for Wind Energy Systems +
2. Energy Security Act Amendments to Residential Conservation Service Program Rule * +

B. Economic Regulatory Administration

1. Standby Procedures for Emergency Purchases and Allocation of Natural Gas During a Declared Emergency*

III. Major Rules Not Likely to Have a Significant Economic Impact on a Substantial Number of Small Entities

A. Economic Regulatory Administration

1. Entitlements Adjustment Mechanism
2. Petroleum Substitutes Entitlements Provisions
3. Fuel Use Act—Regulations Revision
4. Fuel Use Act—Cogeneration Exemption
5. Review and Establishment of Natural Gas Curtailment Priorities for Interstate Pipelines

B. Fossil Energy

1. Variable Work Commitment Bidding System for Outer Continental Shelf (OCS) Oil and Gas Leases
2. Variable Net Profit Share Bidding System for Outer Continental Shelf (OCS) Oil and Gas Leases

IV. Existing Rules Undergoing Review Under Executive Order 12291

A. Conservation and Renewable Energy

1. Residential Conservation Service Program Regulations

B. Economic Regulatory Administration

1. Coal Conversion Regulations

I. MAJOR RULES LIKELY TO HAVE A SIGNIFICANT ECONOMIC IMPACT ON A SUBSTANTIAL NUMBER OF SMALL ENTITIES

A. Conservation and Renewable Energy

1. Building Energy Performance Standards * +*

The Energy Conservation Performance Standards for New Buildings Act of 1976 (Title III of Public Law 94–385), as amended by Public Laws 95–91 and 96–399 (42 U.S.C. 6831–6840), requires DOE to promulgate "interim" building energy performance standards by August 1, 1981. The interim standards are to apply only to construction of new Federal buildings and two demonstration projects. Final standards are required to be promulgated by April 1, 1983. The purpose of the rule is to establish energy goals without specifying methods, materials or processes for achieving those goals. The standards would require a higher degree of energy efficiency in the construction of new residential and commercial buildings than is now common practice.

A reduction in the 1981 fiscal year's budget has been requested for this project, and no funds for the 1982 fiscal year have been requested.

Schedule: A notice of proposed rulemaking was published in the Federal Register on November 28, 1979 (44 FR 68120). DOE is required to issue the interim energy performance standards by August 1, 1981.

Contact: Richard Menge (202) 252–9197.

2. Energy Efficiency Standards for Nine Types of Consumer Products * +*

Section 325 of the Energy Policy and Conservation Act ("EPCA," Public Law 94–163), as amended by section 422 of the National Energy Conservation Policy Act (Public Law 95–619), required that DOE prescribe by rule by January 2, 1981, minimum energy efficiency standards for one or more of nine types of consumer products. DOE may, under section 325(b)(2) of EPCA, determine by rule that the establishment of a standard is not technologically feasible or economically justified, or that such a standard would not result in significant conservation, and thereby prescribe no standard. The affected product types are: refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, kitchen ranges and ovens, furnaces, central air conditioners, home heating equipment (not including furnaces), and clothes dryers.

A reduction in the 1981 fiscal year's budget for this program has been requested. In addition, DOE's budget request for fiscal year 1982 includes no funding for this program.

Schedule: A notice of proposed rulemaking was published in the Federal Register June 30, 1980 (45 FR 43976). The data and analysis behind the proposed standards is currently under review.

Contact: James A. Smith (202) 252–9127.

3. Energy Efficiency Standards for Five Types of Consumer Products +*

Section 325 of the Energy Policy and Conservation Act ("EPCA," Public Law 94–163), as amended by section 422 of the National Energy Conservation Policy Act (Public Law 95–619), requires that DOE prescribe by rule by December 13, 1981, minimum energy efficiency standards for five consumer product types: humidifiers/dehumidifiers, clothes washers, television sets, dishwashers, and heat pumps. DOE may, under section 325(b)(2) of EPCA, determine by rule that the establishment of a standard is not technologically feasible or economically justified, or that such a standard would not result in significant conservation, and thereby prescribe no standard.

A reduction in the 1981 fiscal year's budget for this program has been requested. In addition, DOE's budget request for fiscal year 1982 includes no funding for this program.

Schedule: An advance notice of proposed rulemaking for four products was published in the Federal Register on December 13, 1979 (44 FR 72276). An advance notice of proposed rulemaking for heat pumps (the fifth product) was published in the Federal Register on January 23, 1980 (45 FR 5602). DOE intends to issue a notice of proposed rulemaking as soon as practicable.

Contact: James A. Smith (202) 252–9127.

4. Commercial and Apartment Conservation Service Program +*

Title VII of the National Energy Conservation Policy Act ("NECPA," Public Law 95–619), as amended by Subtitle D of Title V of the Energy Security Act ("ESA," Public Law 96–294) required the DOE to issue a proposed rule by October 28, 1980, to establish a utility audit program for multi-family dwellings with a central heating or cooling system and for small commercial buildings. In addition, Title II of NECPA as amended by Subtitle B of Title V of ESA requires DOE to extend coverage of the Residential Conservation Service Program to include individually heated and cooled residential buildings of more than four dwelling units. (The existing program is limited to single family

homes and residential buildings with up to four units.) The program requires that energy audits and certain other services be provided to these additional customers of large public utilities and participating heating oil suppliers.

A reduction in the 1981 fiscal year's budget has been requested for these programs, and no funds have been requested for the 1982 fiscal year.

Schedule: A notice of proposed rulemaking was published in the **Federal Register** on January 16, 1981 (46 FR 4482). A final rule is expected to be published in the summer of 1981.

Contact: James Tanck (202) 252–9161.

5. Federal Standby Residential Conservation Service Plan * *

Section 219 of the National Energy Conservation Policy Act ("NECPA," Public Law 95–619) requires DOE to promulgate a Residential Conservation Service (RCS) Plan to be implemented by covered regulated utilities upon order of DOE in any State that does not have an approved State RCS Plan, or in which the State plan has been found to be inadequately implemented. This rule would provide such a standby plan, compliance with which could then be ordered by DOE pursuant to section 219 of NECPA.

A reduction in the 1981 fiscal year's budget has been requested for the overall RCS program, and no funds have been requested for the 1982 fiscal year.

Schedule: A notice of proposed rulemaking was published in the **Federal Register** on January 9, 1981 (46 FR 2522). Issuance of a final rule is expected in the summer of 1981.

Contact: James Tanck (202) 252–9161.

6. Residential Conservation Service Program—Urea-Formaldehyde Foam Insulation Standards *

Part I of Title II of the National Energy Conservation Policy Act (Public Law 95–619) requires that DOE include in its Residential Conservation Service (RCS) Program rules those standards that are determined necessary for the general safety and effectiveness of the program. To fulfill this requirement, DOE issued interim final standards for urea-formaldehyde foam insulation on September 25, 1980 (45 FR 63786), which became effective on March 30, 1981 (46 FR 11943, February 12, 1981). DOE has proposed either to make certain changes to the standards for urea-formaldehyde foam insulation used in the RCS Program, or to preclude the use of such insulation in the RCS Program.

A reduction in the 1981 fiscal year's budget has been requested for the overall RCS program, and no funds have been requested for the 1982 fiscal year.

Schedule: A notice of proposed rulemaking was published in the **Federal Register** on January 27, 1981 (46 FR 8996).

Issuance of a final rule is expected in the summer of 1981.

Contact. James Tanck, (202) 252–9161.

B. Economic Regulatory Administration

1. Rescission of Tertiary Incentive Crude Oil Program With Respect to Expenses Incurred and Paid After March 18, 1981

On March 17, 1981, ERA announced its intent to issue a proposal to rescind the Tertiary Incentive Crude Oil Program with respect to allowed expenses that were not incurred and paid prior to March 19, 1981. ERA is considering this action due to the phenomenal increase in the amount of allowed expenses incurred and paid after the issuance of the President's decontrol Executive Order on January 28, 1981. Authority for this rule is found in the Emergency Petroleum Allocation Act of 1973 (Public Law 93–159), and in Executive Order 12287 (46 FR 9909, January 30, 1981).

Schedule: An advance notice of proposed rulemaking was issued on March 17, 1981 (46 FR 17506, March 19, 1981.) A notice of proposed rulemaking will be issued in April 1981.

Contact: Eugene Glass, (202) 653–3453.

II. NON-MAJOR RULES LIKELY TO HAVE A SIGNIFICANT ECONOMIC IMPACT ON A SUBSTANTIAL NUMBER OF SMALL ENTITIES

A. Conservation and Renewable Energy

1. Wind Energy Technology Application Financial Assistance Program for Wind Energy Systems *

Section 6 of the Wind Energy Systems Act of 1980 (Public Law 96–345) required DOE to establish, by March 8, 1981, procedures for providing financial assistance in the form of grants, cooperative agreements, and loans for the purchase and installation of wind energy systems. DOE is now developing these procedures.

The Act does not contemplate funding for this program in fiscal years 1981 and 1982.

Schedule: DOE will issue a notice of proposed rulemaking as soon as possible.

Contact: Daniel Ancona, (202) 376–4990.

2. Energy Security Act Amendments to the Residential Conservation Service Program Rule * *

Section 549(b) of the Energy Security Act ("ESA," Public Law 96–294) required the DOE to issue a final rule by October 28, 1980, to make certain amendments to the Residential Conservation Service Program (RCS) regulations (10 CFR Part 456). These amendments would incorporate changes made by the ESA to prohibitions in the National Energy Conservation Policy Act regarding utility supply, installation and financing of energy measures in residential buildings. They would also incorporate the ESA changes to the utility cost and accounting requirements under the RCS program and to the warranties required of manufacturers, suppliers, and installers participating in the RCS program. A reduction in the 1981 fiscal year's budget has been requested for the overall RCS program, and no funds have been requested for the 1982 fiscal year.

Schedule: A notice of proposed rulemaking was published on October 8, 1980 (45 FR 66990). A final rule will be issued as soon as possible.

Contact: James Tanck, (202) 252–9161.

B. Economic Regulatory Administration

1. Standby Procedures for Emergency Purchases and Allocation of Natural Gas During a Declared Emergency *

DOE has proposed a rule providing standby procedures for the authorization of emergency natural gas purchases and for emergency natural gas allocations under sections 302 and 303 of the Natural Gas Policy Act of 1978 ("NGPA," Public Law 95–621), and standby procedures for emergency prohibitions on the burning of natural gas by electric powerplants and major fuel-burning installations under section 607 of the Public Utility Regulatory Policies Act of 1978 ("PURPA," Public Law 95–617). The rule would be activated by a declaration by the President of a natural gas supply emergency under section 301 of the NGPA. The adoption of standby procedures is intended to enable the Government to take action as soon as possible to reduce the impact of the emergency, and to promote a greater degree of coordination between DOE and the natural gas industry.

It has not yet been determined whether this rule is likely to have a significant economic impact on a substantial number of small entities. In any case, a regulatory flexibility analysis is not required since the notice of proposed rulemaking was issued before January 1, 1981.

Schedule: A notice of proposed rulemaking was published in the **Federal Register** on December 8, 1980 (45 FR 81012). Issuance of a final rule is presently planned for summer 1981.

Contact: Gary Barch (202) 653–3288.

III. MAJOR RULES NOT LIKELY TO HAVE A SIGNIFICANT ECONOMIC IMPACT ON A SUBSTANTIAL NUMBER OF SMALL ENTITIES

A. Economic Regulatory Administration

1. Entitlements Adjustment Mechanism

Prior to the exemption of all crude oil and refined petroleum products by Executive Order 12287 effective at 12:01 a.m. on January 28, 1981, firms participating in the Entitlements Program could adjust prior reports to correct reporting errors and certain changes to tier classifications. Adjustments for prior periods granted by administrative or court orders were also accommodated by the administrative process. In terminating controls, the President gave the Secretary of Energy authority to establish a mechanism for entitlements adjustments for the periods before January 28, 1981. This rule would establish the regulations for these adjustments. Statutory authority for this rule is found in section 4(a) of the Emergency Petroleum Allocation Act of 1973, as amended (Public Law 93–159).

Schedule: A notice of proposed rulemaking was issued on February 27, 1981 (46 FR 15112, March 3, 1981). A public hearing was held March 17–18, 1981 in Washington, D.C. A final rule is expected to be issued in April or May 1981.

Contact: Daniel J. Thomas (202) 653–4288 or Mary McDonald (202) 653–3254

2. Petroleum Substitutes Entitlements Provisions

10 CFR section 211.67(a)(5) provides for the inclusion of petroleum substitutes in the domestic crude oil allocation (entitlements) program. Ethyl alcohol derived from biomass and mixed with gasoline, solid municipal waste and its solid derivatives, shale oil, and methane from sewage and landfills are automatically included. Producers of such fuels are eligible to report the volumes used as fuel, and receive entitlements in a manner similar to that of refiners of crude oil.

Other fuels derived from solid wastes and liquid fuels from biomass, coal and tar sands are eligible for inclusion in the entitlements program on a case-by-case basis. Applications for inclusion must meet the criteria of established guidelines (44 FR 6895, February 5, 1979). ERA has the authority to accept or deny each application and to establish the effective date for program participation by each accepted application.

Few applications have been fully processed, and over 160 are in processing. In light of decontrol, ERA has proposed, on March 26, 1981, to amend section 211.67(a)(5) to provide that no entitlements shall be issuable to any firm with respect to a petroleum substitute for periods prior to January 28, 1981, unless prior to that date the firm satisfied all filing requirements for automatic inclusion in the entitlements program under section 211.67(a)(5) or had been designated by the ERA as an eligible recipient of entitlements benefits in an order issued pursuant to section 205.95 of 10 CFR Part 205. Statutory authority for this rule is found in section 4(a) of the Emergency Petroleum Allocation Act of 1973, as amended (Public Law 93–159).

Schedule: A notice of proposed rulemaking was issued on March 26, 1981 (46 FR 19450, March 30, 1981). A final rule is expected to be issued in May 1981, effective March 26, 1981.

Contact: Daniel J. Thomas (202) 653–4288

3. Fuel Use Act—Regulations Revision

The Powerplant and Industrial Fuel Use Act of 1978 ("FUA," 42 U.S.C. 8301 *et seq.*) prohibits the use of oil or natural gas in certain new and existing electric powerplants and major fuel burning installations and provides the Secretary of Energy authority to prohibit use of petroleum and natural gas in certain other existing electric powerplants and major fuel burning installations. This rule would revise certain procedures and exemption criteria in accordance with the Administration's policy to streamline the regulatory process to the maximum extent possible. Among the alternatives to be considered is the use of a process of self-certification to establish eligibility for exemptions.

Schedule: A notice of proposed rulemaking is planned for issuance in May 1981.

Contact: Stephen Stern (202) 653–3217

4. Fuel Use Act—Cogeneration Exemption

The powerplant and Industrial Fuel Use Act of 1978 ("FUA," 42 U.S.C. 8301 *et seq.*) provides the Secretary authority to grant a permanent exemption from the prohibitions of FUA permitting eligible cogeneration facilities to use oil or natural gas as fuel. This rule would implement the Secretary's authority to grant a permanent exemption to a new powerplant or industrial facility which has "demonstrated that economic or other benefits of cogeneration are unobtainable unless petroleum or natural gas, or both, are used in such facility."

Schedule: A notice of proposed rulemaking was published in the Federal Register on August 11, 1980 (45 FR 53368). DOE is reviewing this notice to determine whether a final rule should be issued.

Contact: Stephen Stern (202) 653–3217.

5. Review and Establishment of Natural Gas Curtailment Priorities for Interstate Pipelines

The proposed rule establishes natural gas curtailment priorities applicable to deliveries by interstate pipelines during periods when not enough gas is available to supply all customers. The proposed rule implements the rulemaking requirements of Title IV of the Natural Gas Policy Act of 1978 by establishing curtailment priorities for high priority uses and for essential agricultural and essential industrial feedstock and process uses. Statutory authority for this rule is found in sections 301(b) and 402(a)(1)(E) of the Department of Energy Organization Act (Public Law 95–91) and sections 401, 402 and 403 of the Natural Gas Policy Act of 1978 (Public Law 95–621).

Schedule: A schedule of proposed rulemaking was issued on June 23, 1980 (45 FR 45098, July 2, 1980). The Federal Energy Regulatory Administration (FERC) is currently reviewing the proposed rule pursuant to section 404 of the DOE Organization Act. Issuance of a final rule is planned for six weeks after FERC concurrence is received.

Contact: Albert F. Bass (202) 653–3286.

B. Fossil Energy

1. Variable Work Commitment Bidding System for Outer Continental Shelf (OCS) Oil and Gas Leases

This regulation would establish a bidding system for Outer Continental Shelf (OCS) leases that utilizes a work commitment as a bid variable with a fixed cash bonus, and a fixed royalty. This regulation responds to the opinion of the U.S. Court of Appeals in *Energy Action Educational Foundation* v. *Andrus* (No. 80–2127, D.C. Cir., October 30, 1980). By order of the U.S. District Court on December 19, 1980, this notice of proposed rulemaking was required to be issued by March 30, 1981, and a final rule by June 30, 1981. The authority for this rule is found in section 8(a)(1)(G) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)(G)) and section 302(b)(2) of the DOE Organization Act (Public Law 95–91, 43 U.S.C. 1337(a)(1)(G)).

Schedule: A notice of proposed rulemaking was issued on March 30, 1981 (46 FR 20522, April 3, 1981). The final rule will be issued no later than June 30, 1981.

Contact: Charles Smith (202) 633-9373.

2. Variable Net Profit Share Bidding System for Outer Continental Shelf (OCS) Oil and Gas Leases

This regulation would establish a bidding system for use in lease sales of oil and gas tracts on the Outer Continental Shelf (OCS). The proposed bidding system uses a percentage of net profits as the bid variable and requires payment of a fixed cash bonus for each tract. This regulation is being developed in response to the opinion of the U.S. Court of Appeals in *Energy Action Educational Foundation* v. *Andrus* (No. 80-2127, D.C. Cir., October 30, 1980). By order of the U.S. District Court dated December 19, 1980, a proposed regulation to establish a variable net profit share bidding system was required to be issued by February 28, 1981 and a final rule by May 25, 1981. Statutory authority for this rule is found in section 302(b)(2) of the DOE Organization Act (Public Law 95-91, 42 U.S.C. 7152(b)(2)) and section 8(a)(1)(E) of the OCS Lands Act (43 U.S.C. 1337 (a)(1)(E)).

Schedule: The notice of proposed rulemaking was issued February 27, 1981 (46 FR 15484, March 5, 1981). The final rule will be issued not later than May 25, 1981.

Contact: Ed Mulholland (202) 633-9373.

IV. EXISTING RULES UNDERGOING REVIEW UNDER EXECUTIVE ORDER 12291

A. Conservation and Renewable Energy

1. Residential Conservation Service Program Regulations

The National Energy Conservation Policy Act (Public Law 95-619) required DOE to adopt regulations to implement the Residential Conservation Service (RCS) Program, 10 CFR Part 456. These regulations require large utilities to offer to perform "energy audits" of homes or apartments of their customers, pointing out ways to conserve energy.

On March 25, 1981, the Presidential Task Force on Regulatory Relief directed DOE to review these regulations, stating that "the requirements for these inspections are complex and expensive."

In addition to and apart from the proposed revisions to the RCS Program regulations listed above, DOE will also review the RCS program for possible modification in an effort to reduce regulatory burdens. Finally, DOE will undertake a regulatory impact analysis of the program as a whole.

B. Economic Regulatory Administration

1. Coal Conversion Regulations

The Powerplant and Industrial Fuel Use Act of 1978 ("FUA", 42 U.S.C. 8301 *et seq.*) prohibits the use of petroleum and natural gas in certain new and existing electric powerplants and major fuel burning installations, in favor of converting to coal or some alternative fuel. FUA authorizes DOE to prohibit such use in certain other existing powerplants and installations. DOE has implemented FUA by regulations appearing in 10 CFR Parts 500, 501, 503-506, 508, and 515.

On March 25, 1981, the Presidential Task Force on Regulatory Relief, in directing DOE to review the FUA coal conversion regulations, stated that "these requirements may be unnecessary with decontrol and counterproductive given increased availability of natural gas since the Fuel Use Act was passed."

Apart from the proposed revisions to these regulations as listed above, which will attempt to reduce the burdens of the program to the extent allowable under FUA, DOE will review the entire coal conversion program to perform a cost-benefit analysis.

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federal register

Thursday
April 30, 1981

Part VIII

General Services Administration

Regulatory Agenda

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 1 and 101

Agenda of Proposed Regulatory Activity

AGENCY: General Services Administration.

ACTION: Seminanual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the 6-month period from May 1981 to October 1981. This agenda was developed under the guidelines in Executie Order 12291, Federal Regulation (46 FR 13193, Feb. 19, 1981). GSA's purpose in publishing this agenda is to allow interested persons an opporutnity to participate in the early stages of the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Stanley W. Bowers, Chief, Directives Management Branch (202–566–0666).

SUPPLEMENTARY INFORMATION: GSA publishes a semiannual agenda of proposed regulatory activity during April and October of each year. The agenda lists, for each of GSA's services and staff offices, final rules expected to be issued, proposed rules, and regulations to be reviewed.

Dated: April 28, 1981.

Ray Kline,

Acting Administrator of General Services.

OFFICE OF PLANS, PROGRAMS, AND FINANCIAL MANAGEMENT

1. Final rules expected to be issued.

a. Billings, payments, and adjustments (41 CFR 101–2.1).

(1) *Description.* These regulations explain the procedures used by GSA in billing for supplies and services furnished Government agencies, and the procedures for payment of these billings. The regulations will be changed to include the Simplified Intra-government Billing and Collection System (SIBAC) billings for self-service stores, GSA printing services, communication services, and work or services provided above the standard level user charge.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Jerry Cochran (202–566–0524).

(4) *Major rule.* No.

2. Proposed rules.

None.

3. Regulations to be reviewed.

None.

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

1. Final rules expected to be issued.

a. ADP and telecommunications security (41 CFR 101–35.3).

(1) *Description.* This amendment to the Federal Property Management Regulations (FPMR) Part 101–35, ADP and Telecommunications Management Policy, clarifies the application of Executive Order 12065 and other national security directives that apply to ADP and telecommunication security.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert R. Johnson (202–566–0194).

(4) *Major rule.* No.

b. Minimize guidelines for Federal Telecommunications System (FTS) (41 CFR 101–37.7).

(1) *Description.* This Federal Property Management Regulation (FPMR) amendment pertains to FPMR Subpart 101–37.7, Minimize Guidelines, establishing procedures for administrative control of input telephone traffic to the Advanced Record System (ARS) during emergency conditions. The directive updates GSA instructions to the Federal agencies concerning the submission of Standard Form 145, Telephone Services Request.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert R. Johnson (202–566–0194).

(4) *Major rule.* No.

c. Implementation of Federal Information Processing Standards Publications (FIPS PUBS) and Federal Telecommunication Standards (FED–STD) into Solicitation Documents for automatic data processing (ADP) and telecommunication acquisitions (41 CFR 101–36.13).

(1) *Description.* Subpart 101–36.13 of the FPMR will be amended to recognize FIPS PUBS 68, 69, 70, 79, 81, 84, and 85 and FED–STDs 1007, 1008, 1020A, 1030A and 1031.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* David Mullins and William Loy (202–566–0194).

(4) *Major rule.* No.

d. Procurement and Contracting Government-wide for Automatic Data Processing Services and ADP-related Services (41 CFR 1–4.12).

(1) *Description.* This amendment to the Federal Procurement Regulations (FPR) adds a new Subpart 1–4.12 to the FPR that sets forth policies and procedures governing the procurement of ADP services and ADP-related services by Federal agencies.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Phillip Patton (202–566–0194).

(4) *Major rule.* No.

e. Procurement and Contracting for Telecommunications (41 CFR 1–4.13).

(1) *Description.* This directive adds procurement and contracting policies and procedures to the FPR. The directive will replace FPR Temporary Regulation 51 and FPMR Subpart 101–37.4.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Roger W. Walker (202–566–0194).

(4) *Major rule.* No.

f. Data Telecommunication Service Requests (41 CFR 101–37.2).

(1) *Description.* This directive changes the provisions of FPMR Subpart 101–37.2 to allow agencies to obtain certain intercity data, facsimile, and record telecommunications services without General Services Administration (GSA) approval.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Roger W. Walker (202–566–0194).

(4) *Major rule.* No.

2. Proposed rules. No proposed rules will be issued during the period May-October 1981.

3. Regulations to be reviewed.

a. Automatic Data Processing (ADP) Resources Utilization and Reutilization of ADP equipment and supplies.

(1) *Description.* Provisions of Federal Property Management Regulations Subparts 101–36.2 and 36.3 regarding the utilization of automatic data processing resources through the sharing capability program and the reutilization of excess ADP equipment will be reviewed toward updating and revising the procedures in order to reduce paperwork burdens and to encourage agencies to update their capabilities.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Betty Van Gelderen (202–566–0194).

(4) *Major rule.* No.

FEDERAL PROPERTY RESOURCES SERVICE, OFFICE OF REAL PROPERTY

1. Final rules expected to be issued.

a. Definition of Related Personal Property (41 CFR 101–43 and 101–47).

(1) *Description.* These regulations redefine the term "related personal property" more precisely and provide examples of common use items that

have been mistakenly reported as related personal property. The revised definition will aid the correct reporting of real and related personal property on a Standard Form 118 and the reporting of personal property items on a Standard Form 120. This increased efficiency will reduce unnecessary expenditures of personnel and other resources within the GSA Offices of Real Property and Personal Property.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486 (c).

(3) *Contact point.* James H. Pitts (703–557–2510).

(4) *Major rule.* No.

2. Proposed rules.

a. Identification of unneeded Federal real property (41 CFR 101–47.8).

(1) *Description.* These regulations will be updated to reflect the provisions of Executive Order 12030 of December 15, 1977, and Executive Order 11954 of December 7, 1977, which supersede Executive Order 11724 of June 25, 1973, currently referenced. Executive Order 11724 established the role of the Federal Property Council which is terminated under Executive Order 12030.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James H. Pitts (703–557–2510).

(4) *Major rule.* No.

3. Regulations to be reviewed.

a. Delegation of mineral rights disposal authority to the Department of the Interior (41 CFR 101–47.303).

(1) *Description.* These regulations are being reviewed for a possible delegation of authority to the Department of the Interior to dispose of (a) mineral rights on excess and surplus Federal real property and (b) mineral rights reserved by the Government on formerly owned Federal real property.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* James Kearns (703–557–3095).

(4) *Major rule.* To be determined.

b. Requirement that the Department of the Interior use Standard Form 118 and appropriate schedules to notify GSA of reversions of title (41 CFR 101–47.203–3 and 101–47.203–7).

(1) *Description.* The FPMR currently provides only for Department of the Interior letter notification of pending reversions of title. Use of Standard Form 118 as the notification medium will result in a significant savings in GSA resources required to screen and dispose of the reverted property.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 340; 40 U.S.C. 486(c).

(3) *Contact point.* James H. Pitts (703–557–2510).

(4) *Major rule.* No.

FEDERAL PROPERTY RESOURCES SERVICE, SALES DIVISION

1. Final rules expected to be issued.

a. Contract Disputes Act of 1978 and Mistakes in Bid Disclosed After Award (41 CFR 101–45.8).

(1) *Description.* This Policy directive sets forth an amendment to be made to the FPMR which implements the Contracts Disputes Act of 1978 and which revises the Mistakes in Bid procedures in 101–45.804 as it relates to the sale of surplus personal property.

(2) *Legal basis.* Public Law 95–563, 41, U.S.C. 601–613.

(3) *Contact point.* Milton Herman (703–557–0681).

(4) *Major rule.* No.

2. Proposed rules.

a. Revise Standard Form 114C, General Sale Terms and Conditions (41 CFR 101–45.3).

(1) *Description.* This revision to the SF 114C incorporates changes to the General Sale Terms and conditions to reflect current sales operating procedures.

(2) *Legal basis.* Sec. 205(c), 40 U.S.C. 486).

(3) *Contact point.* James Pope (703–557–1845).

(4) *Major rule.* No.

b. Bulletin concerning the reporting of personal property for disposal and testing a more equitable guaranteed descriptive provision (41 CFR 101–45.1).

(1) *Description.* This bulletin has a dual purpose: a. First, to remind agencies of the importance of providing complete and accurate descriptions when reporting personal peoperty for disposal; b. Second, to announce a program commencing May 1, 1981, whereby the General Services Administration (GSA) will test a more equitable guaranteed description provision when personal property is offered for sale by the GSA San Francisco, California, regional office (Region 9).

(2) *Legal basis.* Sec. 205(c) (40 U.S.C. 486).

(3) *Contact point.* Dona Gamble (703–557–3486).

(4) *Major rule.* No.

c. Exemptions from the provisions of sales authority provided in FPMR 101–45 (41 CFR 101–45.105.3).

(1) *Description.* To add paragraph (c) to reflect the change in the current Delegations of Authority dated October 20, 1980.

(2) *Legal basis.* Sec. 205(c) (40 U.S.C. 486).

(3) *Contact point.* Rebecca Worley (703–557–3486).

(4) *Major rule.* No.

3. Regulations to be reviewed.

a. Review FPMR 101–45 Sale, Abandonment, or Destruction of Personal Property.

(1) *Description.* Identify areas in subject chapter needing revision.

(2) *Legal basis.* Sec. 205(c) (40 U.S.C. 486).

(3) *Contact point.* Dona Gamble (703–557–3486).

(4) *Major rule.* No.

FEDERAL PROPERTY RESOURCES SERVICE, UTILIZATION DIVISION

1. Final rules expected to be issued.

a. Miscellaneous changes (Chapter 101—Federal Property Management Regulations Subchapter H—Utilization and Disposal).

(1) *Description.* These regulations prescribe the policies and procedures governing the utilization and disposal of personal property. The regulations will be changed to revise exhibits and provide current references to organizational units necessitated by the establishment of the Federal Property Resources Service (GSA order ADM 5440.123, July 18, 1978).

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda, Director, Utilization Division (703–557–0714).

(4) *Major rule.* No.

b. Excess personal property reporting criteria (41 CFR 101–43.4801).

(1) *Description.* These regulations establish criteria to ensure that excess personal property having reasonable utilization potential is reported to GSA for disposition. The regulations will be changed to reflect revised reporting criteria which more accurately reflect excess personal property having reasonable utilization potential.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda, Director, Utilization Division (703–557–0714).

(4) *Major rule.* No.

2. Proposed rules.

a. Utilization, donation, sale, abandonment or destruction of hazardous materials (Chapter 101—Federal Property Management Regulations Subchapter H—Utilization and Disposal).

(1) *Description.* These regulations prescribe the rules for the utilization, donation, sale, abandonment or destruction of hazardous personal property. The regulations will be changed to consolidate existing rules and establish new rules in a separate

FPMR Part 101–45a, entitled "Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials."

(1) *Description.*

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda, Director, Utilization Division (703–557–0714).

(4) *Major rule.* No.

b. Acquisition and use of excess personal property (41 CFR Part 101–43 and 101–46).

(1) *Description.* These regulations prescribe the procedures for the acquisition and use of excess personal property by Federal agencies and other authorized recipients. A number of miscellaneous changes will be made to the regulations to clarify these procedures.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda, Director, Utilization Division (703–557–0714).

(4) *Major rule.* No.

3. Regulations to be reviewed.

a. Utilization and disposal of personal property pursuant to exchange/sale authority (41 CFR 101–46).

(1) *Description.* These regulations prescribe policies and methods governing the use by executive agencies of the exchange/sale authority of section 201(c) of the Federal Property and Administrative Services Act of 1949, 66 Stat. 384, as amended (40 U.S.C. 481(c)). They are applicable to U.S. Government-owned property located within and outside of the United States.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Mr. Stanley M. Duda, Director, Utilization Division (703–557–0714).

(4) *Major rule.* To be determined.

FEDERAL PROPERTY RESOURCES SERVICE, DONATION DIVISION

1. Final rules expected to be issued.

a. Donations to Public agencies and Eligible, Nonprofit, Tax-exempt activities (41 CFR 101–44.2).

(1) *Description.* An FPMR amendment to correct legal citations and captions.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* George W. Kinney (703–557–0466).

(4) *Major rule.* No.

b. Donations to Service Educational Activities (41 CFR 101–44.3).

(1) *Description.* An FPMR amendment to donate surplus personal property under control of the Department of Defense to service educational activities (SEA) through State Agencies for Surplus Property.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* George W. Kinney (703–557–0466).

(4) *Major rule.* No.

c. Standard Form 123, Transfer Order Surplus Personal Property (41 CFR 101–4801–123).

(1) *Description.* An FPMR amendment to revise the SF 123 and preparation instructions to include required special processing data and nondiscrimination certifications and agreements.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* George W. Kinney (703–557–0466).

(4) *Major rule.* No.

d. GSA Form 3040, State Agency Monthly Donation Report of Federal Surplus Personal Property (41 CFR 101–44.4902–3040).

(1) *Description.* An FPMR amendment to revise GSA Form 3040 and preparation instructions to include necessary data for GSA reporting requirements.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* George W. Kinney (703–557–0466).

(4) *Major rule.* No.

FEDERAL PROPERTY RESOURCES SERVICE, OFFICE OF STOCKPILE TRANSACTIONS

1. Final rules expected to be issued.

a. Regulations for disposal of excess materials from the National Defense Stockpile (41 CFR 101–14).

(1) *Description.* These rules implement the Strategic and Critical materials Stock Piling Act of 1979 covering substantive law rules and procedural rules of contracting to promote competition for the sale of excess stockpile materials authorized for disposal by Congress.

(2) *Legal Bases.* Strategic and Critical Materials Stock Piling Act of 1979 (50 U.S.C. 98 et seq.) and Executive Order 12155, dated September 10, 1979).

(3) *Contact Point.* John Babey (703–557–0982).

(4) *Major Rule.* No.

(5) *Expected issue date.* Late 1981.

2. No proposed rules.

3. No regulations to be reviewed.

NATIONAL ARCHIVES AND RECORDS SERVICE

1. Final Rules Expected to be Issued.

a. Transfer of Records to the National Archives—Authority (41 CFR 101–11.411–2(a)(2)).

(1) *Description:* This regulation permits the Administrator of GSA to direct and effect the transfer to the National Archives of records over 30 years old that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant continued preservation.

(2) *Legal basis:* Sec. 2103(2), 82 Stat. 1287 (44 U.S.C. 2101–2114, Chapter 21).

(3) *Contact point:* Mary Ann Wallace (202–523–3081).

(4) *Major rule:* No.

b. Procedures Governing the Disposition of Federal Records (41 CFR 101–11.4).

(1) *Description:* This regulation contains procedures for requesting authority to destroy, donate, or transfer Federal records; instructions for developing records schedules; and information on general records schedules.

(2) *Legal basis:* 44 U.S.C. chapters 29, 31, and 33.

(3) *Contact point:* Raymond Mosley (202–724–1625).

(4) *Major rule:* No.

c. Records Management—Micrographics (41 CFR 101–11.5).

(1) *Description:* This regulation changes the requirement for agencies to inspect master films of records microfilmed to dispose of the original record if the scheduled life of the record is ten years or less.

(2) *Legal basis:* 44 U.S.C. chapters 29 and 33.

(3) *Contact point:* John Hughes (202–376–8823).

(4) *Major rule:* No.

2. Proposed Rules to be Issued, or Recently Issued and Not Finalized.

a. Federal Advisory Committee Management (41 CFR 101–6.—).

(1) *Description:* The regulation will provide additional guidance, procedures, and information to agencies for managing Federal executive branch advisory committees, and will rescind OMB Circular A–63 (3/27/74), 41 CFR 101–11.12, and 41 CFR 101–11.4930–248 through 101–11.4930–250.

(2) *Legal basis:* 5 U.S.C., App. I; Executive Order 12024 (12/1/77).

(3) *Contact point:* John F. Clancy, Jr. (202–357–0019).

(4) *Major rule:* No.

(5) *Issue date of proposed rule:* August 21, 1980 (45 FR 55769).

b. Records Management Technical Assistance (41 CFR 101–11.10).

(1) *Description:* The proposed rule revised the description of technical assistance chiefly by adding a provision requiring Federal agencies to document

and provide to the National Archives and Records Service (NARS) on request any savings or other benefits resulting from NARS technical assistance recommendations.

(2) *Legal basis:* 82 Stat. 1295 (44 U.S.C. 2904, chapter 29).

(3) *Contact point:* John H. Gant (202–376–8836).

(4) *Major rule:* No.

(5) *Issue date of proposed rule:* January 14, 1981 (46 FR 3239).

c. Records Equipment and Supplies—Stationary Standards (41 CFR 101–11.803).

(1) *Description:* The rule provides size and paper specifications for the use of 8.5 by 11 inch paper, delegates to heads of agencies the responsibility for authorizing the use of envelope markings and designs, revises design standards for letterheads, and promotes management policies and procedures for economically and efficiently selecting, storing, and using stationary.

(2) *Legal basis:* 44 U.S.C. 509 and 1105.

(3) *Contact point:* Richard P. Stephenson (202–376–8907).

(4) *Major rule:* No.

(5) *Issue date of proposed rule:* October 1, 1980 (45 FR 64978).

d. Forms—Agency Reports Management (41 CFR 101–11.207).

(1) *Description:* Outlines agency responsibilities in regard to forms management.

(2) *Legal basis:* 82 Stat. 1295 (44 U.S.C. 2904, chapter 29).

(3) *Contact point:* Donald K. Hanson (202–376–8853).

(4) *Major rule:* No.

e. Forms—Agency Forms Management (41 CFR 101–11.208).

(1) *Description:* Outlines agency responsibilities in regard to forms management.

(2) *Legal basis:* 82 Stat. 1295 (44 U.S.C. 2904, chapter 29); 82 Stat. 1297 (44 U.S.C. 3101, chapter 31).

(3) *Contact point:* Donald K. Hanson (202–376–8853).

(4) *Major rule:* No.

f. Interagency Reports Management Program (41 CFR 101–11.11).

(1) *Description:* Prescribes procedures to be followed by Federal agencies to obtain approval for proposed interagency reporting requirements and for extension of previously approved reports.

(2) *Legal basis:* 82 Stat. 1295 (44 U.S.C. 2901–2910, Chapter 29); 82 Stat. 1297 (44 U.S.C. 3101–3107, chapter 31); Office of Management and Budget Circular A–40.

(3) *Contact point:* R. Stewart Randall (202–376–8914).

(4) *Major rule:* No.

(5) *Issue date:* January 14, 1981 (46 FR 3240).

g. Standard and Optional Forms Program (41 CFR 101–11.8).

(1) *Description:* This proposed rule updates and clarifies GSA/NARS procedures for approving and canceling standard and optional forms, and sets forth agency responsibilities for developing, promulgating, and sponsoring Government-wide forms through the Standard and Optional Forms Program.

(2) *Legal basis:* 82 Stat. 1295 (44 U.S.C. 2904, Chapter 29); 82 Stat. 1297 (44 U.S.C. 3101, chapter 31); Agreement with the Office of Management and Budget of 5/29/67 under which GSA/NARS assumed responsibility for this program.

(3) *Contact point:* Ms. Gail Dennis (202–376–2343).

(4) *Major rule:* No.

3. Regulations to be Reviewed.

a. Agency Records Centers (41 CFR 101–11.412).

(1) *Description:* This regulation prescribes procedures and rules to be followed by Federal agencies in establishing records centers to be operated by the agency creating the records.

(2) *Legal basis:* 44 U.S.C., chapter 31.

(3) *Contact point:* Linda N. Brown (202–724–1592).

(4) *Major rule:* No.

PUBLIC BUILDINGS SERVICE

1. Final rules expected to be issued, including both permanent and temporary regulations, that will be issued between May and October.

a. Management of Buildings and Grounds; Display of the Code of Ethics for Government Service (41 CFR Part 101–20).

(1) *Description.* This regulation implements Pub. L. 96–303, an Act to provide for the display of the Code of Ethics for Government Service. The Act requires the Administrator to provide for the publication and distribution of the Code; to prescribe regulations by which each agency shall display the Code in appropriate areas of buildings in which at least 20 individuals are regularly employed by an agency as civilian employees; and to accept any unconditional gift made for the purpose of the Act. The regulation also requires that the code be appropriately displayed in public space in Government-owned of fully Government-occupied leased buildings such as lobbies, auditoriums, cafeterias, and other traffic areas.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Virgil Ostrander (202–566–1563).

(4) *Major rule.* No.

b. Improved Use of Federal Space Facilities (41 CFR Part 101–17).

(1) *Description.* This regulation provides Federal agencies with guidelines to use in establishing programs to improve their utilization of space and with criteria for developing and implementing programs to achieve economies in space utilization. This regulation is intended to reduce the total space utilization rate, which will result in significant annual cost savings.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)..

(3) *Contact point.* Paul H. Herndon III (202–566–1875).

(4) *Major rule.* No.

c. Space Requirements Worksheet (41 CFR Part 101–17).

(1) *Description.* This regulation requires Federal agencies to submit GSA Form 1478, Space Requirements Worksheet, with Standard Form 81, Request for Space, to the GSA regional office responsible for the geographic area in which the space is required.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Paul H. Herndon III (202–566–1875).

(4) *Major rule.* No.

d. FPMR Temporary Regulation D–65, Federal Employee Parking, Supplement 3 (41 CFR Part 101–20).

(1) *Description.* This supplement suspends paragraphs 11, 12, 13 and 18 of FPMR Temp. Reg. D–65, which provide for the charging for employee parking and the collection and deposit of fees.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Paul H. Herndon III (202–566–1875).

(4) *Major rule.* No.

e. FPMR Temporary Regulation D—, Leasing of Space Under GSA-Delegated Authority (41 CFR Chapter 101).

(1) *Description.* This regulation prescribes policies and procedures for leasing of space by executive agencies under a specific or class delegation of authority by GSA. This regulation is necessary for the purposes of effectively carrying out the functions transferred by the provisions of the Reorganization Plan No. 18 of 1950. The intent of the regulation is to establish uniform policies and procedures for the acquisition of space by lease in the FPMR.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* John P. Spock (202–566–0638).

(4) *Major rule.* No.

f. FPMR Temporary Regulation D–66, Accommodations for the physically handicapped, supplement 1, extension of the expiration date. (July 30, 1981) (41 CFR Part 101–19).

(1) *Description.* This temporary regulation establishes a new "GSA Accessibility Standard" to provide minimum accessibility standards for the design of Federal buildings and facilities to accommodate the physically handicapped.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Kathleen Fields (202–566–1348).

(4) *Major rule.* No.

g. Accommodations for the physically handicapped (41 CFR 101–19.6).

(1) *Description.* This regulation will change the semiannual reporting requirement to an annual reporting period. It will also revise the GSA Form 2974, Status Report for Federally Funded Buildings—Accommodation of Physically Handicapped, and GSA Form 2974–A, Accessibility to the Physically Handicapped in Leased Buildings.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Kathleen Fields (202–566–1348).

(4) *Major rule.* No.

2. Proposed rules that will be issued between May and October and proposed rules that have been issued but not yet finalized.

a. Improved Use of Federal Space Facilities (41 CFR Part 101–17).

(1) *Description.* This regulation provides Federal agencies with guidelines to use in establishing programs to improve their utilization of space and with criteria for developing and implementing programs to achieve economies in space utilization.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Paul H. Herndon III (202–566–1875).

(4) *Major rule.* No.

(5) *Issued date.* August 8, 1980 (45 FR 52842).

b. Display of the Code of Ethics for Government Service (41 CFR Part 101–20).

(1) Description. This regulation provides for the display of the Code of Ethics for Government Service.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Virgil Ostrander (202–566–1563).

(4) *Major rule.* No.

(5) *Issued date.* November 3, 1980 (45 FR 72713).

3. Regulations to be reviewed.

None.

FEDERAL SUPPLY SERVICE

1. Final rules expected to be issued.

a. Substitution policy (41 CFR 101–26.304).

(1) *Description.* This regulation contains changes in the GSA policy on issuing substitute items for items ordered from GSA stock. The regulation will specify when prior approval will be obtained from ordering activities before substitute items are issued.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703–557–7970).

(4) *Major rule.* No.

b. Price comparisons (41 CFR 101–26.401(c)).

(1) Description. This regulation eliminates the mandatory requirement that agencies compare prices in Federal Supply Schedules with suitable products available from noncontract sources and advise GSA whenever they encounter lower prices from noncontract sources. The requirement has been in effect since May of 1980 and agencies report that because of limited staffing they are unable to comply. This regulation will provide that agencies notify GSA only when they encounter an instance in which the price of a schedule product is higher than a suitable noncontract product.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703–557–7970).

(4) *Major rule.* No.

c. GSA self-service stores (41 CFR 101–26.3).

(1) *Description.* This regulation contains new and revised policy on the operation and use of GSA self-service stores. The regulation will clarify the purpose and functions of self-service stores, provide restrictions on the use of the stores, and provide for more effective control over purchases in the stores.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Harold F. Bare (703–557–7970).

(4) *Major rule.* No.

d. Priorities for sources of supply (41 CFR 101–26.107 and 101–26.605).

(1) *Description.* This regulation provides clarification between mandatory and nonmandatory supply sources that are available to Federal agencies. The regulation will enable agencies to better determine the appropriate source to use in obtaining supplies or services.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703–557–7970).

(4) *Major rule.* No.

e. Procurement of appliances by Federal agencies (41 CFR 101–26.5).

(1) *Description.* This regulation provides an improved method by which Federal agencies are to purchase appliances when they are needed. The regulation will result in agencies being able obtain appliances more readily and at competitive prices.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703–557–7970).

(4) *Major rule.* No.

f. Costs of returning stock items to GSA for credit (41 CFR 101–27.507).

(1) *Description.* This regulation requires agencies returning items to GSA for credit to assume the costs of unloading the items. The regulation will eliminate the problems encountered when returned items are delivered to GSA without provisions having been made to unload the items.

(2) *Legal basis.* Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(6).

(3) Contact point. S. C. Medford (703–557–8520).

(4) *Major rule.* No.

g. Nonperishable subsistence items (41 CFR 101–30).

(1) *Description.* This regulation provides revised policy and procedures for the cataloging of nonperishable subsistence items. The regulation will ensure that the cataloging of nonperishable subsistence items is uniform and complete.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703–557–7970).

(4) *Major rule.* No.

h. Purchase of fuel oils (41 CFR 101–26.602–3).

(1) *Description.* this regulation increases the minimum quantity below which civilian agencies with procurement capability are required to obtain burner fuel oil from the Defense Fuel Supply Center (DFSC). This regulation will reduce the incidence of civilian agencies obtaining small quantities of burner fuel oils from the DFSC. The DFSC is unable to supply small quantities of burner fuel oil at lower prices than civilian agencies can obtain it for on the open market.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703–557–7970).

(4) *Major rule.* No.

l. Direct payment to GSA contractors (41 CFR 101–26.102–4).

(1) *Description.* This regulation pertains to the billing procedures which are prescribed in Subchapter A of the FPMR which may be revised. The regulation would be issued if the billing procedures in Subchapter A are revised and would align Subchapter E with Subchapter A.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703–557–7970).

(4) *Major rule.* No.

j. Use standards for executive-type office furniture (41 CFR 101–25.302–1).

(1) *Description.* This regulation provides strict and definitative use standards for executive-type office furniture. The regulation will provide for more effective utilization of Government-owned executive-type office furniture and limit the purchase of new executive-type office furniture to an absolute minimum.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* John Allen (703–557–1583).

(4) *Major rule.* No.

k. Systems furniture (41 CFR Chapter 101 appendix at the end of Subchapter F).

(1) *Description.* This regulation provides policies and procedures on the acquisition of systems furniture. The regulation will ensure that systems furniture will be acquired by the Government only when it can be documented as being cost beneficial or otherwise advantagous to the Government.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert Schwaner (703–557–8474).

(4) *Major rule.* No.

l. Procurement data reporting (41 CFR Chapter 101 appendix at the end of Subchapter E).

(1) *Description.* This regulation requires that agencies provide GSA with information on certain types of itmes that they purchase through Federal upply Schedules. The regulation will allow GSA to gather the necessary data to evaluate and assess what items agencies are buying and thereby develop a requirements oriented supply system.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Warren F. Morris (703–557–2364).

(4) *Major rule.* No.

m. Waivers (41 CFR Chapter 101 appendix at the end of Subchapter E).

(1) *Description.* This regulation established a specific dollar value threshold below which ordering agencies will handle requests for waivers from the requirement to obtain items from GSA stock or Federal Supply Schedules. The regulation will eliminate the time consuming process of obtaining waivers from GSA for low dollar value quantities and allow GSA to concentrate on requests for waivers that involve larger dollar value amounts.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Clyde H. Mathews (703–557–7580).

(4) *Major rule.* No.

n. Designation of property management officers (41 CFR Chapter 101 appendix at the end of Subchapter E).

(1) *Description.* This regulation formalizes the designation of property management officers by executive agencies. The regulation is an initial step in institutionalizing the property management officer concept which has proven to be an effective means of controlling the acquisition, utilization, and disposal of furniture.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* John Allen (703–557–1583).

(4) *Major rule.* No.

2. Proposed rules.

None.

3. Regulations to be reviewed.

a. Use standards (41 CFR 101–25.3).

(1) *Description.* This regulation prescribes minimum use standards for certain Government-owned personal property to be applied by all executive agencies.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

(3) *Contact point.* Robert F. Welsh (703–557–7970).

(4) *Major rule.* To be determined.

b. Procurement of GSA stock items (41 CFR 101–26.3).

(1) *Description.* This regulation prescribes policy and procedures governing the procurement by agencies of items of supply stocked by GSA.

(2) *Legal basis.* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)).

(3) *Contact point.* Robert F. Welsh (703–557–7970).

(4) *Major rule.* To be determined.

OFFICE OF HUMAN RESOURCES AND ORGANIZATION

1. Final rules expected to be issued.

a. Nondiscrimination in Federally Assisted Programs (41 CFR Part 101–8).

(1) *Description.* This regulation consolidates and implements all civil rights provisions which prohibit discrimination on the bases of race, color, national origin, sex, age, or handicap, in programs and activities receiving Federal assistance from the General Services Administration. The regulation will explain the Agency's responsibilities, and it will set out requirements for applicants and for recipients of Federal assistance.

(2) *Legal basis.* Title VI of the Civil Rights Act of 1964, Pub. L. 88–352, 78 Stat. 252, 42 U.S.C. 2000d; Title IX of the Education Amendments of 1972, as amended, Pub. L. 92–318, 86 Stat. 373, Pub. L. 93–568, 88 Stat. 1862, Pub. L. 94–482, 90 Stat. 2234, 20 U.S.C. 1681; Section 504 of the Rehabilitation Act of 1973, as amended, Pub. L. 93–112, 87 Stat. 394, 29 U.S.C. 794; and the Age Discrimination Act of 1975, Pub. L. 94–135, 89 Stat. 728, 42 U.S.C. 6101.

(3) *Contact point.* Leslie A. Wilson (202–566–1009).

(4) *Major rule.* No.

2. Proposed rules.

None.

3. Regulations to be reviewed.

None.

TRANSPORTATION AND PUBLIC UTILITIES SERVICE, OFFICE OF TRANSPORTATION AND TRAVEL MANAGEMENT (TT)

A. New Regulations.

No new major rules are being considered.

B. Changes to Existing Regulations.

1. Federal Travel Regulations (FTR) (41 CFR 101–7); revise chapter 2 to increase certain relocation allowances.

2. Supplement 12 to FPMR Temporary Regulation A–11; revise certain High Rate Geographical Areas and revise rates for reimbursement on use of privately-owned vehicles.

3. Federal Travel Regulations (FRT) (41 CFR 101–7); additional revisions to chapters 1 and 2 for clarification of various travel provisions.

a. Need for changes (listed above): (1) To implement proposed rulemaking published for agency comments on March 20, 1981. (2) To incorporate results of investigation by GSA of the cost of travel and operation of privately-owned vehicles and (3) To incorporate various additional changes in the travel area into the FTR.

b. Legal Basis: Travel Expense Amendments Act of 1971 (Pub. L. 94–22), May 22, 1971; Executive Order 11609 (July 22, 1971).

c. Contact Point: Audrey Rish, Federal Travel Management Division, Office of

Transportation and Travel Management (202–275–0651).

4. Supplement 1 to FPMR Temporary Regulations A–17; revise contract air fares, add new city-pairs and change certain airline reservation telephone numbers.

a. Need for Changes: To incorporate results of additional contract fares and city-pairs available by GSA contracts with certain scheduled airlines.

b. Legal Basis: Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377 et seq.).

c. Contact Point: Ed Hochard, Federal Travel management Division, Office of Transportation and Travel Management (202–275–0657).

TRANSPORTATION AND PUBLIC UTILITIES SERVICE, OFFICE OF TRANSPORTATION AUDITS

Final Rule

AGENDA ITEM: Federal Property Management Regulation (FPMR) Amendment G–43.

Descriptive Caption: Audit of Payments for Transportation Services Furnished for the Account of the United States.

CFR Citation: (41 CFR Part 101–41).

Brief Description: This final rule establishes policies and procedures governing the audit of payments for domestic and foreign freight and passenger transportation services furnished for the account of the United States.

Legal Basis: Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (31 U.S.C. 244); and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Contact Point: John W. Sandfort, TACP, 275–0664.

Regulatory Analysis: Not required, not a major rule.

Additional Information: Review of this amendment was recently completed and this update provides for revision of certain organizational symbols and legal citations which are no longer current, and other editorial corrections. Revision to be published not later than June 20, 1981, to allow for update of the Code of Federal Regulations scheduled for reprinting on July 1, 1981.

Final Rule

AGENDA ITEM: Federal Property Management Regulation (FPMR) Amendment G–43.

Descriptive Caption: Selective Service System National Emergency Travel Warrant.

CFR Citation: (41 CFR Part 101–41).

Brief Description: This regulation provides for the procurement of passenger transportation service and the billing and payment for such services in connection with the Selective Service System National Emergency Travel Warrant system.

Legal Basis: Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (31 U.S.C. 244); and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Contact Point: John W. Sandfort, TACP, 275–0664.

Regulatory Analysis: Not required, not a major rule.

Additional Information: This regulation allows for the use of travel warrants as an exception to U.S. Government Transportation Requests to obtain transportation for registrants who are ordered to report for induction into the military service during periods of national emergency. Target date for publication of this final rule is May 31, 1981.

Proposed Rule

AGENDA ITEM: Federal Property Management Regulation (FPMR) Amendment G–43.

Description Caption: Refunds From Carriers for Unused Transportation Services or Accommodations.

CFR Citation: (41 CFR Part 101–41).

Brief Description: This proposed rule will revise and improve the current procedures regarding voluntary refunds from carriers for unused Transportation services or accommodations to allow for recovery of outstanding refunds due the U.S. Government from the carrier industry.

Legal Basis: Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (31 U.S.C. 244); and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Contact Point: John W. Sandfort, TACP, 275–0664.

Regulatory Analysis: Not required, not a major rule.

Additional Information: The amended regulation will expedite the recovery of unearned revenue presently being held by passenger carriers in those instances where the carrier has not received a Standard Form 1170, Redemption of Unused Tickets. This proposed rule was published in the **Federal Register** on March 31, 1981, and invited comments from interested parties, to be received by GSA by April 30, 1981. Target date for the publication of the final rule is May 31, 1981.

Proposed Rule

AGENDA ITEM: Federal Property Management Regulation (FPMR) Amendment G–43.

Description Caption: Proposed Revision of U.S. Government Bills of Lading.

CFR Citation: (41 CFR Part 101–41).

Brief Description: This proposed rule will revise the format of the current editions of the Government bills of lading, Standard Forms 1103, 1109, and 1131 (series).

Legal Basis: Sec. 322 of the Transportation Act of 1940, 54 Stat. 955, as amended (31 U.S.C. 244); and sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Contact Point: John W. Sandfort, TACP, 275–0664.

Regulatory Analysis: Not required, not a major rule.

Additional Information: This regulation publishes proposed changes in GBL format which will make the documents more efficient and more responsive to data information systems. Target date for publication of this proposed rule is June 30, 1981, and it will invite comments from interested parties. Target date for publication of a final rule is September 30, 1981.

TRANSPORTATION AND PUBLIC UTILITIES SERVICE, OFFICE OF MOTOR EQUIPMENT

A. New Regulations:

1. Federal Property Management Regulations (FPMR) Temporary Regulation in the G-series to provide guidance to civilian Federal agencies concerning the use of gasohol in Federally owned and operated motor vehicles.

a. Need for new regulation: Based on the need for a coordinated policy for gasohol use in the Federal Government.

b. Legal basis: Executive Order 12261 (January 5, 1981) and the Energy Security Act of 1980.

c. Contact point: Larry Frisbee, Federal Fleet Management Division, Office of Motor Equipment (202/275–1021).

d. Regulatory analysis: Will not be prepared.

e. Additional information: The new regulation listed above will be published in the **Federal Register** as proposed rulemaking to allow for agency comments before final rule.

B. Changes to existing regulations:

1. FPMR Temporary Regulation A–16 to codify the provisions of this regulation (Federal Facility Ridesharing Program).

a. Need for change: Expiration date of Temporary Regulation is June 30, 1981.

b. Legal basis: Executive Order 12191 (February 1, 1980).

c. Contact point: Larry Frisbee, Federal Fleet Management Division, Office of Motor Equipment (202/275–1021).

d. Regulatory analysis: Will not be prepared.

e. Additional information: The regulatory changes listed above will be incorporated into the permanent regulation, taking into account agency comments furnished to GSA.

2. FPMR (41 CFR Part 101–38) to clarify grounds for withdrawal of an Interagency Motor Pool System (IMPS) vehicle from a customer agency and to hold customer agencies responsible for all costs of accident damage to IMPS vehicles under their control except where an identifiable third party is at fault or when the damage is caused by the failure of the IMPS vehicle itself.

a. Need for change: Provide specific authority for IMPS motor pool managers to withdraw vehicle support and provide basis to directly charge customer agencies for all accident costs (except as noted above) rather than attempting to recover such costs by increasing overall rental rates charged to all users.

b. Legal basis: Federal Property and Administrative Services Act of 1949, as amended, Section 211(d).

c. Contact point: William Rivers, Interagency-Motor Pools Division, Office of Motor Equipment (202/275–6118.

d. Regulatory analysis: Will not be prepared.

e. Additional information: The regulatory changes listed above were published in the Federal Register for agency comment. Comments have been received and reconciled. Publication in the Federal Register as a final rule will occur by the end of May 1981.

C. Regulation scheduled for review:

1. FPMR 101–38 and 101–39 to reflect miscellaneous changes which have occurred since the 1st review in 1977. These housekeeping changes will reflect things like new addresses, changes to agency code identifications, revised agency names, etc.

a. Contact point: Lowell A. Stockdale, Director, Federal Fleet Management Division, Office of Motor Equipment (202/275–1021).

2. FPMR 101–38.1306 and .1307 to determine if new porcedures are necessary for overall management of the acquisition of fuel efficient vehicles program.

a. Contact point: Larry Frisbee, Federal Fleet Management Division, Office of Motor Equipment (202/275–1021).

OFFICE OF ACQUISITION POLICY

The Office of Acquisition Policy is responsible for the Federal Procurement Regulations (FPR) (41 CFR Chapter 1). The letter dated April 8, 1981, from the Director of the Office of Management and Budget to Don Sowle, OFPP/James Miller, IRA, subject: Procurement Regulations, Exemption from Executive Order No. 12291, February 17, 1981; Federal Regulation, exempts procurement regulations, except those pertaining to the acquisition of automated data processing and telecommunications equipment, from the requirements of E.O. 12291. Therefore, proposed FPR actions other than those pertaining to ADP and telecommunications (see the entries for the Automated Data and Telecommunications Service for proposed FPR actions in this area), are not listed in this agenda.

OFFICE OF INSPECTOR GENERAL

No regulatory actions are planned.

GSA BOARD OF CONTRACT APPEALS

No regulatory actions are planned.

OFFICE OF EXTERNAL AFFAIRS

No regulatory actions are planned.

OFFICE OF GENERAL COUNSEL

No regulatory actions are planned.

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Thursday
April 30, 1981

Part IX

National Credit Union Administration

Semi-Annual Agenda of Regulations

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semi-Annual Agenda of Regulations

AGENCY: National Credit Union Administration.

ACTION: Publication of Semi-Annual Agenda of Regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act and agency policy, NCUA is publishing a list of regulations under consideration by NCUA as of April 17, 1980.

DATES: Effective April 17, 1980.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: (a) On the Regulatory Flexibility Act or the Agenda, Robert Monheit, Senior Attorney/Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration at the above address. Telephone: (202) 357–1030. (b) On a particular regulation, contact the person named in the listing for that regulation at the above address.

SUPPLEMENTARY INFORMATION: On March 23, 1978, Executive Order No. 12044 was issued, directing each executive agency, among other actions, to publish, twice a year, a list of significant regulations being considered, along with a description of the regulation, its need and legal basis, its status, the name and telephone number of an agency official familiar with the regulation and whether a regulatory analysis is required for that regulation.

NCUA decided to comply voluntarily with this directive and the first Semi-Annual Agenda was published on December 15, 1978 (43 FR 58654). Twelve regulations were listed as being under development from the stage of preliminary review through the issuance of a final regulation. In addition, the first Agenda listed twenty existing regulations to be reviewed in the future. The second Semi-Annual Agenda was published on July 2, 1979 (44 FR 38560). Nineteen regulations were listed as being under development. The list of existing regulations to be reviewed was divided into two categories. The first ("Regulations Reviewed") contained a list of nine regulations where substantial progress had been made in the review process (from preliminary review through the issuance of a final, revised, regulation). The second group ("Regulations to be Reviewed") listed eleven regulations yet to be reviewed. The third Semi-Annual Agenda was published on December 19, 1979. Seventeen regulations were listed as being under development, four regulations were listed as being under active review, and eleven regulations were listed as to be reviewed in the future. The fourth Semi-Annual Agenda was published on July 16, 1980 (45 FR 47695). Twenty-two regulations were listed as being under development, three regulations were listed as being under active review, and thirty-two regulations were listed as to be reviewed in the future. In addition, target dates were established for the completion of a "preliminary review memo" (setting forth the need for the regulations and alternatives to be considered) for each regulation to be reviewed. The fifth Semi-Annual Agenda was published on December 24, 1980 (45 FR 85052), and listed seventeen regulations under development, fifteen under active review, and twenty-two to be reviewed in the future.

On January 1, 1981, the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) became effective. This law requires, among other things, that each agency publish a regulatory flexibility agenda each April and October (5 U.S.C. 602). This agenda lists regulations that the agency expects to propose that are likely to have a significant economic impact on a substantial number of small entities. NCUA has defined "small entities" to include credit unions with less than $1 million in assets. NCUA believes, at this time, that none of the regulations listed in the agenda will have a significant economic impact on a substantial number of these small credit unions.

On February 19, 1981, Executive Order 12291 was issued (46 FR 13193), replacing E.O. 12044 and setting forth new agenda requirements for regulations subject to the Executive Order. NCUA, however, is not subject to E.O. 12291 because NCUA is an independent regulatory agency.

NCUA has decided to continue to publish its agenda as it has been published in the past. This method results in a publication that is broader than that required by the Regulatory Flexibility Act. NCUA believes that the agenda is a useful tool to enable the credit union community and the public to track regulatory development and to effectively participate in that process.

As stated earlier, this Agenda retains the format used in its predecessor. Those regulations listed in the fourth Agenda as having been issued in final have not been included.

Agenda: Regulations Under Development

1.a. Section 701.21–6A, Business Relationship with Mortgage Lender—to permit Federal credit unions to enter into a business relation with a mortgage lender that will grant first mortgage loans to members of the Federal credit union.

b. *Need:* To provide mortgage loans to members of those Federal credit unions that are unable to otherwise provide such loans.

Legal Basis: 12 U.S.C. 1757, 1766(a), and 1789(a)(11).

c. *Status:* Final rule issued April 2, 1981 (46 FR 19927), effective May 1, 1981.

d. For Further Information Contact: Robert M. Fenner, Deputy General Counsel, Todd A. Okun, Assistant General Counsel, or John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

2.a. Section 701.35(m), Premiums, Finders Fees and the Payment of Dividends in Merchandise—to limit the use of the premiums by Federal credit unions.

b. *Need:* To prohibit practices which may result in returns on savings in excess of rate limitations and to enable consumers to better compare rates of return on savings.

Legal Basis: 12 U.S.C. 1766 and 1789.

c. *Status:* Final rule issued December 30, 1980 (46 FR 85723), effective December 31, 1980.

d. For Further Information Contact: James J. Engel, Assistant General Counsel, or Todd A. Okun, Assistant General Counsel, Office of General Counsel, telephone: (202) 357–1030.

3.a. Section 701.35(e), Withdrawals From Share Certificate Accounts—providing a minimum required penalty for withdrawals prior to maturity.

b. *Need:* To simplify existing rule on early withdrawals and to promote stability in Federal credit unions by deterring early withdrawals, and to allow Federal credit unions flexibility in establishing penalties.

Legal Basis: 12 U.S.C. 1766 and 1789.

c. Final rule issued February 19, 1981 (45 FR 12948), effective February 19, 1981.

d. For Further Information Contact: Robert M. Fenner, Deputy General Counsel, Office of General Counsel, telephone: (202) 357–1030; Randall J. Miller, Director, Division of Regulatory Policy and Research, Office of Policy Analysis, telephone: (202) 357–1090.

4.a. Section 701.21–6(b), Real Estate Lending—removing requirements of prior NCUA approval for credit unions

under $2 million in assets and removing restrictions on loan origination fees.

b. *Need:* To reduce the burden of regulations and enable Federal credit unions to provide competitive real estate loan services to their members.

Legal basis: 12 U.S.C. 1757, 1766, and 1789.

c. *Status:* Final rule issued March 19, 1981 (46 FR 17537), effective March 12, 1981.

d. For Further Information Contact: Thomas C. Buckman, Staff Accountant (Analyst), Office of Examination and Insurance, telephone: (202) 357–1065, or John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

5.a. Part 760, Flood Insurance—governing FCU lending secured by improved realty, or a mobile home when either is located in a flood plain.

b. *Need:* To provide a plain English version of present NCUA flood insurance regulations.

Legal Basis: 12 U.S.C. 1757, 1789; 42 U.S.C. 4102a, 4106.

c. *Status:* Proposed rule issued October 15, 1980 (45 FR 68398), comment period closes December 15, 1980. Under review by staff.

d. For Further Information Contact: John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357–1030, or Ben R. Henson, Director, Division of Enforcement, Office of Consumer Affairs, telephone: (202) 357–1080.

6.a. Part 701, Adjustable Rate Mortgages—allowing credit unions to grant real estate loans with interest rates that will change during the life of the loan.

b. *Need:* To minimize the effects of volatile financial conditions on both home buyers and Federal credit unions.

Legal Basis: 12 U.S.C. 1757(5)(A)(i) and (ix).

c. *Status:* Advance notice of proposed rule making issued December 1, 1980 (45 FR 79494), comment period closed January 31, 1981. Under review by staff.

d. For Further Information Contact: Thomas C. Buckman, Staff Accountant (Analyst), Office of Examination and Insurance, telephone: (202) 357–1065; or John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

7.a. Sections, 701.26, 701.27–1, 701.28, Joint Operations and Services, including Credit Union Service Center, Purchase and Sale of Accounting Services.

b. *Need:* To review to update and revise if necessary.

Legal Basis: 12 U.S.C. 1766 and 1789.

c. *Status:* Preliminary review memorandum submitted to NCUA Board in October, 1980; proposed regulation drafted and scheduled for Board consideration in July, 1981.

d. For Further Information Contact: Joseph W. Petrosky, Staff Accountant, Office of Examination and Insurance, telephone: (202) 357–1065.

8.a. Part 749, Records Preservation Program—requiring credit unions to store duplicates of certain vital records off site.

b. *Need:* Review to update and revise if necessary.

Legal Basis: 12 U.S.C. 1766 and 1789.

Status: Final regulation issued March 18, 1981 (46 FR 17188), effective April 18, 1981.

d. For Further Information Contact: Richard Galik, Office of Examination and Insurance, telephone: (202) 357–1065.

9.a. Sections 701.13 and 741.7, Reporting Policy—to require that all federally insured credit unions file a Financial and Statistical Report on a semi-annual basis.

b. *Need:* To provide a uniform reporting instrument that presents necessary data to NCUA in an efficient and usable format.

Legal Basis: 12 U.S.C. 1756 and 1782.

c. *Status:* Final rule issued April 15, 1981 (46 FR 21987), effective May 15, 1981.

d. For Further Information Contact: Mike Fischer, Director, Division of Special Projects, Office of Examination and Insurance, telephone: (202) 357–1065, Steven Bisker, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

10.a. Section 701.30 Safe Deposit Box Service—deregulation of requirements concerning construction, location, leasing, access, and recordkeeping procedures for Federal credit unions in providing this service to their members.

b. *Need:* To eliminate unnecessary restrictions.

Legal Basis: 12 U.S.C. 1757(15) and 1766(a).

c. *Status:* Final rule issued January 26, 1981 (46 FR 7934), effective January 26, 1981.

d. For Further Information Contact: Joseph W. Petrosky, Office of Examination and Insurance, telephone: (202) 357–1055.

11.a. Part 748, Minimum Security Devices and Procedures—eliminating unnecessary reports on security devices.

b. *Need:* To eliminate unnecessary reporting burdens.

Legal Basis: 12 U.S.C. § 1785.

c. *Status:* Final rule issued March 10, 1981 (45 FR 15864), effective March 10, 1981.

d. For Further Information Contact: Layne Bumgardner, Director, Division of Examination and Supervision, Office of Examination and Insurance, telephone: (202) 357–1065.

12.a. Section 701.11, Annual Report of Officials—eliminating redundant reporting requirement from the regulations.

b. *Need:* To reduce redundant or overlapping requirements.

Legal Basis: 12 U.S.C. 1761.

c. *Status:* Final rule issued March 10, 1981 (46 FR 17187), effective March 12, 1981.

d. For Further Information Contact: Thomas A. Straslicka, Chief, Examination Section, Office of Examination and Insurance, telephone: (202) 357–1065.

13.a. Section 701.35, Effective Date of Share Certificate Ceiling Rates—permitting Federal credit unions to offer share certificates with ceilings effective on the day after the rate for 26 week U.S. Treasury bills are announced.

b. *Need:* To more closely link ceilings payable on share certificates and money market certificates with current market rates, thereby smoothing deposit flows.

Legal Basis: 12 U.S.C. 1757, 1766, 1789.

c. *Status:* Final rule issued April 3, 1981 (46 FR 20154), effective April 7, 1981.

d. For Further Information Contact: Randall J. Miller, Director, Division of Regulatory Policy and Research, Office of Policy Analysis, telephone: (202) 357–1090.

14.a. Section 701.35, Withdrawals from Share Certificate Accounts in the Event of Bankruptcy—permitting penalty free withdrawals.

b. *Need:* To avoid reducing assets available to pay claims against the bankrupt debtor's estate.

Legal Basis: 12 U.S.C. 1757 and 1766.

c. *Status:* Proposed rule issued January 5, 1981 (46 FR 920); withdrawal of proposed rule approved April 13, 1981.

d. For Further Information Contact: Randall J. Miller, Director, Division of Regulatory Policy and Research, Office of Policy Analysis, telephone: (202) 357–1091.

15.a. Section 701.35 Retirement Accounts—permitting additions to share certificate accounts representing IRA and Keogh plans and revising the current devidend ceiling payable on these accounts.

b. *Need:* To encourage qualified individuals to use share certificate IRA and Keogh accounts for their own retirement plans.

Legal Basis: 12 U.S.C. 1757 and 1766.

c. *Status:* Proposed rule issued January 5, 1981 (46 FR 920), comment period closed March 20, 1981. Under review by staff.

d. For Further Information Contact: Daniel Gordon, Financial Economist, Office of Policy Analysis, telephone: (202) 357–1090.

16.a. Part 721—Group Purchasing and Insurance Activities—permitting Federal credit unions to inform their members of, or to endorse, group purchasing and insurance plans.

b. *Need:* To revise, simplify, and update current regulations and to increase the flexibility of operations of Federal credit unions.

Legal Basis: 12 U.S.C. 1757(15), 1766, and 1789.

c. *Status:* Proposed rule issued April 15, 1981 (46 FR 22003), comment period closes June 1, 1981.

d. For Further Information Contact: Daniel Gordon, Financial Economist, Office of Policy Analysis, telephone: (202) 357–1090.

17.a. Section 701.35, Deregulation of Deposit Rate Ceilings—removing the maximum 12 percent dividend rate ceiling on share certificates or establishing a schedule for deregulating rate ceilings on share certificates starting with longer maturities.

b. *Need:* To permit savers to receive a market rate of return as soon as it is economically feasible for credit unions to pay such rates, to encourage savings and to enhance competition.

Legal Basis: 12 U.S.C. 3105 et seq.

c. *Status:* Proposed rule approved April 13, 1981, comment period closes May 15, 1981.

d. For Further Information Contact: Randall J. Miller, Director, Division of Regulatory Policy and Research, Office of Policy Analysis, telephone: (202) 357–1091.

Review of Regulations

The following is a list of regulations to be reviewed in the future. The purpose of the review will be to update, clarify, and simplify existing regulations and to eliminate redundant and unnecesary provisions. These regulations are divided into two groups. The first grouping contains those regulations in which substantial progress has been made (since the last publication of the Agenda) and includes a statement concerning the status of the review. The second grouping contains those regulations yet to be reviewed. Each regulation listed in the second grouping contains a target date for the submission of a "preliminary review memo" by the staff to the NCUA Board. This memo will set forth the need for the regulation, any needed changes, and the alternatives to be considered.

A. Regulations Reviewed

1.a. Sections 701.2 and 701.14, Incorporation by Reference, Accounting manual For FCUs.

b. *Status:* New edition under staff review.

c. For further Information Contact: Mike Fischer, Director, Division of Special Projects, Office of Examination and Insurance, telephone: (202) 357–1065.

2.a. Section 701.21–6(b), Real Estate Lending—review to eliminate prior approval requirement for credit unions under $2 million and to deregulate loan origination fees.

b. *Status:* Final regulation issued, see: Regulations Under Development, No. 4 (above).

c. For Further Information Contact: Thomas C. Buckman, Staff Accountant (Analyst), Office of Examination and Insurance, telephone: (202) 357–1065, or John L. Culhane, Jr., Senior Attorney Office of General Counsel, telephone: (202) 357–1030.

3.a. Sections 701.26, 701.27–1, 701.28, Joint Operations and Services—review to update, consolidate, and relieve unnecessary restrictions.

b. *Status:* Proposed regulation drafted; see: Regulations Under Development, No. 7 (above).

c. For Further Information Contact: Joseph W. Petrosky, Staff Accountant, Office of Examination and Insurance, telephone: (202) 357–1055.

4.a Part 703, Investments and Deposits—review to update necessary requirements and to relieve unnecessary restrictions.

b. *Status:* Staff task force formed to begin review.

c. For Further Information Contact: Robert Schafer, Director, Division of Supervision, Policy and Evaluation, Office of Examination and Insurance, telephone: (202) 357–1065.

5.a. Part 721, Incidental Powers—review of restrictions on credit union insurance and group purchasing activities.

b. *Status:* Proposed rule issued, see: Regulations Under Development, No. 16 (above).

c. For Further Information Contact: Daniel Gordon, Senior Financial Economist, Office of Policy Analysis, telephone: (202) 357–1090.

6.a. Part 735, Employee Responsibility and Conduct—review to update.

b. *Status:* NCUA Board members currently reviewing a memorandum concerning the need to revise this regulation.

c. For Further Information Contact: James J. Engel, Assistant General Counsel, Office of General Counsel, telephone: (202) 357–1030.

7.a. Part 749, Records Preservation Program—review to simplify and relieve unnecessary burdens.

b. *Status:* Final regulation issued, see: Regulations Under Development, No. 8 (above).

c. For Further Information Contact: Thomas A. Straslicka, Chief, Examination Section, Office of Examination and Insurance, telephone: (202) 357–1065.

8.a. Part 760, Flood Insurance—review to simplify.

b. *Status:* Proposed regulation issued, see: Regulations Under Development, No. 5 (above).

c. For Further Information Contact: John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

9.a. Sections 701.13 and 741.1, Reporting Policy—review to revise reporting format.

b. *Status:* Final regulation issued, see: Regulations Under Development, No. 9 (above).

c. For Further Information Contact: Mike Fischer, Director, Division of Special Projects, Office of Examination and Insurance, telephone: (202) 357–1065, or Steven Bisker, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

10.a. Section 701.30, Safe Deposit Box Service—concerning the construction, location, leasing, access, and recordkeeping procedures in providing this service to Federal credit union members.

b. *Status:* Final regulation issued, see: Regulations under Development No. 10 (above).

c. For Further Information Contact: Joseph W. Petrosky, Staff Accountant, Office of Examination and Insurance, telephone: (202) 357–1065.

11.a. Section 701.5, Other Applications; § 701.16 Petitions; and Part 720, Description of Office, Disclosure of Offical Records, Availability of Information, and Promulgation of Regulations—review to consolidate, update, simplify and revise.

b. *Status:* Preliminary review memo drafted, to be presented to the NCUA Board May 7, 1981.

c. For Further Information Contact: Robert S. Monheit, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

12.a. Section 701.3 and 701.4, Standard Form of Bylaws and Amendment of Bylaws—review to determine whether regulations on this subject are necessary.

b. *Status:* Revised publication "Federal Credit Union Standard Bylaw Amendments and Guidelines" (NCUA 8001A) issued April 10, 1981.

c. For Further Information Contact: Jon Lander, Chief-Chartering Section, Office of Examination and Insurance, telephone: (202) 357–1060.

13.a. Parts 706 and 707, Conversion from Federal to State Credit Union, and Conversion from State to Federal Credit Union—review to determine whether the regulations on this subject are necessary or whether the subject may be covered in a manual.

b. *Status:* Staff review begun.

c. For Further Information Contact: John Lander, Chief-Chartering Section, Office of Examination and Insurance, telephone: (202) 357–1060.

14.a. Parts 708 and 709, Mergers of Credit Unions, Division of Assets, Liabilities, and Capital—review to determine whether regulations in this subject are necessary or whether they may be covered in a manual.

b. *Status:* Revised manual drafted—review of regulation delayed while agency is seeking significant legislative changes.

c. For Further Information Contact: John Lander, Chief-Chartering Section, Office of Examination and Insurance, telephone: (202) 357–1060.

15.a. Part 741, Requirements for Insurance—review to update, revise, and simplify.

b. *Status:* Preliminary review presented to NCUA Board December 18, 1980; Interpretive Ruling and Policy Statement (IRPS 80–12) issued January 30, 1981 (46 FR 9919); review continuing.

c. For Further Information Contact: Thomas Diehl, Insurance Analyst, Office of Examination and Insurance, telephone: (202) 357–1060.

16.a. Part 740, Advertisement of Insured Status, review to update, simplify and revise if necessary.

b. *Status:* Staff review begun.

c. For Further Information Contact: Thomas Diehl, Insurance Analyst, Office of Examination and Insurance, telephone: (202) 357–1060.

B. Regulations To Be Reviewed

1.a. Section 700.1, Definitions—review to update and clarify.

b. *Target Date:* September 30, 1981.

c. For Further Information Contact: Layne Bumgardner, Director, Division of Examination and Supervision, Office of Examination and Insurance, telephone: (202) 357–1065.

2.a. Section 701.2 and 701.14, Incorporation by Reference—to complete review of these sections by reviewing that status of the *Federal Credit Union Bylaws.*

b. *Target Date:* September 30, 1981.

c. For Further Information Contact: John Lander, Chief-Chartering Section, Office of Examination and Insurance, telephone: (202) 357–1060.

3.a. Section 701.12, Supervisory Committee Audit—review to determine whether the regulation on this subject is necessary or whether the subject might be covered in a manual.

b. *Target Date:* June 30, 1981.

c. For Further Information Contact: Mike Fischer, Director, Division of Special Projects, Office of Examination and Insurance, telephone: (202) 357–1065.

4.a. Section 701.19, Retirement Benefits for Employees of Federal Credit Unions—review to update and revise if necessary.

b. *Target Date:* September 30, 1981.

c. For Further Information Contact: Layne Bumgardner, Director, Division of Examination and Supervision, Office of Examination and Insurance, telephone: (202) 357–1065.

5.a. Section 701.20, Surety Bond and Insurance Coverage—review to update and revise if necessary.

b. *Target Date:* December 31, 1981.

c. For Further Information Contact: Thomas A. Straslicka, Chief-Examination Section, Office of Examination and Insurance, telephone: (202) 357–1065.

6.a. Sections 701.21–1 through 701.21–6, Lending Regulations, review to update, simplify, and revise if necessary.

b. *Target Date:* July 31, 1981.

c. For Further Information Contact: Thomas C. Buckman, Staff Account (Analyst), Office of Examination and Insurance, telephone: (202) 357–1065, or John L. Culhane, Jr., Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

7.a. Section 701.21–7, Loan Participation—review to update and revise if necessary.

b. *Target Date:* July 31, 1981.

c. For Further Information Contact: Thomas C. Buckman, Staff Accountant (Analyst), Office of Examination and Insurance, telephone: (202) 357–1065.

8.a. Section 701.32, Payment on Shares By Public Units—review to update and revise, and to determine whether subject may be covered in a manual rather than a regulation.

b. *Target Date:* August , 1981.

c. For Further Information Contact: Thomas C. Buckman, Staff Accountant (Analyst), Office of Examination and Insurance, telephone: (202) 357–1065.

9.a. Section 701.33, Compensation of Officials—review to update and revise if necessary.

b. *Target Date:* March 1, 19812

c. For Further Information Contact: Ross P. Kendall, Attorney-Advisor, telephone: (202) 357–1030.

10.a. Section 701.36, Federal Credit Union Ownership of Fixed Assets—review to update and revise if necessary.

b. *Target Date:* October 30, 1981.

c. For Further Information Contact: Thomas C. Buckman, Staff Accountant (Analyst), Office of Examination and Insurance, telephone: (202) 357–1065.

11.a. Part 702, Reserves—review to update and revise if necessary.

b. *Target Date:* June 30, 1981.

c. For Further Information Contact: Randall J. Miller, Director, Regulatory Policy and Research Division, Office of Policy Analysis, telephone: (202) 357–1090.

12.a. Part 745, Clarification and Definition of Account Insurance Coverage—review to update, simplify and revise if necessary.

b. *Target Date:* January 30, 1982.

c. For Further Information Contact: James J. Engel, Assistant General Counsel, Office of General Counsel, telephone: (202) 357–1030.

13.a. Part 746, Rebate Procedures for Federally Insured Credit Unions—review to update and revise if necessary.

b. *Target Date:* November 30, 1981.

c. For Further Information Contact: Phillip J. Daniels, Director, Division of Financial Management, Office of the Comptroller, telephone: (202) 357–1025.

14.a. Part 748, Minimum Security Devices and Procedures—review to update and simplify.

b. *Target Date:* September 30, 1981.

c. For Further Information Contact: Thomas A. Straslicka, Chief-Examination Section, Office of Examination and Insurance, telephone: (202) 357–1065.

15.a. Part 750, Tort Claims Against the Government—review to update, simplify and revise if necessary.

b. *Target Date:* December 31, 1981.

c. For Further Information Contact: Jay C. Keithley, Senior Attorney, Office of General Counsel, telephone: (202) 357–1030.

Rosemary Brady,

Secretary, National Credit Union Administration Board.

April 27, 1981.

[FR. Doc. 81–13150 Filed 4–29–81: 8:45 am]

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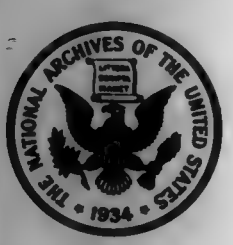

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INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA, assisted by Carolyn T. Payne. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202–523–5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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213.3109 (c) added 18927
213.3113 (d)(2) and (k)(2) revised 18927
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0.735–24 (a) (67), (68), and (69) added	22354
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2.5 Revised 19215, 21985
2.13—2.29 (Subpart C) Heading revised 19215
2.19 (f)(4)(v) and (f)(6) amended 19215
2.21 (d)(3) and (16) amended 21986
2.23 Heading, introductory text, and (a)(1) amended 19215
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2.25 (c)(1) revised; (c)(2) and (5) removed; (e)(12), (13), and (14) added 2969
2.27 Heading and introductory text revised; (a), (b)(4), and (h) removed; (b) through (g) redesignated as (a) through (f) 21986
2.28 Revised 21986
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2.39 (d) amended 19215
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2.68 (a) introductory text corrected 3203
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2.69—2.72 (Subpart I) Heading revised 19215
2.69 Revised 19215
2.70 (a) introductory text revised; (a)(16) and (b) amended 19216
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2.72 Introductory texts of (a) and (b) revised 19216
2.75 (a) introductory text revised; (a)(20) through (25) added 2969
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2.85 (a)(4) removed; (a) introductory text, (16) and (b) revised 21987
2.86 (a) introductory text, (1)(ii), (2)(i), and (b) revised 21987
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6.25 (a)(2), (c)(2), and (d)(3) revised 1660
6.26 (c)(2)(i), (d)(1), and (e)(2)(ii) revised; (c)(4) added 1660

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6.29 (b)(3) revised 1661
6.20—6.32 (Subpart) Appendixes 1 and 2 amended 1660

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28.2 (o) and (p) revised 24927
28.303 (c) removed 24927
28.551—28.560 Undesignated center heading and sections removed 24927
28.591—28.594 Undesignated center heading and sections removed 24927
29.123 Revised 10452
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235.2 (o)(2) revised; emergency 2331
235.4 (a) amended 3813
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246.2 Amended 7851
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246.5 (e)(1)(i) through (iv) revised; (e)(1)(v) added 7851
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2613 Added ..... †9526
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2615 Revised ..... †9538
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2615 Appendix and effective date corrected ..... †10720
2617 Added 55646, 61615
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2652 Added; interim ..... †4898
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2652.5 (b) corrected ..... †11658
2652.6 (a) and (d) corrected ..... †11658
2652.13 (d)(3) corrected ..... †11658
2670 Added ..... †27332
2671 Added ..... †27332

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2700.30 (c) revised 44302
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28.23 (h) revised 68935
45 Added 44496
49 Added; eff. 7-11-81 47002
55—57 (Subchapter N) Heading revised 68935
55 Incorporation by reference approval corrected 47112
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55.9 Amended 68935
55.20 Amended 68935
56 Incorporation by reference approval corrected 47112
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56.9 Amended 68935
56.19 Amended 68935
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57 Incorporation by reference approval corrected 47112
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57.4-67 Removed; eff. 7-11-81 .. 47005
57.4-70 Removed; eff. 7-11-81 .. 47005
57.6 Amended 68935
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70—90 (Subchapter O) Heading revised 68936
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71.100—71.101 (Subpart B) Revised 80757
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71.201—71.220 (Subpart C) Added 80757
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71.300—71.301 (Subpart D) Added 80759
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211.67 Added; interim 84764
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211.75 (c)(3) revised 53130
211.77 (c) revised 53130
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(b) revision effective date deferred ..... †23925
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707 Comment time extended through 9–10–81 ..... †2043
715.200 Comment time announced 48129
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716.5 Revised 61259
716.7 (a) and (b) revised ..... †7212
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722.12 (a) revised 67501
722.16 (e) added 58783
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723.11—723.19 Revised 58783
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780 Temporary nomenclature change 51550
780.16 Temporarily suspended in part 51548
783 Temporary nomenclature change 51550
783.14 (a)(1) revised 76934
783.20 Temporarily suspended in part 51548
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783.25 (c), (h), and (i) temporarily suspended in part 51549

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817.133 (b)(1) and (c)(4) and (9) temporarily suspended in part	51549
817.150—817.176 Temporarily suspended in part	51549
817.200 Comment time announced	48129
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(a)(3) added ..... †5979
(a)(3)(iii) revised ..... †27118
52.234 (a)(6)(ii) added; (e)(5)(ii) and (9) removed 72148
(a)(1) through (6) and (e)(1) through (8) revised; (a)(7) through (17) and (e)(9) through (23) added ..... †3885
52.236 (d) revised 70449
(a)(1), (b)(1) through (4), (c)(1), (e)(1) through (3), and (f)(1) revised; (b)(5) through (8) added ..... †3885
(b)(9), (c)(2), and (g)(2) added ..... †27116
(g) added ..... †27118
52.237 Added ..... †5979
52.238 Table amended 74485, 80285
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52.240 (a) and (d)(1) revised ..... †3885
52.242 Removed ..... †21758
52.243 Removed ..... †21758
52.244 Removed ..... †21758
52.246 (b) introductory text revised ..... †3886
52.247 Removed ..... †21758
52.251 Removed ..... †21758
52.252 (b) introductory text revised ..... †3886
(b)(2)(ii) added ..... †5979
52.253 (b) introductory text revised ..... †3886
(b)(2) revised ..... †5979
52.254 (a) introductory text revised ..... †3886
52.255 (b) introductory text revised ..... †3886
(b)(1)(vii) removed; (b)(3) added ..... †5979
52.256 (b) revised ..... †5979
52.257 Removed ..... †21758
52.258 Removed ..... †21758
52.259 Removed ..... †21758
52.266 Removed ..... †21758
52.267 (a)(1) revised ..... †3886
52.269 (b)(1) introductory text revised; (b)(1-1) introductory text added; (b)(1)(iii) through (viii) redesignated as (b)(1-1)(i) through (vi) ..... †3886
52.270 (a) and (b) revised 52741
52.271 (b) added 70449
(a)(1) through (8) revised; (a)(9) through (35) added ..... †3886
(b)(3) and (4) added ..... †8472
(b)(3) and (4) effective date deferred ..... †11972

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(a)(9) added ..... †27118
52.272 (a) introductory text amended; (a)(1) through (5) revised; (a)(6) through (9) added ..... †3887
52.273 (b)(3)(v)(B) added; (b)(9) revised 70449
(b)(3)(i)(B), (ii)(B), (iii)(B), (iv)(B), and (7)(i)(B) added 72149
(a)(1) through (9) and (b)(1) through (9) revised; (a)(10) through (25) and (b)(10) through (18) added ..... †3887
(a)(1)(iii), (4)(ii), (13)(iii), (15)(ii) and (b)(19) added ..... †27116
(a)(6)(ii)(D) added ..... †27118
52.275 (a)(1), (2) and (b)(1) through (5) revised; (b)(6) through (14) added ..... †3889
(b)(10)(ii) added ..... †27116
52.280 (a)(1) introductory text revised ..... †3889
(a)(1)(i)(A) revised; (a)(1)(i)(B), (iii), and (iv) added ..... †27116
(c) added ..... †27118
52.320—52.343 (Subpart G) State implementation plan proposed settlement agreement ..... †14120
52.320 (c)(17) added 46073
(c)(18) added 47684
(c)(19) correctly added 51200, 72150
(c)(20) correctly added 53147, 72150
(c)(22) added ..... †16688
(c)(23) added ..... †17550
(c)(21) added ..... †24182
52.324 (c) removed 47685
(c) added ..... †24182
52.327 (a)(1) removed 47685
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(a)(2) and (3) removed ..... †24182
52.328 (a)(1) removed 47685
(a)(3) and (4) removed 51200
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52.329 Revised ..... †24182
52.330 Revised ..... †26302
52.343 (a) and (b) revised 52741
52.370—52.382 (Subpart H) State implementation plan documents availability ..... †26484
52.370 (c)(11) added 84787
(c)(12) added ..... †23412
(c)(13) added ..... †26640

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52.371 Table amended 84787
52.372 Revised 84787
52.373 Revised 84787
52.374 Revised 84787
52.383 (a) and (b) revised 52741
52.390 (c) and (d) added 84787
52.420 (c)(14) added 51199
(c)(12) correctly designated 55422
52.420 (c)(15) added ..... †26768
52.432 (a) and (b) revised 52741
52.470 (c)(13) corrected 55422
(c)(8) correctly designated as (c)(9) and republished; old (c)(8) correctly reinstated and republished 55721
(c)(17) added ..... †9948
52.476 (a), (b)(1) through (b)(6), (f) and (g) removed; (c), (d)(1), (2), (e)(1), and (h)(1) through (4) redesignated as (a), (b)(1), (2), (c)(1) and (d)(1) through (4) ..... †9948
52.499 (a) and (b) revised 52741
52.520 (c)(20) added 59577
(c)(22) added 75212
(c)(23) added 69888
(c)(24) added 82633
(c)(26) added ..... †17020
(c)(27) added ..... †26641
52.527 Removed ..... †26641
52.530 (a) and (b) revised 52741
(c) added ..... †17020
52.570 (c)(17) revised ..... †17777
(c)(21) added ..... †25093
(c)(20) added ..... †27932
52.573 Removed ..... †17777
52.632 (a) and (b) revised 52741
52.670 (c)(16) and (17) added 70261
(c)(18) added ..... †15136
52.671 Table amended 70261
52.672 (e) correctly added 70261, 81041
52.680 Table amended; footnote g added 70261
52.683 (a) and (b) revised 52741
52.684 Added 70261
52.685 Added 70261
52.686 Added 70261
52.720 (c)(22) and (23) added 62806
(c)(24) added 70450
(c)(25) added ..... †8473
(c)(26) added ..... †15137
52.724 (b), (c), (d), (e) and (f) added 62806
(a) revised 62809
52.725 (a) revised 62809
52.726 (b) corrected 55197
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52.729 (b) revised 62810
52.736 Revised 62810
52.737 Revised 62810
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52.738 (a) and (b) revised 52741
(c) added ..... †9584
52.739 Added ..... †23237
52.740 Added ..... †23237
52.770—52.796 (Subpart P) State implementation plan documents availability ..... †8473
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52.770 (c)(21) added ..... †38
(c)(20) added ..... †27341
52.773 (d) added ..... †38
52.783 Table revised ..... †27341
52.786 (h) added ..... †38
52.793 (a) and (b) revised 52741
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52.820 (c)(31) and (36) added ..... †17779
(c)(25) revised; (c)(30), (32), and (33) added ..... †22372
Authority citation corrected ..... †26768
52.826 (d) and (e) added ..... †22372
52.827 Table amended ..... †17779
Revised ..... †22372
Authority citation corrected ..... †26768
52.833 (a) and (b) revised 52741
52.870 (c)(9) added ..... †20170
52.873 Amended ..... †20170
52.875 Added ..... †20170
52.879 Table and note revised ..... †20171
52.880 Added 79809
52.884 (a) and (b) revised 52741
52.920 (c)(13) added 72157
(c)(14) added 85002
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52.926 Revised 72157, 85002
52.928 Revised 72158
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52.930 (a)(2) removed; (b) added 62811
52.931 (a) and (b) revised 52741
52.935 Added 85003
52.936 Added 72158
52.986 (a) and (b) revised 52741
52.1020 (c)(12) added 59314
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(c)(13) added ..... †6942

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52.1025 (e)(4) removed	†899
52.1027 (a)(2) removed	59314
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52.1070 (c)(23) and (24) added	45277
(c)(27) and (28) added	53474
(c)(33) added	58526
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(c)(35) added	55180
(c)(36) added	†17192
52.1071 Table amended	53475
52.1072 (c), (d), and (e) added	53475
52.1073 (f) revised	53475
52.1078 Table revised	53475
52.1116 (a) and (b) revised	52741
52.1120 (c)(29) correctly designated	48131
(c)(17) amended	53477
(c)(31) added	59578
(c)(26) amended	59580
(c)(26) amended; (c)(30) added	61303
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(c)(33) added	†4918
(c)(34) added	†8476
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52.1121 Amended	61303
52.1122 (d) added	61303
52.1123 Revised	61303
52.1126 (f) amended	82252
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52.1127 Revised	61303
52.1166 (a)(2) removed	59580
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52.1170 (c)(29) added	53138
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(c)(28) added	82927
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(c)(33) added	†24562
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52.1174 Revised	58528
52.1175 (e) table amended	53138, 56345
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52.1180 (a) and (b) revised	52741
52.1220 (c)(16) added	†15139
(c)(16) added	†20997
52.1226 Revised	†20997
52.1234 (a) and (b) revised	52741
52.1270 (c)(12) added	46384
52.1280 (a) and (b) revised	52741
52.1320—52.1339 (Subpart AA) State implementation plan documents availability	63278
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52.1320 (c)(19) added	46383
(c)(16) designation corrected; (c)(15)(A) through (K) correctly redesignated as (c)(16)(i) through (xi); new (a)(16)(i) corrected	46807
(c)(20) and (21) added	62814
(c)(15) conditional approval continued	67344
(c)(22) added	72150
(c)(16)(iv) revised; (c)(23) added	85006
(c)(24) added	†16896
(c)(25) added	†20174
(c)(26) added	†23415
(c)(27) added	†27933
52.1323 Conditional approval continued	67344
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52.1324 (c) conditional approval continued	67344
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(c)(4) added	†20174
52.1331 Heading, (b), (c), and (d) conditional approval continued	67344
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52.1332 Table and note conditional approval continued	67344
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52.1335 (b) table amended	46383, 62814, 72150
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(a) table corrected	†26769
52.1339 (a) and (b) revised	52741
52.1370 (c)(8) revised	62984
(c)(9) added	†15686
52.1373 Revised	76688
52.1375 Revised	62984, 76687
52.1380 Revised	62984
52.1382 (a) and (b) revised	52741
52.1384 Revised	62985

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52.1436 (a) and (b) revised 52741
52.1470 (c)(14) added 46384
(c)(14) introductory text revised; (c)(14)(iii) through (v) and (16) through (18) added ..... †21765
52.1472 Revised ..... †21766
52.1474 Added ..... †21766
52.1477 Added 46385
52.1478 Removed ..... †21767
52.1480 Table text and first note revised; second note and footnotes e. and f. added ..... †21767
52.1481 Revised ..... †21767
52.1483 Removed ..... †21767
52.1484 Revised 67347
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52.1485 (a) and (b) revised 52741
52.1486 Revised 67347
52.1520—52.1531 (Subpart EE) State implementation plan documents availability 54336
52.1520 (c)(15) added 59314
(c)(16) added 62815
(c)(17) added 83228
(c)(17) correctly designated ..... †16896
52.1525 Removed 62815
52.1527 (a)(4) and (5) removed 59314
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52.1529 (a) and (b) revised 52741
52.1570—52.1604 (Subpart FF) State implementation plan notice ..... †4918, 17779
52.1570 (c)(26) added 72153
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(c)(28) added ..... †23417
(c)(29) added ..... †26305
52.1578 (c) added ..... †21996
52.1581 (b) removed 72153
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52.1582 (d) revised ..... †20556
52.1603 (a) and (b) revised 52741
52.1604 (b) revised ..... †26305
52.1620 (c)(16) added 85007
(c)(11) and (15) revised; (c)(16), (17), and (18) added ..... †18694
52.1621 Table amended 67347
52.1624 (a)(1) and (b) revised 67347
52.1626 (b) added 85007
52.1627 Added ..... †18694
52.1628 (b) added ..... †18694
52.1630 Table amended 67347

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52.1634 (a) and (b) revised 52741
52.1670 (c)(52) added 44275
(c)(53) added 53144
(c)(44) revised; (c)(54) added 74477
(c)(55) added ..... †8480
(c)(56) added ..... †8481
(c)(56) corrected ..... †16896
(c)(58) added ..... †17556
(c)(57) added ..... †17557
(c)(59) added ..... †23417
(c)(60) added ..... †28157
52.1673 Revised 74477
52.1674 (a)(2), (d)(1), (2), and (3), and (f)(1) removed 44275
(a), (b), and (c) introductory texts revised; (g) added 74478
(e)(4) removed ..... †8480
(b) removed ..... †17557
(e) removed ..... †28157
52.1675 (g) added 53144
52.1682 Table amended 74478
52.1689 (a) and (b) revised 52741
52.1770 (c)(22) added 55425
(c)(23) added 59579
(c)(24) added ..... †17556
(a) revised; (c)(25) added ..... †21600
(c)(26) added ..... †22185
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52.1778 (a) and (b) revised 52741
52.1780 (a)(1) removed 59579
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52.1781 Added 55425
52.1820 (c)(11) added 53476
52.1870 (c)(24) added 72122
(c)(14) through (20) added 72140
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(c)(23) added 79053
(c)(25) added ..... †8490
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(c)(25) effective date deferred ..... †19936
(c)(27) added ..... †24563
52.1871 Table amended 72141, 72146
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52.1875 (a) table footnote f revised 49552
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52.1879 (a) and (b) correctly removed; (e) correctly added 72122, 82927

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52.1880 (d) added ..... †19472
52.1881 (b)(59)(xiv) added; (b)(59)(xvii) revised 49552
(b)(60)(ix) added 62816
(b)(38)(vi) introductory text, (B), and (C) and (vii) revised; (b)(38)(vi)(D) added 73044
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52.1882 (e) revised; (f) added 49552
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(b)(8) added ..... †24948
52.1884 (a) and (b) revised 52741
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52.1885 Added 72142
(a)(4) added; (b)(3) and (4) revised 72147
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52.1886 Added 72142
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52.1887 Added 72143
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52.1920 (c)(15) and (16) added 79052
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52.1923 Removed 79052
52.1924 Removed 79052
52.1929 (a) and (b) revised 52741
52.1930 Removed 79052
52.1932 (b) removed 79052
52.1970 (c)(32) added 47427
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52.1985 (a)(3)(i) and (ii) correctly removed 55422
52.1987 (a) and (b) revised 52741
52.2020 (c)(33) added 55179
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52.2037 Revised ..... †17553
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52.2055 (c) revised ..... †17554
52.2058 (a) and (b) revised 52741
52.2070—52.2083 (Subpart 00) State implementation plan documents availability ..... †28159
52.2070 (c)(11) added ..... †3517
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52.2071 Table amended ..... †25460
52.2072 Revised ..... †25460
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52.2083 (a) and (b) revised 52741
52.2084 Added ..... †25460
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52.2120 (c)(12) added 45581
52.2131 (a) and (b) revised 52741
52.2170 (c)(7) added 58529
52.2178 (a) and (b) revised 52741
52.2220 (c)(33) added 53817
(c)(34) added 75661
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52.2225 (b) and (c) added 53817
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52.2231 Added 53817
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52.2270—52.2303 (Subpart SS) State implementation plan supplementary information 48887
52.2270 (c)(24) added 52148
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52.2276 Revised 82253
52.2299 (a)(1) and (2) revised 82253
52.2303 (a) and (b) revised 52741
52.2320 (c)(7) added 59581
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52.2346 (a) and (b) revised 52741
52.2370 (c)(11) added 59315
(c)(13) correctly added ..... †16897
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52.2422 (c) added..... 55195
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52.2431 Heading revised; (e) added 55196
(e) correctly designated and republished 85750
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52.2436 (b) added..... 55197
52.2451 (a) and (b) revised..... 52741
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52.2479 (a)(4), (5), and (6) added 50751
52.2487 (a)(2) added..... 85009
52.2497 (a) and (b) revised..... 52741
52.2520 (c)(10) through (12) added 54051
(c)(9) corrected..... 56060
(c)(13) correctly added... 74480, 76688
52.2522 (c) correctly designated; (d) added..... 54051
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52.2523 Table revised..... 54052
52.2528 (a) and (b) revised..... 52741
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52.2570 (c)(12) revised; (c)(14) and (15) added..... †21168
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52.2581 (a) and (b) revised..... 52741
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52.2582 Revised ..... †21168
52.2583 Added ..... †25301
52.2620 (c)(12) added..... †23412
52.2670 (c)(2)(iii) and (3) added ..... †26303
52.2672 Revised ..... †26303
52.2676 (a) and (b) revised..... 52741
52.2678 (c) added..... †26303
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52.2720 (c)(26) and (27) added 72658
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52.2722 Revised 72658
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52.2729 (a) and (b) revised..... 52741
52.2732 Added 72658
52.2770 (c)(11) added..... †23417
52.2779 (a) and (b) revised..... 52741
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55.310 Added ..... †8492
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62.13101 Corrected ..... †27342
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[1] Public Law 96-88 transferred the regulations of the Office of Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

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[1] Public Law 96-88 transferred the regulations of the National Institute of Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

[2] Public Law 96-88 transferred the regulations of the Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare, to the Department of Education, effective May 4, 1980 (45 FR 30802, May 9, 1980).

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172.423 (b) amended 74668
172.500 (b)(2) revised 74668
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172.516 (c)(5) revised 74668
172.519 (d) revised 74668
172.527 Heading and (a) revised; eff. 2-1-82 ..... †5316
173 Incorporation by reference approvals 81485
173.7 (b) amended 81571
173.8 (a) amended 74669
173.21 (b)(3) added 74669
173.22 (b) revised; (c) added; eff. 2-1-82 ..... †5316
173.29 (a)(1) and (3)(ii) revised; (d) added 74669
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173.32b Added ..... †9891
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173.33 (f)(9) amended 81571
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173.107 (e) amended 81571
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173.118a (b) revised 74669
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173.119 (a)(3), (e)(5), (f)(7), and (m)(18) added ..... †9893
173.124 (a)(5)(ii) added ..... †8010
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173.125 (a)(5) and (7) removed 81571
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173.128 (a)(5) added ..... †9894
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173.145	(a)(5) added	†9894
173.147	(a)(2) added	†9894
173.149	(a)(1) amended	81571
173.153	(a)(1) and (b)(1) amended	81571
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173.225	(b)(2) note 1 removed	81571
173.239a	(a)(2) amended	81571
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173.249	(a)(7) and (10) amended	81571
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173.257	(a)(6) and (14) amended; (a)(13) removed	81571
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173.300a	(f) amended	81572
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173.301	(h) table and (k) amended	81572
173.303	(a) introductory text revised	†22196
173.306	(c)(7) and (d)(3)(i) amended	81572
173.314	(c) table note 25 revised	81572
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173.395 (b)(2) and (c)(2) amended	81572
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173.500 (a) note revised	74669
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Highlights

Code of Federal Regulations OFR publishes list restating publication plans for the January 1981 quarter and projects publication plans for the April 1981 quarter. The projected July 1981 schedule will appear in the July 1, 1981, issue. (See Reader Aids section at the end of this issue.)

24519 **Older Americans Month, 1981** Presidential proclamation

24521 **Panama Canal Commission Seal** Executive order

24690 **Insurance** FRS adopts policy statement that prohibits individuals associated with State member bank from personally profiting from credit life insurance sales and requires that income from this activity be credited to the State member bank.

24579 **Banks, Banking** FHLBB proposes to amend regulation and policy statement governing use of interest-rate futures markets by institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

24550 **Energy** DOE/FERC adopts regulations extending interim regulations implementing accommodation and reporting procedures for shortages of electric energy.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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24596 Regulatory Agenda Defense.

24532 Petroleum Commerce/ITA publishes final regulation regarding agriculture commodities and products subject to validated licensing and petroleum and petroleum products subject to short supply licensing control.

24537 Natural Gas DOE/FERC amends regulations relating to first sales of natural gas that are resales and the standard for determining the Btu content of natural gas.

24748 Prisons Justice/LEAA announces availability of certification of State Prison Industries for participation in interstate commerce and for sale of supplies and making of contracts with the Federal Government.

24595 Taxes Treasury/IRS invites comments on study project relating to changes in the application of Department of Energy regulations for purposes of the windfall profit tax on domestic crude oil.

24764 Three Mile Island NRC publishes statement of policy regarding programmatic environmental impact statement on the cleanup of Three Mile Island Unit 2.

24769 Taxes Treasury/IRS proposes for public comments a revised form 990 (Return of Organization Exempt from Income Tax) and instructions for that form.

24553, 24595 Wages Treasury/IRS publishes temporary regulations and a proposed rule governing voluntary withholding from sick pay. (2 documents)

24526 Banks, Banking FHLBB amends regulation governing the service corporation investment of Federal associations.

24796 Minimum Wage Labor/ESA specifies the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for described classes of laborers and mechanics employed on construction projects. (Part II of this issue)

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24620 Defense
24697 HHS/HCFA

24787 Sunshine Act Meetings

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24896 Part III, Justice/Prisons Bureau
24906 Part IV, OMB

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Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 4843 of April 29, 1981

Older Americans Month, 1981

By the President of the United States of America

A Proclamation

Older Americans, a resource of talent, knowledge and judgment, are essential to our effort for national renewal. As a Nation, we should recognize our debt to older Americans and the leadership they can provide for the future.

As we move into this era of renewal, we must remember that all Americans are interdependent. We must maintain our commitment to the integrity of the Social Security system. We must work together for economic recovery, mindful that while our economic ills hurt us all, their burdens fall most heavily on those with fixed incomes. We must ensure the dignity of our Nation's older citizens through programs such as Medicare, aging services and the Older Americans Act.

In addition to recognizing the vital importance of older Americans to our society, we must acknowledge the voluntary efforts of millions of citizens, young and old alike, to enhance the lives of older Americans.

I urge all Americans to help older citizens continue to enrich our society by realizing their aspirations and fulfilling their potential.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the month of May 1981 as Older Americans Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of April, in the year of our Lord nineteen hundred eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-13457
Filed 4-30-81; 11:12am]
Billing code 3195-01-M

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Executive Order 12304 of April 29, 1981

Seal for the Panama Canal Commission

By the authority vested in me as President of the United States of America, it is hereby ordered as follows:

SEC. 1. There is approved for the official use of the Panama Canal Commission a seal approved by the Board of Directors of the Panama Canal Commission, and described as follows:

A view of a lower lock chamber of the Panama Canal, showing the bow end of a ship in an upper chamber, behind a closed gate, flanked on the left by a control house and on the right by a towing locomotive and three lamp standards. The ship colors to be dull red hull with white trim, white superstructure, white kingposts, and gray funnel. The lock walls, control house and lamp standards to be white. The control house roof to be dull red. The lock gate and towing locomotive to be gray. The sky to be light blue and the water to be azure blue. All to be encircled with a white band edged in navy blue and containing the inscription "PANAMA CANAL COMMISSION * COMISION DEL CANAL DE PANAMA *" in navy blue letters.

SEC. 2. The design of the seal is attached hereto and made a part of this Order.

Ronald Reagan

THE WHITE HOUSE,
April 29, 1981.

[FR Doc. 81-13457
Filed 4-30-81; 11:13 am]
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Rules and Regulations

Federal Register
Vol. 46, No. 84
Friday, May 1, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 303; Lemon Regulation 302, Amendment 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period May 3–9, 1981, and increases the quantity of lemons that may be shipped during the period April 26–May 2, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective May 3, 1981 and the amendment is effective for the period April 26–May 2, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and not a major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Maketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on April 28, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effecutate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

1. Section 910.603 is added as follows:

§ 910.603 Lemon Regulation 303.

The quantity of lemons grown in California and Arizona which may be handled during the period May 3, 1981, through May 9, 1981, is established at 300,000 cartons.

2. Section 910.602 Lemon Regulation 302 (45 FR 23222) is revised to read as follows:

§ 910.602 Lemon Regulation 302.

The quantity of lemons grown in California and Arizona which may be handled during the period April 26, 1981, through May 2, 1981, is established at 300,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 30, 1981.

O. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-13475 Filed 4-30-81; 11:47 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1942

Population Limits for Community Facilities Loan Eligibility; Correction

AGENCY: Farmers Home Administration, USDA.

ACTION: Emergency Final Rule; correction.

SUMMARY: This document corrects an emergency final rule regarding population limits for eligibility for community facility loans that appeared at page 8435 of the **Federal Register** of Tuesday, January 27, 1981, (46 FR 8435). The word "residents" was inadvertently changed to "users".

DATES: Comments on the emergency final rule were to be received on or before March 30, 1981.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, South Agriculture Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: M. Wayne Stansbery, Loan Officer, Community Facilities Loan Division, Farmers Home Administration, Room 6306, South Agriculture Building, Washington, DC 20250, telephone (202) 447–7667.

The following correction is made in FR Doc. 81–2739 appearing on pages 8435 and 8436 in the issue of January 27, 1981:

§ 1942.17 [Corrected]

On page 8436, column two, in the first sentence of § 1942.17(b) the word "users" is corrected to read "residents."

Dated: April 12, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 81-13202 Filed 4-30-81; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Riverside County, a portion of Los Angeles County, and a portion of Orange County in California because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Riverside County on April 12, 1981, in such portion of Los Angeles County on April 13, 1981 and in such portion of Orange County on April 15, 1981. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected area.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8093.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

The Department has determined that this rule will have an annual effect on the country of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. J. K. Atwell, Deputy Administrator, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. This amendment is necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the quarantine imposed due to the existence of exotic Newcastle disease affects only three premises, only one of which is owned by a small entity. That entity is a bird dealer, and there are hundreds of small entities in the country which are bird dealers.

This amendment quarantines a portion of Riverside County, a portion of Los Angeles County, and a portion of Orange County in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

PART 82—EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSITTACOSIS AND ORNITHOSIS IN POULTRY

1. The authority citation for Part 82 is amended to read as follows:

Authority: Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141).

2. In § 82.3 new paragraph (c)(2) is added to read as follows:

§ 82.3 Imposition and removal of quarantine.

* * * * *

(c) * * *

(2) *California.*

(i) The premises of Norco Bird Farm, 841 Hillside Lane, Norco, Riverside County.

(ii) The premises of Libby Marsh, 8333 College Avenue, Whittier, Los Angeles County.

(iii) The premises of Pat Weymouth, 17511 Leafwood, Tustin, Orange County.

Done at Washington, D.C., this 24th day of April 1981.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-13239 Filed 4-30-81; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Quality Service

9 CFR Part 331

[Docket No. 80-056]

Designation of the State of Arkansas Under the Federal Meat Inspection Act

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of Arkansas under section 301(c)(3) of the Federal Meat Inspection Act. By this designation, the U.S. Department of Agriculture, pursuant to law, is merely assuming the responsibility, previously held by the State of Arkansas, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State. The Governor of Arkansas has advised this Department that the State of Arkansas is no longer in a position to continue administering a State meat inspection program after May 31, 1981. Accordingly, effective June 1, 1981, all establishments operating under the Arkansas meat inspection program shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act. The provisions of the regulations concerning designated States are set forth in 9 CFR Part 331.

DATES: Effective date of this notice of designation: May 1, 1981. Effective date of the application of regulations: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. J. Blair, Director, Federal-State Relations Branch, Field Operations, Meat and Poultry Inspection Program,

Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6313.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Food Safety and Quality Service has made an initial determination that this final rule is not a major rule under Executive Order 12291. The U.S. Department of Agriculture, pursuant to law, is merely assuming the responsibility, previously held by the State of Arkansas, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State. This action is being taken because the State indicated it was no longer in a position to enforce requirements with respect to said establishments and operations and transactions at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. Consequently, it should not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Dr. Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that this action will not have a significant impact on a substantial number of small entities. As stated above, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Arkansas, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State. This will affect approximately 104 heretofore State inspected plants in Arkansas, most, if not all, of which may be presumed to be small businesses. However, this is not a substantial number of facilities given the approximately 10,000 small meat facilities nationwide which are either federally or State inspected. The application of Federal inspection services will be flexible insofar as each facility will be reviewed with regard to the circumstances peculiar to that plant. Futhermore, it is not anticipated that significant costs will be incurred by these Arkansas plants as a result of this action. Those specific plants for which some upgrading of facilities or equipment is indicated will be provided up to 36 months in which to make such changes.

Background

The Governor of the State of Arkansas has advised this Department that the State of Arkansas is no longer in a position to continue administering the State meat inspection program after May 31, 1981, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Arkansas had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act. However, such titles contemplate a continuous, ongoing program, and in view of the termination date now applicable to the Arkansas program, it is hereby determined that Arkansas is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act.

On June 1, 1981, which shall be upon the expiration of 30 days after publication of this notice in the **Federal Register**, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Federal Meat Inspection Act, and any establishment in the State of Arkansas which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after May 31, 1981, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment: Dr. N. B. Isom, Director, Meat and Poultry Inspection Program, Southwestern Regional Office, Room 5-F41, 1100 Commerce Street, Dallas, Texas 75242, (Telephone: 214-767-9116)

Accordingly, Part 331 is amended as follows:

1. The authority citation for Part 331 reads as follows:

Authority: Secs. 21 and 301, 81 Stat. 584, 586, 592, 593, 595; 21 U.S.C. 621, 661; 42 FR 35625-35632.

2. The table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

§ 331.2 [Amended]

In the "State" column, "Arkansas" is added immediately above "California."

In the "Effective date of application of Federal provisions" column, "June 1, 1981," is added on the line with "Arkansas."

Dr. Donald L. Houston, Administrator, FSQS, has determined that it is necessary to designate the State of Arkansas immediately in accordance with section 301(c) of the Federal Meat Inspection Act in order to carry out the Secretary's responsibilities under the Act.

Therefore, it does not appear that any additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, DC, on: April 15, 1981.

L. L. Gast,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 81-13382 Filed 4-30-81; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 545 and 584

[No. 81-208]

Service Corporation Activities

April 23, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board has amended its regulation governing the service corporation investments of Federal associations. The amendments: expand the list of activities in which service corporations may engage without prior Board approval, liberalize restrictions on customers to whom service corporations may provide services, conform the service corporation regulation to recent amendments to the Board's net-worth requirements and recent internal agency organizational changes, eliminate the separate limit for unsecured indebtedness for service corporations controlled by fewer than five savings and loan associations, eliminate application of the debt limit to the consolidated debt of each subsidiary of a service corporation, eliminate the notification requirement for certain land development activities, delegate extension of time limits on the construction of improvements to the Board's Principal Supervisory Agent, and simplify the regulation in certain respects. The amendments will provide increased flexibility in associations' service corporation activities.

EFFECTIVE DATE: April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett, (202) 377-6445, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Proposed Amendments

On December 15, 1980, (45 FR 85048) by Resolution No. 80-802, the Board proposed amendments to its regulation (12 CFR 545.9-1) governing service corporation investments of Federal associations. In making its proposal, the Board considered: its present policy of approving service corporation activities reasonably related to the activities of Federal associations; the expanded authority of Federal associations pursuant to the Depository Institutions Deregulation and Monetary Control Act of 1980 (the "Act"), Pub. L. No. 96-221, 94 Stat. 132, to act as full-service financial centers for their customers; the increased amount which associations may invest in the capital stock, obligations or other securities of their service corporations pursuant to the Act; and the increased need for innovation through service corporations in order for Federal associations to meet changing economic conditions, increased competition with other financial service providers, and increased demand for lendable funds.

The Board's proposal would have expanded the list of activities in which service corporations may engage without prior Board approval, conformed the service corporation regulation to recent regulatory changes in net-worth requirements and recent internal agency organizational changes, eliminated the separate limit for unsecured indebtedness for service corporations controlled by fewer than five savings and loan associations, eliminated the notification requirement for certain land development activities, delegated extension of time limits on the construction of improvements to the Board's Principal Supervisory Agent, and simplified the regulation in certain respects.

The Board received 75 comment letters from the Federal Home Loan Banks, savings and loan association trade groups, savings and loan associations, service corporations, and related real estate professionals and trade groups on its proposal. Almost all commenters supported the Board's proposal, although some of these commenters suggested additional amendments as discussed below. One commenter opposed the proposed amendments as a whole, and a few others opposed particular aspects of the proposal.

Expanded Service Corporation Activities

In proposing to revise the list of activities in which service corporations may engage without prior Board approval, currently set out at 12 CFR 545.9-1(b)(4), the Board examined activities that have been approved consistently for service corporations upon application to the Board, newly-authorized activities for Federal associations, and the present needs of the residential mortgage market. On the basis of its review, the Board proposed to permit service corporations of Federal associations to engage in the following additional activities without prior Board approval:

- Dealing in loans secured by junior liens on mobile homes;
- Acquiring, developing and constructing improvements on real estate for commercial purposes, subject to the same conditions imposed on such activities for residential purposes;
- Acquiring improved commercial real estate to be held for rental;
- Acquiring improved commercial real estate for remodeling, renovating or demolishing and rebuilding for sale or rental;
- Management of owners' associations for condominium, cooperative, Planned Unit Development and commercial projects;
- Providing residential and commercial property management services for third parties;
- Providing real estate brokerage services for property owned by the parent association, the service corporation or a joint venture in which the service corporation participates, but not for property owned by third parties;
- Executing and delivering conveyances, reconveyances and transfers of title;
- Providing homeownership and financial counseling;
- Issuance of mortgage-backed securities;
- Investment in tax-exempt bonds issued by a state or local governmental authority to finance housing;
- Providing liquidity management, investment and advisory services primarily to savings and loan associations;
- Providing clerical, accounting, data processing and internal auditing services to financial institutions;
- Providing trust services upon application to the Board pursuant to, and subject to the conditions provided in, the regulations governing trust services for Federal associations; and
- Engaging in mortgage-futures transactions to the extent such transactions hedge existing or planned forward commitments.

Commenters overwhelmingly supported adoption of these proposals. Except for the modifications discussed below, the final amendments adopt the proposed expansion of the activities in which a service corporation may engage without prior Board approval.

Service Corporation Customer Limitations

The existing regulation requires that certain activities or services of service corporations be provided "primarily for savings and loan associations, their borrowers and account holders" or "primarily for savings and loan associations." The Board has interpreted these requirements to mean that at least 50% of the activities or services be provided for the designated customer base. The Board did not propose any change in these requirements, but

several commenters suggested that the restrictions be abolished.

Since the Board has established its policy of approving only service corporation activities that are reasonably related to association activities, additional limitations on the customer base of service corporations are necessary only where required to maintain that relationship. Accordingly, the final amendments delete the customer limitation for services that previously were required to be provided primarily for savings and loan associations, their borrowers and accountholders. The amendments also liberalize the limitations on services that previously were required to be provided primarily for savings and loan associations, requiring only that such services be provided "primarily for financial institutions."

Real Estate Activities

The existing regulation does not permit service corporations of Federal associations to engage in commercial real estate development except where such activity is incidental to a residential purpose. The Board proposed to authorize service corporations to acquire, develop and construct improvements on real estate for commercial purposes subject to the same conditions imposed on residential real estate development. The Board also proposed to permit service corporations: to provide residential and commercial property management services for third parties; to provide management of owners' associations for commercial projects; to acquire improved commercial real estate to be held for rental; and to acquire improved commercial real estate for remodeling, renovating or demolishing and rebuilding for sale or rental.

Several commenters inquired as to the scope of "commercial real estate" since this term is not defined in the proposal. Other commenters suggested that all types of business-related real estate be permitted. In proposing that both residential and commercial real estate development activities be permitted, the Board intended to cover all types of residential and non-residential real estate. To clarify this intent, the final amendments delete any reference to "residential and commercial" and refer only to real estate activities.

Several commenters also questioned whether the three- and five-year time limits imposed on real estate development activities continue to be necessary. These commenters pointed out that larger projects, especially commercial projects, may require longer time periods. The Board acknowledges these concerns but has determined that these time limits are necessary to prevent service corporations from engaging in speculative land banking activities or unnecessarily extending construction periods on projects. However, the final amendments include a clarification that extensions of time limits may be approved upon application in advance of a service corporation's undertaking a development project. This clarification is consistent with Board interpretations of the existing regulation. In addition, the final amendments delegate extensions of time limits to the Board's Principal Supervisory Agent (i.e., the president of the Federal Home Loan Bank of which the Federal association investing in the service corporation is a member). In applying for an extension, a service corporation must show that it will proceed or has proceeded in accordance with a prudent development plan and that the service corporation has not caused any undue delay.

The final amendments also eliminate the requirement that a service corporation notify the Board's District Director—Examinations if the cost of land development activities exceeds 20 percent of the service corporation's assets, authorize service corporations to deal in improvement loans for residential and non-residential real estate, authorize the acquisition of unimproved real estate for leasing to others for development or construction of improvements, and authorize acquisition of improved real estate or mobile homes for resale.

Business Lending and Leasing

Several commenters pointed out that the Board's proposal does not provide for non-realty business financing. Specifically, commenters suggested that the Board authorize service corporations to engage in inventory financing arrangements, to make combination real estate and business loans guaranteed or insured by Federal agencies, and to engage in equipment leasing.

Service corporations long have had the authority to make consumer loans, and the Depository Institutions Deregulation and Monetary Control Act granted this authority to associations as well. In implementing the new authority for associations, the Board concluded that the Act did not authorize inventory financing for Federal associations. However, the Board recognizes that inventory financing may provide a direct link with dealers for certain major consumer purchases, such as automobiles, boats and airplanes, and may serve to generate subsequent consumer financings. Consequently, the Board believes that inventory financing of goods to be sold for personal, family or household purposes complements the consumer loan authority of associations and service corporations, and the final amendments authorize this activity for service corporations.

The Board also has considered combination real estate and business loans in the context of the recently authorized investment by Federal associations in their service corporations for community, inner city or community development purposes. (*See*, Board Resolution No. 80-488; August 15, 1980; 45 FR 56029). One of the standards adopted by the Board for determining whether an investment has a community development purpose is whether the investment is in governmentally sponsored programs for housing, small farms or businesses that are local in character. Some of the programs of the Economic Development Administration, the Small Business Administration, and the Farmers Home Administration combine real estate and non-real estate business purposes. The Board desires that service corporations have the necessary flexibility to utilize the new community development investment authority fully and has authorized service corporations to make loans insured or guaranteed by Federal agencies which combine real estate and non-real estate business purposes.

With regard to equipment leasing activities, the existing regulation has been interpreted to permit equipment leasing activities primarily for savings and loan associations. As discussed above, the Board has expanded this restriction to permit such activities primarily for financial institutions. This broadening of the potential customer base will permit service corporations to expand this activity consistent with the standard that service corporation activities remain reasonably related to those of Federal associations. In addition, clarifying language regarding leasing activities has been added to the provision.

Equity Investment in SBICs and MESBICs

Several commenters suggested that service corporations be authorized to invest in the capital of small business investment companies (SBICs) and minority enterprise small business investment companies (MESBICs). Upon application, the Board has approved service corporation investment in SBICs or MESBICs subject to certain limitations. In order to provide further flexibility to service corporations in using their community development

investment authority, the final amendments authorize service corporations to invest in the capital of SBICs and MESBICs licensed pursuant to section 301(d) of the Small Business Investment Act of 1958 by the U.S. Small Business Administration to invest in small businesses engaged exclusively in activities permitted for a service corporation of a Federal association without prior Board approval.

Debt Limits

The Board proposed to amend the limits for indebtedness of service corporations controlled by fewer than five savings and loan associations. The existing regulation limits consolidated unsecured debt to 2 times the "equity base" and limits consolidated secured and unsecured debt to 10 times the base or 20 times the base if the service corporation is engaged solely in mortgage banking activities. The equity base consists of consolidated net worth and unsecured debt to holders of at least 25 percent of the service corporation's capital stock. The proposal would have eliminated the separate limit for unsecured debt and the final amendments adopt that provision as proposed.

Several commenters urged that existing debt limits be liberalized or eliminated altogether, arguing that the market is the best determinant of the proper ratio of debt to equity for service corporations. However, the Board notes that service corporation debt limits apply only where all of the capital stock of the service corporation is held by fewer than 5 associations or more than 40 percent of the stock is held by one association, and serve primarily to assure the safety and soundness of the parent association. It has been the Board's experience that associations sometimes assume responsibility for obligations of their closely held service corporations although not legally bound to do so, and the debt limits for closely held service corporations limit the potential exposure of the parent association. In addition, recent amendments to the amount that Federal associations may invest in the capital stock, obligations or securities of service corporations increased the equity base upon which debt limits are calculated and thus increased significantly the borrowing authority of service corporations.

A few commenters pointed out that the existing consolidated debt limits apply separately to a service corporation and each subsidiary of the service corporation as well as to a service corporation and its subsidiaries collectively. Because the definition of a subsidiary includes joint ventures in which the service corporation is a general partner, or is a limited partner and has contributed more than 25 percent of the limited partnership's capital contribution, the existing regulation requires that the debt limit be met for each separate joint venture of a service corporation. Because real estate joint ventures often are established on a project-by-project basis, each project must conform to the debt limit. Upon consideration, the Board believes that this treatment is overly restrictive, and the final amendments require only that the overall debt of a service corporation and its subsidiaries meet the applicable debt limit.

Trust Powers

By Resolution No. 80-738 (November 26, 1980), the Board adopted final regulations implementing the new statutory authority of Federal associations to provide trust services. These regulations (12 CFR 550.1-550.16) permit a Federal association to provide trust services either through a trust department or a service corporation upon application to the Board. The final amendments incorporate the authority to provide trust services through a service corporation upon application to the Board pursuant to, and subject to the conditions provided in, the regulations governing trust power.

Tax-Exempt Securities

The Board proposed to authorize service corporation investment in tax-exempt bonds issued by a state or local governmental authority to finance housing. These would include obligations of state governments and their political subdivisions used to finance residential real property for family units and issued pursuant to section 103 of the Internal Revenue Code, and obligations of public housing agencies used to finance housing projects with rental assistance subsidies and issued pursuant to section 11(b) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437i).

A few commenters suggested that service corporations also be allowed to invest in tax-exempt bonds issued for non-residential purposes by a governmental agency. Because tax-exempt bonds may be used to finance a wide variety of projects not related to real estate financing (i.e., sports, convention, transportation, sanitation, and pollution control facilities), the Board feels that such blanket investment authority would not be consistent with the policy of assuring that service corporation activities are reasonably related to the activities of Federal associations. Accordingly, the final amendments clarify the types of bonds eligible for service corporation investment and restrict investments in bonds with tax-exempt status to residential purposes. However, the Board points out that pursuant to its loan authority a service corporation may invest in other types of tax-exempt bonds where the bond is secured fully by a lien on real estate and the transaction qualifies as a real estate loan. One example of an eligible transaction would be an industrial development bond used to finance the acquisition, construction or improvement of business property such as an office building.

Loan Brokerage and Warehousing

The existing regulation permits brokerage and warehousing only of real estate and mobile home loans. However, the Board recognizes that secondary markets have developed for consumer and educational loans, and encourages service corporations to use these markets to raise lendable funds. Accordingly, the final amendments authorize brokerage and warehousing of any type of loan in which a service corporation is permitted to deal.

Issuing Debt Securities

The Board proposed to authorize service corporations to issue mortgage-backed securities without prior approval. A few commenters suggested that other types of debt securities, such as commercial paper, should be authorized for issuance by service corporations. Since the existing regulation does not address expressly whether service corporations may issue debt securities, the Board has determined that this area needs clarification, and the final amendments authorize service corporations to issue notes, bonds, debentures, or other obligations or securities without prior Board approval. The Board notes, however, that such issuance would be subject to applicable securities or other laws.

Futures Transactions

The proposal included the authority for service corporations to engage in mortgage-futures transactions without prior Board approval to the extent that such transactions hedge existing or planned forward commitments. The final amendments clarify the extent of this authority by expressly referencing § 545.29 governing futures transactions by Federal associations and excepting service corporations from the eligibility

and notice requirements applicable to Federal associations.

Relocation Services

Several commenters suggested that the Board authorize service corporations to provide relocation services. The Board believes that relocation services would be compementary to the lending activities of the association and service corporation and to the real estate development, management and brokerage activities of the service corporation. The final amendments permit service corporations to provide relocation services.

Conforming Loan Provisions

The final amendments also conform the references in subparagraphs (d) (2) and (4) of § 545.9–1 to recent changes in the net-worth requirements for Federal associations (12 CFR 563.13) and recent internal agency organizational changes. Recent Board action (Board Resolution No. 80–694; November 6, 1980) amended the net-worth requirements for insured institutions, in part, by replacing the requirement of 5 percent of withdrawable accounts plus 5 percent of secured borrowings with a requirement of 4% of liabilities. In addition, applications for exceptions from the scheduled-items limitation of subparagraph (d)(2) of § 545.9–1 are now reviewed by the Board's Office of Examinations and Supervision. The amendments conform 12 CFR 545.9–1 by cross-referencing 12 CFR 563.13 and directing that copies of applications for exceptions be sent to the Director, Office of Examinations and Supervision.

Lastly, the amendments make certain organizational, technical and conforming changes in the regulation.

Other Comments

Various commenters suggested that the Board expand the activities in which a service corporation may engage without prior Board approval to include the acquisition of insurance companies and financial institutions, dealing in financial futures and government-backed securities, providing reinsurance, acting as an agent for dealers in precious metals, and acting as an agent or broker for private mortgage insurance. The Board has determined not to act on these suggestions in the final amendments.

Real Estate Brokerage

The Board proposed to authorize service corporations to provide real estate brokerage services for property owned by the parent association, the service corporation or a joint venture in which the service corporation participates. The Board expressly excluded property owned by third parties from its proposal. Several commenters suggested that the Board authorize service corporations to provide brokerage services for property owned by third parties without prior Board approval. Because of the potential conflict of interest that would arise each time an association was asked to finance the sale of real estate on which the service corporation would earn a brokerage commission, the Board has approved real estate brokerage by service corporations only where the interests of the association and service corporation are substantially identical. The final amendments continue this policy and permit service corporations to provide real estate brokerage services without prior Board approval only for property owned by an association which owns capital stock of the service corporation, the service corporation itself or a joint venture in which the service corporation participates.

However, the Board will consider applications for service corporations to provide real estate brokerage services for third parties on a case-by-case basis. Applicants must be prepared to demonstrate that such services will not conflict with sound underwriting practices on loans made by the association or the service corporation to finance sales of brokered property. Applicants may want to consider providing real estate brokerage services for property owned by third parties through a joint venture in which the service corporation holds a minority interest in order to mitigate the potential conflict of interest.

Money Market Mutual Funds

In addition to the amendments contained in the proposal, the Board also solicited comments on whether service corporations of Federal associations should be authorized to operate and manage money market mutual funds. The Board was interested particularly in determining whether such authority would enhance the ability of associations to attract and maintain deposits and under what conditions the benefits to be realized from such activity would be maximized.

The solicitation of comments on money market mutual funds generated a significant volume of comments on this difficult and complex issue. Since the operation and management of money market mutual funds is not integral to other service corporation amendments, the Board has decided to make final the other amendments while continuing its consideration of the money market fund issue.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 545, Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Amend § 545.9–1 by: (1) changing the reference to "§ 545.8–12 (c) and (d)" in subparagraph (a)(2) to "§ 545.8–5"; (2) revising paragraphs (b) and (c); and (3) revising the first clause of subparagraph (d)(2) and the first and third sentences of subparagraph (d)(4); to read as follows:

§ 545.9–1 Service corporations.

* * * * *

(b) *Qualified service corporations.* A Federal association may invest in the capital stock, obligations, or other securities of the following types of service corporations organized under the laws of the State (including District, Commonwealth, territory or possession) in which the association's home office is located:

(1) A statewide service corporation in which:

(i) All of the capital stock is available for purchase by, and only by, any and all savings and loan associations with a home office in such State;

(ii) No savings and loan association owns, or may own, more than 10 percent of the service corporation's outstanding capital stock, except that in any State in which the home offices of fewer than 15 savings and loan associations are located, no association owns, or may own, more than one-third of such stock;

(iii) Every eligible savings and loan association may own an equal amount of capital stock or may, on such uniform basis as the service corporation may determine, own an amount of such stock equal to a stated percentage of its assets or savings capital at the time the stock is purchased, but capital stock outstanding on December 31, 1964, may be disregarded in determining compliance with this requirement; and

(iv) Substantially all of the service corporation's activities, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist of one or more of the activities set forth in paragraph (c) of this section;

(2) A multi-owned service corporation in which:

(i) All of the capital stock is held by at least five savings and loan associations with a home office in such State, and no

one association holds more than 40 percent of such stock; and

(ii) The service corporation's activities, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist solely of one or more of the activities set forth in paragraph (c) of this section; or

(3) A solely owned or multi-owned service corporation in which:

(i) All of the capital stock is held by fewer than five savings and loan associations, or more than 40 percent of such stock is held by one savings and loan association, with a home office in such State;

(ii) The consolidated debt outstanding at any one time (to holders of its capital stock and to others) of the service corporation and its subsidiaries does not exceed:

(a) Ten times the total of consolidated net worth and unsecured debt to holders of at least 25 percent of the service corporation's capital stock; or

(b) Twenty times such total if the service corporation is engaged solely in the activities set forth in paragraph (c)(1)(i) of this section.

The consolidated debt of the service corporation and its subsidiaries shall include the entire amount of any obligation of the service corporation or subsidiary resulting from the sale of loans with recourse;

(iii) Approval of the Board is obtained before any activity of the service corporation is performed through one or more joint ventures if a director, officer, or controlling person of any stockholder of the service corporation has a direct or indirect beneficial interest in the joint venture;

(iv) Approval of the Board is obtained for any investment by:

(*a*) A Federal association in a service corporation or in a corporation which will become a service corporation as a result of that investment, or

(*b*) A service corporation directly or indirectly through one or more of its wholly-owned subsidiaries or joint ventures,

if the purpose of the investment is to acquire a going business for an amount exceeding the fair market value of the tangible net assets of that business from a director or officer of a Federal association which owns any of the capital stock of the service corporation or from an entity in which a director or officer of the Federal association has a direct or indirect beneficial interest or is a director, officer, controlling person, partner, or trustee;

(v) The service corporation's activities, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist solely of one or more of the activities set forth in paragraph (c) of this section.

(c) *Permitted activities.* A service corporation in which a Federal association may invest is permitted to engage in the following activities:

(1) Originating, investing in, selling, purchasing, servicing, or otherwise dealing in (including brokerage or warehousing), any of the following:

(i) Loans, and participations in loans, on a prudent basis and secured by real estate or liens on mobile homes;

(ii) Loans, with or without security, for altering, repairing, improving, equipping, or furnishing real estate;

(iii) Loans to finance the inventory of a dealer in goods to be sold for personal, family or household purposes;

(iv) Loans for business purposes secured in part by real estate and insured or guaranteed by an agency of the United States;

(v) Educational loans;

(vi) Consumer loans;

(2) Performing any of the following services, primarily for financial institutions:

(i) Credit analysis, appraising, construction loan inspection, and abstracting;

(ii) Developing and administering personnel benefit programs, including life insurance, health insurance, and pension or retirement plans;

(iii) Research, studies, and surveys;

(iv) Purchasing or leasing of office supplies, furniture, and equipment;

(v) Developing and operating storage facilities for microfilm or other duplicate records;

(vi) Advertising, brokerage and other services to procure and retain both savings accounts and loans, but not pooling savings accounts or soliciting or promoting pooled savings accounts;

(vii) Serving as escrow agent or as trustee under deeds of trust, including executing and delivering conveyances, reconveyances, and transfers of title;

(viii) Providing liquidity management, investment, advisory and consulting services;

(ix) Providing clerical, accounting, data processing and internal auditing services;

(x) Establishing, owning, leasing, operating or maintaining remote service units;

(3) Maintaining and managing real estate;

(4) Managing owners' associations for condominium, cooperative, Planned Unit Development or other rental real estate projects;

(5) Providing homeownership and financial counseling;

(6) Preparing State and Federal tax returns for individuals or organizations that are not corporations operated for profit;

(7) Insurance brokerage or agency for liability, casualty, automobile, life, health, accident, or title insurance, but not private mortgage insurance;

(8) Providing fiduciary services upon application to the Board pursuant to § 550.2, and subject to the conditions provided in §§ 550.1–550.16, of this Subchapter;

(9) Providing relocation services;

(10) Providing real estate brokerage services for property owned by an association that owns capital stock of the service corporation, the service corporation, or a joint venture in which the service corporation participates, but not for property owned by third parties;

(11) Acquiring unimproved real estate for prompt development or subdivision, for construction of improvements, for resale or leasing to others for such construction, or for use as mobile home sites;

(12) Developing, subdividing, and constructing improvements for sale or rental on real estate: *Provided,* That such development, subdivision, and construction of improvements is to be completed within three years after commencement of development of the real estate and within five years after acquisition of the real estate, unless such period is extended by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of this Part) upon written application by the service corporation. The application shall be supported by information evidencing that the service corporation will proceed or has proceeded in accordance with a prudent development plan and has not caused undue delay in the completion of construction. Acquisition of an option to purchase is not an acquisition for the purpose of determining the periods provided for in this subparagraph;

(13) Acquiring improved real estate or mobile homes to be held for rental or resale;

(14) Acquiring improved real estate for remodeling, renovating, or demolishing and rebuilding for sale or rental;

(15) Acquiring, maintaining and managing real estate (improved or unimproved) to be used for offices and related facilities of a stockholder of the service corporation, or for such offices and related facilities and for rental or sale, if such acquisition, maintenance and management is performed under a prudent program of property acquisition to meet either the stockholder's present needs or reasonable future needs for

office and related facilities. However, without prior approval of the Board, no service corporation shall acquire such real estate if, as a result of the acquisition, the outstanding aggregate book value of all such real estate owned by the stockholder and its service corporations would exceed their consolidated net worth;

(16) Making investments specified in §§ 545.9 and 545.9–3 of this Part;

(17) Investing in savings accounts in an insured institution that is a stockholder of the service corporation: *Provided*, That the service corporation receives no consideration, other than interest at the current market rate, for opening or maintaining any such account;

(18) Investing in tax-exempt bonds of state governments or political subdivisions thereof used to finance residential real property for family units and issued pursuant to section 103 of the Internal Revenue Code, and tax-exempt obligations of public housing agencies used to finance housing projects with rental assistance subsidies and issued pursuant to section 11(b) of the United States Housing Act of 1937, as amended;

(19) Investing in the capital of a small business investment company or minority enterprise small business investment company licensed pursuant to section 301(d) of the Small Business Investment Act of 1958 by the U.S. Small Business Administration to invest in small businesses engaged exclusively in the activities listed in paragraphs (c)(1)–(22) of this section;

(20) Engaging in futures transactions subject to the provisions of § 545.29 of this Part, but not subject to any eligibility or notification requirements thereof;

(21) Issuing notes, bonds, debentures, or other obligations or securities;

(22) Issuing credit cards, extending credit in connection therewith, and otherwise engaging in or participating in credit card operations;

(23) Activities reasonably incident to those listed in paragraphs (c)(1)–(22) of this section;

(24) Such other activities reasonably related to the activities of Federal associations as the Board may approve.

(d) *Amount of investment.*

* * * * *

(2) In addition to amounts which it may invest under paragraph (d)(1) of this section, an association that has a net worth at least equal to the minimum net-worth requirement for an association on the annual closing date of the twentieth anniversary of insurance of accounts as provided in paragraph (b) of § 563.13 of this Chapter, and that has a ratio of scheduled items (other than assets acquired in a merger instituted for supervisory reasons) to specified assets of not more than 2.5 percent (except as provided in paragraph (d)(4) of this section), may loan additional amounts as follows:

* * * * *

(4) An association that has a net worth at least equal to the minimum net-worth requirement for an association on the annual closing date of the twentieth anniversary of insurance of accounts as provided in paragraph (b) of § 563.13 of this Chapter, may apply to the Board for an exception from the scheduled-items limitation in paragraph (d)(2) of this section. * * * The application shall be filed with the Principal Supervisory Agent with a copy to the Director, Office of Examinations and Supervision. * * *

* * * * *

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

PART 584—REGULATED ACTIVITIES

§ 584.6 [Amended]

2. Amend subparagraph (c)(1) of § 584.6 by changing the reference to "§ 545.9–1(b)(3)" to "§ 545.9–1(d)(1)."

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended (12 U.S.C. 1730a); Reorg. Plan No. 3 of 1947, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-13258 Filed 4-30-81; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Part 545

[No. 81-209]

Remote Service Unit Requirements

April 23, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is adopting a technical amendment that eliminates restrictions in its regulations relating to operation of remote service unit ("RSU") systems. The Board believes that the purpose behind these restrictions is adequately served by Federal antitrust laws. Elimination of these restrictions is expected to have no significant effect on the industry or the public.

EFFECTIVE DATE: April 23, 1981.

FOR FURTHER INFORMATION CONTACT: K. Diane Boyle, Office of Industry Development (202–377–6720), or Michael D. Schley, Office of General Counsel (202–377–6444), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 5(a) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(a)) authorizes the Federal Home Loan Bank Board to regulate RSU operations of Federal associations. Currently, the Board's regulations at 12 CFR 545.4–2(i) impose the following restrictions:

(i) *Restrictions.* (1) Prior to establishing, participating in or using any RSU system, a Federal association shall obtain from legal counsel an opinion that such action does not violate Federal antitrust laws. (2) A Federal association may not participate in a shared RSU system from which other financial institutions are excluded either directly or through imposition of unreasonable terms and conditions. (3) A Federal association may not participate in a shared RSU system under which participants, except participants who are organizers of or owners of a substantial interest in the system, are prohibited from establishing or participating in any other RSU system. (4) A Federal association may not enter into an agreement for the exclusive right to engage in RSU activities at any location(s).

These restrictions were adopted in January 1981, when the RSU application requirement was eliminated from the Board's regulations. (Res. No. 81–19, Jan. 16, 1981, 46 FR 8438, Jan. 27, 1981.) These restrictions were intented at that time to codify "policies and standards of review consistently applied by the Board in assessing applications under existing regulations." (*Id.*) In particular, these restrictions were adopted with a view to preventing anticompetitive arrangements that would violate Federal antitrust laws.

Two considerations recommend elimination of the restrictions appearing at 12 CFR 545.4–2(i). First, the Board believes that the policies underlying these restrictions are already adequately served by the application of Federal antitrust laws. Second, the Board is concerned that these restrictions unnecessarily substitute the Board's judgment for the business discretion of Federal association management with regard to prevention of antitrust violations. In light of these considerations and in the interest of eliminating unnecessary regulatory restrictions, the Board is deleting paragraph (i) in its entirety.

This amendment of the Board's regulations is effective immediately. The Board finds that observance of the notice and comment period of 12 CFR 508.12 and 5 U.S.C. 553(b) and the thirty-day delay of effective date of 12 CFR 508.14 and 5 U.S.C. 553(d) would be unnecessary and contrary to the public interest because (1) this action relieves regulatory restrictions and (2) the elimination of these restrictions will have no substantive effect because the policies underlying them are already adequately served by Federal antitrust law provisions.

Accordingly, the Board is amending Part 545, Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Remove paragraph (i) of § 545.4–2, and redesignate paragraph (j) as paragraph (i).

(12 U.S.C. 1464; Reorg. Plan. No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 81-13230 Filed 4-30-81; 8:45 am]
BILLING CODE 6720-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 376 and 377

Agricultural Commodities and Products Subject to Validated Licensing and Petroleum and Petroleum Products Subject to Short Supply Licensing Controls

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final Rule.

SUMMARY: Effective January 1, 1981, the Bureau of the Census revised and renumbered certain entries in their publication *Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported From the United States. Schedule B* commodity descriptions are used in the *Export Administration Regulations* to list those commodities under validated export licensing control for short supply reasons. Therefore, the *Export Administration Regulations* Supplement Nos. 2 and 3 to Part 376 and Supplement No. 2 to Part 377 are amended to conform them with the new *Schedule B* numbers and descriptions previously amended by the Bureau of the Census. Also Supplement Nos. 2 and 3 to Part 377 are completely revised at this time to conform the *Code of Federal Regulations* with the *Export Administration Regulations*.

EFFECTIVE DATE OF ACTION: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Pat Huber, Short Supply Division, Office of Export Administration, Department of Commerce, Washington, D.C. 20230, (202) 377–3984.

SUPPLEMENTARY INFORMATION: Section 13(a) of the Export Administration Act of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that to the extent practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose new controls on exports. This rule will not have a significant economic impact on a substantial number of small business entities because it does not impose any additional costs or other regulatory burdens on them. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 33 U.S.C. 3501 *et. seq.* This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981). Therefore, this rule is issued in final form. Although there is no formal comment period, public comments on this rule are welcome on a continuing basis.

Accordingly, Parts 376 and 377 of the Export Administration Regulations are amended as follows:

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Supplement No. 2 to Part 376 [Amended]

1. Supplement No. 2 to Part 376 is amended by revising Schedule B Numbers 130.1000 and 184.8080 to read 130.1020 and 184.8060, respectively.

Supplement No. 3 to Part 376 [Amended]

2. Supplement No. 3 to Part 376 is amended by revising Schedule B Number 110.4620 to read 110.4602.

PART 377—SHORT SUPPLY CONTROLS AND MONITORING

3. Supplement Nos. 2 and 3 to Part 377 are completely revised to read as follows:

Supplement No. 2.—*Petroleum and Petroleum Products Subject to Short Supply Licensing Controls*

Schedule B No.[1]	Commodity description[2]	Unit of quantity[3]
	Petroleum Licensed Only in Accordance With § 377.8(d)(1)	
	Group A	
475.0710	Crude petroleum, including tar sands and crude shale oil	Bbl.
475.0710	Petroleum partly refined for further refining	Bbl.
	Petroleum Products Subject to Validated Licensing and Historical Quotas	
	Group B	
475.2520	Aviation gasoline	Bbl.
	Group C	
475.2520	Gasoline, except aviation type	Bbl.
475.6781	Gasoline blending agents, hydrocarbon compounds only, n.s.p.f.	Bbl.
	Group D	
475.3000	Kerosene derived from petroleum, shale oil, or both (except motor fuel)	Bbl.
	Group E	
475.2530	Jet fuel, naphtha-type	Bbl.
475.2550	Jet fuel, kerosene-type	Bbl.
	Group F	
475.0720	Distillate fuel oils (light)	Bbl.
475.0740	Distillate fuel oils (No. 4 type)	Bbl.
475.2560	Other motor fuel (including tractor and stationary turbine fuel)	Bbl.
	Group G	
475.0760	Residual fuel oils (heavy fuel oils)	Bbl.
	Group K	
475.1545	Butane	Bbl.
	Group L	
475.1525	Propane	Bbl.
	Group M	
475.6720	Natural gas liquids, including LPG, n.s.p.f.	Bbl.

Supplement No. 2.—*Petroleum and Petroleum Products Subject to Short Supply Licensing Controls*—Continued

Schedule B No.[1]	Commodity description [2]	Unit of quantity [3]
	Group N-1	
475.3500 475.6781	Naphtha, mineral spirits, solvents and other finished light petroleum products n.s.p.f., which are (a) capable of being used as a fuel, either alone or when blended with other petroleum products, or (b) suitable for use in refinery processing or as a feedstock for petrochemical or synthetic natural gas production, but excluding (1) naphthas having a distillation dry point of 440° F. or more, (2) naphthas having a Kauri-Butanol value of less than 35 as determined by the ASTM D1133 Test Method, and (3) naphthas normally packaged and shipped in drums or containers not exceeding 55 U.S. gallons per container and which will be exported in such drums or containers.	Bbl.
	Petroleum Products Subject to Validated Licensing But Not Quotas	
	Group N-2	
475.3500 475.6781 431.0290	Other naphthas, mineral spirits, solvents, and finished light petroleum products, n.s.p.f.	Bbl.
	Group H	
475.6710	Carbon black feedstock oil	Bbl.
	Group J	
475.1505	Synthetic natural gas [4]	M Cu. Ft.
475.1570	Gas, manufactured	M Cu. Ft.
	Group R	
521.1120	Petroleum asphalt	S. Ton.
511.2500	Paving mixtures, bituminous, based on asphalt and petroleum	$ Value.
	Petroleum Products Subject to Provisions of Either § 371.16 or § 377.6(d)(6)	
	Group O	
401.0110	Benzene	Gal.
401.0120	Toluene	Gal.
401.0132	Ortho-xylene	Gal.
401.0134	Para-xylene	Gal.
401.0139	Other xylene	Gal.
415.2400	Helium	M Cu. Ft.
415.2900	Hydrogen	X.
417.2000	Ammonia, aqueous	Cnt. ton.
423.1010	Carbon dioxide and carbon monoxide	X.
431.0210	Butadiene	Lb.
431.0220	Butylene	Lb.
431.0230	Ethylene	Lb.
431.0240	Isoprene	Lb.
431.0250	Propylene	Lb.
431.0290	Acetylene	Lb.
475.1515	Ethane with a minimum purity of 95 liquid volume percent	Bbl.
475.4000	Mineral oil of medicinal grade derived from petroleum, shale oil or both	Bbl.
475.4100	Hydraulic fluids, including automatic transmission fluids	Bbl.
475.4510	Aviation engine lubricating oil, except jet engine lubricating oil	Bbl.
475.4515	Jet engine lubricating oil	Bbl.
475.4520	Automotive, diesel, and marine engine lubricating oil	Bbl.
475.4525	Turbine lubricating oil, including marine	Bbl.
475.4530	Automotive gear oils	Bbl.
475.4550	Steam cylinder oils	Bbl.
475.4555	Insulating or transformer oils	Bbl.
475.4560	Quenching or cutting oils	Bbl.
475.4580	Lubricating oils, n.s.p.f., except white mineral oil	Bbl.
475.5700	Greases	Lb.
475.6740	Petroleum jelly and petrolatum, all grades	Lb.
475.6750	White mineral oil, except medicinal grade	Bbl.
475.6781	Other non-lubricating and non-fuel petroleum oils, n.s.p.f.	X.
480.6540	Ammonia, anhydrous	S. Ton.
492.5210	Paraffin wax, crystalline, fully refined	Lb.
492.5220	Paraffin wax, crystalline, except fully refined	Lb.
492.5240	Paraffin wax, all others (including microcrystalline wax)	Lb.
517.5120	Petroleum coke, calcined	S. Ton.
521.3150	Petroleum coke, except calcined	S. Ton.

[1] See Supplement No. 3 to Part 377 for correlation of old Schedule B Nos. to new Schedule B Nos. Schedule B Nos. are provided only as a guide to proper completion of the Shipper's Export Declaration, Form No. 7525 V.

[2] Commodity description determines the product under control.

[3] Report commodities in units of quantity indicated.

[4] Natural gas and liquified natural gas (L.N.G.), and synthetic natural gas commingled with natural gas, require export authorization from the U.S. Department of Energy. See § 370.10(g).

QUANTITIES: Report commodities in units of quantity indicated.
BASE PERIODS:
1. For that part of the Republic of Panama which, prior to October 1, 1979, was the Panama Canal Zone:
Commodity Groups B, C, D, E, F, G, and N–1:
January 1, 1977 through June 30, 1979
Commodity Groups K, L, and M:
The corresponding calendar quarter during the period April 1, 1978 through March 31, 1979
2. For all other areas including other parts of the Republic of Panama:
Commodity Groups B, C, D, E, F, and G:
January 1, 1971 through June 30, 1973
Commodity Groups K, L, and M:
The corresponding calendar quarter during the period April 1, 1972, through March 31, 1973
Commodity Group N–1:
January 1, 1974 through June 30, 1976
SHIPPING TOLERANCE: 10 percent (See § 366.7 for an explanation of the shipping tolerance.)
SUBMISSION DATES:
Applications against historical quotas:
Not prior to the beginning of the applicable quarter and received in the Office of Export Administration not later than the close of business on the tenth day prior to the end of the applicable quarter.
Applications for hardship and all other commodities subject to validated licensing but not historical quotas:
At any time.

Supplement No. 2.—*Petroleum and Petroleum Products Subject to Short Supply Licensing Controls*—Continued

Quarterly Country Quotas

Country	Quota (barrels)
Country Quotas for *Group B*	
(Schedule B No. 475.2520, Aviation gasoline)	
Bahamas	1,576
Belgium	78
Bolivia	2,761
Cameroon	66
Canada	3,313
Dahomey (Benin)	56
French Pacific Islands	3,863
Gabon	118
Honduras	307
India	12,743
Ivory Coast	96
Mexico	13,607
Netherlands	18,940
Singapore	14,783
All Other Countries	166
Country Quotas for *Group C*	
(Schedule B No. 475.2520, Gasoline, except aviation type)	
(Schedule B No. 475.8781, Gasoline blending agents, hydrocarbon compounds only, n.e.s.p.f.)	
Australia	554
Austria	139
Bahamas	872
Belgium	3,929
Brazil	29,061
Canada	76,078
Denmark	76
Finland	162
France	635
French Pacific islands	20,141
Germany, Federal Republic of	3,966
India	143
Iran	106
Italy	314
Japan	299
Leeward & Windward Islands	1,109
Mexico	149,791
Mozambique	66
Netherlands	48,039
Nigeria	143
Philippines	137
South Africa, Republic of	556
Sweden	56
United Kingdom	3,111
Venezuela	185
All Other Countries	513
Country Quotas for *Group D*	
(Schedule B No. 475.3000, Kerosene derived from petroleum, shale oil, or both except motor fuel)	
Australia	1,118
Brazil	150
Canada	1,667
Chile	122
Congo	56

Supplement No. 2.—*Petroleum and Petroleum Products Subject to Short Supply Licensing Controls*—Continued—Continued

Quarterly Country Quotas

Country	Quota (barrels)
Egypt	66
France	59
French Pacific Islands	3,348
Gabon	266
Germany, Federal Republic of	7,047
Israel	586
Italy	467
Japan	8,364
Mexico	72
Netherlands	349
Nigeria	740
Peru	71
Philippines	89
Singapore	442
South Africa, Republic of	371
United Kingdom	9,391
Venezuela	464
All Other Countries	252

Country Quotas for *Group E*

(Schedule B No. 475.2530, Jet fuel, naphtha-type)
(Schedule B No. 475.2560, Jet fuel, kerosene-type)

Bahamas	31
Canada	42,787
Mexico	58,199

Country Quotas for *Group F*

(Schedule B No. 475.0720, Distillate fuel oils (light))
(Schedule B No. 475.0740, Distillate fuel oils (No. 4 type))
(Schedule B No. 475.2560, Other motor fuel (including tractor and stationary turbine fuel))

Bahamas	3,125
Canada	113,393
Colombia	36,395
Denmark	22,413
French Pacific Islands	11,816
Japan	49,195
Mexico	260,293
Netherlands	58,895
Netherlands Antilles	34,072
Peru	13,577
Suriname	327
United Kingdom	49,195
All Other Countries	1,359

Country Quotas for *Group G*

(Schedule B No. 475.0750, Residual fuel oils (heavy fuel oils))

Bahamas	110,780
Barbados	11,275
Belgium	12,885
Brazil	83,682
Canada	833,224
Canary Islands	14,182
Denmark	32,003
France	2,493
French Pacific Islands	16,967
Greece	19,798
Ireland	11,626
Italy	181,979
Jamaica	152,086
Japan	271,601
Leeward & Windward Islands	12,745
Mexico	643,500
Netherlands	50,108
Netherlands Antilles	99,078
Panama	74,783
Peru	30,821
Philippines	662
Poland	2,070
Portugal	19,240
Singapore	15,455
South Africa, Republic of	21,432
Spain	36,363
Sweden	75,413
United Kingdom	227,631
All Other Countries	614

Supplement No. 2.—*Petroleum and Petroleum Products Subject to Short Supply Licensing Controls*—Continued

Quarterly Country Quotas

Country	Quarter			
	1st	2d	3d	4th
Country Quota for Group K (in barrels)				
(Schedule B No. 475.1545, Butane)				
Brazil				18,055
Canada	1,769	1,594	1,178	1,346
Mexico	197,163	169,336	174,916	185,206
Netherlands			10,927	
AllOther Countries	703	736	846	677
Country Quota for Group L (in barrels)				
(Schedule B No. 475.1545, Propane)				
Bahamas				10,046
Canada	4,931	2,081	1,521	2,108
Japan	360,809		221,346	622,447
Mexico	841,862	563,894	596,509	707,695
New Zealand			10,927	
All Other Countries	3,514	2,088	1,203	618
Country Quota for Group M (in barrels)				
(Schedule B No. 475.6720, Natural gas liquids, including LPG, n.s.p.f.)				
Canada	22,414	17,878	15,954	41,596
Guatemala	2,355	737	2,335	1,901
Japan	150,514			
Mexico	1,693,169	1,783,460	2,059,081	1,855,328
All Other Countries	3,946	1,836	3,186	1,356

Supplement No. 2.—*Petroleum and Petroleum Products Subject to Short Supply Licensing Controls*—Continued

Quarterly Country Quotas

Country Quotas for *Group N-1*

(Schedule B. No. 475.3600, Schedule B No. 475.6781, Naphtha, mineral spirits, solvents and other finished light petroleum products, n.s.p.f., which are (a) capable of being used as a fuel, either alone or when blended with other petroleum products, or (b) suitable for use in refinery processing or as a feedstock for petrochemical or synthetic natural gas production, but excluding (1) naphthas having a distillation dry point of 440° F. or more, (2) naphthas having a Kauri-Butanol value of less than 35 as determined by ASTM D1133 Test Method, and (3) naphthas normally packaged and shipped in drums or containers not exceeding 55 U.S. gallons per container and which will be exported in such drums or containers.) [1]

Country	Quota (bbls.)
Argentina	224
Australia	7,833
Belgium	556
Brazil	22,162
Canada	3,705
Columbia	646
France	348
Germany, Federal Republic of	5,065
Hong Kong	673
Liberia	375
Malaysia	884
Mexico	5,272
Netherlands	23,776
New Zealand	1,340
Philippines	356
Singapore	474
South Africa	5,922
Switzerland	347
Thailand	223
United Kingdom	28,191
Venezuela	1,935
All Others	1,032

[1] Report units of quantity as specified in Schedule B.

Supplement No. 3.—*Petroleum and Petroleum Products Included in the Definition of "Petroleum" Under the Naval Petroleum Reserves Production Act of 1976* [1]

New schedule B No.	Commodity description [2]
401.0110	Benzene.
401.0120	Toluene.
401.0132	Ortho-xylene.
401.0134	Para-xylene.
401.0138	Other xylene.
415.2400	Helium.
415.2900	Hydrogen.
417.2000	Ammonia, aqueous.
423.1010	Carbon dioxide and carbon monoxide.
431.0210	Butadiene.
431.0220	Butylene.

Supplement No. 3.—*Petroleum and Petroleum Products Included in the Definition of "Petroleum" Under the Naval Petroleum Reserves Production Act of 1976* [1]—Continued

New schedule B No.	Commodity description [2]
431.0230	Ethylene.
431.0240	Isoprene.
431.0250	Propylene.
431.0290	Acetylene, and other hydrocarbons, n.s.p.f.
475.0710	Crude petroleum (including reconstituted crude petroleum), tar sands and crude shale oil.
475.0715	Petroleum, partly refined for further refining.
475.0720	Distillate fuel oils, having a Saybolt Universal viscosity at 100° F. of less than 45 seconds.
475.0740	Distillate fuel oils (No. 4 type) having a Saybolt Universal viscosity at 100°F. of 45 seconds or more but not more than 125 seconds.
475.0760	Fuel oils, having a Saybolt Universal viscosity at 100° F. of more than 125 seconds.
475.1505	Natural gas, methane and mixtures thereof (including liquified natural gas and synthetic or substitute natural gas). [3]
475.1515	Ethane with a minimum purity of 95 liquid volume percent. [3]
475.1525	Propane with a minimum purity of 90 liquid volume percent.
475.1545	Butane with a minimum purity of 90 liquid volume percent.
475.1570	Other natural gases (including mixtures), n.s.p.f. and manufactured gas. [3]
475.2520	Gasoline, motor fuel (including aviation).
475.2530	Jet fuel, naphtha-type.
475.2560	Jet fuel, kerosene-type.
475.2580	Other motor fuel (including tractor fuel and stationary turbine fuel).
475.3000	Kerosene derived from petroleum, shale oil, natural gas, or combinations thereof (except motor fuel).
475.3500	Naphthas derived from petroleum, shale oil, natural gas, or combinations thereof (except motor fuel).
475.4000	Mineral oil of medicinal grade derived from petroleum, shale oil or both.
475.4100	Hydraulic fluids, including automatic transmission fluids
475.4510	Aviation engine lubricating oil, except jet engine lubricating oil.
475.4515	Jet engine lubricating oil.
475.4520	Automotive, diesel, and marine engine lubricating oil.
475.4525	Turbine lubricating oil, including marine.
475.4530	Automotive gear oils.
475.4550	Steam cylinder oils.
475.4555	Insulating or transformer oils.
475.4560	Quenching or cutting oils.
475.4580	Lubricating oils, n.s.p.f., except white mineral oil.
475.5700	Greases.
475.6710	Carbon black feedstock oil.
475.6720	Natural gas liquids, including LPG, n.s.p.f.
475.6740	Petroleum jelly and petrolatum, all grades.
475.6790	White mineral oil, except medicinal grade.
475.6781	Other non-lubricating and non-fuel petroleum oils, n.s.p.f.
480.6540	Ammonia, anhydrous.
492.5210	Paraffin wax, crystalline, fully refined.
492.5220	Paraffin wax, crystalline, except fully refined.
492.5240	Paraffin wax, all others (including microcrystalline wax).
511.2500	Paving mixtures, bituminous, based on asphalt and petroleum.
517.5120	Petroleum coke, calcined.
521.1120	Petroleum asphalt.
521.3150	Petroleum coke, except calcined.

[1] Those petroleum and petroleum products whose export is prohibited if produced on a Naval Petroleum Reserve or if they are the product of a resource produced thereon. See Part 377.

[2] This commodity description for the most part is the same description found in the Bureau of Census Schedule B listing dated January 1, 1978. In some instances the description presented here is expanded or modified to ensure proper identification of products subject to export restriction. Commodity description rather than Old or New Schedule B No. determines the commodity included in the definition of "Petroleum" under the Naval Petroleum Reserves Production Act.

[3] Natural gas and liquefied natural gas (LNG), and synthetic natural gas commingled with natural gas, (Schedule B Nos. 475.1505, 475.1515, and 475.1570) require export authorization from the U.S. Department of Energy. See § 370.10(g).

Applications to export the above will be considered only in accordance with Part 377.

(Sec. 7, 13 and 15, Pub. L. 96–72, U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980))

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81–13189 Filed 4–30–81; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 270

[Docket No. RM 80–33; Order No. 93–A]

Rules Generally Applicable to Regulated Sales of Natural Gas; Order Denying Rehearing and Clarifying Order No. 93

Issued: April 24, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order Denying Rehearing and Clarifying Order No. 93.

SUMMARY: The Commission is denying rehearing of its decision that the highest price permitted for a first sale of natural gas under the Natural Gas Policy Act is based on the number of MMBtu's actually delivered in the first sale. The order on rehearing also makes clear that this price is the highest price permissible but that it does not nullify the provisions of the contract under which the gas is sold. The Commission will not require continuous monitoring for MMBtu content and will permit pipelines subject to its jurisdiction an opportunity to demonstrate the appropriateness of rate treatment for any claimed retroactive payments under this rule in the pipeline's next PGA filing.

FOR FURTHER INFORMATION CONTACT:

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Teresa Ponder, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8151

SUPPLEMENTARY INFORMATION:

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., George R. Hall and J. David Hughes.

On July 16, 1980, the Commission issued final regulations in Order No. 93 (45 FR 49077, July 23, 1980) which amended the Commission's interim rules relating to first sales of natural gas that are resales and the standard for determining the Btu content of natural gas. Eight timely applications for rehearing were filed.[1] Two petitioners also requested a partial stay of the order. Subsequently, two requests for clarification [2] and two applications for stay [3] were filed.

On September 15, 1980, the Commission granted rehearing of Order No. 93 solely for purposes of further consideration but denied the two petitions for partial stay of Order No. 93. On October 15, 1980, Natural filed an application for rehearing of the Commission's denial of its petition for a

[1] Michigan Wisconsin Pipe Line Company (also requested clarification); El Paso Natural Gas Company (also requested a partial postponement); Transcontinental Gas Pipe Line Corporation (Transco) (also requested clarification); United Gas Pipe Line Company; Texas Gas Transmission Corporation; Interstate Natural Gas Association of America (INGAA) (also requested clarification); Natural Gas Pipeline Company of America (Natural) (also requested reconsideration and a partial stay); and Consolidated Gas Supply Corporation.

[2] Tennessee Gas Pipeline Company and Valero Transmission Company. (Valero also requested reconsideration.)

[3] Arkansas Louisiana Gas Company (Arkla) and Transco.

partial stay. On November 14, 1980, the Commission granted rehearing on that application solely for purposes of further consideration.

None of the filings contested or raised issues concerning the regulations regarding resales; all addressed the final rule in § 270.204 which clarified the interim rule describing a standard for determining the Btu content of natural gas. This order on rehearing denies all applications for rehearing or reconsideration of Order No. 93 as well as the two additional petitions for stay; however, it grants requests for clarification of Order No. 93 and the final rule in § 270.204.

This order, like Order No. 93, authorizes natural gas subject to a first sale to be priced based on the number of MMBtu's actually delivered, to the extent such pricing is contractually permissible. The order also makes clear that the Commission will not require continuous monitoring and recording of heating value (MMBtu's) but will accept any reasonable, unbiased method acceptable to the industry and the contracting parties for periodically measuring gas composition, gas heating value or other variables in order to determine the number of MMBtu's actually delivered in a first sale. Pipelines subject to the jurisdiction of the Commission will be permitted the opportunity to demonstrate in their next PGA filing the appropriateness of rate treatment for any claimed retroactive payments occasioned as a result of the Btu Rule controversy.

I. Background

In Title I of the NGPA, Congress prescribed "ceiling prices" for first sales of natural gas. It did so by establishing maximum lawful prices "per MMBtu" (i.e. Million British Thermal Units) for various categories of natural gas. The "ceiling price" chargeable for a first sale was to be determined by multiplying the applicable maximum lawful price per MMBtu by the number of MMBtu's subject to the first sale.

In Order No. 93 the Commission promulgated § 270.204 as a final rule. The rule itself merely describes the standard conditions under which the number of MMBtu's in a volume of natural gas is measured.[4] However, recognizing that actual delivery conditions vary widely and are most often different from the defined standard conditions, the Commission noted in the preamble to Order No. 93 that the results of Btu measurements at the defined standard conditions must be adjusted to account for actual delivery conditions before determining the "ceiling price" that can be charged for the sale under the NGPA (i.e., the maximum lawful price per MMBtu multiplied by the number of MMBtu's actually delivered).[5] This statement was predicated on the Commission's belief that, for purposes of determining the NGPA "ceiling price," the number of MMBtu's subject to a first sale is the number of MMBtu's actually delivered to the purchaser.

The petitions for rehearing raised several arguments concerning the Commission's statement in the preamble to Order No. 93 that "the results obtained under test conditions, be they those in the rule or others, must be converted to figures that reflect the actual condition of the gas on delivery in order to properly price the gas."[6] Three petitioners alleged that under Order No. 93 the maximum lawful prices for sections 104, 106(a) and 109 would exceed those prescribed under Title I of the NGPA because, under the Natural Gas Act (NGA), the Btu adjustment to the volumetric base price was based on the prevailing industry practice of determining Btu content at standard conditions and permitted no conversion to reflect the number of MMBtu's actually delivered. A fourth petitioner argued that Congress had adopted this prevailing industry practice for all Title I categories of natural gas and that Order No. 93 thus violated all of the NGPA "ceiling prices."

Several petitioners, conceding for purposes of discussion that Order No. 93 did not violate Title I "ceiling prices," questioned the effect of the Commission's statement on specific contractual provisions under which the number of MMBtu's to be attributed to an Mcf of natural gas for pricing purposes is to be based on the results of Btu measurement at the standard conditions. They indicated that the language in Order No. 93 was ambiguous but that an interpretation that nullified such contractual provisions would violate section 101(b)(9) of the NGPA which states that the Title I maximum lawful prices do not nullify or supersede the contract price. Should the contract price depend on the number of MMBtu's actually delivered, they asked what monitoring procedures would be required by the Commission in order to determine the Btu content of the natural gas at delivery conditions.

Two petitioners alleged that the clarifications in the final rule and the explanatory language in the preamble of Order No. 93 sufficiently altered the interim rule § 270.204 so as to violate the notice and comment provisions of the Administrative Procedure Act (APA) and argued that the final rule should have prospective effect only.[7] In the alternative, these and other petitioners sought a one-time PGA filing to pass through the increase in prices that they alleged would result were the Commission to retain its position on the Btu issue on rehearing.

We have addressed each of these issues in this order.

II. Lawfulness of "Ceiling Prices" Under Order No. 93

A. Petitioners' Argument

The maximum lawful prices published for sections 104 and 106(a) are referenced to the just and reasonable rates that applied to various categories of natural gas under the NGA on April 20, 1977. These rates consisted of a base price per Mcf which was to be adjusted to the extent the gas did or did not contain heating value equal to one MMBtu per Mcf. Although the dollar amount chargeable for a sale of natural gas under the NGA depended on the number of Mcf's actually delivered, the heating value adjustment was based on Btu measurements made at standard conditions and permitted no conversion to actual delivery conditions. Measurement at standard conditions usually understates the number of MMBtu's actually delivered to the purchaser. (See Appendix I for more detailed discussion.)

Although sections 104 and 106(a) reference the NGA just and reasonable rates, which were stated on a *per Mcf* basis, the maximum lawful prices for those sections are stated on a *per MMBtu* basis. The Commission's adoption of the per-Mcf base price as

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[4] The essential parameters of the "standard conditions" are that the gas is at a temperature of 60°F, under a pressure of 30 inches of mercury (approximately 14.73 pounds per square inch), and, at these defined temperature and pressure conditions, the gas is saturated with water vapor. (*See* note 21, *infra*, for full definition.) At these defined temperature and pressure conditions, natural gas will contain approximately 820 pounds of water vapor per million cubic feet of total gas. (*See* Appendix I, "Variance in Water Vapor Content and Heating Value.")

[5] As a practical matter, the determination would most often be made by measuring the gas on a volumetric basis at delivery conditions, multiplying the number of Mcf's so measured times the number of MMBtu's in an Mcf of the gas at delivery conditions, and multiplying the results by the applicable maximum lawful price.

[6] 45 FR 49077, 49080.

[7] The Commission stated in Order No. 93 that the amendments to the interim rule were of a clarifying nature. Therefore, contrary to one petitioner's allegation, their effective date is not September 22, 1980, (the effective date of Order No. 93) but December 1, 1978, the effective date of the interim rule. *Id.* at 49070.

the maximum lawful price, when coupled with the requirement under the Btu rule that the maximum lawful price be applied to every MMBtu actually delivered, for purposes of determining the NGPA "ceiling price," has resulted in "ceiling prices" that are higher than some purchasers claim would have been applicable under the NGA (ignoring the differences in inflation adjustments between the NGA and NGPA pricing schemes).

The petitioners argued that, except for the variation in inflation adjustments under the NGA and the NGPA, Congress intended to maintain producer revenue levels extant under the NGA. Noting that the Commission's current regulations confound this alleged purpose, they contended that the Commission must either rescind its statements in Order No. 93, regarding conversion of heat content findings at standard conditions to findings that would obtain at actual delivery conditions, or lower its published maximum lawful prices for sections 104 and 106(a) to counteract the inflationary effect of the language in Order No. 93.[8]

The petitioners argued, in effect, that the phrase "per MMBtu" in the NGPA merely establishes the commodity unit to be measured, not "how" or "when" such measurement is to be made. They argued that the prior practice of pricing based on the results of Btu measurements at standard conditions survives and is incorporated into the NGPA because the statute contains no clear intent to abrogate that practice. Several petitioners supported their argument by referring to section by section analyses by Representative Dingell and Senator Jackson in the legislative history [9] and alleging that these statements indicate Congressional intent to maintain producer revenues for NGA gas at pre-NGPA levels.

B. Summary of Commission Decision

In developing a comprehensive wellhead pricing system for interstate and intrastate sales of natural gas, Congress had to coordinate the previous NGA pricing system with the system of incentive prices it had established under the NGPA for the purpose of encouraging production of domestic supplies of natural gas. It decided that coordination of these two pricing systems required uniformity with respect to the commodity priced (volumes versus heating value) as well as the methodology for adjusting the maximum lawful prices based on inflation.

The latter objective required that Congress abolish the quarterly escalator that had applied under the NGA pricing scheme and replace it with the monthly inflation adjustment applicable to the incentive pricing categories. This is the issue addressed by both Congressman Dingell and Senator Jackson in those portions of the legislative history cited by the petitioners.

Congress also elected to impose uniformity with respect to the commodity to be priced and chose to establish energy-referenced prices (dollars per MMBtu) as opposed to volume-referenced prices (dollars per Mcf). This choice was inherent in the Congressional intent to establish incentive prices based on the commodity value of alternative energy sources. Thus the maximum lawful prices for those sections of Title I that reference the NGA just and reasonable per-Mcf rates (as well as section 109) were also stated on a "per MMBtu" basis.

However, Congress left implementation of energy-referenced pricing for these sections to the Commission. Recognizing that a problem might exist in converting NGA just and reasonable rates to NGPA maximum lawful prices, the Statement of Managers adverted to that problem without resolving it by merely referencing the "just and reasonable rates that were in effect on April 20, 1977, as *converted, if necessary* to a million Btu basis * * *" (Emphasis added).[10] Thus, it was left to the Commission to resolve the conversion issue.

That Congress imposed this responsibility upon the Commission was entirely predictable because coordination of the NGA and the NGPA required the expertise of that agency familiar with the structure and intricacies of the prior NGA pricing scheme.[11] In discharging this

[8] One petitioner limited this argument to sections 104 and 106(a). Two others extended it to section 109 based on statements in the legislative history that the section 109 price is intended to be the same as the section 104 price. The fourth petitioner alleged, based on the statements concerning sections 104 and 109 and the need to interpret the phrase "per MMBtu" consistently, that the argument pertains to all Title I pricing categories.

[9] *Statement by Senator Jackson:*

The maximum lawful price computed in accordance with subsection 104(b) is the same as the maximum lawful price computed in accordance with subsection 109(b). The base rate used in both computations is subject to an inflation adjustment. In other words, the just and reasonable rates set by the Federal Power Commission and in effect, as of April, 1977 are frozen as of that date and the inflation adjustment provided under this Act is to be added from that date forward. For example, the new gas rate set in FPC Opinion No. 770–A, applicable to certain eligible producers was $1.45 in April, 1977.

Thus, $1.45 would be the base rate applicable to certain eligible producers subject to section 104 and for all gas subject to section 109. The conferees do not intend to allow both the escalators of 1 cent each calendar quarter provided by Opinion No. 770–A, and the inflation adjustment provided by this Act to operate. Only the inflation adjustment provided by this Act will be allowed to operate after April, 1977. 124 Cong. Rec. S 15020–21 (Sept. 12, 1978).

Statement by Congressman Dingell:

Section 104 establishes the ceiling price mechanism applicable to natural gas dedicated to interstate commerce prior to enactment of the bill and for which a just and reasonable rate had been established under the Natural Gas Act. The applicable just and reasonable rate in effect in April, 1977 is referenced as the base price to which the inflation adjustment factor is applied to yield the maximum lawful price in any future month.

The just and reasonable rate under FPC Opinion 770–A applicable to wells spudded on or after January 1, 1975, includes a $.01 escalator each calendar quarter. Moreover, technically speaking, Opinion 770–A establishes a just and reasonable rate of $1.62 per Mcf for this vintage. The $1.42 per Mcf price most commonly referred to is merely the base rate allowed under the decision discounted to its then present value. The $.01 per quarter escalator is designed to yield an average $1.62 per Mcf rate over the projected life of the average reservoir.

Accordingly, a question has arisen whether the just and reasonable rate referenced in section 104(b)(1)(A)(i) is to include the $.01 quarterly adjustment in the inflation adjustment under section 104(b)(1)(A)(ii). The answer is an emphatic NO. The conferees did not intend a double dip. The "just and reasonable rate * * * applicable * * * on April 20, 1977" is intended to incorporate by reference the $1.45 per Mcf price permitted in April 1977. This price is to be adjusted thereafter only pursuant to the inflation adjustment provided in section 104(b)(1)(A)(ii). (Moreover, lest there be any doubt, the conferees did not intend the reference to be to the $1.62 price either.) That the conferees intended to reference the $ 1.45 per Mcf price is supported by the construction of section 109, wherein the $1.45 price is set forth. Section 104 deals with area rates, national rates of several vintages, and special relief pricing. Therefore, it was not possible or practical to specify each rate. Incorporation by reference was required. In the case of section 109, a specific rate was possible and the rate selected was the just and reasonable rate under Opinion 770–A applicable on April 20, 1977, i.e., $1.45 per Mcf. This assured that these sections would be consistent with one another. A question has arisen respecting the pricing of interstate gas, presently subject to contract, including a warranty contract, at a price lower than the just and reasonable rate presently applicable to the gas, following expiration of that contract. As the preceding paragraphs indicate, sections 104 and 106 would be applicable. Under section 101(b)(5), the section yielding the higher price would establish the maximum lawful price. If a contract is being satisfied with gas produced from wells of a vintage for which a higher just and reasonable rate has been established by the Commission that just and reasonable rate is referenced as the basis for the maximum lawful price under section 104. Moreover, once the existing contract no longer limits the price (see section 101(b)(9)), the producer could charge and the purchaser could pay any amount up to the maximum lawful price which, under both sections 104 and 106, would be based upon the just and reasonable rate which, but for enactment of this legislation, would have been applicable. 124 Cong. Rec. H 13117 (Oct. 14, 1978).

[10] Joint Statement of Managers, H. Rep. No. 95–1752, 95 Cong. 2d Sess. 82 (1978).

[11] The Congressmen's references in the legislative history to the specific Opinion 770–A rate for post-1974 wells (Opinion 770–A rate), upon which the

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responsibility, the Commission had to examine that NGA pricing scheme and establish a rational way to coordinate it with the NGPA. Had there been a direct correlation between the NGA's just and reasonable rates per Mcf and the NGPA's system of maximum lawful prices, which are stated on a "per MMBtu" basis, the Commission's task would have been a simple one. However, no such direct correlation exists. Thus the Commission was left with two inquiries. How should the number of MMBtu's upon which the NGPA "ceiling price" is based be determined: at standard conditions, *i.e.* in the same manner as Btu content had been determined under the NGA for purposes of quality control, or at actual delivery conditions? And, what should the maximum lawful price per MMBtu be for such gas?

With respect to the Btu measurement issue, the Commission determined that the number of MMBtu's accounted for in establishing the "ceiling price" for a first sale of section 104, 106(a) and 109 gas should be the number of MMBtu's actually delivered. We made this decision based on examination of the commodity pricing concepts embodied in the NGPA and the NGA. In the NGPA's incentive pricing categories, heating value is priced on an *as-delivered* basis.[12] Although the commodity priced was volume rather than heating value, the NGA, too, priced the commodity on an as-delivered basis. Therefore, the Commission decided that consistency within the NGPA and continuity with the NGA required that conversion be accomplished so as to preserve the as-delivered pricing concept for sections whose maximum lawful prices are referenced to the NGA just and reasonable rates. (See Section II C for more detailed analysis.)

With respect to the maximum lawful prices for these sections, we did not think it clear from examination of the NGPA and its legislative history that Congress' purpose was to maintain producer revenue levels for NGA gas at pre-NGPA levels.[13] Certainly the language of the statute itself manifests no such intent. Indeed, Congress had implicitly abandoned any goal of maintaining pre-NGPA revenue levels in favor of uniformity when it imposed the same inflation adjustment for NGA-referenced and incentive pricing categories. Had Congress preserved the escalation provision in Opinion 770–A, the maximum lawful price for April, 1981, for that subcategory of section 104 gas referenced to the rate for post-1974 wells in Opinion 770–A (Opinion 770–A rate) would have been $1.61 per MMBtu instead of the $2.011 per MMBtu price that results from substitution of the NGPA monthly inflation adjustment methodology. Comparison of these two prices undermines the petitioners' theory that Congress intended that the NGPA maintain NGA producer revenue levels.[14]

Based on the absence of a direct correlation between the NGPA and NGA pricing schemes, the major alteration in producer revenue levels that Congress itself accomplished by changing the escalation factors for NGA-referenced gas, and the lack of any clear evidence in either the NGPA or its legislative history as to what result Congress would have reached had it resolved the Btu conversion issue itself, we decided to adopt a per-MMBtu maximum lawful price of $1.45 for Opinion 770–A rate gas subject to section 104. By adopting what were essentially the base prices as of April 20, 1977, for section 104 (and section 106(a)), we adapted the NGA's cost-revenue balancing scheme to prices stated on a "per MMBtu delivered" basis in order to promote maximum continuity between the NGA and the NGPA and maintain internal consistency within the Title I pricing scheme. With respect to the latter objective, we note that adoption of the $1.45 base price effects the Congress' intent that the maximum lawful price for the Opinion 770–A subcategory of section 104 be the same as that imposed by Congress for section 109. (*See* discussion in Section II D and Appendix I, "Compatibility of NGA and NGPA Prices.")

C. The Measurement Issue

Like the NGA, the NGPA establishes pricing guidelines for sales of natural gas. The commodity priced under NGA regulations was *volume* units (Mcf's) of natural gas delivered. However, one of the purposes for enacting the NGPA was encouragement of domestic production of natural gas. Congress viewed energy sources as fungible and attempted to encourage domestic production of natural gas by pricing it based on its comparable energy value with respect to alternative fuel sources. In order to encourage certain new production it set a maximum lawful price for section 102 equivalent to the average commodity value of the refiner acquisition cost of domestically produced oil.[15]

Because of a very clear physical difference between natural gas and other fuels, true comparison can only be achieved by applying the prescribed maximum lawful price to the number of MMBtu's in a volume of gas at delivery conditions rather than to some theoretical quantity such as the number of MMBtu's at standard conditions. This is true because, unlike other fuels, which are either liquid or solid as opposed to gaseous, water vapor in natural gas displaces hydrocarbon compounds, resulting in a diminution of the heating value of the natural gas. Measurement at standard conditions understates the heating value of the gas at delivery conditions.[16] Therefore, it is essential that the "ceiling price" be based on the actual heating value of the gas, *i.e.* the number of MMBtu's actually delivered, in order to achieve the Congressional purpose of pricing natural gas by comparison to the heating value of the selected alternative fuel.

Like incentive pricing categories such as section 102, the maximum lawful prices for sections 104, 106(a) and 109 are stated on a "per MMBtu" basis. Although the difference in pricing mechanisms between section 102 and sections 104 and 106(a) make their direct comparison more difficult for purposes of interpreting the phrase "per MMBtu," (sections 104 and 106(a) reference prices extrinsic to the statute itself, while section 102 states a specific monetary amount), direct comparison of the pricing mechanisms in sections 102 and 109 is fairly straightforward because the structure of section 109 is identical to that of section 102, save for the

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maximum lawful prices for section 109 and one subcategory of section 104 are based, are inconsistent and confusing and suggest that neither Congressman was familiar with such intracacies of the regulatory scheme as the interface between volume-referenced pricing and the Btu adjustment procedure.

[12] *See* discussion *infra.*

[13] Examination of the cited portions of the legislative history suggests that neither Congressman was aware of the Btu conversion issue and that both were addressing themselves to the "double dip" issue relating to escalations of the Opinion 770–A rate. *See* note 11, *supra.*

[14] Although the petitioners acknowledged that a change in revenue levels resulted from Congress' replacing the NGA escalation methodology, they argued that Congress intended that no *additional* increases be effected by the Commission. However, the logic and persuasiveness of their argument are seriously impaired when the purported 2 percent increase in producer revenue levels effected by Order No. 93 is compared to the substantial 39 percent increase in the maximum lawful price implemented by Congress itself. (Had Congress not changed the NGA quarterly escalator, the increase in the maximum lawful price would have been 11 percent, rather than 39 percent.)

[15] H. Rep. No. 95–1752 at 67 and 68.

[16] The amount of water vapor contained in natural gas at the standard temperature and pressure conditions greatly exceeds the amount of water vapor that can be contained in natural gas at most pressure and temperature delivery conditions. (*See* note 4, *supra*, and graph in Appendix I.)

differences in the stated monetary amount. This identity suggests that the "ceiling price" for section 109 should also be based on the number of MMBtu's actually delivered.

Although it is not essential that identical provisions in a statute be interpreted consistently, there must be some compelling reason to do otherwise. None exists here. The legislative history indicates clearly that the maximum lawful price for section 109 is the same as the maximum lawful price for the subcategory of section 104 gas that is referenced to the Opinion 770–A rate. However, contrary to the petitioners' arguments, the legislative history provides no conclusive evidence as to what that section 104 rate should be when converted to a "per MMBtu" basis. Thus it fails to provide a compelling basis for disparate interpretations of the phrase "per MMBtu" in sections 102 and 109 such that the number of MMBtu's subject to a first sale of section 102 gas would be accounted for differently from the number of MMBtu's subject to a first sale of section 109 gas.

What the legislative history does provide, given identical interpretations of the phrase "per MMBtu" for sections 102 and 109 and the Congressmen's comments in the legislative history concerning the identity of the maximum lawful prices in section 109 and the Opinion 770–A subcategory of section 104, is a basis for interpreting the phrase "per MMBtu" in section 104 consistently with its interpretation in sections 102 and 109, i.e., as a requirement that the "ceiling prices" for section 104 (and, by implication, section 106(a)) be based on the heating value of the gas at actual delivery conditions.

Requiring that the "ceiling price" for first sales of sections 104, 106(a) and 109 gas be based on the number of MMBtu's actually delivered also promotes continuity with the NGA by preserving the per-unit-delivered commodity pricing concept employed with respect to volume units under the NGA.

For these reasons, the Commission has decided to retain its original position that the NGPA "ceiling price" is dependent upon the number of MMBtu's actually delivered rather than the number of MMBtu's measured at standard conditions.

D. The Maximum Lawful Price Issue

Convinced that the commodity unit priced under the NGPA is an MMBtu and that the NGPA "ceiling prices" are to be determined on an as-delivered basis, the Commission was next required to explore the suggestion made by some petitioners that the NGA's $1.45 per Mcf base price on April 20, 1977 be reduced to $1.42 in order to maintain pre-NGPA producer revenue levels for that subcategory of section 104 gas that was previously priced at the Opinion 770-A rate and the further suggestion that all other NGA-referenced rates be similarily reduced.

There is no technical theory that compels adoption of lower maximum lawful prices such as $1.42 because there is no direct correlation between the NGA and NGPA pricing schemes. Furthermore, as we have already indicated, neither the statutory language nor the legislative history provides any clear indication of what result Congress would have reached had it resolved the conversion problem itself. Faced with the responsiblity of coordinating the disparate pricing schemes imposed under the NGA and the NGPA, the Commission decided to resolve the conversion issue by pursuing a policy of preserving internal consistency within the Title I pricing scheme and ensuring maximum conceptual continuity between the NGPA's per-MMBtu-delivered pricing scheme and the cost-revenue balancing methodology under which the NGA's per-Mcf base prices were originally established. For the reasons stated below, that policy is best promoted by adopting the base prices for the various categories of NGA gas as the maximum lawful prices for sections 104 and 106(a). We find support for this result by noting that Congress intended identity of pricing for section 109 and the Opinion 770-A subcategory of section 104 and that adoption of the $1.45 base price will impose the same maximum lawful price for that subcategory of section 104 as the maximum lawful price Congress *stated* in section 109.

As has been previously noted, the just and reasonable producer rates to which the maximum lawful prices in sections 104 and 106(a) are referenced were not established on a "per MMBtu delivered" basis. Instead, they were based on the number of Mcf's delivered and included a Btu quality adjustment determined by the number of MMBtu's measured at standard conditions. Because the NGA pricing scheme was inconsistent with respect to the methodologies for establishing volume as opposed to Btu content, no direct correlation exists between the NGA just and reasonable rates, in which heating value was an arbitrarily-derived numerical factor used to make a quality adjustment to the volume-referenced price, and the NGPA energy-referenced "ceiling prices" in which heating value is the price determinant.

Although it is mathematically possible to convert the Opinion 770-A rate of $1.45 per Mcf to a rate of $1.42 per MMBtu, in an attempt to maintain NGA producer revenue levels, it cannot be shown that such a procedure would be applicable to all (or any) sales of that subcategory of section 104 gas. This is true because as explained earlier, the number of MMBtu's per Mcf varies with delivery conditions, and delivery conditions vary widely.[17] Furthermore, adoption of the $1.42 price elevates an arbitrarily-derived Btu adjustment factor above the cost-referenced base price as the conceptual vehicle for converting NGA rates to NGPA maximum lawful prices, based on mere semantic happenstance. Although both the maximum lawful prices and this arbitrary adjustment factor are expressed in terms of Btu's, their conceptual underpinnings are entirely different and cannot be reconciled.

Absent a direct correlation between the NGA and NGPA prices, the Commission feels justified in adopting $1.45 (the base price) as the maximum lawful price for the Opinion 770–A subcategory of section 104 gas. Under the NGA pricing scheme, $1.45 was essentially the quotient obtained by dividing projected finding and production costs by the reported number of Mcf's that would ultimately be produced from discovered reserves. The production data were based on the number of Mcf's available at actual delivery conditions. The touchstone for this computation was the concept of an "average Mcf." Such an average Mcf would typically contain approximately seven to seventy pounds of water vapor per MMcf.[18] The adjustment for Btu content, based on standard conditions, was simply superimposed on this per-unit-delivered, cost-referenced rate. It assumed a water vapor content of 820 pounds per MMcf. As a technical matter, its application to the production data would underestimate the average MMBtu content of the reported volumes by about 1.74%.[19]

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[17] Although many interstate contracts limit the water vapor content of natural gas at delivery to seven pounds per MMcf, not all contracts contain such provisions, and not all gas is so composed at delivery.

[18] This assumes a delivery temperature in the range of 50°F to 70°F and delivery pressures in the range of 100 to 1000 pounds per square inch. These ranges of temperature and pressure would likely cover most delivery conditions.

[19] This was no obstacle to its use for quality control purposes, however, and it had the added advantage of conforming to industry quality control practices. However, its acceptance for quality control purposes does not support, and is in fact unrelated to, its adoption as the determining factor

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This inconsistency in measurement methodologies could have been eliminated either by adjusting the production data prior to rate derivation or by keying the Btu adjustment to actual delivery conditions. Had the production data been converted to standard conditions prior to rate derivation, the number of Mcf's would have been reduced commensurate with the reduced heating value of an Mcf at standard conditions. Reduction of the denominator in the cost equation (i.e. the number of Mcf's) would have produced a base price greater than $1.45 per Mcf. Subsequent adjustments to the per-Mcf base price to reflect the Btu content of the gas at standard conditions (which represents a decrease in the number of MMBtu's at actual delivery conditions) would have resulted in a just and reasonable rate of essentially $1.45 per MMBtu actually delivered. (*See* "Sample Computation" in Appendix I.) The Commission has achieved essentially the same result for purposes of establishing the NGPA "ceiling price" for Opinion 770–A rate gas subject to section 104 by adopting $1.45 as the maximum lawful price and requiring that it be applied to the number of MMBtu's actually delivered.

The Commission believes that our conversion policy is reasonable and justified. We note that it effects the Congress' intention that the maximum lawful price stated in section 109 be identical to the maximum lawful price for gas previously subject to the Opinion 770–A rate. We are unpersuaded that we should engender the confusion and uncertainty that would result were we now to alter our decision with respect to this policy and amend the maximum lawful prices.

III. Contractual Provisions and Monitoring

A. Petitioners' Arguments

Every petitioner that filed an application for rehearing, reconsideration, or clarification of Order No. 93 interpreted Order No. 93 as possibly requiring that a purchaser pay the applicable maximum lawful price for each MMBtu actually delivered. Several petitioners noted that the majority of sales contracts price natural gas on an Mcf rather than on an MMBtu basis and provide for adjustment of the volumetric price to reflect the Btu content of the gas. They explained, with regard to this Btu adjustment, that a large number of such contracts require that the Btu content of gas be determined based on measurement at the standard conditions, despite the fact that the actual delivery conditions with respect to temperature and pressure may be different from the standard temperature and pressure conditions and the contract may require delivery of relatively dry gas (e.g. seven pounds of water vapor per MMcf). The petitioners complained that setting a "ceiling price" based on the number of MMBtu's actually delivered might nullify such contractual provisions.

Further, petitioners argued that if "ceiling prices" were based on the number of MMBtu's actually delivered, the cost of continuously monitoring actual delivery conditions would be prohibitively high. Assuming that implementation of Order No. 93 requires measurement of the Btu's actually delivered, petitioners were concerned that specific guidance had not been given as to whether and how to estimate the actual Btu content of gas at delivery conditions, other than the petitioners' inference that continuous monitoring would be required. Petitioners requested specific guidance as to what measurement procedures might be employed.

B. Commission Decision

Given that the NGPA pricing scheme is a significant departure from past Commission and industry practice, it is not surprising that its implementation has created confusion both for sellers and purchasers. Under the NGPA pricing scheme the "ceiling price" permitted under Title I for the sale of natural gas is based on the number of MMBtu's actually delivered. In adopting heating value as a pricing mechanism rather than a quality control index, Congress did not intend to override the terms of any contract unless the contract establishes a price in excess of the Title I "ceiling price." Thus, under the terms of a contract, natural gas may be priced by volume, by heat content, or by any other reasonable means agreed to by the parties so long as the price paid does not exceed the "ceiling price" permitted under Title I.

The Btu rule and explanatory text affect the determination of the "ceiling prices" that can be charged for natural gas under the NGPA. However, they do not require that the industry change its measurement or pricing practices. Temperature and pressure are routinely measured at the orifice meter of a natural gas sales point, and determination of Btu content for pricing purposes (based on chemical analyses or direct measurement with a calorimeter) has been required for years under the NGA pricing scheme. The Commission is aware of no significant problems with obtaining these measurements. As the Commission stated in Order No. 93,[20] we will accept any method accepted in the natural gas industry for determining the Btu content of the gas sold, including measurement procedures and measurement frequency. The Commission will also permit industry-accepted methodologies for converting Btu measurements at standard conditions to Btu content at actual delivery conditions. No further guidance need be given except to say that the method cannot be biased so as to result in prices that exceed the permissible "ceiling prices."

IV. Effective Date and PGA Trackers

A. Petitioners' Arguments

Several petitioners, assuming that Order No. 93 requires a continuous determination of the number of MMBtu's actually delivered, requested that Order No. 93 not apply to sales that occurred prior to the effective date of the order. Two petitioners argued that making Order No. 93 effective retroactive to December 1, 1978, would violate the APA because the language of the interim rule in § 270.204 suggested that the prior Commission practice of adjusting the base price based on the number of MMBtu's measured at standard conditions, rather than the number of MMBtu's actually delivered, was to be continued under the NGPA.

Other petitioners expressed concern that they may owe money to producers for deliveries that have occurred since December 1, 1978, and requested, as an alternative to modifying the effective date of Order No. 93, that the Commission permit a one-time PGA filing to authorize passthrough of any payments required as a result of the Btu rule.

B. Commission Decision

Although the interim Btu rule was vague, contrary to the petitioners' allegations it was not identical to the Btu adjustment provisions contained in §§ 2.56a(c)(1) and 2.56b(d)(1) of the Commission's NGA regulations.[21] The

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In changing from a volume-referenced to an energy-referenced pricing scheme.

[20] 45 FR 49077, 49080.

[21] The text of the interim rule in § 270.204 reads as follows:

For purposes of determining the number of Btu's per unit volume of natural gas, the Btu content of one cubic foot of natural gas is the number of Btu's produced by the combustion, at constant pressure, of the amount of gas which would occupy a volume of 1.0 cubic foot at a temperature of 60 degrees Fahrenheit, saturated with water vapor and under a pressure equivalent to that of 30.00 inches of mercury at 32 degrees Fahrenheit, and under standard gravitational force (980.665 centimeters per

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Commission's intent in issuing the interim Btu rule was merely to describe the standard conditions for measuring the Btu content of natural gas. Unlike the Commission's previous policy, this measurement was *not* to be "used in computing [a] rate adjustment." That phrase, which appeared in the NGA regulations, was specifically and intentionally deleted from the interim rule in § 270.204.

Nevertheless, some confusion developed because the interim rule language that replaced that phrase was itself ambiguous. Therefore, the Commission modified the wording of § 270.204 in Order No. 93 and supplied accompanying text explaining the Commission's position with respect to the issue of Btu measurement. Because Order No. 93 is but a clarification of the interim rule, it is effective for all first sales of natural gas made on or after December 1, 1978, the effective date of the interim rule.

With respect to the PGA issue, natural gas pipelines under the Commission's jurisdiction will be permitted to record any necessary retroactive payments in Account 191 ("Unrecovered purchase gas costs"). Such payments should be recorded as a subaccount of Account 191 or should be otherwise separately identified. The pipeline will be afforded the opportunity to demonstrate in its next PGA filing that the claimed amounts are correct and that rate treatment is appropriate for any claimed retroactive payments.

The Commission Orders: The applications for rehearing of Order No. 93 and Natural's petition for rehearing of the Commission's order denying its petition for partial stay of Order No. 93 are denied. The applications for stay filed by Arkla and Transco are also denied. Order No. 93 is clarified as set forth above.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix I

Technical Considerations

The Commission has examined, among the other matters discussed in this order, certain fundamental technical considerations pertaining to the Btu Rule. Of particular interest are:

- Features related to the occurrence of water in natural gas;
- Factors which cause variances in the water content of natural gas and attendant changes in the heating value of natural gas; and
- Considerations related to the development of producer just and reasonable rates under the NGA and the degree of compatibility between those rates and the maximum lawful prices established under the NGPA.

The following discussion addresses some of the concerns expressed by the petitioners and helps explain the Commission's rationale in reaching its decision in Order No. 93 with respect to the Btu pricing issue.

Occurrence of Water in Natural Gas

It is important at the outset to recognize that the reasons for the occurrence of water in natural gas relate to expected and natural phenomena. Most geologic formations from which natural gas is produced are the results of fragmented materials or precipitates deposited in ageous environments (e.g., shallow seas, lakes, deltas, streams, etc.). Additionally, the organic material (plant and/or sea life) from which natural gas originated was also deposited and decomposed in ageous environments. Therefore, natural gas that has accumulated in or migrated to the reservoirs from which it is now produced has been, and in most instances still is, in contact with water (i.e., the chemical compound H_2O).

Because of the physical contact of natural gas with water, water is produced along with gas. Water may be present in produced natural gas as a free liquid (i.e., in a liquid phase) or as a vapor (i.e., in a gaseous phase). Most often it is present in produced gas as both a liquid and a vapor. Free liquid water interferes with production and transportation operations and is removed from the natural gas stream. Water vapor reduces the heating value of natural gas, and it is that feature which is central to the considerations in this order and in Order No. 93.

Variance in Water Vapor Content and Heating Value

The extent to which water in any given natural gas sample or natural gas stream exists or remains in a gaseous phase, as opposed to a liquid phase, depends upon the water vapor capacity of the gas. Water vapor capacity of gas is a function of the pressure and temperature to which the gas is subjected. Changes in the pressure and temperature of gas, and resulting changes in its water vapor capacity, can occur within the reservoir; during production, separation, and treating or conditioning operations; and during pipeline entry and transportation.

The relationships between water vapor capacity and temperature and pressure are clearly shown in the graph at the end of this appendix. It is important to understand that at any set of pressure and temperature conditions, gas has a specific water vapor capacity. Once that capacity is obtained, the gas is completely saturated with water vapor. If either pressure or temperature is changed, the water vapor capacity of the gas (i.e., its saturation limit) will change. The gas would then be capable of containing either more water vapor or less water vapor, depending upon the direction of change in pressure or temperature. (See graph.)

Water has no available heat energy. Unlike the hydrocarbon compounds in natural gas, it will not combine with oxygen and generate heat through combustion. The presence of water vapor molecules in natural gas displaces energy-producing hydrocarbon molecules and, therefore, reduces the effective heating value of the gas.

Order No. 93 addressed the water vapor/heating value relationship and, among other things, articulated the standard method for measuring the heating value of natural gas. Specifically, Order No. 93 established the "standard conditions" for measuring the number of British Thermal Units (Btu's) in one cubic foot of gas:

> • • • The gas is saturated with water vapor at 60 degrees fahrenheit under a pressure equivalent to that of 30.00 inches of mercury at 32 degrees fahrenheit, under standard gravitational force (980.665 centimeters per second squared).

In recognition of the fact that the conditions under which gas is actually delivered would vary widely and would likely be different from the standard conditions, Order No. 93 also stated that the heating value of gas determined at standard conditions (or other measurement conditions) must be converted to reflect the heating value at

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second squared) with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of the gas and air and when the water formed by combustion is condensed to the liquid state.

The text of §§ 2.56a(c)(1) and 2.56b(d)(1) reads as follows:

The Btu content of the natural gas used in computing this rate adjustment shall be the number of British thermal units (Btu) produced by the combustion, at constant pressure, of the amount of the gas which would occupy a volume of 1.0 cubic foot at a temperature of 60°F. saturated with water vapor and under a pressure equivalent to that of 30.00 inches of mercury at 32°F. and under standard gravitational force (980.665 centimeters per second squared) with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of the gas and air and when the water formed by combustion is condensed to the liquid state.

actual delivery conditions in order to properly price the gas.

The standard conditions established in Order No. 93 are based on long-standing, widely-used standards for natural gas measurement. Standards are necessary in natural gas measurement because of the chemical nature and physical behavior of natural gas. In any given natural gas system (i.e., sample, stream, etc.) the following essential relationships exist:

- Gas volume expands with increased temperature;
- Gas volume shrinks with increased pressure;
- Gas capacity to absorb water vapor increases with higher temperature;
- Gas capacity to absorb water vapor decreases with higher pressure; and
- Gas heating value (i.e., MMBtu's per Mcf) decreases with higher water vapor content, and vice versa.

The standard measurement conditions cited in Order No. 93 recognize the above relationships and their interdependence. The standards, in effect, define both volume and water vapor content. Volume is defined by the prescribed temperature and pressure conditions. Water vapor content is defined as being that quantity of water vapor that would be present in the gas if the gas were fully saturated with water vapor at the defined standard temperature and pressure.

At the defined standard conditions, water-saturated gas will contain approximately 820 pounds of water vapor per million cubic feet of total gas. However, the standard conditions would actually exist in only a very limited number of gas sale-purchase transactions, i.e., only where pressure and temperature conditions at delivery are identical to the standard conditions (30 inches of mercury and 60° F) and where the gas at delivery is saturated with water vapor.[1] Because of contractual provisions, gas delivered to a pipeline will, by comparison, often contain only about seven pounds of water per million cubic feet of total gas.[2] water, at the defined standard pressure and temperature, will occupy about 1.74 percent of the total gas volume, whereas, water vapor in gas containing seven pounds of water vapor per million cubic feet of gas will occupy only about 0.015 percent of the total gas volume. These relationships show that there is little comparability between the amount of water vapor contained in gas at most delivery conditions vis-a-vis the amount contained at the prescribed standard conditions.

Because water vapor displaces energy-producing hydrocarbon molecules, heating value (MMBtu's per Mcf) of natural gas varies inversely with water vapor content. The effect of reducing the water vapor content of natural gas from 820 pounds per MMcf to seven pounds per MMcf is an obvious increase in the heating value (i.e., MMBtu's per Mcf) of the gas stream.

Thus a significant disparity clearly exists between the heating value of gas at the standard conditions and its heating value at actual delivery conditions. The degree of disparity is dependent upon the actual delivery conditions (pressure and temperature). Given the collage of pressure and temperature conditions at which gas sale-purchase transactions occur, there is no known, uncontroverted correction factor that would have universal application for adjusting heating value determinations at the defined standard conditions to the heating value at actual delivery conditions.

Based on this analysis the Commission has stated that the heating value of gas determined at the prescribed standard conditions (or any other test conditions) must be adjusted to reflect the heating value of gas at actual delivery conditions, whatever those conditions are for a particular first sale.

Compatibility of NGA and NGPA Prices

There are several considerations that should be addressed relative to the correlation between the NGA volume-referenced prices and the NGPA energy-referenced prices. Direct correlation is frustrated by an inconsistency between the concept and methodology used to derive the NGA base prices and the concept and methodology underlying Btu adjustments applied to those base prices. The basis for this inconsistency is largely historic. Specific recognition of the inconsistency itself is necessary in order to obtain compatability between the NGA and NGPA pricing schemes.

The Btu adjustment procedure was originally adopted under the Federal Power Commission's (FPC's) in-line pricing system which was based on contract provisions predominant in the producing area. It was designed to encourage producers in certain areas to deliver high Btu gas for mixing with low Btu gas that could not otherwise be brought into the interstate market.[3] In deciding that Btu content should be reported at standard conditions, the FPC noted that this requirement conformed to the requirements of Form 2 and that it was accepted by the scientific community and the natural gas industry. The FPC also noted that the Btu adjustment procedures were actually part of the in-line, contract-pricing concept because they were routinely used in contracts upon which the in-line prices were based.

Later, the FPC established area rates which initially included a rate for "flowing gas" and a rate for "new gas." That pricing approach was later amended to develop a nationwide base price for "new gas;" Still later amendments were made to recognize the "vintage" of the gas. These producer base prices were established for natural gas volumes (Mcf at 14.73 psia an 60° F) delivered to a pipeline. Adjustments to the NGA volume-referenced base prices were permitted in order to recognize variance in the heating value (MMBtu's per Mcf) of gas and were based on the results of Btu measurements at standard conditions.[4] However, as with the in-line pricing methodology, no conversion was permitted to account for the heating value at actual delivery conditions.[5]

Throughout the area and nationwide rate proceedings establishing NGA producer prices, the FPC was dealing with costs and natural gas volumes reported by the industry. The reported costs were in dollars, and the reported volumes were either the quantities of natural gas (Mcf's actually produced on oil and gas leases, in the case of "flowing gas," or the quantities of natural gas that would ultimately be produced from discovered reserves, in the case of "new gas."

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[1] In this regard, it should be noted that the standard pressure, 30 inches of mercury, is approximately the same as atmospheric pressure. Local and regional variances from the 30-inch standard are caused by weather patterns and differences in elevation. Operating pressures near atmospheric pressure may occur on portions of some gas distribution systems, but the pressures encountered in most production and transportation operations greatly exceed atmospheric pressure.

[2] It should be made clear that it is physically impossible under most delivery conditions for natural gas to contain the 820 pounds of water vapor per million cubic feet of total gas that is obtained at "standard conditions." Under most delivery conditions, the maximum amount of water vapor in gas will range from about 7 to 70 pounds per million cubic feet of total gas. (*See* graph.)

[3] *Texaco, Inc.*, Opinion 464, 33 F.P.C. 1228, 1235 (1965).

[4] The first attempts by the FPC at providing for Btu adjustments to volume-referenced area rates had a so-called "Btu Gap." The base price prescribed was applicable to natural gas containing 1000 to 1050 Btu's per Mcf. Adjustments to the base price were made for gas below 1000 Btu's per Mcf and for gas above 1050 Btu's per Mcf. (Permian Basin Area Rate Proceedings Opinion 468 (34 FPC 159 at 223).) No adjustment was applicable for gas in the 1000 to 1050 Btu range. Later FPC action eliminated the Btu-Gap to provide for price adjustments to the NGA base prices for gas above and below 1000 Btu's per Mcf.

[5] The standard conditions used for determining Btu content during the NGA pricing era are essentially the same as those prescribed in Order No. 93.

In an overly simplified explanation, the base prices were the quotient obtained by dividing these costs by these volumes. The prices, in effect, represented the average revenue requirement (within the NGA's just and reasonable standard) for producing an "average Mcf" of gas and making it available for delivery to a pipeline. A cost-revenue balance was implicit in these rates. It should be emphasized, however, that the reported volumes were not adjusted for quality (Btu's or otherwise) prior to rate derivation. The reported volumes were at various pressure and temperature delivery conditions, which varied substantially from the 30 inches of mercury and 60° F standard pressure and temperature conditions. As such, the reported volumes would not contain the 820 pounds of water vapor per MMcf of total gas that exist at standard conditions. Rather, the reported volumes would typically contain approximately seven to seventy pounds of water vapor per MMcf. Therefore, the heating value per Mcf at delivery conditions would be significantly greater than the heating value per Mcf of the same gas if referenced to standard conditions.

In essence, then, imposition of the Btu adjustment procedure on the cost-revenue balancing scheme introduced a foreign element into the pricing methodology employed by the FPC in setting the base prices. That foreign element is the source of the present pricing controversy under the NGPA.

In order to have resolved this inconsistency for purposes of establishing a base price comparable on an energy-equivalent basis to volumes at standard conditions, the delivered volumes would have had to be decreased. The resulting base price would have been correspondingly increased. Subsequent Btu adjustments to the base price (i.e., the price per Mcf of 1 MMBtu per Mcf gas at standard conditions) would have resulted in pricing the gas essentially on an as-delivered-MMBtu basis.[6]

The effect of the failure to resolve this inconsistency is an understatement of the actual number of MMBtu's contained in each Mcf delivered to the buyer. With the relatively low gas prices of the past, the inconsistency apparently was acceptable for quality control and for pricing purposes to both the seller and the buyer.[7] However, the change under the NGPA to reliance on heat content (MMBtu's) of gas as a price determinant rather than a quality control adjustment to a volume-referenced base price, has created a controversy which can be traced to this inconsistency. Under the NGPA, prices are established for the quantity of heat energy (MMBtu's) involved in a first sale. The NGPA pricing structure makes no specific reference to volumes or volume measure. (In actual practice, however, most gas involved in producer-pipeline transactions is still measured on a volumetric basis although it is now priced on an energy basis.) If gas is now to be priced on the basis of the heating energy actually delivered to a buyer, the former NGA adjustment procedures with respect to heating value are not technically correct for use in the energy-referenced pricing scheme. Those procedures evolved from the in-line pricing era, during which natural gas prices were based on contract provisions predominant in the producing area. They made sense for quality control purposes and for encouraging the delivery of high Btu gas. When carried forward to the area and national ratemaking methodologies, which abandoned the in-line, contract-referenced pricing concept, they created a basic technical inconsistency between the base prices and the Btu adjustments made to those base prices. Whatever previous usefulness may have derived for producer ratemaking purposes from the Btu adjustment procedures no longer exists. The procedures have now become a "vestigial organ" and are not an integral component of the NGPA pricing anatomy.

Conclusion

In addition to being technically (and legally) correct, the Btu measurement and pricing procedures should also be administratively efficient. The procedures described in Order No. 93 satisfy those tests. Therefore, to the extent that it is contractually permissible, the actual delivery conditions, whatever they are, should be recognized in determining the quantity of heat energy involved in a gas sales/purchase transaction. Any other approach, as well as a downward adjustment of the maximum lawful prices, would not be technically correct and would likely result in administrative "nightmares" for regulatory agencies and for all segments of the natural gas industry.

[6] In the alternative, the Btu adjustment could have been based on actual delivery conditions. *See* "Sample Computation Showing Lack of Direct Correlation Between Previously Established NGA Volume-Referenced Prices and NGPA Energy-Referenced Prices."

[7] What support exists for the prescribed NGA Btu adjustment procedure derives from its identity with provisions in most producer-pipeline contracts.

Sample Computation Showing Lack of Direct Correlation Between Previously Established NGA Volume-Referenced Prices and NGPA Energy-Referenced Prices

- Assume cash flow of $1 million.
- Assume reported volumes are 1 million Mcf.
- Assume gas is "dry" (i.e., contains no water vapor) and has a heating value of 1 MMBtu per Mcf.
- The correct price under the NGPA pricing procedures should be $1.00 per MMBtu of gas actually delivered.

However, application of the NGA base-price Btu adjustment procedure would produce the following results:

The heating value of the gas would be converted from actual delivery conditions to "standard conditions" and would, therefore, contain:

1 MMBtu/Mcf × (100.00% Total Gas − 1.74% water vapor) = 0.9826 MMBtu/Mcf.

The revenues generated as a result of this Btu adjustment would be determined as follows:

0.9826 MMBtu/Mcf ×
1 million Mcf × $1.00/MMBtu =
982,600 MMBtu × $1.00/MMBtu = $982,600

In order to use the NGA base-price Btu adjustment procedure and generate a cash flow equivalent to $1,000,000, the reported volumes would have to be adjusted downward so as to produce a higher "base rate." The adjusted base rate ("B") needed to maintain revenues would be computed as follows:

$$\$1{,}000{,}000 = 0.9826\ \text{MMBtu/Mcf} \times 1\ \text{million Mcf} \times B$$

$$B = \frac{\$1{,}000{,}000}{0.9826\ \text{MMBtu/Mcf} \times 1\ \text{million Mcf}}$$

$$B = \frac{\$1{,}000{,}000}{982{,}600\ \text{MMBtu}}$$

$$B = \$1.017/\text{MMBtu}$$

The downward adjusted volumes needed to derive the $1.0177 per MMBtu rate would be computed as follows:

1 Mcf of gas at actual delivery conditions contains 1 MMBtu. If the gas were converted to standard conditions the same Mcf would contain 0.9826 MMBtu's because water vapor would occupy 1.74% of the total gas volume. The "energy equivalent" volumes at actual delivery conditions would, therefore, have to be reduced by 1.74%:

1 million Mcf × (100.00% − 1.74%) = 982,600 Mcf

The adjusted base rate ("B") would result from the following:

$$B = \frac{\$1,000,000}{982,600\ Mcf \times (1\ MMBtu/Mcf)}$$

B = $1.0177/MMBtu

The revenues generated under this procedure would be as follows:

0.9826 MMBtu/Mcf × 1 million Mcf × $1.0177/MMBtu = 982,600 MMBtu × $1.0177/MMBtu = $1,000,000

This example demonstrates that in order to obtain correct pricing for MMBtu's actually delivered, using the NGA base-price Btu adjustment procedures, volumes reported at actual delivery conditions (here assumed to contain no water vapor) would have to be reduced prior to deriving a "base rate" per Mcf. If this is not done, revenues would be less than the requisite cash flow. *Note,* however, that this is only an explanatory computation. The same correct result is obtained under the NGPA pricing procedures if the NGA per Mcf base price is retained and expressed on a per-MMBtu basis and the heating value of the gas is determined based on actual delivery conditions. In this example:

1 MMBtu/Mcf × 1 million Mcf × $1.00/MMBtu = $1,000,000

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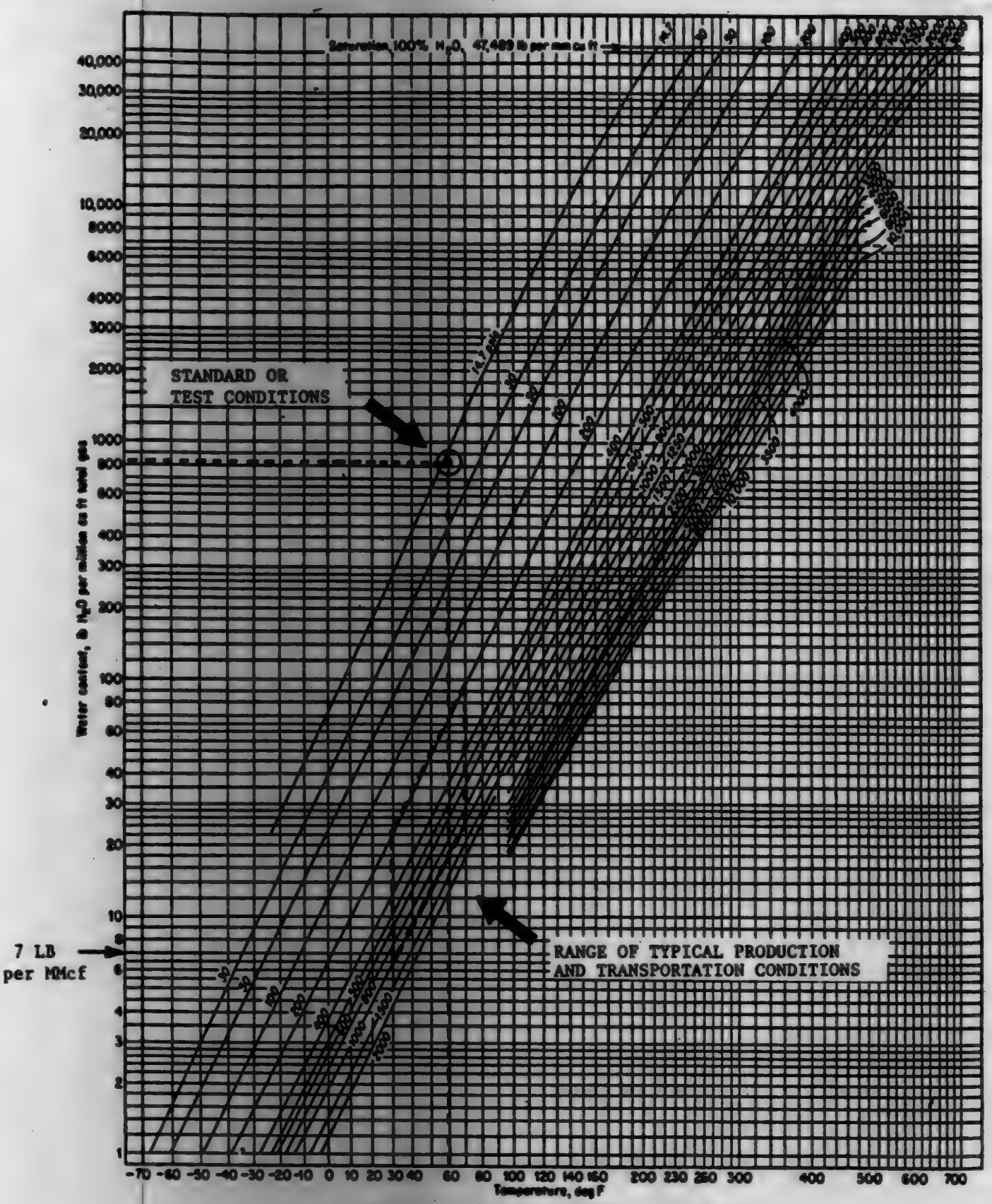

Water content of natural gas in equilibrium with liquid water.

Ref: Adapted from Katz, Cornell, Kobayashi, Poettmann, Vary, Elenbaas and Weinaug, Handbook of Natural Gas Engineering (McGraw-Hill Book Company, Inc., New York, Toronto, London, 1959). Reprinted with permission © 1959 McGraw-Hill Book Company, Inc.

[FR Doc. 81-13383 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-06-C

18 CFR Part 271

[Docket No. RM79-76 (Colorado-11); Order No. 142]

High-Cost Gas Produced From Tight Formations; Colorado

Issued April 29, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Colorado Oil and Gas Conservation Commission that the Mancos "B" Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective April 29, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8559.

The Commission hereby amends § 271.703(d) of its regulations to include the Mancos "B" Formation in Rio Blanco and Garfield Counties, Colorado as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued February 4, 1981 (46 FR 11839, February 11, 1981) [1] based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c), that the Mancos "B" Formation be designated as a tight formation.

Evidence submitted by Colorado supports its assertion that the Mancos "B" Formation meets the guidelines contained in § 271.703(c)(2).[1] The Commission adopts the Colorado recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective April 29, 1981.

By the Commission

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (23) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(23) *The Mancos "B" Formation in Colorado.* RM79-76 (Colorado-11).

(i) *Delineation of formation.* The Mancos "B" Formation is found in the Douglas Creek Arch area in Rio Blanco County, Colorado.

(ii) *Depth.* The Mancos "B" Formation is a member of the Mancos Shale of upper Cretaceous age, occurring in the approximate middle third of the Mancos sequence. The average depth to the top of the Mancos "B" Formation is 3603 feet.

[FR Doc. 81-13161 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-85-M

[1] Comments on the proposed rule were invited and received. No party requested a public hearing in this matter and no hearing was held.

18 CFR Part 271

[Docket No. RM79-76 (Colorado-13); Order No. 143]

High-Cost Gas Produced From Tight Formations; Colorado

Issued April 29, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Colorado Oil and Gas Conservation Commission that the Mancos "B" Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective April 29, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8559.

The Commission hereby amends § 271.703(d) of its regulations to include the Mancos "B" Formation in Rio Blanco County, Colorado, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued February 4, 1981 (46 FR 11840, February 11, 1981) [1] based on a recommendation by the Colorado Oil and Gas Conservation Commission (Colorado) in accordance with § 271.703(c), that the Mancos "B" Formation be designated as a tight formation.

Evidence submitted by Colorado supports its assertion that the Manco "B" Formation meets the guidelines contained in § 271.703(c)(2).[1] The Commission adopts the Colorado recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

[1] Comments on the proposed rule were invited and received. No party requested a public hearing in this matter and no hearing was held.

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective April 29, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (24) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation

* * * * *

(24) *The Mancos "B" Formation in Colorado.* RM79–76 (Colorado–13).

(i) *Delineation of formation.* The Mancos "B" Formation is found in Rio Blanco County, Colorado, Approximately 70 miles northwest of Grand Junction, Colorado, on the northeast flank of the Douglas Creek Arch in the Piceance Basin.

(ii) *Depth.* The Mancos "B" Formation is a member of the Mancos Shale of upper Cretaceous age, occurring in the approximate upper third of the Mancos sequence. The thickness of the Mancos "B" Formation ranges from 400 to 700 feet. The depth to the top of the Mancos "B" Formation ranges from 1,500 to 8,400 feet and averages 3,500 feet.

[FR Doc. 81–13162 Filed 4–30–81; 8:45 am]

BILLING CODE 6450–06–M

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18 CFR Part 271

[Docket No. RM79–76 (Louisiana–2); Order No. 141]

High-Cost Gas Produced From Tight Formations; Louisiana

Issued April 29, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of Louisiana Office of Conservation that the Haynesville Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective April 29, 1981.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Ting Chin, (202) 357–8595/John Bassett, (202) 357–8589.

The Commission hereby amends § 271.703(d) of its regulations to include the Haynesville Formation in Louisiana as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by Director, OPPR, issued January 21, 1980 (46 F.R. 8566, January 27, 1981) [1] based on a recommendation by the State of Louisiana Office of Conservation (Louisiana) in accordance with § 271.703(c), that the Haynesville Formation be designated as a tight formation.

Evidence submitted by Louisiana supports its assertion that the Haynesville Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Louisiana recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

For the reasons stated herein, Part 271 of Subchapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below, effective April 29, 1981.

[1] Comments on the proposed rule were invited and none were received. No party requested a public hearing in this matter, and no hearing was held.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (22) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(22) *The Haynesville Formation in Louisiana.* RM79–76 (Louisiana–2)

(i) *Delineation of formation.* The Haynesville Formation is found in the northern portion of Bossier Parish, Louisiana, on the Arkansas border.

(ii) *Depth.* The top of the Haynesville Formation is located at a depth of 10,360 feet and the base is located at 10,845 feet. In the Arkana Field, the Haynesville Formation consists of three members. The upper member is predominantly shale, 120 feet to 220 feet thick; the middle member is a sand, 120 feet to 220 feet thick with shale stringers varying from 2 feet to 15 feet in thickness; and the lower member is 200 feet to 400 feet thick, consisting of shale and anhydrite.

[FR Doc. 81–13163 Filed 4–30–81; 8:45 am]

BILLING CODE 6450–06–M

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18 CFR Part 282

[Docket No. RM79–14]

Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply.

Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426 (202) 357–8500.

SUPPLEMENTARY INFORMATION:

In the matter of publication of prescribed incremental pricing acquisition cost threshold of the NGPA of 1978.

Order of the Director, OPPR

Issued: April 22, 1981.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Tile II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of May 1981, is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Table I.—*Incremental Pricing Acquisition Cost Threshold Prices*

Calendar Year 1980

	January	February	March	April	May	June	July	August	September	October	November	December
Incremental pricing threshold	$1.702	$1.736	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA section 102 threshold	2.356	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.586	2.614	2.640
NGPA section 109 threshold	1.796	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 fuel oil in New York City threshold	7.170	7.260	7.410	7.110	7.260	8.040	7.840	7.260	7.400	7.400	7.450	7.590

Calendar Year 1981

	January	February	March	April	May
Incremental pricing threshold	$1.891	$1.908	$1.925	$1.942	$1.954
NGPA section 102 threshold	2.667	2.698	2.729	2.761	2.787
NGPA section 109 threshold	1.957	1.975	1.993	2.011	2.024
130% of No. 2 fuel oil in New York City threshold	7.610	7.960	8.260	9.010	9.510

[FR Doc. 81-13104 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-85-M

18 CFR Part 294

[Docket RM 79-52]

Interim Procedures for Shortages of Electric Energy and Capacity Under Section 206 of the Public Utility Regulatory Policies Act of 1978; Extension

Issued April 23, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Amendment to Extend Interim Regulation.

SUMMARY: The Federal Energy Regulatory Commission hereby adopts regulations which extend, through April 30, 1982, its interim regulations implementing accommodation and reporting procedures for shortages of electric energy and capacity under section 206 of the Public Utility Regulatory Policies Act of 1978. This rulemaking extends the effectiveness of the interim regulations, and make no other changes. Under the extended regulations, each public utility now serving firm power wholesale customers must report any shortages of electric energy or capacity anticipated to occur prior to April 30, 1982, to the Commission, the utility's customers, and appropriate State authorities. Also, the regulations require each public utility to report any modifications of its plans for accommodating shortages which may occur before April 30, 1982.

EFFECTIVE DATE: April 23, 1981.

FOR FURTHER INFORMATION CONTACT:

Bernard B. Chew, Office of Electric Power Regulation, 825 North Capitol Street, NE., Room 504RB, Washington, D.C. 20426 (202) 376–9284

Christine P. Benagh, Office of the General Counsel, 825 North Capitol Street, NE., Room 8104–B, Washington, D.C. 20426 (202) 357–8606

SUPPLEMENTARY INFORMATION: Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., George R. Hall and J. David Hughes.

I. Background

On June 15, 1979, the Commission issued interim regulations implementing, in part, section 206 of the Public Utility Regulatory Policies Act of 1978 (PURPA).[1] Section 206 of PURPA directs the Commission to require public utilities to report anticipated shortages of electric energy or capacity to the Commission and to appropriate State authorities. Section 206 also requires public utilities to submit contingency plans to accommodate any shortages of electric energy or capacity to the Commission and to appropriate State authorities.

Paragraph (b) of the interim regulations requires each public utility serving firm power wholesale customers to submit by July 23, 1979, "a brief statement indicating how it would accommodate any shortages of electric energy or capacity affecting its firm power customers, should such a shortage occur prior to September 30, 1979." [2]

Paragraph (c) of the interim regulations requires each utility to

[1] Interim Regulations, 18 CFR 294.101 (1979), Docket No. RM79-52 (issued June 15, 1979).

[2] This language was adopted by an Amendment to Interim Regulations, 18 CFR 294.101, Docket No. RM79-52 (issued August 1, 1979) in order to make clear the Commission's intent that all public utilities serving firm customers must submit statements concerning the methods by which they accommodate possible shortages. Before this amendment, the language appeared to suggest that only those utilities which anticipated shortages prior to September 30, 1979, were obliged to file accommodation reports under section 206(a) of PURPA.

report immediately any shortage of electric energy or capacity which the utility anticipates will occur. In that report the utility must provide the Commission with certain information, including information regarding any procedures for accommodating a particular shortage, if they differ from the procedures set out in the utility's statement submitted pursuant to paragraph (b) of the interim regulations.

Prior to this amendment, paragraph (a) defined "anticipated shortages of electric capacity or energy" as those situations which would result in shortages "anticipated to occur prior to April 30, 1981." [3] The purpose of this amendment is to extend the reporting requirements through April 30, 1982, so that the Commission will be advised of any anticipated shortages which may occur during the coming year while the Commission considers appropriate action in view of the responses received to the Notice of Inquiry issued in this docket on April 1, 1980.[4]

Accordingly, the Commission hereby amends the interim regulations. First, the reporting requirements of paragraph (c) are extended through April 30, 1982 by amending the definition of "anticipated shortages of electric energy or capacity" in paragraph (a) to include those situations anticipated to occur prior to April 30, 1982. Second, if a plan to accommodate a shortage occurring prior to April 30, 1982, differs from the plan submitted pursuant to paragraph (b) of the interim regulations, the utility is hereby required to file a supplemental statement setting forth those changes. A utility need not file a statement of its plan to accommodate shortages prior to April 30, 1982, if that plan does not vary from that set out in the statement already filed pursuant to paragraph (b).

II. Effective Date

Since the Commission is mandated by statute to have in effect rules regarding the continuance of electric service, good cause exists for the immediate effectiveness of this amendment. Therefore, the Commission finds it to be in the public interest to dispense with notice and comment under 5 U.S.C. 553(b) and to make this rule effective immediately.

[3] This date was initially September 30, 1979, but was extended to April 30, 1980, by Interim Regulations, 18 CFR 294.101, Docket No. RM79-52 (issued Oct. 23, 1979). It was extended to April 30, 1981, by Amendment to Extend Interim Regulations, 18 CFR 294.101, Docket No. RM79-52 (issued Apr. 1, 1980).

[4] Inquiry Implementing Section 208 of the Public Utility Regulatory Policies Act of 1978, Continuance of Service, Docket No. RM79-52, issued April 22, 1980, 45 Fed. Reg. 28,162 (April 28, 1980).

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 (1978); Federal Power Act, 16 U.S.C. 792-828c; Exec. Order No. 12,009, 3 CFR 142 (Comp. 1977); Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 294 of Subchapter K, Chapter I, Title 18 of the Code of Federal Regulations is amended as set forth below, effective April 23, 1981.

By the Commission.

Kenneth F. Plumb,

Secretary.

§ 294.101 [Amended]

1. Section 294.101 of title 18, *Code of Federal Regulations*, is amended in paragraphs (a)(1), (a)(2), and (b)(4) to remove the date "1981" each time it appears and to insert in lieu thereof the date "1982".

[FR Doc. 81-13105 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 401

42 CFR Part 401

Disclosure of Official Records and Information About Individuals; Correction

AGENCY: Social Security Administration, HHS.

ACTION: Final Rule; Correction.

SUMMARY: On November 13, 1980 we published final regulations on the disclosure of official records and information about individuals (45 FR 74906). In that document we transferred the Social Security Administration's interim regulations on this subject to 42 CFR Part 401 and made them the Health Care Financing Administration's (HCFA) rules on disclosure of official records and information about individuals. Several technical errors were made in redesignating and naming the new HCFA material. This notice corrects the redesignation and naming of the transferred material.

FOR FURTHER INFORMATION CONTACT: Armand Esposito, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7455.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 13, 1980 on pages 45 FR 74913 and 74914, item 1 of the amendatory language is changed from:

"1. Subpart A is transferred to 42 CFR Chapter IV and redesignated as Subpart A in new Part 401. A heading is added for 42 CFR 401 Subpart B. The headings for 42 CFR 401 and for Subparts A and B of 401 read as follows:

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Subpart A—General Provisions

* * * * *

Subpart B—Confidentiality and Disclosure [Reserved]"

To

"1. Subpart A is transferred to 42 CFR Chapter IV and redesignated as Subpart B in new Part 401. A heading is added for 42 CFR 401 Subpart B. The headings for 42 CFR 401 and for Subparts A and B of 401 read as follows:

PART 401—GENERAL ADMINISTRATIVE REQUIREMENTS

Subpart A—[Reserved]

Subpart B—Confidentiality and Disclosure"

Dated: April 14, 1981.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 81-13107 Filed 4-30-81; 8:45 am]
BILLING CODE 4110-07-M

Food and Drug Administration

21 CFR Part 109

[Docket No. 77N-0060]

Polychlorinated Biphenyls (PCB's) in Fish and Shellfish; Reduction of Tolerances; Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice of hearing on objection to final rule.

SUMMARY: The Food and Drug Administration (FDA) announces a formal evidentiary public rulemaking hearing and a prehearing conference for the purpose of resolving a factual issue raised by objections that stayed the final rule reducing the tolerance for polychlorinated biphenyls (PCB's) in fish and shellfish.

DATES: Notices of participation must be received by June 1, 1981. Prehearing conference June 3, 1981, beginning at 10 a.m. Participants other than the Bureau of Foods shall make all submissions required by 21 CFR 12.85 by June 30, 1981.

ADDRESSES: The prehearing conference will be held in the Food and Drug Administration hearing room, 4A–35, 5600 Fishers Lane, Rockville, MD 20857. Written notices of participation should be submitted to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Theodore E. Herman, Regulations Policy Staff (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 29, 1979 (44 FR 38330), FDA issued a final regulation reducing the tolerances for unavoidable residues of the industrial chemicals, PCB's, in several classes of food. Under the final regulation, the reduced tolerances for PCB's were 1.5 parts per million (ppm) in milk (fat basis), 1.5 ppm in dairy products (fat basis), 3 ppm in poultry (fat basis), 0.3 ppm in eggs, and 2 ppm in fish and shellfish (edible portion).

FDA received over 20 objections to the final regulation, all of which dealt with the tolerance for fish and shellfish (21 CFR 109.30(a)(7)). Only one objection, submitted by the National Fisheries Institute, Inc., (NFI) in concert with several other organizations, was coupled with a request for a formal hearing as provided for in 21 U.S.C. 371(e)(2).

NFI objected that the projected $5.7 million worth of fish loss that FDA relied on as part of the basis for reducing the fish tolerance from 5 ppm to 2 ppm understated the amount of food loss that will actually occur under a 2 ppm tolerance. FDA's alleged understatement of fish loss is the sole basis upon which NFI requested a hearing. NFI contended that the actual loss will range from $7.3 million to $10.1 million, as compared to FDA's estimate of $5.7 million.

In the **Federal Register** of October 5, 1979 (44 FR 57389), FDA announced that, as provided by statute, the NFI objection and request for hearing automatically stayed the effective date of the tolerance for fish and shellfish. The agency also announced that, because no objections or requests for hearing had been filed on other provisions of the final regulation, the other reduced tolerances had become effective, as scheduled, on August 28, 1979.

Hearing Issue

A formal evidentiary public hearing is being granted on NFI's objection. The hearing will consider the following factual issue only: what is the magnitude of the human food loss (in terms of dollars, poundage, percentage of catch, etc.) that would result from lowering the tolerance of PCB's in fish from 5 ppm to 2 ppm?

Evidence may not be presented at the hearing on other issues, as on no others were there requests for a hearing. The Administrative Law Judge shall decide only the single hearing issue and shall not decide what the tolerance should be.

Hearing Record, Rulemaking Record, and § 12.85 Submissions

Because other questions related to the tolerance, including the toxicity of PCB's, are not to be considered at the hearing, data and information on such questions are not to be made part of the administrative record of the hearing (hearing record) but will remain part of the entire administrative record of the rulemaking proceeding (rulemaking record). Toxicity data and information that are not in the rulemaking record and that were not reasonably available at the time of the notice-and-comment portion of this proceeding may nevertheless be submitted for the rulemaking record and commented on to the Commissioner of Food and Drugs in the post-hearing briefs described below if the Commissioner finds good cause for their late inclusion in the rulemaking record.

All data and information on the subject of human food loss that would result from lowering the tolerance from 5 ppm to 2 ppm shall be made part of the hearing record pursuant to 21 CFR 12.85 whether or not they are now a part of the rulemaking record.

The portions of the present rulemaking record that FDA's Bureau of Foods (the Bureau) considers relevant at this time are the economic data and evaluations already gathered, prepared, and included in this record.

Pursuant to 21 CFR 12.85, the Bureau has filed with the Dockets Management Branch a narrative statement of its position on the hearing issue and a summary of the evidence it intends to introduce at the hearing in support of that position. Interested persons may obtain a copy of this narrative statement and summary of the evidence from the Dockets Management Branch (address above). Participants other than the Bureau shall make all submissions required by 21 CFR 12.85 by June 30, 1981. Interested persons may also examine the rulemaking record, including the hearing record, in that office from 9 a.m. to 4 p.m., Monday through friday.

Hearing Procedure

Because this matter is a rulemaking hearing pursuant to 5 U.S.C. 553, 556(d), and 557, the hearing shall consist of the submission of evidence in written form only, unless otherwise ordered by the Administrative Law Judge. If the hearing is to include any oral testimony, that testimony shall be taken at the FDA hearing room (address above). The presiding Administrative Law Judge will be Daniel J. Davidson. Parties to the hearing shall be the Bureau and NFI. Parties and others who wish to be participants must file written notices of participation with the Dockets Management Branch (address above) not later than June 1, 1981. Written notices of participation should be identified by the docket number found in brackets in the heading of this document; also, to aid in identification, the envelope containing notices of participation should be clearly labeled "PCB in Fish Hearing."

The hearing will be open to the public. Any participant may appear in person, or by or with counsel or other qualified representatives, and may make known his or her views on matters relevant to the issue under consideration.

In the **Federal Register** notice announcing the stay of the tolerance for PCB's in fish (44 FR 57389), FDA reported that one of the objections expressed a concern that not all persons interested in commercial or sport fishing had had an opportunity to comment on the final regulation reducing the tolerances during the 30 days allowed for the filing of objections. The objection requested that FDA hold a hearing, in the Great Lakes region if possible, "to give the people most directly affected a chance to participate." FDA stated in the stay notice that it does not interpret this request as a request for the formal, trial-type hearing provided for in 21 U.S.C. 371(e)(2), but rather as a request that FDA (1) extend the period for filing objections and (2) hold informal hearings as a mechanism for receiving additional comments and objections on the final rule. The agency stated that it would respond to this request at the same time it responds to NFI's request for a formal hearing.

FDA believes that ample time has been provided for the filing of comments on the proposed regulation and objections and requests for a hearing on the final regulation. The proposal to reduce the tolerance from 5 ppm to 2 ppm, which was published on April 1, 1977, contained an official 60-day comment period, and the agency accepted all relevant information

received during the 2 years that elapsed before the final rule published on June 29, 1979. Most of the correspondence received in response to the final rule during the 30-day period for objections repeated the comments received in 1977, and there is no indication that extending opportunity for public participation would produce new information. Therefore, the agency is not extending the comment period or allowing time for additional objections or requests for a hearing. Because the opportunities for public participation that FDA has already provided and will provide under this notice are sufficient and appropriate, the agency is denying the request for an oral hearing, preferably in the Great Lakes region. Although FDA is not holding the requested hearing in the Great lakes region, the agency will take steps to publicize in affected regions the hearing announced in this notice.

Post-Hearing Briefs

Participants may argue in post-hearing briefs to the Commissioner that, based on the rulemaking record including the hearing record, the same or a different tolerance should be set. These briefs are to be due on the same date that exceptions to the Initial Decision are due under 21 CFR 12.125. Reply briefs are also authorized and are to be submitted on the same date as replies to exceptions under 21 CFR 12.125.

FDA has established a pilot program for financial assistance to participants in certain agency proceedings, including hearings under Part 12. This program is described in regulations published in 21 CFR Part 10, Subpart C. Subject to the availability of funds and other factors, FDA may reimburse participants meeting the criteria set forth in these regulations for certain costs of participating in this proceeding. For more information regarding the reimbursement program, contact Alexander Grant, Office of Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5006.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 406, 701(e), 52 Stat. 1049 as amended, 70 Stat. 919 as amended (21 U.S.C. 346, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), FDA orders that a public hearing be held on the issue set forth in this notice.

Dated: April 21, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–13180 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 522

Animal Drugs, Feeds, and Related Products; Methocarbamol Injection

Correction

In FR Doc. 81–9307 appearing on page 18964 in the issue of Friday, March 27, 1981 make the following correction:

On page 18964, first column, in the second line under "FOR FURTHER INFORMATION CONTACT:" the bracketed material reading "(HFB–112)" should have read "(HFV–112)".

BILLING CODE 1505–01–M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co., providing a revised cautionary statement for use of a complete swine feed containing lincomycin hydrochloride.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, is sponsor of an NADA (97–505) providing for use of a 20-gram-per-pound lincomycin premix to manufacture complete swine feeds. The feeds are indicated for treatment and control of swine dysentery at drug levels of 100 grams and 40 grams per ton of feed, respectively. The supplemental NADA does not change the approved use of the feed. It merely revises the cautionary statement by including a restriction that the feed may be used only in swine weighing no more than 250 pounds. The approval deletes the prior restriction which provided that the feed was not for use in breeding swine. This change should not be interpreted as permitting the use of the feed in breeding swine. It does not permit such use. The revision is acceptable and not misleading because, as producers are well aware, breeding swine all weigh more than 250 pounds.

Approval of this supplemental NADA poses no increased human risk from exposure to residues of the new animal drug, lincomycin hydrochloride, because the revised cautionary statement will not change the premix's approved conditions of use. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original approval.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

§ 558.325 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.325 *Lincomycin* by removing from paragraph (f)(2)(i)(*b*), and (ii)(*b*), and (iii)(*b*) the statement "not for use in breeding swine" and inserting in its place "not to be fed to swine that weigh more than 250 pounds."

Effective date. May 1, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 24, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81–13283 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 35

[T.D. 7773]

Temporary Employment Tax Regulations Under the Act of December 24, 1980 (Pub. L. 96–601); Voluntary Withholding From Sick Pay

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations governing voluntary withholding from sick pay. Changes to the applicable tax law were

made by the Act of December 24, 1980 (Pub. L. 96-601). These regulations affect third party payors of sick pay, payees of sick pay, and employers of payees, and provide them with the guidance needed to comply with the law. In addition, the text contained in the temporary regulations set forth in this document serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the **Federal Register**.

DATE: The regulations apply to sick pay payments made by someone other than the payee's employer on or after May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3458).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to voluntary withholding from sick pay under sections 3402(o) and 6051(f) of the Internal Revenue Code of 1954, as amended by the Act of December 24, 1980 (Pub. L. 96-601, 94 Stat. 3495). These statutory changes are effective with respect to sick pay payments made on or after May 1, 1981. Further, a new Part 35, Temporary Employment Tax Regulations under the Act of December 24, 1980 (Pub. L. 96-601), is added by this document to Title 26 of the Code of Federal Regulations. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

General Rule

The temporary regulations would permit a payee of sick pay to request that the payor (other than his employer) of his sick pay withhold a specific whole dollar amount from each sick pay payment. The payor must comply with this request until the payee terminates the request. The payor must furnish written statements to the employer for all sick pay paid. The employer must furnish a written statement to each employee who receives a sick pay payment.

Evaluation of the effectiveness of these regulations will be based on comments received from offices within the Treasury and the Internal Revenue Service, other governmental agencies, and the public. These regulations will not impose substantial new reporting or recordkeeping requirements.

Drafting Information

The principal author of these regulations is Barry L. Wold of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Adoption of amendments to the regulations

Accordingly, a new Part 35, Temporary Employment Tax Regulations under the Act of December 24, 1980 (Pub. L. 96-601), is added to Title 26 of the Code of Federal Regulations. Part 35 reads as follows:

PART 35—TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER THE ACT OF DECEMBER 24, 1980 (PUB. L. 96-601)

Sec.
35.1 Extension of withholding to sick pay.
35.2 Statements required in case of sick pay paid by third parties.

Authority: Secs. 3402(o) and 7805 Internal Revenue Code of 1954 (94 Stat. 3495, 26 U.S.C. 3402(o); 68A Stat. 917; 26 U.S.C. 7805).

§ 35.1 Extension of withholding to sick pay.

(a) *In general.* Under section 3402(o) of the Internal Revenue Code of 1954 and this section, the payee (as defined in subparagraph (h)(2) of this section) of sick pay (as defined in subparagraph (h)(1) of this section) may request the payor (as defined in subparagraph (h)(3) of this section) of the sick pay to withhold income tax with respect to payments of sick pay made on or after May 1, 1981. If such a request is made, the payor must deduct and withhold as requested.

(b) *Manner of making request.* A payee who wishes a payor to deduct and withhold income tax from sick pay shall file a written request with the payor to deduct and withhold a specific whole dollar amount (subject to the limitations of paragraph (c) of this section) from each sick pay payment. The request shall be made on Form W-4P in accordance with the instructions applicable thereto, and shall set forth fully and clearly the data therein called for. In lieu of Form W-4P, payors may prepare and use a form the provisions of which are identical to those of Form W-4P. The payee must include his social security account number in the request.

(c) *Amount requested to be withheld.* The payee shall request that the payor withhold a specific whole dollar amount. The specific whole dollar amount shall be at least $20 per weekly payment of sick pay. If the payee is paid sick pay computed on a daily basis, the specific whole dollar amount shall be at least $4 per daily payment of sick pay. If the payee is paid sick pay on a biweekly basis, the specific whole dollar amount shall be at least $40 per 2 week payment of sick pay. If the payee is paid sick pay on a basis other than weekly, daily, or biweekly, the specific whole dollar amount shall be the equivalent of at least $4 per day, assuming a 5 day work week of 8 hours per day (40 hours total) in each 7 day calendar week. In the case of a payment which is greater or less than a full payment, the amount withheld is to bear the same relation to the specific whole dollar amount requested to be withheld as such payment bears to a full payment. For example, assume an individual receives sick pay of $100 per week and requests that $25 per week be withheld for taxes. After 4 full weeks of absence, the individual returns to work on a Wednesday (having been absent on sick leave Monday and Tuesday). For the week the individual returns to work, the individual would be entitled to $40 of sick pay, $10 of which would be withheld for taxes. If the amount requested to be withheld reduces the net amount of a sick pay payment received by the payee to below $10, no income tax shall be withheld from that payment by the payor.

(d) *When request takes effect.* The payor must deduct and withhold the amount specified in the request with respect to payments made more than 7 days after the date on which the request is received by the payor. At the election of the payor, the request may take effect before this deadline.

(e) *Duration and termination of request.* A request under this section shall continue in effect until changed or terminated. The payee may change the request by filing a new written request that meets all of the requirements of paragraphs (b) and (c) of this section. The new request shall take effect as specified in paragraph (d) of this section and the old request shall be deemed terminated when the new request takes effect. The payee may terminate the request by furnishing the payor a signed written notice of termination containing both a request to terminate withholding and all the information contained in the request to withhold. This written notice of termination shall take effect with respect to payments made more than 7 days after the date on which the notice of termination is received by the payor. At the election of the payor, the request may take effect before this deadline.

(f) *Special rules.* For purposes of chapter 24 of subtitle C of the Internal Revenue Code of 1954 (relating to collection of income tax at source on wages) and of subtitle F of the Code (relating to procedure and administration), and the regulations thereunder—

(1) An amount which is requested to be withheld pursuant to this section shall be deemed a tax required to be deducted and withheld under section 3402.

(2) An amount deducted and withheld pursuant to this section shall be deemed an amount deducted and withheld under section 3402.

(3) The term "wages" includes the gross amount of a sick pay payment with respect to which there is in effect a request for withholding under this section. However, references to the definition of wages in section 3401(a) which are made in section 6014 (relating to election by the taxpayer not to compute the tax on his annual return) and section 6015(a) (relating to declaration of estimated tax by individuals) shall not be deemed to include any portion of such a sick pay payment.

(4) The term "employer" includes a payor with respect to whom a request for withholding is in effect under this section.

(5) The term "employee" includes a payee with respect to whom a request for withholding is in effect under this section.

(6) The term "payroll period" includes the period of accrual with respect to which payments of sick pay which are subject to withholding under this section are ordinarily made.

(g) *Statements required to be furnished to payees.* See section 6051(f) and the regulations thereunder for requirements relating to statements required to be furnished to payees.

(h) *Definitions.* (1)(i) The term "sick pay" means any payment made to an individual which does not constitute wages (determined without regard to section 3402(o) and this section), which is paid to an employee pursuant to a plan to which the employer is a party, and which constitutes remuneration or a payment in lieu of remuneration for any period during which the employee is temporarily absent from work on account of sickness or personal injuries. An employee is temporarily absent if his absence is not described in section 105(d)(4) (relating to the definition of permanent and total disability) and the regulations thereunder. An employer is not a party to the plan if the plan is a contract between only employees and a third party payor and the employer makes no contributions to the plan, even if the employer withholds amounts from the employees' salaries and pays the amounts over to the third party payor.

(ii) This subparagraph (1) may be illustrated by the following examples:

Example (1). Employee A works for P Company and Employee B work for Q Company. P Company has contracted with R Insurance Company for R to pay P's employees the equivalent of their normal wages when they are temporarily absent from work because of sickness or personal injury. Q Company has neither entered into such a contract, nor will it make such payments directly from its own funds. B consequently goes to S Insurance Company and purchases directly an insurance policy which will pay him the equivalent of his normal wages when he is unable to work because of sickness or personal injury. Both A and B are subsequently temporarily absent from work on account of sickness or personal injuries. A receives payments from R and B receives payments from S. Neither the payments made by R to A nor the payments made by S to B constitute wages (determined without regard to section 3402(o) and this section). A may request that R withhold income taxes under section 3402(o) and this section from the payments he receives because the payments are sick pay as defined in section 3402(o) and this section. B may not request that S withhold income taxes under section 3402(o) and this section from the payments he receives because the payments are not paid pursuant to a plan to which Q Company is a party and thus are not sick pay as defined in section 3402(o) and this section.

Example (2). Employees C and D both work for T Company, which has contracted with U Insurance Company for U to pay T's employees for all sickness or injury claims. Employee C is sick and out from work for a month. U pays C the equivalent of C's regular pay. Employee D loses his arm in an accident and U pays D $10,000. C may request that U withhold income taxes under section 3402(o) and this section from the payments he receives because the payments constitute remuneration or a payment in lieu of remuneration for any period during which the employee is temporarily absent from work on account of sickness or personal injuries. D may not request that U withhold taxes from the payments he receives because the payments do not constitute remuneration or a payment in lieu of remuneration for any period during which the employee is temporarily absent from work on account of sickness or personal injuries.

(2) The term "payee" means an individual who is a citizen or resident of the United States and who receives a sick pay payment.

(3)(i) The term "payor" means any person making a sick pay payment who is not the employer (as defined in section 3401 and the regulations thereunder) of the payee. If however the person making the payment is acting solely as an agent for another person, the term "payor" shall mean the other person and not the person actually making the payment.

(ii) This subparagraph (3) may be illustrated by the following examples:

Example (1). X Company contracts with Y Insurance Company for Y to pay X's employees the equivalent of their normal wages when they are temporarily absent from work because of sickness or personal injury. Y computes the amount to be paid and determines the date payment is to be made for each of X's employees. Y then instructs Z Bank to issue a check for that amount on that date. Y reimburses Z for the amount of the check plus Z's administrative costs. Under these circumstances, Z is the agent of Y and Y is the payor under section 3402(o) and this section.

Example (2). V Company contracts with W Company for W to pay V's employees the equivalent of their normal wages when they are temporarily absent from work on account of sickness or personal injury. Under the contractual arrangement, V advises W of the wages normally paid to each of V's employees. V tells W when an employee of V is temporarily absent from work on account of sickness or personal injury, and W computes the amount to be paid the employee and makes payments of sick pay to the employee during the period of the employee's absence. V subsequently reimburses W for the amount of those payments and pays W a fee for W's services. Under these circumstances, W is acting solely as the agent of V, and a payee may not request under section 3402(o) and the regulations thereunder that W withhold income taxes from his payments. However, see section 3401 and the regulations thereunder for the obligation of V to withhold income taxes from the payments that W makes as the agent of V, which are income under section 105 and the regulations thereunder and which are wages under section 3401 and the regulations thereunder.

Example (3). Assume the same facts as in Example (2), except that the consideration for W's services is a set insurance premium paid in advance rather than reimbursement for costs plus a fee. Under these circumstances, W is the payor and is not acting solely as the agent of V. An employee of V to whom W makes payments under the agreement may request under section 3402(o) and the regulations thereunder that W withhold income taxes from those payments.

(i) *Special rules for sick pay paid pursuant to certain collective-bargaining agreements.* (1) Special rules (enumerated in subparagraph (2)) apply to sick pay where all of the following tests are met.

(i) The sick pay must be paid pursuant to a collective-bargaining agreement between employee representatives and one or more employers.

(ii) The agreement must contain a provision that section 3402(o)(5) is to apply to sick pay paid pursuant to the agreement.

(iii) The agreement must contain a provision for determining the amount to be deducted and withheld from each payment of sick pay.

(iv) The social security number of the payee must be furnished to the payor. The agreement may provide that the employer will furnish this or the payee may furnish his social security number directly to the payor.

(v) The payor must be furnished with information that is necessary for the payor to determine whether the payment is pursuant to the agreement and to determine the amount to be deducted and withheld. The agreement may provide that the employer will furnish this information directly to the payor.

(2) The following special rules apply to sick pay where all of the tests of subparagraph (1) are met.

(i) The requirement of section 3402(o)(1)(c) and this section that a request for withholding be in effect does not apply.

(ii) The amount to be deducted and withheld from the sick pay shall be determined according to the provisions of the agreement and not according to this section. This rule shall not however apply to payments enumerated in section 3402(n) (relating to employees incurring no income tax liability) and the regulations thereunder.

§ 35.2 Statements required in case of sick pay paid by third parties.

(a) *Statements required from payor.* Every payor of sick pay shall furnish to the employer of the payee of sick pay a written statement. The written statement must contain the following information:

(1) The name and, if there is withholding from sick pay under section 3402(o) and the regulations thereunder, the social security account number of the payee,

(2) The total amount of sick pay paid to the payee during the calendar year, and

(3) The total amount (if any) deducted and withheld from sick pay under section 3402(o) and the regulations thereunder.

The statement must be furnished to the employer on or before January 15 of the year following the calendar year in which any sick pay was paid. These reporting requirements are in lieu of the requirements of sections 6051(a) (relating to written statements for employees) and 6041 (relating to information returns). Statements required to be furnished by this paragraph shall be treated as statements required under section 6051 to be furnished to employees for purposes of sections 6674 (relating to fraudulent statement or failure to furnish statement to employee) and 7204 (relating to fraudulent statement or failure to make statement to employees).

(b) *Information required to be furnished by employer.* Every employer of a payee of sick pay who receives a statement under paragraph (a) from a payor of sick pay shall furnish to each payee of sick pay a written statement, which must be furnished on Form W–2. The written statement must contain the following information:

(1) All of the information required to be furnished under paragraph (a),

(2) The name, the address, and the Employer Identification Number (EIN) of the employer,

(3) The words "sick pay", which shall be written in the box labelled "Employer's use", and

(4) If any portion of the sick pay is excludable from gross income under section 104(a)(3), the amount of the portion which is not so excludable and of the portion which is so excludable. Only sick pay payments includable in gross income shall be reported in the box labelled "Wages, tips, other compensation" on Form W–2. Any amount excludable from gross income under section 104(a)(3) shall be reported in the box labelled "Employer's use" on Form W–2.

To the extent practicable, this statement should be furnished to the payee along with the statement (if any) required under section 6051(a) (relating to written statements for employees). The statement must be furnished to the payee on or before January 31 of the year following the calendar year in which any sick pay was paid. The employer shall file copy A of Form W–2 and Form W–3 with the Social Security Administration in accordance with section 6051(d) (relating to statements to constitute information returns) and the regulations thereunder.

(c) *Definitions.* For purposes of this section, the terms "payor", "payee", and "sick pay" shall have the same meaning as ascribed thereto in section 3402(o) and the regulations thereunder. For purposes of this section, the term "employer" shall have the same meaning as ascribed thereto in section 3401(d) and the regulations thereunder.

(d) *Additional requirements.* (1) Statements furnished to payees under this section must also comply with all requirements of section 6051 (c) and (d) and the regulations thereunder.

(2) The provisions of § 1.9101–1 (relating to permission to submit information required by certain returns and statements on magnetic tape) shall be applicable to the information required by this section to be furnished on Form W–2 if the employer properly complies with those provisions.

(3) The provisions of section 6109 (relating to identifying numbers) and the regulations thereunder shall be applicable to Form W–2 and to any payee of sick pay to whom a statement on Form W–2 is required by this section to be furnished. Thus the employer must include the social security account number of the payee on all Forms W–2.

(e) *Effective date.* The provisions of this section shall apply to payments of sick pay made on or after May 1, 1981.

(f) *Transitional rule.* Payors may report all sick pay paid to a payee after December 31, 1980, and before May 1, 1981, on the same Form W–2 as is used to report sick pay paid to a payee on or after May 1, 1981. If the payor reports on Form W–2, he shall not report sick pay paid after December 31, 1980, and before May 1, 1981, on Form 1099, if otherwise required to do so. If no sick pay is paid on or after May 1, 1981, the payor may report all sick pay paid to a payee after December 31, 1980, and before May 1, 1981, on Form W–2. If he reports on Form W–2, he shall not report sick pay paid on Form 1099, if otherwise required to do so.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: April 27, 1981.

John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 81–13344 Filed 4–30–81; 11:33 am]
BILLING CODE 4830–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Occupational Safety and Health Standards—Fire Protection; Means of Egress; Hazardous Materials; Corrections

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final Rule; Corrections.

SUMMARY: This notice announces corrections to the Fire Protection; Means

of Egress; Hazardous Materials final rule of General Industry Safety Standards which appeared in the Federal Register on September 12, 1980 (45 FR 60656).

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Navin D. Mehta, Directorate of Safety Standards Programs, Office of Fire Protection Engineering and Systems Safety Standards, Occupational Safety and Health Administration, Department of Labor, 200 Constitution Avenue, NW., Room N3463, Washington, D.C. 20210. Telephone: 202–523–7225.

SUPPLEMENTARY INFORMATION: On September 12, 1980, the Final Rule on Fire Protection; Means of Egress; Hazardous Materials was published in the Federal Register (45 FR 60656). The effective date of the Final Rule was December 11, 1980. There were a number of inadvertent errors and omissions in the September 12, 1980, documents. This document corrects those errors.

Accordingly FR Doc. 80–27761, appearing in the issue of September 12, 1980, 29 CFR Part 1910 is corrected as follows:

1. Page 60707, column 3, § 1910.156 (e)(4)(i)(A), line 4, ".025 mm (.001 in)", is corrected to read, ".001 inch (.0025 cm)".

2. Page 60707, column 3, § 1910.156 (e)(4)(i)(A), line 5, "7.2 kg (16 pounds)", is corrected to read, "16 lbf (72 N)".

3. Page 60707, column 3, § 1910.156 (e)(4)(i)(A), line 7, "2.5 cm/sec (60 in/min)", is corrected to read, "60 in/min (2.5 cm/sec)".

4. Page 60707, column 3, § 1910.156 (e)(4)(i)(B), line 5, "6 kg (13.2 pounds)", is corrected to read, "13.2 lbf (60 N)".

5. Page 60707, column 3, § 1910.156 (e)(4)(i)(B), line 6, ".85 cm/sec (20 in/min)", is corrected to read, "20 in/min (.85 cm/sec)".

6. Page 60707, column 3, § 1910.156 (e)(4)(i)(C), line 3, "57°C (135°F)", is corrected to read, "135°F (57°C)".

7. Page 60707, column 3, § 1910.156 (e)(4)(i)(C), line 5, "500°C (932°F)", is corrected to read, 932°F (500°C)".

8. Page 60707, column 3, § 1910.156 (e)(4)(i)(C), line 6, "28 kPa (4 psi)", is corrected to read, "4 psi (28 kPa)".

9. Page 60710, column 1, § 1910.157 (f)(15)(i), line 7, "0.1 cc", is corrected to read, ".1 cc (.1 mL)".

10. Page 60711, column 2, § 1910.159 (c)(10), line 10, "18 inches is", corrected to read, "18 inches (45.7 cm)".

11. Page 60712, column 2, § 1910.162 (a)(2), line 3, "(b)(7)", is corrected to read, "(b)(6)".

12. Page 60717, column 3, fifth paragraph, line 3, "OSHA standard", is corrected to read, "OSHA section".

13. Page 60718, column 3, fifth paragraph, line 3 "2½" hose", is corrected to read, "2½ inches (6.3 cm) hose".

14. Page 60719, column 1, sixth paragraph, line 5, "100 psi", is corrected to read, "100 psi (700 kPa)".

15. Page 60719, column 2, first paragraph, line 3, "No. 14—1976", is corrected to read, "No. 14".

16. Page 60721, column 3, second paragraph, line 10, "200 feet", is corrected to read, "200 feet (61 m)".

17. Page 60724, column 1, Appendix E, line 11, "¼ inch per minute", is corrected to read, "¼ inch/min (.01 cm/sec)".

18. Page 60724, column 1, Appendix E, line 20, "½ inch", is corrected to read, "½ inch (1.3 cm)".

19. Page 60724, column 2, third paragraph, line 2, "3-inches by 6-inches", is corrected to read, "3-inches by 6-inches (7.6 cm by 15.2 cm)".

20. Page 60724, column 2, third paragraph, line 11, "3 inches", is corrected to read, "3 inches (7.6 cm)".

21. Page 60724, column 2, third paragraph, lines 11 and 12, "1 and 4 inches", is corrected to read, "1 inch (2.5 cm) and 4 inches (10.2 cm)".

22. Page 60724, column 2, third paragraph, lines 14 and 15, "⅜-inch", is corrected to read, "⅜-inch (1 cm)".

23. Page 60724, column 2, third paragraph, line 16, "1-inch", is corrected to read, "1-inch (2.5 cm)".

24. Page 60724, column 2, fourth paragraph, line 1, "Six-ounce" is corrected to read, "Six-ounce (.17 kg)".

25. Page 60724, column 2, fourth paragraph, lines 2 and 3, "six ounces", is corrected to read "six ounces (.17 kg)".

26. Page 60724, column 2, seventh paragraph, line 3, "12±10.5 inches per minute", is corrected to read, "12±0.5 inches/min (0.5±.02 cm/sec)".

27. Page 60724, column 3, first paragraph, line 4, "$\frac{1}{64}$-inch", is corrected to read, "$\frac{1}{64}$-inch (.04 cm)".

28. Page 60724, column 3, fourth paragraph, line 2, "50-pound", is corrected to read, "50-pound (22.6 kg)".

29. Page 60724, column 3, fourth paragraph, line 3, "50-pound", is corrected to read, "50-pound (22.6 kg)".

30. Page 60724, column 3,.seventh paragraph, line 5, "12 inches±0.5 inch per minute", is corrected to read, "12±0.5 inches/min (0.5±.02 cm/sec)".

31. Page 60724, column 3, ninth paragraph, line 3, "3 inches", is corrected to read, "3 inches (7.6 cm)".

32. Page 60724, column 3, eleventh paragraph, line 5, "0.1-pound", is corrected to read, "0.1 pound (.05 kg)".

33. Page 60725, column 1, third paragraph, line 3, "⅜-inch (9.5 mm)", is corrected to read, "⅜-inch (1 cm)".

34. Page 60725, column 1, fourth paragraph, line 2, "⅜-inch (9.5 mm)", is corrected to read, "⅜-inch (1 cm)".

35. Page 60725, column 1, fourth paragraph, line 3, "3±¼ inches (76.2±6.4 mm)", is corrected to read, "3±¼ inches (7.6±.6 cm)".

36. Page 60725, column 1, fifth paragraph, line 2, "$\frac{1}{16}$-inch (1.6 mm)", is corrected to read, "$\frac{1}{16}$-inch (.2 cm)".

37. Page 60725, column 1, fifth paragraph, line 3, "⅛-inch (3.2 mm)", is corrected to read, "⅛-inch (.3 cm)".

38. Page 60725, column 1, fifth paragraph, lines 4 and 5, "⅛-inch (3.2 mm)", is corrected to read, "⅛-inch (.3 cm)".

39. Page 60725, column 1, seventh paragraph, line 3, "⅛-inch (3.2 mm)", is corrected to read, "⅛-inch (.3 cm)".

40. Page 60725, column 1, seventh paragraph, line 4, "½-inch (12.7 mm)", is corrected to read, "½-inch (1.3 cm)".

41. Page 60725, column 1, seventh paragraph, line 6, "$\frac{5}{16}$-inch (7.9 mm)", is corrected to read, "$\frac{5}{16}$-inch (.8 cm)".

42. Page 60725, column 1, seventh paragraph, line 7, "¾-inch (19 mm)", is corrected to read, "¾-inch (1.9 cm)".

43. Page 60725, column 1, seventh paragraph, line 8, "1½ inches (38.1 mm)", is corrected to read, "1½ inches (3.8 cm)".

44. Page 60725, column 1, ninth paragraph, lines 3 and 4, "2½±¼ pounds (1.1 kg±0.1 kg) per square inch", is corrected to read, "2½±¼ pounds per square inch (psi) (17.5±1.8 kPa)".

45. Page 60725, column 1, tenth paragraph, line 8, "BTU content of 540±20 per cubic foot", is corrected to read, "BTU content of 540±20 per cubic foot (20.1±3.7 kJ/L)".

46. Page 60725, column 2, first paragraph, line 5, "3-inch (76.2 mm)", is corrected to read, "3-inch (7.6 cm)".

47. Page 60725, column 2, first paragraph, line 6, "½-inch (12.7 mm)", is corrected to read, "½-inch (1.3 cm)".

48. Page 60725, column 2, third paragraph, line 2, "0.1-inch (1 mm)", is corrected to read, "0.1 inch (.3 cm)".

49. Page 60725 column 2, sixth paragraph, lines 4 and 5, "¾-inch (19 mm)", is corrected to read, "¾-inch (1.9 cm)".

50. Page 60725, column 2, seventh paragraph, line 3, "⅛-inch (3.2 mm)", is corrected to read, "⅛-inch (.3 cm)".

51. Page 60725, column 2, eighth paragraph, lines 3 and 4, "1½ inches (38.1 mm)", is corrected to read, "1½ inches (3.8 cm)".

52. Page 60725, column 2, eighth paragraph, line 6, "1½ inches (38.1 mm)", is corrected to read, "1½ inches (3.8 cm)".

53. Page 60725, column 3, line 9, "¼-inch (6.4 mm)", is corrected to read, "¼-inch (.6 cm)".

54. Page 60725, column 3, line 11, "¼-inch (6.4 mm)", is corrected to read, "¼-inch (.6 cm)".

55. Page 60725, column 3, third paragraph, lines 3 and 4, "0.1-inch (1 mm)", is corrected to read, "0.1 inch (.3 cm)".

56. Page 60725, column 3, fifth paragraph, line 3, "0.1-inch (1 mm)", is corrected to read, "0.1 inch (.3 cm)".

57. Page 60725, column 3, the following foot note is added to Table L–2: "To change into S.I. (System International) units, 1 ounce = 28.35 grams, 1 pound = 453 grams, 1 yard = .91 metre".

58. *Figure L–1*, change the title "Verticle flame resistance textile apparatus." to read, "Vertical flame resistance textile apparatus. All given dimensions are in inches. System International (S.I.) Unit: 1 inch = 2.54 cm".

59. *Figure L–2*, change the title "Vertical flame resistance textile apparatus, door and top view w/baffle". to read, "Vertical flame resistance textile apparatus, door and top view w/baffle. All given dimensions are in inches. System International (S.I.) Unit: 1 inch = 2.54 cm".

60. *Figure L–3*, change the title "Verticle flame resistance textile apparatus, views and details." to read, "Vertical flame resistance textile apparatus, view and details. All given dimensions are in inches. System International (S.I.) Unit: 1 inch = 2.54 cm".

61. *Figure L–4*, change the title "Vertical flame resistance textile apparatus." to read, "Vertical flame resistance textile apparatus. All given dimensions are in inches. System International (S.I.) Unit: 1 inch = 2.54 cm".

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 6–76 (41 FR 25059))

Signed at Washington, D.C., this 27th day of April 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–13261 Filed 4–30–81; 8:45 am]

BILLING CODE 4510–26–M

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29 CFR Part 1910

[Docket No. H–004M]

Occupational Exposure to Lead, New Trigger Levels for Medical Removal Protection; Deferral of Effective Date

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of further deferral of effective date of new trigger levels for medical removal protection for primary smelters and secondary smelters.

SUMMARY: For primary and secondary lead smelters only, OSHA is delaying the effective date of the new trigger levels for medical removal protection under the lead standard (29 CFR 1910.1025(k)) from the May 1, 1981 date previously announced in the **Federal Register** (46 FR 18974) to June 1, 1981. This action is taken to allow the Agency more time to evaluate evidence in the record, which closed on April 15, 1981, concerning industry's request for a one-year stay of the effective date of the new trigger levels, and to make a final determination regarding what relief, if any, to grant the primary and secondary smelter industries.

Since no significant evidence justifying relief was presented to OSHA by the vast majority of companies and industries affected by the new trigger levels, OSHA has concluded that the segments of the lead industry other than primary and secondary smelting industries do not have serious problems in meeting the new levels. The new trigger levels will therefore go into effect for these other industries on May 15, 1981.

DATES: For the primary and secondary lead smelters, the temporary stay of the new trigger levels is extended to June 1, 1981. For all other industries in which there is lead exposure, the effective date of the new trigger levels is May 15, 1981. The effective date of this deferral notice is April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Robert P. Belilos, Occupational Safety and Health Administration, Room N–3718, U.S. Department of Labor, Washington, D.C. 20210; telephone (202) 523–7081.

SUPPLEMENTARY INFORMATION:

A. Background

On November 13, 1978, OSHA issued a new standard on occupational exposure to lead under the authority of section 6(b) of the Occupational Safety and Health Act, 29 U.S.C. 655(b). The standard was published in the **Federal Register** on November 14 and 21, 1978 (43 FR 52952; 43 FR 54354) and codified at 29 CFR 1910.1025.

The standard, in addition to requiring reduction of airborne lead exposures, monitoring, protective equipment, training, medical surveillance, and other protective measures, also requires the removal of employees whose blood lead levels exceed specified values and their transfer to lower exposure positions or, in the absence of such positions, their removal from the workplace. While employees are transferred or removed from the workplace, the employer must maintain their earnings and other employment rights. These employees are then to be returned to employment when their blood lead levels drop below lower specified levels. This provision, known as the medical removal protection ("MRP") requirement, is contained in paragraph (k) of § 1910.1025.

To assure the feasibility of this provision and in recognition of the existing elevated blood lead levels of many exposed employees, the standard provided for a progressive phase-in of the levels that would trigger the removal and subsequent return of employees to lead-exposed positions. During the first year of the standard, beginning March 1, 1979, employees had to be removed if the concentration of lead in their blood was at or above 80 micrograms of lead per 100 grams of whole blood (80 μg/100g). These employees could be returned when their blood lead levels dropped to 60 μg/100g. Starting March 1, 1980, employees with blood lead levels at or above 70 μg/100g had to be removed and could not be returned until blood leads dropped to 50 μg/100g. Beginning March 1, 1981, the third year of the standard, the trigger levels for removal and return were scheduled to drop to a 60 μg/100g removal level and a 40 μg/100g return level.

Several employers and industry groups representing major segments of the industries affected by the lead standard petitioned OSHA prior to March 1, 1981 for a one-year delay in the March 1, 1981 effective date of the new trigger levels. They alleged that the application of the new trigger levels on March 1 would necessitate the removal of so many skilled and supervisory employees, including supervisors, foremen and maintenance workers, whose blood lead levels currently exceed 60 μg/100g, as to be infeasible. They further stated that these employees would have to be on removal status for lengthy periods of time until their blood leads dropped to or below 40 μg/100g, and that because of their skills and experience they could not be easily replaced. The result, they claimed, would be seriously adverse to the continued operation and productivity of their plants, including health and safety controls.

Since the allegations by major segments of the lead industry raised serious questions concerning the feasibility of the new trigger levels and what relief would be appropriate to protect employees, OSHA decided, and

announced in notices published in the Federal Register (46 FR 14897 and 18974), to delay the effective date of the new trigger levels for all segments until April 1, 1981, and subsequently until May 1, 1981, to enable the Agency to obtain and consider the necessary evidence. In these notices, OSHA specifically invited comments and data to support or refute the need for a stay of the new trigger levels or, alternatively, for plant-by-plant variances. OSHA allowed approximately six weeks for the submission of comments and evidence by all companies and industries that considered themselves affected by the new trigger levels and wished to submit evidence on this matter.

B. Basis in the Record for Further Delay of Effective Date Regarding the Primary and Secondary Smelting Industries

By contrast to the other lead industries (See C., below), the primary and secondary smelting industries have submitted data, and conclusions drawn from that data, which are voluminous and detailed, if of varying quality.

Both the Lead Industries Association, Inc., which represents primary smelters, and the Secondary Lead Smelters Association have made major submissions (H–004M, 8–9 and 8–13, respectively), amounting to hundreds of pages, in support of their applications for a postponement of the effective date of the new trigger levels. In addition to these submissions by the respective trade associations, very lengthy and complex data submissions also have been made by individual members of these smelting industries (for example, by St. Joe Minerals Corporation (H–004M, 8–8); by Bunker Hill (H–004M, 8–12); and by AMAX, Inc. (H–004M, 8–14)).

These submissions include summary memoranda; hundreds of pages of raw, individual employee data concerning blood lead measurements, pre-employment blood lead levels, dates and lengths of MRP removals, and air lead levels; general information on respirator usage and in-plant environmental improvements; statistical analyses predicting the length of removal time required to reduce blood leads from 60 to 40 μg/100g; and various recommendations.

These submissions justify extending the temporary stay for primary and secondary smelting until June 1, 1981, to permit OSHA sufficient time to complete its analysis of the record, which closed on April 15, 1981, and to determine what relief, if any, is appropriate.

C. Summary of Comments From Industries Other Than Primary and Secondary Smelting

Only a very limited number of comments and almost no raw data that could be evaluated were received from lead industry segments other than primary and secondary smelters. For example, although the original stay application of the Lead Industries Association, Inc. (H–004M, 2) presented fragmentary statistics suggesting serious feasibility problems in a handful of the many storage battery plants covered by the lead standard, no plant data in fact were submitted in support of those claims either by the Association or by members of the battery industry. Moreover, the sparse statistical evidence of the Association concerning the battery industry was contradicted by other statistics presented by the UAW (H–004M, 8–11). And a recent letter (H–004M, 8–21) from the president of Gates Energy Products, Inc., a small manufacturer of lead-acid batteries, while requesting relief from other aspects of the lead standard, emphasized that in its plant, "through the coordinated use of personal protective devices, proper personal hygiene, and through housekeeping procedures, our production employees' average blood lead levels are kept below 30 μ/100g * * *." From this record, OSHA has no basis to conclude that the battery industry as a whole, or even a significant number of battery plants, has a feasibility problem in meeting the new MRP trigger.

The few other such industry submissions were similarly fragmentary and unsupported by data. Thus, for instance, Associated Lead Inc. (H–004M, 8–6), which manufactures lead chemicals (lead oxide, lead stabilizers, lead solder and casting) claimed that it would be very difficult, if not impossible, to reduce employees' blood lead levels to 40 μ/100g even after 18 months on removal; and that removal at the 60 μ/100g level would cause disruption in production because 21 employees (18 skilled) out of 150 in one plant will be affected by the new trigger level. However, it submitted no blood lead series data to substantiate these claims.

American Cyanamid Co. (H–004M, 8–7) which manufactures litharge and lead stabilizers, also expressed opposition to the 60 μg/100g blood lead trigger level but provided little factual data on the company's MRP experience. Instead, several suggestions were offered. Employees, it was suggested, should be allowed to return to work when blood leads drop below 60 μg/100g. A further suggestion was that employee exposure to lead should be permitted to be reduced below the action level by means of respirators.

The Association of Brass and Bronze Ingot Manufacturers (ABBIM) (H–004M, 8–2), whose members produce brass and bronze ingots, likewise was in favor of a one-year delay of the 60 μg/100g trigger level. Their comments, however, were confined to general remarks that there is a positive correlation between job tenure and blood lead levels. They also stated that long-tenured employees are usually supervisors and skilled technicians, who will therefore be disproportionately affected by the new trigger level and whose removal could disrupt the operation of the industry.

In none of the above submissions was supporting data made available to the agency. Because of this lack of specific supporting data OSHA cannot, on the basis of the evidence provided, conclude that a feasibility problem exists which necessitates relief for particular companies. In any event, the submissions were too few in number for OSHA to conclude that they are symptomatic of widespread feasibility problems within the relevant industries.

Comments, mostly from unions, opposing a delay of the effective date of the new trigger levels also were received. The United Steelworkers (H–004M, 4 and 8–17); the International Brotherhood of Teamsters (H–004M, 8–3), the International Chemical Workers Union (H–004M, 8–18), and the United Auto Workers (H–004M, 5 and 8–11) agreed generally on the following points: (1) that the original Lead Industries Association petition provided an inadequate factual and legal basis for either an industry-wide stay or a stay to individual plants; and (2) that temporary relief for individual plants which documented the infeasibility of applying the new trigger levels should be granted by means of temporary variance procedures. Another commenter (Dr. Ziem) opposed to the delay submitted evidence in support of the strong health need for removing workers at or above 60 μg/100g (H–004M, 8–10 and 8–10A).

D. Other Evidence of Low Blood Leads in These Same Lead Industries

Little or no evidence has thus been submitted in response to the recent Federal Register notices indicating serious feasibility problems in segments of the lead industry other than primary and secondary smelting. Moreover, evidence previously submitted by companies in some of these other segments, when they participated in OSHA's remand hearings in October

1980, confirms the absence of generalized problems in reducing employees' blood levels. Chrysler Corporation (H–004M, 9), whose employees use paints containing lead, has achieved blood lead levels of about 20 μg/100g. Also, as indicated in the remand record, and summarized by the United Steelworkers of America's Supplemental Memorandum (H–004M, 8–17), neither the steel industry, the copper smelting industry, nor the shipbuilding industry appear to have feasibility problems with the new MRP trigger levels.

In addition, several articles in the scientific literature (H–004M, 19, 21, 23, and 26) and NIOSH's Health Hazard Evaluation Reports (H–004M, 20, 22, 24, 25 and 27) further confirm that most employees in lead-utilizing industries have blood leads well below the 60 μg/100g trigger level.

Consequently, although OSHA originally granted a temporary deferral of the effective date of the new trigger levels to all segments of the lead industry to enable manufacturers from any segment to submit comments and evidence sufficient to justify relief, OSHA now concludes that the evidence on the record justifies further temporary delay of that date only for members of the primary and secondary smelting segments of the lead industry.

Therefore, the 60/40 MRP triggers will go into effect for all other segments of the industry on May 15, 1981. If any member of these industries is experiencing feasibility problems, that member, of course, retains the right to apply individually, and prove its need, for a variance. OSHA by the decision herein in no sense intends to foreclose or limit that right.

Signed at Washington, D.C., this 28th day of April 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–13872 Filed 4–29–81; 1:14 pm]

BILLING CODE 4510–26–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL 1900–6]

State and Federal Administrative Orders Revising the Michigan State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On November 26, 1980 (45 FR 78730), the U.S. Environmental Protection Agency (USEPA) proposed approval of and solicited public comment on a revision to the Michigan State Implementation Plan (SIP). The revision, in the form of a Final Order (APC No. 6–1979) was issued by the Michigan Air Pollution Control Commission (Commission) to the Consumer Power B. C. Cobb plant. The Order requires the source to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the sulfur dioxide (SO_2) emission limitations in Michigan Rule 336.1401. Prior to January 1, 1980, the B. C. Cobb plant was operating under a Voluntary Agreement for Air Pollution Abatement (No. 13–1973) issued by the Commission, and was not subject to any specific emissions limitation as long as they complied with the terms of the agreement. The agreement required B. C. Cobb to construct taller stacks and submit a control strategy and final schedule date to achieve compliance with Table 3, Rule 336.49 not later than January 1, 1980. No comments were received during the public comment period, which ended on December 26, 1980. This notice announces USEPA's final rulemaking action approving this revision to the Michigan SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on June 1, 1981.

ADDRESSES: Copies of the SIP revision, public comments on the notice of proposed rulemaking (45 FR 78730), and USEPA's evaluation and response to comments are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6029.

SUPPLEMENTARY INFORMATION: On December 10, 1979 the State of Michigan submitted to USEPA, as a revision to its SIP, a Final Order (APC No. 6–1979) issued to the Consumers Power Company's B. C. Cobb plant in Muskegon, Michigan.

The Order requires the B. C. Cobb plant to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the sulfur dioxide (SO_2) emission limitations in Michigan Rule 336.1401. Any Order which changes emission limitation for a major source must be approved by USEPA before it becomes effective as a SIP revision under the Clean Air Act.

USEPA has reviewed the state's submittal and determined that approval of the SIP revision for the B. C. Cobb plant will not cause or contribute to a violation of the National Ambient Air Quality Standards (NAAQS), and that the B. C. Cobb SIP revision is not subject to the PSD increment consumption review. USEPA also determined that fluid modeling is not required to support the SIP revision, since no additional stack height credit is necessary to demonstrate attainment of the SO_2 NAAQS. Copies of EPA's evaluation of the SIP revision are available at the addresses listed at the beginning of this notice.

On November 26, 1980 (45 FR 78730), USEPA proposed approval of and invited public comment on the SIP revision. No comments were received during the 30 day public comment period which ended on December 26, 1980.

The State of New York filed comments on this SIP revision after the closing of the comment period. The comments alleged that neither the State of Michigan nor USEPA adequately considered the interstate transport problem even though there are long range air quality models available. New York also discussed the transport of sulfates and their contribution to primary and secondary TSP NAAQS violations in the State of New York. Finally, New York requested that EPA consider the cumulative impact on New York's air quality of several pending and final sulfur dioxide SIP revisions for sources in Ohio, Michigan, Indiana, West Virginia and Tennessee.

New York indicated that it also intended its comments to be considered as a section 126 petition. USEPA has decided not to respond to New York's comments in the context of this rulemaking as the comments primarily concern the aggregate air quality impact of several sources, rather than the impact of this individual SIP revision. USEPA will, however, consider New York's concerns as part of its determination on the section 126 petition. USEPA plans to hold a section 126 hearing on New York's petition in the near future.

The Order (APC No. 6–1979) requires the source to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the SO_2 emission limitations in Michigan Rule

336.1401, and contains the following provisions:

A. Sulfur Dioxide Emission Limitations

(1) Beginning on January 1, 1980 and continuing to January 1, 1985 fuel burned at the Cobb Plant shall not:

(a) On an annual average exceed 2.5 percent sulfur content by weight at 12,000 Btu/pound of coal (27912 kilojoules/kilogram).

(b) Result in sulfur dioxide emissions not greater than 386 tons on any calendar day. This emission limitation is the equivalent of burning coal which averages 3.5 percent sulfur content by weight at 12,000 Btu/pound of coal (27912 kilojoules/kilograms) and 510 megawatts net load for 24 hours.

(c) On a daily average result in emissions of sulfur dioxide not greater than a rate of 7.0 pounds per million Btu (3010 nanograms/joule) heat input.

(2) After January 1, 1985 emissions of sulfur dioxide from the Cobb Plant shall not exceed the levels prescribed in Tables 3 and 4 of Rule 336.49 (Tables 41 and 42 of revised Rule 336.1401, effective January 17, 1980), unless an alternate date for compliance with the levels is established by the Commission.

B. Sulfur Dioxide Control Program

(1) By January 1, 1980 the Company shall submit to the Commission an acceptable control strategy which shall provide for compliance with Section A(2) of the Order.

(2) If the Company elects to burn low sulfur coal as the method of control, the Company shall by January 1, 1981 and by each January 1 for the following three (3) years:

(a) Notify the Commission that it has under contract or contract option the low sulfur coal necessary to meet the requirements of Section A(2) of the Order; or

(b) Notify the Commission, with acceptable explanation, that adequate quantities of low sulfur coal are available for acquisition for use in the Cobb Plant by January 1, 1985.

(3) If low sulfur coal is chosen as the method of control, the Company shall notify the Commission of the signing of any contracts for such coal within thirty (30) days of their signing.

(4) If the Company elects a control strategy other than low sulfur coal burning, a report on the method of control (including increments of progress) shall be provided to the Commission by January 1, 1980. If a control strategy other than low sulfur coal burning is submitted, it is the intent of the Company and the Commission to incorporate the elements of the control strategy into either a new or amended order.

(5) By January 1, 1981 and by each January 1 for the following three (3) years, the Company shall submit to the Commission a report of the Company's progress toward complying with the Order. Any developments which would preclude compliance with any provision of the Order shall be immediately reported in writing to the Commission.

C. Monitoring and Data Reporting

(1) The Company shall operate four (4) ambient sulfur dioxide monitors around the Cobb Plant in such manner and at such locations as reasonably specified by the Chief of the Air Quality Division of the Department of Natural Resources (hereinafter "Staff").

(2) The Company shall perform a weekly sulfur analysis of fuel burned in the Cobb Plant in accordance with the procedures specified in Appendix A.

(3) The Company shall by January 1, 1980 install and place in operation stack gas emission monitor(s) for measuring sulfur dioxide that meets the performance specifications of Appendix B of 40 CFR Part 60 (1977).

(4) The Company shall demonstrate the adequacy of the stack gas sulfur dioxide monitor(s) in accordance with the procedures specified in Appendix B of 40 CFR Part 60 (1977).

(5) For each calendar day during which the stack gas sulfur dioxide monitor(s) has been inoperative for 12 consecutive hours, the Company shall conduct a daily analysis of the coal burned at the Cobb Plant according to the procedures specified in Appendix A. This daily analysis shall be discontinued only after the stack gas sulfur dioxide monitor(s) has operated acceptably for 12 consecutive hours during a calendar day.

(6) The Company shall report to the Staff sulfur dioxide emissions in terms of pounds of sulfur dioxide per million Btu heat input in accordance with the procedures specified in Appendix B of 40 CFR Part 60 (1977).

(7) The Company shall submit to the Staff data from the aforementioned ambient air quality monitors, stack gas monitor(s), and fuel sulfur analysis in such format and at such intervals as reasonably specified.

(8) During the first quarter of 1980 and at approximately 18-month intervals thereafter the Company shall conduct periodic particulate emission tests for each unit of the Cobb Plant. The tests shall be conducted in accordance with Commission approved procedures.

(9) The monitoring and reporting requirements specified in or pursuant to Subsections C (1) through (8) shall be, upon request of the Company, reviewed by the Commission and modified if the Commission finds such modifications are justified.

The Final Order contained the following appendix:

Appendix A.—Fuel Analysis Procedures

1. Weekly Fuel Analysis

a. A minimum of three equally spaced grab samples of the coal burned at the Cobb Plant shall be taken each calendar day.

b. A weekly composite coal sample shall be prepared for analysis from the grab samples according to ASTM or equivalent methods for each calendar day that the daily fuel analysis is required.

c. The composite coal sample shall be analyzed for sulfur and heat (BTU) content according to ASTM or equivalent methods approved by the Chief of the Air Quality Division.

The state has indicated that it is relying on continuous emissions monitoring and fuel analysis to determine the Company's compliance with the Order. This is acceptable to USEPA.

USEPA approves Michigan's Final Order (APC No. 6–1979) as a revision to Michigan's State Implementation Plan. Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of date of publication. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements. Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This SIP approval announced today it not major because it only approves state action. It imposes no new regulatory requirements. In addition, this action applies to only one facility.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at EPA region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action

only approves state actions. It imposes no new requirements. In addition, this action only applies to one facility.

Note.—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register on July 1, 1980.

(Sec. 110 of the Clean Air Act, as amended)

Dated: April 21, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

1. Section 52.1170(c) is amended by adding subparagraph (33) as follow:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(33) On December 10, 1979, the State of Michigan submitted to USEPA a Final Order (APC No. 6–1979) issued by the Michigan Air Pollution Control Commission to the Consumers Power Company B.C. Cobb Plant. The Order requires the source to utilize 2.5% sulfur on an annual basis until January 1, 1985 when the company must meet the sulfur dioxide (SO_2) emission limitation in Michigan Rule 336.1401.

2. Section 52.1175(e) is amended by revising the entry for Consumers Power Company (Cobb plant) under Muskegon County as follows:

§ 52.1175 Compliance schedules.

* * * * *

(e) * * *

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
* *	*	* *	*	*
	MUSKEGON COUNTY			
Consumers Power Company (B. C. Cobb).	Muskegon	336.1401 (336.49)	Dec. 10, 1979	Jan. 1, 1985
* *	*	* *	*	*

[FR Doc. 81-13218 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL 1792-4]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In the October 31, 1980 **Federal Register** (45 FR 72215, 72217) EPA proposed to approve the deadlines by which the State of Ohio committed itself to remedy the conditionally approved items in the ozone and carbon monoxide portions of its State Implementation Plan (SIP). A thirty day public comment period was provided until December 1, 1980. During that time, EPA received comments only from the State. Summarized below are the State's comments and EPA's final rulemaking on the scheduled dates.

EFFECTIVE DATE: This rulemaking is effective on April 14, 1981.

ADDRESSES: Copies of the Ohio SIP and the comments received on the proposed deadlines are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Copies of the Ohio SIP are also available at:

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clarizio, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6035.

SUPPLEMENTARY INFORMATION: On October 31, 1980 EPA announced final rulemaking on revisions to the ozone and carbon monoxide portions of the Ohio State Implementation Plan (45 FR 72119, 72143). The State submitted these revisions to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977 (Act). In the final rulemaking, EPA conditionally approved certain revisions to the Ohio SIP. A conditional approval requires the State to remedy identified deficiencies by specified deadlines. A discussion of conditional approval and its practical effect appears in the July 2, 1979 **Federal Register** (44 FR 67182).

During negotiations with EPA, the State of Ohio committed itself to remedy the conditionally approved portions of the SIP on a specific schedule. EPA proposed approval of the deadlines in that schedule on October 31, 1980 (45 FR 72115, 72117). A thirty day public comment period was provided. During the public comment period the State submitted comments on the proposed schedule. In particular, the State commented on the Dayton and Steubenville carbon monoxide schedules.

In the October 31, 1980 **Federal Register**, EPA proposed to approve the State's commitment to submit by November 1, 1980 an analysis of the carbon monoxide hot spot areas in the Dayton urban area and a revised reasonable further progress (RFP) demonstration. The analysis is to include an evaluation of the control measures which are to be implemented at the identified hot spots, a schedule for the implementation of these measures and, if necessary, evidence of priority funding for the implementation of the hot spot measures. On October 21, 1980, the State indicated that progress was being made in identifying the measures to be implemented to eliminate the carbon monoxide hot spots. However, additional time was requested so that local approval could be procured prior to submission to EPA of the complete carbon monoxide hot spot analysis. EPA has reviewed the request and believes that it is reasonable. Therefore, the date for submission of the carbon monoxide hot spot analysis and the RFP demonstration for the Dayton urban area is March 1, 1981.

For the Steubenville area, in the October 31, 1980 **Federal Register**, EPA proposed to approve the commitment made by the State in its August 6, 1980 letter. In that letter the State committed itself to submit the carbon monoxide study by January 1, 1981. In the October 31, 1980, **Federal Register**, EPA incorrectly cited the date as November 1, 1980. The correct date should have been January 1, 1981.

On November 21, 1980, the State indicated that due to limited staff resources, the complexity of the problem, and the modeling approach proposed for the area, additional time would be needed to complete the Steubenville carbon monoxide study. The State requested a five week extension, from January 1, 1981 to February 6, 1981 for submission to EPA

of the Steubenville carbon monoxide study. This was the only extension requested by the State for the Steubenville area. EPA has reviewed the request and believes that it is reasonable. Therefore, the date for submission for the Steubenville carbon monoxide study is February 6, 1981.

In summary, EPA is extending to March 1, 1981 the date for submission of the Dayton carbon monoxide analysis and RFP demonstration and to February 6, 1981 the date for submission of the Steubenville carbon monoxide study. All other dates listed in the October 31, 1980 **Federal Register** are approved as proposed.

EPA is taking final action on these deadlines without additional notice and comment. The State is the party responsible for meeting the deadlines and the State has demonstrated that it cannot meet the earlier deadlines. In addition, the public has had an opportunity to comment generally on what deadlines were appropriate and no comment except the State's was received.

EPA finds good cause for making this rule immediately effective since no party will be harmed by this action. Further, some of the dates in the schedules promulgated today for the correction of deficiencies in the conditionally approved portions of the Ohio SIP have passed or will pass shortly.

Under Executive Order 12291 EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely approves a deadline extension requested by the State. It imposes no new regulatory requirements.

This regulation was submitted by the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at EPA Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before June 30, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Secs. 110(a), 172 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410(a), 7502, 7601(a)))

Dated: April 14, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1980.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

(1) Section 52.1870(c) is amended by adding paragraph (27) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(27) On October 21 and November 21, 1980 the State submitted comments on, technical support for, and commitments to correct the deficiencies cited in the March 10, 1980 Notice of Proposed Rulemaking.

* * * * *

(2) Section 52.1885(b) is amended by revising subparagraphs (b)(1) and (b)(2) to read as follows:

§ 52.1885 Control strategy: Ozone.

* * * * *

(b) * * *

(1) For Rule 09(M)(2) of Chapter 3745–21 of the Ohio Administrative Code the State must promulgate and submit to EPA by February 15, 1981 regulations which meet the RACT requirements for waste water separators. If these regulations contain exemptions which are not supported by the control technique guidelines (CTGs) then the State must demonstrate that the resultant emissions differ from the CTG allowable emissions by not more than five percent.

(2) For Rule 09(R) of Chapter 3745–21 of the Ohio Administrative Code the State must submit to EPA by October 1, 1980 either a demonstration that allowable emissions resulting from the application of its existing rule with a 240,000 gallon per year throughput exemption for gasoline dispensing facilities are less than five percent greater than the allowable emissions resulting from the application of the CTG presumptive norm or if the demonstration indicates otherwise then the State must submit to EPA by February 15, 1981 a rule with a 120,000 gallon per year throughput exemption for gasoline dispensing facilities.

* * * * *

(3) Section 52.1886 is amended by removing subparagraph (e)(2) and by revising subparagraphs (a)(1), (a)(2), (b)(1), (b)(2), (b)(3), (c)(1), (d) and (e)(1) to read as follows:

§ 52.1886 Ozone attainment and reasonable further progress.

(a) * * *

(1) The State must submit to EPA by August 1, 1981, either technical support for the 100% VOC emission reduction estimate from the cutback asphalt category; or a re-evaluation of the baseline emissions to account for the possible VOC emissions resulting from the category.

(2) The State must submit to EPA by August 1, 1981 a revised RFP demonstration line to account for any changes made in the attainment demonstrations.

(b) * * *

(1) The State must submit to EPA by August 1, 1981 either technical support for the 100% VOC emission reduction estimate from the cutback asphalt category; or a re-evaluation of the baseline emissions to account for the possible VOC emissions resulting from this category.

(2) The State must submit to EPA by November 1, 1981 a list of the additional Transportation Systems Management Strategies to be implemented with the additional point source regulations which will demonstrate attainment of the ozone standard.

(3) The State must submit to EPA by November 1, 1981 a schedule which delineates the dates on which the additional point source controls will be developed and implemented.

(c) * * *

(1) The State must submit to EPA by August 1, 1981, either technical support for the 100% VOC emission reduction estimate from the cutback asphalt category; or a re-evaluation of the baseline emissions to account for the possible VOC emissions resulting from this category.

(d) Part D—Conditional Approval—The State must submit to EPA by August 1, 1981 the reasonable further progress demonstration for the Canton urban area.

(e) * * *

(1) The State must submit to EPA by August 1, 1981 either technical support for the 100% VOC emission reduction estimate from the cutback asphalt category or a re-evaluation of the baseline emissions to account for the possible VOC emissions resulting from

this category. The State must also submit a revised RFP demonstration line to account for any changes made in the attainment demonstrations.

(4) Section 52.1887 is amended by removing subparagraph (b)(4); by revising to read as follows subparagraphs (b)(1) and (b)(2) and by adding subparagraph (b)(3) to read as follows:

§ 52.1887 Control strategy: Carbon monoxide.

* * * * *

(b) * * *

(1) For the Dayton urban area carbon monoxide attainment and reasonable further progress demonstrations the State must submit to EPA by March 1, 1981 the following:

(i) A schedule for the study, evaluation and implementation of control measures at the identified carbon monoxide hot spot;

(ii) Evidence of priority funding, if proven necessary; and

(iii) A revised carbon monoxide reasonable further progress demonstration.

(2) For the Steubenville urban area carbon monoxide attainment and reasonable further progress demonstrations the State must submit to EPA the following:

(i) The results of the carbon monoxide study by February 6, 1981,

(ii) Either regulations or additional TSMs by August 1, 1981. These measures are to provide for attainment of the standard by December 31, 1982,

(iii) A revised attainment demonstration by August 15, 1981, and

(iv) A revised carbon monoxide reasonable further progress demonstration by August 15, 1981.

(3) For the Youngstown transportation control plan the State must submit to EPA by November 3, 1980 the commitments of the Regional Policy Board to meet specific annual emission reduction goals.

[FR Doc. 81-13199 Filed 4-30-81; 8:45 am]
BILLING CODE 6560-38-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Technical Amendments on Reconsiderations and Appeals Under the Hospital Insurance Program: Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction of final regulations.

SUMMARY: This document corrects two technical errors in final regulations, published in the **Federal Register** on November 7, 1980 (45 FR 73931), that consisted of amendments to our regulations on the reconsiderations and appeals process under the Hospital Insurance Program.

EFFECTIVE DATE: November 7, 1980.

FOR FURTHER INFORMATION CONTACT: Jack Wasserman, 301-594-9300.

SUPPLEMENTARY INFORMATION: On November 7, 1980, we published final regulations to make technical changes in the Medicare regulations on reconsiderations and appeals under the hospital insurance program (42 CFR Part 405, Subpart G). One cross-reference is incorrect, and in reorganizing the material in former section 405.704, we failed to reprint the new section in its entirety. Therefore, in document FR Doc. 80-34899, Filed 11-6-80, published on 11-7-80 at 45 FR 73931, we are making the following corrections:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart G—Reconsiderations and Appeals Under the Hospital Insurance Program

1. The authority citation for Subpart G reads as follows:

Authority: Secs. 1102, 1811-1817, 1869, 1871, 1872, 42 Stat. 647, as amended; 79 Stat. 291-301, 79 Stat. 330-332; 42 U.S.C. 1302, 1395 et seq.

2. On page 73932, in the center column, item three is corrected as follows:

3. Section 405.704 is revised to read as follows:

§ 405.704 Actions which are initial determinations.

(a) *Applications and entitlement of individuals.* An initial determination with respect to an individual includes the following—

(1) A determination with respect to entitlement to hospital insurance or supplementary medical insurance;

(2) A disallowance of an individual's application for entitlement to hospital or supplementary medical insurance, if the individual fails to submit evidence requested by SSA to support the application. (SSA will specify in the initial determination the conditions of entitlement that the applicant failed to establish by not submitting the requested evidence);

(3) A denial of a request for withdrawal of an application for hospital or supplementary medical insurance;

(4) A denial of a request for cancellation of a "request for withdrawal"; and

(5) A determination as to whether an individual, previously determined to be entitled to hospital or supplementary medical insurance, is no longer entitled to such benefits, including a determination based on nonpayment of premiums.

(b) *Requests for payment by or on behalf of individuals.* An initial determination with respect to an individual includes any determination made on the basis of a request for payment by or on behalf of the individual under Part A of Medicare, including a determination with respect to:

(1) The coverage of items and services furnished;

(2) The amount of an applicable deductible;

(3) The application of the coinsurance feature;

(4) The number of days of inpatient hospital benefits utilized during a spell of illness or for purposes of the inpatient psychiatric hospital 190-day lifetime maximum;

(5) The number of days of the 60-day lifetime reserve utilized for inpatient hospital coverage;

(6) The number of days of posthospital extended care benefits utilized;

(7) The number of home health visits utilized;

(8) The physician certification requirement;

(9) The request for payment requirement;

(10) The beginning and ending of a spell of illness;

(11) The medical necessity of services, except when the determination has been made by a Professional Standards Review Organization in accordance with the applicable provisions of Part 463 of this chapter (see § 463.26(e));

(12) When items or sevices are excluded from coverage pursuant to § 405.310(g) or § 405.310(k), whether such individual or the provider of services who furnished such items or services, or both, knew or could reasonably have been expected to know that such items or services were excluded from coverage (see § 405.332); and

(13) Any other issues having a present or potential effect on the amount of benefits to be paid under Part A of Medicare, including a determination as to whether there has been an overpayment or underpayment of benefits paid under Part A, and if so, the amount thereof; and

(14) Whether a waiver of adjustment or recovery under sections 1870(b) and (c) of the Act is appropriate when an overpayment of hospital insurance benefits or supplementary medical insurance benefits (including a payment under section 1814(e) of the Act) has been made with respect to an individual.

(c) *Initial determination with respect to a provider of services.* An initial determination with respect to a provider of services shall be a determination made on the basis of a request for payment filed by the provider under Part A of Medicare on behalf of an individual who was furnished items or services by the provider, but only if the determination involves the following:

(1) A finding by the intermediary that such items or services are not covered by reason of § 405.310(g) or § 405.310(k), and

(2) A finding by the intermediary that either such individual or such provider of services, or both, knew or could reasonably have been expected to know that such items or services were excluded from coverage under the program.

§ 405.705 [Corrected]

3. On page 73933, at the top of the page in the left column in § 405.705(d), the cross-reference to § 405.462 in line two should be § 405.962.

(Secs. 205, 1102, 1842, 1869 and 1871 of the Social Security Act (42 U.S.C. 405, 1302, 1395u, 1395ff and 1395hh))

(Catalog of Federal Domestic Assistance Programs No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance)

Approved: April 14, 1981.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 81-12194 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[General Order 16; Amdt. 38]

Rules of Practice and Procedure; Date of Filing of Complaints and Protests

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Rule 114 of the Commission's Rules of Practice and Procedure specifies the date of filing of documents in proceedings except with respect to filing of formal complaints (Rule 62) and protests (Rule 67). This amendment specifies that the date required for filing under the latter two rules and, similarly, with respect to the filing of small claims under Rule 302 shall be the date received by the Secretary of the Commission. This clarification is necessary because of uncertainty on this point.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: The filing of formal complaints and small claims for reparations are made pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821), which specifies that they be filed within two years after the cause of action accrues. Some uncertainty has arisen with respect to the effective date of the filing of formal complaints, small claims for reparations and protests in domestic rate proceedings. Accordingly, the Commission is clarifying its rules to specify these effective dates.

Therefore, pursuant to sections 18, 22, and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 821, and 843), and 5 U.S.C. 553, Title 46 of the Code of Federal Regulations is amended as follows.

1. Section 502.63 is amended by the addition of the following sentence:

§ 502.63 [Amended]

* * * A complaint is deemed filed on the date it is received by the Secretary of the Commission.

* * * * *

2. Section 502.67(b)(2) is amended by the addition of the following sentence:

§ 502.67 [Amended]

* * * * *

(b) * * *

(2) * * * A protest is deemed filed on the date it is received by the Secretary of the Commission.

3. Section 502.114 is amended by the revision of the third sentence to read:

§ 502.114 [Amended]

* * * Except with respect to filing of complaints pursuant to §§ 502.62 and 502.63, protests pursuant to § 502.67 and claims pursuant to § 502.302, the date of filing shall be either the date on which the pleading, document, or paper is physically lodged with the Secretary by a party or the date which a party certifies it to have been deposited in the mail.

4. Section 502.302 is amended by the addition of the following sentence:

§ 502.302 [Amended]

* * * A claim is deemed filed on the date it is received by the Secretary of the Commission.

By the Commission. April 22, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-13182 Filed 4-30-81; 8:45 am]

BILLING CODE 6730-01-M

46 CFR Part 510

[General Order 4, Revised; Docket 80-13]

Licensing of Independent Ocean Freight Forwarders

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is revising its General Order 4 (46 CFR 510) which governs the licensing and operations of independent ocean freight forwarders. Ocean freight forwarders, oceangoing common carriers and the Commission have agreed that General Order 4 needs to be substantially revised, updated and clarified. The Commission also wishes to minimize its regulation of this business activity, to the extent its statutory duties permit. This revision of the Order is intended to accomplish those purposes and, at the same time, balance the differing interests of freight forwarders, export shippers, and oceangoing common carriers and where possible, eliminate unnecessary, ineffective or unduly burdensome regulation. The major changes include: a requirement for the licensing of separately incorporated branch offices, increased bond amounts to cover branch office operations, establishment of a minimum period of experience for qualifying individuals, elimination of the so-called payover rule, an increase in fees for licenses, and new anti-rebate certification requirements.

EFFECTIVE DATES: October 1, 1981, is the general effective date of these revised rules. However, persons who on October 1, 1981, hold valid independent ocean freight forwarder licenses need not comply with the surety bond requirements contained in § 510.15(a) of these revised rules until March 1, 1982. With respect to such persons, the surety bond requirements of the present rules will continue to apply until March 1, 1982. Licensees who fail to comply with the revised surety bond requirements by March 1, 1982, will be issued a notice that their licenses will be suspended effective May 1, 1982, in the absence of compliance by that date. Failure to achieve compliance with the bond requirements by July 1, 1982, will result in automatic revocation of the license. This rule is being submitted to the Office of Management and Budget pursuant to

the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

FOR FURTHER INFORMATION CONTACT: Mr. Jeremiah D. Hospital, Chief, Office of Freight Forwarders, Federal Maritime Commission, 1100 L St., N.W., Washington, D.C. 20573 (202–523–5843).

SUPPLEMENTARY INFORMATION: Sections 18, 21, 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 817, 820, 841a, 841b), and section 4 of the Administrative Procedure Act (5 U.S.C. 553) authorize the Federal Maritime Commission to make rules and regulations affecting oceangoing common carriers and the licensing, activities, obligations and responsibilities of independent ocean freight forwarders engaged in carrying on the business of forwarding in commerce from the United States.

The current rules, General Order 4, were originally issued in December 1961. Commission and industry experience has indicated a need for updating, clarifying and changing many provisions of the Order. Accordingly, on March 17, 1980, the Commission issued a notice of proposed rulemaking (45 FR 17029) requesting comments from interested parties with respect to proposed revisions of General Order 4.

Written comments were received from 30 commentators,[1] some of whom also provided oral comments to the Commission on September 16, 1980. On the basis of the written and oral comments, a number of changes to the rules as proposed on March 17, 1980, are now being adopted by the Commission. A brief section-by-section discussion of the newly adopted revisions to General Order 4 follows:[2]

§ 510.1 *Scope.* This section describes the scope of the entire part and reflects present §§ 510.1 and 510.20. No comments on this section were received but changes have been made to reflect the changes adopted in other sections.

§ 510.2 *Definitions.* This section collects the definitions contained in present §§ 510.2 and 510.21.

Proposed § 510.2(b) changed the definition of "beneficial interest" from present § 510.21(l) for purposes of clarification only. One commentator (17), however, recommended that the definition be substantively revised to include the rental, leasing or other furnishing of containers. The Commission does not believe such a change should be made, and only minor editorial changes have been adopted.

A number of commentators raised points in regard to proposed § 510.2(h), their definition of "freight forwarding services." One commentator (16) asked that a provision be added to proposed § 510.2(h)(3) dealing with export declarations, which would make it clear that forwarders are required to file shippers' export declarations in accordance with U.S. Customs Service regulations. The Commission, however, believes that such revision would be superfluous. Commentators 9 and 15 suggested clarification in regard to proposed § 510.2(h)(14) dealing with the advancement of funds by forwarders. The Commission is in general agreement with those suggestions and has revised the definition accordingly. See combined definition in § 510.2(h)(11).

One commentator (23) suggested that proposed § 510.2(j), the definition of an "independent ocean freight forwarder," be revised to exclude from the definition any person connected to "any" shipper (e.g., by rail, air or motor). The Commission, however, believes it was the intent of Congress to prescribe only those shipper connections involving oceangoing common carriers as defined in § 510.2(n) of these final rules.

§ 510.3 *License; when required.* This section, as proposed, incorporated the requirements of present § 510.3(a), but also included a requirement that every branch office be separately licensed and bonded. In the "Supplementary Information" section of its notice of proposed rulemaking, the Commission stated that one alternative would be graded levels of surety bonds depending on the number of a forwarder's branch offices. Proposed § 510.3 also deleted the obsolete grandfather provisions of present § 510.3(b).

The commentators were divided in their opinions as to whether separate licenses and bonds should be required for each branch office.

In order to minimize the impact of its regulations on the forwarding industry while increasing the protection to the shipping industry, the Commission has decided to require a separate license and bond only for branch offices which are separately incorporated. At the same time $10,000 in additional bond coverage will be required for each unincorporated branch office operated by a licensee. For example, a forwarder operating out of its home office and two unincorporated branch offices would be required to maintain on file with the Commission one surety bond in the amount of $50,000 (i.e., the basic $30,000 bond plus an additional $10,000 for each branch office). The full amount of such coverage (i.e., $50,000) would be available with respect to any obligation of the forwarder originating at any location from which it operates. Thus, branch office coverage under a bond will not be limited to just $10,000.

§ 510.4 *License; when not required.* This proposed section combined various provisions of the present rules.

One commentator (17) suggested that nonvessel operating common carriers by water be prohibited from engaging in forwarder activity. Another commentator (23) suggested that vessel operating common carriers by water and their agents be denied licenses as there are sufficient forwarders to perform the services on behalf of shippers.

The Commission does not believe sufficient grounds exist for adopting those suggestions. The final rule has been modified, but only to clarify the rule with respect to ocean freight brokers.

§ 510.11 *Basic requirements for licensing; eligibility.* This proposed section retained substantially the same requirements as the present rules, except that a specific minimum experience requirement was prescribed

[1] (1) B. F. Goodrich Company; (2) North Carolina State Ports Authority; (3) Fritz Companies; (4) South Carolina State Ports Authority; (5) American Council of Voluntary Agencies for Foreign Service, Inc.; (6) Casey Overseas Corp.; (7) Joint Association—South Atlantic Marine Terminal Conference Terminal Operators Conference of Hampton Roads; (8) Emerson Electric Co.; (9) The Far East Conference; (10) Associated Latin American Freight Conferences; (11) McGregor, Swire Air Services (America) Inc.; (12) Foreign Shipowners Association of the Pacific Coast; (13) Pacific Coast European Conference, Latin America-Pacific Coast Steamship Conference, and Pacific Coast River Plate Brazil Conference; (14) National Customs Brokers and Forwarders Association of America, Inc.; (15) Inter-American Freight Conference; (16) West Gulf Maritime Association; (17) Pacific Westbound Conference, Pacific-Straits Conference, and Pacific Indonesian Conference; (18) Behring International, Inc.; (19) International Freight Forwarders and Customs Brokers Association of New Orleans, Inc.; (20) The "8900" Lines, North Atlantic Mediterranean Freight Conference, U.S. Atlantic & Gulf/Australia-New Zealand Conference, U.S. North Atlantic Spain Rate Agreement, and U.S. South Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement (except Lykes Bros. Steamship Co., Inc.; (21) Transoceanic Shipping Co., Inc.; (22) Fillette, Green & Co. of Tampa, Smith and Kelly Co., Southern Overseas Corporation, Southern Shipping Company, and Waters Shipping Company; (23) Independent Customs Brokers and Freight Forwarders Association of Savannah, Inc.; (24) The North European Conferences; (25) Interconex, Inc.; (26) Dorf International, Ltd.; (27) The Roanoke Companies; (28) Association of Forwarding Agents and Foreign Freight Brokers of Mobile, Inc.; (29) Georgia Ports Authority; and (30) Customs Brokers and Forwarders Association of Miami, Inc. These 30 commentators are comprised of shippers, freight forwarders, common carriers by water, port/terminal interests, surety companies, and charitable institutions.

[2] Written and oral comments not mentioned in the section-by-section discussion have nevertheless been considered by the Commission. Further, it should be clearly understood that failure to address or refute a particular comment in no way implies Commission agreement with the comment. This is especially true with respect to commentators' assertions as to the proper interpretation of law, court decisions, and Commission rules, findings or actions.

to assure that each applicant has a basic level of expertise to operate an independent ocean freight forwarding business.

Commentators generally supported the minimum experience requirement, but one commentator (11) was opposed to requiring a minimum level of experience for managers of branch offices. One commentator (30) suggested that prospective forwarders should be required to pass a test as the three year experience requirement may not adequately ensure that newly licensed forwarders will have an adequate level of expertise.

The Commission has decided not to impose a specific experience requirement for managers of unincorporated branch offices. The proper operation of an unincorporated branch office is the responsibility of the licensee who will be held strictly responsible for the activities of all its employees. Since, under these revised rules, a separately incorporated branch office must be separately licensed, an applicant for such a license must meet the same minimum experience requirements as any other applicant. In addition, the Commission has decided that an examination for applicants will not be required. Minor clarifications to this section also have been made.

§ 510.12 *Persons not eligible.* No change was made to this proposed section.

§ 510.13 *Application for license.* The license application form is deleted from the body of the rules to enable revisions to be made to the form when necessary without republication of the rule. While not contained in the proposed rule, the requirement to publish notice of applications in the **Federal Register** as provided in present section 510.6 is restored pending its consideration in Docket 80-44.

§ 510.14 *Investigation of applicants.* No major change was made to this proposed section.

§ 510.15 *Surety bond requirement.* This proposed section incorporated provisions of present § 510.5 (f), (g), (h) and the provisos in present § 510.9, with some changes for clarification and flexibility.

Many of the commentators expressed the view that the bond should be increased either by a sliding scale based on the volume of cargo handled by the forwarder or by the number of branch offices operated. As mentioned earlier, the Commission has decided to require $10,000 additional bond coverage for each unincorporated branch office.

§ 510.16 *Denial of license.* Proposed paragraph (b) of this section, "Reapplication within one year prohibited," is deleted. That subject matter is covered under new § 510.18 of the final rules.

§ 510.17 *Revocation or suspension of license.* This proposed section (originally proposed as § 510.50) retained the criteria of present § 510.9, but added a proposed paragraph (b) which provided for assessment of civil penalties for violations in any proceeding involving the suspension or revocation of a license. In addition, under proposed paragraph (c), the Commission addressed the matter of rejecting an application submitted within one year from the date of revocation of the applicant's previous license.

One commentator (18) urged the deletion of proposed § 510.50(a)(1) which provided for the suspension or revocation of a license for failure to conduct forwarding business consistent with the national maritime policies stated in the Merchant Marine Act of 1936. That provision, as well as proposed paragraph (c), is deleted in the final rules. The subject matter of proposed paragraph (c) is covered under new § 510.18.

§ 510.18 *Application after revocation or denial.* This section covers the subject matter of originally proposed §§ 510.16(b) and 510.50(c).

§ 510.19 *Issuance and use of license.* This section was originally proposed as § 510.17. It contains provisions of present §§ 510.5(a)(3), 510.8(b) and 510.8(d) and reflects changes made to other sections of the final rules.

§ 510.20 *Changes in organization.* This section, originally proposed as § 510.18, includes various provisions in the present rules plus codification of existing policy concerning the conduct of operations in the event of the death of a sole proprietor licensee.

Three commentators (14, 23 and 30) opposed the requirement in proposed subparagraph (a)(5) that prior approval be required for the transfer of 5% or more of the stock of a corporate licensee. The Commission has decided to retain this requirement in order to better ensure that licensees remain independent of shipper connections, a primary reason for the enactment of section 44 of the Act. A new paragraph (d) specifies the conditions under which newly incorporated branch offices may operate until they are independently licensed.

§ 510.21 *Branch offices; interim operation.* This section, originally proposed as § 510.19, provides for an orderly system of transition from an existing separately incorporated branch office status to a separately licensed status.

This grandfather provision is necessary to cover a separately incorporated branch office during the interim period from the effective date of these rules until it is granted its individual license.

§ 510.31 *General duties.* This section incorporates the provisions of prior §§ 510.5(e) and 510.23 (a), (b), (d) and (l), and adds a new provision (paragraph (h)) requiring anti-rebate certifications on invoices and other documents as provided in section 21(b) of the Shipping Act, 1916.

Three commentators (11, 18 and 23) objected to the requirement in proposed paragraph (b) that the name and license number of all related forwarders be included on a licensee's stationery and billing forms as such information would take too much room. The Commission agrees and has deleted the requirement.

Two commentators (14 and 18) objected to the new requirement in proposed paragraph (h) for an anti-rebating statement on forwarders' certifications and invoices, while one commentator (20) supported the proposed requirement. The Commission believes that, consistent with the intent of section 21(b) of the Act, forwarders should certify continuously that they have a policy against rebates, and has retained the certification requirement.

In agreement with a commentator (18) who objected to proposed § 510.31(d)(5) as being unfair and unnecessarily restrictive, the Commission deleted that provision from the final rule. It would have required forwarders to obtain Commission approval before employing persons whose licenses have been revoked or suspended.

§ 510.32 *Forwarder and principal; fees.* With slight changes, this proposed section incorporated several provisions of the existing rules and, in order to avoid discrimination between shippers, deleted the exemption contained in current § 510.24(b), which allowed a forwarder to perform forwarding services for relief or charitable agencies free of charge or at a reduced rate.

Several commentators (14, 18 and 30) objected to the language of proposed § 510.32(e) as it affects a forwarder's obligation for its principal's actions. A new subpart (k) has been added requiring forwarders to account to their principals for certain overpayments and adjustments, and other language in this section has been revised to clarify the fact that a forwarder will not automatically be held responsible for the actions of its principal.

§ 510.33 *Forwarder and carrier; compensation.* This proposed section included a number of provisions from

the current rules and proposed, in paragraph (b), to change the maximum allowable time period for a forwarder to pay over freight monies to a carrier from seven days to twenty days and, in paragraph (c), proposed a new provision to prohibit a carrier from requiring a licensee to assume the obligation of paying freight charges before such sums are advanced by the shipper to the forwarder. A provision in paragraph (d) proposed to require ocean carriers to pay compensation to forwarders within 30 days after the payment of ocean freight charges.

Numerous comments were received both for and against the three new proposals. After fully considering all of the concerns, the Commission has decided to delete all three of the new proposals as well as the existing payover rule. The matters addressed in the new proposals in proposed § 510.33 (c) and (d) are best left to the parties' own determination. With respect to the payover rule, ocean freight payments are governed by tariff and bill of lading provisions, and the Commission is of the opinion that any type of payover rule tends to confuse the legal rights and obligations of the parties under such governing provisions. In short, the Commission is of the view that all of these financial arrangements should not be governed by Commission regulations, but instead should be left to the competitive controls of the market place.

§ 510.34 *Records required to be kept.* This proposed section contained provisions of present §§ 510.23 (k) and (l), 510.25(a), and 510.26(b). No comments were received in regard to these provisions and no significant changes were made in the final rule.

§ 510.35 *Reports required to be filed.* This section includes the reporting requirements of present §§ 510.5(c) and 510.26(a). A new provision (paragraph (a)) would require the filing of samples of office stationery and invoice forms within sixty days of changes in organization. Proposed new paragraph (c) requires an annual filing of an anti-rebate certification pursuant to section 21(b) of the Act.

One commentator (18) opposed the filing of the annual anti-rebate certification. The Commission believes that it is important and consistent with the intent of section 21(b) that the requirement be retained and does not believe that an annual certification will cause any undue burden on licensees.

§ 510.36 *Section 15 agreements.* This proposed section tracks the present § 510.26.

One commentator (14) objected to the requirement that a copy of non-exclusive working agreements be kept in a licensee's file, while another commentator (17) suggested that the Commission should require the filing of such agreements with the Commission. The Commission has decided to adopt the rule as proposed with a slight modification to cover agreements which have been exempted from the requirements of section 15.

Therefore, 46 CFR Part 510 is revised to read as follows:

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Subpart A—General

Sec.

510.1 Scope.
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Subpart C—Duties and Responsibilities of Freight Forwarders; Forwarding Charges; Reports to Commission

510.31 General duties.
510.32 Forwarder and principal; fees.
510.33 Forwarder and carrier; compensation.
510.34 Records required to be kept.
510.35 Reports required to be filed.
510.36 Section 15 agreements.

Authority: Secs. 18, 21, 43 and 44, as amended; 46 U.S.C. 817, 820, 841a and 841b.

Subpart A—General

§ 510.1 Scope.

This part sets forth regulations providing for the licensing as independent ocean freight forwarders of persons, including individuals, corporations and partnerships, who wish to carry on the business of freight forwarding. This part also prescribes the bonding requirements and the duties and responsibilities of independent ocean freight forwarders, regulations concerning practices of freight forwarders and common carriers by water, and the grounds and procedures for revocation and suspension of licenses.

§ 510.2 Definitions.

The terms used in this part are defined as follows:

(a) "Act" means the Shipping Act, 1916 (46 U.S.C. 801 *et seq.*), as amended.

(b) "Beneficial interest" includes any lien or interest in or right to use, enjoy, profit, benefit, or receive any advantage, either proprietary or financial, from the whole or any part of a shipment of cargo where such interest arises from the financing of the shipment or by operation of law, or by agreement, express or implied. The term "beneficial interest" shall not include any obligation in favor of a freight forwarder arising solely by reason of the advance of out-of-pocket expenses incurred in dispatching a shipment.

(c) "Branch office" means any office established and maintained by or under the control of a licensee for the purpose of rendering freight forwarding services, which office is located at an address different from that of the licensee's designated home office. This term does not include a separately incorporated entity.

(d) "Brokerage" refers to payment by an oceangoing common carrier to an ocean freight broker for the performance of services as specified in § 510.2(m) of this part.

(e) "Compensation" means payment by an oceangoing common carrier to a freight forwarder for the performance of services as specified in § 510.33(c) of this part.

(f) "Freight forwarder" is anyone who performs, or holds itself out to perform, the dispatching of a shipment of cargo for another by rendering any one or more of the services enumerated in § 510.2(h) of this part.

(g) "Freight forwarding fee" means charges billed by a freight forwarder to a shipper, consignee, seller, purchaser, or any agent thereof, for the performance of freight forwarding services as specified in § 510.2(h) of this part.

(h) "Freight forwarding services" refers to the dispatching of shipments on behalf of others, in order to facilitate shipment by an oceangoing common carrier, which may include, but is not limited to, the following:

(1) Ordering cargo to port;

(2) Preparing and/or processing export declarations;

(3) Booking, arranging for or confirming cargo space;

(4) Preparing or processing delivery orders or dock receipts;

(5) Preparing and/or processing ocean bills of lading;

(6) Preparing or processing consular documents or arranging for their certification;

(7) Arranging for warehouse storage;

(8) Arranging for cargo insurance;

(9) Clearing shipments in accordance with United States Government export regulations;

(10) Preparing and/or sending advance notifications of shipments or other documents to banks, shippers, or consignees, as required;

(11) Handling freight or other monies advanced by shippers, or remitting or advancing freight or other monies or credit in connection with the dispatching of shipments;

(12) Coordinating the movement of shipments for origin to vessel; and

(13) Giving expert advice to exporters concerning letters of credit, other documents, licenses or inspections, or on problems germane to the cargos dispatch.

(i) "In commerce from the United States" means oceanborne export commerce from the United States, its Territories, or possessions to foreign countries, or oceanborne commerce between the United States and its Territories and possessions, or between such Territories and possessions.

(j) "Independent ocean freight forwarder" refers to a person performing freight forwarding services for a consideration, either monetary or otherwise, who is not a shipper or consignee or seller or puchaser of property in commerce from the United States and who has no beneficial interest therein, nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest.

(k) "Licensee" is any person licensed by the Federal Maritime Commission as an independent ocean freight forwarder.

(l) "Nonvessel operating common carrier by water" is a common carrier by water as defined in section 1 of the Act, which does not operate the vessels by which its ocean transportation is provided but which holds itself out, by the establishment and maintenance of tariffs, by advertisment, solicitation, or otherwise, to provide transportation of property for hire by water in commerce from the United States; which assumes responsibility or has liability imposed by law for the safe transportation of such property; and which arranges in its own name for the performance of such transportation by underlying water carriers.

(m) "Ocean freight broker" is an entity which is engaged by a carrier to secure cargo for such carrier and/or to sell or offer for sale ocean transportation services and which holds itself out to the public as one who negotiates between shipper or consignee and carrier for the purchase, sale, conditions and terms of transportation.

(n) "Oceangoing common carrier" is a common carrier by water as defined in section 1 of the Act, including a nonvessel operating common carrier by water, engaged in transportation for hire by water of property in commerce from the United States, as defined in § 510.2(i) of this part.

(o) "Principal", except as used in Surety Bond Form FMC 59 Rev., refers to the shipper, consignee, seller, or purchaser of property, and to anyone acting on behalf of such shipper, consignee, seller, or purchaser of property, who employs the services of a licensee to facilitate the ocean transportation of such property.

(p) "Reduced forwarding fees" means charges to a principal for forwarding services that are below the licensee's usual charges for such services.

(q) "Small shipment" refers to a single shipment sent by one consignor to one consignee on one bill of lading which does not exceed the underlying oceangoing common carrier's minimum charge rule.

(r) "Special contract" is a contract for freight forwarding services which provides for a periodic lump sum fee.

(s) "Territory or possession" includes the Commonwealth of the Northern Marianas, the Commonwealth of Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, and any other Territory or possession of the United States.

§ 510.3 License, when required.

Except as otherwise provided in this part, a person must hold a valid independent ocean freight forwarder license in order to perform freight forwarding services, and, except as provided in § 510.4 of this part, no person shall perform, or hold out to perform, such services unless such person holds a valid license issued by the Commission to engage in such business. A separate license is required for each branch office that is separately incorporated.

§ 510.4 License, when not required.

A license is not required in the following circumstances:

(a) *Shipper.* Any person whose primary business is the sale of merchandise may, without a license, dispatch and perform freight forwarding services on behalf of its own shipments or on behalf of shipments or consolidated shipments of a parent, subsidiary, affiliate, or associated company. Such person shall not receive compensation from the oceangoing common carrier for any services rendered in connection with such shipments.

(b) *Employee or branch office of licensed forwarder.* An individual employee or unincorporated branch office of a licensed independent ocean freight forwarder is not required to be licensed in order to act solely for such licensee, but each licensed independent ocean freight forwarder will be held strictly responsible hereunder for the acts or omissions of any of its employees rendered in connection with the conduct of the business.

(c) *Oceangoing common carrier.* An oceangoing common carrier, or agent thereof, may perform ocean freight forwarding services without a license only with respect to cargo carried under such carrier's own ocean bill of lading. Charges for such forwarding services shall be assessed in conformance with the carrier's published tariffs on file with the Commission.

(d) *Ocean freight broker.* An ocean freight broker is not required to be licensed to perform those services specified in § 510.2(m) of this part.

Subpart B—Eligibility and Procedure For Licensing; Bond Requirements

§ 510.11 Basic requirements for licensing; eligibility.

(a) *Necessary qualifications.* To be eligible for an independent ocean freight forwarder's license, the applicant must demonstrate to the Commission that:

(1) Its proposed forwarding business will be consistent with the national maritime policies declared in the Merchant Marine Act, 1936;

(2) It will meet the definition of an independent ocean freight forwarder;

(3) It is fit, willing and able properly to carry on the business of freight forwarding and to conform to the provisions of the Shipping Act, 1916, as amended, and the requirements, rules and regulations of the Commission issued thereunder;

(4) Its qualifying individual has a minimum of three (3) years of experience in ocean freight forwarding duties in the United States;

(5) It has obtained and filed with the Commission a valid surety bond in conformance with § 510.15 of this part; and

(6) It and its qualifying individual are otherwise qualified within the provisions of the Shipping Act, 1916 and the requirements, rules and regulations of the Commission.

(b) *Qualifying individual.* The following individuals must qualify the applicant for a license:

(1) *Sole proprietorship*—The applicant sole proprietor.

(2) *Partnership*—At least one of the active managing partners, but all partners must execute the application.

(3) *Corporation*—At least one of the active corporate officers.

(c) *Affiliates of forwarders.* An independently qualified applicant may be granted a separate license to carry on the business of forwarding even though it is associated with, under common control with, or otherwise related to another independent ocean freight forwarder through stock ownership or common directors or officers, if such applicant submits (1) a separate application and fee, and (2) a valid surety bond in the form and amount prescribed under § 510.15 of this part. The proprietor, partner or officer who is the qualifying individual of one active licensee shall not also be designated the qualifying proprietor, partner or officer of an applicant for another independent ocean freight forwarder license.

(d) *Oceangoing common carriers.* An oceangoing common carrier or agent thereof which meets the requirements of this part may be licensed to dispatch shipments moving on other than such carrier's own bill of lading, subject to the provisions of § 510.33(g) of this part.

§ 510.12 Persons not eligible.

No person is eligible for a license who is a shipper, consignee, seller, or purchaser of shipments in commerce from the United States, or who has any beneficial interest therein, or who directly or indirectly controls or is controlled by such shipper, consignee, seller, or purchaser of shipments or by any person having a beneficial interest in such shipment.

§ 510.13 Application for license.

(a) *Application and forms.* Any person who wishes to obtain a license to carry on the business of forwarding shall submit, in duplicate, to the Director of the Commission's Bureau of Certification and Licensing, a completed application Form FMC–18 Rev. ("Application for a License as an Independent Ocean Freight Forwarder") and a completed anti-rebate certification in the format prescribed under § 510.35(c) of this part. Copies of Form FMC–18 Rev. may be obtained from the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573, or from any of the Commission's offices at other locations. Notice of filing of such application shall be published in the **Federal Register** and shall state the name and address of the applicant. If the applicant is a corporation or partnership, the names of the officers or partners thereof shall be published.

(b) *Fee.* The application shall be accompanied by a money order, certified check or cashier's check in the amount of $350 made payable to the "Federal Maritime Commission."

(c) *Rejection.* Any application which appears upon its face to be incomplete or to indicate that the applicant fails to meet the licensing requirements of the Shipping Act, 1916, or the Commission's regulations, shall be returned by certified U.S. mail to the applicant without further processing, together with an explanation of the reason(s) for rejection, and the application fee shall be refunded in full. All other applications will be assigned an application number, and each applicant will be notified of the number assigned to its application. Persons who have had their applications returned may reapply for a license at any time thereafter by submitting a new application, together with the full application fee.

(d) *Investigation.* Each applicant shall be investigated in accordance with section 510.14 of this part.

(e) *Changes prior to licensing.* Each applicant shall submit to the Commission, in duplicate, an amended Form FMC–18 Rev., advising of any changes in the facts submitted in the original application, within thirty (30) days after such change(s) occur. Any unreported change will delay the processing and investigation of the application and may result in rejection or denial of the application. No fee is required when reporting changes to an application for initial license under this section.

§ 510.14 Investigation of applicants.

The Commission shall conduct an investigation of the applicant's qualification for a license. Such investigations may address:

(a) The accuracy of the information submitted in the application;

(b) The integrity and financial responsibility of the applicant;

(c) The character and independence of the applicant and its qualifying individual;

(d) The length and nature of the qualifying individual's experience in handling freight forwarder duties; and

(e) Such further evidence of the fitness, willingness, and ability of the applicant to carry on the business of forwarding as the Commission may require.

§ 510.15 Surety bond requirements.

(a) *Form and amount.* No license shall be issued to an applicant who does not have a valid surety bond (FMC–59 Rev.) on file with the Commission in the amount of $30,000. The amount of such bond shall be increased by $10,000 for each of the applicant's unincorporated branch offices. Surety companies must be certified by the U.S. Department of the Treasury in order to execute Federal bonds. Surety Bond Form FMC–59 Rev. can be obtained in the same manner as Form FMC–18 Rev. under § 510.13(a) of this part, and shall read as follows:

(Form FMC–59 Rev.)
Bond No. _____
FMC License No. _____

Federal Maritime Commission, Independent Ocean Freight Forwarder's Bond

(Section 44, Shipping Act, 1916)

Know all men by these presents, That , as Principal (hereinafter called Principal), and , as Surety (hereinafter called Surety) are held and firmly bound into the United States of America in the sum of $ for the payment of which sum we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Whereas, Principal has applied for, is about to apply for, or holds a license as an independent ocean freight forwarder pursuant to section 44 of the Shipping Act, 1916, and has elected to file this bond with the Federal Maritime Commission;

Now, therefore, the condition of this obligation is such that if the Principal shall, while this bond is in effect, supply the services of an independent ocean freight forwarder in accordance with the contracts, agreements, or arrangements made therefor, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall aggregate the penalty of this bond, and in no event shall the Surety's total obligation hereunder exceed said penalty.

This bond shall inure to the benefit of any and all persons for whom the Principal shall have undertaken to act as an independent ocean freight forwarder.

This bond is effective the day of , 19 , and shall continue in effect until discharged or terminated as herein provided. The Principal or the Surety may at any time terminate this bond by written notice to the Federal Maritime Commission at its office in Washington, D.C. Such termination shall become effective thirty (30) days after receipt of said notice by the Commission. The Surety shall not be liable for any contracts, agreements, or arrangements made by the Principal after the expiration of said thirty (30) day period but such termination shall not affect the liability of the Principal and Surety for any breach of the condition hereof occurring prior to the date when said termination becomes effective.

The underwriting Surety will promptly notify the Director, Bureau of Certification and Licensing, Federal Maritime Commission,

Washington, D.C. 20573, of any claims against this bond.

Signed and sealed this day of 19

(Please type name of signer under each signature.)

(Individual Principal or Partner)
(Business Address)
(Individual Principal or Partner)
(Business Address)
(Individual Principal or Partner)
(Business Address)
Corporate Principal
Business Address
(Affix Corporate Seal)
By
Title
Corporate Surety
Business Address
(Affix Corporate Seal)
By
Title

(b) *Filing of bond.* Upon notification by the Commission by certified U.S. mail that the applicant has been approved for licensing, the applicant shall file with the Director of the Commission's Bureau of Certification and Licensing, a surety bond in the form and amount prescribed in § 510.15(a) of this part. No license will be issued until the Commission is in receipt of a valid surety bond from the applicant. If more than six (6) months elapse between issuance of the notication of qualification and receipt of the surety bond, the Commission shall, at its discretion, undertake a supplementary investigation to determine the applicant's continued qualification. The fee for such a supplementary investigation shall be $100, payable by money order, certified check or cashier's check to the "Federal Maritime Commission." Should the applicant not file the requisite surety bond within two years of notification, the Commission will consider the application to be invalid.

(c) *Branch offices.* A new surety bond, or rider to the existing bond, increasing the amount of the bond in accordance with § 510.15(a) of this part, shall be filed with the Commission prior to the date the licensee commences operation of any branch office. Failure to adhere to this requirement may result in revocation of the license.

(d) *Termination of bond.* No license shall remain in effect unless a valid surety bond is maintained on file with the Commission. Upon receipt of notice of termination of a surety bond, the Commission shall notify the concerned licensee by certified U.S. mail, to its last known address, that the Commission shall, without hearing or other proceeding, revoke the license as of the termination date of the bond unless the licensee shall have submitted a valid replacement surety bond before such termination date. Replacement surety bonds must bear an effective date no later than the termination date of the expiring bond.

§ 510.16 Denial of license.

If the Commission determines, as a result of its investigation, that the applicant:

(a) Will not conduct its forwarding business in a manner consistent with the national maritime policies declared in the Merchant Marine Act, 1936;

(b) Fails to meet the definition of an independent ocean freight forwarder as set forth in section 1 of the Act and § 510.2(j) of this part;

(c) Is not fit, willing, and able properly to carry on the business of forwarding, or to conform to the provisions of the Act or the requirements, rules and regulations of the Commission issued thereunder;

(d) Has failed to respond to any lawful inquiry of the Commission; or

(e) Has made any willfully false or misleading statement to the Commission in connection with its application;

a letter of intent to deny the application shall be sent to the applicant by certified U.S. mail, stating the reason(s) why the Commission intends to deny the application. If the applicant submits a written request for hearing on the proposed denial within twenty (20) days after receipt of notification, such hearing shall be granted by the Commission pursuant to its Rules of Practice and Procedure contained in Part 502 of this Chapter. Otherwise, denial of the application will become effective and the applicant shall be so notified by certified U.S. mail. Civil penalties for violations of the Act or any Commission order, rule, or regulation may be assessed in any proceeding on the proposed denial of a license or may be compromised for any such violation when a proceeding has not been instituted in accordance with Part 505 of this Chapter.

§ 510.17 Revocation or suspension of license.

(a) *Grounds for revocation.* Except for the automatic revocation for termination of a surety bond under § 510.15(d) of this part, or as provided in § 510.15(c) of this part, a license may be revoked or suspended after notice and hearing for any of the following reasons:

(1) Violation of any provision of the Act, as amended, or any other statute or Commission regulation related to carrying on the business of forwarding;

(2) Failure to respond to any lawful inquiry by the Commission;

(3) Making a willfully false or misleading statement to the Commission in connection with an application for a license or its continuance in effect;

(4) Change of circumstances whereby the Commission determines that the licensee no longer qualifies to be an independent ocean freight forwarder; or

(5) Conduct which the Commission determines renders the licensee unfit or unable to carry on the business of forwarding.

(b) *Civil penalties.* As provided for in Part 505 of this Chapter, civil penalties for violations of the Act on any Commission order, rule, or regulation may be assessed in any proceeding to revoke or suspend a license and may be compromised when such a proceeding has not been instituted.

(c) *Notice of Revocation.* The Commission shall publish in the **Federal Register** its order or revocation.

§ 510.18 Application after revocation or denial.

Whenever a license has been revoked or an application has been denied because the Commission has found the licensee or applicant to be unfit, any further application within 3 years of the date of the most recent conduct on which the Commission's notice of revocation or denial was based, made by such former licensee or applicant or by another applicant employing the same qualifying individual or controlled by persons on whose conduct the Commission based its determination of lack of fitness, shall be reviewed directly by the Commission.

§ 510.19 Issuance and use of license.

(a) *Qualification necessary for issuance.* The Commission will issue a license if it determines, as a result of its investigation, that the applicant is fit, willing, and able properly to carry on the business of ocean freight forwarding, and is otherwise qualified within the provisions of applicable statutes and the requirements, rules, and regulations of the Commission.

(b) *To whom issued.* The Commission will issue a license only in the name of the applicant, whether the applicant be a sole proprietorship, a partnership, or a corporation, and the license will be issued to only one legal entity. A license issued to a sole proprietor doing business under a trade name shall be in the name of the sole proprietor, indicating the trade name under which the licensee will be conducting business. Only one license shall be issued to any applicant regardless of the number of names under which such applicant may be doing business.

(c) *Use limited to named licensee.* Except as otherwise provided in this

part, such license is limited exclusively to use by the named licensee and shall not be transferred to another person.

§ 510.20 Changes in organization.

(a) The following changes in an existing licensee's organization require prior approval of the Commission:

(1) Transfer of a corporate license to another person;

(2) Change in ownership of an individual proprietorship;

(3) Addition of one or more partners to a licensed partnership;

(4) Change in the business structure of a licensee from or to a sole proprietorship, partnership, or corporation, whether or not such change involves a change in ownership;

(5) Sale or transfer of five (5) percent or more of stock of a licensed corporation to new stockholder interests;

(6) Acquisition of one or more additional licensees, whether for purposes of merger, consolidation, or control (see section 15 of the Act);

(7) Any change in a licensee's name; or

(8) Change in the identity or status of the designated qualifying individual, except as discussed in paragraphs (b) and (c) of this section.

(b) *Operation after death of sole proprietor.* In the event the owner of a licensed sole proprietorship dies, the licensee's executor, administrator, heir(s), or assign(s) may continue operation of such proprietorship solely with respect to shipments for which the deceased sole proprietor had undertaken to act as an independent ocean freight forwarder pursuant to the existing license, if the death is reported within thirty (30) days to the Commission and to all principals for whom services on such shipments are to be rendered. The acceptance or solicitation of any other shipment is expressly prohibited until a new license has been issued. Applications for a new license by the said executor, administrator, heir(s), or assign(s) shall be made on Form FMC–18 Rev., and shall be accompanied by the transfer fee set forth in § 510.20(e) of this part.

(c) *Operation after retirement, resignation, or death of qualifying individual.* When a partnership or corporation has been licensed on the basis of the qualifications of one or more of the partners or offices thereof, and such qualifying individual(s) shall no longer serve in a full-time, active capacity with the firm, the licensee shall report such change to the Commission within thirty (30) days. Within the same 30-day period, the licensee shall furnish to the Commission the name(s) and detailed ocean freight forwarding experience of other active managing partner(s) or officer(s) who may qualify the licensee. Such qualifying individual(s) must meet the applicable requirements set forth in § 510.11(a) of this part. The licensee may continue to operate as an independent ocean freight forwarder while the Commission investigates the qualifications of the newly designated partner or officer.

(d) *Incorporation of branch office.* In the event a licensee's validly operated branch office undergoes incorporation as a separate entity, the licensee may continue to operate such office pending receipt of a separate license, provided that:

(1) The separately incorporated entity applies to the Commission for its own license within ten (10) days after incorporation, and

(2) The continued operation of the office is carried on as a bona fide branch office of the licensee, under its full control and responsibility, and not as an operation of the separately incorporated entity.

(e) *Application form and fee.* Applications for Commission approval of status changes or for license transfers under § 510.20(a) of this part shall be filed in duplicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, on Form FMC–18 Rev., together with a processing fee of $100, made payable by money order, certified check, or cashier's check to the "Federal Maritime Commission."

§ 510.21 Branch offices; interim operation.

A licensee operating a separately incorporated, but not separately licensed, branch office approved by the Commission prior to the effective date of this rule, may continue to operate such office while the application by the branch office for an individual license is pending. No such branch office may continue in operation unless it files an application for an individual license with the Commission within one year after the effective date of this rule.

Subpart C—Duties and Responsibilities of Freight Forwarders; Forwarding Charges; Reports to Commission

§ 510.31 General duties.

(a) *License; name and number.* Each licensee shall carry on the business of forwarding only under the name in which its license is issued and only under its license number as assigned by the Commission. Wherever the licensee's name appears on shipping documents, its FMC license number shall also be included.

(b) *Stationery and billing forms.* The name and license number of each licensee shall be permanently imprinted on the licensee's office stationery and billing forms. The Commission may temporarily waive this requirement for good cause shown if the licensee rubber stamps or types its name and FMC license number on all papers and invoices concerned with any forwarding transaction.

(c) *Use of license by others; prohibition.* No licensee shall permit its license or name to be used by any person who is not a *bona fide* individual employee of the licensee. Unincorporated branch offices of the licensee may use the license number and name of the licensee if such branch offices (1) have been reported to the Commission in writing and (2) are covered by an increased bond in accordance with § 510.15(c) of this part.

(d) *Arrangements with forwarders whose licenses have been revoked.* Unless prior written approval from the Commission has been obtained, no licensee shall, directly or indirectly, (1) agree to perform forwarding services on export shipments as an associate, correspondent, officer, employee, agent, or sub-agent of any person whose license has been revoked or suspended pursuant to § 510.17 of this part; (2) assist in the furtherance of any forwarding business of such person; (3) share forwarding fees or freight compensation with any such person; or (4) permit any such person directly or indirectly to participate, through ownership or otherwise, in the control of direction of the freight forwarding business of the licensee.

(e) *Arrangements with unauthorized persons.* No licensee shall enter into an agreement or other arrangement with a person not authorized by this part to transact forwarding business for others so that any resulting fee, compensation, or other benefit inures to the benefit of the unlicensed person. When a licensee is employed for the transaction of forwarding business by an unlicensed person who is not the actual shipper, the licensee must transmit to the actual shipper of the cargo a copy of the invoice for services rendered.

(f) *False or fraudulent claims, false information.* No licensee shall prepare or file or assist in the preparation or filing of any claim, affidavit, letter of indemnity, or other paper or document concerning a forwarding transaction which it has reason to believe is false or fraudulent, nor shall any such licensee knowingly impart to a principal, oceangoing common carrier or other

person, false information relative to any forwarding transaction.

(g) *Response to requests of Commission.* Upon the request of any authorized representative of the Commission, a licensee shall make available promptly for inspection or reproduction all records and books of account in connection with its forwarding business, and shall respond promptly to any lawful inquires by such representative.

(h) *Policy against rebates.* The following declaration shall appear on all invoices and certifications under §§ 510.32(h) and 510.33(c) of this part:

(Name of Firm) has a policy against payment, solicitation, or receipt of any rebate, directly or indirectly, which would be unlawful under the United States Shipping Act, 1916, as amended.

§ 510.32 Forwarder and principal; fees.

(a) *Beneficial interest.* No licensee shall act in the capacity of a shipper, consignee, seller or purchaser of any shipment in commerce from the United States, nor have any beneficial interest in such a shipment.

(b) *Compensation or fee sharing.* No licensee shall share, directly or indirectly, any compensation or freight forwarding fee with a shipper, consignee, seller, or purchaser, or an agent, affiliate, or employee thereof; nor with any person advancing the purchase price of the property or guaranteeing payment therefor; nor with any person having a beneficial interest in the shipment.

(c) *Withholding information.* No licensee shall withhold any information concerning a forwarding transaction from its principal.

(d) *Due diligence.* Each licensee shall exercise due diligence to ascertain the accuracy of any information it imparts to a principal concerning any forwarding transaction.

(e) *Errors and omissions.* Each licensee shall comply with the laws of the United States and any involved State, Territory, or possession thereof, and shall assure that to the best of its knowledge there exists no error, misrepresentation in, or omission from any export declaration, bill of lading, affidavit, or other document which the licensee executes in connection with a shipment. A licensee who has reason to believe that its principal has not, with respect to a shipment to be handled by such licensee, complied with the laws of the United States or any State, Commonwealth or Territory thereof, or has made any error or misrepresentation in, or omission from, any export declaration, bill of lading, affidavit, or other paper which the principal executes in connection with such shipment, shall advise its principal promptly of the suspected noncompliance, error, misrepresentation or omission, and shall decline to participate in any transaction involving such document until the matter is properly and lawfully resolved.

(f) *Express written authority.* No licensee shall endorse or negotiate any draft, check, or warrant drawn to the order of its principal without the express written authority of such principal.

(g) *Receipt for cargo.* Each receipt issued for cargo by a licensee shall be clearly identified as "Receipt for Cargo" and be readily distinguishable from a bill of lading.

(h) *Invoices; list of charges; exceptions.*

(1) Each licensee shall use an invoice which lists separately for each shipment:

(i) The actual amount of ocean freight assessed by the oceangoing common carrier;

(ii) The actual amount of consular fees paid;

(iii) The insured value, the actual insurance rate, and the actual premium paid the insurance company for insurance arranged;

(iv) The actual cost to the licensee for each accessorial service arranged by the licensee to be performed by others in connection with the shipment; and,

(v) The total service fee charged by the licensee unless the licensee has a special contract arrangement with the principal.

(2) Exceptions:

(i) The licensee need not list separately its costs for services set forth under §§ 510.32(h)(1)(ii), 510.32(h)(1)(iii) and 510.32(h)(1)(iv) of this part if the licensee has provided its principal with a prior written quotation of total charges for shipment(s), a copy of which it retains in the shipment file, and has received written authorization from the principal to forward the shipment(s) for that total charge.

(ii) Licensees who offer to forward small shipments for uniform charges available to the public at large and duly filed with the Commission shall not be required to itemize the components of such uniform charges on shipments so long as the charges have been quoted in writing to the shipper prior to the time of shipment.

(iii) Licensees who maintain a uniform schedule of fees for placing insurance and for performing accessorial services (stated by dollar amount and/or percentage of markup) need not itemize the components of such charges in their invoices. Licensees who elect to maintain such uniform pricing schedules must make the current schedule and every superseded schedule available upon request, and shall not assess fees different from those specified in the effective schedule. Such a schedule shall be filed with the Commission, posted in a conspicuous place in the forwarder's office, and shall be mailed request to shippers.

(i) *Special contracts.* To the extent that special arrangements or contracts are entered into by a licensee, the licensee shall not deny equal terms to other shippers similarly situated.

(j) *Reduced forwarding fees.* Except as otherwise provided in this part, no licensee shall render, or offer to render, any forwarding service free of charge or at a reduced fee in consideration of receiving compensation from oceangoing common carriers on the relevant shipment or for any other reason.

(k) *Accounting to principal.* Each licensee shall account to its principal(s) for overpayments, adjustments of charges, reductions in rates, insurance refunds, insurance monies received for claims, proceeds of c.o.d. shipments, drafts, letters of credit, and any other sums due such principal(s). These sums shall be forwarded promptly to the principal or, with the principal's written consent, may be used to offset the licensee's outstanding receivables due from such principal.

§ 510.33 Forwarder and carrier; compensation.

(a) *Disclosure of principal.* No licensee, acting in the capacity of an independent ocean freight forwarder, shall identify itself as the shipper on the shipper identification line which appears above the cargo description data on the bill of lading. The actual shipper must always be disclosed thereon. The forwarder's name may appear *after* the name of the actual shipper but the forwarder must be identified as agent.

(b) *Certification required for compensation.* An oceangoing common carrier may pay compensation to a licensee pursuant to such carrier's tariff provisions. If the carrier's tariff so provides, such compensation shall be paid for any shipment forwarded on behalf of others when, and only when, such carrier is in possession of a certification in the form prescribed in § 510.33(c) of this part, and the actual shipper has been disclosed on the bill of lading as provided for in § 510.33(a) of this part. The oceangoing common carrier shall be entitled to rely on such certification unless it knows that the certification is incorrect, and shall retain such certification for a period of five (5) years.

(c) *Form of certification.* Prior to receipt of compensation, the licensee shall file with the carrier, in addition to the anti-rebate certification required by § 510.31(h) of this part, a signed certification as set forth below on one copy of the relevant ocean bill of lading which indicates performance of at least two of the listed services in addition to arranging for space:

The undersigned hereby certifies that it is the holder of valid FMC License No. ——, issued by the Federal Maritime Commission and has, in addition to soliciting and securing the cargo specified herein or booking or otherwise arranging for space for such cargo, performed at least two (2) of the following services, as indicated:

(1) Coordinated the movement of the cargo to shipside.

(2) Prepared and processed the ocean bill of lading.

(3) Prepared and processed dock receipts or delivery orders.

(4) Prepared and processed consular documents or export declarations.

(5) Paid the ocean freight charges.

A copy of such certificate shall be retained by the licensee pursuant to section 510.34 of this part.

(d) *Compensation pursuant to tariff provisions.* No licensee, or employee thereof, shall accept compensation from an oceangoing common carrier which is different than that specifically provided for in the carrier's effective tariff(s) lawfully on file with the Commission.

(e) *Compensation; services performed by underlying carrier; exemptions.* No licensee shall charge or collect compensation in the event the underlying oceangoing common carrier, or its agent, has, at the request of such licensee, performed any of the forwarding services set forth in § 510.2(h) of this part, unless no other licensee is willing and able to perform such services, or unless the Commission has granted a port-wide exemption from this rule to oceangoing common carriers or their agents in the port of loading. Such exemptions may be granted by the Commission upon (1) application of any licensed forwarder, (2) publication of notice of application for such exemption in the **Federal Register** with a twenty (20) day public comment period, and (3) a finding by the Commission that an insufficient supply of forwarding services is being offered by licensees domiciled at the port of loading. Exemptions shall remain in effect until rescinded by the Commission.

(f) *Duplicative compensation or brokerage.* Where an oceangoing common carrier has paid or has incurred an obligation to pay either brokerage to an ocean freight broker or compensation to a licensee, such carrier shall not be obligated to pay additional compensation to any other person for forwarding services rendered on behalf of the same cargo.

(g) *Licensed oceangoing common carriers; compensation.* An oceangoing common carrier, agent, or person related thereto, acting as an independent ocean freight forwarder, may collect compensation when, and only when, the following certification is made on the "line copy" of the underlying carrier's bill of lading, in addition to all other certifications required by this part:

The undersigned certified that neither it, nor any related person, has issued a bill of lading covering the ocean transportation of the shipment covered by this bill of lading or otherwise undertaken common carrier responsibility therefor.

Whenever a person acts in the capacity of an oceangoing common carrier or agent thereof as to any shipment, such person shall not be entitled to collect compensation nor shall any underlying carrier pay such compensation to such oceangoing common carrier or agent thereof for such shipment.

§ 510.34 Records required to be kept.

Each licensee shall maintain in an orderly and systematic manner, and keep current and correct, all records and books of account in connection with its business of forwarding. These records must be kept in the United States in such manner as to enable authorized Commission personnel to readily determine the licensee's cash position, accounts receivable and accounts payable, and to verify information submitted under § 510.35 of this part. The licensee must maintain the following records for a period of five years:

(a) *General financial data.* A current running account of all receipts and disbursements, accounts receivable and payable, and daily cash balances, supported by appropriate books of account, bank deposit slips, cancelled checks, and a monthly reconciliation of bank statements.

(b) *Types of services by shipment.* A separate file for each shipment which includes a copy of each document prepared, processed, or obtained by the licensee with respect to such shipment.

(c) *Receipts and disbursements by shipment.* A record of all sums received and/or disbursed by the licensee for services rendered and out-of-pocket expenses advanced in connection with each shipment, including specific dates and amounts.

(d) *Special contracts.* A true copy, or if oral, a true and complete memorandum, of every special arrangement or contract with a principal, or modification or cancellation thereof, to which it may be a party. Authorized Commission personnel and *bona fide* shippers shall have access to such records upon reasonable request.

(e) *Exempt non-exclusive cooperative working arrangements.* As provided in section 510.36(b) of this part.

§ 510.35 Reports required to be filed.

Each licensee shall file with the Commission information and reports as follows:

(a) *Samples of office stationery and invoice forms.* Within sixty (60) days after licensing or approval of a change in business name or organization.

(b) *Non-exempt section 15 agreements.* As provided in § 510.36 of this part.

(c) Anti-rebate certification. By March 1st of each year, the Chief Executive Officer of every licensee shall certify that it has a policy against rebates, that it has promulgated such policy to all appropriate individuals in the firm, that it has taken steps to prevent such illegal practices which measures must be fully described in detail, and, that it will cooperate with the Commission in any investigation of suspected rebates. This certification shall be in accordance with the following format:

(Name of Filing Firm)

Certification of Policies and Efforts to Combat Rebating in the Foreign Commerce of the United States

Pursuant to the provisions of section 21(b) of the Shipping Act, 1916, as amended, and Federal Maritime Commission regulations promulgated pursuant thereto, 46 CFR parts 510 and 552,

I, ————, Chief Executive Officer of (Name of firm), holder of valid, independent ocean freight forwarder license #————, state under oath that:

1. It is the policy of (name of firm) to prohibit the participation of said freight forwarder in the payment, solicitation, or receipt of any rebate, directly or indirectly, to or by any carrier or shipper, which is unlawful under the provisions of the Shipping Act of 1916, as amended.

2. Each owner, officer, employee and agent of (name of firm) was notified or reminded of this policy on or before ———— of the present year.

3. (Set forth the details of measures instituted within the filing firm or otherwise to prohibit participation in the payment of illegal rebates in the foreign commerce of the United States.)

4. (Name of firm) affirms that it will fully cooperate with the Commission in its investigation of suspected rebating in United States foreign trades.

————————

Signature

Subscribed to and sworn before me this —— day of ————, 19 ——.

Notary Public

§ 510.36 Section 15 Agreements.

(a) *Filing for approval.* A copy of each written agreement and a true and complete memorandum of each oral agreement between a licensee and any other licensee, common carrier, or other person subject to the Act, and modifications or cancellations thereof, must be filed with the Commission for approval in accordance with Part 522 of this Chapter, if they are subject to section 15 of the Act and have not been exempted from the requirements of that section. Such submissions shall clearly show the nature of the agreement, the parties thereto, the port(s) involved, and subject matter in detail, and shall refer to any previously filed agreements to which they may relate. Except as provided for in paragraph (b) of this section, no agreements, or modifications or cancellations thereof, shall be implemented without prior approval of the Commission.

(b) *Exemptions.* Nonexclusive cooperative working agreements between licensed independent ocean freight forwarders, which provide for the completion of documentation and performance of other forwarder services on behalf of the parties to the agreements, are exempt from the provisions of section 15 of the Act, and need not be filed with the Commission for approval, but shall be retained in the files of the licensees. Such agreements shall be in the following format:

NONEXCLUSIVE COOPERATIVE WORKING AGREEMENT

Parties to the agreement are:
(a) (Company name) ———— (Street address) ———— (City, State, Zip)
————
FMC No. ——
(b) (Company name) ———— (Street address) ———— (City, State, Zip)
————
FMC No. ——

Terms of the agreement:

1. This is a cooperative, nonexclusive working arrangement (exempted under 46 CFR 510.36(b)) in which either party may complete documentation and perform other freight forwarder functions on behalf of the other party. Either of the parties may engage or be engaged by other forwarder(s) under a similar nonexclusive working agreement or pursuant to an agreement approved by the Federal Maritime Commission under the provisions of section 15 of the Shipping Act, 1916, as amended.

2. Forwarding fees are to be divided between the parties as follows:

3. Ocean freight compensation is to be divided between the parties as follows:

4. This agreement shall not be terminated on less than 15 days' notice to the other party.

(Signature) (Official Title) ————
(Date) ————
(Type in company name) ————
(Signature) (Official Title) ————
(Date) ————
(Type in company name) ————

By the Commission.

Joseph Polking,

Acting Secretary.

[FR Doc. 81-13183 Filed 4-30-81; 8:45 am]

BILLING CODE 6730-01-M

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46 CFR Part 525

[Docket No. 80-82; General Order 44]

Exemption of Collective Bargaining Agreements From Filing and Approval Requirements; Removal

AGENCY: Federal Maritime Commission.

ACTION: Removal of exemption—final rule.

SUMMARY: The Commission's existing rule exempting collective bargaining agreements from the filing and approval requirements of section 15, Shipping Act, 1916, has been superseded by the Maritime Labor Agreements Act of 1980. The Commission's rule, 46 CFR Part 525, therefore is unnecessary and is removed by this action.

DATE: Effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573. (202) 523-5725

SUPPLEMENTARY INFORMATION: On December 23, 1980, the Commission gave Notice in the **Federal Register** (45 FR 84832) of its intention to revoke 46 CFR 525 (Commission General Order 44), providing for the exemption of collective bargaining agreements from the filing and approval requirements of section 15, Shipping Act, 1916, 46 U.S.C. 814. That Notice was prompted by the enactment of the Maritime Labor Agreements Act of 1980, Pub. L. 96-325, 94 Stat. 1021, which removes collective bargaining agreements from the requirements of section 15. The American Trucking Associations, Inc. (ATA) filed comments, which do not oppose the proposed revocation of 46 CFR 525, but rather focus on the scope of the Maritime Labor Agreements Act of 1980.

Generally, ATA points out that the Maritime Labor Agreements Act of 1980 does not affect the Commission's responsibility to ensure that carriers provide services and facilities, including access to and the use of containers, to all persons on a nondiscriminatory basis. The Commission does not disagree with this assessment but is of the view that it is not relevant to the matter at issue. The fact is that the types of agreements, *i.e.*, those arising from collective bargaining, which 46 CFR 525 exempts from regulation under section 15, have since been statutorily removed altogether from Commission jurisdiction under that section. It follows therefore that the administrative exemption provided by 46 CFR 525 is no longer necessary or appropriate.

PART 525—[REMOVED]

Therefore, it is ordered, That effective May 1, 1981, Part 525 of Title 46 of the Code of Federal Regulations is removed.

By the Commission.

(Secs. 15, 35 and 43; 46 U.S.C. 814, 833 and 841a)

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-13200 Filed 4-30-81; 8:45 am]

BILLING CODE 6730-01-M

Proposed Rules

Federal Register
Vol. 46, No. 84
Friday, May 1, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Petitions for Rulemaking; Issuance of Quarterly Report

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of quarterly report.

SUMMARY: The Nuclear Regulatory Commission has issued the March 31, 1981, Quarterly Report on Petitions for Rulemaking. This report is issued in accordance with 10 CFR 2.802 and is a quarterly summary of petitions for rulemaking that are pending final action.

ADDRESSES: A copy of this report, designated NRC Petitions for Rulemaking—March 31, 1981, is available for inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

Requests for single copies of this report, or a request to be placed on an automatic distribution list for single copies for future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, Telephone 301–492–7086.

Dated at Bethesda, Maryland, this 29th day of April, 1981.

For the Nuclear Regulatory Commission.

J. M. Felton,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 81-13288 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 210

[Docket No. R-0357]

Collection of Checks and Other Items and Transfer of Funds; Regulation J

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rules.

SUMMARY: The Board proposes to make several technical amendments to Subpart A of Regulation J, governing the collection of checks and other items by Reserve Banks, in order to implement the Monetary Control Act of 1980 and for other purposes. First, the proposal would define both a "sender" and a "bank" to include a depository institution as defined in section 19(b) of the Federal Reserve Act, as amended by the Monetary Control Act of 1980. Second, the proposal would impose upon a paying bank that returns an item an indemnity for loss or expense resulting from return of the item beyond the deadlines provided in the regulation. Third, the proposal would incorporate in Subpart A provisions for the collection of coupons and other securities similar to the provisions with respect to payment and return of cash items, other than the deadlines for payment and return. Fourth, the proposal would impose a warranty, and a related indemnity, upon a paying bank when it returns a cash item. The paying bank would warrant that it gave wire advice of nonpayment, if such wire advice was required by the Federal Reserve Bank operating circulars.

DATE: Comments must be received by June 19, 1981.

ADDRESS: Comments, which should refer to Docket No. R–0357, may be mailed to James McAfee, Assistant Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551, or delivered to Room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Lee S. Adams, Senior Counsel (202/452–3623), or Joseph R. Alexander, Attorney (202/452–2489), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The following technical amendments to Subpart A of Regulation J, governing the collection of checks and other items by Reserve Banks, are proposed by the Board to implement the Monetary Control Act of 1980 and as technical improvements to the regulation. The Monetary Control Act amendment would extend access to Reserve Bank collection services to all depository institutions on an equal basis. The technical proposals generally strengthen and clarify the protections provided by the regulation to the senders of items and enable sending banks to make credit more readily available for cash items and securities deposited by customers for collection. The proposals do not impose additional operating burdens on paying banks with respect to either cash or noncash items. The four proposals are further described as follows:

1. *Expanded Access to Collection Services.* The Monetary Control Act of 1980 (Pub. L. 96–221, Title I) expands access to Reserve Bank check collection, wire transfer and other services to all depository institutions and requires that charges be imposed for such services. Expanded access and pricing for wire transfers of funds, governed by Subpart B of Regulation J, became effective January 29, 1981; amendments to Subpart B of Regulation J were not necessary to implement this expanded service. It is intended that expanded access for Reserve Bank automated clearing house services will be covered by a uniform operating circular to be issued by the Reserve Banks.

Expanded access and pricing for cash and non cash item collection services are currently scheduled for August and October of 1981, respectively, and the proposed amendments to Subpart A of Regulation J are intended simply to implement this expanded access by broadening the definition of "sender" in Subpart A to include a "depository institution" as defined in section 19(b) of the Federal Reserve Act. Charges for collection services are being published separately.

The proposed amendments would also clarify that the term "bank" includes a depository institution as defined in

section 19(b). The Consumer Checking Account Equity Act of 1980 (Pub. L. 96–221, Title III) authorizes depository institutions (as defined in 12 U.S.C. 1832(b)) to offer NOW accounts and credit unions to offer share draft accounts beginning December 31, 1980. The Board believes depository institutions (including credit unions) should be considered "banks", at least to the extent they offer third-party payment accounts equivalent to checking accounts, for purposes of Article 4 of the Uniform Commercial Code ("UCC") and Subpart A of Regulation J. If a depository institution is not a "bank" for purposes of Article 4 of the UCC and Subpart A, it would not have deferred posting rights and would have to pay or return items by the close of business on the day of presentment.

2. *Late Return of Cash Items.* Section 210.9 of Regulation J now provides that a paying bank is accountable for the amount of the cash item for which it has made provisional payment unless it returns the item within a specified time, generally referred to as the midnight deadline. Section 210.12 now provides that a paying bank warrants to the Reserve Bank and all other prior parties in the chain of collection that the paying bank returned a cash item in timely fashion. Section 210.12 also provides that the paying bank indemnifies the Reserve Bank for any loss or expense sustained (including attorney's fees and expenses of litigation) resulting from a breach of this paying bank's warranty. The proposal would extend the benefit of the indemnity by the paying bank to the sender and all parties prior to the paying bank, and would thereby conform the scope of the indemnity to the scope of the warranty of timely return.

In 1975, the Reserve Banks included in their cash item operating circulars a procedure whereby a sender could challenge the timeliness of return of an item by a paying bank, and this procedure was recently revised. The current procedure provides for the issuance of a certificate by the sender alleging late return by the paying bank and for the giving of a provisional credit by the Reserve Bank to the sender on the basis of that certificate. The provisional credit will be revoked if a Reserve Bank received from the paying bank, within 15 days after having sent the sender's certificate to it, a certificate by the paying bank that it did all that was necessary to return the item in a timely manner under Regulation J. Despite this procedure, sending banks continue to complain that paying banks sometimes return items in an untimely manner. Sending banks also complain that it is not financially feasible to bring suit in a distant jurisdiction against the paying bank on the basis of an alleged untimely return, particularly where the amount of the item is rather small. The Board believes that if senders are indemnified by paying banks for attorneys' fees and expenses of successful litigation, they may be encouraged to enforce the timely return requirements, and payors might be less willing to assume the business risk of returning items late and breaching their warranty.

The Board also believes that this amendment and the recently revised procedure in the operating letters should enhance the ability of senders to rely upon returns being made within certain periods of time, depending upon the location of the paying bank with respect to the sender, and accordingly should permit senders to shorten the time by which they defer credit to their customers for items deposited. The regulatory provisions of course only apply to items handled by Reserve Banks.

3. *Handling of Coupons and Other Securities by Reserve Banks as Noncash Items.* In 1975, the Reserve Banks implemented the first phase of a reformation of their noncash collection operations by refusing to handle many noncash items other than securities (such as drafts drawn upon nonbank payors), and by requiring that coupons be enclosed in window envelopes for handling on a "said to contain" basis without examination of the coupons by the Reserve Banks. On October 1, 1979, the Reserve Banks implemented "cash" treatment of coupons and certain other securities by granting credit for these securities according to an availability schedule, subject to receipt of final payment from the payor. Thereafter, the Reserve Banks implemented automatic charge arrangements with payors, whereby the payors pay for such securities through a charge to an account on the Reserve Bank's books. These changes have resulted in the narrowing of differences between Reserve Bank handling of cash items (such as checks) and securities, which are classified as noncash items because they require special handling. For example, coupons and certain other securities, like cash items, now have credit given for them according to an availability schedule, rather than upon receipt of final payment as was formerly the case. In addition, these securities are now paid under automatic charge agreements, like cash items.

Because of the erosion of differences between cash items and security noncash items, the Board is proposing certain amendments to its Subpart A of Regulation J to parallel, with respect to securities, the provisions relating to payment and return of cash items. For example, it is proposed to amend § 210.9 to impose accountability upon the payor of a security for securities received by it unless it pays or returns the security within a stated deadline. The deadline for payment and return of securities, previously specified in Reserve Bank operating letters, has been the banking day following either the day of maturity of the security or the day on which the payor receives the security, whichever is later. This deadline is not changed and is carried over into the regulation. Similarly, § 210.12 is proposed to be amended to specify that the security must be returned by the payor prior to this deadline in order to avoid accountability and to recover any payment that may have been made under an automatic charge agreement. In addition, § 210.12 would be amended to provide that a Reserve Bank has no responsibility for determining whether a payor returned a security in timely fashion. The regulation would not specify the availability schedule for credit to sending banks for securities deposited for collection. Such availability schedules would continue to be found in the Reserve Bank operating letters as in the case of cash items. The Board believes that the proposed amendments are necessary in order to more clearly reflect the new operational reality. In addition the provisions would underline the responsibility of payors to pay or return within the specified deadline, and would provide for automatic charge as the expected means of payment by all payors of securities.

4. *Wire Advice of Nonpayment for Cash Items.* Currently, the Reserve Bank cash item operating letters, with certain exceptions, impose a uniform instruction calling for wire advice of nonpayment of cash items being returned for credit if the cash item is $2,500 or more. The wire advice requirement is intended to speed up the notice of dishonor or nonpayment to the sender of the cash item, and is an additional requirement imposed upon the paying bank. The circulars do not make the paying bank accountable if wire advice is not given, and the courts (see *Bank of Wyandotte* v. *Woodrow*, 394 F. Supp. 550 (W.D. Mo. (1975)), have generally held that if wire advice is not given, damages may be recovered by the sender only if the damages would have been averted if wire advice had been given. With faster clearing by Reserve

Banks, the return item itself sometimes is received by the sender as soon as the wire advice is or would have been received, and as a result, a recent Bank Administration Institute report indicates that the giving of wire advice has declined to the point where paying banks give wire advice perhaps less than 50 percent of the time it is required. As is the case with monitoring timely return of cash items by paying banks, the Reserve Banks disclaim any responsibility for determining whether a paying bank has given wire advice of nonpayment, and the Reserve Banks give wire advice themselves only if they receive it from a paying bank.

The Board believes that it is important to encourage prompt notice to the sending bank of a return of a cash item. If the sending bank can be assured of obtaining prompt notice of nonpayment, it will be encouraged to shorten the time it defers credit to its customers for items deposited for collection. On the other hand, the Board believes that it is not feasible at this time to require paying banks to initiate wire advice directly to the depositing bank, or to require expedited handling of wire advice of nonpayment by banks in the collection chain. However, the Board does believe that paying banks should be encouraged to initiate wire advice, since the item itself may be delayed in return. Accordingly, the Board proposes to impose upon the paying bank a warranty that it has given wire advice when required, and an indemnity to the parties prior to the paying bank for loss and expense (including attorneys' fees and expenses of litigation) resulting from breach of this warranty by the paying bank. If this proposal is adopted, the Reserve Banks intend to modify their operating circulars to raise the minimum amount of a cash item for which advice is required from $2,500 to $5,000.

Regulatory Flexibility Act Analysis

The Board has considered the requirements imposed by the Regulatory Flexibility Act with respect to the impact of the rulemaking on small financial institutions. Due to the nature of Regulation J, the Board does not feel it could differentiate between large and small institutions in the regulation. Regulation J is an operating rule which governs the relationship between Reserve Banks and depository institutions utilizing Federal Reserve check collection and wire transfer services. The collection activities of the Reserve Banks closely resemble those of correspondent commercial banks. While Article 4 of the Uniform Commercial Code governs the rights and obligations of commercial banks handling items for collection, Regulation J both supplements and restricts the operation of Article 4 in defining the relationships, rights, and obligations of the Reserve Banks with respect to senders, paying banks, nonbank payors and other organizations involved in the Federal Reserve collection process. Thus, the UCC and Regulation J are closely intertwined. Section 4–103(3) of the UCC gives contractual effect to the provisions of Regulation J and Reserve Bank operating circulars. Similarly, Regulation J contains provisions incorporating applicable State law, which in all States is the UCC. One of the central purposes of these bodies of law is to develop a uniform set of rules that institutions can rely upon with some degree of certainty as they exchange and collect commercial instruments, and the Board does not feel it can inject into this structure distinctions based upon the size of an entity. In addition, the amended rule will not impose additional reporting, recordkeeping, or other compliance burdens on such small businesses, and consequently the Board need not consider alternatives to the rule that would minimize its impact on small businesses. Where possible, the Federal Reserve intends to reduce operational burdens on all sizes of institutions. For example, if the amendment regarding wire advice of nonpayment is adopted by the Board, the Reserve Banks intend to modify their operationing circulars to raise the minimum amount of a cash item for which advice is required in order to reduce the number of items to which the proposed amendment will apply. Finally, no other Federal regulations duplicate, overlap, or conflict with the proposed amended Regulation J.

Pursuant to its authority under section 13 of the Federal Reserve Act, as amended (12 U.S.C. 342); section 16 of the Federal Reserve Act (12 U.S.C. 248(o); 12 U.S.C. 360); and section 11(i) of the Federal Reserve Act (12 U.S.C. 248(i)), the Board proposes to amend Regulation J (12 CFR 210) as follows:

1. In § 210.2, new paragraphs (b) and (k) are added and existing paragraphs (b) through (k) are revised and redesignated paragraphs (c) through (m), and reads as follows:

§ 210.2 Definitions.

As used in this subpart, unless the context otherwise requires:

* * * * *

(b) "Bank" includes a depository institution as defined in section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)).

(c) "Bank draft" means a check drawn by one bank on another bank.

(d) "Banking day" means a day during which a bank is open to the public for carrying on substantially all of its banking functions, and, with respect to a nonbank payor, means a business day.

(e) "Cash item" means:

(1) A check other than one classified as a noncash item under this section; or

(2) Any other item payable on demand and collectible at par that the Reserve Bank of the District in which the item is payable is willing to accept as a cash item.

(f) "Check" means a draft, as defined in the Uniform Commercial Code, that is drawn on a bank and payable on demand.

(g) "Item" means an instrument for the payment of money, whether negotiable or not, that is:

(1) Payable in a Federal Reserve District [1] ("District");

(2) Sent by a sender to a Reserve Bank for handling under this subpart; and

(3) Collectible in funds acceptable to the Reserve Bank of the District in which the instrument is payable.

Unless otherwise indicated, "item" includes both cash and noncash items. "Item" does not include a check that cannot be collected at par,[2] or an "item" as defined in § 210.26 that is handled under Subpart B.

(h) "Nonbank payor" means a payor of an item, other than a bank.

(i) "Noncash item" means an item that a receiving Reserve Bank classifies in its operating circulars as requiring special handling. The term also means an item normally received as a cash item if a Reserve Bank decides that special conditions require that it handle the item as a noncash item.

(j) "Paying bank" means:

(1) The bank by which an item is payable, unless the item is payable or collectible through another bank and is sent to the other bank for payment or collection; or

(2) The bank through which an item is payable or collectible and to which it is sent for payment or collection.

(k) "Security" means a bond, debenture, coupon, or similar evidence of indebtedness, that a Reserve Bank classifies as a noncash item. Security does not include an obligation of the United States or of its agencies or instrumentalities, or an obligation of an international organization paid by a Reserve Bank as fiscal agent.

(l) "Sender" means any of the following that sends an item to a Reserve Bank: a depository institution, a clearing institution, another Reserve Bank, an international organization, a foreign correspondent, or a branch or agency of a foreign bank maintaining reserves under section 7 of the

[1] For purposes of this subpart, the Virgin Islands and Puerto Rico are deemed to be in the Second District, and Guam and American Samoa in the Twelfth District.

[2] The Board publishes a "Memorandum on Exchange Charges," listing the banks that would impose exchange charges on cash items and other checks forwarded by Reserve Banks and therefore would not pay at par.

International Banking Act of 1978. (12 U.S.C. 347d and 3105).

(1) "Depository institution" means a depository institution as defined in section 19(b) of the Federal Reserve Act. (12 U.S.C. 461(b))

(2) "Clearing institution" means:

(i) An institution that is not a depository institution, but maintains with a Reserve Bank the balance referred to in the first paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 342); or

(ii) A corporation that maintains an account with a Reserve Bank in conformity with § 211.4 of this Chapter (Regulation K).

(3) "International Organization" means an international organization for which a Reserve Bank is empowered to act as depositary or fiscal agent and maintains an account.

(4) "Foreign correspondent" means any of the following for which a Reserve Bank maintains an account: a foreign bank or banker, a foreign state as defined in section 25(b) of the Federal Reserve Act (12 U.S.C. 632), or a foreign correspondent or agency referred to in section 14(e) of that Act (12 U.S.C. 358).

(m) "State" means a State of the United States, the District of Columbia, Puerto Rico, or a territory, a possession, or dependency of the United States.

2. In § 210.9, new paragraph (b) is added and paragraphs (c) through (f) are redesignated and revised as follows:

§ 210.9 Payment.

* * * * *

(b) *Noncash Items-Securities*—A paying bank or nonbank payor becomes accountable for the amount of a security, received directly or indirectly from a Reserve Bank, at the close of the paying bank's or nonbank payor's banking day next following either the day of maturity or the banking day on which it received the security, whichever is later, if it retains the security after the close of that banking day, unless, prior to that time, it pays for the security by:

(1) Debit to an account on the Reserve Bank's books;

(2) Cash; or

(3) In the discretion of the Reserve Bank, any other form of payment.

The proceeds of any payment shall be available to the Reserve Bank by the close of the Reserve Bank's banking day. If the day for payment is not a banking day for the Reserve Bank, payment shall be made on the next day that is a banking day for both the Reserve Bank and the paying bank or nonbank payor.

(c) *Other noncash items.* A Reserve Bank may require the paying or collecting bank to which it has presented or sent a noncash item, other than a security, to pay for the item in cash, but the Reserve Bank may permit payment by a debit to an account on the Reserve Bank's books or by any of the following that is in a form acceptable to the Reserve Bank: bank draft, transfer of funds or bank credit, or any other form of payment authorized by State law.

(d) *Nonbank payor.* A Reserve Bank may require a nonbank payor to which it has presented an item, other than a security, to pay for it in cash, but the Reserve Bank may permit payment in any of the following that is in a form acceptable to the Reserve Bank: cashier's check, certified check or other bank draft or obligation.

(e) *Handling of payment.* A Reserve Bank may handle a bank draft or other form of payment it receives in payment of a cash item as a cash item. A Reserve Bank may handle a bank draft or other form of payment it receives in payment of a noncash item as either a cash item or a noncash item.

(f) *Liability of Reserve Bank.* A Reserve Bank shall not be liable for the failure of a collecting bank, paying bank, or nonbank payor to pay for an item, or for any loss resulting from the Reserve Bank's acceptance of any form of payment other than cash authorized in paragraphs (a), (b), (c), and (d) of this section. A Reserve Bank that acts in good faith and exercises ordinary care shall not be liable for the nonpayment of, or failure to realize upon, a bank draft or other form of payment that it accepts under paragraphs (a), (b), (c), and (d).

3. Section 210.12 is revised to read as follows:

§ 210.12 Return of items.

(a) *Recovery of payment for cash items.* A paying bank that receives a cash item directly or indirectly from a Reserve Bank, other than for immediate payment over the counter, and that pays for the item as provided in § 210.9(a) of this subpart, may recover the payment if, before it has finally paid the item, it:

(1) Returns the item before midnight of its next banking day following the banking day of receipt; or

(2) Takes any other action to recover the payment within the times and by the means provided by State law.

(b) *Return of securities.* A paying bank or nonbank payor that receives a security directly or indirectly from a Reserve Bank may return the security, and recover any payment it has made for the item, if it returns the item before the close of the paying bank's or nonbank payor's banking day next following either the day of maturity or the banking day on which it received the security, whichever is later.

(c) *Time for return.* The rules or practices of a clearinghouse through which the item was presented, or a special collection agreement under which the item was presented, may not extend the return times in paragraphs (a) and (b), but may provide for a shorter return time.

(d) *A paying bank's or nonbank payor's warranties and agreement.* A paying bank or nonbank payor that obtains a credit or refund for the amount of a payment it has made for a cash item or that returns a security:

(1) Warrants to the Reserve Bank, a subsequent collecting bank, and the sender and all prior parties, that it took all action necessary to entitle it to recover its payment or to return the security within the time limits of: (i) This subpart; (ii) for a cash item, State law, unless a longer time is afforded by this subpart; (iii) the rules or practices of any clearinghouse through which the item was presented; and (iv) any special collection agreement under which the item was presented;

(2) Warrants to the Reserve Bank, a subsequent collecting bank, and the sender and all prior parties, that it gave timely any wire advice of nonpayment required by the Reserve Bank's operating circular; and

(3) Agrees to indemnify the Reserve Bank, a subsequent collecting bank, and the sender and all prior parties, for any loss or expense sustained (including attorneys' fees and expenses of litigation) resulting from any breach of the warranty in § 210.12(d) (1) or (2).

A Reserve Bank shall not have any responsibility for determining whether the action taken by a paying bank or nonbank payor to return an item was timely, or whether wire advice of nonpayment was given by a paying bank.

By order of the Board of Governors, April 24, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-13285 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 545, 563, 571

[No. 81-207]

Futures Transactions

April 23, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Board proposes to amend its regulation and policy statement governing use of the interest-rate futures markets by institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, so that institutions may protect more effectively their operations against interest-rate risks. Major proposed changes include permitting use of Treasury securities futures contracts, eliminating eligibility requirements for engaging in futures transactions, reducing current limitations on investments in futures transactions, and extending coverage of the regulations governing futures transactions to state-chartered institutions as well as Federal associations.

DATE: Comments must be received by: May 29, 1981.

ADDRESS: Send comments to Information services, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION, CONTACT: Susan Kelsey, Office of Policy and Economic Research (202–377–6914), Robert Losey, Federal Savings and Loan Insurance Corporation (202–377–6620), or Peter Barnett, Office of General Counsel (202–377–6445), at the above address.

SUPPLEMENTARY INFORMATION:

Background

In October, 1975, the Chicago Board of Trade initiated an interest-rate futures market with trading in GNMA interest-rate futures contracts. The interest-rate futures market provides corporations, thrift institutions, banks, mortgage bankers, debt instrument dealers and institutional investors with the ability to hedge against unanticipated adverse movements in interest rates.

In June of 1976, the Board authorized Federal savings and loan associations to engage in Government National Mortgage Association ("GNMA") futures transactions to hedge mortgage and mortgage-related security commitments and in connection with anticipated reinvestment of expected mortgage cash flow. The GNMA futures market developed rapidly, and the national commodities exchanges have expanded the interest-rate futures markets to encompass several other financial instruments as well, including U.S. Department of Treasury bills, notes and bonds.

The interest-rate futures market provides an opportunity for users to hedge against the risks of unanticipated movements of interest rates. An interest-rate futures contract is an agreement to buy or sell a specified amount of a particular interest-bearing instrument at a specified price and date in the future. Futures contracts allow a hedger to take a position in the futures market which is equal and opposite to a position taken in the "cash" market so that losses in one will be offset approximately by gains in the other regardless of the direction in which rates move. This can be of particular value to thrift institutions whose earnings have become increasingly vulnerable to high and volatile interest rates.

The primary interest-rate risk to thrift institutions arises from the fact that they generally borrow short and lend long. In periods of rising interest rates, rates paid on short-term liabilities rise faster than the yield on long-term assets, thus causing a decline in profitability. In the long run, asset yields adjust upwards to restore normal profitability, but that process may take a number of years.

Since the mid-1960's, interest rates have fluctuated widely, making the savings and loan industry subject to periodic outflows of funds, known as disintermediation, and declines in earnings when interest rates are high. Recently, disintermediation-related problems have been offset to some degree by the introduction of liabilities sensitive to market rates of interest, such as savings certificates indexed to U.S. Department of Treasury securities (the 6-month money market certificate (MMC) and 30-month small saver certificate (SSC)), but savings and loans are still subject to very substantial swings in profits as a result of having predominantly fixed-yield assets with long average maturities and liabilities sensitive to market rates of interest with short maturities.

The Board has attempted to provide savings and loans with the ability to mitigate such profitability declines by expanding asset powers to include short term assets such as consumer loans and by authorizing mortgage instruments with adjustable interest rates. However, because interest rates on consumer loans historically are slow to adjust to changes in money market rates of interest and the accumulation of adjustable-rate mortgage portfolios will require some time, the savings and loan industry remains subject to the consequences of volatile interest rates.

Hedging with interest-rate futures contracts can be used to lower the vulnerability of savings and loans to narrowing asset yield/liability cost spreads. These hedging activities, which would allow savings and loans to lower their risk exposure, are now either prohibited or severely restricted by Board regulations. However, proper use of such contracts can achieve a number of desirable results, most notably:

(1) Lowering the risk of forward commitments (e.g., to purchase mortgage-related securities or loan commitments to builders) by assuring offsetting compensation when the securities or loans are below market rate at settlement. (In effect, a hedge transaction can assure that a fixed-rate forward commitment yields approximately a market rate of return upon settlement, even if interest rates have risen in the interim);

(2) Locking in sources of financing sensitive to market rates of interest (such as MMCs and SSCs) at known rates so as to decrease the risk involved in making long-term loans and forward commitments; and

(3) Diminishing the adverse effects of decreasing asset yield/liability cost spreads resulting from increases in interest rates on liabilities relative to the yields on assets.

For example, an institution could take a "short" position in the GNMA futures market (sell a GNMA futures contract) to hedge against the risk of rising interest rates on forward commitments to originate mortgages or purchase mortgage-related securities. If interest rates increase, the gain on the futures market contract should offset approximately the loss incurred on the underlying cash market transaction at settlement. (Of course, a decline in interest rates will cause a loss on the futures market transaction, but it should be offset approximately by the gain on the cash market transaction.) A short position on the GNMA futures market could also be used to offset declines in the value of mortgages in portfolio and thus enable a savings and loan to sell them without incurring significant net losses, or to retain mortgages, with the gains and losses from the short sales having the effect of converting fixed-rate mortgages into floating-rate mortgages. As another example, short Treasury bill futures positions can be used to lock in the cost of liabilities such as MMCs thereby assuring a spread between asset yields and liability costs. Lastly, rather than hedging specific transactions, an association might hedge the net interest-rate risk exposure arising from the maturity imbalance between its assets and liabilities. To do this, the association would determine the gap between the maturities of its assets and liabilities and would establish a short futures position in GNMA or Treasury bond futures contracts to offset

fluctuations in profitability caused by fluctuations in market interest rates.

Although interest-rate futures contracts can be used to reduce interest-rate risk and profit volatility, there are costs associated with futures trading as well as potential losses. For example, an institution intending to engage in a hedging program using the futures markets must give careful consideration to potential basis risk, that is, the risk that the difference between cash market and futures market prices will be larger than anticipated and will result in an imperfect offset between gains or losses in an institution's operations and its futures transactions. The depth of the futures markets being made use of, transactions costs, and the availability of assets for meeting margin requirements must also be considered. No institution should engage in futures hedging without a careful assessment of the interest-rate risk it is hedging against, how the futures market can be used most efficiently to counter this risk, and these other factors.

In light of the expanded trading in interest-rate futures and the increased need for hedging arising from the volatility of interest rates, the Board proposes to revise its regulations governing interest-rate futures transactions. The changes proposed are described below.

Proposed Amendments

Elimination of Eligibility Requirements. The current regulations require that an institution meet the following requirements, unless waived gy the Board, before it may engage in futures transactions:

(1) The net-worth requirements of 12 CFR § 563.13(b);

(2) A ratio of scheduled items to assets not exceeding 2.5 percent; and

(3) Appraised losses offset by specific loss reserves to the extent required under 12 CFR § 563.17–2.

The Board proposes to eliminate threshhold eligibility requirements. These requirements were imposed at a time when the futures market in interest rates had been recently established, and its consequences for savings and loans were uncertain. While institutions must still meet net worth and specific loss reserve requirements as required pursuant to §§ 563.13(b) and 563.17–2, it is no longer necessary to specify these requirements and to require a low scheduled-items ratio for an institution to engage in legitimate hedging activities. Limiting futures transactions to legitimate hedging provides the assurance of safe and sound operations intended by the eligibility requirements. In addition, lifting the requirements would be in keeping with the liberalization embodied in the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. No. 96–221, 94 Stat. 132, and the Board's recent regulatory actions. Finally, institutions most in need of the interest-rate risk protection afforded by the futures market could be precluded from engaging in futures transactions by the eligibility requirements of the current regulation.

Board of Directors' Authorization. Although there are significant benefits to be gained from proper use of the future markets, losses are also possible, and there may be a strong temptation to speculate by those who feel they can anticipate interest-rate movements. Since futures trading is complex and sophisticated, and a thorough analysis of an institution's interest-rate risks and identification of a hedging strategy is necessary to assure the most effective use of the futures market, the Board is proposing to require specific authorization from the board of directors before an institution engages in futures transactions. A requirement of written policies endorsed by the board of directors should assure knowledgeable and reasoned entry into futures trading and also provide examiners with a measure against which to assess an institution's futures activity. The Board believes it to be essential that a hedging strategy that relates futures activity to the legitimate business of the institution be formulated and endorsed at the highest levels of management. Accordingly, the proposal would require that an institution's board of directors adopt written policies and procedures with respect to its hedging activities, including internal control mechanisms, and specify the personnel authorized to engage in futures trading, along with their duties and responsibilities, and position limits that may not be exceeded.

Recordkeeping Requirements. In order to provide examiners with a basis for evaluating futures transactions, the proposal would specify the recordkeeping requirements for an insured institution engaging in interest-rate futures transactions. These include: (1) a register of all outstanding futures contracts; (2) a record of each futures contract outstanding, the purpose for which the contract was entered into, and the cash market transaction(s) or position(s) against which it is matched; and (3) retention of the records specified in (1) and (2) for all closed-out futures transactions for a period of two years. With the exception of the specified retention period, these requirements are substantially the same as the existing regulation.

Authorized Transactions and Position Limit. The current regulations provide that savings and loans may engage only in GNMA futures transactions and limit permissible transactions to those which can be directly matched against: (1) firm commitments, which are defined as commitments to make, purchase, issue or deliver mortgage loans or mortgage-related securities; or (2) anticipated reinvestments in mortgages and mortgage-related securities of expected repayments (including mortgage principal and interest but excluding prepayments and penalties) over the forthcoming 12-month period. An institution's gross position (the arithmetic sum of all of its futures contracts) may not exceed net worth.

The proposal would revise the trading authority and position limit in a number of ways. First, the Board proposes to prohibit "long" futures positions (futures contracts to take delivery of securities). The long futures position is an inherently speculative position for savings and loans due to their asset/liability structure. Because the asset/liability maturity imbalance of institutions is an inherent long position, increases in open market interest rates cause declines in profitability just as such interest-rate increases cause losses on long positions in the futures market. If an institution were to take a long position in the futures market, fluctuations in open market interest rates would intensify the already substantial profit volatility of the institution. Increases in interest rates would cause futures market losses on long positions in addition to the declines in profitability the institution would suffer from its normal operations. While a long position in the futures market may be a legitimate hedge for some firms, it is necessarily a speculative position for savings and loans.

The prohibition of long positions would preclude the use of the so-called anticipatory cash flow "hedge." The cash flow hedge is a long position taken to lock in the yield on an asset to be acquired in the future through the reinvestment of the institution's anticipated cash flow. However, while this hedge does lock in the yield on the asset, it does not lock in the cost of the deposit liability that will support that asset. Since an asset/liability spread is not guaranteed, the so-called cash flow hedge is not really a hedge at all; it is a speculative position. Accordingly, the Board proposes to prohibit such futures transactions.

The proposed prohibition of long positions is based on the overall risk-exposure position of institutions. While long positions legitimately may reduce the riskiness of specifics transactions such as fixed-rate commitments to sell securities, the Board believes that the proper context for evaluating the desirability of long positions is the effect of those positions on the overall risk exposure of an institution. As long as savings and loans have a substantial maturity imbalance of long-term assets and short-term liabilities, the Board believes that long positions will increase the overall risk exposure of institutions and thus should be prohibited.

Secondly, the Board proposes to authorize additional types of hedging transactions and to authorize use of additional futures contracts. Excluding the positions discussed above, the only other permitted futures transaction under the current regulation is matching a futures contract against a firm commitment to make, purchase or issue mortgages or mortgage-related securities. However, futures contracts can be used to hedge the interest-rate risks of associations in a number of other ways. For example, short futures positions can be used to:

(a) protect the value of mortgages in portfolio against rising rates;

(b) fix liability costs and assure a spread between interest-sensitive liability costs and fixed-rate asset yields; and

(c) hedge against the net interest-rate risk exposure associated with mismatches between asset and liability maturities.

To permit these other types of hedges, the Board is proposing to allow use of Treasury bill, Treasury note and Treasury bond futures contracts by institutions in addition to GNMA futures contracts and to eliminate the requirement that futures positions be "directly matched against an association's firm commitments, or against anticipated reinvestments in mortgages and mortgage related securities of its expected repayments over the forthcoming 12-month period." These actions would permit the types of hedging described above. The Board seeks comments on the appropriateness of the proposed contracts and whether additional futures contracts should be authorized.

Thirdly, to permit institutions to have greater flexibility in hedging operations, the Board proposes to revise the current position limit, which restricts an association's gross futures position to its net worth. The Board is proposing to permit institutions to engage in futures transactions up to a limit of 85 percent of assets on open futures positions. Because assets not held for investment (e.g., buildings and equipment) and investments not subject to interest-rate risk (e.g., commercial real estate loans indexed to the prime rate) do not need to be hedged, the proposed limit should allow an institution to hedge its interest-rate risk exposure fully. It should be noted that the position limit does not prevent an institution from entering into offsetting futures contracts to close out open positions. In addition, if an institution enters into a so-called "strip" of futures contracts as part of a single hedging transaction, only one contract of the strip of contracts will be counted against the position limit. A strip is a series of successively maturing futures contracts in which the maturity date of a given contract in the series is approximately the same as the delivery date of the underlying securities of the previous futures contract in the series.

The Board is interested in comments on alternative means of imposing position limits. For example, other Federal financial institutions regulators which have issued policy statements on futures trading do no impose a position limit; rather, the individual institution's boards of directors are responsible for imposing position limits on futures activities. Another alternative would be to allow hedging of a particular type up to the amount of the category of assets or liabilities being hedged.

It should be noted that these possible alternatives all are intended by the Board to allow institutions maximum flexibility within the constraints imposed by safety and soundness considerations. Associations entering into hedging operations, however, should always consider the effect of individual transactions on their net interest-rate risk exposure and avoid superfluous hedging transactions.

Accounting. There is currently no single recognized accounting treatment for futures transactions. While the American Institute of Certified Public Accountants and the Financial Accounting Standards Board are in the process of considering the adoption of guidelines in this area, it is unlikely that a definitive statement will be forthcoming in the near future. In light of the expanded futures trading proposed to be authorized and the importance of the manner in which futures transactions are accounted for in terms of their impact on institution profitability, the Board believes that it is necessary to establish its own accounting rules to be used by insured institutions engaging in futures transactions. Accordingly, certain basic principles are included in the proposed regulation.

The accounting treatment proposed is hedge or deferral accounting as opposed to the mark-to-market accounting technique provided by other Federal financial institutions regulators. The basic intent of the hedging proposed to be authorized by the Board is to offset the adverse impact of unexpected increases in interest rates and reduce attendant profit variability. Hedge accounting recognizes and reflects this basic intent by relating the accounting for the futures transaction to the accounting for the cash market transaction or position being hedged. Mark-to-market accounting of the futures transaction, on the other hand, results in accounting assymetry when the hedged transaction or position is not also marked to market, distorts financial statements, and increases profit volitility. Other Federal financial institutions regulators have provided for mark-to-market accounting primarily to prevent abuses with long futures transactions. Because the Board is proposing to prohibit long positions altogether, mark-to-market accounting is not needed to prevent potential abuses.

Accordingly, the Board proposes to allow institutions to utilize hedge accounting on their futures transactions. Thus, for futures contracts entered into to hedge specific cash market transactions, e.g., to hedge forward commitments, to fix interest costs on specified liabilities, or to enhance liquidity of existing portfolio positions, where the hedged asset or liability is carried at cost, gains or losses on the futures contracts may be deferred and included in the accounting for the hedged cash market transaction rather than recognized immediately.

For a futures position used to hedge the net interest-rate risk exposure arising from the maturity imbalance between assets and liabilities, the futures market gains and losses would be deferred and amortized over the shorter of the expected life of an institution's assets, typically about ten years, or the period remaining to the maturity date of the security which is the subject of the futures position. The amortization schedule should be constructed to offset the anticipated effect of interest rate fluctuations on an institution's profitability. For typical institutions, a sum-of-the-digits method could be used as an approximation of such an amortization schedule.

The Board particularly solicits comments on the appropriateness of the accounting treatment proposed. It also requests comments on whether the

Board should permit an institution to choose to use a mark-to-market or deferral basis for accounting for its futures transactions and how the Board could structure and monitor such an option to assure that an institution maintained consistency in its accounting treatment.

Application to All Insured Institutions. The Board's existing regulation governing mortgage-futures transactions applies only to Federal associations. By a separate policy statement (12 CFR 571.12), the Board has urged all insured institutions to comply with the requirements applicable to Federal associations.

As a result of the growth in the volume of interest-rate futures transactions by insured institutions, the expansion of the types of instruments traded, and the increased interest-rate risk faced by all insured institutions, the Board proposes to apply the regulation governing interest-rate futures transactions directly to all insured institutions. While the legal authority of state-chartered institutions to engage in the interest-rate futures transactions may be derived from State law, the Board, through the Federal Savings and Loan Insurance Corporation, has the authority to promulgate rules and regulations for insured institutions to assure that all insured institutions have safe financial policies and management. The Board proposes to apply its regulation governing interest-rate futures transactions to all insured institutions to assure that such transactions are used to reduce the risk to insured institutions from interest-rate movements and to provide uniformity in examination and enforcement for all insured institutions.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980), the Board is providing the following regulatory flexibility analysis.

1. *Reasons, objective, and legal basis underlying the proposed rule.* These elements have been incorporated elsewhere into the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule will apply.* The proposed rule will apply only to institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

3. *Impact of the proposed rules on small institutions.* The proposal permits institutions to expand interest-rate futures activities regardless of size and imposes reporting, recordkeeping and other regulatory requirements uniformly based upon the extent of futures activity. To the extent that small institutions effectively hedge interest-rate risk by using futures market transactions, the proposal would benefit their operations. These benefits and attendant risks have been discussed elsewhere in the supplementary information regarding the proposal. There is no disproportionate effect on small institutions.

4. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap or conflict with the proposal.

5. *Alternatives to the proposed rules.* The basic regulatory requirements included in the proposal are limitations on the types of futures transactions permitted, a written hedging policy endorsed by the institution's board of directors, maintenance of a register documenting futures transactions and their purpose, establishment of internal control mechanisms, and providing quarterly notice to the District Director—Examinations. A limitation on transactions, internal control procedures and monitoring by the supervisory staff are minimally necessary requirements to ensure that futures trading is undertaken in a safe and sound manner and that losses which an institution might incur are limited. It would not be possible to eliminate or modify these requirements for smaller entities and still expect them to engage in futures trading in a reasonable manner.

Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80-584 (September 11, 1980) have been incorporated into the supplementary information regarding the proposal.

Because there is a present need to afford institutions greater protection against volatile interest rates and because the proposal largely reduces regulatory burdens, the Board is limiting the comment period to 30 days.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Parts 545, 563 and 571, Subchapters C and D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Revise § 545.29 to read as follows:

§ 545.29 Interest-rate futures transactions.

A Federal association may engage in interest rate futures transactions provided that such transactions are in compliance with § 563.17-4 of this Chapter.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

2. Amend Part 563 by adding a new § 563.17-4, to read as follows:

§ 563.17-4 Futures transactions.

(a) *Definitions.* As used in this section, the following definitions apply unless the context otherwise requires:

(1) *Forward commitment.* A written commitment to make, purchase or issue mortgage loans or mortgage-related securities at a price and on or before a date specified in the commitment.

(2) *GNMA futures contract.* An interest-rate futures contract to receive or deliver GNMA-guaranteed mortgage-backed securities.

(3) *Interest-rate futures contract.* A transferable agreement to make or take delivery of a standardized amount of an interest-bearing security, of standardized minimum quality grade, during a month specified in the agreement, under terms and conditions established by an exchange designated and regulated by the Commodity Futures Trading Commission.

(4) *Interest-rate futures transaction.* Purchase or sale of an interest rate futures contract.

(5) *Long position.* The purchase of a futures contract to take delivery of securities which is not offset.

(6) *Mortgage-related securities.* Securities based on and backed by mortgages, including GNMA-guaranteed mortgage-backed securities, Mortgage Participation Certificates of the Federal Home Loan Mortgage Corporation, and similar obligations issued by the insured institution or in which the institution is authorized to invest.

(7) *Offset.* To close out an obligation to make or take delivery of securities under a futures contract. A futures contract to purchase securities may be offset by a futures contract to sell an equal number of securities for the same delivery month. A futures contract to sell securities may be offset by a futures contract to purchase an equal number of securities for the same delivery month.

(8) *Short position.* The sale of a futures contract to make delivery of securities which is not offset.

(9) *Strip.* A series of successively maturing futures contracts in which the delivery date of a given futures contract in the series is approximately the same as the maturity date of the underlying security of the previous futures contract.

(10) *Treasury securities futures contract.* An interest-rate futures contract to purchase or sell bills, notes or bonds issued by the U.S. Department of Treasury.

(b) *Permitted transactions.* (1) To the extent that it has legal power to do so, an insured institution may engage in interest-rate futures transactions to hedge its operations against the risk of unanticipated increases in interest rates in accordance with the requirements of this section. Hedging shall include interest-rate futures transactions intended as temporary substitutes for, or as opposite positions to, cash market transactions or positions. Long positions in interest-rate futures contracts are not hedges for purposes of this this paragraph. Permitted interest-rate futures transactions include, but are not limited to, the following:

(i) Short positions used to hedge forward commitments,

(ii) Short positions used to protect the value of mortgage loans held in portfolio,

(iii) Short positions used to fix liability costs, and

(iv) Short positions used to protect against the interest-rate risk exposure arising from a maturity imbalance between assets and liabilities.

(2) Institutions may use GNMA futures contracts and Treasury securities futures contracts to engage in the transactions permitted by this paragraph (b).

(c) *Investment limitation.* An institution may engage in interest rate futures transactions only to the extent that the total amount of its short positions does not exceed an amount equal to 85 percent of the institution's assets. Only one contract of a strip will be counted against this limit.

(d) *Board of director's authorization.* Prior to engaging in interest-rate futures transactions, an institution's board of directors shall consider the plan to engage in the transactions and shall endorse specific written policies and procedures in authorizing the institution to engage in the transactions. Policy objectives must be specific enough to identify permissible interest-rate futures transactions and their relationship to the institution's business and the internal control procedures to be used. In addition, the minutes of the meeting of the board of directors of the insured institution shall set out the names, duties, responsibilities and current limits of authority of the personnel authorized to engage in interest-rate futures transaction for the institution. An institution engaging in interest-rate futures transactions as of [the effective date of this section] shall conform to the requirements of this paragraph (d) within 90 days of [such date].

(e) *Notification.* An institution engaging in interest-rate futures transactions shall notify the District Director-Examinations of the Federal Home Loan Bank District in which it is located of its total outstanding interest-rate futures position not less frequently than quarterly.

(f) *Recordkeeping requirements.* An institution engaging in interest-rate futures transactions shall maintain the following:

(1) A register of all its outstanding interest-rate futures contracts, including brokers' confirmations as received, prepared in a manner sufficient to enable the Corporation to determine at any time the institution's total outstanding interest-rate futures position;

(2) A record of each interest-rate futures contract outstanding, the purpose for which the contract was entered into, and the cash market transaction or position against which it is matched; and

(3) The records designated in subparagraphs (1) and (2) of this paragraph (f) for all futures transactions closed-out during the past two years.

(g) *Accounting.*—(1) *Purchase or sale.* An institution's purchase or sale of an interest-rate futures contract represents a commitment for a future cash market transaction. The only necessary accounting is a memorandum entry of the information specified in paragraph (f) of this section and the establishment of appropriate margin accounts.

(2) *Gains and losses.* Gains and losses on interest-rate futures contracts are to be matched to the related cash market transaction or position as follows:

(i) Gains and losses on futures contracts which are used to hedge assets or liabilities to be carried at cost are to be deferred and included in measurement of the dollar basis of the asset acquired or the liability incurred and amortized over a period equal to the lesser of: (A) the asset or liability holding period or (B) the period between the closing of the futures position and the maturity date of the security which is the subject of the futures contract or strip, as an adjustment to interest income or interest expense.

(ii) Gains and losses on futures contracts sold to hedge against market declines for assets carried at cost are to be deferred and recognized in income when the hedged asset is sold or recorded as an adjustment to the carrying value of the asset if the futures contract is closed out prior to the time the hedged asset is sold.

(iii) When interest-rate futures contracts are used to hedge the maturity imbalance between the assets and liabilities of the institution, gains and losses on futures contracts are to be deferred and must be amortized over a period equal to the shorter of the expected average holding period of the institution's assets or the period between the closing of the futures position and the maturity date of the security underlying the futures position. The apportionment of gains and losses over accounting periods shall reflect the anticipated effect of open market interest-rate fluctuations on the institution's profitability over the amortization period as reflected in the maturities of the institution's assets and liabilities.

PART 571—STATEMENTS OF POLICY

3. Amend Part 571 by removing § 571.12, to read as follows:

§ 571.12 Mortgage-futures transactions. (Rescinded effective)

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Sec. 402, 403, 407, Stat. 128, 1257, 1260, as amended (12 U.S.C. 1725, 1728, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-13280 Filed 4-30-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 450

Advertising for Over-the-Counter Drugs

AGENCY: Federal Trade Commission.

ACTION: Termination of rulemaking proceeding.

SUMMARY: The Federal Trade Commission (FTC) has decided to terminate its rulemaking concerning advertising for over-the-counter drugs, 40 FR 52031 (November 11, 1975). As originally proposed, the rule would have prohibited, as violative of sections 5 and 12 of the FTC Act, any claims in advertising for over-the-counter (OTC) drugs that are prohibited from labeling by the Food and Drug Administration (FDA) in a final order resulting from the FDA's comprehensive "monograph" rulemaking, 21 CFR, Part 330.

FOR FURTHER INFORMATION CONTACT: Joel N. Brewer, Attorney, Division of Food and Drug Advertising, Bureau of Consumer Protection, Federal Trade

Commission, Washington, D.C. 20580. Telephone number 202–724–1530.

SUPPLEMENTARY INFORMATION: On February 11, 1981, the Commission reached the decision to terminate its rulemaking proceeding concerning advertising for over-the-counter drugs. The Commission has concluded that in advertising a drug for a permissible (*i.e.*, FDA-approved) purpose, advertisers should not always be limited (as they would have been under the original proposed rule) to the labeling language approved by FDA. An additional reason why the Commission has determined that this rulemaking proceeding should be terminated is that the Commission is unable to ascertain the necessity for, and impact of, the proposed rule, because there is at present only one final FDA order (*i.e.*, antacids) affecting a complete category of OTC drugs now on the market.[1]

Despite its decision not to promulgate a rule, the Commission remains strongly committed to taking action on a case-by-case basis whenever necessary to insure the accuracy of OTC drug advertising and to avoid serious inconsistencies between advertising claims and FDA labeling determinations. Consequently, as FDA completes its expert analysis of the safety and effectiveness of each category of OTC drugs, the FTC will review the advertising for those drugs in order to determine whether any advertisement, taken as a whole, expressly or impliedly claims any purpose or use for which the drug in question has not been found to be safe and effective by the FDA. Commission action may also be taken, where appropriate, before a final FDA monograph is in place. In evaluating future OTC drug advertising, the Commission will consider factors such as the extent of dissemination of the advertising, whether the advertising is continuing, the nature and persuasiveness of the claims, the balance of risk to benefit, and other factors related to the injury consumers would be likely to suffer.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–13154 Filed 4–30–81; 8:45 am]

BILLING CODE 6750–01–M

[1] The antiflatulent monograph dealt with only one ingredient presently marketed in antiflatulents. The remaining antiflatulent ingredients are still being reviewed along with other miscellaneous internal products. *See* 39 FR 19861, 19871 (June 4, 1974). OTC daytime sedatives were removed from the market in a final order covering that category of drugs. 44 FR 36378 (June 22, 1979).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 157 and 284

[Docket No. RM81–29]

Sales and Transportation by Interstate Pipelines and Distributors

April 27, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice is the second of two rulemakings that the Commission is initiating to reform comprehensively its certificate procedures under section 7(c) of the Natural Gas Act. In the first notice, issued in Docket No. RM81–19, on March 10, 1981 (46 FR 16903, March 16, 1981) the Commission established the framework for such reform and proposed to streamline its certificate procedures for routine activities. This notice proposes to expand the proposed blanket certificate program and to revise the regulations which implement section 311 of the Natural Gas Policy Act of 1978 (NGPA).

Specifically, this notice makes the following proposals: (1) Section 157.210 would permit interstate pipelines to make off-system sales to other interstate pipelines under the blanket certificate program, subject to certain limitations and price determined by an appropriate rate schedule; (2) the end-use restrictions on direct sale gas would be simplified to permit the addition of new process and feedstock loads and the volumetric restrictions would be eliminated; (3) the regulations under section 311(a) of the NGPA would be amended to provide for unlimited successive two year extensions of self-implementing transportation arrangements, subject to Commission review 90 days prior to the effective date of such extension; (4) the regulations under section 311(a)(2) of the NGPA would be amended to authorize intrastate pipelines to transport direct sale gas to an end-user without prior Commission approval, when it is incidental to an interstate pipeline transportation arrangement covered by the blanket certificate; and (5) the blanket certificate program created by Order No. 63 applicable to Hinshaw pipelines would be expanded to apply to local distribution companies.

DATES: Written comments by June 15, 1981. Public hearing on June 5, 1981.

ADDRESS: Office of Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, Reference Docket No. RM81–29.

FOR FURTHER INFORMATION CONTACT:

Robert Platt, Assistant Advisory Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357–8457.

Thomas P. Gross, Office of General Counsel, Federal Energy Regulatory Commission 825 North Capitol Street N.E., Washington, D.C. 20426, (202) 357–8171.

This notice presents the second of two rulemakings that the Federal Energy Regulatory Commission (Commission) is initiating to reform comprehensively its certificate procedures under section 7(c) of the Natural Gas Act. In the first notice, issued in Docket No. RM81–19, on March 10, 1981 (46 FR 16903; March 16, 1981) the Commission established the framework for such reform and proposed to streamline its certificate procedures for routine activities. This notice proposes to expand the proposed blanket certificate program to cover certain other categories of transactions that, while not routine, are viewed by the Commission as appropriate for handling by such procedures. This proposal also contains revisions to the regulations which implement section 311 of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301–3432). The Commission believes that these amendments will permit it to reduce regulatory burdens and, at the same time, carry out its statutory responsibility to ensure that interstate facilities and transportation arrangements serve the public convenience and necessity.

I. Background

The Commission's jurisdiction over all sales for resale and transportation of natural gas in interstate commerce was originally established in 1942 by amendment of section 7 of the Natural Gas Act (15 U.S.C. 717f). Under the existing section 7 procedures most certificates are issued on a case-by-case basis. The Commission examines the proposed transactions individually to determine whether they are required by the present or future public convenience and necessity. However, some certificates are issued under so-called blanket certificate and "budget-type" certificate programs.[1] These programs

[1] These programs currently include authorizations for: Transportation by interstate pipelines on behalf of any other interstate pipeline (see Subpart G of Part 284); transportation by Hinshaw pipelines on behalf of interstate pipelines (see Subpart G of Part 284); and "buget-type" certificates for the

Continued

permit interstate pipelines that have obtained certificates for the construction and operation of an interstate pipeline system to undertake certain incidental operations without obtaining approval of each specific transaction. These regulations set forth on a generic basis the types of activities and incidental operations which may be authorized by the blanket certificate.

The Commission's opportunity to authorize transactions on a generic basis was considerably extended by the NGPA. Section 311(a) of the NGPA permits the Commission to authorize by rule transportation by interstate pipelines on behalf of intrastate pipelines and local distribution companies and transportation by intrastate pipelines on behalf of interstate pipelines and local distribution companies served by an interstate pipeline.[2]

The notice issued in Docket No. RM81-19 proposes the framework for a comprehensive blanket certificate program for interstate pipelines which not only covers the existing "budget-type" transactions, but also authorizes additional routine transactions which the Commission has found to be generally in the public interest. The framework proposed in that docket provides that a certificate holder is authorized to undertake certain operations and investments without further approval by the Commission. Other operations are authorized under the blanket certificate only if the public is notified of the proposed transaction and no interested party, including the Commission staff, contests it. All other transactions must be authorized through the generally applicable certificate procedures or any other applicable authorization procedure.

The proposals contained in this docket would expand the range of transactions beyond that proposed in Docket No. RM81-19 and amend the section 311(a) regulations contained in Part 284. Specifically, this docket proposes to (1) expand the proposed blanket certificate program to permit off-system sales for resale between interstate pipelines; (2) eliminate certain end-use restrictions presently imposed in the end-user transportation programs under Order Nos. 2 and 27[3] (as certificate program); (3) permit successive extensions of section 311(a) transportation authorizations; (4) permit self-implementing section 311(a)(2) authorizations for intrastate pipelines to transport gas purchased by a qualified end-user; and (5) permit all local distribution companies served by interstate pipelines to obtain the blanket certificate presently available (in § 284.222) to Hinshaw pipelines.[4] The general effect of these proposed changes would be to reduce some of the regulatory obstacles presently encountered by interstate pipelines and local distribution companies served by an interstate pipeline that participates in off-system sales and section 311 transactions.[5]

II. Historical Background

Many of the certification policies the Commission has developed over the last decade, particularly for the type of transactions involved in this rulemaking, have been shaped by the need to prevent the diversion of potential gas supplies from interstate pipelines and to allocate relatively scarce supplies among the highest priority end-users under the Natural Gas Act's regulatory scheme that prevailed from 1954 to 1978. The enactment of the NGPA and the subsequent improvement in the available deliverability of gas supplies now leads us to reassess these policies.

Prior to the enactment of the NGPA, natural gas sold by producers in the interstate market was subject to federal price controls, while much of the gas sold by producers in the intrastate market was sold by producers at unregulated prices. This disparity placed interstate pipelines at a competitive disadvantage in attaching new gas supplies. Eventually, in the 1970's, acute shortages were experienced in the interstate market which forced the pipelines to curtail their sales. The Commission was prompted to impose end-use curtailment plans on the interstate pipelines. Concomitantly, State commissions imposed curtailment plans and limited the attachment of new loads on distributors served from the interstate pipelines.

In response to these shortages, a number of distributors and end-users served by interstate pipelines sought to enhance their own supplies rather than rely solely on purchases from interstate pipelines. Some began to purchase production from wells at locations which would require interstate pipelines to transport the gas to the purchaser. Because direct sales of gas are not subject to Commission jurisdiction, end-users could offer a higher price for such gas than could be paid by interstate pipelines. To prevent potential interstate supplies from being diverted from interstate pipelines, the Commission carefully scrutinized the transportation of such production and would not authorize the transportation if the gas supplies would otherwise have been sold to interstate pipelines. The Commission also carefully examined the price paid for such production to ensure that these purchases would not drive up the unregulated market price for gas.[6]

Since the development of these policies, the availability of interstate supplies and the Commission's regulatory responsibilities have changed significantly. First, the demand for natural gas on many pipelines has dropped below the maximum levels authorized to be served under existing certificates and curtailment plans.

The lower level of demand is a result of a number of factors. A significant number of large industrial users have reduced their consumption of gas either by conservation or by conversion to other more abundant fuels. A portion of the large industrial boiler fuel load which switched to alternative fuels during the earlier periods of heavy curtailment has not returned to using gas. Many distributors acquired their own natural gas supplies to supplement deliveries from interstate pipelines. These "self-help" measures, which included purchasing gas from new sources such as synthetic natural gas plants and local producers, frequently obligated the distributors to commit themselves to pay for some minimum amount under minimum bill and take-or-pay obligations. Such on-going distributor commitments to "self-help" supplies have reduced the proportion of the distributor's requirements served by interstate pipelines. In addition, short-term declines in business activity have significantly reduced demand in some

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construction and operation of certain facilities which are considered incidental to the pipeline's main facility (see § 157.7, paragraphs (b), (c), (d) and (g)).

[2] Regulations implementing section 311 are contained in Part 284 of the Commission's regulations.

[3] Order No. 2, Docket No. RM75-25 (issued on February 1, 1978), 43 FR 5362 (February 8, 1978), 18 CFR 2.79. Order No. 27, Docket No. RM79-18 (issued April 18, 1979), 44 FR 24825 (April 23, 1979).

[4] A Hinshaw pipeline is an entity engaged in the transportation or sales of natural gas within a state, which is not subject to the jurisdiction of the Commission solely by reason of section 1(c) of the Natural Gas Act.

[5] These transactions have been proposed in this separate docket because they raise more important policy issues than those raised by the transactions proposed in Docket No. RM81-19. However, the Commission will consider these issues and, if possible, incorporate any appropriate amendments at the same time it adopts a final rule in Docket No. RM81-19.

[6] *Natural Gas Pipeline Company of America*, Docket No. CP77-71, 10 FERC ¶ 61,275 (1980); *Transcontinental Gas Pipe Line Co.*, Docket No. CP77-421, issued March 22, 1979; Order No. 533, Docket No. RM79-25, 54 FPC 821, issued August 28, 1975, 40 FR 41760 (Sept. 9, 1975); Order No. 533-A, 54 FPC 2056 (1975).

localities. Finally, warmer than normal winters in some parts of the country have reduced temperature-sensitive requirements. These factors result in many distributors' purchasing gas from interstate pipelines in volumes significantly below the maximums authorized under outstanding contracts and certificates.

Second, most interstate pipelines have improved their ability to serve the gas requirements of their customers. The NGPA established a set of maximum lawful prices applicable to both interstate and intrastate markets making it easier for interstate pipelines to compete for and attach new gas supplies. In addition, the NGPA eliminated many of the regulatory obstacles which prevented intrastate supplies from being sold in the interstate market without jurisdictional consequences.[7]

Pipelines sometimes have take-or-pay obligations, or other obligations that require the pipeline to purchase, or at least pay for, more gas than their traditional customers need in the short-term. Unless interstate pipeline can respond to these short-term supply-demand imbalances by making temporary off-system sales, their ability to obtain additional long-term supplies may diminish. A number of pipelines and distributors have proposed that the Commission permit off-system sales to resolve this short term gas supply management dilemma.

Finally, prior to the NGPA the Commission carefully examined on a case-by-case basis prices paid for gas in direct sale arrangements so it could avoid diversion of supplies from interstate pipelines and further escalation of intrastate prices. The imposition of maximum lawful prices by the NGPA eliminates both these concerns and the necessity for the Commission to review these prices on a case-by-case basis.

Given these changes in recent years, the Commission now believes that it is in the public interest to make it administratively easier for interstate pipelines to obtain permission to relieve supply imbalances that may periodically occur by permitting off-system sales between interstate pipelines under the blanket certificate program proposed in Docket No. RM81–19.

Load balancing problems are also being faced at the distributor level. Recently, distributors in many geographical areas have experienced significant short-term declines in demand. If distributors which face take-or-pay obligations from long-standing self-help arrangements (and perhaps minimum bill obligations from their interstate suppliers) cannot arrange for some relief, the resulting rate increases on their systems may drive additional industrial customers to switch to alternative fuels. Several distributors have solved these problems by engaging in off-system sales to end-users under Order No. 30.[8] Order No. 30 permits a distributor to sell volumes attributable to its local supplies to end-users for the purpose of displacing fuel oil. However, Order No. 30 is scheduled to expire on May 31, 1981.

Other distributors which hold exemptions under section 1(c) of the Natural Gas Act (so-called Hinshaw pipelines), have sold local production by obtaining blanket certificates under Order No. 63.[9] Order No. 63 promulgated the regulations at § 284.222 to permit Hinshaw pipelines to sell volumes attributable to local supplies to interstate pipelines and other distributors served by interstate pipelines. This "local supply" test imposed in both Order No. 63 and Order No. 30, limits the total volumes which may be sold, thus minimizing the possibility that the selling distributor would merely broker its pipeline purchases. Some have argued that if distributors were permitted to resell their pipeline entitlements off-system, then the pipeline supplier would face unpredictable demand requirements which would hinder the pipeline's supply management efforts. Although the Commission is aware of certain proposals to permit distributors to sell pipeline supplies as well as local supplies [10] we do not propose to include such sales as a part of this certificate reform program.[11] Instead, the proposed rule would extend eligibility for obtaining Order No. 63 certificates to all distributors served by interstate pipelines.

In summary, while other amendments are proposed in this notice, the main thrust of this proposal is to permit two new categories of off-system sales. First, sales will be permitted between interstate pipelines under the blanket certificate proposed in Docket No. RM81–19. Second, the sale of local supplies previously permitted for Hinshaw pipelines will be expanded to permit any distributor served by an interstate pipeline to make such sales.

III. Authorized Transactions

A. Sales for Resale by Interstate Pipelines

As discussed above the Commission is proposing in § 157.210 to permit interstate pipelines to make off-system sales to other interstate pipelines under the blanket certificate program. Briefly stated, the blanket certificate will authorize sales for resale in which the purchaser is an interstate pipeline and receives the gas for its system supply. However, the sales are subject to certain conditions, such as a one year limitation, maximum daily deliveries of 100,000 MMBtu equivalent of gas, special reporting requirements, maximum rates and charges, and the notice and protest procedure proposed in Docket No. RM81–19. The latter requirement will prevent any such sale from being authorized under the blanket certificate if after public notice any interested person or staff contests the transaction. These sales are also subject to interruption to the extent required to provide adequate service to the selling pipeline's customers at the time of the sale.

One of the more important issues that must be resolved in permitting these sales is the appropriate sale price. In considering the sale price, the Commission must balance competing considerations. If the price of the off-system sale is so low that the selling interstate pipeline cannot recover its cost of purchasing the gas, then its on-system customers would carry the costs not recovered through the price of the off-system sale. On the other hand, if the price is excessive, it may violate the statutory requirement that jurisdictional rates be "just and reasonable."

As currently proposed, the price for these sales would be established by a rate schedule which the Commission determines is appropriate for these sales. Once a rate schedule has been approved as appropriate, the certificate holder may use that schedule for subsequent sales.

The proposed rule will afford pipelines some latitude in formulating

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[7] Section 311(b) of the NGPA permits the Commission to authorize sales by intrastate pipelines to interstate pipelines and distributors served by interstate pipelines. Section 312 permits intrastate pipelines to assign surplus gas to interstate pipelines and distributors.

[8] Order No. 30, Docket No. RM79–34, issued May 17, 1979, 44 FR 30322 (May 25, 1979). 18 CFR Part 284, Subpart F.

[9] Order No. 63, Docket No. RM79–34, issued Jan. 3, 1980, 45 FR 1872, (Jan. 9, 1980). 18 CFR 284.222.

[10] Transcript, Subcommittee on the Review of the Decisional Process of the Advisory Committee on Practice and Procedure (December 4, 1980).

[11] Historically, each interstate pipeline has borne the responsibility for managing its long-term supply acquisition program to meet the needs of its system. The proposed rule does not alter this role, but rather establishes criteria for off-system sales which are consistent with this interstate pipeline function. By limiting distributor sales to local supplies, this rule affords distributors flexibility in managing their short-term imbalances in self-help supplies without disrupting the interstate pipeline's predominant role.

an appropriate sales rate schedule. However, the proposal requires that the rate schedule provide for a commodity charge and be designed so as to permit the selling pipeline to recover its average purchased gas costs and any transportation costs associated with the delivery of the gas.[12] The Commission seeks comments regarding whether such a price is adequate to protect the existing customers of the selling pipeline and to assure that the benefit of the sale outweigh the costs.

The Commission believes that the economic benefits of off-system sales should be distributed to the customers of the selling interstate pipeline. Because these sales for resale will be authorized under the blanket certificate proposed in Docket No. RM81–19, the revenue crediting provision in § 157.209(g) proposed in that docket will apply to any sale for resale authorized under § 157.210. This rule includes conforming changes to proposed § 157.209(g).

Finally, proposed § 157.210(a)(5) prohibits the sale of gas acquired by the certificate holder solely or primarily for the purpose of making a sale under this section. Sales under proposed § 157.210 are intended to permit the selling pipeline to alleviate problems posed by excess deliverability or take-or-pay commitments. If a series of pipelines were to sell repeatedly the same gas under the blanket certificate, such a series of sales would create undesirable rate consequences to the customers of participating pipelines. Therefore, the restriction of § 157.210(a)(5) is included to avoid such series of sales.

This proposed rulemaking is predicated on the view that the public interest would be served by making it generally easier for pipelines to make off-system sales subject to generic qualifications rather than requiring a case-by-case review of each potential transaction. The Commission is aware of a contrary view. Some believe that the potential damages to the public interest from off-system sales are such that a case-by-case review is required. Those holding this view argue that there is a need to examine the price to ensure that existing customers are not damaged by pipelines' buying "high" and selling "low". They also argue that in an environment with partial deregulation of wellhead prices, pipelines may buy deregulated gas at prices that are above prices for alternative fuels, yet still market this gas by rolling it in with the cost of cheaper regulated gas. Interstate pipelines with substantial cushions of old gas, it is argued, would have a competitive advantage in competing for new gas supplies. If such pipelines can easily sell this gas off-system, the result may be to destabilize the market for new gas supplies or make it difficult for some pipelines to obtain new gas supplies because available supplies are tied up by pipelines with large old-gas cushions.

The Commission believes that these concerns to the extent that they are pertinent can be raised under the notice procedures in individual cases. However, the Commission invites comment on the need for case-by-case analysis.

B. Transportation to End-Users

The Commission believes that the original policy considerations which gave rise to the end-use volumetric limitations upon the transportation of gas sold at the wellhead directly to end-users no longer justify previously imposed restrictions. Accordingly, the Commission is proposing to unify and eliminate volumetric and end-use restrictions governing such transportation covered by its blanket certificate program.

Historically, the Commission has taken a conservative approach in permitting the transportation of gas sold at the wellhead directly to end-users (hereinafter referred to as "direct sale gas"). This approach reflected its concern that such sales could divert significant volumes of natural gas from interstate pipeline system supplies because the sales were not subject to the Commission's price regulations under the Natural Gas Act. As a result, the Commission imposed stringent end-use and volumetric limitations on certificates authorizing the transportation of gas sold directly by the producer to the end-user. Pursuant to Order Nos. 533 and 2,[13] interstate pipelines may transport gas only for end-users who purchase the gas for high-priority requirements, such as process and feedstock uses. Pursuant to Order No. 2, end-users are not permitted to increase their requirments because the volume transported was limited to the end-user's base period curtailment entitlements for such high priority end uses. In addition, the Commission expected participating end-users to demonstrate progress toward conversion to alternative fuels when seeking to renew transportation certificates.

After the enactment of the NGPA and the Public Utilities Regulatory Policies Act (PURPA), the Commission created a separate direct sale program for schools, hospitals and essential agricultural users in Order No. 27. That order does not impose the end-use and volumetric restrictions that applied to process and feedstock users in the Order No. 2 program. Instead, schools, hospitals and essential agricultural users may serve newly added high priority loads with direct sale gas, and did not have to demonstrate progress toward converting to alternative fuels. The Commission has never afforded process and feedstock users the same treatment as the schools, hospitals and essential agricultural users under Order No. 27.[14]

The Commission's blanket certificate program, proposed in Docket No. RM81–19 would eliminate the need for each transporting pipeline to file a separate application under section 7(c) of the Natural Gas Act for transportation to individual end-users. The blanket certificate would authorize transportation to "qualified end-users" (which is defined as including the end-users eligible under the Order No. 2 and Order No. 27 programs). If the transportation is for a term of 5 years or less, then the transaction may go forward without further Commission approval. If the transportation is for a term greater than 5 years, then the transporting interstate pipeline must file a request under the blanket certificate's notice procedure. As proposed in Docket No. RM81–19, transportation for end-users would be subject to the end-use restrictions and volumetric limitations applicable to Order No. 2 or Order No. 27 certificates. (See, proposed § 157.209(d)(3) and (4) in Docket No. RM81–19).

In this docket the Commission proposes to eliminate the volumetric restriction and simplify all end-use

[12] As the Commission explained in *Trunkline Gas Company*, Docket No. CP80–550 (issued February 20, 1981), in which it issued a certificate authorizing off-system sales, the Commission has adopted the policy that the sales price for such sales should permit the selling pipeline to recover its costs. The Commission also noted that fixed price contracts which do not reflect the monthly increases in purchased gas costs generally impose an unacceptable subsidy upon the selling pipeline's existing customers.

In other cases, where the average cost of gas was less than the ceiling price applicable to producer sales under section 102 of the NGPA, we have permitted the section 102 price to be charged as representative of the replacement cost of the gas sold. See *Natural Gas Pipeline Co. of America*, Docket Nos. CP80–502 and CP80–520, issued January 27, 1981; *Cities Service Gas Co.*, Docket No. CP80–498, issued December 22, 1980.

[13] Order No. 533, Docket No. RM 75–25, (issued August 28, 1975), 40 FR 41700 (Sept. 9, 1975). Order No. 2, *supra*.

[14] Order No. 52, Docket No. RM80–1, issued October 5, 1979, 44 FR 60080 (October 18, 1979), liberalized some of the end-use restrictions imposed by Order No. 2, but not to the extent as Order No. 27.

requirements in a manner consistent with the Order No. 27 requirements. This would permit new process and feedstock loads which were not reflected in a curtailment base period to be served by direct sale gas just as new essential agricultural loads may now be served under Order No. 27. The only end-use restriction which would be retained is the restriction that direct sale gas be consumed in qualified end-uses.

With respect to the volumetric restrictions, the proposed rule will permit the end-user to attach new loads to be served by direct sale gas. Any new loads which the end-user attaches in this manner are outside the scope of an interstate pipeline curtailment plan, and the end-user should be aware that any future service from system supplies to these loads is not assured. Because new load attachments will not adversely affect the interstate pipeline's other customers, the volumetric restrictions imposed in Order No. 2 do not appear to be necessary in this program. Although this change in volumetric restrictions may provide an opportunity for new high-priority load growth by some customers of interstate pipelines, the Commission believes that this approach toward the transportation of direct sale gas is consistent with the legislative intent of section 608 of PURPA.

C. Successive Transportation Arrangements Under Section 311

Section 311(a)(1) of the NGPA permits the Commission to authorize interstate pipelines to transport natural gas on behalf of intrastate pipelines or local distribution companies. Section 311(a)(2) permits the Commission to authorize intrastate pipelines to transport gas on behalf of interstate pipelines and local distribution companies served by any interstate pipeline. In Order No. 46,[15] the Commission promulgated rules under section 311(a) to authorize such transportation by both interstate and intrastate pipelines without prior Commission approval, if, among other requirements, the transported natural gas enters the system supplies of a pipeline or distributor. Although section 311(a) does not impose a statutory time limit on the duration of such transactions, the Commission exercised its discretion to limit self-implementing section 311(a) transportation arrangements to a term of 2 years or less. Order No. 46 provided for a single two year extension of any self-implementing section 311(a) transportation arrangement. Under §§ 284.105 and 284.125, the transporting pipeline must file a request for an extension at least 90 days before the expiration of its initial authorization. If the Commission does not act during this period, the authorization is automatically extended for up to two years. Transportation arrangements for terms longer than four years are subject to the procedures for prior approval established in §§ 284.107 and 284.127.

If a pipeline proposes to charge a higher rate during the extension, the new rate is subject to the criteria and approval procedure in §§ 284.103 and 284.123. However, even if the pipeline proposes to continue to charge the same rate that it used during the previous term of the transaction, the Commission will nonetheless review the propriety of the rate during the 90 day period and may exercise its authority under section 311(c) of the NGPA to impose a condition specifying a rate lower than that proposed by the pipeline.

The Commission proposes to amend §§ 284.105 and 284.125 of its section 311(a) regulations to permit unlimited successive two-year extensions of self-implementing transportation arrangements. Because such an extension is subject to Commission review for 90 days prior to its effective date, successive extensions will be monitored to protect the public interest.

D. Transportation of Direct Sale Gas Under Section 311

As previously discussed, Order Nos. 2 and 27 (as well as the proposed blanket certificate program) authorize certain transportation of direct sale gas to end-users. Frequently the selling producer's well is located near an intrastate pipeline, and the intrastate pipeline needs section 311(a)(2) authorization to permit it to transport the gas to the interstate pipeline without becoming subject to Natural Gas Act jurisdiction.

The Commission proposes to follow its practice in Order No. 30 by authorizing intrastate pipeline transportation which is incidental to the interstate pipeline's transportation of direct sale gas. The regulations would permit the intrastate pipeline to enter into contractual agreements to transport the direct sale gas "on behalf of" the interstate pipeline.[16] The intrastate pipeline could collect a fair and equitable transportation charge either directly from the end-user, or indirectly from the interstate pipeline as an intermediary.

Because the direct sale gas is delivered to an end-user and is not for system supplies, transportation of the gas would not otherwise qualify for a self-implementing section 311(a)(2) authorization under § 284.122(a). Accordingly, the Commission proposes to amend § 284.122(b) to create an exception to the system supply test so as to permit such incidental intrastate transportation to commence without prior Commission approval.

E. Blanket Certificates for Local Distribution Companies

The Commission has established a blanket certificate program which permits Hinshaw pipelines to transport, sell, and assign natural gas to the same extent that an intrastate pipeline is permitted to engage in such transactions under section 311 or 312 of the NGPA.[17] Under a blanket certificate granted pursuant to Order No. 63, Hinshaw pipelines may transport, assign and sell natural gas in interstate commerce for resale without jeopardizing their exempt status under section 1(c) of the Natural Gas Act. These blanket certificates permit Hinshaw pipelines to make their excess supplies available to the interstate market. The blanket certificates further permit the Hinshaw pipeline to use its transportation facilities to transport gas and thereby eliminate the need for interstate pipelines to build duplicate facilities or use less direct transportation routes.

The Commission believes that the policies underlying the blanket certificate program for Hinshaw pipelines apply equally to local distribution companies and would benefit gas consumers. We propose to amend § 284.222 so that any local distribution company which is served by an interstate pipeline and holds a blanket certificate may transport natural gas on behalf of an interstate pipeline or a local distribution company served by interstate pipelines, subject to the terms and conditions of Subpart C of Part 284. The certificate holder may sell volumes attributable to local supplies, subject to the terms and conditions of Subpart D of Part 284.[18] In addition, the certificate holder may assign its right to purchase gas in a first sale to an interstate pipeline or distributor, subject to the terms and conditions of Subpart E of Part 284. Other than expanding the eligibility for holding an Order No. 63 blanket certificate, and clarifying

[15] Order No. 46, Docket No. RM79-75 (issued August 30, 1979), 44 FR 52179 (September 7, 1979).

[16] As was noted in Order No. 46, the "on behalf of" test may be satisfied by a contractual provision establishing an agency relationship. The test does not require an interstate pipeline to take title to the gas.

[17] Order No. 63, Docket No. RM79-34, issued January 3, 1980, 45 FR 1872 (January 9, 1980).

[18] At present, distributors' sales outside their service areas are limited to the sale of local supplies under the Commission's Order No. 30 program.

application requirements, no substantive amendments are proposed to the regulations governing these blanket certificates.

Some persons may view the proposed expansion of Order No. 63 as providing a distributor the opportunity to sell surplus gas which should otherwise be eliminated by reducing the distributor's purchased gas from a supplying interstate pipeline. These persons would argue that interstate pipeline curtailment plans are the only appropriate means for allocating surplus supplies created by the self-help efforts of distributors. The Commission invites comments on this question, and especially seeks comments based upon the experience gained from distributor sales under order No. 30.

IV. Summary of Proposed Rule

In order to authorize sales for resale between interstate pipelines, the Commission is proposing to add a new § 157.210 to the blanket certificate program proposed in Docket No. RM81–19. The sales would be subject to certain conditions and a rate schedule which the Commission determines is appropriate for the sale.

The proposed rule also eliminates certain end-use restrictions presently imposed by Order Nos. 2 and 27 in the end-user transportation programs and reflected in the blanket certificate proposal in Docket No. RM81–19. The Commission believes this change will place process and feedstock end-users on a parity with other high-priority users.

The proposed rule would also expedite interstate and intrastate pipeline transportation under section 311(a) of the NGPA by amending the existing regulations to provide for successive extensions of self-implementing transportation authorization.

The blanket certificate program proposed in Docket No. RM81–19 provided for interstate pipeline transportation of direct sale gas to qualified end-users, but did not provide for intrastate pipeline transportation of such gas. The proposed rule would authorize such intrastate pipeline transportation on a self-implementing basis under section 311(a)(2) of the NGPA.

Finally, the proposed rule would amend § 284.222, which establishes the blanket certificate program for Hinshaw pipelines, to permit any local distribution company served by an interstate pipeline to hold such a certificate. The filing requirements for a blanket certificate are also clarified by amendments to § 284.222(c)(7).

V. Environmental Issues

An environmental assessment of the proposed rulemaking is being prepared by the Commission's environmental staff in conjunction with Docket No. RM81–19. This assessment will identify and include the significance of any potential environmental impact which might result from transactions which would be authorized under this proposed rule. The environmental assessment will provide the basis for determining the need to prepare an environmental impact statement (EIS) prior to the issuance of the final rule.

Sales for resale authorized by § 157.210 of this proposed rule will be subject to the environmental conditions proposed in Docket No. RM81–19. Full consideration will be given to these environmental conditions as well as the nature of all transactions proposed in this docket when preparing the environmental assessment.

Any person who wishes to submit comments on environmental issues should provide a detailed explanation which addresses each specific environmental concern and the reason each concern is felt to be a significant issue. This information will be helpful to the staff in developing an environmental record in this rulemaking, and will be incorporated in the Commission's scoping process should an EIS be prepared.

VI. Certification of No Significant Economic Impact on Small Businesses

The Regulatory Flexibility Act (RFA) [19] requires certain statements, descriptions and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities."

Pursuant to section 605(a) of the RFA, the Commission finds that the provisions of the Act do not apply to this rulemaking. If promulgated, this rulemaking, among other things, would simplify procedures under which interstate pipelines may obtain certain certificates. The budget-type certificate regulations were promulgated initially for similar purposes 24 years ago. The characteristics of the participants in the budget-type certificate program reflect the nature of the interstate pipeline industry. With five exceptions, only Class A pipeline companies [20] have participated in the program. Of the five exceptions, only two were not affiliated with a major natural gas company. Because the nature of the budget-type certificate program and the proposed blanket certificate program are similar, the nature of the participants in each program should also be similar. Therefore, the Commission believes that very few, if any, of the interstate pipelines which will participate in this program will be small entities.

The proposed rule also provides local distribution companies served by interstate pipelines with the opportunity to obtain blanket certificates. Local distribution companies engage in the distribution and retail sale of gas within service areas over which they possess exclusive control or franchises. As a result of their exclusive right to sell gas in their service area, each is "dominant in its field of operation" and thus does not qualify as a "a small business concern" under section 3 of the Small Business Act, 15 U.S.C. 632. Moreover, the Small Business Administration regulations do not identify any local distribution companies as small. (See 13 CFR Part 121.) Because the section 3 definition of "small business concern" is incorporated by reference into the definition of "small entity" in the RFA, our proposal to expand the blanket certificate program set forth in § 284.222, does not affect "small entities" within the meaning of Section 601(6) of the RFA and therefore does not require a regulatory flexibility analysis.

As such, this rulemaking does not impose any regulatory or administrative burdens upon a significant number of small entities, nor does it require an expenditure of resources by such entities. For these reasons, the Commission hereby certifies that this rulemaking, if promulgated, would not have a significant impact on a substantial number of small entities.

VII. Public Comment Procedure

A. *Written Comments:* Interested persons are invited to submit written comments, data, views, or arguments with respect to this proposal. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM81–29. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EDT, June 15, 1981, will be considered by the Commission prior to promulgation of final regulations. All

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[19] 5 U.S.C. 601–612 (Pub. L. 96–354, September 19, 1980).

[20] To be classified as a Class A company, the company should have annual gas operating revenues of $2,500,000 or more and maintain that level for three consecutive years. (See Part 201, Uniform System of Accounts for Natural Gas Companies Subject to the Provisions of the Natural Gas Act (Class A and Class B); General Instructions.)

written submissions will be placed in the public file which has been established in this docket and which is available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. during regular business hours.

B. *Public Hearing.* A public hearing on this proposed rule will be held on June 5, 1981 beginning at 10:00 a.m. EDT at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The exact location will be posted at the Commission on the morning of the hearing. Interested persons may also obtain this information by calling the Office of the Secretary of the Commission.

Requests to participate in the hearing should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, no later than seven days prior to the hearing. Requests should reference Docket No. RM81–29, and should indicate the amount of time required for the oral presentation, and the telephone number at which the person making the presentation can be reached. Persons participating in the public hearing should, if possible, bring 50 copies of their testimony to the hearing. A list of the participants in the hearing will be available in the Commission's Division of Public Information three days before the hearing and will be available at the site of the hearing on the morning it is convened.

The hearing will not be of a judicial or evidentiary type. There will be no cross-examination of persons presenting statements. However, the panel may question such persons and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. Any further procedural rules will be announced by the presiding officer at the hearing. Transcripts of the hearing will be available in the public file for this proceeding, Docket No. RM81–29 in the Commission's Division of Public Information.

(Natural Gas Act, (15 U.S.C. 717); Natural Gas Policy Act of 1978, Pub. L. No. 95–621, 92 Stat. 3350, (15 U.S.C. 3301); Public Utilities Regulatory Policies Act of 1978 section 608, Pub. L. 95–617, 92 Stat. 3173, (15 U.S.C. 717f))

Accordingly, the Commission proposes to amend the regulations in Parts 157 and 284, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By direction of the Commission.

Lois D. Cashell,

Acting Secretary.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

§§ 157.203 and 157.206 [Amended]

1. Proposed §§ 157.203(c) and 157.205(a) are amended by inserting "157.210" between "157.209(b)" and "157.211(b)."

2. Proposed § 157.206 is amended by revising paragraph (g)(1) to read as follows:

§ 157.206 Standard conditions.

* * * * *

(g) *Treatment of revenues.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, all revenues received for sales for resale in excess of purchased gas costs, or for transportation (including storage service) authorized under the blanket certificate in excess of an allowance of one cent per MMBtu shall be credited to Account No. 191 and flowed back to the certificate holder's customers.

* * * * *

§ 157.209 Transportation. [Amended]

3. Proposed § 157.209 is amended in paragraph (d)(3) by removing the phrase "§ 2.79 of this chapter or".

4. Proposed § 157.209 is amended by revising paragraph (d)(4) to read as follows:

* * * * *

(d) *Special conditions.* * * *

(4) Any transportation authorized under paragraphs (a) or (b)(1) of this section is conditioned upon the natural gas being consumed only by a qualified end-user for qualified end-uses.

* * * * *

5. Proposed Subpart F of Part 157 is amended by adding a new § 157.210 is proposed to read as follows:

§ 157.210 Sales for resale.

(a) *Prior notice.* Subject to the notice procedure of § 157.205, the certificate holder is authorized to sell natural gas in interstate commerce for resale, if:

(1) The buyer is an interstate pipeline acquiring the gas for its system supplies,

(2) The sale does not exceed a period of one year,

(3) The volume sold does not exceed 100,000 MMbtu per day,

(4) The sale is made under a commodity charge, which reflects both the cost of purchased gas and transportation costs, as contained in an appropriate currently effective sales rate schedule on file with the Commission,

(5) The sale does not involve the sale of any natural gas acquired by the certificate holder solely or primarily for the purpose of making a sale under this section,

(6) The buyer is not an interstate pipeline supplier of the seller during the duration of the sale, and

(7) The sale shall be subject to interruption by the certificate holder to the extent that natural gas subject to the sale is required to provide adequate service to the certificate holder's other customers at the time of the sale.

(b) *Contents of request.* Requests filed pursuant to this section shall contain:

(1) The identity of the seller and buyer;

(2) The dates of commencement and anticipated termination of the sale;

(3) The estimated total and daily quantities (in MMBtu's) of natural gas to be sold in this transaction;

(4) The rate to be charged and the applicable rate schedules;

(5) The affidavit that service pursuant to the sale is subject to interruption to the extent that natural gas subject to the sale under this section is required to enable the certificate holder to provide adequate service to its customers; and

(6) The total quantity of gas being sold in transactions authorized by this section at the time that the request is filed.

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

6. Section 284.105 is amended by revising paragraph (a) to read as follows:

§ 284.105 Extensions.

(a) *General Rule.* An interstate pipeline seeking to extend a transporation arrangement initially authorized under § 284.102(a), including those subsequently extended under this section, shall file an extension report as required in § 284.106(c).

* * * * *

7. Section 284.122 is amended by revising paragraph (b)(1) to read as follows:

§ 284.122 Transportation by intrastate pipelines.

* * * * *

(b) *Limitations.* (1) Authorization under paragraph (a) of this section is limited to an arrangement:

(i)(A) Which does not exceed a period of two years, and

(B) In which the transported natural gas is delivered directly or indirectly to an interstate pipeline, intrastate pipeline, or local distribution company, which receives such natural gas for its system supply for resale, or

(ii) In which natural gas is purchased by a qualified end-user and is also transported by an interstate pipeline pursuant to a blanket certificate issued under Subpart F of Part 157 of this chapter.

* * * * *

8. Section 284.125 is amended by revising paragraphs (a) and (b) to read as follows:

§ 284.125 Extensions.

(a) *General rule.* An intrastate pipeline seeking to extend a transportation arrangement initially authorized under § 284.122(a), including those subsequently extended under this section, shall file an extension report as required in § 284.126(c).

(b) *Approval.* (1) If an extension report as required in § 284.126(c) is duly filed, the proposed extension may take effect unless the Commission, prior to the beginning of the proposed extension, and after opportunity for written comments, determines, by order, that the proposed extension is not authorized. If the intrastate pipeline proposes to charge a rate during the extension which is different than the rate previously charged, the new rate is subject to the requirements and approval procedures of § 284.123.

(2) If the Commission determines, by order, that the proposed extension shall be modified, the extension may take effect only as modified.

* * * * *

9. Section 284.222 is revised to read as follows:

§ 284.222 Certain transportation, sales and assignments by local distribution companies.

(a) *Applicability.* This section applies to local distribution companies served by interstate pipelines including persons who are not subject to the jurisdiction of the Commission, by reason of section 1(c) of the Natural Gas Act.

(b) *Blanket certification.* Any local distribution company served by a interstate pipeline or any Hinshaw pipeline may apply for a blanket certificate under this section. Upon application therefore, the Commission will conduct a hearing pursuant to section 7(c) of the Natural Gas Act and §§ 1.32 and 157.11 of this chapter and, if required by the present or future public convenience and necessity, the Commission will issue a blanket certificate to such a local distribution company. Such certificate will authorize the certificate holder to engage in the sale, transportation, or assignment of natural gas, that is subject to the Commission's jurisdiction under the Natural Gas Act, to the same extent and in the same manner that intrastate pipelines are authorized to engage in such activities by Subparts C, D, and E and § 284.203 of this Part (as amended from time to time), except as otherwise provided in paragraph (e)(2) of this section.

(c) *Application procedure.* Applications for blanket certificates shall state:

(1) The exact legal name of applicant; its principal place of business; whether an individual, partnership, corporation or otherwise; state under the laws of which organized or authorized; the agency having jurisdiction over rates and tariffs and the name, title, and mailing address of the person or persons to whom communications concerning the application are to be addressed,

(2) The volumes of natural gas which:

(i) Were received during the most recent 12-month period by the applicant within or at the boundary of a state, and

(ii) Were exempt from the Natural Gas Act jurisdiction of the Commission by reason of section 1(c) of the Natural Gas Act, if any,

(3) The total volume of natural gas received by the applicant from all sources during the same time period,

(4) Citation to all currently valid declarations of exemption issued by the Commission under section 1(c) of the Natural Gas Act,

(5) A statement that the applicant will comply with the conditions in paragraph (e) of this section,

(6) A form of notice suitable for publication in the **Federal Register**, as contemplated by § 157.9 of this chapter, which will briefly summarize the facts contained in the application in such a way as to acquaint the public with its scope and purpose, and

(7) A statement of the methodology to be used in calculating rates for services to be rendered, setting forth any elections under § 284.123 or paragraph (e)(2) of this section and a sample calculation employing the methodology using current data. If a rate election is made under paragraph (e)(2), this statement shall contain the following items (reflecting the 12-month period used to justify costs in the most recently approved rate case conducted by an appropriate state regulatory agency):

(i) Total operating revenues,

(ii) Purchase gas costs,

(iii) Distribution costs (which include that portion of the common costs allocated to the distribution function),

(iv) The volume throughput of the system categorized by sales, transportation and exchange service, and

(v) A study which determines transportation costs on a unit revenue basis in accordance with paragraph (e)(2) of this section, including any supporting work papers.

(d) *Effect of certificate.* (1) A certificate issued pursuant to this section will authorize the certificate holder to engage in transactions of the type authorized by Subparts C, D and E and § 284.203 of this Part.

(2) Acceptance of a certificate or conduct of an activity authorized thereunder will:

(i) Not impair the continued validity of any exclusion under section 1(c) of the Natural Gas Act which may be applicable to the certificate holder, and

(ii) Not subject to the certificate holder to the Natural Gas Act jurisdiction of the Commission except to the extent necessary to enforce the terms and conditions of the certificate.

(e) *General conditions.* (1) Except as provided in paragraph (e)(2) of this section, any transaction authorized under a blanket certificate shall be subject to the same rates and charges, terms and conditions and reporting requirements that would apply if the transactions were authorized for an intrastate pipeline by Subparts C, D and E and § 284.203 of this Part (as amended from time to time).

(2) *Rate election.* If the certificate holder does not have any existing rates on file with the appropriate state regulatory agency for city-gate service, the certificate holder may make the rate election specified in § 284.123(b)(1) only if:

(i) The certificate holder's existing rates are approved by an appropriate state regulatory agency,

(ii) The rates and charges for any transportation are computed by using the portion of the certificate holder weighted average annual unit revenue (per MMBtu) generated by existing rates which is attributable to the cost of gathering, treatment, processing, transportation, delivery or similar service (including storage service), and

(iii) The Commission has approved the method for computing rates and charges specified in paragraph (e)(2)(ii) of this section.

(3) *Incremental pricing.* Prior to engaging in any sale or assignment

under the blanket certificate to a buyer subject to the incremental pricing provisions of Title II of the NGPA and Part 282 of this chapter, the selling pipeline shall receive an undertaking from the buyer to price incrementally the gas sold to the same extent required for transactions authorized under section 311(b) or 312 of the NGPA.

(4) *Volumetric test.* The volumes of natural gas sold or assigned under the blanket certificate may not exceed the volumes obtained from sources other than interstate supplies.

(5) *Filings.* Any filings made with the Commission that report individual transactions shall reference the docket number of the proceeding in which the blanket certificate was granted.

(6) *Tariff filings.* (i) The tariff filing requirements of Part 154 of this chapter shall not apply to transactions authorized by the blanket certificate.

(ii) The certificate holder shall file with the Commission a copy of all contracts applicable to a transaction authorized by the blanket certificate as a part of the initial full report required by §§ 284.126 and 284.148. The certificate holder shall also file with the Commission each amendment to such contracts, within 30 days of the execution of the amendment.

(f) *Pregrant of abandonment.* Abandonment of transportation services or sales, pursuant to section 7(b) of the Natural Gas Act, is authorized upon the expiration of the contractual term of each individual arrangement authorized by a blanket certificate under this section.

(g) *Hinshaw pipelines without blanket certificate.* A Hinshaw pipeline which does not obtain a blanket certificate under this section is not authorized to sell, assign or transport natural gas as an intrastate pipeline by Subparts C, D, E and F of Part 284 of this chapter.

(h) *Definitions.* For the purposes of this section:

(1) A "Hinshaw pipeline" means any person engaged in the transportation of natural gas which is not subject to the jurisdiction of the Commission under the Natural Gas Act by reason of section 1(c) of the Natural Gas Act.

(2) "Interstate supplies" means any natural gas obtained, either directly or indirectly, from:

(i) The system supplies of an interstate pipeline, or

(ii) Natural gas reserves which were committed or dedicated to interstate commerce on November 8, 1978.

(3) A "certificate holder" means any Hinshaw pipeline or local distribution company served by an interstate pipeline with an effective blanket certificate issued pursuant to this section.

[FR Doc. 81-13166 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 180 and 182

[Docket No. 80N-0418]

Caffeine; Deletion of GRAS Status, Proposed Declaration That No Prior Sanction Exists, and Use on an Interim Basis Pending Additional Study; Extension of Comment Period

Correction

In FR Doc. 81-9104 appearing on page 18996 in the issue of Friday, March 27, 1981 make the following correction:

On page 18997, second column, second paragraph, the bracketed material in the sixteenth line reading "(From FD-483)" should have read "(Form FD-483)".

BILLING CODE 1501-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Placement of Fenethylline into Schedule I

AGENCY: Drug Enforcement Adminsistration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice is a proposed rule issued by the Administrator of the Drug Enforcement Administration (DEA) to place the chemical substance, fenethylline, into Schedule I of the Controlled Substances Act (CSA). This action was initiated upon DEA's receipt of a letter from the Acting Assistant Secretary for Health, Department of Health and Human Services (DHHS), recommending that fenethylline be placed into Schedule I. The effect of this proposal would be to require that the manufacture, distribution, security, registration, recordkeeping, quotas, inventory, order forms, criminal liability, exportation and importation of fenethylline be subject to controls for Schedule I substances.

DATE: Comments must be received on or before June 2, 1981.

ADDRESS: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: On April 4, 1979, the Administrator of DEA sent information concerning the abuse and trafficking of the amphetamine-theophylline conjugate (3,7-dihydro-1,3-dimethyl-7-[(2)-((1-methyl-2-phenthyl)amino)ethyl-1H-purine-2,6-dione] to the Assistant Secretary for Health, Department of Health, Education and Welfare (now Department of Health and Human Services). The Administrator requested of the Assistant Secretary a scientific and medical evaluation of the information concerning fenethylline and a recommendation that it be placed in Schedule I of the CSA. On March 18, 1981, the Acting Assistant Secretary for Health replied:

March 18, 1981.

Mr. Peter B. Bensinger,
Administrator, Drug Enforcement Administration, Washington, D.C.

Dear Mr. Bensinger:

Pursuant to your letter of April 4, 1979 and Section 201(b) of the Controlled Substances Act, 21 U.S.C. 811(b), this letter is notification of the recommendation for control of fenethylline into Schedule I of the Controlled Substances Act. Under the definition of the Act, fenethylline would be defined as having a stimulant effect on the central nervous system.

The Food and Drug Administration has concluded that the pharmacology of fenethylline is essentially that of amphetamine and has recommended that fenethylline be placed in Schedule I of the CSA. The evidence supporting this conclusion is presented in the Basis for Recommendation for Control of Fenethylline. I concur with the Food and Drug Administration's conclusion and recommend that fenethylline be controlled into Schedule I of the Controlled Substances Act in the best interest of the public health.

Should you have nay questions concerning this recommendation, the appropriate staff is prepared to respond.

Sincerely yours,

Charles Miller,
Acting Assistant Secretary for Health.

Enclosure
Tab A—Basis for Recommendation for Control of Fenethylline.

The Drug Enforcement Administration has conducted a review of fenethylline which has included the following:

1. Published scientific and medical literature from the United States and other countries regarding this substance;

2. Materials submitted to DEA by DHHS with the letter of March 18, 1981;

3. Materials on file with the Drug Enforcement Administration;

4. Drug reporting systems within DEA and various state and local establishments; and,

5. The legislative history of the Controlled Substances Act.

Based upon the investigations and review of the Drug Enforcement Administration and relying on the scientific and medical evaluation and the recommendation of the Secretary of Health and Human Services, received pursuant to sections 201(a) and 201(b) of the Act (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, fenethylline has a high potential for abuse;

2. Fenethylline has no currently accepted medical use in treatment in the United States; and,

3. There is a lack of accepted safety for use of fenethylline under medical supervision.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Act [21 U.S.C. 811(a)], and the delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice [28 CFR Part 0.100], the Administrator hereby proposes that a new paragraph (f) entitled *Stimulants* be added to § 1308.11 of Title 21 of the Code of Federal Regulations (CFR) and that § 1308.11 be amended to read as follows:

§ 1308.11 Schedule I.

* * * * *

(f) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethylline—1503

All interested persons are invited to submit their comments or objections in writing regarding this proposal. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537. Attention: DEA Federal Register Representative.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrant a hearing, the Administrator will have published in the **Federal Register** an order for a public hearing which will summarize the issues to be heard and which will set the time for the hearing (which will not be less than 30 days after the date of the order).

Pursuant to Title 5, United States Code, Section 605(b), the Administrator certifies that control of fenethylline, as proposed herein, will have no impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act. The chemical substance described in this notice has no legitimate use in the United States.

In accordance with the provisions of Section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and, as such, have been exempted from the consultation requirements of Executive Order 12291.

Dated: April 23, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-13226 Filed 4-30-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 235

[Docket No. R-81-800]

Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation; Congressional Waiver Request

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Congressional Waiver request.

SUMMARY: Section 7(o)(4) of the Department of Housing and Urban Development Act permits the Secretary to request waiver of the legislation's requirements in appropriate instances. This notice lists and briefly summarizes for public information an interim rule concerning mortgage insurance and assistance payments for home ownership and project rehabilitation, with respect to which the Secretary is presently requesting waiver.

FOR FURTHER INFORMATION CONTACT: Richard F. Lasner, Assistant General Counsel for Regulations, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both Congressional Banking Committees the interim rule listed below. The purpose of the transmittal is to request waiver of both the 15-day prepublication review period, under Section 7(o)(2), and the 30-day delayed effective date for the interim rule under Section 7(o)(3) of the Department of Housing and Urban Development Act. A summary of the rulemaking document for which waiver has been requested is set forth below:

Interim Rule—24 CFR Part 235—Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation

This interim rule amends several Sections of 24 CFR in order to comply with the intent of the Department of Housing and Community Development Act of 1980. The new provision will provide for an increase in the Section 235 maximum mortgage amounts. The maximum mortgage amount for a single-family dwelling unit or a one-family unit in a condominium project is $40,000. In such cases where there are five or more persons requiring a minimum of four bedrooms, the maximum mortgage amount is $47,500. In geographical areas where the Secretary finds cost levels so require, these limits may be raised up to $7,500.

(Sec. 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o); Sec. 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., April 21, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-13212 Filed 4-30-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-106-80]

Consolidated Return Regulations Public Hearing on Proposed Regulations;

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to consolidated returns.

DATES: The public hearing will be held on August 13, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by July 30, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202.566.3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 1502 of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Friday, January 30, 1981 (46 FR 9965).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by July 30, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-13325 Filed 4-30-81; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 31

[LR-8-81]

Voluntary Withholding From Sick Pay; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rule and Regulations portion of this **Federal Register**, the Internal Revenue Service is issuing temporary regulations that relate to voluntary withholding from sick pay. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATES: Written comments and requests for a public hearing must be delivered by June 30, 1981. The regulations are proposed to be effective with respect to sick pay payments made by someone other than the payee's employer on or after May 1, 1981.

ADDRESSES: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-8-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Barry L. Wold of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3459).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** add a new Part 35 to Title 26 of the Code of Federal Regulations. The final regulations, which this document proposes be based on those temporary regulations, would be added to Part 31 of Title 26 of the Code of Federal Regulations. Section 35.1 would become § 31.3402(o)-3, § 35.2 would become § 31.6051-3, and Part 35 would be removed.

The regulations would permit a payee of sick pay to request that the payor (other than his employer) of his sick pay withhold a specific whole dollar amount from each sick pay payment and would require that the payor comply with this request until the payee terminates the request. The regulations are necessary because of the additions made to section 3402(o) and 6051(f) by Pub. L. 96-601 (94 Stat. 3495). These statutory changes are effective with respect to sick pay payments made on or after May 1, 1981. These regulations are proposed to be issued under the authority contained in sections 3402(o) (94 Stat. 3495; 26 U.S.C. 3402(o)) and 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 81-13345 Filed 4-30-81; 11:23 am]

BILLING CODE 4830-01-M

26 CFR Part 51

[LR-72-80]

Study Project Relating to Changes in the Application of Department of Energy Regulations for Purposes of the Windfall Profit Tax on Domestic Crude Oil; Invitation for Public Comments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Invitation for public comments.

SUMMARY: This document contains an invitation for public comment on the

question of what (if any) changes in the application of the energy regulations for purposes of the windfall profit tax on domestic crude oil may be necessary or appropriate to carry out the purposes of that tax. The Service invites interested members of the public to submit written comments (preferably six copies) on this subject. All comments will be available for public inspection.

DATES: Written comments must be delivered or mailed by June 30, 1981.

ADDRESS: Send comments to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–72–80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Mr. David B. Cubeta of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3297).

SUPPLEMENTARY INFORMATION: Section 4997(b) of the Internal Revenue Code of 1954 authorizes the issuance of such regulations changing the application of regulations promulgated by the Department of Energy, for purposes of chapter 45 of the Code (relating to the windfall profit tax on domestic crude oil), as may be necessary or appropriate to carry out the purposes of that chapter. The Internal Revenue Service has established a project to study the question of what changes (if any) are necessary or appropriate.

The Service invites public comment on all issues involved in this question.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 81–13217 Filed 4–30–81; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, VII

33 CFR Ch. II

36 CFR Ch. III

Semi-Annual Agenda of Regulations; Delay of Publication

AGENCY: Department of Defense.

ACTION: Delay of publication of semi-annual agenda of regulations.

SUMMARY: Notice is hereby given that the Department of Defense will publish its Semi-Annual Agenda of Regulations at its usual publication date of May 29, 1981 vice the April 30 publication date required under the new E.O. 12291, "Federal Regulation." The Department is undergoing several changes to its agenda and regulatory reform program in order to incorporate those provisions determined applicable under E.O. 12291. The May publication date will provide the time required for Defense Components to incorporate these changes and present an updated and revised agenda. The Agenda will also be published in October 1981 under E.O. 12291 guidelines.

FOR FURTHER INFORMATION CONTACT: Colonel P. H. Karalus, telephone 202–695–4281 or write Directorate for Organizational and Managment Planning, OASD(C), Pentagon, Washington, D.C. 20301.

Dated: April 28, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81–13272 Filed 4–30–81; 8:45 am]

BILLING CODE 3810–70–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AD–FRL 1816–4]

Stack Height Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of additional technical information.

SUMMARY: On January 12, 1979 (44 FR 2608) EPA proposed regulations to assure that the degree of emission limitation required for the control of any air pollutant under any applicable State Implementation Plan (SIP) is not affected by that portion of the stack height which exceeds Good Engineering Practice (GEP) or by any other dispersion technique. Since the close of public comment proceedings in July of 1979, EPA has developed additional technical information on the definition of GEP stack height and additional information on the projected impact of the proposed regulations. EPA is now providing a 30 day period for comment on this additional information.

DATE: Written comments must be received no later than 4:00 p.m. (EDT) June 1, 1981 by the Central Docket Section.

ADDRESSES: All comments must be submitted (in duplicate, if possible) to: Central Docket Section (A–130), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Attn: Docket No. A–79–01, Section IV–H. The docket may be inspected at Gallery 1, West Tower Lobby, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C., between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Polkowsky, MD–15, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Telephone: (919) 541–5540.

SUPPLEMENTARY INFORMATION:

Background

Section 123 of the Clean Air Act, 42 U.S.C. 7423 requires EPA to promulgate regulations to assure that the air pollutant emission limitation required by any SIP is not affected by that portion of the stack height which exceeds GEP or by any other dispersion technique. On January 12, 1979 (44 FR 2608) EPA proposed regulations to implement Section 123 of the Act.

Accompanying the proposed regulations was a regulatory impact study and a draft technical support document. The impact study was developed to evaluate the potential impact of the proposed stack height regulation in terms of emissions and estimated costs for a specific category of sources, coal-fired power plants. This category of sources was selected for study because of: (1) its significant emissions contribution, (2) its use of tall stacks, and (3) the availability of stack data to perform an assessment regarding the impact of the regulation. Many of the commenters on the proposed regulations referred to the impact study as being inadequate since it was not based on individual plant information for determining GEP stack heights.

In an effort to address the above concerns, the Agency contracted for two studies to better assess the technical and economic impacts of the proposed regulations. The first report prepared by H. E. Cramer, Co., (Cramer) identified the pollution source categories most likely to be affected by the stack height regulations, estimated the total amount of emission reductions the proposed regulations would require, and estimated the overall changes in air quality the proposed regulations would produce. The study report is included in Docket IV A–79–01 as document IV–A–4.

The second study, prepared by Energy and Environmental Analysis, Inc. (EEA), estimated the cost to coal-fired power plants based on two source-category wide GEP stack heights. This study report is included in Docket A–79–01 as document IV–A–5.

In order to better ascertain the impact of the GEP formula for setting emission limitations, the Agency decided to obtain more information on fossil-fuel fired power plants with new stacks. This study is based on specific information on power plants which was contained in EPA or State files and from information obtained from the sources. This study report is included in Docket A–79–01 as document IV–A–6.

In the report prepared in support of the proposals and in the Cramer and EEA reports, EPA attempted to estimate the cost on the implementation of the stack height regulations based on a limited data base. Where information was not available, reasonable worst-case values were assumed (values which would result in the higher estimated cost). In the last study, EPA obtained as much information on individual plants as was reasonably available and, thus, less assumptions were made. EPA believes that report represents the best estimate of the cost of implementing these regulations.

EPA also received comments claiming that the draft technical support document was not adequate. EPA has revised and expanded this document. The latest draft is available in Docket A–79–01 as document IV A–7. EPA also prepared an additional study to assess the long distance impact of various stack heights. That report, "An Assessment of the Potential Effect of Stack Heights on Sulfate Formations and Sulfur Deposition," is included in Docket A–79–01 as document IV A–8.

Request for Comments

EPA is requesting comments on these additional studies and their use for the development of the stack height regulations. EPA is still considering all of the comments previously submitted on the regulations proposed January 12, 1979. Persons desiring additional information on the procedural and technical background of this rulemaking should refer to the notice of proposed rulemaking (44 FR 2608).

As a result of an order of the United States District Court for the District of Columbia Circuit, EPA is on an extremely strict schedule for final promulgation of the stack heights regulations. *Sierra Club v. Barber* (D.C. Cir. Final Action No. 01–0094). Accordingly, all comments must be received no later than June 1, 1981. EPA will not consider any requests for extensions of this comment period.

Dated: April 27, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-13219 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 52

[A1-FRL 1800-6]

Approval and Promulgation of Implementation Plans; Connecticut

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a number of revisions to the Connecticut State Implementation Plan (SIP) which will permit individual sources to use fuels with a higher sulfur content than the 0.5 percent by weight limitation in the SIP. The amendments to the Connecticut air program and supplementary revisions were submitted to EPA on December 22, 1980 and on March 11, 1981, respectively, by the Commissioner of the Department of Environmental Protection (DEP).

First, EPA is proposing to approve a narrative change to the SIP which defines a state procedure for considering improved energy efficiency in determining an alternative sulfur control strategy under the existing state sulfur-in-fuel regulation 19–508–19. The proposed "Air Pollution Control/Energy Trade Option" will ultimately permit a company that has conserved energy to buy and use fuels containing up to 2.2 percent sulfur by weight. Technical support for the approvals will be based on the state *New Source Ambient Impact Analysis Guideline* which EPA is also proposing to approve today for inclusion in the narrative portion of the Connecticut SIP.

In addition, EPA is proposing to approve revised sulfur-in-fuel limitations for all Connecticut sources under 250mBtu/hour which will be approved by the Commissioner of the DEP under the new procedures. Individual SIP revisions for each of these small sources will be submitted to EPA by DEP at some later dates after the individual state approvals, and EPA will proceed to final rulemaking for each source at that time. By proposing to approve the revised sulfur-in-fuel limits for limits for the individual small sources now, in advance of the technical review, EPA is departing from its usual procedure of conducting separate proposed rulemaking for each individual case after the state has fully completed its review and taken action. EPA believes that this new approach of concurrent, parallel State/EPA procedures constitutes a significant regulatory reform of the current SIP revision process because it will continue to assure protection of the National Ambient Air Quality Standards (NAAQS) and public input while substantially accelerating application processing time and eliminating duplication of effort by the State and EPA. This new procedure is similar to the one discussed on December 16, 1980 at 45 FR 82675 for the proposed Massachusetts energy program.

EPA is soliciting comment on the revisions to the CT SIP proposed here and on the new rulemaking procedure.

DATE: Comments must be received on or before June 1, 1981.

ADDRESSES: Copies of the Connecticut submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 2113, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; and Connecticut Department of Environmental Protection, Air Compliance Unit, State Office Building, Hartford, Connecticut.

Comments should be submitted to Harley Laing, Chief, Air Branch, Region I, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Sarah Simon, Air Branch, Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–4448.

SUPPLEMENTARY INFORMATION:

I. Proposed Connecticut SIP Revisions
A. Existing State Regulation
B. The New Equivalency Determination and the Proposed Program
C. Ambient Standards Review
1. Connecticut *New Source Ambient Impact Analysis Guideline*
2. Models Employed
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A. Enforceability and Authority
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I. Proposed Connecticut State Implementation Plan (SIP) Revisions

The Connecticut (CT) Department of Environmental Protection (DEP) is proposing a program (the "proposed program") which will allow companies whose energy use has become more efficient over the last several years to burn fuels with a sulfur content up to a maximum of 2.2% by weight. In addition, the DEP is also proposing a state guideline for ambient impact analysis. Since promulgation of the uniform 0.5% sulfur (by weight) fuel limitation in 1972, CT has achieved ambient conditions better than the NAAQS for sulfur dioxide (SO_2). In cases where standards can be maintained, the new proposed program will permit higher sulfur-in-fuel limits (up to 2.2% sulfur by weight) as an economic incentive to reward companies that have conserved fuel and energy. The proposed program, entitled "Air Pollution Control/Energy Trade Option", is in the form of a narrative amendment to the CT SIP since it is based upon an interpretation of the present state sulfur-in-fuel regulation. Companies will make individual applications to the DEP for consideration under the proposed program, and after review, approvals will be issued as orders of the Commissioner and will subsequently be used for enforcement purposes. The proposed program, use of the state guideline for ambient impact analysis, and the individual approval orders will become federally enforceable when each of these revisions is incorporated into the federally approved SIP through appropriate federal rulemaking.

A. The Existing State Regulation

The proposed program is based on the existing state regulation 19–508–19, "Control of Sulfur Emissions". Subsection (a)(2)(i) of 19–508–19 states that "* * * no person shall use or burn fuel which contains sulfur in excess of one-half of one percent (0.5 percent) sulfur by weight * * *" Subsection (a)(3) of 19–508–19 provides an alternative to this, stating that "the Commissioner may approve * * * combustion of a * * * higher sulfur content * * * if the combustion * * * is combined with a stack gas cleaning process *or its equivalent* * * * *No* * * * *equivalent* * * * shall be approved unless the total sulfur * * * emissions * * * do not exceed 0.55 pounds per million Btu gross heat input * * * (emphasis added). Thus, the regulation requires that 0.5% sulfur fuel be burned unless "a stack gas cleaning process or its equivalent" is approved which limits emissions to "0.55 pounds per million Btu gross heat input". CT will implement this regulatory alternative of approving an equivalent sulfur control strategy for appropriate companies through the proposed program described below. It should be noted that the proposed program is the state's mechanism for determining the sulfur-in-fuel content approvable for various "premises" and as such is within the state's discretion; EPA is principally concerned with the resulting emission limit for each point source and the impact on the NAAQS.

B. The New Equivalency Determination and the Proposed Program

The DEP has provided a narrative explanation of how an equivalent sulfur control strategy can be determined under this proposed program. Since regulation 19–508–19 does not define what is "equivalent" to a stack gas cleaning process and does not mention sources, boilers, combustion units, or control equipment, CT has defined "gross heat input" to be the total annual energy requirements for a given "premise." The DEP has included electrical energy requirements in the premise's "gross heat input" in order to account for efficiency improvements implemented through the use of heat pumps, cogeneration, or other methods. "Premise" has been defined to be "the grouping of all pollutant emitting activities or sources at one location and owned or under the control of the same person or persons". Neither of these are traditional definitions, and they will be used by the state only for the proposed program and the development of CT approval orders under the program and not for enforcement actions or other emission limit calculations under the SIP.

The actual calculation for each equivalency determination is based on a fixed energy-per-production unit ratio for a given year after 1971. The applicant may select a base year for which its energy-per-production unit ratio was the greatest, or, in other words, a production year before conservation efforts were put into effect. Under the proposed program, the premise will be permitted to use the base year energy requirements (the energy-per-production unit ratio) to determine its "gross heat input" for all subsequent years. The premise, after approval, will be allowed to discharge 0.55 pounds SO_2 per mBtu of gross heat input for the year of the application. The premise will be allowed to emit this same, total SO_2 discharge although on-site fuel and energy needs for the particular premise will have been reduced through conservation efforts. Thus, after approval, fuel burned on-site may contain more than 0.5% sulfur by weight while still meeting the total, allowable discharge limit of 0.55 pounds SO_2 per mBtu of gross heat input. If NAAQS will not be violated by the premise's emissions, the sulfur content may be as high as 2.2%. Only one energy-per-production unit ratio will be used for any given premise, but the maximum sulfur content allowed will be recalculated each year to account for further changes in energy efficiency. CT expects that this will provide a continuing incentive for decreasing fuel use at each premise. Final approval orders for the premise will include specific conditions for each point source based on the above review and the ambient impact analysis.

C. Ambient Standards Review

The DEP will never review the air quality impact of the plant burning fuel with the maximum sulfur content as calculated by the above described procedure. If necessary, CT will reduce this calculated fuel sulfur content so that the NAAQS and the CT air quality standards will be protected. CT proposes to use their *New Source Ambient Impact Analysis Guideline (CT Modeling Guideline)* for this ambient air quality analysis.

1. CT: *New Source Ambient Impact Analysis Guideline.* The proposed *CT Modeling Guideline* combines the results of conservative, mathematical modeling with a system of background air quality levels. The procedures presented in the *CT Modeling Guideline* fall into the category of screening analyses that utilize assumed, worst case meteorological scenarios and are, therefore, on the level of the relatively quick and simple ambient impact modeling described in EPA's *Guidelines for Air Quality Maintenance Planning and Analysis: Volume 10 (revised): Procedures for Evaluating Air Quality Impacts of New Stationary Sources.* These worst case or "screening" analyses are distinct from "refined" modeling analyses in that the latter use recorded meteorological data in more complex dispersion models. If results of the State screening analysis predict that standards will be violated, more refined techniques consistent with EPA's *Guideline on Air Quality Models* can then be applied which may yield more realistic, estimated impacts.

2. *Models Employed.* The screening procedures proposed in the *CT Modeling Guideline* are based on the assumption that short-term ambient standards are more constraining than annual standards and that directionally persistent winds usually produce the

highest impact. The analysis is designed to model sources with emissions greater than 15 tons per year. The State inventory system does include point sources as small as 15 tons of emissions per year.

Connecticut performs initial screening with the EPA model PTMAX which assumes flat terrain and a range of possible meteorological conditions. It calculates 1-hour impacts. If the maximum SO_2 or total suspended particulate (TSP) impacts are less than 10 $\mu g/m^3$, the impacts are considered insignificant and no further analysis is done. A maximum 1-hour impact of 10 $\mu g/m^3$ indicates that the maximum 24-hour and 3-hour impacts will generally be less than EPA's levels of significant impact of 5 and 25 $\mu g/m^3$, respectively (See EPA's *Ambient Monitoring Guideline* for PSD, 450/4–80–012, pg. A–8).

Further analysis is conducted to review sources whose impacts are above the 1-hour level of significance. This utilizes DEP's PTMTPA–CONN model which is a modified version of EPA's model PTMTP. PTMTPA–CONN has been developed to handle elevated source and receptor terrain heights and directionally persistent winds. Terrain handling techniques include a constant plume height approach for stable meteorological conditions and a so-called "half-height" approach for non-stable conditions for significantly elevated terrain. For lower terrain and non-stable conditions, the constant plume height approach is again used. Based on climatological studies of wind direction persistence, the DEP model includes a built-in spread of wind direction about each downwind centerline direction. This internal wind persistence technique is used to convert predicted 1-hour concentrations to 24-hour concentrations.

In a single computer run, the model allows input of the discharge characteristics of up to 25 sources, 30 receptor locations, and 14 meteorological regimes. A radius of influence is determined for the source being analyzed using the PTMAX results. All sources greater than 15 tons located within this radius are modeled (at average operating conditions) along with the source in question (at maximum design operating conditions). The worst case meteorology scenarios and the placement of receptors are based on the PTMAX output, nearby topography, and DEP's knowledge of dispersion climatology in CT.

3. *Background.* In this second level of review, existing background levels are characterized through a procedure that uses the State's monitoring system data and accounts for natural background, transport of pollutants, area sources and non-traditional sources such as roadways. Each town is assumed to have a constant contribution from natural background and transport while area sources (including, but not limited to, point sources less than 15 tons per year), point sources greater than 15 tons per year, and industrial development vary for each town. The DEP groups the monitoring data according to area source emission densities of the towns in which the monitors are sited and also divides them into the urban/rural classification areas depicted on the USGS topographical maps. The highest, second high, monitored data values for each group are averaged. These rural and urban background values are then assigned to all similar emission density towns throughout the State. Actual, monitored second high values are considered as background levels for sources located in towns with monitors, but if they are determined to be unduly influenced by nearby sources or otherwise non-representative, the statewide background number may be used.

4. Special Requirements and Refined Analysis

Under the *CT Modeling Guideline*, major sources (100 tons potential emissions per year or larger) and those minor sources requiring Federal review must meet additional requirements. Major sources of TSP and SO_2 must be evaluated for compliance with the 24-hour and 3-hour standards not only at maximum operating levels but also at average operating conditions. In addition, major sources must be analyzed for annual standards compliance at average operating conditions. Major sources of carbon monoxide (CO) and nitrogen dioxide (NO_2) will be analyzed for compliance with the National Ambient Air Quality Standards. All major sources will also be reviewed for conformance with EPA's proposed stack height regulations (44 FR 2608, January 12, 1979). Minor sources for SO_2 requiring Federal review must be evaluated for compliance with the 24-hour and 3-hour standards using the maximum operating conditions.

In the event that the screening analysis using the *CT Modeling Guideline* indicates that standards will be violated, the applicant may proceed to more refined modeling if it is in accord with EPA's *Guideline on Air Quality Models* and subsequent EPA guidance. EPA must approve the use of any non-guideline models, techniques, or data bases on a case specific basis.

II. Federal Review and Requests for Comments

EPA has reviewed aspects of the proposed program with regard to State authority, protection of the NAAQS, enforcement, and other related air programs. It should be noted that if it can be demonstrated that NAAQS will not be jeopardized by the new fuel limitations, EPA is not concerned with the derivation of the maximum energy-trade sulfur limitation (discussed in Section IB above) which is strictly a State responsibility. Thus, EPA has focused on three areas in reviewing this program: (1) Federal and State enforcement and authority, (2) protection of the National Ambient Air Quality Standards (NAAQS) and the prevention of significant deterioration (PSD) increments, (3) compatibility with other air pollution control programs.

A. Enforceability and Authority

The State orders and their conditions will be in conformance with State regulations Sections 19–508–(3), (4), (6), and (7) which respectively provide for the determination of equivalency, require approval prior to fuel sales or use under any equivalence determination, authorize the commissioner to require fuel analyses or stack sampling, and require suppliers to keep records of fuel sulfur content. The narrative amendment states that failure to comply with reporting required by any order will subject the applicant to civil penalties under Section 22a–6b–601. State and Federal enforceability will be reiterated in the order itself, and each applicant must agree to this as a condition of approval. The State submittal contains an opinion of the State attorney general indicating that DEP has the authority to establish, implement and enforce this program.

From the Federal perspective, changes or variations from the current limitations in the federally approved SIP must be incorporated into the Federal rules in order to become federally enforceable. EPA has decided to conduct formal rulemaking for the SIP revisions in accordance with procedures outlined below in Part III. Because the proposed program, the *CT Modeling Guideline*, and the individual premise approvals will be promulgated as a part of the Federal SIP, all provisions of these State programs and emission limits approved thereunder will become federally enforceable.

EPA believes that the proposed program is a workable State program that can be enforced by the State and EPA and will protect ambient air quality

standards. By taking efficiency improvements into account the proposed State program may help to reduce the cost of energy to CT industry. EPA solicits comment on the State and Federal enforceability of the program as proposed.

B. Ambient Guideline and Standards Protection

The *CT Modeling Guideline* was initially submitted to EPA in June 1979. Since the original submittal, the guideline procedures and extent of review have been expanded to include pollutants other than SO_2 and TSP, consideration of averaging times other than 24-hours, provisions for conducting more refined modeling, slightly different background characterization procedures, a more complete stack height analysis, and several other details for modeling conditions.

As far as the modeling is concerned, EPA has found that the *CT Modeling Guideline* is sufficiently conservative even though time-averaging and terrain are handled somewhat differently from EPA's own screening methods. The method for determining background values also differs from EPA methods in that it uses average, second-high, monitored data and then applies this calculated background number to all city and rural areas of towns with similar populations and emissions densities. These background values will be used in conjunction with the modeled impacts of all nearby sources emitting more than 15 tons per year. The DEP will also consider local, monitored data, if available, for review of major sources.

Because neighboring point sources as small as 15 tons per year are explicitly modeled, there may be some double counting of these emissions in the background levels. Also, the entire procedure has an intrinsically conservative element because DEP is adding worst case modeled impacts to "bad day" background levels without taking into account any temporal correlations (or lack thereof) of the meteorological conditions associated with worst case modeled impacts versus those associated with high background levels. In more refined dispersion analyses it is common to find that during conditions of high modeled impacts the background is not high, and conversely, during conditions of high background levels, the modeled impacts are much less than worst case impacts.

EPA has reviewed the *CT Modeling Guideline* and has concluded that it is at least as conservative as EPA's screening procedures, and therefore, CT's use of its procedures will be adequate to insure the maintenance of the NAAQS. However, this guideline is not necessarily suitable for analyzing area-wide dispersion, particularly in multiple-source, urban environments. In addition, EPA's acceptance of the State's performance of 3-hour dispersion analyses only when federally required does not imply that EPA accepts the argument that a 24-hour compliance demonstration automatically implies 3-hour compliance.

C. Compatibility With Other Air Programs

The proposed program is likely to result in increased emissions of SO_2 and TSP and, thus, Prevention of Significant Deterioration (PSD) and Part D non-attainment requirements must be considered.

Pursuant to Federal requirements (40 CFR 52.21(b)(14) published August 7, 1980), a PSD baseline will be established in areas designated attainment or unclassifiable under Section 107 of the Clean Air Act when the first source submits a complete PSD application to locate in such an area. No applications have been submitted in CT to date. The proposed program and *CT Modeling Guideline* do not include a requirement for review to insure compliance with PSD increment limitations. The revised sulfur limitations that result from application of the proposed program do not require PSD permits because these sources are capable of accommodating the higher sulfur content fuels and were not constrained by conditions in any New Source Review Permit (40 CFR 52.21(b)(2)(iii)(e), published August 7, 1980). Generally, emissions increases do not consume increment until a baseline date has been established.

A mechanism must be developed and implemented for determining the impact of new emissions increases on the allowable PSD increments and accounting for consumption of the allowable increment. EPA has decided that this mechanism for evaluating increment consumption need not be developed and implemented immediately, however, provided that it is in place by the time the PSD baseline date is established. EPA will not finally approve an individual SIP revision for a source under this program which will impact an area in which a baseline date has been set unless the State has adopted and implemented a mechanism for reviewing increment consumption due to such SIP revisions. Although the DEP believes that source approvals under the proposed program are not SIP relaxations, and, thus, would not consume PSD increment, the State has agreed to provide information on increment consumption to EPA. CT has indicated to EPA that during the public comment period it will provide a description of a mechanism for evaluating increment consumption for SIP revisions.

The entire State of Connecticut is classified non-attainment for the secondary TSP standard. CT has not yet submitted a secondary TSP attainment plan to EPA for approval. However under the proposed program, the DEP will require an impact analysis for each premise to show that any fuel change will not contribute or will contribute insignificantly to standards violations.

EPA would like to emphasize that although this program considers each premise in the aggregate, its effect is not the same as the recently introduced Federal plan for controlled trading which is known as EPA's "Bubble" policy (44 FR 71780). The CT equivalency determination procedures are not based on trading emission quantities.

III. Federal Rulemaking for the CT SIP Revisions

1. EPA is today proposing approval of the CT *New Source Ambient Impact Analysis Guideline* as sufficient technical review for point sources under the CT air pollution control program.

2. EPA is today proposing approval of the "Air Pollution Control/Energy Trade Option" narrative revision with the following conditions:

A. The program is not approved as adequate to protect PSD increments. EPA will not finally approve an individual SO_2 SIP revision for a source under this program which will impact an area in which a baseline date has been set unless the State has adopted and implemented a mechanism for reviewing the increment consumption due to such SIP revisions.

B. EPA is taking no action on procedures which are strictly for analysis to determine compliance with CT's 24-hour secondary SO_2 standard because DEP has informed EPA that it will be revoking this State secondary standard in the near future.

3. EPA is today proposing approval of the revised sulfur-in-fuel limitations (as yet to be determined, up to 2.2% sulfur-in-fuel) for sources smaller than 250 mBtu/hour which will be approved at later dates by the State under this program.

Under this proposed rulemaking procedure, which departs from EPA's standard, more lengthy SIP revision process, EPA will be conducting its proposed rulemaking concurrently with the DEP's approval procedures and will not conduct separate proposed

rulemaking for each source after DEP has issued its orders. Other, larger premises will require separate proposed and final Federal rulemaking as individual SIP revisions.

Under this proposal, each application will be reviewed by the DEP upon receipt to insure that it complies with the new program and that the impacts of each premise, as evaluated under the *CT Modeling Guideline*, will not jeopardize the NAAQS. DEP will then provide a public notice and comment period of at least 30 days for each proposed approval under the program. This will be the only comment period for individual premise approvals, and the DEP will maintain a list of and notify (by mail) all interested parties about each proposed approval order. Anyone desiring to be placed on the mailing list should notify the DEP in writing at the following address: Mr. Leonard Bruckman, Director, Air Compliance Section, Department of Environmental Protection, State Office Building, 165 Capitol St., Hartford, CT 06115.

Comments on the individual source approvals should be submitted to the DEP at the above address as well. EPA will review these comments prior to final Federal rulemaking, and thus, anyone wishing to submit comments to the EPA relative to a particular source is encouraged to submit them to the DEP during the DEP review process. EPA will not conduct an independent proposed rulemaking proceeding. Notice of specific proposed approvals will be given only by the DEP during its review process.

After the State review of each premise, the DEP will submit copies of the final order to EPA together with a certification that the source has been reviewed under the procedures of and meets all requirements of the approved program and *CT Modeling Guideline*, a certification that the DEP has followed approved public notice and comment procedures, and copies of all comments and the DEP responses. EPA will then take final action in the **Federal Register** and the effective date of action for each source will be the date of publication. This final rulemaking will incorporate the new individual source emission limits into the SIP and these limits will be enforceable by EPA under the Clean Air Act.

The concurrent State/EPA approach is expected to reduce duplication of effort by the DEP and EPA while insuring that adequate technical review for protection of the NAAQS and adequate public notice and comment have been given. EPA believes that this is a significant regulatory reform which will substantially reduce the time required for review and promulgation.

At this time, EPA specifically solicits comment on this proposed, expedited rulemaking procedure, particularly as it influences federal approval time and resources, elimination of duplication of agency efforts, adequacy of technical review and standards protection, federal enforceability, and the opportunity for public input.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action, if promulgated, only approves state actions and imposes no new requirements.

This regulation was submitted to the Office of Management and budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to these comments are available for public inspection at EPA Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203.

Pursuant to the provisions of U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Section 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7401 and 7601).

Dated: January 30, 1981.

William R. Adams,

Regional Administrator, Region I.

[FR Doc. 81-12273 Filed 4-30-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 52

[A-3-FRL 1787-2]

State of Maryland; Proposed Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: The State of Maryland has submitted several amendments to their Regulations Governing the Control of Air Pollution in the State of Maryland, Baltimore Metropolitan Area, and Washington Metropolitan Area of the Maryland State Implementation Plan (SIP). On May 22, 1980 the definition of "Person" was modified. Several sections of the April 24, 1974 submittal, which have never been formalized, will be deleted or withdrawn. Public comment is invited.

DATE: Comments must be submitted on or before June 1, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, Attn.: Carol D. Peters

Maryland Environmental Health Administration, Air Quality Programs, 201 W. Preston Street, Baltimore, MD 21201, Attn.: George Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460

All comments on the proposed revision submitted on or before 30 days after publication of this notice will be considered and should be directed to: James Sydnor, Chief, DC, MD, VA Section (3AH11), Air, Toxics and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn.: (AH031MD).

FOR FURTHER INFORMATION CONTACT: Carol D. Peters (3AH11), U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, telephone number (215) 597–9139.

SUPPLEMENTARY INFORMATION:

Background

The State of Maryland has submitted several amendments to their Regulations Governing the Control of Air Pollution in

the State of Maryland, the Baltimore Metropolitan Area, and the Washington Metropolitan Area of the Maryland State Implementation Plan (SIP). The submittal dated May 22, 1980 modified the definition of "Person". The submittal of April 24, 1974 had several sections that EPA never formalized; the deletion of two terms and the withdrawal of a section. EPA also will clarify a previously approved section and correct a typographical error from previous **Federal Register** notices.

Regulation Changes

(1) On May 22, 1980, the Administrator of Air Quality Programs for the State of Maryland submitted to EPA, Region III, a Recodification of COMAR 10.18.01–10.18.07. Within this revision the definition of "Person", 10.18.01.01.0 was modified. Only the definition of "Person" is being proposed today. (The recodification will be acted upon in a separate **Federal Register** Notice). The definition of "Person" was expanded to include federal and local governments responsible for the use of property. This change is consistent with Section 302(e) of the Clean Air Act, and EPA proposes approval of the revised definition of person.

(2) On April 24, 1974 the State of Maryland submitted a revision to its State regulations which deleted the definitions of "Board" and "Commissioner". EPA never formalized the deletions. As these terms are not used in the Maryland Regulations, EPA proposes approval of the deletions.

(3) On April 24, 1974, Maryland submitted Sections 10.03.38.04B(4), and 10.03.39.04B(4), governing the sulfur content of process gases used as fuel in existing installations. The sections were proposed in the **Federal Register** on March 27, 1975 (40 FR 13521); EPA never finalized the sections. Maryland submitted, on January 5, 1978, other regulations governing the sulfur content of coke oven process gases, COMAR 10.03.38.04B(5)(a)–(d) and 10.03.39.04B(5)(a)–(d) replacing the April 24, 1974 version. Therefore, EPA is withdrawing Section 10.03.38.04B(4) and 10.03.39.04B(4) from further consideration. (The January 5, 1978 submittal is being acted upon in another **Federal Register** notice).

Proposed Action

It is the tentative decision of the Administrator to approve the modification of the definition of "Person" and the deletion of the two definitions, "Board" and "Commissioner".

The public is invited to submit to the address stated above, comments on whether the amendments to the State regulations should be approved as a revision of the Maryland State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination whether it meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements. Moreover, due, to the nature of the Federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it clarifies the definition of person by expanding it to include federal and local governments.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at: U.S. EPA, Region III, Air Programs, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106.

(42 U.S.C. 7401–642)

Dated: February 25, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-13329 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[AD, FRL 1810-8]

Interstate Pollution Abatement; Proceedings Under Section 126 of the Clean Air Act and Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proceedings under Section 126 of the Clean Air Act (Interstate Pollution Abatement) including notice of public hearing.

SUMMARY: Section 126 of the Clean Air Act (CAA) provides a mechanism for any State or political sudivision to petition the EPA to determine whether a major pollution source in another State is causing or has the potential to cause an interstate air pollution problem. Such petitions have been filed by the State of New York against specific sources in the States of Illinois, Ohio, West Virginia, Michigan, Indiana, and Tennessee, and by Pennsylvania against specific sources in Ohio and West Virginia. Both petitioning States, Pennsylvania and New York, are alleging that interstate pollution from these sources is preventing attainment and maintenance of national ambient air quality standards (NAAQS).

This notice announces a public hearing on these petitions to receive testimony on the question of whether certain sources identified in the "Background" section of this notice are having impermissible interstate impacts and whether the effects of these sources should be considered in the aggregate. EPA is also interested in comments on appropriate criteria to use in establishing emission limitations for these sources should the Administrator determine that these sources are contributing to the interstate air pollution problem.

DATE: The public hearing will be held on June 18 and 19, 1981. The hearing may be extended to a third day if necessary to accommodate requests to testify. Persons desiring to present testimony should submit requests by no later than close of business on June 11, 1981. EPA requests advance copies of written comments and factual information whenever possible; however, written material will be accepted up until the close of the public hearing record on August 4, 1981.

ADDRESSES: The hearing will be held at the International Inn, 10 Thomas Circle, N.W., Washington, D.C. 20005 (202/842–1304). The hearing will convene at 9:00 a.m. on June 18, 1981. Individuals wishing to present oral testimony are requested to contact Mr. William F. Hamilton, Control Programs Development Division, Office of Air Quality Planning and Standards, MD–15, Research Triangle Park, North Carolina 27711 (919/541–5551) (FTS 629–5551).

All written comments should be submitted (in duplicate, if possible) to: Central Docket Section (A–130), Docket No. A–81–09, U.S. Environmental Protection Agency, Room 2902, 401 M Street, S.W., Washington, D.C. 20460.

The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: William F. Hamilton, Control Programs Development Division (MD–15), Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711 (919/541–5551) (FTS 629–5551).

SUPPLEMENTARY INFORMATION:

Background

Section 126(b) of the Clean Air Act authorizes any State of political subdivision to "petition the Administrator [of the EPA] for a finding that any major source emits or would emit any air pollutant in violation of the prohibition of Section 110(a)(2)(E)(i)" of the Clean Air Act. That section prohibits "any stationary source within a State from emitting any air pollutant in amounts which will (I) prevent attainment or maintenance by any other State of any national primary of secondary ambient air quality standard, or (II) interfere with measures required to be included in the applicable implementation plan for any other State under Part C [of the Act] to prevent significant deterioration of air quality or to protect visibility."

On December 22, 1980 and January 16, 1981, the State of New York, and on December 19, 1980, the State of Pennsylvania, petitioned EPA, pursuant to Section 126(b) and (c) of the Clean Air Act as amended in 1977 (42 U.S.C. 7401 et seq.), to make a finding that the sulfur dioxide emissions from the sources identified in Tables I and II were causing or contributing to high concentrations of total suspended particulates (TSP) and sulfur dioxide (SO_2) and were otherwise in violation of 110(a)(2)(E)(i).

Pennsylvania claims that both the TSP and SO_2 national ambient air quality standards (NAAQS) are being violated in their State due to pollutants emitted from the sources identified in Table I and transported into Pennsylvania. New York, in its petitions, claims that pollutants emitted from the sources identified in Table II are contributing to violations of the TSP standard and to elevated SO_2 levels. Both Pennsylvania and New York requested EPA to consider the aggregate impact of the named sources when establishing individual emission limits rather than attempting to determine, on a case-by-case basis, the necessary limits. EPA is open to comments regarding under what circumstances and in what manner EPA should consider aggregate SO_2 emissions in approving SIP revisions.

Another principal contention by the State of New York is that although adequate long-range air quality dispersion models are available, EPA, itself, does not use or require States to use such models in making determinations as to the extent of impact of SIP emission limit revisions on distant downwind areas. EPA expects the issue of long-range modeling to play a major role in resolving these petitions and welcomes comments and testimony on the availability and use of long-range models.

Although the issues of sulfates and acid deposition were promently addressed in the petitions filed by both New York and Pennsylvania, EPA currently has no national ambient air quality standards for acid deposition or sulfates and, therefore, has no authority under Section 126 to regulate emissions solely because of their impacts on acid deposition or sulfates. EPA can only regulate emissions that are shown to prevent attainment or maintenance of a NAAQS or interfere with measures to prevent significant deterioration or protect visibility. For these reasons, EPA requests that the parties presenting oral or written comments at the forthcoming public hearing refrain from basing their arguments on the cause and effects of acid deposition and sulfates except for their contribution to air quality levels relative to the NAAQS.

Table I.—*Sources Affected by Pennsylvania Petitions*

Company name, plant name, and individual source	Location
Ohio:	
Federal Paperboard: Third Street Plant.	Jefferson County.
Ohio Power Co.:	
Cardinal Plant	Do.
Gavin Plant	Gallia County.
Muskingum River Plant	Washington/ Morgan County.
Ohio Edison Co.:	
Sammis Plant	Jefferson County.
Burger Plant	Belmont County.
Niles Plant	Trumbull County.
Toronto Plant	Jefferson County.
Ohio Valley Electric Corp.: Kyger Creek Plant.	Gallia County.
Columbus & Southern Ohio Edison Co.: Conesville Plant.	Coshocton County.
Toronto Paperboard: Toronto Paperboard.	Toronto.
National Steel Corp., Weirton Division: Weirton Plant.	Jefferson County.
Wheeling-Pittsburgh Steel Corp.:	
North Plant	Belmont County.
South Plant	Do.
Yorkville Plant	Do.
Martins Ferry	Do.
West Virginia:	
Allied Chemical Corp.:	
Coal fired boilers #1–4	Moundsville.
North Plant	Do.
Banner Fibreboard: Banner Fibreboard.	Wallsburg
City Service Co.: Reactors #1–4	Moundsville.
Dieckmann & Sons: Boilers	(1)
Globe Refractory: Kilns	Newell.
Koppers Co.: Boilers	Follansbee.
Mobay Chemical: Boilers	New Martinsville.
Ohio Valley Medical Center: Boilers.	Jefferson County.
Taylor Smith & Taylor: Boilers	Chester.
Triangle Conduit: Boilers	Glendale.
U.S. Stamping: Boilers	Moundsville.
Valley Camp Coal: Coal dryers	Do.
National Steel Corp.: Brown Island coal battery.	Weirton.
Mainland Coke: Coke batteries	Do.
National Steel Corp.: Wind box	Do.
Wheeling-Pittsburgh Steel:	
Benwood Plant	Marshall County.
Follansbee Plant	Follansbee
National Steel Corp.: Weirton Division.	Weirton
Ohio Power Co.:	
Mitchell Plant	Marshall County.
Kammer Plant	Do.
Monogahela Power Co.: Harrison Plant.	Do.

(1) Exact location not cited in Section 126 petition.

Table II.—*Sources Affected by New York petitions*

Company name, plant name, and individual source	Location
Illinois:	
Commonwealth Edison: Kincaid Plant.	Christian County.
Illinois Power: Baldwin Plant	Randolph County.
Indiana:	
Indiana-Kentucky Electric: Clifty Creek Plant.	Jefferson County.
Indiana and Michigan Electric: Tanners Creek Plant.	Dearborn County.
Northern Indiana Public Service:	
Michigan City Plant	LaPorte County.
Mitchell Plant	Lake County.
Bailly Plant	Porter County.
Southern Indiana Gas & Electric:	
Culley Plant	Warrick County.
Warrick Plant	Do.
Indianapolis Power & Light: Stout Plant.	Marion County.
Michigan:	
Consumers Power:	
B.C. Cobb Plant	Muskegon County.
J.H. Campbell Plant	Ottawa County.
Ohio:	
Toledo Edison: Bay Shore Plant	Lucas County.
Cincinnati Gas & Electric: Beckjord Plant.	Clermont County.
Ohio Power: Muskingum Plant	Washington/ Morgan County.
Columbus & Southern Ohio Electric: Poston Plant.	Athens County.
Cardinal Operating: Cardinal Plant	Jefferson County.
Tennessee:	
Tennessee Valley Authority: Kingston Plant.	Roane County.
West Virginia:	
Ohio Power: Kammer Plant	Marshall County.

After the public hearing, the Administrator must either make a finding that Section 110(a)(2)(E)(i) is being violated or deny the petition. If the finding of violation is made, Section 126(c) prohibits the operation of the source for more than three months after the finding has been made unless the Administrator permits continued operation of the source conditioned on its compliance with emission limitations and compliance schedules established by the Administrator. Compliance with the limitations must be as expeditious as

practicable but no later than three years after the date of such finding.

Public Hearing

A panel of Agnecy officials will conduct an informal public hearing on the above issues. Although no cross-examination of witnesses by members of the audience will take place at the hearings, the panel may ask questions of witnesses to clarify issues or develop information it considers necessary to EPA's decision. The panel will also accept written questions from the audience if time permits. Any person wishing to make a presentation or submit material for inclusion in the hearing record, should, if possible, provide written notice of this intention by June 11, 1981 to: William F. Hamilton, Control Programs Development Division, Office of Air Quality Planning and Standards, MD–15, Research Triangle Park, North Carolina 27711.

This notice should include the following information: (1) name(s), title(s), affiliation(s), and address(es) including telephone numbers; (2) amount of time desired for presentation. The actual time allotted for each presentation will depend on the number of persons seeking an opportunity to appear. Persons not providing prior notice but desiring to speak will be accommodated as time permits. Persons with a written statement should provide (7) copies to the Hearing Chairman and should submit two copies of the statement to the docket to aid in its prompt evaluation. A copy of any written statement received at the hearing will be placed in the docket. A verbatim transcript of the hearing, copies of written statements, and copies of other material will be made available for public inspection and copying during normal working hours at the USEPA Region II Library (New York), USEPA Region III Library (Philadelphia), USEPA Region IV Library (Atlanta), the Region V Air Programs Branch (Chicago), the Control Programs Development Division (Research Triangle Park), and the Central Docket Section (Washington).

Final Determination Under These Proceedings

After the close of the hearing record, the panel will make a recommendation to the Administrator. The Administrator will announce his proposed determination in the **Federal Register** and provide adequate opportunity for comment on the proposal.

Dated: April 16, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-13422 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 81

[A–7–FRL 1787–8]

Revision to Attainment Status; Designations for Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: On December 11, 1980 the Missouri Department of Natural Resources (MDNR) submitted redesignation requests for Pike and Ralls counties in Missouri. These counties are in the portion of the Northern Missouri Air Quality Control Region (AQCR) that is currently designated attainment. Missouri is requesting Pike and Ralls counties be redesignated as two separate and distinct attainment areas for all criteria pollutants. For reasons discussed below, EPA is proposing to approve these redesignations.

DATES: Comments must be received on or before June 1, 1981.

ADDRESSES: Copies of the state submission are available at the following locations:

Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri 65102

FOR FURTHER INFORMATION CONTACT: Taun L. Novak at (816) 374–3791 (FTS 758–3791).

SUPPLEMENTARY INFORMATION: Section 107(d) of the Clean Air Act (CAA) Amendments of 1977 required each State to designate the attainment status of all areas within the State in accordance with the National Ambient Air Quality Standards (NAAQS). These attainment status designations for all States were published on March 3, 1978 in the **Federal Register** at 43 FR 8962.

The Act specified that these attainment status designations be based on air quality control regions (AQCRs) or any subportions of these regions. Section 107(d)(5) provides that the State may revise the list of AQCRs, or portions thereof, as appropriate.

In the preamble to the recent revisions of the prevention of significant deterioration (PSD) regulations, (45 FR 52716) August 7, 1980, EPA indicated that States may submit redefinition of the boundaries of attainment or unclassifiable areas that were previously included within a larger clean area. EPA suggested that States may, as in this case, wish to effect such redesignations in order to establish smaller baseline areas for purposes of PSD review. In general, baseline areas are areas designated attainment or unclassifiable under section 107 of the Act. The first permit application filed within such an area establishes the baseline air quality for the entire area, and the air quality impacts of any new source proposing to locate within the area will be measured against this baseline to determine maximum allowable emissions. (See generally, 45 FR 52715, August 7, 1980). The August 7 notice states that the EPA will redesignate the areas as new attainment or unclassifiable area(s) if it agrees that the available data support the change and if no source subject to PSD regulations has located in, or significantly impacted on, a clean area being considered for redesignation.

On December 11, 1980 the MDNR submitted redesignation requests for the Counties of Pike and Ralls in Missouri. The MDNR requested that these counties, which are presently in the attainment portion of the Northern Missouri air quality control region (AQCR 137), be redesignated as separate and distinct attainment areas for all pollutants for which a national ambient air quality standard exists.

Pike and Ralls Counties are presently located in a designated attainment area. There are no PSD sources located in or impacting upon Pike or Ralls County, and the available data support the attainment designation. Hence the EPA believes the State's request is approvable.

ACTION: The EPA is proposing to approve the MDNR's request to redesignate Pike and Ralls Counties as separate and distinct areas in the following manner:

For the total suspended particulate (TSP) matter standard, Pike County and Ralls County each redesignated separately as "Better Than National Standards;"

For the sulfur dioxide (SO_2) standard, Pike County and Ralls County each redesignated separately as "Better Than National Standards;"

For the ozone standard, Pike County and Ralls County each redesignated separately in the category "Cannot Be Classified or Better Than National Standards;"

For the carbon monoxide (CO) standard, Pike County and Ralls County each redesignated separately in the category "Cannot Be Classified or Better Than National Standards;" and

For the nitrogen oxide standard, Pike County and Ralls County each redesignated separately in the category "Cannot Be Classified or Better Than National Standards."

The public is invited to submit comments regarding this proposal. Comments received on or before June 1, 1981 will be considered in the EPA's final decision on the Section 107 redesignation. The EPA believes the 30-day comment period is adequate because of the limited scope of this proposal.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it imposes no new regulatory requirements. Hence it is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

Pursuant to the provision of 5 U.S.C. 605(b) the Administrator has certified that attainment status redesignations under Section 107 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). The attached rule, if promulgated, constitutes an attainment status redesignation under Section 107 within the terms of the January 27 certification. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

(Sec. 107 of the Clean Air Act as amended)

Dated: March 24, 1981.

William Rice,

Acting Regional Administrator.

[FR Doc. 81-13323 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[OPP-300048; PH-FRL 1801-3]

Pesticides; Ammonium Thiocyanate; Proposed Exemption From Requirement of Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that the inert (or occasionally active) ingredient ammonium thiocyanate be exempted from tolerance requirements when used as an adjuvant and intensifier for defoliation of cotton and soybeans. This exemption would be added to 40 CFR 180.1001(d) for preharvest use.

DATE: Written comments must be received on or before June 1, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy (703-557-7110).

SUPPLEMENTARY INFORMATION: At the request of Ralph W. Fogleman, DVM, Ringoes, NJ 08551, the Administrator is proposing to amend 40 CFR 180.1001(d) by exempting ammonium thiocyanate, as an inert (or occasionally active) ingredient in pesticide formulations, from tolerance requirements when applied preharvest to cotton and soybeans.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers, and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The preambles to proposed rulemaking documents of this nature include the common or chemical name of the substances under consideration, the name and address of the person making the request for the exemption, and the toxicological or other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Inert ingredient	Requestor
Ammonium thiocyanate.	Ralph W. Fogleman, DVM, 41 Werstville Road, Ringoes, NJ 08551 (agent for J. T. Baker Co.).

Basis for Approval

The thiocyanate moiety of this salt is of primary toxicological significance as the salt is expected to readily dissolve in aqueous solutions with the ammonium ion being quickly neutralized at gastric pH. Thiocyanate is a normal constituent of the human diet, being found in plants that are members of the cabbage family (*Cruciferae*). See J. M. Kingsbury "Phytotoxicology" in *Toxicology—The Basic Science of Poisons*, L. J. Casarett and J. Doull, eds. Macmillan Publishing Co., New York, 1975, p. 601.

The oral lethal dose (LD_{50}) of ammonium thiocyanate ranges from 797 to 1,290 milligram (mg)/kilogram (kg) in rats and mice. The proposed limited use of this compound (restricted to pre-harvest applications only), and considering that the moiety is an innocuous, naturally-occurring component of human food items, leads to the conclusion that a hazard is not likely to result from the requested use.

The theoretical maximum residue levels of ammonium thiocyanate, when used as directed, are 120 parts per million (ppm) in cottonseed oil and 9 ppm in soybeans. These levels are equivalent to 92 ppm thiocyanate ion in cottonseed oil and 7 ppm thiocyanate ion in soybeans. However, thiocyanate is normally found in rather high concentrations in crucifers. Cabbage heads contain 184–816 ppm thiocyanate; cauliflower curds from 268–1,435 ppm thiocyanate; and broccoli contains from 625–950 ppm thiocyanate.

Based on the expected lack of hazard of this substance, and the theoretical maximum residue levels, it has been found that, when used in accordance with good agricultural practices, this substance is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR 180.1001(d) will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request by June 1, 1981 that this rulemaking proposal be referred to an advisory committee in accordance

with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[OPP 300049]." All written comments filed in response to this petition will be available for public inspection in the Process Coordination Branch, Rm. 514D, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or price for consumers, individual industries, Federal, State or local government agencies or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In general, tolerance regulations have beneficial impacts on affected industries and the public.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the Document Control Office, EPA, Rm. 107, 401 M St., SW., Washington, D.C. 20460.

For information on the Regulatory Flexibility Act see the Appendix to this proposed rule.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: April 21, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart D of 40 CFR Part 180 be amended by alphabetically inserting the inert ingredient "ammonium thiocyanate" in the table under § 180.1001(d) to read as follows:

§ 180.1001 Exemptions from the requirement of the tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
Ammonium thiocyanate.	.....	Adjuvant/intensifier for defoliation of, and weed control in/on cotton and soybeans.

Appendix to [OPP-300049]—Ammonium Thiocyanate Exemption From Tolerance

Certification Under Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. §§ 601-612), all "notice-and-comment" rulemaking which is proposed after January 1, 1981, must be accompanied by a regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant economic impact on a substantial number of small entities.

Under sec. 408 and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. §§ 346a, 348), the Agency is authorized to establish by regulation tolerance levels, exemptions from the requirements for a tolerance, or food additive levels, for pesticides whose use results in residues on food or feed. The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has some beneficial economic impact on the producer, distributor, and professional applicator of the pecticide, as well as on the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide. Adverse impacts are usually non-existent or insignificant.

This regulation would allow the use of ammonium thiocyanate products applied to cotton and soybeans. Any costs resulting from this rule would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: April 3, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-13313 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 420

[WH-FRL 1816-2]

Iron and Steel Manufacturing Point Source Category; Effluent Limitations Guidelines; Pretreatment Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period to May 8, 1981.

SUMMARY: On January 7, 1981, EPA proposed a regulation under the Clean Water Act for pollutant discharges from steel mills (46 FR 1858-1907). The comment period on the proposed regulation, originally set to end on March 9, 1981, has been extended twice at the request of representatives of the steel industry. In making the second extension, the Agency retained the April 8, 1981 due date for comments pertaining to certain central treatment issues while extending the comment period on other issues to May 8, 1981.

Because industry representatives have claimed that there is some confusion regarding which comments were due on April 8, 1981 the Agency is extending the comment period until May 8, for all issues related to the proposed regulation.

DATE: General comments on all issues related to the proposed regulation including central treatment and the new hot forming and cold rolling data placed in the record on April 9, 1981, must be submitted to the Agency by May 8, 1981.

ADDRESS: Send comments to Mr. Ernst P. Hall, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Attention: EGD Docket Clerk, Proposed Iron and Steel Manufacturing Rules (WH-552).

The supporting information and all comments on the proposal will be available for insepction and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM-213. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Ernst P. Hall, (202) 426-2726.

SUPPLEMENTARY INFORMATION: On January 7, 1981, EPA proposed a regulation under the Clean Water Act for pollutant discharges from steel mills (46 FR 1858-1907). The comment period on the proposed regulation was originally set to end on March 9, 1981. At the request of representatives of the steel industry, the Agency first extended the comment period to April 8, 1981 (46 FR 14135). Again, at the request of representatives of the steel industry, the Agency extended the comment period on most aspects of the proposed regulation to May 8, 1981 (46 FR 20707). However, the Agency retained the April 8, 1981 due date for comments pertaining to whether certain central treatment facilities should be subject to alternative

limitations which are less stringent than the proposed BAT limitations.

The Agency understands that the closing of the comment period on April 8, 1981 has led to some confusion regarding which comments were due on that date. Industry representatives have claimed that they did not file comments which were due on April 8, 1981, regarding facilities which they believe should be subject to alternative limitations, which are less stringent than the proposed BAT limitations, because of that confusion. In order to avoid any prejudice, the Agency will accept comments on all aspects of the proposed regulation until May 8, 1981.

The Agency may also ask certain dischargers which have requested that the Agency establish BAT limitations for their central treatment facilities, which are less stringent than the proposed BAT limitations, to provide specific information in addition to that provided in their comments. These commenters shall have up to 30 days to respond to these specific requests for supplemental information.

The Agency herewith reopens the comment period on all aspects of the proposed regulation and will keep it open until the new closing date of May 8, 1981.

Dated: April 27, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-13220 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-29-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Species; Proposal to Change the Legal Status of the American Alligator in 52 Parishes in Louisiana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule

SUMMARY: The Service proposes to change the legal status of the American alligator (*Alligator mississippiensis*) in 52 parishes in Louisiana, where the species is now classified as Endangered or Threatened, to a classification of Threatened under the Similarity of Appearance provisions of the Endangered Speices Act of 1973, as amended. Alligators in the other 12 Louisiana parishes are already classified as Threatened by Similarity of Appearance by actions which took place in 1975 and 1979. This proposed change is based on evidence that the species is no longer Endangered or Threatened in the subject area, having recovered from former low numbers in response to curtailment of excessive harvest as a result of effective enforcement of laws and regulations by the State of Louisiana and the Service. The proposed action, if made final would be a formal recognition by the Service of biological recovery of the alligator in Louisiana. An option would be made available to the State to institute harvest of alligators on a statewide basis in accordance with the Service's special rule on Threatened alligators and existing State laws. Minor clarifications of the boundary between Endangered and threatened alligators in South Carolina and Georgia are also being proposed.

DATES: Comments from the public must be received by June 30, 1981. Comments from the Governor of Louisiana must be received by July 30, 1981. Two public meetings will be held May 28, 1981, at 1:00 p.m. and 7:00 p.m.

ADDRESSES: Submit comments to the Area Manager, Jackson Area Office, U.S. Fish and Wildlife Service, 200 East Pascagoula Street, Suite 300, Jackson, Mississippi 39201. Comments and materials relating to this rule will be available for public inspection during normal business hours at the above address. Meeting location: Louisiana State University Union, Collonade Room, Baton Rouge, Louisiana.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis B. Jordan, Assistant Area Manager-Endangered Species, Jackson Area Office, U.S. Fish and Wildlife Service, Jackson, Mississippi 39201, telephone FTS 490-4900 or commercial 601/960-4900.

SUPPLEMENTARY INFORMATION:

Background

The American alligator (*Alligator Mississippiensis*) occurs in varying densities in wetland habitats throughout the Southeast including all or parts of the following States: Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, Oklahoma, North Carolina, South Carolina, and Texas.

The alligator was first classified as Endangered throughout its range in 1967 due to a reduction in its numbers from hunting and poaching. Subsequently, in response to strict Federal and State protection, the alligator recovered rapidly in many parts of its range, enabling the Service to undertake the following reclassification actions:

(1) Reclassification to Threatened by Similarity of Appearance in three coastal parishes of Louisiana reflecting complete recovery. (September 26, 1975—40 FR 44412); (2) Reclassification to Threatened, reflecting partial recovery, in all of Florida and certain coastal areas in South carolina, Georgia, Louisiana, and Texas (January 10, 1977—42 FR 2071); (3) Reclassification to Threatened by Similarity of Appearance, again reflecting complete recovery, in nine additional parishes of Louisiana (June 25, 1979—44 FR 37130). The latter reclassification was based on a July 30, 1976, petition from Governor Edwin Edwards of Louisiana and subsequent supporting data submitted by the State on April 12, 1977, December 7, 1977, and June 14, 1978. The details of these data may be obtained by consulting the proposed rule of October 2, 1978 (43 FR 45513) and the June 25, 1979, final rule cited above.

The parishes now under the Threatened by Similarity of Appearance status include: Cameron, Calcasieu, and Vermilion, reclassified in 1975, and St. Mary, Terrebonne, Iberia, Lafourche, St. Charles, Jefferson, Plaquemines, St. Bernard, and St. Tammany, reclassified in 1979. In a notice of October 2, 1978 (43 FR 45512), and in the June 25, 1979, final rule cited above, the Service stated that it would continue to review the status of the alligator in the remaining parishes of Louisiana. Alligators in these remaining parishes are now classified as either Endangered or Threatened, the Endangered and Threatened populations being separated by a dividing line prescribed in the Service's special rule on Threatened alligators, 50 CFR 17.42(a)(1), as follows:

> From the Mississippi-Louisiana border at the Gulf of Mexico north along this border to its junction with U.S. Interstate Highway 10; thence west on U.S. Interstate Highway 10 to junction with U.S. Interstate Highway 12; thence west on U.S. Highway 12 to Baton Rouge, Louisiana; thence north and west along corporate limits of Baton Rouge to U.S. Highway 190; thence west on U.S. Highway 190 to junction with Louisiana State Highway 12 at Ragley, Louisiana; thence west on Louisiana State Highway 12 to the Beauregard-Calcasieu Parish border, thence north and west along this border to the Texas-Louisiana State border.

In June 1979, the Service's Jackson, Mississippi Area Office contracted with Dr. R. H. Chabreck of Louisiana State University to compile a status review of existing scientific and commercial data on the species in Louisiana. Chabreck's report recommends reclassification of the alligator throughout the State of Louisiana in view of current protection, numbers of alligators, and an abundance of alligator habitat. Chabreck's report

also states that his original 1965 estimate of 35,000–40,000 animals within the State was extremely conservative, and that "a more realistic estimate of the 1966 statewide population would be about 100,000 animals."

To further enhance understanding of alligator population biology, in June of 1980 the Service began working with Dave Taylor, Wildlife Biologist with the Louisiana Department of Wildlife and Fisheries, who prepared an additional report which outlines a new alligator population analysis concentrating on the central and northern portions of the State. This report and a previous one prepared in 1978 provide a scientifically based analysis of alligator populations in non-marsh habitats (Taylor, 1978 and Taylor, 1980). Most importantly, Taylor's 1980 report provides evidence that alligator population structure is stable, being limited by the support capability of the habitat, and that no further significant increases in alligator numbers can be expected. Furthermore, as discussed later in this proposal, alligator habitat within the State is abundant and relatively secure. The Service believes that these data support the conclusion that alligators throughout the State of Louisiana are no longer Endagered or Threatened, and that their status should be changed.

However, because of similarity of appearance, it is still necessary to impose some restrictions on commercial activities involving specimens taken in this State to insure the conservation of other alligator populations as well as other crocodilians that are Threatened or Endangered.

Section 4(e) of the Act authorizes the treatment of a species (or subspecies or group of wildlife in common spatial arrangement) as an Endangered or Threatened species even though it is not otherwise listed as Endangered or Threatened, if it is found: (a) That the species so closely resembles in appearance an Endangered or Threatened species that enforcement personnel would have substantial difficulty in differentiating between listed and unlisted species; (b) that the effect of this substantial difficulty is an additional threat to the Endangered or Threatened species; and (c) that such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of the Act.

The Service currently treats the group of American alligators found in the 12 parishes cited above as Threatened because of their similarity of appearance to other groups of American alligators, as well as other crocodilians, that are listed as Threatened or Endangered. Certain restrictions are imposed on commercial activities involving specimens taken from these parishes, as is discussed below, to insure the conservation of these Endangered or Threatened alligators and other crocodilians. The Service now proposes to treat the group of American alligators found in the remaining parishes as Threatened because of similarity of appearance, and to impose similar restrictions on commercial activities involving specimens taken from those parishes.

Review of the boundary between Endangered and Threatened alligators in South Carolina contained in 50 CFR 17.42(a), the American alligator special rule, has revealed a minor 2 mile gap near Walterboro, South Carolina. The Service is proposing to close this gap by insertion of a 2 mile stretch of State Highway 63 into the boundary, and to add phrases indicating where the boundary crosses from South Carolina into Georgia on U.S. Interstate Highway 95.

Factors Affecting the Species

The Service's listing regulations (§ 424.11(b), Title 50, Code of Federal Regulations) state:

A species shall be listed if the Director determines on the basis of the best scientific and commercial data available to him after conducting a review of the species' status that the species is Endangered or Threatened because of any one or a combination of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it;

(3) Disease or predation;

(4) Absence of regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat; and

(5) Other natural or manmade factors affecting its continued existence.

The regulations go on to state, in § 424.11(d), that:

The factors for removing a species from the list are those in paragraph (b) of this section. The data to support such removal must be the best scientific and commercial data available to the Director to substantiate that the species is neither Endangered nor Threatened for one or more of the following reasons:

(1) Extinction. Unless each individual of the listed species was previously identified and located, a sufficient period of time must be allowed before delisting to clearly insure that the species is in fact extinct.

(2) Recovery of the species. The principal goal of the Service is to return listed species to a point at which protection under the Act is no longer required. A species may be delisted if evidence shows that it is no longer Endangered or Threatened.

(3) Original data for classification in error. Subsequent investigations may produce data that show that the best scientific or commercial data available at the time that the species was listed were in error.

These findings are summarized herein under each of the five criteria of 50 CFR 424.11. These factors, and their application to the American alligator in Louisiana, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The total size of alligator populations in the areas which are the subject of this proposal is greatly influenced by the amount of aquatic or wetland habitat available. Examples of these habitats are rivers, bayous, canals, lakes, ponds, marshes, and swamps. The total amount of wetlands in Louisiana, estimated by Chabreck (1980) to be 6,397,272 acres (2,589,966 ha), does not in total constitute viable alligator habitat. McNease and Joanen (1978) report that the portion of marshland habitat suitable for alligators is approximately 3.2 million acres (1,295,022 ha) and is made up of fresh, intermediate, and brackish marsh types. Although alligators occur in salinities above 10 parts per thousand, nesting apparently does not occur above this isohaline line (Joanen and MacMease, 1972); therefore, the remaining marshlands are not considered as alligator habitat.

Taylor (1980) indicates that in the non-marsh portions of the State, permanently flooded areas with woody and herbaceous cover dominated by bald cypress and tupelo gum apparently produce even higher densities of alligators in many instances than marshland habitats. This cypress-tupelo habitat type is well represented in southeastern Louisiana and in the Atchafalaya Basin, but also includes portions of many natural lakes and manmade reservoirs in the central and northern parts of the State. The estimated 1,500 miles of streams, particularly in middle and northern section of the State, support alligators only to the extent permitted by the presence of cypress-tupelo oxbows and marshlands associated with the streams. Streams without adjacent *permanently* inundated cypress-tupelo or marshland habitat areas constitute poor quality habitat and support insignificant alligator numbers. A gross minimum

estimation for non-marsh alligator habitat in Louisiana is provided by Taylor (1980) and consists of 803,840 acres (325,309 ha) of cypress-tupelo associations with permanent water levels, and 1500 linear miles (932 kilometers) of upland streams.

Frugé (1980) cites recent data gathered by the Service's National Coastal Ecosystems Team that indicate a current loss of marshes of approximately 22,000 acres (8,984 ha) per year due to land loss and deterioration caused by salt water intrusion. The land loss is caused by reduction of sediment and overflow deposition due to levee construction and navigation channel excavation, and salt water intrusion is caused by channel excavation. Chabreck (1980) and MacDonald *et al.* (1979) projected bottomland hardwood habitat losses through the years 2000 and 1995, at 13.1 percent and 24 percent, respectively, but these are not losses of productive alligator habitat. As discussed above, seasonally flooded and unflooded bottomlands do not contain all the necessary features of productive alligator habitat. The cypress-tupelo habitat in permanently flooded areas is not projected to change through the year 1995. The high water table in such areas make drainage and clearing for agricultural and other uses not feasible in these prime alligator habitat areas.

In summary, marshland alligator habitat is currently being reduced at an estimated rate of only 0.7 percent per year, and the permanently flooded cypress-tupelo association and open water acreages are not projected to change. The overall picture on statewide habitat is quite good, there being approximately 4 million acres of high quality marshland and cypress-tupelo habitat. It is concluded, therefore, that habitat alteration and loss poses no serious threat to alligator populations in Louisiana within the foreseeable future.

2. *Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it.* The commercial demand for products from alligators, including hides, teeth, and meat for consumption, is high. This demand and the harvest generated by the demand were responsible for a decline in alligators throughout their range in the early 1960's (with some exceptions such as on sanctuaries and wildlife refuges). This decline was reversed by the following actions: (1) The State of Louisiana closed alligator seasons in 1964; (2) The Lacey Act was amended in 1969 to include control of interstate commerce in reptiles; (3) The Endangered Species Act was passed in 1973. State and Federal authorities vigorously enforced these protective mechanisms. Taylor (1980) provides evidence that under strict protection, reproductive capability of the species provides for rapid recovery. Size-class frequencies found in night counts and harvests are not statistically different, suggestive of a stable population. A comparison between size-class frequencies found in non-marsh night counts and hide measurements from harvested areas also shows no statistical difference in population structure. Furthermore, a comparison of population structure from each of the years 1975–80, a series of time specific views, shows no trend towards shrinkage of adult size-class ratios or increasing adult size-class ratios, either of which would be indicative of populations moving away from stability. These data indicate alligators in the State are not being detrimentally affected by legal harvests in marshland parishes or illegal taking in marsh or non-marsh areas. Some illegal taking undoubtedly continues to occur, but the Service's law enforcement efforts have reduced this to insignificant levels relative to the total population. The inaccessibility of many non-marsh habitats further helps to protect the species in these areas.

In very restricted areas of high recreational and/or residential use, when human-alligator conflicts continue to be a problem, over-utilization for management purposes may be undertaken to achieve reduction in numbers of larger, more dangerous animals, if there is no other viable alternative. Such areas represent an insignificant part of statewide alligator habitat.

3. *Disease of predation.* Alligators suffer various types of disease and predation, as do all wildlife species, but these factors are not excessive and are not known to have hindered alligator recovery.

4. *Absence of existing regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat.* The adequacy of existing government regulations for protection and management of the alligator can primarily be attributed to the following State and Federal laws and regulations: (A) Louisiana statutes governing transport of alligator meat and parts; (B) The 1969 Amendment to the Lacey Act which extended Federal law enforcement authority to include interstate movement of reptiles; (C) The Endangered Species Act of 1973, which provides mandatory protection for Endangered alligators; (D) Special Rules promulgated by the Service for Threatened (including Similarity of Appearance) alligators, which govern taking and commerce in alligator products; (E) The annual findings of the Scientific and Management Authorities of the Service, which govern the export of species, including the alligator, listed on Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The success of efforts by State and Federal agencies to stop illegal activity involving alligators is evidenced by the recovery of alligator populations throughout the State of Louisiana. This example of response to protection is not without precedent. Chabreck's report described this process as being reported by McIlhenny (1935) on three newly established wildlife refuges that had been previously subjected to excessive harvests.

Controlled harvests have been carried out annually in southwestern Louisiana since 1972, with the exception of 1974 and 1978. Close supervision by the Louisiana Department of Wildlife and Fisheries includes numerous safeguards to keep the alligator harvest within predetermined limits and areas. Within the constraints required by the Service's Special Rules and CITES authorities, the State program is operated along the following guidelines: (1) An annual inventory is conducted to determine population abundance by habitat type within each parish; (2) Annual harvest quotas are established based on population abundance by habitat type and parish; (3) Harvests are allowed only on lands owned or leased by the hunter; (4) Tags are issued upon application by a hunter on a basis of the acreage involved and the predetermined harvest rate for that particular area; (5) All tags are serially numbered, self-locking, and must be accounted for at the end of the season, with one tag issued for each alligator to be harvested; (6) The harvest is conducted in September after incubation is completed; (7) "Pole hunting" is prohibited in order to reduce the taking of breeding females in interior marsh habitats; (8) Special skinning instructions are issued shortly before the season opens to prohibit previously taken skins from entering commerce; (9) Shooting is limited to daytime to facilitate enforcement efforts; (10) At the close of the season all unused tags are collected by State agents, all harvested alligators are inspected, and the tag number and skin size recorded; (11) All hunters, buyers, and dealers must obtain a State license which is subject to annual renewal; (12) All containers used

for packaging must be tagged and the contents identified; (13) State enforcement personnel are assigned the task of monitoring the alligator harvest program.

The State would be committed under the above mentioned guidelines and regulations to a similarly regulated program in other areas of the State if this proposal is made final and it elects to implement further harvests in other portions of the State.

5. *Other natural or manmade factors affecting its continued existence.* Although other factors may occasionally have an affect on some alligators—for example freezes and nest flooding—none of these are known to have limited recovery of the alligator in Louisiana nor are they expected to become threatening factors in the future.

Effects of This Proposal if Published as a Final Rule

This proposal, if made final, would change the status of the alligator in Louisiana from its current status, which is Endangered or Threatened in all but 12 parishes of the State, to a statewide status of Threatened by Similarity of Appearance. It would be a formal recognition by the Service of biological recovery of the American alligator in a part of its range. A final rule would result in a removal of Federal agency responsibilities under Section 7 of the Endangered Species Act. No adverse effects to the status of this species are expected to occur from this removal.

A final rule resulting from this proposal would make available to the State of Louisiana the option for expanding alligator harvests from the present 12 parishes to additional areas. If the State elects to expand its alligator program, harvests would increase at a level commensurate with development and implementation of an expended management program (and may represent 4 percent of the statewide alligator population estimate). The economic value of the alligator resource under a sustained yield scheme would result in significant economic benefits to Louisiana trappers and others participating in the commercial process. It has been suggested that the value of alligators may also help to reduce indiscriminate, illegal killing by those who believe they may be adversely afected by high alligator populations. Expanded harvests would be expected to increase the workloads of the State Department of Wildlife and Fisheries, the Louisiana Department of Health, and the Service's Division of Law Enforcement. Conversely, expanded harvests would be expected to reduce the number of nuisance alligator complaints, resulting in a corresponding reduction in manpower commitments devoted to handling nuisance alligators. Local governments involved in catching and removing nuisance alligators would receive some relief if the number of larger, more dangerous alligators were to be reduced in areas with human-alligator conflicts.

Increased harvest of alligators in Louisiana would create the potential for an increased volume of alligator exports. The Service has previously expressed its concern about the effects of increased exports on other Endangered crocodilians that occur in international trade. International trade in alligator products is presently subject to the restrictions of the Convention on International Trade of Endangered Species of Wild Fauna and Flora, and general wildlife exportation requirements. A recent determination by the Service (October 21, 1980, 45 FR 69844) on this subject concluded that the export of alligators taken during the 1980–81 season in Florida and the 1980 season in Louisana would not be detrimental to the survival of the alligator or other Endangered crocodilians. The Service will continue to review this possible impact and will take appropriate action if evidence indicates that restrictions are warranted.

This proposed action, if completed, would not be an irreversible commitment on the part of the Service. The action is reversible and relisting would be possible should the State materially change existing management programs or other changes occur which result in new threats to the species' recovery.

The minor boundary change proposed in South Carolina will have no significant effect, since it will only serve to formalize a 2 mile segment which the Service and the State already are informally using.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. A public meeting has been scheduled. Comments particularly are sought concerning: (1) biological, commercial, or other relevant data concerning any threat (or lack thereof) to the species included in this proposal; (2) additional information concerning the range and distribution of this species; (3) information on environmental and economic impacts and effects on small entities (including small businesses, small organizations and small governmental jurisdictions) that would result from the rule and information on possible alternatives to the proposed action.

National Environmental Policy Act

A draft Environmental Assessement has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia 22201 and in the Jackson, Mississippi, Area Office located at 200 E. Pascagoula St. Room 17a. and may be examined by appointment during regular business hours. A determination will be made at the time of final rule as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 and 40 CFR Parts 1500–1508.

Note.—The Department of Interior has determined that this is not a major rule as defined in Executive Order 12291 and that it does not have a significant effect upon a substantial number of small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354). There are some small businesses that may be impacted but not in a significant manner. In addition, this impact would be beneficial to the small businesses.

Primary Author

The primary author of this rule is Mr. Wendell Neal of the Jackson Area Office, U.S. Fish and Wildlife Service, 200 E. Pascagoula Street, Jackson, Mississippi 39201, FTS 490–4900, or commercial 601/960–4900.

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Taylor, Dave. 1978. An alligator population model and population estimate for north Louisiana. Unpublished Report.

Taylor, Dave. 1980. An alligator population model and associated minimum population estimate for non-marsh alligator habitat in Louisiana. Unpublished Report, Louisiana Department of Wildlife and Fisheries.

Note.—All cited literature, including unpublished reports, are available in the Service's Jackson Area Office, Jackson, Mississippi.

Regulations Promulgation

Accordingly, it is proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

1. Amend the table in § 17.11(h) by changing the status of the American alligator under "Reptiles" to read as follows:

§ 17.11 [Amended]

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Alligator, American	*Alligator mississippiensis*	Southeastern U.S.A.	Wherever found in wild except those areas where listed as threatened, as set forth below.	E	1, 11, 51, 60	NA	NA
Alligator, American	*Alligator mississippiensis*	Southeastern U.S.A.	U.S.A. (FL and certain areas of GA., SC., and TX. as set forth in sec. 17.42(a)(1).	T	20, 47, 51, 60	NA	17.42(a)
Alligator, American	*Alligator mississippiensis*	Southeastern U.S.A.	U.S.A. (LA.)	T(S/A)	11, 47, 51, 60	NA	17.42(a)
Alligator, American	*Alligator mississippiensis*	Southeastern U.S.A.	In captivity wherever found	T(S/A)	11, 47, 51	NA	17.42(a)

2. It is further proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below.

Paragraph (a)(1) of § 17.42 is revised to read as follows:

§ 17.42 [Amended]

(a) American alligator (*Alligator mississippiensis*).

(1) *Definitions.* For purposes of this paragraph (a): "American alligator" shall mean any member of the species *Alligator mississippiensis*, whether alive or dead, and any part, product, egg, or offspring thereof occurring: in captivity whenever found and in the wild wherever the species is listed under § 17.11 as Threatened by similarity of appearance and in the wild in Florida and in the coastal areas of Georgia, South Carolina, and Texas, contained within the following boundaries:

From Winyah Bay near Georgetown, South Carolina, west on U.S. Highway 17 to Georgetown; thence west and south on U.S. Alternate Highway 17 to junction with South Carolina State Highway 63 south of Walterboro, South Carolina; thence west on State Highway 63 to junction with U.S. Interstate Highway 95; thence south on U.S. Interstate Highway 95 (including incomplete portions) across the South Carolina-Georgia border to junction with U.S. Highway 82 in Liberty County, Georgia; thence southwest on U.S. Highway 82 to junction with U.S. Highway 84 at Waycross, Georgia; thence west on U.S. Highway 84 to the Alabama-Georgia border; thence south along this border to the Florida border and following the Florida border west and south to its termination at the Gulf of Mexico. From the Texas-Louisiana border at the Gulf of Mexico, north along this border to Texas State Highway 12; thence west on Texas State Highway 12 to Vidor, Texas; thence west on U.S. Highway 90 to the Houston, Texas, corporate limits; thence north, west and south along Houston corporate limits to junction on the west with U.S. Highway 59; thence south and west on U.S. Highway 59 to Victoria, Texas; thence south on U.S. Highway 77 to corporate limits of Corpus Christi, Texas; thence southeast along the southern Corpus Christi corporate limits to Laguna Madre; thence south along the west shore of Laguna Madre to the Nueces-Kleberg County line; thence east along the Nueces-Kleberg County line to the Gulf of Mexico.

"Buyer" shall mean a person engaged in buying a raw, green, slated, or otherwise untanned hide of an American alligator.

"Tanner" shall mean a person engaged in processing a raw, green, salted, or crusted hide of an American alligator into leather.

Dated: April 10, 1981.

C. F. Layton,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-13126 Filed 4-30-81; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 46, No. 84
Friday, May 1, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[Docket No. 81-015N]

Analyses of Pumped Bacon for Nitrosamine Content; Change in Methodology

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice.

SUMMARY: This notice describes a minor change in the sepration process for the Thermal Energy Analyzer analysis used by the Food Safety and Quality Service (FSQS) in determining the nitrosamine content of cooked pumped bacon.

FOR FURTHER INFORMATION CONTACT: Richard L. Ellis, Director, Chemistry Division, Science Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7623.

SUPPLEMENTARY INFORMATION: Section 318.7(b)(2) of the Federal meat inspection regulations (9 CFR 318.7(b)(2)) requires a monitoring program to detect nitrosamine levels in cooked pumped bacon (i.e., bacon prepared by the injection of curing solutions). Accordingly, FSQS collects and cooks samples of bacon from producing establishments in a manner specified in this regulation. The bacon is then tested by FSQS using a Thermal Energy Analyzer (TEA). In certain instances spedified in this regulation, federally inspected meat packers may also sumbit to FSQS test results achieved using the same methods and procedures.

Since the inception of the monitoring program, FSQS has been using a process known as the two-trap method for separating the nitrosamine from the cooked bacon sample prior to the injection into the TEA. FSQS has completed a collaborative study with various private laboratories which shows that the use of a one-trap method yields comparable analytical data to the two-trap method and achieves savings in both time and expenses.

FSQS, therefore, will commence using this one-trap method immediately in its TEA analyses under the monitoring program. Meat packing establishments submitting test results to FSQS may use either the one-trap method of the two-trap method in their TEA analysis.

Copies of both methods are available free from the Chemistry Division, Science Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, on April 24, 1981.

L. L. Gast,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 81-12908 Filed 4-30-81; 8:45 am]
BILLING CODE 3410-DM-M

Rural Electrification Administration

Deseret Generation and Transmission Cooperative; Final Environmental Impact Statement

Notice is hereby given that the Bureau of Land Management (BLM) and the Rural Electrification Administration (REA) have jointly prepared a Final Environmental Impact Statement (FEIS) in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969. The U.S. Forest Service and the Office of Surface Mining have assisted in the preparation of the EIS. This action is in connection with a request for REA financing assistance from Deseret Generation and Transmission Cooperative (Deseret), P.O. Box BB, Sandy, Utah 84070. The anticipated financing assistance would allow Deseret to secure funds for the construction of Unit No. 1 of the proposed two unit (800 MW) coal-fired steam electric Moon Lake Generating Station, the Deserado Mine and associated transmission facilities. Deseret proposes to locate the generating station in Uintah County, Utah. The Deserado Mine will be located in Rio Blanco County, Colorado.

Additional information may be obtained from REA through requests submitted to Mr. Frank W. Bennett, Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, D.C. 20250, telephone number: (202) 447-6183.

Copies of the BLM-REA FEIS are being sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Regulations. Because the Final EIS incorporates by reference material not reprinted from the Draft EIS, both documents are needed for complete EIS information. A limited number of copies of the Draft and Final EIS are available upon request to the Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111. The FEIS may be examined during regular business hours at the offices of REA in the South Agriculture Building, Room 5168, 12th and Independence Avenue, S.W., Washington, D.C. 20250, at the BLM Washington Office (WO-332), 18th and C Streets, N.W., Washington, D.C. 20240, at BLM State and District Offices in Colorado and Utah, at Deseret's address, 8722 South 300 West, Sandy, Utah 84070, and at public libraries in appropriate towns in the affected counties. Final action may be taken with respect to this matter after June 1, 1981.

Any REA financing assistance which may be made pursuant to this proposal will be subject to, and the release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects. Final REA action will be taken only after compliance with the National Environmental Policy Act of 1969, and other environmentally related statutes, regulations, Executive Orders, and Secretary's Memoranda normally considered by REA.

This Federal Assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 23rd day of April 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-12917 Filed 4-30-81; 8:45 am]
BILLING CODE 3410-15-M

Yellowstone Valley Electric Cooperative, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has

prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with proposed financing assistance by REA for Yellowstone Valley Electric Cooperative, Inc. (Yellowstone), of Huntley, Montana. The proposed financing assistance will be used by Yellowstone for the rebuilding of 23.1 miles (37 km) of existing 50 kV transmission line to a 69 kV line, the construction of 1.3 miles (2.1 km) of new double circuit 69 kV line, and associated substation facilities.

The transmission line rebuild will extend from the existing Alkali Creek Substation to a point 1 mile (1.6 km) south of the existing Worden Substation. About 1.3 miles (2.1 km) of new double circuit 69 kV line will be constructed at Alkali Creek to connect the rebuilt transmission line with the Alkali Creek Substation. Associated substation construction will be the expansion of the existing Alkali Creek Substation and the proposed Oxbow Substation to be connected to the rebuilt 69 kV line. All of the construction will take place in Yellowstone County, Montana. Yellowstone has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and floodplains, and other potential impacts of the proposed project are adequately considered in the Yellowstone and REA Environmental Assessments.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financing assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of Yellowstone's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with Sections IV.b and IV.D.1 of REA Bulletin 20–21:320–21, Part I.

Various alternatives to the proposed transmission line and substations were reviewed by Yellowstone and REA. The alternatives include no action, energy conservation and alternate routes. The proposed transmission line and associated substation construction is the most viable alternative to deliver power to all existing and future loads of Yellowstone within the project area.

Copies or REA's Finding of No Significant Impact, REA's Environmental Assessment and Yellowstone's Borrower's Environmental Report may be reviewed in the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of Yellowstone Valley Electric Cooperative, Inc., Box 8, Huntley, Montana 59037.

This Program is listed in the Catalog of Federal Domestic Assistance at 10.850–Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C. this 23rd day of April 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–12915 Filed 4–30–81; 8:45 am]

BILLING CODE 3410–15–M

Colorado-Ute Electric Association, Inc., Montrose, Colo.; Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $40,522,000 to Colorado-Ute Electric Association, Inc., Montrose, Colorado. These loan funds will be used to finance the conversion of approximately 37 miles of transmission line from 115 kV to 230 kV with 230 kV additions to the two related substations; the purchase of 30 percent of Hayden Station Unit 2 capacity (79 megawatts) under an agreement with Salt River Project Agricultural Improvement and Power District; and for deficiencies relating to the construction of the Basalt-Malta 345 kV transmission line and the Vail Substation.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. John J. Bugas, Manager, Colorado-Ute Electric Association, Inc., P.O. Box 1149, Montrose, Colorado 81401.

In order to be considered, proposals must be submitted on or before June 1, 1981 to Mr. Bugas. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Colorado-Ute and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 23rd day of April, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–12916 Filed 4–30–81; 8:45 am]

BILLING CODE 3410–15–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits. Filed under Subpart Q of the Board's Procedural Regulation; Week Ended April 24, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
April 20, 1981	39556	Air Wisconsin, Inc., Outagamie County Airport, Appleton, Wisconsin 54911. Application of Air Wisconsin, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests the Board to issue a final order awarding it a certificate of public convenience and necessity, of permanent duration, to engage in scheduled air transportation of persons, property and mail between Akron/Canton, Ohio and Detroit, Michigan. Conforming Applications, motions to modify scope and Answers may be file by May 18, 1981.
April 20, 1981	39557	Eastern Air Lines, Inc., Miami International Airport, Miami, Florida 33148. Conforming Application of Eastern Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, request an amendment of its certificate of public convenience and necessity for Route 131 so as to authorize nonstop services as follow: Between points in the U.S. and coterminal points in Belize, Honduras, Panama, El Salvador Guatemala and Nicaragua. Answers may be filed by May 4, 1981.
April 22, 1981	39562	Capitol International Airways, Inc., P.O. Box 325, Smyrna, Tennessee 37167. Application of Capitol International Airways, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, request authorization to provide scheduled air transportation of persons, property and mail: A. Between the terminal point San Juan, Peurto Rico, and the coterminal points Montreal and Toronto, Canada; B. Between the terminal point San Juan, Peurto Rico, and the intermediate point New York, N.Y./Newark, N.J. and the coterminal points Montreal and Toronto, Canada. Conforming Applications, motions to modify scope, and Answers may be filed by May 20, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13280 Filed 4-30-81, 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping, Natural Menthol From the People's Republic of China; Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Commerce.

ACTION: Final determination of sales at less than fair value.

SUMMARY: The U.S. Department of Commerce has determined that natural menthol from the People's Republic of China is being sold in the United States at less than fair value. The U.S. International Trade Commission is determining whether these imports are materially injuring or threatening material injury to a U.S. industry.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230 (202-377-5498).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 11, 1980, we received a petition in proper form from counsel representing Haarman & Reimer Corporation, of Springfield, N.J. the petition alleged that natural menthol from the People's Republic of China ("PRC") is being "dumped," that is, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) ("the Act"). It also alleged that these imports are materially injuring a U.S. industry. Because the petition contained sufficient grounds to warrant an investigation, on July 2, 1980, we initiated an antidumping investigation and informed the U.S. International Trade Commission ("ITC") of our action (45 FR 44976). On July 28, 1980, the ITC determined that there is reasonable indication that these imports are materially injuring, or are threatening to injure materially, a U.S. industry (45 FR 52273).

After postponing our preliminary determination because this case was "extraordinarily complicated" (45 FR 66835), we announced on January 14, 1981, that menthol from the PRC was, or was likely to be, sold in the United States at less than fair value (46 FR 3258). On March 6, 1981, we extended by 30 days the period for final determination (46 FR 16287).

Scope of the Investigation

This determination covers natural menthol (i.e. menthol produced from natural feed stock) that is currently classifiable under item 437.64 of the Tariff Schedules of the United States. It is used primarily in cigarettes, confections, dentifrices, analgesic balms, mouthwashes, flavorings, and perfume.

The period of investigation was January 1, through June 30, 1980.

Methodology

U.S. Price

Since all sales of natural menthol from the PRC to unrelated U.S. customers were concluded before the menthol was imported into the United States, we used purchase price, as defined in section 772(b) of the Act, to determine the U.S. price. We calculated the purchase price on the basis of the price to unrelated U.S. purchasers with deductions for a discount, ocean freight and home market inland freight.

Foreign Market Value

The overriding issue in the Preliminary stage of this investigation was whether the economy of the PRC is state-controlled "to an extent that sales or offers for sales of (menthol in the PRC), or to countries other than the United States do not permit a determination of foreign market value" by normal standards. In our preliminary determination we discussed this issue at length and concluded that the PRC's economy is state-controlled generally and in the agricultural sector. We further stated that the framework of state-control affects the production and, therefore, the pricing of menthol to the extent that the PRC's home market and export prices of menthol cannot be used as evidence of fair value. This conclusion has been sustained through the final stages of this investigation. As a result, we have applied section 773(c) of the Act in this case.

According to section 773(c) of the Act, in deciding whether imports from a state-controlled economy country are being sold at less than fair value, we must use prices or costs from a producer in a "non-state-controlled economy" to determine the foregin market value. We chose prices of menthol exported from Paraguay to the United States.

We have considered country-wide and sectoral criteria and determined that the level of economic development of Paraguay is closer to that of the PRC than it is to that of other major producers of menthol. We have information indicating Paraguay is the only major free market producer of natural menthol that also produces all of its own raw material (peppermint). Other countries considered were South Korea, Thailand and Brazil. South Korea and Thailand are minor producers that import most of their raw materials. Brazil is a major producer of menthol, but also imports a large proportion of its raw material. Both Brazil and Korea impose significant tariffs on the importation of peppermint oil (about 30 percent and 66 percent ad valorem respectively). Moreover the economies of both Brazil and Korea are considerably more developed than the economy of either the PRC or Paraguay. Therefore, we determined that Paraguay is the proper surrogate.

Since almost all of the Paraguayan sales of menthol during the period of investigation were to the United States, we used those sales as the basis for determining fair value.

To compensate for differences in circumstances of sales to the U.S. from Paraguay and the PRC (119 CFR 353.15), we adjusted for the export tax paid on export sales from Paraguay. Sales from the PRC are not subject to an export tax. In order to arrive at comparable ex-factory prices of the menthol we deducted the inland and ocean freight charges and accounted for differences in packing costs in accordance with section 773(a) of the Act.

Issues Raised During the Investigation

The petitioner alleged that the prices of menthol from Paraguay to the United States were at less than the cost of producing menthol. In reviewing the petitioner's allegation, we found that the cost information submitted was too general, that there was a lack of specific source data, that the petitioner failed to allocate costs properly between co-products (menthol and de-mentholized peppermint oil) and that the raw material costs used by the petitioner were probably overstated because they were based on the highest raw material costs rather than the average raw material costs during the period under consideration. For these reasons, we determined that the petitioner had not presented sufficient basis upon which to initiate a full investigation into whether Paraguayan sales to the U.S. were made at less than the cost of production.

There are two factors for which we have not been able to make adjustment and which prevent total comparability of the PRC sales to the Paraguayan sales used for the calculation of fair value. These factors are differences in the contract period and differences in the volumes associated with each contract.

The Chinese sell menthol to the U.S. almost exclusively in the form of long-term contracts which specify delivery from one to two years after sale date. In contrast, the Paraguayans sell almost entirely in the short-term market. In a declining-price market such as the menthol market during our investigatory period, it may be normal commercial behavior to price the long-term contracts at a discount from the prevailing spot market prices since both seller and buyer expect the spot price at the time of delivery will be lower than the current spot price. This type of price differentiation is acceptable market behavior and should not be confused with dumping. However, we were unable to develop information needed to measure the extent to which differences in price may be attributable to differences in the date of delivery. In order to properly test the proposition that PRC pricing reflects a market response to long-term contracts, we would like to review PRC pricing patterns when the market price for natural menthol is rising.

In addition, Paraguayan and PRC sales are not strictly comparable because of differences in sales volume. Sales from PRC generally involve volumes up to ten times greater than Paraguayan sales. We have evidence that the Chinese regularly give volume related discounts. Quantity discounts are generally accounted for in an antidumping calculation by lowering the foreign market value by the discount available to foreign market buyers when volumes similar to those U.S. sales are involved. However, in this case we have no sales from Paraguay that approximate the volumes of PRC sales.

Data has been presented on sales from Brazil to the United States to demonstrate the relationship between price and quantity. The data reflect various prices and terms of delivery. It requires careful analysis before we can determine with any precision what sort of quantity discounting is normal practice in the sale of natural menthol. Unfortunately, this information was presented in the final stage of the investigation and there was insufficient time to refine, verify and analyze the data. It may, however, provide a basis for adjustment in a subsequent review of this case under section 751 of the Act.

Counsel for CNEC has claimed that we should adjust for losses incurred in currency conversion, since revenue from menthol exports from Paraguay must be converted at a fixed rate of exchange which results in a lower return of local currency than that which would be realized if the seller converted his dollars at the prevailing free rate. The sales of menthol from Paraguay were made in U.S. dollars, and we did not convert currency in calculating the foreign market value. Consequently, we do not believe an adjustment for currency conversion is appropriate.

CNEC has claimed that we should increase the deduction for export taxes since it has information that indicates that additional taxes were paid. Our deduction made was based on verified information. We are prepared to review this issue in any subsequent review of this finding.

CNEC claims that we should adjust foreign market value for inland freight in Paraguay. We uncovered, no indication of such freight charges during the verification. Consequently we rejected the claim.

Negative Determination of Critical Circumstances

The best information available at the time for the preliminary determination was not sufficient to support a finding, under section 733(e)(1) of the Act, that critical circumstances exist in this case. Therefore, we did not retroactively suspend liquidation in the preliminary determination (January 14, 1981).

Since the preliminary determination, the petitioner has submitted no additional information to establish a history of dumping.

With regard to knowledge of dumping of the part of importers, we have concluded that issues and problems associated with calculating fair value in this case are far too numerous and complex to warrant a finding that importers had reason to anticipate that CNEC was selling menthol at less than fair value.

Since there is neither a history of dumping nor a reasonable basis to impute knowledge of sales at less than fair value to importers of menthol from the PRC, there is no need to determine whether there have been massive imports from the PRC over a relatively short period of time.

For the reasons stated above, we have determined under section 735(a)(3) that critical circumstances do not exist in this case. Accordingly, the U.S. Custom Service will not suspend liquidation of entries of menthol for consumption prior to January 14, 1981.

Verification

In making our final determination, in accordance with section 776 of the Act, we have verified all the information we relied upon, using the corporate books and records of the Chinese and Paraguayan companies involved.

Final Determination

Based on the preceding criteria and in accordance with § 353.39(a)(2) of the Commerce Regulations, we have determined that exports of natural menthol from the PRC are being sold at less than fair value within the meaning of section 731 of the Act. Margins were found on 86 percent of the menthol sold during the period. They ranged from 2.9 to 3.8 percent, with the weighted average margin over all sales being 2.5 percent. We have provided interested parties an opportunity to present oral views in accordance with (19 CFR 353.47) and written views in accordance with (19 CFR 353.46(a)).

Continuation of Suspension of Liquidation

The liquidation of all entries, or withdrawals from warehouse, for consumption of this merchandise will continue to be suspended. The Customs Service will require posting of a cash deposit, bond, or other security in the amount of 2.5 percent of the f.o.b. value of the natural nemthol from the PRC for all entries, or withdrawals from warehouse, for consumption on or after the date of publication of this notice. The cash deposits, bonds, or other security on merchandise entered since the preliminary determination will remain in effect.

ITC Notification

We have referred this case to the ITC so that it may determine whether these imports are materially injuring a U.S. industry. That determination is due on or before June 15, 1981.

As section 735(c)(1)(A) of the act requires, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. If the ITC rules that material injury does not exist, this case will be terminated, and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC rules that such injury does exist, within seven days we will issue an antidumping duty order, directing the customs officers to assess an antidumping duty on all menthol from the PRC, entered for consumption after the suspension of liquidation, which was sold at less than the foreign market value.

John D. Greenwald,

Acting Assistant Secretary for Trade Administration.

April 27, 1981.

[FR Doc. 81-13227 Filed 4-30-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Evaluation of Possible Marine Sanctuary Sites in Waters Off the Commonwealth of Puerto Rico; Availability of an Issue Paper and the Conduct of Public Workshops

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: An Issue Paper is being distributed which describes the resources of three sites off Puerto Rico which are Active Candiates for designation as marine sanctuaries and discusses the major issues involved in such designation. Comments on this paper are invited by June 1. Public workshops to consider this Issue Paper and other issues not discussed in it are scheduled for May 26, 28, 29.

SUPPLEMENTARY INFORMATION: OCZM and the Commonwealth of Puerto Rico have worked closely on a proposal to designate three sites as marine sanctuaries in waters off Puerto Rico. The sites are the waters around the islands of Mona and Monito, the waters off La Parguera and waters around the Cordillera Reefs/Culebra/Culerbrita Islands. These sites were selected as Active Candidates among six sites that were nominated by the Commonwealth of Puerto Rico, Department of Natural Resources. On December 18, 1980, an Active Candidate notice was published in the **Federal Register** (Vol. 45, No. 245).

Pursuant to Title III of the Marine Protection, Research and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434, OCZM is evaluating the possibility of designating these three areas as marine sanctuaries. As part of the evaluation, an Issue Paper was prepared that describes the distinctive resources of the potential sites, the present and prospective uses, existing government programs aimed at protecting those resources, and alternative boundaries and management strategies that might be utilized for the marine sanctuaries.

The Issue Paper is being distributed to inform interested agencies and persons of the evaluation of the sites and to gather comments and information on the areas. Copies may be obtained from the contacts identified below. In order to facilities such comments and to answer questions concerning the Issue Paper and the Marine Sanctuary Program, OCZM will conduct three public workshops the week of May 26 as described below.

Written and oral comments and information received in response to the Issue Paper will provide guidance on OCZM's decision on whether to proceed to prepare a Draft Environmental Impact Statement on a specific proposal for establishing marine sanctuaries at these sites. To be fully considered in this decision, comments should be received by June 1, 1981.

DATES: Comments should be received by June 1, 1981. The following public workshops have been scheduled:

Tuesday, May 27, p.m.—Culebra Conservation Authority

Thursday, May 28, 7 p.m.—Community Center, La Parguera

Friday, May 29, 2 p.m.—Auditorium, Department of Natural Resources, Puerta de Tierra, San Juan

FOR FURTHER INFORMATION CONTACT: Edward Lindelof, Gulf and Caribbean Project Manager, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, (202) 634–4236 or Sr. José Gonźalzes—Liboy, Areas de Investigaciones Cientificas, Departmento De Recursos Naturales, Apartado 5887 Puerta de Tierra, San Juan, Puerto Rico 00906, (809) 722–5501.

Dated: April 23, 1981.

William Matuszeski,

Acting Assistant Administrator, Office of Coastal Zone Management.

[FR Doc. 81-13121 Filed 4-30-81; 8:45 am]

BILLING CODE 3510-08-M

Mid-Atlantic Fishery Management Council's Surf Clam/Ocean Quahog Resources Subpanel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), has established a Surf Clam/Ocean Quahog Resources Subpanel, which will meet to discuss amendment #3 to the Surf Clam/Ocean Quahog Fishery Management Plan, as well as other fishery matters. The meeting may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

DATES: The meeting, which is open to the public, will convene on Friday, May 29, 1981, at approximately 10 a.m., and will adjourn at approximately 4 p.m.

ADDRESS: The meeting will take place at Jonathan's-The Hub, Route 13 at Loockerman Street, Dover, Delaware.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: April 28, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-13284 Filed 4-30-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Levels for Certain Cotton and Man-Made Fiber Textile Products From Haiti, Effective on May 1, 1981

April 28, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton and man-made fiber textile products, produced or manufactured in Haiti and exported to the united States during the twelve-month period beginning on May 1, 1981.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979 between the Governments of the United States and Haiti established specific ceilings for cotton and man-made fiber textile products in Categories 337, 349/649, and 635, during the agreement year which begins on May 1, 1981 and extends through April 30, 1982. The agreement also provides consultation levels for certain categories of cotton and man-made fiber textile products, such as Category 652, which are not subject to specific ceilings and which may be increased during the year upon agreement between the two governments. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manufactured in Haiti and exported during the twelve-month period which begins on May 1, 1981 and extends through April 30, 1982, in excess of the designated levels of restraint.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of commerce, Washington, D.C. 20230 (202/377-4212).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

April 28, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, between the Governments of the United States and Haiti; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 1, 1981 and for the twelve-month period extending through April 30, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 337, 349/649, 635, and 652, produced or manufactured in Haiti, in excess of the following levels of restraint:

Category	12-mo. level of restraint
337	66,003 dozen.
349/649	1,166,819 dozen.
635	149,697 dozen.
652	500,000 dozen.

In carrying out this directive, entries of textile products in the foregoing categories which have been exported to the United States on and after May 1, 1980 and extending through April 30, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraints established for such goods during the twelve-month period which began on May 1, 1980 and extended through April 30, 1981. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of August 17, 1979, between the Governments of the United States and Haiti which provide, in part, that: (1) For the second and third agreement years, each specific limit shall be increased by seven percent annually, except Cat. 349/649; (2) any specific ceiling may be exceeded in any agreement year by not more than seven percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent decrease in one or more specific limits; (3) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton and man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-13199 Filed 4-30-81; 8:45 am]

BILLING CODE 3510-25-M

Adjusting the Import Restraint Levels for Certain Cotton and Man-Made Apparel Products from India

April 28, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the consultation levels for women's, girls' and infants' cotton coats in Category 335, cotton nightwear in Category 351, other cotton apparel in Category 359 and women's, girls' and infants' woven blouses of man-made fibers in Category 641, . produced or manufactured in India and exported during the agreement year which began on January 1, 1981, as follows:

Category	Current level	Adjusted level
335	[1] 16,948	[1] 29,096
351	[1] 13,462	[1] 19,231
359	[2] 152,174	[2] 326,087
641	[1] 46,276	[1] 102,448

[1] Dozen.
[2] Pounds.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, the consultation levels established for cotton and man-made fiber apparel products in Categories 335, 351, 359 and 641 are being increased for the agreement year which began on January 1, 1981 and extends through December 31, 1981, at the request of the Government of India.

EFFECTIVE DATE: April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On December 19, 1980, there was published in the **Federal Registe** (45 FR 83647) a letter dated December 16, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Categories 335, 351, 359 and 641, produced or manufactured in India, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, in accordance with the terms of the bilateral agreement, the Chairman of the Committee for the Implementation oif Textile Agreements directs the Commissioner of Customs to increase the twelve-month levels previously established for Categories 335, 351, 359 and 641 to the designated amounts.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

April 28, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 16, 1980 by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in India.

Effective on April 28, 1981, paragraph 1 of the directive of December 16, 1980 is further amended to increase the levels of restraint for cotton and man-made fiber textile products in categories 335, 351, 359 and 641 to the following:

Category	Adjusted 12-Mo. level of restraint [1]
335	29,056 dozen.
351	19,231 dozen.
359	326,087 dozen.
641	103,448 dozen.

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

The actions taken with respect to the Government of India and with respect to imports of cotton and man-made fiber textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs execption to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-13199 Filed 4-30-81; 8:45 am]

BILLING CODE 3510-25-M

Import Restraint Levels for Certain Cotton and Man-Made Fiber Textile Products Under the Bilateral Agreement With Sri Lanka, Effective May 1, 1981

April 27, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for cotton gloves and mittens in Category 331, men's and boys' other cotton coats in Category 334, women's, girls' and infants' cotton coats in Category 335, woven shirts and blouses of cotton and man-made fibers in Categories 340, 341, 650, and 641, and women's, girls' and infants' cotton trousers in Category 348, produced or manufactured in Sri Lanka and exported to the United States during the twelve-month period which begins on May 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 4, 1980 (45 FR 85142).)

SUMMARY: The bilateral cotton, wool and man-made fiber textile agreement of July 7, 1980, between the Governments of the United States and Sri Lanka, as amended, establishes specific levels of restraint for Categories 331, 334, 335, 340, 341, 348, 640 and 641 during the agreement year which begins on May 1, 1981 and extends through April 30, 1982. The agreement also provides a consultation mechanism for categories of textile products which are not subject to specific ceilings and for which levels may be established during the year upon agreement between the two governments. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreements, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manufactured in Sri Lanka and exported during the twelve-month period which begins on May 1, 1981 and extends through April 30, 1982, in excess of the designated levels of restraint. Consultations to establish levels of restraint for the sub-limits under Category 340/341/640/641 have not yet been held. It is expected that consultations will be held in the near future. The sub-limits published below are being established on an interim basis pending consultations between the two governments. The levels include seven percent growth over the levels for the previous year. When new levels are agreed, they will be published in the **Federal Register.**

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

April 27, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on

December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of julyn 7, 1980, as amended, between the Governments of the United States and Sri Lanka, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 1, 1981 for the twelve-month period extending through April 30, 1982 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 331, 334, 335, 340, 341, 348, 640 and 641 in excess of the following levels of restraint:

Category	12-mo level of restraint
331	749,000 dozen pairs.
334	146,000 dozen.
335	107,000 dozen.
340/341/640/641	1,230,500 dozen of which not more than 374,500 dozen shall be in Category 340; not more than 385,200 dozen shall be in Category 341; not more than 85,600 dozen shall be in Category 640; and not more than 385,200 dozen shall be in Category 641.
348	202,000 dozen.

In carrying out this directive, entries of textile products in the foregoing categories, exept Category 334, which have been exported to the United States on and after May 1, 1980 and extending through April 30, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period which began on May 1, 1980 and extended through April 30, 1981. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Category 334 which have been exported before May 1, 1981 shall not be subject to this directive.

Cotton textile products in Category 334 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of July 7, 1980, as amended, between the Governments of the United States and Srl Lanka, which provide, in part, that: (1) specific limits may be exceeded by not more than seven percent of their square yards equivalent total in any agreement period and sublimits of specific ceilings may be exceeded by not more than 10 percent within the overall specific limit; (2) specific limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit or sublimit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), and December 24, 1980 (45 FR 85142).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Sri Lanka and with respect to imports of cotton and man-made fiber textile products from Sri Lanka have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-13122 Filed 4-30-81; 8:45 am]
BILLING CODE 3510-25-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 80-4]

1979 Cable Royalty Distribution Proceeding

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Clarence L. James, Jr., Chairman, Copyright Royalty Tribunal, (202) 653-5175.

SUPPLEMENTARY INFORMATION: 17 U.S.C. 111(d)(4) authorizes the Copyright Royalty Tribunal (Tribunal) to distribute royalty fees paid by cable systems to certain copyright owners who have filed claims with the Tribunal.The procedure for distribution of the cable royalty fees is set forth at 17 U.S.C. 111(d)(5)

On March 2, 1981 the Tribunal pursuant to 17 U.S.C. 111(d)(5)(B) declared the existence of a controversy concerning the distribution among copyright owners of cable royalty fees paid by cable systems for secondary transmissions during 1979. 17 U.S.C. 804(e) requires the Tribunal to render a final decision within one year from the commencement of the proceeding.

After hearing the views of claimants, the Tribunal has determined that the proceeding shall be conducted in two separate phases. Phase I should be devoted to determining the percentages, if any, of the 1979 royalty fund which should be awarded to (a) motion picture and syndicated program suppliers; (b) sports, professional and collegiate; (c) public television; (d) music; (e) commercial television; (f) commercial radio; and (g) public radio. Phase II shall be devoted to resolving disputes, if any among claimants within each of these categories.

Any party desiring to present evidence and argument and participate in cross-examination during Phase I shall notify the Tribunal of its intention on or before May 15, 1981. Only those parties who provided such notice shall be permitted to participate in Phase I. Participation in Phase I is not a prerequisite to participation in Phase II. Any party participating in Phase I shall serve all other Phase I participants. The list of those parties participating in Phase I will be maintained in the Tribunal's office.

The following is the schedule for Phase I:

(1) Submit by June 15, 1981—Any prehearing statements and/or memorandum; witness lists; concise summary of each witness testimonyu; copies of all documentary evidence.

(2) For the purpose of identification of exhibits the following identification has been assigned to the categories and shall be used consecutively and throughout the entire proceeding irrespective of whether the exhibit is introduced during direct, cross or rebuttal:

a. Motion picture and syndicated program suppliers—alphabetical.

b. Sports—numerical.

c. Public television—PB—alphabetical.

d. Music—M—numerical.

e. Commercial television—CT—alphabetical.

f. Commercial radio—CR—numerical.

g. Public radio—PR—alphabetical.

In the event more than one claimant in a given category submits exhibits, the identification above shall be proceeded by no more than three letters which clearly identifies the party that is submitting the exhibit.

(3) Any economic or other studies to be introduced in this proceeding shall be prepared in *strict* accordance with § 301.51 of the Tribunal's Rules of Procedure, specifically Section (h) and (k).

(4) Documents should be submitted in the original with ten copies. Any items filed with the Tribunal shall be addressed to the Chairman, Copyright Royalty Tribunal, 1111 20th Street, N.W., Room 450, Washington, D.C. 20036.

The Tribunal has further determined that it will commence the hearings on the substantive aspects of this proceeding on July 7, 1981, and the hearings will continue on such subsequent days as are necessary. The Tribunal has determined that the order of presentation shall be as follows:

1. Motion Picture and Syndicated Program Suppliers.
2. Professional and Collegiate Sports.
3. Public Television.
4. Music.
5. Commercial Television and Radio.
6. Public Radio.

The participants in Phase I shall have the opportunity to submit rebuttal evidence. Three weeks after the conclusion of the direct case of all the parties the participants shall submit:

a. Names of rebuttal witnesses.

b. Concise summary of each witness rebuttal testimony.

c. Copies of rebuttal documentary evidence.

The hearings on the substantive aspects of the rebuttal proceeding shall commence on a day and time to be later determined by the Tribunal. At the conclusion of Phase I each party shall be required to submit a master copy of their exhibits with an index giving for each exhibit the exhibit identification; a description of the document; the date of the testimony when it was submitted, and the transcript page number.

Notwithstanding any other provision herein parties shall be permitted to submit documentary evidence during cross-examination in every aspect of the proceeding.

The parties will be advised at a later date of the hearings location.

Clarence L. James, Jr.,

Chairman, Copyright Royalty Tribunal.

April 28, 1981.

[FR Doc. 81-13221 Filed 4-30-81; 8:45 am]

BILLING CODE 1410-09-M

DEPARTMENT OF DEFENSE

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on May 20 and 21, 1981, from 8:00 a.m. to 5:00 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of the full-scale integration of naval forces and related intelligence. These matters contitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classifed pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Lieutenant Kathleen M. Cummings, Executive Secretary, CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Telephone number (703) 756-1205.

Dated: April 28, 1981.

P.B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-13124 Filed 4-30-81; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

Privacy Act of 1974; Deletion of Two Systems Notices

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletion of two systems notices.

SUMMARY: The Office of the Secretary of Defense proposes to delete the system notices for two systems of records: DWHS CD01, "OSD General Correspondence Files"; and DWHS CD02, "Cable Division Personnel Administration Files", subject to the Privacy Act of 1974. It has been determined that these systems of records do not qualify as systems of records under DoD Directive 5400.11 or the Privacy Act.

DATE: These deletions shall be effective June 1, 1981.

ADDRESS: Send any comments to the System Manager identified in the system notice (44 FR 74088) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Public Law 93-579 were published in the Federal Register.

FR Doc. 81-807 (46 FR 6427) January 21, 1981
FR Doc. 81-5566 (46 FR 12772) February 16, 1981
FR Doc. 81-6246 (46 FR 14081) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 20, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16928) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 28, 1981.

[FR Doc. 81-13225 Filed 4-30-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

International Atomic Energy Agreements, Civil Uses; Proposed Subsequent Arrangement; European Atomic Energy Community and Canada

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer:

RTD/CA(EU)-14, from Italy to Canada, 1,080 mixed oxide rodlets

containing 3.0 kilograms of plutonium and 600 kilograms of depleted uranium, to be used for lattice measurements in the ZED–2 test reactor at Atomic Energy of Canada, Ltd., Chalk River, Canada.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice, and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: April 28, 1981

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-13286 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Grand-Rent-a-Car; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: March 13, 1981. Comments by: June 1, 1981.

ADDRESS: Send comments to: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105. Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, California 94105, telephone (415) 764–7038.

SUPPLEMENTARY INFORMATION: On March 13, 1981, the Office of Enforcement of the ERA executed a Consent Order with Grand-Rent-A-Car of Los Angeles, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Grand-Rent-A-Car, with its home office located in Los Angeles, California, is a firm engaged in the retailing of motor gasoline, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Grand, the Office of Enforcement, ERA, and Grand entered into a Consent Order, the significant terms of which are as follows:

1. The ERA alleges that Grand's refueling service charges were in excess of the maximum lawful selling prices for gasoline during the period August 1, 1979 through January 28, 1981, in violation of the Mandatory Petroleum Price Regulations, 10 CFR 212.93.

2. Grand denies that the regulations have ever applied or currently apply to its refueling service charges, and further denies that it has in any way violated the regulations.

3. Grand shall refund $32,500, which sum includes principal and interest. The refund will be made in four installments of approximately equal amount, the first installment due March 15, 1981, the last installment due December 15, 1981.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Grand agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1 above, the sum of $32,500, plus interest accruing after March 15, 1981, on or before December 15, 1981. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claimants to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to the U.S. Department of Energy, Lon W. Smith, District Manager of Enforcement, 333 Market Street, San Francisco, CA 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764–7038.

You should identify your comments or written notification of claim on the outside of your envelope and on the documents you submit with the designation "Comments on Grand-Rent-A-Car Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on June 1, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, California on the 15th day of April 1981.

Lon W. Smith,

District Manager, Office of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 81-13291 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-01-M

Loyce Phillips (Estate); Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: April 20, 1981.

COMMENTS BY: June 1, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

FOR FURTHER INFORMATION, CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On April 20, 1981, the Office of Enforcement of the ERA executed a Consent Order with Loyce Phillips (Estate) of Gladewater, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of less than $500,000 in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Loyce Phillips (Estate) wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Loyce Phillips (Estate) effective as of the date of its execution by the DOE and Loyce Phillips (Estate).

I. The Consent Order

Loyce Phillips (Estate) is a firm engaged in the production of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Loyce Phillips (Estate) the Office of Enforcement, ERA and Loyce Phillips (Estate) entered into a Consent Order, the significant terms of which are as follows:

1. During the November 1973 through June 1980, Loyce Phillips (Estate) allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Loyce Phillips (Estate) and the DOE have agreed to a settlement of $39,340. The payment shall be made within thirty days from the effective date of this order i.e., $2,500 Penalty, Balance $36,840 refund. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Loyce Phillips (Estate).

3. This Consent Order constitutes neither an admission by Loyce Phillips (Estate) that ERA regulations have been violated nor a finding by the ERA that Loyce Phillips (Estate) has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Loyce Phillips (Estate) agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in I.1. above, the sum of $39,340 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Becasue of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse efects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.1991(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Loyce Phillips (Estate) Consent Order". We will consider all comments we received by 4:30 p.m., local time June 1, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 22nd day of April 1981.

Herbert F. Buchanan,

Deputy District Manager, Southwest Enforcement District, Economic Regulatory Administration.

[FR Doc. 81-13314 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration Mabee Petroleum Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and

provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: April 20, 1981.

COMMENTS: On or before June 1, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

FOR FURTHER INFORMATION, CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On April 20, 1981, the Office of Enforcement of the ERA executed a Consent Order with Mabee Petroleum Corporation of Midland, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of less than $500,000 in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Mabee Petroleum Corp. wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Mabee Petroleum Corporation effective as of the date of its execution by the DOE and Mabee.

I. The Consent Order

Mabee Petroleum Corporation (Mabee) is a firm engaged in the production of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Mabee the Office of Enforcement, ERA and Mabee entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through December 31, 1977, Mabee allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Mabee and the DOE have agreed to a settlement of $435,308, inclusive of interest. The refund and interest amount shall be paid within thirty (30) days after the Consent Order is executed. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Mabee.

3. This Consent Order constitutes neither an admission by Mabee that ERA regulations have been violated nor a finding by the ERA that Mabee has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Mabee agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in I.1. above, the sum of $435,308 in the manner specified in I.2 above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper dispostion.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identify valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Mabee Petroleum Corp. Consent Order". We will consider all comments we received by 4:30 p.m., local time June 1, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 20th day of April, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81–13283 Filed 4–30–81; 8:45 am]

BILLING CODE 6450–01–M

Mosbacher Production Co., a Corporation, Formerly Robert Mosbacher, a Sole Proprietorship; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Efective Date: April 8, 1981.

COMMENTS: June 1, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT:
Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235—(214) 767–7745.

SUPPLEMENTARY INFORMATION: On April 8, 1981, the Office of Enforcement of the ERA executed a Consent Order with Mosbacher Production Company, formerly Robert Mosbacher, a sole proprietorship (Mosbacher) of Houston, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalites and interest, may be made effective upon its execution. Because the DOE and MOSBACHER, wish to expeditiously resolve this matter as agreed, the DOE has determined that it is in the public interest to make the Consent Order effective as of the date of its execution by the DOE and Mosbacher.

I. The Consent Order

Mosbacher, with its office located in Houston, Texas, is a firm engaged in crude oil production, and is subject to the Mandatory Petroleum price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of audit of crude oil sales, the Office of Enforcement, ERA, and Mosbacher, entered into a Consent Order, the significant terms of which are as follows:

1. The initial audit period was from September 1, 1973 through December 31, 1978.

2. In this Consent Order, Mosbacher agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified above, the sum of $180,000.00 on or before May 8, 1981.

3. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

4. The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on June 1, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 21st day of April, 1981.

Wayne I. Tucker,
District Manager for Enforcement, Southwest District Economic Regulatory Administration.

[FR Doc. 81-13294 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-01-M

Tippins Oil & Gas Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: April 2, 1981.

Comments by: June 1, 1981.

ADDRESS: Send comments to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street; Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:
Jeannine C. Fox, Chief, Refined Products Programs Management Branch, 324 East 11th Street, Kansas City, Missouri 64106. (phone) 816–374–5932.

SUPPLEMENTARY INFORMATION: On April 2, 1981, the Office of Enforcement of the ERA executed a Consent Order with Tippins Oil and Gas Company, Inc. of Richmond, Missouri. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Tippins Oil and Gas Company (Tippins) with its home office located in Richmond, Missouri, is a firm engaged in the sale of motor gasoline to resellers and end-users, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Tippins the Office of Enforcement, ERA, and Tippins entered into a Consent Order.

The Consent Order encompasses Tippins sales of covered products during

the period March 1, 1979, through December 31, 1979.

II. Disposition of Refunded Overcharges

In this Consent Order, Tippins agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. above, the sum of twelve thousand dollars ($12,000.00) by December 31, 1982.

Refunds of overcharges to all customers of $12,000.00 will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These refunds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required.

Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for the Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to William D. Miller, Central District Manager of Enforcement, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling 816–374–5932.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Tippins Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on June 1, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 10th day of April 1981.

Dated: April 10, 1981.

William D. Miller,

District Manager of Enforcement.

Concurrence:

David H. Jackson,

Chief, Enforcement Counsel.

[FR Doc. 81-13315 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-01-M

Key Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Key Oil Company, Highway 31 W. South, Route 3, Franklin, Kentucky 42134. This Proposed Remedial Order charges Key Oil Company with pricing violations in the amount of $91,327.55, connected with sales of diesel fuel during the period November 1, 1973 through March 31, 1974.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Mr. James C. Easterday, District Manager of Enforcement, Southeast District, 1655 Peachtree Street, N.E., Atlanta, Georgia 30367, Telephone (404) 881–2396. On or before May 18, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia on the 17th day of April 1981.

James C. Easterday,

District Manager.

Concurrence

Leonard F. Bittner,

Chief Enforcement Counsel.

[FR Doc. 81-13302 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board; Postponement of Meeting

This notice is given to advise of the postponement of the Energy Research Advisory Board meeting, originally scheduled to be held May 7–8, 1981. Notice of meeting was published in the issue of April 22, 1981 (46 FR 22930). When the meeting is rescheduled a notice will appear in the Federal Register.

Issued at Washington, D.C. on April 28, 1981.

Georgia Hildreth,

Deputy Advisory Committee Management Officer.

[FR Doc. 81-13120 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-01-M

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: High Energy Physics Advisory Panel

Date and Time:

Monday, May 18, 1981—9 a.m.–6 p.m.
Tuesday, May 19, 1981—9 a.m.–6 p.m.
Wednesday, May 20, 1981—9 a.m.–4 p.m.

Place: Brookhaven National Laboratory, South Room of the Brookhaven Center, Upton Road, Upton, New York.

Contact: Dr. P. K. Williams, Secretary, High Energy Physics Advisory Panel, Department of Energy, Mail Stop J–309, Washington, D.C. 20545; telephone: 301–353–3367.

Purpose of Committee: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda:

- Final discussions and formulation of a planning report on the near term program in high energy physics
- Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the

Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202–252–5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on April 29, 1981.

Georgia Hildreth,

Deputy Advisory Committee Management Officer.

[FR Doc. 81-13421 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4342-000]

American Hydro Hydro Power Co.; Application for Preliminary Permit

April 29, 1981.

Take notice that the American Power Company (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4342 to be known as the Wallkill Village Dam Project located on the Wallkill River in Ulster County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Peter A. McGrath, American Hydro Power Company, Two Aldwyn Center, Villanova, Pennsylvania 19085. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would consist of the following existing facilities: (1) the Wallkill Village Dam, a concrete structure approximately 250 feet long and varying in height from 3 to 8 feet; (2) a 500-foot long power canal, which is currently breached; (3) a powerhouse; and (4) appurtenant works.

The Applicant proposes to refurbish the above facilities and to install turbines and generating equipment with an installed rated capacity of approximately 1,450 kW.

The Applicant estimates that the average annual energy output would be 5,080,000 kWh.

Purpose of Project—Project energy would be sold to a local public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would prepare an application for a FERC license. The Applicant estimates the cost of these studies under the permit would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, is issued, gloves the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4342. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20428. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13288 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-273-000]

Cities Service Gas Co.; Application

April 30, 1981.

Take notice that on April 3, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81–273–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to render direct natural gas

service on an interruptible basis to three industrial customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 3 taps and to provide direct sales on an interruptible basis to 3 industrial customers as follows:

1) Tap Applicant's Neodesha 6-inch transmission pipeline in Wilson County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Neodesha Readi Mix.

2) Tap Applicant's Quapaw 16-inch transmission pipeline in Ottawa County, Oklahoma, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Peer Enterprises.

3) Tap Applicant's Kansas-Hugoton 26-inch transmission pipeline in Gray County, Kansas, and construct measuring, regulating and appurtenant facilities for delivery of natural gas to LaVern Schmidt.

Applicant estimates the total cost of the proposed taps to be $9,730 which would be paid for from treasury cash. Applicant further avers that the subject sales would not have any detrimental effect on its existing customers and that its current gas supply is sufficient to meet the needs of the proposed customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13289 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-260-000]

Colorado Interstate Gas Co.; Application

April 30, 1981.

Take notice that on March 31, 1981, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP81-260-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authority to revise its peak day and annual entitlements, to add sales delivery points to two existing jurisdictional customers, to make certain rate adjustments to jurisdictional transmission system general service customers, and to revise certain maximum daily volume obligations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to

(1) Increase peak day volume entitlements by a total of 75,895 Mcf.

(2) Increase the maximum daily volume obligation (MDVO) in the service agreements with Greeley Gas Company (Greeley) and the Town of Keyes, Oklahoma (Keyes), two of Applicant's single delivery point jurisdictional customers to accommodate the increased peak day entitlement.

(3) Construct and operate facilities to add East Quincy and Green Valley Ranch as new delivery points to the service agreement with Public Service Company of Colorado (Public Service)

(4) Add the existing Roundup Delivery Point to the service agreement with Western Slope Gas Company (Western Slope).

(5) Make appropriate adjustments in rates charged to jurisdictional transmission system general service customers to reflect the change in demand revenues caused by the increased peak day entitlements proposed herein.

(6) Decrease annual volume entitlements by a total of 1,966,000 Mcf.

Applicant states that its customers have requested an increase in their peak day volume entitlements. It is submitted that Applicant's jurisdictional full requirement transmission system customers have nominated an aggregate firm peak day increase of 63,050 Mcf for the 1981–1982 heating season. It is asserted that of such an increase in peak day gas, 76 percent would be used to serve the requirements of residential and small commercial customers in Priority 1, 17 percent would be allocated to Priority 2 and 7 percent to Priority 3.

Applicant further submits that its nonjuridictional direct sale customers have nominated an aggregate firm peak day increase of 12,845 Mcf for the 1981–1982 heating season which would be allocated to Priority 3.

Applicant also states that Greeley and Keyes have requested an increase in peak day entitlement and, consequently, require an increase of 502 Mcf and 350 Mcf, respectively, in MDVO. Applicant submits that the MDVO is the maximum volume that Applicant is obligated to deliver at any specified delivery point. It is asserted that these changes in MDVO would have no significant impact upon the operation of Applicant's system nor would any additional facilities be required to deliver the higher MDVO.

Applicant further states that Public Service has requested that two new delivery points, the East Quincy and Green Valley Ranch sales meter stations, be added to its service agreement with Applicant to be effective October 1, 1981. It is asserted that the addition of the proposed delivery points would enable Public Service to serve the growing Denver region.

Applicant proposes to construct and operate the East Quincy sales meter station on its Watkins-to-Colorado Springs main line at the section line between Sections 6 and 7, T5S, R65W, Arapahoe County, Colorado. It is stated that the East Quincy sales meter station would be established with a MDVO of 30,000 Mcf and would serve Priority 1 end-users. Applicant estimates the cost of this new delivery point to be $121,600.

Applicant further proposes to construct and operate the Green Valley Ranch meter station on its Wyoming main line at the northwest corner of the northwest quarter of Section 22, T3S, R66N, Denver County, Colorado. It is submitted that the MDVO for the Green Valley sales meter station would be 2,000 Mcf and that the gas from this delivery point would serve Priority 1

end-users. Applicant estimates the cost for the new delivery point to be $41,500. It is explained that the capital required for the construction of the facilities proposed herein would be obtained from current funds on hand, funds from operation, short-term borrowing or long-term financing.

Applicant states that Western Slope has requested that the existing Roundup meter station be added to the service agreement with Applicant to be effective beginning October 1, 1981. It is asserted that Roundup is an existing delivery point under a transportation transaction between Applicant and Western Slope and the addition of the delivery point to the service agreement would enable Western Slope to receive purchased gas for the Roundup storage field.

Applicant also asserts that Western Slope requires the additional delivery point to facilitate injecting gas into its newly developed Roundup storage field which would provide operational flexibility and protection for its market during periods of peak demand to maintain uninterrupted gas service to high-priority customers. It is submitted that the MDVO at Roundup would be 35,000 Mcf but that deliveries would be on a best-efforts basis subject to capacity and delivery pressure constraints on Applicant's system.

Applicant proposes, pursuant to Article II of the Uncontested Settlement Agreement on Reserved Issues in Docket No. RP79-59 approved by the Commission on March 4, 1981, to make an appropriate adjustment in rates charges to its transmission system jurisdictional general service customers to reflect the change in demand revenue caused by the increased peak day entitlement proposed herein. Applicant states that the proposed demand rate reduction would be 8.0 cents per Mcf.

Applicant proposes to decrease total customer annual volume entitlements by 1,966,000 Mcf. Applicant proposes to decrease total annual entitlements to its jurisdictional full requirement transmission system customers by 2,351,000 Mcf or approximately 0.9 percent to be effective beginning October 1, 1981. It is asserted that the aggregate reduction can be principally attributed to the conservation efforts of end-users.

Applicant states that its jurisdictional partial requirement transmission system customers have nominated an increase of 284,000 Mcf to be effective beginning October 1, 1981. Applicant submits that this increase is attributable to a purchase by Natural Gas Pipeline Company of America.

Applicant further proposes to increase its total annual entitlements to its nonjurisdictional direct sale customers by 101,000 Mcf. It is stated that this increase is required by the City of Trinidad, Colorado, for its electric generation facility.

Applicant states that it has available an additional 30,000 Mcf of peak day gas a result of a reduction in obligation to Amarillo Oil Company which results in a net peak day increase of 45,895 Mcf rather than the full 75,895 Mcf as proposed herein. Applicant, however, assures that it would continue to engage in an aggressive gas supply acquisition program to ensure adequate long-term supplies to its existing customers. Applicant believes that its gas supply projects would enable it to sufficiently accommodate the peak day entitlements which have been requested by its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practices and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-13500 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4431-000]

Columbia Basin Project Irrigation Districts; Application for Preliminary Permit

April 28, 1981.

Take notice that the Columbia Basin Project Irrigation Districts (Applicant) filed on March 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4431 to the be known as the Rocky Coulee Wasteway Project located on the Rocky Coulee Wasteway in Grant County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard A. Lemargie, Attorney, P.O. Box 908, Ephrata, Washington 98823. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of a development at each of the two chutes on the Water and Power Resources Service's existing Rocky Coulee Wasteway. Each development would include an intake structure, a penstock, a powerhouse and associated electrical equipment. In addition the lower development would include a gate at the head of the chute. The upper development would have a capacity of 2,900 kW and the lower development a capacity of 3,800 kW.

The Applicant estimates that the average annual energy output would be 32,000 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed study to determine the technical, economic, and environmental feasibility of the proposed project. Applicant estimates the costs of its studies and preparation of an application for license to be $200,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the

Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 12, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in the § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 12, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4431. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies requried by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13273 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-146-002]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 27, 1981.

Take notice that on April 21, 1981, Columbia Gas Transmission Corporation (Columbia Transmission) tendered for filing the following substitute tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Substitute Seventieth Revised Sheet No. 16
Substitute Eighteenth Revised Sheet No. 16A

Said substitute tariff sheets bear an issue date of April 21, 1981, and an effective date of April 1, 1981.

Columbia Transmission states that the foregoing substitute tariff sheets revise its filing of March 13, 1981 in the above-captioned docket solely to reflect a reduction in the cost of service of Columbia Transmission's affiliate, Columbia Gulf Transmission Company (Columbia Gulf), due to a decrease in Columbia Gulf's offshore depreciation accrual rate from 12.00% (10.00% basic rate plus 2.00% negative salvage rate) to 9.30% (9.00% basic rate plus 0.30% negative salvage rate). By letter order issued March 27, 1981 in Columbia Gulf Transmission Company, Docket Nos. RP75-105, *et al.* (Offshore Plant Depreciation Rate), the Commission approved a Stipulation and Agreement which, *inter alia,* fixed Columbia Gulf's basic offshore depreciation accrual rate at 9.00% and its negative net salvage rate at 0.30% in Docket No. RP80-145, effective April 1, 1981. Columbia Gulf made a companion filing in Docket RP80-145 to reflect this reduction in its offshore depreciation accrual rate.

This revised filing represents an annual reduction of $5,565,768 in Columbia Transmission's rates, as compared with its March 13, 1981 filing in Docket No. RP80-146. Columbia Transmission states that the remainder of its March 13, 1981 filing in this docket continues in full force and effect.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.18 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia Transmission's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13274 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-145-002]

Columbia Gulf Transmission Co.; Proposed Changes in FERC Gas Tariff

April 27, 1981.

Take notice that on April 21, 1981, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume Nos. 1 and 2:

Original Volume No. 1

Second Substitute Twenty-Sixth Revised Sheet No. 7

Original Volume No. 2

Second Substitute Seventh Revised Sheet No. 72
Second Substitute Seventh Revised Sheet No. 73
Second Substitute Fourth Revised Sheet No. 92
Second Substitute Fourth Revised Sheet No. 93
Second Substitute Fourth Revised Sheet No. 126
Second Substitute Fifth Revised Sheet No. 145
Second Substitute Fifth Revised Sheet No. 146

Second Substitute Fourth Revised Sheet No. 263
Second Substitute Third Revised Sheet No. 320
Second Substitute Third Revised Sheet No. 337
Second Substitute Third Revised Sheet No. 386
Second Substitute Third Revised Sheet No. 387
Second Substitute Third Revised Sheet No. 440
Second Substitute Third Revised Sheet No. 484
Second Substitute Third Revised Sheet No. 493
Second Substitute Third Revised Sheet No. 567
Second Substitute Third Revised Sheet No. 596
Second Substitute Second Revised Sheet No. 628
Second Substitute First Revised Sheet No. 663
Second Substitute Second Revised Sheet No. 750
Second Substitute First Revised Sheet No. 1097

Columbia Gulf states that the foregoing tariff sheets represent an annual reduction of $7,142,551 in its Cost of Service at Docket No. RP80-145 by reflecting the effect of the Commission's letter order issued March 27, 1981 in Docket Nos. RP75-105 and RP76-94. Said order, which has not become final, adopts the uncontested Stipulation and Agreement filed on February 3, 1981, which specifies a basic depreciation rate of 9.0% and a negative net salvage rate of .30% for the offshore plant of Columbia Gulf.

Columbia Gulf states that copies of the filing were served upon each of its jurisdictional customers and each of the parties set forth on the official service list in the proceedings of Docket No. RP80-145.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-13273 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-271-000]

Columbia Gas Transmission Corp.; Application

April 30, 1981.

Take notice that on April 3, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-271-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing 65 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc.: 4 taps for residential service. (Estimated annual usage of 600 Mcf)
(2) Columbia Gas of Ohio, Inc.:
30 taps for residential service
3 taps for commercial service
1 tap for combined residential and commercial service
1 tap for combined residential and industrial service
(Estimated annual usage of 6,787 Mcf)
(3) Columbia Gas of Pennsylvania, Inc.:
4 taps for residential service
1 tap for industrial service
(Estimated annual usage of 10,550 Mcf)
(4) Columbia Gas of West Virginia, Inc.:
14 taps for residential service
2 taps for commercial service
1 tap for combined residential and commercial service
(Estimated annual usage of 30,474 Mcf)
(5) The West Ohio Gas Company:
2 taps for residential service
1 tap for commercial service
(Estimated annual usage of 420 Mcf)
(6) Washington Gas Light Company: 1 tap for residential service. (Estimated annual usage of 35,750 Mcf)

Applicant estimates the total cost of the proposed taps to be $41,035 which would be financed by internally generated funds. Applicant further submits that the average cost of each tap would be $300 while one tap would be installed at an estimated cost of $21,700.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-13301 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-268-000]

Consolidated Gas Supply Corp.; Application

April 30, 1981.

Take notice that on April 2, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP-81-268-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon service to The River Gas Company (River) at delivery points near Parkersburg and Sistersville, West Virginia, and of facilities related thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that because River's operations in Ohio have changed such

that service is no longer required at the subject delivery points near Parkersburg and Sistersville, West Virginia. Applicant proposes to abandon service to River at these points. Applicant further proposes to abandon the facilities necessary for such service.

Applicant states that the pipeline would be abandoned in-place while the metering and appurtenant facilities would be removed from service and returned to stock for future use.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-13302 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4382-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 29, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4382 to be known as Yellow Creek 1.5, Plumas located on Yellow Creek in Plumas, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 696 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 140-foot long, 5 foot-high, 8-foot wide concrete diversion structure; (3) a 10,000-foot long diversion conduit or channel; (4) a 700-foot long, 40-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 4,580-kW; and (6) a 3-mile long, 12.5-kV transmission line.

The Applicant estimates that the average annual energy output would be 28.1 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4382. Any comments, notices of intent, competing applications,

protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13303 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4406]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 29, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 24, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4406 to be know as Big French Creek, Trinity located on Big French Creek in Trinty, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 185-foot long, 5 foot-high, 8-foot wide concrete diversion structure; (3) a 7,600-foot long diversion conduit or channel; (4) a 650-foot long, 49-inch diameter penstock, (5) a powerhouse containing generating equipment with a combined capacity of 2,700-kW; and (6) a 1.5-mile long, 12.5-kV transmission line

The Applicant estimates that the average annual energy output would be 10.8 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies, prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4406. Any comments, notices or intent, completing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applicant Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13304 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4381-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 29, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4381 to be known as Mosquito Creek, Plumas located on Mosquito Creek in Plumas, California. The application is on file with the Commisison and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this

notice should read the entire notice and must comply with the requirements specified for the particular kind of response that persons wishes to file.

Project Description—The proposed project would consist of: (1) a nautral rock diversion structure; (2) a 125-foot long, 5-foot-high, 8-foot wide concrete structure; (3) a 10,750-foot long diversion conduit or channel; (4) a 725-foot long, 41-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 2,900-kW; and (6) a 0.3-mile long, 12.5-kV transmission line.

The Applicant estimates that the average annual energy output would be 11.2 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notice of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filing must also state that it is made in response to this notice of application for preliminary permit for Project No. 4381. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13305 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4363-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 29, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4363 to be known as Lower Yellow Creek, Plumas located on Yellow Creek in Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Consolidated Hydroelectric, Inc., 098 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 148-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 14,900-foot long diversion conduit or channel; (4) a 1,200-foot long, 40-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 4,800 kW; and (6) a 12.5 kV transmission line. The Applicant estimates that the average annual energy output would be 31.5 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geologic studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4363. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition ot intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-13300 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4378-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 29, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for proposed Project No. 4378 to be known as Hostler Creek, Humboldt located on Hostler Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description— The proposed project would consist of two facilities. The Upper Facility would consist of: (1) a natural rock diversion structure; (2) a 48-foot long, 5-foot high, 6-foot wide concrete diversion structure; (3) a 4,000-foot lone diversion conduit or channel, (4) an 825-foot long, 30-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 1,250-kW; and (6) a 2-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the Upper Facility would be 4.9 million kWh.

The Lower Facility would consist of: (1) a natural rock diversion structure; (2) a 67-foot long, 5-foot high, 6-foot wide concrete diversion structure; (3) a 9,250-foot long diversion conduit or channel; (4) an 1,020-foot long, 33-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 2,010-kW; and (6) a 0.5-mile long, 12.5 kV transmission line. The Applicant estimates that the average annual energy output from the Lower Facility would be 7.9 million kWh.

Purpose of Project— The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments— Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications— Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the

requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as appliocable. Any of theses filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4378. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13307 filed 4-30-81 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4178-000]

Energenics Systems, Inc.; Application for Preliminary Permit

April 28, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on February 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4178 to be known as Hugo Lake Dam Project located on the Kiamichi River in Choctaw County, Oklahoma. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Hugo Dam and would consist of: (1) a new powerhouse containing generating unit(s) having a total rated capacity of 18.9 MW; and (2) appurtenant facilities. The Applicant estimates that the average annual energy output would be 32.1 GWH.

Purpose of Project—Project energy would be sold to the Public Service Company of Oklahoma or to nearby public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the City of Broken Bow's Hugo Dam Project No. 3555 filed on October 10, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 26, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4178. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Wasington,

D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13276 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-420-000]

Indiana & Michigan Electric Co.; Filing

April 27, 1981.

The filing company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on April 17, 1981 tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (Indiana Company) Modification No. 7 dated April 15, 1981, to the Agreement, dated January 2, 1977 between City of Richmond, Indiana and Indiana & Michigan Electric Company, I&M's Rate Schedule FERC No. 70.

Section 1 of Modification No. 7 provides for a new initial rate schedule entitled "Limited Term Power"—Service Schedule H, with a demand rate of $5.50/kW-month and a transmission charge of $1.00/kW-month for third party transactions. This schedule proposed to become effective April 15, 1981.

Applicant states that since the use of Limited Term Power cannot be accurately estimated, for the twelve month period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from this modification for such period.

Copies of the filing were served upon Richmond Power & Light, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rule of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13277 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-26-000]

JKJ Co.; Application for Adjustment and Request for Interim Relief

April 27, 1981.

On March 31, 1981, JKJ Company (JKJ), P.O. Box 666, Graham, Texas 76046, filed an application for a staff adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. § 3412(c) (Supp. II 1978), and § 1.41 of the Federal Energy Regulatory Commission (Commission) Rules of Practice and Procedure.

Specifically, JKJ alleges that it is an oil and gas operator in Texas which sells natural gas under a contract to the Lone Star Gas Company (Lone Star). JKJ states that its Ramsey Corley No. 1 Well, gas well I.D. number 21389, in Graham S. Field, Young County, Texas, qualified as a stripper well under NGPA section 108 in 1980. JKJ states that, under the terms of the contract, it is obligated to compress the gas and place it in Lone Star's pipeline at pressures up to 500 psi. JKJ claims that it collected $1.10 per Mcf for gas from the well in 1980 and thereby suffered an operating loss by continuing to produce the well.

JKJ alleges that Lone Star, upon discovering that the well's production had risen so as to disqualify it from stripper well status, has reduced the gas price to that specified in the contract, $.85 per Mcf. At the present price of $.85 per Mcf, the maximum lawful price under NGPA section 108, JKJ claims that it intends to shut the well in effective May 1, 1981, because its operating costs are such that it cannot afford to produce and compress the gas and place it in Lone Star's pipeline. JKJ requests an adjustment from NGPA section 110 and the Commission regulations implementing the section so it can continue to produce gas from the well. In addition, JKJ seeks interim relief under § 1.41(m) of the Commission regulations.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41 (44 FR 18981, March 30, 1979). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before May 18, 1981.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13278 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4128-000]

Long Lake Energy Corp.; Application for Preliminary Permit

April 28, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on February 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4128 to be known as the Bakers Falls Hydro Project located on the Hudson River in Washington and Saratoga Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize Niagara Mohawk Power Corporation's existing Bakers Falls—Moreau Falls Dam and Reservoir (FERC License No. 2482) and would consist of: (1) a new intake structure with control gates; (2) a new 500-foot long penstock; leading to (3) a new powerhouse with an installed generating capacity of 20,000 Kw; (4) a new tailrace; (5) the existing switchyard equipment; (6) a new transmission line; and (7) appurtenant facilities. The Applicant estimates that the average annual energy output would be 103,000,000 kWh.

Purpose of Project—Project energy generated would be sold to the Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the

studies under the permit would be $150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 26, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(a) and (d) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 26, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION," "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4128. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13279 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4214-000]

The Montana Power Co.; Application for Preliminary Permit

April 28, 1981.

Take notice that The Montana Power Company (Applicant) filed on February 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4214 to be known as the Carter Ferry Project located on the Missouri River in Chouteau and Cascade Counties, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. R. J. Labrie, Vice President, Engineering and Technology, The Montana Power Company, 40 East Broadway Street, Butte, Montana 59701.

Project Description—The proposed project would consist of: (1) a proposed concrete gravity dam with a maximum heigth of 132 feet and a crest length of 1,160 feet; (2) a proposed powerhouse, integral with the dam on the east bank of the river, with an installed generating capacity of 75 MW; (3) a proposed reservoir with a surface of 3,100 acres at a normal water elevation 2,802 msl containing 150,000 acre-feet of gross storage capacity; (4) a proposed 2½-mile long 161-KV transmission line; (5) two proposed 22-foot diameter penstocks through the dam to the powerhouse; (6) a proposed 150-foot wide tailrace; and (7) appurtenant facilities. It is estimated that the project would include 157 acres of Federal lands. The Applicant estimates that the average annual energy output would be 487 GWh.

Purpose of Project—The Applicant proposed to utilize the power output by integrating it with the Applicant's existing five hydroelectic plants and associated transmission system in the Great Falls, Montana area.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the project and prepare an application for FERC license. Applicant estimates costs of studies under its permit would be about $900,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing

application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices or intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No 4214. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13280 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-311-000 and ER80-181]

Northern States Power Co. (Wisconsin); Order Accepting for Filing and Suspending Rates, Waiving Notice Requirements, Consolidating Proceedings, and Establishing Procedures

Issued April 22, 1981.

On January 11, 1980, in Docket No. ER80-181, Northern States Power Company (Wisconsin) (NSP) tendered for filing revised rates applicable to its eleven full requirements wholesale customers located in Wisconsin. In addition, the company proposed a new rate for partial requirements service, although no customer was then scheduled to take service under the partial requirements tariff rate.[1]

On February 20, 1981, a settlement of the rates for full requirements service was accepted for filing by the Commission.[2] A public hearing has been scheduled to commence on April 28, 1981, concerning the partial requirements rate.

Subsequently, on March 2, 1981, NSP submitted for filing in Docket No. ER81-311-000, a revised partial requirements rate and a service agreement with the City of Barron, Wisconsin (Barron) implementing service under the partial requirements rate.[3] The currently proposed rate schedules reflect a reduction in rate level to that of the full requirements settlement rate and a clarification of the billing demand provisions. NSP requests waiver of the notice requirements, and an effective date of April 26, 1981, to coincide with the effective date of the partial requirements service agreement between NSP and Barron.

Notice of the filing was issued on March 11, 1981, with comments, protests, or petitions to intervene due on or before March 31, 1981. No responses were filed.

Discussion

Although the instant submittal represents a reduction in the partial requirements rate level, we note that the design of the partial requirements rate is an issue which is still outstanding in Docket No. ER80-181.[4] Our analysis of NSP's filing indicates that it has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept NSP's submittal for filing and suspend it as ordered below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. As discussed above, the anticipated effective date of the partial requirements service agreement between NSP and Barron is April 26, 1981; if we were to order an extended suspension, initiation of the desired service might be delayed and Barron would be precluded from receiving service during the suspension period at the lower rate proposed in this docket. Furthermore, we note that no protests or objections to the filing have been received. Accordingly, we find that good cause exists to waive the notice requirements and to suspend the revised partial requirements rate schedules for one day from April 25, 1981, to become effective on April 26, 1981, subject to refund.

Because the design of the partial requirements rate is currently under investigation in Docket No. ER80-181, common questions of law and fact are presented and we shall consolidate the instant docket with that ongoing proceeding.

The Commission orders:

(A) Waiver of the notice requirements is hereby granted.

(B) NSP's submittal is hereby accepted for filing and suspended for one day from April 25, 1981 to become effective on April 26, 1981, subject to refund.

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[1] By order issued March 7, 1980, the full requirements rate was suspended for two months to become effective on May 11, 1980, subject to refund. The Commission suspended the new partial requirements rate for one day to become effective on March 12, 1980, subject to refund, and the outcome of a hearing. In addition, NSP was directed to file service agreements for any customer subsequently electing to take partial requirements service under the new tariff rate.

[2] *Northern States Power Company (Wisconsin)*, Docket No. ER80-181, order issued February 20, 1981.

[3] *See* Attachment A for rate schedule designations.

[4] *See Northern States Power Company (Wisconsin)*, Docket No. ER80-181, ALJ orders, issued September 19, 1980 and January 9, 1981.

[5] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-508, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illumination Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [(18 CFR., Chapter I (1980))], a public hearing shall be held concerning the justness and reasonableness of NSP's submittal.

(D) Docket No. ER81–311–000 is hereby consolidated with the proceedings in Docket No. ER80–181, for purposes of hearing and decision.

(E) The administrative law judge designated to preside in Docket No. ER80–181 shall determine the appropriate procedures necessary to accommodate consolidation of Docket No. ER81–311–000 with the pending proceeding.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A, Northern States Power Co. (Wisconsin), Docket No. ER81–311–000; Rate Schedule Designations

FERC Electric Tariff Original Volume No. 1

Sheet No., Supersedes and Description

1st Revised Sheet No. 1, Original Sheet No. 1, First Revised Schedule B
1st Revised Sheet No. 2, Original Sheet No. 2, First Revised Schedule B
Original Sheet No. 2A, First Revised Schedule B
Service Agreement under FERC Electric Tariff Original Volume No. 1, Partial requirements service to City of Barron, Wisconsin

[FR Doc. 81–13049 Filed 4–30–81; 8:45 am]
BILLING CODE 6450–85–M

[Project No. 4218–000]

Northwest Hydroelectric Co.; Application for Preliminary Permit

April 28, 1981.

Take notice that Northwest Hydroelectric Company filed on February 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4218 to be known as Tonga Project located on the Foss River in King County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Thomas J. Brewer, B. Gerald Johnson, Charles A. Goldmark, Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Washington 98104. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 7-foot high and 150-foot long, prefabricated steel-and-concrete diversion dam; (2) a 14,700-foot long and 72-inch diameter steel penstock; (3) a powerhouse containing one generating unit rated at 10 MW; (4) a tailrace; and (5) a one-mile long transmission line.

The Applicant estimates that the average annual energy output would be 60 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Puget Sound Power and Light Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct geotechnical and engineering studies, perform preliminary designs, make an economic and financial analysis, conduct environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies. Ground disturbing activities include test borings, surveys, and stream gage installation. The cost of the work to be done under the preliminary permit is estimated to be $680,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4218. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of

any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13281 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-416-000]

Ohio Power Co.; Filing

April 27, 1981.

The filing company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on April 17, 1981 tendered for filing on behalf of its affiliate Ohio Power Company (Ohio Power) Modification No. 12, dated March 1, 1981, to the Facilities and Operating Agreement, dated September 6, 1962, between Duquesne Light Company and Ohio Power Company, Ohio Power's Rate Schedule FERC No. 33.

Section 1 of Modification No. 12 provides for an increase in the demand charge for Short Term Power from $0.85 to $1.05 per kilowatt per week. This schedule is proposed to become effective on March 1, 1981.

Applicant states that since the use of Short Term Power cannot be accurately estimated, for the twelve-month period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from its modification for such period. Applicant's Appendix V which was included with the filing of this modification, demonstrates that the increase in revenues which would have resulted had the modification been in effect during the twelve-month period ending December 1980, would have been $54,000.00 (i.e., from $1,204,888.90 to $1,258,888.90) for Short Term Power.

Copies of the filing were served upon Duquesne Light Company, the Public Utilities Commission of Ohio and the Public Utility Commission of Pennsylvania.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13287 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-419-000]

Ohio Power Co.; Filing

April 27, 1981.

The filing company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on April 17, 1981 tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio Power), Modification No. 17 dated October 31, 1980 to the Interconnection Agreement dated June 14, 1962 (1962 Agreement), between Ohio Power and The Cleveland Electric Illuminating Company (Cleveland Electric), designated Ohio Power's Rate Schedule FERC No. 31.

Modification No. 17 provides for participation by the parties in Economy Energy transactions involving systems which are not parties to the 1962 Agreement.

Under the proposed Modification transactions with systems not a party to the 1962 Agreement between the parties would be priced, as was previously contemplated under the 1962 Agreement between the parties, on the basis of costs incurred, plus a sharing by all of the participants of the savings realized by the ultimate receiving system. Transmission losses are one of the costs incurred. Each system participating in an Economy Energy transaction other than as the supplying or receiving system would receive 15% of the savings and the remainder of the savings. Applicant states that the proposed 15% of savings allocated to each intermediate system was arrived at through negotiation and is intended to recognize participation in the transaction. Applicant further states that since Economy Energy, the need of another system for such energy and possible transmission restrictions, it is impossible to estimate the transactions and revenues resulting from the proposed service.

Copies of the filing were served upon The Cleveland Electric Illuminating Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13282 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-561]

Pataya Storage Co.; Intent To Prepare a Draft Environmental Impact Statement

April 20, 1981.

Notice is hereby given that, based upon its own assessment and on letters of comment on environmental issues, the staff of the Federal Energy Regulatory Commission (FERC) has determined that approval of the project proposed in Docket No. CP80-561 would constitute a major Federal action significantly affecting the quality of the human environment. Therefore, pursuant to § 2.82(b) of the Commission's Rules of Practice and Procedure (18 CFR 2.82(b)), a draft environmental impact statement (DEIS) will be prepared.

The DEIS will deal with the application by Pataya Storage Company (Pataya), a wholly owned subsidiary of Southwest Gas Corporation (Southwest), for a certificate of public convenience and necessity. The application is filed pursuant to section 7(c) of the Natural Gas Act. The certificate would authorize construction and operation of an underground gas storage facility near Red Lake in Mohave County, Arizona. Natural gas would be stored under pressure during low demand summer months and redelivered during high demand to an interconnection with a main transmission pipeline of the El Paso Natural Gas Company (El Paso).

The applicant specifically seeks authorization to develop, by conventional methods of subsurface solution mining, two underground gas storage caverns in a massive halite (salt) deposit below Hualapai Valley in Mohave County, Arizona. The caverns would store 4 billion cubic feet (Bcf) of natural gas under 1,000 to 3,000 pounds

per square inch of pressure: 3 Bcf would be working gas; 1 Bcf would be cushion gas to maintain sufficient delivery pressure in the reservoir. Solution mining of the caverns would require withdrawing approximately 4,000 acre feet (1.3 billion gallons) of groundwater over 14 months and about 1.3 square miles of diked evaporating ponds to dispose of the brine solution that would be produced.

The applicant proposes to construct a compressor station to operate the storage facility. It would consist of three 1,800-horsepower reciprocating engine compressor units. Also proposed is approximately 30 miles of 16-inch diameter gas pipeline from the proposed storage facility near Red Lake south to El Paso's main transmission pipeline near Kingman, Arizona. In addition, authorization is requested to provide Southwest with up to 100 million cubic feet per day (cfd) of natural gas and a total of 3 Bcf annually from the proposed storage facility.

Approximately 26 miles of electric power transmission line generally paralleling the proposed pipeline and approximately 6 miles of improved access roadway would be constructed.

On December 29, 1980, the staff issued a notice of request for comments on the scope and significance of potential environmental impacts related to the proposed project; 25 responses were received. Based upon the responses to the scoping notice, the staff will focus its analysis on the following major issues or areas of potential impact: feasibility of the proposed brine disposal ponds, protection of groundwater quality, air quality, cultural resources, and aesthetic effects.

Other areas of potential impact will be analyzed and discussed in the DEIS. However, the staff's preliminary analysis and the scoping comments indicate that those topics are of less significance and therefore will receive less emphasis.

The staff will consider alternatives to the proposal and possible mitigating measures in its DEIS. Alternatives such as deep well disposal of the brine, engineering modifications or uses for the proposed evaporation ponds, onsite power generation, and mitigating measures such as avoidance or recovery of cultural resources, powerline modifications to prevent raptor electrocution, and use of neutral colored paints on surface structures will be analyzed. Anyone wishing to contribute further comments on these topics to the staff is encouraged to do so.

The FERC will be the lead agency responsible for preparing the DEIS. The Department of the Interior, Bureau of Land Management, has requested to be a cooperating agency. Other Federal and state agencies are encouraged to contribute to the DEIS and should contact Mr. Lonnie Lister, Project Manager, FERC, Room 7403, 825 North Capitol Street NE., Washington, D.C. 20426; telephone (202) 357-8870.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13041 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-47-000]

Plateau, Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

April 27, 1981.

Take notice that Plateau, Inc. on April 20, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before May 12, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before May 12, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40 (e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Indpendence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-13283 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-290-000]

Southern Natural Gas Co.; Application

April 30, 1981.

Take notice that on April 16, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-290-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities in East Cameron Block 240, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate approximately 4.9 miles of 16-inch pipeline, one 800 horsepower compression station, and one receiving station and appurtenant facilities. It is stated that the proposed pipeline would attach natural gas reserves being purchased by Applicant from Shell Oil Company in East Cameron Block 240.

Applicant asserts that the proposed pipeline would extend from the producer's platform in East Cameron Block 240 to a point of interconnection at an existing subsea tap on Sea Robin Pipeline Company's 24-inch pipeline in East Cameron Block 248. The receiving station and the compression facilities would also be installed on the producer's platform. Applicant submits that absent the 800 horsepower compression station Applicant would be unable to take delivery of the gas.

Applicant estimates the total cost of the proposed facilities to be $6,324,282 which would initially be financed by short-term financing and/or cash from current operations and ultimately from permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the

appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must fule a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and suject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13308 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4340-000]

Stockport Milling Co., Inc.; Application for Preliminary Permit

April 28, 1981.

Take notice that the Stockport Milling Co., Inc. (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4340 to be known as the Stockport Lock and Dam No. 6 Project located on the Muskingum River in Morgan County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. M. Lewis, 740 Fifth Street, P.O. Box 1383, Portsmouth, Ohio 45662. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would consist of: (1) an existing rockfill crib and concrete cap type dam, 12.5 feet high and 480 feet long; (2) a reservoir extending 9.5 miles upstream at a water surface elevation of 640.05 feet msl; (3) a new 40 by 60-foot concrete powerhouse located at the western dam abutment containing two turbine/generator units with a total capacity of 3.5-5.0 MW; (4) a new 69-kV transmission line less than one mile long; (5) a new switching station; and (6) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 21,100,000 kWh.

Purpose of Project—Project power would be used by the Applicant to serve the present needs of its commercial milling operations. Any excess would be utilized by and wheeled by the Ohio Power Company to an organization of municipal utilities, American Municipal Power—Ohio.

Proposed Scope and Cost of Studies Under Permit—The applicant seeks issuance of a preliminary permit for a period of two years, during which it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $75,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4340. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13294 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-276-000]

Texas Eastern Transmission Corp.; Application

April 30, 1981.

Take notice that on April 8, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-276-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Sabine Production Company (Sabine), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it previously purchased gas from Sabine from Wells #1 and #2, Breton Sound Block 53, offshore Louisiana, and that Sabine has requested assistance in obtaining small volumes of gas in order to conduct a gas lift operation to recover the remaining oil reserves from Wells #1 and #2.

It is asserted that Applicant and Sabine have agreed to an arrangement whereby Sabine would dedicate and sell to Applicant gas reserves from four wells located in Panola County, Texas, with Sabine reserving quantities of gas for gas lift operations. Applicant proposes to deliver the reserved gas to Sabine at Wells #1 and #2. It is explained that the gas produced in Panola County would be delivered to United Gas Pipe Line Company which would deliver the gas to Applicant. Applicant states it would deliver Sabine's reserved gas by backflowing to Wells #1 and #2 from its system.

The amount of gas to be delivered to Sabine is estimated to be 500-600 Mcf per day to commence gas lift operation and thereafter approximately 100 Mcf per day for a period of approximately 18 months.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13300 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-272-000]

Transcontinental Gas Pipe Line Corp., Application

April 30, 1981.

Take notice that on April 6, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-272-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipelines and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate (1) approximately 2.91 miles of 8-inch pipeline which would connect the existing Corpus Christi Exploration Company (Corpus Exploration) No. 2 production platform in Block 437, Brazos Area, offshore Texas, to a subsea tie-on in Brazos Block 409 to Applicant's existing Brazos Block 438 lateral; and (2) approximately 1.00 mile of 6-inch pipeline which would connect the existing Corpus Exploration No. 1 production platform in Block 437 to a subsea tie-in on the proposed 8-inch pipeline in Block 437. Applicant also proposes to construct metering, regulating and other appurtenant facilities on the production platforms.

It is stated that the proposed facilities would have a maximum capability of 20,000 Mcf per day. Applicant asserts it would purchase 100 percent of the production from such platforms. The estimated deliverability for the two fields are estimated at 53,000,000 Mcf and averaging 15,000 Mcf per day for 1982 through 1985.

Applicant estimates the cost of such facilities to be $5,168,000 which would be financed through short-term loans and available cash with permanent financing to be undertaken at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules or Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13310 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-9-001]

Transwestern Pipeline Co., Petition To Amend

April 30, 1981.

Take notice that on April 6, 1981, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in docket No. CP80-9-001 a petition to amend the order issued January 10, 1980, in the instant Docket pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to authorize an increase in its total annual expenditure limitation prescribed by said order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized by order issued January 10, 1980, to construct and operate certain gas supply facilities during an indefinite period commencing with the date of the order. It is asserted that the order limited the total cost of said facilities to $13,000,000 for 1980 and thereafter to three percent of Applicant's gas-plant-in-service balance up to $20,000,000 with no single project to exceed $2,500,000.

Petitioner requests herein that the total cost limitation of $14,106,388, 3 percent of its gas-plant balance as of February 28, 1981, be increased to $32,000,000 in order to construct additional gas purchase facilities. Petitioner states that the single project limitation of $2,500,000 would remain unchanged.

Petitioner submits such a waiver is necessary due to the increased costs of construction and the number of new gas supply sources in Petitioner's gas supply area.

In the alternative, Applicant requests that the Commission issue a certificate for those projects already completed thereby allowing Applicant to remove the related expenditures from its 1981 budget authorization and to have its full limits restored to it for the remainder of the year.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13311 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3687-000]

Tuolumne County Water District No. 2; Application for Preliminary Permit

April 28, 1981.

Take notice that Tuolumne County Water District No. 2 (Applicant) filed on November 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 3687 to be known as Lilly-Bell Hydroelectric and Water Supply Project located on Middle and South Fork Stanislaus River and Lilly and Bell Creeks in Tuolumne County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary N. Egger, General Manager and District Engineer, Tuolumne County Water District No. 2, P.O. Box 728, Sonora, California 95370. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would have a total installed capacity of 45 MW and would consist of: (1) a 30-foot high, 400-foot long concrete diversion dam across the South Fork Stanislaus River to be called South Fork Stanislaus Diversion Dam (SFSDD); (2) a 14,000-foot long tunnel carrying water from SFSDD to; (3) Bell Meadows Reservoir with a usable storage capacity of 17,000 acre-feet at elevation 6,620 feet (mean sea level) to be formed by; (4) a 110-foot high, 630-foot long dam across the Bell Creek; (5) a 120-foot high, 1,200-foot long dam across the Lilly Creek forming; (6) a reservoir (Coffin Hollow Reservoir) with a usable storage capacity of 12,600 acre-feet at elevation 6,760 feet m.s.l.; (7) a 9-mile long penstock and tunnel system connecting Bell Meadows and Coffin Hollow Reservoirs with; (8) a power plant, to be located adjacent to the existing Philadelphia Power Plant of FERC Project No. 2130, containing generating units with a total rated capacity of 22,000 kW; (9) a 15-foot high, 50-foot long diversion dam on South Fork Stanislaus River, immediately downstream of the existing Philadelphia Ditch Diversion intake of FERC Project No. 2130, diverting 180 to 200 cfs of flow into; (10) a 5,000-foot long penstock, leading to; (11) a power plant, to be located adjacent to the existing Spring Gap Power Plant of FERC Project No. 2130, containing generating units with a total rated capacity of 23,000 kW; and (12) appurtenant facilities. The Applicant estimates that the average annual energy output would be 167.3 million kWh.

Purpose of Project—Project energy would be sold to a public or private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month preliminary permit to prepare a project report, including preliminary designs, and results of geological, hydrological, environmental and economic feasibility studies. Applicant has indicated that: (a) no new roads would be required for conducting the studies; and (b) test borings would be done in areas which are clear of vegetation, boring holes would be backfilled, and the ground surface reconditioned to the extent possible.

The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $500,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the

application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 12, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 12, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3687. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13286 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4288-000]

Village of Tupper Lake, New York; Application for Preliminary Permit

April 28, 1981.

Take notice that the Village of Tupper Lake, New York (Applicant) filed on March 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for the proposed Project No. 4288 to be known as the Bog River Project located on the Bog River in Hamilton and St. Lawrence Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Don Trudeau, Superintendent, Electric Department, Village of Tupper Lake, 53 Park Street, Tupper Lake, New York 12986. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) two existing concrete dams, the Lower Lows Dam being 23 feet high and 250 feet long while the Upper Lows Dam (2.5 miles downstream) is 24 feet high and 150 feet long creating, respectively; (2) Hitchins Pond with a maximum storage capacity of 1,745 acre-feet and an area of 397 acres at an elevation of 1,723 feet m.s.l. and Lows Lake with corresponding figures of 19,500, 4,591 and 1,742; (3) an existing penstock at each dam; (4) a rebuilt powerhouse at the upper dam housing a 350-kW unit and a refurbished powerhouse at the lower dam housing a 650-kW unit; (5) two new transmission lines, one rated at 13.2 kV and 10.5 miles long and the other at 13.0 kV and 2.5 miles long; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,700 kWh.

Purpose of Project—The Applicant intends to use the project power in its existing municipal electric distribution system.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $66,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 11, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intevene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 11, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS" "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4288. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13287 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-265-000]

United Gas Pipe Line Co.; Application

April 30, 1981.

Take notice that on April 1, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-265-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 2.8 miles of 10-inch pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate approximately 2.8 miles of 10-inch pipeline and appurtenant facilities (HI A-570 Line) in order to attach Applicant's 98.41 percent interest in gas reserves underlying High Island Area Block A-570, offshore Texas. It is stated that the proven and proven plus potential reserves in the A-570 Field are estimated to be 65,180,000 Mcf and 73,000,000 Mcf, respectively, while the average deliverability is estimated to be 50,000 Mcf of natural gas per day. Applicant submits that it is further negotiating for the remaining 1.59 percent interest in that field.

Applicant states that the HI A-570 Line would commence at the producer's platform in High Island Block A-570 and would extend in a northeasterly direction to interconnect with an existing subsea tap on an existing 20-inch line located in High Island Block A-571. Applicant anticipates capacity rights in the latter line, it is stated. Applicant further contends that the proposed line would facilitate delivery of its dedicated gas reserves from the A-570 Field to the High Island Offshore System for further transport onshore.

Applicant estimates the cost of the proposed pipeline to be $4,149,700 which would be financed by Applicant's general corporate funds and existing lines of credit with commercial lending institutions.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13312 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4116-000]

Vermont Public Power Supply Authority; Application for Preliminary Permit

April 28, 1981.

Take notice that the Vermont Public Power Supply Authority (Applicant) filed on February 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4116 to be known as the Richford Hydroelectric Project located on the Missisquoi River in Franklin County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Harland G. Titemore, General Manager, Vermont Public Power Supply Authority, 585 Pine Street, Burlington, Vermont 05401. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 16-foot high, 275-foot-long concrete dam to be located approximately 650 feet upstream of the Main Street Bridge in Richford, Vermont; (2) a 55-acre reservoir with pool elevation of 447 feet msl.; (3) a powerhouse which would have units with an installed capacity of 1,500 kW; and (4) appurtenant facilities. The

Applicant estimates that the average annual energy output would be 3,500,000 kWh.

Purpose of Project—Project energy would be allocated to and used by the electrical utility members of the Vermont Public Power Supply Authority.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would make preliminary and final designs and cost estimates, and investigate the environmental, hydraulic, power generation, construction, and economic aspects of the project. If the project is found to be feasible, Applicant would then prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $75,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4116. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13286 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued April 27, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
				Issued April 27, 1981			
CALIFORNIA DEPARTMENT OF CONSERVATION							
-TENNECO OIL COMPANY				RECEIVED: 04/06/81 JA: CA			
8124065	81-4-0020	0402956195	103	BENNETT 48X	YOULUMNE	3.0	ATLANTIC RICHFIELD C
8124066	81-4-0019	0402955943	103	BRADFORD ET AL #1	YOULUMNE	376.0	ATLANTIC RICHFIELD C
LOUISIANA OFFICE OF CONSERVATION							
-LYNAL INC				RECEIVED: 04/06/81 JA: LA			
8124063	80-3387	1710922218	102	LL&E NO 1 (165825)	BAYOU PENCHANT	301.7	TRANSCONTINENTAL GAS
-MAY PETROLEUM INC				RECEIVED: 04/06/81 JA: LA			
8124064	80-4271	1707522647	102	STATE LEASE 7817 #1 (164563)	LAKE WASHINGTON	365.0	LOUISIANA INTRASTATE
8124064	80-4271	1707522647	103	STATE LEASE 7817 #1 (164563)	LAKE WASHINGTON	365.0	LOUISIANA INTRASTATE
OKLAHOMA CORPORATION COMMISSION							
-A P CALLAHAN & ASSOCIATES INC				RECEIVED: 04/02/81 JA: OK			
8124053	06731	3509321723	103	M SCHROEDER NO 2	ALINE / MISSISSIPPI (500	25.2	AMINOIL USA INC
-AMAREX INC				RECEIVED: 04/02/81 JA: OK			
8124024	08027	3503920330	103	CHRISTENSEN D #1	S E CRANE	12.0	
-AMOCO PRODUCTION CO				RECEIVED: 04/02/81 JA: OK			
8124029	08083	3500736468	108	OSBORNE GAS UNIT C NO 1	ROCANE LAVERNE	16.0	INTERNORTH INC
-AN-SON CORPORATION				RECEIVED: 04/02/81 JA: OK			
8124018	07844	3504520848	103	MININGER NO 1	ROCANE LAVERNE	547.0	DELHI GAS PIPE LINE
-ANDOVER OIL COMPANY				RECEIVED: 04/07/81 JA: OK			
8124151	07318	3501721494	103	ALFADALE FARMS #2-4		185.0	DELHI GAS PIPELINE C
8124152	07674	3501721557	103	ATKINSON #11-4		188.0	DELHI GAS PIPELINE C
8124154	07814	3501721602	103	CLOUSE #5-2		185.0	DELHI GAS PIPELINE C
8124150	07285	3501721534	103	FLOYD MILLER #31-2		185.0	DELHI GAS PIPELINE C
8124155	07914	3501721667	103	FLOYD MILLER #31-4		185.0	DELHI GAS PIPELINE C
-APACHE CORPORATION				RECEIVED: 04/07/81 JA: OK			
8124149	06618	3514920039	103	WEBB #1-14		388.0	ARKANSAS LOUISIANA G
-ARCO OIL AND GAS COMPANY				RECEIVED: 04/02/81 JA: OK			
8124058	08066	3509321752	103	LLOYD VICKERY #3	NE CEDARDALE	73.0	MICHIGAN WISCONSIN P
8124057	08067	3504721902	103	MACK BARTLETT #1	SOONER TREND	5.0	PANHANDLE EASTERN PI
-ARCO OIL AND GAS COMPANY				RECEIVED: 04/07/81 JA: OK			
8124179	07939	3504722016	103	GERTRUDE GILBERT #1	SOUTH DOUGLAS	73.0	
-B & H EXPLORATION CO				RECEIVED: 04/02/81 JA: OK			
8124026	08063	3510521369	103	MANUEL #3		10.0	A G SYSTEMS INC
8124023	08064	3510521381	103	MANUEL #5		30.0	A G SYSTEMS INC
8124025	08061	3510521390	103	MATHES NO 1		20.0	A-G SYSTEMS INC
-B & H EXPLORATION CO				RECEIVED: 04/07/81 JA: OK			
8124158	08062	3510521873	103	MATHES #2		33.0	A G SYSTEMS INC

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-B R POLK INC					RECEIVED: 04/07/81 JA: OK			
8124161	08072	3508320716	103		ENMEIER VCULEK #1	S MARSHALL	50.0	EASON OIL CO
8124160	08071	3508320712	103		MURPHY ROXANA #3-A	S MARSHALL	50.0	EASON OIL CO
-CLARK RESOURCES INC					RECEIVED: 04/02/81 JA: OK			
8124016	08023	3507322642	103		SIEBER 12-1	SOONER TREND	168.0	EASON OIL
-CORE OIL & GAS CORP					RECEIVED: 04/07/81 JA: OK			
8124182	08082	3504722161	103		JIMMY #1	NE ELK HORN	0.0	AMINOIL USA INC
-DALCO PETROLEUM INC					RECEIVED: 04/07/81 JA: OK			
8124180	07931	3507322463	103		GEORGE #1	SOONER TREND	91.3	DALCO PETROLEUM US L
8124173	07950	3507322467	103		GLENN #1	SOONER TREND	91.3	DALCO PETROLEUM US L
8124172	07951	3507322476	103		SIGL #1	SOONER TREND	91.3	CITIES SERVICE GAS C
-DAVIS OIL COMPANY					RECEIVED: 04/02/81 JA: OK			
8124051	07679	3501721478	103		SMRCKA NO 1	NORTH FORK	150.0	DELMI GAS PIPELINE C
-EXXON CORPORATION					RECEIVED: 04/02/81 JA: OK			
8124042	08046	3500700000	108		BOWDEN B #1	S E COMO (LOVELL)	19.5	NORTHERN NATURAL GAS
8124043	08047	3500700000	108		BOWDEN UNIT #1	COMO (TONKAWA)	8.2	NORTHERN NATURAL GAS
8124041	08045	3513700000	108		SPEARS HEIRS #2	SHO VEL TUM	16.5	GETTY OIL CO
8124045	08048	3500700000	108		W A GRAY #1	CAMRICK (LOWER MORROW)	19.6	NORTHERN NATURAL GAS
-GETTY OIL COMPANY					RECEIVED: 04/07/81 JA: OK			
*8124174	07946	3513722220	103		RINGER UNIT WELL NO 2	SHO-VEL-TUM (HUNTON & SY	730.0	OKLAHOMA NATURAL GAS
-HADSON OHIO OIL COMPANY					RECEIVED: 04/07/81 JA: OK			
8124156	07927	3507920384	102		WOOD 1-1	KINTA	610.0	ARKANSAS LOUISIANA G
8124156	07927	3507920384	103		WOOD 1-1	KINTA	610.0	ARKANSAS LOUISIANA G
-HALLIBURTON OIL PRODUCING COMPANY					RECEIVED: 04/02/81 JA: OK			
8124022	08074	3513321333	103		GROTHAUS #2	S W BUTNER	73.0	ARCO OIL & GAS CO
8124030	08073	3513321203	103		GROTHAUS NO 1	SW BUTNER	73.0	ARCO OIL & GAS CO
8124048	07730	3507322413	103		POLLARD #1	WEST LOVELL	0.0	EASON OIL CO
-HAMILTON BROTHERS OIL CO					RECEIVED: 04/07/81 JA: OK			
8124168	07618	3512120680	102		BERNARDI JONES #1	WILDCAT	50.0	
8124167	07619	3512120681	102		WINSHIP-BROWNE #1-31	WILDCAT	50.0	
-HARPER OIL COMPANY					RECEIVED: 04/02/81 JA: OK			
8124032	07993	3503920304	102		PERRY #1	W ARAPAHO	550.0	NATURAL GAS PIPELINE
-HOOVER & BRACKEN ENERGIES					RECEIVED: 04/02/81 JA: OK			
8124047	8057	3504321076	103		MARSHALL #1-3	HUGHAC	90.0	PHILLIPS PETROLEUM C
-JAMES C MEADE					RECEIVED: 04/02/81 JA: OK			
8124052	07666	3501520791	102		EBERLY AND MEADE DOLCM #3-11	N VERDON	42.0	MOBIL OIL CORP
-JAN OIL CO					RECEIVED: 04/02/81 JA: OK			
8124040	08029	3510321055	103		DOLEZAL NO 1-27	SOUTH LONE ELM PROSPECT	54.0	AMINOIL USA INC
-JOHN C OXLEY					RECEIVED: 04/07/81 JA: OK			
8124176	07943	3512120205	108		ARGIE VAUGHN NO 1	SOUTH BLOCKER	0.0	OKLAHOMA GAS & ELECT
-JONES & PELLOW OIL CO					RECEIVED: 04/02/81 JA: OK			
8124044	08054	3513702208	103		MACKINNON #22-1	TUSSY	109.0	MOBIL OIL CORP
8124046	08055	3504300000	108		SEAL #1	PUTNAM	16.0	MOBIL OIL CORP
-KAISER-FRANCIS OIL COMPANY					RECEIVED: 04/02/81 JA: OK			
8124020	07753	3504520815	102		BUCKLES FARM #1	W ARNETT	600.0	NORTHERN NATURAL GAS
8124020	07753	3504520815	103		BUCKLES FARM #1	W ARNETT	600.0	NORTHERN NATURAL GAS
8124019	07850	3501121008	102		MAYS NO 1	WEST GEARY	450.0	DELMI GAS PIPELINE C
8124019	07850	3501121008	103		MAYS NO 1	WEST GEARY	450.0	DELMI GAS PIPELINE C
8124038	07314	3501121458	102		WILKINSON #1	E WATONGA	700.0	DELMI GAS PIPELINE C
8124038	07314	3501121458	103		WILKINSON #1	E WATONGA	700.0	DELMI GAS PIPELINE C
-L & N EXPLORATION INC					RECEIVED: 04/07/81 JA: OK			
8124148	08088	3508321395	103		FAGAN #2-19	WEST RUSSELLVILLE	73.0	EASON OIL CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
-LOUIS KAHAN					
8124166	07659	3504722199	103		SATTELMEIER #1
8124165	07660	3504700000	103		SATTELMEIER #2
-MAGUIRE OIL COMPANY					
8124169	08032	3500320749	103		OBANNON #2
-MARLIN OIL CORPORATION					
8124157	08044	3508721800	103		GIRK NO 1
-MARSHALL OIL CORP					
8124055	08079	3509520258	102		CROFT #1
-NATIONAL OIL COMPANY					
8124175	07944	3509321712	103		UNWIN #093-59548
-PETROLEUM INC					
8124015	07743	3513920751	102		JOLIFFE #1-36
8124031	08096	3504321088	103		OKLAHOMA STATE N #1
-PHILLIPS PETROLEUM COMPANY					
8124170	07955	3513700000	108		CREEL #3
8124178	07940	3501721447	103		HUFNAGEL A #1
8124177	07942	3501721647	103		SCHROEDER C #1
-QUANAH CO					
8124162	08078	3508120936	103		ST - SLOAN #1
-ROLLAND ELLIS					
8124163	07846	3510900000	108		ELLIS #2 (#0325223)
-SAMEDAN OIL CORPORATION					
8124159	08070	3513722232	103		VAN BEBBER WELL NO 1
-SENECA OIL CO					
8124164	07821	3509321793	102		CAMPBELL NO 1-26
8124164	07821	3509321793	103		CAMPBELL NO 1-26
-SOUTHLAND ROYALTY CO					
8124036	08094	3513921304	102		BUTLER #1-12
8124028	08093	3513921316	102		HAYES #1-7
-SOUTHLAND ROYALTY CO					
8124181	07869	3509321528	103		PITTMAN #1-13
-SULLIVAN AND CO					
8124021	08109	3508121025	103		JACKSON #1
8124037	08108	3508121070	103		P MCNULTY NO 1
-SUNDANCE ENERGY CORP					
8124027	08013	3504722255	103		MOELTZEL #1
-TENNECO OIL COMPANY					
8124056	08069	3513700000	108		MABEL PAYNE A #2
8124059	08068	3513700000	108		MABEL PAYNE T #1
-TEXACO INC					
8124049	7689	3512920350	102		GAMBLE UNIT NO 1
8124054	08111	3513900431	108		HARRY BROWN UNIT NO 1
-TEXACO INC					
8124171	07952	3508735600	108		BAXTER-DUDLEY UNIT #1
-THE WIL-MC OIL CORP					
8124035	08116	3505320616	103		PRIVETT #2
8124034	08115	3505320606	103		SWANSON A-3
-VANDERBILT RESOURCES CORPORATION					
8124153	07368	3515300000	108		CROISANT 1-29
-VULCAN ENERGY CORP					
8124033	08025	3507322529	103		HARRISON #1

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FIELD NAME	PROD	PURCHASER
ENID NORTHEAST	110.0	GRACE PETROLEUM CORP
ENID NORTHEAST	100.0	GRACE PETROLEUM CORP
CHANEY DELL	0.0	PANHANDLE EASTERN PI
MOCANE	146.0	COLORADO INTERSTATE
ISOM SPRINGS	365.0	NATURAL GAS PIPELINE
TRIVOLI	2.5	PHILLIPS PETROLEUM C
CAMRICK	200.0	PANHANDLE EASTERN PI
SE CESTOS	365.0	DELHI GAS PIPELINE C
DOYLE	0.0	AMINOIL USA INC
N CONCHO	0.0	DELHI GAS PIPELINE C
N CONCHO	0.0	PANHANDLE EASTERN PI
SE MT VERNON	145.0	COLORADO GAS COMPRES
ELLIS #2	12.6	PHILLIPS PETEROLEUM
NORTH ALMA	78.0	MOBIL OIL CORP
S ORIENTA	96.0	PANHANDLE EASTERN PI
S ORIENTA	96.0	PANHANDLE EASTERN PI
NORTH HOOKER	100.0	KANSAS NEBRASKA NATU
NORTH HOOKER	110.0	KANSAS NEBRASKA NATU
N E CHESTER	80.0	PANHANDLE EASTERN PI
SOUTHWEST PRAIRIE GEM	767.0	
SOUTHWEST PRAIRIE GEM	183.0	
NE ENID	25.0	GRACE PETROLEUM CORP
SNO-VEL-TUM	5.5	AMINOIL USA INC
SNO-VEL-TUM	12.5	AMINOIL USA INC
HARBURG N W	400.0	KANS -NEB NAT GAS CO
CAMRICK	14.0	NATURAL GAS PIPELINE
GOLDEN TREND	6.0	WARREN PETROLEUM CO
S WAKITA	880.0	
S W WAKITA	720.0	CITIES SERVICE GAS C
QUINLAN N W	12.0	NATURAL GAS PIPELINE
SOONER TREND	123.0	CITIES SERVICE CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
-WAGNER & BROWN					
8124158	08045	3508721800	103		GIRK NO 1
-WAGNER & BROWN					
8124160	08046	3508721800	103		GIRK NO 1
-WAGNER & BROWN					
8124167	08047	3508721800	103		GIRK NO 1
-WAGNER & BROWN					
8124168	08048	3508721800	103		GIRK NO 1
-WAGNER & BROWN					
8124179	08049	3508721800	103		GIRK NO 1
-WAGNER & BROWN					
8124180	08050	3508721800	103		GIRK NO 1
-WAGNER & BROWN					
8124182	08051	3508721800	103		GIRK NO 1
-WAGNER & BROWN					
8124183	08052	3508721800	103		GIRK NO 1
-WAGNER & BROWN					
8124184

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-WALKER & WITHROW INC					RECEIVED: 04/02/81 JA: OK			
8124039	08053	3501721816	103		MACH 13-2	YUKON	288.0	DELMI GAS PIPELINE C
-WILSHIRE OIL CO OF TEXAS					RECEIVED: 04/02/81 JA: OK			
8124017	07960	3504321071	102		BLAINE #1	CESTOS	292.0	MICHIGAN WISCONSIN P
-WOODS PETROLEUM CORPORATION					RECEIVED: 04/02/81 JA: OK			
8124050	07683	3512920446	102		ROUNDS #8-1	S W LEEDY	504.0	DELMI GAS PIPELINE C
UTAH DIVISION OF OIL,GAS, & MINING								
-CIG EXPLORATION INC					RECEIVED: 04/06/81 JA: UT			
8124061	K-129-2	4304730554	103		CIGE 65-19-10-22	NATURAL BUTTES	381.0	COLORADO INTERSTATE
-CONOCO INC					RECEIVED: 04/06/81 JA: UT			
8124060	K-117-2	4304730664	103		CONOCO HALL ET AL 31 NO 18	OURAY	150.0	MOUNTAIN FUEL SUPPLY
-GETTY OIL COMPANY					RECEIVED: 04/06/81 JA: UT			
8124062	K-132-1	4300730031	108		JACK CANYON NO 8	JACK CANYON	13.0	UINTA PIPELINE CORP
WEST VIRGINIA DEPARTMENT OF MINES								
-ALCO OIL CO					RECEIVED: 04/06/81 JA: WV			
8124144		4706100608	108		A W WHISLER #2	BATTELLE	0.0	CARNEGIE NATURAL GAS
8124141		4704900679	108		ASH #1	MANNINGTON	4.5	CARNEGIE NATURAL GAS
8124145		4706100610	108		BROOKS MILLER #1	CASS	5.0	CARNEGIE NATURAL GAS
8124147		4710301195	108		ED LITMAN #1	CHURCH	0.3	CARNEGIE NATURAL GAS
8124142		4705100678	108		ELLA MCGINNIS #1	CAMERON	4.5	CARNEGIE NATURAL GAS
8124143		4705100679	108		ELLA MCGINNIS #2	CAMERON	4.5	CARNEGIE NATURAL GAS
8124139		4702103683	108		H B KEISTER #2	PROCTOR	2.0	CONSOLIDATED GAS SUP
8124140		4702103684	108		H B KEISTER #3	PROCTOR	2.0	CONSOLIDATED GAS SUP
8124146		4706100611	108		NIMROD TENNANT #1	CLAY	11.0	CARNEGIE NATURAL GAS
-COLUMBIA GAS TRANSMISSION CORP					RECEIVED: 04/06/81 JA: WV			
8124077		4705900919	107		COTIGA DEVELOPMENT CO 820674	WEST VIRGINIA FIELD AREA	14.7	COLUMBIA GAS TRANS C
8124068		4705900918	107		COTIGO DEVELOPMENT CO 820673	WEST VIRGINIA FIELD AREA	28.8	COLUMBIA GAS TRANS C
8124079		4705900936	107		MINGO OIL GAS CO 820443	WEST VIRGINIA FIELD AREA	17.5	COLUMBIA GAS TRANS C
8124067		4704301656	107		TCO MINERAL TRACT NO 1 (820402)	FIELD AREA B	20.8	COLUMBIA GAS TRANS C
8124128		4704301648	107		TCO MINERAL TRACT NO 1 820401	FIELD AREA B	24.9	COLUMBIA GAS TRANS C
8124127		4704301637	107		TCO MINERAL TRACT NO 1 820403	FIELD AREA B	36.2	COLUMBIA GAS TRANS C
8124078		4705900923	107		W H PARSLEY 820672	WEST VIRGINIA FIELD AREA	20.4	COLUMBIA GAS TRANS C
-CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 04/06/81 JA: WV			
8124080		4703302055	108		GUINN-MINTER 12591	WEST VIRGINIA OTHER A857	7.0	GENERAL SYSTEM PURCH
8124081		4703302054	108		W J LAW 12590	WEST VIRGINIA OTHER A857	12.0	GENERAL SYSTEM PURCH
-J & J ENTERPRISES INC					RECEIVED: 04/06/81 JA: WV			
8124072		4701702683	103		J-129	NEW MILTON	200.0	CONSOLIDATED GAS SUP
8124070		4701702762	103		J-288	NEW MILTON	200.0	CARNEGIE NATURAL GAS
8124071		4701702466	103		J-81	GRANT	200.0	EQUITABLE NATURAL GA
-MRM PETROLEUM CORPORATION					RECEIVED: 04/06/81 JA: WV			
8124076		4708101334	103		HARRIS A #2	TYGART VALLEY RIVER	0.0	COLUMBIA GAS TRANSMI
8124075		4709702096	103		KOON-HUBER #6	MIDDLE FORK RIVER	0.0	COLUMBIA GAS TRANSMI
-PENNZOIL COMPANY					RECEIVED: 04/06/81 JA: WV			
8124114		4706100469	108		A DARRAH #3	CLAY	2.4	
8124130		4706100468	108		A F CONAWAY #3	CLAY	1.8	
8124091		4708701970	108		A W SUMMERS #25	WALTON	2.1	
8124102		4706100547	108		ABE VARNER #5	CLAY	2.4	
8124113		4706100473	108		ACCHA EDDY #4	BATTELLE	2.4	

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124112		4706100474	108		ACCHA EDDY #6	BATTELE	2.4	
8124129		4706100461	108		ANDREW CONAWAY #3	CLAY	2.4	
8124117		4706100463	108		ANDREW CONAWAY #4	CLAY	2.4	
8124118		4706100462	108		ANDREW CONAWAY #4	CLAY	2.4	
8124103		4706100548	108		AVE VARNER #6	CLAY	2.4	
8124123		4704900619	108		C A & E J THOMAS #1	MANNINGTON	8.0	
8124122		4704900620	108		C A & E J THOMAS #2	MANNINGTON	8.0	
8124119		4706100092	108		CONAWAY-TENNANT #5	BATTELLE	2.4	
8124115		4706100468	108		COOK & TENNANT #3	BATTELLE	2.4	
8124087		4706100481	108		D J EDDY #10	CLAY	2.4	
8124086		4706100483	108		D J EDDY #12	CLAY	2.4	
8124085		4706100487	108		D J EDDY #16	CLAY	2.4	
8124111		4706100476	108		D J EDDY #4	CLAY	2.4	
8124088		4706100479	108		D J EDDY #8	CLAY	2.4	
8124101		4706100543	108		D L TOOTHMAN #10	CLAY	2.4	
8124100		4706100539	108		D L TOOTHMAN #2	CLAY	2.4	
8124093		4708701968	108		E J TAYLOR #4	HARPER	2.1	
8124084		4706100488	108		E W EDDY #2	CLAY	2.4	
8124083		4706100490	108		EDDY & TENNANT #2	CLAY	8.8	
8124120		4704900640	108		GEORGE RICE #1	MANNINGTON	1.7	
8124116		4706100465	108		J S CONAWAY #2	CLAY	2.4	
8124094		4708701967	108		J H HINKLE #9	HARPER	2.1	
8124095		4708701965	108		J H HIVELY #12	WALTON	2.1	
8124090		4708701976	108		J H SUMMERS #7	WALTON	2.1	
8124135		4706100448	108		J S WALKER #2	CLAY	2.4	
8124134		4706100458	108		J S WALKER #4	CLAY	2.4	
8124107		4706100556	108		JAMES EDDY #5	CLAY	2.4	
8124106		4706100559	108		JAMES EDDY #8	CLAY	2.4	
8124096		4708701964	108		JAMES M HARLESS #7	WALTON	3.4	
8124092		4708701969	108		JOHN JARVIS #12	HARPER	2.1	
8124109		4708700438	108		JOHN W LYNCH #10	WALTON	2.1	
8124098		4708701960	108		LAURA HUNT #4	HARPER	2.1	
8124131		4706100456	108		M A AMMONS #10	CLAY	2.4	
8124133		4706100451	108		M A AMMONS #3	CLAY	6.8	
8124132		4706100452	108		M A AMMONS #4	CLAY	2.4	
8124125		4704900615	108		M A BEATTY #15	LINCOLN	2.6	
8124124		4704900617	108		M A BEATY #16	LINCOLN	3.9	
8124121		4704900621	108		M E BROOKOVER #1	PAW PAW	2.4	
8124137		4706100445	108		MICHAEL WRIGHT #4	CLAY	2.4	
8124106		4706100552	108		MILT WILSON #2	CLAY	2.4	
8124136		4706100447	108		NOAH WRIGHT #3	CLAY	2.4	
8124097		4708701961	108		S E PHILLIPS #6	HARPER	2.1	
8124082		4706100492	108		S J HARVEY #5	BATTELLE	2.4	
8124099		4706100538	108		SAUL THOMAS #2	CLAY	2.4	
8124110		4704900610	108		SUSAN YOST #10	PAW PAW	2.4	
8124089		4704900611	108		SUSAN YOST #11	PAW PAW	2.4	
8124126		4704900614	108		WATSON HEIRS #1	MANNINGTON	3.9	
8124104		4706100549	108		WILSON HEIRS #1	CLAY	2.4	
8124105		4706100550	108		WILSON HEIRS #8	CLAY	2.4	
-QUAKER STATE OIL REFINING CORP					RECEIVED: 04/06/81 JA: WV			
8124069		4709520724	103		HARRY ASH #3	CENTERVILLE DISTRICT	18.3	COLUMBIA GAS TRANSMI
-RAY RESOURCES CORP					RECEIVED: 04/06/81 JA: WV			
8124074		4710500848	103		JESS ASHLEY #846	BURNING SPRINGS	0.0	COLUMBIA GAS TRANS
8124073		4710500851	103		THOM ROBERTS #862	BURNING SPRINGS	0.0	COLUMBIA GAS TRANS
-UNITED OPERATING COMPANY					RECEIVED: 04/06/81 JA: WV			
8124138		4708700863	108		ROY CLAYPOOL A	OBRIANS FORK	0.0	PARTNERSHIP PROPERTI

OTHER PURCHASERS VOLUME NO 0411

M124174 LONE STAR GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb.

Secretary.

[FR Doc. 81-13388 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

8.0 PARTNERSHIP PROPERTI

ORIANS FORK
VOLUME NO 2011

LONE STAR GAS CO

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OTHER PURCHASERS

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BILLING CODE 6450-85-C

[Volume 412]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued April 27, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
Issued April 27, 1981							
MICHIGAN DEPARTMENT OF NATURAL RESOURCES							
-AMOCO PRODUCTION CO				RECEIVED: 04/08/81 JA: MI			
8124387		2105533823	102	STATE WHITEWATER UNIT /L/ 4-35	WHITEWATER 35A	193.0	MICHIGAN CONSOLIDATE
-TRAVERSE OIL CO				RECEIVED: 04/08/81 JA: MI			
8124388		2105533474	102	GEMBIS-MACDONALD #1-10	EAST BAY 10 T26N R10W	180.0	CONSUMERS POWER CO
NORTH DAKOTA GEOLOGICAL SURVEY							
-AL-AQUITAINE EXPLORATION LTD				RECEIVED: 04/06/81 JA: ND			
8124392	351	3306700608	102	WHISKEY JOE 2-15A	WHISKEY JOE	180.0	WESTERN GAS PROCESSO
-ENERGETICS INC				RECEIVED: 04/06/81 JA: ND			
*8124393	352	3305301117	103	BRENNA 22-14	UNION CENTER	35.0	MONTANA-DAKOTA UTILI
*8124389	348	3310500831	103	HOVE 44-15	TIOGA ORDOVICIAN	25.0	MONTANA-DAKOTA UTILI
-GULF OIL CORPORATION				RECEIVED: 04/06/81 JA: ND			
8124390	349	3300799491	102	ERNEST KULISH 1-14-4D	LITTLE KNIFE	14.0	MONTANA DAKOTA UTILI
-SHELL OIL CO				RECEIVED: 04/06/81 JA: ND			
8124394	353	3305301126	102	FRENCH - QUINNEL 12-24	SQUAW GAP	17.0	MONTANA DAKOTA UTILI
-TERRA RESOURCES INC				RECEIVED: 04/06/81 JA: ND			
8124391	350	3303300077	102	MOSSER #2-18	BICENTENNIAL	70.0	
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
-AMERADA HESS CORPORATION				RECEIVED: 04/06/81 JA: NM			
8124426		3002526806	103	MONUMENT ABO UNIT NO 1	MONUMENT ABO	67.7	WARREN PETROLEUM COR
-AMOCO PRODUCTION CO				RECEIVED: 04/06/81 JA: NM			
8124417		3001523470	103	EMPIRE SOUTH DEEP #21	SOUTH EMPIRE MORROW	177.9	CABOT PIPELINE CORP
8124415		3004523559	103	JACQUEZ GAS COM A NO 3E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8124428		3004524233	103	NYE GAS COM B NO 1E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8124416		3004524409	103	SANCHEZ GAS COM B NO 1E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8124427		3004524081	103	SKELLY GAS COM NO 1E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8124418		3002526980	103	STATE A #38	DOWERS SEVEN RIVERS	54.4	PHILLIPS PETROLEUM C
8124419		3002526532	103	STATE NR #1	UND AIRSTRIP WOLFCAMP	107.7	WARREN PETROLEUM CO
-ARCO OIL AND GAS COMPANY				RECEIVED: 04/06/81 JA: NM			
8124414		3002526873	103	W C ROACH #7	EUMONT MONUMENT GRBG	14.0	PHILLIPS PETROLEUM C
-CONOCO INC				RECEIVED: 04/06/81 JA: NM			
8124413		3002500000	108	EUMONT-HARDY UNIT NO 26	ARROWHEAD E-M-E	8.7	WARREN PETROLEUM
-DUGAN PRODUCTION CORP				RECEIVED: 04/06/81 JA: NM			
8124406		3004500000	108	COM #1	BASIN-DAKOTA	8.5	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY				RECEIVED: 04/06/81 JA: NM			
8124412		3004523447	108	HUERFANITO UNIT NO 86A	BLANCO-MESAVERDE	5.0	EL PASO NATURAL GAS
8124407		3003920691	108	RINCON UNIT #194	SOUTH BLANCO - PICTURED	28.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8124411		3003920488	108		SAN JUAN 27-5 UNIT #136	TAPACITO - PICTURED CLIF	23.0	EL PASO NATURAL GAS
*8124425		3003922309	103		SAN JUAN 27-5 UNIT #8A	SOUTH BLANCO PICTURED CL	50.0	EL PASO NATURAL GAS
8124424		3003922309	103		SAN JUAN 27-5 UNIT #8A	BLANCO MESAVERDE	250.0	EL PASO NATURAL GAS
8124423		3004524196	103		SAN JUAN 32-9 UNIT #57A	BLANCO MESAVERDE	110.0	EL PASO NATURAL GAS
8124422		3004524208	103		SAN JUAN 32-9 UNIT #63A	BLANCO MESAVERDE	110.0	EL PASO NATURAL GAS
8124484		3003906966	108		SJ 27-4 UNIT #23 PC & MV	TAPACITO-PICTURED CLIFFS	15.0	EL PASO NATURAL GAS
-GETTY OIL COMPANY					RECEIVED: 04/06/81 JA: NM			
8124431		3002526344	102		MMG STATE 4F WELL NO 1	UNDESIGNATED ATOKA	66.4	PHILLIPS PETROLEUM C
-MMG OIL COMPANY					RECEIVED: 04/06/81 JA: NM			
8124420		3001570408	103		VASQUEZ 4 COM #1	WEST MALAGA MORROW	547.5	EL PASO NATURAL GAS
-J GREGORY MERRION&ROBERT L BAYLESS					RECEIVED: 04/06/81 JA: NM			
8124429		3004523127	108		BARTLESVILLE #1	WAW FRUITLAND PICTURED C	4.0	EL PASO NATURAL GAS
-JAKE L HAMON					RECEIVED: 04/06/81 JA: NM			
8124435		3002526866	102		CHILDERS #1	NORTH OSUDO	155.0	WARREN PETROLEUM CO
-MANANA GAS INC					RECEIVED: 04/06/81 JA: NM			
8124408		3004522869	108		CHARLIE #1	AZTEC-PICTURED CLIFFS PO	21.0	EL PASO NATURAL GAS
8124405		3004523555	108		MARY ACKROYD #2	AZTEC-PICTURED CLIFFS	21.0	EL PASO NATURAL GAS
-MARBOB ENERGY CORPORATION					RECEIVED: 04/06/81 JA: NM			
8124421		3001523391	103		STATE U #2	ARTESIA QUEEN GRAYBURG S	67.0	PHILLIPS PETROLEUM C
-NORTHWEST PIPELINE CORPORATION					RECEIVED: 04/06/81 JA: NM			
8124430		3004521484	108		HOLT #4	BLANCO PICTURED CLIFFS	21.5	NORTHWEST PIPELINE C
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 04/06/81 JA: NM			
8124433		3002526517	103		EAST VACUUM GB/SA TRACT 2864 NO 801	VACUUM GB/SA	9.5	EL PASO NATURAL GAS
8124432		3002526653	103		EAST VACUUM GB/SA TRACT 3202 NO 814	VACUUM GB/SA	101.0	EL PASO NATURAL GAS
8124402		3002526385	108		EAST VACUUM GB/SA 2913 8086	VACUUM GB/SA	9.6	EL PASO NATURAL GAS
8124403		3002502981	108		EAST VACUUM GB/SA 3333 #1	EAST VACUUM GB/SA POOL	12.8	EL PASO NATURAL GAS
8124434		3002527087	103		MEXCO A #5	MALJAMAR GB/SA	40.5	EL PASO NATURAL GAS
-PIONEER PRODUCTION CORPORATION					RECEIVED: 04/06/81 JA: NM			
8124409		3004500000	108		FEDERAL NO 1	BASIN DAKOTA	0.0	PIONEER NATURAL GAS
8124410		3004500000	108		JOHNSTON NO 1	BASIN DAKOTA	0.0	PIONEER NATURAL GAS
********** NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION **********								
-BENNETT PETROLEUM CORP					RECEIVED: 04/06/81 JA: NY			
8124311	887	3105113868	102		KENNETH MCBRIDE #1 31-051-13868	UNNAMED	65.0	COLUMBIA GAS TRANSMI
-E & R LEASING					RECEIVED: 04/06/81 JA: NY			
8124306	860	3101313984	103		RAMMELT FEE #1	LAKE SHORE	18.0	NATIONAL FUEL GAS
-ENVIROGAS INC					RECEIVED: 04/06/81 JA: NY			
8124323	1125	3101314161	103		#1 A DAVIDSON	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8124304	1121	3101314059	103		#1 ALDEVEIN ACRES	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8124302	1123	3101314159	103		#1 J MERATKO	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8124301	1124	3101314036	103		#1 MONROE	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8124307	1127	3101314060	103		#2 ALDEVEIN ACRES	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8124305	1126	3101314061	103		#3 ALDEVEIN ACRES	LAKESHORE	18.0	NATIONAL FUEL GAS DI
8124303	1122	3101314633	103		8 NUTBROWN #1	LAKESHORE	18.0	NATIONAL FUEL GAS DI
-GEORGE J LOPATOFSKY					RECEIVED: 04/06/81 JA: NY			
8124310	678	3102912928	108		WILSON WELL #2	FARNHAM	0.3	NATIONAL FUEL GAS DI
-LENAPE RESOURCES CORP					RECEIVED: 04/06/81 JA: NY			
*8124309	1129	3103713986	103		THATER #2	PAVILION	28.0	ELIZABETHTOWN GAS CO
*8124314	1128	3105114169	102		WADSWORTH #2	WILDCAT	18.0	ELIZABETHTOWN GAS CO
*8124308	1130	3103713969	103		WALTER C GUTHRIE #2	LEICESTER	28.0	ELIZABETHTOWN GAS CO
-PARAGON RESOURCES INC					RECEIVED: 04/06/81 JA: NY			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124317	372	3101313279	108		A ALLENBRAND UNIT NO 548	LAKESHORE	2.6	NATIONAL FUEL GAS DI
8124334	400	3101311604	108		ALBERT VANDETTE UNIT NO 305	LAKESHORE	1.5	NATIONAL FUEL GAS DI
8124325	447	3101311941	108		ANTHONY MARRANO UNIT NO 298	LAKESHORE	13.3	NATIONAL FUEL GAS DI
8124345	362	3101312608	108		ANTHONY PANZICA UNIT NO 513	LAKESHORE	8.7	NATIONAL FUEL GAS DI
8124319	375	3101311341	108		CHARLES MEDER UNIT NO 321	LAKESHORE	1.5	NATIONAL FUEL GAS DI
8124327	382	3101311353	108		CLYDE MCEWAN UNIT NO 263	LAKESHORE	6.2	NATIONAL FUEL GAS DI
8124341	356	3101312600	108		DAVID PARKER UNIT NO 503	LAKESHORE	11.0	NATIONAL FUEL GAS DI
8124342	358	3101312603	108		ERNEST NICKERSON UNIT NO 508	LAKESHORE	7.6	NATIONAL FUEL GAS DI
8124326	381	3101311457	108		HENRY SLOMINSKI UNIT NO 270	LAKESHORE	17.5	NATIONAL FUEL GAS DI
8124322	351	3101312243	108		JACK E NOEL UNIT NO 491	LAKESHORE	1.2	NATIONAL FUEL GAS DI
8124331	397	3101311339	108		JAMES BENDER UNIT NO 284	LAKESHORE	8.6	NATIONAL FUEL GAS DI
8124343	359	3101312604	108		JAMES MULHOLLAND UNIT NO 509	LAKESHORE	6.7	NATIONAL FUEL GAS DI
8124337	404	3101311514	108		KENNETH SVANSON UNIT NO 330	LAKESHORE	4.5	NATIONAL FUEL GAS DI
8124338	406	3101311373	108		KERMIT JOHNSON UNIT NO 334	LAKESHORE	2.8	NATIONAL FUEL GAS DI
8124348	365	3101312611	108		KINGSMITH FARM INC UNIT NO 525	LAKESHORE	5.3	NATIONAL FUEL GAS DI
8124349	366	3101312612	108		KINGSMITH FARM INC UNIT NO 526	LAKESHORE	6.7	NATIONAL FUEL GAS DI
8124344	368	3101312605	108		LARRY SMITH UNIT NO 510	LAKESHORE	6.2	NATIONAL FUEL GAS DI
8124339	414	3101311406	108		LEON DARBY UNIT NO 336	LAKESHORE	2.8	NATIONAL FUEL GAS DI
8124346	363	3101312609	108		LUKE BOYD UNIT NO 514	LAKESHORE	9.9	NATIONAL FUEL GAS DI
8124347	364	3101312610	108		LUKE BOYD UNIT NO 524	LAKESHORE	9.3	NATIONAL FUEL GAS DI
8124321	388	3101311513	108		PAUL PADDOCK UNIT NO 269	LAKESHORE	12.8	NATIONAL FUEL GAS DI
8124318	374	3101311869	108		RALPH WILSON UNIT NO 398	LAKESHORE	15.6	NATIONAL FUEL GAS DI
8124333	399	3101311584	108		REXFORD INGHAM UNIT NO 306	LAKESHORE	7.1	NATIONAL FUEL GAS DI
8124328	377	3101311342	108		RICHARD CRANDALL UNIT NO 326	LAKESHORE	4.2	NATIONAL FUEL GAS DI
8124328	387	3101311415	108		RICHARD CRANDALL UNIT NO 327	LAKESHORE	2.9	NATIONAL FUEL GAS DI
8124336	402	3101311094	108		RICHARD KENNEDY UNIT NO 521	LAKESHORE	2.6	NATIONAL FUEL GAS DI
8124340	417	3101311603	108		ROY WILKENS UNIT NO 343	LAKESHORE	13.6	NATIONAL FUEL GAS DI
8124315	376	3101311372	108		UNIT NO 325 - WILLIAM MILLS	LAKESHORE	15.2	NATIONAL FUEL GAS DI
8124335	401	3101310968	108		W REX SMITH UNIT NO 517	LAKESHORE	7.1	NATIONAL FUEL GAS DI
8124330	394	3101311552	108		WALFRED JOSEPHSON UNIT NO 329	LAKESHORE	10.9	NATIONAL FUEL GAS DI
8124350	367	3101312615	108		WESLEY WEISE UNIT NO 529	LAKESHORE	3.5	NATIONAL FUEL GAS DI
8124324	369	3101313080	108		WILLIAM DEPEW UNIT NO 539	LAKESHORE	2.3	NATIONAL FUEL GAS DI
8124329	388	3101311485	108		WILLIAM WILLS UNIT NO 331	LAKESHORE	14.3	NATIONAL FUEL GAS DI
8124332	398	3101311112	108		Y M C A UNIT NO 523	LAKESHORE	5.9	NATIONAL FUEL GAS DI
-ROBERT D LIPMAN			RECEIVED: 04/08/81 JA: NY					
8124312	1003A	3102908969	108		ROBERT D LIPMAN #1 - 1529	BUFFALO FIELD	3.8	NATIONAL FUEL GAS DI
8124313	1003	3102908847	108		ROBERT D LIPMAN #2 - 1528	BUFFALO FIELD	3.8	NATIONAL FUEL GAS DI
-TROY ENERGY CO			RECEIVED: 04/08/81 JA: NY					
8124308	675	3102913583	108		MANN WELL #2	EVANS	3.9	NATIONAL FUEL GAS DI
8124316	676	3102913582	108		MANN WELL #3	EVANS	13.7	NATIONAL FUEL GAS DI

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OKLAHOMA CORPORATION COMMISSION

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-AMAREX INC			RECEIVED: 04/06/81 JA: OK					
8124471	08026	3512920403	102		BAKER #1-35		80.0	NORTHERN NATURAL GAS
-AMBER OIL CO			RECEIVED: 04/08/81 JA: OK					
8124362	08041	3507322453	103		ROOF NO 1	SOONER TREND	300.0	CITIES SERVICE GAS C
-ANDOVER OIL COMPANY			RECEIVED: 04/08/81 JA: OK					
8124386	8142	3501721659	102		VON TUNGELN #6-2		185.0	DELHI GAS PIPELINE C
8124365	8084	3501721555	102		WALTER MILLS #4-4		185.0	DELHI GAS PIPELINE C
-APACHE CORPORATION			RECEIVED: 04/08/81 JA: OK					
8124372	08162	3503920346	102		K C CATTLE #1-5	CARPENTER NE	189.5	ARKANSAS LOUISIANA G

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	RECEIVED: 04/06/81 JA: OK	FIELD NAME	PROD	PURCHASER
-ARCO OIL AND GAS COMPANY									
8124448	07999	3504722897	102		KURT KRAUSSE #1		SOUTH DOUGLAS	73.0	
-AROOR PETROLEUM CORP						RECEIVED: 04/06/81 JA: OK			
8124446	7937	3505920981	102		ADKINS #1		NORTH LOVEDALE	182.5	DELHI GAS PIPELINE C
-B & H EXPLORATION CO						RECEIVED: 04/06/81 JA: OK			
8124463	8081	3510521386	103		FIRST NATL BANK-CLAREMORE #1			13.0	A G SYSTEMS INC
-B & H EXPLORATION CO						RECEIVED: 04/08/81 JA: OK			
8124385	8138	3510521356	103		MANUEL #1			48.0	A-G SYSTEMS INC
-BOGERT OIL CO						RECEIVED: 04/06/81 JA: OK			
8124468	7969	3507322542	103		GARRETT 1-22		SOONER TREND	98.0	CONOCO INC
-CENTRAL CALIFORNIA OIL CO						RECEIVED: 04/08/81 JA: OK			
8124361	8035	3511121816	103		STONE #1		MOUNDS	188.0	PHILLIPS PETROLEUM C
-CHASE EXPLORATION CORP						RECEIVED: 04/06/81 JA: OK			
•8124464	7916	3507121231	103		CUMMINGS #2-1			2.9	CITIES SERVICE GAS C
8124465	7569	3507121169	103		ROWE #1-34		UNNAMED	5.2	CITIES SERVICE GAS C
-CIMARRON PETROLEUM CORPORATION						RECEIVED: 04/06/81 JA: OK			
8124440	8149	3507322580	103		CPC #186-2 THIEMS			36.5	PHILLIPS PETROLEUM C
-CITIES SERVICE COMPANY						RECEIVED: 04/08/81 JA: OK			
8124358	08151	3504520832	103		BALDWIN A #1		S E MARW[illegible]	465.0	
8124357	08150	3512120720	103		HALL D #1		WEST KIOWA	547.0	
-DICK BAILEY						RECEIVED: 04/08/81 JA: OK			
8124354	7786	3509100000	108		DERRISAW #1		EAST HENRYETTA	7.0	PHILLIPS PETROLEUM C
-EXXON CORPORATION						RECEIVED: 04/06/81 JA: OK			
8124439	8100	3508700409	108		BALDWIN UNIT #1		COMO (BASAL MORROW)	18.7	NORTHERN NATURAL GAS
8124437	8099	3504900000	108		L B BROWN #1		GOLDEN TREND NORTH (BROW	11.3	WARREN PETROLEUM CO
-FUNK EXPLORATION INC						RECEIVED: 04/06/81 JA: OK			
8124443	07228	3507322452	103		WALLER #1		SOONER TREND	240.0	CONOCO INC
-GULF OIL CORPORATION						RECEIVED: 04/08/81 JA: OK			
8124371	08163	3501121007	102		HENRY C OPPEL #1-25		WEST OMEGA	114.0	ONG WESTERN INC
•8124369	08166	3507322416	103		HUBBARD NO 1		ALTONA/CHESTER	229.0	ONG WESTERN INC
8124370	08165	3501121459	103		MARSHALL CHARLES NO 1-8		COOPER	94.0	
8124373	08167	3507322512	103		WITTROCK #1-25		S E ALTONA	114.0	ONG WESTERN INC
-HARPER OIL COMPANY						RECEIVED: 04/06/81 JA: OK			
8124455	08158	3503920321	102		SCHREINER #1		W ARAPAHO	365.0	NATURAL GAS PIPELINE
-HESTON OIL CO						RECEIVED: 04/06/81 JA: OK			
8124466	7384	3510720518	103		FORRESTER #22-1		SE BEARDEN	65.0	WELLHEAD ENTERPRISES
8124444	07608	3513321030	103		S & M #20-1		ROSCOE	25.0	ARCO OIL & GAS
-HESTON OIL CO						RECEIVED: 04/08/81 JA: OK			
8124360	07852	3509321860	103		BERTHA #8-2		S E CLEO SPRINGS	380.5	PIONEER GAS PRODUCTS
-HIGHLANDS GOODALL & GREER INC						RECEIVED: 04/08/81 JA: OK			
8124364	8058	3508720477	103		PYBAS #2		NW IRON CHAPEL	8.0	SUN GAS CO
-HILL RESOURCES INC						RECEIVED: 04/08/81 JA: OK			
8124374	8176	3507322379	103		OHERN 25-3		SOONER TREND	35.0	OKLAHOMA GAS & ELECT
-HUNT ENERGY CORPORATION ET AL						RECEIVED: 04/06/81 JA: OK			
8124453	08152	3501520851	102		KING #1-19 (RED FORK)			712.0	MICHIGAN WISCONSIN P
8124454	08153	3501520851	102		KING #1-19 (SKINNER)			712.0	MICHIGAN WISCONSIN P
-HUNT ENERGY CORPORATION ET AL						RECEIVED: 04/08/81 JA: OK			
8124375	08181	3506120350	103		JANKOWSKY #1		WILDCAT	519.0	ARKANSAS LOUISIANA G
-HUNTON OIL & GAS CORP						RECEIVED: 04/06/81 JA: OK			
8124456	08140	3508300000	103		DENNEY #1		CRESCENT	0.0	CONOCO INC
8124459	8139	3508300000	103		OPAL #2		CRESCENT	0.0	CONOCO INC
-HUNTON OIL & GAS CORP						RECEIVED: 04/08/81 JA: OK			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME
8124368	08157	3508300000	103		KEVIN LYNN #2
-KAISER-FRANCIS OIL COMPANY					RECEIVED: 04/08/81 JA: OK
8124384	08137	3506120218	103		EPPLER NO 1
8124383	08130	3509321981	102		OAKLEY #2
-NATIONAL OIL COMPANY					RECEIVED: 04/08/81 JA: OK
8124359	08154	3506120355	103		KANE #X 061-63808
-OKLAND OIL CO					RECEIVED: 04/08/81 JA: OK
8124380	08122	3515121039	103		WOOLLEY #1-33
-OLEUM INC					RECEIVED: 04/08/81 JA: OK
8124351	08159	3501922112	103		LETHA HESTER NO 2
-PETROS ENERGY & LAND CORP					RECEIVED: 04/08/81 JA: OK
8124381	08123	3504722208	103		ROBERT #25-1
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 04/06/81 JA: OK
8124457	8145	3515320669	108		STRICKER A #1
8124438	8097	3513900000	108		WAUGH #1
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 04/08/81 JA: OK
8124356	8146	3505100000	103		NEILL A #1
8124352	08108	3501721542	103		ZUM MALLEN F #1
-PORTS OF CALL CO					RECEIVED: 04/06/81 JA: OK
8124436	8010	3501721573	103		MITCHELL #29-1
-POTTS-STEPHENSON EXPLORATION CO					RECEIVED: 04/08/81 JA: OK
8124382	8125	3507920385	103		LOWERY #1-2
-R J WALKER OIL CO INC					RECEIVED: 04/06/81 JA: OK
8124451	8086	3513900000	103		ROSS NO 1
-REPUBLIC GAS GATHERING SYSTEMS INC					RECEIVED: 04/06/81 JA: OK
8124467	7822	3508721814	103		BASS #1
-ROBERT P LAMMERTS					RECEIVED: 04/06/81 JA: OK
8124469	8017	3501721636	102		RENBARGER #1-33
-SABINE PRODUCTION COMPANY					RECEIVED: 04/06/81 JA: OK
8124470	8021	3509321915	103		COOK #1-26
-SABINE PRODUCTION COMPANY					RECEIVED: 04/08/81 JA: OK
8124376	08095	3512920340	103		BOGGESS #1-29
-SAMEDAN OIL CORPORATION					RECEIVED: 04/08/81 JA: OK
8124363	08052	3501721483	102		SCHULTE WELL NO 1
-SERVICE DRILLING CO					RECEIVED: 04/06/81 JA: OK
8124447	7954	3506120388	102		QUICK #3-16
-SOUTHWESTERN EXPLOR CONSULTANTS INC					RECEIVED: 04/06/81 JA: OK
8124441	08110	3508320805	103		AUDREY #1
-SOUTHWESTERN EXPLOR CONSULTANTS INC					RECEIVED: 04/08/81 JA: OK
8124379	08120	3508320747	103		SANTA FE #1
-SULLIVAN AND CO					RECEIVED: 04/08/81 JA: OK
8124378	8107	3508121026	102		RAMEY-WILSON NO 1
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 04/08/81 JA: OK
8124353	03501	3505920749	103		A M HICKMAN WELL NO 3
-TEXAS OIL & GAS CORP					RECEIVED: 04/06/81 JA: OK
8124458	08118	3512120722	103		CRABTREE B #1
-THE WIL-MC OIL CORP					RECEIVED: 04/06/81 JA: OK
8124461	8114	3505320579	103		FRANK FORRESTER #1
8124460	8113	3505320595	103		PRIVETT #1
8124452	8089	3505320549	103		SWANSON #1
8124449	8088	3505320550	103		SWANSON #2
8124450	08087	3505320548	103		SWANSON A-1
8124442	8090	3505320605	103		SWANSON A-2

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FIELD NAME	PROD	PURCHASER
CRESCENT	0.0	CONOCO INC
KINTA	36.0	ARKANSAS LOUISIANA G
W RINGWOOD	550.0	PANHANDLE EASTERN PI
S E STIGLER	129.5	ARKANSAS LOUISIANA G
NORTHWEST WAYNOKA	200.0	PANHANDLE EASTERN PI
JOINER CITY	90.0	
SOONER TREND	10.0	ONG WESTERN INC
	0.0	DELHI GAS PIPELINE C
GUYMON HUGOTON	10.0	PANHANDLE EASTERN PI
	0.0	TRANSOK PIPELINE CO
	0.0	PANHANDLE EASTERN PI
NW YUKON	0.0	PHILLIPS PETROLEUM C
RED OAK	0.0	
CAMERICK FIELD	273.0	KANSAS - NEBRASKA NA
MOCANE-LAVERNE	185.0	TRANSWESTERN PIPELIN
N CONCHO	0.0	PHILLIPS PETROLEUM C
ORION	30.0	PHILLIPS PETROLEUM C
S E CHEYENNE	190.0	EL PASO NATURAL GAS
	100.0	DELHI GAS PIPELINE C
WEST STIGLER	100.0	DELHI GAS PIPELINE C
	0.0	EASON OIL CO
	0.0	EASON OIL CO
WEST CARNEY	790.0	CITIES SERVICE CO
MOCANE-BEAVER	84.0	MICHIGAN WISCONSIN P
SOUTH BREWER	85.0	DELHI GAS PIPELINE C
W HUMA	72.0	
S WAKITA	800.0	
S W WAKITA	720.0	CITIES SERVICE GAS C
S W WAKITA	360.0	CITIES SERVICE GAS C
S W WAKITA	720.0	CITIES SERVICE GAS C
S W WAKITA	720.0	CITIES SERVICE GAS C

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JD NO	JA DKT	API NO	SEC	D	WELL NAME

FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-TREPEL PETROL EXPLOR & DEV CORP					RECEIVED: 04/08/81 JA: OK			
8124355	7883	3511921105	108		STILES NO 1-31	MARCH	12.0	SUN GAS CO
-UNION OIL COMPANY OF CALIF					RECEIVED: 04/08/81 JA: OK			
8124367	88092	3508520371	102		HOFFMANN 83-2	N E ORR	75.0	
8124366	88091	3508520386	102		LITTLE-TRUST #1-5	N E ORR	30.0	
-UNIT OPERATIONS					RECEIVED: 04/06/81 JA: OK			
8124465	8014	3508321374	102		ANNA #1-28	NORTH GUTHRIE	18.3	EASON OIL CO
-WESTERN OIL RESOURCES LTD					RECEIVED: 04/06/81 JA: OK			
8124462	8038	3511720819	103		JOHNSON #8	HALLETT SECTION 12-20N-7	40.0	MID-AMERICA GAS LINE
-WILLIAM M FULLER					RECEIVED: 04/08/81 JA: OK			
8124377	88098	3509332190	103		CRAWFORD NO 1	SOONER TREND	300.0	PHILLIPS PETROLEUM C
TEXAS RAILROAD COMMISSION								
-AMERICAN DELTA CORP					RECEIVED: 03/30/81 JA: TX			
8124232	20378	4205130816	102		VAVRA #1	GIDDINGS (AUSTIN CHALK)	700.0	UNI GAS INC
-AMERICAN QUASAR PETROLEUM CO					RECEIVED: 03/30/81 JA: TX			
8124209	23994	4215730938	102		MILLER GAS UNIT #1-C	ROSENBURG (FRIO 5340)	500.0	UNITED GAS PIPELINE
8124203	23321	4221530965	102		RAYMOND GEE #1	SEC 276 1800 FWL 500 FSL	730.0	TRUNK LINE GAS CO
8124203	23321	4221530965	103		RAYMOND GEE #1	SEC 276 1800 FWL 500 FSL	730.0	TRUNK LINE GAS CO
-ANNEX PETROLEUM CORP					RECEIVED: 03/30/81 JA: TX			
8124198	19334	4228700000	102		MARY B #1 RRC OIL LEASE NO 12482	GIDDINGS (AUSTIN CHALK)	152.0	CLAJON GAS CO
8124198	19334	4228700000	103		MARY B #1 RRC OIL LEASE NO 12482	GIDDINGS (AUSTIN CHALK)	152.0	CLAJON GAS CO
8124225	26947	4214930517	102		WOLFF UNIT #1	GIDDINGS (AUSTIN CHALK G	180.0	CLAJON GAS CO
8124225	26947	4214930517	103		WOLFF UNIT #1	GIDDINGS (AUSTIN CHALK G	180.0	CLAJON GAS CO
-AMOCO PRODUCTION CO					RECEIVED: 03/30/81 JA: TX			
8124189	18004	4229530634	103		ADOLPH REDELSPERGER WELL #2	N MAMMOTH CREEK	438.0	NORTHERN NATURAL GAS
8124287	31576	4220330751	107		EMANUEL WASHINGTON GAS UNIT NO 1	BLOCKER (COTTON VALLEY)	256.0	UNITED GAS PIPELINE
8124277	31386	4220330656	107		H G BECKER GAS UNIT NO 1	BLOCKER (COTTON VALLEY)	320.0	UNITED GAS PIPELINE
8124246	29987	4220330769	102		JUBLE D GRIFFIS GAS UNIT WELL NO 2	WOODLAWN/TRAVIS PEAK/	365.0	EAST TEXAS INDUSTRIA
8124278	31387	4220330742	107		MAUDE B BROWN GAS UNIT WELL NO 1	BLOCKER (COTTON VALLEY)	436.0	UNITED GAS PIPELINE
-ANCIL T FULLER					RECEIVED: 03/30/81 JA: TX			
8124238	29334	4246900000	102		ANCIL T FULLER -- ARVEL KEERAN #1	INEZ SOUTH (5850)	180.0	HOUSTON PIPELINE CO
8124238	29334	4246900000	103		ANCIL T FULLER -- ARVEL KEERAN #1	INEZ SOUTH (5850)	180.0	HOUSTON PIPELINE CO
-ARCADIA REFINING CO					RECEIVED: 03/30/81 JA: TX			
8124262	30761	4240130951	102		A F COOPER NO 1	CYRIL (TRAVIS PEAK A)	0.0	HENDERSON CLAY PRODU
-BILL J GRAHAM					RECEIVED: 03/30/81 JA: TX			
8124267	31110	4237100000	108		W E ROBERTS	FORT STOCKTON	14.6	NUECES GAS CO
-BLADE OIL CO					RECEIVED: 03/30/81 JA: TX			
8124281	31453	4223330885	103		J M SANFORD E821 04570	PANHANDLE	0.0	PHILLIPS PETROLEUM C
-BRAZOS RESOURCES INC					RECEIVED: 03/30/81 JA: TX			
8124266	31031	4205100000	103		FRANKLIN NO 1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING PI
-BURNS PETROLEUM					RECEIVED: 03/30/81 JA: TX			
8124202	22328	4207700000	103		SHEPHERD NO 1	DEER CREEK SE (MISSISSIP	13.0	FAGADAU SANFORD P
8124201	22327	4207700000	103		SHEPHERD NO 2	DEER CREEK SE (MISSISSIP	0.0	FAGADAU SANFORD P
8124199	22325	4214900000	103		TILLI JUERGEN #2	GIDDINGS (AUSTIN CHALK)	27.0	PHILLIPS PETROLEUM
8124200	22326	4214900000	103		TILLI JUERGEN NO 1	GIDDINGS (AUSTIN CHALK)	27.0	PHILLIPS PETROLEUM
-CAMBRIDGE & NAIL					RECEIVED: 03/30/81 JA: TX			
8124284	31521	4248330763	102		SIMS NO 1 WELL ID NO 90593	MO-TEX (MEISNER)	0.0	PALO DURO PIPELINE C
-CAVALLA ENERGY EXPLORATION CO					RECEIVED: 03/30/81 JA: TX			
8124280	31449	4235130328	103		HANKAMER NO 1	SABINE TRAN (YEGUA 7400)	36.5	TRUNKLINE GAS CO
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 03/30/81 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124194	21332	4236530927	103		CARTHAGE GAS UNIT NO 3-3	CARTHAGE (COTTON VALLEY)	17.2	TENNESSEE GAS PIPELI
8124194	21332	4236530927	107		CARTHAGE GAS UNIT NO 3-3	CARTHAGE (COTTON VALLEY)	17.2	TENNESSEE GAS PIPELI
-CHARLES L WALKER					RECEIVED: 03/30/81 JA: TX			
*8124207	23436	4200332010	102		FISHER 10 #1	BLOCK A-34 (SAN ANDRES)	4.3	PHILLIPS PETROLEUM C
*8124207	23436	4200332010	103		FISHER 10 #1	BLOCK A-34 (SAN ANDRES)	4.3	PHILLIPS PETROLEUM C
-CITIES SERVICE COMPANY					RECEIVED: 03/30/81 JA: TX			
8124298	31631	4213533408	103		CUMMINS S NO 5	GOLDSMITH	9.8	PHILLIPS PETROLEUM C
-CONOCO INC					RECEIVED: 03/30/81 JA: TX			
8124188	17748	4213500000	108		L E WIGHT 18-7 #5 ID #25220	NORTH COWDEN	4.9	AMOCO PROD CO
-COQUINA OIL CORPORATION					RECEIVED: 03/30/81 JA: TX			
8124294	31613	4246131615	103		HALFF A #1	SPRAYBERRY (TREND AREA)	22.0	UNION TEXAS PETROLEU
8124295	31614	4246131616	103		HALFF B #1	SPRAYBERRY (TREND AREA)	22.0	UNION TEXAS PETROLEU
-CORPUS CHRISTI OIL AND GAS CO					RECEIVED: 03/30/81 JA: TX			
8124247	30039	4242731428	102		HEARD #2	EL BENADITO SOUTH	0.0	VALERO INTERSTATE TR
8124239	29342	4232130121	102		NO 16 STATE TRACT 520-L NW/4	EL GORDO (12100)	0.0	HOUSTON PIPE LINE CO
-DANDEN PETROLEUM INC					RECEIVED: 03/30/81 JA: TX			
8124211	24341	4223300000	108		THOMPSON #2	PANHANDLE	28.0	WESTERN GAS INTERSTA
8124212	24342	4223300000	108		THOMPSON #3	PANHANDLE	28.0	WESTERN GAS INTERSTA
8124210	24340	4223300000	108		THOMPSON #4	PANHANDLE	28.0	WESTERN GAS INTERSTA
-DANIEL OIL COMPANY					RECEIVED: 03/30/81 JA: TX			
8124237	29222	4231300000	102		KEY WELL NO 1	MADISONVILLE NW (6300) F	0.0	
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 03/30/81 JA: TX			
8124217	25301	4229530775	103		GOTTFRED JERGENSON ETAL NO 3	BRADFORD	332.0	
-EDWIN L COX					RECEIVED: 03/30/81 JA: TX			
8124191	19552	4235531348	102		N CALDWELL NO 2-C	CORPUS CHRISTI WEST (L-2	288.0	UNITED GAS PIPE LINE
-EXXON CORPORATION					RECEIVED: 03/30/81 JA: TX			
*8124253	30321	4249930792	103		HAWKINS FIELD UNIT 8822	HAWKINS	91.0	ARMCO STEEL CORP
8124242	29841	4248930625	102		S H BELL B 6-F (90774)	WILLAMAR (GRABEN 4720)	488.0	NATURAL GAS PIPELINE
8124285	31566	4246131567	103		VINA VANCE B #1	SPRABERRY (TREND AREA)	7.0	EL PASO NATURAL GAS
-FREEMAN JAMES C					RECEIVED: 03/30/81 JA: TX			
8124257	30660	4217500000	102		M E OCONNOR A-49 WELL NO 4	OCONNOR (4700)	188.0	HOUSTON PIPE LINE CO
8124258	30701	4217500000	102		M E OCONNOR A-49 WELL NO 5	OCONNOR (3800)	188.0	HOUSTON PIPE LINE CO
-G M LEMNERTZ					RECEIVED: 03/30/81 JA: TX			
8124195	21517	4220300000	108		MITCHELL HEIRS GAS UNIT #1 #83726	LCG (PAGE) MARTHA DUNCAN	15.0	ARKANSAS LOUISIANA G
-GAGE & CO					RECEIVED: 03/30/81 JA: TX			
8124282	31482	4223733283	103		WELCH #2 (19951)	RUSHAG SE (CONGL 4900)	0.0	LONE STAR GAS
-GETTY OIL COMPANY					RECEIVED: 03/30/81 JA: TX			
8124299	31644	4223330967	103		YAKE D NO 3	PANHANDLE HUTCHINSON	2.6	PANHANDLE EASTERN P/
-GOLDEN SPREAD LAND CO INC					RECEIVED: 03/30/81 JA: TX			
8124219	25528	4208700000	103		HAWKINS #1	PANHANDLE EAST	8.0	EL PASO NATURAL GAS
-GRACE PETROLEUM CORPORATION					RECEIVED: 03/30/81 JA: TX			
8124273	31285	4228930346	107		SAVAGE NO 1	BEAR GRASS	1250.0	DELHI GAS PIPELINE C
-GUS EDWARDS CO					RECEIVED: 03/30/81 JA: TX			
8124227	27638	4284130528	102		B & R S UNIT WELL NO 6	KURTEN (WOODBINE)	488.0	PRODUCERS GAS CO
-HAWKEYE OIL & GAS CORP					RECEIVED: 03/30/81 JA: TX			
8124213	25018	4223700000	103		JACKIE WORTHINGTON NO 1 RRC #	AVIS N ATOKA CONGL	358.4	SOUTHWESTERN GAS PIP
-HOU-TEX OIL & GAS CO					RECEIVED: 03/30/81 JA: TX			
8124221	26131	4240100000	102		YANDLE UNIT NO 2 WELL NO 1	HENDERSON NORTH (COTTON	1095.0	DELHI GAS PIPELINE C
8124221	26131	4240100000	107		YANDLE UNIT NO 2 WELL NO 1	HENDERSON NORTH (COTTON	1095.0	DELHI GAS PIPELINE C
-HOWELL DRILLING INC					RECEIVED: 03/30/81 JA: TX			
8124235	29108	4228531491	102		LAY MCCORD GAS UNIT NO 1 WELL NO 1	SWEET HOME	120.0	VALERO TRANSMISSION
-HUMBLE EXPLORATION CO INC					RECEIVED: 03/30/81 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124192	19915	4228730491	102		IRIS #1 - 12389	GIDDINGS	293.0	PHILLIPS PETROLEUM
8124192	19915	4228730491	103		IRIS #1 - 12389	GIDDINGS	293.0	PHILLIPS PETROLEUM
-HURLEY PETROLEUM CORPORATION					RECEIVED: 03/30/81 JA: TX			
8124243	29916	4228330683	107		HOLCOMBE GAS UNIT WELL NO 5-T	BETHANY (COTTON VALLEY)	188.0	TENNESSEE GAS PIPELI
-INDIAN WELLS OIL CO					RECEIVED: 03/30/81 JA: TX			
8124264	30988	4223531604	103		HARRIS 61-1	PROBANDT (CANYON)	50.0	NORTHERN NATURAL GAS
8124263	30981	4210532512	103		MCMULLAN 36-3	OZONA CANYON SAND	144.0	NORTHERN NATURAL GAS
-J CLEO THOMPSON					RECEIVED: 03/30/81 JA: TX			
8124231	28234	4210532976	102		UNIVERSITY 33E-2	UNIVERSITY 31 STRAWN-DET	228.0	PHILLIPS PETROLEUM C
-JONES-O'BRIEN INCORPORATED					RECEIVED: 03/30/81 JA: TX			
8124244	29929	4207330389	102		S G WATSON #1 RRC LSE NO 10330	PERCY WHEELER	66.0	UNITED GAS PIPE LINE
-KLING INC					RECEIVED: 03/30/81 JA: TX			
8124234	28627	4217531379	103		P A ALBRECHT B NO 1	BOYCE (REKLAW)	141.0	UNITED GAS PIPELINE
-M G ABEL					RECEIVED: 03/30/81 JA: TX			
8124272	31279	4217531396	103		HENRY HORNEY #3 ID #98936	A-B-R (VICKSBURG UPPER S	55.0	UNITED GAS PIPELINE
-MAY PETROLEUM INC					RECEIVED: 03/30/81 JA: TX			
8124268	31123	4229530797	103		PIPER #1 (ID UNASSIGNED)	BRADFORD (CLEVELAND)	36.5	TRANSWESTERN PIPELIN
-MGF OIL CORP					RECEIVED: 03/30/81 JA: TX			
8124297	31630	4231732176	103		EILAND #1 (26248)	SPRABERRY (TREND AREA)	0.0	
8124224	26847	4205130885	102		JAMES J JOHNSTON #13188	GIDDINGS (AUSTIN CHALK)	125.0	CLAJON GAS CO
8124224	26847	4205130885	103		JAMES J JOHNSTON #13188	GIDDINGS (AUSTIN CHALK)	125.0	CLAJON GAS CO
8124236	29112	4205130841	102		JAMES J JOHNSTON #13188	GIDDINGS (AUSTIN CHALK)	182.0	CLAJON GAS CO
8124236	29112	4205130841	103		JAMES J JOHNSTON #13188	GIDDINGS (AUSTIN CHALK)	182.0	CLAJON GAS CO
-MITCHELL ENERGY CORPORATION					RECEIVED: 03/30/81 JA: TX			
8124289	31586	4249700000	108		BESSIE DICKENSON #2	BOONSVILLE (BEND CONGLOM	9.0	NATURAL GAS PIPELINE
8124291	31595	4249700000	108		CITY OF WEATHERFORD #1	WEATHERFORD (STRAWN)	6.0	SOUTHWESTERN GAS PIP
8124298	31589	4249700000	108		J W CRAWFORD #2	BOONSVILLE (BEND CONGL G	18.0	NATURAL GAS PIPELINE
8124288	31584	4236300000	108		L W PUREFOY #1 63567	GRAFORD (BEND CONGL)	12.0	SOUTHWESTERN GAS PIP
-MOBIL PROD TEXAS & NEW MEXICO INC					RECEIVED: 03/30/81 JA: TX			
8124255	30425	4219931402	102		KIRBY LUMBER CORP NO 4-LT	SOUR LAKE E (YEGUA LOWER	416.1	TRANSCONTINENTAL GAS
-MONSANTO CO					RECEIVED: 03/30/81 JA: TX			
8124274	31286	4221131267	103		RESERVE #4	HUMPHREYS (DOUGLAS)	0.0	CITIES SERVICE GAS C
-PDC GAS CO					RECEIVED: 03/30/81 JA: TX			
8124259	30703	4237100000	103		UNIVERSITY #8	CARDINAL (QUEEN W)	28.0	NORTHERN NATURAL GAS
-PETRO-SEARCH INC					RECEIVED: 03/30/81 JA: TX			
8124250	30158	4223733128	102		C O TILGHMAN #2	BOGEN (MISSISSIPPIAN)	0.0	SOUTHWESTERN GAS PIP
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 03/30/81 JA: TX			
8124233	28548	4235700000	108		RICHARDSON A #1	FARNSWORTH E	18.0	TRANSWESTERN GAS PIP
-RICHEY EXPLORATION CO					RECEIVED: 03/30/81 JA: TX			
8124296	31625	4249731786	103		REED	BOONSVILLE (BEND CONGL G	0.0	LONE STAR GAS CO
-ROY G NIVENS					RECEIVED: 03/30/81 JA: TX			
8124218	25408	4223300000	108		HERRING 5	PANHANDLE HUTCHINSON FIE	12.0	PANHANDLE PRODUCING
-SAGE ENERGY CO					RECEIVED: 03/30/81 JA: TX			
8124275	31301	4205130768	102		BEARD UNIT #1 - RRC #13294	GIDDINGS (AUSTIN CHALK)	119.0	FALCON GAS CO
8124276	31302	4205130808	102		BIRCH CREEK UNIT #1 RRC #13462	GIDDINGS (AUSTIN CHALK)	151.0	FALCON GAS CO
8124222	26152	4214930473	102		PLUM A #1 RRC# 12864	GIDDINGS(AUSTIN CHALK)	73.4	PHILLIPS PETROLEUM C
8124269	31192	4214930631	102		PLUM C #1 RRC #13442	GIDDINGS (AUSTIN CHALK)	82.0	FALCON GAS CO
-SEAGULL INTERNATIONAL EXPLORATION I					RECEIVED: 03/30/81 JA: TX			
8124283	31528	4236500000	102		BRADY ESTATE UNIT WELL NO 1	PINEHILL SE (TRAVIS PEAK	0.0	UNITED GAS PIPELINE
-SHELL OIL CO					RECEIVED: 03/30/81 JA: TX			
8124292	31607	4246131563	103		NORTH CROSS (DEV) UNIT #38	CROSSETT (DEVONIAN)	66.0	SHELL ET AL
8124293	31609	4249531252	103		SEALY SMITH FOUNDATION #178	MONAHANS (QUEEN SAND)	2.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-SNOW PETROLEUM INC								
8124256	30628	4204903226	103		RECEIVED: 03/30/81 JA: TX BATES #2 (90714)	BROWN COUNTY REGULAR (MA	204.0	ODESSA NATURAL CORP
-SIGNOR CORP								
8124265	30948	4208300000	103		RECEIVED: 03/30/81 JA: TX LAMAR TURNER #7	BETLIN (FRY) FIELD	180.0	BRADY TEXAS MUNICIPA
-SKLAR & PHILLIPS OIL CO								
8124223	26766	4236531127	102		RECEIVED: 03/30/81 JA: TX WOOLWORTH NO 1	BECKVILLE NORTH (COTTON	720.0	ARKANSAS LOUISIANA G
8124223	26766	4236531127	103		WOOLWORTH NO 1	BECKVILLE NORTH (COTTON	720.0	ARKANSAS LOUISIANA G
-SPINDLETOP OIL & GAS CO								
8124193	20487	4236731731	103		RECEIVED: 03/30/81 JA: TX HARMS #3-C (85789)	RENO (CONGL)	500.0	LONE STAR GAS CO
-STALLWORTH OIL & GAS INC								
8124270	31209	4222130596	103		RECEIVED: 03/30/81 JA: TX BLACK RANCH 345 #3 STALLWORTH OIL -	BLACK RANCH (ATOKA 888)	0.0	LONE STAR GAS CO
8124271	31210	4222130593	103		BLACK RANCH 539 #1 STALLWORTH OIL	BLACK RANCH (ATOKA 888)	0.0	LONE STAR GAS CO
-SUBURBAN PROPANE GAS CORP								
8124279	31417	4241330832	107		RECEIVED: 03/30/81 JA: TX R L MCWHORTER NO 1	HENRY-SPECK (CANYON)	55.0	INTRATEX GAS CO
8124279	31417	4241330832	103		R L MCWHORTER NO 1	HENRY-SPECK (CANYON)	55.0	INTRATEX GAS CO
-SUN OIL COMPANY (DELAWARE)								
8124261	30735	4213533140	103		RECEIVED: 03/30/81 JA: TX EAST GOLDSMITH SAN ANDRES UT #10-1	GOLDSMITH E (SAN ANDRES)	12.0	PHILLIPS PETROLEUM
8124260	30731	4236530823	103		M LASHLEY GAS UNIT WELL NO 1	CARTHAGE	397.0	DELHI GAS PIPELINE C
-SUOCO OIL CORP								
8124185	11437	4221100000	103		RECEIVED: 03/30/81 JA: TX HUMPHREYS 02950 WELL #2	FELDMAN TONKAWA	72.0	PANHANDLE EASTERN PI
-TARTAN PRODUCTION CO								
8124208	23782	4240931422	102		RECEIVED: 03/30/81 JA: TX HENRICHSON UNIT NO A-2	BERRY (6100E)	250.0	TEXAS EASTERN TRANSM
-TEE OPERATING CO								
8124226	27223	4215730914	102		RECEIVED: 03/30/81 JA: TX WEGNER GAS UNIT NO 1-U	WILDCAT	0.0	LONE STAR GAS CO
-TENNECO OIL COMPANY								
8124228	26092	4239330793	103		RECEIVED: 03/30/81 JA: TX CHAMBERS 2-5	MENDOTA NW (GRANITE WASH	360.0	PIONEER NATURAL GAS
8124230	28228	4217930789	103		WORLEY 95	PANHANDLE	2.0	PHILLIPS PETROLEUM C
-TEXACO INC								
8124229	28119	4240130968	102		RECEIVED: 03/30/81 JA: TX ROGERS GAS UNIT B/A #1	OAK HILL NW (COTTON VALL	730.0	TRANSCONTINENTAL GAS
-TEXAS INTERNATIONAL PET CORP								
8124240	29515	4205131041	102		RECEIVED: 03/30/81 JA: TX BOHACEK #1	GIDDINGS (AUSTIN CHALK)	474.0	CLAJON GAS CO
-TEXONA PRODUCTION CO								
8124254	30379	4270630103	102		RECEIVED: 03/30/81 JA: TX STATE TRACT 245-L #1	BLOCK 245 (5960)	1095.0	NATURAL GAS PIPELINE
-THOMAS D COFFMAN INC								
8124228	27805	4214930346	102		RECEIVED: 03/30/81 JA: TX FARRAH B UNIT NO 3 050814	GIDDINGS (AUSTIN CHALK)	146.0	RESERVE GAS SYSTEMS
8124248	30187	4214930708	102		MULLINS NO 6 091260	GIDDINGS (AUSTIN CHALK)	28.0	SOUTH CEN-TEX GAS CO
8124249	30188	4214930735	102		MULLINS NO 7 093540	GIDDINGS (AUSTIN CHALK)	28.0	SOUTH CEN-TEX GAS CO
-W A MONCRIEF JR								
8124286	31572	4236730235	108		RECEIVED: 03/30/81 JA: TX WINSTON NO 5 (U&L)	ALEDO SE (1200 STRAWN) W	4.3	SOUTHWESTERN GAS PIP
-W B TRAMMELL								
8124245	29975	4215130981	102		RECEIVED: 03/30/81 JA: TX W B TRAMMELL FEE #1	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
-W C MILLER								
8124251	30159	4231100000	102		RECEIVED: 03/30/81 JA: TX J W ATKINSON #1-C 89370	LOMA ALTA (3850)	90.0	TEXAS EASTERN TRANSM
8124252	30160	4231100000	102		J W ATKINSON #1-T 89369	LOMA ALTA (3900) YEGUA)	90.0	TEXAS EASTERN TRANSM
-WILLIAM PERLMAN					RECEIVED: 03/30/81 JA: TX			
8124186	13966	4243532143	103		ADA CAUTHORN 4-2 87388	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
8124186	13966	4243532143	108		ADA CAUTHORN 4-2 87388	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
8124215	025109	4243500000	103		ADA CAUTHORN 7-1	SHIRLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
8124215	025109	4243500000	107		ADA CAUTHORN 7-1	SHIRLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
8124187	14954	4243532144	107		ALBERT WARD 18 NO 1	SHURLEY RANCH (CANYON)	36.0	EL PASO NATURAL GAS
8124187	14954	4243532144	103		ALBERT WARD 18 NO 1	SHURLEY RANCH (CANYON)	36.0	EL PASO NATURAL GAS
8124214	25104	4243532253	103		DAN CAUTHORN D-2 87389	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124214	25104	4243532253	107		DAN CAUTHORN D-2 87389	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-WILLIAM PERLMAN								
8124188	14955	4243532145	103		RECEIVED: 03/30/81 JA: TX ALBERT WARD 19 NO 1	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
8124188	14955	4243532145	107		ALBERT WARD 19 NO 1	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124209	25105	4243532254	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-3 87390	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124209	25105	4243532254	107		DAN CAUTHORN D-3 87390	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124210	25106	4243532255	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-4 87391	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124210	25106	4243532255	107		DAN CAUTHORN D-4 87391	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124211	25107	4243532256	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-5 87392	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124211	25107	4243532256	107		DAN CAUTHORN D-5 87392	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124212	25108	4243532257	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-6 87393	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124212	25108	4243532257	107		DAN CAUTHORN D-6 87393	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124213	25109	4243532258	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-7 87394	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124213	25109	4243532258	107		DAN CAUTHORN D-7 87394	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124216	25110	4243532259	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-8 87395	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124216	25110	4243532259	107		DAN CAUTHORN D-8 87395	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124217	25111	4243532260	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-9 87396	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124217	25111	4243532260	107		DAN CAUTHORN D-9 87396	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124218	25112	4243532261	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-10 87397	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124218	25112	4243532261	107		DAN CAUTHORN D-10 87397	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124219	25113	4243532262	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-11 87398	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124219	25113	4243532262	107		DAN CAUTHORN D-11 87398	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124220	25114	4243532263	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-12 87399	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124220	25114	4243532263	107		DAN CAUTHORN D-12 87399	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124221	25115	4243532264	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-13 87400	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124221	25115	4243532264	107		DAN CAUTHORN D-13 87400	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124222	25116	4243532265	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-14 87401	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124222	25116	4243532265	107		DAN CAUTHORN D-14 87401	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124223	25117	4243532266	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-15 87402	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124223	25117	4243532266	107		DAN CAUTHORN D-15 87402	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124224	25118	4243532267	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-16 87403	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124224	25118	4243532267	107		DAN CAUTHORN D-16 87403	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124225	25119	4243532268	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-17 87404	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124225	25119	4243532268	107		DAN CAUTHORN D-17 87404	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124226	25120	4243532269	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-18 87405	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124226	25120	4243532269	107		DAN CAUTHORN D-18 87405	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124227	25121	4243532270	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-19 87406	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124227	25121	4243532270	107		DAN CAUTHORN D-19 87406	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124228	25122	4243532271	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-20 87407	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124228	25122	4243532271	107		DAN CAUTHORN D-20 87407	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124229	25123	4243532272	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-21 87408	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124229	25123	4243532272	107		DAN CAUTHORN D-21 87408	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124230	25124	4243532273	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-22 87409	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124230	25124	4243532273	107		DAN CAUTHORN D-22 87409	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124231	25125	4243532274	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-23 87410	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124231	25125	4243532274	107		DAN CAUTHORN D-23 87410	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124232	25126	4243532275	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-24 87411	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124232	25126	4243532275	107		DAN CAUTHORN D-24 87411	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124233	25127	4243532276	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-25 87412	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124233	25127	4243532276	107		DAN CAUTHORN D-25 87412	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124234	25128	4243532277	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-26 87413	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124234	25128	4243532277	107		DAN CAUTHORN D-26 87413	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124235	25129	4243532278	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-27 87414	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124235	25129	4243532278	107		DAN CAUTHORN D-27 87414	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124236	25130	4243532279	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-28 87415	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124236	25130	4243532279	107		DAN CAUTHORN D-28 87415	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124237	25131	4243532280	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-29 87416	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124237	25131	4243532280	107		DAN CAUTHORN D-29 87416	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124238	25132	4243532281	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-30 87417	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124238	25132	4243532281	107		DAN CAUTHORN D-30 87417	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124239	25133	4243532282	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-31 87418	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124239	25133	4243532282	107		DAN CAUTHORN D-31 87418	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124240	25134	4243532283	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-32 87419	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124240	25134	4243532283	107		DAN CAUTHORN D-32 87419	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124241	25135	4243532284	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-33 87420	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124241	25135	4243532284	107		DAN CAUTHORN D-33 87420	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124242	25136	4243532285	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-34 87421	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124242	25136	4243532285	107		DAN CAUTHORN D-34 87421	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124243	25137	4243532286	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-35 87422	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124243	25137	4243532286	107		DAN CAUTHORN D-35 87422	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124244	25138	4243532287	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-36 87423	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124244	25138	4243532287	107		DAN CAUTHORN D-36 87423	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124245	25139	4243532288	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-37 87424	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124245	25139	4243532288	107		DAN CAUTHORN D-37 87424	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124246	25140	4243532289	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-38 87425	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124246	25140	4243532289	107		DAN CAUTHORN D-38 87425	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124247	25141	4243532290	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-39 87426	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124247	25141	4243532290	107		DAN CAUTHORN D-39 87426	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124248	25142	4243532291	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-40 87427	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124248	25142	4243532291	107		DAN CAUTHORN D-40 87427	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124249	25143	4243532292	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-41 87428	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124249	25143	4243532292	107		DAN CAUTHORN D-41 87428	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124250	25144	4243532293	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-42 87429	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124250	25144	4243532293	107		DAN CAUTHORN D-42 87429	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124251	25145	4243532294	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-43 87430	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124251	25145	4243532294	107		DAN CAUTHORN D-43 87430	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124252	25146	4243532295	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-44 87431	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124252	25146	4243532295	107		DAN CAUTHORN D-44 87431	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124253	25147	4243532296	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-45 87432	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124253	25147	4243532296	107		DAN CAUTHORN D-45 87432	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124254	25148	4243532297	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-46 87433	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124254	25148	4243532297	107		DAN CAUTHORN D-46 87433	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124255	25149	4243532298	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-47 87434	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124255	25149	4243532298	107		DAN CAUTHORN D-47 87434	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124256	25150	4243532299	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-48 87435	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124256	25150	4243532299	107		DAN CAUTHORN D-48 87435	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124257	25151	4243532300	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-49 87436	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124257	25151	4243532300	107		DAN CAUTHORN D-49 87436	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124258	25152	4243532301	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-50 87437	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124258	25152	4243532301	107		DAN CAUTHORN D-50 87437	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124259	25153	4243532302	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-51 87438	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124259	25153	4243532302	107		DAN CAUTHORN D-51 87438	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124260	25154	4243532303	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-52 87439	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124260	25154	4243532303	107		DAN CAUTHORN D-52 87439	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124261	25155	4243532304	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-53 87440	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124261	25155	4243532304	107		DAN CAUTHORN D-53 87440	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124262	25156	4243532305	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-54 87441	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124262	25156	4243532305	107		DAN CAUTHORN D-54 87441	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124263	25157	4243532306	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-55 87442	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124263	25157	4243532306	107		DAN CAUTHORN D-55 87442	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124264	25158	4243532307	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-56 87443	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124264	25158	4243532307	107		DAN CAUTHORN D-56 87443	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124265	25159	4243532308	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-57 87444	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124265	25159	4243532308	107		DAN CAUTHORN D-57 87444	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124266	25160	4243532309	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-58 87445	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124266	25160	4243532309	107		DAN CAUTHORN D-58 87445	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124267	25161	4243532310	103		RECEIVED: 03/30/81 JA: TX DAN CAUTHORN D-59 87446	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
8124267	25161	4243532310	107		DAN CAUTHORN D-59 87446	SHIRLEY RANCH (CANYON)	28.0	EL PASO NATURAL GAS
-WILLIAMS & DAVIS								
8124268	25162	4243532311

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124216	25112	4243532240	103		DAN CAUTHORN 22-1 87055	SHIRLEY RANCH (CANYON)	20.0	EL PASO NATURAL GAS
8124216	25112	4243532240	108		DAN CAUTHORN 22-1 87055	SHIRLEY RANCH (CANYON)	20.0	EL PASO NATURAL GAS
-WINDSOR GAS CORP			RECEIVED: 03/30/81 JA: TX					
8124183	08513	4243500000	108		DUKE WILSON 173-2	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
8124184	08516	4243500000	108		DUKE WILSON 176-1	SHURLEY RANCH (CANYON)	20.0	VALERO GAS TRANSMISS
-WOOD MCSHANE & THAMS			RECEIVED: 03/30/81 JA: TX					
8124241	29635	4208331107	108		G T HALL A #1 RRC #69451	BLOCK A-34 (YATES)	2.0	EL PASO NATURAL GAS
-WORLD PRODUCERS INC			RECEIVED: 03/30/81 JA: TX					
8124205	23379	4236731809	102		ELLIS E #6	MOBY DICK (CONGL)	50.0	NATURAL GAS PIPELINE
8124204	23378	4236731874	102		ELLIS F #7	MOBY DICK (CONGL)	50.0	NATURAL GAS PIPELINE
8124206	23388	4236731599	102		HARRY E COLE #1	MOBY DICK (CONGL)	75.0	NATURAL GAS PIPELINE
8124196	21942	4223732689	102		HARLEY PARRISH A #2	BOSEN (MISS)	40.0	SOUTHWESTERN GAS PIP
8124197	21943	4223732705	102		HARLEY PARRISH C #4	BOSEN (MISS)	70.0	SOUTHWESTERN GAS PIP
8124198	21944	4223732821	102		HARLEY PARRISH D #5	BOSEN (MISS)	40.0	SOUTHWESTERN GAS PIP
**********								
UTAH DIVISION OF OIL,GAS, & MINING								
**********								
-AMERICAN QUASAR PETROLEUM CO			RECEIVED: 04/06/81 JA: UT					
8124396	K 107-11(A)	4304330125	103		BINGHAM 2-1A	PINEVIEW - SEC 2-2N-7E	0.0	MOUNTAIN FUEL SUPPLY
8124397	K 107-11(B)	4304330116	103		NEWTON SHEEP 4-6	PINEVIEW - SEC 4 T2N-R7E	0.0	MOUNTAIN FUEL SUPPLY
8124395	K 107-11(C)	4304330107	103		UPRR 9-2	PINEVIEW SEC 9 T2N-R7E	0.0	MOUNTAIN FUEL SUPPLY
-TENNECO OIL COMPANY			RECEIVED: 04/06/81 JA: UT					
8124399	K 130-6	4301930571	103		DIETLER STATE #2-14	BRYSON CANYON	300.0	SOUTHWEST GAS CORP
8124400	K 130-3	4301930605	103		TENNECO STATE #36-14	DAKOTA/MORRISON	300.0	SOUTHWEST GAS
8124398	K 130-4	4301930606	103		TENNECO STATE #36-16	UND PALMER	120.0	SOUTHWEST GAS CORP
**********								
** DEPARTMENT OF ENERGY								
**********								
-NAVAL PETROLEUM RESERVES IN CALIFOR			RECEIVED: 04/06/81 JA: CA 9					
8124481		0402900000	103		24Z - 8356	NAVAL PETROLEUM RESERVES	183.0	CHEVRON USA INC

OTHER PURCHASERS

8124207	EL PASO NATURAL GAS CO
8124253	HOUSTON LIGHTING & POWER CO
8124308	NEW JERSEY NATURAL GAS
8124309	NEW JERSEY NATURAL GAS
8124314	NEW JERSEY NATURAL GAS
8124369	DELHI GAS PIPE LINE COMPANY
8124389	AMINOIL
8124393	AMINOIL
8124411	NORTHWEST P L CORP
8124425	NORTHWEST P L CORP
8124464	CHASE GATHERING SYSTEMS INC

BILLING CODE 6460-60-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or decription of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13269 Filed 4-30-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 413]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued April 27, 1981.

V. 46 / 84 / MAY 1 81 UMI

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued April 27, 1981.

JD NO	JA DKT	API NO	SEC D	WELL NAME Issued April 27, 1981	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION							
-ALEXANDER G KASPAR				RECEIVED: 04/06/81 JA: TX			
8124560	26278	4246100000	103	J H SHIRK ESTATE #2	FRADEAN (STRAUN)	49.0	PHILLIPS PETROLEUM C
-AMERICAN DELTA CORP				RECEIVED: 04/06/81 JA: TX			
8124734	31801	4205131068	102	ESTES #2 (13022)	GIDDINGS (AUSTIN CHALK)	8.0	UNI OIL INC
-AMERICAN QUASAR PETROLEUM CO				RECEIVED: 04/06/81 JA: TX			
8124525	23127	4218130648	102	PETRO LEWIS-KUSCH WELL #1	WEST MINERAL CREEK MIRAN	2737.0	DOW CHEMICAL CO
8124528	22691	4243532290	103	SHURLEY RANCH WELL #2-3	SEC 3 RUSK TRANSP CO SUR	18.0	EL PASO NATURAL GAS
8124520	22691	4243532290	107	SHURLEY RANCH WELL #2-3	SEC 3 RUSK TRANSP CO SUR	18.0	EL PASO NATURAL GAS
-AMNEX PETROLEUM CORP				RECEIVED: 04/06/81 JA: TX			
8124488	19330	4205100000	102	BIRCH CREEK RANCH #1 RRC # 12330	GIDDINGS (AUSTIN CHALK)	83.0	CLAJON GAS CO
8124488	19330	4205100000	103	BIRCH CREEK RANCH #1 RRC # 12330	GIDDINGS (AUSTIN CHALK)	83.0	CLAJON GAS CO
8124490	19392	4205100000	102	LINDA UNIT #1 RRC #12513	GIDDINGS (AUSTIN CHALK)	498.0	CLAJON GAS CO
8124490	19392	4205100000	103	LINDA UNIT #1 RRC #12513	GIDDINGS (AUSTIN CHALK)	498.0	CLAJON GAS CO
8124489	19390	4205100000	102	MASSEY GRAVES #1 RRC #12527	GIDDINGS (AUSTIN CHALK)	388.0	CLAJON GAS CO
8124489	19390	4205100000	103	MASSEY GRAVES #1 RRC #12527	GIDDINGS (AUSTIN CHALK)	388.0	CLAJON GAS CO
-AMOCO PRODUCTION CO				RECEIVED: 04/06/81 JA: TX			
8124702	31707	4218930333	103	ANTON-IRISH CLEARFORK UNIT #454	ANTON-IRISH	1.9	PIONEER NATURAL GAS
8124523	22980	4213532177	103	E F COWDEN A #138	COWDEN SOUTH/CANYON 8798	14.2	PIONEER NATURAL GAS
8124708	31702	4221932763	103	ELLWOOD A #143	SMYER N (CANYON)	2.8	AMOCO PRODUCTION CO
8124739	31821	4200332439	103	FULLERTON SAN ANDRES UNIT #47	FULLERTON SAN ANDRES	16.4	AMOCO PRODUCTION CO
8124742	31830	4200332445	103	FULLERTON SAN ANDRES UNIT #54	FULLERTON SAN ANDRES	7.3	AMOCO PRODUCTION CO
8124743	31832	4200332453	103	FULLERTON SAN ANDRES UNIT #59	FULLERTON SAN ANDRES	12.4	AMOCO PRODUCTION CO
8124741	31828	4200332433	103	FULLERTON SAN ANDRES UNIT #63	FULLERTON SAN ANDRES	7.7	AMOCO PRODUCTION CO
8124740	31827	4200332432	103	FULLERTON SAN ANDRES UNIT #65	FULLERTON SAN ANDRES	7.7	AMOCO PRODUCTION CO
8124565	26493	4239530675	103	J B WATERFIELD C WELL #2	NW MENDOTA (MORROW LOWER	58.0	MICHIGAN WISCONSIN P
8124649	30962	4204730860	103	MESTINA OIL & GAS WELL NO 8	ALTA MESA NORTH (1850)	102.0	VALERO INTERSTATE TR
8124701	31705	4222732217	103	TEXAS LAND & MORTGAGE A R/A B #117	COAHOMA NORTH (FUSSEL)	1.8	BETTY OIL CO
-ANDERSON PETROLEUM INC				RECEIVED: 04/06/81 JA: TX			
8124532	23615	4210532505	103	AUSTIN MILLSPAUGH B #1-70	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE CO
-ARCO OIL AND GAS COMPANY				RECEIVED: 04/06/81 JA: TX			
8124657	31190	4207931166	103	F O MASTEN 20 #5	LEVELLAND (SAN ANDRES) F	8.3	CITIES SERVICE
-ARMOUR PROPERTIES				RECEIVED: 04/06/81 JA: TX			
8124716	31736	4207731762	103	SCALING 10-C	LACY ARMOUR (STRAWN UPPE	8.2	FAGADAU ENERGY CORP
8124715	31735	4207731761	103	SCALING 11-C	LACY ARMOUR (STRAWN UPPE	5.2	FAGADAU ENERGY CORP
-BILL J GRAHAM				RECEIVED: 04/06/81 JA: TX			
8124697	31697	4230100000	108	ALLEN #1	WHEAT DELAWARE	1.5	PHILLIPS PETROLEUM C
8124698	31698	4210300000	108	CHARLES EDWARDS JR #1	ARMER (6350)	1.3	WARREN PETROLEUM COR
8124699	31699	4210300000	108	CHARLES EDWARDS JR #3	ARMER (GLORIETTA)	2.6	WARREN PETROLEUM COR
8124696	31696	4238900000	108	GARTON #1	SCREWBEAN NE (DELAWARE)	1.2	CONTINENTAL OIL CO
-BOURNE OIL CO				RECEIVED: 04/06/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124599	28996	4213100000	103		WILLIE DE LA FUENTE	LABBE (2360)	0.0	TENNESSEE GAS PIPELI
-BURMAN OIL & GAS CO					RECEIVED: 04/06/81 JA: TX			
8124554	25971	4235130323	102		T M PERKINS ET AL NO 1	DEWEYVILLE WEST (NODOSAR	180.0	ARCO OIL & GAS CO
-BURNS PETROLEUM					RECEIVED: 04/06/81 JA: TX			
8124493	20011	4250333233	102		SPEER NO 1	SPEER (MARBLE FALLS CONG	148.8	SOUTHWESTERN GAS PIP
-CAG PETROLEUM CORP					RECEIVED: 04/06/81 JA: TX			
8124633	30665	4205130947	102		HUTCHINGS NO 1 #13561	GIDDINGS AUSTIN CHALK	365.0	CLAJON GAS CO
8124582	28183	4205130908	102		LAUDERDALE NO 1 13304	GIDDINGS AUSTIN CHALK	3600.0	FERGUSON CROSSING PI
8124695	31694	4205131191	102		ROSE NO 1 13682	GIDDINGS AUSTIN CHALK	365.0	CLAJON GAS CO
-CAROLINA GROUP INC					RECEIVED: 04/06/81 JA: TX			
8124735	31806	4214300000	103		CALLAWAY #1	LIBERTY OAK (BIG SALINE)	73.9	NORTHERN GAS PRODUCT
8124737	31816	4214300000	103		HAMMOND #1	LIBERTY OAK (BIG SALINE)	31.1	NORTHERN GAS PRODUCT
8124736	31807	4214300000	103		YOUNG #1	LIBERTY OAKS (BIG SALINE	68.9	NORTHERN GAS PRODUCT
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 04/06/81 JA: TX			
8124580	27919	4235330863	103		C E BOYD NO 4 (02879)	DORA NORTH (CAMBRIAN)	7.3	PALO DURO PIPELINE C
8124542	25151	4217331052	102		I W TERRY NO 5	S W CONGER (PENN)	60.8	NORTHERN NATURAL GAS
8124555	26011	4220100000	102		UNIT DEVELOPMENT CO NO 1	SOUTH TOMBALL	328.5	
-CHEVRON U S A INC					RECEIVED: 04/06/81 JA: TX			
8124728	31774	4200530026	102		P G CROSSMAN ET AL #1	RAINTREE (COTTON VALLEY)	84.0	
-CIRCLE SEVEN PRODUCTION CO					RECEIVED: 04/06/81 JA: TX			
8124643	30819	4223732935	103		C GIFFORD NO 1 WELL ID NO 87016	WOLFE (CONGLOMERATE)	8.0	SOUTHWESTERN GAS PIP
-CITIES SERVICE COMPANY					RECEIVED: 04/06/81 JA: TX			
8124679	31632	4213533528	103		TXL Q #2	GOLDSMITH WEST (SAN ANDR	59.0	
-COASTAL OIL & GAS CORP					RECEIVED: 04/06/81 JA: TX			
8124648	30956	4237530711	103		BIVINS 5817R0	PANHANDLE (RED CAVE)	12.0	COLORADO INTERSTATE
-CONOCO INC					RECEIVED: 04/06/81 JA: TX			
8124547	25491	4213500000	108		WIGHT UNIT #2 ID #20661	COWDEN NORTH	0.1	AMOCO PRODUCTION CO
-CRAWFORD ENERGY					RECEIVED: 04/06/81 JA: TX			
8124653	31114	4236332292	103		J W PADGETT #3 90803	PALO PINTO COUNTY REG (6	12.0	SOUTHWESTERN GAS PIP
8124654	31115	4236332291	103		J W PADGETT #4 90663	PALO PINTO COUNTY REG (6	14.6	SOUTHWESTERN GAS PIP
-DAVIS OIL COMPANY					RECEIVED: 04/06/81 JA: TX			
8124574	27616	4228931485	102		CAROLYN S COE UNIT #1	APPLING POINT F-22	54.0	ALUMINUM CO OF AMERI
-DEETER IMPROVEMENT INC					RECEIVED: 04/06/81 JA: TX			
8124548	25550	4204730838	102		CANTU WELL NO 1	LOMA BLANCA NORTH 6800	135.0	HOUSTON PIPELINE CO
-DELTA DRILLING CO					RECEIVED: 04/06/81 JA: TX			
8124534	23935	4241300000	103		JONES A #2	ELDORADO	46.0	NORTHERN NATURAL GAS
8124534	23935	4241300000	107		JONES A #2	ELDORADO	46.0	NORTHERN NATURAL GAS
8124533	23933	4241300000	103		PARKER #2	ELDORADO (CANYON)	80.0	NORTHERN NATURAL GAS
8124533	23933	4241300000	107		PARKER #2	ELDORADO (CANYON)	80.0	NORTHERN NATURAL GAS
8124553	25827	4236531099	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124553	25827	4236531099	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124528	23162	4236500000	102		WERNER-CARAWAY #1	WILDCAT (COTTON VALLEY)	500.0	WESTERN GAS CORP
8124528	23162	4236500000	103		WERNER-CARAWAY #1	WILDCAT (COTTON VALLEY)	500.0	WESTERN GAS CORP
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 04/06/81 JA: TX			
8124668	31544	4221100000	108		CHARLES BROWN NO 7	CANADIAN SE	5.6	SOUTHWESTERN PUBLIC
8124667	31543	4229500000	108		MAY WRIGHT H NO 1	LIPSCOMB	1.8	NATURAL GAS PIPELINE
-DISCOVERY OPERATING INC					RECEIVED: 04/06/81 JA: TX			
*8124749	31885	4200332378	103		UNIVERSITY 11 B #2	BLOCK 11 (WICHITA LOWER)	32.4	PHILLIPS PETROLEUM C
-DUNCAN CORP					RECEIVED: 04/06/81 JA: TX			
8124595	28904	4221100000	108		BRAINARD C 34864	CANADIAN WEST (MORROW UP	4.1	HIGH PLAINS NATURAL
-EL PASO NATURAL GAS COMPANY					RECEIVED: 04/06/81 JA: TX			
8124541	24941	4243532181	108		SHURLEY #11	SAWYER-CANYON	15.8	EL PASO NATURAL GAS
-ENERGETICS INC					RECEIVED: 04/06/81 JA: TX			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124575	27619	4214930459	102		S Y ROBBINS #1 ID #068708	GIDDINGS AUSTIN CHALK	219.0	PHILLIPS PETROLEUM C
8124575	27619	4214930459	103		S Y ROBBINS #1 ID #068708	GIDDINGS AUSTIN CHALK	219.0	PHILLIPS PETROLEUM C
-EXXON CORP					RECEIVED: 04/06/81 JA: TX			
8124650	30957	4237530712	103		BIVINS 5817R0	PANHANDLE (RED CAVE)	12.0	COLORADO INTERSTATE
-FINA OIL & CHEMICAL CO					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-FLAG-REDFERN OIL CO					RECEIVED: 04/06/81 JA: TX			
8124545	25547	4204730835	102		CANTU WELL NO 1	LOMA BLANCA NORTH 6800	135.0	HOUSTON PIPELINE CO
-FOREST OIL CORP					RECEIVED: 04/06/81 JA: TX			
8124544	25546	4204730834	102		CANTU WELL NO 1	LOMA BLANCA NORTH 6800	135.0	HOUSTON PIPELINE CO
-GAS PRODUCING ENTERPRISES					RECEIVED: 04/06/81 JA: TX			
8124651	31112	4236332290	103		J W PADGETT #3 90803	PALO PINTO COUNTY REG (6	12.0	SOUTHWESTERN GAS PIP
8124652	31113	4236332289	103		J W PADGETT #4 90663	PALO PINTO COUNTY REG (6	14.6	SOUTHWESTERN GAS PIP
-GEORGE R BROWN					RECEIVED: 04/06/81 JA: TX			
8124546	25548	4204730836	102		CANTU WELL NO 1	LOMA BLANCA NORTH 6800	135.0	HOUSTON PIPELINE CO
-GETTY OIL COMPANY					RECEIVED: 04/06/81 JA: TX			
8124550	25552	4204730840	102		CANTU WELL NO 1	LOMA BLANCA NORTH 6800	135.0	HOUSTON PIPELINE CO
-GULF OIL EXPLORATION & PR					RECEIVED: 04/06/81 JA: TX			
8124549	25551	4204730839	102		CANTU WELL NO 1	LOMA BLANCA NORTH 6800	135.0	HOUSTON PIPELINE CO
-HARKEN OIL & GAS INC					RECEIVED: 04/06/81 JA: TX			
8124543	25545	4204730833	102		CANTU WELL NO 1	LOMA BLANCA NORTH 6800	135.0	HOUSTON PIPELINE CO
-HOUSTON OIL & MINERALS CO					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-HUNT OIL COMPANY					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-INTERNATIONAL OIL & GAS					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-J M HUBER CORP					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-JOHN H HENDRIX CORP					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-KERR-MCGEE CORP					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-KEY PRODUCTION CO					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-LEWIS B BURLESON INC					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-LONE STAR PRODUCING CO					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-MARATHON OIL CO					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-MARTIN EXPLORATION MGMT					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-MCCOMBS OIL & GAS CORP					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-MCCULLOCH OIL CORP OF OK					RECEIVED: 04/06/81 JA: TX			
8124552	25826	4236531098	102		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
8124552	25826	4236531098	103		TALLENT #1	NORTH BECKVILLE (CV)	365.0	NATURAL GAS PIPELINE
-MCCULLOCH OIL CORPORATION

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124575	27619	4214930459	102		S Y ROBBINS #1 ID #068708	GIDDINGS AUSTIN CHALK	210.0	PHILLIPS PETROLEUM C
-ENERGY UNLIMITED INC					RECEIVED: 04/06/81 JA: TX			
8124481	18806	4239131330	103		K O ROCHE ESTATE #B-3	KATHLEEN (SINTON-A)	188.0	
-ENRE CORP					RECEIVED: 04/06/81 JA: TX			
8124609	29043	4205932535	102		LEA MCDONALD #1 (89269)	TWIN LAKE (DUFFER)	216.0	BENGAL GAS TRANSMISS
-ENRICH OIL CORPORATION					RECEIVED: 04/06/81 JA: TX			
8124494	20153	4242931807	102		ED FORD A #1 ID-14332	LUCKY LANE (STRAWN) FIEL	23.0	LEW-TEX OIL & GAS IN
-ENSERCH EXPLORATION INC					RECEIVED: 04/06/81 JA: TX			
8124518	22305	4249731684	103		T S WALKER A NO 2	BOONSVILLE	629.0	LONE STAR GAS CO
-ESPERANZA ENERGY CORP					RECEIVED: 04/06/81 JA: TX			
8124673	31616	4235330950	103		WHITE # 4	WHITE (GARDNER SAND) FIE	14.6	ESPERANZA PIPELINE C
-EXXON CORPORATION					RECEIVED: 04/06/81 JA: TX			
8124502	20600	4233930411	103		CONROE FIELD UNIT #1629	CONROE	220.0	MORAN UTILITIES
8124724	31755	4216531806	103		EXXON-SHELL FEE #7	NEWSOM (YATES)	184.0	
8124726	31757	4239330763	103		FLOWERS TRUST A #3-U	MENDOTA NW (DOUGLAS LO)	4.0	TRANSWESTERN PIPELIN
*8124727	31758	4247532863	103		FRANCES J HAYMORE #4	RHODA WALKER (CANYON 590	3.0	INTRATEX GAS CO
*8124676	31622	4249930845	103		HAWKINS FIELD UNIT #3425	HAWKINS	20.0	ARMCO STEEL CORP
*8124678	31624	4249930858	103		HAWKINS FIELD UNIT #53	HAWKINS	20.1	ARMCO STEEL CORP
*8124677	31623	4249930874	103		HAWKINS FIELD UNIT #8	HAWKINS FIELD	33.0	ARMCO STEEL CORP
*8124675	31621	4249930844	103		HAWKINS FIELD UNIT #9320	HAWKINS	40.2	ARMCO STEEL CORP
8124729	31775	4210332378	103		J B TUBB A/C 1 #234U	SAND HILLS (JUDKINS)	8.0	EL PASO NATURAL GAS
8124725	31756	4200332401	103		J S MEANS A/C 4 #323	MEANS SOUTH (WOLFCAMP)	11.0	PHILLIPS PETROLEUM C
*8124484	19844	4215730441	103		LOCKWOOD & SHARP B-59	THOMPSON	65.0	ARMCO STEEL CORP
8124681	31646	4226130548	102		MRS S K EAST 109-D (91175)	RITA (7-6 II)	949.0	NATURAL GAS PIPELINE
8124703	31711	4226130548	102		MRS S K EAST 109-F (ID PENDING)	RITA (7-L IIA)	1858.0	NATURAL GAS PIPELINE
8124597	28954	4226130562	103		SARITA GAS UNIT #7 WELL 2-D (91299)	SARITA (2-F SW)	284.0	NATURAL GAS PIPELINE
8124672	31615	4226130575	102		SOUTH MAY GU #4 WELL #1 (90587)	MAY SOUTH (J-22)	730.0	NATURAL GAS PIPELINE
*8124745	31838	4240130944	103		TRAVICK GAS UNIT NO 32 WELL 2	TRAVICK (TRAVIS PEAK)	480.0	ARMCO STEEL CORP
*8124744	31837	4234730489	103		TRAVICK GAS UNIT 11 #3	TRAVICK (TRAVIS PEAK)	480.0	ARMCO STEEL CORP
*8124746	31839	4234730491	103		TRAVICK GAS UNIT 44 #3	TRAVICK (JAMES) FIELD	480.0	ARMCO STEEL CORP
-FISHER-WEBB INC					RECEIVED: 04/06/81 JA: TX			
8124646	30899	4208130896	103		PRICE 309 NO 4	ARLEDGE (PENN SAND)	150.0	SUN GAS CO
-GEODYNAMICS OIL & GAS INC					RECEIVED: 04/06/81 JA: TX			
8124651	31004	4205130967	102		PATTERSON B NO 4	STONE CITY (AUSTIN CHALK	87.0	CLAJON GAS CO
-GEOLOGICAL EXPLORATION CO					RECEIVED: 04/06/81 JA: TX			
8124526	23128	4218330407	102		HENRY FOSTER NO 1 10228	ALPINE (PETTIT)	36.0	ARKANSAS-LOUISIANA G
-GETTY OIL COMPANY					RECEIVED: 04/06/81 JA: TX			
8124678	31599	4241330881	103		JOHN H TREADWELL 70 WELL NO 1	FT MCKAVITT N (CANYON LO	35.0	ARCO OIL & GAS CO
8124537	24067	4236500000	103		KELLY-LINCOLN #2	CARTHAGE (COTTON VALLEY)	408.0	DELHI GAS PIPELINE C
8124473	03979	4204931621	103		R D SHELTON NO 1	BROWN COUNTY REGULAR (MA	9.0	BROWN INDUSTRIAL GAS
8124536	24063	4236530826	103		SOUTHLAND PAPER CO #1	CARTHAGE (COTTON VALLEY)	423.0	DELHI GAS PIPELINE C
8124544	25484	4205730959	103		T S T 95 #2	NW PANTHER REEF	382.0	
8124539	24705	4216300000	103		W L HENDERSON #2	PEARSALL	13.0	CACAHUATE GAS CORP
8124535	24057	4236500000	103		WERNER-GENEVA #2	CARTHAGE (COTTON VALLEY)	239.0	DELHI GAS PIPELINE C
-GIBSON DRILLING CO					RECEIVED: 04/06/81 JA: TX			
8124549	25726	4218330417	103		ADAMS GAS UNIT NO 1	WILLOW SPRINGS MACKEY TR	360.0	WESTERN GAS CORP
-GOLDKING PRODUCTION COMPANY					RECEIVED: 04/06/81 JA: TX			
8124529	23202	4239131389	102		MYNES NO 4	E PAPALOTE (6320 FRIO)	309.0	HOUSTON PIPELINE
8124581	28024	4224531425	102		L N EVANS NO 1	STOWELL (CRAWFORD)	73.0	WINNIE PIPELINE CO
-GRACE PETROLEUM CORPORATION					RECEIVED: 04/06/81 JA: TX			
8124640	30756	4241330941	103		HARKEY A 4	TOE NAIL	25.0	ARCO OIL & GAS CO
-GREAT WESTERN DRILLING COMPANY					RECEIVED: 04/06/81 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124692	31675	4221932941	103		GLIMP UNIT #8-12	SLAUGHTER	13.0	AMOCO PRODUCTION CO
8124693	31676	4244530856	103		GLIMP UNIT #8-13	SLAUGHTER	11.0	AMOCO PRODUCTION CO
-GULF ENERGY PRODUCING COMPANY					RECEIVED: 04/06/81 JA: TX			
8124576	27887	4250531176	103		BLAS RAMIREZ #4	LOPENO (WILCOX 6)	144.0	TENNESSEE GAS PIPELI
8124557	26050	4236332318	103		NASH #1-T (16070)	GRAFORD (ELLENBERGER)	0.0	TEXAS UTILITIES FUEL
-GULF OIL CORPORATION					RECEIVED: 04/06/81 JA: TX			
8124613	29375	4247531973	103		CRAVAR FIELD UNIT NO 14	CRAVAR	11.0	TRANSWESTERN PIPELIN
8124704	31712	4221131202	103		ISAACS #3-208	RED DEER CREEK	572.0	PIONEER NATURAL GAS
8124514	21866	4247531702	107		J W CADENHEAD WELL NO 2	6-M PENN	786.0	INTRATEX GAS CO
-GUNN OIL CO					RECEIVED: 04/06/81 JA: TX			
8124656	31124	4226930882	102		GUNN OIL CO -- J J GIBSON 1-1	TOM (B CONGL)	0.0	PALO DURO PIPELINE C
8124656	31124	4226930882	103		GUNN OIL CO -- J J GIBSON 1-1	TOM (B CONGL)	0.0	PALO DURO PIPELINE C
-HANLEY COMPANY					RECEIVED: 04/06/81 JA: TX			
8124722	31747	4238331710	103		S E STOUT B (7C-84554) WELL #4	SPRABERRY (TREND AREA)	65.0	EL PASO NATURAL GAS
8124723	31748	4238331709	103		S E STOUT B (7C-84554) WELL NO 3	SPRABERRY (TREND AREA)	65.0	EL PASO NATURAL GAS
8124721	31744	4238331708	103		SE STOUT A (7C-81453) WELL NO 6	SPRABERRY (TREND AREA)	65.0	EL PASO NATURAL GAS
-HENDERSON CLAY PRODUCTS INC					RECEIVED: 04/06/81 JA: TX			
8124586	28618	4240131027	102		BALLOW GAS UNIT WELL NO 1	OAKHILL NW (COTTON VALLE	475.0	UNITED GAS PIPELINE
8124586	28618	4240131027	107		BALLOW GAS UNIT WELL NO 1	OAKHILL NW (COTTON VALLE	475.0	UNITED GAS PIPELINE
-HIGH CHAPPARAL OIL CO					RECEIVED: 04/06/81 JA: TX			
8124661	31339	4247330323	102		COWAN-ZOLLMAN-HIGH CHAPPARAL #2	WILDCAT (REQUESTING CORO	125.0	LONE STAR GAS CO
-HILL PRODUCTION CO					RECEIVED: 04/06/81 JA: TX			
8124665	31450	4240130842	103		Z K TALIAFERRO #1T ID 886630	POD (COTTON VALLEY) FIEL	180.0	DELHI GAS PIPELINE C
8124665	31450	4240130842	107		Z K TALIAFERRO #1T ID 886630	POD (COTTON VALLEY) FIEL	180.0	DELHI GAS PIPELINE C
-HOLLIDAY DRILLING CO					RECEIVED: 04/06/81 JA: TX			
8124598	28983	4214330614	102		C C LUSBY #1	LUSBY (MARBLE FALLS LIME	150.0	NORTHERN GAS PRODUCT
8124598	28983	4214330614	103		C C LUSBY #1	LUSBY (MARBLE FALLS LIME	150.0	NORTHERN GAS PRODUCT
-HUMBLE EXPLORATION CO INC					RECEIVED: 04/06/81 JA: TX			
8124505	21490	4214930364	102		CARLA #1 - 12776	GIDDINGS	1.0	PHILLIPS PETROLEUM
8124505	21490	4214930364	103		CARLA #1 - 12776	GIDDINGS	1.0	PHILLIPS PETROLEUM
8124522	22963	4228730507	102		CASSANDRA #1 - 87152	GIDDINGS	104.0	PHILLIPS PETROLEUM
8124522	22963	4228730507	103		CASSANDRA #1 - 87152	GIDDINGS	104.0	PHILLIPS PETROLEUM
8124507	21492	4247730323	102		CHASTITY #1 - 12644	GIDDINGS	8.0	PHILLIPS PETROLEUM
8124507	21492	4247730323	103		CHASTITY #1 - 12644	GIDDINGS	8.0	PHILLIPS PETROLEUM
8124617	29930	4247730378	102		ETHEL LOUISE SIVCOSKI #1	GIDDINGS AUSTIN CHALK	32.0	PHILLIPS PETROLEUM C
8124617	29930	4247730378	103		ETHEL LOUISE SIVCOSKI #1	GIDDINGS AUSTIN CHALK	32.0	PHILLIPS PETROLEUM C
8124506	21491	4214930363	102		FRANCES JAEHNE - 12641	GIDDINGS	109.5	PHILLIPS PETROLEUM
8124506	21491	4214930363	103		FRANCES JAEHNE - 12641	GIDDINGS	109.5	PHILLIPS PETROLEUM
8124662	31391	4228730810	102		HESTER SHOWS -	GIDDINGS	221.0	PHILLIPS PETROLEUM C
8124662	31391	4228730810	103		HESTER SHOWS -	GIDDINGS	221.0	PHILLIPS PETROLEUM C
8124504	21489	4214930360	102		KELLY FERGUSON #1 - 12713	GIDDINGS AUSTIN CHALK	460.6	PHILLIPS PETROLEUM
8124504	21489	4214930360	103		KELLY FERGUSON #1 - 12713	GIDDINGS AUSTIN CHALK	460.6	PHILLIPS PETROLEUM
8124509	21495	4214930318	102		MARCY ELLEN - 12154	GIDDINGS	190.8	PHILLIPS PETROLEUM
8124509	21495	4214930318	103		MARCY ELLEN - 12154	GIDDINGS	190.8	PHILLIPS PETROLEUM
8124664	31448	4214930759	102		MARY COLLIER #1 -	GIDDINGS	28.0	PHILLIPS PETROLEUM C
8124664	31448	4214930759	103		MARY COLLIER #1 -	GIDDINGS	28.0	PHILLIPS PETROLEUM C
8124663	31392	4214930696	102		MARY HEARN #1	GIDDINGS	11.0	PHILLIPS PETROLEUM
8124663	31392	4214930696	103		MARY HEARN #1	GIDDINGS	11.0	PHILLIPS PETROLEUM
8124515	21874	4228700008	102		MARYANNE #1 - 11906	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124515	21874	4228700008	103		MARYANNE #1 - 11906	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124503	21488	4228130493	102		MINERVA - 12395	GIDDINGS	170.0	PHILLIPS PETROLEUM
8124503	21488	4228130493	103		MINERVA - 12395	GIDDINGS	170.0	PHILLIPS PETROLEUM

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124502	21487	4214930358	102		MOSELEY #1 - 12712	GIDDINGS AUSTIN CHALK	460.6	PHILLIPS PETROLEUM
8124502	21487	4214930358	103		MOSELEY #1 - 12712	GIDDINGS AUSTIN CHALK	460.6	PHILLIPS PETROLEUM
8124510	21493	4214930362	102		NELLIE #1 - 12640	GIDDINGS	8.0	PHILLIPS PETROLEUM
8124510	21493	4214930362	103		NELLIE #1 - 12640	GIDDINGS	8.0	PHILLIPS PETROLEUM
8124511	21494	4214930361	102		NELLIE #2 - 12639	GIDDINGS	8.0	PHILLIPS PETROLEUM
8124511	21494	4214930361	103		NELLIE #2 - 12639	GIDDINGS	8.0	PHILLIPS PETROLEUM
8124516	21867	4228700009	102		PEGGY ANN #1 - 11907	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124516	21867	4228700009	103		PEGGY ANN #1 - 11907	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124508	21496	4214930317	102		PEGGY ANN - 12153	GIDDINGS	190.8	PHILLIPS PETROLEUM
8124508	21496	4214930317	103		PEGGY ANN - 12153	GIDDINGS	190.8	PHILLIPS PETROLEUM
8124513	21865	4247531701	107		PEGGY CADENHEAD WELL NO 1	6-M PENN	786.0	INTRATEX GAS CO
8124512	21497	4214930316	102		PEGGY LOU - 12152	GIDDINGS	190.8	PHILLIPS PETROLEUM
8124512	21497	4214930316	103		PEGGY LOU - 12152	GIDDINGS	190.8	PHILLIPS PETROLEUM
8124517	21868	4228700010	102		PEGGY SUE #1 - 11908	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124517	21868	4228700010	103		PEGGY SUE #1 - 11908	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124518	21869	4228700011	102		PEGGY SUE #2 - 11909	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124518	21869	4228700011	103		PEGGY SUE #2 - 11909	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124519	21870	4228700012	102		PEGGY SUE #3 - 11910	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124519	21870	4228700012	103		PEGGY SUE #3 - 11910	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124520	21871	4228700013	102		PEGGY SUE #4 - 11911	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124520	21871	4228700013	103		PEGGY SUE #4 - 11911	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124521	21872	4228700014	102		PEGGY SUE #5 - 11912	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124521	21872	4228700014	103		PEGGY SUE #5 - 11912	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124523	21873	4228700015	102		PEGGY SUE #6 - 11913	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124523	21873	4228700015	103		PEGGY SUE #6 - 11913	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124524	21875	4228700016	102		PEGGY SUE #7 - 11914	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124524	21875	4228700016	103		PEGGY SUE #7 - 11914	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124525	21876	4228700017	102		PEGGY SUE #8 - 11915	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124525	21876	4228700017	103		PEGGY SUE #8 - 11915	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124526	21877	4228700018	102		PEGGY SUE #9 - 11916	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124526	21877	4228700018	103		PEGGY SUE #9 - 11916	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124527	21878	4228700019	102		PEGGY SUE #10 - 11917	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124527	21878	4228700019	103		PEGGY SUE #10 - 11917	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124528	21879	4228700020	102		PEGGY SUE #11 - 11918	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124528	21879	4228700020	103		PEGGY SUE #11 - 11918	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124529	21880	4228700021	102		PEGGY SUE #12 - 11919	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124529	21880	4228700021	103		PEGGY SUE #12 - 11919	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124530	21881	4228700022	102		PEGGY SUE #13 - 11920	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124530	21881	4228700022	103		PEGGY SUE #13 - 11920	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124531	21882	4228700023	102		PEGGY SUE #14 - 11921	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124531	21882	4228700023	103		PEGGY SUE #14 - 11921	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124532	21883	4228700024	102		PEGGY SUE #15 - 11922	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124532	21883	4228700024	103		PEGGY SUE #15 - 11922	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124533	21884	4228700025	102		PEGGY SUE #16 - 11923	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124533	21884	4228700025	103		PEGGY SUE #16 - 11923	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124534	21885	4228700026	102		PEGGY SUE #17 - 11924	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124534	21885	4228700026	103		PEGGY SUE #17 - 11924	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124535	21886	4228700027	102		PEGGY SUE #18 - 11925	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124535	21886	4228700027	103		PEGGY SUE #18 - 11925	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124536	21887	4228700028	102		PEGGY SUE #19 - 11926	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124536	21887	4228700028	103		PEGGY SUE #19 - 11926	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124537	21888	4228700029	102		PEGGY SUE #20 - 11927	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124537	21888	4228700029	103		PEGGY SUE #20 - 11927	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124538	21889	4228700030	102		PEGGY SUE #21 - 11928	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124538	21889	4228700030	103		PEGGY SUE #21 - 11928	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124539	21890	4228700031	102		PEGGY SUE #22 - 11929	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124539	21890	4228700031	103		PEGGY SUE #22 - 11929	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124540	21891	4228700032	102		PEGGY SUE #23 - 11930	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124540	21891	4228700032	103		PEGGY SUE #23 - 11930	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124541	21892	4228700033	102		PEGGY SUE #24 - 11931	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124541	21892	4228700033	103		PEGGY SUE #24 - 11931	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124542	21893	4228700034	102		PEGGY SUE #25 - 11932	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124542	21893	4228700034	103		PEGGY SUE #25 - 11932	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124543	21894	4228700035	102		PEGGY SUE #26 - 11933	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124543	21894	4228700035	103		PEGGY SUE #26 - 11933	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124544	21895	4228700036	102		PEGGY SUE #27 - 11934	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124544	21895	4228700036	103		PEGGY SUE #27 - 11934	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124545	21896	4228700037	102		PEGGY SUE #28 - 11935	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124545	21896	4228700037	103		PEGGY SUE #28 - 11935	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124546	21897	4228700038	102		PEGGY SUE #29 - 11936	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124546	21897	4228700038	103		PEGGY SUE #29 - 11936	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124547	21898	4228700039	102		PEGGY SUE #30 - 11937	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124547	21898	4228700039	103		PEGGY SUE #30 - 11937	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124548	21899	4228700040	102		PEGGY SUE #31 - 11938	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124548	21899	4228700040	103		PEGGY SUE #31 - 11938	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124549	21900	4228700041	102		PEGGY SUE #32 - 11939	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124549	21900	4228700041	103		PEGGY SUE #32 - 11939	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124550	21901	4228700042	102		PEGGY SUE #33 - 11940	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124550	21901	4228700042	103		PEGGY SUE #33 - 11940	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124551	21902	4228700043	102		PEGGY SUE #34 - 11941	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124551	21902	4228700043	103		PEGGY SUE #34 - 11941	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124552	21903	4228700044	102		PEGGY SUE #35 - 11942	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124552	21903	4228700044	103		PEGGY SUE #35 - 11942	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124553	21904	4228700045	102		PEGGY SUE #36 - 11943	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124553	21904	4228700045	103		PEGGY SUE #36 - 11943	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124554	21905	4228700046	102		PEGGY SUE #37 - 11944	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124554	21905	4228700046	103		PEGGY SUE #37 - 11944	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124555	21906	4228700047	102		PEGGY SUE #38 - 11945	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124555	21906	4228700047	103		PEGGY SUE #38 - 11945	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124556	21907	4228700048	102		PEGGY SUE #39 - 11946	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124556	21907	4228700048	103		PEGGY SUE #39 - 11946	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124558	21908	4228700049	102		PEGGY SUE #40 - 11947	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124558	21908	4228700049	103		PEGGY SUE #40 - 11947	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124559	21909	4228700050	102		PEGGY SUE #41 - 11948	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124559	21909	4228700050	103		PEGGY SUE #41 - 11948	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124560	21910	4228700051	102		PEGGY SUE #42 - 11949	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124560	21910	4228700051	103		PEGGY SUE #42 - 11949	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124561	21911	4228700052	102		PEGGY SUE #43 - 11950	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124561	21911	4228700052	103		PEGGY SUE #43 - 11950	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124562	21912	4228700053	102		PEGGY SUE #44 - 11951	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124562	21912	4228700053	103		PEGGY SUE #44 - 11951	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124563	21913	4228700054	102		PEGGY SUE #45 - 11952	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124563	21913	4228700054	103		PEGGY SUE #45 - 11952	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124564	21914	4228700055	102		PEGGY SUE #46 - 11953	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124564	21914	4228700055	103		PEGGY SUE #46 - 11953	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124565	21915	4228700056	102		PEGGY SUE #47 - 11954	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124565	21915	4228700056	103		PEGGY SUE #47 - 11954	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124566	21916	4228700057	102		PEGGY SUE #48 - 11955	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124566	21916	4228700057	103		PEGGY SUE #48 - 11955	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124567	21917	4228700058	102		PEGGY SUE #49 - 11956	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124567	21917	4228700058	103		PEGGY SUE #49 - 11956	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124568	21918	4228700059	102		PEGGY SUE #50 - 11957	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124568	21918	4228700059	103		PEGGY SUE #50 - 11957	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124569	21919	4228700060	102		PEGGY SUE #51 - 11958	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124569	21919	4228700060	103		PEGGY SUE #51 - 11958	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124570	21920	4228700061	102		PEGGY SUE #52 - 11959	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124570	21920	4228700061	103		PEGGY SUE #52 - 11959	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124571	21921	4228700062	102		PEGGY SUE #53 - 11960	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124571	21921	4228700062	103		PEGGY SUE #53 - 11960	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124572	21922	4228700063	102		PEGGY SUE #54 - 11961	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124572	21922	4228700063	103		PEGGY SUE #54 - 11961	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124573	21923	4228700064	102		PEGGY SUE #55 - 11962	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124573	21923	4228700064	103		PEGGY SUE #55 - 11962	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124574	21924	4228700065	102		PEGGY SUE #56 - 11963	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124574	21924	4228700065	103		PEGGY SUE #56 - 11963	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124575	21925	4228700066	102		PEGGY SUE #57 - 11964	GIDDINGS	86.5	PHILLIPS PETROLEUM
8124575	21925	4228700066	103		PEGGY SUE #57 - 11964	GIDDINGS	86.5	PHILLIPS PETROLEUM

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124518	21499	4247730313	102		NELL #1 - 12356	GIDDINGS	125.9	PHILLIPS PETROLEUM
8124518	21499	4247730313	103		NELL #1 - 12356	GIDDINGS	125.9	PHILLIPS PETROLEUM
8124508	21493	4228730407	102		RUTHANE 12139	GIDDINGS	304.8	PHILLIPS PETROLEUM
8124508	21493	4228730407	103		RUTHANE 12139	GIDDINGS	304.8	PHILLIPS PETROLEUM
8124511	21503	4214930310	102		SARITA WEST -12256	GIDDINGS	215.7	PHILLIPS PETROLEUM
8124511	21503	4214930310	103		SARITA WEST -12256	GIDDINGS	215.7	PHILLIPS PETROLEUM
-HUNT OIL COMPANY					RECEIVED: 04/06/81 JA: TX			
8124706	31717	4200730643	103		STATE TRACT 83 WELL 83LT	GOOSE ISLAND (C SD LO)	28.8	NATURAL GAS PIPELINE
-INTEGRAL ENERGY CORP					RECEIVED: 04/06/81 JA: TX			
8124485	19089	4212331013	103		ANGERSTEIN-RUSCHHAUPT UNIT #2-L	COTTONWOOD CREEK SD (YEG	73.0	LOVACA GATHERING CO
8124486	19090	4212331013	103		ANGERSTEIN-RUSCHHAUPT UNIT #2-U	COTTONWOOD CREEK SD (YEG	146.0	LOVACA GATHERING CO
-J A LEONARD					RECEIVED: 04/06/81 JA: TX			
8124717	31737	4205100000	103		PILLOW NO 1	WILLARD (NAVARRO)	41.0	FERGUSON CROSSING PI
8124718	31738	4205100000	103		PILLOW NO 2	WILLARD (NAVARRO)	44.5	FERGUSON CROSSING PI
8124719	31739	4205100000	103		PILLOW NO 3	WILLARD (NAVARRO)	43.0	FERGUSON CROSSING PI
-J CLEO THOMPSON					RECEIVED: 04/06/81 JA: TX			
8124583	28235	4210500000	102		UNIVERSITY 19 E-2	UNIVERSITY 31 STRAWN-DET	8.0	PHILLIPS PETROLEUM C
8124626	30089	4210533047	102		UNIVERSITY 26E-2	UNIVERSITY 31 (QUEEN)	18.0	PHILLIPS PETROLEUM C
-JCO PIPE & SUPPLY INC					RECEIVED: 04/06/81 JA: TX			
8124472	00779	4206500000	108		SAILOR 03326 WELL #1	PANHANDLE	16.0	GETTY OIL CO
-JOE D DAVIS					RECEIVED: 04/06/81 JA: TX			
8124564	26451	4216100000	108		BAGGETT-STILES 1-C 1-T(15711 15723)	NF-TEAGUE WEST (TRAVIS P	12.0	LONE STAR GAS CO
-KELLY BELL					RECEIVED: 04/06/81 JA: TX			
8124561	26299	4228531484	103		LEON BARNES #1	WILDCAT (RUSSEK AREA)	100.0	ESPERANZA TRANSMISSI
-KIRBY EXPLORATION CO					RECEIVED: 04/06/81 JA: TX			
8124596	28943	4228531517	102		HOBBS B J UNIT WELL NO 4	SPEAKS & (FRIO F-10 SAND	1000.0	SEAGULL PIPELINE COR
-LADD PETROLEUM CORPORATION					RECEIVED: 04/06/81 JA: TX			
8124487	19261	4236731491	103		BLAIR UNIT NO 1-T	TOTO (LIME - M - 1)	87.3	LONE STAR GAS CO
8124475	16520	4236731556	103		L B WILSON UNIT NO 2	TOTO (CADDO CONGLOMERATE	175.0	LONE STAR GAS CO
-LAYTON ENTERPRISES INC					RECEIVED: 04/06/81 JA: TX			
8124691	31674	4207931263	103		REED WRIGHT #20	LEVELLAND	6.3	CITIES SERVICE CO
8124666	31524	4207931262	103		REED WRIGHT #21	LEVELLAND	7.8	CITIES SERVICE CO
-LEVIS PRODUCTION CO INC					RECEIVED: 04/06/81 JA: TX			
8124669	31548	4205932806	103		EULA DAVIS RRC#90133	CALLAHAN COUNTY REGULAR	547.0	CENTURY NATURAL GAS
-LITTLE TIGER OIL CO INC					RECEIVED: 04/06/81 JA: TX			
8124477	17484	4236500000	108		JULIA YOUNG NO 1	CARTHAGE (HILL SOUTHWEST	15.0	UNITED GAS PIPELINE
-MARIANAS OPERATING CO INC					RECEIVED: 04/06/81 JA: TX			
8124632	30634	4208332012	102		HUCKABEE #2 (15421)	LITTLE LONGHORN (MORRIS)	33.0	ODESSA NATURAL CORP
-MCCORMICK OPERATING CO					RECEIVED: 04/06/81 JA: TX			
8124605	29007	4240131007	103		DELTA GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	470.0	HYDROCARBON TRANSFER
8124605	29007	4240131007	107		DELTA GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	470.0	HYDROCARBON TRANSFER
8124602	29004	4240130981	103		G W BIRD GAS UNIT NO 4	OAK HILL (COTTON VALLEY)	475.0	HYDROCARBON TRANSFER
8124602	29004	4240130981	107		G W BIRD GAS UNIT NO 4	OAK HILL (COTTON VALLEY)	475.0	HYDROCARBON TRANSFER
8124600	29002	4240130963	103		GRAY GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	575.0	HYDROCARBON TRANSFER
8124600	29002	4240130963	107		GRAY GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	575.0	HYDROCARBON TRANSFER
8124601	29003	4240130892	103		RAIDER GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	360.0	HYDROCARBON TRANSFER
8124601	29003	4240130892	107		RAIDER GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	360.0	HYDROCARBON TRANSFER
8124604	29006	4240130949	103		ROGERS GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	445.0	HYDROCARBON TRANSFER
8124604	29006	4240130949	107		ROGERS GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	445.0	HYDROCARBON TRANSFER
8124607	29016	4240130877	103		THOMPSON GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
8124607	29016	4240130877	107		THOMPSON GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
8124603	29005	4240130982	103		TURNER GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	365.0	HYDROCARBON TRANSFER
8124603	29005	4240130982	107		TURNER GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	365.0	HYDROCARBON TRANSFER

JD NO	JA DKT	API NO	SEC	D	WELL NAME
-MCMAHON-BULLINGTON DRLG CO					RECEIVED: 04/06/81 JA: TX
8124710	31729	4236700000	108		BEGGS #1 75160
8124708	31726	4223700000	108		CLAYTON #12 66758
8124707	31725	4223700000	108		CLAYTON #14 67233
8124709	31727	4223700000	108		CLAYTON #8 61133
8124711	31730	4236700000	108		GAINES #2 71778
8124713	31732	4236700000	108		WOODY B - 1 75162
8124712	31731	4236700000	108		WOODY B - 3 80333
8124714	31733	4236700000	108		WOODY B - 4 80332
-MEG PETROLEUM CORP					RECEIVED: 04/06/81 JA: TX
8124738	31817	4223531540	103		LEXIA M AIKEN #1
-MESA PETROLEUM					RECEIVED: 04/06/81 JA: TX
8124479	18248	4243130736	103		FOSTER 1-8
-MGF OIL CORP					RECEIVED: 04/06/81 JA: TX
8124650	30991	4231732241	103		HENSON #1
-MITCHELL ENERGY CORP					RECEIVED: 04/06/81 JA: TX
8124550	25727	4236731777	103		G D WILEY #3
8124527	23142	4249730547	103		J J FRANK A #1
8124530	23229	4250332678	103		NORMAN STOVALL #2
-MITCHELL ENERGY CORPORATION					RECEIVED: 04/06/81 JA: TX
8124720	31743	4249700000	103		ASCCU #2-4
8124585	28562	4249700000	108		C H DISHOP #1 85604
8124627	30148	4249700000	108		COKE L GAGE #1 31227
8124592	28863	4249700000	108		J L HALL #1 28666
8124584	28250	4236300000	108		J W CHASTAIN #1 55017
8124482	18838	4242900000	108		SEAMAN RANCH #2 37330
-NORMAC OIL & GAS CO					RECEIVED: 04/06/81 JA: TX
8124593	28883	4212732081	102		STUMBERG RANCH NO 8
-NYRL M FURRY					RECEIVED: 04/06/81 JA: TX
8124642	30786	4204931698	103		HUBERT GUTHRIE A
-NATURAL ENERGY PRODUCTION CO					RECEIVED: 04/06/81 JA: TX
8124519	22458	4249700000	103		J B CARSON #1 (85253)
-OILWELL OPERATORS INC					RECEIVED: 04/06/81 JA: TX
8124641	30783	4217900000	108		HOLMES #6 80259
-ONG EXPLORATION INC					RECEIVED: 04/06/81 JA: TX
8124480	18394	4229530644	103		SCHNEIDER NO 3
-PALO-PLACER					RECEIVED: 04/06/81 JA: TX
8124629	30551	4246131528	103		LANGFORD 44-2
-PAUL DE CLEVA					RECEIVED: 04/06/81 JA: TX
8124652	31008	4223732228	103		OWEN ESTATE NO 3
-PDC GAS CO					RECEIVED: 04/06/81 JA: TX
8124635	30704	4237100000	103		UNIVERSITY #6
-PEL-TEX OIL COMPANY INC					RECEIVED: 04/06/81 JA: TX
8124516	22169	4215730881	102		M JACKSON ET AL WELL NO 1
-PETROCO ENERGY					RECEIVED: 04/06/81 JA: TX
8124748	31876	4236731923	103		CHARLES W MAXWELL
-PETROVEST INC					RECEIVED: 04/06/81 JA: TX
8124538	24406	4223931455	102		HESS ET AL #2A ID NO 86648
8124538	24406	4223931455	103		HESS ET AL #2A ID NO 86648
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 04/06/81 JA: TX
8124758	32494	4206500000	108		COOPER B #3
8124732	31797	4200332408	103		EMBAR B #42
8124688	31667	4213533521	103		GOLDSMITH ADOBE #21-7

FIELD NAME	PROD	PURCHASER
DICEY (CONGLOMERATE)	19.0	TEXAS UTILITIES FUEL
JACK COUNTY REGULAR	5.0	TEXAS UTILITIES FUEL
JACK COUNTY REGULAR	7.0	TEXAS UTILITIES FUEL
JACK COUNTY REGULAR	8.0	TEXAS UTILITIES FUEL
BETHESDA (CADDO)	11.0	TEXAS UTILITIES FUEL
DICEY (CONGLOMERATE)	8.0	TEXAS UTILITIES FUEL
DICEY (CONGLOMERATE)	6.0	TEXAS UTILITIES FUEL
DICEY (CONGLOMERATE)	6.0	TEXAS UTILITIES FUEL
CHRISTI (CANYON 6800)	10.2	NORTHERN NATURAL GAS
W A M (FUSSELMAN)	102.0	ESPERANZA PIPELINE C
SPRABERRY (TREND AREA)	44.7	
DICEY (CONGLOMERATE)	318.6	
BOONESVILLE (BEND CONGLO	420.6	LONE STAR GAS CO
YOUNG COUNTY REGULAR (OI	0.0	SOUTHWESTERN GAS PIP
ALVORD SOUTH (CADDO CONG	0.0	NATURAL GAS PIPELINE
CHICO WEST (CONGL 5780)	6.0	NATURAL GAS PIPELINE
BOONSVILLE (BEND CONGL 6	7.2	NATURAL GAS PIPELINE
BOONESVILLE (BEND CONGL	0.0	NATURAL GAS PIPELINE
LONE CAPP (BEND CONGL)	6.0	SOUTHWESTERN GAS PIP
SEAMAN (CONGL UPPER)	4.0	LONE STAR GAS CO
STUMBERG (OLMOS N-2) (PR	180.0	VALERO TRANSMISSION
BROWN COUNTY REGULAR	48.0	SIOUX PIPELINE CO
BOONSVILLE (BEND CONGL 6	621.0	NATURAL GAS PIPELINE
PANHANDLE- WEST	6.0	PHILLIPS PETROLEUM C
DARREN (MORROW LOWER)	150.0	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	0.0	PHILLIPS PETROLEUM C
BRYSON EAST (CADDO)	88.0	SOUTHWESTERN GAS PIP
CARDINAL (SAN ANDRES)	31.0	NORTHERN NATURAL GAS
ROSENBERG (YEGUA 8120) F	127.0	UNITED GAS PIPE LINE
POOLVILLE SW (4700)	73.0	LONE STAR GAS CO
MAYO (5750)	225.0	TEXAS EASTERN TRANSM
MAYO (5750)	225.0	TEXAS EASTERN TRANSM
PANHANDLE CARSON	4.5	GETTY OIL CO
EMBAR (PERMIAN)	10.2	EL PASO NATURAL GAS
GOLDSMITH (5600)	15.2	EL PASO NATURAL GAS

JD NO	JA DKT	API NO	SEC	D	WELL NAME
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 04/06/81 JA: TX
8124758	32494	4206500000	108		COOPER B #3
8124732	31797	4200332408	103		EMBAR B #42
8124688	31667	4213533521	103		GOLDSMITH ADOBE #21-7
-PRIDE PRODUCTION CO					RECEIVED: 04/06/81 JA: TX
8124744	31866	4249731923	103		CHARLES W MAXWELL

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124731	31796	4213533527	103		GS ADOBE #21-6	GOLDSMITH (5600)	12.4	EL PASO NATURAL GAS
8124690	31673	4213533353	103		GS ADOBE #23-7	GOLDSMITH (5600)	9.5	EL PASO NATURAL GAS
8124705	31714	4206500000	108		THORNBURG #5	PANHANDLE CARSON	0.0	GETTY OIL CO
-PIONEER PRODUCTION CORPORATION					RECEIVED: 04/06/81 JA: TX			
8124618	29258	4239330819	103		FLOWERS B #5-5	NW MENDOTA (LOWER) DOUBL	75.0	PIONEER NATURAL GAS
-RAY HERRING					RECEIVED: 04/06/81 JA: TX			
8124615	29821	4250300000	108		JOHNSON C #1	YOUNG COUNTY REGULAR	5.0	LONE STAR GAS CO
-REALITOS ENERGY CORP					RECEIVED: 04/06/81 JA: TX			
8124594	28885	4246931639	102		LUCILLE PEREZ NO 1	COLETTO CREEK S (4820)	365.0	TENNESSEE GAS PIPELI
8124591	28836	4246931667	102		MARSLIN WILLEMIN NO 1	COLETTO CREEK S (5030)	250.0	TENNESSEE GAS PIPELI
-RICHEY EXPLORATION CO					RECEIVED: 04/06/81 JA: TX			
8124616	29980	4249731872	103		D G BAUGH NO 1 - 89958	BOONESVILLE (BEND CONG G	48.0	LONE STAR GAS CO
-ROBERT L MCMILLAN					RECEIVED: 04/06/81 JA: TX			
8124730	31786	4213332221	103		ROBBINS A #1 (88130)	MITTIE (MARBLE FALLS)	197.0	LONE STAR GAS CO
-SAGE ENERGY CO					RECEIVED: 04/06/81 JA: TX			
8124650	31193	4214930524	102		CHARLIE #1 RRC - 13234	GIDDINGS (AUSTIN CHALK)	237.0	FALCON GAS CO
-SANTA FE ENERGY COMPANY					RECEIVED: 04/06/81 JA: TX			
8124559	26254	4216531517	103		FOLK A #7	MANFORD (SAN ANDRES)	50.0	PHILLIPS PETROLEUM C
8124543	25242	4216531683	103		FOLK A #8	MANFORD (SAN ANDRES)	9.0	PHILLIPS PETROLEUM C
-SEAGULL INTERNATIONAL EXPLORATION I					RECEIVED: 04/06/81 JA: TX			
8124546	25446	4236500000	102		ORVILLE TODD GAS UNIT WELL NO 1-T	PINEMILL SE (TRAVIS PEAK	0.0	UNITED GAS PIPELINE
8124552	25799	4236500000	102		SMITH-WALLACE WELL #1	PINEMILL SE (RODESSA GLO	0.0	UNITED GAS PIPELINE
8124551	25798	4248100000	102		VIRGIL SMITH GAS UNIT WELL NO 1	PINEMILL SE (TRAVIS PEAK	0.0	UNITED GAS PIPELINE
-SHELL OIL CO					RECEIVED: 04/06/81 JA: TX			
8124671	31608	4249531056	103		SEALY SMITH FDN NO 99A	MONAHANS (QUEEN SAND)	7.3	EL PASO NATURAL GAS
-SKLAR & PHILLIPS OIL CO					RECEIVED: 04/06/81 JA: TX			
*8124545	25425	4236531871	102		BOX GAS UNIT NO 1	CARTHAGE (COTTON VALLEY)	180.0	UNITED GAS PIPE LINE
*8124545	25425	4236531871	103		BOX GAS UNIT NO 1	CARTHAGE (COTTON VALLEY)	180.0	UNITED GAS PIPE LINE
-SMACKOVER SHELL LIMITED					RECEIVED: 04/06/81 JA: TX			
8124579	27912	4221330214	102		L L COCKERELL ESTATE UNIT 1 NO 2	EUSTACE (SMACKOVER)	1500.0	LONE STAR GAS CO
8124578	27909	4221330054	102		RICHARDSON BROS GAS UNIT 1 NO 1	EUSTACE (SMACKOVER)	0.0	LONE STAR GAS CO
8124577	27908	4221330217	102		RICHARDSON BROS GAS UNIT 1 NO 2	EUSTACE (SMACKOVER)	1500.0	LONE STAR GAS CO
-SOHIO PETROLEUM CO					RECEIVED: 04/06/81 JA: TX			
8124733	31800	4208332581	103		V L GRADY WELL NO 7	OAKKE (ELLENBURGER)	28.0	EL PASO NATURAL GAS
-SOUTHLAND ROYALTY CO					RECEIVED: 04/06/81 JA: TX			
8124492	19520	4210500000	108		COX ESTATE #1	INGHAM	4.2	EL PASO NATURAL GAS
8124628	30282	4210300000	103		MOSS 28 #2	TROPORA	125.0	NORTHERN NATURAL GAS
-SPINDLETOP OIL & GAS CO					RECEIVED: 04/06/81 JA: TX			
8124496	28462	4236731010	103		BAILEY HEIRS #1 (77949)	MALES (4650)	107.0	LONE STAR GAS CO
8124495	28452	4236730991	103		DOYLE BLAYLOCK #1 (76415)	COLEEN (MARBLE FALLS)	182.0	TEXAS UTILITIES FUEL
8124499	28477	4236731354	103		KELLY #1-C (84204)	WEATHERFORD (STRAWN A)	22.0	BUCKNER GAS CO
8124498	28475	4236731354	103		KELLY #1-T (84183)	MALES (4300)	42.0	BUCKNER GAS CO
8124497	28474	4236730586	103		LONG JONES #1 (71584)	MALES (4650)	248.0	LONE STAR GAS CO
-STALLWORTH OIL & GAS INC					RECEIVED: 04/06/81 JA: TX			
8124638	30751	4222130599	103		STALLWORTH OIL & GAS INC -BR4714	BLACK RANCH (ATOKA BSB)	91.2	LONE STAR GAS CO
8124639	30752	4222130595	103		STALLWORTH OIL & GAS INC -BR4812	BLACK RANCH (ATOKA BSB)	0.0	LONE STAR GAS CO
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 04/06/81 JA: TX			
8124636	30734	4217900000	108		BROWN DOLOMITE NO 2-2	PANHANDLE GRAY	0.3	PHILLIPS PETROLEUM C
8124660	31226	4221932744	103		CENTRAL LEVELLAND UNIT #238	LEVELLAND	7.4	AMOCO PRODUCTION CO
8124659	31225	4221932750	103		CENTRAL LEVELLAND UNIT #243	LEVELLAND	2.3	AMOCO PRODUCTION CO
8124611	29364	4208130930	103		CENTRAL NATIONAL BANK #16	LYDAY	24.4	LONE STAR GAS CO
8124684	31657	4217900000	108		COMBS & WORLEY -A- NO 11	PANHANDLE	0.1	PHILLIPS PETROLEUM C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124682	31655	4213500000	108		FOSTER JOHNSON UNIT NO 15-17	FOSTER	8.3	ODESSA NATURAL CORP
8124638	30597	4243330533	103		I S MCMILLIN A/C 2 86	FRANKIRK (ELLENBURGER)	9.5	CITIES SERVICE CO
8124631	30598	4243330538	103		I S MCMILLIN A/C 2 87	FRANKIRK (ELLENBURGER)	64.0	CITIES SERVICE CO
8124637	30738	4208100000	108		JAMESON REEF UNIT NO 14-4	JAMESON	6.0	LONE STAR GAS CO
8124524	23121	4208130850	103		JAMESON REEF UNIT WELL NO 432	JAMESON	22.0	LONE STAR GAS CO
8124612	29366	4208130870	103		JAMESON STRAWN S U NO 2-6	JAMESON (STRAWN)	22.0	EL PASO NATURAL GAS
8124517	22277	4208130798	103		JAMESON STRAWN SAND UT #2-5	JAMESON (STRAWN)	74.0	EL PASO NATURAL GAS
8124687	31663	4224500000	108		LONG-MAUBOULES NO 1	NONE	18.0	TEXAS GAS PIPE LINE
8124474	16211	4210300000	108		M T COLE NO 21	EAST TEXAS	1.0	ARCO OIL & GAS CO
8124685	31661	4242731356	103		MARGARET S RENDALL NO 1	LOCKHART	579.0	TENNESSEE GAS PIPELI
8124686	31662	4242700000	108		R OLIVARES UNIT NO 1	STARR COUNTY NE	20.0	
8124683	31656	4230300000	108		RUPERT P RICKER NO 2	SPRABERRY TREND AREA	15.0	EL PASO NATURAL GAS
8124563	26438	4233531175	103		V T MCCABE B NO 20	JAMESON N (STRAWN)	21.3	LONE STAR GAS CO
-TAYLOR BROTHERS OIL CO					RECEIVED: 04/06/81 JA: TX			
8124694	31679	4234130544	103		GORDON #1 (RRC ID 080100)	TEXAS HUGOTON	73.0	PHILLIPS PETROLEUM C
-TEXACO INC					RECEIVED: 04/06/81 JA: TX			
8124587	28774	4210532683	103		A R KINCAID TRUST #9	OZONA (CANYON SAND)	74.0	NORTHERN NATURAL GAS
8124483	18998	4240100000	102		ED LOCKRIDGE GAS UNIT WELL #1	OAK HILL N W	8.0	
8124483	18990	4240100000	107		ED LOCKRIDGE GAS UNIT WELL #1	OAK HILL N W	8.0	
8124634	30679	4221932928	103		MONTGOMERY ESTATE DAVIES MCT-2 #66	LEVELLAND	31.4	AMOCO PRODUCTION CO
8124680	31645	4221932932	103		MONTGOMERY ESTATE DAVIES MCT-2 #70	LEVELLAND	39.8	AMOCO PRODUCTION CO
-TEXAS OIL & GAS CORP					RECEIVED: 04/06/81 JA: TX			
8124476	16719	4248131499	103		BOETTCHER GAS UNIT #1 WELL #3	BONUS (BERNARD EAST 7100	150.0	TEXAS EASTERN TRANSM
8124478	18177	4229330404	102		CURREY C #1	POKEY	0.0	DELHI GAS PIPELINE C
8124478	18177	4229330484	103		CURREY C #1	POKEY	0.0	DELHI GAS PIPELINE C
8124562	26354	4229500000	102		DIXON D #2	KOWA CREEK N (MORROW UPP	2400.0	DELHI GAS PIPELINE C
8124548	24921	4226130463	102		ERCK #13-UPPER	MCGILL (7894)	580.0	FLORIDA GAS TRANSMIS
8124512	21767	4216130556	103		FAILS #1	PERSONVILLE NE (COTTON V	300.0	
8124512	21767	4216130556	107		FAILS #1	PERSONVILLE NE (COTTON V	300.0	
8124513	21768	4232130957	103		STEELE #2 - LOWER	SO DUNCAN SLOUGH LOWER F	750.0	DELHI GAS PIPELINE C
8124521	22708	4216130569	102		TERRY B #1	REED N (COTTON VALLEY LI	700.0	
8124521	22708	4216130569	103		TERRY B #1	REED N (COTTON VALLEY LI	700.0	
8124747	31861	4248130689	103		THREADGILL #1-X	SHILOH (TRAVIS PEAK)	90.0	DELHI GAS PIPELINE C
-TEXLAND PETROLEUM INC					RECEIVED: 04/06/81 JA: TX			
8124500	20507	4244530881	102		BEATRICE HESTER NO 5	WARHORSE (CLEARFORK UPPE	15.0	AMOCO PRODUCTION CO
8124501	20508	4244530744	102		GULF-COONS NO 7-A	WARHORSE (CLEARFORK UPPE	24.0	AMOCO PRODUCTION CO
-TEXLAND-RECTOR & SCHUMACHER					RECEIVED: 04/06/81 JA: TX			
8124590	28794	4221932790	103		D B BRYAN NO 6	SLAUGHTER	3.0	AMOCO PRODUCTION CO
8124589	28793	4221932791	103		D B BRYAN NO 7	SLAUGHTER	12.4	AMOCO PRODUCTION CO
8124588	28792	4221932792	103		D B BRYAN NO 8	SLAUGHTER	12.4	AMOCO PRODUCTION CO
-TEXOMA PRODUCTION CO					RECEIVED: 04/06/81 JA: TX			
8124614	29722	4270630159	102		STATE TRACT 245-L #2L	BLOCK 245 (5960)	548.0	NATURAL GAS PIPELINE
-THOMAS D COFFMAN INC					RECEIVED: 04/06/81 JA: TX			
8124572	27346	4214930468	102		BRUNNER NO 1 069951	SIDDINGS (AUSTIN CHALK 6	547.5	SOUTH CEN-TEX GAS CO
8124569	27339	4214930352	102		D T B 3 052618	SIDDINGS (AUSTIN CHALK)	9.0	PHILLIPS PETROLEUM C
8124566	27336	4214930474	102		RUISINGER UNIT NO 1 071075	SIDDINGS (AUSTIN CHALK)	8.1	PHILLIPS PETROLEUM C
8124689	31672	4214930769	102		SCHINDLER NO 1 096711	SIDDINGS (AUSTIN CHALK)	214.0	PHILLIPS PETROLEUM C
8124567	27337	4214930392	102		SHORTY UNIT NO 1 059367	SIDDINGS (AUSTIN CHALK)	28.4	PHILLIPS PETROLEUM C
8124573	27347	4214930367	102		TROUSDALE NO 1 055888	SIDDINGS (AUSTIN CHALK)	18.0	PHILLIPS PETROLEUM C
8124558	26284	4214930494	102		VOID NO 1 073530	SIDDINGS (AUSTIN CHALK)	4.7	SOUTH CEN-TEX GAS CO
8124570	27344	4214930498	102		WETJEN NO 1 074181	SIDDINGS (AUSTIN CHALK)	182.0	SOUTH CEN-TEX CO
8124571	27345	4214930666	102		WETJEN NO 2 086951	SIDDINGS (AUSTIN CHALK)	119.0	SOUTH CEN-TEX GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124575	27350	4214930500	102		WETJEN NO 3 086952	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124576	27351	4214930501	102		WETJEN NO 4 086953	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124577	27352	4214930502	102		WETJEN NO 5 086954	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124578	27353	4214930503	102		WETJEN NO 6 086955	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124579	27354	4214930504	102		WETJEN NO 7 086956	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124580	27355	4214930505	102		WETJEN NO 8 086957	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124581	27356	4214930506	102		WETJEN NO 9 086958	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124582	27357	4214930507	102		WETJEN NO 10 086959	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124583	27358	4214930508	102		WETJEN NO 11 086960	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124584	27359	4214930509	102		WETJEN NO 12 086961	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124585	27360	4214930510	102		WETJEN NO 13 086962	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124586	27361	4214930511	102		WETJEN NO 14 086963	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124574	27348	4214930512	102		WETJEN NO 15 086964	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124691	31676	4214930513	102		WETJEN NO 16 086965	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124692	31677	4214930514	102		WETJEN NO 17 086966	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124693	31678	4214930515	102		WETJEN NO 18 086967	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124690	31675	4214930516	102		WETJEN NO 19 086968	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124675	31650	4214930517	102		WETJEN NO 20 086969	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124676	31651	4214930518	102		WETJEN NO 21 086970	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124677	31652	4214930519	102		WETJEN NO 22 086971	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124678	31653	4214930520	102		WETJEN NO 23 086972	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124679	31654	4214930521	102		WETJEN NO 24 086973	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124681	31660	4214930522	102		WETJEN NO 25 086974	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124688	31664	4214930523	102		WETJEN NO 26 086975	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124696	31681	4214930524	102		WETJEN NO 27 086976	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124697	31682	4214930525	102		WETJEN NO 28 086977	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124698	31683	4214930526	102		WETJEN NO 29 086978	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124699	31684	4214930527	102		WETJEN NO 30 086979	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124700	31685	4214930528	102		WETJEN NO 31 086980	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124701	31686	4214930529	102		WETJEN NO 32 086981	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124702	31687	4214930530	102		WETJEN NO 33 086982	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124703	31688	4214930531	102		WETJEN NO 34 086983	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124704	31689	4214930532	102		WETJEN NO 35 086984	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124705	31690	4214930533	102		WETJEN NO 36 086985	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124706	31691	4214930534	102		WETJEN NO 37 086986	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124707	31692	4214930535	102		WETJEN NO 38 086987	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124708	31693	4214930536	102		WETJEN NO 39 086988	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124709	31694	4214930537	102		WETJEN NO 40 086989	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124710	31695	4214930538	102		WETJEN NO 41 086990	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124711	31696	4214930539	102		WETJEN NO 42 086991	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124712	31697	4214930540	102		WETJEN NO 43 086992	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124713	31698	4214930541	102		WETJEN NO 44 086993	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124714	31699	4214930542	102		WETJEN NO 45 086994	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124715	31700	4214930543	102		WETJEN NO 46 086995	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124716	31701	4214930544	102		WETJEN NO 47 086996	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124717	31702	4214930545	102		WETJEN NO 48 086997	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124718	31703	4214930546	102		WETJEN NO 49 086998	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124719	31704	4214930547	102		WETJEN NO 50 086999	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124720	31705	4214930548	102		WETJEN NO 51 087000	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124721	31706	4214930549	102		WETJEN NO 52 087001	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124722	31707	4214930550	102		WETJEN NO 53 087002	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124723	31708	4214930551	102		WETJEN NO 54 087003	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124724	31709	4214930552	102		WETJEN NO 55 087004	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124725	31710	4214930553	102		WETJEN NO 56 087005	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124726	31711	4214930554	102		WETJEN NO 57 087006	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124727	31712	4214930555	102		WETJEN NO 58 087007	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124728	31713	4214930556	102		WETJEN NO 59 087008	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124729	31714	4214930557	102		WETJEN NO 60 087009	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124730	31715	4214930558	102		WETJEN NO 61 087010	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124731	31716	4214930559	102		WETJEN NO 62 087011	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124732	31717	4214930560	102		WETJEN NO 63 087012	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124733	31718	4214930561	102		WETJEN NO 64 087013	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124734	31719	4214930562	102		WETJEN NO 65 087014	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124735	31720	4214930563	102		WETJEN NO 66 087015	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124736	31721	4214930564	102		WETJEN NO 67 087016	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124737	31722	4214930565	102		WETJEN NO 68 087017	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124738	31723	4214930566	102		WETJEN NO 69 087018	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124739	31724	4214930567	102		WETJEN NO 70 087019	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124740	31725	4214930568	102		WETJEN NO 71 087020	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124741	31726	4214930569	102		WETJEN NO 72 087021	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124742	31727	4214930570	102		WETJEN NO 73 087022	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124743	31728	4214930571	102		WETJEN NO 74 087023	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124744	31729	4214930572	102		WETJEN NO 75 087024	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124745	31730	4214930573	102		WETJEN NO 76 087025	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124746	31731	4214930574	102		WETJEN NO 77 087026	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124748	31732	4214930575	102		WETJEN NO 78 087027	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124749	31733	4214930576	102		WETJEN NO 79 087028	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124750	31734	4214930577	102		WETJEN NO 80 087029	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124751	31735	4214930578	102		WETJEN NO 81 087030	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124752	31736	4214930579	102		WETJEN NO 82 087031	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124753	31737	4214930580	102		WETJEN NO 83 087032	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124754	31738	4214930581	102		WETJEN NO 84 087033	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124755	31739	4214930582	102		WETJEN NO 85 087034	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124756	31740	4214930583	102		WETJEN NO 86 087035	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124757	31741	4214930584	102		WETJEN NO 87 087036	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124758	31742	4214930585	102		WETJEN NO 88 087037	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124759	31743	4214930586	102		WETJEN NO 89 087038	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124760	31744	4214930587	102		WETJEN NO 90 087039	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124761	31745	4214930588	102		WETJEN NO 91 087040	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124762	31746	4214930589	102		WETJEN NO 92 087041	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124763	31747	4214930590	102		WETJEN NO 93 087042	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124764	31748	4214930591	102		WETJEN NO 94 087043	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124765	31749	4214930592	102		WETJEN NO 95 087044	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124766	31750	4214930593	102		WETJEN NO 96 087045	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124767	31751	4214930594	102		WETJEN NO 97 087046	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124768	31752	4214930595	102		WETJEN NO 98 087047	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124769	31753	4214930596	102		WETJEN NO 99 087048	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124770	31754	4214930597	102		WETJEN NO 100 087049	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124771	31755	4214930598	102		WETJEN NO 101 087050	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124772	31756	4214930599	102		WETJEN NO 102 087051	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124773	31757	4214930600	102		WETJEN NO 103 087052	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124774	31758	4214930601	102		WETJEN NO 104 087053	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124775	31759	4214930602	102		WETJEN NO 105 087054	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124776	31760	4214930603	102		WETJEN NO 106 087055	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124777	31761	4214930604	102		WETJEN NO 107 087056	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124778	31762	4214930605	102		WETJEN NO 108 087057	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124779	31763	4214930606	102		WETJEN NO 109 087058	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124780	31764	4214930607	102		WETJEN NO 110 087059	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124781	31765	4214930608	102		WETJEN NO 111 087060	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124782	31766	4214930609	102		WETJEN NO 112 087061	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124783	31767	4214930610	102		WETJEN NO 113 087062	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124784	31768	4214930611	102		WETJEN NO 114 087063	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124785	31769	4214930612	102		WETJEN NO 115 087064	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124786	31770	4214930613	102		WETJEN NO 116 087065	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124787	31771	4214930614	102		WETJEN NO 117 087066	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124788	31772	4214930615	102		WETJEN NO 118 087067	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124789	31773	4214930616	102		WETJEN NO 119 087068	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124790	31774	4214930617	102		WETJEN NO 120 087069	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124791	31775	4214930618	102		WETJEN NO 121 087070	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124792	31776	4214930619	102		WETJEN NO 122 087071	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124793	31777	4214930620	102		WETJEN NO 123 087072	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124794	31778	4214930621	102		WETJEN NO 124 087073	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124795	31779	4214930622	102		WETJEN NO 125 087074	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124796	31780	4214930623	102		WETJEN NO 126 087075	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124797	31781	4214930624	102		WETJEN NO 127 087076	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124798	31782	4214930625	102		WETJEN NO 128 087077	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124799	31783	4214930626	102		WETJEN NO 129 087078	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124800	31784	4214930627	102		WETJEN NO 130 087079	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124801	31785	4214930628	102		WETJEN NO 131 087080	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124802	31786	4214930629	102		WETJEN NO 132 087081	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124803	31787	4214930630	102		WETJEN NO 133 087082	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124804	31788	4214930631	102		WETJEN NO 134 087083	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124805	31789	4214930632	102		WETJEN NO 135 087084	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124806	31790	4214930633	102		WETJEN NO 136 087085	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124807	31791	4214930634	102		WETJEN NO 137 087086	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124808	31792	4214930635	102		WETJEN NO 138 087087	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124809	31793	4214930636	102		WETJEN NO 139 087088	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124810	31794	4214930637	102		WETJEN NO 140 087089	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124811	31795	4214930638	102		WETJEN NO 141 087090	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124812	31796	4214930639	102		WETJEN NO 142 087091	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124813	31797	4214930640	102		WETJEN NO 143 087092	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124814	31798	4214930641	102		WETJEN NO 144 087093	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124815	31799	4214930642	102		WETJEN NO 145 087094	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124816	31800	4214930643	102		WETJEN NO 146 087095	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124817	31801	4214930644	102		WETJEN NO 147 087096	SIDDINGS (AUSTIN CHALK)	8.0	SOUTH CEN-TEX GAS CO
8124818	31802	4214930645	102		WETJEN NO 148 087097	SIDDINGS (AUSTIN CHALK)	8.0	S

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124568	27338	4214930633	102		WINCHESTER TOWNSITE UNIT 1 005019	GIDDINGS (AUSTIN CHALK)	73.0	PHILLIPS PETROLEUM C
-U E ROGERS					RECEIVED: 04/06/81 JA: TX			
8124618	29972	4232700888	108		U E ROGERS NO 1	TUCKHAR (CROSS CUT)	0.0	SUN GAS CO
-U S OPERATING INC					RECEIVED: 04/06/81 JA: TX			
8124556	26048	4228730589	102		SHIRLEY #1 (ID N/A)	GIDDINGS (AUSTIN CHALK)	55.0	PWP GAS PRODUCTS INC
-UNION OIL COMPANY OF CALIF					RECEIVED: 04/06/81 JA: TX			
8124655	31120	4213533347	103		MOSS UNIT 820-8	COWDEN SOUTH	2.0	ODESSA NATURAL CO
8124491	19476	4237132827	103		W C TYRRELL UNIT #1 WELL #3	GOMEZ NORTHWEST (WOLFCAM	388.0	EL PASO NATURAL GAS
-V L WOLSEY					RECEIVED: 04/06/81 JA: TX			
8124531	23455	4223700000	103		F C BLOODWORTH NO 1 RRC19912	PEEK CADDO LINE	20.0	SOUTHWESTERN GAS PIP
-VENUS OIL COMPANY					RECEIVED: 04/06/81 JA: TX			
8124608	29024	4235531507	102		M L SANDERS B NO 7 WELL ID 86203	BALDWIN (1970)	0.0	DELHI GAS PIPELINE C
8124606	29015	4246931534	102		SALINAS WELL NO 1 ID NO 89413	COLOGNE W (3000) FIELD	0.0	VAL GAS CO
-W B TRAMMELL					RECEIVED: 04/06/81 JA: TX			
8124625	29984	4215131099	102		W B TRAMMELL FEE #10	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
8124619	29976	4215131085	102		W. B TRAMMELL FEE #2	JUDY G IL EAST (CANYON)	0.0	PALO DURO PIPE LINE
8124620	29977	4215131086	102		W B TRAMMELL FEE #3	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
8124621	29978	4215131107	102		W B TRAMMELL FEE #4	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
8124622	29979	4215131070	102		W B TRAMMELL FEE #5	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
8124623	29982	4215131097	102		W B TRAMMELL FEE #8	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
8124624	29983	4215131098	102		W B TRAMMELL FEE #9	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
-WALSH & TRANT PETROLEUM CORP					RECEIVED: 04/06/81 JA: TX			
8124674	31618	4239931588	102		CORA PETRIE NO 1	PETRIE (GARDNER)	240.9	UNION TEXAS PETROLEU
8124674	31618	4239931588	103		CORA PETRIE NO 1	PETRIE (GARDNER)	240.9	UNION TEXAS PETROLEU
-WILSON ENERGY INC					RECEIVED: 04/06/81 JA: TX			
8124644	30887	4210500000	103		GULF STATE 20 A #2	FARMER (SAN ANDRES)	126.0	BIG LAKE GASOLINE PL
8124645	30888	4210500000	103		UNIVERSITY 13 B #1	FARMER (SAN ANDRES)	50.0	BIG LAKE GASOLINE PL
-WOOD MCSHANE & THARR					RECEIVED: 04/06/81 JA: TX			
8124647	30953	4200332402	103		TEXAS PACIFIC OIL COMPANY #1	BLOCK A-34 (YATES)	91.3	EL PASO NATURAL GAS

OTHER PURCHASERS

8124484	HOUSTON LIGHTING & POWER CO
8124545	NATURAL GAS PIPELINE CO OF AME
8124675	HOUSTON LIGHTING & POWER CO
8124676	HOUSTON LIGHTING & POWER CO
8124677	HOUSTON LIGHTING & POWER CO
8124678	HOUSTON LIGHTING & POWER CO
8124727	UNITED TEXAS TRANSMISSION CO
8124744	HOUSTON LIGHTING & POWER CO
8124745	HOUSTON LIGHTING & POWER CO
8124746	HOUSTON LIGHTING & POWER CO
8124749	EL PASO NATURAL GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 18, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-13270 Filed 4-30-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1817-4]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104) U.S. Environmental Protection Agency

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR PART 1506.9) during the week of April 20, 1981 to April 24, 1981.

REVIEW PERIODS: The 45-day review period for Draft EISs' listed in this notice is calculated from May 1, 1981 and will end on June 15, 1981. The 30-day review period for Final EISs' as calculated from May 1, 1981 will end on June 1, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the federal agency which prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209 (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460 (202) 245-3006.

Dated: April 28, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

U.S. Army Corps of Engineers

Final—1984 Olympic Games, Construction and Refurbishment, Los Angeles County, California (EIS Order No. 810310)

Draft Supplement—Neches River and Tributaries, Saltwater Barrier, Jefferson County, Texas (EIS Order No. 810304)

Department of Commerce

NOAA: Draft—Chesapeake Bay Estuarine Sanctuary, Grant, Sommerset and Anne Arundel Counties, Maryland (EIS Order No. 810305)

NOAA: Draft—St. Thomas National Marine Sanctuary, Designation, U.S. Virgin Islands; the review period for this EIS has been extended until July 16, 1981 (EIS Order No. 810306)

NOAA: Final Supplement—Salmon Commercial/Recreational FMP, Amendment DS-3, Pacific Ocean (EIS Order No. 810311)

NOAA: Final Supplement—Atlantic Groundfish FMP, FS-4 Atlantic Ocean; the review period for this EIS has been extended until June 8, 1981 (EIS Order No. 810312)

Department of Housing and Urban Development

Draft—Kingsbridge Subdivision, Mortgage Insurance, Fort Bend County, Texas (EIS Order No. 810298)

Final—the Meadows Residential Development, Mortgage Insurance, Thurston County, Washington (EIS Order No. 810299)

Final—Robinson Ranch Planned Development, Mortgage Insurance, Orange County, California (EIS Order No. 810309)

104H: Draft—Seaport Marketplace Restoration and Renovation, UDAG, New York City, New York (EIS Order No. 810307)

Department of the Interior

BLM: Final—Nellis AFB Bombing Range Land Withdrawal, Nye, Clark and Lincoln Counties, Nevada (EIS Order No. 810300)

BLM: Final—Trailblazer Pipeline System Right-of-Way, Uinta, Sweetwater, Carbon, Albany and Laramie Counties, Wyoming (EIS Order No. 810303) (Adoption of FERC FEIS No. 800757)

BLM: Final—Moon Lake Power Plant Project, Units 1 and 2, Right-of-Way, Utah and Colorado (EIS Order No. 810308)

WPR: Final—Polecats Bench Area Irrigation, Pick-Sloan Missouri Basin Program, Park County, Wyoming (EIS Order No. 810302)

Federal Energy Regulatory Commission

Final—Small Power Production and Cogeneration Facilities, Qualifying Status/Rates and Exemptions (EIS Order No. 810313)

U.S. Department of Transportation

USCG: Final—U.S. 90 Relocation and Upgrading, Morgan City to LA-311, St. Mary's, Assumption and Terrebonne Parishes, Louisiana (EIS Order No. 810301)

Reestablishment of EIS availability date:

UMTA: Draft—Northeast Sacramento Prospective Interstate Substitution Transportation Improvement, Sacramento County, California—published in FR April 17, 1981—based on the availability of this EIS, EPA has reestablished the date filed as April 24, 1981 and the end of review as June 15, 1981 (EIS Order No. 810276)

[FR Doc. 81-13330 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-37-M

[OPP-30159A; PH-FRL 1816-1]

Abbott Laboratories; Application To Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: This notice announces approval of an application to register the pesticide product N-MALEIMIDE containing the new active ingredient N-(2-methyl-1-naphthyl)maleimide.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of January 22, 1979 (44 FR 4537) that Abbott Laboratories, Abbott Park, D-495, North Chicago, IL 60064, had filed an application, EPA File Symbol 275-GU, with the EPA to register the pesticide product N-MALEIMIDE containing the active ingredient N-(2-methyl-1-naphthyl)maleimide at 97 percent. The application proposed that the fungicide be classified for general use as a technical chemical to be used as a preservative for polymeric systems.

This application was approved on February 24, 1981. The product has been assigned EPA Registration No. 275-34. A

copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after the registration date of February 24, 1981. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), EPA, 401 M St. SW., Washington, D.C. 20460. Such requests should: (1) identify the product by name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(5), 92 Stat. 824 (7 U.S.C. 136))

Dated: April 11, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–13182 Filed 4–30–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–50532; PH–FRL 1817–1]

Pesticides; Bendiocarb; Renewal of Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued a renewal of an experimental use permit to Fisons Corp. This permit is in accordance with and subject to the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Rm. 400, CM #2, Arlington, VA 22202, (703–557–7024).

SUPPLEMENTARY INFORMATION: EPA has renewed the following experimental use permit:

10065–EUP–14. Fisons Corp., Agricultural Chemicals Div., Two Preston Court, Bedford, MA 01730. This experimental use permit allows the use of 2,200 pounds of the insecticide bendiocarb on corn to evaluate control of insects. A total of 2,200 acres are involved. The program is authorized only in the States of Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, South Dakota, and Wisconsin. This permit is effective from January 27, 1981 to January 27, 1982. Temporary tolerances have been established for residues of the insecticides on corn grain, forage, and fodder.

Persons wishing to review the experimental use permit are referred to the product manager cited above. It is suggested that interested persons call before visiting the EPA headquarters office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (21 U.S.C. 136))

Dated: April 22, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–13183 Filed 4–30–81; 8:45 am]

BILLING CODE 6560–32–M

[OPTS–59048; TSH–FRL 1815–8]

Toxic Substances; Urethane Oligomer; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the Federal Register. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by May 17, 1981. Persons should submit written comments on the application no later than May 18, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460 (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Michael Brown, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–335, 401 M St., SW., Washington, DC 20460 (202–472–3376).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the Federal Register a notice of receipt of an application under

section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the Federal Register.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the Federal Register of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) Federal Register notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before May 18, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59048]." Comments received may be seen in Rm. E-401 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 23, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM-81-9

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. May 17, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided.

Annual sales—In excess of $500 million.

Manufacturing site—East-North Central U.S.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Urethane oligomer.

Use. Claimed confidential business information. The manufacturer states that the new chemical will be used as an intermediate for the manufacture of coatings. The test market period commences July 1981.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The submitter states that 6 workers could be exposed to the new substance during processing and disposal. Exposure will be as a result of accidential spills.

Environmental Release/Disposal. The manufacturer claims that there will be no release of the new substance into the environment. Waste disposal, if needed, will be by incineration or in an approved landfill.

[FR Doc. 81-13189 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-59048; TSH-FRL 1815-4]

Toxic Substances; Polyurethane Millable Gum; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the Federal Register. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by May 23, 1981. Persons should submit written comments on the application no later than May 18, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Carrie Berlin, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-711C, 401 M St., SW., Washington, D.C. 20460, (202-426-2532).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose

restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the Federal Register a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the Federal Register.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the Federal Register of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2288) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) Federal Register notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before May 18, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E–401, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–59049]. Comments received may be seen in Rm. E–401 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 23, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM 81–10

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. May 23, 1981.

Manufacturer's Identity. Uniroyal Chemical Co. Naugatuck, CT 06770.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyurethane millable gum.

Use. The manufacturer states that the product will be fabricated for use in industrial conveyor belts designed to carry items intended for mechanical assembly.

Production Estimates. Up to 55,000 lbs. of intermittent production not to exceed 5 months.

Physical/Chemical Properties

Appearance—Light colored slabs.

Solubility—Insoluble in water.

Viscosity (Mooney)—ML–4′ at 212°F=34–85. (After aging 16 hrs. at 120°F).

Molecular weight range—20,000–500,000 (estimated).

Toxicity Data. No data were submitted. The manufacturer states that the new polymer is expected to have a very low order of toxicity; that polyurethane millable gums have been marketed for many years without any unreasonable risks to health or the environment.

Exposure. Manufacturing site. The submitter states that two operators will be involved in the manufacture by a batch method. No significant operator contact is anticipated with either the reactants or the polymeric reaction while it is in process. Operators wear gloves in handling and packaging the finished polymer.

Customer plant. Eight to ten workers may be dermally exposed during the processing and fabrication of the product.

No consumers will be exposed to either the millable gum or the fabricated end article.

Environmental Release/Disposal. The submitter states that there will be no significant environmental release of reactants or product during manufacture. Scrap material are recycled into a subsequent batch. Waste disposal, if any, will be by an appropriate landfill operation.

[FR Doc. 81–13187 Filed 4–30–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–53024 TSH–FRL 1815–5]

Toxic Substances; Premanufacture Notices; Monthly Status Report for March 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the Federal Register at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for March 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460 (202–426–2610).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M St., SW., Washington, DC 20460 (202–426–2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit PMN's for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

The monthly status report published in the Federal Register as required under section 5(d)(3), will identify: (a) PMN's received during the month; (b) PMN's received previously and still under review at the end of the month; (c) PMN's for which the notice review period has ended during the month; and (d) chemical substances for which EPA has received a notice of commencement to manufacture. Therefore, EPA is

publishing the March 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substances no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be indentified with the document control number "[OPTS–53024]" and the specific PMN number. Nonconfidential portions of the PMN's written comments received on individual PMN's, and other documents in public record may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: April 23, 1981.

Edward A. Klein,

Director, Chemical Control Division.

Premanufacture Notices Monthly Status Report, March 1981

PMN No.	Identity/generic name	FR citation	Expiration date
	I. Premanufacture Notices Received During the Month		
81–97	Generic name: Bis(substituted carbomonocyclic) substituted carbopolycycle	46 FR 19009 (3/30/81)	May 31, 1981.
81–98	Generic name: 4-Diazo-2,5-diethoxymorpholino phenyl sulfonate salt	46 FR 20763 (4/7/81)	May 31, 1981.
81–99	Generic name: Diazo dye	46 FR 20763 (4/7/81)	May 31, 1981.
81–100	Generic name: Hydroxymethylheteromonocycle	46 FR 20763 (4/7/81)	May 31, 1981.
81–101	Generic name: Polyester-amide	In preparation	June 1, 1981.
81–102	Generic name: Urethane polymer from polyester polyol and diisocyanate	46 FR 20767 (4/7/81)	June 1, 1981.
81–103	Generic name: Alkylamine methacrylic copolymer	In preparation	June 3, 1981.
81–104	Generic name: Ammonium salts of substituted alkyl phosphoric acid	46 FR 20767 (4/7/81)	June 3, 1981.
81–105	Generic name: Alkoxylated alkylphenol substituted sulfosuccinate, isopropylamine salt	46 FR 20767 (4/7/81)	June 3, 1981.
81–106	Generic name: Modified polymer of carbomonocyclic anhydride, glycerine oil, substituted alkanediol, and an alkanoic ester.	46 FR 20767 (4/7/81)	June 3, 1981.
81–107	Generic name: Modified water-borne, linseed fatty acid base alkyd	46 FR 20767 (4/7/81)	June 3, 1981.
81–108	Generic name: Modified soya alkyd	46 FR 20767 (4/7/81)	June 3, 1981.
81–109	Generic name: Modified alkyd from a substituted alkanediol, a substituted alkanoic acid, and a carbomonocyclic anhydride.	46 FR 20767 (4/7/81)	June 3, 1981.
81–110	Acetamide, *N*-[2-[(2-chloro-4,6-dinitrophenyl)-azo]-5-(diethylamino)-4-(2-methoxyethoxyphenyl)	In preparation	June 3, 1981.
81–111	4-[[4-Chloro-6-[[8-hydroxy-3,6-disulfo-7-[(2-sulfophenyl)azo]-1-naphthalenyl]amino-1,3,5-triazin-2-yl] amino]benzenesulfonic acid, tetrasodium salt.	46 FR 20765 (4/7/81)	June 3, 1981.
81–112	Butanamide, 2-[(4-(4-aminocarbonylphenyl)-aminocarbonylphenyl)azo]-*N*-(2,3-dihydro-2-oxo-1*H*-benzimidazole-5-yl)-3-oxo.	In preparation	June 3, 1981.
81–113	Generic name: Polymer of: Styrene, butyl acrylate, hydroxy ethyl acrylate, dimethylamine propyl methacrylamide.	46 FR 20765 (4/7/81)	June 3, 1981.
[1]80–358	Benzoic acid, 2-[[2-amino-6-hydroxy-8-[[4'-[[1-hydroxy-8-[[(4-methylphenyl)sulfonyl]amino-3,6-disulfo-2-naphthalenyl]azo]-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]azo]-7-sulfo-1-naphthalenyl]azo]-5-nitro-, trisodium salt.	46 FR 20770 (4/7/81)	June 3, 1981.
[1]80–357	Benzoic acid, 2-[[-amino-6-[[4'-[[5-[[2,5-disulfophenyl)-azo]-1-hydroxy-6-(phenylamino)-3-sulfo-2-naphthalenyl]azo]-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]-azo[-6-hydroxy-7-sulfo-1-naphthalenyl]azo-5-nitro-,tetrasodium salt.	46 FR 20770 (4/7/81)	June 3, 1981.
81–114	Generic name: Modified epoxy resin	46 FR 20765 (4/7/81)	June 4, 1981.
81–115	1,4-Cyclohexanedimethanol, 2,2-dimethyl-1,3-propanediol, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 1,3-benzene dicarboxylic acid polymer.	46 FR 20765 (4/7/81)	June 4, 1981.
81–116	Generic name: Substituted hydroxy ether of an alkanoic acid ester	In preparation	June 7, 1981.
81–117	Generic name: (Substituted cycloaliphatic ether) hydroxy alkyl ester	do	June 7, 1981.
81–118	Generic name: Polyurethane polyisocyanate silane	do	June 7, 1981.
81–119	Generic name: Alkyl aluminum halide	do	June 7, 1981.
81–120	Generic name: Alkyl aluminum halide	do	June 7, 1981.
81–121	Generic name: Polyacrylocarbamoyl alkyl silane	do	June 7, 1981.
81–122	Generic name: Isocyanatodialkane substituted polyester	do	June 7, 1981.
81–123	Fatty acids, C_{36}-unsaturated dimers, light fractions reacted with 1,3-butanediol ethoxylate	do	June 7, 1981.
81–124	Generic name: Substituted anisole	do	June 8, 1981.
81–125	Generic name: Benzophenol tetracarboxylic dianhydride polymide	do	June 8, 1981.
81–126	Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin	do	June 14, 1981.
81–127	Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin	do	June 14, 1981.
81–128	Generic name: Unsaturated alicyclic ether	do	June 14, 1981.
81–129	Polymer of: Styrene, isobutyl acrylate, hydroxy ethyl acrylate, acrylic acid, ter. butyl perbenzoate, dimethyl ethanol amine.	do	June 14, 1981.
81–130	Generic name: Unsaturated alicyclic alcohol	do	June 14, 1981.
81–131	Generic name: Allylglycidyl ether polyol resin	do	June 15, 1981.
81–132	Generic name: Maleic anhydride-based unsaturated polyester resin modified with mixed phthalic acid.	do	June 15, 1981.
81–133	Generic name: Unsaturated carboxylic amide	do	June 15, 1981.
81–134	Generic name: Unsaturated carboxylic amide-carboxylic acid	do	June 15, 1981.
81–135	Generic name: Acrylic polymer	do	June 15, 1981.
81–136	Generic name: Water-borne, linseed acid based modified alkyd	do	June 16, 1981.
81–137	Generic name: Polymer of a substituted polypropylene oxide and a substituted cyclic alkanediol	do	June 16, 1981.
81–138	Generic name: Acrylate-nitrogen heterocycle copolymer	do	June 21, 1981.
81–139	Polymer of carbomonocyclic acids, carbomonocyclic anhydride and modified vegetable oil	do	June 21, 1981.
81–140	Polymer of an alkanediol, aliphatic dicarboxylic acid, and an aromatic-dicarboxylic acid	do	June 21, 1981.
81–141	4,*N*,*N*-Diethylaminobenzene diazonium sulfonate salt	do	June 22, 1981.
81–142	4-(4-Morpholinyl)-2,5-dibutoxybenzene diazonium sulfonate salt	do	June 23, 1981.
81–143	4-(4-Morpholinyl)-2,5-dibutoxybenzene diazonium sulfonate salt	do	June 23, 1981.
81–144	4-(1-Pyrolidinyl)-3-methyl benzene diazonium sulfonate salt	do	June 23, 1981.
81–145	4-*N*,*N*-Dimethylaminobenzene diazonium sulfonate salt	do	June 23, 1981.
81–146	Organic amine salts of dihydrogen phosphate esters of mixed alcohol ranging from C_{10} to C_{30}	do	June 23, 1981.
81–147	Poly(oxy-1,4-butanediyl)alpha-hydro-omega-hydroxy, polymer with 1,1-methylene bis (4-isocyanatobenzene) and 2-hydroxyethyl-2-methyl-2-propenoate.	do	June 24, 1981.
81–148	Generic name: Carboxylic sulfonic acid salt	do	June 25, 1981.
81–149	Generic name: Styrene acrylic polymer	do	June 25, 1981.
81–150	Polyol reaction product with methylene bis (cyclohexyl isocyanate)-hydroxy propyl acrylate blocked.	do	June 25, 1981.
81–151	Copolymer of styrene and mixed alkyl acrylates	do	June 28, 1981.

Premanufacture Notices Monthly Status Report, March 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
	B. Premanufacture Notices Received Previously and Still Under Review at the end of the Month		
81-1	Polymer of tall oil fatty acids, neopentyl glycol, trimethylol ethane, phthalic anhydride, and benzoic acid.	46 FR 12315 (2/13/81)	Apr. 2, 1981.
81-2	Water reducible siliconized alkyd resin	46 FR 11350 (2/6/81)	Apr. 2, 1981.
81-3	Methyl, bis (hydroxypropyl) tallow alkyl ammonium methyl sulfate	46 FR 11349 (2/6/81)	Apr. 2, 1981.
81-4	Polymer of maleic anhydride, phthalic anhydride, dicyclopentadiene, diethylene glycol, and adipic acid.	46 FR 12312 (2/13/81)	Apr. 2, 1981.
81-5	Generic name: Nylon	46 FR 12838 (2/18/81)	Apr. 2, 1981.
81-6	Polyester-amide polymer	46 FR 12838 (2/18/81)	Apr. 5, 1981.
81-7	Generic name: Modified resorcinol resin	46 FR 12314 (2/13/81)	Apr. 26, 1981.
81-8	Generic name: Urethane resin	46 FR 12314 (2/13/81)	Apr. 26, 1981.
81-9	Generic name: Silylated phosphonate	46 FR 11352 (2/6/81)	Apr. 13, 1981.
81-10	Generic name: Sodium salt of silylated phosphonate	46 FR 11352 (2/6/81)	Apr. 13, 1981.
81-11	Polymer of: Esterdiol 204; 1,6-hexanediol; neopentyl glycol; trimethylol propane; isophthalic acid and; and dibutyl tin oxide.	46 FR 11352 (2/6/81)	Apr. 13, 1981.
81-12	Generic name: Acrylic copolymer adhesive	46 FR 12104 (2/12/81)	Apr. 13, 1981.
81-13	C_{n-m} Polypropylene ether	46 FR 12838 (2/18/81)	Apr. 13, 1981.
81-14	Polymer of tetrabromophthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and maleic anhydride.	46 FR 12315 (2/13/81)	Apr. 15, 1981.
81-15	Polymer of tetrabromophthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and fumaric acid.	46 FR 12315 (2/13/81)	Apr. 15, 1981.
81-16	Generic name: Reaction product of an epoxy and a substituted amine	46 FR 13018 (2/19/81)	Apr. 15, 1981.
81-17	Generic name: Polymer of methacrylic acid, alkyl methacrylate, alkyl acrylate, and an acrylic acid derivative.	46 FR 13018 (2/19/81)	Apr. 15, 1981.
81-18	Maleic half ester of ethoxylated aliphatic alcohol emulsifier	46 FR 12104 (2/12/81)	Apr. 14, 1981.
81-19	Polymer of: Butyl acrylate, methyl acrylate, acrylonitrile, 2-hydroxyethyl acrylate, and acrylic acid	46 FR 12838 (2/18/81)	Apr. 15, 1981.
81-20	Generic name: Sodium salts of *N*-methylene phosphonic acids of a complex substituted amine mixture (forecut from the fractionation of a crude carboheterocycle) consisting principally of 2-2'-substituted *bis* ethyl amine.	46 FR 16118 (3/11/81)	Apr. 19, 1981.
81-21	Generic name: halogenated conjugated diene, polymer with haloalkyl benzene, and alkanoic acid	46 FR 16123 (3/11/81)	Apr. 19, 1981.
81-22	1,3-Bis(4-hydroxybutyl)-1,3-didecyldimethyl disiloxane	46 FR 16118 (3/11/81)	Apr. 21, 1981.
81-23	Di(hydrogenatedtallowalkyl)-quaternary ammonium compounds	46 FR 16125 (3/11/81)	Apr. 21, 1981.
81-24	Ditallowalkylquaternary ammonium compounds	46 FR 16125 (3/11/81)	Apr. 21, 1981.
81-25	Generic name: Derivatized copolymer of acrylic acid and *N*-(1,1-dimethyl-3-substituted butyl) acrylamide.	46 FR 16118 (3/11/81)	Apr. 21, 1981.
81-26	Generic name: Polyfluorohydrocarbon-methacrylic copolymer	46 FR 14952 (3/3/81)	Apr. 21, 1981.
81-27	Generic name: Alkyd resin 342-45	46 FR 16118 (3/11/81)	Apr. 21, 1981.
81-28	Generic name: Alkyd resin 343-42	46 FR 16118 (3/11/81)	Apr. 21, 1981.
81-29	Generic name: Reaction product olefins, vegetable oil, and sulfur	46 FR 16118 (3/11/81)	Apr. 22, 1981.
81-30	Generic name: Polyester resin derived from a mixture of phthalic acids with alkylene glycols and lighter polyols.	46 FR 16118 (3/11/81)	Apr. 22, 1981.
81-31	Generic name: Polyurethane polyacrylic block polymer	46 FR 14952 (3/3/81)	Apr. 22, 1981.
81-32	Generic name: (Substituted phenoxy) alkanoic acid	46 FR 16118 (3/11/81)	Apr. 22, 1981.
81-33	Generic name: Tetrahydroacridinone	46 FR 14952 (3/3/81)	Apr. 26, 1981.
81-34	Generic name: Acridinone	46 FR 14952 (3/3/81)	Apr. 26, 1981.
81-35	Generic name: *N*-Methylene phosphonic acids of complex substituted amine mixture (a forecut from the fractionation of a crude carboheterocycle) consisting principally of 2,2'-substituted *bis* ethyl amine.	46 FR 16118 (3/11/81)	Apr. 19, 1981.
81-36	Alkyl acid phosphorous esters	46 FR 16116 (3/11/81)	Apr. 28, 1981.
81-37	Methylenebis-(diisophopylaniline)	46 FR 19076 (3/27/81)	Apr. 28, 1981.
81-38	Bicyclo[3,2,1]octan-8-ol, 1,5-dimethyl-, acetate bicyclo[3,3,0]-octan-2-ol, 1,5-dimethyl-,acetate bicyclo[3,3,1]nonan-1-ol, 5-methyl-, acetate.	46 FR 16123 (3/11/81)	Apr. 28, 1981.
81-41	5-Methyl-4*H*-1,2,4-triazole-3-ester 1,2-dihydro-5-methyl-3*H*-1,2,4-triazole-3-esone	46 FR 16123 (3/11/81)	Apr. 30, 1981.
81-42	Generic name: (Substituted-phenoxy)alkanoic acid, alkyl ester	46 FR 15944 (3/10/81)	Apr. 30, 1981.
81-43	Generic name: Chromophore substituted poly (oxypropylene)	46 FR 16123 (3/11/81)	Apr. 30, 1981.
81-44	3,4,5,6-Tetrahydro-2(1*H*)pyrimidinone	46 FR 16123 (3/11/81)	May 3, 1981.
81-45	Generic name: Polyester(1,4-butanediol/isophthalic acid, dimethyl ester/poly(oxyethylene/oxypropylene/terephthalic acid, dimethyl ester).	46 FR 16125 (3/11/81)	May 3, 1981.
81-46	Generic name: Neuralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	May 3, 1981.
81-47	Generic name: Neutralized polymer of modified epoxy resin	46 FR 15944 (3/10/81)	May 3, 1981.
81-48	Generic name: Substituted polyamine	46 FR 15944 (3/10/81)	May 3, 1981.
81-49	Generic name: Sodium poly-4-vinyl-phenol-formaldehyde condensate	46 FR16319 (3/12/81)	May 5, 1981.
81-51	Polymer of tall oil fatty acids, neopentyl glycol, pentaerythritol, isophthalic acid, and benzoic acid	46 FR 16319 (3/12/81)	May 4, 1981.
81-53	Generic name: Ester of salicylic acid	46 FR 16319 (3/12/81)	May 10, 1981.
81-54	Generic name: Disazo dye	46 FR 16319 (3/12/81)	May 10, 1981.
81-55	Generic name: Acrylate urethane oligomer	46 FR 16933 (3/16/81)	May 10, 1981.
81-56	Generic name: Polymer of substituted alkanediol, carbomonocyclic anhydride, and substituted alkanoic ester.	46 FR 16933 (3/16/81)	May 10, 1981.
81-57	Acetamide, *N*-[4-((2-hydroxyethyl)sulfonyl-2-methoxy 5-methylphenyl]	46 FR 16931 (3/16/81)	May 10, 1981.
81-58	Generic name: Phenolic novalak resin	46 FR 16933 (3/16/81)	May 10, 1981.
81-59	Generic name: Phenolic novalak resin	46 FR 16933 (3/16/81)	May 10, 1981.
81-60	Resin from alkali refined safflower oil, neopentyl glycol, trimethylolpropane, isophthalic acid, dimethylolpropionic acid, and isophorone diisocyanate.	46 FR 16931 (3/16/81)	May 10, 1981.
81-62	Generic name: Polyester-polyether copolymer reaction product with toluene diisocyanate and hydroxyethyl methacrylate.	46 FR 16936 (3/16/81)	May 11, 1981.
81-63	Isocyanic acid, tetramethylene bis-(oxytrimethylene)ester	46 FR 16931 (3/16/81)	May 11, 1981.
81-64	Generic name: Polymer of neopentyl glycol, adipic acid, trimellitic anhydride, and an aromatic aliphatic ester.	46 FR 16933 (3/16/81)	May 11, 1981.
81-65	Generic name: Disubstitutednitrobenzene	46 FR 16933 (3/16/81)	May 11, 1981.
81-66	Generic name: Bis[(Substituted)-aminophenyl]-substituent	46 FR 16933 (3/16/81)	May 11, 1981.
81-67	Generic name: Bis[(Substituted)-nitro-phenyl]substituent	46 FR 16933 (3/16/81)	May 11, 1981.
81-68	Generic name: Sodium salt of disulfonated alkylaromatic	46 FR 16931 (3/16/81)	May 12, 1981.
81-69	Generic name: Benzophenone tetracarboxylic dianhydride copolyimide	46 FR 19075 (3/27/81)	May 12, 1981.
81-70	Generic name: 2-Methyl-2-propenioc acid, polycyclohexyl ester	46 FR 16936 (3/16/81)	May 14, 1981.
81-71	Generic name: Alkenylpyrolidinedione	46 FR 19075 (3/27/81)	May 14, 1981.
81-72	2-2-Chloro-6-cyano-4-nitrophenylazo)-5-[di(*n*-pentyl)amino] acetoanilide	46 FR 19305 (3/30/81)	May 14, 1981.
81-73	Generic name: *N*-(Tetrasubstitutedphenyl)-acetamide	46 FR 19307 (3/30/81)	May 14, 1981.
81-74	Generic name: Tetrasubstitutedphenol	46 FR 19307 (3/30/81)	May 14, 1981.
81-75	2,2,4-Trimethyl-1,3-pentanediol, 1,6-hexanediol, isophthalic acid, terephthalic acid and dibutyltin oxide.	46 FR 19305 (3/30/81)	May 18, 1981.
81-76	Soya bean oil and polymer of bisphenol A, *p*-tert-butylphenyl, formaldehyde	46 FR 19305 (3/30/81)	May 18, 1981.

Premanufacture Notices Monthly Status Report, March 1981—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
81-77	Generic name: Tetrasubstituted phenol	46 FR 16307 (3/30/81)	May 14, 1981.
81-78	Generic name: Tetrasubstituted phenol	46 FR 16307 (3/30/81)	May 14, 1981.
81-79	Generic name: Polyurethane from substituted alkanols and an aromatic diisocyanate	46 FR 16307 (3/30/81)	May 19, 1981.
81-80	Generic name: Trisubstituted benzenamine	46 FR 16307 3/30/81)	May 14, 1981.
81-81	Generic name: Tetrasubstituted phenol	46 FR 16307 (3/30/81)	May 14, 1981.
81-82	Generic name: Neutralized polymer of styrene, acrylic acid, alkyl acrylate, and alkyl methacrylate	46 FR 16312 (3/30/81)	May 19, 1981.
81-83	Generic name: Copolymer of dibasic aliphatic and substituted dibasic aromatic carboxylic acids with glycols.	46 FR 16307 (3/30/81)	May 19, 1981.
81-84	Generic name: Tetrasubstituted phenol	46 FR 16307 (3/30/81)	May 14, 1981.
81-85	Generic name: Tetrasubstituted phenol	46 FR 16307 (3/30/81)	May 14, 1981.
81-86	Generic name: Disubstituted benzenamine hydrochloride	46 FR 16307 (3/30/81)	May 14, 1981.
81-87	Generic name: Polyether urethane-acrylate blocked	46 FR 16308 (3/30/81)	May 19, 1981.
81-88	Generic name: Substituted transition metal oxide	46 FR 16312 (3/30/81)	May 20, 1981.
81-89	Generic name: Epoxy resin/substituted amine adduct	46 FR 20763 (4/7/81)	May 21, 1981.
81-90	Generic name: Oxime blocked polyurethane prepolymer, waterborne	46 FR 16314 (3/30/81)	May 21, 1981.
81-91	Generic name: Hydroxy aryl ether ester of alkanoic acid	46 FR 16314 (3/30/81)	May 21, 1981.
81-92	Lithium-lime-hydrogenated castor oil-tallow-naphthenic acid	46 FR 16314 (3/30/81)	May 19, 1981.
81-93	Acrylic alkenyl ester polymer	46 FR 16314 (3/30/81)	May 27, 1981.
81-94	Polymer of: *D*-glucose; acetic acid; propanoic acid, 2-oxo, arabinose; *D*-mannose, 6-deoxy; *D*-glucuronic acid, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	46 FR 16314 (3/30/81)	May 27, 1981.
81-95	Polymer of: *D*-glucose; succinic acids; propanoic acid, 2-oxo; and galactose, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	46 FR 16314 (3/30/81)	May 27, 1981.
81-96	Oxidized soy isolate	46 FR 16303 (3/30/81)	May 27, 1981.
[1] 80-308	[Cuprate(3-),[3-[[5-hydroxy-4-[[1-hydroxy-6-(phenylamino)-4-sulfo-2-naphthalenyl]azo]-3-methylphenyl]azo]-1,5-naphthalenedisulfonato-(5)], ariesodium.	46 FR 20770 (4/7/81)	May 27, 1981.
[2] 80-309	[Cuprate(6-),[u-[[3,3'-iminobis[[[1-hydroxy-3-sulfo-6,2-naphthalenediyl]azo](5-hydroxy-2-methyl-4-,1-phenylene)azo]]]bis[1,5-naphthalene-disulfonato]](10-1)]dihexasodium.	46 FR 20770 (4/7/81)	May 27, 1981.

III. Premanufacture Notices for Which the Notice Review Period Has Expired During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

80-341	*N,N'*-Nonanedioyl-bis[3,4,5,6-tetrahydro-2(1*H*)pyrimidinone]	46 FR 2717 (1/12/81)	Mar. 1, 1981.
80-342	Didececyl dimerate	46 FR 2719 (1/12/81)	Mar. 1, 1981.
80-343	1,6-Hexanediamine, distillation residues- amines, C_{n+} alkyl di-and C_n cyclic di- dichloroethane-epichlorohydrin polymer.	46 FR 6085 (1/21/81)	Mar. 1, 1981.
80-344	Generic name: Metal resinate	46 FR 8710 (1/27/81)	Mar. 1, 1981.
80-345	Generic name: Dialkyl trithiocarbonate	46 FR 8088 (1/19/81)	Mar. 2, 1981.
80-346	Ferrous complexed sulfonated tannin	46 FR 8718 (1/27/81)	Mar. 2, 1981.
80-347	Generic name: Metal amine propanol complex	46 FR 11026 (2/5/81)	Mar. 3, 1981.
80-348	Sunflower oil, polymer with pentaerythritol phthalic anhydride, soybean oil, and trimethylol ethane	46 FR 8058 (1/19/81)	Mar. 6, 1981.
80-349	Sunflower oil, polymer with benzoic acid, pentaerythritol, and isophthalic acid	46 FR 8058 (1/19/81)	Mar. 6, 1981.
80-350	Rosin polymers with glycerol, phthalic anhydride, and sunflower oil	46 FR 8058 (1/19/81)	Mar. 6, 1981.
80-351	Generic name: Substituted alkanoic acid, alkyl ester	46 FR 8718 (1/27/81)	Mar. 6, 1981.
80-352	Generic name: Polymer of: Acrylic acid, styrene, substituted alkyl acrylates, and alkyl mercaptan	46 FR 8711 (1/27/81)	Mar. 6, 1981.
80-353	Generic name: Polymer of: An isocyanate and mixture of aliphatic polyols	46 FR 8710 (1/27/81)	Mar. 10, 1981.
80-354	Generic name: Polyester polymer of aliphatic polyols, aromatic diacid, and aliphatic diacid	46 FR 8105 (1/26/81)	Mar. 10, 1981.
80-355	Generic name: (p-Dialkylamino phenyl)-diaryl heterocycle	46 FR 1128 (2/5/81)	Mar. 10, 1981.
80-358	Generic name: Neutralized polymer of substituted polypropylene oxide and an epoxy resin	46 FR 8714 (1/27/81)	Mar. 11, 1981.
80-359	Generic name: Neutralized polymer of substituted polypropylene oxide and an epoxy resin	46 FR 8714 (1/27/81)	Mar. 11, 1981.
80-360	2-Propanol, 1-methoxy-acetate	46 FR 12308 (2/13/81)	Mar. 12, 1981.
80-361	Formaldehyde, polymer with *N*-(3-aminopropyl)-1,3-propane diamine, (chloromethyl)oxirane, and phenol.	46 FR 8716 (1/27/81)	Mar. 15, 1981.
80-362	A resin from bisphenol A-epichlorohydrin copolymer bisphenol A, linseed oil fatty acids, tall oil fatty acids, styrene, and acrylic acid.	46 FR 8104 (1/26/81)	Mar. 15, 1981.
80-364	Generic name: Monoethanol amide of long chain fatty acid	46 FR 8717 (1/27/81)	Mar. 15, 1981.
80-365	Calcium sodium ethylenediamine tetrakis (methylenephosphonate)	46 FR 8058 (1/19/81)	Mar. 15, 1981.
80-366	1-Propanaminium, *N,N*-dimethyl, *N*-ethyl-3-[(1-oxoco-cosityl)amino]-, ethylsulfate	46 FR 11354 (2/6/81)	Mar. 16, 1981.
80-367	Generic name: Vegetable fatty acid modified polyester	46 FR 11354 (2/6/81)	Mar. 18, 1981.
80-368	Generic name: Alkenylsuccinic acid, monoester	46 FR 12307 (2/13/81)	Mar. 19, 1981.
80-369	Generic name: Polyester di-urethane methacrylate resin based on the reaction of a diallyl diol/adipic acid polyester diol with toluene diisocyanate and hydroxyethyl methacrylate.	46 FR 13836 (2/18/81)	Mar. 23, 1981.
80-370	Generic name: Aliphatic triol	46 FR 12304 (2/12/81)	Mar. 22, 1981.
80-371	(Alkyl)thalothiophosphate	46 FR 12310 (2/13/81)	Mar. 24, 1981.
80-372	Halogenated diphenyl sulfide	46 FR 12310 (2/13/81)	Mar. 24, 1981.
80-373	Generic name: Reaction product of 4-nitrosophenol hydroxybenzene and an oxo alkane with sodium sulfide (NA_x (S_y)).	46 FR 12104 (2/12/81)	Mar. 23, 1981.
80-374	Generic name: 4-(Trifluoromethyl)-2-chloro-1-(2-substituted phenoxy) benzene derivative	46 FR 12309 (2/13/81)	Mar. 23, 1981.
80-375	Generic name: Polymer of methacrylic acid, alkyl acrylate, alkyl methacrylate, and an acrylic acid derivative.	46 FR 12312 (1/13/81)	Mar. 23, 1981.
80-376	Generic name: Urethane prepolymer	46 FR 11350 (2/6/81)	Mar. 23, 1981.
80-377	Polymer of: 1,2-ethanediol; 2,5-furandione; 1,3-isobenzofurandione; 1,2-propanediol; and 3*a*,4,7,7*a*-tetrahydro-4,7-methano-1*H*-indene.	46 FR 11349 (2/6/81)	Mar. 23, 1981.
80-378	Generic name: *N*-(Substituted)-*N*-(substituted) acetamide	46 FR 12312 (2/13/81)	Mar. 24, 1981.
80-379	Generic name: Organosilicon polymer	46 FR 12310 (2/13/81)	Mar. 24, 1981.
80-380	Generic name: 4-Substituted(substituted benzene)	46 FR 11350 (2/6/81)	Mar. 25, 1981.
80-381	1-Substituted-4-(substituted heteromonocyclic)benzene	46 FR 11350 (2/6/81)	Mar. 25, 1981.
80-382	Generic name: Adipic acid, 1,2-propanediol, monocarboxylic acid polyester	46 FR 12305 (2/13/81)	Mar. 25, 1981.
80-383	Ammonium dilinoleate	46 FR 11349 (2/6/81)	Mar. 25, 1981.

[1] Received by EPA Dec. 10, 1980. 90-day review period started March 5, 1981.
[2] Received by EPA Oct. 10, 1980. 90-day review period started Feb. 26, 1981.

PMN No.	Submitter	Chemical identification	FR citation
IV. Chemical Substances for Which EPA Has Received a Notice of Commencement To Manufacture			
80-93	Claimed confidential business information (CBI)	4,7-Methano-1*H*-inden-5-ol 3*a*,4,5,6,7,7*a* hexahydro dimethyl	45 FR 34998 (5/23/80).
80-94	Du Pont de Nemours	Polymer of *d*-glucose; acetic acid; propanoic acid, 2-oxo, arabinose; *d*-mannose; *L*-mannose, 6-deoxy; *d*glucuronic acid, mixed ammonium, calcium, magnesium, potassium, and sodium salt.	45 FR 34998 (5/23/80).

PMN No.	Submitter	Chemical identification	FR citation
80-95	do	Polymer of d-glucose; succinic acid; propanoic acid, 2-oxo; and galactose, mixed ammonium, calcium, potassium, and sodium salt.	45 FR 34999 (5/23/80).
80-96	do	Generic name: Oxidized soy folate	45 FR 34999 (5/23/80).
80-97	do	Generic name: Bis(substituted carbomonocyclic) substituted carbopolycycle	45 FR 34998 (5/23/80).
80-183	do	Monosubstituted dialkyl aniline	45 FR 51910 (8/5/80).
80-184	do	Disubstituted indole	45 FR 51910 (8/5/80).
80-196	do	Alkenol, ethyl-(trimethyl monocyclic)	45 FR 59196 (9/8/80).
80-197	do	Trimethyl monocyclic ethyl alkenol	45 FR 59196 (9/8/80).
80-206	CBI	2-Oxepanone, polymer with 1,4-butanediol, 1,3-diisocyanatomethyl benzene, and (2-hydroxyethyl)-2-propenoate.	45 FR 59200 (9/8/80).
80-244	Toms River Chemical	1-Nitronaphthalene-6-sulfonic acid, potassium salt	45 FR 65029 (10/1/80).
80-245	do	1-Nitronaphthalene-7-sulfonic acid, potassium salt	45 FR 65029 (10/1/80).
80-250	CBI	Polymer of Propylene glycol, lithium hydroxide, ethylene glycol terephthalic acid polymer, phthalic anhydride, and maleic anhydride.	45 FR 65894 (10/3/80).
80-255	Sybron Corp.	1-Octanamine, N,N-dimethyl-phosphate salt	45 FR 67751 (10/14/80).
80-257	CBI	Unsaturated branched chain hydrocarbon having 10 carbon atoms	45 FR 67751 (10/14/80).
80-258	CBI	Unsaturated branched chain ketone having 12 carbon atoms	45 FR 67751 (10/14/80).
80-317	CBI	Polymer of modified resin esters and mixed oils	45 FR 83022 (12/17/80).
80-329	Du Pont de Nemours	Generic name: Salt of fatty acids dimer	45 FR 83022 (12/17/80).
80-343	CBI	Polymer of 2,2,4-trimethyl-1,3-pentanediol, trimethylol propane, succinic anhydride, trimellitic anhyride, adipic, isophthalic acid.	46 FR 6065 (1/21/81).
80-346	CBI	Ferrous complexed sulfonated tannin	46 FR 5716 (1/27/81).
80-348	Mobil Chemical Co.	Sunflower oil, polymer with pentaerythritol, phtalic anhydride, soybean oil, and trimethylolethane.	46 FR 5058 (1/19/81).
80-349	do	Sunflower oil, polymer with benzoic acid, isophtalic acid, and pentaerythritol	46 FR 5058 (1/19/81).
80-350	do	Rosin polymers with glycerol, pythalic anhydride, and sunflower oil	46 FR 5058 (1/19/81).
81-3	CBI	Methyl, bis (hydroxy propyl) tallowalkyl ammonium methyl sulfate	46 FR 11349 (2/6/81).
81-36	CBI	Alkyl acid phosphorus esters	46 FR 16118 (3/11/81).
81-49	CBI	Generic name: Sodium poly-4-vinyl-phenol-formaldehyde condensate	46 FR 16319 (3/12/81).

[FR Doc. 81-13188 Filed 4-30-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51254; TSH-FRL 1815-6]

Toxic Substances; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of six PMN's and provides a summary of each.

DATE: Written comments by:

PMN 81-150—May 26, 1981.

PMN 81-152—May 31, 1981.

PMN 81-153, 81-154, 81-155, 81-156—June 1, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager and telephone	Room No.
81-150	Kirk Maconaughey, (202-426-2601)	E-210.
81-152	Carrie Berlin, (202-426-2532)	E-711C.
81-153	Karen Blumenfeld, (202-472-3316)	E-629B.
81-154	George Bagley, (202-426-2601)	E-210.
81-155 and 81-156.	Michael Brown, (202-755-1150)	E-335.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 58764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy publish in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must published in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic

name, the generic use, and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitiled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. IF EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES," submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51254]" and the specific PMN number. Comments received may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)

Dated: April 23, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81–150

The following summary is taken from data submitted by the manufacturer in the PMN:

Close of Review Period. June 25, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—In excess of $500 million.

Manufacturing site—South Atlantic, U.S.

Standard Industrial Classification Code—2821.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyol reaction product with methylene bis (cyclohexyl isocyanate)-hydroxy propyl acrylate blocked.

Use. Paper and floor coatings.

Product Estimates. Claimed confidential business information.

Physical/Chemical Properties

Vapor pressure at 25° C—0-1^{-2} torr.
Density—>1.0 g/cc.
Solubility at 25° C toluene——20 g/l.
Freezing point—<0° C.
Boiling point—Does not boil.

Toxicity Data

Acute oral toxicity (rats)—At 5.0 g/kg of body weight (bw): 0% motatlity: 95% confidence interval of 0–27%

Acute dermal toxicity (rabbits)—At 2.0 g/kg of bw: 0% mortality; 95% confidence interval of 0–27%.

Exposure. The manufacturer states that the substance will be manufactued in a closed system; that 4 workers may be exposed dermally 1 hr/da; 15–50 da/yr at a peak concentration of 0–1 ppm.

Environmental Release/Disposal. The submitter states that there will be no release of the new chemical into the environment.

PMN 81–152

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—Approximately $450 million.

Manufacturing site—South Atlantic, U.S.

Standard Industrial Classification Code—282.

Specific chemical Identity. Claimed confidential business information. Generic name provided: Poly(ester)-Co-poly (hydanton polyether).

Use. Claimed confidential business inforamtion. Category of use: Commercial and consumer textile fiber.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. The manufacturer states that fibers made from the PMN polymer subjected to repeated insult patch tests were found to be completely non-toxic in terms of contact sensitization and primary skin irritation.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information. Disposal of small amounts of inert polymer, if any, will be through the manufacturer's owned and operated, non-hazardous waste, state approved sanitary landfill.

PMN 81–153

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 1, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—Between $100 million and $500 million.

Manufacturing site—Mid-Atlantic, U.S.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted alkadienal.

Use. Claimed confidential business information. The manufacturer states that the PMN substance will be in an open use. Its use will involve exposure to commercial and chemical industry employees with limited potential for skin and eye contact. The use will also involve exposure to consumers as part of a mixture for varying time periods with intended skin contact.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	50	200
1982	200	700
1983	700	2,300

Physical/Chemical Properties

Appearance—Pale yellow to water white.

Physical state at room temperature—Liquid.

Boiling point—83° C/3 mm Hg.

Toxicity Data

Acute oral toxicity (rats)—LD_{50}>5 ml/kg.

Acute dermal toxicity (rats)—LD_{50}>5 ml/kg.

Skin irritation (guinea pigs)—No reaction under full occlusion at 2% in ethanol.

Sensitization (guinea pigs)—No reaction under full occlusion at 1% in ethanol.

Phototoxicity—Not phototoxic at 10% methanol. (In vitro phototoxicity assay).

Human repeated insult patch test—Non-irritating and non-sensitizing. (1% Alc.SD39C).

Exposure. The manufacturer states that during manufacture, 10 workers could be exposed through the skin and by inhalation, 24 hr/da, 10 da/yr at an average concentration of 1 ppm when transferring the crude and distilled product. Exposure in excess of 1 ppm concentration would result only during accidential contact. Maximum consumer exposure would be about 0.1 mg/kg/day by the dermal route.

Environmental Release/Disposal. The submitter claims that less than 50 kg/yr of the new substance will be released into the environment. Any product in process effluent streams will be treated at the on-site effluent treatment plant resulting in no release to the environment.

PMN 81-154

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 1, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl epoxide, reaction products with inorganic acid.

Use. Claimed confidential business information. Generic use—lubricant additive.

Production Estimates. Claimed confidential business information.

Physical Properties. Claimed confidential business information.

Toxicity Data

Estimated oral LD_{50} (rats)—>16.0 g/kg.

Primary skin irritation index (rabbits)—1.13

Primary eye irritation (rabbits)—0.0, 0.0, 0.0, 0.0, 0.0 at 24, 48 and 72 hours, 5 and 7 days, respectively.

Exposure. Claimed confidential business information.

Environmental Release. Claimed confidential business information.

PMN 81-155

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 7, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—In excess of $500 million.

Manufacturing site—East-North Central U.S.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Urethane oligomer.

Use. Claimed confidential business information. The manufacturer states that the new chemical will be used as intermediate for the manufacturer of coatings.

Production Estimates. Claimed confidential business information.

Physicial/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The submitter states that 6 workers could be exposed to the new substance during processing and disposal. Exposure will be as a result of accidential spills.

Environmental Release/Disposal. The manufacturer claims that the new substance will not be released into the environment during use. Waste disposal, if needed, will be by burning or in an approved disposal site.

PMN 81-156

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 7, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Manufacturing site—Mid-Atlantic, U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Neutralized polymer of sytrene, an alkeneoic acid, and an alkeneoic ester.

Use. Claimed confidential business information. The manufacturer states that the substance will be used in an open use that will release more than 50 but less than 5,000 kg/yr to the environment. There will be a potential skin and eye exposure to chemical industry and non-chemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	12,500	80,000
2d year	80,000	100,000
3d year	100,000	125,000

Physical/Chemical Properties

Percent total solids—25.2 percent at 105° C.; 25.00 percent at 150° C.

pH—6.8.

Viscosity—6,800 cps.

MEQ/g acid—0.406.

MEQ/g base—0.419.

Weight/gallon—8.67 lbs.

Flash point—>191° F.

(Values are determined on a solution of the new substance at percent total solids indicated).

Toxicity Data. No data were submitted.

Exposure. Claimed confidential business information. The manufacturer states that during manufacture and processing of the new substance, a total of 78 workers could have skin and eye exposure 6 hr/da, 4–46 da/yr during extraction of small samples of the product for quality control, during drumming of the final product for shipment, and during transfer from drums to process equipment.

In a typical user's site, 6 workers could have skin, eye, and inhalation exposure, 8 hr/da, 250 da/yr with average and peak concentrations of 0–1 mg/m^3.

Environmental Release/Disposal. The manufacturer states that during the manufacture and processing of the new chemical, less than 60 kg/yr may be released into the air and water, and up to 2,100 kg/yr to land.

Sluge and other organic waste are either landfilled, incinerated, or sold as fuel.

[FR Doc. 81-13185 Filed 4-30-81; 8:45 am]
BILLING CODE 6560-01-M

[OPTS-51253; TSH-FRL 1815-7]

Toxic Substances; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN)

to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of five PMN's and provides a summary of each.

DATE: Written comments by:

PMN 81-138, 81-139, 81-140—May 22, 1981.
PMN 81-146—May 24, 1981.
PMN 81-147—May 25, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager and telephone	Room No.
81-138, 81-139, and 81-140.	Kathleen Ehrensberger (202-472-3370).	E-335.
81-146	Rick Green (202-426-8815)	E-208.
81-147	Rachel Diamond (202-426-8816)	E-221.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 20604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 58764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will public the generic name, the generic use, and the potential exposure descriptions in the **Federal Register**.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register**.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES," submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51253]" and the specific PMN number. Comments received may be seen in Rm. E-108 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 23, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-138

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 21, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—Between $500 million and $1 billion.

Manufacturing site—Middle Atlantic U.S.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylate-nitrogen-hereocycle copolymer.

Use. Claimed confidential business information. The manufacturer states that the PMN substance will be used as pressure-sensitive adhesive (psa).

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Minimum average molecular weight—150,000.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that one to two manufacturing workers could have incidential skin exposure to the new chemical 1-2 hr/da, 30 da/yr during blending or packaging operations and during the transfer of the adhesive from drums into dispensing equipment.

Environmental Release/Disposal. No data were submitted.

PMN 81-136

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 21, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organizational description provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of carbomonocyclic acids, carbomonocyclic anhydride, and modified vegetable oil.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 5,000 but less than 50,000 kg/yr into the environment with potential skin and eye exposure for chemical industry employees and potential skin, eye, and inhalation exposure for non-chemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	22,000	120,000
2d year	44,000	175,000
3d year	110,000	280,000

Physical/Chemical Properties

Acid value—5.
Weight non-volatile—65%.
Bubble viscosity—Z3.
Color—10 maximum.
Flash point—80° F.
(Values determined on liquid solution in xylene at the solids reported above.)

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 3 sites, 96 manufacturing and processing workers could have skin and eye exposure to the new chemical 4–6 hr/da, 8–132 da/yr during filtering, container filling, cleanup operations, and quality control sampling. At the site of a typical user, 15 workers using the new substance could have skin, eye, and inhalation exposure 4 hr/da, 250 da/yr.

Environmental Release/Disposal. The manufacturer states that at three sites, less than 60 kg/yr of the new chemical will be released into the air and water and up to 2,100 kg/yr into the land. Vapors are cleaned by a scrubber; sludge from distilled cleaning solvents is landfilled, sold as fuel, or incinerated. At the site of a typical user, less than 20 kg/yr will be released into the air and water and more than 10,000 into the land.

PMN 81-140

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 21, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organizational description provided:

Manufacturing site: Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of an alkanediol, aliphatic dicarboxylic acid, and an aromatic dicarboxylic acid.

Use. Claimed confidential business information. Generic use description provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 50 but less than 500 kg/yr into the environment with potential skin and eye exposure for chemical industry employees and potential skin, eye, and inhalation exposure for non-chemical industry employees.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	3,000
2d year	5,000	10,000
3d year	8,000	20,000

Physical/Chemical Properties

Acid value—9.6 MEQ KOH/g.*
Hydroxyl value—104 MEQ KOH/g.
Weight solids—78.0%.
Viscosity—>2.
Color—1.
Flash point—>150° F.
(*Values determined on a solution of the new substance at percent total solids shown above).

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 3 sites, 50 manufacturing and processing workers could have skin and eye exposure to the new substance 4 hr/da, 4–25 da/yr during filtering, container filling, cleanup, and quality control operations. At the site of a typical user, 15 workers using the new substance could have skin, eye, and inhalation exposure for 1 hr/da, 250 da/yr.

Environmental Release/Disposal. The manufacturer states that at three sites, less than 60 kg/yr of the new chemical will be released into the air and water and up to 300 kg/yr into the land. Reactor vapors are cleaned by a scrubber; sludge from distilled cleaning solvents is incinerated. At the site of a typical user, less than 20 kg/yr will be released into the air and water and up to 10,000 kg/yr into the land.

PMN 81-146

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 23, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organizational description provided:

Manufacturing stie—East-South Central U.S.

Standard Industrial Classification Codes—284, "Surface Active Agents" and 286, End-use Textile Chemicals".

Specific Chemical Identity. Organic amine salts of di hydrogen phosphate esters of mixed alcohols ranging from C_{16} to C_{36}.

Use. The manufacturer states that the PMN substance will be used in a commercial use as textile antistatic, lubricant, and softener.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981	25,000	75,000
1982	250,000	500,000
1983	500,000	1,000,000

Physical/Chemical Properties

Weight per gallon—7.4 lbs.
pH 5% aqueous solution—7.5±0.5.
Non-volatile—92%.

Toxicity Data. No data were provided.

Exposure. The manufacturer states that one manufacturing worker could have skin exposure 0.25 hr/da, 200 da/yr, during handling of the new chemical. One commercial user of the new substance as a textile finish would have weekly skin exposure.

Environmental Release/Disposal. The manufacturer states that only trace amounts resulting from small spills of the new chemical could be released into the air and land during 0.25 hr/da, 200 da/yr. Small spills are hosed into the sewer; larger spills are absorbed by saw dust and shoveled in disposal cans.

PMN 81-147

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 24, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Poly(oxy-1,4-butanediyl) alpha-hydro-omega-hydroxy, Polymer with 1,1-methylene bis (4-isocyanatobenzene) and 2-hydroxyethyl-2-methyl-2-propenoate.

Use. Claimed confidential business information.

Production Estimates

	Pounds per year	
	Minimum	Maximum
1st year	500	1,000
By 1985		5,000

Physical/Chemical Properties

Vapor pressure—Nil.

Solubility—Water—nil. Acetone—soluble.

Molecular weight (Approx)—4,000 MW (end group analysis).

Viscosity at 22° C, Brookfield viscometer—>8 million cps.

Flashpoint (Seatflash)—>219° F.

Biodegradability—Very slow.

Toxicity Data. No data were provided. The manufacturer states that the toxicity of the PMN substance is expected to be low.

Exposure. The manufacturer states that one manufacturing worker could have inhalation exposure to the new substance during production of the new chemical; exposure is expected to be minimal because the vapor pressure of the component materials is low and because manufacture takes place in a closed system. The worker will wear protective gloves, goggles, and a respirator fitted with an organic vapor canister.

Environmental Release/Disposal. No data were submitted. The manufacturer states that reactor-cleaning solvents containing 4–5% of waste PMN substance per batch (max. 100 gal.) are drummed, and are then disposed of by a state-approved waste disposal company.

[FR Doc. 81-13184 Filed 4-30-81; 8:45 am]
BILLING CODE 6560-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Emergency Management Agency Advisory Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act announcement is made of the following working committee meeting:

Name: Federal Emergency Management Agency Advisory Board.
Date of Meeting: May 7, 1981.
Place: Federal Emergency Management Agency National Operations Center, 1725 I Street, NW, Washington, D.C. 20472.
Time: 9:00 a.m. to 5:00 p.m.
Purpose and proposed agenda: Discussion by the director of modus operandi and issues in which the Advisory Board can help FEMA; interaction between FEMA and the White House, and others; internal discussion within group of the efforts undertaken by the Ad Hoc Task Force on Civil Defense; internal discussion as to issues and approaches by the Advisory Board to support the Director on policy decision-making; classified presentations.

The Director has determined that the board meeting should be closed because disclosure is likely to disclose matters that are specifically authorized to be kept secret in the interest of the national defense or foreign policy and are properly classified pursuant to Executive Order.

Dated: April 27, 1981.

George Jett,
General Counsel.

[FR Doc. 81-13304 Filed 4-30-81; 8:45 am]
BILLING CODE 6718-01-M

[Docket: FEMA-REP-5-MN-1; FEMA-REP-MN-2]

Minnesota Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government off-site plans, the State of Minnesota has submitted its radiological emergency response plans to FEMA Region V office. These plans support the Northern States Power Company's Prairie Island Nuclear Generating Plant located in Goodhue County and Monticello Nuclear Generating Plant located in Wright County.

DATE: Plans Received: March 12, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Connor, Acting Regional Director, FEMA Region V, One North Dearborn Street, Chicago, Illinois 60602, (312) 353–1500.

NOTICE: In support of the Federal requirement for off-site emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Response Plan for the State of Minnesota was received by the Federal Emergency Management Agency Region V office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear plants. For the Prairie Island Nuclear Generating Plant, plans are included for Goodhue County; for the Monticello Nuclear Generating Plant, plans are included for Wright and Sherburne Counties.

Copies of the Plan are available for review at the FEMA Region V Plans and Preparedness Division, Population Protection Section, Federal Center, Battle Creek, Michigan 49016. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 804 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Robert E. Connor, Acting Regional Director, at the above address on or before June 1, 1981.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Public meetings were held on the State and local jurisdiction plans for the Prairie Island plant on October 15, 1980, 8:00 p.m., Red Wing Public Library, Red Wing, Minnesota; and for the Monticello plant on January 8, 1981, 7:30 p.m., Monticello Hospital, Monticello, Minnesota.

Dated: April 27, 1981.

Robert E. Connor,
Acting Regional Director, FEMA Region V.

[FR Doc. 81-13305 Filed 4-30-81; 8:45 am]
BILLING CODE 6718-01-M

FEDERAL HOME LOAN BANK BOARD

Federal Savings and Loan Advisory Council; Meeting

April 28, 1981.

Pursuant to Section 10(a) of Public Law 92–463, entitled the Federal Advisory Committee Act, notice is hereby given of the Meeting of the Federal Savings and Loan Advisory Council on Monday, June 8, Tuesday, June 9, and Wednesday, June 10, 1981. The meeting will commence at 1:00 p.m., Monday, June 8, 9:00 a.m., Tuesday, June 9, and 9:00 p.m., Wednesday, June 10. The meetings will be held at the Federal

Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C., Bank Board Conference Room, 6th Floor.

Monday, June 8, 1981

12:00 Noon—Lunch
1:00 p.m.—Method and Procedures of Infusing Private Capital into the Thrift Industry
Techniques to Preserve and Improve the Financial Structure of the Thrift Industry
Inter-State and Inter-Industry Expansion and Diversification
Timeliness and Flexibility of Regulatory Decision Making for the Thrift Industry
Asset Flexibility for the Thrift Industry

Tuesday, June 9, 1981

9:00 a.m.—Continue Discussion of Monday Afternoon Session
12:00 Noon—Lunch
1:00 p.m.—General Discussion

Wednesday, June 10, 1981

9:00 a.m.—General Discussion
12:00 Noon—Adjourn.

The meeting of the Federal Savings and Loan Advisory Council is open to the public.

Richard T. Pratt,
Chairman.

[FR Doc. 81-13217 Filed 4-30-81; 8:45 am]
BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. T-3965]

Global Concorde Terminal, Stevedore and LCL Service Agreement; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-3965 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. This agreement is between Global Terminal and Container Services, Inc. (Global) and Concorde Line, Inc. (Concorde). Under the terms of the agreement, Global would provide at its marine terminal facility located in the Port of New York stevedoring, cargo handling and terminal services for containers handled by Concorde.

This Finding of No Significant Impact (FONSI) will become final by May 21, 1981 unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 1101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,
Acting Secretary.

[FR Doc. 81-13202 Filed 4-30-81; 8:45 am]
BILLING CODE 6730-01-M

[Agreement No. T-3966]

Lease Agreement Between the Port of Seattle and American President Lines, Inc.; Availability of Finding of No Significant Environmental Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-3966 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Agreement No. T-3966 is a terminal lease agreement between the Port of Seattle (Port) and American President Lines, Ltd. (APL), involving a relocation of APL's principal operations from Terminal 25 to Terminal 46. Under the terms of this agreement, the Port would lease to APL 46.74 acres of improved ground area with, among other things, office buildings, container repair structures and ships berth. APL would also have preferential use of three Port-owned container cranes.

This Finding of No Significant Impact (FONSI) will become final by May 11, 1981 unless a petition for review is filed pursuant to 46 CFR 547.6(b)

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,
Acting Secretary.

[FR Doc. 81-13203 Filed 4-30-81; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Banks of Iowa, Inc.; Acquisition of Bank

Banks of Iowa, Inc., Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Fort Madison Bank & Trust Co., Fort Madison, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 27, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-13187 Filed 4-30-81; 8:45 am]
BILLING CODE 6210-01-M

CB Financial Corp.; Formation of Bank Holding Company

CB Financial Corporation, Jackson, Michigan, has applied for the Board's approval under sectioin 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares (less director's qualifying shares) of the successor by merger to City Bank and Trust Company, National Association, Jackson, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 27, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-13189 Filed 4-30-81; 8:45 am]
BILLING CODE 6210-01-M

First State Holding Co; Acquisition of Bank

First State Holding Company, Joplin, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 82 per cent of the voting shares of First National Bank, Sarcoxie, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 23, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13168 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

Keewatin Bancorporation, Inc.; Formation of Bank Holding Company

Keewatin Bancorporation, Inc., Keewatin, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.7 percent of the voting shares of The First National Bank of Keewatin, Keewatin, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 23, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13169 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

Kentucky Bank-Shares of Lexington; Formation of Bank Holding Company

Kentucky Bank-Shares of Lexington, Lexington, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Bank of Lexington, Lexington, Kentucky. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 23, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13170 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

Mercantile Bancshares Corp.; Acquisition of Banks

Mercantile Bancshares Corporation, Baltimore, Maryland, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent or more of the voting shares of the successor by merger to The Forest Hill State Bank, Forest Hill, Maryland, and the successor by merger to St. Michaels Bank, St. Michaels, Maryland. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the applications on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13171 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

National Bancshares Corporation of Texas; Acquisition of Bank

National Bancshares Corporation of Texas, San Antonio, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of Republic National Bank of Austin, Austin, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 23, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13172 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

Red Oak Bancshares, Inc.; Formation of Bank Holding Company

Red Oak Bancshares, Inc., Red Oak, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Red Oak State Bank, Red Oak, Texas. The factors that are considered in acting on the

application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13191 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

Southeastern National Bancshares of Pennsylvania, Inc.; Formation of Bank Holding Company

Southeastern National Bancshares of Pennsylvania, Inc., Malvern, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent or more of the voting shares, less directors' qualifying shares, of the successor by merger to National Bank of Pennsylvania, Malvern, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 23, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13173 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

United Bankshares, Inc.; Formation of Bank Holding Company

United Bankshares, Inc., Miami, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of United National Bank of Miami, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 22, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 23, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13174 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Federal Reserve Bank of New York, et al.

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 23, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. CITICORP, New York, New York (consumer finance and insurance activities; California): to expand the service area of an existing office of its subsidiary, Citicrop Person-to-Person Financial Center, Inc., located in Walnut Creek, California, engaged in the following previously approved activities: the making of acquiring of loans and other extension or credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contract; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; and the servicing, for any person, of loans and other extensions of credit. The new activity in which the office purposes to engage *de novo* is: the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement which Citicrop Person-to-Person Financial Center, Inc. to the extent premissible under applicable state insurance laws and regulations. The previously approved service area of the office is comprised of Contra Costa and Alameda Counties. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

2. CITICORP, New York, New York (consumer finance and insurance activities; Louisiana): to expand the activities of an existing office of its subsidiary Citicorp Person-to-Person Financial Center, Inc., located in Baton Rouge, Louisiana, engaged in the

following previously approved activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; and the servicing, for any person, of loans and other extensions of credit. The proposed new activity in which the office wishes to engage is the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissible under applicable state insurance laws and regulations. The previously approved service area, comprised of the entire state of Louisiana, shall be the same for the new activity. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

B. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

BAYLOR BANCSHARES, INC., (mortgage and finance activities, Texas): Seymour, Baylor County, Texas, proposes to engage, through its subsidiary, Baylor Mortgage Co., Inc., in commercial real estate finance activities. These activities would be conducted from offices at 201 N. Washington St., Seymour, Texas. Applicant, Baylor Bancshares, Inc., will be the sole owner of all the outstanding stock, 10,000 shares representing 100% of the voting privileges. Said stock will be sold at $25.00 per share, totaling $250,000. All stock will be common stock, with no other class available and will have a $1.00 (One Dollar) per share par alue. It is felt by the Applicant that this injection into the commercial real estate market within the designated trade area will certainly be a great assistance to the area. Currently, this segment of the finance business is served, on a limited basis, by the local banks and savings and loan associations, with a greater majority by individuals. Insurance companies, and other lenders of various sorts, have little or no interest in this type investment. The Federal Land Bank, Farmers Home Administration, and various insurance companies serve the agricultural community very well, along with the individual interest.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

SECURITY PACIFIC CORPORATION, Los Angeles, California (industrial loan, financing and credit-related life, accident and health insurance activities; Washington): to engage in financing and industrial loan and thrift company activities through its subsidiary, Security Pacific Industrial Loan Company, including making, acquiring and servicing loans and other extensions of credit; selling and issuing investment certificates; and acting as agent for the sale of credit-related life and credit-related accident and health insurance as authorized by Washington law. These activities would be conducted from offices of Security Pacific Industrial Loan Company in the cities of Bellevue and Tuckwila, Washington, serving the State of Washington.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 24, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13102 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-068]

Policy Statement on the Disposition of Income From the Sale of Credit Life Insurance

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Policy statment.

SUMMARY: The Board has adopted a policy statement that generally prohibits individuals associated with a state member bank from personally profiting from credit life insurance sales and requires that income from this activity be credited to the state member bank. The policy statement, however, permits crediting such income to bank holding companies or other affiliated organizations, if the state member bank making the loan receives "reasonable compensation" for its role in selling credit life insurance. The policy statement also allows state member banks to permit their employees and officers to participate in the income from credit life insurance sales under a bonus or incentive plan not to exceed 5 percent of the recipient's annual salary. Finally, the policy statement requires complete compliance within two years of its effective date; however, there is provision for further extension in the case of clearly demonstrated hardship.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra Greene (202/452-2742), Division of Banking Supervision and Regulation, or Richard Whiting (202/452-3779), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On January 4, 1980, on behalf of the Board and its other member agencies, the Federal Financial Institutions Examination Council published for comment a joint notice of proposed Policy Statement on Disposition of Credit Life Insurance Income (45 FR 1152). The proposed policy statement addressed the longstanding financial practice whereby officers, directors and principal shareholders receive, either directly or indirectly, income derived from the sale of credit life, health or accident insurance in connection with loans made by the financial institution. The proposed policy statement stated the belief that this practice may constitute an unsafe and unsound financial practice. Accordingly, the proposed policy statement would have prohibited all insiders or affiliates of financial institutions from personally profiting from the sale of credit life insurance and would have required all such income to be credited to the financial institution's income account.

A large majority of the approximately 650 comments received opposed the policy statement as proposed. Most comments came from small state chartered banks located in the Midwest. Very few national banks submitted wholly negative comments, suggesting that they had adjusted without difficulty to a similar regulation promulgated by the Comptroller of the Currency in 1978. Few state banking associations opposed the policy statement, and no opposition came from state insurance commissioners. A number of small banks, and others applauded the policy statement. Similar sentiments of a general nature were expressed by larger banks and bank holding companies, although most bank holding companies urged a modification allowing holding company affiliates to receive credit life insurance income.

The principal criticisms of the proposed policy statement were: (1) it is unreasonable to label the insider retention of credit life income an "unsafe and unsound banking practice" when the practice is one of long

standing, is approved by the bank's board and has not been the cause of many bank failures; (2) to obtain competent management in small banks, it is necessary to provide an incentive in addition to salary; (3) unless loan officers share in the credit life premiums, they will have no incentive to mention the availability of credit life to borrowers; (4) receipt of credit life income will not cause a loan officer to make an unsound loan or coerce a borrower to purchase unneeded or unwanted credit life insurance; (5) the policy statement threatens the ability of individuals to buy bank stock and controlling ownership, thereby restricting the transfer of ownership of small institutions and the maintenance of local ownership-management and encouraging acquisition of banks by multibank holding companies; and, (6) the disposition of credit life income is more properly a responsibility of the bank's board of directors.

In light of these comments, the following significant changes have been made in the policy statement recommended by the Federal Financial Institutions Examination Council on December 31, 1980, and finally adopted by the Board.

1. The policy statement has been expanded to cover income from the sale of mortgage life insurance, a form of credit life insurance sold on mortgage loans.

2. A footnote has been added to make it clear that the policy statement does not intend to govern that portion of the insurance premium required to cover the underwriting risk.

3. The policy statement's first paragraph contains a new sentence permitting limited bonuses to be paid to officers and employees for credit life insurance sales. Allowing limited bonuses responds to the comment voiced by many financial institutions that an incentive is required to motivate loan officers to sell credit life insurance, while still reducing the potential for abusive sales practices.

4. The final policy statement reaffirms that credit life income should be credited solely to the state member bank's income accounts and not to individual employees, officers, directors, principal shareholders, their interests, or other affiliates. However, an exception allows credit life income to be credited to an affiliate operating under the Bank Holding Company Act or, in the case of an individual shareholder, to a trust for the benefit of all shareholders, provided that the financial institution is paid "reasonable compensation". This latter condition recognizes both the role of the state member bank in generating credit life insurance sales and the rights of any minority stockholders to share in the benefits of such sales. As a general rule, "reasonable compensation" should amount to a minimum of 20% of the net income attributable to the state member bank's credit life insurance sales. For example, where a bank holding company operates an insurance agency selling credit life insurance to both the bank's customers and to customers of the holding company's finance company subsidiary, the minimum reasonable compensation to the bank would be 20% of the net income from credit life sales related to loans made by the bank. If management feels that less than 20% should be the appropriate measure of compensation, it may discuss the matter with its principal federal regulator.

5. The last paragraph of the policy statement increase from one year to two years, the period within which compliance is to be achieved by the state member bank. While an additional year may not be necessary for most institutions to comply with the policy, an extra year will ensure that adequate time has been provided for virtually all institutions to be in compliance. The provision for hardship extensions beyond the initial implementation period is retained as well.

The policy statement is issued pursuant to the authority granted to the Board by section 11 of the Federal Reserve Act (12 U.S.C. 248) and the Financial Institutions Supervisory Act of 1966 (12 U.S.C. 1818(b)).

Policy Statement on the Disposition of Income From the Sale of Credit Life Insurance

For the purposes of helping to preserve the safety and soundness of financial institutions, the Board of Governors of the Federal Reserve System, establishes the policies set forth below on the disposition of income [1] from the sale of credit life, health and accident, and mortgage life insurance ("credit life insurance") related to loans made by state member banks.

1. Individual employees, officers, directors and, principal shareholders of a state member bank should not personally profit by retaining commissions or other income from the sale of credit life insurance to the institution's loan customers. However, employees and officers may participate in a bonus or incentive plan under which payments based in whole or in part on credit life insurance sales are made in cash or in kind out of the state member bank's funds in an amount not exceeding in any one year 5% of the recipient's annual salary. Such payments may not be made to employees and officers more frequently than quarterly.

2. As an accounting and operations matter, income derived from credit life insurance sales to loan customers should be credited to the income accounts of the state member bank and not to the state member bank's individual employees, officers, directors, or principal shareholders, their interests, or other affiliates. However, such income may be credited to an affiliate operating under the Bank Holding Company Act or in the case of an individual shareholder, to a trust for the benefit of all shareholders, provided that the state member bank receives reasonable compensation in recognition of the role played by its personnel, premises and good will in credit life insurance sales.[2]

3. Where state insurance laws or other legal considerations preclude a financial institution from using a particular procedure for selling credit life insurance or from disposing of the income in a particular manner, a state member bank that wishes to provide this service to its loan customers shall seek and utilize an alternative method that complies with 1 and 2 above.

4. The proper method for the distribution to shareholders of income derived from credit life insurance is through a declaration of dividends in conformity with law, rule, regulation and prudent financial practices.

5. State member banks should be in compliance with 1 and 2 above within two years following publication in the **Federal Register** of this policy statement. Modifications beyond that time will be granted only where a clear hardship exists and satisfactory assurance is provided that compliance with 1 and 2 above will be achieved within an appropriate time period.

Regulatory Analysis of Policy Statement

The Board has adopted a policy statement that generally prohibits individuals associated with a state member bank from personally profiting from credit life insurance sales and requires that income from this activity be credited to the state member bank. The policy statement, however, permits

[1] "Income" includes commissions and experience rating credits; it does not refer to that portion of the premium required to cover the underwriting risk.

[2] As a general rule, "reasonable compensation" means an amount equivalent to at least 20% of the affiliate's net income attributable to the financial institution's credit life insurance sales.

crediting such income to bank holding companies or other affiliated organizations if the state member bank making the loan receives "reasonable compensation" for its role in selling credit life insurance. The policy statement also allows state member banks to permit their employees and officers to participate in the income from credit life insurance sales under a bonus or incentive plan not to exceed 5 per cent of the recipient's annual salary.

The policy statement as adopted is significantly different from the proposed policy statement, which constituted the principal alternative considered by the Board. As adopted, the policy statement in effect exempts bank holding companies and their affiliates from the prohibition against receiving income from the sale of credit insurance, except that "reasonable compensation" must be paid to the state member bank. Under the policy statement as proposed there existed no such exemption. The exemption was adopted after considering all comments received and, in light of this exemption, it is likely that the effect of the policy on the majority of bank holding companies will be immaterial. The Board further believes that because the policy requires a state member bank to be reasonably compensated for its role in effecting the sale of credit life insurance, it is expected that any burden associated with adjusting operations to comply with the policy statement generally will be more than offset by benefits to the institution. Finally, the majority of individuals associated with financial institutions who currently rely on income from the sale of credit life insurance to supplement salary or dividend income are expected to have little difficulty in adjusting to the policy. Salary or dividends can often be increased by a financial institution sufficiently to replace foregone credit life insurance income. While under certain circumstances a financial institution may be unwilling or unable to replace an individual's lost insurance income with an increase in salary or dividends, and where a severe or insurmountable problem is encountered an appeal may be made to the hardship extension provision of paragraph 5. Because the policy statement pertains to the accounting of income among persons associated with state member banks, it imposes no new regulatory burden upon the general public. Consequently, as a result of the revisions made by the Board in the final policy statement, the Board believes that the burdens imposed by the policy will be minimal, while the objective of the Board in ensuring the safety and soundness of state member banks will be preserved.

By order of the Board of Governors, April 24, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-13054 Filed 4-30-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Ninth Annual Report of the President on Federal Advisory Committees Covering the Calendar Year 1980; Availability of Publication

The above report, prepared in accordance with section 2 of Executive Order 12024 to fulfill the requirements of section 6(c) of the Federal Advisory Committee Act, as amended (Pub. L. 92-463, 5 U.S.C., App. I), has been transmitted by the President to the Congress on March 30, 1981.

The report, a summary of the activities, status, and changes in the composition of Federal Advisory Committees, is available to Federal government sources by contacting the Committee Management Secretariat (NFC) Office of the Federal Register, National Archives and Records Service, Washington, DC 20408, telephone (202) 357-0019.

Purchase of the report by the general public is available through the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. The price is $5.50, the stock number is 040-000-00449-1, and the catalog number is PR 40.10:980.

The Compilation of Agency Submissions incorporating detailed information on each advisory committee, and used to prepare the report, will be available on microfilm for public inspection and/or purchase through the National Archives and Records Service at a later date which will be announced in the **Federal Register.**

Dated: April 23, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81-13208 Filed 4-30-81; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Immunization Practices Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.
Dates: May 21 and 22, 1981.
Place: Room 207, Building 1, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.
Time: 8:15 a.m.
Type of Meeting: Open.
Contact Person: H. Bruce Dull, M.D., Executive Secretary of Committee, Building 1, Room 2035, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone: FTS: 236-3703, Commercial: 404/329-3703.
Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents.
Agenda: The Committee will formulate its recommendation on vaccine usage for the 1981-82 influence season; review and update recommendations on pneumococcal polysaccharide and plague vaccines; receive and review data on the investigational hepatitis vaccine; discuss current patterns of use of smallpox vaccine; review emerging issues in adult immunization and other matters of interest to the Committee.
Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 24, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-13210 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-86-M

Federal Council on the Aging; Meeting

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 305) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging, and the Congress on matter relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. app. 1, sec. 10, 1976) that the Council will hold a meeting May

26, 1981 from 9:30 a.m. to 5:00 p.m. and May 27, 1981 from 9:00 a.m. to 3:00 p.m. in Rooms 403–425A, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

The agenda will consist of status reports on the White House Conference on Aging and the systems development study. In addition there will be a discussion on the FCA work plan, the Annual Report and the impact of the President's budget on the elderly. A follow-up plan for the Council's recent mandated study will also be discussed along with other items of importance to the well-being of the elderly.

Further information on the Council may be obtained from the Federal Council on the Aging, Washington, D.C. 20201, telephone (202) 245–0441.

FCA meetings are open for public observation.

Dated: April 22, 1981.

Rev. Msgr. Charles J. Fahey,

Chairman, Federal Council on the Aging.

[FR Doc. 81–13111 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–09–M

Food and Drug Administration

Public Advisory Committees; Request for Nominations of Voting Members; Medical Radiation Advisory Committee

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) requests nominations for membership on the Medical Radiation Advisory Committee. Three vacancies will occur on June 30, 1981.

DATE: Nominations must be received by June 15, 1981.

ADDRESS: Nominations must be submitted to the Bureau of Radiological Health (HFX–4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Gordon C. Johnson at the address shown above (301–443–6220).

SUPPLEMENTARY INFORMATION: The function of the Medical Radiation Advisory Committee is to advise the Commissioner of Food and Drugs on the formulation of policy and development of a coordinated national program relating to application of radiation to obtain maximum diagnostic information and therapeutic benefit per unit of radiation exposure to the public.

The committee meets approximately twice a year and has advised FDA on programs related to the medical and dental use of radiation, diagnostic imaging and therapeutic radiation devices, training and education of medical radiation users, and the development of policy statement on the effecive use of medical radiation.

Among its current activities, the committee reviews qualifications of operators of radiation devices, reviews radiological training and education programs, advises on radiation devices guidelines and standards, and considers efficacy in relation to the selection and character of medical and dental users of radiation.

The committee consists of 13 members, including the chairperson. Members are selected by the Secretary, Department of Health and Human Services, from those nominees who have expertise in the fields of medicine, dentistry, health sciences, biomedical engineering, public health, or related technology. For the 1981 membership, the Medical Radiation Advisory committee will have particular need for candidates with knowledge of medical diagnosis and decisionmaking, diagnostic imaging technology, and health care delivery. Members are invited to serve 4-year terms. Effective July 1, 1981, there will be three vacancies on the committee. Interested persons are invited to submit names of qualified candidates and accompanying curriculum vitae and other pertinent information.

In a notice published in the Federal Register of February 12, 1980 (45 FR 9328), FDA requested nominations of qualified persons to replace members whose terms expired on June 30, 1980. Eligible individuals nominated in response to that notice who were not selected will be reconsidered for a period of 2 years thereafter, along with new nominations for membership. The names and affiliations of those selected pursuant to the February 12, 1980, notice have not yet been announced.

FDA has a special interest in assuring that women, minority groups, and the handicapped are adequately represented on advisory committees and therefore extend particular encouragement to nominations for appropriately qualified female, minority, and handicapped candidates.

Any interested person may nominate one or more qualified persons for membership. A complete curriculum vitae of the nominees shall be included. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by FDA to provide detailed information concerning financial holdings, consultancies, and research grants or contracts to permit evaluation of possible sources of conflict of interest.

Dated: April 22, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–13760 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 77D–0416]

Investigation of Drugs in Humans; Availability of Clinical Guideline "Antiepileptic Drugs (Adults and Children)"

AGENCY: Food and Drug Administration.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a revised clinical guideline entitled "Antiepileptic Drugs (Adults and Children) [HHS (FDA) 81–3110]." This guideline replaces the guideline for the "Clinical Evaluation of Anticonvulsant Drugs (Adults and Children) [HES (FDA) 77–3075]." The guideline is intended to inform interested persons of what the agency's Bureau of Drugs views as aceptable procedures and standards for conducting clinical investigations for this class of drugs.

ADDRESS: Written comments to the Dockets Management Branch (Formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Land, Rockville MD 20857.

FOR FURTHER INFORMATION CONTACT: Roger Gregorio, Bureau of Drugs (HFD–102), Food and Drug Administration, 5600 Fishers Land, Rockville, MD 20857, 301–443–4330.

SUPPLEMENTARY INFORMATION: FDA is making available a revised guideline on the investigation of antiepileptic drugs in humans. On the basis of comments received, the agency's experience with the original guideline, and the agency's commitment to periodic review (every 18 to 24 months), the guideline has been revised and the title changed to "Guidelines for the Clinical Evaluation of Antiepileptic Drugs (Adults and Chileren) [HHS (FDA) 81–3110]." The title was changed to describe more accurately the class of drugs to which the guideline applies. The other revisions in the guideline are organizational or editorial. No substantive changes have been made. The original guideline entitled "Guidelines for the Clinical Evaluation

and Anticonvulsant Drugs (Adults and Children) [HEW (FDA) 77-3045]," dated September 1977, is hereby revoked. Because no substantive change has been made in the revsions of the original guideline, studies conducted in accordance with that guideline remain acceptable to FDA.

This notice of availability of the guideline is issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to outline procedures or standards of general applicability that are acceptable to FDA for a subject matter that falls within the laws administered by FDA. Although this guideline is not a legal requirement, a person may be assured that in following an agency guideline the procedures and standards will be acceptable to FDA. A person may also choose to use alternative procedures or standards for which there is scientific rationale even though they are not provided for in the guideline. A person who chooses to use procedures or standards not in a guideline may discuss the matter further with the agency to prevent an expenditure of money and effort on work that FDA may later determine to be unacceptable. The guideline subject to this notice is as follows:

HHS (FDA) No.	Guideline title	GPO stock No.	Cost
81-3110	Guidelines for the Clinical Evaluation of Antiepileptic Drugs (Adults and Children)	017-012-00292-7	$1.50

Copies of the guideline can be purchased from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, DC 20402, at the cost listed above for the document. Orders for copies must include the GPO stock number which is also listed.

Interested persons may submit written comments on the guidelines to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Such comments will be considered in determining whether further amendments to, or revisions of, the guidelines are warranted. Comments should be in four copies (except that individuals may submit single copies) identified with the docket number found in brackets in the heading of this document. The guidelines and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12702 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80D-0376]

Source Leukocytes; Availability of Revised Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of a revised guideline for the collection of human leukocytes for further manufacturing use (Source Leukocytes).

ADDRESS: Requests for a copy of the guideline and submission of written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Paul K. Hiranaka, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the Federal Register of the September 23, 1980 (45 FR 63144), FDA announced the availability of a guideline for the collection of human leukocytes for further manufacturing use (Source Leukocytes) and invited interested persons to submit written comments on the guideline. FDA's Bureau of Biologics also held a public workshop on October 8, 1980, to present and discuss scientific data regarding leukapheresis donor safety. After reviewing the comments and the opinions of other experts in the field, the Bureau of Biologics revised the guideline by changing: (1) the frequency of leukocyte collection; (2) the number of donations permitted during a donor lifetime; (3) the frequency of performing a white blood cell count; (4) the minimum white blood cell count needed for donation; and (5) the requirements for hepatitis B surface antigen testing.

Copies of the revised guideline are going furnished to all FDA-registered blood-collecting facilities. Other persons interested in obtaining a copy of the guideline may write the Dockets Management Branch, Food and Drug Administration, at the above address. Requests should include the docket number found in brackets in the heading of this document.

Interested persons may submit written comments on the guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. These comments will be considered in determining whether further amendments to our revisions of the guidelines are warranted. Comments should be in four copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12704 Filed 4-30-81; 2:55 pm]

BILLING CODE 4110-03-M

[Docket Nos. 78N-0434, 78N-0436]

Ivy-Reed Co., Inc., Syntex Laboratories, Inc., and Mattox & Moore, Inc.; Estradiol Benzoate; Steer-Oid, Synovex-S, Synovex-H, and Esmopal; Reopening of Administrative Record

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the reopening of the administrative record concerning the notices of opportunity for hearing issued by the Bureau of Veterinary Medicine proposing to refuse approval of a new animal drug application (NADA) and to withdraw approval of NADA's on the grounds that the products are not shown to be safe. All the applications concerned the use of products containing estradiol benzoate in combination with progesterone, testosterone propionate, and estradiol monopalmitate for use in food-producing animals. FDA is requesting comments by all participants and interested persons on the issues set forth below.

DATE: Comments on or before June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Neal Castagnoli, Special Assistant to the Commissioner (HF-4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4970.

SUPPLEMENTARY INFORMATION: In the Federal Register of January 5, 1979 (44 FR 1482, 1483), FDA issued two notices of opportunity for hearing: one proposed to refuse to approve NADA 110-315 submitted by Ivy-Reed Co., Inc. (Ivy-Reed), 433 Commercial Ave., Palisades

Park, NJ 07650, for Steer-oid, a product used for growth promotion and feed efficiency (44 FR 1462); the other proposed to withdraw approval of NADA's 9–576 (Synovex-S) and 11–427 (Synovex-H), Syntex Laboratories, Inc. (Syntex), 3401 Hillview Dr., Palo Alto, CA 94304, and NADA 13–187 (Esmopal), Mattox & Moore, Inc. (Mattox & Moore), 1503 East Riverside Drive, Indianapolis, IN 46207, for products containing estradiol benzoate in combination with testosterone propionate, and estradiol monopalmitate used for growth promotion and feed efficiency in food-producing animals (44 FR 1463).

The notices were based on the Bureau of Veterinary Medicine's conclusions that estradiol was not shown to be safe for use in food-producing animals and that the available toxicity data on estradiol raised serious questions regarding human safety. Ivy-Reed, Syntex, and Mattox & Moore requested hearings.

On the basis of Syntex's submission and the reevaluation of the relevant scientific facts by the Bureau of Veterinary Medicine and the Bureau of Foods, the Bureaus have recommended to me: (1) that I conclude that the estradiol implant for use in steers is safe under both normal conditions of use and foreseeable conditions of abuse; and (2) that the statutory requirement for a regulatory method (secton 512(d)(1)(H) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(d)(1)(H))) for monitoring estradiol residues in edible tissue be waived. (The Bureaus' conclusions and recommendations dated September 16, 1980, are on file in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.) Recognizing that estradiol has been demonstrated to be a carcinogen in laboratory animals, the Bureaus based their decision upon the drug residue levels expected to occur in edible tissue from estradiol-treated steers. The Bureaus found these levels to be: (1) insignificant relative to the naturally occurring levels of estradiol produced by the human body (1 part in 200,000 to 400,000); (2) extremely low in absolute terms (7.8 nanograms (ng)/500 grams (g) meat); and (3) small compared to estradiol consumed daily in the diet (e.g., 18.5 ng/500 milliliters (mL) milk; 2.3 ng/28 g butter; 26.4 ng/500 g meat from pregnant heifers). The Bureaus have emphasized that there is a distinction between compounds that occur naturally in people, such as estradiol, and synthetic compounds. For the latter, there is no "normal" level in the human body; for the former, there is. In the case of estradiol, the amount added to the body from ingesting tissues obtained from treated animals is minuscule compared with that which naturally occurs in the body. In addition, since estradiol occurs naturally, physiologic mechanisms in the body probably regulate tissue exposure. With synthetic compounds there is no such natural control.

These factors and the fact that no epidemiological evidence indicates that estradiol is a human carcinogen have led the Bureaus to recommend to me that the section of the notice of opportunity for hearing citing Synovex-S be vacated and the sections of the notice of opportunity for hearing referring to Synovex-H and Esmopal be revised to require submission of adequate residue data in heifers and chickens that would confirm that the level of estradiol in the edible tissue of these animals is within a safe level. They also recommended that the Ivy-Reed NADA for estradiol implant for use in steers be approved contingent upon satisfactory completion of its study to demonstrate bioequivalence with the Syntex implant. In order to evaluate the Bureaus' recommendations fully, I have decided to reopen the administrative record in these proceedings.

The Bureaus' recommendations raise difficult scientific issues that need to be addressed before a final decision can be made. In my view the following scientific questions are deserving of additional public comment: (1) Under what circumstances should a known animal carcinogen, which under ordinary conditioons of use results in a significant increase in tissue residue over that which normally occurs, be approved for animal drug use? (2) Under what circumstances is it appropriate for the agency to waive the requirement for a "regulatory method"? (3) By what criteria should risk assessments be made when considering for approval as an animal drug in food-producing animals a known animal carcinogen that is endogenous to humans? (4) Has the fact that estradiol derivatives and not estradiol itself are used in the implant preparations been given adequate consideration? (5) Are the metabolic profiles of these estradiol derivatives adequately documented in the target animals? (6) Has the occurrence of potentially toxic metabolite residues been given adequate consideration?

The Bureaus' recommendations also raise a difficult legal issue. In order for FDA to approve a new animal drug application, section 512(d)(1)(A) of the Federal Food, Drug, and Cosmetic Act (the act) requires a finding that the sponsor has submitted "adequate tests by all methods reasonably applicable to show whether or not the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof." In the case of a drug that has been shown to induce cancer, section 512(d)(1)(H) of th act (i.e., the Delaney Clause) provides that no such drug will be approved unless "no residue of such drug will be found (by methods of examination prescribed or approved by the Secretary * * *), in any edible portion of such animals after slaughter or in any food yielded by or derived from the living animals." Thus, in order to approve Ivy-Reed's NADA for Steer-oid, FDA must find estradiol to be safe and Delaney-exempt, or safe and Delaney-approvable.

The notice of opportunity for hearing proposing to withdraw approval of Synovex and Esmopal is based on section 512(e)(1)(B) of the act, which requires the agency to issue an order withdrawing approval of an application for a new animal drug if the agency finds:

> * * * That new evidence not contained in such application or not available to the Secretary until after such application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the Secretary when the application was approved, shows that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved or that subparagraph (H) of paragraph (1) of subsection (d) applies to such drug.

Thus, in order to withdraw the notice of opportunity for hearing and allow continued marketing of the Syntex and Mattox-Moore products, FDA must conclude that, given current knowledge, these animal drugs continue to satisfy the safety requirements of the act.

When a new animal drug has the potential to contaminate edible tissue with residues whose consumption may pose a risk of human carcinogenesis, it must be demonstrated that the conditions of use specified in the proposed labeling and reasonably certain to be followed in practice can be established that ensure that the "no-residue" requirement of section 512(d)(1)(H) of the act will be met. The agency has operationally defined the term "no residue" (see the Federal Register of March 20, 1979 (44 FR 17070–17114)) to mean the establishment of a residue level that, on the basis of quantitative carcinogenicity testing of residues and extrapolation of the test

data, is safe in the total diet of test animals and that if present in edible tissues would be considered safe in the total diet of man. To provide a means for ascertaining if these conditons are met in actual practice, a postslaughter menthod of detection capable of of identifying such residues present in tissue at and above the safe level is required by the statute. The operational definition of "no residue" therefore carries out the statutory purpose of protecting the human food supply from residues that pose a carcinogenic risk to man.

Therefore, for a carcinogenic product such as estradiol to be and remain legally approved, the statute requires, *inter alia*, a postslaughter analytical method capable of detecting levels of drug residues at and above the level that presents an acceptable level of risk ("regulatory method"). It is my opinion, based upon the administrative record, that: (1) Estradiol induces cancer in animals; and (2) there is no valid "regulatory method" for estradiol. Thus, even assuming that the estradiol products at issue here are safe for use in food-producing animals, the Bureaus' recommendations raise a difficult legal issue: Can an endogenous hormone that is an animal carcinogen but that raises no concern about human health or safety due to the low residue level expected to occur in edible animal tissue under the conditions of use specified in proposed labeling and reasonably certain to be followed in practice be legaly appraoved for use as an animal drug without the existence of a valid "regulatory method?"

Public comment is invited on the questions of the carcinogenicity of estradiol and the existence of a "regulatory method" for estradiol, and on the central legal issue raised by the Bureaus' recommendations.

I understand the unusual nature of the scientific circumstances regarding estradiol and do not want to construe the Delaney clause in such a manner that may lead to results so manifestly unreasonable that they could not be attributed to the Congressional design. See *In re Trans Alaska Pipeline Rate Cases*, 436 U.S. 631, 643 (1978). If it can be demonstrated that a product is likely to leave a safe level of residue of carcinogenic endogenous hormones in the edible tissue, it may be unreasonable to disapprove that product because a postslaughter method (i.e., "regulatory method") capable of monitoring such small amounts of residues has not been developed. I also believe, however, that waiver of the statutory requirement for a postslaughter regulatory method is not responsible government. It is this Hobson's choice that has led me to reopen the administrative record in these proceedings.

I have decided that separation of functions should not be followed at this stage in the proceedings to facilitate analysis of the public comments and resolution of the complex issues concerning estradiol.

The Administrative Procedure Act (5 U.S.C. 554) requires separation of functions in certain proceedings between those engaged in prosecuting functions and those responsible for making the ultimate decision. It does not require that separation of functions be imposed at any time before the issuance of a notice of hearing (5 U.S.C. 554, 556). Nor is there any constitutional requirement for this separation of functions. See *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519 (1978); *Withrow* v. *Larkin*, 421 U.S. 35 (1975). There is no FDA regulation that requires separation of functions before the issuance of a notice of hearing on proposed actions on NADA's. FDA has stated publicly its intention to apply separation of functions upon the agency's receipt of a request for hearing on NADA's as set forth in 21 CFR 314.200(f), and in fact has done so (see the **Federal Register** of September 3, 1975, 40 FR 40691 and of December 19, 1978, 43 FR 59096). However, § 314.200(f) (21 CFR 314.200(f)) does not contemplate the situation at issue here. The Commissioner of Food and Drugs has the responsibility for ruling on requests for hearing submitted in response to a notice issued by a bureau. The observance of separation of functions prior to the notice of hearing is intended to avoid the appearance of prejudgment that results when the person who proposes adverse action also decides or helps decide whether a hearing is necessary before making that action final. In the usual situation, the Bureau either recommends that a hearing be granted or recommends denial of a hearing. In either event, the Bureau is taking a position adverse to the party requesting the hearing. Here, the Bureaus have recommended neither the granting nor denial of a hearing, but rather have recommended action favorable to the parties requesting the hearings. Therefore, the possibility of unfairness owing to prejudgment is not present, and dispensing with separation of functions in this situation will not adversely affect the rights of the parties.

Dated: April 27, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-13260 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting; Los Angeles, Calif.

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Abraham I. Kleks, District Director, Los Angeles District Office, Los Angeles, CA.

DATE: The meeting will be held at 9:30 a.m., Tuesday, May 19, 1981.

ADDRESS: The meeting will be held at the Food and Drug Administration, 1521 W. Pico Blvd., Los Angeles, CA 90015.

FOR FURTHER INFORMATION CONTACT: Gordon L. Scott, Consumer Affairs Officer, Food and Drug Administration, 1521 W. Pico Blvd., Los Angeles, CA 90015, 213-688-4395.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Los Angeles District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 24, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12096 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting; Milwaukee, Wis.

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Henry P. Roberts, District Director, Minneapolis District Office, Minneapolis, MN.

DATE: The meeting will be held at 9:'30 a.m., Tuesday, May 12, 1981.

ADDRESS: The meeting will be held at the Northwest Health Center, 7630 W. Mill Rd., Milwaukee, WI 53223.

FOR FURTHER INFORMATION CONTACT: Mary Elyn Bahlert, Consumer Affairs Officer, Food and Drug Administration,

Lewis Center Bldg., 615 E. Michigan St., Milwaukee, WI 53202, 414–291–3094.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Minneapolis District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 24, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-13069 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-03-M

Health Care Financing Administration

Privacy Act of 1974; Report of New and Amended Routine Uses

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notification of new and amended routine uses.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(11), we are proposing to add new and amended uses applicable to the following notices of systems of records:

(1) 09–70–0005, Medicare Bill File (Statistics), HHS/HCFA/ORDS

(2) 09–70–0006, Medicare Enrollment Records (Statistics), HHS/HCFA/ORDS

(3) 09–70–0008, Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics), HHS/HCFA/ORDS

(4) 09–70–0501, Carrier Medicare Claims Records, HHS/HCFA/BPO

(5) 09–70–0502, Health Insurance Master Record, HHS/HCFA/BPO

(6) 09–70–0503, Intermediary Medicare Claims Records, HHS/HCFA/BPO

(7) 09–70–0506, Group Health Plan System, HHS/HCFA/BPO

We have provided background information about the routine uses in the "Supplementary Information" section below. We invite public comments on this proposal.

DATES: These routine uses will become effective, as proposed, without further notice June 1, 1981, unless we receive comments on or before that date which would result in a contrary determination.

ADDRESS: Interested parties who wish to comment on this proposal should address their comments to Shirley Mulhall, the HCFA Privacy Officer, Health Care Financing Administration, Bay B–4, 1710 Gwynn Oak Avenue, Baltimore, Maryland 21207.

We will make comments received available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Mr. Glenn J. Martin, Office of Research, Room 1104, Oak Meadows Building, 6340 Security Boulevard, Baltimore, Maryland 21207, telephone (301) 597–2999.

SUPPLEMENTARY INFORMATION: System notice 09–70–0005, Medicare Bill File (Statistics) contains records on bills for services furnished to persons enrolled in the hospital insurance or supplementary medical benefits part of the Medicare program. Also included are demographic data on beneficiaries, diagnosis and surgery data, and provider characteristics. Data in this file are used primarily for statistical and research purposes.

System notice 09–70–0006, Medicare Enrollment Records (Statistics) contains records on bills for services furnished to persons enrolled in the hospital insurance or supplementary medical benefits parts of the Medicare program. Also included are demographic data on beneficiaries, diagnosis and surgery data and provider characteristics. Data in this file are used primarily for statistical and research purposes.

System notice 09–70–0008, Supplementary Medical Sample Bill Summary File (Statistics) contains records on suppliers and billing information on a 5 percent sample of Medicare beneficiaries. Data in this file are used for research and statistical purposes.

System notice 09–70–0501, Carrier Medicare Claims Records contains records on claims for Supplementary Medical Insurance Benefits including itemized bills to support payment to beneficiaries and to physicians and other suppliers of medical services. Data in this file are used for purposes of administering the Medicare program and for research and statistical purposes.

System notice 09–70–0502, Health Insurance Master Record contains a record of each individual who is, or has been, entitled to health insurance benefits under title XVIII of the Social Security Act. Data in this file are used to administer the Medicare program and for research and statistical purposes.

System notice 09–70–0503, Intermediary Medicare Claims Records contains records on claims for Medicare benefits submitted by providers for reimbursement on a reasonable cost basis including hospital, skilled nursing facility and home health agency bills. Data in this file are used for purposes of administering the Medicare program and for research and statistical purposes.

System notice 09–70–0506, Group Health Plan System contains records on Medicare beneficiaries receiving service from group health plans including entitlement and supplementary medical benefits usage. Data in this file are used in administering the Medicare program and for research and statistical purposes.

The Privacy Act allows us to disclose information routinely outside the agency without an individual's consent if the information is to be used for a purpose which is compatible with the purposes for which the information was collected. We disclose information for "routine uses" when it is necessary to carry out our programs, including research and statistical projects. From time to time, we need to use contractors and grantees to carry out these projects and must disclose information to them for such purposes. We consider these uses to be compatible with program purposes. We take into account whether release of the data is necessary and feasible and whether the data will be protected once released. We believe that the new and amended routine use which we are proposing meets the requirements of the Privacy Act. Accordingly, we are revising the above mentioned systems notices as indicated below.

Systems Notices 09–70–0005, 09–70–0006 and 09–70–0506

We have amended the routine uses of these systems by adding a new routine use permitting disclosure to HCFA contractors and grantees for research and statistical projects that are directly related to the Social Security Act. We have added this use to permit disclosure to HCFA contractors and grantees to carry out essential research and statistical projects.

To a HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. *determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;*

b. *determines that the purpose for which the disclosure is to be made:*

(1) *cannot be reasonably accomplished unless the record is provided in individually identifiable form,*

(2) *is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and*

(3) *there is reasonable probability that the objective for the use would be accomplished;*

c. requires the information recipient to:

(1) establish reasonable administrative, technical and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

Systems Notices 09–70–0006, 09–70–0501, 09–70–0502 and 09–70–0503

We have amended the routine uses for these systems by deleting the previous use permitting disclosure to HCFA and Social Security Administration contractors for research and statistical activities and by inserting in lieu thereof the new routine use listed above for systems notices 09–70–0005, 09–70–0008 and 09–70–0506. We have amended these systems notices to add disclosure to grantees to the routine use for disclosure to contractors. The new use is the same as that added to systems notices 09–70–0005, 09–70–0008 and 09–70–0506 and for the same reasons explained above for adding such new use.

In system 09–70–0502, we have added a new routine use to provide for disclosure to contractors when it is necessary for us to contract with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. This routine use is intended to allow us to contract for services when the need or urgency exceeds capabilities within HCFA.

To a contractor when the Department contracts with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

The notices below contain the new and amended routine uses as indicated above.

Dated: April 28, 1981.

Paul Willging,

Deputy Administrator, Health Care Financing Administration.

09–70–0005

SYSTEM NAME:

Medicare Bill File (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons enrolled in hospital insurance or supplemental medical benefits parts of the Medicare program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bill data; demographic data on the beneficiary, diagnosis and surgery codes on a sampling of the population; provider characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

PURPOSE(S):

To study the operation and effectiveness of the Medicare program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(2) To the Bureau of Census for use in processing research and statisical data directly related to the administration of Social Security programs.

(3) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(4) To a HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of an willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by health insurance claim number and by hospital provider number.

SAFEGUARDS:

For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained with identifiers as long as needed for program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research
Demonstrations and Statistics
Health Care Financing Administration
Room 4228, HHS Building
330 Independence Avenue, S.W.
Washington, D.C. 20201

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager, who will require name of system, health insurance claim number and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex; and to ascertain whether the individual's record is in the system, utilization and date of utilization under Part A or Part B of Medicare services, home health agency, hospital (inpatient), hospital (outpatient) or skilled nursing facility.

RECORD ACCESS PROCEDURES.

Same as notification procedures. Requesters should also reasonably specify the record countents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare enrollment records; Medicare bill records: Medicare provider records for a sample of persons treated as hospital patients (inpatient and outpatient) and skilled nursing facility patients.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0006

SYSTEM NAME:

Medicare Enrollment Records (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons enrolled for hospital or supplemental medical benefits under the Medicare program, including enrollees for whom the State has paid the premiums and enrollees who are members of direct dealing group practice prepayment plans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enrollment characteristics of the beneficiaries: demographic characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

PURPOSE(S):

To study the characteristics of persons enrolled in the Medicare program and establish the basis for Medicare services utilization rates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) To the Bureau of Census for use in processing research and statistical data directly

related to the administration of Social Security programs.

(3) To a HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) there is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(4) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are accessible by claim number. Subfiles are indexed also by group practice pre-payment plan number or by State by-in number.

SAFEGUARDS:

For computerized records, safeguards established in accordance with guidelines in the Department ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with identifiers as long as needed for program research analysis.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

For purposes of access, write to the systems manager, who will require name of system, health insurance claim number, social security number, and for verification purposes, name (woman's maiden name, if applicable), address, data of birth and sex, and to ascertain whether the individual's record is in the system, enrollment in Medicare health or supplemental medical participation in a direct dealing group practice prepayment plan, or payment of prenium by State.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in

accordance with Department Regulations (45 CFR Section 5b.5(a)(2).])

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR Section 5b.7).)

RECORD SOURCE CATEGORIES:

Master beneficiary record: Medicare enrollment records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0008

SYSTEM NAME:

Supplementary Medical Sample Bill Summary File of Medicare Utilization (Statistics) HHS, HCFA, ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Systems Operations, OS, SSA 6401 Security Bouvievard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A 5 percent sample of Medicare beneficiaries who have received any supplementary medical (Medicare) services January 1, 1975, or later.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physician and supplier billing information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1875 of the Social Security Act (42 USC Sec. 1395LL).

PURPOSE(S):

To study the effectiveness of the Supplementary Medical Insurance Medicare benefit.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry from the Congessional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department any component of the Department or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(3) To a HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) there is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

All records are stored on magnetic tape.

RETRIEVABILITY:

All records are indexed by claim number.

SAFEGUARDS:

For computerized records, safeguards are established in accordance with guidelines in Department ADP Systems Manual, Part 6, "ADP Systems Security," (e.g. security codes) will be used, limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are retained with identifiers as long as needed for purposes of program research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research
Demonstrations and Statistics
Health Care Financing Administration
Room 4228, HHS Building
330 Independence Avenue, S.W.
Washington, D.C. 20201

NOTIFICATION PROCEDURE:

For purposes of access, write the systems manager, who will require name of system, health insurance claim number and for verification purposes, name (woman's maiden name, if applicable), social security number, address, date of birth and sex; and to ascertain whether the individual's record is in the system, date (month and year) on which supplementary medical services were received.

RECORD ACCESS PROCEDURES:

Same as notification procedures, Requesters should also reasonably specify the record countents being sought. (These access procedures are in accordance with the Department Regulations (45 CFR, Section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

Medicare claims submitted to carriers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT.

None.

09-70-0501

SYSTEM NAME:

Carrier Medicare Claims Records. HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Carriers under contract to the Health Care Financing Administration and the Social Security Administration (see Appendix C, Section 4.)

Federal Records Centers
Bureau of Quality Control, HCFA
Office of Systems Analysis
6401 Security Boulevard
Baltimore, Maryland 21235
HHS Parklawn Computer Center
5600 Fishers Lane
Rockville, Maryland 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries who have submitted claims for Supplementary Medical Insurance Benefits (Medicare Part B).

CATEGORIES OF RECORDS IN THE SYSTEM:

Request for Payment; Provider billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier, Health Insurance Claim Form, Request for Medicare Payment, Explanation of Benefits, Summary Payment Voucher, Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to beneficiaries and to physicians and other suppliers of Part B Medicare services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1842 and 1874 of title XVIII of the Social Security Act.

PURPOSE:

To properly pay medical insurance benefits to or on behalf of entitled beneficiaries.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) Claimants., their authorized representatives or representative payees to the extent necessary to pursue claims made under Title XVIII of the Social Security Act (Medicare).

(2) Third-party contacts (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of system activities.

(3) Third-party contacts where necessary to establish or verify information provided by representative payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) the Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to the Social Security Act programs, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Standards Review Organization in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act.

(9) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of the title XVIII.

(11) A HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is resonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety or any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State

supplementation payments for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicaid eligibility considerations. Disclosures of physicians customery charge data are made to State audit agencies in order to ascertain the correctness of Title XIX charges and payments.

(15) In the event of litigation where the defendant is (a) the Department, any component of Department, or any employee of the Department in his or her official capacity: (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or here individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(16) Peer review groups, consisting of members of State, County, or local medical societies or medical care foundations (physicians), appointed by the medical society or foundation at the request of the carrier to assist in the resolution of questions of medical necessity, utilization of particular procedures or practices, or overutilization of services with respect to Medicare claims submitteed to the carrier.

(17) Physicians and other suppliers of services who are attempting to validate individual items on which the amounts included in the annual Physician/Supplier Payment List or similar publications are based.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records maintained on paper, tape, disc, and punchcards.

RETRIEVABILITY:

System is indexed by health insurance claim number. The record is prepared by the beneficially and is used by carriers to determine amount of Part B benefits. The bills are retained by the carriers. Copies of selected parts of the records will be used by the Office of Systems Analysis and data will be retrieved in Rockville from Baltimore via dial-up telecommunications lines.

SAFEGUARDS:

Unauthorized personnel are denied access to the records area. Disclosure is limited. Physical safeguards related to the transmission and reception of data between Rockville and Baltimore are those requirements established by the Department ADP Systems Manual, Part 6, Chapter 32, "Remote ADP Work Stations."

RETENTION AND DISPOSAL:

Records are closed at the end of the calendar year in which paid, held two additionl years, transferred to Federal Records Center and destroyed after another 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6401 Security Boulevard, Baltimore, Md. 21235.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier, the Medicare Bureau Regional Office, or to the Health Care Financing Administration, Bureau of Program Operations, Baltimore, Md. 21235. The individual should furnish his or her health insurance claim number and the name as shown on social security records. An individual who requests notification of or access to a medical records shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7).)

RECORD SOURCE CATEGORIES:

The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0502

SYSTEM NAME:

Health Insurance Master Record, HHS/HCFA/BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, 6401 Security Blvd., Baltimore, Md. 21235
Federal Records Centers, HHS Parklawn Computer Center, 5600 Fishers Lane, Rockville, Maryland 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals age 65 or over who have been, or currently are, entitled to health insurance (Medicare) benefits under title XVIII of the Social Security Act; individuals under age 65 who have been, or currently are, entitled to such benefits on the basis of having been entitled for not less then 24 consecutive months to disability benefits under title II of the Act or under the Railroad Retirement Act; and individuals who have been; or currently are, entitled to such benefits because they have end-stage renal disease

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on enrollment, entitlement, Part A (Hospital) and B (Supplementary Medical) utilization, query and reply activity, health insurance bill and payment record processing, and Health Insurance Master Record maintenance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1814 and 1833 of title XVIII of the Social Security Act.

PURPOSE(S):

To maintain information on Medicare beneficiary eligibility and costs in order

to reply to inquiries from contractors and intermediaries and to maintain utilization data for health insurance bill and payment record processing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

(2) State Welfare Department pursuant to agreements with the Department of Health and Human Services for determining Medicaid and Medicare eligibility, for quality control studies, for determining eligibility of recipients of assistance under titles IV, XVIII, and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(3) State audit agencies for auditing State Medicaid eligibility considerations.

(4) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of title XVIII.

(5) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(6) A HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(7) In the event of litigation where the defendant is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) The United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(8) To a contractor when the Department contracts with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper, listings, microfilm, magnetic tape disc and punchcards.

RETRIEVABILITY:

System is in sequence by health insurance claim number, and is used to carry out the tasks of enrollment, query/reply activity, and health insurance bill and payment record processing. Copies of selected parts of the records will be used by the Office of Systems Analysis; data will be retrieved in Rockville from Baltimore via dialup telecommunications lines.

SAFEGUARDS:

Unauthorized personnel are denied access to the records areas. Disclosure is limited to routine use. For computerized records electronically transmitted between Central Office and field office locations (including Medicare contractors), systems securities are established in accordance with Department ADP Systems Manual, Part 6, "ADP Systems Security." Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

RETENTION AND DISPOSAL:

Records are generally added to the file several months prior to entitlement. After the death of a beneficiary, his or her records may be placed in an inactive file following a period of no billing or query activity. The current 5 years of Part B and current 5 spells of Part A utilization data are maintained. All noncurrent data is microfilmed prior to elimination from the system.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6401 Security Boulevard, Baltimore, Md. 21235.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier or intermediary, the Medicare Bureau Regional Office, or to the Health Care Financing Administration, Bureau of Program Operations, Baltimore, Md. 21235. The individual should furnish his or her health insurance claim number and name as shown on Medicare records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in

accordance with Department Regulations (45 CFR, Section 5b.7)).

RECORD SOURCE CATEGORIES:

The data contained in these records are furnished by the individual. There are cases, however, in which the identifying information is provided to the physician by the individual: the physician then adds the medical information and submits the bill to the carrier for payment. Updating information is also obtained from the Master Beneficiary Record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0503

SYSTEM NAME:

Intermediary Medicare Claims Records, HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Intermediaries under contract to the Health Care Financing Administration and the Social Security Administration (See Appendix C, Section 3.)

Federal Records Centers
Bureau of Quality Control, HCFA
Office of Systems Analysis
6401 Security Boulevard
Baltimore, Maryland 21235
HHS Parklawn Computer Center
5600 Fishers Lane
Rockville, Maryland 20857

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Beneficiaries on whose behalf providers have submitted claims for reimbursement on a reasonable cost basis under Medicare Parts A and B.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inpatient hospital and skilled Nursing Facility Admission and Billing; Provider Billing for Medical and Other Health Services: Inpatient Admission and Billing—Christian Science Sanatorium: Home Health Agency Report and Billing, and other documents used to support payments to beneficiaries and providers of services. These forms contain the beneficiary's name, sex, health insurance claim number, address, date of birth, medical record number, prior stay information, provider name and address, physician's name, date of admission and discharge, other health insurance, diagnoses, surgical procedures, and a statement of services rendered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1816 and 1874 of Title XVIII of the Social Security Act.

PURPOSE(S):

To process and pay Medicare benefits to or on behalf of eligible individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to:

(1) Claimants, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

(2) Third-party contacts without the consent of the individual to whom the information pertains in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his or her affairs or to his or her eligibility for or entitlement to benefits under the Medicare program when:

(a) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual) or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program: the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of systems activities.

(3) Third-party contacts where necessary to establish or verify information provided by representive payees or payee applicants.

(4) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(5) The U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

(6) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, or other criminal statutes as they pertain to Social Security Act programs, for representing the secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(7) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(8) Professional Standards Review Organization in connection with their review of claims, or in connection with studies or other review activities, conducted pursuant to Part B of Title XI of the Social Security Act.

(9) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(10) Providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of title XVIII.

(11) A HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplishd consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make not further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

d. secures a written statement attesting to the information recipient's understanding of and willingness to abide by these provisions.

(12) State welfare departments pursuant to agreements with the Department of Health and Human Services for administration of State supplementation payments for determination of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, for quality controls studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(13) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(14) State audit agencies in connection with the audit of Medicaid eligibility considerations.

(15) In the event of litigation where the defendant is (a) the Department, any components of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purposes for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records maintained on paper forms, magnetic tape and microfilm.

RETRIEVABILITY:

The system is indexed by health insurance claim number. The record is prepared by the hospital or other provider with identifying information received from the beneficiary to establish eligibility for Medicare and document and support payments to providers by the intermediaries. The bill data are forwarded to the Health Care Financing Administration, Bureau of Support Services, Baltimore, Md., where they are used to update the central office records. Copies of selected parts of the records will be used by the Office of Systems Analysis; data will be retrieved in Rockville from Baltimore via dialup telecommunications lines.

SAFEGUARDS:

Disclosure of records is limited. The file area is closed to unauthorized personnel. Physical safeguards related to the transmission and reception of the data between Rockville and Baltimore are those requirements established by the Department ADP Systems Manual, Part 6, Chapter 32, "Remote ADP Work Stations."

RETENTION AND DISPOSAL:

Records are closed out at the end of the calendar year in which paid, held 2 more years, transferred to the Federal Records Center and destroyed after another 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration, Director, Bureau of Program Operations, 6401 Security Boulevard, Baltimore, Md. 21235.

NOTIFICATION PROCEDURE:

Inquiries and requests for systems records should be addressed to the social security office nearest the requester's residence, the appropriate intermediary, the Medicare Bureau Regional Office, or to the Health Care Financing Administration, Bureau of Program Operations, Baltimore, Md. 21235. The individual should furnish his or her health insurance number and name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, section 5b.6).)

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, section 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, section 5b.7).)

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

09-70-0506

SYSTEM NAME:

Group Health Plan System HHS, HCFA, BPO.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Health Care Financing Administration, Bureau of Support Services, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Part A (Hospital Insurance) and Part B (supplementary medical) Medicare services.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information about a beneficiary's health insurance entitlement and supplementary medical benefits usage.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 1833(a)(1)(A), 1866 and 1876 of Title XVIII of the Social Security Act.

PURPOSE(S):

To maintain a master file of Group Health Plan members for accounting control; to expedite the exchange of data with the Group Health Plans; and to control the posting of pro-rata amounts to the Part B deductible of currently enrolled Group Health Plan members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made: (1) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. (2) In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official

capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

(3) To a HCFA contractor or grantee for a research, evaluation, or epidemiological project related to the prevention of disease or disability, or the restoration or maintenance of health if HCFA:

a. determines that the use or disclosure does not violate legal limitations under which the record was provided, collected, or obtained;

b. determines that the purpose; for which the disclosure is to be made:

(1) cannot be reasonably accomplished unless the record is provided in individually identifiable form,

(2) is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring, and

(3) There is reasonable probability that the objective for the use would be accomplished;

c. requires the information recipient to:

(1) establish reasonable administrative, technical, and physical safeguards to prevent unauthorized use or disclosure of the record, and

(2) remove or destroy the information that allows the individual to be identified at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the project, unless the recipient presents an adequate justification of a research or health nature for retaining such information, and

(3) make no further use or disclosure of the record except:

(a) in emergency circumstances affecting the health or safety of any individual,

(b) for use in another research project, under these same conditions, and with written authorization of HCFA,

(c) for disclosure to a properly identified person for the purpose of an audit related to the research project, if information that would enable research subjects to be identified is removed or destroyed at the earliest opportunity consistent with the purpose of the audit, or

(d) when required by law;

(d) secures a written statement attesting to the information recipient's understanding of an willingness to abide by these provisions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and paper listing.

RETRIEVABILITY:

The system is indexed by health insurance claim number.

SAFEGUARDS:

Only authorized personnel have direct access to information in the Group Health Plan system. In addition, Group Health Plan personnel are advised that information is confidential.

RETENTION AND DISPOSAL:

Health insurance materials used to support the accuracy of the charge per service billed by the plan are retained for 3 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Health Care Financing Administration; Director, Bureau of Program Operations, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

Inquiries and requests for system records should be addressed to the Health Care Financing Administration, Bureau of Program Operations, Group Health Plan Operations Staff, Baltimore, Maryland 21235. The individuals should furnish his or her health insurance claim number as shown on social security records.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b.5(a)(2).))

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, 5b.7).))

RECORD SOURCE CATEGORIES:

The identifying information contained in these records is obtained from the group health plans (which obtained the data from the individual concerned).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

APPENDICES C. HEALTH INSURANCE CLAIMS

Medicare records are maintained at the HCFA Central Office (see section 1 below for the address). Health insurance records of the Medicare program can also be accessed through a regional representative of the Medicare Bureau (see section 2 below for addresses). Medicare claims records are also maintained by private insurance organizations who share in administering provisions of the health insurance program. These private insurance organizations referred to as carriers and intermediaries, are under contract to the Health Care Financing Administration and the Social Security Administration to perform specific tasks in the Medicare program. See section 3 below for addresses for intermediaries and section 4 addresses for carriers.

1. Central Office Addresses: Bureau of Program Operations, HCFA 6401 Security Boulevard Baltimore, Maryland 21235 Office Hours: 8:15–4:45 Bureau of Support Services, HCFA Office of Direct Reimbursement Room 1705, Equitable Building 6401 Security Boulevard Baltimore, Maryland 21235 Office Hours: 8:15–4:45

2. Medicare Regional Office Addresses:

BOSTON REGION—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
John F. Kennedy Federal Building
Room 1211
Boston, Massuchesetts 02203
Office Hours: 8:30–5:00

NEW YORK REGION—New Jersey, New York, Puerto Rico, Virgin Islands
26 Federal Plaza—Room 715
New York, New York 10007
Office Hours: 8:30–5:00

PHILADELPHIA REGION—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
P.O. Box 8460
Philadelphia, Pennsylvania 19101
Office Hours: 8:30–5:00

ATLANTA REGION—Alabama, North Carolina, South Carolina, Florida, Georgia, Kentucky, Mississippi, Tennessee
101 Marietta Street
Suite 702
Atlanta, Georgia 30223
Office Hours: 8:00–4:30

CHICAGO REGION—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Suite A–824
Chicago, Illinois 60604

Office Hours: 8:15–4:45

DALLAS REGION—Arkansas, Louisiana, New Mexico, Oklahoma, Texas
1200 Main Tower Building
Dallas, Texas
Office Hours: 8:00–4:30

KANSAS CITY REGION—Iowa, Kansas, Missouri, Nebraska
New Federal Office Building
601 East 12th Street—Room 406
Kansas City, Missouri 64106
Office Hours: 8:00–4:30

DENVER REGION—Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Federal Office Building
1961 Stout St—Room 1185
Denver, Colorado 80294
Office Hours: 8:00–4:30

SAN FRANCISCO REGION—American Samoa, Arizona, California, Guam, Hawaii, Nevada
Federal Office Building
10 Van Ness Avenue
20th Floor
San Francisco, California 94102
Office Hours: 8:00–4:30

SEATTLE REGION—Alaska, Idaho, Oregon, Washington
1321 Second Avenue—Room 615
Mail Stop 211
Seattle, Washington 98101
Office Hours: 8:00–4:30

3. Intermediary Addresses (Hospital Insurance):

Medicare Coordinator
Blue Cross/Blue Shield of Alabama
930 South 20th Street
Birmingham, Alabama 35298

Medicare Coordinator
Blue Cross of Arizona, Inc.
P.O. Box 13466
321 West Indian School Road
Phoenix, Arizona 85002

Medicare Coordinator
Arkansas Blue Cross/Blue Shield
P.O. Box 1418
601 Gains Street
Little Rock, Arkansas 72203

Medicare Claim Administrator
Aetna Life & Casualty
2600 Wilshire Boulevard
Los Angeles, California 90057

Medicare Coordinator
Blue Cross of Southern California
P.O. Box 70000
Van Nuys, California 91470

Medicare Coordinator
Blue Cross of Northern California
1950 Franklin Street
Oakland, California 94659

Medicare Coordinator
Kaiser Foundation Health Plan, Inc.
1956 Webster Street, Room 310A
Oakland, California 94612

Aetna Life & Casualty
Medicare Claim Administration
97 San Marin Drive
Novato, California 94947

Medicare Coordinator
Colorado Hospital Service
700 Broadway
Denver, Colorado 80203

Medicare Administrator
Aetna Life & Casualty
151 Farmington Avenue
Hartford, Connecticut 06156

Medicare Coordinator
Connecticut Coordinator
370 Bassett Rd.
North Haven, Connecticut 06473

Administrator, Medicare Claims Office
Aetna Life & Casualty
P.O. Box 329
270 Farmington Avenue
Building 4, 2nd Floor
Farmington, Connecticut 06032

Medicare Administrator
Travelers Ins. Co.
One Towers Square
Hartford, Connecticut 06115

Connecticut General Life Ins. Co.
Medicare Claim Office
100 Barnes Road, North
Wallingford, Connecticut 0649

Medicare Coordinator
Blue Cross/Blue Shield of Delaware
201 West 14th Street
Wilimington, Delaware 19801

Medicare Coordinator
Group Hospitalization, Inc.
550 12th Street, S.W.
Washington, D.C. 20024

Medicare Coordinator
Blue Cross of Florida, Inc.
P.O. Box 2711,
Jacksonville, Florida 32203

Medicare Claim Administrator
Aetna Life & Casualty
The Taylor Building
121 North Osceola Avenue
Clearwater, Florida 33515

Medicare Coordinator
Blue Cross of Georgia/Columbus
P.O. Box 7368
2357 Warm Springs Rd.
Columbus, Georgia 31908

Medicare Coordinator
Blue Cross of Georgia/Atlanta
3348 Peachtree St., N.E.
P.O. Box 4445
Atlanta, Georgia 30326

Medicare Coordinator
Hawaii Medical Service Association
P.O. Box 860
1504 Kapiolani Boulevard,
Honolulu, Hawaii 96808

Medicare Coordinator
Blue Cross of Idaho, Inc.
P.O. Box 7480
1501 Federal Way
Boise, Idaho 83707

Medicare Coordinator
Health Care Service Corp.
233 North Michigan Avenue
Chicago, Illinois 60601

Medicare Claims Administration
Aetna Life & Casualty
P.O. Box 1702
Peoria, Illinois 61603

Medicare Coordinator
Mutual Hospital Insurance, Inc.
120 West Market Street
Indianapolis, Indiana 46204

Medicare Coordinator
Blue Cross of Iowa
Ruan Building
636 Grant Avenue, Station 28
Des Moines, Iowa 50309

Medicare Coordinator
Blue Cross of Western Iowa and S. Dakota
Third and Pierce Street
Sioux City Iowa 51102

Medicare Administrator
Kansas Hospital Service Association, Inc.
1133 Topeka Avenue, P.O. Box 239
Topeka, Kansas 66601

Medicare Coordinator
Blue Cross of Kentucky, Inc.
9901 Linn Station Road
Louisville, Kentucky 40223

Medicare Coordinator
Blue Cross of Louisiana
P.O. Box 15699
Baton Rouge, Louisiana 70815

Medicare Coordinator
Associated Hospital Service of Maine
100 Free Street
Portland, Maine 04101

Medicare Coordinator
Maryland Blue Cross, Inc.
700 East Joppa Road
Baltimore, Maryland 21204

Medicare Claims Admin.
Aetna Life & Casualty Co.
15 Midstate Drive
Auburn, Massachusetts 01501

Medicare Coordinator
Blue Cross of Mass. Inc.
100 Summer Street
Boston, Massachusetts 02106

Medicare Coordinator
Blue Cross of Michigan
600 Lafayette East
Detroit, Michigan 48226

Medicare Coordinator
Blue Cross of Minnesota
3535 Blue Cross Road
St. Pual, Minnesota 55165

Medicare Coordinator
Blue Cross of Miss.
P.O. Box 1043
Jackson, Mississippi 39205

Medicare Coordinator
Blue Cross of Kansas City
P.O. Box 169
Kansas City, Missouri 64141

Medicare Coordinator
Blue Cross Hospital Service of Missiouri
4444 Forest Park Boulevard
St. Louis, Missouri 63108

Medicare Coordinator
Blue Cross of Montana
P.O. Box 5004
Great Falls, Montana 59403

Medicare Coordinator
Mutual of Omaha Ins. Co.
Box 456 Downtown Station
Omaha, Nebraska 68101

Medicare Coordinator
Blue Cross of Nebraska
P.O. Box 3248
Main Post Office Station
Omaha, Nebraska 68103

Medicare Claims Administrator
Aetna Life & Casulity
P.O. Box 7290
Reno, Nevada 89510

Medicare Coordinator
New Hampshire Vermont Hospital Service
2 Pillsbury Street
Concord, New Hampshire 03301

Medicare Coordinator
Hospital Service Plan of New Jersey
33 Washington Street
Newark, New Jersey 07102

Medicare Coordinator
Prudential Ins. Co. of America
P.O. Box 5000
Millville, New Jersey 08332

Medicare Coordinator
New Mexico Blue Cross Inc.
12800 Indian School Rd., N.E.
Albuquerque, New Mexico 87112

Medicare Coordinator
Rochester Hospital Service Corp.
41 Chestnut Street
Rochester, New York 14604

Medicare Coordinator
Hospital Plan, Inc.
5 Hopper St.
Utica, New York 13501

Medicare Coordinator
Blue Cross of Western New York, Inc.
298 Main Street Blue Cross Building
Buffalo, New York 14202

Medicare Coordinator
Blue Cross of Central New York, Inc.
344 South Warren Street
Syracuse, New York 13202

Hospital Service Corp. of Jefferson County
158 Stone Street
Watertown, New York 13602

Medicare Coordinator
B/C-B/S of Greater New York
622 Third Avenue
New York, New York 10017

Chautauqua Region Hospital Service Corp.
306 Spring Street
Jamestown, New York 14701

Medicare Coordinator
Blue Cross of N.E. New York, Inc.
P.O. Box 8650
Albany, New York 12208

Medicare Coordinator
North Carolina B/C-B/S
P.O. Box 3824
Durham, North Carolina 27702

Medicare Coordinator
Blue Cross of North Dakota
301 Eight St. South
Fargo, North Dakota 58102

Associated Hospital Service, Inc.
2400 Market Street
Youngstown, Ohio 44507

Medicare Coordinator
B/C of N.W. Ohio
P.O. Box 943
Toledo, Ohio 43601

Medicare Coordinator
B/C of N.E. Ohio
2066 East Ninth Street
Cleveland, Ohio 44115

Medicare Coordinator
Hospital Care Corporation
1351 William Howard Taft Road
Cincinnati, Ohio 45206

Medicare Coordinator Nationwide Mutual Insurance Co. P.O. Box 1625
Columbus, Ohio 43216

Medicare Coordinator B/C of Central Ohio P.O. Box 16526 Columbus, Ohio 43216

Medicare Coordinator Blue Cross of Oklahoma 1215 South Boulder
Tulsa, Oklahoma 74119

Medicare Coordinator Northwest Hospital Service P.O. Box 1271
Portland, Oregon 97207

Medicare Coordinator Blue Cross of Greater Philadelphia 1333 Chestnut Street Philadelphia, Pennsylvania 19107

Medicare Coordinator Blue Cross of Western Pennsylvania One Smithfield Street Pittsburgh, Pennsylvania 15222

Medicare Coordinator B/C of N.E. Pennsylvania 70 North Main Street
Wilkes Barre, Pennsylvania 18711

Medicare Coordinator Hospital Service Plan of Lehigh Valley 1221 Hamilton Street Allentown, Pennsylvania 18102

Medicare Coordinator Capital Blue Cross 100 Pine Street Harrisburg, Pennsylvania 17101

Aetna Life & Casualty Medicare Claim Administrator 500 Office Center Building P.O. Box 548 Fort Washington, Pennsylvania 19034

Cooperative de Seguros de Vida de Puerto Rico G.P.O. Box 3428 San Juan, Puerto Rico 00936

Blue Cross of Rhode Island 444 Westminster Mall Providence, Rhode Island 02901

Medicare Coordinator Blue Cross of S.C. Drawer F. Forest Acres Branch
Columbia, South Carolina 29219

Medicare Coordinator Memphis Hosp. Serv. and Surg. Assn. 85 Danny Thomas Blvd. Memphis, Tennessee 38101

Medicare Coordinator Blue Cross of Tennessee 801 Pine Street
Chattanooga, Tennessee 37402

Medicare Administrator Aetna Life & Casualty Union Square Building
2670 Union Avenue Suite 606
Memphis, Tennessee 38112

Medicare Coordinator Group Hospital Service, Inc. P.O. Box 22146 Dallas, Texas 75222

Medicare Coordinator B/C of Utah
P.O. Box 30269 Salt Lake City, Utah 84125

B/C-B/S of S.W. Virginia P.O. Box 13047 3959 Electric Rd. Roanoke, Virginia 24045

Medicare Coordinator Blue Cross of Virginia P.O. Box 27401 Richmond, Virginia 23261

Medicare Coordinator B/C Washington/Alaska, Inc. 15700 Dayton Avenue. North P.O. Box 327
Seattle, Washington 98111

Medicare Administration Aetna Life and Casualty Co. P.O. Box C25902
Seattle, Washington 98125

Medicare Coordinator Parkersburg Hosp. Serv., Inc. P.O. Box 1948
Parkersburg, West Virginia 26101

Medicare Coordinator Blue Cross Hospital Service Inc. Commerce Square, P.O. Box 1353 Charleston, West Virginia 25325

Medicare Coordinator West Virginia Hospital Service, Inc. 20th and Chapline Streets Wheeling, West Virginia 26003

Medicare Coordinator Assoc. Hosp. Serv., Inc. 401 W. Michigan Street
Milwaukee, Wisconsin 53201

Medicare Coordinator Hospital Service of Wyoming 4020 House Avenue P.O. Box 2266 Cheyenne, Wyoming 82001

Health Care Financing Administration
Bureau of Program Operations
Group Health Plans Operations Staff 6401 Security Boulevard
Baltimore, Maryland 21235

Railroad Retirement Board 844 Rush Street Chicago, Illinois 60611

Triage, Inc. 719 Middle Street Bristol, Connecticut 06010

4. Carrier Addresses (Supplementary Medical Insurance)

Medicare Coordinator Blue Cross Blue Shield of Alabama 930 South 20th Street Birmingham, Alabama 35205

Medicare Claim Administrator Aetna Life & Casualty 3010 West Fairmount Avenue Phoenix, Arizona 85017

Vice President for Medicare and Medical Services Arkansas Blue Cross/Blue Shield 601 Games Street Little Rock, Arkansas 72203

Medicare Coordinator California Blue Shield P.O. Box 7968 Rincon Annex San Francisco, California 94120

Medicare Coordinator Occidental Life Insurance Company of California P.O. Box 54905 Terminal Annex Los Angeles, California 900542

Assistant Vice President Blue Shield of Colorado 700 Broadway Denver, Colorado 80203

Medicare Administrator Travelers Ins. Co. One Tower Square Hartford, Connecticut 06115

Medicare Administrator Aetna Life & Casualty 151 Farmington Avenue Hartford, Connecticut 06115

Medicare Coordinator Connecticut General Life Insurance Company 200 Pratt Street Meriden, Connecticut 06450

Medicare Coordinator Blue Cross/Blue Shield of Delaware 201 West 14th Street Wilmington, Delaware 19699

Medicare Coordinator Medical Service of D.C. 550 12th Street, SW Washington, D.C. 20024

Medicare Coordinator Blue Cross of Florida, Inc. P.O. Box 1798 Jacksonville, Florida 32201

Group Health, Inc. 1320 South Dixie Highway Coral Gables, Florida 33146

Medicare Administrator Prudential Insurance Company of America P.O. Box 95466 57 Executive Park Station Atlanta, Georgia 30347

Medicare Claim Administrator Aetna Life & Casulty 100 Bishop Street, P.O. Box 3947 Honolulu, Hawaii 96812

Medicare The Equitable Life Assurance Society P.O. Box 8048, Hillcrest Plaza Shop Boise, Idaho 83707

Continental Casualty Company Medicare Benefits Division P.O. Box 910 Chicago, Illinois 60690

Health Care Service Corporation 233 North Michigan Avenue Chicago, Illinois 60601

Assistant Vice President Medicare Dept. Blue Shield of Indiana 120 West Market Street Indianapolis, Indiana 46204

Assistant Executive Director Blue Shield of Iowa Ruan Building, 636 Grand Avenue Station 28 Des Moines, Iowa 50307

Medicare Administrator Kansas Medical Association, Inc. 1133 Topeka Blvd, P.O. Box 239 Topeka, Kansas 66601

Manager Metropolitan Life Insurance Co. 1218 Harrodsburg Road, Suite 300 Lexington, Kentucky 40504

Manager, Medicare Liaison Pan American Life Insurance Co. P.O. Box 60450 New Orleans, Louisiana 70160

Blue Shield Of Massachusetts/Maine Medicare Claims Office 477 Congress Street Portland, Maine 0411

Medicare Coordinator Maryland Blue Shield, Inc. 700 E. Joppa road Baltimore, Maryland 21204

Medicare Coordinator Part B Massachusetts Blue Shield 100 Summer Street Boston, Massachusetts 02106

Asst. Vice Pres. Govern. Aff. Dept. Michigan Medical Services 600 Lafayette East Detroit, Michigan 48226

Blue Shield/Blue Shield of Minn. 3535 Blue Cross Road St. Paul, Minnesota 55165

Vice President Government Programs Blue Shield Of Kansas City P.O. Box 169 Kansas City, Missouri 64141

Director, Medicare Administration General American Life Ins. Corp. P.O. Box 505 St. Louis, Missouri 6366

Montana Physicans Service 404 Fuller Avenue P.O. Box 2510 Helena, Montana 59601

Assistant Vice President Health Insurance Benefits Mutual of Omaha Insurance Co. Box 456, Downtown Station Omaha, Nebraska 68101

Medicare Claims Administrator Aetna Life & Casualty P.O. Box 7290 Reno, Nevada 89510

Medicare Coordinator New Hampshire Vermont Phys. Serv. 2 Pillsbury St. Concord, New Hampshire 03301

Medicare Coordinator Prudential Insurance Co. of America P.O. Box 471 Millville, New Jersey 08332

Medicare The Equitable Life Assurance Society P.O. Box 3070 Station D Albuqerque, New Mexico 87110

Director of Medicare Part B Blue Shield Of Western New York, Inc. 298 Main Street Buffalo, New York 14202

Medicare Coordinator Group Health Insurance, Inc. 326 West 42nd Street New York, New York 10036

Medicare Coordinator Genesee Valley Medical Care, Inc. 42 Chestnut Street Rochester, New York 14604

Medicare Coordinator Blue Shield/Blue Cross of Greater N.Y. 622 Third Avenue New York, New York 10017

Medicare Coordinator The Equitable Life Assurance Society 1285 Avenue of the Americas New York, New York 10019

Manager Metropolitan Life Insurance Co. P.O. Box 393 276 Genesse Street Utica, New York 13503

Senior Vice President Metropolitan Life Insurance Co. One Madison Avenue New York, New York 10010

Medicare Coordinator, B Division Prudential Life Insurance Company P.O. Box 2126 High Point, North Carolina 27261

Medicare Coordinator Blue Shield of North Dakota 301 South Eight Street Fargo, North Dakota 58102

Medicare System & Proc. Div. Nationwide Insurance Company P.O. Box 57 Columbus, Ohio 43216

Department of Institutions

Social & Rehabilitative Services
Box 25352 State Capital Station
Oklahoma City, Oklahoma 73125

Medicare Claims Admin.
Aetna Life & Casualty
Glenbrook Center, 1140 N.W. 63rd St.
Oklahoma City, Oklahoma 73116

Medicare Claim Admin.
Aetna Life & Casualty
1500 S.W. First Avenue
Crown Plaza
Portland, Oregon 97201

Medicare Coordinator
Pennsylvania Blue Shield
Blue Shield Building
Camp Hill, Pennsylvania 17011

Chief, Internal Operations
Seguros de Servicio de Salud de Puerto Rico, Inc.
G.P.O. Box 3628
San Juan, Puerto Rico 00936

Medicare Coordinator
R.I. Medical Society Physicians Serv.
444 Westminster Mall
Providence, Rhode Island 02901

Medicare Coordinator
Blue Cross/Blue Shield of S.C.
Drawer F Forest Acres Branch
Columbia, South Carolina 29206

Assistant Executive Director
South Dakota Medical Service, Inc.
1601 West Madison
Sioux Falls, South Dakota 57104

The Equitable Life Assurance Society
P.O. Box 1465
Nashville, Tennessee 37202

Offices Services
Group Medical & Surgical Service
P.O. Box 22147
Dallas, Texas 75222

Manager, Part B
Blue Shield of Utah
P.O. Box 3270
2455 Parleys Way
Salt Lake City, Utah 84125

Assistant Administrator
Washington Physicians Service
4th & Battery Building—6th Floor
2401 4th Avenue
Seattle, Washington 98121

Medicare Coordinator, Surgical Care
The Medical Society of Milwaukee County
401 West Michigan Street
Milwaukee, Wisconsin 53203

Director, Medicare Claims Dept.
Wisconsin Physicians Service
330 E. Lakeside Street, P.O. Box 1109
Madison, Wisconsin 53701

Field Director
Equitable Life Assurance Society
P.O. Box 628
102 Indian Hills Shopping Center
Cheyenne, Wyoming 82001

Health Care Financing Administration
Bureau of Program Operations
Group Health Plans Operations Staff
6401 Security Blvd.
Baltimore, Maryland 21235

Director of Retirement Claims
U.S. Railroad Retirement Board
844 Rush Street
Chicago, Illinois 60611

[FR Doc. 81-13128 Filed 4-30-81; 8:45 am]
BILLING CODE 4110-86-M

National Institutes of Health

Bladder and Prostatic Cancer Review Committee, Bladder Cancer Review Subcommittee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Bladder and Prostatic Cancer Review Committee, (Bladder Cancer Review Subcommittee), National Cancer Institute, June 10-11, 1981, Hershey Lodge and Convention Center, Hershey, Pennsylvania. This meeting will be open to the public on June 10, from 1:00 p.m. to 1:30 p.m., to review administrative details. Attendance by the Public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 10, from 1:30 p.m. to adjournment and on June 11, from 9:00 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205, (301/496-5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. Leon J. Niemiec, Executive Secretary, Bladder and Prostatic Cancer Review Committee, National Cancer Institute, Westwood Building, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7978) will furnish substantive program information.

(Catalog of federal domestic assistance numbers, 13.393, 13.394, 13.395, Project grants in cancer cause and prevention research, cancer detection and diagnosis research, and cancer treatment research, National Institutes of Health)

(NIH Programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-13127 Filed 4-30-81; 8:45 am]
BILLING CODE 4110-08-M

Cancer Control Grant Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Grant Review Committee, National Cancer Institute, June 8-9, 1981, Building 31C, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland 20205. This meeting will be open to the public on June 8, from 8:30 a.m. to 9:00 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 8, from 9:00 a.m. to adjournment and on June 9, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the application, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. Robert F. Browning, Executive Secretary, Cancer Control Grant Review Committee, National Cancer Institute, Westwood Building, Room 806, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7413) will furnish substantive program information.

(Catalog of Federal domestic assistance number 13.399, project grants and contracts in cancer control, National Institutes of Health)

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-13119 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-08-M

Cancer Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Research Manpower Review Committee, National Cancer Institute, May 27-28, 1981, The Madison Inn, 601 Langdon Street, Madison, Wisconsin 53703. The meeting will be open to the public on May 27, 1981, from 9:00 a.m. to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 27, from 9:30 a.m. to adjournment and on May 28, from 9:00 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205, (301/496-5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. Leon J. Niemiec, Executive Secretary, Cancer Research Manpower Review Committee, National Cancer Institute, Westwood Building, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7978) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.398, Project grants in cancer research manpower, National Institutes of Health)

(NIH Programs are not covered by OMB Circular A-95 because they fit the description of "program not considered appropriate" in section 8(b) (4) and (5) of the Circular)

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-13120 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-08-M

Clinical Applications and Prevention Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, National Institutes of Health, May 7-8, 1981. The meeting will be held at the Federal Building, 7550 Wisconsin Avenue, Conference Room B119, Bethesda, Maryland 20205.

This meeting will be open to the public on May 7 from 10:00 a.m. to 3:00 p.m. and all day May 8 when new initiatives will be discussed. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 7 from approximately 3:00 p.m. to adjournment for the review, discussion and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of meetings and rosters of committee members. Dr. William Friedewald, Executive Secretary of the Committee, Federal Building, Room 212, Bethesda, Maryland 20205, phone (301) 496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: April 22, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-13120 Filed 4-30-81; 8:45 am]

BILLING CODE 4110-08-M

Division of Research Grants, Study Sections; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for May through July 1981, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal infomation concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone area code 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time. All times are A.M. unless otherwise specified.

Study section	May-July 1981 meetings	Time	Location
Allergy and Immunology, Dr. Morton Reisman, Rm. 320, Tel. 301-496-7380.	June 11-13	8:30	Holiday Inn, Georgetown, DC.
Applied Physiology and Orthopedics, Ms. Ileen E. Stewart, Rm. 350, Tel. 301-496-7581.	June 8-10	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Bacteriology and Mycology, Dr. Milton Gordon, Rm. 304, Tel. 301-496-7340.	June 4-6	8:30	Holiday Inn, Bethesda, MD.
Behavioral Medicine, Dr. Joan Rittenhouse, Rm. 203, Tel. 496-7109.	June 3-5	9:00	Shoreham Americana, Washington, DC.
Behavioral and Neurosciences A, Dr. Bertie Woolf, Rm. 318, Tel. 496-7286.	May 7-8	9:00	Holiday Inn, Georgetown, DC.

Study section	May–July 1981 meetings	Time	Location
Behavioral and Neurosciences B, Dr. Bertie Woolf, Rm. 319, Tel. 301-496-7286.	May 29	8:30	Holiday Inn, Bethesda, MD.
Behavioral and Neurosciences C, Dr. Bertie Woolf, Rm. 319, Tel. 301-496-7286.	June 22	8:30	Holiday Inn, Bethesda, MD.
Behavioral and Neurosciences E, Dr. Bertie Woolf, Rm. 319, Tel. 301-496-7286.	June 12	8:30	Holiday Inn, Chevy Chase, MD.
Biochemical Endocrinology, Dr. Norman Gold, Rm. A-17, Tel. 301-496-7430.	June 28-30	8:30	In-Town Motel, Chevy Chase, MD.
Biochemistry, Dr. Adolphus P. Tolliver, Rm. 318, Tel. 301-496-7516.	June 10-13	9:00	Marriott Hotel, Washington, DC.
Biomedical Sciences A, Dr. Alexander Liacouras, Rm. 203, Tel. 301-496-7477.	June 4-6	8:30	Holiday Inn, Bethesda, MD.
Biomedical Sciences B, Dr. Nicholas Mazzarella, Rm. 2A-05, Tel. 301-496-7600.	May 26-27	8:30	Room 7, Bldg., 31C, Bethesda, MD.
Biomedical Sciences C, Dr. Catherine Woodbury, Rm. 2A-10, Tel. 301-496-9778.	May 21-22	8:30	Ramada Inn, Bethesda, MD.
Biomedical Sciences D, Dr. Charles Baker, Rm. 2A-05, Tel. 301-496-7600.	May 28-29	8:30	Holiday Inn, Bethesda, MD.
Bio-Organic and Natural Products Chemistry, Dr. Michael Rogers, Rm. A-27, Tel. 301-496-7107.	June 25-27	9:00	Marriott Hotel, Bethesda, MD.
Biophysics and Biophysical Chemistry A, Dr. James Cassatt, Rm. 238, Tel. 301-496-7060.	June 12-14	8:30	Westpark Hotel, Rosslyn, VA.
Biophysics and Biophysical Chemistry B, Dr. John B. Wolff, Rm. 236, Tel 301-496-7070.	June 11-13	8:30	Holiday Inn, Chevy Chase, MD.
Bio-Psychology, Dr. A. Keith Murray, Rm. 220, Tel. 301-496-7056.	June 30-July 3	9:00	Wellington Hotel, Washington, DC.
Cardiovascular and Pulmonary, Dr. Constance E. Weinstein, Rm. 2A-04, Tel. 301-496-7316.	June 24-26	8:00	Holiday Inn, Gaithersburg, MD.
Cardiovascular and Renal, Dr. Rosemary S. Morris, Rm. 321, Tel. 301-496-7901.	June 17-19	8:30	Holiday Inn, Bethesda, MD.
Cell Biology, Dr. Gerald Greenhouse, Rm. 306, Tel. 301-496-7681.	June 4-6	8:30	Landow Bldg., Rm. A, Bethesda, MD.
Chemical Pathology, Dr. Edmund Copeland, Rm. 353, Tel. 301-496-7078.	June 8-10	8:00	Marriott Hotel, Bethesda, MD.
Clinical Sciences A, Dr. Lynwood Jones, Rm. 2A-03, Tel. 301-496-7510.	May 18-20	8:30	Holiday Inn, Georgetown, DC.
Clinical Sciences B, Dr. Alex Liacouras, Rm. 203, Tel. 301-496-7477.	May 14-15	8:30	Holiday Inn, Bethesda, MD.
Clinical Sciences C, Dr. Melvin Ketchel, Rm. 3A-04, Tel. 301-496-9193.	May 21-22	9:00	Holiday Inn, Bethesda, MD.
Clinical Sciences D, Dr. Barry Jones, Rm. 222, Tel. 301-496-7900.	May 14-15	8:30	Holiday Inn, Chevy Chase, MD.
Communicative Sciences, Dr. Michael Halasz, Rm. 226, Tel. 301-496-7550.	June 15-17	8:30	Holiday Inn, Georgetown, DC.
Diagnostic Radiology, Dr. Catherine Wingate, Rm. 219, Tel. 301-496-7650.	June 8-10	8:30	Marriott Hotel, Bethesda, MD.
Endocrinology, Mr. Morris M. Graff, Rm. 333, Tel. 301-496-7346.	June 14-16	3:00 p.m.	Linden Hill Hotel, Bethesda, MD.
Epidemiology and Disease Control, Dr. Ann Schluederberg, Rm. 234, Tel. 301-496-7246.	June 8-11	8:30	Sheraton Inn, Silver Spring, MD.
Experimental Cardiovascular Sciences, Dr. Richard Peabody, Rm. 310, Tel. 301-496-7940.	June 9-11	9:00	Tysons Westpark, McLean, VA.
Experimental Immunology, Dr. David Lawrin, Rm. 222, Tel. 301-496-7238.	June 4-6	8:30	Executive House, Washington, DC.
Experimental Therapeutics, Dr. Anne R. Bourke, Rm. 319, Tel. 301-496-7839.	June 17-20	12:30 p.m.	Kenwood Country Club, Bethesda, MD.
Experimental Virology, Dr. Eugene Zebovitz, Rm. 208, Tel. 301-496-7474.	June 7-10	2:00 p.m.	Room 6, Bldg. 31C, Bethesda, MD.
General Medicine A, Dr. Harold Davidson, Rm. 354, Tel. 301-496-7797.	June 15-16	9:00	Room 10, Bldg. 31C, Bethesda, MD.
General Medicine B, Dr. Antonia Novello, Rm. 322, Tel. 301-496-7730.	June 24-27	8:30	Holiday Inn, Georgetown, DC.
Genetics, Dr. David Remondini, Rm. 349, Tel. 301-496-7271.	June 11-13	9:00	Room 10, Bldg. 31C, Bethesda, MD.
Hematology, Dr. Clark Lum, Rm. 355, Tel. 301-496-7506.	June 11-13	8:00	In-Town Motel, Chevy Chase, MD.
Human Development, Dr. Miriam Kelty, Rm. 303, Tel. 301-496-7025.	June 29-July 2	8:30	Gramercy Inn, Washington, DC.
Human Embryology and Development, Dr. Arthur Hoversland, Rm. 221, Tel. 301-496-7597.	June 29-July 2	8:30	Westpark Hotel, Rosslyn, VA.
Immunobiology, Dr. William Stylos, Rm. 226, Tel. 301-496-7780.	June 3-5	8:30	Holiday Inn, Bethesda, MD.
Immunological Sciences, Dr. Lottie Kornfeld, Rm. 233, Tel. 301-496-7179.	June 17-19	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Mammalian Genetics, Dr. Halvor Aaslestad, Rm. 349, Tel. 301-496-7271.	June 18-20	9:00	Room 6, Bldg. 31C, Bethesda, MD.
Medicinal Chemistry, Dr. Ronald Dubois, Rm. A-27, Tel. 301-496-7107.	June 10-12	9:00	Holiday Inn, Georgetown, DC.
Metabolism, Dr. Robert Leonard, Rm. 334, Tel. 301-496-7091.	June 4-6	8:30	Room 4, Bldg. 31A, Bethesda, MD.
Metallobiochemistry, Dr. Marjam Beher, Rm. 310, Tel. 301-496-7733.	June 25-27	9:00	Westpark Hotel, Rosslyn, VA.
Microbial Physiology, Dr. Martin Slater, Rm. 238, Tel. 301-496-7163.	June 11-12	8:30	Linden Hill Hotel, Bethesda, MD.
Molecular Biology, Dr. Donald Disque, Rm. 328, Tel. 301-496-7830.	June 4-6	8:30	Holiday Inn, Georgetown, DC.
Molecular Cytology, Dr. Ramesh Nayak, Rm. 233, Tel. 301-496-7149.	May 28-30	8:30	Room 7, Bldg. 31C, Bethesda, MD.

Study section	May–July 1981 meetings	Time	Location
Neurological Sciences, Dr. Edwin Bartos, Rm. 207, Tel. 301–496–7000.	June 11–13	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Neurology A, Dr. William Morris, Rm. 226, Tel. 301–496–7096.	June 18–20	8:00	Executive House, Washington, DC.
Neurology B, Dr. Willard McFarland, Rm. A–25, Tel. 301–496–7422.	June 24–27	8:30	Executive House, Washington DC.
Nutrition, Dr. John R. Schubert, Rm. 204, Tel. 301–496–7178.	June 29–July 1	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Oral Biology and Medicine, Dr. Thomas Tarpley, Jr., Rm. 325, Tel. 301–496–7818.	June 8–12	8:30	In-Town Motel, Chevy Chase, MD.
Pathobiological Chemistry, Dr. Clarice Gaylord, Rm. A–26, Tel. 301–496–7820.	June 10–13	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Pathology A, Dr. Harold Waters, Rm. 337, Tel. 301–496–7306.	May 27–30	8:00	Holiday Inn, Dulles Washington, DC.
Pathology B, Dr. Earl Fisher, Rm. 352, Tel. 301–496–7244.	June 17–19	8:30	Holiday Inn, Chevy Chase, MD.
Pharmacology, Dr. Joseph Kaiser, Rm. 206, Tel. 301–496–7408.	June 2–4	8:30	Holiday Inn, Bethesda, MD.
Physical Biochemistry, Dr. Jeanne Ketley, Rm. 218, Tel. 301–496–7120.	June 17–19	9:00	Marriott Hotel, Bethesda, MD.
Physiological Chemistry, Dr. Henry Brodie, Rm. 440, Tel. 301–496–7837.	June 25–27	8:00	Westpark Hotel, Rosslyn, VA.
Physiology, Dr. Martin Frank, Rm. 209, Tel. 301–496–7878.	June 10–13	2:00 p.m.	Holiday Inn, Georgetown, DC.
Radiation, Dr. Robert Straube, Rm. 218, Tel. 301–496–7073.	June 22–24	9:00	Holiday Inn, Chevy Chase, MD.
Reproductive Biology, Dr. Dharam Dhindsa, Rm. 307, Tel. 301–496–7318.	June 8–11	8:30	Ramada Inn, Bethesda, MD.
Social Sciences and Population, Ms. Carol Campbell, Rm. 210, Tel. 301–496–7906.	June 8–10	8:30	Executive Hotel, Washington, DC.
Surgery, Anesthesiology and Trauma, Dr. Keith Kraner, Rm. 336, Tel. 301–496–7771.	June 1–2	8:30	Holiday Inn, Washington Nat'l. Airport, Arlington, VA.
Surgery and Bioengineering, Dr. Joe Atkinson, Rm. 303A, Tel. 301–496–7506.	June 18–19	8:00	Holiday Inn, Bethesda, MD.
Toxicology, Dr. Raymond Bahor, Rm. 206, Tel. 301–496–7570.	June 22–24	8:30	Holiday Inn, Washington, DC.
Tropical Medicine and Parasitology, Dr. Betty June Myers, Rm. 203, Tel. 301–496–7494.	June 16–17	8:30	Ramada Inn, Bethesda, MD.
Virology, Dr. Claire Winestock, Rm. 308, Tel. 301–496–7605.	June 11–13	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Visual Sciences A, Dr. Orvil Bolduan, Rm. 439, Tel. 301–496–7260.	June 17–19	8:30	Ramada Inn, Alexandria, VA.
Visual Sciences B, Dr. Luigi Giacometti, Rm. 325, Tel. 301–496–7251.	June 17–20	9:00	Holiday Inn, Georgetown, DC.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13.892, 13.893, National Institutes of Health, HHS)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: April 22, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–13131 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–08–M

Genetic Basis of Disease Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences on June 11–12, 1981, at the National Institutes of Health, Westwood Building, Conference Room D, Bethesda, Maryland.

This meeting will be open to the public on June 11, 1981, from 9:00 a.m. until 12 noon for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public for approximately ten hours for the review, discussion, and evaluation of individual grant applications. It is anticipated that this will occur on June 11 from 12 noon until 5:00 p.m. and on June 12 from 9:00 a.m. until adjournment. These applications and the discussions could reveal personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A05, Bethesda, Maryland 20205, Telephone 301–496–7301, will furnish summary minutes of the meeting and a roster of committee members.

Mrs. Mary L. Wolff, Executive Secretary, Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences, National Institutes of Health, Room 949, Westwood Building, Bethesda, Maryland 20205 (Telephone 301–496–7585) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13–862, Genetics Research, National Institute of General Medical Sciences, National Institutes of Health)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–13132 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–08–M

Large Bowel and Pancreatic Cancer Review Committee, Large Bowel Cancer Review Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Large Bowel and Pancreatic Cancer Review Committee, (Large Bowel Cancer Review Subcommittee), National Cancer Institute, June 1–2, 1981, Holiday Inn–O'Hare, 3801 North Mannheim Road, Schiller Park, Illinois 60176. This meeting will be open to the public on June 1 from 1:30 p.m. to 5:00 p.m., to discuss the revision of the National Plan for the National Large Bowel Cancer Project; and on June 2, from 8:00 a.m. to 8:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 1, from 8:00 a.m. to noon, and on June 2, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as a patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Vincent J. Cairoli, Executive Secretary, Large Bowel and Pancreatic Cancer Review Committee (Large Bowel Subcommittee), National Cancer Institute, Blair Building, Room 312, National Institutes of Health, Bethesda, Maryland (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, project grants in cancer cause and prevention, project grants in cancer detection and diagnosis, and project grants in cancer treatment research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular)

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–13133 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–08–M

Minority Access to Research Careers Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Minority Access to Research Careers Review Committee, National Institute of General Medical Sciences, National Institutes of Health, Building 31–C, Conference Room 8, on June 18–19, 1981.

This meeting will be open to the public on June 18, 9:00 a.m. to 12:00 noon. The meeting will consist of opening remarks and discussion of procedural matters. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public for approximately the last four hours of the day on June 18, and untill adjournment on June 19. It is estimated that this will occur from 1:00 p.m. to 5:00 p.m., on June 18, and on June 19 from 9:00 a.m. until adjournment for the review, discussion and evaluation of institutional and individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A–10, 5333 Westbard Avenue, Bethesda, Maryland 20205, telephone (301) 496–7301, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Harriet L. Gordon, M.D., Executive Secretary, Westwood Building, Room 949, Bethesda, Maryland 20205, telephone (301) 496–7585.

(Catalog of Federal Domestic Assistance Program 13.880, Minority Access to Research Careers (MARC), National Institutes of Health, Department of Health and Human Services)

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–13134 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–08–M

Large Bowel and Pancreatic Cancer Review Committee, Pancreation Cancer Review Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Large Bowel and Pancreatic Cancer Review Committee, (Pancreatic Cancer Review Subcommittee), National Cancer Institute, June 4–5, 1981, Tidewater Place, Suite 1521, 1440 Canal Street, New Orleans, Louisiana 70112. This meeting will be open to the public on June 4 from 8:30 p.m. to 10:00 p.m. and on June 5 from 8:00 a.m. to adjournment to review administrative details. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 4, from 10:00 p.m. to adjournment, for the review, discussion, and evluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205, (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William E. Straile, Executive Secretary, Large Bowel and Pancreatic Cancer Review Committee (Pancreatic Cancer Review Subcommittee), National Cancer Institute, Blair Building, Room 314, National Institutes of Health, Bethesda, Maryland (301/427–8800) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.393, 13.394, 13.395, Project grants in cancer cause and prevention, project grants in cancer detection and diagnosis, and project grants in cancer treatment research, National Institutes of Health)

(NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular)

Dated: April 24, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–13135 Filed 4–30–81; 8:45 am]

BILLING CODE 4110–08–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Development and Production Plan; Conoco, Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the West Delta/Grand Isle Federal Unit, Agreement No. 14–08–001–2454, submitted on March 20, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the West Delta/Grand Isle Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m. 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 228.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local

governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 22, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-13215 Filed 4-30-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Intent To Prepare a Supplement to an Environmental Impact Statement; for Proposed 5-Year Outer Continental Shelf Oil and Gas Lease Site Schedule

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior's Bureau of Land Management (BLM) intends to prepare a Supplement to the Final Environmental Impact Statement (SEIS) for the Proposed 5-Year Outer Continental Shelf (OCS) Oil and Gas Lease Sale Schedule covering the period March 1980 to February 1985. The Supplement will cover changes in the present schedule and an extension of that schedule to December 1986, and the draft SEIS will be available May 29, 1981.

In December 1980, the Department of the Interior requested comments and information from the Governors of affected coastal States and industry on a possible revision or reapproval of the current schedule. Requested was information on the characteristics of the OCS leasing areas, environmental sensitivity, technological feasibility of exploring and developing certain areas, the ranking of OCS areas by oil and gas potential, and interest in exploration and development by area. Based on the replies and on the energy situation of the country, the Secretary has proposed to develop a new 5-year leasing schedule which will provide for the offering of an average of eight (8) or more sales per year as opposed to seven (7) in the present schedule. The proposal would contain 42 oil and gas lease sales to be held between January 1982 and December 1986 whereas the present schedule contains 36 lease sales during the period of June 1980 to June 1985. In addition, the proposed schedule would permit earlier entry and more rapid development of high energy potential leasing areas.

For details concerning the timing and location of the proposed sale areas, see "Proposed Changes in Offshore Leasing Program—Request for Comment," published in the Federal Register, April 17, 1981.

The proposed program is being developed pursuant to Section 18 of the Outer Continental Shelf Lands Act, as amended, 43 U.S.C. 1331 *et seq.* The purposes of the OCS Lands Act include making oil and gas resources available to meet the Nation's energy needs as rapidly as possible and balancing orderly energy resource development with the protection of the human, marine, and coastal environments. The proposed action to be analyzed in the Supplement is the adoption of a new 5-Year OCS Leasing schedule. Accordingly, the alternative to the proposed schedule will be the present schedule extended into December 1986 based on the present pace of leasing.

Any questions on the proposal or the Supplement to the Environmental Impact Statement may be directed to Archie Melancon (202-343-6264).

Arnold E. Petty,

Acting Director, Bureau of Land Management.

Approved: April 27, 1981.

Heather L. Ross,

Deputy Assistant Secretary of the Interior.

[FR Doc. 81-13222 Filed 4-30-81; 8:45 am]

BILLING CODE 4310-84-M

Canon City District, Royal Gorge and San Luis Resource Areas, Colorado; Amendments to the Royal Gorge, Saguache, and San Luis Management Framework Plans

Notice is hereby given in accordance with Pub. L. 94-579 section 603 and 43 CFR Part 1601 that the Bureau of Land Management, Canon City District, Colorado is beginning the process of amending the Management Framework Plan (MFP) for wilderness in the Royal Gorge and San Luis Resource Areas. The Royal Gorge and San Luis Resource Areas are located primarily in south central Colorado. The MFP Wilderness Amendment for the Royal Gorge Resource Area will include Fremont County and portion of Chaffee, Teller, El Paso, and Custer Counties. The MFP Wilderness Amendment for the San Luis Resource Area will include Saguache, Alamos, and a portion of Conejos County.

Planning Actions

The MFP Wilderness Amendments will consider the issues and concerns of designating Wilderness Study Areas (WSAs) as wilderness or for other uses. An Environmental Impact Statement will assess the uses of the WSAs if designated wilderness compared with uses of the WSAs if not designated wilderness. A recommendation will be made to the Congress of the United States to designate appropriate WSAs as Wilderness or Non-Wilderness.

The following eleven WSAs will be studied for their wilderness suitability: Royal Gorge Resource—CO-050-002, Browns Canyon, 6,614 acres; CO-050-013, McIntyre Hills, 16,800 acres; CO-050-014, Lower Grape Creek, 11,700 acres; CO-050-016, Beaver Creek, 28,150 acres; CO-050-017, Upper Grape Creek, 10,200 acres; San Luis Resource Area—CO-050-131, Black Canyon, 2,300 acres; CO-050-132B, South Piney Creek, 870 acres; CO-050-135, Sand Castle, 1,844 acres; CO-050-137, Papa Keal, 1,020 acres; CO-050-139B, Zapata Creek, 720 acres; CO-050-141, San Luis Hills, 10,240. The decision to study the Beaver Creek WSA (CO-050-016) is currently under appeal.

General Issues

The following is a list of significant issues related to the planning actions that have been identified at this time: conflicts and effects on the resource related plans of other Federal agencies, local and regional socio-economic effects, energy and critical mineral resource values, impacts of a wilderness or non-wilderness designation on the wilderness and other resource values of a WSA, manageability of the WSA as wilderness.

Planning Criteria

The planning criteria for the MFP Wilderness Amendments are identified in the BLM Draft Wilderness Study Policy published in the Federal Register on December 19, 1980.

Interdisciplinary Team

The following resources will be represented on the Interdisciplinary team: Wilderness, Geology/Minerals, Wildlife, Forestry, Range, Recreation/Visual, Cultural, Soils, Hydrology, Fisheries, Economics, Sociology, Access, Air Quality and Surface Reclamation.

Public Participation Activities

In addition to already identified issues from previous meetings an open-house will be held to identify issues and concerns for the Saguache and San Luis wilderness MFP amendments. This open-house will be June 2, 1981 from 2:00 PM to 8:00 PM at the San Luis Resource Area office, 1921 State Street, Alamosa, Colorado 81101.

Oral comments will be received at the open-house. Written comments should

be received by July 3, 1981 at the address below:

Official BLM Contact: David Hallock, BLM Planning Specialist, Canon City District Office, 3080 East Main, P.O. Box 311, Canon City, Colorado 81212 Telephone (303) 275–0631.

For the State Director.

Melvin O. Clausen,

District Manager.

[FR Doc. 81–13207 Filed 4–30–81; 8:45 am]

BILLING CODE 4310–84–M

[CA 2833]

California; Termination of Proposed Withdrawal and Reservation of Land

April 22, 1981.

Notice of the Forest Service, U.S. Department of Agriculture, application CA 2833 for withdrawal and reservation of the following described land from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2), was published as FR. Doc. 75–18579 on page 30139 of the issue of July 17, 1975, and republished as FR. Doc. 77–17005 on pages 30548 and 30549 of the issue of June 15, 1977. The applicant has cancelled its application in its entirety.

Mount Diablo Meridian, California

Klamath and Shasta-Trinity National Forests, Little Glass Mountain, Pumice Stone Mountain, and Paint Pot Crater Geological Area

T. 43 N., R. 2 E.,
Sec. 12, S½SE¼;
Sec. 13, All;
Sec. 14, All;
Sec. 23, N½, SE¼, and E½SW¼;
Sec. 24, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 25, W½NW¼;
Sec. 26 NE¼ and E½NW¼.
T. 43 N., R. 3 E.,
Sec. 7 SW¼;
Sec. 18, W½ and W½E½;
Sec. 19, NW¼, N½SW¼, and NW¼NE¼.

The area described aggregates 3,760 acres in Siskiyou County, California. Therefore, pursuant to the regulations contained in 43 CFR 2091.2–5(b)(1), these lands shall at 10:00 a.m. on June 1, 1981, be relieved of the segregative effect of the application and open to such forms of disposition as may be made of National Forest Land.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81–13201 Filed 4–30–81; 8:45 am]

BILLING CODE 4310–84–M

Water and Power Resources Service

[INT-FES 81–20]

Colorado—Big Thompson/Windy Gap Projects, Colorado; Availability of Final Environmental Statement.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on the operations of its existing Colorado—Big Thompson Project. The final environmental statement also assesses the impacts of the construction and operation of the Windy Gap Project which will divert an annual average of about 56,000 acre-feet of water from the Upper Colorado River to the east slope of Colorado for municipal and industrial use.

Copies are available for inspection at the following loctions:

Office of Environmental Affairs, Department of the Interior, Water and Power Resources Service, Room 7622, Washington, DC 20240, Telephone (202) 343–4991.

Division of Management Support, General Services, Library Branch, Code D–950, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, Telephone (303) 234–3019.

Office of the Regional Director, Water and Power Resources Service, Denver Federal Center, Room E–2418, Building 20, Denver, CO 80225, Telephone (303) 234–3779.

South Platte River Projects Office, Water and Power Resources Service, 995 Wilson Avenue, Loveland, CO 80537, Telephone (303) 234–4410.

Libraries in Greeley, Fort Collins, Estes Park, Longmont, Loveland, Boulder, Hot Sulphur Springs, Fort Morgan, Sterling Julesburge, and Denver, CO.

Single copies of the final environmental statement may be obtained on request to the Director, Office of Environmental Affairs, or the Regional Director, at the addresses given above. Please refer to the statement number above.

Dated: April 28, 1981.

Cecil S. Hoffmann,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 81–13202 Filed 4–30–81; 8:45 am]

BILLING CODE 4310–09–M

INTERSTATE COMMERCE COMMISSION

[Volume No. 11]

Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously notice in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commisson's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 31879 (Sub-41F) (republication), filed December 13, 1979, published in the Federal Register issue of May 9, 1980, and republished this issue. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, INC., 101 W. 10th Avenue, North Kansas City, MO 64116. Representative: Warren A. Goff, 2006 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. A Order of the Commission, Division 1, decided April 10, 1981, and served April 21, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except class A and B explosives), (1) between points in Rock Island County, IL, and Iowa and (2) between points in Rock Island County, IL, and Iowa, on the one hand, and, on the other, points in Missouri, Kansas, and Nebraska, points in Boone and Carroll Counties, AR, Lee County, IA, Weld, Adams, Denver, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgwick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Bent, Prowers, and Baca

Counties, CO, Laramie and Goshen Counties, WY, Cook, Kane, Du Page, and Will Counties, IL, points in Illinois within the St. Louis, MO-East St. Louis, IL commercial zone those points in Illinois in and area and on a line beginning at Chester, and extending over Illinois Hwy 150, to junction Illinois Hwy 154, then over Illinois Hwy 154 to junction U.S. Hwy 51, then over U.S. Hwy 51, to junction Illinois Hwy 15, then over Illinois Hwy 15 to junction Illinois Hwy 127, then over Illinois Hwy 127 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Decatur, then over U.S. Hwy 36 to the Mississippi River, and those points in New Mexico bounded by and on a line beginning at the Colorado-New Mexico State line, and extending over the western boundary of Colfax County, NM, to Mora County, then along the western boundary of Mora County to Santa Fe County, then in a northerly and westerly direction along the Santa Fe County boundary to Los Alamos County, then in a notherly and westerly direction along the Los Alamos County boundary until that boundary meets the Santa Fe County boundary at the southern tip of Los Alamos County, then over the Santa Fe County boundary to junction combined U.S. Hwy 85 and Interstate Hwy 25, then over combined U.S. Hwy 85 and Interstate Hwy 25 to junction U.S. Hwy 60, then over U.S. Hwy 60 to the New Mexico-Texas State line, restricted in (1) and (2) above against the transportation of parcels, packages, or articles weighing in the aggregate more than 200 pounds from any one consignor, at any one location, to any one consignee, at any one location, on any one day, and further restricted in (1) and (2) above against the transportation of any single parcel, package, or article weighing more than 100 pounds, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 87909 (Sub 31F) (republication), filed May 17, 1979, published in the **Federal Register** issue of February 20, 1980, and republished this issue. Applicant: KROBLIN TRANSPORTATION SYSTEMS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). A Decision of the Commission, Division 1, decided March 27, 1981, and served April 2, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), I over regular routes, (1)(a) between Chicago, IL and Milwaukee, WI from Chicago over IL Hwy 42A to junction U.S. Hwy 41, then over U.S. Hwy 41 to junction IL Hwy 173, then over IL Hwy 173 to junction IL Hwy 42, then over IL Hwy 42 to the IL-WI State line, then over WI Hwy 32 to junction WI Hwy 100, then over WI Hwy 100 to junction WI Hwy 59, and then over WI Hwy 59 to Milwaukee, and return over the same route, serving all intermediate points in WI, and (1)(b) between junction U.S. Hwy 41 and IL Hwy 173, and Milwaukee, WI, over U.S. Hwy 41, serving no intermediate points, RESTRICTION: Under (a) and (b) above, service is restricted to transportation of shipments moving to and from points on applicant's authorized routes (except Chicago, IL, and points in its commerical zone); (2) between Chicago, IL and Cleveland, OH, from Chicago over U.S. Hwy 20 to junction OH Hwy 120, then over OH Hwy 120 to junction OH Hwy 2, then over OH Hwy 2 to junction OH Hwy 57, then over OH Hwy 57 to junction OH Hwy 254, and then over OH Hwy 254 to Cleveland, and return over the same route, serving all intermediate points and the off-route points of La Porte, IN, and Painesville, OH; (3) between Toledo and Port Clinton, OH, from Toledo over OH Hwy 120 to junction OH Hwy 163, then over OH Hwy 163, then over OH Hwy 163 to Port Clinton, and return over the same route, serving all intermediate points; (4) between South Bend and Bristol, IN, from South Bend over U.S. Hwy 20 to junction IN Hwy 112, then over IN Hwy 112 to junction IN Hwy 120, and then over IN Hwy 120 to Bristol, and return over the same route, serving all intermediate points; (5) between South Bend, IN, and Cleveland, OH, from South Bend over U.S. Hwy 20 to junction OH Hwy 49, then over OH Hwy 49 to Edon, then over OH Hwy 34 to Bryan, then over OH Hwy 34 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Sandusky, then over U.S. Hwy 250 to Milan, then over OH Hwy 113 to Elyria then over OH Hwy 57 to junction OH Hwy 254, and then over OH Hwy 254 to Cleveland, and return over the same route, serving all intermediate points; (6) between Pittsburgh, PA, and Mansfield, OH, from Pittsburg over PA Hwy 51 to the PA-OH State line, then over OH Hwy 14 to junction OH Hwy 14A, then over OH Hwy 14A to Salem, then over U.S. Hwy 62 to Canton, and then over U.S. Hwy 30 to Mansfield, and return over the same route, serving all intermediate points and the off-route points of East Pittsburgh, Trafford, Carnegie, and Derry; PA, and Galion and Plymouth, OH, (7) between Pittsburgh and Beaver, PA, from Pittsburgh over PA Hwy 65 to Rochester, and then over PA Hwy 68 to Beaver, and return over the same route, serving all intermediate points and the off-route points of East Pittsburgh, Trafford, Carnegie, and Derry, PA; (8) between Canton and Massillon, OH, from Canton over U.S. Hwy 62 to junction unnumbered Hwy, and then over unnumbered Hwy to Massillon, and return over the same route, serving all intermediate points; (9) between Salem and Manfield, OH, from Salem over OH Hwy 14A to Deerfield, then over OH Hwy 14 to Cleveland, and then over U.S. Hwy 42 to Mansfield, and return over the same route, serving all intermediate points; (10) between Unity and Edinburg, OH, from Unity over OH Hwy 14 to junction OH Hwy 7, then over OH Hwy 7 to Youngstown, and then over OH Hwy 18 to Edinburg, and return over the same route; (11) between Pittsburgh and Bedford, PA, from Pittsburg over U.S. Hwy 22 to Armagh, then over PA Hwy 56 to junction U.S. Hwy 220, and then over U.S. Hwy 220 to Bedford, and return over the same route, serving all intermediate points and off-route points in Allegheny, Beaver, Fayette, Washington, and Westmoreland Counties, PA; (12) between Pittsburgh, PA, and Baltimore, MD, from Pittsburgh over U.S. Hwy 30 to Breezewood, PA, then over PA Hwy 126 to Warfordsbury, then over U.S. Hwy 522 to Hancock, MD and then over U.S. Hwy 40 to Baltimore, and return over the same route, serving all intermediate points, and the off-route points of Alexandria and Rosslyn, VA, points in Allegheny, Beaver, Fayette, Washington, and Westmoreland Counties, PA, and points in MD within 20 miles of Baltimore; (13) between Pittsburgh, PA, and Hancock, MD, from Pittsburgh over PA Hwy 51 to Uniontown, PA, and then over U.S. Hwy 40 to Hancock, and return over the same route, serving all intermediate points, and Hancock for the purpose of joinder only; (14) between Baltimore, MD, and Washington, DC, over U.S. Hwy 1, serving all intermediate points; (15) between Philadelphia, PA, and Washington, DC, over U.S. Hwy 1, serving all intermediate points and off-route points within 5 miles of Baltimore;

(16) between Philadephia, PA, and Baltimore, MD, from Philadelphia over U.S. Hwy 13 to junction U.S. Hwy 40, and then over U.S. Hwy 40 to Baltimore, and return over the same route, serving all intermediate points; (17) between New York, NY and Washington, DC, over U.S. Hwy 1, serving all intermedidate points; (18) between Elizabeth and Trenton, NJ, from Elizabeth over NJ Hwy 27 to Princeton, and then over U.S. Hwy 206 to Trenton, and return over the same route, serving all intermediate points; and (19) between Camden, NJ, and Philadelphia, PA, via the Delaware River Bridge, serving all intermediate points; RESTRICTION: Under routes (12) through (19) above, service is restricted to transportation of shipments originating at or destined to points located west of PA Hwy 219, II over irregular routes, between Chicago, IL, on the one hand, and, on the other, points in Lake, McHenry, Kane, Du Page, and Will Counties, IL, points in that portion of De Kalb County, IL, east of IL Hwy 23 and those in Kankakee County north of a line beginning at the junction of the western boundary of Kankakee County and IL Hwy 17, then east along IL Hwy 17 to junction IL Hwy 114, and then east along IL Hwy 114 to the IL-IN State line, that applicant is fit, willing, and able properly to perform such service and to comform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 125368 (Sub-84F) (Republication), filed August 22, 1979, published in the FR issue of February 20, 1980, and republished this issue. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Ronald M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. An Order of the Commission, Division 2, decided March 30, 1981, and served April 6, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *foodstuffs* between the facilities of Campbell Soup Company, Inc., and the facilities of the subsidiaries and affiliates of Campbell Soup Company, Inc., or near Salisbury and Pocomoke City, MD, Clayton and Milford, DE, Dowingtown and Philadelphia, PA, and Camden, NJ, on the one hand, and, on the other, points in Arkansas, California, Connecticut, Kentucky, Maine, Massachusetts, Michigan, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, and West Virginia, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket A60353, filed March 23, 1981. Applicant: WEST WORLD TRANSPORTATION CO., INC., 2535 E. 14th Street, Los Angeles, CA 90021. Representative: Fred H. Mackenson, c/o Murchison & Davis, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: general commodities: Between all points and places in and south of San Luis Obispo, Kern and San Bernardino Counties. Except that pursuant to the authority herein granted, carrier shall not transport any shipments of: 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B. 2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, trucks trailers, truck and trailers combined, buses and bus chassis. 3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. 4. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump trucks or in hopper-type trucks. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to California Public Utilities Commission, California State Bldg., 350 McAllister Street, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

California Docket 60409, filed March 30, 1981. Applicant: RELIABLE EXPRESS, INC., 15600 Salt Lake Ave., City of Industry, CA 91744. Representative: Fred H. Mackensen, c/o Murchison & Davis, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: general commodities: Between all points and places in and south of San Luis Obispo, Kern and San Bernardino Counties. Except that pursuant to the authority herein granted, carrier shall not transport any shipments of: 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimun Rate Tariff 4–B. 2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. 4. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump trucks or in hopper-type trucks. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 7. Logs.

8. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. 9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to California Public Utilities Commission, California State Bldg., 350 McAllister Street, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

Iowa Docket MC 13, filed December 17, 1980. Applicant: ARNIE'S MOTOR FREIGHT, INC., 701 1st Avenue North, Altoona, IA 50009. Representative: Russell H. Wilson, 4400 Merle Hay Road, Des Moines, IA 50310. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities (except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment) Between Marshalltown, Newton, and points and places in Iowa which applicant presently holds Motor Carrier Authority under IACC #130F. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Iowa Department of Transportation, Colony Bldg., 507 10th Street, Des Moines, Iowa 50319, and should be directed to the Interstate Commerce Commission.

Kansas Docket 127,524 M, filed April 13, 1981. Applicant: ABILENE IRON & METALS, INC., 308 West First Street, Abilene, Kansas 67410. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, Kansas 66603. Certificate of public convenience and necessity sought to operate freight service as follows: Transportation of general commodities, except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Abilene, Kansas, on the one hand, and, all points and places in Kansas on the other. Restricted to traffic having a prior or subsequent movement by rail piggy back. Intrastate and interstate commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the State Corporation Commission of Kansas, State Office Bldg., Topeka, Kansas 66612, and should not be directed to the Interstate Commerce Commission.

New York Docket T-1418 (Republication*), filed April 7, 1981. Applicant: ACORN TRANSPORTATION INC., #3 Sussex Road, East Greenbush, NY 12018. Representative: Neil D. Breslin, Esq., 600 Broadway, Albany, NY 12207. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Albany, Rensselaer and Schenectady and the Village of Waterford (Saratoga County). Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed the Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

South Carolina Docket 81-74-T, filed February 18, 1981. Applicant: FRANK B. SIRES, d.b.a. CHEM-WASTE CONTROL, P.O. Box 250, Evans, GA 30809. Representative: Robert M. Haynie, P.O. Box 250, Evans, GA 30809. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportaion of: Hazardous wastes, consisting of any waste of combinations of waste of a solid, liquid, contained, gaseous, or semisolid form, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, is defined by section 44-56-20 (6) of the 1979 Cum. Supp. 1976 Code of Laws of S.C., and as amended, and is identified by Rule 61-79.1B promulgated by the S.C. Department of Health and Environmental Control, effective March 31, 1980, and as amended: Between points and places in South Carolina. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to The Public Service Commission State of South Carolina, P.O. Drawer 11649, Columbia, SC 29211, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket MC 9018 (Sub-1), filed February 18, 1981. Applicant: VENTURE EXPRESS, INC., P.O. Box 100300, Nashville, TN 37210. Representative: Grant W. Smith, P.O. Box 24927, Nashville, TN 37202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportaion of: General Commodities excluding those of unusual value, Class A & B explosives, household goods, commodities, in bulk and those requiring special equipment from the plant site of Hoskins Warehouse & Storage Co., at Murfreesboro, TN to all points and places in Tennessee and return, over irregular routes. Intrastate, interstate and foreign commerce authority sought. Hearing: May 7, 1981 at 9:30 A.M. C-1 Cordell Hull Bldg., Nashville, TN. Request for procedural information should be addressed to Tennessee Public Service Commission, Cordell Hull Bldg., Nashville, TN 37219, and should be directed to the Interstate Commerce Commission.

*Amendment to Federal Register issue of March 19, 1981.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13178 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-19 (Sub-37)]

Claim Dispute Settlement Programs for Household Goods Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Final Policy Statement On Dispute Settlement Programs For Motor Common Carriers Of Household Goods.

SUMMARY: The Commission is adopting a Final Policy Statement which describes the method by which motor common carriers of household goods may establish and participate in claim dispute settlement programs.

DATES: This Final Policy Statement will become effective May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Alice K. Ramsay, (202) 275-0854.

SUPPLEMENTARY INFORMATION: The Household Goods Transportation Act of 1980, Pub. L. 96-454, amended Chapter 117 of 49 U.S.C. by adding a new Section 11711 which allows motor common carriers of household goods to establish procedures for resolving claim disputes that arise as a result of the transportation of household goods shipments under the jurisdiction of this Commission. New Section 11711 also sets forth the procedures for household goods carriers to file dispute resolution programs with the Commission for approval.

Consistent with or responsibilities to implement these provisions and to ensure that the views of the public are adequately considered, the Commission, on December 22, 1980, published in the

Federal Register (45 FR 84176) a Notice of Interim Policy Statement which described the method by which motor common carriers of household goods could establish and participate in claim dispute resolution programs. The Commission, in that notice, requested interested parties to submit written comments on the proposed method of reviewing these programs and on the possible need to prescribe more specific regulations in this matter. Suggestions and recommendations have been received from the Commission's Office of Special Counsel, the Federal Trade Commission's Bureau of Consumer Protection, the United States Office of Consumer Affairs, the American Movers Conference, the Transportation Consumer Action Project, the Anamax Mining Company, and the Transportation Arbitration Board, Inc.

This Commission's Office of Special Counsel and the Federal Trade Commission's Bureau of Consumer Protection have suggested that specific regulations or more definitive interpretative guidelines be prescribed to provide guidance to carriers in complying with the Act. However, other commenters have argued that, because of the clarity of these dispute settlement provisions, there is no need to promulgate regulations under 49 U.S.C. 11711. The American Movers Conference specifically requested that the review and approval of these programs be kept as simple and expeditious as possible to encourage carriers to institute and participate in programs.

Carriers should not be burdened unnecessarily by complex regulations, especially where more flexibility and more variations in types of plans can be fostered under such a policy. Furthermore, we agree with the American Movers Conference's view that excessive regulation could serve to discourage and may prevent carriers from establishing and participating in dispute settlement programs. If, however, problems develop as a result of allowing arbitration programs for disputes resolution to develop this way, we will give consideration to modifying our requirements for approving and continuing the programs.

The Commission's Office of Special Counsel, the Federal Trade Commission and the Transportation Consumer Action Project recommeded more specific requirements than those in the statute. For instance, they recommended that the Commission more precisely define in section 11711(b)(8) what is considered a "reasonable" period of time within which dispute settlers may extend the 60-day period for rendering a decision resolving a claims dispute. While the extension should be short, perhaps as few as 15 days, there is no need to set an inflexible rule for such extensions. Examining this feature of each plan in the context of its other terms would appear to be a preferable approach.

The United States Office of Consumer Affairs and the Transportation Consumer Action Project and others, suggested that the public be allowed to participate in the review process of each dispute resolution program. In view of the 45-day review period allowed the Commission by statute, it is not practicable to have public participation each time a program is submitted for approval nor would it be productive to attempt to have a notice and comment period during so short a statutory decisional period.

We have reviewed and carefully considered all comments received and find that the procedures outlined in this Final Policy Statement are adequate and appropriate. We will outline the provisions of Section 11711 which apply to the "collect-on-deliver" transportation of these types of household goods that are defined in 49 U.S.C. 10102(10)(A).[1]

The Commission has 45 days within which to review and approve dispute settlement programs filed pursuant to the new Act. However, the Commission may review and investigate, at any time, the functioning of any dispute settlement program approved by it, and after notice and an opportunity for a hearing, may suspend or revoke its approval for failure to conform to the requirements of this Section.

As provided in Section 11711(b) of the Act, no program for settling disputes concerning the transportation of household goods may be approved unless the program is a fair and expeditious method for settling such dispute and complies with each of the following requirements:

(1) The dispute settlement program must be designed so as to prevent a carrier from having any advantage in any case in which the claimant resides or does business at a place distant from the carrier's principal or other place of business;

(2) The dispute settlement program must provide for adequate notice of availability of the procedure, including a concise, easy-to-read, accurate summary of the program and disclosure of the legal effects of election to use it. The notice must be given to persons for whom household goods are to be transported by the carrier before the goods are tendered to the carrier for transportation.

(3) Upon request of a shipper, the carrier must promptly provide forms and other information that are necessary for initiating an action under the program to resolve a dispute.

(4) Each person, authorized pursuant to the program to arbitrate or otherwise settle disputes, must be independent of the parties to the disputer and must be capable, as determined under Commission regulations to resolve disputes fairly and expeditiously. The program must ensure that each person chosen to settle the disputes is authorized and able to obtain from the shipper or carrier any material and relevant information to the extent necessary to carry out a fair and expeditious decision-making process.

(5) No fee for instituting a proceeding under the program may be charged the shipper. However, if the program is binding solely on the carrier, the shipper may be charged a fee of not more than $25 for instituting a proceeding under the program. When a shipper is charged a fee for instituting a proceeding and the dispute is settled in favor of the shipper, the person settling the dispute must refund the fee to the shipper unless the person settling the dispute determines that a refund is inappropriate.

(6) The program must not require the shipper to agree to use the dispute settlement program before a dispute arises.

(7) The program may provide for an oral presentation of a dispute concerning transportation of household goods by a party to the dispute (or a party's representative), but an oral presentation may be made only if all parties to the dispute expressly agree to the presentation and the date, time, and location of the oral presentation.

(8) Any person settling a dispute concerning transportation of household goods under the program must, as expeditiously as possible but at least within 60 days of receipt of written notification of the dispute, render a decision based on the information gathered. However, if a party to the dispute fails to provide in a timely manner any information concerning the

[1] Section 10102

(10) Household goods means—

(A) personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling and such other similar property as the Commission may provide by regulation; except that this subparagraph shall not be construed to include property moving from a factory or store, except such property as the householder has purchased with intent to use in his dwelling and which is transported at the request of, and the transportation charges paid to the carrier by, the householder;

dispute which the person settling the dispute may reasonably require to resolve the dispute, the dispute settler may extend the 60-day period for a reasonable period of time. A decision resolving a dispute may include any remedies appropriate under the circumstances, such as repair, replacement, refund, reimbursement for expense, and compensation for damages.

Materials and information obtained in the course of a decision-making process to settle a dispute under a dispute settlement program may not be used to bring an action under 49 U.S.C. 11910.[2]

New Section 11711(d)[3] of the Act provides that where a court action is instituted to resolve a dispute between a shipper and a carrier, reasonable attorney fees must be awarded to the shipper if the shipper submitted the claim to the carrier within 120 days after the date the shipment was delivered or the date on which the delivery was scheduled, whichever is later; if the shipper prevailed in the court action; and if any of the following is applicable:

(1) There was no dispute settlement program available for use by the shipper to resolve the dispute;

(2) A decision resolving the dispute was not rendered within 60 days of receipt of written notification of the dispute, or an extension thereof as provided under the program; or

(3) A court action is instituted to enforce a decision rendered under a dispute settlement program.

To discourage shippers from filing non-meritorious claims in court, new Section 11711(e)[4] of the Act provides that a carrier may be awarded reasonable attorney fees where a shipper has brought court action in bad faith, either after a decision has been issued under a dispute settlement program or after the shipper has instituted a proceeding under a dispute settlement program, but before a decision resolving the dispute is rendered, provided the dispute is resolved within the 60-day period for resolution or an extension thereof if stipulated in the program.

The Commission's Insurance Board will examine each dispute settlement program to assure that it complies with the statutory provisions of the Act. Each program should contain a table of contents which clearly indicates where each provision of Section 11711(b)(1–8) is satisfied.

Six (6) copies of all dispute settlement programs should be sent to the Office of Consumer Protection, Room 7310, Interstate Commerce Commission, Washington, D.C. 20423.

Dated: April 13, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13180 Filed 4-30-81; 8:45 am]
BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Esmark, Inc., 55 East Monroe Street, Chicago, Illinois 60603.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporation:

Swift & Company (Delaware)
International Playtex, Inc. (Delaware)
Estech General Chemicals Corporation (Delaware)
Estech Specialty Chemicals Corporation (Delaware)
STP Corporation (Delaware)
International Jensen Incorporated (Delaware)
Danskin, Inc. (Delaware)
Danskin Florida, Inc. (Delaware)
Danskin Texas, Inc. (Delaware)
Pennaco Hoisery, Inc. (Delaware)
Virginia Maid Hoisery Mills, Inc. (Virginia)
Playtex Export Corporation (Delaware)
Milky Way Products Company (Delaware)
BG Marketing Corp. (Delaware)
Mayfield Laboratories, Inc. (Delaware)
Tailby-Nason Company, Inc. (Delaware)

1. The parent corporation is Milton Bradley Company, a Massachusetts corporation with a principal office at 1500 Main Street, Springfield, Massachusetts 01115.

2. The wholly-owned subsidiaries of Milton Bradley Company which will participate in the intercorporate hauling operations are:

(i) Playskool, Inc.—a Delaware corporation with principal offices at 4501 West Agusta Boulevard Chicago, Illinois 60651.

(ii) The South Bend Toy Manufacturing Company, Inc.—an Indiana corporation with principal offices at 3300 West Sample Street, South Bend, Indiana 46628.

1. The parent corporation and principal office is Parts Industries Corporation, 601 So. Dudley Street, Memphis, Tennessee 38104.

2. Listed below are wholly-owned subsidiaries which will participate in the operations:

Names of Corporation and State of Incorporation

Parts, Inc., Tennessee
Triple T, Inc., Tennessee
Aftermarket, Inc., Tennessee
P.I. Programs, Inc., Tennessee
Riverside Tractor Parts, Inc., Tennessee
Motors, Inc., Tennessee
Tool Warehouse, Inc., Tennessee
Motor City Automotive Company, Michigan

1. Glenn F. Straub and George E. Straub—Owners, P.O. Box 160, Martins Ferry, Ohio 43935.

2. Wholly-owned corporations which will participate in the operations, and States of incorporation:

(i) Tri-State Asphalt Corporation, and Ohio corporation whose address is: P.O. Box 160, Martins Ferry, Ohio 43935.

(ii) Edgar Spring, Inc., d.b.a. Spring Industries, an Ohio corporation whose address is: P.O. Box 70, Martins Ferry, Ohio 43935.

(iii) Tri-State Asphalt Products, Inc., a West Virginia corporation whose address is: 69–16th Street, Wheeling, West Virginia 26003.

1. Parent corporation and address of principal office: Sunnyland America, Inc., a Georgia corporation, Albany Road, P.O. Box 1138, Thomasville, Georgia 31792.

2. Wholly-owned subsidiaries which will participate in the operations, and the States of incorporation:

(i) Sunnyland Foods, Inc., Georgia
(ii) Sunnyland Foods, Inc. of Alabama, Alabama
(iii) Win Sales Company, Florida
(iv) B–C Packing Company, Georgia

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[2] Section 11910—Unlawful disclosure of information.

(a)(2) A motor carrier or broker providing transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title or an officer, receiver, trustee, lessee, or employee of that carrier or broker, or another person authorized by that carrier or broker to receive information from that carrier or broker may not knowingly disclose to another person, except the shipper or consignee, and another person may not solicit, or knowingly receive, information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that carrier or broker for transportation provided under this subtitle without the consent of the shipper or consignee if that information may be used to the detriment of the shipper or consignee or may disclose improperly to a competitor the business transactions of the shipper or consignee.

[3] Section 11711(d) of Title 49, United States Code shall take effect on the 240th day following the date of enactment of the Act.

[4] Section 11711(e) of Title 49, United States Code shall take effect on the 240th day following the date of enactment of the Act.

(v) Roberts Packing Company, Florida
(vi) Georgia Packing Company of Florida, Florida

1. Parent corporation and address of principal office: Wheelabrator-Frye Inc., a Delaware corporation, Liberty Lane, Hampton, New Hampshire 03842.

Communications concerning this notice should be sent to the following address: Trailmobile Division, Attention: Director of Transportation, 200 East Randolph Drive, Chicago, Illinois 60601.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

The M. W. Kellogg Company, a Delaware corporation, 200 South Michigan Avenue, Chicago, IL 60604
Pullman Woodex Corporation, a Delaware corporation, 4900 Waters Edge Drive, Raleigh, NC 27606
Pullman Trailmobile Canada Limited, a Canadian corporation, 100 Shaver Street, Brantford, Ontario, Canada
Garden City Fan & Blower Co., a Delaware corporation, 1701 Terminal Road, Niles MI 49120
Sinclair & Valentine Company, Inc., a Delaware corporation, 7600 University Avenue, Des Moines, IA 50311
Transport Systems, Inc., a Texas corporation, P.O. Box 1886, Denton, TX 76201
Whitting Corporation, an Illinois corporation, 15700 Lathrop Avenue, Harvey, IL 60426
Frye Copysystems, Inc., a Delaware corporation, P.O. Box 4947, 7445 University Avenue, Des Moines, IA 50311
Neptune International Corporation, a Delaware corporation, 30 Perimeter Park, Atlanta, Ga 40431

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13251 Filed 4-30-81; 8:45 am]
BILLING CODE 7035-01-M

Long and Short-Haul Application for Relief (Formerly Fourth Section Application)

April 28, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

No. 43915, Southwestern Freight Bureau, Agent (No. B-123), new reduced rates on petroleum coke, from Gilsonite, CO and Salt Lake City, UT, to Stations in Southwestern Territory. Rates to be published in Item 3000 series of Tariff ICC SWFB 4692. Grounds for relief—Market Competition.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13170 Filed 4-30-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

April 28, 1981.

In our decision of April 21, 1981, 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.5-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.2-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 2.1-percent surcharge for United Parcel Service, or the 6.9-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m. May 1, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

Appendix—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5

Date of current price measurement and price per gallon (including tax)

April 27, 1981 ..... 132.9

	Transportation performed by—			
	Owner operator[1]	Other[2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.9	3.3
Percent surcharge developed	18.5	3.2	6.9	[3]2.9
Percent surcharge allowed	18.5	3.2	6.9	[4]2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-13245 Filed 4-30-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Ferderal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to comform to the requirements of Title 49,

Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-3-059

Decided April 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams. (Fisher Not Participating).

MC 148394 (Sub-3), filed April 17, 1981. Applicant: McKINLEY TRUCKING CO., INC., 652 N. Williams St., Carson City, MI 48811. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 489-5724. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY5-49

Decided April 24, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 142478 (Sub-2), filed March 23, 1981, previously noted in (Republication) the **Federal Register** issue of April 9, 1981. Applicant: ACE INDUSTRIES, INC., d.b.a. ACE COURIER & EXPEDITING SERVICE, 282 South Potomac St., Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., and (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Note.—Purpose of republication is to modify by adding part (2).

MC 148619 (Sub-1), filed April 14, 1981. Applicant: AT&E MOTOR LINES, INC., 101 Wellham Ave., N.E., Glen Burnie, MD 21061. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW, Washington, DC 20005, (202) 783-7900. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 148758 (Sub-3), filed April 14, 1981. Applicant: C. F. LIEBERT, INC., P.O. Drawer L, #8—12th St., Blaine, WA 98230. Representative: Gary Knutson (same address as applicant) (206) 332-5951. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155228,filed April 9, 1981. Applicant: C. O. BRUCE, JR. and TOM DUKE, d.b.a. TRIANGLE TRUCK BROKERAGE CO., P.O. Box 601, Blum, TX 76627. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332-4718. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155248, filed April 10, 1981. Applicant: E. B. LITTLE, JR., d.b.a. E. B. LITTLE, JR., TRUCKING CO., Rt. 1, Box 211 BA, Converse, TX 78109. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457-0804. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155249, filed April 13, 1981. Applicant: BENNIE GREENWOOD and MAY BEDWELL, d.b.a. GREENWOOD TRUCKING CO., P.O. Box 207, Lamesa, TX 79331. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112 (817) 457-0804. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155318, filed April 13, 1981. Applicant: SHENANDOAH TRANSPORT, INC., Rt. 2, Box 125 C, Berryville, VA 22611. Representative: George M. Dustin (same address as applicant), 703-667-9100. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S.

MC 155369, filed April 15, 1981. Applicant: FEDERATION OF INDEPENDENT AND SELECT TEAMSTERS, INC., 4745 Lancaster Dr. N.E., P.O. Box 9057, Salem, OR 97305. Representative: David E. Miller (same address as applicant), (503) 393-3478. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle, in such vehicle, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13246 Filed 4-30-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issurances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules*

Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: April 22, 1981.

By the Commission, Krock, Joyce and Dowell.

C–F–14611 filed April 1, 1981. Authority sought for purchase by MANLEY TRUCK LINE, INC., Suite 560, 9300 W. 110 St., Overland Park, KS 66210, of the operating rights of CHICAGO KANSAS CITY FREIGHT LINE, INC., 106 W. 14th St., Kansas City, MO 64105, and control of such rights through the purchase by Overland Enterprises, Inc., Suite 560, 9300 W. 110 St., Overland Park, KS 66210 and, in turn, by Gene A. Scott. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Operating rights sought to be purchased: Docket No. MC–3500 authorizing the transportation of general commodities, with the usual exceptions, over regular routes between Kansas City and St. Joseph, MO and Chicago, IL, serving all intermediate points in IL and all points within 50 miles of Springfield, IL and all points within 50 miles of St. Charles, IL as off-route points in connection with the regular-route operations. The vendor's certificates also include a limited amount of specified commodity authority. The vendee proposes to tack or join the authority sought to be purchased with its existing regular route authority. Application has been filed for temporary authority under Section 11349. Hearing: Kansas City, MO. Condition: Gene A. Scott, the sole owner of Overland Enterprises, Inc., Must join in the application. A copy of the statement signed by Gene A. Scott must be mailed to the Interstate Commerce Commission Finance Support Unit, Room 5349, Attention: Barbara Lewis

MC–F–14615, filed April 3, 1981. PORT EXPRESS INTERNATIONAL, INC. (PORT EXPRESS), (7401 Newman Boulevard, LaSalle, Quebec, Canada, H8N 1X4),—PURCHASE (PORTION)—QUINN FREIGHT LINES, INC. (QUINN), (1093 North Montello Street, Brockton, MA 02403). Representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Port Express seeks authority to purchase a portion of the operating rights of Quinn. Maislin Industries, Ltd., a non-carrier holding company of LaSalle, Quebec, Canada, the sole stockholder of Port Express, seeks to acquire control of said rights through the transaction. Port Express is purchasing a portion of Quinn's authority issued in Certificate No. MC–4941 (the pertinent subnumbers are not specified) authorizing the transportation, as a motor common carrier, of general commodities, with the usual exceptions (1) over irregular routes between Burlington, VT, on the one hand, and, on the other, points in New York within 30 miles of St. Albans, VT, and (2) over specified regular routes between Burlington, VT, and ports of entry on the US-Canada Boundary line at or near Rouses Point and Champlain, NY. A portion of the involved regular-route authority is limited to the transportation of shipments originating at, or destined to, points in Canada. Impediments: (1) The vendee in this proceeding is affiliated with several motor common carriers including (a) Maislin Transport of Delaware, Inc. (Delaware), which operates pursuant to authority issued in Certificate No. MC–60580, and subnumbers thereunder, transporting general and specified commodities, over both regular and irregular routes, in Connecticut, Delaware, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, and (b) Maislin Transport, Ltd. (MTL), which operates pursuant to authority issued in Certificate No. MC–106006, and subnumbers thereunder, transporting general and specified commodities, over regular and irregular routes, in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. In No. MC–F–14436F, *Maislin Transport of Delaware, Inc.—Control—Quinn Freight Lines, Inc.*, filed June 6, 1980, the vendor in this proceeding, Quinn, stated that approval of that transaction would give rise to partial duplication of authority under common control. The Delaware—Quinn control proceeding is being held open pending resolution of the duplication of authority problem. In the instant proceeding, Quinn is attempting to sell a portion of its authority which it says duplicates that of Delaware. The sale to Port Express, an affiliate of Delaware, however, would also give rise to a duplication of authority under common control in this proceeding. In addition, the information discussed above was found in Appendix B, involving information with respect to the vendor.

The information required in Appendix D–3 has not been furnished by the parties. Such omission prevents us from ascertaining the extent of such duplication, and it also prevents us from

ascertaining the existence and extent of any duplications with respect to MTL or any other affiliate of vendee. Applicants must present in detail the information required by section D3 of Appendix D to the application form to enable us to properly evaluate the duplication of authority issue.

(2) Applicants have failed to present any evidence concerning the actual transportation of shipments under the operating authority involved in the proposed transaction. This information is required under section D4 of Appendix D to Application Form OP–F–44. See *Central Transport, Inc.—Pur.—Piedmont Petroleum*, 127 M.C.C. 1 (1977). Applicants must provide such information.

(3) Applicants must set forth with greater specificity exactly which portions of Quinn's certificates are involved in this transaction, and, correspondingly, what authority is being retained.

(4) The application does not contain the required information to Maislin Industries, Ltd., which is a party to this transaction. Further, the person or persons, who control Maislin Industries, Ltd., are also necessary parties to the transaction, and, as such are required to join in the application. A signed copy of this information must be mailed to the Interstate Commerce Commission, Finance Support Unit Room 5349, Attention: Barbara Lewis.

Note.—Purchaser Port Express does not hold any authority from this Commission. No application for temporary authority has been filed.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–13249 Filed 4–30–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–3–55 Decided April 27, 1981.

By the Commission, Review Board No. 2, members Carleton, Fortier and Williams.

MC 30605 (Sub-173), filed April 10, 1981. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Wichita, KS 67201. Representative: Richard K. Knowlton, 60 E. Jackson Blvd., Chicago, IL 60604 (312) 427–4900. Transporting *general commodities* (except classes A and B explosives), between points in Boone, Campbell, Jefferson, and Kenton Counties, KY, Allegheny, Beaver, Butler, Cambria, Crawford, Erie, Fayette, Greene, Lawrence, Mercer, Somerset, Venango, Washington, and Westmoreland Counties, PA, Storey County, NV, and Shelby County, TN, and points in AR, AZ, CA, CO, IL, IA, IN, KS, LA, MI, MN, MO, NE, NM, OH, OK, TX, and WI. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of carrier's existing certificate in No. MC–30605 and related subs.

MC 44605 (Sub-57), filed April 20, 1981. Applicant: MILNE TRUCK LINES, INC., 2500 West California Ave., Salt Lake City, UT 84104. Representative: Ann M. Pougiales, 100 Bush St. San Francisco, CA 94104 (415)–986–5778. Transporting *general commodities* (except classes A and B explosives), between points in AZ, CA, CO, ID, NV, OR, UT, WA and WY.

MC 59934 (Sub-15), filed April 20, 1981. Applicant: MAIN TRUCKING & RIGGING CO., INC., Wallace St., Elmwood Park, NJ 07407. Representative: Edward L. Nehez, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006 (201)–575–7700. Transporting *machinery*, between the facilities of Amertap Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 97825 (Sub-6), filed April 20, 1981. Applicant: LOUISIANA MIDLAND TRANSPORT CO., INC., 3679 Florida St., Baton Rouge, LA 70806. Representative: Carlos G. Spaht, P.O. Box 2997, 500 Laurel St., Baton Rouge, LA 70821 (504) 383–4703. Transporting *fly ash*, between the facilities of Gifford-Hill & Co., Inc., at or near Cason, TX, on the one hand, and, on the other, points in MS, LA, and TX.

MC 105045 (Sub-160), filed April 17, 1981. Applicant: R. L. JEFFRIES TRUCKING COMPANY, INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005 (202) 347–3987. Transporting (1) *machinery*, and (2) *metal products*, from the facilities of Hesston Corporation, its suppliers and dealers, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 105694 (Sub-31), filed April 20, 1981. Applicant: JOHN B. BARBOUR

TRUCKING COMPANY, a Corporation, P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116 (817) 731–8431. Transporting *machinery* and *Mercer commodities*, between points in WA, OR, and CA, on the one hand, and, on the other, points in CO, ID, KS, LA, MT, ND, NM, OK, SD, TX, and WY.

MC 107295 (Sub-1034), filed April 17, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant) (309) 928–2144. Transporting *pipe, pipe fittings, hydrants, valves, pumps, tanks, control panels, fire brick, and sewage treatment items* between points in Mahaska County, IA, Boone County, MO, Cook and DuPage Counties, IL, Jefferson and Talladega Counties, AL, Boone County, KY, Coshocton and Tuscarawas Counties, OH, and Upshur County, WV, on the one hand, and, on the other, points in the U.S.

MC 107295 (Sub-1035), filed April 20, 1981. Applicant: PRE-FAB TRANSIT CO., A CORPORATION, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant) (309) 928–2141. Transporting *malt beverages*, between points in Houston County, GA, on the one hand, and, on the other, points in the U.S.

MC 107445 (Sub-41), filed April 20, 1981. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 West Troy Avenue, Indianapolis, IN 46225. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204 (317) 638–1301. Transporting (1) *machinery*, (2) *metal products*, and (3) *those commodities*, the transportation of which because of their size or weight requires the use of special handling or equipment, (a) between points in IA, IL, IN, KY, MI, MO, and OH, and (b) between points in IA, IL, IN, KY, MI, MO, and OH, on the one hand, and, on the other, points in the U.S.

Note—Applicant relies on traffic studies rather than shipper support.

MC 111274 (Sub-73), filed April 21, 1981. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant) (309) 266–9773. Transporting *steel buildings*, between points in the U.S., under continuing contract(s) with Republic Buildings Corporation, of Van Wert, OH.

MC 111274 (Sub-74), filed April 21, 1981. Applicant: SCHMIDGALL TRANSFER, INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant) (309) 266–9773. Transporting (1) *lumber and wood products*, and (2) *pulp, paper and related products*, between points in the U.S. under continuing contact(s) with Weyerhaeuser Company, of Tacoma, WA.

MC 113325 (Sub-166), filed April 20, 1981. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh St., St. Louis, MO 63104. Representative: T. M. Tahan (same address as applicant), (314) 772–6666. Transporting *commodities in bulk*, between points in AR, IA, IL, IN, KS, KY, MI, MN, MO, NE, OH, TN, and WI.

MC 127955 (Sub-7), filed April 21, 1981. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Ave. & Aloe St., Pomona, NJ 08240. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *paper and paper products*, between Palatka, FL, on the one hand, and, on the other, points in the U.S.

MC 133965 (Sub-20), filed April 20, 1981. Applicant: CALZONA TRANSPORTATION INC., P.O. Box 6558, Phoenix, AZ 85005. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209, (303) 320–6100. Transporting *commodities in bulk*, between points in AZ, CA, CO, ID, NM, NV, OR, TX, and UT.

MC 134064 (Sub-52), filed April 20, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839–5856. Transporting *food and related products*, between points in GA, on the one hand, and, on the other, points in the U.S.

MC 134755 (Sub-234), filed April 21, 1981. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: S. Christopher Wilson (same address as applicant) (417) 862–5588. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 135824 (Sub-5), filed April 17, 1981. Applicant: KLAPEC TRUCKING COMPANY, R.D. 1, 673 N. Seneca St., Oil City PA 16301. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contracts(s) with Polish American Machinery Company, of Titusville, PA.

MC 140665 (Sub-137), filed April 21, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, Mo 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, Oh 44266, (216) 296–2887. Transporting *General commodities* (except classes A and B explosives), between points in the U.S.

MC 141614 (Sub-3), filed April 20, 1981. Applicant: J. D. AND BILLY HINES TRUCKING, INC., 1110½ West First St., Prescott, AR 71857. Representative: J. D. Hines (same address as applicant), (501) 887–2601. Transporting *saw dust* and *shavings*, between points in the U.S., under continuing contracts(s) with Edward Hines Lumber Company, of Hope, AR.

MC 142835 (Sub-17), filed April 21, 1981. Applicant: CARSON MOTOR LINES, INC., P.O. Box 337, Auburndale, FL 33823. , 1981. Applicant: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *Food and related products* (1) between points in FL, on the one hand, and, on the other, points in AL, AR, GA, IA, KS, KY, LA, MS, MO, NE, NC, OK, SC, TN, and TX, and (2) between points in OH, on the one hand, and, on the other, points in CT, DE, IA, KS, KY, ME, MD, MA, MI, NE, NH, NJ, NY, PA, RI, TN, VT, VA, WV, WI, and DC.

MC 145664 (Sub-26), filed April 20, 1981. Applicant: STALBERGER, INC., 223 South 50th Ave., W., Duluth, MN 55807. Representative: Joyce L. Donaldson (same address as applicant), (218) 624–3641.Transporting *metal products*, Between points in the U.S.

MC 146614 (Sub-11), filed April 20, 1981. Applicant: VAN WYK, INC., "C" St., Sheldon, IA 51201. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (712) 324–2214.Transporting *such commodities* as are dealt in by manufacturers and distributors of recreational vehicles, between points in O'Brien, Plymouth and Woodbury Counties, IA, and Minnehaha County, SD, on the one hand, and, on the other, points in the U.S.

MC 148665 (Sub-3), filed April 20, 1981. Applicant: CFS CONTINENTAL TRANSPORTATION COMPANY, a corporation, 2550 North Claybourn Ave., Chicago, IL 60614. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603, (312) 236–9375.Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Anchor Hocking Corporation, of Lancaster, OH.

MC 150625 (Sub-2), filed April 20, 1981. Applicant: B & T MAIL SERVICE,

INC., 2521 South Ronke Lane, New Berlin, WI 53151. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601, (608) 788–2000. Transporting *general commodities* (except classes A and B explosives), between points in Waukesha County, WI, on the one hand, and, on the other, points in GA, IL, IN, IA, KS, KY, MA, MI, MN, MD, MO, NC, NJ, NY, PA, OH, OK, TN, TX, WI, and DC.

MC 151185 (Sub-2), filed April 20, 1981. Applicant: CATHAY, INC., 7660 South State St., Midvale, UT 84047. Representative: Dix H. McMullin (same address as applicant), (801)–255–0642. Transporting *food and related products*, between Los Angeles, CA, and points in Davis, Morgan and Salt Lake Counties, UT, on the one hand, and, on the other, points in the U.S.

MC 151394 (Sub-1), filed April 20, 1981. Applicant: BERNHARDT FURNITURE COMPANY, 1839 Morganton Blvd., P.O. Box 740, Lenoir, NC 28645. Representative: Fred R. Piercy (same address as applicant). (704) 758–9811. Transporting *packing partitions*, and *wood pulp*, between points in Jackson County, IN, on the one hand, and, on the other, points in NC.

MC 151725 (Sub-2), filed Arpil 20, 1981. Applicant: LEAF TRANSPORTATION, INC., 1155 North Cicero Ave., Chicago, IL 60651. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Consolidated Products Systems, Inc., of McKeesport, PA.

MC 151835, filed April 20, 1981. Applicant: C & C TRANSPORT CO., a division of Chumley Lumber Co., Inc., 3309 Lakewood, Houston, TX 77093. Representative: William E. Collier, 8918 Tesoro Dr., Suite 215, San Antonio, TX 78217, (512) 826–6496. Transporting *building* and *building materials*, between points in the U.S., under continuing contract(s) with Mid-West American, Inc., of Houston, TX.

MC 153134 (Sub-1), filed April 21, 1981. Applicant: HI COUNTRY CARRIERS, INC., 4061 South Broadway, P.O. Box 1354, Englewood, CO 80110. Representative: Charles J. Kimball, 1600 Sherman St. No. 665, Denver, CO 80203, (303) 839–5856. Transporting (1) *such commodities* as are dealt in by manufacturers and distributors of fiberglass reinforcements, between points in the U.S., under continuing contract(s) with Thalco, A Division of United Merchants Manufacturers, Inc., of Los Angeles, CA; and (2) *such commodities* as are dealt in by manufacturers and distributors of electrical equipment, between points in the U.S., under continuing contract(s) with Westinghouse Electric Corporation, of Pittsburgh, PA.

MC 153284, filed April 10, 1981. Applicant: C.M. BOWEN, d.b.a. TEXAS MOTOR LINE, 361 West Tyler Ave. Longview, TX 75601. Representative: C.M. Bowen (same address as applicant), (214) 757–8201. Transporting *general commodities*, between points in Bowie, Titus, Morris, Camp, Upshur, Franklin, Hopkins, Wood, Smith, Rusk, Panola, Gregg, Harrison, Marion, Cass, Tarrant, and Dallas Counties, TX, and Texarkana, AR.

MC 154405 (Sub-1), filed April 20, 1981. Applicant: JAMES GOAD, d.b.a. JOPLIN PITTSBURG EXPRESS, Route 2, Box 4, Liberal, MO 64762. Representatives: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804, (417) 883–7311. Transporting *general commodities* (except classes A and B explosives), between points in Jasper County, MO, and Allen, Bourbon, Cherokee, Crawford, Labette, and Neosho Counties, KS.

MC 155404, filed April 20, 1981. Applicant: GOLDEN TRAVELERS, INC., 333 Old Romney Rd., Lafayette, IN 47905. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, (317)–638–1301. As a *broker*, at Lafayette, IN, of *Passengers and their baggage*, in round-trip, special and charter operations, beginning and ending at points in Tippecanoe County, IN, and extending to points in the U.S.

MC 155415, filed April 20, 1981. Applicant: LEO BECKER & LEE LEROY MOORE, d.b.a. BAKER HIDE AND FUR, P.O.B. 542, Baker, MT 59313. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101, (406) 252–4165. Transporting *Mercer Commodities*, between points in Fallon County, MT, on the one hand, and, on the other, points in Slope, Bowman, Golden Valley, Adams, Hettinger, Billings, Stark and Williams Counties, ND, Harding, Perkins, Butte and Meade Counties, SD, and Natrona and Campbell Counties, WY.

MC 155424, filed April 21, 1981. Applicant: RINGER ENTERPRISES, INC., d.b.a. RINGER TRUCKING CO., 2121 Russell St., Baltimore, MD 21230. Representative: Stanley I. Goldman, 1700 K St., N.W. Suite 301, Washington, DC 20006, (202) 833–8884. Transporting *General commodities* (except classes A and B explosives), between points in MD, on the one hand, and, on the other, points in NY, NJ, PA, OH, DE, WV, VA, MD, and DC.

VOLUME NO. OPY–4–185

Decided: April 27, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier and Williams.

MC 31367 (Sub-39), filed April 20, 1981. Applicant: H. F. CAMPBELL & SON, INC., P.O. Box 280, Millerstown, PA 17067. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108 (717) 233–5731. Transporting *such commodities* as are dealt in by grocery and food business houses, between points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 33037 (Sub-4), filed April 20, 1981. Applicant: STUDER TRUCK LINE, INC., Beattie, KS 66406. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601 (913) 234–0565. Transporting (1) *food and related products* and (2) *Chemicals and related products*, between points in AR, CO, IL, IA, KS, KY, LA, MN, MO, MT, NE, NM, ND, OK, SD, TN, TX, WI and WY.

MC 57697 (Sub-27), filed April 20, 1981. Applicant: LESTER SMITH TRUCKING, INC., 2845 E. 51st Ave., Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Transporting *metal products*, between points in Box Elder County, UT, on the one hand, and, on the other, points in the U.S.

MC 57697 (Sub-28), filed April 21, 1981. Applicant: LESTER SMITH TRUCKING, INC., 2845 E. 51st Ave., Denver, CO 80216. Representative: David J. Lister, P.O. Box 17039. Portland, OR 97217 (503) 285–0481. Transporting *machinery*, between points in Denver County, CO, on the one hand, and, on the other, points in the U.S. in and east of MI, OH, KY, TN and MS.

MC 59247 (Sub-18), filed April 20, 1981. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Rd., Linden, NJ 07036. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001 (212) 279–3050. Transporting *general commodities* (except classes A and B explosives), between points in and east of TX, AR, MO, IA and MN, on the one hand, and, on the other, New York, NY and points in New London County, CT.

MC 120737 (Sub-90), filed April 20, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602 (312) 236–5944. Transporting *metal products*, between points in Lee and

Kane Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 128637 (Sub-35), filed April 20, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *printed matter,* between points in Effingham, Jefferson, Randolph and Marion Counties, IL, on the one hand, and, on the other, points in AZ, CA, CO, NV, OR, UT and WA.

MC 128637 (Sub-36), filed April 20, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *food and related products,* between points in Vermilion and Peoria Counties, IL, West Feliciana and Avoyelles Parishes, LA, and Dodge County, WI, on the one hand, and, on the other, points in the U.S.

MC 135797 (Sub-340), filed April 21, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant) (501) 659–8800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 145217 (Sub-3), filed April 21, 1981. Applicant: RICHARD McNAY, INC., Rural Rt. 8, Quincy, IL 62301. Representative: Joel H. Steiner, 39 So. LaSalle, Suite 600, Chicago, IL 60603, (312) 236–0375. Transporting *food and related products,* between points in Adams, McDonough, and Sangamon Counties, IL, on the one hand, and, on the other, points in IA, IN, MO, WI, and CO.

MC 146577 (Sub-3), filed April 20, 1981. Applicant: UNITED HAULING CORPORATION, P.O. Box 1193, Caldwell, ID 83605. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701 (208) 336–5955. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Metal & Scrap Co., Inc., and Ace Supply, Inc., both of Caldwell, ID, Kuzman Forest Products, Inc., of Portland, OR, and Idaho Western, Inc., of Boise, ID.

MC 149057 (Sub-2), filed April 20, 1981. Applicant: C & M TRUCKING, INC., 3500 No. Monroe, Monroe, MI 48161. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167 (313) 349–3980. Transporting *stone,* between points in Lucas, Hancock, and Sandusky Counties, OH.

MC 149057 (Sub-3), filed April 20, 1981. Applicant: C & M TRUCKING, INC., 3500 No. Monroe, Monroe, MI 48161. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167 (313) 349–3980. Transporting *metal products,* between points in Monroe County, MI on the one hand, and, on the other, points in AR and OK.

MC 149497 (Sub-9), filed April 20, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant) (715) 359–2907. Transporting *packaging materials,* between points in the U.S., under continuing contract(s) with Free-Flow Packaging Corporation, of Redwood City, CA.

MC 153557 (Sub-1), filed April 20, 1981. Applicant: MOTOR INDUSTRIES, INC., 1203 Audubon Parkway, Louisville, KY 40213. Representative: George W. Mercker, 1017 Kentucky Home Life Bldg., Louisville, KY 40202 (502) 585–4251. Transporting *such commodities* as are dealt in by chain groceries, drug, department and food business houses, between points in Clark and Floyd Counties, IN, on the one hand, and, on the other, points in KY and OH.

MC 155387, filed April 20, 1981. Applicant: CHAPMAN TRUCKING COMPANY, INC., P.O. Box 4051, Casper, WY 82604. Representative: Larry J. Chapman (same address as applicant) (307) 265–8441. Transporting *Mercer commodities,* between points in WY, CO, ID, UT, MT, ND, SD, NE, KS, OK, TX, LA, NM, WA, and AZ.

MC 155407, filed April 20, 1981. Applicant: D. P. GALLIMORE & SONS, INC., Route 1, Ellerbe, NC 28338. Representative: Pratt Gallimore (same address as applicant) (919) 652–5544. Transporting *food and related products,* between points in Onslow County, NC, on the one hand, and, on the other, points in TX, CA, and NY.

Mc 155427, filed April 21, 1981. Applicant LARRY E. DARBY, d.b.a. DARBY TRUCKING COMPANY, P.O. Box 546, Evergreen, AL 36401. Representative: Steve Wadlington, P.O. Box 845 Evergreen, AL 36401 (205) 578–1370. Transporting (1) *fertilizer,* (2)*commodities in bulk,* and (3) *lumber and wood products,* between points in AL, GA, FL, MS, TN, AR, and LA.

Volume No. OPY–4–106

Decided: April 27, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fortier, and Williams

MC 70557 (Sub-50), filed April 20, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603 (321) 236–0375. Transporting *pulp, paper and related products,* between the facilities of St. Regis Paper Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 120257 (Sub-60), filed April 20, 1981. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116 (817) 731–8431. Transporting *metal products,* between points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX.

MC 129387 (Sub-122), filed April 17, 1981. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343 3071. Transporting *such commodities* as are dealt in by grocery and food business houses, (1) between points in NC, on the one hand, and, on the other, points in the U.S., and (2) between points in Cerro Gordo County, IA, Jackson County, MO, Bucks County, PA, Troup County, GA, Duval County, FL, Franklin County, KY, McLean County, IL, Desha County, AR, Oklahoma County, OK, and Frederick County, Md, on the one hand, and, on the other, points in the U.S.

MC 143027 (Sub-11), filed April 17, 1981. Applicant: CAPITAL AIR FREIGHT, INC., P.O. Box 8566 Madison, WI 53708. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703 (608) 256–744. Transporting *such commodities* as are dealt in by office supply stores, between Chicago, IL, on the one hand, and, on the other, points in WI.

MC 144307 (Sub-2), filed April 17, 1981. Applicant: RIVER BUS LINES, INC., P.O. Box 8622, Jackson, MS 39204. Representative: Robert W. King, P.O. Box 123, Jackson, MS 39205, (601) 948–1547.Transporting *passengers and their baggage,* in charter operations, between points in MS, on the one hand, and, on the other, points in the U.S.

MC 155377, filed April 17, 1981. Applicant: PGT TRUCKING, INC., P.O. Box 197, Industry, PA 15052. Representative: John F. Hollengreen, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. N.W., Washington, DC 20004, (202) 628–4600. Transporting *metal products,* between points in IL, IN, KY, MI, NJ, NC, NY, OH, PA, SC, WV, and WI.

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Decided: April 24, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 31389 (Sub-327), filed April 13, 1981. Applicant: McLEAN TRUCKING COMPANY, 1920 West First St., Winston-Salem, NC 27104. Representative: Daniel R. Simmons, P.O. Box 213, Winston-Salem, NC 27102, (919) 721–2433. Transporting *general commodities* (except classes A and B explosives), serving the facilities of Westinghouse Electric Corporation, at or near Alamo (Crockett County), TN as on off-route point in connection with carrier's otherwise regularroute operations.

MC 64499 (Sub-6), filed April 10, 1981. Applicant: AMERICAN PACIFIC STAGE COMPANY, 11910 Greenstone Ave., Santa Fe Springs, CA 90670. Representative: Robert N. Cleaves, 4676 Admiralty Way, Suite 601, Marina Del Rey, CA 90291, (213) 821–0892. Transporting *passengers and their baggage* in the same vehicle with passengers or in separate vehicles, in special or charter operations, beginning and ending at points in San Francisco, Marin, Contra Costa, Sanoma, and Alameda Counties, CA and extending to points in the U.S.

MC 78259 (Sub-3), filed April 13, 1981. Applicant: MERCURY TRUCK LINES., P.O. Box 3386, Omaha, NE 68103. Representative: Patricia Branstetter, 601 Thirty Second Ave., Council Bluffs, IA 51501, (712) 366–2226. Transporting *food and related products*, between points in IA and NE, on the one hand, and, on the other, points in IL, IN, MI, CT, DE, NJ, NY, MA, OH, PA, RI, KS, MO, WI.

MC 113459 (Sub-144), filed April 13, 1981. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, OK 73143. Representative: J. Michael Hightower, First Continental Bank Bldg., #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339–4108. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Haliburton Services, at points in the U.S.

MC 116048 (Sub-28), filed April 15, 1981. Applicant: JAMES ELWOOD QUINN, INC., P.O. Box 236, Beulaville, NC 28518. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301, (404) 522–2322. Transporting *food and related products*, between points in ME, on the one hand, and, on the other, points in AR, AZ, CA, CO, IL, IN, IA, KS, KY, MI, MO, NE, NM, OH, OK, TX, and WI.

MC 124408 (Sub-18), filed April 8, 1981. Applicant: THOMPSON BROS., INC., P.O. Box 1283, Sioux Falls, SD 57101. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, 701–235–4467. Transporting *chemicals and related products* between the facilities used by Hilex, Division of Purex Corporation, at Eagan and St. Paul, MN, on the one hand, and, on the other, points in ND, SD, WI, and IA.

MC 135568 (Sub-7), filed April 10, 1981. Applicant: CHRISTIE RIGGING & TRUCKING CO., 162 Oakwood Drive, Glastonbury, CT 06033. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting (1) *metal products*, (2) *transportation equipment*, (3) *machinery*, and (4) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in CT, ME, MA, NH, RI, and VT, on the one hand, and, on the other, points in the U.S.

MC 136818 (Sub-127), filed April 6, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Rd., Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275–3124. Transportation *suitcases, briefcases, and related travel goods*, between points in the U.S., under continuing contract(s) with Samsonite Corporation, of Denver, CO.

MC 138068 (Sub-6), filed April 1, 1981. Applicant: WAREHOUSE TRANSPORTATION COMPANY, INC., P.O. Box 84, Urbana, OH 43078. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, 614–228–8575. Transporting *general commodities* between points in the U.S., under continuing contract(s) with the BFGoodrich Company of Akron, OH.

MC 145498 (Sub-3), filed April 13, 1981. Applicant: SKYLINE CONSTRUCTION CO., INC., Box 38, Big Piney, WY 83113. Representative: Toni Gilchrist, Box 783, Big Piney, WY 83113, (307) 276–3383. Transporting *Mercer Commodities*, between points in AZ, NV, and SD, on the one hand, and, on the other, points in CO, ID, MT, ND, UT, and WY.

MC 146078 (Sub-40), filed April 13, 1981. Applicant: CAL–ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753, (501) 846–2185. Transporting *food and related products*, between points in St. John The Baptist Parish, LA, and Kenner, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KS, KY, MI, MS, MO, NE, NC, OH, OK, SC, TN, TX, VA, WA, and WV.

MC 147228 (Sub-3), filed April 14, 1981. Applicant: ROBERT D. BOWHAY, Summerfield, KS 66541. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–0629. Transporting *chemicals and related products*, between points in OK, KS, MO, IA, NE, TX, and CO.

MC 149088 (Sub-4), filed April 14, 1981. Applicant: TRANSPORTATION, INC., P.O. Box 362, Ottawa, KS 66067. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–0629. Transporting *ores and minerals*, between points in El Paso County, CO on the one hand, and, on the other, points in KS, NM, TX, OK, NE, and MO.

MC 149568 (Sub-5), filed April 13, 1981. Applicant: TRUCK SERVICE COMPANY, 2169 E. Blaine, Springfield, MO 65803. Representative: John T. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *such commodities* as are dealt in or used by hospitals, between points in the U.S., under continuing contract(s) with Becton Dickinson & Company, of Rutherford, NJ.

MC 150578 (Sub-16), filed April 14, 1981. Applicant: STEVEN TRANSPORT, A DIVISION OF STEVENS FOODS, INC., 2944 Motley Drive,. Suite 302, Mesquite, TX 75150. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *food and related products*, between the facilities used by Anderson-Clayton Foods in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150858, filed April 13, 1981. Applicant: FEDDERLY MARION FREIGHT LINES, INC., P.O. Box 228 Issaquah, WA 98027. Representative: Jack R. Davis 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *commodities in bulk*, between points in CA, ID, MT, OR, NV, and WA.

MC 151179 (Sub-1), filed April 13, 1981. Applicant: G–M TRANSPORTS, INC., 12344 E. Northwest Hwy., Dallas, TX 75228. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Dal-Tile Corp, of Dallas, TX.

MC 151359 (Sub-2), filed April 13, 1981. Applicant: PAC–WEST CARRIERS, INC., P.O. Box 87, Los Alamitos, CA 90720. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, Ca 90212, (213) 277–2323. Transporting *metal products*, between points in the U.S., under

continuing contract(s) with Pangborn, a Kennecott Company, for Hagerstown, MD.

MC 152238 (Sub-6), filed April 13, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant), (916) 436–2266. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Soule' Buildings, Div., of Soule' Steel Company, of San Francisco, CA.

MC 154769 (Sub-1), filed April 13, 1981. Applicant: ABRAHAMSON EXPRESS, INC., Route 3, Box 43, Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *such commodities* as are dealt in or used by the manufacturers of foundry castings and foundry products, between points in the U.S., under continuing contract(s) with Waupaca Foundry, Inc., of Waupaca, WI.

MC 155288, filed April 13, 1981. Applicant: MANFREDI MUSHROOM COMPANY, INC., Box 368, Kennett Square, PA 19348. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215, (614) 228–8575. Transporting *food and related products*, between Chester County, PA, on the one hand, and, on the other, points in the U.S.

MC 155289, filed April 13, 1981. Applicant: JACK TRANSPORTS, INC., 587 Byron Drive, Memphis, TN 38109. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Popular Avenue, Memphis, TN 38137, (901) 767–5600. Transporting *metal products*, between Memphis, TN, and Toledo, OH, points in Shelby and Fayette Counties, TN, Lubbock County, TX, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MS, MO, NE, NV, NJ, NM, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WV.

MC 155328, filed April 15, 1981. Applicant: WESTERN TRAVELERS CLUB, INC., 77 Colonial Road, Lawrence, MA 01843. Representative: Robert G. Parks, 20 Walnut St—Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. To engage in operations, in interstate or foreign commerce, as a *broker*, at Lawrence, MA, in arranging for the transportation of *passengers and their baggage*, in special and charter operations, beginning and ending at points in MA, and extending to points in the U.S.

MC 155348, filed April 14, 1981. Applicant: VENEZIA HAULING, INC., 703 West Ridge Pike, Limerick, PA 19468. Representative: Theodore Polydorff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting (1) *ores and minerals*, and (2) *clay, concrete, glass and stone products*, between points in the U.S., under continuing contract(s) with Diamond Glass Company, of Royersford, PA.

MC 155349, filed April 14, 1981. Applicant: AMERICAN TRANSPORTATION SERVICES, INC., 370 East Main St., Branford, CT 06406. Representative: Frederick A. Long (same address as applicant), (203) 481–4686. Transporting (1) *such commodities* as are dealt in or used by manufacturers of fencing between points in Fairfield County, CT, Middlesex County, MA, Cook County, IL, Grayson County, TX, Stephens County, GA, and Halifax County, NC, on the one hand, and, on the other, points in the U.S., and (2) *food and related products* between points in Hartford County, CT, on the one hand, and, on the other, points in NY, PA, MD, DE, WI, MI, IL, ID, TX, BA, GA, FL, NC, and SC.

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Decided: April 27, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

W–409 (Sub-5), filed April 2, 1981. Applicant: SHAVER TRANSPORTATION COMPANY, 4900 N.W. Front Ave., P.O. Box 10324, Portland, OR 97210. Representative: Donald Macleay, Commonwealth Bldg., 1625 J St., NW., Washington, D.C. 20006, 202–393–3390. To operate as a *common carrier* by water, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels, and by towing vessels in the performance of general towage, transporting *general commodities* (except classes A and B explosives), between ports on the Pacific coast, the Gulf of Mexico coast, and the Atlantic coast, and tributary waterways.

MC 140889 (Sub-19), filed April 20, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Road, Willoughby, Ohio 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114, (216) 781–1600. Transporting (1) *farm products* and (2) *food and related products*, between points in the U.S., under continuing contract(s) with Wegman's Food Markets, Inc., of Rochester, NY.

MC 142809 (Sub-1), filed April 16, 1981. Applicant: HARVEY KEENAN & DON PENICK, d.b.a. DOUBLE EAGLE TRUCKING, 241 Kennedy Road, Onalaska, WA 98570. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting (1) *pulp, paper, and related products*, and (2) *food and related products*, between points in CA, OR, and WA.

MC 143218 (Sub-10), filed April 16, 1981. Applicant: DONALD SANTISI TRUCKING COMPANY, 340 Victoria Rd., Youngstown, OH 44515. Representative: Andrew J. Burkholder, 275 East State St., Columbus, OH 43215, (614) 228–8575. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Amweld Building Products, Division of American Welding & Manufacturing, of Niles, OH.

MC 145978 (Sub-10), filed April 17, 1981. Applicant: R & S TRUCKING, INC., 3421 Hoveland Ave., Sioux Falls, SD 57104. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101, (605) 335–1777. Transporting *food and related products*, between points in Seward County, KS, on the one hand, and, on the other, points in the U.S.

MC 147318 (Sub-6), filed April 16, 1981. Applicant: DEEP SOUTH TRUCKING, INC., P.O. Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, P.O. Box 696, Purvis, MS 39475, (601) 794–8003. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with McGraw-Edison Company, of Pittsburgh, PA.

MC 149308 (Sub-13), filed April 13, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, 703–525–4050. Transporting *chemicals and related products*, between points in Bucks County, PA, on the one hand, and, on the other, points in the U.S.

MC 150509 (Sub-2), filed April 17, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Terrance D. Jones, 2033 K St. NW., Washington, DC 20006, (202) 223–6270. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Max Factor & Company of Hollywood, CA.

MC 152238 (Sub-7), filed April 13, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant), 916–436–2266. Transporting *petroleum, natural gas and their*

products, between points in the U.S., under continuing contract(s) with Mauren-Laurens Oil Co., of Compton, CA.

MC 152238 (Sub-6), filed April 10, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant), (916) 436-2266. Transporting *lumber and wood products*, between points in the U.S. under continuing contract(s) with Furman Lumber, Inc., of Boston, MA.

MC 154869 (Sub-1), filed April 14, 1981. Applicant: T. GERALD BALLARD and G. BRENT BALLARD, d.b.a. BALLARD TRUCKING, 936 Century Drive, Tremonton, UT 84337. Representative: G. Brent Ballard (same address as applicant), (801) 257-3360. Transporting *metal products*, between points in Box Elder County, UT on the one hand, and on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 155089, filed March 31, 1981. Applicant: JOHN AND ERMA TOURS, LTD., Box 175, Emery, SD 57332. Representative: John V. Terveen, (same address as applicant), 605-449-4237. To operate as a *broker* at Emery, SD, arranging for the transportation of *passengers and their baggage*, beginning and ending at points in Minnehaha County, SD, and extending to points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13367 Filed 4-30-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 71]

Restriction Removals; Decision-Notice

Decided: April 27, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comment filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 2389 (Sub-28)X, filed April 9, 1981. Applicant: DAMEO TRUCKING, INC., 566 Central Ave., Bridgewater, NJ 08807. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its Sub-Nos. 1 and 16 permits to (A) remove the "in bulk" restrictions in both permits, (B) expand the commodity descriptions: (1) in Sub-No. 1 (a) from concrete pipe, building and roofing materials, asphalt, abestos and asphalt and asbestos products; iron and steel articles, wire tubing, tools, machine parts, hoisting equipment; chemcials, and materials supplies and equipment used in chemical manufacturing; and composition floor covering to "ores and minerals, clay, concrete, glass or stone products, lumber and wood products, pulp, paper, and related products, textile mill products, metal products, machinery, chemicals and related products, petroleum, natural gas and their products, and coal and coal products"; (b) from returned shipment of concrete pipe with asbestos binder to "clay, concrete glass or stone products"; (c) from fibrous glass products and materials, insulating products and materials, building, wall and insulating board, and asphalt and asbestos, asphalt and asbestos products and plastic pipe to "ores and minerals, clay, concrete, glass or stone products, petroleum, natural gas and their products and coal and coal products and rubber and plastic products"; and from talc to "ores and minerals, and clay, concrete, glass or stone product"; and (2) in its Sub-No. 16 permit from malt beverages and advertising and display supplies and materials to "food and related products", and (C) expand the territorial description to points between in the U.S. under part (2)(a) above and between points in the U.S. under contracts with named shippers, in the rest of the commodity descriptions.

MC 7555 (Sub-61)X, filed April 17, 1981. Applicant: TESTILE MOTOR FREIGHT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K St. NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 52, 57, 74F, 76F and 77F certificates to: (1) broaden the commodity description to (a) "such commodities as are dealt in or used by wholesale and retail grocery stores" from groceries in the lead; (b) "chemicals and related products" from cosmetics in the lead, and from paints and caulking compound in Sub-No. 74F; and (c) "food and related products" from canned goods in truckload lots in the 1st paragraph of sheet 3 of the lead, and from foodstuffs and roasted peanuts in Sub-No. 76F; (2) broaden the territorial description from city to county-wide service, in some cases, and authorize radial operations in place of existing one way service between Baltimore, MD and New York, NY and points in NC and SC; between Richmond and Norfolk, VA, and Scotland County (Laurinburg) and Charlotte, NC; between Philadelphia, PA, and, Camden County, NJ, between Newark, NJ, and, points in NC, between Philadelphia and Adams County (Biglerville) PA and Cumberland County (Bridgeton) NJ and points in NC and SC in the lead; between Chemung County (facilities at Horseheads) NY, and points in NC, SC, GA, FL, and AL in Sub-No. 52; between Monroe County (facilities at Brockport) NY, and, points in NC, SC, GA, AL, and FL in Sub-No. 57; Dougherty County (Albany) GA, and points in FL, NC, SC, TN, MD, NJ, MA, OH, MI, IL, CT, DE, NY, PA, RI and IN; between Jacksonville, FL and points in GA, NC, SC, TN, MD, NJ, MA, OH, MI, IL, CT, DE, NY, PA, RI, and IN; between NJ, and FL, GA, NC, SC, TN, MD, MA, OH, MI, IL, CT, DE, NY, PA, RI and IN; between Worth County (Sylvester), GA and Bradley County (Cleveland) TN in Sub-No. 76F; (3) remove the facilities limitation in Sub-No. 57 and the "originating at" restriction in Sub-No. 52; (4) remove the exception of commodities in bulk in Sub-Nos. 57, 74F, 76F and 77F and the exception of frozen foods in Sub-Nos. 52 and 57.

MC 8535 (Sub-126)X, filed April 10, 1981. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St. NW., Washington, DC 20036. Applicant seeks

to remove restrictions in its Sub-Nos. 53, 61F, 62F, 63F, 65F, 66F, 69F, 70F, 74F, and 76F certificates to (A) broaden the commodity description, to (1) in Sub-Nos. 53, 61F, 62F, 63F, 65F, 66F, 69F and 74F, "metal products" for iron and steel articles (2) in Sub-Nos. 70F and 76F, "metal products" for aluminum and aluminum articles, and, materials, equipment, and supplies; (B) in Sub-Nos. 53, 62F and 69F, remove the dump vehicle restriction; (C) in Sub-Nos. 74F and 76F remove the "in bulk" restriction; (D) in Sub-Nos. 61F, 62F, 63F, 65F, 66F, 69F, 70F, 74F, and 76F, delete restrictions limiting service to named facilities; (E) authorize county-wide authority to replace existing city-wide service: (1) in Sub-No. 61F, New Castle County, DE, for New Castle, (2) in Sub-Nos. 62F and 65F, Mahoning, Jefferson and Belmont Counties, OH, Brooke, Marshall and Ohio Counties, WV, and Washington and Westmoreland Counties, PA for Canfield, Mingo Junction, Martins Ferry, Steubenville and Yorkville, OH, Beech Bottom, Benwood, Follansbee and Wheeling, WV, and Allenport and Monessen, PA, (3) in Sub-No. 63F, Butler County, OH for Hamilton and Middletown, OH, (4) in Sub-No. 66F, Chester and Montgomery Counties, PA for Coatesville and Conshohocken, PA, (5) in Sub-No. 69F, Daviess County, KY for Steelton, KY, (6) in Sub-No. 70F, Vigo County, IN for Terre Haute, IN, and, (7) in Sub-No. 74F, Jefferson County, OH and Hancock County, WV for Steubenville, OH, and Weirton, WV; and (F) authorize radial authority to replace existing one-way service between cities and counties in various combinations of eastern States, in Sub-Nos. 61F, 62F, 65F, 66F, 69F, 70F and 74F.

MC 8771 (Sub-78)X, filed April 9, 1981. Applicant: S M TRANSPORT, INC., P.O. Box 41, Camp Hill, PA 17011. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 40, 41, 45, 51, 53, 54, 63, 65, 66, 67, 69, 70, and 73 certificates to: (1) broaden the commodity descriptions to (a) "machinery" from heavy machinery in the lead; (b) "machinery and contractor's equipment" from machinery parts and contractor's equipment in the lead; (c) "metal products and contractor's machinery and equipment" from structural steel, scrap iron, pipe and contractor's machinery and equipment in the lead; (d) "metal products" from aluminum pipe and fittings, and alaminum billets in Sub-Nos. 40F, and 41F, and iron and steel articles in Sub-Nos. 54F and 70F; (e) "machinery, contractor's equipment, commodities which because of their size or weight require the use of special equipment and transportation equipment" from machinery, machinery parts, contractor's equipment, commodities which because of their size or weight require the use of special equipment, and self propelled vehicles weighing more than 15,000 pounds in Sub-Nos. 3F, and 73F; (f) "machinery" from construction equipment, and earth-moving equipment and material-handling equipment in Sub-No. 51F, metal cutting machinery in Sub-No. 63F, pipe bending or cleaning machines in Sub-No. 65F and cranes and storage racks, parts and accessories in Sub-No. 66F; (g) "metal products and clay, concrete, glass or stone products" from structural steel and structural steel encased in concrete in Sub-No. 45F; (h) "metal products and machinery" from iron and steel articles, hydraulic cylinders, fluid power pumps, fluid power motors and hydraulic valves and plant machinery and equipment in Sub-No. 53F; (i) "machinery, and contractor's equipment", from axles, transmissions and gear boxes and such commodities as are used in manufacture and distribution of axles, gear boxes and transmissions and automotive parts and accessories in Sub-No. 67F; and (j) "machinery and construction equipment", from such commodities as are dealt in by manufacturers of farm and construction equipment in Sub-No. 69F; (2) broaden city to county-wide authority: Ellenville to Ulster County, NY in Sub-Nos. 40F and 41F; Warren to Trumbull County, OH in Sub-No. 44F; Conklin and Gouvevneur to Broome and St. Lawrence Counties, NY in Sub-No. 45F; White Marsh to Baltimore County, MD in Sub-No. 51F; facilities near Youngstown to Mahoning County, OH, facilities near Berkley Springs to Morgan County, WV, facilities near Hagerstown to Washington County, MD; facilities near Bedford Park to Cook County, IL, facilities near Canton to Stark County, OH, facilities near Export to Washington County, PA, Pulaski to Lawrence County, PA, facilities near Girard to Trumbull County, OH, in Sub-No. 53F; facilities near Sterling and Rock Falls to Whiteside County, IL in Sub-No. 54F; Belvidere to Boone County, IL in Sub-No. 63F; Mendota to La Salle County, IL, in Sub-Nos. 65F and 66F; facilities near Burlington and Bettendorf to Des Moines and Scott Counties, IA, and near Terra Haute and Fort Wayne to Allen and Vigo Counties, IN in Sub-No. 69F; Oakmont to Allegheny County, PA, York to York County, SC in Sub-No. 70F; (3) allow radial authority in place of existing one-way service between Ulster County, NY, and Los Angeles, CA, Oakland, CA, Portland, OR and Seattle, WA in Sub-No. 40F; Ulster County, NY, and points in LA, TX, NE, MN, CO, OK, AL, AR, GA, and FL in Sub-No. 41F; between the counties identified above and points in the U.S. in Sub-Nos. 44F, 45F, 51F, 53F, 63F, and 65F; between Whiteside County, IL and points in OH, MI, VA, MD, DE, PA, NJ, NY, CT, RI, MA, VT, NH, ME and DC in Sub-No. 54F; between LaSalle County, IL and points in CT, DE, IA, KY, ME, MD, MA, MI, MO, NH, NJ, NY, PA, RI, TN, VT, VA and DC in Sub-No. 66F; between Des Moines and Scott Counties, IA and Allen and Vigo Counties, IN and points in AL, CT, DE, FL, GA; LA, MA, MD, ME, NC, NH, NJ, NY, PA, RI, SC, VA, VT and WV in Sub-No. 69F; Allegheny County, PA and York County, SC and points in CT, DE, IL, IN, IA, KY, MD, MA, MI, MO, NY, NC, OH, PA, RI, SC, TN, VA, WV and WI in Sub-No. 70F; (4) remove the restriction against service to AK and HI in Sub-Nos. 44F, 45F, 51F, 53F, 63F, 65F and 73F.

MC 30373 (Sub-66)X, filed April 13, 1981. Applicant: ASSOCIATED TRANSPORTS, INC., 9050 Pershall Road, Hazelwood, MO 63042. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its lead and Sub-Nos. 56, 60, 61F, 63F, and 64F certificates to (1) change the commodity descriptions from (a) automobiles, trucks, chassis, automobile parts, cabs, automobile bodies, unfinished automobiles, tractors, new chassis, truck chassis, bodies and cabs, new automobile parts and accessories, etc. to "transportation equipment" in each of the above-numbered certificates, and (b) farm tractors and attachments for farm tractors, or farm tractors and, when part of a shipment including tractors, farm implements, equipment, tools, parts and attachments therefor, etc., to "farm tractors" in the lead and Sub-No. 56; (2) allow service at all intermediate points in the regular route portion of lead certificate, between Quapaw, OK and the KS–MO state line; (3) change service points to county-wide authority: from Quapaw, OK to Ottawa County, OK; from Hazelwood, and Claycomo, MO to St. Louis and Clay Counties, MO from facilities located in St. Louis and Clay Counties, MO to St. Louis and Clay Counties, MO; from Hegewisch, IL to Cook County, IL, and from Texarkana, TX to Bowie County, TX, wherever they appear in the irregular route portion of each certificate; (4) eliminate truckaway, driveway, initial movement, secondary movement, plantsite, (in some

instances), and originating at restrictions in each certificate; (5) eliminate an ex-rail restriction in the lead; and (6) replace one-way authority with radial authority between points located throughout the U.S. or specified states.

MC 30513 (Sub-16)X, filed April 21, 1981. Applicant: NORTH STATE MOTOR LINES, INC., P.O. Box 4106, Rocky Mount, NC 27801. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., NW, Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8, 10, 12, and 15 certificates to (1) broaden its commodity descriptions (a) in the lead, to "general commodities, (except classes A and B explosives)", from general commodities (with exceptions); to "food and related products", from agricultural commodities, peanuts, fish, flour, livestock and groceries and food; to "textile mill products", from cotton; to "lumber and wood products", from lumber; to "machinery", from batteries; to "clay, concrete, glass or stone products", from glass bottles and jars; to "metal products", from ice tanks; to "building materials", from terra cotta pipe; to "machinery, building materials, and metal products", from hardware, machinery, roofing, tin, and solder; to "chemicals and related products', from fertilizer and fertilizer materials; to "petroleum, natural gas, and their products", from petroleum products, in containers; to "metal products, and rubber and plastic products", from empty petroleum containers; and to "tobacco products", from leaf tobacco, dried and packed tobacco, tobacco, and tobacco sheets; (b) in Sub-No. 8, to chemicals and related products", from fertilizer and fertilizer materials (except in bulk, in tank vehicles); (c) in Sub-No. 10, part 1, to "building materials", from fibreboard, fibreboard products, and accessories and supplies used in the installation and application thereof, and in part 2, remove the commodities in bulk exception; (d) in Sub-No. 12, to "tobacco products", from reconstituted, reconstructed, or homogenized tobacco; and (e) in Sub-No. 15, to "tobacco products, and materials, supplies and equipment used in the processing, packing , storing, handling, and marketing thereof", from materials, supplies and equipment (with exceptions) used in the processing, packing, storing, handling, and marketing of unmanufactured tobacco, and unmanufactured tobacco when moving on the same vehicle at the same time with the commodities described above; (2) replace cities and facilities with county-wide authority (a) in the lead, beginning with the 4th granting paragraph, Farmville, NC, with Pitt County, NC, Wilmington, NC, with New Hanover and Brunswick Counties, NC, Reading, PA, with Berks County, PA, Wilson, NC with Wilson County, NC, Bridgeton, NJ, with Cumberland County, NJ, Mount Olive, NC, with Wayne and Duplin Counties, NC, Greenville, NC, with Pitt County, NC, Columbia, SC with Richland and Lexington Counties SC, Jarratt, VA, with Sussex and Greensville, VA, Fayetteville and Goldsboro, NC, with Cumberland, Green, and Wayne Counties, NC, Williamston, Wilmington, Rocky Mount, Wilson, Greenville, Kinston, New Bern and Washington, NC, with Martin, Brunswick, New Hanover, Nash, Edgecombe, Wilson, Pitt, Lenoir, Craven, and Beaufort Counties, NC; Mullins, Loris, Conway, and Dillon, SC, with Marion, Horry, and Dillon Counties, SC, Fairmont, Lumberton, Whiteville, Chadburn, and Fair Bluff, NC, with Robeson and Columbus Counties, NC, Farmville, Goldsboro, Greenville, Rocky Mount, Kinston, Robersonville, Williamston, and Henderson, NC, with Pitt, Wayne, Nash, Edgecombe, Lenoir, Martin, and Vance Counties, NC, Oxford, Durham, Winston-Salem, and Reidsville, NC, with Granville, Durham, Forsyth, and Reidsville Counties, NC, (b) in Sub-No. 8, Charleston, SC, with Charleston and Berkeley Counties, SC, (c) in Sub-No. 10, Spring Hope, NC, with Nash County, NC, and (d) in Sub-No. 12, Louisville, KY, with Jefferson and Oldham Counties, KY, and (3) change one-way to radial authority between several specified counties, cities and States, and points in several sepcified counties, cities, and States in the eastern part of the U.S.

MC 35706 (Sub-15)X, filed April 17, 1981. Applicant: ATSL, INC., 10 East Oregon Ave., Philadelphia, PA 19148. Representative: Richard Rueda 135 North 4th Street, Philadelphia, PA 19106. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8F, 13F, and 14F certificates to (1) broaden the commodity descriptions to "such commodities as are dealt in by retail department stores" from (a) new furniture and home, hotel and retail store furnishings, new furniture, uncrated, and household goods, as defined by the Commission, in the lead; (b) materials used in the manufacture of furniture, in Sub-No. 8F; (c) ladies apparel and store supplies, in Sub-No. 13F; and (d) ladies wearing apparel, and equipment, materials and supplies used in the distribution of ladies wearing apparel, in Sub-No. 14F; (2) remove the "except commodities in bulk" restrictions in Sub-Nos. 8F, 13F, and 14F; (3) eliminate the originating at and destined to restriction in Sub-No. 14F; (4) remove all plantsite limitations wherever they appear in the above sub-numbers; (5) replace cities with county-wide authority: Pennsuken with Queens County, NY, in the lead; Hellam with York County, PA, in Sub-No. 8F; and Secaucus with Hudson County, NJ, in Sub-Nos. 13F and 14F; and (6) change its one-way authorities to radial authorities between various combinations of points in PA, NJ, AL, OH, and NY, DE, MD, PA, NJ, OH, MI, IL, TX, and DC.

MC 39167 (Sub-19)X, filed April 9, 1981. Applicant: C. J. ROGERS TRANS. CO., 2947 Greenfield Road, Melvindale, MI 48122. Representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Applicant seeks to remove restrictions in its lead and Sub-Nos. 14F, 15F, and 17F certificates to (1) broaden the commodity description (a) in its lead certificate to "metal products," from iron and steel articles; "building materials," from gypsum and gypsum products, insulating materials, lime, and iron and steel electrical conduit pipe; "machinery," from dies, die parts, die checking fixtures, die models and jigs, tools, patterns and templates; (b) in Sub-No. 14F, to "transportation equipment and metal products," from automobile transmissions, automobile transmission parts, metal containers, metal racks and iron and steel scrap; (c) in Sub-No. 15F, to "metal products," from iron and steel articles; (d) in Sub-No. 17F, to "building materials," from prestressed concrete building components; (2) remove the plantsite restrictions, in the lead and Sub-Nos. 15F and 17F; (3) remove the restriction limiting service to the transportation of shipments originating at or destined to named plantsite, in the lead certificate; (4) remove the commodities (a) "in bulk" restriction, in Sub-Nos. 14F and 17F, and (b) "in tank vehicles" restriction, in Sub-No. 14F; (5) remove the restriction limiting service to the transportation of specified commodities in flat-bed equipment, without sides or tops, as it applies to gypsum and gypsum products, in the lead certificate; (6) authorize county-wide authority to replace existing city-wide service: (a) Boyd County, KY, for Ashland, KY; Porter County, IN, for Burns Harbor, IN; and Wayne and Oakland Counties, MI, for River Rouge and Ferndale, MI, in the lead certificate; (b) Clermont County, OH, for Batavia Township, OH, in Sub-No. 14F; (c) Cook County, IL, for Chicago, IL; Lake County,

IN, for Gary, IN; Stark, Cuyahoga, Lorain, Trumbull and Mahoning Counties, OH, for Canton, Cleveland, Elyria, Massillon, Niles, Warren and Youngstown, OH, in Sub-No. 15F; and (d) Wayne County, MI, for Livonia, MI and Montgomery County, OH, for Dayton, OH, in Sub-No. 17F; and (7) authorize radial authority to replace existing one-way service between points in various combinations of eastern States, and specified counties in (a) MI, in the lead certificate, and (b) IN and OH, in Sub-No. 15F.

MC 66746 (Sub-27)X, filed April 16, 1981. Applicant: SHIPPERS EXPRESS, INC., P.O. Box 8306, Jackson, MS 39204. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-Nos. 21F and 23F certificates (1) to remove exceptions to general commodities (except classes A and B explosives); (2) to authorize service at all intermediate points on its regular routes in MS and LA, in Sub-Nos. 21F and 23F; (3) to remove a restriction in its Sub-No. 21F certificate prohibiting service to those portions of commercial zones of MS points lying outside MS; and (4) remove a restriction against traffic moving between Memphis, TN and a described portion of MS in Sub-No. 23F.

MC 107103 (Sub-28)X, filed April 13, 1981. Applicant: ROBINSON CARTAGE CO., 2712 Chicago Drive, SW, Grand Rapids, MI 49509. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. Applicant seeks to remove restrictions in its lead and Sub-No. 3, 5, 6, 13F, 14F, 15F, 18F, 20F, 21F, 23F, 26F, 27F certificates and E1 letter notice to (1) broaden the commodity descriptions (a) pipe casing and pipe to "clay, concrete, glass or stone products; lumber and wood products; metal products; and pulp, paper and related products" in its Sub-No. 13F (b) iron and steel articles, rough cast iron castings, to "metal products" in Sub-Nos. 14, part (1) 20, and 23; (c) iron and steel articles, to "size and weight commodities" in Sub-Nos. 15, 21, and 27; (d) lumber, lumber products, forest products and lumber mill products to "forest products and lumber and wood products" in Sub-No. 18; (e) gypsum and gypsum products to "clay, concrete, glass or stone products; and ores and minerals;" in Sub-No. 26; (2) remove restrictions requiring that transportation of related machinery parts and related contractors, materials and supplies be incidental to transportation of size and weight commodities in the lead, Sub-Nos. 3, 5, and 6, and E1; (3) remove restrictions in size and weight authorities against transportation of named commodities such as aircraft and aircraft parts in Sub-Nos. 3, 5 and 6F; (4) remove a restriction against transportation of traffic the origin and destination of which are within 35 miles of Detroit, MI in its lead; (5) remove the AK to HI exceptions in Sub-Nos. 13F, and 21F; and AK, HI, and MI in Sub-Nos. 6 and 15, (6) broaden the port of entry at Sault Ste. Marie, MI to authorize service to and from all ports of entry in MI in Sub-Nos. 14, 15 and 18; (7) remove restrictions to transportation "in foreign commerce only" in Sub-Nos. 15 and 18; (8) eliminate restrictions to traffic originating at the origin points in Sub-No. 6; (9) authorize county-wide in place of city-wide service: Holland, MI, with Ottawa, MI, in Sub-No. 6; Dafter, MI, with Chippewa, MI, in Sub-No. 13; Sebewaing, MI with Huron County, MI, in Sub-No. 20; Monroe, MI, with Monroe County, MI, in Sub-No. 21; East Jordan, MI, with Charlevoix, MI, and Siloam Springs, AR, with Benton County, AR, in Sub-No. 23; Grand Rapids, MI, with Kent County, MI, in Sub-No. 26; (10) remove plantsite restrictions in Sub-Nos. 13, 20, 21, 23, 26, 27.

Note.—Carrier's authority to tack will be governed by 49 CFR 10412.

MC 109265 (Sub-29)X, filed April 13, 1981. Applicant: W. L. MEAD, INC., P.O. Box 31, Norwalk, OH 44857. Representative: John P. McMahon, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 24, 25, 26F, and 27F certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in the lead and Sub-Nos. 24, 25, 26F, and 27F; (2) authorize service at all intermediate points on its regular routes in the lead: between Boston, MA and Columbus, OH, between Boston, MA and Springfield, MA; between Providence, RI and Worcester, MA, between Providence, RI and West Becket, MA, between Attica, OH and Findlay, OH, between Boston, MA and Providence, RI, between Zanesville, OH and Chicago, IL, between Chicago, IL and Dayton, OH, between Plymouth, IN and South Bend, IN, between Willshire, OH and junction U.S. Hwy 33 and 127 at Mercer, OH, between Springfield, OH and Greenville, OH, between Dayton, OH and junction OH Hwys. 69 and 29 at Carysville, OH, between Urbana, OH and Bellefontaine, OH, between Jacksontown, OH and Lima, OH, between Marysville, OH and Kenton, OH, between Columbus, OH and Lima, OH, between Urbana, OH and Delaware, OH, between Sidney, OH and Bellefontaine, OH, between junction U.S. Hwy 25 and OH Hwy 571 (formerly OH Hwy 71) just west of Tipp City, OH and Springfield, OH, and between Findlay and Lima, OH; (3) eliminate restrictions which limits the transportation of traffic moving from, to, or through specified points in the lead (for example service at Findlay is restricted to traffic moving to or from a point in CT, MA, or RI); (4) eliminate restrictions on traffic moving in one direction only at certain authorized intermediate points for example service is authorized to and from the intermediate points of Cleveland and Akron, OH restricted to westbound traffic (5) eliminate the restriction which requires traffic to be interchanged with other carriers in the lead; and (6) remove named facilities at New Concord, OH in the lead alternate route authority.

MC 109463 (Sub-6)X, filed April 17, 1981. Applicant: GREAT LAKES TERMINAL & TRANSPORT CORP., 1750 North Kingsbury Street, Chicago, IL 60614. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 5, and 7 permits to (1) broaden the commodity description to "petroleum, natural gas and their products, chemicals and related products and rubber and plastic products" from liquid chemicals, solvents, mineral spirits and naphthas in the lead and Sub-No. 2, and from liquid chemicals, solvents, in Sub-Nos. 4, 5 and 7, (2) remove the "in bulk, in tank vehicles" restriction in all permits, and (3) change the territorial description in all permits to between points in the US under contracts(s).

MC 109634 (Sub-10)X, filed April 13, 1981. Applicant: TRAILER CONVOYS, INC., 1248 Hwy 31, Jeffersonville, IN 47130. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its lead and Sub-No. 2 permits to (1) broaden the commodity descriptions from new trailers, semi-trailers, and trailer chassis, in its lead, and trailers, semi-trailers, and trailer chassis (except trailers designed to be drawn by passenger vehicles, in initial movements, in truckaway service) in Sub-No. 2, to "transportation equipment"; and (2) broaden the territorial description in both permits to between points in the U.S. under continuing contracts(s) with named shippers.

MC 110325 (Sub-174)X, filed April 13, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Biniasz (same address as above). Applicant seeks to remove restrictions in its Sub-Nos. 8, 14, 15, 16, 21, 22, 25, 28, and 30 certificates which authorize service in AL, AR, AZ, CA, GA, KS, MO, MS, NM, OK, TN and TX, to (1) remove all exceptions in its regular-route, general commodity authority except "Classes A and B explosives;" (2) remove territorial restrictions which limit service to some intermediate points, no intermediate points, or intermediate points in one direction to authorize service at all intermediate points; (3) remove the restriction in Sub-No. 16, which restricts service on a described regular route against the transportation of traffic originated at or destined to points in AZ, CA and NM; (4) the restriction in Sub-No. 21, which allows, no service at St. Louis, MO on traffic originating at, destined to, or interlined at Dallas, TX; (5) delete facilities limitations from off-route points in Sub-Nos. 15, and 22; (6) broaden commodity descriptions in irregular route authority: (a) Sub-No. 15, roofing, building paper, insulating material, nails and asphalt, to "ores and minerals, lumber and wood products, pulp, paper and related products, petroleum or coal products, rubber and plastic products, clay concrete or stone products, metal products (b) Sub-No. 22, groceries, produce, cotton seed, cotton seed meal, cotton seed hulls, seed, feed, farm implements, agricultural commodities and livestock, to "food and related products, metal products and machinery " (c) Sub-No. 25, "soap and soap products" to "chemicals and related products"; (7) in Sub-Nos. 15, and 25, replace Kansas City, MO with Johnson, Leavenworth and Wyandotte Counties, KS an Cass, Clay, and Jackson and Platte Counties, MO, and (8) remove all exceptions in its irregular route, to authorize general commodity authority, "except Classes A and B explosives."

MC 114121 (Sub-6)X, filed April 13, 1981. Applicant: SUPERIOR CARTAGE OF WASHINGTON, INC., 400 SW 34th St., Renton, WA 98055. Representative: Michael J. Stecher, 250 Montgomery St., 5th Flr., San Francisco, CA 94104. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 5F certificates to (A) broaden the commodity description to "general commodities (except classes A and B explosives)" from general commodities (with usual exceptions), in both certificates; and (B) eliminate the restriction limiting service to the transportation of traffic moving on freight forwarders bills of lading, in Sub-No. 5F.

MC 117201 (Sub-52)X, filed April 13, 1981. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Applicant seeks to remove restrictions in its MC 117201 certificate and its MC 115570 (Sub-No. 1) and MC 125952 (Sub-Nos. 5, 9 and 51) permits to (1) broaden the commodity descriptions from wood shakes and shingles to "lumber and wood products" in MC 117201 and from paper, paper products, fibreboard, fibreboard products, pulpboard, roofing materials, insulation, insulation materials, and wallboard, in MC 115570 (Sub-No. 1), from roofing and insulation materials in MC 125952 (Sub-No. 9) and from hardboard, lumber and doors in MC 125952 (Sub-No. 51), to "construction materials"; and broaden the territorial descriptions to between points in the U.S. under continuing contract(s) with named shippers in No. MC 115570 (Sub-No. 1) and MC 125952 (Sub-Nos. 5 and 51); and authorize radial operations between described portions of WA and CA in No. MC 117210.

MC 117647 (Sub-7)X, filed April 9, 1981. Applicant: BILLY J. ELKINS, P.O. Box 224, West Terre Haute, IN 47885. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in its lead and Sub-No. 6 certificates to (1) broaden the commodity descriptions from (a) creosoted ties, piling, poles, and structural timbers, ties, and untreated ties to "lumber and wood products" in the lead and (b) coal and coal tar products, in bulk, in tank vehicles, to "commodities in bulk" in Sub-No. 6; (2) remove the facilities limitations at Gray, KY in the lead, and Terre Haute, IN, in the Sub-No. 6; (3) expand city-wide to county-wide authority from Gray to Knox County, KY, in the lead, Terre Haute to Vigo County, IN in the lead and Sub-No. 6, and Memphis, TN to Shelby County, TN in Sub-No. 6; and (4) change one-way to radial authority between Knox County, KY, and, points in IL, IN, KY, MI, and OH; and Vigo County, IN, and, points in IN, IL, IA, KY, MI, OH, and WI; in the lead; and (b) Vigo County, IN, and, points in KY, IL, IA, MI, MO, OH, TN and WI in Sub-No. 6.

MC 117699 (Sub-4)X, filed April 20, 1981. Applicant: MILLER BROS., CO., INC., P.O. Box EA, Hyrum, UT 84319. Representative: Bruce W. Shand, Suite 280, Western Home Bank Bldg., 311 South State Street, Salt Lake City, UT 84111. Applicant seeks to remove restrictions in Sub-Nos. 1F and 3F certificates to (1) broaden the commodity descriptions from bananas, meat, and cheese, etc., to "food and related products" (2) eliminate the facilities limitations in Sub-No. 3F; (3) authorize radial service between points in specified States located mainly in the central and western portion of the U.S.; and (4) expand city-wide to county-wide authority from: Salt Lake City to Salt Lake County, UT; Hyrum to Cache County, UT; Ogden to Weber County, UT; Boise and Roberts to Ada, Canyon, and Jefferson Counties, ID.

MC 119555 (Sub-28)X, filed April 20, 1981. Applicant: OIL AND INDUSTRY SUPPLIERS LTD, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. Applicant seeks to remove restrictions in its Sub-Nos. 4, 6 and 19 Certificates to (1) remove the "in bulk, in tank vehicles" restriction in Sub-Nos. 4 and 19; (2) expand the port of entry on the International Boundary line between the United States and Canada at Noyes, MN to authorize all ports of entry within MN in Sub-No. 19; (3) broaden the commodity description (a) from liquefied petroleum gas to "petroleum, natural gas and their products" in Sub-No. 4; (b) from agricultural chemicals to "chemicals and related products" in Sub-No. 6; (c) from rapeseed oil to "food and related products" in Sub-No. 19; (4) substitute Cabell County, WV for Huntington, WV in Sub-No. 19; (5) eliminate the restriction of transportation to traffic originating at specified Canadian origins in Sub-Nos. 6 and 19; (6) convert one-way authority to radial authority in Sub-Nos. 4, 6 and 19 between ports of entry on the International Boundary line between the United States and canada located in MN and ND, and, points in numerous midwestern states.

MC 120737 (Sub-61)X, filed April 20, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions from its Sub-No. 75F certificate to (1) eliminate the "except commodities in bulk" restriction; (2) eliminate the "AK and HI" exceptions; (3) expand Aurora, IL to Kane County, IL, and York, PA to York County, PA; and (4) expand its one-way authority to radial authority between Kane County, IL, and York County, PA, and, points in the U.S.

MC 123310 (Sub-23)X, filed April 13, 1981. Applicant: DOUG ANDRUS

DISTRIBUTING, 1820 West Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. The applicant seeks to remove restrictions in its Sub-Nos. 11, 14F, 16F, 18F, 19F, 21F, certificates to: (A) in its Sub-Nos. 11 (1) broaden the commodity description to: "lumber and wood products" from lumber, and (2) Change one-way to radial authorities, between point in Clearwater, ID; Latah, Nez Perce and Lewis Counties, ID, and, points in CO, (B) in its Sub-No. 14 (1) broaden the commodity description to "chemicals and related products, and food and related products" from feed, feed ingredients, mineral mixtures and animal health aid products, and whey and powdered dry milk solids, (2) broaden facilities and change one-way to radial authority, between points in Adams County, and Denver (facilities at or near Henderson and Denver, CO) points in UT; (C) in Sub-No. 16 (1) broaden the commodity description to: "chemicals and related products," from sulphur, in bags, (2) Change one-way to radial authority between points in Yellowstone County, MT, and, points in ID, OR, UT, and those in part of WA (D) in Sub-No. 18 (1) broaden the commodity description to "building materials," from cedar fencing materials, (2) broaden cities to county-wide and one-way to radial authority between points in Lincoln and Mineral Counties, (Superior and Troy) MT and those points in ID in and north of Benewah and Shoshone Counties and points in CO, (E) in Sub-No. 19 to (1) broaden the commodity description to "chemicals and related products," from fertilizer, (2) change one-way to radial authority (a) between points in Yellowstone County, MT, and, points in ID, OR, and WA and, (b) between points in UT, and, points in ID, MT, OR, and WA, (F) in Sub-No. 21 (1) broaden the commodity description to "building materials," from lumber, and (2) Change one-way to radial authority between points in OR, WA, MT, part of ID and, points in UT.

MC 125352 (Sub-6)X, filed April 21, 1981. Applicant: JAN TRANSPORT, INC., 16 Central Ave., Tenafly, NJ 07670. Representative: Donald E. Cross, 918 16th St. NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead and Sub-No. 2F and 4X certificates and certificates No. MC-41749 and Sub-No. 1, acquired in MC-F-12480 to: (1) remove all exceptions other than classes A and B explosives from "general commodities" authority in all the above authorities, (2) broaden commodity descriptions to "textile mill products" from oil cloth and cotton piece goods, "food and related products" from canned fish, "chemicals and related products, rubber and plastic products" from rubber, crude and manufactured; (3) authorize service at all intermediate points in connection with regular-route operations between New Haven, CT and Avon, MA in Sub-No. 2F; (3) remove the restriction which limits service to traffic moving on freight forwarder bills of lading in Sub-No. 2F and MC-41749 (Sub-No. 1); (4) remove a facilities limitation in Sub-No. 2F; (5) expand city to county-wide service and authorize radial operations in place of one-way service: New York, NY, and Philadelphia, PA, Baltimore, MD, Washington, DC, Mercer and Camden Counties (Trenton and Camden) NJ and points in NJ within 50 miles of Columbus Circle, NY; between New York, NY, and Philadelphia, PA, Baltimore, MD, Washington, DC, Fairfield, New Haven and New London Counties, CT (Stamford, Bridgeport, New Haven and New London), Washington and Providence Counties (Westerly, Providence and Pawtucket) RI, Plymouth County (Brockton) and Boston, MA, Mercer and Camden Counties (Trenton and Camden NJ and points in NJ within 50 miles of Columbus Circle, NY, between New York, NY and Middlesex and Fairfield (Middletown, Portland, Bridgeport and Norwalk) CT, Bristol and Providence Counties (Bristol, Providence and Woonsocket) RI, Norfolk and Middlesex Counties (Avon, Watertown, Framingham and Stoughton) MA, Mercer County (Trenton) NJ and points in NJ within 50 miles of Columbus Circle, NY in MC-41749; Norfolk County (Avon) MA, in MC-41749 (Sub-No. 1).

MC 125894 (Sub-24)X, filed April 13, 1981. Applicant: J & R SCHUGEL TRUCKING, INC., 301 North Water Street, New Ulm, MN 56073. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 4F, 6F, 9F, 10F, 12F, 14F, 16F, 17F, 18F, 20F, 21F, and 23F certificates to (A) broaden the commodity descriptions: to "food and related products" from dehydrated alfalfa, meat by-products, soybean products and by-products, and inedible sugar in Sub-Nos. 2, 4, 17, and 18; to "commodities in bulk" from dry bulk feed and feed ingredients in Sub-No. 3; to "chemicals and related products" from fertilizer, and dry fertilizer in Sub-Nos. 8, 20 (part 2), and 21; to "food and related products, farm products, ores and minerals, and chemicals and related products" from feed and feed ingredients in Sub-Nos. 9, 10, 12, 14, and 20 (part 1), and from flour, aminal and poultry feed, feed ingredients and health products in Sub-No. 16; to "chemicals and related products, ores and minerals, and food and related products" from salt and salt products in Sub-No. 23; and, remove restrictions specifying "except liquid commodities," except commodities in bulk," "in tank vehicles," and "in bulk" in Sub-Nos. 4, 12, 17, and 21; (B) remove the restriction against service to or from a named corporation in Sub-No. 2; (C) remove the restriction limiting service to the transportation of traffic originating at the named plantsite and destined to points in the named destination States in Sub-No. 4, and remove the exception excluding service in AK and HI in Sub-No. 17; and (D) replace facilities, and cities with commercial zone or county-wide authority, and change one-way service to radial service: Sub-No. 2, between points in Le Sueur County, MN (Le Center, MN), and, points in WI; Sub-No. 3, between Minneapolis/St. Paul, MN (facilities near Minneapolis, MN), and points in three States; Sub-No. 4, between points in Chippewa County, WI (plantsite at Chippewa Falls, WI), and, points in two States; Sub-No. 8, between points in Kandiyohi County, MN (facilities at Willmar, MN), and, points in two States; Sub-No. 9, between points in Muscatine County, IA (facilities near Muscatine, IA), and, points in four States; Sub-No. 10, between points in Linn County, IA (Cedar Rapids, IA), and, points in nine States; Sub-No. 12, (a) between Minneapolis/St. Paul, MN (Minneapolis, MN), and, points in Boone County, MO (Centralia, MO), and Dodge and Dawson Counties, NE (Fremont and Gothenburg, NE), and Minnehaha and Beadle Counties, SD (Corson and Huron, SD), (b) between Chicago, IL, and, points in Blue Earth County, MN (Mankato, MN), Dodge and Dawson Counties, NE (Fremont and Gothenburg, NE), and Minnehaha and Beadle Counties, SD (Corson and Huron, SD), and (c) between points in Muscatine County, IA (Montpelier, IA), and, points in Blue Earth County, MN (Mankato, MN), Boone County, MO (Centralia, MO), Dawson County, NE (Gothenburg, NE), and Minnehaha and Beadle Counties, SD (Corson and Huron, SD); Sub-No. 14, between points in Blue Earth County, MN (facilities at Mankato, MN), and, points in four States; Sub-No. 16, between points in Blue Earth County, MN (Mankato, MN), and, points in 11 States; Sub-No. 17, between points in IA and MN, and, points in the U.S.; Sub-No. 20, (a) between points in Dakota County, MN (Hastings, MN), and, points in two States, and (b) between points in MN, and, points in two States; Sub-No. 21, between points in Dakota County, MN

(Rosemont Township, MN), and, points in IA; and Sub-No. 23, between points in Woodbury County, IA (Sioux City, IA), and, described portions of MN and WI.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.

MC 129631 (Sub-82)X, filed March 10, 1981. Applicant: PACK TRANSPORT, INC. 3975 South 300 West, Salt Lake City, UT 84107. Representative: Timothy R. Stivers, P.O. Box 1578, Boise, ID 83701. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 6, 12, 16, 17, 18, 22, 25, 26, 27, 28, 30, 31, 32, 36, 37, 38, 42, 43G, 49G, 50, 53, 56, 58, 60F, 61F, 64, 65F, 66F, 73F, 80F, and 81F, certificates to: (1) broaden its commodity descriptions: from general commodities with exceptions to "general commodities" in Sub-No. 6; from general commodities with the usual exceptions to "general commodities except classes A and B explosives" in the lead and Sub-Nos. 26 and 36; from seed, animal feed, grain, flour, etc. to "food and related products and farm products" in the lead and Sub-Nos. 4 and 6, sheet 2; from cement to "clay, concrete, glass or stone products and chemicals and related products" in the lead and Sub-No. 6, sheet 3; from urethane foam boards to "rubber and plastic articles" in Sub-No. 58; from scrap paper, cardboard, etc. to "pulp, paper, and related products" in Sub-No. 61F; from lumber, plywood, lumber mill products, etc. to "lumber and wood products" in Sub-Nos. 2, 12, 16, 17, 25, 27, 31, 32, 43G, 53, and 64: from gypsum, wallboard, cast stone, brick, etc. to "clay, concrete, glass or stone products" in Sub-Nos. 17, 32, 37, and 42; from roofing, sliding, decking, insulation, etc. to "building materials" in Sub-Nos. 17, 22, 28, 43G, and 80F; from aluminum, iron and steel rods, roof plates, bolts, fencing materials, crating materials, etc. to "metal products" in Sub-Nos. 17, 32, 42, 56, 66F, and 81F; from pre-cut log buildings to "buildings and building materials" in Sub-No. 50; from furniture, crated, to "furniture and fixtures" in Sub-No. 4, sheet 1; from lime, sea coal, and sulphur to "chemicals and related products" in Sub-Nos. 26, 37, and 73F; from coke to "petroleum, natural gas, and their products" in Sub-No. 26; from iron and steel articles as described in Appendix V of the Descriptions case to "iron and steel articles" in Sub-Nos. 38 and 49G; from fencing and fencing materials to "metal products and lumber and wood products" in Sub-No. 60F; from prefabricated metal buildings, building components and materials, equipment, and supplies to "buildings, building materials, and materials, equipment, and supplies used in the manufacture, distribution, and erection thereof" in Sub-No. 65F; and from pallets, horticulture containers, skids, boxes, etc. to "lumber and wood products and pulp, paper and related products" in Sub-No. 73F; (2) replace existing one-way authority with radial authority between named points throughout the U.S., in Sub-Nos. 2, 6, 12, 16, 17, 22, 25, 27, 28, 31, 32, 42, 43G, 49G, 50, 53, 56, 58, 61F, and 64; (3) authorize return movements in place of one-way authority on its regular-routes in the lead and Sub-No. 6; (4) authorize service at all intermediate points on authorized regular routes between named points, generally in the west, in the lead and Sub-Nos. 4 and 6; (5) remove seasonal restrictions in the lead, sheet 2 and Sub-No. 6, sheet 3; (6) remove restrictions limiting service to pickup or delivery in the lead, sheet 2; (7) remove restrictions aganist the transportation of "size and weight" commodities, commodities in bulk, or "mercer" commodities in Sub-Nos. 16, 17, 30, 37, 58, 60F, 66F, and 73F, (8) remove originating at and/or destined to restrictions in Sub-Nos. 27, 28, 32, 38, 53, 56, 60F, 65F, and 66F; (9) remove facility restrictions in Sub-Nos. 50, 65F, and 66F; (10) remove restriction against the transportation of cement in Sub-No. 27; (11) authorize service at AK and HI in Sub-Nos. 58, 60, 65F, 73F, and 80F; (12) authorize service at UT in Sub-No. 58; (13) remove restrictions against the transportation of a number of stone or clay commodities between named points in the west in Sub-No. 37; and (14) replace authority to serve named points with county-wide authority: Lake County, MT, for Polson, MT, in Sub-No. 2; Bancock, Bonneville, Jefferson, Madison and Teton Counties, ID for Inkom, Pocatello, Idaho Falls, Rexburg, Rigby, Driggs and Ammon, IN, and Sublette and Sweetwater Counties, WY, for Rock Springs, Eden, Farson, and Pinedale, WY, in Sub-No. 4, sheet 2; Lincoln County, WY for Kemmerer, WY Sub-No. 6, sheet 2; Rich County, UT for Garden City, Laketown, Randolph, and Woodruff, UT in Sub-No. 6, sheets 2 and 3; Cache County, UT for Smithfield and Logan, UT in Sub-No. 6, sheet 2; Oneida County, ID for Malad, ID in Sub-No. 6, sheets 2 and 3; Lincoln, Sublette, Sweetwater, and Unita Counties, WY for 29 named points in those 4 counties in Sub-No. 6, sheet 2; Morgan County, UT for Devils Slide, UT, in Sub-No. 6, sheet 3; Baker County, OR for Baker, OR, in Sub-Nos. 18 and 49G; Union County, OR for La Grande, OR, in Sub-Nos. 27 and 38; Weber, Davis, and Salt Lake Counties, UT, for Salt Lake City, Woods Cross, Ogden, and North Ogden, UT in Sub-No. 28; Salt Lake County, UT, for Midvale, UT, Sevier County, UT, for Sigurd, UT, Conconino County, AZ for Flagstaff, AZ, and Washoe County, NV, for Empire, NV, in Sub-No. 32; Weber County, UT, for Ogden, UT, in Sub-No. 42; Albany County, WY, for Laramie, WY, in Sub-No. 50; Columbia, Clackmas, Multnomah, Washington, and Yamhill Counties, OR, and Clark County, WA, for Portland, OR, King County, WA, for Seattle, WA, Maricopa County, AZ, for Phoenix, AZ, El Paso County, TX, for El Paso, TX, Pueblo County, CO for Pueblo, CO, Davis County, UT, for Clearfield, UT, and San Bernadino County, CA, for Etiwanda, and Kaiser, CA, in Sub-No. 56; Salt Lake County, UT, for Salt Lake City, UT, in Sub-No. 58 and 66F; and Utah County, UT, for Spanish Fort, UT, in Sub-No. 65F.

MC 133684 (Sub-33) X, filed April 6, 1981. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Hwy. E, Tacoma, WA 98424. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 7, 10, 13, 16, 20, 21, 24, 27, 28F, 30F, 31F and 32F certificates to (A) broaden the commodity description to (1) "food and related products" from (a) malt beverages, in its lead and Sub-Nos. 1, 7, 10, 13, 16, 24, 31F and 32F, (b) wine, champagne and brandy, in Sub-Nos. 21 and 28F, and (c) beer and wine, in Sub-No. 27, (2) "farm products and food and related products" from cranberries and cranberry products, in Sub-No. 20, and (3) "chemicals and related products and lumber and wood products" from charcoal, charcoal briquettes and lighter fluid, and, hickory chips and fuel wood logs, in Sub-No. 30F; (B) expand city-wide service to county-wide authority; Vancouver, WA, to Clark County, WA, in its lead and Sub-Nos. 1 and 7; Tacoma, WA, to Pierce County, WA, in its lead and Sub-Nos. 1, 10, 13 and 24; Olympia, WA, to Thurston County, WA, Bellingham, WA, to Whatcom County, WA, and Longview, WA, to Cowlitz County, WA, in Sub-No. 1; Spokane, WA to Spokane County, WA, in Sub-No. 7; Markham, WA, to Grays Harbor County, WA, in Sub-No. 20; Modesto, CA to Stanislaus County, CA, in Sub-No. 21; Fairfield, CA, to Solano County, CA, and Kent, WA, to King County, WA, in Sub-No. 24; White City, OR, to Jackson County, OR and Grants Pass, OR, to Josephine County, OR, in Sub-No. 30; Azuza, CA, to Los Angeles County, CA, and Everett, WA, to Snohomish County, WA, in Sub-No. 16; (C) eliminate the restriction limiting service to the transportation of (1) traffic having an immediately subsequent movement by water, in the lead and

Sub-No. 1, (2) specified commodities in containers, in the lead certificate; (D) eliminate the "except in bulk, in tank vehicles" restriction in Sub-Nos. 1, 20, 21, 28F and 32F; (E) remove the facilities restriction, in Sub-No. 24; and, (F) authorize radial authority to replace existing one-way service between cities and counties in 11 western States, in the lead certificate and Sub-Nos. 1, 7, 10, 13,16, 20, 21, 24, 27, 28F and 30F.

MC 136782 (Sub-33)X, filed April 16, 1981. Applicant: R. A. N. TRUCKING COMPANY, P.O. Box 128, Eau Claire, PA 16030. Representative: Thomas M. O'Brien, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 16F, 18F, and 24F certificates to (1) broaden the commodity descriptions from (a) meats, meat products, meat by-products and articles distributed by meat-packing houses to "food and related products" in Sub-No. 16; (b) plastic and plastic articles to "rubber and plastic products" in Sub-No. 18; (c) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 24; (2) remove the restictions "except commodities in bulk" in Sub-Nos. 16 and 18; (3) eliminate the originating at or destined to facilities restriction in Sub-No. 16; (4) expand facilities authority to county-wide authority: from Waterford, PA, to Erie County, PA, in Sub-No. 16; and (5) allow radial service in place of existing one-way authority between Brooklyn, NY, and points in OH, PA, IN and IL in Sub-No. 18.

MC 138255 (Sub-7)X, filed April 14, 1981. Applicant: DAYTON AIR FREIGHT, INC., Dayton International Airport, P.O. Box 78, Vandalia, OH 45377. Representative: Janie A. Kinney, 1015 Eighteenth Street NW., Suite 408, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) eliminate the airport limitations at Indianapolis, IN, Chicago, IL, New York, NY, and Detroit, MI, and expand Dayton International Airport at Vandalia to Dayton, OH, Greater Cincinnati Airport at Erlanger, KY, to Cincinnati, OH, and Detroit Metropolitan Airport at Romulus to Detroit, MI; and (3) remove the "ex-air" restriction.

MC 140159 (Sub-18)X, filed April 20, 1981. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 8F, 11F and 13F certificates to (1) broaden the commodity description from (a) salt and coal, in bulk, in dump vehicles to "commodities in bulk" in Sub-Nos. 1, 3, and 8F; (b) stone to "clay, concrete, glass or stone products" in Sub-No. 11F; and (c) salt to "ores and minerals", in Sub-No. 13F; (2) eliminate the facilities limitation at Cleveland, OH; (3) expand city to county-wide authority from Fairport to Lake County, OH, in Sub-Nos. 1 and 8F; and Cleveland to Lake, Geauga, Cuyahoga, Lorain, Summit, Medina, and Portage Counties, OH, in Sub-No. 13F; and (4) change one-way to radial authority between (a) Lake County, OH, and, points in Centre, Cambria, Bedford, Blair, Huntingdon, and Fulton Counties, PA, in Sub-No. 1; (b) points in Blair, Cambria, Clearfield, Indiana, and Westmoreland Counties, PA, and, points in VA; and points in Blair, Cambria, Indiana, and Westmoreland Counties, PA, and, points in MD, in Sub-No. 3; (c) Lake County, OH, and, points in Clearfield, Snyder, Mifflin, Juniata, Perry, Cumberland, Adams, Franklin, and Somerset Counties, PA, in Sub-No. 8F; and (d) Lake, Geauga, Cuyahoga, Lorain, Summit, Medina, and Portage Counties, OH, and, points in PA, in Sub-No. 13F.

MC 140302 (Sub-3)X, filed April 17, 1981. Applicant: AMERICAN TANK TRANSPORT, INC., 6350 Ordnance Points Rd., Curtis Bay, MD 21225. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-No. 2F, MC-139759 Sub-No. 2, and FC-77914 in which issuance of a certificate is pending, to (1) broaden the commodity descriptions from (a) chemicals, fertilizer, insecticides and fungicides, and liquid linoleum cement to "chemicals and related products" in MC-139759 Sub-No. 2 and in the irregular routes portion of FC-77914; and (b) waste liquid products, in bulk, in tank vehicles to "commodities in bulk" in Sub-No. 2F; (2) authorize service at all intermediate points on regular routes between New York, NY, and Amsterdam, NY; New York, NY and Boston, MA; New York, NY and Washington, DC; junction US Hwy 1 and New Jersey Hwy 3 and Secaucus, NJ; and New York, NY and Walton, NY, in the regular route portion of FC-77914; (3) change city-wide to county-wide irregular route authority from North Weymouth to Norfolk County, MA; West Haven to New Haven County, CT; Carteret to Middlesex County, NJ; Whippany to Morris County, NJ; and Fullerton to Lehigh County, PA, in FC-77914; (4) authorize radial authority for one-way irregular route authority between (a) points in DE, MD, NJ, NY, NC, OH, PA, SC, VA, and WV, and, Baltomore, MD, in Sub-No. 2F; and (b) Norfolk County, MA, and, New Haven County, CT; Baltimore, MD, and, New Haven County, CT; New Haven County, CT, and, points in Massachusetts; Middlesex County, NJ, and, points in Connecticut; and Morris County, NJ, and Lehigh County, PA, and Wilmington, DE, in FC-77914; and (5) remove the restrictions (a) against transporting whole human blood and blood derivatives in MC-139759 Sub-No. 2; and (b) except commodities requiring dump truck service; in bulk; and in tank vehicles in FC-77914.

MC 142847 (Sub-2)X, filed April 16, 1981. Applicant: LESLIE OAKLEY AND BARRY D. OAKLEY, d.b.a., BROTHERS TRUCKING, Fairfield, MT. Representative: William E. Seliski, No. 2 Commerce POB 8255, Missoula, MT 59807. Applicant seeks to remove restrictions in No. MC-138626 certificate to (1) broaden the commodity description from plastic, aluminum, and steel irrigation pipe and wheel line sprinklers to "such commodities as are dealt in by farm supply stores"; (2) expand city to county-wide authority from Eugene, Portland, and Clackamas to Lane, Multnomah, Benton, Linn, Douglas, Columbia, Washington, Yamhill, and Clackamas Counties, OR, and Clark County, WA; Tacoma, Seattle, and Spokane to Pierce, King, Spokane, Thurston, Mason, Snohomish, Kitsap, Peno Oreille, Stevens, Lincoln, and Whitman Counties, WA, and Kootenai and Benewah Counties, ID; and Boise to Ada County, ID; and (3) expand one-way to radial authority between Lane, Multnomah, Benton, Linn, Douglas, Columbia, Washington, Yamhill and Clackamas Counties, OR, Clark, Pierce, King, Spokane, Thurston, Mason, Snohomish, Kitsap, Peno Oreille, Stevens, Lincoln, and Whitman Counties, WA, and Kootenai, Ada, and Benewah Counties, ID, and, points in MT.

MC 144621 (Sub-52)X, filed April 17, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Jack B. Wolfe, 1600 Sherman Street #665, Denver, CO 80203. Applicant seeks to remove restrictions from its certificate No. MC-14461 (Sub-No. 15F) acquired in MC-F-14491F to (1) broaden the commodity description from wine, except in bulk, to "food and related products." (2) expand its one-way to radial authority between points in CA,

and, points in TX and those points in the U.S. in and east of WI, IA, IL, KY, TN and MS.

MC 144762 (Sub-3)X, filed April 17, 1981. Applicant: TANK LINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, Montana 59403. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description from fish oil, in bulk, to "food and related products"; (2) replace a port of entry located at or near Calis, ME with all ports of entry on the International Boundary line between the U.S. and Canada in ME; and (3) replace one-way with radial authority between the ports of entry described in (2) above and Philadelphia, PA.

MC 149474 (Sub-2)X, filed April 20, 1981. Applicant: CONTRACTORS CARGO COMPANY, 11100 S. Garfield Ave., South Gate, CA 90280. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Applicant seeks to remove restrictions in its Permit No. MC-17745 to broaden its territorial authority to between points in the U.S. under continuing contract(s).

MC 150826 (Sub-1)X, filed April 21, 1981. Applicant: FULTRAN, INC., 3000 Shermer Road, Northbrook, IL 60062. Representative: Joel H. Steiner, 39 S. LaSalle St., Suite 600, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from ferrous and non-ferrous metals to "metal products"; and (2) broaden its territorial scope to serve between points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81-13248 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

Complaints Filed Under Section 229 of the Staggers Rail Act of 1980

AGENCY: Interstate Commerce Commission.

ACTION: Notice of policies for handling these cases.

SUMMARY: Section 229 of the Staggers Rail Act of 1980 provided (with certain exceptions) that any rail rate that was not challenged in a complaint filed with us by March 30, 1981 would be deemed lawful for the future. In the interests of efficient processing and expeditious resolution of rate complaints that we have received, we are here setting out our intended handling of these cases through their initial stages. In addition, we are establishing a number of special procedures to encourage informal resolution.

DATES: (1) Complaints will be served on defendants as soon as possible; (2) an original and 6 copies of answers to complaints and comments by defendants are due 30 days thereafter. Complainants may submit joint comments with defendants or may file 10 days after defendants file their answers.

ADDRESS: Answers and comments should be served on the parties and sent to: Room 5340, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTAL INFORMATION: Section 229 of the Staggers Rail Act of 1980 provided a final opportunity for railroad customers to challenge the reasonableness of rates in effect on October 1, 1980. By establishing a filing deadline and extinguishing future remedies, the law virtually guaranteed the filing of a significant number of complaints.

We have received just under 800 complaints. Their nature and their number require adopting special procedures for their handling. More importantly, we want to encourage and provide for negotiation and settlement of as many of these complaints as possible. It is our view that rate agreements between carriers and their customers are far better than a series of expensive and time consuming adjudications.

1. Initial Stages of Proceeding

As an initial step, we believe the answer to the complaint (See rule 33 of the Commission's Rules of Practice) provides a useful vehicle to assist in focussing the issues—both procedural and substantive. We urge all defendants to answer these complaints. While the answer typically covers only responses to a complainant's substantive allegations, we request that all defendants also include information on the following subjects:

(1) Is informal settlement contemplated? If so, have negotiations begun and what effect will or should they have on the procedural handling of the case?

(2) Would some form of pre-hearing conference (e.g., meeting in Washington, DC or conference phone call) presided over by an Administrative Law Judge assist us resolving the dispute? If so, what procedure is desired?

(3) Is there a need for discovery, oral hearing (See rule 51), staggered deadlines for filing, postponement of evidence taking to allow settlement negotiations, or other special procedures?

(4) Should other related complaints be consolidated? If so, provide the numbers and titles.

We request similar information from complainants.

Presuming all parties seek to avoid unnecessary and expensive litigation, we urge complainants and defendants to coordinate their responses and submit them in a joint pleading. In this manner, negotiations may more promptly begin. Moreover, both sides will be in a better position to inform us regarding the future handling of the case. If we are asked to decide a substantial number of these cases on a formal record, we must have sufficient information to allocate our resources effectively and avoid delay.

II. Subsequent Handling

In those cases that cannot be resolved informally and those in which the parties do not suggest postponing development of the record during negotiations, a somewhat procedure than that typically used will be adopted. We intend first to request evidence only on the jurisdictional issue, that is, whether the rate exceeds 160 percent of variable cost, and whether the carrier has market dominance over the movement(s) to which the challenged rate applies, and to issue a decision on this subject. If we have jurisdiction, we will then proceed to take evidence on the issue of the reasonableness of the rate. Parties are also free at this stage to submit evidence on the existence of a contract that would govern the rate. If one is shown to exist, the Commission would not, in most cases, investigate the reasonableness of the rate. The submission of evidence on other issues before these jurisdictional questions are resolved is likely to create unnecessary private and public expense given the number of cases.

This action does not significantly affect either the quality of the human environment or conservation of energy resources.

(Sec. 229, Staggers Rail Act of 1980, Pub. L. 96-448.)

Dated: April 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13250 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 367 (Sub-No. 26)]

Consolidated Rail Corporation Exemption for Contract Tariff ICC-CR-C-0012

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and may file this contract tariff on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Consolidated Rail Corporation (Conrail) filed on April 21, 1981, a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests we permit it to advance the effective date of tariff ICC-CR-C-0012 so that the effective date would be on one day's notice.

This contract between Conrail, The Virginia and Maryland Railroad Company (VAMD) and Interspace Corporation involves the movement of concrete pipe and fittings from Perryman, MD, Little Creek/Virginia Beach, VA, and Cape Charles, VA and is for 6 months. This pipe is to be used in the construction of a dispersion bed for a sewage treatment plant being constructed for the local government in the Virginia Beach area. The pipe will be laid by barge on the ocean floor and exemption is necessary so that the pipe and fittings can arrive at Cape Charles before the barges in order to prevent the shipper from incurring substantial vessel demurrage.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

The petition shall be granted. The immediate transportation of this pipe to Cape Charles is essential in order to avoid costly vessel demurrage and complete construction of the dispersion bed within the required time and is precisely the exceptional or emergency condition which warrants an exemption. In light of the short term of the contract, the carrier's obligation to provide service to other shippers should not be impaired. Conrail states that it does not expect protests. We thus conclude that authorization of a provisional exemption is warranted to be effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30-day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: April 27, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis. Commissioner Alexis dissented.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13181 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29430 (Sub-Nos. 18, 19)]

Boston and Maine Corp. Debtor (Robert W. Meserve and Benjamin, H. Lacy Trustees)—Trackage Rights Over Delaware and Hudson Railway Co. Between Mechanicville, N.Y. and Buffalo, N.Y., and Between Mechanicville, N.Y., and Philadelphia (Park Junction), Pa.

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the applications of the Boston and Maine Corporation (Robert W. Meserve and Benjamin H. Lacy, Trustees) for trackage rights over the Delaware and Hudson Railway Company. Acceptance of both applications is conditioned upon completion of the application by June 1, 1981. Acceptance of the application in F.D. 29430 (Sub-No. 18) is further conditioned upon submission of statements demonstrating the Commission has jurisdiction to grant the proposed trackage rights. These applications are filed as proposed conditions to possible approval of the application by which NWS Enterprises, Inc. seeks to acquire control of Norfolk and Western Railway Company and Southern Railway Company. A schedule has been set for consideration of these applications.

DATES: Written comments must be filed with the Interstate Commerce Commission by June 15, 1981. Oral hearings in the primary consolidation proceeding will begin May 12, 1981. Verified statements in opposition to the responsive applications are tentatively due by July 3, 1981. Hearings related to the responsive applications are scheduled to begin July 14, 1981.

Statements showing that the Commission has jurisdiction to grant the trackage rights sought in F.D. 29430 (Sub-No. 18) must be filed within 20 days. Replies must be filed within 10 days thereafter.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On April 2, 1981, the Boston and Maine Corporation (Robert W. Meserve and Benjamin H. Lacy, Trustees), (BOMA) filed with the Interstate Commerce Commission separate applications under 49 U.S.C. 11343 for trackage rights as follows:

(a) In Finance Docket No. 29430 (Sub-No. 18), over the lines of Delaware and Hudson Railway Company (DH) or its lesser interest therein between Mechanicville, NY, a distance of 361 miles, and between Mechanicville, NY and Buffalo, NY, and Philadelphia (Park Junction), PA, a distance of 363 miles.

(b) In Finance Docket No. 29430 (Sub-No. 19), over the lines of DH in the vicinity of Mechanicville, NY, and Albany, NY, a total distance of 94 miles.

BOMA currently operates in ME, MA, NH, NY and VT.

These applications have been filed as proposed conditions to possible approval of the applications in Finance Docket No. 29430 (Sub-No. 1) and embraced cases. In those proceeding NWS Enterprises, Inc. (NWS) seeks authority to acquire control of Norfolk

and Western Railway Company (NW) and Southern Railway Company (SR).[1] Notice of those applications was published in the Federal Register on January 2, 1981, at 46 FR 173.

Pursuant to 49 U.S.C. 11345 responsive applications such as those filed by BOMA were required to be filed by April 2, 1981. BOMA filed its application on that date. Under our regulation an extension of time of up to 90 days in which to complete a timely filed application may be granted a responsive applicant.[2] An extension of time iuntil June 1, 1981, to complete certain specified exhibits was granted BOMA, and other responsive applicants, in Finance Docket No. 29430 (Sub-No. 1), *NWS Enterprises—Control,* decision served March 23, 1981 (not printed).

The applications generally comply with the regulations, waivers and extensions applicable in their proceeding. However some deficiencies exist in BOMA's applications as follows: (a) BOMA has not filed a copy of a machine readable tape containing the data shown in Table B of Exhibit A–14 as required by 49 CFR 1111.4(c)(2)(vii).

(b) BOMA's density and mileage data for each segment of line on its density chart, Exhibit A–14(i) are not legible.

(c) BOMA's Tables A and B of Exhibit A–14 (ii) do not conform to the requirement of 49 CFR 1111.2(b)(ii). That section requires BOMA to submit carload interchange data and State-to-State movements between it and connectiong carriers at *all* gateways handling 5,000 or more carloads or 5 percent of total carloads, whichever is smaller, annually. Instead BOMA states,[3] "Pages 1–2 of Exhibit A–14(ii) analyze the origins and destinations of traffic currently handled by (BOMA) subject to diversion to the NWS System. Pages 5–6 of Exhibit A–14(ii) identify the origins and destinations of current (BOMA) traffic handled by both (BOMA) and CSX which would (sic) be handled by a competitor of the merged systems and would be subject to diversion around (BOMA)." This is not what § 1111.2(b)(1)(ii) requires. (d) BOMA has not provided the revenue ton-miles for 1976, 1977, 1978 and 1979 in Exhibit A–15(ii), 49 CFR 1111.2 (b)(2)(ii). (e) BOMA has not provided the revenue or tonnage for each commodity group shown in Exhibit A–15(iii) and (iv) for the years 1976, 1977, 1978, and 1979.

We do not believe the deficiencies noted in BOMA's applications justify rejection of the applications at this time. Accordingly, the applications will be accepted, but conditioned upon BOMA's curing the deficiencies within 15 days of the service of this decision.[4] This period will not affect the progress of the proceedings, for BOMA and other responsive applicants will complete other portions of their applications by June 1, 1981.

We accept these trackage rights applications upon the conditions that (1) the applications are properly completed by the extension date and (2) BOMA cures the deficiencies in the applications noted above.

Additionally, the applications, especially Finance Docket No. 29430 (Sub-No. 18), raise questions of our jurisdiction to grant the relief sought. The application in Sub-No. 18 requests trackage rights over the lines of railroad of DH, "or its lesser interest therein." If DH is not the sole owner of the trackage over which BOMA seeks to operate it may be necessary for another party to consent to the proposed trackage rights transaction. We cannot impose trackage rights as a condition to approval of the NWS consolidation application over a party which is a stranger to the transaction. *Boston & Maine Corp. Trackage Rights Over Conrail,* 360 I.C.C. 239, 241 (1979). In its application BOMA has not described the interest of DH or other carriers in the track involved. Accordingly, acceptance of this application is further conditioned upon BOMA (1) adequately describing the ownership of the trackage over which it seeks to operate and (2) showing that the relief it seeks can be granted as a condition to approval of the primary application without the consent of a nonparticipant in the transaction.[5]

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, D.C. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights applications accepted here will be consolidated for disposition with the applications in Finance Docket No. 29430 (Sub-No. 1) *et al.* Those applications are the subject of an oral hearing to be conducted by Administrative Law Judge David H. Allard, commencing May 12, 1981. By statute, the evidentiary phase of these proceedings must end by January 2, 1983. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation, F.D. No. 29430 (Sub-No. 18 or 19), and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, no later than June 15, 1981. If commenting on more than one application, 20 copies of the comments must be filed with the Commission. Such comments shall include the following: the person's position in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend actively to participate in the oral hearings on the applications or whether they wish to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party or to receive decisions will result in the person not being placed upon the service list. Any comments filed will remain a part of the record in these proceedings.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on (1) Applicant's representative: Sidney Weinberg, Attorney, Boston and Maine Corporation, 150 Causeway Street, Boston, MA 02114.

(2) Representatives of primary applicants NWS, NW and SR:

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[1] DH is controlled by Dereco Inc. a wholly-owned subsidiary of NW.

[2] 49 CFR Part 1111, *as amended by* Ex. Parte No. 282 (Sub-No. 3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[3] Page 5 of the application.

[4] BOMA's application also omitted Exhibit 6, however, the order required in that exhibit was included in Exhibit 1 (iv). Additionally, the map contained in Exhibit 8 does not precisely comply with the regulations. These defects are minor, and we will not require BOMA to cure them.

[5] DH itself is an applicant in this proceeding only by virtue of its stock ownership. *See* Finance Docket No. 29430, *NWS Enterprises–Control,* decision served October 1, 1980, 45 FR 66911 (October 8, 1980). The primary application proposes no change in the operation of DH. The issue of whether granting any relief through DH as a condition to approval of the primary transaction may be too remote, under *Boston & Maine, supra,* is addressed in our information request to BOMA. *See* Finance Docket No. 29430 (Sub-No. 1) *NWS Enterprises–Control,* decision served March 23, 1981 (not printed). While this issue will undoubtedly be addressed in the course of the proceeding, we do not feel it is controlling in the determination to accept BOMA's applications.

Donald M. Tolmie, General Counsel, Norfolk and Western Railway Company, 8 North Jefferson Street, Roanoke, VA 24042.

R. Allen Wimbish, General Solicitor, Southern Railway Company, 920 15th Street, NW., Washington, D.C. 20005.

Richard J. Flynn, Sidley & Austin, 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006.

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served March 18, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket No. 29430 (Sub-No. 1), *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to BOMA's applications as filed.

It is ordered:

1. The applications in Finance Docket No. 29430 (Sub-Nos. 18 and 19) are accepted for consideration, subject to the conditions that (1) the applications are completed by the dates previously set, and (2) the deficiencies described above are cured within 15 days of the service of this decision.

2. The application in Finance Docket No. 29430 (Sub-No. 18) is further conditioned upon Boston and Maine Corporation (Robert W. Meserve and Benjamin H. Lacy, Trustees) showing that the relief it seeks is within the jurisdiction of this Commission. Statements and arguments to make such a showing shall be filed within 20 days of the service date of this decision. Replies by interested parties shall be filed within 10 days thereafter.

3. The parties shall comply with all provisions stated above.

4. This decision is effective upon date of service, May 1, 1981.

Decided: April 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum and Gillman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13109 Filed 4-30-81; 8:45 a.m.]

BILLING CODE 7035-01-M

[Finance Docket 29430 (Sub-Nos. 8-16)]

Consolidated Rail Corp.; Trackage Rights and Construction and Operation; Applications Conditionally Accepted for Consideration

Finance Docket No. 29430 (Sub-No. 8), Consolidated Rail Corporation—trackage rights for Norfolk and Western Railway Company—Cleveland, OH to Buffalo, NY; Finance Docket No. 29430 (Sub-No. 9), Consolidated Rail Corporation—construction and operation of a connection near Mayfield Road, Cleveland, OH;

Finance Docket No. 29430 (Sub-No. 10), Consolidated Rail Corporation—construction and operation of a connection at Pittsburgh Avenue, Erie, PA;

Finance Docket No. 29430 (Sub-No. 11), Consolidated Rail Corporation—construction and operation of a connection at Bay View, near Buffalo, NY;

Finance Docket No. 29430 (Sub-No. 12), Consolidated Rail Corporation—construction and operation of a connection at B.C. Interlocking, Buffalo, NY;

Finance Docket No. 29430 (Sub-No. 13), Consolidated Rail Corporation—trackage rights over Norfolk and Western Railway Company—St. Louis to Kansas City and Danville to Kansas City;

Finance Docket No. 29430 (Sub-No. 14), Application of Consolidated Rail Corporation under 49 U.S.C. 11103.

Finance Docket No. 29430 (Sub-No. 15), Application of Consolidated Rail Corporation under 49 U.S.C. 11103;

Finance Docket No. 29430 (Sub-No. 16), Application of Consolidated Rail Corporation for authority under 49 U.S.C. 11301 to assume obligations in respect of securities of the Kansas City Terminal Railway Company.

AGENCY: Interstate Commerce Commission.

ACTION: Applications conditionally accepted for consideration.

SUMMARY: The Commission is accepting for consideration the applications of Consolidated Rail Corporation seeking to authorize trackage rights over track of Consolidated Rail Corporation for the Norfolk and Western Railway Company. The Commission is also accepting for consideration the application of Consolidated Rail Corporation for trackage rights over the Norfolk and Western Railway Company. The acceptances are conditioned upon completion of the applications by June 1, 1981. Acceptance of the application in F.D. 29430 (Sub-No. 13) is further conditioned upon submission of statements demonstrating the Commission has jurisdiction to grant the proposed trackage rights. These applications are filed as proposed conditions to possible approval of the application by which NWS Enterprises, Inc. seeks to acquire control of Norfolk and Western Railway Company and Southern Railway Company. A schedule has been set for consideration of the applications.

DATES: Written comments must be filed with the Interstate Commerce Commission by June 15, 1981. Oral hearings in the primary consolidation proceeding will begin May 12, 1981. Verified statements in opposition to the responsive applications are tentatively due by July 3, 1981. Hearings related to the responsive applications are scheduled to begin July 14, 1981, statements showing that the Commission has jurisdiction to grant the trackage rights sought in F. D. 29430 (Sub-No. 13) must be filed within 20 days. Replies must be filed within 10 days thereafter.

FOR FURTHER INFORMATION CONTACT:

Ernest B. Abbott (202) 275-3002.

ADDRESS: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On April 2, 1981, the Consolidated Rail Corporation (Conrail) filed with the Interstate Commerce Commission separate applications under 49 U.S.C. 11343 as follows:

(a) In Finance Docket No. 29430 (Sub-No. 8), Conrail seeks to grant Norfolk and Western Railway Company (NW) trackage rights over approximately 176.4 miles of Conrail track between Cleveland, OH, and Buffalo, NY. If the proposal is approved NW would then be required to run its through train service, presently operating over NW's parallel line between Cleveland and Buffalo, over the Conrail line.

(b) In Finance Docket No. 29430 (Sub-Nos. 9-12), Conrail seeks authority to construct and operate connections which will facilitate the Cleveland/Buffalo operation described above.

(c) In Finance Docket No. 29430 (Sub-No. 13), Conrail seeks trackage rights over approximately 572 miles of NW track between Danville, IL, and Kansas City, MO, and between St. Louis, MO, and Kansas City, MO, both via Moberly, MO. Conrail seeks the right to interchange with all carriers in the Kansas City terminal area and the right

of access to any other carrier at any point along NW's lines.

(d) In Finance Docket No. 29430 (Sub-No. 14 and 15), Conrail seeks terminal area trackage rights related to the Kansas City operations described above.

(e) In Finance Docket No. 29430 (Sub-No. 16), Conrail seeks approval of a proposed purchase of securities necessary to implement its Kansas City proposal.

Conrail presently operates in CT, DE, IL, IN, KY, MD, MA, MI, MO, NJ, NY, OH, PA, RI, VA, WV, DC, and the Provinces of Quebec and Ontario, Canada.

These applications have been filed as proposed conditions to possible approval of the application in Finance Docket No. 29430 (Sub-No. 1) and embraced cases. In those proceedings NWS Enterprises, Inc. seeks authority to acquire control of NW and Southern Railway Company (SR). Notice of those applications was published in the Federal Register on January 2, 1981, at 46 FR 173.

Pursuant to 49 U.S.C. 11345, responsive applications such as those filed by Conrail were required to be filed by April 2, 1981. Conrail filed its applications on that date.

Under our regulations an extension of time of up to 90 days in which to complete a timely filed application may be granted a responsive applicant.[1] An extension of time until June 1, 1981, to complete certain specified exhibits was granted Conrail, and other responsive applicants, in Finance Docket No. 29430 (Sub-No. 1), *NWS Enterprises—Control*, decision served March 23, 1981 (not printed).

The applications substantially comply with the regulations, waivers and extensions granted in these proceedings.[2] We accept these applications upon the condition that the applications are properly completed by the extension date.

Additionally, the application in Finance Docket No. 29430 (Sub-No.13) raises questions of our jurisdiction to grant the relief sought. In order to implement Conrail's proposed trackage rights to Kansas City, it will be necessary for Conrail to acquire bridge trackage rights over NW's joint trackage with the Atchison, Topeka and Santa Fe Railway Company (ATSF), which extends for approximately 29 miles between the vicinity of Carrollton, MO, and Camden, MO. We cannot impose trackage rights over ATSF as a condition to approval of the NWS consolidation application because ATSF is not a party to the transaction. *Boston & Maine Corp. Trackage Rights over Conrail*, 360 I.C.C. 239, 241 (1979). Accordingly, acceptance of this application is further conditioned upon Conrail showing that the relief it seeks can be granted as a condition to the primary application without the consent of a non-applicant carrier.

The application and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's respresentatives upon request.

The applications accepted here will be consolidted for disposition with the applications in Finance Docket No. 29430 (Sub-No. 1) *et al.* Those applications are the subject of an oral hearing conducted by Administrative Law Judge David H. Allard, commencing May 12, 1981. By statute, the evidentiary phase of these proceedings must end by January 2, 1982. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation (F.D. No. 29430 (Sub-No. 8, 9, 10, 11, 12, 13, 14, 15, or 16)), and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC, 20423, no later than June 15, 1981. If commenting on more than one application, 20 copies of the comments must be filed with the Commission. Such comments shall include the following: The person's position in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend to actively participate in the oral hearings on the applications or whether they wish to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party or to be advised of decisions will result in the person not being placed upon the service list. Any comment filed will remain a part of the record on the proceeding.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representatives:

Barbara W. Mather, Esq., Pepper, Hamilton & Scheetz, 2001 The Fidelity Building, 123 South Broad Street, Philadelphia, PA 19109

Charles N. Marshall, Esq., Senior Commerce Counsel, Consolidated Rail Corporation, 1138 Six Penn Center Plaza, Philadelphia, PA 19104

and (2) representatives of the primary applicants NWS, NW and SR:

Donald M. Telesis, General Counsel, Norfolk and Western Railway Company, 8 North Jefferson Street, Roanoke, VA 24042

R. Allan Wimbish, General Solicitor, Southern Railway Company, 920 15th Street NW., Washington, DC 20005

Richard J. Flynn, Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, DC 20006.

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served March 18, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket No. 29430 (Sub-No. 1), et al., the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to Conrail's applications as filed. It is ordered:

1. The applications in Finance Docket No. 29430 (Sub-Nos. 8–16) are accepted for consideration, subject to the condition that they are completed by the dates previously set.

2. The application in Finance Docket No. 29430 (Sub-No. 13) is further conditioned upon Consolidated Rail Corporation showing that the relief

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[1] 49 CFR Part 1111, *as amended by* Ex Parte No. 282 (Sub-No. 3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[2] Minor deficiencies exist with respect to Conrail's related construction applications. Specifically Exhibits A and B filed pursuant to 49 CFR 1120.7, dealing with engineering reports of reconnaissance and specifications for the proposed lines, are not responsive. These deficiencies do not affect our acceptance of the applications for consideration. If more detailed information than that provided by Conrail is required in our analysis, it may be requested under 49 CFR 1111.4(c)(2)(b) since these applications are related to the primary consolidation.

sought is within the jurisdiction of this Commission. Statements and arguments to make such a showing shall be filed within 20 days of the service date of this decision. Replies by interested parties shall be filed within 10 days thereafter.

3. The parties shall comply with all provisions stated above.

4. This decision is effective upon date of service, May 1, 1981.

Decided: April 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13107 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29430 (Sub-No. 7)]

Delaware & Hudson Railway Co.—Merger—Norfolk & Western Railway Co.

AGENCY: Interstate Commerce Commission.

ACTION: Application conditionally accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Delaware and Hudson Railway Company for inclusion in the proposed NWS system through merger with the Norfolk and Western Railway Company. The acceptance is conditioned upon completion of the application by June 1, 1981. This application is filed as a proposed condition to possible approval of the applications by which NWS Enterprises, Inc. seeks to acquire control of Norfolk and Western Railway Company and Southern Railway Company. A schedule has been set for consideration of the application.

DATES: Written comments must be filed with the Interstate Commerce Commission by June 15, 1981. Oral hearings in the primary consolidation proceeding will begin May 12, 1981. Verified statements in opposition to the responsive applications are tentatively due by July 3, 1981. Hearings related to the responsive applications are scheduled to begin July 14, 1981.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESS: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION: On April 2, 1981, the Delaware and Hudson Railway Company (DH) filed with the Interstate Commerce Commission an application under 49 U.S.C. 11343 for inclusion in the proposed NWS ENTERPRISES, INC. (NWS) system through merger with the Norfolk and Western Railway Company (NW), which, along with the Southern Railway Company (SR), will be controlled by NWS if the primary application is approved.

DH presently provides service in DC, MD, PA, NJ, NY, VA, and VT.

This application has been filed as a proposed condition to possible approval of the applications in Finance Docket No. 29430 (Sub-No. 1) and embraced cases. In that proceeding NWS seeks authority to acquire control of NW and SR. Notice of that application was published in the **Federal Register** on January 2, 1981, at 46 FR 173.

Pursuant to 49 U.S.C. 11345, responsive applications such as the inclusion proposed by DH were required to be filed by April 2, 1981. Under our regulations an extension of time of up to 90 days in which to complete a timely filed application may be granted a responsive applicant.[1] An extension of time until June 1, 1981, to complete certain specified exhibits was granted to DH, and other responsive applicants, in Finance Docket No. 29430 (Sub-No. 1), *NWS Enterprises, Inc.—Control*, decision served March 23, 1981 (not printed).

The application substantially complies with the applicable regulations, waivers and extension granted in this proceeding.[2] We accept the application for inclusion upon the condition that the application is properly completed by the extension date.

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, D.C. In addition, they may be obtained from applicant's representatives upon request.

The application accepted here will be consolidated for disposition with the applications in Finance Docket No. 29430 (Sub-No. 1) et al. Those applications are the subject of an oral hearing conducted by Administrative Law Judge David H. Allard, commencing May 12, 1981. By statute, the evidentiary phase of these proceedings must end by January 2, 1983. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in this proceeding by submitting written comments regarding the application. Such submissions should indicate the exact proceeding designation (F.D. No. 29430 (Sub-No. 7)), and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, no later than June 15, 1981. Such comments shall include the following: The person's position in support of or in protest to the proposed transactions, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend actively to participate in the oral hearings on the applications or whether they wish to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party or to receive decisions will result in the person not being placed upon the service list. Any comments filed will remain a part of the record in this proceeding.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representatives:

William P. Quinn, Esq., Fell, Spalding, Goff & Rubin, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106

Kinga M. LaChapelle, Esq., Delaware and Hudson Railway Company, 40 Beaver Street, Albany, NY 12207

and (2) representatives of primary applicants NWS, NW and SR:

Donald M. Tolmie, Esq., General Counsel, Norfolk and Western Railway Company, 8 North Jefferson Street, Roanoke, VA 24042

R. Allan Wimbish, General Solicitor, Southern Railway Company, 920 15th Street NW., Washington, DC 20005

Richard J. Flynn, Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, DC 20006.

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[1] 49 CFR Part 1111, *as amended* by Ex Parte No. 282 (Sub-No. 3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[2] DH did not file a copy of a machine readable tape containing data shown in Table B of Exhibit A-14 as required by 49 CFR 1111.4(c)(2)(vii). However, since a tape containing this information for DH was filed with the primary applications we will not require DH to submit an identical tape with its responsive application.

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served March 18, 1981.

Responsive Applications

Because this application is itself a proposed condition to approval of the applications in Finance Docket No. 29430 (Sub-No. 1) *et al.*, the Commission will entertain no requests for affirmative relief to this proposal. Parties may only participate in direct support of or direct opposition to DH's application as filed.

It is ordered:

1. The application in Finance Docket No. 29430 (Sub-No. 7) is accepted for consideration, subject to the condition that it is completed by the dates previously set.

2. The parties shall comply with all provisions as stated above.

3. This decision is effective on the date of service, May 1, 1981.

Decided: April 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13106 Filed 4-30-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29430 (Sub-No. 17)]

St. Louis Southwestern Railway Co.; Trackage Rights Over Norfolk & Western Railway Co.; Kansas City to St. Louis

AGENCY: Interstate Commerce Commission.

ACTION: Application conditionally accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of St. Louis southwestern Railway Company and its parent corporation Southern Pacific Transportation Company for trackage rights over the Norfolk and Western Railway Company. The acceptance is conditioned (1) upon completion of the application by June 1, 1981; and (2) upon submission of statements demonstrating that the Commission has jurisdiction to grant the proposed trackage rights. The application is filed as a proposed condition to possible approval of the applications by which NWS Enterprises, Inc., seeks to acquire control of Norfolk and Western Railway Company and southern Railway Company. A schedule has been set for consideration of the application.

DATES: Written comments must be filed with the Interstate Commerce Commission by June 15, 1981. Oral Hearings in the consolidated proceedings will begin May 12, 1981. Verified statements in opposition to the responsive applications are tentatively due by July 3, 1981. Hearings related to the responsive applications are scheduled to begin July 14, 1981.

Statements showing the Commission has jurisdiction to grant the application must be filed within 20 days. Replies must be filed within 10 days thereafter.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275-3002.

ADDRESSES: An original and 10 copies of all comments should be filed with: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.

SUPPLEMENTARY INFORMATION: On April 2, 1981, the St. Louis Southwestern Railway Company (SSW) and its parent Southern Pacific Transportation Company (SP) filed with the Interstate Commerce Commission an application under 49 U.S.C. 11343 for trackage rights over the Norfolk and Western Railway Company (NW) between Kansas City and St. Louis.[1]

SSW currently operates in IL, MO, TN, AR, LA, KS, NM, OK and TX. SP currently provides services in AZ, CA, OR, LA, NV, NM, UT, and TX.

This application has been filed as a proposed condition to possible approval of the applications in Finance Docket No. 29430 (Sub-No. 1), and embraced cases. In those proceedings NWS Enterprises, Inc. (NWS) seeks authority to acquire control of NW and the Southern Railway Company (SR). Notice of these applications was published in the **Federal Register** on January 2, 1981, at 46 FR 173. The trackage rights sought by SP in Finance Docket No. 29430 (Sub-No.17) involve the lines employed by NW and sought to be controlled by NWS.

Pursuant to 49 U.S.C. 11345, responsive applications such as the one filed by SP were required to be filed by April 2, 1981. Under our regulations an extension of time of up to 90 days in which to complete a timely filed application may be granted a responsive applicant.[2] An extension of time until June 1, 1981, to complete certain specified exhibits was granted SP, and other responsive applicants, in Finance Docket No. 29430 (Sub-No. 1), *NWS Enterprises—Control,* decision served March 23, 1981 (not printed).

The application substantially complies with the regulations, waivers and extensions granted in these proceedings.[3] We accept the application upon the condition that the application is properly completed by the extension date. Additionally, SP's applications raise questions as to our jurisdiction to grant the relief sought. In order to implement SP's proposed trackage rights between Kansas City and St. Louis, it will be necessary for SP to acquire trackage rights over segments of the lines of other carriers. Specifically, SP proposes to operate over (1) approximately 29 miles of track owned by the Atchinson, Topeka and Santa Fe Railway Company between C.A. Junction and W.B. Junction, MO; (2) approximzately 0.7 mile of track owned by Kansas City Southern Railway Company between KCT Junction and Airline Junction in the vicinity of Kansas City, MO; and (3) approximately 4.2 miles of track owned jointly by Chicago, Rock Island and Pacific Railroad Company and Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Airline Junction and Birmingham in the vicinity of Kansas City, MO. We cannot impose trackage rights, as a condition to approval of the proposed consolidation, over carriers which are not parties to the primary transaction, *Boston & Maine Corp. Trackage Rights Over Conrail,* 360 I.C.C. 239, 241 (1979). Accordingly, acceptance of SP's application is further conditioned upon SP showing that the relief it seeks can be granted as a condition to the primary application without the consent of a non-applicant carrier.

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[1] SP also filed material which it denominated as three additional applications for trackage rights (1) over a line segment of the Atchison Topeka and Santa Fe Railway Company, between C.A. Junction and W.B. Junction, (2) over a line segment of the Kansas City Southern Railway Company, in the vicinity of KCT Junction, and (3) over line segments of the Chicago, Rock Island and Pacific Railway company and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company in the vicinity of Kansas City. Sp acknowledges in its application that these segments constitute parts of the line which NW employs between Kansas City and St. Louis over which SP seeks trackage rights in this proceeding. In the interest of administrative simplicity we will treat each of these segments as part of the application for the encompassing trackage rights between Kansas City and St. Louis and consider the entire question in Finance Docket No. 29430 (Sub-No. 17).

[2] 49 CFR Part 1111, *as amended by* Ex Parte No. 282 (Sub-No. 3), 363 I.C.C. 200 (1980), 45 FR 62991 (September 23, 1980).

[3] SP did not file a copy of a machine readable tape containing data shown in Table B of Exhibit A-14 as required by 49 CFR 1111.4(c)(2)(vii). However, a tape containing this information was filed with the Commission as part of SP's responsive application in Finance Docket No. 30000, *Union Pacific Corp.—Control.* Our analysis of this application can proceed using the tape already on file, and we will not require SP to submit an identical tape in this proceeding.

The applications and exhibits are available for inspection in the Public Docket Room at the Offices of the Interstate Commerce Commission in Washington, DC. In addition, they may be obtained from applicant's representatives upon request.

The trackage rights application accepted here will be consolidated for disposition with the applications in Finance Docket No. 29430 (Sub-No. 1) *et al.* Those applications are the subject of an oral hearing to be conducted by Administrative Law Judge David H. Allard, commencing May 12, 1981. By statute, the evidentiary phase of these proceedings must end by January 2, 1983. Service of an initial decision will be waived, and determination of the merits of the applications will be made in the first instance by the entire Commission, under 49 U.S.C. 11345.

Participation in the Proceeding: Comments

Interested persons may participate formally in these proceedings by submitting written comments regarding the applications. Such submissions should indicate the exact proceeding designation (F.D. No. 29430 (Sub-No. 17)) and an original and 10 copies should be filed with the Section of Finance, Room 5414, Office of Proceedings, Interstate Commerce Commission, Washington, DC, 20423, no later than June 15, 1981. Such comments shall include the following: the person's position in support of or in protest to the proposed transaction, and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may file such statements as they desire, subject to the filing and service requirements specified below. Persons must state specifically whether they intend actively to participate in the oral hearings on the applications or whether they wish only to be advised of all decisions issued by the Commission in this proceeding. Failure to state an intention to participate as an active party or to be advised of decisions will result in the person not being placed upon the service list. Any comments filed will remain a part of the record in this proceeding.

Written comments shall be concurrently served by first-class mail on the Secretary of the Department of Transportation, on the Attorney General of the United States, and on

(1) Applicant's representatives: Charles J. McCarthy, Esq., Belknap, McCarthy, Sweene, Spencer, and Harkaway, 1750 Pennsylvania Avenue, NW., Washington, DC 20006

John MacDonald Smith, Senior General Attorney, Southern Pacific Transportation Company, Southern Pacific Building, San Francisco, CA 94105

and (2) representatives of the primary applicants NWS, NW and SR:

Donald M. Tolmie, General Counsel, Norfolk and Western Railway Company, 8 North Jefferson Street, Roanoke, VA 24042

R. Allan Wimbish, General Solicitor, Southern Railway Company, 920 15th Street, NW., Washington, D.C. 20005

Richard J. Flynn, Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

Within 10 days of the filing of written comments on the Commission, comments must also be served, by first class mail, on all persons designated active parties of record on the Commission's service list, which was served March 18, 1981.

Responsive Applications

Because these applications are themselves proposed conditions to approval of the applications in Finance Docket No. 29430 (Sub-No. 1), *et al.*, the Commission will entertain no requests for affirmative relief to these proposals. Parties may only participate in direct support of or direct opposition to SP's application as filed.

It is ordered:

1. The application in Finance Docket No. 29430 (Sub-No. 17) is accepted for consideration, conditioned upon (a) completion of the application by the dates previously set; and (b) St. Louis Southwestern Railway Company and Southern Pacific Transportation Company showing that the relief sought is within the jurisdiction of this Commission. Statements and arguments to make such a showing must be filed within 20 days of the service date of this decision. Replies by interested parties shall be filed within 10 days thereafter.

2. The parties shall comply with all provisions stated above.

3. This decision is effective upon date of service, May 1, 1981.

Decided: April 24, 1981

By the Commisison, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13108 Filed 4-30-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 80-7]

Mallinckrodt, Inc.; Approval of Registration

On January 19, 1979, Mallinckrodt, Inc. ["Mallinckrodt"] made application to the Drug Enforcement Administration ["DEA"] for renewal of its registration as an importer and manufacturer of certain basic classes of controlled substances. Notices of the filing of these applications were published in the Federal Register, 44 FR 76413, on December 26, 1979. Two pharmaceutical manufacturers, McNeilab, Inc. ["McNeilab"] and Lee Laboratories, Inc. ["Lee Labs"], as applicants for similar registrations, requested a hearing on Mallinckrodt's applications. A third pharmaceutical manufacturer, Burroughs Wellcome Co. ["Burroughs Wellcome"], filed objections to the Mallinckrodt applications but did not request a hearing.

On February 25, 1980, the Deputy Administrator, noting that Mallinckrodt's applications had been investigated by DEA's Office of Compliance and Regulatory Affairs which had found that the applicant demonstrated the ability to meet the statutory requirements for the registrations applied for, referred this matter to Administrative Law Judge Francis L. Young for initiation of the hearing procedures requested by McNeilab and Lee Labs.

On March 27, 1980, a notice was published in the Federal Register, 45 FR 20253, announcing the commencement of the hearing proceedings and affording an opportunity for participation by any and all parties entitled to do so. Pursuant to this notice, a prehearing conference was held on May 28, 1980. The prehearing conference was attended by counsel representing that applicant, Mallinckrodt, DEA's Office of Chief Counsel, McNeilab, Lee Labs, Burroughs Wellcome and another applicant, Diosynth, Inc. ["Diosynth"]. The last four named pharmaceutical companies emerged as opposing Mallinckrodt's applications. The agency staff counsel generally supported the applicant.

After the prehearing conference, the Administrative Law Judge issued a prehearing ruling which provided, *inter alia*, that on or before August 4, 1980, each of the opposing companies should file a paper stating with particularity the objections or issues concerning which it desired to be heard. Following the filing of these opposition statements,

Mallinckrodt filed a Motion to Modify the Prehearing Ruling and for an Order Conditionally Recommending Registration. This motion asserted that the objections and issues raised by the opposing companies failed to present any genuine issue to provide the basis for an evidentiary hearing. Oral argument on Mallinckrodt's motion was heard on September 17, 1980.

On December 3, 1980, after considering Mallinckrodt's motion, the previously mentioned statements of opposition, and the oral arguments made at the September 17, 1980, hearing session, the Administrative Law Judge issued his opinion and recommendations in this matter. Pursuant to 21 CFR 1316.65, copies of Judge Young's opinion were served on counsel for all of the participants. Exceptions to the Administrative Law Judge's recommendations were filed on behalf of Burroughs Wellcome and these were incorporated into the record. Subsequently, on December 31, 1980, Judge Young certified and transmitted the record of these proceedings to the Administrator.

Judge Young found, in essence, that none of the opposing companies had unconditionally stated any objection or issue which, if meritorious, would justify denial of Mallinckrodt's applications. He concluded that there is no need for an evidentiary hearing at this time and recommended that Mallinckrodt's applications be approved.

The Administrator has considered the record of these proceedings and, pursuant to 21 CFR 1316.67, hereby publishes his final order. The Administrator adopts the recommendations of the Administrative Law Judge in their entirety. It appears to the Administrator that the objections to Mallinckrodt's registration are conditional in nature. Essentially, the opposing companies have said that they oppose Mallinckrodt's being unconditionally reregistered at this time because the Administrator, or perhaps an appellate court, might rule that only a very small number of firms may lawfully be registered to participate in the activity for which all of the parties have sought registration. Should this occur, the opposers argue, a hearing of the sort discussed in *Ashbacker Radio Corp.* v. *Federal Communications Commission*, 326 U.S. 327 (1945), would be required so that the merits of all applicants for a limited number of registrations can be compared one against the other. Judge Young has concluded that it would be vacuous to discuss the "Ashbacker doctrine" when there is no indication that conditions have arisen which would require the agency to apply it. The Administrator agrees with this conclusion.

At the present time, it appears that there are eight applicants for registrations to import and to manufacture the basic classes of controlled substances at issue in this case. Three of the applicants, including Mallinckrodt, are currently registered and have been engaged in this activity for a number of years. Very recently, the Administrator conditionally approved the applications of McNeilab, one of the firms which opposed Mallinckrodt's applications in this matter. The Administrator's decision in the McNeilab case was published in the Federal Register, 46 FR 22089, on April 15, 1981. There may indeed come a time when the Administrator may be constrained to decide that no more firms can be registered to participate in this activity. Such a decision would be triggered by the filing of so many applications, or the registration of so many firms, that DEA could not adequately monitor their activities in order to prevent diversion and otherwise comply with the requirements of the Controlled Substances Act and the United States' obligations under the Single Convention on Narcotic Drugs. Whether such a number of registrants and applicants will ever be reached is highly speculative. The total quantity of the controlled substances at issue here which can be imported and manufactured is strictly limited by the legitimate medical and scientific demand for the final drug products. Competition in the pharmaceutical marketplace will ultimately determine how many of the current registrants and applicants will remain in the field. For purposes of this proceeding, however, the Administrator finds that the limitation upon the number of potential registrants participating in this activity has not been reached. Even if all of the current number of registrants and applicants are ultimately registered, DEA will be able to monitor their activities in a manner consistent with the law and our international obligations.

Accordingly, the conditional objections to the granting of Mallinckrodt's applications must be, and they hereby are, rejected. Under the authority vested in the Attorney General by Sections 303 and 1008 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823 and 958), as redelegated to the Administrator of the Drug Enforcement Administration, it is hereby ordered that the applications of Mallinckrodt, Inc., be, and they hereby are, approved.

This order is effective May 1, 1981.

Dated: April 24, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-13288 Filed 4-30-81; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 80-22]

Ray Roya, M.D. Chicago, Illinois; Hearing

Notice is hereby given that on August 11, 1980, the Drug Enforcement Administration, Department of Justice, issued to Ray Roya, M.D., Chicago, Illinois, an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application for registration under Section 303 of the Controlled Substances Act (21 U.S.C. 823), executed on February 22, 1980, to prescribe, dispense, distribute, conduct research or otherwise handle controlled substances.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, May 12, 1981, in the Hearing Room of the Occupational Safety and Health Review Commission, Room 1530, 55 East Monroe Street, Chicago, Illinois.

Dated: April 27, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-13287 Filed 4-30-81; 8:45 am]

BILLING CODE 4410-09-M

Law Enforcement Assistance Administration

Announcement of Program: Prison Industries Enhancement Certification Program

AGENCY: Law Enforcement Assistance Administration.

ACTION: Issuance of Final Guideline.

SUMMARY: The Law Enforcement Assistance Administration (LEAA), pursuant to the Justice System Improvement Act of 1979 (42 U.S.C. 3701), is issuing a guideline for the certification of state prison industry operations.

SUPPLEMENTARY INFORMATION: This program announcement was originally published on February 13, 1981 to

request public comment. No substantive comments were received during the 30-day comment period, and the announcement has not been revised from its initial publication.

This announcement does not constitute a "major" rule, as defined by Executive Order 12291, because it does not result in: (a) an effect on the economy of $100 million or more, (b) a major increase in any costs or prices, (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

FOR FURTHER INFORMATION CONTACT: H. Tom Tubs, Corrections Program Manager Law Enforcement Assistance Administration 633 Indiana Avenue, NW, Room 1115 Washington, D.C. 20531 (202) 724-7681.

George H. Bohlinger, III,

Acting Administrator, Law Enforcement Assistance Administration.

Program Announcement

SUBJECT: Announcement of Availability of Certification of State Prison Industries for participation in interstate commerce and for the sale of supplies and the making of contracts with the Federal government.

SUMMARY: The Law Enforcement Assistance Administration announces its intention to certify up to seven State Department of Corrections Prison Industry Shop Operations as authorized by the Justice System Improvement Act of 1979. Applicant eligibility is limited to State Departments of Corrections which are in substantial compliance with the legal, administrative and program requirements for certification.

DATE: Applications will be reviewed upon receipt and certifications issued as soon thereafter as possible. The closing date for receipt of applications is July 1, 1981.

Scope of Program Announcement

A. *Program Purpose.* The purpose of this certification program is to provide exemption to two Federal criminal laws which severely restrict the ability of State prison industry programs to market their goods: a Federal ban against interstate commerce of prisoner made products, and a Federal ban against sales to the Federal government of State prisoner made products; and to encourage the development of prison industry shops at the State level involving private sector industry, and development of marketable job skills in inmates.

B. Program Goal and Objectives. The goal of this certification program is to provide as realistic a working environment as possible within State correctional facilities while enabling an inmate to become more self sufficient, to the benefit of himself, the prison system, and the taxpayer.

There are four objectives of this program: 1) to provide prison industry programs a greater opportunity to expand and employ a greater proportion of prison inmates through involvement of private sector industry; 2) to provide that the expanded prison industry program does not adversely impact upon private sector jobs by displacing employed workers or impairing existing contracts; 3) to achieve prohibition against the exploitation of prison labor by requiring payment of wages comparable to those paid for similar work in the private sector in the locality in which the work is performed, by requiring benefits such as Workmen's Compensation not be deprived to inmates solely on the basis of their status as offenders, and, by requiring the voluntary participation of inmates as employees within the prison industry program certified; and, 4) to provde inmate an opportunity to learn and practice marketable job skills.

C. *Eligible Applicants.* Applicants for certification are limited to State Departments of Corrections who are legally, administratively, and programmatically in substantial compliance with the requirements for certification. Substantial compliance must include the presence of State law or regulation enabling the payment of wages to inmates, payment of Workmen's Compensation to inmates, involvement of private industry in prison industry operations, sale and marketing of prisoner made goods in intrastate or interstate commerce and the withholding of deductions from inmate wages.

D. *Available Funding.* No funds are available to support achievement or enhancement of prison industries participating in this program.

E. *The Application Process.* 1. *Availability of Application Forms.* All State Departments of Corrections State Planning Agencies and Governors have been contacted to solicit interest in participating in this program. Upon receipt of an expression of interest from the State, an application kit will be provided to the applicant.

2. *Application Submission.* One signed original and two copies of the application for certification, including all cover letters and attachments must be submitted to the Corrections division, Office of Criminal Justice Programs, Law Enforcement Assistance Administration, 633 Indiana Avenue, NW., Washington, DC 20531.

3. *Application Consideration.* a. *Application Process.* In order to be considered for certification, all applications must be submitted on the forms and in the manner required by LEAA as described in this program announcement. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the certification. The Administrator, LEAA, determines the final action to be taken with respect to each application for this program. Applications which do not conform to this announcement or are not complete will not be accepted and applicants will be notified accordingly. All applications shall be subjected to a review and evaluation conducted by LEAA. This process of review and evaluation may include onsite verification of the policies, procedures and practices set forth in the application. The results of this review will supplement and assist the Administrator's consideration of applications. After the Administrator has reached a decision to certify or to not certify a project, the applicant will be notified in writing of that decision.

b. *Certification.* The Administrator, LEAA, shall grant certification consistent with the purposes of this program announcement. No more than seven (7) projects may be certified as specified by the Justice System Improvement Act of 1979, Section 827(c). The official certification document is the Notice of Certification. Successful applicants shall be notified through the issuance of a Notice of Certification which sets forth in writing to the certified Department of Corrections the purpose of the certification, the terms and conditions of the certification, the effective date of the certification and the total period for which the certification shall be effective.

c. *Criteria for Review and Evaluation of Applications for Certification.* Applications for certification will be reviewed and evaluated against the following criteria: (1) The description of statutory and administrative legal authority present which is required to support achievement of the program goals and objectives. (11 points)

(2) The method, type, and scope of involvement of private sector industry in the described prison industry program. (21 points)

(3) The capability and qualifications of the proposed prison industry operation and the adequacy of the facilities and resources of the applicant organization. (22 points)

(4) The ability of the applicant to provide payment of wages and benefits

commensurate with wages and benefits paid for work of a similar nature in the locality in which the work is performed. (20 points)

(5) The adequacy of the policies, procedures, and practices which support the voluntary participation of inmates in the prison industry program. (5 points)

(6) The quality of assurances, including the presentation of data and information, that the expanded prison industry program does not adversely impact upon private sector jobs by displacing employed workers or impairing existing contracts. (5 points)

(7) The method, type and scope of consultation with respresentatives of local labor union central bodies or similar union organizations potentially affected by the work proposed in the application. (6 points)

(8) The scope, i.e. number of states, of the available market for the goods to be manufactured. (5 points)

(9) The adequacy of ability to collect and report data describing achievement of program objectives. (5 points)

d. *Closing Date for Receipt of Applications.* The closing date for receipt of formal applications is July 1, 1981. Applications received after the closing date will be considered ineligible, and will not be reviewed or evaluated.

[FR Doc. 81-13200 Filed 4-30-81; 8:45 am]
BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Request for Nomination of Members

The Assistant Secretary of Labor for Occupational Safety and Health requests nominations for the National Advisory Committee on Occupational Safety and Health. The committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act.

Nominations will be accepted in the following categories: Public Representative, Employee Representative, Employer Representative, Safety Representative and Health Representative. The term of office is two years. Nominees must have specific experience and be actively engaged in work related to occupational safety or health. The category of membership for which the candidate is qualified should be specified in the nomination letter which should come from an organization representative of that particular category. A resume of the nominee's background, experience and qualifications and a current address and telephone number should be included with the letter. In addition, the nomination letter shall state that the nominee is aware of the nomination, is willing to serve as a committee member, and has no conflict of interest that would preclude committee membership. No member of the committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

Nominations should be submitted to Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, Room N-3635, U.S. Department of Labor, Washington, D.C. 20210, no later than June 1, 1981.

Signed at Washington, D.C. this 27 day of April 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-13234 Filed 4-30-81; 8:45 am]
BILLING CODE 4510-26-M

Oregon State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the **Federal Register** (37 FR 28628) of the Approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision.

The Oregon plan provides for the adoption of Federal standards as State standards after comments and/or public hearing and standards which are at least as effective as those promulgated under Section 6 of the Act. Section 1952.108 of Subpart D sets forth the State's schedule for the adoption of Federal standards. By letter dated December 3, 1980 from Darrell D. Douglas, Administrator, Accident Prevention Divsion, Workers' Compensation Department, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted standards comparable to 29 CFR 1910.20, Access to Employee Exposure and Medical Records, as published in the **Federal Register** (45 FR 35277) on May 23, 1980. The standard also amended nine additional State standards comparable to 29 CFR 1910.440, Commercial Diving Operations; 1910.1001, Asbestos; 1910.1003–1016, Carcinogens; 1910.1017, Vinyl Chloride; 1910.1018, Inorganic Arsenic; 1910.1025, Lead; 1910.1043, Cotton Dust; 1910.1044, Dibromochloropropane; and 1910.1045, Acrylonitrile. The State standard also included corrections as published in the **Federal Register** (45 FR 54333) on August 15, 1980. These standards, which are contained in OAR Chapter 437, Division 200, Oregon Occupational Safety and Health Code, were promulgated by the State after a notice to amend was published in the Secretary of State's Administrative Rules Bulletin on October 15, 1980 pursuant to OAR Chapter 183.335. No requests for a public hearing were received. The effective date of these standards was December 1, 1980.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the comparable Federal standard. The Oregon State standards differ only from the Federal Access to Employee Exposure and Medical Records in that the State has deleted amendments to § 1910.1028, Benzene, pursuant to U.S. Supreme Court's, ruling striking the standard down on July 2, 1980. State amendments comparable to § 1910.1029, Coke Oven Emissions and § 1910.1046, Exposure to Cotton Dust in Cotton Gins have not been included as the State has certified that those industries do not exist in Oregon, as published in the **Federal Register** (45 FR 43483) dated June 27, 1980.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workers' Compensation Department, Labor and Industries Building, Salem, Oregon 97310; and the Technical Data Center, Room N2349R, New Department of Labor Building, 3rd and Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may

prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective May 1, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 31st day of March, 1981.

James W. Lake,

Regional Administrator.

[FR Doc. 81-13230 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-26-M

Oregon State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the **Federal Register** (39 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision.

The Oregon plan provides for the adoption of State standards which are at least as effective as those promulgated under Section 6 of the Act. In accordance with ORS Chapter 183.336, the Workers' Compensation Department duly filed Notice of Intent to repeal OAR Chapter 437, Oregon Occupational Safety and Health Code, Sections 11-11-1 through 11-11-39 pertaining to shore-based material handling devices. The Notice was published in the Secretary of State's Administrative Rules Bulletin on June 10, 1978. No written comments or requests for a public hearing regarding the filed Notice of Intent were received. The repeal of rules was effective August 7, 1978, upon the filing of an Order of Adoption with the Secretary of the State of Oregon.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State rules were deleted to eliminate duplication of enforcement activity, as the Federal OSHA Program was given jurisdiction over marine terminals as published in the **Federal Register** (42 FR 40288) dated August 8, 1977.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workers' Compensation Department, Labor and Industries Buildings, Salem, Oregon 97310; and the Technical Data Center, Room N2349R, New Department of Labor Building, 3rd and Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standard was adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective May 1, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 31st day of March, 1981.

James W. Lake,

Regional Administrator.

[FR Doc. 81-13231 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-26-M

Utah State Standards; Approval

1. *Background.* Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the **Federal Register** (38 FR 1178) of the approval of the Utah Plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah Plan provides for the adoption of Federal Standards as State Standards by:

1. Advisory Committee recommendation.

2. Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearing(s).

3. Commission order adopting the standards and designating an effective date.

4. Providing certified copies of Rules and Regulations or Standards to the Office of the State Archivist.

Section 1952.113 of Section E sets forth the State's schedule for adoption of Federal Standards. By letter dated March 27, 1981 from Ronald T. Joseph, Administrator, Utah Occupational Safety and Health Division, to Curtis A. Foster, Regional Administrator, and incorporated as part of the Plan, the State submitted rules and regulations concerning 29 CFR Part 1910, Electrical Standards 46 FR 4056 published on Friday, January 16, 1981.

These standards which are contained in the Utah Occupational Safety and Health Rules and Regulations for General Industry, were promulgated per the requirements of Utah Code annotated 1953, Title 63-46-1, and in addition, published in newspapers of general/major circulation throughout the State. No public comment was received and no hearings held.

The Standards for 29 CFR Part 1910, Electrical Standards, were adopted by the Industrial Commission of Utah, Archives File Number 4713 on March 27, 1981, effective on April 16, 1981 pursuant to Title 35-9-6 Utah Code annotated 1943.

1. *Decision.* The State submission having been reviewed in comparison with the Federal Standards, it has been determined that the State Standards are identical to the Federal Standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and

copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1554, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah 84111; and Office of State Programs, Occupational Safety and Health Administration, Room N-3613, 3rd and Constitution Ave., NW., Washington, D.C. 20210.

4. *Public participation:* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The Standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective May 1, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado this 10th day of April 1981.

Curtis A. Foster,

Regional Administrator.

[FR Doc. 81-13228 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-26-M

Utah State Standards; Approval

1. *Background.* Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the **Federal Register** (38 FR 1178) of the approval of the Utah Plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah Plan provides for the adoption of Federal Standards as State Standards by:

1. Advisory Committee recommendation.

2. Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearing(s).

3. Commission order adopting the standards and designating an effective date.

4. Providing certified copies of Rules and Regulations or Standards to the Office of the State Archivist.

Section 1952.113 of Section E sets forth the State's schedule for adoption of Federal standards. By letter dated December 15, 1980 and February 16, 1981 from Ronald L. Joseph, Administrator, Utah Occupational Safety and Health Division, to Curtis A. Foster, Regional Administrator, and incorporated as part of the plan, the State submitted rules and regulations concerning 29 CFR Part 1910, Fire Protection; Means of Egress; Hazardous Materials (45 FR 60703) Friday, September 12, 1980.

These standards, which are contained in the Utah Occupational Safety and Health Rules and Regulations for General Industry, were promulgated per the requirements of Utah Code annotated in 1953, Title 63-46-1, and in addition, published in newspapers of general/major circulation throughout the State. No public comment was received and no hearings held.

The Standards for 29 CFR Part 1910, Fire Protection; Means of Egress; Hazardous Materials, were adopted by the Industrial Commission of Utah, Archives File Number 4633 on February 10, 1981, effective on February 20, 1981 pursuant to Title 35-9-6 Utah Code annotated 1953.

2. *Decision.* The State submission having been reviewed in comparison with the Federal Standards, it has been determined that the State Standards are identical to the Federal Standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1554, Federal Office Building, 1961 Stout Street, Denver, Colorado, 80294; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah, 84111; and Office of State Programs, Room N3613, 200 Constitution Ave., NW., Washington, D.C. 20210.

4. *Public participation:* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The Standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective May 1, 1981.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado this 4th day of March 1981.

Curtis A. Foster,

Regional Administrator.

[FR Doc. 81-13229 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-26-M

[V-80-5]

Block 259/260 Joint Venture, Grant of Variance

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Grant of variance.

SUMMARY: This notice announces the grant of a permanent variance to Block 259/260 Joint Venture, from the standards prescribed in 29 CFR 1910.66(b)(3) concerning the design requirements for powered platforms for exterior buildings maintenance.

DATE: The effective date of this grant of variance is May 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-3662, Washington, D.C. 20210, Telephone: (202) 523-7144, or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Texas 75202

U.S. Department of Labor, Occupational Safety and Health Administration, 1100 #505 NASA Road I, Houston, Texas 77058.

SUPPLEMENTARY INFORMATION:

I. Background

In January of 1980, Block 259/260 Joint Venture, made application, pursuant to section 6(d) of the Occupational Safety and Health Act [29 U.S.C. 655 (d)] and 29 CFR 1905.11, for a permanent variance

from portions of the safety and health standards prescribed in 29 CFR 1910.66(b)(3). This provision refers to and incorporates Parts II and III of the American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance, ANSI A120–1970. Section 21 of Part III of this standard requires that the design of the building or structure face in conjunction with the design of the building contact member on the working platform shall provide continuous contact of the working platform with the building or structure in order to absorb wind forces and horizontal components of live and dead loads on the working platform. Further, the face of the building shall be provided with T rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform. The applicant also requested an interim order pending a decision on the application.

The address of the place of employment affected by the variance application is as follows: 1100 Louisiana Street, Houston, Texas 77002.

An interim order pending the decision on the applicant's application for variance from 29 CFR 1910.66(b)(3) was granted on November 14, 1980. Notice of the Block 259/260 Joint Venture, application for variance and for the interim order, and of the grant of the request for an interim order was published in the **Federal Register** [45 FR 75358–59]. The notice invited interested persons to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for variance. No comments were received concerning the applicant's request for variance.

II. Facts

The applicant is the owner of the above noted building which has a rise of approximately 700 feet. He will purchase a powered platform to be used for exterior maintenance of this building.

The applicant will provide a system of intermittent stabilization of his powered platform to prevent horizontal translation with respect to the face of the building. The system will consist of threaded stainless steel insert anchors, secured to the concrete building column and projecting out to the face of the granite cladding. These anchors will be located in vertical rows at every third floor (approximately 40 feet) and spaced horizontally to allow a stabilization attachment for each of the two platform suspension wire ropes. The stabilization attachment, a quick connect-quick disconnect tie containing an adjustable lanyard to allow positioning of each suspension wire rope vertically parallel to the face of the building, will be attached to each anchor as each elevation of tie-in anchorage is reached during the descent of the working platform. The process will be reversed as the platform ascends. The removal will be assured in that the platform will be provided with electrical interlocks to interrupt power to its hoist(s) in the event either interlock contacts a stabilizer during the ascent of the platform. The platform will also be equipped with building face rollers.

The applicant contends that its alternative method of securing the powered platform as described above, is as safe and healthful as the requirements of the standard from which a variance is sought.

III. Decision

During the course of discussions between representatives of OSHA and the applicant, additional engineering data was requested of and presented by the applicant. On the basis of these data and yet further discussions between the parties, an order was prepared which OSHA feels confident provides an environment as safe and healthful as that provided by the standard.

Included among the requirements are the following:

(a) a requirement for suspension rope angulation in order to exert a specified minimum pressure of the powered platform against the face of the building;

(b) a positive means of assuring knowledge of the wind velocity at the highest point on the building;

(c) use of a full-body harness including leg straps which, together with a short lanyard and an automatic locking rope grab, is designed to prevent injury to an employee in the event of a fall; and

(d) specific requirements for strength and other safety aspects of the powered platform and its appurtenances.

The applicant will be required to comply not only with the requirements contained in the Order, but with all other applicable provisions of 29 CFR 1910.66.

IV. Order

Pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 8–76 (41 FR 29059), it is ordered that Block 259/260 Joint Venture be, and is hereby, authorized to comply with the requirements of this Order set out below in lieu of complying with that portion of § 1910.66(b)(3) of the Occupational Safety and Health Standards that requires the building to be provided with T rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform.

All other provisions of the standard are unaffected by this variance order, and Block 259/260 Joint Venture, must continue to comply with them in conjunction with the terms of this Order.

1. The employer shall assure that all procedures required for the proper functioning of the intemittent stabilization system are carried out, in particular the requirement for connecting the lanyards attached to the suspension ropes to the building anchors during the descent of the platform.

2. The platform shall be no greater than 32 feet in length nor 3 feet in width.

3. The weight of the platform (no load) shall be no less than 1500 pounds.

4. The platform shall have openings or gaps to facilitate upward air flow.

5. The suspension rope angulation shall be designed into the suspension system and the tie-in lanyard so that the platform shall exert a minimum pressure of approximately 8 pounds against the face of the building.

6. The anchors in the face of the building shall be spaced vertically a maximum distance of 43 feet apart. The minimum tensile strength of the anchor bolt shall be 600 pounds.

7. The powered platform shall not be operated when the wind velocity is 25 miles per hour or greater. At the very least, an instrument which will accurately measure wind velocity shall be located on the roof of the building.

8. Operators shall be provided with full-body harnesses, which include leg straps, connected to a lanyard of no greater than 3 feet in length. This lanyard shall, in turn, be connected by means of an automatic locking rope grab to a horizontal wire rope fastened in a taut manner across the rear of the platform. The ends of this wire rope shall be secured to structural members of the platform, and the mid-point of the rope secured to the rear guardrail. This system, consisting of the harness, the lanyard, the anchorage points, and any additional hardware involved, shall at a minimum be capable of withstanding a static load of 5,000 pounds.

9. The platform shall be provided with a sensing device that will interrupt its power supply in the event that the platform contacts the tie-in lanyard assembly, to prevent further ascent and ensure that the lanyard assembly can be disengaged from the building anchor.

10. The intermittent stabilization system including its building anchor, shall have a factor or safety of 4 against failure.

11. Operators shall have knowledge of and training in the operation of the intermittent stabilization system.

12. The employer shall comply with all provisions in this order and, in addition, shall not be relieved from compliance with all other applicable provisions of 29 CFR 1910.66.

As soon as possible, Block 259/260 Joint Venture, shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective Date: This order shall become effective on May 1, 1981 and shall remain in effect until modified or revoked in accordance with section 6(d) of the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 24th day of April 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-13232 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-26-M

[V-80-4]

U.I.D.C. of Texas, Inc.; Grant of Variance

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Grant of Variance.

SUMMARY: This notice announces the grant of a permanent variance to the U.I.D.C. of Texas, Inc., from the standards prescribed in 29 CFR 1910.66(b)(3) concerning the design requirements for powered platforms for exterior building maintenance.

DATES: The effective date of this grant of variance is May 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3662, Washington, D.C. 20210, Telephone: (202) 523-7144;

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building—Room 602 Dallas, Texas 75202

U.S. Department of Labor, Occupational Safety and Health Administration, 1100 #505 NASA Road I, Houston, Texas 77058

SUPPLEMENTARY INFORMATION:

I. Background

In January of 1980, U.I.D.C. of Texas, Inc., made application, pursuant to section 6(d) of the Occupational Safety and Health Act [29 U.S.C. 655 (d)] and 29 CFR 1905.11, for a permanent variance from portions of the safety and health standards prescribed in 29 CFR 1910.66(b)(3). This provision refers to and incorporates Parts II and III of the American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance, ANSI A120-1970. Section 21 of Part III of this standard requires that the design of the building or structure face in conjunction with the design of the building contact member on the working platform shall provide continuous contact of the working platform with the building or structure in order to absorb wind forces and horizontal components of live and dead loads on the working platform. Further, the face of the building shall be provided with T rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform. The applicant also requested an interim order pending a decision on the application.

The address of the place of employment affected by the variance application is as follows: First City Tower, 1001 Fannin (Block 135), Houston, Texas 77002.

An interim order pending the decision on the applicant's application for variance from 29 CFR 1910.66(b)(3) was granted on November 14, 1980. Notice of the U.I.D.C. of Texas, Inc., application for variance and for the interim order, and of the grant of the request for an interim order was published in the **Federal Register** [45 FR 75359-60]. The notice invited interested persons to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for variance. No comments were received concerning the applicant's request for variance.

II. Facts

The applicant is the owner of the First City Tower, a building with a rise of approximately 600 feet. He will purchase a powered platform to be used for exterior maintenance of this building.

The applicant will provide a system of intermittent stabilization of his powered platform to prevent horizontal translation with respect to the face of the building. The system will consist of threaded aluminum insert anchors, secured to the structural aluminum portion of the building and projecting beyond the face of the building. These anchors will be located in vertical rows at every third floor (approximately 40 feet) and spaced horizontally to allow a stabilization attachment for each of the two platform suspension wire ropes. The stabilization attachment, a quick connect-quick disconnect tie containing an adjustable lanyard to allow positioning of each suspension wire rope vertically parallel to the face of the building, will be attached to each anchor as each elevation of tie-in anchorage is reached during the descent of the working platform. The process will be reversed as the platform ascends. The removal will be assured in that the platform will be provided with electrical interlocks to interrupt power to its hoist(s) in the event either interlock contacts a stabilizer during the ascent of the platform. The platform will also be equipped with building face rollers.

The applicant contends that its alternative method of securing the powered platform, as described above, is as safe and healthful as the requirements of the standard from which a variance is sought.

III. Decision

During the course of discussions between representatives of OSHA and the applicant, additional engineering data was requested of and presented by the applicant. On the basis of these data and yet further discussions between the parties, an order was prepared which OSHA feels confident provides an evironment as safe and healthful as that provided by the standard.

Included among the requirements are the following:

(a) a requirement for suspension rope angulation in order to exert a specified minimum pressure of the powered platform against the face of the building;

(b) a positive means of assuring knowledge of the wind velocity at the highest point on the building;

(c) use of a full-body harness including leg straps which, together with a short lanyard and an automatic locking rope grab, is designed to prevent injury to an employee in the event of a fall; and

(d) specific requirements for strength and other safety aspects of the powered platform and its appurtenances.

The applicant will be required to comply not only with the requirements contained in the Order, but with all other applicable provisions of 29 CFR 1910.66.

IV. Order

Pursuant to authority in section 6(d) of the Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 8–76 (41 FR 29059), it is ordered that U.I.D.C. of Texas, Inc. be, and is hereby, authorized to comply with the requirements of this Order set out below in lieu of complying with that portion of § 1910.66(b)(3) of the Occupational Safety and Health Standards that requires the building to be provided with T rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform.

All other provisions of the standard are unaffected by this variance order, and U.I.D.C. of Texas, Inc., must continue to comply with them in conjunction with the terms of this Order.

1. The employer shall assure that all procedures required for the proper functioning of the intermittent stabilization system are carried out, in particular the requirement for connecting the lanyards attached to the suspension ropes to the building anchors during the descent of the platform.

2. The platform shall be no greater than 32 feet in length nor 3 feet in width.

3. The weight of the platform (no load) shall be no less than 1500 pounds.

4. The platform shall have openings or gaps to facilitate upward air flow.

5. The suspension rope angulation shall be designed into the suspension system and the tie-in lanyard so that the platform shall exert a minimum pressure of approximately 8 pounds against the face of the building.

6. The anchors in the face of the building shall be spaced vertically a maximum distance of 43 feet apart. The minimum tensile strength of the anchor bolt shall be 600 pounds.

7. The powered platform shall not be operated when the wind velocity is 25 miles per hour or greater. At the very least, an instrument which will accurately measure wind velocity shall be located on the roof of the building.

8. Operators shall be provided with full-body harnesses, which include leg straps, connected to a lanyard of no greater than 3 feet in length. This lanyard shall, in turn, be connected by means of an automatic locking rope grab to a horizontal wire rope fastened in a taut manner across the rear of the platform. The ends of this wire rope shall be secured to structural members of the platform, and the mid-point of the rope secured to the rear guardrail. This system, consisting of the harness, the lanyard, the anchorage points, and any additional hardware involved, shall at a minimum be capable of withstanding a static load of 5,000 pounds.

9. The platform shall be provided with a sensing device that will interrupt its power supply in the event that the platform contacts the tie-in lanyard assembly, to prevent further ascent and ensure that the lanyard assembly can be disengaged from the building anchor.

10. The intermittent stabilization system including its building anchor, shall have a factor or safety of 4 against failure.

11. Operators shall have knowledge of and training in the operation of the intermittent stabilization system.

12. The employer shall comply with all provisions in this order and, in addition, shall not be relieved from compliance with all other applicable provisions of 29 CFR 1910.66.

As soon as possible, U.I.D.C. of Texas, Inc., shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective Date: This order shall become effective on May 1, 1981 and shall remain in effect until modified or revoked in accordance with section 6(d) of the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 24th day of April, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81–13233 Filed 4–30–81; 8:45 am]

BILLING CODE 4510–26–M

Office of the Secretary

[TA-W-8055, 8056, 8057, 8058, 9173, 9174, 9237 and 9238]

The Arrow Co.; Affirmative Determination Regarding Application for Reconsideration

The Arrow Company, Atlanta, Georgia, Bremen, Georgia, Buchanan, Georgia, Cedartown, Georgia, Albertville, Alabama, Jasper, Alabama, Elysburg, Pennsylvania, and Lewistown, Pennsylvania.

By letter dated March 17, 1981, a worker representative requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance for workers and former workers of The Arrow Company at the above-listed locations. The determination was published in the **Federal Register** on January 27, 1981 (46 FR 8058 and 8806).

The application for reconsideration claims that imports of like and directly competitive shirts increased both absolutely and relative to domestic production during the relevant time period, and that all men's and boys' shirts are economically definable substitutes for one another, whether dress or sport, and whether knit or woven. The petitioner claims that all three of the eligibility requirements of Section 222 of the Trade Act of 1974 have been met and that workers at all plants of The Arrow Shirt Company should be eligible for trade adjustment assistance.

Conclusion

After review of the application, I conclude that the petitioner's claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 24th day of April 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81–13235 Filed 4–30–81; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–8710]

Automotive Moulding Co.; Negative Determination on Reconsideration

On March 12, 1981, the Department of Labor issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers at Automotive Moulding Company, Warren, Michigan. The determination was published in the **Federal Register** on March 20, 1981 (46 FR 17924).

In the application for reconsideration, the petitioner claimed that the company's customers purchased imported mouldings which adversely affect the domestic moulding market; that two other domestic moulding manufacturing concerns which had the same customers as Automotive Moulding were certified for adjustment assistance; that the output of Automotive Moulding's production declined at a greater ratio than the decline of imported mouldings; and that the domestic moulding manufacturing concerns must compete with Canadian firms which are favored by the exchange rate between the Canadian and the U.S. dollar.

A review of the investigative file revealed that the Department of Labor conducted a survey of the customers of Automotive Moulding Company. The only surveyed customers that purchased imported moulding increased purchases

of moulding from domestic sources during the period under investigation.

On reconsideration, the Department found that the certification of two other domestic moulding manufacturing plants referred to by the applicant was due to a different time frame within which those investigations were conducted. Data on imported automotive moulding which extended through model year 1979 in those cases showed significant increases. The time frame for the subject case included import data for model years 1980 and 1981.

In addition, one of the plants included in the earlier certification was relatively inefficient and was more vulnerable to import competition. Within the industry, there is an increasing trend toward the use of vinyl moulding.

Concerning the claim that the exchange rate between the U.S. and Canadian dollar favors Canadian firms, the Department has determined through its industry-wide studies that any affect the exchange rate may have had on imported automotive moulding is already reflected in these findings.

Conclusion

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers at Automotive Moulding Company, Warren, Michigan.

Signed at Washington, D.C. this 23rd day of April 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-13230 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,742]

Clarke Precision Moulding Corp.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is detemined in this case that all of the requirements have been met.

The investigation was initiated on November 14, 1980 in response to a petition which was filed on behalf of workers at Clarke Precision Moulding Corporation, Fall River, Massachusetts. The workers produced luggage.

U.S. imports of luggage increased both absolutely and relative to domestic production in 1979 compared to 1978 and increased absolutely during the period January–September 1980 compared with January–September 1979.

The manufacturer for which Clarke Precision Moulding Corporation performed all of its contract work ceased all domestic manufacturing in 1980 and became an importer of luggage exclusively.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with luggage produced at Clarke Precision Moulding Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Clarke Precision Moulding Corporation, Fall River, Massachusetts who became totally or partially separated from employment on or after November 6, 1979 and on or before May 30, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of April 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-13237 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8175]

Ex-Cell-O Corp., Manistee Operation; Affirmative Determination Regarding Application for Reconsideration

On March 24, 1981, the company requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of Ex-Cell-O Corporation's Manistee Operation in Manistee, Michigan. The determination was published in the **Federal Register** on February 20, 1981, (46 FR 13433).

The application for reconsideration claimed that the conditions which qualified Ex-Cell-O Corporation's Oakman plant in Detroit, Michigan directly affected Ex-Cell-O's Manistee operations.

Conclusion

After review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 24th day of April 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-13239 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8000]

Fab-Tec, Inc.; Affirmative Determination Regarding Application for Reconsideration

By an application dated February 24, 1981, the petitioner requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers of Fab-Tec, Incorporated, Warren, Michigan. The determination was published in the **Federal Register** on January 30, 1981 (46 FR 10029).

The applicant for reconsideration was an employee of Fab-Tec, Incorporated, who was engaged with other millwrights in the installation of material handling machinery under contract to the Buick Motor Division.

In the application for administrative reconsideration, the applicant suggested that the millwrights' activity at Buick be considered as an appropriate subdivision of Fab-Tec. The petitioner alleges that the Department of Labor placed undue reliance on the fact that sales of Fab-Tec, Inc. increased in comparison to prior years because sales of contractual work by Local 1102 members was drastically reduced; that although the Labor Department's statement that average employment of plant employees at Fab-Tec, Inc. was stable is accurate, it is applied to the improper work force, that is, the contractual employment at Buick dropped to almost zero as the next phase of contracted work was not started because of auto sales drop; and that the Labor Department wrongly interpreted the petitioner's allegations, in that the petitioner did not allege employment had decreased at Fab-Tec, but that employment was decreased at the Buick Motor Division where Local 1102 members were contracted to maintain production of transmission parts.

Conclusion

After review of the application, I conclude that the petitioner's claim is of sufficient weight to justify

reconsideration of the Department's prior decision. The application is, therefore, granted.

Signed at Washington, D.C. this 20th day of April 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-13340 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,490]

Irvin Industries, Inc., Automotive Products Group; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on September 2, 1980 in response to a petition which was filed by the United Textile Workers of America on behalf of workers at Irvin Industries, Incorporated, Automotive Products Group, Blytheville, Arkansas. The workers produce primarily seatbelts for automobiles.

U.S. Imports of seatbelts increased both absolutely and relative to domestic production in both model year 1979 and model year 1980 compared to the previous model year.

The Department of Labor surveyed customers who purchased seatbelts from Irvin Industries, Incorporated, Automotive Products Group. The survey results revealed that customers representing the majority of sales and sales declines reduced purchases from Irvin and increased purchases of imported seatbelts. The customers not only increased their purchases of imported seatbelts in absolute terms but also increased their purchases of imported seatbelts relative to domestic purchases during the period under investigation.

Workers at the Blytheville, Arkansas plant of Irvin Industries, Incorporated, Automotive Products Group are not separately identifiable by product line. Security shades for automobiles account for a relatively small percentage of total production. Any import influence in this product line could not have contributed importantly to overall employment declines at the plant.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with seatbelts produced at Irvin Industries, Incorporated, Automotive Products Group, Blytheville, Arkansas contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Irvin Industries, Incorporated, Automotive Products Group, Blytheville, Arkansas who became totally or partially separated from employment on or after August 19, 1979 are eligible to apply for adjustment assistance benefits under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of April 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-13342 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9380; TA-W-9424]

Southern Switches Corp., Dahlonega, Ga. and Piedmont Automotive Products, Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In Accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 21, 1980 in response to a petition which was filed on behalf of workers at Southern Switches Corporation, Dahlonega, Georgia and Piedmont Automotive Products, Incorporated, Clarkesville, Georgia. The workers produce switches, resistors and fuse panels. Workers are used interchangeably on all product lines.

U.S. imports of automotive switches increased both absolutely and relative to domestic shipments in 1979 compared to 1978 and increased absolutely during January–September 1980 compared with the same period in 1979. U.S. imports of variable resistors increased relative to domestic shipments in 1979 compared to 1978.

The Department of Labor conducted a survey of the Customers which purchase switches, resistors and fuse panels from Southern Switches and Piedmont Automotive Products. The survey indicated that customers which represented a substantial portion of the two plants' sales declines during the period under investigation increased reliance on imported switches during the same period.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with switches produced at Southern Switches Corporation, Dahlonega, Georgia and Piedmont Automotive Product, Incorporated, Clarkesville, Georgia contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of switches at Southern Switches Corporation, Dahlonega, Georgia and Piedmont Automotive Products, Incorporated, Clarkesville, Georgia who became totally or partially separated from employment on or after June 30, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of April 1981.

James F. Taylor,

Director, Offfice of Management Adminstration and Planning.

[FR Doc. 81-13344 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period April 20–24, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the

workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–10,662; Rocket Research Co., Moses Lake, WA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9747; Linel Novelty Mfg., Inc., New York, NY

Investigation revealed that manufacturers for which the subject firm produced under contract increased their contracts with other domestic firms.

TA–W–9320, 9321, & 10,374; Jim Robbins Co. (a subsidiary of Tecumseh Products Co.), Walled Lake, MI, Troy, MI, and Owosso, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9679; Barr, Inc., Sandusky, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9606; Toughboy Co., Coleman, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9502; Gage Pattern and Model, Inc., Madison Heights, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of industrial patterns and core boxes are negligible.

TA–W–9520; Cornelius Weiss Co., Inc., Brooklyn, NY

Investigation revealed that manufacturers for which the subject firm produced under contract increased their contracts with other domestic firms.

TA–W–9404; Hoover Universal, Inc., Saline Die and Casting Div., Saline, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9282; Charles Rabin and Co., Inc., Frackville, PA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of men's robes, dressing gowns, and smoking jackets did not increase as required for certification.

TA–W–9145; Molloy Mfg. Co., Fraser, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8993; Warren Molded Plastics, Inc., Salem, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–12,133; Norm Strand Logging Co., Concrete, WA

Investigation revealed that criterion (3) has not been met. The preponderance of softwood logs production is for export.

TA–W–12,041; Hoh River Timber, Beaver, WA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of softwood logs are negligible.

TA–W–10,379 & 11,874; Tube Products Corp., Troy, OH and Louisville, KY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,948; Abex Corporation, Cast Products Group, Medina, NY

Investigation revealed that criterion (3) has not been met. With respect to workers producing tire molds, aggregate U.S. imports of tire molds are negligible. With respect to workers producing iron castings, the investigation revealed that criterion (3) has not been met. Sales of iron castings increased from 1978 to 1979 and U.S. imports of iron castings declined in January–September 1980 compared with January–September 1979.

TA–W–10,584; Ring Screw Works Co., Ferndale Fastener Div., Madison Heights, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,486; Union Metals Mfg. Corp., Material Handling Div., Macedonia, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,424; Delbar Products, Inc., Perkasie, PA and Telford, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,375; Norris Industries, Automotive Trim Div., Pineola, NC

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,318; Gould, Inc., Powder Metal Products Div., Salem, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9535, 9590, & 9591; Atlas Industries, Woodville, OH, Fremont, OH, and Gibsonburg, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9545; Eltra Corp., Prestolite Motor Div., Bay City, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9391; Uptilt, Inc., Lansing, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9289; The Timms Spring Co., Elyria, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–11,018; Way Mfg. Co., Rockland, MA

Investigation revealed that criterion (3) has not been met. Evidence developed revealed that sales and employment increased in the period since the expiration of the previous certification (TA–W–2917) on October 1980.

TA–W–10,975; Cutter Laboratories, Inc., Cutter Biomedical, San Diego, CA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of synthetic orthopedic casting tape are negligible.

TA–W–10,884; Wayne Corporation, Miller Meteor Div., Piqua, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of ambulances and hearses are negligible.

A-W-9784; Huron/St. Clair Co., Port Huron, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations t the firm.

TA-W-9732; Union City Industries, Inc., Union City, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9618; GTE Products Corp., Seymour, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9351; Graphic Metals, Inc., Bay City, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-12,171; Republic Die and Tool Co., Wayne, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tools, dies, and fixtures for automotive use are negligible.

TA-W-12,043; Pollington Machine Co., McBain, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tools and dies for automotive use are negligible.

TA-W-11,691; U.S. Steel Corp., American Bridge Div., Fairfield, AL

Investigation revealed that criterion (3) has not been met. Evidence developed in the investigation indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,866; Muncy Corp., Enon, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of window regulators are negligible.

TA-W-10,860; Anderson Container Div., Container Corp. of America, Anderson, IN

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of corrugated boxes are negligible.

TA-W-10,570; R.B.I. Products Fabricator, New Hudson, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,406; Michigan Production Machining, Inc., Warren, MI

Investigation revealed that criterion (3) has not been met. A survey of costomers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,342; Almont Mfg. Co., Imlay City, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,337; Valiant Industries, Inc., Warren, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,308; Zeller Corp., Defiance, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,010; Quanex Corp., Fabricating Div., Shelby, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9968; Unique Chemical & Color Corp., Paterson, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of surface active agents (including dyeing and finishing chemicals) are negligible.

TA-W-9946; United Kellering Co., Inc., Canton, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9720; R&S Stamping, Inc., Roseville, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9450; TRW, Inc., J.H. Williams Div., Buffalo, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9448; Perfect Plastics, Inc., Troy, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9442; Jefferson Screw Products, Inc., Hazel Park, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9427; South Haven Coil, Inc., Bedford, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8582; Dresser Industries, Inc., Transportation Equipment Div., Depew, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-9380 & 9424; Southern Switches Corp., Dahlonega, GA and Piedmont Automotive Products, Inc., Clarkesville, GA

A certification was issued covering all workers engaged in employment related to the production of switches separated on or after June 30, 1979.

TA-W-9750, 9750A, & 9750B; Thomas Die and Stamping, Inc., Pontiac, MI, Handi-Vet, Lake Orion, MI, and Hanson Engineering, Bloomfield Hills, MI

A certification was issued covering all workers producing brackets and shield assemblies separated on or after January 1, 1980.

TA-W-9771; Cotton Plant Apparel Co., Inc., Cotton Plant, AR

A certification was issued covering all workers of the firm separated on or after February 15, 1980 and before July 31, 1980.

TA-W-10,168; Ambroson Gloves, Inc., Gloversville, NY

A certification was issued covering all workers of the firm separated on or after October 1, 1979.

TA-W-10,480; Irvin Industries, Inc., Automotive Products Group, Blytheville, AR

A certification was issued covering all workers of the firm separated on or after August 19, 1979.

TA-W-9411; Eaton Corporation, Brake Div., Louisville, KY

A certification was issued covering all workers of the Trailer Axle plant on Strawberry Lane and Department 200 of the Front Steering Axle plant separated on or after March 3, 1980. The investigation further revealed that criterion (3) has not been met for all workers of the Front Steering Axle plant, except Department 200.

TA-W-11,742; Clarke Precision Moulding Corp., Fall River, MA

A certification was issued covering all workers of the firm separated on or after November 6, 1979 and on or after May 30, 1980.

I hereby certify that the aforementioned determinations were issued during the period April 20–24,

1981. Copies of these determinations are available for inspection in Room S-5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: April 27, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13236 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivison of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 11, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 11, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 27th day of April 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
General Refractories (USWA)	Clearburg, Pa	4/17/81	4/16/81	TA-W-12,638	Silica brick.
I & S Shoe Co., Inc. (company)	Somersworth, N.H	4/20/81	4/16/81	TA-W-12,639	Ladies' vinyl and leather shoes.
Imperial Optical Manufacturing (workers)	Hialeah, Fla	4/20/81	4/16/81	TA-W-12,640	Eye glass frames.
Park Silk Co., Inc. (ACTWU)	Lebanon, Pa	4/20/81	4/14/81	TA-W-12,641	Weavers, (drapery and tie goods) and office.
Rockport Log & Shake Company (workers)	Capalle Crossing, Wash	4/20/81	4/1/81	TA-W-12,642	Shakes and shingles.
Rockwell International (workers)	Bellefontaine, Ohio	4/17/81	4/13/81	TA-W-12,643	Stationary power tools.
Treiber Brothers, Inc. (ACTWU)	Brooklyn, N.Y	4/21/81	4/17/81	TA-W-12,644	Men's and boys' outerwear.
United Merchants & Manufacturers, Inc., Old Fort Finishing Plant (workers).	Old Fort, N.C	4/21/81	4/16/81	TA-W-12,645	Dye and finish piece textile woven and knitted goods.
Watertown Industries, Inc. (workers)	Watertown, Tenn	4/17/81	4/14/81	TA-W-12,646	Ladies' blouses and men's shirts.
Young Times, Inc. (company)	New York, N.Y	4/17/81	4/15/81	TA-W-12,647	Ladies' sportswear.
Crown Pants Company (ACTWU)	Hammonton, N.J	4/3/81	3/29/81	TA-W-12,648	Slacks for men's suits and pants for military uniforms.
Beauti-full Women, Inc. (workers)	New York, N.Y	4/16/81	4/5/81	TA-W-12,649	Ladies' blouses.
Ephrata II, Div., Ship'n Shore (company)	Ephrata, Pa	4/23/81	4/14/81	TA-W-12,650	Ladies' blouses, sweaters, shirts.
R & S Apparel Contractors, Inc. (workers)	New York, N.Y	4/16/81	4/5/81	TA-W-12,651	Ladies' blouses.
Santa Rosa Shoe Corp., Santa Rosa Division (workers).	Santa Rosa, Calif	4/17/81	4/10/81	TA-W-12,652	Work boots, safety boots, and after work casual shoes.
Multi-Phase Finishing Company (UAW)	Warren, Mich	4/23/81	4/21/81	TA-W-12,653	Grinding of parts for trucks, tractors, autos and earth moving equipment.
Beekay Fashions, Inc. (workers)	New York, N.Y	4/24/81	4/21/81	TA-W-12,654	Men's and women's sportswear.
Dap, Incorporated (workers)	Michigan City, Ind	4/24/81	4/20/81	TA-W-12,655	Pressure, sensitive tape.
Fabrics America Group, Toweling Div. (workers)	Enterprise, Ala	4/24/81	4/20/81	TA-W-12,656	Terry cloth towels and industrial towels.

[FR Doc. 81-13241 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

President's Committee on the International Labor Organization; Meeting

In accordance with Section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is hereby given of a meeting of the President's Committee on the ILO:

Name: President's Committee on the International Labor Organization.

Date: May 15, 1981.

Time: 10:30 a.m.

Place: Department of Labor, Third & Constitution Ave., NW, Room S-2508, Washington, D.C. 20210

This meeting will be closed to the public under the authority of Section 10(d) of the Federal Advisory Committee Act. During its closed session, the Committee will discuss national security matters.

All communications regarding this Committee should be addressed to: Mr. James H. Quackenbush, Counselor to the Committee, Department of Labor, Third & Constitution Ave., NW, Room S-5309, Washington, D.C. 20210, telephone (202) 523-6251.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-13243 Filed 4-30-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is

hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Tuesday and Wednesday, May 12 and 13, 1981, in Room 418, Page Building 1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government, was established by Congress by Public Law 95–63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The tentative agenda contains the following topics:

May 12, 1981

9:00 a.m.—9:30 a.m.
Plenary.
- Announcements.

9:30 a.m.—12:00 noon.
Review of National Oceanic and Atmospheric Programs.

9:30 a.m.—10:00 a.m.
- National Aeronautics and Space Administration (NASA).

Lawrence R. Greenwood, Director, Environmental Observation Division.

10:00 a.m.—10:30 a.m.
- Department of Energy

William Richards Acting Director, Division of Ocean Energy Systems.

10:30 a.m.—12:00 noon.
- Department of Interior.

Galen Buterbaugh, Fish and Wildlife Service.
Lewis Moore, Water and Power Resources Service.

12:00 noon—1:00 p.m.
Lunch.
Plenary.

1:00 p.m.–3:30 p.m.
Review of National Oceanic and Atmospheric programs (continued).

1:00 p.m.—1:30 p.m.
- Environmental Protection Agency.

Allan Hirch, Deputy Assistant Administrator for the Environmental Processes and Effects Research.

1:30 p.m.—2:00 p.m.
- Army Corps of Engineers.

George R. Robertson, Deputy Director, Civil Works.

2:00 p.m.—2:30 p.m.
- Federal Coordinator for Meteorological Services and Supporting Research.

Richard Hallgren, Acting Federal Coordinator.

2:30 p.m.—3:30 p.m.
- National Climate Program Office.l24• National Marine Pollution Office.
- Marty Belsky, Assistant Administrator for Policy Planning.

3:30 p.m.—5:00 p.m.
Panel Meetings.
- Hydrology Panel, Paul Bock, Chairman.
- Ad Hoc Panel on Oil Spill Liability and Compensation (B–100).

Topics: Federal Preemption Adjudication Boards.

5:00 p.m.
Adjourn.

May 13, 1981

8:30 a.m.—10:00 a.m.
Panel Meetings.
- Atmospheric Research Facilities Louis Battan, Chairman.
- Ad Hoc Panel on Oil Spill Liability and Compensation (B–100).

10:00 a.m.—12:00 noon.
Plenary.
- Committee Discussion and Development of Advice to President.

12:00 noon—1:00 p.m.
Lunch.

1:00 p.m.—3:30 p.m.
Plenary.
- Committee Discussion and Development of Advice to President (continued).
- Panel Reports.

3:30 p.m.
Adjourn.

The public is welcome at the sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., (Suite 438, Page Building #1), Washington, DC 20235.

Steven N. Anastasion,
Executive Director.

[FR Doc 81–13253 Filed 4–30–81: 8:45 am]
BILLING CODE 3510–2–M

Independent Areas Task Force (IATF) Fisheries Subgroup; Meeting

Pursuant to Section 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the fisheries subgroup of the Independent Areas Task Force (IATF) of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet Thursday and Friday on May 14–15, 1981. The Subgroup will meet in Room 418, Page Building ¢1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The sessions, which will be open to the public, will convene at 9:00 a.m. and adjourn at 4:00 p.m. on Thursday, May 14 and will convene at 9:00 a.m. and adjourn at 4:00 p.m. on Friday, May 15. Discussions with non-Federal officials on fishery issues will be conducted at this meeting.

NACOA has initiated a study to formulate national goals and objectives for the oceans in the decade of the 1980's and beyond. To support the conduct of this study, the Secretary of Commerce has established the IATF for NACOA. The IATF will be responsible for the preparation of preliminary recommendations in the areas of energy, fisheries, marine transportation, ocean minerals, ocean operations and services, and waste management and pollution.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairperson of the Subgroup on Fisheries, Jay G. Lanzillo, in advance of the meeting. The Chairperson retains the prerogative to impose limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion, or Clarence P. Idyll, the Staff Member for the Fisheries Subgroup. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building ¢1), Washington, D.C. 20235.

Steven N. Anastasion,
Executive Director.

[FR Doc. 81–13228 Filed 4–30–81: 8:45 am]
BILLING CODE 3510–12–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-29, and Amendment No. 60 to Facility Operating License No. DPR-30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad-Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the technical specifications to change setpoints for certain system settings which include (1) turbine condenser low vacuum scram, (2) main streamline low pressure isolation, (3) main streamline high flow isolation, (4) ECCS-ADS interlock and (5) ECCS fill system high pressure alarm.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 7, 1978 and February 21, 1978, with supplements of May 31, 1978, April 25, 1979 and February 14, 1979, (2) Amendment No. 66 to License No. DPR-29, and Amendment No. 60 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504—17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of April 1981.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-13147 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-29, and Amendment No. 62 to Facility Operating License No. DPR-30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Appendix A Technical Specifications to eliminate the requirement for continuous monitoring of the primary containment inerting system makeup as a means of monitoring the containment for gross leakage.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated March 29, 1979, (2) Amendment No. 68 to License No. DPR-29 and Amendment No. 62 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504-17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, April 20, 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-13148 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 67 and 61 to Facility Operating License No. DPR-29 and DPR-30 issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments become effective as of the date of issuance.

The amendments revise the Technical Specifications to eliminate the requirement to reduce reactor power to below 50% rated when the main steam isolation valve closure time verification is performed.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration and environmental impact appraisal

need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated September 27, 1977, (2) Amendments No. 67 to License No. DPR-29, and Amendment No. 61 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504—17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of April 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-13148 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Metropolitan Edison Co. et al.; Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear "Power Plant Components" to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company in accordance with the provisions of 10 CFR 50.55a. The relief relates to the revised inservice testing program for pumps and valves for Three Mile Island Nuclear Station, Unit 2, located in Dauphin County, Pennsylvania. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief consists of exemption from the requirements for measuring certain parameters in the Pump Testing Program and revised schedules for conducting valve stroking tests in the Valve Testing Program. Relief was also granted from the requirement for inservice inspection of Class I, II, and III components for a period equivalent to the length of the TMI 2 shutdown.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulation in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission had determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated April 18, 1980, and (2) the Commission's letter to the licensee dated April 27, 1981.

These items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, TMI Program Office.

Dated at Bethesda, Maryland this 27th day of April, 1981.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, Three Mile Island Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 81-13189 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-289 and 50-320]

Metropolitan Edison Co. et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 66 and 14 to Facility Operating Licenses Nos. DPR-50 and DPR-73 issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (the licensees), which revised the licenses for operation of the Three Mile Island Nuclear Station, Units Nos. 1 and 2 (the facilities), located in Dauphin County, Pennsylvania. The amendments are effective as of the date of issuance and are to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b) and 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Safeguards Contingency Plan and Guard Training and Qualification Plan as a part of the license.

The licensee's filings, which have been handled by the Commission as an application, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

The licensee's filings dated August 15, 1979, December 19, 1980, February 22, 1980 and May 15, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendments Nos. 66 and 14 to Licenses Nos. DPR-50 and DPR-73 and (2) the Commission's related letter to the licensee dated April 22, 1981. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of the amendments and the Commission's related letter may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of April 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

Bernard J. Snyder,

Program Director, TMI Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 81-13143 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications for the facility to establish a modified surveillance requirement for the reactor internal vent valves for the current prolonged shutdown interval.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 31, 1980, (2) Amendment No. 65 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555, and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of April 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-13144 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

Statement of Policy; Programmatic Environmental Impact Statement of the Cleanup of Three Mile Island Unit 2

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Statement of Policy.

SUMMARY: On November 21, 1979, the Nuclear Regulatory Commission directed the staff to prepare a Programmatic Environmental Impact Statement (PEIS) on the decontamination and disposal of radioactive wastes resulting from the March 28, 1979 accident at Three Mile Island, Unit 2. A Statement of Policy and Notice of Intent regarding that decision was published in the Federal Register on November 27, 1979 (page 67738). As stated at that time: "In the Commission's judgment an overall study of the decontamination and disposal process will assist the Commission in carrying out its regulatory responsibilities under the Atomic Energy Act to protect the public health and safety as decontamination progresses. It will also be in keeping with the purposes of the National Environmental Policy Act to engage the public in the Commission's decisionmaking process, and to focus on the environmental issues and alternatives before commitments to specific clean-up choices are made." As directed, the Commission's staff has now completed a final programmatic environmental impact statement on all phases of the cleanup of TMI Unit 2 to meet the foregoing objectives.

Preparation of this final statement has had the benefit of extensive comments from government agencies and the public. Comments on the draft PEIS from the Advisory Panel for the Decontamination of TMI-2 (a panel which the Commission established to provide independent advice from local officials, scientists and individuals in the area) had not been received prior to completion of the PEIS. However, the Commission has now received the Panel's comments and finds that the staff's final PEIS is responsive to those comments. The Commission concludes that this statement satisfies our obligations under the National Environmental Policy Act (NEPA).

Now that the environmental impact statement for TMI-2 has been published, the Commission believes that the licensee should accelerate the pace of the cleanup to complete expeditiously all decontamination activities consistent with ensuring protection of public health and safety and the environment.

As the licensee proposes specific decontamination alternatives for each major cleanup activity, the staff will determine whether these proposals and the associated impacts that are predicted to occur fall within the scope of those already assessed in the PEIS. If they do not, additional reviews will be undertaken in accordance with NEPA. Each proposed cleanup activity will be carefully reviewed to assure that all applicable NRC requirements to protect the health and safety of the public are met. If a specific proposal requires an amendment to the facility operating license, public notice will be provided in accordance with Commission regulations. The staff may act on each major cleanup activity if the activity and associated environmental impacts fall within the scope of those already assessed in the PEIS. The staff will keep the Commission informed of staff actions on each major activity prior to staff approval of the major activity.

If any cleanup activity and associated environmental impacts fall outside the scope of those already assessed in the PEIS, the staff shall complete necessary reviews in accordance with NEPA and NRC requirements, and submit recommendations to the Commission.

Any future proposal for disposition of processed accident-generated water shall be referred to the Commission for approval.

On September 26, 1980, this Commission issued a Statement of Policy on the Pennsylvania Public Utility Commission's order to the licensee to cease and desist from using any operating revenues for cleanup and restoration costs at TMI-2 which are not covered by insurance. We reiterate here our previous position that we will not excuse the licensee from compliance with any order, regulation or other requirement imposed by this Commission to protect public health and safety and the environment.

Furthermore, the cleanup should be carried out in accordance with the criteria in Appendix R of the PEIS as well as in conformance with the existing operating license (DPR-73) and with

previously imposed orders.[1] The appendix R criteria specify limits on the doses which may result to offsite individuals from radioactive effluents resulting from cleanup and decontamination activities. Those criteria supplement the existing restrictions on the licensee's cleanup activities.

The Commission expects to receive continuous advice from the TMI–2 Advisory Panel on major activities required to accomplish expeditious and safe cleanup of the TMI–2 facility. This advice will be important to the Commission throughout the cleanup process.

Dated at Washington, D.C., this 27th day of April 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-13145 Filed 4-30-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel No. 22030; 70-6573]

Georgia Power Co. and Gulf Power Co.; Proposed Sale and Acquisition of Utility Assets

April 27, 1981.

Georgia Power Company ("Georgia"), P.O. Box 4545, Atlanta, Georgia 30302 and Gulf Power Company ("Gulf"), P.O. Box 1151, Pensacola, Florida 32520, subsidiaries of The Southern Company, a registered holding company, have filed an application-declaration with this Commission pursuant to Sections 9(a), 10, 12(b), 12(d), 12(f), and 13(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 44, 45, 87, 89, 90, and 91 thereunder.

Gulf proposes to purchase from Georgia a 25% interest in Units 3 and 4 ("additional units") of the Robert W. Scherer coal fired generating plants in Monroe County, Georgia. Each of the four units is of 810 MW capacity. Georgia has sold 91.4% of Units 1 and 2 to three unaffiliated Georgia utilities, 2 municipal and 1 cooperative. It is responsible for the construction and operation of all 4 units under operating agreements with its co-owners. It owns 8.4% of Units 1 and 2, all of Units 3 and 4, and 23.5% of certain common facilities. Ownership of common facilities is to be adjusted among the co-owners, not later than three months before the first additional unit is scheduled to be synchronized to Georgia's transmission system, so that the common facilities will be owned in the same proportion as the generating units, the adjustment being based on cost. The first two units are expected to be commercially operable in 1982 and 1984, respectively and the additional units are scheduled to be commercially operable in 1987 and 1988, respectively.

Gulf's February 19, 1981 contract with Georgia, which is the subject of the application, is for a sale at cost, including carrying charges based on a weighted incremental monthly cost of Georgia's capital.

The cost, as of May 7, 1981, was estimated at about $5 million. After closing, Gulf will pay currently 25% of the costs incurred by Georgia on construction of the additional units. Gulf's total costs for the two additional units is currently budgeted to be about $270 million. Gulf is to be allocated, on the Southern Company consolidated income tax return, all investment tax credits earned on its portion of the construction of the additional units, including those which have accrued to Georgia for the construction done prior to the sale.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 21, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specifed above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-13170 Filed 4-30-81; 8:45 am]

BILLING CODE 8010-01-M

[1] The licensee's authorization under license DPR–73 has been modified through the order issued February 11, 1980, the modification of order issued August 11, 1980, and the amendment of order issued November 14, 1980.

[Rel. No. 11748; 812–4777]

The Guardian Insurance & Annuity Company, Inc. and the Guardian Value Line Separate Account; Application for an Order

April 27, 1981.

Notice is hereby given that The Guardian Insurance & Annuity Company, Inc. (the "Insurance Company") 201 Park Avenue South, New York, N.Y. 10003, a stock life insurance company organized under the laws of Delaware and The Guardian/Value Line Separate Account (the "Separate Account"), a segregated account of the Insurance Company registered as a unit investment trust under the Investment Company Act of 1940 ("Act") (collectively "Applicants"), filed an application on December 3, 1980 and amendments thereto on March 25, 1981 and April 14, 1981 for an order of the Commission pursuant to Sectioin 11 of the Act approving certain offers of exchange, and pursuant to Section6(c) of the Act granting exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d), of the Act, and Rule 22c–1 thereunder, to the extent necessary to permit Applicants to offer the variable annuity contracts as described in the application. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Background

The Separate Account was organized on October 6, 1980 pursuant to the laws of Delaware, with the Insurance Company as sponsor-depositor. The Separate Account was established for the purpose of funding Single Premium Individual Deferred Variable Annuity Contracts ("Contracts").

Each investor's payments under the Contracts will be allocated to one or more (up to four) of the seven divisions of the Separate Account. Each division invests in the shares of one of seven open-end diversified management investment companies registered under the Act ("Funds"). The seven Funds are: (1) The Guardian Park Ave. Fund, Inc.; (2) The Value Line Fund, Inc.; (3) The Value Line Income Fund, Inc.; (4) The Value Line Special Situations Fund, Inc.; (5) Value Line Leveraged Growth Investors, Inc.; (6) The Value Line Cash Fund, Inc.; and (7) The Value Line Bond Fund, Inc.

The principal distributors of the Contracts will be GLICOA Associates, Inc. ("GLICOA") and Value Line Securities, Inc. ("Value Line") both of

New York, New York. GLICOA is the distributor and investment manager of The Guardian Park Ave. Fund, Inc. and is a wholly owned subsidiary of the Insurance Company. Value Line is the distributor of the Value Line Funds and is a wholly owned subsidiary of Arnold Bernhard & Co., Inc., the Funds' manager and investment adviser.

Applicants propose to offer two series of contracts. One such series, the "Purchase Through Fund Redemption Contract" will be offered to persons who have owned shares of any of the Funds for at least 90 days. However, a share holder in (i) The Guardian Park Ave. Fund, Inc. who acquired shares through the exchange privilege offered by the Insurance Company, (ii) a shareholder in The Value Line Cash Fund, Inc. who did not acquire shares through the exchange provilege offered by other funds managed by Arnold Bernhard & Co. or (iii) a shareholder who purchased his shares at net asset value may not make a Contract purchase through fund redemption. The second series of Contracts will be offered to the general public as "Direct Purchase Contracts".

The Contracts are substantively the same except with respect to the redemption charge provisions which are more fully discussed below. The minimum purchase payment under the Contracts will be $3,000. An annual charge of $30 will be deducted by the Insurance Company for administrative costs and an asset charge of 1% on an annual basis determined daily will be assessed for the assumption by the Insurance Company of mortality and expense risks under the Contracts. Applicants estimate that approximately .65% of the asset charge will be for the assumption of mortality risks under the Contracts and .35% will be for the guarantee by the Insurance Company that the expenses charged to policyholders under the Contracts will never be raised even though the costs to the Insurance Company of issuing and administering the Contracts may exceed the amounts charged. The aforesaid deductions will be allocated to the Insurance Company's general account and no portion of the asset charge will be specifically related to the recovery of sales expenses.

Both Contracts will be offered without the imposition of an initial sales charge on the purchase payment. Instead, Contingent Deferred Sales Charges intended to reimburse the Insurance Company for expenses incurred which are related to Contract sales will be applied upon Contract redemption or partial withdrawals during the early years of the Contracts.

Under the proposed Purchase Through Fund Redemption Contract, during the accumulation period upon the redemption of the Contract or the partial withdrawal of an amount thereunder during any of the first three years (measured from the issue date), the contractholder will be charged a Contingent Deferred Sales Charge of 1% upon the amount withdrawn during the first two Contract years following the date of issue and ½% during the third Contract year. No charges are assessed upon any amount withdrawn after the end of the third Contract year since issue.

Under the proposed Direct Purchase Contract, during the accumulation period upon the redemption of the Contract or the partial withdrawal of an amount thereunder during any of the first six years (measured from the issue date), the contractholder will be charged a Contingent Deferred Sales Charge which will be scaled downward over the first six (6) contract years by 1% per successive year, from 5% in the first two contract years to 1% in the sixth year. No such charge will be imposed after the end of the sixth contract year. The Contingent Deferred Sales Charges are subject to the limitation that the maximum amount to which the charge percentage may be applied will not exceed the original purchase payment.

Contingent Deferred Sales Charge

Section 2(a)(35)

Section 2(a)(35) defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer less any portion of such difference deducted for trustees' or custodians' fees, insurance premiums, issue taxes or administrative expenses or fees which are not properly chargeable to sales or promotional expenses.

Applicants submit that the proposed charge is consistent with the intent of the definition of sales load contained in the Act. The charge would be imposed by the Company to reimburse it for expenses related to the sale of the Contracts, which the Applicants submit is within the Section 2(a)(35) definition of sales load but for the timing of the imposition of the charge.

Nevertheless, Applicants have requested an exemption from the provisions of Section 2(a)(35) to the extent such exemption may be necessary to implement the proposed pricing of their Contracts.

Section 22(c) and Rule 22c-1

Rule 22c-1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. When the contract owner withdraws all or a part of the contract value, the proceeds paid on such surrender will be based on the current net asset value. The Contingent Deferred Sales Charge will be deducted at the time of redemption in arriving at the contract owner's proportionate share or account value.

While Applicants do not believe that the imposition of the Contingent Deferred Sales Charge is violative of Section 22(c) or Rule 22c-1, they have requested an exemption from the provisions of Section 22(c) and Rule 22c-1 thereunder, to the extent necessary, to offer the Contracts as proposed.

Sections 26(a)(2)(C) and 27(c)(2)

Section 27(c)(2) prohibits a registered investment company or depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, on such certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) and are held by such trustee or custodian under an agreement containing substantially the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act.

Section 26(a)(2)(C) of the Act provides, in substance, that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services normally performed by the custodian.

Applicants allege that the Contingent Deferred Sales Charge to be imposed (if any) upon the surrender of the Contracts issued with respect to the Separate Account is designed to recover distribution costs relating to the sales of the Contracts. The Contracts merely defer the time when the sales charge may be imposed.

Applicants further allege that since there is nothing in the Act to suggest that if Contingent Deferred Sales Charges were being used at the time the

Act was promulgated, that deductions for such sales charges would not have permitted, and, since it is in the contract owners' best interests that the entire amount of their purchase payments be invested at the time when made, they have requested an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the Act, to the extent necessary, in order to permit the offer and sale of the Contracts subject to the Contingent Deferred Sales Charge as described above.

Sections 2(a)(32) and 27(d)

Section 2(a)(32) of the Act, in pertinent part, defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets or the cash equivalent thereof.

Section 27(d) of the Act, in pertinent part, requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants assert that the Contracts offered are not periodic payment contracts but request exemption from such Sections, to the extent necessary, to offer the Contracts. Applicants submit that the imposition of a contingent Deferred Sales Charge does not violate Sections 2(a)(32) and 27(d).

Applicants assert that Sections 2(a)(32) and 27(d) contemplate the assessment of an initial sales load and that under the Contracts the net amount invested is the gross purchase payments. Thus, the owner's proportionate share or account value would be the gross purchase payments, plus or minus any increase or decrease in value less the charge. Applicants assert that deferring the imposition of the charge in no way restricts the contract owner from receiving his proportionate share or account value upon surrender. Applicants contend that the charge is contingent upon an event which might never occur, and that the purchaser's initial amount invested is maximized, thus providing a benefit to the purchaser. Applicants have requested an exemption from the provisions of sections 2(a)(32) and 27(d), to the extent necessary, to permit the imposition of the Contingent Deferred Sales Charge and to offer the Contracts.

Section 27(c)(1)

Section 27(c)(1) of the Act, in pertinent part, prohibits any registered investment company issuing periodic payment certificates, or depositor or underwriter of such company, from selling any such certificate unless it is a redeemable security. Applicants assert that the Contracts issued are not periodic payment plans but nevertheless request an exemption, to the extent necessary, to offer the Contracts.

Applicants submit that the Contingent Deferred Sales Charge is not a restriction on redemption under Section 27(c)(1). Applicants assert that deferring the imposition of the sales charge in no way restricts the contract owner from receiving his proportionate share or current value on surrender and has the effect, through deferral of sales charge until contract value is withdrawn, of increasing the contract value available for redemption. However, Applicants have requested an exemption from the operation of the provisions of Section 27(c)(1), to the extent necessary, to permit the charge to be imposed only upon redemption or partial withdrawal of contract value.

Annual Administrative Charge

As previously noted, the Contracts are subject to an annual administrative charge of $30. If the value of a Contract is surrendered for its full value on other than the contract anniversary date, the administrative charge will be deducted from the owner's redemption proceeds.

Because the provisions of the Act discussed above under the heading "Contingent Deferred Sales Charge" may be said to be equally applicable in this situation, Applicants hereby request an exemption from the provisions of Sections 2(a)(32), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), 27(d) and Rule 22c-1, to the extent necessary, to permit the deduction of the annual administrative charge under the circumstances described.

Performance of Custodian Functions

Sections 26(a) and 27(c)(2), as noted, prohibit a registered investment company or depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, on such certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) and are held by such trustee or custodian under an agrement containing substantially the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act. Section 26(a)(1) requires the trustee or custodian to be a bank which meets certain financial standards.

Applicants request an exemption from the provisions of Section 26(a) of the Act in order that the Insurance Company may hold the property and assets of the Separate Account in custody for safekeeping rather than under a custodian or safekeeping agreement with a qualified bank. Net purchase payments under the Contracts allocated to the Separate Account will be invested in the Funds. The shares of these Funds will be issued under an open account arrangement without the use of stock certificates and ownership of the Fund shares will be shown only on the books and records of the Separate Account and each Fund; ownership will not be represented by securities which would require a custodianship for safekeeping purposes.

Section 26(a)(2)(D) of the Act requires, in part, that the custodian shall have possession of all the securities and other property in which the funds of the unit investment trust are invested. The Applicants assert that the primary purpose of such Section relating to the possession of trust assets is to provide for their safekeeping. The Applicants contend that to require that share certificates be physically issued by each of the Funds under the circumstances would not significantly add to the safety of the unit investment trust's assets and would result in unnecessary administrative expenses. As noted, the assets of the Separate Account will be invested exclusively in shares of the Funds.

In support of the requested exemptions from the foregoing provisions of the Act, the Applicants state that the Company is subject to extensive supervision and control by the Commissioner of Insurance of the State of Delaware and the comparable official of each state in which it does business. The Applicants also state that the activities of the Company are subject to review by the Commissioner of Insurance of the State of Delaware and his representatives at all times and are subject to comprehensive examinations periodically. Further, the Company, under an arrangement for recordkeeping, will maintain either itself or through an agent a record of all purchases and redemptions of Fund shares with respect to the Separate Account. Consequently, the Applicants submit that a custodianship is unnecessary under the circumstances.

In summary, the Applicants request an exemption from the provisions of Sections 26(a) and 27(c)(2) of the Act in order that the Company may perform the safekeeping and other functions normally performed by a custodian with respect to the Separate Account; that the property and assets of the Separate Account do not have to be held in trust although segregated; and that the investments of the trust in shares of the

several Funds may be held in "book share" form.

Payment of Contract Fees and Charges

Sections 26(a) and 27(c)(2)

Section 26(a)(2)(C) of the Act, as here pertinent, provides, in substance, that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services normally performed by the custodian.

Section 26(a)(2)(D) further provides that the custodian have possession of all securities and other property in which the funds of the trust are invested subject only to the charges and collections allowed under clauses (A) (B) and (C) of Section 26(a)(2) until distribution thereof to the security holders of the trust.

The Applicants request an exemption from the provisions of Section 26(a) and 27(c)(2) to the extent necessary to permit the deduction by the Company and the payment to the Company of an annual administrative charge, the Expense Risk Charge, the Mortality Risk Premium and any premium tax, as set forth above.

The Applicants consent that the foregoing requested exemptions from Sections 26(a) and 27(c)(2) may be made subject to the following conditions: (1) that the deductions under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe and the Commission may reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of the Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and the Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Exchanges

Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to the Commission. Section 11(c) provides that the provisions of subsection (a) shall be applicable irrespective of the basis of exchange to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust and to any type of offer of exchange of the securities of registered unit investment trust for the securities of any other investment company.

Applicants propose that owners of the Contracts be permitted on any valuation date to transfer the partial or total value of their Contract from one or more Separate Account Division(s) to other Division(s) at any time both prior to the time that annuity payments commence and after annuity payments commence. Allocation is permitted up to a maximum of four Separate Account Divisions (Subdivisions) at any one time. Applicants represent that no charge will be imposed for effecting a transfer.

Applicants also seek approval under Section 11 to permit them to offer the Purchase Through Fund Redemption Contract to the eligible shareholders. They represent that such contract will be offered primarily as an accommodation to the eligible shareholders who desire to provide for their Fund accumulation in combination with the retirement features available under an annuity contract. Applicants state that they will incur greater sales expenses in the distribution of the Direct Purchase Contract than for the Purchase Through Fund Redemption Contract since an original sales effort is involved. Accordingly, commission and promotional material expenses will be greater than for the Purchase Through Fund Redemption Contract.

Applicants believe that the difference in Contingent Deferred Sales Charges between the Purchase Through Fund Redemption Contract and the Direct Purchase Contract are non-discriminatory and recognize not only the distinctions in the selling costs borne by the Insurance Company, but also the status of the two groups of potential purchasers of the products. The proposed offer of the Purchase Through Fund Redemption Contract to the eligible shareholders recognizes that the exchange will take place at the relative net asset values of the Fund shares redeemed and the Contracts purchased on the day redemption proceeds are received at its Executive Office.

The Applicants further assert that the proposed transfer rights involve only a change in the underlying accumulation or annuity units related to a Contract, which are merely accounting units of measure to quantify contract value and, thus, do not involve the exchange of a unit investment trust security for the security of any other investment company. However, to avoid any questions that might be raised as to the applicability of Section 11(c), The Applicants request an order pursuant to Section 11 to the extent necessary to permit the proposed offer of transfer rights described above.

Section 6(c)

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act or any rule or regulation under the Act if, and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, no later than May 20, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following May 20, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered will receive any notice and

orders in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-13177 Filed 4-30-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue; Availability of Report on Closed Meetings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Availability of Report on Closed Meetings of the Art Advisory Panel.

SUMMARY: The Report is now available.

Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976); section 8d(3) of the Office of Management and Budget (OMB) Circular No. A-63 (3-27-74), as supplemented; and section 12b of the Department of Treasury Directive 10-06.E (9-2-77): A report summarizing the closed meeting activities of the Art Advisory Panel During 1980, has been prepared. A copy of this report has been filed with the Assistant Secretary of Treasury for Administration and is now available for public inspection at: Internal Revenue Service, Freedom of Information Reading Room, Room 1565, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

Requests for copies, at $.30 each, should be addressed to: Director, Disclosure Operations Division, Attn.: FOI Reading Room, Box 388, Benjamin Franklin Station, Washington, D.C. 20044.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the Federal Register for Wednesday, May 24, 1978 (43 FR 22321).

For further information contact: Tom Hartnett T:C:E:V, 1111 Constitution Avenue, N.W., Room 5547, Washington, D.C. 20224, telephone (202)-566-4427 (Not a toll free telephone number).

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 81-13284 Filed 4-30-81; 8:45 am]

BILLING CODE 4830-01-M

Form 990, Return of Organization Exempt From Income Tax Under Section 501(c) of the Internal Revenue Code or Section 4947(a)(1) Trust

AGENCY: Internal Revenue Service, Department of the Treasury.

ACTION: Notice of proposed revision of Form 990 for 1981 and request for comments.

SUMMARY: The Internal Revenue Service is proposing for public comments a revised Form 990 and instructions for that form. After considering all comments and suggestions, the Service will adopt the proposed form and instructions for 1981, with any appropriate changes resulting from the comments.

DATE: Written comments and suggestions should be mailed or delivered by June 30, 1981.

ADDRESS: Written comments and suggestions should be mailed or delivered to the Chairman, Tax Forms Coordinating Committee, Internal Revenue Service, Room 5577, 1111 Constitution Avenue, NW., Wasington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Gardiner, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, telephone (202) 566-3137 (not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: Changes to Form 990 and instructions are being considered to allow the form to be used for both IRS and State reporting purposes. The changes are necessary to accommodate the specific needs of States that require charitable and certain other types of section 501(c) organizations to file separate annual financial reports with them. With these changes, Form 990 would provide the basic financial information needed by most States to administer State laws relating to nonprofit charitable organizations under their jurisdiction. The uniform reporting and recordkeeping requirements that would result from the acceptance of Form 990 by the States in full or partial satisfaction of their reporting requirements would significantly reduce the combined Federal/State reporting burden on many organizations, particularly those that now file different financial reports with various States.

As to the reporting of support, revenue and expense items, the proposed Form 990 is substantially similar to the current form, which was adopted in 1979 following a solicitation of comments form the public. Proposed changes in the balance sheet section are more significant, but the changes make the revised balance sheet more compatible with the accounts normally maintained by most Form 990 filers. Also, the draft instructions would no longer require schedules to be provided for any figures reported in the beginning of year balance sheet. The proposed form would continue to require less information from smaller organizations, and also relieve them from haveing to complete the fundraising expense column in the Statement of Functional Expenses (Part II). Copies of the form and instructions that incorporate the proposed changes follow this notice.

If the proposed form changes are adopted without major revision, a number of States have indicated they would permit affected organizations to satisfy part or all of their State filing requirement by submitting a copy of the Form 990 filed with IRS. These States and the IRS will try to get other States to accept Form 990 as their basic report form. Any additional information required by a particular State that accepts Form 990 would be reported on that State's own supplemental scheldules A group of States is drafting uniform schedules for supplemental State reporting purposes.

Public Law 96-603 (signed December 28, 1980) amended various returns filing and reporting provisions of the Internal Revenue Code. Pursuant to this law, nonexempt charitable trusts described in section 4947(a)(1) that are not treated as private foundations are subject to the same Form 990 filing requirements as section 501(c)(3) organizations for tax years beginning after December 31, 1980. The Internal Revenue Service proposes to ease the additional filing burden imposed on these trusts by the new law by allowing a nonexempt charitable trust that files Form 990 with IRS to use that form to satisfy its Form 1041 filing requirement as well if the trust would otherwise report zero taxable income on its Form 1041. As a further result of this law change, a Form 990, but not Form 1041 (if any), filed by a nonexempt charitable trust will be made available for public inspection under section 6104(b) of the Code in the same manner as a Form 990 filed by an exempt organzation described in section 501(c).

Representatives of the Charitable Trusts and Solicitations Subcommittee of the National Association of Attorneys General and the Executive Committee of the National Association of State Charity Officials participated in the development of the proposed form and related instructions and will assist in evaluating the comments received in response to this notice. In future years,

they and other State representatives will also have an important rule in deciding whether or not any changes should be made to Form 990 or the instructions. The Service's position, which is shared by the States that were involved in this proposed revision, is that minimizing future changes to the form is in the best interests of the Service, the States, the filing organizations and, ultimately, the public served by these organizations. Therefore, it is important that all filers, return preparers and other interested parties voice any concerns they may have regading the proposed form and instructions.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Roscoe L. Egger, Jr.,

Commissioner, Internal Revenue Service.

BILLING CODE 4830-01-M

1981 Department of the Treasury
Internal Revenue Service

Instructions for Form 990

Return of Organization Exempt from Income Tax

Under section 501(c) (except black lung benefit trust or private foundation) of the Internal Revenue Code or section 4947(a)(1) trust

(Section references are to the Internal Revenue Code, unless otherwise indicated)

General Instructions

A. Who Must File Form 990.—Except for those types of organizations listed in instruction B, an annual return on Form 990 is required from every organization exempt from tax under section 501(a), including foreign organizations and cooperative service organizations described in sections 501 (e) and (f).

For tax years beginning after December 31, 1980, any nonexempt charitable trust (described in section 4947(a)(1)) not treated as a private foundation is also required to file Form 990 if its gross receipts are normally more than $10,000. See instruction C.10 for information about possible relief from filing Form 1041.

If your application for exemption is pending, write "APPLICATION PENDING" at the top of page 1 of the return and complete the return in the normal manner.

If you meet the terms of item 11 in instruction B below, we ask you to file anyway if we sent you a 990 Package with a preaddressed mailing label. Attach the label to the name and address space on the return, check the first box in the area above Part I, sign the return, and send it to the service center for your area. This will help us update our records, and we will not have to contact you later asking why no return was filed.

B. Organizations Not Required to File Form 990.—For State filing purposes, see instruction D. The following types of organizations exempt from tax under section 501(a) do not have to file Form 990 with IRS:

1. A church, an interchurch organization of local units of a church, a convention or association of churches or an integrated auxiliary of a church (such as a men's or women's organization, religious school, mission society, or youth group).

2. A school below college level affiliated with a church or operated by a religious order.

3. A mission society sponsored by or affiliated with one or more churches or church denominations, if more than one-half of the society's activities are conducted in, or directed at persons in, foreign countries.

4. An exclusively religious activity of any religious order.

5. A State institution whose income is excluded from gross income under section 115.

6. An organization described in section 501(c)(1). Section 501(c)(1) organizations are corporations organized under an Act of Congress that are:

(a) instrumentalities of the United States, and

(b) exempt from Federal income taxes (under such Acts as amended and supplemented).

7. A private foundation exempt under section 501(c)(3) and described in section 509(a). (Required to file Form 990–PF, Return of Private Foundation Exempt from Income Tax.)

8. A black lung benefit trust described in section 501(c)(21). (Required to file Form 990–BL, Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons.)

9. A stock bonus, pension, or profit-sharing trust which qualifies under section 401. See Form 5500, Annual Return/Report of Employee Benefit Plan.)

10. A religious or apostolic organization described in section 501(d). (Required to file Form 1065, U.S. Partnership Return of Income.)

11. An organization whose gross receipts are normally $10,000 or less; but see instruction A, paragraph 4. Gross receipts are the sum of lines 1(d), 2, 3, 4, 5, 6(a), 7, 8(a) (both columns), 9(a), 10 (a), and 11 of Part I. The organization's gross receipts are the total amount it received from all sources during its annual accounting period, without subtracting any costs or expenses.

However, if a local chapter of a section 501(c)(8) fraternal organization collects insurance premiums for its parent lodge and merely sends those premiums to the parent without asserting any right to use the funds or otherwise deriving any benefit from collecting them, the local chapter should not include the premiums in its gross receipts. The parent lodge should report them instead.

An organization's gross receipts are considered to be $10,000 or less if the organization is:

(a) up to a year old and has received, or donors have pledged to give, $15,000 or less during its first year;

(b) between 1 and 3 years old and averaged $12,000 in gross receipts during each of its first 2 tax years; or

(c) is 3 years old or more and averaged $10,000 or less in gross receipts for the immediately preceding three years (including the year for which the return would be filed). If your gross receipts are $10,000 or less, see the fourth paragraph of instruction A, above.

C. Other Forms You May Need to File.—

1. Schedule A (Form 990).—Filed with Form 990 for a section 501(c)(3) organization that is not a private foundation (including an organization described in section 501(e) or 501(f)). Also filed with Form 990 for a section 4947(a)(1) trust not treated as a private foundation.

2. Form 990–T.—Filed separately for organizations with gross income of $1,000 or more from business unrelated to the organization's exempt purpose. For details see the instructions for Form 990–T or Publication 598, Tax on Unrelated Business Income of Exempt Organizations. Publication 598 is available free from IRS.

3. Forms W–2 and W–3.—Employee's Wage and Tax Statement, and Transmittal of Income and Tax Statements.

4. Form W–2P.—Statements for Recipients of Periodic Annuities, Pensions, Retired Pay, or IRA Payments.

5. Form 1096.—Annual Summary and Transmittal of U.S. Information Returns.

6. Form 1099.—DIV, INT, MED, MISC, OID, PATR, R, AND NEC.—Information returns for reporting Dividends, Interest, Medical and Health Care Payments, Miscellaneous Income, Original Issue Discount, Patronage Dividends, Lump-sum Distributions from Profit-Sharing and Retirement Plans, and Nonemployee Compensation.

7. Form 940.—Used to report unemployment tax paid by an employer.

8. Form 941.—Used to report social security and income taxes withheld by an employer.

9. Form 5500, 5500–C, 5500–G, or 5500–R.—Used to report on employee benefit plans.

Employers who maintain pension, profit-sharing, or other funded deferred compensation plans (except Simplified Employee Pension plans) are generally required to file one of the 5500 series forms specified in the following paragraph. This requirement applies regardless of whether the plan is qualified under the Internal Revenue Code and regardless of whether the deduction is claimed for the current tax year. The Employee Retirement Income Security Act of 1974 imposes a penalty for late filing of these forms.

The forms required to be filed are:

Form 5500.—For each plan with 100 or more participants.

Form 5500–C or 5500–R.—For each plan with fewer than 100 participants.

Form 5500–G.—For each church pension benefit plan not electing to be covered under section 410(d) and for each government pension benefit plan regardless of the number of participants.

Only one return is required to be filed for a plan for a controlled group of corporations or a multiemployer-collectively-bargained plan. Individual participating or contributing employers are not required to file separately.

10. Form 1041.—Required of section 4947(a)(1) trusts that also file Form 990. However, for years beginning after December 31, 1980, any such trust may use the filing of Form 990 to satisfy its Form 1041 filing requirement under section 6012 if the trust has zero taxable income under subtitle A of the Code. If this condition is met, check box F on page 1 of Form 990

and do not file Form 1041, but complete Form 990 in the normal manner. A section 4947(a)(1) trust that normally has gross receipts of not more than $10,000 (see instruction B(11)) and has zero taxable income under subtitle A must complete only the following items on Form 990: name, address, employer identification number, the section 4947(a)(1) block in box D, box F, the first block in the shaded area above Part I, and the signature block on page 4.

D. Use of Form 990 to Satisfy State Reporting Requirements.—Some states and local government units will accept a copy of Form 990 and Schedule A (Form 990) in place of all or part of their own financial report forms. At this time, the substitution applies primarily to section 501(c)(3) organizations, but some of the other types of section 501(c) organizations are also affected.

If you intend to use Form 990 to satisfy State or local filing requirements, such as those arising under State charitable solicitation acts, note the following:

1. You should consult the appropriate officials of all States and other jurisdictions in which you do business to determine their specific filing requirements. "Doing business" in a jurisdiction may include any of the following: (a) soliciting contributions or grants by mail or otherwise from individuals, businesses, or other charitable organizations; (b) conducting programs; (c) having employees within that jurisdiction; or (d) maintaining a checking account or owning or renting property therein.

2. Some or all of the dollar limitations applicable to Form 990 when filed with IRS may not apply when using Form 990 in place of State or local report forms. Examples of IRS dollar limitations that do not meet some State requirements are the $10,000 gross receipts minimum that gives rise to an obligation to file with IRS (see instruction B(11)), the short reporting format explained in instruction I for organizations that report total revenue of $25,000 or less on line 12, and the $30,000 minimum for listing professional fees in Part II of Schedule A (Form 990).

3. State or local filing requirements may require you to complete additional lines and columns of Form 990 and to attach to Form 990 one or more of the following: (a) additional financial statements, such as a complete analysis of functional expenses or a statement of changes in financial position; (b) notes to financial statements; (c) additional financial schedules; (d) a report on the financial statements by an independent accountant; and (e) answers to additional questions and other information. Each jurisdiction may require the additional material to be presented on forms they provide. The additional information does not have to be submitted with the Form 990 filed with IRS.

4. Even if the Form 990 you file with IRS is accepted by IRS as complete, a copy of the same return filed with a State will not fully satisfy that State's filing requirement if required information is not provided, including any of the additional information discussed above, or the State determines that the form was not completed in accordance with the applicable Form 990 instructions or supplemental State instructions. In that event, you may be asked to provide the missing information or to submit an amended return.

5. If you submit supplemental information or file an amended Form 990 with IRS, you must also furnish a copy of the information or amended return to any State with which you filed a copy of Form 990 originally to meet that State's filing requirement.

6. Most States require that all amounts be reported based on the accrual method of accounting.

7. The time for filing Form 990 with IRS differs from the time for filing reports with some States.

State Registration Number.—Insert the applicable State or local jurisdiction registration or identification number in box B (in the heading on page 1) for each jurisdiction in which you file Form 990 in place of the State or local form. When filing in several jurisdictions, prepare as many copies as needed with box B blank. Then enter the applicable registration number on the copy to be filed with each jurisdiction.

E. Other Forms as Partial Substitutes for Form 990.—For a labor organization that files Form LM–2, Labor Organization Annual Report, or the shorter Form LM–3 with the U.S. Department of Labor (DOL), you can attach a copy of the completed DOL form to provide some of the information required by Form 990.

For an employee benefit plan, you may be able to substitute Form 5500, Annual Return/Report of Employee Benefit Plan, or Form 5500–C for part of your Form 990. You can make the substitution if the organization filing Form 990 and the plan filing Form 5500 or 5500–C meet all the following tests:

(a) The Form 990 filer is organized under section 501(c)(9), (17), (18), or (20).

(b) The Form 990 filer and the Form 5500 filer are identical for financial reporting purposes and have identical receipts, disbursements, assets, liabilities, and equity accounts.

(c) The employee benefit plan does not include more than one section 501(c) organization, and the section 501(c) organization is not a part of more than one employee benefit plan.

(d) The organization's accounting year and the employee plan year are the same. If they are not, you may want to change the organization's accounting year, as explained in instruction F, so it will coincide with the plan year.

Whether you file Form 990 for a labor organization or for an employee plan, the areas of Form 990 for which other forms can be substituted are the same. These areas are:

Part I, lines 13–15, (but complete lines 16 and 17);

Part II; and

Part V.

If you substitute Form LM–2 or LM–3 for any items on Form 990, you will need to attach a statement to reconcile the disbursements shown on the DOL forms and the total expenses on line 17 of Form 990. The reconciliation is necessary because the cash disbursements section of the DOL forms includes non-expense items. If you use Form LM–2, be sure to complete its separate schedules of expenses.

F. Accounting Period Covered.—Base your return on your annual accounting period (fiscal year) if one is established. If not, base the return on the calendar year.

Your fiscal year should normally be selected to coincide with the natural operating cycle of your organization; it is not necessary that your fiscal year end on December 31 or June 30.

The 1981 Form 990 should be used to report on a calendar year 1981 accounting period or a fiscal year beginning in 1981.

For a group return, see instruction J.

To change your accounting period, file Form 1128, Application for Change in Accounting Period.

G. When and Where to File.—File Form 990, by the 15th day of the fifth month after your accounting period ends.

To request an extension of time to file, send in Form 2758, Application for Extension of Time to File.

If the organization is liquidated, dissolved, or terminated, file the return by the 15th day of the fifth month after the change.

If your principal office is located in—	Send your return to the Internal Revenue Center below—	
Connecticut, New Hampshire, Maine, Massachusetts, Rhode Island, or Vermont	Andover, MA	05501
Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, or Tennessee	Atlanta, GA	31101
Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, or Wyoming	Austin, TX	73301
Indiana, Kentucky, Michigan, Ohio, or West Virginia	Cincinnati, OH	45999
Arizona, California, Hawaii, Nevada, or Utah	Fresno, CA	93888
New Jersey or New York	Holtsville, NY	00501
Illinois, Iowa, Missouri, or Nebraska	Kansas City, MO	64999
Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, or Wisconsin	Ogden, UT	84201
Delaware, Maryland, Pennsylvania, Virginia, District of Columbia, any U.S. possession, or foreign country	Philadelphia, PA	19255

H. Penalties.—Under section 6652(d), a penalty of $10 a day, up to a total of $5,000, may be charged when a return is filed late, unless you can show that the late filing was due to reasonable cause. The penalty may also be charged if an incomplete return is filed, since filing such a return does not satisfy an organization's filing requirement. To avoid filing an incomplete return, we urge you to make an entry in each part of all required line items on Form 990. Enter "N/A" if an item does not apply or "—0—" if an amount is zero.

If a complete return is not filed, IRS may write to give you a fixed time for filing. After that period expires, the person failing to file the return will be charged a penalty of $10 a day, up to $5,000, unless he or she shows that not filing was due to reasonable cause. If more than one person is responsible, they are jointly and individually liable for the penalty (section 6652(d)).

There also are penalties—fines and imprisonment—for willfully not filing returns and for filing fraudulent returns and statements with IRS (sections 7203, 7206, and 7207). States may impose additional penalties for failure to meet their separate filing requirements.

I. Short Format for Small Organizations.—If your total revenue on line 12, Part I is $25,000 or less and your gross receipts are normally more than $10,000, you need not complete all items on the Form 990 you file with IRS. (Gross receipts are explained in instruction B(11).) In that case, you are not required to complete lines 13, 14, and 15 of Part I and columns (B), (C), and (D) of Part II. Be sure to

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check the second box in the area above Part I to indicate that you did not have to complete all items.

Also, organizations that report total revenue of $25,000 or less on line 12 *and* total assets of $25,000 or less on line 59, Part V are required to complete only lines 59, 66, 73 (if they do not use fund accounting), and 74 of the beginning and end of year balance sheets in Part V.

J. Group Return.—A central, parent, or "like" organization can file a group return on Form 990 for two or more local organizations that are:

1. affiliated with the central organization at the time its annual accounting period ends;

2. subject to the central organization's general supervision or control;

3. tax exempt under a group exemption letter that is still in effect; and

4. have the same accounting period as the central organization.

If the parent organization is required to file a return itself (see instruction B for a list of organizations not required to file), it must file a separate return and may not be included in the group return.

Every year, each local organization must authorize the central organization in writing to include it in the group return and must declare, under penalty of perjury, that the authorization and the information it submits to be included in the group return are true and complete.

If you prepare a group Form 990, attach schedules showing (1) the total number of local organizations included and the name, address, and employer identification number of each one; and (2) the same information for those not included. When you prepare the return, be sure not to confuse the four-digit group exemption number (GEN) in box G, page 1, with the nine-digit employer identification number in box A. If none of the local organizations covered by the group return has more than $25,000 in total revenue (line 12, Part I), you may use the short format described in instruction I. If each local organization included in the group return also has $25,000 or less of total assets, the short format instructions for completing the balance sheets in Part V also apply to the group return.

K. Organizations in Foreign Countries and U.S. Possessions.—Report amounts in U.S. dollars and state what conversion rate you use. Combine amounts from within and outside the United States, and report the total for each item. All information must be given in the English language.

L. Completing Form 990.—

1. *Label—Name, Address, and Employer Identification Number.*—If we mailed you a 990 Package with a preaddressed mailing label, please attach it in the name and address space on your return. Your using the label helps us avoid errors in processing your return. If any information on the label is wrong, draw a line through that part and correct it. Check box C on page 1 if the preaddressed label did not reflect your current address or, if you were not mailed a 990 Package, your current address is different from the address listed on the previous Form 990 you filed.

You should have only on Federal employer identification number. If you have more than one and have not been advised which to use, notify the service center for your area (from the list in instruction G). Tell them what numbers you have, the name and address to which each number was assigned, and the address of your principal office. IRS will advise you which number to use.

2. *Accounting Method.*—In box E on page 1 indicate the method of accounting used in preparing this return. Unless the specific instructions say otherwise, use the same accounting method on the return to figure support, revenue, and expenses that you regularly use to keep the organization's books and records. To be acceptable for Form 990 reporting purposes, however, the method of accounting used must clearly reflect income. Most States that accept Form 990 in place of their own forms require that all amounts be reported based on the accrual method of accounting. See instruction D.

3. *Legible Form 990 for Public Inspection.*—All information you report on or with your Form 990, including attachments, will be available for public inspection, except the list of contributors required for line 1(d), Part I. Please make sure your forms and attachments are clear enough to photocopy legibly.

4. *Signature.*—In order to make the return complete, an officer authorized to sign it must sign in the space provided. For a corporation, this officer will be the president, vice president, treasurer, assistant treasurer, chief accounting officer, or other corporate officer, such as a tax officer. A receiver, trustee, or assignee must sign any return he or she files for a corporation. For a trust, the authorized trustee(s) must sign.

If the return was prepared by an individual, firm, or corporation paid for preparing it, the paid preparer's space must also be signed. For a paid firm or corporation, sign in the firm's or corporation's name. Leave the paid preparer's space blank if the return was prepared by a regular employee of the filing organization.

Specific Instructions

In General—You may show money items as whole-dollar amounts. Drop any amount less than 50 cents, and increase any amount from 50 through 99 cents to the next higher dollar.

You must complete all items unless you can use the short format described in instruction I. Otherwise, you may be charged a penalty as explained in instruction H. To avoid filing an incomplete return, we urge you to enter "N/A" if an item does not apply to you, or "–0–" if an amount is zero.

Unless you are permitted to use certain Department of Labor forms or Form 5500 series returns as partial substitutes for Form 990 (see instruction E), do not leave blank any applicable lines or attach any other forms or schedules instead of entering the required information on the appropriate line on Form 990.

If you need more space for any part or line item, attach separate sheets on which you follow the same format and sequence as on the printed form. Show totals on the printed form. Be sure to put the organization's name and employer identification number on the separate sheets and identify the part or line items the attachments support.

Part I.—Statement of Support, Revenue, and Expenses and Changes in Fund Balances—

All organizations filing Form 990 with IRS or any State must complete column (A) and the items to the left of it. Columns (B) and (C) are optional for reporting to IRS, although some States that accept Form 990 in place of their own forms may require these columns to be completed on the Form 990 filed with them. (See instruction D.)

Columns (B) and (C).—The following instructions apply if you use columns (B) and (C). In preparing a Form 990 to be filed with IRS, you may complete what items you choose in columns (B) and (C), rather than all applicable lines in these two columns.

Columns (B) and (C) are to let you indicate any externally imposed restrictions on how and when certain funds can be used. The amounts are a breakdown of the information you must report in Column (A) and the items to the left of it. The combined column (B) and (C) amounts for any line should equal the amount on the left.

If you use columns (B) and (C), cross out the inapplicable words in the headings to show whether you are reporting unrestricted and restricted amounts or expendable and nonexpendable funds.

Use the *Restricted* column to reflect any externally imposed restrictions on the use of contributions, gifts, grants, endowment income, and other amounts the organization received in the current year. Also use that column to summarize the use of restricted funds received in the current year or in any earlier year. The term "externally imposed restrictions" primarily refers to those imposed by donors and grantors for use of their separate contributions and grants and, in the case of endowment gifts, for use of the income earned by those funds. The term also applies to restrictions imposed by any applicable State or Federal statute or to regulations issued by an administration agency of a State or the Federal government. For example, the laws of some States permit noncharitable organizations to conduct certain types of special fundraising events only if the proceeds are used for charitable or other specified purposes. An appropriation of funds made at the discretion of the organization's governing body is not an externally imposed restriction. A donor-imposed restriction can specify either how the funds are to be used (for scholarships, for example) or when they are to be used (for example, a fixed term endowment). In the case of non-cash contributions particularly, the donor may designate that the organization may not dispose of the property and use the proceeds for a certain period of time.

When an externally imposed restriction on the use of funds lapses, use line 20, Part I to report the transfer to an unrestricted fund. Enter a decrease in the amount involved in the Restricted column and a corresponding increase in the Unrestricted column. The offsetting entries would result in a –0– entry on line 20 of column (A). Also reflect the change on lines 67–70 in the fund balance section in Part V of the return. Do not show the transfer as an item of support or revenue on lines 1–12 of Part I, since they are for reporting the initial receipt or accrual of restricted and unrestricted amounts. Any portion of the funds utilized by the unrestricted fund in the current year would be reported as a current year expense in the normal manner.

These instructions also apply to expendable and nonexpendable funds. Expendable funds include both unrestricted and donor-restricted amounts that may be spent for current activities. For example, if a donor earmarks a contribution to be used for scholarships, that contribution (al-

though restricted as to a specific use) would be expendable. If the donor indicates that the contribution should become part of the permanent endowment, that contribution would be nonexpendable. This is true whether or not the donor designated a specific program to be supported ultimately by the contribution or by the income earned on those funds. That income itself would be treated separately as expendable or nonexpendable, depending upon whether the donor specified when the organization could use the income.

Contributions, Gifts, Grants, and Similar Amounts Received.—On lines 1(a)–(c), report amounts received as voluntary contributions; that is payments, or the part of any payment for which the payer (donor) does not receive full consideration from the recipient (donee) organization. (For grants see "Grants equivalent to contributions.") Report all expenses of raising contributions in column (D), Part II.

On line 9 report income from special fundraising events and activities such as dinners, door-to-door sales of merchandise, carnivals, and bingo games. However, when the buyer pays more for such goods or services than their value, report the excess on line 1(a) as a contribution representing direct public support.

This usually occurs when organizations seek support from the public through solicitation programs that are in part special fundraising events or activities and in part a solicitation for contributions. For example, an organization announces that anyone who "contributes" at least $40 can choose a book worth $16 retail. Those who paid $40 and chose to receive the book would be both buying the book and making a contribution. Each such buyer's contribution, reported on line 1, would be $24, the amount by which the buyer's payment is more than the merchandise's fair market value. (Revenue Ruling 67–246, 1967–2 C.B. 104, explains this principle in detail.) A buyer who paid more than $40 would pay the same amount for the book, but would have made a larger contribution. The primary purpose of such solicitations is not to sell the merchandise at its fair market value (even though this might produce a profit), but to receive the contributions. Therefore, all the expenses incurred, except those attributable to the merchandise furnished the buyer, should be reported as an expense to raising contributions (fundraising expense) in column (D), Part II. The revenue ($16 per book) and the expenses relating to the sale of the merchandise would be reported on line 9 as revenue and expense of a special fundraising event.

If the organization provides merchandise of only nominal value, report the entire receipts on line 1(a) as contribution (direct public support) and report all the related expenses in column (D), Part II.

The differentiation between revenue and contributions derived from special fundraising events is particularly important for any section 501(c)(3) organization that claims to qualify as a publicly-supported organization described in section 170(b)(1)(A)(vi) or 509(a)(2). In the public support computations under these two sections, the revenue portion may be excluded entirely, treated as public support, or, if it represents unrelated trade or business income, treated as non-public support. Section 501(c)(3) organizations must compute the amounts of revenue and contributions from fundraising events in accordance with the above instructions in preparing the support schedule in Part IV of Schedule A (Form 990). The support schedule generally includes only the four preceding years, but includes the current year as well if there have been material changes in the organization's sources of support in that year.

See the line 3 instructions for information about membership dues that should be treated as contributions.

Section 501(c)(9), (17), (18), and (20) organizations provide life, sick, accident, welfare, unemployment, pension, group legal services, or similar benefits or a combination of these benefits to participants. When such an organization receives payments from participants or their employers to provide these benefits, report the payments on line 2 as program service revenue, rather than on line 1 as contributions.

In Part I, do not include the value of services donated to the organization, or items such as the free use of materials, equipment or facilities, among the contributions received. See the instructions for Part III and for Part VII, line 82 for the optional reporting of such amounts in Parts III and VII under certain circumstances.

Grants equivalent to contributions.—On line 1 report grants to the organization that are equivalent to contributions. Such grants are normally made to encourage the grantee organization to carry on programs or activities that further its exempt purposes. The grantor my set conditions to ensure that the grantee's programs conform to the grantor's own policies. The grantor may specify which of the recipient's activities the grant may be used for, such as a voter registration drive or restoring a historic building.

A grant is still equivalent to a contribution if the grantee performs a service or produces a work product that benefits the grantor only incidentally. (See examples in line 1(c) instructions, below.) However, if the terms of a grant require that a specific service, facility, or product be provided the grantor—the purpose of which is to serve the direct and immediate needs of that grantor rather than primarily to confer a direct benefit upon the general public or that segment of the public served by the organization—that grant does not represent a contribution, but a payment for services. In general, any payments made primarily to enable the payer to realize or receive some economic or physical benefit as a result of the service, facility, or product obtained should not be treated as contributions.

For example, a public interest organization described in section 501(c)(4) makes a grant to another organization to conduct a nationwide survey, using a scientific sampling method. The survey is to determine voter attitudes on issues in which the grantor has an interest. The grantor plans to use the results in planning its program for the next 3 years. Under these circumstances, the grant to the organization making the survey is not a contribution, since conducting the survey and furnishing the report primarily serve the grantor's direct needs and benefit the gantor more than incidentally. When the grantee reports the grant as income, it should be treated as either program service revenue (line 2) or other revenue (line 11), not as a contribution.

If research is done to develop products for the payer's use or benefit, treat it as serving the payer directly. Basic research or studies in the physical or social sciences generally should not be treated as serving the payer's needs.

See section 1.509(a)–3(g) of the Income Tax Regulations for information about determining whether a grant represents a contribution reportable on line 1 or a revenue item reportable elsewhere on Form 990.

Non-cash contributions.—To report contributions received in a form other than cash, use the market value as of the date of contribution. For marketable securities registered and listed on a recognized securities exchange, measure market value by the average of the highest and lowest quoted selling prices (or the average between the bona fide bid and asked prices) on the contribution date. (See section 20.2031–1 of the Estate Tax Regulations for this general rule, exceptions, and special rules that may be applied to determine the value of contributed stocks and bonds.) When market value can not be readily determined, use an appraised value.

To determine the amount of any non-cash contribution that has an outstanding debt attached, subtract the debt from the property's fair market value. Record the asset at its full value; record the debt as a liability in the books of account.

Line 1(a).—**Direct public support.**—Enter the total contributions, gifts, grants, and bequests that the organization received directly from the public. Include amounts received from individuals, trusts, corporations, estates, and foundations. Also include contributions and grants from public charities and other exempt organizations that are neither fundraising organizations nor affiliates of the filing organization. (See instructions for line 1(b).) Report membership dues and assessments on line 1(a) to the extent they represent contributions from the public rather than payments for benefits received (see the instructions for line 3) or payments from affiliated organizations. Report government grants on line 1(c) if they represent contributions or on line 2 or 11 if they represent fees for services.

Amounts contributed by a commercial co-venturer should be reported on line 1(a) as a contribution received directly from the public. These are amounts due the donee organization for letting an outside organization or individual use its name in a sales promotion campaign in which the donor advertises that it will contribute a certain dollar amount to the named donee organization for each unit of a particular product or service sold or for each occurrence of a specified type.

Contributions received through special fundraising events should be reported on line 1(a).

Line 1(b).—**Indirect public support.**—Enter the total contributions received indirectly from the public through solicitation campaigns conducted by federated fundraising agencies and similar fundraising organizations (such as a United Way organization and certain sectarian federations). These organizations normally conduct fundraising campaigns within a single metropolitan area or some part of a particular State, and allocate part of the net proceeds to each participating organization on the basis of individual donors' designations and other factors.

Also include on line 1(b) amounts contributed by other organizations closely associated with the reporting organization. This would include contributions received from a parent organization, subordinate, or another organization having the same parent. National organizations that share in fundraising campaigns conducted by their local affiliates should report the amount they receive on line 1(b).

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Line 1(c).—Government grants.—The instructions under the heading "Grants equivalent to contributions," apply to this item in particular. A grant or other payment from a governmental unit represents a contribution if its primary purpose is to enable the donee to provide a service to, or maintain a facility for, the direct benefit of the public rather than to serve the direct and immediate needs of the grantor (even if the public pays part of the expense of providing the service or facility).

Following are examples of governmental grants and other payments that represent contributions:

1. Payments by a governmental unit for the construction or maintenance of library or hospital facilities open to the public.

2. Payments under government programs to nursing homes or homes for the aged in order to provide health care or other services to their residents.

3. Payments to child placement or child guidance organizations under government programs serving children in the community. The general public gets the primary and direct benefit from these payments and any benefit to the governmental unit itself would be indirect and insubstantial as compared to the public benefit.

Line 1(d).—Total contributions, etc.—Enter the total of amounts reported on lines 1(a) through (c).

Schedule of contributors *(not open to public inspection).*—Attach a schedule listing contributors during the year who gave the organization, directly or indirectly, money, securities, or other property worth at least $5,000. Show each person's name and address, the total amount received, and the date received. "Person" means an individual, fiduciary, partnership, corporation, association, trust, or exempt organization.

In determining whether a contributor gave at least $5,000, total that person's gifts of $1,000 or more. Do not include smaller gifts. If the contribution consists of property whose fair market value can be determined readily (such as market quotations for securities), describe the property and list its fair market value. Otherwise, estimate the property's value.

If an employer withholds contributions from employees' pay and periodically gives them to the organization, report only the employer's name and address and the total amount given, unless you know that a particular employee gave enough to be listed separately.

If the organization meets the terms of either of the following exceptions, some information in your schedule will vary from that described above. If no one contributed the reportable minimum, you do not need to attach a schedule.

Exception 1: *Organization described in section 501(c)(3) that meets the 33⅓% support test of the regulations under section 170(b)(1)(A)(vi) (whether or not the organization is otherwise described in section 170(b)(1)(A)).*

In your schedule, give the information described above only for contributors whose gifts of $5,000 or over are more than 2% of the total gifts (reported on line 1(d)) the organization received during the year.

Exception 2: *Organization described in section 501(c)(7), (8), (10), or (19) that received contributions or bequests to be used only as described in sections 170(c)(4), 2055(a)(3), or 2522(a)(3).*

The schedule should list each person whose gifts total $1,000 or more during the year. Give the donor's name, the amount given, the gift's specific purpose, and the specific use to which it was put. If an amount is set aside for a purpose described in section 170(c)(4), 2055(a)(3), or 2522(a)(3), explain how the amount is held (for instance, whether it is mingled with amounts held for other purposes). If the organization transferred the gift to another organization, name and describe the recipient and explain the relationship between the two organizations. Also show the total gifts that were $1,000 or less and were for a purpose described in section 170(c)(4), 2055(a)(3), or 2522(a)(3).

NOTE: *If you file a copy of Form 990 with any State, do not attach the list of contributors discussed above unless the list is specifically required by the State with which you are filing the return. States that do not require the information might nevertheless make it available for public inspection along with the rest of the return.*

Line 2.—Program service revenue.—Enter the total program service revenue from Part IV, line (f). Program services are primarily those that form the basis of an organization's exemption from tax. (See Instructions for Part II, column (B).) For example, a hospital would report on line 2 all of its charges for medical services (whether to be paid directly by the patients or through Medicare, Medicaid, or other third-party reimbursement), hospital parking lot fees, room charges, laboratory fees for hospital patients, and related charges for services. Each of those revenue-producing program service activities, and the revenue from each, would be listed in Part IV. However, sales of drugs and pharmaceutical supplies to patients not included in the basic room charge, the sale of gift shop items, and other sales of inventory items consistent with the exempt function of the hospital would be reported on line 10, along with any inventory sales that are an unrelated trade or business.

Other examples of program service revenue are tuition received by a school, revenue from admissions to a concert or other performing arts event or to a museum, royalties received as author of an educational publication distributed by a commercial publisher, interest income on loans a credit union makes to its members, payments received by a section 501(c)(9) organization from participants or employers of participants for health and welfare benefits coverage, insurance premiums received by a fraternal beneficiary society, and registration fees received in connection with a meeting or convention.

Program service revenue also includes income from program-related investments, which are investments made for the primary purpose of accomplishing an exempt purpose consistent with the investing organization's exempt status, rather than to produce income. Examples are scholarship loans and low interest loans to charitable organizations, indigents, or victims of a disaster.

Unrelated trade or business activities (not including any special fundraising events or activities) that generate fees for services may also be program service activities. A social club, for example, should report as program service revenue the fees it charges both members and nonmembers for the use of its tennis courts and golf course.

Line 3.—Membership dues and assessments.—Enter members' and affiliates' dues and assessments that are not contributions. Dues to a charitable organization are a contribution to the extent they are more than the monetary value of membership benefits to the dues payer, whether or not used. (See Revenue Rulings 54–565, 1954–2 C.B. 95, and 68–432, 1968–2 C.B. 104.)

Examples of such benefits include subscriptions to publications, newsletters (other than one about the organization's activities only), free or reduced-rate admissions to events the organization sponsors, the use of its facilities, and discounts on articles or services that both members and nonmembers can buy. In figuring the value of membership benefits, disregard other intangible benefits, such as the right to attend meetings, vote or hold office in the organization, and the distinction of being a member of the organization.

When a member pays dues primarily to support the organization's activities, rather than to derive benefits of more than nominal monetary value, that dues payment represents a contribution. The availability of benefits worth more than a nominal amount shows that the intent in paying the dues was to receive those benefits and not to make a contribution.

For membership organizations other than those described in section 501(c)(3), members generally receive benefits or consideration in return for dues; therefore, dues in that situation are not contributions and should be reported on line 3. This is particularly true of organizations described in sections 501(c)(5), 501(c)(6) or 501(c)(7), although benefits to members may be indirect.

Line 4.—Interest on savings and temporary cash investments.—Enter the amount of interest income from savings and temporary cash investments. See the instructions for line 46 for definitions.

Line 5.—Dividends and interest from securities.—Enter the amount of dividend and interest income from debt and equity securities (stocks and bonds) of the type reportable on line 54. Do not include any capital gains dividends reportable on line 8. See the instructions for line 2 for reporting income from program-related investments.

Line 6(a).—Gross rents.—Enter the gross rental income for the year from investment property reportable on line 55. Do not include amounts that represent income from an exempt function (program service) which should be reported on line 2 (and the related expenses which should be reported in column (B) of Part II). For example, an organization whose exempt purpose is to provide low rental housing to persons with low income would receive exempt function income from such rentals. Renting office space or other facilities or equipment to unaffiliated exempt organizations is not income from an exempt function (and should be reported on line 6(a)) unless the charge is well below the fair rental value of the property, and the lessor's purpose in charging less than the fair rental value was to help the lessee carry out its exempt purpose. Only for purposes of completing Form 990, treat income from renting property to affiliated exempt organizations as exempt function income (program service revenue) and report it on line 2.

Line 6(b).—Rental expenses.—Enter the expenses paid or incurred for the income reported on line 5(a). Include depreciation if it is recorded in the organization's books and records.

Line 6(c).—Net rental income (loss).—Subtract line 6(b) from 6(a). Show any loss in parentheses.

Line 7.—Other investment income.—Enter the amount of investment income not reportable on lines 4 through 6 and describe the type of income in the space

provided or in an attachment. The income should be the gross amount derived from investments reportable on line 56. Include, for example, royalty income from mineral interests owned by the organization. However, do not include income from program-related investments (see instructions for line 2). Also exclude unrealized gains and losses on investments carried at market value (see instructions for line 20).

Lines 8(a)–(c).—Capital gains.—Attach a schedule listing each asset sold or exchanged. Show for each one: (a) date acquired, how acquired, date sold, and to whom sold; (b) gross sales price; (c) cost, other basis, or if donated, value at time acquired (state which); (d) expense of sale and cost of improvements made after acquired and (e) if depreciable property, depreciation since acquired. The schedule should show security transactions separate from the sale of other assets.

Publicly traded securities.—For sales of publicly traded securities through a broker, you may total the gross sales price, the cost or other basis, and the expenses of sale on all such securities sold and report lump-sum figures in place of the detailed reporting required in the paragraph above.

For this return, publicly traded securities include common and preferred stock, bonds (including governmental obligations) and mutual fund shares that are listed and regularly traded in an over-the-counter market or on an established exchange and for which market quotations are published or otherwise readily available.

You may use average cost basis to figure the organization's gain or loss from sales of securities, to be reported on Form 990. For this purpose, when securities are sold, you may figure gain or loss by comparing the sales price with the average cost basis of the particular security. Do not use average cost basis to figure gain or loss from security sales reportable on Form 990–T.

Report all sales of securities on lines 8(a)–(c) in the column with that heading. Use the "Other" column to report sales of all other types of investments (such as real estate, royalty interests, or partnership interests) and all other capital assets (such as program-related investments and fixed assets used by the organization in its regular activities).

Enter the gross sales price on line 8(a), Part I. Total the cost or other basis (less depreciation), and selling expenses and enter the result on line 8(b). Enter the net gain or loss on line 8(c). On lines 8(a) and (c) report capital gains dividends, the organization's share of capital gains and losses from a partnership, and capital gains distributions from trusts. Indicate the source on the schedule described above.

Add the gain and/or loss figures reported in the "Securities" column and the "Other" column on line 8(c) and report that total on line 8(c) in the "Total" column. Do not include any unrealized gains or losses on securities carried at market value in the books of account. See the instructions for line 20.

Lines 9(a)–(c).—Special fundraising events and activities.—On the appropriate line enter the gross revenue expenses, and net income from all special fundraising events and activities such as dinners, dances, carnivals, raffles, bingo games, and door-to-door sales of merchandise. In themselves, these activities only incidentally accomplish an exempt purpose. Their sole or primary purpose is to raise funds (other than contributions) to finance the organization's exempt activities. This is done by offering goods or services of more than nominal value (compared to the price charged) in return for a payment higher than the direct cost of the goods or services provided.

These events sometimes generate both contributions and revenue. When a buyer pays more than the value of the goods or services furnished, report that excess on line 1 as a contribution and report the value of the goods or services on line 9 as gross revenue. See the instructions for line 1.

Attach a schedule listing the three largest special events conducted, as measured by gross receipts. Describe the type of each of these three events and indicate for each event the gross receipts, the amount of contributions included in gross receipts (see instructions above), the gross revenue (gross receipts less contributions), the direct expenses, and the net income (gross revenue less expenses). Furnish the same information in total figures for all other special events held that are not among the three largest. Indicate the type and number of the events not listed individually (for example, 3 dances and 2 raffles).

If the above schedule is prepared in columnar format, the total of the gross revenue column will be the amount reportable in the column on line 9(a); the totals of the direct expense column and the net income column will be the amounts reportable on lines 9(b) and 9(c), respectively; and the total of the contributions will be the amount that should be entered in the parentheses outside the column on line 9(a). The latter amount should also be combined with all other direct public support and reported on line 1(a).

If you include an expense on line 9(b), do not report it on line 10(b) or in Part II.

Lines 10(a)–(c).—Gross profit on sales of inventory.—Enter the gross sales (minus returns and allowances), cost of goods sold, and gross profit (or loss) from the sale of all inventory items, other than those sold in special fundraising events and activities reported on line 9. These inventory items are ones the organization either makes to sell to others or buys for resale. The latter does not include investments on which the organization expected to profit by appreciation and sale. Report sales of investments on line 8. On line 10 report sales revenue and the related cost of goods sold, whether the sale of the merchandise involved is an exempt function or an unrelated trade or business.

Line 11.—Other revenue.—Enter the amount from Part IV, line (g). This figure represents the total income from all sources not covered by lines 1 through 10. Each of these revenue-producing activities must be listed in Part IV. Income reportable on line 11 would include interest on notes receivable not held as investments, interest on loans to officers, directors, trustees, key employees and other employees, and royalties that do not constitute investment income or program service revenue.

Line 12.—Total revenue.—Enter the total of lines 1(d) through 11. If the amount is $25,000 or less, see instruction I about the short format for small organizations.

Lines 13 through 15.—Program services, management and general, and fundraising expenses.—Organizations that report more than $25,000 of total revenue on line 12 should complete Part II and then come back to lines 13 through 15. Enter the appropriate amount from the column (B), (C), and (D) totals reported on line 44, Part II.

If line 12 is $25,000 or less, you do not have to enter an amount on line 13, 14, or 15 of the Form 990 you file with IRS. However, see instruction D if you use a copy of Form 990 for State reporting purposes.

Line 16.—Payments to affiliates.—This expense classification is used to report certain types of payments to organizations "affiliated with" (closely related to) a reporting agency. Predetermined quota support and dues payments (excluding membership dues of the type described below) by local agencies to their State or national organizations for unspecified purposes, i.e., general use of funds for the national's own program and support services, are to be reported on this line. Purchases of goods or services from affiliates are not reported here but as expenses in the usual manner.

In addition to payments made directly to affiliated organizations, expenses incurred in providing goods or services to affiliates may be reported on line 16 if: (1) the goods or services provided are not related to the program services conducted by the organization furnishing them (for example, where a local organization incurs expenses in the production of a solicitation film for the State or national organization); and (2) the costs involved are not connected with the management and general or fundraising functions of the reporting organization (for example, where a local organization furnishes a copy of its mailing list to the State or national organization, the expense of preparing the copy provided may be reported on line 16, but none of the expenses of preparing and maintaining the local organization's master list).

Federated fundraising agencies (see instructions for line 1(b)) should include in their own support the full amount of contributions received in connection with a solicitation campaign they conduct even though donors designate specific agencies to receive part or all of their individual contributions. These fundraising organizations should report the allocations to participating agencies as awards and grants (line 22) and quota support payments to their State or national organization as payments to affiliates (line 16).

Voluntary awards or grants made by the reporting agency to its State or national organization for specified purposes should not be reported here but on line 22, awards and grants.

Membership dues that represent amounts paid to procure general membership benefits, such as regular services, publications and materials, from other organizations should be reported as "other expenses" on line 43. This would be the case, for example, where a charitable organization pays dues to a trade association comprised of otherwise unrelated members, all of which solicit contributions by mail or telephone. Dues payments by the local charity to its affiliated State or national (parent) organization would usually be reportable on line 16.

NOTE: *Properly distinguishing between payments to affiliates and awards and grants is especially important if you use Form 990 for State reporting purposes, as discussed in instruction D. If you use Form 990 only for reporting to IRS, payments to affiliated State or national organizations that do not represent membership dues reportable on line 43 (see instructions in the preceding paragraph) may be reported either on line 16 or on line 22 and explained in the required attachment.*

Line 17.—Total expenses.—Organizations reporting $25,000 or less on line 12, enter the total of line 16 and line 44, column (A). Other organizations, enter the total of lines 13 through 16.

Lines 18 through 21.—Fund Balances or Net Worth.—

Line 18.—Excess (deficit) for the year.—Enter the difference between lines 12 and 17. If line 17 is more than line 12, enter the difference in parentheses.

Line 19.—Fund balances or net worth, beginning of year.—Enter the amount from column (A) of line 74.

Line 20.—Other changes in fund balances or net worth.—Attach a schedule explaining any changes in fund balances or net worth between the beginning and end of the year that are not accounted for by the amount on line 18. Amounts to report here include adjustments of earlier years' activity and unrealized gains and losses on investments carried at market value. If you use the Unrestricted and Restricted columns, show transfers between unrestricted and restricted funds. The net effect of such transfers would be –0– in the Total column.

Line 21.—Fund balances or net worth, end of year.—Enter the total of lines 18, 19, and 20. The figure in the Total column should equal the amount reported in column (B) of line 74.

Part II.—Statement of Functional Expenses—

Organizations that report total revenue of $25,000 or less on line 12, Part I are required to complete only column (A) of Part II on the Form 990 they file with IRS (see instruction I). Those organizations, however, may be required to complete all of the columns in Part II for a Form 990 filed with one or more States (see instruction D).

Part II reflects the organization's expenses by object classification (salaries, legal fees, supplies, etc.) allocated into three functions: program services (column (B)); management and general (column (C)); and fundraising (column (D)). These functions are explained below in the instructions for the columns. Do not include in Part II any expense items you must report on lines 6(b), 8(b), 9(b), 10(b), or 16 in Part I.

For reporting to IRS only, use the organization's normal accounting method to report total expenses in column (A) and to segregate them into functions under columns (B), (C), and (D) (but, see instructions L.2 and D). If the accounting system does not provide for this type of segregation, a reasonable method of allocation may be used. The amounts reported should be accurate and the method of allocation documented in the organization's records.

Expenses which are directly attributable to a particular functional category must be reported in the appropriate column. Expenses which relate to more than one functional category generally should be allocated. For example, allocate employees' salaries on the basis of each employee's time. For some shared expenses such as occupancy, supplies, and depreciation of office equipment, use an appropriate basis for each kind of cost. However, you should report some other shared expenses in column (C) only. The column instructions below discuss allocating expenses.

Column (A).—Column (A) is the total of columns (B), (C), and (D) for each line item in Part II. Except for expenses you report on lines 6(b), 8(b), 9(b), 10(b), and 16 of Part I, you should use column (A) to report all expenses the organization paid or incurred.

Column (B).—Program services are mainly those activities which the reporting organization was created to conduct and which, along with any activities commenced subsequently, form the basis of the organization's current exemption from tax. They may be self-funded or funded out of contributions, accumulated income, investment income, or any other source.

Program services can also include the organization's unrelated trade or business activities. For example, publishing a magazine is a program service even though it contains both editorials and articles that further the organization's exempt purpose and advertising, the income from which is taxable as unrelated business income.

If an organization receives a grant to do research, produce an item, or perform a service, either to meet the grantee's specific needs or to benefit the public directly, the costs incurred represent program service expenses. Do not treat these costs as fundraising expenses, even if you report the grant on line 1 as a contribution.

Column (C).—Use column (C) to report the organization's expenses for overall management and functioning, rather than for its direct conduct of fundraising activities or program services. Overall management usually includes the salaries and expenses of the chief officer of the organization and that officer's staff. If part of their time is spent directly supervising program services and fundraising activities, their salaries and expenses should be allocated among those functions. Other expenses to report in column (C) include those for meetings of the board of directors or similar group; committee and staff meetings; general legal services; accounting, auditing, personnel and other centralized services; investment expenses (except those relating to rental income and program-related income—report rental expenses on line 6(b) and program-related expenses in column (B)); general liability insurance; preparation, publication, and distribution of an annual report; and office management.

However, you should report only general expenses in column (C). Do not use it to report costs of special meetings or other activities that relate to fundraising or specific program services.

Column (D).—Fundraising expenses represent the total expenses incurred in soliciting contributions, gifts, grants, etc. Report as fundraising expenses all expenses, including allocable overhead costs, incurred in: (a) publicizing and conducting fundraising campaigns; (b) soliciting bequests, grants from foundations or other organizations, or government grants reportable on line 1(c); (c) participating in federated fundraising campaigns; (d) conducting special fundraising events that generate contributions reportable on line 1(a) in addition to revenue reportable on line 9(a) (but any expenses attributable to that revenue should be reported on line 9(b); and (e) preparing and distributing fundraising manuals, instructions and other materials.

Allocating Indirect Expenses.—Colleges, universities, hospitals and other organizations that accumulate indirect expenses in various cost centers (such as the expenses of operating and maintaining the physical plant) that are reallocated to the program services and other functional areas of the organization in a single step or in multiple steps may find it easier to report these expenses in the following optional manner:

First, the expenses of these indirect cost centers may be reported on lines 25 through 43 of the management and general expense column in Part II, along with the expenses properly reportable in that column.

Second, allocate the total expenses for each cost center among program services, management and general, and fundraising as a separate item entry on line 43, Other expenses, for each cost center. Enter the name of the cost center on line 43. If any of the cost center's expenses are to be allocated to the expenses listed in Part I (such as the expenses attributable to special fundraising events and activities), enter these expenses as a negative figure in columns (A) and (C). This prevents reporting the same expense on both Parts I and II. If part of the total cost center expenses are to be allocated to columns (B), Program services, and (D), Fundraising, enter these expenses as positive amounts in these columns and as single negative amounts in column (C). Do not make any entries in column (A), Total, for these offsetting entries.

The above instructions can be illustrated by the following example. An organization reports $60,000 of actual management and general expenses and $100,000 of expenses of an indirect cost center that are to be allocated in part to other functions. The total of lines 25 through 43 of column (C) would be $150,000 before the allocations were made. Assume that $10,000 (of the $100,000 total expenses of the cost center) was allocable to fundraising, $70,000 to various program services, $15,000 to management and general functions and $5,000 to special fundraising events and activities. To report this in Part II under this alternate method:

(1) Indicate the cost center, the expenses of which are being allocated, on line 43 "Allocation of (specify) expenses");

(2) Enter a decrease of $5,000 on the same line in the Total column, representing the special fundraising event expenses already reported on line 9(b) in Part I;

(3) Enter $70,000 on the same line in the Program services column;

(4) Enter $10,000 on the same line in the Fundraising column;

(5) Enter a decrease of $85,000 on the same line in the Management and general column, representing the allocations to functional areas other than management and general.

After these allocations were made, the column (C) total (line 44(C)) would be $65,000, consisting of the $50,000 aggregate amount and the $15,000 allocation of the aggregate cost center expenses to management and general.

The above is an example of a simple one-step allocation that was used to show how to report the allocation in Part II. This reporting method would actually be needed more in the case of multiple step allocations in which two or more cost centers are involved. The total expenses of the first would be allocated to the other functions, including an allocation of part of these expenses to the second cost center. The expenses of the second cost center would then be allocated to other functions and any remaining cost centers to be allocated, and so on. The greater the number of these cost centers which are allocated out, the more difficult it would be to preserve the identity of the object classification (salaries, interest, supplies, etc.) of the expenses of each cost center. The reporting method described above avoids this problem.

NOTE: *The above instructions are intended only to facilitate the reporting of indirect expenses by both object classification and function. They do not in any way sanction the allocation to other functions of expenses properly reportable as management and general expenses.*

Line 22.—Grants and allocations.—Enter the amount of awards and grants to individuals and organizations selected by the filing organization. United Way and similar fundraising organizations should include allocations to member agencies. Voluntary awards and grants to affiliated organizations for specific (restricted) purposes or projects also should be reported on line 22, but not required payments to affiliates reportable on line 16.

Scholarship, fellowship and research grants to individuals should be reported on line 22. Certain other payments to or for the benefit of individuals may be reportable on line 23 instead. See the instructions for line 23 for specific information.

Only the amount of actual grants and awards should be reported on line 22. Expenses incurred in selecting recipients or monitoring compliance with the terms of a grant or award should be reported on lines 25 through 43.

Attach a schedule of amounts reported on line 22. Show: (a) each class of activity; (b) separate total for each activity; (c) donee's name and address and the amount given; and (d) relationship of donee if related by blood, marriage, adoption, or employment (including employees' children) to any person or corporation with an interest in the organization, such as a creator, donor, director, trustee, officer, etc.

On the schedule, classify activities in more detail than in such broad terms as charitable, educational, religious, or scientific. For example, identify payments for nursing services, laboratory construction, or fellowships.

If the property's fair market value when the organization gave it is the measure of the award or grant, also show on the schedule: description of the property; its book value; how the book value was determined; and the date of the gift. Any difference between fair market value and book value should be recorded in the organization's books of account.

Line 23.—Specific assistance to individuals.—Enter the amount of payments to or for the benefit of particular clients or patients, including assistance rendered by others at the expense of the filing organization. Do not include grants to other organizations that select the person or persons to receive the assistance available through the use of the grant funds. For example, a payment to a hospital to cover the medical expenses of a particular individual should be reported on line 23, but not a contribution to a hospital to provide some service to the general public or to unspecified charity patients. Also, do not include scholarship, fellowship or research grants to individuals even though selected by the grantor organization. Report these grants on line 22 instead.

Attach a schedule showing the total payments for each particular class of activity, such as food, shelter and clothing for indigents or disaster victims; medical, dental and hospital fees and charges; and direct cash assistance to indigents.

Line 24.—Benefits paid to or for members.—For an organization giving benefits to members or dependents (such as organizations exempt under section 501(c)(8), (9), or (17)), attach a schedule. Show amounts of: (a) death, sickness, hospitalization or disability benefits; (b) unemployment compensation benefits; and (c) other benefits (state their nature). Do not report on this line the cost of employment-related benefits the organization gives its officers and employees. Report those expenses on lines 27 and 28.

Line 25.—Compensation of officers, directors, and trustees.—Enter the total compensation paid officers, directors, and trustees for the year. In Part VI list each one's name and compensation (if any), along with the other information requested.

Each person you list should report this compensation on his or her income tax return, unless the Code specifically excludes any of the payments from income tax. Publication 525, Taxable and Nontaxable Income, may be helpful and is available free from IRS.

You must file Form 941 to report income tax witholding and social security taxes, and must also file Form 940 to report Federal unemployment taxes, unless the organization's exemption letter states that it is not subject to these taxes.

Line 26.—Other salaries and wages.—Enter the total of employees' salaries not reported on line 25.

Line 27.—Pension plan contributions.—Enter the employer's share of contributions that the organization paid to qualified and nonqualified pension plans for the year. Except for Simplified Employee Pension (SEP) plans, complete Form 5500, 5500–C, 5500–R, or 5500–G, as appropriate, for your plan and file as a separate return. If you have more than one plan, complete the appropriate form for each plan. File the form by the last day of the 7th month after the plan year ends.

Line 28.—Other employee benefits.—Enter the amount of your contributions to employee benefit programs (such as insurance, health and welfare programs) that are not an incidental part of a pension plan included on line 27. Also see instructions for Form 5500.

Line 29.—Payroll taxes.—Enter the amount of Federal, State, and local payroll taxes for the year, but only those taxes that are imposed on the organization as an employer. This would include the employer's share of FICA taxes, the FUTA tax, State unemployment compensation taxes, and other State and local payroll taxes. Do not include taxes withheld from employees' salaries and paid over to the various governmental units (such as Federal and State income taxes and the employees' shares of FICA tax).

Line 30.—Fees for fundraising.—Enter the organization's fees to outside fundraisers for solicitation campaigns they conducted, or for providing consulting services in connection with a solicitation of contributions by the organization itself.

Line 31.—Accounting fees.—Enter the total accounting and auditing fees charged by outside firms and individuals who are not employees of the reporting organization.

Line 32.—Legal fees.—Enter the total legal fees charged by outside firms and individuals who are not employees of the reporting organization. Do not include any penalties, fines or judgments imposed against the organization as a result of any legal proceedings. Report those expenses on line 43, other expenses.

Line 33.—Supplies.—Enter the total for office, classroom, medical, and other supplies used during the year, as determined by the organization's normal method of accounting for supplies.

Line 34.—Telephone.—Enter the total telephone, telegram and similar expenses for the year.

Line 35.—Postage and shipping.—Enter the total amount of postage, parcel delivery, trucking and other delivery expenses, including the cost of shipping materials.

Line 36.—Occupancy.—Enter the total amount paid or incurred for the use of office space or other facilities, heat, light, power, and other utilities (other than those reported on line 34), outside janitorial services, mortgage interest, real estate taxes, and similar expenses. Do not include depreciation (reportable on line 42) or any salaries of your own employees (reportable on line 26).

Line 37.—Equipment rental and maintenance.—Enter the cost of renting and maintaining office equipment, except for automobile and truck expenses reportable on lines 35 and 39.

Line 38.—Printing and publications.—Enter the printing and related costs of producing the reporting organization's own newsletters, leaflets, films and other informational materials. (However, do not include any expenses, such as salaries or postage, for which a separate line is provided in Part II.) Also include the cost of any purchased publications.

Line 39.—Travel.—Enter the total travel expenses, including transportation costs (fares, mileage allowances and automobile expenses), meals and lodging, and per diem payments.

Line 40.—Conferences, conventions and meetings.—Enter the total expenses incurred by the organization in conducting meetings relating to its activities. Include such expenses as the rental of facilities, speakers' fees and expenses and printed materials, but not the salaries and travel expenses of the reporting organization's own officers, directors, trustees and employees who participate. Also include the registration fees (but not travel expenses) paid for sending any of the organization's staff to conferences, meetings or conventions conducted by other organizations.

Line 41.—Interest.—Enter the total interest expense for the year, excluding any interest attributable to rental property (reported on line 6(b)) or any mortgage interest treated as occupancy expense on line 36.

Line 42.—Depreciation, depletion, etc.—If your organization records depreciation, depletion, and similar expenses, enter the total for the year. Include any depreciation (amortization) of leasehold improvements. If you record depreciation, attach Form 4562, Depreciation, or a schedule showing: (a) description of property; (b) date acquired; (c) cost or other basis (exclude land); (d) depreciation allowed or allowable in earlier years; (e) method of computation; (f) rate (percentage) or life (years); and (g) depreciation this year.

If you claim a deduction for depletion, attach a schedule explaining the deduction.

Line 43.—Other expenses.—Indicate the type amount of each significant expense for which a separate line is not provided. Report all other miscellaneous expenses as a single total. Expenses that might be reported here include investment counselling and other professional fees not reportable on lines 30 through 32; penalties, fines and judgments; unrelated business income taxes; and real estate taxes not attributable to rental property or

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reported as occupancy expenses. Attach a schedule if more space is needed.

Some States that accept Form 990 in satisfaction of their filing requirements may require that certain types of miscellaneous expenses be itemized regardless of amount. See instruction D.

Line 44.—Total functional expenses.—Add lines 22 through 43 and enter the totals in columns (A), (B), (C), and (D). Report the column (B) total on line 13 of Part I, the column (C) total on line 14, and the column (D) total on line 15.

Part III.—Statement of Program Services Rendered—

Provide the information specified in the instructions above line (a) of Part III for each of the four largest program service activities (as measured by total expenses incurred) that were conducted by the filing organization. If part of the total expenses of any program service consists of grants and allocations reported on line 22, indicate the amount of the grants and allocations in the narrative description of that program.

Attach a schedule that lists the organization's other program service activities and the total expenses incurred in connection with each. The detailed information required in Part III for the four largest activities is not required for the activities listed on the attached schedule.

If the organization reports on line 82 the value of any donated services or use of materials, equipment or facilities it received, it can also indicate in Part III the amount received and utilized in connection with specific program service activities. However, the applicable amounts should be disclosed only on the lines for the narrative description of the appropriate program services and must not be included in the expense column in Part III.

Part IV.—Program Service Revenue and Other Revenue—

List each revenue-producing program service activity and each "other" activity as described in the instructions for lines 2 and 11. Enter the gross revenue (that is, without subtracting any related expenses) from each such activity in the proper column. Line (a) is to be used only for reporting fees from government agencies that do not constitute grants reportable on line 1(c) of Part I. Report the total of each column on lines (f) and (g) of Part IV and on lines 2 and 11 of Part I.

Part V.—Balance Sheets—

All organizations must complete columns (A) and (B) to the extent applicable. Smaller organizations filing Form 990 with IRS are not required to complete all line items in those two columns, as explained by instruction I and the information in the Part V heading on page 3 of the return.

Columns (C) and (D) are optional for reporting to IRS, although some States that accept Form 990 in place of their own forms may require that those columns be completed on the Form 990 filed with them. Some States may also require smaller organizations to complete the entire balance sheet instead of only those lines specified in instruction I. See instruction D for more information about completing a Form 990 to be filed with any State or local government agency.

When any line item in Part V calls for a schedule to be attached, a schedule is required only for the end of year balance sheet figure reported in column (B). Similarly, when space is provided to the left of column (A) for reporting any receivables or depreciable assets and the related allowance for doubtful accounts or accumulated depreciation, enter the end of year figures.

Line 45.—Cash non-interest bearing.—Enter the amount of cash on deposit in checking accounts, deposits in transit, change funds, petty cash funds, or any other non-interest bearing account. Do not include advances to employees or officers or refundable deposits paid to suppliers or others.

Line 46.—Savings and temporary cash investments.—Enter the total of cash in savings or other interest bearing accounts and temporary cash investments, such as money market funds, commercial paper, certificates of deposit, and U.S. Treasury bills or other governmental obligations that mature in less than one year.

Line 47.—Accounts receivable.—Enter the total accounts receivable (reduced by the corresponding allowance for doubtful accounts) that arose from the sale of goods and/or the performance of services. Claims against vendors or refundable deposits with suppliers or others may be reported here if not significant in amount. (Otherwise, report them on line 58, other assets.) Any receivables due from officers, directors, trustees, or key employees must be reported on line 50. Receivables (including loans and advances) due from other employees should be reported on line 58.

Line 48.—Pledges receivable.—Enter the total pledges receivable recorded as of the beginning and end of year, reduced by the amount of pledges estimated to be uncollectible.

Line 49.—Grants receivable.—Enter the total grants receivable from governmental agencies, foundations, and other organizations as of the beginning and end of the year.

Line 50.—Receivables due from officers, directors, trustees, and key employees.—All receivables due from officers, directors, trustees, and key employees and all secured and unsecured loans to such persons must be reported on line 50 and in an attached schedule described below. The term "key employees" refers to the chief administrative officers of an organization (such as an executive director or chancellor), but does not include the heads of separate departments or smaller units within an organization.

In the required schedule, report each loan separately, even if more than one loan was made to the same person or the same terms apply to all loans made.

Receivables that are subject to the same terms and conditions (including credit limits and rate of interest) as receivables due from the general public and that arose during the normal course of the organization's operations may be reported as a single total for all the officers, directors, trustees, and key employees. Travel advances made in connection with official business of the organization may also be reported as a single total.

However, salary advances and other advances for the personal use and benefit of the recipient and receivables subject to special terms or arising from non-typical transactions must be reported as separate loans for each officer, director, etc.

Attach a schedule that shows the following information (preferably in columnar form) for each loan or other receivable outstanding at the end of the year that must be reported separately in accordance with the above instructions:

(a) Borrower's name and title;
(b) Original amount;
(c) Balance due;
(d) Maturity date;
(e) Repayment terms;
(f) Interest rate;
(g) Security provided by the borrower;
(h) Purpose of the loan; and
(i) Description and fair market value of the consideration furnished by the lender (for example, cash—$1,000; or 100 shares of XYZ, Inc. common stock—$9,000).

The above detail is not required for receivables or travel advances that may be combined and reported in total (see above instructions), but report and identify those totals separately in the attachment.

Line 51.—Other notes and loans receivable.—Enter the combined total of notes receivable and net loans receivable.

Notes receivable.—Enter the amount of all notes receivable not listed on line 50 and not acquired as investments. Attach a schedule similar to that called for in the instructions for line 50. The schedule should also identify the relationship of the borrower to any officer, director, trustee, or key employee of the organization.

For a note receivable from another organization exempt under the same paragraph of section 501(c) as the filing organization, list only the name of the borrower and the balance due. For example, a section 501(c)(3) organization would have to provide the full details of a loan to a section 501(c)(4) organization, but would have to provide only the name of the borrower and the balance due on a note arising from a loan to another section 501(c)(3) organization.

Loans receivable.—Enter the gross amount of loans receivable, less the allowance for doubtful accounts, arising from the normal activities of the filing organization (such as loans by a credit union to its members or scholarship loans by a section 501(c)(3) organization). A schedule of these loans is not required.

Loans to officers, directors, trustees, and key employees must be reported on line 50. Loans to other employees should be reported on line 58.

Line 52.—Inventories for sale or use.—Enter the amount of materials, goods and supplies purchased or manufactured by the organization and held to be sold or used in some future period.

Line 53.—Prepaid expenses and deferred charges.—Enter the amount of short-term and long-term prepayments of expenses attributable to one or more future accounting periods. Examples include prepayments of rent, insurance, and pension costs, and expenses incurred in connection with a solicitation campaign to be conducted in a future accounting period.

Line 54.—Investments—securities.—Enter the book value (which may be market value) of securities held as investments and attach a schedule that lists each security held at the end of the year and indicates whether the security is listed at cost (including the value recorded at the time of receipt in the case of donated securities) or end of year market value. Debt securities of the U.S. government may be reported as a sing'e total rather than itemized. Obligations of State and municipal governments may also be reported as a lump-sum total; do not combine these with U.S. government obligations, however.

Line 55.—Investments—land, buildings and equipment.—Enter the book value (cost or other basis less accumulated depreciation) of all land, buildings and equipment held for investment purposes, such as rental properties. Attach a schedule listing these investment fixed assets held at the end of the year.

Line 56.—Investments—other.—Enter the amount of all other investment holdings not reported on line 54 or 55 and attach a schedule of these holdings as of the end of the year. Do not include program-related investments (see instructions for line 58).

Line 57.—Land, buildings and equipment.—Enter the book value (cost or other basis less accumulated depreciation) of all land, buildings and equipment owned by the organization and not held for investment. This would include any property, plant and equipment owned and used by the organization in conducting its exempt activities. Attach a schedule listing these fixed assets held at the end of the year.

Line 58.—Other assets.—List each category of assets not reportable on lines 45 through 57. Attach a separate schedule if more space is needed.

One type of asset reportable on line 58 would be program-related investments, which are investments made primarily to accomplish some exempt purpose of the filing organization rather than to produce income.

Line 59.—Total assets.—Enter the total of lines 45 through 58.

Line 60.—Accounts payable and accrued expenses.—Enter the total of accounts payable to suppliers and others and accrued expenses, such as salaries payable, accrued payroll taxes, and interest payable.

Line 61.—Grants payable.—Enter the unpaid portion of grants and awards that the organization has made a commitment to pay other organizations or individuals, whether or not the commitments have been communicated to the grantees.

Line 62.—Support and revenue designated for future periods.—Enter the amount of contributions, governmental fees or grants, grants from foundations or other organizations, and other fees and support that contributors or grantors have designated as payable for or applicable to one or more future years, either by the terms of the gift or by the terms of the contract or other arrangement. Do not include any amounts restricted for future use by the filing organization's own governing body. Attach a schedule listing the total amount of each contribution or grant designated for one or more future periods and showing the amount applicable to each future period.

Line 63.—Loans from officers, directors, trustees and key employees.—Enter the unpaid balance of loans received from officers, directors, trustees and key employees (see the instructions for line 50 for definition). For loans outstanding at the end of the year, attach a schedule that provides (for each loan) the name and title of the lender and the information listed in items (b) through (i) of the instructions for line 50.

Line 64.—Mortgages and other notes payable.—Enter the amount of mortgages and other notes payable at the beginning and end of year. Attach a schedule showing, as of the end of the year, the total amount of all mortgages payable and, for each non-mortgage note payable, the name of the lender and the other information specified in items (b) through (i) of instruction 50.

Line 65.—Other liabilities.—List and show the amount of each liability not reportable on lines 60 through 64. Attach a separate schedule if more space is needed.

Line 66—Total liabilities.—Enter the total of lines 60 through 65.

Lines 67 through 74.—Fund Balances and Net Worth—

Organizations using fund accounting.—If the organization uses fund accounting, check the box above line 67 and complete lines 67 through 70 to report the various fund balances. Also complete line 74 to report the sum of the fund balances and line 75 to report the sum of the total liabilities and fund balances.

Organizations not using fund accounting, see the instructions under that heading (below) for completing the net worth section. Under fund accounting, an organization segregates its assets, liabilities, and net worth into separate funds according to externally imposed restrictions on the use of certain assets, similar designations by the organization's governing board, and other amounts that are unrestricted as to use. Each fund is like a separate entity in that it has a self-balancing set of accounts showing assets, liabilities, equity (fund balance) "income," and expenses. Since these funds are actually part of a single entity, they are all included in that organization's own financial statements. Similar accounts in the various funds may or may not be consolidated in those statements according to the organization's preference and practice. Parts I, II, and V of this form, however, require such consolidation. Recognition of the separate funds and the net changes within the various funds during the year is accomplished by the fund balances section (lines 67 through 70) of the balance sheet.

Some States that accept Form 990 as their basic report form may require a separate statement of changes in fund balances. See instruction D.

Line 67.—Current funds.—Enter the sum of the fund balances per books of the current unrestricted fund and the current restricted fund.

Line 68.—Land, building and equipment fund.—Enter the fund balance per books for the land, building and equipment fund (plant fund).

Line 69.—Endowment fund.—Enter the total of the fund balances for the permanent endowment fund and any term endowment funds. Annuity and life income fund balances may be reported here if not significant in amount or on line 70. Do not include the fund balances of any quasi-endowment funds (funds functioning as endowment) or other internally designated funds.

Line 70.—Other funds.—Enter the total of the fund balances for all funds not reported on lines 67 through 69. Indicate the type of fund in the space provided or on an attachment if more than one fund is involved. On the atttachment, show the beginning and end of year fund balance for each fund listed.

Organizations not using fund accounting.—If the organization does not use fund accounting, check the box above line 71 and report net worth account balances on lines 71 through 74. Also complete line 75 to report the sum of the total liabilities and net worth.

Line 71.—Capital stock or trust principal.—For corporations, enter the balance per books for capital stock accounts. Show par or stated value (or for stock with no par or stated value, total amount received upon issuance) of all classes of stock issued and, as yet, uncancelled. For trusts, enter the amount in the trust principal or corpus account.

Line 72.—Paid-in or capital surplus.—Enter the balance per books for all paid-in capital in excess of par or stated value for all stock issued and, as yet, uncancelled. If stockholders or others gave donations that the organization records as paid-in capital, include them here. Any current year donations you include on line 72 must also be reported in Part I, line 1.

Line 73.—Retained earnings or accumulated income.—For a corporation, enter the balance in the retained earnings or similar account, minus the cost of any corporate treasury stock. For trusts enter the balance per books in the accumulated income or similar account.

Line 74.—Total fund balances or net worth.—For organizations that use fund accounting, enter the total of lines 67 through 70. For all other organizations, enter the total of lines 71 through 73. The beginning of the year figure in column (A) should be carried over to the Total column in Part I, line 19. The end of year figure in column (B) should agree with the figure on line 21 of the Total column in Part I.

Line 75.—Total liabilities and fund balances/net worth.—Enter the total of lines 66 and 74. That figure must equal the figure for total assets reported on line 59 for both the beginning and end of year.

Part VI.—List of Officers, Directors, and Trustees—

List each of the organization's officers, directors, trustees, and other officials with similar responsibilities. Show the compensation, if any, the organization paid each one during the period covered by the return.

Column (E).—Enter amounts that the recipients must report as income on their separate income tax returns. Examples include amounts for which the recipient did not account to the organization, or allowances that were more than the payee spent on serving the organization.

Part VII.—Other Information—

Line 76.—Change in activities.—Attach a statement explaining any significant changes in the kind of activities the organization conducts to further its exempt purpose. These new or modified activities would be those not listed as current or planned in your application for recognition of exemption; or those not already made known to IRS by a letter to your key district director or by an attachment to your return for any earlier year. Besides describing new activities or changes to current ones, also describe any major program activities that are being discontinued.

Line 77.—Changes in organizing or governing documents.—Attach a conformed copy of any changes to the articles of incorporation, constitution, trust instrument, or other organizing document, or to the bylaws or other governing document.

A "conformed" copy is one that agrees with the original document, and all amendments to it. If the copies are not signed, they must be accompanied by a written declaration signed by an officer authorized to sign for the organization, certifying that they are complete and accurate copies of the original documents.

Photocopies of articles of incorporation showing the certification of an appropriate State official need not be accompanied by such a declaration. See Rev. Proc. 68–14, 1968–1 C.B. 768, for more information.

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When a number of changes are made, send a copy of the entire revised organizing instrument or governing document.

Line 78.—Unrelated business income.—See general instruction C.2 for a description of unrelated business income and the Form 990–T filing requirements for section 501(c) organizations having such income. Items of income and expense reported on Form 990–T must also be reported on Form 990 when the organization is required to file both forms.

Line 79.—Liquidation, dissolution, termination, or substantial contraction.—If there was a liquidation, dissolution, termination, or substantial contraction, attach a statement explaining which took place.

For a complete liquidation of a corporation or termination of a trust, write "Final Return" at the top of the organization's Form 990. On the statement you attach, show whether the assets have been distributed and the date. Also attach a certified copy of any resolution, or plan of liquidation or termination, etc., with all amendments or supplements not already filed. In addition, attach a schedule listing: the names and addresses of all persons who received the assets distributed in liquidation or termination, the kinds of assets distributed to each one, and each asset's fair market value.

A *substantial contraction* is a partial liquidation or other major disposition of assets, except transfers for full consideration or distributions from current income.

A *major distribution* of assets means any disposition for the tax year that is:

(a) at least 25% of the fair market value of the organization's net assets when the tax year began; or

(b) one of a series of related dispositions begun in earlier years that together add up to at least 25% of the net assets the organization had at the beginning of the tax year when the first disposition in the series was made. Whether a major disposition of assets took place through a series of related dispositions is determined by the facts in each case.

Line 80.—Relation to other organizations.—Answer "Yes" if most of the organization's governing body, officers, trustees, or membership are also officers, directors, trustees, or members of any other organization.

Disregard a coincidental overlap of membership with another organization (that is when membership in one organization is not a condition of membership with another organization). For example, assume that a majority of the members of a section 501(c)(4) civic organization also belong to a local chamber of commerce described in section 501(c)(6). The civic organization should answer "No" on line 80 if it does not require its members to belong to the chamber of commerce.

Also disregard affiliation with any statewide or nationwide organization. Thus, the civic organization in the above example would still answer "No" on line 80 even if it belonged to a State or national federation of similar organizations.

Line 81.—Expenditures for political purposes.—A political expenditure is one intended to influence the selection, nomination, election, or appointment of anyone to a Federal, State, or local public office, or office in a political organization, or the election of Presidential or Vice Presidential electors. Whether the attempt succeeds does not matter.

An expenditure includes a payment, distribution, loan, advance, deposit, or gift of money, or anything of value. It also includes a contract, promise, or, agreement to make an expenditure, whether or not legally enforceable.

Section 501(c) organizations must file Form 1120–POL if their political expenses and their net investment income both exceed $100 for the year.

Section 501(c) organizations that maintained separate segregated funds described in section 527(f)(3) should refer to the instructions for Form 1120–POL for filing requirements.

Line 82—Donated services or facilities.—Since Form 990 is open to public inspection, you may want the return to show contributions the organization received in the form of donated services or the use of materials, equipment or facilities at less than fair rental value. If so, and if the organization's records either show the amount and value of such items or give a clearly objective basis for an estimate, you may enter the information on line 82. IRS does not require any organization to keep such records. Do NOT include the value of such items in Part I or II or in the expense column in Part III. However, you may indicate the value of donated services or use of materials, equipment or facilities in Part III in the narrative description of program services rendered. See the instructions for Part III.

Line 83.—Section 501(c) (5) or (6) organizations.—Attempts to influence the opinion of the general public, or any segment of the general public, on legislative matters or referendums constitute grassroots lobbying. Such lobbying may be explicit as in an advertisement that urges the public to contact legislators for the purpose of proposing, supporting, or opposing legislation. Grassroots lobbying may also be implicit in any advertisement or other communication directed at the public if the communication is an attempt to mold public opinion on a legislative matter or referendum. Any lobbying directed at the members of the organization is not grassroots lobbying. Lobbying directed at "potential" members, employees of members, or stockholders of members would be grassroots lobbying. See section 1.162–20(c) of the Income Tax Regulations for a discussion of grassroots lobbying.

Line 84.—Section 501(c)(7) organizations.—A section 501(c)(7) organization may receive up to 35% of its gross receipts, including investment income, from sources outside its membership and remain tax exempt. Part of the 35% (up to 15% of gross receipts) may be derived from public use of a social club's facilities.

For this purpose, "gross receipts" are the club's income from its usual activities. The term includes charges, admissions, membership fees, dues, assessments, investment income (such as dividends, rents, and similar receipts), and normal recurring capital gains on investments. Gross receipts do not include initiation fees and capital contributions, or income such as from the club's selling its clubhouse. Although gross receipts usually do not include initiation fees, these should be included for college fraternities or sororities or other organizations that charge membership initiation fees, but no annual dues.

If the 35% and 15% limits do not affect the club's exempt status, include the income from line 84(b) on the club's Form 990–T.

Section 501(i) provides that, for tax years beginning after October 20, 1976, a section 501(c)(7) organization cannot be exempt from income tax if any written policy statement, including the governing instrument and bylaws, provides for discrimination on the basis of race, color, or religion. Public Law 96–601 (enacted December 24, 1980) amended section 501(i) to allow social clubs to retain their exemption under section 501(c)(7) even though their membership is limited (in writing) to members of a particular religion if: (1) the social club is an auxiliary of a fraternal beneficiary society which is exempt under section 501(c)(8); or (2) the social club's membership limitation is a good faith attempt to further the teachings or principles of that religion, and the limitation is not intended to exclude individuals of a particular race or color.

Line 85.—Section 501(c)(12) organizations.—For purposes of section 501(c)(12), the term "gross income" means gross receipts minus cost of goods sold.

For a mutual or cooperative telephone company, "gross income" does not include amounts received or accrued from another telephone company for completing long distance calls to or from or between the telephone company's members.

Line 86.—Public interest law firms.—For a public interest law firm exempt under section 501(c)(3) or 501(c)(4), attach a statement that lists the cases in litigation, or that have been litigated during the year. For each case, describe the matter in dispute and explain how the litigation will benefit the public generally. See Rev. Proc. 71–39, 1971–2 C.B. 575. Also attach a report of all fees sought and recovered. See Rev. Proc. 75–13, 1975–1 C.B. 662, about acceptance of attorney's fees.

Line 87.—List of States.—List each State with which you are filing a copy of this return in full or partial satisfaction of State filing requirements.

Form **990**
Department of the Treasury
Internal Revenue Service

Return of Organization Exempt from Income Tax

Under section 501(c) (except black lung benefit trust or private foundation), of the Internal Revenue Code or section 4947(a)(1) trust

OMB Clearance No. _____
Expires _____

1981

For the calendar year 1981, or fiscal year beginning , 1981, and ending , 19

Use IRS label. Otherwise, please print or type.	Name of organization	A Employer identification number (see instruction L)
	Address (number and street)	B State registration number (see instruction D)
	City or town, State, and ZIP code	C If address changed check here . . ▶

D Check applicable box—Exempt under section ▶ ☐ 501(c) ( ) (insert number), OR ▶ ☐ section 4947(a)(1) trust

E Accounting method: ☐ Cash ☐ Accrual ☐ Other (specify) ▶

F Section 4947(a)(1) trusts filing this form in lieu of Form 1041, check here ▶ ☐ (see instruction C. 10).

G Is this a group return (see instruction J) filed for affiliates? . . ☐ Yes ☐ No
Is this a separate return filed by a group affiliate? . . . . ☐ Yes ☐ No

If "Yes" to either, give four-digit group exemption number (GEN) ▶

Note: *If you use a copy of this return to satisfy State reporting requirements, see instruction D.*

☐ Check here if gross receipts are normally not more than $10,000 and do not complete the rest of this return (see instruction B(11)).

☐ Check here if gross receipts are normally more than $10,000 and line 12 is $25,000 or less. Complete Parts I, III, IV, VI, and VII and only the indicated items in Parts II and V (see instruction I). If line 12 is more than $25,000, complete the entire return.

All section 501(c)(3) organizations and 4947(a)(1) trusts must also complete and attach Schedule A (Form 990)

Part I Statement of Support, Revenue, and Expenses and Changes in Fund Balances

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		(A) Total	These columns are optional—see instructions (B) Unrestricted/Expendable	(C) Restricted/Nonexpendable
Support and Revenue	1 Contributions, gifts, grants, and similar amounts received:			
	(a) Direct public support			
	(b) Indirect public support			
	(c) Government grants			
	(d) Total (add lines 1(a) through 1(c)) (attach schedule—see instructions)			
	2 Program service revenue (from Part IV, line (f))			
	3 Membership dues and assessments			
	4 Interest on savings and temporary cash investments			
	5 Dividends and interest from securities			
	6 (a) Gross rents			
	(b) Minus: Rental expenses			
	(c) Net rental income (loss)			
	7 Other investment income (Describe ▶)			
	8 (a) Gross amount from sale of assets other than inventory (Securities / Other)			
	(b) Minus: Basis and sales expenses (Securities / Other)			
	(c) Gain (loss) (attach schedule)			
	9 Special fundraising events and activities (attach schedule—see instructions):			
	(a) Gross revenue (not including $ of contributions reported on line 1(a))			
	(b) Minus: Direct expenses			
	(c) Net income (line 9(a) minus line 9(b))			
	10 (a) Gross sales minus returns and allowances			
	(b) Minus: Cost of goods sold (attach schedule)			
	(c) Gross profit (loss)			
	11 Other revenue (from Part IV, line (g))			
	12 Total revenue (add lines 1(d), 2, 3, 4, 5, 6(c), 7, 8(c), 9(c), 10(c), and 11)			
Expenses	13 Program services (from line 44(B))			
	14 Management and general (from line 44(C))			
	15 Fundraising (from line 44(D))			
	16 Payments to affiliates (attach schedule—see instructions)			
	17 Total expenses (add lines 13, 14, 15, and 16)			
Fund Balances	18 Excess (deficit) for the year (subtract line 17 from line 12)			
	19 Fund balances or net worth at beginning of year			
	20 Other changes in fund balances or net worth (attach explanation)			
	21 Fund balances or net worth at end of year (add lines 18, 19, and 20)			

For Paperwork Reduction Act Notice see separate instructions

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Part II Statement of Functional Expenses If line 12, Part I is $25,000 or less, you should complete only column (A). If line 12 is more than $25,000, complete columns (A), (B), (C), and (D).

Do not include amounts reported on line 6(b), 8(b), 9(b), 10(b), or 16 of Part I.	(A) Total	(B) Program services	(C) Management and general	(D) Fundraising
Expenses				
22 Grants and allocations (attach schedule)				
23 Specific assistance to individuals				
24 Benefits paid to or for members				
25 Compensation of officers, directors, etc.				
26 Other salaries and wages				
27 Pension plan contributions				
28 Other employee benefits				
29 Payroll taxes				
30 Professional fundraising fees				
31 Accounting fees				
32 Legal fees				
33 Supplies				
34 Telephone				
35 Postage and shipping				
36 Occupancy				
37 Equipment rental and maintenance				
38 Printing and publications				
39 Travel				
40 Conferences, conventions and meetings				
41 Interest				
42 Depreciation, depletion, etc. (attach schedule)				
43 Other expenses (itemize):				
44 Total functional expenses (add lines 22 through 43)				

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Part III Statement of Program Services Rendered

Describe each significant program service activity and indicate the total expenses attributable to each. Include relevant statistical information, such as the number of clients, patients, students, or members served. Also indicate the amount of grants and allocations that are included in the total expenses reported for that program.	Expenses
(a)	
(b)	
(c)	
(d)	
(e) Other program service activities (attach schedule)	
(f) Total (add lines (a) through (e)) (should equal line 44(B))	

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Part IV Program Service Revenue and Other Revenue (State Nature)

	Program service revenue	Other revenue
(a) Fees from government agencies		
(b)		
(c)		
(d)		
(e)		
(f) Total program service revenue (Enter here and on line 2)		
(g) Total other revenue (Enter here and on line 11)		

Part V Balance Sheets If line 12, Part I and line 59 are $25,000 or less you should complete only lines 59, 66, and 74 and, if you do not use fund accounting, line 73. If line 12 or line 59 is more than $25,000, complete the entire balance sheet.

Note: Columns (C) and (D) are optional. Columns (A) and (B) must be completed to the extent applicable.	(A) Beginning of year	End of year (B) Total	(C) Unrestricted/ Expendable	(D) Restricted/ Nonexpendable
Assets				
45 Cash—Non-interest bearing				
46 Savings and temporary cash investments				
47 Accounts receivable ▶ _____ minus allowance for doubtful accounts ▶ _____				
48 Pledges receivable ▶ _____ minus allowance for doubtful accounts ▶ _____				
49 Grants receivable				
50 Receivables due from officers, directors, trustees and key employees (attach schedule)				
51 Other notes and loans receivable ▶ _____ minus allowance for doubtful accounts ▶ _____				
52 Inventories for sale or use				
53 Prepaid expenses and deferred charges				
54 Investments—Securities (attach schedule)				
55 Investments—land, buildings and equipment: basis ▶ _____ minus accumulated depreciation ▶ _____ (attach schedule				
56 Investments—other (attach schedule)				
57 Land, buildings and equipment: basis ▶ _____ minus accumulated depreciation ▶ _____ (attach schedule				
58 Other assets: _____				
59 Total assets (add lines 45 through 58)				
Liabilities				
60 Accounts payable and accrued expenses				
61 Grants payable				
62 Support and revenue designated for future periods (attach sched.)				
63 Loans from officers, directors, trustees and key employees (attach schedule)				
64 Mortgages and other notes payable (attach schedule)				
65 Other liabilities: _____				
66 Total liabilities (add lines 60 through 65)				
Fund Balances and Net Worth				
Organizations that use fund accounting, check here ▶ ☐ and complete lines 67 through 70 and lines 74 and 75.				
67 Current funds				
68 Land, buildings and equipment fund				
69 Endowment fund				
70 Other funds (Describe ▶ _____)				
Organizations that do not use fund accounting, check here ▶ ☐ and complete lines 71 through 75.				
71 Capital stock or trust principal				
72 Paid-in or capital surplus				
73 Retained earnings or accumulated income				
74 Total fund balances or net worth (see instructions)				
75 Total liabilities and fund balances/net worth (see instructions)				

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Part VI List of Officers, Directors, and Trustees (See Instructions)

(A) Name and address	(B) Title and time spent on position	(C) Compensation (if any)	(D) Contributions to employee benefit plans	(E) Expense account and other allowances

Part VII Other Information

	Yes	No
76 Has the organization engaged in any activities not previously reported to the Internal Revenue Service? If "Yes," attach a detailed description of the activities.		
77 Have any changes been made in the organizing or governing documents, but not reported to IRS? If "Yes," attach a conformed copy of the changes.		
78 (a) Did the organization have unrelated business gross income of $1,000 or more during the year covered by this return?		
(b) If "Yes," have you filed a tax return on Form 990–T, Exempt Organization Business Income Tax Return, for this year?		
(c) If the organization has gross sales or receipts from business activities not reported on Form 990–T, attach a statement explaining your reason for not reporting them on Form 990.		
79 Was there a liquidation, dissolution, termination, or substantial contraction during the year (see instructions)? If "Yes," attach a statement as described in the instructions.		
80 Is the organization related (other than by association with a statewide or nationwide organization) through common membership, governing bodies, trustees, officers, etc., to any other exempt or nonexempt organization (see instructions)? If "Yes," enter the name of organization ▶ ..... and check whether it is ☐ exempt OR ☐ nonexempt.		
81 (a) Enter amount of political expenditures, direct or indirect, as described in the instructions ▶		
(b) Did you file Form 1120–POL, U.S. Income Tax Return of Certain Political Organizations, for this year?		
82 Did your organization receive donated services or the use of materials, equipment or facilities at no charge or at substantially less than fair rental value? If "Yes," you may indicate the value of these items here. Do not include this amount as support in Part I or as an expense in Part II. See instructions for reporting in Part III ▶		
83 *Section 501(c)(5) or (6) organizations.*—Did the organization spend any amounts in an attempt to influence public opinion about legislative matters or referendums (see instructions and Regulations section 1.162–20(c))? If "Yes," enter the total amount spent for this purpose ▶		
84 *Section 501(c)(7) organizations.*—Enter amount of:		
(a) Initiation fees and capital contributions included on line 12 ▶		
(b) Gross receipts, included in line 12, for public use of club facilities (see instructions) ▶		
(c) Does the club's governing instrument or any written policy statement provide for discrimination against any person because of race, color, or religion (see instructions)?		
85 *Section 501(c)(12) organizations.*—Enter amount of:		
(a) Gross income received from members or shareholders ▶		
(b) Gross income received from other sources (do not net amounts due or paid to other sources against amounts due or received from them) ▶		
86 *Public interest law firms.*—Attach information described in instructions.		
87 List the States with which a copy of this return is filed ▶		
88 The books are in care of ▶ ..... Telephone No. ▶ ..... Located at ▶		

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Please Sign Here	Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge. ▶ Signature of officer ..... Date ▶ Title
Paid Preparer's Use Only	Preparer's signature and date ▶ ..... Firm's name (or yours, if self-employed) and address ▶ ..... Check if self-employed ▶ ☐ ZIP code ▶

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VETERANS ADMINISTRATION

New Department of Veterans Benefits Office Building, VAM&ROC, Togus, Maine; Finding of No Significant Environmental Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the New Department of Veterans Benefits (DVB) Office Building at the Veterans Administration Medical and Regional Office Center (VAM&ROC), Togus, Maine.

The proposed project involves the construction of a two story (plus full basement) DVB Office Building of approximately 35,000 gross square feet (11,600 gsf per level).

The preferred location for this DVB Office Building is the open lawn area directly between building nos. 203 and 205. In this location, the project will include in its design the integration of a replacement corridor currently connecting building nos. 203 and 204.

Three alternative sites were examined prior to final selection:

(1) Site One is the open lawn area between building nos. 203 and 205 (preferred).

(2) Site Two is an area of the existing employee parking lot, southeast of building no. 205.

(3) Site Three is an open lawn area southeast of building no. 207, currently used for patient recreation.

Impacts associated with this project occur primarily as a result of the intrusion of new architecture into the historically significant environment of Quarters No. One, a National Historic Landmark.

The construction of the new DVB Office Building will, however, screen an existing section of connecting corridor which currently constitutes a serious visual impact to the VAMC's historic integrity.

Other impacts are of a temporary nature associated with the construction phase of the project. These involve minor effects to air quality, noise, geology/soils, solid waste and required utility relocations.

Means to mitigate the project's impacts on the environment involve mainly the sensitive design of the DVB Office Building. By employing sympathetic forms, massing, scale and balance, etc., in the design, long term impacts will be minimized. Final design must be reviewed by the State Historic Preservation Officer and the Advisory Council for Historic Preservation.

Mitigation of construction related impacts include air quality controls, (dust palliatives, construction enclosure, etc.), noise abatement through the use of mufflers and exhaust silencers on equipment, silencing hoods, temporary sediment traps, and soil stabilization. Temporary utility service disruption impacts can be minimized with temporary by-passes and with service shut-downs timed to non-peak-load demand hours during evenings and weekends.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 960, Veterans Administration, 1425 K Street, NW., Washington, D.C., (202–389–2526). Questions or requests for single copies of the Environmental Assessment may be addressed: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: April 23, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-13209 Filed 4-30-81; 8:45 am]

BILLING CODE 8320-01-M

Geriatrics and Gerontology Advisory Committee; Meeting

The Veterans Administration gives notice under Pub. L. 96–330 that a meeting of the Geriatrics and Gerontology Advisory Committee will be held in Room 817 at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, D.C. on May 21 and 22, 1981. The purpose of the Geriatrics and Gerontology Advisory Committee is to advise the Administrator and the Chief Medical Director relative to the care and treatment of the aging veterans, and to evaluate the Geriatric Research Education and Clinical Centers established by the Department of Medicine and Surgery of the Veterans Administration.

The sessions will convene at 8:30 a.m. both days. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Barbara Pryor, Executive Secretary, Geriatric and Gerontology Advisory Committee, Veterans Administration Central Office (phone 202–389–2298) prior to May 11, 1981.

Dated: April 27, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-13210 Filed 4-30-81; 8:45 a.m.]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on June 17, 1981, at 9:00 a.m., the Little Rock Regional Office Station Committee on Educational Allowances shall at Room 201, Veterans Administration Regional Office, 1200 West Third Street, Little Rock, Arkansas 72201, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Shorter College, 604 Locust, North Little Rock, Arkansas 72114, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: April 24, 1981.

Bobby L. Moore,

Acting Director, VA Regional Office, 1200 West Third Street, Little Rock, AR 72201.

[FR Doc. 81-13211 Filed 4-30-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 84
Friday, May 1, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-314, Amdt. 1]

CIVIL AERONAUTICS BOARD.

Addition of Item

April 27, 1981.

TIME AND DATE: 9:30 a.m., April 30, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 3a. Dockets 36767, 39187, *Miami/New Orleans-San Jose, Costa Rica Case,* Application of Eastern Air Lines, Inc. for an extension of exemption to postpone inauguration of service. (OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-663-81 Filed 4-29-81; 4:28 pm]

BILLING CODE 6320-01-M

2

[M-314, Amdt. 2]

CIVIL AERONAUTICS BOARD.

Deletion of Item

April 28, 1981.

TIME AND DATE: 9:30 a.m., April 30, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 5. Docket EAS-349, Essential Air Transportation Determination of Crescent City, California (Memo 133-A, BDA, OCCR, OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-664-81 Filed 4-29-81; 4:28 pm]

BILLING CODE 6320-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, May 5, 1981.

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, DC 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE DISCUSSED:

1. Freedom of Information Act Appeal No. 81-2-FOIA-6-PX, concerning a request for internal deliberative memoranda and the name of charging party.
2. Freedom of Information Act Appeal No. 81-1-FOIA-10-HQ, concerning a request for sections 3 and 4 of the Systemic Training Manual and other internal records.
3. Freedom of Information Act Appeal No. 81-2-FOIA-6-BI, concerning a request for materials pertaining to a fact finding conference held in a charge filed with the Birmingham District Office.
4. A report on Commission operations by the Executive Director.

Closed to the Public:

1. Litigation Authorization; General Counsel Recommendations.
2. Freedom of Information Act Appeal No. 81-2-FOIA-53.
3. A Proposed Consent decree.
4. Request for Authorization to seek bids for a contract in a litigation case.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued April 29, 1981.

[S-667-81 Filed 4-29-81; 3:52 pm]

BILLING CODE 6750-06-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 23649, April 28, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 29, 1981.

CHANGE IN THE MEETING: The following item is being added:

Item No., Docket No., and Company

CP-6. CP78-391, Great Plains Gasification Associates, successor to ANR Gasification Properties Company and PGC Coal Gasification Company Docket Nos. CP75-278 and CP77-556, Columbia Gas Transmission Corporation, Michigan Wisconsin Pipe Line Company, Natural Gas Pipeline Company of America, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and Transcontinental Gas Pipe Line Corporation.

Lois D. Cashell,
Acting Secretary.

[S-665-81 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-85-M

5

FEDERAL RESERVE SYSTEM.

Board of Governors.

TIME AND DATE: 10 a.m., Wednesday, May 6, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Regulatory review of the margin credit regulations.
2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: April 28, 1981.

James McAfee,
Assistant Secretary of the Board.

[S-666-81 Filed 4-29-81; 2:30 pm]

BILLING CODE 6210-01-M

V 4 6 / 8 4 M Y 1 8 1 UMI

federal register

Friday
May 1, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Iowa: IA81–4021	Apr. 10, 1981.
Louisiana: LA81–4002	Jan. 6, 1981.
New York:	
NY80–3023	Apr. 11, 1980.
NY81–8024	Apr. 3, 1980.
North Dakota: ND80–5132	Oct. 10, 1980.
Oregon: OR80–5145	Nov. 21, 1980
Rhode Island: RI80–2054	July 18, 1980.
Texas:	
TX80–4018	Mar. 14, 1980.
TX80–4077	Oct. 10, 1980
TX80–4088	Nov. 7, 1980.
TX80–4098	Dec. 5, 1980.
TX80–4099	Do.
TX81–4005	Jan. 6, 1981
TX81–4008	Do.
TX81–4015	Apr. 3, 1981.
TX81–4016	Do.
Utah: UT80–5148	Dec. 12, 1980
Washington: WA81–5107	Apr. 3, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decision being superseded.

California: CA80–5136 (CA81–5113)	Oct. 3, 1980
Florida:	
FL81–1167 (FL81–1213)	Jan. 6, 1981
FL81–1166 (FL81–1215)	Do.
FL81–1168 (FL81–1217)	Do.
FL81–1169 (FL81–1218)	Do.
FL81–1169 (FL81–1219)	Do.
FL80–1034 (FL81–1220)	Jan. 16, 1980.
FL78–1051 (FL81–1221)	May 26, 1978.
Georgia: GA80–1055 (GA81–1222)	Feb. 8, 1980.
Louisiana:	
LA80–4084 (LA81–4024)	Nov. 7, 1980.
LA80–4089 (LA81–4027)	Do.
Nevada: NV80–5100 (NV81–5111)	Feb. 1, 1980.
New York: NY80–3009 (NY81–3030)	Feb. 29, 1980
Ohio: OH80–2044 (OH81–2020)	July 7, 1980.
Tennessee:	
TN80–1067 (TN81–1202)	Apr. 25, 1980.
TN80–1078 (TN81–1203)	June 13, 1980.

Texas: TX80-4068 (TX81-4028) ..... Nov. 7, 1980.
Utah: UT79-5138 (UT81-5112) ..... Dec. 14, 1979.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. This 24th day of April 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION #IA81-4021 MOD. #1
46 FR 21560 - April 19, 1981
STATEWIDE (Except Scott, County)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Black Hawk, Linn, and Polk Counties; and the cities of Ames, Dubuque, and Iowa City:					
LABORERS:					
Group 1	$ 9.76	.50	.50		.05
Group 2	9.46	.50	.50		.05
Group 3	9.26	.50	.50		.05

DECISION NO. LA81-4008 - MOD. #4
(46 FR 1520 - January 6, 1981)
Allen, Beauregard, Bossier Caddo, Calcasieu, Cameron Jefferson, Jefferson Davis, Orleans, Plaquemines, St. Bernard & St. Charles Pars., Louisiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers & stonemasons					
Zone 1	$14.55	.68	1.00		.05
Zone 2	13.45	.75	.535		.10
Plumbers & pipefitters:					
Zone 2	12.69	.80	1.10	1.00	.09

DECISION NO. ND80-5132 - Mod #6
(45 FR 67525 - Oct. 10, 1980)
Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Traill, Walsh, and Ward Counties, North Dakota

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Bricklayers; Stonemasons:					
Area 4	$12.20		.30		
Sprinkler Fitters	14.81	.95	1.40		.08

DECISION NO. NY80-3023 - Mod.#5
(45 FR 25010 - April 11, 1980)
Westchester County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
PAINTERS					
Brush	11.65	.70	1.33	.50	
Spray	12.65	.70	1.33	.50	
Tapers	12.45	.70	1.33	.50	
Steel, Swing Stage & Boatswain Chair	13.31[3/7]	.70	1.33	.50	
POWER EQUIPMENT OPERATORS, BUILDING CONSTRUCTION					
GROUP I-A	16.8525	6%+1.20	10%	a	2%
GROUP I-B	15.535	6%+1.20	10%	a	2%
GROUP II	15.94	6%+1.20	10%	a	2%
GROUP III-A	15.7975	6%+1.20	10%	a	2%
GROUP III-B	14.4775	6%+1.20	10%	a	2%
GROUP IV-A	15.515	6%+1.20	10%	a	2%
GROUP IV-B	14.335	6%+1.20	10%	a	2%
GROUP V-A	14.5125	6%+1.20	10%	a	2%
GROUP V-B	13.1925	6%+1.20	10%	a	2%
GROUP VI-A-1	18.22	6%+1.20	10%	a	2%
GROUP VI-A-2	17.3675	6%+1.20	10%	a	2%
GROUP VI-A-3	16.3675	6%+1.20	10%	a	2%
GROUP VI-A-4	17.0825	6%+1.20	10%	a	2%
GROUP VI-A-5	21.0825	6%+1.20	10%	a	2%
GROUP VI-A-6	14.5125	6%+1.20	10%	a	2%
GROUP VI-A-7	20.7975	6%+1.20	10%	a	2%
GROUP VI-B-1	12.2125	6%+1.20	10%	a	2%
GROUP VI-B-2	13.1925	6%+1.20	10%	a	2%
GROUP VI-B-3	12.2275	6%+1.20	10%	a	2%
GROUP VI-B-4	15.41	6%+1.20	10%	a	2%
GROUP VII	16.855	6%+1.20	10%	a	2%
POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY					
GROUP I-A	14.25	6%+a	9½%	b	2%
GROUP I-B	13.275	6%+a	9½%	b	2%
GROUP II-A	13.45	6%+a	9½%	b	2%
GROUP III-A	13.325	6%+a	9½%	b	2%
GROUP III-B	12.35	6%+a	9½%	b	2%
GROUP IV-A	13.20	6%+a	9½%	b	2%
GROUP IV-B	12.225	6%+a	9½%	b	2%
GROUP V-A	12.20	6%+a	9½%	b	2%
GROUP V-B	11.225	6%+a	9½%	b	2%

DECISION NO. NY80-3023 - Mod. #5 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS, HEAVY & HIGHWAY (Cont'd)					
GROUP VI-A					
CLASS I	15.45	6%+a	9½%	b	2%
CLASS II	14.70	6%+a	9½%	b	2%
CLASS III	17.70	6%+a	9½%	b	2%
CLASS IV	14.45	6%+a	9½%	b	2%
CLASS V	17.95	6%+a	9½%	b	2%
CLASS VI	12.20	6%+a	9½%	b	2%
CLASS VII	13.2875	6%+a	9½%	b	2%
GROUP VI -B					
Miscellaneous					
CLASS I	11.225	6%+a	9½%	b	2%
CLASS II	10.40	6%+a	9½%	b	2%

DECISION NO. NY81-3024 - Mod. #1
(46 FR 20442 - April 3, 1981)
Bronx, Kings, Queens, New York, & Richmond Counties, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
LABORERS					
Mason Tenders	11.35	.987	1.595		

DECISION NO. OR80-5145 - Mod #7
(45 FR 77321 - Nov 21, 1980)
Statewide Oregon

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Sprinkler Fitters	$16.44	.95	1.40		.08

DECISION NO. RI80-2054 - Mod. #4
(45 FR 48451 - July 18, 1980)
Statewide, Rhode Island

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION:					
MARBLE SETTERS, Terrazzo Workers, & Tile Setters	11.50	1.10	1.15		.02
BRICKLAYERS, Stonemasons Cities, towns or townships of Charlestown, Hopkinton, Peace Dale, Richmond, South Kingstown, Wakefield & Westerly	12.30	1.25	1.35		.02
HEAVY & HIGHWAY CONSTRUCTION:					
BRICKLAYERS, Stonemanson, Catch basins, Manhole Builders	12.25	1.25	1.35		.02
CEMENT MASONS	9.85	.50	.35		
POWER EQUIPMENT OPERATORS:					
WATER & SEWER LINE PROJECTS, HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION PROJECTS					
CLASS 1	13.845	.95	1.30		.15
CLASS 2	12.995	.95	1.30		.15
CLASS 3	12.375	.95	1.30		.15
CLASS 4	9.625	.95	1.30		.15
CLASS 5	12.325	.95	1.30		.15
CLASS 6	12.825	.95	1.30		.15
CLASS 7	12.445	.95	1.30		.15
CLASS 8	12.425	.95	1.30		.15
CLASS 9	11.075	.95	1.30		.15
CLASS 10	10.445	.95	1.30		.15
CLASS 11	11.425	.95	1.30		.15
CLASS 12	11.225	.95	1.30		.15
CLASS 13	11.895	.95	1.30		.15
CLASS 14	11.625	.95	1.30		.15
CLASS 15	12.725	.95	1.30		.15

DECISION NO. RI80-2054 - Mod. #4 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY & HIGHWAY CONSTRUCTION:					
TRUCK DRIVERS					
CLASS I	9.97	1.0925	1.20	a+b	
CLASS II	10.12	1.0925	1.20	a+b	
CLASS III	10.17	1.0925	1.20	a+b	
CLASS IV	10.27	1.0925	1.20	a+b	
CLASS V	10.37	1.0925	1.20	a+b	
CLASS VI	10.62	1.0925	1.20	a+b	
CLASS VII	10.87	1.0925	1.20	a+b	

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4018 - MOD. #8 (45 FR 16828 - March 14, 1980) Cameron, Hidalgo, Starr & Willacy Cos., Texas					
CHANGE: Sprinkler fitters	$14.68	.95	1.40		.08
DECISION NO. TX80-4077 - MOD. #7 (45 FR 67538 - October 10, 1980) Galveston & Harris Cos., Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08
DECISION NO. TX80-4088 - MOD. #4 (45 FR 74364 - November 7, 1980) Harrison County, Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08
DECISION NO. TX80-4098 - MOD. #2 (45 FR 80643 - December 5, 1980) Bowie County, Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4099 - MOD. #6 (45 FR 80640 - December 5, 1980) Bell, Bosque, Corvell, Falls, Hill & McLennan Cos., Texas					
CHANGE: Building Construction: Sprinkler fitters	$14.68	.95	1.40		.08
DECISION NO. TX81-4005 - MOD. #6 (46 FR 1545 - January 6, 1981) Bexar County, Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08
DECISION NO. TX81-4008 - MOD. #2 (46 FR 1550 - January 6, 1981) Smith County, Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08
DECISION NO. TX81-4015 - MOD. #1 (46 FR 20448 - April 3, 1981) Jefferson & Orange Cos., Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08
DECISION NO. TX81-4016 - MOD. #1 (46 FR 20450 - April 3, 1981) Travis County, Texas					
CHANGE: Sprinkler fitters	14.68	.95	1.40		.08

DECISION NO. UT80-5148 - Mod. #5
(45 FR 81991-December 12, 1980)
Statewide, Utah

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers	$12.50	.70	.62		.10
Line Construction Workers:					
Groundman	10.83	.45	3%+.50		1/4%
Line Equipment Serviceman	12.98	.45	3%+.50		1/4%
Line Equipment Mechanic:					
Base Shop	12.98	.45	3%+.50		1/4%
Right of way	13.88	.45	3%+.50		1/4%
Line Equipment Operators	13.20	.45	3%+.50		1/4%
Lineman	14.67	.45	3%+.50		1/4%
Cable Splicers	16.17	.45	3%+.50		1/4%
Sprinkler Fitters	14.09	.95	1.40		.08
Power Equipment Operators:					
Steel Erection					
Group 1	$12.70	$1.28	$1.90	$1.00	.14
Group 2	13.15	1.28	1.90	1.00	.14
Group 3	14.38	1.28	1.90	1.00	.14
Group 4	14.55	1.28	1.90	1.00	.14
Group 4-A	14.92	1.28	1.90	1.00	.14
Group 5	15.52	1.28	1.90	1.00	.14
Group 6	16.04	1.28	1.90	1.00	.14
Group 6-A	16.75	1.28	1.90	1.00	.14
Group 7	18.01	1.28	1.90	1.00	.14
Piledriving					
Group 1	12.15	1.28	1.90	1.00	.14
Group 1-A	12.54	1.28	1.90	1.00	.14
Group 1-B	12.79	1.28	1.90	1.00	.14
Group 2-A	12.79	1.28	1.90	1.00	.14
Group 2-B	13.69	1.28	1.90	1.00	.14
Group 3	14.05	1.28	1.90	1.00	.14
Group 3-A	14.57	1.28	1.90	1.00	.14
Group 4	15.23	1.28	1.90	1.00	.14
Group 5	15.44	1.28	1.90	1.00	.14
Group 6	16.81	1.28	1.90	1.00	.14

DECISION NO. WA81-5107 - Mod #3
(46 FR 20452 - April 3, 1981)
Statewide Washington

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change Mod #1 dated April 24, 1981, to read "Mod #2"					
CHANGE:					
Bricklayers; Marble Setters: Area 1	$16.68	1.05	2.00		.05
Sprinkler Fitters: Area 2	16.44	.95	1.40		.08

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino,

DECISION NO. CA81-5113 Page 2

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura

DECISION NUMBER: CA81-5113
DATE: Date of Publication

Supersedes Decision No. CA80-5135 dated October 3, 1980, in 45 FR 65887

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$18.74	$1.30	$1.45		.07
BOILERMAKERS	17.61	1.30	1.25	1.00	.04
BRICKLAYERS; Stonemasons:*					
Area 1	16.09	1.13	1.34		.12
Area 2	15.74	1.15	2.21		.10
Area 3	15.45	1.15	1.65		.07
Area 4	15.25	1.15	2.20		.05
Area 5	15.89	1.50	2.35		.10
Area 6	15.47	1.45	2.00		.06
BRICK TENDERS	11.23	1.25	2.90	1.00	.12
CARPENTERS:*					
Area 1:					
Carpenters	15.81	1.63	2.21	1.00	.10
Saw Filers	15.89	1.63	2.21	1.00	.10
Table Power Saw Operators	15.91	1.63	2.21	1.00	.10
Shinglers, Piledrivermen, Bridge or Dock Carpenters	15.94	1.63	2.21	1.00	.10
Hardwood Floorlayers	16.01	1.63	2.21	1.00	.10
Penumatic Nailers	16.06	1.63	2.21	1.00	.10
Millwrights	16.31	1.63	2.21	1.00	.10
Area 2:					
Carpenters	13.81	1.63	2.21	1.00	.10
Saw Filers	13.89	1.63	2.21	1.00	.10
Table Power Saw Operators	13.91	1.63	2.21	1.00	.10
Shinglers; Piledrivermen, Bridge or Dock Carpenters	13.94	1.63	2.21	1.00	.10
Hardwood Floorlayers	14.01	1.63	2.21	1.00	.10
Pneumatic Nailers	14.06	1.63	2.21	1.00	.10
Millwrights	14.31	1.63	2.21	1.00	.10
CEMENT MASONS:*					
Area 1:					
Cement Masons	15.54	1.30	1.85	1.25	.10
Cement Floating and Troweling Machine Operators	15.79	1.30	1.85	1.25	.10

*See AREA DESCRIPTIONS - Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:* (Cont'd)					
Area 2:					
Cement Masons	$13.89	$1.30	$1.85	$1.25	.10
Cement Floating and Troweling Machine Operators	14.14	1.30	1.85	1.25	.10
DRYWALL INSTALLERS:*					
Area 1	16.63	1.63	2.21	1.40	.18
Area 2	14.63	1.63	2.21	1.40	.18
DIVERS:*					
Diver, wet	32.88	1.63	2.21	1.00	.10
Diver, stand-by	16.44	1.63	2.21	1.00	.10
Diver, tender	15.44	1.63	2.21	1.00	.10
ELECTRICIANS:*					
Area 1:					
Electricians	15.98	.75	3%+1.71		.09
Cable Splicers	16.28	.75	3%+1.71		.09
Area 2:					
Electricians; Technicians	18.30	1.10	3%+2.15		.15
Cable Splicers	20.13	1.10	3%+2.15		.15
Area 3:					
Electricians; Technicians	15.67	1.15	3%+2.70		.12
Cable Splicers	15.97	1.15	3%+2.70		.12
Area 4:					
Electricians	18.09	.81	3%+1.45		.02
Cable Splicers	18.92	.81	3%+1.45		.02
Area 5:					
Electricians	16.41	.85	3%+2.60		.04
Cable Splicers	16.91	.85	3%+2.60		.04
Area 6:					
Electricians	14.90	1.21	3%+2.90		.04
Cable Splicers	15.40	1.21	3%+2.90		.04
Area 7:					
Electricians	18.18	1.23	3%+1.50		
Cable Splicers	20.00	1.23	3%+1.50		
Area 8:					
Electricians	18.05	1.30	3%+1.50		.03
Cable Splicers	19.55	1.30	3%+1.50		.03
Area 9:					
Electricians	19.11	1.20	3%+2.25		.02
Cable Splicers	21.02	1.20	3%+2.25		.02

*See AREA Descriptions - Page 3

AREA DESCRIPTIONS

BRICKLAYERS; Stonemasons:
Area 1: Imperial County
Area 2: Inyo, Kern, and Mono Counties
Area 3: Los Angeles and Orange Counties
Area 4: Riverside and San Bernardino Counties
Area 5: Santa Barbara and San Luis Obispo Counties
Area 6: Ventura County

CARPENTERS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Station, Point Arguello and Vandenbrug Air Force Base
Area 2: Remaining Counties

CEMENT MASONS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordance Test Station, Point Arguello and Vandenberg Air Force Base
Area 2: Remaining Counties

DRYWALL INSTALLERS:
Area 1: Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Station, Point Arguello and Vandenberg Air Force Base
Area 2: Remaining Counties

DIVERS:*
Shall receive a minimum of 8 hours pay for any day or part thereof.

ELECTRICIANS:
Area 1: Imperial County
Area 2: Kern County (Remainder of County)
Area 3: Los Angeles County
Area 4: Orange County
Area 5: Riverside County
Area 6: Inyo, Mono, and San Bernardino Counties
Area 7: San Luis Obispo County
Area 8: Santa Barbara (Remainder of County)
Area 9: Ventura County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:* (Cont'd)					
Area 10:					
Electricians	$20.80	$1.30	3%+1.50		.03
Cable Splicers	22.30	1.30	3%+1.50		.03
Area 11:					
Electricians	22.05	1.10	3%+2.15		.15
Cable Splicers	24.26	1.10	3%+2.15		.15
ELEVATOR CONSTRUCTORS:*					
Area 1:					
Elevator Constructors	15.41	1.045	.82	a	.035
Helpers	70%JR	1.045	.82	a	.035
Probationary Helpers	50%JR				
Area 2:					
Elevator Constructors	16.37	.895	.82	a	.035
Helpers	70%JR	.895	.82	a	.035
Probationary Helpers	50%JR				
GLAZIERS:*					
Area 1	14.18	1.10	3.00		.07
IRONWORKERS:*					
Fence Erectors	13.46	1.39	3.11	2.15	.07
Structural, Ornamental, Reinforcing	14.35	1.39	3.11	2.15	.07
IRRIGATION and LAWN SPRINKLERS	11.12	10%	16%	13%	1%
LATHERS:*					
Area 1	12.58	1.15	1.85	.90	.05
Area 2	14.00	1.26	1.99		.03
Area 3	15.63	1.63	2.21	1.00	.10
Area 4	13.60	.95	1.70	1.00	.03
Area 5	14.11	.90	1.41	1.03	.01
LINE CONSTRUCTION:*					
Area 1:					
Groundman	12.40	.75	3%+1.60		
Lineman	16.13	.75	3%+1.60		
Cable Splicers	16.41	.75	3%+1.60		
Area 2:					
Groundman	13.73	1.10	3%+2.15		.15
Lineman	18.30	1.10	3%+2.15		.15
Cable Splicers	20.13	1.10	3%+2.15		.15

*See AREA Descriptins - Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:*					
Area 1:					
Brush, Roller, Taper	$13.50	$1.30	3%+1.50		.03
Spray, Sandblast	14.00	1.30	3%+1.50		.03
Area 2:					
Brush, Roller, Taper	14.00	1.30	3%+1.50		.03
Spray, Sandblast	14.50	1.30	3%+1.50		.03
Area 3:					
Brush, Roller, Taper	14.50	1.30	3%+1.50		.03
Spray, Sandblast	15.00	1.30	3%+1.50		.03
Area 4:					
Brush, Roller, Taper	14.00	1.30	3%+1.50		.03
Spray, Sandblast	14.50	1.30	3%+1.50		.03
Area 5:					
Brush, Roller, Taper	14.00	1.30	3%+1.50		.03
Spray, Sandblast	14.50	1.30	3%+1.50		.03
Area 6:					
Brush, Roller, Taper	14.00	1.30	3%+1.50		.03
Spray, Sandblast	14.50	1.30	3%+1.50		.03
Area 7:					
Brush, Roller, Taper	14.00	1.30	3%+1.50		.03
Spray, Sandblast	14.50	1.30	3%+1.50		.03
Area 8:					
Brush, Roller, Taper	14.00	1.30	3%+1.50		.03
Spray, Sandblast	14.50	1.30	3%+1.50		.03
Area 9:					
Brush, Roller, Taper	14.00	1.30	3%+1.50		.03
Spray, Sandblast	14.50	1.30	3%+1.50		.03
PILEDRIVERMEN:*					
Area 1	14.18	1.10	3.00		.07
PLASTERERS:*					
Area 1	14.18	1.10	3.00		.07
PLUMBERS:*					
Area 1	14.18	1.10	3.00		.07
ROOFERS:*					
Area 1	13.46	1.39	3.11	2.15	.07
Area 2	14.35	1.39	3.11	2.15	.07
SHEETMETAL WORKERS:*					
Area 1	14.18	1.10	3.00		.07
SOFT FLOOR LAYERS:*					
Area 1	14.18	1.10	3.00		.07
STEAMFITTERS:*					
Area 1	14.18	1.10	3.00		.07
TERRAZZO WORKERS:*					
Area 1	14.18	1.10	3.00		.07
TILE SETTERS:*					
Area 1	14.18	1.10	3.00		.07
TILE SETTERS' HELPERS:*					
Area 1	11.34	1.10	3.00		.07
TRUCK DRIVERS:*					
Area 1:					
Group 1	12.40	.75	3%+1.60		
Group 2	12.55	.75	3%+1.60		
Group 3	12.70	.75	3%+1.60		
Group 4	12.85	.75	3%+1.60		
Group 5	13.00	.75	3%+1.60		
Group 6	13.15	.75	3%+1.60		
Group 7	13.30	.75	3%+1.60		
Area 2:					
Group 1	13.73	1.10	3%+2.15		.15
Group 2	13.88	1.10	3%+2.15		.15
Group 3	14.03	1.10	3%+2.15		.15
Group 4	14.18	1.10	3%+2.15		.15
Group 5	14.33	1.10	3%+2.15		.15
Group 6	14.48	1.10	3%+2.15		.15
Group 7	14.63	1.10	3%+2.15		.15

*See AREA Descriptins - Page 6

AREA DESCRIPTIONS: (Cont'd)

ELECTRICIANS: (Cont'd)
Area 10: Point Arguello and Vandenberg Air Force Base

LINE CONSTRUCTION:* (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appt. Tr.
Area 3:					
Groundman	$14.73	.81	3%+1.45		.02
Lineman; Equipment Operators	18.09	.81	3%+1.45		.02
Cable Splicers	18.92	.81	3%+1.45		.02
Area 4:					
Groundman	9.86	1.25	3%+1.95		
Lineman	13.14	1.25	3%+1.95		
Cable Splicers	13.44	1.25	3%+1.95		
Area 5:					
Groundman	9.41	1.11	3%+2.00		.04
Lineman	12.71	1.11	3%+2.00		.04
Cable Splicers	13.44	1.11	3%+2.00		.04
Area 6:					
Groundman	12.32	.85	3%+2.60		.04
Lineman; Equipment Operator	16.43	.85	3%+2.60		.04
Cable Splicers	16.93	.85	3%+2.60		.04
Area 7:					
Groundman	13.64	1.23	3%+1.50		.03
Lineman; Equipment Operators	18.18	1.23	3%+1.50		.03
Cable Splicers	20.00	1.23	3%+1.50		.03
Area 8:					
Groundman	17.69	1.20	3%+2.25		.02
Lineman; Equipment Operators	19.11	1.20	3%+2.25		.02
Cable Splicers	21.02	1.20	3%+2.25		.02
Area 9:					
Groundman	16.44	1.30	3%+1.50		.03
Lineman; Equipment Operators	21.00	1.30	3%+1.50		.03
Cable Splicers	22.80	1.30	3%+1.50		.03
Area 10:					
Groundman	16.54	1.10	3%+2.15		.15
Lineman	22.05	1.10	3%+2.15		.15
Cable Splicer	24.26	1.10	3%+2.15		.15
Area 11:					
Groundman	13.69	1.30	3%+1.50		.03
Lineman; Equipment Operators	18.25	1.30	3%+1.50		.03
Cable Splicers	19.75	1.30	3%+1.50		.03

*See AREA Descriptions - Page 6

AREA DESCRIPTIONS: (Cont'd)

ELECTRICIANS: (Cont'd)
Area 10: Point Arguello and Vandenberg Air Force Base
Area 11: China Lake Naval Ordnance Test Station and Edwards Air Force Base

ELEVATOR CONSTRUCTORS:
Area 1: Imperial and Inyo Counties; Kern County (south of Tehachapi Range); Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Kern County (north of Tehachapi Range)

GLAZIERS:

Area 1: Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo, and Ventura Counties

IRONWORKERS:
Where the project is located 35 miles or more from the City Halls indicated below, the following amount shall be added to the base rate:

35 miles to 50 miles - $9.00 per day
50 miles to 60 miles - $14.00 per day
60 miles to 100 miles - $17.00 per day
100 miles and over - $23.00 per day

City Hall of San Francisco, Oakland, San Jose, Sacramento, Stockton, Fresno, Bakersfield, Eureka, Redding, Napa, Los Angeles, San Diego, San Bernardino, Ventura, and El Centro

LATHERS:
Area 1: Inyo, Kern, and Mono Counties
Area 2: Los Angeles County (except City of Lancaster)
Area 3: Ventura County
Area 4: Orange County
Area 5: Riverside County

LINE CONSTRUCTION:
Area 1: Imperial County
Area 2: Kern County (Remainder of County)
Area 3: Orange County
Area 4: Los Angeles County
Area 5: Inyo, Mono, and San Bernardino Counties
Area 6: Riverside County
Area 7: San Luis Obispo County
Area 8: Ventura County
Area 9: Point Arguello and Vandenberg Air Force Base
Area 10: China Lake Naval Ordnance Test Station and Edwards Air Force Base
Area 11: Santa Barbara (Remainder of County)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS:*					
Area 1	$12.42	$1.50	$1.62	$1.18	
Area 2	13.54	.81	1.17		.08
MARBLE FINISHERS:*					
Area 1	9.44	.81	1.17		.08
PAINTERS:*					
Area 1:					
Brush; Painter Burners	15.06	1.23	1.53	.75	.07
Paperhangers	15.56	1.23	1.53	.75	.07
Sandblaster; Iron, steel and Bridge (Swing Stage)	16.06	1.23	1.53	.75	.07
Sheet Rock Tapers	16.06	1.23	1.53	.75	.07
Brush (Swing Stage); Spray	15.30	1.23	1.53	.74	.07
Steeplejack	16.71	1.23	1.53	.75	.07
Area 2:					
Brush	14.31	1.29	1.33	.75	.10
Brush Painter, Structural Steel, Paint Burner	14.43	1.29	1.33	.75	.10
Swing Stage, under 13 stories; Sandblaster; Pressure Roller Operator; Paperhanger	14.56	1.29	1.33	.75	.10
Swing Stage, over 13 stories	14.68	1.29	1.33	.75	.10
Paste Machine Operator	14.81	1.29	1.33	.75	.10
Spray Painter; Steeplejack	15.56	1.29	1.33	.75	.10
Area 3:					
Brush	11.53	.80	1.00		.03
Brush or Roller (swing stage); Paperhangers; Tapers (sheet rock)	11.78	.80	1.00	1.10	.03
Spray; Sandblaster	12.28	.80	1.00	1.10	.03
Steeplejack	13.03	.80	1.00	1.10	.03
Area 4:					
Brush, Pot Tender Paperhangers, Paste Machine Operators; Iron and Steel	14.98	1.25	1.83		.03
Spray, Taper; Sandblaster	15.23	1.25	1.83		.03
Steeplejack	15.48	1.25	1.83		.03
	15.98	1.25	1.83		.03

*See AREA Descriptions - Page 9

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Parking Lot Striping Work and/or Highway Markers:					
Striper	$10.83	.85	.55	b	
Traffic Delineating Device Applicator	11.22	.85	.55	b	
Wheel Stop Installer, Traffic Surface Sandblaster	10.83	.85	.55	b	
Slurry Seal Operation:					
Mixer Operator	10.83	.85	.55	b	
Squeegee Man	9.64	.85	.55	b	
Applicator Operator	9.64	.85	.55	b	
Shuttleman	9.64	.85	.55	b	
Top Man	8.10	.85	.55	b	
PLASTERERS:*					
Area 1	16.495	1.08	1.85		.12
Area 2	19.70				
Area 3	18.28				
Area 4	16.15	1.25	2.00		
Area 5	16.73	1.30	3.00		
Area 6	16.955	1.00	1.30		.02
Area 7	12.77	1.18	1.65	1.00	.06
PLASTERERS' TENDERS:*					
Area 1	13.77	1.25	2.90	1.40	
Area 2	11.25	1.25	2.90	1.20	
Area 3	13.625	1.25	2.90	1.20	
Area 4	12.48	1.25	2.90	1.20	
Area 5	13.83	1.25	2.90	1.20	
Area 6	15.73	1.25	2.90	1.20	
Area 7	14.25	1.25	2.90	1.20	
PLUMBERS; Steamfitters:*					
Area 1	15.25	10%	16%	13%	3/4%
Area 2	15.88	1.05	2.25	1.45	.17
Area 3	20.88	1.05	2.25	1.45	.17
Area 4	16.75	10%	16%	13%	3/4%
REFRIGERATION and AIR CONDITIONING:*					
Area 1	10.70	.96	.85	1.00	.05
Area 2	13.82	2.00	2.00	1.52	.30

*See AREA Descriptions - Page 9

AREA DESCRIPTIONS: (Cont'd)

MARBLE SETTERS:
Area 1: Inyo and Mono Counties
Area 2: Imperial County

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or

AREA DESCRIPTIONS: (Cont'd)

MARBLE SETTERS:
Area 1: Inyo and Mono Counties
Area 2: Imperial County

MARBLE FINISHERS:
Area 1: Imperial County
Area 2: Kern, Inyo, and Mono Counties

PAINTERS:
Area 1: Imperial, Orange, and Riverside Counties; Los Angeles County (Pomona Area); San Bernardino County (excluding western portion)
Area 2: Inyo County; Los Angeles County (except Pomona Area); Mono County; San Bernardino County (west of a line north of Trono including China Lake Area, Johannesburg, Boron, south including the Wrightwood Area); Kern County east of the Los Angeles Aqueduct)
Area 3: Kern County (except the portion lying east of the Los Angeles Aqueduct)
Area 4: San Luis Obispo, Santa Barbara and Ventura Counties

PLASTERERS:
Area 1: Los Angeles and Orange Counties
Area 2: Imperial, Riverside, and San Bernardino Counties
Area 3: San Luis Obispo County
Area 4: Santa Barbara County
Area 5: Ventura County
Area 6: Point Arguello and Vandenberg Air Force Base
Area 7: Kern, Inyo, and Mono Counties

PLASTERERS' TENDERS:
Area 1: Imperial, Inyo, Mono, Riverside, and San Bernardino Counties
Area 2: Kern County
Area 3: Los Angeles and Orange Counties
Area 4: San Luis Obispo County
Area 5: Santa Barbara County
Area 6: Ventura County
Area 7: China Lake Naval Ordnance Test Station and Edwards Air Force Base

PLUMBERS; Steamfitters:
Area 1: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Inyo, Kern, and Mono Counties
Area 3: Edwards Air Force Base, Naval Weapons Center and China Lake Naval Ordnance Test Center
Area 4: Point Arguello and Vandenberg Air Force Base

REFRIGERATION and AIR CONDITIONING:
Area 1: Riverside and San Bernardino Counties
Area 2: Los Angeles and Orange Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:*					
Area 1	$12.79	.80	$1.05	$1.00	
Area 2	12.55	.90	.60		.05
Area 3	14.65	.80	1.25	1.50	
Area 4	13.68	1.17	1.20	1.50	.065
Area 5	13.68	1.17	1.20	1.50	.065
Area 6	16.12	.645	1.49		
SHEET METAL WORKERS:*					
Area 1	16.34	1.20	2.64		.04
Area 2	16.73	1.20	2.13		.04
Area 3	16.70	1.20	2.62		.10
Area 4	14.16	1.14	2.64		.09
Area 5	15.30	1.14	1.91		.16
Area 6	16.37	1.20	2.52		.06
Area 7	16.975	1.00	1.30		.03
SOFT FLOOR LAYERS:*					
Area 1	11.52	.81	1.45		.10
Area 2	14.72	.86	1.30	.88	.08
Area 3	13.40	.90	.90	1.25	.09
SPRINKLER FITTERS:*					
Area 1	20.03	.95	1.40		.08
Area 2	16.83	.83	1.05		.09
TERRAZZO WORKERS:*					
Area 1	12.69	.81	1.17		.08
Area 2	14.87	1.10	1.80		.10
TILE SETTERS:*					
Area 1	12.69	.81	1.17		.08
Area 2	13.81	1.06	1.40		.10
Area 3	15.89	1.50	2.35		.10
Area 4	14.60	1.15	2.20		
Area 5	14.15	.65	.65		
TILE FINISHERS:*					
Area 1	9.96	1.39	1.30		.13

*See AREA Descriptions - Page 11

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A thru F.

b. Employer contributes $.23 per hour to Holiday Fund plus $.14 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years $.34 per hour to Vacation Fund, 5 years but less than 10 years $.44 per hour to Vacation Fund, over 10 years $.54 per hour to Vacation Fund.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA DESCRIPTIONS (Cont'd)

ROOFERS:
Area 1: Imperial County
Area 2: Inyo, Kern, and Mono Counties
Area 3: Riverside and San Bernardino Counties
Area 4: Los Angeles, Orange, and Ventura Counties
Area 5: San Luis Obispo and Santa Barbara Counties
Area 6: Point Arguello and Vandenberg Air Force Base

SHEET METAL WORKERS:
Area 1: Imperial County
Area 2: Kern County and all of Inyo and Mono Counties; Los Angeles County (that portion north of a straight line drawn between Gorman and Big Pines)
Area 3: Los Angeles County (Remaining portion)
Area 4: Orange County
Area 5: Riverside and San Bernardino Counties
Area 6: San Luis Obispo, Santa Barbara, and Ventura Counties
Area 7: Point Arguello and Vandenberg Air Force Base

SOFT FLOOR LAYERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, Riverside, Santa Barbara, San Luis Obispo, San Bernardino, and Ventura Counties
Area 3: Kern County (including that portion lying east of the Los Angeles Aqueduct and that portion of Inyo County included within the Inyo-Kern Naval Reservation

SPRINKLER FITTERS:
Area 1: Imperial, Inyo, Kern, and Mono Counties; Orange County (except Santa Ana); Riverside County; San Bernarino County (except Ontario); San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Los Angeles City and area within 25 miles and Pomona Area); Orange County (Santa Ana); San Bernardino County (Ontario); and Ventura County (Santa Paula, Point Mugu and Port Hueneme)
Area 3: Point Arguello and Vandenberg Air Force Base

TERRAZZO WORKERS:
Area 1: Imperial County
Area 2: Remaining Counties

TILE SETTERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, and Ventura Counties
Area 3: San Luis Obispo, and Santa Barbara Counties
Area 4: Riverside and San Bernardino Counties
Area 5: Inyo, Kern, and Mono Counties

TILE FINISHERS:
Area 1: Los Angeles, Orange, and Ventura Counties

LABORERS:	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$10.63	$12.63	$1.25	$2.90	.95	.12
Group 2	10.78	12.78	1.25	2.90	.95	.12
Group 3	10.98	12.98	1.25	2.90	.95	.12
Group 4	11.28	13.28	1.25	2.90	.95	.12
Group 5	11.48	13.48	1.25	2.90	.95	.12
GUNNITE:						
Group 1	12.62	14.62	1.25	2.90	.95	
Group 2	11.97	13.97	1.25	2.90	.95	
Group 3	10.91	12.91	1.25	2.90	.95	
TUNNEL:						
Group 1	12.54	14.54	1.25	2.90	1.20	
Group 2	12.66	14.66	1.25	2.90	1.20	
Group 3	12.82	14.82	1.25	2.90	1.20	
Group 4	13.10	15.10	1.25	2.90	1.20	

AREA DESCRIPTIONS:

Area 1: Remainder of Counties

Area 2: Point Arguello, Camp Roberts, Edwards Air Force Base, Naval Ordnance Test Center, Vandenberg Air Force Base

LABORERS

LABORERS (Cont'd)

LABORERS

Group 1: Cleaning and handling of Panels Forms; Concrete Screeding for rough strike-off; Concrete, water curing; Demolition Laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of Shee-bolt Holes; Fire Watcher, Limber, Brush Loaders, Pilers and Debris Handlers; Flagman; Gas, oil and/or water Pipeline Laborer; Laborer, general or construction; Laborer, general cleanup; Laborer, landscaping; Laborer, jetting, temporary water and air lines; Material Hoseman (walls, slabs, floors and decks); Rigging and Signaling; Scaler; Slip Form Raisers; Slurry Seal Crews (Mixer Operator, Applicator Operator, Squeegee Man, Shuttle Man, Top Man); Striper, concrete or other paved surfaces; Tarman and Mortar Man; Tool Crib or Tool House Laborer; Traffic Delineating Device Applicator; Window Cleaner; Wire Mesh, pulling all concrete pouring operations

Group 2: Asphalt Shoveler; Cement Dumper (on 1 yard or larger Mixer and handling bulk cement); Cesspool Digger and Installer, Chucktender; Chute Man, pouring concrete, the handling of the Chute from Ready Mix Trucks, such as walls, slabs, decks, floors, foundations, footings, curb, gutters, and sidewalks; Concrete Curer, Impervious Membrane and Form Oiler; Cutting Torch Operator (demolition); Fine Grader, highways and street paving, airport, runways, and similar type heavy construction; Gas, oil and/or water Pipeline Wrapper; Pot Tender and Form Man; Guinea Chaser; Headerboard Man, asphalt; Laborer, packing rod steel and pans; Power Broom Sweepers (small); Riprap Stonepaver, placing stone or wet sacked concrete; Roto Scraper and Tiller; Sandblaster (Pot Tender); Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders; Underground Laborer, including Caisson Bellower

Group 3: Asphalt Raker, Luteman, Ironer and Asphalt Spreader Boxes (all types); Buggymobile Man; Concrete Core Cutter, Grinder or Sander; Concrete Cutting Torch; Concrete Saw Man, cutting, scouring old or new concrete; Driller, Jackhammer, 2½ feet drill steel or longer; Dri Pak-it Machine; Gas, oil and/or water Pipeline Wrapper, 6" pipe and over, by any method, inside and out; Hydro Seeder and similar type; Impact Wrench Multi-plate; Kettlemen, Potmen and Men applying asphalt, Lay-kold, creosote, lime caustic and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Operators of pneumatic, gas, electric tools; Vibrating Machines, Pavement Breakers, Air Blasting, Come-alongs, and similar mechanical tools not separately classified herein; Pipelayer's Backup Man, coating, grouting, making of joints, sealing, caulking, diapering and including Rubber Gasket Joints, pointing and any and all other services; Rock Slinger; Rotary Scarifier or Multiple Head Concrete Chipping Scarifier; Steel Headerboard Man and Guideline Setter; Tampers, Barko, Wacker, and similar type; Trenching Machine, hand propelled

LABORERS (Cont'd)

Group 4: Cribber, Shorer, Lagging, Sheeting and Trench Bracing, Hand-guided Lagging Hammer; Head Rock Slinger; Laser Beam; Oversize Concrete Vibrator Operator, 70 lbs. and over; Pipelayer, including water, sewage, solid, gas or air; Prefabricated Manhole Installer; Sandblaster (Nozzleman), water blasting; Welding in connection with Laborers' work

Group 5: Blaster Powderman, all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Driller; All power drills, excluding Jackhammer, whether Core, Diamond, Wagon, Track, Multiple Unit, and any and all types of mechanical drills

GUNNITE

Group 1: Nozzlemen and Rodmen

Group 2: Gunmen

Group 3: Reboundmen

TUNNEL

Group 1: Batch Plant Laborers; Bull Gang Mucker, Trackman; Concrete Crew, including Rodders and Spreaders; Changehouseman; Dumpman; Dumpman (outside); Swamper (Brakeman and Switchman on tunnel work); Tunnel materials handling Man; Tool Man

Group 2: Cable Tender; Chuck Tender; Nipper; Steel Form Raiser and Setter's Helper; Vibratorman, Jackhammer, pneumatic tools (except Driller); Loading and unloading Agitator Cars; Pot Tender, using mastic or other materials

Group 3: Blaster, Driller, Powderman; Chemical Grout Jetman; Cherry Pickerman; Grout Gunman; Grout Mixerman; Grout Pumpman; Jackleg Miner; Jumbo Man; Kemper and other pneumatic concrete Placer Operator; Miner, tunnel (hand or machine); Powderman (Primer House); Primer Man; Shotcrete Man; Steel Form Raiser and Setter; Timberman; Retimber (wood or steel); Tunnel Concrete Finisher; Nozzleman; Operating Troweling and/or Grouting Machine; Sandblaster

Group 4: Shaft, Raise Miner; Diamond Driller

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: DREDGING (Hydraulic Suction Dredges)					
Leverman	$15.45	$1.10	$2.80	.92	.04
Watch Engineer; Welder	14.87	1.10	2.80	.92	.04
Deckmate	14.87	1.10	2.80	.92	.04
Winchman (Stern Winch or Dredge)	14.32	1.10	2.80	.92	.04
Bargeman; Deckhand; Fireman; Oiler; Leveehand	13.78	1.10	2.80	.92	.04
(Clamshell Dredges)					
Leverman	15.45	1.10	2.80	.92	.04
Watch Engineer	14.87	1.10	2.80	.92	.04
Deckmate	14.87	1.10	2.80	.92	.04
Barge Mate	14.39	1.10	2.80	.92	.04
Bargeman; Deckhand; Fireman; Oiler	13.87	1.10	2.80	.92	.04
POWER EQUIPMENT OPERATORS:					
Group 1	13.60*	1.10	2.65	.90	.14
Group 2	13.88*	1.10	2.65	.90	.14
Group 3	14.17*	1.10	2.65	.90	.14
Group 4	14.31*	1.10	2.65	.90	.14
Group 5	14.53*	1.10	2.65	.90	.14
Group 6	14.64*	1.10	2.65	.90	.14
Group 7	14.76*	1.10	2.65	.90	.14
Group 8	14.93*	1.10	2.65	.90	.14
Group 9	15.06*	1.10	2.65	.90	.14

*When the home of any employee is over thirty(30) road miles from the center of the job or project on Vandenberg Air Force Base, a rate of $20.00 per scheduled work day shall be added to the base pay.

POWER EQUIPMENT OPERATORS

Group 1: Brakeman; Compressor (less than 600 C.F.M.); Engineer Oiler; Generator; Heavy Duty Repairman; Helper; Pump; Signalman; Switchman

Group 2: Compressor (600 C.F.M. or larger); Concrete Mixer, skip type, Conveyor; Fireman; Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or compressor; Rotary Drill Helper (Oilfield); Skiploader, wheel type up to 3/4 yard without attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driven Jumbo Form Setter; Ross Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (apshalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (Greaser Truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer-Aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 feet)

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yard); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrick Man (Oilfield type); Drilling Machine Operator (including water wells); Forklift (under 5 ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanic Berm, Curb or Gutter (asphalt or concrete); Mechanical Finisher (concrete-Clary, Johnson, Bidwell, or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Skiploader (Crawler and wheel type, over 3/4 yard and up to and including 1½ yards); Stinger Crane (Austin-Western or similar type); Tractor, Bulldozer, Tamper Scraper (single engine, up to 100 HP, flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist, 1 drum; Tunnel Locomotive (over 10 tons up to and including 30 tons); Welder-general

POWER EQUIPMENT OPERATORS (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridge Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (Gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity) (Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile; Lift Slab Machine (Vagtborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yard rubber tired, rail or track or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment (single engine, Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments, over 25 yards struck); Rubber-tired Scraper (self-loading paddle wheel type, John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type, over 1½ yards, up to and including 6½ yards); Surface Heaters and Planer; Trenching Machine (over 6 feet depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel HP and over, or similar); Bulldozer, Tamper, Scraper and Push Tractor (single engine); Tractor (boot attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cu. yds. M.R.C.) (Long-boom pay applicable); Self-propelled Curb and Gutter Machine

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Crane, over 25 ton up to and including 100 tons M.R.C. (Long boom pay applicable); Derrick Barge (Long boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman, Welder combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (Long boom pay applicable); Monorail Locomotive (diesel, gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yards and up to 5 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. M.R.C.) (Long boom pay applicable); Tower Crane Repairman; Tractor Loader (Crawler and wheel type, over 6½ yards); Welder, certified; Woods Mixer and similar Pugmill Equipment

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (Long-boom pay applicable); Hoist, Stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more) (Long boom pay applicable); Mass Excavator, less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine; Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type, over 50 cu. yds. struck); Rubber-tired Self-loading Scraper (paddle wheel, auger type self-loading, 2 or more units); Rubber-tired Scraper, pushing one another without Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; High-line Cableway; Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate); Wheel Excavator (over 750 cu. yds.)

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.91*	$1.25	$1.33	$1.35	.15
Group 2	12.99*	1.25	1.33	1.35	.15
Group 3	13.05*	1.25	1.33	1.35	.15
Group 4	13.14*	1.25	1.33	1.35	.15
Group 5	13.17*	1.25	1.33	1.35	.15
Group 6	13.19*	1.25	1.33	1.35	.15
Group 7	13.23*	1.25	1.33	1.35	.15
Group 8	13.24*	1.25	1.33	1.35	.15
Group 9	13.29*	1.25	1.33	1.35	.15
Group 10	13.32*	1.25	1.33	1.35	.15
Group 11	13.37*	1.25	1.33	1.35	.15
Group 12	13.39*	1.25	1.33	1.35	.15
Group 13	13.44*	1.25	1.33	1.35	.15
Group 14	13.69*	1.25	1.33	1.35	.15
Group 15	13.94*	1.25	1.33	1.35	.15
Group 16	14.04*	1.25	1.33	1.35	.15
Group 17	14.14*	1.25	1.33	1.35	.15
Group 18	14.44*	1.25	1.33	1.35	.15
Group 19	14.94*	1.25	1.33	1.35	.15

*When the home of an employee is over thirty(30) road miles from the center of the job or project on Vandenberg Air Force Base, a rate of $20.00 per scheduled work day shall be added to the Base Pay.

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (including all vehicles less than 6 tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axle

Group 6: Dump, or less than 16 yards

TRUCK DRIVERS (Cont'd)

Group 7: Transit-mix, under 3 yards; Dumporete, less than 6½ yards

Group 8: Truck Repairman Helper

Group 9: Water Truck, 3 or more axles

Group 10: FB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Fireman ($00 per hour addition for Fireman)

Group 11: Transit-Mix, 3 yards or more; Dumporete, 6½ yards and over

Group 12: Driver or vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment Driver; Fork Lift Driver; Ross Carrier, highway

Group 15: All off-highway equipment within Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yds. or more; Truck Repairman

Group 16: Truck Repairman Welder

Group 17: Low Bed Driver, 9 axle or over

Group 18: Water Pull, single engine with attachments

Group 19: Water Pull, twin engine with attachments

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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SUPERSEDEAS DECISION

STATES: Georgia, North Carolina, South Carolina, Virginia, and Washington, D. C. and in Florida, all counties on the Atlantic Coast and the Gulf Coast West to the Aucilla River and all tributary Waterways.

DECISION Number: GA81-1222 DATE: Date of Publication

SUPERSEDEAS DECISION

STATES: Georgia, North Carolina, South Carolina, Virginia, and Washington, D. C. and in Florida, all counties on the Atlantic Coast and the Gulf Coast West to the Aucilla River and all tributary Waterways.
DECISION Number: GA81-1222 DATE: Date of Publication
Supersedes Decision No.: GA80-1055 dated February 8, 1980 in 45 FR 8855
DESCRIPTION OF WORK: Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HYDRAULIC DREDGES 20" AND OVER:					
Leverman	9.71	.73	.70	a	
Engineer	9.61	.73	.70	a	
Mate	8.72	.73	.70	a	
Welder	8.98	.73	.70	a	
Derrick Operator	9.28	.73	.70	a	
Spill Barge Operator	9.10	.73	.70	a	
Spider Barge Operator	9.10	.73	.70	a	
Tug Master	8.65	.73	.70	a	
Carpenter	9.23	.73	.70	a	
Tug Mate	8.29	.73	.70	a	
Electrician	9.43	.73	.70	a	
Machinist	9.16	.73	.70	a	
Steward	7.64	.73	.70	a	
Oiler & Fireman	7.42	.73	.70	a	
Deckhand & Tug Deckhand	6.99	.73	.70	a	
Shoreman	6.87	.73	.70	a	
Second Cook	6.99	.73	.70	a	
Messman	6.87	.73	.70	a	
HYDRAULIC DREDGES UNDER 20":					
Leverman	8.93	.73	.70	a	
Engineer	8.52	.73	.70	a	
Welder	8.65	.73	.70	a	
Mate	7.78	.73	.70	a	
Oiler & Fireman	7.35	.73	.70	a	
Deckhand	6.99	.73	.70	a	
Launchman	7.42	.73	.70	a	
Shoreman	6.87	.73	.70	a	
Spill Barge Operator	7.96	.73	.70	a	
Spider Barge Operator	7.96	.73	.70	a	
CLAMSHELL DREDGES:					
Operator	9.64	.73	.70	a	
Engineer	9.13	.73	.70	a	
Welder	8.87	.73	.70	a	
Mate	8.56	.73	.70	a	
Fireman & Oiler	7.42	.73	.70	a	
Deckhand	6.99	.73	.70	a	
Launchman	7.42	.73	.70	a	
Scowman	7.09	.73	.70	a	

DECISION NO. GA81-1222

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DIPPER DREDGES:					
Operator	9.74	.73	.70	a	
Craneman	9.32	.73	.70	a	
Engineer	9.51	.73	.70	a	
Welder	8.98	.73	.70	a	
Mate	8.72	.73	.70	a	
Fireman & Oiler	7.42	.73	.70	a	
Deckhand	6.99	.73	.70	a	
Tug Master	8.80	.73	.70	a	
Tug mate	8.37	.73	.70	a	
Scowman	7.09	.73	.70	a	
TUGS (TENDING DIPPER & CLAMSHELL DREDGES):					
Tug Master	8.80	.73	.70	a	
Tug Mate	8.37	.73	.70	a	
Engineer	8.80	.73	.70	a	
Assistant Engineer	8.21	.73	.70	a	
Deckhand	6.90	.73	.70	a	
Cook	7.09	.73	.70	a	
STEWARD DEPARTMENT ON DIPPER AND CLAMSHELL DREDGES AND ON HYDRAULIC DREDGES 20" AND UNDER:					
Cook	7.35	.73	.70	a	
Mess Cook	6.94	.73	.70	a	
Messmen & Janitor	6.84	.73	.70	a	
DRILLBOATS:					
Driller	9.61	.73	.70	a	
Blaster	9.61	.73	.70	a	
Operator Engineer	9.61	.73	.70	a	
Helper	7.42	.73	.70	a	

FOONOTES:

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

a. Six paid holidays, A through F, plus vacation contribution of 7% of straight time pay.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL81-1213
COUNTIES: See Below
DATE: Date of Publication
Supercedes Decision No. FL81-1167 dated January 6, 1981 in 46FR 1518
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension, and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

Bay, Escambia, Gulf, Okaloosa, Santa Rosa & Walton Counties, Fl.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	4.85				
Concrete Finishers	4.68				
Form Setters	3.83				
Ironworkers	5.00				
Laborers					
Common	3.35				
Asphalt Raker	3.50				
Pipelayers	4.60				
Truck Drivers					
Multi-Axle	3.73				
Single- Axle	3.70				
Lowboy	3.90				
Welders - Rate for craft					
P.E.O.					
Asphalt Distributor	3.93				
Asphalt Paving Machine	4.64				
Asphalt Screed	4.75				
Backhoe	5.50				
Bulldozer	4.18				
Crane, Derrick & Dragline	6.00				
Front End Loader	4.15				
Mechanics	6.09				
Motor Graders	5.35				
Roller Operator	3.87				
Roller, Finish	4.07				
Scraper	3.90				
Tractor	3.75				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL81-1214
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. FL81-1166 dated January 6, 1981 in 46FR 1518
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

Calhoun, Franklin, Holmes, Jackson, Liberty, and Washington Counties, Fl.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	4.94				
Concrete Finishers	4.60				
Electricians	5.95				
Form Setters	4.50				
Ironworkers	5.00				
Laborers					
Common	3.71				
Asphalt Raker	3.75				
Truck Drivers	3.71				
Welders - Rate for craft					
P.E.O.					
Asphalt Paving Machine Operator	4.75				
Backhoe	4.50				
Bulldozer	4.50				
Crane, Derrick & Dragline	6.00				
Earthmover Operator	4.11				
Front End Loader	4.50				
Mechanics	4.47				
Motor Grader	4.50				
Scraper	4.50				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL81-1215
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. FL81-1166 dated January 6, 1981 in 46FR 1518

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL81-1216
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. FL81-1166 dated January 6, 1981 in 46FR 1518

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL81-1215
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. FL81-1166 dated January 6, 1981 in 46FR 1518
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

Gadsden, Jefferson, Leon & Wakulla Counties, Fl.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	5.56				
Concrete Finishers	4.95				
Electricians	7.45				
Ironworkers	6.00				
Laborers					
Common	3.82				
Pipelayers	5.00				
Truck Drivers	3.82				
Welders - Rate for craft					
P.E.O.					
Asphalt Mixer	4.33				
Asphalt Paving Machine Op.	4.28				
Asphalt Screed Operator	4.61				
Backhoe	4.67				
Bulldozer	4.28				
Crane, Derrick, & Dragline	6.25				
Earthmover	4.38				
Front End Loader	4.24				
Motor Grader	4.50				
Roller, Operator & Finish	4.50				
Tractor	4.15				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL81-1216
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. FL81-1166 dated January 6, 1981 in 46FR 1518
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

Alachua, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Suwannee, & Taylor Counties, Fl.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	5.13				
Concrete Finishers	4.68				
Electricians	7.00				
Form Setters	4.50				
Ironworkers	4.35				
Laborers					
Asphalt Raker	3.75				
Common	3.59				
Pipelayers	3.71				
Truck Drivers	3.69				
Welders - Rate for craft					
P.E.O.					
Asphalt Paving Machine Op.	4.33				
Asphalt Plant Operator	4.50				
Asphalt Screed Operator	4.25				
Backhoe	3.98				
Bulldozer	4.75				
Crane, Derrick & Dragline	6.00				
Mechanics	4.40				
Oilers	3.83				
Roller, Finish	3.99				
Roller Operator	3.74				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL81-1217
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. FL81-1168 dated January 6,1981 in 46FR 1519 and Decision No. FL81-1166 dated January 6,1981 in 46FR 1518
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges

Baker, Bradford, Clay, Columbia, Duval, Flagler, Nassau, Putnam & St. Johns counties, Fl.	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	6.00				
Concrete Finisher	5.26				
Electricians	8.58				
Traffic Signal Mechanic	5.50				
Form Setters	4.48				
Ironworkers	5.44				
Laborers					
Common	3.80				
Pipelayers	4.51				
Asphalt Raker	4.20				
Truck Drivers					
Multi-Axle	4.09				
Single-Axle	4.00				
Lowboy	4.14				
Welders - Rate for craft					
P.E.O.					
Asphalt Distributor	4.00				
Asphalt Paving Machine	4.52				
Asphalt Screed	4.36				
Backhoe	6.01				
Bulldozer	4.91				
Crane, Derrick & Dragline	6.95				
Earthmover Operator	4.61				
Front End Loader	5.71				
Gradall	6.50				
Guardrail Erctor	5.27				
Mechanic	5.20				
Motor Grader	5.49				
Oiler	5.21				
Piledriver Operator	6.47				

FL81-1217 cont.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL81-1218
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. FL81-1166 dated January 6, 1981 in 46FR 1518

FL81-1218 cont.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL81-1218
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. FL81-1166 dated January 6, 1981 in 46FR 1518 & Decision No. FL81-1169 dated January 6, 1981 in 46FR 1519
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges,; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Citrus, Hernando, Lake, Marion, Pasco, Sumter, & Volusia (excluding Cape Kennedy Space Flight Center & Cape Canaveral Air Force Station), Fl.					
Carpenters	5.60				
Concrete Finishers	5.03				
Electricians	6.75				
Traffic Signal Mechanic	5.50				
Form Setters	4.50				
Iron Workers	5.32				
Laborers					
Common	3.81				
Asphalt Raker	4.17				
Pipelayers	4.22				
Truck Drivers					
Multi & Single Axle	3.83				
Lowboy	4.54				
Welders - Rate for craft					
P.E.O.					
Asphalt Distributor	4.32				
Asphalt Paving Machine Op.	4.83				
Asphalt Plant Operator	4.50				
Backhoe	5.17				
Bulldozer	4.49				
Concrete Curb Machine	5.65				
Crane, Derrick & Dragline	5.76				
Earthmover Operator	4.22				
Front End Loader	4.37				
Mechanic	4.91				
Motor Grader	5.60				
Oiler	4.36				
Pavement Striping Machine	6.25				
Piledriver Operator	6.25				
Roller, Finish	4.42				
Roller, Operator	4.13				

FL81-1218 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Scraper	4.95				
Self-Aggregate Spreader	4.39				
Widening Spreader Machine	4.69				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL81-1219
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. FL81-1169 dated January 6, 1981 in 46FR 1519
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving involving marine construction; and other major bridges

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Brevard (excludes Cape Canaveral Air Force Station Patrick Air Force Base, Kennedy Space Flight Center & Melabar Radar Site), Hillsborough, Indian River, Manatee, Martin, Orange, Osceola, Pinellas, Polk, St. Lucie, Sarasota & Seminole Counties, Fl.					
Carpenters	5.88				
Concrete Finishers	5.25				
Electricians	8.50				
Traffic Signal Mechanic	7.00				
Form Setters	4.93				
Ironworkers	6.53				
Laborers					
Common	4.02				
Asphalt Raker	4.58				
Pipelayers	4.78				
Painters	6.75				
Truck Drivers					
Multi & Single Axle	4.12				
Lowboy	4.24				
Welders - Rate for craft					
P.E.O.					
Asphalt Distributor	4.57				
Asphalt Mixer	4.58				
Asphalt Screed	4.66				
Asphalt Paving Machine Op.	4.86				
Backhoe	5.76				
Bulldozer	5.37				
Concrete Curb Machine Op.	5.95				
Concrete Mixer Operator	5.53				
Concrete Paving Subgrader Operator	4.56				

FL81-1219 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Crane, Derrick & Dragline	6.52				
Drilling Machine Operator	4.75				
Earthmover Operator	5.02				
Front End Loader	5.02				
Guardrail Erector	5.00				
Gradall Operator	5.76				
Mechanic	5.82				
Oiler	4.76				
Motor Grader	5.75				
Pavement Striping	6.75				
Piledriver Operator	6.42				
Roller, Finish	4.70				
Roller Operator	4.32				
Tractor	4.72				
Boom-Auger Operator	5.03				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL81-1220
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. FL80-1034 dated January 10, 1980 in 45FR 3961

FL81-1220 cont.

SUPERSEDEAS DECISION

STATE: Florida
DECISION NUMBER: FL81-1220
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. FL80-1034 dated January 18, 1980 in 45FR 3861
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges)

Charlotte, Collier, Desoto, Glades, Hardee, Hendry, Highland, Lee, Monroe, & Okeechobee Counties, Fl.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	6.50				
Concrete Finishers	5.79				
Electricians	8.00				
Form Setters	5.49				
Ironworkers					
Reinforcing	6.79				
Structural	7.07				
Laborers					
Common	4.34				
Pipelayers	4.84				
Asphalt Raker	5.04				
Truck Drivers					
Multi-Axle	4.78				
Lowboy	4.51				
Welders - Rate for craft					
P.E.O.					
Asphalt Distributor	5.16				
Asphalt Paving Machine Op.	5.55				
Backhoe	6.15				
Bulldozer	5.43				
Crane, Derrick & Dragline	6.68				
Earthmover Operator	5.05				
Front End Loader	5.31				
Gradall Operator	6.00				
Mechanic	5.96				
Oiler	5.01				
Piledriver Operator	6.69				
Roller, Finish	4.85				
Roller Operator	4.94				
Scraper Operator	5.10				
Tractor	4.76				

FL81-1220 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: Broward & Palm Beach
DECISION NUMBER: FL81-1221 DATE: Date of Publication
Supersedes Decision No. FL78-1051 dated May 26, 1978 in 43FR 22911
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	6.00				
Concrete Finisher	6.00				
Form Setters	6.00				
Ironworkers	8.80				
Laborers					
Common	4.63				
Pipelayers	5.99				
Asphalt Raker	4.91				
Painter	6.00				
Truck Drivers					
Multi-Rear Axle	4.89				
Lowbot	4.97				
Welders - Rate for craft					
P.E.O.					
Asphalt Paving Machine Op.	5.32				
Backhoe	6.75				
Bulldozer	6.33				
Concrete Paving Machine	5.66				
Crane, Derrick & Dragline	8.05				
Earth Drilling Machine	6.33				
Front End Loader	5.89				
Gradalls	7.03				
Mechanics	6.80				
Motor Graders	6.72				
Oiler/Greaser	5.58				
Pavement Striping Machine	5.00				
Piledriver Operator	7.15				
Roller, Finish	5.21				
Roller Operator	5.17				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDEAS DECISION

STATE: Louisiana PARISH: Statewide
DECISION NO.: LA81-4024 DATE: Date of Publication
Supersedes Decision NO. LA80-4084, dated November 7, 1980, in 45 FR 74347
DESCRIPTION OF WORK: Building projects (does not include single family homes & apartments up to and including 4 stories.

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	ZONE 1	$13.32	.775	1.18		.04
	ZONE 2	12.99	.70	1.00		.03
	ZONE 3	12.50	.65	1.30		.07
	ZONE 4	12.69	.45	.50		

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes
ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes
ZONE 3- Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Pars.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	$12.70	1.275	1.00		.03
BRICKLAYERS & STONEMASONS					
ZONE 1	13.75	.80	1.15		.31
ZONE 2	11.76	.53	.67		
ZONE 3	14.55	.68	1.00		.05
ZONE 4	13.45	.75	.535		.10
ZONE 5	12.25				
ZONE 6	11.30	.55	.65		
ZONE 7	11.50		.30		
ZONE 8	12.70		.50		
ZONE 9	13.00				

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana,

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge, & West Feliciana Parishes
ZONE 2 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Pointe Coupee, Rapides & St. Landry Parishes
ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Par. from the Tangipahoa Par. on the west along U. S. Hwy. 190 through the lower limits of Covington, along State Hwy. 59, through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 5 - St. Tammany (north half including Covington north of Hwy. 190) & Washington Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Iberia, Lafayette, St. Martin, St. Mary, & Vermilion Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS					
ZONE 1 - Carpenters	$11.55	.50			.05
Millwrights	12.27	.50			.05
Piledrivermen	12.45	.50			.05
ZONE 2 - Carpenters, piledrivermen & soft floor layers	13.66	.85	.38		.07
Millwrights	15.66				.07
ZONE 3 - Carpenters	10.90	.70	.55		
Millwrights	11.75	.70	.55		
Piledrivermen	11.20	.70	.55		
ZONE 4 - Carpenters & Piledrivermen	13.55	.65	.70		.11
Millwrights	14.275				7/10¢
ZONE 5 - Carpenters & Soft floor layers	12.90	.80	.80		.06
Millwrights	13.29	.80	.80		.06
Piledrivermen	13.00	.80	.80		.06
ZONE 6 - Carpenters & soft floor layers	12.735	.80	.80		.06
Millwrights	13.29	.80	.80		.06
Piledrivermen	13.00	.80	.80		.06
ZONE 7 - Carpenters & Soft floor layers	11.60				
Millwrights	12.35				
Piledrivermen	12.10				
ZONE 8 - Carpenters & soft floor layers	11.00	.65	.50		.04
Millwrights	11.75	.65	.50		.04
Piledrivermen	11.25	.65	.50		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 9 -Carpenters & Soft floor layers	$11.60				
Millwrights	12.35				
Piledrivermen	12.10				
ZONE 10 - Carpenters & Soft floor layers	11.35	.70	.70		.10
Millwrights	12.25	.70	.70		.10
Piledrivermen	11.85	.70	.70		.10

ZONE 1 - All of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars.; Parts of Iberia, St. Martin & St. Mary Pars. (west of the Atchafalaya River)
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Parts of St. Tammany & Tangipahoa (north of I-12 from The Mississippi State Line to the western boundary of Tangipahoa Par.) & Washington Parishes
ZONE 4 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena. St. James (north of the Miss. River), West Baton Rouge & West Feliciana Pars.
ZONE 5 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles & St. John the Baptist Pars.; Parts of St. Tammany & Tangipahoa (south of I-12 from the Miss. State Line to the western boundary of Tangipahoa Par.) Parishes
ZONE 6 - Assumption, Iberia (east of the Atchafalaya River), Lafourche, St. James (south of the Miss. River), St. Martin (eastern segment of the Atchafalaya River), St. Mary (east of the Atchafalaya River) & Terrebonne Parishes
ZONE 7 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 9 - Natchitoches & Sabine Parishes
ZONE 10 -Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS					
ZONE 1	$12.51				.05
ZONE 2	13.53				
ZONE 3	11.30	.50	.75		.05
ZONE 4	12.805	.79	.60		.09
ZONE 5	11.35				
ZONE 6	9.00				
ZONE 7	10.50	.45			
ZONE 8	11.17		.50		
ZONE 9	10.00		.30		

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Pars.
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Pars
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (north to Interstate Hwy. 12) & Terrebonne Parishes
ZONE 5 - St. Tammany (northern half including Covington North of Hwy. 190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS					
ZONE 1 - Electricians	$15.17	5%	8%		3/10%
Cable splicers	15.42	5%	8%		3/10%
ZONE 2 - Electricians	13.30	.45	3%		.02
Cable splicers	13.80	.45	3%		.02
ZONE 3 - Electricians	14.75	.55	3%+.40		3/10%
Cable splicers	15.00	.55	3%+.40		3/10%
ZONE 4 - Electricians	14.60	.70	3%		3/10%
Cable splicers	14.85	.70	3%		3/10%
ZONE 5 - Electricians	13.65	.45	3%+.40		.05
Cable splicers	13.65	.45	3%+.40		.05
ZONE 6 - Electricians	13.25	.95	3%		3/2%
Cable splicers	13.75	.95	3%		3/2%
ZONE 7 - Electricians	13.25	1.75	3%		%
Cable splicers	13.75	1.75	3%		%
ZONE 8 - Electricians	13.56	.70	3%		3/2%
Cable splicers	13.81	.70	3%		3/2%

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Pars.
ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Pars.
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 1 - Allen (except northeast corner), Beauregard,

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS					
ZONE 1 - Mechanics	$12.14	1.195	.95	a+b	.035
Helpers	70%JR	1.195	.95	a+b	.035
Helpers (Prob.)	50%JR				
ZONE 2 - Mechanics	11.66	1.195	.82	a+b	.035
Helpers	70%JR	1.195	.82	a+b	.035
Helpers (Prob.)	50%JR				

FOOTNOTES FOR ELEVATOR CONSTRUCTORS

a. -1st 6 mos. - none; 6 mos. to 5 yrs. -6% over 5 yrs. - 8% of basic hourly rate

b. Paid Holidays; New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; the Friday after Thanksgiving Day; Christmas Day

ZONE 1 - Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Pars.

ZONE 2 - Aveyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

GLAZIERS -	ZONE 1	12.85			c+d	.02
	ZONE 2	10.25				.01
	ZONE 3	12.30	.32	.35		.01
	ZONE 4	9.88		.30		.04
	ZONE 5	6.80				
	ZONE 6	10.99				

FOOTNOTES FOR GLAZIERS:

c - 5 days paid vacation

d - 6 Paid Holidays: New Year's Day; Good Friday; Fourth of July; Labor Day; Thanksgiving Day; Christmas Day

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Acadia, Ascension (north of Hwy. 22), Assumption (north of Hwy. 22), East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north of Hwy. 22), Pointe Coupee, St. Helena, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Hwy. 51), Vermilion, West Baton Rouge & West Feliciana Pars.

ZONE 3 - Ascension (south of Hwy. 22), Assumption (south of Hwy. 22), Jefferson, Lafourche, Livingston (south of Hwy. 22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes

ZONE 4 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to city of Natchitoches), Red River, Sabine & Webster Parishes

ZONE 5 - Bienville (eastern portion, everything east of Rt. 9 inclusive), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (northern half, everything north of a line running east & west through Winfield, excluding Winfield) Parishes

ZONE 6 - St. Tammany (northern 2/3, everything north of a straight line running east & west from Pearl River to Mandeville), Tangipahoa (everything east of Rt. 51 & everything north of a straight line running east & west from Madisonville through Ponchatoula) & Washington Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS					
ZONE 1	$13.27	.93	.65		.08
ZONE 2	13.89	.60	.75		.04
ZONE 3	12.45	.45	.90		.06
ZONE 4	13.35	.60	1.25		.06
ZONE 5	10.70	.45	.85		.04
ZONE 6	14.41	.60	.65		.05

ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Pars.; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Pars. (west of a straight line drawn from the La.-Miss. border, east of the city limits of Warrenton, southwest through Hammond to the Gulf of Mexico)

ZONE 2 - All of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Pars.; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars. (east of a line drawn from the meeting point of the boundaries of the Pars. of Rapides, Avoyelles & Evangeline, southeast along the western city limits of Abbeville to the Gulf of Mexico); Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Pars. (west of a straight line drawn from the La.-Miss. border, west of the city limits of Warrenton, southwest through Hammond to the Gulf of Mexico); Parts of Catahoula, Concordia & LaSalle Pars. (south of a line drawn from Natchez through the city of Cottonport to the Rapides Pars. Line, then west along the southern border of Rapides Par.)

ZONE 3 - All of Bossier, Caddo, DeSoto, Red River & Webster Pars.; Parts of Bienville, Claiborne, Natchitoches & Winn Pars. (west of a line drawn directly south from the Ark.-La. border through the cities of Arcadia & Cloutierville); Part of Sabine Par. (north of a line drawn from the Natchitoches Par. boundary west through the city of Pelson to the Tex.-La. border)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Rapides, Richland, Tensas, Union & West Carroll Pars.; Parts of Bienville, Claiborne, Natchitoches & Winn Pars. (east of a line drawn directly south from the Ark.-La. border through the cities of Arcadia & Cloutierville); Part of Madison Par. (except the cities of Mound, Delta & Adjacent Areas); Parts of Catahoula, Concordia & LaSalle Pars. (north of a line drawn from Natchez through the city of Cottonport to the Rapides Par. Line)

ZONE 5 - That part of Madison par. (including the cities of Mound, Delta & adjacent areas)

ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars. (southwest of Rapides Par. & west of a line south of the western most border between Rapides & Evangeline Pars.

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS						
ZONE 1 -	Group 1	$ 7.20	.30			
	Group 2	7.40	.30			
	Group 3	7.45	.30			
ZONE 2 -	Group 1	7.35	.25	.27		.05
	Group 2	7.55	.25	.27		.05
ZONE 3 -	Group 1	8.88	.25	.27		.05
	Group 2	8.98	.25	.27		.05
	Group 3	9.03	.25	.27		.08
	Group 4	9.84	.25	.27		.05
	Group 5	9.40	.25	.27		.05
	Group 6	9.24	.25	.27		.05
	Group 7	8.93	.25	.27		.05
	Group 8	9.13	.25	.27		.05
ZONE 4-	Group 1	8.20	.30	.27		.05
	Group 2	8.30	.30	.27		.05
	Group 3	8.35	.30	.27		.05
ZONE 5-	Group 1	7.80	.30	.27		.05
	Group 2	7.90	.30	.27		.05
	Group 3	7.95	.30	.27		.05
ZONE 6-	Group 1	10.00	.30	.27		.05
	Group 2	10.10	.30	.27		.05
	Group 3	10.25	.30	.27		.05
ZONE 7-	Group 1	8.075	.25	.27		.05
	Group 2	8.225	.25	.27		.05
	Group 3	8.275	.25	.27		.05
ZONE 8 -	Group 1	6.89	.25	.27		.05
	Group 2	7.09	.25	.27		.05
	Group 3	7.14	.25	.27		.05
	Group 4	7.19	.25	.27		.05
	Group 5	7.54	.25	.27		.05
ZONE 9-	Group 1	7.53	.25	.27		.05
	Group 2	7.63	.25	.27		.05
	Group 3	7.68	.25	.27		.05
	Group 4	7.73	.25	.27		.05
ZONE 10-	Group 1	7.28	.25	.27		.05
	Group 2	7.38	.25	.27		.05
	Group 3	7.53	.25	.27		.05

LADORERS - ZONE 1 (CLASSIFICATION DEFINITIONS)

GROUP 1 - Building and labor construction

GROUP 2 - Air tool ops. (jackhammer, vibrator & tamper); sewer pipe joiners & setters; concrete cutters; hot caulkers; concrete

LABORERS - ZONE 1 (CLASSIFICATION DEFINITIONS)
GROUP 1 - Building and labor construction
GROUP 2 - Stone mason tenders, mechanical tool operators; sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers & ditchers 4 ft. or over); tender of all crafts; sandblaster (nozzlemen); sandblaster (pot tender); laying non-metallic pipe over 4 ft. deep, including sewer, drain & underground tile; septic tank diggers & installers, over 4 ft. deep; gas & oil pipeline laborers & wrappers
GROUP 3 - Gunite tool operators
LABORERS - ZONE 2
GROUP 1 - Building laborer; rotary drill laborers; foundation drill crewman
GROUP 2 - Mason mixer; plaster mixer; mechanical tool op;, sandblaster; laying concrete, clay, plastic, asbestos cement, casing & corrugated metal pipe, as sewer, drain & underground tile (caulkers, joint wrappers hot pot & pipe layers); gas & oil pipeline laborers wrappers & dopers
LABORERS - ZONE 3
GROUP 1 - Building & general laborer; tenders (carpenter, plaster, cement finisher, mason); tank & vessel cleaners
GROUP 2 - Air tool op. (except jackhammer); interior of closed tanks & vessels power equipped
GROUP 3 - Mortar mixers
GROUP 4 - Blasterers
GROUP 5 - Blaster tenders; concrete cutters behind paving machine & puddlers; form setters & liner asphalt worker
GROUP 6 - Wiping joints, laying pipe & tile from pumpcrete
GROUP 7 - Interior of closed tanks & vessels manually
GROUP 8 - Jackhammer operators
LABORERS - ZONES 4 & 5
GROUP 1 - Building and general laborers, carpenters tenders
GROUP 2 - Power tool ops. (hammer men, tamper, vibrators, power buggies, concrete chippers & cutters, chain saw ops., etc); pipelayers (non-metallic)
GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)
LABORERS - ZONE 6
GROUP 1 - Laborers
GROUP 2 - Laborers handling steel pans, stone mason tenders, mechanical tool ops., sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers & ditchers 4 ft. & over), sandblaster (nozzlemen & pot tender); laying non-metallic pipe over 4 ft. deep, septic diggers & installers over 4 ft. deep, gas & oil pipeline laborers & wrappers
GROUP 3 - Gunite tool operators
LABORERS - ZONE 7
GROUP 1 - Common laborers
GROUP 2 - Jackhammermen, sewermen, mason tenders, plasterer tenders, stone mason tenders, vibratormen
GROUP 3 - Mortar mixers
LABORERS ZONE 8
GROUP 1 - Common laborers; carpenter tenders; mason tenders (other than cement); plasterers tenders; stone mason tenders; concrete workers; scaffold builders

GROUP 2 - Air tool ops. (jackhammer, vibrator & tamper); sewer pipe joiners & setter; concrete cutters; hod carriers; creosote materials handler; acid worker; mason tenders (cement); Mortar mixer (wet or dry); motorized buggy op.; water proofers (mastic); form setters (steel paving forms)
GROUP 3 - Chain saw operator
GROUP 4 - Asphalt raker, tamper, smoother & shovelers; sewer pipelayers; blaster tenders
GROUP 5 - Powderman
LABORERS - ZONE 9
GROUP 1 - Laborers
GROUP 2 - Mason tenders, plaster tenders, asphalt rakers, asphalt smoothers
GROUP 3 - Mortar mixers
GROUP 4 - Air jack op.; vibrator ops.; sewer pipelayers, sewer pipe wrappers
LABORERS - ZONE 10
GROUP 1 - Laborers, tenders (brickmasons, stonemasons, cement masons, carpenters, plasterers), stripping & dismantling; concrete form work; loading, unloading, carrying & handling steel & steel mesh; assisting to the setting of cut stone, granite or artificial stone; building scaffolds; shoring
GROUP 2 - Mechanical tool op. (air, electric, motor, engine, etc); sewer pipelayers; mortar mixers (hand or machine); gunite opr., tile, terrazzo & marble setters finisher
GROUP 3 - Pipe dopers & burners

ZONE 1 - St. Tammany (as far south as Bayou Lacombe & east to the Miss. State Line at Pearlington), Tangipahoa (all but southwestern corner) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary (excluding that part of Parish to the Calumet Locks west) & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Pars; Parts of Assumption, St. James, St. John the Baptist Pars. (north of a line drawn from the southern limits of the town of St. James in St. James Par. to the northern limits of the town of Napoleonville in Assumption Par. & then directly west to the Par. Line, all of St. James Par. except that part which is east of a line drawn from Lutcher to U. S. Hwy 61 (Airline Hwy) then west on U. S. 61 to Blind River & on a direct line to Manchac)
ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western Par. Line to a point directly east which touches the northern limits of the town of Independence, then directly south to Lake Pontchartrain) Parishes
ZONE 6 -Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Miss. River & the portion of St. John the Baptist on the east bank of the Miss. River as far as the Sycamore Inn at Lutcher & north to Blind River & Manchac) & St. Tammany (north of as far as Bayou Lacombe, east to the Miss. State Line at Pearlington) Par.
ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank & including the town of Vacherie), St. Mary (that part of Parish to the Calumet Locks west) & Terrebonne Parishes

ZONE 8 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Winn Parishes
ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Pars.
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Pars.

	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE 1	$11.55	.55	.40		.05
ZONE 2	11.70	.55	.40		.05
ZONE 3	11.95	.55	.40		.05
ZONE 4	12.30	.55	.40		.05
ZONE 5	13.35	.65	.70		.10
ZONE 6	11.40				.01
ZONE 7	13.485	.58			.01
ZONE 8	12.85				
ZONE 9	9.40				.01

ZONE 1 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars. which are 12.5 miles from center of New Orleans
ZONE 2 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars. which are within a 22.5 mile radius of New Orleans center.
ZONE 3 - That part of Jefferson, Lafourche (except that area southeast of Raceland to Bayou Lafourche), Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Tangipahoa Pars. which are within a 32.5 mile radius of New Orleans center
ZONE 4 - That part of Jefferson, Lafourche (including that area southeast of Raceland to Bayou Lafourche), Livingston (westward to Rt. 22 including towns of Maurepas, Killian & Springfield), Plaquemines, St. Bernard, St. James (including towns of Gramercy, Lutcher & Paulina), St. Tammany, Tangipahoa (northward to Rt. 16 including towns of Amite & Holton), Terrebonne (westward to Rts. 24 & 315 including city of Houma) & Washington (only northward to Rt. 10 to southern limits of towns of Bogalusa, Sheridan & Franklinton) Pars. outside 32.5 mile radius of New Orleans Center

ZONE 5 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville (except lower Grand River), Livingston (western part), Pointe Coupee, St. Helena, St. James (only towns of Union, Hymel, Convent & Lutcher), St. Martin (only lower separated section), St. Mary (only Morgan City), Tangipahoa (north of Rt. 16 & west of Rt. 51 including Amite, Hammond & Pontchatoula), Washington (only north of Rt. 16 & west of Rt. 25), West Baton Rouge & West Feliciana Parishes
ZONE 6 - Acadia, Evangeline (northward to Rt. 10 including Ville Platte and Mamou,), Iberia, Iberville (eastward to lower Grand River), Lafayette, St. Landry, St. Martin (excluding lower separated section), St. Mary (east to Berwick) & Vermilion Pars.
ZONE 7 - Allen, Beauregard, Calcasieu, Cameron, Evangeline (excluding Ville Platte & Mamou), Jefferson Davis & Vernon (west to Rt. 117 & North of Rt. 8) Pars.
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River & Webster Pars.
ZONE 9 - Avoyelles, Caldwell, Catahoula, Concordia, Franklin, Grant, LaSalle, Morehouse, Ouachita, Rapides, Richland, Vernon (except west of Rt. 117 & north of Rt. 8) & Winn Parishes

		Basic Hourly Rate	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION						
ZONE 1 -	GROUP 1	$13.65	.45	3%+.40		.05
	GROUP 2	75%JR	.45	3%+.40		.05
	GROUP 3	65%JR	.45	3%+.40		.05
	GROUP 4	45%JR	.45	3%+.40		.05
	GROUP 5	50%JR	.45	3%+.40		.05

GROUP 1 - Linemen
GROUP 2 - Op. hole digging equip.; op. tractor with winch & derrick; op. line truck with winch & derrick working hot lines
GROUP 3 - Op. using hole truck & trailer or pole hauling & setting truck (not in energized lines)
GROUP 4 - Op. using truck without winch
GROUP 5 - Groundmen

ZONE 2					
Lineman	$15.17	5%	8%		3/10%
Cable splicers	15.42	5%	8%		3/10%
Equipment operators	11.38	5%	8%		3/10%
Truck drivers & groundmen	6.83	5%	8%		3/10%
ZONE 3					
Linemen, equipment op.	14.75	.55	3%+.40		1/10%
Cable splicers	15.00	.55	3%+.40		1/10%
Groundmen	12.75	.55	3%+.40		1/10%
ZONE 4					
Lineman, equipment ops.	14.60	.70	3%		
Cable splicers	14.85	.70	3%		
Groundmen	50%JR	.70	3%		
ZONE 5					
Linemen, equipment ops.	13.21		3%		1/2%
Cable splicers	13.46		3%		1/2%
Groundmen	60%JR		3%		1/2%
ZONE 6					
Linemen, equipment ops.	13.25	.95	3%		1/2%
Cable splicers	13.75	.95	3%		1/2%
Groundmen	3.93	.95	3%		1/2%

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ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (ex-

		Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7 -	Linemen, Operators	$13.25	1.75	3%		1%
	Cable splicers	13.75	1.75	3%		1%
	Groundmen	11.25	1.75	3%		1%

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Pars.
ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Pars.
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Pars.
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Pars.

MARBLE, TILE & TERRAZZO WORKERS & FINISHERS						
ZONE 1 -	Marble setters	$13.45	.75	.535		.10
	Tile & terrazzo workers	12.85	.40			.10
	Marble, tile & terrazzo finishers	9.20	.40		.30	
ZONE 2 -	Marble & terrazzo workers	14.55	.68	1.00		.05
	Tile setters	9.60	.48	.67		.02
ZONE 3 -	Marble setters	13.00				
	Terrazzo workers	10.85				
ZONE 4 -	Marble, tile & terrazzo workers	11.42		.50		
ZONE 5 -	Marble, tile & terrazzo workers	10.10	.55			
ZONE 6 -	Marble, tile & terrazzo workers	14.25				
	Marble, tile & terrazzo finisher	9.20	.40		.30	
ZONE 7 -	Tile setters	12.25				
	Tile finishers	9.20	.40		.30	

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Par. from the Tangipahoa Par. Line on the west along U. S. Hwy. 190 through the lower limits of Covington, along State Hwy. 58 through the lower limits of Covington, along State Hwy. 58 through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Miss. State Line) & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Pars.
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Pars.
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Pars.
ZONE 7 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Pars.

			Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS							
ZONE 1 -	GROUP 1		$13.245		.30		
	GROUP 2		13.445		.30		
	GROUP 3		13.59		.30		
	GROUP 4		15.035		.30		
ZONE 2 -	GROUP 1		10.95		.75		.08
	GROUP 2		12.32		.75		.08
ZONE 3 -	GROUP 1		9.845	.625	.60		.08
	GROUP 2		10.22	.625	.60		.08
	GROUP 3		11.095	.625	.60		.08
ZONE 4 -	GROUP 1		10.99				
	GROUP 2		11.43				
	GROUP 3		11.12				
	GROUP 4		12.25				
	GROUP 5		12.59				
	GROUP 6		11.09				
	GROUP 7		11.33				
ZONE 5 -	GROUP 1		10.35				
	GROUP 2		10.85				
	GROUP 3		11.35				
ZONE 6 -	Painters, tape & float, vinyl & paperhangers		10.95	.40	.30		.05
ZONE 7 -	GROUP 1		8.05				
	GROUP 2		8.55				
	GROUP 3		9.05				
ZONE 8 -	Painters		10.25		.75		.08
	Industrial		12.32		.75		.08

ZONE 1 - GROUP 1 - Painters brush, roller & buffer
GROUP 2 - Paperhanging, taping & floating
GROUP 3 - Spray, sandblasting, hydroblasting, spider op., rubberizing & pyroflexing, steam jennies, taping & floating machine
GROUP 4 - Water towers, radio & TV towers
ZONE 2 - GROUP 1 - Brush; taping; floating & texture
GROUP 2 - Sandblasting, industrial & steel
ZONE 3 - GROUP 1 - Painters, paperhangers & sheetrock tapers & floaters
GROUP 2 - Structural steel painters of new building under construction; the following overall of 30 ft.: tanks, air conditioning, towers, smoke stacks sprinkler systems, wharves & structural steel in old buildings; spray painters, swing stage painter
GROUP 3 - Industrial
ZONE 4 - GROUP 1- Brush
GROUP 2 - Brush swing stage
GROUP 3 - Brush industrial
GROUP 4 - Spray; spray steel, sandblasting
GROUP 5 - Spray swing stage
GROUP 6 - Paperhanger
GROUP 7 - Sheetrock finishers
ZONE 5 - GROUP 1-Painters, paperhangers, tapers, floaters, commercial steel, such as churches or any commercial building with closed roof deck or walls
GROUP 2 - Other commercial work brush spray, stage, window jacks flagpoles & steeple work
GROUP 3 - All industrial work including sandblasting or power tools of any kind
ZONE 7 - GROUP 1 - Painters, paperhangers, tapers, floaters
GROUP 2 - Stage, window jacks, bosun chairs, structural steel, rollers, equipment painting; sandblasting, spray, stack sign, tank painting, steeple jack
GROUP 3 - Structural steel brush
ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (north of Hwy. 22), Assumption (north of Hwy. 22), East Baton Rouge, East Feliciana, Iberville, Livingston (north of Hwy. 22), Pointe Coupee, St. Helena, Tangipahoa (west of Hwy. 51), West Baton Rouge & West Feliciana Pars.
ZONE 3 - Ascension (south of Hwy. 22), Assumption (south of Hwy. 22), Lafourche, Livingston (south of Hwy. 22) Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - St. Tammany (northern 2/3, everything north of a straight line running east & west from Pearl River to Mandeville), Tangipahoa (everything east of Rt. 51 & everything north of a straight line running east & west from Madisonville through Ponchatoula) & Washington Parishes

ZONE 5 - Allen (northeastern most corner, north of Rt. 10), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Natchitoches (southern half, everything south of Rt. 6 including City of Natchitoches), Rapides, St. Landry (northern portion) & Winn (southern half from a line running east & west through the intersection of Rts. 84 & 71., including the town of Winnfield at that intersection) Parishes
ZONE 6 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to City of Natchitoches), Red River, Sabine & Webster Parishes
ZONE 7 - Bienville (eastern portion, everything east of Rt. 9 inclusive), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union West Carroll & Winn (northern half, everything north of a line running east & west through Winfield excluding Winfield) Parishes
ZONE 8 - Acadia, Iberia, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	ZONE 1	$11.70				
	ZONE 2	11.00				.01
	ZONE 3	14.15				
	ZONE 4	13.30				.01
	ZONE 5	11.48	.60	.55		.03
	ZONE 6	8.00				.01
	ZONE 7	12.10			1.00	
	ZONE 8	12.70		.50		
	ZONE 9	11.50		.30		

ZONE 1 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Pars.
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Pars.
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Pars.
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (par. line on the west along U. S. Hwy. 190 through the lower limits of Covington & Abita Springs along State Hwy. 435 to Talisheek & on a line due east from Talisheek to the Miss. State Line) & Terrebonne Pars.
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Pars.
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, & Webster Pars.
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Pars.
ZONE 9 - Natchitoches & Sabine Pars.

		Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS	ZONE 1	$11.70				
	ZONE 2	11.00				.01
	ZONE 3	14.15				
	ZONE 4	13.30				.01
	ZONE 5	11.48	.60	.55		.03
	ZONE 6	8.00				.01
	ZONE 7	12.10			1.00	
	ZONE 8	12.70		.50		
	ZONE 9	11.50		.30		

ZONE 1 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Pars.
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Pars.
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Pars.
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (par. line on the west along U. S. Hwy. 190 through the lower limits of Covington & Abita Springs along State Hwy. 435 to Talisheek & on a line due east from Talisheek to the Miss. State Line) & Terrebonne Pars.
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Pars.
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, & Webster Pars.
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Pars.
ZONE 9 - Natchitoches & Sabine Pars.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS					
ZONE 1	$13.70	.75	1.00		.10
ZONE 2	12.75	.88	.955		.09
ZONE 3	12.80	.90	.80		.10
ZONE 4	12.69	.80	1.10	1.00	.09
ZONE 5	14.01	.67	.72		.08

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Par.), St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Pars.
ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern ½ of Par), Iberville, Livingston, Pointe Coupee, St. Helena, St. James (western 1/3 of Par.), St. Martin (southern part of Eastern ½ of Par.), St. Mary, West Baton Rouge & West Feliciana Pars.
ZONE 3 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Evangeline, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches (south of Hwys. 84 & 86 from Winnfield To Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Ouachita, Rapides, Richland, Tensas, Union, Vernon (northeast of Hwy. 10), West Carroll & Winn Parishes
ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Pars.; Parts of Natchitoches & Vernon Pars. (northwest from a line drawn from Natchitoches to Anacoco through Bellwood & north of Hwy. 111 between Anacoco & Haddens)
ZONE 5 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, (western ½ of Par.) Jefferson Davis, Lafayette, St. Landry, St. Martin (west of Hwy. 31) & Vermilion Pars.

POWER EQUIPMENT OPERATORS						
ZONE 1 -	GROUP 1	$ 8.62	.65	1.00		.05
	GROUP 2	9.31	.65	1.00		.05
	GROUP 3	9.40	.65	1.00		.05
	GROUP 4	9.72	.65	1.00		.05
	GROUP 5	11.20	.65	1.00		.05
ZONES 2, 3 & 4 -	GROUP 1	8.55	.65	1.00		.05
	GROUP 2	9.43	.65	1.00		.05
	GROUP 3	9.51	.65	1.00		.05
	GROUP 4	9.82	.65	1.00		.05
	GROUP 5	11.77	.65	1.00		.05
ZONE 5 -	GROUP 1	10.52	.65	1.10		.10
	GROUP 2	10.20	.65	1.10		.10
	GROUP 3	9.73	.65	1.10		.10
	GROUP 4	10.80	.65	1.10		.10
	GROUP 5	13.86	.65	1.10		.10
	GROUP 6	11.40	.65	1.10		.10
	GROUP 7	12.27	.65	1.10		.10
	GROUP 8	12.12	.65	1.10		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OP.(CONT'D)					
ZONE 6 - GROUP 1	$13.66	.65	1.10		.10
GROUP 2	13.91	.65	1.10		.10
GROUP 3	14.16	.65	1.10		.10
GROUP 4	14.41	.65	1.10		.10
GROUP 5	14.91	.65	1.10		.10
GROUP 6	14.66	.65	1.10		.10
GROUP 7	13.41	.65	1.10		.10
GROUP 8	11.95	.65	1.10		.10
GROUP 9	10.45	.65	1.10		.10
GROUP 10	9.51	.65	1.10		.10
GROUP 11	8.86	.65	1.10		.10
GROUP 12	9.89	.65	1.10		.10
ZONE 7 - GROUP 1	12.73	.65	1.10		.10
GROUP 2	11.00	.65	1.10		.10
GROUP 3	11.83	.65	1.10		.10
GROUP 4	11.68	.65	1.10		.10
GROUP 5	9.94	.65	1.10		.10
GROUP 6	8.71	.65	1.10		.10
GROUP 7	12.98	.65	1.10		.10
GROUP 8	13.23	.65	1.10		.10
GROUP 9	13.48	.65	1.10		.10
GROUP 10	13.73	.65	1.10		.10
GROUP 11	14.23	.65	1.10		.10
GROUP 12	14.73	.65	1.10		.10

POWER EQUIPMENT OPERATORS - ZONES 1, 2, 3 & 4 CLASSIFICATIONS DEFINITIONS

GROUP 1 - Oiler
GROUP 2 - Oiler-Driver
GROUP 3 - Scaleman
GROUP 4 - Air compressor, Asphalt plant; bulldozers, D-4 & equivalent & under; bullfloats; concrete spreader; finishing machines; concrete mixer (16-s or less); concrete saw; distributors (bitum surface); dowell bar machine; farm-type tractor (with all attachments except backhoe); fireman; fork lifts (other than setting steel, machinery or pipe); hoist, 1 drum less than 4 stories; kolum buff machine; pull cats; pump (3" & over); pump, concrete (under 6"); rollers, except on ashpalt or brick; straddle buggies; sweepers on streets & roads (motorized); winch truck, A-frame (other than handling steel or pipe)
GROUP 5 - Asphalt spreader; backhoe; bulldozer, over D-4 & equivalent; cableways; concrete mixer, over 16-s; cranes; derrick; ditching or trenching machines; draglines; fork lifts (setting steel, machinery or pipe); front end loaders (except farm-type tractors); grease serviceman; hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); hoist, 2 drums & over; hydrolifts; heavy duty mechanic; motor patrols; piledrivers; pump, concrete (6" & over); road pavers; rollers on asphalt or brick; scoopmobiles; sprepers; sideboom cats; shovels; tractorvators; welder, journeyman; well point system; winch cats (hoisting); winch truck, A-frame (handling steel or pipe)

POWER EQUIPMENT OPERATORS - ZONE 5
GROUP 1 - Scale op.; oiler-driver on motor crane; batch plant
GROUP 2 - Pumps under 3 inch suction
GROUP 3 - Oiler
GROUP 4 - Fireman
GROUP 5 - Combination oiler-compressor; combination oiler-fireman; asphalt spreaders; backhoe (all types); bulldozers; cableways; cherry pickers (all types); concrete mixers (over 1 sack); cranes; deck winch (2 drums or over); derricks; ditching or trenching machines (riding types); draglines; dredges; fork lifts (other than farm type); outside warehouses; foundation drill; front end loaders (except farm type); grease serviceman; hoist-1 drum (4 stories or more on buildings); hoist-1 drum (over 40 ft. on structures other than buildings); hoist (2 drums or over); Locomotives (all types); mechanic; mixer plant-central mix; motor patrols; piledrivers; pull cat; pump crete-6" & over discharge; push cat; road pavers; rollers (plant mix asphalt); scrapers; shovels; sidebooms; welder, journeymen; well point system; whirleys; winch cats (Cat D-4 & over); winch truck with A-frame (5 ton & over); work boats-requiring licensed op.
GROUP 6 - Bush hog; compressor; concrete pump-under 6" discharge; concrete saw; deck winch (1 drum); distributors; ditching or trenching machines (non-riding type); dowel bar machine; farm-type tractors (when used to pull discs, grasscutters, etc.); hoist-1 drum (under 4 stories on buildings); hoist-1 drum (40 ft. or under on structures other than buildings); Kolum buff machines; mixers (1 sack & under); motorized street sweepers self-propelled; pump 3" & over ; test pump-internal combustion engine powered; water blast pumps
GROUP 7 - Asphalt plant; boom trucks; bullfloats; concrete spreaders farm-type front end loaders; finishing machines (roadway, riding type); roller (other than plant mix asphalt); straddle buggies; winch truck with A-frame (under 5 tons); workboats-not requiring licensed operator
GROUP 8 - Unit Operator
POWER EQUIPMENT OPERATORS - ZONE 6
GROUP 1 - Crane op. 60 tons & over; Crane op. boom 100 ft. & over but less than 150 ft.; Piledriver op. leads 100 ft. & over but less than 150 ft.
GROUP 2 - Crane op. 100 tons up to 125 tons; Crane op. boom 150 ft. & over but less than 225 ft.; Piledriver op. leads 150 ft. & over but less than 225 ft.
GROUP 3 - Crane op. 125 tons up to 200 tons; Crane op. boom 225 ft. & over but less than 300 ft.; Piledriver op. leads 225 ft. & over but less than 300 ft.
GROUP 4 - Crane op. 200 tons up to 300 tons
GROUP 5 - Crane op. 300 tons
GROUP 6 - Crane op. 300 ft. & over
GROUP 7 - Crane; Backhoe; Cableway; Concrete mixer, 16S & up Derrick; Dragline; Dredge; Hoist-2 drum; Locomotive crane; Paving mixer; Piledriver; Road paver; Roller on asphalt or brick (5 tons or over); shovel; Sidebpom cat; Bulldozer; Motor patrol; Scraper; Hydrolift crane; Hydrolift truck, yard crane, cherry picker, etc.; Foundation, boring & reaming machine; Cement stabilizer; Trenching machine; Asphalt spreader; Traxcavator & similar front end loading equipment with scoop or bucket of 1 cu. yd. or more capacity; Tug boat op.; Turnapull, euclid, DW-10 & other similar self-loading earth moving equipment; Concrete pump (not pumporete),

POWER EQUIPMENT OPERATORS - ZONE 6 (CONT'D)
GROUP 8 - A-frame truck; Crew boat op; Fireman; Fork lift, Straddle buggy; Traxcavator, Scoopmobile & similar front end loading equipment with scoop or bucket under 1 cu. yd. capacity; Locomotive; well point system; Unit operator; hoist-1 drum, 4 stories & over
GROUP 9 - Air compressor; Asphalt plant engineer; Blade grader; Distributor (bitum surface); Finishing machine (concrete, paving); Hoist-1 drum, less than 4 stories; Concrete mixer under 16-S; Oiler driver; Pump crete; Street & road sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick (under 5 tons); Post-hole digger; Tractor operated bush hog & similar grass or bush cutting equipment
GROUP 10 - Batch plant operator
GROUP 11 - Oiler
GROUP 12 - Pumps, over 3 inch suction; Snatch cat
POWER EQUIPMENT OPERATORS - ZONE 7
GROUP 1 - A-frame truck when working with ironworkers, pipefitters, boilermakers & electricians; Bulldozers & tractors; Cableways; Concrete mixer (over 16S) paving machines, cranes, derricks, draglines & clamshells; Concrete pump/boom combinations; Deck winches (2); Economobile model #620B or equivalent or heavier equipment; Gradealls; Hi-Ho & similar type equipment; Hoist, 1 drum, 4 stories & over; Hoist, 2 drums or more; Hydro cranes; Mechanics; Motor patrols; Piledrivers; Rollers on brick & asphalt; rubber tired front end loader, with or without blade attachment, 1 cu. yd. capacity or more; Scraper; Shovels, Backhoes (all types); Side boom cats; Stabilizers, 3 drums or more; Traxcavators; Trenching machines; Welder, Journeyman; Work boats requiring licensed ops.
GROUP 2 - A-frame truck except when working with ironworkers or pipefitters; Air compressor; Asphalt plant engineers; Asphalt finisher, screed men; Blade graders; Small boat op;, Bull floats; Concrete joining machines; Concrete mixer , 16S & under; Concrete spreader; crusher op.; Deck winch (1); Distributors, asphalt; "Ditch Witch" & similar equipment; Electric elevator (inside); Finishing machine; Firemen; Form graders; Fork lifts; Hoist, 1 drum, under 4 stories; Power subgraders; Pug mill; Pull tractors; Pump; Pump crete; rollers, except on brick & asphalt; Rubber tired front end loader (with or without attachment) less than 1 cu. yd. capacity; Scale op.; Scoopmobile; Snatch cats; Spray machines; Stabilizers, less than 3 drums; Straddle buggy; Trench machines & equivalent machines
GROUP 3 - Unit and wellpoint operator
GROUP 4 - Outside electric elevator operator
GROUP 5 - Batch plant operator, Oilers (Driver)
GROUP 6 - Oiler
GROUP 7 - Crane op. 60 tons & above; Crane op. boom 100 ft. & over but less than 150 ft.; Tower crane op. boom height 100 ft. & over but less than 150 ft.
GROUP 8 - Crane op. 100 tons & up to 125 tons; Crane op. boom 150 ft. & over but less than 225 ft.; Tower crane op. boom height 150 ft. & over but less than 225 ft.
GROUP 9 - Crane op. 125 tons & up to 200 tons
GROUP 10 - Crane op. 200 tons & up to 300 tons; Crane op. boom 225 ft. & over but less than 300 ft.; Tower crane op. boom height 225 ft. & over up to 30 floors

POWER EQUIPMENT OPERATORS - ZONE 7 (CONT'D)
GROUP 11 - Crane op. 300 tons & up to 400 tons; Crane op. boom 225 ft. & over but less than 300 ft.; Tower cranes over 30 floors

POWER EQUIPMENT OPERATORS - ZONE 7 (CONT'D)
GROUP 11 - Crane op. 300 tons & up to 400 tons; Crane op. boom 225 ft. & over but less than 300 ft.; Tower cranes over 30 floors
GROUP 12 - Crane op. over 400 tons; Crane op. boom 400 ft. & over

ZONE 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 2 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry & Winn Parishes
ZONE 3 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (west of a line drawn from the city of Berwick to the Junction Of Iberville-St. Landry Parishes border)
ZONE 4 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 5 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 6 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (northwest of a straight line drawn from the city of Berwick to the city of Lutcher); Parts of Iberia & southern & northern St. Martin Parishes (east & west of a line from the city of Berwick north to the eastern boundary of the city of Krotz Springs); Parts of Livingston, Tangipahoa & Washington Parishes (west of a line drawn north from the city of Lutcher to the east side of the city of Hammond to the Louisiana-Mississippi border)
ZONE 7 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Terrebonne Parishes; Parts of Assumption, Livingston, St. James, St. Martin, St. Mary, Tangipahoa & Washington Parishes (that portion of southeastern Louisiana bounded on the north by the State of Mississippi, on the east by the State of Mississippi & the Mississippi Sound, on the south by the Gulf of Mexico & on the west by a line drawn as follows; beginning at a point on the Louisiana-Mississippi boundary in Washington Parish, due north of the town of Hackley, thence southwesterly in a straight line to a point on the east bank of the Mississippi River at the southernmost point of Lutcher (including Gramercy in the area), thence in a more southwesterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to the Atchafalaya Bay & in a line due south to the Gulf of Mexico.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
ZONE 1 - Roofers	$11.13		.29		
ZONE 2:					
Roofers	9.99	.80	.85	.50	.70
Preparers remove old roofing, place, stock or move materials, tools or equipment for the journeymen	4.75	.50			
ZONE 3:					
Roofers	10.13	.60	.75		.04
Roofer helpers does not use the tools of the trade in removing & disposing of old roofing, stocking & unloading material, hauling materials to the journeymen & sweeping	6.34	.60	.75		.04
ZONE 4 - Roofers	10.80		.30		
Kettlemen	8.60		.30		
ZONE 5 - Roofers	11.89		.20		.04
Kettlemen	8.23		.20		.04

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS					
ZONE 1	$13.50	.98	.60		.18
ZONE 2	12.75	30+.75	1.11		.16
ZONE 3	14.12	.55	.80		.16
ZONE 4	12.09	30+.69	.50		.19

ZONE 1 - Calcasieu Parish
ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	13.69	.95	1.40		.08
TRUCK DRIVERS					
ZONE 1 - GROUP 1	11.11	.70			
GROUP 2	11.59	.70			
GROUP 3	11.82	.70			
GROUP 4	11.61	.70			
GROUP 5	11.71	.70			
GROUP 6	11.63	.70			
GROUP 7	12.05	.70			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D)					
ZONE 2 - GROUP 1	8.05	.50			
GROUP 2	8.30	.50			
GROUP 3	8.85	.50			
GROUP 4	8.70	.50			
GROUP 5	9.15	.50			
GROUP 6	9.25	.50			
GROUP 7	9.55	.50			
GROUP 8	9.70	.50			
ZONE 3 - GROUP 1	8.22				
GROUP 2	8.30				
GROUP 3	8.55				
GROUP 4	8.70				
GROup 5	8.85				
GROUP 6	9.05				
GROUP 7	9.40				
ZONE 4 - GROUP 1	9.18				
GROUP 2	9.48				
GROUP 3	9.63				
GROUP 4	9.83				
GROUP 5	9.98				
GROUP 6	9.78				
ZONE 5 - GROUP 1	10.04	.70			
GROUP 2	10.65	.70			
GROUP 3	10.70	.70			
GROUP 4	10.96	.70			

TRUCK DRIVERS CLASSIFICATION DEFINITIONS
ZONE 1 - GROUP 1 - Teamsters, Pick-up drivers
GROUP 2 - Stake bodies (all sizes)

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

ZONE 1 - GROUP 1 - Teamsters, Pick-up drivers
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Trucks trailer & dumps over 8 yds.; mixers on trucks over 3 yds; Miss. wagons & Koehring dumpsters & similar dirt moving equipment (up to & incl. 8 yds.)
GROUP 4 - Mixers on trucks up to including 3 yds.
GROUP 5 - Winch trucks
GROUP 6 - Trucks, dump
GROUP 7 - Miss. wagons & Koehring dumpsters & similar dirt moving equip. over 8 yds.

ZONE 2 -GROUP 1 - Teamsters, pick-up drivers
GROUP 2 - Stake bodies (all sizes); platform dump
GROUP 3 - Truck & trailer; dump
GROUP 4 - Mixers on trucks, up to and including 3 yds.
GROUP 5 - Mixers over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Miss wagons & Koehring dumpster, tandem dumps & similar dirt moving equipment, up to and including 8 yds.
GROUP 8 - Miss. wagons, Koehring dumpsters, tandem dumps & similar dirt moving equipment, over 8 yds.

ZONE 3 -GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock
GROUP 2 - Stake bodies; flat beds (all sizes)
GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
GROUP 4 - Tandem axle dump, batch & water trucks over 3 tons, pickups with trailer
GROUP 5 - Miss. wagons, floats, tractor trailers; rubber tired tractors & wobble wheels
GROUP 6 - Euclids, lowboys, dempsey dumpster, Koehring dumps, 5 axle trucks, transit mix over 3 yds.
GROUP 7 - Fork lift

ZONE 4 - GROUP 1 - Pick-ups
GROUP 2 - Over 1 tons, up to but not including 3 tons
GROUP 3 - 3 tons up to but not including 5 tons
GROUP 4 - 5 tons & over including but not limited to: winch, dempsey dumpster, lowboy, semi-trailer, euclid, tournapull & similar equipment when used for transporting material
GROUP 5 - Larger trucks, carrying capacity rear axles 50,000 lbs. & over
GROUP 6 - Winch truck with A-frame when used for transporting material

ZONE 5 - GROUP 1 - Truck drives, up to but not including 1½ tons
GROUP 2 - Truck drivers, 1½ tons up to but not including 3 tons
GROUP 3 - Truck drivers, 3 tons up to but not including 5 tons
GROUP 4 - Truck drivers, 5 tons & over

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Pars.
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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SUPERSEDEAS DECISION

STATE: Louisiana PARISHES: Bossier, Caddo & Calcasieu

DECISION NO. LA81-4027 DATE: Date of Publication

Supersedes Decision No. LA80-4089, dated November 7, 1980 in 45 FR 74361

DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Bossier & Caddo Parishes	$12.99	.70	1.00		.03
Calcasieu Parish	13.32	.775	1.18		.04
BOILERMAKERS	12.70	1.275	1.00		.03
BRICKLAYERS & STONEMASONS:					
Bossier & Caddo Parishes	11.30	.55	.65		
Calcasieu Parish	14.55	.68	1.00		.05
CARPENTERS:					
Bossier & Caddo Parishes:					
Carpenters	11.08	.65	.50		.04
Millwrights	11.75	.65	.50		.04
Piledrivermen	11.25	.65	.50		.04
Calcasieu Parish:					
Carpenters and Piledrivermen	13.66	.85	.38		.07
Millwrights	15.66				.07
CEMENT MASONS:					
Bossier & Caddo Parishes	10.50	.45			
Calcasieu Parish	13.53				
ELECTRICIANS:					
Bossier & Caddo Parishes:					
Electricians	13.25	1.75	38		10
Cable Splicers	13.75	1.75	38		10
Calcasieu Parish:					
Electricians	14.75	.55	3%+.40		1/10%
Cable Splicers	15.00	.55	3%+.40		1/10%
ELEVATOR CONSTRUCTORS:					
Bossier & Caddo Parishes:					
Mechanics	11.66	1.195	.82	a+b	.035
Helpers	70%JR	1.195	.82	a+b	.035
Helpers (Prob.)	50%JR				
Calcasieu Parish:					
Mechanics	12.14	1.195	.95	a+b	.05
Helpers	70%JR	1.195	.95	a+b	.05
Helpers (Prob).	50%JR				
GLAZIERS:					
Bossier & Caddo Parishes	9.88		.30		.04
Calcasieu Parish	12.85			c+d	.02
IRONWORKERS:					
Bossier & Caddo Parishes	12.45	.45	.90		.06
Calcasieu Parish	14.41	.60	.65		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Bossier & Caddo Parishes:					
GROUP 1					
Laborers	$ 7.53	.25	.27		.05
GROUP 2					
Mason tenders, plasterer tenders; asphalt rakers, asphalt smoothers	7.63	.25	.27		.05
GROUP 3					
Mortar mixers	7.68	.25	.27		.05
GROUP 4					
Air jacks, vibrators; sewer pipe layers and wipers	7.73	.25	.27		.05
Calcasieu Parish:					
GROUP 1					
Building & general laborers; tenders (carpenter, plaster, cement finisher, mason); tank & vessel cleaners	8.88	.25	.27		.05
GROUP 2					
Air tool op.(except jackhammer); interior of closed tanks & vessels power equipment	8.98	.25	.27		.05
GROUP 3					
Mortar mixers	9.03	.25	.27		.05
GROUP 4					
Jackhammer operators	9.13	.25	.27		.05
GROUP 5					
Blasterers	9.84	.25	.27		.05
GROUP 6					
Blaster tenders; concrete cutters behind paving machines & puddlers; form setters & lines asphalt worker	9.40	.25	.27		.05
GROUP 7					
Wipe joints, laying pipe & tile from pumpcrete	9.24	.25	.27		.05
GROUP 8					
Interior or closed tanks & vessels manually	8.93	.25	.27		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Bossier & Caddo Parishes	$12.85				
Calcasieu Parish	13.485	.55			.01
MARBLE SETTERS:					
Bossier & Caddo Parishes	10.10	.55			
Calcasieu Parish	14.55	.60	1.00		.05
PAINTERS:					
Bossier & Caddo Parishes:					
Painters, tape & float, vinyl & paperhangers	10.95	.40	.30		.05
Calcasieu Parish:					
GROUP 1					
Brush, roller, buffer	13.245		.30		
GROUP 2					
Paperhangers, taping and floating	13.445		.30		
GROUP 3					
Spray, Sandblasting	13.59		.30		
PLASTERERS:					
Bossier & Caddo Parishes	12.10			1.00	
Calcasieu Parish	14.15				
PLUMBERS & PIPEFITTERS:					
Bossier & Caddo Parishes	12.69	.80	1.10	1.00	.09
Calcasieu Parish	14.01	.67	.72		.08
ROOFERS:					
Bossier & Caddo Parishes:					
Roofers	11.89		.20		.04
Kettlemen	8.23		.20		.04
Calcasieu Parish:					
Roofers	11.13		.20		
SHEET METAL WORKERS:					
Bossier & Caddo Parishes	7.74	30+.67			.15
Calcasieu Parish	13.50	.58	.60		.18
SOFT FLOOR LAYERS:					
Bossier & Caddo Parishes	11.00	.65	.50		.04
Calcasieu Parish	13.66	.85	.38		.07
SPRINKLER FITTERS	13.69	.95	1.40		.08
TERRAZZO WORKERS:					
Bossier & Caddo Parishes	10.10	.55			
Calcasieu Parish	14.55	.68	1.00		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS:					
Bossier & Caddo Parishes	$10.10	.55			
Calcasieu Parish	9.60	.48	.67		.02
TRUCK DRIVERS:					
Bossier & Caddo Parishes					
GROUP 1					
Pick-ups, spotters and dumpers	8.22				
GROUP 2					
Stake bodies; flat beds (all sizes)	8.30				
GROUP 3					
Single axle dumps & water trucks; transit mix up to & including 3 yds.	8.55				
GROUP 4					
Tandem axle, dump, batch & water trucks over 3 tons, pick-ups with trailer	8.70				
GROUP 5					
Mississippi wagons, floats, tractor trailers; rubber tired tractors & wobble wheels	8.85				
GROUP 6					
Euclids, lowboys, Dempsey dumpsters, Koehring dumps, 5 axle trucks, transit mix over 3 yds.	9.05				
Calcasieu Parish:					
GROUP 1					
Pick-ups	11.11	.70			
GROUP 2					
Stake bodies (all sizes)	11.59	.70			
GROUP 3					
Trucks trailer & dump over 8 yds.; mixers on trucks over 3 yds.; Mississippi wagon & Koehring dumpsters & similar dirt moving equipment (up to & including 8 yds.)	11.82	.70			

TRUCK DRIVERS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Calcasieu Parish Contd:					
GROUP 4					
Mixers on trucks up to & including 3 yds.	$11.61	.70			
GROUP 5					
Winch trucks	11.71	.70			
GROUP 6					
Dump trucks	11.63	.70			
GROUP 7					
Mississippi wagons & Roehring dumpsters & similar dirt moving equipment over 8 yds.	12.05	.70			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS & GLAZIERS
A-New Year's Day; B-Memorial Day; C-Independence day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS & GLAZIERS
a- 1st 6 mos. - none; 6 mos. to 5 years - 6¢ over 5 years - 8¢ of basic hourly rate
b - Paid Holidays - A thru G
c - 5 days paid vacation
d - Paid Holidays, A,C,D,E,G, & Good Friday

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

POWER EQUIPMENT OPERATORS: Calcasieu Parish:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$10.52	.65	1.10		.10
GROUP 2	10.20	.65	1.10		.10
GROUP 3	9.73	.65	1.10		.10
GROUP 4	10.80	.65	1.10		.10
GROUP 5	13.86	.65	1.10		.10
GROUP 6	11.40	.65	1.10		.10
GROUP 7	12.27	.65	1.10		.10
GROUP 8	12.13	.65	1.10		.10

POWER EQUIPMENT OPERATORS CLASSIFICATIONS DEFINITIONS

GROUP 1 - Scale Operators; oiler-driver on motor crane; batch plant operator
GROUP 2 - Pumps under 3 inch suction
GROUP 3 - Oiler
GROUP 4 - Fireman
GROUP 5 - Combination oiler- compressor; combination oiler-fireman; asphalt spreaders; backhoe (all types); bulldozer; cableways; cherry pickers (all types); concrete mixers (over 1 sack); cranes; deck winch (2 drums or over); derricks; ditching or trenching machines (riding type); draglines; dredges; fork lifts (other than farm type) outside warehouses; foundation drill; front end loaders (except farm types); grease serviceman; hoist-1 drum (4 stories or more on buildings); hoist-1 drum (over 40 ft. on structures other than buildings); hoist (2 drum or over); locomotive (all types); mechanic; mixer plant operator-central mix; motor patrols; pile-drivers; pull cat; pump crete-6" and over discharge; push cat; road pavers; rollers (plant mix asphalt); scrapers; shovels; sidebooms; welder, journeyman; well point system; whirleys; winch cats (cat D-4 & over); winch truck with A-frame (5 ton & over); work boats-requiring licensed operator
GROUP 6 - Bush hog; compressor; concrete pump-under 6" discharge; concrete saw; deck winch (1 drum); distributors; ditching or trenching machines (non-riding type); dowel bar machine; farm-type tractors (when used to pull discs, grass cutters, etc.; hoist-1 drum (under 4 stories on buildings); hoist-1 drum (40 ft. or under on structures other than buildings); Kolum Buff Machines; mixers (1 sack & under); motorized street sweepers self-propelled; pump (3" & over); test pump-internal combustion engine powered; water blast pumps
GROUP 7 - Asphalt plant operator; boom trucks; bull floats; concrete spreader; farm type front end loaders; finishing machines (roadway, riding type); roller (other than plant mix asphalt); straddle buggies; winch truck with A-frame (under 5 tons); work boats-not requiring licensed operator
GROUP 8 - Unit operators

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SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (does not include the Nevada Test Site and Tonopah Test Range, and

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

DECISION NUMBER: NV81-5111
DATE: Date of Publication
Supersedes Decision No. NV80-5100 dated February 1, 1980, in 45 FR 7451.

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:*					
Area 1	$18.26	$1.28	$1.52		
Area 2	14.36	.77	1.52		
Area 3	19.51	1.25	1.45		.11
BOILERMAKERS	17.61	1.30	1.25	1.00	.04
BRICKLAYERS; STONEMASONS:*					
Area 1	15.57	.90	.60		.06
Area 2	15.21	1.25	.75		.04
BRICK MOD CARRIERS:*					
Area 1	12.11	1.10	1.30		.10
CARPENTERS:*					
Area 1:					
Carpenters	15.31	.85	1.35		.10
Drywall Installer	15.48	.85	1.35		.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	15.46	.85	1.35		.10
Lathers	15.48	.85	1.35		.10
Millwrights	16.31	.85	1.35		.10
Piledrivermen	15.51	.85	1.35		.10
Area 2:					
Carpenters	12.25	1.10	1.61	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators; Shingler	12.40	1.10	1.61	1.00	.10
Millwrights	12.85	1.10	1.61	1.00	.10
Piledrivermen	12.50	1.10	1.61	1.00	.10
CEMENT MASONS:*					
Area 1:					
Cement Masons	13.00	1.10	1.00		.13
Cement Floor Finishing Machine and Color Work	13.35	1.10	1.00		.13

*See AREA Descriptions - Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:* (Cont'd)					
Area 2:					
Cement Masons	$13.05	$1.10	$1.00	$1.45	.05
Mastic, Magnesite and all Composition Masons	13.30	1.10	1.00	1.45	.05
Troweling Machine; Grinder Operator and Kelly Float	13.55	1.10	1.00	1.45	.05
Area 3:					
Cement Masons	14.80	1.10	1.00	1.45	.05
Mastic, Magnesite and all Composition Masons	15.05	1.10	1.00	1.45	.05
Troweling Machine; Grinder Operator and Kelly Float	15.30	1.10	1.00	1.45	.05
DRYWALL INSTALLERS:*					
Area 1	12.50	1.10	1.61	1.00	.10
ELECTRICIANS:*					
Area 1:					
Electricians; Technicians	17.06	.98	3%+2.55		.08
Cable Splicers	17.39	.98	3%+2.55		.08
Area 2:					
Electricians; Technicians	18.53	1.09	3%+2.09		.14
Cable Splicers	20.38	1.09	3%+2.09		.14
Area 3:					
Electricians; Technicians	20.03	1.09	3%+2.09		.14
Cable Splicers	21.88	1.09	3%+2.09		.14
ELEVATOR CONSTRUCTORS:*					
Area 1:					
Elevator Constructors	16.62	1.195	.95	a	.035
Helpers	11.63	1.195	.95	a	.035
Probationary Helpers	8.31				
Area 2:					
Elevator Constructors	19.99	1.195	.95	a	.035
Helpers	13.99	1.195	.95	a	.035
Probationary Helpers	9.995				
GLAZIERS:*					
Area 1	17.02	.75	.40		.08
Area 2	12.931	.83	1.83	1.584	

*See AREA DESCRIPTIONS - Page 3

AREA DESCRIPTIONS

ASBESTOS WORKERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Elko, Eureka, and White Pine Counties
Area 3: Remaining Counties

BRICKLAYERS; STONEMASONS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)
Area 2: Remaining Counties and Nye County (north of Highway #6)

BRICK HOD CARRIERS:
Area 1: Statewide excluding Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

CARPENTERS:
Area 1: Clark County; Esmeralda County (south of Highway #6); Lincoln County; Nye County (south of Highway #6)
Area 2: Remaining Counties; Esmeralda and Nye Counties (north of Highway #6)

CEMENT MASONS:
Area 1: Clark, Lincoln, and Nye Counties
Area 2: Remaining Counties (excluding Lake Tahoe Area)
Area 3: Lake Tahoe Area

DRYWALL INSTALLERS:
Area 1: Remaining Counties; Esmeralda and Nye Counties (north of Highway #6)

ELECTRICIANS:
Area 1: Clark and Lincoln Counties; Nye County (south of Mt. Diablo Base Line)
Area 2: Remaining Counties; Nye County (north of Mt. Diablo Base Line), excluding Lake Tahoe Area
Area 3: Lake Tahoe Area

ELEVATOR CONSTRUCTORS:
Area 1: Nevada east of 118° longitude and south of 39° north latitude
Area 2: Nevada west of 118° longitude

GLAZIERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Remaining Counties

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:*					
Area 1:					
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	$13.10	.90	$1.45		.10
Area 2:					
Fence Erector	13.11	1.39	3.22	2.15	.07
Ornamental; Reinforcing; Structural	14.00	1.89	3.22	2.15	.07
LATHERS:*					
Area 1	16.57				.01
LINE CONSTRUCTION WORKERS:*					
Area 1:					
Groundman	14.15	.98	3%		3/4%
Line Equipment Operators	16.98	.98	3%		3/4%
Lineman	18.87	.98	3%		3/4%
Cable Splicers	19.81	.98	3%		3/4%
Area 2:					
Groundman	14.15	.99	3%+1.37		.08
Line Equipment Operators	14.78	.99	3%+1.37		.08
Lineman	16.43	.99	3%+1.37		.08
Cable Splicers	18.07	.99	3%+1.37		.08
Area 3:					
Groundman	13.32	.99	3%+1.37		.08
Line Equipment Operators	15.78	.99	3%+1.37		.08
Lineman	17.43	.99	3%+1.37		.08
Cable Splicers	19.07	.99	3%+1.37		.08
MARBLE SETTERS:*					
Area 1	15.57	.90	.60		.06
Area 2	14.00	.95	.75		.01
MARBLE, TERRAZZO, and TILE FINISHERS:*					
Area 1	12.14	.90	.60		
Area 2	8.40	.95	.75		.01
MASON TENDERS:*					
Area 1	12.82	.81	1.50		

*See AREA DESCRIPTIONS - Page 6

AREA DESCRIPTIONS

IRONWORKERS:

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:*					
Area 1:					
Brush; Roller Paperhangers; Spray; Steel Swing Stage; Sandblasters; Sign; Structural Steel; Taper	$15.74	.80	.70		.06
Buffing Steel; Sandblaster; Structural Steel	16.09	.80	.70		.06
Steeplejack	16.44	.80	.70		.06
Area 2:	17.49	.80	.70		.06
Brush and Roller	15.93	.70	.75		.02
Spray; Taper; Paperhangers; Sandblaster	16.43	.70	.75		.02
Spray - Swing Stage up to 40 feet; Spray - Steel	16.68	.70	.75		.02
Brush - Swing Stage, up to 40 feet; Brush - Steel; Sandblaster	16.18	.70	.75		.02
PLASTER HOD CARRIERS:*					
Area 1:					
Plasterer Tender serving Plasterers	13.20	1.10	1.30		
Plasterer Tender working on any type of Gun except TM-30	13.80	1.10	1.30		
Plasterer Tender mixing on TM-30 Machine	14.05	1.10	1.30		
PLASTER TENDERS:*					
Area 1	13.12	.81	1.35		.11
PLASTERERS:*					
Area 1	13.49	1.10	1.00		.13
Area 2	13.02	1.10	1.50		.03

*See AREA DESCRIPTIONS - Page 6

AREA DESCRIPTIONS

IRONWORKERS:
Area 1: Elko, Eureka, White Pine Counties
Area 2: Remaining Counties

LATHERS:
Area 1: Statewide (excluding Clark County; Esmeralda County (south of Highway #6)); Lincoln County; Nye County (south of Highway #6)

LINE CONSTRUCTION WORKERS:
Area 1: Clark, and Lincoln Counties; Nye County (south of Mt. Diablo Base Line)
Area 2: Remaining Counties and Nye County (north of Mt. Diablo Base Line) (excluding Lake Tahoe Area)
Area 3: Lake Tahoe Area

MARBLE MASONS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

MARBLE, TERRAZZO, and TILE FINISHERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

MASON TENDERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

PAINTERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Remaining Counties including Lake Tahoe Area

PLASTER HOD CARRIERS:
Area 1: Statewide excluding Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

PLASTER TENDERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

PLASTERERS:
Area 1: Clark, Lincoln, and Nye Counties
Area 2: Remaining Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:*					
Area 1	$13.75	$1.25	$2.50	$2.00	.08
Area 2	15.94	1.23	1.25	2.10	.20
PLUMBERS (Utility):*					
Area 1	15.94	1.23	1.25	2.10	.20
ROOFERS:*					
Area 1	18.15	1.00			
Area 2	16.27	1.00	1.00		.05
SHEET METAL WORKERS:*					
Area 1	18.02	1.20	1.92		.19
Area 2	14.72	1.20	2.26	1.47	.12
SOFT FLOOR LAYERS:*					
Area 1	16.16	1.11			.25
Area 2	14.99	.70	.20	.33	.06
SPRINKLER FITTERS	19.56	.95	1.40		.08
TERRAZZO WORKERS; TILE SETTERS:*					
Area 1	15.57	.90	.60		.06
Area 2	14.00	.95	.75		.01
*See AREA DESCRIPTIONS - Page 8					

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTE:
a. Employer contributes 8% basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A thru G

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Friday after Thanksgiving Day; G-Christmas Day

AREA DESCRIPTIONS

PLUMBERS; Steamfitters:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6, excluding City of Tonopah)
Area 2: Remaining Counties and Nye county (north of Highway #6, including City of Tonopah)

PLUMBERS (Utility):
Area 1: Statewide except Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6, excluding the City of Tonopah)

ROOFERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)
Area 2: Remaining Counties and Nye County (north of Highway #6)

SHEET METAL WORKERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a horizontal line passing through Warm Springs, Nevada); White Pine County
Area 2: Remaining Counties and Nye County (north of a horizontal line passing through Warm Springs, Nevada)

SOFT FLOOR LAYERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Remaining Counties including Lake Tahoe Area

TERRAZZO WORKERS; TILE SETTERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:*					
Area 1	$13.75	$1.25	$2.50	$2.00	.08
Area 2	15.94	1.23	1.25	2.10	.20
LABORERS (Utility):*					
Area 1	15.94	1.23	1.25	2.10	.20
LATHERS:*					
Area 1	18.15	1.00			
Area 2	16.27	1.00	1.00		.05
PAINTERS:*					
Area 1	15.57	.90	.60		.06
Area 2	14.00	.95	.75		.01
*See AREA DESCRIPTIONS - Page 10					

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTE:
a. Employer contributes 8% basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: A thru G

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Friday after Thanksgiving Day; G-Christmas Day

LABORERS (Cont'd)

AREA DESCRIPTIONS

LABORERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6, excluding City of Tonopah)
Area 2: Remaining Counties and Nye county (north of Highway #6, including City of Tonopah)

LABORERS (Utility):
Area 1: Statewide except Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6, excluding the City of Tonopah)

LATHERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)
Area 2: Remaining Counties and Nye County (north of Highway #6)

PAINTERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a horizontal line passing through Warm Springs, Nevada); White Pine County
Area 2: Remaining Counties and Nye County (north of a horizontal line passing through Warm Springs, Nevada)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clark, Esmeralda, and Lincoln Counties; Nye County (south half, including Highway #6):					
Group 1	$11.75	.81	$1.58		
Group 2	11.96	.81	1.58		
Group 3	12.06	.81	1.58		
Group 4	12.15	.81	1.58		
Group 5	12.25	.81	1.58		

Group 1: Cutting Torch Operator (demolition); Dry Packing of Concrete and Filling of Form-bolt Holes; Fine Grader, highway and street paving, airport runways and similar type heavy construction; Spotter, Debris Handler and Dumpman; Gas and Oil Pipeline Laborer; Guinea Chaser; Laborer, demolition (cleaning of bricks, lumber, etc.); Laborer, general or construction; Laborer, packing rod steel and pans; Laborers, temporary water lines (portable type); Landscape Gardener and Nurseryman; Tarman and Mortarman, Kettleman, Potman and man applying asphalt, lay-kold creosote, lime and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Underground Laborer, including Caisson Bellowers; Window Cleaner

LABORERS (Cont'd)
Clark, Esmeralda, and Lincoln Counties; Nye County (south half, including Highway #6)

Group 2: Asphalt Raker, Ironer, Spreader, Luteman; Buggymobile Man; Cement Dumper (on 1 yard or larger mixers and handling bulk cement); Cesspool Digger and Installer; Chucktender (except tunnel); Concrete Core Cutter; Concrete Curer, Impervious Membrane and Oiler of all materials; Concrete Saw Man, excluding tractor type, cutting, scoring old or new concrete; Gas and Oil Pipeline Wrapper, Pot Tender and Form Man; Making and caulking of all non-metallic pipe joints; Operators and Tenders of pneumatic and electric tools, Vibrating Machines, hand-propelled Trenching Machines, Impact Wrench, multiplate and similar mechanical tools not separately classified herein; Operator of Cement Grinding Machine; Riprap Stonepaver; Roto-scraper; Sandblaster (Pot Tender); Sealer Septic Tank Digger and Installer (Leadman); Tank Sealer and Cleaner; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders

Group 3: Gas and Oil Pipeline Wrapper, 6 inch pipe and over; Jackhammer and/or Pavement Breaker; Laying of all non-metallic pipe, including sewer pipe, drain pipe, and underground tile; Oversize Concrete Vibrator, 70 lbs. and over; Rock Slinger; Sealer (using Boe's Chair or Safety Belt or power tools)

Group 4: Cribber or Shorer, Lagging, Sheeting, Trench Bracing, hand guided Lagging Hammer; Head Rock Slinger; Powderman - Blaster, all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Sandblaster (Nozzleman); Steel Headerboard Man

Group 5: Driller (Core, Diamond or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 143 and similar type drills

LABORERS: (Cont'd) Remaining Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.71	$1.10	$1.30		.10
Group 2	10.81	1.10	1.30		.10
Group 3	10.96	1.10	1.30		.10
Group 4	11.21	1.10	1.30		.10
Group 5	11.51	1.10	1.30		.10
Group 6-A	11.51	1.10	1.30		.10
Group 6-B	11.21	1.10	1.30		.10
Group 6-C	10.86	1.10	1.30		.10

Group 1: All cleanup work of debris, grounds and building including windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzle Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and material for reinforcing concrete; Railroad Trackmen (builders); Sloper; Semi-skilled Wrecker (salvaging of building materials other than those listed in Group 3); Greasing Dowels

LABORERS: (Cont'd)
Remaining Counties

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, Faller, Logloader and Bucker; Compactor (all types); Concrete Mixer, under 1/2 yd.; Concrete Pan Work (breadpan type) (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, Hand-guided Lagging Hammer; Curbing or Divider Machine; Curb Setter (precast or cut); Ditching Machine (hand-guided); Driller's Tender, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Worker (wet or dry); Pipe Wrapper, Kettleman, Potman, and men applying asphalt, Creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole Digger (air, gas or electric); Post Driver; Riprap-stonepaver and Rock Slinger, including placing of sack concrete, wet or dry; Roto Tiller; Rigging and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash windows, doors, plumbing and electrical fixtures

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TM4-2A, Gardner Denver Model DM 143 and similar type Drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrator with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline, conduit; Asphalt Rakers

Group 5: Blaster and Powderman, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman

Grop 6-B: Gunman, Materialman

Group 6-C: Reboundman

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POWER EQUIPMENT OPERATORS (Cont'd)
Clark, Forklifts, Lincoln, and Tug Operators

POWER EQUIPMENT OPERATORS: Clark, Esmeralda, Lincoln, and Nye Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.60	$1.10	$2.80	.92	.14
Group 2	13.88	1.10	2.80	.92	.14
Group 3	14.17	1.10	2.80	.92	.14
Group 4	14.31	1.10	2.80	.92	.14
Group 5	14.53	1.10	2.80	.92	.14
Group 6	14.64	1.10	2.80	.92	.14
Group 7	14.76	1.10	2.80	.92	.14
Group 8	14.93	1.10	2.80	.92	.14
Group 9	15.06	1.10	2.80	.92	.14

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator Operator; Heavy Duty Repairman Tender; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, Skip type; Conveyor Operator; Fireman; Hydrostatic Pump Operator; Oiler Crusher (asphalt or concrete plant); Plant Operator, Generator, Pump or Compressor; Rotary Drill Tender (Oilfield); Skiploader - wheel type up to 3/4 yard with attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant Operator; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with drag-type attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power Driven Jumbo Form Setter; Rose Carrier; Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Bowman or Mixerman (asphalt or concrete); Bridge type unloader and Turntable Operator; Chip Spreading Machine; Concrete Pump (small portable); Dinky Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-hammer-Aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 feet)

POWER EQUIPMENT OPERATORS (Cont'd)
Clark, Esmeralda, Lincoln, and Nye Counties

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe (up to and including 3/4 yards); Bit Sharpenter; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm (curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and wheel type (over 3/4 yards and up to and including 1½ yards); Tractor - Bulldozer, Tamper, Scraper (single engine, up to 100 Hp, Flywheel and similar types, up to and including D-5 and similar types)

Group 6: Asphalt or Concrete Spreading (tamping and finishing); Asphalt Paving Machine (Barber Green or similar type); BHL Lime Road Pactor or similar; Bridge Crane; Pipe Laying Machine (cast-in-place); Combination Mixer and Compressor (gunite work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Holman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader-Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine 1/4 yard - rubber tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumperete Gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yards and up to and including 50 cu. yds. struck); Rubber-tired Scraper (self-loading - paddle wheel type - John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type over 1½ yards, up to and including 6½ yards); Surface Heaters and Planers; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yards, struck); Trenching Machine (over 6 feet depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5, 100 flywheel HP and over or similar)(Bulldozer, Tamper, Scraper and Push Tractor, single engine); Tractor (boom attachments); Traveling Pipe wrapping, cleaning and bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cu. yards M.R.C.)

POWER EQUIPMENT OPERATORS (Cont'd)
Clark, Esmeralda, Lincoln, and Nye Counties

Group 7: Crane (over 25 tons up to and including 100 tons M.R.C.); Derrick Barge; Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive (diesel, gas or electric); Motor Patrol-blade Operator (single engine); Multiple engine Tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired earthmoving equipment (single engine over 50 yards struck); Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar)(over 25 yards and up to 50 cu. yds. struck); Tractor Loader Operator (Crawler and wheel type over 6½ yards); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cu. yds. M.R.C.); Wood Mixer and similar Pugmill equipment; Heavy Duty Repairman, Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cu. yds.); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (multi-engine); Pipe Mobile Machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar, and similar type over 50 cu. yds. struck); Rubber-tired self-loading Scraper (paddle wheel-auger type self-loading) (2 or more units); Tandem equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing with Push Cat, Push-pull) ($00 per hour additional)

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cu. yds.); Remote controlled earth moving equipment ($1.00 per hour additional to base rate)

POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:					
Area 1:*					
Group 1-A	$11.64	$2.24	$3.00	$2.07	.11
Group 2	12.08	2.24	3.00	2.07	.11
Group 3	12.31	2.24	3.00	2.07	.11
Group 4	12.93	2.24	3.00	2.07	.11
Group 5	13.18	2.24	3.00	2.07	.11
Group 6	13.32	2.24	3.00	2.07	.11
Group 7	13.53	2.24	3.00	2.07	.11
Group 8	14.02	2.24	3.00	2.07	.11
Group 9	14.29	2.24	3.00	2.07	.11
Group 10	14.59	2.24	3.00	2.07	.11
Group 10-A	14.74	2.24	3.00	2.07	.11
Group 11	14.95	2.24	3.00	2.07	.11
Group 11-A	16.31	2.24	3.00	2.07	.11
Area 2:*					
Group 1-A	12.89	2.24	3.00	2.07	.11
Group 2	13.33	2.24	3.00	2.07	.11
Group 3	13.56	2.24	3.00	2.07	.11
Group 4	14.18	2.24	3.00	2.07	.11
Group 5	14.43	2.24	3.00	2.07	.11
Group 6	14.57	2.24	3.00	2.07	.11
Group 7	14.78	2.24	3.00	2.07	.11
Group 8	15.27	2.24	3.00	2.07	.11
Group 9	15.54	2.24	3.00	2.07	.11
Group 10	15.84	2.24	3.00	2.07	.11
Group 10-A	15.99	2.24	3.00	2.07	.11
Group 11	16.20	2.24	3.00	2.07	.11
Group 11-A	17.56	2.24	3.00	2.07	.11
Area 3:*					
Group 1-A	13.39	2.24	3.00	2.07	.11
Group 2	13.83	2.24	3.00	2.07	.11
Group 3	14.06	2.24	3.00	2.07	.11
Group 4	14.68	2.24	3.00	2.07	.11
Group 5	14.93	2.24	3.00	2.07	.11
Group 6	15.07	2.24	3.00	2.07	.11

*See AREA DESCRIPTIONS - Page 17

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection): (Cont'd)	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties: (Cont'd)					
Area 3:* (Cont'd)					
Group 7	$15.28	$2.24	$3.00	$2.07	.11
Group 8	15.77	2.24	3.00	2.07	.11
Group 9	16.04	2.24	3.00	2.07	.11
Group 10	16.34	2.24	3.00	2.07	.11
Group 10-A	16.49	2.24	3.00	2.07	.11
Group 11	16.70	2.24	3.00	2.07	.11
Group 11-A	18.06	2.24	3.00	2.07	.11
Area 4:*					
Group 1-A	14.14	2.24	3.00	2.07	.11
Group 2	14.58	2.24	3.00	2.07	.11
Group 3	14.81	2.24	3.00	2.07	.11
Group 4	15.43	2.24	3.00	2.07	.11
Group 5	15.68	2.24	3.00	2.07	.11
Group 6	15.82	2.24	3.00	2.07	.11
Group 7	16.03	2.24	3.00	2.07	.11
Group 8	16.52	2.24	3.00	2.07	.11
Group 9	16.79	2.24	3.00	2.07	.11
Group 10	17.09	2.24	3.00	2.07	.11
Group 10-A	17.24	2.24	3.00	2.07	.11
Group 11	17.45	2.24	3.00	2.07	.11
Group 11-A	18.81	2.24	3.00	2.07	.11

AREA DEFINITIONS

Area 1: Area within 50 road miles of either the Carson City Courthouse or the Washoe County Courthouse
Area 2: Area between 50 and 150 road miles of the Washoe County Courthouse
Area 3: Area between 150 and 300 road miles of the Washoe County Courthouse
Area 4: Area over 300 road miles of the Washoe County Courthouse

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
Remaining Counties

Group 1-A: Brakeman; Deckhand; Fireman; Oiler; Switchman; Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pumps; Tar Pot Fireman (power-agitated)

Group 3: Box Operator (bunker); Concrete Curing Machine (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Mixer Box Operator (concrete plant); Motorman; Oiler (truck crane); Rotomist; Screedman (except asphaltic or concrete paving); Bobcat or similar loader, 1/4 cu. yd. or less

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper, multi-purpose; Bowman (asphalt plant); Concrete Mixer, skip type; Dinky; Fork Lift (construction jobsite); Line Master; Rose Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pump or Pumpcrete Gun; Elevator and Material Hoist (1 drum); Shuttle Car; Signalman; Screedman (Barber-Greene and similar)(asphalt or concrete paving)

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lime Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Lubrication and Service Engineer (mobile and grease rack); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb and Gutter Machine (concrete or asphalt); Pavement Breaker, truck mounted, with compressor combination; Pavement Breaker or Tamper (with or without compressor combination); Power Jumbo (setting slip-forms, etc., in tunnels); Roller (except asphalt); Self-propelled Tape Machine; Self-propelled Compactor (single engine); Slip Form Pump (power-driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Small Rubber-tired Tractors; Snooper Crane, Paxton-Mitchell or similar; Stationary Pipe Wrapping, Cleaning and Bending Machine; Auger-type drilling equipment up to and including 30 feet depth drilling capacity M.R.C.

POWER EQUIPMENT OPERATORS (Cont'd)
Except Piledriving and Steel Erection) (Cont'd)
Remaining Counties

Group 7: Bit Sharpener; Compressor (over 2); Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon Drills or Jackhammers); Crusher Plant Engineer; Generators; Holman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plants; Roller Operator (asphalt); Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 feet depth); Post Driller and/or Driver; Auger-type drilling equipment over 30 ft. depth digging capacity M.R.C.

Group 8: Asphalt Milling Machine; Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Concrete Batch Plant (multiple units); Dozer; Drill Doctor; Elevating Grader; Gradesetter, Grade Checker; Grooving and Grinding Machine (highway); Heavy-duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine (wood-mixer and other similar Pugmill equipment); Rubber-tired earth-moving equipment (up to and including 35 cu. yds. "struck" M.R.C., Euclid, T-Pulls, DW's 10, 20, 21, and similar); Self-propelled Compactor with Dozer; Hyster 450 or Cat 825 or similar; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber-tired or similar equipment); Tractor-drawn Scraper; Tractor; Tractor-mounted Compressor Drill combination; Trenching Machine (over 3 feet depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine; Vermeer T-600B Rock Cutter

Group 9: Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yards); Combination Mixer and Compressor (gunite); Lull Hi-lift (20 feet or over); Mucking Machine; Sub-grader (Gurries or other types); Tractor (with boom) (D6 or larger); Track-laying-type earthmoving Machine (single engine with Tandem Scrapers)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection) (Cont'd)
Remaining Counties (Cont'd)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy-duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons)(single or multiple units); Multiple-engine Earth-moving Machines (Euclid, Dozers, etc.); Pre-stress Wire-wrapping Machine; Rubber-tired Scraper, self-loading; Single-engine Scraper (over 35 cu. yds.); Self-propelled Reservoir-debris equipment Floating (200 HP and over); Shuttle Car (reclaim station); Train Loading Station; Trenching Machine multi-engine with sloping attachment (Jefco or similar); Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons)(Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin-engine); Self-propelled Boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); CMI Dual-lane Auto-grader SP30 or similar

Group 11: Automatic Asphalt or Concrete Slip-form Paver; Automatic Railroad Car Dumper; Canal Trimmer; Cary Lift, Campbell or similar; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 cu. yds. up to and including 12 cu. yds.); Multiple-engine Scraper (when used to Push Pull); Multi-engine Earthmoving equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 cu. yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple-propulsion power units); Self-propelled Boom-type lifting device (over 25 tons M.R.C.); Single-engine Rubber-tired Earthmoving Machine (with Tandem Scraper); Slip-form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile (including rail-mounted); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons); Euclid Loader when controlled from the Pullcat

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loaders (over 12 cu. yds.); Multi-engine earthmoving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels, Clamshells, Draglines, Backhoes and Gradalls (over 7 cu. yds. M.R.C.); Remote-controlled earthmoving equipment; Wheel Excavator (over 750 cu. yds. per hour)

POWER EQUIPMENT OPERATORS: Piledriving:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:					
Group 1	$11.63	$2.24	$3.00	$2.07	.11
Group 1-A	12.04	2.24	3.00	2.07	.11
Group 1-B	12.29	2.24	3.00	2.07	.11
Group 2-A	12.29	2.24	3.00	2.07	.11
Group 2-B	12.98	2.24	3.00	2.07	.11
Group 2-C	13.19	2.24	3.00	2.07	.11
Group 2-D	13.37	2.24	3.00	2.07	.11
Group 3	13.55	2.24	3.00	2.07	.11
Group 3-A	14.07	2.24	3.00	2.07	.11
Group 4	14.73	2.24	3.00	2.07	.11
Group 5	14.94	2.24	3.00	2.07	.11
Group 6	16.31	2.24	3.00	2.07	.11

POWER EQUIPMENT OPERATORS (Cont'd)
Piledriving
Remaining Counties

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator or Tugger Hoist (hoisting material only)

Group 2-B: Forklift Operator

Group 2-C: A-Frames

Group 2-D: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

Group 3-A: Heavy-duty Repairman/Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler)(up to and including 1 cu. yd. rating); Self-propelled Boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); Truck Crane Operator (up to and including 25 tons - hoisting material only)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler)(over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam-powered Crawler, or Universal-type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work); Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 6: Cranes (over 125 tons)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION:					
Remaining Counties:					
Group 1	$12.20	$2.24	$3.00	$2.07	.11
Group 2	12.65	2.24	3.00	2.07	.11
Group 3	13.88	2.24	3.00	2.07	.11
Group 4	14.05	2.24	3.00	2.07	.11
Group 4-A	14.42	2.24	3.00	2.07	.11
Group 5	15.02	2.24	3.00	2.07	.11
Group 6	15.54	2.24	3.00	2.07	.11
Group 7	15.90	2.24	3.00	2.07	.11
Group 8	16.25	2.24	3.00	2.07	.11
Group 9	17.51	2.24	3.00	2.07	.11

POWER EQUIPMENT OPERATORS (Cont'd)
Steel Erection

Remaining Counties

Group 1: Oiler

Group 2: Compressor Operator; Generator, gasoline or diesel driven (100 K.W. or over)(structural steel or tank erection only); Truck Crane Oiler

Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6) (structural steel or tank erection only); Deck Engineer; Signalman (using mechanical equipment); Forklift

Group 4: Heavy-duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman/Welder

Group 5: Boom Truck or Dual Purpose A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 ton M.R.C. or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.); Single drum Hoist; Tugger Hoist

Group 6: Cary Lift, Campbell or similar; Crawler Cranes and Truck Cranes (over 15 tons M.R.C.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum Hoist

Group 7: Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 8: Cranes (over 125 tons)

Group 9: Operator of Helicopter

	Basic Hourly Rates	Fringe Benefits Payments			
TRUCK DRIVERS:		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Clark, Esmeralda, Lincoln and Nye Counties:					
Group 1	$12.07	.71	$1.19		
Group 2	12.18	.71	1.19		
Group 3	12.23	.71	1.19		
Group 4	12.39	.71	1.19		
Group 5	12.57	.71	1.19		
Group 6	13.07	.71	1.19		

Group 1: Dump Trucks (less than 12 yards); Trucks (legal payload capacity less than 15 tons); Water and Fuel Trucks (under 2500 gallons); Pickups; Service; Repairman Tender; Drivers of busses (on jobsite used for transportation of up to 25 passengers); Teamster equipment (highest rate for dual craft operation)

Group 2: Dump Trucks (12 yards but less than 16 yards); Trucks (legal payload capacity between 15 and 20 tons); Water and Fuel Trucks (2500 to 4000 gallons); Truck Driver working on gas and oil pipeline (including Winch Truck and all sizes of trucks); Truck Greaser and Tireman; Drivers of busses (on jobsite used for transportation of more than 25 passengers); Bootman

Group 3: Dumpcrete (less than 6¼ yards); Transit-Mix (less than 3 yards); Warehouse Clerk

Group 4: Dump Trucks (16 yards up to and including 22 yards); Trucks (legal payload capacity 20 ton but less than 30 tons); Water and Fuel Trucks (4000 gallons but less than 6000 gallons); Dumpcrete (6¼ yards and over); Transit-mix (3 yards but less than 6 yards); Euclid-type Spreader Trucks; Dumpster; Fork Lift; Ross Carrier - highway; Road Oil Spreading Truck, time spent spreading oil

Group 5: Dump Trucks (over 22 yards); Trucks (legal payload capacity 20 tons and over); Water and Fuel Trucks (6000 gallons and over); Transit-mix (6 yards and over); Truck Repairman

Group 6: D.W. and similar type equipment, D.W. 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar-type Trucks when performing work within Teamsters' jurisdiction, regardless of types of attachment including power unit pulling off-highway Belly Dumps in Tandem

	Basic Hourly Rates	Fringe Benefits Payments			
TRUCK DRIVER: (Cont'd)		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:					
Group 1	$11.47	$1.10	$1.12	$1.01	.05
Group 2	11.52	1.10	1.12	1.01	.05
Group 3	11.63	1.10	1.12	1.01	.05
Group 4	11.69	1.10	1.12	1.01	.05
Group 5	11.74	1.10	1.12	1.01	.05
Group 6	11.79	1.10	1.12	1.01	.05
Group 7	11.90	1.10	1.12	1.01	.05
Group 8	11.96	1.10	1.12	1.01	.05
Group 9	12.01	1.10	1.12	1.01	.05
Group 10	12.07	1.10	1.12	1.01	.05
Group 11	12.18	1.10	1.12	1.01	.05
Group 12	12.23	1.10	1.12	1.01	.05
Group 13	12.49	1.10	1.12	1.01	.05
Group 14	12.51	1.10	1.12	1.01	.05
Group 15	12.67	1.10	1.12	1.01	.05
Group 16	12.84	1.10	1.12	1.01	.05

Group 1: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, under 4 yards

Group 2: Bus and Manhaul Drivers, single units, Pickup, up to 1800 lbs.

Group 3: Bus and Manhaul Drivers, single unit, Pickup, 18,000 lbs. and over; Winch Trucks, A-Frame, under 18,000 lbs.; Road Oil Trucks or Bootman; Fuel Drivers; Fuel Man and Fuel Island Man

Group 4: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 4 yards and under 8 yards; Water Trucks and Jetting Trucks, up to 2,500 gallons; Flatrack, Industrial Lift with Mechanical Tailgate, single unit 2-axle; Warehouse Clerk

Group 5: Winch Trucks, A-Frame, 18,000 lbs. and over; Lift Jitneys and Fork Lifts

Group 6: Flatrack, Industrial Lift with Mechanical Tailgate, single unit 3-axle

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TRUCK DRIVERS: (Cont'd)
Remaining Counties (Cont'd)

Group 7: Dump (single or multiple units including semis, double and transfer units), Dumperete and Bulk Cement Spreaders, 8 yds. and under 18 yards; Transit Mix under 8 yards; Water Trucks and Jetting Trucks, 2,500 gallons and over; Tire Repairman

Group 8: Bootman, combination; Bootman and Road Oiler

Group 9: Transit Mix, 8 yards and including 12 yards

Group 10: Dump (single or multiple unit including semis, double and transfer units), Dumperete and Bulk Cement Spreaders, 18 yards and under 35 yards; Heavy Duty Transport (Highbed); Heavy Duty Transport (Gooseneck Lowbed); Tiltbed or Flatbed Pull Trailers

Group 11: DW 20's and 21's and other similar Cat type; Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water Tank Trailers, Fuel and/or Grease Tank, or other miscellaneous trailers (except as defined under Dump Trucks)

Group 12: Transit Mix, over 12 yards; Truck Repairman

Group 13: Dump (single or multiple units including semis, double and transfer units), Dumperete and Bulk Cement Spreaders, 35 yards and under 60 yards

Group 14: Dump (single or multiple units including semis, double and transfer units), Dumperete and Bulk Cement Spreaders, 60 yards and under 75 yards; Helicopter Pilot (when transporting men or materials)

Group 15: Dump (single or multiple units including semis, double and transfer units), Dumperete and Bulk Cement Spreaders, 75 yards and under 100 yards

Group 16: Dump (single or multiple units including semis, double and transfer units), Dumperete and Bulk Cement Spreaders, 100 yards and over

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTIES: CATTARAUGUS, CHAUTAQUA & ERIE

DECISION NO. NY81-3030 DATE: DATE OF PUBLICATION

Supersedes Decision no. NY80-3009 dated February 29, 1980 in 45 FR 13604

DESCRIPTION OF WORK: Building (excluding single family homes and apartments up to and including 4 stories), Heavy & Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.85	1.32	1.40		.07
BOILERMAKERS	13.70	1.275	1.775		.03
BRICKLAYERS					
Erie County & Cattaraugus County (the township of Perrysburg and the town of Gowanda)					
Bricklayers, Tuck Pointers, Cleaners, Caulkers, & Stone Masons	13.83	.80	1.90		
Marble Masons	13.545	.80	1.90		
Terrazzo Workers & Tile Setters	13.45	.80	1.90		
Chautauqua County & Cattaraugus County (Remainder of County)	12.00	.80	1.30		.08
CARPENTERS					
Erie County & Cattaraugus County (the township of Perrysburg and the Village of Gowanda in the township of Persia)					
Carpenters, Millwrights & Piledrivermen (Building)	12.73	1.80	1.85		
Carpenters & Piledrivermen (Heavy & Highway)	9.92	1.81	1.85		.025
Chautauqua Caounty & Cattaraugus County (Remainder of County)					
Carpenters, Building	11.20	.80	1.35		.02
Millwrights & Piledrivers	11.45	.80	1.35		.02
Diver Tenders	11.70	.80	1.35		.02
Carpenters, Heavy & Highway	11.21	.90	1.46	a	.025
CEMENT MASONS					
Erie County					
Cement Masons	14.18		2.00		
Machine Operator	14.35		2.00		
Swing Scaffold	14.45		2.00		
Chautauqua County & Cattaraugus County					
Heavy & Highway	11.18	.80	1.30		.07

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS					
Cattaraugus County (Leon & Dayton townships) & Chautauqua County Erie County & Cattaraugus County (Remainder of County	13.37	1.05	3%+1.45		.05
Electricians	14.54	1.10	3%+2.10		.05
Cable Splicers	15.04	1.10	3%+2.10		.05
ELEVATOR CONSTRUCTORS	14.12	1.195	.82	b+c	.035
GLAZIERS	12.04	1.70	1.00		.30
IRONWORKERS					
Chautauqua County & Erie County (Northern half of Grand Island)					
Structural Ornamental, Reinforcing, Riggers, Rodman, & Fence Erectors	12.96	1.07	1.02		
Sheeter	14.27	1.07	1.02		
Cattaraugus County and Erie County (Remainder of County					
Structural Ornamental, Reinforcing, Riggers, Rodmen & Fence Erectors	12.33	1.34	1.87		
Sheeters	12.73	1.34	1.87		
Sheeter, Bucker-up	12.505	1.34	1.87		
LATHERS	12.57		.10		.01
MARBLE TILE & TERRAZZO WORKERS	11.66	1.65	.40		
PAINTERS					
Erie County (Norht of White Haven RD. on Grand Island)					
Brush	11.09	1.27	1.65		.01
Spray Mastic, Steel, Steeple Jack, Swing Scaffold, Boatswain Chair using window jacks on life belts, steel tanks, Smokestacks, chruch steeples or flagpoles, Sandblasting & Water blasting	11.84	1.27	1.65		.01
Bridges	12.755	1.27	1.65		.01

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (Cont'd)					
Erie County (Remainder of County), Chautauqua County (townships of Dunkirk, Portland, Pomifret, Sheridan, Arkwright, Hanover, & Villanova), & Cattaraugus County (townships of Perrysburg, Dayton, Persia, Otto, Ashford, Yorkshire, East Otto & Machias)					
Base	12.205	1.375	.40		.11
Epoxy or Similar, Spray, Sandblasting, Bosun Chair, Swing and Scaffold, Taping Rangers	12.705	1.375	.40		.11
Bridges 35' in Depth or 36' from road level	13.87	1.375	.40		.11
Skeleton Steel, Radio-TV Towers, Flagpoles, Water Towers, Stacks	12.455	1.375	.40		.11
Cattaraugus County (townships of Leon, Conewango, Randolph, S. Valley, New Albion and Napoli), Chautauqua County (Remainder of County)					
Brush	9.825	.725	.40		.01
Structural Steel, Bridge, Tanks, and Stacks	10.125	.725	.40		.01
Spray, Steam Cleaning, Sandblasting & Toxic Coatings	10.475	.725	.40		.01
Swing Scaffold, Bosun Chair, Paperhangers, Taping	10.075	.725	.40		.01
Roller	10.025	.725	.40		.01
Cattaraugus County (Remainder of County)					
Brush	8.35	.55	.85		
Ladder or Scaffold over 30', 4' extension on Rollers, Taping (hand or machine)	8.60	.55	.85		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All wallcovering & Paperhanging	8.70	.55	.85		
Spray, All application of Toxic Coatings	9.00	.55	.85		
Steel above 20'	8.65	.55	.85		
Bridges	9.35	.55	.85		
PLUMBERS & STEAMFITTERS					
Cattaraugus County	13.30	.60	1.29	.25	
Chautauqua County (townships of French Creek, Clymer, Harmony, Busti, Kiantone, Carroll, Poland, Ellicott, North Harmony, Sherman, Mina, Chautauqua, Ellery, Gerry & Ellington)	13.80	.77	.55		.302
Chautauqua County (Remainder of County) & Erie County	13.81	1.03	1.63		.08
ROOFERS					
Chautauqua County & Cattaraugus County	10.95	.65	.45	.15	
Erie County					
Composition, damp, waterproofers, steep roofers & siders	13.06	1.09	1.50		.02
Slate, tile, asbestos, & precast tile roofers	13.21	1.09	1.50		.02
SHEET METAL WORKERS					
Chautauqua County & Cattaraugus County	14.07	1.38	.96		.10
Erie County	13.25	1.33	1.16		.10
SOFT FLOOR LAYERS					
Erie County	12.73	1.80	1.85		
SPRINKLER FITTERS					
Erie County	13.39	.85	1.75		.06
Chatauqua County & Cattaraugus County	14.82	.85	1.20		.08
STEAMFITTERS					
Erie County	13.44	1.90	1.33		.15
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES:
a. Paid Holidays: Independence Day & Labor Day
b. Seven Paid Holidays
c. Employer contributes 8% of the basic hourly rate for 1 years or more of service and 6% of basic hourly rate for 6 months to 5 years of service as vacation pay credit

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
Area 1	10.50	.50	.50		
Area 2	10.50	.50	.50		
Area 3	10.50	.50	.50		
Area

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers, Building:					
Cattaraugus (Twp. of Perrysburg and the Village of Gonawanda) County:					
Common Laborers Foundation Laborers over 9 ft. deep, Hod Carriers, Plasterers tenders, Plasterers scaffold Builders, pneumatic Gas-Electric tool operators	10.555	1.55	1.40		.10
Mortar mixers	10.655	1.55	1.40		.10
Tool operators over 8 feet deep	10.705	1.55	1.40		.10
Bottoman (caisson or cofferdam), plumbing laborers, wagon drill operators, swinging scaffold	10.755	1.55	1.40		.10
Cattaraugus (excluding Twp. of Perrysburg and the Village of Gonawanda) and Chautauqua Counties:	10.805	1.55	1.40		.10
Common Laborers & Flagmen Blasterers, Nozzlemen (gunite, seeding, sandblasting), Curb and Form Setters (steel stone and granite), pipelayers	9.20	.80	1.00	b	
Work 40 feet and over	9.45	.80	1.00	b	
	9.35	.80	1.00	b	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers: Erie County					
BUILDING					
Bottoman, blaster; plumbing laborer, wagon drill operator; swing scaffold	10.805	1.55	1.40		.10
Pneumatic-gas-electric tool op.	10.655	1.55	1.40		.10
Tool operator (over 8 feet deep),	10.755	1.55	1.40		.10
Mortar mixer	10.705	1.55	1.40		.10
Foundation laborer (over 8 feet deep), hod carriers, plasterer tender, plasterer scaffold builder	10.655	1.55	1.40		.10
Laborer	10.555	1.55	1.40		.10
WRECKING					
Wagon drill operator	10.805	1.55	1.40		.10
Pneumatic gas-electric tool operators, steel burners	10.655	1.55	1.40		.10
Wrecking & topman	10.555	1.55	1.40		.10
OPEN CUT SEWER					
Blaster: Wagon drill op. Pneumatic gas electric tool op.	10.805	1.55	1.40		.10
Laborer: Top men	10.655	1.55	1.40		.10
	10.555	1.55	1.40		.10
CAISSON SHAFT COFFERDAMS (OPEN CUT)					
Blaster; Bottom men; wagon drill op.	10.805	1.55	1.40		.10
Pneumatic-gas-electric tool op.	10.655	1.55	1.40		.10
Top men	10.555	1.55	1.40		.10
SOFT GROUND TUNNEL OR JACKING					
Rodmen (reinforce); welder	10.40	1.55	1.40		.10
Lead miner	10.205	1.55	1.40		.10
Concrete form mover: Monkey hole man: Side miner	10.155	1.55	1.40		.10
Bottom shaft men	10.005	1.55	1.40		.10
Tunnel-shaft mucker: shaft miner	10.055	1.55	1.40		.10
Car pusher: Concrete placing crew bull gangs & track gang	9.955	1.55	1.40		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROCK TUNNEL					
Rodmen (reinforce); welder	10.405	1.55	1.40		.10
Lead heading rock drillers	10.205	1.55	1.40		.10
Concrete form mover: Side heading rock drillers	10.155	1.55	1.40		.10
Plug hole and roof bolt drillers: Mucking machine tender; tunnel & shaft mucker; shaft sinking drillers	10.055	1.55	1.40		.10
Bottom shaft man	10.005	1.55	1.40		.10
Car pushers: Bull & tack gangs; concrete placing crew	9.955	1.55	1.40		.10
Top man	9.805	1.55	1.40		.10
ASPHALT WORKERS AND CURB SETTERS					
Asphalt plant men, blacksmith	9.655	1.55	1.40		.10
Dumpers, gutterman, painters, & smoothers	9.98	1.55	1.40		.10
Rakers, screed man	10.09	1.55	1.40		.10
Stone, wood & brick pavers	10.08	1.55	1.40		.10
Shovelers	9.885	1.55	1.40		.10
Curb setter helper	10.055	1.55	1.40		.10
Curb setter & flag layers	10.74	1.55	1.40		.10
TUNNEL - FREE AIR					
Blasters, steel erectors, piledrivers, Riggers	12.15	1.55	1.40		.13
Cement finisher, ironmen	11.90	1.55	1.40		.13
Tunnel worker, miners, drill runners, conveyormen, safety miners, maintenance men block layers, rodmen, caulker, power carriers, chuck tenders, track men, nippers, burners, brakemen, derail men, cable men, hosemen groutmen, gravelmen, form-men, bottom bell, top bell, signal men, form workers, movers, concrete workers, shaft men, tunnel laborers, caulkers	11.65	1.55	1.40		.13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Hole nipper, power watchmen, top laborers	10.65+p	1.55	1.40		.13

FOOTNOTES:

p. If top laborer uses an air spade, jackhammer or pavement breaker he shall receive $3.00 per day in addition to the above rate.

TUNNEL - COMPRESSED AIR					
Bottom bell, top nipper	12.65	1.55	1.40		.13
Top bell, signal men, shaft men	11.65	1.55	1.40		.13
Top laborers, powder watchmen	10.65	1.55	1.40		.13
Blasters, mucking machine op.	13.65	1.55	1.40		.13
Outside man, lock tender, gauge tender, outside muck lock tender	12.15	1.55	1.40		.13
Hole nipper per working shaft up to & including 2 holes	12.90	1.55	1.40		.13
Miner, drill runners, ironman, maintenance men, muck men, inside mucklock tenders, pumpmen, electricians, cement finishers, rodmen, caulkers, carpenters, hydraulic men, shield drivers, monorail operators, motormen, conveyor men, safety miners, powdermen, pan men, riggers, chuck tenders, track men, nippers, brakemen, derail men, cable men, hose men, grout men, gravel men, form worker, concrete workers, tunnel laborer	13.15	1.55	1.40		.13
TUNNELS: PRESSURE					
26 lbs. up to but less than 31 lbs	11.65	1.55	1.40		.13
31 lbs. up to but less than 36 lbs.	13.15	1.55	1.40		.13
36 lbs. up to but less than 41 lbs	13.65	1.55	1.40		.13
41 lbs. or more	14.15	1.55	1.40		.13

Erie County

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Erie County

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.795	1.65	1.56	a	.10
CLASS B	9.995	1.65	1.56	a	.10
CLASS C	10.195	1.65	1.56	a	.10
CLASS D	10.395	1.65	1.56	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker powederman.

CLASS D
Blasters, form setter, stone or granite curb setters.

Cattaraugus & Chautauqua Counties

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	10.04	.90	1.10	a	
CLASS B	10.24	.90	1.10	a	
CLASS C	10.44	.90	1.10	a	
CLASS D	10.64	.90	1.10	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid Holidays: A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helpers, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphram), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drill machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setter, stone or granite curb setters.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	11.60	1.40	3%+1.00	a	
Cable Splicer	15.35	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.44	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.28	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.70	1.40	3%+1.00	a	
All Overhead Transimission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.23	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.923	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.34	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.94	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.95	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	13.395	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.16	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.46	1.40	3%+1.00	a	

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations Maintenance Jobs or Projects					
Journeyman Lineman	13.95	1.40	3%+1.00	a	
Certified Lineman Welder	14.65	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Equipment Operator	13.95	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Groundman Truck Drivers	11.16	1.40	3%+1.00	a	
Groundman	10.46	1.40	3%+1.00	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	14.16	1.45	1.70	a	.16
GROUP II	13.075	1.45	1.70	a	.16
GROUP III	12.92	1.45	1.70	a	.16
GROUP IV	12.58	1.45	1.70	a	.16
GROUP V	12.795	1.45	1.70	a	.16
GROUP VI	9.99	1.45	1.70	a	.16
GROUP VII	12.485	1.45	1.70	a	.16
GROUP VIII	10.075	1.45	1.70	a	.16
GROUP IX	9.92	1.45	1.70	a	.16
GROUP X	12.025	1.45	1.70	a	.16
GROUP XI	12.64	1.45	1.70	a	.16
GROUP XII	10.145	1.45	1.70	a	.16
GROUP XIII	12.58	1.45	1.70	a	.16
GROUP XIV	9.775	1.45	1.70	a	.16
GROUP XV	13.575	1.45	1.70	a	.16
GROUP XVI	14.075	1.45	1.70	a	.16
GROUP XVII	14.575	1.45	1.70	a	.16

GROUP I: Master Mechanic

GROUP II: All boom type equipment (100 ft or less), all pan and carry-all operators, archer hoist, back and pull hoe operator, blast or rotary drill (track or cat mounted) boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist (more than 1 drum in use), Paine crane, Shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine, Piledriving Machine operator, Scoopmobile

GROUP III: Back filling machine operator, Holman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor system (belt-crete or similar), hoisting engine op., house elevator (when used for hoisting), industrial tractor, locomotive op. (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power)

GROUP V: Concrete mixer op. (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op. (asphalt spreader), finishing machine op.

BUILDING - POWER EQUIPMENT OPERATORS CONT'D

GROUP VI: Air compressor operator (under 160 CFM), air compressor op. (over 160 CFM), generator, mechanical heater (when 3 are in a battery), power plant (in excess of 10KW), welding machine operator (to and including 3 machines)

GROUP VII: Bulldozer & tractor (50 h.p., drawbar or under) Jeep trencher, Mulchers, power brooms and rakes, seeders

GROUP VIII: Firemen

GROUP IX: Truck crane driver

GROUP X: Aggregate bin op., cement bin op., concrete mixer op. (under ½ c.y.), tractor machines

GROUP XI: Grout machine operator, heating boiler operator (used for temporary heat), lubrication unit on truck, pneumatic mixer operator

GROUP XII: Pump operator (4" or over), pump operator (2-3 in a battery)

GROUP XIII: Bulldozer (over 50 h.p.), Monorail

GROUP XIV: Oiler, mechanical heaters (when 1 or 2 are used), pump operators (one inch), pump operators (2 inches), pump operators (3 inches)

GROUP XV: Crane with boom over 100 feet

GROUP XVI: Crane with boom over 200 feet

GROUP XVII: Crane with boom over 300 feet

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Election Day.

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POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	12.46	1.45	1.70	a	.16
CLASS II	12.23	1.45	1.70	a	.16
CLASS III	11.85	1.45	1.70	a	.16
CLASS IV	11.12	1.45	1.70	a	.16
CLASS V	9.78	1.45	1.70	a	.16
CLASS VI	9.40	1.45	1.70	a	.16
CLASS VII	8.67	1.45	1.70	a	.16
CLASS VIII	9.07	1.45	1.70	a	.16
CLASS IX	9.19	1.45	1.70	a	.16

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS I: Asphalt roller (except rubber tire), Automatic fine grade machine, backhoe (except tractor mounted, rubber tired), Black top plant (automated) blast or rotary drill (truck or cat mounted), cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose - hydraulically operated), front end loader (4/c.y. and over), gradall, grader, head tower, hoist, 2 or 3 drum, locomotive (irrespective of size or power), maintenance engineer, mine hoist, mucking machine, overhead crane, pedo crane or similar type, pile driver, quarry master or equivalent, shovel, skimmer, slip form paver, tractor drawn belt-type loader, truck crane, tunnel shovel

CLASS II: Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractor mounted, rubber tired), back filling machine, belt planer, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), boom truck, boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker 5 tons and under, concrete paver over 16S, concrete pump, crusher, dozer or push cat, drill rigs tractor mounted, elevator, front end loader (under 4 c.y.) hi-pressure boiler (15 lbs. and over), hoist (one drum), hydraulic pipe jack machine or similar type machine, jersey spreader, holmes plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be and oiler), maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer, pump crete, ready mix concrete plant, road widener, rock bit sharpener (all types), roller (all above subgrade), scraper, side boom, slip from paver, snorkel, stump chipping machine, trenchar, tube finisher, winch, winch truck with A-frame

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D

CLASS III: Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader, concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor, drill core, drill well, electric pump used in conjuction with well point systems, farm tractor with accessories, fine grade machine, fork lift, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point, grout or gunite machine.

CLASS IV: Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, concrete mixer (16s and under), concrete saw self-propelled, fireman, form tamper, fuel truck, mulching machine, power broom, ravinius widener, steam cleaner, tractor.

CLASS V: Compressors (4 or less) exceeding 2000 C.F.M. Combined capacity.

CLASS VI: Compressors: 4 not to exceed 2000 C.F.M. combined capacity, or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M., Compressors (any size but subject to other provisions for compressors), Dust Collectors, Generators, Pumps, Welding Machines (4 of any type or combination).

CLASS VII: Compressors: 3 or less not to exceed 1200 C.F.M. combined capacity: Compressors: (any size but subject to other provisions for compressors), Dust Collectors, Generators, Pumps, Welding Machines (3 or less of any type or combination), Power Hosterman.

CLASS VIII: Oilers.

CLASS IX: Oiler-Driver.

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day providing the employee works the day before and after the holiday.

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SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: *SEE BELOW

DECISION NO.: OH81-2020 DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	9.69	1.05	1.00	•	
CLASS 2	9.74	1.05	1.00	•	
CLASS 3	9.79	1.05	1.00	•	
CLASS 4	9.94	1.05	1.00	•	
CLASS 5	10.09	1.05	1.00	•	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
•. Paid Holidays: A through F, provided the employee has worked the working day before and after the holiday.

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axle dump trucks, dumpsters, material checkers and receivers, greasers, truck firemen, mechanic helpers and parts chaser.

CLASS 2
Tandems, batch trucks, mechanics and dispatchers.

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributors trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: •SEE BELOW
DECISION NO.: OH81-2020 DATE: Date of Publication
Supersedes Decision No. OH80-2044, dated July 7, 1980 in 45 FR 45806
DESCRIPTION OF WORK: Building Construction Projects (Does not include single family homes and apartments up to and including 4 stories)

•ADAMS, ALLEN, ASHLAND, AUGLAIZE, BELMONT, BROWN, BUTLER, CARROLL, CHAMPAIGN, CLARK, CLERMONT, CLINTON, COLUMBIANA, COSHOCTON, CRAWFORD, DARKE, DEFIANCE, DELAWARE, ERIE, FAIRFIELD, FAYETTE, FRANKLIN, FULTON, GALLIA, GEAUGA, GREENE, GUERNSEY, HAMILTON, HANCOCK, HARDIN, HARRISON, HENRY, HIGHLAND, HOCKING, HOLMES, HURON, JACKSON, JEFFERSON, KNOX, LAWRENCE, LICKING, LOGAN, MADISON, MARION, MEDINA, MEIGS, MERCER, MIAMI, MONROE, MONTGOMERY, MORGAN, MORROW, MUSKINGUM, NOBLE, OTTAWA, PAULDING, PERRY, PICKAWAY, PIKE, PREBLE, PUTNAM, RICHLAND, ROSS, SANDUSKY, SCIOTO, SENECA, SHELBY, TUSCARAWAS, UNION, VAN WERT, VINTON, WARREN, WASHINGTON, WAYNE, WILLIAMS, WOOD, & WYANDOT

ASBESTOS WORKERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, BROWN, BUTLER (Twps. of Fairfield, Hanover, Liberty, Milford, Morgan, Oxford, Ripley, Ross, St. Clair, Union & Wayne), CLERMONT, HAMILTON, HIGHLAND, & WARREN (Twps. of Deerfield, Hamilton, Harlan, Salem, Union, & Washington) COS.	$14.76	.90	1.50		.02
ALLEN, DEFIANCE, MERCER, PAULDING VAN WERT, & WILLIAMS COS.	13.00	.55	1.25		
ASHLAND, COSHOCTON, HOLMES, MEDINA, RICHLAND, TUSCARAWAS, & WAYNE COS.	14.56	.60	1.09		.02
AUGLAIZE, BUTLER (Middletown & Vic.), CHAMPAIGN, CLARK, CLINTON DARKE, GREENE, LOGAN, MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (Twps. of Clear Creek, Franklin, Massie, Turtle Creek, & Wayne) COS.	13.65	.55	1.37		.02
BELMONT, JEFFERSON, & MONROE COS.	14.12	.95	1.65		
CARROLL, COLUMBIANA, & HARRISON COS.	14.69	.53	1.73		.02
CRAWFORD, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, GUERNSEY, HARDIN, HOCKING, KNOX, LICKING, MADISON, MARION, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, ROSS, UNION, & VINTON COS.	13.67	.85	.90		.02

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DECISION NO. OH81-2020

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE (E½), GEAUGA, & HURON COS.	$16.27	1.01	1.25		
ERIE (W½), FULTON, HANCOCK, HENRY, OTTAWA, PUTNAM, SANDUSKY, SENECA, WOOD & WYANDOT COS.	16.14	.60	1.60		.03
GALLIA, JACKSON, LAWRENCE, MEIGS, PIKE, SCIOTO, & WASHINGTON COS.	13.75	.50	1.10		.03
BOILERMAKERS					
ADAMS, BROWN, BUTLER, CHAMPAIGN, CLARK, CLERMONT, CLINTON, FAIRFIELD, FAYETTE, FRANKLIN, GALLIA, GREENE, GUERNSEY, HAMILTON, HIGHLAND, HOCKING, JACKSON, LAWRENCE, LICKING, MADISON, MEIGS, MIAMI, MONTGOMERY, MORGAN, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PIKE, PREBLE, ROSS, SCIOTO, VINTON, & WARREN COS.	12.50	1.275	1.20	2.00	.04
ALLEN, ASHLAND, ASHTABULA, CRAWFORD, DARKE, DEFIANCE, DELAWARE, ERIE, FULTON, HANCOCK, HARDIN, HENRY, HURON, KNOX, LOGAN, MARION, MERCER, MORROW, OTTAWA, PAULDING, PUTNAM, RICHLAND, SANDUSKY, SENECA, SHELBY, UNION, VAN WERT, WILLIAMS, WOOD, & WYANDOT COS.	16.10	1.275	1.50		.28
BELMONT, MONROE, & WASHINGTON COS.	14.50	1.275	1.20		.04
CARROLL, COSHOCTON, GEAUGA, HARRISON, HOLMES, MEDINA, TUSCARAWAS, & WAYNE COS.	14.68	1.20	1.40		.03
COLUMBIANA CO.	11.785	7.5%	7%		.01
JEFFERSON CO.	13.88	5%	7%+.95		.03
BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; & STONEMASONS					
ADAMS & SCIOTO COS.	14.10		.50		.05
ALLEN, ASHTABULA, MERCER & VAN WERT COS.	13.04		.70		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, HARDIN, HOLMES MARION, MORROW, RICHLAND, WAYNE (Except Milton & Chippewa Twps.) & WYANDOT (Except Crawford, Ridge, Richland & Tymochtee Twps.) COS.	$12.98	.80	1.00		.02
BELMONT, JEFFERSON (Warren & Mt. Pleasant Twps. & Village of Dillonvale), & MONROE COS.	11.30	.60	.25		.02
BROWN, BUTLER, CLERMONT, HAMILTON PREBLE (Dixon, Israel, Lanier, Somers & Gratis Twps.) & WARREN COS.	14.945	.80	.45		.02
CARROLL, COLUMBIANA (Twps. of Knox, Butler, West, & Hanover), & TUSCARAWAS COS.	12.79	.95	1.05		.01
CHAMPAIGN, CLARK, & LOGAN COS.	11.52	.85	1.10		.03
CLINTON & HIGHLAND COS.	11.00				
COLUMBIANA (East Liverpool, Wayne Franklin, Madison, St. Clair, & Yellow Creek Twps.), & JEFFERSON (Brush Creek & Saline Twps.) COS.	12.75	.70	.50		
COLUMBIANA (Center, Elk Run, Fairfield, Middleton, New Waterford, Perry, Salem & Unity Twps.) CO.	13.595	.85	1.25		.02
COSHOCTON, FAIRFIELD, GUERNSEY, HOCKING, KNOX, LICKING, MORGAN, MUSKINGUM, & PERRY COS.	11.40	.80	1.70		.10
DARKE, MIAMI, & SHELBY COS.	12.08	.85	1.10		.03
DEFIANCE, FULTON (Except Fulton, Amboy & Swan Creek Twps.), HENRY (Except Monroe, Barlow, Liberty, Washington, Richfield, Marion & Damascus Twps. & that part of Harrison outside city limits of City of Napoleon), PAULDING, PUTNAM, & WILLIAMS COS.	14.47	1.06	.75		
DELAWARE, FRANKLIN, MADISON, PICKAWAY, & UNION COS.	13.69	.90	1.50		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE, HANCOCK, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), & WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) COS. & ISLAND OF LAKE ERIE NORTH OF SANDUSKY	$13.19	.80	1.25		.01
FAYETTE, PIKE, & ROSS COS.	14.96		.50		.05
FULTON (Fulton, Amboy, & Swan Creek Twps.), HENRY (Washington, Damascus, Richfield, Bartlow, Liberty, Harrison, Monroe, & Marion Twps.), & WOOD (Ross, Perrysbury, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson, & Grand Rapids Twps.) COS.	13.475	1.06	1.69		.03
GALLIA & MEIGS COS.	13.95	.70			
GEAUGA CO.	16.72	.90	1.15		a
GREENE, MONTGOMERY, & PREBLE (Except Dixon, Israel, Lanier, Somers, & Gratis Twps.) COS.	12.43	.83	1.10		.03
HARRISON, JEFFERSON (Except Mt. Pleasant, Warren, Brush Creek, & Salineville Twps. & village of Dillonvale) COS.	12.78	.80	.50		.03
JACKSON & VINTON COS.	13.00	.70	.80		.05
LAWRENCE CO.	13.65		.50		.05
MEDINA (Hinckley, Granger, Brunswick, Medina, Liverpool, Montville, & York Twps.) CO.	14.83	1.21	1.33		.07
MEDINA (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & WAYNE (Milton & Chippewa Twps.) COS.	15.92	1.02	.00		.02
MEDINA (Litchfield, Chatham, Harrisville, Homer, & Spencer Twps.) CO.	16.45		.80	b	.01
NOBLE (Brookfield, Noble, Center, Sharon, Olive, Enoch, Stock, Elk & Jackson Twps.) & WASHINGTON COS.	12.95	.70	.50		.05

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CARPENTERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.	$12.42	.75	1.25		.03
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.	13.92	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE, HANCOCK (City of Fostoria), HURON, OTTAWA, RICHLAND, SANDUSKY, SENECA, & WOOD (City of Fostoria) COS.	14.17	.85	1.00	a	.08
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	12.73	1.04	1.25		.04
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	14.30	.90	1.10		.075
CARROLL, TUSCARAWAS, & WAYNE COS.	12.63	.70	.80		.02
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	13.15	1.00	1.40		.07
DEFIANCE, HENRY, PAULDING, & WILLIAMS COS.	14.76	1.06	.75		
FULTON, HANCOCK (Except city of Fostoria), & WOOD (Except city of Fostoria) COS.	15.90	1.06	1.25		.10
GEAUGA COUNTY	14.78	1.09	1.60		.07
HOCKING, VINTON, & WASHINGTON COS.	12.90	.60	.70		.04
MEDINA COUNTY	14.40	.70	1.00		.02
CEMENT MASONS					
ADAMS, LAWRENCE (Except Fayette, Union & Rome Twps.), PIKE & SCIOTO COS.	14.87		.60		.03
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, & VAN WERT COS.	12.23	.70	.75		.03
ASHLAND, CRAWFORD, MARION, MORROW, RICHLAND, & WYANDOT (Excln. Tymochtee, Crawford, Ridge, & Richland Twps.) COS.	12.50	.60			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BELMONT, HARRISON, & JEFFERSON COS.	$12.78	.65			.03
BROWN, BUTLER, CLERMONT, HAMILTON, HIGHLAND, & WARREN COS.	14.23	.90	.95		.30
CARROLL & TUSCARAWAS COS.	12.79	.95	1.05		.01
CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	12.23	.60	.60		.07
COLUMBIANA CO.	14.15	.70	.50		.03+d
DEFIANCE, PAULDING, & WILLIAMS COS.	13.50	.60			
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HOCKING, KNOX, LICKING, MADISON, MORGAN, MUSKINGUM, PERRY, PICKAWAY, ROSS, & UNION COS.	12.13	.70	1.25		.05
ERIE, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), WYANDOT (Tymochtee, Crawford, Ridge & Richland Twps.) COS. & THE ISLAND OF LAKE ERIE E. OF SANDUSKY	13.19	.80	1.25		.01
FULTON, HANCOCK, HENRY, PUTNAM, & WOOD (Exclu. Perry & Bloom Twps.) COS.	13.80	.70	1.10		.02
GALLIA & MEIGS COS.	13.95	.70			
GEAUGA CO.	16.72	.90	1.15		a
HOLMES, & WAYNE (Except Milton & Chippewa Twps.) COS.	13.73		1.00		.02
JACKSON & VINTON COS.	13.00	.70	.80		.05
LAWRENCE (Fayette, Union, & Rome Twps.) CO.	13.65		.50		.03
MEDINA (Litchfield, Chatham, Homer, Harrisville, & Spencer Twps.) CO.	16.45		.80	b	.01
MEDINA (Except Litchfield, Chatham, Homer, Harrisville & Spencer Twps. Twps.) CO.	15.19	.70	1.00		.02

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ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, JACKSON (Bloomfield, Franklin, Hamilton, Jefferson, Lick, Madison, & Scioto Twps.), PIKE (Camp Creek, Marion, Newton, Scioto, & Sunfish), & SCIOTO COS.	$14.00	.50	3%+.60	1.00	.04
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT, WYANDOT (Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem Twps.) COS.	13.70	1.10	3%+.43		.04
ASHLAND, CRAWFORD, HURON (New Seven, Richmond, Ripley & Greenwich Twps.), KNOX (Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morri., Wayne, Berlin, Pike, Brown & Jefferson Twps.), MARION, MORROW, RICHLAND, & WYANDOT (Sycamore, Crane, Eden, Pitt & Antrim Twps.) COS.	14.59	.60	3%+.66		.1%
BELMONT COUNTY	13.20	.50	3%+1.00	1.25	.04
BROWN, CLERMONT, & HAMILTON COS.: Up to & Incl. 18 mi. radius of Hamilton Co. Court House, Cincinnati	15.30	.70	3%+.80		½%
Over 18 mi. radius up to & Incl. 21 mi. radius of Hamilton Co. Court House, Cincinnati	15.60	.70	3%+.80		½%
Over 21 mi. radius up to & Incl. 25 mi. radius of Hamilton Co. Court House, Cincinnati	15.70	.70	3%+.80		½%
Over 25 mi. radius of Hamilton Co. Court House, Cincinnati	15.85	.70	3%+.80		½%
BUTLER, & WARREN (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union, & Washington Twps.) COS.	15.20	.70	3%+1.00		½%
CARROLL (N ½ incl. Fox, Harrison, Rose & Washington Twps.), COLUMBIANA (Knox Twp.), HOLMES, TUSCARAWAS (N. of Auburn, Clay, Rush, & York Twps.), & WAYNE (S. of Baughman, Chester, Green & Wayne Twps.) COS.	14.61	.79	3%+.80		.3%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL (S ½ Exclu. Fox, Harrison, Rose & Washington Twps.), HARRISON, & JEFFERSON COS.	$15.50	6%	17%	10%	1%
CHAMPAIGN, CLARK, & MADISON (Vienna, Paint, Somerford, Union, & Stokes Twps.) COS.	13.34	.73	3%+1.08		.04
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & WARREN (Twps. of Wayne, Clear Creek, & Franklin Twps.) COS.:					
Electrical Communications Installers within 11 mi. radius of 3rd & Main Street, Dayton	14.13	.75	3%+1.00		.5%
Electrical Communications Installers beyond 11 mi. radius of 3rd & Main Street, Dayton	14.36	.75	3%+1.00		.5%
COLUMBIANA (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.) CO.	13.30	2.00	3%+.53		.09
COLUMBIANA (Butler, Fairfield, Perry, Salem, & Unity Twps.) CO.	14.31	.73	11%		.5%
COSHOCTON, GUERNSEY, KNOX (Clay, Jackson, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, & College Twps.), LICKING, MUSKINGUM, PERRY, & TUSCARAWAS (Auburn, York, Jefferson, Clay, Rush, Oxford, Washington, Salem, Perry & Bucks Twps.) COS.	13.50	.50	3%+1.02		.03
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	13.30	.85	3%+.95		.5%
DELAWARE, FAIRFIELD, FRANKLIN, MADISON (Canaan, Darby, Deer Creek, Fairfield, Jefferson, Monroe, Oak Run, Pleasant & Range Twps.), PICKAWAY (Darby, Circleville, Harrison, Jackson, Madison, Monroe, Washington, Muhlenberg, Scioto & Walnut Twps.), & UNION COS.	14.00	.50	3%+1.02		.06

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE & HURON (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarkfield, Norwich, Greenfield, Fairfield, Fitchville, & New London Twps.) COS.	$13.05	.73	3%		.1%
FAYETTE, HIGHLAND, HOCKING, JACKSON (Coal, Jackson, Liberty, Milton, & Washington Twps.), PICKAWAY (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), PIKE (Except Camp Creek, Marion, Newton, Scioto, Sunfish & Union Twps.), ROSS, & VINTON (Clinton, Eagle, Elk, Harrison, Jackson, Richland, & Swan Twps.) COS.	14.25	.50	3%		.02
GALLIA CO.	14.52	.50	3%+1.00	1.00	.04
GEAUGA (Russell, Chester, & Bainbridge Twps.) CO.	17.03	.90	5%+.60		.06
GEAUGA (Auburn, Middlefield, Parkman & Troy Twps.) CO.	15.54	.75	7%		.7%
GEAUGA (Rem. of Co.) CO.	15.23	.85	5%+.70		.2%
LAWRENCE CO.	14.02	.50	3%+1.00	1.00	.04
MEDINA (Litchfield, & Liverpool Twps.) CO.	15.35	.75	3%+1.00		.1%
MEDINA (Rem. of Co.) & WAYNE (½) COS.	15.25	.74	2%+.76		.2%
MEIGS, MONROE, MORGAN, NOBLE, VINTON (Brown, Knox, Madison, Vinton, & Wilkesville Twps.), & WASHINGTON COS.	13.50	.50	3%+1.00	1.50	.04
ELEVATOR CONSTRUCTORS					
ADAMS, BROWN, BUTLER, CLERMONT, CLINTON, DARKE, GREENE, HAMILTON HIGHLAND, MIAMI, MONTGOMERY, PREBLE, & WARREN COS.:					
Elevator Constructors	14.32	1.195	.82	e&f	.035
Helpers	70%JR	1.195	.82	e&f	.035
Helpers (Prob.)	80%JR				

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		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, DEFIANCE, MERCER, PAULDING, PUTNAM, VAN WERT, & WILLIAMS COS.:					
Elevator Constructors	$12.33	.745	.56	o&f	.035
Helpers	70%JR	.745	.56	o&f	.035
Helpers (Prob.)	50%JR				
ASHLAND, CHAMPAIGN, CLARK, COSHOCTON, CRAWFORD, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HARDIN, HOCKING, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MORGAN, MORROW, MUSKINGUM, PERRY, PICKAWAY, RICHLAND, ROSS, SHELBY, TUSCARAWAS, UNION, & VINTON COS.:					
Elevator Constructors	14.40	1.195	.82	o&f	.035
Helpers	70%JR	1.195	.82	o&f	.035
Helpers (Prob.)	50%JR				
BELMONT, CARROLL, GUERNSEY, HARRISON, JEFFERSON, MONROE, NOBLE, & WASHINGTON COS.:					
Elevator Constructors	11.06	.745	.56	o&f	.035
Helpers	70%JR	.745	.56	o&f	.035
Helpers (Prob.)	50%JR				
COLUMBIANA COUNTY:					
Elevator Constructors	13.70	1.195	.82	o&f	.035
Helpers	70%JR	1.195	.82	o&f	.035
Helpers (Prob.)	50%JR				
ERIE, GEAUGA, & HURON COS.:					
Elevator Constructors	13.25	1.195	.82	o&f	.035
Helpers	70%JR	1.195	.82	o&f	.035
Helpers (Prob.)	50%JR				
FULTON, HANCOCK, HENRY, OTTAWA, SANDUSKY, SENECA, WOOD, & WYANDOT COS.:					
Elevator Constructors	15.23	1.195	.95	o&f	.035
Helpers	70%JR	1.195	.95	o&f	.035
Helpers (Prob.)	50%JR				
GALLIA, JACKSON, LAWRENCE, MEIGS, PIKE, & SCIOTO COS.:					
Elevator Constructors	12.06	.745	.56	o&f	.02
Helpers	70%JR	.745	.56	o&f	.02
Helpers (Prob.)	50%JR				
MEDINA & WAYNE COS.:					
Elevator Constructors	14.425	1.195	.82	o&f	.035
Helpers	70%JR	1.195	.82	o&f	.035
Helpers (Prob.)	50%JR				

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GLAZIERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, BROWN, BUTLER (Hamilton & Vic.), CLERMONT, CLINTON (S½), HAMILTON, HIGHLAND (S. Part), & WARREN (Lebanon & South) COS.	$14.10		.60		.01
ALLEN, AUGLAIZE, HANCOCK, HARDIN, LOGAN, MERCER, PAULDING, PUTNAM, SHELBY (N. Part), VAN WERT, & WYANDOT (Western Part) COS.	10.35		.80		
ASHLAND, CRAWFORD, HURON (S½), KNOX, MARION, RICHLAND & WYANDOT (E. Part) COS.:					
Outside Replacement	12.08	.50			.01
Outside All Other Work	12.58	.50			.01
BELMONT CO.	9.12	.60	.60		.01
BUTLER (Excls. Hamilton & Vic.), CHAMPAIGN, CLARK, CLINTON (N½), DARKE, FAYETTE (W½), GREENE, HIGHLAND (N. Part), MIAMI, MONTGOMERY, PREBLE, SHELBY (S. Part), WARREN (N. of Lebanon) COS.	12.23	.70			.01
CARROLL, COSHOCTON, HOLMES, MEDINA (S½), TUSCARAWAS, & WAYNE COS.:					
New Work	11.79	.71	1.01		
Replacement	9.49	.71	1.01		
COLUMBIANA COUNTY	13.76	.85	1.00		
DEFIANCE, ERIE (NW Tip to Rte. 84), FULTON, HENRY, OTTAWA, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	14.48	.80	1.10		.02
DELAWARE, FAIRFIELD, FAYETTE (E½), FRANKLIN, HOCKING, JACKSON, LICKING, MADISON, MORGAN, MUSKINGUM, PERRY, PICKAWAY, PIKE, ROSS, UNION, & VINTON COS.	13.22		.57		.01
ERIE (Excls. NW Tip to Rte. 84), GEAUGA, HURON (N¼), & MEDINA COS.	15.53	.60	1.25		.01
LAWRENCE & SCIOTO COS.	11.30		.80		
MONROE, NOBLE, & WASHINGTON COS.	10.81		.20		

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IRONWORKERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS (E½), GALLIA, JACKSON (S½), LAWRENCE, PIKE (S½), & SCIOTO COS.:					
Up. to 10 mi. from Union Hall in Ashland, Ky.	$11.92	.90	1.20		.01
10 to 15 mi. from Union Hall in Ashland, Ky.	12.07	.90	1.20		.01
15 to 20 mi. from Union Hall in Ashland, Ky.	12.17	.90	1.20		.01
20 mi. & Over from Union Hall in Ashland, Ky.	12.27	.90	1.20		.01
ADAMS (W½), BROWN, BUTLER (S½), CLERMONT, CLINTON (S. of a line drawn from Blanchester to Lynchburg), HAMILTON, HIGHLAND (Exclu. E. 1/3 and portion of Co. inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), & WARREN (S½) COS.:					
Reinforcing	14.33	1.00	1.60		.02
Ornamental; Structural	14.08	1.00	1.60		.03
ALLEN (S½), AUGLAIZE, BUTLER (N½), CHAMPAIGN (W 2/3), CLARK (W 3/4), CLINTON (Exclu. S. of a line drawn from Blanchester to Lynchburg), DARKE, GREENE, HIGHLAND (Inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), LOGAN (W 2/3), MERCER (S½), MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (N½) COS.:					
Within 15 mi. mi. radius of Local Union Office #290	13.06	1.00	1.60		.06
Outside 15 mi. radius of Local Union Office #290	13.21	1.00	1.60		.06

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN (N½), DEFIANCE (Except Portion S. of a line drawn from where Rte. 66 meets the N. line through Independence to the E. Co. border), MERCER (N½), PAULDING, PUTNAM (Except Portion S. of a line drawn from the N. border down thru Miller City to where 696 meets the S. border), VAN WERT & WILLIAMS (Except portion E. of a line drawn from Pioneer thru Stryker to the S. border) COS.	$14.20	1.00	1.85		.04
ASHLAND, CARROLL, COSHOCTON (Exclu. Portion W. of a line beginning at N. W. Co. line going thru Walhonding & Tunnel Hill to the S. Co. line), HOLMES, RICHLAND, TUSCARAWAS, & WAYNE COS.	13.46	.80	.93		.05
CHAMPAIGN (E 1/3), CLARK (E½), COSHOCTON (W. of a line Beg. at N.W. Co. line going through Walhonding & Tunnel Hill to the S. Co. Line), CRAWFORD (S. of Rte 30), FAYETTE, HARDIN (Except a line drawn from Roundhead to Hayesville), HIGHLAND (E 1/3), HOCKING, JACKSON (N½), KNOX, LOGAN (E 1/3), MARION, MORROW, MUSKINGUM (W. of a line Starting at Adams Mill going to Adamsville & going from Adamsville thru Blue Rock to the S. Border), PERRY, PIKE (N½), ROSS, VINTON, & WYANDOT (S. of Rte. #30) COS.	13.85	1.00	2.35		.05
CRAWFORD (Area bet. lines drawn from where Hwy #598 & #30 meet thru N. Liberty to the N. Border & from said Hwy junction point due W. to the Border), DEFIANCE (S. of a line drawn from where Rte. #66 meets the N. Line thru Independence to the E. Co. Border), ERIE (N. 1/3), FULTON,					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HANCOCK, HARDIN (N. of a line drawn from Maysville to a point 4 mi. S. of the N. line on the E. line), HENRY, HURON (W. of a line drawn from the N. Border thru Monroeville & Willard), OTTAWA, PUTNAM (E. of a line drawn from the N. Border down thru Miller City to where #696 meets the S. Border), SANDUSKY, SENECA, WILLIAMS (E. of a line drawn from Pioneer thru Stryker to the S. Border), WOOD, & WYANDOT (Area N. of Rte. #30) COS.	$15.76	1.06	1.73		.09
DELAWARE, FAIRFIELD, LICKING, MADISON, PICKAWAY, & UNION COS.	13.75	1.00	2.35		.05
COLUMBIANA (Exclu. portion E. of a line from Damascus to Highlandtown), ERIE (Exclu. W 1/3), GEAUGA (Except portion E. of a line from Austinburg to Middlefield & South), HURON (Exclu. portion W. of a line drawn from the N. Border through Monroeville & Willard), & MEDINA COS.	16.22	1.05	1.45		.08
COLUMBIANA (E. of a line from Damascus to Highlandtown), & GEAUGA (E. of a line from Austinburg to Middlefield & S.) COS.	15.41	.85	1.30		.09
FRANKLIN CO.	13.60	1.00	2.35		.05
MEIGS, MORGAN, NOBLE, & WASHINGTON COS.	13.10	1.00	1.45		.03
BELMONT, GUERNSEY, HARRISON, JEFFERSON, MONROE, & MUSKINGUM (Except portion W. of a line starting at Adams Mill going to Adamsville & going from Adamsville through Blue Rock to the S. Border) COS.	13.47	.90	2.10		.05

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LATHERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AUGLAIZE, BUTLER (N½), CHAMPAIGN (N½), CLARK (N½), CLINTON (N½), DARKE, FAYETTE (N½), GREENE, LOGAN (N½), MERCER, MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (N½) COS.	$13.39		.40		.01
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	12.73	1.04	1.25		.04
CHAMPAIGN (S½), CLARK (S½), COSHOCTON (SW½), CRAWFORD, DELAWARE, FAIRFIELD, FAYETTE (S½), FRANKLIN, HARDIN (S½), HIGHLAND (NE Tip), HOCKING, JACKSON, KNOX, LICKING, LOGAN (S½), MADISON, MARION, MORGAN, MORROW, MUSKINGUM, PERRY, PICKAWAY, PIKE, ROSS, UNION, VINTON, & WYANDOT COS.	12.45		.40		.01
CLERMONT, HAMILTON, HIGHLAND (Except NE Tip), & WARREN (S½) COS.	13.87		1.10		.075
COLUMBIANA, COSHOCTON (NE½), MEDINA, & WAYNE (NW½) COS.	13.56	.88	.90		.01
DEFIANCE, HENRY, PAULDING, & WILLIAMS COS.	14.76	1.06	.75		
ERIE & HURON COS.	15.30				.01
FULTON, HANCOCK, OTTAWA, SANDUSKY, SENECA, & WOOD COS.	15.51	1.06	1.23		.10
GEAUGA CO.	13.38		1.30		.01
LAWRENCE CO.	9.315		.10		.01
MARBLE SETTERS; TERRAZZO WORKERS; & TILE SETTERS					
ADAMS & SCIOTO COS.	14.10		.30		.05
ALLEN, AUGLAIZE, MERCER, & VAN WERT COS.: Tile Setters	13.04		.70		.02
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, WAYNE (Except Milton & Chippewa Twps.), & WYANDOT (Except Crawford, Ridge, Richland, & Tymochtee Twps.) COS.	12.98	.80	1.00		.02
BROWN, BUTLER, CLERMONT, HAMILTON, PREBLE (Dixon, Israel, Lanier, Somers, & Gratis Twps.), & WARREN COS.: Marble Setters	14.785	.80	.45		
Terrazzo Workers; & Tile Setters	14.735	.80	.45		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL & TUSCARAWAS COS.:					
Marble Setters	$11.67	.93	1.05		
Terrazzo Workers	11.79	.93	1.05		
Tile Setters	11.70	.93	1.05		
CHAMPAIGN, CLARK, DARKE, GREENE, LOGAN, MIAMI, MONTGOMERY, PREBLE (Except Dixon, Israel, Lanier, Somers, & Gratis Twps.), & SHELBY COS.	11.51	.85	.35		
CLINTON & HIGHLAND (Liverpool, Wayne, Franklin, Madison, St. Clair, & Yellow Creek Twps.) COS.	11.00				
COLUMBIANA (Center, Elk Run, Fairfield, Middleton, New Waterford, Perry, Salem & Unity Twps.) CO.	15.255				
COLUMBIANA (St. Clair, Madison, Wayne, Franklin, Washington, Yellow Creek, & Liverpool Twps.), & JEFFERSON (Brush Creek & Saline Twps.) COS.	12.75	.70	.50		
COSHOCTON, FAIRFIELD, GUERNSEY, HOCKING, KNOX, LICKING, MORGAN, MUSKINGUM, & PERRY COS.	11.40	.80	1.70		.10
DEFIANCE, FULTON (Except Fulton, Amboy & Swan Creek Twps.), HENRY (Except Monroe, Barlow, Liberty, Washington, Richfield, Marion & Damascus Twps. & that part of Harrison outside City limits of City of Napoleon), PAULDING, PUTNAM, & WILLIAMS COS.:					
Marble Setters	14.47	1.06	.75		
DELAWARE, FRANKLIN, MADISON, PICKAWAY, & UNION COS.	13.43				
ERIE, HANCOCK, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), & WYANDOT (Ridge, Tymochtee, Crawford, & Richland Twps.) COS. & ISLAND OF LAKE ERIE NORTH OF SANDUSKY	13.19	.80	1.23		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FULTON (Fulton, Amboy, & Swan Creek Twps.), HENRY (Washington, Damascus, Richfield, Bartlow, Liberty, Harrison, Monroe, & Marion Twps.), & WOOD (Rose, Perrysburg, Lake, Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson & Grand Rapids Twps.) COS.	$15.475	1.06	1.65		.03
FULTON (Except Fulton, Amboy, & Swan Creek Twps.), & WOOD (Except Troy, Freedom, Montgomery, Webster, Center, Portage, Middleton, Plain, Liberty, Henry, Washington, Weston, Milton, Jackson & Grand Rapids Twps.) COS.:					
Terrazzo Workers; & Tile Setters	13.54	1.06	.30		
GALLIA & MEIGS COS.:					
Terrazzo Workers; Tile Setters	13.93	.70			
GEAUGA CO.	16.72	.90	1.15		a
HARRISON, & JEFFERSON (Except Mt. Pleasant, Warren, Brush Creek, & Salineville Twps. & the Village of Dillonvale) COS.:					
Tile Setters	12.53	.80	.50		.03
JACKSON & VINTON COS.	13.00	.70	.80		.03
LAWRENCE CO.	13.45		.50		.03
MEDINA (Hinckley, Granger, Brunswick, Medina, Liverpool, Montville, & York Twps.) CO.:					
Marble Setters; Terrazzo Workers	14.83	1.21	1.33		.07
Tile Setters	14.955		2.00		
MEDINA (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & WAYNE (Milton & Chippewa Twps.) COS.	14.97	.91	.70		
MEDINA (Litchfield, Chatham, Homer, Harrisville, & Spencer Twps.) CO.	16.45		.80	b	.01
NOBLE (Brookfield, Noble, Creek, Sharon, Olive, Enoch, Stock, Elk, Jackson, & Jefferson Twps.) & WASHINGTON COS.:					
Marble Setters & Tile Setters	12.95	.70	.50		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; & TILE SETTERS' FINISHERS					
ADAMS, BROWN, BUTLER, CLERMONT, CLINTON, FAYETTE, GALLIA, HAMILTON, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, SCIOTO, VINTON, WARREN, & WASHINGTON COS.:					
Marble Setters' Finishers	$13.75				
Marble Sanders; Polishers; Sawyers; & Waxers	13.915				
Terrazzo Workers' Finishers & Grinders	13.75				
Terrazzo Base Grinders (While Operating base grinding machine)	14.17				
Tile Setters' Finishers	13.75				
ALLEN, DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	11.00	1.06	.40	.50	
ASHLAND, ERIE, GEAUGA, HURON, MEDINA (Incls. Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & RICHLAND COS.:					
Marble Setters' Finishers	14.51		2.50		
Terrazzo Workers' Finishers	13.07		2.50		
Tile Setters' Finishers	13.04		2.50		
AUGLAIZE, CHAMPAIGN, CLARK, DARKE, GREENE, HARDIN, LOGAN, MERCER, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	10.84				
CARROLL & TUSCARAWAS COS.:					
Terrazzo Workers' Finishers	10.91	.95	1.05		
Terrazzo Grinders	11.25	.95	1.05		
Tile Setters' Finishers	10.79	.95	1.05		
COLUMBIANA, COSHOCTON, HARRISON, HOLMES, JEFFERSON, & WAYNE (Excls. Milton & Chippewa Twps.) COS.	14.405				
DELAWARE, FAIRFIELD, FRANKLIN, MADISON, PICKAWAY, & UNION COS.	12.65				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA (Wadsworth, Guilford, Westfield, Lafayette, & Sharon Twps.), & WAYNE (Milton & Chippewa Twps.) COS.	$14.47	.91	.70		
MILLWRIGHTS					
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT & WYANDOT COS.	14.37	.90	1.28		.04
ASHLAND, CRAWFORD, ERIE (E. of B & O RR Tracks), GEAUGA, HURON, MEDINA, & RICHLAND COS.	14.45	1.09	1.93		.07
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	19.51	.835	7%		.04
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	14.84	.60	1.10		.10
CARROLL, TUSCARAWAS, & WAYNE COS.	13.16	.65	.80		.02
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	12.36	1.00	1.25		.07
DEFIANCE, ERIE (W. of B & O RR Tracks), FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	15.90	1.06	1.25		.10
HOCKING, VINTON, & WASHINGTON COS.	13.60	.65	.55		.06
PAINTERS					
ADAMS, HIGHLAND, JACKSON, PIKE, & SCIOTO COS.:					
Brush; Exterior Bldgs. under 35 ft.; Paper or Wall covering; Taping & Washing	13.39		1.00		.03
Floor Sanding; Power Tools; Rollers; & Swing Stage	13.85		1.00		.03
Burning; Sandblasting; Spray & Steamcleaning	14.35		1.00		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, DEFIANCE, HARDIN, MERCER, PAULDING, PUTNAM, SHELBY, VAN WERT, & WILLIAMS COS.:					
Brush; Drywall Taping; & Rollers	$12.05	1.06	.30		.03
Wallcovering	12.30	1.06	.30		.03
Sandblasting; Spray; & Steam-cleaning	12.55	1.06	.30		.03
ASHLAND, CRAWFORD, MARION, MORROW, & RICHLAND COS.:					
Brush; Cleaner; Roller; & Washer	10.90		.65		
Drywall; Paperhanger; Pot Tender; Spray & Wall Coverer	11.65		.65		
BROWN, CLERMONT, & HAMILTON COS.:					
Brush; Paperhanging; Roller; Taping; Wallcovering; & Washing	14.70		.35		8
Steamcleaning	14.85		.35		8
Spray	15.20		.35		8
Hopper Tender; Sandblasting; & Waterblasting	15.60		.35		8
BUTLER & WARREN COS.:					
Brush; Paperhanging; Roller; Taping; Wallcovering; & Washing	12.38				
Hopper Tender; Sandblasting & Spray	13.38				
CARROLL, HOLMES, TUSCARAWAS & WAYNE COS.:					
Brush; Rollers	11.64	1.00	.90		.02
Paperhangers	11.74	1.00	.90		.02
Drywall	12.04	1.00	.90		.02
Spray	12.14	1.00	.90		.02
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS.:					
Brush; Roller	13.21		1.00		.11
Drywall Taping & Speckling; & Wallcovering	13.56		1.00		.11
Structural Steel	13.61		1.00		.11
Cleaning; Sandblast; & Spray	13.71		1.00		.11
COLUMBIANA CO.:					
Brush; Hydro-jet Cleaning; Paperhanging; Roller; Steamcleaning; Wallwashing; & Waterproofing	13.45	.85	1.15		
Drywall Taping	13.60	.85	1.15		
Open Structural Steel	13.66	.85	1.15		
Spray	13.95	.85	1.15		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COSHOCTON CO.:					
Brush; Drywall Tapers; Paperhangers; Wallpaper Cleaners; & Wall Washers	$6.00				
Scaffold & Removal of Wallpaper; Swing Stage	6.25				
Spray	6.50				
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, MADISON, PICKAWAY, & UNION COS.:					
Drywall Sanders	13.19	.95	1.00		.02
Brush; Paperhangers; Rollers; & Wall Washing	13.44	.95	1.00		.02
Structural Steel	13.74	.95	1.00		.02
Drywall Tapers & Finishers	13.84	.95	1.00		.02
Spray	13.94	.95	1.00		.02
Sandblasting; Steam Cleaning	14.14	.95	1.00		.02
ERIE, HANCOCK, HURON, SANDUSKY, SENECA, & WYANDOT COS.:					
Old Commercial:					
Brush; Rollers; & Wash & Clean Surfaces	11.20	.70	.80		
Drywall & Paperhangers	11.45	.70	.80		
Sandblasting; & Spray	11.70	.70	.80		
New Commercial:					
Brush; Rollers; & Wash & Clean Surfaces	12.30	.70	.80		
Drywall & Paperhangers	12.55	.70	.80		
Sandblasting; & Spray	12.80	.70	.80		
FULTON, HENRY, OTTAWA, & WOOD COS.:					
Brush; Drywall Tapers & Finishers; Paperhangers; Spray & Sandblasting Pot Tenders	13.44	1.06	1.80		
Pressure Cleaning; Sandblasting & Spray	13.99	1.06	1.80		
GALLIA, LAWRENCE, MEIGS & VINTON COS.:					
Brush; Roller	11.05			1	
Drywall Tapers & Finishers; Paperhangers; Wall Washers	12.00			1	
Open Structural Steel	11.65			1	
Spray	12.15			1	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GEAUGA CO.:					
Brush; Paperhangers & Rollers	$13.81	.97	1.10		.05
Spray	16.21	.97	1.10		.05
HOCKING CO.:					
Brush; Roller; Washing; Wall-covering; & Paperhanging	13.80				
Open Structural Steel	16.00				
Taping; Bedding; Finishing & Sanding	14.25				
Spray; Sandblasting; Hopper Tender; Swing Stage; & Window Jacks	14.90				
KNOX, LICKING, MUSKINGUM, & PERRY COS.:					
Brush; Paperhangers	9.00				
Spray	9.45				
MEDINA CO.:					
Brush; Paperhangers; & Rollers	13.15	1.07	.40		
Structural Steel; Drywall Finishers & Tapers	13.78	1.07	.60		
Spray	13.85	1.07	.60		
MONROE, MORGAN, NOBLE, & WASHINGTON COS.:					
Brush; Rollers	10.84	.60	.40		.02
Sandblasting; Spray; & Pot Tenders	11.61	.60	.40		.02
Paperhanging; Taping	10.84	.60	.40		.02
Steel	11.61	.60	.40		.02
ROSS CO.:					
Brush; Paperhanging; Rollers; & Taping	9.50				
Pot Tender; Structural Steel	9.75				
Sandblast; Spray	10.25				
PILEDRIVERMEN					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.	12.74	.75	1.25		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.	$14.57	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE (E. of B & O RR Tracks), GEAUGA, HURON, MEDINA, & RICHLAND COS.	14.60	1.09	1.78		.09
BELMONT, HARRISON, & MONROE COS.	13.43	1.04	1.25		.04
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	14.30	.90	1.10		.075
CARROLL, TUSCARAWAS, & WAYNE COS.	13.14	.65	.80		.02
COLUMBIANA CO.	12.98	5.5%	10%		4%
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	12.15	1.00	1.40		.07
DEFIANCE, ERIE (W. of B & O RR Tracks), FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	13.98	1.04	1.23		.10
HOCKING, PIKE, & WASHINGTON COS.	13.20	.60	.70		.04
JEFFERSON CO.	14.05	6%	10%		.7%
PIPEFITTERS; PLUMBERS; & STEAMFITTERS					
ADAMS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, PIKE, SCIOTO, & VINTON COS.:					
Within 10 mi. radius of Portsmouth	14.37	.85	1.00		
Over 10 and within 20 mi. radius of Portsmouth	14.62	.85	1.00		
Over 20 and within 35 mi. radius of Portsmouth	14.72	.85	1.00		
Over 35 mi. radius of Portsmouth	14.97	.85	1.00		
ALLEN, AUGLAIZE, HARDIN, MERCER, SHELBY, & VAN WERT COS.	14.75	.60	.90		.05
ASHLAND, CRAWFORD, ERIE, HURON, KNOX, MORROW, RICHLAND, & WYANDOT COS.	15.53	1.00	1.00		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BELMONT, & MONROE (S. of Rte #78) COS.	$12.59		1.13	1.26	.05
BROWN, CLERMONT, HAMILTON, & WARREN (S 1/3 of Co.) COS.:					
Pipefitters; Steamfitters	14.60	1.075	1.90		.08
Plumbers	14.97	1.25	1.50		.07
BUTLER (N½), & WARREN (N. of Rte. #63, exclu. Lebanon & South Lebanon) COS.	13.80	.90	1.00		.05
BUTLER (S½) & WARREN (S. of Rte. #63 to Hamilton Co. line, W. to Indiana State line, E. to Rte. #42, incl. Lebanon, S. Lebanon, & Mason) COS.	13.63	.90	1.20		.02
CARROLL (Ross, Monroe, Union, Lee, Orange, Perry, & Loudon Twps.), COSHOCTON, GUERNSEY, HOLMES, MORGAN (S. to State Rte. #78 & from McConnelsville W. on State Rte. #37 to the Perry Co. line), MUSKINGUM, NOBLE, & TUSCARAWAS COS.	15.85	.87	.60		.08
CARROLL (Exclu. Ross, Monroe, Lee, Union, Orange, Perry, & Loudon Twps.), & WAYNE COS.	14.17	.75	.70	3	.10
CHAMPAIGN, CLARK, GREENE (Ross, Cedarville, Jefferson, Cesser Creek, & New Jasper Twps.), LOGAN, & MADISON (W. of Rte. #38, incl. city of London) COS.	14.23	.83	.85		.04
CLINTON, DARKE, FAYETTE, GREENE (Exclu. Miami, Cedarville, Ross, Jefferson, Cesser Creek, & New Jasper Twps.), MIAMI, MONTGOMERY, & PREBLE COS.	13.91	1.05	1.05		.03
COLUMBIANA CO. (Exclu. Washington & Yellow Creek Twps. & Liverpool Twp. - Secs. 35 & 36 - W. of Co. Rd. #427)	15.79	1.17	.80		.05
COLUMBIANA (Washington & Yellow Creek Twps. & Liverpool Twp. - Secs. 35 & 36 - W. of Co. Rd. #427), HARRISON, & JEFFERSON COS.	15.07	1.10	2.30	1.20	.12

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.	$15.64	1.35	1.13		.12
DELAWARE, FAIRFIELD, FRANKLIN, HOCKING, LICKING, MADISON (E. of Rte. #38 not incl. city of London), MARION, PERRY, PICKAWAY, ROSS, & UNION COS.	13.42	1.15	1.03		.07
GEAUGA, & MEDINA (N. of #18, exclu. City of Medina) COS.:					
Pipefitters; Steamfitters	14.81	1.31	1.35		.10
GEAUGA, & MEDINA (N. of #18 & Smith Rd.) COS.:					
Plumbers	14.88	1.10	1.40		.02
MEDINA (S. of #18, exclu. City of Medina) CO.	14.19	.91	1.40		.05
MERIGS, MONROE (W. of Rte. #78), MORGAN (S. of Rte. #76), & WASHINGTON COS.	13.83	.62	.75		.06
PLASTERERS					
ADAMS, LAWRENCE (Except Fayette, Union & Rome Twps.), PIKE & SCIOTO COS.	14.87		.60		.03
ALLEN, AUGLAIZE, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HARDIN, HOCKING, KNOX, LICKING, LOGAN, MADISON, MERCER, MORGAN, MUSKINGUM, PERRY, PICKAWAY, ROSS, UNION, & VAN WERT COS.	14.84	.70	.30		.02
ASHLAND, CRAWFORD, MARION, MORROW, RICHLAND, & WYANDOT (Exclu. Tymochtee, Crawford, Ridge, & Richland Twps.) COS.	10.93				
BELMONT, HARRISON, & JEFFERSON COS.	12.93	.55			
BROWN, BUTLER, CLERMONT, HAMILTON, HIGHLAND, & WARREN COS.	14.895		1.00		.02
CARROLL & TUSCARAWAS COS.	12.79	.93	1.05		.01
CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.	13.80				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA CO.	$14.46	.70			.03
ERIE, HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.), & WYANDOT (Tymochtee, Crawford, Ridge & Richland Twps.) COS. & THE ISLAND OF LAKE ERIE N. OF SANDUSKY	13.19	.80	.125		.01
FULTON, HANCOCK, HENRY, PUTNAM & WOOD (Exclu. Perry & Bloom Twps.) COS.	17.10	.70			.01
GALLIA & MEIGS COS.	13.95	.70			
GEAUGA CO.	16.72	.90	1.15		a
HOLMES & WAYNE (Except Milton & Chippewa Twps.) COS.	13.73		1.00		.01
JACKSON & VINTON COS.	13.00	.70	.80		.05
LAWRENCE (Fayette, Union, & Rome Twps.) CO.	13.63		.50		.05
MEDINA (Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) CO.	16.48		.80	b	.01
MEDINA (Except Litchfield, Chatham, Homer, Harrisville & Spencer Twps.) CO.	15.06	.70	1.00		.01
ROOFERS					
ADAMS, GALLIA, GUERNSEY, JACKSON, LAWRENCE, MEIGS, MORGAN, MUSKINGUM, NOBLE, PIKE, SCIOTO, & VINTON COS.	13.50		.65		
ALLEN, AUGLAIZE, CHAMPAIGN, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, HARDIN, HOCKING, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORROW, PERRY, PICKAWAY, PUTNAM, ROSS, UNION, VAN WERT, & WYANDOT COS.	14.36	.92	.65		.01
ASHLAND, CARROLL, COLUMBIANA, COSHOCTON, CRAWFORD, HOLMES, MEDINA, RICHLAND, TUSCARAWAS, & WAYNE COS.	15.32	.94	.65		.04
BELMONT, HARRISON, JEFFERSON, & MONROE COS.:					
Roofers	12.50	.65	.35		
Coal Tar Pitch: Waterproofing	12.75	.65	.35		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BROWN, BUTLER, CLERMONT, HAMILTON, & WARREN COS.	$15.47		1.30		.02
CLARK, CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & SHELBY COS.:					
Composition, Damp, & Waterproof	14.00	.80	1.00		
Slate, Tile & Asbestos	14.22	.80	1.00		
DEFIANCE, FULTON, HANCOCK, HENRY, PAULDING, WILLIAMS & WOOD COS.	13.04	1.06	2.00		.03
ERIE, GEAUGA, HURON, OTTAWA, SANDUSKY, & SENECA COS.	17.78	.25	.50		.05
WASHINGTON CO.	14.15		.30		.01
SHEET METAL WORKERS					
ADAMS, DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, GALLIA, GUERNSEY, HOCKING, JACKSON, KNOX, LAWRENCE, LICKING, MADISON, MARION, MEIGS, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PIKE, ROSS, SCIOTO, UNION, & VINTON COS.	15.05	1.044k	1.32		.16
ALLEN, AUGLAIZE, BUTLER, CHAMPAIGN, CLARK, CLINTON, DARKE, GREENE, HARDIN, LOGAN, MERCER, MIAMI, MONTGOMERY, PREBLE, SHELBY, VAN WERT, WARREN & WYANDOT COS.	12.85	1.104k	1.25		.16
ASHLAND, CARROLL, COSHOCTON, CRAWFORD, HOLMES, MEDINA, RICHLAND, TUSCARAWAS, & WAYNE COS.	15.17	.944k	1.10		.10
BELMONT, HARRISON, JEFFERSON, & MONROE COS.	12.82	.814k	1.10		.07
BROWN, CLERMONT, HAMILTON, & HIGHLAND COS.	15.34	1.18	.84		.08
COLUMBIANA CO.	15.14	.75	.83		.04
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SENECA, WILLIAMS, & WOOD COS.	15.905	1.06	1.91		.073
ERIE, HURON, & SANDUSKY COS.	13.91	.85	1.20		.06
GEAUGA CO.	14.69	.90	1.68		.06
WASHINGTON CO.	12.48	.65	.60		.08

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SOFT FLOOR LAYERS		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.	$12.42	.75	1.25		.05
ALLEN, AUGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.	13.92	.90	1.25		.04
ASHLAND, CRAWFORD, ERIE, HURON, OTTAWA, RICHLAND, SANDUSKY, & SENECA COS. & the portion of the city of Fostoria located in HANCOCK & WOOD COS.	14.17	.85	1.00	a	.08
BELMONT, COLUMBIANA, HARRISON, JEFFERSON, & MONROE COS.	12.73	1.04	1.25		.04
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, & WARREN COS.	11.50	.75	.85		.05
CARROLL, TUSCARAWAS, & WAYNE COS.	12.51	.65	.80		.02
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE & SHELBY COS.	11.05	1.00	1.00		.07
DEFIANCE, FULTON, HANCOCK (Except city of Fostoria), HENRY, PAULDING, WILLIAMS, & WOOD (Except city of Fostoria) COS.	13.73	1.06	1.25		.05
GEAUGA CO.	14.78	1.09	1.60		.07
HOCKING, VINTON, & WASHINGTON COS.	12.50	.60	.70		.04
MEDINA CO.	13.50	.70	2.00		1
SPRINKLER FITTERS					
GEAUGA, & MEDINA (N. of #18, exclu. City of Medina) COS.	14.81	1.31	1.33		.10
REMAINING COS.	13.04	.85	1.20		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

a. $75.00 per year
b. 2 paid holidays: C & D
c. 2 paid holidays: B & D
d. $25.00 per year
e. 7 paid Holidays: A through F and Day after Thanksgiving
f. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for employee who has worked in business less than 5 years.
g. $25.00 per year
h. $50.00 per year
i. 6 paid holidays: A, C, E, F, Decoration Day, & Veterans' Day
j. 1 paid Holiday: D, providing the employee has worked 5 consecutive days before and after the holiday.
k. 3% of gross earnings to SASMI
l. $150.00 per year

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, & SCIOTO COS.:					
Bottom man; Building & Construction Laborers; Carpenters' Tenders; Mason Tenders; Mortar Mixers; Pipelayers; Plasterers' Tenders; Sheeting & Shoring Men	9.42	.70	.90		.10
Air & Machine Driven Tool Op.; Asphalt Rakers & Smoothers; Burning & Cutting Torches; Chain saws; Form Setters; Hand Spikers & Powered Concrete Buggies	9.67	.70	.90		.10
Gunnite Machine Op.; Gunnite Nozzlemen; Powderman & Blasters	9.94	.70	.90		.10
ALLEN, AUGLAIZE, MERCER, PAULDING, PUTNAM, SHELBY & VAN WERT COS.:					
Building Laborers; Laser Beam; Power Wheelbarrow or Power Buggy	9.35	.80	.80		.10
All Machine Driven Tools (Gas, Electric, Air); Asphalt Rakers; Caisson; Cement Finishers' Tenders; Cofferdam; Demolition; Packers; Pot Tenders; Pump Man Under 4" Discharge; Spikers by Hand (Railroad); Tamper; Torch Man; Tunnel & Vibrators	9.50	.80	.80		.10
Blaster Tender; Cylinder, Shaft; Jackhammer; Manhole Builders; Mason Tenders; Mortar Mixers; Plasterers' Tenders; Sewer Bottom Man; Sewer Pipelayer; Sewer, Water Conduit, Gas, Oil Pipeline, except Mainlines; & Wagon Drill Tender	9.65	.80	.80		.10
Blaster-Powderman; Gunnite Ops.; Muckers & Miners (Tunnel & Caisson) Free Air; Sandblasters; & Wagon Drill/Op.	9.65	.80	.80		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, KNOX, MORROW, & RICHLAND COS.:					
Building & Construction Laborers; Carpenters' Tenders; Concrete Handler; Finisher Tenders; Guard Rail Erectors; Tool Cribmen; & Utility Construction Laborer	$11.71	.75	1.30		.05
Air & Power Driven Tools; Bottom Man; Burner on Demolition; Caisson Worker; Cofferdam Worker; Creosote Workers; Form Setter; Hod Carrier; Laser Beam Setup Man; Mason Tenders; Mortar Mixers; Muckers; Pipelayers; Plasterers' Tenders; Powder Man & Dynamite Blaster; Scaffold Building; Swinging Scaffold; & Tunnel Laborers	11.91	.75	1.30		.05
Gunnite Operator	12.31	.75	1.30		.05
BELMONT CO.					
Unskilled	9.62	.70	.70		.05
Semi-Skilled	10.04	.70	.70		.05
Skilled	10.37	.70	.70		.05
BROWN, CLERMONT, CLINTON, & HAMILTON COS.:					
GROUP 1	12.33	.95	.90		.05
GROUP 2	12.43	.95	.90		.05
GROUP 3	12.50	.95	.90		.05
GROUP 4	12.55	.95	.90		.05
GROUP 5	12.70	.95	.90		.05
GROUP 6	12.85	.95	.90		.05
GROUP 7	13.10	.95	.90		.05
GROUP 8	10.62	.80	.80		.10
GROUP 9	10.77	.80	.80		.10

GROUP 1 - Common Laborers; Cement Masons' Tenders; Hand Operated Mechanical Mule; & Mechanical Sweeper
GROUP 2 - Bottom Man; Pipelayer
GROUP 3 - Burning Torch Operator; Concrete Pump Hose Man; Jackhammer; Mechanical & Air Tamper Operator; Mechanical Concrete Buggies; Power Operated Mechanical Mule; Vibrator Man

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GROUP 4 - Bottom Jackhammer Man; Mason Tenders; Plasterers' Tenders; Stonemasons' Tenders
GROUP 5 - Plaster Mixer Pump Operator
GROUP 6 - Tunnel Laborer
GROUP 7 - Gunnite Nozzle Operator
GROUP 8 - Demolition Construction - Wrecking Laborers
GROUP 9 - Demolition Construction - Jackhammer Man; Burner; & Wall Man

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUTLER & WARREN COS.:					
Common Laborers	$11.64	.75	1.10		.05
Asphalt Rakers; Hand Air Tamper Chisel; Smoothers Hand Air Pump Tampers; Vibrator Power Tamper Op.	11.74	.75	1.10		.05
Mason Tenders; Mortar Mixers; & Scaffold Builders	11.97	.75	1.10		.03
Concrete Pump & Hose Men; Gunnite Operators; & Sandblasters	11.99	.75	1.10		.05
CARROLL, COSHOCTON, DELAWARE, HANCOCK, HARDIN, HOLMES, MARION, SENECA, TUSCARAWAS, WAYNE, & WYANDOT COS.:					
Building & Construction Laborers; Carpenters' Tenders; Concrete Handler; Finisher Tenders; Guard Rail Erector; Tool Grinder; & Utility Construction Laborer	10.66	.75	1.10		.05
Air & Power Driven Tools; Bottom Man; Burner on Demolition; Caisson Worker; Cofferdam Worker; Creosote Workers; Form Setter; Rod Carrier; Laser Beam Setup Man; Mason Tender; Mortar Mixers; Muckers; Pipelayers; Plasterers' Tenders; Powder Man & Dynamite Blaster; Scaffold Building; Swinging Scaffold; & Tunnel Laborers	10.86	.75	1.10		.05
Gunnite Operator	11.26	.75	1.10		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, CLARK, & LOGAN COS.:					
Carpenters' Tenders; Laborers	$9.45	.80	.80		.10
Air & Machine Driven Tool Ops.; Asphalt Raker & Tamper; Barko & Chain Saw; Bottom Man; Gunnite Machine Op. & Nozzle Man; Hand Spikers; Jackhammer; Power Concrete & Buggies; Sewer Pipelayers; & Wagon Drill	9.70	.80	.80		.10
Mason Tenders; Mortar Mixers; & Plasterers' Tenders	9.85	.80	.80		.10
Miners & Muckers for Tunnel & Caisson; Powderman & Blasters	9.95	.80	.80		.10
COLUMBIANA, HARRISON, & JEFFERSON COS.:					
Carpenters' Tenders; General Laborers	10.35	.75	1.30		.05
Brick Handlers; Man Mixing Cement for Cement Finishers; Mortar Mixer Machine Op.; Mortarman for Masons & Plasterers; Scaffold Builders; Tenders for Brick Masons, Plasterers, Stonemasons, & Tile Setters	10.52	.75	1.30		.05
Acetylene Burners; Air Blow Pipe; Air Pump; Air Spades; Air Tampers; Power Driven Tools; Chipping Hammers; Concrete Saw; Jackhammers; Laborers Operating Concrete Busters; Panel Cleaning Machine Operators; Pipelayer & Tenders Working in Ditches or Tunnels & Hand Spikers on Railroads, & Laborer Handling Concrete for Test or Working with Tar, Acid, & Creosote; Power Buggy; Power Saw; Sandblaster; Scuba Divers; Vibrators; & Welders	10.55	.75	1.30		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS.:					
Laborers	10.29	.70	.70		.10
All Machine & Power Driven Tools; Chipping Hammers; Power Buggies; Railroad Spikers by Hand; Swinging Scaffold over 15 ft. & Vibrators	10.44	.70	.70		.10
Air Drill; Batter Board Setter & Bottom Men; Jackhammer; Man Hole Builders; Sandblasters; & Sewer Pipelayers	10.49	.70	.70		.10
Caisson Work; Scaffold W/Power Tools	10.54	.70	.70		.10
Torch Man on Wrecking	10.59	.70	.70		.10
Caisson Work w/Jackhammer	10.74	.70	.70		.10
Gunnite Operator; Wagon Drill Operator, and Blaster - Powder Man	10.79	.70	.70		.10
Tenders for Bricklayers and Masons	10.92	.70	.70		.10
Tenders for Lathers and Plasterers	10.96	.70	.70		.10
DEFIANCE, FULTON, HENRY, & WILLIAMS COS.:					
Carpenter Tenders; Cement Finishers' Tenders; Laborers	10.67	.75	1.30		.05
Gunnite Pot Man; Mason Tenders	10.79	.75	1.30		.05
All Power Driven Tools and Buggies	10.82	.75	1.30		.05
Burners, Torchmen & Nozzlemen for Concrete Pumps	10.815	.75	1.30		.05
Plasterers' Tenders	10.845	.75	1.30		.05
Bellman; Bottom Man; & Brick Expeditor	10.905	.75	1.30		.05
Nozzle Operator for Gunnite Work	11.32	.75	1.30		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE, HURON, OTTAWA, AND SANDUSKY COS.:					
Building and Construction Laborers; Carpenter Tenders; Concrete Handler; Finisher Tenders; Guard Rail Erectors; Tool Cribmen; & Utility Construction Laborers	12.86	.75	1.30		.05
Air and Power Driven Tools; Bottom Men; Burner on Demolition Work; Caisson Workers; Cofferdam Workers; Creosote Workers; Form Setters; Hod Carrier; Laser Beam set Up Men; Mason Tenders; Mortar Mixers; Mucker; Pipelayers; Plasterers' Tenders; Powder Men & Dynamite Blasters; Scaffold; Swinging Scaffold; & Tunnel Laborers	13.06	.75	1.30		.05
Gunnite Operator	13.46	.75	1.30		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FAIRFIELD, FAYETTE, FRANKLIN, HOCKING, MADISON, PICKAWAY, & UNION COS.:					
Carpenter Tenders; Cleaning, Debris; Cleaning of all Material; Common Laborers; Conveyor Belt; General Clean Up; Handling & Conveying All Material; Lanscape; Loading and Unloading All Trucks; Man on Bucket Pouring Concrete; Pouring of all Concrete; Salamander; Sod Layers; Washing of all Windows; & Wire Mesh Handlers or Setters	11.74	.70	.90		.10
Air or Electrical Pneumatic Tool Operator; All Scaffold Builders (Swinging Scaffold); Asphalt and Blacktop Rakers; Bottom Man; Brick Tender; Caisson Bottom Man; Cement Mason Tender; Concrete Saw Operator, and Brush Feeders on Pulverizers; Forklift Operator; Gunnite Nozzle Man; Jackhammer Operator; Laser Gun, Burners; Mortar Mixers & Operator; Pipe Layers; Plasterers' Tenders; Power Buggy Operator; Power Driven Tools; Power Wheelbarrow Operator; Sand and Vacuum Cleaning; Sandblasting of Concrete; Stone Mason Tender; Vibrator Man; Wagon and Churn Drill Operators; & Wall Wrecker & Bar Man on Demolition	12.04	.70	.90		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GENOSA CO.:					
Equipment Replacing Wheelbarrow & Concrete Buggy; Laborers	$13.49	1.70	1.85		
Fire Brick Tenders; Power Driven Tools & Vibrators; Sewer & Utilities Laborers	13.64	1.70	1.85		
Acetylene Burner; Jackhammer; & Mucker	13.69	1.70	1.85		
Air Track and Wagon Drill; Mason Tender Handling Carbon Block & Bottom, Block Material; & Swinging Scaffold	13.74	1.70	1.85		
Acid Brick Tenders; Blasters & Shooters; Caisson; Cofferdams; Cylinder; Gunnite Operator; Mine Workers w/o Air; & Well	13.97	1.70	1.85		
Topman on Free Standing Radial Stack	14.14	1.70	1.85		
HOCKING CO.:					
All Portable Heaters; Carpenter Tender; Cleaning of All Material; Common Laborers; Conveyor Belt; General Clean-up Incl. Vacuum Cleaning; Handling and Conveying All Material; Landscape; Loading & Unloading all Trucks; Man on Bucket Pouring Concrete; Pouring of all Concrete; Sod Layers; Washing of all Windows; Water Pumps up to & Incl. 4" Intake	11.74	.70	.90		.05
Air or Electrical Pneumatic Tool Operators; All Scaffold Builders; Asphalt & Blacktop Rakers; Bottom Man; Brick Tender; Brush Feeders on Pulverizers; Burners; Cement Mason Tender; Concrete Saw Operators; Fork Lift Operators					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Gunnite Nozzleman; Jackhammer Operator; Laser Gun; Mortar Mixer & Operator; Pipelayers; Plasterers' Tender; Power Buggy Operators; Power Driven Tools; Power Wheelbarrow Operators; Sandblasting; Stonemason Tender; Swinging Scaffolds; Vibrator Man; Wagon & Churn Drill Operators; Wall Wrecker & Bar Man on Demolition; Welders on Demolition	$12.04	.70	.90		.05
MEDINA Co.:					
Carpenter Tenders; Common Laborers; Concrete Bucket Tender; Landscape Laborers; Mason Tender; & Welder Tenders	13.67	.75	1.30		.11
Air Driven boring Machine; Asphalt Raker; Hook-up Man on Demolition Work; Material Mixer; Paving Bed Maker; Power Tools - Air, Gas, or Electric; Scaffold Erector; Structural Precast Erector; Tamper Operator; & Wire Mesh Handler	13.82	.75	1.30		.11
Barco Type Tampers; Bottom Man; Burners; Form Setters; Hod Carriers; Jackhammer; Muckers - Tunnel; Pipelayers; Power Buggy or Power Wheelbarrow; Power Saws; & Rock Drillers	13.87	.75	1.30		.11
Dynamite Men; Gunnite Nozzlemen; Pump Hose Nozzlemen; Tunnel Miners; & Water Line Caulkers	14.17	.75	1.30		.11
MONROE, MORGAN, & WASHINGTON COS.:					
Unskilled	10.90	.70	.90		.10
Semi-Skilled	11.25	.70	.90		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GUERNSEY, MUSKINGUM, NOBLE, & PERRY COS.:					
Building & Construction Laborers; Carpenter Tenders; Planters (Landscape); Plumbers Tenders & Tree Trimmers	$10.52	.75	1.10		.05
Air & Machine Driven Tools Operators; Asphalt Plant Aggremeter Operator; Asphalt Plant Mixer Men; Brick Slingers; Car Punhers & Tunnel Laborers; Caulkers; Cement Handlers; Concrete Puddlers (behind mixers); Curb Cutters & Setters; Cutting with Burning Torches; Dumpmen (Batch Trucks); Hand Spikers Operators; Jackhammer Operator; Mason Tenders; Mortar Mixers; Muckers; Pipelayers; Plasterers' Tenders; Proportioning Plant Operator; Pump Men (Under 4"); Road Form Setters; Sewer Bottom Men Sheeting & Shoring Men; Stone Mason Tenders; Vibrator Operator; & Yarners & Wrenchmen	10.62	.75	1.10		.05
Brick Droppers; Lock Tenders; & Powdermen or Blasters	10.77	.75	1.10		.05
ROSS & VINTON COS.:					
All Water Pumps Up to & Incl. 3" Intake; clean-Up Incl. Vacuum Cleaning; Cleaning Debris; Common Laborers; Conveyor Belt; Handling & Conveying All Materials; Landscape; Loading & Unloading All Trucks; Man on Bucket Pouring Concrete; Pouring of All Concrete; Sod Layers; & Washing of All Windown	9.84	.70	.90		.10

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air or Electrical Pneumatic Tool Operators; All Scaffold Builders (Swinging Scaffolds); Asphalt & Blacktop Rakers; Bottom Man; Brick Tenders; Brush Feeders on Pulverizers; Burners; Carpenters' Tenders; Cement Masons' Tenders; Concrete Saw Operators; Forklift Operators; Gunnite Nozzle Man; Jackhammer Operator; Laser Gun; Mortar Mixer & Operators; Pipelayers; Plasterers' Tenders; Power Buggy Operators; Power Driven Tools; Power Wheelbarrow Operators; Sandblasting; Stonemasons' Tenders; Vibrator Man; Wagon & Churn Drill Operators; Wall Wreckers & Bar Man on Demolition; Welders on Demolition	10.04	.70	.90		.10
WOOD CO.:					
Unskilled Laborers	13.02	.75	1.30		.11
Plasterers' Tenders	13.04	.75	1.30		.11
Mason tenders	13.17	.75	1.30		.11
All Power Driven Tools & Buggies	13.175	.75	1.30		.11
Gunnite Pot Men	13.22	.75	1.30		.11
Mortar Mixers	13.24	.75	1.30		.11
Pipelayers	13.275	.75	1.30		.11

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, GALLIA, JACKSON (Bloomfield, Franklin, Hamilton, Lick, Jefferson, Scioto, & Madison Twps.), LAWRENCE, MEIGS, PIKE (Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), SCIOTO, & VINTON (Brown, Knox, Madison, Vinton, & Wilkesville Twps.) COS.:					
Cable Splicers	$16.59	.70	3%+.50	.90	1%
Linemen	15.08	.70	3%+.50	.90	1%
Operators: All Mechanized Equipment	12.06	.70	3%+.50	.90	1%
Groundmen	9.80	.70	3%+.50	.90	1%
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT, & WYANDOT (Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem Twps.) COS.:					
Linemen	14.43	.70	3%		1%
Equipment Operators	13.00	.70	3%		1%
Groundmen; Truck Drivers	9.48	.70	3%		1%
ASHLAND, CRAWFORD, HURON (New Haven, Richmond, Ripley & Greenwich Twps.), KNOX (Liberty, Clinton, Union, Howard, Monroe, Middlebury, Morris, Wayne, Berlin, Pike, Brown, & Jefferson Twps.), MARION, MORROW, RICHLAND, & WYANDOT (Sycamore, Crane, Eden, Pitt, Antrim & Tymochtee Twps.) COS.:					
Equipment Operators; Linemen	14.39	.60	3%+.66		1%
Line Truck Driver	8.75	.60	3%+.66		1%
Groundmen	9.48	.60	3%+.66		1%
BELMONT CO.:					
Linemen; Technicians	13.20	.50	3%+1.00	1.25	
Cable Splicer	13.45	.50	3%+1.00	1.25	
Groundmen	10.56	.50	3%+1.00	1.25	
BROWN, CLERMONT, & HAMILTON COS.:					
ZONE I: Up to & incl. 18 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Operators	15.30	.70	3%+.80		1%
Groundmen	11.475	.70	3%+.80		1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE II: Over 18 mi. radius up to & incl. 21 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	$15.60	.70	3%+.80		4%
Groundmen	11.70	.70	3%+.80		4%
ZONE III: Over 21 mi. radius up to & incl. 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	13.70	.70	3%+.80		4%
Groundmen	11.775	.70	3%+.80		4%
ZONE IV: Over 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	13.65	.70	3%+.80		4%
Groundmen	11.69	.70	3%+.80		4%
BUTLER, WARREN (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union & Washington Twps.) COS.:					
Linemen	15.20	.70	3%+1.00		4%
Cable Splicers	13.70	.70	3%+1.00		4%
Groundmen	10.64	.70	3%+1.00		4%
CARROLL (N & Incl. Fox, Harrison, Rose & Washington Twps.), COLUMBIANA (Knox Twp.), HOLMES, TUSCARAWAS (N. of Auburn, Clay, Rush, & York Twps.), & WAYNE (E. of Baughman, Chester, Greene & Wayne Twps.) COS.:					
Cable Splicers	13.50	.79	3%+.80		.3%
Line Equipment Ops.	12.35	.79	3%+.80		.3%
Groundmen; Truck Drivers	8.75	.79	3%+.80		.3%
Linemen	14.61	.79	3%+.80		.3%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL (E. of Fox, Harrison, Rose & Washington Twps.), HARRISON & JEFFERSON COS.:					
Linemen; Line Equipment Ops.; Truck Drivers	$15.50	6%	17%	10%	4%
Cable Splicers	16.00	6%	17%	10%	4%
Groundmen	10.08	6%	17%	10%	4%
CHAMPAIGN, CLARK, GEAUGA (Bainbridge, Russell & Chester Twps.), & MADISON (except Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range, & Pleasant Twps.) COS.:					
Cable Splicers; Equipment Ops.; Linemen	17.93	.60	3%		4%
Groundmen	11.65	.60	3%		4%
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, & WARREN (Wayne, Clear Creek, & Franklin Twps.), COS.:					
Cable Splicers; Linemen Operators:	14.13	.75	3%+1.00		4%
Hole Digging Equipment, Cranes, Hydraulic Lift or Bucket	14.13	.75	3%+1.00		4%
Line Truck with Winch or Pole & Steel Handling	10.60	.75	3%+1.00		4%
None-Specialized Truck & Misc. Equipment; Groundmen - Truck Driver	8.48	.75	3%+1.00		4%
COLUMBIANA CO. (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.):					
Linemen; Heavy Equipment Ops.	13.30	15%	7%		4%
Groundmen & Truck Drivers	11.90	15%	7%		4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA (Twps. of Butler, Fairfield, Perry, Salem, & Unity), & GEAUGA (Twps. of Auburn, Middlefield, Parkman, Burton, & Troy) COS.:					
Cable Splicers; Linemen; Operator - Poledigging Equipment	16.21	.70	3%		.5%
Groundmen	12.97	.70	3%		.5%
COSHOCTON, GUERNSEY, MUSKINGUM, PERRY, & TUSCARAWAS (Rem. of Co.) COS.:					
Cable Splicers; Equipment Op.; Linemen	13.95	.50	3%		.5%
Groundmen	8.41	.50	3%		.5%
DEFIANCE, FULTON, HANCOCK, HENRY, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.:					
Linemen	16.08	.70	3%	a	.5%
Technicians	15.52	.70	3%	a	.5%
Cable Splicers	16.33	.70	3%	a	.5%
Operator Class I	12.81	.70	3%	a	.5%
Operator Class II	11.29	.70	3%	a	.5%
Groundmen	9.68	.70	3%	a	.5%
DELAWARE, MADISON (Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range & Pleasant Twps.), PICKAWAY (Twps. of Circleville, Darby, Harrison, Jackson, Madison, Monroe, Muhlenburg, Scioto, Walnut, & Washington), & UNION COS.:					
Cable Splicers; Equipment Ops. & Linemen	14.93	.50	3%		.5%
Groundmen	8.41	.50	3%		.5%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ERIE & HURON (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarksfield, Norwich, Greenfield, Fairfield, Fitchville, & New London Twps.) COS.:					
Cable Splicers; Equipment Ops. & Linemen	$15.03	.73	5%		.5%
Truck Driver (Winch) Groundman; & Groundman	9.76	.73	5%		.5%
FAIRFIELD, KNOX (Butler, College, Clay, Harrison, Hillier, Jackson, Morgan, Milford, Miller, & Pleasant Twps.), & LICKING COS.:					
Cable Splicers; Linemen; Ops.: All Mechanized Equipment	13.85	.70	3%		.5%
Groundmen - Truck Driver	10.97	.70	3%		.5%
Groundmen	8.45	.70	3%		.5%
FAYETTE, HIGHLAND, HOCKING, JACKSON (Coal, Jackson, Liberty, Milton, & Washington Twps.), PICKAWAY (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), PIKE (Exclu. Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), ROSS, & VINTON (Clinton, Eagle, Elk, Harrison, Jackson, Richland, & Swan Twps.) COS.:					
Linemen; Equipment Operators	14.23	.50	3%		.5%
Truck Drivers	8.40	.50	3%		.5%
Groundmen	8.04	.50	3%		.5%
FRANKLIN CO.:					
Cable Splicers; Linemen; Operators	14.93	.50	3%		.5%
Groundmen	8.41	.50	3%		.5%
GEAUGA (Exclu. Bainbridge, Chester, Russell, Auburn, Middlefield, Parkman & Troy Twps.) CO.:					
Cable Splicers; Equipment Ops. & Linemen	15.13	.93	3%+.70		.5%
Truck Drivers (Winch) Groundman; Groundman	9.83	.93	3%+.70		.5%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA (Litchfield, & Liverpool Twps.) CO.:					
Cable Splicer; Equipment Op.; & Linemen	$15.35	.75	3%+1.00		½%
Truck Drivers(Winch) Groundman; Groundman	9.98	.75	3%+1.00		½%
MEDINA (Brunswick, Chatham, Granger, Guilford, Harrisville, Hinckley, Homer, Lafayette, Medina, Montville, Sharon, Spencer, Wadsworth, Westfield, & York Twps.), & WAYNE (Northern ½ of Co.) COS.:					
Linemen	15.25	.74	3%+.76		½%
Cable Splicers	16.30	.74	3%+.76		½%
Equipment Operators	11.44	.74	3%+.76		½%
Truck Drivers; Groundman	7.63	.74	3%+.76		½%
MONROE, MORGAN, NOBLE, & WASHINGTON COS.:					
Cable Splicers; Linemen; & Equipment Operators	14.93	.60	3%		½%
Groundmen	8.41	.60	3%		½%

FOOTNOTE:
a. 10 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; Christmas Eve; Christmas Day; New Year's Eve; & Good Friday

POWER EQUIPMENT OPERATORS:					
All Counties, except Columbiana:					
Well & Pump Work (Incl. Drilling & Repair of all Water Wells; Test Holes & Wells; & Installation & Repair of Deep Well Type of Shallow Well Pumps on Water Wells)					
Well Driller & Pump Installer	8.10	.34	.27	a&b	

FOOTNOTES:

a. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve Day; & Christmas Day
b. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' paid vacation

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POWER EQUIPMENT OPERATORS COLUMBIANA COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$15.61	1.05	1.00		.16
CLASS II	14.92	1.05	1.00		.16
CLASS III	14.28	1.05	1.00		.16
CLASS IV	13.87	1.05	1.00		.16
CLASS V	13.77	1.05	1.00		.16
CLASS VI	15.88	1.05	1.00		.16

CLASS I - Asphalt Planer Heater; Austin Western & Similar Type; Backfiller W/Drag Attachment; Backhoe; Batch Plant-Central Mix; Batch Plant-Portable Concrete; Berm Builder-Automatic; Boat Derrick; Boat-Tug; Boring Mach. Attached to Tractor; Bullolam; Bulldozer; C.M.I. Road Builder & Similar Types; Cable Placer & Layer; Carrier-Straddle; Carryall - Scraper or Scoop; Chicago Boom; Compactor W/Blade Attached; Concrete Spreader Finisher Comb.; Crane; Crane-Stationary or Climbing; Crane- Electric Overhead Crane-Side Boom; Crane Truck; Crane-Tower; Derrick-Boom; Derrick-Car; Diggers-wheel (not trencher or road widener); Double Wine; Drag Line; Dredge; Drill-Kenny or Similar Type; Electromatic; Fork Lift; Frankie Pile; Gradall; Grader-Power; Gurry; Gurry-Self-Propelled; High Lift; Hoist-Monorail; Hoist-Stationary & Mobile Tractor; Hoist-2 or 3; Jackall; Jumbo Mach.; Kocal and Kuhlman; Land-Seagoing Vehicle; Loader - Elevating; Loader-Front end; Locomotive; Mechanic as Welder; Metro Clip Harvester W/Boom; Mucking Mach.; Paving-Asphalt Finishing Mach.; Paver Road Concrete; Paver-Slip Form; Place Crete Mach; Post Driver; Power Driven Hydraulic Pumps & Jacks; Pump Crete Machine; Regulator-Ballast; Reigs-Drilling; Shovels; Spikemaster; Stone-crusher; Tie Puller & Loader; Tie Tamper; Tractor-Double Boom; Tractor w/Attachments; Trench Mach.; Trucks-Boom; Truck-Tire-Assigned to Job; Tunnel Machine (Mark 21 Java or Similar); Whirley

CLASS II - Asphalt Plant; Bending Machine; Boring Mach.; Chip Harvester W/O-Boom; Cleaning Mach.- Pipeline Type; Coating Mach.-Pipeline Type; Concrete Belt Placer; Concrete Finisher; Concrete Planer or Asphalt; Concrete Spreader; Elevator; Fork Lift Walk Behind; Form Line Mach.; Grease Truck Op.; Grout Pump; Gunnite Mach.; Hoist-Single Drum; Huck Bolting Mach.; Hydraulic Scaffold; Paving Breaker; Pipe Dream; Pot Fireman; Power Broom; Refrigeration Plant; Saugen Derrick; Seeding Mach.; Self-Propelled Mobile Vibrator Compactor or Roller; Soil Stabilizer (Pump Type); Spray Cure Mach.-Self Propelled; Straw Blower Mach.; Sub-Grader; Tube Finisher or Broom C.M.I. or Similar Type; Tugger Hoist

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CLASS III - Batch Plant-Job Related; Boiler Op.; Compressor (125 CFM or Over); Curb Builder (Self-Propelled); Generator-Steam; Jack-Hydraulic Driven; Mixer-Concrete; Mulching Mach.; Pin Puller; Pulverizer; Pump; Road Finishing Mach. (Pulltype); Roller; Saw-Concrete-Self-Propelled; Spray Cure Mach.-Motor Powered; Spreader (Side Driver Shoulder Attachment); Tractor; Trencher or Form; Water Blaster
CLASS IV - Brake Man; Compressor Under 125 CFM; Conveyor; Conveyor 12 Feet or Under Other Than Servicing Bricklayers; Deck Hand; Drill Wagon; Fireman; Generator Sets; Heaters-Portable Power (2 to 5); Jacks Hydraulic (Railroad); Ladavator; Roller (Walk Behind 1 Ton or Over); Steam Jenny; Syphons; Tender Mechanic; Vibrater-Gasoline; Welding Machines (2) (Fuel Burning)
CLASS V - Oiler
CLASS VI - Rigs-Pile Driving or Caisson Type

POWER EQUIPMENT OPERATORS

	ZONE I Basic Hourly Rates	ZONE II Basic Hourly Rates	ZONE III Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$13.89	$15.61	$16.17	1.26	1.50		.11
GROUP B	13.73	13.45	16.02	1.26	1.50		.11
GROUP C	13.38	13.09	15.67	1.26	1.50		.11
GROUP D	14.97	14.31	14.89	1.26	1.50		.11
GROUP E	14.24	13.98	14.57	1.26	1.50		.11
GROUP F	12.03	11.78	12.39	1.26	1.50		.11

ZONE I: Allen, Ashland, Belmont, Carroll, Coshocton, Defiance, Fulton, Guernsey, Homecok, Hardin, Harrison, Henry, Holmes, Jefferson, Monroe, Noble, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Tuscarawas, Van Wert, Washington, Wayne, Williams, & Wood Counties
ZONE II: Adams, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Crawford, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Hamilton, Highland, Hocking, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Montgomery, Morgan, Morrow, Muskingum, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Vinton, Warren, & Wyandot Counties
ZONE III: Erie, Geauga, Huron, & Medina Counties

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GROUP A - A-Frames; Boiler or Compressor Operator Mounted on Crane (Piggy-Back Operation); Boom Trucks (All Types); Cableways; Cherry Pickers; Combination Concrete Mixer and Tower; Concrete Pumps; Cranes (All Types); Derricks (All Types); Draglines; Dredge (Dipper, Clam or Suction) 3 Man Crew; Elevating Grader or Euclid Loader; Floating Equipment; Gradalls; Hammerhead Tower Cranes; Helicopter Operator and Helicopter Winch Operator When Hoisting Builders Materials; Hoes (All Types); Hoisting Engines (Two or More Drums); Lift Slab or Panel Jack Operator; Locomotives (All Types); Maintenance Engineer (Mechanic or Welder); Mixer Paving (Multiple Drum); Mobile Concrete Pumps with Boom; Panelboard (All Types on Site); Pile Driver; Power Shovels; Rotary Drills used on Caisson Work for Foundations and Sub-Structure Work; Side Boom; Slip Form Pavers; Straddle Carriers Building Construction on Site); Trench Machine (Over 24" Wide); Tug Boat
GROUP B - Asphalt Paver; Bulldozer; C.M.I. Type Equipment; End-Loaders; Kohlman Type Loaders (Dirt Loading); Lead Greaseman; Mucking Machines; Power Grader; Power Scoops; Power Scrapers; Push Cat
GROUP C - Air Compressor (Pressurizing Shafts or Tunnels); Asphalt Rollers; Fork Lifts; Hoist (One Drum); House Elevators; Man Lift; Power Boilers (Over 15 lbs. Pressure); Pump Operators Installing Well Points or other Type of Dewatering System; Pumps (4" and Over Discharge); Submersible Pumps (4" and Over Discharge); Trenchers 24" and under
GROUP D - Compressors on Building Construction; Conveyors (Building Material); Generators; Gunnite Machines; Mixers, (Capacity more than One Bag); Mixers (One Bag Capacity, Side Loader); Pavement Breaker (Hydraulic or Cable); Post Driver; Post Hole Diggers; Road Widening Trencher Rollers; Welder Operator
GROUP E - Backfiller & Tampers; Bar and Joint Installing Machines; Batch Plant; Bullfloats; Burlap and Curing Machines; Clefplanes; Concrete Spreading Machine; Crushers; Deck Hands; Drum Fireman (Asphalt); Farm Type Tractors Pulling Attachments; Finishing Machines; Form Trenchers High Pressure Pumps Over 4" Discharge; Hydro Seeders; Self-Propelled Power Spreader; Self Propelled Sub-Grader; Tire Repairman; Tractors Pulling Sheeps Foot Roller or Grader; Vibratory Compactor (With Integral Power)
GROUP F - Inboard & Outboard Motor Boat Launch; Light Plant Operator; Oiler; Power Driven Heaters (Oil Fired); Power Boilers (Less than 15 lbs. Pressure); Pumps under 4" Discharge Submersible Pumps under 4" Discharge; Tenders

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, BROWN, HIGHLAND, LAWRENCE (W. of Coal Grove & W. of St. Rte. #75), PIKE, & SCIOTO COS.:					
Bus Drivers (Incl. all Equipment used for Hauling Men & Materials); Dump to & Incl. 2 Tons; Fuel Trucks; Jeeps; Pickups; & Station Wagons	$8.96	21.50a			
Dumps Over 2 Tons; Euclids; Fork Lifts (Incl. Mason Tending. Work); Lowboys; Semi-Tractor; & Tandems	9.88	21.50a			
ALLEN, AUGLAIZE, DEFIANCE, HANCOCK, HARDIN, LOGAN, MERCER, PAULDING, PUTNAM, SHELBY, UNION, & VAN WERT COS.:					
Lowboys	9.60	31.00a	11.00a		
Tenders	8.60	31.00a	11.00a		
BELMONT, JEFFERSON (N. to Short Creek), & MONROE COS.:					
Pickups; Tenders	10.14	29.87a	41.00a		
Mechanic Tenders	10.15	29.87a	41.00a		
Flatbed Material Trucks; Dumps & Semi-Dumps	10.19	29.87a	41.00a		
Tank Truck (Straight & Semi)	10.22	29.87a	41.00a		
Semi-Tractor Trailers	10.24	29.87a	41.00a		
Pole Trailer	10.34	29.87a	41.00a		
Agitator & Mixer Trucks (Up to 5 cu. yds.)	10.42	29.87a	41.00a		
Euclids; Dumpsters; Turnarockers; Ross Carriers; & Athey Wagons	10.47	29.87a	41.00a		
Agitator & Mixer Trucks (Over 5 cu. yds.)	10.50	29.87a	41.00a		
Lowboy Trailer; Winch; Fork & Distributor Trucks (Front & Back End) & Truck Crane	10.77	29.87a	41.00a		
A-Frame	10.84	29.87a	41.00a		
Mechanics	10.87	29.87a	41.00a		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUTLER & WARREN COS.:					
Jeeps; Pickups; & Single Axle Trucks	$10.89	25.00b	46.00a		
Fork Lifts; Tandem Axles; Dumps; Tandem Axles; & Winch Trucks	11.04	25.00b	46.00a		
Semi-Combination & Combination of Hauling Units	11.14	25.00b	46.00a		
Drag & Lowboys	11.30	25.00b	46.00a		
Euclids; Mechanics	11.34	25.00b	46.00a		
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS.:					
Straight Flat & Dumps; Winches	8.40	29.50a	11.00a	c&e	
Ready Mix Dump Crete	8.46	29.50a	11.00a	c&e	
Tandems & Tractor Trailer Combination	8.51	29.50a	11.00a	c&e	
Euclids to 12 Yds.	8.57	29.50a	11.00a	c&e	
Euclids over 12 Yds.	8.93	29.50a	11.00a	c&e	
DELAWARE, FAYETTE, FRANKLIN, MADISON, PICKAWAY & ROSS COS.:					
Dumps & Straight	12.15	43.00a			
Tandem & Semi-Farm Tractor	12.25	43.00a			
Lowboy	12.35	43.00a			
GALLIA, LAWRENCE (E. of Ohio St. Rte. #75), & MEIGS COS.:					
Dumps (Up to 5 Cu. Yds.); Flatbody Material Truck (Straight job); Panel Trucks; Pickups; Station Wagons; Firemen; Truck Tenders	9.84	93.17d	60.67d	1.00	
Tank Trucks (Straight)	9.94	93.17d	60.67d	1.00	
Agitator or Mixers (Up to 5 Cu. Yds.); Dumps (5 Cu. Yds. & Over); Semi-Dumps; Semi-trailers; Tank Truck (Semi)	10.09	93.17d	60.67d	1.00	
Distributors (Front End & Backend); Forks; Low Boy; Trailers; Monorails; Truck Cranes; & Winches	10.14	93.17d	60.67d	1.00	
Agitator or Mixers (5 Cu. Yds. & Over)	10.24	93.17d	60.67d	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-Frame; Athey Wagon or Similar Equipment; Dual Purpose Trucks; End Dumpsters; Hydraulic Lift; Tailgate Truck & Farm type Tractors; Hydrolift; Mechanic; Ross Carriers; Tri-Axle Dumps; & Turnarockers	$10.49	$3.17d	60.67d	1.00	
HARRISON & JEFFERSON (S. to Short Creek) CGS.:					
Truck Tenders	9.93	36.50a			
Mechanic Tenders	9.94	36.50a			
Flatboy Material Trucks; Dumps & Semi-Dumps	9.98	36.50a			
Tank Trucks (Straight & Semi)	10.01	36.50a			
Semi-Trailers & Tractor Trailers	10.03	36.50a			
Euclids; Dumpsters; Turnarockers; Ross Carrier; Athey Wagons	10.26	36.50a			
Lowboy Trailers; Winches; A-Frames; Forks; Distributors (Front & Back End); & Truck Cranes	10.36	36.50a			
Mechanics	10.46	36.50a			

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FOOTNOTES:

a. Per week per employee

b. Per week per employee providing employee has been on payroll at least 30 days

c. 1 year's employment - 1 week's paid vacation; 7 years' employment - 2 weeks' paid vacation providing the employee has been on payroll for 8 months during the previous 12 month period

d. Per month per employee

e. An employee who has been on the payroll 30 days or more & has worked his last scheduled workday within 7 calendar days before his next scheduled workday within 7 calendar days after New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, & Christmas Day shall receive 8 hours' pay for said holidays.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: TENNESSEE COUNTY: SHELBY
DECISION NUMBER: TN81-1202 DATE: DATE OF PUBLICATION
Supersedes Decision Number TN80-1067 dated April 25, 1980 in 45 FR 28071
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	13.75	.75	1.00		.05
BOILERMAKERS	11.75	1.275	1.10		.04
BRICKLAYERS & STONE MASONS	13.60	.63	.30		.15
CARPENTERS, PILEDRIVERMEN & SOFT FLOOR LAYERS	10.83	.80	.75		.085
CEMENT MASONS	9.725	.50	.65		.15
ELECTRICIANS:					
Wiremen & Electronic Technicians	13.73	.95	3%+.50		.55 of 1%
Cable splicers	13.83	.95	3%+.50		.55 of 1%
ELEVATOR CONSTRUCTORS:					
MECHANICS	12.45	1.195	.95	a+b	.035
HELPERS	8.715	1.195	.95	a+b	.035
PROBATIONARY HELPERS	6.225	1.195	.95	a+b	.035
GLAZIERS	9.00	.75	.40		
IRONWORKERS	9.60	.65	.70		.125
LATHERS	9.30	.25			
LINE CONSTRUCTION:					
Linemen	13.73	.95	3%+.50		½ of 1%
Cable splicers	13.83	.95	3%+.50		½ of 1%
Special Equipment Oprs.	10.30	.95	3%+.50		½ of 1%
Groundmen	6.85	.95	3%+.50		½ of 1%
MARBLE MASONS, TERRAZZO WORKERS & TILE SETTERS	9.91	.53	.36		.05
MILLWRIGHTS	11.95	.90	.60		.25
PAINTERS:					
Commercial	11.375	.55	.50		.10
Industrial, Spray & Sandblasting	11.625	.55	.50		.10
PIPEFITTERS & AIR CONDITIONING MECHANICS	14.67	.75	.30		
PLASTERERS	12.15				.01
PLUMBERS	14.17	.75	.75		
ROOFERS	10.50		.30		.04
SHEET METAL WORKERS	13.11	1.24	.62		.09
SPRINKLER FITTERS	12.80	.85	1.20		.08
TRUCK DRIVERS:					
Trucks - up to but not including 5 tons	8.515		c		
Trucks - 5 tons & over including special equipment	8.915		c		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental					

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FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% of the basic hourly rate for employees with 6 months to 5 years of service.

c. Pension Fund: Employer contribution of $11.00 per week for employees on payroll 30 days or more.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1 - General laborers, concrete laborers, track laborer walkers, cement finisher tenders, plumber tenders, carpenter tenders, asphalt rakers, tampers, form strippers and roofer tenders	7.915	.30	.45		.05
GROUP 2 - Storm and sanitary pipe layers and well driller tenders	8.015	.30	.45		.05
GROUP 3 - Mat weavers, motor buggie operators, chain saw operators, vibrator and electric hammers, and all air tool and pneumatic tool operators	8.025	.30	.45		.05
GROUP 4 - Deep hole men and jackhammers	8.265	.30	.45		.05
GROUP 5 - Powdermen, torch men on demolition and salvage work and sand hog (free air)	8.465	.30	.45		.05
GROUP 6 - Hod carriers, mason tenders and plasterer tenders	8.60	.35	.45		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1 - Asphalt plant operator, boom truck operator, bulldozer operator, concrete pump operator, crane operator, dragline operator, elevating grader operator, gradall operator, hoist operator, mechanic, motor grader operator, pile driver operator, power shovel operator, scraper operator, slip form paver operator, trenching machine operator	8.915	.30	.45		.05
GROUP 2 - Assistant mechanic, boiler operator, compressor operator, concrete mixer operator, conveyor operator, fork lift operator, generator operator, hydraulic seeder operator, pump operator, welding machine operator	8.815	.30	.45		.05
GROUP 3 - Oiler	8.715	.30	.45		.05

SUPERSEDEAS DECISION

STATE: TENNESSEE COUNTIES: ANDERSON, KNOX

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	11.125	.50	.50		.20
CLASS B	10.695	.50	.50		.20
CLASS C	9.995	.50	.50		.20
CLASS D	9.595	.50	.50		.20

CLASS A - Shovels, backhoes, draglines, cranes, gantrys, gradall, winch with boom, motor patrol, trenching machine (18" & over), pile driver, tug boat operator, mechanics (heavy), central mixing plant, locomotive engineer, strattle carriers, core drills (over 3"), tower cranes, hydro cranes, austin western and similar type cranes, drilling of piling, tugger, earth freezing equipment, 3 drum hoist, side boom, dredge operator (engineer), hopto, pump crete, mucking machines, cableways, central compressor plant, derrick boat, concrete pump, welders (men from the craft), helicopter operator, well point system, sweeper, bulldozers, pans, scrapers, fork lift, & front end loader.

CLASS B - Trenching machines (18" and smaller), tandem rollers, pavers, mobile mixers (rubber tired, mobile, mixed on job), back filler, blade graders, dinkey operator over 10 tons, elevating graders, winches (operated from trucks or tractors, without booms and powered by other than the truck), distributors, bituminous surfaces, 1 and 2 drum hoist, grout pumps, motor boat, switchman, earth compactors (motorized - Buffalo-Springfield type).

CLASS C - Locomotive fireman (on boilers 100 h.p. and over), air compressor (stationary), earth drills, scale operators, tractors (40 h.p. and less), motor crane driver and oiler, pumps (larger than 4"), dinkey operators (10 tons and less), oilers on gantrys, and greasers.

CLASS D - Air compressor operator, mechanic helper, locomotive fireman, welding machine operator, deck hand and elevator operators.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: TENNESSEE

COUNTIES: ANDERSON, KNOX MONROE AND ROANE

DECISION NUMBER: TN81-1203

DATE: DATE OF PUBLICATION

Supersedes Decision Number TN80-1078 dated June 13, 1980, in 45 FR 40465

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.14	.55	.70		.06
BOILERMAKERS	11.75	1.275	1.10		.04
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS & TERRAZZO WORKERS:					
ROANE COUNTY	13.72	.75	.80		
ANDERSON, KNOX & MONROE COUNTIES	12.71		.60		
CARPENTERS & SOFT FLOOR LAYERS	10.69	.57	.58		
CEMENT MASONS	10.38				
ELECTRICIANS:					
Anderson (Oak Ridge A.E.C. Area & Oak Ridge Townsite only) and Roane Counties:					
Wiremen	11.96	.40	3%+ .70		
Cable Splicers	12.46	.40	3%+ .70		
Anderson (Remainder of County), Knox & Monroe Counties:					
Wiremen & Technicians	12.26	.55	3%+ .50		½ of 1%
Cable Splicers	12.76	.55	3%+ .50		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	10.56	1.195	.95	a+b	.035
Helpers	7.39	1.195	.95	a+b	.035
Probationary Helpers	5.28	1.195	.95	a+b	.035
GLAZIERS	7.79	.10	.25	.13	
IRONWORKERS:					
Reinforcing	10.42	.50	.50		.02
Structural & Ornamental	10.56	.50	.50		.02
LATHERS	11.64		.20		.01
LINE CONSTRUCTION:					
Anderson (Oak Ridge A.E.C. Area & Oak Ridge Townsite only) & Roane Counties:					
Linemen & Equipment Operators	11.96	.40	3%+ .70		½ of 1%
Cable Splicers	12.46	.40	3%+ .70		½ of 1%
Groundmen	10.88	.40	3%+ .70		½ of 1%

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DECISION NO. TN81-1203

LINE CONSTRUCTION (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Anderson (Remainder of County, Knox, & Monroe Counties:					
Linemen, Heavy Equipment Oprs. & Hole Diggers	12.26	.55	3% +.50		½ of 1%
Truck Drivers with winch	9.60	.55	3% +.50		½ of 1%
Groundmen	9.20	.55	3% +.50		½ of 1%
Truck Drivers w/o winch	9.10	.55	3% +.50		½ of 1%
MILLWRIGHTS	11.54	.57	.58		
PAINTERS	9.60	.40	.50		
PILEDRIVERMEN	10.94	.57	.58		
PLASTERERS	11.85				
PLUMBERS AND PIPEFITTERS:					
Knox County	12.55	.60	.70	.35	.05
Anderson, Monroe & Roane Counties	12.85	.60	.70	.35	.05
ROOFERS	10.32		.25		
SHEET METAL WORKERS:					
Knox County	11.60	.77	.96		.08
Anderson, Monroe & Roane Counties	12.10	.77	.96		.08
SPRINKLER FITTERS	12.80	.85	1.20		.08
TRUCK DRIVERS:					
Trucks up to 3 tons	6.22	.35	$24 p/wk		.01
Trucks 3 to 5 tons	6.52	.35	$24 p/wk		.01
Trucks 5 tons and over	6.77	.35	$24 p/wk		.01
WELDERS - Rate for craft					

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 3% of the basic hourly rate of employees with 5 years or more of service, or 6% of the basic hourly rate of employees with 6 months to 5 years of service as Vacation Pay Credit.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

DECISION NO. TN81-1203

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GROUP I	7.42	.30	.33		.01
GROUP II	7.57	.30	.33		.01
GROUP III	7.60	.30	.33		.01
GROUP IV	7.72	.30	.33		.01
GROUP V	7.92	.30	.33		.01
GROUP VI	8.22	.30	.33		.01
TUNNEL CLASSIFICATIONS:					
GROUP I	7.42	.30	.33		.01
GROUP II	7.82	.30	.33		.01
GROUP III	7.97	.30	.33		.01
GROUP IV	8.12	.30	.33		.01
GROUP V	8.22	.30	.33		.01

LABORERS CLASSIFICATIONS DEFINITIONS

GROUP I - Construction laborers;
GROUP II - Form setter and stripper, pipe layer, asphalt raker, jackhammer operator, air tool operator, vibrator operator, chain saw operator, barco tamp operator, mortar mixer, plasterer tender, all power driven tool operators, hod carriers, power buggy, yarner, potman, snakeman, grademan, and flagman;
GROUP III - Acetylene Burner;
GROUP IV - Wagon drill operator;
GROUP V - Powderman;
GROUP VI - Caisson hole man;

TUNNEL CLASSIFICATIONS

GROUP I - Laborers, outside;
GROUP II - Tunnel laborers;
GROUP III - Chuck tenders;
GROUP IV - Nozzleman; concrete gun operator
GROUP V - Tunnel miner.

DECISION NO. TN81-1203

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Knox County	12.55	.60	.70	.35	.05
Anderson, Monroe & Roane Counties	12.85	.60	.70	.35	.05
ROOFERS	10.32		.25		
SHEET METAL WORKERS:					
Knox County	11.60	.77	.96		.08
Anderson, Monroe & Roane Counties	12.10	.77	.96		.08
SPRINKLER FITTERS	12.80	.85	1.20		.08
TRUCK DRIVERS:					
Trucks up to 3 tons	6.22	.35	$24 p/wk		.01
Trucks 3 to 5 tons	6.52	.35	$24 p/wk		.01
Trucks 5 tons and over	6.77	.35	$24 p/wk		.01
WELDERS - Rate for craft					

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 3% of the basic hourly rate of employees with 5 years or more of service, or 6% of the basic hourly rate of employees with 6 months to 5 years of service as Vacation Pay Credit.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson,

DECISION NO. TN81-1203

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	10.86	.45	.45		.10
GROUP B	10.09	.45	.45		.10
GROUP C	8.41	.45	.45		.10
GROUP D	7.70	.45	.45		.10

GROUP A: Backhoes; cableways, ross carrier; clamshells; cranes; derricks; draglines; turnapulls; pans; scrapers; scoops; head tower machines; end loaders; locomotives (over 20 tons); shovels; dozers; fork-lifts (over 8' lift); core drills; foundation drills; graders; mechanics; welders; winch truck with A-Frame; skimmer scoops; locomotive cranes; overhead cranes; skid rigs; piledrivers; side boom tractors; euclid loaders; derrick boat; dredge boats; hoist (any size handling steel or stone); engines used in connection with hoists material; mucking-machines; cherry pickers; tower cranes; skylift; gradall.

GROUP B: Tractors; farm type tractors (with attachments); central compressor plants; elevators (used for hoisting building materials); central mixing plants; hoist (not handling steel or stone); pump-crete machine; concrete pumps; backfillers (other than cranes); tracmobile; crushing plant; elevating graders; earth augers; forklifts (8' lift or under); paving machine (blacktop/concrete); boat operator or engineer (30 tons or over); blacktop rollers; switchman; locomotive (under 20 tons); maintainers.

GROUP C: Asphalt plant; barber-green type loader; engine tender (other than steam); mixers (over 2 bags, not to include central plants);pumps (not more than 3); scrifiers; spreader box (bituminous); asphalt mixers; Portable compressors (not more than 3); roller; sub-grader machine; tractors (farm type without attachments); cable head tower engineman; dredge booster pump; boat operator or engineers (under 30 tons); finishing machine; fireman & oiler (Combination); motor crane oiler & driver; welding machines (not more than 3); heaters (stationary or portable, not more than 5); compressors (portable, not more than 3); greaser or fuel truck.

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pump (1); oiler; heater (1).

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise

DECISION NO.: TX81-4026

DATE: Date of Publication

Supersedes Decision No. TX80-4086, dated November 7, 1980 in 45 FR 74368

DESCRIPTION OF WORK Building Projects (does not include single family homes and apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving Incidental to Building Con truction in Tarrant Co. and for Paving & Utilities Incidental to Building Construction in remaining Cos.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.99	.70	1.00		.03
BOILERMAKERS	12.70	1.275	1.00		.03
BRICKLAYERS & STONEMASONS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Cos.	12.98	.57	.50		.07
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	12.97	.57	.50		.04
CARPENTERS:					
ZONE 1 - Grayson County:					
Carpenters	12.29	.80	.75		.005
Millwrights	12.69	.80	.75		.005
Piledrivermen	12.79	.80	.75		.005
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos:					
Carpenters	13.14	.80	.80		.08
Millwrights	14.51	.80			.08
CEMENT MASONS:					
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant, & Wise Counties.	13.95	.40	.80		
ZONE 2 - Collin, Dallas, Ellis, Hunt, Kaufman, & Rockwall Counties	13.13	.65	.75		.02
ELECTRICIANS:					
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
Electricians	13.00	.60	7%		1%
Cable splicers	13.25	.60	7%		1%
ZONE 2 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman, & Rockwall Cos.					
Electricians	13.20	.60	7%		1%
Cable splicers	14.52	.60	7%		1%

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Mechanics	$11.14	1.195	.82	a+b	.035
Helpers	70%JR	1.195	.82	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS:					
Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	11.45	.40	.65		.025
IRONWORKERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto (excluding northwest corner), Rockwall, Tarrant & Wise (excluding northwest 1/2) Cos.	12.78	.55	1.45		.07
ZONE 2 - Palo Pinto, (northwest corner) & Wise (northwest 1/2) Cos.	11.125	.55	1.70		.10
LABORERS:					
ZONE 1 - Grayson County:					
GROUP 1 - Unskilled labor	7.145	.30	.40		.02
GROUP 2 - Air tool op. jackhammer, vibrator), mason tenders & mortar mixers, pipelayers	7.395	.30	.40		.02
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	7.83	.30	.40		.02
GROUP 2	7.98	.30	.40		.02
GROUP 3	8.08	.30	.40		.02
GROUP 4	8.23	.30	.40		.02

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - All hand digging dirt work & backfilling; firing of salamanders, loading & unloading of materials to & from hoist or cages; loading & unloading of tools & equipment; wheeling, placing & pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking & razing of buildings & all structures; Cleaning & clearing of all debris; handling of broken concrete or other damanged or undamaged materials; removing, moving, handling & greasing of forms, wrecking forms; storing materials to storage place; slip form jacks, scaffold builders, checking materials & tools in & out of receiving lots & sheds tool house men; landscaper; asphalt ironer & raker; waterproofing tender; dumper; spotter; concrete pumperete pipe (handling & laying); carpenter tender

GROUP 2 - All power tool & equipment operators (gas, electric or air); cutting torch man; concrete grademan; power buggy operator; wagon drill operator, well driller, drilling rig tender; cement finisher tender; metal pan & steel form men; handling creosoted materials; liquid acids or like materials injurious to health, eyes, skin or clothes; all newly developed equipment which replaces wheelbarrows or buggies previously used by laborers, scale men on batch plants

GROUP 3 - Concrete & clay pipe (handling & laying); mason handler; scaffold builder; mason tender; hod carrier mortar mixers; lather tenders, plaster tenders; water pump operators up to 4 inches; cement masons tenders; mortar mixers; hod carriers; dry mixers; tank cleaning; all pipe doping, treating & wrapping, including all men working with dope, mortar & plaster mixing machines; grout machines, pump crete machines, gunite mixing machine, including placing & cleaning of pipe & conduits used in placing of concrete, handling & placing of gunite materials from stockpile; screening sand, running sand dryer & loading & operating sand blaster, except nozzle, conveying, stocking & handling of all materials for brickmasons, lathers, cement finisher, plasterers; ditch work over 6 ft. & cleaning out drill piers

GROUP 4 - Sand blaster, blaster powderman; gunite worker; gunite nozzleman & terrasso grinder

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$12.18				.04
LINE CONSTRUCTION:					
Linemen	13.20	.60	7%		1/2%
Cable splicers	14.52	.60	7%		1/2%
Operators	13.86	.60	7%		1/2%
Groundmen	9.24	.60	7%		1/2%
MARBLE, TILE & TERRAZZO WORKERS:					
Collin, Dallas, Denton, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	11.86		.30		
MARBLE & TILE FINISHERS:					
Collin, Dallas, Denton, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	8.99				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:					
GROUP 1 - Brush	$12.495	.55	.75		.07
GROUP 2 - All wall covering work: paper, fabric sheeting, flexwood, etc.	12.745	.55	.75		.07
GROUP 3 - Ames tools op.	12.62	.55	.75		.07
GROUP 4 - Structural steel, stage work, bosun chair, spray gun, sandblasting & window jacks & fire escapes	12.87	.55	.75		.07
ZONE 2 - Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
GROUP 1	12.10		.30		.12
GROUP 2	12.35		.30		.12
GROUP 3	13.35		.30		.12

GROUP 1 - Brush
GROUP 2 - Spray, wallcovering; pressure roller; sandblasting; structural steel; bosun chair, window jack & window sill; stage, fire escape; steel storage tank; stilts; mittens; ames tools, drywall finishing
GROUP 3 - Steeple jack (radio & TV towers, smoke stacks, chimneys & water towers & similar facilities & flag poles atop buildings located closer to the edge of the building than the height of the pole); toxic material rate (creosote, coal tar products or similar materials injurious to the skin)

PLASTERERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	9.44	.45		.50	.03
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	12.21				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hood, Hunt, Kaufman & Rockwall Counties	$12.76	.43	1.00		.10
ZONE 2 - Denton, Johnson, Palo Pinto, Tarrant & Wise Counties	12.53	.64	1.00		.12
ROOFERS:					
GROUP 1 - Slate & tile	11.775				
GROUP 2 - Composition & built-up roofing, dampproofing & bituminous waterproofing	11.625				
SHEET METAL WORKERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Rockwall, Tarrant & Wise Counties	12.645	.60	.84		.145
ZONE 2 - Palo Pinto Co.	12.84				.09
SOFT FLOOR LAYERS	10.85	.40	.40		.03
SPRINKLER FITTERS	14.68	.95	1.40		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a. 1st 6 months - none; 6 months to 5 years - 6%; over 5 years - 8% basic hourly rate
b. Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day G-Christmas Day

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1 - Dallas County:					
GROUP 1	$ 7.89	.65	.90		.125
GROUP 2	12.615	.65	.90		.125
GROUP 3	13.015	.65	.90		.125

GROUP 1 - Oilers
GROUP 2 - Air compressor, water pumps, welding machines (2 to 6 machines) & generators; Blade grader; towed; Flex plane Form Grader; Concrete mixer; less than 14 cu. ft.; Pulsometer; Wagon drill operator; Conveyor, Hoist, single drum; Scraper 3 cu. yd. or less; Bob cat with loader
GROUP 3 - Heavy duty mechanic; Asphalt mixer operator on job; Blade grader;, self-propelled; Bull clam; Backfiller; Bulldozer & all cat type tractors; Backhoe; Concrete mixers, over 14 cu. ft.; Crusher operator on job. Concrete batch plant operator; Clam shell; Cranes (all types); Truck mounted or crawler requires oiler including groves (hydrualic) or similar type over 12½ ton capacity; Escalated rate on crane and derricks booms: .01¢ per hour, per foot over 90' including jib; draglines; derricks, power operated (all types); DW-10 caterpillar, S-8 Euclid and similar tractors; Elevating grader, self-propelled; Foundation drilling machines (all); Forklifts, used in handling machinery on construction; Gradeall; Hoist, motor driven 2 drums or more; Locomotive crane; Mixmobile; Paving mixers (all types); Piledriver; Pumpcrete machines; Pneumatic rollers, self-propelled; Shovels, power operated; Scrapers, over 3 cu. yds.; Scoopmobile; Trenching machines, all types; Winch trucks, when pole and winch is used; Water well drilling machines, used on construction; Well point pump; Welding machines (7 to 13 machines)

POWER EQUIPMENT OPERATORS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 2 - Collin, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	$7.765	.65	1.00		.15
GROUP 2	12.49	.65	1.00		.15
GROUP 3	12.89	.65	1.00		.15

GROUP 1 - Oiler-Fireman
GROUP 2 - Air compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon drill; Elevators Building; Form Graders; Hoist, Single drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cu. ft.; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment
GROUP 3 - Ford Tractor or like with any attachments (except blade and mower on rear); Drilling Machines (all types); Scoopmobiles; Hoist, two drums or more; Forklifts (over 25 ft.); Winch Truck, Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cu. ft. or over; Blade Graders, selfpropelled; Cableways; Cranes-power operated to 100 ft.; Derricks; power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Boilers, two or more fired by one; man; Heavy Duty Mechanic

Unlisted classifications needed for work not included within the scope of the classifcations listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Utah COUNTIES: Davis and Weber

SUPERSEDEAS DECISION

STATE: Utah COUNTIES: Davis and Weber
DECISION NUMBER: UT81-5112 DATE: Date of Publication
Supersedes Decision No. UT79-5138 dated December 14, 1979, in 44 FR 72799
DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$6.50				
CEMENT MASONS	5.70				
DRYWALL INSTALLER	5.00				
ELECTRICIANS	5.90				
LABORERS	5.00				
PAINTERS	5.58				
PLUMBERS	6.91				
ROOFERS	8.00				
SHEET METAL WORKERS	6.00				
TRUCK DRIVERS	6.65	.37	.30		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).					

[FR Doc. 81-12879 Filed 4-30-81; 8:45 am]
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federal register

Friday
May 1, 1981

Part III

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment, and Instruction of Inmates; Final Rules and Proposed Rulemaking

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 503, 524, 543, 544, 545, 547

Control, Custody, Care, Treatment, and Instruction of Inmates

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: This document contains final rules relating to the control, custody, care, treatment, and instruction of inmates. Included are final rules on (1) Claims Under the Federal Tort Claims Act, (2) Classification and Program Review of Inmates, (3) Inmate Library Services, (4) Scholarship Program, and (5) Introduction into Institutions of Special Food or Meals from Outside Sources. This document also contains a listing of Bureau of Prisons Central and Regional Offices, Staff Training Centers, and institutions. The rule on tort claims provides Bureau policy with respect to its authority to consider, adjust, determine, compromise, settle, and pay federal tort claims if the amount does not exceed $2500. The rule on classification and program review of inmates ensures that each inmate receives an initial classification and, thereafter, regular program reviews. The rule on inmate library services requires inmates be afforded library services necessary for educational, cultural, and leisure activity. The rule on the Federal Prison Industries scholarship program is intended to provide an interested inmate with the opportunity to take courses or programs related to that inmate's industrial assignment. The rule on introduction into institutions of special food or meals from outside sources specifies that special food or meals prepared for and/or served to any group(s) of inmates ordinarily must also be served to that institution's entire inmate population. The final rules are intended to provide to the public notice of the rule in each of these areas.

DATE: Effective Date: June 1, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724-3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is publishing its final rule on the following subjects:

1. Claims Under the Federal Tort Claims Act;
2. Classification and Program Review of Inmates;
3. Inmate Library Services;
4. Scholarship Program; and
5. Introduction into Institutions of Special Food or Meals from Outside Sources.

Each of these subjects has been published in the Federal Register as a proposed rule. Claims Under the Federal Tort Claims Act was published in the Federal Register as a proposed rule January 12, 1979 (at 44 FR 2983). The other final rules were published in the Federal Register as proposed rules January 12, 1981 (at 46 FR 2982 et seq.). A proposed rule on Program Reviews, published in the Federal Register January 12, 1979 (at 44 FR 2981) is withdrawn, as its subject matter was included in the January 12, 1981 proposed rule on Classification and Program Review.

Interested persons were invited to submit comments on the proposed rules and public comments were received from various sources. On the basis of these comments and internal staff review of Bureau policies, some changes have been made. Members of the public may submit further comments concerning these rules by writing the previously cited address. These comments will be considered, but will receive no further response in the Federal Register.

This document also contains a listing of Bureau of Prisons Central and Regional Offices, Staff Training Centers, and institutions. The listing is included in the CFR for informational purposes. The provision of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date as pertains to this information has been determined inapplicable.

The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rules involve agency organization and management. After review of the law and regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), do not have a significant impact on a substantial number of small entities.

Summary of Changes/Comments

Classification and Program Review of Inmates

1. Section 524.10—The final rule substitutes the phrase "at regular intervals" for "at least once every 90 days". This change recognizes that the inmate in a more secure institution and/or with a longer sentence does not require a program review every 90 days. Section 524.13 has been revised to clearly delineate the Bureau's policy on such reviews.

2. Section 524.12—Sections 524.12(b) and 524.13(c) now provide an inmate the opportunity to waive (in writing) the requirement that the inmate be notified of the hearing at least 48 hours prior to the inmate's scheduled appearance. Throughout the rule, the proposed term "classification committee" is changed to "classification team".

3. Section 524.13—Section 524.13(a) is expanded. The final rule establishes program reviews in accordance with the security level of the institution. An inmate in a Security Level 1, 2, or 3 institution is to receive a program review at least once every 90 days. In the more secure institutions (Security Level 4, 5, 6 and administrative institutions), a program review is to be provided at least once every 180 days. The rule specifies that once an inmate is within two years of an anticipated release date (defined in final rule), a program review is to be afforded the inmate at least once every 90 days, regardless of institution security level. More frequent reviews may be conducted when warranted. The Bureau's rule compares favorably to the Commission on Accreditation for Corrections Standards for Adult Correctional Institutions (2nd Edition—proposed) which requires a program review at least once every 12 months.

A commenter mistakes the Bureau's rule on classification and program review with other Bureau procedures on determination of inmate custody level and correctional program involvement. The rule on classification and program review ensures that each inmate's status is regularly reviewed by a classification team. Custody determination, correctional program involvement, etc., are discussed specifically in other Bureau of Prisons directives (for example, optional programming). A comment suggests the Bureau's rule encompass the intent of Department of Justice Federal Standards for Prisons and Jails (Standard 9.01). It is our view that Bureau policy meets the referenced standard that inmates be able to participate in appropriate and integrated programs that will assist them during confinement and subsequent release to the community.

Claims Under the Federal Tort Claims Act

1. Section 543.30—The final rule is expanded to clearly delineate the scope of Bureau of Prisons authority as it

pertains to claims under the Federal Tort Claims Act. The rule states that administrative claims under this act are considered in accordance with 28 CFR 14.1 et seq. The final rule identifies those actions which may be taken by the Director, for example, to consider, adjust, determine, compromise, settle, and pay federal tort claims where the amount does not exceed $2500. The final rule references 28 CFR 0.97, which allows the Director, Bureau of Prisons to redelegate his authority to any of his subordinates.

In response to a comment, the authority section of this rule cites 28 U.S.C. 1346(b) and 2671 et seq. This reference and the expanded rule will provide the claimant with a fuller understanding of the claim procedure. We see no need to adopt a comment which suggests that this section recognize "18 U.S.C. 4126 under which prisoners who are injured in the course of their prison work or employment may obtain compensation". These provisions are to be encompassed within 28 CFR Chapter III, Inmate Accident Compensation.

2. Section 543.31—Throughout the final rule, the term "inmate" is replaced with the word "individual" or "claimant", since other persons may file a tort claim. The final rule deletes from subsection (a) the extraneous phrase "based on an incident occurring on or after January 18, 1967." Internal staff instructions meet the general intent of another comment by advising staff that claim forms shall be supplied to a cliamant upon request. This requirement plus publication of the rule in 28 CFR ensure that an individual is able to obtain information on filing a tort claim. Section 543.31(b) is revised to require claims to be submitted first to the Regional Office in the region where the basis for the claim occurred. This modification ensures earlier involvement of the staff delegated authority to assess the claim, and should create a more efficient procedure for claim disposition. The reference in former § 543.31(b) to the claim being investigated locally is now contained in final § 543.31(c). Internal instructions to staff address a comment that staff receive guidance as to the contents of the investigative report. Generally, it is expected that statements of witnesses, medical reports, and photographs will be part of the investigation. The Federal Tort Claims Act itself impacts on the scope of the investigation and the recommendation of the Warden. Another comment suggests that the resident receive a copy of the investigation report. This document is for internal use and, while it may possibly be available under the FOIA, we see no need routinely to provide a copy to the claimant. Sections 543.31(d)–(g) are new and provide the procedure for disposition of a tort claim. Section 543.31(d) addresses appointment of the investigating officer, § 543.31 (e) and (f) discuss the authority of the Regional Counsel and the General Counsel to effect disposition of a claim. Section 543.31(g) recognizes the authority of either the Regional Counsel or General Counsel to deny a claim. Such denial constitutes a final administrative action. These sections clarify Bureau procedures in regards to filing a claim and are consistent with the provisions of § 543.30. Former § 543.31(d) is reworded and becomes final § 543.31(h). The final rule states that the denial of a claim constitutes a final administrative action.

3. Section 543.32—In response to a comment, this section is retitled "Appreciation and Depreciation" in recognition that personal property may appreciate as well as depreciate.

Inmate Library Services

1. Section 544.100—The final rule is expanded to specify that library services shall ordinarily be available to all inmates daily, including evenings and weekends. Excluded from this requirement are detention facilities which are required to ensure reasonable access. Deleted from the proposed rule is the limiting phrase "to include material which is current and up-to-date". The intent is encompassed within the revised language "a wide variety of reading materials".

A commenter suggested that the rule require the institution library be afforded a certain percentage of the entire institution budget. Such a requirement is not feasible. While funding for the inmate library is provided from the institution's education budget, the amount of money allocated is dependent on the mission of the individual institution. The Bureau's rule specifies the minimum requirements for library operations that each institution must meet.

2. Section 544.101—Final § 544.101(b) deletes the limiting phrase "current and up-to-date". The final rule deletes the first sentence of proposed § 544.101(d) as reference to library hours is now included in expanded § 544.100. A comment to the proposed rule suggested that the proposed language was too general, and could cause problems in staffing. As revised, § 544.100 provides additional structure on when library services are to be available. The implementing language to staff which will accompany this rule requires an annual assessment of the library services needs of the inmate population and requires that library staffing patterns be proportional to inmate use of the library. Also accommodated in the implementing language is a comment that staff arrange for the library to participate in available interlibrary loan arrangements. Final § 544.101(e) is new and allows the Warden or designee to authorize the use of inmates as library assistants.

Comments to this section favored a full-time professional librarian in each institution. While some institutions have professional librarians, many Bureau institutions are smaller facilities whose institutional mission and/or resources do not necessitate a professional librarian. The Bureau of Prisons Central Office librarian, who is qualified in the field of library science, can provide technical assistance and advice to institutional staff to establish and maintain library services. As suggested by another comment, and where a need exists, a contractual arrangement may be developed with individuals, local public libraries, or with state agencies to provide library services. Another comment suggested that the librarian work with the education staff to "tie" an Adult Basic Education program into the requirement that staff attempt to provide foreign speaking inmates with reading materials in the inmate's language. While the librarian will work with education staff and others to provide materials to aid inmates in learning to read and write, the extent of this assistance is left with each institution.

A final comment to the rule on library services objects to the rule stating that it does not address the needs of disabled persons. The Bureau's comprehensive policy in this regard is expressed in its policy on non-discrimination towards inmates (28 CFR Part 551, Subpart I), which specifically prohibits discrimination on the basis of handicap.

Scholarship Program

1. Section 545.41—Section 545.41(b) substitutes the phrase "offering the course or program" for "where the course or program is to occur", since the inmate's acceptance for the course is the controlling factor.

2. Section 545.42—The final rule inserts the word "ordinarily" in recognition that the Warden may elect to appoint other persons to the committee.

3. Section 545.43—Section 545.43(a) deletes the broad phrase "up to 150 scholarships annually". As revised, the policy allows one scholarship, per semester or quarter, for every 50 inmate

industrial workers. For locations which do not have 50 inmate industrial workers, the rule allows for at least one scholarship to be awarded at each industrial location regardless of the number of inmates assigned. For clarification, final § 545.43(b) adds the phrase "per inmate". Final § 545.43(c) substitutes the phrase "12 month period" for "one year". The change accommodates the academic setting (semester, quarter system, etc.).

Introduction into Institutions of Special Food or Meals From Outside Sources

Section 547.20—For purpose of clarity, § 547.20(a) specifies that the Warden may exempt from the requirement of the rule, food which is brought into the institution as part of the institution's approved visiting program. Deleted is the extraneous language "which does not enter into the living and functional areas of the institution".

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), 28 CFR Chapter V is amended as set forth below. The effective date of these rules is June 1, 1981.

Dated: April 28, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

1. Subchapter A is amended by adding a new Part 503 to read as follows:

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

* * * * *

PART 503—BUREAU OF PRISONS CENTRAL OFFICE, REGIONAL OFFICES, INSTITUTIONS, AND STAFF TRAINING CENTERS

Sec.

503.1 Bureau of Prisons Central Office.
503.2 Bureau of Prisons Northeast Regional Office.
503.3 Bureau of Prisons Southeast Regional Office.
503.4 Bureau of Prisons North Central Regional Office.
503.5 Bureau of Prisons South Central Regional Office.
503.6 Bureau of Prisons Western Regional Office.
503.7 Bureau of Prisons Staff Training Centers.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4006, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99; Attorney General Orders 646–76 (41 FR 14805), 842–79 (44 FR 44029), 854–79 (44 FR 58002), 860–79 (44 FR 64922), 904–80 (45 FR 52284), 938–81 (46 FR 22296).

§ 503.1 Bureau of Prisons Central Office.

The Bureau of Prisons Central Office is located at 320 First Street, N.W., Washington, D.C. 20534.

§ 503.2 Bureau of Prisons Northeast Regional Office.

The Bureau of Prisons Northeast Regional Office is located at Scott Plaza II, Industrial Highway, Philidelphia, Pennsylvania 19113. The following institutions are located within this region.

(a) Federal Correctional Institution (FCI), Alderson, West Virginia 24910
(b) Federal Prison Camp (FPC), Allenwood, Montgomery, Pennsylvania 17752
(c) FCI, Danbury, Connecticut 06810
(d) United States Penitentiary (USP), Lewisburg, Pennsylvania 17837
(e) FCI, Morgantown, West Virginia 26505
(f) Metropolitan Correctional Center (MCC), 150 Park Row, New York, New York 10007
(g) FCI, Otisville, New York 10963
(h) FCI, Petersburg, Virginia 23803
(i) FCI, Ray Brook, New York 12977

§ 503.3 Bureau of Prisons Southeast Regional Office.

The Bureau of Prisons Southeast Regional Office is located at 523 McDonough Boulevard, SE., Atlanta, Georgia 30315. The following institutions are located within this region.

(a) FCI, Ashland, Kentucky 41101
(b) USP, Atlanta, Georgia 30315
(c) FCI, Old N. Carolina Highway 75, Butner, North Carolina 27509
(d) FPC, Eglin Air Force Base, Florida 32542
(e) FCI, Lexington, Kentucky 40507
(f) FPC, Maxwell Air Force Base, Montgomery, Alabama 36112
(g) FCI, 1101 John A Denies Road, Memphis, Tennessee 38134
(h) FCI, 15801 SW. 137th Avenue, Miami, Florida 33177
(i) FCI, Talladega, Alabama 35160
(j) FCI, Tallahassee, Florida 32301

§ 503.4 Bureau of Prisons North Central Regional Office.

The Bureau of Prisons North Central Regional Office is located at 10920 Ambassador Drive, Airworld Center, Kansas City, Missouri 64153. The following institutions are located within this region.

(a) MCC, 71 W. Van Buren Street, Chicago, Illinois 60605
(b) USP, Leavenworth, Kansas 66048
(c) USP, Marion, Illinois 62959
(d) FCI, Milan, Michigan 48160
(e) FCI, Oxford, Wisconsin 53952
(f) FCI, Sandstone, Minnesota 55072
(g) Medical Center for Federal Prisoners (MCFP), Springfield, Missouri 65802
(h) USP, Terre Haute, Indiana 47808

§ 503.5 Bureau of Prisons South Central Regional Office.

The Bureau of Prisons South Central Regional Office is located at 1607 Main, Suite 700, Dallas, Texas 75201. The following institutions are located within this region.

(a) FCI, Bastrop, Texas 78602
(b) FPC, Big Spring, Texas 79720
(c) FCI, El Reno, Oklahoma 73036
(d) FCI, Fort Worth, Texas 76119
(e) FCI, La Tuna, Texas 88021
(f) FPC, Seagoville, Texas 75159
(g) FCI, Texarkana, Texas 75501

§ 503.6 Bureau of Prisons Western Regional Office.

The Bureau of Prisons Western Regional Office is located at 330 Primrose Road, 5th Floor, Burlingame, California 94010. The following institutions are located within this region.

(a) FPC, P.O. Box 500, Boron, California 93516
(b) FCI, Englewood, Colorado 80110
(c) Federal Detention Center (FDC), Florence, Arizona 85232
(d) FCI, Lompoc, California 93436
(e) FPC, McNeil Island, Steilacoom, Washington 98388
(f) FCI, Pleasanton, California 94566
(g) FPC, Safford, Arizona 85546
(h) MCC, San Diego, California 92101
(i) FCI, Terminal Island, California 90731

§ 503.7 Bureau of Prisons Staff Training Centers.

The Bureau of Prisons Staff Training Centers are located at:

(a) Atlanta Staff Training Center, 1007 Virginia Avenue, B Building, Atlanta, Georgia 30354
(b) Denver Staff Training Center, 15400 E. 14th Place, Suite 500, Aurora, Colorado 80011
(c) Dallas Staff Training Center, 3883 Turtle Creek Boulevard, Dallas, Texas 75219
(d) Food Staff Training Center, c/o FCI, Oxford, Wisconsin 53952

2. Subchapter B is amended by adding a Subpart B to Part 524 to read as follows:

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

* * * * *

PART 524—CLASSIFICATION OF INMATES

* * * * *

Subpart B—Classification and Program Review of Inmates

Sec.
524.10 Purpose and scope.
524.11 Classification team.
524.12 Procedures for initial classification.
524.13 Program reviews.
524.14 Unscheduled reviews.
524.15 Appeals procedure.
524.16 Study and observation cases.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart B—Classification and Program Review of Inmates

§ 524.10 Purpose and scope.

It is the policy of the Bureau of Prisons to classify each newly committed inmate within four weeks of the inmate's arrival at the institution designated for service of sentence. Subsequent program reviews for each inmate shall be conducted at regular intervals. The Warden shall establish procedures to ensure that a newly committed inmate is promptly assigned to a classification team.

§ 524.11 Classification team.

The Warden shall ensure that each department within the institution has the opportunity to contribute to the classification process.

(a) At a minimum, each classification team shall include the unit manager, a case manager, correctional counselor, and education representative. Where the institution does not have unit management, the classification team shall include a case manager, correctional counselor, and education representative.

(b) Each member of the classification team shall individually interview the newly arrived inmate within five working days of the inmate's assignment to that team.

§ 524.12 Procedures for initial classification.

(a) The Warden or designee shall ensure that each newly committed inmate is scheduled for initial classification within four weeks of the inmate's arrival at the designated institution.

(b) Staff shall notify an inmate at least 48 hours prior to that inmate's scheduled appearance before the classification team. An inmate may waive in writing the 48 hours notice requirement. The inmate is expected to attend the initial classification meeting. If the inmate refuses to appear, staff shall document in the record of the meeting the inmate's refusal and, if known, the reasons for refusal.

(c) Staff shall prepare a classification packet on each inmate scheduled to appear before the classification team. This packet ordinarily shall include information on the apparent needs of the inmate, and shall offer a correctional program designed to meet those needs. With the exception of a work assignment, and as provided in Part 544, Subpart H (Optional Programming), the inmate may choose not to participate in the offered program.

(d) Staff shall complete a program review report at the inmate's initial classification. The inmate is to be provided and sign for a copy of this report. If the inmate refuses to sign for a copy of this report, staff witnessing the refusal shall place a signed statement to this effect on the report. Staff shall place a copy of the program review report in the inmate's central file.

(e) Within five working days of the initial classification meeting, staff shall prepare a staff summary, discussing those facts which were available at the time of the initial classification. The staff summary is to include information on the inmate's current offense and prior record, social situation, recommended programs, and community resources. A copy of the staff summary is provided to the inmate, upon the inmate's request.

§ 524.13 Program reviews.

(a) Staff shall conduct a program review for each inmate:

(1) In Security Level 1, 2, and 3 institutions at least once every 90 days; and

(2) In Security Level 4, 5, and 6 and administrative institutions at least once every 180 days. When an inmate in a Security Level 4, 5, 6 or administrative institution is within 2 years of an anticipated release date, a program review shall be conducted at least once every 90 days. An anticipated release date, for purpose of this rule, refers to the first of the following dates:

(i) The inmate's mandatory (statutory) release date;

(ii) The inmate's minimum expiration date;

(iii) The inmate's presumptive parole date;

(iv) The inmate's effective parole date; or

(v) In the absence of a presumptive or effective parole date, the top of the range of months to be served for the inmate's specific offense and salient factor score, using U.S. Parole Commission guidelines.

(b) Staff shall prepare a program review report to document each program review. The inmate is to sign for and receive a copy of this report. If the inmate refuses to sign for a copy of this report, staff witnessing the refusal shall place a signed statement to this effect on the report.

(c) Staff shall notify an inmate of the scheduled program review at least 48 hours prior to a staff originated meeting. An inmate may waive in writing the 48 hours notice requirement. An inmate may elect not to attend the program review. If this occurs, staff shall indicate the refusal and, if known, the reasons for refusal on the program review report. An inmate who elects not to appear for a program review is to be provided, and is to sign for, a copy of the program review report. If the inmate refuses to sign for a copy of this report, staff witnessing the refusal shall place a signed statement to this effect on the report.

§ 524.14 Unscheduled reviews.

Staff may establish a schedule to ensure that inmates are provided program reviews as required by this rule. Upon request of either the inmate or staff, and with the concurrence of the team chairperson, an advanced or previously unscheduled program review may occur.

§ 524.15 Appeals procedure.

An inmate may appeal, through use of the Administrative Remedy Procedure, a decision made at initial classification or at a program review.

§ 524.16 Study and observation cases.

Inmates committed to the custody of the U.S. Attorney General for purposes of study and observation are excluded from the provisions of this rule.

3. Subchapter C is amended as follows:

A. Subpart C is added to Part 543.

B. Subpart K is added to Part 544.

C. Part 545 is added.

D. Subpart C is added to Part 547.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

A. In Part 543, Subpart C is added to read as follows:

PART 543—LEGAL MATTERS

* * * * *

Subpart C—Claims Under the Federal Tort Claims Act

Sec.
543.30 Purpose and scope.
543.31 Procedures.
543.32 Appreciation and depreciation.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510, 1346(b), 2671–80; 28 CFR 0.95–0.99, 0.172, 14.1–11.

* * * * *

Subpart C—Claims Under the Federal Tort Claims Act

§ 543.30 Purpose and scope.

The Bureau of Prisons shall consider administrative claims asserted under the Federal Tort Claims Act in accordance with the provisions of 28 CFR 14.1 et seq. The Director of the Bureau of Prisons is delegated authority by 28 CFR 0.96 and 0.172 to consider, adjust, determine, compromise, settle, and pay federal tort claims if the amount of a proposed adjustment, compromise, settlement, or award does not exceed $2500. In accordance with the provisions of 28 CFR 0.97, the Director, Bureau of Prisons, has redelegated this authority to Regional Counsel when the claim's proposed disposition does not exceed $500 and to the General Counsel, Central Office, when the proposed disposition does not exceed $2500.

§ 543.31 Procedures.

(a) Staff shall provide the necessary forms to an individual who wishes to file a claim.

(b) Claims are to be submitted first to the Regional Office in the region where the basis for the claim occurred (See 28 CFR Part 503).

(c) Claims are ordinarily investigated locally (where the basis for the claim occurred).

(d) The Warden shall designate a staff member to act as Investigating Officer.

(e) The Warden shall submit the Investigative Report, with the Warden's recommendations, to Regional Counsel. The Regional Counsel shall consider the merits of the tort claim, and is authorized to proposed to the claimant a settlement not to exceed $500 or to otherwise dispose of the claim.

(f) If the appropriate disposition appears to be a settlement offer in excess of $500, Regional Counsel shall forward the claim and institutional and regional recommendations to the Office of General Counsel, Central Office. The General Counsel shall consider the merits of the tort claim and is authorized to propose a settlement to the claimant not to exceed $2500 or to otherwise dispose of the claim.

(g) Either the Regional Counsel or General Counsel may deny any claim filed under the Federal Tort Claims Act, regardless of the amount of the claim. The denial of a claim constitutes a final administrative action.

(h) Staff shall attempt to make a claim determination within six months from the date of filing. If a final disposition is not made within the six-month period, the claimant may assume that the claim is denied. The denial of a claim constitutes a final administrative action. An individual whose claim is denied may elect to institute a suit upon denial of that claim.

§ 543.32 Appreciation and depreciation.

Staff may take appreciation or depreciation into account in settling a claim filed under the Federal Tort Claims Act involving loss of or damage to personal property.

PART 544—EDUCATION

B. In Part 544, Subpart K is added to read as follows:

PART 544—EDUCATION

* * * * *

Subpart K—Inmate Library Services

Sec.
544.100 Purpose and scope.
544.101 Procedures.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart K—Inmate Library Services

§ 544.100 Purpose and scope.

The Bureau of Prisons provides inmates within each of its institutions with library services necessary for educational, cultural, and leisure activity. The Warden shall ensure that the inmate library has a wide variety of reading materials. Library services shall ordinarily be available to all inmates daily, including evenings and weekends, except in detention facilities where service shall be scheduled as frequently as possible to ensure reasonable access.

§ 544.101 Procedures.

(a) The Warden shall assign a staff member (ordinarily the Supervisor of Education) responsibility for the inmate library.

(b) The inmate library shall offer an inmate a variety of reading materials, including, but not limited to, periodicals, newspapers, fiction, non-fiction, and reference books.

(c) Where the population of an institution includes inmates of foreign origin, staff shall attempt to provide reading materials in the inmates' language.

(d) Inmate library services shall be made available to inmates in special housing units.

(e) The Warden or designee may authorize the use of inmates as library assistants.

C. By adding a Part 545 to read as follows:

PART 545—WORK AND COMPENSATION

Subpart A–D—[Reserved]

Subpart E—Scholarship Program

Sec.
545.40 Purpose and scope.
545.41 Eligibility.
545.42 Selection.
545.43 Limitations.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4126, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A–D—[Reserved]

Subpart E—Scholarship Program

§ 545.40 Purpose and scope.

Federal Prison Industries, Inc. (UNICOR) annually awards postsecondary scholarships to selected inmates assigned to FPI, Inc. These scholarships provide an interested inmate with an opportunity to take courses or programs related to the inmate's industrial assignment while still employed by FPI, Inc.

§ 545.41 Eligibility.

(a) The Superintendent of Industries at each institution shall develop application procedures to include, at a minimum, the following considerations.

(1) The inmate shall be assigned as a full-time worker of Federal Prison Industries, Inc.

(2) The inmate shall have received a favorable recommendation from the inmate's immediate industrial supervisor.

(b) The inmate must be accepted by the institution of higher learning offering the course or program.

(c) The inmate meets the relevant institutional requirements (for example, custody) for participation.

§ 545.42 Selection.

Scholarship selections shall ordinarily be made by a three person committee comprised of the Superintendent of Industries, the Supervisor of Education, and the affected Industrial Department head.

§ 545.43 Limitations.

(a) When practicable, one scholarship may be awarded, per semester or quarter, for every 50 industrial inmate workers. At least one scholarship may be awarded at each industrial location annually, regardless of the number of inmates assigned.

(b) Scholarship amounts may not exceed $200 per semester or quarter per inmate.

(c) An inmate may receive no more than three scholarships in any 12 month period.

D. In Part 547, Subpart C is added to read as follows:

PART 547—FOOD SERVICE

* * * * *

Subpart C—Introduction into Institutions of Special Food or Meals From Outside Sources

Sec.
547.20 Policy.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart C—Introduction into Institutions of Special Food or Meals From Outside Sources

§ 547.20 Policy.

Except as provided in paragraphs (a)–(d) of this section, the Bureau of Prisons requires that special food or meals prepared for and/or served to any group(s) of inmates also be served to the institution's entire inmate population.

(a) The Warden may exempt from this requirement food which is brought to the visiting area as part of the approved visiting program.

(b) Food items sold in the institution's commissary are exempt from the provisions of this rule.

(c) Meals served in accordance with the provisions of Part 548, Subpart B (Religious Beliefs and Practices of Committed Offenders) are exempt from the provisions of this rule.

(d) Special foods (e.g., Kosher food, food for medical diet) purchased by food service staff to augment main line foods are exempt from the provisions of this rule.

[FR Doc. 81-13522 Filed 4-30-81; 8:45 am]
BILLING CODE 4410-05-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 527 and 545

Control, Custody, Care, Treatment, and Instruction of Inmates; Proposed Rulemaking and Request for Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rules.

SUMMARY: The Bureau of Prisons is proposing a set of rules for the management of inmates in Federal correctional institutions. This proposal is part of the Bureau's program to publish in the Federal Register, and subsequently in the Code of Federal Regulations, Bureau rules relating to the control, custody, care, treatment, and instruction of inmates. This installment encompasses the Bureau of Prisons' proposed rules on (1) Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures; and (2) Transfer of Inmates to State Agents for Production on State Writs.

DATE: Comments must be received on or before June 15, 1981.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 60, 320 1st Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(t), notice is hereby given that the Bureau of Prisons intends to publish in the Federal Register its proposed rules on:

(1) Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures; and

(2) Transfer of Inmates to State Agents for Production on State Writs.

The rule on Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures provides a procedure for an inmate to obtain a work assignment in Federal Prison Industries, Inc., and for determining initial rates of compensation. The rule on Transfer of Inmates to State Agents for Production on State Writs authorizes the Warden to approve a request made on behalf of a state or local court that an inmate be transferred to the physical custody of state or local agents pursuant to state writ of habeas corpus *ad prosequendum* or *ad testificandum*.

The Bureau of Prisons has determined that these rules are not major rules for the purpose of EO 12291. After review of the law and the regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354) do not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. Comments received on or before June 15, 1981 will be considered before final action is taken. Copies of all written comments received will be available for examination by interested persons at the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. The proposed rules may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed to amend 28 CFR, Chapter V as follows:

1. In Subchapter B, add Subpart D to Part 527; and

2. In Subchapter C, add Subpart F to Part 545.

SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

1. By adding Subpart D to Part 527 to read as follows:

PART 527—TRANSFERS

Subpart D—Transfer of Inmates to State Agents for Production on State Writs

Sec.
527.30 Purpose and scope.
527.31 Procedures.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart D—Transfer of Inmates to State Agents for Production on State Writs

§ 527.30 Purpose and scope.

The Bureau of Prisons will consider a request made on behalf of a state or local court that an inmate be transferred to the physical custody of state or local agents pursuant to state writ of habeas corpus *ad prosequendum* or *ad testificandum*. The Warden at the institution in which the inmate is confined is authorized to approve this transfer in accordance with the provisions of this rule.

§ 527.31 Procedures.

(a) These procedures apply to federal inmates in federal institutions, and shall be followed prior to an inmate's transfer to state or local agents other than through the Interstate Agreement on Detainers. The provisions of this rule may not be used to avoid the use of, or to circumvent the intent of the Interstate Agreement on Detainers.

(b) The Warden shall authorize transfer only when satisfied that the inmate's appearance is necessary, that state or local arrangements are satisfactory, that the safety or other interests of the inmate (such as an imminent parole hearing) are not seriously jeopardized, and that federal interests will not be interfered with, or harmed. Authorization may not be given where substantial concern exists over any of these considerations.

(c) The request for transfer of custody to State agents shall be made by the prosecutor or other authority who acts on behalf of the court and shall be directed to the Warden of the institution in which the inmate is confined. The request may be made by letter, or in urgent cases by wire or phone. The request shall indicate the need for appearance of the inmate, name of the court, nature of the action, date of the requested appearance, name and phone number of the State agency or other organization with responsibility for transporting the inmate, and anticipated date of return. The applying authority shall also provide either at the time of application or with the agent assuming custody, a statement signed by an authorized official that State or local officials with custody will provide for the safekeeping, custody, and care of the inmate, will assume full responsibility for that custody, and will return the inmate to Bureau of Prisons' custody promptly on conclusion of the inmate's appearance in the State or local proceedings for which the writ is issued.

(d) A certified copy of the writ (one with the Seal of the Court) must be received at the institution prior to release of the inmate. Institutional staff shall verify the authenticity of the writ.

(e) Institution staff shall maintain contact with the State or local law enforcement agency with responsibility for transfer of the inmate to determine the exact date and time for transfer of custody. If the inmate is awaiting Federal trial or has Federal civil proceedings pending, staff must clear the transfer through the U.S. Attorney.

(f) Institution staff shall determine from the State or local agency the names of the agents assuming custody. Staff must carefully examine the credentials of the agents assuming custody. In any doubtful case, verification should be sought.

(g) Transfers in civil cases pursuant to a writ of habeas corpus *ad testificandum* must be cleared through

Regional Counsel, who ordinarily shall recommend transfer only if the case is substantial, where testimony cannot be obtained through alternative means such as depositions or interrogatories, and where security arrangements permit. Postponement of the production until after the inmate's release from federal custody may always be considered, particularly if release is within six months.

(h) Release of inmates classified as Central Inmate Monitoring Cases requires review by appropriate authorities in either the regional or central office, in accordance with the provisions of Part 524, Subpart F.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

* * * * *

2. By adding Subpart F to Part 545 to read as follows:

PART 545—WORK AND COMPENSATION

* * * * *

Subpart F—Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures

Sec.

545.50 Purpose and scope.
545.51 Procedures.
545.52 Transfer.
545.53 Factory closings.
545.54 Medical reasons.
545.55 Disciplinary reasons.
545.56 Evaluation report.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4126, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

* * * * *

Subpart F—Federal Prison Industries, Inc. (UNICOR)—Inmate Hiring Procedures

§ 545.50 Purpose and scope.

Federal Prison Industries, Inc. (UNICOR) provides inmates confined in Bureau of Prisons institutions an opportunity to obtain a work assignment within each institution's industrial location. This rule provides a procedure for an inmate to obtain a work assignment in Federal Prison Industries, Inc. and for determining initial rates of compensation.

§ 545.51 Procedures.

(a) Staff shall select an inmate for an industrial work assignment from the institution's Industries' waiting list.

(b) For purpose of determining compensation, the inmate shall be placed in available entry-level positions.

(c) The Warden or designee may make an exception to either subsection (a) or (b) of this section when there exists a supported need for a specific skill. When this occurs, an inmate with that skill, regardless of position on the list, may be hired to fill the vacancy, at the position's existing grade level.

§ 545.52 Transfers.

(a) When an inmate employed in an industrial assignment in one institution transfers (for other than disciplinary reasons) to another institution which has an industrial operation requiring comparable job skills, staff shall make a reasonable effort to hire the inmate into a comparable work assignment with comparable compensation. Where no such position exists, the inmate shall be placed on the institution's Industries' waiting list, with consideration being given for accelerated promotion.

(b) An inmate employed in an industrial assignment in one institution who transfers to another institution where the inmate is again placed in an industrial operation retains all benefits accrued in the inmate's preceding industrial assignment.

§ 545.53 Factory closings.

(a) When an industrial factory closes in a location where there are two or more factories, an inmate who loses his job assignment as a result of the closing will be placed in the top portion of the institution's industries' waiting list.

(b) When an entire industrial factory is moved from one location to another, and when an inmate assigned to that industrial factory agrees to a reassignment to the new institution for purpose of working in that industrial factory, that inmate is transferred at his/her current rate of compensation.

§ 545.54 Medical reasons.

When an inmate is removed from an industrial assignment because of medical reasons which are not work-related, staff, upon that inmate's return to work status, shall make a reasonable effort to reassign that inmate to an industrial assignment of comparable skill and grade. For work-related injuries, refer to 28 CFR Part 301, Inmate Accident Compensation.

§ 545.55 Disciplinary reasons.

An inmate who is transferred for disciplinary reasons is evaluated on a case-by-case basis with regard to that inmate's eligibility for consideration under the provisions of this rule.

§ 545.56 Evaluation report.

When an inmate is transferred from an industrial assignment at one location to another institution where there is also an industrial operation, an evaluation form is to be completed by the appropriate Factory Manager, reviewed by the Superintendent of the sending institution, and forwarded to the Superintendent of the receiving institution. This process ordinarily is completed within 30 days of transfer.

Dated: April 28, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 81-13224 Filed 4-30-81; 8:45 am]

BILLING CODE 4410-05-M

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federal register

Friday
May 1, 1981

Part IV

Office of Management and Budget

Budget Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report six revisions to previously transmitted rescission proposals. Three of the Revisions decrease the total amount proposed for rescission by $3.7 million. The other revisions to proposed rescissions make technical changes to the appropriation language which do not affect the amounts proposed for rescission. In addition, I am reporting two new deferrals totaling $6.4 million and revisions to five previously reported deferrals.

The revisions to rescission proposals affect programs in the Departments of Agriculture and Energy, as well as ACTION and the National Science Foundation. The new deferrals and revisions to existing deferrals involve programs in the Departments of Agriculture, Commerce, Energy, Health and Human Services, and Transportation, as well as the Board for International Broadcasting and the International Communication Agency.

The details of each rescission proposal and deferral are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE,
April 27, 1981.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(In thousands of dollars)

Rescission #	Item	Budget Authority
	Department of Agriculture	
	Rural Electrification Administration	
R81-454	Rural communication development fund	14,000
	Department of Energy	
	Energy Programs	
R81-1304	Energy supply, research and development activities - operating expenses	126,232
	Other Independent Agencies	
	ACTION	
R81-1034	Operating expenses, domestic programs	200
	National Science Foundation	
R81-1104	Research and related activities	44,000
R81-1114	Science and engineering education activities	15,000
	Subtotal, rescission proposals	224,432

Rescission of Authority to Incur Obligations for Direct Loans:

	Off-Budget Federal Entities:	
	Department of Agriculture	
	Rural Electrification Administration	
R81-1224	Rural electrification and telephone revolving fund	137,000
	Subtotal, rescission of loan authority	137,000

Deferral #	Item	Budget Authority
	Department of Agriculture	
	Forest Service	
D81-24	Expenses, brush disposal	40,370
	Department of Commerce	
	National Oceanic and Atmospheric Administration	
D81-179	Promote and develop fishery products and research pertaining to American fisheries	5,000
	Department of Energy	
	Energy Programs	
D81-198	Fossil energy construction	100,000
D81-114	Department of Health and Human Services Office of Assistant Secretary for Health Scientific activities overseas (special foreign currency program)	9,114
	Department of Transportation	
	Federal Highway Administration	
D81-194	Trust fund share of other highway programs	17,715
	Other Independent Agencies	
	Board for International Broadcasting	
D81-106	Grants and expenses	1,379
	International Communication Agency	
D81-76A	Acquisition and construction of radio facilities	13,324
	Subtotal, deferrals	147,119
	Total, rescission proposals and deferrals	998,491

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981

(in thousands of dollars)

	Rescissions	Deferrals
Ninth special message:		
New items	---	6,370
Change to amounts previously submitted	-3,675	16,420
Effect of ninth special message	-3,675	22,790
Previous special messages	14,757,545	8,585,187 a/
Total amount proposed in special messages	14,753,870b/	8,607,977 c/

a/ This amount has been adjusted downward by $5 thousand to correct a discrepancy in a previous special message.

b/ This amount represents budget authority except for $751,800 thousand involving authority to incur obligations for direct loans.

c/ This amount represents budget authority except for $61,756 thousand involving the deferral of outlays only (D81-19B).

R81-45A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Rescission No. R81-45, transmitted to the Congress on March 17, 1981.

The amount currently proposed for rescission for the Rural Communication Development Fund of the Rural Electrification Administration is $16,000,000, rather than $16,341,000 as originally proposed. This decrease of $341,000 from the original proposal is being made to reflect elimination from the rescission proposal of funding related to estimated interest expenses. In the absence of this proposal, interest expenses for the program would have been funded using permanent indefinite authority to borrow. If the proposal is accepted by the Congress, these expenses would not be incurred and this authority to borrow would not be used for this program.

Rescission Proposal No: R81-45A

R81-45A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Rescission Proposal No: RS1-45A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 96-528 ...) $ 34,000,000*
Bureau Rural Electrification Administration	Other budgetary resources 1,180,000*
Appropriation title & symbol	Total budgetary resources 35,180,000*
Rural Communication Development Fund 12X4142	Amount proposed for rescission $ 16,000,000*
OMB identification code: 12-4142-0-3-452	Legal authority (in addition to sec 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Authority to Borrow

Justification: This fund is used to make or guarantee loans for community antenna television services or facilities. The Administration believes that it is more appropriate for the private sector to fund this activity. This rescission proposal is part of the Administration's effort to combat inflation. It has been determined that this reduction can be made without adversely affecting human health and safety or other critical needs. Also, it is believed that sufficient capital will be available from the private sector to fund this activity.

Estimated Effects:* The proposed rescission would reduce the amount of insured Community Antenna Television Facility loans from $31.4 million to $15.4 million.

Outlay Effect:* (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
18.9	12.1	6.8	9.2	---	---

* Revised from previous report.

RS1-45A

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Rural Communication Development Fund

Of the loan levels authorized under this head in P.L. 96-528, making appropriations for fiscal year 1981, $16,000,000 are rescinded.

R81-130A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Rescission No. R81-130 transmitted to the Congress on March 19, 1981.

This revision decreases the amount proposed for rescission from $126,609,000 to $126,282,000. This decrease of $327,000 reflects a technical adjustment to the amount proposed for rescission for solar programs from $57,136,000 to $56,809,000. This change corrects an error made in the computation of amounts available for rescission that resulted in overstating the proposal by this amount.

This supplementary report also reflects an adjustment to the budgetary resources listed on the original rescission proposal to: (a) correct an omission of amounts made available by the Continuing Resolution (P.L. 96-536) for the Clinch River Breeder Reactor project ($122 million), (b) consider the the effect of an appropriation transfer of $14.3 million from this appropriation account to the Energy Supply, Research and Development - Plant and Capital Equipment account, and (c) reflect the transfer of $534 thousand from the General Administration account to this account for the Assistant Secretary for Nuclear Energy for 14 full-time program employees.

The revised rescission proposal and suggested rescission language attached to this supplementary report reflect these adjustments. In addition, the suggested rescission language has been modified to indicate that no further obligations for direct loans for the Hydropower Feasibility Studies Loan program be made during 1981. This change is being suggested to recognize that direct loans for this program took place prior to proposing this rescission.

Rescission Proposal No: R81-130A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Energy	New budget authority 96-536* (P.L. 96-367) $2,376,988,000*
Bureau: Energy Programs	Other budgetary resources 467,040,818*
Appropriation title & symbol: Energy Supply, Research and Development Activities - Operating Expenses 89X0224	Total budgetary resources 2,844,028,818*
	Amount proposed for rescission $126,282,000*
OMB identification code: 89-0224-0-1-271	Legal authority (in addition to sec 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Solar $56,809,000*

This proposed rescission is predicated on the new, healthier environment for commercial solar technologies, brought about by the establishment of sound energy pricing policies, primarily through the decontrol of crude oil prices, and extensive solar tax credits. The inequities and inefficiencies built into previous energy pricing policies have prevented solar energy from achieving its true potential. It is now possible to shift the focus of the Department's solar activities from costly near-term development, demonstration, and commercialization efforts to longer-range research and development projects that are too risky for private firms to undertake. Therefore, funds totaling $56,809,000 for near-term technology development and commercialization activities are proposed for rescission. The Administration believes that these activities should be pursued by the private sector in response to normal market forces. No reduction is proposed for longer-term, high risk (but potentially high payoff) research and development.

Note*: Additional FY 1981 funds totaling $34,889,000 are proposed for reprogramming out of the solar energy program and into other programs funded through the Energy Supply, Research and Development Activities, Operating Expenses account.

* Derived from [illegible]

R81-130A 2

Geothermal - $9,500,000

Confirmation of a viable geopressured resource by well drilling along the Gulf Coast will be slightly delayed while better well sites are selected.

R81-130A 3

Environment - $8,979,000

Biological and Environmental Research

Geothermal - $9,500,000

Confirmation of a viable geopressured resource by well drilling along the Gulf Coast will be slightly delayed while better well sites are selected.

Short-term technology research and development will be phased out for industry to pursue.

Commercialization activities, principally reservoir confirmation drilling, will be reduced in FY 1981 in anticipation of full assumption of these activities by the private sector during FY 1982.

Hydropower - $24,546,000

It is proposed to terminate feasibility study loans and demonstration grants for small hydropower projects. The program's objective, revitalization of the small hydropower industry in the U.S., has been largely achieved, as evidenced by the tremendous growth of applications at the Federal Energy Regulatory Commission for preliminary permits and licenses. Additionally, sufficient incentives are provided through a 21 percent investment tax credit and through loan programs in the Department of Agriculture.

The termination of the small hydropower feasibility studies and licensing loans should have no overall effect on the level of small hydro project activity although some individual projects could be delayed until they secure other financing. Rescission is also requested for the construction grant funds for the two Nashua, New Hampshire, projects. There is no justification for 100% Federal financing of these projects because the technology is well proven and economically feasible. The effect of the rescission will be that the city of Nashua will have to arrange a general obligation bond issue for financing.

Electric Energy Systems - $4,115,000

This rescission is requested because the Electric Energy Systems' program is phasing out development and demonstration programs that can and should be supported by the private sector and focusing on longer-term high-risk research.

The estimated effects of this rescission are:

- reduction in Power Delivery activities of $1.8 million which reduces superconducting technology work and cable designs;
- reduction in System Architecture and Integration activities of $2.3 million phasing out New Technology Integration planning methods which can be adopted by utilities; and
- reduction of $0.3 million of carryover funds for program direction which is not needed to support current positions.

Energy Storage Systems - $19,333,000

Due to the establishment of sound energy pricing policies and other Federal incentives, this program can concentrate on the most promising long term, generic technology developments. The private sector can be expected to pursue promising near-term technologies on their own in response to market forces. Hence, funds for near-term technology development efforts totaling $19,333,000 are proposed for rescission.

Environment - $8,979,000

Biological and Environmental Research

Funds in the amount of $3,979,000 are proposed for rescission on the grounds that short-term, site specific chemical characterization and toxicology are areas of applied research more appropriately managed as part of an industrial research, development and commercialization program.

In order to facilitate the commercialization of energy technologies, funds were appropriated for research on the biological and ecological effects of products, effluents, emissions, and wastes from a variety of energy technologies. This research encompasses both longer-term generic investigations and shorter-term, highly-targeted applied research to provide early environmental information for specific processes. New policies being developed to increase the private sector's contribution to technology demonstration dictate that the short-term, focused site specific research activities are an industrial responsibility. The continuing program would emphasize advanced research to understand and define health and environmental impacts of Departmental technology research and development programs. It is estimated that termination of these efforts will not impede near-term commercialization because essential environmental activities to assure regulatory compliance will be required of the industry.

Environmental Assessments

Reduction in funding of $3,000,000 is proposed due to the elimination of ineffective and duplicative efforts addressed adequately by other offices or agencies.

Energy-related environmental areas affected include nuclear radiation, air quality, water quality and availability, energy facility siting and land management, energy transportation, urban and community impacts, and energy technologies being slated for curtailment. For example, DOE-funded water-for-energy assessments performed by the Water Resources Council will be eliminated as these involve a high degree of duplication of similar efforts required to be performed by DOE under the National Environmental Policy Act. Urban and community impact analyses will be performed by the technology offices which propose projects which have potential urban and community impact.

Environmental and Safety Engineering

Funding of $1,000,000 is proposed for rescission for environmental control evaluation studies of energy technologies. This reduction is due to the elimination of environmental control evaluations which are unnecessary to formulate energy-related environmental policy judgments, and other evaluations at specific demonstration sites which no longer will be DOE-supported. It is estimated that this reduction will have no effect on the Department's ability to make judgments of the environmental control technology aspects of new energy technologies.

Program Direction

Funds totaling $1,000,000 are proposed for rescission in Environmental Program Direction as a result of employment reductions related to reductions and redirection of environmental programs. The end-of-year allowable staffing level is being reduced from 234 full-time permanent (FTP) positions to 220 FTP positions. In terms of staff effort, this results in a reduction of 24 staff years from 234 to 210. The reduction of $1,000,000 assumes an average salary cost of $41,000.

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Technical Assessment Projects - $3,000,000

Funds in the amount of $3,000,000 are proposed for rescission from the Advanced Technology Projects program. This will reduce program funding in FY 1981 from $8,000,000 to $5,000,000 and will result in termination of near-term projects that the private sector can undertake on its own.

Estimated Effects:"

Near-term development and commercialization of new energy technologies and low priority environmental research and assessments will be eliminated or reduced by a total of $126,282,000.

Outlay Effects:* (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
2369.4	2262.4	107.0	19.3	--	--

* Revised from previous report.

DEPARTMENT OF ENERGY

Operating Expenses

Energy Supply, Research and Development Activities

Of the funds provided under this head in Public Law 96-367, Public Law 96-69 and Public Law 95-482, $126,282,000 are rescinded. No further obligations for the principal amount of direct loans for the Hydropower Feasibility Studies Loan Program shall be made during 1981.

Rescission Proposal No: R81-103A

PROPOSED RESCISSION OF BUDGET AUTHORITY

R81-103A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Rescission No. R81-103, transmitted to the Congress on March 17, 1981.

This revision to a rescission proposal for two programs in ACTION reduces the amount previously proposed for rescission for Volunteers in Service to America from $1,727,000 to $200,000 and eliminates the $1,480,000 previously proposed for rescission for Senior Companions. Except for the $200,000 presently proposed for rescission, the previous rescission proposal included amounts which are not yet available under the current Continuing Resolution (P.L. 96-536), which expires June 5, 1981.

Rescission Proposal No: R81-103A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: ACTION	New budget authority (P.L. 96-536): $113,760,000
Bureau:	Other budgetary resources: 2,040,000*
Appropriation title & symbol: Operating Expenses, Domestic Programs 4410103	Total budgetary resources: 115,800,000*
	Amount proposed for rescission 1/: $ 200,000*
OMB identification code: 44-0103-0-1-506	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Volunteers in Service to America (VISTA) supports full-time volunteers who work with community groups to solve poverty problems.

A reduction is proposed for this program as a part of the Administration's overall plan to reduce spending throughout the Federal government. A revised 1982 request eliminates the expansion of this program which was proposed in the January Budget. This rescission will prevent 1981 expansion toward a 1982 level that is no longer planned.

Estimated Effect*: A savings of $200,000 will be realized through the reduction of 200 trainees and about 8 volunteer service years from the previously planned level in FY 1981.

Outlay Effect*: (in millions of dollars)

1981 Outlay Estimate Without Rescission	1981 Outlay Estimate With Rescission	Outlay Savings 1981	1982	1983	1984
153.7	153.5	0.2	---	---	---

*Revised from previous report

1/ If an appropriation is made available for the period after the expiration of P.L. 96-536, an additional rescission of funds appropriated under this title will be proposed.

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RSl-103A

ACTION

Operating Expenses, Domestic Programs

Of the funds provided under this head for ACTION for fiscal year 1981 in Public Law 96-536, $200,000 are rescinded.

RSl-110A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Rescission No. RSl-110 transmitted to the Congress on March 17, 1981.

The National Science Foundation's authorization act for FY 1981 contains a number of minima which should be addressed in the appropriations language effecting the rescission. Revised rescission language to adjust the legislative minima is proposed as part of this supplementary report. If this language change were not made, the Foundation would have to accommodate both the rescission and the legislative minima, which would impose a hardship on individual programs.

Rescission Proposal No: RSl-110A

RSl-110A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Outlay Effect: (in millions of dollars)

2

Rescission Proposal No: R81-110A

R81-110A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

2

Agency National Science Foundation	New budget authority (P.L. 96-526)	$ 987,900,000
Bureau	Other budgetary resources	25,000,000
Appropriation title & symbol: Research and Related Activities 491/20100	Total budgetary resources	1,012,900,000
	Amount proposed for rescission	$ 66,000,000
OMB identification code: 49-0100-0-1-251	Legal authority (in addition to sec 1012): ☐ Antideficiency Act	
Grant program ☒ Yes ☐ No	☐ Other	
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1982 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other	

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
922.9	901.4	21.5	31.3	13.2	—

Justification:

Programs funded from this appropriation support basic and applied research in all scientific disciplines, engineering and related activities. Support is also provided for the U.S. Antarctic Program, International Cooperative Science, and Science Policy Activities.

Programs which are substantially affected by the proposed reductions are those which are narrowly focused or of less immediate priority in meeting the National Science Foundation's major goals and objectives. Less severe reductions are proposed in core programs. However, the adjusted funding levels will not impair the foundation's ability to maintain its support of critical research or its ability to meet statutory responsibilities for the advancement of science.

These reductions are proposed in order to reduce Federal spending.

Estimated Effect:

Research support in the behavioral and neural sciences will be reduced by approximately 13 percent from the planned FY 1981 level; social and economic science programs by 31 percent; industry/university cooperative research projects by 45 percent; the Small Business Innovation Program by 36 percent; University-Based Innovation Centers by 29 percent; 2/4 year college instrumentation support by 42 percent, minority research initiation projects by 6 percent; international science programs by 28 percent; and the Experimental Program to Stimulate Competitive Research by 27 percent. Programs for which all FY 1981 appropriation funding is eliminated are: intergovernmental science programs, the Appropriate Technology Program, Visiting Professorships for Women, National Research Opportunity Grants, and Research Improvement in Minority Institutions.

Programs supporting research in the basic sciences and engineering will be reduced by a total of $20 million or approximately 2.3 percent.

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R81-110A

NATIONAL SCIENCE FOUNDATION
Research and Related Activities

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981 (P.L. 96-526), $66,000,000 are rescinded, and of the amounts remaining for Research and Related Activities under P.L. 96-526, (1) not more than $18,053,000 shall be available for Earthquake Hazards Mitigation, (2) not more than $1,240,000 shall be available for the establishment and operation of three university-based Innovation Centers, (3) not more than $2,800,000 shall be available for grants to two-year and four-year colleges for equipment and instrumentation costing $35,000 or less, (4) not more than $300,000 shall be available for Small Business Innovation for projects to aid the handicapped, and (5) not more than $1,400,000 shall be available for special programs for women and minorities in science and technology. None of these funds shall be available for separately targeted programs for Appropriate Technology, Science Faculty Improvement Programs for two-year and four-year college faculty research participation, and research opportunity grants and visiting professorships for women.

R81-111A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Rescission No. R81-111A transmitted to the Congress on March 17, 1981.

The National Science Foundation's authorization act for FY 1981 contains a number of minima which should be addressed in the appropriations language effecting the rescission. Revised rescission language to adjust the legislative minima is proposed as part of this supplementary report. If this language change were not made, the Foundation would have to accommodate both the rescission and the legislative minima, which would impose a hardship on individual programs.

Rescission Proposal No: R81-111A

R81-111A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Rescission Proposal No: R81-111A

R81-111A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: National Science Foundation	New budget authority (P.L. 96-526): $ 80,704,000
Bureau:	Other budgetary resources: 5,000,000
Appropriation title & symbol: Science and Engineering Education Activities 4910106	Total budgetary resources: 85,704,000
	Amount proposed for rescission: $ 16,000,000
OMB identification code: 49-0106-0-1-251	Legal authority (in addition to sec 1012): ☐ Antideficiency Act ☐ Other
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

This appropriation funds the National Science Foundation's programs to strengthen science education at all academic levels. It includes the programs for scientific personnel improvement, science education resources improvement, science education development and research, and a science education communications program.

Specific reductions in these areas are proposed for programs which are less critical to meeting the major goals and objectives of the Foundation and are being made in order to reduce Federal spending.

Estimated Effect:

The proposed reductions will reduce funding from the planned FY 1981 level by the following percentages: Comprehensive Assistance to Undergraduate Education, 38 percent; Development in Science Education, 56 percent; Research in Science Education, 33 percent; Public Understanding of Science, 25 percent; and the Science for Citizens program, 35 percent. Funding for the Information Dissemination in Science Education program would be eliminated.

Outlay Effect: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
72.8	58.3	14.5	1.5	—	—

NATIONAL SCIENCE FOUNDATION
Science Education Activities

Of the funds appropriated under this head in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1981 (P.L. 96-526), $16,000,000 are rescinded, and of the amounts remaining for Science Education Activities under P.L. 96-526, (1) not more than $13,000,000 shall be available for Women and Minorities in Science and Technology activities as provided in Section 39 of P.L. 96-516, and (2) not more than $1,200,000 shall be available for science education programs related to appropriate technology.

MAY 1 1981 48/84

R81-122A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Rescission No. R81-122, transmitted to the Congress on March 17, 1981.

This revision to a rescission for the Rural Electrification Administration in the Department of Agriculture changes the language previously proposed for the Rural Electrification and Telephone Revolving Fund to make clear that a level of $125,000,000 is provided for rural telephone loans during 1981.

Rescission Proposal No: R81-122A

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Agriculture	Current direct loan limitation (P.L. 96-528): $1,100,000,000
Bureau: Rural Electrification Administration	Other budgetary resources: ---
Appropriation title & symbol: Rural Electrification and Telephone Revolving Fund 12X4230	Total loan limitation: 1,100,000,000
	Amount proposed for rescission: $187,000,000
OMB identification code: 12-4230-0-3-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other: Authority to incur obligations for direct loans

Justification:

These proposed actions are based on the fact that REA has largely accomplished its purpose to provide the basic investment capital necessary to provide electric and telephone service in rural areas. More than 99% of all farms and rural establishments now have electric service, and more than 90% have telephone service. The bulk of borrowing is now for power generation and system improvements, costs that could be borne by system users.

Estimated Effects:

The rescission would reduce direct lending to rural telephone systems ($125 million) and direct lending to rural electric systems for power generation and transmission facilities ($62 million).

The major reason that these systems have not already converted to using the private sector as a major capital source is the highly favorable term structure--for both the direct and guaranteed lending--offered by REA. As a consequence, the availability of these subsidies reduces the necessity for recipients to improve their financial positions in order to attract private capital.

R81-122A

Taking these actions will result in a dramatic reduction in direct Federal lending.

Taking these actions will result in a dramatic reduction in direct Federal lending. At the same time, rural electric and telephone consumers served by these systems will continue to receive adequate service at rates comparable to those charged to customers of non-REA-financed utilities.

Outlay Effect: The rescission of direct loan authority proposed for this account will have no effect on outlays.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Rural Electrification and Telephone Revolving Fund

Loan authorizations provided for the Rural Electrification and Telephone Revolving Fund for fiscal year 1981 in P.L. 96-528, for Section 305 of the Rural Electrification Act of 1936, as amended, are reduced by $62,000,000 for rural electrification loans and $125,000,000 for rural telephone loans to provide for a total level of $788,000,000 for rural electrification loans, and $125,000,000 for rural telephone loans: Provided, That loans made pursuant to Section 306 of that Act are in addition to these amounts, but during 1981, total commitments to guarantee loans pursuant to Section 306, shall not exceed $5,145,000,000 of contingent liability for loan principal.

D81-2A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-2 transmitted to the Congress on October 1, 1980.

The amount deferred for Expenses, Brush Disposal in the Forest Service, Department of Agriculture, is $40,569,894, an increase of $3,227,894 over the amount previously deferred. This increase is attributable to an increase of $3,227,894 over the previous estimate of unobligated balances brought forward into FY 1981.

Deferral No: D81-2A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 84-190) $ 41,272,000*
Bureau: Forest Service	Other budgetary resources 48,267,894*
Appropriation title & symbol: Expenses, Brush Disposal, 1/ 12X5206	Total budgetary resources 89,539,894*
	Amount to be deferred: Part of year $ ____
	Entire year 40,569,894*
OMB identification code: 12-9922-0-2-302	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:* Purchasers of National Forest timber deposit the estimated cost to the Forest Service for disposing of brush and other debris resulting from their cutting operations pursuant to P.L. 84-190. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Efficient program planning and accomplishment is facilitated by operating a stable program well within the funds available in any one year for this purpose.

An apportionment of $49.0 million has been made to the Forest Service for this program in 1981 compared with $46.0 million in 1980 and $44.5 million in 1979. The current fiscal year reserve of $40.6 million was established pursuant to the Antideficiency Act (31 USC 665) as a reserve for contingencies.

Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus seasonal factors frequently require deferring the use of deposits until the following fiscal year.

Estimated Effects: There are no programmatic or budgetary effects that result from this action. Rather, the reserve merely reflects the seasonal nature of program funding requirements.

Outlay Effect: This deferral has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-1A).

* Revised from previous report.

Deferral No: D81-105

D81-338

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Deferral No: D81-105

D81-33B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 96-536) $ 19,985,204
Bureau National Oceanic and Atmospheric Administrarrion	Other budgetary resources 3,840,990
Appropriation title & symbol: Promote and Develop Fishery Products and Research Pertaining to American Fisheries 13X5139	Total budgetary resources 23,826,194
	Amount to be deferred: Part of year $ 5,000,000
	Entire year
OMB identification code: 13-5139-0-2-376	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Fisheries Development Program emphasizes promotion of American fishery products, particularly underutilized species, and technology innovation. This program includes $12 million for grant/cooperative agreements to support fisheries development and utilization projects.

Funds for the fishery development and utilization projects totaling $5 million are deferred pending congressional action on a request to transfer those funds to the National Oceanic and Atmospheric Administration's Operations, Research and Facilities account to offset supplemental requirements for increased pay costs. The remaining funding is sufficient to carry out an effective fisheries program.

This deferral action and the associated transfer request will help reduce Federal spending in accordance with the President's overall economic recovery program.

Estimated Effect: This deferral action will preserve these funds pending congressional action on the transfer request.

Outlay Effect: This deferral has no significant effect on outlays.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-33A, transmitted to the Congress on March 10, 1981.

This revision to a deferral for fossil energy construction funds in the Department of Energy revises the coverage of the deferral to indicate that the entire amount deferred is for the SRC II project. The $42,000,000 originally reported in D81-33 for High Btu Pipeline Gas Demonstration Plants is no longer included in this deferral action, and has been proposed for rescission (R81-64). The amount currently deferred for fossil energy construction is $100,000,000, $105,000,000 less than the amount reported in Deferral D81-33A. The release of these previously-deferred funds reflects a reestimation of the funds needed in 1981 to maintain certain project-related activities until consultations with participating foreign governments can be completed.

Deferral No: D81-33B

D81-11A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-514) $423,300,000
Bureau Energy Programs	Other budgetary resources 162,706,000
Appropriation title & symbol: Fossil Energy Construction 89X0214 1/	Total budgetary resources 586,006,000
	Amount to be deferred: Part of year $ ____ Entire year 100,000,000*
OMB identification code: 89-0214-0-1-271	Legal authority (in addition to sec 1013): ☐ Antideficiency Act ☐ Other ____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:* Under the Administration's synthetic fuels policy all funding for fossil energy demonstration projects currently being supported in the Department of Energy would be terminated and project sponsors would be encouraged to seek financial support from the Synthetic Fuels Corporation (SFC), either as synthetic fuel projects or as synthetic fuel "project modules." The Administration has proposed rescissions for these demonstration projects. In the case of the SRC II coal liquefaction plant, no rescission can be proposed until consultations with the international participants in this project have been completed. However, $100 million in construction funds not needed in FY 1981 are deferred pending completion of these consultations.

Estimated Effect: This deferral of FY 1981 construction funds will have no effect on the completion of the detailed design currently scheduled for completion in 1983 or the completion and final decision on the required environmental impact statement for this project. Some construction phase activities (e.g. long lead procurement) will be delayed pending conclusion of international consultations and possible consideration of this project by the SFC.

Outlay Effects:* This deferral action will have the effect of shifting $30 million in FY 1981 outlays into FY 1982.

* Revised from previous report.

1/ This account is also the subject of a rescission proposal (RS1-64).

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report revises Deferral No. D81-11, transmitted to the Congress on October 1, 1980.

This revision of a deferral for the Scientific Activities Overseas Program of the Department of Health and Human Services increases the previously reported deferral from $8,000,000 to $9,118,281. This increase of $1,118,281 results from a higher level of unobligated balances actually brought forward into FY 1981 than previously estimated.

Deferral No: D81-11A

D81-89A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Deferral No: D81-13A

D81-89A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority (P.L. ____): $ ____
Bureau: Office of Assistant Secretary for Health	Other budgetary resources: 18,118,281*
Appropriation title & symbol: Scientific Activities Overseas (Special Foreign Currency Program) 1/ 75X1102	Total budgetary resources: 18,118,281*
	Amount to be deferred: Part of year: $ ____ ; Entire year: 9,118,281*
OMB identification code: 75-1102-0-1-552	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other ____

Justification: The Scientific activities overseas program of the Department of Health and Human Services (HHS) is funded with appropriations which consist of excess foreign currencies owned by the United States. Currencies of Egypt, Burma, Guinea, India, and Pakistan held by the Treasury have been designated as in excess of normal U.S. needs. Funds for this program, which remain available until expended, are used for scientific research projects in those countries.

The amount of funds to be obligated during FY 1981 and the amount to be deferred for the entire year were determined after a careful review of the scientific merit of project proposals in the countries for which excess currency is available. The research projects in those countries that will contribute toward meeting U.S. scientific needs have been selected for funding in FY 1981 by HHS. The amount being deferred is excess to current program requirements and is being reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: This deferral has no programmatic or budgetary effect because the funds would not be obligated if made available.

Outlay Effect: This deferral action has no effect on outlays.

1/ This account was the subject of a similar deferral in FY 1980 (D80-43).

* Revised from previous report.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report revises Deferral No. D81-89, transmitted to the Congress on March 10, 1981.

This revision reports a change in the amount deferred. In the previous report, $16 million was estimated as the total of 1981 obligations made at the time the program was stopped and the deferral action was taken. The revised estimate of obligations is $19.8 million, necessitating a downward adjustment of the amount deferred from $21.5 million to $17.7 million.

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Deferral No: D81-89A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 95-599): $ 25,000,000
Bureau: Federal Highway Administration	Other budgetary resources: 65,358,177
Appropriation title & symbol: Trust Fund Share of Other Highway Programs 69X8009**	P.L. 96-400: -52,858,177
	Total budgetary resources: 37,500,000 2/
	Amount to be deferred: Part of year: $ —
	Entire year: 17,734,777 *
OMB identification code: 68-8009-0-7-401	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual Sept. 30, 1981 1/ ☒ Multiple-year Sept. 30, 1982 (expiration date) ☐ No-year Sept. 30, 1983 Sept. 30, 1984	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other

Justification:*

Section 129 of the Federal-Aid Highway Act of 1973 authorized the Secretary to establish criteria for the location and construction or reconstruction of a National Scenic and Recreational Highway designated as the Great River Road. A single continuous route was designated which runs through all ten States bordering the Mississippi River.

The Surface Transportation Assistance Act of 1978 provides authorizations of $10 million in general funds and $25 million in Highway Trust Funds for each of the fiscal years 1979 through 1982. The general fund authorizations require an appropriation to become available. The trust fund authorizations are contract authority and become available on the first day of the fiscal year for which authorized. Current budgetary resources for FY 1981 total $90.4 million, all of which is against trust fund authority. This consists of $25 million of new authority for FY 1981 plus $65.4 million in unobligated balances from prior year authorizations. Section 311 of the Department of Transportation and Related Agencies Appropriations Act, 1981 (P.L. 96-400) limits FY 1981 obligations to $37.5 million.

All segments of the Great River Road other than access spurs have been designated as being on the Federal-aid System and may be improved using regular Federal-aid funds. The discrete Great River Road program is duplicative and unnecessary.

All unobligated balances remaining available as of March 10, 1981, are deferred. Effective upon that date, all obligational activity was suspended and will remain so through the remainder of this fiscal year. Obligations through this date total $19.8 million leaving an unobligated balance of $17.7 million under the obligation limitation. This is the amount being deferred.

This deferral action is an integral component of the President's economic program announced on February 18. The withholding of obligational authority for this program for the remainder of FY 1981 will assist in reducing Federal spending.

Estimated Effects:* The deferral of $17.7 million in FY 1981 will cause some or all of the ten States eligible for funding under this program to delay or cancel highway projects planned for the remainder of this fiscal year. However, virtually all of these projects are eligible for funding under the regular Federal-aid Highways program.

Outlay Effects:* This deferral action will shift an estimated $3.7 million in FY 1981 outlays into FY 1982.

* Revised from previous report.

** While each portion of contract authority is available for four years, the appropriations to liquidate the contract authority are available until expended.

1/ None of these funds is deferred.

2/ This amount is the portion of "Trust Fund Share of Other Highway Programs" made available for the Great River Road. Total funds available to the "Trust Fund Share of Other Highway Programs" are $76,846,595.

Deferral No: D81-106

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Deferral No: D81-106

D81-76A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Board for International Broadcasting	New budget authority (P.L. 96-536): $93,905,325 1/
Bureau:	Other budgetary resources: 1,554,772
Appropriation title & symbol: Grants and Expenses 9511145	Total budgetary resources: 95,460,097
	Amount to be deferred: Part of year: $ 1,370,420
	Entire year:
CFDA identification code: 95-1145-0-1-154	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☐ No	☒ Other 22 U.S.C. 2871-2877
Type of account or fund: ☒ Annual ☐ Multiple-year _____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: The Board for International Broadcasting is authorized by the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871-2877) to provide assistance to Radio Free Europe/Radio Liberty Inc. (RFE/RL), a private non-profit radio broadcasting organization. Section 8(b) of the Act states "The Director of the Office of Management and Budget shall place in reserve and inform the Congress of any amount appropriated under this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budget level of operation for RFE/RL, Incorporated."

Public Law No. 96-536 appropriated to the Board for 1981, $99,700,000. The Board, in accordance with regulations established jointly by the Board and the Office of Management and Budget, reported that as of the end of the first quarter of 1981 the net currency exchange gains totaled $1,370,420. Therefore, funds totaling $1.4 million are deferred. These funds will be used to offset any currency exchange losses occurring later in the year. If no losses are experienced, the funds will be proposed for rescission at a later date.

This deferral action is taken in accordance with the International Broadcasting Act of 1973, and the Antideficiency Act (31 U.S.C. 665).

Estimated Effects

No programmatic effect results from this deferral since planned program levels of Radio Free Europe/Radio Liberty will be maintained in 1981.

Outlay Effect

If there are no exchange rate losses in the remainder of 1981, the reported exchange rate gains and resulting deferral will reduce outlays by $1.4 million while maintaining current program. These outlay savings will be offset by the amount of any exchange rate losses.

1/ In addition $6,794,674 is not available pursuant to P.L. 94-360 and 96-536.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral D81-76 transmitted to the Congress on February 13, 1981.

The amount deferred for Acquisition and Construction of Radio Facilities, International Communication Agency is $13,325,600, an increase of $12,073,600 over the amount previously deferred. This increase is attributable primarily to project delays caused by the opportunity to place new Voice of America transmitters in different, and technically more advantageous, locations than were originally planned.

Deferral No: 81-76A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: International Communication Agency	New budget authority (P.L. 96-536): $2,562,000
Bureau:	Other budgetary resources: 21,338,658
Appropriation title & symbol: Acquisition and Construction of Radio Facilities 67X0204	Total budgetary resources: 23,900,658
	Amount to be deferred: Part of year: $ — ; Entire year: 13,325,600*
OMB identification code: 67-0204-0-1-154	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year ____ (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification: The United States International Communication Agency (ICA) is authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et. seq.), the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), Executive Order No. 11034 of June 25, 1962, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication, cultural and educational exchange programs.

The International Communication Agency Authorization Act, Fiscal Year 1980-1981 (P.L. 96-60, approved August 15, 1979) authorized appropriations for ICA. The Continuing Resolution for 1981 (P.L. 96-536; approved December 16, 1980) appropriated $2,562,000, to remain available until expended, for the "Acquisition and Construction of Radio Facilities" account primarily to expand the transmitter capacity of the Voice of America's (VOA) worldwide broadcasting system.

This $2,562,000, together with funds appropriated in prior years, will be used to maintain and update existing VOA facilities and to expand transmitter facilities in East Asia, Africa, and Europe. Opportunities have arisen for constructing new short-wave facilities in Sri Lanka and Botswana. These possibilities, which did not exist when plans for the presently available funds were formulated, offer the potential for better coverage in those parts of Africa and Asia where existing signals are the weakest. Thus, the four transmitters originally purchased for Liberia will be installed at the Botswana site. Two of the four transmitters intended for the Philippines will be installed in Sri Lanka as part of a planned six transmitter facility. New budget authority has been requested in 1982 to provide the additional funds needed to construct the Botswana and Sri Lanka facilities. Also, the scheduled completion of the modernization of the Master Control Complex in Washington has been delayed until 1982. Because design work and the need for additional funds will delay construction, $13,325,600 for these projects is being deferred for the remainder of FY 1981.

Estimated Effects:* Because of the project changes noted above, the amount deferred could not be obligated before fiscal year 1982. Therefore, no programmatic effects will result from the deferral action.

Outlay Effects:* There is no outlay effect of this deferral, because the funds would not be obligated if made available.

* Revised from previous report

[FR Doc. 81-13304 Filed 4-30-81; 8:45 am]
BILLING CODE 3110-01-C

Reader Aids

INFORMATION AND ASSISTANCE
PUBLICATIONS
Code of Federal Regulations (CFR)
CFR Unit
General Information, indexes and other finding aids
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Printing schedules and pricing information
Federal Register
Corrections
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Scheduling of documents for publication
Laws
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Law numbers and dates
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Public briefings: "How To Use the Federal Register"
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FEDERAL REGISTER PAGES AND DATES

24519-24826

Reader Aids

Federal Register
Vol. 46, No. 84
Friday, May 1, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
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Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

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Corrections	523-5237
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Scheduling of documents	523-3187

Laws

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Executive orders and proclamations	523-5233
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United States Government Manual	523-5230

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Subscription problems (GPO)	275-3054
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FEDERAL REGISTER PAGES AND DATES, MAY

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—MAY 1981

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
May 1	May 18	June 1	June 15	June 30	July 30
May 4	May 19	June 3	June 18	July 6	August 3
May 5	May 20	June 4	June 19	July 6	August 3
May 6	May 21	June 5	June 22	July 6	August 4
May 7	May 22	June 8	June 22	July 6	August 5
May 8	May 26	June 8	June 22	July 7	August 6
May 11	May 26	June 10	June 25	July 10	August 10
May 12	May 27	June 11	June 26	July 13	August 10
May 13	May 28	June 12	June 29	July 13	August 11
May 14	May 29	June 15	June 29	July 13	August 12
May 15	June 1	June 15	June 29	July 14	August 13
May 18	June 2	June 17	July 2	July 17	August 17
May 19	June 3	June 18	July 6	July 20	August 17
May 20	June 4	June 19	July 6	July 20	August 18
May 21	June 5	June 22	July 6	July 20	August 19
May 22	June 8	June 22	July 6	July 21	August 20
May 26	June 10	June 25	July 10	July 27	August 24
May 27	June 11	June 26	July 13	July 27	August 25
May 28	June 12	June 29	July 13	July 27	August 26
May 29	June 15	June 29	July 13	July 28	August 27

CFR CHECKLIST; 1980/81 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1980/81. New units issued during the month are announced on the back cover of the daily Federal Register as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $525 domestic, $131.25 additional for foreign mailing.

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CFR Unit (Rev. as of Jan. 1, 1981):

Title	Price
1-2	$4.50
3	3.50
7 Parts:	
900-944	7.00
9 Parts:	
1-199	7.50
11	5.50
14 Parts:	
1200-end	6.00
CFR Index	8.50

CFR Unit (Rev. as of Apr. 1, 1980):

17 Parts:	
0-239	7.50
240-end	7.50
18 Parts:	
1-149	7.50
150-end	8.50
19	9.00
20 Parts:	
01-399	5.50
400-499	7.50
500-end	7.50
21 Parts:	
01-99	6.00
100-169	7.00
170-199	6.00
200-299	4.50
300-499	8.00
500-599	7.50
600-799	5.00
800-1299	5.50
1300-end	4.50
22	8.00
23	7.00
24 Parts:	
0-499	11.00
500-1699	9.00
1700-end	6.00
25	8.00
26 Parts:	
1 (§§ 1.0-1.169)	8.50
1 (§§ 1.170-1.300)	6.50
1 (§§ 1.301-1.400)	6.00
1 (§§ 1.401-1.500)	7.00
1 (§§ 1.501-1.640)	6.50
1 (§§ 1.641-1.850)	7.50
1 (§§ 1.851-1.1200)	8.00
1 (§§ 1.1201-end)	9.00
2-29	7.50
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300-499	6.00
500-599	6.50
600-end	5.00
27 Parts:	
1-199	6.50
200-end	7.50

CFR Unit (Rev. as of July 1, 1980):

28	7.00
29 Parts:	
0-499	9.00
5000-1899	11.00
1900-1910	9.00
1911-1919	5.50
1920-end	8.00
30 Parts:	
0-199	7.50
200-end	8.00
31 Parts:	
0-199	6.00
200-end	7.50
32 Parts:	
1-39 (Supplement)	6.00
40-399	10.00
400-699	8.50
700-799	8.00
800-999	8.00
1000-end	8.50
33 Parts:	
1-199	9.50
200-end	8.50
34	6.00
35 (Rev. 12/31/80)	6.00
36	7.50
37	6.00
38	11.00
39	6.00
40 Parts:	
0-51	7.50
52	9.00
53-80	7.50
81-99	8.50
100-399	13.00
400-424	7.50
425-end	7.50
41 Chapters:	
1-2	11.00
3-6	8.00
7	4.25
8	4.50
9 (Supplement)	3.00
10-17	7.50
18 (Vol. I)	7.50
18 (Vol. II)	9.00
18 (Vol. III)	7.50
19-100	7.50
101	8.50
102-end	7.00

CFR Unit (Rev. as of Oct. 1, 1980):

42 Parts:	
1-399	9.50
100-149	7.50
43 Parts:	
1-199	6.50
44	7.00
45 Parts:	
1-99	6.50
150-199	7.50
200-499	5.50
500-1199	7.50
1200-end	7.50
46 Parts:	
1-29	5.00
30-40	4.75
70-89	5.50
90-109	5.50
155-165	6.50
166-199	6.00
400-end	6.00
47 Parts:	
20-69	6.50
70-79	7.50
49 Parts:	
1-99	5.50
200-399	7.00
400-999	7.50
1000-1199	7.50
1200-1299	9.00
1300-end	6.50
50 Parts:	
1-199	6.00
200-end	7.50

CFR ISSUANCES
Projected 1981 CFR Issuances
January and April Quarters

This list restates the publication plans for the January, 1981 quarter and projects the publication plans for the April, 1981 quarter. A projected schedule that will include the July, 1981 quarter will appear in the first **Federal Register** issue of July, 1981, immediately after the CFR checklist.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The monthly CFR checklist and the Annual Cumulative LSA will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1–16—January 1
Titles 17–27—April 1
Titles 28–41—July 1
Titles 42–50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

Titles revised as of January 1, 1981:

Title
1–2
3 Compilation
4
5
6
7 Parts:
0–52
53–209
210–299
300–399
400–699
700–899
900–944
945–980
981–999
1000–1059
1060–1119
1120–1199
1200–1499
1500–1899
1900–2799
2800–2851 (Cover only)
2852
2853–end
8
Title
9 Parts:
1–199
200–end
10 Parts:
0–199
200–399
400–499
500–end
11
12 Parts:
1–199
200–299
300–499
500–end
13
14 Parts:
1–59
60–199
200–1199
1200–end
15 Parts:
0–299
300–end
16 Parts:
0–149
150–999
1000–end

Titles revised as of April 1, 1981:

Title
17 Parts:
0–239
240–end
18 Parts:
1–149
150–399
400–end
19
20 Parts:
1–399
400–499
500–end
21 Parts:
1–99
100–169
170–199
200–299
300–499
500–599
600–799
800–1299
1300–end
1308 Table (Cover only)
22
Title
23
24 Parts:
0–199
200–499
500–799
800–1699
1700–end
25
26 Parts:
1(§§ 1.0–1–1.169)
1(§§ 1.170–1.300)
1(§§ 1.301–1.400)
1(§§ 1.401–1.500)
1(§§ 1.501–1.640)
1(§§ 1.641–1.850)
1(§§ 1.851–1.1200)
1(§§ 1.1201–end)
2–29
30–39
40–299
300–499
500–599 (cover only)
600–end (cover only)
27 Parts:
1–199
200–end

AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department
AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ESS Economics and Statistics Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSQS Food Safety and Quality Service
IGO Inspector General Office
REA Rural Electrification Administration
SCS Soil Conservation Service
SEA Science and Education Administration
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department
BEA Bureau of Economic Analysis
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MA Maritime Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NSA National Shipping Authority
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department
AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department
NCH National Council for the Handicapped

DOE Energy Department
APA Alaska Power Administration
BPA Bonneville Power Administration
CRE Conservation and Renewable Energy, Office of Assistant Secretary
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHA Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HHS Health and Human Services Department
ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Centers for Disease Control
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
NIH National Institutes of Health
NIOSH National Institute for Occupational Safety and Health
PHS Public Health Service
RRO Refugee Resettlement Office
SSA Social Security Administration

HUD Housing and Urban Development Department
CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
EQO Environmental Quality Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
SEECB Solar Energy and Energy Conservation Bank

INTERIOR Interior Department
BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
HCRS Heritage Conservation and Recreation Service
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
SMREO Surface Mining Reclamation and Enforcement Office
WPRS Water and Power Resources Service

JUSTICE Justice Department
BJS Bureau of Justice Statistics
DEA Drug Enforcement Administration
FCSC Foreign Claims Settlement Commission
INS Immigration and Naturalization Service
JJDPO Juvenile Justice and Delinquency Prevention Office
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission

LABOR Labor Department
BLS Bureau of Labor Statistics
ESA Employment Standards Administration
ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration

P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MTB Materials Transportation Bureau
NHTSA National Highway Traffic Safety Administration
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
FACO Foreign Assets Control Office
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
CWPS Wage and Price Stability Council
DIDC Depository Institutions Deregulation Committee
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRAC Federal Register Administrative Committee
FRS Federal Reserve System
FSIDP Foreign Service Impasse Disputes Panel
FSLRB Foreign Service Labor Relations Board
FTC Federal Trade Commission
GAO General Accounting Office
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Service
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit Systems Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
SFC Synthetic Fuels Corporation
SSS Selective Service System
Trade Representative Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing April 17, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.

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5-4-81
Vol. 46 No. 85
Pages 24927-25076

federal register

Monday
May 4, 1981

Highlights

Seminar on Principles of Regulations Writing—For details on seminar in Washington, D.C., see announcement in the **Reader Aids** section at the end of this issue.

25068 Reader Aids OFR publishes list of libraries that have announced availability of the **Federal Register** and Code of Federal Regulations. (Part II of this issue)

24997 Financial Assistance HHS/HDSO announces availability of FY 1981 financial assistance for Native American Programs.

25026 Iran State describes recent developments with regard to procedures for settling claims against Iran.

24945 Income Tax Treasury/IRS issues rules regarding treatment of certain interest in corporations as stock or indebtedness.

24948 Motor Vehicles—Air Pollution EPA issues amendment to High-altitude emission standards for 1982 and 1983 Model Year Light-duty motor vehicles.

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

24963 **Coal Mining** Interior/SMREO gives notice of opportunity for public participation in developing certain revised rules for the permanent regulatory program for surface coal mining and reclamation operations.

24931 **Small Businesses—Pollution Control Guarantee Program** SBA issues amendment to require the small concern which defaults on its obligations under the qualified contract to repay SBA for all funds paid by SBA under the Guarantee at a rate of interest determined by the Secretary of the Treasury.

24944 **Customs—Currency Rate of Exchange** Treasury/Customs adds Brazil, Hong Kong, Iran, People's Republic of China, Philippines, Singapore, Thailand and Venezuela to the list of foreign countries whose currency is converted into equivalent U.S. currency and certified on a quarterly basis rather than on a daily basis as is now the case.

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25031 **Sunshine Act Meetings**

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25068 **Part II, Reader Aids—List of Libraries That Have Announced Availability of Federal Register and Code of Federal Regulations**

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DEPART

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7 CFR P

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AGENCY:
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Rules and Regulations

Federal Register
Vol. 46, No. 85
Monday, May 4, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Official Standards for Grades of Sea Island Cotton, and Tentative Standards for the Preparation of Long-Staple Cotton

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The regulations (7 CFR Part 28) under the United States Cotton Standards Act (7 U.S.C. 51–65) are amended through rescission of (1) the Official Standards of the United States for the Grades of Sea Island Cotton (7 CFR 28.551 through 28.560, and § 28.303(c)), and (2) the Tentative Standards for the Preparation of Long-Staple Cotton (7 CFR 28.591 through 28.594). The maintenance of these standards presently serves no purpose.

EFFECTIVE DATE: June 3, 1981.

FOR FURTHER INFORMATION CONTACT: Harvin R. Smith, Chief, standards and Testing Branch, Cotton Division, Agricultural Marketing Service, Washington, D.C. 20250 (202–447–2167).

The final Impact Analysis detailing the options considered in developing this final rule and the impact of implementing each option is published in its entirety below in "Supplementary Information."

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and has been classified "nonmajor." William T. Manley, Deputy Administrator, Marketing Program Operations, has determined that this action will not have a significant impact on a substantial number of small entities. The proposed rescission was published on page 75218 of the Federal Register of November 14, 1980. The deadline for comments to be received was January 15, 1981.

The proposed rescission was well disseminated to all interested parties through news releases, trade journal articles, and through contacts with cotton industry associations. No negative comments were received. In light of that and of the following points, it was determined that no impact would result.

(1) No production of Sea Island cotton has been reported since 1949.

(2) The USDA–AMS Cotton Division has not classed cotton against Sea Island types, has not issued Sea Island cotton standards, and has not reported Sea Island cotton production or carry-over for at least 15 years (the last reference was in combination with Sealand cotton in a 1965 Market News footnote).

The maintenance of Sea Island cotton standards therefore presently serves no purpose. In the event that Sea Island cotton production should again become significant, new standards would have to be prepared. The standards now maintained by the USDA were prepared and officially adopted in 1939 and are no longer useful.

(3) The tentative standards for the preparation of long-staple cotton have not been used, nor prepared, for at least 15 years. Improvements in ginning technology have removed the need for separate standards for the preparation of long staple cotton.

Accordingly, the following action is to become effective 30 days after publication (June 3, 1981).

§§ 28.551—28.5607 [Removed]

1. 7 CFR 28.551 through 7 CFR 28.560 are removed.

§ 28.303 [Amended]

2. 7 CFR 28.303(c) is removed.

3. 7 CFR Part 28 is amended by revising § 28.2 (o) and (p) to read as follows:

§ 28.2 Terms defined.

* * * * *

(o) *Upland Cotton.* All cotton grown anywhere within the continental United States including the growths sometimes referred to as Upland, Gulf, and Texas cotton, but excluding American Pima growths.

(p) *Official Cotton Standards.* Official cotton standards of the United States for the grade of American Upland cotton, and American Pima cotton, for length of staple, and for fiber fineness and maturity, adopted or established pursuant to the act, or any change or replacement thereof.

* * * * *

§ 28.591–28.594 [Removed]

4. 7 CFR 28.591 through 28.594 are removed.

Dated: April 27, 1981.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-13327 Filed 5-1-81; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Parts 1032 and 1050

[Milk Order Nos. 32 and 50]

Milk in the Southern Illinois and Central Illinois Marketing Areas; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the orders. The suspension removes the limits on such movements of milk during the months of April through July 1981 in the Southern Illinois market and during the month of April 1981 in the Central Illinois market. Comments received in response to the proposed action asserted the suspension was needed to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the respective orders for dairy farmers regularly associated with the markets.

EFFECTIVE DATE: May 4, 1981.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Proposed Suspension: Issued April 3,

1981; published April 9, 1981 (46 FR 21183).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291.

It also has been determined that the need for suspending certain provisions of the orders on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the issuance of the suspension on a timely basis necessary to include April 1981 in the suspension-period. In this instance, the initial requests for the action was received on March 25, 1981. Then, a notice of proposed suspension was issued April 3, 1981, inviting interested parties to submit comments on the proposed action on or before April 16, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the orders regulating the handling of milk in the Southern Illinois and Central Illinois marketing areas.

Notice of proposed rulemaking was published in the **Federal Register** (46 FR 21183) concerning a proposed suspension of certain provisions of the orders. Interested persons were afforded opportunity to file written data, view, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that the following provisions of the orders do not tend to effectuate the declared policy of the Act for the months specified:

1. In 7 CFR Part 1032 (Southern Illinois).

a. During the month of April 1981, in § 1032.13(b)(2), the language "during the months of May, June, and July, during the months of August and December for not more than 12 days of production of producer milk by such producer, and in any other month for not more than 8 days of production of producer milk by such producer".

b. During the months of April 1981 through July 1981, in § 1032.13(b)(3), the language "for not more days of production of producer milk, by such producer than is received at a pool plant(s) pursuant to paragraph (a) of this section".

2. In 7 CFR Part 1050 (Central Illinois) during the month of April 1981.

a. In § 1050.13(d)(1), the language "During May, June and July".

b. In § 1050.13, paragraph (d) (2), (3), (4), and (5).

Statement of Consideration

This action removes the limits on the amount of milk that may be diverted from pool plants to nonpool plants during the months of April through July 1981 under the Southern Illinois order and during the month of April 1981 under the Central Illinois order. The Southern Illinois order now provides that during the months of January through April and September through November not more than 8 days' production of a producer may be diverted to nonpool plants that are not other order plants. Such diversions are limited to not more than 12 days' production of a producer during August and December. Diversions to nonpool plants that are also other order plants are limited each month of the year to not more than the number of days of production of a producer that is received at pool plants. The Central Illinois order now provides that diversions to nonpool plants may not exceed the number of days of production that is received at pool plants during the months of August through April, provided that the total quantity of producer milk diverted does not exceed 35 percent of the amount of milk physically received at pool plants.

The basis for this action is an increase in production by dairy farmers who supply milk to handlers regulated under the Southern Illinois and the Central Illinois orders. In the Southern Illinois market, producer receipts in April 1981 are projected to be 7 percent above year earlier levels. With this increase in production, a greater quantity of milk will have to be diverted to manufacturing plants during April than during the previous year when such movements approached the diversion limits of the order. Similar increases in production are being experienced by dairy farmers who supply the Central Illinois market. Without suspension of the limits on the amount of milk that can be moved directly from farms to manufacturing plants, uneconomic movements of milk would be made solely for the purpose of pooling the milk of dairy farmers who have regularly been associated with the respective markets.

Increased producer receipts are expected to continue throughout the spring and summer months. Accordingly, the diversion limits should also be suspended for the months of May–July 1981 in the Southern Illinois order to prevent uneconomic movements of milk solely for pooling purposes. Suspension action other than for the month of April is not necessary in the Central Illinois order however, as the order contains no diversion limits during the months of May through July.

Interested parties were given an opportunity to submit written data, views, or arguments concerning the suspension. The suspension was requested by a cooperative association and comments by a handler and two cooperative associations supported the action on the basis that it would facilitate the orderly and economic disposition of an increasing supply of milk above fluid requirements to manufacturing plants. No views in opposition to the suspension were received.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing areas in that without this action uneconomic movements of milk would be made solely for the purpose of pooling the milk of dairy farmers who have regularly been associated with the respective markets;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register** (May 4, 1981).

§§ 1032.13 and 1050.13 [Amended]

It is therefore ordered, That the aforesaid provisions in § 1032.13(b)(2) of the Southern Illinois order are hereby suspended for the month of April 1981, the aforesaid provisions in § 1032.13(b)(3) of the Southern Illinois order are hereby suspended for the months of April through July 1981, and

the aforesaid provisions in § 1050.13 of the Central Illinois order are hereby suspended for the month of April 1981.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 4, 1981.

Signed at Washington, D.C., on April 27, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-13618 Filed 5-1-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

Termination of Parole

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment to the regulations expresses Service policy that the Service is no longer required, in certain instances, to serve an alien written notice of the termination of his or her parole.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536, Telephone: (202) 633–3048.

For Specific Information: Alvin Braunstein, Immigration Inspector, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536, Telephone: (202) 633–2725.

SUPPLEMENTARY INFORMATION: The present 8 CFR 212.5(b) requires that an alien be served written notice that his/her parole is terminated when the authorized parole expires, when the purpose of the parole has been accomplished, or when the district director in the area where the alien resides decides that neither emergency nor public interest warrants the alien's continued presence in the United States.

The section also provides for further inspection of the alien in an exclusion hearing before an immigration judge, or execution of a previous exclusion or deportation order, or for a new parole, after the initial parole period has been terminated.

It is Service policy that parole terminates without service of a written notice either when the alien departs from the United States, or if he or she has not departed, when the authorized parole period expires. Accordingly, the Service has divided 8 CFR 212.5(b) into two subparagraphs: "(1) *Automatic*" and "(2) *On Notice.*"

The new 8 CFR 212.5(b)(1) provides that parole automatically terminates without written notice if the alien departs from the United States or, if he has not departed, when the authorized parole period expires.

The Notice of Proposed Rules published September 2, 1980, at 45 FR 58131, resulted in three responses involving three separate issues as follows:

Issue No. 1.—Upon revocation of parole the alien should be processed in deportation rather than exclusion proceedings.

INS Position.—Although exclusion of an alien who is in reality firmly within the United States may be paradoxical, there is no doubt that Congress intended this by the specific and unequivocal language used in section 212(d)(5) of the Immigration and Nationality Act, which reads in pertinent part:

(5)(A) The Attorney General may, except as provided in subparagraph (B), in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States. (Amended March 17, 1980, Pub. L. 96–212, Title II, § 203(f), 94 Stat. 107. Effective March 17, 1980)

A distinction must be drawn between the physical presence of the alien in the United States on one hand, and the legal posture on the other which is mandated by statute. *(Matter of B*—2 I & N Dec. 172).

Issue No. 2—This proposed amendment violates the *Matter of O*, 16 I & N 344 (1977), which holds that under present regulation an alien is entitled to written notice of termination of parole prior to the institution of exclusion proceedings, regardless of the manner in which parole is terminated. It also violates the rules of due process.

INS Position—While we agree that due process requires notice of termination for cause, the automatic termination proposed is obvious and notice thereof is unnecessary and administratively cumbersome. In the case of a parolee who departs from the United States, to reenter he or she must again apply for admission and, if inadmissible, a new parole must be authorized if entry is deemed appropriate. On the other hand, an alien who has been paroled is given sufficient notice of termination of that parole on Form I–94 (Arrival-Departure Record) which indicates the date such parole ends.

Since no exclusion proceeding may be initiated without service of Form I–122, which explains right to counsel, due process is preserved (see 8 CFR 235.6(a)).

Issue No. 3—Service of Form I–122 sets into motion formal exclusion proceedings before an immigration judge thereby estopping the Service from further inspection.

INS Position—This point is well taken. Therefore, reference to the Form I–122 as the vehicle for serving notice of parole termination has been deleted from the final rule.

In accordance with 5 U.S.C. 605(b) the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on a substantial number of small entities since the rule is technical in nature and does not impose any additional burden on the public.

The rule is not a major rule as defined in section 1(b) of E.O. 12291 because it does not have an annual effect on the economy of $100 million or more; does not increase costs to the public; does not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For the reasons set out in the preamble, Part 212 of Chapter I of Title 8, Code of Federal Regulations, is amended by revising paragraph (b) as set forth below:

PART 212—PAROLE

§ 212.5 [Amended]

* * * * *

(b) *Termination of parole*—(1) *Automatic.* Parole shall be automatically terminated without written notice (i) upon the departure from the United States of the alien, or, (ii) if not departed, at the expiration of the time for which parole was authorized, and in the latter case the alien shall be processed in accordance with § 212.5(b)(2) except that no written notice shall be required.

(2) *On notice.* In cases not covered by subparagraph (1) of this paragraph, upon accomplishment of the purpose for which parole was authorized or when in the opinion of the district director in charge of the area in which the alien is located neither emergency nor public interest warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he or she shall be restored to the status which he or she had at the time of parole. Any further inspection or hearing shall be conducted under section 235 or 236 of the Act and this chapter, or any order of exclusion and deportation previously entered shall be executed. If the exclusion order cannot be executed by deportation within a reasonable time, the alien shall again be released on parole unless in the opinion of the district director the public interest requires that the alien be continued in custody.

* * * * *

(Sec. 103 and 212 8 U.S.C. 1103 and 1182)

Dated: April 20, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-13387 Filed 5-1-81; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 92

Importation of Animals Through the Harry S Truman Animal Import Center

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document provides procedures for the importation of a single shipment of water buffalo from Trinidad, a country free of rinder pest and foot-and-mouth disease, into the United States through the Harry S Truman Animal Import Center (HSTAIC). The effect of this action will be to allow a single shipment of water buffalo from Trinidad to be imported into the United States through the HSTAIC under less stringent conditions than are presently provided in the regulations in § 92.41 (a) through (c) for the importation of cattle from countries affected with exotic diseases (such as rinderpest and foot-and-mouth disease) into the United States through the HSTAIC. No requests are now pending to import animals presently allowed by Title 9, Code of Federal Regulations, Part 92, into the United States through the HSTAIC. However, a request has been received to import a large shipment of water buffalo into the United States, and there is no available space at other import stations through which this shipment could now be imported. Therefore, this amendment is necessary to provide a means for this shipment of water buffalo to be imported into the United States through HSTAIC which is not now in use.

DATES: Effective date: April 27, 1981.

Comments must be received on or before: July 1, 1981.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 870, Federal Building, Hyattsville, MD 20782, 301-436-8170.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Room 821, Federal Building, Hyattsville, MD 20782, 301-436-8530.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule". This rule should result in no significant effect on the economy; should result in no increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and should have no adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action will provide a means to import a single shipment of water buffalo into the United States which, under present conditions, could not be imported at other import stations without being delayed.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication of this amendment without opportunity for a public comment period on this final action. The amendment provides for the importation of a single shipment of water buffalo into the United States through the HSTAIC, and should be made effective immediately in order to allow this importer to arrange for the importation, to provide quarantine space for use by an importer which is not presently available at other import quarantine facilities, and to use quarantine space available at the HSTAIC which is not now in use.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the Federal Register. Comments have been solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the Federal Register as soon as possible.

Sections 92.41 and 92.42 of the regulations presently provide requirements for the processing of certain cattle into and through HSTAIC which are not otherwise eligible for importation into the United States. Animals from countries affected with exotic diseases such as foot-and-mouth disease and rinderpest are not otherwise eligible for importation into the United States. The requirements include special permits, a lottery system for selection of applicants, a method of collecting fees for the use of the HSTAIC, a Cooperative Agreement, and criteria for the establishment of an approved embarkation quarantine facility outside the United States for the purpose of importing such cattle into the United States through HSTAIC. These special requirements are necessary for the importation of cattle from rinderpest or foot-and-mouth disease infected countries because of the risk of the introduction of such diseases into the United States.

Currently, no requests are pending for the importation of cattle through HSTAIC. However, Grex, Incorporated, an importer, wants to import 140 water buffalo into the United States from Trinidad, a country not infected with rinderpest or foot-and-mouth disease, in May of 1981, and space to quarantine this shipment is not available at other import quarantine facilities. This document provides for the use of the HSTAIC to import this shipment of 140 water buffalo from Trinidad into the United States. This amendment is necessary to provide a means for the 140 water buffalo in question to be imported in May and to utilize the HSTAIC.

The requirements provided in §§ 92.41 and 92.42 for cattle intended for importation from countries affected with

exotic diseases and not otherwise eligible for importation into the United States are not applicable to the 140 water buffalo in question from Trinidad. Therefore, § 92.41 of the regulations is amended to provide procedures for the importation of water buffalo from Trinidad into the United States through the HSTAIC. Specifically, § 92.41 is amended by adding a new paragraph (d) which provides that water buffalo from Trinidad may be imported into the United States through HSTAIC if such ruminants meet all the requirements presently in §§ 92.12(b), 92.27 and 92.28 for the importation of ruminants from countries of Central America and the West Indies. The requirements in §§ 92.27 and 92.28 are presently applicable to ruminants from the countries of Central America and West Indies imported into the United States through all other ports. Section 92.12(b) sets forth the responsibilities of the importer of animals, or his agent, when importing animals through ports where quarantine facilities are maintained by Veterinary Services. Section 92.12(b) requires, among other things, that the importer, or his agent, arrange for acceptable transportation to the quarantine facility, and for the care, feed, and handling of the animals from the time they arrive at the quarantine port to the time of release from quarantine, and makes the importer responsible for all expenses resulting from inspection and other services requested by the importer, or his agent, and provided by Veterinary Services with respect to the imported animals. These provisions are applicable to this shipment of water buffalo through HSTAIC, rather than the special fees and other requirements of the regulations which, as indicated above, are only applicable to importation of animals through HSTAIC from countries which are infected with foot-and-mouth disease or rinderpest.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 92 is amended to read as follows:

Authority: Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, secs. 2, 3, 4, 11, 76 Stat. 129, 130, 132; sec. 1, 84 Stat. 202, 19 U.S.C. 1306, 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134f, 135, unless otherwise noted.

2. In § 92.41, a new paragraph (d) is added to read:

§ 92.41 Requirements for the importation of animals into the United States through the Harry S. Truman Animal Import Center.

* * * * *

(d) *Water buffalo from Trinidad.* Notwithstanding the other provisions of this section, one shipment of approximately 140 water buffalo from Trinidad may be imported into the United States through HSTAIC in 1981 in compliance with the requirements in §§ 92.12(b), 92.27 and 92.28 applicable to importations of ruminants from countries of Central America and the West Indies.

All written submissions made pursuant to this final rule will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register**.

Done at Washington, D.C., this 27th day of April 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-13618 Filed 5-1-81; 8:45 am]

BILLING CODE 3410-34-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 111

Pollution Control Guarantee Program; Amendment to Regulations Providing for the Interest Rate at Which the Small Concern Repays SBA for Payments Under Its Guarantee

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This amendment, proposed on October 8, 1980 (45 FR 66807), would require the small concern which defaults on its obligations under the Qualified Contract to repay SBA for all funds paid by SBA under the Guarantee at a rate of interest determined by the Secretary of the Treasury. Such rate shall take into consideration the current average yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the then remaining maturity of the small concern's defaulted obligation.

EFFECTIVE DATE: May 4, 1981.

FOR FURTHER INFORMATION CONTACT: Vincent A. Fragnito, Chief, Pollution Control Guarantees, Magazine Building, Rosslyn, Virginia 22209, (703) 235–2902.

SUPPLEMENTARY INFORMATION: No comments were received on the published proposal. The rule is therefore adopted as proposed.

Pursuant to the authority of Section 308(c) of the Small Business Investment Act, as amended, 15 U.S.C. 687(c), Part 111 of Chapter I, Title 13 of the Code of Federal Regulations is hereby amended by adding the following sentence at the end of § 111.10 as set forth below:

§ 111.10 Payments of installments in default.

* * * The small concern shall repay SBA for all payments made under the Pollution Control Guarantee at a rate of interest determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the then remaining maturity of the small concern's defaulted obligation.

(Catalog of Federal Domestic Assistance No. 59.031 Small Business Pollution Control Financing Guarantee)

Dated: April 27, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-13604 Filed 5-1-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-7-AD; Amdt. 39-4101]

Beech Model 77 Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires a one-time inspection and modification of the shoulder harness attach bracket of certain Beech Model 77 airplanes to ensure that fasteners are capable of sustaining design loads. Failure of this bracket could cause serious injury during a minor crash landing.

EFFECTIVE DATE: May 7, 1981.

COMPLIANCE: Within the next 50 hours time-in-service after the effective date of this AD.

ADDRESSES: Beechcraft Service Instructions No. 1173, applicable to this AD, may be obtained from Beech Aircraft Corporation, Liberal Division, Liberal, Kansas 67901; telephone number (316) 624–1613. A copy of the instructions is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591, and Office of Regional Counsel, FAA,

Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Don L. Williams, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942–4219.

SUPPLEMENTARY INFORMATION: Missing rivets and insufficient fastener edge distances have been found on the P/N 108–440000–31 shoulder harness attach bracket of Beech Model 77 airplanes. This condition affects the ability of the shoulder harness attach bracket to carry design loads. Failure of this bracket will cause shoulder harness failure and could result in serious injury during a minor crash landing. The airplane manufacturer has issued Service Instructions No. 1173 calling for inspection and rework of the shoulder harness attach bracket of Beech Model 77 airplanes within the next 50 hours time-in-service. Since the condition described herein is likely to exist on other airplanes of the same type design, an AD is being issued, applicable to Beech Model 77 airplanes, requiring one-time inspection and modification of the shoulder harness attach bracket in accordance with the aforementioned service instructions. Since a situation exists which requires expediting adoption of the amendment, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register**.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Beech: Applies to Model 77 (Serial Numbers WA–3, WA–5 through WA–161, WA–163 through WA–174, WA–177 through WA–186, and WA–186 through WA–191) airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished.

To ensure the required structural level of occupant protection during minor crash conditions, within the next 50 hours time-in-service after the effective date of this AD, accomplish the following:

(A) Visually inspect for missing rivets and insufficient fastener edge distances and then modify, as necessary, the P/N 108–440000–31 shoulder harness attach bracket in accordance with procedures set forth in Beechcraft Service Instructions No. 1173.

(B) Within 48 hours report missing rivets, insufficient fastener edge distance, or other defects found as a result of the inspection required herein, to the FAA via an M or D Report (FAA Form 8330–2) or a letter to the Chief, Aircraft Certification Program, Federal Aviation Administration, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209. Describe the defect found, total time-in-service on the airplane or part at time of discovery, and the aircraft serial number. (Reporting approved by the Office of Management and Budget under OMB No. 04–R0174).

(C) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 942–4286.

This amendment becomes effective May 7, 1981.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on April 20, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81–13377 Filed 5–1–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 81–SO–20; Amdt. No. 39–4100]

Piper Model PA–34 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) applicable to certain Piper Models PA–34–200 (Seneca) and PA–34–200T (Seneca II) series airplanes by requiring a modification to the forward baggage door. The amendment is needed to prevent the possible inflight opening of the forward baggage door, with resulting pilot distraction and possible structural damage to the aircraft.

DATES: Effective April 30, 1981. Compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable Piper Service Bulletin may be obtained from Piper Aircraft Corporation, Lock Haven Division, Lock Haven, Pennsylvania 17745, telephone (717) 748–6711.

A copy of the service bulletin is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: Curtis Jackson, Aerospace Engineering, ASO–212, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763–7407.

SUPPLEMENTARY INFORMATION: There have been reports of inflight openings of the forward baggage door on certain Piper Models PA–34–200 and PA–34–200T airplanes which could result in pilot distraction and possible structural damage to the airplanes. Since this situation is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires modification of the forward baggage door on certain Piper Models PA–34–200 and PA–34–200T series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

Piper Aircraft Corporation: Applies to the following Model PA–34 series airplanes, certificated in all categories:

PA–34–200 Seneca—34–7250001 through 34–7550220

PA-34-200T Seneca II—34-7570001 through 34-8070367

Compliance is required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

To prevent inflight opening of the forward baggage door, accomplish the following:

(a) Modify the forward baggage door in accordance with Piper Aircraft Corporation Service Bulletin No. 633B, Part IV, dated October 3, 1980.

(b) Make appropriate maintenance record entry.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

This amendment becomes effective April 30, 1981.

This action is in addition to the modifications which were required in AD 79-23-01.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under Dot Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in East Point, Georgia, on April 22, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-13339 Filed 5-1-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-11AD; Amdt. 39-4107]

McDonnell Douglas Model DC-9-81 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This is a publication of a telegraphic Airworthiness Directive (AD) which was issued on February 9, 1981, requiring disengagement of the autothrottle during approach prior to reaching 50 feet AGL. This action is necessary to prevent unscheduled deployment of the thrust reversers during approach prior to touchdown. To prevent such deployment, the rule requires placarding of each aircraft and amendment of the FAA Approved Flight Manual.

DATES: Effective May 14, 1981. This AD was effective earlier to all recipients of telegraphic AD T81-04-51 dated February 9, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261, Room 6W14.

FOR FURTHER INFORMATION CONTACT: Duane A. Naff, Supervisory Aerospace Engineer, Propulsion Branch, ANW-140L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6383.

SUPPLEMENTARY INFORMATION: On February 9, 1981, an emergency telegraphic AD, T81-04-51, was issued and made effective upon receipt of all known U.S. operators on McDonnell Douglas Model DC-9-81 series airplanes. This AD requires disengaging the autothrottle during approach before reaching fifty feet AGL; placarding each aircraft with disengagement instructions in full view of each pilot; and revision of the FAA-approved Airplane Flight Manual. This action was prompted by a reported incident revealing that during approach for landing with the autothrottles engaged, when the automatic retard mode is activated at forty feet AGL and the throttles retarded to the aft limit, there is a possibility that a reverser lever may be driven up to the point where the reverser buckets may deploy thereby causing a hazardous condition.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-81 series airplanes certificated in all categories. Compliance required as noted in the body of this AD, unless already accomplished. To prevent unscheduled deployment of the thrust reversers during approach prior to touchdown, accomplish the following:

A. Effective immediately after the effective date of this AD, the flight crew shall disengage the autothrottle during approach prior to reaching 50 feet AGL.

B. Within 48 hours calendar time after receipt of this AD, unless already accomplished:

1. Placard each aircraft in clear view of each pilot with the following wording: "Disengage ATS on approach before reaching 50 feet AGL."

2. The FAA-approved Airplane Flight Manual shall be revised to add the following in the limitations section: *Autothrottles:* The autothrottles must be disengaged during approach before reaching 50 feet AGL.

C. Alternate means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

This amendment becomes effective May 14, 1981, to all persons, except those to whom it was made immediately effective by telegram dated February 9, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on April 24, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-13139 Filed 5-1-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No 80-WE-53-AD; Amdt. 39-4104]

McDonnell Douglas Model DC-10 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires replacement of the electrical connector assembly in the fuel boost/transfer pump housing on certain McDonnell Douglas DC-10 series airplanes. This AD is needed because the possibility of electrical arcing and burning in the presence of fuel and fuel vapor constitutes a fire hazard.

DATES: Effective date July 22, 1981. Compliance required within 300 hours' time in service from the effective date of this AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, Cl-750 (54-60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261, Room 6W14.

FOR FURTHER INFORMATION CONTACT: Duane Waff, Aerospace Engineer, Propulsion Branch, ANW-140L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6383.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring replacement of certain electrical connector assemblies in the fuel boost/transfer pump housings in certain DC-10 aircraft was published in the Federal Register at 45 FR 74495, November 10, 1980. The proposal was prompted by reports of electrical arcing and burning between loose pins in the electrical connector assembly in the fuel boost/transfer pump housing on certain McDonnell Douglas DC-10 airplanes which could result in an ignition source in the pump housing. Since this condition is likely to exist or develop on other airplanes of the same type design, this AD requires replacement of the connector assembly with an improved assembly. Interested persons have been afforded an opportunity to participate in the making of the amendment. One industry association indicated that member DC-10 operators have previously accomplished the proposed replacement. FAA recognizes that a substantial portion of the affected airplanes likely have been modified, and compliance is clearly specified to be required only if not already accomplished. The aircraft manufacturer similarly indicated their records show all in-service airplanes have been modified. FAA does not accept manufacturer's records, relative to field maintenance, as a conclusive indication that modifications made mandatory in the interest of safety have been accomplished. The manufacturer commented further that the pump housing has been demonstrated to be explosion proof. FAA acknowledges such demonstration and agrees that this design makes propagation of ignition to the fuel tank unlikely. However, this is viewed only as additional assurance against an unsafe condition resulting from ignition, assuming the possibility of ignition is unlikely. In view of the reports of arcing and burning experienced in the field, and recognizing such an ignition source in the presence of fuel and/or fuel vapors could result in ignition of the fuel, FAA believes it is necessary to minimize the possibility of such arcing and burning to achieve the desired level of safety.

It is estimated that 97 aircraft world wide may be affected by this action. However, it has been reported that a significant number of these aircraft have complied with the manufacturers instructions to inspect for, and replace, defective connector assemblies. Therefore, the total cost of this action is not known, but the cost is estimated to be $700 per aircraft. This estimate is based on an average labor cost of $35 per hour and 20 hours required to accomplish the modification. The parts are supplied by the manufacturer at no charge.

After review of all available data, including comments submitted, the FAA has determined that the proposed rule should be adopted, without change.

Adoption of the Amendment

Accordingly, the Federal Aviation Administration proposes to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-10 series airplanes, fuselage numbers 1 through 98, except fuselage number 2, certificated in all categories. See McDonnell Douglas Service Bulletin identified below for the applicable aircraft serial numbers. Compliance is required as indicated, unless already accomplished.

To prevent electrical arcing and burning in the electrical connector in the Hydro-Aire fuel pump housing, accomplish the following:

(a) Within 300 hours' additional time in service after the effective date of this AD, replace the electrical connectors in the fuel boost/transfer pump housings in those fuel tanks specified, in accordance with paragraph 2, Accomplishment Instructions, McDonnell Douglas Service Bulletin, DC-10 SB 28-17, Revision 2, dated July 27, 1973.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of modifications required by this AD.

(c) Alternative modifications or other actions which provide an equivalent level of safety may be used when approved by Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

The manufacturer's specifications and producers indentified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, Cl-750 (54-60). These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261, Room 6W14.

This amendment becomes effective July 22, 1981.

(Secs 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, small entities. A final regulatory evaluation has been prepared for this regulation, has been placed in the regulatory docket, and summarized earlier in this rule. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485). As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on April 23, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-13142 Filed 5-1-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-SO-14; Amdt. No. 39-4096]

Airworthiness Directives; Piper Model PA-44-180 (Seminole) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires the inspection and modification of the nose cone spars on certain Piper Model PA-44-180 airplanes. The AD is prompted by reports of cracks in the nose cone spars in the area of the nose landing gear upper drag brace attach point which could result in malfunction of the nose landing gear.

DATES: Effective April 30, 1981. Compliance required as prescribed in body of AD.

ADDRESSES: The applicable service bulletin may be obtained from Piper Aircraft Corporation, Lock Haven Division, Lock Haven, Pennsylvania 11745, telephone (717) 748-6711.

A copy of the service bulletin is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Normal Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: Curtis Jackson, ASO-212, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: There have been reports of cracks in the nose cone spars in the area of the nose landing gear upper drag brace attach point on certain Piper PA-44-180 airplanes. This condition, if not corrected, may result in malfunction of the nose landing gear which could cause the loss of the airplane during landing. Since this situation is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection and modification of the nose cone spar on certain Piper PA-44-180 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

Piper Aircraft Corporation: Model PA-44-180 (Seminole), serial numbers 44-7995001 through 44-8095021, airplanes certificated in all categories.

Compliance required as indicated, unless already accomplished. To prevent cracks in the nose cone spars which could result in malfunction of the nose landing gear, accomplish the following:

(a) Within the next 50 hours time in service after the effective date of this AD, visually inspect the nose cone spars for cracks, in accordance with the instructions contained in Part I of Piper Aircraft Corporation Service Bulletin No. 695, dated September 10, 1980. If cracks are found, either modify as described in paragraph (b) below, or replace parts as required by Part I of the Piper Service Bulletin. The required inspection must be accomplished by a person authorized in accordance with FAR Part 43.

(b) Within the next 100 hours time in service after the effective date of this AD, modify the nose cone spars in accordance with Piper Kit P/N 764 080V unless already accomplished.

(c) Make appropriate maintenance record entry.

An equivalent method of compliance may be accomplished if approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

This amendment becomes effective April 30, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in East Point, Georgia, on April 22, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-13173 Filed 5-1-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NE-13; Amdt. 39-4099]

Sikorsky S-76A Helicopters Certificated in All Categories; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), 80-14-05, Amendment 39-3617, applicable to S-76A helicopters certificated in all categories. This amendment is required because of a recent in-flight fatigue failure of the main rotor blade tip plate retention bolts and subsequent loss of the tip plate and tip cap, which could result in the loss of a main rotor blade.

This amendment makes mandatory the Accomplishment Instructions of Sikorsky Aircraft Alert Service Bulletin 76-65-23, dated April 16, 1981, which requires replacement of the main rotor blade tip plate retention bolts and subsequent bolt torque inspections.

Investigation of the recent fracture is in progress and revision of this AD can be expected after further investigation.

DATES: Effective date May 7, 1981. Comments must be received on or before June 8, 1981.

ADDRESSES: Send comments on the rule in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 80-NE-13, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable service bulletins may be obtained from Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. Copies of the service bulletin are contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Stephen J. Soltis, Airframe Section, ANE-212, Engineering and Manufacturing Branch, Flight Standards Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7336.

SUPPLEMENTARY INFORMATION:

Prior Regulatory History

This notice supersedes Amendment 39-3817, 45 FR 43697, AD 80-14-05, which required inspection and replacement of identified main rotor blade tip plate retention bolts.

Subsequent to issuance of Amendment 39-3817 there has been a report of an in-flight fatigue failure of the main rotor blade tip plate retention bolts and subsequent loss of the tip plate and tip cap. It is suspected that improper tip block/tip plate interface and/or loss of attachment bolt torque may have contributed to the fatigue failure. Since this condition may develop on other helicopters of the same type design and is unrelated to the condition that initiated Amendment 39-3817, an AD is being issued which requires replacement of the main rotor blade tip plate retention bolts and subsequent bolt torque inspections on Sikorsky model S-76A helicopters.

FAA engineering evaluation of this incident and corrective action is continuing and revision of this AD can be expected as additional data becomes available.

Need for Amendment

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule and was not preceded by notice and public procedure, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended effective May 7, 1981, by superseding Amendment 39-3817 (45 FR 43697), AD 80-14-05, with the following new AD:

Sikorsky Aircraft: Applies to S-76A series helicopters certificated in all categories with P/N 76150-09000 series and P/N 76150-09100-041, -042, -043, main rotor blades. For main rotor blades with 340 or more hours time in service, compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

For main rotor blades with less than 340 hours time in service on the effective date of this AD, compliance required before the accumulation of 365 hours time in service.

To prevent operation with cracked bolts in the main rotor blade tip plate attachment joint, accomplish the following:

1. In accordance with Sikorsky Alert Service Bulletin No. 76-65-23, dated April 16, 1981, replace the four NAS624H6 bolts which mate the 76150-09030 tip plate assembly with the 76150-09000 or 76150-09100 main rotor blade, per paragraphs D(1) through D(8), and subsequently inspect for torque per paragraph D(9), or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region.

2. Report within 24 hours any discrepancies found during the rework and inspections required herein, including motor rotor blade time in service, to the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

Reporting approved by the Office of Management and Budget under OMB No. 04-40174.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Sikorsky Aircraft, Division of United Technologies Corporation, Stratford, Connecticut 06602. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C.

This amendment becomes effective May 7, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Burlington, Massachusetts, on April 17, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-13161 Filed 5-1-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-GL-2-AD; Amdt. No. 39-4102]

Stewart-Warner (South Wind) Combustion Heaters Model Series 8240, 8253, 8259, and 8472; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspections and overhaul at specific time intervals on Stewart-Warner Combustion Heater Model Series 8240, 8253, 8259, and 8472 marked as meeting the standards of FAA TSO-C20. This AD is being issued as a result of service experience combustion heaters which included an aircraft fire believed due to an improperly maintained combustion heater.

DATES: Effective May 8, 1981. Compliance schedule—As prescribed in body of AD. Comments related to this amendment must be received on or before May 29, 1981. Depending on the comments received, the requirements of this amendment may be modified.

ADDRESSES: Send written comments in duplicate to Office of Regional Counsel, Federal Aviation Administration, Attention: Rules Docket (AGL-7), Docket No. 81-GL-2-AD, 2300 East Devon Avenue, Des Plaines, Illinois 60018. The applicable manuals may be obtained from: Stewart-Warner, South Wind Division, 1514 Drover Street, Indianapolis, Indiana 46221; telephone 317/632-8411.

A copy of the service information is contained in the Rules Docket, Room 415, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Mr. Norm Martenson, Engineering and Manufacturing Branch, AGL-210, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, IL 60018, telephone 312/694-7428.

SUPPLEMENTARY INFORMATION: The FAA has determined that insufficient heater inspections have allowed the condition of Stewart-Warner (South Wind) combustion heaters to deteriorate to a level where heater malfunctioning can cause serious safety problems. This determination is based on a review of service difficulty reports and NTSB Safety Recommendation A-80-142 dated January 15, 1981, which recommended issuance of an AD to require periodic inspections on Stewart-Warner combustion heaters. There are heaters in service which have accumulated at least 1,000 hours of operating time and reports have shown more discrepancies to exist in heaters with greater than 1,000 hours of operating time. At least one aircraft fire has been reported and is believed due to an improperly maintained Stewart-Warner (South Wind) heater. The consequences of a heater malfunction can be extremely hazardous, and since these conditions may exist in or develop in other Stewart-Warner (South Wind) combustion heaters of similar design, an AD is being issued which requires periodic maintenance and overhaul of these combustion heaters in accordance with the manufacturer's service manuals.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Although this action, which involves requirements affecting immediate flight safety, is in the form of a final rule and thus, was not preceded by notice and public comment, comments are now invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. Public comments are helpful in evaluating the effects of the rule and in determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Stewart-Warner (South Wind Division): Applies to Model Series 8240, 8253, 8259, and 8472 marked as meeting the standards of FAA TSO-C20, installed in aircraft certificated in all categories.

Compliance required as indicated. To prevent a hazardous condition caused by deterioration of the combustion heater, accomplish the following:

A. For combustion heaters having 250 hours or more time in service after the effective date of this AD, conduct the 250 hour inspection in accordance with the manufacturer's service manual (see note 2) within the next 50 hours of combustion heater operation, unless already accomplished within the last 200 hours of heater time, and thereafter at intervals not to exceed 250 hours of combustion heater operation. Also, along with the above inspection, a general inspection of the combustion heater installation must also be accomplished including at least the following:

1. Inspect ventilating air and combustion air inlets and exhaust outlet correcting restrictions and insuring attachment security.

2. Inspect drain line and insure it is free of obstruction.

3. Check all fuel lines for security at joints and shrouds, correcting those showing evidence of looseness or leakage.

4. Check all electrical wiring for security at attachment points, correcting conditions leading to arcing, chafing, or looseness.

B. For combustion heaters having 1,000 hours or more time in service after the effective date of this AD, overhaul the combustion heater in accordance with the manufacturer's service manual (see note 2) within the next 50 hours of combustion heater operation, unless already accomplished within the last 950 hours of heater time, and thereafter at intervals not to exceed 1,000 hours of combustion heater operation. An overhaul consists of complete disassembly, cleaning, repair, reassembly and test at outlined in the appropriate service manual.

Note 1.—In complying with this AD, if the owner or operator cannot document combustion heater operating time, the aircraft time must be used.

Note 2.—The following is a list of combustion heaters covered by this AD and the appropriate service manual. Methods of inspection or overhaul other than those contained in the manufacturer's service manuals must be approved by the Chief, Engineering and Manufacturing Branch, FAA Great Lakes Region.

Models	Service manual number
8240 Series	09-998 or P.M. 35710.
8259 Series	(Appropriate usage is shown in manual or manual supplements.)
8253 Series	P.M. 30998.
8472 Series	09-1015.

This amendment becomes effective May 8, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this document involves a regulation that is not major under the provisions of Executive Order 12291. It has been further determined that this regulation is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact." In addition, it has been determined under the criteria of the Regulatory Flexibility Act that this rule, at promulgation, will not have a significant impact on a substantial number of small entities. This determination is based on the minimal costs associated with the required inspections. This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Des Plaines, Illinois, on April 16, 1981.

Wayne J. Barlow,
Director, Great Lakes Region.

[FR Doc. 81-13340 Filed 5-1-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 21684; Amdt. No. 1189]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of

changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subcription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 52(a), 1 CFR Part 51 and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Material incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendemt state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TFRPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective June 11, 1981:*

Santa Ynez, CA—Santa Ynez, VOR-A, Amdt. 6, cancelled
Santa Ynez, CA—Santa Ynez, VOR-B, Amdt. 5
Ft. Collins, CO—Downtown Ft. Collins Airpark, VOR/DME-B, Original
Middletown, DE—Summit Airpark, VOR-B, Original
Middletown, DE—Summit Airpark, VOR-B, Amdt. 4, cancelled
Wilmington, DE—Greater Wilmington, VOR Rwy 1, Original
Wilmington, DE—Greater Wilmington, VOR Rwy 9, Original
Wilmington, DE—Greater Wilmington, VOR Rwy 9, Amdt. 2, cancelled
Wilmington, DE—Greater Wilmington, VOR Rwy 19, Original
Wilmington, DE—Greater Wilmington, VOR Rwy 27, Original
Wilmington, DE—Greater Wilmington, VOR Rwy 32, Amdt. 2, cancelled
Kailua-Kona, HI—Ke-ahole, VOR/DME or TACAN Rwy 17, Amdt. 1
Lanai City, HI—Lanai, VOR or TACAN-A, Amdt. 3
Lanai City, HI—Lanai, VOR or TACAN Rwy 3, Original
Chicago (Wheeling), IL—Pal-Waukee, VOR Rwy 16, Amdt. 17
Chicago (Wheeling), IL—Pal-Waukee, VOR/DME Rwy 16, Amdt. 2, cancelled
Jackson, MI—Jackson County-Reynolds Field, VOR Rwy 5, Amdt. 13
Jackson, MI—Jackson County-Reynolds Field, VOR Rwy 13, Amdt. 12
Jackson, MI—Jackson County-Reynolds Field, VOR Rwy 23, Amdt. 15
Jackson, MI—Jackson County-Reynolds Field, VOR Rwy 31, Amdt. 11
Monroe, MI—Custer, VOR Rwy 20, Amdt. 4
Owosso, MI—Owosso City, VOR Rwy 28, Amdt. 2
Saginaw, MI—Harry W. Browne, VOR/DME-A, Amdt. 1
Caledonia, MN—Houston County, VOR/DME-A, Amdt. 1
Sikeston, MO—Sikeston Meml Muni, VOR Rwy 20, Original
Bridgeport, NJ—Bridgeport, VOR Rwy 34, Amdt. 6
Sussex, NJ—Sussex, VOR-A, Amdt. 4
Albion, NY—Pine Hill, VOR Rwy 28, Amdt. 1
Cleveland, OH—Cuyahoga County, VOR Rwy 23, Amdt. 2
Elyria, OH—Elyria, VOR-A, Amdt. 6
Lorain/Elyria, OH—Lorain County Regional, VOR Rwy 7, Amdt. 7
Piqua, OH—Piqua, VOR Rwy 26, Amdt. 2
Piqua, OH—Piqua, VOR-A, Amdt. 9
Port Clinton, OH—Carl R. Keller Field, VOR/DME, Amdt. 2
Sandusky, OH—Griffing Sandusky, VOR Rwy 27, Amdt. 3
Clinton, OK—Clinton-Sherman, VOR Rwy 35L, Amdt. 6
Tulsa, OK—Tulsa Intl, VOR/DME or TACAN Rwy 8, Original
Bennettsville, SC—Marlboro County, VOR/DME-A, Amdt. 3
Brookings, SD—Brookings Muni, VOR Rwy 12, Amdt. 4
Brookings, SD—Brookings Muni, VOR Rwy

Fayetteville, TN—Fayetteville Muni, VOR/DME Rwy 1, Amdt. 2, cancelled
Charlotte Amalie, St. Thomas, VI—Harry S. Truman, VOR-A, Amdt. 13

** * * Effective April 22, 1981:*

Dallas, TX—Redbird, VOR Rwy 13, Amdt. 5
Dallas, TX—Redbird, VOR Rwy 7, Amdt. 3
Dallas, TX—Redbird, VOR Rwy 31, Amdt. 8

** * * Effective April 21, 1981:*

Kotzebue, AK—Ralph Wien Memorial, VOR Rwy 8, Amdt. 1
Kotzebue, AK—Ralph Wien Memorial, VOR/DME Rwy 8, Amdt. 1

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

** * * Effective June 11, 1981:*

Sitka, AK—Sitka, LDA/DMA Rwy 11, Amdt. 6
Miami, FL—Miami Intl, LOC Rwy 30, Amdt. 2
Pensacola, FL—Pensacola Regional, LOC BC Rwy 34, Amdt. 7, cancelled
Kailua-Kona, HI—Ke-ahole, LOC Rwy 17, Amdt. 1
Cleveland, OH—Cuyahoga County, LOC BC Rwy 5, Amdt. 4
Sparta, TN—Sparta-White County, SDF Rwy 3, Original

** * * Effective April 14, 1981:*

St. Louis, MO—Lambert-St. Louis Intl, LDA/DME-A, Amdt. 1

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective June 11, 1981:*

Magnolia, AR—Magnolia, Muni, NDB Rwy 35, Amdt. 1
Wilmington, DE—Greater Wilmington, NDB Rwy 1, Amdt. 13
Middletown, DE—Summit Airpark, NDB-A, Amdt. 3
Jefferson, IA—Jefferson Muni, NDB Rwy 32, Amdt. 3
Olathe, KS—Johnson County Executive, NDB-B, Original
Minden, LA—Minden-Webster, NDB Rwy 1, Amdt. 1
Minden, LA—Minden-Webster, NDB Rwy 19, Amdt. 1
Jackson, MI—Jackson County-Reynolds Field, NDB Rwy 23, Amdt. 7
Pellston, MI—Emmet County, NDB Rwy 32, Amdt. 14
Caledonia, MN—Houston County, NDB Rwy 31, Amdt. 1
Sikeston, MO—Sikeston Meml Muni, NDB Rwy, Amdt. 6
Rugby, ND—Rugby Muni, NDB Rwy 11, Amdt. 1
Rugby, ND—Rugby Muni, NDB Rwy 29, Amdt. 2
Cleveland, OH—Cleveland-Hopkins Intl, NDB Rwy 5L, Original
Cleveland, OH—Cleveland-Hopkins Intl, NDB Rwy 5R, Original
Cleveland, OH—Cleveland-Hopkins Intl, NDB Rwy 5R/L, Amdt. 15, cancelled
Cleveland, OH—Cleveland-Hopkins Intl, NDB Rwy 23L, Original
Cleveland, OH—Cleveland-Hopkins Intl, NDB Rwy 23R, Original
Cleveland, OH—Cleveland-Hopkins Intl, NDB Rwy 23L/R, Amdt. 4, cancelled
Cleveland, OH—Cuyahoga County, NDB Rwy 23, Amdt. 2
Port Clinton, OH—Carl R. Keller Field, NDB Rwy 28, Amdt. 5
Clinton, OK—Clinton-Sherman, NDB Rwy 17R, Amdt. 7
Philadelphia, PA—Philadelphia Intl, NDB Rwy 27L, Amdt. 3
Madison, SD—Madison Muni, NDB Rwy 14, Amdt. 2

** * * Effective May 14, 1981:*

Visalia, CA—Visalia Muni, NDB Rwy 30, Original

** * * Effective April 22, 1981:*

Santa Fe, NM—Santa Fe County Muni, NDB Rwy 2, Amdt. 1
Dallas, TX—Redbird, NDB Rwy 35, Amdt. 5

** * * Effective April 16, 1981:*

Fresno, CA—Fresno Air Terminal, NDB Rwy 29R, Amdt. 20

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

** * * Effective June 11, 1981:*

Denver, CO—Stapleton Intl, ILS Rwy 35L, Amdt. 23
Windsor Locks, CT—Bradley Intl, ILS Rwy 6, Amdt. 27
Wilmington, DE—Greater Wilmington, ILS Rwy 1, Amdt. 15
Jackson, MI—Jackson County-Reynolds Field, ILS Rwy 23, Amdt. 7
Pellston, MI—Emmet County, ILS Rwy 32, Amdt. 4
Sault Ste. Marie, MI—Chippewa County International, ILS Rwy 15, Amdt. 2
Duluth, MN—Duluth Intl, ILS Rwy 9, Amdt. 15
Kansas City, MO—Richards-Gebaur, ILS Rwy 36, Original
Cleveland, OH—Cleveland-Hopkins Intl, ILS Rwy 5R, Amdt. 10
Cleveland, OH—Cleveland-Hopkins Intl, ILS Rwy 23L, Amdt. 8
Cleveland, OH—Cleveland-Hopkins Intl, ILS Rwy 28R, Amdt. 16
Cleveland, OH—Cuyahoga County, ILS Rwy 23, Amdt. 6
Lorain/Elyria, OH—Lorain County Regional, ILS Rwy 7, Original
Clinton, OK—Clinton-Sherman, ILS Rwy 17R, Amdt. 3
Altoona, PA—Altoona-Blair County, ILS Rwy 20, Amdt. 1
Philadelphia, PA—Philadelphia Intl, ILS Rwy 9R, Amdt. 3
Philadelphia, PA—Philadelphia Intl, ILS Rwy 27R, Amdt. 3
Charlotte Amalie, St. Thomas, VI-Harry S. Truman, ILS Rwy 9, Amdt. 4
Bluefield, WV—Mercer County, ILS Rwy 23, Amdt. 4

** * * Effective May 14, 1981:*

Visalia, CA—Visalia Muni, ILS Rwy 30, Amdt. 2

** * * Effective April 22, 1981:*

Santa Fe, NM—Santa Fe County Muni, ILS Rwy 2, Amdt. 1
Dallas, TX—Redbird, ILS Rwy 31, Amdt. 2

** * * Effective April 21, 1981:*

Kotzebue, AK—Ralph Wien Memorial, ILS/DME Rwy 8, Amdt. 2

** * * Effective April 16, 1981:*

Fresno, CA—Fresno Air Terminal, ILS Rwy 29R, Amdt. 25
New Bedford, MA—New Bedford Muni, ILS Rwy 5, Amdt. 17

** * * Effective April 11, 1981:*

New York, NY—LaGuardia, ILS Rwy 22, Amdt. 15

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective June 11, 1981:*

White Plains, NY—Westchester County, RADAR-1, Amdt. 2
Cleveland, OH—Cleveland-Hopkins Intl, RADAR-1, Amdt. 27
Madison, WI—Dane County Regional/Truax Field, RADAR-1, Amdt. 8

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective June 11, 1981:*

Wilmington, DE—Greater Wilmington, RNAV Rwy 9, Original
Wilmington, DE—Greater Wilmington, RNAV Rwy 9, Amdt. 2, cancelled
Cleveland, OH—Cleveland-Hopkins Intl, RNAV Rwy 10L, Amdt. 7
Cleveland, OH—Cleveland-Hopkins Intl, RNAV Rwy 18R, Amdt. 7
Cleveland, OH—Cleveland-Hopkins Intl, RNAV Rwy 36L, Amdt. 7
Cleveland, OH—Cuyahoga County, RNAV Rwy 23, Amdt. 7
Lorain/Elyria, OH—Lorain County Regional, RNAV Rwy 7, Amdt. 3
Piqua, OH—Piqua, RNAV Rwy 26, Amdt. 3

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on April 24, 1981.

John S. Kern,
Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980

[FR Doc. 81-13157 Filed 5-1-81; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9131]

Teledyne, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Los Angeles, Calif. manufacturer of oral irrigating devices and other consumer products to cease misrepresenting the content, results or conclusions of any survey or opinion research; failing to base preventive or therapeutic claims about devices upon other than competent and reliable scientific tests or other evidence; and claiming that the American Dental Association recommends the Water Pik unless such claim is in fact authorized by the ADA. Further, the order requires that claims regarding the ability of a device to prevent, mitigate or treat periodontal disease be based upon clinical tests which are well-controlled using acceptable testing procedures and that the firm maintain records substantiating its claims for three years after disseminating advertisements affected by this order.

DATES: Complaint issued Nov. 27, 1979. Order issued April 13, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/P, James H. Sneed, Washington, D.C. 20580, (202) 523–3601.

SUPPLEMENTARY INFORMATION: On Friday, January 9, 1981, there was published in the **Federal Register**, 46 FR 2359, a proposed consent agreement with analysis in the matter of Teledyne, Inc., a corporation, and Teledyne Industries, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.110 Endorsements, approval and testimonials; § 13.170 Qualities or properties of product or service, 13.170–70 Preventive or protective; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests; § 13.255 Surveys; § 13.265 Tests and investigations. Subpart—Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly, 13.330–30 Dentists. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or disclosures, 13.533–20 Disclosures, 13.533–45 Maintain records, 13.533–45(a) Advertising substantiation. Subpart—Misrepresenting Oneself and Goods: § 13.1665 Endorsements; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1757 Surveys; § 13.1762 Tests, purported.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 81-13606 Filed 5-1-81; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

16 CFR Part 13

[Docket No. 9131]

J. Walter Thompson Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a New York City advertising agency to cease making survey claims unless the surveys are designed, executed and analyzed in a competent and reliable manner. Further, the firm is prohibited from making claims regarding the opinions or recommendations of any professional group unless that professional group is actually asked about their opinions or recommendations.

DATES: Complaint issued Nov. 27, 1979. Order issued April 13, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/P, James H. Sneed, Washington, D.C. 20580. (202) 523–3601.

SUPPLEMENTARY INFORMATION: On Friday, Jan. 9, 1981, there was published in the **Federal Register**, 46 FR 2361, a proposed consent agreement with analysis In the Matter of J. Walter Thompson Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.110 Endorsements, approval and testimonials; § 13.170 Qualities or properties of product or service, 13.170–70 Preventive or protective; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests; § 13.255 Surveys. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533–20 Disclosures, 13.533–45 Maintain records, 13.533–45(a) Advertising substantiation. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1665 Endorsements; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1757 Surveys.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 81-13605 Filed 5-1-81; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original document.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 3, 145, and 147

[Forms 8–R, 8–S and 8–T]

Registration Forms and Rules; Deferral of Effective Date

AGENCY: Commodity Futures Trading Commission.

ACTION: Adoption of final rules and forms and notice of deferral of effective date of rules.

SUMMARY: On December 5, 1980, the Commodity Futures Trading Commission ("Commission") adopted and published in the **Federal Register** final rules relating to the registration of futures commission merchants, floor brokers, associated persons, commodity trading advisors and commodity pool operators (45 FR 80485). Those rules require that each applicant for registration as an associated person ("AP") be "sponsored" by a futures commission merchant ("FCM") which must screen that person's application and certify that it is accurate and complete to the best of the FCM's knowledge, information, and belief. Those rules also require the fingerprinting of, and the filing of a Form 8–R by, certain Commission registrants or their principals. The Commission is now postponing the effective date of those regulations until July 1, 1982. This decision has been made necessary by the Commission's need to augment its existing data processing centers.

In an accompanying release, the Commission also announced and invited public comments with respect to, a further rulemaking for the purpose of revising Form 8–R, new Forms 8–S and 8–T, and adopting certain additional, related regulations (45 FR 80539, December 5, 1980). Those Form revisions and additional rules were principally for the purpose of fully implementing the sponsorship and fingerprinting requirements. The Commission is adopting the Forms and additional regulations in substantially the same manner as they were proposed.

DATES: The Commission has determined to postpone the effective date of the regulations adopted on December 5, 1980 from July 1, 1981, as originally scheduled, to July 1, 1982. The Forms and regulations which are the subject of the instant release will also become effective on July 1, 1982.

FOR FURTHER INFORMATION CONTACT: Robert P. Shiner, Assistant Director for Registration, or Kenneth M. Rosenzweig, Esq., Divison of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254–8703 or 254–8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. *Background.* On March 20, 1980, the Commission proposed substantial amendments to its registration regulations and, in particular, to the requirements governing the registration of associated persons (45 FR 18356). The Commission subsequently adopted final regulations which, along with other of its registration regulations, were consolidated in a new Part 3 of the Chapter I, Title 17 of the Code of Federal Regulations (45 FR 80485, December 5, 1980).

At the same time that it adopted those regulations, the Commission proposed for public comment a revised version of the Form 8–R,[1] and other, related Forms and regulations which the Commission stated it believed were necessary to implement fully those newly adopted regulations (45 FR 80539, December 5, 1980). The Commission has considered the seven comments it received in response to that latter proposal and has decided to adopt those Forms and regulations with only minor changes.

B. *Deferral of Effective Date.* As noted above, the new registration regulations and recodification were scheduled to become effective on July 1, 1981.[2] In addition, amendments to other related regulations were scheduled to become effective on that same date.[3] The Commission has decided to defer the effectiveness of those regulations until July 1, 1982 and similarly, has decided not to make effective until July 1, 1982 the regulations and Forms which it is adopting today.[4]

Although this decision has been made necessary by the Commission's need to augment its existing data processing facilities, the Commission believes that the resultant delay could allow a futures association, if one were to be registered under Section 17 of the Commodity Exchange Act,[5] to assume many of these registration functions. Commission registrants and applicants for registration will, of course, continue to be governed by the Commission's existing regulations and should continue to use the existing registration Forms until further notice.

II. Summary of Forms 8–R, 8–S and 8–T

A. *The Form 8–R.* Although certain stylistic changes have been made in response to suggestions made by some of the commentators, the Form 8–R, as well as Forms 8–S and 8–T, are being adopted without significant modifications.

One commentator asserted that its present practice of conducting polygraphic examinations of its prospective employees was less costly and more accurate than the methods of verification proposed by the Commission. The Commission's newly-revised registration regulations—including the Form 8–R—merely set forth a minimum standard to which sponsoring FCMs must adhere; each FCM is, of course, free to adopt such additional measures or standards as it feels is necessary to assure itself of the accuracy of the information it must certify on the Form 8–R.

Another commentator suggested that the Commission include in the Form 8–R a "release," to be signed by the AP, which would authorize the sponsoring FCM to check the applicant's background and authorize former employers and others to supply the requested information. The Commission believes that this suggestion has merit and has modified the Form 8–R accordingly.

A few of the commentators observed that in some instances, it will be impossible to verify an AP's representations because, for example, a former employer has gone out of business. In such cases, the sponsoring FCM could simply indicate on the Form 8–R that it was unable to obtain the information in question and state the reasons for that inability.

As noted earlier, the Form 8–R must be filed by certain principals of FCMs, CTAs and CPOs.[6] One commentator stated its belief that it is unnecessary to require a Form 8–R from principals who do not have any supervisory responsibilities. The Commission disagrees. Under Sections 4n(6) and 8a (2) and (3) of the Commodity Exchange Act,[7] the Commission is authorized to deny, suspend, or revoke registration if certain persons affiliated with the registrant or applicant for registration are unfit to engage in the activity for which registration is sought. These persons include, for example, corporate directors and officers who, although they may not have any supervisory responsibilities,[8] nonetheless exercise a controlling influence over the registrant's activities. The Commission must, therefore, request biographical information from those persons in order to ensure, to the extent reasonably possible, the fitness for registration of the firms with which those individuals are to be affiliated.

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[1] The Form 8–R is used by APs and floor brokers as an application for registration and by the principals of FCMs, commodity trading advisors ("CTAs"), and commodity pool operators ("CPOs") as a biographical supplement to the applications for registration filed by FCMs, CTAs and CPOs.

[2] 45 FR 80485 (December 5, 1980).

[3] *Id.*

[4] The Commission is considering further rulemaking which could make it necessary to revise further Forms 8–R and 8–T and is therefore deferring publication of the Forms.

[5] 7 U.S.C. 21.

[6] *See* § 3.10 (a)(2), (c) (FCMs); § 3.13 (a)(2), (c) (CTAs); § 3.14 (a)(2), (c) (CPOs) (45 FR 80485, 80492, 80494 (December 5, 1980)).

[7] 7 U.S.C. 6n(6), 12a(2), 12a(3).

[8] *See, e.g.*, 17 CFR 166.3. *See also* 45 FR 54032 (August 14, 1980).

B. *The Forms 8–S and 8–T.* The Commission is adopting these Forms without substantial change from the proposed Forms. The Commission is aware, however, that the instructions to the proposed Forms did not set forth procedures to be followed in certain instances during the "transition" period after the effective date of the regulations during which APs who were registered in accordance with existing § 1.10b [9] will not yet have been registered in accordance with the procedures established by new § 3.12. Specifically, there may be instances after the July 1, 1982 effective date of § 3.12 in which an AP who is registered in accordance with existing § 1.10b changes firms prior to the fixed expiration date of that previously-existing registration.[10] The present requirement is that a hiring FCM must file a Form 3–R to add the AP to the list of such persons employed by the FCM or its agent.[11]

Following the effective date of the new regulation, however, the Commission will accept a Form 8–S, the Certificate of Special Registration, in lieu of a Form 3–R in the above-described circumstances. The filing of a Form 8–S in such a case would result in the registration of the AP in accordance with the provisions for expedited AP registration contained in § 3.12(d); the AP and the FCM would then be required to complete, and the FCM would be required within sixty days to file, a Form 8–R for that AP.[12] Although an AP is not *required* to be registered in accordance with § 3.12 until his existing registration under § 1.10b expires, an AP who is registered under § 3.12 and who remains associated with a sponsoring FCM or its agent will not have to re-register when his previously-existing registration under § 1.10(b) expires. Further, the registration by use of Forms 8–S and 8–R of an AP whose registration under existing § 1.10b has not yet expired will be without prejudice to the AP's continued use of that previously-existing registration. Thus, as long as his registration under § 1.10b has not yet expired, such an AP would not be required to re-register if he subsequently becomes associated with another FCM or its agent.

By contrast, where an AP's registration under § 1.10b has already expired, the AP and the sponsoring FCM *must* use Form 8–S if the AP is to be registered in accordance with the expedited procedures provided by § 3.12(d). Thus, although the sponsoring FCM may, in some cases, chose to file a completed Form 8–R at the time the AP becomes associated with that FCM or its agent, a Form 8–S must also be submitted if the AP is to be registered without delay.

C. *Related Matters.* The Commission proposed a rule which would make explicit a registrant's or principal's continuing duty to furnish the Commission with a current address for the purpose of receiving communications from the Commission.[13] One commentator suggested that communications from the Commission to an AP should instead be directed to the sponsoring FCM. The Commission agrees with this suggestion to the extent that such communications involve registration-related matters.[14] Thus, for example, the Commission intends to send any necessary correspondence relating to the accuracy or completeness of an AP's application to the sponsoring FCM. Where, however, the communications involve matters not directly related to the processing of applications for registration and similar materials, the Commission believes that such a practice would generally be inappropriate.

Concurrent with the publication in the **Federal Register** of the proposed Forms, the Commission published for public comment additional proposed regulations.[15] The Commission did not receive any comments on those proposals and has decided to adopt them with only minor changes. The Commission also gave notice at that time of proposed changes to some of the systems of records it maintains under the Privacy Act of 1974.[16] The Commission intends to publish a notice reflecting those changes after the necessary reports have been submitted to the Congress and the Office of Management and Budget.[17]

In adopting these rules and Forms, the Commission has taken into consideration the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the regulatory objectives of the Commodity Exchange Act.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and in particular, Sections 2, 4d, 4e, 4f, 4k, 4m, 4n, and 8a thereof, 7 U.S.C. 2 and 4, 6d, 6e, 6f, 6k, 6m, 6n, and 12a, and the authority contained in 5 U.S.C. 552 and 552b, the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations by amending §§ 3.10, 3.11, 3.12, 3.13, 3.14, 3.31, 145.5, 145.6, and 147.3, and by adding § 3.30, as follows:

1. Section 3.11 is amended by adding paragraph (a) as follows:

§ 3.11 Registration of floor brokers.

(a) *Trading privileges required.* No person who applies for registration, or for renewal of registration, as a floor broker will be registered as such unless he has been granted trading privileges by a board of trade which has been designated as a contract market by the Commission.

* * * * *

2. Section 3.12 is amended by revising paragraphs (c)(1)(ii), (c)(1)(iii), and (d)(3) and by adding paragraph (c)(1)(iv) as follows:

§ 3.12 Registration of associated persons.

* * * * *

(c) * * *

(1) * * *

(ii) The futures commission merchant has verified the information supplied by the applicant in response to the questions on Form 8–R which relate to the applicant's education and employment history during the preceding five years, except that this paragraph (c)(1)(ii) does not apply to any person who, at the time of the first expiration of that person's registration as an associated person subsequent to July 1, 1982, is associated with the certifying futures commission merchant or its agent;

(iii) To the best of the futures commission merchant's knowledge, information, and belief, all of the publicly available information supplied by the applicant on Form 8–R is accurate and complete: *Provided,* that it is unlawful for the futures commission merchant to make the certification required by this paragraph (c)(1)(iii) if the futures commission merchant knew or should have known that any of that information is not accurate and complete; and

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[9] 17 CFR 1.10b.

[10] New § 3.12(b)—which, in general, provides that an AP's registration remains effective as long as the AP is associated with the sponsoring FCM or its agent—applies only to APs who have been registered in accordance with new § 3.12.

[11] 17 CFR 1.14(d). The Commission is making a technical amendment to § 3.31 to retain this requirement.

[12] Section 3.12(d)(3) (45 FR 80485, 80493 (December 5, 1980)).

[13] Proposed § 3.30 (45 FR 80539, 80541 (December 5, 1980)).

[14] *See, e.g.,* § 3.4 (FR 80485 (December 5, 1980)). Similarly, with respect to the Form 8–R filings required for the principals of FCMs, CTAs, and CPOs, the Commission will send any necessary correspondence directly to the FCM, CTA, or CPO. *See* § 3.30.

[15] 45 FR 80539, 80541–42 (December 5, 1980).

[16] *Id.* at 80573–75.

[17] *See* 5 U.S.C. 552a(o).

(iv) The futures commission merchant has taken, and will take, such measures as are necessary to prevent the unwarranted dissemination of any of the information contained in that Form 8–R, or in the records and documents obtained in support of the certifications required by this section.

* * * * *

(d) * * *

(3) Within sixty days of mailing the certifications permitted by paragraph (d)(1) of this section, the associated person and the futures commission merchant must complete and the futures commission merchant must file with the Commission a Form 8–R in accordance with the instructions thereto. The Form 8–R must contain the certifications required by paragraphs (c)(1)(ii)–(iv) of this section and must be accompanied by the fingerprints of the applicant on a fingerprint card provided by the Commission for that purpose except that a fingerprint card does not have to be submitted for any person who, at the time of the first expiration of that person's registration as an associated person subsequent to July 1, 1982, is associated with the certifying futures commission merchant or its agent as an associated person.

* * * * *

3. Section 3.30 is added to read as follows:

§ 3.30 Current address for purpose of service or service to be filed with the Commission.

The residence address of each registrant, applicant for registration and principal, as submitted on the application for registration (Form 7–R or Form 8–R) or as submitted on the biographical supplement (Form 8–R) shall be deemed to be the address for delivery to the registrant, applicant or principal of any communications from the Commission, including any summons, complaint, reparation claim, order, subpoena, special call, request for information, notice, and other written documents or correspondence, unless the registrant, applicant or principal specifies another address for this purpose, except that the Commission may address any correspondence relating to the registration of an associated person to the sponsoring futures commission merchant and any correspondence relating to a biographical supplement submitted for a principal to the futures commission merchant, commodity trading advisor, or commodity pool operator with which the principal is affiliated. Each registrant, while registered, and each principal, while affiliated with a registrant, must keep current the address on the application for registration, biographical supplement, or other address filed with the Commission for the purpose of receiving communications from the Commission. An order of default or other appropriate relief may be entered in any proceeding, including a reparation proceeding commenced while the registrant is registered or within two years thereafter, for failure to file a required response to any communication sent to the latest such address filed with the Commission.

4. Section 3.31 is amended by adding paragraphs (c)(2) and (d) as follows:

§ 3.31 Deficiencies, inaccuracies, and changes, to be reported.

* * * * *

(c) * * *

(2) Each person registered as, or applying for registration as, a futures commission merchant, commodity trading advisor or commodity pool operator must, within ten days after the termination of the affiliation of a principal with the registrant or applicant, file a notice thereof with the Commission.

(3) * * *

(d) Each futures commission merchant must promptly file with the Commission a report on Form 3–R, prepared and filed in accordance with the instructions thereto, stating the name of each associated person newly employed in such capacity by it, or by any of its agents, who was registered as an associated person prior to July 1, 1982 unless such associated person is registered in accordance with § 3.12.

5. Section 145.5 is amended by revising paragraph (f)(2) as follows:

§ 145.5 Nonpublic matters.

* * * * *

(f) * * *

(2) Files concerning persons subject to regulation by the Commission, including files with respect to applications for registration and biographical supplements submitted with such applications. Examples of the information on the applications and biographical supplements which may be protected are an individual's home address and telephone number, social security number, date and place of birth, fingerprints and, in appropriate cases, the information concerning prior arrests, indictments, criminal convictions or other judgments or sanctions imposed by State or Federal courts or regulatory authorities;

* * * * *

6. Section 145.6 is amended by revising paragraph (b) as follows:

§ 145.6 Commission offices to contact for assistance; registration records available at Chicago regional office.

* * * * *

(b) The Chicago regional office of the Commission will have available for public inspection and copying the publicly available portions of applications for registration (Forms 7–R and 8–R), Certificates of Special Registration (Form 8–S), and Notices of Termination (Form 8–T). The Form 8–R also serves as a biographical supplement for principals of those persons filing the Form 7–R. Unless disclosure is required under the Freedom of Information Act, the fingerprint card, and any supplementary attachments filed in response to items 3–7, 10, 14–19 and 21–24 on Form 8–R, to item 2 on Form 8–S, or to items 2 or 6–8 on Form 8–T generally will not be available for public inspection and copying. When such fingerprint cards and supplementary attachments are on file or when a Form is subject to a petition for confidential treatment filed under § 145.9, the FOI, Privacy and Sunshine Acts compliance staff will decide any request for access in accordance with the procedures set forth in §§ 145.7 and 145.9.

7. Section 147.3 is amended by revising paragraph (b)(6)(ii) as follows:

§ 147.3 General requirement of open meetings; grounds upon which meetings may be closed.

* * * * *

(b) * * *

(6) * * *

(ii) Files concerning persons subject to regulation by the Commission, including files with respect to applications for registration and biographical supplements submitted with such applications. Examples of the information on the applications and biographical supplements which may be protected are an individual's home address and telephone number, social security number, date and place of birth, fingerprints and, in appropriate cases, the information concerning prior arrests, indictments, criminal convictions or other judgments or sanctions imposed by State or Federal courts or regulatory authorities; and

* * * * *

§§ 3.10, 3.11, 3.12, 3.13, and 3.14 [Amended]

8. In addition to the amendments set forth above, 17 CFR Part 3 is amended by removing the words "July 1, 1981" and inserting, in their place, the words "July 1, 1982" in the following places:

a. 3 CFR 3.10 (a)(2)(i) and (c)(1);

b. 3 CFR 3.11(b)(1);
c. 3 CFR 3.12 (a), (c)(3) and (d)(1);
d. 3 CFR 3.13 (a)(2)(i) and (c)(1); and
e. 3 CFR 3.14 (a)(2)(i) and (c)(1).

Issued in Washington, D.C., on April 21, 1981 by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-13470 Filed 5-1-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 159

[T.D. 81-117]

Currency Rates of Exchange

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by adding Brazil, Hong Kong, Iran, People's Republic of China, Philippines, Singapore, Thailand, and Venezuela to the list of foreign countries whose currency is converted into equivalent United States currency and certified on a quarterly basis, rather than on a daily basis as is now the case. In so doing, Customs will eliminate the necessity of maintaining data and publishing a Treasury Decision each week advising the public of the daily rates of exchange for the eight countries.

EFFECTIVE DATE: May 4, 1981.

FOR FURTHER INFORMATION CONTACT: G. Scott Shreve, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202-566-5307.

SUPPLEMENTARY INFORMATION:

Background

In accordance with 31 U.S.C. 372, it is necessary to convert foreign currency into equivalent United States currency for the purpose of assessing and collecting duties upon merchandise imported into the United States.

One method of conversion involves using certified quarterly rates of exchange for those countries listed in § 159.34(a), Customs Regulations (19 CFR 159.34(a)). For those countries, customs publishes in the Customs Bulletin, for the quarter beginning January 1, and for each quarter thereafter, the rate or rates first certified by the Federal Reserve Bank of New York for the respective foreign currency for a day in that quarter.

The certified quarterly rate of exchange is used for Customs purposes for any date of exportation within the quarter unless a certified daily rate, as determined by the Federal Reserve Bank of New York and certified to the Secretary of the Treasury, for the date of exportation varies by 5 percent or more from the certified quarterly rate. In that event, Customs publishes in the Customs Bulletin a notice of the variation (popularly called a "variance"), and the rate certified on that date for the applicable country listed in § 159.34(a). The certified daily rate then is used for Customs purposes in connection with merchandise exported on that date.

However, a different procedure is used for the following eight countries:

Brazil, Hong Kong, Iran, People's Republic of China, Philippines, Singapore, Thailand, and Venezuela.

The rates of exchange for those countries are converted and certified on a daily basis, rather than on a quarterly basis, as is the case for the countries listed in § 159.34(a). Therefore, in order to inform the importing community of the daily rates of exchange of these eight countries, it is necessary for Customs to publish a separate Treasury Decision each week in the Customs Bulletin.

After a periodic review of the daily rates of exchange for those eight countries, it became clear that their currencies fluctuate within 2 to 3 percent, that is, within the same 5 percent range as those countries listed on a quarterly basis in § 159.34(a). Therefore, it is appropriate to add the eight countries to the list of countries in § 159.34(a).

In so doing, Customs will eliminate the necessity of maintaining data and publishing a Treasury Decision each week advising the public of the daily rates of exchange for the eight countries. The importing community will benefit because it will no longer be necessary to check the rates of exchange for the eight countries on a daily basis. Rather, interested parties need only be apprised of whether there is a variance of 5 percent or more between the certified daily rate and the certified quarterly rate as is presently the case for the countries listed in § 159.34(a). Rates of exchange for countries not listed in § 159.34(a) may be obtained from the Federal Reserve Bank of New York by Customs upon special request.

This document amends the Customs Regulations by adding these eight countries to the list of countries specified in § 159.34(a), whose currency is converted into equivalent United States currency and certified on a quarterly basis.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this is a minor technical amendment which relieves a burden on the importing community, and is not of particular interest to the general public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary. Further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d).

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of section 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act." That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), or any other statute.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Amendment to the Regulations

Section 159.34(a), Customs Regulations (19 CFR 159.34(a)), is amended by adding the following eight countries in appropriate alphabetical sequence to the list of countries for which the quarterly rate is certified: Brazil, Hong Kong, Iran, People's Republic of China, Philippines, Singapore, Thailand, and Venezuela.

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 522, 46 Stat. 739, as amended (19 U.S.C. 66, 1624, 31 U.S.C. 372))

Approved: April 24, 1981.

William T. Archey,

Acting Commissioner of Customs.

John P. Simpson,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-13467 Filed 5-1-81; 8:45 am]

BILLING CODE 4190-02-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[PH FRL 1909-5a; OPP-30051]

Tolerance and Additive Regulations for Pesticide Residues in Food or Feed; Certification Under Regulatory Flexibility Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Statement of administrative policy.

SUMMARY: The Regulatory Flexibility Act provides that certain proposed and final regulations must be accompanied either by a regulatory flexibility analysis or by a certification that no analysis is necessary because the regulation will not have a "significant economic impact on a substantial number of small entities." EPA routinely issues regulations establishing pesticide tolerance levels, or exemptions from requirements for a tolerance, and levels and conditions for safe use of pesticides as food or feed additives that will not generally result in significant impacts to substantial numbers of small businesses or other small entities. Certification of this fact on a case-by-case basis may unnecessarily add to the time required to promulgate such a regulation. The Administrator is issuing a general certification that will apply to each proposed and final tolerance and food additive regulation, except those which would lower an existing tolerance or additive level.

FOR FURTHER INFORMATION CONTACT: Edward Brandt, Benefits and Field Studies (TS-788C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (703-557-7355).

SUPPLEMENTARY INFORMATION: Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612). The purpose of the Act is to ensure that the Agency analyzes the effect of regulatory requirements on small businesses, Government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that with certain exceptions, each proposed or final regulation be accompanied by a regulatory flexibility analysis or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a "significant economic impact on a substantial number of small entities." Under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended, (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels or exemptions from the requirements for a tolerance for pesticides resulting in residues on raw agricultural commodities. Under section 409 of the same Act (21 U.S.C 348), the Agency is authorized to issue regulations establishing safe levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome, and economical food supply. Decisions on tolerance or additive regulations involve careful review and evaluation of residue chemistry and toxicology data to ensure that maximum residue levels likely to be found in food and feed are acceptable for human consumption.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA) and thus to be distributed and sold in commerce for a particular use resulting in residues on food or feed under 40 CFR 162.7(d)(v). This generally has some beneficial economic impacts on the producer, distributors, and professional applicators of the pesticide, all of whom benefit through sale of the pesticide. It may also benefit the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to legally sell crops containing residues of that pesticide. These regulations also, in many cases, increase the number of pest treatment alternatives, thereby increasing competition in the pesticide market. However, the economic benefits from any specific regulation generally are not "significant," within the meaning of the Regulatory Flexibility Act, since most such rules affect only a relatively few manufacturers and distributors, and since the users of the pesticides affected by a rule generally have alternative means of controlling the pest in question. In addition, the only situation in which issuance of a regulation under section 408 or 409 of the FFDCA might have a significant "adverse" impact would be the case of an amendment to an existing tolerance or exemption or additive level which results in a lower maximum allowable residue.

However, delay in issuing a tolerance or an exemption or a food or feed additive level, in some cases, causes significant adverse economic impacts on potential users of a pesticide. Preparing and approving a separate certification for each of the many tolerance or food additive regulations could add significantly to the time required to process and approve them. Such a delay would in fact be contrary to the intent of the Regulatory Flexibility Act. It is therefore desirable to issue a general certification that will apply to most tolerance and food additive regulations on the grounds that such regulations will not substantially adversely impact small entities.

Accordingly, I hereby certify that regulations establishing new tolerances, food or feed additive levels, or conditions for safe use of food additives, or raising tolerance or additive levels, or establishing exemptions from tolerance requirements, under sections 408 and 409 of the FFDCA, do not have a significant economic impact on a substantial number of small entities. Such regulations will not be required to undergo regulatory flexibility analysis. A statement referring to this certification notice will be included in the preamble to each such regulation.

(5 U.S.C. 605(c))

Dated: April 28, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-13410 Filed 5-1-81; 8:45 am]

BILLING CODE 6560-31-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7774]

Income Tax; Treatment of Certain Interest in Corporations as Stock or Indebtedness

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of final regulations.

SUMMARY: This document amends final regulations relating to the treatment of certain interests in corporations as stock or indebtedness by changing the effective date of the regulations from May 1, 1981, to January 1, 1982.

EFFECTIVE DATE: January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Jack A. Levine of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224 (Attention: CC:LR:T, 202-566-3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

Section 385 of the Internal Revenue Code relates to the treatment of certain

interests in corporations as stock or indebtedness. Final regulations under section 385 were published in the Federal Register for Wednesday, December 31, 1980 (45 FR 86438). These regulations generally would have applied to certain interests in corporations created after April 30, 1981. However, at the invitation of the Treasury and Internal Revenue Service, several public comments on the final regulations were received after December 31, 1980. The comments have recommended changes in several areas of these regulations. In order for the Treasury and Internal Revenue Service to have sufficient time to fully examine these comments and determine whether changes should be made, the regulations are being amended to apply to certain interests in corporations only if they are created after December 31, 1981. Additionally, it is anticipated that the December 29, 1980, date in the bankruptcy and binding written contract exceptions of § 1.385–1(a)(2) will be extended to an as yet undetermined future date. This date will not be earlier than the date that either changes in the regulations are announced (through the issuance of proposed regulations or otherwise) or it is announced that there will be no such changes.

Drafting Information

The principal author of this regulation is Jack A. Levine of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Waiver of Certain Procedural Requirements of Final Treasury Directive

A determination has been made by Roscoe L. Egger, Jr., Commissioner of Internal Revenue, that there is need for an immediate amendment to the regulations under section 385 of the Code in order to postpone the May 1, 1981, effective date of the regulations. Because of the immediate need for this regulation, compliance with the procedural requirements of paragraphs 8 through 14 of the final Treasury directive (43 FR 52121), relating to improving regulations, would be impractical, and therefore, these requirements have not been followed.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

Paragraph 1. Paragraph (a)(1) of § 1.385–1 is revised to read as follows:

§ 1.385–1 Stock or indebtedness.

(a) *Effective date*—(1) *In general.* The regulations under section 385 apply to instruments (as defined in § 1.385–3(c)) and preferred stock issued after December 31, 1981, and to loans described in § 1.385–7 and guaranteed loans made after December 31, 1981.

* * * * *

§ 1.385–6 [Amended]

Par. 2. The date "December 31, 1981" is removed each time it appears in example (3) of paragraph (g) (4) of § 1.385–6 and the date "December 31, 1982" is inserted in lieu thereof.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impractical to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 385 and 7805 of the Internal Revenue Code of 1954 (83 Stat. 613 and 68A Stat. 917; 26 U.S.C. 385 and 7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: April 29, 1981.

John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 81–13402 Filed 4–30–81; 4:10 pm]
BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–5–FRL 1791–2]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On December 18, 1979 (44 FR 74861), EPA proposed to approve as a revision to the Ohio State Implementation Plan (SIP) for sulfur dioxide (SO_2) revised emission limitations for the Toledo Edison Company's Acme, Bay Shore, and Water Street Stations located in Lucas County, Ohio. As a result of EPA's review of the modeling data submitted for this revision, EPA has determined that the federal Ohio SO_2 SIP for Lucas County is not adequate to ensure attainment and maintenance of the National Ambient Air Quality Standard (NAAQS) for SO_2. In contrast to the existing federal plan, the revision represents a considerable reduction in emissions at two stations (Acme and Water Street) and an increase in emissions at the third station (Bay Shore). Therefore the revision results in an overall reduction of emissions from the three Toledo Edison stations located in Lucas County. EPA today takes final action to approve the revised emission limitations as interim emission limitations for the Toledo Edison Company until a Part D plan is approved for Lucas County.

In a separate notice published elsewhere in today's Federal Register, EPA proposes to disapprove the sulfur dioxide plan for Lucas County submitted by the State of Ohio on September 12, 1979 (the State plan is essentially identical to the existing federal plan). In that notice, EPA calls on the State to submit a control strategy that demonstrates attainment and maintenance of the NAAQS for Lucas County as required under Part D of the Clean Air Act.

EFFECTIVE DATE: May 4, 1981.

ADDRESSES: The docket #5A–79–6 for the revision is available for inspection and copying during normal business hours at Region V, 230 South Dearborn Street, Chicago, Illinois 60604, and at EPA Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Regulatory Analysis Section, USEPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, 312–886–6088.

SUPPLEMENTARY INFORMATION: On May 31, 1977 (42 FR 27588) the EPA promulgated regulations establishing a State Implementation Plan (SIP) for the control of sulfur dioxide (SO_2) for the Toledo Edison Acme, Water Street, and Bay Shore Stations in Lucas County, Ohio. On July 27, 1978, Toledo Edison requested a revision to the SO_2 emission limitations for these three stations. That request was accompanied by a dispersion modeling study which had been performed by the Company's consultant using EPA's Urban RAM Model. After reviewing this study, EPA requested further technical documentation from Toledo Edison in support of the revision request.

The revision includes two important changes in plant operating configuration. First, due to structural deterioration, a 83.8 meter stack at Acme was reduced to 66.6 meters. This 66.6 meter stack at Acme was found to be in compliance with EPA's good engineering practice (GEP) stack height formula (see EPA's

proposed stack height regulations, 44 FR 2608, January 12, 1979).

Second, a new stack was installed at the Bay Shore Station. This single 144.8 meter stack went into operation with all four units on January 18, 1981 replacing the four 76.8 meter stacks. The stack was modeled at 117.4 meters, the stack height credit calculated based on the GEP stack height formula.

An annual modeling analysis was performed with the same model (CDM) that was used by the EPA and a five year (1973–1977) climatological summary of the Toledo/Flint meteorological data. Only the Toledo Edison sources were modeled (under both the EPA and the Toledo Edison strategies) in order to determine the relative effect of the proposed strategy. The emissions inventory consisted of annual average operating rates from a representative recent year (1976) and plant configurations consistent with the appropriate strategy (i.e., new stacks at Acme and Bay Shore for the Toledo Edison strategy and existing stacks at Acme and Bay Shore for the EPA strategy).

A short-term modeling analysis was performed with the same model (RAM-urban) that was used by the EPA and five years (1973–1977) of hourly sequential Toledo/Flint meteorological data. In addition, while the EPA divided Lucas County into four distinct regions and modeled each separately, Toledo Edison modeled Lucas County as a whole.

The short-term emissions inventory for the Toledo Edison sources is similar to that modeled by the EPA, except for the revised SO_2 emissions and the modified stack heights at Acme and Bay Shore. As for the other point sources, the individual companies were contacted to up-date the EPA emissions inventory. Background was accounted for with a complete area source inventory for Lucas County.

The results of the modeling analysis predicted substantial violations of the 24-hour and 3-hour NAAQS in Lucas County and thus demonstrated that the existing federal plan for Lucas County does not ensure the attainment and maintenance of the NAAQS. Additionally, the results of the modeling indicate that under both the original federal emission limits and the revised emission limits, the toledo Edison plants significantly contribute to violations of the short-term NAAQS. [Note, the significant levels are defined as follows: 1 $\mu g/m^3$ (annual), 5 $\mu g/m^3$ (24-hour), and 25 $\mu g/m^3$ (3-hour).]

The table below shows the Toledo Edison Company's contribution to the largest violations under the old limits and the new revised limits. Although not shown in the table, the Toledo Edison modeling demonstrated that the revised emission limitations for the Toledo Edison Company do not significantly exacerbate any predicted nonattainment problems. That is, the impacts under the new limits are either less than or not significantly greater than those under the existing EPA Limits.

Total Short-Term Concentrations ($\mu g/m^3$) [1]

Year	Receptor No.	2d high 24-hour				2d high 3-hour	Old limits		
		Old limits	(TEC) [2]	New limits	(TEC) [2]		(TEC) [2]	New limits	(TEC) [2]
1973	113	1,167	(72)	1,148	(53)	1,778	(56)	1,794	(72)
	80	901	(74)	870	(43)	1,691	(109)	1,642	(60)
1974	113	1,095	(39)	1,091	(35)	1,675	(36)	1,676	(36)
	80	1,066	(60)	1,049	(41)	1,669	(31)	1,661	(23)
1975	113	770	(52)	748	(30)	1,741	(56)	1,754	(72)
	80	893	(42)	875	(24)	1,682	(96)	1,636	(50)
1976	113	726	(27)	721	(23)	1,665	(168)	1,597	(80)
	80	696	(64)	670	(37)	1,644	(78)	1,622	(56)
1977	113	845	(41)	830	(26)	1,687	(52)	1,667	(53)
	80	752	(40)	737	(25)	1,724	(128)	1,696	(96)

[1] Concentrations are the top two second high impacts for each year of meteorological data. Toledo Edison contributions are shown in parentheses. It should be noted that numerous other violations were predicted.
[2] Toledo Edison Company (TEC)—Combined contributions from Acme, Water Street, and Bay Shore. Contributions under the old limits are scaled from the modeling of the new stack heights and are, thus, likely to be underestimates.

The Toledo Edison revised emission limitations being published today will result in an improvement in the air quality in Lucas County. In contrast to the existing federal plan, the revision represents a considerable reduction in emissions at two stations (Acme and Water Street) and an increase in emissions at the third station (Bay Shore). Therefore, the revision results in an overall reduction of emissions from the three Toledo Edison stations located in Lucas County. EPA is taking final action today to approve the revised emission limitations for the Toledo Edison Company. However, in a separate notice published elsewhere in today's **Federal Register**, EPA proposes to disapprove the sulfur dioxide plan for Lucas County submitted by the State of Ohio on September 12, 1979. The State's plan cannot be approved since their plan is essentially identical to the existing federal plan which has been determined to be inadequate to attain the NAAQS. In that notice, EPA calls on the State to submit a control strategy that demonstrates attainment and maintenance of the NAAQS in Lucas County. Under Part D of the Clean Air Act Amendments of 1977, the State of Ohio has 12 months from the effective date of that notice to develop an enforceable plan to attain the SO_2 NAAQS. For any changes that are needed in the emission limitations for sources to protect the SO_2 NAAQS in Lucas County, the State must also prescribe a schedule for compliance with the new limits as expeditiously as practicable but in no case later than three and one half years from the date of approval of the plan (Part D of the Clean Air Act, 42 U.S.C. 7502).

EPA's approval of the revised emission limitations for the Toledo Edison Company does not affect the revised county plan requested of the State but rather provides interim emission limitations until the State of Ohio develops and EPA approves an adequate plan for Lucas County.

The December 18, 1979 notice of proposed rulemaking also revised the following regulations relevant to the Toledo Edison Company and these changes are also being finalized today.

(1) The proposed rulemaking revised the wording in Section 52.1881(b)(39)(iii)(B) relating to the Bay Shore peaking unit from "fossil fuel fired steam generating units" to "fossil fuel fired peaking unit" to accurately reflect the nature of the unit. This rewording does not change the intent of the original regulation.

(2) The proposed rulemaking included a new compliance date of April 15, 1980 for the Acme coal-fired units and the Water Street Station steam plant oil-fired units. This revision was premised upon the fact that the new emission limitations for these stations are more stringent than the original limitations promulgated by EPA.

The proposed rulemaking provided a 30 day public comment period. However, in response to requests for an extension of time for the filing of comments, the public comment period was reopened for an additional 30 days.

During the public comment period, only one comment was received. This comment requested that the proposed revision for the Bay Shore Plant be withdrawn until such time as a thorough analysis of lake-shore fumigation is performed. In support of this request, a discussion of lake-induced short-term

fumigation effects for the Cleveland Electric Illuminating Company's Avon Lake and Eastlake Plants was submitted. Presently available routine analytical tools for evaluating shoreline fumigation do not provide estimates of sufficient certainly to use in establishing emission limitations. Shoreline fumigation modeling techniques such as those suggested by the commenter provide results that are so uncertain that they cannot be relied upon for establishing emission limits.

In addition to the public comment discussed above, the State of New York filed comments on this SIP revision after the closing of the comment period. The comments alleged that EPA did not adequately consider the interstate transport problem even though there are long range air quality models available. New York also discussed the transport of sulfates and their contribution to primary and secondary TSP NAAQS violations in the State of New York. Finally, New York requested that EPA consider the cumulative impact on New York's air quality of several pending and final sulfur dioxide SIP revisions for sources in Ohio, Indiana, West Virginia and Tennessee.

New York indicated that it also intended its comments to be considered as a § 126 petition. EPA has decided not to respond to New York's comments in the context of this rulemaking as the comments primarily concern the aggregate air quality impact of several sources, rather than the impact of this individual SIP revision. EPA will, however, consider New York's concerns as part of its determination on the § 126 petition. EPA plans to hold a § 126 hearing on New York's petition in the near future.

Based upon the Agency's review of the technical documentation submitted by the Toledo Edison Company and an analysis of the public comment submitted, EPA has determined that promulgation of this SIP will result in an improvement in air quality in Lucas County and therefore is appropriate until such a time that the State of Ohio submits and EPA approves a control strategy that demonstrates attainment and maintenance of the NAAQS for Lucas County.

This revision is effective upon publication. The Administrator finds good cause for making this revision effective immediately since Toledo Edison Company is currently in compliance with this regulation and has requested an immediately effective date.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. Today's action does not constitute a major regulation since it approves revised emission limitations for three facilities of the Toledo Edison Company. The revision requested by the Toledo Edison Company represents a reduction in emissions at two of Toledo Edison's facilities (Acme and Water Street) and an increase in emissions at the third facility (Bay Shore). No additional cost is anticipated to be incurred by the company in meeting with these new limitations. The facilities are currently in compliance with these regulations and have requested an immediate effective date.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110 of the Clean Air Act, as amended 42 U.S.C. § 7410)

Dated: April 15, 1981.

Walter C. Barber,

Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart KK—Ohio

1. § 52.1881 is amended as follows by revising paragraphs (b)(39)(iii)(A) and (b)(39)(iii)(B), and by revising paragraphs (b)(39)(vii)(A) and (b)(39)(ix).

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

* * * * *

(39) In Lucas County * * *

* * * * *

(iii) The Toledo Edison Company or any subsequent owner or operator of the Bay Shore Station in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Bay Shore Station in excess of the rates specified below:

(A) 834.6 nanograms of sulfur dioxide per joule (1.94 lbs SO_2/MMBTU) actual heat input for the fossil fuel-fired steam generating units burning coal. (B) 215.1 nanograms of sulfur dioxide per joule (0.50 lbs SO_2/MMBTU) actual heat input for the fossil fuel-fired peaking unit burning oil.

* * * * *

(vii) The Toledo Edison Company or any subsequent owner or operator of the Acme Power Plant in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Acme plant in excess or the rates specified below:

(A) 516.2 nanograms of sulfur dioxide per joule (1.20 lbs SO_2/MMBTU) actual heat input for fossil fuel-fired steam generating units burning coal.

* * * * *

(ix) The Toledo Edison Company or an subsequent owner or operator of the Water Street Steam Plant in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Water Street Plant in excess of 430.2 nanograms of sulfur dioxide per joule (1.00 lbs SO_2 per MMBTU) actual heat input.

* * * * *

2. § 52.1882(b) is amended as follows by adding a new subparagraph (8):

§ 52.1882 Compliance schedules.

* * * * *

(b) * * *

(8) Federal compliance schedules for the Toledo Edison Acme Power Plant coal fired units and the Water Street Steam Plant oil fired units is as set forth in § 52.1882(b) except that § 52.1882(b)(4)(iii)(G) is changed, for these units only, as follows: April 15, 1980: Achieve final compliance with the emission limitation of § 52.1881(b) of this chapter, as applicable, and notify the Administrator in writing that such action was taken.

[FR Doc. 81-13807 Filed 5-1-81; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 86

[AMS-FRL-1790-5a]

Control of Air Pollution From Motor Vehicles and New Motor Vehicle Engines; Amendment to High-Altitude Emission Standards for 1982 and 1983 Model Year Light-Duty Motor Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Decision on reconsideration and amendment to final rule.

SUMMARY: On March 6, 1981, Ford Motor Company requested the Environmental Protection Agency (EPA) to reconsider a provision contained in the final 1982–1983 high-altitude regulations published in October 8, 1980, 45 FR 66984. EPA has reconsidered and accordingly amended

the provision, which prohibits the sale of vehicles that meet only high-altitude emissions requirements for principal use in low-altitude areas. The decision on reconsideration and amended rule are published below.

DATES:

Effective date: This amendment to the final rule is effective May 4, 1981.

Comment date: However, EPA will accept comments until (30 days after date of publication). Comments should be submitted to Public Docket No. A–79–14 at the address published below.

ADDRESS: Materials relevant to this rulemaking action are contained in Public Docket No A–79–14 at the U.S. Environmental Protection Agency, Central Docket Section (A–130), West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected between the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Gregory J. Dana, Office of Mobile Source Air Pollution Control (ANR–455), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Telephone 202–755–0596.

SUPPLEMENTARY INFORMATION: *Public Comment:* Pursuant to the Administration Procedure Act, 5 U.S.C. 553(b), EPA finds that publishing a notice of proposed rulemaking and receiving public comments before establishing a final amendment is impracticable and contrary to the public interest. This amendment is critical for manufacturers' and their dealers' compliance with the 1982 model year high-altitude regulations, and the 1982 model year is imminent. Substantial delay in promulgation of these amendments could result in severe economic harm to certain dealers, and lost sales for manufacturers, since dealers would be forced to order their inventories under the assumption that the existing prohibitions are effective. EPA will, however, consider comments on this amendment received within 30 days after publication of this notice, including comments on the appropriateness of applying this amendment to 1983 model year vehicles. If, as a result of those comments, additional changes to the regulations are appropriate, EPA will issue a revised final rule applicable for the 1983 model year.

EPA finds good cause to make these amendments effective upon promulgation. In addition to the reasons discussed above, these amendments only relieve restrictions on the regulated industry.

Regulatory Analysis: Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981) requires EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare regulatory impact analyses for all major rules.

EPA has determined that the amendment adopted herein is not a major rule, since it will decrease the economic impact associated with the original rule without significantly affecting the environmental control anticipated in that rule. Accordingly, a Regulatory Impact Analysis is not being prepared for this amendment.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Central Docket Section (see Address).

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to detemine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require regulatory analysis. The revision of the high-altitude regulation established by this rulemaking should reduce the burden of compliance with high-altitude requirements for small entities. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant adverse economic impact on a substantial number of small entities.

This amendment is issued under the authority of Section 202(f)(1), Section 206 and Section 301(a)(1) of the Clean Air Act, as amended, 42 U.S.C. 7521(f)(1), 7525, 7601(a)(1).

Dated: April 8, 1981.

Walter C. Barber,

Acting Administrator.

April 8, 1981.

Mr. Herbert L. Misch,
Vice President, Environmental and Safety Engineering, Ford Motor Company, The American Road, Dearborn, Michigan 48121.

Dear Mr. Misch: I have reviewed Ford Motor Company's (Ford's) March 6, 1981 petition requesting the Environmental Protection Agency (EPA) to modify a provision in the 1982–83 high-altitude regulations published on October 8, 1980 (45 FR 66984). This provision, subsection 86.082–30(a)(4) of title 40 of the Code of Federal Regulations, prohibits, *inter alia*, the sale of vehicles that meet only the high-altitude requirements to customers who will principally use those vehicles in other than designated high-altitude locations. Ford claims that this provision will cause economic hardship to dealers in designated high-altitude locations who sell to both high and low-altitude customers, and that there could be a net beneficial effect, if any, on emissions from high altitude vehicles used in certain low-altitude areas. I have reconsidered the bases for EPA's original determination that sale of high-altitude vehicles for principal use in low altitude areas should be prohibited, and have decided to amend the regulations to delete this provision.

As discussed in the final rules, EPA adopted this provision to avoid a potential increase in NO_x emissions from high altitude vehicles being driven at low altitudes. 45 FR 66984, 66993 (1980). Ford points out that it expects very few customers who will principally use vehicles outside of a designated high-altitude location to purchase high-altitude vehicles, and that such use would normally occur only in areas next to designated high-altitude areas ("fringe" elevations), where NO_x emissions would not be expected to increase to any significant degree, and where HC and CO emissions would actually decrease. Ford also asserts that the current regulations would force certain high-altitude dealers to stock inventories of both low- and high-altitude vehicles in order to take advantage of every sales opportunity, and that dealer trading would be restricted.

EPA had, in fact, initially proposed that the sale of high-altitude vehicles for principal use at low altitude be allowed, so that low-altitude customers, whose principal area of use is close to designated high-altitude locations, would have the option of buying high-altitude vehicles. However, indications that NO_x emissions would increase if this provision were retained, in combination with the expectation that trading between low and high-altitude dealerships would minimize any negative effect on model availability, resulted in a decision that the final rule should require that high-altitude vehicles be sold only for principal use in designated high-altitude areas.

The benefits expected from use of high-altitude vehicles in certain low-altitude areas in terms of improved fuel economy and HC and CO emission reductions distinguish this situation from the sale of low-altitude vehicles for use in designated high-altitude areas. In the latter case, since HC and CO emissions would increase substantially, such sales would defeat the very purpose of the high-altitude regulations. In addition, whereas manufacturers would have an economic incentive to sell low-altitude vehicles for use in designated high-altitude areas due to the lower costs involved in producing low-altitude vehicles, the converse is not true. Therefore, the prohibition on sale of low-altitude vehicles for principal use in designated high-altitude areas prevents a flow of vehicles (from low- to high-altitude areas) that is much more likely to occur than that which might occur in the situation Ford has presented.

Ford's arguments indicate that the economic consequences of the restriction on sale of high-altitude cars for principal use in low-altitude areas have been magnified by the current automotive market situation. I am required under section 202(f)(3)(A) of the Clean Air Act to consider the economic

impact upon individual high-altitude dealers in promulgating high-altitude regulations. Ford's arguments are persuasive given the limited incentive for high-altitude dealers to sell high-altitude vehicles to low-altitude customers.

I am also required, under section 202(f)(3)(C) of the Clean Air Act, to consider the likelihood that high altitude regulations will result in significant improvements in air quality in any area to which such regulations apply. Given the relative lack of information available to show that there would be a significant adverse effect on NO_x emissions if this restriction were removed,[1] and the potential beneficial effects on HC and CO emissions, it appears that this restriction would not result in a significant improvement in air quality. Balancing this with the potential adverse economic consequences upon individual high-altitude dealers, I have decided to grant Ford's petition.[2]

We believe that there is good cause for dispensing with the requirements of notice and opportunity for comment on this amendment, and plan to publish the revision as a final rule, effective upon promulgation. While it is not clear whether this action may be treated as an emergency rule under the recently issued Executive Order concerning promulgation and review of Federal regulations, we will make every effort to expedite this matter.

Sincerely yours,

Walter C. Barber,

Acting Administrator.

cc: Drew Lewis, Secretary of Transportation

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

40 CFR Part 86 is amended as follows:

1. Section 86.082–30 is amended in the introductory text of paragraph (a)(4) by revising the second sentence to read as follows:

§ 86.082–30 [Amended]

(a) * * *

(4) "* * * A violation of Section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells or delivers to an ultimate purchaser any light-duty vehicle or light-duty truck, subject to the regulations under the Act which is not configured to meet high-altitude requirements: "

* * * * *

2. Section 86.082–30 is further amended by removing existing paragraphs (a)(4) (i) and (ii) and adding new paragraphs (i) and (ii) to read as follows:

* * * * *

(i) At a designated high-altitude location, unless such manufacturer has substantial reason to believe that such motor vehicle will not be used principally at a designated high-altitude location; or

(ii) At an other-than-designated high-altitude location, when such manufacturer has reason to believe that such motor vehicle will be used principally at a designated high-altitude location.

* * * * *

[FR Doc. 81-13213 Filed 5-1-81; 8:45 am]

BILLING CODE 6560-26-M

[1] If further study on the NOx impact indicates that there would be a significant adverse effect on such emissions, this decision may be subject to revision.

[2] Of course, since this decision affects only a manufacturer's liability under section 209(a)(1) of the Clean Air Act, any high-altitude vehicles that are sold for principal use at low altitudes are still subject to the requirements of section 207 of the Clean Air Act. Of course manufacturers would rarely be subject to recall or warranty liability for high-altitude vehicles failing to meet low-altitude standards if, as Ford points out, emissions actually improve.

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40 CFR Part 180

[PH FRL 1909–5; OPP–30049]

Tolerance and Additive Regulations for Pesticide Residues in Food or Feed; Certification Under Regulatory Flexibility Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Statement of administrative policy.

SUMMARY: The Regulatory Flexibility Act provides that certain proposed and final regulations must be accompanied either by a regulatory flexibility analysis or by a certification that no analysis is necessary because the regulation will not have a "significant economic impact on a substantial number of small entitites." EPA routinely issues regulations establishing pesticide tolerance levels, or exemptions from requirements for a tolerance, and levels and conditions for safe use of pesticides as food or feed additives that will not generally result in significant impacts to substantial numbers of small businesses or other small entities. Certification of this fact on a case-by-case basis may unnecessarily add to the time required to promulgate such a regulation. The Administrator is issuing a general certification that will apply to each proposed and final tolerance and food additive regulation, except those which would lower an existing tolerance or additive level.

FOR FURTHER INFORMATION: Edward Brandt, Benefits and Field Studies (TS–788C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (703–557–7365).

SUPPLEMENTARY INFORMATION: Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612). The purpose of the Act is to ensure that the Agency analyzes the effect of regulatory requirements on small businesses, Government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that with certain exceptions, each proposed or final regulation be accompanied by a regulatory flexibility analysis or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a "significant economic impact on a substantial number of small entities." Under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended, (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels or exemptions from the requirements for a tolerance for pesticides resulting in residues on raw agricultural commodities. Under section 409 of the same Act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing safe levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome, and economical food supply. Decisions on tolerance or additive regulations involve careful review and evaluation of residue chemistry and toxicology data to ensure that maximum residue levels likely to be found in food and feed are acceptable for human consumption.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA) and thus to be distributed and sold in commerce for a particular use resulting in residues on food or feed under 40 CFR 162.7(d)(v). This generally has some beneficial economic impacts on the producer, distributors, and professional applicators of the pesticide, all of whom benefit through sale of the pesticide. It may also benefit the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to legally sell crops containing residues of that pesticide. These regulations also, in many cases, increase the number of pest treatment alternatives, thereby increasing competition in the pesticide market. However, the economic benefits from

any specific regulation generally are not "significant," within the meaning of the Regulatory Flexibility Act, since most such rules affect only a relatively few manufacturers and distributors, and since the users of the pesticides affected by a rule generally have alternative means of controlling the pest in question. In addition, the only situation in which issuance of a regulation under section 406 or 409 of the FFDCA might have a significant "adverse" impact would be the case of an amendment to an existing tolerance or exemption or additive level which results in a lower maximum allowable residue.

However, delay in issuing a tolerance or an exemption or a food or feed additive level, in some cases, causes significant adverse economic impacts on potential users of a pesticide. Preparing and approving a separate certification for each of the many tolerance or food additive regulations could add significantly to the time required to process and approve them. Such a delay would in fact be contrary to the intent of the Regulatory Flexibility Act. It is therefore desirable to issue a general certification that will apply to most tolerance and food additive regulations on the grounds that such regulations will not substantially adversely impact small entities.

Accordingly, I hereby certify that regulations establishing new tolerances, food or feed additive levels, or conditions for safe use of food additives, or raising tolerance or additive levels, or establishing exemptions from tolerance requirements, under sections 406 and 409 of the FFDCA, do not have a significant economic impact on a substantial number of small entities. Such regulations will not be required to undergo regulatory flexibility analysis. A statement referring to this certification notice will be included in the preamble to each such regulation.

(5 U.S.C. 605(c))

Dated: April 28, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-13615 Filed 5-1-81; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 9

[Docket No. FEMA-GEN-9C]

Floodplain Management and Protection of Wetlands

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule and request for comments.

SUMMARY: This regulation amends § 9.11(e)(1)(2) of the FEMA floodplain management regulations (44 CFR Part 9, 45 FR 59520, September 9, 1980, as previously amended at 46 FR 9084, January 28, 1981). It changes some of the substantive provisions and defers implementation until October 1, 1981.

The Federal Insurance Administration will not be required to assess the insurance risk on each new or substantially improved structure in coastal high hazard areas (V Zones) except as regards its elevation. This change from the initial system of individual rating was necessitated by an anticipated administrative burden imposed by the individual rating system and by the comments received by FEMA. The new rating scheme is intended to achieve actuarial flood insurance rates in V Zones without the administrative burden. The deferral of the implementation date from May 1, 1981 to October 1, 1981, is needed to implement the new system. *No requirements or changes to insurance availability or rating will go into effect on May 1, 1981.*

EFFECTIVE DATE: This rule is effective May 4, 1981.

Comment due date: On or before July 15, 1981.

ADDRESS: Send comments to Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Room 802, 1725 I Street, NW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: John Scheibel, Assistant to the General Counsel for Environmental Quality and Hazard Mitigation, 1725 I Street, NW., Washington, DC 20472, Telephone (202) 634-1990.

SUPPLEMENTARY INFORMATION: As the Federal Insurance Administration (FIA) has gained experience in insuring structures in coastal high hazard areas (V Zones), it has become clear that the flood insurance rates for new construction in such areas are too low. Recent figures indicate that the Government is subsidizing policies in V Zones at $432 per policy per year. This apparently results from the fact that two key risk factors have not been taken into consideration: Wave heights and stability of the structure to withstand wave impacts. To put the flood insurance program on an actuarially sound basis in V Zones, it is imperative that these factors be taken into consideration. If flood insurance premiums do not reflect the real risk in V Zones, it will encourage development in these most hazardous areas and place a potential burden on the taxpayers. V Zones are those coastal areas in which waves have their greatest impact. Thus, while they embrace a very limited geographic area, they represent an area of significant risk. In order to operate the flood insurance program in V Zones on a fiscally responsible basis, FEMA issued regulations which required individual insurance rating of structures in V Zones.

Section 9.11(e) of the FEMA floodplain management regulations (44 CFR Part 9, 45 FR 59520, September 9, 1980) provided that in implementing the National Flood Insurance Program (NFIP), the Federal Insurance Administrator, who heads a component within the Federal Emergency Management Agency, and to whom the Director of FEMA has delegated the authority and responsibility for administering the NFIP, would, by February 1, 1981, take a number of actions with respect to the providing of flood insurance for new construction or a substantial improvement in a coastal high hazard area, and would identify all coastal high hazard areas (with or without base flood elevations) in the United States by October 1, 1981.

In order to implement the provisions of § 9.11(e)(1)(2) and (3), FEMA published a proposed rule at 45 FR 78181, 78182 on November 25, 1980, proposing various procedures for taking the actions required of FIA after February 1, 1981. On January 21, 1981, FEMA amended 44 CFR 9.11(e)(2) by changing the date for compliance from February 1, 1981 to May 1, 1981 (46 FR 9084, January 28, 1981). To further encourage additional comments concerning its proposed rule of November 25 and, in conformity with the amending of the implementation date of § 9.11(e)(2) from February 1, 1981 to May 1, 1981, FEMA published on February 23, 1981, at 46 FR 13527, 13528 a notice stating that rulemaking was being delayed and that pending expiration, on April 15, 1981, of an additional comment period, FEMA did not intend to publish any final rules generated by the November 25, 1980, proposed rulemaking other than certain rules not pertaining to § 9.11(e)(2), which were published as final in the Rules Section of the Federal Register of February 23, 1981.

This regulation must take effect immediately so that the public can be advised that the May 1, 1981 date is no

longer applicable. This need for immediacy constitutes good cause for making this rule effective May 4, 1981. Any insurance policies issued on or after May 1, 1981, will not be rendered void as a result of 44 CFR 9.11(e)(2) as issued on September 1, 1980, and amended on January 28, 1981 (46 FR 9084).

Based upon additional comments received and further study by FIA, it became clear that certain requirements of § 9.11(e) (1) and (2) are not administratively feasible. It also appears that the objectives of § 9.11(e) (1) and (2) can be met by a plan which is less administratively burdensome.

Section § 9.11(e)(1) required FIA to identify all coastal high hazard areas by October 1, 1981. Due to constraints of budget and time, FIA will be unable to meet this deadline. Also, the methodology developed by the National Academy of Sciences for establishing wave heights is applicable primarily to the east and gulf coasts of the United States. For these reasons, § 9.11(e)(1) has been changed to require FIA to give priority to identifying coastal high hazard areas as part of its overall mapping effort, with no specific deadline imposed.

Section 9.11(e)(2) conditioned the availability of flood insurance for new and substantially improved construction in V Zones on several factors: (1) Each structure was individually rated; (2) wave heights have been delineated for the site of the structure; and (3) the structure was elevated to the wave height level.

The comments received in response to FIA's proposed implementation of this system and and FIA's own reconsideration of the system reflected significant administrative difficulties in going ahead with this system of individual rating. It also indicated the advantages of a simpler proposal which does not require rating on a structure-by-structure basis for all of the risk factors. It was also felt that it would be more effective to charge an actuarial rate for construction below the wave height level rather than to deny insurance altogether.

Based on these concerns, FIA will not be required to assess the insurance risk on each new or substantially improved structure in V Zone except as regards its elevation. FIA intends to factor into its rate determination a surcharge based on the ability of a structure to withstand the force of waves. Each new or substantially improved structure will be rated based on its relationship to the wave height level. For structures built below the wave height level, it is anticipated that the rate will be markedly higher than the present rate. This is necessary to reflect the risk due to wave heights. Without the designation of wave heights, no flood insurance may be provided as the structure will be unratable. Even if a structure is only 1 foot below wave height level, it may be subject total loss upon the impact of waves driven by hurricane force winds.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500–1508), FEMA has found that there will be no significant impact on the quality of the human environment as a result of the issuance of these regulations. This finding is based on an environmental assessment prepared for these regulations. On this basis, an environmental impact statement will not be prepared.

Accordingly, 44 CFR 9.11(e) (1) and (2) is amended and revised to read as follows:

PART 9—FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS

§ 9.11 Mitigation.

* * * * *

(e) In the implementation of the National Flood Insurance Program, the Federal Insurance Administrator:

(1) Shall make identification of all coastal high hazard areas a priority;

(2) Beginning October 1, 1981, may only provide flood insurance for new construction or substantial improvements in a coastal high hazard area if:

(i) Wave heights have been designated for the site of the structure either by the Administrator based upon data, generated by FIA or by another source, satisfactory to the Administrator;

(ii) The structure is rated by FIA based on a system which reflects the capacity to withstand the effects of the 100-year frequency flood including, but not limited to, the following factors:

(A) Wave heights;

(B) The ability of the structure to withstand the force of waves.

Dated: April 30, 1981.

John W. McConnell,

Acting Director.

[FR Doc. 81-13542 Filed 5-1-81; 8:45 am]

BILLING CODE 6718-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. LVM 77-01; Notice 6]

Passenger Automobile Average Fuel Economy Standards; Exemption From Average Fuel Economy Standards

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final decision to grant exemption from average fuel economy standards and to establish alternative standards.

SUMMARY: This notice exempts Avanti Motors Corporation (Avanti) from the generally applicable average fuel economy standards of 19.0 miles per gallon (mpg) and 20.0 mpg for 1979 and 1980 model year passenger automobiles, respectively, and establishes alternative standards. The alternative standards are 14.5 mpg in the 1979 model year and 15.8 mpg in the 1980 model year.

DATES: The exemptions and alternative standards set forth in this rule apply in the 1979 and 1980 model years.

FOR FURTHER INFORMATION CONTACT: Robert Mercure, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–755–9384).

SUPPLEMENTARY INFORMATION: The National Highway Traffic Safety Administration (NHTSA) is exempting Avanti from the generally applicable average fuel economy standards for the 1979 and 1980 model years and establishing alternative standards applicable to that company in those model years. This exemption is issued under the authority of section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (the Act) (15 U.S.C. 2002(c)). Section 502(c) provides that a manufacturer of fewer than 10,000 passenger automobiles annually may be exempted from the generally applicable average fuel economy standard for a particular model year if that standard is greater than the low volume manufacturer's maximum feasible average fuel economy and if the NHTSA establishes an alternative standard applicable to that low volume manufacturer at the level of its maximum feasible average fuel economy. Section 502(e) of the Act (15 U.S.C. 2002(e)) requires the NHTSA to consider:

(1) Technological feasibility;

(2) Economic practicability;

(3) The effect of other Federal motor vehicle standards on fuel economy; and

(4) The need of the Nation to conserve energy.

This final rule was preceded by a notice announcing the NHTSA's proposed decision to grant an exemption to Avanti for the 1979 and 1980 model years (46 FR 5022, January 19, 1981). No comments were received during the 45-day comment period.

Based on its conclusions that it is not technologically feasible and economically practicable for Avanti to improve the fuel economy of its 1979 and 1980 model year automobiles above an average of 14.5 and 15.8 mpg, respectively, that other Federal automobile standards did not affect achievable fuel economy beyond the extent considered in this analysis and that the national effort to conserve energy will be negligibly affected by the granting of the requested exemptions, this agency concludes that the maximum feasible average fuel economy for Avanti in the 1979 and 1980 model years is 14.5 and 15.8 mpg, respectively. Therefore, NHTSA is exempting Avanti from the generally applicable standards and is establishing alternative standards of 14.5 mpg for the 1979 model year and 15.8 mpg for the 1980 model year.

In consideration of the foregoing, 49 CFR Part 531 is amended by revising § 531.5(b)(1) to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the fuel economy standards indicated below for the specified model years:

(1) Avanti Motor Corporation.

Average Fuel Economy Standard

Model year	Miles per gallon
1978	16.1
1979	14.5
1980	15.8

* * * * *

The program official and attorney principally responsible for the development of this decision are Robert Mercure and Stephen Kratzke, respectively.

Authority: Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 49 CFR 1.50.

Issued on April 27, 1981.

Diane K. Steed,

Acting Administrator.

[FR Doc. 81-13237 Filed 5-1-81; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 46, No. 85
Monday, May 4, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 419

[Amendment No. 3]

Barley Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation proposes to amend the Barley Crop Insurance Regulations effective with the 1982 crop year by changing the cancellation and termination for indebtedness dates in certain states to allow for the insuring of fall-seeded barley. The current regulations include cancellation and termination for indebtedness dates for spring-seeded barley only. This amendment will permit the insuring of both spring and fall-seeded barley in certain states. In addition, it is also proposed to delete an obsolete subsection of these regulations. This action is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than July 6, 1981, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978), and has been classified as "not significant."

The Acting Manager of the Federal Crop Insurance Corporation has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program that this proposed rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by the Office of Management and Budget (OMB) Circular A–95 was not used to assure that units of local Government are informed of this action.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the Barley Crop Insurance Regulations (7 CFR Part 419) as published in the **Federal Register** at 44 FR 35195–35201 (Tuesday, June 19, 1979), effective with the 1982 crop year, relative to the cancellation and termination for indebtedness dates found in 7 CFR 419.7, subsection 12, found in the right-hand column of 44 FR 35199.

The cancellation and termination dates in the current policy are applicable only to spring-seeded barley crops. The Board of Directors of FCIC has approved the addition of barley as an insurable crop in several counties where fall-seeded barley is produced. This amendment is necessary to allow the insuring of fall-seeded barley with the proper cancellation and termination dates.

In addition, FCIC also proposes to delete and reserve 7 CFR 419.3 of the Barley Crop Insurance Regulations. The provisions of this subsection require FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96–365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, it is proposed that 7 CFR 419.3 be deleted and reserved.

It has been determined that this action does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date of June 19, 1984.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC proposes to amend the Barley Crop Insurance Regulations, 7 CFR Part 419, effective with the 1982 and succeeding crop years, in the following instances:

§ 419.3 [Reserved]

1. Remove and reserve § 419.3.

2. In § 419.7, revise item 12 in the "Terms and conditions" portion of the insurance policy to read as follows:

§ 419.7 The application and policy.

* * * * *

12. Life of contract: cancellation and termination. (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided*, That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State and county	Cancellation date	Termination date for indebtedness
Kansas, New Mexico, Oklahoma and Texas.	April 30	September 15.
Idaho:		
Idaho County and all counties lying north thereof, Canyon County and Owyhee County.	June 30	November 30.
All other Idaho counties.	December 31	March 31.

State and county	Cancellation date	Termination date for indebtedness
Oregon:		
Klamath County	December 31	March 31.
All other Oregon counties.	June 30	November 30
Washington	June 30	November 30.
California:		
Humboldt, Trinity, Tehama, Plumas, Lassen, Modoc, Siskiyou and Del Norte Counties.	December 31	March 31.
All other California counties.	June 30	October 10.
Colorado:		
Kit Carson, Lincoln, Elbert, El Paso, Pueblo, Las Animas, and all counties lying south, and east thereof.	April 30	September 15.
All other Colorado counties.	December 31	March 31.
Michigan, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, Wisconsin, and Wyoming.	December 31	March 31.
All other States	June 30	October 10.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

* * * * *

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A-40.

Approved by the Board of Directors on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: April 7, 1981.

Approved by:

Wayne A. Fletcher,

Acting Manager.

[FR Doc. 81-13002 Filed 5-1-81; 8:45 am]

BILLING CODE 3410-08-M

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the Semiannual Agenda of Regulations under review or development by the Small Business Administration.

SUMMARY: SBA previously published four semiannual agendas of regulations pursuant to EO 12044 "Improving Government Regulations." Although not a regulatory Agency, SBA attempted to draft agendas that met both the criteria and the spirit of the EO and furthered the regulatory review process. This is its first agenda published pursuant to E.O. 12291 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, Pub. L. 96-354 effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual Agency official listed for the particular item.

For information concerning overall SBA Regulatory Review and Development Program and general semiannual agenda questions, contact Martin D. Teckler, Associate General Counsel for Legislation, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, 202/653-6662.

SUPPLEMENTARY INFORMATION: The SBA agendas will contain many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas were general, and all were positive. None were directed at specific contents, nor were any changes suggested or recommended.

The agenda format is now slightly modified. Part I, Regulations Under Review and Development, includes proposed and final regulations which SBA has issued since publication of the last agenda. Part II, Existing Regulations Selected for Review, informs the public of the regulation review which is currently underway within the Agency. The format for the agenda is:

Part I: Regulations Under Review and Development

A. A summary of the nature of all rules which have been published proposed or final since August 1980 stating the objectives and the legal basis. When a listed rule is a major rule within the meaning of E.O. 12291 or will have significant impact on a substantial number of small businesses, it will be so designated.

B. The approximate schedule for completing action on each rule listed.

C. The name and phone number of an Agency official knowledgeable on each listed rule.

Part II. Existing Regulations Selected for Review

A. A list of existing regulations to be reviewed or promulgated under the terms of E.O. 12291 and the Regulatory Flexibility Act.

B. A summary of the nature of any such rules, a summary of the legal basis for such rules and an approximate timetable for completing action on such rules.

C. The name and phone number of an Agency official knowledgeable on each such rule.

Publication of this agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

Dated: April 28, 1981.

Michael Cardenas,

Administrator.

I. Regulations Under Review and Development

Date published and FEDERAL REGISTER cite	Nature of publication	Subject of publication	Approximate date of completion	Knowledgeable official	Legal basis
6/13/80, 45 FR 53835.	Notice of Proposed Rulemaking	Rules governing SBA's development company program, 13 CFR Part 108.	Effective 10/1/80	Alan B. Abraham (202) 653-6740.	15 U.S.C. 697.
8/20/80, 45 FR 55466.	Notice of Proposed Rulemaking	Rules governing eligibility for SBA's minority small business contracting program, 13 CFR Part 124.	No further action planned	Carl Ellison (202) 653-6407.	42 U.S.C. 2985(a)(2).
8/20/80, 45 FR 55466.	Notice of Proposed Rulemaking	Rules governing SBA's small business investment company program, 13 CFR Part 107.	No further action planned	Peter F. McNeish (202) 653-6648.	15 U.S.C. 661.

I. Regulations Under Review and Development—Continued

Date published and FEDERAL REGISTER cite	Nature of publication	Subject of publication	Approximate date of completion	Knowledgeable official	Legal basis
9/17/80, 45 FR 61937.	Notice of Proposed Rulemaking	Rules governing SBA's business loan policy relative to employee stock options, 13 CFR Part 122.	May 1980	Richard L. Wray (202) 653-6470.	15 U.S.C. 631 and 636(a).
10/6/80, 45 FR 66907.	Notice of Proposed Rulemaking	Rules governing SBA's interest rates relative to SBA's pollution control bond program, 13 CFR Part 111.	May 1980	Vincent A. Fragrillo (703) 235-2902.	15 U.S.C. 697(c).
10/6/80, 45 FR 66907.	Advance Notice of Proposed Rulemaking.	Rules governing SBA's business loan policy relative to "opinion molder," 13 CFR Part 120.	July 1980	Martin D. Teckler (202) 653-6562.	15 U.S.C. 634(b)(6) and 636(a).
10/6/80, 45 FR 66174.	Notice of Proposed Rulemaking	Rules governing SBA's loan policy, defining conflict of interest situations, 13 CFR Part 120.	May 1980	Richard L. Wray (202) 653-6470.	15 U.S.C. 634(b)(6) and 636(a).
10/15/80, 45 FR 68399.	Notice of Proposed Rulemaking	Rules governing interest rates of Economic Opportunity Loans made by SBA, 13 CFR Part 119.	Effective 2/3/81	Richard L. Wray (202) 653-6470.	15 U.S.C. 634(b)(6) and 636(a).
10/15/80, 45 FR 68398.	Notice of Proposed Rulemaking	Rules governing handicapped assistance loans made by SBA, 13 CFR Part 118.	Effective 2/3/81	Richard L. Wray (202) 653-6470.	15 U.S.C. 634(b)(6) and 636(a).
12/1/80, 45 FR 79466.	Notice of Proposed Rulemaking	Rules governing eligibility criteria for SBA's minority small business contracting program, 13 CFR Part 124.	May 1981	Carl Ellison (202) 653-6407.	15 U.S.C. 634(b)(6) and 637(d).
12/24/80, 45 FR 85056.	Notice of Proposed Rulemaking	Rules governing SBA's surety bond guarantee program, 13 CFR Part 115.	June 1981	Howard F. Huegel (703) 235-2907.	15 U.S.C. 687(c) and 15 U.S.C. 694 (a) and (b).
2/3/81, 46 FR 10501.	Notice of Proposed Rulemaking	Rules governing challenges to determinations made in SBA's subcontracting program, 13 CFR Part 124.	June 1981	Berkeley Boyd (202) 653-6548.	15 U.S.C. 634(b)(6) and 637(d).
1/5/81, 46 FR 931	Notice of Proposed Rulemaking	Rules governing policy against discrimination against the handicapped in administration of SBA programs, 13 CFR Part 113.	Effective 2/3/81	Doris A. Dockett (202) 653-6054.	Section 504 of Rehabilitation Act of 1978 and 15 U.S.C. 634.
1/19/81, 46 FR 4837.	Notice of Proposed Rulemaking	Rules governing business loan policy relative to SBA's relationship with preferred lenders, 13 CFR Part 122.	July/August 1981	Danny J. Gibb (202) 653-6423.	15 U.S.C. 634(b)(6) and 636(a).
2/17/81, 46 FR 12500.	Notice of Proposed Rulemaking	Rules governing SBA's business loan policy relative to use of proceeds, 13 CFR Part 120.	July 1981	Richard L. Wray (202) 653-6470.	15 U.S.C. 634(b)(6) and 636(a).
2/27/81, 46 FR 14363.	Notice of Proposed Rulemaking	Rules governing SBA's business loan policy relative to "opinion molders," 13 CFR Part 120.	July 1981	Richard L. Wray (202) 653-6470.	15 U.S.C. 636(a).
11/4/80, 45 FR 73020.	Final Rule	Rules governing interest rates relative to SBA's state development company program, 13 CFR Part 108.	11/4/80	Alan S. Abraham (202) 653-6470.	15 U.S.C. 687.
11/4/80, 45 FR 73017.	Final Rule	Rules governing SBA's small business investment company program, 13 CFR Part 107.	11/4/80	Peter F. McNeish (202) 653-6948.	15 U.S.C. 687.
12/1/80, 45 FR 79413.	Inter Rule	Rules governing eligibility for SBA's minority small business contracting program, 13 CFR Part 124.	12/1/80	Carl Ellison (202) 653-6407.	15 U.S.C. 634(b)(6) and 637(a).
2/3/81	Final Rule	Rules governing terms of SBA's Economic Opportunity loan program, 13 CFR Part 119.	2/3/81	Richard L. Wray (202) 653-6470.	15 U.S.C. 634(b)(6) and 636(a).
2/3/81	Final Rule	Rules governing SBA's policy against discrimination against the handicapped in administering its programs, 13 CFR Part 116.	2/3/81	Richard L. Wray (202) 653-6470.	15 U.S.C. 634(b)(6) and 636(a).
3/25/81, 46 FR 18528.	Final Rule	Rules governing SBA's Disaster loan program's terms and conditions, 13 CFR Part 123.	3/25/81	Charles Hertzberg (202) 653-6574.	15 U.S.C. 634(b)(6) and 636(b).

II. Existing Regulations Selected for Review

Regulation	Basis for rule	Nature of rule	Timetable for completion	Agency official
13 CFR Parts 121 *et seq.*	15 U.S.C. 632 and 634(b)(6)	Size Standards,[1] complete revision	Fall 1981	Harvey Bronstein (202) 653-6373.
13 CFR Parts 122 *et seq.*	15 U.S.C. 636(a) and 634(b)(6)	Business Loan Policy, Miscellaneous revisions based on anticipated changes in authorizing legislation.	Fall 1981	Edwin T. Holloway (202) 653-6832.
13 CFR Parts 123 *et seq.*	15 U.S.C. 636(b) and 634(b)(6)	Disaster loans, Miscellaneous revisions based on anticipated changes in authorizing legislation.	Fall 1981	Charles Hertzberg (202) 653-6574.
13 CFR Part 120.4	15 U.S.C. 636(a) and 634(b)(6)	Eligible loan participants	Fall 1981	Edwin T. Holloway (202) 653-6832.
13 CFR Part 108	15 U.S.C. 501, 502 and 503, and 15 U.S.C. 634(b)(6).	State and local development companies, sale of debentures.	Fall 1981	Edwin T. Holloway (202) 653-6832.
13 CFR Part 107	15 U.S.C. 687 (c), (d), and (g)	Complete revision of rules governing small business investment companies.	Proposed rule expected to be published in Fall of 1981.	Peter McNeish (202) 653-6948.

[1] Denotes major or significant rule.

[FR Doc. 81-13429 Filed 5-1-81; 8:45 am]
BILLING CODE 6025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-AGL-9]

Proposed Revocation of Federal Airway; Indiana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke VOR Federal Airway V-7W between Terre Haute, Ind., and Pocket City, Ind. V-7W is not utilized and therefore should be revoked. This action will reduce chart clutter and also supports objectives to eliminate alternate airways from the National Airspace System (NAS).

DATES: Comments must be received on or before June 3, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 81-AGL-9, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business yours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administation, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AGL-9." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of public Affairs, Attention: Public information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke VOR Federal Airway V-7W between Pocket City, Ind., and Terre Haute, Ind. A recent review of the airway structure and usage in the Indianapolis, Ind., area indicates V-7W is not used and should be revoked. This action would reduce chart clutter and conforms to objectives to eliminate alternate route designations from the airspace system. The description of this airway under Part 71 was republished on January 2, 1981 (46 FR 409).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), by amending the description of V-7 by deleting the words "Terre Haute, Ind., including a W alternate from Evansville to Terre Haute via INT Evansville 360° and Terre Haute 217° radials;" and substituting for them the words "Terre Haute, Ind.";

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 27, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-13330 Filed 5-1-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-8]

Proposed Alteration of Transition Area; Slidell, La.

AGENCY: Federal Aviation Administration (FFA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area at Slidell, La. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Slidell Airport. This action is necessary to provide protection of aircraft executing a new instrument approach procedure using the Picayune VORTAC.

DATE: Comments must be received on or before June 3, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Soutwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and

4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designed to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Slidell, La., will necessitate an amendment to this subpart. This amendment will be required at Sidell, La., since there is a proposed change in IFR procedures to the Slidell Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggested presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledtge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–ASW–8." The postcard will be date/time stamped and retuned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communication must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contract the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Slidell, Louisiana

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Slidell Airport (latitude 30°20'36" N., longitude 89°49'16" W.); and within 2 miles each side of the Picayune VORTAC 199° radial extending from the 5-mile radius area to 10 miles south of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transporation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 20, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Tex., on April 20, 1981.

P. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81–13140 Filed 5–1–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 80–CE–27]

Transition Area—Lamar, Mo.; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Lamar, Missouri, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Lamar, Missouri Airport utilizing the Lamar nondirectional radio beacon (NDB) as a navigational aid.

DATE: Comments must be received on or before June 14, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspact Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Richard Haskins, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before June 14, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374–3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also

request a copy of Advisory Circular No. 11-2 which describes that application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, Section 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Lamar, Missouri. To enhance airport usage, a new instrument approach procedure is being developed for the Lamar, Missouri Airport utilizing the Lamar nondirectional radio beacon as a navigational aid. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Lamar, Missouri at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by adding the following new transition area:

Lamar, Missouri

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Lamar, Missouri Airport (Latitude 37°29'22" N, Longitude 94°16'45" W) and within 3 miles each side of the Lamar, Missouri NDB (Latitude 37°29'14" N, Longitude 94°16'37" W), 221° bearing, extending from the 5-mile radius area to 8.5 miles southwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

The FAA has also determined that this proposed regulation is not a major rule under Executive Order 12291 since the action only involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current. It has also been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities, as this is an individual action affecting only one location and has no appreciable impact on the community or its environs, and imposes no new requirements.

Issued in Kansas City, Mo., on April 20, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-13241 Filed 5-1-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-12]

Proposed Alteration of Transition Area: Alamogordo, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area at Alamogordo, New Mexico. The intended effect of the proposed action is to provide additional controlled airspace for aircraft under radar vectors and instrument approach procedures at Hollomon AFB and Alamogordo-White Sands Regional Airports. This action is necessary to provide controlled airspace for protection of aircraft being radar vectored in the area, sometimes at minimum altitudes due to inclement weather conditions and thunderstorm activity in this area.

DATE: Comments must be received on or before June 3, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area of Alamogordo, New Mexico, will necessitate an amendment to this subpart. This amendment will be required in the vicinity of Alamogordo, New Mexico, since there will be a change in the radar vector procedures.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-12." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons

interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows: Alamogordo, New Mexico

Alamogordo, New Mexico

That airspace extending upward from 700 feet above the surface, including airspace beginning at latitude 33°30'00" N, longitude 106°06'05" W; to latitude 33°30'00" N, longitude 105°44'00" W; to latitude 33°16'00" W, longitude 105°44'00" W; to latitude 33°16'35" N, longitude 105°30'00" W; to latitude 32°56'45" N, longitude 105°30'00" W; to latitude 32°56'30" N, longitude 105°44'00" W; to latitude 32°27'00" N, longitude 105°44'00" W; to latitude 32°27'00" N, longitude 106°00'00" W; to latitude 32°34'00" N, longitude 106°00'00" W; to latitude 32°34'00" N, longitude 106°15'00" W; to latitude 33°04'00" N, longitude 106°21'00" W; to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979), (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Tex., on April 20, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-13139 Filed 5-1-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-9]

Proposed Designation of Transition Area: Devine, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to designate a transition area at Devine, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Devine Municipal Airport. This action is necessary to provide protection for aircraft executing approaches using the proposed nondirectional radio beacon (NDB) located on the airport.

DATES: Comments must be received on or before June 3, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of a transition area at Devine, Tex., will necessitate an amendment to this subpart. This amendment will be required at Devine, Tex., since there is a proposed change in IFR procedures to the Devine Municipal Airport.

Comments Invited

Interested persons are invited to participate in this proposed rule making by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-9." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding:

Devine, Texas

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Devine Municipal Airport (latitude 29°08'17"N., longitude 98°56'29"W.) and within 3 miles each side of the 184° bearing of the NDB (latitude 29°08'16.78"N., longitude 98°56'19.87"W.) extending from the 6.5-mile radius area to 8.5 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Forth Worth, Texas, on April 20, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-13130 Filed 5-1-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-10]

Proposed Alteration of Transition Area: Guthrie, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes to alter the transition area at Guthrie, Tex. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing new instrument approach procedures to the 6666 Ranch Airport. This action is necessary to provide protection for aircraft executing new Area Navigation (RNAV) approaches to Runways 01 and 19 at the 6666 Ranch Airport.

DATE: Comments must be received on or before June 3, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Guthrie, Tex., will necessitate an amendment to this subpart. This amendment will be required at Guthrie, Tex., since there is a proposed change in IFR procedures to the 6666 Ranch Airport.

Comments Invited

Interested persons are invited to participate in this proposed rule making by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-10." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Guthrie, Texas

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of 6666 Ranch Airport (latitude 33°36'30"N., longitude 100°21'15"W.) and within 3.5 miles each side of the 012° true bearing from the 6666 Ranch Airport extending from the 6.5-mile radius area to 7.5 miles north of the airport and within 2.5 miles each side of the 196° true bearing from the airport extending from the 6.5-mile radius area to 7.5 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Texas, on April 20, 1981.

F. E. Whitfield,

Acting Director, Southwest Region

[FR Doc. 81-13129 Filed 5-1-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-11]

Proposed Designation of Transition Area: Yoakum, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes designation of a transition area at Yoakum, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Yoakum Municipal Airport. This action is necessary to provide protection for aircraft executing approaches using the proposed nondirectional radio beacon (NDB) located on the airport.

DATES: Comments must be received on or before June 3, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic

Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT:

Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in the **Federal Register** on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Designation of a transition area at Yoakum, Tex., will necessitate an amendment to this subpart. This amendment will be required at Yoakum, Tex., since there is a proposed establishment of IFR procedures to the Yoakum Municipal Airport.

Comments Invited

Interested persons are invited to participate in this proposed rule making by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-11." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding:

Yoakum, Texas

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yoakum Municipal Airport (latitude 29°18'50"N., longitude 97°08'18"W.) and within 3 miles each side of the 132° bearing of the NDB (latitude 29°18'45"N., longitude 97°08'19"W.) extending from the 5-mile radius area to 8.5 miles southeast of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, Texas, on April 21, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 13127 Filed 5-1-81; 8:45 am]

BILLING CODE 81-4910-13-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4, 5, and 7

[Notice No. 372; Ref: T.D. ATF-66]

Ingredient Labeling of Wine, Distilled Spirits, and Malt Beverages

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: In keeping with the President's commitment to evaluate all regulations to assure that they are truly necessary, cost effective, beneficial, and in alignment with United States international commitments, the Department has reviewed comments received in response to Notice No. 314, published in the **Federal Register** on February 2, 1979 [44 FR 6740]. As a result of that review, the Department is proposing to rescind T.D. ATF-66, published in the **Federal Register** on June 13, 1980 [45 FR 40538]. T.D. ATF-66 requires the ingredient disclosure of all alcoholic beverages.

In accordance with Executive Order 12291, this notice of proposed rulemaking is not classified as a major rule.

DATE: Comments must be received on or before July 6, 1981.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT:

Norman Blake or Roger Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On June 13, 1980, T.D. ATF-66 was published in the **Federal Register** [45 FR 40538]. This Treasury decision requires ingredient disclosure on labels of wine, distilled spirits, and malt beverages pursuant to 27 CFR Parts 4, 5, and 7. The regulations require the labeling of all essential components used in the product and any additives which color, flavor, preserve, or have a technical or functional effect on the finished product. The regulations generally do not require the labeling of incidental additives. As an exception to such ingredient disclosure, the regulations provide that an industry member could place on the label of the alcoholic beverage an

address in the United States where the consumer could obtain such ingredient information. This Treasury decision became effective on October 14, 1980; however, it does not require mandatory compliance until January 1, 1983.

On February 17, 1981, the President issued Executive Order 12291, which was published in the Federal Register on February 19, 1981 (46 FR 13193), which directs each Federal agency to establish a management system for Federal regulation that will improve the quality and lessen the burden of Federal regulation. This order requires agencies, within their legal authority, to establish regulatory goals, set regulatory priorities, review existing regulations, and implement new regulations with the aim throughout the government of maximizing the benefits to society while at the same time imposing the least burden to achieve those benefits.

With regard to reviewing existing regulations, Executive Order 12291 requires the Department to:

(a) Base administrative decisions on adequate information concerning the need for and consequences of proposed government action;

(b) Undertake regulatory action only when the potential benefits to society for the regulation outweigh the potential cost to society;

(c) Choose regulatory objectives to maximize the net benefits to society;

(d) Choose, among alternative approaches to any given regulatory objective, the alternative involving the least net cost to society; and

(e) Set forth regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future.

Proposed Changes

As a result of the review of existing regulations called for by Executive Order 12291, the Department has concluded that T.D. ATF-66 is not in accord with the President's mandate. Therefore, the Department proposes to rescind the ingredient labeling amendments to Parts 4, 5, and 7, of 27 CFR before they become mandatory. The ingredient labeling regulations require:

(a) Label disclosure of all essential components (wheat, corn, grapes, hops, water, etc.), flavoring and coloring materials, preservatives and certain other additives which have a technical or functional effect on the finished alcoholic beverage;

(b) Label disclosure of the use of FD&C Yellow Dye No. 5;

(c) Mandatory metric type size conversion on labels of distilled spirits and malt beverages;

(d) As an alternative to label disclosure of ingredients, furnish an address in the United States where the ingredient information may be obtained upon written request; and

(e) If the ingredients listed are not in order of predominance, a statement on the label must so state.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis [5 U.S.C. 603, 604] do not apply to this proposed rule because the rule, if promulgated, would maintain the status quo and thus would not have a significant economic impact on a substantial number of small entities.

Public Participation

The Department specifically requests comments as to whether the retention of the ingredient labeling regulations would be consistent with Executive Order 12291. Comments should address the impact of these regulations on domestic and foreign producers, United States international obligations, consumer concerns, and the costs and benefits derived from these regulations.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future action.

Disclosure of Comments

Copies of this notice of proposed rulemaking and of written comments will be available for public inspection under the authority of 27 CFR 71.41(b) during normal business hours at the following location: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

ATF will not recognize any material and comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on the proposal contained herein should submit a request, in writing, to the Director, within the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

Drafting Information

The authors of this document are Norman Blake and Roger Bowling, Specialists, from the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau have participated in the preparation of this document, both in matters of substance and style.

Authority and Issuance

This notice of proposed rulemaking is issued under the authority contained in section 5 of the Federal Alcohol Administration Act, 49 Stat. 981, as amended; 27 U.S.C. 205.

Signed: April 28, 1981.

G. R. Dickerson,

Director.

Approved: April 29, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-13444 Filed 5-1-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 840, 841, 842, 843, 844, and 845

Permanent Regulatory Program for Surface Coal Mining and Reclamation Operations

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of Draft rules.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) hereby gives notice of opportunities for public participation in developing certain revised rules for the permanent regulatory program for surface coal mining and reclamation operations under the Surface Mining Control and Reclamation Act of 1977. OSM has drafted these revisions in response to both the Secretary's direction to remove burdensome or counterproductive regulations and comments from the States and the general public. Under the terms and according to the schedule set forth below, copies of the draft rules for 30 CFR Parts 840–845 (Inspection and Enforcement) will be available to the public. OSM personnel also will be

available upon request for meetings with interested members of the public.

DATES: Copies of these draft rules will be available to the public on May 4, 1981. From May 4, 1981 to May 22, 1981, OSM personnel in Washington, D.C. will be available to meet at the request of the public to discuss these draft rules. Written comments must be received on or before 5 p.m. on May 22, 1981, at the OSM address in Washington listed below.

ADDRESSES: Copies of the draft rules will be available from OSM, Administrative Record, Room 153, 1951 Constitution Ave, Washington, D.C. 202–343–4728 and from OSM's five regional offices at the following addresses:

OSM Region I, First Floor, Thomas Hill Building, 603 Morris Street, Charleston, W. Va. 25301, 304–342–8125.

OSM Region II, 530 Gay Street, SW., Suite 500, Knoxville, Tennessee 37902, 615–871–5100

OSM Region III, Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Ind. 46204, 317–269–2609

OSM Region IV, 818 Grand Avenue, Scarritt Building, 5th Floor, Kansas City, Mo. 64106, 816–758–2193

OSM Region V, Brooks Tower, 1020 15th Street, Denver, Colo. 80202, 303–837–5421

The meetings between the public and OSM personnel will be scheduled as requested by the public and will be held at OSM offices at the Department of the Interior, Washington, D.C. 20240. OSM may request members of the interested public to meet in groups to facilitate this review of the draft regulations.

Written comments may be mailed or hand delivered to: Office of Surface Mining, Administrative Record, Room 153, 1951 Constitution Avenue, Washington D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Andy Bailey, Office of Surface Mining, Department of the Interior, Washington, D.C. 20240, telephone 202–343–4006, Edward Johnson or Tom Leshendok, Office of Surface Mining, telephone 202–343–2601.

SUPPLEMENTARY INFORMATION: OSM is required to provide for public participation in the development of its regulations. Section 102(i) of the Surface Mining Act requires OSM to assure that appropriate procedures are provided for public participation in the development, revision and enforcement of regulations, standards, reclamation plans or programs established by the Secretary or any State under this Act.

OSM is proposing in this notice two methods for public participation in the development of certain revisions of its permanent rules prior to promulgating proposed revised rules. First, drafts of the proposed rules will be available to the public, upon request, from OSM's office in Washington, and from each regional office of OSM. This portion of draft rules including 30 CFR Parts 840–845 (Inspection and Enforcement) will be available to the public May 4, 1981. Second, from May 4, 1981, until May 22, 1981, OSM personnel will be available to meet at the request of the public to discuss the draft rules. The meetings will be open to the public.

Other draft revisions of the permanent program rules will be made publicly available at a later date. OSM will announce the availability of such drafts in future **Federal Register** notices. Inquiries may also be made to OSM offices at the telephone numbers listed above, concerning which portions of the draft rules are available at any particular time.

During public meetings, OSM personnel will receive suggestions for substantive changes, recommended clarifications and any supporting data or technical literature from the public. Any member of the public may request such a meeting by contacting individuals of the Washington office at the address and telephone numbers listed above. The requester of a meeting should specify the topics to be discussed so that arrangements can be made for appropriate OSM personnel to attend the meetings. All documents or other submissions received from the public concerning these draft revisions will be included in the administrative record and will be available for public inspection at the address listed above for the administrative record.

OSM specifically requests comments on the following issues:

(1) The economic effects of the draft regulations including effects on prices, markets, competition, employment, productivity or costs;

(2) the effects of the draft rules on small entities;

(3) less costly alternative to the draft regulations which still meet the requirements of the Surface Mining Control and Reclamation Act of 1977;

(4) specific information about whether the potential benefits of the draft rules outweigh the costs;

(5) changing the point system for assessing penalties (30 CFR 845.13);

(6) modification of 30 CFR 845.14 to adjust the dollar amounts for points;

(7) Whether to establish different inspection requirements for inactive or abandoned sites;

(8) whether to use fly-overs in conducting partial Federal inspections and monitoring.

All comments, statements and recommendations from the public will be considered by OSM in drafting the proposed revisions for these rules. OSM will coordinate review of the draft regulations, as appropriate, with other Federal agencies and officials such as the Environmental Protection Agency, the Mining Safety and Health Administration, the Corps of Engineers, and the Department of Agriculture. After the proposed rules are published in the **Federal Register**, a further opportunity for written comments and a formal public hearing will be provided prior to adoption of final revised regulations.

Dated: April 28, 1981.

Andrew Bailey,

Acting Director Office of Surface Mining Reclamation & Enforcement.

[FR Doc. 81-13343 Filed 5-1-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD Reg. 6010.8–R]

Implementation of the Civilian Health and Medical Program of the Uniformed Services

AGENCY: Office of the Secretary of Defense.

ACTION: Proposed Amendment to Rule.

SUMMARY: It is proposed to amend DOD Regulation 6010.8–R (32 CFR Part 199), which implements the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This amendment revises language in the Regulation to allow benefit consideration for electric-powered cart-type vehicles which may be appropriately used as alternatives to electric wheelchairs, when they are medically necessary and certified by a physician to best meet the patient's medical care needs based on the patient's phyusical condition and which can be operated safely by the patient.

DATES: Written public comments must be received on or before June 3, 1981. This proposed amendment would become effective retroactively to October 1, 1980.

ADDRESS: Office of the Assistant Secretary of Defense (Health Affairs), Room 3E339, The Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Lorraine F. Carpenter, Special Assistant for CHAMPUS, telephone (202) 697–5185.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–7834, appearing in the Federal Register of April 4, 1977 (42 FR 17972), the Department of Defense published its Regulation, DOD 6010.8–R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as part 199 of this title.

Recently there has been recognition of the cart-type vehicle as an alternative to a wheelchair under certain specific circumstances. For example, Pub. L. 95–216 expanded the definition of durable medical equipment for the Medicare Program to include power-operated vehicles that may be appropriately used as an alternative to a wheelchair where such vehicle is determined to be medically necessary and to meet safety requirements. Further, VA Prosthetics Center, Clinical Evaluation Service at Castle Point, New York, conducted evaluations of cart-type power-operated vehicles and found them to perform satisfactorily.

Section 199.10(d), (3)(ii), NOTE, specifically excludes cart-type vehicles (such as the Amigo) as durable medical equipment. The same exclusion in § 199.11, (h)(2)(ii), NOTE. It has now been determined that classification of electrically-powered cart-type vehicles as always being primarily transportation is no longer appropriate. While some cart-type vehicles are prescribed primarily for purposes of the patient's convenience and transportation, it is felt that benefits should be available under those special circumstances where an electric-powered, cart-type vehicle can be appropriately used as an alternative to an electirc wheelchair and: (1) It is determined the patient cannot, from a medical standpoint, use a standard, non-electric wheelchair; (2) the physician has determined that this particular type of vehicle best meets the patients medical needs; and (3) the cart-type vehicle is less expensive than an electric wheelchair which the beneficiary/patient would otherwise need. A proper evaluation of the patient's medical and physical condition must be made to determine whether the patient requires such a vehicle and is capable of handling it safely. Program benefits will not be available for both an electric wheelchair and an electric-powered, cart-type vehicle.

This amendment is being published for proposed rulemaking at the same time as it is being coordinated within the Department of Defense, with the Department of Health and Human Services, and with other interested agencies, in order that consideration of both internal and external comments and publication of the final rulemaking can be expedited.

Accordingly, it is proposed to amend 32 CFR, Chapter 1, §§ 199.10, Basic Program Benefits by revising the "Note following pargraph (d)(3)(ii)(4), and 199.11, Program for the Handicapped by revising the "Note following paragraph (h)(2)(ii)(*a*)(*4*), to read as follows:

§ 199.10 Basic Program Benefits.

* * * * *

(d) *Other Benefits.* * * *

(3) *Other covered services and supplies.* * * *

(ii) *Durable medical equipment.* * * *

(1) * * *

(2) * * *

(3) * * *

(4) * * *

Note.—A wheelchair (or Program-approved alternative) is not considered transportation in the sense of paragraph (d)(3)(ii)(4) of this section. It is qualified as durable medical equipment under paragraph (d)(3)(ii)(4) of this section, because by providing basic mobility, it retards further deterioration of the patient's physical condition. Mobility beyond that basic mobility provided by a wheelchair (or a Program-approved alternative) is considered to be primarily transportation.

* * * * *

§ 199.11 Program for the Handicapped.

* * * * *

(h) *Covered services and supplies.* * * *

(2) *Extent of covered services and supplies.* * * *

(ii) *Durable equipment.* * * *

(a) * * *

(1) * * *

(2) * * *

(3) * * *

(4) * * *

Note.—A wheelchair (or Program-approved alternative) is not considered transportation in the sense of this paragraph (h)(2)(ii)(a)(4) of this section. It is qualified as durable medical equipment under paragraph (h)(2)(ii)(a)(4) of this section above because by providing basic mobility, it retards further deterioration of the patient's physical condition. Mobility beyond that basic mobility provided by a wheelchair (or a Program-approved alternative) is considered to be primarily transportation.

* * * * *

April 29, 1981.

M. S. Healy,

Federal Register Liaison, Washington Headquarters Services, Department of Defense.

[FR Doc. 81–13360 Filed 5–1–81; 8:45 am]

BILLING CODE 3810–70–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[OPP–00140; PH–FRL 1818–2]

State FIFRA Issues Research and Evaluation Group Working Committees; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: There will be a two-day meeting of the Working Committee on Enforcement of the State FIFRA Issues Research and Evaluation Group (SFIREG) and a two-day meeting of the SFIREG Working Committee on Registration and Classification to discuss various aspects of pesticides. The meetings will be open to the public.

DATE: The Working Committee on Enforcement will meet on Tuesday and Wednesday, May 19 and 20, 1981, beginning at 8:30 a.m. each day. The Working Committee on Registration and Classification will meet on Thursday and Friday, May 21 and 22, 1981, also at 8:30 a.m. each day.

ADDRESS: Both meetings will be held at: Ramada Inn, 303 S. Grand Blvd., St. Louis, MO (314–534–8300).

FOR FURTHER INFORMATION CONTACT: Philip H. Gray, Jr., Office of Pesticide Programs (TS–766), Environmental Protection Agency, Rm. 915, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7078).

SUPPLEMENTARY INFORMATION: The meeting of the Working Committee on Enforcement will be concerned with the following topics:

1. EPA credentials and forms.
2. Sections 28 and 27—interpretive rule.
3. Pesticide drift.
4. Forward funding of grants.
5. Suspension-recall enforcement strategy.
6. Fiscal year 1982 grant guidance document.
7. Proposed AAPCO amendments to FIFRA.
8. Section 26(a)(3).
9. Fiscal year 1982 enforcement priorities of EPA.
10. Misuse of pesticides on Federal lands or misuse by Federal employees—role of States and EPA.
11. Advertising unregistered pesticides.
12. LV–ULV Advisory Opinion.
13. Integrity of State use violation investigations questioned by Louisiana environmental organization.

The meeting of the Working Committee on Registration and Classification will be concerned with the following topics:

1. Proposed Guidelines for Testing of Pesticides on Non-target Plants (Subpart J of Registration Guidelines).
2. Proposed Guidelines for Labeling of Pesticides (Subpart H of Registration Guidelines).
3. Revised section 3 regulations.
4. OPP policy as regards tolerances in connection with minor uses.
5. Pesticide information retrieval system.
6. Label Improvement Program.
7. Minor use policy.
8. Exemption of pheromones from registration requirements.
9. Status of 2,4–D.
10. OPP policy as regards reformulation of end use pesticides.
11. Distribution of final Registration Standards to States.
12. Clarification of directions for use of termiticides.
13. Buffer zone requirement as a condition for Federal registration.

Dated: April 27, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-13399 Filed 5-1-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 52

[A–5–FRL 1791–3]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA is today reproposing action on the Ohio State Implementation Plan (SIP) for sulfur dioxide (SO_2) for Lucas County. On February 25, 1980, EPA proposed action on the Ohio SO_2 SIP (45 FR 12286). In that notice, EPA proposed to approve the emission limitations for Lucas County. After further analysis, however, EPA has determined that the control strategy Ohio submitted for Lucas County is not adequate to ensure attainment and maintenance of the primary and secondary National Amibient Air Quality Standards (NAAQS) for SO_2. Therefore, the Agency by this notice proposes to disapprove the Ohio SO_2 SIP for Lucas County and calls upon the State to submit a revised control strategy and demonstration for Lucas County.

DATE: Comments should be received on or before June 3, 1981.

ADDRESSES: Copies of the SIP revision are available at the following addresses for inspection:

United States Environmental Protection Agency, Region V, Air and Hazardous Materials Division, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Copies of the Docket #5A–80–3 are on file for copying and inspection during normal business hours at EPA, Region V, and at: U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, DC 20460.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604, 312–886–6088.

SUPPLEMENTARY INFORMATION: On September 12, 1979, the Governor of Ohio submitted a SO_2 control plan to EPA for inclusion in the SIP for Ohio. On February 25, 1980 (45 FR 12286), EPA proposed action on the plan and on January 27, 1981 EPA took final action on portions of the plan (46 FR 8481) and reproposed action on other portions of the plan (46 FR 8575). No further action was taken on the Ohio plan for Lucas County after the February 25, 1980 proposal because EPA had not finalized its review.

The Agency's review of the Lucas County regulations considered a modeling analysis of Lucas County submitted by Toledo Edison in support of a petition to revise the existing federal regulations for three Toledo Edison facilities. This analysis predicted substantial violations of the 24-hour and 3-hour NAAQs in Lucas County. Based on this analysis, EPA has determined that the existing federal plan for Lucas County does not ensure the attainment and maintenance of the NAAQS for SO_2. The SO_2 plan for Lucas County that the State of Ohio submitted to EPA is essentially the same as the existing federal plan. Therefore, EPA is today proposing to disapprove the Ohio SO_2 SIP for Lucas County and is calling upon the State to correct the deficiencies in the Lucas County plan.

Lucas County Modeling Analyses

The short-term modeling analysis submitted by the Toledo Edison Company utilized the RAM-urban model and five years (1973–1977) of hourly sequential Toledo/Flint meterorological data. Where the EPA modeling had divided Lucas County into four distinct regions and modeled each separately, Toledo Edison modeled Lucas County as a whole.

The short-term emissions inventory for the Toledo Edison sources is similar to that modeled by the EPA, except for the revised stack heights at the Toledo Edison Acme and Bay Shore plants. As for the other point sources, the individual companies were contacted to up-date the EPA emission inventory. Background was accounted for with a complete area source inventory for Lucas County.

The results of the modeling showed that both the federally promulgated Ohio SO_2 plan and the State submitted SO_2 plan for Lucas County are not adequate to protect the short-term NAAQS. Substantial violations of the 3-hour and 24-hour NAAQS were predicted.

Lucas County Nonattainment Designation

The EPA promulgated Ohio SO_2 SIP provided for emission reductions that were projected to result in attainment by the attainment date in the SIP (41 FR 36324). The attainment date for the Ohio SIP had not yet passed at the time EPA published the notice of designations in the **Federal Register** on March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993). However, the Clean Air Act required nonattainment designations for all areas in which there were violations of the SO_2 NAAQS. Although the modeling analysis which was done for the EPA promulgation of the Ohio SIP for Lucas County demonstrated attainment by August 27, 1979, several sources in Lucas County were not in compliance with the EPA promulgated SIP. As a result, violations of the SO_2 NAAQS in Lucas County occured. Therefore, EPA designated Lucas County as non-attainment for the SO_2 NAAQS. This nonattainment designation will continue to apply until the State demonstrates that the SO_2 air quality standard is no longer violated.

On July 27, 1978, Toledo Edison Company requested a revised emission limitation for its Acme, Bay Shore and Water Street stations located in Lucas County. The modeling analysis, submitted by the Toledo Edison Company was more comprehensive than the earlier one done by EPA and predicted substantial violations of the 24 hour and 3 hour NAAQS in Lucas County. The more recent modeling

analysis demonstrated that the existing federal plan for Lucas County does not ensure the attainment and maintenance of the NAAQS. The SO_2 plan for Lucas County that the State of Ohio submitted to EPA is essentially the same as the existing federal plan. Therefore it is also deficient. Part D of the Clean Air Act Amendments of 1977 requires the State of Ohio to develop an enforceable plan to attain the SO_2 NAAQS for Lucas County. Such plan must be submitted to EPA within twelve months of the final rulemaking date.

EPA is today proposing to disapprove the State of Ohio's SO_2 SIP for Lucas County and calls upon the State of Ohio to reassess its SO_2 control strategy for Lucas County and adopt any additional regulations that may be needed to protect the primary and secondary SO_2 NAAQS. If more restrictive regulations are needed, then the State must also prescribe a schedule for compliance as expeditiously as practicable but in no case later than three and one-half years from the date of approval of the plan. The federal plan for Lucas County will remain in effect until the State of Ohio submits and EPA approves an SO_2 plan for Lucas County which will ensure attainment and maintenance of the NAAQS.

In a separate notice published elsewhere in today's **Federal Register**, EPA is approving a revision to the federal Ohio SIP for the Toledo Edison Company in Lucas County. EPA's approval of the emission limitations for the Toledo Edison Company does not affect the revised county plan requested of the State but rather provides interim emission limitations until the State of Ohio develops and EPA approves an adequate plan for Lucas County.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. Today's proposed disapproval of the State's SO_2 plan for Lucas County does not constitute a major regulation since at the time of final rulemaking the sources will remain subject to the existing federal SO_2 plan for Lucas County.

Pursuant to the provisions of 5 U.S.C. section 605(b), the Administrator has certified that this proposed rule, will not if promulgated, have a significant impact on a substantial number of small entities. A copy of this certification is available in the rulemaking docket.

(Secs. 110, 172 and 301(a) of the Clean Air Act, as amended 42 U.S.C. 7410, 7502, 7602(a))

Dated: April 28, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

Certification of No Significant Impact on a Substantial Number of Small Entities

Regulation: Proposed disapproval of Ohio State Implementation Plan for Sulfur Dioxide for Lucas County (Clean Air Act Part D)

Pursuant to the provisions of 5 U.S.C. § 605(b) I hereby certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This action will affect only major sources of sulfur dioxide in a single county in Ohio. Also, this action will impose no new regulatory requirements. Existing requirements promulgated by EPA will remain in effect. Moreover, due to the nature of the federal-state relationship under the Clean Air Act, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Dated: April 28, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-12908 Filed 5-1-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A1-FRL 1908-2]

Revisions to the New Hampshire State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On April 15 and December 9, 1980, the State of New Hampshire submitted revisions to its State Implementation Plan (SIP). The revisions include changes to the States Ambient Air Quality Standards and a lead SIP. The State of New Hampshire has had ambient standards that were more stringent than the National Ambient Air Quality Standards (NAAQS) and the affect of this State initiated request is to relax the requirements to bring them in line with the NAAQS. The lead SIP submitted by the State fulfills the EPA requirements to develop a plan to attain and maintain the NAAQS for lead (40 CFR Part 51).

DATES: Comments must be submitted on or before June 3, 1981.

ADDRESSES: Copies of the state's submission are available for inspection at the following addresses: Environmental Protection Agency, Air Branch, Room 1903, J. F. Kennedy Federal Building, Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW, Washington D.C. 20460; and Air Resources Agency, State Laboratory Building, Hazen Drive, Concord, NH 03301. Comments may be submitted to Harley F. Laing, Chief, Air Branch, at the Boston Address given above.

FOR FURTHER INFORMATION CONTACT:

John L. Hanisch, Air Branch, EPA, Region I, Room 1903, J. F. Kennedy Federal Building, Boston, MA 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: Section 116 of the Clean Air Act requires that state standards for criteria pollutants be at least as stringent as the federal standards. New Hampshire originally adopted standards more stringent than the federal requirements. However, the Governor of New Hampshire submitted revisions to Regulation 11 (Ambient Air Quality Standards for the State of New Hampshire) on April 15, 1980.

The changes include a relaxation of the state's standards for particulate matter, sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone, and hydrocarbons to conform with the federal NAAQS and adoption of a state lead standard which also conforms with the federal NAAQS. The submittal provided for the use of reference methods in determining ambient pollutant concentrations "acceptable to the Environmental Protection Agency or the (New Hampshire Air Resources) Agency." However, EPA Regulations 40 CFR 50.4 through 50.11 specify that only EPA's reference methods or equivalent methods, as set forth in 40 CFR Part 53, are acceptable to show compliance with NAAQS. Therefore, in its December 9, 1980 submittal, New Hampshire confirmed that it will not use a reference method which has not been approved in accordance with 40 CFR Part 53. That submittal also included a definition for lead, which was omitted from the April 15 submittal.

Proposed Action

EPA is proposing to approve New Hampshire's ambient air quality standards changes.

On October 5, 1978 EPA promulgated primary and secondary National Ambient Air Quality Standards for lead (43 CFR 46246). Section 110 of the Clean Air Act, requires states to adopt and submit to the EPA Administrator, within nine months after promulgation of a National Ambient Air Quality Standard, a plan for attainment and maintenance of the Standard in their area. EPA has set forth the requirements of an approvable lead State Implementation Plan in 40 CFR Part 51 (43 FR 46246). These provisions require the submission of air quality data, emissions data, a control strategy, air quality modeling,

and a demonstration that the Standard will be attained within the time frame specified by the Clean Air Act.

The April 15, 1980 submittal from New Hampshire included technical support to satisfy 40 CFR Part 51, Implementation Plans for Lead. The document indicates that there are no significant stationary sources of lead in the state. County by county mobile source emissions were calculated from 1978 through 1984, showing a decrease in lead emissions during that period by nearly a factor of four.

Filter analyses were performed from the third quarter of 1978 thorugh the second quarter of 1979. Six stations are continuing to be analyzed for lead content. A roadway monitoring station will be in operation by April 1981.

In the December 9, 1980 submittal, New Hampshire addressed how it would permit new sources of lead. Sources which emit five or more tons per year would be subject to New Hampshire's Regulations 16 and 17. They would be allowed to construct and operate only after receiving pemits issued under Regulation 16, the state's new source review regulation. A review of the permit application would ascertain that the proposed lead source would be in compliance with Regulation 17, which specifically limits lead emissions from stationary sources. Such procedures are sufficient to control new stationary sources of lead emissions.

Since no lead standard violations have been recorded, the state is continuing to monitor for lead emissions and new source review procedures are in effect for new lead sources, New Hampshire appears to have met all the requirements of the Clean Air Act and applicable regulations for submittal of an adequate led SIP.

Proposed Action

EPA is proposing to approve New Hampshire's lead SIP submittal. Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that the SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 Fed. Reg. 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore, subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because this action, if promulgated, only approves state actions and imposes no new requirements.

This regulation was submitted to the office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comment aare available for public inspection at Room 1903, J. F. Kennedy Federal Building, Boston, Massachusetts 02203.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Section 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

Dated: April 6, 1981.

Leslie Carothers,

Acting Regional Administrator, Region I.

[FR Doc. 81-13822 Filed 5-1-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 123

[SW-7-FRL 1817-6]

Kansas Application for Interim Authorization, Phase I, Hazardous Wastes Management Program

AGENCY: Environmental Protection Agency, Region VII.

ACTION: Notice of Public Hearing and Public Comment Period.

SUMMARY: EPA regulations to protect human health and the environment from the improper management of hazardous waste were published in the Federal Register on May 19, 1980 (45 FR 33063). Subsequent amendments and additions to this promulgation have occurred since that date. These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Kansas application for Phase I interim authorization, inviting public commept, and giving notice of a public hearing to be held on the application.

DATE: Comments on the Kansas interim authorization application must be received by June 3, 1981.

Public hearing: EPA will conduct a public hearing on the Kansas interim authorization application at 1:00 p.m., on June 3, 1981. The Environmental Protection Agency reserves the right to cancel the public hearing if significant public interest in a hearing is not expressed. If you are interested in participating in a public hearing, please notify Mr. Robert L. Morby of EPA at the address below no later than Friday, May 29, 1981. The State of Kansas will participate in any public hearing held by EPA on this subject.

ADDRESSES: Copies of the Kansas interim authorization application are available during business hours at the following locations for inspection and copying by the public:

Kansas Department of Health and Environment, Bureau of Environmental Sanitation, Forbes Field, Topeka, Kansas 66620, 913/862–9360 Ext. 297, Business Hours: 8:00–4:30, $.25 per page copying charge;

U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, 816/374–6534, Business Hours: 7:30–4:30, $0.20 per page copying charge;

U.S Environmental Protection Agency, Office of Solid Waste, 401 M Street, S.W., Washington, D.C. 20460, 202/382–2210, Business Hours: 7:30–4:30.

The public hearing will be held at:

Shawnee County Health Department, Room 101 (Auditorium), 1615 W. 8th, Topeka, Kansas, June 3, 1981 1:00 P.M.;

Send written comments to: Robert L. Morby, U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby (816) 374–3307.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, Federal Register (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for issuance of interim authorization, the State hazardous waste program must:

(1) Have had enabling authority in existence prior to August 17, 1980, and

(2) Be substantially equivalent to the Federal program.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123 Subpart F (45 FR 33479). As noted in the May 19, 1980, Federal Register copies of complete State submittals for Phase I interim authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal, unless significant public interest is not expressed.

Dated: April 24, 1981.

David A. Wagoner,

Acting Regional Administrator, Region VII.

[FR Doc. 81-13417 Filed 5-1-81; 8:45 am]

BILLING CODE 6560-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the Semiannual Agenda of Regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, and Executive Order 12291 "Federal Regulation" dated February 17, 1981 the National Endowment for the Humanities is required to publish in April and October of each year an agenda of proposed regulations that the endowment has issued or expects to issue and currently effective rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Schurman, General Counsel, National Endowment for the Humanities, 806 15th Street, N.W., Washington, DC 20506, 202-724-0367.

Semiannual Agenda of Regulations

Regulations to be issued:

Nondiscrimination on the Basis of Handicap;

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from NEH;

Nondiscrimination of the Basis of Sex; Employment Part-Time Career Employment.

Regulation under review:

Nondiscrimination on the Basis of Race, Color, or National Origin Within NEH-Funded Programs.

None of the above regulations is a "major rule" within the meaning of Executive Order 12291, nor would any of the regulations have a significant economic impact on a substantial number of small entities.

Dated: April 28, 1981.

Joseph D. Duffey,

Chairman.

[FR Doc. 81-12306 Filed 5-1-81; 8:45 am]

BILLING CODE 7536-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Semi-Annual Agenda of Significant Proceedings

AGENCY: Federal Communications Commission.

ACTION: Publication of Semi-Annual Agenda.

SUMMARY: The Commission publishes a Semi-Annual Agenda to provide the public with adequate notice of significant proceedings under development or review, as prescribed in Executive Order 12291 (46 FR 13193; February 19, 1981). This edition of the agenda, in compliance with the Regulatory Flexibility Act of 1980 (P.L. 96-354) includes notations on the applicability of the Regulatory Flexibility Act to each item. This fulfills the requirement that all agencies publish Regulatory Flexibility Agenda in April and October of each year.

Henceforth, the FCC's Semi-Annual and Regulatory Flexibility Agenda, in combined form, will be published in the Federal Register each April and October hereafter. This supersedes all previously-announced publication dates for the Semi-Annual Agenda.

EFFECTIVE DATE: April 30, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Anne Riffey, Office of the Executive Director, (202) 632-7513.

SUPPLEMENTARY INFORMATION:

Semi-Annual Agenda of Significant Proceedings

The Commission wants to encourage greater public participation in the FCC rule making process. To help keep the public informed of significant rule making proceedings, the Commission has prepared an agenda of important proceedings now in progress. The Commission expects to publish an agenda of significant proceedings in the Federal Register every six months.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A Docket Number is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rule Making or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last to digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g. Docket 78-1 or Docket 79-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "BC Docket 79-164." When a docket number consists of only five digits (e.g. Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rule Making (NPRM)—issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rule making, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

Rule Making (RM) Number—assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rule making, but before the Commission has taken action on the petition.

BILLING CODE 6712-01-M

Broadcast Matters

Docket:	19142	20418	21049	21310
Title:	Children's Television Programming and Advertising Practices	Rev VHF Channel Assignments	Commercial Television Network Practices	FM Quadraphonic Broadcasting
Regulatory Flexibility Act?	___Yes _X_No	___Yes _X_No	X Yes ___No	___ Yes X No
Description:	Evaluation of television licensees' compliance with the Commission's 1974 policy guidelines on children's television programming and advertising practices.	Study of possibility of assigning new VHF channels in the Top-100 markets, specifically at this time in Charleston, West Virginia, Johnstown or Altoona, Pennsylvania, Knoxville, Tennessee, and Salt Lake City, Utah.	Inquiry into practices and policies of the 3 major television networks regarding the acquisition and distribution of television programming.	Inquiry into whether Commission should authorize a quadraphonic FM broadcasting system.
Stage of Development:	NPRM adopted by Commission in December, 1979. The comment stage closed in August, 1980. R&O is being drafted. Oral presentation to Commission in Oct., 1980.	1) R&O on Petitions for reconsideration being drafted; 2) R&O on Rule Making being drafted. (See also entry for BC 80-719, below.)	Network Inquiry Special Staff has made final report to Commission. B/cast Bureau is drafting a further NOI or NPRM.	Notice of Proposed Rule Making (NPRM) adopted July 17, 1980. Reply comments closed on February 1981. R&O being drafted.
Projected Commission Action:	----------	1) 3rd Quarter; 2) 4th Quarter	4th Quarter	June, 1981
Contact Person & Telephone:	Steve Bookshester 632-7792	Roger Holberg 632-7792	Steve Bookshester 632-7792	Al Jarratt 632-9660
Docket:	21313	21474	21502	BC 78-239
Title:	AM Stereo	Equal Employment Opportunity in the Broadcast Industry	Subscription (Pay) TV Operations	Voting Trusts
Regulatory Flexibility Act?	___Yes _X_No	___Yes _X_No	X Yes ___No	___Yes X No
Description:	The Commission must decide if, and under what circumstances, standards for the transmission of stereophonic program material by AM broadcast stations should be established.	Revision of FCC Form 395, the annual employment form filed by broadcasters, to make it more useful in monitoring the broadcasters' commitment to equal employment opportunity.	Inquiry to determine whether current rules governing pay TV operations are necessary or desirable and whether any new rules are needed to govern the service.	Inquiry to determine what types of ownership interests are cognizable for purposes of the FCC's ownership rules.
Stage of Development:	NPRM adopted Sept., 1973; a Memorandum Rept. and Order and Further NPRM adopted July 30, 1980 and released Sept. 11, 1980. Comment period closed in February, 1981. R&O is being drafted.	Further NPRM issued in 1980 seeking comments on a revised EEO program. Comments are being analyzed.	A further NPRM is being drafted which will include such issues as the "complement of four" requirement.	NOI/NPRM adopted July, 1978; comment period closed Dec., 1978.
Projected Commission Action:	1st Quarter 1982	----------	3rd Quarter	----------
Contact Person & Telephone:	Gregory DePriest 632-9660	Steve Bookshester 632-7792	Freda Thyden 632-7792	Steve Bookshester 632-7792

Broadcast Matters (cont.)

Docket:	BC 78-253	BC 79-164	BC 79-219	BC 79-269
Title:	Inquiry into the Proper Role of Television Translators and Low-Power TV Broadcasting	Reduction of AM Bandwidth to 9 kHz	Deregulation of Radio	New Jersey UHF-TV Assignments
Regulatory Flexibility Act?	X Yes ___ No	___ Yes X No	___ Yes X No	___ Yes X No
Description:	Inquiry into uses of television translators, especially in rural areas, to determine if rules concerning translators should be changed to permit their increased use.	Inquiry into reduction of spacing between AM channels from 10 kHz to 9 kHz.	Study to determine if radio broadcasting should be partially or totally deregulated.	Study to assign 6 UHF-TV frequencies to various New Jersey communities.
Stage of Development:	Commission adopted NPRM in Sept., 1980. Reply comments due May 13, 1981.	Final resolution is awaiting results of Region 2 Conference on AM Broadcasting, to be held in November, 1981. In the interim, Commission will develop further reports.	Report and Order adopted January 14, 1981. Petitions for Reconsideration filed, and R&O being drafted.	NPRM adopted 10-18-79. Record closed 8/80, R&O being developed.
Projected Commission Action:	----------	1st Quarter	3rd Quarter	3rd Quarter
Contact Person & Telephone:	Molly Pauker 632-7792	Larry Olson 254-3394	Roger Holberg 632-7792	Gordon Godfrey 632-9660

Docket:	BC 79-270	BC 80-90	BC 80-130	BC 80-190
Title:	New Jersey UHF-TV Financial Viability	Use of FM Frequencies	Processing of FM Rule Making Petitions	Revision of Financial Qualifications Form
Regulatory Flexibility Act?	___ Yes X No	___ Yes X No	___ Yes X No	___ Yes X No
Description:	Study of means by which the New Jersey UHF-TV stations created in BC Docket 79-269 (above) might best become financially viable.	Study of means for increasing the use of FM frequencies.	Study of possible modifications to the procedures for processing FM petitions.	Study to revise Form 324, Financial Qualifications Form, which broadcasters are required to file with the Commission.
Stage of Development:	NPRM adopted 10/18/79 in conjunction with BC Docket 79-269; record closed 8/80.	NPRM issued on Feb. 28, 1980; reply comments closed on Dec. 1, 1980. R&O being drafted.	R&O being drafted in conjunction w/BC 80-90 (see above).	NPRM adopted April 24, 1980; reply comments closed in Dec. R&O being drafted.
Projected Commission Action:	Final action projected for same time as BC Docket 79-269, above.	4th Quarter	----------	3rd Quarter
Contact Person & Telephone:	Martin Blumenthal 632-7792	Kathryn Hosford 632-9660	Jonathan David 632-7792	Alan Stillwell 632-6302

Broadcast Matters (cont.)

Docket:	BC 80-719	Rule Making 3727, 3676	18991 and 20421	21002
Title:	Reassignment of VHF-TV Frequency to New Jersey	Teletext Inquiry	Cable TV Systems: Multiple Ownership and Cross-Ownership	Cable TV Local Franchise Fees
Regulatory Flexibility Act?	___Yes X No	___Yes X No	___Yes X No	___Yes X No
Description:	Study of possibility of reassigning the Channel 9 VHF-TV frequency from New York City to a New Jersey community.	Petition by CBS, Inc. and United Kingdom Teletext Working Group to authorize use of teletext by TV stations.	Inquiry to determine if FCC should limit size of cable systems, multiple ownership and cross ownership.	Proposal to eliminate rule (§76.31) that limits the ability of local authorities to collect franchise fees in excess of 3% of a cable system's gross revenues.
Stage of Development:	MPRM adopted 11/6/80. Matter being held in abeyance pending resolution of R&O appeal by Federal court.	Period for comments on the petition has closed. Staff is evaluating several alternatives with a view to taking action in the next two or three months.	Additional R&Os are forthcoming in these dockets. Office of Plans and Policy has a study of these issues in progress. Study includes telephone cross-ownership issues also.	Draft of final R&O is in progress. Additional analysis of economic study (NERA study) submitted in comments may be required.
Projected Commission Action:	----------	2nd Quarter 1981	----------	----------
Contact Person & Telephone:	Mark Lipp 632-7792	Jim Green 632-6302	William Johnson 632-6468	Deborah Stuehrmann, 632-6468

Cable Matters (cont.)

Docket:	21284 and 20988	21472	21499	CC 78-72, Phase I
Title:	Cable TV Impact on Broadcast Service	Cable TV Mandatory Local TV Signal Carriage Rules for "Saturated" Cable TV Systems	Bell System Operating Companies Tariff FCC No. 6	MTS-WATS Market Structure Inquiry
Regulatory Flexibility Act?	___Yes X No	___Yes X No	___Yes X No	___Yes X No
Description:	Inquiry into the economic relationship between television broadcasting and cable television to provide the Commission with better methods of predicting changes in these industries and analyzing cases where questions of impact are raised.	Proposal to amend the cable TV mandatory signal carriage rules with respect to those situations where the availability of additional channels on local cable systems has been exhausted.	Investigation into the lawfulness of facilities offerings by AT&T and its associated Bell companies to other common carriers; Bell System Operating Companies Tariff FCC No. 6.	Inquiry to determine whether public interest requires interstate Message Telecommunications Service (long distance telephone service) and/or Wide Area Telecommunications Service (bulk rate long distance service) or their functional equivalents, to be provided on a sole source basis.
Stage of Development:	R&O eliminating CATV rules has been adopted by Commission, but rule changes have been stayed in connection with an appeal of the Commission's decision. Court action is expected by the Spring of 1981.	Draft of final R&O is in progress.	NOI and proposed Rule Making adopted December 4, 1980.	Report and third supplemental notice, issued August 19, 1980, resolved entry policy question and issues other than access charges and Alaska entry policy. Staff preparing further order as access charges. Awaiting supplemental comment regarding Alaska entry policy.
Projected Commission Action:	----------	----------	September, 1981	Item ready for agenda scheduling in 2nd Quarter of CY 81.
Contact Person & Telephone:	William Johnson 632-6468	Stephen Bailey 632-6468	Kent Nakamura 632-6917	Carl Lawson 632-9342

Common Carrier Matters (cont.)

Docket:	CC 78-196	CC 79-35	CC 79-105	CC 79-187
Title:	Uniform System of Accounts for Telephone Companies	INMARSAT Interconnection - Implementation of Sec. 503(G) of INMARSAT Act	Deregulation of Inside Wiring	AT&T Rate of Return
Regulatory Flexibility Act?	___Yes X No	___Yes X No	X Yes X No	___Yes X No
Description:	Study to develop a system of accounts which can readily provide cost information by both jurisdiction and individual service categories.	Rule making regarding operational arrangements for maritime satellite service, interconnection with earth stations, and regulating safeguards against cross-subsidization of costs.	Inquiry into the complete deregulation of the business of furnishing inside telephone wiring.	Inquiry to determine if AT&T's rate of return during 1978 exceeded the limits specified by the Commission in Docket 20376.
Stage of Development:	Review of comments received on First Supplemental NPRM is ongoing. Staff will devise specifications of the new proposed Uniform System of Accounts.	Further Notice of Proposed Rule Making adopted Dec. 16, 1981.	Notice of Inquiry adopted March 11, 1981.	Draft MO&O in preparation.
Projected Commission Action:	2nd Supplemental Notice of Proposed Rule Making - June, 1981	August, 1981	September, 1981	3rd Quarter CY 1981
Contact Person & Telephone:	David Chessler 653-7413	J. Ball 632-7834	Sandy Margolin 632-3863	Kent Nilsson 632-9342

Docket:	CC 79-245	CC 79-246	CC 79-318	CC 80-54
Title:	Cost Allocation Manual - AT&T	AT&T Rate Structure Rule Making	Cellular Mobile Communications	Resale and Shared Use of WATS
Regulatory Flexibility Act?	___Yes X No	___Yes X No	___Yes X No	___Yes X No
Description:	Proceeding to develop and prescribe specific procedures to be followed by AT&T in allocating costs among its various services.	Inquiry into AT&T private line tariff and rate structures and volume discount policies.	Inquiry into implementation of cellular mobile communications systems.	Regulatory policies concerning resale and shared use of common carrier domestic public switched network services. (MCI Rule Making Petition #3453).
Stage of Development:	Report and Order adopted Dec. 19, 1980.	Notice of Inquiry and Proposed Rule Making adopted October 18, 1979. Staff preparing a First Report and Order and Further NPRM.	Report and Order adopted April 9, 1981.	R&O adopted December 8, 1980. Proposed tariff changes filed effective June 1, 1981. Petitions for reconsideration pending.
Projected Commission Action:	Action on Motion to Stay - April 23, 1981. Reconsideration/Order-June, 1981. 2nd NOI September, 1981.	June, 1981	Further NPRM contemplated in CY 1981	June, 1981 contingent on final outcome of CC Docket 80-765, WATS Tariff Revision.
Contact Person & Telephone:	Tim Stevens 632-9342	Leonard Kennedy 632-6917	Michael Sullivan 632-6450	Brad Allenby 632-6917

Common Carrier Matters (cont.)

Docket:	Gen. Docket 80-112	CC 80-116	CC 80-170	CC 80-176
Title:	MDS Frequency Reallocation	MDS Licensing	"Authorized User" Petitions	International Resale and Shared Use
Regulatory Flexibility Act?	___Yes X No	___Yes X No	___Yes X No	___Yes X No
Description:	Inquiry and rule making to consider reallocation of frequencies in the 2500-2690 MHz band.	Inquiry on alternatives to trial-type proceedings for awarding MDS licenses. Possible alternatives include paper hearings, lotteries, and auctions.	Study of whether to authorize non-carrier entities to obtain service directly from Comsat for provision of international communications.	Study of the restrictions on resale and shared use of international services.
Stage of Development:	NPRM issued March, 1980. Comment period extended to Sept. 26 and Oct. 27, 1980. Staff anticipates issuance of an R&O.	NPRM issued March, 1980. Staff is evaluating comments to draft an R&O.	Report and Order in preparation.	Staff preparing recommended decision.
Projected Commission Action:	2nd Quarter CY '81 or later	July, 1981	June, 1981	3rd Quarter CY '81
Contact Person & Telephone:	Kevin Kelley 632-6430	Cicely Holiday 632-6415	Gene Belardi 632-7265	James Ball 632-3214

Docket:	CC 80-632	CC 80-634	CC 80-765	Bureau Project #28
Title:	Overseas Communication Service	Communications Satellite Corporation Structure	WATS Offering	AT&T General Rate Increase
Regulatory Flexibility Act?	___Yes X No	___Yes X No	___Yes X No	___Yes X No
Description:	The Commission has tentatively concluded that voice/record dichotomy in international services no longer best serves the public interest. This NPRM proposes to permit the IRCs to provide international voice services and AT&T to provide international record services. NPRM revisits 1964 TAT-4 decision which helped establish voice/record dichotomy.	An inquiry into changes in the corporate structure and operations of Communications Satellite Corporation.	AT&T tariff revisions reflect significant and complex changes in a major basic service. The filing represents substantial structural change in the WATS offering.	Tariff filing by AT&T that would increase its tariff charges, to become effective in part by June, 1980.
Stage of Development:	Notice of Proposed Rule Making adopted October 9, 1980.	NPRM adopted October 9, 1980.	MO&O adopted December 19, 1980, suspending tariff and initiating investigation.	Bureau's order was released on June 13, 1980, with Chief ordering an investigation of the across-the-board increases, but deferred that investigation until the hearing on AT&T's rate of return in Docket 79-63. MCI has challenged some procedural aspects of the decision; an application for review is pending.
Projected Commission Action:	September, 1981	July, 1981	May, 1981	Pending outcome of appeal by MCI pending in D.C. Circuit Court.
Contact Person & Telephone:	Stuart Chiron 632-7265	J. Ball 632-7834	Brad Allenby 632-6917	Brad Allenby 632-6917

Common Carrier Matters (cont.)		Field Operations Bureau	General Counsel	Office of Plans & Policy
Docket:	Bureau Project #130	20817	Gen. Docket 78-205	Gen. Docket 78-391
Title:	Second Generation Satellites	Radio Operator Licensing	Reimbursement for Participation in Commission Proceedings	Improvement to UHF TV Reception
Regulatory Flexibility Act?	___Yes X No	___Yes X No	___Yes X No	___Yes X No
Description:	The total number of applications for new domestic satellites may exceed the number that could be accommodated in the orbital arc useful for U.S. service. In order to avoid potential conflicts, a rule making approach is desired.	Inquiry to review radio operator rules and evaluate the current need for them.	Inquiry as to the rules under which FCC should reimburse expenses of public participants in its rule making proceedings.	A five-person task force has been created to examine comparability for UHF and VHF television reception and to assist in determining what regulatory changes are needed to achieve comparability.
Stage of Development:	Action on applications completed in December 1980. Staff now working on the follow-on proceedings to develop and promulgate long term policy and procedures.	Comments being evaluated.	Comments are being evaluated by staff.	Last Report was issued Nov., 1980. Contractor's reports pending.
Projected Commission Action:	June, 1981	2nd Quarter 1981 or later	2nd Quarter or later	----------
Contact Person & Telephone:	Ron Lepkowski 632-5930	Vernon Wilson 632-7240	Grey Pash 632-7020	Phil Giesler 653-5940

Plans & Policy Matters (cont.)		Private Radio Bureau Matters		
Docket:	Gen. Docket 80-603	18921	20846	79-140
Title:	Direct Broadcast Satellite Inquiry	Multiple License Sharing of Private Land Mobile Radio Facilities on the Frequencies below 800 MHz	Telephone Interconnection in Land Mobile Radio Services	Additional Personal Radio Service
Regulatory Flexibility Act?	___Yes X No	___Yes X No	___Yes X No	___Yes X No
Description:	Study of regulatory options concerning direct broadcast satellite (DBS)	The development of rules and policies to better define and govern the multiple licensing and sharing of private land mobile radio facilities operating below 800 MHz.	Proceeding to develop and prescribe specific rules for interconnection of private land mobile radio systems with the public switched telephone network.	Inquiry into need for new Personal Radio Service at 900 MHz, and technical and operational characteristics of such a possible service.
Stage of Development:	NOI and NAO issued in Oct., 1980. Comments due by Dec. 5, 1980 and reply comments by Dec. 22, 1980.	Tentative Decision and Further Notice of Proposed Rule Making have been drafted by the staff.	A Report and Order is being prepared by the staff.	Staff is drafting an NPRM in conjunction with the Office of Science and Technology.
Projected Commission Action:	2nd Quarter, 1981	April, 1981	June, 1981	June, 1981
Contact Person & Telephone:	Florence Setzer 653-5940	J. Letterman 634-2443	John Borkowski 632-7597	Joe Johnson 632-6930

Office of Science and Technology Matters

Docket:	20990	21371	Gen. Docket 78-369	Gen. Docket 79-188
Title:	Remote Control and Security Devices	Description of Test Measurement Facilities	Radio Frequency Interference to Electronic Equipment	Xerox XTEN Proposal
Regulatory Flexibility Act?	___Yes _x_No	___Yes _x_No	___Yes _X_No	_X_Yes ___No
Description:	Amendment of Part 15 of the Rules to provide for the operation of low power communications devices used in remote control and security applications.	Amendment of Part 2 of the Rules establishing criterion to determine the suitability of a test site for making measurements to determine compliance of equipment subject to the Commission's authorization program.	Inquiry to determine extent of radio frequency interference to electronic equipment and need for government regulation to lessen such interference.	Xerox Corporation has proposed the allocation of microwave frequencies in the 10.55-10.68 GHz band for use in providing a new common carrier electronic message service.
Stage of Development:	A First Report & Order is being drafted.	A First Report & Order is being drafted.	Matter is undergoing reconsideration by Commission staff. A Memorandum to the Commission is being drafted.	First Report & Order adopted 14 Jan, 1981, with release expected April 1981. Further Notice of proposed rule is being drafted.
Projected Commission Action:	2nd Quarter, 1981	3rd Quarter, 1981	May, 1981	May, 1981
Contact Person & Telephone:	George Harenberg 653-8130	Syd Bradfield 653-8131	Al Paul 653-8126	Bert Withers, Beverly Baker, 653-8100 632-5930

Docket:	Gen. Docket 80-184	Gen. Docket 80-398	Gen. Docket 80-739	Gen. Docket 80-741
Title:	Mobile Services Conferences	Broadcasting-Satellite Planning Conference	WARC-79 Implementation	Space Services Planning Conference Space WARC
Regulatory Flexibility Act?	___Yes _X_No	___Yes _X_No	___Yes _X_No	___Yes _X_No
Description:	Preparation of U.S. proposals to a 1982 ITU-World Conference on the Mobile Radio Services.	Preparation of U.S. Proposals to a 1983 ITU Region 2 Conference to plan the use of 12 GHz broadcasting satellites in the Western Hemisphere.	Inquiry to determine extent of radio frequency interference to electronic equipment and need for government regulation to lessen such interference.	Preparation of U.S. proposals to a 1984/85 (2nd session) ITU WARC on "Use of the Geostationary-Satellite Orbit and Planning of the Space Services Utilizing It."
Stage of Development:	3rd NOI to be issued April 1981: Report and Order containing recommended proposals anticipated for July 1981. 3rd NOI being drafted.	Memorandum Opinion and Order was issued February, 1981 establishing an Advisory Committee. 2nd NOI being drafted.	Matter is undergoing reconsideration by Commission staff. A memorandum to the Commission is being drafted.	Memorandum Opinion & Order establishing a Public Advisory Committee is expected May, 1981. A second NOI is being drafted.
Projected Commission Action:	April, 1981	May, 1981	May, 1981	3rd Quarter, 1981
Contact Person & Telephone:	Lawrence Palmer 653-8102	Edward Jacobs 653-8102	Fred Thomas 653-8171	Thomas S. Tycz 653-8102

Office of Science and Technology Matters (cont.)

Docket:	RM 3526	RM 3767	Not yet Assigned
Title:	Air-to-Ground Telephone Service at 900 MHz	Utilities Telecommunications Council Power Line Carrier Petition	Spread Spectrum Communications Technology
Regulatory Flexibility Act?	___Yes _X_No	___Yes _X_No	___Yes _X_No
Description:	Proposed system for serving passengers on commercially scheduled airlines in the contiguous United States by using single side band modulation, to provide 310 two-way voice channels which will interconnect with the public telephone network.	The Petitioner seeks improved regulatory recognition and protection for electric utility powerline carrier systems in the 10-490 kHz band.	Inquiry into possible civil application of spread spectrum communications technology and possible rule makings needed to permit its use (it is implicitly forbidden under present rules).
Stage of Development:	Technical feasibility is being evaluated, after which it will be decided whether or not to proceed with rule making.	Reply comments period closed 4 February 1981, and comments are presently being evaluated. An NPRM is being drafted.	NOI is being circulated within the Commission.
Projected Commission Action:	————————	4th Quarter, 1981	May, 1981
Contact Person & Telephone:	Mal Murray 653-8166	Sam Tropea 653-8164	Michael Kennedy 632-7073

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-13384 Filed 5-1-81; 8:45 am]

BILLING CODE 6712-01-C

Notices

Federal Register
Vol. 46, No. 85
Monday, May 4, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket 39106]

ICB International Airlines Fitness Investigation; Postponement of Hearing

By letter dated April 28, 1981, the applicant requested a postponement of the hearing date until May 21, 1981. The Bureau of International Aviation has no objection to this postponement.

Accordingly, notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above entitled proceeding, which was assigned to be held on April 30, 1981 (46 FR 22417 April 17, 1981) is postponed until May 21, 1981 at 10:00 a.m. (local time), and will be held in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., April 28, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc.81-13401 Filed 5-1-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Maine Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 5:00 pm and will end at 10:00 pm, on May 20, 1981, at Hazel Green's restaurant, 349 Water Street, Augusta, Maine. The purpose of this meeting is to orientate new members; plan projects on domestic violence and on women in nontraditional jobs; also to discuss possible new projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Madeleine D. Giguere, 35 Orange Extension. Lewiston, Maine 04240, (207) 780-4100; or the New England Regional Office; 55 Summer Street, 8th Floor, Boston, Massachusetts 02110; (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-13424 Filed 5-1-81; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 6:00 p.m., on May 21, 1981, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston MA 02110. The purpose of this meeting is to review progress on the reports of affirmative action at the MBTA and in State government.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, E. Falmouth, MA 02536, (617) 548-5123; or the New England Regional Office, 55 Summer Street, 6th Floor, Boston, MA 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-13425 Filed 5-1-81; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00 pm and will end at 6:00 pm, on June 11, 1981. The purpose of this meeting is to discuss affirmative action in state government; project planning; and the domestic violence information card.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Bradford E. Brown, 17 Roberta Jean Circle, P.O. Box 95, E. Falmouth, Massachusetts 02536, (617) 548-5123; or the New England Regional Office, 55 Summer Street, 6th Floor, Boston MA 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-13426 Filed 5-1-81; 8:45 am]

BILLING CODE 6335-01-M

Missouri Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Missouri Advisory Committee to the Commission will convene at 7:00 pm and will end at 8:30 pm, on May 18, 1981. The Committee will convene at 9:00 am and will end at 2:00 pm, on May 19, 1981, at the Ramada Inn, 1100 Vandiver Drive, Columbia, Missouri 65201. The purpose of this meeting is to orientate new members and review current projects and new program planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Joanne M. Collins, 4030 Bellefontaine, Kansas City, Missouri 64130, (816) 274-1321; or the Central States Regional Office, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106; (816) 758-5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-13428 Filed 5-1-81; 8:45 am]

BILLING CODE 6335-01-M

Nebraska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Nebraska Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 12 Noon, on May 29, 1981, at the Wesley House, 2001 North 35th Street, Omaha, Nebraska. The purpose of this meeting is to discuss implementation of the Omaha police-community relations project.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Mrs. Shirley M. Marsh, 2701 South 34th Street, Lincoln, Nebraska 68506, (402) 471–2734; or the Central States Regional Office, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106, (816) 758–5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 29, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-13427 Filed 5-1-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Carnegie-Mellon University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80–00379. Applicant: Carnegie-Mellon University, Department of Chemistry, 4400 Fifth Avenue, Pittsburgh, PA 15213. Article: NMR Spectrometer System, Model WN–300 and Accessories. Manufacturer: Bruker, West Germany. Intended use of article: See Notice on page 68963 in the Federal Register of October 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (December 27, 1979).

Reasons: The foreign article provides a probe which can take a 15 millimeter size sample tube. The Department of Health and Human Services advises in its memorandum dated January 28, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-13369 Filed 5-1-81; 8:45 am]

BILLING CODE 3510-25-M

Louisiana State University-Medical Center; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 80–00428. Applicant: Louisiana State University-Medical Center, 1440 Canal Street, Suite 1510, New Orleans, LA 70112. Article: Milk Fluoridizing Equipment. Manufacturer: E. W. Borrow Dental Foundation, United Kingdom. Intended use of article: See Notice on page 75729 in the Federal Register of November 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is designed and tested to provide milk containing 1.6 milligrams of fluoride ion/half pint with adequate sanitation and safety. The Department of Health and Human Services advises in its memorandum dated February 19, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-13367 Filed 5-1-81; 8:45 am]

BILLING CODE 3510-25-M

University of Utah Research Institute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 80–00339. Applicant: University of Utah Research Institute, Purchasing Department, 420 Chipeta, Way, Suite 100, Salt Lake City, Utah 84108. Article: NMR Spectrometer, Model CXP 200 and Accessories. Manufacturer: Bruker Physik AG, West Germany. Intended use of article: See Notice on page 54390 in the Federal Register of August 15, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a spinning rate of four kilohertz. The National Bureau of Standards advises in its memorandum dated March 12, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-13396 Filed 5-1-81; 8:45 am]

BILLING CODE 3510-25-M

Importers and Retailers' Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The Secretary of Commerce established the Importers and Retailers' Textile Advisory Committee on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

TIME AND PLACE: June 9, 1981 at 10:30 a.m. This meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, N.W.)

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377-3737.

Dated: April 29, 1981.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-13394 Filed 5-1-81; 8:45 am]

BILLING CODE 3510-25-M

Management-Labor Textile Advisory Committee; Public Meeting

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The Management-Labor Textile Advisory Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

TIME AND PLACE: June 9, 1981 at 1:30 p.m. This meeting will take place at the Main Commerce Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street, NW.).

AGENDA: (1) Review of import trends, (2) Implementation of textile agreements, (3) Report on conditions in the domestic market, (4) Other business.

PUBLIC PARTICIPATION: The meeting will be open to public participation to the extent time is available. The public may file written statements with the Committee before or after the meeting. Approximately 30 seats will be available for the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377-3737.

Dated: April 29, 1981.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 81-13395 Filed 5-1-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF EDUCATION

National Advisory Council on Bilingual Education; Meeting

AGENCY: National Advisory Council on Bilingual Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Bilingual Education. Notice of these meetings is required under the Federal Advisory Committee Act (U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: May 27, 1981—Public Hearings—9:00–5:00 p.m. May 28, 1981—Business Meeting—9:00–5:00 p.m.

ADDRESS: The Public Hearings on May 27, 1981 will be held in the Kent Room of the Sheraton-Boston Hotel. The Business Meeting on May 28, 1981 will be held in Room 575 of the Sheraton-Boston Hotel. The Sheraton-Boston Hotel is located on 39 Dalton Street, Boston, Massachusetts. For further information contact: Louis J. Serpa, Office of Bilingual Education and Minority Languages Affairs, Reporters Building, Room 514, Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202 (202-472-3520).

The National Advisory Council on Bilingual Education is established under Section 732(a) of the Bilingual Education Act (20 U.S.C. 3242) to advise the Secretary of the Department of Education concerning the administration and operation of programs effecting limited English proficient children and adults.

On *May 27, 1981,* in consonance with the Council's advisory role, testimony will be heard on the following topics:

1. Impact of Proposed Budget Cuts;
2. Administration's Block Grant Proposals;
3. Lau Regulations;
4. Language Policy;
5. Status of the Department of Education;
6. Funding Process including role of non-federal readers;
7. Other topics of concern to the Public.

The following procedures shall be observed during the public hearings:

1. Witnesses shall be heard on a first come basis;
2. Witnesses shall limit their testimony to fifteen minutes: ten minutes of formal presentation followed by five of questioning from Council members;
3. Two or more persons from the same organization shall designate one person to speak for the group;
4. Witnesses shall present an oral synopsis of their written testimony. Witnesses who do not provide such a testmony will be heard after all who have written testimony are heard;
5. Witnesses shall provide fifteen copies of their written testimony;
6. Witnesses may address the Council in either English or in their native

language. The written testimony must be submitted in English;

7. All testimony shall be tape recorded;

8. Exceptions to the aforementioned procedures shall be at the discretion of the Chairman of the Public Hearings Committee.

May 28, 1981: The proposed agenda for the Business Meeting includes:

1. Old Business:
—Committee Reports
Staff Reports
—Action Items
—Miscellaneous
2. New Business:
—Digest of Testimony
—Future Plans

Records will be kept of all Council proceedings and shall be available for public inspection after approval, by the Full Council, of said records has been obtained. These records will be available in Room 421, Reporters Building, 300 7th Street, SW., Washington, D.C. Written requests for such records should be sent to 400 Maryland Avenue, SW., Reporters Building Room 421, Washington, D.C. 20202.

In the event that the proposed agenda is completed prior to the projected date or time, the Council will adjourn the meeting.

Signed at Washington, D.C., on April 28, 1981.

Gilbert Chavez,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 81-13304 Filed 5-1-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Issuance of an Order Granting Temporary Public Interest Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of its issuance of an Order granting temporary public interest exemptions, pursuant to the authorities granted it by section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) and the implementing regulations thereunder (10 CFR 501.66 and 10 CFR Part 508), from the natural gas use prohibitions of section 301(a)(2) and (3) of the Act to the following powerplants in order to displace low sulfur residual fuel oil:

Docket No.	Owner	Generating station	Powerplant identification
50101-0117-50-41	Arizona Public Service Co	Phoenix	CC 1.
50101-0117-51-41	do	do	CC 2.
50101-0117-52-41	do	do	CC 3.
51694-0180-12-41	Louisiana Power and Light Co	Monroe	No. 12.
51982-1450-10-41	City of Natchitoches	Natchitoches	No. 10.
52224-0271-06-41	Pacific Gas & Electric Co	Pittsburg	No. 6.
52224-0271-07-41	do	do	No. 7.
52224-0280-07-41	do	Moss Landing	No. 7.
52340-2475-01-41	Plains Electric Generation & Transmission Cooperative Inc	Algodones	No. 1.
52340-2475-02-41	do	do	No. 2.
52340-2475-03-41	do	do	No. 3.

The Order is set forth following this Notice and has been sent by certified mail to the petitioners.

The petitioners filed for these temporary public interest exemptions pursuant to 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). A Notice of the petitions and proposed order granting these temporary exemptions were published in the January 30, 1981, Federal Register (46 FR 9984) presenting an opportunity for public comments and for interested persons to request a hearing relating to the petitions and the proposed order. All comments that referred to specific petitions were supportive of them.

The powerplants listed above are either prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of section 301(a) (2) and (3) of FUA, to displace consumption of low sulfur residual fuel oil.

Statement of Reasons

Because world oil supplies continue to be unstable, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum.

This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioners have demonstrated that these powerplants, for which they are requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in section 301(a)(3) of FUA. The petitioners have also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by section 301(a)(2) or (3) of FUA, will displace consumption of low sulfur residual fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioners' utility systems, including the powerplants for which these temporary exemptions are issued.

By establishing these facts, the petitioners have met the eligibility criteria set out in 10 CFR § 508.2. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria, ERA is granting these temporary exemptions.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B-110, 2000 M Street, N.W., Washington, D.C. 20461.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion,

Economic Regulatory Administration, Department of Energy, Room 3112D, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–4268.

Decision and Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the natural gas use prohibitions of section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). This Decision and Order is issued pursuant to section 311(c) of FUA, 10 CFR 501.68 and 10 CFR Part 508 to the petitioners who own or operate the powerplants listed in the table below.

Docket No.	Owner	Generating station	Powerplant identification	Maximum duration date
50101-0117-50-41	Arizona Public Service Co	Phoenix	CC 1	6/30/85
50101-0117-51-41	do	do	CC 2	6/30/85
50101-0117-51-41	do	do	CC 3	6/30/85
51084-0190-12-41	Louisiana Power and Light Co	Monroe	No. 12	6/30/85
51982-1450-10-41	City of Natchitoches	Natchitoches	No. 10	6/30/85
52224-0271-06-41	Pacific Gas & Electric Co	Pittsburg	No. 6	6/30/85
52224-0271-07-41	do	do	No. 7	6/30/85
52224-0280-07-41	do	Moss Landing	No. 7	6/30/85
52340-2475-01-41	Plains Electric Generation & Transmission Cooperative Inc.	Algodones	No. 1	6/30/85
52340-2475-02-41	do	do	No. 2	6/30/85
52340-2475-03-41	do	do	No. 3	6/30/85

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions from the effective date of this Decision and Order until April 15, 1983. These exemptions will be automatically extended for an additional period upon written acceptance by ERA of a system-wide fuel conservation plan submitted according to term and condition number three. However, a temporary public interest exemption, including all extensions and the period during which the petitioners were allowed to burn gas while their petitions were pending, may not exceed the maximum five year period authorized by the Act, or extend beyond June 30, 1985, whichever occurs first. The maximum termination dates of these temporary public interest exemptions are listed in this Decision and Order. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the **Federal Register**. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230, April 9, 1979), ERA will take no action with respect to any natural gas used by the exempted powerplants during the pendency period prior to the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to section 314 of FUA and 10 CFR 508.6, the temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect, so long as each petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period during which the petition was pending, and for each subsequent six-month period thereafter (periods ending June 30 and December 31), the actual monthly volumes of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of low sulfur residual fuel oil displaced. The report must be submitted within thirty days of the end of each six-month period.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the initial period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan. If the petitioner has received temporary public interest exemptions under previous orders, the first granted exemption order establishes the due date for the pertinent system-wide conservation plan. Such annual progress report shall be submitted throughout the period covered by this Decision and Order.

(3) If the petitioner seeks to have the exemptions extended, the fuel conservation plan must cover both the initial period covered by these temporary exemptions and the additional period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1982, a report on progress achieved in implementing the system-wide fuel conservation plan.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any state regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C. on April 28, 1981

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-13334 Filed 5-1-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA81-1-32

(PGA81-1) (IPR81-1)]

Colorado Interstate Gas Co.; Order Establishing Hearing Procedures and Denying Request for Consolidation

Issued April 17, 1981.

On August 15, 1980, Colorado Interstate Gas Company (CIG) filed revised tariff sheets [1] to reflect a PGA increase of $270.5 million due to an increase of approximately $271.4 million in the cost of purchased gas and a reduction in CIG's basic tariff rates of approximately $890 thousand pursuant to a settlement agreement approved by the Commission in its order issued March 5, 1980, in Docket No. RP79–59. The increase reflects, among other changes, an upward adjustment in the commodity rate of 84.55 cents per Mcf. Public notice of the filing was issued on August 26, 1980, providing for protests or petitions to intervene to be filed on or before September 19, 1980. Petitions to intervene which were subsequently granted were filed by those petitioners listed below.[2]

On review of CIG's filing, the Commission found that the proposed tariff sheets had not been shown to be just and reasonable, and might be unjust, unreasonable, unduly

[1] Seventh Revised Sheet Nos. 7 and 8 and First Revised Sheet No. 8a to FERC Gas Tariff, Original Volume No. 1.

[2] Petitions to intervene were received and were granted from the following: Citizens Utilities Company; City of Colorado Springs, Colorado; City and County of Denver, State of Colorado; Natural Gas Pipeline Company of America; and Public Utilities Commission of the State of Colorado.

discriminatory, or otherwise unlawful. Accordingly, by order issued September 29, 1980, the Commission accepted CIG's filing and suspended its effectiveness until October 1, 1980, subject to refund and subject to the conditions described in that order.[3]

On February 5, 1981, the Attorney General for the State of Texas (Texas) filed a "Petition Of The State Of Texas For Leave To Intervene Out Of Time And Request For Field Hearings" in the above-listed proceeding. In addition, on February 20, 1981, Texas filed a "Motion Of The State Of Texas To Consolidate For Hearing" the above-listed docket with certain other proceedings [4] involving the issue of the pass-through of prices paid for high cost natural gas in the pipelines' purchased gas cost adjustment.

Public notice of Texas' petition to intervene was issued on February 24, 1981, providing for written comments to be submitted on or before March 11, 1981. A petition to intervene was filed by Natural Gas Pipeline Company of America. In addition, Dallam-Hartley Gas Users Association and the City of Texline, Texas filed on March 9, 1981, a "Motion For Field Hearings." Both have filed prior petitions to intervene with the Commission in this docket wherein the petitioners state that they were not notified of the eighty-five cents per Mcf increase and had no opportunity to be heard and present testimony. On March 6, 1981, CIG filed its response to the late filed requests for intervention. In addition to the substantive reasons for opposing an inquiry into the ability to pass-through high-cost gas purchases, CIG has complained that the intervenors petitions and motions were procedurally out of time. Accordingly, CIG requests that we deny their requests due to failure to act in a timely manner.

Although the Commission is aware that the publication of the August 26, 1980 Commission notice in the Federal Register is legally deemed to be notice to all interested parties, we believe that the circumstances present in the instant case consitute good cause for allowing the late-filed interventions. Waiver of the Commission Rules of Practice and Procedure is granted to allow the petitioners intervention in this proceeding.

In its motion for consolidation, Texas asserts that CIG's instant filing reflects CIG's purchases of high-cost gas at prices approaching $7.00 per Mcf and requests that the Commission establish a hearing to detemine whether the prices paid under the high-cost gas contracts executed by the pipeline company are excessive due to fraud, abuse or similar grounds in violation of Section 601(c) of the NGPA.

In its deliberations on Texas' request to set for hearing the question of whether CIG should be allowed to pass through the high-cost gas, the Commission remains uncertain as to the particularities of Texas' allegation. Situations might exist where we could deny pass-through of gas costs in accord with Section 601 (b) and (c). We are not able at this stage to say whether Texas' allegations sufficiently define a wrong which would lead the Commission to deny pass-through in accordance with Section 601(c). The mere conclusory allegation of a violation without any factual or indicative elements supporting such an allegation would ordinarily not be sufficient to lead the Commission to set the matter for hearing. However, this being a case of first impression, we believe it essential that the legal and factual issues relating to Section 601(c) be resolved at hearing. We therefore in this instance will refer such matters to an Administrative Law Judge for initial consideration.

More specifically, the Commission does not perceive that Section 601(c) provides for an examination of prudence, as would be the case under conventional Natural Gas Act rate proceedings, based upon CIG's purchasing the subject gas, rather than other types of gas. However, when assertions are presented that Section 107 purchases involve conduct which rise to the level of fraud, abuse, or similar circumstances, we have a duty to evaluate them under the statutory criteria in Section 601(c). Abuse, in this context, does not refer to imprudence but to serious improprieties. Texas' allegations suggest improper behavior which may rise to that level, and that is the question we are setting for the judge's consideration. Allegations of fraud, abuse and similar behavior are serious matters and the Commission will pursue such matters to the appropriate extent. However, it is important to emphasize that Section 601 establishes a guarantee of cost passthrough for Section 107 gas absent a finding of fraud, abuse or similar grounds, and protestants have a heavy burden of proof.

As noted above, Texas, Dallam-Hartley Gas Users Association, and City of Texline request that the Commission hold field hearings in the Panhandle. These hearings, according to Texas, would allow the farmers directly affected to present evidence concerning the hardship imposed by CIG's proposed price increases. While we have determined that hearings should be conducted in this proceeding, the Commission believes that it would be appropriate to refer to the Administrative Law Judge the question as to whether field hearings should be held in this proceeding.

Texas requests that the above-listed proceeding be consolidated with the proceedings in Docket No. TA81–1–29 and TA81–1–30. In support, Texas indicates that all three dockets "involve significant PGA increases caused by high-cost gas supply contracts." Both CIG and Trunkline Gas Company have filed in opposition to consolidation and allege that the factual situations are separate and distinct.

The Commission notes that all these proceedings involve the question of whether the prices reflected in Section 107 high-cost purchase gas contracts are excessive due to fraud, abuse, or similar grounds under Section 601(c) of the NGPA. However, each proceeding involves the separate and distinct questions of fact as to whether the pipeline's conduct in contracting for this gas involved fraud, abuse or similar grounds. Since each proceeding involves a different pipeline and differing purchase gas contracts, the issues of fact do not warrant consolidating these proceedings. Accordingly, we deny the motion to consolidate.

The Commission Orders:

(A) Pursuant to the authroity of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, Section 601(c) of the Natural Gas Policy Act, and the Commision's Regulations, a public hearing shall be held concerning the lawfullness of the rates proposed by CIG in its August 15, 1980 PGA filing.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 C.F.R. 3.5(d)), shall convene a prehearing conference in this proceeding to be held within 30 days after the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be

[3] CIG was required to file additional information supporting the inclusion of costs related to the retroactive payments to producers in the proposed tariffs. CIG was also required to file revised tariffs to become effective October 1, 1980, subject to refund, reflecting the elimination of costs related to anticipated well determinations which had not yet become final as of October 1, 1980. These filings have been made by CIG.

[4] *Trunkline Gas Company*, Docket No. TA81–1–30; *Transcontinental Gas Pipeline Company*, Docket No. TA81–1–29.

necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(C) The issue of whether a field hearing would be appropriate is referred to the Administrative Law Judge for decision.

(D) The petitioners identified in this order are permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, However,* That the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene and *Provided, Further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc.81-13286 Filed 5-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-292-000, ER80-592, et al.]

Louisville Gas & Electric Co. and Southern Indiana Gas & Electric Co.; Order Accepting for Filing and Suspending in Part Revised Rates, Initiating Hearing, and Consolidating Proceedings

Issued April 24, 1981.

On February 23, 1981, Louisville Gas and Electric Company (LGE) and Southern Indiana Gas and Electric Company (SIGE) submitted for filing proposed amendments to their interconnection agreement.[1] The amendments provide for 1) an increase in the demand charge for short-term power, 2) replacement of percentage adders with fixed adders for third party short-term, emergency, and non-displacement service provided by LGE, and 3) an increase in the charge for third party short-term, emergency, and non-displacement service provided by SIGE.

At present, both LGE and SIGE employ a demand charge for short-term power of $0.70 per kW/week. The instant filing would increase the demand charge employed by LGE and SIGE to $0.85 per kW/week. Under the current agreement, LGE provides third party emergency and non-displacement energy service at LGE's purchased cost plus 10%. Third party short-term energy is provided by LGE at purchased cost plus 15%. In order to comply with Commission Order No. 84,[2] LGE proposes to replace its percentage adders with a fixed 2 mill/kWh adder.

SIGE presently provides third party emergency and non-displacement power at a charge consisting of its purchased cost plus 10%. Third party short-term service is currently provided by SIGE at purchased cost plus 15%. In both cases, SIGE's percentage adder is not to exceed 2.1 mills/kWh. SIGE proposes to replace the charges for each of these services with a fixed adder of 2.7 mills/kWh.

Notice of the filing in this docket was issued on February 27, 1981, with comments due on or before March 20, 1981. No responses have been received.

Discussion

We have previously accepted, as cost justified, the short-term demand charge proposed in this filing.[3] Therefore, we shall accept that rate for filing to become effective, without suspension, on April 25, 1981—sixty days after filing.

Our analysis of SIGE's and LGE's proposed rates for third party service indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept those rates for filing and suspend them as ordered below.

In a number of suspension orders,[4] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here.

We note that there have been no objections filed with respect to the proposed third party rates. While we are unable to conclude that the charges submitted are just and reasonable, it appears that LGE's proposed third party rate would likely produce revenues lower than those produced by the currently effective percentage adders. Moreover, we have consistently concluded that in the case of such interchange arrangements, which provide for the mutual availability of necessary temporary services, a nominal suspension and a refund obligation are desirable and should provide sufficient protection to affected customers. Accordingly, we shall exercise our discretion to suspend the third party rates for only one day. With respect to LGE, we also find that good cause exists to waive the notice requirements and to allow an earlier effective date. Order No. 84 anticipated that limitations be placed on percentage adders as of September, 1980; this filing by LGE implements that directive. In contrast, SIGE previously proposed a capped adder for third party services to LGE in response to Order No. 84.[5] The instant filing seeks to increase that adder. For the foregoing reasons, we shall suspend LGE's proposed third party rate for emergency, short-term, and non-displacement service for one day from September 1, 1980, to become effective on September 2, 1980, subject to refund. SIGE's proposed third party rate for emergency, short-term, and non-displacement service will be suspended for one day from sixty days after filing to become effective on April 26, 1981, subject to refund.

Finally, we note that the submittals in this docket present questions of law and fact common to those pending in the consolidated proceeding in Docket Nos. ER80-592, *et al.* We shall therefore order consolidation of these dockets for purposes of hearing and decision.

The Commission orders:

(A) LGE's and SIGE's proposed demand charge for short-term power is hereby accepted for filing, to become effective on April 25, 1981, without suspension.

(B) Waiver of the notice requirements is hereby granted with respect to LGE's third party rate. LGE's proposed third party rate for emergency, short-term, and non-displacement service is hereby accepted for filing, and suspended for one day, to become effective on September 2, 1980, subject to refund.

(C) SIGE's proposed third party rate for emergency, short-term, and non-displacement service is hereby accepted for filing and suspended for one day, to

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[1] *See* Attachment A for rate schedule designations.

[2] Docket No. RM79-20, issued May 7, 1980, 45 FR 31294 (1980).

[3] *Louisville Gas & Electric Co.*, Docket No. ER81-66-000, order issued March 13, 1981; *Southern Indiana Gas and Electric Co.*, Docket No. ER80-566, letter order dated September 19, 1980.

[4] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five-month suspension); *Alabama Power Co.*, Docket Nos. ER80-500, *et al.* (August 29, 1980) (one-day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one-day suspension).

[5] *Southern Indiana Gas & Electric Co.*, Docket No ER80-733.

become effective on April 26, 1981, subject to refund.

(D) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I (1979)], a public hearing shall be held concerning the adjustment and reasonableness of the third-party rates proposed in this filing.

(E) The proceedings in Docket No. ER81-292-000 are hereby consolidated with the pending proceedings in Docket Nos. ER80-592, *et al.*, for purposes of hearing and decision.

(F) The administrative law judge designated to preside in the consolidated proceeding in Docket Nos. ER80-592, *et al.*, shall determine the appropriate procedures necessary to accommodate consolidation of Docket No. ER81-292-000 with the existing proceedings.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Louisville Gas and Electric Company, Docket No. ER81-292-000

Filed: February 23, 1981
Effective:

(A) SIGE's rate for third party short-term, emergency and non-displacement service—September 25, 1981, subject to refund.

(B) LGE's rate for third party short-term, emergency and non-displacement service—September 2, 1980, subject to refund.

(C) the balance of the submittal—April 25, 1981 (60 days after filing).

Louisville Gas and Electric Company

Designation and Description

(1) Supplement No. 9 to Rate Schedule FPC No. 23 (Supersedes Supplement No. 3 to Supplement No. 8, Supplement No. 1 and Supplement No. 2 to Rate Schedule FPC No. 23); Fifth Supplemental Agreement to Interconnection Agreement

(2) Supplement No. 1 to Supplement No. 9 to Rate Schedule FPC No. 23; Service Schedule A

(3) Supplement No. 2 to Supplement No. 9 to Rate Schedule FPC No. 23; Service Schedule B

(2) Supplement No. 3 to Supplement No. 9 to Rate Schedule FPC No. 23; Service Schedule E

Southern Indiana Gas and Electric Company

(5) Supplement No. 6 to Rate Schedule FPC No. 24 (Supersedes Supplement No. 4 to Rate Schedule FPC No. 24 and Concurs in (1) through (4) above); C/C

[FR Doc. 81-13200 Filed 5-1-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. ER81-306-000, ER80-454]

Ohio Edison Co.; Order Accepting for Filing and Suspending Revised Rates, Granting Intervention, Consolidating Proceedings, and Establishing Procedures

Issued April 24, 1981.

On February 27, 1981, Ohio Edison Company (Ohio Edison) tendered for filing an application to implement the tax adjustment clause contained in its FERC Electric Rate Schedule Nos. 123 through 142 and FERC Electric Tariff Original Volume No. 1, governing sales to the company's full and partial requirements customers.[1] The filing has been submitted in compliance with the Commission's order of August 1, 1980, in *Ohio Edison Company*, Docket No. ER80-454, which accepted for filing and suspended Ohio Edison's rates, including the tax adjustment clause, but advised the company that implementation of the clause would require a timely filing pursuant to section 35.13 of the regulations.

The application to implement the tax adjustment provision seeks to recover additional excise taxes imposed by the State of Ohio.[2] The amount of the tax increase is estimated to be approximately $353,000. Ohio Edison proposes to recover the additional taxes by collecting an additional 1% monthly on its wholesale sales from May 1, 1981, until the amount of the temporary tax increase in recouped. Although the additional revenues will be collected based upon gross receipts for the fiscal year commencing May 1, 1981, the tax liability itself will be based upon gross receipts for the prior fiscal year. Because revenues for the coming year are expected to exceed the prior year's revenues, the company states that the amounts collected, in all probability, will be at a rate of less than 1% for the last months of collection.

Notice of this filing was issued on March 6, 1981, with responses due on or before March 27, 1981. A timely protest and petition to intervene was filed by 21 wholesale customers of Ohio Edison (WCOE). WCOE "conditionally protests" Ohio Edison's submittal and requests that the Commission conditionally accept the filing and suspend its effectiveness for an unspecified period until such time as WCOE, Ohio Edison, and the Commission staff can discuss the proposed implementation of the tax adjustment clause and determine the most appropriate manner in which to further proceed in this docket.

Discussion

Initially, we find that participation by WCOE is in the public interest, and we shall therefore grant its petition to intervene.

The increase in the excise tax which Ohio Edison seeks to recoup from its wholesale customers is based upon the utility's underlying wholesale rates. We note, however, that the present rates to these customers (as filed in Docket No. ER80-454) were not found to be just and reasonable and have been collected subject to refund since January 10, 1981, following a five-month suspension. Thus, the additional amount to be collected by implementation of the tax clause may prove to be excessive since the company's tax liability will accrue on the basis of gross receipts for the year ending April 30, 1981, four months of which are being collected subject to refund.

According to our analysis, the revised rated resulting from implementation of the tax adjustment clause have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Thus, we shall accept Ohio Edison's submittal for filings, and suspend its operation as ordered below.

In a number of suspension orders,[3] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period

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[1] See Attachment A for rate schedule designations.

[2] Ohio Edison states that on December 19, 1980, the Ohio General Assembly increased the public utility excise tax rate from 4% to 5% of a utility's gross receipts for the previous fiscal year. According to Ohio Edison, the increased rate constitutes a temporary (one year) revenue measure which will become effective on May 1, 1981.

[3] *E.g., Boston Edison Company*, Docket No. ER80-508 (August 20, 1980) (five month suspension); *Alabama Power Company* Docket Nos. ER80-508, et al. (August 20, 1980) (one day suspension); *Cleveland Electric Illuminating Company*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh or inequitable results. Such circumstances have been presented here.

As noted above, Ohio Edison's underlying rates, including the tax adjustment clause, were suspended for the maximum statutory period. Upon implementation of the clause, it does not appear appropriate to impose another extended suspension. A nominal suspension and a refund obligation should adequately protect the affected customers in the event that revenues associated with the tax adjustment must later be revised to reflect any required changes in the underlying rates. Accordingly, we shall exercise our discretion to suspend the instant submittal for one day, to take effect May 2, 1981, subject to refund and the outcome of a hearing in this docket.

Because the instant docket and Docket No. ER80-454 present common questions of law and fact, and in order to avoid unnecessary duplication of effort, expenditures, or resources, we shall consolidate the instant docket with Docket No. ER80-454 for purposes of hearing and decision.

The Commission Orders:

(a) Ohio Edison's February 27, 1981 submittal is hereby accepted for filing and suspended for one day, to become effective May 2, 1981, subject to refund pending hearing and decision.

(B) The petition of WCOE to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petition to intervene; and *provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [(18 CFR Chapter I (1980)], a public hearing shall be held concerning the justness and reasonableness of Ohio Edison's revised rates.

(D) The proceedings in Docket No. ER81-306-000 are hereby consolidated with the proceedings in Docket No. ER80-454 for purposes of hearing and decision.

(E) The administrative law judge designated to preside in Docket No. ER80-454 shall determine procedures and a schedule best suited to accommodate this consolidated proceeding.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Ohio Edison Company, Docket No. ER81-306-000

Filed: February 27, 1981.

Designation and Other Party

(1) Supplement No. 3 to Rate Schedule FPC No. 142; Amherst
(2) Supplement No. 3 to Rate Schedule FPC No. 123; Beach City
(3) Supplement No. 3 to Rate Schedule FPC No. 124; Brewster
(4) Supplement No. 3 to Rate Schedule FPC No. 125; Columbiana
(5) Supplement No. 3 to Rate Schedule FPC No. 126; Cuyahoga Falls
(6) Supplement No. 3 to Rate Schedule FPC No. 127; Galion
(7) Supplement No. 3 to Rate Schedule FPC No. 128; Grafton
(8) Supplement No. 3 to Rate Schedule FPC No. 129; Hubbard
(9) Supplement No. 3 to Rate Schedule FPC No. 130; Monroeville
(10) Supplement No. 3 to Rate Schedule FPC No. 131; Hudson
(11) Supplement No. 3 to Rate Schedule FPC No. 132; Lodi
(12) Supplement No. 3 to Rate Schedule FPC No. 133; Lucas
(13) Supplement No. 3 to Rate Schedule FPC No. 134; Milan
(14) Supplement No. 3 to Rate Schedule FPC No. 135; Prospect
(15) Supplement No. 3 to Rate Schedule FPC No. 136; Seville
(16) Supplement No. 3 to Rate Schedule FPC No. 137; South Vienna
(17) Supplement No. 3 to Rate Schedule FPC No. 138; Wadsworth
(18) Supplement No. 3 to Rate Schedule FPC No. 139; Willington
(19) Supplement No. 3 to Rate Schedule FPC No. 140; Oberlin
(20) Supplement No. 3 to Rate Schedule FPC No. 141; Niles
(21) Supplement No. 4 to Rate Schedule FPC No. 122; Newton Falls
(22) Supplement No. 1 to FERC Electric Tariff Original Volume No. 1; Partial Requirements Tariff Customers

[FR Doc. 81-13382 Filed 5-1-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

"Objection to Proposed Remedial Order Filed; Period of March 30 Through April 10, 1981

During the period of March 30 through April 10, 1981, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 28, 1981.

B.M. Hester Products, Inc., Oklahoma city, Oklahoma, BRO-1430, Crude oil

On April 6, 1981, B. M. Hester c/o Energy Regulatory Consultant, 6605 S. Western, Suite 602, Oklahoma City, Oklahoma 73139 filed a Notice of Objection to Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on March 11, 1981. In the PRO the Southwest District found that during September 1, 1973 to May 31, 1979, B. M. Hester sold crude oil at prices on excess of what was allowable under 10 CFR § 212.73.

According to the PRO the B. M. Hester violation resulted in $285,567.73 of overcharges.

[FR Doc. 81-13335 Filed 5-1-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of April 6 Through April 10, 1981

During the week of April 6 through April 10, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exceptions.

Under the procedural regulations that apply to exception proceedings (10 CFR

Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 27, 1981.

Continental Gas Transmission Co., Adams County, Colorado, BEE–1578, crude oil

Continental Gas Transmission Company (Continental) filed an Application for Exception from the provisions of § 212.131. The exception request, if granted, would permit Continental to classify as newly discovered crude oil the crude oil the firm produced from the No. 1–22 Harvey Well Lease during the months of February and March 1980. The firm would then be allowed to receive market level price for the crude oil produced at the property. On , 1981, the Department of Energy issues a Proposed Decision and Order which determined that the exception request be denied.

Despot Production, Shreveport, Lousiana, DEE–2231, crude oil

On February 27, 1979, Despot Production filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit Despot to reclassify crude oil produced prior to decontrol in order to increase its return on past investments through retroactive billing. On April 6, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Texaco, Incorporated, Los Angeles, California, DEE–1777, crude oil

Texaco, Inc., filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit Texaco to sell crude oil produced prior to decontrol from the TS–1 and TS–3 wells in the Cook Inlet of Alaska at market prices. On April 10, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

UV Industries, Incorporated, Salt Lake City, Utah, BEE–1085, propane

UV Industries, Inc. filed an Application for Exception from the reporting requirements set forth in Form EIA–23. The exception request, if granted, would relieve UV of any obligation to prepare and file Part II of Form EIA–23 for report year 1978. On April 9, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

[FR Doc. 81–13230 Filed 5–1–81; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Proposed Decisions and Orders; Week of April 13 Through April 17, 1981

During the week of April 13 through April 17, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decison and order. In the statement of Objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 28, 1981.

Cibro Petroleum Products, Inc., Albany, New York, DPI–0038, crude oil

Cibro Petroleum Products, Inc. (Cibro) filed an Application for Exception from the provisions of Section 212.22(a) of the Mandatory Oil Import Program. The exception request, if granted, would result in the issuance of an Order exempting Cibro from sanctions which may be applied to the firm due to its illegal sale of crude oil which was imported on a license free-exempt basis. On Apirl 14, 1981, the Department of Energy issued a Proposed Decision and Order which tentatively detemined that the exception request be denied.

Texas City Refining, Incorporated, Texas City, Texas, DEE–1419, crude oil

On July 12, 1978, Texas City Refining, Inc., filed an application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit Texas City Refining, Inc. to sell additional entitlements to compensate the firm for the effects of a refinery fire and explosion. On April 15, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81–13237 Filed 5–1–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[RD–FRL 1817–5]

Symposium on the Health Effects of Diesel Emissions

AGENCY: Environmental Protection Agency.

ACTION: Call for papers and notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming symposium on diesel emissions. This notice also calls for papers to be presented at the symposium. Agenda items include: (1) Exposure, dosimetry, epidemiology, and risk assessment; (2) general toxicology, including biochemistry and metabolism; (3) emission studies, including combustion, fuel characterization, and control technology; (4) carcinogenesis; (5) mutagenesis and reproduction; (6) inhalation toxicology; and (7) bioassay and/or chemical characterization.

ELIGIBILITY: All parties currently involved in diesel fuel emissions research.

ABSTRACTS: Abstracts for papers or posters are required no later than May 15, 1981. Abstracts should not exceed 200 words and should be submitted to Ms. Olga Wierbicki, Symposium Coordinator, Northrop Services, Inc., P.O. Box 12313, Research Triangle Park, North Carolina 27709, (919) 549-0411. Presented papers and a selection of posters will be published in a proceeding.

DATE: October 5-7, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James Smith, U.S. Environmental Protection Agency, Health Effects Research Laboratory, Research Triangle Park, North Carolina 27711, (919) 541-2909.

Roger S. Cortesi,

Assistant Deputy Assistant Administrator for Health Research (RD-683).

April 28, 1981.

[FR Doc. 81-13393 Filed 5-1-81; 8:45 am]

BILLING CODE 6560-35-M

[OPTS-51256; TSH-FRL 1818-1]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of six PMN's and provides a summary of each.

DATE: Written comments by:

PMN 81-157—June 5, 1981.

PMN 81-161—June 6, 1981.

PMN 81-171, 81-173, 81-174, 81-175—June 8, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager and telephone	Room No.
81-157	Michael Brown, (202-755-1190)	E-335.
81-161, 81-171, 81-174, and 81-175.	George Bagley, (202-426-2601)	E-210.
81-173	Carla Bellin, (202-472-2532)	E-711C.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C 20604)), requires any person who itends to manufacture or import a new chemical substance to submit to a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory of June 1, 1979. Notices of availability of the Initial Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning preamanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(D)(2), EPA must publish in the **Federal Register** nonconfidential information on the identity and uses of the substance, as well as a description of any test date submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51256]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00

a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 28, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-157

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 5, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—In excess of $500 million.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Ester of fatty acid, monobasic acid, tribasic acid, and styrene copolymer.

Use. Claimed confidential business information. Generic use provided: Intermediate for use in the manufacture of surface coatings.

Production Estimates. Claimed confidential business information

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that four workers could be exposed to the new substance as a result of accidental spills during processing and disposal.

Environmental Release/Disposal. The submitter claims that there will be no release points during use of the new chemical. Disposal, if required, will be by incineration or in an approved disposal site.

PMN 81-161

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 6, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—$.5 million-$1 billion.
Manufacturing site—Middle Atlantic.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyacrylate.

Use. Claimed confidential business information. Generic use provided: Presure-sensitive adhesive (psa).

Production Estimates. claimed confidential business information.

Physical/Chemical Properites. Minimum average molecular weight—150,000.

Toxicity Data. No data were submitted.

Exposure. The submitter states that 1-2 workers could be exposed to potential dermal contact 1-2 hr/da, 30 da/yr. Incidental exposure could occur during blending and packaging operation.

Environmental Release/Disposal. During use, the manufacturer states that adhesive will be applied via automatic dispensing equipment onto a moving web. The coated web then immediately moves into a curing unit, after which the substance is crosslinked.

PMN 81-171

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of review period. July 8, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—In excess of $500 million.
Manufacturing site—Pacific region.
Standard Industrial Classification Code—285.

Speicific Chemical Identity. 1,3-Isobenzofurandione, polymer with 2,2-dimethly-1,3-propanediol 1,2-ethanediol, 2-hydroxymethyl-1,3-propanediol, and and tall oil acids.

Use. Claimed confidential business information. Generic use information provided: The PMN substance will be used in an open use involving exposure to both chemical and non-chemical industry employees.

Production estimates. Claimed confidential business information.

Physical/Chemnical Properties. No data were submitted.

Exposure. The submitter states that during manufacture, a maximum of 2 workers could be exposed dermally, 2 hr/da, 150 da/yr with a peak concentration in excess of 100 mg/m^3.

Environmental Release/Disposal. The manufacturer claims that there will be no release of the new substance into the environment.

PMN 81-173

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 8, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—In excess of $500 million.
Manufacturing site—East-North Central U.S.
Standard Industrial Classification Code—285.

Specific Chemical Identity. Adipic acid, isophthalic acid, trimethylolpropane 2,2,4-trimethyl-1,3-pentanediol, trimellitic anhydride polymer.

Use. Captive intermediate used in metal coating formulation.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	1,500	10,000
2d year	10,000	100,000
3d year	100,000	250,000

Physical/Chemical Properties. Neat Polymer
Viscosity—Semi-solid.
Non-volatiles—100%.
Acid value—40 mg KOH/g.
Water solubility—0.41%.
Molecular weight—Mn 1560 (by VPO).
Elemental Analysis—C-61.90%, O-32.73%, H-3.26%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that a maximum of five workers involved in the manufacture, processing, and disposal could have skin exposure 1-2 hr/da, 20-35 da/yr at average concentration of 0-1 and peak concentration of 1-10 mg/m^3.

In a typical user's site, three workers involved in disposal could have skin exposure during disposal 1 hr/da, 20 da/yr at same concentrations as above.

Environmental Release/Disposal. The manufacturer claims that less than 10 kg/yr of the substance may be released into the environment. Wastes, if any, will be disposed of by incineration, through an approved landfill, or through the sewage system.

PMN 81-174

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 8, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disubstitutednaphthalenol.

Use. Claimed confidential business information. Generic use information provided: Company-limited chemical intermediate to manufacture a final chemical with none of the new intermediate as an impurity.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	200	900
2d year	900	1,500
3d year	1,500	3,500

Physical/Chemical Properties.

Solubilities—Water—<0.0004% Octanol >0.1%.
Melting point—73°C.

Toxicity Data

Acute oral LD_{50} (rats)—>3,000 mg/kg.
Acute dermal LD_{50} >1,000 mg/kg.
Skin irritation—Slight.
Repeated 10-day skin application—Slight exacerbation of the irritative response.
Skin sensitization potential—Low.
Eye irritation—Slight.
Repeated 2-week feeding study 1.0% and 0.1% in diet—There were no effects on weight gain, feed intake, hematology, clinical chemistry organ weights, gross and histopathology.

Environmental Test Data

Chemical oxygen demand (COD)—2.59 g/g.
Secondary waste treatment compatibility study—A saturated solution of less than 500 ppb (measured concentration) showed no effects on the microbiological carbon metabolism.
Acute effects on six aquatic species—A saturated solution of less than 500 ppb (measured concentration) showed no effects on the six test species.

Exposure. The submitter states that during manufacture of the PMN substance, a maximum of 36 workers could have skin and inhalation exposure 2 hr/da, 10 da/yr at an average concentration of 1–10 mg/m³ and a peak concentration of 10–100 mg/m³.

At a typical user's site, six workers could have skin and inhalation exposure .75 hr/da, 8 da/yr at average and peak concentrations of 1–10 mg/m³.

Environmental Release/Disposal. The manufacturer claims that there will be no environmental release of the new substance.

PMN 81-175

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 8, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disubstitutednaphthalenol.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the new chemical will be incorporated as a minor constituent of an article for consumer use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	100	250
2d year	500	1,200
3d year	1,000	2,500

Physical/Chemical Properties

Solubilities—Water—<0.0005%; Octanol—~0.2%.
Melting point—98°C.

Toxicity Data

Taute oral LD_{50} (rats)—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Repeated 10-day skin application—There was no exacerbation of the irritation.
Skin sensitization potential—Moderate activity.
Eye irritation—Slight to moderate—prompt washing with water significantly reduces the irritative effect.
Repeated 2-week feeding study 1.0% and 0.1% in diet—There were no effects on weight gain, feed intake, hematology, clinical chemistry organ weights, gross and histopathology.

Environmental Test Data.

Chemical oxygen demand (COD)—2.25 g/g.
Secondary waste treatment compatibility study—A saturated solution of the test compound had no effect on the microbial carbon metabolism.
Acute effects on six aquatic species—A solution of less than 500 ppb (measured concentration) showed no effects on the six test species.
Germination effects on three species—A solution of less than 500 ppb (measured concentration) showed no effects on the three test species.

Exposure. The submitter states that during manufacture and processing of the new chemical, a maximum of 21 workers could have skin and inhalation exposure .3–4 hr/da, 15–25 da/yr with average concentration range of 0–10 mgm³ and peak range of 1–100 mg/m³.

Environmental Release/Disposal. The manufacturer states that a negligible amount of the new substance may be released into the air and less than 60 kg/yr into navigable waterway.

[FR Doc. 81-13307 Filed 5-1-81; 8:45 am]
BILLING CODE 6560-31-M

[OPTS-51255; TSH-FRL 1817-8]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of ten PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81-148, 81-149—May 28, 1981.
PMN 81-151—May 29, 1981.
PMN 81-158, 81-159, 81-162, 81-165, 81-166 & 81-167—June 6, 1981.
PMN 81-168—June 7, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

For PMN number	Notice manager	Telephone	Room number
81-148, 81-149 and 81-166.	George Bagley.	(202-426-2601)	E-210.
81-151, 81-158 and 81-159.	David Dull	(202-382-2277)	E-229.
81-162	Carrie Berlin	(202-472-2532)	E-711C.
81-166 and 81-167.	Rick Green	(202-426-8815)	E-208.
81-168	Wendy Cleland-Hamnett.	(202-382-2277)	E-229.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms.

In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identify or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the pulic file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51255]" and the specific PMN number. Comments received may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 28, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81–148

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 25, 1981.

Manufacturer's Identity. Celanese Plastics & Specialties Co., 26 Main St., Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Carbocyclic sulfonic acid salt.

Use. Claimed confidential business information. Caategory of use provided: Component.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

% Non-volatile—15%.
Viscosity—A_4.
Color—4 max.
Acid value—150–175.
Density—.854.
Solubility at 25% of PMN product—Insoluble in water, acetone, toluene, 2-methyl-1-propanol, and ethylene glycol monoethyl ether acetate; 11% soluble in butanol and 33% soluble in methanol.

Toxicity Data

Oral LD_{50} (rats)—3.7 ml/kg.
Primary irritation index (rabbits)—0.29. Not considered a primary skin irritant.
Dermal LD_{50} (rabbits)—>2 g/kg.

Exposure. The manufacturer states that 12 workers could have skin exposure 4–8 hr/da, 150–191 da/yr during manufacture and processing of the new substance. Exposure could result during drum filling, transfer of the product from the system to drum container, and cleanup operations.

In a typical user's site, 9 workers could be exposed dermally, 8 hr/da, 150 da/yr.

Environmental Release/Disposal. The submitter states that up to 1,000 kg/yr (total sites) may be released to landfill.

PMN 81–149

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 25, 1981.

Manufacturer's Identity. Celanese Plastics & Specialties Co., 26 Main St., Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Styrene acrylic polymer.

Use. Claimed confidential business information. Generic use provided: Chemical intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year		50,000
2d year	100,000	200,000
3d year	200,000	400,000

Physical-Chemical Properties

Non-volatile by weight—47–49%.
Viscosity (Gardner Holdt)—T-Z_4.
Acid value, mg KOH/g—205–215.
Flash point, Seta flash—95°F.
Weight/gallon—8.4–8.5 lbs.
Appearance—Clear.
Solubility of polymer—Soluble in katone, toluene/xylene, butanol, glycol ethers and alkali pH>8; insoluble in water.

Toxicity Data. No data were submitted on the PMN substance. The manufacturer states that based on molecular weight, volatility, and solubility considerations, the polymer is expected to be less toxic than the monomers.

Exposure. The manufacturer states that during the manufacture and processing of the new substance, 100 workers could be exposed dermally, 8 hr/da, 100–120 da/yr during sampling, handling and transferring of the substance, and during cleanup operations.

In a typical user's site, 250 workers may be exposed dermally 8 hr/da, 200 da/yr.

Environmental Release/Disposal. The submitter states that up to 2,000 kg/yr may be released into the land in both the manufacturing and processing sites and up to 10,000 kg/yr in the user's site. Disposal will be by landfill.

PMN 81-151.

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 28, 1981.

Manufacturer's Identity. E. I. du Pont de Nemours & Co. Inc., 1007 Market St., Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Copolymer of styrene and mixed alkyl acrylates.

Use. Isolate chemical intermediate.

Production Estimates. No data were submitted.

Physical/Chemical Properties. No data were submitted.

Toxicity Data

Acute oral toxicity, LD_{50} (rats)—Very low toxicity. ALD is 25.000 mg/kg.
Eye irritation (rabbits)—Mild irritation.
skin irritation (rabbits)—Slight irritation.

Exposure. E. I. du Pont states that 6 workers could be exposed to the new substance dermally, 8 hr/da, 30 da/yr during manufacuture, processing, or use of the chemical.

In a typical user's site, 16 workers could be exposed through the skin and by inhalation, 8 hr/da, 225 da/yr.

Environmental Release/Disposal. The submitter claims that environmental release of the new substance will be incidental & minimal. Eighty percent of wash solvent is recycled, the rest is incinerated.

PMN 81-158

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 6, 1981.

Manufacturer's Identity. E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Ethylene interpolymer.

Use. Molded parts.

Production Estimates

	Kilograms
1st year	120,000
2d year	240,000
3d year	480,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The submitter states that 4–5 workers could have skin exposure during manufacture 5–10 da/yr.

Disposal. E. I. du Pont de Nemours states that up to 10,000 kg/yr of the product will be sold as scrap to be molded into non-critical plastic parts.

PMN 81-159

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 6, 1981.

Manufacturer's Identity. E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Ethylene interpolymer.

Use. Captive intermediate and as hot melt adhesive.

Production Estimates

	Kilograms
1st year	375,000
2d year	930,000
3d year	1,940,000

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. E. I. du Pont states that during manufacture of the new substance, 4–6 workers could have skin exposure 5–6 da/yr.

Disposal. The submitter states that up to 4,000 kg/yr of the material will be blended with other ethylene polymers for non-critical parts.

PMN 81-162

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 6, 1981.

Manufacturer's Identity. Diamond Shamrock Corp., Process Chemicals Division, P.O. Box 2366R, Morristown, NJ 07960.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Hydroxy-alkoxy alkyl alkane.

Use. Claimed confidential business information. Generic use provided: Site-limited chemical intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	2,000	25,000
2d year	6,000	45,000
3d year	12,000	80,000

Physical/Chemical Properties

Density—1.03 g/cc.
Vapor pressure—1.5 x 10^{-3} torr.
Boiling range—Initial—225–232°C; Final—>270°C.
Freezing point—<0°F.
Solubility in water—130 g/l.

Toxicity Data. Draize skin irritation (rabbit)—Slightly irritating.

Exposure. The manufacture states that a maximum of 6 workers could have skin and inhalation exposure during manufacture and processing of the new substance 2 hr/da, 20 da/yr with average concentration of 0–1 ppm and peak concentration of 1–10 ppm.

Environmental Release/Disposal. The submitter estimates that less than 10 kg/yr will be released with the atmosphere and up a 100 kg/yr to water. Duration of release will range 1–4 hr/da; 20 da/yr.

Primary and secondary on site treatment includes blending of effluent streams, pH adjustment, aeration, settling, and biological processes.

PMN 81-165

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 6, 1981.

Manufacturer's Identity. Spencer Kellog Division of Textron, Inc. 120 Delaware Ave., Buffalo, NY 14240.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Siliconized alkyd resin.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the new substance will be used in a dispersive use that will release more than 50 but less than 5,000 kg/yr with potential skin exposure to chemical industry employees and consumers.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. (Water dispersible silicone modified alkyd resin solution).

Flash point (Closed cup)—155°F.
Weight/gallon—8.8 lbs.
Specific gravity 25/25°C—1.06.
Viscosity at 25°C—90 Stokes.
Acid value (solids)—34.4.
Non-volatile—75%
Solvent—2-Butoxy ethanol.

Toxicity Data. No data were submitted.

Exposure. The submitter states that a maximum of 4 workers could be exposed dermally during manufacture 8 hr/da, 8 da/yr. Exposure could occure during sampling and analyzing of the product and filling product to containers.

Environmental Release/Disposal. Wastes are collected and disposed of in permitted facilities for incineration or secure landfill.

PMN 81-166

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 6, 1981.

Manufacturer's Identity. American Hoechst Corp., Route 202–206, North Bridgewater, NJ 08876.

Specific Chemical Identity. 2-Naphthalenesulfonyl chloride, 2-acetamino.

Use. Site-limited dye intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted. The submitter claims that the chemical intermediate has been produced for five years without known adverse effects on worker.

Exposure. The manufacturer states that production will be at only one site and will be consumed by subsequent reaction to another chemical intermediate. Dermal exposure could occur to three workers at one hour each.

Exposure during the third year of production is expected to be 81 man-hours per year.

Disposal. Filered product from the reaction medium (less than 1%) is treated at an NPDES permitted biological treatment facility.

PMN 81–187

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 6, 1981.

Manufacturer's Identity. American Hoechst Corp., Route 202–206, North Bridgewater, NJ 08876.

Specific Chemical Identity. Ethanol, 2-(6-acetaminonaphth-2-yl sulfonyl).

Use. Site-limited use dye intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted. The submitter claims that the chemical intermediate has been produced for five years without known adverse effects on workers.

Exposure. The manufacturer states that production will be at only one site and will be consumed by subsequent reaction to another chemical intermediate. Dermal exposure could occur to three workers at one hour each.

Exposure during the third year of production is expected to be 81 man-hours per year.

Disposal. Filtered product from the reaction medium (less that 1%) is treated at an NPDES permitted biological treatment facility.

PMN 81–188

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 7, 1981.

Manufacturer's Identity. Polymer Applications, Inc., 3445 River Rd., Tonawanda, NY 14150.

Specific Chemical Identity. Reaction products of *p*-chlorophenol and resorcinol with formaldehyde; further reaction product with carbanil.

Use. Rubber adhesive used to treat nylon for aerospace applications.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	4,000	8,000
2d year	8,000	10,000
3d year	10,000	14,000

Physical/Chemical Properties

Specific gravity at 250°C—1.38±0.02.
B and R softening point—85°C±10°C.
Appearance and odor—Thin flaked dark amber material with slight phenolic odor.

Toxicity Data. No data were submitted. The manufacturer states that there are no health or hazardous effects known.

Exposure. The manufacturer states that a worker may be exposed to the substance while packaging 3 hr/da; 5 da/yr with average and peak concentrations of 1–10 ppm.

Environmental Release/Disposal. The manufacturer claims that less then 10 kg/yr will be released into the environment.

[FR Doc. 81-13302 Filed 5-1-81; 8:45 am]
BILLING CODE 6560-31-M

FEDERAL ELECTION COMMISSION

[Notice 1981-6]

Filing Dates for Ohio Special Primary and General Elections

AGENCY: Federal Election Commission.

ACTION: Notice of filing for Ohio special primary and general elections.

SUMMARY: Committees required to file reports in connection with the special primary election to be held in the 4th Congressional District of Ohio on June 2, 1981 must file the 12-day pre-primary report by May 21, 1981, and the semi-annual report by July 31, 1981. Committees required to file reports in connection with *both* the special primary election *and* the special general election to be held on June 2, 1981 and June 25, 1981, respectively, must file the 12-day pre-primary report by May 21, 1981, the 12-day pre-general report by June 13, 1981, and the 30-day post-election report by July 25, 1981. The semi-annual report is waived for committees involved in the special general election, provided that the 30-day post-election report is timely filed.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Corley, Public Information Office, 1325 K Street, NW., Washington, D.C. 20463, Tel: (202) 523–4068, Toll-free: (800) 424–9530.

Notice of Filing Dates for Special Primary and Special General Elections, 4th Congressional District, Ohio

All principal campaign committees of candidates in the special primary election and all other semi-annually filing political committees supporting candidates in this special primary election shall file a 12-day pre-election report due on May 21, 1981, with coverage dates from date of candidacy, or last report, through May 13, 1981, and a semi-annual report due on July 31, 1981, with coverage dates from May 14, 1981 through June 30, 1981.

All principal campaign committees of candidates in the special general election and all other semi-annually filing political committees supporting candidates in this special general election shall file a 12-day pre-election report due on June 13, 1981, with coverage dates from May 14, 1981 through June 5, 1981, and a 30-day post-election report due on July 25, 1981, with coverage dates from June 6, 1981 through July 15, 1981. The semi-annual report is waived for committees involved in the special general election, provided that the 30-day post-election report is timely filed.

Dated: April 29, 1981.

John Warren McGarry,
Chairman, Federal Election Commission.

[FR Doc. 81-13301 Filed 5-1-81; 8:45 am]
BILLING CODE 6715-01-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Gerald R. Boudreaux, 1251 Homestead Avenue, Metairie, LA 70005;

Harris Brown, Inc., Foreign Trade Zone #24, Commerce Road, P.O. Box 15, Avoca, PA 18641, Officers: Harris R. Brown, President, Wayne A. Smith, Vice President, Nancy E. Brown, Secretary/Treasurer;
Jim Slack, Jr., d.b.a. Tradewinds International Services, Cargo Bldg. E, 3000 Igloo, P.O. Box 60064, Houston, TX 77205;
Falcon Freight Forwarding, Inc., 1480 N.W. 78th Avenue, Miami, FL 33126, Officer: Arturo A. Ferreira;
Atlantic Forwarding Co., A Division of Fabius & Co. Customs Brokers, Inc., One World Trade Center, Suite 1361, New York, NY 10048, Officers: F. J. Stia, President, F. Hemmerling, Vice President, Gladys Mason, Secretary;
Eagle International, Ltd., 10000 Higgins Rd., Suite 207, O'Hare Office Bldg. II, Rosemont, IL 60018, Officers: L. Gene Mueller, President, Rosalee Mueller, Secretary, Vern J. Weberski, Vice President, Mary Susan Weberski, Treasurer;
Salvatore Arzillo, Jr., d.b.a. Rapid Air & Ocean, 4880 S.W. 193rd Lane, Ft. Lauderdale, FL 33332.

Dated: April 28, 1981.

By the Federal Maritime Commission.

Joseph Polking,

Acting Secretary.

[FR Doc. 81-13321 Filed 5-1-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1899]

Ford Pak, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Ford Pak, Inc., 7011 Market Street, El Paso, Texas 79915, was cancelled effective March 28, 1981.

By letter dated March 16, 1981, Ford Pak, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 1899 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Ford Pak, Inc., has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1899 be and is hereby revoked effective March 28, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 1899 issued to Ford Pak, Inc., be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Ford Pak, Inc.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-13319 Filed 5-1-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 330]

Emmett F. McCarren d.b.a. Wheeler & Miller; Order of Revocation

On April 14, 1981, Emmett F. McCarren d.b.a. Wheeler & Miller, 350 Pacific Avenue, San Francisco, CA 94126 requested the Commission to revoke his Independent Ocean Freight Forwarder License No. 330.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 330 issued to Emmett F. McCarren d.b.a. Wheeler & Miller, be revoked effective April 21, 1981, without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 330 issued to Emmett F. McCarren d.b.a. Wheeler & Miller be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Emmett F. McCarren d.b.a. Wheeler & Miller.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-13318 Filed 5-1-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities; Federal Reserve Bank of Boston, et al.

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than May 28, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

WORCESTER BANCORP, INC., Worcester, Massachusetts (insurance activities; Massachusetts): to engage through its wholly-owned subsidiary, Wornat Insurance Agency, Inc., in the sale of property and casualty insurance on real or personal property in connection with extensions of credit made by banking and nonbanking subsidiaries of Worcester Bancorp, Inc.; also, to engage in the brokering of insurance for the banking subsidiaries of Worcester Bancorp, Inc. The activities would be conducted at existing offices of its banking subsidiaries located in and serving various communities throughout the Commonwealth of Massachusetts.

B. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York, 10045:

1. THE CHASE MANHATTAN CORPORATION, New York, New York (finance, servicing, and insurance activities; Arizona): to engage through its subsidiary, Chase Manhattan Financial Services, Inc., in the activities of making, acquiring and servicing, for its own account or for the account of

others, loans and other extensions of credit, including consumer, commercial, and mortgage loans and acting as agent or broker for the sale of credit life and credit accident and disability insurance related to such extensions of credit. These activities will be conducted from an office in Phoenix, Arizona, serving the State of Arizona.

2. MANUFACTURERS HANOVER CORPORATION, New York, New York (finance and insurance activities; Arizona): to engage through its subsidiary, Termplan, Inc., in the activities of purchasing motor vehicle sales finance contracts; and in acting as agent in the sale of credit life insurance directly related to such finance activity. These activities would be conducted from offices in Phoenix and Tuscon, Arizona, serving Maricopa, Pima, Pinal, and Santa Cruz Counties, and parts of Cochise, Gila, Graham, and Yavapai Counties, Arizona. In addition, the applicant proposes to relocate an office of Termplan, Inc., conducting consumer and home equity lending and credit-related insurance activities, within Phoenix, Arizona, serving the geographic area described above.

3. MANUFACTURERS HANOVER CORPORATION, New York, New York, (home equity lending, sales finance activities and insurance activities; New Jersey): to engage through a *de novo* office of Investors Loan Corporation of New Jersey in arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, acting as an agent or broker for the sale of single and joint credit life insurance which is directly related to such loans and extensions of credit, and through its subsidiary Tempco Life Insurance Company, reinsuring such credit life insurance; and purchasing installment sales finance contracts, acting as an agent or broker for the sale of single and joint credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit, and through Tempco Life Insurance Company, reinsuring such credit life insurance. These activities would be conducted from a *de novo* office of Investors Loan Corporation of New Jersey located at Greentree Square, 934 Route 73 North, Marlton, New Jersey 08053 and serving the following counties or portions thereof: Mercer, Burlington, Camden, Gloucester, Monmouth, Ocean, Atlantic and Salem Counties.

C. *Federal Reserve Bank of Cleveland* (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

PITTSBURGH NATIONAL CORPORATION, Pittsburgh, Pennsylvania, (mortgage banking activities; Pennsylvania): to engage through its subsidiary, The Kissell Company, in mortgage banking, including the making or acquiring and servicing for its own account or the accounts of others, loans and other extensions of credit. These activities would be conducted from an office in the metropolitan area of Williamsport, Pennsylvania, serving Northeastern Pennsylvania. Comments on this application must be received not later than May 20, 1981.

D. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

AMERICAN BANK OF FLORIDA, INC., Jacksonville, Florida (insurance activities; Florida): to engage, through its subsidiary, ABFI, Inc. in selling credit life and credit accident and health insurance directly related to its extensions of credit from the offices of its subsidiary banks, American National Bank and American State Bank, in Jacksonville, Florida, serving the Jacksonville area.

E. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

NATIONAL DETROIT CORPORATION, Detroit, Michigan (investment advisory activities, Florida): to engage, through its subsidiary, NBD Financial Services of Florida, Inc., in investment advisory activities, including the provision of portfolio investment advice and the furnishing of general economic information and advice, general economic statistical forecasting services and industry studies, principally to natural persons. These activities would be conducted from offices in West Palm Beach, Florida and would principally serve an area within a 40-mile radius from said office.

F. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

LOCUST GROVE BANSHARES, INC., Locust Grove, Oklahoma (insurance activities; Oklahoma): to act as agent or broker for the sale of life insurance, accident and health insurance, or any insurance that is directly related to an extension of credit by its subsidiary, Bank of Locust Grove. These activities would be conducted from the subsidiary's office in Locust Grove, serving Locust Grove and the area within a twenty-five mile radius of Locust Grove.

G. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13330 Filed 5-1-81; 8:45 am]

BILLING CODE 6210-01-M

Good Thunder Bancshares, Inc.; Formation of Bank Holding Company

Good Thunder Bancshares, Inc., Good Thunder, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 89.5 percent of the voting shares of First State Bank of Good Thunder, Good Thunder, Minnesota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (2 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the reserve Bank to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any question of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13331 Filed 5-1-81; 8:45 am]

BILLING CODE 6210-01-M

Grant Bancshares, Inc.; Formation of Bank Holding Company

Grant Bancshares, Inc., Grant, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92.8 percent or more of the voting shares of The Farmers National Bank of Grant, Grant,Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas

City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13332 Filed 5-1-81; 8:45 am]

BILLING CODE 6210-01-M

Lakeville Financial Services, Inc., Formation of Bank Holding Company

Lakeville Financial Services, Inc., Lakeville, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become holding company by acquiring 90.8 percent of the voting shares of First Lakeville State Bank, Lakeville, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13330 Filed 5-1-81; 8:45 am]

BILLING CODE 6210-01-M

Texas Commerce Bancshares, Inc.; Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of Texas Commerce Bank-Clear Lake, National Association, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 26, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 27, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13333 Filed 5-1-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

American Medical International Inc.; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: American Medical International Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed merger with Brookwood Health Services, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 10, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary

[FR Doc. 81-13335 Filed 5-1-81; 8:45 am]

BILLING CODE 6750-01-M

E. F. Hutton, Inc.; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: E.F. Hutton Group, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of International Paper Credit Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisiton during the waiting period.

EFFECTIVE DATE: April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894)

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary

[FR Doc. 81-13336 Filed 5-1-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

Advisory Committee; Announcement of Meeting; Cancellation

In FR Doc. 81-11376 appearing on pages 22041-22042 in the issue for Wednesday, April 15, 1981, the May 7, 1981 meetings of the National Guidelines and Technology Subcommittee and the Implementation and Administration Subcommittee of the National Council on Health Planning and Development have been cancelled.

Dated: April 28, 1981.

Irene D. Skinner,

Advisory Committee Management Officer, HRA.

[FR Doc. 81-13324 Filed 5-1-81; 8:45 am]

BILLING CODE 4110-83-M

Office of Human Development Services

Native American Programs; Program Announcement 13612-817

AGENCY: Administration for Native Americans, Office of Human Development Services, DHHS.

SUBJECT: Announcement of Availability of Fiscal Year 1981 Financial Assistance for a Native Alaskan Project.

SUMMARY: The Administration for Native Americans, Office of Human Development Services, announces that applications are being accepted for financial assistance under Section 803 of the Native American Programs Act of 1974, Pub. L. 93-644, as amended. Regulations covering this program are published in the Code of Federal Regulations in 45 CFR Part 1336.

DATE: Closing date for receipt of all applications under this program announcement is July 6, 1981.

Program Purpose

The purpose of the Native American Program is to promote the goal of economic and social self-sufficiency for Native Americans.

To carry out its programs, including those for Alaska Natives, the Administration for Native Americans (ANA) focuses on barriers to self-sufficiency. Guided by the principle that economic and social development are interrelated, ANA maintains that development in both areas must be balanced if Native Americans are to achieve self-sufficiency.

ANA's approach is to support locally determined strategies for economic and social development. These strategies move the focus from increasing reliance on social services, to increasing community productivity. This will promote a social and economic climate which offers jobs and opportunities for self-support.

ANA's approach is rooted in the concept that the local community knows its own needs and is therefore in the position to know what activities are required to create an appropriate balance between social and economic development. This approach, then, promotes local decision-making, fosters individual and community productivity, and encourages the development of natural and physical resources in a way which benefits those Native Americans who own them.

Also, this approach is directed toward strengthening Native leadership and community institutions, especially local governing bodies, so that all resources (Federal and otherwise) are locally controlled and managed. It also provides an opportunity for Native people to adopt whatever social and economic technologies are important to their local priorities without sacrificing the essential elements of the traditional culture which undergird the community and its people. The goal is to achieve an enduring social and economic foundation, not one which lasts only when it is maintained by outside supports.

Alaskan Program Objectives

Currently, ANA makes direct grants to the Native Alaskan Regional Non-Profit corporations and Native Alaskan Urban Centers, and provides technical assistance and training to Alaskan grantees to help them accomplish their own locally-determined objectives. ANA also assists Native Alaskan organizations in sponsoring or co-sponsoring projects or activities of mutual concern and need, most especially those which relate to the Alaska Native Claims Settlement Act.

In order to expand its efforts for Native Alaskans, ANA intends, under this program announcement, to award a grant to a Native Alaskan organization to address the array of social and economic issues which confront Alaska Natives since the passage and implementation of the Alaska Native Claims Settlement Act of 1972.

These problems include the impact of the stepped up development of resources and the rapid application of a corporate structure, both profit and non-profit, on a subsistence economy and lifestyle.

Applicants for this award should indicate that the proposed project will achieve or is capable of achieving and addressing one or a combination of the following objectives:

- To identify and explore the issues and problems which have resulted from the Alaska Native Claims Settlement Act and which are facing Alaska Natives today.
- To develop an information network and other ways of making Alaska Natives more aware of their rights and the issues resulting from the implementation of the Alaska Native Claims Settlement Act.
- To determine the impact of private, State and Federal development on Native subsistence communities. The applicant will provide research data to the Regional Profit and Non-Profit Native corporations and make recommendations in areas that include, but are not limited to, marine mammal protection, Native hunting and fishing rights clarification, caribou migration and protection and the impact of oil and gas development on Native subsistence communities.
- To consult and coordinate with the Alaska Native corporations in the area of land development, including land access, land easement, land identification and marking and land management.

Applicants who wish further clarification or explanation of this announcement should call Ms. Jan Phalen, Administration for Native Americans, (202) 245-7730, Mr. Ted George, (ANA Seattle) (206) 442-0992.

Eligible Applicants

Private, non-profit Native Alaskan organizations in Alaska that are state-wide focused or focused on a region within the State of Alaska are eligible to apply for a grant award under this announcement.

Available Funds

ANA expects to award approximately $250,000 in Fiscal Year 1981 for one project under this program. The budget period for the grant award will be twelve (12) months. The project period for the grant will be two years. Refunding on a non-competitive basis after the first year will depend upon the grantee's satisfactory progress, the availability of funds, and the grantee's compliance with the Native American Programs Regulations.

Grantee Share of Project

The grantee must provide up to 20% of the total cost of the project. Grantee contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services. The contribution must be project related and must be allowable under the Department's applicable

regulations in 45 CFR 74, Subparts G and Q.

The Application Process

Availability of application forms. In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and in the manner prescribed by ANA. An application kit containing the necessary forms as well as supplemental descriptive project information may be obtained from: Administration for Native Americans, Department of Health and Human Services, Room 5300, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, (202) 245–7730, Attention: No. 13612–817, Janice B. Phalen.

Application submission. One signed original and six copies of the grant application, including all attachments, must be submitted to the address specified in the application kit.

The application shall be executed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award, including Native American Programs Rules and Regulations.

A–95 notification process. In compliance with the Department of Health and Human Service's implementation of the Office of Management and Budget Circular No. A–95 Revised (procedures at 41 FR 2052, January 13, 1976), applicants, with the exception of Federally recognized tribes, who request grant support must, prior to submission of an application, notify both the State and Areawide Clearinghouses of the intent to apply for Federal financial assistance. Some State and Areawide Clearinghouses provide their own forms for the notification and others use the facesheet (SF–424) of the application form. Applicants should contact the appropriate Clearinghouses (listed at 45 FR 2210, January 19, 1977) for information on how they can meet the A–95 requirements.

Application consideration. The Commissioner determines the final action to be taken with respect to each grant application for this program. Applications which do not conform to this announcement or are not complete will not be accepted for review and applicants will be notified in writing accordingly. Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons who are independent of the Administration for Native Americans.

The results of the review assist the Commissioner in the consideration of competing applications. The Commissioner's consideration also takes into account the comments of the A–95 Clearinghouse, ANA staff, and other interested parties. The Commissioner makes grant awards consistent with the purpose of the Act, the regulations and the program announcement within the limits of funds available.

After the Commissioner has reached a decision either to disapprove or to fund a competing grant application, unsuccessful applicants are notified of the decision in writing. Successful applicants are notified through the issuance of a Notice of Financial Assistance Awarded which sets forth to the recipient in writing the amount of funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the amount of recipient participation. It also specifies the total project period for which support is contemplated.

Criteria for Review and Evaluation

Competing grant applications will be reviewed and evaluated against the following criteria:

(1) That the applicant demonstrates a strong knowledge of Alaska Native Affairs and has experience in working with Native Alaskan organizations. (15 points)

(2) That the applicant demonstrates participation of the Alaska Native leadership in the development of the project objectives and continued involvement of the Alaska Native leadership in the implementation of the project objectives. (15 points)

(3) That the project objectives are specific, measurable (quantifiable) and capable of achieving the specific objectives defined in this announcement. (20 points)

(4) That the proposed activities (procedures) of the work program, if well executed, will achieve the proposed objectives. (10 points)

(5) That the project personnel are or will be well qualified and that the applicant has adequate facilities for the implementation of project objectives. (10 points)

(6) That the estimated cost to the government is reasonable considering the anticipated results of the project. (15 points)

(7) That there is a monitoring and evaluation plan which details how progress toward meeting the project objectives will be measured. (5 points)

(8) That the applicant has an effective plan for coordinated use of present and future resources which are in addition to the resources made available under this grant. (10 points)

Closing Date for Receipt of Application

The closing date for receipt of all applications under this program announcement is July 6, 1981. Applications may be mailed or hand-delivered. An application will be considered received on time if:

- The application was sent by registered or certified mail not later than July 6, 1981 as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service;
- The application is received on or before close of business, July 6, 1981 in the OHDS Receiving Office in Washington, D.C.; or
- The application is hand-delivered to the address on the application kit by close of business July 6, 1981. Hand-delivered applications will be accepted daily from 9 a.m. to 5:30 p.m. except Saturdays, Sundays, and Federal holidays. The official time and date of receipt is that registered by the Department of Health and Human Services.

Applications received after the deadline because they were postmarked or hand-delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog of Federal Domestic Assistance Program Number 13.612 Native American Programs)

Dated: April 22, 1981.

A. David Lester,

Commissioner, Administration for Native Americans.

Approved: April 29, 1981.

Warren Master,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 81–13348 Filed 5–1–1981; 8:45 am]

BILLING CODE 4110–92–M

National Institute for Occupational Safety and Health, Centers for Disease Control

Chemical Protective Clothing; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Chemical Protective Clothing

Date: June 3, 1981 (also June 4, if necessary)
Time: 9 a.m. to 5 p.m.

Place: Conference Rooms E and F, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Purpose: To discuss the possible ineffectiveness of protective clothing to prevent worker exposure to toxic chemicals, and a recent NIOSH report demonstrating that against certain carcinogens chemical protective gloves studied may not afford worker protection.

Single, free copies of the report entitled, "Permeation of Protective Garment Material by Liquid Halogenated Ethanes and A Polychlorinated Biphenyl," are available from the NIOSH Publications Clearinghouse, 4676 Columbia Parkway, Cincinnati, Ohio 45226. Inclusion of a self-addressed label will help speed replies. Viewpoints and suggestions from manufacturers and users of chemical protective clothing, industry, organized labor, academia, and other government agencies are invited.

Because of limited resources, NIOSH believes that a coordinated public and private sector effort is necessary to assure the adequacy of clothing to protect workers from chemical hazards. NIOSH will serve as a catalyst for the collection of information on problems, for identifying and prioritizing areas requiring further effort, and for developing an overall program to address the problem.

Written requests to address the meeting must be received by Dr. May (at the address below) no later than 5 p.m. on May 20, 1981. These requests should include the name, address, and telephone number of the participant, and the approximate time needed for the presentation and the discussion items to be addressed. A complete typed copy of the presentation should be delivered to Dr. May on or before the meeting. For those persons who cannot participate at the meeting, written comments may also be submitted to Dr. May.

Additional information may be obtained from: Jon R. May, Ph.D., Special Assistant to the Acting Director (for Testing and Certification), National Institute for Occupational Safety and Health, Centers for Disease Control, 5600 Fishers Lane, Room 8A–53, Rockville, MD 20857, Telephone: (301) 443–3660.

SUPPLEMENTARY INFORMATION: Discussion items that NIOSH feels are pertinent are listed below. However, participants are encouraged to include others that they feel are pertinent.

1. Information Collection: Product evaluation information for distribution to the user; information required by material developers; information on actual use of products in the industrial environment; information on what products are available; information on industrial situations requiring investigaton (i.e., number of people using and needing protection, chemicals involved, and conditions of Use).

2. Information Distribution: Most effective way to reach the end user/product purchaser (technical report, product class system, user education, newsletter, etc.).

3. Evaluation of Existing Products: Laboratory chemical, physical, or combination tests performed on piece/part of whole product (i.e., permeation, penetration, degradation with time or use, flexing, abrading); developing of effective screening tests; predictions of performance against untested chemicals by use of modeling, extrapolating, interpolating, etc., of existing similar chemical data; relation of tests to the industrial environment (i.e., multicomponent, splashes, conditions, reuse, chemical phase); actual product quality; resources which are available to perform product evaluations.

4. Development of More Effective Materials: Identify chemicals, industries, or work situations requiring increased protection; multimaterial products; new materials.

5. Prioritizing of Chemicals for Permeation Testing: Criteria to use (toxicological data, number of exposures, amount of chemicals used, etc.).

6. Strategy of Dealing with Problem: Identify and prioritize areas requiring study; identify resoures and establish time frames to accomplish the studies; establish mechanism for getting results to user and evaluating effect.

Dated: April 27, 1981.

Donald R. Hopkins,

Acting Director, Centers for Disease Control.

[FR Doc. 81-13368 Filed 5-1-81; 8:45 am]

BILLING CODE 4110-87-M

Control Technology Assessment of Chemical Process Batch Unit Operations; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Control Technology Assessment of Chemical Process Batch Unit Operations

Date: May 20, 1981

Time: 9:30 a.m. to 3 p.m.

Place: The Carrousel Inn, 8001 Reading Road, Cincinnati, Ohio 45237

Purpose: To discuss the study which will document effective means of controlling occupational exposure to hazardous chemicals during batch unit operations in chemical processing industries. Viewpoints and suggestions from industry, organized labor, academia, and other government agencies are invited.

Additional information may be obtained from: Harold D. Van Wagenen, Division of Physical Sciences and Engineering, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: (513) 684–4295.

Dated: April 28, 1981.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 81-13369 Filed 5-1-81; 8:45 am]

BILLING CODE 4110-87-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT DES 81-18]

Draft Lakeview Grazing Management Environmental Impact Statement; Public Hearings and DEIS Availability

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Hearing on Lakeview Grazing Management DEIS.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a draft environmental impact statement for the Lakeview EIS area. The proposal involves implementing a livestock grazing program on public lands within the Lakeview District in south central Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW, Washington, D.C.

Bureau of Land Management, Office of Public Affairs, 729 N.E. Oregon Street, Portland, Oregon

Bureau of Land Management, Lakeview District Office 1000 Ninth St. S., Lakeview, Oregon 97630

Oregon Institute of Technology Library, Klamath Falls, OR 97601

Library, University of Oregon, Eugene, Oregon 97403

Central Oregon Community College, College Way, Bend, Oregon 97701

Library, Portland State University, 727 SW Harrison, Portland, Oregon 97201

Harney County Library, 80 West D, Burns, Oregon 97720

Library, Oregon State University, Corvallis, Oregon 97331

Klamath County Library, 126 South 3rd, Klamath Falls, Oregon 97601
Lake County Library, County Courthouse, Lakeview, Oregon 97630

A limited number of copies are available upon request to the Oregon State Director the Lakeview District at the above addresses.

Oral and/or written comments will be received at a formal public hearing held at the following location:
Lakeview District Office, 1000 Ninth St. S., Lakeview, Oregon

DATE: June 18, 1981—7:00 p.m

ADDRESS: Written comments on the Draft EIS may be sent to: Oregon State Director (922), Bureau of Land Management, P.O. Box 2965, Portland, OR 97208.

All comments must be postmarked no later than June 29, 1981.

FOR FURTHER INFORMATION CONTACT: Gerry Fullerton, Team Leader, Oregon State Office, Telephone: (503) 231–6951.

Dated: April 24, 1981.

Paul M. Vetterick,

Associate State Director.

[FR Doc. 81–13378 Filed 5–1–81; 8:45 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct various activities with Endangered Species:

Applicant: David A. Etnier, Knoxville, TN; PRT 2–7818

The applicant requests a permit to take for scientific purposes 40 snail darters (*Percina tanasi*) from the South Chickamauga Creek, Tennessee and Hiwassee River, Tennessee. The fish will be sacrificed as a result of this work.

Applicant: Bell and Schultheis Game Birds, Nogales, AZ; PRT 2–7840

The applicant requests a permit to purchase in interstate commerce masked bobwhite quail (*Colinus virginianus ridgwayi*) for the purpose of enhancement of propagation.

Applicant: Gladys Porter Zoo, Brownsville, TX; PRT 2–7904

The applicant requests a permit to export in international commerce one female white-cheeked gibbon (*Hylobates concolor leucogenys*) from Brownsville, Texas to Parkville, Victoria, Australia for the purpose of enhancement of propagation.

Applicant: Institute for Raptor Studies, Oracle, AZ; PRT 2–7869

The applicant requests a permit to import salvaged parts of one Andean condor (*Vultur gryphus*) from Argentina to Oracle, Arizona for scientific research.

Applicant: Clarence J. Fordham, Miami, FL; PRT 2–7922

The applicant requests a permit to purchase in interstate commerce six masked bobwhite quail (*Colinus virginianus ridgwayi*) for the purpose of enhancement of propagation.

Applicant: Joshua Charap, Pittsburg, PA; PRT 2–6334.

The applicant requests an amendment to his permit to import in the course of a commercial activity 12 scarlet chested parakeets (*Neophema splendida*). The amendment would allow additional import of 6 golden-shouldered parakeets (*Psephotus chrysopterygus*) and 6 turqosine grass parakeets (*Neophema pulchella*) for the purpose of enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before June 3, 1981, by submitting written data, views, or arguments to the Director at the above address.

Dated: April 28, 1981.

Robert J. Batky,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 81–13376 Filed 5–1–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application

Applicant: Beardsley Zoological Gardens, Bridgeport, CT.

The applicant requests a permit to export one captive-bred female ring-tailed lemur (*Lemur catta*) from Baltimore Zoo, Baltimore, Maryland to Baby Zoo, Wingst, West Germany for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7930. Interested persons may comment on this application on or before June 3, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: April 29, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 81–13379 Filed 5–1–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application

Applicant: The Fort Wayne Children's Zoo, Fort Wayne, IN.

The applicant requests a permit to purchase two male and four female captive born cheetahs (*Acinonyx jubatus*) from various locations within the United States for purpose of enhancement of propagation and survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7931. Interested persons may comment on this application on or before June 3, 1981, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: April 23, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 81–13380 Filed 5–1–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application

Applicant: William Gruenerwald, Colorado Springs, CO.

The applicant requests a permit to purchase in foreign commerce and to import two (2) captive bred Asian wild asses (*Equus hemionus kulan*) from Northants, England to Wagon Mound,

New Mexico for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7958. Interested persons may comment on this application on or before June 3, 1981 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: April 29, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 81-13361 Filed 5-1-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Pleasant Word Burtis, Irving, TX 75062.

The applicant requests a permit to import one hunting trophy of a captive-bred bontebok antelope (*Damaliscus dorcas dorcas*) that was culled from a herd ranch in South Africa.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7834. Interested persons may comment on this application on or before June 3, 1981, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: April 24, 1981.

Robert J. Batky,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 81-13362 Filed 5-1-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Department of Zoology, University of Rhode Island, Kingston, RI 02881.

The applicant requests an amendment to his sea turtle permit to allow tagging and attachment of radio transmitters for tracking studies.

Humane care and treatment has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-3160. Interested persons may comment on this application on or before June 3, 1981, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: April 24, 1981.

Robert J. Batky,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 81-13363 Filed 5-1-81; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Intention To Negotiate Concession Contract; Glen Canyon National Recreation Area

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that by June 3, 1981, the Department of the Interior, through the Regional Director of the Rocky Mountain Region, National Park Service, proposes to negotiate a concession contract with Hite Resort and Marina, Inc., authorizing it to continue to provide marina facilities and services for the public at Glen Canyon National Recreation Area for a period of eight (8) years from January 1, 1979, through December 31, 1986.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969. The environmental assessment and finding of no significant impact may be reviewed at the following location: National Park Service, Rocky Mountain Regional Office, Concessions Management Division, 655 Parfet Street, Denver, Colorado 80225.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expired by limitation of time on December 31, 1978, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Hite Resort and Marina, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of Hite Resort and Marina, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of Hite Resort and Marina, Inc. (as determined by the Secretary) is submitted, Hite Resort and Marina, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Hite Resort and Marina, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before the thirtieth (30th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Rocky Mountain Region, 655 Parfet Street, Denver, Colorado 80225, for information as to the requirements of the proposed contract.

Dated: April 23, 1981.

Lorraine Mintzmyer,

Regional Director, Rocky Mountain Region.

[FR Doc. 81-13364 Filed 5-1-81; 8:45 am]

BILLING CODE 4310-70-M

Ladd Petroleum Corp., Big Thicket National Preserve, Texas; Availability of Plan of Operations and Environmental Assessment for the Purpose of Conducting a Seismograph Survey

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Ladd Petroleum Corporation a plan of operations for the purpose of conducting a seismograph survey in the Lance Rosier Unit of Big Thicket National Preserve, Hardin County, Texas.

The Plan of Operations and Environmental Assessment are available for public review and comment for a period of 30 days from

the publication date of this notice in the Office of the Superintendent, Big Thicket National Preserve, 6725 Eastex Freeway, Post Office Box 7408, Beaumont, Texas 77706; and the Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trailk, Santa Fe, New Mexico 87501. Copies of the document are available from Big Thicket National Preserve and will be sent upon request.

Dated: April 23, 1981.

Donald A. Dayton,

Acting Regional Director, Southwest Region.

[FR Doc. 81-13383 Filed 5-1-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrents a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Charleton, Fortier, and Williams. Member Fisher not participating.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3-229

Decided: April 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier and Williams. (Member Fisher not participating.)

MC 94265 (Sub-373), filed February 26, 1981, previously published in the Federal Register of February 24, 1981, and March 4, 1981. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328.

Note.—The publication of March 4, 1981, in this proceeding should be disregarded; the publication of February 24, 1981 is correct.

MC 145494 (Sub-6), filed February 6, 1981, previously published in the Federal Register of March 9, 1981 and March 19, 1981. Applicant: EDINA CARTAGE COMPANY, a corporation, P.O. Box 42, Mauricetown, NJ 08329. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332.

Note.—The publication of March 9, 1981 is correct; the publication of March 19, 1981 should be disregarded.

MC 150954 (Sub-5), filed December 5, 1980, previously published in the Federal Register of April 10, 1981, in Volume OP3-217 and Volume OP3-224. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 6918 Tesoro Drive, Suite 515, San Antonio, TX 78217.

Note.—The publication in Volume OP3-217, on April 10, 1981, should be disregarded; the publication in Volume OP3-224, on April 10, 1981 is correct.

Volume No. OP4-62

Decided: April 28, 1981.

By the Commission, Review, Board No. 2, Members Carleton, Fortier and Williams.

MC 138426 (Sub-3F), filed August 19, 1980, previously noticed in the Federal Register issue of September 4, 1980, and republished this issue. Applicant: CENTRAL CARRIER CORP., P.O. Box 7, Leominster, MA 01453. Representative: Arthur W. Allen, 313 Central St., Leominster, MA 01453, (617) 534-3438. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. Condition: Issuance of an amended certificate is conditioned upon a request, in writing, from applicant for coincidental cancellation of the certificate erroneously issued on March 6, 1981.

Note.—The purpose of this republication is to correct the commodity description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13381 Filed 5-1-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to

perform the service proposed, and to comform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP4–82

Decided: April 28, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 147086 (Sub-7), filed December 4, 1981. Applicant: MADISON BROTHERS DELIVERY SERVICE, INC., 101 Indiana Ave., Toledo, OH 43602. Representative: Paul R. Brown, 81 West Whittier St., Columbus, OH 43206, (614) 445–7228. Transporting *general commodities* (except classes A and B explosives), between the facilities of Grumman Flexible Corporation, Dow Chemical U.S.A., General Motors Corporation, Ford Motor Company, Chrysler Corporation, and Reynolds Metal Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149026 (Sub-24), filed February 6, 1981, previously noticed in the Federal Register issue of March 5, 1981, and republished this issue. Applicant: TRANS-STATES LINES, INC., P.O. Box 1486, Van Buren, AR 72956. Representative: Larry C. Price (same address as applicant). Transporting *machinery*, between points in Sebastian County, AR, and Hillsdale and Jackson Counties, MI, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correctly state the territorial description.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13269 Filed 5-1-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A Copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor comon carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–056

Decided: April 27, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 87103 (Sub-91F), filed April 17, 1981. Applicant: MILLER TRANSFER & RIGGING CO., P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. (1) *Commodities* which because of their size or weight require the use of special handling or equipment, (2) *machinery*, (3) *metal products* (4) *construction equipment, materials and supplies*, and (5) *such commodities as* are manufactured, processed or dealt in by container manufacturers, between points in the U.S., in and east of MN, IA, MO, AR and LA, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-661) (correction), filed February 9, 1981, published in the Federal Register issue dated March 16, 1981, and republished as corrected in this issue. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant), 219–429–2234. Transporting *equipment, materials, parts and supplies* used in the manufacture, repair, and installation of electronic equipment and "third proviso" household goods as defined by the Commission at 49 CFR 1056.1(a)(3), between points in the U.S.

The purpose of this republication is to correct the commodity description.

MC 112963 (Sub-91), filed April 17, 1981. Applicant: ROY BROS., INC. 764 Boston Road, Pinehurst, MA 01866. Representative: Leonard E. Murphy (same as applicant), (617) 272-6617. *Commodities, in bulk,* between points in ME, NH, VT, MA, RI, CT, NY, NJ and PA, on the one hand, and, on the other, points in the U.S.

MC 128473 (Sub-23), filed April 17, 1981. Applicant: MONTANA EXPRESS, INC., P.O. Box 3346, Butte, MT 59701. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Transporting *such commodities as are dealt in by grocery and food business houses,* between points in ID, OR, UT, and WY, on the one hand, and, on the other, points in AZ, CA, ID, MT, NV, OR, UT, WA, and WY.

MC 134783 (Sub-75), filed April 16, 1981. Applicant: DIRECT SERVICE, INC., 940 East 66th St., P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 655 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839-5856. Transporting *food and related products,* between points in Delta County, CO, on the one hand, and, on the other, points in KS, NM, OK, and TX.

MC 147712 (Sub-20), filed April 6, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Road, Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant), (213) 921-7474. Transporting *such commodities* as are dealt in or used by manufacturers of fireplaces, air heating and ventilating equipment and barbeque grills, between points in the U.S., under continuing contract(s) with Superior Fireplace Company, of Fullerton, CA.

MC 136123 (Sub-26), filed April 17, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same as applicant), (813) 722-0506. Transporting *general commodities* (except classes A and B explosives), between the facilities of Southeastern Bonded Warehouse at points in Fulton County, GA, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 147712 (Sub-23), filed April 9, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant), 213-921-7474. Transporting *machinery,* between the facilities of Evapco Incorporated, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150962, filed April 10, 1981. Applicant: DUTRA TRUCKING CO., INC., P.O. Box 277, Arcata, CA 95521. Representative: Gene Carmody, 15523 Sedgeman St., San Leandro, CA 94579, 415-357-6236. Transporting *petroleum, natural gas and their products,* between points in the U.S., under continuing contract(s) with Union Oil Company of California, of Los Angeles, CA.

Note.—To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

Volume No. OPY-2-853

Decided: April 27, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

FF 252 (Sub-8), filed April 13, 1981. Applicant: CHI-CAN FREIGHT FORWARDING, LTD., 3600 S. Western Avenue, Chicago, IL 60609. Representative: H. Barney Firestone, 10 South La Salle, Suite 1600, Chicago, IL 60603, (312) 263-1600. As a freight forwarder, in connection with the transportation of *general commodities* (except classes A and B explosives), between ports of entry on the international boundary line between the U.S., and Canada, on the one hand, and, on the other, points in OH, MS, LA and MI.

MC 1753 (Sub-8), filed April 17, 1981. Applicant: RENZ TRUCK LINES, INC., #4 Midwest Drive, Pacific, MO 63069. Representative: Charles A. Price (same address as applicant), 314-257-3870. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building and construction materials, between points in MO, on the one hand, and, on the other, points in the U.S.

MC 47583 (Sub-142), filed April 14, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, 913-843-0110. Transporting *chemicals and related products,* between points in the U.S.

Note.—Issuance of this certificate is subject to prior or coincidental cancellation at applicant's written request of Certificate No. MC-47583 Sub-Nos. 76 (issued May 3, 1979), 105 (issued August 1, 1980), 106 (issued July 7, 1980), and 123 (issued November 18, 1980).

MC 47583 (Sub-143), filed April 16, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, 913-843-0110. Transporting *general commodities* (except classes A and B explosives), between points in Dickinson County, KS, on the one hand, and, on the other, points in the U.S.

MC 73502 (Sub-1), filed April 21, 1981. Applicant: THE DEROSIER STORAGE COMPANY, 110 Mayfair Pl., Stratford, CT 06497. Representative: Paul J. Goldstein, 109 Church St., New Haven, CT 06510. Transporting: *household goods,* between points in CT, on the one hand, and, on the other, points in CT, MA, ME, NH, VT, RI, NY, NJ, PA, DE, MD, VA, and DC. Condition: Issuance of certificate in this proceeding is subject to coincidental cancellation, at applicant's written request, of any duplication of authority in certificate No. MC 73502.

MC 77972 (Sub-45), filed April 20, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: James R. Holt, P.O. Box 523, Collierville, TN 38017. Transporting *general commodities* (except Classes A and B explosives), between points in Lee County, MS, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the authority sought with its existing regular route authority in MC-77972 and subs thereto.

MC 77972 (Sub-46), filed April 20, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: James R. Holt, P.O. Box 523, Collierville, TN 38017, 901-853-7208. Transporting *textile mill products,* between points in Lee County, MS, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the authority sought with its existing regular route authority in Docket No. MC-77972 and subs thereto.

MC 107012 (Sub-695), filed April 13, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of shoes, between points in the U.S.

MC 107012 (Sub-696), filed April 13, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of tools, between points

in Pickens County, SC, on the one hand, and, on the other, points in Johnson County, AR.

MC 107012 (Sub-701), filed April 21, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *furniture and fixtures*, between Pickens County, SC, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IA, KY, LA, MA, MD, ME, MN, MS, NC, NH, NJ, NY, PA, RI, TN, TX, VA, VT, WV, and DC.

MC 112184 (Sub-21), filed April 20, 1981. Applicant: THE MANFREDI MOTOR TRANSIT CO., 14841 Sperry Rd., Newbury, OH 44065. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 124212 (Sub-112), filed April 16, 1981. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, 216–566–5639. Transporting (1) *commodities in bulk*, and (2) *building materials*, between points in the U.S., under continuing contract(s) with Alpha Portland Cement Company, division of Alpha Portland Industries, Inc., of Easton, PA.

MC 126822 (Sub-117), filed April 20, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15560 South 169 Hwy., Olathe, KS 66061. Representative: John T. Pruitt (Same address as applicant). *Transporting general commodities* (except Classes A and B explosives), between points in the U.S.

MC 134542, filed April 20, 1981. Applicant: QUICK-LIVICK, INC., 708 "C" St., Staunton, VA 24401. Representative: Earl F. Quick, (Same address as applicant) 703–886–6297. Transporting *passengers*, in charter operations, from points in Frederick, Shenandoah, Highland, Rockbridge, Clarke, Page, Augusta, Alleghany, Warren, Bath, Rockingham, Loudoun, Culpepper, Orange, Amherst, Bedford, Facquier, Madison, Albemarle, Botetourt, Campbell, Rappahannock, Greene, Nelson, and Roanoke Counties VA, and Grant, Hardy, Pendleton and Jefferson Counties WV, to points in the U.S.

MC 134783 (Sub-74), filed April 16, 1981. Applicant: DIRECT SERVICE, INC., 940 East 66th St., P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 655 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, 303–839–5856. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 142122 (Sub-3), filed April 16, 1981. Applicant: PASCUZZO AND HONEYMAN TRUCKING, INC., 5127 Maywood, Ave., Maywood, CA 90270. Representative: Peter Sowa (same address as applicant) 213–583–4855. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of salt and salt products, between points in the U.S., under continuing contract(s) with Utah Salt Co., Inc., of Salt Lake City, UT.

MC 144802 (Sub-2), filed April 20, 1981. Applicant: RAYMOND C. ULMER, d.b.a. R. U. CARTAGE, 7953 South Lavergne Ave., Burbank, IL 60459. Representative: Donald S. Mullins, 1033 Graceland, Ave., Des Plaines, IL 60018, 312–298–1094. Transporting *metal products and waste or scrap materials not identified by industry producing*, between points in Cook County, IL, on the one hand, and, on the other, points in IN, IA, KY, MI, MO, OH, and WI.

MC 155312, filed April 13, 1981. Applicant: F.M. TRUCKING COMPANY, 8075 Fairchild Ave., NE., Minneapolis, MN 55432. Representative: James L. Nelson, 1241 Pierce Butler Rte., St. Paul, MN 55104, 612–646–6677. Transporting *ores and minerals*, between points in Ramsey, Washington, Dakota, Scott, and Stearns Counties, MN, on the one hand, and, on the other, points in WI.

MC 155372, Filed April 17, 1981. Applicant: MID–SOUTH FREIGHT LINES, INC., P.O. Box 213, Jasper, GA 30143. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Georgia Marble Company, of Atlanta, GA.

Volume No. OPY–4–97

Decided: April 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 143956 (Sub-27) Filed April 16, 1981. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, 3574 Piedmont Rd., Atlanta, GA 30305 (404) 266–2896. Transporting *welding products, welding gases and compounds, and industrial cylinders*, bewteen points in the U.S., under continuing contract(s) with A–L Welding Products, Inc., of Walnut Creek, CA, and its subsidiaries.

MC 153646, Filed April 20, 1981. Applicant: DONALD L. YODER, d.b.a. YODER TRUCKING, G–5161 Dania St., Flint, MI 48504. Representative: Bruce A. Newman, 1000 Beach St., Flint, MI 48502 (313) 232–4186. Transporting *petroleum lubricants and related products*, between points in the U.S., under continuing contract(s) with Metalworking Lubricants Company, of Birmingham, MI.

MC 154696 (Sub-2), Filed April 20, 1981. Applicant: SILLIMAN BROS. FREIGHT CO., INC., Route 1, Box 150, Bernie, MO 63822. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105 (314) 727–0777. Transporting *anhydrous ammonia*, between points in Mississippi County, AR, and Shelby County, TN, on the one hand, and, on the other, points in Stoddard County, MO.

MC 154696 (Sub-3), filed April 20, 1981. Applicant: SILLIMAN BROS. FREIGHT CO., INC., Route 1, Box 150, Bernie, MO 63822. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105 (314) 727–0777. Transporting *liquid propane*, between Memphis, TN, and points in Greene and Crittenden Counties, AR, and Madison County, IL, on the one hand, and, on the other, points in Stoddard County, MO. Condition: Any certificate issued will be limited to 5 years from the date of issuance.

MC 154696 (Sub-4), filed April 20, 1981. Applicant: SILLIMAN BROS. FREIGHT CO., INC., Route 1, Box 150, Bernie, MO 63822. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105 (314) 727–0777. Transporting *dry fertilizer*, between points in Phillips, Tunica, and Mississippi Counties, AR, Calloway County, KY, Shelby County, TN, and Eddy County, NM, on the one hand, and, on the other, points in Stoddard County, MO.

MC 155416, filed April 20, 1981. Applicant: ROGERS TRUCKS & EQUIPMENT, INC., 1265 Mission Rd., South San Francisco, CA 94080. Representative: David Marchant, One Maritime Plaza, San Francisco, CA 94211 (415) 954–0200. Transporting *hazardous materials*, between points in the U.S., under continuing contract(s) with Crowley Environmental Service, Inc., of Richmond, CA.

Volume No. OPY–4–107

Decided: April 28, 1981.

By The Commission, Review Board No. 2, members Carleton, Fortier, and Williams.

MC 95876 (Sub-396), filed April 20, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333–1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 117786 (Sub-133), filed April 17, 1981. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014 (602) 264–4891. Transporting *general commodities* (except classes A and B explosives), between points in OH, IL, GA, FL, AL, MS, LA, TX, IN, MI, PA, WV, KY, TN, MO, OK, and VA.

MC 118776 (Sub-72), filed April 20, 1981. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221–1464. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Quincy, IL and Memphis, MO: from Quincy over U.S. Hwy 61 to junction U.S. Hwy 136, then over U.S. Hwy 136 to Memphis, and return over the same route, (2) between Quincy, IL and Kansas City, MO, serving the off-route points of Moberly and Kirksville, MO: from Quincy over U.S. Hwy 61 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Kansas City, and return over the same route, (3) between Burlington, IA and St. Louis, MO: from Burlington over U.S. Hwy 61 to junction Interstate Hwy 70, then over Interstate Hwy 70 to St. Louis, and return over the same route, and (4) between St. Louis and Kansas City, MO over Interstate Hwy 70, serving all intermediate points on routes (1), (2), (3), and (4) above, and (B) transporting *general commodities* (except classes A and B explosives), between Memphis, MO, on the one hand, and, on the other, points in IA and IL.

MC 121626 (Sub-25), filed February 23, 1981. Applicant: BAYVIEW TRUCKING, INC., 7080 Florin-Perkins Rd., P.O. Box 28639, Sacramento, CA 95828. Representative: Ann M. Pougiales, 100 Bush St., 21st Floor, San Francisco, CA 94104. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. on and west of a line beginning at Sault Ste. Marie, MI, then over Interstate Hwy 75 to Cincinnati, OH, then over Interstate Hwy 71 to Louisville, KY, then over Interstate Hwy 65 to Mobile, AL.

MC 125996 (Sub-96), filed April 20, 1981. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *food and related products*, between points in Cass County, IN, Saline County, MO, and Warren and Peoria Counties, IL, and points in MN, WI, IA, NE, and SD, on the one hand, and, on the other, points in CO, UT, AZ, CA, NV, ID, OR, and WA.

MC 129066 (Sub-36), filed April 17, 1981. Applicant: SPENCER TRUCKING CORP., Route #2, P.O. Box 254A, Keyser, WV 26726. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830, (814) 765–9611. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston-Purina Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 138206 (Sub-21), filed April 20, 1981. Applicant: TRULINE CORPORATION, 4455 South Cameron Ave., Las Vegas, NV 89103. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. Transporting *general commodities* (except classes A and B explosives), between points in CA, NV, AZ, UT, OR, ID, MT, WY, CO, NM, NE, OK, and TX.

MC 146226 (Sub-9), filed April 17, 1981. Applicant: J & P TRUCKING CO., INC., P.O. Box 457, Lincolnton, NC 28092. Representative: Dwight L. Koerber, Jr., 110 N. Second St., Clearfield, PA 16830 (814) 765–9611. Transporting *general commodities* (except classes A and B explosives), between the facilities of ConAgra, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148536 (Sub-1), filed April 20, 1981. Applicant: ANTHONY W. CATRONE, d.b.a. CATRONE TRUCKING, 848 Lee Dr., Orrville, OH 44667. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting (1) *waste or scrap materials* and (2) *metal products*, between points in the U.S., under continuing contract(s) with Atlas Lederer Co., of Cleveland, OH.

MC 152596 (Sub-1), filed April 20, 1981. Applicant: DOWNEAST DISPATCH, INC., 36 Rolfe Lane, Newbury, MA 01950. Representative: John C. Kightbody, 30 Exchange St., Portland, ME 04101. Transporting *general commodities* (except classes A and B explosives), between points in MA, CT, ME, NH, NJ, NY, PA, RI, and VT.

MC 152826 (Sub-1), filed April 20, 1981. Applicant: HAROLD MYERSCOUGH, d.b.a. MYERSCOUGH TRUCKING, RR #1 Box 32, Seymour, IL 61875. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with SRC, Inc., of Cleveland, OH.

MC 154426 (Sub-1), filed April 17, 1981. Applicant: DITZFELD TRANSFER, INC., 104 W. Pacific, Sedalia, MO 65301. Representative: Jeremiah D. Finnegan, 501 E. Armour Blvd., Kansas City, MO 64109 (816) 753–1122. Transporting *textile mill products*, between points in the U.S., under continuing contracts(s) with J. A. Lamy Manufacturing Company of Sedalia, MO.

MC 155386, filed April 17, 1981. Applicant: BOMGAARS TRANSPORTATION, INC., P.O. Box 3406, Sioux City, IA 51102. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW, Washington, DC 20036 (202) 223–6900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bomgaars Supply, Inc., of Sioux City, IA.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13340 Filed 5-1-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–2–857

Decided: April 27, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 142122 (Sub-2), filed April 16, 1981. Applicant: PASCUZZO AND HONEYMAN TRUCKING, INC., 5127 Maywood Ave., Maywood, CA 90270. Representative: Peter Sowa (same address as applicant) 213–583–4855. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 146842 (Sub-3), filed April 15, 1981. Applicant: BELL TRUCKING COMPANY, INC., Rte. 1, Box 61–H, Jonesboro, LA 71251. Representative: James M. Duckett, 411 Pyramid Life Bldg. Little Rock, AR 72201, 501–375–3022. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151953 (Sub-2), filed April 17, 1981. Applicant: MOTOR CARRIER SERVICES, INC., 6335 Old Pineville Rd., Charlotte, NC 28210. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 155173, filed April 6, 1981. Applicant: DAVID C. LATHAM, 4625 Routt St., Wheat Ridge, CO 80033. Representative: Edward C. Hastings, 653 Grant St., Denver, CO 80203, 303–837–1204. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155213, filed April 9, 1981. Applicant: LEONARD W. BAUR, JR., AND ASSOCIATES, INC., 721 Lind Ave. SW., Renton, WA 98055. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101, 206–624–7373. *As a broker of general commodities* (except household goods), between points in the U.S.

MC 155352, filed April 16, 1981. Applicant: PAUL W. CURTINDALE, 35002 Pacific H'way, South No. 9, Federal Way, WA 98003. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave. NW., Washington, DC 20036, 202–785–0048. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY–3–854

Decided: April 4, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 150294 (Sub-3), filed April 20, 1981. Applicant: CORBIN TRUCKING CO., INC., R.R. No. 2, Manhattan, IL 60442. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, (312)–236–0548. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 152555 (Sub-1), filed April 20, 1981. Applicant: HALL'S FREIGHTWAY, INC., 4505 S. Harding St., Indianapolis, IN 46217. Representative: Donald W. Smith, P.O. Box 40246, Indianapolis, IN 46240, (317)–846–6655. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155385, filed April 16, 1981. Applicant: HANAWAY EXPRESS CORP., 150 Broadway, New York, NY 10038. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 155405, filed April 20, 1981. Applicant: CORPORATE EXPRESS, INC., 462 Riverside Ave., P.O. Box 286, Westport, CT 06811. Representative: Mark A. Rubenstein, 225 Main St., P.O. Box 5031, Westport, CT 06881, (203) 222–0022. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 155434, filed April 20, 1981. Applicant: ESTHER M. CLARK d.b.a. E. C. TRANSPORT AGENCY, 5508 North County Rd. 25A, Piqua, OH 45356. Representative: Esther M. Clark (same address as applicant), (513) 773–4766. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–165

Decided: April 27, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 155417, filed April 20, 1981. Applicant: SCHENKERS

INTERNATIONAL FORWARDERS, INC., One World Trade Center—Suite 1667, New York, NY 10048. Representative: G. A. Trampler (same address as applicant), (212) 432–3005. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–198

Decided: April 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 146976 (Sub-5), filed April 20, 1981. Applicant: FOREWAY TRANSPORTATION, INC., 6633 Lake Michigan Dr., Allendale, MI 49401. Representative: D. Richard Black, Jr., 7610 Cottonwood Dr., Jenison, MI 49428 (616) 457–0290. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13248 Filed 5-1-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the appolicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–116

The following applications were filed in Region I.

Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 76065 (Sub-1–1TA) filed April 24, 1981. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 505 West 37th St., New York NY 10018. Representative: Michael R. Werner, Esq., P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. *Wearing apparel and department store merchandise, and related materials, and supplies and equipment* between points in NY, NJ, DE, PA, MD, VA, WV, DC, NC, SC, GA, AL and FL. Supporting shipper: There are 10 statements in support of this application which may be examined at the ICC Regional Office in Boston, MA.

MC 155423 (Sub-1–1TA) filed April 21, 1981. Applicant: MALAMUTE NATIONAL LINES, INC., 1 E. 42nd St., New York, NY 10017. Representative: Harold Sacks, PC, 19 W 44th. St., New York, NY 10036. *Passengers and their baggage in round-trip charter operations* beginning and ending at NY, NY commercial zone and Westchester and Suffolk Counties, NY and extending to points in the US (except AK & HI). Supporting shipper(s): National Urban League, 500 E. 62nd St., NY, NY 10021; F Troop Club, 33 Front St., Hempstead, NY 11550, Medina Temple #19, 454 W 155th St., NY, NY 10032.

MC 123660 (Sub-1–1TA) filed April 20, 1981. Applicant: K–C REFRIGERATION TRANSPORT CO., INC., P.O. Box 545, Adam Street, Troy, NY 12181. Representative: Daniel O. Hands, Attorney at Law, Suite 200–A, 205 W. Touhy Ave., Park Ridge, IL 60068. *Confectionery, when moving in vehicles equipped with mechanical refrigeration* from Troy, NY to points in CT, MA, NY and VT. Supporting shipper: E. J. Brach & Sons, P.O. Box 802, Chicago, IL 60690.

MC 150907 (Sub-1–2TA), filed April 20, 1981. Applicant: BERNARD C. WESSELING, d.b.a. BERNHAVEN SOD SUPPLY, R.R. 2, Bowmanville, Ontario, Canada L1C 3K3. Representative: Robert D. Gunderman, Esq., 710 Statler Bldg., Buffalo, NY 14202. *Contract carrier:* irregular routes: *Fertilizer, except in bulk in tank vehicles,* from ports of entry on the International Boundary line between the United States and Canada in NY and VT to points in CT, DE, MA, NH, NJ, NY, PA and VT. Restricted to traffic under a continuing contract with CIL, Inc. of London, Ontario, Canada. Supporting shipper. CIL, Inc., 45 Sheppard Avenue East, Toronto, Ontario, Canada M2N 2Z9.

MC 52945 (Sub-1–1TA), filed April 20, 1981. Applicant: H. P. STARSIAK, INC., 18 Hills Street, Manchester, CT 06040. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. *Such commodities as are dealt in by retailers of building materials* between points in CT, ME, MA, NH, NJ, NY, and RI. Supporting shipper(s): Grossmans Division of Evans Products, Route 3, Union Street Ext., Braintree, MA 02184; Gerrity Co., 8 Whiting Avenue Ext., Hyde Park, MA 02136; MacMillian-Bodell, 6540 Powers Ferry Road, Atlanta, GA 30339; American Forest Products, P.O. Box 371, Suffield, CT 06078.

MC 153961 (Sub-1–2TA), filed April 20, 1981. Applicant: NESEL MOVING & STORAGE LIMITED, 2460 Lawrence Avenue East, Unit 7, Scarborough, Ontario, CD M1P 2R7. Representative: Robert D. Gunderman, Esq., 710 Statler Bldg., Buffalo, NY 14202. *Furniture, fixtures, appliances, and related items, and materials, supplies, and equipment used in the transportation, installation, and manufacture thereof,* between ports of entry on the International boundary line between the U.S. and CD, on the one hand, and, on the other, points in FL, IL, IN, KY, LA, MA, MI, MN, NC, NJ, NY, OH, PA and VA. Supporting shipper(s): All-Steel Canada Ltd., 3500 Cote Vertu, Montreal, Quebec, CD H4R 1R1; Cooper's Office Supply Co. Ltd., 399 Queen Street West, Toronto, Ontario, CD M5V 2A5; Canadian Store Fixtures Ltd., 64 Signet Drive, Weston, Ontario, CD M9L 1T1.

MC 144061 (Sub-1–12TA), filed April 21, 1981. Applicant: SICOMAC CARRIERS, INC., 1107 Goffle Road, Hawthorne, NJ 07506. Representative: Jack L. Schiller, 502 Flatbush Avenue, Brooklyn, NY 11225. *Contract Carrier:* irregular routes: *Liquid detergents, soaps, and animal and vegetable fatty acids, in bulk* (1) from Passaic, NJ to Mars, PA, South Holland IL, Boston, MA, and Washington, DC, (2) from Dayton, NJ to South Holland, IL; and (3) from McCook, IL to Passaic and Denville, NJ, under continuing

contract(s) with J. L. Prescott Co. of Passaic, NJ. Supporting shipper: J. L. Prescott Co., 27 Eighth Street, Passaic, NJ 07055.

MC 136393 (Sub-1-2TA), filed April 22, 1981. Applicant: NY., NJ., CONN., FREIGHT & MESSENGER CORP., 351 West 38th Street, New York, NY 10013. Representative: Ronald I. Shapss, Esq., 450 Seventh Avenue, New York, NY 10123. *Commodities as are dealt in by retail department stores,* between Los Angeles, Ontario, San Diego, and San Francisco, CA, Chicago, IL, New Orleans, LA, Baltimore, MD, Boston, MA, Detroit, MI, Kansas City and St. Louis, MO, Sparks, NV, Cincinnati, Cleveland, Columbus, and Dayton, OH, Portland, OR, Fort Worth, Dallas and Houston, TX, Seattle, WA, Milwaukee, WI, and points in AL, FL, GA, MS, NC, SC, TN and DC. There are 12 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 155388 (Sub-1TA), filed April 20, 1981. Applicant: WAYNE YOUNGLOVE TRUCKING CORP., Sterling Station Road, Red Creek, NY 13143. Representative: Donald G. Hichman, R.D. #1, Box 7, Union Springs, NY 13160. *Apple juice, apple cider, cider vinegar, white distilled vinegar, and red wine vinegar* (except in bulk) from the facilities of Indian Summer, Inc. at Newark and Sodus, NY to New York, NY (and its commercial zone), Central Islip, Farmingdale and Mt. Kisco, NY, Philadelphia, PA (and its commercial zone), Oaks, PA and Edison, NJ. Supporting shipper: Indian Summer, Inc., 7676 Barclay Road, Sodus, NY 14551.

MC 142603 (Sub-1-22TA), filed April 22, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Susan E. Mitchell, (same as applicant). *Contract carrier:* irregular routes: *Cardboard, not corrugated, and wrapping paper* between points in the US, under continuing contract(s) with Wilder Industries of Philadelphia, PA. Supporting shipper: Wilder Industries, 225 West Erie Avenue, Philadelphia, PA 19140.

MC 152202 (Sub-1-2TA), filed April 22, 1981. Applicant: CONTRACT TRUCK & CAR RENTAL CORP., 24245 Allen Avenue, Niagara Falls, NY 14303. Representative: August A. Iacovitti (same as applicant). *Food stuffs & pet foods, materials and supplies used in the packaging & sale of food stuffs and pet foods,* between points in the states of CO, CT, FL, GA, IL, MA, MN, NC, NH, NJ, NY, OH, RI, PA, TX, VA, VT and WV. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07936.

MC 151413 (Sub-1-4TA), filed April 22, 1981. Applicant: TRAFFIC CONSULTANTS, INC., d.b.a. TCI, P.O. Box 3096, Pawtucket, RI 02862. Representative: Mr. Daniel R. Sumner, 131 Airport Road, Warwick, RI 02889. *Contract Carrier:* irregular routes: *Lumber and wood products and related materials,* between points in the U.S. (except AK and HI), under continuing contract(s) with Bill Carden Lumber Sales Div., JHF Inc. of Seekonk, MA. Supporting shipper: Bill Carden Lumber Sales Div., JHF Inc., 23 Industrial Court, Seekonk MA 02771.

MC 155236 (Sub-1-1TA), filed April 20, 1981. Applicant: POTTLE'S TRANSPORTATON, INC., Odlin Road, Bangor, ME 04401. Representative: Clifton E. Pottle, P.O. Box 164, Carmel, ME 04419. *General Commodities,* between points in ME, including points of entry on the U.S./CD Boundary, on the one hand, and, on the other, points in the U.S. There are 11 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 154380 (Sub-1-2TA), filed April 22, 1981. Applicant: WALTER DUBOIS, d.b.a. CONTROL COURIER, 196 Hackensack St., Woodridge, NJ 07075. Representative: Walter DuBois, (same as applicant). *Contract carrier:* regular routes: *Spare computer and other data processing machine parts and printed materials* between Moonachie, NJ; New York, NY; Hartford, CT; Springfield, MA; Boston, MA; and Manchester, NH. Over regular routes as follows: Rte. 95 to Rte. 91 to Rte. 90 to Rte. 93. Under continuing contract(s) with Xerox Corp. of Moonachie, NJ. Supporting shipper: Xerox Corporation, 240 Moonachie Ave, Moonachie, NJ 07074.

MC 153168 (Sub-1-2TA), filed April 23, 1981. Applicant: ROCKINGHAM CARRIAGE SERVICE, INC., RT. #1 Bypass, P.O. Box 1349, Portsmouth, NH 03801. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. *Motor vehicles, in truckaway and driveaway service,* from points in RI to points in AZ, CO, CA, FL, MN, OH, and TX. Supporting shipper: Jannell & Son Body Co., Cumberland Hill Rd., Woonsocket, RI 02895.

MC 155370 (Sub-1-1TA), filed April 23, 1981. Applicant: KEM CONTRACT CARRIERS, INC., P.O. Box 1565, Binghamton, NY 13902. Representative: Donald C. Carmien, P.O. Box 1922, Binghamton, NY 13902. *Contract carrier:* irregular routes: *Bread and related bakery products* between points and places in NY, PA, NJ, VA, WV, CT, MD, OH, under continuing contract(s) with Spaulding Bakeries, Inc. of Binghamton, NY. Supporting shipper: Spaulding Bakeries, Inc., 120 Plaza Drive, Binghamton, NY 13903.

MC 139106 (Sub-1-1TA), filed April 20, 1981. Applicant: ABA TRUCKING CORPORATION, 14 Harmich Road, S. Plainfield, NJ 07080. Representative: Robert W. Flowers, P.O. Box 248, Langhorne, PA 19047. *Contract carrier:* irregular routes: *Iron and steel articles and supplies used in the installation, manufacture, sale, or production of iron and steel articles* between points in the US (except AK and HI) under continuing contract(s) with Prior Coasted Metals of Allentown, PA. Supporting shipper: Prior Coated Metals, 2233 26th Street S.W., Allentown, PA 18103.

MC 147948 (Sub-1-1TA), filed April 21, 1981. Applicant: A. J. ROSS ENTERPRISES, INC., 225 Smith Street, Keasby, NJ 08832. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Concrete products* from Kenvil and Keasbey, NJ to New York, NY and from Kenvil, NJ to Keasbey, NJ. Supporting shipper(s): Kenvil Newcrete Products Company, P.O. Box C, Kenvil, NJ 07847.

MC 151413 (Sub-1-3TA), filed April 22, 1981. Applicant: TRAFFIC CONSULTANTS, INC., d.b.a. TCI, P.O. Box 3096, Pawtucket, RI 02862. Representative: Daniel Sumner, 131 Airport Rd., Warwick, RI 02889. *Contract carrier:* irregular routes: *Suitcases, and related materials,* between points in U.S. (except AK and HI) under continuing contracts(s) with American Tourister of Warren, RI. Supporting shipper: American Tourister, 91 Main St., Warren, RI 02885.

MC 155445 (Sub-1-1TA), filed April 22, 1981. Applicant: TRIPLE S FAST SERVICE CORP., 210 Autumn Ave., Brooklyn, NY 11208. Representative: Newfield & Bress, 60 East 42nd St., New York, NY 10165. *Contract carrier:* irregular routes: *General commodities (except those of unusual value, class A & B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and hazardous wastes;* from points in NJ and NY to Miami, FL under a continuing contracts(s) with Ecuadorian Air Lines, of New York, NY. Supporting shipper: Ecuadorian Air Lines, 1290 Avenue of Americas, New York, NY 10164.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 155377 (Sub-II-1TA), filed April 20, 1981. Applicant: PGT TRUCKING,

INC., P.O. Box 197, Industry, PA 15052. Representative: Jon F. Hollengreen, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th St., N.W., Washington, D.C. 20004. *Meat products,* between points in IL, IN, KY, MI, NJ, NC, NY, OH, PA, SC, WV, and WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 15 statements in support of this application which may be examined at the I.C.C. Regional Office in Philadelphia, PA.

MC 140889 (Sub-II–13TA), filed April 21, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Type of service: *Contract, irregular:* General Commodities except Classes A and B Explosives from points in CA, to the facilities utilized by Freider, Inc., Cuyahoga County, OH. for 270 days. An underlying ETA seeks 120 days authority. Shipper: Freider, Inc., 2554 Superior Ave., Cleveland, OH 44114.

MC 107012 (Sub-II–157TA), filed April 21, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Food stuffs* from the facilities of Ripon Foods Inc., and Heritage Wafers at or near Ripon, WI to points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ripon Foods Inc., Oshkosh St., Ripon, WI 54971.

Note.—Common control may be involved.

MC 151821 (Sub-II–1TA), filed April 22, 1981. Applicant: WAGNER TRANSPORTATION CO., INC., 1154 E. 38th St., Erie, PA 16504. Representative: Norbert L. Wagner (same as applicant). *Contract; irregular: Foodstuffs and articles bought and sold by Quality Foods* between Buffalo, NY; Erie, Northeast and Philadelphia, PA; and Newark, NJ on the one hand, and, on the other, points in NY, NJ, OH, KY, PA, AR, TX, CA, MS, IL, IA, KS, FL, RI, WI, CO, CT, MN, MI, GA, NE, AZ, LA, MO, OK, MA, ME, MD, NH, VA, WV, and WA for 270 days, under continuing contract(s) with Quality Foods, Fredonia, NY. Supporting shipper(s): Quality Foods, Middlesex 3G, Fredonia, NY 14063.

MC 110683 (Sub-II–11TA), filed April 7, 1981. Originally published in Federal Register dated 4/20/81. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St. NW, Washington, DC 20036. Common, regular: *General commodities (except those of unusual value, household goods as defined by the Commission, classes A & B explosives, commodities in bulk, and those requiring special equipment),* serving the facilities of Sterling Faucet Co. at or near Sheridan, AR, as an off-route point in connection with carrier's regular routes for 270 days. Applicant intends to tack the authority sought herein with existing authority held under MC–110683. Applicant intends to interline at all present interchange points. An underlying ETA seeks 120 days authority. Supporting shipper: Sterling Faucet Co., 1375 Remington Rd., Schaumburg, IL 60195. The purpose of republication is to change MC–105681 to MC–110683.

MC 154713 (Sub-II–6TA), filed April 23, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Refractory and refractory products, ores and minerals,* between points in Sumter and Wilkes Counties, GA, Cook and Kane Counties, IL, Greenup County, KY and Chester County, PA, on the one hand, and, on the other, points in and east of ND, SD, NE, CO, OK and TX, for 270 days. Supporting shipper(s): C-E Industrial Products, Division, Combustion Engineering, Inc., P.O. Box 828, Valley Forge, PA 19482.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 143061 (Sub-3–4TA), filed April 21, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (Same as Applicant). *Contract carrier;* Irregular routes: *Filters and paper products and materials and supplies used in the manufacture, sale and distribution of filters and paper products, except commodities in bulk,* between Clifton, NJ and Los Angeles, CA on the one hand, and, on the other, points in FL, TX, TN, NC, IL. Supporting Shipper: Filtrator Coffee Apparatus Company, 31 Styertowne Road, Clifton, NJ 07012.

MC 134105 (Sub-3–20TA), filed April 17, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Road, Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant). *Meat, Meat products, Meat By-Products and other items produced by meat packing houses (except hides).* Between points in Ford County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper, Hyplains Dressed Beef, Inc., P.O. Box 539, Dodge City, KA 67801.

MC 154159 (Sub-3–1TA), filed April 13, 1981. Applicant: ROANLD R. ELLIS, d.b.a. ELLIS WRECKER SERVICE, 6300 1st Avenue North, Birmingham, AL 35206. Representative: Mr. William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Automobiles, trucks, trailers, mobile homes or other movable vehicles which are damaged, broken down, disabled, or otherwise incapacitiated, or such other vehicles as may require towing or wrecker service* between points in the U.S., except Alaska and Hawaii, originating and ending in Birminham, AL. Supporting shipper: Saunders Leasing System, 6400 1st Ave. South, Birmingham, AL 35212.

MC 107912 (Sub-3–7TA), filed April 15, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Road, Memphis, TN 38118. Representative: Tommie J. Perkins, Sr., 3934 Homewood Road, Memphis, TN 38118. *Such merchandise as is dealt in by retail and wholesale food distributors; except commodities in bulk or in tank vehicles;* From, Memphis, TN to points in the states of AL, LA, and MS. Supporting shipper: Southern Warehouses, Inc., 4013 P. Box 30149, Memphis, TN 38130; Poston Warehouses, Inc., 3569 Tulane Rd., Memphis, TN 38109; Southern States Dist., 4834 Mendenhall Rd., Memphis, TN 38118.

MC 155314 (Sub-3–1TA), filed April 16, 1981. Applicant: R. C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33853. Representative: H. Barney Firestone, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Meat, meat products and meat byproducts* between Plant City, FL on the one hand, and, on the other, points in IL, IN, OH, IA, KS, AL, GA, LA, TX, NC, MS, SC & WI. Supporting shipper: Lykes Bros. Meat Company, P.O. Box 518, Plant City, FL 33566.

MC 134105 (Sub-3–21TA), filed April 17, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Road. Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant). *Kitchen Household Major Appliances* between points in AL, IL and TN on the one hand, and, on the other, points in the U.S. (except AK and HI) Supporting shipper: Magic Chef Division of Magic Chef, Inc., 740 King Edward Avenue, Cleveland, TN 37311.

MC 148620, (Sub-3–7TA), filed April 17, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400

Candler Building, 127 Peachtree Street, N.W., Atlanta, GA 30303. *Contract carrier,* irregular routes: *general commodities (except household goods as defined by the Commission and Classes A & B explosives),* between points in the U.S., under continuing contract(s) with United Technologies Corporation, Essex Group, Inc., Fort Wayne, IN. Supporting shipper(s): United Technologies Corporation, Essex Group, Inc., P.O. Box 1216, Fort Wayne, IN 46801.

MC 59583 (Sub-3–2TA), filed April 17, 1981. Applicant: THE MASON & DIXON LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: Dennis J. Ramsey, P.O. Box 343, Kingsport, TN 37662. *Flat glass* between Taylor County, WV and points in and east of LA, AR, MO, IA, and MN. Supporting shipper: AFG Industries, P.O. Box 929, Kingsport, TN 37663.

MC 75840 (Sub-3–61TA), filed April 17, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, 3400 Third Avenue South, Birmingham, AL 35222. *Chemicals or Allied Products, and Textile Mill Products,* between the facilities of Olin Corporation at Lake Charles, LA, Joliet and Rockdale, IL, and Wilmington and Ludlow, MA, on the one hand, and, on the other, points in the U.S., in and East of TX, OK, KS, MO, IN, and MN. Supporting shipper: Olin Corporation, 120 Long Ridge Road, Stamford, CT 06904.

MC 155314 (Sub-3–2TA), filed April 17, 1981. Applicant: R. C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33853. Representative: H. Barney Firestone, 10 S. LaSalle, Street, Suite 1600, Chicago, IL 60603. *Bananas,* from Tampa, FL to Indianapolis, IN. Supporting shipper: Phil Catio and Sons, Inc., 4101 Massachusetts Ave.—Unit 312, Indianapolis, IN 46202.

MC 19550 (Sub-3–1TA) filed April 16, 1981. Applicant: THE OBSERVER TRANSPORTATION COMPANY, INC., P.O. Box 34245, Charlotte, NC 28234. Representative: Warren A. Goff, 2006 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Such commodities as are dealt in or used by retail discount stores and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between the facilities of Richway Stores a division of Federated Stores, located at or near Charlotte, NC; Atlanta, GA and Chattanooga, TN. Supporting shipper: Richway Stores, 45 Broad St., Atlanta, GA 30332.

MC 146992 (Sub-3–1TA) filed April 17, 1981. Applicant: PHIL-MART TRANSPORTATION, INC., P.O. Box 126, Braselton, GA 30517. Representative: William J. Boyd, P.C., 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *Contract carrier,* Irregular Routes: *General commodities (except Classes A and B explosives)* between points in the U.S. continuing contract(s) with Provimi, Inc., and Delft Blue-Provimi, Inc. of Watertown, WI and their subsidiaries. Supporting shipper: Provimi, Inc., and Delft Blue-Provimi, Inc., P.O. Box 506 Provimi Road, Watertown, WI 53094.

MC 143061 (Sub-3–3TA) filed April 17, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same as applicant). *Contract* carrier; irregular routes: *Animal and poultry feed, fertilizer, feed supplements, and materials, supplies and equipment used in the manufacture, sale and distribution of animal and poultry feed, feed supplements, and fertilizer, except commodities in bulk,* between points in VA, on the one hand, and, on the other, points in FL, NY, OH, and NC. Supporting shipper: Wilson Enterprises, Inc., P.O. Box 116, Disputanta, VA 23842.

MC 144027 (Sub-3–6TA) filed April 14, 1981. Applicant: WARD CARTAGE AND WAREHOUSING, INC., Route No. 4, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Building, 13th and Pennsylvania Ave., Washington, DC 20004 *General Commodities (except classes A and B explosives),* between Barren County, KY on the one hand, and, on the other points in IL. Supporting shipper: Mallory Capacitor Company, By Pass 31 E, Glasgow, KY 42141; Lessenberry Building Center, 1010 W. Main, Glasgow, KY; R. R. Donnelley & Sons Company, Donnelley Drive, Glasgow, KY 42141. Applicant intends to interline at Glasgow, KY, Chicago, Centralia and Decatur, IL.

MC 154770 (Sub-3–2TA) filed April 15, 1981. Applicant: J. B. & J. COMPANY, INC., P.O. Box 303, Tuscumbia, AL 35674. Representative: Joe Trobaugh, P.O. Box 303, Tuscumbia, AL 35674. (1) *Paper & Paper Products, including, but not limited to, cores, carrying, shipping and winding cores, including metal ends, paperboard, fiberboard and tubes, caps, including metal ends* (2) *Materials, supplies and equipment used in the manufacture, sale and distribution of commodities named in (1) above (except commodities in bulk)* between points in AL, MS, TN, and GA. Supporting shipper: Clevepak Corporation, Colbert Industrial Park, Tuscumbia, AL 35674.

MC 143059 (Sub-3–43TA), filed April 20, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative Kenneth W. Kilgore (same as applicant). *Ventilators, ventilator systems and parts thereof,* between Boyle County, KY on the one hand, and, on the other, points in the United States. Supporting Shipper: Penn Ventilator Co., Inc., Rt. 300 & Bells Lane, Junction City, KY 40440.

MC 148773 (Sub-3–4TA), filed April 20, 1981. Applicant: A.F.L. TRUCK LINE, INC., 3661 West Blue Heron Boulevard, Riviera Beach, FL 33404. Representative: Anthony E. Young, 29 South La Salle Street, Suite 305, Chicago, IL 60603. *Contract, irregular; lumber and wood products and building materials,* between points in the United States under continuing contracts with Inland Pacific Forest Products, Inc. of Elgin, IL. Supporting Shipper: Inland Pacific Forest Products, Inc., 164 Division Street, Elgin, IL 60120.

MC 148773 (Sub-3–3TA), filed April 20, 1981. Applicant: A.F.L. TRUCK LINE, INC., 3661 West Blue Heron Boulevard, Riviera Beach, FL 33403. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract, irregular; lumber and wood products and building materials* from points in CA, Camden, NJ, Charleston, SC, and New Orleans, LA to points in the U.S. under a contract with Pacific Wood Products, Inc. Supporting shipper: Pacific Wood Products, Inc., 22873 South Wellington, Carson, CA 90745.

MC 133221 (Sub-3–6TA), filed March 24, 1981. Republication—originally published in Federal Register of April 6, 1981, page 20639, Volume 46, No. 65. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: W. D. Beaver (same as applicant). *Plastic articles and material, equipment and supplies used in the manufacture and distribution and sale thereof, (except commodities in bulk)* between points in the U.S. Restricted to traffic originating at or destined to the facilities utilized by Amoco Foam Products Company. Supporting Shipper: Amoco Foam Products Company, 2100 Powers Ferry Road, Suite 200, Atlanta, GA 30099.

MC 141249 (Sub-3–2TA), filed April 20, 1981. Applicant: WEEKS CARTAGE, INC., 1900 Dahlia Road, Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *General Commodities (except Classes A and B explosives and*

hazardous materials), having a prior or subsequent movement by water, between Jacksonville, FL and points in AL. Supporting Shippers: Regal Food Processor's Inc., P.O. Box 1218, Gadsden, AL 35902; General Machine-Fabrication Corp., 7554 Old Plank Road, Jacksonville, FL 32205; and, Hawkins Sandblasting, 7254 Old Plank Road, Jacksonville, FL 32205.

MC 143921 (Sub-3–4TA), filed April 21, 1981. Applicant: BAMA EXPRESS, INC., P.O. Box 222, Tuscaloosa, AL 35401. Representative: Donald B. Sweeney, Jr., Esq., 512 Massey Building, Birmingham, AL 35203. *Roofing materials, equipment and supplies* between points in MS, FL, AL, TN, and GA. Supporting Shipper: King Hardware-Roofing Division, P.O. Box 4428, Birmingham, AL 35206.

MC 111936 (Sub-3–6TA), filed April 21, 1981. Applicant: MURROW'S TRANSFER, INC., P.O. Box 4095, High Point, NC 27263. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Bonded fibers,* from points in Franklin Cty., OH, to points in MD, NC, SC, TN, and VA. Supporting shipper: Hobb's Bonded Fibers, Groves RD., Columbus, OH.

MC 142232 (Sub-3–1TA), filed April 21, 1981. Applicant: BARRETT TEXTILE TRANSPORT, INC., P.O. Box 0, Industrial Park, Kings Mountain, NC 28086. Representative: Dr. Peter T. Barrett, 2757 Loch Lane, Charlotte, NC 28211. *Contract* irregular; *Polyester yarn* from the plant site of Hoechst Fibers, Inc. at Spartanburg, SC to Unifi's plant at Yadkinville, NC. Applicant intends to tack with existing authority in MC–142232. Supporting Shipper: Unifi Inc., P.O. Box 698, Yadkinville, NC 27055

MC 148773 (Sub-3–5TA), filed April 21, 1981. Applicant: A.F.I. TRUCK LINE, INC., 3661 West Blue Heron Boulevard, Riviera Beach, FL 33404. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract carrier;* irregular routes; *(a) machinery equipment and tools, and (b) materials, equipment and supplies used in the manufacture or distribution of (a) above,* between North Miami Beach, FL on the one hand, and, on the other, points in the U.S., under a contract or continuing contracts with Century Machine Tools, Inc. of North Miami, FL. Supporting shipper: Century Machine Tools, Inc., P.O. Box 630607, North Miami, FL 33163.

MC 2934 (Sub-3–35TA), filed April 21, 1981. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Furniture; lighting fixtures; plastic articles—expanded; paper and paper products; and equipment, materials and supplies used in the manufacture and distribution of the above products (except in bulk),* between all points in the United States (except AK and HI) restricted to shipments originating at or destined to the facilities of Scott Paper Company. Supporting shipper: Scott Paper Company, Scott Plaza, Philadelphia, PA 19113.

MC 2934 (Sub-3–34TA), filed April 21, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Refrigeration equipment, display cases and parts and supplies used in the manufacture or distribution thereof;* From points in St. Louis County, MO to points and places in the states east of and including TX, OK, KS, NE and MN. Supporting shipper: Hussman Refrigeration Company, 1299 St. Charles Rock Road, Bridgeton, MO 63044.

MC 112617 (Sub-3–18TA), filed April 21, 1981. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 36247, Louisville, KY 40233. Representative: Larry W. Thompson (same address as applicant). *Synthetic plastic liquid, in bulk, in tank vehicles,* from Calumet City, IL to Omaha, NE. Supporting shipper: Rohm & Haas Company, Independence Mall West, Philadelphia, PA 19105.

MC 140406 (Sub-3–6TA), filed April 23, 1981. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Avenue NW., Washington, DC 20006. *Perishable meat products* from the facilities of Sandy Mac Food Company at Pennsauken, NJ to points in the United States in and east of WI, IL, KY, TN, and MS. Supporting Shipper: Sandy Mac Food Company, 9105 Burrough-Dover Lane, P.O. Box H, Pennsauken, NJ 08110.

MC 149563 (Sub-3–12TA), filed April 23, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Metal products,* between the facilities of Michigan Metal Processing Corporation at or near Granite City, IL, Brooklyn, OH and Detroit, MI, on the one hand, and, on the other, all points in the U.S. Supporting shipper: Michigan Metal Processing Corporation, 1425 State St., P.O. Box H, Granite City, IL 62049.

MC 2900 (Sub-3–29TA), filed April 23, 1981. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant) *Contract carrier:* irregular: *Chemicals, plastic pellets and synthetic rubber in packages* from TX and LA to points in IL, IN, MI, OH and WI under a continuing contract(s) with Exxon Chemical Americas, Houston, TX. Supporting shipper: Exxon Chemical Americas, 13501 Katy Freeway, Houston, TX 77079.

MC 155470 (Sub-3–1TA), filed April 23, 1981. Applicant: H & O TRANSPORT, INC., P.O. Box 357, Campbellsville, KY 42718. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. *Such commodities as are dealt in by a textile manufacturer* between point in the U.S. in and east of KS, NE, ND, OK, SD and TX. Restricted to traffic originating at or destined to Union Underwear Company, Inc., its subsidiaries and vendors. Supporting shipper: Union Underwear Company, Inc., P.O. Box 780, Bowling Green, KY 42101.

MC 143059 (Sub-3–42TA), filed March 24, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same as applicant). *Lumber, lumber products and forest products,* between MS to points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: McGraw Curran Lumber Co., P.O. Box 450, Yazoo City, MS 39194; Holder & Northern Lumber Co., 5705 New York Ave., Nashville, TN 37209.

MC 145516 (Sub-3–2TA), filed April 22, 1981. Applicant: T. G. STEGALL TRUCKING CO., INC., 8100 E. Independence Blvd., P.O. Box 1286, Matthews, NC 28105. Representative: T. Gene Stegall, Jr. (same address as applicant). *Plastic Film, Resin Solution, Adhesives, Lead Foil, Treated Aluminum Foil, Engraved Rollers in refrigerated equipment,* from Mecklenburg County, NC to Phoenix, AZ. Supporting shipper: Rexham Corporation, 700 Crestdale Drive, Matthews, NC 28105.

MC 145516 (Sub-3–1TA), Applicant: T. G. STEGALL TRUCKING CO., INC., 8100 E. Independence Blvd., P.O. Box 1286, Matthews, NC 28105. Representative: T. Gene Stegall, Jr. (same address as applicant). *Aluminum Sulphate, Sodium Peroxide, and Sodium Acetate,* from NY, NJ, and GA to the state of NC. Supporting shipper: Ace Chemical Corporation, 9801 York Road, Charlotte, NC 28206.

MC 115840 (Sub-3–12TA), filed April 22, 1981. Applicant: COLONIAL FAST

FREIGHT LINES, INC., McBride Lane, P.O. Box 22188, Knoxville, TN 37922. Representative: Michelene Good (same as above). *General commodities, (except those of unusual value, Classes A and B explosives and household goods as defined by the Commisson)* between points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities utilized by ITOFCA, Inc. Supporting shipper: ITOFCA, Inc., Two Walker Avenue, Clarendon Hills, IL 60514.

MC 129712 (Sub-3-12TA), filed April 21, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Materials, equipment and supplies used, sold or dealt in by a manufacturer of smokehouses, furnaces, and pollution control systems,* between all points in the US, restricted to transportation for the account of Gladd Industries, Inc. Supporting shipper: Gladd Industries, Inc., 15450 Dale St., Detroit, MI 48223.

MC 121061 (Sub-3-7TA), filed April 21, 1981. Applicant: COLUMBUS MOTOR LINES, INC., P.O. Box 26741, Charlotte, NC 28213. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Iron and steel articles,* between points in Guilford County, NC, on the one hand, and, on the other, points in FL, GA, NC, SC, and VA. An underlying ETA seeks 120 day authority. Supporting shipper: Durabond Protective Coating Co, P.O. Box 7913, Greensboro, NC 27407.

MC 19550 (Sub-3-2TA), filed April 22, 1981. Applicant: THE OBSERVER TRANSPORTATION COMPANY, INC., P.O. Box 34245, Charlotte, NC 28234. Representative: Warren A. Goff, 2006 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *General commodities (except Classes A and B explosives and Hazardous wastes),* between Charlotte, NC, on the one hand, and, on the other, points in Beaufort, Bertie, Camden, Carteret, Cherokee, Chowan, Clay, Craven, Currituck, Dare, Edgecombe, Gates, Graham, Green, Halifax, Hertford, Hyde, Jones, Lenoir, Macon, Madison, Martin, Mitchell, Northhampton, Onslow, Pamlico, Passquotank, Pitt, Tyrell, Warren, Washington, Wayne, and Yancey Counties, NC and Abbeville, Aiken, Edgefield, Greenwood, Hampton, Jasper, Laurens, McCormick, Newberry, Oconne, Pickens and Saluda Counties, SC. Applicant intends to interline at Charlotte, NC. Supporting shipper: The application is supported by three (3) shippers, whose appendices may be reviewed at the Atlanta Regional Office.

MC 155384 (Sub-3-1TA), filed April 22, 1981. Applicant: KIMBERLY-CLARK INTEGRATED SERVICES CORPORATION, 1400 Holcomb Bridge Road, Roswell, GA 30076. Representative: Norman L. Underwood, 3400 Peachtree Road, Suite 1525, Atlanta, GA 30326. *General commodities (except Classes A and B explosives)* between points in: AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NB, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI. Supporting shipper: There are 34 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Atlanta, GA.

MC 155394 (Sub-3-1TA), filed April 22, 1981. Applicant: LANIER EXPRESS INCORPORATED, 2775 Highway 54 West, Fayetteville, GA 30214. Representative: Edward J. Kiley, 1730 M Street, N.W., Washington, D.C. 20036. *General commodities (except Classes A and B explosives, household goods as defined by the Commission, those requiring special equipment, those of unusual value, and commodities in bulk),* between NC, SC, GA, AL, FL, TX, and CA. Applicant intends to interline at Charlotte, NC; Atlanta, GA; and, Greenville, SC. Supporting shippers: There are nine statements of support accompanying the application which may be examined at the Atlanta Regional Office.

MC 152288 (Sub-3-2TA), filed April 22, 1981. Applicant: NEAL TRANSPORT, INC., 4481 Pineview Drive, P.O. Box 21, Powder Springs, GA 30073. Representative: Phillip L. Martin, 2220 Parklake Dr., N.E., Suite 115, Atlanta, GA 30345. *Contract,* irregular, *Frozen Bakery products and raw bakery material,* Between GA, AL, AZ, AR, CA, CO, CT, IL, IN, KS, KY, LA, MD, MA, MI, MS, MO, NJ, NY, NM, NV, NC, OH, OK, PA, SC, TN, TX, UT, VA, WV, FL. Supporting shipper: Country Home Bakery, Inc., 720 Stewart Ave., S.W., Atlanta, GA 30310.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 2980 (Sub-5-6TA), filed April 21, 1981. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, 2301 McKinney St., Houston, TX 77023. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Insulated plastic containers such as water coolers, plastic coolers, metal coolers and related hardware in ocean going containers* from Winfield, KS to Houston, TX. Restricted to traffic having a subsequent movement by water. Supporting shipper: GOTT CORP., 1616 Wheat Rd., Winfield, KS

MC 31432 (Sub-5-9TA), filed April 21, 1981. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, Dallas, TX 75207. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *General commodities (except (Classes A & B explosives)* between Du Pont locations and points in the U.S. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, DE 19898.

MC 60087 (Sub-5-2TA), filed April 22, 1981. Applicant: CURRY MOTOR FREIGHT LINES, INC., P.O. Box 1190, Amarillo, TX 79105. Representative: Grady L. Fox, 222 Amarillo Building, Amarillo, TX 79101. Common; regular; *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Amarillo, Texas and the Texas-Oklahoma State Line via Panhandle, White Deer, Pampa, Miami, Canadian, Glazier and Higgins, serving all intermediate points, over U.S. Highway 60. Supporting shippers: There are 21 supporting shippers.

Note.—Applicant intends to tack and interline.

MC 61231 (Sub-5-7TA), filed April 22, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Nonalcoholic beverages and materials and supplies used in the production thereof,* between points in AR, IL, IN, IA, KS, MI, MN, MO, NE, OK, TX and WI, restricted to shipments originating at or destined to the facilities of Mid-Continent Bottlers, Inc. Supporting shipper: Mid-Continent Bottlers, Inc., 1679 N.E. 51st Avenue, Des Moines, IA 50304.

MC 100597 (Sub-5-1TA), filed April 22, 1981. Applicant: FAIRFIELD TRUCKING, INC., P.O. Box 272, Hamburg, AR 71646. Representative: James R. Holt, P.O. Box 523, Collierville, TN 38017. *Lumber and wood products,* between Crossett, AR and Fordyce, AR on the one hand, and, on the other, Pine Bluff, AR, restricted to traffic having subsequent movement by barge. Supporting shipper: Georgia-Pacific Corp., Crossett, AR.

MC 106200 (Sub-5-1TA), filed April 22, 1981. Applicant: HOFFMAN TRANSFER, INC., 1019 Cheyenne Avenue, Kansas City, KS 66105.

Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Common; Irregular. *Nonalcoholic beverages,* and materials and supplies used in the production thereof, between points in AR, IL, IN, IA, KS, MI, MO, NE, OK and TX, restricted to shipments originating at or destined to the facilities of Mid-Continent Bottlers, Inc. Supporting shipper: Mid-Continent Bottlers, Inc., 1679 N.E. 51st Avenue, Des Moines, IA 50304.

MC 113906 (Sub-5–31TA), filed April 21, 1981 Applicant: ERICKSON TRANSPORT CORP., P.O. Box 10068 G. S., Springfield, MO 65808. Representative: B. B. Whitehead (same address as applicant). *Chemicals, in bulk,* From Anaheim, CA, To Millsdale, IL. Supporting shipper: Stepan Chemical Company, Edens & Winnetka Roads, Northfield, IL 60093.

MC 124236 (Sub-5–18TA), filed April 22, 1981. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, TX 75205. Representative: Lee Carpenter (same as applicant). *Petroleum in bulk,* between TX, NM, OK, KS. Supporting shipper: Taylor Petroleum, Inc., P.O. Box 3430, Amarillo, TX 79106.

MC 124813 (Sub-5–28TA), filed April 22, 1981. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Fertilizer,* between points in IL, IA, KS, MN, NE, ND, SD and WI. Supporting shipper: Land O' Lakes, Inc., 2827 8th Avenue South, Ft. Dodge, IA 50501.

MC 145997 (Sub-5–9TA), filed April 22, 1981. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. *Packaged Petroleum Products* between points in AR and LA, on the one hand, and, on the other, points in MO. Supporting shipper: Arkla Chemical Corporation, Ft. Smith, AR 72906.

MC 151107 (Sub-5–3TA), filed April 22, 1981. Applicant: MICHAEL ARTON TRANSPORTERS, INC., 2335 Cameron Street, Lafayette, LA 70501. Representative: Robert L. Boese, P.O. Drawer 2879, Lafayette, LA 70502. *Passengers and their baggage* between points in LA, on the one hand, and, on the other, points in MS and TX. Supporting shippers: There are nine supporting shippers.

MC 154952 (Sub-5–1TA), filed April 21, 1981. Applicant: DEAN KLINETOBE, 812 E. Grant, O'Neill, NE. Representative: Dean Klinetobe, 812 E. Grant, O'Neill, NE. Contract: Irregular. *Potash and fertilizer* from Carlsbad, NM, area to Antelope, Brown, Rock and Holt Counties, NE. Supporting shippers.

MC 155207 (Sub-5–1TA), filed April 22, 1981. Applicant: TRANS EAST, INC. R.R. 4, Box 154, Rockport, MO 64482. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Contract, Irregular: *Hides,* from Rockport, MO, to Saco, ME; Chicago, IL; Middlesboro, KY; Westfield, PA; Salem, MA; Grand Haven and Whitehall, MI; and Cincinnati, OH, under continuing contract(s) with Armour Food Company, Greyhound Tower, 111 West Clarendon, Phoenix, AZ 85077.

The following protests were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 82861 (Sub-6–1TA), filed April 13, 1981. Applicant: BROOKS TRUCK LINE, INC., 609 14th St SE., Puyallup, WA 98371. Representative: Kenneth R. Mitchell, 2205 Pacific Hwy E, Tacoma, WA 98424. *Contract Carrier,* Irregular Routes: *(1) Paint and Related Products, and, (2) Materials, Equipment and Supplys used in the manufacture and distribution of commodities named in (1) above,* between points in CA, ID, MT, NV, OR and WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Norris Paint & Varnish Co., Inc., 1675 Commercial NE, Salem, OR 97303.

MC 152226 (Sub-6–1TA), filed April 16, 1981. Applicant: C. G. TRUCKING CORP., 4200 N. Oracle Rd., Tucson, AZ 85705. Representative: Albert C. Stamper (same as applicant). *Contract carrier,* irregular routes, *general merchandise, such as department store merchandise, foodstuffs common, frozen, canned, and meat and meat products, alcoholic beverages and non-alcoholic beverages,* from Cook County, IL and Cuyahoga County, OH to Los Angeles, Orange, Riverside, San Bernardino, San Francisco, San Mateo, and Alameda Counties, CA, for 270 days. Supporting shipper: General Merchandising Corp., 6275 Hawarden Dr., Riverside, CA 92506.

MC 152236 (Sub-6–15TA), filed April 20, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John Harleman (same as applicant). *Contract Carrier,* Irregular routes: *Salt, salt products and salt based mineral products,* from Salt Lake City and Lake Point, UT and Newark, CA, to points in OR, WA, ID, MT, AZ, and CO, for the account of Leslie Salt Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Leslie Salt Co., P.O. Box 364, Newark, CA 94560.

MC 152238 (Sub-6–16TA), filed April 20, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same as applicant). *Contract Carrier,* Irregular routes: *iron and steel articles,* between Box Elder County, UT, on the one hand, and on the other, points in AZ, CA, ID, MT, NM, NV, OR, WA, CO, and WY, restricted to shipments moving under continuing contract(s) with Nucor Steel, for 270 days. Supporting shipper: Nucor Steel, P.O. Box 488, Plymouth, UT 84330.

MC 152238 (Sub-6–17TA), filed April 20, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same as applicant). *Contract Carrier,* Irregular routes: *(1) steel wire and fabricated metal products and, (2) equipment, materials and supplies used in the manufacture of commodities listed in (1) above,* between Aurora, IL, Denver, CO, Mesa, AZ, Mesquite, TX, Birmingham, AL, and Baltimore, MD, on the one hand, and on the other, points in the U.S., restricted to shipments moving under continuing contract(s) with Dur-O-Wall, Inc., for 270 days. Supporting shipper: Dur-O-Wall, Inc., 2215 Sanders Rd., North Brook, IL 60062.

MC 155376 (Sub-6–1TA), filed April 16, 1981. Applicant: HAROLD DAVID SAMSON d.b.a. D.S.T. FREIGHT LINES, 2045 E. Vernon Ave., Vernon, CA 90058. Representative: Harold David Samson (same address as applicant). *Contract Carrier,* Irregular routes: *Such commodities as are dealt in by drug, grocery and department stores,* Between points in CA on the one hand and on the other, points in AZ, for 270 days. Supporting shipper: Smittys Super Value, Inc., 2626 S. 7th St., Phoenix, AZ 85034.

MC 155105 (Sub-6–3TA), filed April 20, 1981. Applicant: DOUBLE EAGLE CARRIERS, INC., P.O. Box 128, Moxee City, WA 98936. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Landmark Beef Processors, Inc. at or near Los Angeles, CA to points in AL, CO, CT, FL, IL, IA, KS, LA, MA, MD, MI, MO, NC, NJ, NY, OH, OR, SC, TX, VA, WA, and WI, for 270 days. Supporting

shipper(s): Landmark Beef Processors, Inc., 3163 E. Vernon Ave., Los Angeles, CA 90058.

MC 150962 (Sub-6-1TA), filed April 20, 1981. Applicant: DURTA TRUCKING CO., INC., P.O. Box 277, Arcata, CA 95521. Representative: Gene Carmody, 15523 Sedgeman St., San Leandro, CA 94579. *Contract Carrier,* Irregular routes: *Petroleum and petroleum products,* in bulk, in tank vehicles, between Eureka, CA and Brookings, OR, for the account of Union Oil Company Of California, 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Union Oil Company Of California, P.O. Box 7600, Los Angeles, CA 90051.

MC 124679 (Sub-6-42TA), filed April 20, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 W. 2100 So., Salt Lake City, UT 84119. Representative: Michael L. Bunnell (same as applicant). *Materials, equipment and supplies used in the manufacture of motor vehicles* between Ogden, UT and OH, IN, KY, MI, IL, PA, NJ, IA, TN, NC, WI, CN, CA, & CO for 270 days. Supporting shipper: White Motor Corporation, 34500 Grand River Ave., Farmington, MI.

Note.—Applicant holds motor contract carrier authority in number MC-128813 and sub numbers thereunder, therefore dual operations may be involved.

MC 125996 (Sub-6-7TA), filed April 16, 1981. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26906, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307 Minneapolis, MN 55424. *(1) Pulp, paper and related products; and (2) Rubber and plastic products* between points in WI on the one hand, and, on the other, points in WA, OR, CA, AZ, NV, UT, ID, MT, WY, CO, NM and TX, for 270 days. Supporting shippers: Presto Products, Inc., P.O. Box 2399, Appleton, WI 54911. American Convenience Products, Inc., 4425 N. Port Washington Rd., Milwaukee, WI 53212.

MC 1515 (Sub-6-14TA), filed April 16, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (Same as Applicant). *Common carrier,* regular routes: *passengers and their baggage and express and newspapers, in the same vehicle with passengers,* (1) between Camarillo, CA and junction of CA Hwy 118 and I. Hwy 5: from Camarillo over CA Hwy 34 to junction CA Hwy 118, thence over CA Hwy 118 to junction I. Hwy 5 and return over the same route, serving all intermediate points; (2) between Thousand Oaks, CA and Simi Valley, CA: from Thousand Oaks over CA Hwy 23 to junction Tierra Rejada Rd, thence over Tierra Rejada Rd to Simi Valley and return over the same route, serving all intermediate points for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack this authority with authority it presently holds in MC-1515. Supporting shippers: There are 9 shippers. Their statements may be examined at the Regional Office listed.

MC 153134 (Sub-6-5TA), filed April 20, 1981. Applicant: HI COUNTRY CARRIERS, INC., P.O. Box 1354, Englewood, CO 80110. Representative: Charles J. Kimball, 1600 Sherman St. Suite 665, Denver, CO 80203. *Heavy machinery and equipment, and related parts and materials, equipment and supplies* between points in the U.S. except AK and HI, under contract with Seward Construction Co., Inc. for 270 days. An underlying ETA seeks 120 days of authority. Supporting shipper: Seward Construction, P.O. B. 1011, Portsmouth, NH 03801.

MC 155374 (Sub-6-1TA), filed April 15, 1981. Applicant: NORTH-SOUTH TRANSPORT LTD., #201-7151 Edmonds St., Burnaby, B.C. V3N 4N5 (CANADA). Representative: Julie G. Upton, #201-7151 Edmonds St., Burnaby, B.C. V3N 4N5 (CANADA). *Building Materials, Lumber, Plywood, Construction Materials & Equipment, Particle Board, K3 Board, between the U.S.-Canada border at WA, and points in WA, OR and CA, for 270days. Supporting shipper: There are 5 shippers. Their statements may be examined at the Regional Office listed.*

MC 133270 (Sub-6-2TA), filed April 20, 1981. Applicant: OREGON FOOD EXPRESS, INC., P.O. Box 17402, Portland, OR 97217. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. *Food and related products,* in mechanically refrigerated equipment, from points in San Mateo County, CA to points in OR and Clark County, WA, for 270 days. Supporting shipper: Landstrom Distributors, Inc., 336 Oyster Point Blvd., South San Francisco, CA 94080.

MC 142407 (Sub-6-1TA), filed April 17, 1981. Applicant: ROLL-ON, INC., P.O. Box 1962, Clovis, NM 88101. Representative: Richard Hubbert P.O. Box 10236, Lubbock, TX 79408. *Food and related products,* between Finney County, KS on the one hand and on the other, points in the U.S., for 270 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, NE 68731.

MC 151471 (Sub-6-9TA), filed April 17, 1981. Applicant: STEINBECKER BROS., INC., P.O.B. 852 Greeley, CO 80632. Representative: John T. Wirth, 717-17th St., Ste. 2600, Denver, CO 80202. *Contract carrier,* irregular routes: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Denver, CO to AZ, CA, WA, OR, UT, NY and NJ under continuing contract(s) with Pepper Packing Company of Denver, CO and Peppertree Beef Company of Denver, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pepper Packing Co., P.O.B. 16403 Stockyards Station, Denver, CO 80216; Peppertree Beef Company, P.O.B. 16331 Stockyards Station, Denver, CO 80216.

MC 149121 (Sub-6-1TA), filed April 20, 1981. Applicant: GROAT BROS., d.b.a. WOODWASTE CO & COLUMBIA WOODWASTE CO., Box 111, Ridgefield, WA 98642. Representative: Lloyd L. Groat (same as applicant). *Lumber and Wood Products,* from points in Clark and Cowlitz Counties, WA, to point in Clackamas, Columbia, and Multnomah Counties, OR, for 270 days. Supporting shipper: Technical Products Inc., Box 577, Ridgefield, WA 98642, Beaver Lumber Inc., Gram Lumber Inc., and R. S. G. Forest Products Inc., all of Kalama, WA 98625.

MC 153578 (Sub-6-3TA), filed April 20, 1981. Applicant: ALPINE TRANSPORT, INC., 225 Commerce St., Missoula, MT 59801. Representative: William E. Seliski, P.O.B. 8255, Missoula, MT 59807. (1) *Hides and Pelts;* (2) *scrap metals;* (3) *such commodities as are used or dealt in by retail or wholesale hardware stores;* and (4) *such commodities as are manufactured or distributed by steel mills or metal fabricators* (A) between the facilities of Pacific Hide and Fur Depot at or near (I) Billings, Bozeman, Butte, Glasgow, Great Falls, Havre, Helena, Kalispell, Miles City, Missoula, Lewistown and Sidney, MT; (II) Seattle, Kennwick, Spokane and Tacoma, WA; (III) Mills, Riverton, Worland, Gillette and Rock Springs, WY; (IV) Salmon, Nampa, Sandpoint, Lewiston, Twin Falls, Boise, Burley and Pocatello, ID; and (V) Portland, OR; and (B) between the facilities of Pacific Hide & Fur Depot in (A) above, on the one hand, and, on the other points in CA, CO, ID, MT, OR, UT, WA, WY, ND, SD and NV. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pacific Hide & Fur Depot, 1401 3rd St. N.W., Great Falls, MT 59403.

MC 155415 (Sub-6-1TA), filed April 20, 1981. Applicant: LEO BECKER & LEE LEROY MOORE, d.b.a. BAKER HIDE AND FUR, P.O.B. 542, Baker, MT 59313.

Representative: Charles A. Murray, Jr., 2822 Third Ave. N. Billings, MT 59101. *Drilling muds and chemicals, used in oil field exploration and production,* between points in Fallon County, MT on the one hand, and point in the counties of Slope, Bowman, Golden Valley, Adams, Hettinger, Billings, Stark and Williams, ND; the counties of Harding, Perkins, Butte and Meade, SD; and the counties of Natrona and Campbell, WY on the other, for 270 days. Supporting shipper: Magcobar Products, P.O. Box 2916, Casper, WY, 82601.

MC 148857 (Sub-6-7TA), filed April 21, 1981. Applicant: CHILD TRUCK LINE, INC., 711 So. Third St., Chowchilla, CA 93610. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Plastic articles, and materials, equipment and supplies used in the manufacture and distribution of plastic articles,* between the facilities of Mobil Chemical Co. Western Region Distribution Center, Bakersfield, CA, on the one hand, and, on the other points in U.S. (except AK and HI), for 270 days. Supporting shipper: Mobil Chemical Co., Macedon, WY 14502.

MC 155479 (Sub-6-1TA), filed April 22, 1981. Applicant: GARY WITZEL, JERRY WITZEL, JOSEPH SPRENGER d.b.a., CLASSIC CARRIERS, 4611 E. Swallow Ave., Orange, CA 92669. Representative: Joseph Sprenger (same as applicant). *Contract carrier:* Irregular routes: *Sheet iron or steel containers set-up liquid capacity 1 gill to 15 gallons nested, not nested with or without tin can covers, tops or bottoms not nested, nested, flat* from CA to points in AZ, for the account of General Can Co., for 270 days. Supporting shipper: General Can Corp., 1055 S. Vail Ave., Montebello, CA 90640.

MC 153714 (Sub-6-2TA), filed April 20, 1981. Applicant: FREDDY'S TRUCKING, 2200 S.E. 45th. No. 49, Hillsboro, OR 97123. Representative: William A. Murray (same as applicant). (1) *Malt beverages* From Los Angeles, Kern, Santa Clara, Sonoma, Solano and Stanislaus Counties, CA to Marion, Tillamook, Clatsop, Yamhill and Multnomah Counties, OR. (2) *Wine* from Kern, Santa Clara, Sonoma, Solano, and Stanislaus Counties, CA. to Marion, Tillamook, Clatsop, Yamhill and Multnomah Counties, OR. (3) *Aluminum siding and roofing materials* from Los Angeles County, CA to Multnomah County, OR and to Skagit County, WA for 270 days. Supporting shippers: There are 6 shippers. Their statements may be examined at the Regional office listed.

MC 143580 (Sub-6-1TA), filed April 22, 1981. Applicant: FREIGHT SYSTEMS, INC., 6303 Corsair St., Commerce, CA 90040. Representative: Savery L. Nash, 3838 Carson St., Third Fl., Torrance, CA 90503. *Contract Carrier,* Irregular Routes: *Printed Materials;* between points in Los Angeles County, CA and points in CA; for the account of southern California Magazine Distributors, for 270 days. Supporting shipper: Southern California Magazine Distributors, 6303 Corsair St., Commerce, CA 90040.

MC 124472 (Sub-6-2TA), filed: April 22, 1981. Applicant: HARDING TRANSPORTATION, INC., 6875 E. Evans Ave., Denver, CO 80222. Representative: Jack B. Wolfe, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Contract carrier,* irregular routes, *glass and glass products and materials and supplies used in the manufacture and installation of glass and glass products,* between points in the U.S. under continuing contract(s) with Libbey-Owens-Ford Company for 270 days. Supporting shipper: Libbey-Owens-Ford Company, 811 Madison Avenue, Toledo, OH 43695.

MC 48956, filed April 22, 1981. Applicant: ILLINOIS–CALIFORNIA EXPRESS, INC., P.O.B. 16404, Denver, CO 80216. Representative: Robert A. Haddock (same as applicant). *Contract Carrier,* Irregular route: *Fiberglass Reinforcements (Rovings, Chopped Strands, Woven Rovings and Mats),* between Wichita Falls, TX on the one hand, and on the other, points in IL (Barrington, Chicago, Cicero, Frankfort, Joliet, Romeoville, St. Charles, Skokie, Waukegan and Woodstock) and points in CA (Anaheim, Brea, Compton, Costa Mesa, Duarte, Gardena, Glendale, Hawthorne, Irvine, Los Angeles, Riverside, Sacramento, San Diego, Santa Ana, Santa Monica, Stockton, Torrance, Corona, Huntington Beach, Woodland Hills, and North Highlands), for the account of Certainteed Corporation for 270 days. Supporting shipper: Certainteed Corporation, 4515 Allendale Rd., Wichita Falls, TX.

MC 107227 (Sub-2TA), filed April 20, 1981. Applicant: INSURED TRANSPORTERS, INC., 100 Industrial Way, Benicia, CA 94510. Representative: John G. Lyons, 220 Bush St., Suite 1418, San Francisco, CA 94104. *Automobiles,* in secondary movements, in truckaway service, from Benicia, CA to points in AZ, ID, NM, OR and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: American Isuzu Motors, Inc., P.O. Box 2280, City of Industry, CA 91746.

MC 155428 (Sub-6-1TA), filed April 20, 1981. Applicant: K-C & COMPANY TRUCKING, P.O.B. 141, Lima, MT 59739. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Oil drilling mud compounds,* between points in Uinta County, WY on the one hand, and on the other, points in ID, NV, WA, UT, MT and OR; (2) from points in Eureka County, NV and Salt Lake County, UT to points in Bear Lake County, ID and Uintah, Summit and Salt Lake Counties, UT, for 270 days. Supporting shippers: Petro-Chem, Inc., P.O. Box 980, Evanston, WY 82930 and N. L. Baroid, P.O. Box 552, Evanston, WY 82930.

MC 141666 (Sub-6-2TA), filed April 20, 1981. Applicant: LONGMONT TRANSPORTATION COMPANY, INC., 149 Kimbark St., Longmont, CO 80501. Representative: Charles J. Kimball, 1600 Sherman #665, Denver, CO 80203. *Contract carrier,* over irregular routes, *Alcoholic beverages and related materials and supplies* from points in CA, IN, PA, IL, NJ, NY, KY and TX to the facilities of Best Brands, Inc. at Denver, CO, under a continuing contract(s) with Best Brands, Inc. for 270 days. An underlying ETA seeks 120 days of authority. Supporting shipper: Best Brands, Inc., 10700 East 40th Ave, Denver, CO 80239.

MC 155478 (Sub-6-1TA), filed April 23, 1981. Applicant: R.A. MONCADA d.b.a. LOS ANGELES TIJUANA EXPRESS 421 So.Mesita Ave, West Covina, CA 91791. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Common carrier,* Regular route. *Passengers and their baggage* in twelve-passenger vans, in terminal and door-to-door service, between Los Angeles, CA, and the port of entry between the U.S. and the Republic of MX at or near San Ysidro, CA. From Los Angeles over Interstate Hwy. 5 to junction Interstate Hwy. 805 north of San Diego, then over Interstate Hwy. 805 to junction Interstate Hwy. 5 near San Ysidro, then over Interstate Hwy. 5 to the port of entry between the U.S. and the Republic of MX at or near San Ysidro, CA, and return over the same route, serving intermediate and off route points embraced within an area starting at the intersection of the Los Angeles-Alhambra city limits at or near Interstate Hwy. 10 and extending north along the Los Angeles-Alhambra city limits to Main Street, then easterly on Main Street to junction CA Hwy. 19, then southerly on CA Hwy. 19 to junction Florence Avenue, then westerly on Florence Avenue to the Los Angeles city limits, then northerly and easterly along the Los Angeles city limits to the point of beginning, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 10 shippers. Their statements may be examined at the Regional office listed.

MC 43685 (Sub-6–5TA), filed April 23, 1981. Applicant: MERCER TRUCKING COMPANY, INC., P.O.B. 11585, Spokane, WA 99211. Representative: Dwight Dively (same as applicant). *Metal and metal products,* between points in UT on the one hand and points in MT, OR, WA, and Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone counties, ID, on the other hand, for 270 days. Supporting shippers: There are 6 shippers. Their statements may be examined at the Regional Office listed.

MC 144953 (Sub-6–4TA), filed April 22, 1981. Applicant: MULLEN TRUCKING LTD, POB 8009, Station F, Calgary, Alberta, CD T2J 4B4. Representative: John T. Wirth, 717–17th St., Ste. 2600, Denver, CO 80202. *Mercer commodities,* between ports of entry on the International Boundary line between the U.S. and Canada located in ID and MT on the one hand, and, on the other, points in CA, TX, OK, UT and ND, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Cactus Drilling, POB 90, Nisku, Alberta, CD; Coho Resources, Inc., #1650–300–5th Ave. S.W., Calgary, Alberta, CD; Toma Steel Supply, Inc., POB 27207, Denver, CO 80227.

MC 141532 (Sub-6–12TA), filed March 23, 1981. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Hwy., Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 So. Redwood Rd., Salt Lake City, UT 84104. *Cast stone veneer* from Napa, CA to points in and west of ND, SD, KS, OK, NE, and TX, for 270 days. Supporting shipper: Stucco Stone Products, P.O. Box 237, Napa, CA 94558.

MC 152169 (Sub-6–3TA), filed April 21, 1981. Applicant: PACIFIC BASIN INDUSTRIES, INC., 15215 N.E. 95th, Redmond, WA 98052. Representative: William D. Redhead (same as applicant). *Contract Carrier,* irregular route: *Lumber and Wood Products; Pulp, Paper, and Related Products; Metal Products, Building Materials, and Commodities used in the manufacture of the above,* between the facilities of Lousiana-Pacific Corporation in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, on the one hand, and on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, for 270 days. Restricted to the shipments moving for the account of Lousiana-Pacific Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: James A. MacArthur, Division TM, Lousiana-Pacific Corporation, P.O. Box 158, Samoa, CA 95564.

MC 148676 (Sub-6–2TA), filed April 20, 1981. Applicant: R. F. PETERSON, INC., 3525 Walnut, Denver, CO 80205. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Food and related products,* from points in WI and MN to points in CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Associated Grocers of Colorado, Inc., 5151 Bannock St., Denver, CO 80217.

MC 140163 (Sub-6–3TA), filed April 23, 1981. Applicant: POST & SONS TRANSFER, INC., 2328 Milwaukee Rd., Tacoma, WA 98421. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Such commodities as are dealt in or used by wholesale and retail grocery and food establishments,* (1) between the facilities of Sexton Co., Tacoma, WA, on the one hand, and points in OR and CA, on the other hand; (2) between the facilities of Sexton Co., San Francisco, CA, on the one hand, and points in OR and WA, on the other hand, for 270 days. Supporting shipper: John Sexton Corp., 2320 Milwaukee Way E., Tacoma, WA 98421.

MC 155078 (Sub-6–1TA), filed April 20, 1981. Applicant: WILLIAM E. JONES, d.b.a. RAWHIDE EXPRESS, INC., 2015 5th, N.W., Albuquerque, NM 87102. Representative: Joseph Rocca, 3110 Monte Vista Blvd., N.E., Albuquerque, NM 87106. *General commodities* (except used household goods and petroleum and petroleum by-products. Nuclear waste materials are not going to be transported), betwen all points and North of I–40 within the State of NM for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper(s): there are (5) five supporting shippers. Their statements may be examined at Region 6 office.

MC 150502 (Sub-6–6TA), filed April 22, 1981. Applicant: REBANDA TRANSPORTATION, INC., P.O. Box 1003, Healdsburg, CA 95448. Representative: William D. Taylor, 100 Pine St., #2550, San Francisco, CA 94111. *Such commodities as are dealt in or used by (a) theatrical (b) stage trade and (c) industrial shows and productions,* between points in the U.S. for 270 days. Supporting shippers: Nightmare, Inc., 2728 Union St., San Francisco, CA 94123; Sundance Lighting Corp., 19801 Variel Ave., Chadsworth, CA 91311.

MC 143782 (Sub-6–1TA), filed April 21, 1981. Applicant: RIGGS & ALLEN TRANSPORTATION, INC., P.O. Box 182, Sacramento, CA 95691. Representative: Steve Allen (same as applicant). *Contract Carrier,* irregular route: *Lumber and Wood Products; Pulp, Paper and Related Products; Metal Products Building Materials, and Commodities used in the manufacture of the above,* between the facilities of Lousiana-Pacific Corporation at Central Point, Brookings, Lakeview, and Pilot Rock, OR, and points in CA, on the one hand, and, on the other, points in the U.S., except AK and HI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lousiana-Pacific Corporation, P.O. Box 158, Samoa, CA 95564.

MC 151159 (Sub-6–3TA), filed April 23, 1981. Applicant: EDWARD HAROLD RYAN, d.b.a. ED RYAN ENTERPRISES, 6431 Hummingbird Ln., Las Vegas, NV 89103. Representative: Mike Pavlakis, 402 N. Division St., Carson City, NV 89701. *General building materials* between points and places in the US, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Peter Bratti & Associates, 4127 W. Desert Inn Rd., Las Vegas, NV.

MC 138875 (Sub-6–52TA), filed April 20, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell, (same as applicant). *Plumbing supplies* from Ford City, PA to Woodland, CA and Aurora, OR, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Familian Sierra Craft, 710 North 11th St., Caldwell, ID 83605.

MC 147012 (Sub-6–5TA), filed April 22, 1981. Applicant: T.B.T., INC., P.O. Box 8472, Stockton, CA 95208. Representative: Mark J. Hannon, 1884 West Willow St., Stockton, CA 95203. *Contract Carrier:* Irregular routes: (1) *Waste paper, in bundles, for recycling purposes,* from points in OR and WA, to the facility of Pacific Paperboard Products, Inc., Stockton, CA; for the account of Independent Paper Stock Company, for 270 days. Supporting shipper: Independent Paper Stock Company, a division of Pacific Paperboard Products, Inc., 66 So. Hanford St., Seattle, WA 98134.

MC 145992 (Sub-6–2TA), filed April 23, 1981. Applicant: THE TOWN TOUR FUN BUS COMPANY, INC., d.b.a. FUN BUS SYSTEMS, 304 Katella Way, Anaheim, CA 92802. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Common carrier:* regular routes: *Passengers and their baggage,* between Anaheim, CA, and Las Vegas, NV; from Anaheim over CA Hwy. 91 to jct. CA Hwy. 57, then over CA Hwy. 57 to jct. CA Hwy. 60, or over CA Hwy. 57 to jct. CA Hwy. 60, then over CA Hwy. 60 to jct. Interstate Hwy.

15, then over Interstate Hwy. 15 to Las Vegas, and return over the same route, serving Buena Park and Fullerton, CA, as intermediate or off route points, for 180 days. Supporting shippers: There are 5 shippers. Their statements may be examined at the Regional office listed.

MC 144765 (Sub-6-6TA), filed April 23, 1981. Applicant: WATERVILLE-CASCADE TRUCKING, INC., P.O. Box 1686, Wenatchee, WA 98801. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102. *Alcoholic liquors, malt beverages and wine,* between points in CA, FL, MI, NY, PA, MD, IN, WA and MT, for 270 days. Supporting shippers: K & L Distributors, Inc., 300 120th Ave. N.E., Bellevue, WA 98005; Odom Corporation, 26 So. Hanford, Seattle, WA 98134.

MC 146323 (Sub-6-1TA), filed April 23, 1981. Applicant: WILLIAM J. WIMETT AND LUCILLE WIMETT, d.b.a. WIMETT TRUCKING, 3225 Ravenwood Lane, Missoula, MT 59801. Representative: Ross W. Cannon, 2031 Eleventh Ave., Helena, MT 59601. *Contract Carrier,* Irregular routes: (1) *copper ore,* from points in Missoula and Sanders Counties, MT, to the facilities of Intermountain Mining Engineers, Inc. at or near Pinehurst, ID; (2) *copper in concentrate form,* from the facilities of Intermountain Mining Engineers, Inc., at or near Pinehurst, ID, to the facilities of American Smelting and Refining Co. at or near Tacoma, WA; for the account of Siegel Mining, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Siegel Mining, Inc., 2324 Spring Dr., Missoula, MT.

MC 146323 (Sub-6-2TA), filed April 23, 1981. Applicant: WILLIAM J. WIMETT AND LUCILLE WIMETT, d.b.a. WIMETT TRUCKING, 3325 Ravenwood Lane, Missoula, MT 59801. Representative: Ross W. Cannon, 2031 Eleventh Ave., Helena, MT 59601. *Contract Carrier,* Irregular routes: *Barite in all forms,* between the facilities of Montana Barite Company, Inc., at or near Missoula, MT, on the one hand, and points in WA, ID and ND, on the other, for the account of Montana Barite Company, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Montana Barite Company, Inc., Hwy 10 West, Missoula, MT 59801.

Agatha, L. Mergenovich,

Secretary.

[FR Doc. 81-13320 Filed 5-1-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Kenneth E. Wilson, D.D.S., Revocation of Registrations

On March 13, 1981, the Administrator of the Drug Enforcement Administration (DEA) directed two Orders to Show Cause to Kenneth E. Wilson D.S.S., at his registered locations in Cortez and Durango, Colorado. The Orders to Show Cause sought to revoke Dr. Wilson's DEA Certificates of Registration AW3618367 and AW9214305. The predicate for issuing the Orders under 21 U.S.C. 824(a)(3) is the order entered by the State Board of Dental Examiners of the State of Colorado on September 22, 1980, suspending Dr. Wilson's license to practice dentistry in the State of Colorado. Thirty days have elapsed since the issuance of the Orders to Show Cause and Dr. Wilson has failed to respond. Pursuant to 21 CFR 1031.54(d) and 1301.54(e), the Administrator finds that Dr. Wilson has waived his right to a hearing, and enters this Final Order on the record as it appears.

Having examined the record, the Administrator finds that the Colorado Board of Dental Examiners suspended Dr. Wilson's license to practice dentistry in Colorado. This action terminates Dr. Wilson's authority to prescribe, dispense, administer or otherwise handle controlled substances in the State of Colorado. This Administration has consistently held that termination of a registrant's State authority to handle controlled substances requires DEA to revoke his DEA Certificate of Registration. See Jack A. Braley, D.O., Docket No. 80-14, 45 FR 74596 (1980); James Waymon Mitchell, M.D., Docket No. 79-16, 44 FR 71466 (1979); David Sachs, M.D., Docket No. 77-22, 42 FR 29112.

It is the decision of the Administrator to revoke Dr. Wilson's DEA registrations. Accordingly, pursuant to the authority vested in the Attorney General by Section 824 of Title 21, United State Code, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator revoke DEA Certificates of Registration AW3618367 and AW9214305 issued to Kenneth E. Wilson, D.D.S. for the reason that on September 22, 1980, the State Board of Dental Examiners of the State of Colorado suspended Dr. Wilson's license to practice dentistry in Colorado, thus terminating his authority to prescribe, dispense, administer, or otherwise handle controlled substances in Colorado. This revocation is effective June 3, 1981.

Dated: April 27, 1981.

Peter B. Bensinger,

Administrator.

[FR Doc. 81-13301 Filed 5-1-81; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506:

Date: May 21-22, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for General Research Program: State, Local, and Regional Studies Panel B projects, Division of Research Programs, for projects beginning August 1, 1981.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose,

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer,

National Endowment for the Humanities, Washington, DC 20506, or call (202) 724–0367.

Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 81-13362 Filed 5-1-81; 8:45 am]
BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Class-9 Accidents; Meeting

The ACRS Subcommittee on Class-9 Accidents will hold a meeting at 8:45 a.m. on May 21 and 22, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC to discuss the use of the MARCH computer code to follow the core melt accident. The Subcommittee will also discuss some other miscellaneous items with regard to Class-9 Accidents. Notice of this meeting was published April 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Thursday and Friday, May 21 and 22, 1981, 8:45 a.m. until the conclusion of business each day.*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Gary Quittschreiber (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: April 29, 1981.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 81-13369 Filed 5-1-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 40–8745]

Ogle Petroleum, Inc.; Availability of Final Environmental Statement for Bison Basin Project in Fremont County, Wyo.

Pursuant to the National Environment Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Final Environmental Statement (NUREG-0687) prepared by the Commission's Office of Nuclear Material Safety and Safeguards related to the Bison Basin Project in Fremont County, Wyoming, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. The Final Environmental Statement (NUREG–0687) is also being made available at the Office of the State Planning Coordinator, Office of the Governor, 2320 Capitol Avenue, Cheyenne, Wyoming, and at the Fremont County Public Library, 451 North Second Street, Lander, Wyoming 82520.

The notice of availability of the Draft Environmental Statement for the Bison Basin Project and request for comments from interested persons was published in the **Federal Register** on June 17, 1980 (45 FR 41097). The comments received from Federal agencies, State and local officials, and interested members of the public have been included in Appendix A to the Final Environmental Statement.

Copies of the Final Environmental Statement (NUREG-0687) may be purchased at current rates, from the National Technical Information Service, Springfield, Virginia 22161, (703) 557–4650 on or about May 15, 1981.

Final unclassified NUREG–series documents are also available directly from NRC to those with deposit accounts with the Superintendent of Documents, U.S. Government Printing Office (see 44 FR 46005, August 6, 1979). To place orders call (301) 492–7333 or write: ATTN: Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Silver Spring, Maryland this 16th day of April.

For the U.S. Nuclear Regulatory Commission.

Ross A. Scarano,
Chief, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 81-13371 Filed 5-1-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50–327]

Tennessee Valley Authority; Issuance of Amendment; Facility Operating License No. DPR–77

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR–77, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1 (the facility) located in Hamilton County, Tennessee. This amendment changes the completion date for the installation and operation of Radiation Monitors from May 1981 to prior to operation following the first refueling.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letters dated December 30, 1980 and April 2, 1981 (2) Amendment No. 6 to Facility Operating License No. DPR–77 and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 6 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 27th day of April, 1981.

For the Nuclear Regulatory Commission.

Elinor Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-13368 Filed 5-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket 40-8781]

Teton Exploration Drilling Co., Inc.; Availability of Environmental Report and Intent To Prepare Draft Environmental Impact Statement Concerning Issuance of Source Material License for Leuenberger Project To Be Located in Converse County, Wyoming

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulation 10 CFR Part 51, the Division of Waste Management staff intends to prepare a draft environmental impact statement for the proposed Teton Exploration Drilling Co., Inc. uranium recovery facility in Converse County, Wyoming. An application for a source material license to construct and operate a commercial-scale uranium solution mining facility located on seven hundred sixty acres has been submitted by Teton Exploration Drilling Co., Inc. The principal alternatives to be considered include mining methods, lixiviants, locations for surface structures, energy resources, and the alternative of no licensing action.

Written comments from the public and all interested government agencies concerning the scope of the proposed statement are invited. Copies of the environmental report and this notice will be mailed to all affected federal, state and local agencies. Written comments on scoping will be accepted until May 14, 1981.

The applicant's application and environmental report are available for public inspection and copying at the Public Document Room (PDR), 1717 H Street, N.W., Washington, D.C. 20555. Copies of the environmental report are also being provided to the State Planning Coordinator, Office of the Governor, 2320 Capitol Avenue, Cheyenne, Wyoming 82002 and the Converse County Library, 300 Walnut Street, Douglas, Wyoming 82633.

The draft environmental impact statement is expected to be available to the public for review and comment in October 1981.

Questions and any written comments should be addressed to F. Ross, U.S. Nuclear Regulatory Commission, Division of Waste Management, 461-SS, Washington, D.C. 20555, Phone (301) 427-4544.

Dated at Silver Spring, Maryland, this 23rd day of April 1981.

For the Nuclear Regulatory Commission.

Ross A. Scarano,

Chief, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 81-13370 Filed 5-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Appendix B Technical Specifications for operation of the San Onofre Nuclear Generating Station Unit No. 1 (the facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment deletes the monitoring programs specified in Sections 3.1, 4.1, 4.2 and 4.3 of the Appendix B (Environmental) Technical Specifications.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that since the monitoring programs are covered by the NPDES Permit, issued by the State of California, the issuance of this amendment will not result in any environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 15, 1980, and (2) Amendment No. 53 to License No. DPR-13, including the Commission's transmittal letter. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California. A single copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 26th day of March, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-13369 Filed 5-1-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

April 28, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB is carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will also affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revisions you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost of the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether Section 3504 (h) of P.L. 96–511 applies;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed form and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

Extensions (Burden Change)

• International Trade Administration
International Import Certificate
ITA 645P
On occasion
Business or other institutions
Commercial importers
SIC: Multiple
Other advancement and regulations of commerce, 5,000 responses, 1,250 hours; $15,000 Federal cost, 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

By using this form a U.S. importer certifies to the government of an exporting country that he will import certain specific commodities, and that he will not reexport such commodities except in accordance with the export control regulations of the importing country.

Extensions (No Change)

• Maritime Administration
Port Facility Inventory
MA–400
Biennially
State or local governments/businesses or other institutions, port authorities, marine terminal operators
SIC: 446 919
Small businesses or organizations
Water transportation, 1,000 responses, 225 hours; $10,000 Federal cost, 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

The port facility inventory system was developed to fulfill this agency's responsibilities contained in Executive Order 11921 (emergency preparedness functions) relating to the operational control and allocation of U.S. port facilities during national emergencies. The data required to accomplish this mission are not available from other sources in sufficient detail or currency. Timeliness

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Special Education and Rehabilitative Services
Survey to Identify Selected Exemplary Policies Related to the Implementation of P.L. 94–142 and Section 504 of the Rehabilitation Act
ED 766–1, 766–2, 766–3
Nonrecurring
State or local governments
State education agencies, local education agencies
SIC: 821
Elementary, secondary, and vocational education, 492 responses, 484 hours; $353,000 Federal cost; 3 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The purpose of this survey is to identify and document successful, exemplary policies which have been used by SEA's and LEA's in implementing selected aspects of P.L. 94–142 and section 504 of the Rehabilitation Act. The focus is on policies by which education agencies have built effective relationships with other human service systems.

Revisions

• Office of Special Education and Rehabilitative Services
Financial Status and Performance Report—OSE
Discretionary grant programs
ED 9037–1 and ED 9037–2
Annually, other—see SF83
State or local governments/businesses or other institutions
Grantees may be: Colleges and univ., non-profit org., etc.
SIC: 821
Elementary, secondary, and vocational education, 1,589 responses, 7,540 hours; $30,225 Federal cost, 2 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This report is used by the Office of Special Education to determine whether and to what extent progress is being made by grantees toward achieving project goals and objectives. The financial report is submitted annually and the performance report is due at the end of the grant award period (usually a three year period).

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202–633–9464

New

• Departmental and Others
Survey of Lifestyles, Food Habits and Agricultural Practices
DP–467
Nonrecurring
Individuals or households/farms
Hsehlds in Iron & Wash., Counties, Utah, & Lincoln Cty, Nev.
SIC: 881
Small businesses or organizations

Multiple functions: 760 responses, 507 hours; $19,000 Federal cost, 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

This single-time form will be used to collect information on the estimation of radiation dose to the population of Iron and Washington Counties, Utah, and Lincoln County, Nevada, due to nuclear weapons testing at Nevada test site during the period 1951–1962.

• Federal Energy Regulatory Commission
Utility Owned Controlled Coal Mining
FERC 563
Nonrecurring
Business or other institutions
Jurisdictional electric utilities
SIC: 491
Energy information, policy, and regulation, 35 responses, 1,400 hours; $1,755 Federal cost, 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

This information is needed to comply with the requirements of section 208 of Public Law 95–617 (Public Utility Regulatory Policies Act of 1978) for a review "not less frequently than every two years" of "practices . . . to insure efficient use of resources." the information will be used to review generic practices and the practices of individual utilities.

• Federal Energy Regulatory Commission
Utility Fuel Supply Associates
FERC–562
Nonrecurring
Business or other institutions
Jurisdictional electric utilities
SIC: 491
Energy information, policy, and regulation, 90 responses, 9,000 hours; $3,775 Federal cost, 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

This information is needed to comply with the requirements of section 208 of Public Law 95–617 (Public Utility Regulatory Policies Act of 1978) for a review "not less frequently than every two years" of "practices . . . to insure efficient use of resources." the information will be used to review generic practices and the practices of individual utilities.

Revisions

• Federal Energy Regulatory Commission
Application for Authorization of the Issuance of Securities or the Assumption of Liabilities
FERC–523
On occasion
Business or other institutions
Electric util. & licensees (whose sec. are not subj. to State
SIC: 491
Energy information, policy, and regulation, 99 responses, 900 hours; $171,876 Federal cost, 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Applies to any issuance of a security or assumption of obligation or liability by a public utility or licensee for which approval must be obtained from this Commission.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Care Financing Administration
Triage-Coordinated Care of the Elderly (Billing Forms)
HCFA–269 thru 274 HCFA–1453D, 1483D, 1487D, 1490D & 1491D
On occasion
Individuals or households/businesses or other institutions
Hospitals, SNF's, HHA's, pharm. lab., equip. suppl., etc.
SIC: 805, 806, 807, 808
Health, 1,458 responses, 3,725 hours; $83,500 Federal cost, 11 forms; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

A family of billing forms to reimburse participating providers for a unique array of services being demonstrated under the Triage demonstration in central Connecticut. The data from the forms will also be used to evaluate the Triage demonstration.

• Human Development Services
PSE Participant Outcome
ETA–RC40B
Monthly
State or local governments
WIN program sponsors
SIC: 944
Training and employment, 324 responses, 324 hours; $3,052 Federal cost, 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Data will be used to monitor the placement of WIN clients as they are terminated from CETA PSE and to provide management assistance to WIN sponsors experiencing difficulty in transitioning them into unsubsidized employment or training.

• Food and Drug Administration
National Consumer Awareness and Access Project Evaluation
Nonrecurring
Individuals or households
Individuals who have participated in NCAAP training
Consumer and occupational health and safety, 330 responses, 55 hours; $3,195 Federal cost, 1 form; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Consumer H-E-L-P, an affiliate of the George Washington University Law Center will continue to develop, implement, and evaluate a nationwide training program for community consumers. The program will heighten the public's knowledge of FDA's legal authorities and encourage public involvement in FDA's decisionmaking process.

• Human Development Services
State Child Welfare Services Report
Annually
State or local governments
State child welfare agencies
SIC: 835
Social services, 53 responses, 21,518 hours; $1,992,309 Federal cost, 3 forms; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Reports will be sent to prepare national reports on children in foster care, preventive and reunification services children receiving adoption assistance: reports also used to publish national statistics on child welfare, for data input to required evaluations and reports to Congress.

Revisions

• Social Security Administration
Physician's/Medical Officer's Statement (Patient's Capability to Manager Benefits)
SSA–787
On occasion
Businesses or other institutions
Physi. of benef. or med. offr. of instit. in which bene., etc.
SIC: 944
General retirement and disability insurance, 120,000 responses, 10,000 hours; 1 form; not applicable under 3504(h)
Barbara F. Young, 202–395–6880

Section 205(j) of the Social Security Act provides for the certification of the mental capability of a beneficiary. The form is completed by a medical officer in an institution documenting his opinion concerning a beneficiary's mental capability to manage funds.

Extensions (Burden Change)

• Social Security Administration
Statement Regarding Students School Attendance (Black Lung Claim Form)
SSA–2434–F3
On occasion
Individuals or households
Entit. black lung children of coal miners or their widows
General retirement and disability insurance, 5,340 responses, 445 hours;

$85,440 Federal cost, 1 form; not applicable under 3504(h)
Barbara F. Young, 202–395–6880

Sections 402(g) and 412(a)5 of the Federal Coal Mine Health and Safety Act provide for continuing payment of black lung benefits to a child upon attainment of 18 years old if certain conditions exist. This form is used to determine whether a child meets these conditions to continue eligibility.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

Extensions (No Change)

• Bureau of Land Management
Competitive Oil and Gas Geothermal Resources Lease Bid
3000–2
On occasion
Individuals or households/State or local governments/businesses or other ins
Resources lease bidders
SIC: 131, 132, 138
Conservation and land management, 5,000 responses, 2,500 hours; $15,625 Federal cost, 1 form; not applicable under 3504(h)
Constance Buckley, 202–395–7340

Form is required for bidder to submit cash bid for oil and gas and geothermal resource leases.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

Revisions

• Employment and Training Administration
Disaster Unemployment Assistance Handbook
ETA–81, 81A, 82, 83 and 84
On occasion
Individuals or households
Applicants for unemployment assistance (DUA)
Training and employment, 92,035 responses, 12,483 hours; $148,922 Federal cost, 5 forms; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

Public Law 93–288 (sec. 407) provides for benefit assistance to "any individual unemployed as a result of a major disaster". The forms in chapter III through VII of the disaster unemployment assistance handbook are used in connection with the provisions of this benefit assistance.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1867

New

• National Highway Traffic Safety Administration
49 CFR Part 574, Tire Identification and recordkeeping
On occasion
Businesses or other institutions
Tire dealers and manufacturers
SIC: 553 501 301
Small businesses or organizations
Ground transportation, 64,000,000 responses, 1,200,000 hours; 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

49 CFR 574. Reg. requires mfgrs to secure and record names and addresses of purchasers of new tires so that the purchasers can be notified in case of a safety recall.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

Revisions

• Internal Revenue Service
Information Return by Trustee for Taxable Distribution or Termination From a Generation-Skipping Trust/ Beneficiary's Share of a Taxable Distribution From A Gen.-Skipping Trust
SCH TC 1040
On occasion
Individuals or households/businesses or other institutions
Indiv., banks, trust co., legal firms and any other persons
SIC: 601 602 603 604 605 811
Central fiscal operations, 10,000 responses, 44,495 hours; $319,107 Federal cost, 2 forms; not applicable under 3504(h)
Warren Topelius, 202–395–7340

Form 706–B(1) is used to gather information pertaining to generation-skipping transfers. The service processes this information and provides it to the distributees and other trustees who need it to prepare their tax returns. Form 706–B(2) conveys some of the information on form 706–B(1) to the beneficiaries who use it to prepare their tax returns. The tax is computed on form 706–B.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202–287–0747

New

• Notification Requirement for Release of Hazardous Substances into the Environment
Other—see SF83
Individuals or households/State or local governments/farms/businesses or other institutions
Anyone (i.e., persons who could do release hazard., etc.)
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 4,680 responses, 796 hours; 1 form; NPRM under 3504(h)
Edward H. Clarke, 202–395–7340

This notice (attached) clarifies reporting requirements of P.L. 96–510 which are currently in existence. The principal intent of the notice is to limit immediate notice to episodic, nonroutine, unanticipated or accidental releases of hazardous substances which equal or exceed reportable quantities to the environment. The notice also defers notice of routine, continuous or anticipated intermittent releases, and requests comments on how to implement this requirement of the act.

Reinstatements

• Extension Request for Generic Description of Data Collection for Sections 301, 304, 306, and 307 of the Clean Water Act of 1978
On occasion
Businesses or other institutions
The 21 primary indus. listed in the consent decree, etc.
SIC: multiple
Small businesses or organizations
Pollution control and abatement, 6,062 responses, 64,659 hours; $5,214,960 Federal cost, 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

To promulgate reasonable effluent limitation guidelines according to court ordered schedules, the EPA must request industry groups to supply specific data related to the design, operation and cost of wastewater treatment systems. This submission is a request for extension of OMB 2000–0047 so that we might continue our efforts.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer—Thomas P. Goggin—202–634–6863

Extensions (No Change)

• EEOC Lawyer Referral Service Application
EEOC–325
On occasion
Businesses or other institutions
Private attorneys
SIC: 811
Small businesses or organizations

Federal Law Enforcement Activities,
1,000 responses, 250 hours; 1 form; not applicable under 3504(h)
Laverne V. Collins, 202–395–6880

To collect information from EEOC private bar referral panel members regarding their experience, qualifications, fee arrangements and other facts necessary in making a successful referral to charging parties requesting such assistance.

NATIONAL FOUNDATION ON THE ARTS

Agency Clearance Officer—D. Keith Stephens—202–634–6160

New

- Survey of Expansion Arts Organizations (SEAO)

SEAO–1
Nonrecurring
Businesses or other institutions
Expan. arts organ. (as defined in the supporting statement)
SIC: multiple
Research and general education aids, 4,000 responses, 667 hours; $99,069 Federal cost, 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880

SEAO will provide basic descriptive data on the actual and potential constituency of the endowment's expansion arts program, enhancing planning by permitting estimates of future need and application volume and by describing the level and characteristics of service to the public being provided by these organizations.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202–357–7811

Extensions (No Change)

- Status of NSF-Funded Invention

Annually
Businesses or other institutions
Indiv. or instit. with NSF-funded inventions
General science and basic research, 250 responses, 125 hours; 1 form; not applicable under 3504(h)
Marsha D. Traynham, 202–395–7340

NSF's waiver terms to universities require an annual reporting on the status of inventions. This form supplies the required information in a uniform manner. The time involved is relatively minor as annual updating is all that is required for each invention.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

New

- Medical Evidence to Support Claimed Disability (Consultative Examinations)

On occasion
Businesses or other Institutions
Physicians and other medical professionals
SIC: 801
Small businesses or organizations
General retirement and disability insurance, 10,000 responses, 10,000 hours; $1,300,000 Federal cost, 1 form; not applicable under 3504(h)
Barbara F. Young, 202–395–6880

Section 2 of the Railroad Retirement Act provides disability annuities for qualified railroad workers. To determine whether applicant meets the disability requirements the board utilizes consultative medical services for information needed to supplement the medical evidence submitted by the applicant's physician.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–13403 Filed 5–1–81; 8:45 am]
BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22031; 70–6584]

Consolidated Natural Gas Co.; Proposal by Holding Company to Act as Surety on Bond of Public-Utility Subsidiary Company

Consolidated Natural Gas Company ("Consolidated"), Four Gateway Center, Pittsburgh, Pennsylvania 15222, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction.

On January 16, 1981, Hope Natural Gas Company, a division of Consolidated Gas Supply Corporation ("Supply Corporation"), a wholly-owned subsidiary of Consolidated and a public-utility company operating within the State of West Virginia, filed revisions in its tariff calling for increased rates and charges amounting to approximately $18,196,000 per year for providing natural gas service to its customers in the State of West Virginia. The West Virginia Commission has suspended effectiveness of the proposed tariff revisions to November 13, 1981. Under the Public Service Law, the Public Service Commission has required Supply Corporation to file a bond in the amount of $18,200,000, with satisfactory surety, for the due and proper payment of any refunds. Consolidated proposes, without fee or other consideration, to act as surety on the bond of Supply Corporation to save the cost of securing an outside corporate surety.

The fees and expenses incurred by Supply Corporation in connection with the proposed transaction are estimated not to exceed $2,500. The declaration states that no state commission and no federal commission, other than the West Virginia Public Service Commission and this Commission, has jurisdiction over the proposed transaction.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81–13374 Filed 5–1–81; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 17750; 812–4830]

EGT Money Market Trust; Filing of Application for Order Exempting Applicant From the Provisions

April 28, 1981.

Notice is hereby given that EGT Money Market Trust ("Applicant"), 421 Seventh Avenue, Pittsburgh Pennsylvania 15219, an open-end, diversified, management company registered under the Investment Company Act of 1940 ("Act"), filed an application on Februrary 27, 1981, and an amendment thereto on April 6, 1981,

requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is organized as a Massachusetts business trust and that its investment adviser is Short-Term Instruments Research Corporation, a wholly-owned subsidiary of Federated Investors, Inc. Applicant states that it is designed as an investment vehicle for those persons with temporary cash balances or cash reserves seeking stability of principal and current income consistent with stability of principal. Applicant states that its portfolio will be invested in a variety of money market instruments maturing in one year or less including: United States Government obligations; instruments of banks and savings and loan associations which are members of the FDIC or FSLIC respectively; and commercial paper rated A–1 by Standard & Poor's Corporation, Prime–1 by Moody's Investors Service or F–1 by Fitch Investors Service.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates use where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant requests an exemption from the provisions of Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit it to value its portfolio securities using the amortized cost method of valuation. Applicant represents that its board of trustees has determined in good faith that amortized cost value will represent fair value of its portfolio securities and is preferable to the use of a market based valuation method and that the amortized cost method of valuation will be in the best interests of its shareholders. Applicant states that according to its experience, given the unique nature of its policies and operations, there should be a negligible discrepancy betwen prices obtained by the amortized cost method of valuation and those obtained by market valuation method. Applicant further states that two features are necessary in a "money market" fund: (1) Certainty of stability of principal and (2) a steady flow of predictable and competitive investment income. Applicant contends that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost it can provide these features to investors. Applicant asserts that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by policy and provisions of the Act.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that its application meets the standards of Section 6(c) of the Act in light of its management policies, and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees of the Applicant shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[3]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the boards of turstees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than May 26, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, and order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-13275 Filed 5-1-81; 8:45 am]
BILLING CODE 8010-01-M

[3] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1986]

Wisconsin; Declaration of Disaster Loan Area

Washington County and adjacent Counties within the State of Wisconsin constitute a disaster area as a result of damage caused by high winds and tornadoes which occurred on April 4, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 26, 1981, and for economic injury until the close of business on January 27, 1982, at: Small Business Administration, District Office, 212 East Washington Avenue, Room 213, Madison, Wisconsin 53703.

or other locally announced locations. For recent changes in disaster loan eligibility, see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59006)

Dated: April 27, 1981.
Michael Cardenas,
Administrator.

[FR Doc. 81-13286 Filed 5-1-81; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 753]

Registration of Claims Against Iran: Negotiations for Settlement of Claims With Iran

This notice describes recent developments with regard to procedures for settling claims against Iran and provides further information about registration of claims with the Department of State. This Notice supplements information provided in Public Notice 749 of April 1, 1981 (46 FR 19693).

For additional information, contact Peter J. Kirsch, Office of the Legal Adviser (Iranian Claims), Department of State, Washington, D.C. 20520. Telephone (202) 632-5040.

1. Registration of Claims

In Public Notice 749, the State Department described procedures for registration of claims against Iran. For purposes of deciding whether registration is required, claimants should aggregate the value of all their claims against Iran, regardless of whether the claims concern different transactions or events or run against different Iranian entities. Claimants whose claims against Iran have a total value, when aggregated, of *less than $250,000* are required to register their claims with the Department on Form DSP-93 no later than May 8, 1981. Claimants whose claims have a total value, when aggregated, *of $250,000 or more* are advised to register their claims but are *not* required to do so.

Claimants who are *required* to register (those with claims, in the aggregate, of less than $250,000) but who have not yet received copies of Form DSP-93 should contact the office of the Legal Adviser *immediately* at (202) 632-5040.

2. Negotiations for Settlement of claims

A. Claims of $250,000 or More

The Department of State has received indication from the Government of the Islamic Republic of Iran that Iran wishes to begin negotiations on an individual basis with claimants whose claims, in the aggregate, total *$250,000 or more.*

The Department of State has received the following information from the

Government of the Islamic Republic of Iran concerning possible negotiations of claims settlements directly with the parties concerned.

With respect to claims exceeding U.S. dollars 250,000, relevant Iranian organizations are prepared to start negotiations with the U.S. parties concerned. It is suggested that the negotiations be carried out in London. It is of course necessary that the American claimants inform by cable the precise but concise list of their true claims along with evidence (as the foundation of the negotiations to be carried out on the basis of goodwill) to Iranian parties directly involved, as well as to the International Legal and Financial Claims Committee, located at Bank Markazi Iran (Central Bank of Iran). The time and the program of the negotiations will be subsequently notified to the U.S. claimants by the Iranian parties or the said committee.

The Department invites U.S. claimants with claims of 250,000 dollars or more to provide information concerning their claims to the appropriate Iranian authorities insofar as practicable by telex. The Department has urged Iran to designate representativies with authority to negotiate and conclude claims settlements as soon as possible. Bank Markazi Iran has an international telex (RCA) address of 951–212503 with an answerback of MARKAZBANK.

B. Claims of Less Than $250,000

Claimants with claims, in the aggregate, of less than $250,000 are required to register their claims with the State Department by May 8, 1981. The United States has agreed to transmit to Iran information about the claims in this category in order to lay the foundation for negotiations on a lump-sum payment to settle claims in this category. For this purpose the Department will draw upon the information supplied by claimants in their Registration of Claims forms filed with the Department. Further information will be provided to these claimants as negotiations proceed.

Claimants who have already registered their claims with the State Department should be receiving an acknowledgement of their registration. This acknowledgement does not constitute a determination as to the validity of the claim.

Gerald M. Rosberg,

Counselor on International Law.

April 29, 1981.

[FR Doc. 81–13423 Filed 5–1–81; 8:45 am]

BILLING CODE 4710–08–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Airspace Review; Meeting

AGENCY: Federal Aviation Administration.

ACTION: Notice of informal meeting.

SUMMARY: The Federal Aviation Administration (FAA) announces an informal meeting to brief interested persons on the National Airspace Review program. The purpose of the meeting is to introduce users of the National Airspace System to a plan which will review the airspace and procedural aspects of the air traffic system. This review plan is part of the FAA's effort to identify and implement changes to the air traffic system which will promote greater efficiency for all airspace users.

DATE: May 18 through 20, 1981; 9 a.m. to 3:30 p.m. each day.

ADDRESS: The meeting will be held at the Federal Aviation Administration, Conference Room 9A, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Karl Trautmann, Chief, Enroute Procedures Branch, 202–426–8630. To provide sufficient meeting space, it is requested that persons desiring to attend give advance notice to the FAA, AAT–330, 800 Independence Avenue, SW., Washington, D.C. 20591.

L. Lane Speck,

Deputy Division Chief, Air Traffic Procedures Division.

[FR Doc. 81–13342 Filed 5–1–81; 8:45 am]

BILLING CODE 4910–13–M

WATER RESOURCES COUNCIL

Banklick Corporation Coal-liquid Project, Blount Island, Jacksonville, Fla.; Water Assessment

AGENCY: Water Resources Council.

ACTION: Notice of water assessment report for public review and comment.

SUMMARY: This notice incorporates the Water Assessment Report prepared by the Water Resources Council under the provision of Section 13(c) of the Federal Nonnuclear Energy Research and Development Act of 1974. The Banklick Corporation plant will grind coal and mix it with oil and water to form substitutes for fuel oil. The plantsite is located on Blount Island, Jacksonville, Florida.

DATE: Comments on this report are due on or before August 3, 1981.

ADDRESS: Send comments to: Gerald D. Seinwill, Acting Director, U.S. Water Resources Council, 2120 L Street, NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Frank S. Davenport, Program Leader, or Hai C. Tang, Staff Specialist, U.S. Water Resources Council, 2120 L Street, NW., Washington, DC 20037, phone: 202/254–6352.

Dated: April 28, 1981.

Gerald D. Seinwill,

Acting Director.

Preface

WRC was requested to perform this assessment by the U.S. Department of Energy (DOE) on December 19, 1980. Publication of this report in the **Federal Register** is mandated under provisions of Section 13 to enable public review and comment during a 90-day period. After the 90-day review period, WRC staff will analyze the comments received and will forward the comments, the WRC analysis, and the water assessment report to the Secretary of the Department of Energy.

A. Project Features

The Banklick Corporation plans to construct a coal preparation plant that will grind coal and mix it with oil and water to form substitutes for fuel oil. The compositon of coal-liquid will be approximately 50 percent coal, 40 percent oil, and 10 percent water. This coal-liquid preparation will reduce the user's fuel oil purchases by as much as 55 percent. The project will produce approximately 6,000 barrels of oil equivalent per day.

B. Project Site

The plantsite is located on Blount Island, 6 miles east of Jacksonville, Florida. The plant area is approximately 10 acres (Figure 1). The site has access to rail and barge. A water pond will collect drainage from the plantsite and coal storage area so that no water will leave the site. This small amount of water will be reused in the plant.

C. Water Requirement

The coal-liquid plant will use 8,500 gallons per day of potable water; two-thirds of which are mixed with coal and oil, while the remaining one-third is used for sanitation. The water will be supplied by the Jacksonville Port Authority.

D. Water Supply Availability

The Jacksonville Port Authority obtains its supply from an artesian well 755 feet deep, which is capable of delivering 600 gallons per mintue (800,000 gallons per day). The system has 50,000 gallons of storage to maintain

supply to ships in the port. Maximum total daily use including port use is only 80,000 gallons, or one-tenth of the well capacity. Therefore, adequate water supply is available.

The Florida aquifer from which the Port Authority well obtains water is highly productive with transmissivity ranging from 2×10^4 to 2×10^5 ft^2/day. A 12-inch well can yield as much as 2,000 gallons per minute. Total groundwater use in Duval County is estimated at 200 million gallons per day, which is four orders of magnitude higher than the project water use.

E. Findings

Adequate water resources are available. Water use proposed for this plant should have no measurable effect on the region's water quality and quantity.

BILLING CODE 6410-01-M

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Figure 1

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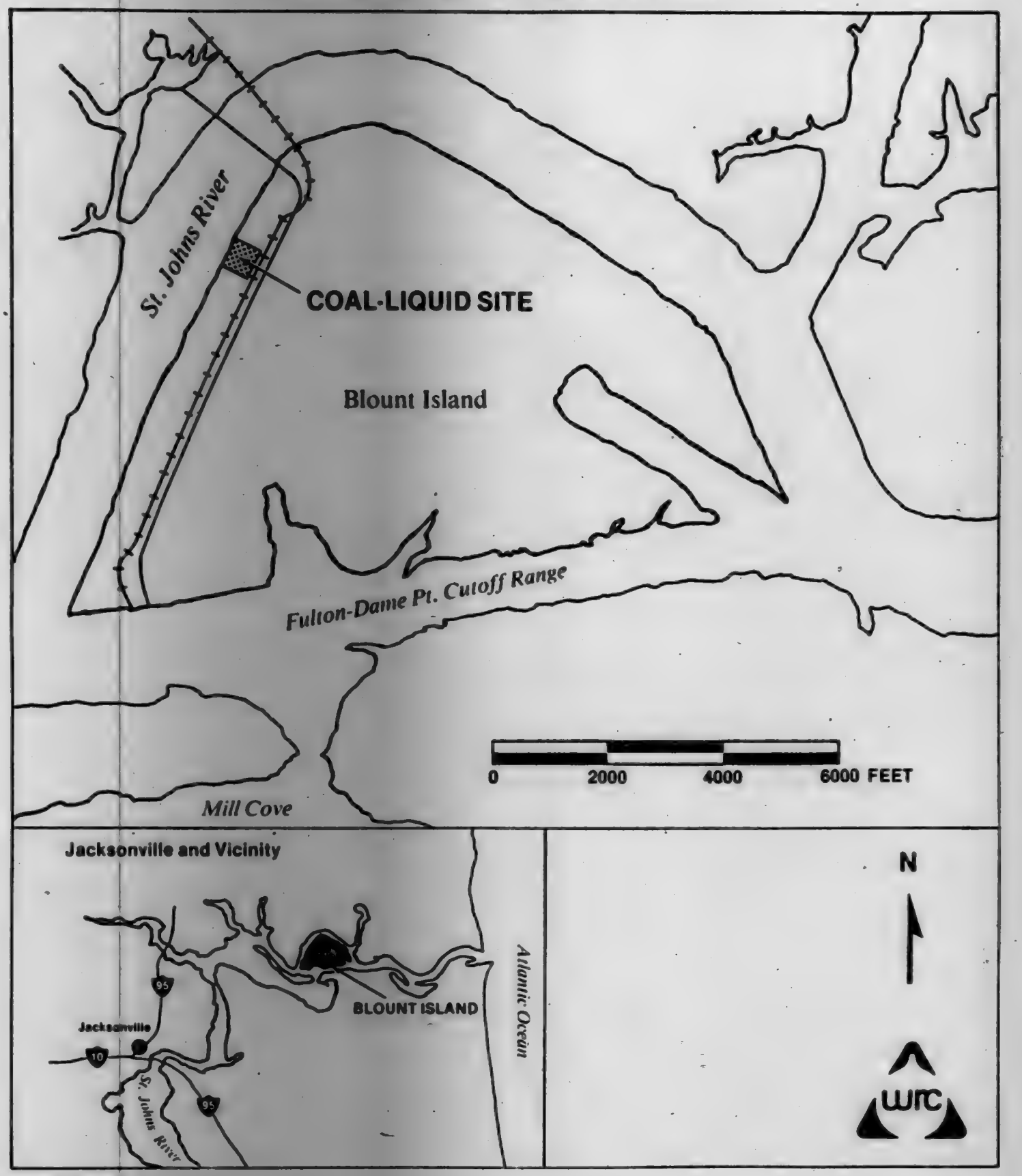

[FR Doc. 81-13947 Filed 5-1-81; 8:45 am]
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Sunshine Act Meetings

Federal Register
Vol. 46, No. 86
Monday, May 4, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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Federal Home Loan Bank Board	2
Federal Maritime Commission	3
Legal Services Corporation	4
National Credit Union Administration	5
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Tennessee Valley Authority	7

1

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 23649, April 28, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 29, 1981.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CP–7. CP81–204–000, Mid Louisiana Gas Company

Lois D. Cashell,
Acting Secretary.

[S–682–81 Filed 4–30–81; 3:13 am]
BILLING CODE 6450–85–M

2

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 24366, April 30, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Wednesday, May 6, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Wednesday, May 6, 1981.

Holding Company Acquisition and Merger—Imperial Corporation of America, San Diego, California *to acquire* USLIFE Savings & Loan Association, Los Angeles, California *and merge said savings and loan with* Imperial Savings & Loan Association, San Francisco, California.

No. 482, April 30, 1981.

[S–681–81 Filed 4–30–81; 2:31 pm]
BILLING CODE 6720–01–M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9 a.m., May 7, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be close to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Informal Docket No. 987(I)—J. I. Case International Div. v. South African Marine Corporation—Review of the Settlement Officer's Decision.
2. Docket Nos. 78–15, 78–17, 78–18, and 78–19—U.S. Lines, Inc. v. Maryland Port Administration—Compliance with Decision of the Commission.

Portions closed to the public:

1. Intermodal Legislation.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523–5725.

[S–680–81 Filed 4–30–81; 10:02 am]
BILLING CODE 6730–01–M

4

LEGAL SERVICES CORPORATION.

Meeting of the Provision of Legal Services Committee

TIME AND DATE: 9 a.m.–3:30 p.m., Saturday, May 16, 1981.

PLACE: Community Legal Services, 903 North Second Street, Phoenix, Arizona 85004.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of February 13, 1981 Meeting.
3. Status Report on Reauthorization of Legel Services Corporation Act and fiscal year 1982 Appropriation.
4. Amendment To Contract for Reginald Heber Smith Community Lawyer Fellowship Program.
5. Status Report on Quality Improvement Project.
6. Status Report on Pro Bono Grants.
7. Status Report on the Implementation of the DSS Policy Report.
8. Status Report on Loan Repayment Program.
9. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Khasakhala, Office of the President, (202) 272–4040.

Issued: April 30, 1981.

Dan J. Bradley,
President.

[S–680–81 Filed 4–30–81; 2:25 pm]
BILLING CODE 6820–35–M

5

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, May 6, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Central Liquidity Facility Agent Membership Application: Oregon Corporate Central Credit Union.
3. Proposed amendment to Section 701 of the Rules and Regulations: Share Certificate Accounts.
4. Statement of Policy: Developing Government Regulations.
5. Proposed Rule—Section 701.20 of the NCUA Rules and Regulations regarding Surety Bond and Insurance coverage for Federal Credit Unions.
6. Request for approval of fidelity bond for use in Federally insured credit unions by Cooperativa de Seguros Multiples de Puerto Rico.
7. Release of Consumer Examination Reports.
8. Report of actions taken under delegations of authority.
9. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:30 a.m.

TIME AND DATE: 10:45 a.m., Wednesday, May 6, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Adjudication. Closed pursuant to exemptions (8) and (10).
2. Report of Mergers approved under delegated authority. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Administrative Action under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).

4. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

5. Proposed legislative amendment to the Federal Credit Union Act. Closed pursuant to exemption (9)(B).

6. Employee Parking Program. Closed pursuant to exemption (2).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357–1100.

[S-688-81 Filed 4-30-81; 9:45 am]

BILLING CODE 7535-01-M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Week of May 4, 1981.

PLACE: Commissioners Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Wednesday, May 6:

10 *a.m.:* (1) Briefing on Draft NUREG Reports 0771 and 0772 Relating to Accident Source Term Assumptions (public meeting) (tentative)

2 p.m.:

(1) Discussion of Policy, Planning and Program Guidance for fiscal year 1983–87 (approximately 1½ hours, public meeting)

(2) Discussion of Management-Organization and Internal Personnel Matters (closed meeting)

Thursday, May 7:

10 a.m.: (1) Briefing on 10 CFR 60, Disposal of High-Level Radioactive Wastes in Geologic Repositories: Technical Criteria (public meeting)

2 p.m:

(1) Discussion of Revised Licensing Procedures (approximately 1½ hours, public meeting)

(2) Affirmation/Discussion Session (public meeting). Items to be affirmed and/or discussed:

a. Amendments to 10 CFR 19 to Establish NRC Staff Authority to Call Meetings with Licensees

b. Proposed Response to the Honicker Petition

c. Additional Response to Holt FOIA Appeal

d. Commission Review of ALAB–603, St. Lucie Nuclear Power Plant (postponed from April 30)

e. RM to Upgrade Emergency Preparedness of Certain Fuel Cycle and Materials Licenses (postponed from April 30)

f. Proposed Amendment to 10 CFR 71 to Restrict Air Transport of Plutonium

ADDITIONAL INFORMATION: The Discussion of Management-Organization and Internal Personnel Matters previoulsy scheduled for April 28, was cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Dated: April 29, 1981.

Walter Magee,

Office of the Secretary.

[S-694-81 Filed 4-30-81; 3:49 pm]

BILLING CODE 7590-01-M

7

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 10:15 a.m. (e.s.t.), Thursday, May 7, 1981.

PLACE: Conference Room B–32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

DISCUSSION ITEMS: 1. Preliminary rate review.

ACTION ITEMS:

A—Project Authorizations

1. Project Authorization No. 3247.2—Amendment to Project Authorization for Widows Creek Unit 8 Wet Limestone Scrubber Research Project.

B—Purchase Awards

*1. Req. No. 829281—Drywell and steam tunnel embedments for Hartsville and Phipps Bend Nuclear Plants.

2. Amendment to indefinite quantity term contract 78T3–550807 with Control Data Coporation of Rockville, Maryland, for computer time-sharing services.

3. Req. No. 828469—Hydraulic snubber assemblies for Browns Ferry Nuclear Plant.

*4. Req. No. 828596—Sludge handling equipment for Paradise Steam Plant, units 1 and 2.

C—Power Items

1. Renewal of power contract with Springfield, Tennessee.

2. Property use agreements with certain contractors for TVA coal supply for Widows Creek Steam Plant relating to TVA's Sand Mountain, Alabama, coal reserves.

3. Agreement with the Southern Railroad Company covering arrangements for use and maintenance of the loading tract at TVA's Red Ash, Tennessee, tipple (Koppers Property).

D—Personnel Items

1. Renewal of consulting contract with Dr. Carl H. Reidel, North Ferresburgh, Vermont, for consulting and advisory services on the use of wood biomass as an alternate energy resource, requested by the Office of Natural Resources.

2. Contract with Coopers & Lybrand, New York, New York, for audit of TVA's financial statements for fiscal year 1981, requested by the Division of Finance.

E—Real Property Transactions

1. New lease agreement with City of Knoxville, Tennessee, for public recreation purposes, affecting 32 acres of land on Fort Loudoun Reservoir (Sequoyah Park)—Tract No. XTFL–96L.

2. Abandonment of portions of Lebanon-Gallatin transmission line right of way in Wilson and Sumner Counties, Tennessee—Tract Nos. LG–45 through LG–69.

3. Abandonment of road right of way affecting approximately 1.0 acre of Watts Bar Reservoir land—Tract Nos. XWBR–206, –208, and –207.

4. Resolution designating approximately 22.8 acres on Tims Ford Reservoir as surplus and authorizes the Tennessee Elk River Development Agency as agent of TVA to sell the land at public auction—Tract No. XTMFR–12.

F—Unclassified

1. Proposed sale of surplus property—Magnesium Sulfite Dryer System purchased for the Johnsonville Steam Plant.

2. Revised TVA policy code relating to procurement of personal property and of services other than personal.

*3. Settlement of gross inequity claims under contract 78P–42–T15 with Pyro Mining Company for coal for TVA steam plants.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632–3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: April 30, 1981.

[S-695-81 Filed 4-30-81; 3:49 pm]

BILLING CODE 8120-01-M

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*Items approved by individual Board members. This would give formal ratification to the Board's action.

federal register

Monday
May 4, 1981

Part II

Reader Aids

List of Libraries That Have Announced Availability of Federal Register and Code of Federal Regulations

LIST OF LIBRARIES THAT HAVE ANNOUNCED AVAILABILITY OF FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS

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The Office of the Federal Register's list will be updated annually unless public interest requires more frequent publication. Any library that maintains these publications, makes them available to the public, and wishes to be included on future lists should write to the Director of the Federal Register, National Archives and Records Service, GSA, Washington, DC 20408, or phone (202) 523-5227 giving the name and address of the library. (*FR only. †CFR only.)

ALABAMA

Birmingham:
Government Documents Department
Birmingham Public Library
2020 Park Place
Birmingham, AL 35203
(205) 254-2551

Gadsden:
Gadsden Public Library
254 College Street
Gadsden, AL 35901
(205) 547-1611

Montgomery:
Alabama Public Library Service
6030 Monticello Drive
Montgomery, AL 36130
(205) 277-7330

ALASKA

Anchorage:
Alaska Resources Library
U.S. Department of the Interior
701 C Street, Box 36
Anchorage, AK 85513

Office of the Solicitor, Law Library
U.S. Department of the Interior
510 L Street, Suite 408
Anchorage, AK 99501

Fairbanks:
Bureau of Land Management
Library
Fairbanks District Office
P.O. Box 1150
North Post of Ft. Waynewright
Fairbanks, AK 99707

Rasmuson Library
Government Documents Section
University of Alaska
Fairbanks, AK 99701

ARIZONA

Glendale:
Velma Teague Library
7010 N. 58th Avenue
Glendale, AZ 85301
(602) 931-5576

Phoenix:
Office of the Field Solicitor, Law Library
U.S. Department of the Interior
Valley Bank Center, Suite 2080
201 North Central Avenue
Phoenix, AZ 85073

Phoenix Public Library
Business, Science & Technology—Documents
12 E. McDowell Road
Phoenix, AZ 85004
(602) 262-6451

Tempe:
Arizona State University
College of Law Library
Government Documents
Tempe, AZ 85281

Government Documents Department
Arizona State University Library
Tempe, AZ 85281

Window Rock:
Field Solicitor, Law Library
U.S. Department of the Interior
Window Rock, AZ 86515

ARKANSAS

Searcy:
Beaumont Memorial Library
Harding University
P.O. Box 928
Searcy, AR 72143
(501) 268-6161

CALIFORNIA

Arcata:
Documents Department
The Library
Humboldt State University
Arcata, CA 95521

Burlingame:
The San Mateo Foundation*
1204 Burlingame Avenue
P.O. Box 627
Burlingame, CA 94010
(415) 342-2477

Glendale:
City of Glendale
Glendale Public Library
222 East Harvard Street
Glendale, CA 91205

La Jolla:
Government Documents, Maps, Microforms Department
Central University Library C-075-P
University of California, San Diego
La Jolla, CA 92093
(714) 452-3338

Long Beach:
Long Beach Safety Council Library
121 Linden Avenue
Long Beach, CA 90802

Menlo Park:
U.S. Geological Survey Library
345 Middlefield Road
Menlo Park, CA 94025

Oakland:
Holy Names College Library
3500 Mountain Blvd.
Oakland, CA 94619

Orange:
Thurmond Clarke Memorial Library
Chapman College
333 North Glassell Street
Orange, CA 92666

Redwood City:
Redwood City Public Library
661 Jefferson Avenue
Redwood City, CA 94063
(415) 369-6251, ext. 286

San Mateo County Superintendent of Schools Office
Educational Resources Center
333 Main Street
Redwood City, CA 94063
(415) 364-5600

Richmond:
Richmond Public Library
Civic Center Plaza
Richmond, CA 94804

Riverside:
Field Solicitor, Law Library
U.S. Department of the Interior
3610 Center Avenue, Suite 104
Riverside, CA 92506

Sacramento:
Regional Solicitor, Law Library
U.S. Department of the Interior
Room E-2753
2800 Cottage Way
Sacramento, CA 95825

San Diego:
Western State University
College of Law
1333 Front Street
San Diego, CA 92101
(714) 231-0300

San Francisco:
Field Solicitor, Law Library
U.S. Department of the Interior
450 Golden Gate Avenue
Box 36064
San Francisco, CA 94102

University of California
Hastings College of the Law
Library
198 McAllister Street
San Francisco, CA 94102

CALIFORNIA—Continued

Vallejo:
California Maritime Academy*
P.O. Box 1392
Vallejo, CA 94590
(707) 644-5601

COLORADO

Denver:
Bureau of Land Management
Denver Service Center Library
Building 50
Denver Federal Center
Denver, CO 80225

Bureau of Reclaimation Library
Engineering and Research Center
P.O. Box 25007, Denver Federal Center
Denver, CO 80225

Colorado State Library
1362 Lincoln Street
Denver, CO 80203

Regional Solicitor, Law Library
U.S. Department of the Interior
Room 1400, Bldg. 67, Denver Federal Center
P.O. Box 25007
Denver, CO 80225

Rocky Mountain Regional Office Library
National Park Service
655 Parfect Street
P.O. Box 25287
Denver, CO 80225

Fort Collins:
Documents Department
The Libraries
Colorado State University
Fort Collins, CO 80523

Lakewood:
Villa Library*
455 South Pierce Street
Lakewood, CO 80226
(303) 936-7407

CONNECTICUT

Bloomfield:
Prosser Public Library
1 Tunxis Avenue
Bloomfield, CT 06002

Danielson:
Quinebaug Valley Community College
P.O. Box 59
Danielson, CT 06239
774-1130

East Haven:
Hagaman Memorial Library*
227 Main Street
East Haven, CT 06512
(203) 468-3223

Hartford:
The Stanley Osborne Library*
Third Floor
The Connecticut State Department of Health Services
79 Elm Street
Hartford, CT 06115
(203) 566-2198

Middletown:
Olin Library
Wesleyan University
Middletown, CT 06457

Stamford:
Ferguson Library
96 Broad Street
Stamford, CT 06901

Waterbury:
Silas Bronson Public Library
Business, Industry & Technology Department
267 Grand Street
Waterbury, CT 06702

Wethersfield:
Wethersfield Public Library
515 Silas Deane Highway
Wethersfield, CT 06109

DISTRICT OF COLUMBIA

Community Services Administration Law Library
1200 – 19th Street, N.W.
Room 525
Washington, DC 20506

Natural Resources Library
U.S. Department of the Interior
Washington, DC 20240

Office of the Federal Register
1100 L Street, N.W.
Room 8301
Washington, DC 20408

FLORIDA

Sarasota:
The University of Sarasota
2080 Ringling Blvd.
Sarasota, FL 33577
(813) 955-4228

Tampa:
Tampa-Hillsborough County Public Library
900 North Ashley Street
Tamba, FL 33602
(813) 223-8969

GEORGIA

Athens:
University of Georgia Libraries
Government Reference Department
Athens, GA 30602

Atlanta:
Office of the Regional Solicitor, Law Library
U.S. Department of the Interior
148 Cain Street, N.E., Suite 405
Atlanta, GA 30303

Elberton:
Southeastern Power Administration
Law Library
U.S. Department of Energy
Samuel Elbert Building
Elberton, GA 30635

IDAHO

Boise:
Field Solicitor, Law Library
U.S. Department of the Interior
Federal Building, U.S. Courthouse
Box 20
Boise, ID 83724

Pocatello:
The Library
Idaho State University
Pocatello, ID 83209

ILLINOIS

Bloomington:
Illinois Wesleyan University
Library
Bloomington, IL 61701

Chicago:
Government Publications Department
Chicago Public Library
425 N. Michigan Avenue
Chicago, IL 60611
(312) 269-3002

University of Chicago Law Library
1121 East 60th Street
Chicago, IL 60637

Documents Department
University of Illinois at Chicago Circle
The Library, P.O. Box 8198
Chicago, IL 60680
(312) 996-2716/996-2738

Lockport:
Lewis University
Route 53
Lockport, IL 60441
(815) 838-0500

Niles:
Niles Public Library District
6960 Oakton Street
Niles, IL 60648
(312) 967-8554

Normal:
Milner Library
Illinois State University
Normal, IL 61761

Oak Park:
Oak Park Public Library
834 Lake Street
Oak Park, IL 60301
(312) 383-8200

Rockford:
Rockford Public Library
215 North Wyman Street
Rockford, IL 61101
(815) 965-8731

Springfield:
Energy Information Library*
Illinois Institute of Natural Resources, Room 300
325 W. Adams Street
Springfield, IL 62706

INDIANA

Fort Wayne:
The Public Library of Fort Wayne and Allen County
900 Webster Street
Fort Wayne, IN 46802
(219) 424-7241

Muncie:
Ball State University Library
Government Publications Service
Muncie, IN 47305
(317) 285-6195

IOWA

Ames:
Library—Government Publications Department
Iowa State University
Ames, IA 50010
(515) 294–2834

Des Moines:
State Library Commission of Iowa
Law Library
Capitol Building
Des Moines, IA 50319
(515) 281–5125

State Library Commission of Iowa
Historical Building
East 12th & Grand
Des Moines, IA 50319

Dubuque:
Whalert Memorial Library
Loras College
1450 Alta Vista
Dubuque, IA 52001

KANSAS

Colby:
H. F. Davis Memorial Library
Colby Community College
1255 South Range
Colby, KS 67701
(913) 462–3984

Lawrence:
University of Kansas Law Library
Green Hall
Lawrence, KS 66045
(913) 864–3025

Pittsburg:
Library
Pittsburg State University
Pittsburg, KS 66762

Topeka:
Washburn University of Topeka
School of Law Library
Topeka, KS 66621
(913) 295–6660

KENTUCKY

Bowling Green:
Western Kentucky University
Helm–Cravens Library
Bowling Green, KY 42101

Frankfort:
Government Document Section
State Library Division
Kentucky Department of Library & Archives
Berry Hill
Frankfort, KY 40602
(502) 564–2480

Lexington:
University of Kentucky Libraries
Government Publications Department
Lexington, KY 40506

Law Library
University of Kentucky
Lexington, KY 40506

Louisville:
University of Louisville
The Library
Louisville, KY 40208

Pikeville:
CITAC Library
Pikeville College
Armington Science Center
Pikeville, KY 41501
(606) 432–9366

LOUISIANA

Baton Rouge:
Library, Department of Urban & Community Affairs
5790 Florida Boulevard
Baton Rouge, LA 70806

Louisiana State Library
P.O. Box 131
760 N. Riverside Mall
Baton Rouge, LA 70821
(504) 389–6651

Lafayette:
University of Southwestern Louisiana
University Libraries
Lafayette, LA 70501

New Orleans:
U.S. Court of Appeals Library
5th Circuit
600 Camp Street
Room 106
New Orleans, LA 70130
(504) 589–6510

MAINE

Portland:
Donald L. Garbrecht Law Library
246 Deering Avenue
Portland, ME 04102
(207) 780–4350

MARYLAND

Aberdeen:
Department of the Army
U.S. Army Environmental Hygiene Agency
ATTN: Librarian, Bldg. E–2100
Aberdeen Proving Ground, MD 21010

Annapolis:
Maryland State Law Library
Courts of Appeal Building
361 Rowe Boulevard
Annapolis, MD 21401

Baltimore:
Enoch Pratt Free Library
400 Cathedral Street
Baltimore, MD 21201

Cumberland:
Allegany Community College Library
Willow Brook Road
P.O. Box 1695
Cumberland, MD 21502
(301) 724–7700, ext. 36

Oakland:
Garrett County Planning Office*
323 East Oak Street
Oakland, MD 21550
(301) 334–4200

Rockville:
Medical Library
Food & Drug Administration
5600 Fishers Lane
Room 11B40
Rockville, MD 20857

Department of Public Libraries
Montgomery County
99 Maryland Avenue
Rockville, MD 20850
(301) 279–1988

MASSACHUSETTS

Boston:
Government Documents Department
Boston Public Library
Copley Square
Boston, MA 02117

Gloucester:
Gloucester Lyceum and Sawyer Free Library*
General Reference Section
2 Dale Avenue
Gloucester, MA 01930
(617) 283–0370

Newton Corner:
Office of the Regional Solicitor, Law Library
Suite 306
1 Gateway Center
Newton Corner, MA 02156

Springfield:
The City Library
Central Library
220 State Street
Springfield, MA 01103

Woburn:
Commonwealth of Massachusetts
Trial Court of the Commonwealth
District Court Department
Fourth Eastern Middlesex Division
Woburn, MA 01801
(617) 935–4000

MICHIGAN

Ann Arbor:
Washtenaw Community College
4800 East Huron River Drive
Ann Arbor, MI 48106
(313) 973–3300

Detroit:
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Detroit Public Library
121 Gratiot
Detroit, MI 48226

Detroit Public Library
5201 Woodward Avenue
Detroit, MI 48202

Municipal Reference Library
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1004 City–County Building
Detroit, MI 48226

East Lansing:
Documents Department
Michigan State University Library
East Lansing, MI 48824

Flint:
Flint Public Library
General Reference Department
1026 E. Kearsley Street
Flint, MI 48502
(313) 232–7111

Mount Clemens:
Macomb County Library
16480 Hall Road
Mount Clemens, MI 48044
469–5300

MICHIGAN

Mt. Pleasant:
Library – Documents Department
Central Michigan University
Mt. Pleasant, MI 48859
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Pontiac:
Adams–Pratt Oakland County Law Library
1200 N. Telegraph Road
Pontiac, MI 48053

Oakland Schools Library*
2100 Pontiac Lake Road
Pontiac, MI 48054

Rochester:
Kresge Library
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Squirrel/Walton
Rochester, MI 48063
(313) 377–2476

Traverse City:
Mark Osterlin Library
Documents Department
Northwestern Michigan College
1701 East Front Street
Traverse City, MI 49684
(616) 946–5850, ext. 540

University Center:
Learning Resources Center
Delta College
University Center, MI 48710

MINNESOTA

Blaine:
Anoka County Library
707 Highway 10
Blaine, MN 55434

Edina:
Southdale–Hennepin Area Library
7001 York Avenue South
Edina, MN 55435
(612) 830–4900

Minneapolis:
Minnesota Hospital Association Library
2333 University Ave. S.E.
Minneapolis, MN 55414
(612) 331–5571

Government Publications Division
409 Wilson Library
University of Minnesota
Minneapolis, MN 55455
(612) 373–7813

St. Paul:
Minnesota State Law Library
117 University Avenue
St. Paul, MN 55155
(612) 296–2775

Government Publications Office
St. Paul Public Library
90 West Fourth Street
St. Paul, MN 55102
292–6178

Twin Cities:
Field Solicitor, Law Library
U.S. Department of the Interior
686 Federal Building, Fort Snelling
Twin Cities, MN 55111

MISSISSIPPI

Gulfport:
Harrison County Law Library
1st Judicial Courthouse
1801 23rd Avenue
Gulfport, MS 39501
(601) 864–5161 ext. 336

MISSOURI

Jefferson City:
Missouri State Library
308 E. High Street
P.O. Box 387
Jefferson City, MO 65102
(314) 751–4552

St. Louis:
Missouri Botanical Garden*
(back issues held 1 year)
2345 Tower Grove Avenue
St. Louis, MO 63110
(314) 772–7600

Thomas Jefferson Library
University of Missouri–St. Louis
8001 Natural Bridge Road
St. Louis, MO 63144
(314) 453–5954

Sedalia:
State Fair Community College Library
1900 Clarendon Road
Sedalia, MO 65301

Springfield:
Southwest Missouri State University
The Library
Springfield, MO 65802
(417) 831–1561

MONTANA

Billings:
Bureau of Land Management Library
P.O. Box 30157
Billings, MT 59107

Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1538
Billings, MT 59103

NEBRASKA

Kearney:
Calvin T. Ryan Library
Kearney State College
Kearney, NE 68847

Lincoln:
Nebraska Library Commission
1420 P Street
Lincoln, NE 68508
(402) 471–2045

University of Nebraska–Lincoln Libraries
Lincoln, NE 68588

Norfolk:
Northeast Technical Community College
801 E. Benjamin Avenue
Norfolk, NE 68701
(402) 371–2020

NEVADA

Boulder City:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 427, Park Street
Boulder City, NV 89005

Reno:
Government Publications Department
University of Nevada Library
Reno, NV 89557
(702) 784–6579

NEW HAMPSHIRE

Concord:
Law Division, State Library
Supreme Court Building
Loudon Road
Concord, NH 03301
(603) 271–3777

New London:
Fernald Library
Colby–Sawyer College
New London, NH 03257

NEW JERSEY

Bloomfield:
Bloomfield Public Library
90 Broad Street
Bloomfield, NJ 07003
(201) 429–9292

Elmer:
Arthur P. Schalick High School
Elmer–Centerton Road
R.D. 1
Elmer, NJ 08318

Hackensack:
Johnson Free Public Library
Hackensack Area Reference Library
275 Moore Street
Hackensack, NJ 07601

Jersey City:
Hudson Health Systems Agency Library
671 Berger Avenue
Jersey City, NJ 07306

Lawrenceville:
Franklin F. Moore Library
Rider College
Lawrenceville, NJ 08648
(609) 896–5115

Mahwah:
Ramapo College Library
505 Ramapo Valley Road
Mahwah, NJ 07430

Pomona:
Stockton State College
Pomona, NJ 08240
(609) 652–1776, ext. 266

Toms River:
Ocean County College
Learning Resources Center
College Drive
Toms River, NJ 08753
(201) 255–4000 ext. 385

Trenton:
New Jersey State Law Library
185 West State Street
P.O. Box 1898
Trenton, NJ 08625
(609) 292–6230

NEW JERSEY—Continued

Voorhees:
Camden County Library
Echelon Urban Center
Laurel Road
Voorhees, NJ 08043
(609) 772–1636

NEW MEXICO

Albuquerque:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1696
Albuquerque, NM 87103

The University of New Mexico
General Library
Albuquerque, NM 87131
(505) 277–4241 and 277–5441

Portales:
Golden Library
Documents Department
Eastern New Mexico University
Portales, NM 88130

Santa Fe:
Office of the Solicitor, Law Library
U.S. Department of the Interior
U.S. Courthouse, Room 224
P.O. Box 1042
Santa Fe, NM 87501

NEW YORK

Albany:
The New York State Library
The State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

Brooklyn:
Brooklyn Public Library
Business Library
280 Cadman Plaza West
Brooklyn, NY 11201
(212) 780–7800

Garden City:
Adelphi University
Swirbul Library
South Avenue
Garden City, NY 11530
(516) 294–8700 ext. 7345

Geneseo:
State University of New York at Geneseo
Milne Library
Government Documents
Geneseo, NY 14454

Greenvale:
C. W. Post Center—Long Island University
B. Davis Schwartz Memorial Library
Greenvale, NY 11548

Niagara Falls:
Niagara Falls Public Library
1425 Main Street
Niagara Falls, NY 14305
(716) 278–8113

Oswego:
State University of New York at Oswego
Oswego, NY 13126
(315) 341–4267

Rochester:
Rochester Public Library
Business and Social Science Division
115 South Avenue
Rochester, NY 14604
(716) 428–7342

Schenectady:
Schenectady County Public Library
Liberty and Clinton Streets
Schenectady, NY 12305

Syracuse:
Reference Department
Onondaga County Public Library
335 Montgomery Street
Syracuse, NY 13202
475–8458

Uniondale:
Nassau Library System
900 Jerusalem Avenue
Uniondale, NY 11553
(516) 292–8920

NORTH CAROLINA

Asheboro:
Asheboro Public Library
201 Worth Street
Asheboro, NC 27203
(919) 629–3329

Boone:
Regional Information Center
Region D Council of Governments
P.O. Box 1820
Boone, NC 28607

Charlotte:
Public Librarty of Charlotte and Mecklenburg County
310 N. Tryon Street
Charlotte, NC 28202
(704) 374–2540

Durham:
William Perkins Library
Public Documents Department
Duke University
Durham, NC 27706
(919) 684–2380

Gastonia:
Gaston County Public Library*
Headquarters: Gaston–Lincoln Regional Library
1555 East Garrison Boulevard
Gastonia, NC 28052
(704) 865–3418

NORTH DAKOTA

Bismarck:
Bismarck Junior College*
Schafer Heights
Bismarck, ND 58501

North Dakota State Library
Highway 83 North
Bismarck, ND 58505
224–2490

Office of Program Planning*
All Nations Circle – Bldg. 35
United Tribes Educational Technical Center
3315 South Airport Road
Bismarck, ND 58501

OHIO

Athens:
Government Documents Department
Ohio University Library
Athens, OH 45701
(614) 594–5604

Cincinnati:
Municipal Reference Library
224 City Hall
Cincinnati, OH 45202

National Institute for Occupational Safety and Health
Division of Technical Services
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226

Ohio River Basin Commission Library
Suite 208–20, 36 East 4th Street
Cincinnati, OH 45206
(513) 684–3831

Cleveland:
Cleveland Public Library
325 Superior Avenue
Cleveland, OH 44114

Cleveland Regional Sewer District*
Library
Administrative Offices
801 Rockwell Avenue
Cleveland, OH 44114
(216) 781–6600 ext. 219

Cleveland Heights:
Cleveland Heights—University Heights Public Library
2345 Lee Road
Cleveland Heights, OH 44118
(216) 932–3600

Columbus
The State Library of Ohio
65 South Front Street
Columbus, OH 43215
(614) 466–2694

Dayton:
University Library
Wright State University
Dayton, OH 45435

Findlay:
Marathon Oil Company
Law Library, Room 654–M
539 South Main Street
Findlay, OH 45840
(419) 422–2121 ext. 3376

Shafer Library
Findlay College
1000 N. Main Street
Findlay, OH 45840
(419) 422–8313

Marion:
Marion Public Library*
445 E. Church Street
Marion, OH 43302
(614) 387–0992

OHIO—Continued

Toledo:
Toledo-Lucas County Public Library
Social Science Department
325 Michigan Street
Toledo, OH 43624
(419) 242-7361 ext. 241

Wooster:
Andrews Library
The College of Wooster
Wooster, OH 44691

OKLAHOMA

Aradarko:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 397
Aradarko, OK 73005

Muskogee:
Office of the Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1508
Muskogee, OK 74401

Norman:
Law Library
University of Oklahoma
300 Timberdell
Norman, OK 73019

Oklahoma City:
Oklahoma Department of Libraries
U.S. Documents Regional Depository
200 N.E. 18th Street
Oklahoma City, OK 73105
(405) 521-2502

Pawhuska:
Field Solicitor, Law Library
U.S. Department of the Interior
c/o Osage Agency
Pawhuska, OK 74056

Stillwater:
Documents Department
Edmon Low Library
Oklahoma State University
Stillwater, OK 74074
(405) 624-6548

Tulsa:
Office of the Regional Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 3156
Tulsa, OK 74101

OREGON

Salem:
Oregon State Library
State Library Building
Salem, OR 97310
(503) 378-4276

PENNSYLVANIA

Aliquippa:
B.F. Jones Memorial Library*
Aliquippa District Center
663 Franklin Avenue
Aliquippa, PA 15001
(412) 375-7174

Allentown:
The John A. W. Haas Library
Muhlenberg College
Allentown, PA 18104

Dallas:
Library
College Misericordia
Dallas, PA 18612

Harmony:
Library
Seneca Valley Senior High School*
Southwest Butler County School District
R.D. 2
Harmony, PA 16037

Harrisburg:
State Library of Pennsylvania
Box 1601
Harrisburg, PA 17126
(717) 787-7343

Hazleton:
Hazleton Area Public Library
Church and Maple Streets
Hazleton, PA 18201
454-2961/454-0244

Lancaster:
Fackenthal Library
Franklin and Marshall College
P.O. Box 3003
Lancaster, PA 17604
(717) 291-4210

Loretto:
Pius XII Memorial Library
Saint Francis College
Loretto, PA 15940

Millersville:
Millersville State College
Millersville, PA 17551

Vein
Stayer R & L Center
Millersville State College
Millersville, PA 17551
(717) 872-5411 ext. 552, 542

Newtown:
The Library
Bucks County Community College
Newtown, PA 18940

Philadelphia:
Government Publications Department
Free Library of Philadelphia
Logan Square
Philadelphia, PA 19103

Pittsburgh:
Baldwin Borough Public Library
3344 Churchview Avenue
Pittsburgh, PA 15227

U.S. Bureau of Mines
Library
4800 Forbes Avenue
Pittsburgh, PA 15213

Shippensburg:
Ezra Lehman Memorial Library
Shippensburg State College
Shippensburg, PA 17257

Somerset:
Somerset State Hospital Library
Box 631
Somerset, PA 15501
(814) 445-6501, ext. 216

Swarthmore:
The Swarthmore College Library
The McCabe Library
Swarthmore, PA 19081
(215) KI 4-7900

Washington:
Washington County Law Library
Courthouse
Washington, PA 15301
(412) 228-6747

West Chester:
Francis Harvey Green Library*
West Chester State College
West Chester, PA 19380
(215) 436-2869

Wilkes-Barre:
Institute of Regional Affairs*
Wilkes College
Wilkes-Barre, PA 18703

RHODE ISLAND

Kingston:
Government Publications Office
University of Rhode Island
Library
Kingston, RI 02881
(401) 792-2602

Providence:
Brown University Library
Documents Department
Providence, RI 02912
(401) 863-2522

Providence Public Library
150 Empire Street
Providence, RI 02903
(401) 521-7722

Rhode Island College
James P. Adams Library
Documents Department
600 Mt. Pleasant Avenue
Providence, RI 02908
(401) 274-4900 ext. 331

Warwick:
Warwick Public Library
600 Sandy Lane
Warwick, RI 02886
(401) 739-5440

SOUTH CAROLINA

Charleston:
Baptist College of Charleston
P. O. Box 10087
Charleston, SC 29411

Charleston County Library
404 King Street
Charleston, SC 29403

Citadel
Charleston, SC 29409

College of Charleston
66 George Street
Charleston, SC 29401

Clemson:
Clemson University
Clemson, SC 29631

Columbia:
Benedict College
Blanding & Harden Streets
Columbia, SC 29204

Richland County Public Library
1400 Sumter Street
Columbia, SC 29201

South Carolina State Library
1500 Senate Street
Columbia, SC 29201

SOUTH CAROLINA—Continued

Columbia—Continued
University of South Carolina
Columbia, SC 29208

Conway:
Coastal Carolina (of University of SC)
Route 6
Conway, SC 29526

Due West:
Erskine College*
Due West, SC 29639

Florence:
Florence County Library
319 S. Irby Street
Florence, SC 29501

Francis Marion College
Florence, SC 29501

Greenville:
Furman University
Greenville, SC 29613

Greenville County Library
300 College Street
Greenville, SC 29601

Greenwood:
Larry A. Jackson Library
Lander College
Greenwood, SC 29646

Orangeburg:
South Carolina State College
College Avenue
Orangeburg, SC 29117

Rock Hill:
Winthrop College
Rock Hill, SC 29733

Spartanburg:
Spartanburg County Library
P. O. Box 2409
333 S. Pine Street
Spartanburg, SC 29304

SOUTH DAKOTA

Aberdeen:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 549
Aberdeen, SD 57401

Brookings:
H. M. Briggs Library
South Dakota State University
Brookings, SD 57007
(605) 688-5106

TENNESSEE

Chattanooga:
Hamilton County Bicentennial Library
Business, Science and Technology Department
1001 Broad Street
Chattanooga, TN 37402
(615) 757-5312

Clarksville:
Woodward Library
Austin Peay State University
Clarksville, TN 37040
(615) 648-7346

Nashville:
Documents Unit
Joint University Libraries
Nashville, TN 37203

Tennessee State Library
Tennessee State Library and Archives
403 Seventh Avenue North
Nashville, TN 37219
(615) 741-2451

TEXAS

Amarillo:
Amarillo Public Library*
City of Amarillo
P.O. Box 2171
413 E. 4th
Amarillo, TX 79189

Field Solicitor
U.S. Department of the Interior
P.O. Box H-4393, Herring Plaza
Amarillo, TX 79101

College Station:
Documents Division
University Libraries
Texas A & M University
College Station, TX 77843

Dallas:
U.S. Environmental Protection Agency
Region VI
1201 Elm Street
Dallas, TX 75270

El Paso:
El Paso Public Library
Documents Section
501 North Oregon Street
El Paso, TX 79901
(915) 543-3808

Lubbock:
School of Law Library
Texas Tech University
Lubbock, TX 79409

Victoria:
University of Houston†
Victoria Campus
2302-C Red River
Victoria, TX 77901
(512) 575-7436

UTAH

Cedar City:
Southern Utah State College Library
Cedar City, UT 84720

Ephraim:
Lucy A. Phillips Library
Snow College
Ephraim, UT 84627

Logan:
Documents Department
Merrill Library, UMC 30
Utah State University
Logan, UT 84322

Ogden:
Weber State College Library
Ogden, UT 84403

Provo:
Harold B. Lee Library
Documents and Maps Section
Brigham Young University
Provo, UT 84602

Law Library
Brigham Young University
Provo, UT 84602

Salt Lake City:
Regional Solicitor
U.S. Department of the Interior
Suite 6201, Federal Building
125 South State Street
Salt Lake City, UT 84138

Supreme Court Library
State Capitol
Salt Lake City, UT 84114

College of Law Library
University of Utah
Salt Lake City, UT 84112

Government Documents
Eccles Health Sciences Library
University of Utah, Bldg. 89
Salt Lake City, UT 84112

Government Documents Division
Marriott Library
University of Utah
Salt Lake City, UT 84112

Utah State Library Commission
2150 South 300 West, Suite 16
Salt Lake City, UT 84115

VERMONT

South Royalton:
Law Library
Vermont Law School
South Royalton, VT 05068
(802) 763-8303

VIRGINIA

Alexandria:
Alexandria Library*
717 Queen Street
Alexandria, Va. 22314
(703) 750-6351

Arlington:
Office of Hearings and Appeals Library
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, VA 22203

Danville:
Danville Community College Library
1009 Bonner Avenue
Danville, VA 24541
(804) 797-3553

Fairfax:
Fairfax City Central Library
3915 Chain Bridge Road
Fairfax, VA 22030
(703) 691-2741

Lynchburg
The Library
Lynchburg College
Lynchburg, VA 24501

Norfolk:
Norfolk Public Library System
301 East City Hall Avenue
Norfolk, VA 23510

Reston:
U.S. Geological Survey
Library
National Center, Mail Stop 950
Reston, VA 22092

VIRGINIA—Continued
Richmond:
Learning Resources Center
Parham Road Campus
J. Sargeant Reynolds Community College
P.O. Box 12084
Richmond, VA 23241
(804) 264–3220

Municipal Library
County of Henrico
Hungary Springs & Parham Roads
Richmond, VA 23228

Virginia State Library
11th & Capitol Streets
Richmond, VA 23219
Virginia Beach:
Public Law Library
Municipal Center
City of Virginia Beach
Virginia Beach, VA 23456
Williamsburg:
Documents Department
Earl Gregg Swem Library
College of William and Mary
Williamsburg, VA 23185

WASHINGTON

Bellingham:
Documents Division, Wilson Library
Western Washington University
516 High Street
Bellingham, WA 98225
(206) 676–3075
Cheney:
Eastern Washington University
The Library
Cheney, WA 99004
(509) 359–2475
Everett:
Everett Public Library
2702 Hoyt Avenue
Everett, WA 98201
(206) 259–8857

Snohomish County Law Library
County Courthouse
Everett, WA 98201
(206) 259–5326
Olympia:
Washington State Law Library
Temple of Justice
Olympia, WA 98504
Seattle:
NW Federal Regional Council Library
Room 1023 Arcade Plaza Building
1321 Second Avenue
Seattle, WA 98101
(206) 442–5554
Spokane:
Gonzaga University Law Library
E. 600 Sharp Avenue
P.O. Box 3528
Spokane, WA 99220

WEST VIRGINIA
Beckley:
National Mine Health and Safety Academy
Learning Resources Center
P.O. Box 1166
Beckley, WV 25801
Charleston:
Kanawha County Public Library
123 Capitol Street
Charleston, WV 25301
(304) 343–4646
Montgomery:
Vining Library
West Virginia Institute of Technology
Montgomery, WV 25136
Weirton:
Mary H. Weir Public Library
3442 Main Street
Weirton, WV 26062
(304) 748–7070

WISCONSIN

Appleton:
Appleton Public Library
121 South Oneida Street
Appleton, WI 54911
734–7171
Green Bay:
University of Wisconsin—Green Bay
Library Learning Center
Government Publications
Green Bay, WI 54302
Kenosha:
Library/Learning Center
University of Wisconsin–Parkside
Wood Road
Kenosha, WI 53141
Ladysmith:
Mount Senario College Library
Ladysmith, WI 54848

WYOMING

Gillette:
George Amos Memorial Library
412 S. Gillette Avenue
Gillette, WY 82716
(307) 682–3223
Laramie:
Coe Library—Documents Division
University of Wyoming
Box 3334, University Station
Laramie, WY 82071
(307) 766–2174

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Monday, May 4, 1981

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PUBLICATIONS

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Law numbers and dates	523-5282 523-5266
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SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing April 17, 1981; last cumulative listing for the 96th Congress (1980) January 7, 1981.

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: May 15 and June 12, 1981, at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202–523–5235.

V.46/85 MAY 81 UMI

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A Cumulative checklist of CFR issuances for 1980 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

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5-5-81
Vol. 46 No. 86
Pages 25077-25288

federal register

Tuesday
May 5, 1981

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25077 **Jewish Heritage Week** Presidential proclamation.

25087 **Mortgage Insurance** HUD/FHC publishes interim rule changing maximum mortgage amounts for single-family mortgage insurance programs.

25083 **Business Loans** SBA amends regulations covering business loan policy relating to conflicts of interest between lenders and borrowers.

25204 **Banks, Banking** FDIC publishes final rule regarding securities of nonmember insured banks. (Part II of this issue)

25161 **Migrant Labor** Labor/ETA announces State Planning estimates of funds expected to be available for migrant and seasonal farmworker programs. Applicants are invited to submit preapplications for Federal assistance by 6-15-81 and funding requests by 7-15-81.

25113 **Air Pollution Control** EPA extends comment period on proposed national emission standard for benzene emissions from ethylbenzene/styrene plants.

25709 **Aliens** Justice/INS publishes final rule regarding procedures and criteria for grant of employment authorization to aliens in the United States.

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

25081 **Aliens** Justice/INS adds reference to Form I-586, Nonresident Alien Border Crossing Card, which replaced the older version, Form I-186.

25145 **Grant Programs—Health** HHS/HSA announces it will accept applications from public and nonprofit private entities for project grants in fiscal year 1981 supporting development and operations jointly funded community health center projects in the Magic Valley, Payette, Twin Falls, and Blackfoot, Idaho areas.

25090 **Postal Service** PS amends final rule regarding cooperative mailings at the special bulk third-class rates.

25109 **Postal Service** PS proposes to extend the requirement for use of detached address cards with merchandise samples mailed at the bulk third-class rates for general distribution on city delivery routes to cover rural delivery routes as well.

25107 **Over-the-Counter Drugs** HHS/FDA extends time for comments and reply comments on proposal to establish conditions for safety, effectiveness, and labeling of over-the-counter vaginal contraceptive drug products.

25144 **Drugs** HHS/FDA extends until further notice date by which manufacturers of OTC oral nasal decongestant drug products containing pseudoephedrine are required to comply with FDA's revised hourly dosage interval.

25147 **Museums** ICA determines that the objects in the exhibit "Rodin Rediscovered" imported from abroad for temporary exhibition without profit within the United States are of cultural significance. These objects will be displayed at the National Gallery of Art, Washington, D.C.

25114 **Railroads** ICC proposes eliminating Uniform System of Accounts and all reports of Class II Railroad Companies.

25120 **Import** CITA announces import restraint levels for certain cotton, wool and man-made fiber textile products from Malaysia.

Regulatory Flexibility Agendas

25109 FMCS (2 documents)

25173 **Sunshine Act Meetings**

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Federal Register
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Tuesday, May 5, 1981

Presidential Documents

Title 3—

The President

Proclamation 4844 of May 1, 1981

Jewish Heritage Week

By the President of the United States of America

A Proclamation

The vitality of the United States derives in great measure from the richness of our cultural heritage. The values and ideals brought to these shores by people of many races and religions are woven deeply into the fabric of America.

American Jews have contributed significantly to the spiritual and cultural elevation of our society since the founding of our Nation. Jewish immigrants and their descendants have brought dignity and distinction to every field of American endeavor. Our Jewish citizens have served America by fighting for her freedom, building her industry, striving for her goals, and nurturing her dreams.

Yet, Jewish heritage reaches far and deeply into the dawn of history, when America was but a wilderness. The Jewish people still firmly carry these ancient and revered traditions, which have been harshly tested over the centuries.

In the spring of each year, through special celebrations and observances, American Jewry remembers its past and renews its dedication to the challenges that remain. Beginning with the observance of Passover, recalling the passage from bondage to freedom, through the anniversary of the Warsaw Ghetto Uprising and the Days of Remembrance honoring the victims and survivors of the Holocaust, Jews all over the world pay tribute to their past. In the celebration of Israeli Independence Day, Jerusalem Day, and Solidarity Day for Soviet Jews, Jewish people reflect upon their common heritage.

In recognition of the special significance of this time of year to American Jewry, in homage to the significant contributions made by the Jewish community to the United States, and to foster appreciation of the cultural diversity of the American people, the Congress of the United States, by joint resolution, has requested the President to proclaim May 3 through May 10, 1981, as Jewish Heritage Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 3, 1981, as Jewish Heritage Week.

I call upon the people of the United States, Federal and local government officials, and interested organizations to observe that week with appropriate ceremonies, activities, and reflection.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-13673
Filed 5-1-81; 4:46 pm]
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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins

AGENCY: Rural Electrification Administration; USDA.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to issue a new Bulletin 345–10, REA Standard PC–6, Acceptance Testing Procedures for Cable Television Systems, to establish testing procedures and minimum acceptable performance criteria for REA-financed CATV systems.

EFFECTIVE DATE: April 22, 1981.

FOR FURTHER INFORMATION CONTACT: Claude F. Buster, Jr., Chief, Transmission Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1367, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3917. The Final Impact Analysis Statement describing the options considered in developing this rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby issues Bulletin 345–10, Acceptance Testing Procedures for Cable Television Systems. This action is issued in conformance with Executive Order 12291, and has been determined to be "not major."

This program is listed in the Catalog of Federal Domestic Assistance as 10.853, Community Antenna Television Loans and Loan Guarantees.

REA, in its effort to assure the best, most cost-effective telecommunications for rural America, and to assure loan security, hereby issues a new Bulletin 345–10. This action will provide REA borrowers, contractors, engineers, and other interested parties with information on acceptance test procedures and minimum acceptable performance criteria for REA-financed CATV systems.

A notice of Proposed Rule Making was published in the Federal Register on January 16, 1981. However, no public comments were received in response to the notice.

PART 1701—APPENDIX A [AMENDED]

Appendix A to 7 CFR Part 1701 is amended to include new Bulletin 345–10, PC–6.

Dated: April 22, 1980.

John H. Arnesen,

Assistant Administrator—Telephone.

[FR Doc. 81–13453 Filed 5–4–81; 8:45 am]
BILLING CODE 3410–15–M

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins, Bulletin 345–52, REA Standards PC–5A, Service Entrance and Station Protector Installations and PC–5B, Station Installations

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletins to revise Bulletin 345–52 to include the REA Standard for Station Installations, PC–5B. Issuance of PC–5B completes the process of separating the original PC–5, Specification for Station Installations, into two documents. This was necessitated by the adoption of the REA 515g Construction Contract. The first portion of the revised bulletin, PC–5A, Standard for Service Entrance and Station Protector Installations, was issued as a final rule on January 22, 1980, in the Federal Register.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3827. The Impact Analysis Statement describing the options considered in developing this rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby revises Bulletin 345–52 to provide for the inclusion of PC–5B, Station Installations. REA Bulletin 345–52 now includes PC–5A, issued on January 22, 1980, and PC–5B issued herewith. This action has been issued in conformance with Executive Order 12291, Federal Regulations, and has been determined to be "not major."

This program is listed in the Catalog of Federal Domestic Assistance as 10.851 Rural Telephone Loans and Loan Guarantees.

REA, in its effort to assure the best, most cost-effective telecommunications service for rural America, proposed the review of Bulletin 345–52 to include PC–5B. This action will provide REA borrowers, contractors, engineers, and other interested parties with detailed information on station installation practices. A Notice of Proposed Rulemaking was published in the Federal Register on January 13, 1981. However, no public comments were received in response to the notice.

PART 1701—APPENDIX A [AMENDED]

Appendix A to 7 CFR Part 1701 is amended to include revised bulletin 345–52, REA Standard PC–5B.

Dated: April 20, 1981.

John H. Arnesen,

Assistant Administrator—Telephone.

[FR Doc. 81–13451 Filed 5–4–81; 8:45 am]
BILLING CODE 3410–15–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 109

Employment Authorization to Aliens in the United States

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule adds a new Part 109 to Chapter I of Title 8 of the Code of Federal Regulations to codify procedures and criteria for the grant of employment authorization to aliens in the United States. The new rules are necessary to codify the various Service Operations Instructions and policy statements in one place in the regulations so that the public may conveniently locate the rules on employment authorization for aliens and the standards which are applicable.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT:
For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633–3048.

For Specific Information: Richard R. Spurlock, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633–2361.

SUPPLEMENTARY INFORMATION: On March 26, 1980, a proposed rule was published in the **Federal Register** (45 FR 19563) to add a new part 109 to Chapter I of existing regulations to codify procedures and criteria for the grant of employment authorization to aliens in the United States. Section 109.1(a) Classes of aliens eligible, identifies the classes of aliens who are authorized to be employed in the United States as a condition of their admission without specific authorization from the Service. "Employment authorization" in § 109.1(a) means that the aliens may engage in activities solely related to the status in which they were admitted. For example, an "A" diplomat may engage in activities related to his diplomatic functions; and an "L–1" intra-company transferee may engage in activities solely related to the purposes set forth in the visa petition. Paragraph (b) of § 109.1 describes the classes of aliens who may apply for discretionary work authorization based upon their financial need and that of their families. Section 109.2 sets forth the criteria under which a district director may revoke previously granted work authorization. It also sets forth notification requirements to the alien and allows submission of rebuttal evidence by the alien.

In response to the publication of the proposed rule in the **Federal Register**, approximately 30 responses were received from various commenters including immigration reform federations, attorneys, community service groups, and Service employees. All responses were given careful consideration. Most commenters fully supported the codification of criteria and procedures for work authorization of aliens in the United States. However, there was wide diversity of opinion as to whether the Service should be strict or permissive when granting work authorization.

Several commenters expressed concern that § 109.1(a) did not adequately cover all categories for nonimmigrants who are permitted to work while in the United States. Five additional classes of nonimmigrant aliens who are authorized to work in the United States have been added to this part.

In addition, the wording has been revised for certain categories to conform to the provisions of the Refugee Act of 1980.

There was opposition expressed by several commenters for the showing of economic need as a pre-requisite to work authorization; they contend that such a requirement will unduly burden the alien and Service. To alleviate this burden the regulation has been amended to provide for a simple statement to be submitted by the alien attesting to his/her assets, income and expenses to be used by the district director in granting work permission.

Title 45 Public Welfare, Part 1060, Attachment A, Community Services Administration (CSA) Income Poverty Guidelines, apply to all financially assisted grants under the Economic Opportunity Act. It is provided that agencies may use these guidelines for other administrative or statistical purposes as appropriate. The Service has incorporated the CSA poverty guidelines by reference in § 109.1(b) of the regulations. The acceptance of the alien's statement as to financial status and the use of the income poverty guidelines should overcome objections to the absence of articulated standards or guidelines.

A number of commenters labeled as unfair the requirement that the alien's application for asylum under section 208 of the Act be "prima facie approvable" before his/her employment would be authorized. The wording has been changed to read "non-frivolous application" so as to include any application for asylum where a substantive claim of persecution is made.

It was also suggested that the proposed rule be amended to include nunc-pro-tunc employment authorization for asylum applicants.

Section 209 of the I. & N. Act provides that an alien granted asylum pursuant to section 208 may be adjusted to the status of permanent resident alien notwithstanding the exclusionary provisions of section 245(c) of the Act. Therefore, the alien granted asylum is not prejudiced by the absence of a nunc-pro-tunc employment authorization provision in Part 109.

Several writers claimed that the principle of due process will be violated because the district director's authority to revoke employment authorization under § 109.2 is not reviewed by someone other than the person who made the initial decision. The Service's position is that the review by a district director is at an appropriate level of responsibility to insure due process.

Section 109.2 provides for the district director to notify the alien of his intent to revoke employment authorization when it appears that one or more of the conditions on which it was granted no longer exist. The alien is given an opportunity to present countervailing evidence within 15 days of the notice as to why his/her permission to work should not be revoked. Employment in the United States is not an inherent right of the aliens described in § 109.1(b). Their employment authorization is a matter of administrative discretion because humanitarian or economic needs warrant administrative action. The Service has authority to withdraw the work authorization when one or more of the factors for eligibility cease to exist, or for good cause shown.

After carefully evaluating the comments received as discussed above, Chapter I of Title 8 of the Code of Federal Regulations is amended by adding a new Part 109 to read as follows:

PART 109—EMPLOYMENT AUTHORIZATION

Sec.
109.1 Classes of aliens eligible.
109.2 Revocation of employment authorization.

Authority: Sec. 103, 245(c); (8 U.S.C. 1103, 1255(c))

§ 109.1 Classes of aliens eligible.

(a) *Aliens authorized employment incident to status.* The following classes of aliens are authorized to be employed in the United States as a condition of their admission or subsequent change to one of the indicated classes, and specific authorization need not be requested:

(1) A lawful permanent resident alien.

(2) An alien admitted to the United States as a refugee under section 207 of the Act.

(3) An alien paroled into the United States as a refugee.

(4) An alien granted asylum under section 208 of the Act.

(5) An alien admitted to the United States as a nonimmigrant fiance or fiancee.

(6) An alien admitted in one of the following classifications, or whose status has been changed to such classification under section 247, 248 of the Act:

(i) A foreign government official (A–1), or (A–2).

(ii) An employee of a foreign government official (A–3).

(iii) A nonimmigrant visitor for business (B–1).

(iv) A nonimmigrant crewman (D–1).

(v) A nonimmigrant treaty trader or investor (E–1), or (E–2).

(vi) A representative of an international organization (G–1), (G–2), (G–3), or (G–4).

(vii) A personal servant of an employee or representative of an international organization (G–5).

(viii) A temporary worker or trainee (H–1), or (H–2), or (H–3).

(ix) An information media representative (I).

(x) An exchange visitor (J–1).

(xi) An intra-company transferee (L–1).

The employment authorization is limited solely to the extent and conditions described for the corresponding classifications in section 101(a)(15) of the Act, 8 CFR Part 214, and 22 CFR 63.24.

(b) *Aliens who must apply for work authorization.* Any alien within a class of aliens described in this section may apply for work authorization to the district director in whose district the alien resides:

(1) Any alien maintaining a lawful nonimmigrant status in one of the following classes may be granted permission to be employed:

(i) Alien spouse or unmarried dependent son or daughter of a foreign government official (A–1), or (A–2) as provided in § 214.2(a) of this chapter.

(ii) Alien nonimmigrant student (F–1) as provided in § 214.2(f) of this chapter.

(iii) Alien spouse or an unmarried dependent son or daughter of an officer or employee of an international organization (G–4) as provided in § 214.2(g) of this chapter.

(iv) Alien spouse of an exchange visitor (J–2) as provided in § 214.2(j) of this chapter.

(2) Any Alien who has filed a non-frivolous application for asylum pursuant to Part 208 of this chapter may be granted permission to be employed for the period of time necessary to decide the case.

(3) Any alien who has properly filed an application for adjustment of status pursuant to section 245 of the Act may be granted permission to be employed for the period of time necessary to decide the case.

(4) Any alien who has applied to an immigration judge under § 242.17 of this chapter for suspension of deportation pursuant to section 244(a) of the Act may be granted permission to be employed for the period of time necessary to decide the case: *Provided,* The applicant can establish an economic need to work.

(5) Any deportable alien granted voluntary departure prior to commencement of a hearing under § 242.5(a)(v), (vi), or (viii) of this chapter may be granted permission to be employed for the period of time prior to voluntary departure: *Provided,* The alien establishes to the satisfaction of the district director that he/she is financially unable to maintain himself/herself and family without employment. Factors which may be considered in granting employment authorization to an alien who has been granted voluntary departure:

(i) Length of voluntary departure granted;

(ii) Dependent spouse and/or children in the United States who rely on the alien for support;

(iii) Reasonable chance that legal status may ensue in the near future; and

(iv) Reasonable basis for consideration of discretionary relief.

(6) Any alien in whose case the district director recommends consideration of deferred action, an act of administrative convenience to the government which gives some cases lower priority: *Provided,* The alien establishes to the satisfaction of the district director that he/she is financially unable to maintain himself/herself and family without employment. The Community Service Administration Income Poverty Guidelines, Appendix 22 CFR 42.91(a)(iii) shall be used as the basic criteria to establish economic necessity for employment authorization requests where the alien's need to work is a factor. The applicant shall submit a signed statement listing his/her assets, income, and expenses as evidence of his/her economic need to work. Permission to work granted on the basis of the applicant's statement may be revoked under § 109.2 upon a showing that the information contained in the statement was not true and correct.

§ 109.2 Revocation of employment authorization.

(a) *Basis for revocation of employment authorization.* Employment authorization granted under § 109.1(b) of this part may be revoked by the district director when it appears that one or more of the conditions upon which it was granted no longer exist, or for good cause shown.

(b) *Notice of intent to revoke employment authorization.* When a district director determines that employment authorization should be revoked, he/she shall serve notice of the reasons and the intention to revoke on the alien. The alien will be granted a period of fifteen days from the date of service of notice in which to submit evidence why the authorization should not be revoked. The decision by the district director shall be final and no appeal shall lie from the decision to revoke the authorization.

Certification

In accordance with 5 U.S.C. 605(b), this rule will not have a significant economic impact on a substantial number of small entities nor is it a major rule as defined in E.O. 12291. The rule codifies, under one part of the regulations, existing Service practice and procedures relating to employment authorization for aliens. This codification will enable the public to find all the rules on employment authorization in one convenient part.

Dated: April 20, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-13480 Filed 5-4-81; 8:45 am]

BILLING CODE 4410-10-M

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8 CFR Part 212

Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Revision of Border Crossing Card Procedures

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule adds reference to Form I–586, Nonresident Alien Border Crossing Card, which has replaced the older version, Form I–186. Necessarily included are revised instructions for use, application, voidance, and replacement procedures for border crossing cards, particularly, the new Form I–586.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536. Telephone: (202) 633–3048.

For specific information: Leon C. Jennings, Immigration Inspector, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536. Telephone: (202) 633-4033.

SUPPLEMENTARY INFORMATION: The final rule amends 8 CFR 212.6 (a) through (e) to include the Alien Documentation, Information and Telecommunication System (ADIT) version of the nonresident alien border crossing card (Form I-586), and revises instructions for processing applicants for the new card.

Paragraphs (a) through (e) of § 212.6 are amended as follows:

(a) *Use.* Add reference to Form I-586.

(b) *Application.* Amend text to require a color photograph of the applicant. Require all applicants, regardless of age, to appear in person when the application is submitted to an immigration officer. Children under 14 years of age were previously exempt from this requirement, except those children who commuted daily to attend school in the United States.

(c) *Validity.* Add reference to Form I-586.

(d) *Voidance.* Add reference to Form I-586.

(e) *Replacement.* Add reference to Form I-586.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking is not necessary because this rule merely makes technical revisions to existing regulations for processing the new Form I-586, ADIT border crossing card.

This final order is a technical revision of form number reference and processing procedure and is not a major rule within the definition of subsection 1(b) of E.O. 12291.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that promulgation of this final rule will not have a significant economic impact on a substantial number of small entities because the rule makes technical revisions to existing regulations and does not add an additional burden on the public.

Accordingly, Chapter I of Title 8, Code of Federal Regulations is amended to read as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In § 212.6, paragraphs (a) through (e) are revised to read as follows:

§ 212.6 Nonresident alien border crossing cards.

(a) *Use.* A Canadian nonresident alien border crossing card on Form I-185 may be presented by a Canadian citizen or British subject residing in Canada to facilitate entry at a United States port of entry. When presented by the rightful holder, Form I-185 is valid for admission in accordance with the terms noted thereon. If found otherwise admissible, the rightful holder of a Mexican nonresident alien border crossing card, Form I-186 or I-586, may be admitted to the United States as a nonimmigrant visitor at a Mexican border port of entry without additional documentation for a period of 72 hours or less to visit in the immediate border area. The rightful holder of a Form I-186 or I-586 seeking entry as a nonimmigrant visitor at a Mexican border port of entry for a period of more than 72 hours but not more than 15 days in the immediate border area, or to proceed outside the immediate border area but within the States of Texas, New Mexico, Arizona, or California, for not more than 15 days shall, if admitted, be issued Form I-444. If seeking entry as a nonimmigrant visitor at a Mexican border port of entry for a period of more than 15 days, or to proceed to an area in the United States other than Texas, New Mexico, Arizona, or California, the alien shall, if admitted, be issued Form I-94. The rightful holder of a Form I-186 or I-586 seeking entry to the United States from contiguous territory at other than a Mexican border port of entry shall, if admitted, be issued a Form I-94. For the purpose of this chapter the immediate border area is defined as that area of the United States within a distance of 25 miles from the Mexican border. When applying for admission from a country other than Mexico or Canada, or from Canada if he/she has been in a country other than the United States or Canada since leaving Mexico, the rightful holder of a valid Form I-186 or I-586 seeking entry as a visitor for business or pleasure must, in addition, present a valid passport and, if admitted, he/she shall be issued Form I-94.

(b) *Application.* A citizen of Canada or a British subject residing in Canada must apply on Form I-175 for a nonresident alien border crossing card, supporting his/her application with evidence of Canadian or British citizenship, residence in Canada, and two photographs, size 1½" x 1½". Form I-175 must be submitted to an immigration officer at a Canadian border port of entry. A citizen of Mexico must apply on Form I-190 for a nonresident alien border crossing card, supporting his application with evidence of Mexican citizenship and residence, a valid unexpired passport or a valid Mexican Form 13, and one color photograph with a white background. The photograph must be glossy, unretouched and not mounted. Dimension of the facial image must be approximately one inch from chin to top of hair, and the applicant must be shown in ¾ frontal view showing right side of face with right ear visible. Form I-190 must be submitted to an immigration officer at a Mexican border port of entry or to an American consular officer in Mexico, other than one assigned to a consulate situated adjacent to the border between Mexico and the United States; however, Form FS-257 may be used in lieu of Form I-190 when the application is made to an American consular officer. If the application is submitted to an immigration officer, each applicant, regardless of age, must appear in person for an interview concerning eligibility for a nonresident alien border crossing card. If the application is submitted to a consular officer, each applicant, except a child under fourteen years of age, must appear in person for the interview. If the application is denied, the applicant shall be given a notice of denial with the reasons on Form I-180. There is no appeal from the denial but the denial is without prejudice to a subsequent application for a visa or for admission to the United States.

(c) *Validity.* Notwithstanding any expiration dates which may appear thereon, Forms I-185, I-186, and I-586, are valid until revoked or voided.

(d) *Voidance.*—(1) *At port of entry.* Forms I-185, I-186 and I-586 may be declared void by a supervisory immigration officer at a port of entry. If the card is declared void, the applicant shall be advised in writing that he/she may request a hearing before an immigration judge to determine his/her admissibility in accordance with Part 236 of this chapter and may be represented at this hearing by an attorney of his/her own choice at no expense to the Government. He/she shall also be advised of the availability of free legal services programs qualified under Part 292a of this chapter and organizations recognized under § 292.2 of this chapter, located in the district where the exclusion hearing is to be held. If the applicant requests a hearing, Forms I-185, I-186 and I-586 shall be held at the port of entry for presentation to the immigration judge. If the applicant chooses not to have a hearing, the card shall be voided. The alien to whom the form was issued shall be notified of the action taken and the reasons therefore by means of form I-180 delivered in person or, if such action is not possible, by mailing the Form I-180 to the last known address.

(2) *Within the United States.* If the holder of a Form I-185, I-186 or I-586 is

placed under deportation proceedings, no action to void the card shall be taken pending the outcome of the hearing. If the alien is ordered deported or granted voluntary departure, the card shall be voided by an immigration officer. In the case of an alien holder of a Form I–185, I–186 or I–586 who is granted voluntary departure without a hearing, the card may be declared void by an immigration officer who is authorized to issue an Order to Show Cause or to grant voluntary departure.

(3) *In Mexico or Canada.* Forms I–185, I–186 or I–586 may be declared void by a consular officer in Mexico or Canada if the card was issued in one of those countries.

(4) *Grounds.* Grounds for voidance of a Form I–185, I–186 or I–586 shall be that the holder has violated the immigration laws; that he/she is inadmissible to the United States; or that he/she has abandoned his/her residence in the country upon which the card was granted.

(e) *Replacement.* If a nonresident alien border crossing card has been lost, mutilated, or destroyed, the person to whom the card was issued may apply for a new card as provided for in this section. The holder of a Form I–185, I–186 or I–586 which is in poor condition because of improper production may be issued a new form without submitting fee or application upon surrendering the original card.

* * * * *

(Secs. 103, 212; (8 U.S.C. 1103, 1182))

Dated: April 14, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81–13461 Filed 5–4–81; 8:45 am]

BILLING CODE 4410–10–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Rev. 6, Amdt. 6]

Business Loan Policy

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration is amending portions of its regulations covering business loan policy as those regulations relate to conflicts of interest between lenders and borrowers.

This amendment to Part 120 extends the "associate" relationship that creates an actual or apparent conflict of interest through the life of the loan, it permits exceptions to the six month retroactive feature, it requires disclosure statements from the lender and the borrower and it permits SBA to take appropriate action if an associate relationship is created during the life of the loan.

EFFECTIVE DATE: May 5, 1981.

FOR FURTHER INFORMATION CONTACT: Questions regarding this rule may be directed to: Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, (202) 653–6470.

SUPPLEMENTARY INFORMATION: SBA received only one response to the proposed rule that was published in the **Federal Register** on October 6, 1980. The writer felt that the changes increased the burden (and liability) of the lender instead of reducing it. The writer also commented on other portions of the regulations which will be the subject of future proposals.

The final rule has been modified to clarify that extreme action by SBA will be taken only for intentional violations of the rule by either the lender or the borrower. Unintentional violations that are generally beyond the control of the lender will not automatically put the lender in a position to have the guarantee cancelled by SBA. The intent of this amendment is to make it easier for the lenders and borrowers to comply, not to provide a means whereby SBA can cancel its guarantee.

This amendment is needed to permit field offices to accept an application when certain prohibited relationships have existed and to set forth the criteria for considering waivers. The objective of this rule is to permit worthy applicants to request financial assistance even though their principals may be associated with the lender but not active in the lender's daily operations. The application of this regulation to the life of the loan was necessary to plug an unintentional loophole in the existing regulation.

This amendment reduces, rather than imposes, a burden on small business. The only alternative considered was making no change. This was rejected because the existing rule is excessively severe and overly restrictive.

Accordingly, pursuant to the authority contained in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, Part 120, Chapter 1, Title 13 of the Code of Federal Regulations, is amended to read as follows:

PART 120—BUSINESS LOAN POLICY

1. Section 120.1(d)(3)(ii) is revised to read as follows:

§ 120.1 Introduction.

* * * * *

(d) * * *

(3) * * *

(ii) *Period of relationship.* For the purpose of this definition, any person or entity in any of the relationships described in paragraphs (d) (1), (2) and (3) of this section within six months prior to the date of the lender's application or at any time thereafter while such loan is outstanding will be deemed to have been in such relationship at the time of application.

2. Section 120.5(a) is amended by adding paragraph (1) (iv) and (v) and adding a new paragraph (5) to read as follows:

§ 120.5 Operations of eligible participants.

(a) General.

* * * * *

(1) *Conflicts.* Without the prior written approval of the responsible SBA district office, SBA will not participate in any loan to a small business concern in which the lender has, or acquires while the loan is outstanding, a direct or indirect interest. For example:

* * * * *

(iv) When the Lender's application to SBA for an immediate participation or loan guarantee does not contain a full disclosure statement, including negative statements to the best of their knowledge, from the lender and from the small business concern, relative to all relationships discussed in section 120.1(d) of this Part that exist or have existed within six months prior to the date of the lender's application and an undertaking that no such relationship shall be created as long as the loan is outstanding.

(v) In reviewing requests for prior written approval under subparagraph (1) of this section the district office will determine whether a conflict of interest exists or appears to exist because of preferential treatment or the loss of independent, impartial and objective decisions and to determine the corrective action, if any, that will eliminate the actual or apparent conflict and allow immediate processing of the application. Determination will be based on such factors as: (a) the nature of the relationship between the lender and its "associate," (b) the significance of an "associate's" influence on the actions or decisions of the lender and the associate, (c) the nature of the relationship with a close relative (e.g. would it tend to prejudice an objective decision), and (d) any other factors that may, directly or indirectly, contribute to or negate a conflict of interest.

* * * * *

(5) *Prohibited Relationship.* The "Associate" relationship defined in paragraph (d) (1), (2) and (3) of 120.1 is prohibited during the life of any loan made the lender in which SBA participates. At SBA's discretion, a violation of this regulation by the officers and directors of the lender who are responsible for making the servicing decisions on the loan could result in a partial or full loss of the SBA guarantee and an obvious violation by the borrower could result in acceleration of the loan. Unintentional violations by either the lender or the borrower could result in less severe actions such as requesting that the relationship be terminated, that all requests for modification of loan terms be denied while the violation continues or other appropriate action that is commensurate with the seriousness of the violation.

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans)

Dated: April 28, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-13691 Filed 5-4-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 46 and 131

[Docket No. RM81-26; Order No. 40]

Final Rule To Establish Format No. FERC 561, Annual Report of Interlocking Positions; Errata Notice

April 23, 1981.

AGENCY: Federal Energy Regulatory Commission; DOE.

ACTION: Errata notice.

SUMMARY: This notice corrects Federal Energy Regulatory Commission (Commission) Order No. 140 and § 131.31 of the Commission's regulations.

FOR FURTHER INFORMATION CONTACT: Cathy Ciaglo, Federal Energy Regulatory Commission, Office of General Counsel, 825 North Capitol Street, N.E., Room 8100-K, Washington, D.C. 20426; Phone: (202) 357-8528.

SUPPLEMENTARY INFORMATION: The following corrections should be made to the Federal Energy Regulatory Commission (Commission) Order No. 140, Final Rule To Establish Format No. 561, Annual Report of Interlocking Positions which was issued on April 9, 1981 (46 FR 22180, April 16, 1981, at 46 FR 22181):

In the first column, the telephone number of the Commission Contact Person should be changed from "(202) 376-1850" to "(202) 376-1653."

§ 131.31 [Corrected]

In the third column, "§ 131.31 *Format No. FERC 562, Annual report of interlocking positions."* should be changed to "§ 131.31 *Format No. FERC 561, Annual report of interlocking positions."*

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13310 Filed 5-4-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF LABOR

Employment and Training Administraton

20 CFR Part 676

Comprehensive Employment and Training Act Regulations

Correction

In FR Doc. 80-15374 appearing at page 33845 as the Part IX in the issue of Tuesday, May 20, 1980, in the third column on page 33867, delete the last three lines of § 676.16(a) now reading "total amount of funds requested for program under Parts 677, 678, 679, and (108))." and insert the following "after consultation with the prime sponsor (sec. 103(c), (106) and (108))."

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Levamisole Hydrochloride for Use in Drinking Water

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Pitman-Moore, Inc., providing for safe and effective use of the anthelmintic levamisole hydrochloride soluble powder in swine drinking water.

EFFECTIVE DATE: May 5, 1981.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Pitman-Moore, Inc., Washington Crossing, NJ 08560, filed an NADA (112-049) providing for use of an 18.15 gram dose of levamisole hydrochloride soluble powder to prepare 500 milliliters (mL) of concentrate solution. The concentrate is diluted 10 mL per gallon for swine drinking water used for treating large roundworm, nodular worm, lungworm, and intestinal threadworm infections. The firm has existing approvals for use of the drug in cattle and sheep. The regulations are amended to add provisions for use of the drug in swine.

Approval of this NADA relies upon safety and effectiveness data contained in Cyanamid Agricultural de Puerto Rico, Inc.'s (CAPRI) approved NADA's 39-356, 39-357, 45-513, and master files 3670 and 3492. Use of the data in the referenced NADA's and master files to support this NADA has been authorized by CAPRI. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977) approval of this NADA has been treated as would an approval of a Category II supplement and did not require reevaluation of safety and effectiveness data in NADA's 39-356, 39-357, 45-513, and master files 3670 and 3492.

The Bureau of Veterinary Medicine has carefully considered the potential environmental impacts of this action and has concluded that the action will not have a significant effect on the human environment and that an environmental impact statement, therefore, will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding is contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(iii), (f)(2)(ii), and (g)) may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch

(HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1242a by revising paragraph (c)(2) to read as follows:

§ 520.1242a Levamisole hydrochloride drench and drinking water.

* * * * *

(c) * * *

(2) See 011718 in § 510.600(c) of this chapter for conditions of use provided for in paragraph (f)(1), (2)(ii), and (3)—18.15 grams per bottle—of this section.

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Effective date. May 5, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 29, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-13469 Filed 5-4-81; 8:45 am]

BILLING CODE 4110-83-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Lenperone Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by A. H. Robins Co., providing for use of lenperone tablets as a tranquilizer and antiemetic in treating dogs.

EFFECTIVE DATE: May 5, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: A. H. Robins Co., Research Laboratories, 1211 Sherwood Ave., Richmond, VA 23220, is sponsor of an NADA (97–901) providing for use of lenperone tablets as a tranquilizer and antiemetic in dogs.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required. The product was the subject of an approved NADA for the same use provided for in this order. Approval for the product was withdrawn at A. H. Robin's request by an order published in the **Federal Register** of December 29, 1978 (43 FR 60882). The firm has now requested that approval for use of the product be reinstated.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1236, to read as follows:

§ 520.1236 Lenperone tablets.

(a) *Specifications.* Each tablet contains 5 milligrams of lenperone hydrochloride.

(b) *Sponsor.* See No. 000031 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) Used in dogs as a tranquilizer, antiemetic, and for pre- and post-operative medication.

(2) Administered orally at .25 to 1.0 milligram per pound of body weight, every 5 to 8 hours.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This amendment is effective May 5, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 28, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-13413 Filed 5-4-81; 8:45 am]

BILLING CODE 4110-83-M

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21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Lenperone Hydrochloride Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by A. H. Robins Co., providing for use of lenperone hydrochloride injection as a tranquilizer and antiemetic in treating cats and dogs.

EFFECTIVE DATE: May 5, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: A. H. Robins Co., Research Laboratories, 1211, Sherwood Ave., Richmond, VA 23220, is sponsor of an NADA (96–506) providing for use of lenperone hydrochloride injection as a tranquilizer and antiemetic in cats and dogs.

In accordance with the freedom of information provisons of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required. The product was the subject of an approved NADA for the same use provided for in this order. Approval for the product was withdrawn at A. H. Robins' request by an order published in the **Federal Register** of December 29, 1978 (43 FR 60882). The firm has now

requested that approval for use of the product be reinstated.

This action is governed by the provisons of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by adding new § 522.1235, to read as follows:

§ 522.1235 Lenperone hydrochloride injection.

(a) *Specifications.* Each milliliter of sterile solution contains 5 milligrams of lenperone hydrochloride.

(b) *Sponsor.* See No. 000031 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) Used in cats and dogs as a tranquilizer, antiemetic, and for pre- and postoperative medication.

(2) Administered intravenously at .10 to .40 milligram per pound of body weight; intramuscularly at .20 to .80 milligram per pound of body weight, but not more than 4 milliliters per injection site.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This amendment is effective May 5, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 28, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-13414 Filed 5-4-81; 8:45 am]

BILLING CODE 4110-83-M

21 CFR Part 546

Tetracycline Antibiotic Drugs for Animal Use; Tetracycline Hydrochloride, Sodium Novobiocin, and Prednisolone Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co., providing for use of a combination drug product for treating certain upper respiratory infections in dogs.

EFFECTIVE DATE: May 5, 1981.

FOR FURTHER INFORMATION CONTACT:

Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, filed a supplemental NADA (65-060) providing for oral use of a combination drug product containing tetracycline hydrochloride, novobiocin, and prednisolone to treat certain respiratory infections of dogs. The product was first approved for certification on May 3, 1963. It was the subject of a National Academy of Sciences—National Research Council (NAS/NRC), Drug Efficacy Study Group report published in the **Federal Register** of July 22, 1970 (35 FR 11708). The NAS/NRC report concluded, and FDA concurred, that the drug is probably effective for antimicrobial activity and effective for endocrine activity, but more evidence is needed to support the value of the combination, and the labeling should clearly state that the drug is not effective against viral disease. The report also contained the following conclusions and findings: (1) the dosage of novobiocin is too low; (2) the dosage schedule should be revised; (3) the use of glucocorticoid drugs for treatment of viral disease is questionable; (4) disease claims for the drug should be properly qualified as to causative organism or else the claim should be dropped; (5) the use of antibiotics in combinations should be reconsidered because of possible incompatibilities in the mechanism of drug action; (6) the drug in tablet form should be shown to disintegrate in the gastrointestinal tract and to produce the desired therapeutic effect; and (7) the possible toxic effects of novobiocin should be more clearly defined.

Subsequently, the firm filed a series of supplements in response to the NAS/NRC review. New data have shown that each active ingredient contributes to the effectiveness of the product and the drug combination is superior to any single ingredient or two ingredient combination. The implied viral disease claims have been deleted. Dosage levels have been satisfactorily revised and expressed in quantity of drug per unit of animal weight. Disease claims have been properly qualified as to disease and causative organism. Safety data regarding novobiocin have been submitted and are adequate to show that the drug may be safely used. Data also have been submitted that demonstrate that the drug tablet disintegrates in the gastrointestinal tract and produces the desired therapeutic effect. The supplemental NADA is approved and the regulations amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 345-347 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 546 is amended by adding new § 546.1801 to read as follows:

§ 546.1801 Tetracycline hydrochloride, sodium novobiocin, and prednisolone tablets.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* The product is a tablet containing tetracycline hydrochloride, sodium novobiocin, and prednisolone anhydrous with one or more suitable binders, fillers, lubricants, expanders, and coloring agents. Each tablet contains the equivalent activity of 60 milligrams of tetracycline hydrochloride, 60 milligrams of novobiocin, and 1.5 milligrams of prednisolone. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the labeled amount of tetracycline hydrochloride and novobiocin. Its loss on drying is not more than 6.0 percent. Its 4-epianhydrotetracycline content is not more than 2.0 percent. The tablets disintegrate within 60 minutes. The tetracycline hydrochloride used conforms to the standards of § 446.81(a)(1) of this chapter. The sodium novobiocin used conforms to the

standards prescribed by § 455.51(a)(1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of paragraph (c) of this section and § 510.55 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) *Results of tests and assays on:* (*a*) The tetracycline hydrochloride used in making the batch for potency, safety, loss on drying, pH, absorptivity, 4-epianhydrotetracycline content, and identity;

(*b*) The sodium novobiocin used in making the batch for potency, safety, loss on drying, pH, residue on ignition, specific rotation, crystallinity, and identity.

(*c*) The batch for tetracycline hydrochloride content, novobiocin content, loss on drying, 4-epianhydrotetracycline content, and disintegration time.

(ii) *Samples required:* (*a*) The tetracycline hydrochloride and sodium novobiocin used in making the tablets: 10 packages each, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 80 tablets.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Tetracycline content.* Proceed as directed in § 436.106 of this chapter, except use test organism J in lieu of organism A and prepare the sample as follows: Place a representative number of tablets in a high-speed glass blender jar with sufficient 0.1*N* HCl to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 0.24 microgram of tetracycline hydrochloride per milliliter (estimated).

(ii) *Novobiocin content:* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets in a high-speed glass blender jar with 1.0 milliliter of polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Further dilute an aliquot of the stock solution with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *4-Epianhydrotetracycline content.* Proceed as directed in § 436.309 of this chapter.

(4) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e)(1) of that section.

(c) *Conditions of marketing*—(1) *Specifications.* Meets the requirement of paragraph (a) of this section.

(2) *Sponsor.* See No. 000009 in § 510.600(c) of this chapter.

(3) *Special considerations.* The quantities of antibiotic refer to the activity of the antibiotic master standards.

(4) *Conditions of use.* It is used orally in dogs as follows:

(i) *Amount.* Ten milligrams of each antibiotic and 0.25 milligram of prednisolone per pound of body weight (1 tablet for each 6 pounds) every 12 hours for 48 hours. Treatment is to be continued with novobiocin and tetracycline alone at the same dose schedule for an additional 3 days or longer as needed.

(ii) *Indications for use.* It is used in the treatment of acute and chronic canine respiratory infections such as tonsillitis, bronchitis, and tracheobronchitis when caused by pathogens susceptible to tetracycline and/or novobiocin, such as *Staphylococcus spp.* and *Escherichia coli,* when it is necessary to initially reduce the severity of associated clinical signs.

(iii) *Limitations.* As with all antibiotics, appropriate in vitro culturing and susceptibility tests of samples taken before treatment should be conducted. Administer only for the first 48 hours of treatment. The product is contraindicated in animals with tuberculosis, hyperadrenocorticalism, or peptic ulcers. Clinical and experimental data have demonstrated that corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered during the last trimester or pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. May 5, 1981.

(Sec. 512 (i) and (n), 82 Stat. 345–347 (21 U.S.C. 360b (i) and (n))

Dated: April 28, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-13409 Filed 5-4-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 203 and 234

[Docket No. N-81-1069]

Mortgage Insurance and Home Improvement Loans; Changes in Maximum Mortgage Amounts

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of changes in maximum mortgage amounts.

SUMMARY: On November 18, 1980, the Department published an interim rule changing the maximum mortgage amounts for single-family mortgage insurance programs, based on the Housing and Community Development Act of 1980. Due to the regional differences in the cost of housing, the maximum single-family mortgage amounts were increased in areas where middle- and moderate-income persons had limited housing opportunities due to high prevailing housing sales prices. In order to change any of the dollar limitations specified in § 203.18(a) or in Appendix A, the Commissioner must publish a Notice in the Federal Register. This notice revises in part and supplements in part certain of those mortgage limits.

EFFECTIVE DATE: May 5, 1981.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single Family Development Division, Department of Housing and Urban Development, Washington, DC 20410, (202) 755-6720.

SUPPLEMENTARY INFORMATION: In accordance with section 336 of the 1980 Housing and Community Development Act, higher maximum mortgage amounts were allowed for areas with higher housing costs. In addition, a procedure was established to allow interested parties to appeal the mortgage limits for their area if they determine that the mortgage limits do not acccurately reflect the extent to which middle- and moderate-income persons have limited housing opportunities in local market areas due to housing sales prices. This Notice permits increases to the maximum mortgage limits for five market areas based on the Department's review approval of appeals submissions prepared in accordance with the requirements of the appeals process allowed under the Interim Rule. Any area not listed in this Notice will

continue to use the maximum mortgage limits as prescribed in the Federal Register dated November 18, 1980.

1. The Mortgage Companies of Hawaii, Inc. submitted an appeal for the State of Hawaii, requesting an increase to 150 percent of national high-cost limits, the maximum mortgage amounts allowed specifically for Hawaii under section 214 of the National Housing Act. Recent sales data, broken down by single-family and condominium sales, were collected for the entire State of Hawaii for a significant number of units. Upon review of the data, the HUD Honolulu Area Office recommended approval of the appeal and forwarded it to the Assistant Secretary for Housing for final determination.

The sales data submitted by the appellant support the request for an increase in maximum mortgage amounts for one- to four-family home mortgages insured under section 203(b), indicating that the limits published in the November 18, 1980 Federal Register are well below 95 percent of the median sales prices. On the other hand, sales data for condominium units does not support an increase under section 234(c). Therefore, the condominium limit remains at $101,250.

The following new maximum mortgage limits for section 203(b) single-family units have been established and are added to Appendix A to Part 203:

Region IX.—*Schedule of Section 203(b) Area-Wide One- to Four-Family Mortgage Limits HUD Field Office(s): Honolulu Area Office*

Market area designation	Local jurisdictions	Family			
		One	Two	Three	Four
Oahu SMSA	City of Honolulu, County of Honolulu	$135,000	$161,950	$183,975	$213,975

2. The Helena Service Office, Senator Max Baucus, and other local officials provided information constituting an appeal for the State of Montana. Due to unusually high housing costs in the non-SMSA counties of Montana, the designation of Separate maximum mortgage limits for individual SMSAs has been eliminated. Data were provided which supported the establishment of new state-wide limits.

A. The following new mortgage limits for section 203(b) have been established and the limits in Appendix A to Part 203 for the Helena Service office are revised as follows:

Region VIII.—*Schedule of Section 203(b) Area-Wide One- to Four-Family Mortgage Limits HUD Field Office(s): Helena Service Office*

Market area designation	Local jurisdictions	Family			
		One	Two	Three	Four
State of Montana, Metro and Non-Metro Areas		$75,000	$84,000	$102,500	$118,000

B. The following new mortgage limits for section 234(c) have been established and the limits in Appendix A to Part 234 for the Helena Service Office are revised as follows:

Region VIII.—*Schedule of Section 234(c) Area-Wide One-Family Mortgage Limits HUD Field Office(s): Helena Service Office*

Market area designation	Local jurisdictions	One Family
State of Montana, Metro and Non-Metro Areas		$74,900

3. The Washington Mortgage Bankers Association and the Seattle Master Builders Association submitted an appeal for the Seattle and Tacoma, Washington SMSAs. As contiguous SMSAs, Seattle and Tacoma received equal mortgage limits based on a combination of sales data for the two areas. The appeal questioned this combination and requested that separate mortgage limits be given to the two SMSAs.

A. The following new maximum mortgage limits for Section 203(b) have been established and the limits in Appendix A to Part 203 for the Seattle-Everett and Tacoma SMSA's under the Seattle area office are revised as follows:

Region X.—*Schedule of Section 203(b) Area-Wide One- to Four-Family Mortgage Limits HUD Field Office(s): Seattle Area Office*

Market area designation	Local jurisdictions	Family			
		One	Two	Three	Four
Seattle-Everett, WA, SMSA	King County, Snohomish County	$72,000	$81,500	$99,000	$114,000
Tacoma, WA, SMSA	Pierce County	71,000	80,000	97,500	112,500

B. The following new maximum mortgage limits for section 234(c) have been established and the limits in Appendix A to Part 234 for the Seattle-Everett and Tacoma SMSA's under the Seattle Area Office are revised as follows:

Region X.—*Schedule of Section 234(c) Area-Wide One-Family Mortgage Limits HUD Field Office(s): Seattle Area Office*

Market area designation	Local jurisdictions	One Family
Seattle-Everett, WA, SMSA	King County, Snohomish County.	$72,000
Tacoma, WA, SMSA	Pierce County	71,000

4. The Fresno Service Office submitted an appeal to increase its jurisdiction's maximum mortgage limits. The appeal contained sales price data for non-SMSA counties within the Fresno Service Office area. Based on the information provided, the entire Fresno Service Office will receive an increase.

A. The following new maximum mortgage limits for section 203(b) have been established and the limits in Appendix A to Part 203 for the Fresno Service Office are revised as follows:

Region IX.—*Schedule of Section 203(b) Area-Wide One- to Four-Family Mortgage Limits HUD Field Office(s): Fresno Service Office*

Market area designation	Local jurisdictions	Family			
		One	Two	Three	Four
Fresno, CA, Service Office Metro and Non-Metro Areas.	Fresno County, Kern County, Kings County, Madera County, Mariposa County, Merced County, Stanislaus County, Tulare County.	$71,500	$80,500	$96,000	$113,000

B. The following new maximum limits for section 234(c) have been established and the limits in Appendix A to Part 234 for the Fresno Service Office are revised as follows:

Region IX.—*Schedule of Section 234(c) Area-Wide One-Family Mortgage Limits HUD Field Office(s): Fresno Service Office*

Market area designation	Local jurisdictions	One Family
Fresno, CA, Service Office Metro and Non-Metro Areas.	Fresno County, Kern County, Kings County, Madera County, Mariposa County, Merced County, Stanislaus County, Tulare County.	$71,500

5. The California Department of Housing and Community Development provided information on behalf of Mono and Inyo Counties. These two counties are within the non-metro areas of the Santa Ana Service Office jurisdiction. The data provided by the state agency supports a higher limit for both counties.

A. The following new maximum mortgage limits for section 203(b) have been established and the limits in Appendix A to Part 203 for the Santa Ana Service office are revised as follows:

Region IX.—*Schedule of Section 203(b) Area-Wide One- to Four-Family Mortgage Limits HUD Field Office(s): Santa Ana Service Office*

Market area designation	Local jurisdiction	Family			
		One	Two	Three	Four
Santa Ana, CA, Service Office Metro Areas.	Orange County, Riverside County, San Bernardino County.	$80,000	$101,300	$122,800	$142,800
Santa Ana, CA, Service Office Non-Metro Areas.	Inyo County, Mono County	71,500	80,500	98,000	113,000

B. The following new maximum mortgage limits for section 234 (c) have been established and the limits in Appendix A to Part 203 for the Santa Ana Service Office are revised as follows:

Region IX.—*Schedule of Section 234(c) Area-Wide One-Family Mortgage Limits HUD Field Office(s): Santa Ana Service Office*

Market area designation	Local jurisdictions	One family
Santa Ana, CA, Service Office Metro Areas.	Orange County, Riverside County, San Bernardino County.	$74,900
Santa Ana, CA, Service Office Non-Metro Areas.	Inyo County, Mono County.	71,500

(Sec. 211, National Housing Act (12 U.S.C. 1709, 1715))

Issued at Washington, D.C., April 21, 1981.

George O. Hippe, Jr.,

Acting Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. 81-12961 Filed 5-4-81; 8:45 am]

BILLING CODE 4210-01-M

POSTAL SERVICE

39 CFR Part 111

Cooperative Mailings at the Special Bulk Third-Class Rates

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends a part of the final rule published on January 22, 1981 (46 FR 6940), which, among other things, amended Domestic Mail Manual Section 623.52 to clarify that a cooperative mailing may be made at the special bulk third-class rates by two or more nonprofit organizations only when each of the cooperating organizations is authorized to mail at the special rates at the post office where the cooperative mailing is deposited. In so amending section 623.52, the Postal Service also made what was intended to be a nonsubstantive change in the language which described a cooperative mailing. This amended final rule amends that portion of section 623.52 to avoid a possible misunderstanding of the new language which would make many proper mailings ineligible for special rates. To insure that no erroneous interpretations are made, the amended final rule restores the original language of section 623.52 which describes cooperative mailings ineligible for the special bulk third-class rates.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Lynn M. Martin, Office of Mail Classification, (202) 245-4353.

SUPPLEMENTARY INFORMATION: The original text of Domestic Mail Manual Section 623.52 provided that cooperative mailings "involving the mailing of matter in behalf of or produced for an organization not authorized to mail at the special bulk rates" must be paid at the applicable regular rate. In the revision of section 623.52 published as a final rule on January 22, 1981, the above text was changed to clearly indicate that two authorized nonprofit organizations could not make a cooperative mailing at the special bulk third-class rates unless they both were authorized to mail at those rates at the post office where the mailing is deposited. In revising the language of the regulation to clarify that matter, the Postal Service also changed the general description of a cooperative mailing which is ineligible for the special bulk third-class rates. That change, which was solely intended to be a nonsubstantive, editorial improvement of the language of the regulation, provided that a cooperative mailing ineligible for the special bulk third-class rates was one which contained "any matter prepared by, in behalf of, or produced for an organization not itself authorized to mail at the special bulk rates."

An authorized nonprofit mailer has pointed out to the Postal Service that the phrase "prepared by" as used in that description might be interpreted to apply to profit making companies that print and prepare mailing materials for nonprofit organizations at the expense of the nonprofit organization. The mailer objected to such an interpretation because it would disqualify many otherwise permissible mailings from eligibility for the special rates.

In order to avoid such an unintended interpretation, the Postal Service is amending that portion of the amended section 623.52 to delete the phrase "prepared by" and to restore the original description of a cooperative mailing ineligible for the special bulk third-class rates. Accordingly, the Postal Service hereby adopts the following change to the Domestic Mail Manual which is incorporated by reference in the **Federal Register** (39 CFR 111.1).

Part 623—Special Bulk Rates

In part 623, revise 623.52 to read as follows:

623.5 What May Be Mailed.

* * * * *

.52 Cooperative mailings may be made at the special bulk rates only when each of the cooperating organizations is individually authorized to mail at the special bulk rates at the post office where the mailing is deposited. Cooperative mailings involving the mailing of any matter in behalf of or produced for an organization not itself authorized to mail at the special bulk rates at the post office where the mailing is deposited must be paid at the applicable regular rate. If customers disagree with a postmaster's decision that the regular rate of postage applies to a particular mailing, they may appeal the decision in accordance with 133. See Form 3602, *Statement of Mailing With Permit Imprints*, or Form 3602-PC, *Statement of Mailing—Bulk Rates*, for the certifications required of special bulk rate mailers for mailings made under this section.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39 U.S.C. 401(2), 404(a)(2))

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 81-13439 Filed 5-4-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL 1787-8]

Approval and Promulgation of State Implementation Plans; Nonattainment Area Plans for Utah

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to approve portions of the State Implementation Plan (SIP) revision for Utah, which was submitted to the Environmental Protection Agency (EPA) on August 11, 1980. This revision amends the carbon monoxide (CO) and ozone portions of the submittals originally received by EPA on January 3, 1979 and supplemented with material received on November 5, 1979. Based on the February 19, 1980, proposal, the August 11, 1980, SIP revision, and the public comments, this notice approves the SIP with respect to several requirements of the Clean Air Act including the CO and ozone strategies, except for the inspection/maintenance (I/M) components, for all nonattainment areas not previously approved, and approves extensions of attainment dates for Salt Lake City, Salt Lake County, Davis County, and Ogden. Elsewhere in

today's Federal Register, EPA is proposing action on the I/M component of the CO and ozone plans and other material submitted on August 11, 1980.

EFFECTIVE DATE: Effective May 5, 1981.

ADDRESSES: Copies of the SIP revision, EPA's evaluation report, and the comments received on EPA's proposed action are available for public inspection at the following addresses:

Environmental Protection Agency Library, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295
Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW, Washington, D.C. 20460
The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Barry F. Levene, Acting Chief, Transportation Section, Air Programs Branch, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295 (303) 837-3471.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), and September 11, 1978 (43 FR 40412), pursuant to the requirements of Section 107 of the Clean Air Act, as amended in 1977, EPA designated portions of Utah as nonattainment areas for TSP, SO_2, CO, and ozone. A summary of these designations is presented in Table 1. As a result, pursuant to Part D of the Clean Air Act, the State of Utah was requested to revise its SIP by January 1, 1979, to meet specific requirements for nonattainment areas. In response to these requirements, the Governor of Utah submitted a revised SIP which was received by EPA on January 3, 1979.

Table 1.—*Utah nonattainment areas*

TSP	SO_2	CO	Ozone
Davis County	Salt Lake County	Salt Lake City	Salt Lake County.
Salt Lake County	Tooele County	Bountiful	Davis County.
Utah County	Cedar City	Ogden	Utah County.
Weber County		Provo	Weber County.

The State's submittal consisted of the basic elements contained in the previous SIP and the Air Conservation Regulations enacted by the Utah Air Conservation Committee, transportation control measures elements prepared by organizations of local elected officials, and a detailed Technical Support Document (TSD) which included diffusion modeling estimates and considerable background information related to the control strategies in the SIP.

On January 25, 1979 (44 FR 5159), EPA published an advance notice of availability of the Utah SIP revision and invited the public to comment on its approvability. On May 16, 1979 (44 FR 28688), EPA published a notice of proposed rulemaking which described the SIP and the results of EPA's review with respect to the requirements for an approvable SIP described in a Federal Register notice published on April 4, 1979 (44 FR 20372), and requested public comment.

In brief, EPA proposed to approve the SIP with the following exceptions:

1. The TSP control strategy and regulations for all nonattainment areas.
2. The SO_2 control strategy and regulations for Salt Lake and Tooele Counties.
3. The CO control strategy for Ogden, Provo, and Salt Lake City.
4. The ozone control strategy for Davis and Salt Lake Counties.
5. The 18-month extension request to submit a TSP plan for attainment of the secondary National Ambient Air Quality Standards.
6. Part D requirements including demonstration of reasonable further progress, submittal of an adequate emission inventory, commitments from local governments to carry out appropriate elements of the plan, and establishment of an I/M program in Davis and Salt Lake Counties.

EPA received two comments on this proposal, neither of which concern this final rule on the CO or ozone portions of the SIP. However, in response to EPA's proposal, the State revised the CO and ozone control strategies and the resultant revision was submitted to EPA by the Governor on November 5, 1979.

EPA reviewed the State's CO and ozone submittal for compliance with Clean Air Act requirements and other guidance material referred to in the General Preamble for Proposed Rulemaking (44 FR 20371 (April 4, 1979)), and its various supplements, (44 FR 38583 (July 2, 1979)), and (44 FR 53761 (September 17, 1979)), and additional guidance on I/M issued on February 24, 1978, and July 17, 1978. Several deficiencies were identified. These included portions of the I/M strategy, the Provo CO control strategy, and one item in the volatile organic compounds (VOC) regulations.

On the basis of these findings, EPA proposed on February 19, 1980 (45 FR 10817) to approve the Weber County ozone strategy and to approve the CO and ozone strategies in all other areas provided that certain supplemental information be supplied prior to final rulemaking. In summary, the following information was requested:

1. Commitments by both the Salt Lake and Davis County Boards of Health to achieve a 25% reduction in light-duty vehicle exhaust emissions of hydrocarbons (HC) and CO by 1987 through an I/M program.
2. Decisions by each county on the type of I/M enforcement mechanism to be used, including commitments by responsible enforcement agencies.
3. Legal opinion from Davis County that it has the authority to adopt, implement, and enforce an I/M program.
4. Legal opinion from Salt Lake County that it has the authority to enforce the selected I/M program.
5. Legal opinion for the State on the legality of each county's selected enforcement mechanism.
6. I/M implementation schedules from both Davis and Salt Lake Counties.
7. Commitments from the City of Provo to implement transportation control measures.
8. Demonstration of attainment of CO standards in Provo by 1982 or request for an extension of the CO attainment date.
9. An addition to the VOC regulations which describes compliance test requirements for bulk terminals.

EPA proposed that May 1, 1980, was a reasonable date for submittal of the additional information described above. EPA also proposed to approve attainment date extensions for CO in Salt Lake City and ozone in Salt Lake and Davis County.

EPA received two comments on its February 19, 1980, proposal, one from the Governor of Utah and one from the Salt Lake City-County Health Department. Both commenters were concerned only with items 1–6 above, and the May 1, 1980, deadline for submittal of those items. These comments are summarized below:

Item 1. Both commenters stated that the Salt Lake County Board of Health has recently passed a resolution with the 25% commitment, but the resolution had not yet been incorporated into the SIP. The county stated it would request the State to do so. The Governor suggested that this commitment be included in the TSD to the SIP.

Item 2,4,5. Both commenters stated that it would be premature to require a

decision and legal opinions on the enforcement mechanism until that milestone was reached in the existing work schedules for each county.

Item 3. The Governor stated that the legal opinion from Davis County had been received and would be included in the SIP.

Item 6. Both commenters suggested that, since appropriate schedules exist in county work programs, these schedules be included in the TSD to the SIP.

The Governor further stated that administrative procedures precluded submittal of the existing information by May 1, 1980, and that submittal may not be made until the end of June, 1980.

On August 11, 1980, the Governor of Utah submitted a revision to the SIP which provides, in addition to non-Part D material, some of the supplemental material necessary for EPA to approve the CO and ozone control strategies. The submission includes commitments from both counties to the 25% emission reduction goal, a legal opinion from Davis County supporting its legal authority to adopt, implement, and enforce an I/M program, implementation schedules for both counties, adequate commitments and schedules from Provo to study and implement reasonably available transportation control measures, and a request for an attainment date extension for CO in Provo. Although no changes were made to the VOC regulations in response to the EPA proposal, the State has notified EPA that bulk terminal test procedures are included in Section 4.9.2 of the Utah Air Conservation Regulation. EPA agrees that these procedures are adequate. Thus, the only items in the EPA proposal which were not addressed in the supplemental information are the ones concerning the enforcement mechanism to be used and the legal opinions necessary to establish clear legal authority for that specific mechanism (items 2, 4, and 5). EPA is reproposing action on this element of the I/M program elsewhere in today's **Federal Register**.

EPA Action

For the purpose of this notice, the CO and ozone control strategies have been broken down into their component parts. The CO control strategy consists of a transportation control measures component and an I/M component, where required. The ozone control strategy consists of a transportation control measures component, an I/M component, and a VOC regulations component. Action is being taken on each individual component.

Based on EPA's proposal of February 19, 1980, the two comment letters, and the August 11, 1980, supplemental information submitted by the State, EPA is approving all components of both the CO and ozone control strategies except for the I/M components for which EPA is reproposing action elsewhere in today's **Federal Register**.

The following components are being approved:

1. The transportation control measures component of the Salt Lake City CO control strategy and the Salt Lake County ozone control strategy.
2. The transportation control measures component of the Davis County ozone control strategy.
3. VOC regulations component of the ozone control strategy for Salt Lake County and Davis County.
4. The Ogden CO control strategy.
5. The Weber County ozone control strategy.
6. The Provo CO control strategy.
7. Extensions of the attainment dates are granted for the following areas:

Area	Pollutant	Attainment date
Salt Lake City	CO	Dec. 31, 1983.
Ogden	do	Do.
Salt Lake County	Ozone	Do.
Davis County	do	Do.

EPA finds good cause exists for making the action taken in this notice immediately effective since the State Implementation Plan revision is already in effect under state law and EPA poses no additional regulatory burden. In addition, EPA has a responsibility under the Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979, or as soon thereafter as possible.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final rulemaking is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate Circuit within 60 days of (date of publication). Under Section 307(b)(2) of the Clean Air Act, the requirements, which are the subject of today's notice, may not be challenged later in the civil or criminal proceedings brought by EPA to enforce these requirements.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

(Sec. 110 and Sec. 172 of the Clean Air Act as amended (42 U.S.C. 7410 and 7572) of the Clean Air Act as amended)

Dated: March 23, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Utah was approved by the Director of the Federal Register on July 1, 1980.

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart TT—Utah

1. In § 52.2320, paragraph (c)(8) is added as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(8) Provisions to meet the transportation control requirements of Part D and other Sections of the Clean Air Act, as amended in 1977, were submitted on November 5, 1979, and August 11, 1980, by the Governor.

2. In § 52.2322, paragraphs (h) and (i) are added as follows:

§ 52.2322 Extensions.

* * * * *

(h) The Administrator hereby extends to December 31, 1983, the attainment date for the national standards for carbon monoxide in Salt Lake City and Ogden.

(i) The Administrator hereby extends to December 31, 1985, the attainment date for the national standard for ozone in Salt Lake County and Davis County.

[FR Doc. 81-13682 Filed 5-4-81; 8:45 am]
BILLING CODE 6560-20-M

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40 CFR Part 52

[A-4-FRL 1804-7]

Approval and Promulgation of Implementation Plans; Georgia: Plan Revision Relating to Georgia Power Plant Harllee Branch

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Final rule.

SUMMARY: EPA today approves a State Implementation Plan (SIP) revision submittal made by the Georgia Environmental Protection Division in accordance with the requirements of Section 110 of the Clean Air Act. The revision to Georgia's SIP involves an Enforcement Order for Georgia Power Company's Plant Harllee Branch which was subjected to a public hearing on January 31, 1980, transmitted to EPA May 13, 1980, and proposed in the **Federal Register** on November 12, 1980 (45 FR 74737). Under the revision, Plant Branch will be allowed through 1982 to

demonstrate compliance with the mass particulate limit of the Georgia plan by meeting a correlated opacity limit of 40 percent.

DATE: These actions are effective June 4, 1981.

ADDRESSES: Copies of the material submitted by the State may be examined during normal business hours at the following locations:

Public Information Reference Unit Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Library, EPA, Region IV, 345 Courtland Street, NE., Atlanta, GA 30365

Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20408

Georgia Department of Natural Resources, Environmental Protection Division, 270 Washington Street SW., Atlanta, GA 30334.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Gilbert, Air Programs Branch, EPA Region IV at the above address and telephone number 404/881-3286 or FTS 257-3286

SUPPLEMENTARY INFORMATION: Georgia Power's Plant Branch is at present in compliance with applicable State and Federal air quality standards. If a quarterly compliance test of Units 3 and 4 indicates emissions of particulate matter that exceed the mass emission limit contained in Georgia Rule 391-3-1-.02(2)(d), the procedure for demonstrating compliance with the limit will be altered to enable an alternative method to be used to demonstrate compliance with the mass emission limit.

The alternate procedure proposed by the Georgia Environmental Protection Division would not alter the mass emission limit, but would allow Units 3 and 4 to demonstrate compliance with Rule 391-3-1-.02(2)(d) by use of a correlated opacity test procedure. Under the alternate procedure, Units 3 and 4 must be operated at all times such that the opacity from the common stack shall not exceed a correlated opacity which corresponds to the mass emission rate which complies with Rule 391-3-1-.02(2)(d).

The correlated opacity was determined through a series of stack tests in which opacity and mass emission rates were measured simultaneously. It was determined that 40% opacity for Units 3 and 4 will assure compliance with the mass emission limit.

This alternate procedure for demonstrating compliance with Georgia Rule 391-3-1-.02(2)(d) will be accepted as an interim procedure, and may not be used beyond December 31, 1982.

EPA reviewed the data establishing the correlated opacity and found it to be acceptable. On November 12, 1980 (45 FR 74737), EPA proposed approval of the enforcement order and no comments were received.

Action

Based on the foregoing, EPA hereby approves Georgia's interim total suspended particulate revision for Plant Branch 3 and 4.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this revision is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before [60 days from date of publication]. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves State actions and imposes no new requirement on sources.

Incorporation by reference of the State Implementation Plan for the State of Georgia was approved by the Director of the Federal Register on July 1, 1980.

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: April 27, 1981.

Walter C. Barber,

Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart L—Georgia

In § 52.570, paragraph (c)(21) is added as follows:

§ 52.570 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(21) Order for Georgia Power Company's Plant Harllee Branch, Unit 3 and 4 submitted on May 13, 1980, by the Georgia Department of Natural Resources.

[FR Doc. 81-13661 Filed 5-4-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare and Medicaid Programs; Validation of Accreditation Surveys of Hospitals; Correction Notice

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction to final rule.

SUMMARY: This notice is to correct final rules on the validation of accreditation surveys for accredited hospitals participating in the Medicare and Medicaid programs. These final rules were originally published on November 12, 1980 (45 FR 74826; FR Doc. 80-35126).

FOR FURTHER INFORMATION CONTACT: Margaret VanAmringe, 301-594-9712.

SUPPLEMENTARY INFORMATION:

Background

This notice deals with two separate items addressed in the November 12, 1980 publication of final validation regulations (45 FR 74826; FR Doc. 80-35126).

First, the item listed as (m) under § 405.1505 was inadvertently mislabeled. Since there is already an existing requirement identified as (m), this final regulation should have been labeled (n).

Second, § 405.1902 State survey agency review cites the statutory provisions under which a hospital may participate in the Medicare and Medicaid programs because of the "deemed" status provision. The hospital is deemed to meet the conditions of participation except the requirement for utilization review, the additional special staffing and medical records requirements which are considered necessary for the provision of active treatment in psychiatric and tuberculosis hospitals and any requirement under section 1861(e) of the Act and implementing regulations which the Secretary, after consulting with JCAH or AOA, identifies as being higher or more precise than the requirements for accreditation. When referencing the exceptions in § 405.1902(a)(2)(i), we inadvertently overlooked citing all of the exceptions.

FR Doc. 80-17412 is corrected as follows:

1. On page 74830 under § 405.1505 redesignate paragraph (m) to read (n).

§ 405.1506 Administrative actions which are not initial determinations.

* * * * *

(n) The finding that a hospital accredited by the Joint Commission on the Accreditation of Hospitals or the American Osteopathic Association is not in compliance with a condition of participation, and a finding that such a hospital is no longer deemed to meet the conditions of participation, are not "initial determinations".

2. On page 74832 under § 405.1902(a)(2), revise (i) to read "Except those specified in § 405.1901(d)(1), (2) and (3);".

§ 405.1902 State survey agency review.

* * * * *

(a) * * *

(2) Section 1865(a) of the Act provides that if an institution is accredited as a hospital by the JCAH, it will be deemed to meet the conditions of participation:

(i) Except those specified in § 405.1901(d)(1), (2) and (3);

* * * * *

(Secs. 1102, 1814, 1861, 1863 through 1866, 1871, and 1881; 42 USC 1302, 1395f, 1395x, 1395z through 1395cc, 1395hh and 1395rr)

(Catalog of Federal Domestic Assistance Programs No. 13.714 Medical Assistance Programs; 13.733 Medicare-Hospital Insurance; 13774 Medicare-Supplementary Medicare Insurance)

Approved: April 14, 1981.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 81-13151 Filed 5-4-81; 8:45 am]

BILLING CODE 4110-35-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Eighth Rev. Service Order No. 1474]

Various Railroads Authorized to Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Debtor, (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Eighth Revised Service Order No. 1474.

SUMMARY: Eighth Revised Service Order No. 1474 modifies Appendix A of the previous order by reinstating authority of the Des Moines Union Railway Company (DMU) for its interim operations over certain tracks of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee) (MILW). The MILW and DMU have successfully reached an agreement on compensation.

EFFECTIVE: 12:01 a.m., April 30, 1981.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275-7840.

Decided: April 29, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254, the Commission is authorizing various railroads to provide interim service over Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee), (MILW) and to use such tracks and facilities as are necessary for that operation.

The MILW and the Des Moines Union Railway Company (DMU) have successfully reach an agreement on compensation, and the authority for the interim operations of the DMU over certain tracks of the MILW is reinstated in Appendix A of this order as Item 8. Service Order No. 1494, which previously granted authority to the DMU, has expired.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendix be authorized to conduct operations, also identified in the attachment, using MILW tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1474 Eighth Revised Service Order No. 1474.

(a) *Various railroads authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, debtor, (Richard B. Ogilvie, trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), as listed in Appendix A to this order, in order to provide interim service over the MILW.

(b) The Trustee shall permit the affected carriers to enter upon the property of the MILW to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96-254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced on the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the MILW Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of these operations over the MILW lines, interim operators shall be responsible for preserving the value of the lines, associated with each interim operation, to the MILW estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as this operation by interim operators over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, all interim operators involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) *Employees.* In providing service under this order interim operators, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., April 30, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Robert S. Turkington and John H. O'Brien. Member Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A—MILW Lines Authorized To Be Operated by Interim Operators

1. Illinois Central Gulf Railroad Company (ICG):
   A. In Sioux City, Iowa, from Pearl Street west approximately 1.5 miles to Tri-View industrial area, and from Court Street to Virginia Street.
2. Seattle and North Coast Railroad Company (SNC):
   A. Between Port Angeles and Port Townsend, Washington, including Pier 27 and associated track in Seattle, Washington.
3. Consolidated Rail Corporation (CR):
   A. At Momence, Illinois.
4. Pend Oreille Valley Railroad, Inc. (POV):
   A. Between Newport, Washington, (milepost 43.8) and Metaline Falls, Washington, (milepost 104.7), a distance of approximately 61.1 miles.
5. St. Maries River Railroad Company (SMRR):
   A. Between St. Maries and Bovill, Idaho, the Bovill Branch, a distance of approximately 52 miles; and between St. Maries and Plummer, Idaho, a distance of approximately 19 miles.
6. Burlington Northern Inc. (BN):
   A. In Sioux City, Iowa, between milepost 509.77 and milepost 512.62, a distance of approximately 2.85 miles.
7. Raccoon River Railroad, Inc. (RAC):
   A. Between Lohrville and Rockwell City, Iowa, a distance of approximately 11.3 miles.
*8. Des Moines Union Railway Company (DMU):
   A. Between Des Moines (milepost 0) and Clive (milepost 8.5) Iowa; and between Clive (milepost 0) and Grimes, Iowa (milepost 7), a total of 15.5 miles.

[FR Doc. 81-13480 Filed 5-4-81; 8:45 am]
BILLING CODE 7035-01-M

*Added.

Proposed Rules

Federal Register
Vol. 46, No. 86
Tuesday, May 5, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins Specification for Aerial and Underground Telephone Cable, PE-22 Specification for Direct Burial Telephone Cable, PE-23 Specification for Filled Buried Wire, PE-54

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to amend Appendix A by issuing addenda to Bulletins 345-13; Specification for Aerial and Underground Telephone Cable, PE-22; 345-14, Specification for Direct Burial Telephone Cable, PE-23; and 345-70, Specification for Filled Buried Wire, PE-54. These addenda will permit the use of medium density jacketing material. The raw material has been established as an acceptable product by modification of Bulletin 345-21, Specification for Polyethylene Raw Material, PE-200. The proposed addenda will make acceptable the use of this material in the manufacturing of finished products (cable and wire) for use on the telephone systems of REA borrowers. These revisions will make available a jacketing material of superior toughness than the presently used low density material, with more flexibility than available high density. The result should be wire and cable with superior service life at no increase in cost to the borrower.

DATE: Public comments must be received by REA no later than July 6, 1981.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3827. The draft Impact Analysis describing the options considered in developing this proposed rule is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue addenda to Bulletins 345-13, 345-14, and 345-70. This action has been reviewed under USDA procedures established to implement Executive Order No. 12291 and has been classified "not major."

This program is listed in the Catalog of Federal Domestic Assistance as 10.851 Rural Telephone Loans and Loan Guarantees.

All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

Dated: April 17, 1981.

John A. Arneson,

Assistant Administrator—Telephone.

[FR Doc. 81-13408 Filed 5-4-81; 8:45 am]
BILLING CODE 3410-15-M

7 CFR Part 1701

Proposed Revision of REA Bulletin 181-1; Uniform System of Accounts Prescribed for Electric Borrowers

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA Bulletin 181-1, Uniform System of Accounts Prescribed for Electric Borrowers, to include the criteria, as specified in Financial Accounting Standard No. 43, for accruing the borrower's liability arising from compensated employee absences.

DATE: Public comments must be received by REA no later than: July 6, 1981.

ADDRESS: Persons interested in the proposed revision may submit written data, views, suggestions, or comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4063, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon Chazin, Director, Accounting and Auditing Division, Rural Electrification Administration, U.S. Department of Agriculture, Room 4063, South Building, Washington, D.C. 20250, telephone number (202) 447-3106. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 181-1, Uniform System of Accounts. This proposed action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major."

Current accounting procedures prescribed by REA in Bulletin 181-1, Uniform System of Accounts Prescribed for Electric Borrowers, provides for the accrual of vacation and holiday leave, however, it contends that the employer has no obligation to the employee of sick leave unless sickness occurs. Accrued sick leave, therefore, is only a contingent liability and as such, is not recorded on the general books.

The Financial Accounting Standards Board recently issued Financial Accounting Standard (FAS) No. 43, Accounting for Compensated absences, in which four criteria were established for the accrual of employee compensation for future absences (vacation, holiday, sick, etc.). They are as follows:

1. The employer's obligation for payment for future absences is attributable to employees' services already performed.

2. The obligation relates to employee rights which vest or accumulate. Vested rights are considerd those for which the employer is obligated to make payment even if the employee terminates. Rights which accumulate are those earned but unused rights to compensated absences which may be carried forward to one or more periods subsequent to the period in which they are earned.

3. Payment of the compensation is probable.

4. The amount can be reasonably estimated.

FAS No. 43 goes on to state that the obligation related to employees' accumulating rights to receive compensation for future absences that are contingent on the absences being caused by an employee's future illness may be excluded from the accrual if they cannot be reasonably estimated.

We are revising Account 242.3, Accrued Employees' Vacations and Holidays, in REA Bulletin 181–1 to adopt the principles of FAS No. 43 as outlined above.

Part 1701 Appendix A [Amended]

REA proposes to amend Appendix A to 7 CFR Part 1701 by revising bulletin 181–1, Account 242.3. The revision is detailed below.

Proposed Revision to REA Bulletin 181–1 Uniform System of Accounts

Page REA–9

242.3 Accrued Compensated Absences

All borrowers shall account for compensated absences in accordance with the provisions of Statement of Financial Accounting Standards No. 43, Accounting for Compensated Absences. Accordingly, borrowers shall accrue a liability for employee's compensation for all future absences. Accumulated rights to receive compensation for future absences are those rights that are contingent on the absences being caused by an employee's future illness and for which the employee will receive no benefit upon termination may be excluded from the accrual if they cannot be reasonably estimated.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: April 29, 1981.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 81-13432 Filed 5-4-81; 8:45 am]

BILLING CODE 3410-15-M

Food Safety and Quality Service

7 CFR Part 2852

[Docket No. 81-020P]

U.S. Standards for Grades of Canned Ripe Olives[1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the voluntary U.S. Standards for Grades of Canned Ripe Olives. The proposed rule was developed by the U.S. Department of Agriculture at the request of the California olive industry. The proposed rule would: (1) provide for seven (7) sizes in canning whole and pitted ripe olives; (2) coordinate size requirements to meet the State of California labeling laws; and (3) provide for the minimum drained weight requirements for the seven (7) sizes. Its effect would be to promote efficient and orderly marketing.

DATE: Comments must be received on or before June 4, 1981.

ADDRESS: Written comments to: Regulations Coordination Division, Attn: Annie Johnson, Food Safety and Quality Service, U.S. Department of Agriculture, Room 2637 South Building, Washington, D.C. 20250. (For additional information on comments, see Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Romeo V. Villalux, processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that this proposed rule is not major. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. it will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because this reflects current marketing practices.

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Regulations Coordination Division, and should bear a reference to the date and page number of this issue of the **Federal Register**. All comments submitted regarding this notice will be made available for public inspection in the Regulations Coordination Division during regular business hours.

Background

The California olive industry produces the entire U.S. crop of olives. It is governed by the Olive Marketing Order. The Marketing Order specifies the minimum sizes of processed olives, by variety, that may be used to produce whole and pitted canned ripe olives. It also provides for processed olives smaller than the size prescribed for whole and pitted styles, which are used for limited purposes.

Prior to September 1977, the U.S. Standards for Grades of Canned Ripe Olives contained nine (9) sizes of whole and pitted olives (small, medium, large, extra large, mammoth, giant, jumbo, colossal, and super colossal). At that time, however, the olive industry used fourteen (14) size designations. The fourteen size designations included all nine (9) sizes in the U.S. grade standard plus five (5) other designations. The five other designations included select and standard (other terms for small); picnic (for Ascolano extra large); gems (for Sevillano mammoth); and super supreme (for super colossal). The limited size olives, designated as petite, used for sliced, chopped, halves, and segmented styles, are for special purpose use such as pizza, meat loaf, and salad bars.

In September 1977, a revision of the U.S. Standards for Grades of Canned Ripe Olives provided for five (5) sizes (small, medium, large, extra large, and colossal). The Olive Marketing Order continued to cite the nine (9) sizes in the superseded standards. This notwithstanding, about one half (production tonnage) of the olives processed were sold on the basis of the five sizes in the 1977 standards.

Since the entire U.S. ripe olive crop is produced in California, the processed olive industry must comply with California's Agricultural and Health Safety Code. California officials ordered the canned ripe olive industry to bring size designations in the Olive Marketing Order into agreement with the size designations in the U.S. grade standards. While a segment of the ripe olive processing industry customarily uses five (5) sizes for retail sales and other members use nine (9) sizes, an agreement was reached on seven (7) sizes by the ripe olive industry.

[1] Compliance with provisions of these standards shall not excuse failure to comply with the provisions of the Federal food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Due to the restructuring of the olive sizes from five to seven, the minimum drained weight requirement must also be changed to reflect the seven sizes. To determine the proper restructuring for the seven sizes and minimum drained weight requirements, an olive size and drained weight study was undertaken jointly by the USDA and the olive processors. Results of these studies are incorporated in the proposed action.

This action is in concurrence with the recommendations and information submitted by the California olive industry through the Olive Administrative Committee.

Accordingly, the United States Standards for Grades of Canned Ripe Olives (7 CFR 2852.3754 and 2852.3755) would be revised to read as follows:

1. In § 2852.3754, paragraph (b)(1) and Table I would be revised to read as follows:

§ 2852.3754 Size designations for whole pitted style.

* * * * *

(b) * * *

(1) Single size. Canned whole or pitted olives shall be considered of a single size if the olives are at least as uniform in size as defined for U.S. Grade C in § 2852.3756 of this subpart and conform with the applicable count per pound range indicated in Table I in the case of whole olives, or conform closely to the applicable illustration in Table I in the case of pitted olives. When the count per pound of whole olives falls between two count ranges, the size designation shall be the next lower size.

(2) * * *

BILLING CODE 3410-02-M

TABLE I

SIZE - CANNED WHOLE AND PITTED RIPE OLIVES

DESIGNATION	COUNT PER POUND	ILLUSTRATION	DIAMETER RANGE ILLUSTRATED (mm)
SMALL	128 - 140		16 - 17
MEDIUM	106 - 121		17 - 19
LARGE	91 - 105		19 - 20
EXTRA LARGE	65 - 88		20 - 22
JUMBO	51 - 60	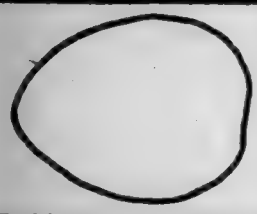	22 - 24
COLOSSAL	41 - 50		24 - 26
SUPER COLOSSAL	26 - 40	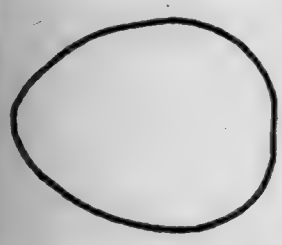	26 and over

BILLING CODE 3410-08-C

2. In § 2852.3755, paragraph (c)(2) of Table II would be revised to read as follows:

§ 2852.3755 Minimum drained weights.

* * * * *

(c) * * *

(1) * * *

(2) There shall be no unreasonable shortage in any individual container.

BILLING CODE 3410-DM-M

TABLE II - ACCEPTANCE VALUES FOR DRAINED WEIGHTS
WHOLE

	211 X 304		300 X 407		603 X 700	
	$\bar{X}_d$ ounces	$\bar{X}_d$ grams	$\bar{X}_d$ ounces	$\bar{X}_d$ grams	$\bar{X}_d$ ounces	$\bar{X}_d$ grams
SMALL	4.5	127.5	7.75	219.7	66.0	1871.1
MEDIUM	4.5	127.5	7.75	219.7	66.0	1871.1
LARGE	4.5	127.5	7.75	219.7	66.0	1871.1
EXTRA LARGE	4.5	127.5	7.5	212.6	66.0	1871.1
JUMBO	4.0	113.4	7.25	205.5	64.0	1814.4
COLOSSAL	4.0	113.4	7.25	205.5	64.0	1814.4
SUPER COLOSSAL	4.0	113.4	7.25	205.5	64.0	1814.4

TABLE II - ACCEPTANCE VALUES FOR DRAINED WEIGHTS
PITTED

	211 X 304		300 X 407		603 X 700	
	$\bar{X}_d$ ounces	$\bar{X}_d$ grams	$\bar{X}_d$ ounces	$\bar{X}_d$ grams	$\bar{X}_d$ ounces	$\bar{X}_d$ grams
SMALL	3.25	92.1	6.0	170.1	51.0	1445.8
MEDIUM	3.25	92.1	6.0	170.1	51.0	1445.8
LARGE	3.5	99.2	6.0	170.1	51.0	1445.8
EXTRA LARGE	3.5	99.2	6.0	170.1	51.0	1445.8
JUMBO	3.25	92.1	5.75	163.0	49.0	1389.1
COLOSSAL	3.25	92.1	5.75	163.0	49.0	1389.1
SUPER COLOSSAL	3.25	92.1	5.75	163.0	49.0	1389.1

BILLING CODE 3410-DM-C

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C., on April 20, 1981.

L. L. Gast,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 81-13411 Filed 5-4-81; 8:45 am]
BILLING CODE 3410-DM-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 792 3017]

DKG Advertising, Inc.; Proposed Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a New York city advertising agency to cease disseminating advertisements which misrepresent that the Black Man's Shaver or any other device or commercial treatment will cure or minimize "razor bumps." Further, the company would be barred from making statements which are inconsistent with accepted medical opinion or which misrepresent the efficacy, performance or superiority of any drug or device. The order would also require that the company maintain specific records for a period of three years and provide its operating divisions with a copy of the order.

DATE: Comments must be received on or before July 6, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/P, James H. Sneed, Washington, D.C. 20580. (202) 523-3727.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Pretice (16 CFR 4.9(b)(14)).

United States of America Before Federal Trade Commission

In the Matter of DKG Advertising, Inc., a corporation; File No. 792 3017, agreement containing consent order to cease and desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of DKG Advertising, Inc., a corporation, and it now appearing that DKG Advertising, Inc., hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between DKG Advertising, Inc., by its counsel and duly authorized officer, and counsel for the Federal Trade Commission that:

1. Proposed respondent DKG Advertising, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 1271 Avenue of the Americas, in the City of New York, State of New York.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

It is ordered that respondent DKG Advertising, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising of all devices as defined by Section 15 of the Federal Trade Commission Act, do forthwith cease and desist from:

A. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly:

1. Represents that the use of the Black Man's Shaver, with or without the Beard Lifter Comb, or any other device or commercial treatment will eliminate pseudofolliculitis barbae (hereinafter "razor bumps") for persons with that condition, provided however, that the respondent shall have an affirmative defense to this provision if it can prove that the statements prohibited herein are in fact true.

2. Represents that the use of the Black Man's Shaver, with or without the Beard Lifter Comb, or any other device or commercial treatment will cure "razor bumps" for persons with that condition, provided however, that the respondent shall have an affirmative defense to this provision if it can prove that the statements prohibited herein are in fact true.

3. Represents that growing a beard only camouflages "razor bumps" and has no therapeutic value in the treatment of that condition.

4. Misrepresents the uniqueness of any device intended for human use.

B. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly:

1. Represents that use of the Black Man's Shaver or any other product by persons afflicted with "razor bumps" will reduce or minimize that condition;

2. Represents that the Black Man's Shaver or any other product is efficacious for the treatment of "razor bumps";

3. Represents that the Black Man's Shaver, with or without the Beard Lifter Comb, or any other device or commercial treatment is superior to other treatments for "razor bumps";

4. Represents that any time period is an adequate time period for consumers to evaluate the Black Man's Shaver effectiveness in the treatment of "razor bumps," unless at the time of each dissemination of such representation(s) respondent possesses and relies upon competent and reliable scientific or medical evidence as a reasonable basis for such representation(s). Competent and reliable scientific or medical evidence shall be defined as evidence in the form of at least two well-controlled clinical studies which conform to acceptable designs and protocols and are conducted by different persons, independently of each other. Such persons shall be qualified by training and experience to treat "razor bumps" and to conduct the aforementioned studies.

C. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly makes representations, for the purpose of promoting the sale of a device, that are inconsistent with accepted medical opinion unless a reasonable basis exists therefor. Accepted medical opinion shall mean the general consensus of opinion of specialists as expressed in the medical literature, or if no such literature exists, the consensus of the specialists themselves.

It is further ordered that DKG Advertising, Inc. shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered that respondent shall, within sixty (60) days after this order becomes final, and annually thereafter for three (3) years, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with this order.

It is further ordered that respondent shall maintain files and records of all substantiation related to the requirements of Parts B and C of this Order for a period of three (3) years after the dissemination of any advertisement which relates to these portions of the Order. Additionally, such material shall be made available to the Federal Trade Commission or its staff within fifteen (15) days of a demand for such material.

By the Commission.

Carol M. Thomas,

Secretary.

Analysis of Proposed Consent To Aid Public Comment

The Federal Trade Commission has provisionally accepted an agreement to a proposed consent order from the DKG Advertising, Inc., the advertising agency for the Sperry Corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charged the respondent with disseminating and causing the dissemination of advertisements containing several false and misleading representations regarding the Black Man's Shaver (BMS), a product advertised for treating the shaving problems of Black men, *i.e.*, pseudofolliculitis barbae or "razor bumps". Specifically, the complaint alleges that the advertisements falsely, deceptively, or unfairly claim that (1) the BMS will eliminate "razor bumps"; (2) the BMS is the only effective treatment for "razor bumps"; (3) growing a beard only camouflages "razor bumps" and has no therapeutic value in treating that condition, and (4) thirty (30) days is an adequate amount of time to evaluate the BMS and to take advantage of Sperry Corporation's money back guarantee. The complaint also alleges that the advertisements unfairly or deceptively claim that the BMS effectively treats "razor bumps", because no reasonable basis existed for that claim.

The consent order contains the following provisions designed to remedy the advertising violations charged.

Paragraphs A (1) and (2) prohibit the dissemination of claims that the BMS, or any device or commercial treatment, eliminates or cures "razor bumps" unless the respondent can prove such that representations are true. Paragraphs A (3) and (4) prohibit, respectively, the dissemination of claims that growing a beard only camouflages "razor bumps" and has no therapeutic value in treating that condition, and misrepresentations of the uniqueness of any device intended for human use.

Paragraph (B) prohibits various representations unless they are supported by a reasonable basis. Specifically, this paragraph applies to: any representation that any product effectively treats, reduces or minimizes "razor bumps"; any representation that the BMS, or any device or commercial treatment, is superior to other treatments for "razor bumps"; and any representation that any time period is adequate to evaluate the effectiveness of the BMS in treating "razor bumps". Additionally, this part of the Order defines the scientific and medical evidence necessary as a reasonable basis for such representations.

Order paragraph C prohibits the dissemination of advertisements for any device where they make representations inconsistent with accepted medical opinion. However, such representations can be made if they are supported by a reasonable basis.

Lastly, the Consent Order requiries the repondent to distribute a copy of the order to each of its operating divisions; notify the Commission at least thirty (30) days prior to any proposed change in the corporation which affects compliance with the Consent Order; file an initial compliance report within sixty (60) days of the effective date of the Consent Order and annually thereafter for three years; and maintain records of all substantiation related to the requirements of Parts B and C of the Consent Order for three (3) years after the dissemination of any advertisement which relates to these portions of the Consent Order and make such records available to the staff of the Federal Trade Commission within fifteen (15) days of a demand for such material.

The purpose of this analysis is to facilitate public comment on the proposed order and this is not intended to constitute an official interpretation of the complaint, agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-13454 Filed 5-4-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[File No. 792 3017]

Sperry Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a New York City manufacturer to cease disseminating advertisements which misrepresent that the Black Man's Shaver or any other device or commercial treatment will cure or minimize "razor bumps." Further, the company would be barred from making statements which are inconsistent with accepted medical opinion or which misrepresent the efficacy, performance or superiority of any drug or device. The order would also require that the company contact previous customers and make refunds to those eligible.

DATE: Comments must be received on or before July 6, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PF, W. Benjamin Fisherow, Washington, D.C. 20580. (202) 724–1511.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

United States of America Before Federal Trade Commission

In the Matter of Sperry Corporation, a corporation; File No. 792 3017, agreement containing consent order to cease and desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Sperry Corporation, an corporation, and it now appearing that Sperry Corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Sperry Corporation, by its counsel and duly authorized officer, and counsel for the Federal Trade Commission that:

1. Proposed respondent Sperry Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 1290 Avenue of the Americas, in the City of New York, State of New York.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondent Sperry Corporation ("Sperry"), a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of all drugs and devices as defined by Section 15 of the Federal Trade Commission Act, do forthwith cease and desist from:

A. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly:

1. Represents that the use of the Black Man's Shaver, with or without the Beard Lifter Comb, or any other device or commercial treatment will eliminate pseudofolliculitis barbae (hereinafter "razor bumps") for persons with that condition.

2. Represents that the use of the Black Man's Shaver, with or without the Beard Lifter Comb, or any other device or commercial treatment will cure "razor bumps" for persons with that condition.

3. Represents that growing a beard only camouflages "razor bumps" and has no therapeutic value in the treatment of that condition.

B. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly:

1. Represents that use of the Black Man's Shaver or any other product by persons affilicted with "razor bumps" will reduce or minimize that condition;

2. Represents that the Black Man's Shaver or any other product is efficacious for the treatment of "razor bumps";

3. Represents that the Black Man's Shaver, with or without the Beard Lifter Comb, or any other device or commercial treatment is superior to other treatments for "razor bumps"; or

4. Represents that any time period is adequate for consumers to evaluate the Black Man's Shaver's effectiveness in the treatment of "razor bumps," unless at the time of each dissemination of such representation(s) respondent possesses and relies upon competent and reliable scientific or medical evidence as a reasonable basis for such representation(s). Competent and reliable scientific or medical evidence shall be defined as evidence in the form of at least two well-controlled clinical studies which conform to acceptable designs and protocols and are conducted by different persons independently of each other. Such persons

shall be qualified by training and experience to treat "razor bumps" and to conduct the aforementioned studies.

C. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, in connection with the advertising, offering for sale, sale or distribution of all drugs and devices as defined in Section 15 of the Federal Trade Commission Act (excluding products not primarily advertised or promoted to consumers for personal, family or household use), which directly or indirectly:

1. Misrepresents the uniqueness of any such drug or device intended for human use.

2. Misrepresents the efficacy or performance of any such drug or device.

3. Makes representations, for the purpose of promoting the sale of any such drug or device, that are inconsistent with accepted medical opinion, provided however, that this provision, IC3, does not apply where statements inconsistent with accepted medical opinion are supported by a reasonable basis. Accepted medical opinion shall mean the general consensus of opinion of specialists as expressed in the medical literature, or if no such literature exists the consensus of the specialists themselves.

II

It is ordered that Sperry shall initiate or cause and pay the cost of (1) sending thirty (30) days after the Order is final, to all persons known to it or Remington Products, Inc., at that time, as purchasers of Sperry Remington's Black Man's Shaver, a questionnaire with a self-addressed, stamped envelope (attached hereto and incorporated as Attachment A)[1] to determine, *inter alia*, whether (a) the 30 day period under respondent's advertised money back guarantee was too short for said purchasers to evaluate the performance of the Black Man's Shaver as a treatment for razor bumps, (b) the said purchasers were satisfied with the Black Man's Shaver, and (c) the said purchasers bought the Black Man's Shaver on or prior to February 28, 1979, and (2) sending within thirty (30) days after respondent's receipt of the completed questionnaire referred to above, to those persons who purchased the Black Man's Shaver on or prior to February 28, 1979, and who responded within thirty (30) days after the mailing of the questionnaire that they are dissatisfied with the Black Man's Shaver and that 30 days was not a sufficient time period in which to evaluate the Black Man's Shaver as a treatment for razor bumps, a notice (attached hereto and incorporated as Attachment B)[1] which shall provide said purchasers an additional thirty (30) days from the date of receipt of the notice to request a refund under said money back guarantee. The word "refund," for purposes of this provision, shall mean the return of the requested purchase price not to exceed 30% above the distributor's price for the model of the Black Man's Shaver returned in response to this Order. Said refund shall be provided within six (6) to eight (8) weeks of receipt of purchaser's request for a refund. *Provided, however,* Sperry shall be exempt from the obligations of part II of the Order where it has *actual knowledge* that a purchaser of its Black Man's Shaver purchased it after February 28, 1979.

[1] Attachments not reproduced here, but submitted with original document and available for inspection at principal office of Commission.

III

It is further ordered that Sperry shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered that respondent shall, within one hundred fifty (150) days after this Order becomes final, and annually thereafter for three (3) years, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with this Order.

It is further ordered that respondent shall maintain files and records of all substantiation related to the requirements of Parts IB, and IC3 of this Order for a period of three (3) years after the dissemination of any advertisement which relates to these portions of the Order. Additionally, such material shall be made available to the Federal Trade Commission or its staff within fifteen (15) days of a demand for such material.

By the Commission.

Carol M. Thomas,

Secretary.

Attachment A—Questionnaire

Dear Purchaser: At this time, various aspects of the marketing of the Black Man's Shaver are being reviewed. We hope you are pleased with our product. In this regard we ask you to take a few minutes within the next thirty days and help us evaluate the Black Man's Shaver by completing the attached questionnaire and returning it to us in the attached self-addressed, stamped envelope. You may be entitled to a refund if you complete this questionnaire and return it to us within thirty (30) days of its receipt.

We at Sperry Corporation wish to thank you for your patronage and cooperation.

Sincerely,

Sperry Corporation

Survey

1. How long have you been using your Remington Black Man's Shaver?

☐ 3 weeks ☐ 4 weeks ☐ 5 weeks ☐ 6 weeks ☐ 7 weeks ☐ 8 weeks ☐ 9 weeks ☐ 10 weeks or longer

2. What shaving method did you use before you began using Remington?

☐ Electric ☐ Safety razor or blade ☐ Depilatory ☐ Other (Describe)

3. Before you used the Remington, how often did you get "bumps" from shaving?

☐ Always ☐ Often ☐ Sometimes ☐ Never

4. Since using your Remington Shaver, has your problem with "bumps"

☐ Decreased ☐ Remained the Same ☐ Increased

5. Do you feel that the beard lifter

☐ Helps you a lot ☐ Helps a little ☐ Does not help at all ☐ Not yet sure ☐ How often do you use the beard lifter?

6. How do you rate your new Remington Black Man's Shaver compared to previous shaving methods?

☐ Much Better ☐ Somewhat Better ☐ Equal ☐ Somewhat Worse ☐ Much Worse

7. Based on your use so far, how satisfied are you?

☐ Very Satisfied ☐ Somewhat Dissatisfied ☐ Somewhat Satisfied ☐ Very Dissatisfied

8. If you were not satisfied, did you return the shaver under the 30 day money back guarantee provision?

☐ Yes ☐ No

If you did not return the shaver, what did you do with it?

9. Do you feel the 30 Day Trial offer allowed you sufficient time to evaluate the shaver's performance?

☐ Yes ☐ No. What would have been a better period of time?

10. When did you purchase your Black Man's Shaver? (Check one from each column)

☐ January/ February.	☐ 1977
☐ March/April.....	☐ 1978
☐ May/June.....	☐ 1979
☐ July/August.....	☐ 1980
☐ September/ October.	
☐ November/ December.	

11. Will you recommend the Remington Black Man's Shaver to a friend?

☐ Yes ☐ No

Purchaser's name and address (please print)

Attachment B

Dear Purchaser: Recently we sent you a survey regarding various aspects of the marketing of the Black Man's Shaver, including the 30 day money back guarantee. Inasmuch as you indicated that the original 30 day refund period did not allow you sufficient time to evaluate your shaver's performance, we are extending to you an additional thirty (30) days from the date of receipt of this letter to request a refund under the advertised money back guarantee for the Black Man's Shaver.

If you wish to take advantage of our offer, just return the shaver, postage prepaid, with your name, address and approximate purchase price, clearly and legibly written. For your convenience fill in the attached form showing your name, address and approximate purchase price and return it with your shaver to Sperry Corporation, P.O. Box 1000, Bridgeport, Connecticut 06602. You must respond within thirty (30) days from the date of receipt of this letter to receive a refund. Please allow 6–8 weeks for your check to arrive.

We at Sperry Corporation wish to thank you for your patronage and cooperation.

Sincerely,

Sperry Corporation

Enclosure

Sperry Remington Black Man's Shaver Refund Form

Dear Gentlemen: Enclosed is my Sperry Remington Black Man's Shaver which I am returning for a refund. Please mail my refund check to:
(Name) _____
(Address) _____
(City, State and Zip Code) _____

The approximate price of the enclosed Black Man's Shaver is _____.
(Signature) _____

Envelope

_____
_____
_____

Sperry Corporation
P.O. Box 1000
Bridgeport, Conn. 06602

Analysis of Proposed Consent To Aid Public Comment

The Federal Trade Commission has provisionally accepted an agreement to a proposed consent order from the Sperry Corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charged the respondent with disseminating and causing the dissemination of advertisements containing several false and misleading representations regarding the Black Man's Shaver (BMS), a product advertised for treating the shaving problems of Black men, *i.e.*, pseudofolliculitis barbae or "razor bumps". Specifically, the complaint alleges that the advertisements falsely, deceptively, or unfairly claim that (1) the BMS will eliminate "razor bumps"; (2) the BMS is the only effective treatment for "razor bumps"; (3) growing a beard only camouflages "razor bumps" and has no therapeutic value in treating that condition, and (4) thirty (30) days is an adequate amount of time to evaluate the BMS and to take advantage of Sperry Corporation's money back guarantee. The complaint also alleges that the advertisements unfairly or deceptively claim that the BMS effectively treats "razor bumps", because no reasonable basis existed for that claim.

The consent order contains the following provisions designed to remedy the advertising violations charged.

Parts IA (1) and (2) prohibit the dissemination of claims that the BMS, or any device or commercial treatment, eliminates or cures "razor bumps". Part IA (3) prohibits the dissemination of claims that growing a beard only camouflages "razor bumps" and has no therapeutic value in treating that condition.

Part I (B) prohibits various representations unless they are supported by a reasonable basis. Specifically, this part applies to: any representation that any product effectively treats, reduces or minimizes "razor bumps"; any representation that the BMS, or any device or commercial treatment, is superior to other treatments for "razor bumps"; and any representation that any time period is adequate to evaluate the effectiveness of the BMS in treating "razor bumps". Additionally, this part of the Order defines the scientific and medical evidence necessary as a reasonable basis for such representations.

Parts IC(1) and (2) prohibit the dissemination of advertisements concerning drugs and devices (excluding products not primarily promoted to consumers for personal, family, or household use) which misrepresent the uniqueness of any drug or device intended for human use or misrepresent the efficacy of any drug or device. Part IC (3) prohibits in such advertisements any representation, promoting the sale of any drug or device, that is inconsistent with accepted medical opinion unles it is supported by a reasonable basis.

Part II requires the respondent to conduct and to finance a survey of all BMS purchasers known to Sperry, or the purchaser from Sperry of the Remington Division, Remington Products, Inc., at a time thirty (30) days after the Order is final. This survey is to determine, in part, whether these purchasers were satisfied with the BMS, whether Sperry's thirty (30) day money back guarantee was long enough for dissatisfied BMS purchasers to get their money back and when purchasers bought the shaver. The respondent is also obligated to extend to those purchasers who were dissatisfied with the BMS, who had insufficient time to request a refund under Sperry's original thirty (30) day money back guarantee and who purchased the shaver before March 1, 1979, an additional thirty (30) days to request a refund.

Part III of the Consent Order requires the respondent to distribute a copy of the order to each of its operating divisions; notify the Commission at least thirty (30) days prior to any proposed change in the corporation which affects compliance with the Consent Order; file an initial compliance report within one hundred fifty (150) days of the effective date of the Consent Order; and maintain records of all substantiation related to the requirements of Parts IB and IC (3) of the Consent Order for three (3) years after the dissemination of any advertisement which relates to these portions of the Consent Order and make such records available to the staff of the Federal Trade Commission within fifteen (15) days of a written demand for such material.

The purpose of this analysis is to facilitate public comment on the proposed order and this is not intended to constitute an official interpretation of the complaint, agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-13455 Filed 5-4-81; 8:45 am]
BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 3 and 32

Proposed Reissuance of and Amendments to Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules; correction.

SUMMARY: On April 27, 1981, the Commodity Futures Trading Commission published a proposal to amend its commodity option regulations concerning the grant, offer and sale of options on certain physical commodities (so-called "dealer options"). 46 FR 23489, *et seq.* This document corrects a typographical error in proposed

§ 32.5(a)(6), which specifies certain disclosures to be made in connection with transactions in dealer options. The correction listed below should be made to that proposed rule.

FOR FURTHER INFORMATION CONTACT: R. Britt Lenz, Special Assistant to the Executive Director, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone (202) 254–7360.

CORRECTION: In FR Doc. 81–12547, which appeared in the April 27, 1981 issue of the **Federal Register** at page 23478, the Commodity Futures Trading Commission hereby corrects the first sentence of the boldfaced statement set forth in the proposed amendment to 17 CFR 32.5(a)(6) to read as follows:

PART 32—REGULATION OF COMMODITY OPTIONS TRANSACTIONS

§ 32.5 Disclosure.

(a) * * *

* * * * *

(6) The following boldfaced statements on the first page of the summary disclosure statement:

BECAUSE OF THE VOLATILE NATURE OF THE COMMODITIES MARKETS, THE PURCHASE OF COMMODITY OPTIONS MAY NOT BE ADVISABLE FOR MANY MEMBERS OF THE PUBLIC. * * *

* * * * *

Dated: April 30, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81–13469 Filed 5–4–81; 8:45 am]

BILLING CODE 6351-01-M

17 CFR Part 32

Proposed Reissuance of and Amendments to Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities

Correction

In FR Doc. 81–12547, appearing at page 23469 in the issue for Monday, April 27, 1981, make the following correction:

On page 23477, in the middle column, the part heading "Part 32—Leverage Transactions" should have read "Part 32—Regulation of Commodity Option Transactions".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 351

[Docket No. 80N–0280]

Vaginal Contraceptive Drug Products for Over-the-Counter Human Use; Establishment of a Monograph: Extension of Time for Comments and Reply Comments

AGENCY: Food and Drug Administration.

ACTION: Establishment of a Monograph; Extension of comment periods.

SUMMARY: The Food and Drug Administration (FDA) extends to July 6, 1981, the comment period and to August 3, 1981 the reply comment period on the proposal to establish conditions for the safety, effectiveness, and labeling of over-the-counter (OTC) vaginal contraceptive drug products. This action is being taken in response to a request to allow more time for the collection and assessment of data to provide more meaningful comments on the issue.

DATES: Written comments by July 6, 1981, and reply comments by August 3, 1981.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 12, 1980 (45 FR 82014), FDA proposed to establish conditions for the safety, effectiveness, and labeling of vaginal contraceptive drug products for over-the-counter (OTC) human use. The proposed rule, based on the recommendations of the Advisory Review Panel on OTC Contraceptive and Other Vaginal Drug Products, is part of the ongoing review of OTC drug products conducted by the agency. Interested persons were given until March 12, 1981 to comment on the proposal and until April 13, 1981 for reply comments. In response to the proposal, FDA has received a request for a 60-day extension of the comment period which is needed to present to FDA details concerning clinical testing techniques for the evaluation of these contraceptives.

FDA has carefully considered the request and believes that information described in he request may be of assistance to the agency in establishing the safety and effectiveness of OTC vaginal contraceptives. The agency considers a general extension of the comment period for 60 days from the date of this publication to be appropriate. Accordingly, the comment period for submissions by any interested person is extended to July 6, 1981, and the reply comment period is extended to August 3, 1981. Comments may be seen in the Dockets Management Branch, Food and Drug Administration, at the address noted above, between 9 a.m. and 4 p.m. Monday through Friday.

Dated: April 28, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–13412 Filed 5–4–81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 540

[Docket No. 81N–0072]

Iodometric Assay Method for Ampicillin and Amoxicillin

Correction

In FR Doc. 81–11569 appearing on page 22389 in the issue of Friday, April 17, 1981, on page 22392, second column, the section heading for § 540.107 should read as follows:

"§ 540.107e Ampicillin trihydrate boluses."

BILLING CODE 1501-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 885

[Docket No. R–81–897]

Loans for Housing for the Elderly or Handicapped

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Congressional waiver request.

SUMMARY: Section 7(o)(4) of the Department of Housing and Urban Development Act permits the Secretary to request waiver of the legislation's requirements in appropriate instances. This Notice lists and briefly summarizes for public information a final rule relating to loans for housing for the elderly or handicapped with respect to which the Secretary is presently requesting waiver.

FOR FURTHER INFORMATION CONTACT: Richard F. Lasner, Assistant General Counsel for Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairman and Ranking Minority Members of both Congressional Banking Committees the final rule listed below. The purpose of the transmittal is to request waiver of the 30-day delayed effective date for the final rule under section 7(o)(3) of the Department of Housing and Urban Development Act. A summary of the rulemaking document for which waiver has been requested is set forth below:

This final rule amends 24 CFR 885.410(g)(1) and (2) which sets forth the charge added by HUD to the interest paid to the Department of Treasury to cover administrative costs and probable losses for loans made under the Section 202 direct loan program.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o); Section 334 of the Housing and Community Development Amendments of 1980)

Issued at Washington, D.C., April 27, 1981.

Samuel R. Pierce, Jr.,

Secretary of Department of Housing and Urban Development.

[FR Doc. 81-13522 Filed 5-4-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 530

Employment of Homeworkers in Certain Industries

AGENCY: Wage and Hour Division, ESA, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Wage and Hour Division of the Department of Labor has conducted hearings to determine if Regulations 29 CFR Part 530—Employment of Homeworkers in certain industries, are still necessary or appropriate to safeguard the minimum wage rate prescribed in the Fair Labor Standards Act and whether there is need to change the Regulations to take into account changes in economic conditions which have occurred since the homework Regulations were promulgated.

After careful consideration of the oral testimony and written comments received as a result of the hearings, as well as the information the Department has obtained independently, it is proposed that Regulations 29 CFR Part 530 be removed.

Interested persons are invited to submit written comments relevant to this proposal.

DATE: Comments should be received on or before June 4, 1981.

ADDRESS: Send written comments in duplicate to Henry T. White, Jr., Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S-3502, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Herbert J. Cohen, Assistant Administrator, Office of Fair Labor Standards, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, (202) 523-8353. This is not a toll-free call.

SUPPLEMENTARY INFORMATION:

Classification:

This rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulation, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, no regulatory impact analysis is required.

Furthermore, the Department believes that repeal of 29 CFR 530 will have no "significant economic impact . . . upon a substantial number of . . . small [business] entities" within the meaning of § 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 91 Stat. 1164 (to be codified at 5 U.S.C. 605(b)). The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect.

This conclusion is based upon all information presently available to the Department, including the evidence submitted at four days of hearings held by the Department to obtain current information concerning the employment of homeworkers. Accordingly no initial regulatory flexibility analysis is required.

Background:

Section 11(d) of the Fair Labor Standards Act provides that the Secretary of Labor is "authorized to make such regulations and orders regulating, restricting, or prohibiting industrial homework as are necessary or appropriate to prevent the circumvention or evasion of and to safeguard the minimum wage rate prescribed in this Act." Pursuant to this authority, the Secretary has issued regulations, published as Part 530 of Title 29 of the Code of Federal Regulations. Part 530 restricts the employment of industrial homeworkers in seven industries: women's apparel; jewelry manufacturing; knitted outerwear; gloves and mittens; button and buckle manufacturing; handkerchief manufacturing; and embroideries. These industries are defined in paragraphs (d) through (j) of Section 530.1. The restrictions provide that the production of goods in these industries cannot be carried on in or about a home, aparatment, tenement, or room in a residential establishment except by a certificated homeworker. An employer may obtain a certificate for workers who are unable to adjust to factory work because of age or physical or mental disability or who are unable to leave home because their presence is required to care for an invalid there. In addition, the workers must have engaged in industrial homework in the particular industry prior to a specified date, unles this requirement results in unusual hardship to an individual homeworker, in which case the requirement of previous employment in the industry may be waived. Individuals may also be employed as industrial homeworkers in the restricted industries under the supervision of a State vocational rehabilitation agency or a sheltered workshop without obtaining a certificate under Part 530.

In light of the fact that homework restrictions have been in effect for almost 40 years, the Department decided to review the current status of industrial homework. Accordingly, in the Federal Register of December 5, 1980 (45 FR 80555) the Wage and Hour Division published a notice of hearings to obtain information concerning the employment of homeworkers. The hearings were on January 13 and 14, 1981 in Burlington, Vermont and on February 17 and 18, 1981 in Washington, D.C. Written comments were submitted through March 23, 1981.

The hearings were held to obtain information on the current situation with respect to industrial homework and the extent to which the Regulations "are necessary or appropriate to prevent the circumvention or evasion of and to safeguard the minimum wage rate prescribed" in the Fair Labor Standards Act.

In the oral and written testimony, commenters who favored retaining the restrictions or making them more comprehensive cited a number of individual cases to establish that homeworkers were being employed at subminimum wages. Commenters opposing the restrictions contended that homeworkers in rurla areas were not being exploited and that homework was the only feasible employment for them. They cited the lack of adequate transportation, the need to remain at home to care for children and other family matters as well as the lack of factory employment in most rural areas as justification of their position.

The testimony was conflicting with regard to the effectiveness of the Regulations in safeguarding the minimum wage and raised serious questions as to the effectiveness of the Regulations in protecting workers. The Department is hopeful that this proposal will generate additional factual information. To the extent that minimum wage and overtime violations presently exist in the seven restricted industries, the Department believes that elimination of the Regulations would make it more likely that homeworkers employed in these industries would report such violations without fear of losing their employment. The Department's primary concern is the protection of workers from the illegal payment of subminimum wages, regardless of workplace, and it has embarked on a vigorous enforcement program to that end.

PART 530 [REMOVED]

Accordingly, the following action is proposed: 29 CFR 530 is removed.

The Department invites comments on this proposal particularly with respect to the following:

1. The impact of this proposal on the minimum wage provisions of the Act.

2. The impact of this proposal on the seven currently restricted industries.

3. The impact of this proposal on small businesses.

This document was prepared under the direction and control of Herbert J. Cohen, Assistant Administrator, Office of Fair Labor Standards, Wage and Hour Division, U.S. Department of Labor.

(Sec. 11, 52 Stat. 1066; (29 U.S.C. 211) unless otherwise noted; Secretary's Order No. 16–75, 40 FR 55913, December 2, 1975; and Employment Standards Order No. 78–1, 43 FR 51469, November 3, 1978)

Signed at Washington, D.C., this 29th day of April 1981.

Raymond J. Donovan,

Secretary of Labor.

Craig A. Berrington,

Deputy Assistant Secretary, Employment Standards Administration.

Regulatory Flexibility Act Certification:

I, Raymond J. Donovan, Secretary of Labor, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed repeal of 29 CFR 530, Industrial Homework regulations, will not have significant economic impact on a substantial number of small entities. This conclusion is based upon all information available to the Department, including the evidence submitted at four days of hearings held by the Department to obtain current information concerning the employment of homeworkers.

Dated: April 29, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-13437 Filed 5-4-81; 8:45 am]

BILLING CODE 4510-27-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Periodic Review of Regulatory Activity Affecting Small Businesses

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Periodic review of regulatory activity as required by the Regulatory Flexibility Act of 1980.

SUMMARY: This notice fulfills the requirement of 5 U.S.C. 610 to publish in the Federal Register a plan periodically to review regulatory activity which affects small business. The Federal Mediation and Conciliation Service currently has no rules which have significant economic impact on a large number of small businesses; therefore no such plan will be developed.

FOR FURTHER INFORMATION CONTACT: Nancy B. Broff, Acting General Counsel, 2100 K Street, NW., Washington, D.C. 20427, 202/653–5305.

SUPPLEMENTARY INFORMATION: The mission of the Federal Mediation and Conciliation Service is to provide mediation assistant to labor organizations and employers to prevent or minimize work stoppages.

The Service has no enforcement authority and has no power to impose a settlement on the parties. Rather, the Service works with the parties on a voluntary basis, to assist them to reach settlements. Because of its lack of enforcement authority, the Service has not promulgated any rules which would have a significant economic impact on small businesses.

Kenneth E. Moffett,

Acting Director.

[FR Doc. 81-13487 Filed 5-4-81; 8:45 am]

BILLING CODE 6732-01-M

29 CFR Ch. XII

Semiannual Agenda of Regulatory Activity Affecting Small Businesses

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: The Federal Mediation and Conciliation Service does not anticipate promulgating and regulations subject to the Regulatory Flexibility Act during the six-month period from April 1981 to October 1981.

FOR FURTHER INFORMATION CONTACT: Nancy B. Broff, Acting General Counsel 2100 K Street, NW., Washington, DC 20427 202/653–5305.

Kenneth E. Moffett,

Acting Director.

[FR Doc. 81-13488 Filed 5-4-81; 8:45 am]

BILLING CODE 6732-01-M

POSTAL SERVICE

39 CFR Part 111

Third-Class Bulk Rate Merchandise Samples

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend Chapter 6 of the Domestic Mail Manual to extend the requirement for use of detached address cards with merchandise samples mailed at the bulk third-class rates for general distribution on city delivery routes to cover rural delivery routes as well. An exception would be added for merchandise samples prepared using the postal customer form of simplified address authorized by section 122.41, Domestic Mail Manual, which could not be prepared with detached address cards. In addition, a new provision would stipulate that when a portion of a merchandise sample mailing must be prepared using detached address cards, the remaining portion which does not meet the general distribution test under the regulations may, at the mailer's option, be prepared with detached address cards. The purpose of these changes is to recognize the benefit to the postal system from using detached

address cards with samples on rural routes, and to provide relief to mailiers faced with different preparation requirements for different parts of a merchandise sample mailing.

DATE: Comments must be received on or before June 4, 1981.

ADDRESS: Written comments should be addressed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 1640, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Lynn M. Martin (202) 245-4353.

SUPPLEMENTARY INFORMATION: There are currently no provisions for use of detached address cards with bulk third-class merchandise sample mailings addressed for delivery on rural routes. Furthermore, there are no provisions in the current regulations for optional use of detached address cards when the distribution of merchandise samples is to less than 25 percent of the addresses in a 5-digit ZIP Code delivery area. This results in situations where mailers are confronted with different preparation requirements for different portions of the same mailing depending on the density of coverage to particular 5-digit ZIP Code areas and whether pieces in the mailing are for delivery on rural routes. This also creates an inequity in the applicability of the third-class carrier route presort rate. The carrier route presort regulations prescribe that to qualify for that rate, pieces must not exceed 11½ inches in width, 13½ inches in length, or ¾ of an inch in thickness, except that merchandise samples prepared in accordance with section 664 of the Domestic Mail Manual may exceed these dimensions. Hence, if a mailer had merchandise samples exceeding these dimensions, they presently could qualify for the carrier route presort rate level for some addresses on a mailing list, but not others. The proposed rule would relieve these anomalies.

In addition to these changes, a revision of section 664.5, which would be renumbered 664.3, would strengthen the recommendation that the mailing of samples be avoided during peak mailing periods.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comment on the following proposed revisions of the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1

PART 664—MERCHANDISE SAMPLES

1. In part 664, amend 664.1 to read as follows:

664.1 Use of Detached Address Cards.

.11 *Required Use.* Merchandise samples which exceed 5 inches in width (height) or ¼ of an inch in thickness, or which are nonuniform in thickness, and which are mailed at bulk third-class rates for general distribution on delivery routes must be prepared by the mailer with detached address cards in accordance with 664.2. For purpose of this section, General Distribution means distribution of samples to at least 25 percent of the addresses in a 5-digit ZIP Code delivery area.

Exception: When merchandise samples are prepared using the postal customer form of simplified address authorized by 122.41, they must not be prepared with detached address cards.

.12 *Optional Use.* When a portion of a mailing merchandise samples must be prepared with detailed address cards (see 664.11), the portion of the mailing for distribution to less than 25 percent of the addresses in a 5-digit ZIP Code delivery area may, at the mailer's option, also be prepared in accordance with 664.2.

2. In part 664, amend the title of section 664.2 to read "Preparation Requirements", add "Address Cards" as the title of section 664.21 and renumber sections 664.21 through 664.25 as 664.211 through 664.215.

3. In part 664, renumber sections 664.3 and 664.4 as 664.22 and 664.23.

4. In part 664, renumber section 664.5 as 664.3, and amend the text to read as follows:

664.3 Mailing Periods. It is strongly recommended that samples prepared with detached address cards not be mailed during the following peak mailing periods:

a. The last week of November and throughout the month of December;

b. From the first to the fifth and from the twenty-sixth to the end of each month.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if this proposal is adopted.

(39 U.S.C. 401(2), 404(a)(2))

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 81-13527 Filed 5-4-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL 1788-4]

Approval and Promulgation of State Implementation Plan; Nonattainment Area Plans for Utah

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: On August 11, 1980, the Governor of Utah submitted revisions to the State Implementation Plan (SIP) for the carbon monoxide (CO) and ozone nonattainment areas of the State as well as a revision to comply with the public notification procedures required by section 127 of the Clean Air Act. This notice describes the submission with respect to the requirements of the Clean Air Act and the Environmental Protection Agency's policy and discusses EPA's proposed action on the revised portions. Elsewhere in today's Federal Register, EPA is publishing its final rulemaking on other portions of the SIP which were proposed on February 19, 1980, (45 FR 10617).

In this notice, EPA is proposing to approve the section 127 public notification plan, the section 172(b)(11)(A) alternatives analysis plan, and the request for an extension to meet primary standards for CO in Provo. EPA is also proposing to approve with certain conditions: (1) the inspection/maintenance (I/M) plan for Davis County; and (2) the I/M plan for Salt Lake County provided that deficiencies identified herein are corrected prior to final rulemaking.

DATE: Written comments are due on or before July 6, 1981.

ADDRESSES: Copies of the SIP revision are available for inspection at the following addresses:

Environmental Protection Agency Library, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW, Washington, D.C. 20460

Utah State Division of Health, Bureau of Air Quality, 150 West North Temple, Salt Lake City, Utah 84110

Written comments should be sent to: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Barry Levene, Acting Chief, Transportation Section, Region VIII,

Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295 (303) 837-3711.

SUPPLEMENTARY INFORMATION:

I. Background

On March 3, 1978 (43 FR 8962), and September 11, 1978 (43 FR 40412), pursuant to the requirements of section 107 of the Clean Air Act, as amended in 1977, EPA designated portions of Utah as nonattainment areas for total suspended particulates (TSP), sulfur dioxide (SO_2), carbon monoxide (CO), and ozone. A summary of these designations is presented in Table 1. As a result, pursuant to Part D of the Clean Air Act, the State of Utah was requested to revise its SIP by January 1, 1979, to meet specific requirements for the nonattainment areas. In response to these requirements, the Governor of Utah submitted a revised SIP which was received by EPA on January 3, 1979.

Table 1.—*Utah nonattainment areas*

TSP	SO_2	CO	Ozone
Davis County	Salt Lake County	Salt Lake City	Salt Lake County
Salt Lake County	Tooele County	Bountiful	Davis County
Utah County	Cedar City	Ogden	Utah County
Weber County		Provo	Weber County

The State's submittal consisted of the basic elements contained in the previous SIP and the Air Conservation Regulations enacted by the Utah Air Conservation Committee, transportation control plans developed by organizations of local elected officials in the Salt Lake urbanized area and Provo area, and a detailed Technical Support Document (TSD) which included diffusion modeling estimates and considerable background information related to the control strategies in the SIP.

On January 25, 1979 (44 FR 5159), EPA published an advance notice of availability of the Utah SIP revision and invited the public to comment on its approvability. On May 16, 1979 (44 FR 28688), EPA published a notice of proposed rulemaking which described the SIP and the results of EPA's review with respect to the requirements for an approvable SIP described in a Federal Register notice published on April 4, 1979 (44 FR 20372), and requested public comment.

In brief, EPA proposed to approve the SIP with the following exceptions:

1. The TSP control strategy and regulations for all nonattainment areas.
2. The SO_2 control strategy and regulations for Salt Lake and Tooele Counties.
3. The CO control strategy for Ogden, Provo, and Salt Lake City.
4. The ozone control strategy for Davis and Salt Lake Counties.
5. The 18-month extension request to submit a TSP plan for attainment of the secondary National Ambient Air Quality Standards.
6. Part D requirements including demonstration of reasonable further progress, submittal of an adequate emission inventory, commitments from local governments to carry out appropriate elements of the plan, and establishment of an I/M program in Davis and Salt Lake Counties.

In response to EPA's proposal, the State revised the sections of the SIP pertaining to CO and ozone and the Governor submitted them to EPA on November 5, 1979. Revisions to the TSP plan were submitted on March 11, 1980, and July 25, 1980, and are now undergoing review by EPA.

EPA reviewed the November 5, 1979, submittal against EPA's CO and ozone SIP guidance and approval criteria discussed in detail in the General Preamble for Proposed Rulemaking published on April 4, 1979 (44 FR 20372), and supplements published on July 2, 1979 (44 FR 38583), and on September 17, 1979 (44 FR 53761), and additional guidance on I/M issued on February 24, 1978, and July 17, 1978. Several deficiencies were identified. These included portions of the I/M strategy, the Provo CO control strategy, and one item in the volatile organic compound (VOC) regulations.

On the basis of those findings, EPA proposed on February 19, 1980 (45 FR 10617), to approve the Weber County ozone strategy and to approve the CO and ozone strategies for all other areas provided that certain supplemental information be supplied prior to final rulemaking.

In summary, the following supplemental information was requested:

1. Commitments by both the Salt Lake and Davis County Boards of Health to achieve a 25% reduction in light-duty vehicle exhaust emission of hydrocarbons (HC) and CO by 1987 through an I/M program.
2. Decisions by each county on the type of I/M enforcement mechanism to be used, including commitments by responsible enforcement agencies.
3. Legal opinion from Davis County that it has the authority to adopt, implement, and enforce an I/M program.
4. Legal opinion from Salt Lake County that it has the authority to enforce the selected I/M program.
5. Legal opinion from the State on the legality of each county's selected enforcement mechanism.
6. I/M implementation schedules from both Davis and Salt Lake Counties.
7. Commitments from Provo to implement transportation control measures.
8. Demonstration of attainment of CO standards in Provo by 1982 or request for an extension of the CO attainment date.
9. An addition to the VOC regulation which describes compliance test requirements for bulk terminals.

EPA also proposed to approve the attainment date extension request for CO in Salt Lake City and ozone in Salt Lake County and Davis County. EPA proposed that May 1, 1980, was a reasonable date for submittal of the additional information necessary to approve the plan.

EPA received two comment letters in response to the proposal, one from the Governor of Utah, and the other from the Salt Lake City-County Health Department. Both comment letters concerned only the I/M component of the SIP and contained objections to items 1–6 above as being either premature, already submitted in work programs for grant awards, or already executed but not yet incorporated into the SIP. Both letters state that the May 1, 1980, deadline for submittal of documentation was not reasonable and the milestone dates in previously submitted work plans should be used instead.

Because efforts were being made to submit a revised plan, final action on the November 5, 1979, submittal was delayed, pending receipt of supplemental materials. These supplemental materials were submitted on August 11, 1980, and are described below. They address all of the deficiencies described in the EPA proposal and resolve all the objections raised by the commenters except for the decision on the enforcement mechanism including supporting legal opinions.

EPA is proposing, in this notice, action on the I/M component of the Utah SIP. Final rulemaking on the remaining components of the CO and ozone plans is being published elsewhere in today's Federal Register.

II. August 11, 1980 SIP Submittal

On August 11, 1980, the Governor of Utah submitted a revision to the Utah SIP which addresses some of the deficiencies described in EPA's February 19, 1980, proposal and which includes additional non-Part D material for EPA approval. This notice summarizes EPA's review with respect to requirements for an approvable SIP and proposes action on each SIP component. For the purposes of this notice the ozone SIP for each nonattainment area consists of a transporation control measures component, an I/M component, and a VOC regulations component. The CO SIP consists of a transportation control measures component and an I/M component, where applicable.

EPA is publishing a final rule elsewhere in today's **Federal Register** on all CO and ozone SIP components (except for I/M) which were previously submitted. These components were proposed for approval in the February 19, 1980, **Federal Register**, pending receipt of supplemental information. Because of the nature of the supplemental materials and comments received on the I/M component of the February 19, 1980, proposal, EPA believes that action on the I/M component of the SIP should be reproposed.

A. Inspection/Maintenance (I/M)

On February 19, 1980 (45 FR 10819), EPA listed six items the I/M component of the Utah SIP must contain prior to EPA approval. EPA's review of the August 11, 1980, revision shows that deficiencies still exist in the enforcement mechanism for both counties and in the implementation schedules for Salt Lake County.

1. *Enforcement Mechanism.* The enforcement mechanism to be used has not been identified by either county. Since the counties have submitted evidence of adequate legal authority to implement and enforce an I/M program, the issue is not one of authority to enforce an I/M program. Rather the issues are whether the selected enforcement mechanism will be within the general authority and whether the mechanism will be effective.

Both counties are evaluating enforcement mechanism alternatives using effectiveness and administrative costs as major criteria. There are a few enforcement options available which would be within the existing authority of each county, including indirect ties to the State licensing system and a "sticker" system. Another option requires action by the Utah Legislature to amend an existing statute to require motor vehicle owners to show proof of compliance with emission regulations prior to receiving license tags. The Utah Legislature convenes in January, 1981 and adjourns in March, 1981. If the counties select the enforcement mechanism based directly on issuance of license tags, legal authority to pursue such a program could be demonstrated by the end of the legislative session. Other alternatives must be evaluated concurrently. As a general principle, EPA believes whatever enforcement mechanism is selected must be equally effective as the program which would prohibit registration of non-complying vehicles.

2. *Salt Lake County Implementation Schedules.* The implementation schedules submitted on August 11, 1980, for Salt Lake County call for a decision to be made by June, 1980, regarding the specific enforcement mechanism. This date, as well as other milestones, have not been met because the Salt Lake County Commission, on June 11, 1980, revised its resolution on I/M to require implementation by December 31, 1982, one year later than the resolution included in the August 11, 1980, SIP revision. Because the Salt Lake County program will be centralized and contractor-operated, the date is consistent with EPA policy.

The Salt Lake City-County Board of Health has revised the schedules and is providing them to the State for incorporation in the SIP. EPA has received the proposed schedules and verification from the Salt Lake County Health Department that the implementation date has been changed. EPA is making these materials available for public review and comment. While the SIP has not yet been officially revised to reflect the new implementation date, EPA expects to receive the revised submittal, including the amended resolution (or equivalent certification from responsible officials) and schedules, in the near future. Therefore, this proposed rulemaking is based on the anticipated SIP revision, but final action cannot be taken until a SIP revision is received.

B. Other Clean Air Act Requirements

1. *Public Notification.* Section 127 of the Clean Air Act requires each State to include provisions in its SIP for notifying the public on a regular basis of instances or areas exceeding the national primary ambient air quality standards, to advise the public of air pollution health hazards, to enhance public awareness of measures which can be taken to prevent such standards from being exceeded, and the ways in which the public can participate in regulatory and other efforts to improve air quality.

The Utah SIP contains a section on public notification which satisfactorily addresses Section 127 and is consistent with the "Public Notification Guideline" (EPA–450/2–79–005a).

2. *Alternative Analysis Program (Section 172(b)(11)(A)).* For nonattainment areas which cannot demonstrate attainment of the ozone and/or CO standards by 1982, section 172(b)(11)(A) requires States to "establish a program which requires, prior to the issuance of any permit for construction or modification of a major emitting facility, an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification * * *" Section 3.1.10 of the Utah Air Conservation Regulations (as revised through November, 1979) includes a requirement identical to that contained in Section 172(b)(11)(A) of the Clean Air Act.

C. Attainment Deadline Extensions

The SIP contains satisfactory demonstrations that, despite the implementation of all reasonably available measures, several areas within Utah cannot attain either the CO or ozone standard by December 31, 1982. The Governor requested an extension for CO in the Provo area is his August 11, 1980, transmittal letter. The projected attainment date is December 31, 1983. EPA is publishing final approval of extensions other than for Provo elsewhere in today's **Federal Register**.

III. Proposed EPA Actions

On the basis of the findings discussed above, EPA is proposing the following actions on the Utah SIP as revised on August 11, 1980:

1. Approval of the I/M component of the Salt Lake City CO plan and Salt Lake County ozone plan; (1) provided that a revised resolution (or other appropriate certification) and an I/M implementation schedule be provided to EPA as a SIP revision prior to final rulemaking, and (2) conditioned on the adoption by the Board of Health and submission to EPA of a specific procedure for effective enforcement of the program along with rule, ordinances or other documentation representing a commitment to enforce and supporting legal opinions from both the county and

State by November 30, 1981. EPA specifically requests comments on the appropriateness of this condition and deadline.

2. Approval of the I/M portion of the Davis County ozone plan conditioned on the adoption by the Board of Health and submission to EPA of a specific procedure for effective enforcement of the program along with rule, ordinances or other documentation representing a commitment to enforce and supporting legal opinions from both the county and State by June 30, 1981. EPA requests comments on the appropriateness of this condition and deadline.

3. Approval of the extended attainment date for CO for the City of Provo until December 31, 1983.

4. Approval of the Public Notification Plan (Section 127) requirement.

5. Approval of Alternatives Analysis Program (Section 172(b)(11)(A)) requirement.

The practical effect of a conditional approval appears in supplements to the General Preamble for Proposed Rulemaking. (44 FR 38583 (July 2, 1979) and 44 FR 67182 (November 23, 1979)).

EPA is also proposing to revoke a number of CO and ozone control strategies promulgated by EPA prior to enactment of the Clean Air Act Amendments of 1977, including 40 CFR 52.2335 (Control Strategy: Carbon Monoxide), 52.2336 (Source Surveillance), 52.2338 (Air bleed to intake manifold retrofit), 52.2339 (Regulation for high altitude efficiency modifiction), 52.2340 (Regulation for provision of bike-way system in Provo), 52.2341 (Regulation for limitation of on-street parking in Salt Lake City), 52.2342 (Regulation for provision of a pedestrian-oriented mall in Salt Lake City), and 52.2343 (Monitoring transportation controls). EPA believes revocation of these control strategies have been superceded by equally effective measures developed by designated State and local agencies to comply with Part D of the Clean Air Act as amended. EPA further believes that Congress intended for State and local governments to assume the primary responsibility for developing and implementing necessary control strategies because State and local agencies are in a better position to determine the best way to achieve compliance with clean air goals. Under Section 110(c) of the Act, EPA may only promulgate strategies if the SIP submitted by the State does not meet the requirements of the Act.

The final rule published elsewhere in today's **Federal Register**, along with actions being proposed by EPA today, demonstrate that the State has submitted a SIP which will provide for attainment of the CO and ozone NAAQS as expeditiously as practicable. Therefore, EPA is proposing to revoke certain control strategies promulgated several years ago by EPA because they are no longer necessary or appropriate.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements. Moreover, due to the nature of the Federal-State relationship, Federal inquiry into the economic reasonableness of the State actions would serve no practical purpose and could well be improper.

Interested persons are invited to comment on the revised Utah SIP and EPA's proposed actions. Comments should be submitted, preferably in triplicate, to the address listed in the front of this notice. Public comments received up to July 6, 1981 will be considered in EPA's final decision on the SIP.

All comments received will be available for inspection at the Region VIII Office, 1860 Lincoln Street, Denver, Colorado 80295.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it only proposes to approve State actions. It does not impose any new regulation requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to GPA and any response to those comments are available for public inspection at EPA Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, CO.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: January 8, 1981.

Roger L. Williams,

Regional Administrator.

[FR Doc. 81-13481 Filed 5-4-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 61

[AD-FRL-1818-6]

National Emission Standards for Hazardous Air Pollutants: Benzene Emissions From Ethylbenzene/Styrene Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of public comment period.

SUMMARY: The end of the public comment period has been extended 32 days, from April 30 to June 1, 1981, for the proposed national emission standard for benzene emissions from ethylbenzene/styrene plants in response to a request from Chemical Manufacturers Association. This request expressed the need for additional time to gather data and provide information requested by EPA at the March 24, 1981, public hearing.

DATES: Written comments to be included in the record on the proposed standard must be postmarked no later than June 1, 1981.

ADDRESSES: Comments on the proposed standard should be submitted (in duplicate if possible) to: Central Docket Station (A-130), Attention: Docket Number A-79-40, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Susan R. Wyatt, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5477.

SUPPLEMENTARY INFORMATION: On December 16, 1980, EPA proposed in the **Federal Register** (45 FR 83448) a national emission standard for benzene emissions from ethylbenzene/styrene plants. In that notice, EPA announced the date ending the public comment period and the date and location of the public hearing to receive public comment on the proposed standards.

On January 29, 1981, EPA published in the **Federal Register** (46 FR 9660) an amended notice of public hearing and extension of public comment period. In the amended notice, EPA announced the date ending the public comment period and the date and location of the public hearing to receive public comment on the proposed standards. This notice extends the end of the public comment period.

Dated: April 28, 1971.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-13838 Filed 5-4-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 466

[WH-FRL 1818-7]

Porcelain Enameling; Point Source Category; Effluent Limitations Guidelines Pretreatment Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: On January 27, 1981, EPA proposed regulations under the Clean Water Act for pollutant discharges from facilities engaged in porcelain enameling (46 FR 8860–8887). The comment period expired on April 27, 1981. However, due to delayed distribution, many prospective commenters did not receive the economic supporting document until late in March 1981. Representatives of the porcelain enameling industry have requested additional time to review and comment on the proposed regulation. Accordingly, EPA is re-opening the comment period until May 27, 1981 to allow for comment issues pertaining to the economic analysis.

DATES: Comments on all issues pertaining to the technical aspects and technical supporting documents for the proposed regulation must have been submitted by April 27, 1981. Comments on the economic supporting document must be submitted by May 27, 1981.

ADDRESS: Send comments to Mr. Ernst P. Hall, Effluent Guidelines Division (WH–552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Attention: EGD Docket Clerk, Proposed Porcelain Enameling Rules (WH–552). The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (EPA Library Rear) PM–213. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Ernst P. Hall, (202) 426–2726. The economic analysis may be obtained from Ms. Sandi Jones (202) 755–7733.

SUPPLEMENTARY INFORMATION: On January 27, 1981, EPA proposed regulations to limit effluent discharges to waters of the United States and introduction of pollutants into publicly owned treatment works from facilities engaged in porcelain enameling (46 FR 8860–8887). Comments on the proposal were to be submitted on or before April 27, 1981. In addition to the Notice of Proposed Rulemaking, three major supporting documents are available from EPA. Analytical methods are discussed in *Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants.* The Agency's technical conclusions are detailed in the *Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Porcelain Enameling Point Source Category.*

The third supporting document is *Economic Impact Analysis of Proposed Effluent Standards and Limitations for the Porcelain Enameling Industry.* Distribution of this report was delayed. Consequently, many industry representatives and other interested parties did not receive the document until the end of March 1981. Industry representatives have requested an extension of the comment period to provide sufficient time to review the economic analysis and submit informed comments. Accordingly, EPA is re-opening the public comment period for issues pertaining to the economic analysis until May 27, 1981. The Development Document was not subject to a similar delay. Hence, all comments on that document and other issues pertaining to the proposal must have been submitted by April 27, 1981.

Dated: April 27, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-13840 Filed 5-4-81; 8:45 am]

BILLING CODE 6560-26-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1201, 1241 and 1248

[No. 37614]

Elimination of Accounting and Reporting Requirements of Class II Railroads

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This rule proposes to eliminate the Uniform System of Accounts (USOA) and all reports of Class II Railroad Companies. The Commission has determined that the use of the information maintained and filed by the carriers does not justify the accounting and reporting burden. The elimination of all Class II railroad reports would result in an estimated total annual reduction in reporting burden at 7000 hours.

DATES: Comments are due June 19, 1981.

ADDRESSES: An original and 15 copies of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275–7448.

SUPPLEMENTARY INFORMATION: The Commission proposes to eliminate all accounting and reporting requirements of Class II railroad companies. After studying the use of the information filed by Class II railroads, which accounts for 2% of total railroad operating revenues, we have concluded that the hours spent to comply with our accounting and reporting requirements are not justified.

In a Decision issued December 15, 1980, the Commission eliminated the accounting and reporting requirements for Class III railroads (46 FR 9114 January 28, 1981). We now propose to eliminate the accounting and reporting for Class II railroads. We shall continue to maintain a distinction between Class II and Class III railroads, however, because Section 10705a of the Staggers Rail Act sets forth specific rights of Class III carriers in relation to certain surcharge provisions. At present, these designations are:

Class I—Annual carrier operating revenues of $50 million or more.

Class II—Annual carrier operating revenues of less than $50 million but more than $10 million.

Class III—Annual carrier operating revenues of $10 million or less.

In addition to comments on the proposed elimination of Class II reporting requirements, the Commission invites the public to comment on whether we should include the data lost by Class II affiliates in the parent carriers' R–1 annual report.

Any carriers relieved by the proposed rule will still be required to submit information to the Commission when requested. It may, therefore, be in each carrier's best interest to retain the capability of reporting to the Commission. The proposed rule will not relieve Class II railroads of their accounting and reporting responsibilities with other jurisdictions, such as State authorities.

This decision does not significantly affect the quality of the human

environment, conservation of energy resources or small businesses.

Accordingly, we propose to adopt the changes to Title 49 of the Code of Federal Regulations as set forth in Appendix A.

This proposed rule is issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: April 27, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix A

We propose to amend Title 49 CFR as follows:

PART 1201—RAILROAD COMPANIES

1. Revise General Instruction 1–1, Classification of carriers, to read as follows:

1.1 *Classification of carriers.*

(a) * * *

(b) * * *

(c) Class I carriers shall keep all of the accounts of this system which are applicable to their operations. Class II and Class III carriers are not required to maintain the accounts of this system.

(d) * * *

(e) * * *

2. Remove the CONDENSED CLASSIFICATION OF OPERATING EXPENSES FOR SMALL CARRIERS, CLASS II.

PART 1241—ANNUAL, SPECIAL OR PERIODIC REPORTS—CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE COMMISSION ACT

§ 1241.12 [Removed]

3. Remove § 1241.12—Annual reports of Class II railroad companies.

§ 1241.13 [Redesignated as § 1241.12]

4. Redesignate § 1241.13—Annual reports of lessors to railroad companies, as § 1241.12.

PART 1248—FREIGHT COMMODITY STATISTICS

Subpart A—Railroads

5. Revise § 1248.1 to read as follows:

§ 1248.1 Freight commodity statistics.

Commencing with reports for the first quarter of 1964 or for the year 1964, as the case might be, and thereafter until further order, all Class I railroads, as described in § 1240.1 of this chapter, subject to Part I of the Interstate Commerce Act, shall compile and report freight commodity statistics on the basis of the commodity codes named in § 1248.101. Carriers shall report quarterly on the basis of the 3, 4 and 5-digit commodity codes named in that section. Such reports shall be made in conformity with the outline of terms set forth in §§ 1248.2 to 1248.5, inclusive, as supplemented by instructions included in the appropriate report form to be supplied to the reporting railroads.

§ 1248.2 [Amended]

6. Remove paragraph (b) of § 1248.2—Items to be reported.

§ 1248.5 [Amended]

7. Remove paragraph (b) of § 1248.5—Report forms and date of filing.

§ 1248.6 [Amended]

8. In § 1248.6—Public inspection—railroad reports, remove the phrase "and Class II."

(49 U.S.C. 10321, 5 U.S.C. 553)

[FR Doc. 81-13486 Filed 5-4-81; 8:45 am]
BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 86
Tuesday, May 5, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Cajun Electric Power Cooperative; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact which concluded that there is no need for REA to prepare an Environmental Impact Statement in connection with proposed financing assistance to Cajun Electric Power Cooperative, Inc. (Cajun), headquartered in New Roads, Louisiana.

The proposed financing assistance would be used by Cajun to obtain funds required to complete construction of the Big Cajun 2 Power Plant, Units 1 and 2, and its 58 percent ownership interest in Unit 3 and meet increased coal inventory requirements.

All three units are coal-fired with an output of approximately 540,000 kW each, and are located on a site in Point Coupee Parish, Louisiana. Units 1 and 2 are virtually complete and are going through the "start-up" process leading to commercial operation.

Unit 3 is under construction, approximately 25 percent completed, and is scheduled for commercial operation in October 1983.

REA issued the Final Environmental Impact Statement for Units 1 and 2 in 1976 and for Unit 3 in 1979, and has prepared an Environmental Assessment concerning the proposed financing assistance to Cajun.

The alternative of terminating or postponing construction of one or more of the units was evaluated by REA but was not considered to be the preferable plan as it would seriously jeopardize Cajun's ability to meet its power supply obligations.

REA's evaluation of the environmental effects of the proposed financing assistance, which is the preferred alternative, leads it to conclude the proposed action would not represent a major Federal action significantly affecting the quality of the human environment. A Finding of No Significant Impact was reached by REA in accordance with Sections IV.B and D of REA Bulletin 20–21:320–321.

REA's Finding of No Significant Impact, the Environmental Assessment, the previous Environmental Impact Statements on the Plant and the Borrower's Environmental Report may be reviewed in the Office of the Director, Power Supply Division, Room 5168, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, phone (202) 447–6183, or at the office of Cajun Electric Power Cooperative, (Mr. James Smith, Manager) Highway 1, New Roads, Louisiana 70760, phone (504) 638–2603.

A copy of REA's Finding of No Significant Impact and the Environmental Assessment is available upon request to the Director, Power Supply Division, at the address given above.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 29th day of April 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-13389 Filed 5-4-81; 8:45 am]
BILLING CODE 3410-15-M

United Power Association and Cooperative Power Association; Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Final Environmental Impact Statement (FEIS) in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a request for a loan guarantee commitment from REA for United Power Association (UPA) of Elk River, Minnesota, and Cooperative Power Association (CPA) of Minneapolis, Minnesota. This loan guarantee commitment is planned to assist in obtaining financing for the construction of a 345 kV transmission line from the Sherburne County Substation near Becker, Minnesota, to the Benton County Substation near St. Cloud, Minnesota.

Additional information may be secured on request, submitted to Frank W. Bennett, Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, 14th and Independence Avenue, SW, Washington, D.C. 20250. Phone: (202) 447–6183.

Copies of the REA FEIS have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality regulations. Copies are available upon request to Mr. Bennett at the previously indicated address. The FEIS may be examined during regular working hours at the offices of REA in the South Agriculture Building, 14th Street and Independence Avenue, S.W., Washington, D.C., at the office of UPA in Elk River, Minnesota, or at the office of CPA in Minneapolis, Minnesota.

This FEIS which has been developed by REA includes appropriate information contained in the FEIS prepared by the Minnesota Environmental Quality Board (MEQB), Room 100, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Both REA and MEQB are joint lead agencies pursuant to § 1501.5(b) of the Council of Environmental Quality regulations. MEQB, which has approval authority for the routing of high voltage transmission in Minnesota, issued their FEIS for the subject project in November 1980.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after requirements set forth in the National Environmental Policy Act of 1969 have been met.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 29th day of April 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-13400 Filed 5-4-81; 8:45 am]
BILLING CODE 3410-15-M

Chugach Electric Association, Inc., Anchorage, Alaska; Proposed Loan Guarantee

Under the authority of Public Law 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $41,135,000 to Chugach Electric Association, Inc., Anchorage, Alaska. These loan funds will be used to finance cost overruns on generation facilities having a nameplate rating of 150 MW together with 46 miles of transmission lines necessary to connect into existing facilities.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. L. J. Schultz, Manager, Chugach Electric Association, Inc., Box 3581, Anchorage, Alaska 99501.

In order to be considered, proposals must be submitted on or before June 4, 1981 to Mr. Schultz. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Chugach Electric and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 28th day of April, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–13530 Filed 5–4–81; 8:45 am]

BILLING CODE 3410–15–M

San Miguel Electric Cooperative, Inc., Jourdanton, Texas; Proposed Loan Guarantee

Under the authority of Public Law 93–32 (87 Stat. 65), and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $85,000,000 to San Miguel Electric Cooperative, Inc. (San Miguel), of Jourdanton, Texas. This loan guarantee will provide supplemental funds needed to complete San Miguel's 400 MW lignite-fired generating plant.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. L. E. Gross, Jr., Manager, San Miguel Electric Cooperative, Inc., P.O. Box 280, Jourdanton, Texas 78026.

In order to be considered, proposals must be submitted (within 30 days from the date of the **Federal Register** publication of this notice) to Mr. Gross. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as San Miguel and REA deem appropriate.

Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

This notice supersedes the notice published on October 21, 1980.

Dated at Washington, D.C., this 28th day of April 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–13531 Filed 5–4–81; 8:45 am]

BILLING CODE 3410–15–M

CIVIL AERONAUTICS BOARD

[Docket 39248]

Empresa Guatemalteca de Aviacion (Aviatega); Enforcement Proceeding; Notice of Postponement of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above entitled proceeding on May 6, 1981 (46 FR 19285, March 30, 1981) is postponed pending consideration of the Bureau of Compliance and Consumer Protection's motion to approve settlement.

Dated at Washington, D.C., April 30, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81–13539 Filed 5–4–81; 8:45 am]

BILLING CODE 6320–01–M

[Order 81–4–175; Docket 31290]

Establishment of the Interim Standard Industry Fare Level

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of April, 1981.

The Airline Deregulation Act of 1978 (ADA) requires that the Board compute a "standard industry fare level" (SIFL) based upon the fare level in effect on July 1, 1977, and, not less than semiannually, update the SIFL by increasing or decreasing it by the percentage change in actual operating costs per available seat-mile (ASM) for interstate and overseas transportation combined. Once computed, the SIFL becomes the benchmark for measuring the statutory zone of reasonableness.

Applying our methodology to the year ended December 1980 financial data and March 1981 fuel costs[1] and projecting fuel and nonfuel costs to June 1, 1981, the midpoint of the May-June period,

[1] See the following table:

Trunk and Local Service Carrier Scheduled Service Fuel Price Calculation

Month	Price per gallon (cents)	Change from prior month (cents)
December	90.80	1.87
January 1981	94.14	3.54
February	99.57	5.43
March	103.67	4.10

Our usual methodology projects the average change in price over the last four months to the chosen future date, then adds the projected change to the current fuel price. In this case, we projected an average increase of 3.74 cents per month for 2½ months (to June 1, 1981), then added this 9.35 cents to the March price—projecting a cost of 113.02 cents per gallon as of June 1, 1981.

results in a cost escalation factor of 1.7604 over July 1, 1977 or an increase over the last SIFL adjustment of about 7.79 percent. (See Appendix.)

While the latest weekly fuel data for April indicates a leveling of fuel price trends, the current price of 103.67¢ is three cents above our SIFL projection for the March–April 1981 period of 100.67¢. (See Order 81–2–107). Because of the continuing lack of stability in fuel trends, we will extend this projection for only a two month ratemaking period.

This calculation of the SIFL adjustment factor also necessitates a revision in our upward flexibility in connection with the zone of limited suspension for domestic passenger fares. The calculation is described in 14 CFR Part 399, *Statements of General Policy*. Section 399.32(d)(1) provides flexibility above the SIFL plus $14 of 30 percent. These regulations also provide that each time the Board adjusts the SIFL for cost increases, it will adjust the $14 figure by the same percentage rounded to the nearest whole dollar. In the last SIFL order we adjusted it to $15. Consequently, we are now adjusting the constant amount to $16.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 1002,

1. We set the cost adjustment factor for the Standard Industry Fare Level effective May 1, 1981, to be 1.7604;

2. The $14 figure appearing in 14 CFR 399.32(d)(1), as adopted by PS–100, 46 FR 11808, February 11, 1981, is adjusted in accordance with that section to $16, and

3. We set the Standard Industry Fare Level formula effective May 1, 1981, as follows: Terminal charge, $28.45; plus, .1556/mile (0–500 miles); .1187/mile (501–1,500 miles); and .1141/mile (over 1,500 miles).

This order shall be served on the Air Transport Association of America, all certificated carriers, and shall be published in the **Federal Register**.

By the Civil Aeronautics Board.

All Members concurred.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–13837 Filed 5–4–81; 8:45 am]

BILLING CODE 6320–01–M

[Dockets 33362, 325421, and 32543]

Former Large Irregular Air Service Investigation and Applications of Aeroamerica, Inc.; Notice of Prehearing Conference

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled proceeding is assigned to be held on May 19, 1981, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C. April 28, 1981.

William A. Pope II,

Administrative Law Judge

[FR Doc. 81–13838 Filed 5–4–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Ferrochrome From the Republic of South Africa

AGENCY: International Trade Administration, Commerce.

ACTION: Amendment to Notice of Countervailing Duty Order.

SUMMARY: This notice is to advise the public that the Department of Commerce is amending the "Notice of countervailing duty order" on ferrochrome from the Republic of South Africa to include ferrochrome currently classifiable under item number 923.18 of the Tariff Schedules of the United States (TSUS).

EFFECTIVE DATE: March 11, 1981.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Black, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1774)

SUPPLEMENTARY INFORMATION: The Department of Commerce published a notice of countervailing duty order in the **Federal Register**2 on April 9, 1981 (46 FR 21155). Although the order covered all ferrochrome exported from the Republic of South Africa the notice only cited ferrochrome currently classifiable under item number 606.22 and 606.24 of the Tariff Schedules of the United States (TSUS). Ferrochrome currently classifiable under item number 923.18 of the TSUS was inadvertently omitted. Accordingly, we hereby amend our notice by adding 923.18 to the list of TSUS item numbers under which ferrochrome is currently classificable.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81–13811 Filed 5–4–81; 8:45 am]

BILLING CODE 3510–25–M

Fish Netting of Manmade Fibers From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on fish netting of manmade fibers from Japan. The scope of the review covers 21 manufacturers and 25 other exporters of this merchandise to the United States. The review covers varying time periods for manufacturers and exporters through May 31, 1980. This review indicates the existence of dumping margins in particular periods for certain manufacturers and exporters.

As a result of this review, for the one exporter with sales activity that provided adequate information, the Department has preliminarily determined to assess dumping duties equal to the calculated difference between United States price and foreign market value on each of its shipments occurring during the covered periods. Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 5, 1981.

FOR FURTHER INFORMATION CONTACT:

Harry A. Patrick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3813).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 9, 1972, a dumping finding with respect to fish netting of manmade fibers from Japan was published in the **Federal Register** as Treasury Decision 72–156 (37 FR 11560). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 26, 1980 (45 FR 20511–20512) a notice of intent to conduct

administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on fish netting of manmade fibers from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service Regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of fish netting of manmade fibers, currently classifiable under items 355.4520 and 355.4530 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 65 Japanese firms engaged in the manufacture and exportation of fish netting of manmade fibers to the United States. This review covers 46 of them (21 manufacturers and 25 non-manufacturing exporters) for all time periods through May 31, 1980, during which shipments of fish netting of manmade fibers may have been made to the United States, and for which appraisement instructions ("master lists") have not been issued. Therefore, different time periods are involved for different firms. The remaining firms were discovered late in the review and will be covered in a subsequent review.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued master lists, is under review. Liquidation has been suspended pending disposition of the issue.

Seven exporters stated that they did not export fish netting of manmade fibers to the U.S. during the periods of review. Three non-manufacturing exporters, whose suppliers failed to respond, sold only to the United States during the latest period. The estimated deposit rate for these firms shall be based on the most recent information for each firm, or the highest current rate for responding firms. One firm with sales activity furnished an adequate response.

Thirty-five firms refused to respond or provided inadequate responses to our questionnaire. For these non-responsive exporters we proceeded to use the best information available. The best information available is the current rate for the one responding firm, which is 23.3 percent, except for Hakodate, for which we used its most recent master list rate of 36.27%.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act or section 203 of the 1921 Act, as appropriate. Purchase price was based on the CIF, packed price to unrelated purchasers in the United States. Where applicable, deductions were made for ocean freight, marine insurance and shipping charges. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value, since there were no sales by the firm in the home market of such or similar merchandise, the Department used the price to purchasers in a third country (Canada), as defined in section 773 of the Tariff Act or section 205 of the 1921 Act, as appropriate. Foreign market value was based on the CIF, packed price with deductions, where applicable, for ocean freight, marine insurance and shipping charges.

Although adjustments were claimed for interest expenses and a commission, no supporting documentation was furnished and they were disallowed. No other adjustments were claimed or made.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value we preliminarily determine that the following margins exist:

Mfr./exporter	Time period	Margin (percent)
Amikan Fishing Net Mfg. Co., Ltd	12/1/78–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Amisho Kabushiki Kaisha, Ltd	5/1/71–12/31/74	11.0
	1/1/75–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Amita Company, Ltd	4/1/76–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.2
Arai Gomi K.K	5/1/71–5/31/80	[1]23.3
Fukuda Shoten	5/1/71–5/31/80	[1]23.3
Fukui Fishing Net Co., Ltd	4/1/78–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Hakodate Seimo Sengu Co., Ltd	10/1/76–5/31/80	36.27
Hakodate Seimo Sengu Co., Ltd./Mitsui & Co., Ltd	9/1/76–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Hiraga Fishing Net Mfg. Co., Ltd	5/1/71–12/31/74	11.0
	1/1/75–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Hiraga Fishing Net Mfg. Co., Ltd./Sanyo Enterprises Co., Ltd	5/1/71–12/31/74	11.00
	1/1/75–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.2
Hiraga Fishing Net Mfg. Co., Ltd./Yamada Trading Co., Ltd	1/1/77–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Hirata Spinning Co., Ltd	4/1/76–3/31/79	36.27
	4/1/79–9/30/79	16.4
Hirata Spinning Co., Ltd./Nichimen Co., Ltd	4/1/76–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Hirose Tankichi Shoten	5/1/71–5/31/80	[1]23.3
Ikeen K.K	5/1/71–12/31/74	11.0
	1/1/75–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Inagaki Fishing Net Mfg. Co., Ltd	9/1/76–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Inagaki Fishing Net Mfg. Co., Ltd./Nichimen Co., Ltd	9/1/76–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Itoh-Seni Mfg. Co., Ltd	5/1/71–12/31/74	11.0
	1/1/75–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Itoh-Seni Mfg. Co., Ltd./Yamada Trading Co., Ltd	1/1/77–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Kasumi Fishing Net Mfg. Co., Ltd	5/1/71–12/31/74	11.0
	1/1/75–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Kasumi Fishing Net Mfg. Co., Ltd./Senyo Enterprises Co., Ltd	5/1/71–12/31/74	11.0
	1/1/75–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Katsuka Seimo Co., Ltd	9/1/76–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Katsuka Seimo Co., Ltd./Horuriku Seimo Co., Ltd	5/1/71–12/31/74	11.0
	1/1/75–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Katsuka Seimo Co., Ltd./K.Y. Corp	5/1/71–12/31/74	11.0
	1/1/75–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Kinoshita Fishing Net Mfg. Co., Ltd	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Kinoshita Fishing Net Mfg. Co., Ltd./Niissho Iwai Corp	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Miyo Seimo Co., Ltd	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Miyo Seimo Co., Ltd./Nichimen Co., Ltd	7/1/73–5/31/80	[1]23.3
Momoi Fishing Net Mfg. Co., Ltd	9/1/76–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Moritsun Shoten	5/1/71–12/31/74	11.0
	1/1/75–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Morinin Co., Ltd	5/1/71–12/31/74	11.0
	1/1/75–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Morishita Fishing Net Mfg. Co., Ltd	6/1/73–12/31/74	11.0
	1/1/75–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Morishita Fishing Net Mfg. Co., Ltd./Mitsui & Co., Ltd	9/1/76–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Nagaura Seimosho Co., Ltd	5/1/71–12/31/74	11.0
	1/1/75–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Nichimo Co., Ltd	9/1/76–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Nippon Kenmo Co., Ltd	1/1/77–3/31/79	36.27
	4/1/79–9/30/79	16.4
	10/1/79–5/31/80	23.3
Nitto Seimo Co., Ltd	4/1/76–5/31/80	[1]0

Mfr./exporter	Time period	Margin (percent)
Ogura Trading Co., Ltd.	9/1/78-5/31/80	[1]23.3
Ohmi Netting Co., Ltd.	9/1/78-3/31/79	23.3
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3
Ohmi Netting Co., Ltd./Mitsui & Co., Ltd.	9/1/78-3/31/79	38.27
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3
Osada Fishing Net Co., Ltd.	9/1/78-3/31/79	38.27
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3
Osada Fishing Net Co., Ltd./ Nichimen Co., Ltd.	4/1/79-3/31/79	38.27
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3
Taito Seiko Co., Ltd.	9/1/78-3/31/79	38.27
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3
Tecnelo Co	5/1/71-12/31/74	11.0
	1/1/75-3/31/79	38.27
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3
Toyama Fishing Net Mfg. Co., Ltd.	4/1/79-3/31/79	38.27
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3
Toyonen Co., Ltd.	4/1/79-3/31/79	38.27
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3
Watanabe Chosen Shoten	9/1/78-3/31/79	38.27
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3
Yagi Fishing Net Co., Ltd.	5/1/71-5/31/80	[1]23.3
Yamaji Fishing Net Co., Ltd.	2/1/79-3/31/79	38.27
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3
Wako Boeki K.K.	5/1/71-12/31/74	11.0
	1/1/75-3/31/79	38.27
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3
Hashimoto	5/1/71-12/31/74	11.0
	1/1/75-3/31/79	38.27
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3
Makino	5/1/71-12/31/74	11.0
	1/1/75-3/31/79	38.27
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3
Yamagen	5/1/71-12/31/74	11.0
	1/1/75-3/31/79	38.27
	4/1/79-9/30/79	18.4
	10/1/79-5/31/80	23.3

[1] No shipments during period.

Interested parties may submit written comments on these preliminary results on or before June 4, 1981 and may request disclosure and/or a hearing on or before May 20, 1981. Any request for an administrative protective order must be made no later than May 11, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of fish netting of manmade fibers entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

April 30, 1981.

[FR Doc. 81-13812 Filed 5-4-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Taking of Marine Mammals Incidental to Commercial Fishing Operations

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of availability of recommended decision.

SUMMARY: Public hearings were held by an Administrative Law Judge in Seattle, Washington, on March 5 and 6, 1981 concerning the application of the Federation of Japan Salmon Fisheries Coopèrative Association for a general permit under the Marine Mammal Protection Act of 1972 to allow the taking of marine mammals incidental to this commercial fishery. The recommended decision is available for public inspection.

DATES: The recommended decision was published April 24, 1981.

ADDRESS: The decision may be reviewed at the: Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Room 412, Page Building 2, 3300 Whitehaven Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: (202) 634-1792.

Dated: April 30, 1981.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 81-13849 Filed 5-4-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From Malaysia Under a New Bilateral Agreement

April 23, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products produced or manufactured in Malaysia and exported during the twelve-month period beginning on January 1, 1981.

SUMMARY: The Government of the United States and Malaysia have exchanged notes dated December 5, 1980 and February 27, 1981 establishing a new Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement for the four-year period beginning on January 1, 1981 and extending through December 31, 1984. The agreement provides, among other things, specific levels of restraint for Categories 331, 333/334/335, 336/339, 340, 347/348, 445/446, 604 and 638/639 during the agreement year beginning on January 1, 1981. Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit imports for consumption, or withdrawals from warehouse for consumption, of cotton, wool and man-made fiber textile products in the foregoing categories to the designated amounts. The level for Category 445/446 reflects adjustments made pursuant to the terms of the agreement, including deductions for overshipments in previous years amounting to 4,644 dozen, and 2,821 dozen applied to the level in 1980 which the Government of Malaysia agreed would be deducted from the 1981 limit.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 F.R. 13172), as amended on April 23, 1980 (45 F.R. 27463), August 12, 1980 (45 F.R. 53506) and December 24, 1980 (45 F.R. 85142)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: April 30, 1981.

FOR FURTHER INFORMATION CONTACT:
Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–2184).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

April 23, 1981

Committee for The Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 5, 1980 and February 27, 1981, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 30, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in Categories 331, 333/334/335, 336/339, 340, 347/348, 445/446, 604 and 638/639, produced or manufactured in Malaysia, in excess of the following levels of restraint:

Category	12-month level of restraint
331	306,200 dozen pairs.
333/334/335	96,418 dozen of which not more than 33,200 dozen shall be in Cat. 333; not more than 33,209 dozen shall be in Cat. 334; and not more than 33,209 dozen shall be in Cat. 335.
336/339	289,281 dozen of which not more than 155,000 dozen shall be in Cat. 339.
340	270,835 dozen.
347/348	153,000 dozen of which not more than 80,000 dozen shall be in Cat. 348.
445/446	17,102 dozen.
604	1,097,561 pounds.
638/639	160,000 dozen.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, except Category 336, produced or manufactured in Malaysia, which have been exported to the United States on and after January 1, 1980 and extending through December 31, 1980, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Category 336 that have been exported prior to January 1, 1981, shall not be subject to this directive.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of December 5, 1980 and February 27, 1981 between the Governments of the United States and Malaysia which provide, in part, that: (1) specific limits or sublimits may be exceeded by not more than 5 percent, if a corresponding reduction is made in one or more other specific limits in the same group during the same agreement year; (2) specific levels may be adjusted for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 F.R. 13172), as amended on April 23, 1980 (45 F.R. 27463), August 12, 1980 (45 F.R. 53508) and December 24, 1980 (45 F.R. 85142). In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton, wool and man-made fiber textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-13510 Filed 5-4-81; 8:45 am]

BILLING CODE 3510-25-M

Changes in the Textile Category System

April 30, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Changes in the Textile Category System.

SUMMARY: The Correlation: Textile and Apparel Categories with the Tariff Schedules of the United States, Annotated, provides for placement of Tariff Schedules of the United States, Annotated (T.S.U.S.A.) numbers in the Textile Category System. Amendments to the T.S.U.S.A. as a result of changes in articles eligible for duty-free treatment under the Generalized System of Preferences require amendments to the Correlation. These changes are cited on the list which follows this notice.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT:
Claire McDermott, Commodity Industry Specialist, OfFice of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202) 377–5423).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

March 31, 1981 Changes to Correlation

Category and Type of Change

353, Change 748.4042 to 748.4542
354, Change 748.4044 to 748.4544
369, Change 706.2406 to 706.2806
369, Change 706.2411 to 706.2811
369, Change 706.2421 to 706.2821
411, Change 364.2200 to 364.2300
465, Change 360.0500 to 360.0600
465, Change 361.2225 to 361.2405
465, Change 361.4400 to 361.4500
469, Change 367.3025 to 367.3424
469, Change 367.3030 to 367.3428
653, Change 748.4054 to 748.4554
654, Change 748.4062 to 748.4562
665, Change 361.2235 to 361.2410

[FR Doc. 81-13509 Filed 5-4-81; 8:45 am]

BILLING CODE 3510-25-M

COUNCIL ON ENVIRONMENTAL QUALITY

Conditions of Council Approval of HUD NEPA Procedures

April 29, 1981.

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information only: Publication of Council's Letter Containing Conditional Approval of HUD's NEPA Procedures.

SUMMARY: Section 1507.3 of the "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," 40 CFR Part 1500, *et seq.*, provides that each agency shall as necessary adopt procedures to supplement the regulations. Section 1507.3 also provides that final agency procedures shall be adopted only after review by the Council on Environmental Quality. On April 29, 1981, the Council conditionally approved the adoption by the Department of Housing and Urban Development of general agency-wide NEPA procedures (24 CFR Part 50) and NEPA procedures for all programs under Title I of the Housing and Community Development Act except the Urban Development Action Grant program (24 CFR Part 58). The Council restated its disapproval of HUD's NEPA procedures for the UDAG program.

FOR FURTHER INFORMATION CONTACT:
Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722

Jackson Place, NW., Washington, D.C. 20006, (202) 395–5700.

Nicholas C. Yost,
General Counsel.

April 29, 1981.

Mr. Stephen Bollinger,
Assistant Secretary Designate for Community Planning and Development, Department of Housing and Urban Development, 451 Seventh St., SW., Washington, D.C. 20410.

Dear Mr. Bollinger: Section 1507.3 of the "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act", 40 CFR Part 1500, *et seq.*, provides that each agency shall as necessary adopt procedures to supplement the regulations. Section 1507.3 also provides that final agency procedures shall be adopted only after review by the Council on Environmental Quality.

On February 9, 1981, your staff transmitted for Council review final agency-wide procedures (24 CFR Part 50) developed by the Department of Housing and Urban Development under Section 1507.3 of the NEPA regulations. These procedures had been published in the **Federal Register** in proposed form for public review and comments, and the comment period on the procedures concluded in 1979. The preamble to the procedures contains a point-by-point response to the major comments received. In a memorandum dated April 24, 1981, your agency committed itself to making all the changes in those Part 50 procedures identified in the Council's memorandum to HUD, dated March 24, 1981.

The Council has completed its review of HUD's Part 50 procedures. Based on that review and HUD's commitment to make the changes identified by the Council, the Council has determined that the procedures will address all of the sections of the regulations required to be addressed by Section 1507.3(b). HUD may now adopt and publish its procedures in final form. They will not become effective until their publication in the **Federal Register** with the changes identified by the Council.

On January 30, 1981, your staff transmitted final NEPA procedures developed by HUD for programs under Title I of the Housing and Community Development Act ("HCDA") (24 CFR Part 58). Those procedures had been published in the **Federal Register** in proposed form for public review and comment, and the comment period on the procedures concluded in 1979. Final procedures were published in the **Federal Register** in 1981 without prior submission to the Council for review and approval. In a memorandum dated April 24, 1981, your agency committed itself to making all the changes in those Part 58 procedures identified in the Council's memorandum to HUD, dated April 20, 1981, except for those changes concerned with the Urban Development Action Grant program.

The Council has completed its review of HUD's Part 58 procedures. Based on that review and HUD's commitment to make certain of the changes identified by the Council, the Council has determined that the procedures will address all of the sections of the regulations required to be addressed by Section 1507.3(b) for all Title I HCDA programs other than UDAG program. HUD may now adopt and publish its procedures in final form for all Title I HCDA programs except the UDAG program. The Council disapproves the Part 58 procedures for the UDAG program for the reasons set forth in its letters dated January 19, 1981, December 22, 1980, October 31, 1980, October 27, 1980, and November 21, 1979. The Procedures will not become effective for any Title I programs until publication of the changes identified by the Council in the **Federal Register**.

Nicholas C. Yost,
General Counsel.

[FR Doc. 81-13489 Filed 5-4-81; 8:45 am]

BILLING CODE 3125-01-M

DEPARTMENT OF DEFENSE

Department of Army

Military Ocean Terminal, Sunnypoint (MOTSU), Southport, North Carolina; Environmental Impact; Scoping Meeting

SUBJECT: Intent to Prepare Draft Environmental Impact Statement (DEIS) for Proposed Silt Barriers at the Military Ocean Terminal, Sunnypoint (MOTSU), Southport, North Carolina.

SUMMARY: Proposed is a study to assess the feasibility of employing movable silt barriers in various configurations to prevent sediment-loaded flows from the Cape Fear River from entering MOTSU operating basins and navigation channels.

The alternatives to silt barrier schemes at MOTSU include: Ocean dumping of dredged material, continuation of present and future diked upland dredged material disposal sites, and "no action."

Participation and public involvement of affected Federal, state, and local agencies, private organizations and parties are invited. Consistent with the involvement mentioned above, a meeting was held 7 November 1979 to update program coordination and elicit concerned agencies suggestions and reactions.

Significant issues to be addressed will include: Effects of proposed barriers on estuarine nursery areas, the potential changes in flow regimes and diversion of shoaling sediments to other locations, creation of water basins with low flushing/mixing, and highly stratified, possibly anaerobic conditions.

The US Fish and Wildlife Service and the National Marine Fisheries Service will furnish input into the DEIS as cooperating agencies.

A scoping meeting will be held 6 May 1981, 10:00 a.m., Room 313, Alton Lennon Federal Building, Wilmington, North Carolina, to determine significant issues related to the proposed action and to invite discussion. Written comments may be addressed to: Mr Richard M. Jackson/SAWEN–E, US Army Engineer, District, Wilmington, P.O. Box 1890, Wilmington, NC 28402; and must be received by 15 May 1981.

Estimated date of DEIS being made available to the public is fiscal year 1982.

Dated: May 1, 1981.

John T. Nash,
Acting Deputy for Environment, Safety and Occupational Health OASA (IL&FM).

[FR Doc. 81-13690 Filed 5-4-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Navy Resale System Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Navy Resale System Advisory Committee will meet on May 18, 1981, at the Lynch Room, Holiday Inn Mills House Hotel, Meeting and Queens Streets, Charleston, South Carolina. The meeting will consist of two sessions; the first from 8:00 a.m. to 9:45 a.m., the second from 10:00 a.m. until 12:00 p.m. Topics to be discussed at the meeting will include organization of the Navy Resale System, planning, financial management, merchandising, field support and industrial relations.

The Secretary of the Navy has determined in writing that the public interest requires that the second session of the meeting, which will involve discussion of matters relating solely either to internal agency personnel rules and practices, or to trade secrets and confidential commercial or financial information, be closed to the public.

These matters fall within the exemptions listed in subsections 552b(c)(2) and (c)(4) of title 5, *United States Code*. The first session of the meeting, which will involve other, nonprivileged matters to the Navy Resale System, will be open to the public.

For further information concerning this meeting, contact: Captain J. R. Akers, SC, U.S. Navy, Naval Supply Systems Command, NAVSUP 09B, Washington, D.C. 20376, Telephone number (202) 695–5457 or 5437.

Dated: April 27, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-13566 Filed 5-4-81; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4421-000]

A & B Power Inc.; Application for Preliminary Permit

April 28, 1981.

Take notice that A & B Power Inc. (Applicant) filed on March 25, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4421 to be known as Willow Creek Water Power Project located on Willow Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mervin N. Bennett, President, A & B Power Inc., 7120 Del Rio Drive, Modesto, California 95356. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed Project would consist of: (1) A diversion structure; (2) a 4,000-foot long penstock; (3) a powerhouse containing generating units with a total rated capacity of 840 kW; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 3.5 million kWh.

Purpose of Project—Project energy would be sold to a public or private utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 2, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 31, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Any desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 2, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4421. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13477 Filed 5-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-4579-012, et al.]

Cities Service Co., et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

April 28, 1981

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and Location	Price per 1,000 ft.[a]	Pressure base
G-4579-012 (D) Apr. 2, 1981	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102	Northern Natural Gas Co., Section 13-6N-12E.C.M., Texas County, Okla.	[1]	
G-4579-013 (D) Apr. 2, 1981	do	Northern Natural Gas Co., Section 34-29S-32W, Finney County, Kans.	[2]	
G-11809-000 (D) Apr. 6, 1981	Marathon Oil Co. (operator), *et al.*, 539 South Main Street, Findlay, Ohio 45840.	Northern Natural Gas Co., Southeast Lea Area, Lea County, N. Mex.	[3]	
G-12718-000 (D) Apr. 13, 1981	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Northern Natural Gas Co., Ochiltree County, Tex.	[4]	
CI65-1047-000 (C) Apr. 13, 1981	Amoco Production Co.,[26] 1754 Amoco Building, 17th and Broadway, Denver, Colo. 80202.	Northern Natural Gas Co., Lemon NW Field, Haskell County, Kans.	[5]	14.65
CI77-754-000 (F) Apr. 16, 1981[b]	American Petrofina Co. of Texas (operator), *et al* (successor in interest to C.I.G. Exploration Inc.), P.O. Box 2159, Dallas, Tex. 75221.	Kansas Nebraska Natural Gas Co., Waltman Field, Natrona County, Wyo.		15.025
CI78-851-000 (C) Apr. 2, 1981	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, Calif. 94120.	Southern Natural Gas Co., (E/2) Main Pass Block 132, (S/2) Main Pass Block 133, Offshore Louisiana.	[7]	15.025
CI81-56-001 Apr. 13, 1981	General American Oil Co. of Texas, Meadows Building, Dallas, Tex. 75206.	United Gas Pipe Line Co., and Southern Natural Gas Co.[8] West Cameron Area, South Addition, Block 561, Offshore Louisiana.	[9]	15.025
CI81-295-000 (A) Apr. 8, 1981	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001	Trunkline Gas Co., South Timbalier Block 173, Offshore Louisiana.	[10]	15.025
CI81-296-000 (A) Apr. 8, 1981	do	Trunkline Gas Co., South Timbalier Block 170, Offshore Louisiana.	[10]	15.025
CI81-297-000 (CI77-348) (B) Apr. 2, 1981.	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001	Tennessee Gas Pipeline Co., Holmwood Field, Calcasieu Parish, La.	[11]	
CI81-298-000 (B) Apr. 10, 1981	Samedan Oil Corp., P.O. Box 909, Ardmore, Okla. 73401.	Texas Gas Transmission Corp., Lake Misere Field, Cameron Parish, La.	[12]	
CI81-299-000 (A) Apr. 13, 1981	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Tennessee Gas Pipeline Co. and Columbia Gas Transmission Corp. South Pass Block 49 Field, Federal Offshore, Louisiana.	[13]	14.73
CI81-300-000 (A) Apr. 13, 1981	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102	Transcontinental Gas Pipe Line Corp., Eugene Island Block 243 Field (Blocks 242 and 243), Offshore Louisiana.	[14]	15.025
CI81-301-000 (D) Apr. 3, 1981	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001	Phillips Petroleum Co., State "FW" Lease, Triple "N" Ellenburger, Devonian, and Silurian Fields, Andrews County, Tex.	[15]	
CI81-302-000 (E) Apr. 14, 1981[16]	Getty Oil Co. (successor in interest to Getty Reserve Oil, Inc., P.O. Box 1404, Houston, Tex. 77001.	El Paso Natural Gas Co., Jalmat Gas Field, Lea County, N. Mex.	[17]	14.65
C-181-303-000 (E) Apr. 14, 1981[16]	do	El Paso Natural Gas Co., Williams Lease Field, Woolworth Unit, Lea County, N. Mex.	[18]	14.65
CI81-304-000 (E) Apr. 14, 1981[16]	do	El Paso Natural Gas Co., South Carlsbad Field, Eddy County, N. Mex.	[19]	14.65
CI81-305-000 (E) Apr. 14, 1981[16]	do	El Paso Natural Gas Co., Langlie-Mattix field, Lea County, N. Mex.	[18]	14.65
CI81-306-000 (E) Apr. 14, 1981[16]	do	El Paso Natural Gas Co., Jalmat-Yates field, Lea County, N. Mex.	[17]	14.65
CI81-307-000 (E) Apr. 14, 1981[16]	do	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	[17]	14.65
CI81-308-000 (E) Apr. 14, 1981[16]	do	El Paso Natural Gas Co., Jalmat-Gas field, Lea County, N. Mex.	[17]	14.65
CI81-309-000 (E) Apr. 4, 1981[16]	do	El Paso Natural Gas Co., South Carlsbad (Morrow) field Eddy County, N. Mex.	[20]	14.65
CI81-310-000 (E) Apr. 14, 1981[16]	do	El Paso Natural Gas Co., Avalon field, Eddy County, N. Mex.	[21]	14.65
CI81-311-000 (E) Apr. 14, 1981[16]	do	El Paso Natural Gas Co., Jalmat-Yates field, Lea County, N. Mex.	[17]	14.65
CI81-312-000 (A) Apr. 14, 1981	Conoco Inc., P.O. Box 2197, Houston, Tex. 77001	Columbia Gas Transmission Corp., Eugene Island Blocks 242 and 243, Offshore Louisiana.	[22]	15.025
CI81-313-000 (A) Apr. 15, 1981	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Tennessee Gas Pipeline Co. and Columbia Gas Transmission Corp., Mississippi Canyon Block 63 Field, Federal Offshore, Louisiana.	[23]	15.025
CI81-314-000 (A) Apr. 15, 1981	Marathon Oil Co., 539 South Main Street, Findlay, Ohio 45840.	Natural Gas Pipeline Co. of America, Eugene Island Area, Eugene Island Block 345, Offshore Louisiana.	[24]	15.025
CI81-315-000 (A) Apr. 15, 1981	Southland Royalty Co., 1000 Fort Worth Club Tower, Fort Worth, Tex. 76102.	Sea Robin Pipeline Co., East Cameron Blocks 232 and 239, Offshore Louisiana.	[25]	15.025

[1] Royalty owner in the Hicks "B" No. 1 Well has requested that Applicant furnish natural gas for the purposes of fueling water pumping engine in order to irrigate agricultural crops growing on lands encompassed in the Hicks well proration unit. Gas purchaser has agreed to release gas for this high priority purpose subject to Commission approval.

[2] Royalty owner in the Atkins "K" No. 1 Well has requested that Applicant furnish natural gas for the purposes of fueling water pumping engine in order to irrigate agricultural crops growing on lands encompassed in the Atkins well proration unit. Gas purchaser has agreed to release gas for this high priority purpose subject to Commission approval.

[3] Lou Worthen Well #18 reclassified from Gas Well to Oil Well. Oil well gas is contractually committed to Getty Oil Company.

[4] Applicant is filing under Gas Purchase Contract dated February 25, 1957. By Letter Agreement dated September 25, 1980, MPTM and Northern Natural Gas Company amended their above referred contract by deleting non-producing acreage.

[5] By an assignment dated August 29, 1961, Applicant acquired leasehold rights in certain acreage which was subject to the contract, but not covered by the Certificate, described in footnote 26.

[6] American Petrofina Company of Texas and Finabel Incorporated, acquired by Assignment of Operating Rights dated March 11, 1981, certain of the operating rights owned by C.I.G. Exploration, Inc. in Oil & Gas Leasehold Estates located in the Waltman Field, Natrona County, Wyoming, which operating rights had been acquired by C.I.G. Exploration Inc. from Chevron U.S.A., Inc. by Corrected Assignment of Operating Rights dated September 28, 1970.

[7] Applicant is filing under Gas Purchase and Sales Agreement dated May 15, 1978, amended by amendatory agreement dated February 5, 1981.

[8] Assignment of Gas Purchase Contract dated January 20, 1981, in which United has assigned to Southern Natural Gas Company fifty percent (50%) of United's rights and obligations under the October 21, 1980, contract covering the purchase of gas from West Cameron Area Block 561.

[9] Applicant is filing under Gas Purchase Contract dated October 21, 1980.

[10] Applicant agrees to accept a permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.

[11] The operator has advised that production from the unit well ceased in December 1978 and the lease terminated in October, 1980. The well is in the process of being plugged and abandoned. The sales contract has also expired.

[12] Collapsed casing and excessive water production.

[13] Applicant agrees to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart B, Section 102(d).

[14] Applicant is filing under Gas Purchase Agreement dated March 17, 1981.

[15] The State "FW" Lease Well No. 1 is the last well on the lease and the well is to be plugged and abandoned. The lease was terminated in December, 1980 and Applicant no longer has an interest in this lease.

[16] Effective August 1, 1980, Getty Reserve Oil, Inc. assigned all of its oil, gas and mineral properties, assets and rights to Getty Oil Company.

[17] Applicant is filing under Gas Purchase Contract dated December 10, 1979.

[18] Applicant is filing under Gas Purchase Contract dated December 31, 1975.

[19] Applicant is filing under Gas Purchase Contract dated August 1, 1977.

[20] Applicant is filing under Gas Purchase Contract dated December 28, 1979.

[21] Applicant is filing under Replacement Gas Purchase Contract dated December 21, 1979.

[22] Applicant is filing under Gas Purchase and Sales Agreement dated February 17, 1981.

[23] Applicant agrees to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart B, Section 102(d).

[24] Applicant is filing under Gas Purchase Contract dated October 6, 1980.

[25] Applicant is willing to accept a Certificate conditioned to the maximum lawful price established under Section 104 of the Natural Gas Policy Act of 1978.

[26] By order dated June 14, 1965, in Docket No. CI65-1047, Applicant has been issued a Certificate of Public Convenience And Necessity authorizing Applicant to sell gas under and in accordance with the terms and provisions of a gas sales contract, dated May 6, 1960, by and between John R. LeBosquet, et al., as seller and Northern Natural Gas Company as buyer.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-13488 Filed 5-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-275-000]

Cities Service Gas Co.; Application

April 30, 1981.

Take notice that on April 6, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-275-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to made sales of natural gas to The Gas Service Company for resale to serve five right-of-way grantors or to serve these customers directly if no local authorized distributor is willing or able to render such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 5 taps and to provide gas service as follows:

(1) Tap Applicant's Pleasant Hill 8-inch transmission pipeline in Cass County, Missouri, for delivery of natural gas to Robert Brinkoetter.

(2) Tap Applicant's East Kansas City 20-inch transmission pipeline in Cass County, Missouri, for delivery of natural gas to Orien G. Fehrman.

(3) Tap Applicant's Kansas-Hugoton 26-inch loop transmission pipeline in Cass County, Missouri, for delivery of natural gas to A. D. Holdeman.

(4) Tap Applicant's Formosa 3-inch transmission pipeline in Jewell County, Kansas, for delivery of gas to Lyle Powell.

(5) Tap Applicant's Blackwell-Grabham 26-inch transmission pipeline in Montgomery County, Kansas, for delivery of natural gas to Terry Sanborn.

In order to provide service to each right-of-way grantor, Applicant proposes to construct and operate measuring, regulating and appurtenant facilities.

Applicant estimates the total cost of the proposed taps to be $4,520 to be paid for from treasury cash. Applicant further submits that estimated annual sales per customer would be 250 Mcf of natural gas for a total of 1,250, Mcf annually.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee of this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13489 Filed 5-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4396-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 29, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4396 to be known as Butter Creek Project located on Butter Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 696 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 5-foot high rock-and-concrete diversion structure; (2) a 7,000-foot long diversion conduit or channel; (3) a 1,000-foot long steel penstock; (4) a powerhouse containing

one generating unit rated at 4,000 kW; and (5) a 3.5-mile long transmission line. The Applicant estimates that the average annual energy output would be 15.5 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, feasibility, economic, and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the studies to be performed under the preliminary permit are estimated to be $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4396. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13487 Filed 5-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3969-000]

Enagenics; Application for Preliminary Permit

April 29, 1981.

Take notice that Enagenics (Applicant) filed on January 12, 1981, an application for preliminary permit [pursuant to Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3969 to be known as Ohio River Lock and Dam No. 52 located on the Ohio River in Massac County, Illinois and McCracken County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirments specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the south end of the existing dam, containing generating units with a total installed capacity of 123.9 mw; (2) proposed transmission lines; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers. Applicant facilities would be located on U.S. lands. The Applicant estimates that the average annual energy output would be 330.6 GWH.

Purpose of Project—The proposed project would utilize an undeveloped, renewable resource and provide an important contribution to the energy needs of the metropolis area with minimal environmental impact. Energy produced at the proposed project would be sold to the Kentucky Utilities Company.

Proposed Scope and Cost of Studies under Permit—Applicant has requested a 36 month preliminary permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrologic, environmental and social studies, anticipated annual operation maintenance costs and marketing potential. The cost of the aforementioned activities is estimated by the Applicant to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the

application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Noah Corporation Project No. 3496 filed on September 23, 1980, and Mitchell Energy Company, Inc. Project Nos. 3712 and 3713 filed on November 10, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 29, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 3969. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13488 Filed 5-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-15-000]

Glenbrook Oil & Gas, Inc.; Petition for Declaratory Order

Issued: April 30, 1981.

Take notice that on March 26, 1981, Glenbrook Oil & Gas, Inc. (Glenbrook) filed a petition for a declaratory order pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7). Glenbrook requests a declaratory order that provides that Glenbrook is contractually and statutorily authorized to collect the maximum lawful price prescribed under section 108 of the Natural Gas Policy Act 1978 (NGPA) for sales of natural gas to National Fuel Gas Supply Corporation (National Fuel) since December 1, 1978. The subject gas was sold from twelve wells in Pinecreek and Knox Townships, Jefferson County, Pennsylvania. In addition Glenbrook requests a determination from the Commission that National Fuel was obligated to increase the contract price for such sales after November 30, 1978, by an amount equal to National Fuel's increased weighted average cost of natural gas from its three pipeline suppliers during the respective prior two calendar years, as provided in National Fuel's Gas Purchase Agreement No. 21978.

More specifically, Glenbrook seeks a determination that it was entitled to collect the NGPA section 108 stripper well price beginning December 1, 1978 pursuant to an "FPC clause" in the January 28, 1976 letter agreement with National Fuel, and that it was also authorized to collect a base 1975 contract price of $1.45 per Mcf during the six winter months and $1.05 per Mcf during the six summer months, escalated by National Fuel's increased weighted average cost of natural gas from its pipeline suppliers since 1975.

Glenbrook states that its wells have been determined to qualify for the NGPA section 108 incentive price.

Any person desiring to be heard or to protest this petition should, on or before June 4, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13489 Filed 5-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP80-454 and CP80-496]

Town of Gunnison, Miss., Applicant; Texas Gas Transmission Corp., Respondent; and Town of Winstonville, Miss., Applicant; Texas Gas Transmission Corp., Respondent; Technical Conference

April 28, 1981

On July 18, 1980 the Town of Gunnison, Mississippi (Gunnison), filed in Docket No. CP80-454 and on August 12, 1980 the Town of Winstonville, Mississippi (Winstonville), filed in Docket No. CP80-476 applications pursuant to Section 7(a) of the Natural Gas Act for orders directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its transportation facilities to proposed municipal distribution facilities and to sell natural gas to Gunnison and Winstonville for resale and distribution. Gunnison requests up to the 340 Mcf of natural gas per day and Winstonville requests up to 181 Mcf of natural gas per day. Gunnison, a community of approximately 800 persons in Bolivar County, Mississippi, proposes to establish a gas distribution system which would consist of approximately 15.2 miles of a pipeline at cost of approximately $600,000. Winstonville, also located in Bolivar County and having a population of approximately 500 persons, proposes to construct a municipal gas distribution system consisting of approximately 3 miles of pipeline at a cost of approximately $150,000. The financing of both systems appears to be predicted upon the sale of bonds to the Farmers Home Administration.

Texas Gas, by its response of August 26, 1980, in Docket No. CP80-454 and by its response of September 25, 1980, in Docket No. CP80-496 states the Federal Energy Regulatory Commission (Commission) must carefully evaluate all requests for new natural gas service. Texas Gas further states that the fact that there is a long-term shortage of new

supplies of natural gas available to the interstate markets and that interstate pipelines such as Texas Gas may need to curtail sales to existing customers in the future should be considered when reviewing applications for new service. Texas Gas has also requested the Commission to decide the treatment of its existing customer's Quantity Entitlements [1] and explore the broader question of the economic feasibility and long-term viability of the towns' projects.

In order to determine the scope of the issues presented by the Gunnison and Winstonville applications and the appropriate method of addressing those issues and the Texas Gas response, a technical conference will be convened at 10 a.m., May 12, 1981, at the Commission's offices. At this conference Gunnison and Winstonville shall be prepared to present (1) updated estimates of the cost of gas (2) further details, if any, of the financing arrangement with the Farmers Home Administration, (3) a basis for the component parts of the towns' bond amortization projections, (4) updated estimates of revenues and costs using an escalating cost-of-gas component and allowance for inflation, (5) a basis for the towns' estimates of the average peak day and annual use per customer, (6) the effect of potential conservation on customer peak day and annual use and the projected impact of such conservation on the revenues of the proposed systems, (7) any new data supportive of the economic feasibility of the projects including support for the estimates that the proposed facilities can be built for the amounts stated in the applications, and (8) any data available which indicate the towns' (and their prospective gas customers') awareness of the likelihood of rising gas costs and their ability to sustain such increases.

Texas Gas shall be prepared to address (1) its ability to render service to Gunnison and Winstonville in light of its long-term gas supply situation, (2) its proposal for treatment of existing customer Quantity Entitlements should the applications be granted, (3) its criticisms of the engineering studies submitted in the applications, (4) any evidence it may have concerning Gunnison and Winstonville's ability or inability to meet their financial obligations should the applications be granted, and (5) the conditions or changes in conditions Texas Gas deems necessary to assure that the towns' proposed systems can operate as viable entities.

The technical conference is open to the public and all interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene, attendance will not be deemed to authorize intervention as a party to the proceeding. All parties are expected to come fully prepared to discuss the merits of all issues arising from the above-captioned filings and any procedural matters including the need for full evidentiary hearings. Any studies, further evidence or legal memoranda to be considered at the technical conference shall be in a form suitable for filing pursuant the Commission's Rules of Practice and Procedure.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13472 Filed 5-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-18-000]

Hurley Petroleum Corp., et al.; Petition for Declaratory Order

April 30, 1981.

Take notice that on April 14, 1981, Hurley Petroleum Corporation, *et al.* (Petitioners), filed with the Federal Energy Regulatory Commission (Commission) a petition seeking a declaratory order under §§ 1.7(a) and 1.43 of the Commission's Rules of Practice and Procedure declaring that Petitioners may collect high-cost gas incentive prices under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA) and Order No. 99, issued August 15, 1980 in Docket No. RM79-76, for qualifying tight formations gas from certain of their wells located in the Bethany Field, Harrison and Panola Counties, Texas. Petitioners assert that these wells penetrate the Cotton Valley Group, which was designated a tight formation by the Commission in Order No. 105, issued October 24, 1980 in Docket No. RM79-76 ("Texas-1").

Subsection (d) of section 107 of the NGPA provides that upon enactment by Congress of a tax credit (or comparable measure) for the production of the various forms of high-cost gas described in Section 107(c), an election must be made between (i) the tax credit and (ii) incentive pricing under section 107 and decontrolled prices under Subtitle B of Title I of the NGPA. The Crude Oil Windfall Profits Tax Act of 1980 (WPTA) was signed into law on April 2, 1980. The WPTA created a new Section 44D of the Internal Revenue Code (Code), which allows a tax credit for certain high-cost gas, including some tight formation production.

Under NGPA section 107(d), an election filing which would enable the seller to collect high-cost gas incentive prices (and decontrolled prices) in lieu of the tax credit must have been made on or before the later of (i) May 2, 1980, or (ii) the date the surface drilling of that well was commenced. Petitioners filed NCPA Section 107(d) elections on March 19, 1981, after they had drilled seven wells which penetrated the Cotton Valley Group.

Petitioners request an order declaring that it was not necessary for them to made a section 107(d) election filing. In support thereof Petitioners assert that the Code Section 44D credit was not applicable to the production from their Cotton Valley wells for two reasons. First, code Section 44D applies only with respect to wells which were drilled after December 31, 1979. Two of Petitioner's wells were drilled prior to that date. Petitioners therefore request the Commission to declare that they may collect incentive prices (and decontrolled prices) with respect to tight formation gas production from these two wells without having first filed an election in accordance with NGPA section 107(d). Second, the tax credit is available only for production attributable to a "property" which had not produced tight formation gas in marketable quantities before January 1, 1980. Two of Petitioners' Bethany Field wells were producing natural gas in commercial quantities from the Cotton Vallery Group prior to January 1, 1980. Petitioners therefore request the Commission to declare that none of their Bethany Field Cotton Valley production was eligible for the credit, so that Petitioners need not have made an election in accordance with NGPA Section 107(d) in order to collect high-cost gas incentive prices for any of their qualifying tight formation gas production from such property.

Any person desiring to be heard or to protest the petition for declaratory order should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests will should be filed on or before May 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

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[1] Established by order of the Federal Power Commission, September 3, 1970. *In the Matter of Texas Gas Transmission Corporation*, Docket No. RP72-84, "Order Approving Interim Settlement Agreement".

Any person wishing to become a party must file a petition to intervene. Copies of the petition are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13470 Filed 5-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4113-000]

Long Lake Energy Corp.; Application for Preliminary Permit

April 29, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on February 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4113 to be known as the Phoenix Project located on the Oswego River in Oswego and Onondaga Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing Oswego River Lock and Dam No. 1, the dam is 10.2 feet high with a crest length of 520 feet; (2) the existing reservoir with an approximate surface area of 75 acres at a normal pool elevation of 363.0 feet (USGS datum); (3) the existing control gates; (4) the existing power canal; (5) an existing powerhouse with new generating facilities having an installed capacity of 7,000 kW; (6) the existing switchyard owned by the Niagara Mohawk Power Corporation; (7) the existing transmission lines; and (8) appurtentant works. The Oswego River Lock and Dam No. 1 are owned by the New York State Department of Transportation. The Applicant estimates that the average annual energy output would be 35,000,000 kWh.

Purpose of Project—Project energy generated would be sold to the Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $105,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments, filed, but a person who merely files a protest or other comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4113. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13471 Filed 5-4-81; 8:45 am]
BILLING CODE 6450-85-M

[QF81-25-000]

Tulsa Energy Corp.; Application for Certification of Qualifying Status of a Small Power Production Facility

April 30, 1981.

On April 13, 1981, the Tulsa Energy Corporation filed with the Federal Energy Regulatory Commission (Commission) an application for certification as a small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in Hughes County, Oklahoma, and will utilize a Garret Air Research 375 Kw Gas Turbine installed in an appropriate sized building. The primary energy source will be natural gas. The applicant describes the natural gas source as being either: (a) a by-product of oil production; (b) of insufficient quantity to sell commercially; or (c) to far from a gas gathering pipeline; or (d) oil wells flaring/burning natural gas resulting

from oil production. The production capacity of the facility will be 375 Kw. The facility is solely owned by the Tulsa Energy Corporation which is neither an electric utility nor an electric utility holding company.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13473 Filed 5-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RM79-34 and ST81-187, et seq.]

Transportation Certificates for Natural Gas Displacement of Fuel Oil and Panhandle Eastern Pipe Line Company, et al.; Self-Implementing Transactions

April 24, 1981.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA) The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to Section 284.147(d) of the Commission's Regulations.

A "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's Regulations. Any interested persons may file a complaint concerning such transaction pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,
Secretary.

Docket no., transporter and seller	Recipient	Date filed	Part 284 subpart	Expiration date [1]	Transportation rate
RM79-34					
ST81-187 Panhandle Eastern Pipe Line Co	Northern Natural Gas Co	3/2/81	G		
ST81-188 Columbia Gulf Transmission Co	Texas Eastern Transmission Co	3/5/81	G		
ST81-189 Tennessee Gas Pipeline Co	Columbia Gas Transmission Corp	3/6/81	G		
ST81-190 Colorado Interstate Gas Co	Terra Chemicals International, Inc	3/9/81	F		
ST81-191 Delhi Gas Pipeline Corp	Michigan Wisconsin Pipe Line Co	3/9/81	C		
ST81-192 Texas Gas Transmission Corp	Columbia Gas Transmission Corp	3/10/81	G		
ST81-193 Somerset Gas Service	Texas Eastern Transmission Corp	3/10/81	C	8/7/81	$75.00
ST81-194 Northwest Alabama Gas District	Southern Natural Gas Co	3/10/81	C	8/7/81	28.80
ST81-195 Valero Transmission Co	El Paso Natural Gas Co	3/12/81	C	8/9/81	16.50
ST81-196 Trunkline Gas Co	Consolidated Gas Supply Corp	2/13/81	G		
ST81-197 Tennessee Gas Pipeline Co	Southern Natural Gas Co	3/18/81	G		
ST81-198 United Gas Pipe Line Co	Southwestern Gas Pipeline, Inc	3/19/81	B		
ST81-199 Transcontinental Gas Pipe Line Corp	Eastern Shore Natural Gas Co	3/19/81	G		
ST81-200 Panhandle Eastern Pipe Line Co	United Gas Pipe Line Co	3/19/81	G		
ST81-201 Transok Pipe Line Co	Southern Natural Gas Co	3/20/81	C	8/17/81	23.20
ST81-202 Oasis Pipe Line Co	El Paso Natural Gas Co	3/23/81	C		
ST81-203 Houston Pipe Line Co	El Paso Natural Gas Co	3/23/81	C		
ST81-204 Houston Pipe Line Co	Southern Natural Gas Co	3/23/81	C		
ST81-205 Houston Pipe Line Co	Florida Gas Transmission Co	3/23/81	C		
ST81-206 GHR Pipeline Corp	El Paso Natural Gas Co	3/19/81	C		
ST81-207 Monterey Pipeline Co	Southern Natural Gas Co	3/23/81	C	8/20/81	17.50
ST81-208 Mountain Fuel Supply Co	Northwest Pipeline Corp	3/24/81	G		
ST81-209 Natural Gas Pipeline Co. of America	Southern Natural Gas Co	3/27/81	G		
ST81-210 Louisiana Intrastate Gas Corp	Texas Eastern Transmission Corp	3/27/81	C	8/24/81	20.00
ST81-211 United Gas Pipe Line Co	Texas Eastern Transmission Corp	3/30/81	G		
ST81-212 National Fuel Gas Supply Corp	Elizabethtown Gas Co	3/30/81	B		
ST81-213 United Gas Pipe Line Co	Southern Natural Gas Co	3/31/81	G		

[1] The Intrastate Pipeline has sought Commission approval of its transportation rate pursuant to section 284.123(b)(2) of the Commission's regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 81-13483 Filed 5-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4065-000]

Yolo County Flood Control and Water Conservation District; Application for Preliminary Permit

April 29, 1981.

Take notice that Yolo County Flood Control and Water Conservation District (Applicant filed on January 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4065 to be known as Peninsula located on Cache Creek in Lake County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William L. McAnlis, Yolo County Flood Control and Water Conservation District, P.O. Box 767, Woodland, California 95816. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 40-foot high, 200-foot long concrete gravity type diversion dam; (2) a 168 acre-foot reservoir; (3) a 6,000-foot long conduit; (4) a powerhouse containing two turbine-generators with a combined capacity of 4,400; and (5) a 13.2-kV, 1.5-mile long transmission line.

The Applicant estimates that the average annual energy output would be 16,774,000 kWh.

Purpose of Project—The power generated by the proposed project would be sold to a utility in the State of California.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would perform subsurface investigations; make geological studies; survey the project area; assess the environmental impacts; and study the economic feasibility. The cost of these studies is estimated by the Applicant to be $113,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4065. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13474 Filed 5-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4395-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 30, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4395 to be known as Big Creek Near New River, Trinity Power Project located on the Big Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Davis Porter, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed Project would consist of: (1) A 5-foot

high by 86-foot long natural rock and concrete diversion structure; (2) a 9,000-foot long, 49-inch diameter diversion conduit; (3) a 1,150-foot long, 35-inch diameter steel penstock serving; (4) a powerhouse with an installed capacity of 2.54 MW; and (5) a 5.5-mile long 12.5 kV transmission line to connect to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy output would be 10 million kWhs.

Purpose of Project—Applicant proposes to sell the project energy to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks a preliminary permit for a period of 36 months during which it would conduct environmental, engineering, and economical studies to determine the feasibility of constructing and operating the proposed project. No new road would be required to conduct the studies. Only temporary minor disturbances of the project's area land and waters are expected. Any land disturbed or altered would be adequately restored to its natural condition as part of the studies. Applicant estimates that the cost of the feasibility studies and preparing an FERC license application would be about $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Any desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4395. Any comments, notices of intent, competing applications, protests or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13573 Filed 5-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4393-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 30, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4393 to be known as the North Fork Sacramento River in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A 5-foot high by 60-foot long natural rock and concrete diversion structure; (2) a 3,500-foot long, 4-foot diameter diversion conduit; (3) an 850-foot long, 30-inch diameter steel penstock serving; (4) a powerhouse with an installed capacity of 1.5 MW; and (5) a 3.5-mile long, 12.5-kV transmission line to connect to an existing Pacific Power and Light Company transmission line. The Applicant estimates that the average annual energy output would be 6 million kWh.

Purpose of Project—Applicant proposes to sell the project energy to Pacific Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks a preliminary permit for a period of 36 months during which it would conduct environmental, engineering, and economical studies to determine the feasibility of constructing and operating the proposed project. No new road would be required to conduct the studies. Only temporary minor disturbances of the project area's land and waters are expected. Any land disturbed or altered would be adequately restored to its natural condition as part of the studies. Applicant estimates that the cost of the feasibility studies and preparing an

FERC license application would be about $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevent to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. In an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comment does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4393. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the orginal and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13579 Filed 5-4-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4394-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 30, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed project No. 4394 to be known as the Slide Creek, Humboldt Power Project located on the Slide Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 696 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A 5-foot high by 100-foot long natural rock and concrete diversion structure; (2) a 4,000-foot long, 52-inch diameter diversion conduit; (3) a 1,400-foot long, 38-inch diameter steel penstock serving; (4) a powerhouse with an installed capacity of 3.35 MW; and (5) an 11-mile long, 12.5-kV transmission line to connect to an existing Pacific Power and Light Company transmission line. The Applicant estimates that the average annual energy output would be 13.2 million kWh.

Purpose of Project—Applicant proposes to sell the project energy to Pacific Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks a preliminary permit for a period of 36 months during which it would conduct environmental, engineering, and economical studies to determine the feasibility of constructing and operating the proposed project. No new road would be required to conduct the studies. Only temporary minor disturbances of the project area's land and waters are expected. Any land disturbed or altered would be adequately restored to its natural condition as part of the studies. Applicant estimates that the cost of the feasibility studies and preparing an FERC license application would be about $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application

must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters, the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4394. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13489 Filed 5-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4394-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 30, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r) for proposed Project No. 4394 to be known as Eden Creek, Mendocino located on Eden Creek in Mendocino, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A natural rock diversion structure; (2) a 126-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 5,600-foot long diversion conduit or channel; (4) a 1,400-foot long, 45-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 4,260 kW; and (6) a 9-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 13.0 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Uunder Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION".

"PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4384. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13483 Filed 5-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4383-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 30, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4383 to be known as Mendenhall Creek, Mendocino located on the Mendenhall Creek in Mendocino County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A natural rock diversion structure; (2) a 107-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 5,000-foot long diversion conduit or channel; (4) a 1,200-foot long, 36-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 4,620 kW; and (6) a 21-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 12.1 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4383. Any comments, notices or intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb.

Secretary.

[FR Doc. 81-13484 Filed 5-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4286-000]

Georgia-Pacific Corp.; Application for Preliminary Permit

April 30, 1981.

Take notice that Georgia-Pacific Corporation (Applicant) filed on March 2, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4286 to be known as the Pressentin Creek Project located on Pressentin Creek in Skagit County, Washington. The application is on file

with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John H. Asmundson, Project Engineering Coordinator, Georgia-Pacific Corporation, P.O. Box 1236, Bellingham, Washington 98225. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A diversion weir located on Pressentin Creek at elevation 1,360 feet; (2) 2-miles of pipeline; (3) a surge tank; (4) 6,000 feet of penstock; (5) a powerhouse located adjacent to Pressentin Creek at elevation 200 feet and containing a single generating unit rated at 6,500 kW; and (6) a 12-kV transmission line approximately ¾ mile long.

The Applicant estimates that the average annual energy output would be 30,000 MWH.

Purpose of Project—Project energy would be used for Applicant's own manufacturing operations or sold to a utility.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed feasibility study including technical, economic, and environmental analysis. Applicant estimates the costs of the studies to be $300,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedures, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comment does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protest, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4286.

Any comments, notice of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Wahington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary

[FR Doc. 81-13485 Filed 5-4-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4402-000]

Lawrence R. Taft; Application for Preliminary Permit

April 29, 1981.

Take notice that Lawrence R. Taft (Applicant) filed on March 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4402 to be known as Talcville Project located on the East Branch Oswegatchie River in St. Lawrence County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Phillip J. Movish, Daverman & Associates, P.C., 500 South Salina Street, Syracuse, New York 13202. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed Project would utilize the existing Gouverneur Talc Company-owned facilities consisting of: (1) A 100-foot long and 10-foot high concrete gravity-type dam having an 80-foot long spillway section; (2) a reservoir having a surface area of 2 acres and a storage capacity of 20 acre-feet at normal pool elevation 638 m.s.l.; (3) a 10-foot wide, 8-foot high and about 150-foot long concrete and wood flume; (4) a reinforced concrete powerhouse containing a 425-HP turbine; (5) a stone and concrete mill building containing a vandalized 300-kW generator; and (6) appurtenant facilities. An adjacent substation and transmission line also exist.

Purpose of Project—Applicant would sell the project energy to Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform data acquisition, investigations, studies, and feasibility evaluation, consult with Federal, State, and local government agencies, and prepare an application for an FERC license, including an environmental report. Applicant estimates the cost of

the studies under the permit would be $10,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 2, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 31, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 2, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4402. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13469 Filed 5-4-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-221 PH-FRL 1819-3]

Certain Pesticide Chemicals; Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: notice.

SUMMARY: This notice announces that certain companies have filed pesticide petitions with the EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities..

ADDRESS: Written comments may be submitted to the product manager cited in each specific petition at the address below:

Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF-221]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the ofice of the specific product manager from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide petitions have been submitted to the agnecy to establish tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2461. Shell Oil Co., Suite 300, 1025 Connecticut Ave. NW., Washington, D.C. 20036. This petition proposes that 40 CFR 180.379 be amended by establishing tolerances for residues of the insecticide pydrin [cyano (3-phenoxyphenyl) Methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate] in or on the raw agricultural commodities watermelons, cantaloupes, honeydew melons, muskmelons, pumpkins, and winter squash at 1.0 part per million. The proposed analytical method for determining residues is by gas-liquid chromatography procedure using an electron capture detector. (PM 17, Franklin D. R. Gee, 703-557-7028).

PP 1F2476. FMC Corp., 2000 Market St., Philadelphia, PA 19103. This petition proposes that 40 CFR 180.378 be amended by establishing tolerances for residues of the insecticide permethrin [(3-phenoxyuphenyl) methyl 3-(2,2-dichloroethenyl)-2,2-dimethyl-cyclopropanecarboxylate] in or on the raw agricultural commodities corn, fodder (field and pop) at 5.0 parts per million; corn, forage (field and pop) at 5.0 parts per million; corn, forage (field and pop) at 12.0 ppm; and corn, grain (field and pop) at 0.05 ppm. The proposed analytical method for determining residues is by gas chromatography and combined GC/MS spectroscopy. (PM 17, Franklin D. R. Gee, 703-557-7028).

PP 1F2482. Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105. This petition proposes that 40 CFR 180.383 be amended by establishing tolerances for the combined residues of the herbicide sodium salt of acifluorfen (sodium 5-[2-chloro-4-(trifluoromethyl) phenoxy]-2-nitrobenzoic acid) and its metabolites (the corresponding acid,

methyl ester, and amino analogues) in or on the raw agricultural commodities peanuts and peanut hulls at 0.1 part per million. The proposed analytical method for determining residues is by column chromatography and electron capture gas detection. (PM 23, Richard F. Mountfort, 703–557–7070).

PP 1E2468. Mobay Chemical Corp., Agricultural Chemical Div., 1140 Connecticut Ave. NW., Suite 604, Washington, D.C. 20036. This petition proposes that 40 CFR Part 180 be amended by establishing a tolerance for residues of the fungicide beta ([1,1'-biphenyl]-4-yloxy)-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ehhanol in or on the raw agricultural commodity whole bananas at 0.3 ppm. The proposed analytical mehtod for determining residues is by gas chromatography employing a nitrogen specific alkali flame detector. (PM 21, Henry M. Jacoby, 703–557–7060).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136)).

Dated: April 24, 1981.

Robert V. Brown,

Acting Director, registration Division, Office of Pesticide Programs.

[FR Doc. 81-13486 Filed 5-4-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP–50537; PH–FRL 1819–1]

Extension of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued extensions of experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each specific permit at the address below:
Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has extended the following experimental use permits:

2139–EUP–24. Nor-Am Agricultural Products, Inc., Naperville, IL 60540. This experimental use permit allows the use of 300 pounds of the fungicide propyl [3-(dimethylamino)propyl] carbamate monohydrochloride on turf grass to evaluate control of pythium blight. A total of 41 acres are involved. The program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. The experimental use permit is effective from May 1, 1981 to May 1, 1982. (PM 21, Henry M. Jacoby, Rm. 418, CM#2, 703–557–7060).

100–EUP–1. Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409. This experimental use permit allows the use of 1,544 pounds of the fungicide *N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester on potatoes to evaluate control of late blight and early blight. A total of 1,340 acres are involved. The program is authorized only in the States of Alabama, Delaware, Florida, Idaho, Maine, Michigan, Minnesota, Montana, New Jersey, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permit is effective from March 10, 1981 to January 20, 1983. A temporary tolerance for residues of the active ingredient in or on potatoes has been extended. (PM 21, Henry M. Jacoby, Rm. 418, CM#2, 703–557–7060).

464–EUP–58. Dow Chemical Co., P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 1,960 pounds of the active ingredient of the insecticide chlorpyrifos on field corn to evaluate control of insect pests. A total of 800 acres are involved. The program is authorized only in the States of Kansas, Missouri, and Nebraska. The experimental use permit is effective from April 1, 1981 to April 1, 1982. A permanent tolerance for residues of the active ingredient in or on field corn has been established (40 CFR 180.342). However, this permit is being issued with the limitation that all treated corn silage, fodder, and forage must be destroyed or used for research purposes only. (PM 12, Jay S. Ellenberger, Rm. 400, CM #2, 703–557–7024).

464–EUP–59. Dow Chemical Co., P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 1,170 pounds of the active ingredient of the insecticide chlorpyrifos on field corn to evaluate control of insect pests. A total of 1,200 acres are involved. The program is authorized only in the States of Kansas, Missouri, and Nebraska. The experimental use permit is effective from April 1, 1981 to April 1, 1982. A permanent tolerance for residues of the active ingredient in or on field corn has been established (40 CFR 180.342). However, this permit is issued with the limitation that treated corn silage, fodder, and forage must be destroyed or used for research purposes only. (PM 12, Jay S. Ellenberger, Rm. 400, CM#2, 703–557–7024).

1471–EUP–67. Elanco Products Co., A Div. of Eli Lilly and Co., P.O. Box 1750, Indianapolis, IN 46206. This experimental use permit allows the use of 4,700 pounds of the active ingredient fluridone on 2,350 acres in 1981 and 8,700 pounds of the active ingredient fluridone on 4,350 acres in 1982 on ponds and lakes to evaluate control of various aquatic weeds. The program is authorized only in the States of Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Michigan, Mississippi, New Jersey, Oklahoma, South Carolina, Texas, Washington, and West Virginia. The program is effective from June 1, 1981 to June 1, 1983. A temporary tolerance for residues of fluridone in fish has been established. A temporary food additive regulation has been established (21 CFR 193.219). (PM 23, Richard F. Mountfort, Rm. 412D, CM #2, 703–557–7070).

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the person's call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (21 U.S.C. 136)).

Dated: April 24, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-13488 Filed 5-4-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP 50535; PH–FRL 1818–8]

Mobil Chemical Co.; Application for an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Mobile Chemical Co. has submitted an application for experimental use permit for use of the pesticide acifluorfen on soybeans to control postemergence weeds.

ADDRESS: Written comments may be submitted to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection

Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (703–557–7070).

SUPPLEMENTARY INFORMATION: Mobil Chemical Co., P.O. Box 26683, Richmond, VA 23261 has submitted an application for an experimental use permit to the EPA requesting the use of a pesticide (acifluorfen). Pertinent information concerning this application is as follows:

EPA File Symbol No. 2224–EUP–RI.

Product Name: TACKLE HERBICIDE 2AS.

Active Ingredient: Acifluorfen, sodium salt—21.1% [1] (Sodium 5-(2-chloro-4-(trifluoromethyl) Phenoxy)-2-nitro-benzoate).

Quantity Requested: 1,300 gallons of product (2,600 pounds active ingredient).

Total No. of Acreas: 5,200 acres covering 20 states.

Locations: Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, South Carolina, South Dakota, Tennessee, Texas, and Virginia.

Proposed Pattern of Use: Postemergence weed control in soybeans. Application rates of 0.25, 0.5, and 0.75 pounds of active ingredient per acre are proposed.

Tolerances: Tolerances have been established for combined residues of the herbicide sodium salt of acifluorfen and its metabolites in or on the following raw agricultural commodities: cattle, kidney; cattle, liver; eggs; goats, kidney; goats, liver; hogs, kidney; hogs, liver; horses, kidney; horses, liver; milk; poultry; fat; poultry, mbyp; poultry, meat; sheep, kidney; sheep, liver at 0.02 part per million (ppm) and soybeans at 0.1 ppm under 40 CFR 180.383.

Objectives of the Proposed Experimental Test Program:

1. Determine the effect of environmental factors on the efficacy of Tackle Herbicide.

2. Determine to what degree the effect of adverse environmental factors can be offset by rate adjustment and the addition of surfactants to the spray mixture.

3. Determine the response of important weeds to different Tackle Herbicide rates, with and without surfactants, under varying environmental and weed growth conditions.

4. Determine the soybean crop response to Tackle Herbicide treatments under the varying test parameters.

5. Obtain crop samples for residue analysis.

[1] Contains 2 pounds active ingredient per gallon.

Notice of submission of this experimental use permit is made in accordance with and to the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

All written comments filed in response to this application will be available for public inspection in the office of the product manager from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (21 U.S.C. 136))

Dated: April 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-13489 Filed 5-4-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50536 PH-FRL 1819-2]

Renewal of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued renewals of experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has renewed the following experimental use permits:

4581–EUP–17. Pennwalt Corp., Food and Agricultural Div., Pennwalt Bldg., 3 Parkway, Philadelphia, PA 19102.

This experimental use permit allows the use of 903 pounds of the fungicide thiophanate-methyl [(1,2-phenylene) bis (iminocarbonothioyl] bis[carbamate] and its oxygen analogue (dimethyl-4,4'-O-phenylene bis[3-thioallophanate)] on almonds and soybeans for planting seed only to evaluate control of brown rot blossom blight on almonds and anthracnose, brown leaf spot, frog-eye leaf spot, purple seed stain, pod and stem blight on soybeans. A total of 1,432 acres are involved. The program is authorized only in the State of California for use on almonds; and in the States of Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, South Caroline, Virginia, and Texas for use on soybeans for planting seed only. The experimental use permit is effective from February 25, 1981 to April 1, 1983. (A permanent tolerance for residues of thiophanate-methyl has been established 180.371). (PM 21, Henry M. Jacoby, 703–557–7060).

275–EUP–20. Abbott Laboratories, Chemical and Agricultural Products Div., N. Chicago, IL 60064. This experimental use permit allows for the use of 2674.25 pounds of the fungicide *Hirsutella thompsonii Fisher* on citrus, blueberries, and turf to evaluate control of Bermuda turf mite, blueberry bud mite, and citrus rust mite. A total of 24 acres are involved. The program is authorized only in the States of Florida, North Carolina, and Texas. The experimental use permit is effective from March 9, 1981 to March 9, 1982. A temporary exemption from the requirement of tolerance for residues of the spores of *Hirsutella thomsonii* when used as a mycocaracide on citrus and small fruits has been renewed. (PM 17, Franklin D. R. Gee, Rm. 401, CM#2, 703–557–7028).

34467–EUP–1. University of Arkansas, Div. of Agriculture, College of Agriculture and Home Economics. Fayetteville, AR 72701. This experimental use permit allows the use of: *Colletotrichum gloeosporioides* f. sp. *aeschynomene* (CGA) (ATCC 20358) 38.5 pounds on 600 acres of rice and 100 acres of soybeans and *Colletotrichum gloeosporioides* f. sp. *jusseaeae* (CGJ) (NRRL 12298) 5.5 pounds on 100 acres of rice to evaluate control of northern jointvetch on rice and soybeans, and winged waterprimrose on rice, respectively. The program is authorized only in the State of Arkansas. A temporary exemption from the requirement of a tolerance for residues of *Colletotrichum gloeosporioides* in or on rice and soybeans has been renewed. (PM 23, Richard F. Mountfort, Rm. 412D, CM#2, 703–557–7070).

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (21 U.S.C. 136))

Dated: April 24, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-13497 Filed 5-4-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 81-240, 81-241; File Nos. BP-800318AA, 801104AF]

Broadcasting Corp. of Mendocino County and Henry Radio Co.; Consolidated Hearing on Stated Issues

In re applications of Broadcasting Corporation of Mendocino County, Willitis, California, Req: 1250 kHz, 2.5 kW, DA, Day, BC Docket 81.240, File No. BP-800318AA; James Henry, Brian Henry, and Nancy Henry, d.b.a. The Henry Radio Company, Willitis, California, Req: 1250 kHz, 1 kW, 2.5 kW-LS, DA-2, U, BC Docket 81-241, File No. BP-801104AF; for construction permit.

Adopted: April 3, 1981.

Released: April 13, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for a new AM broadcast station.

2. *Broadcasting Corporation of Mendocino County.* Analysis of the financial portion of Broadcasting's application reveals that $56,158 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$19,913
Equipment payments	5,924
Land and buildings	7,400
Other construction costs	10,700
Operating costs	12,221
Total	56,158

3. Broadcasting plans to finance its station with $10,000 of projected profits and a $75,000 loan from principals Guilford and Gudrun Dye. However, it has not established the availability of these funds. First, the Commission requires an applicant for a new station to demonstrate its financial qualifications without relying on anticipated revenues. Second, because the Dyes' non-cash current assets are not properly identified and the segregation of their liabilities is questionable, they have not shown sufficient net liquid assets to meet their commitment. Therefore, a limited financial issue will be specified.

4. *The Henry Radio Company.* Analysis of Henry's financial data indicates that at least $80,329 will be required to construct its proposed station and operate for three months, itemized as follows:

Equipment lease payments	$18,429
Land and buildings	7,300
Other construction costs	33,500
Operating costs	21,100
Total	80,329

The costs may be greater, however, because it is not clear whether the applicant has included in its estimates the costs of leasing its studio and transmitter sites.

5. Henry plans to finance its station with a $61,400 loan from principals James and Nancy Henry, and a $100,000 loan from Jerald L. Embree. However, the Henrys' balance sheet does not segregate current from long-term liabilities, and Embree's does not indicate the ready marketability of the non-cash assets he apparently relies on. Therefore, the availability of these two loans has not been established. A limited financial issue will be specified.

6. This applicant's local notice of its application failed to describe the antenna proposed, as required by § 73.3580(f)(5) of the Commission's Rules. A corrected notice must be published.

7. *Conclusions.* Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

8. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Broadcasting Corporation of Mendocino County:

a. The source and availability of sufficient funds to meet anticipated costs, and

b. Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to The Henry Radio Company:

a. Whether the applicant has provided for the cost of leasing land and buildings for its station in its estimate of construction and operating costs,

b. The source and availability of sufficient funds to meet anticipated costs, and

c. Whether in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

9. It is further ordered, that The Henry Radio Company shall republish local notice of its application and file a statement of publication with the presiding Administrative Law Judge within 40 days after this Order is published in the Federal Register.

10. It is furthered ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, that pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-13506 Filed 5-4-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-119]

First Federal Savings and Loan Association of Front Royal, Front Royal, Virginia; Final Action Approval of Conversion Applications

Dated: April 29, 1981.

Notice is hereby given that on March 13, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-148 approved the application of First Federal Savings and Loan Association of Front Royal, Front Royal, Virginia ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation,

1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street NW,, 10th Floor Atlanta, Georgia 30303.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-13429 Filed 5-4-81; 8:45 am]

BILLING CODE 6720-01-M

[No. 81-120]

First Savings and Loan Association of Wisconsin, Milwaukee, Wisconsin; Final Action Approval of Conversion Applications

Dated: April 29, 1981.

Notice is hereby given that on March 18, 1981, the Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 81-150, approved the application of First Savings and Loan Association of Wisconsin, Milwaukee, Wisconsin, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Chicago, 111 East Wacker Drive, Chicago, Illinois 60601.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-13431 Filed 5-4-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-122]

Key Biscayne Savings and Loan Association, Key Biscayne, Florida; Approval of Post-Approval Amendment of Conversion Application (Notice of Final Action)

Dated: April 29, 1981.

Notice is hereby given that on March 31, 1981, the Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), through the exercise of delegated authority, approved an amendment to the application of Key Biscayne Savings and Loan Association, Key Biscayne, Florida ("Association"), providing that the aggregate price of the stock to be sold in the conversion of the Association shall be not less than $1,020,000 nor more than $1,380,000. The conversion application of the Association was approved on January 7, 1981, by Board Resolution 81-4, which Resolution required that the conversion stock be sold for an aggregate price within a range from $1,275,000 to $1,725,000. Copies of the application and amendments thereto are available for inspection at the Office of the Secretary of FSLIC, 1700 G Street, N.W., Washington, D.C. 20552, and at the Office of the Supervisory Agent of FSLIC at the Federal Home Loan Bank of Atlanta, 260 Peachtree Street, N.W., 10th Floor, Atlanta, Georgia 30303.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-13432 Filed 5-4-81; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-121]

Security Savings and Loan Association; Carlsbad, New Mexico; Approval of Post-Approval Amendment of Conversion Application (Notice of Final Action)

Dated: April 29, 1981.

Notice is hereby given that on March 31, 1981, the Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC"), through the exercise of delegated authority, approved an amendment to the application of Security Savings and Loan Association, Carlsbad, New Mexico ("association"), providing that the aggregate price of the stock to be sold in the conversion of the Association shall be not less than $1,000,000 nor more than $1,312,500. The conversion application of the Association was approved on January 5, 1981, by Board Resolution 81-3, which Resolution required that the conversion stock be sold for an aggregate price within a range from $1,062,500 to $1,437,500. Copies of the applicant and amendments thereto are available for inspection at the Office of the Secretary of FSLIC, 1700 G Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of FSLIC at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-13433 Filed 5-4-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed; Name Change

Filing Party: Wade S. Hooker, Jr., Esquire, Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Nordstjernan Aktiebolaget (formerly known as Rederiaktiebolaget Nordstjernan), a party to the Johnson Scanstar Joint Service Agreement No. 9973, has changed its name under this agreement to Johnson Line Aktiebolag. This change became effective January 16, 1981, and is also applicable to Agreements Nos. 93 (North Europe/U.S. Pacific Freight Conference) and 5200 (Pacific Coast/European Conference).

By order of the Federal Maritime Commission.

Dated: April 29, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-13430 Filed 5-4-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 26, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the

agreements and the statement should indicate that this has been done.

Agreement No. T–3965.

Filing Party: E. F. Brimo, Treasurer, Global Terminal & Container Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Summary: Agreement No.T–3965, between Global Terminal and Container Services, Inc. (Global) and Concorde Line, Inc. (Concorde), provides that Global will furnish the necessary equipment and labor for the performance of comprehensive terminal and stevedoring services for Concorde at the Port of New York. As compensation, Concorde shall pay Global at rates in accordance with schedules attached to the agreement. The agreement continues in effect until terminated by the parties.

Agreement No. T–3970.

Filing Party: Mr. H. H. Wittren, Assistant Director of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T–3970, between Port of Seattle (Port) and Kerr United Industries, Inc. (Kerr), provides for the 10 year lease (with renewal options) of 260,620 sq. ft. of land area located at Terminal 106–W. Port of Seattle, Washington. The premises will be used for the maintenance, repair and storage of Kerr's containers. As compensation, Port will receive a monthly rental of $11,736.90, plus applicable port tariff charges. The parties further agree to Kerr's payment of applicable fees and taxes, 3 year rental renegotiations, indemnification and other terms provided for in the agreement.

Agreement No. T–3971.

Filing Party: Donald J. Brunner, Esquire.Rogan & Mason, 900 Seventeenth Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. T–3971, between Tropical Shipping and Construction Company, Ltd. (Tropical) and Birdsall, Inc. (Birdsall), provides that Tropical will appoint Birdsall as its U.S. Agent to supervise and manage its business activities in the United States, to act as U.S. terminal operator in receiving and handling cargo for Tropical, to arrange stevedoring for Tropical, and to assist Tropical representatives with regard to the solicitation of cargo for Tropical's ocean carriage in the trade between Flordia and Islands of the Caribbean. Tropical will compensate Birdsall for these services according to a formula of fees as mutually agreed to and as set forth in the agreement. The agreement continues in effect until terminated by the parties.

Agreement No. 10417.

Filing Party: John P. Meade, Esquire, Graham & James, 1050 17th Street, N.W., Washington, D.C. 20036.

Summary: Agreement No. 10417, among American President Lines, Ltd., East Asiatic Company (Copenhagan) Ltd., Maritime Company of the Philippines and Sea-Land Service, Inc. and designated as the Philippines,North America Rate Agreement, provides for the establishment of a rate agreement in the trade from ports or inland points in the Republic of the Philippines to ports in the United States and any of its territories or possessions, and Canada, to inland points via such ports and to interior points, including Hawaii and Alaska. The Agreement authorizes the parties to discuss and agree upon rates, charges, classifications, practices and related tariff matters, subject to the right of each party to act independently by giving notice as set forth in the Agreement. The Agreement is divided into the following groups: (1) the Atlantic, Gulf and East Canada Group; (2) the Pacific Coast Group; (3) the Interior, Point, including intermodal Group; (4) the Puerto Rico & U.S. Virgin Islands Group; and (5) the Hawaii & Alaska Group.

Dated: April 29, 1981.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–13484 Filed 5–4–81; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 81–32; Agreement No. 10267–5]

Container Carriers Discussion Agreement; Order To Show Cause

Agreement No. 10267, originally approved by the Commission on April 14, 1977, is an agreement between common carriers by water, serving U.S. Atlantic and Gulf ports in the foreign and domestic offshore commerce of the United States. The parties to the Agreement are required to contribute tonnage and man-hour assessments for the payment of guaranteed annual income and other fringe benefits to longshoremen and other waterfront workers covered by collective bargaining agreements with the International Longshoremen's Association (ILA).

The Agreement allows the carriers to exchange ideas, to discuss and to cooperate in developing information for the purpose of determining whether fair and uniform practices and procedures can be developed to control the cost of guaranteed annual income by stabilizing or increasing work opportunities, and to develop facts to be utilized in developing such procedures. The parties are specifically authorized to discuss the following matters:

1. New areas of work opportunities on the piers and waterfront facilities which may utilize guaranteed annual income recipients.
2. Areas where such guaranteed annual income recipients may be used in activities on waterfront facilities not presently engaged in by such ILA employees including work on cargo and cargo equipment of all types.
3. The making of cost estimates as to the efficacy of any such new and increased activities.
4. Practices and procedures which may increase the volume of cargo to be handled and worked on at various waterfront and pier facilities.
5. Development of such other means of protecting the job opportunities of longshoremen and other craft employees as may appear practicable.

The Agreement was subsequently extended by the parties, with the approval of the Commission, on 4 occasions. The Agreement expired on March 31, 1981.

Agreement No. 10267–5 would extend the expiration date of the basic agreement for 3 years, through March 31, 1984. The proponents of the Agreement have requested Commission approval pursuant to section 15 of the Shipping Act.

Subsequent to the last extension of the basic agreement Congress enacted the Maritime Labor Agreements Act of 1980, Public Law 96–325 (94 Stat. 1021), signed into law by the President on August 8, 1980.

Section 5 of this Act provides:

> Sec. 5. Section 45 of the Shipping Act, 1916 (46 U.S.C. 842), and all references thereto, is redesignated section 46 and a new section is added as follows:
>
> "Sec. 45. The provisions of the Act and of the Intercoastal Shipping Act, 1933, shall not apply to maritime labor agreements. . . .

Section 3 of this Act amended section 15 of the Shipping Act by excluding certain maritime labor agreements from the term "agreement" in section 15. Consequently, the Commission lacks jurisdiction to approve maritime labor agreements. That term is defined in P.L. 96–325 as follows:

> The term "maritime labor agreement" means any collective bargaining agreement between any employer subject to this Act or group of such employers and a labor organization representing employees in the maritime or stevedoring industry, or any agreement preparatory to such a collective bargaining agreement among members of a multiemployer bargaining group, or *any agreement specifically implementing provisions of such a collective bargaining agreement* or providing for the formation, financing, or administration of a multiemployer bargaining group. (Emphasis supplied)

Both the minutes of the meetings of Agreement No. 10267 and the affidavits in support of Agreement No. 10267–5 indicate that the sole purpose for this agreement is to discuss matters relating to implementation of the parties' collective bargaining agreement with the ILA. The Commission, therefore, has determined to order the proponents of Agreement No. 10267–5 to show cause why the Agreement is not exempt from the provisions of the Shipping Act, 1916 pursuant to the Maritime Labor Agreements Act of 1980.

In addition, even if the Commission's jurisdiction over this Agreement has not been removed by the passage of the

Maritime Labor Agreements Act, the areas of discussion set forth above which would be authorized by the Agreement nevertheless may be outside the subject-matter jurisdiction of section 15. These matters do not, on their face, appear to involve the areas of activity typically addressed in section 15 agreements. Accordingly, the parties will be required to include in their response to this Order a demonstration that, aside from the application of the Maritime Labor Agreements Act, the matters which they wish to discuss are within the Commission's section 15 jurisdiction under the rationale of *Volkswagenwerk* v. *FMC*, 390 U.S. 261 (1968).

Therefore, it is ordered, That pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814), and Rule 66 of the Commission's Rules of Practice and Procedure (46 CFR 502.66), the proponents of Agreement No. 10267–5 listed in the appendix show cause why the Agreement is not a maritime labor agreement exempt from the provisions of the Shipping Act, 1916, pursuant to the Maritime Labor Agreements Act of 1980, Public Law 96–325 (94 Stat. 1021);

It is further ordered, That the Proponents also show cause why Agreement No. 10267–5 is not outside the general subject-matter jurisdiction of section 15 of the Shipping Act;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure, (46 CFR 502.42), the Bureau of Investigation and Enforcement shall be a party to this proceeding;

It is further ordered, That this proceeding shall be limited to the submission of affidavits of facts and memoranda of law and replies thereto. Oral argument may also be scheduled if deemed necessary by the Commission. Should any party believe that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding and why such proof cannot be submitted through affidavits. Affidavits of facts and memoranda of law of proponents, and any intervenors taking the position that Agreement No. 10267–5 is not a maritime labor agreement exempt from the provisions of the Shipping Act, 1916, and is otherwise subject to the Commission's jurisdiction, shall be filed not later than the close of business on June 15, 1981. Reply affidavits and memoranda of law shall be filed by the Bureau of Investigation and Enforcement and all other parties no later than the close of business on July 15, 1981. Such filings shall be addressed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies. Requests for discovery, hearing, or oral argument shall be filed on or before the close of business on July 24, 1981;

It is further ordered, That notice of this Order be published in the Federal Register, and a copy be served on all parties or record;

It is further ordered, That all future notices and/or decisions issued by or on behalf of the Commission in this proceeding shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Joseph C. Polking,

Acting Secretary.

Appendix

Associated Container Transportation (Australia) Ltd.
Atlantic Container Line GIE
Baltic Shipping Company
Black Sea Shipping Company
Columbus Line, Inc.
Dart Containerline Ltd.
Delta Steamship Lines, Inc.
Evergreen Marine Corporation (N.Y.) Ltd.
Farrell Lines Incorporated
Hapag Lloyd AG
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines, Ltd.
A.P. Moller-Maersk Line
Moore McCormack Lines, Inc.
Nippon Yusen Kaisha
Puerto Rico Marine Management, Inc.
Sea-Land Service, Inc.
Trans Freight Lines, Inc.
United States Lines, Inc.
Yamashita-Shinnihon Steamship Co., Ltd.
Zim Container Service

[FR Doc. 81–13513 Filed 5–4–81; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 81–33]

Louisville Scrap Material Co., Inc., and Yamashita–Shinnihon Steamship Co., Ltd., and TTT Ship Agencies, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Louisville Scrap Material Company, Inc. against Yamashita-Shinnihon Steamship Company, Ltd. and TTT Ship Agencies, Inc. was served April 30, 1981. Complainant alleges that respondents failed to timely ship containers tendered for shipment and such failure is alleged to have resulted in violations of Sections 14 and 16 of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge William Beasley Harris. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–13534 Filed 5–4–81; 8:45 am]

BILLING CODE 6730–01–M

GENERAL SERVICES ADMINISTRATION

[E–81–3]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Illinois Commerce Commission involving electric utility rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Illinois Commerce Commission involving the application of the Commonwealth Edison Company for an increase in its electric rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall forward to the General Services Administration copies of its testimony and briefs within 60 days of formal submission.

Dated: April 28, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-13438 Filed 5-4-81; 8:45 am]

BILLING CODE 6820-AN-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 76N-0052]

Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter (OTC) Human Use; Decision on Dosage of Pseudoephedrine Preparations

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is extending until further notice the date by which manufacturers of OTC oral nasal decongestant drug products containing pseudoephedrine are required to comply with FDA's revised hourly dosage interval. The effective date changing the hourly dosage interval from 60 milligrams (mg) every 4 hours to 60 mg every 6 hours is being stayed in response to a petition from three manufacturers who submitted new pharamcokinetic and safety data to show that the hourly dosage interval should be every 4 to 6 hours. However, required revised labeling reflecting the agency's decision to reduce the maximum daily dosage of pseudoephedrine preparations in the proposed monograph for OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products will not be stayed and will become effective May 1, 1981.

DATE: The effective date for required relabeling for the maximum daily dosage is May 1, 1981. The effective date for required relabeling for the hourly dosage interval is stayed until further notice, pending review of new data.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 30, 1980 (45 FR 64709), FDA announced the decision that the available data did not support the 360-mg maximum daily dosage for drug products containing pseudoephedrine for OTC use as an oral nasal decongestant that had been recommended by the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Products. The notice explained that data submitted to the agency after the publication of the Panel's proposed monograph suggest that significant side effects could result from the 360-mg daily dosage and that a 240-mg maximum daily dosage is more appropriate. The agency concluded that, under the procedures established in 21 CFR 330.13(b)(2), pseudoephedrine products labeled with the higher dosage limitations would be required to be relabeled with specified lower dosage limitations by January 30, 1981.

In the Federal Register of December 19, 1980 (45 FR 83671), the agency granted two petitions and extended until May 1, 1981, the effective date for compliance with the revised dosage limitations that had been set forth in the September 30, 1980 notice.

On April 2, 1981, FDA received a petition from Schering Corp., The Dow Chemical Co., and Burroughs-Wellcome Co. requesting reconsideration of that part of the decision which extends the 60-mg dosage interval to every 6 hours. The petitioners sought adoption instead of a dosage interval of every 4 to 6 hours. The petitioners requested an extension of the May 1, 1981, effective date until such time as the pharmacokinetic and safety data which they submitted were evaluated, a decision with respect thereto issued, and a reasonable time thereafter was provided to enable them to revise the labeling for pseudoephedrine products to reflect the agency's final decision. A copy of the petition is on file in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

The petitioners based their request on their belief that new pharmacokinetic and safety data on pseudoephedrine, both alone and in combination with other drugs, have shown that the major determinant of the half-life of pseudoephedrine is the pH of the urine in which pseudoephedrine is excreted. The petitioners believe that the data demonstrate that a flexible dosing schedule of every 4 to 6 hours is permissible and is more reflective of the achievable blood levels than the fixed dosage of every 6 hours established in the September 30, 1980 notice.

FDA has considered this request and has concluded that good and sufficient reason has been provided for staying until further notice the May 1, 1981 effective date for the revised dosage interval of 60 mg every 6 hours until the new data are reviewed. In the interim, pseudoephedrine products labeled either 60 mg every 4 hours or 60 mg every 6 hours will be permitted on the OTC drug market until the agency issues a decision on the appropriateness of an every 4- to 6-hour dosage interval.

The petitioners also state that they support the agency's decision to reduce the maximum adult dosage during a 24-hour period from 360 to 240 mg. The agency decided in the September 30, 1980 notice that a daily dosage in excess of 240 mg of pseudoephedrine may be associated with significant side effects without additional therapeutic benefit. Therefore, for safety reasons, required revised labeling reflecting the maximum daily OTC dosage of 240 mg for adults and corresponding maximum daily OTC dosages for children will not be stayed and will become effective May 1, 1981 as set forth in the September 30 and December 19, 1980 notices.

Dated: April 29, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-13445 Filed 5-4-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81M-0110]

Medical Devices; Boehringer Mannheim Corp.; Premarket Approval of Synthograft™ Dental Implant

Corrections

In FR Doc. 81-11570 appearing on page 22462 in the issue of Friday, April 17, 1981, second column, "Synthograft" should have appeared in the heading as set forth above; third column, first line from the top, and in the fifth line of the first paragraph of the "SUPPLEMENTARY INFORMATION," "Synthograft" ® should have read "Synthograft ™".

BILLING CODE 1505-01-M

Health Services Administration

Announcement of Availability of Grants; Jointly Funded Community Health Center Projects in the Magic Valley, Payette, Twin Falls, and Blackfoot, Idaho Areas

The Health Services Administration announces that the Regional Office, Region X, Seattle, Washington, will accept applications from public and nonprofit private entities for project grants in fiscal year 1981 to support the development and operation of jointly funded community health center and migrant health center projects in the Magic Valley, Payette, Twin Falls, and Blackfoot, Idaho areas.

The Region intends, where feasible and appropriate, to integrate the grant resources of the Migrant Health Centers program (authorized by section 329 of the Public Health Service Act), and the Community Health Centers program (authorized by section 330 of the PHS Act), and the health manpower resources of the National Health Service Corps (authorized by sections 331–338 of the Act) to support these projects. The catchment areas to be served and the approximate amounts of the grants for these projects are expected to be:

Magic Valley catchment area, which is to include Minidoka, and Cassa Counties—$250,000

Payette catchment area, which is to include Payette, Washington, and Gem counties—$250,000

Twin Falls catchment area, which is to include Twin Falls, Gooding, and Jerome counties—$250,000

Blackfoot catchment area, which is to include Bingham, Power, and Bannock counties—$200,000

Programs descriptions appear at 13.224, 13.246, and 13.258 in the *Catalogue of Federal Domestic Assistance.*

Additional information, program guidance material, application forms, instructions, consultation and technical assistance regarding development of an application may be requested from: Mr. Jacob Rueda, III, Regional Program Consultant for Migrant Health, Department of Health and Human Services, Public Health Service, Region X, 1321 Second Avenue M/S 835, Seattle, Washington 98101, Telephone: (206) 442-0513.

Applications must be received in the Regional Office postmarked by July 1, 1981, to be considered for funding, and will be subject to competitive, objective review, taking into account the criteria set forth in the community and migrant health service regulations at 42 CFR 51c.204, 51c.305, 56.204, and 56.305. Applications must be submitted to the appropriate Health Systems Agency for review according to the instructions provided by the Regional Office.

Dated: April 24, 1981.

John H. Kelso,

Acting Administrator, Health Services Administration.

[FR Doc. 81-13436 Filed 5-4-81; 8:45 am]

BILLING CODE 4110-84-M

Public Health Service

National Center for Health Care Technology; Evaluation of Medical Technology; Breath Hydrogen Lactose Tolerance Test

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of Breath Hydrogen Lactose Tolerance Test for diagnosing lactose intolerance.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than August 3, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Pierre F. Renault, M.D., Associate Director for Medical and Scientific Evaluation, at the above address or by telephone (301) 443–4990.

Dated: April 28, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-13442 Filed 5-4-81; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Evaluation of Medical Technology; Lactulose Breath Hydrogen Test

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of Lactulose Breath Hydrogen Test for small intestinal transit time and small intestinal bacterial overgrowth.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than August 3, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Pierre F. Renault, M.D., Associate Director for Medical and Scientific Evaluation, at the above address or by telephone (301) 443–4990.

Dated: April 28, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-13440 Filed 5-4-81; 8:45 am]

BILLING CODE 4110-85-M

National Center for Health Care Technology; Evaluation of Medical Technology; $^{14}CO_2$ Breath Test

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of $^{14}CO_2$ Breath Test for diagnosing fat maldigestion and malabsorption.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than August 3, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29,

Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Pierre F. Renault, M.D., Associate Director for Medical and Scientific Evaluation, at the above address or by telephone (301) 443–4990.

Dated: April 28, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-13441 Filed 5-4-81; 8:45 am]

BILLING CODE 4110-83-M

National Center for Health Care Technology; Evaluation of Medical Technology; $^{13}CO_2$ Breath Test

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of $^{13}CO_2$ Breath Test for diagnosing bile acid malabsorption.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HFCA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than August 3, 1981. To enable the Center's staff to give appropriate consideration to any literatue references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Pierre F. Renault, M.D., Associate Director for Medical and Scientific Evaluation, at the above address or by telephone (301) 443–4990.

Dated: April 28, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-13443 Filed 5-4-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before April 24, 1981. Pursuant to § 1202.13 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 20, 1981.

Carol Shull,

Chief, Registration Branch.

LOUISIANA

Allen Parish

Oberlin, *Allen Parish Courthouse*, 5th St.

Caddo Parish

Shreveport, *Line Avenue School*, 1800 Line Ave.

Rapides Parish

Pineville, *Fort Buhlow*, Off U.S. 165
Pineville, *Fort Randolph*, Off U.S. 165

[FR Doc. 81-13573 Filed 5-4-81; 8:45 am]

BILLING CODE 4310-03-M

Bureau of Land Management

[W-72450]

Notice of Realty Action—Exchange of Public Lands in Sweetwater County for State Lands in Johnson County

April 24, 1981.

The following described lands have been determined to be suitable for disposal by exchange of surface estate under Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Sixth Principal Meridian, Wyoming

T. 19 N., R. 105 W.,
Sec. 28, lots 28 and 31.
Containing 41.54 acres.

In exchange for these lands the United States will acquire the surface estate in a parcel of land in Johnson County, approximately 262.03 acres, described by metes and bounds and lying within Section 3, T. 50 N., R. 82 W., and Section 34, T. 51 N., R. 82 W., 6th P.M. Wyoming.

The purpose of the exchange is to ultimately make available the land acquired by the United States to the City of Buffalo as a "greenbelt" area under provisions of the Recreation and Public Purposes Act.

The value of the lands to be exchanged is equal and the public interest will be well served. This action is consistent with the provisions of Sec. 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

The terms and conditions applicable to the exchange are:

1. A reservation to the United States in the selected lands of the right to construct ditches or canals pursuant to the Act of August 30, 1890, 43 U.S.C. 945;

2. The grantors shall reserve the mineral estates;

3. The patent shall issue subject to valid existing rights.

Detailed information concerning the exchange including the planning documents and environment assessment, is available for review at the Casper District Office, Bureau of Land Management, 951 Union Boulevard, Casper, Wyoming 82601.

For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management (910), P.O. Box 1828, Cheyenne, Wyoming 82001. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this Notice of Realty Action will become the final determination of the Department of the Interior.

F. William Eikenberry,

Associate State Director.

[FR Doc. 81-13600 Filed 5-4-81; 8:45 am]

BILLING CODE 4310-84-M

Water and Power Resources Service

Municipal Water Service Contract Negotiations, Shoshone Project, Wyo.; Intent To Negotiate a Water Service Contract

The Department of the Interior, through the Water and Power Resources Service, intends to begin negotiating a contract with the city of Powell, Wyoming, to provide up to 3,000 acre-feet of water annually from Buffalo Bill Reservoir to meet the city's future demands. The proposed contract form will be prepared pursuant to section 9(c)(2) of the Reclamation Project Act of August 4, 1939 (53 Stat. 1187).

The city of Powell is having difficulty locating suitable water sources to meet expected future demands. City officials have requested that the Water and Power Resources Service allocate water from Buffalo Bill Reservoir for a future municipal water supply.

All meetings and/or negotiation sessions scheduled by the Water and Power Resources Service with the city of Powell for the purpose of discussing terms and conditions of the proposed contract will be open for public observation. Advance notice of such meetings or sessions will be furnished to those parties having submitted a written request for a meeting schedule at least 1 week prior to any meeting. Requests should be addressed to Acting Regional Director, Water and Power Resources Service, Attention Code UM-440, P.O. Box 2553, Billings, Montana 59103. All written correspondence concerning the proposed contract will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

A proposed draft contract will be made available for public review following completion of contract negotiations. Thereafter, a public hearing may be held, if necessary, and a 30-day period will be allowed for receipt of written comments from the public.

For further information on scheduled contract negotiating sessions and copies of the proposed contract form, please contact Mr. William E. Crosby, Chief, Economics and Repayment Branch, Division of Water and Land, at the above address or by telephone (406) 657-6413.

Dated: April 29, 1981.

Clifford I. Barrett,

Assistant Commissioner, Water and Power Resources.

[FR Doc. 81-13482 Filed 5-4-81; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL COMMUNICATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Rodin Rediscovered" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements between foreign lenders and the National Gallery of Art, Washington, D.C. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, Washington, D.C., beginning on or about June 28, 1981 to on or about May 2, 1982, is in the national interest.

Public notice of this determination is ordered to be published in the Federal Register.

Dated: April 30, 1981.

John W. Shirley,

Acting Director.

[FR Doc. 81-13535 Filed 5-4-81; 8:45 am]

BILLING CODE 8230-01-M

[1] An itemized list of Objects included in the exhibit is filed as part of the original document.

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 26115 (Sub-No. 12)

Boston and Maine Corporation; Amended Plan of Reorganization

AGENCY: Interstate Commerce Commission.

ACTION: Postponement of proceeding.

SUMMARY: The Commission is granting the motion by the Trustees of the Boston and Maine Corporation (B&M) for a continuance of this proceeding.

DATES: The due dates for statements set by the decision issued in this proceeding on March 4, 1981 are postponed until further notice.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275-7245.

SUPPLEMENTARY INFORMATION: On April 20, 1981, Trustees for the B&M filed a motion for a continuance of this proceeding. I will grant the motion.

The B&M Trustees filed their Amended Plan of Reorganization on December 30, 1981. During the time the Amended Plan was being developed, the Trustees were negotiating with Timothy Mellon of Guilford, CT, to acquire the B&M. As a result of the negotiations a letter of intent was executed on April 15, 1981, for Mr. Mellon, through a holding company, to pay $24,250,000 in cash in exchange for all capital stock of the reorganized B&M. An acquisition agreement has not yet been executed.

The B&M Trustees requested that this proceeding be continued to allow time to prepare and execute an acquisition agreement. Time is also needed for them to prepare and file a new plan of reorganization giving effect to the acquisition.

I find that a continuance of this proceeding is warranted until a new plan of reorganization is submitted. At that time, this proceeding will be resumed, and a new schedule for submission of statements will be established.

It is ordered:

1. The motion for continuance is granted.

2. This proceeding is postponed until further notice.

3. This decision is effective on the date of service.

Dated: April 28, 1981.

By the Commission, Acting Chairman Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13482 Filed 5-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 20 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is no limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered

is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or the following operating rights applications directly related thereto filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC 52660 (Sub-4F), filed December 27, 1979. (Supplemental publication.) (Previously published in the **Federal Register** issue of October 1, 1980.) Applicant: D.A. EXPRESS, INC., 15701 S. Van Drunen, South Holland, IL 60473. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Conversion of Certificate of Registration No. MC-121354 (Sub-No. 1), into a Certificate of Public Convenience and Necessity authorizing the transportation of *general commodities* (except classes A and B explosives), (1) between points in Cook, DuPage, Will, Lake, Kane, Kendall, McHenry, DeKalb, Grundy, and Kankakee Counties, IL, and (2) between points in Cook, DuPage, Will, Lake, Kane, Kendall, McHenry, DeKalb, Grundy, and Kankakee Counties, IL, on the one hand, and, on the other, points in IL.

Note.—This proceeding is directly related to MC-F-14276F, published October 1, 1980.

MC 52660 (Sub-5F), filed December 27, 1979. (Supplemental publication.) (Previously published in the **Federal Register** issue of October 1, 1980.) Applicant: D.A. EXPRESS, INC., 15701 S. Van Drunen, South Holland, IL 60473. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except household goods as defined by the Commission and Classes A and B explosives), between points in IN in the Chicago, IL, commercial zone, on the one hand, and, on the other, points in IL, (2) *such merchandise* as is dealt in by mail order houses, (a) between points in IL, on the one hand, and, on the other, points in Benton, Boone, Carroll, Clay, Clinton, Fountain, Hendricks, Jasper, Marion, Montgomery, Newton, Owen, Parke, Pulaski, Putnam, Sullivan, Tippecanoe, Vermillion, Vigo, Warren and White Counties, IN, and Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Jasper, Kankakee, Livingston, Macon, McLean, Moultrie, Piatt, Shelby, and Vermillion Counties, IL, and (b) between Danville, IL, on the one hand, and, on the other, points in IL, (3) *meats, packinghouse, products and groceries*, (a) between points in IL, on the one hand, and, on the other, points in Benton, Boone, Carroll, Clay, Clinton, Fountain, Hendricks, Jasper, Marion, Montgomery, Newton, Owen, Parke, Pulaski, Putnam, Sullivan, Tippecanoe, Vermillion, Vigo, Warren, and White Counties, IN, and Champaign, Clark, Coles, Crawford, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Jasper, Kankakee, Livingston, Macon, Mclean, Moultrie, Piatt, Shelby, and Vermillion Counties, IL, and (b) between Danville, IL, on the one hand, and, on the other, points in IL, and (4) *meats, meat products and meat byproducts, dairy products and articles* distributed by meat packing-houses, as described in Sections A, B, and C of the Appendix to the report of the Commission in Modification of Permits, 46 M.C.C. 23, between points in Cook, DuPage, Will, Lake, Kane, Kendall, McHenry, DeKalb, Grundy, and Kankakee Counties, IL, and points in IN in the Chicago, IL, commercial zone, on the one hand, and, on the other, points in Howard, Tipton, Madison, Grant, Miami, Carroll, Clinton, Hamilton, Wabash, and Cass Counties, IN.

Notes.—(1) This proceeding is directly related to MC-F-14276F, published October 1, 1980. (2) The purpose of this application is to eliminate gateways in IL, and IN, in order to provide a through service.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13493 Filed 5-4-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 72]

Motor Carriers; Decision-Notice; Restriction Removals

Decided: April 28, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal**

Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

FINDINGS

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 3468 (Sub-181)X, filed April 20, 1981. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint, MI 48501. Representative: Harry C. Ames, Jr., 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 160 certificate to (1) broaden its commodity descriptions from motor homes, in secondary movements, to "transportation equipment"; and (2) remove the HI exception from its authority between points in the U.S.

MC 22509 (Sub-37)X, filed March 23, 1981, previously noticed in the Federal Register of April 6, 1981, republished as corrected in this issue. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Avenue, St. Joseph, MO 64505. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Applicant seeks to remove restrictions in its Sub-No. 18F certificate to (1) broaden the commodity description from containers, container ends, container closures, and materials and supplies used in manufacture and distribution of containers, container ends and container closures to "lumber and wood products; pulp, paper and related products; rubber and plastic products; clay, concrete, glass, and stone products; and metal products; and (2) to remove the restriction against the transportation of commodities in bulk. The purpose of this republication is to include the requested change in the commodity description.

MC 67996 (Sub-11)X, filed April 20, 1981. Applicant: DISHILERY TRANSFER SERVICE, INC., P.O. Box H, Bardstown, KY 40004. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 5, 7, 8 and 9 certificates to (1) remove all exceptions other than classes A and B explosives from "general commodities" authority in Sub-Nos. 4, 5, 7, 8, and 9; (2) broaden the commodity description to "such commodities as are dealt in or used by manufacturers or distributors of beverages from alcoholic liquors and distiller' supplies in Sub-No. 3; (3) authorize service at an intermediate point in connection with regular-route operations between Louisville, KY and Bardstown, KY in Sub-No. 4 and between Bardstown and Lebanon, KY in Sub-No. 9; and (4) remove a plantsite restriction at Bardstown, KY in Sub-No 4; and a facilities limitation at the off-route point of Bardstown, KY and a restriction to traffic originating at or destined to named facilities at Bardstown in Sub-No. 5.

MC 111231 (Sub-364)X, filed April 24, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 291F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; and (2) authorize service at all intermediate points along its regular routes operations between points in AL, FL and GA.

MC 111594 (Sub-107)X, filed March 9, 1981. Applicant: CW TRANSPORT, INC., 610 High Street, Wisconsin Rapids, WI 54494. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 36, 39, 42, 62, 67, 68, 70, 72, 75, 77, 78, 98 and its authority acquired in MC-F-12918 certificates to (1) broaden the commodity description from (A) Anhydrous amomonia, fertilizer compounds, ammonium nitrate, nitrogen solution, aqua ammonia, petroleum and petroleum products, petroleum refined wax, phosphoric, hydrofluosilicic, fatty, liquid, nitrate, sulphuric and muriatic acids, varnish, wood preservative and treating compound, dry fertilizer, dry fertilizer materials, glycerine soap stock, liquid soap, liquid chemicals, tallow and animal grease, fertilizer ingredients, chemicals, acids, phosphatic fertilizer solutions, animal and poultry feed ingredients, lignin liquor, woodpulp slurry, urea, fertilizer solutions, feed ingredients, lignin pitch, inedible tallow and greases, animal fats, animal oils, vegetable oils, edible blends and edible products of animal fats, dry plastic materials and pellets, granules and cubes, ferric chloride, ferrous chloride, and emulsion, to "commodities in bulk" in Sub-Nos. 36, 39, 42, 62, 68, 70, 72, and 77; (B) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in Sub-Nos. 67 parts A and B, 75 parts A and B, 78, and its MC-F-12918 authority; (2) broaden the territorial description by substituting round trip authority for existing one-way operations and substituting specific counties for named plantsites or cities, in Sub-No. 36, between Marshal County, IL, (plantsite at or near Henry, IL) on the one hand, and, on the other, points in 8 States; in Sub-No. 39, page 13 part D lines 34-40, between Lee County, IA, (Fort Madison, IA) and, points in 12 States, page 13, part D lines 47 through 49, between Kewaunee County, WI, (Kewaunee, WI), and, points in the Upper Peninsula of MI; Page 14, part D lines 24 through 28, Du Page County, (Villa Park, IL) and, points in 6 States; Page 14 part D lines 30 through 32, between Cerro Gordo County, IA, (Madison City, IA), and, points in 4 States; page 14, part D lines 45 through 50, between Ozaukee County, WI, (Saukville, WI), and, points in 23 States; page 14, lines 62 through 65, between Winnebago County, WI, (Oshkosh, WI), and, points in Marquette County, MI, (Ishpeming, MI) and Hennepin and Ramsey County, MN, (Minneapolis and St. Paul, MN) page 15, part D, lines 3 through 7, between Clinton County, IA, (Clinton, IA) points in 14 named States; page 15, part D, lines 9 through 11 between Whiteside County, IL, (Fulton, IL), and, points in 2 States; page 15, part D, lines 13 through 16, between La Salle County, IL, (Marseilles, IL), and, points in 9 states; page 15, part D lines 23 through 26 between Kane County, IL, (plantsite near (Aurora, IL), and, points in 6 States; page 15, part D, lines 28 through 31 between Lake County, IL, (Waukegan, IL), and, points in 7 States; page 15, part D lines 42 through 44 between points in IA, MI, and WI, and, points in Kane County, IL; page 15, part D, lines 46 through 50 between Rock Island County, IL (plantsite at or near Cordova, IL),

and, points in 13 States; page 15, part D, lines 59 through 62 between Cook County, IL, (plantsite at Chicago Height, IL), and, points in 9 States; page 15, part D, lines 72 through 75 between Milwaukee County, WI, (plantsite at Milwaukee, WI), and, points in 4 States; page 16, part D, lines 3 through 9 between Muscatine County, IA, (plantsite near Montpliew, IA), and, points in 10 States; page 16, part D, lines 11 through 16 between Sheboygan County, WI (Sheboygan, WI), and, points in 7 States; page 16, part D, lines 18 through 22 between Brown, Marathon, and Price Counties, WI, (Rothschild, Park Falls, and Green Bay, WI), and, points in 18 States; page 16, part D, lines 30 through 33 between Dane, Fond Du Lar, Iowa; Kenosha, and Rock Counties, WI, (Madison, Marshall, Eldorado, Edmund, Kenosha, and Jonesville, WI), and, points in 2 States; page 16, part D, lines 39 through 46 between Jo Daviess County, IL, (plantsite at or near East Dubuque, IL) and, points in 12 States; page 16, part D, lines 48 through 65 between Madison County, IL, (Tri City Regional Port District, Madison County, IL), and, points in 6 States; page 17, part D, lines 10 through 12 between Delta County, MI, (Groos, MI), and, points in OH; page 17, part D, lines 14 through 22 between Marion County, MO, (plantsite at South River, MO), and, points in 14 States; page 17, part D, lines 24 through 27 between Muscatine County, IA, (plantsite at or near Montpelier, IA), and, points in 7 States; page 17, part D, lines 35 through 38, between Union County, IA, (plantsite at or near Creston, IA), and, points in 8 States; page 17, part D, lines 47 through 49, between Milwaukee County, WI, (Milwaukee, WI), and, points in 4 States; page 17, part D, lines 51 through 56, between Outagamie and Oneida Counties, WI, (Appleton and Rhinelander, WI), and, points in 26 States; page 17, part D, lines 58 through 60, between Boone County, IN (Thorntown, IN), and, points in IL; page 17, part D, lines 62 through 66, between Boone and Delaware Counties, IN, (Thorntown and Eaton, IN), and, points in OH, between Kosciusco County, IN, (Warsaw, IN) and, points in IL, and OH; page 17, part D, lines 68 through 75, between Brown County, WI, (Green Bay, WI), and, points in 6 States; page 18, part D, lines 4 through 13, between Des Moines County, IA, (plantsite at or near Burlington, IA) and, points in 8 States, between Peoria County, IL, (plantsite at or near Peoria, IL), and, points in 7 States; page 18, part D, lines 15 through 23, between Woodbury County, IA, and Dakota County, NE, (facilities in the two counties), and, points in 12 States, page 18, part D, lines 40 through 46, between Cook County, IL (Chicago, IL), and, points in 19 States; page 18, part D, lines 48 through 57, between Wood County, WI, (plantsite at or near Port Edwards, WI), and, points in 14 States; page 18, part D, lines 59 through 66, between Muskegon County, MI (plantsite near Muskegon, MI), and, points in 4 States; page 19, part D, lines 3 through 12, between Will County, IL (facilities at Channahon, IL), points in 12 States; page 19, part D, lines 27 through 33, between Hancock County, IL, (plantsite at or near Nicta, IL), and, points in 12 States; page 19, part D, lines 35 through 42, between Morgan County, IL, (plantsite at or near Meredosia, IL), and, points in 14 States; page 19, part D, lines 44 through 47, between Cass County, IN, (plantsite at or near Logansport, IN), and, points in 5 States; page 19, part D, lines 49 through 56, between Clinton County, IA, (plantsite at or near Clinton, IA), and, points in 13 States; page 19, part D, lines 58 through 60, between Delta County, MI, (Groos, MI), and, points in MN, and WI; page 19, part D, lines 61 through 67, between Marinette County, WI, (plantsite at Marinette, WI), and, points in 30 States DC; page 19, part D, lines 69 through 79, between Marinette County, WI, (plantsite at Marinette, WI), and, points in 7 States; in Sub-No. 42, page 20, lines 6 through 15, between Marshall County, IL, (plantsite at Henry, IL), and, points in 16 States; in Sub-No. 62, page 21, lines 58 through 71, between Lake County, IN, (facilities at Gary, IN), and, points in 15 States; in Sub-No. 66, page 25, lines 22 through 28, between McHenry County, IL, (plantsite at Union, IL), and, points in 8 States; in Sub-No. 70, page 25, lines 30 through 36, between Brown County, WI (Green Bay, WI), and, points in the U.S.; in Sub-No. 72, page 25, lines 45 through 54, between Cook County, IL, (plantsite at Bedford Park, IL), and, points in 8 States; in Sub-No. 77, page 29, lines 59 through 75, between Waukesha County, WI, and Wood County, OH, (Brookfield, WI, and North Baltimore, OH), and, points in 22 States; (3) delete restrictions permitting joinder only at certain points in IN, KY, MO, and OH, in Sub-Nos. 77 and 78; (4) authorize service at all intermediate points where service is limited to specified intermediate points or no intermediate points service in Sub-No. 75, parts A and B between points in IL; in Sub-No. 76, between points in IL, KY, TN, VA, and WV; in Sub-No. 98, between points in IN, in routes 16 through 20; in Sub-No. 98, routes 21 through 25, between points in MO and IA, and in Sub-No. 98, routes 30 through 33, between points in VA and WV; in its MC-F-12918 authority between Decatur, GA, and Jct. U.S. Hwys 29 and 78, and between Atlanta, GA, and Jct. U.S. Hwys 29 and 78; (5) authorize service at all intermediate points; in Sub-No. 78, on its regular routes in IN, NC, and SC, in Sub-No. 98, routes 16 through 20 in OH, in routes 21 through 25 in IL, MN, and WI, in routes 30 through 33 in NC and SC; (6) eliminate (a) in Sub-No. 75, parts A and B, the restriction requiring the transportation of traffic moving between Chicago, and Chicago Heights, IL, and points within their commercial zones on the one hand, and, on the other, points in IN, and OH, and those in KY in the Cincinnati, OH and Louisville, KY commercial zones, and traffic moving between St. Louis, MO, and points within its commercial zone on the one hand, and, on the other, points in IN and OH, and those in KY, in the Cincinnati, OH, commercial zone, and to further remove the restriction against service to those points in KY lying in the commercial zone of New Albany, IN; (b) in Sub-No. 67, part A, requiring the movement of traffic either (i) from NC or SC to points in OH or (ii) from Canton, Cleveland, Dover, Mansfield, or Akron, OH, and points within five miles of Akron, OH, to points in NC and SC; (7) remove the originating at and destined to restrictions in Sub-No. 39 routes 21, 34, 35, 36, 38, 40, and 42, and Nos. 42, 66, 72, 77, and 98 routes 30 through 33.

MC 115331 (Sub-553)X, filed April 14, 1981. Applicant: TRUCK TRANSPORT INCORPORATED, 11040 Manchester Road, St. Louis, Missouri 63122. Representative: Edward J. Kiley, 1730 M Street NW., Washington, D.C. 20036. Applicants seeks to remove restrictions from its Sub-No. 299, 369G, 513F and 457F certificates to: (1) broaden the commodity description from corn products and blends containing corn products to "food and related products and chemicals and related products" in Sub-No. 299; from chemicals to "chemicals and related products" in Sub-No. 369G part (147); from agricultural chemicals to "chemicals and related products" in Sub-No. 513F; from alcoholic liquors and wine and fruit juices to "food and related products"; and alcohol, and distilled spirits to "chemicals and related products" in Sub-No. 457; (2) remove the "in bulk" "in containers" and "in bulk in tank vehicles" restrictions wherever they appear in Sub-No. 299, 369(G) part (147), 513F, and 457F; (3) eliminate restriction against service to AK and HI in Sub-No. 299, 513F, 457; (4) replace the specific point authority of Cedar Rapids, Clinton,

Muscatine and Keokuk, IA with Lynn, Clinton, Muscatine and Lee Counties, IA in Sub-No. 299; (5) remove the "originating at" facilities restrictions in Sub-No. 299; and the restriction against the transportation of whiskey from KY to points in IL and IN in Sub-No. 457F; and (6) expand its one-way authority to radial authority in Sub-No. 299, and 369G part (147), between various combinations of specified States in the US and between named counties in IA, and, points in the US.

MC 124774 (Sub-139)X, filed April 20, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 89 and 105F certificates to (1) broaden its commodity descriptions from edible bakery supplies (except commodities in bulk), to "food and related products", in both certificates; (2) remove the facilities restrictions and authorize radial authority between Clifton, NJ, and points in specified States throughout the U.S., in both certificates; and (32) remove the originating at restriction in Sub-No. 89.

MC 135235 (Sub-10)X, filed April 17, 1981. Applicant: LOMA CARTAGE, INC., 11350 Franklin Avenue, Franklin Park, IL 60131. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. Applicants seeks to remove restrictions in its lead and Sub-Nos. 1, 5, 6, and 7F certificates to (1) broaden the commodity descriptions from (a) floor coverings, materials and supplies to "textile mill products, rubber and plastic products, and clay, concrete, glass or stone products" in the lead and Sub-Nos. 1, 6, and 7, (b) floor coverings (except tile), materials and supplied to "textile mill products" in Sub-No. 5: (2) delete the restriction against the transportation of commodities in bulk in the lead and Sub-Nos. 1, 5, 6; (3) broaden city-wide to county-wide authority in the lead, Racine, and Kenosha Counties, WI, for Racine, and Kenosha, WI; in Sub-No. 1, Ozaukee County for Mequon, WI; (4) authorize radial service in lieu of existing one-way authority between the counties named above, and various points in WI, and IN, in all referenced authority.

MC 142463 (Sub-7)X, filed April 22, 1981. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha Street, Sioux City, IA 51102. Representative: Daniel O. Hands, 205 West Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (1) broaden the commodity description (a) to "machinery" from furnace and furnace parts and air-conditioners and air-conditioner parts, (b) to "furniture and fixtures" from bathroom and kitchen fixtures and cabinets and (c) to "metal products" from metal conduit and copper wiring and tubing; (2) remove the "originating at and destined to", restriction and (3) expand its one-way authority to radial authority between points in CA, IL, IN, KY, MI, MN, MO, NJ, NY, OH, PA, TN, WV, and WI, and, Sioux City, IA.

MC 148428 (Sub-18)X, filed February 17, 1981, previously noticed in the Federal Register of March 4, 1981, republished as corrected this issue. Applicant: BEST LINE, INC., P.O. Box 765, Hopkins, MN 55343. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Applicants seeks to remove restrictions in its Sub-Nos. 1F, 3F, 4F, 5F, 6F, 7F, 8F, 9F, 10F, and 12F certificates to (1) broaden the commodity description from flotation and protective clothing and, materials and supplies used in the manufacture of flotation and protective clothing, to "textile mill products" in Sub-No. 1F; from refrigerators, freezers, and cooling units and parts therefor and materials, equipment, and supplies, to "machinery" in Sub-No. 4F; from cabinets and materials, equipment and supplies used in the construction of cabinets, to "furniture and fixtures" in Sub-No. 7F; from paper and paper products and materials, equipment and supplies used in the manufacture of paper and paper products, to "pulp, paper and paper products" in Sub-No. 8F; from feeds, and materials, equipment and supplies used in the production of animal feeds, to "food and related products" in Sub-No. 10F; and from such merchandise as is distributed as premiums or gifts and materials, equipment and supplies used by premium fulfillment houses to "such commodities as are dealt in by retail department stores" in Sub-No. 12F; (2) remove the "except commodities in bulk" restrictions in Sub-Nos. 4F, 5F, 6F, and 10F; (3) broaden specific points and/or named facilities to county-wide authority as follows: St. Cloud, MN to Stearns, Benton, and Sherburne Counties, MN in Sub-Nos. 1F, 3F, 4F, and 8F, Sauk Rapids, MN to Benton County, MN in Sub-NO. 1F; Princeton, MN to Mille Lacs County, MN in Sub-No. 7F; Des Moines, IA to Polk County, IA, in Sub-No. 9F and Willmar, MN to Kandiyohi County, MN in Sub-No. 10F; (4) remove the "originating at or destined to" restrictions in Sub-No. 1F, 3F, and 7F; (5) remove AK and HI exceptions; and (6) expand its one-way authority to radial authority between Stearns County, MN, and, points in the U.S. in Sub-Nos. 4F and 6F; and remove the facilities limitation and authorize radial service between St. Louis, MO, and Minneapolis, MN, in Sub-No. 6F.

[FR Doc. 81-13491 Filed 5-4-81; 8:45 am]

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[Volume No. 53]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Correction

In FR Doc. 81–10349, appearing at page 20619 in the issue for Monday, April 6, 1981, make the following correction:

On page 20623, in the third column, in the paragraph "MC 120735 (Sub-85)X" filed for "Star Delivery & Transfer, Inc.", the MC number should have read "MC 120737 (Sub-85)X".

BILLING CODE 1505-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to

conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be will issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor comon carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–132

Decided: April 28, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

FF–550, filed April 17, 1981. Applicant: CTC TRANSPORTATION, INC., 514 North Claiborne Ave., New Orleans, LA 70112. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202 (904) 632–2300. As a *freight forwarder*, in connection with the transportation of *General commodities* (except classes A and B explosives), between points in the U.S.

MC 2421 (Sub-36), filed April 22, 1981. Applicant: NEWTON TRANSPORTATION COMPANY, INC., 510 Greer Circle SW., P.O. Box 678, Lenoir, NC 28645. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th Street NW., Washington, DC 20004 (202) 628–4600. Transporting *lumber and wood products*, between points in Grundy County, IA, on the one hand, and, on the other, points in NC.

MC 3581 (Sub-33), filed April 21, 1981. Applicant: THE MOTOR CONVOY, INC., Suite 107, 2175 Parklake Dr., NE, Atlanta, GA 30345. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301 (404) 522–2322. Transporting (1) *transportation equipment*, and (2) *machinery*, between points in the U.S. Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation, at applicant's written request, of all authority held by applicant which duplicates that sought herein.

MC 15821 (Sub-1), filed April 20, 1981. Applicant: GRAF BROS., INC., 180 Main St., Salisbury, MA 01950. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101 (207) 773–5651. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 35320 (Sub-653), filed April 13, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant) (806) 745–7263. Transporting *general commodities* (except classes A and B explosives), serving points in Steuben County, NY, as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 47171 (Sub-212), filed April 20, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant) (803) 879–2101. Transporting *general commodities* (except classes A and B explosives), between points in VA, on the one hand, and, on the other, points in CT, DE, MA, MD, NJ, NY, PA, RI, and DC.

MC 47171 (Sub-213), filed April 22, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant) (803) 879–2101. Transporting *general commodities* (except classes A and B explosives), between points in MS, on the one hand, and, on the other, points in CT, DE, GA, MA, MD, NC, NJ, NY, SC, PA, RI, VA, and DC.

MC 52460 (Sub-324), filed April 9, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant) (918) 446–4434. Transporting *food and related products*, between points in Ventura County, CA, on the one hand, and, on the other, points in AL, AZ, AR, CO, FL, GA, IL, IA, KS, LA, MS, MO, NE, NM, NC, OK, TN, SC, TX, and WI.

MC 61440 (Sub-209), filed April 17, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 Northwest 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157 (405) 840–7579. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Coleman Company, of Wichita, KS.

MC 64600 (Sub-61), filed April 20, 1981. Applicant: WILSON TRUCKING CORPORATION, P.O. Drawer 2, Fishersville, VA 22939. Representative: William J. Jones (same address as applicant) (703) 949–3200. Transporting *general commodities* (except classes A and B explosives), between points in AL, GA, MD, NC, SC, TN, VA, and DC.

MC 67450 (Sub-114), filed April 20, 1981. Applicant: PETERLIN CARTAGE CO., a corporation, 9851 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603 (312) 263–2306. Transporting *machinery, furniture and fixtures*, and *textile mill products*, between points in AL, GA, MS, and TN, on the one hand, and, on the other, points in IL, IN, MI, MN, OH, and WI.

MC 81831 (Sub-5), filed April 17, 1981. Applicant: TACY'S EXPRESS, INC., P.O. Drawer 191, 550 South Street, Rensselaer, NY 12144. Representative: Martin Werner, 888 Seventh Ave., New York, NY 10106 (212) 697–6969. Transporting *general commodities* (except classes A and B explosives), between Albany, NY, on the one hand, and, on the other, points in Warren and Washington Counties, NY.

MC 82841 (Sub-312), filed April 17, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: William E. Christensen (same address as applicant) (402) 339–3003. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., restricted to traffic having a prior or subsequent movement by water.

MC 103051 (Sub-489), filed April 17, 1981. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, P.O. Box 90408, Nashville, TN 37209. Representative: Russell E. Stone (same address as applicant) (615) 385–0500. Transporting *waste or scrap materials*, between points in the U.S.

MC 111310 (Sub-65), filed April 20, 1981. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman, Madison, WI 53703 (608) 256–7444. Transporting *food and related products*, between the facilities of Swift & Company in those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 115130 (Sub-6), filed April 21, 1981. Applicant: PAULSON TRUCK LINE, INC., 2008 N. E. Airport Rd., Roseburg, OR 97470. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224–4840. Transporting (1) *machinery*, and (2) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in CA and OR.

MC 115831 (Sub-19), filed April 16, 1981. Applicant: TIDEWATER TRANSIT CO., INC., P.O. Box 189, Kinston, NC 28501. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602 (919) 828–0731. Transporting *chemicals and related products*, between points in NC and SC.

MC 116371 (Sub-25), filed April 17, 1981. Applicant: LIQUID CARGO LINES, LIMITED, P.O. Box 269, Clarkson, Ontario, Canada L5J 2Y4. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226 (313) 962–6492. Transporting *food and related products*, between points in NC and SC, on the one hand, and, on the other, points on the international boundary line between the U.S. and Canada in NY.

MC 119600 (Sub-2), filed April 21, 1981. Applicant: HUTTON TRUCKING COMPANY, 192 Gilchrist Rd., Mogadore, OH 44260. Representative: James W. Conner, 431 Keith Ave., Akron, OH 44313 (216) 864–3561. Transporting (1) *rubber and plastic products*, and (2) *metal products*, between points in Franklin and Union Counties, OH, on the one hand, and, on the other, points in the U.S.

MC 119631 (Sub-43), filed April 15, 1981. Applicant: DEIOMA TRUCKING COMPANY, a corporation, P.O. Box 335, East Sparta, OH 44626. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., N.W., Washington, DC 20004 (202) 628–4600. Transporting *general commodities* (except classes A and B explosives) between points in Stark County, OH, on the one hand, and, on the other, points in the U.S.

MC 119741 (Sub-298), filed April 17, 1981. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant) (515) 576–6831. Transporting *such commodities* as are dealt in by manufacturers and distributors of optical and vision care products, between points in the U.S.

MC 119741 (Sub-299), filed April 20, 1981. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant), (515) 576–6831. Transporting *such commodities* as are dealt in by manufacturers of mechanic hand tools and equipment, between points in the U.S.

MC 120331 (Sub-3), filed April 10, 1981. Applicant: WOODWARD TRUCKING COMPANY, INC., 1273 Sheffield St., Houston, TX 77015. Representative: Joe G. Fender, 9801 Katy Freeway, Suite 320, Houston, TX 77024, (713) 827–1407. Transporting (1)(a) *mercer commodities*, (b) *metal products*, and (c) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in TX, and (2)(a) *mercer commodities* and (b) *metal products*, between points in TX, on the one hand, and, on the other, points in AR, LA, OK, and NM.

MC 125951 (Sub-73), filed April 20, 1981. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 3025 South 72nd St., Omaha, NE 68124. Representative: Robert M. Cimino (same address as applicant), (402) 393–5005. Transporting *food and related products*, between points in Denver County, CO, on the one hand, and, on the other, points in AR, CA, IL, KY, MI, NY, OH, and PA.

MC 128290 (Sub-17), filed April 20, 1981. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339, (404) 434–3381. Transporting *food and related products* and *containers*, between points in NJ, PA, MD, DE, VA, WV, NC, SC, GA, OH, MS, LA, TX, and TN.

MC 129301 (Sub-21), filed April 20, 1981. Applicant: ENGLISH AND SONS CORPORATION, 412 Kingshighway, Thorofare, NJ 08086. Representative: James H. Sweeney, 466 Kentucky Ave., Williamstown, NJ 08094, (609) 629–2354. Transporting *appliances*, between points in the U.S., under continuing contract(s) with General Electric Company of Columbia, MD.

MC 133460 (Sub-17), filed April 20, 1981. Applicant: LEE'S TRUCKING, INC., Route 2, Box 463, North Branch, MN 55056. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Tuffy's, a Division of Star-Kist Foods, Inc., of Perham, MN.

MC 133570 (Sub-10), filed April 20, 1981. Applicant: A OF I, INC., P.O. Box 27, Hamilton, IN 46742. Representative: James P. Kirkbope, P.O. Box 15286, Fort Wayne, IN 46885 (219) 745–1212. Transporting *machinery*, beteen points in the U.S., under continuing contract(s) with Rexnord, Inc., Nordberg Machinery Group, of Milwaukee, WI.

MC 135070 (Sub-186F), filed April 20, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501 (402) 474–6763. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Celanese Chemical Company, Inc. of Dallas, TX.

MC 135861 (Sub-94), filed April 16, 1981. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103 (817) 332–4716. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with M&M/MARS Division of Mars, Inc., of Hackettstown, NJ.

MC 135861 (Sub-95), filed April 16, 1981. Applicant: LISA MOTOR LINES, INC., P.O. Box 2550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103 (817) 332–4716. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Pabst Brewing Company, of Milwaukee, WI.

MC 138000 (Sub-87), filed April 17, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740 (301) 797–6060. Transporting *pulp, paper, and related products*, between points in Jefferson County, WV, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, OK, and TX.

MC 138861 (Sub-27), filed April 21, 1981. Applicant: C-LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036 (202) 296–2900. Transporting

general commodities (except classes A and B explosives), between points in FL.

MC 142011 (Sub-2), filed April 17, 1981. Applicant: LEISURE TIME TOURS, INC., P.O. Box 587, Mahwah, NJ 07430. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at New York, NY and extending to points in the U.S.

MC 142161 (Sub-24), filed April 20, 1981. Applicant: LIBERTY CONTRACT CARRIER, INC., 214 Heritage Ave., Nashville, TN 37202. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219 (615) 244–8100. Transporting *metal products* between points in the U.S., under continuing contract(s) with American Magotteaux Corporation, of Pulaski, TN.

MC 143511 (Sub-7), filed April 10, 1981. Applicant: HARDINGER TRANSFER CO., INC., 1314 West Eighteenth St., P.O. Box 521, Erie, PA 16512. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005 (202) 347–3987. Transporting *general commodities* (except classes A and B explosives) between points in Erie County, PA, on the one hand, and, on the other, those points in and west of MT, WY, CO, and NM.

MC 143521 (Sub-2), filed April 14, 1981. Applicant: TWEHOUS EXCAVATING COMPANY, INC., Route 3, Jefferson City, MO 65101. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102 (314) 635–7166. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, (1) between points in FL, GA, IL, IN, IA, KY, MI, MO, NM, and OH, and (2) between points in FL, GA, IL, IN, IA, KY, MI, MO, NM, and OH, on the one hand, and, on the other, points in the U.S.

MC 146071 (Sub-34), filed April 17, 1981. Applicant: DEETZ TRUCKING INC., P.O. Box 2, Strum, WI 54770. Representative: Jack B. Wolfe, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203 (303) 839–5856. Transporting *building materials*, between points in Middlesex County, NJ and Utah County, UT, on the one hand, and, on the other, points in the U.S.

MC 149121 (Sub-3), filed April 20, 1981. Applicant: GROAT BROTHERS, d.b.a. WOODWASTE CO. & COLUMBIA WOODWASTE CO., Box 111, Ridgefield, WA 98642. Representative: Lloyd L. Groat (same address as applicant) (206) 887–4600. Transporting *lumber and wood products*, between points in Clark and Cowlitz Counties, WA, on the one hand, and, on the other, points in Clackamas, Columbia, and Multnomah Counties, OR.

MC 149360 (Sub-4), filed April 13, 1981. Applicant: L. B. TRANSPORT SERVICES, INC., 19114 Pioneer Blvd., Cerritos, CA 90701. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212 (213) 277–2323. Transporting *general commodities* (except classes A and B explosivies), between points in the U.S., under continuing contract(s) with Pro-Line Corporation of Dallas, TX.

MC 150300 (Sub-2), filed April 20, 1981. Applicant: MILLER TRANSPORTS, INC., P.O. Box 161, Pryor, OK 74361. Representative: Larry D. Henry, 1600 First National Bank Bldg., Tulsa, OK 74103 (918) 587–0021. Transporting *chemicals and related products*, between points in Mississippi County, AR, on the one hand, and, on the other, points in MO, TN, and KY.

MC 150341 (Sub-2), filed April 17, 1981. Applicant: HOOVESTOL, INC., 3110 Mike Collins Drive, St. Paul, MN 55121. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502, (701) 328–0242. Transporting *general commodities* (except classes A and B explos(ves), between points in the U.S., under continuing contract(s) with (1) Malt-O-Meal of Northfield, MN, (2) James Refrigeration Company, of Edina, MN, (3) Plastronic Packaging Corporation, of St. Louis Park, MN, and (4) Sanford Products Corp. of St. Paul Park, MN.

MC 150820 (Sub-2), filed April 20, 1981. Applicant: LEXINGTON TRANSFER, INC., 1036 McKay Dr., N.E., Anoka, MN 55303.Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424 (612) 927–8855.Transporting *machinery*, between points in Hennepin County, MN, on the one hand, and, on the other, points in the U.S.

MC 152230 (Sub-3), filed April 20, 1981. Applicant: THEODORE F. MILLER, d.b.a. T & L MILLER, 36 West Eight St., Bloomsburg, PA 17815. Representative: David C. Venable, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001, (202) 628–9243. Transporting *food and related products*, between points in Montgomery and Northumberland Counties, PA, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of certificate No. MC-152230 Sub 2F.

MC 152310F, filed April 17, 1981. Applicant: M & M EQUIPMENT CO., INC., 24400 East Alameda Ave., Aurora, CO 80011. Representative: Mark A. Davidson, 1600 Sherman St., #665, Denver, CO 80203 (303) 839–5856. Transporting *food and related products*, (1) between Denver, CO, on the one hand, and, on the other, points in KS, IA, TX, MS, AL, GA, TN, IL, OH, LA, FL, PA, MD, NJ, NY, CT, MA, and RI, and (2) between points in Dawson County, NE, on the one hand, and, on the other, points in KS, IA, TX, MS, AL, GA, TN, IL, OH, LA, FL, CO, PA, MD, NJ, NY, CT, MA, and RI.

MC 153611 (Sub-5), filed April 17, 1981. Applicant: TRANSPORTATION SYSTEM OF AMERICA, INC., 3905 River Rd., Pennsauken, NJ 08110. Representative: Richard M. Parnicky, 71 West Park Ave., Vineland, NJ 08360, (609) 691–7000. Transporting (1) *elliptic and semi-elliptic tractor springs*, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of automotive repair parts, between Philadelphia, PA, and Baltimore, MD, on the one hand, and, on the other, points in the U.S.

MC 154441, filed April 17, 1981. Applicant: SEA–MAR SERVICES, INC., P.O. Box 17829, 2111 N. Pace Blvd., Pensacola, FL 32522. Representative: F. Lee Champion, III, P.O. Box 2525, Columbus, GA 31902 (404) 324–4477. Transporting *containers and trailers*, having a prior or subsequent movement by water, between the ports of Gulfport, MS, Houston, TX, Mobile, AL, Jacksonville, Panama City, and Pensacola, FL, Savannah, GA, and New Orleans, LA, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MO, MS, NC, SC, TN, and TX.

MC 154750 (Sub-1), filed April 10, 1981. Applicant: D & H TRUCKING, INC., P.O. Box 82, Holbrook, NE 68948. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501 (402) 476–1144.. Transporting *lumber and wood products*, between points in Phelps County, MO, on the one hand, and, on the other, points in the U.S.

MC 155351, filed April 16, 1981. Applicant: QUALITY TRANSPORTATION, INC., 643 Whitehead Rd., P.O. Box 5261, Trenton, NJ 08638. Representative: Harvey W. Trimmer, Sr., 740 Estates Blvd. Apt. 193, Trenton, NJ 08619 (609) 587–0399. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Carter-Wallace, Inc., of Cranbury, NJ, and

Durabond Products, subsidiary of United States Gypsum, of Trenton, NJ.

MC 155360, filed April 16, 1981. Applicant: SOUTH TEXAS LIQUID TERMINAL, 604 Carolina St., P.O. Box 666, San Antonio, TX 78293. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768 (512) 476-6391. Transporting *food and related products*, between points in Bexar County, TX, on the one hand, and, on the other, points in NM.

MC 155361, filed April 16, 1981. Applicant: CGS & SON TRANSIT, INC., 312 Roslyn Street, Rochester, NY 14619. Representative: James F. Ryan, 500 Terminal Bldg., Rochester, NY 14614 (716) 325-7440. Transporting *passengers and their baggage*, in charter operations, beginning and ending in Monroe County, NY, and extending to points in the U.S.

MC 155380, filed April 17, 1981. Applicant: DIAMOND TRUCKING, INC., Rt., 2, Box 152, Rexburg, ID 83440. Representative: Timothy R. Stivers P. O. Box 1576, Boise, ID 83701 (208) 343-3071. Transporting *chemicals and related products*, between points in MT, on the one hand, and, on the other, points in ID, OR, UT, WA, and WY.

MC 155381, filed April 17, 1981. Applicant: ECOLOGY CHEMICAL & REFINING CO., a corporation, Brush Creek Rd. & Penn St., Manor, PA 15665. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219 (412) 281-9494. Transporting (1) *waste or scrap materials not identified by industrial producing, and (2) hazardous materials*, between those points in the U.S. in and east of MT, WY, CO, and NM. Condition: The certificate to be issued here, to the extent it authorizes the transportation of hazardous materials, shall be limited in point of time to a period expiring 5 years from the date of issuance.

MC 155390, filed April 20, 1981. Applicant: T. J.TRUCKING, INC., 13135 W. 16th St., Long Beach, CA 90813. Representative: Theodore J. Szweb (same address as applicant) (213) 435-8681. Transporting *general commodities* (except classes A and B explosives) between points in AZ, CA, NV, OR, and WA.

MC 155391, filed April 20, 1981. Applicant: WILLARD GULICK, d.b.a. BILL GULICK TRUCKING, 10380 S.W. Homestead Lane, Beaverton, OR 97005. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205 (503) 224-4840. Transporting *food and related products*, between points in OR, WA, and CA.

MC 155410, filed April 20, 1981. Applicant: VERSHON TRUCKING CORP., 274 West St., Ludlow, MA 01056. Representative: David M. Marshall, 101 State St., Suite 304, Springfield MA 01103 (413) 732-1136. Transporting *such commodities* as are dealt in by a distributor of petroleum, petroleum products, and alcohol, between points in the U.S., under continuing contract(s) with F. L. Roberts & Co., Inc., of Springfield, MA.

MC 155421, filed April 20, 1981. Applicant: CORNELIUS TRANSFER OF LA JUNTA, INC., 6th and Kentlworth Ave., La Junta, CO 81050. Representative: Ronald G. Cornelius (same address as applicant) (303) 384-5401. Transporting *farm products, food and related products, pulp, paper and related products, rubber and plastic products, and clay, concrete, glass or stone products*, between points in IL, WI, and those points in the U.S. on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 155430, filed April 20, 1981. Applicant: PAL TRUCKING, INC., 191 Remsen Ave. Avenel, NJ 07001. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006 (201) 575-7700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Koenig Plastics Co., of Trenton, NJ.

Volume No. OPY2-058.

Decided: April 24, 1981.

By The Commission, Review Board No. 1, Members, Parker, Chandler, and Taylor.

MC 13253 (Sub-5), filed April 7, 1981. Applicant: STEUBENVILLE TRANSFER CO., Two Ridge Rd., P.O. Box 2249, Wintersville, OH 43952. Representative Earl N. Merwin 85 East Gay St., Columbus, OH 43215, 614-224-3161. Transporting (1) *machinery and transformers, (2) construction and mining equipment*, (3) *self-propelled earth moving vehicles*, and (4) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in OH, on the one hand, and, on the other, points in IL, IN, PA, and WV.

MC 66123 (Sub-8), filed April 8, 1981. Applicant: MARIE R. CAVALLERI d.b.a. M & J TRUCKING COMPANY, 20 Atlantic St., Bridgeport, CT 06604. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, 413-781-8205. Transporting (1) *Metal products*, and (2) *waste or scrap materials, not identified by industry producing*, between points in CT, DE, IL, IN, MD, MA, ME, MI, NH, NJ, NY, OH, PA, RI, VA, and VT.

MC 77972 (Sub-44), filed April 14, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: James R. Holt, P.O. Box 523, Collierville, TN 38017, 901-853-7208. Transporting (1) *metal products*, and (2) *machinery*, between points in Cook County, IL, on the one hand, and, on the other, points in Montgomery and Morgan Counties, AL, and Monroe County, MS.

Note.—Applicant intends to tack this authority with its existing regular-route authority in MC-77972 and subs thereto.

MC 103993 (Sub-1076), filed April 15, 1981. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda and Kenneth M. Hays (same address as applicant) 219-293-1431. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 106603 (Sub-220), filed April 16, 1981. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St., SW, P.O. Box 8099, Grand Rapids, MI 49508. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, 313-349-3960. Transporting *lumber and wood products*, between the ports of entry between the U.S. and Canada, on the one hand, and, on the other, points in MI, IN, IL, OH, KY, TN, NC, WV, VA, MD, and PA.

MC 107012 (Sub-694), filed April 13, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219-429-2110. Transporting *machinery*, between the facilities of RCA Corporation at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-697), filed April 13, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219-429-2110. Transporting *such commodities* as are dealt in or used by manufacturers of shoes, between points in the U.S., on the one hand, and, on the other, points in Los Angeles County, CA.

MC 107012 (Sub-699), filed April 17, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop

(same address as applicant) 219–429–2110. Transporting *such commodities* as are used in the manufacture, maintenance, or distribution of appliances, between points in the U.S., on the one hand, and, on the other, points in Davidson, Marshall, and Rutherford Counties, TN.

MC 107012 (Sub-700), filed April 17, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *furniture and fixtures*, between points in Hernando County, FL, on the one hand, and, on the other, points in Franklin County, NC.

MC 107912 (Sub-41), filed April 13, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Road, Memphis, TN 38118. Representative: Tommie J. Perkins, Sr. (same address as applicant), 901–795–4100. Transporting *such commodities* as are dealt in by retail and wholesale food distributors, between Memphis, TN, on the one hand, and, on the other, points in AL, LA, and MS.

MC 111432 (Sub-15), filed April 14, 1981. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Place, Alsip, IL 60658. Representative: Douglas G. Brown, P.C., 913 South Sixth Street, Springfield, IL 62703, 217–753–3925. Transporting *petroleum, natural gas and their products*, and *chemicals and related products*, between points in the U.S., under continuing contract(s) with Ashland Oil, Inc., of Moline, IL, and its subsidiaries, divisions, and vendors. Condition: To the extent any permit issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 124212 (Sub-111), filed April 9, 1981. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566–5639. Transporting (1) *clay, concrete, glass, or stone products*, and *such commodities* as are used in their manufacture or production, and (2) *coal, coal products and coal byproducts*, between points in the U.S.

MC 124692 (Sub-365), filed April 13, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317–846–6655. Transporting *lumber and wood products*, between points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, PA, SD, TX, UT, WA, WV, WI, and WY.

MC 129712 (Sub-45), filed April 16, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 508, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326, 404–237–6472. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of smokehouses, furnaces, and pollution control systems, between the facilities of Gladd Industries, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 135782 (Sub-19), filed April 17, 1981. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, 6004 Highway 271 South, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902, 501–782–1001. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Willard Mirrors, Inc., of Ft. Smith, AR, and (b) Speltz Plywood Corp., of Memphis, TN.

MC 138493 (Sub-12), filed April 17, 1981. Applicant: JAKUM TRUCKING, INC., Rural Route 2, Miley Rd., Sheboygan Falls, WI 53085. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703 (608) 256–7444. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plastic and metal products, filters, filter cartridges, filter housings, meter valves, and control boxes, between points in Sheboygan County, WI, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 139932 (Sub-2F), filed April 16, 1981. Applicant: A & M CARTAGE, INC., 6515 South Austin Blvd., Chicago, IL 60638. Representative: Paul J. Maton, Ten South LaSalle St., Suite 1620, Chicago, IL 60603 (312) 332–0905. Transporting *furniture and fixtures and appliances*, between Chicago, IL, on the one hand, and, on the other, points in Cook, Lake, DuPage, Will, Kane, McHenry, Boone, Winnebago, De Kalb, and Kendall Counties, IL; Kenosha, Racine, Milwaukee, Ozaukee, Washington, Waukesha, Walworth, Rock, Jefferson, Dodge, Columbia, Dane, and Green Counties, WI; Lake Porter, LaPorte, and St. Joseph Counties, IN.

MC 141652 (Sub-44F), filed April 15, 1981. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 29306. Representative: Mark S. Gray, P.O. Box 672, Atlanta, GA 30301. Transporting *motor vehicle parts*, between the facilities used by the Bendix Automotive Aftermarket Division of the Fram Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 141652 (Sub-45), filed April 16, 1981. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 39206. Representative: K. Edward Wolcott, Suite 1200 Gas Light Tower, 235 Peachtree St., NE, Atlanta, GA 30303, 404–522–2322. Transporting *such commodities* as are dealt in or used by manufacturers of glass fiber and plastic products, between the facilities of Owens-Corning Fiberglas Corporation, at Aiken and Anderson, SC, and Jackson, TN, on the one hand, and, on the other, points in the U.S.

MC 142672 (Sub-168), filed April 3, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, 501–521–6121. Transporting *food and related products*, between the facilities of Tootsie Roll Industries, Inc., at points in the U.S., on the one hand, and, on the other, points in AR, CA, MI, MO, OH, OR, and TX.

MC 142672 (Sub-169), filed April 13, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701, 501–521–6121. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of lawn and patio furniture, between points in Washington County, NY, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, GA, IA, ID, IL, IN, KS, KY, MA, MI, MN, MO, MS, NC, NM, NV, OH, OK, OR, SC, TN, TX, UT, WA, WI, and WV.

MC 142873 (Sub-14), filed April 16, 1981. Applicant: D & W TRUCK LINES, INC., 200 First St., Parsons, WV 26287. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001 (202) 628–9243. Transporting *food and related products*, between points in Morgan County, IL, on the one hand, and, on the other, points in the U.S.

MC 142873 (Sub-15), filed April 16, 1981. Applicant: D & W TRUCK LINES, INC., 200 First St., Parsons, WV 26287. Representative: E. Stephen Heisley, 666 Eleventh St., NW #805, Washington, DC 20001 (202) 628–9243. Transporting *rubber and plastic products, chemicals and related products, metal products, textile mill products, and petroleum, natural gas, and their products*, between

points in Rockdale County, GA, on the one hand, and, on the other, points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 144283 (Sub-1), filed April 6, 1981. Applicant: BASEL-KIENE, INC., 833 1st Ave. South, Kent, WA 98031. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. 206–624–7373. Transporting *food and related products*, between points in WA, on the one hand, and, on the other, points in CA.

MC 145032 (Sub-2), filed April 14, 1981. Applicant: NATIONAL TRANSPORTATION SERVICES, INC., P.O. Box 3291, Lubbock, TX 79410. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001 (202) 628–9243. Transporting *transportation equipment*, between points in Mecklenburg County, VA and Bibb County, GA, on the one hand, and, on the other, points in the U.S.

MC 145742 (Sub-7), filed April 13, 1981. Applicant: BOLES TRUCKING, INC., Rural Route No. 1, Ina, IL 62846. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, 217–544–5466. Transporting (1) *metal products*, between points in the U.S., under continuing contract(s) with Valley Industries, Inc., of Centralia, IL, and (2) *mercer commodities*, between points in the U.S., under continuing contract(s) with Intercontinental Pipe & Steel, Inc., of Dallas, TX.

MC 145743 (Sub-24), filed April 16, 1981. Applicant: T.F.S., INC., Rural Route 2, Box 128, Grand Island, NE 68801. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Avenue, Sioux Falls, SD 57101 (605) 335–1777. Transporting *food and related products*, between points in Cache County, UT, on the one hand, and, on the other, points in the U.S.

MC 146553 (Sub-20), filed April 9, 1981. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Rd., Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309, 515–245–4300. Transporting (1) *machinery*, and (2) *metal products*, between Cleveland, OH, and points in Rock Island County, IL, on the one hand, and, on the other, points in the U.S.

MC 146602 (Sub-6F), filed April 13, 1981. Applicant: BAKKEN TRUCK LINES, 1301 Third Ave., South, Northwood, IA 50459. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. (612) 542–1121. Transporting *food and related products*, between Berrien and Van Buren Counties, MI, Adams County, PA, Shenandoah County, VA, and Berkely County, WV, on the one hand, and, on the other, points in CO, KS, MN, NE, ND, OK, SD, TX, and WI.

MC 147012 (Sub-3), filed April 10, 1981. Applicant: T.B.T., INC., P.O Box 8472, 1834 Field Ave., Stockton, CA 95208. Representative: Mark J. Hannon, 1884 West Willow St., Stockton, CA 95203 209–948–2392. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Inland Container Corporation, of Indianapolis, IN.

MC 148183 (Sub-39), filed April 17, 1981. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004 (202) 737–2188. Transporting *food and related products*, between points in Hall County, GA, on the one hand, and, on the other, points in the U.S.

MC 149472 (Sub-4), filed April 15, 1981. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Road, Lincoln Park, NJ 07035. Representative: Alan Kahn, Esquire, 1430 Land Title Building, Philadelphia, PA 19110 (215) 561–1030. Transporting *chemicals and related products*, between points in Middlesex County, NJ, on the one hand, and, on the other, points in FL, GA, NC, and SC.

MC 150943 (Sub-3), filed April 13, 1981. Applicant: F. H. SMITH TRANSPORT, INC., Route A, Box 63, Yellville, AR 72687. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201 501–375–9151. Transporting *charcoal and charcoal briquettes*, between points in Baxter and Izard Counties, AR, on the one hand, and, on the other, points in the U.S.

MC 151063 (Sub-2), filed April 15, 1981. Applicant: JACKSONVILLE EXPRESS, INC., 5912 New Kings Road, Jacksonville, FL 32209. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, 904–632–2300. Transporting *general commodities* (except classes A and B explosives), between the facilities of C & C Bulk Liquid Transfer, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152523 (Sub-2F), filed April 10, 1981. Applicant: ARLO G. LOTT TRUCKING, P.O. Box 174, Arco, ID 83213. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 345–3071. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Chandler Corporation, of Boise, ID.

MC 152843 (Sub-1F), filed April 10, 1981. Applicant: GREEN ARROW, INC., Rt. 7, Box 668, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Union Seed Company, of Nampa, ID.

MC 152903 (Sub-3), filed April 7, 1981. Applicant: P & H TRUCKING, INC., 3600 W. 127th St., Alsip, IL 60406. Representative: Wulf Petersen, 43W225 Blue Larkspur, Elburn, IL 60119, 312–365–9535. Transporting *metal products*, between points in Cook County, IL, on the one hand, and, on the other, points in Milwaukee, WI, St. Joseph, MI, South Bend, IN, Des Moines, IA, and Warrensburg, MO.

MC 153072, filed April 10, 1981. Applicant: KARL T. BROWNING, R.R. No. 1, Palestine, IL 62451. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, 217–544–5466. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Jakel Motors, Inc., of Highland, IL, and Jakel Motors of Palestine, Inc., of Palestine, IL.

MC 153723 (Sub-2), filed April 10, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Springdale, AR 72701. Transporting *metal products*, between the facilities of Rea Magnet Wire Company, Division of Alcoa, at points in the U.S., on the one hand, and on the other, points in the U.S.

MC 154572 (Sub-1), filed April 7, 1981. Applicant: BAKER TRUCK LEASING & SALES, INC., P.O. Box 3126, Highway 301 South, Wilson, NC 27893. Representative: Peter A. Greene, 1920 N St., NW, Suite 700, Washington, DC 20036 (202) 631–6300. Transporting *metal products*, between points in Union County, NJ and Philadelphia County, PA, on the one hand, and, on the other, points in Wake County, NC.

MC 154783 (Sub-1F), filed April 15, 1981. Applicant: BREWER & SONS TRUCKING, INC., 9479 Foote Rd., Versailles, OH 45380. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215 (614) 228–6575. Transporting *containers, rubber and plastic products and chemicals* and related products, between points in Miami and Wayne Counties, OH, on the one hand, and, on the other, points in IN, MI, KY, WV, PA and OH.

MC 154872, filed April 13, 1981. Applicant: SOLAR TRANSPORT, INC., 420 Central Ave. West, Hampton, IA 50441. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515) 282–3525. Transporting (1) *chemicals and related products*, between points in Franklin and Cedar Counties, IA, on the one hand, and, on the other, points in MN, and (2) *petroleum, natural gas and their products*, between Cerro Gordo County, IA, on the one hand, and, on the other, points in Madison County, IL, St. Louis County, MO, and points in MN. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 155223, filed April 15, 1981. Applicant: HIGHWAY EXPRESS, INC., 5742 West Maryland, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Memorex Corporation of Tucson, AZ.

MC 155253F, filed April 9, 1981. Applicant: CASCADE INTERMODAL, INC., 6361 1st Ave. South, Seattle, WA 98108. Representative: Ted R. Sharp (same address as applicant) (206) 762–6559. Transporting *general commodities*, (except classes A and B explosives), between points in ID, MT, OR, UT, and WA.

MC 155283F, filed April 13, 1981. Applicant: L & L ENTERPRISES, INC., 1716 Parkway (POB 5682), North Little Rock, AR 72119. Representative: William H. Lister (same address as applicant) (501) 755–1056. Transporting *general commodities* (except classes A and B explosives) between Mintz, NC, Primrose and Luthersville, GA, Cardwell, Arbyrd & Homersville, MO, McHenery, ND, Narcisso, Russellville, and Roaring Springs, TX, Raymond, Oakley, Adams, and Myles, MS, Winfield, Riverdale and Belle Plaines, KS, Snyder and Hamburg, AR, on the one hand, and, on the other, points in the U.S.

MC 155323F, filed April 14, 1981. Applicant: BARBREE L. MILLER, d.b.a. TRIPS FOR THE YOUNG AT HEART, 2835 Midland Street, Pittsburgh, PA 15226. Representative: (same address as applicant). As a *Broker*, at Pittsburgh, PA, in arranging for the transportation by motor vehicle, of *passengers*, in round trips special and charter operations, beginning and ending at points in Allegheny, Washington and Crawford Counties, PA, and extending to points in the U.S.

MC 155333, filed April 15, 1981. Applicant: D & B REPAIR, INC., 5350 South 1900 West, Roy, UT 84067. Representative: John W. Sims (same address as applicant) 801–825–0419. Transporting *wrecked, disabled, stolen, repossessed, and abandoned vehicles and equipment including wrecked or disabled trailers, house trailers, parts and cargoes, and replacement vehicles*, between points in UT, ID, WY, NV, CO, CA, WA, MT, OR, AZ, and NM.

MC 155353, filed April 16, 1981. Applicant: DEAN'S TRUCKING, INC., 5401 Oakes Ave., Superior WI 54880. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting (1) *lime, limestone, and related products and petroleum or coal products*, between points in Douglas County, WI, on the one hand, and, on the other, points in Minnesota, and (2) *coal* between points in St. Louis and Ramsey Counties, MN on the one hand, and, on the other, points in WI on and north of U.S. Hwy 10.

MC 155363, filed April 16, 1981. Applicant: BAKER PLUMBING & HEATING, INC., d.b.a. R&P TRUCKING, 1505 Fruitvale Blvd., Yakima, WA 98902. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101, 206–624–7373. Transporting *food and related products*, between points in WA, OR, and CA.

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DECIDED: April 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams. (Williams not participating.)

MC 40757 (Sub-22), filed April 23, 1981. Applicant: CREECH BROTHERS TRUCK LINES, INC., 100 Industrial Drive, Troy, MO 63379. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221–1464. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Kansas City Refinery, Inc., Pow'r Oil & Chemical, Inc., Synergy Oil Industries, Inc. and Pioneer Petro-Chem, Co., all of Kansas City, KS.

MC 42487 (Sub-1038), filed April 23, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OR DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *such commodities as are dealt in by grocery and food business houses*, between points in the U.S., under continuing contract(s) with General Food Corporation, of White Plains, NY.

MC 42487 (Sub-1039), filed April 23, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *general commodities* (except classes A and B explosives), serving points in Trempealeau and Vernon Counties, WI, as off-route points in connection with carrier's otherwise authorized regular route operations.

Note.—Applicant intends to tack with its existing authority and any authority it may acquire in the future.

MC 108247 (Sub-9), filed April 21, 1981. Applicant: WESTCHESTER MOTOR LINES, INC., 35 Edgemere Rd., New Haven, CT 06512. Representative: Ronald G. Esposito (same address as applicant) (203) 468–0500. Transporting *general commodities* (except classes A and B explosives), (1) between points in Fairfield, New Haven, and Hartford Counties, CT, on the one hand, and, on the other, points in CT, and (2) between points in CT, on the one hand, and, on the other, points in MA and RI.

Note.—Applicant intends to tack the authority herein with its presently authorized operations.

MC 144667 (Sub-23), filed April 23, 1981. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Van Waters & Rogers, Division of Univar, of Denver, CO.

MC 148647 (Sub-26), filed April 23, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 W. 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601 (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Minden Beef Co., Minden, NE.

MC 151227 (Sub-1), filed April 22, 1981. Applicant: LARRY ROGERS, d.b.a. ROGERS TRANSPORT, 4794 Pine Gate Rd., Orange Park, FL 32703. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE, 68114 (402) 397–0900. Transporting *inedible meat*, between points in the U.S., under continuing contract(s) with MCA Distributors, Inc., of Cranston, RI.

MC 152187 (Sub-2), filed April 23, 1981. Applicant: GORDON TRUCKING,

INC., 2205 Pacific Hwy E, Tacoma, WA 98424. Representative: Kenneth R. Mitchell (same address as applicant), (206) 922–0110. Transporting *food and related products*, between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 153617, filed April 23, 1981. Applicant: KILBERN TRUCKING & LEASING CO., CORP., 5 Rosewood Rd., Edison, NJ 08817. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *hospital and medical equipment*, between points in the U.S., under continuing contract(s) with Beckman Instruments, Inc., of Somerset, NJ.

MC 155477, filed April 22, 1981. Applicant: GROUP TRAVEL ASSOCIATES, INC., 1409 N. Cedar Crest Blvd., Allentown, PA 18104. Representative: Leslie A. Lerner (same address as applicant) (215) 439–4901. To engage in operations, in interstate or foreign commerce, as a broker, at Allentown, PA, to arrange for the transportation of *passengers and their baggage*, beginning and ending at points in Lehigh, Northampton, and Bucks Counties, PA, and extending to points in the U.S.

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Decided: April 28, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce and Dowell.

MC 30508 (Sub-13), filed April 14, 1981. Applicant: DEARBORN'S MOTOR EXPRESS, INC., 140 Epping Road, Exeter, NH 03833. Representative: Robert L. Cope, 1730 M Street NW., Suite 501, Washington, DC 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Tri-State Shippers Association, Inc., of Exeter, NH.

MC 56679 (Sub-178), filed April 16, 1981. Applicant: BROWN TRANSPORT CORP., 352 University Avenue SW., Atlanta, GA 30310. Representative: Leonard S. Cassell (same address as applicant) (404) 752–5151, Ext. 530. Transporting *food and related products*, between points in Morgan County, AL, on the one hand, and, on the other, points in LA and TX.

MC 139858 (Sub-33), filed April 14, 1981. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006, 202–337–6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Leahner Corporation, of Hamilton, OH.

MC 139858 (Sub-34), filed April 14, 1981. Applicant: AMSTAN TRUCKING, INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006, 202–337–6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Eastern Shippers Association, of Kearny, NJ.

MC 140869 (Sub-18), filed April 10, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: David M. O'Boyle, 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471–1800. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Aluminum Smelting & Refining Co., Inc., of Maple Heights, OH.

MC 141958 (Sub-23), filed April 10, 1981. Applicant: FEDCO FREIGHTLINES, INC., P.O. Box 546, Effingham, IL 62401. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of household appliances and commercial appliances, between points in the U.S., under continuing contract(s) with Norge Division, Magic Chef, Inc., of Herrin, IL.

MC 142248 (Sub-2), filed April 14, 1981. Applicant: SPEEDY HEAVY HAULING, LTD., 2345 2nd Ave., "A", N., Leathbridge, AB CANADA T1J3Z1. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. Transporting *Mercer commodities*, in foreign commerce only between ports of entry on the international boundary line between the United States and Canada in WA, ID, MT, and ND, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 143739 (Sub-50), filed April 15, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Leonard K. Sackson (same address as applicant) (507) 465–3235. Transporting *food and related products*, between points in IA, MO, and NE, on the one hand, and, on the other, points in MN.

MC 147259 (Sub-13), filed April 9, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 18901 VanDam Rd., South Holland, IL 60473 (312) 596–9200. Transporting *food and related products*, between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 147378 (Sub-3), filed April 14, 1981. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, Suite 305 Reunion Center, 9 East Fourth St., Tulsa, OK 74103. 918–583–9000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Simpson Plastics, Inc., of Tulsa, OK.

MC 147759 (Sub-1), filed April 10, 1981. Applicant: CAPITAL CITIES COACH COMPANY, INC., 617 Mayo Rd., Edgewater, MD 21037. Representative: L. C. Major, Jr., Suite 400 Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312 (703) 750–1112. Transporting *passengers and their baggages*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Baltimore, MD, commercial zone and extending to points in the U.S.

MC 147919 (Sub-2), filed April 15, 1981. Applicant: SEA LANE EXPRESS, INC., 2 Longview Place, Great Neck, NY 11021. Representative: Eugene M. Malkin, Two World Trade Center, Suite 1832, New York, NY 10048, 212–466–0220. Transporting *general commodities* (except classes A and B explosives), between New York, NY, and Philadelphia, PA.

MC 148208 (Sub-10), filed April 13, 1981. Applicant: FUR BREEDERS AGRICULTURAL COOPERATIVE, P.O. Box 295, Midvale, UT 84047. Representative: Irene Warr, Ste. 280 Western Home Bank Bldg., 311 S. State St., Salt Lake City, UT 84111, 801–531–1300. Transporting *food and related products* (a) between points in WA, OR, CA, NV, ID, AZ, UT, WY, and CO, and (b) between points in WA, OR, CA, ID, NV, UT, AZ, WY, and CO, on the one hand, and, on the other, points in MN, WI, IA, IL, IN, OH, PA, NY, MO, and CT.

MC 148479 (Sub-21), filed April 13, 1981. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Kenneth E. Smith (same address as applicant.) 913–367–1480. Transporting *food and related products* under continuing contract(s) with International Multifoods Corporation, of Minneapolis, MN.

MC 150499, (Sub-4), filed April 10, 1981. Applicant: ENGELS TRUCK SERVICE, INC., RR 3 Box 58, Worthington, MN 56187. Representative: A. J. Swanson, P.O. Box 1103, 226 North

Phillips Ave., Sioux Falls, SD 57101 (605) 335–1777. Transporting *food and related products*, between points in King and Pierce Counties, WA, on the one hand, and, on the other, points in IA, MN, NE, SD, and WI.

MC 153358, (Sub-1), filed April 17, 1981. Applicant: RAY TRANSPORT, INC., d.b.a. SEA FREIGHT FORWARDERS, 914 Stedman St., Ketchikan, AK 99901. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321 Renton, WA 98055 (206) 235–1111. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Alltrans Arctic Container, Inc., of Seattle, WA.

MC 155309, filed April 14, 1981. Applicant: CURTIS R. ANDERSON d.b.a. CURTIS R. ANDERSON & SON TRUCKING, Star Route, Karlstad, MN 56732. Representative: Curtis R. Anderson (same address as applicant.) Transporting *general commodities* (except classes A and B expolsives), between points in Cass and Grand Forks Counties, ND, on the one, hand, and, on the other, points in Kittson, Marshall, Pennington, Polk, and Roseau Counties, MN.

MC 15329, filed April 15, 1981. Applicant: CLARK MOTOR EXPRESS, INC., 1341 Henrico Rd., Conley, GA 30027. Representative: H. Michael Clark (Same address as applicant.) 404–361–5575. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with FMS, Inc., of Washingotn , DC.

MC 155379, filed April 17, 1981. Applicant: RON BUNDY, d.b.a. BUNDY TRUCKING, 8701 Allentown Road, Oxon Hill, MD 20022. Representative: Michael D. Bromley, 805 Mclachlen Bank Bldg., 666 Eleventh St., NW, Washington, D.C. 20001 (202) 628–9243. Transporting *transportation equipment*, between points in AL, DE, FL, GA, MD, MS, NC, NJ, NY, PA, SC, VA, WV, and DC.

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Decided April 28, 1981.

By the Commission, Review Board No. 3 members Krock, Joyce and Dowell.

MC 74618 (Sub-15,) filed April 20, 1981. Applicant: WARREN TRANSFER AND STORAGE COMPANY, INC., 105 Madison Ave., Warren, PA 16365. Representative: Gregory B. Fraser, Bankers Trust Bldg., 4th Floor, Jamestown, NY 14701, 814–723–5880. Transporting *rubber and plastic products*, between the facilities used by Loranger Manufacturing Corp., and Loranger Plastics Corp., of Warren County, PA, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, MS, and LA.

MC 109449 (Sub-57), filed April 20, 1981. Applicant: KUJAK TRANSPORT, INCORPORATED, 6366 West 6th St., Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant), 507–452–1032. Transporting *food and related products*, between points in CT, IA, IN, KY, MA, MD, ME, MI, MN, ND, NE, NH, NJ, NY, OH, PA, RI, SD, TN, VA, VT, WI, WV and DC.

MC 117568 (Sub-25), filed April 20, 1981. Applicant: WADE TRUCK LINES, INC., Box 156, Verona, MO 65769. Representative: Larry E. Gregg, 641 Hamilton St., P.O. Box 1979, Topeka, KS 66601, 913–234–0565. Transporting *such commodities*, as are used by or dealt in by manufacturers and distributors of school and office supplies, between Greene County, MO, on the one hand, and, on the other, points in the U.S.

MC 118089 (Sub-46), filed April 21, 1981. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Avenue C, P.O. Box 2501, Lubbock, TX 79408. Representative: Charles M. Williams, 655 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, 303–839–5856. Transporting *food and related products*, between points in CA, OR, WA, ID, AZ, MN, WI, and UT, on the one hand, and, on the other, points in AZ, CA, NM, CO, TX, OK, KS, LA, AR, MS, AL, GA, FL, NC, and SC.

MC 124109 (Sub-21), filed April 20, 1981. Applicant: B. F. C. TRANSPORTATION, INC., P.O. Box 965, Cedar Rapids, IA 52406. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Transporting *general commodities*, between points in the U.S., under continuing contract(s) with Worley Warehousing, Inc., of Cedar Rapids, IA.

MC 140709 (Sub-18), filed April 20, 1981. Applicant: FANKHAUSER BROS., INC., 139 Hillside, El Dorado, KS 67042. Representative: Clyde N. Christy, KS Credit Union Bldg., 1010 tyler, Suite 110L, Topeka, KS 66612, 913–233–0629. Transporting *food and related products*, between points in Finney and Lyon Counties, KS, on the one hand, and, on the other, points in the U.S.

MC 143209 (Sub-16), filed April 20, 1981. Applicant: HOUSTON FREIGHTWAYS, INC., 10010 Clinton Drive, Galena Park, TX 77547. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Suite 230, Houston, TX 77024, 713–688–6110. Transporting *clay, concrete, glass or stone products*, between points in Eddy County, NM, on the one hand, and, on the other, points in the U.S.

MC 143739 (Sub-51), filed April 20, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Leonard K. Sackson, (same address as applicant) 507–465–3235.Transporting *general commodities* (except classes A and B explosives), between the facilities used by Ralston Purina Company and its subsidiaries in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146729 (Sub-12), filed April 20, 1981. Applicant: JAMES F. HELWIG AND ALLEN S. GRIMLAND, d.b.a. H & G LEASING, 2509 Inwood Rd., Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 45538, 214–358–3341.Transporting *food and related products* between points in Anderson County, TX, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, IL, IA, KS, KY, LA, MI, MN, MS, MO, NY, NM, NC, NE, OH, OK, PA, SC, TN, WI, UT, and VA.

MC 150999 (Sub-2), filed April 20, 1981. Applicant: GENE F. LACAEYSE, d.b.a. G. F. LACAEYSE TRANSPORT, R.R. #2, Box 110, Montezuma, IA 50171. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *such commodities* as are dealt in by food business houses between the facilities of Oscar Mayer & Company, Inc., and its subsidiaries in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154039, filed April 20, 1981. Applicant: R. A. BURNS, d.b.a. RED BIRD HOT SHOT SERVICE, P.O. Box 1339, Route 9, Gotfried St., Victoria, TX 77901. Representative: Robert J. Birnbaum, 3636 Executive Center Dr., Suite 151, Austin, TX 78731, 512–346–4800.Transporting *mercer commodities*, between points in Victoria and Calhoun Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 155369, filed April 20, 1981. Applicant: TROPIC TRANSPORT, INC., P.O. Box 286, Ipswich, MA 01938.Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, 617–535–5430. Transporting *food and related products*, between points in Essex County, NJ, New Castle County, DE, Charleston County, SC, Albany County, NY, and Baltimore, MD, on the one hand, and, on the other, points in MA.

MC 15540, filed April 21, 1981. Applicant: HORIZON TRAVEL OF KANSAS, INC., 125 South West St., Suite 109, Wichita, KS 67213. Representative: Paul V. Dugan, 2707

West Douglas, Wichita, KS 67213, 316–943–2325. To operate as a *broker* at Wichita, KS to arrange for the transportation of passengers and their baggage, beginning and ending at points in KS and extending to points in the U.S.

MC 155418, filed April 20, 1981. Applicant: GENE H. ADEN AND KEITH H. ADEN, d.b.a. ADEN BROS. TRUCKING, R.R. #2, Avon, IL 61415. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *chemicals and related products*, between points in Lee County, IA on the one hand, and, on the other, points in IL.

MC 155429, filed April 20, 1981. Applicant: BRUCE R. LAMBERT AND ALAN J. MACKEY, d.b.a. LAMBERT-MACKEY TRUCKING, 1225 South Galena, Dixon, IL 61021. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Transporting *metal products*, between points in Whiteside County, IL, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–13404 Filed 5–4–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; New Extended Benefit Period in the State of Nevada

This notice announces the beginning of a new Extended Benefit Period in the State of Nevada, effective on April 24, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State or the nation, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(e) of the Act, the Nevada unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines, in accordance with 20 CFR 615.12(e), that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment under the State unemployment compensation law equalled or exceeded the State trigger rate. 20 CFR 615.12(b) or (c). The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State of Nevada has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on April 11, 1981, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in that State.

Therefore, an Extended Benefit Period commenced in that State with the week beginning on April 26, 1981.

Information for Claimants

The duration of Extended Benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to Extended Benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all right under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to Extended Benefits in the State of Nevada, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State Employment office of the Nevada Employment Security Department in their locality.

Signed at Washington, D.C., on April 29, 1981.

Albert Angrisani,

Assistant Secretary for Employment and Training.

[FR Doc. 81–13514 Filed 5–4–81; 8:45 am]

BILLING CODE 4510–30–M

Migrant and Seasonal Farmworker Programs; Fiscal Year 1982 State Planning Estimates

AGENCY: Employment and Training, Labor.

ACTION: Notice.

SUMMARY: The purpose of this document is to announce State Planning Estimates of funds expected to be available for Migrant and Seasonal Farmworker programs funded under Title III, Section 303 of the Comprehensive Employment and Training Act (CETA) and to invite applicants to submit Preapplications for Federal Assistance by June 15, 1981 and Funding Requests by July 15, 1981.

FOR FURTHER INFORMATION CONTACT: Lindsay L. Campbell, Director, Office of Farmworker and Rural Employment Programs, 601 D Street, N.W., Room 6306, Washington, D.C. 20213, Phone 202–376–6128.

SUPPLEMENTARY INFORMATION: The regulations for CETA, Migrant and Seasonal Farmworker (MSFW) Programs at 20 CFR 669.202 require the Department to announce annually, by notice in the **Federal Register**, State Planning Estimates of Section 303 funds and an invitation to eligible applicants to submit Preapplications for Federal Assistance and Funding Requests based on these planning estimates, by dates specified in **Federal Register**. The description and content of such Preapplications for Federal Assistance and Funding Requests are set forth at 20 CFR 669.204 and 205.

The listing below set forth the Fiscal Year (FY) 1982 State Planning estimates, which are subject to Congressional Action on FY 1982 CETA appropriations. The total State Planning estimates listed ($73,840,800) is 88 percent of the total amount planned for all Section 303 purposes in FY 1982. The apportionment of planning estimates among the 50 States and Puerto Rico is derived from each State's percentage of the Nation's farmworker whose earnings fall below the poverty level, adjusted by each State's hold harmless level of 90 percent of the previous fiscal year's planning estimate. The data source used for these estimates is Social Security records of

farmworkers whose annual earnings are less than $3,000. Eligible applicants should use the State Planning estimates listed below in developing FY 1982 Preapplications for Federal Assistance and Funding Requests.

Pre-Bidders Conference. A Pre-bidders Conference will be held in Washington, D.C. in the U.S. Department of Labor's Departmental Auditorium, Plaza Level, Frances Perkins Building, Third and Constitution Avenue, N.W. from 9:00 a.m. until 5:00 p.m., May 27 and 28, 1981, at which time requirements for submission of Funding Requests and responsibilities of the Department and CETA, Section 303 grantees will be reviewed. Forms, regulations, and other pertinent material will be also made available at this Conference. For those unable to attend, this information will be available upon request from Lindsay L. Campbell at the above address. Questions concerning this conference should also be referred to Mr. Campbell.

Submission of Preapplications for Federal Assistance and Funding Requests.

All States and Puerto Rico are open for competition in Fiscal Year 1982. Postmark deadlines for submission required documents are as follows:

June 15, 1981—Preapplication Form for Federal Assistance. Preapplication forms (SF424) shall be submitted by Certified Mail, Return Receipt Requested, to the Office of Farmworker and Rural Employment Programs (OFREP) and to the appropriate State Clearinghouse(s).

July 15, 1981—Funding Requests: three (3) copies of the Funding Request shall be submitted to OFREP by Certified Mail, Return Requested. Two (2) copies shall also be sent to the appropriate Department of Labor Regional Office and one (1) copy to the appropriate State Clearinghouse(s).

All Preapplication forms and Funding Requests shall be sent to the attention of Lindsay L. Campbell at the above address. Failure to submit the Preapplication forms and the Funding Requests by Certified Mail by the prescribed dates will result in disqualification. No waiver of this condition will be granted.

On or about September 11, 1981, the Department will announce the selection of potential grantees in each State, subject to successful negotiations. Grant awards for FY 1982 Section 303 programs will commence October 1, 1981.

Fiscal Year 1982 State Planning Estimates

Alabama	$983,800
Alaska	21,400
Arizona	1,625,400
Arkansas	1,154,900
California	15,954,100
Colorado	1,028,500
Connecticut	513,300
Delaware	171,100
Florida	5,646,000
Georgia	1,240,400
Hawaii	213,900
Idaho	1,325,900
Illinois	2,053,100
Indiana	1,112,100
Iowa	1,398,700
Kansas	1,398,700
Kentucky	855,500
Louisiana	1,026,900
Maine	598,800
Maryland	427,700
Massachusetts	470,500
Michigan	1,998,100
Minnesota	1,398,700
Mississippi	1,197,800
Missouri	898,200
Montana	684,400
Nebraska	1,069,300
Nevada	128,300
New Hampshire	85,900
New Jersey	641,800
New Mexico	470,500
New York	1,967,500
North Carolina	2,694,700
North Dakota	641,800
Ohio	1,539,800
Oklahoma	769,900
Oregon	1,625,400
Pennsylvania	1,398,700
Rhode Island	42,800
South Carolina	855,500
South Dakota	384,100
Tennessee	769,900
Texas	5,646,000
Utah	342,200
Vermont	190,400
Virginia	898,200
Washington	2,737,400
West Virginia	327,700
Wisconsin	1,421,200
Wyoming	299,400
Puerto Rico	1,967,500
Total	73,840,800

Signed at Washington, D.C. this 24th day of April, 1981.

Willian J. Kacvinsky,

Acting Administrator, Office of National Programs.

[FR Doc. 81-13515 Filed 5-4-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-103-C]

Dominion Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Dominion Coal Corporation, P.O. Box 70, Vansant, Virginia 24656 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Youngs Branch Mine No. 15 located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the entries used as intake and return air courses be separated from belt haulage entries.

2. As an alternate method, petitioner proposes to use the air from the belt haulage entries to ventilate active working places on the longwall sections.

3. In support of this proposed alternate method, petitioner states that:

a. Additional air is needed at the face of the longwall panel to reduce the amount of respirable dust across the working face of the plow unit and maintain ventilation requirements;

b. With a 36" seam height and panels 3,000 to 5,000 feet long, it is necessary to use all three entries for ventilation to ensure adequate ventilation is supplied to the working face and bleeder entries;

c. Due to the difference in air pressure at the tailpiece and at other strategic locations along the beltline, it is very difficult to direct some of the intake air at the longwall section to flow down the beltline and to the return airways;

d. A procedure will be established to continuously monitor the amount of carbon monoxide and methane present in the belt heading at the tailpiece while providing an audible signal warning device.

4. Petitioner states that this proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 4, 1981. Copies of the petition are available for inspection at that address.

Dated: April 28, 1981.

Frank A. White,

Office of Standards, Regulations and Variances.

[FR Doc. 81-13516 Filed 5-4-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-87-C]

Texas Utilities Generating Co.; Petition for Modification of Application of Mandatory Safety Standard

Texas Utilities Generating Company, 2001 Bryan Tower, Dallas, Texas 75201, has filed a petition to modify the application of 30 CFR 77.902 (low and modify the application of 30 CFR 77.902 (low and medium voltage ground check monitor circuits) to its Martin Lake Strip located in Panola County, Texas, its

Monticello Strip located in Titus County, Texas and its Sulphur Springs Strip located in Hopkins County. The petition filed under section 101(c) of the the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that three-phase low and medium-voltage resistance grounded systems to portable and mobile equipment shall include a fail safe ground check circuit or other no less effective device approved by the Secretary to monitor continously the grounding circuit to assure continuity.

2. As an alternate method, petitioner proposes that an oversized external ground cable of minimal length be bolted or welded on one end to the frame of the jack and the other end connected to the nearest substantial ground, either the building ground or the rail system itself.

3. In support of this proposed alternate method, petitioner states that:

a. The railroad jacks used at the mines must be portable or they are of no use;

b. The railroad jacks are used in and around the shop maintenance areas where there is little chance of the power cable being damaged by dozer tracks or grader blades;

c. All three-phase power cables contain a fourth wire which serves as a grounding conductor for the frames of all the electrical equipment;

d. Consultations with electrical experts conclude that a grounding resistor and a ground check monitoring system would not provide any greater measure of safety for the miners as compared to the four-wire power cable and case ground cable proposed;

e. The electrical configuration of the portable railroad jacks provides grounding, short circuit protection, overload protection and is acceptable and in accordance with the National Electrical Code and the Occupational Safety and Health Administration regulations;

f. The external case ground would protect the miners from any harm if a phase-to-ground fault were to occur in the jack along with an open or broken wire in the power cable and if a miner were to come in contact with the jack during the few milliseconds prior to the automatic circuit breakers tripping off the unit.

4. Petitioner states that the proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 4, 1981. Copies of the petition are available for inspection at that address.

Dated: April 28, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-13817 Filed 5-4-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-9688, etc.]

American Motors Corp., et al.; Affirmative Determination Regarding Application for Reconsideration

In the matter of American Motors Corporation, National Parts Distribution Center, Milwaukee, Wisconsin (TA-W-9688) and American Motors Sales Corporation: Houston, TX (TA-W-9689), McLean, VA (TA-W-9690), Burlingame, CA (TA-W-9691), Portland, OR (TA-W-9692), Warrendale, PA (TA-W-9693), Warrendale, PA (TA-W-9694), Sharon Hill, PA (TA-W-9695), King of Prussia, PA (TA-W-9696), Elmsford, NY (TA-W-9697), Minneapolis, MN (TA-W-9698), Memphis, TN (TA-W-9699), Carson, CA (TA-W-9700), El Segundo, CA (TA-W-9701), Overland Park, KS (TA-W-9702), Detroit, MI (TA-W-9703), Southfield, MI (TA-W-9704), Denver, CO (TA-W-9705), Dallas, TX (TA-W-9706), Cincinnati, OH (TA-9707), Elk Grove Village, IL (TA-W-9708), Mansfield, MA (TA-9709), Westwood, MA (TA-W-9710), North Miami Beach, FL (TA-W-9711), Stone Mountain, GA (TA-W-9712).

On April 9, 1981, a company official requested administrative reconsideration of the Department of Labor's Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of American Motors' National Parts Distribution Center and zone parts warehouses and zone sales offices of the American Motors Sales Corporation. The determination was published in the **Federal Register** on March 31, 1981, (46 FR 19629).

The company official claimed that the Department's rationale for terminating trade adjustment assistance eligibility for workers in the zone sales offices was mere speculation, since American Motors import-impacted vehicles have not been redesigned or changed in any material respect in the 1981 model year. The company official claims that there is no justification as evidenced by sales data for this termination. It is further claimed that the Department's denial of certification for parts distribution employees was erroneous since the denial is based on incomplete information and does not take into consideration additional information which makes the American Motors situation distinguishable from the other U.S. auto manufacturers.

Conclusion

After review of the application, I conclude that the company's and union's claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 24th day of April 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-13816 Filed 5-4-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,477]

Butte, Anaconda & Pacific Railway Co.; Negative Determination Regarding Application for Reconsideration

By letter dated March 28, 1981, the President of the United Transportation Union, Local 887 requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance for workers employed by the Butte, Anaconda & Pacific Railway Company of the Anaconda Copper Company, Anaconda, Montana, a subsidiary of ARCO. The determination was published in the **Federal Register** on April 3, 1981 (46 FR 20323).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

In support of the application for reconsideration, the petitioner submitted a preliminary U.S. EPA report, "Role of Clean Air Act Requirements in Anaconda Copper Company's Closure of Its Montana Smelter and Refinery" dated March 19, 1981, stating that the report provided "evidence of the effect of foreign competition on the United States copper market."

The EPA report, although providing some interesting aspects of the Clean Air Act's role in ARCO's decision to close its Anaconda Copper's Montana smelting and refining operation, does not provide new evidence to support the petitioner's claim that increased imports of copper have contributed importantly to the closure.

The EPA report alludes to the fact that the company's closing of the copper smelter and refinery was "final and irrevocable" and that the company had made arrangements with a consortium of Japanese smelters to process the concentrates from its U.S. mines, including the mine in Butte, Montana. This information was known at the time of the denial.

While the finished copper may be returned to the U.S. for fabrication, the Japanese firms also have an option to purchase some of the finished copper, and the Anaconda Company may also supply some of its foreign markets directly from the Japanese produced copper.

The EPA report does not indicate that the copper refined in Japan, which will be produced from the U.S. exported concentrates, will be returned to the U.S. as imports. If this does occur, however, it will be sometime in the future and, therefore, would not have bearing on the Department's negative determination. Certification may not be based on anticipated increased imports or on the anticipation that such possible imports may contribute importantly to existing unemployment. Essentially, the Department's determination is that future imports of refined copper—if they occur—would be a consequence and not an important cause of the closing of the smelter and refinery and that their closing was predominantly for non-import-related reasons.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of facts or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 28th day of April 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-13819 Filed 5-4-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,067]

KLH Research and Development Corp.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on September 29, 1980 in response to a petition which was filed on behalf of workers at KLH Research and Development Corporation, Westwood, Massachusetts. The workers produce home loudspeakers and signal processors.

The quantity of U.S. imports of audio loudspeakers increased absolutely and relative to domestic production in 1980 compared to 1979.

A Department of Labor survey revealed that customers which account for a significant proportion of the firm's sales increased their reliance on imported loudspeakers in 1979 compared to 1978 and in January-September 1980 compared to the same period in 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with loudspeakers produced at KLH Research and Development Corporation, Westwood, Massachusetts contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of KLH Research and Development Corporation, Westwood, Massachusetts who became totally or partially separated from employment on or after January 11, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of April 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-13820 Filed 5-4-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6310]

Microdot Inc. Elcon Corbin Division; Reopening of Investigation

On April 1, 1981 the Department issued a certification covering certain workers at the Corbin, Kentucky, plant of Microdot Incorporated as eligible to apply for trade adjustment assistance (TA-W-6310). That decision was published in the Federal Register on April 10, 1981 (46 FR 21502).

Subsequent to the decision it was determined that there may have been an error in the conduct of the investigation, in particular concerning the identification of the import-impacted product as designated in the decision of April 1. As a consequence, the Office of Trade Adjustment Assistance, on its own motion, has reopened its investigation in this case and will issue a final determination on the workers' petition in the near future.

Signed at Washington, D.C., this 28th day of April 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13821 Filed 5-4-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA-475]

Aviation Accident Investigation Hearing: Northglenn, Colo.

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9:00 a.m. (local time), May 13, 1981, in the Coronado Room, Denver Northglenn Holiday Inn, 10 120th Avenue (I-25 Broomfield Exit) Northglenn, Colorado 80234. The public hearing will be held in connection with the Safety Board's investigation of a midair collision involving an Air U.S., Inc., Handley Page HP-137, and a Sky's West Parachute Center, Inc., Cessna

TU-206, which occurred near Loveland, Colorado, on April 17, 1981.

William R. Hendricks,
Hearing Officer.
April 30, 1981.
[FR Doc. 81-13623 Filed 5-4-81; 8:45 am]
BILLING CODE 4910-08-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-348]

Alabama Power Co. (Joseph M. Farley Nuclear Plant, Unit No. 1); Order for Modification of License

The Alabama Power Company (the licensee) holds Facility Operating License No. NPF-2, which authorizes the licensee to operate the Joseph M. Farley Nuclear Plant, Unit No. 1 at power levels not in excess of 2652 megawatts thermal rated power. The license was originally issued on June 25, 1977 and will expire on August 16, 2012. The facility, which is located at the licensee's site in Houston County, Alabama, is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an inter-system loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS Low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reator licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping: e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability. In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 24, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the Safety Evaluation Report [1] that one or more valve configuration(s) of concern exist at the facility. The Technical Evaluation Report (TER) [1] provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, tow Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an inter-system LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the TER.

[1] Available in the NRC Public Document Rooms.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. NPF-2 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. NPF-2 is modified by the addition of the following requirements:

1. Implement Technical Specifications [1] which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the

[1] Available in the NRC Public Document Rooms.

facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications.

4.The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before June 1, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to George F. Trowbridge, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street N.W., Washington, D.C. 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981; Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-13360 Filed 5-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co.; Ohio Edison Co., and Pennsylvania Power Co. (Beaver Valley Power Station Unit No. 1); Order for Modification of License

I

The Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees) hold Facility Operating License No. DPR-66, which authorizes the licensee to operate the Beaver Valley Power Station, Unit No. 1 at power levels not in excess of 2852 megawatts thermal rated power. The license was originally issued on January 30, 1976 and will expire on June 25, 2010. The facility, which is located at the licensee's site in Beaver County, Pennsylvania is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of collant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high Pressure Primary Coolant System (PCS) from the Low pressure Injection System (LPIS) piping. scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 17, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the Safety Evaluation Report [1] that one or more valve configuration(s) of concern exist at the facility. The Technical Evaluation Report (TER) [1] provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the TER.

In view of the operating experiences described above and the potential consequences of check value failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public

[1] Available in the NRC Public Document Rooms.

health, safety and interest require that this modification of Facility Operating License No. DPR–66 be immediately effective.

III

Accordingly, pursuant to Section 161 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. DPR–66 is modified by the addition of the following requirements:

1. Implement Technical Specifications[1] which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation values.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cyclinig ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before June 1, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C., 20036, attorney for the licensee. If a hearing is requested by a person other then the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-13595 Filed 5-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–220]

Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station, Unit 1); Order for Modification of License

I

The Niagara Mohawk Power Corporation (the licensee) holds Facility Operating License No. DPR–63, which authorizes the licensee to operate the Nine Mile Point Nuclear Station, Unit 1 (the facility) at power levels not in excess of 1850 megawatts thermal. The facility, which is located at the licensee's site in Oswego County, New York is a boiling water reactor (BWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH–1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 19, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for your facility, I have concluded in consonance with the Safety Evaluation Report [1] that one or more valve configuration(s) of concern exist at the facility. The Technical Evaluation Report [1] (TER) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of

recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumeric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-63 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. DPR-63 is modified by the addition of the following requirements:

1. Implement Technical Specifications [1] which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

[1] Available in the NRC Public Document Rooms.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications, the MOV in each line shall be closed within 30 days and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve test have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening.)

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared to determine whether closing the MOV results in an unreviewed safety question during plant operation. If the safety evaluation results in a determination that no unreviewed safety question exists as defined in 10 CFR 59.50(a)(2), the MOV shall be closed as indicated in paragraph 2 above. If the safety evaluation results in a finding that closing the MOV does present an unreviewed safety question pursuant to 10 CFR 50.59(a)(2), the facility shall be shut down within 30 days of the date of this Order and remain shut down until check valves are satisfactorily tested in accordance with the Technical Specifications.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or other person who has an interest affected by this Order may request a hearing on this Order on or before June 1, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Eugene B. Thomas, Jr., Esquire, LeBoeuf, Lamb, Lieby and MacRae, 1333 New Hampshire Avenue, NW, Suite 1100, Washington, DC 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications.

(b) Whether the actions required by Paragraphs 2 and 3 of section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-13169 Filed 5-4-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Transportation of Radioactive Materials; Meeting

The ACRS Subcommittee on Transportation of Radioactive Materials will meet at 8:30 a.m., May 20, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC. The Subcommittee will discuss certain items, such as quality assurance requirements, inspection and enforcement of quality assurance program, transportation accident experience, emergency response for transportation accidents, etc., associated with the transportation package certification process of the NRC Transportation Certification Branch. The Subcommittee will also discuss with the Department of Transportation with regard to some of their activities in the area of transportation of radioactive materials. Notice of this meeting was published April 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made

to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, May 20, 1981
8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 a.m. and 5 p.m., EDT.

Dated: April 30, 1981.

John C. Hoyle,
Advisory Committee, Management Officer.

[FR Doc. 81–13528 Filed 5–4–81; 8:45 am]
BILLING CODE 7590–01–M

[Docket Nos. 50–254 and 50–265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR–29, and Amendment No. 63 to Facility Operating License No. DPR–30, issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The amendments remove reactor water cleanup isolation value MO–1201–80 from Table 3.7–1 of the Technical Specifications and exclude the valve from the surveillance requirement as described in Section 4.7.D.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 22, 1978, (2) Amendment No. 69 to License No. DPR–29 and Amendment No. 63 to License No. DPR–30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504–17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of April 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81–13532 Filed 5–4–81; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 50–409]

Dairyland Power Cooperative; Granting of Relief From Certain Requirements of ASME Code Section XI Inservice (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Dairyland Power Cooperative. The relief relates to the Inservice (Testing) Program for the LaCrosse Boiling Water Reactor Unit No. 1 (the facility) located in Vernon County, Wisconsin. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief allows postponement of certain inservice valve testing requirements, pursuant to 10 CFR 50.55a(g)(6)(i) of the Commission's regulations.

The requests for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this action.

For further details with respect to this action, see (1) the licensee's letters dated July 27, 1979, January 21, 1980, January 30, 1980, July 14, 1980, and November 19, 1980, (2) the Commission's letter to the licensee dated April 23, 1981, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the LaCrosse Public Library, 600 Main Street, LaCrosse Wisconsin 54601. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of April 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,
Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81–13533 Filed 5–4–81; 8:45 am]
BILLING CODE 7590–01–M

International Atomic Energy Agency Draft Safety Guide; Notice of Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is completing development of a number of

internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides are in the following five areas: Government Organization, Design, Siting, Operation, and Quality Assurance. All of the codes and most of the proposed safety guides have been completed. The purpose of these codes and guides is to provide guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries in a specified safety area. Using this collation as a starting point, an IAEA working group of a few experts develops a preliminary draft of a code or safety guide which is then reviewed and modified by an IAEA Technical Review Committee corresponding to the specified area. The draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies as necessary the drafts of all codes and guides prior to their being forwarded to the IAEA Secretariat and thence to the IAEA Member States for comments. Taking into account the comments received from the Member States, the Senior Advisory Group then modifies the draft as necessary to reach agreement before forwarding it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG–D12, "Design of the Reactor Containment Systems in Nuclear Power Plants," has been developed. An IAEA working group, consisting of Mr. R. Inamdar from Canada; Mr. J. Czech from the Federal Republic of Germany; and Mr. J. Thiesing from the U.S.A. (Bechtel Power Corporation), developed this guide from an IAEA collation, and we are now soliciting public comment on this draft dated March 17, 1981. Comments received by June 15, 1981, will be particularly useful to the U.S. representatives to the Technical Review Committee and the Senior Advisory Group in developing their positions on its adequacy prior to their next IAEA meetings.

Single copies of this draft Safety Guide may be obtained by a written request to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Washington, D.C. this 23rd day of April 1981.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-13628 Filed 5-4-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-320 OLA]

Metropolitan Edison Co., et al. (Three Mile Island Nuclear Station, Unit 2); Amendment of Order

I

Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (collectively, the Licensee) are the holders of Facility Operating License No. DPR–73, which had authorized operation of the Three Mile Island Nuclear Station, Unit 2 (TMI–2) at power levels up to 2772 megawatts thermal. The facility, which is located in Londonderry Township, Daughin County, Pennsylvania, is a pressurized water reactor previously used for the commercial generation of electricity.

By Order for Modification of License, dated July 20, 1979, the Licensee's authority to operate the facility was suspended and the Licensee's authority was limited to maintenance of the facility in the present shutdown cooling mode (44 FR 45271). By further Order of the Director, Office of Nuclear Reactor Regulation, dated February 11, 1980, a new set of formal license requirements were imposed to reflect the post-accident condition of the facility and to assure the continued maintenance of the current safe, stable, long-term cooling condition of the facility (45 FR 11282). These requirements were memorialized in the form of proposed Technical Specifications set forth in an attachment to the Order.

II

Several requests for a hearing have been filed in connection with the Order. An Atomic Safety and Licensing Board established to rule on such requests and to preside over the proceeding in the event that a hearing is ordered has, by Memorandum and Order, dated August 29, 1980, admitted Messrs. Steven Sholly and William Lochstet, and another, as intervenors. Mr. Sholly has sought to introduce as contentions a number of issues involving the proposed Technical Specifications. These include concerns regarding the reactor coolant system pressure safety limit (proposed Technical Specification 2.1.3), remote shutdown monitoring instrumentation (proposed Technical Specification 3.3.3.5), reactor coolant system pressure temperature limits (proposed Technical Specification 3.4.9.1), and record retention (proposed Technical Specifications 6.10.1 and 6.10.2). Mr. Lochstet has also sought to introduce a contention regarding proposed Technical Specification 2.1.3. Consistent with the Commission's position with respect to settlement of matters without resort to a formal adjudicatory process, the Licensee, NRC Staff and Messrs. Sholly and Lochstet have met in an effort to resolve their concerns in the above areas. As a result, the parties jointly propose to modify the proposed Technical Specifications in a manner agreed upon and described hereafter. The proposed modifications have been reviewed by the Staff and are consistent with the objective of providing reasonable assurance that the activities authorized can be conducted without undue risk to the public health and safety.

First, proposed Technical Specification 2.1.3 has been eliminated. This provision had established a maximum pressure of 2750 psig as a safety limit for the reactor coolant system. This conformed to the design criteria and associated ASME code requirements which were applicable for the reactor pressure vessel and other components of the reactor coolant system prior to the March 28, 1979 accident. However, the accident subjected portions of the reactor coolant system to unknown environmental conditions and, therefore, the upper limit of the pressure retaining ability of the reactor coolant system is uncertain.

Section 50.36(c)(1)(ii)(A) of the Commission's regulations provides, in part, that "[w]here a limiting safety system setting is specified for a variable on which a safety limit has been placed, the setting shall be so chosen that automatic protective action will correct the abnormal situation before a safety limit is exceeded."

Furthermore, access to the reactor coolant system valves cannot be obtained in order to reset the valves to a lower pressure limit. Since the valves cannot be reset to lower the pressure limit to a point at which "automatic protective action" can be taken under the existing conditions, a safety limit lower than 2750 psig cannot be established without contravening 10 C.F.R. § 50.36(c)(1)(ii)(A). Therefore, proposed Technical Specification 2.1.3 has been eliminated. At the same time, proposed Technical Specification 3.4.9.1 has been modified to explicitly identify the responsive action which must be taken if the pressure limit established for the reactor coolant system, 600 psig,

is exceeded. A description of this action was previously found in a separate proposed Technical Specification which had been referenced in proposed Technical Specification 3.4.9.1.

Second, proposed Technical Specification 3.3.3.5 has been modified to add a requirement to report the inoperability of a remote shutdown monitoring channel to the NRC within 24 hours. The requirement to restore the inoperable channel to operable status within 30 days is unchanged.

Lastly, it was contended that the time periods provided in proposed Technical Specifications 6.10.1 and 6.10.2 for the retention of certain records by the licensee were inadequate given the historical value some of the records might possess. As a consequence, proposed Technical Specifications 6.10.1 and 6.10.2 have been modified to extend the time for which certain records must be retained by the Licensee. Records specified in proposed Technical Specification 6.10.2 must now be retained as long as the licensee has an NRC license to operate or possess the TMI facility.

The Staff's safety assessment of this matter is set forth in the concurrently issued Safety Evaluation. This evaluation concluded, in material part, that these modifications do not involve a significant hazards consideration and that there is reasonable assurance that the health and safety of the public will not be endangered thereby.

It was further determined that the modification does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. In light of this determination, it was concluded that the instant action is insignificant from the standpoint of environmental impact and, pursuant to 10 C.F.R. § 51.5(d)(4), that an environmental impact statement or environmental impact appraisal need not be prepared herewith.

III

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the requirements imposed by the Director's Order of February 11, 1980 are modified by elimination of proposed Technical Specification 2.1.3 and revision of proposed Technical Specifications 2.1.3, 3.3.3.5, 3.4.9.1, 6.10.1, and 6.10.2 attached thereto in the manner described in Section II of this Order.[1] For further details with respect to this action, see (1) Request for hearing from Steven C. Sholly, dated March 21, 1980; (2) NRC Staff answer to request for hearing by Steven C. Sholly, dated April 10, 1980; (3) Contentions of Steven C. Sholly, dated June 19, 1980; (4) Supplement to Request for Hearing and Petition for Leave to Intervene by William A. Lochstet, dated June 17, 1980; and (5) the Director's Order of February 11, 1980. All of the above documents are available for inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Commission's Local Public Document Room at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Effective date: April 28, 1981.

Dated at Bethesda, Maryland this 28th day of April 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-13084 Filed 5-4-81; 8:45 am]

BILLING CODE 7590-01-M

[1] Available in the NRC's Public Document Room.

[Docket No. 50-272]

Public Service Electric and Gas Co., et al.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensee), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey. The amendment was effective as of January 30, 1981.

This amendment was authorized by phone on January 30, 1981 and was confirmed by letter on the same date. The amendment revises the Radiological Technical Specifications related to operation of containment cooling fans. The amendment was issued on an expedited basis to provide the same operational flexibility as approved for Salem Unit 2 and to preclude shutdown of Unit 1 after an excessively short period of time after a containment fan was determined to be inoperable.

The requests for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the requests for amendment dated January 30 and March 9, 1981, (2) the Commission's letter to the licensee dated January 30, 1981, (3) Amendment No. 35 to License No. DPR-70, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of April 1981.

For the Nuclear Regulatory Commission.

Steven A Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-13525 Filed 5-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Co.; Notice of Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Provisional Operating License No. DPR-18, issued to Rochester Gas and Electric Corporation (the licensee), which revised the Technical Specifications for operation of the R. E. Ginna Plant (facility) located in Wayne County, New York. This amendment is effective as of its date of issuance.

The amendment incorporates revised Technical Specifications regarding diesel generator surveillance and testing.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10

CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant ot 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance ot this amendment.

For further details with respect to this action, see (1) the application for amendment notarized November 16, 1977 transmitted by letter dated November 21, 1977, (2) Amendment No. 41 to License No. DPR–18, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A single copy of items (2) and (3) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of April 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81–13620 Filed 5–4–81; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF STATE

[Public Notice CM–8/400]

Modem Working Party of Study Group D

The Department of State announces that the Modem Working Party of Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on May 19–20, 1981 at the San Francisco Airport Hilton Hotel in San Francisco at 9:00 a.m.

Study Group D deals with telecommunication matters relating to the development of international digital data transmission services; the Modem Working Party reviews actual and proposed CCITT recommendations pertaining to the specifications and use of modems in data transmission.

The agenda for the May 19 meeting will include a review of proposed changes in draft recommendations for a 2400 b/s duplex modem and discussion of CCITT recommendations V.54, V.22, and V.29.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chair. Requests for further information may be directed to Richard H. Howarth, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) (632–1007) or T. de Haas, Chairman of U.S. Study Group D, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Boulder, Colorado 80303, telephone (303) 499–1000, Ext. 3728.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81–13424 Filed 5–4–81; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice CM–8/401]

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting on May 27, 1981, at 9:30 A.M., in Room 3201 of the U.S. Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of this meeting is to finalize preparations for the 46th Session of the Council of the Intergovernmental Maritime Consultative Organization (IMCO) which is scheduled for June 15–19, in London. In particular, the SHC will discuss development of U.S. positions dealing with, inter alia, the following topics:

—Personnel matters
—Financial matters
—Implementation of conventions and other mutilateral instruments
—Reports of the Maritime Safety Committee and the Marine Environment Protection Committee

Interested persons may seek information by writing Capt. R. A. Biller, U.S. Coast Guard Headquarters (G-CPI), 2100 Second Street, SW. Washington, D.C. 20593 or by calling (202) 426–2280.

Dated: April 16, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81–13438 Filed 5–4–81; 8:45 am]

BILLING CODE 4710–01–M

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Meeting

The 38th Quarterly Meeting of the Upper Mississippi River Basin Commission will be held May 12–13, 1981 at The Norstar Inn, 616 Second Avenue South, Minneapolis, Minnesota. Registration will be from 8:00 a.m. to 9:30 a.m. on May 13th and the meeting will convene at 9:30 a.m. and adjourn at 4:00 p.m. Committee meetings will take place on May 12th. The Commission meeting is expected to include Commission review (45-day) of Water Resources Management Plans (CCJPs), including Meramec Floodplain Management Plan; FY 1983 Annual Priorities Reports; Slide Show on the Comprehensive Master Plan for the Management of the Upper Mississippi River System; and a Status Report on the Red River Hydrologic Response Change Study.

Thomas Kalitowski,

Acting Chairman.

[FR Doc. 81–11870 Filed 5–4–81; 8:45 am]

BILLING CODE 6410–02–M

VETERANS ADMINISTRATION

Advisory Committee on Health-Related Effects of Herbicides; Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Advisory Committee on Health-Related Effects of Herbicides has been renewed by the Acting Administrator of Veterans Affairs for a two-year period beginning April 20, 1981 through April 20, 1983.

Dated: April 28, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81–13503 Filed 5–4–81; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 86
Tuesday, May 5, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

[M–315, Apr. 29, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., May 6, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Dockets 35986 and 36595, DOD petition for disapproval by show cause procedures of ATC ban on agent commissions for sales of official government travel. Objections to Order to Show Cause. (OGC)
3. Proposed exemption of officers and directors of air carriers from the shareholder reporting requirements in section 407(c) of the Act. (Memo 478, OGC, BDA, BCCP)
4. Agreements filed by the Air Traffic Conference of America relating to agent application fees (Docket 38895, Agreements CAB 27001–A21 and 28217–A4) and annual fees (Docket 38896, Agreements CAB 27001–A22, 27010–A9, and 28217–A7). (Memo 477, BDA, OGC)
5. Commuter carrier fitness determination of Aviation Services, Ltd. d.b.a. Freedom Air. (Memo 475, BDA, OGC)
6. Commuter carrier fitness determination of Robert U. Marcus d.b.a. Omak Aviation and Omak Airlines. (Memo 476, BDA, OGC)
7. Docket 39448; United's Notice to Suspend All Service at Flint, Michigan. (BDA, OCCR)
8. Trans World Airlines, Inc. credit card refund practices. (BCCP)
9. Pan American World Airways, Inc. credit card refund practices. (BCCP)
10. Docket 32851, Agreement 1175, as amended; The IATA Review (Show-Cause) Proceeding (BDA, BCCP)
11. Docket 39331, Application of Empresa Ecuatoriana de Aviacion to renew and amend its foreign air carrier permit. (BIA, OGC, BALJ)
12. Docket 39371—Application of Capitol International Airways, Inc. for U.S.–Switzerland authority. (BIA, OGC, BALJ)
13. Docket 39163—Application of Air New England, Inc. for issuance of a certificate to operate between the United States and Canada. (BIA, OGC)

STATUS: Open.

PERSON TO CONTACT: PHYLLIS T. KAYLOR, THE SECRETARY, (202) 673–5068.

[S–695–81 Filed 4–30–81; 4:27 pm]

BILLING CODE 6320–01–M

2

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 23649, April 28, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 29, 1981.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

RP–1(A). TA81–1–21–001 (PGA81–1, IPR81–1, LFUT81–1, TT81–1 and AP81–1), Columbia Gas Transmission Corporation
RP–1(B). TA81–1–29–002 (PGA81–1, IPR81–1, DCA81–1 and LFUT81–1), Transcontinental Gas Pipeline Corporation
RP–1(C). TA81–1–30–001, Trunkline Gas Company

Lois D. Cashell,
Acting Secretary.

[S–701–81 Filed 5–1–81; 9:45 am]

BILLING CODE 6450–85–M

3

MISSISSIPPI RIVER COMMISSION.

TIME AND DATE: 9 a.m., May 18, 1981.

PLACE: On board MV *Mississippi* at Foot of Eighth Street, Cairo, Illinois.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Status report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Engineer's report on the Mississippi River and Tributaries Program in Memphis District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[S–700–81 Filed 5–1–81; 9:45 am]

BILLING CODE 3710–GX–M

4

MISSISSIPPI RIVER COMMISSION.

TIME AND DATE: 9 a.m., May 22, 1981.

PLACE: On board MV *Mississippi* at Foot of Prytania Street, New Orleans, Louisiana.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Status report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views ans suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Engineer's report on the Mississippi River and Tributaries Program in New Orleans District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[S–699–81 Filed 5–1–81; 9:45 am]

BILLING CODE 3710–GX–M

5

MISSISSIPPI RIVER COMMISSION.

TIME AND DATE: 9 a.m., May 19, 1981.

PLACE: On board MV *Mississippi* at City Front, Vicinity of Beale Street, Memphis, Tennessee.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Status report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[S–698–81 Filed 5–1–81; 9:45 am]

BILLING CODE 3710–GX–M

6

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 3:30 p.m., May 20, 1981.

PLACE: On board MV *Mississippi* at City Front, Foot of Crawford Street, Vicksburg, Mississippi.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Status report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Engineer's report on the Mississippi River and Tributaries Program in Vicksburg District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[S–697 Filed 5–1–81; 8:45 am]

BILLING CODE 3710–6X–M

7

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–81–15]

TIME AND DATE: 11 a.m., Monday, May 4, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTER TO BE CONSIDERED: A majority of the Board has determined by recorded vote that the business of the Board requires that the following item be discussed on this date and that no earlier announcement was possible:

Letter to Federal Highway Administration commenting on Notice of Proposed Rulemaking, "Design Standards for Highways; Resurfacing, Restoration, and Rehabilitation of Streets and Highways Other Than Freeways," Docket Nos. 78–10 and 80–3

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–472–6022.

May 1, 1981.

[S–704–81 Filed 5–1–81; 3:30 pm]

BILLING CODE 4910–58–M

8

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM–81–16]

TIME AND DATE: 9 a.m., Tuesday, May 12, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report:* East Side Church of Christ Bus Skid and Overturn, U.S. Route 183, Near Luling, Texas, November 16, 1980, and *Letters of Recommendation* to the Texas Department of Public Safety, the Texas Department of Highways and Public Transportation, the Federal Highway Administration, the National Highway Traffic Safety Administration, and the Transportation Research Board.

2. *Aircraft Accident Report:* Kellogg Company, Falcon 10, N253K, Chicago, Illinois, January 30, 1980.

3. *Recommendation:* to the Federal Aviation Administration regarding Barnes Balloon Works, Hot Air Balloon Accident Near Hurricane, West Virginia, April 20, 1980.

4. *Special Study Proposal:* General Aviation Flight Simulators: An Overview.

CONTACT PERSON FOR MORE INFORMATION: SHARON FLEMMING, 202–472–6022.

May 1, 1981.

[S–705–81 Filed 5–1–81; 3:30 pm]

BILLING CODE 4910–58–M

9

NUCLEAR REGULATORY COMMISSION.

DATE: Week of May 4, 1981 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Wednesday, May 6:

10 a.m.

1. Discussion of Revised Licensing Procedures (public meeting).

2 p.m.

1. Discussion of Policy, Planning and Program Guidance for fiscal year 1983–87 (approximate 1½ hours, public meeting) (as announced).

2. Discussion of Management-Organization and Internal Personnel Matters (closed meeting, as announced).

Thurday, May 7:

10 a.m.

1. Briefing on 10 CFR 60, Disposal of High-Level Radioactive Wastes in Geologic Repositories: Technical Criteria (public meeting, as announced).

2 p.m.

1. Discussion of Revised Licensing Procedures (approximate 1½ hours, public meeting) (as announced).

2. Affirmation/Discussion Session (public meeting). Items to be affirmed and/or discussed:

a. Amendments to 10 CFR 19 to Establish NRC Staff Authority to Call Meetings with Licensees.

b. Proposed Response to the Honicker Petition.

c. Additional Response to Holt FOIA Appeal.

d. Commission Review of ALAB–603, St. Lucie Nuclear Power Plant (postponed from April 30).

e. RM to Upgrade Emergency Preparedness of Certain Fuel Cycle and Materials Licensees (postponed from April 30).

f. Proposed Amendment to 10 CFR 71 to Restrict Air Transport of Plutonium.

g. Requests for Hearings in the Matter of the Proposed. Decontamination of Dresden Unit 1 (postponed from April 30).

h. Alternative Site Issues in OL Proceedings (postponed from April 30).

i. Review of Director's Decision under 10 CFR 2.206 (Matter of Pacific Gas & Electric Co.) (postponed from April 30).

ADDITIONAL INFORMATION: Briefing on draft NUREG Reports 0771 and 0772 Relating to Accident Source Term Assumptions, previously scheduled for 5/6, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

April 30, 1981.

Walter Magee,

Office of the Secretary.

[S–703–81 Filed 5–1–81; 3:00 pm]

BILLING CODE 7590–01–M

10

PAROLE COMMISSION.

[1P0401]

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters)

TIME AND DATE: 9:30 a.m., Thursday, May 7, 1981.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 10 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals

Board, United States Parole Commission, (301) 492–5926.

[S–702–81 Filed 5–1–81; 11:46 am]

BILLING CODE 4410–01–M

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 22311, April 23, 1981, to be published.

STATUS: Closed meeting/open meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, April 21, 1981.

Monday, April 27, 1981.

CHANGES IN THE MEETING: Rescheduling/ additional items. The following closed items scheduled on Thursday, April 30, 1981, immediately following the 10:00 a.m. open meeting, has been rescheduled for Wednesday, May 6, 1981, at 10:00 a.m.:

Institution of injunctive action.
Report of investigation.

The following additional items will be considered at a closed meeting scheduled for Thursday, April 30, 1981, following the 10:00 a.m. open meeting:

Institution of injunctive action.
Consideration of *amicus* participation.

The following additional item will be considered at an open meeting scheduled for Wednesday, May 6, 1981, at 10:00 a.m.

Consideration of whether to issue a release soliciting additional comments on proposed rule changes by the American Stock Exchange, Inc., Chicago Board Options Exchange, Incorporated and the New York Stock Exchange, Inc. to initiate options trading on U.S. Treasury securities and extending the period for public comments until July 1, 1981. For further information, please contact Michael Lefever at (202) 272–3117.

The following additional items will be considered at a closed meeting scheduled for Wednesday, May 6, 1981, immediately following the 10:00 a.m. open meeting:

Settlement of injunctive action.
Settlement of administrative proceeding of an enforcement nature.

Acting Chairman Loomis and Commissioners Evans, Friedman, and Thomas determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272–2468 for April 30 changes and Bruce Mendelsohn at (202) 272–2091 for May 6 changes.

April 30, 1981.

[S–695–81 Filed 4–30–81; 4:20 pm]

BILLING CODE 8010–01–M

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federal register

Tuesday,
May 5, 1981

Part II

Federal Deposit Insurance Corporation

Securities of Nonmember Insured Banks; Final Rule

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 335

Securities of Nonmember Insured Banks

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The new rule amends the Federal Deposit Insurance Corporation's ("FDIC") securities disclosure regulations issued under the Securities Exchange Act of 1934 (15 U.S.C. 78) ("Act") in order to bring them into substantial similarity with those of the Securities and Exchange Commission ("SEC"). Section 12(i) of the Act requires that the FDIC issue regulations substantially similar to those of the SEC or publish its reasons for not doing so. The amendment is intended to comply with section 12(i), to update the regulation, and to make the regulation more understandable. It covers the following: (1) new format of Part 335; (2) safe harbor for projections; (3) foreign bank reporting; (4) corporate governance; (5) dividend reinvestment plans; (6) tender offers; (7) issuer tender offers; (8) going private transactions; and (9) section 16(b) exemption.

EFFECTIVE DATE: June 4, 1981.

FOR FURTHER INFORMATION CONTACT: Gerald J. Gervino, Senior Attorney, or David J. Seermon, Financial Analyst, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429, (202) 389-4422 or 389-4651.

SUPPLEMENTARY INFORMATION: Only one comment letter was received. See, D.1. *Section 16(b) exemption* below.

The FDIC makes the following changes:

A. Amendments to Part 335

1. *Safe Harbor For Projections.* On June 25, 1979, the SEC amended its regulations to add a new rule providing a "safe harbor" from applicable liability provisions of the Federal securities laws for statements made in filings with the SEC or in annual reports to shareholders that contain, or relate to, projections. In general, the SEC rule deems certain statements not to be false or misleading under the Federal securities laws unless they were prepared without a reasonable basis or disclosed other than in good faith. SEC Rel. No. 34-15944, 44 FR 38810 (July 2, 1979).

In adopting this amendment, the SEC stated that it did so to further the SEC's goal of encouraging the disclosure of projections and forward-looking information both in SEC filings and in general. The FDIC finds no reason that this "safe harbor" from liability should not be available to banks and therefore adopts the SEC amendment in substantially the form adopted by the SEC. Accordingly, a new § 335.103 is added as set out below. (All section references are to the new format.)

2. *Foreign Bank Reporting.* The International Banking Act of 1978, Pub. L. No. 95-369, section 1, 92 Stat. 607 (1978), amended the term "insured bank" contained in section 3(h) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(h) to include a foreign bank having an insured branch in the United States. Because of the operation of section 12(i) of the Securities Exchange Act of 1934, such foreign banks have for the first time become subject to the provisions of Part 335. The new § 335.307 provides exemptions substantially the same as those contained in SEC rule 12g3-2. (CFR 240.12g3-2 (1979)).

The title of Part 335 is amended to bring it more into comformity with the FDIC's jurisdiction under the International Banking Act of 1978. Section 335.101 is amended to bring the scope of the part's definition of an insured bank into comformity with the International Banking Act of 1978. Section 335.332 (Form F-4A) provides a format for foreign banks substantially similar to Form 6-K, 17 CFR 249.306 (1979), of the SEC. Where applicable, foreign banks are now directed to SEC Form 20-F for the form and content of registration statements and annual reports.

3. *Corporate Governance.* On November 20, 1979, the SEC amended its regulations to provide greater opportunities for shareholders to exercise their right of suffrage and to obtain information and advice about matters on which they vote. SEC Rel. No. 34-16346, 44 FR 68764 (November 29, 1979). The SEC amendments require that shareholders be provided with a form of proxy which (a) indicates whether the proxy is solicited on behalf of the issuer's board of directors, (b) permits shareholders to withhold authority to vote for each nominee for election as a director, and (c) provides a means by which shareholders are afforded an opportunity to abstain from matters referred to in the proxy card as to which they have an opportunity to vote, other than elections to office.

The SEC also adopted a rule requiring that shareholders be provided, under certain circumstances, with information concerning the votes cast for and withheld from incumbent directors. It also exempted from the informational and filing requirements of the proxy rules the furnishing of proxy voting advice by financial advisors under certain limited circumstances. These activities remain subject to the proxy rule prohibition against false and misleading statements.

The SEC also adopted a rule which requires disclosure of the date by which shareholders' proposals must be received in order to be included in the issuer's proxy statement. The FDIC amends its regulations to make them substantially similar to the SEC amendments. Accordingly, § 335.202(e), § 335.207, § 335.209(f), and § 335.212 (Form F-5) are amended.

4. *Dividend Reinvestment Plans.* On May 14, 1980, the SEC adopted a new rule which exempts from the reporting and liability provisions of section 16 of the Securities Exchange Act of 1934 the acquisition of equity securities by officers, directors, and 10-percent beneficial owners pursuant to dividend reinvestment plans. SEC Rel. No. 34-16806, 45 FR 33957 (May 21, 1980). The SEC stated that the new rule enables statutory insiders to participate in such dividend reinvestment plans on the same basis as other shareholders. The FDIC amends its regulations to add a substantially similar exemption by adding a new § 335.410(j).

5. *Tender Offers.* On November 29, 1979, the SEC announced the adoption of new rules and a related schedule pertaining to tender offers. SEC Rel. No. 34–16606, 44 FR 70326 (December 6, 1979). It stated that the rules implement existing statutory requirements but provide specific filing, delivery and disclosure requirements, optional dissemination provisions and additional substantive regulatory protection with respect to certain tender offers. The SEC also adopted certain anti-fraud rules applicable to any offer. The SEC cited the increased occurrence of tender offers; their impact on securities markets and on corporate control; the dynamic nature of these transactions and the need to ensure a balance between the interest of persons making a tender offer and the management of the company whose securities are being sought, while providing disclosure and substantive protection to shareholders making investment decisions.

The rules regulating the person making the tender offer ("the bidder") may be divided into four categories: Filing requirements; dissemination provisions; disclosure requirements; and substantive provisions. The rules are triggered by the date of commencement of the tender offer. The bidder must hand deliver its initial filing and any amendments to the issuer and to any competing bidder. The rules allow long-form publication, summary publication, and the use of shareholder lists and security position lists ("stockholder lists") as methods of dissemination. As in the proxy rules, the issuer would be allowed to mail materials for the bidder or to provide a shareholder list to the bidder. Tender offers must remain open for a minimum of 20 business days and for 10 business days after an increase in the consideration offered. The withdrawal rights are increased to an initial period of 15 business days.

The issuer is regulated by three rules. If a bidder has determined to use the company's stockholder list, it must mail the materials or provide a copy of the list to the bidder. The issuer must disclose its position with respect to the tender offer and the reasons therefor within 10 days of commencement and file a schedule with the SEC.

Certain specified persons, generally those who are related to the issuer or the bidder, are also subject to the rule.

Subpart E is amended to reflect these changes.

B. SEC Amendments Not Adopted

1. *Issuer Tender Offers.* On August 16, 1979, the SEC adopted a new rule and schedule (17 CFR 240.13e–4 and 240.13e–101) relating to tender and exchange offers by certain publicly held issuers (and affiliates) for their own securities ("issuer tender offers"). The rule defines certain fraudulent, deceptive and manipulative acts or practices in connection with such offers, and prescribes filing, disclosure, dissemination and other requirements as means reasonably designed to prevent such acts and practices. SEC Rel. No. 34–16112, 44 FR 49408 (August 22, 1979).

An issuer with a class of equity securities registered under section 12 of the Act must file an Issuer Tender Offer Statement on schedule 13E–4 with the SEC prior to, or as soon as practicable after, the date of commencement of the issuer tender offer to disclose, (1) information concerning the entity filing the schedule; (2) the source and amount of funds or other consideration to be used to effect the transaction; (3) the purpose of the tender offer and any plans or proposals of the issuer (or affiliate) that would materially change the business, financial structure or board of directors of the issuer; (4) recent transactions in the class of securities subject to the offer; (5) annual and interim financial information; and (6) copies of any tender offer materials which are published, sent, or given to security holders.

The information required by schedule 13E–4, or a fair and adequate summary thereof, must be disseminated to shareholders by certain prescribed means. Rule 13e–4 also includes requirements covering withdrawal rights, provisions for the pro rata acceptance of tendered securities, payment for tendered and accepted securities, and a "best price" provision as well as other matters.

The FDIC is not amending Part 335 of its regulations to conform them to the SEC's "issuer tender offer" regulations at this time. As in the case of the FDIC's position set forth below on the SEC's "going private" transaction regulations (17 CFR 240.13e–3 and 240.13e–100), the FDIC must approve any reduction in the amount, or the retirement of any part of a nonmember insured bank's common or preferred capital stock pursuant to section 18(i) of the Federal Deposit Insurance Act. (12 U.S.C. 1828(i) (1970)). The FDIC also notes that issuer tender offers are very rare among nonmember insured banks. Therefore instead of adopting substantially similar regulations to rule 13e–4 and schedule 13E–4, the FDIC announced, in connection with its proposal of the rules above, that effective on September 15, 1980, it would deny its approval of the reduction in the amount or the retirement of any part of a nonmember insured bank's equity securities registered under section 12 of the Act unless the requirements of rules 13e–4 and 13e–101 are met in all material respects. At the time the policy was adopted comments were requested on whether this approach was preferable to adopting a new regulation. Since no comments were received, the policy will remain in effect.

2. *Going Private Transactions.* On August 2, 1979, the SEC adopted a new rule and schedule (17 CFR 240.13d–3 and 240.13e–100) related to "going private" transactions by public companies and their affiliates. The rule and schedule prohibit fraudulent, deceptive and manipulative acts or practices in connection with "going private" transactions and prescribe new filing, disclosure and dissemination requirements as a means reasonably designed to prevent such acts and practices. SEC Rel. No. 34–16075, 44 FR 46736 (August 8, 1979).

A rule 13e–3 ("going private") transaction is defined to mean any transaction or series of transactions involving one or more of the following: (a) A purchase of any equity security by the issuer or an affiliate of the issuer; (b) a tender offer or request or invitation for tenders of any equity security made by the issuer; or (c) a solicitation of shareholder proxies or consents in connection with (1) any merger, consolidation, reclassification, reorganization, or similar corporate transaction between an issuer and an affiliate, (2) a sale of substantially all the assets of an issuer to an affiliate or group of affiliates, or (3) a reverse stock split involving the purchase of fractional interests.

Rule 13e–3 applies when any of the above transactions has a reasonable likelihood or a purpose of causing any class of the issuer's securities subject to section 12(g) or 15(d) of the Act to be held by fewer that 300 persons, thereby allowing the issuer to terminate its reporting obligations under the Act, or causing a class of the issuer's securities to be delisted on any national exchange or to be no longer quoted on an interdealer quotation system.

Issuers and their affiliates engaging in a rule 13e–3 transaction must file a rule 13e–3 Transaction Statement on schedule 13E–3 with the SEC to disclose: (1) Information concerning recent purchases by the issuer, and its affiliates, of the issuer's equity securities; (2) information concerning the entity filing the schedule; (3) the purposes of the rule 13e–3 transaction; (4) a determination of the consideration to be paid for the securities; and (5) a

statement concerning the fairness of the rule 13e–3 transaction to unaffiliated shareholders. Most of the information contained in schedule 13E–3 must be disclosed to shareholders by means of a proxy statement, registration statement, request for tenders, or other disclosure document. Such disclosure must take place at least 20 days prior to the transaction in question.

The FDIC is not amending Part 335 of its regulations to conform them to the SEC's "going private" regulations at this time. The FDIC notes that its supervisory powers under the Federal Deposit Insurance Act make those nonmember insured bank issuers with classes of equity securities registered pursuant to section 12 subject to more extensive regulatory oversight than most issuers subject to SEC jurisdiction. Pursuant to section 18 of the FDI Act, the FDIC must approve substantially all of the corporate transactions involving nonmember insured banks subject to rule 13e–3. Instead of adopting the SEC's "going private" regulations the FDIC announced in connection with its proposal of the rules above, that effective on September 15, 1980, it would deny its approval to any rule 13e–3 type corporate transaction requiring FDIC approval unless the requirements of rules 13e–3 and 13e–100 are met in all material respects. At the time the policy was adopted, comments were requested on whether this approach was preferable to adopting a new regulation. Since no comments were received, the policy will remain in effect.

C. New Format of Part 335

1. *Background.* Part 335 was originally drafted as a result of the authority vested in the FDIC by the Securities Acts Amendments of 1964, section 3, Pub. L. No. 88–467; 55 Stat. 565–568 (August 20, 1964). The FDIC at that time was attempting to cull a unified regulation from a large number of SEC regulations issued under the Act, which were spread throughout 17 CFR Part 210, 240 and 241. Thus, a major objective was to adopt those regulations applicable to nonmember insured banks, in order to save banks the trouble of extracting them from other regulations dealing with brokers and dealers, other types of companies, and companies subject to the Securities Act of 1933 (which bank issuers generally are not). The result was seven concise sections of regulation and nine sections dealing with forms or formats. FDIC feels that the format adopted in 1964 met that objective well. However, the Act of October 28, 1974, Pub. L. No. 93–495, 88 Stat. 1503 (October 28, 1974), amended section 12(i) of the Act to require the FDIC to publish (or publish reasons for failing to so publish) substantially similar regulations to those of the SEC. In recent years, SEC regulation has become more voluminous and complex. Fitting such regulations into the format established in 1964 has become more difficult and produced a regulation which is very hard to read. Thus, FDIC feels that a new format is necessary and timely in view of the proposed addition of a completely revised regulation dealing with tender offers.

2. *The New Format Concept.* FDIC's objective in adopting a new format is to combine the advantage of aggregating applicable regulations of the SEC in a form that will be usable by banks and the advantage of shorter integrated regulations that bear a similarity to SEC regulations. This aids those who are familar with the regulations and will ease the process of amending FDIC's regulations when SEC regulations change.

FDIC is adopting a rule form somewhat similar to that of the SEC. However, the rules are arranged in a manner consistent with the actual use of the larger regulations by banks and by others. The current language of Part 335 is largely unaltered. Except as amended elsewhere by this proposal, the rules remain the same in every substantive respect. Essentially the longer sections are broken up into more concise rules which each contain a section heading. The table of contents is more useful and the more specialized rules are easier to find. Further, citations are shorter and often refer to the same rule. The FDIC feels that the resulting regulations will be simpler to use for banking personnel, the general public as a whole, and the FDIC staff.

3. *The New Format.* A cross-reference table from the old format to the new format appears below:

Part 335—*Securities of Nonmember Insured Banks*

	New section numbers	Old section numbers
Subpart A—General Provisions		
Scope of part	335.101	335.1
Definitions	335.102	335.2
Liability for forward-looking statements	335.103	None
Subpart B—Shareholder Meetings		
Requirement of statement	335.201	335.5(a)
Exceptions	335.202	335.5(b)
Annual report to security holders to accompany statements	335.203	335.5(c)
Material required to be filed	335.204	335.5(f)
Solicitation prior to furnishing required proxy statement	335.205	335.5(g)
False or misleading statements	335.206	335.5(h)
Requirements as to proxy	335.207	335.5(d)

Part 335—*Securities of Nonmember Insured Banks*—Continued

	New section numbers	Old section numbers
Prohibition of certain solicitations	335.208	335.5(j)
Presentation of information in statement	335.209	335.5(e)
Mailing communications for security holders	335.210	335.5(g)
Proposals of security holders	335.211	335.5(k)
Form for proxy statement (Form F–8)	335.212	335.51
Form for information statement (Form F–8A)	335.213	None
Special provisions applicable to election contests	335.220	335.5(l)
Form for statement in election contests (Form F–9)	335.221	335.52
Subpart C—Bank Reporting		
Requirement of registration statement	335.301	335.4(a)(1)
Registration of securities of successor bank	335.302	335.4(a)(2)
Registration effective as to class or series	335.303	335.4(b)
Acceleration of effectiveness of registration	335.304	335.4(c)
Exchange certification	335.305	335.4(d)
When securities are deemed to be registered	335.306	335.4(c)
Exemptions for American depository receipts and certain foreign securities	335.307	None
Reports of foreign private banks	335.308	None
Form for registration of securities of a bank under section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–1)	335.308a	335.41
Form for registration of additional class of securities of a bank under section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–10)	335.308b	335.46
Requirement of annual reports and annual reports of predecessors	335.310	335.4(e), (f)
Exception from requirement for annual report	335.311	335.4(g)
Form for annual report of bank (Form F–2)	335.312	335.42
Current reports	335.320	335.4(h)(1)
Form for current report of a bank (Form F–3)	335.321	335.43
Quarterly reports	335.330	335.4(i)
Form for quarterly report of bank (Form F–4)	335.331	335.44
Report of foreign issuer to be filed under section 13(a) of the Securities Exchange Act of 1934 (Form F–4A)	335.332	None
Notification to national securities associations	335.340	335.4(h)(6)
Additional information	335.350	335.4(j)
Information not available	335.351	335.4(k)
Disclaimer of control	335.352	335.4(l)
Incorporation by reference	335.353	335.4(m)
Summaries or outlines of documents	335.354	335.4(n)
Omission of substantially identical documents	335.355	335.4(o)
Additional exhibits	335.356	335.4(p)
Incorporation of exhibits by reference	335.357	335.4(q)
Extension of time for furnishing information	335.358	335.4(r)
Number of copies; signature; binding	335.359	335.4(s)
Specifications for paper, printing, and language	335.360	335.4(t)
Preparation of statement or report	335.361	335.4(u)
Riders; inserts	335.362	335.4(v)
Amendments	335.363	335.4(w)
Title of securities	335.364	335.4(x)
Interpretation of requirements	335.365	335.4(y)

Part 335—*Securities of Nonmember Insured Banks*—Continued

	New section numbers	Old section numbers
Subpart D—Shareholder Reports		
Requirement of acquisition statements	335.401	335.4(e)(2)
Amendments to acquisition statements	335.402	335.4(e)(3)
Determination of beneficial owner	335.403	335.4(e)(4)
Disclaimer of beneficial ownership	335.404	335.4(e)(5)
Acquisition of securities	335.405	335.4(e)(6)
Exemption of certain acquisitions	335.406	335.4(e)(7)
Acquisition statement to be filed under section 13(d) of the Securities Exchange Act of 1934 (Form F-11)	335.407	335.47
Short form acquisition/ownership statement to be filed under section 13(d) or section 13(g) of the Securities Exchange Act of 1934 (Form F-11A)	335.408	335.48
Reports of directors, officers, and principal stockholders	335.410	335.6(a)-(f)
Exemption of certain transactions from section 16(b) of the Act	335.411	335.6(g)-(q)
Exemption of certain securities from section 16(c) of the Act	335.412	335.6(r)-(v)
Initial statement of beneficial ownership of equity securities (Form F-7)	335.413	335.61
Statement of changes in beneficial ownership of equity securities (Form F-8)	335.414	335.62
Subpart E—Tender Offers		
Scope and definitions applicable to subpart E (the "Tender Offer Regulations")	335.501	Revision
Date of commencement of a tender offer	335.502	Revision
Filing and transmission of tender offer statement	335.503	Revision
Dissemination of certain tender offers	335.504	Revision
Dissemination of certain tender offers by the use of stockholder lists and security position listings	335.505	Revision
Disclosure requirements with respect to tender offers	335.506	Revision
Additional withdrawal rights	335.507	Revision
Exemption from statutory pro rata requirement	335.508	Revision
Solicitation/recommendation statements with respect to certain tender offers	335.509	Revision
Unlawful tender offer practices	335.510	Revision
Position of subject bank with respect to a tender offer	335.511	Revision
Tender offer statement to be filed under section 14(d)(1) of the Securities Exchange Act of 1934 (Form F-12)	335.512	335.54
Solicitation/recommendation statement to be filed under section 14(d)(4) of the Securities Exchange Act of 1934 (Form F-12)	335.513	335.53
Purchase of securities by the bank and others	335.520	335.4(h)(4)
Change in the majority of directors	335.530	335.5(n)
Subpart F—Financial Statement Requirements		
Basic Principles		
Principles of financial reporting	335.601	335.7(a)
Verification		
General rules	335.602	335.7(b)(1)
Opinions to be expressed by principal accounting officer and internal auditor	335.603	335.7(b)(2)
Examination by independent public accountants	335.604	335.7(b)(3)

Part 335—*Securities of Nonmember Insured Banks*—Continued

	New section numbers	Old section numbers
Maintenance of Records and Preparation of Required Reports		
Falsification of accounting records	335.605	335.7(c)
Bank's representations in connection with the preparation of required reports and documents	335.606	335.7(d)
Provisions of General Application		
Requirements as to form	335.610	335.7(e)(1)
Items not material	335.611	335.7(e)(2)
Inapplicable captions and omission of unrequired or inapplicable financial statements	335.612	335.7(e)(3)
Additional information	335.613	335.7(e)(4)
Changes in accounting principles and practices and retroactive adjustments of accounts	335.614	335.7(e)(5)
Summary of accounting principles and practices	335.615	335.7(e)(6)
Reacquired evidences of indebtedness	335.616	335.7(e)(7)
Reacquired shares	335.617	335.7(e)(8)
Foreign activities	335.618	335.7(e)(9)
Foreign currencies	335.619	335.7(e)(10)
Commitments	335.620	335.7(e)(11)
General notes to balance sheet	335.621	335.7(e)(12)
General notes to statement of income	335.622	335.7(e)(13)
Consolidated financial statements	335.623	335.7(f)
Statement of changes in equity capital	335.624	335.7(g)
Statement of changes in financial position	335.625	335.7(h)
Schedules to be filed	335.626	335.7(i)
Format F-9 financial statements	335.627	335.71
Subpart G—Public Reference and Confidentiality		
Filing of material with the FDIC	335.701	335.3(a)
Inspection	335.702	335.3(b)
Nondisclosure of certain information filed	335.703	335.3(c)

D. Amendments Adopted But Not Proposed

1. *Section 16(b) Exemption.* On April 27, 1979, the Internal Revenue Service ("IRS") issued a ruling holding that an employee could deliver stock already owned by him as payment for exercise of an employee stock option without recognizing any taxable gain of the unrealized appreciation of the delivered shares. Pursuant to this ruling, the optionee is taxed on the difference between his cost basis for the old shares and their market value of the date of delivery, even though the delivered shares are valued at their current market price for purpose of paying all or part of the option price. Thus, in many instances an employee uses stock to exercise a stock option to acquire, without any cash outlay, not only a number of shares equal in all respects to the surrendered shares but also an additional number of shares having an aggregate exercise price equal to the difference between the aggregate market price of the shares delivered and the aggregate exercise price of an equal number of shares at the time of exercise.

Tax and other advantages flowing from the IRS ruling have, for all practical purposes, not been available to officers and directors of issuers which have a class of securities registered under section 12 of the Act. The reason is that such persons are subject to section 16(b) of the Act, which allows an issuer to recover any profits realized by its officers and directors on any purchase or sale, or sale and purchase, of the issuer's equity securities occurring in a period of less than six months. Since the delivery of stock upon exercise of an option could be considered a "sale" to the issuer, and the acquisition of stock as a result of exercising the option could be deemed a "purchase", the profit on the combined sale and purchase would, unless an exemption were available, be recoverable by the issuer under section 16(b) of the Act, because it occurred in a period of less than six months. In SEC Rel. No. 34–17060 (August 21, 1978), the SEC adopted an exemption designed to cover this type of transaction.

Since the SEC adoption occurred while the other FDIC proposals were nearly prepared for publication, the SEC exemption was not proposed. A commentator has requested that we adopt this exemption as soon as possible. Delay of final adoption until a new group of securities regulations is proposed and finally adopted would deprive some "insiders" of tax benefits. Since adoption of the exemption would relieve a burden, the FDIC is adopting the SEC exemption without publication for prior comment. Section 335.410 is amended as set forth below.

2. *Foreign Issuers.* As set forth above in 2, *Foreign Bank Reporting,* the International Banking Act of 1978 brought certain foreign banks within the coverage of Part 335. In the FDIC's September, 1980 proposals, we proposed amendments allowing an exemption for foreign banks and providing a Form F–4A which might be used by foreign banks. It was thought that this would adequately provide for all foreign banks. However, a foreign bank has indicated that it is subject to the reporting requirements of section 15 of the Act, and thus must file an additional annual report on an appropriate form such as From F–2. Since Form F–2 is designed for domestic banks, its use is difficult for a foreign issuer and the FDIC has no current form for foreign bank issuers. Thus, in order to provide a form which foreign issuers may use, the FDIC is adopting by reference the appropriate form of the SEC—Form 20–F. It is expected that the FDIC may allow or

encourage deviation from the SEC form if the circumstances of banking make particular provisions of the form inappropriate. In the future, a new bank-related form may be devised and substituted when time and circumstances permit.

E. Certain Factors

1. *Competition.* In its September proposal, the FDIC specifically requests comments concerning the impact these amendments may have upon competition. No comments were received. As required by section 23(a)(2) of the Act, the FDIC has specifically considered the impact which the proposed amendments would have on competition and concluded that they impose no significant burden on competition. In any event, the FDIC determined that any possible burden would be outweighed by, and is necessary and appropriate to achieve, the benefits of these amendments to investors and registrants.

2. *Alternatives Considered.* Section 12(i) of the Act requires the FDIC to issue regulations substantially similar to those of the SEC or publish its reasons for not doing so. The FDIC believes that these regulations are applicable to the banking industry. FDIC has discarded those regulations which were obviously not applicable to the banking industry, for example those relating to specific industries such as oil and gas and insurance. In the case of "issuer tender offer" and "going private" regulations of the SEC, the FDIC has not adopted the regulations but has chosen to incorporate them by reference in the policy statements set forth in this preamble because the rare usage of these regulations makes publishing them as part of Part 335 unnecessary.

3. *Reporting and Recordkeeping.* The amendments primarily impose requirements of public disclosure by tender offerors and banks to shareholders. These involve filings with the FDIC as well. The amendments do not involve reporting for the use of the FDIC or any governmental agency nor records to be kept for the use of the FDIC or any other governmental agency. The specific amendments finalized here involve exemptions from liability, a reclarification of the existing rules relating to transactions which also establish new ground rules for certain corporate transactions, a new regulation as to the format of proxy forms used by banks in connection with their solicitation of proxies, and new formats for reporting by foreign banks which are already required to report but lack a specific format suited to their situation. No new reporting or recordkeeping requirements were adopted.

4. *Cost-Benefit Analysis.* As noted above, amendments are required by statute. Therefore, a cost-benefit analysis was not prepared. The only change which might impose an additional burden upon small banks relates to the form of shareholder proxy. The change requires that shareholders be given an opportunity to withhold or vote against proposed individual directors. Since small bank shareholders would probably have more knowledge about their directors' performance, this additional requirement seems more appropriate in the case of small banks than large banks. Thus, the FDIC finds that the attached amendments to its regulations do not impose a disproportionate burden upon small banks.

F. Other SEC Amendments

The SEC has adopted changes that modify the disclosure requirements applicable to annual reports to shareholders and documents filed with the SEC. These include amendments to Form 10–K, changes in textual disclosure requirements in Regulation S–K, and changes in form and content of, and requirements for, financial statements in Regulation S–X. In addition, the SEC has proposed for public comment revision of Regulation S–K to integrate the rules governing the disclosure requirements under the Securities Act of 1933 [15 U.S.C. 77a *et seq.*] and the Securities Exchange Act of 1934 [15 U.S.C. 78a *et seq.*]. The FDIC is considering these SEC actions with respect to the disclosure requirements of Part 335 of FDIC's rules and regulations and FDIC Forms F–2 and F–9A, B, C, D and E. An appropriate proposal should be forthcoming in the future.

By order of the Board of Directors, March 16, 1981.

Hoyle L. Robinson,

Executive Secretary.

Accordingly, Part 335 of Title 12 of the Code of Federal Regulations is revised to read as set forth below:

PART 335—SECURITIES OF NONMEMBER INSURED BANKS

Subpart A—General Provisions

Sec.

335.101 Scope of part.
335.102 Definitions.
335.103 Liability for forward-looking statements.

Subpart B—Shareholder Meetings

335.201 Requirement of statement.
335.202 Exceptions.
335.203 Annual report to security holders to accompany statements.
335.204 Material required to be filed.
335.205 Solicitation prior to furnishing required proxy statement.
335.206 False or misleading statements.
335.207 Requirements as to proxy.
335.208 Prohibition of certain solicitations.
335.209 Presentation of information in statement.
335.210 Mailing communications for security holders.
335.211 Proposals of security holders.
335.212 Form for proxy statement (Form F–5).
335.213 Form for information statement (Form F–5A).
335.220 Special provisions applicable to election contests.
335.221 Form for statement in election contests (Form F–6).

Subpart C—Bank Reporting

335.301 Requirement of registration statement.
335.302 Registration of securities of successor bank.
335.303 Registration effective as to class or series.
335.304 Acceleration of effectiveness of registration.
335.305 Exchange certification.
335.306 When securities are deemed to be registered.
335.307 Exemptions for American depository receipts and certain foreign securities.
335.308 Reports of foreign private banks.
335.309a Form for registration of securities of a bank under section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–1).
335.309b Form for registration of additional class of securities of a bank under section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–10).
335.310 Requirement of annual reports and annual reports of predecessors.
335.311 Exception from requirement for annual report.
335.312 Form for annual report of bank (Form F–2).
335.320 Current reports.
335.321 Form for current report of a bank (Form F–3).
335.330 Quarterly reports.
335.331 Form for quarterly report of bank (Form F–4).
335.332 Report of foreign issuer to be filed under section 13(a) of the Securities Exchange Act of 1934 (Form F–4A).
335.340 Notification to national securities associations.
335.350 Additional information.
335.351 Information not available.
335.352 Disclaimer of control.
335.353 Incorporation by reference.
335.354 Summaries or outlines of documents.
335.355 Omission of substantially identical documents.
335.356 Additional exhibits.
335.357 Incorporation of exhibits by reference.

Sec.
335.358 Extension of time for furnishing information.
335.359 Number of copies; signatures; binding.
335.360 Specifications for paper, printing, and language.
335.361 Preparation of statement or report.
335.362 Riders; inserts.
335.363 Amendments.
335.364 Title of securities.
335.365 Interpretation of requirements.

Subpart D—Shareholder Reports

335.401 Requirement of acquisition statements.
335.402 Amendments to acquisition statements.
335.403 Determination of beneficial owner.
335.404 Disclaimer of beneficial ownership.
335.405 Acquisition of securities.
335.406 Exemption of certain acquisitions.
335.407 Acquisition statement to be filed under section 13(d) of the Securities Exchange Act of 1934 (Form F–11).
335.408 Short form acquisition/ownership statement to be filed under section 13(d) or section 13(g) of the Securities Exchange Act of 1934 (Form F–11A).
335.410 Reports of directors, officers, and principal stockholders.
335.411 Exemption of certain transactions from section 16(b) of the Act.
335.412 Exemption of certain securities from section 16(a) of the Act.
335.413 Initial statement of beneficial ownership of equity securities (Form F–7).
335.414 Statement of changes in beneficial ownership of equity securities (Form F–8).

Subpart E—Tender Offers

335.501 Scope and definitions applicable to subpart E (the "tender offer regulations").
335.502 Date of commencement of a tender offer.
335.503 Filing and transmission of tender offer statement.
335.504 Dissemination of certain tender offers.
335.505 Dissemination of certain tender offers by the use of stockholder lists and security position listings.
335.506 Disclosure requirements with respect to tender offers.
335.507 Additional withdrawal rights.
335.508 Exemption from statutory pro rata requirement.
335.509 Solicitation/recommendation statements with respect to certain tender offers.
335.510 Unlawful tender offer practices.
335.511 Position of subject bank with respect to a tender offer.
335.512 Tender offer statement to be filed under section 14(d)(1) of the Securities Exchange Act of 1934 (Form F–13).
335.513 Solicitation/recommendation statement to be filed under section 14(d)(4) of the Securities Exchange Act of 1934 (Form F–12).
335.520 Purchase of securities by the bank and others.
335.530 Change in majority of directors.

Subpart F—Financial Statement Requirements

Basic Principles

Sec.
335.601 Principles of financial reporting.

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335.602 General rules.
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Authority: Sec. 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 781(i)).

Subpart A—General Provisions

§ 335.101 Scope of part.

This part is issued by the Federal Deposit Insurance Corporation (the "FDIC") under section 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78) (the "Act") and applies to all securities of an insured bank (including a foreign bank having an insured branch) ("foreign bank") which is neither a member of the Federal Reserve System nor a District bank ("bank") that are subject to the registration requirements of section 12(b) or section 12(g) of the Act.

§ 335.102 Definitions.

For the purposes of this part, including all forms and instructions promulgated for use in connection herewith, unless the context otherwise requires:

(a) The terms "exchange", "director", "person", "security" and "equity security" have the meanings given them in section 3(a) of the Act.

(b) The term "affiliate" (whether referred to as an "affiliate" of, or a person "affiliated" with, a specified person) means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(c) The term "amount", when used with respect to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

(d) The term "associate", when used to indicate a relationship with any person, means:

(1) Any corporation or organization (other than the bank or a subsidiary of the bank) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his immediate family, the beneficial owner of 10 percent or more of any class of equity securities,

(2) Any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as a trustee or in a similar fiduciary capacity, and

(3) Any relative or spouse of such person or any relative of such spouse, who has the same home as such person or who is a director or officer of the bank or any of its parents or subsidiaries.

(e) The terms "beneficial ownership", "beneficially owned", and the like, when used with respect to the reporting of ownership of the bank's equity securities in any statement or report required by this part, shall include, in addition to direct and indirect beneficial ownership by the reporting person, ownership of such securities:

(1) By the spouse (except where legally separated) and minor children of such reporting person, and

(2) by any other relative of the reporting person who has the same home as such person.

(f) The term "charter" includes articles of incorporation, declarations of trust, articles of association or

partnership, or any similar instrument, as amended, effecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

(g) The term "control" (including the terms "controlling", "controlled by", and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(h) The term "employee" does not include a director, trustee or officer.

(i) The term "equity capital accounts" means capital stock, surplus, undivided profits, and reserve for contingencies and other capital reserves.

(j) The term "50-percent-owned person", in relation to a specified person, means a person approximately 50 percent of whose outstanding voting securities is owned by the specified person either directly, or indirectly through one or more intermediaries.

(k) The term "fiscal year" means the annual accounting period or, if no closing date has been adopted, the calendar year ending on December 31.

(l)(1) For the purpose of determining whether the registration requirements of section 12(g)(1) of the Act are applicable, securities shall be deemed to be "held of record" by each person who is identified the owner of such securities on records of security holders maintained by or on behalf of the bank, subject to the following:

(i) In any case where the records of security holders have not been maintained in accordance with accepted practice, any additional person who would be identified as such an owner on such records if they had been maintained in accordance with accepted practices shall be included as a holder of record.

(ii) Securities identified as held of record by a corporation, a partnership, a trust whether or not the trustees are named, or other organization shall be included as so held by one person.

(iii) Securities identified as held of record by one or more persons as trustees, executors, guardians, custodians, or in other fiduciary capacities with respect to a single trust, estate, or account shall be included as held of record by one person.

(iv) Securities held by two or more persons as co-owners shall be included as held by one person.

(v) Each outstanding unregistered or bearer certificate shall be included as held of record by a separate person, except to the extent that the bank can establish that, if such securities were registered, they would be held of record, under the provisions of this paragraph, by a lesser number of persons.

(vi) Securities registered in substantially similar names, where the bank has reason to believe because of the address or other indications that such names represent the same person, may be included as held of record by one person.

(2) Notwithstanding paragraph (l)(1) of this section:

(i) Securities held subject to a voting trust, deposit agreement, or similar arrangement shall be included as held of record by the record holders of the voting trust certificates, certificates of deposit, receipts, or similar evidences of interest in such securities; *Provided, however,* That the bank may rely in good faith on such information as is received in response to its request from a nonaffiliated issuer of the certificates or interests.

(ii) If the bank knows or has reason to know that the form of holding securities of record is used principally to circumvent the provisions of section 12(g)(1) of the Act, the beneficial owners of such securities shall be deemed to be record owners thereof.

(m) The term "immediate family" includes a person's father, mother, spouse, brothers, sisters, sons and daughters, stepparents and stepchildren, and lineal ascendents and descendents. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child shall be considered a child by blood.

(n) The term "information statement" means the statement required by § 335.201(b), whether or not contained in a single document.

(o) The term "last fiscal year" of bank means the last fiscal year of bank ending prior of the date of the meeting with respect to which an information statement is required to be distributed.

(p) The term "listed" means admitted to full trading privileges upon application by the bank and includes securities for which authority to add to the list on official notice of issuance has been granted.

(q) The term "majority-owned subsidiary" means a subsidiary more than 50 percent of whose outstanding securities representing the right, other than as affected by events of default, to vote for the election of directors is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

(r) The term "material", when used to qualify a requirement for furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed.

(s) The term "officer" or "principal officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policy-making functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policy-making functions, and such persons are not officers for the purpose of this part.

(t) The term "option" means any option, warrant, or right other than those issued to security holders on a pro rata basis.

(u) The term "parent" of a specified person is a person controlling such person directly, or indirectly through one or more intermediaries.

(v) The term "plan" includes all plans, contracts, authorizations, or arrangements, whether or not set forth in any formal document.

(w) The term "predecessor" means a person the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions.

(x) The terms "previously filed" and "previously reported" mean previously filed with, or reported in, a registration statement under section 12, a report under section 13, or a definitive proxy statement or similar statement under section 14 of the Act, which statement or report has been filed with the FDIC provided that information contained in any such document shall be deemed to have been previously filed with or reported to an exchange only if such document is filed with such exchange.

(y) The term "principal underwriter" means an underwriter in privity of contract with the issuer of the securities as to which he is underwriter.

(z) The term "promoter" includes:

(1) Any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the bank;

(2) any person who, in connection with the founding and organizing of the bank, directly or indirectly receives in consideration of services or property or both services and property ten percent or more of any class of securities of the bank or ten percent or more of the

proceeds from the sale of any class of such securities. A person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not, however, be deemed a promoter within the meaning of this paragraph if such person does not otherwise take part in founding and organizing the bank.

(aa) The term "proxy" includes every proxy, consent, or authorization within the meaning of section 14(a) of the Act. The consent or authorization may take the form of failure to object or to dissent.

(bb) The term "proxy statement" means the statement required by § 335.201(a), whether or not contained in a single document.

(cc) The terms "qualified stock option," "restricted stock option," and "employee stock purchase plan" have the meanings given them in sections 422 through 424 of the Internal Revenue Code of 1954, as amended. For the purposes of this regulation, an option which meets all of the conditions of section 424(b) of the Internal Revenue Code of 1954, as amended, other than the date of issuance, shall be deemed to be a "restricted stock option."

(dd) The term "share" means a share of stock in a corporation or unit of interest in an unincorporated person.

(ee) The term "significant subsidiary" means:

(1) A subsidiary or

(2) a subsidiary and its subsidaries which meet any of the conditions described below based on

(i) the most recent annual financial statements, including consolidated financial statements, of such subsidiary which would be required to be filed if such subsidiary were required to file and

(ii) the most recent annual consolidated financial statements of the bank being filed:

(A) The parent's and its other subsidiaries' investments in and advances to, or their proportionate share (based on their equity interests) of the total assets (after intercompany eliminations) of, the subsidiary exceed five percent of the total assets of the parent and its consolidated subsidiaries.

(B) The parent's and its other subsidiaries' proportionate share (based on their equity interests) of the gross operating revenues (after intercompany eliminations) of the subsidiary exceeds five percent of the gross operating revenues of the parent and its consolidated subsidiaries.

(C) The parent's and its other subsidiaries' equity is the income before income taxes and extraordinary items of the subsidiary exceeds five percent of such income of the parent and its consolidated subsidiaries, provided that if such income of the parent and its consolidated subsidiaries is at least five percent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

(D) The investments in the subsidiary by its parent plus the parent's proportion of the investments in such subsidiary by the parent's other subsidiaries, if any, exceed 5 percent of the equity capital accounts of the bank. "Investments" refers to the amount carried on the books of the parent and other subsidiaries or the amount equivalent to the parent's proportionate share in the equity capital accounts of the subsidiary, whichever is greater.

(ff) The terms "solicit" and "solicitation" mean:

(1) Any request for a proxy whether or not accompanied by or included in a form of proxy;

(2) Any request to execute or not to execute, or to revoke, a proxy; or

(3) The furnishing of a form of proxy or other communication to security holders under circumstances reasonably calculated to result in the procurement, withholding, or revocation of a proxy. The terms do not apply, however, to the furnishing of a form of proxy to a security holder upon the unsolicited request of such security holder, the performance by the bank of acts required by § 335.210, or the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

(gg) The term "subsidiary" means:

(1) Any corporation, business trust, association, or similar organization of which the bank, either directly or through one or more intermediaries, (i) owns beneficially a majority of the voting securities, (ii) holds a majority of the voting securities as trustee for the benefit of the holders of a class of stock of the bank, pro rata, or (iii) has the power to elect a majority of the directors, trustees, or other persons exercising similar functions except where such power (A) exists by reason of ownership or control of voting securities by the bank in a fiduciary capacity, or (B) was obtained in the course of securing or collecting a debt previously contracted in good faith; or

(2) any affiliate controlled by such person directly, or indirectly through one or more intermediaries.

(hh) The term "succession" means the direct acquisition of the shares or assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its shares or assets. The terms "succeed" and "successor" have meanings correlative to the foregoing.

(ii) The term "verified", when used with respect to financial statements, means either:

(1) Certified by an independent public accountant, or

(2) signed in accordance with § 335.003 by the person principally responsible for the accounting records of the bank (the "principal accounting officer") and by the person principally responsible for the audit procedures of the bank (the "auditor"); except that the term "verified" shall mean certified by an independent public accountant in any case in which the FDIC so informs the bank concerned, in writing, at least 90 days prior to the end of the fiscal year to which the financial statements will relate.

(jj) The term "voting securities" means the sum of all rights, other than as affected by the events of default, to vote for election of directors and/or the sum of all interests in an unincorporated person.

§ 335.103 Liability for forward-looking statements.

(a) A statement within the coverage of paragraph (b) of this section which is made by or on behalf of a bank, or by an outside reviewer retained by the bank, shall be deemed not to be a fraudulent statement (as defined in paragraph (d) of this section), unless it is shown that such statement was made or reaffirmed without a reasonable basis or was disclosed other than in good faith.

(b) This § 335.103 applies to (1) a forward-looking statement (as defined in paragraph (c) below) made in an annual report to shareholders meeting the requirements of § 335.203 or in a document filed with the FDIC under the Act, (2) a statement reaffirming the forward-looking statement referred to in paragraph (b)(1) of this section subsequent to the date the document was filed or the annual report was made publicly available, or (3) a forward-looking statement made prior to the date the document was filed or the date the annual report was made publicly available if such forward-looking statement is reaffirmed in a filed document or annual report made publicly available within a reasonable time after the making of such forward-looking statement.

(c) For the purpose of this section the term "forward-looking statement" shall mean and shall be limited to:

(1) A statement containing a projection of revenues, income (loss),

earnings (loss) per share, capital expenditures, dividends, capital structure or other financial items;

(2) A statement of management's plans and objectives for future operations;

(3) A statement of future economic performance contained in management's discussion and analysis of the summary of earnings; or

(4) Disclosed statements of the assumptions underlying or relating to any of the statements described in § 335.103(c) (1), (2), or (3).

(d) For the purpose of this § 335.103 the term "fraudulent statement" shall mean a statement which is an untrue statement of a material fact, a statement false or misleading with respect to any material fact, an omission to state a material fact necessary to make a statement not misleading, or which constitutes the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud, as those terms are used in the Act or the regulations issued thereunder.

(e) Notwithstanding any of the provisions of § 335.103(a)—(d) this shall apply only to forward-looking statements made by or on behalf of a bank if, at the time such statements are made or reaffirmed, the bank is subject to the reporting requirements of the Act and has filed its most recent annual report on Form F–2.

Subpart B—Shareholder Meetings

§ 335.201 Requirement of statement.

(a) *Proxy statements.* No solicitation of a proxy (See 12 CFR § 335.102(aa) and (ff)) with respect to a security of a bank registered under section 12 of the Act shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information required by Form F–5.

(b) *Information statements.* If any bank having such a security outstanding fails to solicit proxies from the holders of any such security in a manner requiring the furnishing of a proxy statement, the bank shall transmit to all holders of record of such security a statement containing the information required by Form F–5A. The "information statement" required by the preceding sentence shall be transmitted: (1) At least 20 calendar days prior to any annual or other meeting of the holders of such security at which the holders are entitled to vote or (2) in the case of corporate action taken with the written authorization or consent of security holders, at least 20 days prior to the earliest date on which the corporate action may be taken.

(c) *Statements.* A proxy statement or an information statement where required by this paragraph is hereinafter sometimes referred to as a "Statement".

§ 335.202 Exceptions.

The requirements of this subpart B (except § 335.206) shall not apply to the following:

(a) Any solicitation made otherwise than on behalf of the the bank where the total number of persons solicited is not more than 10.

(b) Any solicitation by a person in respect to securities carried in his name or in the name of his nominee (otherwise than as voting trustee) or held in his custody, if such person:

(1) Receives no commission or remuneration for such solicitation, directly or indirectly, other than reimbursement of reasonable expenses;

(2) Furnishes promptly to the person solicited a copy of all soliciting material with respect to the same subject matter or meeting received from all persons who will furnish copies thereof for such purpose and who will, if requested, defray the reasonable expenses to be incurred in forwarding such material; and

(3) In addition, does no more than:

(i) Impartially instruct the person solicited to forward a proxy to the person, if any, to whom the person solicited desires to give a proxy, or (ii) impartially request from the person solicited instructions as to the authority to be conferred by the proxy and state that a proxy will be given if no instructions are received by a certain date.

(c) Any solicitation by a person with respect to securities of which he is the beneficial owner.

(d) Any solicitation through the medium of a newspaper advertisement that informs security holders of a source from which they may obtain copies of a proxy statement, form of proxy, and any other soliciting material and does no more than (1) name the bank; (2) state the reason for the advertisement; and (3) identify the proposal or proposals to be acted upon by security holders.

(e) The furnishing of proxy voting advice by any person (the "advisor") to any other person with whom the advisor has a business relationship, if:

(1) The advisor renders financial advice in the ordinary course of his business;

(2) The advisor discloses to the recipient of the advice any significant relationship with the bank or any of its affiliates, or a shareholder proponent of the matter on which advice is given, as well as any material interest of the advisor in such matter;

(3) The advisor receives no special commission or remuneration for furnishing the proxy voting advice from any person other than a recipient of the advice and other persons who receive similar advice under this subsection; and

(4) The proxy voting advice is not furnished on behalf of any person soliciting proxies or on behalf of a participant in an election subject to the provisions of § 335.220.

Note.—The solicitations excepted by § 335.202 (a) and (c) remain subject to the prohibitions against false and misleading statements in § 335.206.

§ 335.203 Annual report to security holders to accompany statements.

(a) Any Statement furnished on behalf of the bank that relates to an annual meeting of security holders at which directors are to be elected shall be accompanied or preceded by an annual report to such security holders containing, in comparative columnar form, such financial statements for the last two fiscal years, prepared on a consistent basis, as will, in the opinion of the management, adequately reflect the financial position of the bank at the end of each such year and the results of its operations for each such year. The financial statements included in the annual report may omit details or summarize information if such statements, considered as a whole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the FDIC, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. Section 335.203 shall not apply, however, to solicitations made on behalf of the bank before the financial statements are available if solicitation is being made at the time in opposition to the bank and if the bank's Statement includes an undertaking in bold-faced type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

Notes.—1. To reflect adequately the financial position and results of operations of a bank in its annual report to security holders, the financial presentation shall include, but not necessarily be limited to, the following:

(a) Comparative statements of condition at the end of each of the last 2 fiscal years.

(b) Comparative statements of income in a form providing for the determination of "net income" for each fiscal year and per share earnings data.

(c) Comparative statements of changes in capital accounts for each fiscal year, similar in form to Format F–6C.

(d) Comparative statements of changes in financial position similar to Format F–6D.

(e) Comparative reconciliations of the "Allowance for Possible Loan Losses" account similar in form to schedule VI, Format F–6E.

(f) Supplemental notes to financial statements to the extent necessary to furnish a fair financial presentation. Such notes should include the aggregate market value as of the balance sheet date for each category of investment securities reported on the balance sheet, and other information required to be furnished in notes to financial statements included in the bank's Form F–2 Annual Report.

2. The financial statements should be prepared on a consolidated basis to the extent required by § 335.623. Any differences, reflected in the financial statements included in the report to security holders, from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the bank filed or proposed to be filed with the FDIC, which have a material effect on the financial position or results of operations of the bank, shall be noted in the financial statements or the notes thereto and the effect thereof reconciled or explained in the annual report to security holders.

3. When financial statements included in the annual report (Form F–2) filed, or proposed to be filed, with the FDIC are accompanied by an opinion of an independent public accountant, the financial statements in the annual report to security holders should also be accompanied by an opinion of such independent public accountant.

4. The report shall include a summary of the bank's operations containing the information required by item 2 of Form F–2 except for the reconciliations, exhibits and supplemental information required by the instructions thereto. The provisions of § 335.309a, item 2, instruction 6 shall apply to reports to security holders.

5. The report shall contain a brief description of the business done by the bank and its subsidiaries during the most recent fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the bank and its subsidiaries. The report shall contain information as comprehensive as that required by schedule III of Format F–6E.

6. The report shall contain information as comprehensive as that required by item 1(c) of Form F–2 regarding the banks lines of business.

7. The report shall identify each of the bank's directors and officers, and shall indicate the principal occupation or employment of each such person and the name and principal business of any organization by which such person is so employed. See the definition of "officers" at § 335.102(s).

8. The report shall identify the principal market in which securities of any class entitled to vote at the meeting are traded, and shall state the high and low sales prices for such securities (or, in the absence of such information, the range of bid and asked quotations and a description of the manner in which the securities are traded and the source of the price information) and the dividends paid on such securities for each quarterly period during the issuer's two most recent fiscal years.

9. The bank's proxy statement, or the report, shall contain an undertaking in bold face or otherwise reasonably prominent type to provide without charge to each person solicited, on the written request of any such person, a copy of the bank's annual report on Form F–2, including the financial statements and the schedules thereto required to be filed with the FDIC under § 335.310 for the bank's most recent fiscal year, and shall indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, a bank need not undertake to furnish without charge copies of all exhibits to its Form F–2, provided that the copy of the annual report on Form F–2 furnished without charge to requesting security holders is accompanied by a list briefly describing all the exhibits not contained therein and indicating that the bank will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the issuer's reasonable expenses in furnishing the exhibit.

Instructions. Pursuant to the undertaking required by the above subparagraph, a bank shall furnish a copy of its annual report on Form F–2 to a beneficial owner of its securities upon receipt of a written request from such person. Each request must set forth a good faith representation that, as of the record date for the annual meeting of the bank's security holders, the person making the request was a beneficial owner of securities entitled to vote at the meeting.

10. Subject to the foregoing requirements, the report may be in a form deemed suitable by management and the information required by subparagraphs 4 to 9 may be presented in an appendix or other separate section of the report, provided that the attention of security holders is called to such presentation.

Instruction. Banks are encouraged to utilize tables, schedules, charts, and graphic illustrations to present financial information in an understandable manner. Any presentation of financial information must be consistent with the data in the financial statements contained in the report and, if appropriate, should refer to relevant portions of the financial statements and notes thereto.

11. The requirement for sending an annual report to each person being solicited will be satisfied with respect to persons having the same address by sending at least one report to a holder of record at that address, *Provided,* (i) That management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" of securities registered in the name of such person in other capacities or in the name of other persons at such address or (ii) the security holders at such address consent thereto in writing. Nothing herein shall relieve any person so consenting of any obligation to obtain or send an annual report to any other person.

12. Financial statements and the notes thereto shall be in roman type at least as large and as legible as 10-point modern type except that to the extent necessary for convenient presentation financial statements, but not the notes thereto, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

13. The FDIC may, upon the request of the issuer, permit the omission of financial statements for the earlier of the last 2 fiscal years upon a showing of good cause therefor.

(b) Six copies of each annual report sent to security holders under this section shall be sent to the FDIC not later than: (1) The date on which such report is first sent or given to security holders or (2) the date on which preliminary copies of the bank's statement are filed with the FDIC under § 335.204 whichever date is later. Such annual report is not deemed to be "soliciting material" or to be "filed" with the FDIC or otherwise subject to this subpart or the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

(c) If the bank knows that securities of any class entitled to vote at a meeting with respect to which the bank intends to solicit proxies, consents or authorizations are held of record by a broker, dealer, bank or voting trustee, or their nominees, the bank shall inquire of such record holder at least 10 days prior to the record date for the meeting of security holders (or at such later time as the rules of a national securities exchange on which the class of securities in question is listed may permit for good cause shown), whether other persons are the beneficial owners of such securities and, if so, the number of copies of the proxy and other soliciting material and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply material to beneficial owners. The bank shall supply record holder in a timely manner with additional copies in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities so held and shall, upon the request of the record holder, pay its reasonable expenses for completing the mailing of the material to security holders to whom the material is sent.

Instructions. 1. If the bank's list of security holders indicates that some of its securities are registerd in the name of a clearing agency

registered under section 17A of the Act, a bank shall make appropriate inquiry of the agency and thereafter of the participants in the agency who may hold on behalf of a beneficial owner, and shall comply with the above paragraph with respect to any participant.

2. The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. This procedure is not available where other banks, broker-dealers, and other persons hold securities in nominee accounts or "street names" on behalf of beneficial owners, and such persons are not relieved of any obligation to obtain or send annual reports to the beneficial owners.

3. The attention of banks is called to the fact that broker-dealers have an obligation under § 240.14b–1 of the rules and regulations of the Securities and Exchange Commission and applicable self-regulatory requirements to obtain and forward annual reports and proxy soliciting materials in a timely manner to beneficial owners for whom such broker-dealers hold securities.

§ 335.204 Material required to be filed.

(a) Three preliminary copies of each statement, form of proxy, and other item of soliciting material to be furnished to security holders concurrently therewith, shall be filed with the FDIC by the bank or any other person making a solicitation subject to this subpart at least ten calendar days (or 15 calendar days in the case of other than routine meetings, as defined below) prior to the date such item is first sent or given to any security holders, or such shorter period prior to that date as may be authorized. For the purposes of this paragraph, a routine meeting means a meeting with respect to which no one is soliciting proxies subject to this subpart other than on behalf of the bank and at which the bank intends to present no matters other than the election of directors, election of inspectors of election, and other recurring matters. In the absence of actual knowledge to the contrary, bank may assume that no other such solicitation of the bank's security holders is being made. In cases of annual meetings, one additional preliminary copy of the Statement, the form of proxy, and any other soliciting material, marked to show changes from the material sent or given to security holders with respect to the preceding annual meeting, shall be filed with the FDIC. If the changes are material, the bank shall file with the FDIC any explanatory comments which may be of assistance in the expeditious processing of the Statement.

(b) Three preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the FDIC at least two days (exclusive of Saturdays, Sundays, and holidays) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as may be authorized upon a showing of good cause therefor.

(c) Six copies of each statement, form of proxy, and other item of soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the FDIC not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to, each exchange upon which any security of the bank is listed.

Note.—The Definitive Statement filed with the FDIC should be accompanied by a letter indicating any material changes which have been made therein, other than those made in response to the staff's comments, and should also be accompanied by a marked copy of the Definitive Statement indicating all changes made therein.

(d) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions, or other material that discusses or reviews, or comments upon the merits of, any matter to be acted upon and is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation shall be filed with the FDIC by the person on whose behalf the solicitation is made at least five days prior to the date copies of such material are first sent or given to the individuals, or such shorter period prior to that date as may be authorized upon a showing of good cause therefor.

(e) All copies of material filed under § 335.204 (a) and (b) shall be clearly marked "Preliminary Copies" and shall be for the information of the FDIC only and shall not be considered available for public inspection before definitive material has been filed with the FDIC, except that such material may be disclosed to any department or agency of the U.S. Government and to the Congress. The FDIC may make such inquiries or investigation with respect to the material as may be necessary for an adequate review thereof. All material filed under § 335.204 (a), (b), or (e) shall be accompanied by a statement of the date upon which definitive copies thereof are intended to be, or have been, sent or given to security holders. All material filed under § 335.204(d) shall be accompanied by a statement of the date upon which copies thereof have been or are intended to be released to the individuals who will make the actual solicitation.

(f) Copies of replies to inquiries from security holders requesting further information and copies of commmunications that do no more than request that forms of proxy theretofore solicited be signed, dated, and returned need not be filed under this paragraph.

(g) Notwithstanding the provisions of § 335.204 (a) and (b), and § 335.220(e), copies of soliciting material in the form of speeches, press releases, and radio or television scripts may, but need not, be filed with the FDIC prior to use or publication. Definitive copies, however, shall be filed with or mailed for filing to the FDIC as required by § 335.204(c) not later than the date such material is used or published. The provisions of § 335.204 (a) and (b), and 335.220(e) shall apply, however, to any reprints or reproductions of all or any part of such material.

(h) Where any statement, form of proxy, or other material filed pursuant to this paragraph is revised, two of the copies of such revised material filed under § 335.204(c) shall be marked to indicate clearly the changes. If the revision alters the text of the material, the changes in such text shall be indicated by means of underscoring or in some other appropriate manner.

(i) The date that proxy material is "filed" with the FDIC for purposes of § 335.204 (a), (b), and (d), is the date of receipt by the FDIC not the date of mailing to the FDIC. In computing the advance filing period for preliminary copies of proxy soliciting material referred to in such subparagraphs, the filing date of the preliminary material is to be counted as the first day of the period and definitive material should not be planned to be mailed or distributed to security holders until after the expiration of such period. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

(j) Where preliminary copies of material are filed with the FDIC under this section the printing of definitive copies for distribution to security holders should be deferred until the comments of the FDIC's staff have been received and considered.

§ 335.205 Solicitation prior to furnishing required proxy statement.

(a) Notwithstanding the provisions of § 335.201, a solicitation (other than one subject to § 335.220) may be made prior to furnishing security holders a written proxy statement containing the

information specified in Form F–5 with respect to such solicitation if—

(1) The solicitation is made in opposition to a prior solicitation or an invitation for tenders or other publicized activity which, if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting;

(2) No form of proxy is furnished to security holders prior to the time the written proxy statement required by § 335.201 is furnished to security holders: *Provided, however,* That this § 335.205(a)(2) shall not apply where a proxy statement then meeting the requirements of Form F–5 has been furnished to security holders by or on behalf of the person making the solicitation;

(3) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests, direct or indirect, by security holdings or otherwise, are set forth in each communication sent or given to security holders in connection with the solicitation; and

(4) A written proxy statement meeting the requirements of this section is sent or given to security holders at the earliest practicable date.

(b) Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by § 335.201 shall be filed with the FDIC in preliminary form at least five business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as the FDIC may authorize upon a showing of good cause therefor.

§ 335.206 False or misleading statements.

(a) No solicitation or communication subject to this section shall be made by means of any statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact necessary in order to make the statement therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has become false or misleading. Depending upon particular circumstances, the following may be misleading within the meaning of this paragraph: Predictions as to specific future market values, material that directly or indirectly impugns character, integrity, or personal reputation, or directly or indirectly makes charges concerning improper, illegal, or immoral conduct or associations, without factual foundation; failure to so identify a statement, form of proxy, and other soliciting material as to clearly distinguish it from the soliciting material of any other person or persons soliciting for the same meeting or subject matter; claims made prior to a meeting regarding the results of a solicitation.

(b) The fact that a proxy statement, form of proxy, or other soliciting material has been filed with or reviewed by the FDIC or its staff shall not be deemed a finding by the FDIC that such material is accurate or complete or not false or misleading, or that the FDIC has passed upon the merits of or approved any statement therein or any matter to be acted upon by security holders. No representation contrary to the foregoing shall be made.

§ 335.207 Requirements as to proxy.

(a) The form of proxy (1) shall indicate in bold-face type whether or not the proxy is solicited on behalf of the bank's board of directors or, if provided other than by a majority of the board of directors, shall indicate in bold-face type the identity of the persons on whose behalf the solicitation is made, (2) shall provide a specifically designated blank space for dating the proxy, and (3) shall identify clearly and impartially each matter or group of related matters intended to be acted upon whether proposed by the bank or by security holders. No reference need be made, however, to matters as to which discretionary authority is conferred under § 335.207(c).

(b)(1) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by boxes a choice between approval or disapproval of, or abstention with respect to, each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified by the security holder if the form of proxy states in bold-faced type how the shares represented by the proxy are intended to be voted in each such case.

(2) A form of proxy which provides for the election of directors shall set forth the names of persons nominated for election as directors. Such form of proxy shall clearly provide any of the following means for security holders to withhold authority to vote for each nominee:

(i) A box opposite the name of each nominee which may be marked to indicate that authority to vote for such nominee is withheld; or

(ii) An instruction in bold-face type which indicates that the security holder may withhold authority to vote for any nominee by lining through or otherwise striking out the name of any nominee; or

(iii) Designated blank spaces in which the shareholder may enter the names of nominees with respect to whom the shareholder chooses to withhold authority to vote; or

(iv) Any other similar means, provided that clear instructions are furnished indicating how the shareholder may withhold authority to vote for any nominee.

The form of proxy also may provide a means for the security holder to grant authority to vote for the nominees set forth, as a group, provided that there is a similar means for the security holder to withhold authority to vote for the group of nominees. Any form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of any nominee shall be deemed to grant authority, provided that the form of proxy so states in bold-face type.

Instructions. Section 335.207(b)(2) does not apply in the case of a merger, consolidation or other plan if the election of directors is an integral part of the plan.

2. If applicable state law gives legal effect to votes cast against a nominee, then in lieu of, or in addition to, providing a means for security holders to withhold authority to vote, the bank should provide a similar means for security holders to vote against each nominee.

(c) A proxy may confer discretionary authority to vote with respect to any of the following matters:

(1) Matters which the persons making the solicitation do not know, a reasonable time before the solicitation, are to be presented at the meeting, if a specific statement to that effect is made in the proxy statement or form of proxy;

(2) Approval of the minutes of the prior meeting if such approval does not amount to ratification of the action taken at that meeting;

(3) The election of any person to any office for which a bona fide nominee is named in the proxy statement and nominee is subsequently unable to serve or for good cause refuses to serve;

(4) Any proposal omitted from the proxy statement and form of proxy under §§ 335.206 or 335.211; and

(5) Matters incident to the conduct of the meeting.

(d) No proxy shall confer authority (1) to vote for the election of any person to

any office for which a bona fide nominee is not named in the proxy statement, or (2) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as one unless he has consented to being named in the proxy statement and to serve if elected.

(e) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the shares represented by the proxy will be voted and that where the person solicited specifies by means of a ballot provided under § 335.207(b) a choice with respect to any matters to be acted upon, the shares will be voted in accordance with the specifications so made.

§ 335.208 Prohibition of certain solicitations.

No person making a solicitation that is subject to this Subpart B shall solicit—

(a) Any undated or postdated proxy; or

(b) Any proxy that provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the security holder.

§ 335.209 Presentation of information in Statement.

(a) The information included in the Statement shall be clearly presented and the statements made shall be divided into groups according to subject matter and the various groups of statements shall be preceded by appropriate headings. The order of items in the form need not be followed. Where practicable and appropriate, the information shall be presented in tabular form. All amounts shall be stated in figures. Information required by more than one applicable item need not be repeated. No statement need be made in response to any item that is inapplicable.

(b) Any information required to be included in the Statement as to terms of securities or other subject matter that from a standpoint of practical necessity must be determined in the future may be stated in terms of present knowledge and intention. To the extent practicable, the authority to be conferred concerning each such matter shall be confined within limits reasonably related to the need for discretionary authority. Subject to the foregoing, information that is not known to the persons on whose behalf the solicitation is to be made and is not reasonably within the power of such persons to ascertain or procure may be omitted, if a brief statement of the circumstances rendering such information unavailable is made.

(c) There may be omitted from a proxy statement any information contained in any other proxy soliciting material that has been furnished to each person solicited in connection with the same meeting or subject matter if a clear reference is made to the particular document containing the information.

(d) All printed Statements shall be set in roman type at least as large as 10-point modern type except that to the extent necessary for convenient presentation financial statements and other statistical or tabular matter may be set in roman type at least as large as 8-point modern type. All type shall be leaded at least 2 points.

(e) All proxy statements shall disclose on the first page thereof the complete mailing address, including zip code, of the principal executive offices of the bank and the approximate date on which the proxy statement and form of proxy are first sent or given to security holders.

(f) All proxy statements shall disclose, under an appropriate caption, the date by which proposals of security holders intended to be presented at the next annual meeting must be received by the bank for inclusion in the bank's proxy statement and form of proxy relating to that meeting, such date to be calculated in accordance with the provisions of § 335.211(a)(3)(i). If the date of the next annual meeting is subsequently advanced by more than 30 calendar days or delayed by more than 90 calendar days from the date of the annual meeting to which the proxy statement relates, the bank shall, in a timely manner, inform security holders of such change, and the date by which proposals of security holders must be received, by any means reasonably calculated to so inform them.

§ 335.210 Mailing communications for security holders.

If the management of the bank has made or intends to make any proxy solicitations subject to this section, the bank shall perform such of the following acts as may be requested in writing with respect to the same subject matter or meeting by any security holder who is entitled to vote on such matter or to vote at such meeting and who shall first defray the reasonable expenses to be incurred by the bank in the performance of the act or acts requested:

(a) The bank shall mail or otherwise furnish to such security holder the following information as promptly as practicable after the receipt of such request;

(1) A statement of the approximate number of holders of record of any class of securities, any of the holders of which have been or are to be solicited on behalf of the bank's or any group of holders that the security holder shall designate;

(2) If the bank has made or intends to make, through bankers, brokers, or other persons, any solicitation of the beneficial owners of securities of any class, a statement of the approximate number of such beneficial owners, or any group of such owners that the security holder shall designate;

(3) An estimate of the cost of mailing a specified proxy statement, form of proxy, or other communication to such holders, including insofar as known or reasonably available, the estimated handling and mailing costs of the bankers, brokers, or other persons specified in § 335.210(a)(2).

(b)(1) Copies of any proxy statement, form of proxy, or other communication furnished by the security holder shall be mailed by the bank to such of the holders of record specified in § 335.210(a)(1) as the security holder shall designate. The bank shall also mail to each banker, broker, or other person specified in § 335.210(a)(2), a sufficient number of copies of such proxy statement, form of proxy, or other communication as will enable the banker, broker, or other person to furnish a copy thereof to each beneficial owner solicited or to be solicited through him.

(2) Any material that is furnished by the security holder shall be mailed with reasonable promptness by the bank after receipt of a tender of the material to be mailed, of envelopes or other containers therefor, of postage or payment for postage, and of evidence that such material has been filed with the FDIC under § 335.204. The bank need not, however, mail any such material that relates to any matter to be acted upon at an annual meeting of security holders prior to the earlier of: (i) A day corresponding to the first date on which the bank's proxy soliciting material was released to security holders in connection with the last annual meeting of security holders, or (ii) the first day on which solicitation is made on behalf of the bank. With respect to any material that relates to any matter to be acted upon by security holders otherwise than at an annual meeting, material need not be mailed prior to the first day on which solicitation is made on behalf of management.

(3) Neither the management nor the bank shall be responsible for the proxy statement, form of proxy, or other communication.

(c) In lieu of performing the acts specified above, the bank may, at its option, furnish promptly to the security holder a reasonably current list of the names and addresses of such of the holders of record specified in § 335.210(a)(1) as the security holder shall designate, and a list of the names and addresses of the bankers, brokers, or other persons specified in § 335.210(a)(2) as the security holder shall designate together with a statement of the approximate number of beneficial owners solicited or to be solicited through each the banker, broker, or other person and a schedule of the handling and mailing costs of each banker, broker, or other person, if the schedule has been supplied to the bank. The foregoing information shall be furnished promptly upon the request of the security holder or at daily or other reasonable intervals as it becomes available to the bank.

§ 335.211 Proposals of security holders.

(a) If any security holder of the bank notifies the bank of his intention to present a proposal for action at a forthcoming meeting of the bank's security holders, the bank shall set forth the proposal in its proxy statement or information statement. If management issues a proxy statement, it shall identify the proposal in its form of proxy and provide means by which security holders can make the specification required by § 335.207(b). If the bank issues an information statement under § 335.201(b), it shall identify the proposal and indicate the disposition it proposes to make at the meeting. The bank however, need not include a proposal in its information statement if such proposal is submitted less than 60 days in advance of a day corresponding to the date of mailing a proxy statement or information statement in connection with the last annual meeting of security holders. Notwithstanding the foregoing, the banks shall not be required to include the proposal in its proxy statement or form of proxy unless the security holder [hereinafter, the "proponent"] has complied with the requirements of this paragraph and § 335.211 (b) and (c):

(1) *Eligibility.* At the time he submits the proposal, the proponent shall be a record or beneficial owner of a security entitled to be voted at the meeting on his proposal, and he shall continue to own security through the date on which the meeting is held. If the the bank requests documentary support for a proponent's claim that he is a beneficial owner of a voting security of the bank, the proponent shall furnish appropriate documentation within 10 business days after receiving the request. In the event the bank includes the proponent's proposal in its proxy soliciting materials for the meeting and the proponent fails to comply with the requirement that he continuously be a voting security holder through the meeting date, the bank shall not be required to include any proposals submitted by the proponent in its proxy soliciting materials for any meeting held in the following two calendar years.

(2) *Notice.* The proponent shall notify the management in writing of his intention to appear personally at the meeting to present his proposal for action. The proponent shall furnish the requisite notice at the time he submits the proposal, except that if he was unaware of the notice requirement at that time he shall comply with it within 10 business days after being informed of it by the bank. If the proponent, after furnishing in good faith the notice required by this provision, subsequently determines that he will be unable to appear personally at the meeting, he shall arrange to have another security holder of the bank present his proposal on his behalf at the meeting. In the event the proponent or his proxy fails, without good cause, to present the proposal for action at the meeting, the bank shall not be required to include any proposals submitted by the proponent in its proxy soliciting materials for any meeting, held in the following two calendar years.

(3) *Timeliness.* The proponent shall submit his proposal sufficiently far in advance of the meeting so that it is received by the bank within the following time periods:

(i) *Annual meetings.* A proposal to be presented at an annual meeting shall be received by the bank at the bank's principal executive offices not less than 90 days in advance of a date corresponding to the date of the bank's proxy statement released to security holders in connection with the previous year's annual meeting of security holders, except that if no annual meeting was held in the previous year or the date of the annual meeting has been changed by more than 30 calendar days from the date of the previous year's annual meeting a proposal shall be received by the management a reasonable time before the solicitation is made.

(ii) *Other meetings.* A proposal to be presented at any meeting other than an annual meeting shall be received a reasonable time before the solicitation is made.

Note.—In order to curtail controversy as to the date on which a proposal was received by the management, it is suggested that proponents submit their proposals by Certified Mail-Return Receipt Requested.

(4) *Number and length of proposals.* The proponent may submit a maximum of two proposals of not more than 300 words each for inclusion in the management's proxy materials for a meeting of security holders. If the proponent fails to comply with either of these requirements, or if he fails to comply with the 200-word limit on supporting statements mentioned in § 335.211(b), he shall be provided the opportunity by the bank to reduce, within 10 business days, the items submitted by him to the limits required by this section.

(b) If the bank opposes any proposal received from a proponent, it shall also, at the request of the proponent, include in its proxy statement a statement of the proponent of not more than 200 words in support of the proposal, which statement shall not include the name and address of the proponent. The statement and request of the proponent shall be furnished to the bank at the time that the proposal is furnished, and the bank shall not be responsible for such statement. The proxy statement shall also include either the name and address of the proponent or a statement that such information will be furnished by the bank or by the FDIC to any person, orally or in writing as requested, promptly upon the receipt of any oral or written request therefor. If the name and address of the proponent are omitted from the proxy statement, they shall be furnished to the FDIC at the time of filing the management's preliminary proxy material under § 335.204.

(c) The bank may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under any of the following circumstances:

(1) If the proposal is, under applicable law, not a proper subject for action by security holders;

Note.—A proposal that may be improper under applicable law when framed as a mandate or directive may be proper when framed as a recommendation or request.

(2) If the proposal would, if implemented, require the bank to violate any State law or Federal law of the United States, or any law of any foreign jurisdiction, to which the bank is subject;

(3) If the proposal or the supporting statement is contrary to any of the FDIC's proxy rules and regulations, including § 335.206 which prohibits false

or misleading statements in proxy soliciting materials;

(4) If the proposal relates to the enforcement of a personal claim or the redress of a personal grievance against the bank, or any other person;

(5) If the proposal deals with a matter that is not significantly related to the bank's business;

(6) If the proposal deals with a matter that is beyond the bank's power to effectuate;

(7) If the proposal deals with a matter relating to the conduct of the ordinary business operations of the bank;

(8) If the proposal relates to an election to office;

(9) If the proposal is counter to a proposal to be submitted by the management at the meeting;

(10) If the proposal has been rendered moot;

(11) If the proposal is substantially duplicative of a proposal previously submitted to the bank by another proponent, which proposal will be included in the bank's proxy materials for the meeting;

(12) If substantially the same proposal has previously been submitted to security holders in the bank's proxy statement and form of proxy relating to any annual or special meeting of security holders held within the preceding 5 calendar years, it may be omitted from the bank's proxy materials relating to any meeting of security holders held within 3 calendar years after the latest such previous submission: *Provided,* That—(i) If the proposal was submitted at only one meeting during such preceding period, it received less than 3 percent of the total number of votes cast in regard thereto; or

(ii) If the proposal was submitted at only two meetings during such preceding period, it received at the time of its second submission less than 6 percent of the total number of votes cast in regard thereto; or

(iii) If the proposal was submitted at three or more meetings during such preceding period, it received at the time of its latest submission less than 10 percent of the total number of votes cast in regard thereto; and

(13) If the proposal relates to specific amounts of cash or stock dividends.

(d) Whenever the bank asserts, for any reason, that a proposal and any statement in support thereof received from a proponent may properly be omitted from its proxy statement and form of proxy, it shall file with the FDIC not later than 50 days prior to the date the preliminary copies of the proxy statement and form of proxy are filed under § 335.204, or such shorter period prior to such date as the FDIC or its staff may permit, three copies of the following items:

(1) The proposal;

(2) any statement in support thereof as received from the proponent;

(3) a statement of the reasons why the bank deems omission to be proper in the particular case; and

(4) where such reasons are based on matters of law, a supporting opinion of counsel. The bank shall at the same time, if it has not already done so, notify the proponent of its intention to omit the proposal from its proxy statement and form of proxy and shall forward to him a copy of the statement of reasons why the bank deems the omission of the proposal to be proper and a copy of the supporting opinion of counsel.

(e) If the bank intends to include in the proxy statement a statement in opposition to a proposal received from a proponent, it shall—not later than ten calendar days prior to the date the preliminary copies of the proxy statement and form of proxy are filed under § 335.204, or, in the event that the proposal must be revised to be includable, not later than five calendar days after receipt by the bank of the revised proposal—promptly forward to the proponent a copy of the statement in opposition to the proposal. In the event the proponent believes that the statement in opposition contains materially false or misleading statements within the meaning of § 335.206 and the proponent wishes to bring this matter to the attention of the FDIC, the proponent should promptly provide the staff with a letter setting forth the reasons for this view and at the same time promptly provide the bank with a copy of such letter.

§ 335.212 Form for proxy statement (Form F–5).

Form F–5

Proxy Statement

General Instructions

Each statement required under § 335.201 shall, to the extent applicable, include the information called for under each of the items below. In the preparation of the statement, particular attention should be given to the definitions in § 335.102.

This form is not to be used as a blank form to be filled in nor is it intended to prescribe a form for presentation of material in the statement. Its purpose is solely to prescribe the information required to be set forth in the statement; any additional information that the bank or the soliciting persons deem appropriate may be included.

Except as otherwise specifically provided, where any item calls for information for a specified period in regard to directors, officers or other persons holding specified positions or relationships, the information shall be given in regard to any person who held any of the specified positions or relationships at any time during the period. However, information need not be included for any portion of the period during which such person did not hold any such position or relationship provided a statement to that effect is made.

Information Required in Statement

Item 1—Revocability of Proxy.

State whether the person giving the proxy has the power to revoke it. If the right of revocation before the proxy is exercised, is limited or is subject to compliance with any formal procedure, briefly describe such limitation or procedure.

Item 2—Dissenters' Rights of Appraisal.

Outline briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by dissenting security holders in order to perfect such rights. Where such rights may be exercised only within a limited time after the date of the adoption of a proposal, the filing of a charter amendment or other similar act, state whether the person solicited will be notified of such date.

Instruction. Indicate whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal or similar rights and whether a vote against a proposal will be deemed to satisfy any notice requirements under State law with respect to appraisal rights. If the State law is unclear, state what position will be taken in regard to those matters.

Item 3—Persons Making the Solicitation.

(a) Solicitations not subject to § 335.220.

(1) If the solicitation is made by the bank, so state. Give the name of any director of the bank who has informed the bank in writing that he intends to oppose any action intended to be taken by the bank and indicate the action which he intends to oppose.

(2) If the solicitation is made otherwise than by the bank, so state and give the names of the persons by whom and on whose behalf it is made.

(3) If the solicitation is to be made otherwise than by the use of the mails, describe the methods to be employed. If the solicitation is to be made by specially engaged employees or paid solicitors, state: (i) The material features of any contract or arrangement for such solicitation and identify the parties, and (ii) the cost or anticipated cost thereof.

(4) State the names of the persons by whom the cost of solicitation has been or will be borne, directly or indirectly.

(b) Solicitations subject to § 335.220.

(1) State by whom the solicitation is made and describe the methods employed and to be employed.

(2) If regular employees of the bank or any other participants in a solicitation have been or are to be employed to solicit security holders, describe the class or classes of employees to be so employed, and the manner and nature of their employment for such purpose.

(3) If specially engaged employees, representatives, or other persons have been or are to be employed to solicit security holders, state: (i) The material features of any contract or arrangement for such solicitation and identify the parties, (ii) the cost or anticipated cost thereof, and (iii) the approximate number of such employees or employees of any other person (naming such other person) who will solicit security holders.

(4) State the total amount estimated to be spent and the total expenditures to date for, in furtherance of, or in connection with the solicitation of security holders.

(5) State by whom the cost of the solicitation will be borne. If such cost is to be borne initially by any person other than the bank, state whether reimbursement will be sought from the bank, and if so, whether the question of such reimbursement will be submitted to a vote of security holders.

(6) If any such solicitation is terminated pursuant to a settlement between the bank and any other participant in such solicitation, describe the terms of such settlement, including the cost or anticipated cost thereof to the bank.

Instructions. 1. With respect to solicitations subject to § 335.220, costs and expenditures within the meaning of this item 3 shall include fees for attorneys, accountants, public relations or financial advisers, solicitors, advertising, printing, transportation, litigation and other costs incidental to the solicitation, except that the bank may exclude the amount of such costs represented by the amount normally expended for a solicitation for an election of directors in the absence of a contest, and costs represented by salaries and wages of regular employees and officers, provided a statement to that effect is included in the proxy statement.

2. The information required under paragraph (6) of item 3(b) should be included in any amended or revised proxy statement or other soliciting materials relating to the same meeting or subject matter furnished to security holders by the bank subsequent to the date of settlement.

Item 4—Interest of Certain Persons in Matters To Be Acted Upon.

(a) Solicitations not subject to § 335.220. Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of each of the following persons in any matter to be acted upon, other than elections to office:

(1) If the solicitation is made on behalf of the bank each person who has been a director or officer of the bank at any time since the beginning of the last fiscal year.

(2) If the solicitation is made otherwise than on behalf of the bank each person on whose behalf the solicitation is made. Any person who would be a participant in a solicitation for purposes of § 335.220 as defined in subparagraph (b)(1), (iii), (iv), (v), and (vi) shall be deemed a person on whose behalf the solicitation is made for purposes of this paragraph (a).

(3) Each nominee for election as a director of the bank.

(4) Each associate of the foregoing persons.

Instruction. Except in the case of a solicitation subject to subpart B made in opposition to another solicitation subject to subpart B, this subitem (a) shall not apply to any interest arising from the ownership of securities of the bank where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

(b) Solicitations subject to § 335.220.

(1) Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of each participant as defined in § 335.220 (b)(1), (ii), (iii), (iv), (v), and (vi) in any matter to be acted upon at the meeting, and include with respect to each participant the information, or a fair and adequate summary thereof, required by items 2(a) 2(d), 3, 4 (b), and 4(c) of Form F–6.

(2) With respect to any person named in answer to item 6(b), describe any substantial interest, direct or indirect, by security holdings or otherwise, that he has in any matter to be acted upon at the meeting, and furnish the information called for by item 4 (b) and (c) of Form F–6.

Item 5—Voting Securities and Principal Holders Thereof.

(a) State as to each class of voting securities of the bank entitled to be voted at the meeting, the number of shares outstanding and the number of votes to which each class is entitled.

(b) Give the date as of which the record of security holders entitled to vote at the meeting will be determined. If the right to vote is not limited to security holders of record on that date, indicate the conditions under which other security holders may be entitled to vote.

(c) If action is to be taken with respect to the election of directors and if the persons solicited have cumulative voting rights: (1) Make a statement that they have these rights, (2) briefly describe these rights, (3) state briefly the conditions precedent to their exercise, and (4) if discretionary authority to cumulate votes is solicited, so indicate.

(d) Furnish the following information to the extent known by the persons on whose behalf the solicitation is made, as of the most recent practicable date, in substantially the tabular form indicated, with respect to any person (including any "group" as that term is used in section 13(d)(3) of the Securities Exchange Act of 1934) who is known to the bank to be the beneficial owner of more than five percent of any class of the bank's voting securities. Show in column (3) the total number of shares beneficially owned and in column (4) the percent of class so owned. Of the number of shares shown in column (3), indicate by footnote or otherwise, the amount known to be shares with respect to which such listed beneficial owner has the right to acquire beneficial ownership, as specified in § 335.403(d)(1).

Instructions. 1. The percentages are to be calculated on the basis of the amount of outstanding securities, excluding securities held by or for the account of the bank or its subsidiaries, plus securities deemed oustanding under § 335.403(d)(1).

2. For the purpose of this item, beneficial ownership shall be determined in accordance with § 335.403. Include such additional subcolumns or other appropriate explanation of column (3) necessary to reflect amounts as to which the beneficial owner has (1) sole voting power, (2) share voting power, (3) sole investment power, (4) shared investment power.

3. The bank shall be deemed to know the contents of any statements filed with the FDIC under section 13(d) of the Act. When applicable, a bank may rely upon information set forth in such statements unless the bank knows or has reason to believe that such information is not complete or accurate or that a statement or amendment should have been filed and was not.

4. For purposes of furnishing information under paragraph (d), the bank may indicate the source and date of such information.

5. Where more than one beneficial owner is known to be listed for the same securities, appropriate disclosure should be made to avoid confusion.

(1)	(2)	(3)	(4)
Title of class	Name and address of beneficial owner	Amount and nature of beneficial ownership	Percent of class

(e) Furnish the following information, as of the most recent practicable date, in substantially the tabular form indicated, as to each class of equity securities of the bank or any of its parents or subsidiaries beneficially owned by all directors and nominees, naming them and directors and officers of the bank as a group, without naming them. Show in column (2) the total number of shares beneficially owned and in column (3) the percent of class so owned. Of the number of shares shown in column (2), indicate, by footnote or otherwise, the amount of shares with respect to which such persons have the right to acquire beneficial ownership as specified in § 335.403(d)(1).

Instruction. The instructions to paragraph (d) shall apply to paragraph (e).

(1)	(2)	(3)
Title of class	Amount and nature of beneficial ownership	Percent of class

(f) If, to the knowledge of the persons on whose behalf the solicitation is made, a change in control of the bank has occurred since the beginning of its last fiscal year, state the name of the person(s) who acquired such control, the amount and the source of the consideration used by such person or persons; the basis of the control, the date and a description of the transaction(s) which resulted in the change of control and the percentage of voting securities of the bank now beneficially owned directly or indirectly by the person(s) who acquired control; and the identity of the person(s) from whom control was assumed. If the source or any part of the consideration used is a loan made in the ordinary course of business by a bank as defined by section 3(a)(6) of the Act, the identity of the bank shall be omitted provided a request for confidentiality has been made under section 13(d)(1)(B) of the Act by the person(s) who acquired control. In lieu thereof, the material shall indicate that the identity of the bank has been so omitted and filed separately with the FDIC.

Instructions. 1. State the terms of any loans or pledges obtained by the new control group for the purpose of acquiring control, and the names of the lenders or pledgees.

2. Any arrangements or understandings among members of both the former and new control groups and their associates with respect to election of directors or other matters shall be described.

(g) Describe any arrangements, known to the bank including any pledge by any person of securities of the bank or any of its parents, the operation of which may at a subsequent date result in a change in control of the bank.

Instruction. Paragraph (g) does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the bank.

Item 6—Directors and Principal Officers.

If action is to be taken with respect to election of directors, furnish the following information, in tabular form to the extent practicable, with respect to each person nominated for election as a director and each person whose term of office will continue after the meeting. However, if the solicitation is made on behalf of persons other than the bank the information required need to be furnished only as to nominees of the persons making the solicitation.

(a) *Identification of directors.* List the names and ages of all directors of the bank, and all persons nominated or chosen to become directors; indicate all positions and offices with the bank held by each such person; state the term of office as director and any period(s) during which the person has served as such; briefly describe any arrangement or understanding between the person and any other person or persons (naming such person(s)) pursuant to which the person was or is to be selected as a director or nominee.

Instructions. 1. Do not include arrangements or understandings with directors or officers of the bank acting solely in their capacities as such.

2. No nominee or person chosen to become a director or who has not consented to act as one should be named in response to this item. In this regard, see § 335.207.

3. No information need be given respecting any director whose term of office as a director will not continue after the meeting to which the statement relates.

4. In connection with action to be taken concerning the election of directors, if fewer nominees are named than the number fixed by or under the governing instruments, state the reasons for this procedure and that the proxies cannot be voted for a greater number of persons than the number of nominees named.

(b) *Family relationships.* State the nature of any family relationship between any director, principal officer, or person nominated or chosen by the bank to become a director or principal officer.

Instruction. The term "family relationship" means any relationship by blood, marriage, or adoption, not more remote than first cousin.

(c) *Business experience.* (1) Give a brief account of the business experience during the past five years of each director or person nominated or chosen to become a director; including the person's principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on.

(2) *Directorships.* Indicate any other directorships held by each director or person nominated or chosen to become a director in any company with a class of securities registered under section 12 of the Act.

(d) *Involvement in certain legal proceedings.* Describe any of the following events which occurred during the past five years and which are material to an evaluation of the ability or integrity of any director or person nominated to become a director of the bank:

(1) A petition under the Bankruptcy Act or any State insolvency law was filed by or against, or a receiver, fiscal agent or similar officer was appointed by a court for the business or property of the person, or any partnership in which the person was a general partner at or within two years before the time of filing, or any corporation or business association of which the person was a principal officer at or within two years before the time of the filing;

(2) The person was convicted in a criminal proceeding or is a named subject of a pending criminal proceeding (excluding traffic violations and other minor offenses);

(3) The person was the subject of any order, judgment, or decree, not subsequently reversed, suspended or vacated, of any court of competent jurisdiction permanently or temporarily enjoining the person from, or otherwise limiting the following activities:

(i) Acting as an investment adviser, underwriter, broker or dealer in securities, or as an affiliated person, director or employee of any investment company, bank, savings and loan association or insurance company, or engaging in or continuing any conduct or practice in connection with such activity;

(ii) Engaging in any type of business practice; or

(iii) Engaging in any type of activity in connection with the purchase or sale of any security or in connection with any violation of Federal or State securities laws;

(4) The person was the subject of any order, judgment or decree, not subsequently reversed, suspended or vacated, of any Federal or State authority barring, suspending or otherwise limiting for more than 60 days the right of the person to engage in any activity described in paragraph (d)(3) of this item, or to be associated with persons engaged in any such activity;

(5) The person was found by a court of competent jurisdiction in a civil action or by a government authority to have violated any Federal or State securities law, and the judgment in the civil action or finding by the government authority has not been subsequently reversed, suspended, or vacated.

Instructions. 1. For purposes of computing the five-year period referred to in this paragraph, the date of a reportable event shall be deemed the date on which the final order, judgment or decree was entered, or the date on which any rights of appeal from preliminary orders, judgments, or decrees have lapsed. With respect to bankruptcy petitions, the computation date shall be the date of filing for uncontested petitions or the date upon which approval of a contested petition became final.

2. If any event specified in this paragraph (d) has occurred and information in regard thereto is omitted on the ground that it is not material, the bank may furnish to the FDIC, at the time preliminary materials are filed under § 335.204 as supplemental information and not as part of the proxy statement materials to which the omission relates, a description of the event and a statement of the reasons for the omission of information in regard thereto.

3. The bank is permitted to explain any mitigating circumstances associated with events reported pursuant to this paragraph.

4. No information need be given respecting any director whose term of office as a director will not continue after the meeting to which the statement relates.

(e) *Relationships with affiliates and others.* Describe any of the following relationships that exist:

(1) The nominee or director has during the past five years had a principal occupation or employment with any of the bank's parents, subsidiaries or other affiliates;

(2) The nominee or director is related to a principal officer of any of the bank's parents, subsidiaries or other affiliates by blood, marriage or adoption (except relationships more remote than first cousin);

(3) The nominee or director is, or has within the last two full fiscal years been, an officer, director or employee of, or owns, or has within the last two full fiscal years owned, directly or indirectly, in excess of one

(1) percent equity interest in any firm, corporation or other business or professional entity:

(i) Which has made payments to the bank or its subsidiaries for property or services during the bank's last full fiscal year in excess of one (1) percent of the bank's consolidated gross revenues for its last full fiscal year;

(ii) Which proposes to make payments to the bank or its subsidiaries for property or services during the current fiscal year in excess of one (1) percent of the bank's consolidated gross revenues for its last full fiscal year;

(iii) To which the bank or its subsidiaries was indebted at any time during the bank's last fiscal year in an aggregate amount in excess of one (1) percent of the bank's total consolidated assets at the end of such fiscal year, or $5,000,000, whichever is less;

(iv) To which the bank or its subsidiaries has made payments for property or services during such entity's last fiscal year in excess of one (1) percent of such entity's gross revenues for its last full fiscal year;

(v) To which the bank or its subsidiaries proposes to make payments for property or services during such entity's current fiscal year in excess of one (1) percent of such entity's consolidated gross revenues for its last full fiscal year;

(vi) In order to determine whether payments made or proposed to be made exceed one (1) percent of the consolidated gross revenues of any entity other than the bank for such entity's last full fiscal year, it is appropriate to rely on information provided by the nominee or director;

(vii) In calculating payments for property and services the following may be excluded:

(A) Payments where the rates or charges involved in the transaction are determined by competitive bids, or the transaction involves the rendering of services as a public utility at rates or charges fixed in conformity with law or governmental authority;

(B) Payments which arise solely from the ownership of securities of the issuer and no extra or special benefit not shared on a pro rata basis by all holders of the class of securities is received;

(viii) In calculating indebtedness for purposes of paragraph (e)(3)(iii) of this item, debt securities which have been publicly offered, admitted to trading on a national securities exchange, or quoted on the automated quotation system of a registered securities association may be excluded;

(4) That the nominee or director is a member or employee of, or is associated with, a law firm which the issuer has retained in the last two full fiscal years or proposes to retain in the current fiscal year;

(5) That the nominee or director is a director, partner, officer or employee of any investment banking firm that has performed services for the bank other than as a participating underwriter in a syndicate in the last two full fiscal years or which the bank proposes to have perform services in the current year; or

(6) That the nominee or director is a control person of the bank other than solely as a director of the bank.

(7) In addition, the bank should disclose any other relationships it is aware of between the director or nominee and the bank or its management which are substantially similar in nature and scope to those relationships listed above.

Note.—In the FDIC's view, where significant business or personal relationships exist between the director or nominee and the bank or its management, including, but not limited to, those as to which disclosure would be required pursuant to this item 6(e), characterization of a director or nominee by any "label" connoting a lack of relationship to the bank and its management may be materially misleading.

(f) *Committees.* (1) State whether or not the bank has standing audit, nominating and compensation committees of the board of directors, or committees performing similar functions. If the bank has such committees, however designated, identify each committee member, state the number of committee meetings held by each committee during the last fiscal year and describe briefly the functions performed by such committees.

(2) If the bank has a nominating or similar committee, state whether the committee will consider nominees recommended by shareholders and, if so, describe the procedures to be followed by shareholders in submitting such recommendations.

(g) *Director attendance.* State the total number of meetings of the board of directors (including regularly scheduled and special meetings) which were held during the last full fiscal year. Name each incumbent director who during the last full fiscal year attended fewer than 75 percent of the aggregate of: (1) The total number of meetings of the board of directors (held during the period for which he has been a director) and (2) the total number of meetings held by all committees of the board on which he served (during the periods that he served).

(h) *Director resignations.* If a director has resigned or declined to stand for re-election to the board of directors since the date of the last annual meeting of shareholders because of a disagreement with the bank on any matter relating to the bank's operations, policies or practices, and if the director has furnished the bank with a letter describing such disagreement and requesting that the matter be disclosed, the bank shall state the date of resignation or declination to stand for re-election and summarize the director's description of the disagreement.

If the bank believes that the description provided by the director is incorrect or incomplete, it may include a brief statement presenting its views of the disagreement.

(i) *Election results.* With respect to those classes of voting stock which particpated in the election of directors at the most recent meeting at which directors were elected:

(1) State in an introductory paragraph the percentage of shares present at the meeting and voting or withholding authority to vote in the election of directors; and (2) disclose in tabular format, following the introductory paragraph, the percentage of total shares cast for and withheld from the vote for or, where applicable, cast against, each nominee, which, respectively, were voted for and withheld from the vote for, or voted against, the nominee. When groups of classes or series of classes vote together in the election of a director or directors, they shall be treated as a single class for the purpose of the preceding sentence.

Instructions. 1. Calculate the percentage of shares present at the meeting and voting or withholding authority to vote in the election of directors, referred to in paragraph (i)(1), by dividing the total shares cast for and withheld from the vote for or, where applicable, voted against, the director in respect of whom the highest aggregate number of shares was cast by the total number of shares outstanding which were eligible to vote as of the record date for the meeting.

2. No information need be given in response to item 6(i) unless, with respect to any class of voting stock (or group of classes which voted together), 5% or more of the total shares cast for and withheld from the vote for or, where applicable, cast against any nominee were withheld from the vote for or cast against the nominee.

3. If a bank elects less than the entire board of directors annually, disclosure is required as to all directors if 5% or more of the total shares cast for and withheld from, the vote for, or, where applicable, cast against any incumbent director were withheld from, or cast against the vote for the director at the meeting at which he was most recently elected.

4. No information need be given in response to item 6(i) if the issuer has previously furnished to its security holders a report of the results of the most recent meeting of security holders at which directors were elected which includes: (1) A description of each matter voted upon at the meeting and a statement of the percentage of the shares voting which were voted for and against each matter; and (2) the information which would be called for by this item 6(i). If a bank has previously furnished the results to its security holders, this fact should be set forth in the bank's cover letter accompanying the filing of preliminary proxy materials.

Item 7—Remuneration and Other Transactions With Management and Others.

Furnish the information called for by this item if action is to be taken with respect to: (i) The election of directors, (ii) any bonus, profit sharing or other remuneration plan, contract or arrangement in which any director, nominee for election as a director, or officer of the bank will participate, (iii) any pension or retirement plan in which any such person will participate, or (iv) the granting or extension to any such person of any options, warrants or rights to purchase any securities, other than warrants or rights issued to security holders, as such, on a pro rata basis. However, if the solicitation is made on behalf of persons other than the management, the information required need be furnished only as to nominees for election as directors and as to their associates.

(a) *Current remuneration.* Furnish the information required in the table below in substantially the tabular form specified, concerning all remuneration of the following persons and groups for services in all capacities to the bank during the bank's last fiscal year:

(1) *Five principal officers or directors.* Each of the five most highly compensated principal officers or directors of the bank as to whom the total remuneration required to be disclosed in columns C1 and C2 below would exceed $50,000, naming each such person; and

(2) *All principal officers and directors.* All principal officers and directors of the bank as a group, stating the number of persons in the group without naming them.

(3) *Specified tabular format: Remuneration table:*

(The remuneration table is set forth below.)

		Cash and cash equivalent forms of remuneration		
(A) (C)	(B)	(C1)	(C2)	(D)
Name of individual or number of persons in group	Capacities in which served	Salaries, fees, directors' fees, commissions, and bonuses	Securities or property insurance benefits or reimbursement, personal benefits	Aggregate of contingent forms of remuneration

Instructions to Item 7(a). 1. Columns A and B. Persons subject to this item.

(a) This item applies to any person who was a principal officer, or director of the bank at any time during the fiscal year. However, information need not be given for any portion of the period during which such person was not a principal officer, or director of the bank provided a statement to that effect is made.

(b) The terms "principal officer" and "officer" of a bank are defined in § 335.102(s).

(c) For the purposes of this item 7, the term "bank" shall include the bank and all its subsidiaries.

2. *Column C.* (a) Column C1 shall include all cash remuneration distributed or accrued in the form of salaries, fees, directors' fees, commissions and bonuses.

(b) Column C2 shall include the following: (i) *Securities or property.* Where any of the specified persons or group: (A) Exercises any option, right or simlilar election in connection with any contract, agreement, plan or arrangement, or (B) becomes entitled without further contingencies to retain securities or property, state the spread between the acquisition price, if any, and the fair market price of all securities or property acquired under any contract, agreement, plan or arrangement. The fair market price of any such securities or property shall be determined as of the date during the fiscal year that either of the events in (A) or (B) of this paragraph occurs, or if both events are contemplated, the date of the later event.

(ii) *Personal benefits.* (A) The value of personal benefits which are not directly related to job performance, which are furnished by the bank directly or through third parties to each of the specified persons and group, or benefits furnished by the bank to other persons which directly benefit the specified persons. Such personal benefits shall include the cost of any premiums or benfits paid by the bank for any life or health insurance policy or health plan of which the bank is not the sole beneficiary. Such benefits shall be valued on the basis of the aggregate actual cost to the bank. Information need not be furnished for any such benefit provided by the bank which does not discriminate in favor of officers or directors and which is available generally to all salaried employees.

(B) No disclosure need be included as to any person named in the remuneration table if the aggregate amount of all personal benefits to such persons did not exceed $5,000 or in the case of a group, $5,000 for each person in the group. If disclosure of such amounts is not made, a statement to that effect should be added in a footnote to the table.

(C) If the bank cannot determine the actual cost of personal benefits for a specified person without unreasonable effort or expense, include a reasonable estimate of the cost of the personal benefit to the bank. If the bank cannot reasonably allocate the extent to which the benefit is personal, include the aggregate cost to the bank and estimate the percentage of cost attributable to personal use. If an estimate is made, disclose the factors upon which the estimate is based.

(D) Provide in a statement following the table a description of the bank's policies and practices with respect to providing personal benefits to officers, directors or principal shareholders. Describe the type of benefits provided and the basis for selection of the recipients.

3. *Column D.* Column D shall include remuneration of the specified persons and group in whole or in part for services rendered during the fiscal year (including the forms of remuneration described in paragraphs (a) through (c) below) if the distribution of such remuneration or the unconditional vesting or measurement of benefits thereunder is subject to future events.

(a) *Pension or retirement plans; annuities; employment contracts; deferred compensation plans.* (i) As to each of the specified persons and group, the amount expensed for financial reporting purposes by the bank for the year which represents the contribution, payment or accrual for the account of any such person or group under any existing pension or retirement plans, annuity contracts, deferred compensation plans or any other similar arrangements. Such amounts should be reflected as remuneration for the fiscal year under all such plans or arrangements, including plans qualified under the Internal Revenue Code, unless, in the case of a defined benefit or actuarial plan, the amount of the contribution, payment or accrual in respect to a specified person is not and cannot readily be separately or individually calculated by the regular actuaries for the plan.

(ii) If amounts are excluded from the table pursuant to the previous provision, include a footnote to the table: (A) Stating such fact; (B) disclosing the percentage which the aggregate contributions to the plan bears to the total remuneration of plan participants covered by such plan; and (C) briefly describing the remuneration covered by the plan.

(b) *Incentive and compensation plans and arrangements.* (i) With respect to stock options, stock appreciation rights plans, phantom stock plans and any other incentive or compensation plan or arrangement pursuant to which the measure of benefits is based on objective standards or on the value of securities of the bank or another person, granted, awarded or entered into at any time in connection with services to the bank, include as remuneration of each of the specified persons and group any attributable amount expensed by the bank for financial reporting purposes for the fiscal year as remuneration for any such specified person or group.

(ii) Where amounts are expensed and reported in the remuneration table, and amounts are credited in a subsequent year in connection with the same plan or arrangement for any proper reason, including a decline in the market price of the securities, such credit may be reflected as a reduction of the remuneration reported in column D. If amounts credited are reflected in the table, include a footnote stating the amount of the credit and briefly describe such treatment.

(iii) The term "options" as used in this item 7 includes all options, warrants or rights, other than those issued to security holders as such on a pro rata basis.

(c) *Stock purchase plans; profit sharing and thrift plans.* Include the amount of any contribution, payment or accrual for the account of each of the specified persons and group under any stock purchase, profit sharing, thrift or similar plan, which has been expensed during the fiscal year by the bank for financial reporting purposes. Amounts reflecting contributions under plans qualified under the Internal Revenue Code may not be excluded.

4. *Other permitted disclosure.* The bank may provide additional disclosure through a footnote to the table, through additional columns, or otherwise, describing the components of aggregate remuneration in such greater detail as is appropriate.

5. *Definition of "plan".* The term "plan" as used in this Part 335 includes all plans, contracts, authorizations, or arrangements, whether or not set forth in any formal document.

[End of Instructions to Item 7(a)]

(b) *Proposed remuneration.* Briefly describe all remuneration payments proposed to be made in the future, pursuant to any existing plan or arrangement to the persons and group specified in item 7(a). As to defined benefit or actuarial plans, with respect to which amounts are not included in the table under instruction 3(a) to item 7(a), include a separate table showing the estimated annual

benefits payable upon retirement to persons in specified remuneration and years-of-service classifications.

Instruction. Information need not be furnished with respect to any group life, health, hospitalization, or medical reimbursement plans which do not discriminate in favor of officers or directors of the bank and which are available generally to all salaried employees.

(c) *Options, warrants or rights.* Furnish the following information as to all options to purchase any securities from the bank which were granted to or exercised by the following persons since the beginning of the bank's last fiscal year, and as to all options held by the persons as of the latest practicable date: (i) Each director or officer named in answer to paragraph (a)(1), naming each person; and (ii) all directors and officers of the bank as a group, without naming them:

(1) As to options granted during the period specified state: (i) The title and aggregate amount of securities called for; (ii) the average option price per share; and (iii) if the option price was less than 100 percent of the market value of the security on the date of grant, that fact and the market price on that date shall be disclosed.

(2) As to the options exercised during the period specified, state: (i) The title and aggregate amount of securities purchased; (ii) the aggregate purchase price; and (iii) the aggregate market value of the securities purchased on the date of purchase.

(3) As to all unexercised options held as of the latest practicable date (state date), regardless of when the options were granted, state: (i) The title and aggregate amount of securities called for; and (ii) the average option price per share.

Instructions. 1. The term "options" as used in this paragraph (c) includes all options, warrants or rights, other than those issued to security holders as such on a pro rata basis. Where the average option price per share is called for, the weighted average price per share shall be given.

2. The extension, regranting or material amendment of options shall be deemed the granting of options within the meaning of this paragraph.

3. (i) Where the total market value on the granting dates of the securities called for by all options granted during the period specified does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1), or $40,000 for all officers and directors as a group, this item need not be answered with respect to options granted to that person or group.

(ii) Where the total market value on the dates of purchases of all securities purchased through the exercise of options during the period specified does not exceed $10,000 for any person or $40,000 for a group, this item need not be answered with respect to options exercised by that person or group.

(iii) Where the total market value as of the latest practicable date of the securities called for by all options held at that time does not exceed $10,000 for any a person or $40,000 for such group, this item need not be answered with respect to options held as of the specified date by that person or group.

4. If the options relate to more than one class of securities the information shall be given separately for each class.

5. The information called for by this item 7(c) may be furnished in the form of the table set forth in the Option Disclosure Instruction at the end of § 395.212.

(d) *Indebtedness of management.* (1) State as to each of the following specified persons ("specified persons"), who was indebted to the bank at any time since the beginning of its last fiscal year: (i) The largest aggregate amount of indebtedness (in dollar amounts and as a percentage of total equity capital accounts at the time), including extensions of credit or overdrafts, endorsements and guarantees outstanding at any time during the period; (ii) the amount thereof outstanding as of the latest practicable date; (iii) the nature of the indebtedness and of the transaction in which it was incurred; and (iv) the rate of interest paid or charged:

(A) Each director or principal officer of the bank;

(B) Each nominee for election as a director;

(C) Each security holder who is known to the bank to own of record or beneficially more than five percent of any class of the bank's voting securities ("principal security holder"); and

(D) Each associate of any such director, principal officer, nominee or principal security holder.

Instructions. 1. Include the name of each person whose indebtedness is described and the nature of the relationship by reason of which the information is required to be given.

2. Generally, no information need be given under this item 7(d) unless any of the following are present:

(a) The extension(s) of credit were not made on substantially the same terms, including interest rates, collateral and repayment terms as those prevailing at the time for comparable transactions with other than the specified persons.

(b) The extension(s) of credit were not made in the ordinary course of business.

(c) The extension(s) of credit have involved or presently involve more than a normal risk of collectibility or other unfavorable features including the restructuring of an extension of credit, or a delinquency as to payment of interest or principal.

(d) The aggregate amount of extensions of credit outstanding at any time from the beginning of the last fiscal year to date to a person specified in (A), (B), and (C) of this paragraph (d)(1) together with the person's associates, exceeded 10% of the equity capital accounts of the bank at that time or $5 million, whichever is less.

Note.—For purposes of this instruction 2(d) only: (1) The information called for by paragraphs (d)(1)(iii) and (iv) of this item 7 need not be furnished; (2) A principal security holder shall mean each security holder known to the bank to own of record or beneficially more than ten (10) percent of any class of the bank's voting securities; and (3) The name of any associate need not be furnished.

(2) If aggregate extensions of credit to the specified persons as a group, exceeded 20 percent of the equity capital accounts of the bank at any time since the beginning of the last fiscal year, (i) The aggregate amount of such extensions of credit shall be disclosed, and (ii) a statement shall be included, to the extent applicable, that the bank has had and expects to have in the future, banking transactions in the ordinary course of its business with directors, officers, principal stockholders, and their associates, on substantially the same terms, including interest rates and collateral on loans, as those prevailing at the same time for comparable transactions with others and did not involve more than the normal risk of collectibility or present other unfavorable features.

(3) If any indebtedness required to be described arose under section 16(b) of the Act and had not been discharged by payment, state the amount of any profit realized, that such profit will inure to the benefit of the bank and whether suit will be brought or other steps taken to recover such profit. If in the opinion of counsel a question reasonably exists as to the recoverability of such profit, it will suffice to state all facts necessary to describe the transaction, including the prices and number of shares involved.

(e) *Transactions with management.* Describe briefly any transactions since the beginning of the bank's last fiscal year or any presently proposed transactions, to which the bank was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the bank, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or principal officer of the bank;

(2) Any nominee for election as a director;

(3) Any security holder who is known to the bank to own of-record or beneficially more than five percent of any class of the bank's voting securities; and

(4) Any associate of any of the foregoing persons.

Instructions. No information need be given in response to this item 7(e) as to any remuneration or other transaction reported in response to item 7 (a), (b), (c), or (d), or as to any transaction with respect to which information may be omitted under instruction 3(a)(i) to item 7(a), the instruction to item 7(b), instruction 3 to item 7(c) or instruction 2 to item 7(d).

2. No information need be given in answer to this item 7(e) as to any transaction where:

(a) The rates or charges involved in the transaction are determined by competitive bids, or the transaction involves the rendering of services as a common or contract carrier, or public utility, at rates or charges fixed in conformity with law or governmental authority;

(b) The transaction involves services as a bank depositary of funds, transfer agent, registrar, trustee under a trust indenture, or similar services;

(c) The amount involved in the transaction or series of similar transactions, including all periodic installments in the case of any lease or other agreement providing for periodic

payments or installments, does not exceed $40,000; or

(d) The interest of the specified person arises solely from the ownership of securities of the bank and the specified person receives no extra or special benefit not shared on a pro rata basis by all holders of securities of the class.

3. It should be noted that this item calls for disclosure of indirect, as well as direct, material interests in transactions. A person who has a position or relationship with a firm, corporation, or other entity, which engages in a transaction with the bank or its subsidiaries may have an indirect interest in such transaction by reason of such position or relationship. However, a person shall be deemed not to have a material indirect interest in a transaction within the meaning of this item 7(e) where:

(a) The interest arises only: (i) From such person's position as a director of another corporation or organization (other than a partnership) which is a party to the transaction, or (ii) from the direct or indirect ownership by such person and all other persons specified in subparagraphs (1) through (4) above, in the aggregate, of less than a 10 percent equity interest in another person (other than a partnership) which is a party to the transaction, or (iii) from both such position and ownership;

(b) The interest arises only from such person's position as a limited partner in a partnership in which he and all other persons specified in (1) through (4) above had an interest of less than 10 percent; or

(c) The interest of such person arises solely from the holding of an equity interest (including a limited partnership interest, but excluding a general partnership interest), or a creditor interest in another person which is a party to the transaction with the bank or any of its subsidiaries and the transaction is not material to such other person.

4. The amount of the interest of any specified person shall be computed without regard to the amount of the profit or loss involved in the transaction. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

5. In describing any transaction involving the purchase or sale of assets by or to the bank or any of its subsidiaries, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and, if acquired by the seller within two years prior to the transaction, the cost thereof to the seller. Indicate the principle followed in determining the banks purchase or sale price and the name of the persons making such determination.

6. Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transactions should be indicated.

7. Information shall be furnished in answer to this item with respect to transactions not excluded above which involve remuneration from the bank or its subsidiaries, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership individually and in the aggregate of less than 10 percent of any class of equity securities of another corporation furnishing the services to the bank.

8. The foregoing instructions specify certain transactions and interests as to which information may be omitted in answering this item. There may be situations where, although the foregoing instructions do not expressly authorize nondisclosure, the interest of a specified person in the particular transaction or series of transactions is not a material interest. In that case, information regarding such interest and transaction is not required to be disclosed in response to this item. The materiality of any interest or transaction, is to be determined on the basis of the significance of the information to investors in light of all of the circumstances of the particular case. The importance of the interest to the person having the interest, the relationship of the parties to the transaction to each other and the amount involved in the transaction are among the factors to be considered in determining the significance of the information to investors.

(f) *Transactions with pension or similar plans.* Describe briefly any transactions since the beginning of the bank's last fiscal year or presently proposed transactions, to which any pension, retirement, savings or similar plan provided by the bank, or any of its parents or subsidiaries was or is to be a party, in which any of the following persons had or is to have a direct or indirect material interest, naming such person and stating his relationship to the bank, the nature of his interest in the transaction and, where practicable, the amount of such interest:

(1) Any director or principal officer of the bank;

(2) Any nominee for election as a director;

(3) Any security holder who is known to the bank to own of record or beneficially more than five (5) percent of the outstanding voting securities of the bank;

(4) Any associate of any of the foregoing persons; and

(5) The bank or any of its subsidiaries.

Instructions. 1. Instructions 2, 3, 4 and 5 to item 7(e) shall apply to this item 7(f).

2. Without limiting the general meaning of the term "transaction" there shall be included in answer to this item 7(f) any remuneration received or any loans received or outstanding during the period, or proposed to be received.

3. No information need be given in answer to paragraph (f) with respect to

(a) Payments to the plan, or payments to beneficiaries, under the terms of the plan;

(b) Payment of remuneration for services not in excess of five (5) percent of the aggregate remuneration received by the specified person during the bank's last fiscal year from the bank; or

(c) Any interest of the bank which arises solely from its general interest in the success of the plan.

(g) *Legal proceedings.* Briefly describe any material legal proceeding to which any director, any nominee for election as a director, principal officer of the bank, any owner of record or beneficially of more than five (5) percent of any class of voting securities of the bank, or any associate of any such director, nominee, officer or security holder is a party adverse to the bank.

Item 8—Relationship With Independent Public Accountants.

If the solicitation is made on behalf of management of the bank and relates to a meeting of security holders at which directors are to be elected, auditors are to be selected or approved, or financial statements are included pursuant to item 15, furnish the following information describing the bank's relationship with its independent public accountants:

(a) The name of the principal accountant selected or being recommended to shareholders for election, approval or ratification for the current year. If no accountant has been selected or recommended, so state and briefly describe the reasons therefor.

(b) The name of the principal accountant for the fiscal year most recently completed if different from the accountant selected or recommended for the current year or if no accountant has yet been selected or recommended for the current year.

(c) If a change or changes in accountants have taken place since the date of the proxy statement for the most recent annual meeting of shareholders, and if in connection with such change(s) a disagreement between the accountant and bank has been reported on Form F–3 or in the accountant's letter filed as an exhibit thereto, the disagreement shall be described. Prior to submitting the preliminary proxy material to the FDIC which contains or amends such description, the bank shall furnish the description of the disagreement to any accountant with whom a disagreement has been reported. If that accountant believes that the description of the disagreement is incorrect or incomplete, he may include a brief statement, ordinarily expected not to exceed 200 words, in the proxy statement presenting his view of the disagreement. This statement shall be submitted to the bank within 10 business days of the date the accountant received the bank's description.

(d) The proxy statement shall indicate whether or not representatives of the principal accountants for the current year and for the most recently completed fiscal year are expected to be present at the stockholders' meeting with the opportunity to make a statement if they desire to do so and whether or not such representatives are expected to be available to respond to appropriate questions.

(e) If any change in accountants has taken place since the date of the proxy statement for the most recent annual meeting of shareholders, state whether such change was recommended or approved by

(1) Any audit or similar committee of the board of directors, if the bank has such a committee; or

(2) The board of directors, if the bank has no such committee.

(f) For the fiscal year most recently completed, describe each professional service provided by the principal accountant and state the percentage relationship which the aggregate of the fees for all non-audit services bear to the audit fees, and, except as

provided below, state the percentage relationship which the fee for each non-audit service bears to the audit fees. Indicate whether, before each professional service provided by the principal accountant was rendered, it was approved by, and the possible effect on the independence of the accountant was considered by, (1) Any audit or similar committee of the board of directors and (2) for any service not approved by an audit or similar committee, the board of directors.

Instructions. 1. For purposes of this subsection, all fees for services provided in connection with the audit function (e.g., reviews of quarterly reports, filings with the corporation, and annual reports) may be computed as part of the audit fees. Indicate which services are reflected in the audit fees computation.

2. If the fee for any non-audit service is less than ten (10) percent of the audit fees, the percentage relationship need not be disclosed.

3. Each service should be specifically described. Broad general categories such as "tax matters" or "management advisory services" are not sufficiently specific.

4. Describe the circumstances and give details of any services provided by the bank's independent accountant during the latest fiscal year that were furnished at rates or terms that were not customary.

5. Describe any existing direct or indirect understanding or agreement that places a limit on current or future years' audit fees, including fee arrangements that provide fixed limits on fees that are not subject to reconsideration if unexpected issues involving accounting or auditing are encountered. Disclosure of fee estimates is not required.

Item 9—Bonus; Profit Sharing; and Other Remuneration Plans.

If action is to be taken with respect to any bonus, profit sharing, or other remuneration plan, furnish the following information:

(a) Describe briefly the material features of the plan. Identify each class of person who will participate therein, indicate the approximate number of persons in each such class and state the basis of such participation.

(b) State separately the amounts which would have been distributable under the plan during the last fiscal year of the bank: (1) To directors and officers and (2) to employees if the plan had been in effect.

(c) State the name and position with the bank of each person specified in item 7(a), who will participate in the plan and the amount which each such person would have received under the plan for the last fiscal year of the bank if the plan had been in effect.

(d) Furnish such information, in addition to that required by this item and item 7, as may be necessary to describe adequately the provisions already made under to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past five years, for: (1) Each director or officer named in answer to item 7(a) who may participate in the plan to be acted upon; (2) all present directors and officers of the bank as a group, if any director or officer may participate in the plan; and (3) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders, to increase the cost thereof to the bank or to alter the allocation of the benefits as between the groups specified in (b), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, the item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. 1. The term "plan" as used in this title means any plan as defined in instruction 8 to item 7(a).

2. If the plan to be acted upon is set forth in a written document, three copies thereof shall be filed with the FDIC at the time preliminary copies of the statement are filed under § 335.204.

3. The following instructions shall apply to paragraph (d):

(a) Information need only be given with respect to benefits received or set aside within the past five years.

(b) Information need not be included as to payments made for, or benefits to be received from group life or accident insurance, group hospitalization or similar group payments or benefits.

(c) If action is to be taken with respect to any plan in which directors or officers may participate, the information called for by item 7(c) (1) and (2) shall be furnished for the last five fiscal years of the issuer and any period subsequent to the end of the latest such fiscal year, in aggregate amounts for the entire period for each such person and group. If any named person, or any other director or officer, purchased securities through the exercise of options during such period, state the aggregate amount of securities of that class sold during the period by such named person and such other directors and officers as a group. The information called for by this instruction 3(c) is in lieu of the information since the beginning of the issuer's last fiscal year called for by item 7(c) (1) and (2). If employees may participate in the plan to be acted upon, state the aggregate amount of securities called for by all options granted to employees during the five-year period and, if the options were other than "restricted" or "qualified" stock options or options granted pursuant to an "employee stock purchase plan", as the quoted terms are defined in sections 422 through 424 of the Internal Revenue Code, state that fact and the weighted average option price per share. The information called for by this instruction may be furnished in the form of the table illustrated in the option disclosure instruction, appearing at the end of this form.

Item 10—Pension and Retirement Plans.

If action is to be taken with respect to any pension or retirement plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will be entitled to participate therein, indicate the approximate number of persons in each such class, and state the basis of such participation.

(b) State: (1) The approximate total amount necessary to fund the plan with respect to past services, the period over which such amount is to be paid, and the estimated annual payments necessary to pay the total amount over such period; (2) the estimated annual payment to be made with respect to current services, and (3) the amount of such annual payments to be made for the benefit of (i) directors and officers, and (ii) employees.

(c) State: (1) The name and position with the bank of each person specified in item 7(a) who will be entitled to participate in the plan, (2) the amount which would have been paid or set aside by the bank and its subsidiaries for the benefit of such person for the last fiscal year of the bank if the plan had been in effect, and (3) the amount of the annual benefits estimated to be payable to such person in the event of retirement at normal retirement date.

(d) Furnish such information, in addition to that required by this item and item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past five years, for: (1) Each director or officer named in answer to item 7(a) who may participate in the plan to be acted upon; (2) all present directors and officers of the bank as a group, if any director or officer may participate in the plan; and (3) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or alter the allocation of the benefits as between the groups specified in (b)(3), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, the item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. 1. The information called for by paragraph (b)(3) or (c)(2) need not be given as to payments made on an actuarial basis under any group pension plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. Instructions 1, 2, and 3 to item 9 shall apply to this item.

Item 11—Options; Warrants; or Rights.

If action is to be taken with respect to the granting or extension of any options, warrants, or rights to purchase securities of the bank or any subsidiary, furnish the following information:

(a) State: (1) The title and amount of securities called for or to be called for by such options, warrants, or rights; (2) the prices, expiration dates and other material conditions upon which the options, warrants, or rights may be exercised; (3) the

consideration received or to be received by the issuer or subsidiary for the granting or extension of the options, warrants, or rights; (4) the market value of the securities called for or to be called for by the options, warrants, or rights as of the latest practicable date, and (5) in the case of options, the Federal income tax consequences of the issuance and exercise of such options to the recipient and to the bank.

(b) State separately the amount of options, warrants, or rights received or to be received by the following persons, naming each such person: (1) Each director or officer named in answer to item 7(a); (2) each nominee for election as a director of the bank; (3) each associate of such directors, officers, or nominees; and (4) each other person who received or is to receive five percent or more of such options, warrants, or rights. State also the total amount of such options, warrants, or rights received or to be received by all directors and officers of the bank as a group, without naming them.

(c) Furnish such information, in addition to that required by this item and item 7 as may be necessary to describe adequately the provisions already made under all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past five years, for: (1) Each director or officer named in answer to item 7(a) who may participate in the plan to be acted upon; (2) all directors and officers of the bank as a group, if any director or officer may participate in the plan; and (3) all employees, if employees may participate in the plan.

Instructions. 1. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

2. The instruction to item 9 shall apply to paragraph (c) of this item.

3. Include in the answer to paragraph (c) as to each director or officer named in answer to item 7(a) and as to all directors and officers as a group (i) the amount of securities acquired during the past two years through the exercise of options granted during the period or prior thereto; (ii) the amount of securities sold during such period of the same class as those acquired through the exercise of such options; and (iii) the amount of securities subject to all unexercised options held as of the latest practicable date.

Item 12—Authorization or Issuance of Securities Otherwise than for Exchange.

If action is to be taken with respect to the authorization or issuance of any securities otherwise than in exchange for outstanding securities of the bank, furnish the following information:

(a) State the title and amount of securities to be authorized or issued.

(b) Furnish a description of the material provisions of the securities such as would be required in a registration statement filed pursuant to this part. If the terms of the securities cannot be stated or estimated with respect to any or all of the securities to be authorized, because no offering thereof is contemplated in the proximate future, and if no further authorization by security holders for the issuance thereof is to be obtained, it should be stated that the terms of the securities to be authorized, including dividend or interest rates, conversion prices, voting rights, redemption prices, maturity dates, and similar matters will be determined by the board of directors. If the securities are additional shares of common stock of a class outstanding, the description may be omitted except for a statement of the preemptive rights, if any. Where the statutory provisions with respect to preemptive rights are so indefinite or complex that they cannot be stated in summarized form, it will suffice to make a statement in the form of an opinion of counsel as to the existence and extent of such rights.

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to: (1) The nature and approximate amount of consideration received or to be received by the bank, and (2) the approximate amount devoted to each purpose so far as determinable, for which the net proceeds have been or are to be used. If it is impracticable to describe the transaction in which the securities are to be issued, state the reason, indicate the purpose of the authorization of the securities, and state whether further authorization for the issuance of the securities by a vote of security holders will be solicited prior to such issuance.

(d) If the securities are to be issued otherwise than in a general public offering for cash, state the reasons for the proposed authorization or issuance and the general effect thereof upon the rights of existing security holders.

Item 13—Modification or Exchange of Securities.

If action is to be taken with respect to the modification of any class of securities of the bank, or the issuance or authorization for issuance of securities of the bank in exchange for outstanding securities of the bank, furnish the following information:

(a) If outstanding securities are to be modified, state the title and amount thereof. If securities are to be issued in exchange for outstanding securities, state the title and amount of securities to be so issued, the title and amount of outstanding securities to be exchanged therefor, and the basis of the exchange.

(b) Describe any material differences between the outstanding securities and the modified or new securities in respect of any of the matters concerning which information would be required in the description of the securities in a registration statement filed under to this part.

(c) State the reasons for the proposed modification or exchange, and the general effect thereof upon the rights of existing security holders.

(d) Furnish a brief statement as to arrears in dividends or as to defaults in principal or interest in respect to the outstanding securities which are to be modified or exchanged and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(e) Outline briefly any other material features of the proposed modification or exchange.

Instruction. If the existing security is presently listed and registered on a national securities exchange, state whether it is intended to apply for listing and registration of the new or reclassified security on such exchange or any other exchange. If it is not intended to make such application, state the effect of the termination of such listing and registration.

Item 14—Mergers; Consolidations; Acquisitions; and Similar Matters.

If action is to be taken with respect to any plan for: (i) The merger or consolidation of the bank into or with any other person or of any other person into or with the bank; (ii) the acquisition by the bank or any of its subsidiaries of securities of another bank; (iii) the acquisition by the bank of any other going business or of the assets thereof; (iv) the sale or other transfer of all or any substantial part of the assets of the bank; or (v) the voluntary liquidation or dissolution of the bank:

(a) Outline briefly the material features of the plan. State the reasons therefor and the general effect thereof upon the interests of existing security holders. If the plan is set forth in a written document, file three copies thereof with the FDIC when preliminary copies of the Statement are filed under § 335.204.

(b) Furnish the following information as to the bank and each person which is to be merged into the bank, or into or with which the bank is to be merged or consolidated, or the business or assets of which are to be acquired, or which is the issuer of securities to be acquired by the bank or any of its subsidiaries in exchange for all or a substantial part of its assets. What is required is information essential to an investor's appraisal of the action proposed to be taken:

(1) A brief description of the business and property of each such person in substantially the manner described in items 1 and 3 of Form F–1.

(2) A brief statement as to dividends in arrears, defaults in principal or interest in respect to any securities of the bank or of such person, and as to the effect of the plan thereon and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(3) The information with respect to the proposed management of the surviving bank required by items 6 and 7 of this Form F–5. Information concerning remuneration of management may be projected for the current year based on remuneration actually paid or accrued by each of the constituent persons during the last calendar year. If significantly different, proposed compensation arrangements should also be described.

(4) A tabular presentation of the existing and pro forma capitalization.

(5) In columnar form, for each of the last five fiscal years, a historical summary of earnings. Such summary is to be concluded by indicating per share amounts of income before securities gains (losses), net income, and dividends declared for each period reported. (Extraordinary items, if any, should be appropriately reported and per share

amounts of securities gains (losses) may be included.) See instruction 4 to this item.

(6) In columnar form, for each of the last five fiscal years, a combined pro forma summary of earnings, as appropriate in the circumstances, similar in structure to the historical summary of earnings. If the transaction establishes a new basis of accounting for assets of any of the persons included therein, the pro forma summary of earnings shall be furnished only for the most recent fiscal year and interim period and shall reflect appropriate pro forma adjustments resulting from such new basis of accounting.

(7) A tabular presentation of comparative per share data of the constituent banks or other persons pertaining to:

(A)(i) Income before securities gains (losses); (ii) net income; and (iii) dividends declared, for each of the last five fiscal years; and

(B) Book value per share, at the date of the balance sheets included in the statement.

The comparative per share data shall be presented on a historical and pro forma basis (except dividends which are to be furnished on historical basis only) and equated to a common basis in exchange transactions.

(8) To the extent material for the exercise of prudent judgment, the historical and pro forma earnings data specified in (5), (6), and (7) above for the latest available interim period of the current and prior fiscal years.

Instructions. 1. Historical statements of income in their entirety, as required by item 15, may be furnished in lieu of the summary of earnings specified in paragraph 5. If summary earnings information is presented, show, as a minimum, operating revenues, operating expenses, income before income taxes and securities gains (losses), applicable income taxes, income before securities gains (losses), securities gains (losses), extraordinary items less applicable tax, cumulative effects of changes in accounting principles, and net income. The summary shall reflect retroactive adjustments or any material items affecting the comparability of the results.

2. In connection with any interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable prior period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period or periods have been included, and results of the interim period for the current year are not necessarily indicative of results for the entire year. In addition, there shall be furnished in such cases, as supplemental information but not as a part of the proxy statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring accruals, entering into the determination of the results shown.

3. The information required by this item 14(b) is required in a statement of the "acquiring" or "surviving" bank only where a "significant" merger or acquisition is to be voted upon. For purposes of this item, the term "significant" merger or acquisition shall mean a transaction where either: (1) The net book value of assets to be acquired or the amount to be paid therefor exceeds five percent of the equity capital accounts of the acquiring bank, or (2) in an exchange transaction, the number of shares to be issued exceeds five percent of the outstanding shares of the acquiring bank, or (3) gross operating revenues for the last fiscal year of the person to be acquired exceeded five percent of the gross operating revenues for the last fiscal year of the acquiring bank. If less than a "significant" merger or acquisition is to be voted upon, such information need only be included to the extent necessary for the exercise of prudent judgment with respect thereto.

4. The provisions of § 335.309a, item 1, Instruction 6 shall apply to the summaries required by this item.

(c) As to each class of securities of the bank, or of any person specified in paragraph (b), which is admitted to dealing on a national securities exchange or with respect to which a market otherwise exists, and which will be materially affected by the plan, state the high and low sale prices (or in the absence of trading in a particular period, the range of the bid and asked prices) for each quarterly period within two years. This information may be omitted if the plan involves merely the voluntary liquidation or dissolution of the bank.

Item 15—Financial Statements.

(a) If action is to be taken with respect to any matter specified in items 12, 13, or 14 above, furnish verified financial statements of the bank and its subsidiaries such as would be required in a registration statement filed under this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. All schedules, except schedule VI—"Allowance for Possible Loan Losses" may be omitted.

(b) If action is to be taken with respect to any matter specified in item 14(b), furnish for each person specified therein, other than the bank, financial statements such as would be required in a registration statement filed under this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. However, the following may be omitted: (1) All schedules, except schedule VI—"Allowance for Possible Loan Losses"; and (2) statements for a subsidiary, all of the stock of which is owned by the bank, that is included in the consolidated statement of the bank and its subsidiaries. Such statements shall be verified, if practicable.

(c) Notwithstanding paragraphs (a) and (b) above, any or all of such financial statements which are not material for the exercise of prudent judgment in regard to the matter to be acted upon may be omitted. Such financial statements are deemed material to the exercise of prudent judgment in the usual case involving the authorization or issuance of any material amount of senior securities, but are not deemed material in cases involving the authorization or issuance of common stock, otherwise than in an exchange, merger, consolidation, acquisition, or similar transaction.

(d) The statement may incorporate by reference any financial statements contained in an annual report sent to security holders under § 335.203 with respect to the same meeting as that to which the statements relate, provided such financial statements substantially meet the requirements of this item.

Item 16—Action With Respect to Reports.

If action is to be taken with respect to any report of the bank or of its directors, officers, or committees or any minutes of meetings of its security holders, furnish the following information:

(a) State whether or not such action is to constitute approval or disapproval of any of the matters referred to in such reports or minutes.

(b) Identify each of such matters which it is intended will be approved or disapproved, and furnish the information required by the appropriate item or items of this schedule with respect to each such matter.

Item 17—Matters Not Required To Be Submitted.

If action is to be taken with respect to any matter which is not required to be submitted to a vote of security holders, state the nature of such matter, the reasons for submitting it to a vote of security holders and what action is intended to be taken by the management in the event of a negative vote on the matter by the security holders.

Item 18—Amendment of Charter; Bylaws; or Other Documents.

If action is to be taken with respect to any amendment of the bank's charter, bylaws, or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment.

Instruction. Where the matter to be acted upon is the classification of directors state whether vacancies which occur during the year may be filled by the board of directors to serve only until the next annual meeting or may be so filled for the remainder of the full term.

Item 19—Other Proposed Action.

If action is to be taken with respect to any matter not specifically referred to above, describe briefly the substance of each such matter in substantially the same degree of detail as is required by items 5 to 18, inclusive, above.

Item 20—Vote Required for Approval.

As to each matter which is to be submitted to a vote of security holders, other than elections to office or the selection or approval of auditors, state the vote required for its approval.

Item 21—Acquisition or Disposition of Property.

If action is to be taken with respect to the acquisition or disposition of any property, furnish the following information:

(a) Describe briefly the general character and location of the property.

(b) State the nature and amount of consideration to be paid or received by the issuer or any subsidiary. To the extent practicable, outline briefly the facts bearing upon the question of the fairness of the consideration.

(c) State the name and address of the transferer or transferee, as the case may be,

and the nature of any material relationship of such person to the issuer or any affiliate of the issuer.

(d) Outline briefly any other material features of the contract or transaction.

Item 22—Restatement of Accounts.

If action is to be taken with respect to the restatement of any asset, capital, or surplus account of the bank, furnish the following information:

(a) State the nature of the restatement and the date as of which it is to be effective.

(b) Outline briefly the reasons for the restatement and for the selection of the particular effective date.

(c) State the name and amount of each account (including any reserve accounts) affected by the restatement and the effect of the restatement thereon. Tabular presentation of the amounts shall be made when appropriate, particularly in the case of recapitalizations.

(d) To the extent practicable, state whether and the extent, if any, to which the restatement will, as of the date thereof, alter the amount available for distribution to the holders of equity securities.

Option Disclosure Instruction

The table set forth below is an illustration of the presentation in tabular form of the information required by item 7(c) and instruction 3(c) to item 9(d), which also applies to items 10(d) and 11(c). If only item 7(c) applies and items 9, 10, and 11 are inappropriate, information need only be furnished for the period specified in item 7(c), information as to shares sold may be omitted and the reference at the foot of the table to options granted to employees may be omitted. Other tabular presentations are, of course, acceptable if they include the necessary data. Tabular presentations may not be needed if only a very few options have been granted.

The following tabulation shows as to certain directors and officers and as to all directors and officers as a group (i) the amount of options granted since the beginning of the fifth previous full fiscal year, (ii) the amount of shares acquired since that date through the exercise of options granted since that date or prior thereto, (iii) the amount of shares sold during such period of the same class as those so acquired, and (iv) the amount of shares subject to all unexercised options held as of ———— (Insert date).

Common shares[1]	John Jones	James Smith	Richard Roe	All directors and officers as a group
Granted—19— to date:				
Number of shares				
Average per share option price	$	$	$	$
Exercise—19— to date: Number of shares				
Aggregate option price of options exercised	$	$	$	$
Aggregate market value of shares on date options exercised	$	$	$	(2)
Sales—19— to date: Number of shares				
Unexercised at ——— 19—, Number of shares				
Average per share option price	$	$	$	$

[1] All common share figures have been adjusted in accordance with the terms of the options to reflect the stock split in 19— and where applicable, to give effect to share dividends.

[2] Sales by directors and officers who exercised options during the period 19— to date.

Note.—In addition, during the period employees were granted options for ——— shares at an average option price per share of $———.

§ 335.213 Form for information statement (Form F–5A)

Form F–5A

Information Statement

Note.—Where any item, other than item 5, calls for information with respect to any matter to be acted upon at the meeting, such item need be answered only with respect to proposals to be made by the bank.

Item 1. Information required by items of Form F–5 (12 CFR 335.212). Furnish the information called for by all of the items of Form F–5 (12 CFR 335.212) (other than items 1, 3, and 4 thereof) which would be applicable to any matter to be acted upon at the meeting if proxies were to be solicited in connection with the meeting.

Item 2. Statement that proxies are not solicited. The following statement shall be set forth on the first page of the information statement in bold-face type:

We Are Not Asking You For a Proxy and You Are Requested Not To Send Us a Proxy

Item 3. Date, time and place of meeting. State the date, time and place of the meeting of security holders, unless that information is otherwise disclosed in material furnished to security holders with the information statement.

Item 4. Interest of certain persons in or opposition to matters to be acted upon. (a) Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of each of the following persons in any matter to be acted upon, other than elections to office:

(1) Each person who has been a director or officer of the bank at any time since the beginning of the last fiscal year.

(2) Each nominee for election as a director of the bank.

(3) Each associate of the foregoing persons.

(b) Give the name of any director of the bank who has informed the bank in writing that he intends to oppose any action to be taken by the bank at the meeting and indicate the action which he intends to oppose.

Item 5. Proposals by security holders. If any security holder entitled to vote at the meeting has submitted to the bank a reasonable time before the information statement is to be transmitted to security holders a proposal, other than elections to office, which is accompanied by notice of his intention to present the proposal for action at the meeting, make a statement to that effect, identify the proposal and indicate the disposition proposed to be made of the proposal by the bank at the meeting.

Instructions. 1. This item need not be answered as to any proposal submitted with respect to an annual meeting if the proposal is submitted less than 60 days in advance of a day corresponding to the date of mailing a proxy statement or information statement in connection with the last annual meeting of security holders.

2. If the bank intends to rule a proposal out of order, the FDIC shall be so advised at the time preliminary copies of the information statement are filed with the FDIC, together with a statement of the reasons why the proposal is not deemed to be a proper subject for action by security holders.

§ 335.220 Special provisions applicable to election contests

(a) *Solicitations to which the paragraph applies.* This paragraph applies to any solicitation subject to this section by any person or group of persons for the purpose of opposing a solicitation subject to this section by any other person or group of persons with respect to the election or removal of directors at any annual or special meeting of security holders.

(b) *Participant defined.* (1) For purposes of this paragraph the terms "participant" and "participant in a solicitation" include the following:

(i) The bank;

(ii) Any director of the bank, and any nominee for whose election as a director proxies are solicited;

(iii) Any committee or group that solicits proxies, any member of such committee or group, and any person whether or not named as a member who, acting alone or with one or more other persons, directly or indirectly, takes the initiative in organizing, directing, or financing any such committee or group;

(iv) Any person who finances or joins with another to finance the solicitation of proxies, except persons who contribute not more than $500 and who are not otherwise participants;

(v) Any person who lends money or furnishes credit or enters into any other arrangements, pursuant to any contract or understanding with a participant, for the purpose of financing or otherwise inducing the purchase, sale, holding, or voting of securities of the bank by any participant or other person, in support of or in opposition to a participant, except a bank, broker, or dealer who, in the ordinary course of business, lends money or executes orders for the

purchase or sale of securities and who is not otherwise a participant;

(vi) Any other person who solicits proxies.

(2) Such terms do not include—

(i) Any person or organization retained or employed by a participant to solicit security holders and whose activities are limited to the performance of his duties in the course of such employment, or any person who merely transmits proxy soliciting material or performs ministerial or clerical duties;

(ii) Any person employed by a participant in the capacity of attorney, accountant, or advertising, public relations, or financial adviser, and whose activities are limited to the performance of his duties in the course of such employment;

(iii) Any person regularly employed as an officer or employee of the bank or any of its subsidiaries who is not otherwise a participant; or

(iv) Any officer or director of, or any person regularly employed by, any other participant, if such officer, director, or employee is not otherwise a participant.

(c) *Filing of information required by Form F–6.* (1) No solicitation subject to this paragraph shall be made by any person other than the management of the bank unless at least five business days prior thereto, or such shorter period as the FDIC may authorize upon a showing of good cause therefor, there has been filed with the FDIC and with each exchange upon which any security of the bank is listed, by or on behalf of each participant in such solicitation, a statement in duplicate containing the information specified by Form F–6.

(2) Within five business days after a solicitation subject to this paragraph is made by the management of the bank, or such longer period as the FDIC may authorize upon a showing of good cause therefor, there shall be filed with the FDIC and with each exchange upon which any security of the bank is listed, by or on behalf of each participant in such solicitation, other than the bank, a statement in duplicate containing the information specified by Form F–6.

(3) If any solicitation on behalf of management or any other person has been made, or if proxy material is ready for distribution, prior to a solicitation subject to this paragraph in opposition thereto, a statement in duplicate containing the information specified in Form F–6 shall be filed by or on behalf of each participant in such prior solicitation, other than the bank, as soon as reasonably practicable after the commencement of the solicitation in opposition thereto, with the FDIC and with each exchange on which any security of the bank is listed.

(4) If, subsequent to the filing of the statements required by § 335.220(c) (1), (2) and (3), additional persons become participants in a solicitation subject to § 335.220(c)(1) there shall be filed, with the FDIC and each appropriate exchange, by or on behalf of each such person a statement in duplicate containing the information specified by Form F–6, within three business days after such person becomes a participant, or such longer period as the FDIC may authorize upon a showing of good cause therefor.

(5) If any material change occurs in the facts reported in any such statement filed by or on behalf of any participant, an appropriate amendment to such statement shall be filed promptly with the FDIC and each appropriate exchange.

(6) Each statement and amendment thereto filed pursuant to this paragraph shall be part of the official files of the FDIC and shall be deemed a communication subject to the provisions of § 335.206.

(d) *Solicitations prior to furnishing required statement.* Notwithstanding the provisions of § 335.201 a solicitation subject to § 335.220 may be made prior to furnishing security holders a written statement containing the information specified in Form F–5 with respect to such solicitation if: (1) The statement required by § 335.220(c) is filed by or on behalf of each participant in such solicitation; (2) no form of proxy is furnished to security holders prior to the time the statement is furnished to security holders, except that this subdivision shall not apply where a statement then meeting the requirements of Form F–5 has been furnished to security holders by or on behalf of the person making the solicitation; (3) at least the information specified in items 2(a) and 3(a) of the statement required by § 335.220(c) to be filed by each participant, or an appropriate summary thereof, is included in each communication sent or given to security holders in connection with the solicitation; and (4) a written statement containing the information specified in Form F–5 with respect to a solicitation is sent or given security holders at the earliest practicable date.

(e) *Solicitations prior to furnishing required statement—filing requirements.* Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the proxy statement required by § 335.201 shall be filed with the FDIC in preliminary form, at least five business days prior to the date copies of such material are first sent or given to security holders, or such shorter period as the FDIC may authorize upon a showing of good cause therefor.

(f) *Application of this paragraph to annual report.* Notwithstanding the provisions of § 335.203 three copies of any portion of the annual report referred to in that paragraph that comments upon or refers to any solicitation subject to this paragraph, or to any participant in any such solicitation, other than the solicitation by the management, shall be filed with the FDIC as proxy material subject to this section. Such portion of the annual report shall be filed with the FDIC in preliminary form at least five business days prior to the date copies of this report are first sent or given to security holders.

(g) *Application of § 335.204.* The provisions of § 335.204 (c)–(g) shall apply, to the extent pertinent, to soliciting material subject to § 335.220 (e) and (f).

(h) *Use of reprints or reproductions.* In any solicitation subject to this paragraph, soliciting material that includes, in whole or in part, any reprints or reproductions of any previously published material shall:

(1) State the name of the author and publication, the date of prior publication, and identify any person who is quoted without being named in the previously published material.

(2) Except in the case of a public official document or statement, state whether or not the consent of the author and publication has been obtained to the use of the previously published material as proxy soliciting material.

(3) If any participant using the previously published material, or anyone on his behalf, paid, directly or indirectly, for the preparation or prior publication of the previously published material, or has made or proposes to make any payments or give any other consideration in connection with the publication or republication of such material, state the circumstances.

§ 335.221 Form for statement in election contests (Form F–6).

Form F–6

Statement in Election Contest

General Instructions

All items shall be answered but the text of any item may be omitted provided the answers thereto are prepared in the manner specified in § 335.301. If an item is inapplicable or the answer is in the negative, so state. The information called for by items 2(a) and 3(a) or a fair summary thereof is required to be included in all preliminary soliciting material by § 335.220.

Item 1—Bank. State the name and address of the bank.

Item 2—Identity and Background of Participant.

(a) State the following:

(1) Your name and business address.

(2) Your present principal occupation or employment and the name, principal business, and address of any corporation or other organization in which such employment is carried on.

(b) State the following:

(1) Your residence address.

(2) Information as to all material occupations, positions, offices, or employments during the last ten years, giving starting and ending dates of each and the name, principal business, and address of any business corporation or other business organization in which each such occupation, position, office, or employment was carried on.

(c) State whether or not you are or have been a participant in any other proxy contest involving the bank or other corporations within the past ten years. If so, identify the principals, the subject matter and your relationship to the parties and the outcome.

(d) State whether or not, during the past ten years, you have been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give dates, nature of conviction, name and location of court, and penalty imposed or other disposition of the case. A negative answer to this subitem need not be included in the statement or other proxy soliciting material.

Item 3—Interests in Securities of the Bank.

(a) State the amount of each class of securities of the bank that you own beneficially, directly, or indirectly.

(b) State the amount of each class of securities of the bank that you own of record but not beneficially.

(c) State with respect to the securities specified in (a) and (b) the amounts acquired within the past two years, the dates of acquisition and the amounts acquired on each date.

(d) If any part of the purchase price or market value of any of the shares specified in paragraph (c) is represented by funds borrowed or otherwise obtained for the purpose of acquiring or holding such securities, so state and indicate the amount of the indebtedness as of the latest practicable date. If such funds were borrowed or obtained otherwise than under a margin account or bank loan in the regular course of business of a bank, broker, or dealer, briefly describe the transaction, and state the names of the parties.

(e) State whether or not you are a party to any contracts, arrangements or understandings with any person with respect to any securities of the bank, including but not limited to joint ventures, loan or option arrangements, puts or calls, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. If so, name the persons with whom such contracts, arrangements, or understandings exist and give the details thereof.

(f) State the amount of securities of the bank owned beneficially, directly, or indirectly by each of your associates and the name and address of each such associate.

(g) State the amount of each class of securities of any parent or subsidiary of the bank which you own beneficially, directly, or indirectly.

Item 4—Further Matters.

(a) Describe the time and circumstances under which you became a participant in the solicitation and state the nature and extent of your activities or proposed activities as a participant.

(b) Furnish for yourself and your associates the information required by Item 7(d), (e), and (f) of Form F–6.

(c) State whether or not you or any of your associate have any arrangement or understanding with any person:

(1) With respect to any future employment by the bank or its affiliates; or

(2) With respect to any future transactions to which the bank or any of its affiliates will or may be a party. If so, describe such arrangement or understanding and state the names of the parties thereto.

(d) State the total amount contributed and proposed to be contributed by you in furtherance of the solicitation, directly or indirectly, if such amount exceeds or will exceed $500 in the aggregate.

Item 5—Signature.

The statement shall be dated and signed in the following manner:

I certify that the statements made in this statement are true, complete, and correct, to the best of my knowledge and belief.

_____

(Signature of participant or authorized representative)

Date _____

Instruction. If the statement is signed on behalf of participant by the latter's authorized representative, evidence of the representative's authority to sign on behalf of such participant shall be filed with the statement.

Subpart C—Bank Reporting

§ 335.301 Requirement of registration statement.

Securities of a bank (*other than a foreign bank*) shall be registered under the provisions of either section 12(b) or section 12(g) of the Act by filing a statement in conformity with the requirements of Form F–1 (or Form F–10, in the case of registration of an additional class of securities). Securities of a foreign bank shall be registered in conformity with applicable requirements of SEC Form 20–F (27 CFR § 249.220f). No registration shall be required under the provisions of section 12(b) or section 12(g) of the Act of any warrant or certificate evidencing a right to subscribe to or otherwise acquire a security of a bank if such warrant or certificate by its terms expires within 90 days after the issuance thereof.

§ 335.302 Registration of securities of successor bank.

(a) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of a bank, holders of any class of equity securities not previously registered under section 12 of the Act, are issued to the holders of any class of equity securities of another bank which is registered under section 12(g) of the Act, the class of securities so issued shall be deemed to be registered under section 12(g) of the Act unless upon consummation of the succession such class is exempt from such registration or all securities of such class are held of record by less than 300 persons.

(b) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of a bank, which are not registered under section 12 of the Act, are issued to the holders of any class of equity securities of another issuer which is required to file a registration statement under section 12(g) of the Act but has not yet done so, the duty to file such statement shall be deemed to have been assumed by the bank whose class of securities is so issued and such bank shall file a registration statement under section 12(g) of the Act with respect to such class within the period of time the predecessor bank would have been required to file such a statement, or within such extended period of time as the FDIC may authorize upon application under § 335.358 unless upon consummation of the succession such class is exempt from such registration or all securities of the class are held of record by less than 300 persons.

§ 335.303 Registration effective as to class or series.

Depending upon whether the security is to be listed on an exchange, registration shall become effective as provided in section 12(d) or section 12(g)(1) of the Act as to the entire class of such security, then or thereafter authorized. If, however, a class of security is issuable in two or more series with different terms, each such series shall be deemed a separate class for the purposes of this paragraph.

§ 335.304 Acceleration of effectiveness of registration.

A request for acceleration of the effective date of registration shall be made in writing by either the bank, an exchange, or both and shall briefly describe the reasons therefor.

§ 335.305 Exchange certification.

(a) Certification that a security has been approved by an exchange for listing and registration under section 12(d) of the Act shall be made by the governing committee or other

corresponding authority of the exchange.

(b) The certification shall specify: (1) The approval of the exchange for listing and registration; (2) the title of the security so approved; (3) the date of filing with the exchange of the registration statement and of any amendments thereto; and (4) any conditions imposed on such certification. The exchange shall promptly notify the FDIC of the partial or complete satisfaction of any such conditions.

(c) The certification may be made by telegram but in such case shall be confirmed in writing. All certifications in writing and all amendments thereto shall be filed with the FDIC in duplicate and at least one copy shall be manually signed by the appropriate exchange authority.

(d) The date of receipt by the FDIC of the certification approving a security for listing and registration shall be the date on which the certification is actually received by the FDIC, or the date on which the registration statement to which the certification relates is actually received by the FDIC, whichever date is later.

(e) If an amendment to the registration statement is filed with the exchange and with the FDIC after the receipt by the FDIC of the certification of the exchange approving the security for listing and registration, the certification, unless withdrawn, shall be deemed made with reference to the statement as amended.

(f) An exchange may, by notice to the FDIC, withdraw its certification prior to the time that the registration to which it relates first becomes effective pursuant to paragraph (b) of this section.

(g) An exchange may suspend from trading a bank security listed and registered thereon in accordance with its rules. Suspension of trading shall not terminate the registration of any bank security.

§ 335.306 When securities are deemed to be registered.

A class of securities with respect to which a registration statement has been filed under section 12 of the Act shall be deemed to be registered for the purposes of sections 13, 14 and 16 of the Act and the regulations in this part only when such registration statement has become effective as provided in section 12, and securities of said class shall not be subject to sections 13, 14 and 16 of the Act until such registration statement has become effective as provided in section 12.

§ 335.307 Exemptions for American depository receipts and certain foreign securities.

(a)(1) Securities of any class issued by any foreign bank shall be exempt from section 12(g) of the Act if the class has fewer than 300 holders resident in the United States. This exemption shall continue until the next fiscal year end at which the bank has a class of equity securities held by 300 or more persons resident in the United States. For the purpose of determining whether a security is exempt under this paragraph, securities held of record by persons resident in the United States shall be determined as provided in § 335.102(*l*) except that securities held of record by a broker, dealer or bank or nominee for any of them in the United States for the accounts of customers resident in the United States shall be counted as held in the United States by the number of separate accounts for which the securities are held. The bank may rely in good faith on information as to the number of such separate accounts supplied by all owners of the class of its securities which are brokers, dealers or banks in the United States or a nominee for any of them.

(2) Registration of any class of security by a foreign bank under section 12(g) of the Act shall be terminated ninety days, or such shorter period as the FDIC may determine, after the bank files a certification with the FDIC that the number of holders resident in the United States of such class of security is reduced to less than 300 persons. Termination of registration shall be deferred pending final determination on the question of denial.

(b)(1) Securities of any foreign private bank shall be exempt from section 12(g) of the Act if the bank, or a government official or agency of the country of the bank's domicile or in which it is incorporated or organized.

(i) Shall furnish to the FDIC whatever information in each of the following categories ("required public information") the bank during its last fiscal year (A) has made public under the law of the country of its domicile or in which it is incorporated or organized, (B) has filed with a stock exchange on which its securities are traded and which was made public by such exchange, or (C) has distributed to its security holders;

(ii) Shall furnish to the FDIC a list identifying the required public information and stating when and by whom it is required to be made public, filed with any such exchange or distributed to security holders;

(iii) Shall furnish to the FDIC, during each subsequent fiscal year, whatever required public information is made public, promptly after such information is made public; and

(iv) Shall furnish to the FDIC a revised list reflecting any changes in the kind of required public information promptly after the end of any fiscal year in which any changes occur.

(2) The required public information shall be furnished on or before the date on which a registration statement under section 12(g) of the Act would otherwise be required to be filed.

(3) The required public information is that about which investors ought reasonably to be informed with respect to the bank and its subsidiaries concerning: The financial condition or results of operations; changes in business; acquisitions or dispositions of assets; issuance, redemption or acquisitions or their securities; changes in management or control, the granting of options or the payment of other remuneration to directors or officers' transactions with directors, officers or principal security holders; and any other information about which investors ought reasonably to be informed.

(4) Only one complete copy of any information or document need be furnished under § 335.307(b)(1). If the bank has prepared or caused to be prepared an English translation or substantially equivalent English version of any information or document which would otherwise be furnished, such translation or version shall be furnished and the information or document in the original language need not be furnished. Such information and documents need not be under cover of any prescribed form and shall not be deemed to be "filed" with the FDIC or otherwise subject to the liabilities of section 18 of the Act.

(5) The furnishing of any information or document under § 335.307(b) shall not constitute an admission for any purpose that the bank is subject to the Act.

(c) American Depository Receipts for the securities of any foreign bank shall be exempt from section 12(g) of the Act.

(d) Securities of any foreign private bank, other than a North American bank, which has any class of securities registered on a national securities exchange under section 12(b) of the Act or any foreign private bank which is required to file reports under section 15(d) of the Act shall be exempt from section 12(g) of the Act.

(e) The exemptions provided by § 335.307(b) and (d) shall not be available for any class of securities if at the end of the last fiscal year of the bank (1) more than 50 per cent of the outstanding voting securities of such

issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States and (2) the business of such bank is administered principally in the United States or 50 per cent or more of the members of its Board of Directors are residents of the United States. For the purpose of this paragraph the term "resident", as applied to security holders, shall mean any person whose address appears on the records of the bank, the voting trustee or the depositary as being located in the United States.

(f) The exemption provided by § 335.307(b)(1) shall not be available for securities of any foreign bank which within one year prior to the date as of which registration of such securities under section 12(g) of the Act is required, has had the same or any other class of securities registered under section 12 of the Act, nor shall such exemption be available for securities the registration of which under section 12(g) of the Act is required as a result of the termination of an exemption under § 335.307(d).

§ 335.308 Reports of foreign private banks.

(a) Every foreign private bank which is subject to § 335.310 shall make reports on Form F–4A, except that this rule shall not apply to issuers of American depositary receipts for securities of any foreign bank.

(b) Such reports shall be transmitted promptly after the information required by Form F–4A is made public by the bank, by the country of its domicile or under the laws of which it was incorporated or organized, or by a foreign securities exchange with which the bank has filed the information.

(c) Reports furnished under this section shall not be deemed to be "filed" with the FDIC or otherwise subject to the liabilities of section 18 of the Act.

§ 335.309a Form for registration of securities of a bank under section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–1).

Form F–1

Form for Registration of Securities of a Bank Under Section 12(b) or Section 12(g) of the Securities Exchange Act of 1934

FDIC Certificate No. _____

_____

(Exact name of bank as specified in charter)

(Address of principal office) _____

(I.R.S. Employer Identification No.) _____

(Bank's telephone number, including area code) _____

Title of each class of securities being registered under section 12(b) of the Act:[1]

Title of class
Name of each exchange on which class is being registered

Title of each class of securities being registered under section 12(g) of the Act:[1]

General Instructions

Form F–1 shall be used for registration under section 12 (b) or (g) of the Securities Exchange Act of 1934 of classes of securities of issuers that are State nonmember banks. This form is not to be used as a blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the definitions in § 335.102 and the general requirements in subpart C of this part. Unless otherwise stated, the information required shall be given as of a date reasonably close to the date of filing the statement. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in § 335.361. Attention is directed to § 335.350 which states: "In addition to the information expressly required to be included in a statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in light of the circumstances under which they are made, not misleading."

Section 335.350 requires that six copies of each registration statement (including financial statements) and two copies of each exhibit and each other document filed as a part thereof, shall be filed with the FDIC. At least one complete copy of the registration statement, including financial statements, exhibits and all other papers and documents filed as a part thereof, shall be filed with each exchange on which any class of securities is to be registered. At least one complete copy of the registration statement filed with the FDIC and one such copy filed with each exchange shall be manually signed. Copies not manually signed shall bear typed or printed signatures.

Attention is directed to § 335.353 which provides for the incorporation by reference of information contained in certain documents in answer or partial answer to any item of a registration statement.

Information Required in Registration Statement

Item 1—Business.

(a) State the year in which the bank was organized. If organized as a national bank, state the year of conversion into a State bank. Indicate the approximate number of holders of record of each class of equity securities of the bank.

(b) Describe briefly the business done and intended to be done by the bank and the general development of such business during the preceding five years, or such shorter period as the bank may have been engaged in business. Information should be furnished as to any mergers, consolidations, or other acquisitions of assets of any other person that were consummated during such period. State the number of banking offices in each city (county) in the United States in which the bank has offices and the number of banking offices located in each foreign country or jurisdiction. In describing the business done by the bank, the business of its subsidiaries should be included only insofar as the same is important to an understanding of the character and development of the business conducted by the total enterprise. The description shall include information as to matters such as the following:

(1) Competitive conditions in the industry and the competitive position of the bank if known or reasonably available to the bank. If several services are involved, separate consideration shall be given to the principal services or classes of services.

(2) If a material portion of the bank's deposits has been obtained from a single person or a few persons (including Federal, State and local governments and agencies thereunder), the loss of any of one or more of which would have a materially adverse effect on the business of the bank, or if a material portion of the bank's loans is concentrated within a single industry or group of related industries, a description of such customers, their other relationships, if any, to the bank, and material facts regarding their importance to the business of the bank;

(3) The principal services rendered by the bank, the principal markets for, and methods of distribution of, such services, including any significant changes in the kinds of services rendered, or in the market or methods of distribution, during the past three fiscal years.

(4) The importance to the bank and the duration and effect of all material patents, trademarks, licenses, franchises and concessions held.

(5) (a) The estimated dollar amount spent during each of the last two fiscal years on material research activities relating to the development of new services or the improvement of existing bank services.

(b) In addition to the description of the business done and intended to be done required by paragraph 1(b) and without limiting that requirement, if there has been a public announcement of, or if information otherwise has become public about, a new line of business requiring the investment of a material amount of total assets, a description of the status of such product or line (*e.g.*, whether in the planning stage).

(c) Where material, state the approximate number of employees engaged full-time in each of the activities described in (a) above during each fiscal year and in (b) above.

Note.—Item 1(b)(5)(b) requires a description of the status of service development in addition to the description of the business done and intended to be done required by paragraph 1(a). Item 1(b)(5)(b) is not intended to require disclosure of otherwise non-public corporate information the disclosure of which would adversely affect the bank's competitive position. Subparagraph (a) requires disclosure of financial information relating to research and development activities. Subparagraph (b) is intended to elicit additional specific information only where there has been a public announcement or where information has otherwise become public concerning a new product or line of business requiring the

[1] If none, so state.

investment of a material amount of total assets.

(6) The number of persons employed by the bank.

(7) The extent to which the business of the bank or a material portion thereof is or may be seasonal.

(8) Present in tabular form, for each of the three years for which a statement of income is being furnished, ratios of the bank's net income to the following items: (a) average equity capital accounts, and (b) average daily total deposits. Ratios for such periods of average daily loans to average daily deposits should also be included.

Instructions: 1. If the bank proposes to enter, or has recently entered or introduced, a new line of business requiring the investment of a material amount of its total assets, provide as supplemental information at the time of filing of the registration statement, but not as a part thereof, a copy of any studies conducted or performed by or for the bank relating to such business, and a statement as to the actual or proposed use of such study. Where material, disclosure of the absence of such a study is required.

2. Positive and negative factors pertaining to the competitive position of the bank, to the extent that they exist, should be explained, if known or reasonably available to the bank. An estimate of the number of competitors should be included, and, where material, the particular markets in which the bank competes should be identified. Where one or a small number of competitors are dominant, they should be identified.

3. Where material to understanding the bank's business, the bank's and industry practices and conditions as they relate to liquidity should be explained (*e.g.*, where the bank's business is highly seasonal).

4. The description shall not relate to the powers and objects specified in the charter, but to the actual business done and intended to be done. Include the business of subsidiaries and affiliates of the bank insofar as is necessary to understand the character and development of the business conducted by the bank.

5. In describing developments, information shall be given as to matters such as the following: The nature and results of any other material reorganization, readjustment, or succession of any of the bank's significant subsidiaries; the acquisition or disposition of any material amount of assets otherwise than in the ordinary course of business; and any material changes in the mode of conducting the business.

6. Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the bank and its subsidiaries.

7. The business of a predecessor or predecessors shall be deemed to be the business of the bank for the purpose of this item.

8. Appropriate disclosure shall be made with respect to any material portion of the business which may be subject to termination at the election of any person (*e.g.*, depositors).

Note.—The following instruction (9) applies only to banks filing a registration statement on Form F–1 for the first time, who (including predecessors) have not received revenues from operations for each of the three fiscal years immediately prior to the filing of the registration statement.

9. Describe, if formulated, the bank's plan of operation for the remainder of the fiscal year, if the registration statement is filed prior to the end of the bank's second fiscal quarter. Describe, if formulated, the bank's plan of operation for the remainder of the fiscal year and for the first six months of the next fiscal year, if the registration statement is filed subsequent to the end of the second fiscal quarter. If such information is not available, the reasons for its not being available shall be stated. Disclosure relating to any plan must include such matters as:

(a) The bank's opinion as to whether it will have to raise additional funds within the next year in order to meet its capital requirements. The basis of such opinion must be stated. Where such statement is based on a cash budget, such budget will be furnished to the FDIC as supplemental information, but need not be filed as a part of the Form F–1.

(b) Any anticipated material acquisition of property and equipment and the capacity thereof.

(c) Any anticipated material changes in number of employees.

(d) Other material areas which may be peculiar to the bank's business.

(c)(1) *Information as to lines of business.* If the bank and its subsidiaries are engaged in any line of business in addition to normal commercial or mutual savings bank activities, state, for each of the bank's last five fiscal years, or for each fiscal year the bank has been engaged in business, whichever period is less, the approximate amount or percentage of: (i) Total revenues, and (ii) income (or loss) before income taxes and extraordinary items, attributable to each line of business which during either of the last two fiscal years accounted for—

(A) 10 percent or more of the total revenues,

(B) 10 percent or more of income before taxes and extraordinary items computed without deduction of loss resulting from operations of any line of business, or

(C) A loss which equalled or exceeded 10 percent of the amount of income specified in (b) above; provided, that if total revenues did not exceed $50,000,000 during either of the past two fiscal years, the percentages specified in (A), (B) and (C) above shall be 15 percent, instead of 10 percent.

If it is impracticable to state the contribution to income (or loss) before income taxes and extraordinary items for any line of business, state the contribution thereof to the results of operations most closely approaching such income, together with a brief explanation of the reasons why it is not practicable to state the contribution to such income or loss.

(d) If the bank and its subsidiaries engage in material operation in foreign countries, or if a material portion of revenues is derived from customers in foreign countries, appropriate disclosure shall be made with respect to the importance of that part of the business to the bank and the risks attendant thereto. Insofar as practicable, furnish information with respect to volume and profitability of such operations.

(e) The FDIC may, upon written request of the bank, and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution therefor of appropriate information of comparable character. The FDIC may also require the furnishing of other information in addition to, or in substitution for, the information herein required in any case where such information is necessary or appropriate for an adequate description of the business done or intended to be done.

Item 2—Summary of Operations.

Furnish in comparative columnar form a summary of operations for the bank or for the bank and its subsidiaries consolidated, or both, as appropriate, for—

(a) Each of the last five fiscal years of the bank (or for the life of the bank and its predecessors, if less) and

(b) Any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the registration statement.

Instructions. 1. As a minimum, the following items shall be included: Operating revenues, operating expenses, income before income taxes and security gains (losses), applicable income taxes, income before security gains (losses), security gains (losses), extraordinary items less applicable tax, cumulative effects of changes in accounting principles, and net income.

2. If a period or periods reported on included operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the summary shall be reconciled, as to revenues and net income, in the summary or in a note thereto with the amounts previously reported, *Provided, however,* That such reconciliations need not be made: (1) If they have been made in filings with the FDIC in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the FDIC or otherwise made public.

3. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The bank shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

4. (a) If debt securities are being registered, the bank may, at its option, show in tabular form for each fiscal year the ratio of earnings to fixed charges. Such ratio shall be calculated both on the basis of excluding

interest on deposits and including interest on deposits as part of "fixed charges".

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons.

(c) The term "fixed charges" shall mean: (i) Interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case.

(d) Any bank electing to show the ratios of earnings to fixed charges, in accordance with this instruction, shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios shown.

5. For any event which was required to be reported under item 10(a) of Form F–3 in which an amount of cost was estimated to be applicable to any of the fiscal years being reported on, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences between estimated and actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided. If the bank was not a registrant prior to the filing of this registration statement, the instruction shall apply to any transaction subsequent to the effective date of this part which would have been required to be reported under item 10(a) of Form F–3 had the bank been a registrant and in which an amount of cost was estimated to be applicable to the fiscal years being reported on.

6. (a) To enable investors to understand and evaluate material periodic changes in the various items of the summary of operations, a separately captioned section (entitled "Management's Discussion and Analysis of The Summary of Operations") immediately following such summary should include a statement explaining: (1) Material changes from period to period in the amounts of the items of revenues and expenses, and (2) changes in accounting principles or practices or in the method of their application that have a material effect on net income as reported.

(b) In general, the discussion of material periodic changes should be limited to: (1) The latest interim period presented and the comparable interim period in the immediately preceding fiscal year; (2) the most recent fiscal year presented and the fiscal year immediately preceding it; and (3) the second most recent fiscal year presented and the fiscal year immediately preceding it. There may be circumstances, however, under which an explanation of revenue or expense item changes between two or more of the earlier periods of the five-year summary may be material to an understanding of the summary. Further, to better explain revenue and expense item changes for interim periods it may be necessary to give an analysis of changes between consecutive fiscal quarters.

(c) The following are examples which banks should consider in making disclosure:

1. Material changes in the relative profitability of lines of business;

2. Material changes in advertising, research, development, or other discretionary costs;

3. The acquisition or disposition of a material asset other than in the ordinary course of business;

4. Material and unusual charges or gains, including credits or charges associated with discontinuation of operations;

5. Material changes in assumptions underlying deferred costs and the plan for amortization of such costs;

6. Material changes in assumed investment return and in actuarial assumptions used to calculate contributions to pension funds; and

7. The closing of a material facility or material interruption of business or completion of a material contract.

(d) The textual analysis should be presented in a manner that will best communicate the significant elements necessary to a clear understanding by the investor of the financial results. Favorable as well as unfavorable trends and changes should be discussed. Tables and charts may be used where appropriate.

(e) For purposes of this instruction 6 discussion of a change in an item of revenue or expense generally is required when an item required to be set forth in the summary increased or decreased by more than 10% as compared to the prior period (but only if such prior period is presented), and increased or decreased by more than 2% of the average net income or loss for the most recent three years presented. In calculating average net income, loss years should be excluded. If losses were incurred in each of the most recent years, the average loss shall be used for purposes of this test. Should the bank be of the opinion that an explanation of a change is not necessary to an understanding of the summary even though the change meets the foregoing standards, the bank shall furnish the FDIC, as supplemental information, a written statement of the reasons for the omission.

Note.—If an income statement in the form prescribed by § 335.627B is used in lieu of the summary, then the discussion should cover the period to period changes in revenue and expense items required by such form.

(f) Notwithstanding the fact that a change in an item of revenue or expense does not meet the standards set forth in paragraph (e) it should be discussed if the bank believes an explanation of such a change is necessary to an understanding of the summary.

(g) When the text of the registration statement or report contains a discussion of factors indicating a material change in operating results, whether favorable or unfavorable, subsequent to the latest period included in the summary of operations, the management discussion and analysis should call attention to the change and refer to the place in the registration statement or report where it is discussed.

Item 3—Properties.

State briefly the location and general character, individually or by categories, of (a) properties held in fee, or leased, by the bank and its subsidiaries, in which the banking offices are located, indicating any major encumbrances with respect thereto, and (b) other physical properties of material value that are owned or leased by the bank or its subsidiaries. State the expiration dates of material leases. In the event aggregate annual rentals paid during the bank's last fiscal year exceeded five percent of its operating expenses, state the amount of such rentals and the average term of the leases pursuant to which such rentals were paid.

Instructions. What is required is information essential to an investor's appraisal of the securities to be registered. Such information should be furnished as will reasonably inform investors as to the suitability, adequacy and extent of utilization of the facilities used in the enterprise. Detailed descriptions of the physical characteristics of individual properties or legal descriptions by metes and bounds are not required and should not be given.

Item 4—Parents and Subsidiaries.

(a) Furnish a list or diagram of all parents and susidiaries of the bank and as to each person named indicate the percentage of voting securities owned, or other basis of control, by its immediate parent, if any.

Instructions. 1. The list or diagram shall include the bank and shall be so prepared as to show clearly the relationship of each person named to the bank and to the other persons named. If any person is controlled by means of the direct ownership of its securities by two or more persons, so indicate by appropriate cross reference.

2. Designate by appropriate symbols: (a) Subsidiaries for which separate financial statements are filed; (b) subsidiaries included in consolidated financial statements; (c) subsidiaries included in group financial statements filed for unconsolidated subsidiaries; and (d) other subsidiaries, including briefly why financial statements of such subsidiaries are not filed.

3. Indicate the name of the State or other jurisdiction in which each subsidiary was incorporated or organized.

4. The names of particular subsidiaries may be omitted if the unnamed subsidiaries, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

5. If the bank owns directly or indirectly approximately 50 percent of the voting securities of any person and approximately 50 percent of the voting securities of such person are owned directly or indirectly by another single interest, or if the bank takes up the equity in undistributed earnings of any other unconsolidated person, such person shall be deemed to be a subsidiary for the purpose of this item.

Note.—If any person is controlled by means of the direct ownership of its securities by two or more persons listed in response to this item, so indicate by appropriate cross reference.

(b) Describe any contractual arrangement known to the bank, including any pledge of securities of the bank or any of its parents the operation of the terms of which may at a subsequent date result in a change of control of the bank.

Instruction. This paragraph does not require a description of ordinary default provisions contained in the charter, trust

indentures or other governing instruments relating to securities of the bank.

Item 5—Security Ownership of Certain Beneficial Owners and Management.

Set forth the same information as is required to be furnished by items 5 (d), (e), and (g) of Form F–6 at § 335.212.

Note.—The information required by item 5(e) of Form F–6 need not be included for any nominee for election as a director.

Item 6—Directors and Principal Officers.

(a) *Directors.* Set forth the same information as is required to be furnished by item 6(a) of Form F–6 at § 335.212 except with respect to any nominee for election as a director.

(b) *Principal officers.* List the names and ages of all principal officers of the bank and all persons chosen to become principal officers; indicate all positions and offices with the bank held by each such person; state the person's term of office as officer and the period during which the person has served as such and briefly describe any arrangement or understanding between the person and any other person under which the person was selected as an officer.

Instructions. 1. Do not include arrangements or understandings with directors or officers of the bank acting solely in their capacities as such.

2. No person chosen to become a principal officer who has not consented to act as such should be named in response to this item.

(c) *Significant employees.* Where the bank employs persons such as special consultants who are not principal officers, but who make or are expected to make significant contributions to the business of the bank, such persons should be identified and their background disclosed to the same extent as in the case of principal officers.

(d) *Business experience.* (1) Give a brief account of the business experience during the past five years of each director, person chosen to become a director or principal officer, and each person named in answer to paragraph (c) of this item, including the person's principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. When a principal officer or person named in response to paragraph (c) of this item has been employed by the bank or a subsidiary of the bank for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience. The requirement is information relating to the level of the person's professional competence which may include, depending upon the circumstances, such specific information as the size of the operation supervised.

(2) *Directorships.* Indicate any other directorships held by each director or person nominated or chosen to become a director in any company with a class of securities registered pursuant to section 12 of the Act.

(e) *Family relationships and involvement in certain legal proceedings.* Set forth the same information as is required to be furnished by items 6(b) and (d) of Form F–6 at § 335.212 for each director, principal officer, person chosen to become a director or principal officer, and each person named in answer to paragraph (c).

Item 7—Remuneration of Directors and Officers.

Set forth the same information as is required to be furnished by items 7 (a) and (b) of Form F–6 at § 335.212.

Item 8—Management Options to Purchase Securities.

Set forth the same information as is required to be furnished by item 7(c) of Form F–6 at § 335.212.

Item 9—Interest of Management and Others in Certain Transactions.

(a) Set forth the same information, for the past three years, as is required to be furnished by items 7 (d), (e) and (f) of Form F–6 at § 335.212.

Note.—The information required by items 7 (d), (e) and (f) of Form F–6 need not be included for any nominee for election as a director.

(b) If the bank was organized within the past five years, furnish the following information:

(1) State the names of the promoters, the nature and amount of anything of value (including money, property, contracts, options or rights of any kind) received or to be received by each promoter directly or indirectly from the bank, and the nature and amount of any assets, services or other consideration therefor received or to be received by the bank.

(2) As to any assets acquired or to be acquired by the bank from a promoter, state the amount at which acquired or to be acquired and the principle followed, or to be followed in determining the amount. Identify the persons making the determination and state their relationship, if any, with the bank or any promoter. If the assets were acquired by the promoter within two years prior to their transfer to the bank, state the cost thereof to the promoter.

Item 10—Legal Proceedings.

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the bank or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions. 1. Notwithstanding instruction 2 to this item, administrative or judicial proceedings arising under section 8 of the Federal Deposit Insurance Act shall be deemed material and shall be described.

2. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

3. Any material proceedings to which any director, officer or affiliate of the bank, any owner of record or beneficially of more than 5 percent of any class of voting securities of the bank, or any associate of any such director, officer or security holder is a party adverse to the bank or any of its subsidiaries or has a material interest adverse to the bank or any of its subsidiaries, also shall be described.

4. Notwithstanding the foregoing, if a receiver, fiscal agent or similar officer has been appointed for the bank or its parent, in a proceeding under the Bankruptcy Act or in any other proceeding under State or Federal law in which a court or governmental agency has assumed jurisdiction over substantially all of the assets or business of the bank or its parent, or if such jurisdiction has been assumed by leaving the existing directors and officers in possession but subject to the supervision and orders of a court or governmental body, identify the proceeding, the court or governmental body, the date jurisdiction was assumed, the identity of the receiver, fiscal agency or similar officer and the date of the person's appointment.

5. Discuss the extent of insurance coverage if appropriate to the type of proceeding.

Item 11—Number of Equity Security Holders.

State in the tabular form indicated below, the approximate number of holders of record of each class of equity securities of the bank as of the end of the last fiscal year.

(1) Title of class	(2) Number of record holders

Instructions. 1. Attention is directed to the definitions of the term "equity security" in section 3(a)(11) of the Act and to the definition of the term "held of record" in § 335.102(k)(1).

2. Information need not be given with respect to the number of holders of "restricted stock options", "qualified stock options", or options granted pursuant to a plan qualified as an "employee stock purchase plan", as those terms are defined in sections 422 through 424 of the Internal Revenue Code of 1954, as amended.

Item 12—Nature of Trading Market.

As to each class of securities to be registered under section 12(g) of the Act, state briefly the nature of the trading market, if any, in such securities, including the names of the principal market makers and the reported high and low bid prices for each quarterly period during the past three years.

Instruction. In furnishing high and low bid prices the bank may rely on quotations published in publications of national circulation, provided the source of the information is identified. If the principal market makers are not known, it will suffice to name three market makers which are believed to be actively engaged in making a market in the securities.

Item 13—Recent Sales of Securities.

Furnish the following information as to all securities of the bank sold by the bank within the past three years, or presently proposed to be sold. Include reacquired securities, securities issued in exchange for property, services, or other securities, and new securities resulting from the modification of outstanding securities.

(a) Give the date of sale, title, and amount of securities sold.

(b) Give the names of the principal underwriters, if any. As to any securities sold privately, name the persons or identify the class of persons to whom the securities were sold.

(c) As to securities sold for cash, state the aggregate offering price and the aggregate underwriting discounts or commissions. As to any securities sold otherwise than for cash, state the nature of the transaction and the nature and aggregate amount of consideration received by the bank.

(d) Give a reasonably itemized statement of the purposes, so far as determinable, for which the net proceeds have been or are to be used and the approximate amount to be used for each purpose.

Instructions. 1. Information need not be set forth as to notes, drafts, bills of exchange, or bank acceptances that mature not later than 12 months from the date of issuance.

2. If the sales were made in a series of transactions, the information may be given by such totals and periods as will reasonably convey the information required.

Item 14—Capital Stock Being Registered.

If capital stock is being registered, state the title of the class and furnish the following information:

(a) Outline briefly: (1) Dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment by the bank.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. This item requires only a brief summary of the provisions that are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities being registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by securities being registered. If any securities being registered are to be offered in exchange for other securities, an appropriate description of such other securities shall be given. No information need be given, however, as to any class of securities all of which will be redeemed and retired if appropriate steps to assure such redemption and retirement will be taken prior to registration of the securities being registered.

Item 15—Long-Term Debt Being Registered.

If long-term debt is being registered, outline briefly such of the following as are relevant:

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.

(b) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets or the creation or maintenance of reserves or the maintenance of properties.

(c) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to each lien.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security and similar provisions.

(e) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

Instructions. 1. The instructions to item 14 shall also apply to this item.

2. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described in answer to paragraph (d).

Item 16—Other Securities Being Registered.

If securities other than capital stock or long-term debt are being registered, outline briefly the rights evidenced thereby. If subscription warrants or rights are being registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

Instructions. The instruction to item 12 shall also apply to this item.

Item 17—Indemnification of Directors and Officers.

State the general effect of any charter provision, bylaw, contract, arrangement, or statute under which any director or officer of the bank is insured or indemnified in any manner against any liability that he may incur in this capacity as such.

Item 18—Applicability of State Laws.

Describe briefly the manner in which the laws of the State where the bank is located may materially affect such matters as the following:

(a) *De novo* branching, banking facilities, and mergers;

(b) Interest rate ceilings; and

(c) Bank holding companies.

Item 19—Financial Statements and Exhibits.

List all financial statements and exhibits filed as part of the registration statement.

(a) Financial statements.

(b) Exhibits.

Signatures

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned thereunto duly authorized.

(Name of bank) _____

Date _____

By _____

(Name and title of signing officer) _____

Instructions as to Financial Statements

These instructions specify the balance sheets and statements of income required to be filed as a part of a registration statement on this form. Subpart F governs the verification, form, and content of the balance sheets and statements of income required, including the basis of consolidation, and prescribes the statement of changes in capital accounts, statement of changes in financial position, and the schedules to be filed in support thereof.

A. Financial Statements of the Bank

1. *Balance Sheets.*

(a) The bank shall file a verified balance sheet as of the close of its latest fiscal year unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case the balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the bank has ended within 90 days prior to the date of filing the registration statement and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 120 days after the date of filing, a verified balance sheet of the bank as of the end of the latest fiscal year.

2. *Statements of Income.*

(a) The bank shall file verified statements of income for each of the three fiscal years preceding the date of the balance sheet required by instruction 1(a).

(b) There shall be filed with each balance sheet filed under instruction 1(b) a verified statement of income of the bank for the fiscal year immediately preceding the date of the balance sheet.

3. *Omission of Bank's Financial Statements in Certain Cases.*

Notwithstanding instructions 1 and 2, the individual financial statements of the bank may be omitted if consolidated statements of the bank and one or more of its subsidiaries are filed.

B. Consolidated Statements

4. *Consolidated Balance Sheets.*

(a) There shall be filed a verified consolidated balance sheet of the bank and its majority-owned: (i) Bank premises subsidiaries, (ii) subsidiaries doing a foreign banking business, and (iii) significant subsidiaries, as of the close of the latest fiscal year of the bank unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which

case this balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the bank has ended within 90 days prior to the date of filing the registration statement, and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 120 days after the date of filing, a verified consolidated balance sheet of the bank and such subsidiaries as of the end of the latest fiscal year.

5. *Consolidated Statement of Income.*

(a) There shall be filed verified statements of income of the bank and its majority-owned (i) bank premises subsidiaries, (ii) subsidiaries doing a foreign banking business, and (iii) significant subsidiaries, for each of the three fiscal years preceding the date of the consolidated balance sheet required by instruction 4(a).

(b) There shall be filed with each balance sheet filed under instruction 4(b), a verified consolidated statement of income of the bank and such subsidiaries for the fiscal year immediately preceding the date of the balance sheet.

C. Unconsolidated Subsidiaries and Other Persons

6. *Separate Statements of Unconsolidated Subsidiaries and Other Persons.*

There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise. For purposes of this item, "other persons" include 50 percent owned persons and unconsolidated persons in which the bank takes up equity in undistributed earnings.

D. Special Provisions

7. *Succession to Other Businesses.*

(a) If during the period for which its statements of income are required, the bank has by merger, consolidation, or otherwise succeeded to one or more businesses, the additions, eliminations, and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets filed. In addition, statements of income for each constitutent business, or combined statements, if appropriate, shall be filed for such period prior to the succession as may be necessary when added to the time, if any, for which statements of income after the succession are filed to cover the equivalent of the period as specified in instructions 2 and 5 above.

(b) If the bank by merger, consolidation, or otherwise is about to succeed to one or more businesses, there shall be filed for the constituent businesses financial statements, combined if appropriate, that would be required if they were registering securities under the Act. In addition, there shall be filed a balance sheet of the bank giving effect to the plan of succession. These balance sheets shall be set forth in such form, preferably columnar, as will show in related manner the balance sheets of the constituent businesses, the changes to be effected in the succession and the balance sheet of the bank after giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(c) This instruction shall not apply with respect to the bank's succession to the business of any majority-owned subsidiary or to any acquisition of a business by purchase.

8. *Acquisition of Other Businesses.*

(a) There shall be filed for any business directly or indirectly acquired by the bank after the date of the balance sheet filed under part A of B above and for any business to be directly or indirectly acquired by the bank, the financial statements that would be required if such business were a bank.

(b) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control. In addition, the acquisition of securities that will extend the bank's control of a business shall be deemed the acquisition of the business if any of the securities being registered hereunder are to be offered in exchange for the securities to be acquired.

(c) No financial statements need be filed, however, for any business acquired or to be acquired from a majority-owned subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

9. *Filing of Other Statements in Certain Cases.*

The FDIC may, upon the request of the bank, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The FDIC may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

E. Historical Financial Information

10. *Scope of Part E.*

The information required by part E shall be furnished for the seven-year period preceding the period for which statements of income are filed, as to the accounts of each person whose balance sheet is filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not call for verification, but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor.

11. *Revaluation of assets.*

(a) If there were any material increases or decreases resulting from revaluing of assets, state: (1) in what year or years such revaluations were made; (2) the amounts of such increases or decreases, and the accounts affected, including all related entries; and (3) if in connection with such revaluations any related adjustments were made in reserve accounts, the accounts and amounts with explanations.

(b) Information is not required as to adjustments made in the ordinary course of business, but only as to major revaluations made for the purpose of entering on the books current values, reproduction cost, or any values other than original cost.

(c) No information need be furnished with respect to any revaluation entry that was subsequently reversed or with respect to the reversal of a revaluation entry recorded prior to the period if a statement as to the reversal is made.

12. *Capital Shares.*

(a) If there were any material restatements of capital shares that resulted in transfers from capital share liability to surplus, undivided profits, or reserves, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) If there was an original issue of capital shares, any part of the proceeds of which was credited to accounts other than capital stock accounts, state the title of the class, the accounts, and the respective amounts credited thereto.

13. *Debt Discount and Expense Written Off.*

If any material amount of debt discount and expense, on long-term debt still outstanding, was written off earlier than as required under any periodic amortization plan, give the following information: (1) Title of the securities, (2) date of the writeoff, (3) amount written off, and (4) to what account charged.

14. *Premiums and Discount and Expense on Securities Retired.*

If any material amount of long-term debt or preferred shares was retired, and if either the retirement was made at a premium or there remained, at the time of retirement, a material amount of unamortized discount and expense applicable to the securities retired, state for each class: (1) Title of the securities retired, (2) date of retirement, (3) amount of premium paid and of unamortized discount and expense, (4) to what account charged, and (5) whether being amortized and, if so, the plan of amortization.

15. *Other Changes in Surplus or Undivided Profits.*

If there were any material increases or decreases in surplus or undivided profits, other than those resulting from transactions specified above, the closing of the income account, or the declaration or payment of dividends, state: (1) The year or years in which such increases or decreases were made; (2) the nature and amounts thereof; and (3) the accounts affected, including all material related entries. Instruction 10(c) above also applies here.

16. *Predecessors.*

The information shall be furnished, to the extent material, as to any predecessor of the bank from the beginning of the period to the date of succession, not only as to the entries made respectively in the books of the predecessor or the successor, but also as to the changes effected in the transfer of the assets from the predecessor. No information need be furnished, however, as to any one or more predecessors that, considered in the

aggregate, would not constitute a significant predecessor.

17. *Omission of Certain Information.*

(a) No information need be furnished as to any subsidiary, whether consolidated or unconsolidated, for the period prior to the date on which the subsidiary became a majority-owned subsidiary of the bank or of a predecessor for which information is required above.

(b) No information need be furnished hereunder as to any one or more unconsolidated subsidiaries for which separate financial statements are filed if all subsidiaries for which the information is so omitted, considered in the aggregate, would not constitute a significant subsidiary.

(c) Only the information specified in instruction 10 need be given as to any predecessor or any subsidiary thereof if immediately prior to the date of succession thereto by a person for which information is required, the predecessor or subsidiary was in insolvency proceedings.

Instructions as to Exhibits

Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits in item 16.

1. Copies of the charter (or a composite or restatement thereof) and the bylaws (or instruments corresponding thereto) as presently in effect.

2. Copies of any plan of acquisition, reorganization, readjustment, or succession described in answer to items 1 and 13.

3. (a) Specimens or copies of all securities being registered hereunder, and copies of all constituent instruments defining the rights of holders of long-term debt of the bank and of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed.

(b) There need not be filed, however, (1) Any instrument with respect to long-term debt not being registered hereunder if the total amount of securities authorized thereunder does not exceed 25 percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis and if there is filed an agreement to furnish a copy of such instrument to the FDIC upon request, (2) any instrument with respect to any class of securities if appropriate steps to assure the redemption or retirement of such class will be taken prior to or upon delivery by the bank of the securities being registered, or (3) copies of instruments evidencing scrip certificates for fractions of shares.

4. Copies of all pension, retirement, or other deferred compensation plans, contracts, or arrangements. If any such plan, contract, or arrangement is not set forth in a formal document, furnish a reasonably detailed description thereof. Copies of any booklet or other description of any such plan, contract, or arrangement shall also be filed.

5. Copies of any plan setting forth the terms and conditions upon which outstanding options, warrants, or rights to purchase securities of the bank or its subsidiaries from the bank or its affiliates have been issued, together with specimen copies of such options, warrants, or rights; or, if they were not issued pursuant to such a plan, copies of each such option, warrant, or right.

6. Copies of any voting trust agreement referred to in answer to item 5.

7. (a) Copies of every material contract not made in the ordinary course of business that is to be performed in whole or in part at or after the filing of the registration statement or that was made not more than two years before such filing and performance of which has not been completed. Only contracts need be filed as to which the bank or a subsidiary is a party or has succeeded to a party by assumption or assignment, or in which the bank or such subsidiary has a beneficial interest.

(b) If the contract is such as ordinarily accompanies the kind of business conducted by the bank and its subsidiaries, it is made in the ordinary course of business and need not be filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance:

(1) Directors, officers, promoters, voting trustee, or security holders named in answer to item 5(a) are parties thereto except where the contract merely involves purchase or sale of current assets having a determinable market price, at such price.

(2) It calls for the acquisition or sale of fixed assets for a consideration exceeding 10 percent of the value of all fixed assets of the bank and its subsidiaries.

(3) It is a lease under which a significant part of the property described under item 3 is held by the bank, or

(4) The amount of the contract, or its importance to business of the bank and its subsidiaries, is material, and the terms and conditions are of a nature of which investors reasonably should be informed.

(c) Any bonus or profit-sharing plan, contract, or arrangement shall be deemed material and shall be filed.

§ 335.309b Form for registration of additional class of securities of a bank under section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F-10).

Form F-10—Registration Statement for Additional Classes of Securities of a Bank Under Section 12(b) or Section 12(g) of the Securities Exchange Act of 1934

_____

(Exact name of bank as specified in charter)

_____

(Address of principal office)

Securities being registered under section 12(b) of the Act:

_____

Title of class _____

Name of each exchange on which class is being registered _____

Title of each class of equity securities being registered under section 12(g) of the Act:

General Instructions

1. *Applicability of This Form.*

This form may be used for registration of the following securities under the Securities Exchange Act of 1934:

(a) For registration under section 12(g) of the Act of any class of equity securities of a bank which has one or more other classes of securities registered under either section 12(b) or (g) of the Act.

(b) For registration on a national securities exchange under section 12(b) of the Act of any class of securities of a bank which has one or more other classes of securities so registered on the same or another securities exchange.

2. *Preparation of Registration Statement.*

This form is not to be used as a blank form to the filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the general requirements in subpart C. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in § 335.301.

Information Required in Registration Statement

Item 1—*Stock To Be Registered.*

If stock is being registered, state the title of the class and furnish the following information (see instruction 1):

(a) Outline briefly: (1) Dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions: 1. If a description of the securities comparable to that required here is contained in any other document filed with the FDIC, such description may be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the registration statement filed with the exchange.

2. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instrument verbatim; only a succinct resume is required.

3. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to

understand the rights evidenced by the securities to be registered.

Item 2—*Debt Securities To Be Registered.*

If the securities to be registered hereunder are bonds, debentures or other evidences of indebtedness, outline briefly such of the following as are relevant (see instruction 2 below):

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.

(b) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to such lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instruction. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(e) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action; and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

Instruction. 1. In most cases, debt securities issued by banks need not be registered under section 12(g) of the Securities Exchange Act; the registration requirements of that section apply only to an "equity security". The term "equity security" is defined by section 3(a)(11) of the Act to mean "any stock or similar security; or any security convertible, with or without consideration, into such a security; or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the FDIC shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security."

Instruction. 2. The instructions to item 1 also apply to this item.

Item 3—Other Securities To Be Registered.

If securities other than those referred to in items 1 and 2 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, and the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to item 1 also apply to this item.

Item 4—Exhibits.

List all exhibits filed as a part of the registration statement.

Signature

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of Bank)
Date ——— By ———

(Name and title of signing officer)

Instructions as to Exhibits

I. If the securities to be registered hereunder are to be registered on an exchange on which other securities of the bank are registered, or are to be registered under section 12(g) of the Act, the following exhibits shall, subject to § 335.357 regarding incorporation of exhibits by reference, be filed with each copy of the registration statement filed with the FDIC with an exchange:

1. Specimens or copies of each security to be registered hereunder.

2. Copies of all constituent instruments defining the rights of the holders of each class of such securities, including any contracts or other documents which limit or qualify the rights of such holders.

II. If the securities to be registered are to be registered on an exchange on which no other securities of the bank are registered the following exhibits shall be filed with each copy of the registration statement filed with each such exchange, but need not be filed with, or incorporated by reference in, copies of the registration statement filed with the FDIC.

3. Copies of the last annual report filed under section 13 of the Act or, if no such report has yet been filed, copies of the latest registration statement filed under section 12(b) or (g) of the Act.

4. Copies of all current or quarterly reports filed under section 13 of the Act since the end of the fiscal year covered by the annual report filed under instruction 3 above, or if none, since the effective date of the latest registration statement so filed.

5. Copies of the latest definitive proxy statement or information statement, if any, filed with the FDIC under section 14 of the Act.

6. Copies of the charter and bylaws, or instruments corresponding thereto, and copies of any other documents defining the rights of holders of the securities to be registered.

7. Specimens or copies of each security to be registered hereunder.

8. Copies of the last annual report submitted to stockholders by the bank or its predecessors. Such annual report shall not be deemed to be "filed" with the exchange or otherwise subject to the liabilities of section 18 of the Act, except to the extent it may already be subject thereto.

§ 335.310 Requirement of annual reports and annual reports of predecessors.

(a) Every registrant bank (except foreign banks) shall file an annual report for each fiscal year after the last full fiscal year for which financial statements were filed with the registration statement. Foreign banks shall file in accordance with the applicable requirements of 17 CFR § 249.220f and SEC Form 20–F. The report, which shall conform to the requirements of Form F–2 (or SEC Form 20–F), shall be filed within 90 days after the close of the fiscal year or within 30 days of the mailing of the bank's annual report to stockholders, whichever occurs first.

(b) Every bank which changes its fiscal closing date after the last fiscal year for which financial statements were filed in a Form F–1 or Form F–2 shall file a report on Form F–2 covering the resulting interim period not more than 120 days after the close of the interim period or after the date of the determination to change the fiscal closing date, whichever is later. A separate report, however, need not be filed for any period of less than three months if the Form F–2 filed for the succeeding full fiscal year covers the interim period as well as the fiscal year. In such case, balance sheets need be furnished only as of the close of the entire period but all other financial statements and schedules shall be filed separately for both periods.

(c) *Annual reports of predecessors.* Every bank having securities registered under section 12 of the Act on Form F–1 (or Form F–10, in the case of registration of an additional class of securities) shall file an annual report under this section for each of its predecessors which had securities registered under section 12 of the Act covering the last full fiscal year of the predecessor prior to the registrant's succession, unless such report has been filed by the predecessor. Such annual report shall contain the information that would be required if filed by the predecessor.

§ 335.311 Exception from requirement for annual report.

Notwithstanding § 335.310, any bank that has filed, within the period prescribed for filing an annual report pursuant to that paragraph, a registration statement that has become effective and is not subject to any proceeding under section 15(c) or section 12 of the Act, or to an order thereunder, need not file an annual report if such statement covers the fiscal period that would be covered by such annual report and contains all of the

information, including financial statements and exhibits, required for annual reports.

§ 335.312 Form for annual report of bank (Form F-2).

Form F-2—Annual Report Under Section 13 of the Securities Exchange Act of 1934

For the fiscal year ended ————
FDIC Certificate No. ————

(Exact name of bank as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of principal office)

(ZIP Code)
Bank's telephone number, including area code ————

Securities registered under section 12(b) of the Act:

Title of each class

Name of each exchange on which registered

Securities registered under section 12(g) of the Act:

(Title of class)

(Title of class)

Indicate by check mark whether the bank (1) has filed all reports required to be filed by section 13 of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the bank was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. YES —— NO ——

General Instructions

A. *Preparation of Report.*

This form is not to be used as a blank form to be filled in but only as a guide in the preparation of an annual report. The report shall contain the numbers and captions of all items required to be answered, but the text of such items may be omitted if the answers with respect thereto are prepared in the manner specified in § 335.361. Particular attention should be given to the definitions in § 335.102 and the general requirements in subpart C. Except as otherwise stated, the information required shall be given as of the end of the bank's fiscal year, or as of the latest practicable date subsequent thereto.

B. *Incorporation by Reference.*

Any financial statement contained in a proxy statement, in a statement where management does not solicit proxies, or in an annual report to security holders furnished to the FDIC under § 335.203 may be incorporated by reference if such financial statements substantially meet the requirements of this form. When filing a Form F-2 which incorporates by reference an annual report to shareholders, schedules to Form F-2 may be omitted if the required schedule data is included in financial statements' notes. If schedules are omitted, the item 11 index to Form F-2 should refer to a specific note number opposite the caption of the omitted schedule and state that the schedule is omitted because required information appears in the notes.

C. *Reports by Banks Not Filing Proxy Statements or Statements Where Management Does Not Solicit Proxies.*

Information contained in an annual report to security holders furnished to the FDIC under instruction D below, by any bank not subject to instruction B, may be incorporated by reference in answer or partial answer to any item of this form. In addition, any financial statements contained in any such annual report may be incorporated by reference if such financial statements substantially meet the requirements of this form.

D. *Annual Reports to Stockholders.*

Every bank that files an annual report on this form shall furnish to the FDIC for its information four copies of any annual report to security holders covering such registrant-bank's latest fiscal year, unless copies thereof are furnished to the FDIC under subpart B. Such report shall be mailed to the FDIC not later than the date on which it is first sent or given to security holders, but shall not be deemed to be "filed" with the FDIC or otherwise subject to the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of its annual report on this form or incorporates it herein by reference. If no annual report is submitted to security holders for the bank's latest fiscal year, the FDIC shall be so advised.

E. *Omission of Information Previously Filed.*

(a) Except as provided in paragraph (b) below, the information called for by part I of this form (items 1 through 11) is to be furnished by all banks required to file a report on this form. Part II (items 12 through 16) may be omitted from the report by any bank which, since the close of the fiscal year, has filed with the FDIC a definitive proxy statement under § 335.201, or a definitive information statement where the bank does not solicit proxies under this part, which involved the election of directors, or which files such a proxy or information statement not later than 120 days after the close of the fiscal year.

(b) If the information called for by item 4 or 9 would be unchanged from that given in a previous report, a reference to the previous report which includes the required information will be sufficient. Copies of such previous report need not be filed with the reports currently being filed on this form.

Part I (See Instruction E)

Item 1—Business.

(a) Briefly describe the business done and intended to be done by the bank and its subsidiaries. If material is necessary for an understanding of the business, briefly describe the information specified in item 1(b)(1) to (8) below.

(b) Describe any material changes and developments since the beginning of the fiscal year in the business done and intended to be done by the bank and its subsidiaries. The description shall include information as to matters such as the following:

(1) Competitive conditions in the industry involved and the competitive position of the bank if known or reasonably available to the bank. If several services are involved, separate consideration shall be given to the principal services or classes of services;

(2) If a material portion of the bank's deposits has been obtained from a single person or a few persons (including Federal, State and local governments and agencies thereunder), the loss of any of one or more of which would have a materially adverse effect on the business of the bank, or if a material portion of the bank's loans is concentrated within a single industry or group of related industries, a description of such customers, their other relationships, if any, to the bank, and material facts regarding their importance to the business of the bank;

(3) The principal services rendered by the bank, the principal markets for, and methods of distribution of, such services, including any significant changes in the kinds of services rendered, or in the market or methods of distribution, during the past three fiscal years;

(4) The importance to the business and the duration and effect of, all material patents, trademarks, licenses, franchises, and concessions held;

(5)(i) The estimated dollar amount spent during each of the last two fiscal years on material research activities relating to the development of services or the improvement of existing services;

(ii) If there has been a public announcement of, or if information otherwise has become public about, a new product or line of business requiring the investment of a material amount of total assets, a description of the status of such line (*e.g.*, whether in the planning state).

(iii) Where material state the approximate number of employees engaged full time in each of activities described in (i) above during each fiscal year and in (ii).

Note: Item 1(b)(5)(ii) is not intended to require disclosure of otherwise non-public corporate information the disclosure of which would adversely affect the bank's competitive position. Subparagraph (i) requires disclosure of financial information relating to research and development activities. Subparagraph (ii) is intended to elicit additional specific information only where there has been a public announcement or where information has otherwise become public about a new line of business requiring the investment of a material amount of total assets.

(6) The material effects that compliance with Federal, State, and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the discharge of materials into the environment, may have upon the capital expenditures, earnings, and competitive position of the bank and its subsidiaries.

(7) The number of persons employed by the bank.

(8) The extent to which the business of the bank or material portion thereof is or may be seasonal.

Instructions. 1. If the bank proposes to enter, or has recently entered or introduced a new line of business requiring the investment of a material amount of its total assets, provide as supplemental information, but not as a part of the report, a copy of any market studies conducted or performed by or for the bank relating to such business and a statement as to the actual or proposed use of such study. Where material, disclosure in the report of the absence of such a study is required.

2. Positive and negative factors pertaining to the competitive position of the bank, to the extent that they exist, should be explained, if known or reasonably available to the bank. An estimate of the number of competitors should be included, and, where material, the particular markets in which the bank competes should be identified. Where one or a small number of competitors are dominant, they should be identified.

3. Where material to understanding the bank's business, the bank's and industry practices and conditions as they relate to liquidity items should be explained (*e.g.*, where the bank's business is highly seasonal).

4. The description shall not relate to the powers and objects specified in the charter, but to the actual business done and intended to be done. Include the business of subsidiaries and affiliates of the bank insofar as is necessary to understand the character and development of the business conducted by the bank.

5. In describing development, information shall be given as to matters such as the following: The nature and results of any material reorganization, readjustment, or succession of the bank or any of its significant subsidiaries; the acquisition or disposition of any material amount of assets otherwise than in the ordinary course of business; and any material changes in the mode of conducting the business.

6. The business of a predecessor or predecessors shall be deemed to be the business of the bank for the purpose of this item.

7. Appropriate disclosure shall be made with respect to any material portion of the business which may be subject to termination at the election of any person (*e.g.*, depositor).

(c) Information as to lines of business. If the bank and its subsidiaries are engaged in any business, in addition to normal commercial or mutual savings bank activities, state, for each of the bank's last five fiscal years, or for each fiscal year the bank has been engaged in business, whichever period is less, the approximate amount or percentage of: (i) Total revenues, and (ii) income (or loss) before income taxes and extraordinary items, attributable to each line of business which during either of the last two fiscal years accounted for—

(A) 10 percent or more of the total of revenues.

(B) 10 percent or more of income before income taxes and extraordinary items computed without deduction of loss resulting from operations of any line of business, or

(C) A loss which equalled or exceeded 10 percent of the amount of income specified in (B) above; provided, however, that if total revenues did not exceed $50,000,000 during either of the last two fiscal years, the percentages specified in (A), (B), and (C) above shall be 15 percent, instead of 10 percent.

If it is impracticable to state the contribution to income (or loss) before income taxes and extraordinary items for any line of business, state the contribution thereof to the results of operations most closely approaching such income, together with a brief explanation of the reasons why it is not practicable to state the contribution to such income or loss.

(d) If the bank and its subsidiaries engage in material operations in foreign countries, or if a material portion of revenues is derived from customers in foreign countries, appropriate disclosure shall be made with respect to the importance of that part of the business to the bank and the risks attendant thereto. Insofar as practicable, furnish information with respect to volume and relative profitability of such operations.

(e) The FDIC may, upon written request of the bank and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution therefor of appropriate information of comparable character. The FDIC may also require the furnishing of other information in addition to, or in substitution for, the information herein required in any case where such information is necessary or appropriate for an adequate description of the business done or intended to be done.

Item 2—Summary of Operations.

Furnish in comparative columnar form a summary of operations for the bank, or for the bank and its subsidiaries consolidated, or both, as appropriate for—

(a) Each of the last five fiscal years of the bank (or for the life of the bank and its predecessors, if less), and

(b) Any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significant to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the report.

Instructions. 1. As a minimum, the following items shall be included: Operating revenues, operating expenses, income before income taxes and security gains (losses), applicable income taxes, income before security gains (losses), security gains (losses), extraordinary items less applicable tax, cumulative effects of changes in accounting principles, and net income.

2. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary or in a note thereto with the amounts previously reported; provided, however, that such reconciliations need not be made: (1) If they have been made in filings with the FDIC in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the FDIC or otherwise made public.

3. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be shown. The basis of the computation of per share earnings shall be stated, together with the number of shares used in the computation. The bank shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation can be clearly determined from the answer to this item.

4. (a) If debt securities are registered under section 12 of the Act, the bank may, at its option, show in tabular form for each fiscal year the ratio of earnings to fixed charges. Such ratio shall be calculated both on the basis of excluding interest on deposits and including interest on deposits as part of "fixed charges".

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated subsidiaries and 50 percent or less owned persons.

(c) The term "fixed charges" shall mean: (i) Interest and amortization of debt discount and expense and premium on all indebtedness; (ii) such portion of rentals as can be demonstrated to be representative of the interest factor in the particular case.

(d) Any bank electing to show the ratio of earnings to fixed charges, in accordance with this instruction, shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios shown.

5. Describe any change in accounting principles or practices followed by the bank, or any change in the method of applying any such accounting principles or practices, which materially affected the financial statements being filed with the FDIC for the fiscal year covered by the report or which is reasonably certain to affect the financial statements of future fiscal years. State the date of the change and the reasons therefor. A letter from the bank's independent accountants, if any, approving or otherwise commenting on the change, shall be filed as an exhibit unless previously filed.

6. For any previously reported material charge or credit to income of an unusual or infrequent nature in which an amount of cost was estimated to be incurred in the fiscal year being reported on or the prior fiscal year, summarize such transaction and state the amounts of such estimated cost and the amounts of the actual cost incurred in such periods, the reasons for differences in estimated or actual amounts, if any, and provide a detailed reconciliation showing all charges and credits to any reserve provided.

7. The provisions of instruction 6 to item 2 of § 335.309a shall be applicable to filings under this item 2.

Item 3—Properties.

State briefly the location and general character, individually or by categories, of (a) properties held in fee, or leased, by the bank and its subsidiaries, in which the banking offices are located, indicating any major encumbrances with respect thereto, and (b)

other physical properties of material value that are owned or leased by the bank or its subsidiaries. State the expiration dates of material leases. In the event aggregate annual rentals paid during the bank's last fiscal year exceeded five percent of its operating expenses, state the amount of such rentals and the average term of the leases pursuant to which such rentals were paid.

Instruction. What is required is such information as will reasonably inform investors as to the suitability, adequacy and extent of utilization of the facilities used in the enterprise. Detailed descriptions of the physical characteristics of individual properties or legal descriptions by metes and bounds are not required and should not be given.

Item 4—Parents and Subsidiaries.

Furnish a list or diagram of all parents and subsidiaries of the bank and as to each person named indicate the percentage of voting securities owned, or other basis of control, by its immediate parent, if any.

Instructions. 1. The list or diagram shall include the bank and shall be so prepared as to show clearly the relationship of each person named to the bank and to the other persons named. If any person is controlled by means of the direct ownership of its securities by two or more persons, so indicate by appropriate cross reference.

2. Designate by appropriate symbols (a) subsidiaries for which separate financial statements are filed; (b) subsidiaries included in consolidated financial statements; (c) subsidiaries included in group financial statements filed for unconsolidated subsidiaries; and (d) other subsidiaries, indicating briefly why financial statements of such subsidiaries are not filed.

3. Include the name of the State or other jurisdiction in which each subsidiary was incorporated or organized.

4. The names of the particular subsidiaries may be omitted if the unnamed subsidiaries, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

5. If the bank owns directly or indirectly approximately 50 percent of the voting securities of any person and approximately 50 percent of the voting securities of such person is owned directly or indirectly by another single interest, or if the bank takes up the equity in undistributed earnings of any other unconsolidated person, such person shall be deemed to be a subsidiary for the purpose of this item.

Item 5—Legal Proceedings.

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the bank or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions. 1. Notwithstanding instruction 2 to this item, administrative or judicial proceedings arising under section 8 of the Federal Deposit Insurance Act shall be deemed material and shall be described.

2. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

3. Any material proceedings to which any director, officer or affiliate of the bank, any owner of record or beneficially of more than 5 percent of any class of voting securities of the bank, or any associate of any such director, officer or security holder is a party adverse to the bank or any of its subsidiaries or has a material interest adverse to the bank or any of its subsidiaries, also shall be described.

4. Notwithstanding the foregoing, if a receiver, fiscal agent or similar officer has been appointed for the bank or its parent, in a proceeding under the Bankruptcy Act or in any other proceeding under State or Federal law in which a court or governmental agency has assumed jurisdiction over substantially all of the assets or business of the bank or its parent, or if such jurisdiction has been assumed by leaving the existing directors and officers in possession but subject to the supervision and orders of a court or governmental body, identify the proceeding, the court or governmental body, the date jurisdiction was assumed, the identity of the receiver, fiscal agent or similar officer and the date of the person's appointment.

5. Discuss the extent of insurance coverage if appropriate to the type of proceeding.

Item 6—Increases and Decreases in Outstanding Securities.

General Instruction. The information called for herein shall be given as to each security. If the information called for has been previously reported on Form F–4 or some other form, it may be incorporated by a specific reference to the previous filing.

(a) Give the following information as to all increases and decreases during the fiscal year in the amount of equity securities of the bank outstanding:

(1) The title of the class of securities involved;

(2) The date of the transaction;

(3) The amount of securities involved and whether an increase or a decrease;

(4) A brief description of the transaction in which the increase of decrease occurred. If previously reported, the description may be incorporated by a specific reference to the previous filing.

Instruction. The information shall be prepared in the form of a reconciliation between the amounts shown to be outstanding on the balance sheet to be filed with this report and the amounts shown on the bank's balance sheet for the previous year. The exercise of outstanding options or warrants (separately by class or type of option or warrant), conversions of previously issued convertible securities (separately by class of security) and the issuance of options may be grouped together showing the dates between which all such transactions occurred.

(b) Give the following information as to all securities of the bank sold by the bank during the fiscal year. Include sales of the bank's reacquired securities as well as new issues, securities issued in exchange for property, services or other securities, and new securities resulting from the modification of outstanding securities:

(1) Give the date of sale, and the title and amount of the bank's securities sold;

(2) Give the market price on the date of sale, if applicable;

(3) Give the names of the brokers, underwriters or finders, if any. As to any securities sold but which were not the subject of a public offering, name the persons or identify the class of persons to whom the securities were sold;

(4) As to securities sold for cash, state the aggregate offering price and the aggregate underwriting discounts, brokerage commissions, or finder's fees. As to any securities sold otherwise than for cash, state the nature of the transaction and the nature and aggregate amount of consideration received by the bank;

(5) State whether the securities have been legended and stop-transfer instructions given in connection therewith.

Item 7—Approximate Number of Equity Security Holders.

State in the tabular form indicated below the approximate number of holders of record of each class of equity securities of the bank as of the end of the fiscal year:

(1)	(2)
Title of class	Number of record holders

Instructions. 1. Attention is directed to the definition of the term "equity security" in section 3(a)(11) of the Act and the definition of the term "held of record" at § 335.102(l).

2. The information shall be given as of the end of the last fiscal year or as of any subsequent date, except that if the latest determination of the number of record holders of any class of equity securities was made for some other purpose within 90 days prior to the end of the last fiscal year, the information may be given as of the date of such determination.

3. Information need not be given with respect to the number of holders of outstanding nontransferable options to purchase securities of the bank.

Item 8—Principal Officers of the Bank.

(a) *Principal officers.* List the names and ages of all principal officers of the bank and all persons chosen to become principal officers; indicate all positions and offices with the bank held by each such person; state the person's term of office as officer and the period during which the person has served as such and briefly describe any arrangement or understanding between the person and any other person pursuant to which the person was selected as an officer.

Instructions. 1. Do not include arrangements or understandings with directors or officers of the bank acting solely in their capacities as such.

2. No person chosen to become a principal officer who has not consented to act as such should be named in response to this item.

(b) *Significant employees.* Where the bank employs persons such as special consultants who are not principal officers, but who make or are expected to make significant contributions to the business of the bank, such persons should be identified and their background disclosed to the same extent as in the case of principal officers.

(c) *Business experience.* Give a brief account of the business experience during the past five years of each person chosen to become a principal officer, and each person named in answer to paragraph (b) of this item, including the person's principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. When a principal officer or person named in response to paragraph (b) of this item has been employed by the bank or a subsidiary of the bank for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience. The requirement is information relating to the level of the person's professional competence which may include, depending upon the circumstances, such specific information as the size of the operation supervised.

(d) *Family relationships and involvement in certain legal proceedings.* Set forth the same information as is required to be furnished by items 6 (b) and (d) of Form F–5 at § 335.212 for each principal officer, person chosen to become a principal officer, and each person named in answer to paragraph (b).

Item 9—Indemnification of Directors and Officers.

State the general effect of any charter provisions, bylaw, contract, arrangement or statute under which any director or officer of the bank is insured or indemnified in any manner against any liability which he may incur in his capacity as such.

Item 10—Applicability of State Laws.

Describe briefly the manner in which the laws of the State where the bank is located may materially affect such matters as the following:

(a) *De novo* branching, banking facilities, and mergers;

(b) Interest rate ceilings; and

(c) Bank holding companies.

Item 11—Financial Statements and Exhibits.

List below all financial statements and exhibits filed as a part of the annual report:

(A) Financial statements.

(B) Exhibits, including those incorporated by reference.

Instruction. Where any financial statement or exhibit is incorporated by reference, the incorporation by reference shall be set forth in the list required by this item. See § 335.353.

Part II (See Instruction E)

Item 12—Security Ownership of Certain Beneficial Owners and Management.

Set forth the same information as is required to be furnished by items 5 (d), (e) and (g) of Form F–5 at § 335.212.

Note.—The information required by item 5(e) of Form F–5 need not be included for any nominee for election as a director.

Item 13—Directors of the Bank.

Set forth the same information as is required to be furnished by items 6 (a), (b), (c) and (d) of Form F–5 at § 335.212.

Note.—The information required by items 6 (a), (b), (c) and (d) of Form F–5 need not be included for any nominee for election as a director.

Item 14—Remuneration of Directors and Officers.

Set forth the same information as is required to be furnished by items 7 (a) and (b) of Form F–5 at § 335.212.

Item 15—Management Options to Purchase Securities.

Set forth the same information as is required to be furnished by item 7(c) of Form F–5 at § 335.212.

Item 16—Interest of Management and Others in Certain Transactions.

Set forth the same information as is required to be furnished by items 7 (d), (e) and (f) of Form F–5 at § 335.212.

Note.—The information required by items 7 (d), (e) and (f) of Form F–5 need not be included for any nominee for election as a director.

Signatures

Under the requirements of the Securities Exchange Act of 1934, the bank has duly caused this annual report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of bank)

Date ———————

By ———————

(Name and title of signing officer)

Instructions as to Financial Statements

These instructions specify the balance sheets and statements of income required to be filed as a part of annual reports on this form. Subpart F governs the verification, form, and content of the balance sheets and statements of income required, including the basis of consolidation, and prescribes the statement of changes in capital accounts, statement of changes in financial position and the schedules to be filed in support thereof.

1. *Financial Statements of the Bank.*

(a) There shall be filed for the bank; in comparative columnar form, verified balance sheets as of the close of the last 2 fiscal years and verified statements of income for such fiscal years.

(b) Notwithstanding paragraph (a), the individual financial statements of the bank may be omitted if consolidated statements of the bank and one or more of its subsidiaries are filed.

2. *Consolidated Statements.*

There shall be filed for the bank and its majority-owned: (i) Bank premises subsidiaries, (ii) subsidiaries doing a foreign banking business, and (iii) significant subsidiaries, in comparative columnar form, verified consolidated balance sheets as of the close of the last two fiscal years of the bank and verified consolidated statements of income for such fiscal years.

3. *Separate Statements of Unconsolidated Subsidiaries and Other Persons.*

There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise. For purposes of this item, "other persons" include 50 percent owned persons and unconsolidated persons in which the bank takes up equity in undistributed earnings.

4. *Filing of Other Statements in Certain Cases.*

The FDIC may, upon the informal written request of the bank and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The FDIC may also by informal written notice require the filing of other statements in addition to or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

Instruction as to Exhibits

Subject to the provisions regarding incorporation by reference, the following exhibits shall be filed as a part of the report:

(A) Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

(B) Copies of all documents of the character required to be filed as an exhibit to an original form for registration of securities of a bank which have been executed or otherwise put into effect during the fiscal year and not previously filed.

§ 335.320 Current reports.

Every registrant bank shall file a current report in conformity with the requirements of Form F–3 within 10 days after the close of any month during which any of the events specified in that form occurs, unless substantially the same information as required by that form has been previously reported by the bank.

§ 335.321 Form for current report of a bank (Form F–3).

Form F–3.—Current Report

Under Section 13 of the Securities Exchange Act of 1934

For the month of———————, 19—

(Exact name of bank as specified in charter)

(Address of principal office)

General Instructions

A. *Preparation of Report.*

This form is not to be used as a blank form to be filled in but only as a guide in the preparation of the report. The report shall contain the numbers and captions of all applicable items, but the text of such items may be omitted if the answers with respect thereto are prepared in the manner specified in § 335.361. All items which are not required to be answered in a particular report may be omitted an no reference thereto need be made in the report. Particular attention should be given to the definitions in § 335.102 and the general requirements in subpart C.

B. *Events To Be Reported.*

A report on this form is required to be filed upon the occurrence of any one or more of the events specified in the items of this form. Reports are to be filed within 10 days after the close of each month during which any of the specified events occur. However, if substantially the same information as that required by this form has been previously reported by the bank, an additional report of the information in this form need not be made.

C. *Incorporation by Reference to Proxy Statement, Statement Where Management Does Not Solicit Proxies, or Annual Report to Security Holders.*

Information contained in any statement previously filed with the FDIC under § 335.201 or in an annual report to security holders furnished to the FDIC under § 335.203 may be incorporated by reference in answer or partial answer to any item or items of this form. In addition, any financial statements contained in any such statement or annual report may be incorporated by reference provided such financial statements substantially meet the requirements of this form.

Information To Be Included in Report

Item 1—Changes in Control of Bank.

(a) If, to the knowledge of management, a change in control of the bank has occurred, state the name of the person(s) who acquired such control; the amount and the source of the consideration used by such person(s); the basis of the control; the date and a description of the transaction(s) which resulted in the change in control; the percentage of voting securities of the registrant now beneficially owned directly or indirectly by the person(s) who acquired control; and the identity of the person(s) from whom control was assumed. If the source of all or any part of the consideration used is a loan made in the ordinary course of business by a bank as defined in section 3(a)(6) of the Act, the identity of such bank shall be omitted provided a request for confidentiality has been made pursuant to section 13(d)(1)(B) of the Act by the person(s) who acquired control. In lieu thereof, the material shall indicate that disclosure of the identity of the bank has been so omitted and filed separately with the FDIC.

Instructions. 1. State the terms of any loans or pledges obtained by the new control group for the purpose of acquiring control, and the names of the lenders or pledgees, unless confidential treatment has been requested under section 13(d)(1)(B) of the Act in which case the identity of the lending bank shall be omitted.

2. Any arrangements or understandings among members of both the former and new control groups and their associates with respect to the election of directors or other matters shall be described.

(b) Describe any contractual arrangements, including any pledge of securities of the bank, or any of its parents, known to management, the operation of the terms of which may be at a subsequent date result in a change in control of the bank.

Instruction. Paragraph (b) does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the bank.

(c) If the source of all or any part of the funds used to acquire control of the bank is a loan made by a bank as defined in section 3(a)(6) of the Act, indicate whether there exists any agreement, arrangement, or understanding under which the registrant bank maintains or would maintain a correspondent deposit account at such lending bank.

Item 2—Acquisition or Disposition of Assets.

If the bank or any of its significant subsidiaries has acquired or disposed of a significant amount of assets, otherwise than in the ordinary course of business, state the date and manner of acquisition or disposition and briefly describe the assets involved, the nature and amount of consideration given or received therefor, the principle followed in determining the amount of such consideration, the identity of the persons from whom the assets were acquired or to whom they were sold and the nature of any material relationship between such persons and the bank or any of its affiliates, any director or officer of the bank, or any associate of any such director or officer. If any assets so acquired by the bank or its subsidiaries constituted plant, equipment or other physical property, state the nature of the business in which the assets were used by the persons from whom acquired and whether the bank intends to continue such use or intends to devote the assets to other purposes, indicating such other purposes.

Instructions. 1. No information need be given as to: (i) Any transaction between any person and any wholly owned subsidiary of such person: *i.e.*, a subsidiary substantially all of whose outstanding voting securities are owned by such person and/or its other wholly owned subsidiaries; (ii) any transaction between two or more wholly owned subsidiaries of any person; or (iii) the redemption or other acquisition of securities from the public, or the sale or other disposition of securities to the public, by the issuer of such securities.

2. The term "acquisition" includes every purchase, acquisition by lease, exchange, merger, consolidation, succession or other acquisition; provided that such term does not include the construction or development of property by or for the bank or its subsidiaries or the acquisition of materials for such purpose, and does not include the acquisition of assets acquired: (i) In collecting a debt previously contracted in good faith or (ii) in a fiduciary capacity. The term "disposition" includes every sale, disposition by lease exchange, merger, consolidation, mortgage, or hypothecation of assets, assignment, abandonment, destruction, or other disposition, but does not include disposition of assets acquired: (i) In collecting a debt previously contracted in good faith or (ii) in a fiduciary capacity.

3. The information called for by this item is to be given as to each transaction or series of related transactions of the size indicated. The acquisition or disposition of securities shall be deemed the indirect acquisition or disposition of the assets represented by such securities if it results in the acquisition or disposition of control of such assets.

4. An acquisition or disposition shall be deemed to involve a significant amount of assets: (i) If the net book value of such assets or the amount paid or received there for upon such acquisition or disposition exceeded five percent of the equity capital accounts of the bank, or (ii) if it involved the acquisition or disposition of a business whose gross operating revenues for its last fiscal year exceeded five percent of the gross operating revenues of the bank and its consolidated subsidiaries for the bank's latest fiscal year.

5. Where assets are acquired or disposed of through the acquisition or disposition of control of a person, the person from whom such control was acquired or to whom it was disposed of shall be deemed the person from whom the assets were acquired or to whom they were disposed of, for the purposes of this item. Where such control was acquired from or disposed of to not more than five persons, their names shall be given, otherwise it will suffice to identify in any appropriate manner the class of such persons.

6. Attention is directed to the requirements at the end of this form with respect to the filing of financial statements for businesses acquired and to the filing of copies of the plans of acquisition or disposition as exhibits to the report.

Item 3—Legal Proceedings.

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the bank or any of its subsidiaries is a part or which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions. 1. Notwithstanding instruction 2 to this item, administrative or judicial proceedings arising under section 8 of the Federal Deposit Insurance Act shall be deemed material and shall be described.

2. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis. However, if any

proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

3. Any material proceedings to which any director, officer or affiliate of the bank, any owner of record or beneficially of more than 5 percent of any class of voting securities of the bank, or any associate of any such director, officer or security holder is a party adverse to the bank or any of its subsidiaries or has a material interest adverse to the bank or any of its subsidiaries, also shall be described.

4. Notwithstanding the foregoing, if a receiver, fiscal agent or similar officer has been appointed for the bank or its parent, in a proceeding under the Bankruptcy Act or in any other proceeding under State or Federal law in which a court or governmental agency has assumed jurisdiction over substantially all of the assets or business of the bank or its parent, or if such jurisdiction has been assumed by leaving the existing directors and officers in possession but subject to the supervision and orders of a court or governmental body, identify the proceeding, the court or governmental body, the date jurisdiction was assumed, the identity of the receiver, fiscal agent or similar officer and the date of the person's appointment.

5. Discuss the extent of insurance coverage if appropriate to the type of proceeding.

Item 4—Changes in Securities.

(a) If the instruments defining the rights of the holders of any class of registered securities have been materially modified, give the title of the class of securities involved and state briefly the general effect of such modification upon the rights of holders of such securities.

(b) If the rights evidenced by any class of registered securities have been materially limited or qualified by the issuance or modification of any other class of securities, state briefly the general effect of the issuance or modification of such other class of securities upon the rights of the holders of the registered securities.

Instruction. Working capital restrictions and other limitations upon the payment of dividends are to be reported hereunder.

Item 5—Changes in Security for Registered Securities.

If there has been a material withdrawal or substitution of assets securing any class of registered securities of the bank, furnish the following information:

(a) Give the title of the securities.

(b) Identify and describe briefly the assets involved in the withdrawal or substitutions.

(c) Indicate the provision in the underlying indenture, if any, authorizing the withdrawal or substitution.

Item 6—Defaults Upon Senior Securities.

(a) If there has been any material default in the payment of the principal, interest, a sinking or purchase fund installment, or any other material default not cured within 30 days, with respect to any indebtedness of the bank or any of its significant subsidiaries exceeding five percent of the equity capital accounts of the bank, identify the indebtedness and state the nature of the default. In the case of such a default in the payment of principal, interest, or a sinking or purchase fund installment, state the amount of the default and the total arrearage on the date of filing this report.

Instruction. This paragraph refers only to events which have become defaults under the governing instruments, *i.e.*, after the expiration of any period of grace and compliance with any notice requirements.

(b) If any material arrearage in the payment of dividends has occurred or if there has been any other material delinquency not cured within 30 days, with respect to any class of preferred stock of the bank which is registered or which ranks prior to any class or registered securities, or with respect to any class of preferred stock of any significant subsidiary of the bank, give the title of the class and state the nature of the arrearage or delinquency. In the case of an arrearage in the payment of dividends, state the amount and the total arrearage on the date of filing this report.

Item 7—Increase in Amount of Securities Outstanding.

If the amount of securities of the bank outstanding has been increased through the issuance of any new class of securities or through the issuance or reissuance of any additional securities of a class outstanding and the aggregate amount of all such increases not previously reported exceeds five percent of the previously outstanding securities of the class, furnish the following information:

(a) Title of class, the amount outstanding as last previously reported, and the amount presently outstanding (as of a specified date).

(b) A brief description of the transaction or transactions resulting in the increase and a statement of the aggregate net cash proceeds or the nature and aggregate amount of any other consideration received or to be received by the bank.

(c) The names of the principal underwriters, if any, indicating any such underwriters which are affiliates of the bank.

(d) A reasonably itemized statement of the purposes, so far as determinable, for which the net proceeds have been or are to be used and the approximate amount used or to be used for each such purpose.

(e) If the securities were capital shares, a statement of the amount of the proceeds credited or to be credited to any account other than the appropriate capital share account.

Instructions. 1. This item does not apply to notes, drafts, bills of exchange, or bank acceptances which mature not later than 12 months from the date of issuance. No report need be made where the amount not previously reported, although in excess of five percent of the amount previously outstanding, does not exceed $50,000 face amount of indebtedness of 1,000 shares or other units.

2. This item includes the reissuance of Treasury securities and securities held for the account of the issuer thereof. The extension of the maturity date of indebtedness shall be deemed to be the issuance of new indebtedness for the purpose of this item. In the case of such an extension, the percentage shall be computed upon the basis of the principal amount of the indebtedness extended.

Item 8—Decrease in Amount of Securities Outstanding.

If the amount of any class of securities of the bank outstanding has been decreased through one or more transactions and the aggregate amount of all such decreases not previously reported exceeds five percent of the amount of securities of the class previously outstanding, furnish the following information:

(a) Title of the class, the amount outstanding as last previously reported, and the amount presently outstanding (as of a specified date).

(b) A brief description of the transaction or transactions involving the decrease and a statement of the aggregate amount of cash or the nature and aggregate amount of any other consideration paid or to be paid by the bank in connection with such transaction or transactions.

Instruction. Instruction 1 to item 7 shall also apply to this item. This item need not be answered as to decreases resulting from ordinary sinking fund operations, similar periodic decreases made pursuant to the terms of the constituent instruments, decreases resulting from the conversion of securities or decreases resulting from the payment of indebtedness at maturity.

Item 9—Submission of Matters to a Vote of Security Holders.

If any matter has been submitted to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, state the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) Briefly describe each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

(d) Describe the terms of any settlement between the bank and any other participant (as defined in § 335.220) terminating any solicitation subject to § 335.220, including the cost or anticipated cost to the bank.

Instructions. 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a security holders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

3. Paragraph (b) need not be answered if: (i) A proxy statement, or statement where management does not solicit proxies, with respect to the meeting was filed with the FDIC under § 335.201, (ii) there was no solicitation in opposition to the management's nominees as listed in such statement, and (iii) all of such nominees were elected.

4. Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

5. If the bank has furnished to its security holders proxy soliciting material containing the information called for by paragraph (d), the paragraph may be answered by reference to the information contained in such material.

6. If the bank has published a report containing all of the information called for by this item, the item may be answered by a reference to the information contained in such report, provided copies of such report are filed as an exhibit to the report on this form.

Item 10—Changes in Bank's Certifying Accountant.

If an independent accountant who was previously engaged as the principal accountant to audit the bank's financial statements resigns (or indicates he declines to stand for re-election after the completion of the current audit) or is dismissed as the bank's principal accountant, or another independent accountant is engaged as principal accountant or if an independent accountant on whom the principal accountant expressed reliance in his report regarding a significant subsidiary resigns (or formally indicates he declines to stand for re-election after the completion of the current audit) or is dismissed or another independent accountant is engaged to audit that subsidiary:

(a) State the date of such resignation (or declination to stand for re-election) dismissal or engagement.

(b) State whether in connection with the audits of the two most recent fiscal years and any subsequent interim period preceding such resignation, dismissal or engagement there were any disagreements with the former accountant on any matter of accounting principles or practices, financial statement disclosure, or auditing scope or procedure, which disagreements if not resolved to the satisfaction of the former accountant would have caused him to make reference in connection with his report to the subject matter of the disagreement(s); also, describe each such disagreement. The disagreements required to be reported in response to the preceding sentence include both those resolved to the former accountant's satisfaction and those not resolved to the former accountant's satisfaction. Disagreements contemplated by this rule are those which occur at the decision-making level; *i.e.*, between personnel of the bank responsible for the presentation of its financial statements and personnel of the accounting firm responsible for rendering its report.

(c) State whether the principal accountant's report on the financial statements for any of the past two years contained an adverse opinion or a disclaimer of opinion or was qualified as to uncertainty, audit scope, or accounting principles; also describe the nature of each such adverse opinion, disclaimer of opinion, or qualification.

(d) The bank shall request the former accountant to furnish the bank with a letter addressed to the FDIC stating whether he agrees with the statements made by the bank in response to this item and, if not, stating the respects in which he does not agree. The bank shall file a copy of the former accountant's letter as an exhibit with all copies of the Form F–3 required to be filed under § 335.3(b).

(e) State whether the decision to change accountants was recommended or approved by

(1) Any audit or similar committee of the board of directors, if the bank has such a committee; or

(2) The board of directors, if the bank has no such committee.

Item 11—Resignations of Bank's Directors.

(a) If a director has resigned or declined to stand for re-election to the board of directors since the date of the last annual meeting of shareholders because of a disagreement with the bank on any matter relating to the bank's operations, policies or practices, and if the director has furnished the bank with a letter describing such disagreement and requesting that the matter be disclosed, the bank shall state the date of such resignation or declination to stand for re-election and summarize the director's description of the disagreement.

(b) If the bank believes that the description provided by the director is incorrect or incomplete, it may include a brief statement presenting its views of the disagreement.

(c) The bank shall file a copy of the director's letter as an exhibit with all copies of this Form F–3.

Item 12—Other Materially Important Events.

The bank shall, at its option, report under this item any events that it deems of material importance to security holders, even though information as to such events is not otherwise called for by this form.

Item 13—Financial Statements and Exhibits.

List below the financial statements and exhibits, if any, filed as a part of this report:

(a) Financial statements.

(b) Exhibits.

Signatures

Under the requirements of the Securities Exchange Act of 1934, the bank has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of bank)

Date ———————

By ———————

(Name and title of signing officer)

Financial Statements of Businesses Acquired

1. *Business for which statements are required.*

The financial statement specified below shall be filed for any business the acquisition of which by the bank or any of its majority-owned subsidiaries is required to be described in answer to item 2 above.

2. *Statements required.*

(a) There shall be filed a balance sheet of the business as of a date reasonably close to the date of acquisition. The balance sheet need not be verified, but if it is not verified there shall also be filed a verified balance sheet as of the close of the preceding fiscal year.

(b) Statements of income of the business shall be filed for each of the last three full fiscal years and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These statements of income shall be verified up to the date of the verified balance sheet.

(c) If the business was in insolvency proceedings immediately prior to its acquisition, the balance sheets required above need not be verified. In such case, the statements of income required shall be verified to the close of the latest full fiscal year.

(d) No supporting schedules need be filed.

(e) Except as otherwise provided in this instruction, the principles applicable to a bank and its subsidiaries with respect to the filing of individual, consolidated and group statements in an original application or annual report shall be applicable to the statements required by this instruction.

3. *Filing of other statements in certain cases.*

The FDIC may, upon the informal written request of the bank, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The FDIC may also by informal written notice require the filing of other statements in addition to or in substitution for the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person for which financial statements are required, or whose statements are otherwise necessary for the protection of investors.

Exhibits

Subject to the rules as to incorporation by reference, the following documents shall be filed as exhibits to this report:

1. Copies of any contract, plan, or arrangement for any acquisition or disposition described in answer to item 2, including a plan of reorganization, readjustment, exchange, merger, consolidation, or succession in connection therewith.

2. Copies of any judgment or any document setting forth the terms of any settlement described in answer to item 3.

3. Copies of the amendments to all constituent instruments and other documents described in answer to item 4.

4. Copies of all constituent instruments defining the rights of the holders of any class of securities referred to in answer to item 7.

5. Copies of the plan pursuant to which the options referred to in answer to item 9 were granted, or if there is no such plan, specimen copies of the options.

6. Copies of any material amendments to the bank's charter or bylaws, not otherwise required to be filed.

7. Copies of the text of any proposal described in answer to item 9.

8. Copies of any published report furnished in response to item 9. (See item 9, instruction 6.)

9. Letters from the bank and the independent accountants furnished pursuant to item 10.

10. Letters from directors furnished pursuant to item 11.

§ 335.330 Quarterly reports.

Every registrant bank shall file a quarterly report in conformity with the requirements of Form F–4 for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in a registration statement except that no report need be filed for the fiscal quarter which coincides with the end of the fiscal year of the bank. Such reports shall be filed not later than 45 days after the end of such quarterly period, except that the report for any period ending prior to the date on which a class of securities of the bank first becomes effectively registered may be filed not later than 45 days after the effective date of such registration.

§ 335.331 Form for quarterly report of bank (Form F–4).

Form F–4

Quarterly Report Under section 13 of the Securities Exchange Act of 1934 For Quarter Ended ———

FDIC Insurance Certificate Number ———

(Exact name of bank as specified in its Charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of principal executive offices)

(Zip Code)

Bank's telephone number, including area code ———

(Former name, former address and former fiscal year, if changed since last report)

Indicate by check mark whether the bank (1) has filed all reports required to be filed by section 13 of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the bank was required to file such reports, and (2) has been subject to such filing requirements for the past 90 days.

Yes ——— No ———

A. *Rule as to Use of Form F–4.*

(a) Form F–4 shall be used for quarterly reports under section 13 of the Securities Exchange Act of 1934, filed under § 335.330.

(b) A report on this form shall be filed within 45 days after the end of each of the first three fiscal quarters of each fiscal year. No report need be filed for the fourth quarter of any fiscal year.

B. *Application of General Rules and Regulations.* Particular attention is directed to § 335.360 which contains general requirements regarding matters such as the kind and size of paper to be used, the printing and the language; § 335.364 regarding the information to be given whenever the title of securities is required to be stated; and § 335.701 regarding the filing of the report. The definitions contained in § 335.102 should be especially noted.

C. *Preparation of Report.*

(a) This is not a blank form to be filled in. It is a guide to be used in preparing the report in accordance with § 335.330. The FDIC does not furnish blank copies of this form to be filled in for filing.

(b) These general instructions are not to be filed with the report. The instructions to the various captions of the form are also to be omitted from the report as filed.

D. *Persons for Whom the Information is to be Given.*

(a) The required information is to be given as to the registrant bank or, if the bank filed consolidated financial statements with the annual reports filed with the FDIC, it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

(b) The required information shall also be given separately as to each unconsolidated subsidiary or 50 percent owned person or other person, or group of such subsidiaries, 50 percent owned persons or other persons, for which separate individual or group statements are required to be included in the bank's annual reports filed with the FDIC. It need not be furnished, however, for any such unconsolidated subsidiary or person which would not be required under § 335.330 to file quarterly financial information if it were a bank.

E. *Preparation of Financial Information.* The form requires only the items of information specified. The information may carry a notation to the effect that it is not certified and any other qualification considered necessary or appropriate. Amounts may be stated in thousands of dollars (000 omitted) provided it is stated that such has been done. Losses or other negative amounts shall be indicated clearly in the caption and the amounts shown in parentheses.

F. *Incorporation by Reference to Published Statements.* If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

G. *Delay in Filing Information.* The information required may be omitted with respect to foreign subsidiaries not consolidated or other foreign persons if it is impracticable to furnish it within the time specified for filing the report, provided it is indicated that such information is furnished by amendment when available. Apart from the foregoing, any request for extension of time for the filing of the report or the furnishing of any of the required information shall be made under § 335.358.

H. *Financial Statements.* (a) The bank shall furnish an income statement, balance sheet, statement of changes in financial position, and statement of changes in capital accounts for the periods set forth in (b) below. These statements shall follow the general form of presentation set forth in Subpart F with the following exceptions:

(1) Where any balance sheet caption is less than 10 percent of total assets, and the amount in the caption has not increased or decreased by more than 25 percent since the previous balance sheet presented, the caption may be combined with others. When any income statement caption is less than 15 percent of average net income for the most recent three years and the amount in the caption has not increased or decreased by more than 20 percent as compared to the next preceding comparable income statement, the caption may be combined with others. In calculating average net income, loss years should be excluded. If losses were incurred in each of the most recent three years, the average loss shall be used for purposes of this test.

(2) The statement of changes in financial position may be abbreviated, starting with a single figure of funds provided by operations and showing other sources and applications individually only when they exceed 10 percent of the average of funds provided by operations for the most recent three years.

(3) Sections 335.621, 335.622, 335.626, and other requirements which call for detailed footnote disclosure and schedules shall not apply. As with all information filed with the FDIC, however, disclosures must be adequate to make the information presented not misleading.

(b) The condensed financial statements shall be provided for periods set forth below:

(1) The condensed income statement shall be presented for the most recent fiscal quarter, for the period between the end of the last fiscal year and the end of the most recent fiscal quarter, and for corresponding periods of the preceding fiscal year. It also may be presented for the cumulative twelve month period ended during the most recent fiscal quarter and for the corresponding period of the preceding fiscal year.

(2) The balance sheet shall be presented as of the end of the most recent fiscal quarter and for the end of the corresponding period of the preceding fiscal year.

(3) The statement of changes in financial position and the statement of changes in capital accounts shall be presented for the period between the end of the last fiscal year and the end of the most recent fiscal quarter, and for the corresponding period of the preceding fiscal year. They also may be presented for the cumulative twelve month period ended during the most recent fiscal quarter and for the corresponding period of the preceding fiscal year.

(c) If, during the current period in (b) above, the bank or any of its consolidated subsidiaries entered into a business combination treated for accounting purposes as a pooling of interests, the interim financial statements for both the current year and the preceding year shall reflect the combined results of the pooled businesses. Supplemental disclosure of the separate results of the combined entities for periods

prior to the combination shall be given in a footnote with appropriate explanations.

(d) In case the bank has disposed of any significant portion of its business during any of the periods covered by the report, the effect thereof on revenues and net income—total and per share—for all periods shall be disclosed. In addition, where a material business combination accounted for as a purchase has occurred during the current fiscal year, pro forma disclosure shall be made of the results of operations for the current year up to the date of the end of the most recent fiscal quarter (and for the comparable period in the preceding year) as though the companies had combined at the beginning of the period being reported on. This pro forma information should as a minimum show: (1) Total operating income, (2) operating expenses, (3) income before securities gains (losses), (4) income before extraordinary items, and (5) net income. In addition, provide per share data for items (3), (4), and (5).

(e) The financial information to be included in this report should be prepared in conformity with the accounting principles and practices reflected in the financial statement included in the annual report filed with the FDIC for the preceding fiscal year, except for any subsequent regulatory revisions and changes required to be reported by § 335.614.

(f) If appropriate, the income statement shall show earnings per share and dividends per share applicable to common stock and the basis of the earning per share computation shall be stated together with the number of shares used in the computation. The bank shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is otherwise clearly set forth in the report.

(g) The information furnished shall reflect all adjustments which are, in the opinion of management, necessary to a fair statement of the results for the interim periods. A statement to that effect shall be included. Such adjustments shall include, for example, appropriate estimated provisions for bonus and profit sharing arrangements normally determined or settled at year-end.

(h) Any material retroactive prior period adjustment made during any period included in this report shall be disclosed, together with the effect thereof upon net income—total and per share—of any prior period included herein and upon the balance of undivided profits. If results or operations for any period reported herein have been adjusted retroactively by such an item subsequent to the initial reporting of such period, similar disclosure of the effect of the change shall be made.

I. *Management's Analysis of Quarterly Income Statements.* The bank shall provide a narrative analysis of the results of operations explaining the reasons for material changes in the amount of revenue and expense items between the most recent quarter and the quarter immediately preceding it, between the most recent quarter and the same calendar quarter in the preceding year, and, if applicable, between the current year to date and the same calendar period in the preceding year. Explanations of material changes should include, but not be limited to, changes in the various elements which affect revenue and expense levels, such as asset composition, deposit mix, sources of funds other than deposits, significant interest rate fluctuations, abnormal loan loss provisions, and discretionary spending programs. In addition, the analysis should include an explanation of the effect of any changes in accounting principles and practices or in the method of their application that have a material effect on net income as reported.

J. *Other Financial Information.* The bank may furnish any additional information related to the periods being reported on which, in the opinion of management, is of significance to investors, such as the seasonality of the bank's business, major uncertainties currently facing the bank, significant accounting changes under consideration and the dollar amount of standby letters of credit. In addition, the bank shall indicate whether any Form F–3 was required to be filed during the most recently completed fiscal quarter reporting a change in independent accountants.

K. *Review by Independent Public Accountant.* The financial information included in this form need not be reviewed prior to filing by an independent public accountant. If, however, a review of the data is made in accordance with established professional standards and procedures for such a review, the bank may state that the independent accountant has performed such a review. If such a statement is made, the bank shall indicate whether all adjustments or additional disclosures proposed by the independent accountant have been reflected in the data presented, and, if not, why not. In addition, a letter from the bank's independent accountant confirming or otherwise commenting upon the bank's representations and making such other comments as the independent accountant deems appropriate may be included as an exhibit to the form.

L. *Filing of Other Statements in Certain Cases.* The FDIC may, upon the informal written request of the bank, and where consistent with the protection of investors, permit the omission of any of the information herein required or the filing in substitution therefor of appropriate information of comparable character. The FDIC may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statement herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person for which financial statements are required, or whose statements are otherwise necessary for the protection of investors.

M. *Sales of Securities (Debt or Equity).* If present, give the following information as to all securities of the bank or its subsidiaries sold by the bank or its subsidiaries during the fiscal quarter. Include sales of reacquired securities as well as new issues, securities issued in exchang for property, services or other securities, and new securities resulting from the modification of outstanding securities. If the information called for has been previously reported on another form, it may be incorporated by a specific reference to the previous filing.

(1) Give the date of sale, and the title and amount of the securities sold;

(2) Give the market price on the date of sale, if applicable;

(3) Give the names of the brokers, underwriters, or finders, if any. As to any securities sold but which were not the subject of a public offering, name the persons or identify the class of persons to whom the securities were sold;

(4) As to securities sold for cash, state the aggregate offering price and the aggregate underwriting discounts, brokerage commissions, or finder's fees. As to any securities sold otherwise than for cash, state the nature of the transaction and the nature and aggregate amount of consideration received; and

(5) State whether the securities have been legended or lettered, and stop-transfer instructions given in connection therewith.

N. *Signature and Filing of Report.* Six copies of the report shall be filed with the FDIC. At least one copy of the report shall be filed with each exchange on which any class of securities of the bank is listed and registered. At least one copy of the report filed with the FDIC and one copy filed with each such exchange shall be manually signed on the bank's behalf by a duly authorized officer of the bank and by the principal financial officer or chief accounting officer of the bank. Copies not manually signed shall bear typed or printed signatures.

Signatures

Under the requirements of the Securities Exchange Act of 1934, the bank has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

(Name of bank) _____

Date _____

([1] Signature) _____

Date _____

([1] Signature) _____

§ 335.332 Report of foreign issuer to be filed under Section 13(a) of the Securities Exchange Act of 1934 (Form F–4A).

Federal Deposit Insurance Corporation

Washington, D.C. 20429

Form F–4A

Report Under Section 13(a) of the Securities Exchange Act of 1934

For the month of _____ 19—

(Translation of registrant's name into English)

(Address of principal executive offices)

General Instructions

A. Rule as to Use of Form F–4A.

This form shall be used by foreign banks which are required to furnish reports under § 335.308.

B. Information and Document Required to be Furnished.

Subject to General Instruction D herein, a bank furnishing report on this form shall furnish whatever information, not previously furnished, such bank (i) is required to make

[1] Print name and title of signing office under his signature.

public in the country of its domicile or in which it is incorporated or organized pursuant to the law of that country, or (ii) filed with a foreign stock exchange on which its securities are traded and which was made public by that exchange, or (iii) distributed to its security holders.

The information required to be furnished pursuant to (i), (ii), or (iii) above is that which is significant with respect to the bank and its subsidiaries concerning: Changes in management or control; acquisitions or dispositions of assets; bankruptcy or receivership; changes in registrant's certifying accountants; the financial condition and results of operations; material legal proceedings; changes in securities or in the security for registered securities; defaults upon senior securities; material increases or decreases in the amount outstanding of securities or indebtedness; the results of the submission of matters to a vote of security holders; and any other information which the registrant deems of material importance to security holders.

This report is required to be furnished promptly after the material contained in the report is made public as described above. The information and documents furnished in this report shall not be deemed to be "filed" for the purpose of section 18 of the Act or otherwise subject to the liabilities of that section.

C. Preparation and Filing of Report.

This report shall consist of a cover page, the document or report furnished by the bank, and a signature page. Six complete copies of each report on this form shall be sent to the FDIC. At least one complete copy shall be filed with each United States stock exchange on which any security of the registrant is listed and registered under section 12(b) of the Act. At least one of the copies sent to the FDIC and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

D. Translations of Papers and Documents into English.

Information required to be furnished pursuant to general instruction B in the form of press releases and all communications or materials distributed directly to securityholders of each class of securities to which any reporting obligation under section 13(a) of the Act relates shall be in the English language. English versions or adequate summaries in the English language of such materials may be furnished in lieu of original English translations.

Notwithstanding general instruction B, no other documents or reports, including prospectuses or offering circulars relating to entirely foreign offerings, need be furnished unless the bank otherwise has prepared or caused to be prepared English translation, English versions or summaries in English thereof. If no such English translations, versions or summaries have been prepared, it will be sufficient to provide a brief description in English of any such documents or reports. In no event are copies of original language documents or reports required to be furnished.

Signatures

Under the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant)
Date _____
By _____
(Signature)*

§ 335.340 Notification to national securities associations.

Each bank having securities registered under section 12(g) of the Act, upon being notified by a national securities association registered under section 15A of the Act that a class of the bank's securities is to be quoted on an interdealer quotation system, which is sponsored and governed by the rules of such association, shall thereafter notify such association promptly of:

(a) Any increase or decrease in the amount of securities of such class outstanding which exceeds five percent of the amount of such class last reported to the association and

(b) Any change in the name of the bank. The obligation to report pursuant to this section shall continue until notification is received from the association that all classes of securities are no longer quoted on such interdealer quotation system.

§ 335.350 Additional information.

In addition to the information expressly required to be included in a statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

§ 350.351 Information not available.

Information required need be given only insofar as it is known or reasonably available to the bank. If any required information is unknown and not reasonably available to the bank, either because the obtaining thereof would involve unreasonable effort or expense or because it rests peculiarly within the knowledge of another person not affiliated with the bank, the information may be omitted, subject to the following conditions:

(a) The bank shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense together with the sources thereof, and

(b) The bank shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information. No such request need be made, however, to any foreign government, or an agency or instrumentality thereof, if, in the opinion of the bank, such request would be harmful to existing relationships.

§ 335.352 Disclaimer of control.

If the existence of control is open to reasonable doubt in any instance, the bank may disclaim the existence of control and any admission thereof; in such case, however, the bank shall state the material facts pertinent to the possible existence of control.

§ 335.353 Incorporation by reference.

(a) Information contained in any part of a registration statement or report, other than exhibits, may be incorporated by reference in answer or partial answer to any item of the same statement or report. Information contained in an exhibit may be so incorporated to the extent permitted in §335.357.

(b) Any information, other than financial statements, contained in any of the following documents may be incorporated by reference in answer or partial answer to any item of a registration statement or report: (1) A definitive proxy statement filed under section 14(a) of the Act or a definitive information statement filed under section 14(c) of the Act; or (2) a report to security holders.

(c) Any financial statement contained in any document referred to in § 335.353(b) or filed with the FDIC may be incorporated by reference in a registration statement or report if such financial statement substantially meets the requirements of the form on which the statement or report is filed. Financial statements or other financial data required to be given in comparative form for two or more fiscal years or periods shall not be incorporated by reference unless the material incorporated by reference includes the entire period for which the comparative data is required to be given.

(d) Copies of any information or financial statement incorporated by reference under § 335.353 (b) or (c), or copies of the pertinent pages of the document containing such information or statement, shall be submitted with the statement or report and shall be deemed to be filed with the FDIC for all purposes of the Act.

(e) Matter incorporated by reference shall be clearly identified in the reference by page, paragraph, caption, or otherwise. Where only certain pages of a document are incorporated by reference and filed with the statement or

* Print the name and title of the signing officer under his signature.

report, the document from which the material is taken shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement or report where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement or report incomplete, unclear, or confusing.

§ 335.354 Summaries or outlines of documents.

Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made, in succinct and condensed form, as to the most important provisions. In addition to such statement, the summary or outline may incorporate by reference particular items, sections, or paragraphs of any exhibit and may be qualified in its entirety by such reference. Matter contained in an exhibit may be incorporated by reference in answer to an item only to the extent permitted by this paragraph.

§ 335.355 Omission of substantially identical documents.

In any case where two or more indentures, contracts, franchises, or other documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the bank need file a copy of only one of such documents, with a schedule identifying the documents omitted and setting forth the material details in which such documents differ from the document of which a copy is filed. The FDIC may at any time in its discretion require the filing of copies of documents so omitted.

§ 335.356 Additional exhibits.

The bank may file such exhibits as it may desire, in addition to those required by the appropriate form. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

§ 335.357 Incorporation of exhibits by reference.

(a) Any document or part thereof previously filed with the FDIC under this part may, subject to the following limitations, be incorporated by reference as an exhibit to any registration statement or report filed with the FDIC by the same or any other person. Any document or part thereof filed with an exchange under the Act may be incorporated by reference as an exhibit to any registration statement or report filed with the exchange by the same or any other person.

(b) Any document incorporated by reference under § 335.357 shall be so incorporated only by reference to the specific document and to the prior filing in which it was physically filed, not to another file which incorporates it by reference.

(c) If any modification has occurred in the text of any document incorporated by reference since the filing thereof, the registrant shall file with the reference a statement containing the text of any such modification and the date thereof.

(d) No document which has been on file with the FDIC under this part for a period of more than 10 years may be incorporated by reference. This limitation shall not, however, apply to a corporate charter or bylaws if such document has not been amended more than twice since such filing.

§ 335.358 Extension of time for furnishing information.

Note: The disclosures required in reports filed with the FDIC are essential to the preservation of free, fair and informed securities markets. It is of critical importance that such reports be furnished within the time they are required to be filed under FDIC rules. Only the most compelling and unexpected circumstances justify a delay in the filing of a report and the dissemination to the public of the factual information called for therein.

(a) If any required information, document or report, other than an initial registration statement under section 12(g) of the Act, cannot, without unreasonable effort or expense, be furnished within the time it is required to be filed, the bank shall, as soon as possible, but no later than the last day of the specified period, file with the FDIC a letter application (1) identifying the information, document, or report in question and any outstanding reports required by the Act or Part 335 to be filed within the last 12 months; (2) stating why the filing thereof at the time required is impracticable; and (3) requesting an extension of time for filing the information, document, or report of not more than 30 days. One additional extension of not more than 30 days also may be applied for in the same manner as the initial application.

(b) An application pursuant to this section shall be deemed granted unless the FDIC within 15 days after the receipt thereof shall deny the application or shall notify the bank that the application does not meet the requirements of this section.

(c) An application for any further extension of time beyond that provided for in § 335.358(a) shall be made in the same manner as set forth in § 335.358(a) but shall be deemed to have been denied unless the FDIC shall grant such application within 15 days after its receipt.

(d) If the extension requested under § 335.358 (a) or (c) is necessitated by the inability of any person other than the bank to furnish any required opinion, information, or report, the application shall have attached as an exhibit, a statement signed by such person stating the specific reasons why such person is unable to furnish the required opinion, information, report of certification.

(e) If the application under § 335.358 (a) or (c) or the extension of time granted, relates only to a portion of the required information, document or report, the bank shall file the remaining portion and the portion filed shall prominently indicate the nature of the omitted portion.

§ 335.359 Number of copies; signatures; binding.

(a) Except where otherwise provided in a particular form, six copies of each registration statement and report (including financial statements) and two copies of each exhibit and each other document filed as part thereof, shall be filed with the FDIC. At least one complete copy of each statement shall be filed with each exchange, if any on which the securities covered thereby are being registered. At least one copy of each report shall be filed with each exchange, if any, on which the bank has securities registered.

(b) At least one copy of each statement or report filed with the FDIC and one copy thereof filed with an exchange shall be manually signed. If the statement or report is typewritten, one of the signed copies filed with the FDIC shall be an original "ribbon" copy. Unsigned copies shall be conformed. If the signature of any person is affixed under a power of attorney or other similar authority, a copy of such power or other authority shall also be filed with the statement or report.

(c) Each copy of a statement or report filed with the FDIC or with an exchange shall be bound in one or more parts. Copies filed with the FDIC shall be bound without stiff covers. The statement or report shall be bound on the left side in such a manner as to leave the reading matter legible.

§ 335.360 Specifications for paper, printing, and language.

(a) Statements and reports shall be filed on good quality unglazed white paper 8½ x 13 inches in size, insofar as

practicable. Tables, charts, maps, and financial statements may, however, be on larger paper if folded to that size.

(b) The statment or report and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed, xeroxcopied, or typewritten. The statement or report or any portion thereof may, however, be prepared by any similar process that, in the opinion of the FDIC produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable, and suitable for repeated photcopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(c) The body of all printed statements and reports shall be in roman type at least as large as a 10-point modern type. To the extent necessary for convenient presentation, however, financial statements and other statistical or tabular data and the notes thereto may be in type at least as large as 8-point modern type. All type shall be leaded at least 2 points.

(d) Statements and reports shall be in English. If any exhibit or other paper or document filed with a statement or report is in a foreign language, it shall be accompanied by a translation into English.

§ 335.361 Preparation of statement or report.

Each statement and report shall contain the numbers and captions of all items of the appropriate form, but the text of the items may be omitted provided the answers thereto are so prepared as to indicate to the reader the coverage of the items without the necessity of his referring to the text of the items or instructions thereto. Where any item requires information to be given in tabular form, however, it shall be given in substantially the tabular form specified in the item. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

§ 335.362 Riders; inserts.

Riders shall not be used. If the statement or report is typed on a printed form, and the space provided for the answer to any given item is insufficient, reference shall be made in such space to a full insert page or pages on which the item number and caption and the complete answer are given.

§ 335.363 Amendments.

All amendments shall comply with all pertinent requirements applicable to statements and reports. Amendments shall be filed separately for each separate statement or report amended. Amendments to a statement may be filed either before or after registration becomes effective.

§ 335.364 Title of securities.

Whenever the title of securities is required to be stated, information shall be given that will indicate the type and general character of the securities, including:

(a) In the case of shares, the par or stated value, if any; the rate of dividends, if fixed, and whether cumulative or noncumulative; a brief indication of the preference, if any; and if convertible, a statement to that effect.

(b) In the case of funded debt, the rate of interest; the date of maturity, or if the issue matures serially, a brief indication of the serial maturities, such as "maturing serially from 1970 to 1980"; if payment of principal or interest is contingent, an appropriate indication of such contingency; a brief indication of the priority of the issue; and if convertible, a statement to that effect.

(c) In the case of any other kind of security, appropriate information of comparable character.

§ 335.365 Interpretation of requirements.

Unless the context clearly shows otherwise,

(a) The forms require information only as to the bank.

(b) Whenever any fixed period of time in the past is indicated, such period shall be computed from the date of filing.

(c) Whenever words relate to the future, they have reference solely to present intention.

(d) Any words indicating the holder of a position or office include persons, by whatever titles designated, whose duties are those ordinarily performed by holders of such positions or offices.

Subpart D—Shareholder reports

§ 335.401 Requirement of acquisition statements.

(a) Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a bank of a class which is registered under section 12 of the Act (except non-voting securities), is directly or indirectly the beneficial owner of more than five (5) percent of such class shall, within 10 days after such acquisition, send to the bank at its principal office, by registered or certified mail, and to each exchange where the security is traded, and file with the FDIC, a statement containing the information required by Form F–11. Six copies of the statement, including all exhibits, shall be filed with the FDIC.

(b)(1) A person who would otherwise be obligated under § 335.401(a) to file a statement on Form F–11 may, in lieu thereof, file with the FDIC, within 45 days after the end of the calendar year in which such person became so obligated, six copies, including all exhibits, of a short form ownership statement on Form F–11A and send one copy each of such form to the bank at its principal office, by registered or certified mail, and to the principal national securities exchange where the security is traded: *Provided,* That it shall not be necessary to file a Form F–11A unless the percentage of the class of equity security beneficially owned as of the end of the calendar year is more than five (5) percent: *And provided further,* That

(i) Such person has acquired such securities in the ordinary course of his business and not with the purpose nor with the effect of changing or influencing the control of the bank, nor in connection with or as a participant in any transaction having such purpose or effect, including any transaction subject to § 335.403(b);

(ii) Such person is

(A) A broker or dealer registered under section 15 of the Act;

(B) A bank as defined in section 3(a)(6) of the Act;

(C) An insurance company as defined in section 3(a)(19) of the Act;

(D) An investment company registered under section 8 of the Investment Company Act of 1940;

(E) An investment adviser registered under section 203 of the Investment Advisers Act of 1940;

(F) An employee benefit plan, or pension fund which is subject to the provisions of the Employee Retirement Income Security Act of 1974 ("ERISA") or an endowment fund;

(G) A parent holding company: *Provided,* The aggregate amount held directly by the parent, and directly and indirectly by its subsidiaries which are not persons specified in § 335.401(1)(b)(ii)(A)–(G), does not exceed one percent of the securities of the subject class;

(H) A group, provided that all the members are persons specified in § 335.401(b)(1)(ii)(A)–(G); and

(iii) Such person has promptly notified any other person (or group within the meaning of section 13(d)(3) of the Act) on whose behalf it holds, on a

discretionary basis, securities exceeding five percent of the class, of any acquisition or transaction on behalf of such other person which might be reportable by the person under section 13(d) of the Act. This paragraph only requires notice to the account owner of information which the filing person reasonably should be expected to know and which would advise the account owner of an obligation he may have to file a statement under section 13(d) of the Act or an amendment thereto.

(2) Any person relying on § 335.401(b)(1) and § 335.402(b) shall, in addition to filing any statement required thereunder, file a statement on Form F–11A within ten days after the end of the first month in which such person's direct or indirect beneficial ownership exceeds ten percent of a class of equity securities specified in § 335.401(a) computed as of the last day of the month, and thereafter within ten days after the end of any month in which such person's beneficial ownership of securities of such class, computed as of the last day of the month, increased or decreased by more than five percent of such class of equity securities. Six copies of such statement, including all exhibits, shall be filed with the FDIC and one each sent, by registered or certified mail, to the bank at its principal office and to the principal national securities exchange where the security is traded. Once an amendment has been filed reflecting beneficial ownership of five percent or less of the class of securities, no additional filings are required by § 335.401(b)(2) unless the person thereafter becomes the beneficial owner of more than ten percent of the class and is required to file pursuant to this provision.

(3)(i) Notwithstanding § 335.401(b) (1) and (2) and § 335.402(b), a person shall immediately become subject to § 335.401(a) and § 335.402(a) and shall promptly, but not more than 10 days later, file a statement on Form F–11 if such person:

(A) Has reported that the person is the beneficial owner of more than five percent of a class of equity securities in a statement on Form F–11A pursuant to § 335.401 (b)(1) or (b)(2), or is required to report such acquisition but has not yet filed the form;

(B) Determines that the person no longer has acquired or hold such securities in the ordinary course of business or not with the purpose nor with the effect of changing or influencing the control of the bank, nor in connection with or as a participant in any transaction having such purpose or effect, including any transaction subject to § 335.403(b); and

(C) Is at that time the beneficial owner of more than five percent of a class of equity securities described in § 335.401(a),

(ii) For the ten-day period immediately following the date of the filing of a Form F–11 under § 335.401(b)(3), such person shall not: (A) vote or direct the voting of the securities described in § 335.401(b)(3)(i)(A); nor, (B) Acquire an additional beneficial ownership interest in any equity securities of the bank, nor of any person controlling the bank.

(4) Any person who has reported an acquisition of securities in a statement of Form F–11A under § 335.401(b)(1) or (b)(2) and thereafter ceases to be a person specified in § 335.401(b)(1)(ii) shall immediately become subject to § 335.401(a) and § 335.402(a) and shall file, within ten days thereafter, a statement on Form F–11 in the event such person is a beneficial owner at that time of more than five percent of the class of equity securities.

(c) Any person who, as of December 31, 1979, or as of the end of any calendar year thereafter, is directly or indirectly the beneficial owner of more than five percent of any equity security of a class specified in § 335.401(d) and who is not required to file a statement under § 335.401(a) by virtue of the exemption provided by section 13(d)(6)(A) or (B) of the Act, or because such beneficial ownership was acquired prior to December 22, 1970, or because such person otherwise (except for the exemption provided by section 13(d)(6)(C) of the Act) is not required to file such statement, shall, within 45 days after the end of the calendar year in which such person became obligated to report under this paragraph, send to the bank at its principal office, by registered or certified mail, and file with the FDIC, a statement containing the information required by Form F–11A. Six copies of the statement, including all exhibits, shall be filed with the FDIC.

(d) For the purposes of section 13(d) and 13(g), any person, in determining the amount of outstanding securities of a class of equity securities, may rely upon information set forth in the bank's most recent quarterly or annual report, and any current report subsequent thereto, filed with the FDIC pursuant to the Act, unless the person knows or has reason to believe that the information contained therein is inaccurate.

(e)(1) Whenever two or more persons are required to file a statement containing the information required by Form F–11 or Form F–11A with respect to the same securities, only one statement need be filed; *Provided*, That:

(i) Each person on whose behalf the statement is filed is individually eligible to use the form on which the information is filed;

(ii) Each person on whose behalf the statement is filed is responsible for the timely filing of such statement and any amendments thereto, and for the completeness and accuracy of the information concerning such person contained therein; such person is not responsible for the completeness or accuracy of the information concerning the other persons making the filing, unless such person knows or has reason to believe that such information is inaccurate; and

(iii) Such statement identifies all such persons, contains the required information with regard to each such person, indicates that such statement is filed on behalf of all such persons, and includes, as an exhibit, their agreement in writing that such statement is filed on behalf of each of them.

(2) A group's filing obligation may be satisfied either by a single joint filing or by each of the group's members making an individual filing. If the group's members elect to make their own filings, each filing should identify all members of the group but the information provided concerning the other persons making the filing need only reflect information which the filing person knows or has reason to know.

§ 335.402 Amendments to acquisition statements.

(a) Form F–11—If any material change occurs in the facts set forth in the statement required by § 335.401(a) including, but not limited to, any material increase or decrease in the percentage of the class beneficially owned, the person or persons who were required to file such statement shall promptly file or cause to be filed with the FDIC and send or cause to be sent to the bank at its principal office, by registered or certified mail, and to each exchange on which the security is traded, an amendment disclosing such change. An acquisition or disposition of beneficial ownership of securities in an amount equal to one percent or more of the class of securities shall be deemed "material" for purposes of this section; acquisitions or dispositions of less than such amounts may be material, depending upon the facts and circumstances. Six copies of each amendment shall be filed with the FDIC.

(b) Form F–11A—Notwithstanding § 335.402(a) and provided that the person or persons filing a statement under § 335.401(b) continue to meet the requirements set forth therein, any

person who has filed a short form statement on Form F–11A shall amend such statement within 45 days after the end of each calendar year to reflect, as of the end of the calendar year, any changes in the information reported in the previous filing on that form, or if there are no changes from the previous filing, a signed statement to that effect under cover of Form F–11A. Six copies of the amendment, including all exhibits, shall be filed with the FDIC and one each sent, by registered or certified mail, to the bank at its principal office and to the principal national securities exchange where the security is traded. Once an amendment has been filed reflecting beneficial ownership of five percent or less of the class of securities, no additional filings are required unless the person thereafter becomes the beneficial owner of more than five percent of the class and is required to file under § 335.401.

Note.—For persons filing a short form statement pursuant to § 335.401(b), see also § 335.401(b) (2), (3), and (4).

§ 335.403 Determination of beneficial owner.

(a) For the purposes of sections 13(d) and 13(g) of the Act a beneficial owner of a security includes any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(1) *Voting power* which includes the power to vote, or to direct the voting of, such security; and/or

(2) *Investment power* which includes the power to dispose, or to direct the disposition, of such security.

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement or any other contract, arrangement, or device with the purpose or effect of divesting such person of beneficial ownership of a security or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the requirements of sections 13(d) or 13(g) of the Act shall be deemed for purposes of such sections to be the beneficial owner of such security.

(c) All securities of the same class beneficially owned by a person, regardless of the form which such beneficial ownership takes, shall be aggregated in calculating the number of shares beneficially owned by such person.

(d) Notwithstanding the provisions of other paragraphs of this § 335.403:

(1)(i) A person shall be deemed to be the beneficial owner of a security, subject to the provisions of § 335.403(b), if that person has the right to acquire beneficial ownership of such security, as defined in § 335.403(a) at any time within sixty days including but not limited to any right to acquire: (A) Through the exercise of any option, warrant or right; (B) through the conversion of a security; (C) pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or (D) pursuant to the automatic termination of a trust, discretionary account or similar arrangement; *Provided, however,* any person who acquires a security or power specified in § 335.403(d)(1)(i) (A), (B), or (C) above, with the purpose or effect of changing or influencing the control of the issuer, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the securities which may be acquired through the exercise or conversion of such security or power. Any securities not outstanding which are subject to such options, warrants, rights or conversion privileges shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by such person, but shall not be deemed to be outstanding for the purposes of computing the percentage of the class by any other person.

(ii) Section 335.403(d)(1)(i) remains applicable for the purpose of determining the obligation to file with respect to the underlying security even though the option, warrant, right or convertible security is of a class of equity security and may therefore give rise to a separate obligation to file.

(2) A member of a national securities exchange shall not be deemed to be a beneficial owner of securities held directly or indirectly by it on behalf of another person solely because such member is the record holder of such securities and, under the rules of such exchange, may direct the vote of such securities, without instruction, on other than contested matters or matters that may affect substantially the rights or privileges of the holders of the securities to be voted, but is otherwise precluded by the rules of such exchange from voting without instruction.

(3) A person who in the ordinary course of business is a pledgee of securities under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged securities until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged securities will be exercised, *Provided That:*

(i) the pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the issuer, nor in connection with any transaction having such purpose or effect, including any transaction subject to § 335.403(b);

(ii) The pledgee is a person specified in § 335.401(b)(1)(ii), including persons meeting the conditions set forth in § 335.401(b)(1)(ii)(G); and

(iii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged securities; or

(B) The power to dispose or direct the disposition of the pledged securities, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended subject to Regulation T (12 CFR 220.1 to 220.8) and in which the pledgee is a broker or dealer registered under section 15 of the Act.

§ 335.404 Disclaimer of beneficial ownership.

Any person may expressly declare in any statement filed that the filing of such statement shall not be construed as an admission that such person is, for the purposes of sections 13(d) or 13(g) of the Act, the beneficial owner of any securities covered by the statement.

§ 335.405 Acquisition of securities.

(a) A person who becomes a beneficial owner of securities shall be deemed to have acquired such securities for purposes of section 13(d)(1) of the Act, whether such acquisition was through purchase or otherwise. However, executors or administrators of a decedent's estate generally will be presumed not to have acquired beneficial ownership of the securities in the decedent's estate until such time as the executors or administrators are qualified under local law to perform their duties.

(b)(1) When two or more persons agree to act together for the purpose of acquiring, holding, voting or disposing of equity securities of a bank, the group formed thereby shall be deemed to have acquired beneficial ownership, for purposes of sections 13(d) and 13(g) of the Act, as of the date of such agreement, of all equity securities of that bank beneficially owned by any such person.

(2) Notwithstanding the previous paragraph, a group shall be deemed not to have acquired any equity securities beneficially owned by the other members of the group solely by virtue of

their concerted actions relating to the purchase of equity securities directly from a bank in a transaction not involving a public offering: *Provided,* That: (i) All the members of the group are persons specified in § 335.401(b)(1)(ii);

(ii) The purchase is in the ordinary course of each member's business and not with the purpose nor with the effect of changing or influencing control of the bank, nor in connection with or as a participant in any transaction having such purpose or effect, including any transaction subject to § 335.403(b);

(iii) There is no agreement among, or between any members of the group to act together with respect to the bank or its securities except for the purpose of facilitating the specific purpose involved; and

(iv) The only actions among or between any members of the group with respect to the bank or its securities subsequent to the closing date of the non-public offering are those which are necessary to conclude ministerial matters directly related to the completion of the offer or sale of the securities.

§ 335.406 Exemption of certain acquisitions.

The acquisition of securities of a bank by a person who, prior to such acquisition, was a beneficial owner of more than five percent of the outstanding securities of the same class as those acquired shall be exempt from section 13(d) of the Act: *Provided,* That:

(a) The acquisition is made pursuant to preemptive subscription rights in an offering made to all holders of securities of the class to which the preemptive subscription rights pertain;

(b) Such person does not acquire additional securities except through the exercise of the person's pro rata share of the preemptive subscription rights; and

(c) The acquisition is duly reported, if required, under section 16(a) of the Act and the rules and regulations thereunder.

§ 335.407 Acquisition statement to be filed under section 13(d) of the Securities Exchange Act of 1934 (Form F–11)

Federal Deposit Insurance Corporation
Washington, D.C. 20429
Form F–11
Acquisition Statement Under Section 13(d) of the Securities Exchange Act of 1934
(Amendment No. ———)

(Name and address of issuing bank)

(Title of class of securities)
(CUSIP Number) ———

(Name, address and telephone number of person authorized to receive notices and communications)
(Date of event which requires filing of this statement)

If the filing person has previously filed a statement on Form F–11A to report the acquisition which is the subject of this Form F–11, and is filing this form because of § 335.401(b) (3) or (4), check the following box [ ].

(Continuing on following pages)
Page 1 of ——— pages

Note.—Six copies of this form including all exhibits, should be filed with the FDIC.

See § 335.401(a) for other parties to whom copies are to be sent.

Special Instructions for Complying With Form F–11

Under sections 13(d) and 23 of the Securities Exchange Act of 1934 and the rules and regulations thereunder, the FDIC is authorized to solicit the information required to be supplied by this form by certain security holders of certain banks.

Disclosure of the information specified in this form is mandatory, except for Social Security or I.R.S. identification numbers, disclosure of which is voluntary. The information will be used for the primary purpose of determining and disclosing the holdings of certain beneficial owners of certain equity securities. This statement will be made a matter of public record. Therefore, any information given will be available for inspection by any member of the public.

Because of the public nature of the information, the FDIC can utilize it for a variety of purposes, including referral to other governmental authorities or securities self-regulatory organizations for investigatory purposes or in connection with litigation involving the Federal securities laws or other civil, criminal or regulatory statements or provisions. Social Security or I.R.S. identification numbers, if furnished, will assist the FDIC in identifying security holders and, therefore, in promptly processing statements of beneficial ownership of securities.

Failure to disclose the information requested by this form, except for Social Security or I.R.S. identification numbers, may result in civil or criminal action against the persons involved for violation of the Federal securities laws and rules promulgated thereunder.

General Instructions

A. The item numbers and captions of the items shall be included but the text of the items is to be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

B. Information contained in exhibits to the statement may be incorporated by reference in answer or partial answer to any item or sub-item of the statement unless it would render an answer misleading, incomplete, unclear or confusing. Material incorporated by reference shall be clearly identified in the reference by page, paragraph, caption or otherwise. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement where the information is required. A copy of any information or a copy of pertinent pages of a document containing information which is incorporated by reference shall be submitted with this statement as an exhibit and shall be considered filed with the FDIC for purposes of the Act.

C. If the statement is filed by a general or limited partnership, syndicate, or other group, the information called for by Items 2–6, inclusive, shall be given with respect to: (i) Each partner of such general partnership; (ii) each partner who is denominated as a general partner or who functions as a general partner of such limited partnership; (iii) each member of such syndicate or group; and (iv) each person controlling such partner or member. If the statement is filed by a corporation or if a person referred to in (i), (ii), (iii) or (iv) of this instruction is a corporation, the information called for by the above mentioned items shall be given with respect to (a) each executive officer and director of such corporation; (b) each person controlling such corporation; and (c) each executive officer and director of any corporation or other person ultimately in control of such corporation. Executive officer shall mean the president, secretary, treasurer, and any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs or has the power to perform similar policy making functions for the corporation.

Item 1—Security and Bank.

State the title of the class of equity securities to which this statement relates and the name and address of the principal office of the bank.

Item 2—Identity and Background.

If the person filing this statement or any person enumerated in Instruction C of this statement is a corporation, general partnership, limited partnership, syndicate or other group of persons, state its name, the state or other place of its organization, its principal business, the address of its principal office and the information required by (d) and (e) of this item. If the person filing this statement or any person enumerated in Instruction C is a natural person, provide the information specified in (a) through (f) of this Item with respect to such person(s).

(a) Name;

(b) Residence or business address;

(c) Present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment is conducted;

(d) Whether or not, during the last five years, such person has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of court, any penalty imposed or other disposition of the case;

(e) Whether or not, during the last five years, such person was a party to a civil proceeding of a judicial or administrative

body of competent jurisdiction and as a result of such proceeding was or is subject to a judgment, decree or final order enjoining future violations of, or prohibiting or mandating activities subject to, Federal or State securities laws or finding any violation with respect to such laws; and, if so, identify and describe such proceedings and summarize the terms of such judgment, decree or final order; and

(f) Citizenship.

Item 3—Source and Amount of Funds or Other Consideration.

State the source and the amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price is or will be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, trading or voting the securities, a description of the transaction and the names of the parties thereto. Where material, such information should also be provided with respect to prior acquisitions not previously reported pursuant to this regulation. If the source of all or any part of the funds is a loan made in the ordinary course of business by a bank, as defined in section 3(a)(6) of the Act, the name of the bank shall not be made available to the public if the person at the time of filing the statement so requests in writing and files such request, naming such bank, with the FDIC. If the securities were acquired other than by purchase, describe the method of acquisition.

Item 4—Purpose of Transaction.

State the purpose or purposes of the acquisition of securities of the bank. Describe any plans or proposals which the reporting persons may have which related or would result in:

(a) The acquisition by any person of additional securities of the bank, or the disposition of securities of the bank;

(b) An extraordinary corporate transaction, such as a merger, reorganization or liquidation, involving the bank or any of its subsidiaries;

(c) A sale or transfer of a material amount of assets of the bank or of any of its subsidiaries;

(d) Any change in the present board of directors or management of the bank, including any plans or proposals to change the number or term of directors or to fill any existing vacancies on the board;

(e) Any material change in the present capitalization or dividend policy of the bank;

(f) Any other material change in the bank's business or corporate structure;

(g) Changes in the bank's charter, bylaws or instruments corresponding thereto or other actions which may impede the acquisition of control of the bank by any person;

(h) Causing a class of securities of the bank to be delisted from a national securities exchange or to cease to be authorized to be quoted in an inter-dealer quotation system of a registered national securities association;

(i) A class of equity securities of the bank becoming eligible for termination of registration under section 12(g)(4) of the Act; or

(j) Any action similar to any of those enumerated above.

Item 5—Interest in Securities of the Bank.

(a) State the aggregate number and percentage of the class of securities identified pursuant to item 1 (which may be based on the number of securities outstanding as contained in the most recently available filing with the FDIC by the bank unless the filing person has reason to believe such information is not current) beneficially owned (identifying those shares which there is a right to acquire) by each person named in item 2. The above mentioned information should also be furnished with respect to persons who, together with any of the persons named in item 2, comprise a group within the meaning of section 13(d)(3) of the Act.

(b) For each person named in response to paragraph (a), indicate the number of shares as to which there is sole power to vote or to direct the vote, shared power to vote or to direct the vote, sole power to dispose or to direct the disposition, or shared power to dispose or to direct the disposition. Provide the applicable information required by item 2 with respect to each person with whom the power to vote or to direct the vote or to dispose or direct the disposition is shared.

(c) Describe any transactions in the class of securities reported on that were effected during the past sixty days or since the most recent filing on Form F–11, whichever is less, by the persons named in response to paragraph (a).

Instruction. The description of a transaction required by item 5(c) shall include, but not necessarily be limited to, (1) the identity of the person covered by item 5(c) who effected the transaction, (2) the date of the transaction, (3) the amount of securities involved, (4) the price per share or unit, and (5) where and how the transaction was effected.

(d) If any other person is known to have the right to receive or the power to direct the receipt of dividends from, or the proceeds from the sale of, such securities, a statement to that effect should be included in response to this item and, if such interest relates to more than five percent of the class, such person should be identified. A listing of the shareholders of an investment company registered under the Investment Company Act of 1940 or the beneficiaries of an employee benefit plan, pension fund or endowment fund is not required.

(e) If applicable, state the date on which the reporting person ceased to be the beneficial owner of more than five percent of the class of securities.

Instruction. For computations regarding securities which represent a right to acquire an underlying security, see § 335.403(d)(1).

Item 6—Contracts, Arrangements, Understandings or Relationships with Respect to Securities of the Bank.

Describe any contracts, arrangements, understandings or relationships (legal or otherwise) among the persons named in item 2 and between such persons and any person with respect to any securities of the bank, including but not limited to transfer or voting of any of the securities, finder's fees, joint ventures, loan or option arrangements, puts or calls, guarantees of profits, division of profits or losses, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, understandings or relationships have been entered into. Include such information for any of the securities that are pledged or otherwise subject to a contingency the occurrence of which would give another person voting power or investment power over such securities except that disclosure of standard default and similar provisions contained in loan agreements need not be included.

Item 7—Material to be Filed as Exhibits.

The following shall be filed as exhibits: Copies of written agreements relating to the filing of joint acquisition statements as required by § 335.401(e) and copies of all written agreements, contracts, arrangements, understandings, plans, or proposals relating to: (1) The borrowing of funds to finance the acquisition as disclosed in item 3; (2) the acquisition of bank control, liquidation, sale of assets, merger, or change in business or corporate structure, or any other matter as disclosed in item 4; and (3) the transfer or voting of the securities, finder's fees, joint ventures, options, puts, calls, guarantees of loans, guarantees against loss or of profit, or the giving or withholding of any proxy as disclosed in item 6.

Signature

After reasonable inquiry and to the best of my knowledge and belief, I certify that the information set forth in this statement is true, complete, and correct.

Date———

Signature———————

Name/Title———————

The original statement shall be signed by each person on whose behalf the statement is filed or his authorized representative. If the statement is signed on behalf of a person by his authorized representative (other than an executive officer or general partner of the filing person), evidence of the representative's authority to sign on behalf of such person shall be filed with the statement, provided, however, that a power of attorney for this purpose which is already on file with the FDIC may be incorporated by reference. The name and any title of each person who signs the statment shall be typed or printed beneath the person's signature.

Attention: Intentional misstatements or omissions of fact constitute Federal criminal violations (See 18 U.S.C. 1001).

§ 335.406 Short form acquisition/ ownership statement to be filed under section 13(d) or section 13(g) of the Securities Exchange Act of 1934 (Form F–11A).

Federal Deposit Insurance Corporation
Washington, D.C. 20429
Form F–11A
Short Form Acquisition/Ownership Statement Under Section 13(d) or (g) of the Securities Exchange Act of 1934
(Amendment No. ———)

(Name and address of issuing bank)

(Title of class of securities)

(CUSIP Number) ———

(Continued on following pages)

Page 1 of ——— pages

Special Instructions for Complying With Form F-11A

Under sections 13(d), 13(g) and 23 of the Securities Exchange Act of 1934 and the rules and regulations thereunder, the FDIC is authorized to solicit the information required to be supplied by this schedule by certain security holders of certain banks.

Disclosure of the information specified in this schedule is mandatory, except for Social Security or I.R.S. identification numbers, disclosure of which is voluntary. The information will be used for the primary purpose of determining and disclosing the holdings of certain beneficial owners of certain equity securities. This statement will be made a matter of public record. Therefore, any information given will be available for inspection by any member of the public.

Because of the public nature of the information, the FDIC can utilize it for a variety of purposes, including referral to other governmental authorities or securities self-regulatory organizations for investigatory purposes or in connection with litigation involving the Federal securities laws or other civil, criminal or regulatory statutes or provisions. Social Security or I.R.S. identification numbers, if furnished, will assist the FDIC in identifying security holders and, therefore, in promptly processing statements of beneficial ownership of securities.

Failure to disclose the information requested by this schedule, except for Social Security or I.R.S. identification numbers, may result in civil or criminal action against the persons involved for violation of the Federal securities laws and rules promulgated thereunder.

General Instructions

A. Statements containing the information required by this form shall be filed not later than February 14 following the calendar year covered by the statement or within the time specified in § 335.401(b)(2), if applicable.

B. Information contained in a form which is required to be filed by the Securities and Exchange Commission's rules under section 13(f) of the Act (15 U.S.C. 78m(f)) for the same calendar year as that covered by a statement on this form may be incorporated by reference in response to any of the items of this form. If such information is incorporated by reference in this form, copies of the relevant pages of such form shall be filed as an exhibit to this form.

C. The item numbers and captions of the items shall be included but the text of the items is to be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

Item 1(a)—Name of the Bank Issuer:

Item 1(b)—Address of Bank's Principal Executive Offices:

Item 2(a)—Name of Person Filing:

Item 2(b)—Address of Principal Business Office, or if None, Residence:

Item 2(c)—Citizenship:

Item 2(d)—Title of Class of Securities:

Item 2(e)—CUSIP Number:

Item 3—If this statement is filed under § 335.401(b), or § 335.402(b), check whether the person filing is a:

(a) [ ] Broker or Dealer registered under section 15 of the Act

(b) [ ] Bank as defined in section 3(a)(6) of the Act

(c) [ ] Insurance Company as defined in section 3(a)(19) of the Act

(d) [ ] Investment Company registered under section 8 of the Investment Company Act

(e) [ ] Investment Adviser registered under section 203 of the Investment Advisers Act of 1940

(f) [ ] Employee Benefit Plan, Pension Fund which is subject to the provisions of the Employee Retirement Income Security Act of 1974 or Endowment Fund; see § 335.401(b)(1)(ii)(F).

(g) [ ] Parent Holding Company, in accordance with § 335.401(b)(1)(ii)(G), (Note: See item 7)

(h) [ ] Group, in accordance with § 335.401(b)(1)(ii)(H).

Item 4—Ownership.

If the percent of the class owned, as of December 31 of the year covered by the statement, or as of the last day of any month described in § 335.401(b)(2), if applicable, exceeds five percent, provide the following information as of that date and identify those shares which there is a right to acquire.

(a) Amount Beneficially Owned:

(b) Percent of Class:

(c) Number of shares as to which such person has:

(i) sole power to vote or to direct the vote....

(ii) shared power to vote or to direct the vote....

(iii) sole power to dispose or to direct the disposition of....

(iv) shared power to dispose or to direct the disposition of....

Instruction: For computations regarding securities which represent a right to acquire an underlying security see § 335.403(d)(1).

Item 5—Ownership of Five Percent or Less of a Class.

If this statement is being filed to report the fact that as of the date hereof the reporting person has ceased to be the beneficial owner of more than five percent of the class of securities, check the following [ ].

Instruction: Dissolution of a group requires a response to this item.

Item 6—Ownership of More Than Five Percent on Behalf of Another Person.

If any other person is known to have the right to receive or the power to direct the receipt of dividends from, or the proceeds from the sale of, such securities, a statement of that effect should be included in response to this item and, if such interest relates to more than five percent of the class, such person should be identified. A listing of the shareholders of an investment company registered under the Investment Company Act of 1940 or the beneficiaries of an employee benefit plan, pension fund or endowment fund is not required.

Item 7—Identification and Classification of the Subsidiary Which Acquired the Security Being Reported on By the Parent Holding Company.

If a parent holding company has filed this schedule, under § 335.401(b)(1)(ii)(G) so indicate under item 3(g) and attach an exhibit stating the identity and the item 3 classification of the relevant subsidiary. If a parent holding company has filed this schedule under § 335.401(c) attach an exhibit stating the identification of the relevant subsidiary.

Item 8—Identification and Classification of Members of the Group.

If a group has filed this schedule, under § 335.401(b)(1)(ii)(H), so indicate under item 3(h) and attach an exhibit stating the identity and item 3 classification of each member of the group. If a group has filed this schedule under § 335.401(c) attach an exhibit stating the identity of each member of the group.

Item 9—Notice of Dissolution of Group.

Notice of dissolution of a group may be furnished as an exhibit stating the date of the dissolution and that all further filings with respect to transactions in the security reported on will be filed, if required, by members of the group, in their individual capacity. See item 5.

Item 10—Certification.

The following certification shall be included if the statement is filed under § 335.401(b).

By signing below I certify that, to the best of my knowledge and belief, the securities referred to above were acquired in the ordinary course of business and were not acquired for the purpose of and do not have the effect of changing or influencing the control of the issuer of such securities and were not acquired in connection with or as a participant in any transactions having such purpose or effect.

Signature

After reasonable inquiry and to the best of my knowledge and belief, I certify that the information set forth in this statement is true, complete, and correct.

Date

Signature

Name/Title

The original statement shall be signed by each person on whose behalf the statement is filed or the person's authorized representative. If the statement is signed on behalf of a person by the person's authorized representative (other than an executive officer or general partner of the filing person), evidence of the representative's authority to sign on behalf of such person shall be filed with the statement, *Provided, however,* That

a power of attorney for this purpose which is already on file with the FDIC may be incorporated by reference. The name and any title of each person who signs the statement shall be typed or printed beneath the person's signature.

Note.—Six copies of this statement, including all exhibits, should be filed with the FDIC.

Attention: Intentional misstatements or omissions of fact constitute Federal criminal violations (See 18 U.S.C. 1001).

§ 335.410 Reports of directors, officers, and principal stockholders.

(a) *Filing of statements.* (1) Initial statements of beneficial ownership of equity securities required by section 16(a) of the Act shall be filed in duplicate on Form F–7 (§ 335.413). Statements of changes in such beneficial ownership shall be filed in duplicate on Form F–8 (§ 335.414). All such statements shall be prepared and filed in accordance with the requirements of Form F–7 and F–8, respectively.

(2) A person who is already filing statements under section 16(a) of the Act need not file an additional statement on Form F–7 (§ 335.413) when an additional class of equity securities of the same bank becomes registered or when such person assumes another or an additional relationship to the bank (for example), when an officer becomes a director).

(3) Any bank which has equity securities listed on more than one national securities exchange may designate one such exchange as the only exchange with which reports under section 16(a) of the Act need be filed. Such designation shall be made in writing and shall be filed with the FDIC and with each national securities exchange on which any equity security of the bank is listed. After the filing of such designation the securities of such bank shall be exempted with respect to the filing of statements under section 16(a) of the Act with any exchange other than the designated exchange.

(4) Any director or officer who is required to file a statement on Form F–8 with respect to any change in his beneficial ownership of equity securities which occurs within six months after he became a director or officer of the bank issuing such securities, or within six months after equity securities of such bank first became registered under section 12 of the Act, shall include in the first such statement the information called for by Form F–8 with respect to all changes in his beneficial ownership of equity securities of such bank which occurred within six months prior to the date of the changes which require the filing of such statement.

(5) Any person who has ceased to be a director or officer of a bank which has equity securities registered under section 12 of the Act, or who is a director or officer of a bank at the time it ceased to have any equity securities so registered, shall file a statement on Form F–8 with respect to any change in his beneficial ownership of equity securities of such bank which shall occur on or after the date on which he ceased to be such director or officer, or the date on which the bank ceased to have any equity securities so registered, as the case may be, if such change shall occur within six months after any change in his beneficial ownership of such securities prior to such date. The statement on Form F–8 shall be filed within 10 days after the end of the month in which the reported change in beneficial ownership occurs.

(b) *Ownership of more than 10 percent of a class of equity securities.* (1) In determining, for the purpose of section 16(a) of the Act, whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of equity securities, such class shall be deemed to consist of the total amount of such class outstanding exclusive of any securities of such class held by or for the account of the issuer or a subsidiary of the issuer. However, for the purpose of determining percentage ownership of voting trust certificates or certificates of deposit for equity securities, the class of voting trust certificates or certificates of deposit shall be deemed to consist of the amount of voting trust certificates or certificates of deposit issuable with respect to the total amount of outstanding equity securities of the class which may be deposited under the voting trust agreement or deposit agreement in question, whether or not all of such outstanding securities have been so deposited. For the purpose of this section, a person acting in good faith may rely on the information contained in the latest consolidated financial statement in a registration statement or annual report filed with the FDIC under the Act with respect to the amount of securities of the class outstanding or in the case of voting trust certificates or certificates of deposit the amount thereof issuable.

(2) In determining for the purpose of section 16(a) of the Act whether a person is the beneficial owner, directly, or indirectly, of more than 10 percent of any class of equity securities, such person shall be deemed to be the beneficial owner of securities of such class which such person has the right to acquire through the exercise of presently exercisable options, warrants or rights or through the conversion of presently convertible securities. The securities subject to such options, warrants, rights, or conversion privileges held by a person shall be deemed to be outstanding for the purpose of computing, in accordance with § 335.410(b)(1), the percentage of outstanding securities of the class owned by such person but shall not be deemed outstanding for the purpose of computing the percentage of the class owned by any other person. This paragraph shall not be construed to relieve any person of any duty to comply with section 16(a) of the Act with respect to any equity securities consisting of options, warrants, rights or convertible securities which are otherwise subject as a class to that section (of the Act).

(c) *Disclaimer of beneficial ownership.* Any person filing a statement may expressly declare therein that the filing of such statement shall not be construed as an admission that such person is, for the purpose of section 16 of the Act, the beneficial owner of any equity securities covered by the statement.

(d) *Exemptions from sections 16(a) and 16(b) of the Act.* (1) During the period of 12 months following their appointment and qualification, securities held by the following persons shall be exempt from sections 16(a) and 16(b) of the Act:

(i) Executors or administrators of the estate of a decedent;

(ii) Guardians or committees for an incompetent; and

(iii) Receivers, trustees in bankruptcy, assignees for the benefit of creditors, conservators, liquidating agents, and other similar persons duly authorized by law to administer the estate or assets of other persons.

(2) After the 12-month period following their appointment or qualification, the foregoing persons shall be required to file reports under section 16(a) of the Act with respect to a bank's securities held by the estates which they administer and shall be liable for profits realized from trading in such securities under section 16(b) of the Act only when the estate being administered is a beneficial owner of more than 10 percent of any class of equity security of a bank.

(e) *Exemption from section 16 of the Act of securities purchased or sold by odd-lot dealers.* A bank's securities purchased or sold by an odd-lot dealer (1) in odd-lots so far as reasonably necessary to carry on odd-lot transactions or (2) in round-lots to offset

odd-lot transactions previously or simultaneously executed or reasonably anticipated in the usual course of business shall be exempt from the provisions of section 16 of the Act, with respect to participation by such odd-lot dealer in such transactions.

(f) *Puts, calls, options, and other rights or obligations subject to section 16(a) of the Act.* (1) The granting, acquisition or disposition of any presently exercisable put, call, option, or other right or obligation to buy securities from, or sell securities to, another person or any expiration or cancellation thereof, shall be deemed to effect such a change in the beneficial ownership of the securities to which the right or obligation relates as to require the filing of a statement under section 16(a) of the Act reflecting such change in beneficial ownership.

Notes.—1. If any such right or obligation is not initially exercisable, the granting and acquisition thereof shall be reported in a statement filed for the month in which it became exercisable, unless the filing of such statement is otherwise not required.

2. The right of a pledgee or borrower of securities to sell the pledged or borrowed securities is not an option or right to sell securities within the meaning of this section. However, the sale of the pledged or borrowed securities by the pledgee or borrower shall be reported by the pledgee or lender.

3. The right to acquire securities, or the obligation to dispose of securities, in connection with a merger or consolidation involving the issuer of the securities is not a right or obligation to buy or sell securities within the meaning of this section.

(2) For the purpose of section 16(a) of the Act both the grantor and the holder of any presently exercisable put, call, option or other right or obligation to buy or sell securities shall be deemed to be beneficial owners of the securities subject to such right or obligation until it is exercised or canceled or expires.

(3) Notwithstanding the foregoing, a statement need not be filed under section 16(a) of the Act: (i) By any person with respect to the acquisition, expiration or cancellation of any nontransferable qualified, restricted or other stock option granted by the bank for the securities to which the option relates pursuant to a plan provided for the benefit of its employees or the employees of its affiliates if such plan meets the conditions specified in § 335.411(c) of this chapter or (ii) by any bank with respect to any put, call, option or other right or obligation to buy or sell securities of which it is the issuer.

Note.—An option, otherwise nontransferable, is deemed to be nontransferable even though it may be disposed of by will or by descent and distribution upon the death of the holder.

(4) Nothing in this section shall be deemed to exempt any person from the duty to file the statements required upon the exercise of any put, call, option, or other right or obligation to buy or sell securities.

(g) *Ownership of securities held in trust.* (1) Beneficial ownership of a bank's securities for the purpose of section 16(a) of the Act shall include: (i) The ownership of such securities as a trustee where either the trustee or members of his immediate family have a vested interest in the income or corpus of the trust, (ii) the ownership of a vested beneficial interest in a trust, and (iii) the ownership of such securities as a settlor of a trust in which the settlor has the power to revoke the trust without obtaining the consent of all beneficiaries.

(2) Except as provided in § 335.410(g)(3), beneficial ownership of securities of registrant banks solely as a settlor or beneficiary of a trust shall be exempt from the provisions of section 16(a) of the Act where less than 20 percent in market value of the securities having a readily ascertainable market value held by such trust (determined as of the end of the preceding fiscal year of the trust) consists of equity securities with respect to which reports under section 16(a) of the Act would be required but for an exemption by the Securities and Exchange Commission, the Comptroller of the Currency, or the Board of Governors of the Federal Reserve System similar to the exemption provided for by this sentence. Exemption from section 16(a) of the Act is likewise accorded with respect to any obligation that would otherwise be imposed solely by reason of ownership as settlor or beneficiary of a bank's securities held in trust, where the ownership, acquisition, or disposition of such securities by the trust is made without prior approval by the settlor or beneficiary. No exemption under this subparagraph shall, however, be acquired or lost solely as a result of changes in the value of the trust assets during any fiscal year or during any time when there is no transaction by the trust in the securities otherwise subject to the reporting requirements of section 16(a) of the Act.

(3) In the event that 10 percent of any class of equity security of a bank is held in a trust, that trust and the trustees thereof as such shall be deemed a person required to file the reports specified in section 16(a) of the Act.

(4) Not more than one report need be filed to report any holdings of a bank's securities or with respect to any transaction in such securities held by a trust, regardless of the number of officers, directors, or 10-percent stockholders who are either trustees, settlors, or beneficiaries of a trust if the report filed discloses the names of all trustees, settlors, and beneficiaries who are officers, directors, or 10 percent stockholders. A person having an interest only as a beneficiary of a trust shall not be required to file any such report so long as he relies in good faith upon an understanding that the trustee of such trust will file whatever reports might otherwise be required of such beneficiary.

(5) In determining, for the purposes of § 335.410(a), whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of equity security of a bank, the interest of such person in the remainder of a trust shall be excluded.

(6) No report shall be required by any person, whether or not otherwise subject to the requirements of filing reports under section 16(a) of the Act, with respect to his indirect interest in portfolio securities held by: (i) Any holding company registered under the Public Utility Holding Company Act, (ii) any investment company registered under the Investment Company Act, (iii) a pension or retirement plan holding securities of a bank whose employees generally are the beneficiaries of the plan, and (iv) a business trust with over 25 beneficiaries.

(h) *Exemption of small transactions from section 16(a) of the Act.* (1) Any acquisition of a bank's securities shall be exempt from section 16(a) of the Act where: (i) The person effecting the acquisition does not within six months thereafter effect any disposition, otherwise than by way of gift, of securities of the same class, and (ii) the person effecting such acquisition does not participate in acquisitions or in dispositions of securities of the same class having a total market value in excess of $3,000 for any six-month period during which the acquisition occurs.

(2) Any acquisition or disposition of a bank's securities by way of gift, where the total amount of such gifts does not exceed $3,000 in market value for any six-month period, shall be exempt from section 16(a) of the Act and may be excluded from the computations prescribed in § 335.410(h)(1)(ii).

(3) Any person exempted by § 335.410(h) (1) or (2) shall include in the first report filed by him after a transaction within the exemption a statement showing his acquisitions and dispositions for each six-month period or portion thereof that has elapsed since his last filing.

(i) *Exemption from section 16(b) of the Act of transactions that need not be reported under section 16(a) of the Act.* Any transaction that has been or shall be exempted by the FDIC from the requirements of section 16(a) of the Act shall, insofar as it is otherwise subject to the provisions of section 16(b) of the Act, be likewise exempted from section 16(b) of the Act.

(j) *Exemption for acquisitions under dividend reinvestment plans.* Any acquisition of securities resulting from reinvestment of dividends or interest shall be exempt from section 16 if it is made pursuant to a plan providing for the regular reinvestment in such securities of dividends payable thereon or of dividends or interest payable on other securities of the same bank. *Provided,* That the plan is made available on the same terms to all holders of securities of the class on which the reinvested dividends or interest are being paid.

§ 335.411 Exemption of certain transactions from section 16(b) of the Act.

(a) *Exemption from section 16(b) of the Act of certain transactions by registered investment companies.* Any transaction of purchase and sale, or sale and purchase of any equity security of a bank shall be exempt from the operation of section 16(b) of the Act, as not comprehended within the purpose of that section, if the transaction is effected by an investment company registered under the Investment Company Act of 1940 and both the purchase and sale of such security have been exempted from the provisions of section 17(a) of the Investment Company Act of 1940 by an order of the Securities and Exchange Commission entered under section 17(b) of that Act.

(b) *Exemption from section 16(b) of the Act of certain transactions effected in connection with a distribution.* (1) Any transaction of purchase and sale, or sale and purchase, of an equity security of a bank that is effected in connection with the distribution of a substantial block of such securities shall be exempt from the provisions of section 16(b) of the Act, to the extent specified in this paragraph, as not comprehended within the purpose of said section, upon the following conditions:

(i) The person effecting the transaction is engaged in the business of distributing securities and is participating in good faith, in the ordinary course of such business, in the distribution of such block of securities;

(ii) The security involved in the transaction is (A) a part of such block of securities and is acquired by the person effecting the transaction, with a view to the distribution thereof, from the bank or other person on whose behalf such securities are being distributed or from a person who is participating in good faith in the distribution of such block of securities, or (B) a security purchased in good faith by or for the account of the person effecting the transaction for the purpose of stabilizing the market price of securities of the class being distributed or to cover an over-allotment or other short position created in connection with such distribution; and

(iii) Other persons not within the purview of section 16(b) of the Act are participating in the distribution of such block of securities on terms at least as favorable as those on which such person is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(b) of the Act by this paragraph. However, the performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not preclude an exemption that would otherwise be available under this paragraph.

(2) The exemption of a transaction pursuant to this paragraph with respect to the participation therein of one party thereto shall not render such transaction exempt with respect to participation of any other party therein unless such other party also meets the conditions of this paragraph.

(c) *Exemption from section 16(b) of the acquisitions of shares of stock and stock options and stock appreciation rights under certain stock incentive, stock option or similar plans.* The following transactions by a director or officer shall be exempt from the operation of section 16(b) of the Act if they occur pursuant to a plan which satisfies the conditions of this rule: the acquisition of shares of stock, except that stock acquired upon the exercise of an option, warrant or right shall be exempt only to the extent indicated in the final clause of this sentence; the acquisition, expiration, cancellation or surrender to the issuer of a stock option or stock appreciation right; the surrender or delivery to the issuer of shares of its stock as payment for the exercise of a stock option for shares of the same class; and the acquisition upon the exercise of a stock option of shares of stock equal to the number of shares of the same class surrendered or delivered to the issuer as payment for the exercise of the option. The conditions of this rule that a plan must satisfy in order for the above transactions to be exempt are as follows:

(1) *Approval by security holders.* The plan has been approved, directly or indirectly

(i) By the affirmative votes of the holders of a majority of the securities of the bank present, or represented, and entitled to vote at a meeting duly held in accordance with the applicable laws of the State or other jurisdiction in which the bank was incorporated or

(ii) By the written consent of the holders of a majority of the securities of the bank entitled to vote: *Provided, however,* That if such vote or written consent was not solicited substantially in accordance with the rules and regulations, if any, in effect under section 14(a) of the Act at the time of such vote or written consent, the issuer shall furnish in writing to the holders of record of the securities entitled to vote for the plan substantially the same information concerning the plan which would be required by the rules and regulations in effect under section 14(a) of the Act at the time such information is furnished, if proxies to be voted with respect to the approval or disapproval of the plan were then being solicited, on or prior to the date of the first annual meeting of security holders held subsequent to the later of

(A) The first registration of an equity security under section 12 of the Act or

(B) The acquisition of an equity security for which exemption is claimed.

Such written information may be furnished by mail to the last known address of the security holders of record within 30 days prior to the date of the mailing. Six copies of such written information shall be filed with, or mailed for filing to, the FDIC not later than the date on which it is first sent or given to security holders of the bank. For the purposes of this paragraph, the term "bank" includes a predecessor corporation if the plan or obligations to participate thereunder were assumed by the bank in connection with the succession. In addition, any amendment to the plan shall be similarly approved if the amendment would

(*1*) Materially increase the benefits accruing to participants under the plan;

(*2*) Materially increase the number of securities which may be issued under the plan; or

(*3*) Materially modify the requirements as to eligibility for participation in the plan.

(2) *Disinterested administrators.* If the selection of any director or officer of the bank to whom stock may be allocated or to whom stock options or stock appreciation rights may be granted under the plan, or the determination of the number or maximum number of

shares of stock which may be allocated to any such director or officer or which may be covered by stock option or stock appreciation rights granted to any such director or officer under the plan is subject to the discretion of any person, then such discretion shall be exercised only as follows:

(i) With respect to the participation of directors—

(A) By the board of directors of the bank, a majority of which board and a majority of the directors acting in the matter are disinterested persons;

(B) By, or only in accordance with the recommendation of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or

(C) Otherwise in accordance with the plan, if the plan

(*1*) Specifies the number or maximum number of shares of stock which directors may acquire or which may be subject to stock options or stock appreciation rights granted to directors pursuant to the plan and the terms upon which and the times at which, or the periods within which, such stock may be acquired or such options or rights may be acquired and exercised; or

(*2*) Sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the bank dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time or similar factors.

(ii) With respect to the participation of officers who are not directors;

(A) By the board of directors of the bank or a committee of three or more directors—

(B) By, or only in accordance with the recommendations of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or

(C) Otherwise in accordance with the plan, if the plan

(*1*) Specifies the number or maximum number of shares of stock which officers may acquire or which may be subject to stock options or stock appreciation rights granted to the officers pursuant to the plan and the terms upon which, and the times at which, or the period within which, such stock may be acquired or such options or rights may be acquired and exercised; or

(*2*) Sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the bank, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time or similar factors.

(iii) The provisions of this paragraph shall not apply with respect to any option or right granted, or other equity security acquired, prior to the date of the first registration of an equity security under section 12 of the Act.

(3) *Plan limitations.* The plan effectively limits as to each participant or as to all participants the aggregate dollar amount of stock or the aggregate number of shares of stock which may be allocated, or which may be subject to stock options or stock appreciation rights issued pursuant to the plan. The limitations may be established on an annual basis or for the duration of the plan—whether or not the plan has a fixed termination date—and may be determined either by fixed or maximum dollar amounts; fixed or maximum number of shares; or by formulas based upon earnings of the bank, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors which will result in an effective and determinable limitation. Such limitations may be subject to any provision for adjustment of the plan, of stock allocable, or options outstanding thereunder to prevent dilution or enlargement of rights.

(4) *Definitions.* Unless the context otherwise requires, all terms used in this § 335.411(c) shall have the same meaning as in the Act or elsewhere in this Part 335. In addition the following definitions apply:

(i) The term "plan" shall mean an option, bonus, appreciation, profit sharing, retirement, incentive, thrift, savings, or similar plan which meets the following conditions:

(A) The plan must be set forth in a written document describing the means or basis for determining the eligibility of individuals to participate and either the price at which the securities may be offered or the method by which the price or the amount of the award is to be determined; and

(B) The plan must provide with respect to any option or similar right (including a stock appreciation right) offered pursuant to the plan that such option or right is not transferable other than by will or the laws of descent and distribution and that it is exercisable during the employee's lifetime only by the person or by the person's guardian or legal representative.

(ii) The term "exercise of an option, warrant or right" contained in the parenthetical clause of the first paragraph of this § 335.411(c) shall not include:

(A) The making of an election to receive under any plan, compensation in the form of stock or credits therefor: *Provided,* That such election is made either prior to the making of the award or prior to the fulfillment of all conditions to the receipt of the compensation and provided further, that such election is irrevocable until at least six months after termination of employment;

(B) The subsequent crediting of such stock;

(C) The making of any election as to the time for delivery of such stock after termination of employment, provided that such election is made at least six months prior to any such delivery;

(D) The fulfillment of any condition to the absolute right to receive such stock; or

(E) The acceptance of certificates for shares of such stock.

(iii) The term "disinterested person" used in § 335.411(c)(2) and (5) shall mean an administrator of a plan who is not at the time he exercises discretion in administering the plan eligible and has not at any time within one year prior thereto been eligible for selection as a person to whom stock may be allocated or to whom stock options or stock appreciation rights may be granted pursuant to the plan or any other plan of the bank or any of its affiliates entitling the participants therein to acquire stock, stock options or stock appreciation rights of the of the bank or any of its affiliates.

(5) *Cash settlements of stock appreciation rights.* Any transaction involving the exercise and cancellation of a stock appreciation right issued pursuant to a plan (whether or not the transaction also involves the related surrender and cancellation of a stock option), and the receipt of cash in complete or partial settlement of that right, shall be exempt from the operation of section 16(b) of the Act, as not comprehended within the purpose of that section, if all the following conditions are met:

(i) *Information about the bank.* (A) The issuer of the stock appreciation right has been subject to the reporting requirements of section 13 of the Act for at least a year prior to the transaction and has filed all reports and statements required to be filed under that section during that year;

(B) The issuer of the stock appreciation right on a regular basis releases for publication quarterly and annual summary statements of

operations. This condition shall be deemed satisfied if the specified financial data appears: (*1*) On a wire service, (*2*) in a financial news service, (*3*) in a newspaper of general circulation, or (*4*) is otherwise made publicly available.

(ii) *Limitation on the right and any related option.* Neither the stock appreciation right nor any related stock option shall have been exercised during the first six months of their respective terms, except that this limitation shall not apply in the event death or disability of the grantee occurs prior to the expiration of the six-month period.

(iii) *Administration of the plan.* (A) The plan shall be administered by either the board of directors, a majority of which are disinterested persons and a majority of the directors acting on plan matters are disinterested persons, or by a committee of three or more persons, all of whom are disinterested persons;

(B) The board or committee shall have sole discretion either:

(*1*) To determine the form in which payment of the right will be made (i.e., cash, securities, or any combination thereof), or

(*2*) To consent to or disapprove the election of the participant to receive cash in full or partial settlement of the right. Such consent or disapproval may be given at any time after the election to which it relates;

(C) Any election by the participant to receive cash in full or partial settlement of the stock appreciation right, as well as any exercise by the participant of a stock appreciation right for such cash, shall be made during the period beginning on the third business day following the date of release of the financial data specified in § 335.411(c)(5)(i)(B) and ending on the twelfth business day following such date. This § 335.411(c)(5)(iii)(C), however, shall not apply to any exercise by the participant of a stock appreciation right for cash where the date of exercise:

(*1*) Is automatic or fixed in advance under the plan;

(*2*) Is at least six months beyond the date of grant of the stock appreciation right; and

(*3*) Is outside the control of the participant.

(iv) *Compliance with other conditions of § 335.411(c).* The plan under which the stock appreciation rights and any related options are granted shall meet the conditions specified above in § 335.411(c) (1), (2), (3), and (4).

(v) *Limit of the exemption.* Nothing in this 411(c)(5) provides an exemption from section 16(b) for the acquisition of stock upon the exercise of a stock upon the exercise of a stock appreciation right or a stock option.

(d) *Exemption from section 16(b) of the Act of long-term profits incident to sales within six months of the exercise of an option.* (1) To the extent specified in this § 335.410(d)(2), transactions involving the purchase and sale, or sale and purchase, of any equity security of a bank shall be exempt from the operation of section 16(b) of the Act, as not comprehended within the purpose of that section, if such purchase is pursuant to the exercise of an option, warrant, or right either (i) acquired more than six months before its exercise, or (ii) acquired pursuant to the terms of an employment contract entered into more than six months before its exercise.

(2) With respect to transactions specified in this § 335.410(d)(1), the profits inuring to the bank pursuant to section 1(6)(b) of the Act shall not exceed the difference between the proceeds of sale and the lowest market price of any security of the same class within six months before or after the date of sale. Nothing in this section shall be deemed to enlarge the amount of profit that would inure to the bank in the absence of this paragraph.

(3) The disposition of any equity security of a bank shall also be exempt from the operation of section 16(b) of the Act, as not comprehended within the purpose of that section, if purchased in a transaction specified in this § 335.410(d)(1) under a plan or agreement for merger or consolidation, or reclassification of the bank's securities or for the exchange of its securities for the securities of another person that has acquired its assets, where the terms of such plan or agreement are binding upon all stockholders of the bank except to the extent that dissenting stockholders may be entitled, under statutory provisions or provisions contained in the bank's charter, to receive the appraised or fair value of their holdings.

(4) The exemptions provided by this § 335.410(d) shall not apply to any transaction made unlawful by section 16(c) of the Act or by any regulations thereunder.

(5) The burden of establishing market price of a security for the purpose of this subsection shall rest upon the person claiming the exemption.

(e) *Exemptions from section 16(b) of the Act of dispositions of equity securities pursuant to certain mergers or consolidations incident to formation of a bank holding company.* (1) There shall be exempt from the provisions of section 16(b) of the Act, as not comprehended within the purpose of that section, the disposition of any equity security, pursuant to a merger or consolidation, of a bank which, prior to said merger or consolidation, held over 85 percent of the combined assets of all the companies undergoing merger or consolidation, as determined by reference to their most recent available financial statements for a 12-month period prior to the merger or consolidation, if, in such merger or consolidation, there are issued, in exchange for such equity securities of such bank, equity securities of a bank holding company as defined in the Bank Holding Company Act of 1956, as amended.

(2) Notwithstanding the foregoing, if an officer, director, or stockholder shall make any purchase (other than a purchase exempted by this rule or any other rule under section 16(b) of the Act) of an equity security of any company involved in the merger or consolidation and any sale (other than a sale exempted by this rule or any other rule under section 16(b) of the Act) of an equity security in any other company involved in the merger or consolidation within any period of less than six months during which the merger or consolidation took place, the exemption provided by this rule shall be unavailable to such officer, director, or stockholder to the extent of such purchase and sale.

(f) *Exemption from section 16(b) of the Act of transactions involving the deposit or withdrawal of equity securities under a voting trust or deposit agreement.* Any acquisition or disposition of an equity security involved in the deposit of such security under, or the withdrawal of such security from, a voting trust or deposit agreement, and the acquisition or disposition in connection therewith of the certificate representing such security, shall be exempt from the operation of section 16(b) of the Act if substantially all of the assets held under the voting trust or deposit agreement, immediately after the deposit or immediately prior to the withdrawal as the case may be, consisted of equity securities of the same class as the security deposited or withdrawn; *Provided, however,* That this paragraph shall not apply to the extent that there shall have been either: (1) A purchase of an equity security of the class deposited and a sale of any certificate representing an equity security of such class, or (2) a sale of an equity security of the class deposited and a purchase of any certificate representing an equity security of such class (otherwise than in a transaction involved in such deposit or withdrawal or in a transaction exempted by any other provision under

section 16(b) of the Act within a period of less than six months which includes the date of the deposit or withdrawal.

(g) *Exemption from section 16(b) of the Act of transactions involving the conversion of equity securities.* (1) Any acquisition or disposition of an equity security involved in the conversion of an equity security which, by its terms or pursuant to the terms of the corporate charter or other governing instruments, is convertible immediately or after a stated period of time into another equity security of the same bank shall be exempt from the operation of section 16(b) of the Act; *Provided, however,* That this paragraph shall not apply to the extent that there shall have been either: (i) A purchase of any equity security of the class convertible (including any acquisition of or change in a conversion privilege) and a sale of any equity security of the class issuable upon conversion, or (ii) a sale of any equity security of the class convertible and any purchase of any equity security issuable upon conversion (otherwise than in a transaction involved in such conversion or in a transaction exempted by any other provision under section 16(b) of the Act) within a period of less than six months which includes the date of conversion.

(2) For the purpose of this subsection, an equity security shall not be deemed to be acquired or disposed of upon conversion of an equity security in the terms of the equity security converted require the payment or entail the receipt, in connection with such conversion, of cash or other property (other than equity securities involved in the conversion) equal in value at the time of conversion to more than 15 percent of the value of the equity security issued upon conversion.

(3) For the purpose of this subsection, an equity security shall be deemed convertible if it is convertible at the option of the holder or of some other person or by operation of the terms of the security or the governing instruments.

(h) *Exemption from section 16(b) of the Act of certain transactions involving the sale of subscription rights.* (1) Any sale of a subscription right to acquire any subject security of the same bank shall be exempt from the provisions of section 16(b) of the Act to the extent prescribed in this section, as not comprehended within the purpose of said section of the Act, if:

(i) Such subscription right is acquired, directly or indirectly, from the bank without the payment of consideration;

(ii) Such subscription right by its terms expires within 45 days after the issuance thereof; and

(iii) Such subscription right by its terms is issued on a pro rata basis to all holders of the beneficiary security of the bank.

(2) When used within this paragraph (q), the following terms shall have the meaning indicated.

(i) The term "subscription right" means any warrant or certificate evidencing a right to subscribe to or otherwise acquire an equity security.

(ii) The term "beneficiary security" means a security registered under section 12 of the Act to the holders of which a subscription right is granted.

(iii) The term "subject security" means a security which is the subject of a subscription right.

(3) Notwithstanding anything contained herein to the contrary, if a person purchases subscription rights for cash or other consideration, then a sale by such person of subscription rights otherwise exempted by this rule will not be so exempted to the extent of such purchases within the 6-month period preceding or following such sale.

§ 335.412 Exemption of certain securities from section 16(c) of the Act.

(a) *Exemption of certain securities from section 16(c) of the Act.* Any equity security of a bank shall be exempt from the operation of section 16(c) of the Act to the extent necessary to render lawful under such section the execution by a broker of an order for an account in which he has no direct or indirect interest.

(b) *Exemption from section 16(c) of the Act of certain tranactions affected in connection with a distribution.* Any equity security of a bank shall be exempt from the operation of section 16(c) of the Act to the extent necessary to render lawful under such section any sale made by or on behalf of a dealer in connection with a distribution of a substantial block of the bank's securities, upon the following conditions:

(1) The sale is made with respect to an overallotment in which the dealer is participating as a member of an underwriting group, or the dealer or a person acting on his behalf intends in good faith to offset such sale with a security to be acquired by or on behalf of the dealer as a participant in an underwriting, selling or soliciting-dealer group of which the dealer is a member at the time of the sale, whether or not the security to be so acquired is subject to a prior offering to existing security holders or some other class of persons; and

(2) Other persons not within the purview of section 16(c) of the Act are participating in the distribution of such block of securities on terms at least as favorable as those on which such dealer is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(c) of the Act by this paragraph. The performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not, however, preclude an exemption that would otherwise be available under this paragraph.

(c) *Exemption of sales of securities to be acquired.* (1) Whenever any person is entitled, as an incident to his ownership of an issued equity security of a bank and without the payment of consideration, to receive another security of the bank "when issued" or "when distributed", the security to be acquired shall be exempt from the operation of section 16(c) of the Act if: (i) The sale is made subject to the same conditions as those attaching to the right of acquisition, (ii) such person exercises reasonable diligence to deliver such security to the purchaser promptly after his right of acquisition matures, and (iii) such person reports the sale on the appropriate form for reporting transactions by persons subject to section 16(a) of the Act.

(2) Section 335.412(c) shall not be construed as exempting transactions involving both a sale of a security "when issued" or "when distributed" and a sale of the security by virtue of which the seller expects to receive the "when issued" or "when distributed" security, if the two transactions combined result in a sale of more units than the aggregate of those owned by the seller plus those to be received by him pursuant to his right of acquisition.

(d) *Arbitrage transactions under section 16 of the Act.* It shall be unlawful for any director or officer of a bank to effect any foreign or domestic arbitrage transaction in any equity security of the bank unless he shall include such transaction in the statements required by section 16(a) of the Act and paragraph (a) of § 335.410 and shall account to such bank for the profits arising from such transaction, as provided in section 16(b) of the Act. The provisions of section 16(c) of the Act shall not apply to such arbitrage transactions. The provisions of paragraph (a) of § 335.410 and of section 16 of the Act shall not apply to any bona fide foreign or domestic arbitrage transaction insofar as it is effected by any person other than such director or officer of the bank issuing such security.

BILLING CODE 6714-01-M

§ 335.413 Initial statement of beneficial ownership of equity securities (Form F-7).

1 NAME (last, first, middle) AND BUSINESS ADDRESS OF REPORTING PERSON (Include ZIP Code)

2 DATE OF THIS STATEMENT MO DAY YEAR

3 DATE OF STATEMENT, IF ANY, TO BE AMENDED MO DAY YEAR

4 IRS SEC. OR IRS IDENTIFICATION NO. OF REPORTING PERSON

Beneficial Ownership (Continued No.)

§ 335.413 Initial statement of beneficial ownership of equity securities (Form F-7).

FEDERAL DEPOSIT INSURANCE CORPORATION
Washington, D.C. 20429

INITIAL STATEMENT OF BENEFICIAL OWNERSHIP OF EQUITY SECURITIES *(FORM F-7)*

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934

1. NAME (last, first, middle) AND BUSINESS ADDRESS OF REPORTING PERSON (Include ZIP Code)	2. DATE OF THIS STATEMENT (MO / DAY / YEAR)	3. DATE OF STATEMENT TO BE AMENDED, IF ANY (MO / DAY / YEAR)	4. SOC. SEC. OR IRS IDENTIFYING NO. OF REPORTING PERSON	Beneficial Ownership (Certificate No.)

5. NAME AND ADDRESS OF BANK (Include ZIP Code)	6. DATE OF EVENT NECESSITATING THIS STATEMENT (MO / DAY / YEAR)	7. NATURE OF EVENT NECESSITATING THIS STATEMENT (Check all which apply)	8. RELATIONSHIP OF REPORTING PERSON TO BANK (Check all which apply)
		☐ (1) Assumed directorship ☐ (2) Appointed policy making officer ☐ (3) Became 10% owner ☐ (4) Newly registered bank	☐ (1) Director ☐ (2) Officer ☐ (3) 10% Owner

EQUITY SECURITIES BENEFICIALLY OWNED

9. Title of Equity Securities (Report indirect or direct ownership on separate lines)	Class of Equity Securities	10. Amount Owned	11. Type of Ownership (Place an "X" in appropriate columns) DIRECT	11. Type of Ownership (Place an "X" in appropriate columns) INDIRECT	12. Nature of Beneficial Ownership (If indirect, state the nature of ownership, for example, "By self as trustee for X", "By Partnership", "By X Trust", "By Y Corporation", etc.)

COMMENTS

SIGNATURE OF REPORTING PERSON

FDIC 6112/01 (1-78)

BILLING CODE 6714-01-C

General Instructions

1. *Persons Required to File Statements.*

A statement on Form F–7 must be filed in duplicate: (a) Within 10 days of the effective date of the registration of any class of equity securties of a bank under section 12 of the Act by every person, whether or not he owns any equity securities of the bank, who: (i) Is a a director (including honorary directors) or officer of the bank which is the issuer of such securities or (ii) is directly or indirectly the beneficial owner of more than 10 percent of such class, and (b) within 10 days of becoming so, by every person who thereafter becomes such a beneficial owner, director or officer. The term "officer" refers to individuals occupying major policy-making roles, including: Chairman of the board of directors, vice chairman of the board, chairman of the Executive Committee, president, vice president (except as indicated below), cashier, treasurer secretary, comptroller, and any other person who participates in major policy-making functions. In some banks (particularly banks with officers bearing such titles as "Executive Vice President", "Senior Vice President", "First Vice President", or a number of other vice presidents), some or all vice presidents do not participate in major policy-making functions. Such persons are not officers for the purposes of this statement.

2. *Where Statements Are To Be Filed.*

(a) One manually signed copy of each statement shall be filed with the Federal Deposit Insurance Corporation, Washington, D.C. 20429. One manually signed copy thereof shall also be filed with each exchange on which any class of equity securities of the bank is listed and registered unless the bank has, in accordance with § 335.410(a)(3), designated a single exchange to receive such statements.

(b) Statements are not deemed to be filed with the FDIC or an exchange until they are actually received by the FDIC or exchange.

3. *Separate Statement for Each Bank.*

A separate statement shall be filed with respect to the equity securities of each bank.

4. *Date as of Which Information Is To Be Given.*

Information as to the amount of securities beneficially owned, including those subject to puts, calls, options, warrants, etc., shall be given as of the date on which the event occurred which requires the filing of the statement on this form.

5. *Relationship of Reporting Person to Bank.*

Indicate clearly the relationships of the reporting person to the bank by checking the appropriate box(es), i.e., Director, Officer, 10 percent Owner in item 8 of the statement.

6. *Title of Equity Securities and Classes of Securities To Be Reported.*

The statement of the title of an equity security should clearly distinguish it from any securities of other classes issued by the bank. Persons specified in instruction 1, above, shall include information as to their beneficial ownership of all classes of equity securities of the bank, even though one or more of such classes may not be registered pursuant to section 12 of the Act.

7. *Statement Required Although No Securities Are Owned.*

If any person required to file a statement on this form does not own any securities required to be reported, a statement on this form shall be filed to report that fact.

8. *Reporting of Conversion Feature Cases.*

(a) When two or more securities are owned as a unit, such as debentures and transferable warrants to purchase common stock, report each security separately and describe the unit relationship in the "Comments" space of the statement. If one or more of the securities comprising the unit is not required to be reported, the other security or securities shall be reported separately and the unit relationship described as indicated above.

(b) In reporting the ownership of a convertible security or a transferable warrant, the number of shares or units subject to the conversion privilege and the conversion or exercise price per share or unit shall be set forth in the "Comments" space. Transferable warrants issued by the issuer of the security subject to the warrants shall be reported in the body of the statement (in which case the exercise price and date of expiration of the warrant shall be reported in the "Comments" space).

(c) Securities owned indirectly shall be reported on separate lines form those owned directly and also from those owned through a different type of indirect ownership.

9. *Statement of Amounts of Securities.*

In stating amounts of securities in item 10 of the statement, give the face amount of debt securities or the number of shares or other units of other securities. In the case of securities owned beneficially through a spouse, relative or other natural person, or through a partnership, corporation, trust or other entity, the entire amount of securities owned by such natural person, partnership, corporation, trust or other entity shall be stated. The person whose ownership is reported may, if he so desires, also indicate in a footnote or other appropriate manner, the extent of his interest in the holdings of the partnership, corporation, trust or other entity through which securities are beneficially owned.

10. *Nature of Ownership of Securities.*

(a) In reporting the nature of beneficial ownership of securities, check the appropriate column in item 11 of the statement. If they are owned indirectly, state the nature of such indirect ownership in item 12 of the statement; for example, "By self as trustee for sons", "By Wife", "By X Trust", "By Y Corporation", etc. If the securities are owned directly and other securities are owned indirectly, the required information shall be furnished separately for each type of ownership. Each type of indirect ownership is to be reported on a separate line. Securities held as joint tenants, tenants in common, tenants by the entirety or as community property are to be reported as held directly.

(b) Beneficially owned securities held in the name of the reporting person or in the name of a bank, broker or nominee for the account of the reporting person shall be reported as directly owned by him. A person is regarded as the indirect beneficial owner of securities held in the name of another person if, by reason of any contract, understanding, relationship, including a family relationship, or arrangement, such person obtains therefrom benefits substantially equivalent to those of ownership. For example, a person may be the indirect beneficial owner of securities held in the name of a spouse, relative or other person if such person may obtain therefrom benefits substantially equivalent to those of ownership. A person may also be the indirect beneficial owner of securities held in the name of a partnership, corporation, trust or other entity if such person or a spouse or relative of such person, individually or collectively, may exercise a controlling influence over the purchase, sale or voting of such securities.

11. *Transferable Warrants, Puts, Calls, Options and Other Rights.*

Transferable warrants, options, puts, and calls, any combination of puts and calls, such as spreads, straddles, strips and straps (all hereinafter referred to as options), should be reported in the "Comments" space. Title of securities subject to the option, the nature of the option, the amount of securities subject to the option (see instruction 9), the purchase or sale price of the securities subject to the options and the date of expiration of the option shall be stated. In reporting the nature of the option, state whether it represents a right to buy, a right to sell, an obligation to buy or an obligation to sell, the securities subject to the option. If a warrant is not presently exercisable, state the price at which it will first become exercisable. If a warrant, put, call or option is exercisable at various increasing prices, state the price at which it is presently exercisable.

12. *Inclusion of Additional Information.*

A statement may include any additional information or explanation deemed relevant by the person filing the statement. If additional space is necessary for explanation, attach a separate sheet to the form.

13. *Signature.*

If the statement is filed for a corporation, partnership, trust or other entity, the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by a person authorized to sign for him. If signed on his behalf by another person, the authority of such person to sign the statement shall be confirmed to the FDIC in writing as soon as practicable by the individual for whom the statement is filed, unless such a confirmation which is still in effect is on file with the FDIC.

BILLING CODE 6714-01-M

§ 335.414 Statement of changes in beneficial ownership of equity securities (Form F–8).

1. NAME (last, first, middle) AND BUSINESS ADDRESS OF REPORTING PERSON (Include ZIP Code)

2 DATE OF THIS STATEMENT — MO. DAY YEAR

3 DATE OF STATEMENT TO BE AMENDED, IF ANY — MO. DAY YEAR

4. SOC SEC OR IRS IDENTIFYING NO. OF REPORTING PERSON

Beneficial Ownership (Continue No.)

§ 335.414 Statement of changes in beneficial ownership of equity securities (Form F-8).

FEDERAL DEPOSIT INSURANCE CORPORATION
Washington, D.C. 20429

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF EQUITY SECURITIES *(FORM F-8)*

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934

1. NAME *(last, first, middle)* AND BUSINESS ADDRESS OF REPORTING PERSON *(Include ZIP Code)*	2 DATE OF THIS STATEMENT (MO. DAY YEAR)	3 DATE OF STATEMENT TO BE AMENDED, IF ANY (MO. DAY YEAR)	4 SOC SEC OR IRS IDENTIFYING NO. OF REPORTING PERSON	Beneficial Ownership *(Certificate No.)*

5. NAME AND ADDRESS OF BANK *(Include ZIP Code)*	6 STATEMENT FOR CALENDAR MONTH OF (MO. YEAR)	7 DATE OF MOST RECENT STATEMENT (MO. DAY YEAR)	8 RELATIONSHIP OF REPORTING PERSON TO BANK *(Check all which apply)*
			☐ Director ☐ Officer ☐ 10% Owner

EQUITY SECURITIES BOUGHT, SOLD OR OTHERWISE ACQUIRED OR DISPOSED OF

9. Title of Equity Securities *(Report direct or indirect ownership on separate lines)*	Class of Equity Securities	10. Date of Transaction	11. Code for Character of Transaction *(see below)*	12. Amount Reported Last Statement	13. Amount Acquired	14. Amount Disposed Of	15. Purchase or Sale Price Per Share or Other Unit	16. Amount Owned at End of Month	17. Type of Ownership *(Place an "X" in appropriate column)* DIRECT	INDIRECT	18. Nature of Beneficial Ownership *(If indirect, state the nature of ownership, for example, "By self as trustee for X", "By partnership", "By X Trust", "By Y Corporation", etc.)*

CODES FOR CHARACTER OF TRANSACTION *(Enter in Item 11 above)*

A. Open Market Purchase	E. Acquired by Inheritance	I. Exchange or Conversion	M. Redeemed (called, matured, closed)
B. Open Market Sale	F. Disposed of by Bequest	J. Exercise of Rights	N. Stock Dividend
C. Private Purchase	G. Stock Split	K. Acquired by Gift	O. Exercise of Warrants
D. Private Sale	H. Exercise of Options	L. Disposed of by Gift	P. Other *(Specify above)*

COMMENTS

SIGNATURE OF REPORTING PERSON

FDIC 6112/02 (1-80)

BILLING CODE 6714-01-C

General Instructions

1. *Persons Required To File Statements.* (a) A statement on Form F-6 is to be filed in duplicate on or before the 10th day after the end of each month in which any change in beneficial ownership has occurred, by every person: (1) Who at any time during any calendar month was: (i) Directly or indirectly the beneficial owner of more than 10 percent of any class of equity securities of a bank registered under section 12 of the Act or (ii) a director (including honorary directors) or officer of the bank which is the issuer of such securities, and (2) who during such month had any change in the nature or amount of his beneficial ownership of any class of equity securities of such bank. The term "officer" means a chairman of the board of directors, vice chairman of the board, chairman of the Executive Committee, president, vice president (except as indicated in the next sentence), cashier, treasurer, secretary, comptroller, and any other person who participates in major policy-making functions of the bank. In some banks (particularly banks with officers bearing titles such as executive vice president, senior vice president, or first vice president, as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policy-making functions. Such persons are not officers for the purposes of this statement.

(b) Not more than one report need be filed to report any holdings of a bank's securities or with respect to any transaction in such securities held by a trust, regardless of the number of officers, directors, or 10 percent stockholders who are either trustees, settlors, or beneficiaries of a trust if the report filed discloses the name of all trustees, settlors, and beneficiaries who are officers, directors, or 10 percent stockholders. A person having an interest only as a beneficiary of a trust shall not be required to file any such report so long as he relies in good faith upon an understanding that the trustees of such trust will file whatever reports might otherwise be required of such beneficiary.

2. *Where Statements Are To Be Filed.* (a) One manually signed copy of each statement, shall be filed with the Federal Deposit Insurance Corporation, Washington, D.C. 20429. One manually signed copy thereof shall also be filed with each exchange on which any class of equity securities of the company is listed and registered unless the bank has, in accordance with § 355.410(a)(3), designated a single exchange to receive statements.

(b) Statements are not deemed to be filed with the FDIC or an exchange until they are actually received by the FDIC or exchange.

3. *Separate Statement for Each Bank.* A separate statement shall be filed with respect to the equity securities of each bank.

4. *Relationship of Reporting Person to Bank.* Indicate clearly the relationship of the reporting person to the bank by checking the appropriate box(es), i.e., Director, Officer, 10 percent Owner, in item 8 of the statement.

5. *Title of Equity Securities and Classes of Securities to be Reported.*

The statement of the title of an equity security should clearly distinguish it from any securities of other classes issued by the bank. Persons reporting under section 16(a) of the Act shall include information as to changes in the amount of securities beneficially owned, changes in the nature of beneficial ownership, and the amount of their beneficial ownership at the end of the month of all classes of equity securities of the bank even though one or more of such classes may not be registered under section 12 of the Act.

6. *All Transactions to be Reported.*

Every transaction shall be reported even though acquisitions and dispositions during the month are equal, or the change involves only the nature of ownership, such as a change from indirect ownership through a trust or corporation to direct ownership by the reporting person.

7. *Reporting of Transactions.*

(a) In reporting the acquisition or disposition of a convertible security or a transferable warrant, the number of shares or units subject to the conversion privilege or warrant and the conversion or exercise price per share or unit shall be set forth in the "Comments" space. When a convertible security is converted or a warrant is exercised, the amount of securities acquired as a result of such conversion or exercise shall be reported and, in addition, the disposition of the convertible security or warrant shall be reported as a separate transaction.

(b) The acquisition, disposition, exercise, or expiration or cancellation of a put, call, option or other right or obligation to buy or sell securities (all hereinafter referred to as options) is deemed to effect a change in beneficial ownership of the security to which the option relates and shall be reported in the "Comments" space. If the option is exercised, the transaction shall be reported in the "Comments" space and the acquisition or disposition of the security subject to the warrants shall be reported in the body of the statement. Transferable warrants issued by the issuer of the security subject to the warrants shall be reported (in which case the exercise price and date of expiration of the warrant shall be reported in the "Comments" space).

8. *Date of Transaction.*

In giving the dates required, the month, day and year shall be given. Dates may be abbreviated; for example, January 9, 1975, may be expressed at 1/9/75. The date shall be set forth opposite the transaction to which it relates. In the case of market transactions, the trade date shall be given and in the case of stock splits, stock dividends, etc., the record date shall be given.

9. *Character of Transaction.*

(a) In reporting the character of a transaction in item 11 of the statement, select the category below which most clearly states the character of the transaction reported:

A. Open Market Purchase
B. Open Market Sale
C. Private Purchase
D. Private Sale
E. Acquired by Inheritance
F. Disposed of by Bequest
G. Stock Split
H. Exercise of Opinions
I. Exchange or Conversion
J. Exercise of Rights
K. Acquired by Gift
L. Disposed of by Gift
M. Redeemed (called, matured, retired)
N. Stock Dividend
O. Exercise of Warrants
P. Other (specify)

(b) In reporting the character of option type transactions in the "Comments" space, select the category below which most closely states the character of the transaction reported:

A. Purchase of Put or Call
B. Sale of Put or Call
C. Exercise of Put or Call
D. Expiration of Put or Call
E. Cancellation of Put or Call
F. Acquisition of Other Option
G. Disposition of Other Option
H. Exercise of Other Option
I. Expiration of Other Option
J. Cancellation of Other Option

(c) If the transaction was with the bank, so state.

10. *Statement of Amounts of Securities.*

In stating amounts of securities in items 12, 13, 14 and 16 of the statement, and in the "Comments" space, give the face amount of convertible debt securities or the number of shares of stock or other units of other securities. In item 12 of the statement, indicate the total number of shares of each security reported on the last statement at the beginning of the month. In the case of securities owned beneficially through a spouse, relative or other natural person, or through a partnership, corporation, trust or other entity, the entire amount of securities involved in the transaction or owned by such natural person, partnership, corporation, trust or other entity shall be stated. The person whose ownership is reported may, if he so desires, also indicates in a footnote or other appropriate manner, the extent of his interest in the transaction or holdings of the partnership, corporation, trust or other entity through which securities are beneficially owned.

11. *Nature of Ownership of Securities.*

(a) In reporting the nature of ownership of securities, check the appropriate column in item 17 of the statement. If they are owned indirectly, state the nature of such indirect ownership in item 18 of the statement; for example, "By self as trustee for sons", "By wife", "By X Trust", "By Y Corporation", etc. If the securities are owned directly and other securities are owned indirectly, the required information shall be furnished separately for each type of ownership. Each type of indirect ownership is to be reported on a separate line. Securities held as joint tenants, tenants in common, tenants by the entirety or as community property are to be reported as held directly.

(b) Beneficially owned securities held in the name of the reporting person or in the name of a bank, broker or nominee for the account of the reporting person shall be reported as directly owned by him. A person is regarded as the indirect beneficial owner of securities held in the name of another person if by reason of any contract, understanding, relationship, including a family relationship, or arrangement, such person obtains therefrom benefits substantially equivalent to those of ownership. For example, a person may be the indirect beneficial owner of securities held in the name of a spouse, a relative or other person if such person may obtain therefrom benefits substantially equivalent to those of ownership. A person may also be the indirect beneficial owner of securities held in the name of a partnership, corporation, trust or other entity if such person or a spouse or relative of such person, individually or collectively, may exercise a controlling influence over the purchase, sale or voting of such securities.

12. *Purchase or Sale Price of Securities.*

(a) If any transaction reported involved a purchase or sale of securities for cash or an obligation to pay cash, including the exercise of an option state in item 15 the purchase price per share or other unit exclusive of brokerage commissions or other costs of execution. If the transaction was only partly for cash and partly for other consideration, state the amount of cash per share or other unit and the nature of the additional consideration. If the transaction does not involve cash, describe the nature of the consideration given.

(b) If an option reported in the "Comments" space is exercisable at varying increasing prices, state in item 15 the price at which it is presently exercisable.

13. *Beneficial Ownership at End of Month.*

Beneficial ownership at the end of the month of all accounts required to be reported shall be shown even though there has been no change during the month in the ownership of securities of one or more class or accounts. For example, a person reporting a transaction relating to common stock shall, in addition to providing all the required information relating to such transaction, report the amount of preferred stock, convertible debentures, etc., owned at the end of the month. In addition, any options owned at the end of the month should be reported in the "Comments" space.

14. *Transferable Warrants, Puts, Calls, Options and Other Rights—"Comments" Space.*

Transferable warrants, options, "puts" and "calls", any combination of "puts" and "calls", such as spreads, straddles, strips and straps (all hereinafter referred to as options), should be reported in the "Comments" space of the form. Title of securities subject to the option, the nature of the option, the date of the transaction (see instruction 8), the amount of securities subject to the option (see instruction 10), the purchase or sale price of the securities subject to the option, the character of the transaction (see instruction 9), and the date of expiration of the option shall be stated. In reporting the nature of the option state whether it represents a right to buy, a right to sell, an obligation to buy or an obligation to sell, the securities subject to the option. If the warrant is not presently exercisable, state the price at which it will first become exercisable. If a warrant, put, call or option is exercisable at various increasing prices, state the price at which it is presently exercisable.

15. *Inclusion of Additional Information.*

A statement may include any additional information or explanation deemed relevant by the person filling the statement. If additional space is needed, attach a separate sheet to the form.

16. *Signature.*

If the statement is filed for a corporation, partnership, trust, etc., the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by another person, the authority of such person to sign the statement shall be confirmed to the FDIC in writing as soon as practicable by the individual for whom the statement is filed, unless such a confirmation which is still in effect is on file with the FDIC.

Subpart E—Tender Offers

§ 335.501 Scope and definitions applicable to subpart E (the "tender offer regulations").

(a) *Scope.* Subpart E (the "tender offer regulations") shall apply to any tender offer which is subject to section 14(d)(1) of the Act, including, but not limited to, any tender offer for securities of a class described in that section which is made by an affiliate of the bank issuer of such class.

(b) *Definitions.* Unless the context otherwise requires, all terms used in the tender offer regulations have the same meaning as in the Act and in § 335.102. In addition, for purposes of section 14(d) of the Act and the tender offer regulations, the following definitions apply:

(1) The term "bidder" means any person who makes a tender offer or on whose behalf a tender offer is made: *Provided, however,* That the term does not include a bank which makes a tender offer for securities of any class of which it is the issuer.

(2) The term "subject bank" means any issuer of securities which are sought by a bidder pursuant to a tender offer.

(3) The term "security holders" means holders of record and beneficial owners of securities which are the subject of a tender offer.

(4) the term "beneficial owner" shall have the same meaning as that set forth in § 335.403: *Provided, however,* That, except with respect to § 335.503 and 335.509(d) and item 6 of Form F–13, the term shall not include a person who does not have or share investment power or who is deemed to be a beneficial owner by virtue of § 335.403(d)(1).

(5) The term "tender offer material" means:

(i) The bidder's formal offer, including all the material terms and conditions of the tender offer and all amendments thereto;

(ii) The related transmittal letter (whereby securities of the subject bank which are sought in the tender offer may be transmitted to the bidder or its depositary) and all amendments thereto; and

(iii) Press releases, advertisements, letters and other documents published by the bidder or sent or given by the bidder to security holders which, directly or indirectly, solicit, invite or request tenders of the securities being sought in the tender offer.

(6) The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) or any other person who performs similar policy making functions for a corporation.

(7) The term "business day" means any day, other than Saturday, Sunday or a Federal holiday, and shall consist of the time period from 12:01 a.m. through 12:00 midnight Eastern time. In computing any time period under section 14(d)(5) or section 14(d)(6) of the Act or under these tender offer regulations the date of the event which begins the running of such time period shall be included *except that* if such event occurs on other than a business day such period shall begin to run on and shall include the first business day thereafter.

(8) The term "security position listing" means, with respect to securities of any issuer held by a registered clearing agency in the name of the clearing agency or its nominee, a list of those participants in the clearing agency on whose behalf the clearing agency holds the issuer's securities and of the participants' respective positions in such securities as of a specified date.

§ 335.502 Date of commencement of a tender offer.

(a) *Commencement.* A tender offer shall commence for the purposes of section 14(d) of the Act and the rules promulgated thereunder at 12:01 a.m. on the date when the first of the following events occurs:

(1) The long form publication of the tender offer is first published by the bidder under § 335.504(a)(1);

(2) The summary advertisement of the tender offer is first published by the bidder under § 335.504(a)(2);

(3) The summary advertisement or the long form publication of the tender offer is first published by the bidder under § 335.504(a)(3);

(4) Definitive copies of a tender offer, in which the consideration offered by the bidder consists of securities registered under the Securities Act of 1933 (15 U.S.C. 77), are first published or sent or given by the bidder to security holders; or

(5) The tender offer is first published or sent or given to security holders by the bidder by any means not otherwise referred to in § 335.502 (a)(1) through (a)(4).

(b) *Public announcement.* A public announcement by a bidder through a press release, newspaper advertisement or public statement which includes the information in § 335.502(c) with respect to a tender offer in which the consideration consists solely of cash and/or securities exempt from registration under section 3 of the Securities Act of 1933 (15 U.S.C. 77) shall be deemed to constitute the commencement of a tender offer under § 335.502(a)(5) *except that* such tender offer shall not be deemed to be first published or sent or given to security holders by the bidder under § 335.502(a)(5) on the date of such public announcement if within five business days of such public announcement, the bidder either:

(1) Makes a subsequent public announcement stating that the bidder has determined not to continue with such tender offer, in which event § 335.502(a)(5) shall not apply to the initial public announcement; or

(2) Complies with § 335.503(a) and contemporaneously disseminates the disclosure required by § 335.506 to security holders under § 335.504 or otherwise in which event:

(i) The date of commencement of such tender offer under § 335.502(a) will be determined by the date on which information required by § 335.506 is first published or sent or given to security holders under § 335.504 or otherwise; and

(ii) Notwithstanding the preceding paragraph, section 14(d)(7) of the Act shall be deemed to apply to such tender offer from the date of such public announcement.

(c) *Information.* The information referred to in paragraph (b) of this section is as follows:

(1) The identity of the bidder;

(2) The identity of the subject bank; and

(3) The amount and class of securities being sought and the price or range of prices being offered therefor.

(d) *Announcements not resulting in commencement.* A public announcement by a bidder through a press release, newspaper advertisement or public statement which only discloses the information in § 335.502 (d)(1) through (d)(3) concerning a tender offer in which the consideration consists solely of cash and/or securities exempt from registration under section 3 of the Securities Act of 1933 (15 U.S.C. 77) shall not be deemed to constitute the commencement of a tender offer under § 335.502(a)(5).

(1) The identity of the bidder;

(2) The identity of the subject bank; and

(3) A statement that the bidder intends to make a tender offer in the future for a class of equity securities of the subject bank which statement does not specify the amount of securities of such class to be sought or the consideration to be offered therefor.

(e) *Announcement made under SEC Rule 135.* A public announcement by a bidder through a press release, newspaper advertisement or public statement which discloses only the information in SEC Rule 135(a)(4) (17 CFR 230.135(a)(4)) concerning a tender offer in which the consideration consists solely or in part of securities to be registered under the Securities Act of 1933 (15 U.S.C. 77) shall not be deemed to constitute the commencement of a tender offer under § 335.502(a)(5); *Provided* That such bidder files a registration statement with the SEC concerning the securities promptly after the public announcement.

§ 335.503 Filing and transmission of tender offer statement.

(a) *Filing and transmittal.* No bidder shall make a tender offer if, after consummation thereof, such bidder would be the beneficial owner of more than 5 percent of the class of the subject bank's securities for which the tender offer is made, unless as soon as practicable on the date of the commencement of the tender offer the bidder:

(1) Files with the FDIC six copies of a Tender Offer Statement on Form F–13 (§ 335.512), including all exhibits thereto;

(2) Hand delivers a copy of such Form F–13, including all exhibits thereto;

(i) To the subject bank at its principal executive office; and

(ii) To any other bidder, which has filed a Form F–13 with the FDIC relating to a tender offer which has not yet terminated for the same class of securities of the subject bank, at such bidder's principal executive office or at the address of the person authorized to receive notices and communications (which is disclosed on the cover sheet of such other bidder's Form F–13);

(3) Gives telephonic notice of the information required by § 335.506(e)(2) (i) and (ii) and mails by means of first class mail a copy of such Form F–13, including all exhibits thereto:

(i) To each national securities exchange where such class of the subject bank's securities is registered and listed for trading (which may be based upon information contained in the subject bank's most recent Annual Report on Form F–2 (§ 335.312) filed with the FDIC unless the bidder has reason to believe that such information is not current) which telephonic notice shall be made when practicable prior to the opening of such exchange; and

(ii) To the National Association of Securities Dealers, Inc. ("NASD") if such class of the subject bank's securities is authorized for quotation in the NASDAQ interdealer quotation system.

(b) *Additional materials.* The bidder shall file with the FDIC six copies of any additional tender offer materials as an exhibit to the Form F–13 required by this section, and if a material change occurs in the information set forth in such Form F–13, six copies of an amendment to Form F–13 (each of which shall include all exhibits other than those required by item 11(a) of Form F–13) disclosing such change and shall send a copy of such additional tender offer material or such amendment to the subject bank and to any exchange and/or the NASD, as required by paragraph (a) of this section, promptly but not later than the date such additional tender offer material or such change is first published, sent or given to security holders.

(c) *Certain announcements.* Notwithstanding § 335.503(b), if the additional tender offer material or an amendment to Form F–13 discloses only the number of shares deposited to date, and/or announces an extension of the time during which shares may be tendered, then the bidder may file such tender offer material or amendment and send a copy of such tender offer material or amendment to the subject bank, any exchange and/or the NASD, as required by § 335.503(a), promptly after the date such tender offer material is first published or sent or given to security holders.

§ 335.504 Dissemination of certain tender offers.

(a) *Materials deemed published or sent or given.* A tender offer in which the consideration consists solely of cash

and/or securities exempt from registration under section 3 of the Securities Act of 1933 (15 USC 77) shall be deemed "published or sent or given to security holders" within the meaning of section 14(d)(1) of the act if the bidder complies with all of the requirements of any one of the following sub-paragraphs: *Provided, however,* That any such tender offers may be published or sent or given to security holders by other methods, but with respect to summary publication, and the use of stockholder lists and security position listings under § 335.505, only § 335.504(a) (2) and (3) can be followed.

(1) *Long-form publication.* The bidder makes adequate publication in a newspaper or newspapers of long-form publication of the tender offer.

(2) *Summary publication.* (i) The bidder makes adequate publication in a newspaper or newspapers of a summary advertisement of the tender offer; and

(ii) Mails by first class mail or otherwise furnishes with reasonable promptness the bidder's tender offer materials to any security holder who requests such tender offer materials in response to the summary advertisement or otherwise.

(3) *Use of stockholder lists and security position listings.* Any bidder using stockholder lists and security position listings under § 335.505 shall comply with § 335.504 (a)(1) or (a)(2) on or prior to the date of the bidder's request for such lists or listing under § 335.505(a).

(b) *Adequate publication.* Depending on the facts and circumstances involved, adequate publication of a tender offer under this section may require publication in a newspaper with a national circulation or may only require publication in a newspaper with metropolitan or regional circulation or may require publication in a combination thereof: *Provided, however,* That publication in all editions of a daily newspaper with a national circulation shall be deemed to constitute adequate publication.

(c) *Publication of changes.* If a tender offer has been published or sent or given to security holders by one or more of the methods enumerated in § 335.504(a), a material change in the information published, sent or given to security holders shall be promptly disseminated to security holders in a manner reasonably designed to inform security holders of such change: *Provided, however,* That if the bidder has elected under § 335.505(f)(1) to require the subject bank to disseminate amendments disclosing material changes to the tender offer materials under § 335.505 the bidder shall disseminate material changes in the information published or sent or given to security holders at least pursuant to § 335.505.

§ 335.505 Dissemination of certain tender offers by the use of stockholder lists and security position listings.

(a) *Obligations of the subject bank.* Upon receipt by a subject bank at its principal executive offices of a bidder's written request, meeting the requirements of § 335.505(e), the subject bank shall comply with the following sub-paragraphs.

(1) The subject bank shall notify promptly transfer agents and any other persons who will assist the subject bank in complying with the requirements of this section of the receipt by the subject bank of a request by a bidder under this section.

(2) The subject bank shall promptly ascertain whether the most recently prepared stockholder list, written or otherwise, within the access of the subject bank was prepared as of a date earlier than ten business days before the date of the bidder's request and, if so, the subject bank shall promptly prepare or cause to be prepared a stockholder list as of the most recent practicable date which shall not be more than ten business days before the date of the bidder's request.

(3) The subject bank shall make an election to comply and shall comply with all of the provisions of either § 335.505(b) or (c). The subject bank's election once made shall not be modified or revoked during the bidder's tender offer and extensions thereof.

(4) No later than the second business day after the date of the bidder's request, the subject bank shall orally notify the bidder, which notification shall be confirmed in writing, of the subject bank's election made under § 335.505(a)(3). Such notification shall indicate (i) the approximate number of security holders of the class of securities being sought by the bidder, and (ii) if the subject bank elects to comply with § 335.505(b), appropriate information concerning the location for delivery of the bidder's tender offer materials and the approximate direct costs incidental to the mailing to security holders of the bidder's tender offer materials computed in accordance with § 335.505(g)(2).

(b) *Mailing of tender offer materials by the subject bank.* A subject bank which elects under § 335.505(a)(3) to comply with the provisions of this paragraph shall perform the acts prescribed by the following subparagraphs.

(1) The subject bank shall promptly contact each participant named on the most recent security position listing of any clearing agency within the access of the subject bank and make inquiry of each participant as to the approximate number of beneficial owners of the subject bank securities being sought in the tender offer held by each such participant.

(2) No later than the third business day after delivery of the bidder's tender offer materials under § 335.505(g)(1), the subject bank shall begin to mail or cause to be mailed by means of first class mail a copy of the bidder's tender offer materials to each person whose name appears as a record holder of the class of securities for which the offer is made on the most recent stockholder list referred to in § 335.505(a)(2). The subject bank shall use its best efforts to complete the mailing in a timely manner but in no event shall such mailing be completed in a substantially greater period of time than the subject bank would complete a mailing to security holders of its own materials relating to the tender offer.

(3) No later than the third business day after the delivery of the bidder's tender offer materials under § 335.505(g)(1), the subject bank shall begin to transmit or cause to be transmitted a sufficient number of sets of the bidder's tender offer materials to the participants named on the security position listings described in § 335.505(b)(1). The subject bank shall use its best efforts to complete the transmittal in a timely manner but in no event shall such transmittal be completed in a substantially greater period of time than the subject bank would complete a transmittal to such participants using security position listings of clearing agencies of its own material relating to the tender offer.

(4) The subject bank shall promptly give oral notification to the bidder, which notification shall be confirmed in writing, of the commencement of the mailing under § 335.505(b)(2) and of the transmittal under § 335.505(b)(3).

(5) During the tender offer and any extension thereof the subject bank shall use reasonable efforts to update the stockholder list and shall mail or cause to be mailed promptly following each update a copy of the bidder's tender offer materials (to the extent sufficient sets of such materials have been furnished by the bidder) to each person who has become a record holder since the later of (i) the date of preparation of the most recent stockholder list referred to in § 335.505(a)(2) or (ii) the last preceding update.

(6) If the bidder has elected under § 335.505(f)(1) to require the subject

bank to disseminate amendment disclosing material changes to the tender offer materials under this section, the subject bank promptly following delivery of each such amendment, shall mail or cause to be mailed a copy of each such amendment to each record holder whose name appears on the shareholder list described in § 335.505 (a)(2) and (b)(5) and shall transmit or cause to be transmitted sufficient copies of such amendment to each participant named on security position listings who received sets of the bidder's tender offer materials under § 335.505(b)(3).

(7) The subject bank shall not include any communication other than the bidder's tender offer materials or amendments thereto in the envelopes or other containers furnished by the bidder.

(8) Promptly following the termination of the tender offer, the subject bank shall reimburse the bidder the excess, if any, of the amounts advanced under § 335.505(f)(3)(iii) over the direct costs incidental to compliance by the subject bank and its agents in performing the acts required by this section computed in accordance with § 335.505(g)(2).

(c) *Delivery of stockholder lists and security position listings.* A subject bank which elects under § 335.505(a)(3) to comply with the provisions of this paragraph shall perform the acts prescribed by the following subparagraphs.

(1) No later than the third business day after the date of the bidder's request, the subject bank shall furnish to the bidder at the subject bank's principal executive office a copy of the names and addresses of the record holders on the most recent stockholder list referred to in § 335.505(a)(2) and a copy of the names and addresses of participants identified on the most recent security position listing of any clearing agency which is within the access of the subject bank.

(2) If the bidder has elected under § 335.505(f)(1) to require the subject bank to disseminate amendments disclosing material changes to the tender offer materials, the subject bank shall update the stockholder list by furnishing the bidder with the name and address of each record holder named on the stockholder list, and not previously furnished to the bidder, promptly after such information becomes available to the subject bank during the tender offer and any extensions thereof.

(d) *Liability of subject bank and others.* Neither the subject bank nor any affiliate or agent of the subject bank nor any clearing agency shall be:

(1) Deemed to have made a solicitation or recommendation respecting the tender offer within the meaning of section 14(d)(4) of the Act based solely upon the compliance or noncompliance by the subject bank or any affiliate or agent of the subject bank with one or more requirements of this section;

(2) Liable under any provision of the Federal securities laws to the bidder or to any security holder based solely upon the inaccuracy of the current names or addresses on the stockholder list or security position listing, unless such inaccuracy results from a lack of reasonable care on the part of the subject bank or any affiliate or agent of the subject bank;

(3) Deemed to be an "underwriter" within the meaning of section (2)(11) of the Securities Act of 1933 (15 U.S.C. 77) for any purpose of that Act or any rule or regulation issued thereunder based solely upon the compliance or noncompliance by the subject bank or any affiliate or agent of the subject bank with one or more or the requirements of this section; or

(4) Liable under any provision of the Federal securities laws for the disclosure in the bidder's tender offer materials, including any amendment thereto, based solely upon the compliance or noncompliance by the subject bank or any affiliate or agent of the subject bank with one or more of the requirements of this section.

(e) *Content of the bidder's request.* The bidder's written request referred to in § 335.505(a) shall include the following:

(1) The identity of the bidder;

(2) The title of the class of securities which is the subject of the bidder's tender offer;

(3) A statement that the bidder is making a request to the subject bank under § 335.505(a) for the use of the stockholder list and security position listings for the purpose of disseminating a tender offer to security holders;

(4) A statement that the bidder is aware of and will comply with the provisions of § 335.506(f);

(5) A statement as to whether or not it has elected under § 335.505(f)(1) to disseminate amendments disclosing material changes to the tender offer material under this section; and

(6) The name, address and telephone number of the person whom the subject bank shall contact under § 335.505(a)(4).

(f) *Obligations of the bidder.* Any bidder who requests that a subject bank comply with the provisions of paragraph (a) of this section shall comply with the following subparagraphs.

(1) The bidder shall make an election whether or not to require the subject bank to disseminate amendments disclosing material changes to the tender offer materials under this section, which election shall be included in the request referred to in § 335.505(a) and shall not be revocable by the bidder during the tender offer and extensions thereof.

(2) With respect to a tender offer subject to section 14(d)(1) of the Act in which the consideration consists solely of cash and/or securities exempt from registration under section 3 of the Securities Act of 1933 (15 U.S.C. 77), the bidder shall comply with § 335.504(a)(3).

(3) If the subject bank elects to comply with § 335.505(b),

(i) The bidder shall promptly deliver the tender offer materials after receipt of the notification from the subject bank as provided in § 335.505(a)(4);

(ii) The bidder shall promptly notify the subject bank of any amendment to the bidder's tender offer materials requiring compliance by the subject bank with § 335.505(b)(6) and shall promptly deliver such amendment to the subject bank under § 335.505(g)(1);

(iii) The bidder shall advance to the subject bank an amount equal to the approximate cost of conducting mailings to security holders computed in accordance with § 335.505(g)(2);

(iv) The bidder shall promptly reimburse the subject bank for the direct costs incidental to compliance by the subject bank and its agents in performing the acts required by this section computed in accordance with § 335.505(g)(2) which are in excess of the amount advanced under § 335.505(f)(2)(iii); and

(v) The bidder shall mail by means of first class mail or otherwise furnish with reasonable promptness the tender offer materials to any security holder who requests such materials.

(4) If the subject bank elects to comply with § 335.505(c),

(i) The subject bank shall use the stockholder list and security position listings furnished to the bidder under § 335.505(c) exclusively in the dissemination of tender offer materials to security holders in connection with the bidder's tender offer and extensions thereof;

(ii) The bidder shall return the stockholder lists and security position listings furnished to the bidder under § 335.505(c) promptly after the termination of the bidder's tender offer;

(iii) The bidder shall accept, handle and return the stockholder lists and security position listings furnished to the bidder under § 335.505(c) to the subject bank on a confidential basis;

(iv) The bidder shall not retain any stockholder list or security position

listing furnished by the subject bank under § 335.505(c), or any copy thereof, nor retain any information derived from any such list or listing or copy thereof after the termination of the bidder's tender offer;

(v) The bidder shall mail by means of first class mail, at its own expense, a copy of its tender offer materials to each person whose identity appears on the stockholder list as furnished and updated by the subject bank under§ 335.505(c)(1) and (c)(2);

(vi) The bidder shall contact the participants named on the security position listing of any clearing agency, make inquiry of each participant as to the approximate number of sets of tender offer materials required by each participant, and furnish, at its own expense, sufficient sets of tender offer materials and any amendment thereto to each participant for subsequent transmission to the beneficial owners of the securities being sought by the bidder;

(vii) The bidder shall mail by means of first class mail or otherwise furnish with reasonable promptness the tender offer materials to any security holder who requests such materials; and

(viii) The bidder shall promptly reimburse the subject bank for direct costs incidental to compliance by the subject bank and its agents in performing the acts required by this section computed in accordance with § 335.505(g)(2).

(g) *Delivery of materials, computation of direct costs.* (1) Whenever the bidder is required to deliver tender offer materials or amendments to tender offer materials, the bidder shall deliver to the subject bank at the location specified by the subject bank in its notice given under § 335.505(a)(4) a number of sets of the materials or of the amendment, as the case may be, at least equal to the approximate number of security holders specified by the subject bank in such notice, together with appropriate envelopes or other containers therefor: *Provided, however,* That delivery shall be deemed not to have been made unless the bidder has complied with § 335.505(f)(3)(iii) at the time the materials or amendments, as the case may be, are delivered.

(2) The approximate direct cost of mailing the bidder's tender offer materials shall be computed by adding (i) the direct cost incidental to the mailing of the subject bank's last annual report to shareholders (excluding employees' time), less the costs of preparation and printing of the report, and postage, plus (ii) the amount of first class postage required to mail the bidder's tender offer materials. The approximate direct costs incidental to the mailing of the amendments to the bidder's tender offer materials shall be computed by adding (iii) the estimated direct costs of preparing mailing labels, of updating shareholders lists and of third parity handling charges plus (iv) the amount of first class postage required to mail the bidder's amendment. Direct costs incidental to the mailing of the bidder's tender offer materials and amendments thereto when finally computed may include all reasonable charges paid by the subject bank to third parties for supplies or services, including costs attendant to preparing shareholder lists, mailing labels, handling the bidder's materials, contacting participants named on security position listings, and for postage, but shall exclude indirect costs, such as employee time which is devoted to either contesting or supporting the tender offer on behalf of the subject bank. The final billing for direct costs shall be accompanied by an appropriate accounting in reasonable detail.

§ 335.506 Disclosure requirements with respect to tender offers.

(a) *Information required on date of commencement.*—(1) *Long-form publication.* If a tender offer is published, sent or given to security holders on the date of commencement by means of long-term publication under § 335.8–504(a)(1), such long-form publication shall include the information required by § 335.505(e)(1).

(2) *Summary publication.* If a tender offer is published, sent or given to security holders on the date of commencement by means of summary publication under § 335.506(a)(2).

(i) The summary advertisement shall contain and shall be limited to, the information required by § 335.506(e)(2); and

(ii) The tender offer materials furnished by the bidder upon the request of any security holder shall include the information required by § 335.506(e)(1).

(3) *Use of stockholder lists and security position listing.* If a tender offer is published or sent or given to security holders on the date of commencement by the use of stockholder lists and security position listings under § 335.504(a)(3).

(i) Either (A) the summary advertisement shall contain, and shall be limited to the information required by § 335.506(e)(2), or (B) if long-form publication of the tender offer is made, such long-form publication shall include the information required by § 335.506(e)(1); and

(ii) The tender offer materials transmitted to security holders by use of such lists and security position listings and furnished by the bidder upon the request of any security holder shall include the information required by § 335.506(e)(1).

(4) *Other tender offers.* If a tender offer is published or sent or given to security holders other than under § 335.504(a), the tender offer materials which are published or sent or given to security holders on the date of commencement of such offer shall include the information required by § 335.506(e)(1).

(b) *Information required in summary advertisement made after commencement.* A summary advertisement published subsequent to the date of commencement of the tender offer shall include at least the information specified in § 335.506(e)(1)(i)–(iv) and (e)(2)(iv).

(c) *Information required in other tender offer materials published after commencement.* Except for summary advertisement described in § 335.506(b) and tender offer materials described in § 335.506 (a)(2)(ii) and (a)(3)(ii), additional tender offer materials published, sent or given to security holders subsequent to the date of commencement shall include the information required by § 335.506(e)(1) and may omit any of the information required by § 335.506(e)(1)(v)–(viii) which has been previously furnished by the bidder in connection with the tender offer.

(d) *Material changes.* A material change in the information published or sent or given to security holders shall be promptly disclosed to security holders in additional tender offer materials.

(e) *Information to be included.*—(1) *Long-form publication and tender offer materials.* The information required to be disclosed by § 335.506 (a)(1), (a)(2)(ii), (a)(3)(i)(B) and (a)(4) shall include the following:

(i) The identity of the holder;

(ii) The identity of the subject bank;

(iii) The amount of the class of securities being sought and the type and amount of consideration being offered therefor;

(iv) The scheduled expiration date of the tender offer, whether the tender offer may be extended and, if so, the procedures for extension of the tender offer;

(v) The exact dates prior to which, and after which, security holders who deposit their securities will have the right to withdraw their securities under section 14(d)(5) of the Act and § 335.507 and the manner in which shares will be accepted for payment and in which withdrawal may be effected;

(vi) If the tender offer is for less than all the outstanding securities of a class of equity securities and the bidder is not obligated to purchase all of the securities tendered, the period of periods, and in the case of the period from the commencement of the offer, the date of the expiration of such period during which the securities will be taken up pro rata under section 14(d)(6) of the Act or § 335.506, and the present intention or plan of the bidder with respect to the tender offer in the event of an oversubscription by security holders;

(vii) The disclosure required by items 1(c); 2 (with respect to persons other than the bidder; excluding sub-items (b) and (d); 3; 4; 5; 6; 7; 8; and 10 of Form F–13 (§ 335.512) or a fair and adequate summary thereof; *Provided, however,* That negative responses to any item or sub-item of Form F–13 (§ 335.512) need not be included; and

(viii) The disclosure required by item 9 of Form F–13 or a fair and adequate summary thereof. (Under normal circumstances, summary financial information equivalent to that required by paragraph (e) of SEC Guide 59 of the Guides for Preparation and Filing of Registration Statements under the Securities Act of 1933 (15 U.S.C. 77) for the periods covered by the financial information furnished in response to item 9 will be a sufficient summary. If the information required by item 9 is summarized, appropriate instructions shall be included stating how complete financial information can be obtained.)

(2) *Summary publication.* The information required to be disclosed by § 335.506 (a)(2)(i) and (a)(3)(i)(A) of this section in a summary advertisement is as follows:

(i) The information required by § 335.506(e)(1) (i) through (vi);

(ii) If the tender offer is for less than all the outstanding securities of a class of equity securities, a statement as to whether the purpose or one of the purposes of the tender offer is to acquire or influence control of the business of the subject bank;

(iii) A statement that the information required by § 335.506(e)(1)(vii) is incorporated by reference into the summary advertisement;

(iv) Appropriate instructions as to how security holders may obtain promptly, at the bidder's expense, the bidder's tender offer materials; and

(v) In a tender offer published or sent or given to security holders by the use of stockholders lists and security position listings under § 335.504(a)(3), a statement that a request is being made for such lists and listings and that tender offer materials will be mailed to record holders and will be furnished to brokers, banks and similar persons whose name appears or whose nominee appears on the list of stockholders or, if applicable, who are listed as participants in a clearing agency's security position listing for subsequent transmittal to beneficial owners of such securities.

(3) *No transmittal letter.* Neither the initial summary advertisement nor any subsequent summary advertisement shall inlcude a transmittal letter (whereby securities of the subject bank which are sought in the tender offer may be transmitted to the bidder or its depository) or any amendment thereto.

§ 335.507 Additional withdrawal rights.

(a) *Rights.* In addition to the provisions of section 14(d)(5) of the Act, any person who has deposited securities pursuant to a tender offer has the right to withdraw any such securities during the following periods:

(1) At any time until the expiration of fifteen business days from the date of commencement of such tender offer; and

(2) On the date and until the expiration of ten business days following the date of commencement of another bidder's tender offer other than under § 335.502(b) for securities of the same class: *Provided,* That the bidder has received notice or otherwise has knowledge of the commencement of such other tender offer and: *Provided, further,* That withdrawal may only be effected with respect to securities which have not been accepted for payment in the manner set forth in the bidder's tender offer prior to the date such other tender offer is first published, sent or given to security holders.

(b) *Computation of time periods.* The time periods for withdrawal rights under this section shall be computed on a concurrent, as opposed to a consecutive basis.

(c) *Knowledge of competing offer.* For the purposes of this section, a bidder shall be presumed to have knowledge of another tender offer, as described in § 335.507(a)(2), on the date such bidder receives a copy of the Form F–13 (§ 335.512) under § 335.502 from such other bidder.

(d) *Notice of Withdrawal.* Notice of withdrawal under this section shall be deemed to be timely upon the receipt by the bidder's depository of a written notice of withdrawal specifying the name(s) of the tendering stockholder(s), the number or amount of the securities to be withdrawn and the name(s) in which the certificate(s) is (are) registered, if different from that of the tendering security holder(s). A bidder may impose other reasonable requirements, including certificate numbers and a signed request for withdrawal accompanied by a signature guarantee, as conditions precedent to the physical release of withdrawn securities.

§ 335.508 Exemption from statutory pro rata requirement.

The limited pro rata provisions of section 14(d)(6) of the Act shall not apply to any tender offer for less than all the outstanding securities of the class for which the tender offer is made to the extent that the bidder provides in the tender offer materials disseminated to security holders on the date of commencement of the tender offer that in the event more securities are deposited during the period(s) described in § 335.508 (a) and/or (b) than the bidder is bound or willing to accept for payment, all securities deposited during such period(s) will be accepted for payment as nearly as practicable on a pro rata basis, disregarding fractions, according to the number of securites deposited by each depositor.

(a) Any period which exceeds ten days from the date of commencement of the tender offer;

(b) Any period which exceeds ten days from the date that notice of an increase in the consideration offered is first published, sent or given to security holders.

§ 335.509 Solicitation/recommendation statements with respect to certain tender offers.

(a) *Filing and transmittal of recommendation statement.* No solicitation or recommendation to security holders shall be made by any person described in § 335.509(d) with respect to a tender offer for the securities unless as soon as practicable on the date the solicitation or recommendation is first published or sent or given to security holders the person complies with the following subparagraphs.

(1) The person shall file with the FDIC six copies of a Solicitation/Recommendation Statement on Form F–12 (§ 335.513), including all exhibits thereto; and

(2) If the person is either the subject bank or an affiliate of the subject bank,

(i) The person shall hand deliver a copy of the Form F–12 to the bidder at its principal office or at the address of the person authorized to receive notices and communications (which is set forth on the cover sheet of the bidder's Form F–13 (§ 335.512) filed with the FDIC); and

(ii) The persons shall give telephonic notice (which notice to the extent possible shall be given prior to the

opening of the market) of the information required by items 2 and 4(a) of Form F–12 and shall mail a copy of the form to each national securities exchange where the class of securities is registered and listed for trading and, if the class is authorized for quotation in the NASDAQ interdealer quotation system, to the National Association of Securities Dealers, Inc. ("NASD").

(3) If the person is neither the subject bank nor an affiliate of the subject bank,

(i) The person shall mail a copy of the Form F–12 to the bidder at its principal office or at the address of the person authorized to receive notices and communications (which is set forth on the cover sheet of the bidder's Form F–13 (§ 335.512) filed with the FDIC); and

(ii) The person shall mail a copy of the Form F–12 to the subject bank at its principal office.

(b) *Amendments.* If any material change occurs in the information set forth in Form F–12 (§ 335.513) required by this section, the person who filed Form F–12 shall:

(1) File with the FDIC six copies of an amendment of Form F–12 (§ 335.513) disclosing the change promptly, but not later than the date the material is first published, sent or given to security holders; and

(2) Promptly deliver copies and give notice of the amendment in the same manner as that specified in § 335.509 (a)(2) or (a)(3), whichever is applicable; and

(3) Promptly disclose and disseminate the change in a manner reasonably designed to inform security holders of the change.

(c) *Information required in solicitation or recommendation.* Any solicitation or recommendation to holders of a class of securities referred to in section 14(d)(1) of the Act with respect to a tender offer for the securities shall include the name of the person making the solicitation or recommendation and the information required by items 1, 2, 3(b), 4, 6, 7 and 8 of Form F–12 (§ 335.513) or a fair and adequate summary thereof: *Provided, however,* That the solicitation or recommendation may omit any of the information previously furnished to security holders of the class of securities by the person with respect to the tender offer.

(d) *Applicability.* (1) Except as provided in § 335.509 (d)(2) and (e), this section shall only apply to the following persons:

(i) The subject bank, any director, officer, employee, affiliate or subsidiary of the subject bank;

(ii) Any record holder or beneficial owner of any security issued by the subject bank, by the bidder, or by any affiliate of either the subject bank or the bidder; and

(iii) Any person who makes a solicitation or recommendation to security holders on behalf of any of the foregoing or on behalf of the bidder other than by means of a solicitation or recommendation to security holders which has been filed with the FDIC under this section or § 335.503.

(2) Notwithstanding § 335.509(d)(1), this section shall not apply to the following persons:

(i) A bidder who has filed Form F–13 (§ 335.512) under § 335.503;

(ii) Attorneys, banks, brokers, fiduciaries or investment advisers who are not participating in a tender offer in more than a ministerial capacity and who furnish information and/or advice regarding the tender offer to their customers or clients on the unsolicited request of such customers or clients or solely pursuant to a contract or a relationship providing for advice to the customer or client to whom the information and/or advice is given.

(e) *Stop-look-and-listen communications.* This section shall not apply to the subject bank with respect to its communication to its security holders which only:

(1) Identifies the tender offer by the bidder;

(2) States that the tender offer is under consideration by the subject bank's board of directors and/or management;

(3) States that on or before a specified date (which shall be no later than 10 business days from the date of commencement of the tender offer) the subject bank will advise its security holders of (i) whether the subject bank recommends acceptance or rejection of the tender offer; expresses no opinion and remains neutral toward the tender offer; or is unable to take a position with respect to the tender offer and (ii) the reason(s) for the position taken by the subject bank with respect to the tender offer (including the inability to take a position); and

(4) Requests its security holders to defer making determination whether to accept or reject the tender offer until they have been advised of the subject bank's position with respect thereto under § 335.509(e)(3).

(f) *Statement of management's position.* A statement by the subject bank of its position with respect to a tender offer which is required to be published or sent or given to security holders under § 335.511 below shall constitute a solicitation or recommendation within the meaning of this section and section 14(d)(4) of the Act.

§ 335.510 Unlawful tender offer practices.

No person who makes a tender offer subject to this Part 335 shall:

(a) Hold such tender offer open for less then twenty business days from the date such tender offer is first published or sent or given to security holders: *Provided, however,* That this paragraph shall not apply to a tender offer by a bank relating to its class of securities which are being sought which is not made in anticipation of or in response to another person's tender offer for securities of the same class;

(b) Increase the offered consideration or the dealer's soliciting fee to be given in a tender offer unless such tender offer remains open for at least ten business days from the date that notice of such increase is first published, sent or given to security holders: *Provided, however,* That this paragraph shall not apply to a tender offer by a bank relating to its class of securities which are being sought which is not made in anticipation of or in response to another person's tender offer for securities of the same class;

(c) Fail to pay the consideration offered or return the securities deposited by or on behalf of security holders promptly after the termination or withdrawal of a tender offer;

(d) Extend the length of a tender offer without issuing a notice of such extension by press release or other public announcement, which notice shall include disclosure of the approximate number of securities deposited to date and shall be issued no later than the earlier of (1) 9:00 a.m. Eastern time, on the next business day after the scheduled expiration date of the offer or (2) if the class of securities which is the subject of the tender offer is registered on one or more national securities exchanges, the first opening of any one of such exchanges on the next business day after the scheduled expiration date of the offer.

§ 335.511 Position of subject bank with respect to a tender offer.

(a) *Position of bank.* The bank, no later than 10 business days from the date the tender offer is first published or sent or given, shall publish, send or give to security holders a statement disclosing that the bank:

(1) Recommends acceptance or rejection of the bidder's tender offer;

(2) Expresses no opinion and is remaining neutral toward the bidder's tender offer; or

(3) Is unable to take a position with respect to the bidder's tender offer. Such statement shall also include the reason(s) for the position (including the

inability to take a position) disclosed therein.

(b) *Material change.* If any material change occurs in the disclosure required by § 335.511(a), the Bank shall promptly publish, send or give a statement disclosing such material change to security holders.

§ 335.512 Tender offer statement to be filed under section 14(d)(1) of the Securities Exchange Act of 1934 (Form F-13).

Federal Deposit Insurance Corporation
Washington, D.C. 20429.

Form F-13

Tender Offer Statement Under Section 14(d)(1) of the Securities Exchange Act of 1934

(Amendment No. ———)

(Name of Subject Bank)

(Bidder)

(Title of Class of Securities)

(CUSIP Number of Class of Securities)

(Name, address and telephone number of person authorized to receive notices and communications on behalf of bidder)

Instruction. Two copies of this statement, including all exhibits, and four additional copies of this statement, including only the exhibits described in item 11(a) of this statement, should be filed with the FDIC.

General Instructions. A. The item numbers and captions of the items shall be included but the text of the items is to be omitted. The answers to the items shall be prepared so as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

B. Information in exhibits to the statement may be incorporated by reference in answer or partial answer to any item of sub-item of the statement unless it would render an answer misleading, incomplete, unclear or confusing. Material incorporated by reference shall be clearly identified in the reference by page, paragraph, caption or otherwise. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement where the information is required. A copy of any information or a copy of the pertinent pages of a document containing information which is incorporated by reference shall be submitted with this statement as an exhibit and shall be considered filed with the FDIC for purposes of the Act.

C. If the statement is filed by a partnership, limited partnership, syndicate or other group, the information called for by items 2–7, inclusive, shall be given with respect to: (i) Each partner of a partnership; (ii) each partner who is named a general partner or who functions as a general partner of a limited partnership; (iii) each member of a syndicate or group; and (iv) each person controlling a partner or member. If the statement is filed by a corporation, or if a person referred to in (i), (ii), (iii), or (iv) of this instruction is a corporation, the information called for by the above mentioned items shall be given with respect to: (a) each executive officer and director of a corporation; (b) each person controlling a corporation; and (c) each executive officer and director of any corporation ultimately in control of a corporation. A response to an item in the statement is required with respect to the bidder and to all other persons referred to in this instruction unless the item specifies to the contrary.

D. Upon termination of the tender offer, the bidder shall promptly file a final amendment to this Form F-13 disclosing all material changes in the items of this Form F-13 and stating that the tender offer has terminated, the date of such termination and the results of such tender offer.

E. If the bidder, before filing this statement, has filed a Form F-11 (§ 335.407) with respect to the acquisition of securities of the same class referred to in item 1(a) of this statement, the bidder shall amend such Form F-11 (§ 335.407) and may do so by means of this statement and amendments thereto, including the final amendment required to be filed by instruction D: *Provided,* That the bidder indicated on the cover sheet of this statement that it is amending its Form F-11 (§ 335.407) by means of this statement.

F. The final amendment required to be filed by instruction D shall be deemed to satisfy the reporting requirements of section 13(d) of the Act with respect to all securities acquired by the bidder pursuant to the tender offer as reported in such final amendment.

G. For purposes of this statement, the following definitions shall apply:

(i) The term "bidder" means any person on whose behalf a tender offer is made; and

(ii) The term "subject bank" means any bank whose securities are sought by a bidder pursuant to a tender offer.

Item 1—Security and Subject Bank. (a) State the name of the subject bank and the address of its principal office;

(b) State the exact title and the number of shares outstanding of the class of equity securities being sought (which may be based upon information contained in the most recently available filing with the FDIC by the subject bank unless the bidder has reason to believe such information is not current), the exact amount of such securities being sought and the consideration being offered therefor; and

(c) Identify the principal market in which such securities are traded and state the high and low sales prices for such securities in such principal market (or, in the absence thereof, the range of high and low bid quotations) for each quarterly period during the past two years.

Item 2—Identity and Background. If the person filing this statement or any person enumerated in instruction C of this statement is a corporation, partnership, limited partnership, syndicate or other group of persons, state its name, the state or other place of its organization, its principal business, the address of its principal office and the information required by (e) and (f) of this item. If the person filing this statement or any person enumerated in instruction C is a natural person, provide the information specified in (a) through (g) of this item with respect to such person(s).

(a) Name;

(b) Residence or business address;

(c) Present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment or occupation is conducted;

(d) Material occupations, positions, offices or employments during the last 5 years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which such occupation, position, office or employment was carried on.

Instruction. If a person has held various positions with the same organization, of if a person holds comparable positions with multiple related organizations, each and every position need not be specifically disclosed.

(e) Whether or not, during the last 5 years, such person has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of court, and penalty imposed or other disposition of the case.

Instruction. While a negative answer to this sub-item is required in this schedule, it need not be furnished to security holders.

(f) Whether or not, during the last 5 years, such person was a party to a civil proceeding of a judicial or administrative body of competent jurisdiction and as a result of such proceeding, was or is subject to a judgment, decree or final order enjoining future violations of, or prohibiting activities subject to, Federal or State securities laws or finding any violation of such laws; and, if so, identify and describe such proceeding and summarize the terms of such judgment, decree or final order.

Instruction. While a negative answer to this subitem is required in this schedule, it need not be furnished to security holders.

(g) Citizenship(s).

Item 3—Past Contracts, Transactions or Negotiations With the Subject Bank.

(a) Briefly state the nature and approximate amount (in dollars) of any transaction, other than those described in item 3(b) of this schedule, which has occurred since the commencement of the subject bank's third full fiscal year preceding the date of this schedule, between the person filing this schedule (including those persons enumerated in instruction C of this schedule) and:

(1) The subject bank or any of its affiliates which are corporations: *Provided, however,* That no disclosure need be made with respect to any transaction if the aggregate amount involved in such transaction was less than one percent of the subject bank's consolidated revenues (which may be based upon information contained in the most recently available filing with the FDIC by the subject bank, unless the bidder has reason to believe otherwise); (i) For the fiscal year in

which such transaction occurred, or (ii) for the portion of the current fiscal year which has occurred, if the transaction occurred in such year; and

(2) The executive officers, directors, or affiliates of the subject bank which are not corporations, if the aggregate amount involved in such transaction or in a series of similar transactions, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, exceeds $40,000.

(b) Describe any contracts, negotiations or transactions which have occurred since the commencement of the subject bank's third full fiscal year preceding the date of this schedule between the bidder or its subsidiaries (including those persons enumerated in instruction C of this schedule) and the subject bank or its affiliates concerning: A merger, consolidation or acquisition; a tender offer or other acquisition of securities; an election of directors; or a sale or other transfer of a material amount of assets.

Item 4—Source and Amount of Funds or Other Consideration.

(a) State the source and the total amount of funds or other consideration for the purchase of the maximum number of securities for which the tender offer is being made.

(b) If all or any part of such funds or other consideration are or are expected to be, directly or indirectly, borrowed for the purpose of the tender offer:

(1) Provide a summary of each loan agreement or arrangement containing the identify of the parties, the term, the collateral, the stated and effective interest rates, and other material terms or conditions relative to such loan agreement; and

(2) Briefly describe any plans or arrangements to finance or repay such borrowings, or if no such plans or arrangements have been made, make a statement to that effect.

(c) If the source of all or any part of the funds to be used in the tender offer is a loan made in the ordinary course of business by a bank as defined in section 3(a)(6) of the Act, the name of such bank shall not be made available to the public if the person filing the statement so requests in writing and files such request, naming such bank, with the FDIC.

(d) If the source of all or any part of the funds to be used in the tender offer is a loan made by a bank as defined in section 3(a)(6) of the Act, indicate whether there exists any agreement, arrangement, or understanding pursuant to which the subject bank maintains or would maintain a correspondent deposit account at such lending bank.

Item 5—Purpose of the Tender Offer and Plans or Proposals of the Bidder.

State the purpose or purposes of the tender offer for the subject bank's securities. Decribe any plans or proposals which relate to or would result in:

(a) An extraordinary corporate transaction, such as a merger, reorganization or liquidation, involving the subject bank or any of its subsidiaries;

(b) A sale or transfer of a material amount of assets of the subject bank or any of its subsidiaries;

(c) Any change in the present board of directors or management of the subject bank including, but not limited to, any plans or proposals to change the number or the term of directors or to fill any exising vacancies on the board;

(d) Any material change in the present capitalization or dividend policy of the subject bank;

(e) Any other material change in the subject bank's corporate structure or business;

(f) Causing a class of securities of the subject bank to be delisted from a national securities exchange or to cease to be authorized to be quoted in an inter-dealer quotation system of a registered national securities association; or

(g) A class of equity securities of the subject bank becoming eligible for termination of registration under section 12(g)(4) of the Act.

Item 6—Interest in Securities of the Subject Bank.

(a) State the aggregate number and percentage of the class represented by such shares (which may be based on the number of shares outstanding as contained in the most recently available filing with the FDIC by the subject bank unless the bidder has reason to believe such information is not current), beneficially owned (identifying those shares for which there is a right to acquire) by each person named in item 2 of this schedule and by each associate and majority-owned subsidiary of such person giving the name and address of any such associate or subsidiary.

(b) Describe any transaction in the class of securities reported on that was effected during the past 60 days by the persons named in response to paragraph (a) of this item or by any executive officer, director or subsidiary of such person.

Instructions. 1. The description of a transaction required by item 6(b) shall include, but not necessarily be limited to: (1) The identity of the person covered by item 6(b) who effected the transaction; (2) the date of the transaction; (3) the amount of securities involved; (4) the price per share; and (5) where and how the transaction was effected.

2. If the information required by item 6(b) of this Form F–13 is available to the bidder at the time this statement is initially filed with the FDIC under § 335.503(a)(1), the information should be included in the initial filing. However, if the information is not available to the bidder at the time of the initial filing, it shall be filed with the FDIC promptly but in no event later that two business days after the date of filing and, if material, shall be disclosed in a manner reasonably designed to inform security holders. The procedure specified by this instruction is provided for the purpose of maintaining the confidentiality of the tender offer in order to avoid possible misuse of inside information.

Item 7—Contracts, Arrangements, Understandings, or Relationships With Respect to the Subject Bank's Securities.

Describe any contract, arrangement, understanding, or relationship (whether or not legally enforceable) between the bidder (including those persons enumerated in instruction C to this Form F–13) and any person with respect to any securities of the subject bank, (including, but not limited to, any contract, arrangement, understanding or relationship concerning the transfer or the voting of any of such securities, joint ventures, loan or option arrangements, puts or calls, guaranty of loans, guaranty against loss, or the giving or withholding of proxies) naming the persons with whom such contracts, arrangements, understandings or relationships have been entered into and giving the material provisions thereof. Include such information for any of such securities that are pledged or otherwise subject to a contingency, the occurrence of which would give another person the power to direct the voting or disposition of such securities, except that, disclosure of standard default and similar provisions contained in loan agreements need not be included.

Item 8—Persons Retained, Employed or To Be Compensated.

Identify all persons and classes of persons employed, retained or to be compensated by the bidder, or by any person on the bidder's behalf, to make solicitations or recommendations in connection with the tender offer and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 9—Financial Statements of Certain Bidders.

Where the bidder is other than a natural person and the bidder's financial condition is material to a decision by a security holder of the subject company whether to sell, tender or hold securities being sought in the tender offer, furnish current, adequate financial information concerning the bidder; *Provided,* That if the bidder is controlled by another entity which is not a natural person and has been formed for the purpose of making the tender offer, furnish current, adequate financial information concerning such parent.

Instructions. 1. The facts and circumstances concerning the tender offer, particularly the terms of the tender offer, may influence a determination as to whether disclosure of financial information is material. However, once the materiality requirement is applicable, the adequacy of the financial information will depend primarily on the nature of the bidder.

In order to provide guidance in making this determination, the following types of financial information will be deemed adequate for purposes of this item for the type of bidder specified: (a) Financial statements prepared in compliance with SEC Form 10 as amended (17 CFR 249.210) for a domestic bidder which is otherwise eligible to use such form; and (b) financial statements prepared in compliance with SEC Form 20 (17 CFR 249.220) for a foreign bidder which is otherwise eligible to use such form.

2. If the bidder is subject to the periodic reporting requirements of sections 13(a) or 15(d) of the Act, financial statements contained in any document filed with the FDIC under the Act may be incorporated by reference in this Form F–13 solely for the purposes of this Form F–13: *Provided,* That such financial statements substantially meet

the requirements of this item; an express statement is made that such financial statements are incorporated by reference; the matter incorporated by reference is clearly identified by page, paragraph, caption or otherwise; and an indication is made where such information may be inspected and copies obtained. Financial statements which are required to be presented in comparative form for two or more fiscal years or periods shall not be incorporated by reference unless the material incorporated by reference includes the entire period for which the comparative data is required to be given.

3. If the bidder is not subject to the periodic reporting requirements of the Act, the financial statements required by this item need not be audited if such financial statements are not available or obtainable without unreasonable cost or expense and a statement is made to that effect disclosing the reasons therefor.

Item 10—Additional Information.

If material to a decision by a security holder whether to sell, tender or hold securities being sought in the tender offer, furnish information as to the following:

(a) Any present or proposed material contracts, arrangements, understandings or relationships between the bidder or any of the persons listed in general instruction C or any of its subsidiaries and the subject bank or any of its executive officers, directors, controlling persons or subsidiaries (other than any contract, arrangement or understanding required to be disclosed under item 3 or 7 of this schedule);

(b) To the extent known by the bidder after reasonable investigation, the applicable regulatory requirements which must be complied with or approvals which must be obtained in connection with the tender offer;

(c) The applicability of anti-trust laws;

(d) The applicability of the margin requirements of section 7 of the Act and the regulations promulgated thereunder;

(e) Any material pending legal proceedings relating to the tender offer including the name and location of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto and a brief summary of the proceedings.

Instruction. In connection with this sub-item, a copy of any document relating to a major development (such as pleadings, an answer, complaint, temporary restraining order, injunction, opinion, judgment or order) in a material pending legal proceeding should be promptly furnished to the FDIC on a supplemental basis.

(f) Such additional material information, if any, as may be necessary to make the required statements, in light of the circumstances under which they are made, not materially misleading.

Item 11—Material To Be Filed as Exhibits.

Furnish a copy of: (a) Tender offer material which is published, sent or given to security holders by or on behalf of the bidder in connection with the tender offer;

(b) Any loan agreement referred to in item 4 of this schedule;

Instruction. The identity of any bank which is a party to a loan agreement need not be disclosed if the person filing the statement has requested that the identity of such bank not be made available to the public under item 4 of this Form F-13.

(c) Any document setting forth the terms of any contracts, arrangements, understandings or relationships referred to in item 7 or 10(a) of this Form F-13;

(d) Any written opinion prepared by legal counsel at the bidder's request and communicated to the bidder pertaining to the tax consequences of the tender offer;

(e) In an exchange offer where securities of the bidder have been or are to be registered under the Securities Act of 1933, the prospectus containing the information required to be included therein by SEC Rule 434b (17 CFR 230.434b) of that Act; and

(f) If any oral solicitation of security holders is to be made by or on behalf of the bidder, any written instruction, form or other material which is furnished to the persons making the actual oral solicitation for their use, directly or indirectly, in connection with the tender offer.

Signature. After due inquiry and to the best of my knowledge and belief, I certify that the information set forth in this statement is true, complete and correct.

Date ————.

(Signature)

(Name and Title)

The original statement shall be signed by each person on whose behalf the statement is filed or his authorized representative. If the statement is signed on behalf of a person by his authorized representative (other than an executive officer or general partner of the bidder), evidence of the representative's authority to sign on behalf of such person shall be filed with the statement. The name and any title of each person who signs the statement shall be typed or printed beneath his signature.

§ 335.513 Solicitation/recommendation statement to be filed under section 14(d)(4) of the Securities Exchange Act of 1934 (Form F-12).

Federal Deposit Insurance Corporation
Washington, D.C. 20429

Form F-12

Solicitation/Recommendation Statement Under Section 14(d)(4) of the Securities Exchange Act of 1934

(Amendment No. ————)

(Name of Subject Bank)

(Name of Person(s) Filing Statement)

(Title of Class of Securities)

((CUSIP) Number of Class of Securities)

(Name, address and telephone number of person authorized to receive notice and communications on behalf of the person(s) filing statement)

Instruction: Six copies of this statement, including all exhibits, should be filed with the FDIC.

General Instruction

A. The item numbers and captions of the items shall be included but the text of the items is to be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative so state.

B. Information contained in exhibits to the statement may be incorporated by reference in answer or partial answer to any item or sub-item of the statement unless it would render such answer misleading, incomplete, unclear or confusing. Material incorporated by reference shall be clearly identified in the reference by page, paragraph, caption or otherwise. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement where the information is required. A copy of any information or a copy of the pertinent pages of a document containing such information which is incorporated by reference shall be submitted with this statement as an exhibit and shall be considered filed with the FDIC for purposes of the Act.

Item 1—Security and Subject Bank.

State the title of the class of equity securities to which this statement relates and the name and the address of the principal office of the subject bank.

Item 2—Tender Offer of the Bidder.

Identify the tender offer to which this statement relates, the name of the bidder and the address of its principal executive offices or, if the bidder is a natural person, the bidder's residence or business address (which may be based on the bidder's Form F-13) (§ 335.512) filed with the FDIC.

Item 3—Identify and Background.

(a) State the name and business address of the person filing this statement.

(b) If material, describe any contract, agreement, arrangement or understanding and any actual or potential conflict of interest between the person filing this statement or its affiliates and: (1) The subject bank, its principal officers, directors or affiliates; or (2) the bidder, its executive officers, directors or affiliates.

Instruction: If the person filing this statement is the subject bank and if the materiality requirement of item 3(b) is applicable to any contract, agreement, arrangement or understanding between the subject bank or any affiliate of the subject bank and any principal officer or director of the subject bank, it shall not be neccessary to include a description thereof in this statement, or in any solicitation or recommendation published, sent or given to security holders if substantially similar information has been disclosed in any proxy statement, report or other communication sent within one year of the filing date of this statement by the subject bank to the then holders of the securities and has been filed with the FDIC: *Provided* That this statement and the solicitation or recommendation published, sent or given to security holders shall contain specific reference to the proxy statement, report or other communication and

that a copy of the pertinent portion(s) thereof is filed as an exhibit to this statement.

Item 4—The Solicitation or Recommendation.

(a) State the nature of the solicitation or the recommendation. If this statement relates to a recommendation, state whether the person filing this statement is advising security holders of the securities being sought by the bidder to accept or reject the tender offer or to take other action with respect to the tender offer and, if so, furnish a description of such other action being recommended. If the person filing this statement is the subject bank and a recommendation is not being made, state whether the subject bank is either expressing no opinion and is remaining neutral toward the tender offer or is unable to take a position with respect to the tender offer.

(b) State the reason(s) for the position (including the inability to take a position) stated in (a) of this item.

Instruction: Conclusory statements such as "The tender offer is in the best interest of shareholders," will not be considered sufficient disclosure in response to item 4(b).

Item 5—Persons Retained, Employed or to be Compensated.

Identify any person or class of persons employed, retained or to be compensated by the person filing this statement or by any person on its behalf, to make solicitation or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 6—Recent Transactions and Intent with Respect to Securities.

(a) Describe any transaction in the securities referred to in item 1 which was effected during the past 60 days by the person(s) named in response to item 3(a) and by any executive officer, director, affiliate or subsidiary of such person(s).

(b) To the extent known by the person filing this statement, state whether the persons referred to in item 6(a) presently intend to tender to the bidder, sell or hold securities of the class of securities being sought by the bidder which are held of record or beneficially owned by such persons.

Item 7—Certain Negotiations and Transactions by the Subject Bank.

(a) If the person filing this statement is the subject bank, state whether or not any negotiation is being undertaken or is underway by the subject bank in response to the tender offer which relates or would result in:

(1) An extraordinary transaction such as a merger or reorganization, involving the subject bank or any subsidiary of the subject bank;

(2) A purchase, sale or transfer of a material amount of assets by the subject bank or any subsidiary of the subject bank;

(3) A tender offer for or other acquisition of securities by or of the subject bank; or

(4) Any material change in the present capitalization or dividend policy of the subject bank.

Instruction: If no agreement in principle had yet been reached, the possible terms of any transaction or the parties thereto need not be disclosed if in the opinion of the Board of Directors of the subject bank disclosure would jeopardize continuation of the negotiations. In that event, disclosure that negotiations are being undertaken or are underway and are in a preliminary stage will be sufficient.

(b) Describe any transaction, board resolution, agreement in principle, or a signed contract in response to the tender offer, other than one described in item 3(b) of this statement, which relates to or would result in one or more of the matters listed in item 7(a)(1), (2), (3) or (4).

Item 8—Additional Information to be Furnished.

Furnish any additional information necessary to make the required statements, in light of the circumstances under which they are made, not materially misleading.

Item 9—Material to be Filed as Exhibits.

Furnish a copy of:

(a) Any written solicitation or recommendation which is published or sent or given to security holders in connection with the solicitation or recommendation referred to in item 4.

(b) Any written instruction, or other material which is furnished to persons making any actual oral solicitation or recommendation for their use, directly or indirectly, in connection with the solicitation or recommendation.

(c) Any contract, agreement, arrangement or understanding described in item 3(b) or the pertinent portion(s) of any proxy statement, report or other communication referred to in item 3(b).

Signature

After reasonable inquiry and to the best of my knowledge and belief, I certify that the information set forth in this statement is true, complete and correct.

(Date)

(Signature)

(Name and Title)

Instruction. The original statement shall be signed by each person on whose behelf the statement is filed or his authorized representative. If the statement is signed on behalf of a person by his authorized representative (other than an executive officer of a corporation or a general partner of a partnership), evidence of the representative's authority to sign on behalf of that person shall be filed with the statement. The name and any title of each person who signs the statement shall be typed or printed beneath his signature.

§ 335.520 Purchase of securities by the bank and others.

When a person other than the issuing bank or any person described in section 13(e)(2) of the Act makes a tender offer for, or request or invitation for tenders of, any class of equity securities of a bank subject to section 13(e) of the Act, and such person has filed a statement with the FDIC under subpart E and the issuing bank has received notice thereof, such issuing bank or any person described in section 13(e)(2) of the Act shall not thereafter, during the period such tender offer, request or invitation continues, purchase any equity securities of the issuing bank unless:

(a) The issuing bank or any person described in section 13(e)(2) of the Act has filed with the FDIC a statement containing the information specified below with respect to proposed purchases:

(1) The title and amount of securities to be purchased, the names of the persons or classes of persons from whom, and the market in which, the securities are to be purchased, including the name of any exchange on which the purchase is to be made;

(2) The purpose for which the purchase is to be made and any plan or proposal for the disposition of such securities; and

(3) The source and amount of funds or other consideration used or to be used in making the purchases, and, if any part of the purchase price or proposed purchase price is represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto.

(b) The issuing bank or any person described in section 13(e)(2) of the Act has at any time within the past six months sent or given to the equity security holders of the issuing bank the substance of the information contained in the statement required by § 335.520(a).

§ 335.530 Change in majority of directors.

If, under any arrangement or understanding with the person or persons acquiring securities in a transaction subject to section 13(d) or section 14(d) of the Act, any persons are to be elected or designated as directors of the bank, otherwise than at a meeting of security holders, and the persons so elected or designated will constitute a majority of the directors of the bank, then, not less than 10 days prior to the date any such person takes office as a director, or such shorter period prior to that date as the FDIC may authorize upon a showing of good cause therefor, the bank shall file with the FDIC and transmit to all holders of record of securities of the bank who would be entitled to vote at a meeting for election of directors, information substantially equivalent to the information which would be required by items 5 (a), (d), (e), and (f), 6 and 7 of Form F–5 to be transmitted if such person or persons

were nominees for election as directors at a meeting of such security holders.

Subpart F—Financial Statement Requirements

Basic Principles

§ 335.601 Principles of financial reporting.

Financial statements filed with the FDIC under this part shall be prepared in accordance with generally accepted accounting principles and practices applicable to banks. The FDIC may from time to time issue releases on accounting principles and practices to be used with respect to specific areas.

Verification

§ 335.602 General rules.

(a) Every verification with respect to financial statements filed under this part shall be dated, shall be signed manually, shall indicate the city and State where issued, and shall identify without detailed enumeration the financial statements covered by the verification.

(b) If the person or persons making a verification considers that he/she must take exceptions or express qualifications with respect to the verification, each exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

§ 335.603 Opinions to be expressed by principal accounting officer and internal auditor.

Every verification by a bank's principal accounting officer and internal auditor shall state:

(a) The opinions the persons with respect to the financial statements covered by the verification and the accounting principles and practices reflected therein; and

(b) The opinions of the persons as to any material changes in accounting principles or practices or in the method of applying the accounting principles or practices, or adjustments of the accounts, required to be set forth by § 335.614.

§ 335.604 Examination by independent public accountants.

(a) *Qualifications of independent public accountants.*

(1) The FDIC will not recognize any person as an independent public accountant who is not registered or licensed to practice as a public accountant by a regulatory authority of a State and in good standing with such authority as such an accountant.

(2) The FDIC will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (i) in which, during the period of his/her professional engagement to examine the financial statements being reported on or at the date of his report, the firm or a member of the firm had, or was committed to acquire, a direct financial interest or any material indirect financial interest, or (ii) with which, during the period of his/her professional engagement to examine the financial statements being reported on, at the date of the report or during the period covered by the financial statements, the firm or a member of the firm was connected as a promoter, underwriter, voting trustee, director, officer, or employee. A firm will be deemed independent in regard to a particular person if a former officer or employee of the person is employed by the firm and the individual has been completely disassociated from the person and its affiliates and does not participate in auditing financial statements of the person or its affiliates covering any period of his/her employment by the person. For the purposes of this section the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit.

(3) In determining whether a public accountant is, in fact, independent with respect to a particular person, the FDIC will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the FDIC.

(b) *Representations as to the audit.* The independent public accountant's report—

(1) shall state whether the audit was made in accordance with generally accepted auditing standards; and

(2) shall designate any auditing procedures generally recognized as normal (or deemed necessary by the accountant under the circumstances of the particular case) that have been omitted, and the reasons for their omission. Nothing in this provision shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by § 335.604(c).

(c) *Opinions to be expressed.* The independent public accountant's report shall state clearly:

(1) The opinion of the accountant with respect to the financial statements covered by the report and the accounting principles and practices reflected therein; and

(2) The opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in the principles which have a material effect on the financial statements required to be set forth by § 335.614.

(d) *Exceptions.* If the accountant making the report considers that he/she must take exceptions or express qualifications with respect thereto, each exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(e) *Association with unaudited note covering interim financial data.* If the financial statements covered by the accountant's report designate as "unaudited" the note required by § 335.622(g), it shall be presumed that appropriate professional standards and procedures with respect to the data in the note have been followed by the independent accountant who is associated with the unaudited footnote by virtue of reporting on the financial statements in which the note is included.

(f) *Examination of financial statements by more than one independent public accountant.* If, with respect to the examination of the financial statements of any bank, the principal independent public accountant relies on an audit made by another independent public accountant of certain of the accounts of the bank or its subsidiaries, the report of the other accountant shall be filed (and the provisions of this subparagraph shall be applicable thereto); however, the report of such other accountant need not be filed (1) if no reference is made directly or indirectly to the other accountant's audit in the principal accountant's report, or (2) if, having referred to the other accountant's audit the principal accountant's report indicates an assumption of responsibility for the other accountant's audit.

Maintenance of Records and Preparation of Required Report

§ 335.605 Falsification of accounting records.

No person shall, directly or indirectly, falsify or cause to be falsified, any book, record or account subject to section

13(b)(2)(A) of the Securities Exchange Act.

§ 335.606 Bank's representation in connection with the preparation of required reports and documents.

No director or officer of a bank shall directly or indirectly make or cause to be made a materially false or misleading statement, or omit to state, or cause another person to omit to state, any material fact necessary in order to make statements made, in light of the circumstances under which such statements were made, not misleading to an accountant in connection with (a) any audit or examination of the financial statements of the bank required to be made under this part or (b) the preparation or filing of any document or report required to be filed with the FDIC under this part or otherwise.

Provisions of General Application

§ 335.610 Requirements as to form.

Financial statements shall be prepared in accordance with the applicable requirements of Formats 9A, B, C, D, and E. All money amounts required to be shown in financial statements may be expressed in even dollars or thousands of dollars. If shown in even thousands, an indication to that effect shall be inserted immediately beneath the caption of the statement or schedule, or at the top of each money column. The individual amounts shown need not be adjusted to the nearest dollar or thousand if the failure of the items to add to the totals shown is stated in a note as due to the dropping of amounts of less than $1.00 or $1,000, as appropriate.

§ 335.611 Items not material.

If the amount that would otherwise be required to be shown with respect to any item is not material, it need not be separately set forth.

§ 335.612 Inapplicable captions and omission of unrequired or inapplicable financial statements.

No caption need be shown in any financial statement required by the forms set forth in this part as to which the items and conditions are not present. Financial statements not required or inapplicable because the required matter is not present need not be filed, but the statements omitted and the reasons for their omission shall be indicated in the list of financial statements required by the applicable form.

§ 335.613 Additional information.

In addition to the information required with respect to any financial statement, further information shall be furnished as is necessary to make the required statements, in light of the circumstances under which they are made, not misleading.

§ 335.614 Changes in accounting principles and practices and retroactive adjustments of accounts.

Any change in accounting principle or practice, or in the method of applying any accounting principle or practice, made during any period for which financial statements are filed that affects comparability of the financial statements with those of prior or future periods and the effect thereof upon the net income for each period for which financial statements are filed, shall be disclosed in a note to the appropriate financial statement. Any material retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net income of prior periods, shall be disclosed in a note to the appropriate financial statement.

§ 335.615 Summary of accounting principles and practices.

Information required in notes as to accounting principles and practices reflected in the financial statements may be presented in the form of a single statement. In such a case specific references shall be made in the appropriate financial statements to the applicable portion of the single statement.

§ 335.616 Reacquired evidences of indebtedness.

Reacquired evidences of indebtedness shall be deducted from the appropriate liability caption.

§ 335.617 Reacquired shares.

When authorized by statute, reacquired shares not retired shall be shown separately as a deduction from capital shares, or from the total of capital shares and other stockholders' equity, at either par of stated value, or cost, as circumstances require.

§ 335.618 Foreign activities.

If assets, or operating income, or income (loss) before taxes and securities gains (losses), or net income (loss) associated with foreign activities, exceeded 10 percent of the corresponding amount in the related financial statements, the following disclosures concerning foreign activities shall be furnished in a note to the financial statements.

(a) *Loans.* State separately loan categories as prescribed by schedule A, column C of Consolidated Report of Condition, FDIC 8040/13, as applicable. Categories of less than 10 percent of total loans related to foreign activities may be grouped with all other loans.

(b) *Balances with banks in foreign countries.* State separately balances with foreign branches of other U.S. banks and with other banks in foreign countries. (See line 5 (a) and (b) of schedule C, column C of Consolidated Report of Condition, FDIC 8040/13.) Also furnish the amount of interest-bearing balances included above.

(c) *Deposit liabilities.* Furnish deposit information as prescribed in schedule F/F of Consolidated Report of Condition, FDIC 8040/13. State also amount of interest-bearing deposits in denominations of $100,000 or more.

(d) *Other borrowings.* State separately short-term borrowings, other liabilities for borrowed money, and other indebtedness related to foreign activities corresponding to the amounts reported on the Balance Sheet (Format F–9A) items 18, 20, 21 and 25.

(e) *Income and expense summary.* For each period for which an income statement is filed, furnish information as prescribed in part 1, column B and part 2 of the Statement of Income FDIC 8040/03. State in a note the basis of pricing money transfers and the policy governing allocation of income and expenses to foreign activities.

(f) *Allowance for possible loan losses.* For each period for which a statement of income is filed, furnish in a note a reconciliation of changes in the allowance of possible loan losses applicable to loans related to foreign activities.

(g) If disclosure above is required, state separately in a note for each significant geographic area, and in the aggregate for all other geographic areas not deemed significant, the following:

(1) total assets (net of valuation allowances)

(2) total operating income

(3) income (loss) before taxes and securities gains (losses)

(4) net income (loss)

Note.—A "significant geographic area" is one whose assets, operating income, or net income exceed 10 per cent of the comparable amount as reported in the related financial statements.

§ 335.619 Foreign currencies.

The basis of conversion of all items in foreign currencies shall be stated, and the amount and disposition of the resulting unrealized profit or loss shown. Disclosure should be made as to the

effect, insofar as this can be reasonably determined, of foreign exchange restrictions upon the consolidated financial position and operating results of the bank and its subsidiaries.

§ 335.620 Commitments.

If material in amount, the pertinent facts relative to firm commitments for the acquisition, directly or indirectly, of fixed assets and for the purchase, repurchase, construction, or rental of assets under long-term leases shall be stated briefly in the balance sheet or in footnotes referred to therein. Where the rentals or obligations under long-term leases are material the following shall be set forth in a note to the appropriate financial statement:

(a) Total rental expense (reduced by rentals from subleases, with disclosure of such amounts) entering into the determination of results of operations for each period for which an income statement is presented shall be disclosed. Rental payments under short-term leases for a month or less which are not expected to be renewed need not be included. Contingent rentals, such as those based upon usage or sales, shall be reported separately from the basic or minimum rentals.

(b) The minimum rental commitments under all noncancelable leases shall be disclosed, as of the date of the latest balance sheet required, in the aggregate for (1) each of the five succeeding fiscal years and (2) the remainder as a single amount. The amounts so determined should be reduced by rentals to be received from existing noncancelable subleases (with disclosure of the amounts of such rentals). For purposes of this rule, a noncancelable lease is defined as one that has an initial or remaining term of more than one year and is noncancelable, or is cancelable only upon the occurrence of some remote contingency or upon the payment of a substantial penalty.

(c) Additional disclosures shall be made to report in general terms: (1) the basis for calculating rental payments if dependent upon factors other than the lapse of time; (2) existence and terms of renewal or purchase options, escalation clauses, etc; (3) the nature and amount of related guarantees made or obligations assumed; (4) restrictions on paying dividends, incurring additional debt, further leasing, etc; and (5) any other information necessary to assess the effect of lease commitments upon the financial position, results of operations, and changes in financial position of the lessee.

§ 335.621 General notes to balance sheets.

If present with respect to the bank for which the statement is filed, the following shall be set forth in the balance sheet or in referenced notes. Information required by § 335.621(a), (e), (f), (g), (h), (i), and (j) shall be provided with the most recent fiscal year balance sheet and any interim date balance sheet being filed.

(a) *Assets subject to lien.* The amounts of assets mortgaged, pledged, or otherwise subject to a lien or security interest shall be designated and the obligation secured thereby, if any, shall be identified briefly.

(b) *Intercompany profits and losses.* The effect upon any balance sheet item of profits or losses, resulting from transactions with affiliated companies and not eliminated shall be stated. If impracticable of accurate determination without unreasonable effort or expense, an estimate or explanation shall be given.

(c) *Pension and retirement plans.* (1) A brief description of the essential provisions of any employee pension or retirement plan and of the accounting and funding policies relating thereto shall be given; (2) The estimated annual cost of the plan shall be stated; (3) If a plan has not been funded or otherwise provided for, the estimated amount that would be necessary to fund or otherwise provide for the past-service cost of the land shall be disclosed; (4) The excess, if any, of the actuarially computed value of vested benefits over the total of the pension fund and any balance sheet accruals, less any pension prepayments or deferred charges, shall be stated as of the most recent practicable date; (5) A statement shall be given of the nature and effect of significant matters affecting comparability of pension costs for which income statements are presented.

(d) *Capital stock optioned to officers and employees.* (1) A brief description of the terms of each option arrangement shall be given, including the title and amount of securities subject to the option, the year or years during which the options were granted, and the year or years during which the optionees became, or will become, entitled to exercise the options; (2) There shall be stated the number of shares under option at the balance sheet date, and the option price and the fair value thereof (per share and in total) at the dates the options were granted; the number of shares with respect to which options became exercisable during the period, and the option price and the fair value thereof (per share and in total) at the dates the options became exercisable; the number of shares with respect to which options were exercised during the period, and the option price and the fair value thereof (per share and in total) at the dates the options were exercised; and the number of unoptioned shares available at the beginning and at the close of the latest period presented, for the granting of options under an option plan. A brief description of the terms of each other arrangement covering shares sold or offered for sale to only directors, officers, and key employees shall be given, including the number of shares, and the offered price and the fair value thereof (per share and in total) at the dates of sale or offer to sell, as appropriate. The required information may be summarized as appropriate with respect to each of the categories referred to in § 355.621(d) (2); (3) The basis of accounting for the option arrangements and the amount of charges if any, reflected in income with respect thereto shall be stated.

(e) *Restrictions that limit the availability of surplus and/or undivided profit for dividend purposes.* Describe the most restrictive of any such restriction, other than as reported under item 26(b) of Format F-9A, indicating briefly its source, its pertinent provisions, and where appropriate and determinable, the amount of the surplus and/or undivided profits (1) so restricted or (2) free of such restrictions.

(f) *Contingent liabilities.* A brief statement as to contingent liabilties not reflected in the balance sheet shall be made.

(g) *Standby letters of credit.* State the amount of outstanding "standby letters of credit." For the purpose of this paragraph, "standby letters of credit" include every letter of credit (or similar arrangement however named or designated) which represents an obligation to the beneficiary on the part of the issuing bank (1) to repay money borrowed by or advanced to or for the account of the account party or (2) to make payment on account of any evidence of indebtedness undertaken by the account party, or (3) to make payment on account of any default by the account party in the performance of an obligation,[1] except that, if prior to or at the time of issuance of a standby letter of credit, the issuing bank is paid

[1] As defined, "standby letter of credit" would not include (1) commerical letters of credit and similar instruments where the issuing bank expects the beneficiary to draw upon the issuer and which do not "guaranty" payment of a money obligation or (2) a guaranty or similar obligation issued by a foreign branch in accordance with and subject to the limitations of regulation M of the Board of Governors of the Federal Reserve System.

an amount equal to the bank's maximum liability under the standby letter of credit, or has set aside sufficient funds in a segregated, clearly earmarked deposit account to cover the bank's maximum liability under the standby letter of credit, then the amount of that standby letter of credit need not be stated.

(h) *Defaults.* The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breach of covenant of a related indenture or agreement, which default or breach existed at the date of the most recent balance sheet being filed and which as not been subsequently cured, shall be stated. Notation of such default or breach of covenant shall be made in the financial statements. If a default or breach exists, but acceleration of the obligation has been waived for a stated period of time beyond the date of the most recent balance sheet being filed, state the amount of the obligation and the period of the waiver.

(i) *Significant changes in bonds, mortgages, and similar debt.* Any significant changes in the authorized or issued amounts of bonds, mortgages, and similar debt since the date of the latest balance sheet being filed for a particular person or group shall be stated.

(j) *Warrants or rights outstanding.* Information with respect to warrants or rights outstanding at the date of the related balance sheet shall be set forth as follows: (1) Title of issue of securities called for by warrants or rights outstanding; (2) aggregate amount of securities called for by warrants or rights outstanding; (3) date from which warrants or rights are exercisable and expiration date; (4) price at which warrant or right is exercisable.

§ 335.622 General notes to statement of income.

If present with respect to the bank for which the statement is filed, the following shall be set forth in the statement of income or in referenced notes thereto:

(a) *Intercompany profits and losses.* The amount of any profits or losses resulting from transactions between unconsolidated affiliated companies shall be stated. If impracticable of determination without unreasonable effort and expense, an estimate or explanation shall be given.

(b) *Depreciation and amortization.* For the period for which statements of income are filed, there shall be stated the policy followed with respect to: (1) The provision for depreciation of physical properties or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (2) The provision for depreciation and amortization of intangible assets, or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (3) The accounting treatment for maintenance, repairs, renewals, and improvements; and (4) The adjustment of the accumulated valuation allowances for depreciation and amortization at the time the properties were retired or otherwise disposed of, including the disposition made of any profit or loss on sale of the properties.

(c) *Bonus, profit sharing, and other similar plans.* Describe the essential provisions of any plans in which only directors, officers or key employees may participate, and state, for each of the fiscal periods for which income statements are required to be filed, the aggregate amount provided for all plans by charges to expense.

(d) *Income tax expense.* (1) Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including: (i) Taxes currently payable; (ii) the net tax effects, as applicable, of (A) timing differences (indicate separately the amount of the estimated tax effect of each of the various types of timing differences where the amount of each such tax effects exceeds 5 percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rates; other differences may be combined) and (B) operating losses; and (iii) the net deferred investment tax credits. Amounts applicable to United States Federal income taxes, to foreign income taxes and to other income taxes shall be stated separately for each major component, unless the amounts applicable to foreign and other income taxes do not exceed 5 percent of the total for the component. (2) If it is expected that the cash outlay for income taxes with respect to any of the succeeding three years will substantially exceed income tax expense for such year, that fact should be disclosed together with the approximate amount of the excess the year (or years) of occurrence and the reasons therefor. (3) Provide a reconciliation between the amount of reported total income tax expense and the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, showing the estimated dollar amount of each of the underlying causes for the difference. If no individual reconciling item amounts to more than 5 percent of the amount computed by multiplying the income before tax by the applicable statutory Federal income tax rate, and the total difference to be reconciled is less than 5 percent of the computed amount, no reconciliation need be provided unless it would be significant in appraising the trend of earnings. Reconciling items that are individually less than 5 percent of the computed amount may be aggregated in the reconciliation. The reconciliation may be presented in percentages rather than in dollar amounts.

(e) *Interest capitalized.* The amount of interest cost capitalized in each period for which an income statement is presented shall be shown within the income statement. Banks which follow a policy of capitalizing interest cost shall make the following additional disclosures: (1) The reason for the policy of interest capitalization and the way in which the amount to be capitalized is determined. (2) The effect on net income for each period for which an income statement is presented of following a policy of capitalizing interest as compared to a policy of charging interest to expense as incurred.

(f) *Disagreements on accounting and financial disclosure matters.* If, (1) within the twenty-four months prior to the date of the most recent financial statements, a Form F–3 has been filed reporting a change of accountants, (2) included in the Form F–3 there was a reported disagreement on any matter of accounting principles or practices or financial statement disclosure, (3) during the fiscal year in which the change in accountants took place or during the subsequent fiscal year there have been any transactions or events similar to those which involved the reported disagreement, and (4) such transactions or events were material and were accounted for or disclosed in a manner different from that which the former accountants apparently would have concluded was required, state the existence and nature of the disagreement and also state the effect on the financial statements if the method had been followed which the former accountant apparently concluded was required. The effects on the financial statements need not be disclosed if the method asserted by the former accountant ceases to be generally accepted because of authoritative standards or interpretations subsequently issued.

(g) *Disclosure of selected quarterly financial data in notes to financial statements.*

(1) *Exemption.* This rule shall not apply unless the bank meets the following conditions:

(i) The bank's securities registered under section 12(g) of the Securities Exchange Act of 1934 are quoted on the National Association of Securities Dealers Automated Quotation System and (A) meet the requirements for continued inclusion on the list of OTC margin stocks set forth in section 220.8(i) of Regulation T of the Board of Governors of the Federal Reserve System or (B) the bank has securities registered under section 12(b) of the Securities Exchange Act of 1934; and

(ii) The bank and its consolidated subsidiaries (A) have had a net income after taxes but before extraordinary items and the cumulative effect of a change in accounting of at least $250,000 for each of the last three fiscal years; or (B) had total assets of at least $200,000,000 as of the end of the last fiscal year.

(2) *Disclosure requirement.*

(i) Disclosure shall be made in a note to financial statements of total operating income, income before securities gains (losses), income before extraordinary items and cumulative effect of a change in accounting, net income, and per share data based upon such income for each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented.

(ii) When the data required by the preceding paragraph above vary from the amounts previously reported on the Form F–4 filed for any quarter, such as would be the case when a pooling of interests occurs or where an error is corrected, reconcile the amounts given with those previously reported describing the reason for the difference.

(iii) Describe the effect of any unusual or infrequently occurring items recognized in each full quarter within the two most recent fiscal years and any subsequent interim period for which income statements are presented, as well as the aggregate effect and the nature of year-end or other adjustments that are material to the results of that quarter.

(iv) Where this note is part of audited financial statements, it may be designated "unaudited."

§ 335.623 Consolidated financial statements.

(a) Consolidated statements generally present more meaningful information to the investor than unconsolidated statements. Except where good reason exists, consolidated statement of the bank and its majority-owned significant subsidiaries should be filed.

(b) Every majority-owned bank-premises subsidiary and every majority-owned subsidiary operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations") shall be consolidated with that of the reporting bank irrespective of whether such subsidiary is a significant subsidiary.

(c) If the financial statements of a subsidiary are as of a date or for periods different from those of the bank, such statements may be used as the basis for consolidation of the subsidiary only if the date of such statements is not more than 93 days from the date of the close of the bank's fiscal year; the closing date of the subsidiary is specified; the necessity for the use of different closing dates is explained briefly; and any changes in the respective fiscal periods of the bank and subsidiary made during the period of report are indicated clearly.

(d) There shall be set forth in a note to each consolidated balance sheet filed a statement of any difference between the investment in subsidiaries consolidated, as shown by the bank's books, and the bank's equity in the net assets of such subsidiaries as shown by the subsidiaries' books. If any such difference exists, there shall be set forth the amount of the difference and the disposition made thereof in preparing the consolidated statements, naming the balance sheet captions, and stating the amount included in each.

(e) There may be filed financial statements in which majority-owned subsidiaries not consolidated with the parent are consolidated or combined in one or more groups, and 50 percent or less owned persons, the investments in which are accounted for by the equity method are consolidated or combined in one or more groups, principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the group or groups.

(f) A brief description of the principles followed in consolidating or combining the separate financial statements, including the principles followed in determining the inclusion or exclusion of (1) subsidiaries and (2) companies in consolidated or combined financial statements, shall be stated in the notes to the respective financial statements.

(g) As to each consolidated financial statement and as to each combined financial statement, if there has been a change in the persons included or excluded in the corresponding statement for the preceding fiscal period filed with the Board which has a material effect on the financial statements, the persons included and the persons excluded shall be disclosed. If there have been any changes in the respective fiscal periods of the persons included made during the periods of the report which have a material effect on the financial statements, indicate clearly such changes and the manner of treatment.

(h) A statement shall be made in a note to the latest balance sheet of the amount and the accounting treatment of any difference between the investment of a bank and its consolidated subsidiaries, as shown in the consolidated balance sheet, in the unconsolidated subsidiaries and 50 percent or less owned persons accounted for by the equity method, and their equity in the net assets of such unconsolidated subsidiaries and 50 percent or less owned persons.

§ 335.624 Statement of changes in equity capital.

A statement of changes in equity capital shall be filed with each statement of income filed under this part.

§ 335.625 Statement of changes in financial position.

A statement of changes in financial position shall be filed with each statement of income filed pursuant to this part.

§ 335.626 Schedules to be filed.

(a) The following schedules shall be filed with each balance sheet filed under this part: Schedule I—U.S. Treasury Securities, Obligations of other U.S. Government Agencies and Corporations, Obligations of States and Political Subdivisions, and Other Bonds, Notes and Debentures; schedule III—Loans; and schedule IV—Bank Premises and Equipment.

(b) The following schedule shall be filed with each statement of income filed under this part; schedule II—Loans to Officers, Directors, Principal Security Holders, and any Associates of the Foregoing Persons; schedule V—Investments in, Income from Dividends, and Equity in Earnings or losses of Subsidiaries and Associated Companies; and schedule VI—Allowance for Possible Loan Losses.

(c) Reference to the schedules referred to in § 335.626 (a) and (b) shall be made against the appropriate captions of the balance sheet or statement of income.

(d) The schedules shall be examined by the independent accountant if the related financial statements are so examined.

§ 335.627 Format F-9 financial statements.

A. Balance Sheet (Format F-9A)
B. Statement of Income (Format F-9B)
C. Statement of Changes in Equity Capital (Format F-9C)
D. Statement of Changes in Financial Position (Format F-9D)
E. Schedules (Format F-9E)

General Instructions

1. *Preparation of Financial Statements.*—The formats are intended to serve as guides for preparation of financial statements required to be filed under this part. The formats are recommended presentations, but financial statements may be filed in such form and order as will best indicate their significance and character. Requirements for inclusion of financial statements in certain other guideline forms required by Part 335 are found in the instructions to such forms.

Requirements set forth in subpart F of this part shall be applicable to financial statements filed under Part 335. The term, "financial statements," as used in this instruction, includes all required notes to financial statements and all required schedules.

2. *Accrual accounting.*—Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) where the results would be only insignificantly different on a cash basis, or (b) where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments that were necessary and their effect on prior financial statements filed under this part.

3. *Negative Amounts.*—Negative amounts shall be shown in brackets or parentheses and so described in the related caption, columnar heading or a note to the statement or schedule, as appropriate.

4. *Items not Material.*—If the amount that would otherwise be required to be shown with respect to any items is not material, it need not be separately set forth.

5. *Inapplicable Captions and Omission of Unrequired or Inapplicable Financial Statements and Schedules.*—No caption need be shown in any financial statement or schedule if the items and conditions are not present. Financial statements and schedules not required or inapplicable because the required matter is not present need not be filed, but the statements and schedules omitted and the reasons for their omission shall be indicated in the list of financial statements and schedules required by the applicable form.

A. Balance Sheet

The Balance Sheet shall be prepared in accordance with the instructions for the preparation of the Consolidated Report of Condition (FDIC 8040/11, 12, or 13, as applicable) except to the extent revised or expanded financial data presentation is necessary to meet the disclosure standards of the Securities Exchange Act of 1934, as amended.

Note.—Banks subject to this part are required to report on the accrual basis of accounting.

The following captions and added *supplemental* instructions shall be observed in the preparation of the Balance Sheet required under this part.

Assets

1. *Cash and due from depository institutions.*—(a) State separately (1) interest bearing deposits in other banks and (2) noninterest bearing deposits and cash. (See schedule C of FDIC 8040/12 or 13.)

2. *U.S. Treasury Securities.*

3. *Obligations of other U.S. Government agencies and corporations.*

4. *Obligations of States and political subdivisions in the United States.*

5. *Other bonds, notes and debentures.*

6. *Federal Reserve stock and corporate stock.*—(a) With respect to items 2, 3, 4, 5 and 6, state parenthetically on the balance sheet or in a note for each category aggregate amount on the basis of market quotations or fair value of securities at the balance sheet date.

(b) With respect to items 2, 3, 4, 5 and 6, state in a note the basis by which book value is determined. Bond premium shall be amortized and discount shall be accreted.

(c) With respect to items 4, 5 and 6, as applicable, state in a note the name of issuer, aggregate book value and aggregate amount on the basis of market quotations or fair value of the securities of any issuer for which the aggregate book value exceeds 10 per cent of the equity capital accounts of the bank. Debt securities issued by a State of the United States and its political subdivisions and agencies which are payable from and secured by the same source of revenue or taxing authority shall be considered to be securities of a single issuer. Consideration shall be given to disclosure of risk characteristics of the securities of an issuer and of differences in risk characteristics of difference issues of securities of an issuer as may be appropriate.

7. *Trading account securities.*—(a) State in a note whether securities in the trading account are valued at lower of cost or market. If market basis is not used, in valuing the trading account securities inventory, furnish the aggregate fair market value at each balance sheet date.

8. *Federal funds sold and securities purchased under agreements to resell.*

9. *Loans (net of unearned income). Less: Allowance for possible loan losses. Loans, net.*

(a) If the amount exceeds 5 per cent of equity capital, state in a note the aggregate amount of loans outstanding to officers, directors and principal security holders and associates. Amounts to be reported shall include loans from the bank or any subsidiary. It shall not be necessary to disclose amounts related to individuals for household, family and other personal expenditures made in the ordinary course of business that (i) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the same time for comparable transactions with other persons, and (ii) did not involve more than normal risk of collectibility or present other unfavorable features.

10. *Lease financing receivables.*

11. *Bank Premises, furniture and fixtures and other assets representing bank premises.*

12. *Real estate owned other than bank premises.*—(a) State in a note (1) the basis at which carried, (2) the aggregate fair market value of all real estate owned other than bank premises with an explanation of the method of determining such fair market value, and (3) a reconciliation of any valuation allowance account.

13. *Investments in unconsolidated subsidiaries and associated companies.*

14. *Customers' liability to this bank on acceptances outstanding.*

15. *Other assets.*

16. *Total assets.*

Liabilities

17. *Deposits.*—(a) State separately.

(1) Demand deposits in domestic bank offices.

(2) Savings deposits in domestic bank offices.

(3) Time deposits in domestic bank offices.

(4) Deposits in foreign offices.

(See schedule F and FF of FDIC 8040/12 or FDIC 8040/13, as applicable.)

(b) State in a note the aggregate amount of (1) time certificates of deposit and (2) other time deposits in denominations of $100,000 or more in domestic offices. (See memoranda items 1 (b) and (c) of FDIC 8040/12 or 13, as applicable.)

18. *Federal funds purchased and securities sold under agreements to repurchase.*—(a) If the approximate average balance outstanding during the period for any category was more than 30 percent of equity capital accounts, state in a note with respect to each activity category the following:

(1) Weighted average interest rate at balance sheet date.

(2) Maximum amount of borrowings at any month-end during each period for which an end-of-period balance sheet is required.

(3) Approximate average borrowings outstanding during the period.

(4) Approximate weighted average interest rate for such average borrowings outstanding during the period.

19. *interest-bearing demand notes (note balance) issued to the U.S. Treasury.*

20. *Other liabilities for borrowed money.*—See supplemental instruction to item 18.

21. *Mortgage indebtedness and liability for capitalized leases.*—(a) State in a note material terms and conditions of each obligation including (but not limited to) (1) the general character of the debt, (2) the rate of interest, (3) the date of maturity, or if maturing serially, a brief indication of the serial maturities, (4) if the payment of principal or interest is contingent, an appropriate indication of such contingency, (5) a brief indication of priority and (6) the amount outstanding at the balance sheet date.

(b) Furnish in tabular form the combined aggregate amount of maturities and sinking fund requirements for all obligations, each year for the five years following the date of the balance sheet.

(c) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, state in a note the amount thereof together with an appropriate explanation.

22. *Bank's liability on acceptances executed and outstanding.*

23. *Other liabilities.*

24. *Total Liabilities* (excluding subordinated notes and debentures).

25. *Subordinated notes and debentures.*—(a) State in a note material terms and conditions of each obligation including (but not limited to) (1) the general character of the debt, (2) the rate of interest, (3) the date of maturity, or if maturing serially, an indication of serial maturities, (4) if the payment of principal or interest is contingent, an appropriate indication of such contingency, (5) a brief indication of priority and (6) the amount outstanding at the balance sheet date.

(b) Furnish in tabular form the combined aggregate amount of maturities and sinking fund requirements for all obligations, each year for the five years following the date of the balance sheet.

Equity Capital

26. *Preferred stock.*—(a) State for each class of shares the title of issue, the number of shares authorized, issued and outstanding, the par or stated value per share and the capital share liability thereof, and if covertible, the basis of conversion. Show also the dollar amount, if any, of shares subscribed but unissued, and show the deduction of subscriptions receivable therefrom.

(b) State in a note (1) if callable, the date or dates and the amount per share at which such shares are callable, (2) if convertible, the terms of the conversion, (3) any arrears in cumulative dividends per share and in total for each class of shares, and (4) the preferences on involuntary liquidation, if other than the par or stated value. When the excess involved is material, there shall be shown the difference between the aggregate preference on involuntary liquidation and the aggregate par or stated value, a statement that this difference (plus any arrears in dividends) exceeds the sum of the par or stated value of the junior capital shares, surplus, and undivided profits including reserve for contingencies and other capital reserves if such is the case, and a statement as to the existence (or absence) of any restrictions upon surplus and/or undivided profits growing out of the fact that upon involuntary liquidation the preference of the preferred stock exceeds its par or stated value.

27. *Common stock.*—(a) State for each class of shares the title of issue, the number of shares authorized, issued and outstanding, the par or stated value per share and the capital share liability thereof. Show also the dollar amount, if any, of shares subscribed but unissued, and show the deduction of subscriptions receivable therefrom.

28. *Surplus.*

29. *Undivided profits.*

30. *Reserve for contingencies and other capital reserves.*

31. *Total equity capital.*

32. *Total liabilities and equity capital.*

General Notes to the Balance Sheets

If present with respect to the bank for which the statement is filed, the following topical information shall be furnished in notes to the balance sheets:

1. *Assets subject to lien.*

2. *Intercompany profits and losses.*

3. *Pension and retirement plans.*

4. *Capital stock optioned to officers and employees.*

5. *Restrictions that limit the availability of surplus and/or undivided profits for dividend purposes.*

6. *Contingent liabilities.*

7. *Standby letters of credit.*

8. *Defaults.*

9. *Significant changes in bonds mortgages, and similar debt.*

10. *Warrants or rights outstanding.*

For detailed instructions as to required content of above general notes to the balance sheet, refer to section 335.621 of Part 335.

B. Statement of Income

The Statement of Income shall conform generally to the Consolidated Report of Income (FDIC 8040/01A, 02, or 02A, as applicable) and related instructions thereto, except to extent revised or expanded financial data presentation is necessary to meet the disclosure standards of the Securities and Exchange Act of 1934, as amended.

Note. Banks subject to this part are required to report on an accrual basis of accounting.

The following captions and added *supplemental* instructions shall be observed in the preparation of the Statement of Income required under this part:

1. *Operating Income:* (a) *Interest and fees on loans.*

(b) *Interest on balances with depository institutions.*

(c) *Income on Federal funds sold and securities purchased under agreements to resell in domestic offices of the bank and of its Edge and Agreement subsidiaries.*

(d) *Interest on U.S. Treasury securities.*

(e) *Interest on obligations of other U.S. Government agencies and corporations.*

(f) *Interest on obligations of States and other political subdivisions in the U.S.*

(g) *Interest on other bonds, notes and debentures.*

(h) *Dividends on stock.*

(i) *Income from lease financing.*

(j) *Income from fiduciary activities.*

(k) *Service charges on deposit accounts in domestic offices.*

(l) *Other service charges, commissions and fees.*

(m) *Other operating income.*

(n) *Total Operating Income.*

2. *Operating Expenses:* (a) *Salaries and employee benefits.*

(b) *Interest on time certificate of deposits of $100,000 or more issued by domestic offices.*

(c) *Interest on deposits in foreign offices.*

(d) *Interest on other deposits.*

(e) *Expense of Federal funds purchased and securities sold under repurchase agreements in domestic offices of the bank and of its Edge and Agreement subsidiaries.*

(f)(1) *Interest on demand notes (note balances) issued to the U.S. Treasury.*

(2) *Interest on other borrowed money.*

(g) *Interest on subordinated notes and debentures.*

(h)(1) *Occupancy expense of bank premises, gross.*

(2) *Less—Rental income.*

(3) *Occupancy expense of bank premises, net.*

(i) *Furniture and equipment expense.*

(j) *Provision for possible loan losses.*

(k) *Other operating expenses.*

(l) *Total Operating Expenses.*

3. *Income (loss) before taxes and securities gains (losses).*

4. *Applicable income taxes.*

5. *Income (loss) before securities gains (losses).*

6. (a) *Securities gains (losses), gross.*

(b) *Applicable income taxes.*

(c) *Security gains (losses), net.*

7. *Income (loss) before extraordinary items and cumulative effects of changes in accounting principles.*

8. *Extraordinary items, less applicable income tax.*

9. *Cumulative effects of changes in accounting principles.*

10. *Net income (loss).*

11. *Earnings (loss) per common share.*[1] (a) *Income (loss) before securities gains (losses).*

(b) *Net Income.*

Earnings per common share. State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts on a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to the financial statements.

General Notes to the Statement of Income

If present with respect to the bank for which the statement is filed, the following topical information shall be furnished in notes to the Statement of Income.

1. *Intercompany profits and losses.*

2. *Depreciation and amortization.*

3. *Bonus, profit sharing, and other similar plans.*

4. *Income tax expense.*

5. *Interest capitalized.*

6. *Disagreements on accounting and financial disclosure matters.*

7. *Disclosure of selected quarterly financial data in notes to financial statements.*

For detailed instructions as to required content of above general notes to the statement of income, refer to section 335.622 of Part 335.

C. Statement of Changes in Equity Capital

The format and content of the Statement of Changes in Equity Capital shall conform generally to section B of the Consolidated Report of Income (FDIC 8040/02) and related instruction thereto except to the extent revised or expanded financial data

[1] If amount are entered for item 8 and/or 9, per share amounts shall be stated separately for items 5, 8 and/or 9, and 10.

presentation is necessary to meet the disclosure standards of the Securities Exchange Act of 1934, as amended.

The following supplemental instructions shall be observed in the preparation of the Statement of Changes in Equity Capital required under this part.

Reconcile the various equity capital accounts individually as follows:

1. *Balance end of previous year.*
2. *Prior period adjustment.*[2]

(a) Cumulative effect type changes in accounting principles shall be reported under item 9 of the Statement of Income.

3. *Adjusted balance end of previous year.*
4. *Net income (loss).*
5. *Sale, conversion, acquisition, or retirement of capital net:* (a) *Transactions with own holding company or affiliates.* (b) *Other.*
6. *Changes incident to mergers and absorptions, net*
7. *Less: Cash dividends declared on common stock*
8. *Less: Cash dividends declared on preferred stock*
9. *Stock dividend issued*
10. *Other increases (decreases)* [3]
11. *Balance end of period*

D. Statement of Changes in Financial Position

1. Sources of Funds.—Operations:
(a) Net Income.
(b) Charges (Credits) to Income not affecting
Funds:
(c) Total Funds provided by Operations.
(d) Equity Funds—Proceeds.
(e) Subordinated Notes and Debentures—Sale Proceeds
(f) Increase (Decrease) in Liabilities:
Total.
2. Applications of Funds.
(a) Payment of Dividends.
(b) Purchase of Property and Equipment.
(c) Increase (Decrease) in Assets:[3]

[2] State separately any material amounts, indicating clearly the nature of the transaction out of which the item arose.

[3] Sources and applications of funds items shall be shown separately by amounts when they exceed 5 per cent of the average of total funds provided during the respective reported periods.

E. Schedules

Schedule I.—*U.S. Treasury Securities, Obligations of Other U.S. Government Agencies and Corporations, Obligations of States and Political Subdivisions, and Other Bonds, Notes and Debentures*

Type and maturity grouping	Book value [1]	Market value [2]
U.S. Treasury securities:		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total U.S. Treasury securities		
Obligations of other U.S. Government agencies and corporations:		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total securities of other U.S. Government agencies and corporations		
Obligations of State and political subdivisions: [3]		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total obligations of States and political subdivisions		

Schedule I.—*U.S. Treasury Securities, Obligations of Other U.S. Government Agencies and Corporations, Obligations of States and Political Subdivisions, and Other Bonds, Notes and Debentures*—Continued

Type and maturity grouping	Book value [1]	Market value [2]
Other bonds notes and debentures [4]		

[1] State briefly in a footnote the basis for determining the amounts in this column.

[2] If market value is determined on any basis other than market quotations at balance sheet date, explain.

[3] Include obligations of the State of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.

[4] State in a footnote the aggregate (a) book value and (b) market value of securities that are less than "investment grade".

Note: See Schedule B of FDIC 8040/11, 12, or 13, as applicable.

Schedule II—*Loans to Officers, Directors, Principal Security Holders, and any Associates of the Foregoing Persons* [1]

Col. A	Col. B	Col. C	Col. D		Col. E
			Deductions		
Name of borrower [2]	Balance at beginning of period	Additions	(1) Amounts collected [3]	(2) Amounts charged off	Balance at end of period

[1] Provide information if at any time during the period for which related income statements are required to be filed, loans to a specified person and associates exceeded 2½% of equity capital of the bank or $500,000, whichever is less.

It shall not be necessary to include amount of loans related to individuals for household, family and other personal expenditures made in the ordinary course of business as defined in item 9(a) of Format F-8A, Balance Sheet.

Loans to directors (and any associates) who are neither officers nor principal security holders may be stated in the aggregate. The number of directors for whom loans are stated in the aggregate shall be indicated in column A.

[2] State in a note hereto pertinent information such as the maturity date, interest rate, terms of repayment and collateral, if any, of loans made to the specified persons named in column A as of the date of the most recent balance sheet being filed.

[3] If collection was other than cash, explain.

Schedule III—*Loans*

Type	Book value
Loans in domestic offices	
Real estate loans:	
Insured or guaranteed by the U.S. Government or its agencies	
Other	
Loans to financial institutions	
Loans for purchasing or carrying securities (secured or unsecured)	
Loans to finance agricultural production and other loans to farmers	
Commercial and industrial loans	
Loans to individuals for household, family and other personal expenditures	
All other loans (including overdrafts)	
Loans in foreign offices	
Total loans gross	
Less: Unearned income on loans	
Total loans (excluding unearned income)	

Note: See schedule A of FDIC 8040/11, 12, or 13, as applicable.

Schedule IV—*Bank Premises and Equipment*

Classification	Column A	Column B	Column C
	Gross book value [1]	Accumulated depreciation and amortization [2]	Amount at which carried on balance sheet
Bank premises (including land $. . .)			
Equipment			

Schedule IV—*Bank Premises and Equipment*—Continued

Classification	Column A Gross book value [1]	Column B Accumulated depreciation and amortization [2]	Column C Amount at which carried on balance sheet
Leasehold improvements			
Totals			

[1] State the basis of determining the amounts in column A.
[2] The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions from depreciation accounts shall be stated in an explanatory footnote.

Schedule V—*Investments in, Income From Dividends, and Equity in Earnings or Losses of Subsidiaries and Associated Companies*

Name of issuer [1]	Col. A Percent of voting stock owned	Col. B Total investment	Col. C Equity in underlying net assets at balance sheet date [2]	Col. D Amount of dividends [3]	Col. E Bank's proportionate part of earnings or loss for the period
Totals					

[1] Group separately securities of (a) subsidiaries consolidated, (b) subsidiaries not consolidated, and (c) associated companies. Show shares, bonds, notes and advances separately in each case.
[2] Equity shall include advances and other obligations reported in column B to the extent recoverable.
[3] State as to any dividends other than cash the basis on which they have been reported as income. If any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amount of such difference and explain.

Schedule VI—*Allowance for Possible Loan Losses*

	Amount
Balance end of previous period	
Recoveries credited to allowance	
Changes incident to mergers and absorptions [1]	
Provisions for possible loan losses	
Less: Losses charged to allowance	
Foreign currency translation adjustment	
Balance end of period [2]	

[1] Describe briefly in a footnote any such addition.
[2] State in a footnote (1) the amount deducted for Federal income tax purposes, (2) the maximum amount that could have been deducted for Federal income tax purposes, and (3) the balance of the allowance at the end of the period as reported for Federal income tax purposes.
Note: See schedule C of FDIC 8040/02.

Subpart G—Public Reference and Confidentiality

§ 335.701 Filing of material with the FDIC.

All papers required to be filed with the FDIC under the Act or regulations thereunder shall be filed at its office in Washington, D.C. Material may be filed by delivery to the FDIC, through the mails, or otherwise. The date on which papers are actually received by the FDIC shall be the date of filing thereof if all of the requirements with respect to the filing have been complied with.

§ 335.702 Inspection.

Except as provided in § 335.703 of this section, all information filed regarding a security registered with the FDIC will be available for inspection at the Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. In addition, copies of the registration statement and reports required by subpart C (exclusive of exhibits), the statements required by § 335.201, and the annual reports to security holders required by § 335.203 will be available for inspection at the New York, Chicago, and San Francisco Federal Reserve Banks and at the Reserve bank of the district in which the bank filing the statements or reports is located.

§ 335.703 Nondisclosure of certain information filed.

Any person filing any statement, report, or document under the Act may make written objection to the public disclosure of any information contained therein in accordance with the procedure set forth below:

(a) The person shall omit from the statement, report, or document, when it is filed, the portion thereof that it desires to keep undisclosed (hereinafter called the confidential portion). In lieu thereof, it shall indicate at the appropriate place in the statement, report, or document that the confidential portion has been so omitted and filed separately with the FDIC.

(b) The person shall file with the copies of the statement, report, or document filed with the FDIC.

(1) As many copies of the confidential portion, each clearly marked "Confidential Treatment", as there are copies of the statement, report, or document filed with the FDIC and with each exchange, if any. Each copy shall contain the complete text of the item and, notwithstanding that the confidential portion does not constitute the whole of the answer, the entire answer thereto; except that in case the confidential portion is part of a financial statement or schedule, only the particular financial statement or schedule need be included. All copies of the confidential portion shall be in the same form as the remainder of the statement, report, or document;

(2) An application making objection to the disclosure of the confidential portion. Such application shall be on a sheet or sheets separate from the confidential portion, and shall contain: (i) An identification of the portion of the statement, report, or document that has been omitted, (ii) a statement of the grounds of objection, (iii) consent that the FDIC may determine the question of public disclosure upon the basis of the application, subject to proper judicial reviews, (iv) the name of each exchange, if any, with which the statement, report, or document is filed. The copies of the confidential portion and the application filed in accordance with this paragraph shall be enclosed in a separate envelope marked "Confidential Treatment" and addressed to Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

(c) Pending the determination by the FDIC as to the objection filed in accordance with § 335.703(b) the confidential portion will not be disclosed by FDIC.

(d) If the FDIC determines that the objection shall be sustained, a notation to that effect will be made at the appropriate place in the statement, report, or document.

(e) If the FDIC shall have determined that disclosure of the confidential portion is in the public interest, a finding and determination to that effect will be entered and notice of the finding and determination will be sent by registered or certified mail to the person.

(f) The confidential portion shall be made available to the public:

(1) Upon the lapse of 15 days after the dispatch of notice by registered or certified mail of the finding and determination of the FDIC described in § 335.703(e), if prior to the lapse of such 15 days the person shall not have filed a written statement that he intends in good faith to seek judicial review of the finding and determination;

(2) Upon the lapse of 60 days after the dispatch of notice by registered or certified mail of the finding and determination of the FDIC, if the statement described in § 335.703(f)(1) shall have been filed and if a petition for

judicial review shall not have been filed within such 60 days; or

(3) If such petition for judicial review shall have been filed within such 60 days upon final disposition, adverse to the person, of the judicial proceedings.

(g) If the confidential portion is made available to the public, a copy thereof shall be attached to each copy of the statement, report, or document filed with the FDIC and with each exchange concerned.

[FR Doc. 81-9665 Filed 5-4-81; 8:45 am]
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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
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DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing April 17, 1981; last cumulative listing for the 96th Congress (1980) January 7, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.J. Res. 155 / Pub. L. 97–10 To authorize and request the President to issue a proclamation designating May 3 through May 10, 1981, as "Jewish Heritage Week". (May 1, 1981; 95 Stat. 12) Price: $1.00

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25377 **Grant Programs—Justice** Justice/NIJ announces a grant or cooperative agreement for a 21 month research project aimed at examining the role of private counsel in indigent defense.

25328 **Community Development** ACTION revises the schedule of income eligibility levels for individuals and families for the Foster Grandparent Program and the Senior Companion Program.

25326 **Regulatory Agenda** FMC

25290 **Consumer Protection** FTC changes its appliance labeling rule by revising the ranges of comparability used on required labels for clothes washers.

25321 **Consumer Protection** CAB proposes to revise its consumer credit regulations.

25352 **Loan Programs—Medicine** HHS/PHS announces that for the period ending 6–30–81, two interest rates are in effect for loans executed through the HEAL Program.

25291 **Income Tax** Treasury/IRS provides temporary regulations for making various elections relating to the discharge of indebtedness and to bankruptcy, insolvency, and similar proceedings.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

25332, 25333 **Grant Programs—Minority Businesses** Commerce/MBDA seeks applicants under its General Business Services Program (GBS) to operate one project for a 12 month period beginning 9–1–81 within the geographic confines of the Indianapolis, Milwaukee and St. Louis Metropolitan Statistical Areas. (3 documents)

25382 **Securities** Treasury/Sec'y invites tenders for United States securities, Series K–1984, Series A–1991 and Treasury Bonds of 2006–2011.

25315 **Petroleum** DOE/ERA proposes to rescind the Tertiary Incentive Program in the crude oil price regulations with respect to any allowed expenses incurred or paid after 3–18–81.

25411 **Chemicals** EPA holds in abeyance its May 2, 1980 proposed amendment to prohibit the use of polychlorinated biphenyl items in facilities manufacturing, processing, or storing fertilizers or agricultural pesticides. (Part II of this issue)

25358 **Continental Shelf** Interior/GS announces the availability of environmental documents prepared for Outer Continental Shelf (OCS) mineral exploration proposals on the Gulf of Mexico OCS.

25414–25419 **Air Carriers** CAB reduces record retention requirements. (7 documents)

25337 **Privacy Act Document** DOD/Navy

25389 **Sunshine Act Meetings**

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25411 **Part II, EPA**
25414 **Part III, CAB**

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16 CFR Par

[Docket No.

Albertson's
Practices,
Actions

AGENCY: Fe

ACTION: Fin

SUMMARY: F
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Rules and Regulations

Federal Register
Vol. 46, No. 87
Wednesday, May 6, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3064]

Albertson's Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Boise, Idaho operator of retail grocery stores to refrain from acquiring any unapproved retail grocery store business in specified areas for a period of ten years.

DATE: Complaint and order issued April 21, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580, (202) 523–3601.

SUPPLEMENTARY INFORMATION: On Thursday, February 5, 1981, there was published in the Federal Register, 46 FR 10921, a proposed consent agreement with analysis in the matter of Albertson's, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets, 13.5–20 F.T.C. Act.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended (15 U.S.C. 45, 18))

Carol M. Thomas,
Secretary.

[FR Doc. 81-13626 Filed 5-5-81; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-2794]

Texora International Corp., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission order issued on February 23, 1976 (41 FR 11817, 87 F.T.C. 273), by deleting the first "IT IS FURTHER ORDERED" paragraph which required respondents to file a special performance bond with the Secretary of the Treasury and replacing it with one requiring respondents to provide for fiber content testing and relabeling of misbranded wool products.

DATES: Order issued February 23, 1976. Modifying order issued April 22, 1981.

FOR FURTHER INFORMATION CONTACT: Leroy C. Richie, Director, 6R, New York Regional Office, Federal Trade Commission, 2243–EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007 (212) 264–1207.

SUPPLEMENTARY INFORMATION: In the Matter of Texora International Corp., a corporation, and Max Kovner, individually and as an officer of said corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13 and appearing at 41 FR 11817, remain unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130; (15 U.S.C. 45, 68))

The Order Modifying Cease and Desist Order is as follows:

In their request filed on January 23, 1981, and their amended request filed on February 12, 1981, the respondents petitioned the Commission, pursuant to § 2.51 of its Rules of Practice, to reopen the proceedings and modify the order of February 23, 1976, entered in Docket No. C–2794. Respondents ask that the first "IT IS FURTHER ORDERED" paragraph be deleted from the order and that a new paragraph be inserted in the order in lieu of that paragraph. The paragraph requested to be deleted from the order reads as follows:

It is further ordered that respondents Texora International Corp., a corporation, its successors and assigns, and its officers, and Max Kovner, individually and as an officer of Texora International Corp., and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or other device, do forthwith cease and desist from importing or participating in the importation of wool products into the United States except upon filing bond with the Secretary of the Treasury in a sum double the value of said wool products and any duty thereon, conditioned upon compliance with the provisions of the Wool Products Labeling Act of 1939.

The paragraph which respondents requested be inserted in the order to replace the paragraph deleted, as amended by their amended petition and further revised by agreement with staff reflected in their letters dated March 17, 1981, and March 24, 1981, is as follows:

It is further ordered that respondents Texora International Corp., a corporation, it successors and assigns, and its officers, and Max Kovner, individually and as an officer of Texora International Corp., and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, shall cause such fiber content tests to be performed on each style or quality of their imported wool products as may be necessary to determine the minimum percentage by weight of the total fiber weight of each fiber present in such style or quality. If said fiber content tests reveal that the percentage of any fiber in any style or quality is misstated by more than three percent (3%) on the labels attached or affixed to such style or quality, such style or quality shall be relabeled to set forth on said labels the lowest percentage revealed by such tests of (1) wool, (2) recycled wool, (3)

each fiber other than wool if the percentage of such fiber is five percent (5%) or more of the total fiber weight and (4) the aggregate of all other fibers. If said fiber content tests reveal that the percentages of fibers in such style or quality are, for practical purposes, undeterminable, then such style or quality shall be relabeled in accordance with rules 28 or 29 of the rules and regulations promulgated under the Wool Products Labeling Act of 1939, as for example:

(i) Made of miscellaneous fibers including acrylic, cotton and polyester, and with a minimum of 20% recycled wool, or

(ii) 20% recycled wool, 20% acrylic, 20% cotton, 40% unknown reclaimed fibers

(1) The requirement that fiber content tests be performed on each style or quality of respondents' imported wool products shall not be applicable to any style or quality of wool products imported during any calendar year, the amount of which does not exceed one thousand (1,000) yards, and which is used solely for samples or swatches to promote the sale of such style or quality and is not sold or offered for sale.

(2) The fiber content tests required by this paragraph shall be performed by an independent fiber content testing laboratory approved for testing wool products by the Department of Defense, United States Government.

(3) As used herein, the terms "style" or "quality" shall mean wool products which are represented to have the same unit weight, fiber content and weave and are manufactured by the same foreign supplier.

(4) As used herein, the terms "imported" and "importation" shall mean entered for consumption when wool products enter the United States on a consumption entry and withdrawn for consumption when wool products enter the United States on a warehouse entry.

In support of their request, the respondents have advanced a number of considerations intended to show changed conditions of fact since the order was issued and to show that the public interest will best be served by granting their request. They stated that, soon after the order became final, they instituted a program of testing the fiber content of imported fabrics and relabeling those found by these tests to be misbranded. They have agreed to continue their program of fiber content testing and relabeling of misbranded wool products under the terms of a paragraph of the order that they requested the Commission to place in the order in lieu of the paragraph requiring the filing with the Secretary of the Treasury of a special performance bond. They stated further that the high costs of premiums charged by sureties on the bond have exceeded their profits. They cited as a competitive disadvantage the fact that many of their competitors are not subject to the bonding requirement and that bonds have not appeared in recent Commission orders and court judgments under the Wool Products Labeling Act of 1939.

Having considered the request, the Commission has concluded that the order should be modified to delete the bond paragraph and to insert in the order, in lieu thereof, a paragraph providing for fiber content testing and relabeling of misbranded wool products and that the modification will safeguard the public interest. Therefore,

It is ordered, That the proceeding be, and it hereby is, reopened.

It is further ordered, That the first "IT IS ORDERED" paragraph of the order to cease and desist of February 23, 1976, entered in Docket No. C-2794, be, and it hereby is, deleted and replaced by the paragraph requested by respondents as set forth above.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-13807 Filed 5-5-81; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 305

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends its Appliance Labeling Rule by revising the ranges of comparability used on required labels for clothes washers.

Under the rule, each required label on a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. These ranges, which show the highest and lowest energy costs or efficiencies for the various size or capacity groupings of the appliances covered by the rule, are published in the **Federal Register** by the Commission no more often than annually, and are called "ranges of comparability." The figures to be used on the ranges are provided by the Commission after an analysis of data submitted by appliance manufacturers, who derive the energy costs or efficiencies of their appliances by following test procedures prescribed by the Department of Energy (DOE). One element used in calculating the ranges is the representative average unit cost of the energy used by the appliances, which is calculated annually by DOE. Because this average cost usually changes annually, and because appliance models are constantly being added, changed, or dropped by manufacturers, the ranges of comparability are likely to change from year to year.

This has been the case with the ranges for clothes washers, and this notice publishes the new range figures, which, under §§ 305.10 and 305.11 of the rule, must be used in the labeling and advertising of clothes washers beginning July 1, 1981.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: James Mills, 202-724-1491, or Lucerne D. Winfrey, 202-724-1453, Attorneys, Division of Energy and Product Information, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA) [1] required the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances: (1) refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and (13) furnaces. Under the statute, the Department of Energy (DOE) is responsible for developing test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule [2] covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, and furnaces.

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[1] Pub. L. 94-163, Dec. 22, 1975, 89 Stat. 871.

[2] 44 FR 66466, 16 CFR 305 (November 19, 1979).

The rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels, fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1980. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Pursuant to § 305.8 of the rule, manufacturers submitted reports to the Commission by January 21, 1980. These reports contained information on the estimated annual cost or energy efficiency rating for the seven categories of appliances derived from tests performed pursuant to the DOE test procedures. The reports also contained the model, the number of tests performed on each model, and the capacity of each model. From that information, the Commission compiled and published [3] ranges of comparability for each product, as required by § 305.10 of the rule.

Section 305.10(a) of the rule requires that manufacturers, after filing this initial report, shall report annually by specified dates for each product type.[4] The data submitted by manufacturers is based, in part, on the representative average unit cost of the type of energy used to run the appliances tested. According to § 305.9 of the rule, these average energy costs, which are provided by DOE, will be periodically revised by the Commission, but not more often than annually. Because the costs for the various types of energy appear to be increasing steadily, and because manufacturers regularly add new models to their lines, improve existing models and drop others, the data base from which the ranges of comparability are calculated is constantly changing. To keep the required information in line with these changes, the Commission is empowered, under § 305.10 of the rule, to publish new ranges (but not more often than annually).

The new figures for the estimated annual costs of operation for clothes washers, which were calculated using the 1981 representative average energy costs published by the Commission on January 13, 1981,[5] have been submitted and have been analyzed by the Commission. New ranges based upon them are herewith published.

In consideration of the foregoing, the Commission publishes the following ranges of comparability for use in the labeling and advertising of clothes washers beginning July 1, 1981.

Part 305, Appendix F [Revised]

Appendix F to Part 305 is revised to read as set forth below:

Appendix F.—Clothes washers

[Ranges of estimated yearly energy costs in dollars]

Ranges of comparability	Electrically heated water		Natural gas heated water	
	Low	High	Low	High
Compact	32.00	72.00	9.00	28.00
Standard	27.00	111.00	13.00	42.00

Issued: By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-13942 Filed 5-5-81; 0:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 7a

[T.D. 7775]

Temporary Income Tax Regulations Under the Bankruptcy Tax Act of 1980; Various Elections

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations for making various elections relating to discharge of indebtedness and to bankruptcy, insolvency, and similar proceedings. Changes to the applicable tax law were made by the Bankruptcy Tax Act of 1980. These regulations affect certain debtors whose indebtedness is discharged and certain debtors in bankruptcy cases or similar judicial proceedings and provide them with the guidance needed to comply with the law.

DATE: In general, the Bankruptcy Tax Act of 1980 and the elections covered by these regulations apply to discharges of indebtedness (and certain other transactions) occurring after December 31, 1980, unless they occur in certain cases or proceedings commenced before January 1, 1981. The taxpayer, however, may elect (with court approval) on or before November 2, 1981, to have the Act apply to discharges (and other transactions) occurring in bankruptcy cases or similar proceedings commencing after September 30, 1979. The Act also provides that certain individuals in bankruptcy cases commencing after March 24, 1981, may elect to terminate their taxable year as of the day before the commencement of the case.

FOR FURTHER INFORMATION CONTACT: Benedetta A. Kissel of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, Attention: CC:LR:T (202-566-3238, not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations under various sections of the Internal Revenue Code of 1954 and the Bankruptcy Tax Act of 1980 (Pub. L. 96-589). The Bankruptcy Tax Act of 1980 contains a number of provisions that allow taxpayers to make certain elections. In order to provide immediate guidance to taxpayers, this regulation provides the time and manner in which the elections contained in the Act are to be made. Further, a new part 7a, Temporary Income Tax Regulations under the Bankruptcy Tax Act of 1980, is added by this document to Title 26 of the Code of Federal Regulations. The temporary regulations contained in this document will remain in effect until superseded by final regulations on this subject.

Provisions of the Regulations

These temporary regulations prescribe rules for making the elections under sections 108(b)(5), 108(d)(4), and 1017(b)(3)(E) of the Code, relating to reduction of basis in connection with discharge of indebtedness. In general, an election under those sections is made with the income tax return for the year of the discharge on Form 982, currently titled "Consent to Adjustment of Basis of Property Under Sections 1017 or 1082(a)(2) of the Internal Revenue Code."

The regulations also prescribe rules for individuals making the election under section 1398(d)(2) to terminate the taxable year on commencement of certain bankruptcy cases. In general, the regulations provide that the election is made by filing a return for the taxable year ended by means of the election on or before the 15th day of the fourth full

[3] 45 FR 13998 (March 3, 1980), 45 FR 19520 (March 25, 1980), 45 FR 26036 (April 17, 1980), 46 FR 3829 (January 16, 1981).

[4] Reports for clothes washers are due by March 1; reports for water heaters, room air conditioners and furnaces are due by May 1; reports for dishwashers are due by June 1; reports for refrigerator-freezers and freezers are due by August 1.

[5] 46 FR 2874, Jan. 13, 1981.

month following the day before the commencement of the case. In most cases, if the debtor makes the election, the debtor's spouse may also elect by making a joint return with the debtor for the taxable year ended by means of the election.

In addition, the regulations prescribe rules for making the election to use a retroactive effective date under section 7(f) of the Bankruptcy Tax Act of 1980. In general, the election is made by filing with the Internal Revenue Service a statement and evidence of court approval on or before November 2, 1981.

Drafting Information

The principal author of these regulations is Benedetta A. Kissel of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Waiver of Certain Procedural Requirements of Final Treasury Directive

A determination has been made by Roscoe L. Egger, Jr., Commissioner of Internal Revenue, that there is need for immediate guidance in order to enable taxpayers to make elections under the Bankruptcy Tax Act of 1980. Because of the immediate need for these regulations, compliance with the procedural requirements of paragraphs 8 through 14 of the final Treasury directive (43 FR 52120), relating to improving regulations, would be impractical and, therefore, these requirements have not been followed.

Adoption of Amendments to the Regulations

Accordingly, a new Part 7a, Temporary Income Tax Regulations under the Bankruptcy Tax Act of 1980, is added to Title 26 of the Code of Federal Regulations, and the following temporary regulations are adopted.

A new Part 7a is added to 26 CFR to read as follows:

PART 7a—TEMPORARY INCOME TAX REGULATIONS UNDER THE BANKRUPTCY TAX ACT OF 1980

Sec.

7a.1. Elections relating to reduction of basis.
7a.2. Individual's election to terminate taxable year when case commences.
7a.3. Election to use retroactive effective date.

Authority: Sections 108(d)(8), 1017(b)(3)(E), and 7805 of the Internal Revenue Code of 1954 (94 Stat. 3392 and 3395, and 68A Stat. 917; 26 U.S.C. 108(d)(8), 1017(b)(3)(E), and 7805); Sec. 7(f), Pub. L. 96-589, 94 Stat. 3413.

§ 7a.1 Elections relating to reduction of basis.

(a) *Scope.* The regulations prescribed in this section provide rules for making elections under sections 108(b)(5), 108(d)(4), and 1017(b)(3)(E), relating to reduction of basis in connection with discharge of indebtedness.

(b) *Availability of elections*—(1) *Dates relating to discharge of indebtedness.* The elections are available to certain taxpayers for the amount of a discharge of indebtedness that may be excluded from gross income under section 108(a), if the discharge occurs after December 31, 1980, unless the discharge occurs in the following cases or proceedings commencing on or before December 31, 1980:

(i) Any case under title 11 of the United States Code or under the Bankruptcy Act and

(ii) A receivership, foreclosure, or similar proceeding in a Federal or State court, or, if the taxpayer is a financial institution to which section 585 or 593 applies, in a Federal or State agency.

For the election to use an earlier effective date in certain circumstances see § 7a.3.

(2) *Taxpayers to whom an election is available.* The election under section 108(b)(5) is available to taxpayers in a title 11 case or insolvent taxpayers. See section 108(d) (2) and (3) for the definition of the terms "title 11 case" and "insolvent." The election under section 108(d)(4) is available to taxpayers not in a title 11 case to the extent they are not insolvent after the debt is forgiven. The election under section 1017(b)(3)(E) is available to taxpayers to whom section 1017 applies.

(c) *Effect of elections*—(1) *Election to apply reduction first against depreciable property under section 108(b)(5)*—(i) *In general.* Subject to paragraph (c)(1)(ii) of this section, a taxpayer may elect under section 108(b)(5) to apply any portion of the amount excluded from gross income under section 108(a)(1) (A) or (B) (relating to title 11 cases and insolvency) first to reduce (under the rules of section 1017) the basis of depreciable property (as defined in section 1017(b)(3)). The remaining amount is applied to reduce the tax attributes listed in section 108(b)(2), in the order listed.

(ii) *Transitional rule.* If the discharge of indebtedness occurs before January 1, 1982, or occurs in a case or proceeding described in paragraph (b)(1) (i) or (ii) of this section commencing before January 1, 1982, and the taxpayer makes the election under section 108(b)(5), the taxpayer may apply any portion of the amount excluded from gross income under section 108(a)(1) (A) or (B) first to reduce (under the rules of section 1017) the basis of depreciable property (as defined in section 1017(b)(3)). The remaining amount is applied to reduce basis under section 108(b)(2)(D). In the case of a discharge of indebtedness covered by this transitional rule, the basis of any property (depreciable or nondepreciable) cannot be reduced under section 1017 below the fair market value of the property on the day the debt is discharged. (See section 7(a)(2) of the Bankruptcy Tax Act of 1980.)

(2) *Election to treat certain indebtedness as qualified business indebtedness under section 108(d)(4).* Section 108(a)(1)(C) provides an exclusion from gross income of the amount of income attributable to the discharge (in whole or in part) of the taxpayer's qualified business indebtedness. Indebtedness is qualified business indebtedness of the taxpayer only if (i) the indebtedness was incurred or assumed by a corporation, or by an individual in connection with property used in the individual's trade or business, and (ii) such taxpayer makes the election under section 108(d)(4) and this section with respect to the indebtedness. Section 108(a)(1)(C) does not apply to a discharge in a title 11 case, or to a discharge to the extent that the taxpayer is insolvent. If the taxpayer makes the election under this section, the amount excluded from gross income is applied to reduce (under the rules of section 1017) the basis of the taxpayer's depreciable property (as defined in section 1017(b)(3)).

(3) *Election to treat certain inventory as depreciable property under section 1017(b)(3)(E).* If the amount excluded from gross income under section 108 (relating to discharge of indebtedness) is to be applied to reduce the basis of depreciable property, then the taxpayer may elect to treat all of the taxpayer's real property described in section 1221(1) as depreciable property.

(d) *Time and manner.*—(1) *In general.* An election under sections 108(b)(5), 108(d)(4), and 1017(b)(3)(E) must be made with the taxpayer's income tax return for the taxable year in which the discharge occurs. However, if the taxpayer establishes to the satisfaction of the Commissioner reasonable cause for failure to file the election with the taxpayer's original return, the taxpayer may file the election with an amended return or claim for credit or refund. The election must be made on a statement attached to a completed Form 982, or on

that form itself if the form provides a space for the election. The statement must contain the following:

(i) The name, address, and taxpayer identification number of the taxpayer, and

(ii) A statement that the taxpayer is making the election under section 108(b)(5), 108(d)(4), or 1017(b)(3)(E), as the case may be.

Because the regulations under section 1017 have not been amended to reflect the provisions of the Bankruptcy Tax Act of 1980, a taxpayer making an election under this section does not consent, by completing Form 982, to application of the regulations contained in 26 CFR 1.1017–1 and 1.1017–2 (Rev. April 1, 1980).

(2) *Special rule.* If the taxpayer's income tax return for the year of the discharge has been filed (or is due) before July 6, 1981, the taxpayer can make the election with an amended return filed before September 3, 1981.

(e) *Revocability of election.* An election under section 108(b)(5), 108(d)(4), or 1017(b)(3)(E) may be revoked only with the consent of the Commissioner.

§ 7a.2 Individual's election to terminate taxable year when case commences.

(a) *Scope.* The regulations prescribed in this section provide rules for making the election under section 1398(d)(2) to terminate the taxable year of an individual taxpayer.

(b) *Availability of election.* This election is available to an individual taxpayer in a case commenced after March 24, 1981, under chapter 7 (relating to liquidations) or chapter 11 (relating to reorganizations) of title 11 of the United States Code. If the case is dismissed, the taxpayer cannot make the election, and an election previously made will be void. For purposes of this section, a partnership is not treated as an individual. If the taxpayer making the election is married (within the meaning of section 143), the election is available to the taxpayer's spouse, but only if the spouse is eligible to file, and does file, a joint return with the taxpayer for the taxable year ended as a result of the election.

(c) *Effect of election.* The election terminates the taxable year of the taxpayer (and of a spouse who joins in the election) on the day before the commencement date of the case. A new taxable year begins on the commencement date and (unless terminated earlier) ends on the date on which the taxpayer's taxable year in which the case commenced would have ended if the election had not been made.

(d) *Time and manner.* A taxpayer to whom the election is available makes the election by filing a return for the short taxable year ending the day before commencement of the case (the "first short taxable year") on or before the 15th day of the fourth full month following the end of that first short taxable year. The spouse of such a taxpayer makes the election by making a joint return with the taxpayer for that first short taxable year within the time prescribed in the preceding sentence. To facilitate processing, the taxpayer should write "Section 1398 Election" at the top of the return. A taxpayer may also make the election by attaching a statement of election to an application for extension of time for filing a return that satisfies the requirements under section 6081 for the first short taxable year. The application for extension must be submitted under section 6081 on or before the due date of the return for the first short taxable year. The statement must state that the taxpayer elects under section 1398(d)(2) to close his or her taxable year as of the day before commencement of the case. If the taxpayer's spouse elects to close his or her taxable year, the spouse must join in the application for extension and in the statement of election. If a joint return is not filed for the first short taxable year, the election of the spouse made with the application is void.

(e) *Irrevocability of election.* The election is irrevocable.

(f) *Subsequent bankruptcy case of debtor's spouse.* If a case under chapter 7 or chapter 11 of title 11 of the United States Code commences with respect to the spouse of a debtor to whom an election under this section was available, the spouse can make an election under this section even if the spouse's case commences in the same taxable year in which the debtor's case commences. The spouse can make the election whether or not the spouse previously joined in the debtor's election. If the spouse joined in the debtor's election, or if the debtor did not make the election, the debtor may join in the spouse's election, assuming the debtor is otherwise eligible to file a joint return with the spouse.

(g) *Examples.*

Example

(1) Assume that husband and wife are calendar-year taxpayers, that a bankruptcy case involving only the wife commences on March 1, 1982, and that a bankruptcy case involving only the wife commences on October 10, 1982.

(2) If the husband does not make an election, his taxable year would not be affected; *i.e.*, it does not terminate on February 28. If the husband does make an election, his first short taxable year would be January 1 through February 28; his second short taxable year would begin March 1. The tax return for his first short taxable year would be due on June 15. The wife could join in the husband's election, but only if they file a joint return for the taxable year January 1 through February 28.

(3) The wife could elect to terminate her taxable year on October 9. If she did, and if the husband had not made an election or if the wife had not joined in the husband's election, she would have two taxable years in 1982—the first from January 1 through October 9, and the second from October 10 through December 31. The tax return for her first short taxable year would be due on February 15, 1983. If the husband had not made an election to terminate his taxable year on February 28, the husband could join in an election by his wife, but only if they file a joint return for the taxable year January 1 through October 9. If the husband had made an election but the wife had not joined in the husband's election, the husband could not join in an election by the wife to terminate her taxable year on October 9, since they could not file a joint return for such year.

(4) If the wife makes the election relating to her own bankruptcy case, and had joined the husband in making an election relating to his case, she would have two additional taxable years with respect to her 1982 income and deductions—the second short taxable year would be March 1 through October 9, and the third short taxable year would be October 10 through December 31. The husband could join in the wife's election if they file a joint return for the second short taxable year. If the husband joins in the wife's election, they could file joint returns for the short taxable year ending December 31, but would not be required to do so.

§ 7a.3 Election to use retroactive effective date.

(a) *Scope.* The regulations prescribed in this section provide rules for making the election to use a retroactive effective date under section 7(f) of the Bankruptcy Tax Act of 1980.

(b) *Availability of election.* The election is available to the debtor (or debtors) in a case under title 11 of the United States Code (or a receivership, foreclosure, or similar proceeding in a Federal or State court) that commences after September 30, 1979, and before January 1, 1981. The court must approve the election. For purposes of this paragraph (b), a receivership, foreclosure, or similar proceeding before a Federal or State agency involving a financial institution to which section 585 or 593 applies shall be treated as a proceeding before a court.

(c) *Effect of election*—(1) *In general.* An election under this section changes the effective date of certain amendments to the Code made by the Bankruptcy Tax Act of 1980. The amendments affected by an election

under this section are listed in paragraph (c) (2) and (3) of this section. If the election is made, all of the amendments listed in paragraph (c) (2) and (3) of this section apply to all transactions in the case (or similar proceeding) and to all parties in respect of all transactions in the case (or similar proceeding). Thus, the debtor may not elect to have only certain of the amendments apply to transactions in the case (or similar proceeding) and may not elect to have the amendments apply only to certain transactions in the case (or similar proceeding). An election under this section will not make the amendments listed in paragraph (c) (2) and (3) applicable to transactions occurring prior to commencement of the case (or similar proceeding) or transactions not in the case (or similar proceeding).

(2) *Amendments affected.* An election under this section changes the effective date of the amendments to the following sections:

(i) 111, relating to recovery of bad debts, prior taxes, and delinquency amounts,

(ii) 302, relating to the repeal of special treatment for certain railroad redemptions,

(iii) 312, relating to the effect of debt discharge on earnings and profits,

(iv) 337, relating to the application of the 12-month liquidation rule,

(v) 351, relating to certain transfers to controlled corporations,

(vi) 354 (other than the amendment made by section 6(i)(2) of the Bankruptcy Tax Act of 1980), 355, 357, 368, and 381, relating to corporate reorganizations,

(vii) 382, relating to special limitations on net operating loss carryover,

(viii) 542, relating to the personal holding company tax, and

(ix) 703, relating to elections of partnerships.

(3) *Other amendments affected in part.* Subject to the transitional rule of section 7(a)(2) of the Bankruptcy Tax Act of 1980, an election under this section changes the effective date of the amendments to sections 108 and 1017, relating to the tax treatment of discharge of indebtedness.

(4) *Substitution of effective dates.* The election under this section changes the effective date of the amendments listed in paragraph (c) (2) and (3) of this section by substituting "September 30, 1979" for "December 31 1980" wherever it appears in section 7(a), (c), and (d) of the Bankruptcy Tax Act of 1980.

(d) *Time and manner.* (1) *Time and place.* A debtor makes the election under this section by filing the written statement and evidence of court approval required under paragraph (d) (2) and (3) of this section on or before November 2, 1981, with the District Director or the Director of the Internal Revenue Service Center with whom an income tax return for the debtor would be filed if it were due on the date the election is filed. The election shall be considered to be made on the date on which the written statement and evidence of court approval is filed. The debtor should attach a copy of the statement and evidence of court approval to the next income tax return filed on or after the date the election is made.

(2) *Statement.* The written statement must be signed by the debtor (or a person duly authorized to sign the income tax return of the debtor) and must contain the following:

(i) The name, address, and taxpayer identification number of the debtor,

(ii) A statement that the debtor is making the election under section 7(f) of the Bankruptcy Tax Act of 1980, and

(iii) Information (including the date of commencement) sufficient to identify the bankruptcy case or similar proceeding.

(3) *Evidence of court approval.* The evidence of court approval (or of approval of an agency in certain proceedings described in paragraph (b) of this section) must be a copy of an order or other document properly signed by the judge or other presiding officer. In addition to information identifying the debtor and the case or proceeding over which the officer presides, the order or other document must state that the court (or agency, as the case may be) approves the election of the debtor under section 7(f) of the Bankruptcy Tax Act of 1980.

(e) *Revocability.* An election under this section may be revoked only with the consent of the Commissioner. A request for revocation can be made only with approval of the court (or agency).

There is a need for immediate guidance with respect to the provisions in this Treasury decision. For this reason it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 108(d)(8), 1017(b)(3)(E), and 7805 of the Internal Revenue Code of 1954 (94 Stat. 3392 and 3395, and 68A Stat. 917; 26 U.S.C. 108(d)(8), 1017(b)(3)(E), and 7805) and in section 7(f) of the Bankruptcy Tax Act of 1980, Pub. L. 96-589, 94 Stat. 3413.

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: April 27, 1981.

John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 81-13621 Filed 5-4-81; 2:53 pm]
BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 1819-8]

Approval and Promulgation of Implementation Plans, North Carolina; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction in final rule.

SUMMARY: This notice supplies an item which was omitted from the regulatory text of FR Document 81-8402, a final rule removing conditions on the approval of North Carolina's 1979 revisions for the Mecklenburg County carbon monoxide nonattainment area.

FOR FURTHER INFORMATION CONTACT: Walter Bishop of the EPA Region IV Air Programs Branch at (404) 881-3043 or FTS 257-3043.

SUPPLEMENTARY INFORMATION: In FR Document 81-8402, appearing at page 17556 of the issue of March 19, 1981, make the following correction in the regulatory text. Renumber as "1" the item amending 40 CFR 52.1770 and add a second item as follows:

§ 52.1780 [Removed]

2. Section 52.1780, Control strategy: Carbon monoxide and ozone, is removed.

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: April 24, 1981.

Rebecca W. Hanmer,
Regional Administrator.

[FR Doc. 81-13644 Filed 5-5-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Parts 52 and 81

[A5 FRL 1809-3]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: USEPA today is approving as revisions to the Wisconsin State Implementation Plan (SIP) the overall control strategies for ozone and carbon monoxide; except that it is conditionally approving the transportation portion of the carbon monoxide; SIP and the vehicle emission inspection and maintenance (I/M) program. Elsewhere in today's **Federal Register**, USEPA is proposing the schedule for Wisconsin to meet the conditions of USEPA's conditional approval of the transportation portion of the carbon monoxide SIP and the I/M program. The control strategies USEPA is acting on today include an I/M program, transportation control measures (TCM), and attainment demonstrations for carbon monoxide (CO) and ozone. Additionally, USEPA is changing the ozone designation for four counties. Grant and LaCrosse Counties are being changed from not attaining to attaining the National Ambient Air Quality Standards (NAAQS) for ozone. Douglas County is being changed from attainment to cannot be classified, because there are insufficient quality assured data to demonstrate attainment. Sheboygan County is being redesignated from cannot be classified to nonattainment for ozone.

The USEPA published a notice of proposed rulemaking on these revisions on June 17, 1980 (45 FR 41018) and a correction was published on August 19, 1980 (45 FR 55230). USEPA received additional information in response to the notice of proposed rulemaking from the State August 12, 1980, September 25, 1980, and November 4, 1980.

EFFECTIVE DATE: May 6, 1981.

ADDRESSES: Copies of these revisions to the SIP are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604;

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460;

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707.

FOR FURTHER INFORMATION CONTACT: Anne Ernstein, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6039.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962; 40 FR 81350) pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in Wisconsin as not meeting the NAAQS for ozone and CO. USEPA designated Brown, Columbia, Dane, Douglas, Grant, LaCrosse, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Waukesha, and Vilas Counties nonattainment for ozone, and a portion of Milwaukee County nonattainment for carbon monoxide.

Part D of the Act, as added by the 1977 amendments, requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. Under certain circumstances this date can be extended until not later than December 31, 1987, for ozone and CO. The requirements for an approvable SIP are described in the April 4, 1979 **Federal Register** (44 FR 20372) and supplements dated July 2, August 28, September 17, and November 23, 1979 (44 FR 38583, 50371, 53761, 67182.)

USEPA's final determination takes one of three forms: approval, conditional approval, or disapproval. A discussion of conditional approval and its practical effect appears in the July 2, 1979 **Federal Register** (44 FR 38583) and in the November 23, 1979 **Federal Register** (44 FR 67182).

Conditional approval requires the State to submit additional materials by specified deadlines negotiated between the state and the USEPA. Although public comment is solicited on the deadlines, and the deadlines may be changed in light of the comments, the State remains bound by its commitment to meet the proposed deadlines, unless they are changed. USEPA will follow the procedures described below when determining if requirements of conditional approval have been met:

1. When the state submits the required additional documentation, USEPA will publish a notice in the **Federal Register** announcing receipt and availability of the material for public comment. The notice will also announce that the conditional approval is continuing pending USEPA's final action on the submission.

2. USEPA will evaluate the state's submission and public comment on the submission to determine if noted deficiencies have been fully corrected. After review is complete, a **Federal Register** notice will either fully approve the plan if all conditions have been met, or withdraw the conditional approval and disapprove the plan. If the plan is disapproved, the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the State fails to submit the required materials according to the negotiated schedule, USEPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect.

Pursuant to Part D of the Act, the State of Wisconsin submitted plans for three urbanized areas (Green Bay, Madison and Milwaukee) on July 12, 1979, September 4, 1979, and February 28, 1980. It also submitted a carbon monoxide plan and schedule for portions of the Milwaukee urbanized area. Revisions relating to the State's vehicle emission control inspection and maintenance (I/M) program were submitted to USEPA on August 1, 1979, October 16, 1979, May 7, 1980, and May 8, 1980. Pursuant to section 107 of the Act, the State requested redesignation of the ozone designations for Sheboygan County from unclassifiable to nonattainment and Grant, LaCrosse, and Douglas Counties from nonattainment to attainment. The State also submitted stationary source volatile organic compound (VOC) Reasonably Available Control Technology (RACT) rules for certain source categories which are applicable statewide. These categories were those covered in control technique guidelines (CTG) published before January 1, 1978. The VOC RACT regulations and the State's commitment to adopt additional RACT categories as necessary were approved by USEPA on January 11, 1980 (45 FR 2319). On February 28, 1980, the State submitted a schedule for completing analysis of the CO nonattainment problem in Milwaukee County. On May 7, 1980, it submitted Assembly Bill 500 which provided legal authority for a vehicle I/M program. On May 8, 1980 it submitted a revised schedule for the I/M program implementation.

A notice of proposed rulemaking was published on June 17, 1980 (45 FR 41018) in which USEPA proposed to approve parts and conditionally approve other parts as revisions to the Wisconsin SIP the revised control strategies for ozone and CO which had been submitted by the State. This notice also proposed the redesignation of four counties which Wisconsin had requested. A correction notice on the redesignations was published on August 19, 1980 (45 FR 55230).

This notice takes final action on the revisions of the vehicle emission control

I/M program, transportation control measures (TCM), the CO and ozone attainment demonstrations, and the ozone redesignations of 4 counties and public comments submitted in response to the June 17, 1980 notice of proposed rulemaking.

USEPA has completed its review of the Wisconsin submittals. Those approved or conditionally approved today will be in addition to and not in lieu of existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations; or if it chooses, challenging the new regulations. In some instances, the present emission control regulations contained in the federally-approved SIP are different from the regulations currently being enforced by the State. In these situations the present federally approved SIP will remain applicable and enforceable until there is compliance with the newly promulgated and federally approved regulations. Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for a source to comply with the pre-existing SIP while moving toward compliance with the new regulations. In these situations, the State may exempt a source from compliance with the pre-existing regulations. Any exemptions granted will be reviewed and acted on by USEPA as a future SIP revision.

Transportation Control Plans

In each urban nonattainment area, the designated lead local agency, in conjunction with the Wisconsin Department of Natural Resources (WDNR) and the Wisconsin Department of Transportation (WDOT), developed a control strategy designed to ensure attainment of the CO and/or ozone NAAQS in the area.

USEPA evaluated Wisconsin's transportation control plans using the requirements for an approvable nonattainment area SIP which appeared in the April 4, 1979, July 2, 1979, August 28, 1979, September 17, 1979, November 23, 1979, May 13, 1980 (2) Federal Registers (44 FR 20372, 38583, 50371, 53761, and 67182; 45 FR 31303 and 31307); the "USEPA-USDOT Guideline for Air Quality-Transportation Plans, and the Office of Transportation and Land Use Policy "Checklist for Transportation SIPs."

A summary of the principal requirements was included in the June 17, 1980 notice of proposed rulemaking and will not be reiterated here.

As a result of its evaluation, USEPA is taking the following final actions:

Milwaukee Area: Carbon Monoxide and Ozone

A portion of the City of Milwaukee has been designated as nonattainment for the CO NAAQS. The Counties of Kenosha, Milwaukee, Ozaukee, Racine, and Waukesha have been designated as nonattainment for ozone.

The Southeastern Wisconsin Regional Planning Commission (SEWRPC), designated as the lead local agency under section 174 of the Act, in conjunction with WDNR and WDOT developed the transportation control plans for CO and ozone.

The Wisconsin SIP submittal contains a demonstration that the CO and ozone NAAQS cannot be attained in this area by 1982, despite the implementation of all reasonably available control measures. Pursuant to section 172 of the Act, the State on January 10, 1980 requested an extension to no later than December 31, 1987 for attaining the standards. As discussed in a later section of the notice, USEPA grants this request.

The transportation control plans contain the following strategies:

Strategy	Number of project	Implementor
I. Traffic flow improvement:		
Stub-end freeway treatment.	4 projects	WDOT, Milwaukee County, Milwaukee.
Work time rescheduling.	1 study	SEWRPC.
Traffic signing, pavement marking and signalization.	135 projects	Various counties and municipalities.
II. Transit improvement:		
Transit route evaluation.	6 studies	Milwaukee County, SEWRPC.
UBUS/UPARK	1 project	Milwaukee County, University of Wisconsin, Milwaukee Campus.
III. Transit shelters	3 projects	Kenosha, Shorewood, and Milwaukee County.
Vehicle occupancy increases: Park, ride, pool and express bus service.	19 projects	WDOT, Milwaukee County, Ozaukee County.
Carpool, vanpool promotion.	2 projects	WDOT, Milwaukee County.

On February 13, 1980, WDNR submitted a CO hotspot analysis plan as a SIP revision. This submittal contained an inadequate schedule for identification and elimination of hotspots. In the June 17, 1980 Federal Register (45 FR 41918) the USEPA stated that the CO hotspot analysis as submitted on February 13, 1980 was deficient and the USEPA proposed conditional approval of the Transportation Control Plan for the Milwaukee area.

In the June 17, 1980 Federal Register, the USEPA stated that for the CO hotspot analysis to be approved the State must commit to identify the strategies for each CO hotspot, to identify the funding sources and implementors for each hotspot strategy, and to submit a schedule containing dates for awarding the construction contracts, initiating on-site construction, starting operations, and eliminating hotspots.

On September 25, 1980, in response to the June 17, 1980 notice of proposed rulemaking, the WDNR submitted a revised schedule for addressing CO hot spots. This revised schedule adequately addresses the USEPA's concerns for analysis of hotspots.

The schedule provides for the following:

(1) Hotspot Identification—November 1, 1980.

(2) Hotspot Strategy Alternative Analysis—May 15, 1980.

(3) Implementor Commitments—August 15, 1981.

(4) Inclusion of implementation of CO strategies and funding in 1982 Transportation Improvement Plan (TIP)—December 1981.

(5) Submittal of TIP to USEPA—January 1, 1982.

USEPA approves the Milwaukee area transportation control measure portion of the CO and ozone SIP on the condition that Wisconsin submit, if necessary, CO strategies for identified hotspots to USEPA as SIP revisions by January 1, 1982. This submittal will include the CO excerpts from the 1982 Milwaukee TIP. USEPA is proposing the January 1, 1982 submittal date elsewhere in today's Federal Register.

Madison Area: Ozone

Dane County, which contains the Madison urbanized area has been designated as nonattainment for the ozone NAAQS. The Dane County Regional Planning Commission (DCRPC), designated as the lead local agency under section 174 of the Act, developed the transportation control plan for ozone in conjunction with WDNR and WDOT.

The Wisconsin SIP submittal contains a demonstration that the ozone NAAQS can be attained in this area by December 31, 1982. The following table identifies strategies in the transportation control plan for attaining the ozone NAAQS.

Major TSM projects that are anticipated to be implemented or continued for the period of 1979 through 1982 are:

Strategy	Status	Implementor
1. Carpool coordination program.	Continuing	Dane County.
2. Vanpool programs.	Continuing	Wisconsin DOA University of Wisconsin.
3. Residential parking permits (affects most central Madison neighborhood areas).	Continuing	City of Madison.
4. Downtown parking efficiency demonstration program (includes attendant parking in ramps, parking rate changes, fringe lots with shuttle buses and more).	Approved 1978, implement 1979–1980.	City of Madison.
5. State Street transit/ pedestrian mall.	50 percent complete 100 percent by 1982.	City of Madison.
6. Transit service increase.	Addition of 46 buses in 1979.	City of Madison.
7. Bus shelters	New shelters by 1982.	City of Madison
8. Downtown shuttle service increase.	Additional shuttle buses added by 1982.	City of Madison.
9. Bus/taxi rate coordination demonstration.	Study in progress	City of Madison.
10. Express bus service to fringe areas.	New runs	City of Madison.
11. Discounted bus passes to employees.	Continuing	Hospitals, county, government, and other.
12. Outer area transit service increases.	New buses	Private transit service and City of Madison.
13. Transit rate changes for better efficiency and Service.	Continuing	City of Madison.
14. Improved Transportation system surveillance and monitoring.	Continuing	DCRPC municipalities.
15. Traffic operation improvements—channelization of traffic—one-way streets.	Continuing	Local implementing agencies.
16. Computerized traffic control—other activities.	Continuing	Local implementing agencies.
17. Busway system improvements.	Continuing	Various municipalities.

In the June 17, 1980 notice of proposed rulemaking, USEPA proposed to approve the transportation control plan for the Madison area. No public comments were received on USEPA's proposed approval. Therefore, USEPA approves the ozone transportation control plan for the Madison urbanized area as satisfying all applicable requirements.

Green Bay: Ozone

Brown County, which contains the Green Bay urbanized area, has been designated as nonattainment for the ozone NAAQS. The Green Bay urbanized area has a population of less than 200,000. Consequently, transportation control plans are not required in this area. As discussed in the April 4, 1979 **Federal Register** transportation controls are not required in "rural" nonattainment areas since controls on major stationary sources and the development of transportation control plans in urban areas should assure reasonable further progress and attainment of the standard in "rural" areas by minimizing the transport of the pollutant from urban to rural areas.

The State has chosen to develop a transportation control plan for this area. The Plan was developed by the Brown County Planning Commission, which is the designated lead local agency for the area, in conjunction with WDNR and WDOT. The plan demonstrates that the ozone NAAQS can be attained in this area by December 31, 1982. The plan relies on the following strategies for which emission reduction credits are claimed:

1975—1979

Strategy	Implementor
Traffic flow improvement	City of Green Bay.
4th Street and Lost Dauphin Road improvement.	City of DePere.
5th Street, Route 172 and bridge crossing improvements.	Wisconsin DOT.
Railroad crossing improvements.	City of Green Bay.
Transit increase ridership (50 percent).	City of Green Bay.
Hillcrest Drive and bridge improvement.	Transit Commission Village of Howard.

In the June 17, 1980 notice of proposed rulemaking USEPA proposed to approve the transportation control plan for the Green Bay area. No public comments were received on USEPA's proposed approval. Therefore, USEPA approves the ozone transportation control plan for the Green Bay area, as satisfying all applicable requirements.

Wisconsin's Inspection and Maintenance Plan

"Inspection/Maintenance" (I/M) refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes of vehicles can be included as well. Vehicles which do not comply with the program requirements can be prohibited from operating on public roads by requiring proof of compliance in order to purchase license plates or to register a vehicle.

Section 172(b)(11) of the Act requires the establishment of a specific schedule for the implementation of a vehicle emission control (I/M) program when it is demonstrated that attainment of the primary standards for CO and/or ozone is not possible in an area prior to December 31, 1982, despite the implementation of all reasonable emission control measures.

USEPA issued guidance on February 24, 1978, on the general criteria for SIP approval, including I/M and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of those items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking (44 FR 13072, 23073, n. 6). The July 17, 1978 guidance should be consulted for details. The key elements for I/M SIP approval were in the June 17, 1980 notice of proposed rulemaking and will not be reiterated here.

Wisconsin has demonstrated that attainment of the NAAQS for CO and ozone is not possible in the Milwaukee Metropolitan area by December 31, 1981. Consequently, the State has requested an extension until December 31, 1987 for this area. According to the requirements of section 172(b)(11) of the Act, an I/M program must be implemented in this area. The following analysis discusses the conformance of the Wisconsin SIP with the requirements for SIP approval.

1. *Legal Authority (Including Description of I/M Program).*—On April 2, 1980, the Wisconsin Legislature passed Amended Assembly Bill 500, which provides legal authority for the implementation and enforcement of an

I/M program. The Governor signed the bill on May 1, 1980. On May 7, 1980, it was formally submitted to USEPA. On May 11, 1980 it became an enforceable State law in Wisconsin.

This law requires the Department of Natural Resources to adopt rules which specify emissions limitations for motor vehicles. To monitor compliance with the standards the bill establishes a motor vehicle emission I/M program. The program must operate in counties requiring I/M by Federal law to meet ambient air quality standards and in counties whose board of supervisors request that the program be established.

USEPA reviewed the law, and based on this review, proposed to approve the State of Wisconsin's legal authority to implement and enforce an I/M program in the June 17, 1980 **Federal Register**. No public comments were received on the State's legal authority. Therefore USEPA approves this portion of Wisconsin's I/M plan.

2. *Commitment to Implement*—According to section 172(b)(10) of the Act, written evidence is required to establish that the appropriate governmental bodies are "committed to implement and enforce the appropriate elements of the plan."

On December 20, 1979, the Natural Resources Board adopted a resolution and schedule regarding the implementation of a vehicle emission control I/M program in Wisconsin. Wisconsin's SIP submittal also committed to the development and implementation of an I/M program in Southwest Wisconsin by 1983. Also, a commitment to implement, establish and operate an I/M program, was signed by Governor Dreyfus on October 16, 1979. The actions described above meet the criteria of section 172(b)(10) of the Act. No public comments were received on Wisconsin's commitment to implement the program. Therefore, USEPA approves Wisconsin's commitment to implement.

3. *Identification and Commitment of Resources*—The Legislative Authority enacted in Wisconsin does not address a mechanism to fund the program. Therefore, on May 8, 1980, the State submitted a revised schedule for implementation of an I/M program, which included a milestone to secure the financial and manpower resources to implement and operate the I/M program by February 1, 1981. USEPA proposed to approve in the June 17, 1980 **Federal Register** Notice the State's I/M resource commitment based on this submittal. Wisconsin has not yet fulfilled this requirement. To be fully approved, Wisconsin's I/M program requires a financial/manpower resource commitment. Wisconsin has informed USEPA that its legislature is currently considering such a commitment and action on the commitment is anticipated about August 1, 1981. On April 9, 1981 Wisconsin committed itself to submit the State's action to USEPA by August 15, 1981. Therefore, USEPA is approving Wisconsin's commitment of resources on the condition that Wisconsin submit its funding/manpower commitment to the USEPA by August 15, 1981. The commitment date of August 15, 1981 is being proposed for public comment elsewhere in today's **Federal Register**.

4. *Schedule for Implementation of the Plan*—On May 8, 1980 the State submitted a revised implementation schedule which established key milestones which meet the criteria established in USEPA's July 17, 1978 guidance memorandum. USEPA proposed to approve Wisconsin's I/M implementation schedule in the June 17, 1980 **Federal Register** notice. No public comments were received on the schedule. However, Wisconsin has missed milestones in its implementation schedule. On April 9, 1981 Wisconsin committed itself to submit a revised implementation schedule to the USEPA by August 15, 1981. The August 15, 1981 date is based on the abovementioned legislative action.

USEPA is approving Wisconsin's I/M implementation schedule on the condition that Wisconsin submit a revised schedule to USEPA by August 15, 1981. This date is being proposed for public comment elsewhere in today's **Federal Register**.

5. *Program Effectiveness*—Based on information in the SIP, the I/M program for light duty vehicles will achieve in 1987 a 42 percent reduction in VOC exhaust emissions and a 50 percent reduction in CO exhaust emissions in the Milwaukee metropolitan area. These emission reductions were calculated by comparing total mobile source exhaust emissions in 1987 with and without the I/M program. The calculations are based on the assumptions that the I/M program will have a 20 percent stringency factor and that a mechanics' training program will be implemented. Therefore, the program is in conformity with USEPA criteria for SIP approval.

The Clean Air requires I/M in those areas where an extension of the 1982 attainment deadline is requested. On July 17, 1978, David Hawkins issued Inspection and Maintenance Policy Guidance. This guidance discussed the geographic area in which an I/M program must be implemented. It indicated that I/M should focus on metropolitan areas and should include the entire urbanized areas and adjacent fringe areas of development. The February 24, 1978, criteria for approval of 1979 SIP revisions, issued by the Administrator, states that the urbanized area is defined by the U.S. Bureau of Census, 1970.

Because Wisconsin requested an extension of the deadline for attaining the CO and ozone standards for the Milwaukee area, the Act requires that an I/M program be implemented in the Milwaukee area. The State responded on August 12, 1980 that it finds an I/M program is required for the Counties of Milwaukee, Ozaukee, Racine, Washington, and Waukesha, all or part of which are in the Milwaukee urbanized area, and the County of Kenosha, which the State indicates is a fringe area of development adjacent to the counties listed above. USEPA agrees with the State's determinations. Further, pending completion by current ongoing analysis of the State, the implementation of an I/M program in Walworth County could be required.

No public comments were received on Wisconsin's I/M program effectiveness. USEPA approves Wisconsin's program as meeting the program effectiveness requirements.

In conclusion, USEPA approves Wisconsin's I/M program on the condition that Wisconsin submit to the USEPA by August 15, 1981 (1) its funding/manpower resource commitment and (2) a revised implementation schedule. The August 15, 1981 date is being proposed for public comment elsewhere in today's **Federal Register.**

Attainment Demonstrations for Carbon Monoxide and Ozone

The April 4, 1979 **Federal Register** and its supplements detail the requirements for acceptable attainment demonstrations. A summary of the requirements for an acceptable attainment demonstration were listed in the June 17, 1980 notice of proposed rulemaking and will not be reiterated here. USEPA has reviewed Wisconsin's CO and ozone attainment demonstrations to determine if they satisfy these requirements. Wisconsin has met these requirements with three exceptions; the CO hotspot analysis which was discussed in the section of this notice entitled "Milwaukee area: carbon monoxide and ozone" and the I/M resource commitment and revised implementation schedule discussed above.

The following is a brief description of the attainment demonstration for each metropolitan area, Wisconsin's response to the June 17, 1980 notice of proposed

rulemaking, and USEPA's final rulemaking action on the attainment demonstrations.

Milwaukee County: Carbon Monoxide

The only area in Wisconsin designated as nonattainment for CO is a portion of the central business district (CBD) of Milwaukee. Violations of the primary eight hour NAAQS (10mg/m³) were recorded at three monitoring sites in the CBD during the 1975–mid 1977 monitoring period.

The State used computer dispersion modeling to analyze the problem. The State's modeling analysis predicts that a CO emission reduction of between 38% and 46% is necessary to demonstrate attainment of CO NAAQS in the Milwaukee area. The Wisconsin CO Control Program Strategy relies primarily on the Federal Motor Vehicle Control Program (FMVCP) and transportation control measures to provide CO emission reductions in the Milwaukee area. The State's submission indicates that the required level of CO emission reductions to demonstrate attainment cannot be achieved by 1982, despite the implementation of all reasonably available control measures. However, the submission does indicate that the necessary emission reductions can be achieved by 1987. Based on its inability to attain the CO NAAQS by 1982, the State on January 10, 1980, requested an attainment date extension until no later than December 31, 1987. USEPA today is approving that request.

In USEPA's June 17, 1980 notice of proposed rulemaking, USEPA stated that the State's CO attainment demonstration contained a technical deficiency in that it did not fully substantiate the assumption that stationary sources are insignificant contributors to the CO emission inventory in the nonattainment area. On August 12, 1980, Wisconsin responded that less than 3% of CO emissions in Milwaukee County comes from stationary sources. This corrects the technical deficiency cited in the June 17, 1980 notice of proposed rulemaking.

No public comments were received on USEPA's proposed approval of the CO demonstration of attainment in Milwaukee County. Therefore, USEPA approves this portion of Wisconsin CO SIP.

Milwaukee Area: Ozone

The WDNR and SEWPRC used two modeling methods for the determination of the required VOC emission reductions needed to attain the ozone standards in southeast Wisconsin. The Standard Empirical Kinetics Modeling Approach (EKMA) was employed for the greater Milwaukee are (Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha Counties). Standard EKMA predicted that a 69% reduction in VOC emissions is necessary for the attainment of the ozone standard in Milwaukee.

Wisconsin evaluated various combinations of control measures to provide for attainment of the NAAQS. Based on the projected emission reductions due to the application of RACT, FMVCP controls, TCM, and vehicle I/M (Milwaukee area only), the WDNR developed emission inventories for 1982 and 1987 in each of the nonattainment areas. The projected emission inventories for Milwaukee indicate that attainment will not occur until after 1982, and, without additional control measures beyond these presently available, it will not occur until after 1987.

Section 172(b)(3) of the Act requires the SIP to contain a provision for reasonable further progress (RFP) toward attainment of the NAAQS in the years following the submission of the SIP and prior to the final deadline date. Section 171(1) of the Act defines RFP as meaning annual, incremental emission reductions, including substantial reductions in the early years following approval of the SIP. In its SIP submission Wisconsin made a commitment to RFP for the urban nonattainment areas. RFP graphics showing expected annual VOC emissions as a function of time were given for Milwaukee.

The RFP curve presented for Milwaukee in the Wisconsin SIP submittal shows that under the present control plans the Milwaukee area emissions will not reach the attainment level until after 1987. The WDNR has made a commitment to develop and implement additional control programs such that the standard will be attained by 1987. Based on the controls presently adopted and Wisconsin's various commitments to adopt further controls as necessary, USEPA approves Wisconsin's ozone attainment demonstration for the Milwaukee area (which includes the nonattainment counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, and Waukesha.

Madison Area: Ozone

The State's modeling analysis for demonstrating attainment of the ozone NAAQS shows that an 11% reduction in VOC emissions is required to meet the standard. This emission reduction requirement was determined using the Linear Rollback Approach (LRA) model. The ozone control strategy relies upon VOC RACT controls on stationary sources, the FMVCP, and transportation control measures. The State's submission indicates that a 39.6% reduction in VOC emissions will be achieved with these controls by December 31, 1982, thus assuring attainment of the ozone standard.

No public comments were received on USEPA's proposed approval of the Madison area ozone attainment demonstration. Therefore, USEPA approves the Madison area (Dane County) ozone attainment demonstration as satisfying all applicable requirements.

Green Bay: Ozone

The State's modeling analysis for demonstrating attainment of the ozone NAAQS predicts that a 34% reduction in VOC emissions is required to meet the standard. This emission reduction requirement was determined using the LRA model. The ozone control strategy relies upon VOC RACT controls on stationary sources, the FMVCP, and transportation control measures. The State's submission indicated that a 39% reduction in VOC emissions can be achieved by December 31, 1982, thus assuring attainment of the ozone standard.

No public comments were received on USEPA's proposed approval of the ozone attainment demonstration for the Green Bay area. Therefore, USEPA approves the Green Bay (Brown County) ozone plan as a portion of Wisconsin's SIP.

Ozone Redesignations

The March 3, 1978 Federal Register notice designated Grant, La Crosse, Douglas, Brown, Vilas, Kenosha, Milwaukee, Ozaukee, Racine, Waukesha, Columbia, and Dane Counties as not attaining the 0.080 ppm one hour oxidant standard (43 FR 8962; 40 CFR 81.350). Sheboygan County was designated unclassifiable. On February 8, 1979, the standard was changed to a 0.120 ppm ozone standard, not to be exceeded on the average of more than 1.00 times a year (44 FR 8220). The WDNR has demonstrated that although Grant, Douglas and La Crosse Counties have recorded violations of the 0.080 ppm standard, no violations of the 0.120 ppm standard have been recorded in these counties. However, the data for Douglas County do not cover an entire peak season for ozone and thus are insufficient to demonstrate attainment of the ozone NAAQS.

Therefore, USEPA today is approving the redesignation of Grant and La Crosse Counties to attainment and the

redesignation of Douglas County to cannot be classified. Two public comments were received, dated September 8, 1980, and September 15, 1980 supporting USEPA's approval of the redesignation of La Crosse County.

In Sheboygan County, quality assured data for 1978 indicates the 0.12 ppm standard was exceeded 15 times at the Wilson Township monitoring site during the year. The second highest concentration observed during the year was 0.222 ppm. Non-quality assured industrial data indicate that the standard was also exceeded in 1977. A second high concentration of 0.231 ppm was observed at the industrial site in 1977. Review of the available data under the present USEPA Guidelines ("Guideline for Interpretation of Ozone Air Quality Standards" EPA-450/4-79/003) indicates that a redesignation of Sheboygan County to nonattainment for ozone is appropriate.

USEPA approves the redesignation for ozone of Sheboygan County from unclassifiable to nonattainment, the redesignation of La Crosse and Grant Counties from nonattainment to attainment for ozone, and Douglas County from nonattainment to cannot be classified.

Part D Requirements for Rural Counties

In order to meet the Part D requirements in "rural" ozone nonattainment areas, i.e., urbanized areas of less than 200,000 population, the USEPA requires only the adoption of stationary source VOC RACT regulations on major sources. Transportation control measures are not required in rural nonattainment areas because the combination of controls on major stationary sources in all nonattainment areas and the development of transportation control plans in urban areas should assure attainment in the rural areas by minimizing the pollutants transported from urban to rural areas. The USEPA approved on January 11, 1980 Wisconsin's VOC RACT regulations and its commitment to adopt further RACT regulations as required. These RACT regulations meet the Part D requirements for Wisconsin's rural counties. USEPA proposed to approve in the June 17, 1980 **Federal Register** (as corrected on August 19, 1980, 45 FR 55230) Wisconsin's ozone strategy for La Crosse, Vilas, Kenosha, Columbia, Grant, Sheboygan and Douglas Counties. Because USEPA is today redesignating Grant and La Crosse Counties to attainment and Douglas County to cannot be classified, no Part D plan is necessary for these counties. USEPA approves the ozone plan for Columbia, Kenosha, Sheboygan, and Vilas Counties.

Conclusion

The USEPA approves the redesignation of Grant, and La Crosse Counties to attainment for ozone, Douglas County to cannot be classified, and Sheboygan County to nonattainment. It approves the complete ozone plans, including transportation management portions, for the Green Bay (Brown County) and Madison (Dane) urban areas. It approves the ozone plan for Columbia, Kenosha, Sheboygan, and Vilas Counties. It approves the CO and ozone attainment demonstrations and the transportation control plan for the Milwaukee urban area. The Milwaukee urban area includes the ozone-nonattainment Counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, and Waukesha. It approves the attainment date extension for ozone and CO in the Milwaukee area to 1987. It conditionally approves the CO plan and the ozone plan for the Milwaukee urban area. It conditionally approves Wisconsin's I/M program. The conditional approval of the CO strategy in the Milwaukee Area (Milwaukee County) is based upon continued progress by the State in completion of its hot-spot analyses and submission of selected control strategies, if necessary, by no later than January 1, 1982. The analyses must consider the impact of CO background concentrations. The conditional approval of the ozone plan is based on the conditional approval of Wisconsin's I/M program. USEPA is approving the I/M plan in Southeast Wisconsin on the condition that the State submit a funding/manpower resource commitment and revised implementation schedule to the USEPA by August 15, 1981. The January 1, 1982 and the August 15, 1981 dates are being proposed elsewhere in today's **Federal Register**.

These regulations are being made effective immediately because they impose no new requirements on anybody above those already imposed by state law and because they remove in certain areas the growth restrictions of section 110(a)(2)(I) of the Act.

Under Executive Order 12291, USEPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation is not "major" as defined by Executive Order 12291, because this action approves a State program enacted by the State to attain the national ambient air quality standards for carbon monoxide and ozone and imposes no new regulatory requirements.

This approval by USEPA removes the growth restrictions of Section 110(a)(2)(I) in those nonattainment areas.

Under Section 307(b)(1) of the Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Act the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by USEPA to enforce these requirements. (Sec. 110 and 172 of the Clean Air Act as amended.)

Note.—Incorporation by reference of the State Implementation Plan for the State of Wisconsin was approved by the Director of the Federal Register on July 1, 1980.

Dated: April 20, 1981.

Walter C. Barber,

Acting Administrator.

Title 40 of the Code of Federal Regulations, Chapter 1, Parts 52 and 81 are amended as follows:

1. Section 52.2570(c) is amended by adding subparagraphs (16) and (17) as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(16) On July 12, 1979 Wisconsin submitted its ozone and carbon monoxide plan. This included the plan for the Green Bay, Madison, and Milwaukee urban areas which include the ozone nonattainment counties of Brown, Dane, Kenosha, Milwaukee, Ozaukee, Racine, Walworth and Waukesha.

Supplemental materials were submitted on September 4, 1979, February 28, 1980, August 12, 1980, September 25, 1980, and November 4, 1980.

(17) On July 12, 1979, Wisconsin submitted its vehicle inspection and maintenance program. Supplemental information and commitments were submitted on August 1, 1979, October 16, 1979, May 7, 1980, and May 8, 1980.

2. Section 52.2577 is revised as follows:

§ 52.2577 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in Wisconsin's plan, except where noted.

* * * * *

Air quality control region	Pollutant						
	TSP		SO_2		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
Duluth (Minnesota)-Superior (Wisconsin) Interstate (AQCR 129):							
a. Primary/Secondary nonattainment areas.	a	f	b	a	c	c	c
b. Remainder of AQCR	c	c	d	c	c	c	c
North Central Wisconsin Interstate (AQCR 238):							
a. Primary/Secondary nonattainment areas.	b	f	d	c	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	c
Lake Michigan Interstate (AQCR 237):							
a. Primary/Secondary nonattainment areas.	b	f	c	c	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	c
Southwest Minnesota-LaCrosse (Wisconsin) Interstate (AQCR 188):							
a. Primary/Secondary nonattainment areas.	b	f	a	a	c	c	c
b. Remainder of AQCR	c	c	c	c	c	c	c
Southern Wisconsin Interstate (AQCR 240):							
a. Primary/Secondary nonattainment areas.	b	f	d	c	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	c
Southwestern Wisconsin Interstate (AQCR 239):							
a. Primary/Secondary nonattainment areas.	a	f	b	a	c	c	c
b. Remainder of AQCR	c	c	c	c	c	c	c
Rockford (Illinois)-Janesville-Beloit (Wisconsin) Interstate (AQCR 73):							
a. Primary/Secondary nonattainment areas.	b	a	c	c	c	c	c
b. Remainder of AQCR	c	c	c	c	c	c	c
Metropolitan Dubuque Interstate (AQCR 68):							
a. Primary/Secondary nonattainment areas.	a	a	c	c	c	c	c
b. Remainder of AQCR	c	c	c	c	c	c	c

a. July, 1975.
b. Air quality levels presently below primary standards or is unclassifiable.
c. Air quality levels presently below secondary standards or is unclassifiable.
d. December 31, 1982.
e. December 31, 1987.
f. 18-month extension granted.

NOTE.—Sources subject to the plan requirements and attainment dates established under section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2577 (1978).

For actual nonattainment designations refer to 40 CFR Part 81.

Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

3. Section 52.2583 is added as follows:

§ 52.2583 Control strategy: Carbon monoxide.

(a) Part D Conditional Approval—The Wisconsin plan for Milwaukee is approved provided that the following conditions are satisfied:

(1) The plan must contain, if necessary, carbon monoxide strategies for identified hotspots in Milwaukee.

(2) The plan must contain a funding/manpower resource commitment for implementing Wisconsin's I/M program.

(3) The plan must contain a revised schedule for implementing Wisconsin's I/M program.

4. Section 81.350 is revised as follows:

§ 81.350 Wisconsin.

Wisconsin—OX

Designated Area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 68:		
Grant County		X
AQCR 73:		
Rock County		X
AQCR 129:		
Barron County		X
Buffalo County		X
Chippewa County		X
Clark County		X
Crawford County		X
Dunn County		X
Eau Claire County		X
Jackson County		X
LaCrosse County		X
Monroe County		X
Pepin County		X
Pierce County		X
Polk County		X
St. Croix County		X
Trempealeau County		X
Vernon County		X

Wisconsin—OX—Continued

Designated Area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 129:		
Ashland County		X
Bayfield County		X
Burnett County		X
Douglas County		X
Iron County		X
Price County		X
Rusk County		X
Sawyer County		X
Taylor County		X
Washburn County		X
AQCR 237:		
Brown County	X	
Calumet County		X
Door County		X
Fond du Lac County		X
Green Lake County		X
Kewaunee County		X
Manitowoc County		X
Marinette County		X
Menominee County		X
Oconto County		X
Outagamie County		X
Shawano County		X
Sheboygan County	X	
Waupaca County		X
Waushara County		X
Winnebago County		X
AQCR 238:		
Adams County		X
Florence County		X
Forest County		X
Juneau County		X
Langlade County		X
Lincoln County		X
Marathon County		X
Oneida County		X
Portage County		X
Vilas County	X	
Wood County		X
AQCR 239:		
Kenosha County	X	
Milwaukee County	X	
Ozaukee County	X	
Racine County	X	
Walworth County		X
Washington County		X
Waukesha County	X	
AQCR 240:		
Columbia County	X	
Dane County	X	
Dodge County		X
Green County		X
Iowa County		X
Jefferson County		X
Lafayette County		X
Richland County		X
Sauk County		X

[FR Doc. 81-13679 Filed 5-5-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 81

[A-4-FRL 1819-7]

Air Quality Planning; Alabama: Redesignation of Morgan County; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction in final rule.

SUMMARY: This notice corrects an error in the listing of the Mobile County TSP

nonattainment area in FR 81-6810, a final rule changing the Section 107 designation of Morgan County, Alabama, for particulate matter to attainment.

FOR FURTHER INFORMATION CONTACT:

Jerry Preston of the EPA Region IV Air Programs Branch at 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: In FR Document 81-6810, appearing at page 14891 of the issue of March 3, 1981, make the following correction in the TSP table of 40 CFR 81.301. In the entry for Mobile County, remove the "X" from the column headed "Cannot be classified" and insert an "X" in the columns headed "Does not meet primary standards" and "Does not meet secondary standards."

(Section 107 of the Clean Air Act (42 U.S.C. 7407))

Dated: April 24, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-13884 Filed 5-5-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF ENERGY

41 CFR Ch. 9

Procurement Regulations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This final rule will correct errors in the DOE Procurement Regulations, Chapter 9, Title 41 of the Code of Federal Regulations. The corrections are not substantive but rather are in the nature of corrections of misspellings, corrections of erroneous citations, omissions of words, changes in addresses and the like.

DATES: Comments must be received on or before June 5, 1981, to be considered. The rule will be effective June 5, 1981.

ADDRESS: Comments should be addressed to the Department of Energy, Procurement Policy Division (PR-211), Forrestal Building, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard B. Langston, Policy and Procedures Division (PR-211), Procurement and Assistance Management, (202) 252-8188

Mr. Barclay E.Van Doren, Assistant General Counsel for Procurement, Office of the General Counsel, (202) 252-6902

SUPPLEMENTARY INFORMATION:

I. Background.
II. Statutory and Regulatory Requirements.
III. Purpose.

I. Background

Under Section 644 of the Department of Energy Organization Act (hereinafter referred to as the Act) (Pub. L. 95-91, 91 Stat. 565, 42 U.S.C. 7254), the Secretary of the Department is authorized to prescribe such procedural rules and regulations as he may deem necessary or appropriate to effectuate the functions vested in him. Accordingly, the DOE-PR was promulgated with an effective date of June 30, 1979 (44 FR 34434, June 14, 1979).

II. Statutory and Regulatory Requirements

To the extent that Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) relating to the rulemaking opportunity for oral presentations is applicable to the rule, the Department has determined that no substantial issue of fact or law exists and that this rule is unlikely to have substantial impact on the Nation's economy, or large numbers of individuals or businesses.

The DOE Procurement Regulations are authorized under Section 644 of the Department of Energy Act, Pub. L. 95-91 and the Federal Property and Administrative Services Act of 1949, as amended, and other applicable law.

The Department has further determined that the rule will not have a significant economic impact on a substantial number of small entities and that therefore the Pub. L. 96-354 requirement for a regulatory flexibility analysis is not applicable. This is so because the rule is merely correcting typographical errors, omissions, addresses and titles.

III. Purpose

The purpose of this final rule is to correct errors and omissions which have been discovered in the course of using the regulations. The errors being corrected are in the nature of misspellings and incorrect citations rather than substantive changes. For this reason public comment is not considered necessary. The Department will, however, give full consideration to any comments submitted on or before June 5, 1981.

For the reasons set forth in the preamble, Chapter 9 of Title 41 of the Code of Federal Regulations is amended as set forth below.

Dated: April 29, 1981.

For the Department of Energy.

Hilary J. Rauch,

Director, Procurement and Assistance Management.

41 CFR Chapter 9 is amended by amending the following portions:

CHAPTER 9—DEPARTMENT OF ENERGY PROCUREMENT REGULATIONS

Part
9-1 General.
9-2 Procurement by formal advertising.
9-3 Procurement by negotiation.
9-4 Special types and methods of procurement.
9-5 Special and directed sources of supply.
9-7 Contract clauses.
9-9 Patents, data, and copyrights.
9-10 Bonds and insurance.
9-15 Contract cost principles and procedures.
9-18 Procurement of construction.
9-23 Subcontracting policies and procedures.
9-50 Operating and on-site service contracts.

Authority: Section 644 of the Department of Energy Organization Act, Pub. L. 95-91, Statute 599 (42 U.S.C. 7254).

PART 9-1—General.

§§ 9-1.051-1 and 9-1.051-4 [Amended]

By removing the word "policy" from the title of Sections 9-1.051-1 and 9-1.051-4.

Subpart 9-1.4 [Amended]

§ 9-1.404-2 [Reserved]

By removing the word "DESIGNATION" and substituting the word "RESERVED" in the index of 9-1.4, Procurement Responsibility and Authority, appearing opposite DOE-PR reference 9-1.404-2.

§ 9-1.009-2 [Amended]

By amending § 9-1.009-2(b) to correctly cite the subpart reference by removing "9.50.704" and substituting "9-50.704."

§ 9-1.206 [Amended]

By revising the last sentence in the first paragraph of § 9-1.206 to read as follows: "A partial listing of duties specifically reserved to the HPA or designee includes:"

§ 9-1.051-1 [Amended]

By removing the word "policy" from the title, introductory sentence and paragraph (a) such that the term "acquisition policy letters" becomes "acquisition letters" and by removing the words "concerning internal practices and" and substituting the words "on procurement" in paragraph (c).

§ 9-1.051-4 [Amended]

By substituting the term "acquisition letters" for "acquisition policy letters" and "AL" for "APL" as the acronym for the term at the title, line 2 of paragraph (a) and lines 1 and 3 of paragraph (b).

§ 9–1.251 [Amended]

By substituting the word "Assistance" for the word "Contracts" such that the position title reads "Director of Procurement and Assistance Management."

§ 9–1.404 [Amended]

By removing the word "Policy" from the term "Acquisition Policy Letters" of paragraph 9–1.404–1.

§ 9–1.704–1 [Amended]

By changing "This" to "These" before the word "programs" on line 9.

§ 9–1.807 [Amended]

By substituting the word "Assistance" for "Contracts" and removing the word "Directorate" such that the organizational title becomes "Procurement and Assistance Management" at paragraphs (a) and (d).

Subpart 9–1.54 [Appendix A Amended]

By correcting the spelling of the word "reasonable" appearing in the second sentence under example 4 of Appendix A of Subpart 9–1.54.

§ 9–1.5404 [Amended]

By removing the quotation symbol appearing at the end of 9–1.5404(b)(7).

§ 9–1.5406 [Amended]

By removing the incorrect reference to "9–1.5407" appearing in Subpart 9–1.5406 and substituting therefore "9–1.5406–2."

§ 9–1.5407 [Amended]

By correcting the spelling of the word "disclosure" which appears as the next to last word in the paragraph under 9–1.5407.

§ 9–1.5411 [Amended]

By correcting the spelling of the word "appropriate" which appears in the second sentence of the paragraph under 9–1.5411.

§ 9–1.5411 [Amended]

By correcting the spelling of the word "appropriate" which appears in the second sentence of the paragraph under 9–1.5411.

§ 9–1.5404 [Amended]

By removing the quotation symbol appearing at the end of 9–1.5404(b)(7).

PART 9–2—PROCUREMENT BY FORMAL ADVERTISING

§ 9–2.106 [Amended]

By substituting the word "Assistance" for the word "Contracts" and removing the word "Directorate" such that the organizational title becomes "Procurement and Assistance Management."

PART 9–3—PROCUREMENT BY NEGOTIATION

§§ 9–3.805–50 and 9–3.805–51 [Amended]

By changing the organizational title "Procurement and Contracts Management Directorate" to "Procurement and Assistance Management" at:

(1) 9–3.805–50(a)(1) (ii) and (2); and

(2) 9–3.805–51(d)(1)(i) B, C and E.

By changing the word "regulation" to "section" at paragraph 9–3.805–51(b).

§ 9–3.807–50 [Amended]

By substituting the word "Assistance" for "Contracts" and removing the word "Directorate" such that the organizational title becomes "Procurement and Assistance Management."

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

§ 9–4.411–3 [Amended]

By substituting "Office of Facility Planning and Support" for the "Office of Construction and Facility Management."

§ 9–4.904 [Amended]

By amending 9–4.904(a) to correctly cite the reference to the FPR by removing "FPR Section 9–4.9" and substituting "FPR 1–4.9."

§ 9–4.906 [Amended]

By removing "Unsolicited Proposal, Mail Stop RB–400, Washington, DC 20585" in 9–4.906 and substituting "Procurement and Assistance Management, DOE, Unsolicited Proposal Management Branch, PR–33, Washington, DC 20585."

Section 9–4.906(b) is amended by correcting the title and address of the office to which unsolicited proposals should be submitted such that it reads: "Procurement and Assistance Management, DOE, Unsolicited Proposal Management Branch, PR–33, Washington, DC 20585."

§ 9–4.909 [Amended]

Section 9–4.909(a) is amended by correcting the spelling of the word "established" which appears immediately before the word "accountability."

Section 9–4.909(e)(1) is amended by substituting the word "Assistance" for the word "Contracts" such that the title becomes "Director, Procurement and Assistance Management" at subparagraphs (ii), (iii) and (iv).

§ 9–4.5105 [Amended]

By amending 9–4.5105 to cite the FPR by removing "9–4.906" and substituting "FPR 1–4.9."

§ 9–4.5703 [Amended]

By amending 9–4.5703–1(b) by removing "DOE–AR 232 (10 CFR 600.232)" appearing in the fourth sentence, and substituting "DOE–AR 233 (10 CFR 600.233)."

§ 9–4.5800 [Amended]

By amending 9–4.5800(b) by removing "DOEOAR 600.233" in the third sentence and substituting "DOE–AR 600.234."

PART 9–5—SPECIAL AND DIRECT SOURCES OF SUPPLY

Subpart 9–5.3—Excess Personal Property [Amended]

§ 9–5.900 Redesignated as § 9–5.300

By amending Subpart 9–5.3 by removing "Section 9–5.900" appearing immediately after "Subpart 9–5.3 Excess Personal Property" and substituting "Section 9–5.300."

§ 9–5.5504 [Amended]

By correcting the spelling of the word "Purchase" at line 2 in the term "lease-purchase."

PART 9–7—CONTRACT CLAUSES

§ 9–7.104–51 [Amended]

By capitalizing "Contracting" in "Contracting Officer" at line 1 of the clause and changing "State" to lower case "state."

§ 9–7.202–50(a) [Amended]

By capitalizing "Contracting Officer" at line 1 of paragraph (a).

§ 9–7.302–50 [Amended]

By amending § 9–7.302–50(b) by removing the word "contracts" and substituting the word "contacts."

§ 9–7.802 [Amended]

By revising the reference to the Contract Disputes Act of 1978 appearing in § 9–7.802–5(a) to read "(41 U.S.C. 601 et seq.)."

§ 9–7.802–4 [Amended]

By capitalizing "Contracting Officer" at line 1 of paragraph (a).

PART 9–9—PATENTS, DATA, AND COPYRIGHTS

§ 9–9.107–5 [Amended]

By removing "10 CFR 715" from paragraph (c)(3) of 9–9.107–5(a) and substituting "10 CFR 781."

By inserting "a" between the word "is" and the word "third" in the first sentence of paragraph (j)(7) of 9–9.107–5(a).

By adding the words "if included" between the words "and" and "the" in paragraph (m) of 9-9.107-5(a).

§ 9-9.107-6 [Amended]

By amending the Patent Rights (Short Form) clause appearing in § 9-9.107-6 as follows: By removing the word "patents" and substituting therefore "plants" in paragraph (a)(1) of § 9-9.107-6. By adding a "(d)" immediately after "41 CFR 9-9.109-6" in paragraph (c)(2) of § 9-9.107-6.

§ 9-9.109-6 [Amended]

By removing the word "five" from the first sentence of paragraph (h)(3) of 9-9.109-6 and substituting the word "six."

By removing the word "confirmation" from the second sentence of paragraph (i)(5)(ii)(C) of § 9-9.109-6 and substituting "confirmatory."

§ 9-9.202-3 [Amended]

By adding the words "technical data contains" after the word "This" which is the first word in the first sentence under "Limited Rights Legend" which appears under paragraph (g). In the same sentence as referenced above add the word "which" before the word "may" where it first appears in the sentence.

By removing "its" and substituting "their" in paragraph (b)(3) of § 9-9.202-3(e)(4).

By adding the word "or" after "Officer" in paragraph (b) of § 9-9.202-3(f)(2).

§ 9-9.202-4 [Amended]

By adding the words "technical data concerns" after the word "this" and adding the word "which" before "may" in the first sentence under "Limited Rights Legend" in paragraph (e) of § 9-9.202-4(d).

PART 9-10—BONDS AND INSURANCE

§ 9-10.5008 [Amended]

By amending § 9-10.5008 by removing the "(a)" appearing at the beginning of the representation clause and by removing the entire paragraph "(b)" from the representation clause and by removing the designation "(b)" and retaining the language immediately following the "(b)" as the last paragraph of text under § 9-10.5008.

PART 9-15—CONTRACT COST PRINCIPLES AND PROCEDURES

§ 9-15.5006-1 [Amended]

By capitalizing "Contracting Officer" at the second line in paragraph (a).

PART 9-18—PROCUREMENT OF CONSTRUCTION

§ 9-18.650 [Amended]

By removing the words "The following list shall be noted in the specifications" and the partial listing beginning with "Antimony" and ending with "Rubber-crude and latex" on § 9-18.650 and substituting therefore "The list of excepted supplies appearing at § 9-6.105 shall be noted in the specifications."

PART 9-23—SUBCONTRACTING POLICIES AND PROCEDURES

Subpart 9-23 [Amended]

§§ 9-23.104, 9-23.107, 9-23.108, and 9-23.110 [Amended]

By changing the title "Director, Office of Procurement Management (attn: PR-32)" to "Director, Office of Policy, (attn: PR-20)" at paragraphs 9-23.104 (c) and (f), 9-23.107 (a) and (b), 9-23.108(g) and 9-23.110(a) and by revising the last sentence of 9-23.104(f) to read as follows: "Initial and follow-up review teams should include, when available, a DCAS representative and a representative from Procurement and Assistance Management as well as other DOE representatives as may be appropriate."

PART 9-50—OPERATING AND ON-SITE SERVICE CONTRACTS

§ 9-50.109-2 [Amended]

By inserting a hyphen between the words "Architect" and "Engineer" appearing in § 9-50.109-2(b).

§ 9-50.302-5 [Amended]

By amending § 9-50.302-5(a)(2) by removing "5(a) and 5(b)" which appears in the last sentence of paragraph (2) and substituting therefore "(a)5(i) and (a)5(ii)" and by removing in 5(i) "Director, Office of Procurement Management (attn: PR-32)" and substituting therefore "Director, Office of Policy (attn: PR-20)."

§ 9-50.304 [Amended]

By amending paragraph (c)(3) of § 9-50.304 by correcting the spelling of the word "justification."

§ 9-50.704-16 [Amended]

By removing the word "routine" and substituting "routing" at paragraph 23(i).

§ 9-50.704 [Amended]

By correcting a page duplication by removing all text from paragraph (e) of § 9-50.704-18 through the word "allowable" in paragraph (j) of § 9-50.704-18 as it first appears in the text.

§ 9-50.704-18 [Amended]

By amending § 9-50.704.18(e) by correcting the spelling of the word "appropriate" in the last sentence of this paragraph.

§ 9-50.704-20 [Amended]

By amending § 9-50.704-20(b) by removing "($100,0000)" and substituting therefore "($100,000)."

§ 9-50.704-21 [Amended]

By removing the word "or" appearing between the word "contractor" and the word "under" in (d) of § 9-50.704-21.

§ 9-50.704-24(a) [Amended]

By revising the DOE-PR reference in § 9-50.704-24(a) to read "Section 9-3.807-3."

§ 9-50.1002-1 [Amended]

By revising the title to read "Construction Contracts (Lump Sum and Unit Price)."

§ 9-50.1003 [Amended]

By amending § 9-50.1003-1 by adding "(Lump Sum and Unit Price)" immediately after the word "contracts" which appears in the title.

§ 9-50.1103 [Amended]

By amending § 9-50.1103-2 by removing the "(a)" appearing immediately before the word "contracting."

§ 9-50.1210-4 [Amended]

By changing the word "is" the first time it appears in paragraph to "are."

§ 9-50.1213-6 [Amended]

By adding the words "shall be reported to the DOE. In accordance with this policy, I" between the third and fourth lines of paragraph (b).

§ 9-50.1401 [Amended]

By amending § 9-50.1401 by changing the word "Limitation" from the singular to the plural "Limitations."

DOE Procurement Regulations Topical Index [Amended]

By amending the topical index by adding the following subject "Multiple Awards Phased Procurements" and the DOE-PR reference "9-4.50" to the index immediately following the subject "Motor Vehicle Procurement."

By amending the topical index by adding the following immediately after the subject "Identical bids, reports":

Incentive contract clauses: 9-7.103-51, 9-7.203-50, 9-7.10.

By amending the topical index by correcting the spelling of the word "independent" in the subject

"independent government estimate of Architect-Engineer services" which references 9-4.1005-3.

By amending the topical index by removing the DOE-PR reference for the subject of "Nuclear Facility Safety, Applicability of Regulatory Licensing Requirements" of "9-7.704-26" and substituting therefore "9-50.704-26."

By amending the topical index by removing the "Renegotiation clause" and the DOE-PR references relating thereto.

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-735

[ADM 7000.9]

Standards of Conduct; Changes to Procedures Regarding the GSA Standards of Conduct

AGENCY: Office of Ethics, General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides revised procedures concerning GSA's Standards of Conduct. These changes are made to clarify procedures for managers and Deputy Standards of Conduct Counsellors implementing the standards.

EFFECTIVE DATE: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Saul Katz, Office of Ethics (202-566-1212).

PART 105-735—STANDARDS OF CONDUCT; CHANGES TO PROCEDURES REGARDING THE GSA STANDARDS OF CONDUCT

1. The table of contents for Part 105-735 is amended by revising three entries as follows:

Sec.
105-735.106 Approval and publication of regulations.
105-735.205 Travel.
105-735.303 Identification of positions, the incumbents of which must file Statements of Employment and Financial Interests.

Subpart 105-735.1—General

2. Section 105-735.102 is amended by adding a new paragraph (d) and revising paragraphs (e) through (h) as follows:

§ 105-735.102 Definitions.

* * * * *

(d) "GSA contractor" is a person or entity that is engaged in or seeks business or financial relations of any sort with any GSA component; or conducts operations or activities that are either regulated by a GSA component or significantly affected by GSA decisions; or has interests that may be substantially affected by the performance or nonperformance of the official duties of GSA personnel.

(e) "GSA personnel" means all GSA employees, including special Government employees.

(f) "Gratuity" means any gift, favor, entertainment, hospitality, transportation, loan, or any other tangible thing, and any intangible benefit (for example, discounts, passes, or promotional vendor training) given to or on behalf of GSA employees or their spouses, minor children, or households, for which fair market value is not paid by the recipient or the Government.

(g) "Standards of Conduct Counsellors" are defined in § 105-735.103(b).

(h) "Appropriate supervisor" means that supervisor within the chain of authority who is acquainted with the duties of the subordinate GSA personnel concerned and has the duty to determine the existence and effect of any conflict of interests of the personnel. This is usually the immediate supervisor of the GSA personnel concerned.

3. Section 105-735.103 is amended by revising paragraphs (a)(1), (a)(2), (a)(3), (b), and (d) and by adding paragraph (e) to read as follows:

§ 105-735.103 Responsibilities.

(a) * * *

(1) Heads of Services and Staff Offices and Regional Administrators are responsible for ensuring that (i) all GSA personnel under their supervision are familiar with and understand the standards of conduct and statutes governing conflicts of interest and post-Federal employment restrictions; (ii) all GSA personnel under their supervision are informed of and are familiar with the identity of their appropriate supervisor and their Deputy Standards of Conduct Counsellor; and (iii) disciplinary or remedial action is taken in the case of all GSA personnel who violate these standards or related laws and regulations, and against supervisors who fail to carry out their responsibilities in taking or recommending disciplinary or remedial action in such cases.

(2) Heads of Services and Staff Offices and Regional Administrators shall ensure that GSA personnel under their supervision are given a copy of this directive and an oral standards of conduct briefing following receipt. New GSA personnel shall also receive a copy and a briefing preceding employment or promptly following assumption of duties. Each individual receiving this briefing shall attest in writing to attendance at the briefing, and that he or she has a copy of the standards of conduct and acknowledges the requirements imposed. All GSA personnel shall be provided with a briefing at least semiannually regarding these standards by Heads of Services and Staff Offices and Regional Administrators. All GSA personnel shall be provided with a copy of all revisions to the standards of conduct and be required to attest in writing to receiving and acknowledging their duty to comply with the standards of conduct.

(3) Heads of Services and Staff Offices and Regional Administrators shall bring the contents of this directive to the attention of the principal officer of each contractor doing significant business with GSA, and shall periodically use the opportunity afforded by conferences with representatives of industry and others transacting business with the GSA to direct attention to these standards of conduct regulations. Care shall be taken to avoid needless duplication of distribution of copies to contractors.

(b) The Special Counsel to the Administrator for Ethics is the Agency Standards of Conduct Counsellor, the Designated Agency Ethics Official, and the Director of the Office of Ethics. The Special Counsel is delegated authority to speak for the Administrator in all matters involving interpretation and application of the standards of conduct. Authority is also delegated to the Special Counsel to determine in individual cases that a specific financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the particular employee concerned.

(1) The Special Counsel to the Administrator for Ethics shall designate Deputy Standards of Conduct Counsellors. Those designated shall be responsible for providing advice and assistance to GSA personnel on all questions arising from the operation and implementation of this directive. They are also responsible for the proper review, including audits, coordination, and advice, regarding all standards of conduct problems, and shall ensure that posters identifying them as a Deputy Standards of Conduct Counsellor and stating their location are prominently displayed in appropriate locations.

(2) The Special Counsel to the Administrator for Ethics shall supervise the adequacy of the advice and training

in standards of conduct provided to all GSA personnel and shall be responsible for the timely collection and review of all Statements of Employment and Financial Interests, and of all Financial Disclosure Reports. In these matters the Deputy Standards of Conduct Counsellor shall be subject to the policy guidance and direction of the Special Counsel to the Administrator for Ethics.

* * * * *

(d) All GSA personnel are required to (1) be fully familiar with the standards of conduct covered in this directive and the laws governing conflicts of interest and postemployment restrictions; (2) comply strictly with them; and (3) maintain the highest standards of ethical conduct in transacting the Government's business. When in doubt as to the permissibility under this directive of any action on their part, they shall not act until they have received the advice of a Deputy Standards of Conduct Counsellor.

(e) Each Regional Counsel is responsible for auditing and ensuring that posters of the Code of Ethics for Government Service and posters notifying employees of the identity and telephone number of their Deputy Standards of Conduct Counsellors are at all times widely and prominently displayed throughout the region by those in GSA whose primary duty it is to mount and display the posters as required by law.

4. Section 105–735.106 is added to read as follows:

§ 105–735.106 Approval and publication of regulations.

The regulations in this part and any changes thereto are effective only after approval by the Office of Personnel Management and publication in the **Federal Register.**

Subpart 105–735.2—Standards of Conduct for GSA Personnel

5. Section 105–735.202 is amended by revising paragraphs (a), (b), (e)(2), (e)(3)(i), (e)(3)(iii), (e)(3)(vi), (e)(3)(x), (e)(3)(xi), (e)(4); and adding paragraph (e)(5) to read as follows:

§ 105–735.202 Business dealings on behalf of the Government.

(a) *The public trust.* Those who represent the Government in business dealings have positions of trust and grave responsibility that require them to observe the highest ethical standards. Practices that may be customary in the private business world are not necessarily acceptable for GSA personnel, who are held to a higher standard of public trust.

(b) *Dealing with Government personnel.* GSA personnel shall not knowingly deal on behalf of the Government with present or former Government personnel whose participation in the transaction would be in violation of a statute, regulation, or policy set forth in this directive.

* * * * *

(e) * * *

(2) Except as provided in paragraph (e)(3) of this section below GSA personnel and their spouses, minor children, and members of their households shall not solicit, accept, or agree to accept any gratuity for themselves, members of their families, or others, either directly or indirectly from or on behalf of a GSA contractor.

(3) * * *

(i) The continued participation in employee welfare or benefit plans of a former employer when permitted by law and approved by the appropriate Deputy Standards of Conduct Counsellor;

* * * * *

(iii) Items available to the public generally, or a large segment of the public (such as university scholarships, attendance at free exhibitions of GSA contractors at public trade fairs and discounts);

* * * * *

(vi) Instances in which the interests of the Government are served by participation of a GSA employee in widely attended luncheons, dinners, and similar gatherings sponsored by industrial, technical, or professional associations for the discussion of matters of mutual interest. Participation in these events is permitted only when the host is the association and not a private company, and only when approved by the employee's supervisor as being a part of or related to official duties. Acceptance of gratuities, food, or refreshments from a private company in connection with such associations' activities is forbidden;

* * * * *

(x) Customary exchanges of gratuities between GSA personnel and their friends and relatives or the friends and relatives of their spouses, minor children, or members of their household where the circumstances make it clear that it is that relationship rather than the business of the persons concerned which is the motivating factor for the gratuity and where it is clear that the gratuity is not paid for by any person or entity described in § 105–735.102(d); and

(xi) Situations in which, in the sound judgment of the individual concerned or his or her superior, the Government's interest will be served by GSA personnel participating in activities otherwise prohibited. In such a case, a written report of the circumstances shall be made by the individual or his or her appropriate superior before acceptance: or, when an advance report is not possible, within 48 hours after acceptance, to the appropriate supervisor and the appropriate Deputy Standards of Conduct Counsellor.

(4) GSA personnel who are offered or receive unsolicited gratuities (or have gratuities received for them) in circumstances not in conformance with the standards of this section, shall promptly report the circumstances to the appropriate supervisor for a determination as to proper disposition and shall report the matter fully to the Inspector General. The appropriate supervisor shall consult with a Deputy Standards of Conduct Counsellor.

(5) For rules governing acceptance of gifts from foreign governments, their agents, or instrumentalities, see GSA Order, Acceptance of gifts and decorations from foreign governments by GSA employees (OAD 7880.2). All gifts of more than "minimal value" (as defined in that directive) that are accepted by GSA employees shall be promptly reported.

6. Section 105–735.203 is revised as follows:

§ 105–735.203 Contributions.

GSA personnel shall not solicit contributions for a gift to an employee in a superior official position. A person in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself or herself. GSA personnel shall not make a donation as a gift to a person in a superior official position (5 U.S.C. 7351). These prohibitions do not apply to a voluntary gift of reasonable value (or a donation in a nominal amount) made on a special occasion such as marriage, illness, resignation, transfer, or retirement.

7. Section 105–735.204 is amended by revising paragraphs (a), (b)(2), (b)(12), and (c)(4) and reserving paragraph (b)(5) as follows;

§ 105–735.204 Outside employment.

* * * * *

(a) GSA personnel who propose to engage in outside employment shall report that fact in writing to their supervisor prior to accepting such employment, and shall supply such additional details concerning the nature of that employment as may be required by the supervisor (or a Deputy Standards of Conduct Counsellor) to assist in determining whether the employment is compatible with the full

and proper discharge of the employee's official duties. If the supervisor determines that the outside employment is prohibited by this section, the supervisor shall so advise the employee and inform the employee of the consequences of such employment. Deputy Standards of Conduct Counsellors are available to assist supervisors in making such determinations. Activities listed in subparagraph d, below, are exceptions to this rule and require no notification.

(b) * * *

(2) It would give rise to a real or apparent conflict of interest situation. For example, where it would involve work for any contractor or subcontractor for GSA (or any other employer) where that employer may be in a position to gain advantage in its dealings or potential dealings with the Government because of the employee's position.

* * * * *

(5) [Reserved]

* * * * *

(12) It involves the receipt of salary or anything of value from a private source as compensation for services to the Government (18 U.S.C. 209).

(c) * * *

(4) By Executive order the Administrator and Inspector General are prohibited from receiving compensation or anything of value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to responsibilities, programs, or operations of this agency, or which draws substantially on official data or ideas which have not become part of the body of public information.

* * * * *

8. Section 105–735.205 is amended by retitling the section and revising it as follows:

§ 105–735.205 Travel.

(a) Acceptance of accommodations, subsistence, or services, furnished in kind, in connection with official travel from sources other than those indicated in § 105–735.202(e) above is authorized only when the individual is to be a speaker, panelist, project officer, or other bona fide participant in the activity attended and when such attendance and acceptance is authorized by the order-issuing authority as being in the overall Government interest.

(b) Except as indicated in § 105–735.202(a) above, GSA personnel may not accept personal reimbursement from any source for expenses incident to official travel, unless authorized by their supervisor consistent with guidance provided by the appropriate Deputy Standards of Conduct Counsellor (pursuant to 5 U.S.C. 4111 or other authority). Rather, reimbursement must be made to the Government by check payable to the Treasurer of the United States. Personnel will be reimbursed by the Government in accordance with applicable regulations.

(c) In no case shall GSA personnel accept, either in kind or for cash reimbursement, benefits which are extravagant or excessive in nature.

(d) When accommodations, subsistence, or services in kind are furnished to GSA personnel by non-U.S. Government sources, consistent with this subsection, appropriate deductions shall be reported and made in the travel, per diem, or other allowances payable.

* * * * *

9. Section 105–735.207 is revised as follows:

§ 105–735.207 Misuse of information.

For the purpose of furthering a private interest, GSA personnel shall not, except as provided in § 105–735.204(c), directly or indirectly use, or allow the use of, official information obtained through or in connection with their GSA employment which has not been made available to the general public. Criminal penalties are imposed for disclosure of classified or confidential information.

10. Section 105–735.211 is revised as follows:

§ 105–735.211 Gambling, betting, and lotteries.

GSA personnel shall not participate, while on property owned or leased by the Government or while on duty for GSA, in any gambling activity, including the operation of a gambling device, participating in a lottery or pool, participating in a game for money or property, or selling or purchasing a numbers slip or ticket, except as otherwise lawfully authorized.

11. Section 105–735.215 is amended by revising paragraph (c) as follows:

§ 105–735.215 Political activity.

* * * * *

(c) Advice on this subject is available from any GSA legal counsel.

12. Section 105–735.216 is revised as follows:

§ 105–735.216 Reporting suspected irregularities.

It is the obligation of GSA personnel to report immediately any apparent or suspected violation of a statute, order, regulation, or directive in connection with any operation of GSA. The report shall be made to the Assistant Inspector General for Investigations in the Central Office or to the appropriate Special Agent in charge in the regions. When appropriate, the Office of the Inspector General shall report such apparent or suspected violations to the proper management official. GSA personnel shall cooperate with representatives conducting official investigations and furnish signed statements under oath if appropriate.

13. Section 105–735.218 is revised as follows:

§ 105–735.218 Purchase of real estate.

GSA personnel, whose official duties are in any way related to the acquisition or disposal of real estate or interests therein or to the maintenance or improvement of real estate, shall not, directly or indirectly, purchase any real estate or interest therein except for occupancy as their personal residence unless a full disclosure of the proposed transaction is made in writing to the appropriate supervisor who shall consult with the Special Counsel to the Administrator for Ethics (regional counsel in a region), and the prior written approval of the appropriate supervisor is obtained. A copy of the approval shall be promptly furnished by the supervisor to the Special Counsel to the Administrator for Ethics. Surplus real property may not be purchased under any circumstances. (See § 105–735.217.)

14. Section 105–735.219 is revised as follows:

§ 105–735.219 Use of intoxicants.

GSA personnel shall not use intoxicants habitually to excess (5 U.S.C. 7352). GSA personnel shall not use intoxicants on U.S. Government-owned or leased premises except upon occasions and on property as to which the Administrator or Regional Administrator has granted an exception in writing or, in the case of property occupied by another agency, except as authorized by the head of that agency in accordance with law.

Subpart 105–735.3—Statements of Employment and Financial Interests

15. Section 105–735.301 is revised as follows:

§ 105–735.301 General.

Employees and special Government employees in specified positions (other than those required to file Financial Disclosure Reports on Standard Form 278) are required to file statements of employment and financial interests. GSA Form 2157, Statement of Employment and Financial Interests, is

for use by all GSA employees except special Government employees; GSA Form 2158 is for use by special Government employees of GSA.

16. Section 105–735.302 is amended to revise the introductory paragraph and paragraph (e) as follows:

§ 105–735.302 Criteria for selection of positions subject to filing requirement.

The following criteria govern selection of positions subject to the requirement of filing Statements of Employment and Financial Interests. Personnel designated to file Financial Disclosure Reports (Standard Form 278) are not subject to this requirement.

* * * * *

(e) With respect to special Government employees, a statement of employment and financial interests is required whenever any special Government employee is to be hired as a consultant or expert. All those who are to be appointed experts and consultants are first required to file Statements of Employment and Financial Interests (see ADM 2800.12A).

Such statements shall be reviewed as required in Subpart 105–735.3 of this directive before a decision is made to hire the individual as a special Government employee.

17. Section 105–735.303 is amended to revise the title, paragraphs (a), (d), and (e) as follows:

§ 105–735.303 Identification of positions, the incumbents of which must file Statements of Employment and Financial Interests.

(a) Heads of Central Office and Regional Office Services and Staff Offices shall annually review all GS–13 through 15 position descriptions under their cognizance and no later than March 15 of each year submit a recommendation to the Special Counsel to the Administrator for Ethics (through the regional counsel in the regions) identifying any specific changes in the list of positions that should be designated as requiring the incumbent to submit Statements of Employment and Financial Interests. The Assistant Administrator for Human Resources and Organization or the Assistant Regional Administrator for Administration will recommend any positions not in a service or staff office; for example, those in the Administrator's or Regional Administrator's immediate office.

* * * * *

(d) When a new position is established, or the duties of an existing position are materially changed, the position shall be evaluated to determine whether or not it should be designated as one requiring the incumbent to submit a Statement of Employment and Financial Interests.

(e) New positions that qualify under the specified criteria shall be promptly processed in the manner provided in (a), (b), and (c) above, so that the required statement may be submitted not later than 30 days after the employee's entrance on duty in the new position or the changed position.

18. Section 105–735.305 is revised as follows:

§ 105–735.305 Interests of relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. Such interest includes but is not limited to identification of the individual's employer, financial holdings, and debts. For the purpose of this section, "member of an employee's immediate household" includes those blood relations who are residents of the employee's household and excludes in-laws. These provisions also apply to special Government employees.

19. Section 105–735.311 is revised as follows:

§ 105–735.311 Responsibility for review of statements.

(a) The appropriate supervisor as defined in § 105–735.102(g), above, is responsible for receiving and promptly reviewing all Statements of Employment and Financial Interests submitted by subordinate employees, and for promptly placing his or her comments thereon, dating and signing them, and forwarding them to the Deputy Standards of Conduct Counsellor for further review. The Deputy Standards of Conduct Cousellor shall record comments on the statement, recommending action where appropriate to resolve any conflict of interests, real or potential, revealed by the statement. If both the appropriate supervisor and Deputy Standards of Conduct Counsellor concur that no conflict or apparent conflict exists, the Deputy Standards of Conduct Counsellor shall endorse the statement accordingly and return it to the appropriate supervisor for retention.

(b) If in the opinion of the Deputy Standards of Conduct Counsellor a conflict or potential conflict is revealed by the statement, that fact shall be noted in the appropriate comment section; and the Deputy Standards of Conduct Counsellor and the appropriate supervisor shall immediately institute necessary action to resolve the conflict. The Deputy Standards of Conduct Counsellor shall promptly return the statement to the appropriate supervisor for retention after completion of review, and after any action necessary to remove any real or potential conflict of interests.

(c) When controversy over means of resolution cannot be promptly resolved, the matter shall be referred to the Head of Service, Staff Office or Regional Administrator, as appopriate, for decision. See § 105–735.312 for procedures to resolve conflicts. When the matter is finally resolved, all relevant papers shall be returned with the statement to the appropriate supervisor for retention. All appropriate supervisors are delegated the responsibility to safeguard and retain in lockable metal cabinets the Statements of Employment and Financial Interests of their subordinate employees in accordance with the Privacy Act of 1974, as amended.

(d) All Statements of Employment and Financial Interests must be reviewed by August 31 of each year. Resolution of any remaining real or potential conflict of interests must be completed as soon as possible after August 31 but no later than September 30 of each year. A statistical report from each Deputy Standards of Conduct Counsellor responsible for reviewing Statements of Employment and Financial Interests shall be submitted to the Special Counsel to the Administrator for Ethics not later than September 15 of each year. The statistical report shall indicate the number of statements required, the number of statements received, and the results and status of the review of the statements, including but not limited to the number of statements approved and those awaiting final resolution. In matters that are unresolved, a brief presentation of the problem and the proposed disposition shall be stated.

20. Section 105–735.312 is revised as follows:

§ 105–735.312 Resolving conflicts of interest.

(a) When in the review of a Statement of Employment and Financial Interests, the appropriate supervisor or a Deputy Standards of Conduct Counsellor has reason to believe that a possible conflict of interests exists, or more information on which to make a judgment is required, the submitter shall be offered an opportunity to provide additional information or to furnish any explanation deemed pertinent. This information must be documented for the file and incorporated into the statement.

(b) When, after consideration of the matters offered, a determination is made that a conflict or potential conflict of interests exists, an effort shall be made

by the appropriate supervisor, in consultation with the Deputy Standards of Conduct Counsellor and the individual submitter, to resolve the conflict in a manner that is mutually acceptable. When it cannot be satisfactorily resolved at the regional level or by the Head of Service or Staff Office, as appropriate, the Deputy Standards of Conduct Counsellor shall consult the Special Counsel to the Administrator for Ethics.

(c) If all of the above efforts of the Deputy Standards of Conduct Counsellor are unsuccessful in resolving a conflict or potential conflict by decision of the Head of Service, Staff Office or Regional Administrator, as appropriate, the case will be referred to the Special Counsel to the Administrator for Ethics for final resolution by the Administrator.

(d) Remedial action directed by the Administrator may include but is not limited to one or more of the following:

(1) Disqualification for a particular assignment;

(2) Change in assigned duties, or termination of employment;

(3) Divestment by the employee or special Government employee of the conflicting interests;

(4) Establishment of a blind trust; and

(5) Disciplinary action, including removal.

21. Section 105–735.314 is revised as follows:

§ 105–735.314 Inconsequential financial interests.

Financial interests of the following type are deemed too remote or too inconsequential to affect the integrity of the employee's service and need not be reported: Investments in Federal, State, or local government bonds and notes; and investments in shares of a widely diversified mutual fund or regulated investment company.

Subpart 105–735.4—Financial Disclosure Report

22. Section 105–735.401 is revised as follows:

§ 105–735.401 General.

The Ethics in Government Act of 1978, as amended (the Act), requires that GSA personnel in specified positions file periodic Financial Disclosure Reports. For these individuals, this requirement is in lieu of the Statement of Employment and Financial Interests required by Executive order. Standard Form 278 shall be used by employees filing annual reports, termination of employment reports, and by employees required to file assumption of duty reports.

23. Section 105–735.404 is revised as follows:

§ 105–735.404 When to file.

(a) The individual shall file a Financial Disclosure Report within 30 calendar days of assuming a position described in Title II of the Act, unless the individual has left another position described in Title II within 30 days prior to assuming the new position. Individuals coming to a position in GSA described in Title II of the Act from a similiar position in another agency shall furnish a copy of their last report filed with the former agency to the Special Counsel to the Administrator for Ethics through their appropriate supervisor.

(b) The individual shall file a Financial Disclosure Report within 30 calendar days of terminating employment in a position requiring the incumbent to submit a Financial Disclosure Report.

(c) The individual shall file a Financial Disclosure Report no later than May 15 of each calendar year, if the employee occupied a position described in Title II of the Act during the preceding calendar year and performed those duties for more than 60 days in that year.

24. Section 105–735.405 is revised as follows:

§ 105–735.405 Where to file.

Reports shall be filed with the Special Counsel to the Administrator for Ethics through the individual's appropriate supervisor, who shall first review it and record the required endorsement in the "Comments" section as stated in § 105–735.407.

25. Section 105–735.407 is amended to revise paragraphs (a), (c), (d) and (e) as follows:

§ 105–735.407 Review of reports.

(a) A reporting individual shall submit the report to his or her appropriate supervisor for review. The appropriate supervisor shall, within ten days of receipt, make a signed and dated statement in the "Comments" section of the report, stating whether or not the report reveals a conflict or the appearance of a conflict with the employee's official duties, and shall immediately forward the report to the Special Counsel to the Administrator for Ethics by the most expeditious means, meanwhile taking action to avoid the reporting individual's participation in matters involving a conflict or apparent conflict.

* * * * *

(c) If the Special Counsel concludes that the reporting individual is in compliance with applicable laws or regulations, that finding shall be entered on the report, the report signed and dated, and the reporting individual duly notified in writing.

(d) If the Special Counsel believes that additonal information is required, the reporting individual shall be informed of the information required and the time by which it must be submitted.

(e) If, on the basis of the information provided, the Special Counsel concludes that a reporting individual is not in compliance with applicable laws and regulations, the reporting individual and his or her appropriate supervisor shall be so notified. The reporting individual shall be afforded a reasonable opportunity for a written or oral response. After consideration of the response, the Special Counsel shall reach an opinion as to whether or not the individual is in compliance.

* * * * *

26. Section 105–735.408 is amended to revise paragraph (a) as follows:

§ 105–735.408 Procedures for resolving noncompliance.

(a) If, after opportunity for an oral or written response, the Special Counsel to the Administrator for Ethics concludes the individual is not in compliance, the Special Counsel shall notify the individual and, after an opportunity for personal consultation (if practicable), notify the reporting individual in writing of the steps by the employee considered appropriate for assuring compliance and the date by which those steps should be taken. Steps may include: (1) divestiture; (2) restitution; (3) establishment of a qualified trust; (4) request for an exemption under section 208(b) of Title 18, U.S.C.; (5) voluntary request for transfer, reassignment, limitation of duties, or resignation. (See § 105–735.202(d)(4) above.)

* * * * *

27. Section 105–735.410 is revised as follows:

§ 105–735.410 Public access and copying.

Financial Disclosure Reports are available for public inspection and copying in accordance with the Act. Financial Disclosure Reports are filed in GSA's Office of Ethics, 18th & F Streets, N.W., Washington, D.C. 20405.

Subpart 105–735.5—Miscellaneous Statutory Provisions

27. Section 105–735.501 is amended to revise paragraph (d) as follows:

§ 105–735.501 Summary of pertinent conflict of interest laws.

* * * * *

(d) 18 U.S.C. 209. Paragraph (a) prevents executive branch personnel from receiving, and anyone from paying them, any salary or supplementation of salary from a private source as compensation for their Government service. Paragraph (b) permits participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer. Paragraph (c) exempts special Government employees and anyone serving the Government without compensation. Paragraph (d) exempts contributions, awards, or other expenses under the Government Employees Training Act (5 U.S.C. 2301–2319).

* * * * *

29. Section 105–735.502 is amended to revise paragraph (t) as follows:

§ 105–735.502 Laws applicable to GSA personnel.

* * * * *

(t) Acceptance, without the consent of the Congress, of any present, employment, office or title, of any kind whatever, from any king, prince, or foreign state by a person holding any office of profit or in trust of the Federal Government. (Art. 1, Sec. 9, U.S. Constitution, and Public Law 95–105, Foreign Gifts and Decorations Act of 1966, as amended). (See 5 U.S.C. 7342) and the current issuance of GSA Order. Acceptance of gifts and decorations from foreign governments by GSA employees (OAD 7880.2).

* * * * *

30. Section 105–735.503 is amended to revise the introductory paragraph, paragraphs (a)(1), (a)(2), (a)(3), (a)(5), and (a)(8), and to add paragraph (b) as follows:

§ 105–735.503 Code of ethics for Government service.

All GSA personnel shall adhere to the Code of Ethics for Government Service (Public Law 96–303, unanimously passed by the Congress of the United States on June 27, 1980, and signed into law by the President on July 3, 1980). Copies of the code shall be prominently posted throughout offices and other spaces as required by regulations of the Public Buildings Service implementing Public Law 96–303. The code provides:

(a) * * *

(1) Put loyalty to the highest moral principles and country above loyalty to persons, party, or Government department.

(2) Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

(3) Give a full day's labor for a full day's pay, giving earnest effort and best thought to the performance of duties.

* * * * *

(5) Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.

* * * * *

(8) Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.

(b) [Reserved]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); E.O. 11222, 3 CFR 1965 Supp.; 5 CFR 735.104)

Dated: April 27, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-13865 Filed 5-5-81; 8:45 am]

BILLING CODE 6820-34-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Revised Service Order No. 1405]

Burlington Northern Inc., Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Revised Service Order No. 1405.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes the Burlington Northern to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., May 2, 1981, and continuing in effect until 11:59 p.m., July 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: April 30, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub L. 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (RI), and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits Burlington Northern Inc. (BN) to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Appendix A of the previous order is revised to reflect the current operations of BN, as requested by the carrier. Specifically, the authority for interim service between Stratton and Seibert, Colorado is deleted. Items D and E have been combined, and Item F is redesignated as Item E.

It is the opinion of the Commission that an emergency exists requiring that the BN, as indicated in the attached appendix, be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1405 Service Order No. 1405.

(a) *Burlington Northern Inc. authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor, (William M. Gibbons, trustee).* Burlington Northern Inc. (BN) is authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI.

(b) The Trustee shall permit the BN to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the BN; or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96–254.

(1) The authority contained in Item 1.(E) of Appendix A of this order, previously operated by the Union Pacific Railroad Company (UP) between Colby and Caruso, Kansas (milepost 397.8 to 429.3), is conditioned upon the

assumption by Burlington Northern Inc. (BN) of the negotiated agreement between UP and the Rock Island Trustee with regard to the compensation to be paid the Trustee for that line segment until a new agreement is reached between the Trustee and the BN.

(d) BN, as authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of operations over the RI lines authorized in paragraph (a), BN shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties, or failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by BN over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(l) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, or transit balances currently held in storage.

(k) In transporting traffic over these lines, the interim operator described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, the carrier providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., May 2, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13006 Filed 5-5-81; 9:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Amdt. No. 3 to Service Order No. 1493]

Escanaba and Lake Superior Railroad Company Authorized to Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 3 to Service Order No. 1493.

SUMMARY: Amendment No. 3 extends the expiration date of Service Order No. 1493, which authorizes Escanaba and Lake Superior Railroad Company to use tracks and/or facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) (MILW). The MILW Trustee has indicated that sufficient progress has been made in negotiations on compensation and that he concurs with this extension.

DATES: Effective 11:59 p.m., april 29, 1981, and continuing in effect until 11:59 p.m., June 30, 1981, unless modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:

M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: April 28, 1981.

Upon further consideration of Service Order No. 1493 (46 FR 10742, 14896 and 19822), and good cause appearing therefor:

§ 1033.1493 [Amended]

It is ordered, § 1033.1493 *Escanaba and Lake Superior Railroad Company authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific, Debtor, (Richard B. Ogilvie, Trustee),* Service Order No. 1493 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

* * * * *

(n) *Expiration date.* The provisions of this order are extended to permit an additional (60) sixty days for the Escanaba and Lake Superior Railroad Company to undertake compensation negotiations, and shall expire at 11:59 p.m., June 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 29, 1981.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Pub. L. 96–254.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13060 Filed 5-5-81; 9:46 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Eighteenth Revised Service Order No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Eighteenth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

DATES: Effective: 12:01 a.m., May 2, 1981, and continuing in effect until 11:59 p.m., June 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840.

SUPPLEMENTARY INFORMATION:

Decided: April 30, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for implementation of long range solutions for continued rail service over RI lines, and in consideration of a recent complaint by the Trustee regarding the absence of compensation for the use of his property by certain rail carriers, the Railroad Service Board (RSB) hereby reminds any carriers which haven't negotiated such compensation to do so in the interest of continued operations. Compensation to the Trustee is an integral part of the interim authority and an obligation of all interim operators as specified by paragraph (c) of the order.

The Trustee will be requested to furnish the RSB with a status report, prior to expiration of this order, which will be given due consideration with respect to any extension of this order.

Appendix A, to the previous order, is revised by granting additional authority to The LaSalle and Bureau County Railroad Company in Item 21c for interim operations from Gresham to South Chicago, at Chicago, Illinois.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§1033.1473 Service Order No. 1473.

(a) *Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96–254.

(1) The authority contained in Item 5(E) of Appendix A of this order, previously operated by the Union Pacific Railroad Company (UP) between Colby and Caruso, Kansas (milepost 387.8 to 429.3), is conditioned upon the assumption by Burlington Northern, Inc. (BN) of the negotiated agreement between UP and the Rock Island Trustee with regard to the compensation to be paid the Trustee for that line segment until a new agreement is reached between the Trustee and the BN.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(i) In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(l) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or

arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., May 2, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien. Joel E. Burns not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. Louisiana and Arkansas Railway Company (L&A)

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. Peoria and Pekin Union Railway Company (P&PU)

All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

3. Union Pacific Railroad Company (UP)

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 561.5 north of Hallam, Nebraska.

C. Limon, Colorado.

4. Toledo, Peoria and Western Railroad Company (TP&W)

A. Keokuk, Iowa.

B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. Fort Worth and Denver Railway Company (FW&D)

A. From Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line.

B. North Fort Worth, Texas (milepost 603.0 to milepost 611.4).

6. Chicago and North Western Transportation Company (C&NW)

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 208.9).

K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).

P. Sibley, Iowa.

Q. Worthington, Minnesota.

R. Altoona to Pella, Iowa.

S. Carlisle, Indianola, Iowa.

T. Omaha, Nebraska (between milepost 502 to milepost 504).

U. Earlham (milepost 388.6) to Dexter, Iowa (milepost 393.5).

7. Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee)

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. Washington, Iowa.

C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

D. From Davenport to Iowa City, Iowa.

E. At Davenport, Iowa.

8. Davenport, Rock Island and North Western Railway Company (DRI)

A. Moline, Illinois.

B. Rock Island, Illinois, including 28th Street yard.

C. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.

D. From East Moline to Silvis, Illinois.

E. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island arsenal.

9. Illinois Central Gulf Railroad Company (ICG)

Ruston, Louisiana.

10. St. Louis Southwestern Railway Company (SSW)

A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. At North Topeka and Topeka, Kansas.

11. Little Rock & Western Railway Company

From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

12. Missouri Pacific Railroad Company

From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island (milepost 4.7).

13. Missouri-Kansas-Texas Railroad Company/Oklahoma, Kansas and Texas Railroad Company

A. Herington-Ft. Worth Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth.

B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas.

C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma.

D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina (including yard tracks), Kansas.

E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.8 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only.

F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the

Wichita Terminal Association, all located in Wichita, Kansas.

G. Rock Island right to use interchange tracks to interchange with the Great Southwest Railroad Company located in Grand Prairie, Texas.

H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.8 miles.

I. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 18, thence south on the Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles.

J. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 496.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

14. The Denver and Rio Grande Western Railroad Company

A. from Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado, (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.

15. Norfolk and Western Railway Company

Is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

16. Southern Railway Company

A. At Memphis, Tennessee.

17. Cadillac and Lake City Railroad

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 3.9) all in the vicinity of Denver, Colorado.

18. Baltimore and Ohio Railroad Company

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

19. Cedar Rapids and Iowa City Railway Company (CIC)

A. From the west intersection of Lafayette Street and South Capitol Street, Iowa City, Iowa, southward for approximately 2.2 miles, terminating at the intersection of the RI tracks and the southern line of Section 21, Township 79 North, Range 6 West, Johnson County, Iowa, including spurs of the main trackage to serve various industry; and to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

20. Keota Washington Transportation Company

A. from Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

21. The La Salle and Bureau County Railroad Company

A. From Chicago (milepost 0.00) and Blue Island, Illinois (milepost 16.01), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, milepost 16.0) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island Illinois.

†C. From Gresham (subdivision 1, milepost 10.0) to South Chicago (Subdivision 1B, milepost 14.5) at Chicago, Illinois.

22. Fordyce and Princeton Railroad Company (FP)

A. From Fordyce to Crossett, Arkansas, which includes assumption of RI's trackage rights over the Ashley, Drew and Northern Railway Company between Whitlow Junction and Crossett, Arkansas.

23. The Atchison, Topeka and Santa Fe Railway Company

A. At Alva, Oklahoma.

[FR Doc. 81-13009 Filed 5-5-81; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1048

[Ex Parte No. MC-37 (Sub-No. 33)]

Seattle, Wash., Commercial Zone; Petition to Redefine and Extend

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: By petition filed September 29, 1980, the Port of Bremerton seeks redefinition and extension of the Seattle, Wash., commercial zone limits which have been defined individually as set forth in 49 CFR 1048.9. Petitioner proposes to extend the partial exemption under 49 U.S.C. 10526(b)(1) of the Interstate Commerce Act to include the 1800 acre site jointly occupied by the Olympic View Industrial Park and the Bremerton-Kitsap County Airport. The present zone includes all points within 15 miles of Seattle and portions of King and Snohomish Counties. No statements in opposition to the petition were filed.

The regulation set forth below is promulgated pursuant to the Commission's action on the evidence.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT:
David M. Layton (202) 275-7989
or
Edward E. Guthrie (202) 275-7691.

Accordingly, Title 49 CFR 1048, Commerical Zones, Chapter X, is amended by revising § 1048.9(c) to read as follows:

§ 1048.9 Seattle, Washington.

* * * * *

(c) Those points in King County, Wash., which are not within the area described in paragraph (b) of this section, and which are west of a line beginning at the intersection of the line described in paragraph (b) of this section and Washington Highway 18, thence northerly along Washington Highway 18 to junction of Interstate Highway 90, thence westerly along Interstate Highway 90 to junction Washington Highway 203, thence northerly along Washington Highway 203 to the King County line; and those points in Snohomish County, Wash., which are not within the area described in paragraph (b) of this section and which are west of Washington Highway 9; and those points in Kitsap County, Wash., which are not within the area described in paragraph (b) of this section lying within the area bounded by a line beginning at the intersection of the line described in paragraph (b) of this section and Washington Highway 3 to the boundary of Olympic View Industrial Park/Bremerton-Kitsap County Airport, thence westerly, southerly, easterly, and northerly along the boundary of Olympic View Industrial Park/ Bremerton-Kitsap County Airport to its juncture with Washington Highway 3 to its intersection with the line described in paragraph (b) of this section.

* * * * *

This regulation is issued under the authority of 49 U.S.C. 10321 and 49 U.S.C. 10526(b)(1) (the Interstate Commerce Act) and 5 U.S.C. 553 (the Administrative Procedure Act).

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13002 Filed 5-5-81; 8:45 am]
BILLING CODE 7035-01-M

† Added.

Proposed Rules

Federal Register
Vol. 46, No. 87
Wednesday, May 6, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-81-04]

Tertiary Incentive Program

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) is proposing to rescind the Tertiary Incentive Program ("incentive program") in the crude oil price regulations with respect to any allowed expenses incurred or paid after March 18, 1981. In addition, ERA is proposing to rescind the incentive program with respect to any in-house expenses incurred or paid after January 4, 1981, and with respect to any prepaid allowed expenses incurred or paid after January 27, 1981.

These proposals are in response to problems described herein that ERA believes have developed or were inherent in the incentive program. ERA believes that adoption of these proposals would eliminate the abuses that may have occurred under the program without undermining the purposes of the program.

DATES: Proposed effective dates: January 5, 1981, January 28, 1981, March 19, 1981, and the date of adoption of the final rule. Comments by 4:30 p.m., June 5, 1981. Requests to speak at hearing by May 12, 1981, 4:30 p.m.; Hearing date: May 19, 1981 9:30 a.m.

ADDRESSES: Comments and requests to speak at hearing to: Department of Energy, Economic Regulatory Administration, Office of Public Hearing Management, Docket No. ERA-R-81-04, Room B-210, 2000 M Street, N.W., Washington, D.C. 20461. Hearing Location: Room 2105, 2000 M Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
William Funk or Ben McRae (Office of General Counsel), U.S. Department of Energy, Room 6A-099 (GC-12), 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-6736 (Funk); 252-6739 (McRae);
Lorrain Hall (Office of Public Hearings Management), Economic Regulatory Administration, Room B-210, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3984;
Jack Vandenburg (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4055.

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion
III. Proposal
IV. Comment Procedures
V. Procedural Matters

I. Background

As part of the phased deregulation of crude oil and in order to provide incentives to increase domestic crude oil production, ERA adopted the incentive program to provide producers with front-end financing for enhanced oil recovery ("EOR") projects. (44 FR 51148, August 30, 1979) The incentive program provides front-end financing by permitting a producer to certify lower and upper tier crude oil as tertiary incentive crude oil and, as a result of such certification, to receive the market price instead of the otherwise applicable ceiling price. Prior to this, producers were permitted to sell "incremental" tertiary production at market prices. A producer may certify sufficient crude oil as tertiary incentive crude oil to enable it to receive additional revenue in order to recover seventy-five percent of certain EOR related expenses that it has incurred, paid, and reported to DOE at the time of the certification.

Since the issuance of the President's decontrol Executive Order (E.O. 12287, 46 FR 9909, January 30, 1981), there has been a substantial increase in the recoverable expenses incurred and paid under the incentive program. We have been informed that many of these expenses represent prepayments for goods and services to be received after September 1981 and that, in several instances, these prepayments have been made to an affiliated entity. Producers have used these expenses to support the certification of significantly larger amounts of tertiary incentive crude oil with respect to the months of November and December 1980 and January 1981 than with respect to prior months.

The certifications as uncontrolled oil, of what otherwise would have been price-controlled oil, affect the calculations under the Entitlements Program. That is, as the volume of price-controlled oil decreases, so does the "national domestic crude oil supply ratio" (DOSR), *see* 10 CFR 211.62. when the DOSR decreases, the "runs credit" (the fractional entitlement in terms of dollars received by each refiner for running a barrel of crude oil) likewise decreases. Thus, the large volume of crude oil recertified in November-January as a result of the tertiary program has greatly diminished the runs credit receivable by all refiners. Moreover, because of the greatly diminished runs credit, some refiners that historically have been entitlements "sellers" became entitlements "purchasers" for the month of December, notwithstanding the fact that their particular crude receipts and runs did not significantly change from prior months. Refiners without their own tertiary projects, consequently, have complained about the tertiary program.[1]

Various legal arguments have been made by these refiners as to why the tertiary program should have ended on January 28, 1981.[2] for example, several firms have asserted that the decontrol Executive Order created a legal prohibition against continuation of the incentive program with respect to

[1] In some cases refiners with tertiary projects have also complained about the tertiary program. In these cases, the amount of money lost to the refiner by the reduced runs credit probably exceeds the amount of money obtained by the refiner through recertification of its own oil under the tertiary program.

[2] These legal arguments for the most part have been raised in lawsuits filed against DOE. As described below, we do not agree with these legal arguments. While this rulemaking obviously reflects our tentative view that aspects of the tertiary program should be rescinded, in some cases retroactive to January 1981, this is a policy decision arising from reconsideration of the program generally, as well as the practical impacts of decontrol. We continue to believe and assert in court that the tertiary program was not as a matter of law immediately terminated by the President's Executive Order exempting crude oil from price controls. Indeed, the policy concerns expressed in this notice with respect to the tertiary program for the most part were inherent in the tertiary regulations themselves and would likely have arisen in the absence of the Executive Order.

expenses that were not incurred and paid prior to the issuance of the Executive Order. Other firms have asserted that continuation of the incentive program with respect to allowed expenses that were not incurred and paid prior to the issuance of the decontrol Executive Order is contrary to the original intent of the incentive program. Many firms have also claimed that it is inequitable to require refiners to support the incentive program through the Entitlements Program. We do not agree with these claims to the extent that they are made to stand for the proposition that the tertiary program expired or became unlawful on January 28, 1981, or any earlier date. Our responses to these claims have been set forth in great detail in the various legal proceedings with respect to the validity and operation of the incentive program.

II. Discussion

On March 17, 1981 (46 FR 17566, Mar. 19, 1981) we issued an advance notice of proposed rulemaking announcing that we would propose to rescind the tertiary program with respect to allowed expenses that had not been incurred and paid prior to March 19, 1981. We issued this advance notice in order to inform producers that they could not rely on the incentive program after March 18, 1981. We were moved to this action by our belief that continuation of the tertiary incentive program beyond March 19, 1981, would not meaningfully increase the production of crude oil, but would likely result in large amounts of funds expended on behalf of future production being subsidized by refiners through recertification of previously sold price-controlled crude oil.

In deciding to issue the advance notice, as well as to propose the other actions in today's notice, we have been mindful of the incentive program's positive contributions to increased domestic oil production. Since the program's adoption in August 1979 there has been a great increase in EOR activity, much of which can be attributed to the incentive program's providing producers with the funds to finance expenses related to EOR activities that otherwise would not have been undertaken or would have been undertaken at a much later date. However, many of the expenses that have been incurred and paid in recent months appear to relate to EOR activities that may have been undertaken on the same time schedule, without regard to the incentive program. On balance, we believe that the costs that would be incurred by refiners either directly through payments for recertifications or indirectly through the Entitlements Program as a result of oil certified as incentive crude oil based on such expenses outweigh whatever benefit that might occur if the program were to continue without modification through March 31, 1981, the date on which the program would automatically expire.[3]

Subsequent to our advance notice of proposed rulemaking, Union Oil Company filed a petition for rulemaking asking that we further rescind tertiary program back to January 28, 1981.[4] In addition, DOE has been requested to suspend the effective date of the tertiary incentive amendments adopted on January 5, 1981, 46 FR 1246 (January 5, 1981).[5] These amendments related to "in-house" expenses. After considering these comments, as well as the concerns of refiners that led us to issue the advance notice, we decided that today's notice should contain two proposals in addition to that of the advance notice.

The adoption on January 5, 1981, of an amendment to the incentive program allowing firms to treat "in-house" expenses as "allowed expenses" under the program, *see* 46 FR 1246, creates a situation that we feel could be abused. That situation arises where the otherwise price-controlled oil that is certified as tertiary incentive oil is owned and produced by the refiner itself and the "allowed expenses" are "in-house" expenses.[6] In this situation, the tertiary financial transactions are generally all within the same firm (e.g., the producing affiliate pays for expenses to the refining affiliate and the refining affiliate pays the increased crude oil costs from certification of tertiary incentive oil to the producing affiliate), resulting generally in a "wash" within the firm as a whole.[7] By reducing its however, the refiner receives a benefit under the Entitlements Program. This can result in a positive cash flow to the firm as a whole.[8]

This result, however, does not in any way derive from Executive Order No. 12287, exempting crude oil from price controls. The ability of integrated refiners to receive a positive cash flow from the Entitlements Program in conjunction with the tertiary program and the ability of producers to receive a positive cash flow under the tertiary program derive from the provisions for "in-house" expenses adopted on January 5, 1981.

A separate issue is that of "prepaid" expenses.[9] The tertiary program regulations have not distinguished between expenses that are paid for items already delivered or used and those that are paid for items to be delivered and for use in the future. *See* Interpretation 1981–11, *Sun Oil Co.*, March 26, 1981. Thus, producers have been able under the regulations to pay for items that might not be delivered or used until substantially later. Under the program, while producers must pay the entire allowed expenses, generally they are out-of-pocket only 25 percent of their expenses inasmuch as they are allowed to receive tertiary incentive revenue to recover the remaining 75 percent. After the program, however, producers would be out-of-pocket for 100 percent of their expenses. Thus, the real cost to producers of tertiary expenses, if they could be incurred, paid, and reported to DOE before the end of the program, would be reduced by 75 percent up to a maximum of $20 million per property on which a project is located. This obviously created a substantial incentive to undertake tertiary projects that in the absence of the program would not have been undertaken at all or that would not have been undertaken until much later—thereby furthering the purpose of the program. It also, however, created a powerful incentive *merely to pay expenses* before the end of the program, even where the recoupment of 75 percent of those expenses under the program was not

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[3] In reaching this conclusion, as well as in making this proposal, we do not intend in any way to suggest that continuation of the Windfall Profit Tax tertiary exemption for independent producers and the tertiary credit for integrated producers should not continue. That issue, which is a matter subject to the jurisdiction of the Department of Treasury, not the Department of Energy, depends on the interpretation, intent, and construction of the Windfall Profit Tax itself, and should not be related to the policy and factual issues involved in this rulemaking.

[4] *See* Appendix A.

[5] *See* Appendix B. On February 27, 1981, DOE had already published a Notice of Intent announcing that we intended to review a number of regulations published in the last month of the previous Administration. The January 5 amendments were included in the list of regulations to be reviewed. *See* 46 FR 14339, (February 27, 1981).

[6] We recognize that it is possible some firms might be disadvantaged in that they might have contracted for goods and services outside of the firm if they had known that this rule might have been changed.

[7] The firm as a whole may incur some extra-firm expenses, such as increased severance and windfall profits taxes.

[8] It should be noted that producers that are not refiners can also receive a positive cash flow by "paying" in-house expenses and then certifying otherwise price-controlled oil as tertiary oil and receiving market prices for it. The difference, however, is that the cash flow does not result from benefits under the Entitlements Program, but from the sale of the oil to an unaffiliated purchaser.

[9] For purposes of the tertiary program, a prepaid expense is an expense for any injectant or fuel used after September 30, 1981, or an expense for any other item to the extent that IRS would allocate the deductions (including depreciation) for that item to the period after September 30, 1981.

necessary to justify undertaking the project and would not expedite the project. Thus, we believe, some producers have been paying for items for subsequent delivery, in some cases years in the future, in a manner that is extraordinary in the industry, merely to bring these expenses under the program.[10] Where recoupment of allowed expenses under the program does not meaningfully affect decisions to undertake or continue projects or does not expedite the production of tertiary oil, we believe such recoupment does not further the purposes of the program.

III. Proposals

First, after considering all the information available to us, we have decided to propose that the incentive program be rescinded with respect to all allowed expenses that were not incurred and paid prior to March 19, 1981. This is consistent with our advance notice of proposed rulemaking and the reasons explained above and in that notice.

Second, we also have decided to propose to rescind the tertiary program with respect to all prepaid allowed expenses that were not incurred and paid prior to January 28, 1981. This is in response to our concerns and those of many refiners that the vast majority of these prepaid expenses have been paid since that date solely to achieve the benefits of the program, would not otherwise have been prepaid, and were not necessary to make the particular EOR project viable. Moreover, we believe that the contracts with respect to prepaid expenses are likely to be executory in nature or that the allowed expenses claimed were paid as deposits and that, in most instances, the contracts could be rescinded on the basis of a change in circumstances, such as the proposed change in the incentive program, and the money paid be returned. Finally, we believe that elimination of these prepaid expenses as of January 28 would not interfere with the proper purposes of the tertiary incentive program and would not affect future tertiary production.

We are also proposing to rescind the incentive program with respect to in-house expenses. As noted above, on January 5, 1981, we amended that definition to permit the recovery of "in-house" expenses. (46 FR 1246, January 5, 1981). A primary reason for this change was to permit all firms to participate in the incentive program on the same basis, regardless of how a firm was structured, since we believed that the legal formalities of a firm's corporate structure should not require it to engage in inefficient transactions for purposes of the incentive program. However, the practical results of allowing in-house expenses between affiliated entities appears to have distorted substantially ordinary business practices with respect to tertiary projects, just the opposite of what was intended. Moreover, at the time that we adopted this change we expressed our concern that in-house expenses should not be based solely on accounting entries involving affiliated entities. *See* 46 FR 1246 (January 5, 1981). We are concerned that in fact little more than such accounting entries may have been used to justify in-house expenses, and that our inability to audit all firms invites abuse.

We recognize that all of these proposed amendments are retroactive in nature. Generally, it is inappropriate for an agency to change regulations upon which persons have relied when that change is to their detriment. With respect to the first proposal to rescind the program for expenses incurred or paid after March 18, because of our advance notice, we do not believe that producers should have relied on the regulatory provisions with respect to expenses not incurred and paid before March 19, 1981. With respect to the second proposal to disallow all prepaid expenses not incurred and paid prior to January 28, it is our tentative belief that monies expended for prepaid expenses can be recovered so that firms will not be disadvantaged by this retroactive rule. (See Appendix A.) In appropriate cases, exception relief from the Office of Hearings and Appeals may also be appropriate under traditional standards. With respect to the third proposal to disallow all in-house expenses, because the expenses are between affiliates of the same firm, we likewise believe any commitments can be undone. Again, in appropriate cases exception relief might be available.

Finally, we are proposing that, during the two week period immediately following the adoption of any of the proposals, producers would be required to recertify any crude oil that they previously certified as tertiary incentive crude oil, if affected by these proposals. Any reseller that received such a recertification would have to provide an appropriate recertification to the purchaser of the affected crude oil within ten working days. This mechanism is necessary to permit sellers and purchasers of tertiary incentive crude oil to adjust their positions to reflect the modifications to the incentive program.

We seek comments on these proposals from all parties affected by the incentive program, and especially from those producers that have paid expenses after January 5, 1981. Producers should discuss the extent and nature of the expenses paid, the nature of the transactions in which the expenses were paid, and the degree of reliance injury that the producer would experience because it relied on the existing regulation and the extent to which contracts for in-house or prepaid expenses would be able to be set aside if the proposals were adopted. We also solicit any other proposals that would address the concerns identified in this notice.

In preparing comments on the proposals in this notice, interested parties should be aware that DOE will consider the impact of each proposal on small entities and may decide to adopt any or all of these proposals with an exemption for small entities. (See 5 U.S.C. 601(6)). This is particularly true with respect to prepaid expenses and in-house expenses of which we believe large integrated refiners have maximized the use. Moreover, large integrated refiners have the least need for front-end financing for tertiary projects, given their available capital and ability to obtain loans. Accordingly, each proposal should be considered as if it contained an option that excluded small entities.

IV. Comment Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting data, views or arguments with respect to the issues set forth in this notice of proposed rulemaking. All comments should be submitted by 4:30 p.m., e.d.t., of the day specified in the "DATES" section, to the appropriate address indicated in the "ADDRESSES" section of this preamble and should be identified on the outside envelope and on documents submitted with the designation "Tertiary Incentive Program," Docket No. ERA–R–81–04. Ten copies should be submitted. All comments received by the ERA will be available for public inspection in the DOE Freedom of Information Office, Room 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

You should identify any information or data considered by you to be confidential and submit it in writing, one

[10] When the prepaid expenses are in-house expenses, the positive cash flow described above can be substantial.

copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

B. Public Hearing

1. *Procedure for requests to make oral presentations.* The time and place for the hearing are indicated in the "Dates" and "Addresses" sections of the preamble. If necessary to present all testimony, the hearing will resume at 9:30 a.m. on the next business day following the first day of the hearing.

You may make a written request for an opportunity to make an oral presentation. If so, you should describe the interest concerned; if appropriate, state why you are a proper representative of a group or class of persons that has such an interest; and provide a concise summary of the proposed oral presentation and a phone number where you may be contacted through the day before the hearing. If you are selected to be heard at the hearing, we will notify you before 4:30 p.m., May 14, 1981. You are requested to make 100 copies of your statement available in Room B-210, 2000 M Street, N.W., Washington, D.C. 20461, by 4:30 p.m., May 18, 1981.

2. *Conduct of the hearing.* We reserve the right to seclect the persons to be heard at the hearing (in the event there are more requests to be heard than time allows), to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based upon the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearing. This will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all intitial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may also submit questions to be asked of any person making a statement at the hearing to the address indicated above for requests to speak by 4:30 p.m., May 18, 1981. If you wish to ask a question at the hearing, you may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made. The entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection in the DOE Freedom of Information Office, Room 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., and in the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript from the reporter.

V. Procedural Matters

A. *Executive Order No. 12291.* Under section 8(b) of Executive Order No. 12291 (46 FR 13193, February 19, 1981), the Director of the Office of Management and Budget ("Director") is authorized to exempt any class or category of regulations from any or all requirements of that Executive Order.

An exemption was requested of the Director of those regulations issued to implement Executive Order No. 12287. The request was granted.

B. *Section 7 of the FEA Act.* As required by section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended) a draft copy of this notice was submitted to the Administrator of the Environmental Protection Agency (EPA) for comments concerning the impact of this proposal on the quality of the environment. The EPA Administrator indicated that he had no comments at this time.

C. *Section 102 of the NEPA.* The DOE has determined that this regulation, as proposed, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act and, therefore, that the preparation of an Environmental Impact Statement for this proposal is not required under 10 CFR Part 208.

D. *Section 404 of the DOE Act.* Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*, Pub. L. 95-91), we have referred this proposed rule, concurrently with the issuance hereof, to the Federal Energy Regulatory Commission for a determination as to whether the proposal would significantly affect any matter within the Commission's jurisdiction.

E. *Regulatory Flexibility Act.* These proposals, if adopted, could negatively impact many firms that are "small entities" within the meaning of the Regulatory Flexibility Act. DOE is waiving the requirement of section 603 of the Regulatory Flexibility Act that it publish an initial regulatory flexibility analysis since any delay in this rulemaking proceeding will heighten the uncertainty surrounding the incentive program. In the event that DOE adopts any of these proposals, it will comply with the requirements of the Regulatory Flexibility Act.[11]

(Emergency Petroleum Allocation Act of 1973, 15 U.S.C. § 751 *et seq.*, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, 15 U.S.C. § 787 *et seq.*, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, and Pub. L. 95-91; Energy Policy and Conservation Act, 42 U.S.C. § 6201 *et seq.*, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-619, and Pub. L. 95-30; Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, Pub. L. 95-91, Pub. L. 95-508, Pub. L. 95-619, Pub. L. 95-620, and Pub. L. 95-621; E.O. 11790, 39 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is proposed to be amended, as set forth below.

Issued in Washington, D.C., April 28, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

§ 212.78 [Amended]

1. Effective for the period of January 5, 1981 through January 27, 1981, 10 CFR 212.78(c) is amended by revising the definition of "recoupable allowed expenses" to read as follows:

* * * * *

(c) * * *

"Recoupable allowed expenses" mean those allowed expenses that have been paid and reported pursuant to subsection (h) of this section and, with respect to a particular producer, those allowed expenses that are attributable to that producer; provided that such expenses are incurred in arm's-length transactions and for fair market value.

§ 212.78 [Amended]

2. Effective for the period of January 28, 1981 through March 18, 1981, 10 CFR 212.78(c) is amended by revising the definition of "recoupable allowed expenses" to read as follows:

* * * * *

(c) * * *

[11] As noted previously, we are considering adopting any or all of these proposals with an exemption for small entities. Furthermore, the ability to grant exceptions on the basis of petitions from small entities, if these proposals were adopted in whole, could also address the concerns of such firms.

"Recoupable allowed expenses" mean those allowed expenses that have been paid and reported pursuant to subsection (h) of this section and, with respect to a particular producer, those allowed expenses that are attributable to that producer; provided that such expenses are incurred in arm's-length transactions and for fair market value, and further provided that such expenses that are incurred or paid after January 27, 1981 are not prepaid expenses (as defined for purposes of 10 CFR 212.78(h)(5)(i).

§ 212.78 [Amended]

3. Effective for the period March 19, 1981 through March 31, 1981, 10 CFR 212.78(c) is amended by revising the definition of "recoupable allowed expenses" to read as follows:

* * * * *

(c) * * *

"Recoupable allowed expenses" mean those allowed expenses that have been paid and reported pursuant to subsection (h) of this section and, with respect to a particular producer, those allowed expenses that are attributable to that producer; provided that such expenses are incurred in arm's-length transactions and for fair market value, and further provided that (1) such expenses that are incurred or paid after January 28, 1981 are not prepaid expenses (as defined for purposes of 10 CFR 212.78(h)(5)(i)) and (2) such expenses are incurred and paid prior to March 19, 1981.

§ 212.78 [Amended]

4. Effective immediately, 10 CFR 212.78 is revised by redesignating the existing paragraph as § 212.78 is revised by redesignating the existing paragraph as § 212.78(a) and by adding a new paragraph (b) to read as follows:

* * * * *

(b) During the period of [the date the final rule is published] through [fourteen days], a producer shall change the certification of crude oil that it previously had certified as tertiary incentive crude oil pursuant to 10 CFR § 212.131(a), if pursuant to the amendments published on [the date the final rule is published] that crude oil would not have qualified as tertiary incentive crude oil. A reseller that pursuant to this paragraph receives a change in the certification of crude oil that it previously had certified as tertiary incentive crude oil pursuant to 10 CFR § 212.131(b) shall recertify that crude oil to its purchaser within ten working days. A firm that recertifies crude oil pursuant to this paragraph that it previously had certified as tertiary incentive crude oil also must refund any money that it received from the purchaser of that crude oil in excess of the lawful selling price for that crude oil as recertified.

Appendix A

March 24, 1981.

Mr. F. Scott Bush,
Assistant Administrator for Regulations and Emergency Planning, Economic Regulatory Administration, Room No. 7219, 2000 M Street, N.W., Washington, D.C.

Re: Petition for Rulemaking Regarding the Tertiary Incentive Program.

Dear Mr. Bush: Union Oil Company of California ("Union") hereby petitions the Economic Regulatory Administration, pursuant to 10 CFR 205.160–205.162 to institute a rulemaking proceeding regarding the DOE's Tertiary Incentive Program, 10 CFR 212.78. On March 19, 1981, ERA published an Advance Notice of Proposed Rulemaking, stating that it

"intends to eliminate the ability to recoup tertiary expenses pursuant to 10 CFR 212.78 with respect to any expenses not already incurred and paid as of March 19, 1981. A Notice of Proposed Rulemaking formally proposing this regulatory change will be published in the near future." 46 FR 17566.

Union is petitioning ERA to expand this forthcoming proposed rulemaking to consider, as an alternative to March 19, establishing the cutoff date for the Tertiary Incentive Program on January 28, 1981, the effective date of decontrol pursuant to Executive Order No. 12287, 46 FR 9909 (January 30, 1981).

Discussion

Executive Order No. 12287, *supra*, provided for the "immediate" decontrol of crude oil and all refined petroleum products, effective January 28, 1981. Thereafter, on February 12, 1981, DOE issued a Ruling which stated (a) that firms could become "qualified producers" under the Tertiary Incentive Program "on or after January 28, 1981," and (b) that any qualified producer could recover "allowed expenses" under the Program through the recertification of crude oil sold in December 1980 and January 1981, "as long as the producer has incurred, paid, and reported those expenses prior to * * * March 31, 1981 * * *." Ruling 1981–1, Question No. 7, 46 FR 12945, 12947 (February 19, 1981). Certain refiners have brought suit challenging, *inter alia*, the legal authority of DOE to extend the Tertiary Incentive Program beyond January 28, 1981. *Diamond Shamrock Corporation, et al.* v. *Edwards*, Civ. No. 81–101 (D. Del. filed March 11, 1981). Among other things, the plaintiffs in *Diamond Shamrock* argue: (a) that Executive Order No. 12287 terminated the Tertiary Incentive Program and divested DOE of authority to repromulgate the Program; (b) that continued application of the Program serves no legitimate regulatory purpose and is irrational, arbitrary, and capricious; and (c) that Ruling 1981–1 is procedurally defective and therefore invalid insofar as it seeks to extend or repromulgate the Tertiary Incentive Program.

Even if it were ultimately established that the Department of Energy had the legal authority to maintain the Tertiary Incentive Program for the period January 28–March 31, 1981, such action would be inappropriate, undesirable and unnecessary, and DOE should fully ventilate this issue in the forthcoming rulemaking proceeding. In its March 19 notice, ERA admitted its:

"Belief that tertiary projects which this program was designed to enhance are most likely already to have been certified and appropriate expenses incurred and paid. Any project that has waited so long to become certified and any expenses that have not already been incurred and paid are not likely to need the benefits of the Tertiary Incentive Program." 46 FR 17566.

It was for this reason that ERA announced its intent to cut off the Program effective March 19.

However, this reason was as applicable on January 28 as it was on March 19. The fundamental premise of the Tertiary Incentive Program was the need to provide assistance to overcome production disincentives created by the existence of crude oil price controls and uncertainty as to when controls would end. With the termination of controls on January 28, the rational basis for the Tertiary Incentive Program was removed.[1] Unless ERA undertakes prompt corrective action, the participants in the entitlements program will be required to pay massive subsidies that lack a lawful regulatory basis. Accordingly, it is essential that ERA consider, in a rulemaking context, the full range of options available to remedy the failure to terminate this Program on January 28, 1981.

Union anticipates that some firms would claim that they had incurred and paid allowed expenses after January 28, 1981, in reliance on the continuation of the Tertiary Incentive Program. However, there is substantial doubt as to the extent of justifiable or detrimental reliance.[2] Even if there has been some reliance, that would not necessarily constitute a legal barrier, under the special circumstances here present, to designation of a January 28, 1981 cutoff date.

---

[1] In addition, there are indications that firms attempting to avail themselves of the Tertiary Incentive Program have taken actions following the date of decontrol outside the range of the normal business practices that had grown up under the Tertiary Incentive Program as it was initially designed and implemented.

[2] There is reason to believe that the great majority of tertiary expenses incurred since January 28 have been incurred in interaffiliate transactions. To the extent expenses have been incurred in arm's-length transactions with unrelated third parties, there are indications that the great majority of *these* are simply in the form of executory contracts, which may be subject to a rescission should the agency determine to impose a cutoff date of January 28. And it may well be that exception relief would be an appropriate mechanism for dealing with the few remaining cases.

These issues, however, cannot be assessed responsibly in a vacuum. They are precisely the kinds of matters appropriately resolved in a rulemaking proceeding.

Conclusion

For the reasons stated above, Union hereby requests that the Notice of Proposed Rulemaking to be issued soon with regard to the Tertiary Incentive Program be expanded so as to provide notice, opportunity for comment, and agency consideration of the possibility of establishing January 28, 1981 as the cutoff date for expenses incurred or paid under the Tertiary Incentive Program. Having determined to initiate a rulemaking proceeding on this subject, it would be arbitrary and capricious for ERA to refuse to consider alternative cutoff dates or to reject Union's proposed January 28 cutoff without the benefit of a rulemaking proceeding.

In the Notice of Proposed Rulemaking, the participants should be invited to comment, *inter alia*, on the following matters:

(1) The appropriateness, desirability or necessity of permitting the Tertiary Incentive Program to recognize expenses incurred and paid after January 28, 1981.

(2) The extent and significance of justifiable reliance, if any, on the Tertiary Incentive Program after decontrol.

(3) The timing of actions taken under the Tertiary Incentive Program after January 28, including when firms became qualified producers and when expenses were incurred, paid and reported.

(4) The extent to which actions under the Tertiary Incentive Program after January 28 did not conform to normal business practices under that Program before that date.

(5) The extent to which expenses incurred and paid under the Tertiary Incentive Program after January 28 involved interaffiliate transactions.

(6) The extent to which expenses incurred and paid under the Tertiary Incentive Program after January 28 are—as of the date of the Notice of Proposed Rulemaking—still in the form of executory contracts.

(7) The legal status of such executory contracts should DOE determine to establish January 28 as the cutoff date for the recognition of expenses under the Tertiary Incentive Program.

(8) The suitability of exception relief for those parties that could demonstrate a serious hardship or gross inequity by virtue of the government's establishing a January 28 cutoff date.

In connection with the rulemaking proceeding, DOE should gather certain data from all firms certifying costs as having been paid or incurred under the Tertiary Incentive Program after January 28, 1981. Through such requests, DOE could assemble useful information regarding items (3)–(6) above and publish that information in aggregate form.[3]

[3] The undersigned certify that they are duly authorized to represent Union Oil Company of California in connection with this matter.

Respectfully submitted,

Paul J. Mode, Jr.,

Jay F. Lapin,

Attorneys for the Union Oil Company of California.

cc: Thomas C. Newkirk,

Deputy General Counsel for Regulations.

Appendix B—ESIRTF

Emergency Small Independent Refiners Task Force

1015 Fifteenth St., N.W.,
Washington, D.C.

William H. Bode, Secretary and General Counsel

By Hand

March 4, 1981.

Eric J. Fygi, Esq.
Acting General Counsel, U.S. Department of Energy, Forrestal Building—Room 6A–245, 1000 Independence Avenue, SW., Washington, D.C.

Dear Mr. Fygi: On behalf of the Emergency Small Independent Refiners Task Force ("ESIRTF"), this letter is to request that the Department of Energy ("DOE") suspend until further notice the effective date of the "tertiary incentive program" amendments adopted by the Economic Regulatory Administration ("ERA") on January 5, 1981.

With the recent issuance of the December, 1980 entitlements notice, we have become aware of the enormous and, we believe, completely unintended windfall which those amendments have conferred upon a few already well-heeled integrated major refiners at the expense of all other refiners in the Entitlements Program. Specifically, the rules adopted at 46 *Fed. Reg.* 1246 (January 5, 1981), as they have been interpreted and applied by a few major refiners and the Entitlements Program Office of the ERA, essentially permit those refiners to finance ongoing crude oil production activities with payments from independent refiners through the Entitlements Program. This is permitted in the name of providing an "incentive" for those major refiners to engage in production activities which have obviously been on-going for substantial periods of time and which just as obviously require no incentives. We refer in particular to the rule which has been interpreted as allowing those producer-refiners to recover "in-house" expenses by treating "old" oil as uncontrolled oil for purposes of the Entitlements Program.

A look at the facts will show the enormity of the windfall to the refiners in question. We understand that Arco and Amoco, among others, have taken advantage of the new rules (as they interpret them) and have effectively "recertified" to themselves "old" oil as uncontrolled oil and have reported "adjustments" to crude oil receipts in their entitlements reports for December 1980. In the entitlements notice of November, 1980, Arco had deemed old oil receipts of almost three million barrels, and was a new entitlements purchaser of approximately 1.3 million entitlements. In the same month, Amoco had deemed old oil receipts of approximately 4.8 million barrels and was a net purchaser of approximately 2.5 million entitlements. For the month of December, 1980, however, Arco shows deemed old oil receipts of *negative* 3.7 million barrels, and is a net *seller* of 4.8 million entitlements. Amoco shows deemed old oil receipts of 56,000 barrels and is a net *seller* of 1.4 million entitlements. Applying the $27.00 December 1980 entitlements price, Arco has experienced a net gain of well over $160 million and Amoco has experienced a gain of approximately $110 million under the Entitlements Program, in *one month*.

Those same facts show the enormous burden imposed upon all other refiners in the Program. As a rough gauge of the impact of just these two refiners, dividing their net dollar gain under the Program by total domestic crude oil runs to stills in December yields a reduction in every refiner's runs credit of approximately $0.65 per barrel. These two refiners therefore account for over one-half of the total runs credit reduction for November of approximately $1.11 per barrel.

Needless to say, additional income of $110 million or $160 million in just one month is substantial by any measure. Also needless to say, an unanticipated increase in other refiners' costs of crude oil of $0.65 per barrel is significant, particularly under current circumstances in which product revenues already often do not equal crude costs. The effect of these amendments, in short, has been to seriously distort the economic expectations underlying December 1980 and January 1981 crude oil acquisition transactions of refiners, and to impose immediate and serious hardships upon them.

We believe the amendments must be suspended, and any revenues already realized by Arco and Amoco (and any others similarly situated) returned to the Program, pending a thorough review of the impacts and benefits of the rule in question.

The rule and its apparent implementation is legally suspect in many regards. *First*, the ERA performed no Regulatory Analysis of the rule's impact, as required by Executive Order and the Department's own regulations. A rule with the impacts described above is "major" by any reasonable standard. *Second*, the failure of the ERA to analyze and disclose the probable impact of its proposed rule violates the provisions of the Department of Energy Organization Act, and of the Administrative Procedures Act, which require that the DOE set forth the data, research and analyses upon which the proposal is based and provide a meaningful opportunity for potentially affected parties to comment. DOE's failure to perform this analysis resulted in a situation wherein those who would be (and now have been) severely adversely affected were not put on adequate notice that they would be so affected and so did not have an opporunity to register meaningful comments. It bears emphasizing, in this regard, that refiners such as ESIRTF members could not possibly have known what these impacts would be in advance; rather, that information was known only to those who stood to benefit from the proposal and, possibly, to the DOE. Certainly the DOE could and should have assembled information concerning the aggregate impact of the rule and disclosed it to the public.

Third, given the enormity of the impact—which ERA itself obviously did not appreciate when it concluded that its proposals were "not major"—it is clear that the rule is arbitrary and irrational, and not consonant with governing statutory objectives. The amendment allowing recovery of "in-house" expenses was adopted January 5, 1981, and was expressly not made retroactive. Thus, Arco, for example, is apparently claiming that it incurred approximately $210–$220 million of such expenses (of which $160 million represents 75 percent) between January 5 and the end of January for tertiary projects. It should be plain from the sheer magnitude of Arco's claims that virtually all of these same expenses were being and had been regularly incurred prior to the amendments. Certainly, no firm could undertake *new* activity and incur anything like this amount in so short a time in response to the amendments. Thus, a fundamental premise of the entire rule—to provide an *incentive* to undertake activity which would not otherwise be undertaken—is simply not true. On the contrary, it is manifest that the rule, as interpreted and applied by these refiners and the ERA, simply throws the money of other refiners at these few refiners for doing what they were doing anyway. It is impossible to find a legitimate purpose or basis in the governing statutory objectives for this result, let alone to balance any such objective against the tangible harm to other refiners.

The ERA's stated purpose in proposing the subject amendments was to avoid creating inefficiencies, whereby the prior requirement for an arm's-length transaction "may actually be working to increase the amount of expenses that a producer recovers under the program" (45 *Fed. Reg.* 54688 at 54689) and thus increase crude oil costs unnecessarily. The results discussed above show that crude oil "costs" have risen enormously and unnecessarily as a *result* of the amendment, and have been paid for by all other refiners in the program.

Finally, there are serious issues concerning the propriety of the manner in which the rule has been implemented. For example, the enormous amounts which Arco and Amoco apparently claim to have "incurred" *since* January 5 raise substantial questions. How could any firm, no matter how large and no matter how long they have engaged in the activity, incur over $200 million for enhanced recovery in *less than one month?* A related question is whether these refiners and the ERA have observed the $15 million (75 percent of $20 million) per project limitation on "allowed expenses."

We are sure you will agree that these are very serious questions. Indeed, it is our position that the rule as adopted and implemented is invalid, for the above reasons among others. In any event, in light of these troublesome matters we urge that the DOE act to suspend the January 5 amendment pertaining to "in-house" expenses, at least until a full airing of the issues consistent with legal requirements can be had. We are confident the DOE will revoke these rules upon further deliberation after meaningful comments have been received. Prompt action is required, because all parties involved now appear to concede that the problem will be even worse in the upcoming entitlements notice.

The amendment should also be suspended effective as of its purported effective date, and Arco and Amoco and any other similarly situated refiner should be required to restore their unlawful gains to the Entitlements Program in the January 1981 notice to be issued this month. Small and independent refiners simply cannot afford this gross and unjustified subsidy to major refiners, and in light of the serious questions surrounding the rule all parties should be restored to the *status quo ante* pending final action on the rule.

Suspension of the rule is also warranted on another ground. The amendments were adopted on January 5, 1981, and were made effective immediately. Certainly, no reasons of compelling urgency required an immediate effective date, and the ERA cited none. Rather, ERA simply concluded that the amendments "remove a restriction" and therefore could be implemented immediately, and in addition, it "found" that immediate implementation would promote "efficient" use of resources. As we have indicated above, no such result can be ascribed to the rule. The ERA's findings justifying an advanced effective date are therefore suspect and vulnerable to challenge. On the other hand, had the normal 30-day waiting period been observed, as it should have been, then the rule would have been subject to the President's "freeze order" on new regulations. Since the waiting period should have been observed, the rule should be treated as being subject to suspension under the "freeze order." Moreover, the rule should be regarded as not having been validly made effective for the month of January.

For all the above reasons, we urge your prompt action to suspend the rule in question effective January 5, 1981.

Thank you for your attention to this urgent matter.

Very truly yours,

William H. Bode,

Batzell, Nunn & Bode.

[FR Doc. 81-13419 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 374

[SPDR-81; Docket 39547]

Implementation of the Consumer Credit Protection Act With Respect to Air Carriers and Foreign Air Carriers

Dated: April 16, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to revise its consumer credit regulations to include its enforcement responsibilities under the Equal Credit Opportunity Act, the Fair Debt Collection Practices Act, and the Electronic Fund Transfer Act, and to explicitly state the Board's power to assess civil penalties for violation of the Consumer Credit Protection Act. This rulemaking is at the Board's initiative.

DATES: Comments by: July 6, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: May 21, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 39547, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: The Consumer Credit Protection Act, as amended, 15 U.S.C. 1601–1693r, and Regulations B and Z of the Federal Reserve Board, 12 CFR Parts 202 and 226, set forth requirements for consumer credit transactions. The Consumer Credit Protection Act consists of five subchapters: (1) the Truth in Lending Act as supplemented by the Fair Credit Billing Act, 15 U.S.C. 1601–1667, (2) the Fair Credit Reporting Act, 15 U.S.C. 1681–1681t, (3) the Equal Credit Opportunity Act, 15 U.S.C. 1691–1691f, (4) the Fair Debt Collection Practices Act, 15 U.S.C. 1692–1692o, and (5) the Electronic Fund Transfer Act, 15 U.S.C. 1693–1693r.

The Consumer Credit Protection Act sets forth the standard of conduct required in consumer credit transactions. Congress has explicitly stated in the Consumer Credit Protection Act that if air carriers or foreign air carriers fail to meet this standard, it is a violation of the Federal Aviation Act of 1958 (the Act) and enforceable by the Board. The Board will find such violations unfair and deceptive practices, and an unfair method of competition in air transportation under section 411 of the Act. In addition, violations will be enforced under Title IV of the Act pursuant to the general delegation of enforcement responsibility to the Board. Section 901 of the Act

provides that the Board may assess civil penalties for any violation of Title IV of the Act so that violation of the Consumer Credit Protection Act or regulation would be subject to civil penalties. Although we believe that we currently have the authority to assess civil penalties for such violations, we wish to make this clear by stating this directly in the body of the rule and through the authority citation.

Part 374 of the Civil Aeronautics Board's regulations states the Board's responsibility with respect to the Consumer Credit Protection Act and related regulations. The rule would be amended to require that each U.S. and foreign air carrier comply with the requirements of the Consumer Credit Protection Act and Regulations B and Z of the Federal Reserve Board. In addition, this proposed revision of Part 374 would make both substantive and editorial changes. A description of the Board's responsibility under the 1976 amendments to the Equal Opportunity Act and under the recently enacted Fair Debt Collection Practices Act and the Electronic Fund Transfer Act would be added to § 374.3. The Board would change the citations to the Consumer Credit Protection Act in Part 374 from the relatively inaccessible Titles found in the Public Laws and Statutes at Large to those of the United States Code. The citation for Regulation Z would be corrected. Finally, portions of the rule would be rewritten for clarity.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, Pub. L. 96–354, which took effect January 1, 1981, the Board certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. Although the rule may affect some small air carriers that are assessed civil penalties for violating the Consumer Credit Protection Act and related regulations, our experience indicates that the number of violators will not be substantial.

Accordingly, the Civil Aeronautics Board proposes to revise 14 CFR Part 374 to read:

PART 374—IMPLEMENTATION OF THE CONSUMER CREDIT PROTECTION ACT WITH RESPECT TO AIR CARRIERS AND FOREIGN AIR CARRIERS

Sec.

374.1 Purpose.
374.2 Applicability.
374.3 Compliance with the Consumer Credit Protection Act and regulations.
374.4 Enforcement procedure.

Authority: Secs. 204, 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 769, 49 U.S.C. 1324, 1381; Consumer Credit Protection Act, as amended, 82 Stat. 147, 84 Stat. 49, 1126, 88 Stat. 1511, 89 Stat. 1159, 90 Stat. 197, 198, 251, 91 Stat. 161, 162, 874, 92 Stat. 2676, 3728, 15 U.S.C. 1601–1693r; 12 CFR Parts 202 and 226.

§ 374.1 Purpose.

The purpose of this part is to state the Board's responsibility to enforce air carrier and foreign air carrier compliance with Subchapters I, III, IV, V and VI of the Consumer Credit Protection Act and Regulations B and Z of the Board of Governors of the Federal Reserve System.

§ 374.2 Applicability.

This part is applicable to all air carriers and foreign air carriers engaging in consumer credit transactions.

§ 374.3 Compliance with the Consumer Credit Protection Act and regulations.

(a) Each air carrier and foreign air carrier shall comply with the requirements of the Consumer Credit Protection Act, 15 U.S.C. 1601–1693r. Any violation of the following requirements of that Act will be a violation of the Federal Aviation Act of 1958, enforceable by the Board:

(1) The Truth in Lending Act, as supplemented by the Fair Credit Billing Act, 15 U.S.C. 1601–1667, requiring disclosure of credit terms to the consumer and prohibiting inaccurate or unfair credit billing and credit card practices.

(2) The Fair Credit Reporting Act, 15 U.S.C. 1681–1681t, setting forth requirements to be met by consumer credit reporting agencies and persons who use consumer credit reports.

(3) The Equal Credit Opportunity Act, 15 U.S.C. 1691–1691f, prohibiting discrimination in credit transactions on the basis of race, color, religion, national origin, sex, marital status, age, or receipt of public assistance, or against applicants who have exercised their rights under that Act.

(4) The Fair Debt Collection Practices Act, 15 U.S.C. 1692–1692o, prohibiting abusive, deceptive, and unfair debt collection practices.

(5) The Electronic Fund Transfer Act, 15 U.S.C. 1693–1693r, establishing the rights, liabilities, and responsibilities of participants in electronic fund transfer systems.

(b) Each air carrier and foreign air carrier shall comply with the requirements of Regulation B, 12 CFR Part 202, and Regulation Z, 12 CFR Part 226, of the Board of Governors of the Federal Reserve Board. Any violation of the requirements of those regulations will be a violation of the Federal Aviation Act of 1958, enforceable by the Board.

§ 374.4 Enforcement procedure.

The statutes and regulations referred to in § 374.3 may be enforced by an enforcement procedure as set forth in Subpart B of Part 302 of this chapter or by the assessment of civil penalties under section 901 of the Federal Aviation Act of 1958.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13879 Filed 5-5-81; 8:45 am]
BILLING CODE 6320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A4 FRL 1811-1]

Approval and Promulgation of Implementation Plans; Georgia: Bubble Action for the ITT Rayonier, Inc., in Jesup, Georgia

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: Georgia has submitted a State Implementation Plan (SIP) revision affecting the allowable particulate emission rates from the No. 6 Recovery Boiler, No. 3 Power Boiler and No. 5 Smelt Dissolving Tank at the ITT Rayonier, Inc. in Jesup, Georgia. This action is being treated within the EPA bubble policy concept. More stringent controls are being placed on the sources that have shorter stacks and less stringent controls are required on the sources which have taller stacks. This will have a beneficial impact on the air quality and EPA is today proposing to approve this SIP revision.

DATE: Comments must be received by June 5, 1981.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the material submitted by Georgia may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Georgia Department of Natural Resources, Environmental Protection

Division, 270 Washington Street, SW., Atlanta, Georiga 30334.
Library, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Barry Gilbert at the EPA Region IV address above or call 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION:

Background

On December 18, 1980, EPA received from the State of Georgia an SIP revision that pertains to the ITT Rayonier, Inc. in Jesup, Georgia. This revision was considered as a bubble application for particulate controls on three sources.

ITT Rayonier has submitted an Equivalent Alternative Emission Reduction Option for particulate emissions from the No. 6 Recovery Boiler, No. 3 Power Boiler and No. 5 Smelt Dissolving Tank at its Jesup kraft pulp mill. Each of these emission points has been permitted according to Georgia's SIP applicable emission limitations. The No. 6 Recovery Boiler is presently under construction, and the power boiler and smelt tank are existing emission points which have recently demonstrated compliance by emission tests.

ITT's strategy is to increase the SIP allowable particulate emissions of 52.1 pounds per hour from No. 6 Recovery Boiler by 24.7 pounds per hour. To offset this allowable emission increase, ITT has agreed to accept particulate emission limitation reductions of 10.0 pounds per hour on No. 3 Power Boiler and 14.7 pounds per hour on No. 5 Smelt Dissolving Tank. The proposed option will therefore result in no net allowable emission increases.

Ambient air quality monitoring data from a particulate sampler at the Wayne County High School in Jesup near the pulp mill indicated ambient particulate concentrations in 1979 of a maximum 68 $\mu g/m^3$ for the 24-hour average and a 34 $\mu g/m^3$ for the annual geometric mean. These concentrations are significantly below the National Ambient Air Quality Standards. Analysis of the emission rates and stack parameters before and after implementing the bubble indicates there will be an improvement in ambient air quality. Although there will be no reduction in actual emissions from No. 3 power boiler and No. 5 smelt dissolving tank, the alternative limits are approvable because the applicable SIP for particulate emissions is based on allowable rather than actual emissions and there will be no consumption of increment.

Action

EPA is today proposing to approve the SIP revision and is soliciting public comment on the bubble application.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only proposes to approve state actions. It imposes no new regulatory requirements. In addition, this proposed change should result in a reduction in the cost of compliance for the source involved.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified (46 FR 8709) that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper. In addition, this action only applies to one facility.

(Secs. 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: February 17, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-13634 Filed 5-5-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[AS FQL 1909-4]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA announced elsewhere in today's **Federal Register** final rulemaking on parts of the Wisconsin ozone and carbon monoxide (CO) State Implementation Plan (SIP). Wisconsin submitted these revisions to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977. In the final rulemaking, USEPA conditionally approved certain revisions to the Wisconsin CO and vehicle emission inspection and maintenance (I/M) SIP. This notice solicits public comment on the deadlines by which the State of Wisconsin has committed itself to remedy conditonally approved portions of its SIP.

DATES: Comments must be received on or before July 6, 1981.

ADDRESSES: Comments should be sent to the following address: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the materials submitted by the State and the public during the comment period announced in this notice of proposed rulemaking are available for review during normal business hours at the following addresses: USEPA, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604, USEPA, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Anne Ernstein, Regulatory Analysis Section, Air Programs Branch U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6039.

SUPPLEMENTARY INFORMATION: In final rulemaking action published in today's **Federal Register**, USEPA conditionally approved portions of Wisconsin's CO control strategies and I/M program. A discussion of conditional approval and its practical effects appears in the July 2, 1979 and the November 23, 1979 **Federal Registers** (44 FR 38583 and 67182). A conditional approval requires the State to remedy identified deficiencies by specified deadlines. Although public comment is solicited on the deadlines, the State remains bound by its commitments unless the schedules are disapproved by USEPA in its final rulemaking action. A conditional approval means that the restriction on new source construction in designated nonattainment areas will not apply unless the State fails to submit the corrections by the specified date, or unless the corrections are ultimately determined to be inadequate.

In today's final rulemaking, USEPA also identified the conditions which must be satisfied by the State of Wisconsin to correct the specified deficiencies in the I/M program and the CO strategies in the Part D Wisconsin SIP. The State of Wisconsin has provided assurances in letters dated September 26, 1980 and April 9, 1981 that it will satisfy the conditions on a specific schedule.

USEPA proposes to approve the following schedules for Wisconsin to correct the remaining deficiencies in the Milwaukee I/M and CO SIP.

1. The State of Wisconsin committed itself to submit by January 1, 1982, if necessary, CO control strategies to address identified CO hotspots in the Milwaukee area. These strategies will

be excerpted from the 1982 Transportation Improvement Program (TIP) for the Milwaukee Urbanized Area.

2. The State of Wisconsin committed itself to submit by August 15, 1981 the funding/manpower resource commitment action taken by the State legislature.

3. The State of Wisconsin committed itself to submit by August 15, 1981 a revised implementation schedule for its I/M program.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified (46 FR 8709) that the attached proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only proposes to approve a State action and, therefore, imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the State action would serve no practical purpose and could well be improper. On January 27, 1981 the Administrator published the required certification for all SIP approvals under section 110 of the Act at 46 FR 8709.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation, if promulgated, will not be "major" as defined by Executive Order 12291, because this action only approves a State action. This action only proposes for public comment those dates by which Wisconsin has committed itself to submit revisions to its CO and I/M SIP, which was conditionally approved elsewhere in today's **Federal Register**.

This notice of proposed rulemaking is issued under authority of Sections 110, 172, and 301(a) of the Clean Air Act, as amended.

Dated: March 25, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-13699 Filed 5-5-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-9 FRL 1811-6]

Air Quality Planning Purposes; Designation of Areas: Nevada and California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to revise the attainment status designations for the western portion of San Diego County, California and the Truckee Meadows (Washoe County) area of Nevada. The designation for west San Diego County is proposed to be changed from nonattainment to attainment for nitrogen dioxide (NO_2). The designation for Truckee Meadows is proposed to be revised from nonattainment for oxidant to attainment for ozone.

The EPA invites public comments on the proposed redesignations. If these areas are redesignated to attainment, the requirements of Part D, of the Clean Air Act, as amended, would no longer apply to west San Diego County for NO_2 and to Truckee Meadows for ozone.

DATE: Comments may be submitted on or before June 5, 1981.

ADDRESSES: Comments should be directed to: David Howekamp, Chief, Air Programs Branch (A-2), Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Information pertinent to the proposed redesignations is available for public inspection at normal business hours at the EPA Region IX Office at the address above and at the following locations:

Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460

California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812

San Diego Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123

Nevada Department of Conservation and Natural Resources, 201 South Fall Street, Carson City, NV 89710

Washoe County District Health Department, Division of Environmental Services, Wells Avenue at 9th Street, Reno, NV 89520

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section (A-2-4), Air Programs Branch, Air and Hazardous Materials Division, EPA Region IX, 215 Fremont Street, San Francisco, CA 94105, Attn: Ronald Leach, (415) 556-9728

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, under Paragraph 107(d)(2) of the Clean Air Act (CAA), as amended, EPA promulgated attainment status designations for all states (43 FR 8962). The western portion of San Diego County, California (for a boundary description see 36 FR 22439, November 25, 1971) was designated as nonattainment for NO_2. The Truckee Meadows area of Nevada was designated nonattainment for photochemical oxidant. Under Paragraph 107(d)(5) of the CAA, a state may revise its designations of attainment status and submit them to EPA for consideration and promulgation.

On February 8, 1979 (44 FR 8202), EPA revised the oxidant standard of 0.08 parts per million (ppm) to an ozone standard of 0.12 ppm. In addition, EPA established a statistical method of determining whether the standard has been exceeded. The national standards for ozone are published as a revision to 40 CFR 50.9 and the statistical method as the new Appendix H, 40 CFR Part 50.

The demonstration of attainment/nonattainment for the ozone standard must be based upon the calculated number of expected exceedances of the National Ambient Air Quality Standard (NAAQS) at each monitoring station. Three years of air quality data are needed to accurately determine the number of expected exceedances. The average number of expected exceedances per year at each monitoring station must not exceed 1.0 if the area is to be designated as attainment. Specific provisions are also included in 40 CFR Part 50, Appendix H, for determining whether compliance with the NAAQS can be assumed for days with insufficient data. For all NAAQS pollutants, except O_3, eight quarters of data with no violations are required for a redesignation to attainment.

Proposed Redesignation for Truckee Meadows (Ozone)

A redesignation request was submitted to EPA by the State of Nevada for Truckee Meadows on November 5, 1980. On March 18, 1981, Washoe County submitted to EPA a summary of the highest ozone concentrations in Truckee Meadows over the past three years (1978 through 1980). Since the average number of expected exceedances over the past three years is less than 1.0, EPA believes that the Truckee Meadows area of Nevada should be redesignated attainment for ozone.

Proposed Redesignation of West San Diego County (NO_2)

On March 20, 1981, the California Air Resources Board requested that San Diego County be redesignated from nonattainment to attainment for nitrogen dioxide. This proposal concerns only the western portion of the County, since the eastern section is already designated attainment for nitrogen dioxide. Attached to the State's request was a summary of air quality data

showing no violations of the nitrogen dioxide NAAQS in the County for the past two years (1979 and 1980).

Based upon a review of the nitrogen dioxide air quality data, EPA believes that the NAAQS for NO_2 have been attained in the western portion of San Diego County.

Proposed Actions

EPA is proposing that the western portion of San Diego County in California be redesignated to attainment for nitrogen dioxide. EPA is also proposing that the Truckee Meadows area of Nevada be redesignated attainment for ozone.

If these areas are redesignated as proposed, the Part D requirements of the Clean Air Act would no longer apply for NO_2 in western San Diego County and ozone in Truckee Meadows. However, these areas remain subject to the requirements of Part D for these pollutants until EPA approves the requested redesignations in a final rulemaking action.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified (46 FR 8709) that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, Federal inquiry into the economic reasonableness of the State actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not "major" because it is proposing approval of state actions. It imposes no new regulatory requirements.

This proposal was submitted to the Office of Management and Budget for review, as required by Executive Order 12291. Any comments from OMB to EPA and any EPA responses to these comments are available for public inspection at EPA Region IX, Air and Hazardous Materials Division, 215 Fremont Street, San Francisco, CA 94105.

(Sections 107(d) and 301(a) of the Clean Air Act, as amended 42 U.S.C. 7407(d) and 7601(a))

Dated: April 17, 1981.

Louise Gieseck,

Acting Regional Administrator.

[FR Doc. 81-13933 Filed 5-5-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-9-FRL 1911-6]

Air Quality Planning Purposes; Designation of Areas; Utah

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to redesignate Weber and Utah Counties in Utah under Section 107 of the Clean Air Act from nonattainment to attainment for ozone. This action results from a request from the Governor of Utah which was received by EPA on February 3, 1981, and showed that the national standards for ozone have not been violated in either county since 1978.

DATE: Comments due June 5, 1981.

ADDRESSES: Written comments should be addressed to: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

Copies of the submittal are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: David Kircher, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3711

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8964), EPA published nonattainment area designations for Utah which, *inter alia*, designated Weber and Utah Counties as nonattainment for ozone. These designations were based upon violations of the ozone standard (.08 ppm) in Ogden and Provo, Utah.

On February 8, 1979 (44 FR 8202), EPA revised the ozone standard from 0.08 ppm to 0.12 ppm. Thus, under 40 CFR 50.9, an area is considered attainment when the expected number of days per year with maximum hourly average concentrations above 0.12 ppm is equal to or less than one when averaged over the most recent three calendar years.

On February 3, 1981, EPA received from the State of Utah an analysis of the ozone concentrations in Ogden and Provo, Utah. That analysis concluded that both areas should be redesignated to attainment. EPA has examined the data independently and agrees with the State's conclusion that both areas are attainment with respect to the national standard for ozone. The actual expected exceedances at the two stations are shown in the following table:

City	County	Measured exceedances			Expected exceedances			
		1978	1979	1980	1978	1979	1980	Avg.
Ogden	Weber	3	0	0	3.1	0	0	1.0
Provo	Utah	1	0	1	1.8	0	1.2	0.9

From the above data it is evident that the expected exceedences in both communities is equal to or less than one. Therefore, EPA today proposes to change the designations for ozone in Weber and Utah Counties from nonattainment to attainment. Interested persons are invited to examine the data and comment on the proposed redesignation.

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. Section 605(b)), the Administrator has certified (46 FR 8709) that the proposed action will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it imposes no new requirements. It only proposes to approve requirements adopted by the State.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act (42 USC 7410).

Dated: March 26, 1981.

Gene A. Lucero,
Acting Regional Administrator.

[FR Doc. 81-13832 Filed 5-5-81; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Regulatory Flexibility Agenda

AGENCY: Federal Maritime Commission.

ACTION: Regulatory Flexibility Agenda.

SUMMARY: Pursuant to the recently enacted Regulatory Flexibility Act, the Commission anticipates having under consideration during the period from April 1, 1981 through October 1, 1981 actions in the areas listed below which are likely to have a significant economic impact on a substantial number of small entities.

DATES: Comments may be received until October 31, 1981.

ADDRESS: Comments should be addressed to: Joseph Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: A staff contact is named for each regulatory area listed below.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, Pub. L. 96-354) requires that a regulatory flexibility analysis be prepared for those regulations which are likely to have a significant economic impact on a substantial number of small entities. The following are those regulations which the Commission believes will require such an analysis:

(1) Energy Policy and Conservation Act Regulation

Subject Area of the Rule: This prospective rule will implement Commission responsibilities under the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6201 *et seq.*).

Summary and Objective of the Rule: During the next six months the Commission will consider a rule which will require that a statement of energy impact (SEI) be prepared by the FMC's Office of Energy and Environmental Impact for all Commission actions having a major regulatory impact upon energy conservation. The contemplated rule establishes procedures for preparing SEI's and sets forth procedures for public comments. Persons filing a complaint, protest, petition or application requesting Commission action under this rule will be required to submit sufficient supporting data to ensure that the Commission has adequate information to evaluate the impact of the proposed regulatory action on energy efficiency and conservation.

Legal Basis for the Rule: The legal basis of the prospective rule lies in section 382(b) of the Energy Policy and Conservation Act of 1975, 42 U.S.C. 6362(b), and section 43 of the Shipping Act, 1916, 46 U.S.C. 841(a).

Staff Contact: Edward R. Meyer, Office of Energy and Environmental Impact, (202) 523-5835.

(2) Comprehensive Environmental Response, Compensation and Liability Act Regulation

Subject Area of the Rule: This prospective rule spells out financial responsibility and certification procedures for hazardous substances in compliance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Pub. L. 96-510).

Summary and Objective of the Rule: The Commission is considering issuance of a regulation which would require specified standards and procedures for vessel owners and operators to show evidence of financial responsibility for hazardous substance spills and for the Commission to subsequently issue certificates of financial responsibility as evidence of compliance. Those steps will bring about Commission compliance with Pub. L. 96-510 for actions relating to financial responsibility for hazardous substance spills.

Legal Basis for the Rule: Legal authority for the prospective rule lies in section 43 of the Shipping Act, 1916 (46 U.S.C. 841a).

Staff Contact: Robert M. Skall, Deputy Director, Bureau of Certification and Licensing, (202) 523-5841.

By the Commission, April 28, 1981.

Joseph C. Polking,
Acting Secretary.

[FR Doc. 81-13805 Filed 5-5-81; 8:45 am]
BILLING CODE 6730-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1002

[Ex Parte No. 404]

Changes in the Fee Schedule for Copying and Certifying Certain Records

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Due to cost increases over a relatively long period of time, the Secretary's Office has found it necessary to increase the fees charged for copying and certifying certain records and documents. Section 1002.1, Fees for records search, copying, certification, and services in connection therewith, is proposed to be amended to reflect these changes in the fee schedule.

In Ex Parte No. 55 (Sub-No. 43), Rules Governing Applications for Operating Authority (45 FR 45534, 07-03-80) several separate forms and several separately listed fees were consolidated into one form (OP-1) and one fee listing, 49 CFR 1002.2(d)(3). At that time several redundant fee listings were also removed. This rulemaking proposes to amend 49 CFR 1002.2(d), Schedule of filing fees, by removing the redundant separate listing for water contract carrier authority in 49 CFR 1002.2(d)(12).

We also propose to amend 1002.2(d) by removing and reserving for future use 49 CFR 1002.2(d)(42). That listing is for a fee charged to reflect a name change of a carrier. The Commission no longer charges a fee for such amendments of its records.

DATE: Public comment on this proposed rulemaking should be filed by June 5, 1981.

ADDRESS: Please send comments, original and one copy, to: Office of the Secretary, Room 2215 Interstate Commerce Commission, 12th St. and Constitution Ave., NW Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Joseph Ross, (202) 275-0993 or Kathleen King, (202) 275-0956.

SUPPLEMENTARY INFORMATION: Notice and comment are required regarding the raising of fees in § 1002.1. Since the changes to § 1002.2 are only technical changes not affecting substantive matters, no notice and comment are required.

This action will not significantly alter the quality of the human environment or conservation of energy resources.

These proposed amendments will not have a significant effect on small businesses.

Accordingly, we proposed to adopt the amendments set forth in the appendix.

Issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553

Decided: April 28, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

§ 1002.2 [Amended]

1. Title 49 CFR 1002.2(d), Schedule of filing fees, is proposed to be amended by removing 49 CFR 1002.2(d)(12) and reserving it for future use and by removing 49 CFR 1002.2(d)(42) and reserving it for future use.

2. Title 49 CFR 1002.1 is proposed to be amended by revising paragraphs (a), (e), and (f)(1), (2) and (3) as follows:

§ 1002.1 Fees for records search, copying, certification, and services in connection therewith.

* * * * *

(a) Certificate of the Secretary, $2.50.

* * * * *

(e) Electrostatic copies of tariffs, reports, and other public documents, at the rate of $0.25 per letter size or legal size exposure. A minimum charge of $2.50 will be made for this service.

(f) * * *

(1) The search fee shall be $4.00 per hour for services performed by clerical personnel, and $12.00 per hour for services performed by supervisory and professional personnel. A fee of $25.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

(2) The fee for electrostatic copies shall be $0.25 per letter size or legal size exposure, with a minimum charge of $2.50 for this service.

(3) The fees for searches requiring the use of computers shall be $0.30 per port minute on the NDC system and $0.12 per port minute on the Compu Serve System. Printing shall be charged at a rate of $0.10 per page of computer generated output with a minimum charge of $25.00. A charge of $25.00 per reel of magnetic tape will be made if the tape is to be permanently retained by the requestor.

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[FR Doc. 81-13089 Filed 5-5-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653

Atlantic Herring Fishery, Fishery Management Plan; Public Hearing; Correction

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Hearing: Correction.

SUMMARY: This notice changes the date and time of the notice of public hearing that appeared on page 23501 of the Federal Register on Monday, April 27, 1981.

DATE: The public hearing is now scheduled for Friday, May 22, 1981, from 10:00 a.m. to 5:00 p.m. The hearing was originally scheduled for Wednesday, May 20, 1981, from 7:30 p.m. to 10:00.

ADDRESS: The location of the hearing at the Howard Johnson's in Danvers, Massachusetts remains the same.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director; or Frank Grice, Fishery Management Division; telephone for both individuals is (617) 281–3600.

Dated: May 1, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-12874 Filed 5-5-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 87
Wednesday, May 6, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Foster Grandparent and Senior Companion Programs; Income Eligibility Levels

This notice revises the schedule of income eligibility levels for individuals and families for the Foster Grandparent Program and the Senior Companion Program published in the **Federal Register** of August 27, 1980 (45 FR 57160). The revised schedule is based on the Community Services Administration (CSA) Income Poverty Guidelines effective April 6, 1981. This revision adopts as the income eligibility level for each state the higher amount of either: (a) 125% of the CSA Poverty Income Guideline, or (b) 100% of the CSA Poverty Income Guideline plus the amount each state supplements Federal SSI.

These ACTION programs are authorized pursuant to Section 211 of the Domestic Volunteer Service Act of 1973, Pub. L. 93–113, 87 Stat. 414. The income eligibility levels are determined by the currently applicable guideline published by CSA pursuant to Section 625 of the Economic Opportunity Act of 1964, which permits the CSA poverty guidelines to be adjusted for cost-of-living changes.

The income eligibility levels will be reviewed at least once a year, and similar schedules will be prepared to reflect any changes required as a result of that review.

Schedule of Income Eligibility Levels: Foster Grandparent and Senior Companion Programs

Effective: May 6, 1981

State	Individuals	Family of 2	Family of 3
Alabama	$5,390	$7,115	$8,840
Alaska	8,230	11,185	13,340
Arizona	5,390	7,115	8,840
Arkansas	5,390	7,115	8,840
California	8,495	10,665	12,410

Schedule of Income Eligibility Levels: Foster Grandparent and Senior Companion Programs—Continued

Effective: May 6, 1981

State	Individuals	Family of 2	Family of 3
Colorado	5,390	8,440	10,165
Connecticut	5,535	8,575	10,300
Delaware	5,515	8,005	11,630
District of Columbia	5,390	7,115	8,840
Florida	5,390	7,115	8,840
Georgia	5,390	7,115	8,840
Hawaii	6,225	8,260	10,175
Idaho	5,390	7,115	8,840
Illinois	5,390	7,115	8,840
Indiana	5,390	7,115	8,840
Iowa	5,390	7,115	8,840
Kansas	5,390	7,115	8,840
Kentucky	5,390	7,115	8,840
Louisiana	5,390	7,115	8,840
Maine	5,390	7,115	8,840
Maryland	5,390	7,115	8,840
Massachusetts	5,900	8,265	9,990
Michigan	5,390	7,115	8,840
Minnesota	5,390	7,115	8,840
Mississippi	5,390	7,115	8,840
Missouri	5,390	7,115	8,840
Montana	5,390	7,115	8,840
Nebraska	5,390	7,115	8,840
Nevada	5,390	7,115	8,840
New Hampshire	5,390	7,115	8,840
New Jersey	5,390	7,115	8,840
New Mexico	5,390	7,115	8,840
New York	5,390	7,115	8,840
North Carolina	5,390	7,115	8,840
North Dakota	5,390	7,115	8,840
Ohio	5,390	7,115	8,840
Oklahoma	5,390	7,590	9,315
Oregon	5,390	7,115	8,840
Pennsylvania	5,390	7,115	8,840
Rhode Island	5,390	7,115	8,840
South Carolina	5,390	7,115	8,840
South Dakota	5,390	7,115	8,840
Tennessee	5,390	7,115	8,840
Texas	5,390	7,115	8,840
Utah	5,390	7,115	8,840
Vermont	5,390	7,115	8,840
Virginia	5,390	7,115	8,840
Washington	5,390	7,115	8,840
West Virginia	5,390	7,115	8,840
Wisconsin	5,510	7,625	9,350
Wyoming	5,390	7,115	8,840

Schedule of Income Eligibility Levels: Foster Grandparent and Senior Companion Programs—Continued

Effective: May 6, 1981

State	Individuals	Family of 2	Family of 3
Guam	5,390	7,115	8,840
Puerto Rico	5,390	7,115	8,840
Virgin Islands	5,390	7,115	8,840

For families of more than three persons in the household, add the appropriate supplement for each member over three as follows:

	Per person
In the 48 contiguous States	$1,725
Alaska	2,150
Hawaii	1,975

Signed, this 30th of April, 1981.

Dana B. Rodgers, Jr.,
Acting Director.

[FR Doc. 81-13588 Filed 5-5-81; 8:45 am]
BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Cedar Valley Livestock Exchange, Inc., Vinton, Iowa, et al.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective date specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are therefore, no longer subject to the provisions of the Act.

Facility No., Name and location of stockyard	Date of posting
IA-226 Cedar Valley Livestock Exchange, Inc., Vinton, Iowa	May 23, 1958
NE-174 Scottsbluff Livestock Auction, Inc., Scottsbluff, Nebraska	November 28, 1938
NY-123 Kennedy's Commission Auction, Hudson Falls, New York	July 24, 1957
TN-160 Shelbyville Livestock Market, Shelbyville, Tennessee	May 8, 1959

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register**. This notice shall become effective May 6, 1981.

(42 Stat. 158, as amended and supplemented; 7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 30th day of April, 1981.

Jack W. Brinckmeyer,

Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-13080 Filed 5-5-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

Availability of Locations and Treatments for the 1981 Cooperative Gypsy Moth Regulatory Program Activities

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of identification of specific locations and treatments for the 1981 United States Department of Agriculture (USDA) Cooperative Gypsy Moth Regulatory Program Activities.

SUMMARY: This notice identifies specific locations and treatments for the 1981 USDA Cooperative Gypsy Moth Regulatory Program Activities in accordance with the final Gypsy Moth Programmatic Environmental Impact Statement (PEIS). The final Programmatic Environmental Impact Statement (USDA)-FS-FEID 81-01) for the USDA Cooperative Gypsy Moth Suppression and Regulatory Program was sent to the Environmental Protection Agency and the public on February 27, 1981. On March 6, 1981, a notice was published in the **Federal Register** by EPA that a final PEIS on the Cooperative Gypsy Moth Suppression and Regulatory Program had been prepared..

ADDRESS: Requests for a copy of this notice should be addressed to: Pest Programs Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Room 630, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Gary Moorehead, Staff Officer, Pest Program Development Staff, Plant Protection and Quarantine, APHIS, USDA, Federal Building, Room 630, Hyattsville, MD 20782, (301) 436-8745.

SUPPLEMENTARY INFORMATION: The Forest Service and the Animal and Plant Health Inspection Service of the United States Department of Agriculture prepared a final PEIS on the Cooperative Gypsy Moth Suppression and Regulatory Program. While both of these Agencies conduct separate programs related to gypsy moth, the Department believed that a joint PEIS would represent, from an economic and resources viewpoint, the best approach to conducting an environmental review of the separate program.

The APHIS Cooperative Gypsy Moth Regulatory Program is comprised of two basic phases. The first phase involves quarantine and inspectional activities focused on lowering the risk of spread of the gypsy moth from within the generally infested area of the Northeast. The second phase deals specifically with the elimination in individual States of isolated gypsy moth infestations outside of generally infested areas of the Northeast. In accordance with the PEIS, the following additional information regarding these individual State regulatory programs is provided.

The specific locations and treatments in the individual States for the 1981 Cooperative Gypsy Moth Regulatory Program are as follows:

	Acres	No. of Applications Ground (G), Air (A)	Material	a.i./acre or No. per acre
Virginia: Floyd	1,400	2 (A)	Dimilin	0.50
Ohio:				
Stark	300	2 (A)	Sevin 4-Oil	1
Ottawa	700	2 (A)	Dylox	1
Montgomery	200	2 (A)	Sevin 4-Oil	1
Michigan:				
Kalamazoo	600	2 (A)	Sevin 4-Oil	1
Oakland	700	2 (A)	Sevin 4-Oil	1
Wayne	400	2 (A)	Sevin 4-Oil	1
Kent	225		Traps	3
	800	2 (A)	Thuricide	1
	1,040	1 (A)	Disparlure	20 grams
Illinois:				
Dupage	50	2 (A)	Sevin 4-Oil	1
Lake	38	2 (A)	Sevin 4-Oil	1
McHenry	100	2 (A)	Thuricide	1
	400		Traps	3
Wisconsin:				
Waukesha	1	1 (G)	Sevin 80S	1
	150	1 (A)	Disparlure	20 grams
Outagamie	160		Traps	3
Nebraska: Lancaster	2,000		Traps	0.08 (49/mi.²)
Washington:				
King	1,500		Traps	3
	<10	2 (G)	*Bacillus thuringiensis*	1
Clark	<10	2 (G)	Sevin XLR	1
Oregon: Marion	<20	2 (G)	Orthene	0.5
California: Orange	<160	2 (G)	Sevin 50WP	1

The isolated infestations are unique in that populations are usually low, limited in distribution and distant from other infestations. Because of this unique nature, development of approaches toward their elimination must be done at the actual isolated locations. The Integrated Pest Management approach, which is discussed and evaluated in the final PEIS outlines new approaches such as the use of pheromone, pheromone traps, and *Bacillus thuringiensis* which are being implemented at some of the above listed locations. Some of these approaches have demonstrated effective population reduction potential, however, several seasons may be necessary to eliminate gypsy moths entirely.

Done at Washington, D.C., this 1st day of May, 1981.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-13083 Filed 5-5-81; 8:45 am]

BILLING CODE 3410-34-M

Federal Grain Inspection Service

Official Agency Voluntary Cancellation; Request for Applications for Official Agency Designation

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice and Request for Applications.

SUMMARY: This notice announces that the Illinois Department of Agriculture, Springfield, Illinois, has requested cancellation of its designation as an official agency effective 12 p.m., June 30, 1981. The Federal Grain Inspection Service (FGIS) requests applications for designation as a replacement agency for the geographic area serviced by the Illinois Department of Agriculture.

EFFECTIVE DATE: Applications to be postmarked on or before May 21, 1981.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, Auditors

Building, Room 2405, Washington, DC 20250; (202) 447–8262.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore, the Executive Order does not apply to this action.

The Illinois Department of Agriculture (the Agency), Springfield, Illinois, was designated as an official agency under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the Act), for the performance of official grain inspection functions on November 13, 1978. The Agency has requested voluntary cancellation of its designation effective 12 p.m., June 30, 1981.

Prior to requesting voluntary cancellation, the Agency requested amendment of its designation to delete a portion of its assigned geographic area in northern Illinois. A notice was published in the April 15, 1981, issue of the **Federal Register** (46 FR 22014) which amended the Agency's designation deleting this geographic area and assigned it on an interim basis for 1 year to Eastern Iowa Grain Inspection and Weighing Service, Inc., Blue Grass, Iowa.

The Agency is presently performing official inspection services in its assigned geographic area and will continue to do so until 12 p.m., June 30, 1981. The geographic area presently assigned to the Agency pursuant to Section 7(f)(2) of the Act and which is open for designation is the following:

Bounded: on the North by the Northern Pike and Green County lines; the northern Macoupin County line east of State Route 111; a straight line from the junciton of State Route 111 and the Macoupin County line southeast to the junction of Interstate 55 and State Route 16; State Route 16 east-northeast to a point approximately one mile northeast of Irving; a straight line from this point to the northern Fayette County line; the northern Fayette, Effingham, and Cumberland County lines; the northern and eastern Jasper County lines south to State Route 33; State Route 33 east-southeast to U.S. Route 50; U.S. Route 50 east to the eastern Lawrence County line; Bounded: on the East by the eastern Lawrence, Wabash, Edwards, White, Gallatin, Hardin, and Pope County lines;

Bounded: on the South by the southern Pope and Williamson County lines; the southern Jackson County line west to U.S. Route 51; U.S. Route 51 north to State Route 13; State Route 13 northwest to State Route 149; State Route 149 west to State Route 3; State Route 3 northwest to State Route 51; State Route 51 south to the Mississippi River; and

Bounded: on the west by the Mississippi River north to Interstate 270; Interstate 270 east to Interstate 70; Interstate 70 east to State Route 4; State Route 4 north to Macoupin County; the southern and western Macoupin, Greene, and Pike County lines.

In addition, the following locations which are outside of the foregoing contiguous geographic area, and have been serviced by the Agency, are considered as part of this geographic area:

1. Huisinga Grain, Inc., Casey, Illinois, in Clark County;

2. Twin County Service at Jacobs and Jones Ridge, Illinois, in Jackson County; and

3. Sigel Elevator Company, Inc., Sigel, Illinois, in Shelby County.

Exceptions to the described geographic area are the following locations situated inside the Agency's area which have been and will continue to be serviced by Springfield Grain Inspection Department, Springfield, Illinois:

1. Pillsbury Co., Florence, Illinois, in Pike County; and

2. OK Grain Company, Litchfield, Illinois, in Montgomery County.

Under the provisions of Section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder, interested parties are hereby given opportunity to apply for designation as the official agency to perform official inspection services in the geographic area presently assigned to the Agency, as described above. The new designation will terminate on September 30, 1984, but may be renewed subject to the provisions of Section 7(A) of the Act. Parties wishing to apply for the designation should contact the Director, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than May 21, 1981 to be eligible for consideration.

In order to be qualified for designation, applicants must meet all criteria contained in Section 7(f)(1) of the Act. In making a determination as to which applicants are qualified to provide official inspection services in the geographic area serviced by the Agency, consideration will be given to applications submitted and all of the information available to the Administrator. All applications submitted pursuant to this notice will be made available for public inspection at the Office of the Director, Compliance Division, during regular business hours.

(Section 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Done in Washington, DC on: May 1, 1981.

Neil E. Porter,

Acting Director Compliance Division.

[FR Doc. 81–13065 Filed 5–5–81; 8:45 am]

BILLING CODE 3410–02–M

Request for Comments on Application for Designation in the State of New York

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Federal Grain Inspection Service requests comments from interested parties on the application for designation as an official agency by the New York State Department of Agriculture and Markets.

DATE: Comments to be postmarked on or before June 5, 1981.

ADDRESS: Comments should be submitted to USDA, FGIS, Issuance and Coordination Staff, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 447–8262.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291, therefore, the document does not apply to this action.

The December 17, 1980, issue of the **Federal Register** (45 FR 83187) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that A. E. Herron, Pittsford, New York, has requested voluntary cancellation of its designation as an official agency under the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*) (the Act) and requesting applications for designation as an official agency to provide official inspection and weighing services in Pittsford Township, New York, and the remainder of the State of New York, excluding export port locations. The notice also requested comments on the need for a replacement agency and for official inspection and weighing services in the remainder of the State of New York. Applications and comments were to be postmarked by February 17, 1981.

There were three comments received expressing the need for official inspection services in Pittsford Township and the remainder of the State of New York. One commentor stated that "the loss of * * * service will be an inconvenience with possible economic loss to farmers and grain dealers of Central New York." FGIS is

now providing interim official grain inspection services in the State of New York except for Pittsford Township.

The Division of Farm Products Services, New York State Department of Agriculture and Markets (NYSDAM), Building 8, State Campus, Albany, New York 12235, has applied for designation to operate as an official agency in the entire State of New York, excluding export port locations. In its application, the State of New York has indicated that at least 19 firms throughout the State have shown an interest in obtaining official grain inspection services. Further, in the past, FGIS has occasionally provided official inspection services to applicants in various locations throughout the State of New York excluding export port locations and Pittsford Township. Accordingly, the Administrator has determined that there is a need for official grain inspection service in the entire State of New York and has NYSDAM's application for designation as an official agency under consideration. Also, it appears that there is no need for official weighing services at this time; however, FGIS will review the situation in the future if the need should arise.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicant. All comments must be submitted to the Issuance and Coordination Staff, specified in the address section of this notice, and be postmarked not later than June 5, 1981.

Consideration will be given to all comments filed and to all other information available to the Administrator of FGIS before a final decision is made with respect to this matter. Notice of the final decision will be published in the Federal Register and the applicant will be informed of the decision in writing.

The December 17, 1980, Federal Register (45 FR 83187) announced that A. E. Herron had voluntarily requested cancellation of his designation as an official agency and the effective date would be May 31, 1981. Since that time, A. E. Herron has requested that the effective date of the cancellation of his designation as an official agency be changed so as to correspond with the designation of an official agency in the State of New York, excluding export port locations.

Consequently, A. E. Herron will continue to provide official inspection services in Pittsford Township until a final determination can be made in this matter. FGIS is and will continue to provide official inspection services to the remainder of the State of New York at nonexport port locations on an interim basis until an official agency can be designated. FGIS will continue to provide official services at export port locations in the State of New York in accordance with Section 7(e)(1) of the Act (7 U.S.C. 79(e)(1)).

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Done in Washington, DC on: May 1, 1981.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 81–13884 Filed 5–5–81; 8:45 am]

BILLING CODE 3410–02–M

Forest Service

Gospel-Hump Advisory Committee; Meeting

The Gospel-Hump Advisory Committee will meet at 9:30 a.m., May 30, 1981, in Moscow, Idaho. An exact meeting place will be determined, but is tentatively set for the School of Forestry, University of Idaho. The purpose of this meeting is to review research reports.

The meeting will be open to the public. Persons who wish to attend should notify Ed Laven, 319 East Main, Grangeville, Idaho 83530; telephone 208/983-1950. Written statements may be filed with the committee before or after the meeting.

Dated: April 28, 1981.

Don Biddison,

Forest Supervisor.

[FR Doc. 81–13822 Filed 5–5–81; 8:45 am]

BILLING CODE 3410–11–M

[Amdts. 2, 3 and 4]

Tongass National Forest, Ketchikan, Area; U.S. Borax 1980–83, Plan of Operation for Mineral Exploration Activities on Quartz Hill; Finding of No Significant Impact

Based upon the analysis and evaluation described in the environmental assessment, it is my decision to adopt Alternative 2 for protection and management of surface resources at Quartz Hill with the following modification. The road survey on the Blossom Route must be limited to a survey of equal detail and of no more impact to surface resources than the survey previously done in the Keta Drainage. This means that clearing of vegetation must be kept to the minimum necessary for line of sight.

Alternative 2 with specified mitigation and monitoring measures protects the resources within reason at the same time permitting exploration in accordance with mining laws.

I have determined through environmental analysis that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors: (a) the project is consistent with management direction within the Southeast Alaska Area Guide, (b) the project is within the intent of the Alaska National Interest Lands Conservation Act; (c) there will be no irreversible or irretrievable commitments of loss of resources; (d) no cultural or archeological resources were found or are known to exist in the project area; (e) no known threatened or endangered plants or animals are within the affected area; (e) there are no wetlands or floodplains involved; (f) the proposed action is consistent with U.S. Mining Laws concerning protection of surface resources.

Implementation of these activities will take place on the date of signature. Questions regarding this decision should be sent to the Forest Supervisor's office, Federal Building, Ketchikan, Alaska 99901.

This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: April 17, 1981.

James S. Watson,

Forest Supervisor.

[FR Doc. 81–13844 Filed 5–5–81; 8:45 am]

BILLING CODE 3410–11–M

CIVIL AERONAUTICS BOARD

[Order 81–4–185]

Fitness Determination of Chaparral Airlines, Inc.; Commuter Air Carrier

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–4–185, Order to Show Cause.

SUMMARY: The Board is proposing to find that Chaparral Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 4, 1981, together with a summary of the testimony, statistical data, and other

material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81–4–185.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–4–185 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–4–185 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: April 30, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–13666 Filed 5–5–81; 8:45 am]

BILLING CODE 6320–01–M

[Order 81–4–180]

Fitness Determination of Williams Air, Inc.; Commuter Air Carrier

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81–4–180, Order to Show Cause.

SUMMARY: The Board is proposing to find that Williams Air, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 4, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673–5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–4–180 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–4–180 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: April 30, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–13667 Filed 5–5–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is seeking applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning September 1, 1981 within the geographic confines of the Indianapolis Standard Metropolitan Statistical Area (SMSA) which includes the counties of Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan and Shelby; and the Gary Hammond, East Chicago SMSA which includes the counties of Lake and Porter. The project will operate at a cost not to exceed $220,000 and the Project I.D. Number is 05–00–15328–00.

Program Description:

The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority business persons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "not for profit" or commercial entities). These firms must be capable of providing such services as:

—preparation of business plans
—financial packaging
—industrial management assistance
—personnel management services
—marketing planning
and a broad range of other business services excluding legal services.

Eligibility Requirements:

Any for-profit firm or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Application Materials:

An application kit for these projects may be requested in writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 E. Monroe Street, Suite 1440, Chicago, Illinois 60603, Attn: LaVenia Webb, Grant Technician, Tel: (312) 353–0192.

Two (2) self-addressed mailing labels should be furnished in order to expedite forwarding of your application kit. When requesting an application kit, the applicant must specify its profit status; i.e., State or Local government, Federally recognized Indian tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process:

All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific critieria by which applications will be evaluated is included in the application kit.

Closing Date:

Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of June 8, 1981. Applications received after June 8, 1981 will not be considered.

Pre-Application Conference:

A pre-application conference for all interested applicants will be held at 10:30 a.m., May 19, 1981 at the Federal Building, 536 S. Clark Street, Room 638 A & B, Chicago, Illinois.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance. This

program is not subject to the requirements of OMB Circular A-95)

Dated: April 27, 1981.

Stanley W. Tate,

Regional Director.

[FR Doc. 81-13845 Filed 5-6-81; 8:45 am]

BILLING CODE 1350-63-M

Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is seeking applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning September 1, 1981 within the geograpahic confines of Milwaukee Standard Metropolitan Statistical Area (SMSA) which includes the counties of Milwaukee, Ozaukee, Washington, and Waukesha. The project will operate at a cost not to exceed $110,000 and the Project I.D. Number is 05-00-25764-00.

Program Description:

The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority business persons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "not-for-profit" or commercial entities). These firms must be capable of providing such services as:

—preparation of business plans
—financial packaging
—industrial management assistance
—personnel management services
—marketing planning

and a broad range of other business services excluding legal services.

Eligibility Requirements:

Any for-profit firm or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Application Materials:

An application kit for these projects may be requested in writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 East Monroe Street, Suite 1440, Chicago, IL 60603, Attn: LaVenia Webb, Grant Technician, Tel. (312) 353-0192.

Two (2) self-addressed mailing labels should be furnished in order to expedite forwarding of your application kit. When requesting an application kit the applicant must specify its profit status; i.e., State or Local government, Federally recognized Indian tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process:

All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date:

Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of June 8, 1981. Applications received after June 8, 1981 will not be considered.

Pre-Application Conference:

A pre-application conference for all interested applicants will be held at 10:30 a.m., May 19, 1981 at the Federal Building, 536 S. Clark Street, Room 638 A & B, Chicago, Illinois.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance. This program is not subject to the requirements of OMB Circular A-95)

Dated: April 27, 1981.

Stanley W. Tate,

Regional Director.

[FR Doc. 81-13846 Filed 5-6-81; 8:45 am]

BILLING CODE 1350-63-M

Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is seeking applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning September 1, 1981 within the geographic confines of the St. Louis Standard Metropolitan Statistical Area (SMSA), which includes the City of St. Louis, the counties of St. Louis, Franklin, St. Charles, Jefferson, Missouri; and Madison, St. Clair, Clinton and Monroe counties, Illinois; and the Kansas City SMSA which includes the counties of Cass, Clay, Jackson, Platte and Ray counties, Missouri; and Johnson and Wyandotte counties, Kansas. Project will operate at a cost not to exceed $338.000 and the Project I.D. Number is 07-10-50000-00.

Program Description:

The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority business persons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either "not for profit" or commerical entities). These firms must be capable of providing such services as:

—preparation of business plans
—financial packaging
—industrial management assistance
—marketing planning.

and a broad range of other business services excluding legal services.

Elibibility Requirements:

Any for-profit firm or non-profit institution is eligible to submit an application. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Application Materials:

An application kit for these projects may be requested in writing to the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 55 E. Monroe Street, Suite 1440, Chicago, Illinois 60603, Attn: LaVenia Webb, Grant Technician; Tel: (312)353/0192.

Two (2) self-addressed mailing labels should be furnished in order to expedite forwarding of your application kit. When requesting an application kit, the applicant must specify its profit status;

i.e., State or Local government, Federally recognized Indian tribal unit, educational institution, hospital, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process:

All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated is included in the application kit.

Closing Date:

Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of June 8, 1981. Applications received after June 8, 1981 will not be considered.

Pre-Application Conference:

A pre-application conference for all interested applicants will be held at 10:30 a.m., May 19, 1981 at the Federal Building, 536 S. Clark Street, Room 638 A & B, Chicago, Illinois.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance. This program is not subject to the requirements of OMB Circular A–95)

Dated: April 27, 1981.

Stanley W. Tate,

Regional Director.

[FR Doc. 81–13347 Filed 5–5–81; 8:45 am]

BILLING CODE 1360–63–M

National Oceanic and Atmospheric Administration

Issuance of Marine Mammal Permit; Auckland Zoological Park

On March 25, 1981, Notice was published in the **Federal Register** (46 FR 18575), that an application had been filed with the National Marine Fisheries Service by the Auckland Zoological Park for a permit to maintain four (4) California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that on April 29, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C 1361–1407), the National Marine Fisheries Service issued a public display permit for the above maintenance to the Auckland Zoological Park, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 29, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–13671 Filed 5–5–81; 8:45 am]

BILLING CODE 3510–22–M

Issuance of Permit to Import Marine Mammals and Endangered Species; Carnegie Museum of Natural History

On March 25, 1981, notice was published in the **Federal Register** (46 FR 18576), that an application had been filed with the National Marine Fisheries Service by the Carnegie Museum of Natural History, 4400 Forbes Avenue, Pittsburgh, Pennsylvania 15213 for a Scientific Research Permit to import specimen material from pinnipeds and cetaceans including some species listed as endangered.

Notice is hereby given that on April 29, 1981, the National Marine Fisheries Service issued a Scientific Research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) to the Carnegie Museum of Natural History, subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this Permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: April 29, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–13670 Filed 5–5–81; 8:45 am]

BILLING CODE 3510–22–M

North Pacific Fishery Management Council, its Scientific and Statistical Committee and its Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out its responsibilities under the Act. The Council, its SSC and AP will hold public meetings.

DATES: The Council meeting will convene on Thursday, May 28, 1981, at approximately 9 a.m., and will adjourn on Friday, May 29, 1981, at approximately 5 p.m., at the Hotel Captain Cook, Anchorage, Alaska. The SSC meeting will convene on Tuesday, May 26, 1981, at approximately 12 p.m., and will adjourn on Wednesday, May 27, 1981, at approximately 5 p.m., at the Council's Headquarters Conference Room, 333 W. Fourth Avenue, Anchorage, Alaska. At that same time and date, the AP will meet in the Adventure Room of the Hotel Captain Cook. These meetings may be lengthened or shortened depending upon progress on the agenda items, and are open to the public.

PROPOSED AGENDA: *Council*—A detailed agenda will be sent to the public around May 13, 1981. The Council will hear reports on domestic and foreign fisheries, enforcement and surveillance, and the progress of various joint venture operations. The Council intends to discuss and may take further action on possible limited entry systems for both hand and power salmon trollers in the fishery conservation zone off Southeast Alaska. The Council will also give final consideration to the Bering Sea King Crab framework and joint statement of principles with the Alaska Board of Fisheries and the Board's actions at their March/April meeting. The Council may adopt the package and determine if conservation and management above levels currently provided by the State are necessary and, if so, what further action is required. The Council may also discuss inconsistencies between State

and Federal tanner crab regulations and recommend further actions. The Council is also scheduled to give final consideration to amendment #3 of the Bering Sea/Aleutian Islands Groundish Fishery Management Plan (FMP), which is designated to reduce the catch of incidental species in the Bering Sea. Perferred alternatives should be selected and direction given for final rewrite before submission of amendment #3 to the Secretary of Commerce. The Council will also discuss the next step for revisions to the Gulf of Alaska Groundfish FMP, and may also discuss the Herring FMP. The Council will also consider various contracts and research proposals.

SSC and AP—Agendas will be similar to the Council's.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274–4563.

Dated: May 1, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-13672 Filed 5-5-81; 8:45 am]

BILLING CODE 3510-22-M

Fishermen's Contingency Fund; Notification of Claims

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Notification of claims pursuant to Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (Title IV). Notification 2–81.

SUMMARY: 50 CFR 296.8 requires that the Chief, Financial Services Division (FSD), publish in the Federal Register a notice of claims received under the Title IV Program. Any interested person may, within 30 days of publication of this Notice, submit to the Chief, FSD, National Marine Fisheries Service (NMFS), evidence concerning the claim or a request to be admitted as a party to any hearing concerning the claim.

IMPORTANT DATE: Any evidence concerning any claim described in this Notice, and any request to be admitted as a party to any hearing concerning any such claim, must be submitted, in writing, to the Chief, FSD, on or before June 5, 1981.

ADDRESS: Send evidence and any request to be admitted as a party to any hearing to: Mr. Michael L. Grable, Chief, Financial Services Division, Attention: Kathryn Hensley, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA) Washington, D.C. 20235 (telephone 202–634–4668).

SUPPLEMENTARY INFORMATION: Title IV establishes a Fishermen's Contingency Fund (FCF) to compensate fishermen for eligible claims for actual and consequential damages, including lost profits, due to damages to, or loss of, fishing vessels or fishing gear by items associated with oil and gas exploration, development, or production on the Outer Continental Shelf (OCS). Title IV regulations require the publication in the Federal Register of a notice of each claim submitted (see 50 CFR 296.8(a)(1)(iii)). Each Federal Register notice published shall contain the following information: (a) a brief statement of the nature and dollar amount of the claim, and the location where the damage or loss occurred; (b) a statement that the Chief, FSD, may seek a proposed settlement agreement under 50 CFR 296.8(c); and (c) a statement that an interested person or any other person may, within 30 days following publication of this notice in the Federal Register, submit to the Chief, FSD, any evidence concerning either the claim or a proposed settlement agreement.

50 CFR 296.8(a)(3)(i) provides that any interested person may submit evidence at any hearing concerning a claim in accordance with 50 CFR 296.10(d), or on any proposed settlement under 50 CFR 296.8(c). Any person who intends to submit evidence must notify the Chief, FSD, NMFS, in writing, describing specifically the evidence to be submitted not later than 30 days after publication of this notice in the Federal Register.

Any interested person may request to be admitted as a party to any hearing which is conducted concerning the claim. Such request must be filed with the Chief, FSD, in writing; not later than 30 days after publication of the notice of claim in the Federal Register. Such request will be ruled on by the Administrative Law Judge (ALJ).

50 CFR 296.8(c) provides that the Chief, FSD, may contact a claimant and negotiate a proposed settlement of the claim. If the claimant agrees to a proposed settlement, the Chief, FSD, will no sooner than 30 days after publication of the notice of the claim in the Federal Register, forward the proposed settlement agreement to the General Counsel, NOAA. The Chief, FSD, may also forward to the General Counsel, NOAA, an agency recommendation concerning the claim. Such recommendation may be, among other things, to: (i) approve the claim, (ii) approve a proposed settlement of the claim, or (iii) deny the claim.

If the recommendation is to deny the claim, the General Counsel, NOAA, will promptly refer it to the ALJ for adjudication. If the recommendation is to approve the claim or for a proposed settlement, the General Counsel will publish a notice of the recommendation in the Federal Register. Not sooner than 15 days after that notice is published, the General Counsel will send to the ALJ the claim, the Agency recommendation, any request by an interested person to submit evidence or to be admitted as a party to any hearing, and any request that an oral hearing be conducted concerning the claim. The ALJ will then adjudicate the case.

The following claims have been received.

	Amount	Claim No.	Nature of loss and location
Gear loss	$3,267.66	FCF-01-80	On 10–19–79 claimant lost 80 fathoms of bridles, set 8 x 40 doors, 2–35' nets, shackles, tickler chains, and lazy lines while trawling for shrimp at the following coordinates: 29°21.4' N. 92°21.7' W.
Economic loss	0		
Consequential loss	0		
Total	3,267.66		
Gear loss	5,739.30	FCF-06-80	On 12–07–79 claimant lost a pair 12 x 44 trawl doors, 2–75' nets, easy line, bridle, cable chain, trynet, rope and mud rollers while trawling for shrimp at the following coordinates: 29°23.9' N. 91°28.6' W.
Economic loss	0		
Consequential loss	0		
Total	5,739.30		
Gear loss	4,920.60	FCF-34-80	On 5–27–80 claimant lost 2–68' nets while trawling for shrimp at the following coordinates: 29°06.5' N. 91°30.1' W.
Economic loss	0		
Consequential loss	0		
Total	4,920.60		
Gear loss	2,635.75	FCF-36-80	On 6–22–80 claimant lost 2 nets, door, sled, and cables while trawling for shrimp at the following coordinates: 29°20.18' N. 91°41.24' W.
Economic loss	0		
Consequential loss	0		
Total	2,635.75		
Gear loss	6,360.15	FCF-37-80	On 6–22–80 claimant lost 4–65' nets and 2 pairs 11 x 42 doors while trawling for shrimp at the following coordinates: 29°06.2' N. 93°18.6' W.
Economic loss	0		
Consequential loss	0		
Total	6,360.15		
Gear loss	2,503.53	FCF-07-81	On 10–14–80 claimant lost 2–40' nets, pair 10 x 40 doors, irons, bag, chafing gear, chain, and 14 days fishing time while trawling for shrimp at the following coordinates: 29°45.0' N. 92°36.2' W.
Economic loss	20,505.25		
Consequential loss	3,294.73		
Total	26,303.51		

Anyone wishing to submit evidence concerning any of these claims, or to become a party to any hearing, must contact, in writing, Mr. Michael L.

Grable, Chief, Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235, on or before June 5, 1981 (telephone (202) 634–4688).

Dated: April 30, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-13875 Filed 5-5-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent to Grant Limited Exclusive Patent License; Bristol Laboratories of Syracuse, N.Y.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Bristol Laboratories of Syracuse, New York a limited exclusive right in the United States to manufacture, use and sell products embodied in the invention "(N-Phosphonyl-L-Aspartato) (1, 2-diaminocyclohexane) Platinum (II)."

The invention is protected by U.S. Patent Application Serial Numbers 58,287 dated July 17, 1979 and 155,531 dated June 9, 1980. Copies of the patent applications may be purchased from the NTIS, Springfield, Virginia 22161 at five dollars per copy. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the right to license this invention has been transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the **Federal Register** (44 FR 77231; December 31, 1979; *Government Inventions for Licensing* (November 27, 1979); and the Patent and Trademark Office's *Official Gazetts* (January 29, 1980). To date, these and other promotional efforts have not resulted in any applications for nonexclusive licenses under this patent application. The proposed limited exclusive license will be royalty-bearing and will expire five years from the date of New Drug Approval by the Food and Drug Administration, but not more than eight years from the effective date of the license agreement. The terms and conditions of the license will comply with 35 U.S.C. 209 (Pub. L. 96–517) and 41 CFR 101–4.1

The proposed license may be granted unless, on or before July 6, 1981, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time; or (2) written evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed limited exclusive license must be submitted to the office of Government Inventions and Patents, NTIS, Springfield, VA 22161. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter (including the basis therefor).

Melvin S. Day,

Director.

[FR Doc. 81-13868 Filed 5-5-81; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 2–3 June 1981.

Place: The Pentagon, Washington, DC (exact location can be obtained by contacting H. Pipon, 697–9703)

Time: 0830–1700 hours, 2–3 June 1981 (Closed)

Proposed Agenda:

The ASB 1981 Summer Study participants will receive classified briefings, hold discussion, and provide study progress reports on "Equipping the Army in 1990–2000". Specifically, items to be presented will provide information to address these Terms of Reference:

1. What existing and emerging technologies could be exploited to significantly enhance the fighting capability of Army forces in the 1990's with emphasis given to exploiting those technologies in which the United States excels.

2. In an era of decreasing potential military manpower, how might technology be applied to produce a more manpower-economical force structure with increased combat potential? Which technologies appear to offer the highest payoff in hardware/people trade offs?

3. Considering each level of Army forces (e.g., Division, Battalion) as a mission oriented system, what weapons, support, and netting C^3 contribute most to efficient, integrated combat capability with desired characteristics of deployability, survivability, flexibility, and sustainability?

This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof. The classified and non-classified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

Helen Pipon,

Administrative Officer.

[FR Doc. 81-13849 Filed 5-5-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement for the Proposed Multiple-Purpose Millican Lake and Brazos, Madison, Leon, Robertson, and Grimes Counties, Texas

AGENCY: Army Corps of Engineers, DOD, Fort Worth District.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The primary purposes of this project are to promote storage for flood control and water supply and facilities for recreation and fish and wildlife enhancement in the lower Navasota River Watershed and Brazos River Basin. The project is located near the city of College Station, Texas.

2. Reasonable Alternatives. The alternatives to be evaluated are other reservoirs, flood plain evacuation, flood proofing, well fields, channelization, levels, no action, and combinations of alternatives.

3. Scoping Process. a. Public Involvement. A public involvement program will be conducted by the Fort Worth Army Engineer District as a means of disseminating information and soliciting public views. The techniques used will be a formal public meeting, an informal workshop, mailed literature, and coordination with Federal, State, and local agencies, organizations, and the interested public.

b. Significant Issues Requiring In-Depth Studies. Presence of minable lignite and active oil and gas fields.

c. Assignments. U.S. Fish and Wildlife Service will prepare a Coordination Act report.

d. Environmental Review and Consultation Requirements. The draft statement will be circulated for review, and all comments will be incorporated into the final environmental statement.

4. A scoping meeting will not be held.

5. The DEIS is expected to be available to the public in March 1982.

ADDRESS: Person to contact for additional information is Mr. William Fickel, Jr., Acting Chief, Environmental Resources Section, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, Texas 76102, telephone 817–334–2095.

Dated: April 27, 1981.

Donald J. Palladino,

Colonel, CE, District Engineer.

[FR Doc. 81-13809 Filed 5-5-81; 8:45 am]
BILLING CODE 3710-FH-M

Department of the Navy

Privacy Act of 1974; Deletion of Systems of Records

AGENCY: Department of the Navy (DON).

ACTION: Deletion of twelve systems of records notices.

SUMMARY: The Department of the Navy is deleting twelve notices for systems of records from its inventory of systems of records subject to the Privacy Act of 1974, Title 5 U.S. Code 552a (Pub. L. 93–579).

DATES: The proposed actions will be effective without further notice on June 5, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments, to include written data, views or arguments concerning the actions proposed should be addressed to the systems managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP–09B1P), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone 202/694–2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act have been published in the Federal Register at:

FR Doc. 81–697 (46 FR 3690) January 21, 1981
FR Doc. 81–3277 (46 FR 9383) January 28, 1981
FR Doc. 81–10892 (46 FR 21226) April 9, 1981

April 30, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

N00014ONR 400–1

System name:

Principal Investigator Record of Active Contracts (46 FR 6720), January 21, 1981.

Reason:

This system has been discontinued.

N0423 NMRI

System name:

Kidney Transplant Histocompatibility Study (46 FR 6787), January 21, 1981.

Reason:

This system has been discontinued.

N00253–002

System name:

Welfare and Recreation Ticket Selection Program (46 FR 6771), January 21, 1981.

Reason:

This system has been discontinued.

N00159 D–3/81

System name:

Seismic Survey List of Companies Involved in Outer Continental Shelf (46 FR 6759) January 21, 1981.

Reason:

This system has been discontinued.

N00175 69004

System name:

Staff Judge Advocate's Memorandum File (46 FR 6761), January 21, 1981.

Reason:

This system has been discontinued.

N00060

System name:

List of Cuban Exile Families at U. S. Naval Base Guantanamo Bay, Cuba (46 FR 6753) January 21, 1981.

Reason:

This system has been discontinued.

N00063 FTAR

System name:

Field Training Assistance Representatives (FTAR) File (46 FR 6756), January 21, 1981.

Reason:

This system has been discontinued.

N00251 008

System name:

Pudget Sound Naval Shipyard, Navy Exchange Tobacco Sales (46 FR 6765), January 21, 1981.

Reason:

This system has been discontinued.

N03285 08

System name:

Defense Central Index of Investigations (DCII) (46 FR 6779), January 21, 1981.

Reason:

This system is adequately described by the Defense Investigative Service system of records #V502, Defense Central Index of Investigations (DCII) which appeared in Federal Register (46 FR 6854) January 21, 1981.

N00530–1

System name:

Bibliography (46 FR 6771), January 21, 1981.

Reason:

This system has been discontinued.

N00001–TECHAUTHIND

System name:

Technical Paper/Author Cross Index System (46 FR 6793), January 21, 1981.

Reason:

This system has been discontinued.

N00520–CMIS

System name:

Courts-Martial Index and Summary (46 FR 6767), January 21, 1981.

Reason:

This system has been discontinued.

[FR Doc. 81-13808 Filed 5-5-81; 8:45 am]
BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangements; Peace Application of Atomic Energy; United States and International Atomic Energy Agency

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency Concerning Peaceful Application of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval for the supply of 5.2 grams of plutonium-oxide to the Central Control Laboratory, Nuclear Research Center, Czechoslovak Socialist Republic under Contract Number WC–IA–115, and for the supply of 86.9 grams of uranium enriched to

2.35% in U–235 and 20.0 grams of uranium enriched to 3.1% in U–235 under Contract Number WC–IA–109.

These materials are to be utilized in the Safeguards Analytical Laboratory Evaluation (SALE) Program. This program is designed to evaluate the capability of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle, and to provide means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than May 21, 1981.

For the Department of Energy.

Dated: May 1, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–13801 Filed 5–5–81; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale to Sweden of 296.8 grams of normal uranium oxide and 100 grams of uranium oxide enriched to 2.09% in U–235, to be used as standard reference material, under Contract Number S–SW–58.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 21, 1981.

For the Department of Energy.

Dated: May 1, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–13802 Filed 5–5–81; 8:45 am]

BILLING CODE 6450–01–M

Uranium Hexaflouride; Separative Work Charges and Base Charges for Natural Uranium

The Department of Energy (DOE) hereby announces revisions to the Notice entitled "Uranium Hexafluoride: Separative Work Charges, and Base Charges for Natural Uranium" published in the **Federal Register** on September 29, 1977 (42FR51636), as amended by 43FR49831 on October 25, 1978, 44FR51297 on August 31, 1979, and 45 FR 50928 on July 31, 1980, hereinafter referred to as the Notice.

Paragraph 1 of the Notice is deleted and the following paragraph 1 is inserted in lieu thereof:

1. *Separative Work Charges.* (a) The charge per separative work unit furnished pursuant to Requirements-type contracts is $119.00 or the ceiling charge computed in accordance with the provisions of such contracts, whichever is the lesser charge. Effective (Insert date 180 calendar days after publication) the charge per separative work unit furnished pursuant to Requirements-type contracts will be $141.15 or the ceiling charge computed in accordance with the provisions of such contracts, whichever is the lesser charge.

(b) The charge per separative work unit furnished pursuant to Adjustable Fixed-Commitment contracts is $110.00. Effective October 1, 1981 the charge per separative work unit furnished pursuant to Adjustable Fixed-Commitment contractrs will be $130.75.

(c) The charge per separative unit furnished pursuant to other than Requirements-type and Adjustable Fixed-Commitment contracts is $110.00. Effective October 1, 1981 the charge per separative work unit furnished pursuant to other than Requirements-type and Adjustable Fixed-Commitment contracts will be $130.75.

Issued in Washington, D.C. on April 30, 1981.

John W. Crawford, Jr.

Deputy Assistant Secretary for Nuclear Energy.

[FR Doc. 81–13800 Filed 5–5–81; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Kimbark Operating Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: April 17, 1981.

Comments by: June 5, 1981.

ADDRESS: Send comments to: Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226, (303) 234–3195.

SUPPLEMENTARY INFORMATION: On April 17, 1981, the Office of Enforcement executed a Consent Order with Kimbark Operating Company (KOC) of Denver, Colorado. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

KOC, with its home office located in Denver, Colorado, is a crude oil producer as defined in 10 CFR 212.31 and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211 and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of KOC, the Office of Enforcement of ERA and KOC entered into a Consent Order, the significant terms of which are as follows:

1. The ERA alleges that during the audit period certain volumes of crude oil produced and sold from the Otto No. 2 Lease were improperly characterized as "stripper well" crude oil exempt from the "old" oil or "lower tier" ceiling price rule contained in 10 CFR 212.73. The ERA further alleged that during the August 1, 1975 through December 31, 1980 (audit period) certain sales of crude oil were made by KOC at prices in excess of the maximum allowable prices in violation of 10 CFR Part 212, Subpart D.

2. KOC has agreed to pay $11,000 into a special fund administered by ERA in settlement of the alleged overcharges to its customers during that period.

3. KOC has agreed to pay a civil penalty of $1,200.00.

4. The provisions of 10 CFR 205.199J are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, KOC agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of KOC's sales to its customers during the audit period, the sum of $11,000, on or before May 20, 1981. Refund of those overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submissions of Written Comments

A. *Potential Claimant:* Interested persons who believe that they have a claim to all or a portion of the settlement amount specified in I.2., above, should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notifications of a claim to Kenneth E. Merica, District Manager of Enforcement, Economic Regulatory Administration, P.O. Box 26247, Belmar Branch, Lakewood, Colorado, 80226. You may obtain a free copy of this Consent Order, with proprietary information deleted, by writing to the same address or by calling (303) 234-3195.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Kimbar Operating Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on June 5, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f) and 10 CFR 1004.11.

Issued in Lakewood, Colorado, on the 17th day of April, 1981.

Kenneth E. Merica,

District Manager, Rocky Mountain District, Economic Regulatory Administration.

Concurrence by:

James A. Forrester,

Acting Regional Counsel.

[FR Doc. 81-13260 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4429-000]

Capital Development Co.; Application for Preliminary Permit

April 30, 1981

Take notice that Capital Development Company (Applicant) filed on March 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4429 to be known as Section 10 Diversion Project located on Clear Fork, Little Lava Creek, Lava Creek, and Dam Creek in Lewis County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert Blume or John Terpstra, Capital Development Company, No. 4 South Sound Center, P.O. Box 3487, Lacey, Washington 98503. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of: (1) four 10-foot high overflow concrete diversion dams, one each located on Clear Fork, Little Lava Creek, Lava Creek, and Dam Creek; (2) four intake structures; (3) a 9.7-mile long canal; (4) a 0.75-mile long penstock; (5) a powerhouse containing one generating unit rated at 67 MW; and (6) an 8-mile long transmission line.

The Applicant estimates that the average annual energy output would be 300 million kWH.

Purpose of Project—The energy generated by the project would be sold to the Lewis County Public Utility District.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering and geotechnical studies, conduct environmental studies, consult with agencies, make an economic and feasibility analysis, perform final designs, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $250,000.

Purpose of Preliminary Permit—A prelinary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasiblity of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an

interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4429. Any comments, notices of intent, competing applications protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13570 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4400-000]

The City of Kalispell, Montana; Application for Preliminary Permit

April 30, 1981.

Take notice that the City of Kalispell, Montana (Applicant) filed on March 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825)(r)] for proposed Project No. 4400 to be known as the Clark Canyon Dam Project located on the Beaverhead River in Beaverhead County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert Grisley, 1485 South 300 West, Salt Lake City, Utah 84115. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Department of the Interior's (Water and Power Resources Service) Clark Canyon Dam. The proposed project would consist of: (1) a proposed powerhouse with an installed generating capacity of 5 MW; (2) a proposed penstock; (3) a proposed tailrace; (4) a proposed 400-foot long transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 22.3 GWh.

Purpose of Project—The Applicant proposes to sell the energy output to either Montana Power Company, Vigilante REC, or other power users in the northwest.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is $47,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to detemerine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Western Montana Electric Generating and Transmission Cooperative, Continental Hydro Corporation, and ENERGENICS SYSTEMS, INC., Projects Nos. 3530, 3549 and 3956, respectively, which were filed on October 7, 1980, October 9, 1980, and January 12, 1981, respectively, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 1, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is

made a response to this notice of application for preliminary permit for Project No. 4400. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13871 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4327-000]

Consolidated Hydroelectric, Inc., Application for Preliminary Permit

April 30, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4327 to be known as The Little Grider Creek, Siskiyou Power Project located on Little Grider Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Divis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) and 80-foot long, 5-foot high concrete and rock diversion structure; (2) a 3,700-foot long diversion conduit or channel; (3) a 1,000-foot long, 39-inch diamenter penstock; (4) a powerhouse containing generating units with a total rated capacity of 1,370 kW; and (5) a 0.5-mile long 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 5.4 million kWh.

Purpose of Project—The project energy will be sold to Pacific Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, and economic feasibility studies and prepare an FERC license application. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an FERC license application is $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permitted, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 of 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing application, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4327. Any comments, notices of intent, competing applications, protests, or petitions, to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13872 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4435-000]

Damnation Peak Power Co.; Application for Preliminary Permit

April 30, 1981.

Take notice that Damnation Peak Power Company (Applicant) filed on March 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4435 to be known as Damnation Creek Project located on Damnation Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sherri Lee, 2100 Electric Avenue, #328, Bellingham, Washington 98225. Any

person who wishes to file a response to this notice should read the entire notice and must comply with the requirments specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 4-foot high and 150-foot long prefabricated steel and concrete diversion weir; (2) a 7,000-foot long penstock; (3) a settling basin; (4) a powerhouse containing one generating unit rated at 2,000 kW; and (5) a transmission line. Damnation Creek is a tributary to the Skagit River, a part of the wild and scenic rivers system. The Applicant estimates that the average annual energy output would be 12 million kWh.

Purpose of Project—The energy generated by the proposed project would be sold to the Puget Sound Power and Light Company or to another local utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, ecomomic, feasibility and environmental studies, and prepare an FERC license application. Test boring may be performed at the diversion, penstock, and powerhouse sites. No new roads would be required to conduct the studies. The cost of these studies to be perfomred under the preliminary permit is estimated to be $125,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Any one desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4435. Any comments, notices of intent, competing applications, protests or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13873 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-106]

Intrastate Gathering Corp.; Filing of Extension Report

May 1, 1981.

Take notice that on April 6, 1981, Intrastate Gathering Corporation (Applicant), P.O. Box 32990, San Antonio, Texas 78216, filed in Docket No. ST79-106 an extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of Applicant's intention to extend its gathering and transportation agreement with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) for an additional two year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas transportation agreement with Tennessee dated July 5, 1979, and now proposes to extend such agreement for a term of two years ending July 5, 1983.

Applicant asserts that under the terms of its agreement with Tennessee, natural gas belonging to Tennessee would be gathered from Gulf Oil Corporation's wells and transported by Applicant's gathering system. It is submitted that additional wells may be added pursuant to the agreement. Applicant further asserts that the gas would then be redelivered by Applicant to Tennessee at the following points (a) Webb redelivery point, Webb County, Texas; (b) Crockett redelivery point, Zapata County, Texas; and (c) Sullivan redelivery point, Hidalgo County, Texas.

Applicant states that the rates to be charged for gas gathered, transported and redelivered at the Webb, Crockett, and Sullivan redelivery points would be 5.0 cents per Mcf, 15.0 cents per Mcf, and 5.0 cents per Mcf, respectively.

Applicant estimates that the total and daily volumes to be gathered and transported during the term of the gas transportation agreement would be 25,000,000 Mcf and 35,000 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before May 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to

intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13874 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4311-000]

Iron Mountain Mines, Inc.; Application for Preliminary Permit

April 30, 1981.

Take notice that Iron Mountain Mines, Inc. (Applicant) filed on March 10, 1981, an applicaton for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4311 to be known as Iron Mountain Mines, Inc. Project located on Spring Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: T. W. Arman, President, Iron Mountain Mines, Inc., 1900 Point West Way, Suite 102, Sacramento, California 95815. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a concrete diversion structure; (2) a 4,200-foot long conduit; (3) a 2,100-foot long and 30-inch diameter steel penstock; (4) a powerhouse containing one generating unit rated at 750 kW; (5) an afterbay; (6) a 3,200-foot long conduit; (7) a 30-inch diameter penstock; (8) a powerhouse containing one generating unit rated at 550 kW; (9) a tailrace; and (10) transmission lines.

The Applicant estimates that the average annual energy output would be 13.2 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $25,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permitte undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the applicaton may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) 1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitons to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4311. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13875 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4297-000]

Metropolitan District of Hartford County, Connecticut; Application for Preliminary Permit

April 30, 1981.

Take notice that The Metropolitan District of Hartford County, Connecticut (Applicant) filed on March 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4297 to be known as the Colebrook Project located on the West Branch and East Branch of the Farmington River in Hartford and Litchfield Counties, Connecticut. The proposed project would utilize Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. The application is on file with the Commission and is available for public inspection. Correspondence

with the Applicant should be directed to: Bernard A. Batycki, District Manager; The Metropolitan District, 555 Main Street, Hartford, Connecticut 01601. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of the Goodwin Dam development and the Colebrook River Lake Dam development. The Goodwin Dam is located 57 river miles upstream of the confluence of the Connecticut River and the West Branch of the Farmington River. The Colebrook River Lake Dam is located approximately two miles upstream of the Goodwin Dam.

The proposed Goodwin Dam development would include: (1) an existing earth dam having a height of 135 feet and a length of 900 feet; (2) a reservoir with a storage capacity of 6.5 billion gallons; (3) water conveyance and power facilities; and (4) appurtenant works. The existing facilities at the Goodwin Dam are currently owned by The Metropolitan District of the County of Hartford.

The proposed Colebrook Dam development would utilize the U.S. Army Corps of Engineers' existing Colebrook River Lake Dam and Reservoir. The development would consist of water conveyance and power facilities, along with appurtenant works.

The Applicant proposes to develop and operate the Colebrook Project in conjunction with the Collinsville Project No. 4117, for which it has previously filed an application for preliminary permit. Among the alternatives being considered by the Applicant is the diversion of flows from the Colebrook Project to the Barkhamsted Reservoir of the Collinsville Project by means of two proposed water conduits.

The Applicant describes several possible design alternatives in its application for the Colebrook Project No. 4297. These alternatives would result in a total installed capacity at the project of between 4,700 and 5,400 kW, and an estimated average annual net generation of between 16,000,000 and 17,900,000 kWh.

Purpose of Project—Project power would be sold to a local public utility or to users of power in the project area.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate the hydraulic, power generation, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would decide how to proceed with further environmental studies, project designs, and an application for an FERC license. Applicant estimates the cost of studies under the permit would be $150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Goodwin-Colebrook Project No. 3270, filed on July 29, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 1, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4297. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13578 Filed 5-5-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. SA81-25-000]

Texas Oil & Gas Corp.; Application for Staff Adjustment

May 1, 1981.

Take Notice that on April 13, 1981, Texas Oil Gas Corporation (Applicant), Fidelity Union Tower, Dallas, Texas 75201, filed with the Federal Energy Regulatory Commission (Commission) pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and section 1.41 of the Commission's Rules of Practice and Procedure an application for adjustment. Applicant seeks relief from § 273.202(b) of the Commission's regulations issued under the NGPA.

Specifically Applicant states that it drilled the Erck #5 Well in the 8,500' zone of the McGill reservoir on January 21, 1978 and on December 8, 1978 appliant filed an application with the Railroad Commission of Texas (RRC) for a well category determination pursuant to section 102(c)(1)(C) of the NGPA. Applicant additionally states that it plugged back and recompleted the Erck #5 Well in the 8,130' zone of the McGill reservoir and that it did not appreciate the import making another application for a well category determination under section 102(c)(1)(C). Allegedly, due to clerical inadvertence the application was not filed until September 1 of 1979. On September 28, 1979, in addition to filing the application for the well category determination, applicant states

that it filed for interim collection under 18 CFR 273.202. The RRC notified the applicant by letter dated June 10, 1980, that the Applicant's application was incomplete. The Applicant states that it completed its application on October 27, 1980, and by letter dated December 30, 1980, the RRC notified the Applicant that its application met the requirements of section 102(c)(1)(C). The determination became final by operation of law on March 28, 1981.

The Applicant requests that the Commission grant the adjustment to permit it to collect the section 102 price for gas delivered to Florida Gas Transmission produced from the Erck #5 Well in the 8,130' zone of the resevoir from the date of initial deliveries from the new proration unit, February 27, 1979, rather than the date of the filing of the Applicant's application with the State jurisdictional agency.

Applicant asserts that the denial of the relief requested will cause it to suffer special hardship, inequity, and unfair distribution of burdens by restricting it to collection of a price lower than that authorized by the NGPA for gas produced under the foregoing circumstances.

The procedures applicable to the conduct of this adjustment proceeding are found in section 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24, issued March 22, 1979, (44 FR 19861, March 30, 1979).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of section 1.41(e). All petitions to intervene must be filed on or before May 21, 1981.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13577 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-274-000]

Transcontinental Gas Pipe Line Corp.; Application

May 1, 1981

Take notice that on April 6, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-274-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in Ascension Parish, Louisiana, and the recovery of the prices paid for the refinery gas to be purchased from Good Hope Refineries, Inc. (Good Hope) through inclusion of such costs in the operation of Applicant's purchased gas adjustment (PGA) clause, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a February 11, 1981, gas purchase agreement with Good Hope to purchase up to 50,000 Mcf per day of the refinery output of flare gas, residue gas and other gases treated for pipeline usage (refinery gas). Applicant asserts that Good Hope has agreed to sell an average of 10,000 Mcf of refinery gas per day during the first year and not less than an average of 25,000 Mcf per day thereafter and that if Good Hope has available for sale volumes of gas in excess of 50,000 Mcf per day then Applicant would have the right but not the obligation to purchase excess volumes. Applicant further states that the agreement would remain in effect for a primary term of 15 years from the date of first delivery and from year to year thereafter. Applicant maintains that the purchase of refinery gas would provide an important and stable long-term supply source to augment the total gas supply available to Applicant's customers and would significantly reduce emissions from the Good Hope refinery.

In order to receive into its system quantities of the refinery gas, Applicant herein proposes to construct and operate certain tap, metering, regulating and other appurtenant facilities to be located at Mile Post 57.48 on Applicant's Southeast Louisiana Lateral in Ascension Parish, Louisiana.

Applicant states that the cost of the proposed facilities would be $313,300 which would be financed initially through short-term loans and available cash with permanent financing undertaken as part of an overall long-term financing program at a later date.

Applicant further proposes that § 22.3(b) of the General Terms and Conditions contained in Applicant's FERC Gas Tariff, Original Volume No. 1 be amended so as to include the costs of refinery gas purchased from Good Hope in the operation of Applicant's PGA clause, as refinery gas is a by-product of the crude oil refining process and thus a type of synthetic natural gas. It is stated that Good Hope has agreed to charge Applicant the equivalent on an energy content basis of one hundred percent of the prevailing price per million Btu of No. 2 fuel oil in the Mid-Atlantic region.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13578 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4093-000]

Tuscarora Yarns, Inc.; Application for Preliminary Permit

April 30, 1981.

Take notice that Tuscarora Yarns, Inc. (Applicant) filed on January 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4093 to be known as the Bynum Dam Project located on the Haw River in Chatham County, North Carolina. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Martin Foil Jr., President, Tuscarora Yarns, Inc., P.O. Box 218, Mt. Pleasant, North Carolina 28124. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified

for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 12-foot high and 900-foot long stone masonry dam consisting of an uncontrolled spillway, headworks, and a bulkhead; (2) an existing 20-acre reservoir with 100 acre-feet of gross storage capacity at the normal maximum surface elevation of 315 feet m.s.l.; (3) an existing 2,000-foot long headrace canal with a width varying from 25 to 40 feet; (4) an existing powerhouse with a proposed installed capacity of 2,530 kw and an annual average energy generation estimated to be 11,000 MWh; and (5) appurtenant facilities.

Purpose of Project—Tuscarora Yarns, Inc. Proposes to develop the hydroelectric potential of the project and sell the power output to either nearby towns such as Bynum or to Carolina Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 12 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic, and financial aspects of the project will be defined, investigated, and assessed to support an investment decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an applicantion for license for the project. The Applicant's estimated total cost for performing a feasibility study is $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permitee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 of § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4093. Any comments notices of intent, competing applications, protests or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13879 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-117]

Transcontinental Gas Pipe Line Corp.; Informal Settlement Conference

April 29, 1981.

Take notice that an informal settlement conference of all interested parties to this proceeding will be held at 10:00 a.m. on May 12, 1981 in the Commission Meeting Room of the Federal Energy Regulatory Commission at 825 North Capitol Street, N.E., Washington, D.C.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13880 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-278-000]

United Gas Pipe Line Co.; Application

May 1, 1981.

Take notice that on April 8, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-278-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Mid Louisiana Gas Company (Mid Louisiana), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it and Mid Louisiana have entered into a November 14, 1980, gas transportation agreement providing for Applicant to transport natural gas which Mid Louisiana has obtained in the vicinity of Applicant's pipeline system in Morehouse Parish, Louisiana. It is stated that under the proposed transportation agreement Mid Louisiana would deliver or cause to be delivered volumes up to but not in excess of 1,000 Mcf per day to Applicant near Morehouse Parish, Louisiana. It is asserted that Applicant would transport and redeliver equivalent quantities, less 2.3 percent for fuel and company-use gas, to Mid Louisiana at existing points of interconnection between Applicant's

and Mid Louisiana's pipelines at the Scotland compressor site located in East Baton Rouge Parish, Louisiana, and/or the Fowler station in Ouachita Parish, Louisiana, and/or any other mutually agreeable existing authorized points of interconnection between the two companies' facilities.

Applicant further states that measuring facilities required in Morehouse Parish have been constructed pursuant to Applicant's budget-type authorization. It is asserted that the facilities are owned, operated and maintained by Applicant and that Mid Louisiana would reimburse Applicant for the total amount associated with the construction of facilities. It is stated that the measuring facilities necessary for Applicant to redeliver the subject gas to Mid Louisiana are existing facilities.

It is asserted that in the event Mid Louisiana has from time to time quantities of gas available for delivery to Applicant in excess of the 1,000 Mcf maximum daily quantity, Mid Louisiana may tender such gas for delivery to Applicant and Applicant may accept or refuse delivery of all or any part of such gas.

Applicant stated that the transportation agreement is for a term of five years beginning on February 3, 1981,[1] which is the day deliveries commenced and continuing year to year thereafter. It is stated that Mid Louisiana would pay Applicant for gas transported an amount equal to Applicant's jurisdictional transportation rate in effect from time to time in Applicant's northern rate zone as such may be determined less any amount included in the transportation rate which is attributable to fuel and unaccounted for gas. It is stated that the current jurisdictional transportation rate is 28.12 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13801 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

[1] Pursuant to Subparts B and G of Part 284 of the Commission's Regulations and Applicant's blanket authorization granted in Docket No. CP80-127.

ENVIRONMENTAL PROTECTION AGENCY

[PF-217; PH-FRL 1766-4]

Ciba-Geigy Corp.; Filing of Pesticide and Food Additive Petitions

Correction

In FR Doc. 81-6705 appearing on page 14956 in the issue of Tuesday, March 3, 1981, second column, sixth line from the top, "* * * election" should read "* * * electron".

BILLING CODE 1505-01-M

[OPTS-59044; TSH-FRL 1766A]

Diazo Dye; Premanufacture Exemption Application

Corrections

In FR Doc. 81-6702 appearing on page 14956 in the issue of Tuesday, March 3, 1981; on page 14957, third column, fourteenth line from the top, "gracity" should read "gravity"; and in the fourth line of the paragraph beginning *Environmental Release/Disposal.*, insert "and" after "manufacture".

BILLING CODE 1505-01-M

[AMS-FRL 1819-6]

Announcement of Fuel Economy Retrofit Device Evaluation for "Gastell"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "Gastell" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

BACKGROUND INFORMATION: Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) "Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate."

(c) "The EPA Administrator shall publish in the Federal Register a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 (44 FR 17946).

Origin of request for evaluation.—On November 11, 1979, the EPA received a request from Automotive Devices, Inc. for evaluation of a fuel saving device termed "Gastell." This Device is designed to provide the vehicle operator visual and audible indications of inefficient engine operating conditions so that the fuel-conscious drivers can modify their driving habits to obtain improved efficiency. An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Gastell Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act." Copies of this report are available upon request.

Availability of Evaluation Report.— An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Gastell Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–81–8 consisting of 106 pages including all attachments.

EPA also tested the Gastell device. The EPA testing is described completely in the report "Evaluation of Gastell, a Device to Modify Driving Habits," EPA–AA–TEB–81–13, consisting of 47 pages. This report is contained in the preceding Gastell 511 Evaluation as an attachment.

Copies of these reports may be obtained from the National Technical Information Center by using the above report numbers. Address requests to: National Technical Information Center, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telephone System (FTS) 737–4650, Commercial 703–487–4650.

Summary of Evaluation

EPA fully considered all of the information submitted by the Device manufacturer in the Application. The evaluation of the Gastell device was based on that information and the results of the EPA test program.

The EPA test program was conducted over an extended time period and consisted of two dynamometer test phases followed by a road test phase. The testing performed by EPA showed:

A. The Phase I testing consisted of a Federal Test Procedure (FTP) and a Highway Fuel Economy Test (HFET) *dynamometer* tests of the Gastell device. Overall, the use of the Gastell device as a driving aid did not show a significant effect on the vehicle's fuel economy or emissions for either the FTP or HFET.

B. The Phase II testing consisted of modified LA–4's (FTP) and acceleration rate studies conducted on the vehicle chassis *dynamometer without* using the Gastell device.

The more agressive (greater acceleration rates) modifications of the LA–4 cycle developed showed little or no change in fuel economy when compared to the standard FTP (LA–4). Therefore, since the preceding tests with the Gastell device did not show an improvement in the vehicle's fuels economy for either the FTP or HFET, the Gastell device was not tested with these more aggressive driving cycles.

Evaluation of five vehicles on a test cycle consisting predominately of accelerations did show that during acceleration there was an average 14.6% improvement in fuel economy between a very low acceleration rate (1 mph/sec.) and the highest acceleration rates used (up to 5 mph/sec.). There was an average 8.5% improvement in fuel economy between the moderate (2 mph/sec.) and highest acceleration rates. This indicates that reduced vehicle acceleration rates can improve fuel economy for some vehicle operation conditions. However, when these acceleration fuel economy improvements are adjusted for the average portion of driving time actually devoted to acceleration, the maximum fuel economy savings would be 1.9%; but, in consideration of the constraints of actual driving, a more realistic potential saving would be less than 0.5%. A similar analysis based on fuel consumed during acceleration modes yielded an average estimated improvement potential of 1.3.

C. Having found no appreciable fuel economy effects in Phases I and II using the vehicle dynamometer, a *road* test program, Phase III, was undertaken *with* the Gastell device. For the six combinations of vehicle and operator, in only one case did the use of the Gastell device cause an improvement in vehicle fuel economy greater than 1%. The amount of fuel economy improvement for this one case was 5% with the Gastell device. It is interesting to note that even for this one case, the other less aggressive driver's fuel economy in this vehicle was the same with *or* without the Device and 4% better than the driver who showed an improvement.

In general, the EPA testing of the Gastell device did not show a positive benefit from its use. None of the Phase I chassis *dynamometer* tests with the Device installed showed a positive fuel economy effect. Four vehicles of varying size and power-to-weight ratio were *road* tested in San Antonio (with from one to two drivers each) and only one vehicle/driver combination showed a fuel economy improvement (5%) with the Gastell device. It is concluded from the test data available that only drivers with aggressive driving behaviour (or other driving habits that involve excessive throttle manipulation) could benefit from use of this Device and then only if: (1) Their vehicle happened to have the fuel economy response characteristics that favorably matched the activation setting of the Device and (2) the driver consistently responded to the Device's signal and refrained from such aggressive driving.

Intuitively, many people might expect the principles behind the Gastell device to produce an improvement in fuel economy. In fact, at the beginning of the program, EPA evaluation engineers involved in the evaluation expected the device to produce significant benefits and were surprised when the early data showed no effect on fuel economy. This evaluation has been more extensive than most such projects at EPA, but as a result, we are comfortable in supporting this evaluation.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–13603 Filed 5–5–81; 8:45 am]
BILLING CODE 6560–26–M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

American Line, Inc. and American Cruise Lines, Inc., Haddam, Connecticut 06438.

Dated: April 30, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81–13569 Filed 5–5–81; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

First Flora Corp.; Proposed Credit Insurance Activities

First Flora Corporation, Flora, Mississippi, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to act as agent or broker in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Applicant's subsidiary, Bank of Flora, Flora, Mississippi. These activities would be performed from offices of Applicant's subsidiary in Flora and Bentonia, Mississippi, and the geographic areas to be served are

Madison County and Yazoo County, Mississippi. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be acompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 28, 1981.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13638 Filed 5-5-81; 8:45 am]

BILLING CODE 6210-01-M

First Florida Banks, Inc.; Acquisition of Bank

First Florida Banks, Inc., Tampa, Florida, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Bank of Clearwater, Clearwater, Florida. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13637 Filed 5-5-81; 8:45 am]

BILLING CODE 6210-01-M

Gravois Bancorp., Inc.; Formation of Bank Holding Company

Gravois Bancorp., St. Louis County, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Gravois Bank, St. Louis County, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13639 Filed 5-5-81; 8:45 am]

BILLING CODE 6210-01-M

Memphis Bancshares, Inc.; Formation of Bank Holding Company

Memphis Bancshares, Inc., Memphis, Texas, as applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First State Bank, Memphis, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 30, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13640 Filed 5-5-81; 8:45 am]

BILLING CODE 6210-01-M

Multi-Line, Inc.; Acquisition of Bank

Multi-Line, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 8.3 percent or more of the voting shares of First Florida Banks, Inc., Tampa, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13638 Filed 5-5-81; 8:45 am]

BILLING CODE 6210-01-M

Northeastern Bancorp, Inc.; Formation of Bank Holding Company

Northeastern Bancorp, Inc., Scranton, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Northeastern Bank of Pennsylvania, Mount Pocono, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13839 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

Ruston Bancshares, Inc.; Formation of Bank Holding Company

Ruston Bancshares, Inc., Ruston, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Ruston State Bank and Trust Company, Ruston, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13841 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than May 28, 1981.

A. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

FIRST MACOMB CORPORATION, 1 North Gratiot Avenue, Mt. Clemens, Michigan, (financing and lending activities; Michigan): to engage in making or acquiring loans and other extensions of credit such as would be made by a commercial finance institution, including commercial loans secured by a borrower's inventory, accounts receivable, fixed assets (both real and personal), leases or other assets, and servicing such loans. These activities would be conducted from an office located at 1 North Gratiot Avenue, Mt. Clemens, Michigan, serving Southeastern Michigan. Comments on this application must be received not later than May 23, 1981.

B. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

FARMERS ENTERPRISES, INC., Albert, Kansas (finance activities; Kansas): to engage in the activity of making loans and other extensions of credit for its own account or the account of its subsidiary, Farmers State Bank, Albert, Kansas. This activity would be conducted from an office in Great Bend, Kansas, serving Great Bend and surrounding areas in Barton County, Kansas. Comments on this application must be received not later than May 25, 1981.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. IMPERIAL BANCORP, Inglewood, California (financing activities; Arizona and California): to engage through a wholly-owned subsidiary, Imperial Creditcorp (the "Company") in the activities of making, acquiring, or placing loans and other extensions of credit for its own account, and for the account of others, and servicing such loans and other extensions of credit for its own account, and for the account of others in the State of California. These activities would be conducted from offices in California, serving the State of California.

The Company will also engage in insurance premium financing relating to commercial and consumer property and casualty insurance. This activity will be conducted from an office in Phoenix, Arizona, serving the State of Arizona.

2. SECURITY PACIFIC CORPORATION, Los Angeles, California (securities and commercial paper clearing and custodian activities; United States): to engage through its subsidiary, Security Pacific Clearing Services Corp., in certain clearing and custodian activities with respect to securities, commercial paper and similar instruments, such as acting as forwarding agent, coupon paying agent, and provider of trade confirmation services for securities, and acting as issuing and paying agent for commercial paper and similar instruments, as well as activities incident thereto, such as the making of call loans to securities dealers. These activities would be conducted from an office in San Francisco, California, serving the United States.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13842 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

George Argyros; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Mr. George Argyros is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Westgate California Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 14, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20480 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–13049 Filed 5–5–81; 8:45 am]

BILLING CODE 6750–01–M

Buttes Gas & Oil Co.; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Buttes Gas & Oil Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Dolphin International Inc. and certain assets of A/S Quatro. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 14, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–13050 Filed 5–5–81; 8:45 am]

BILLING CODE 6750–01–M

CBI Industries Inc.; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: CBI Industries Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Integrated Drilling and Exploration Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 10, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–13051 Filed 5–5–81; 8:45 am]

BILLING CODE 6750–01–M

William Lyon; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Mr. William Lyon is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Westgate California Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 14, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisition to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies,

in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-13881 Filed 5-5-81; 8:45 am]

BILLING CODE 6750-01-M

Lord Thomson; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Lord Thomson of Fleet 1963 Trust is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Tri-American Corp. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period..

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-13883 Filed 5-5-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Sixteenth National Immunization Conference; Open Meeting

On May 19-21, 1981, a National Immunization Conference will be held at the Centers for Disease Control. This Conference is sponsored by the Centers for Disease Control (CDC).

Federal, State, and local public health officials who are involved in the organization and implementation of immunization program activity will participate. The meeting is open to the public, limited only by the space available .

Meetings are scheduled to begin at 8:30 a.m. in Auditorium B, CDC, 1600 Clifton Road, NE., Atlanta, Georgia.

All inquiries should be sent to: Mr. Jack Kirby, Chief, Program Operations, Immunization Division, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333; Telephones: FTS: 236-3801; Commercial: 404/329-3801.

Dated: April 30, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-13880 Filed 5-5-81; 8:45 am]

BILLING CODE 4110-86-M

Health Services Administration

Health Education Assistance Loan Program; "Maximum Interest Rates for Quarter Ending June 30, 1981"

Section 727 of the Public Health Service Act (42 CFR Part 60, previously 45 CFR Part 126) authorizes the Secretary to establish a Federal program of student loan insurance for graduate students in health professions schools. Section 60.13(a)(4) of the program's implementing regulations provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending June 30, 1981, two interest rates are in effect for loans executed through the HEAL Program.

1. For loans made before January 27, 1981, the variable interest rate is 13¼ percent. Using the regulatory formula (45 CFR 126.13(a) (2) and (3)), in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury Bills for the preceding calendar quarter (15.03 percent), and rounding the result (11.53 percent) upward to the nearest ⅛ percent (11.625 percent). Thus, the variable rate for this 3-month period would normally be at the annual rate of 18⅝ percent (11⅝ plus 7 percent). However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eight of 1 percent. This would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. For the previous 3 quarters the variable interest rate at the annual rate was as follows: 11 percent for the quarter ending September 30, 1981; 11⅛ percent for the quarter ending December 31, 1981; and 12⅝ percent for the quarter ending March 31, 1981. Therefore, in order to maintain an average annual rate of 12 percent for the 12-month period ending June 30, 1981, the variable interest rate for the quarter ending June 30, 1981, would be at an annual rate of 13¼ percent.

2. For fixed rate loans executed during the period of April 1 through June 30, 1981, and for variable rate loans executed after January 27, 1981, the interest rate is 18⅝ percent. Using the regulatory formula (42 CFR 60.13(a)(3)), in effect on January 27, 1981, the Secretary computes the maximum interest at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury Bills during the preceding quarter (15.03 percent); adding 3.50 percent (18.53 percent); and rounding that figure to the next higher one-eighth of 1 percent (18⅝ percent).

(Catalog of Federal Domestic Assistance No. 13.574, Health Professions Educational Assistance Act Insured Loans)

Dated: April 24, 1981.

John H. Kelso,

Acting Administrator.

[FR Doc. 81-13880 Filed 5-5-81; 8:45 am]

BILLING CODE 4110-84-M

National Institute for Occupational Safety and Health

Testing and Approval of Spirometers; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Testing and Approval of Spirometers

Date: June 15, 1981 (also June 16, if necessary)
Time: 9 a.m. to 5 p.m.
Place: Conference Rooms D and E, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.
Purpose: To discuss and obtain recommendations and comments as to the role of the NIOSH in the testing and approval of spirometers.

Federal standards for determining coal miners' total disability or death due to pneumoconiosis are set forth in 20 CFR Part 718. Part 718 also specifies the procedures and requirements to be followed in conducting medical examinations and in administering various tests relevant to such determinations. Appendix B of Part 718, entitled "Standards for Administration and Interpretation of Ventilatory Function Tests," specifies that instruments to be used for the administration of pulmonary function tests shall be approved by NIOSH and conform to specified criteria.

Single copies of a document containing the major elements of the NIOSH current position can be obtained from Dr. May at the address below. Viewpoints and suggestions from manufacturers and users of spirometers, industry, organized labor, academia, and other government agencies are invited.

NIOSH personnel will present the Institute's current thinking regarding the testing and approval of spirometers. The attendees will then be given time to present their comments and to respond to statements made by NIOSH personnel.

Written requests to address the meeting must be received by Dr. May (at the address below) no later than 5 p.m. on June 1. These requests should include the name, address, and telephone number of the participant, and the approximate time needed for the presentation. For those persons who cannot participate at the meeting, written comments may also be submitted to Dr. May.

Additional information may be obtained from: Jon R. May, Ph. D., Special Assistant to the Acting Director (for Testing and Certification), National Institute for Occupational Safety and Health, Centers for Disease Control, 5600 Fishers Lane, Room 8A–53, Rockville, MD 20857, Telephone: (301) 443–3680.

Dated: April 27, 1980.
William H. Foege,
Director, Centers for Disease Control.
[FR Doc. 81-13697 Filed 5-5-81; 8:45 am]
BILLING CODE 4110-87-M

Office of Human Development Services

White House Conference on Aging; National Advisory Committee Meeting

The 1981 White House Conference on Aging National Advisory Committee was established by the Department of Health and Human Services to provide advice and recommendations to the Secretary of Health and Human Services and to the Executive Director of the 1981 White House Conference on Aging in the planning, conducting and reviewing of the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Pub. L. 92–463, 5 U.S.C. App. 1, sec. 10, 1976) that the National Advisory Committee will hold its next meeting on Wednesday, May 20, 1981 through Friday, May 22, 1981, 9:00 a.m.–5:00 p.m. each day. The meeting will be held in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

The purpose of the meeting will be to review plans and issue areas of the 1981 National Meeting to be held in Washington, D.C. on November 30th–December 3, 1981.

Further information on the Committee meeting may be obtained from Mr. David A. Rust, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245–1914. National Advisory Committee meetings are open to the public for observation.

Dated: April 30, 1981.
Mamie Welborne,
HDS Committee Management Officer.
[FR Doc. 81-13699 Filed 5-5-81; 8:45 am]
BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Water Charges and Related Information Wind River Irrigation Project, Wyoming

Correction

In FR Doc. 81–9954 appearing on page 19993 in the issue of Thursday, April 2, 1981, make the following change:

On page 19993, middle column, second complete paragraph, seventh line, "$1.10" should read "6.10".
BILLING CODE 1505-01-M

San Juan Basin Uranium Study

April 20, 1981.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior has prepared a study of the impacts of uranium development in northwest New Mexico through the year 2000.

ADDRESS: Copies of the report are available from Milton Bluehouse, Office of Reservation Programs, Planner Support, Bureau of Indian Affairs, P.O. Box 1060, Gallup, NM 87301.

FOR FURTHER INFORMATION CONTACT: Ray Churan, Review Coordinator, Office of Environmental Policy Review, Department of the Interior, P.O. Box 2088, Albuquerque, NM 87106, Telephone Number (505) 766–3565, or Dennis Umshler, U.S. Geological Survey, Conservation Division, P.O. Box 26124, Albuquerque, New Mexico 87125, Telephone Number (505) 766–1173.

SUPPLEMENTARY INFORMATION: The Department of the Interior has prepared the final report of the San Juan Basin Regional Uranium Study. The report entitled: "Uranium Development in the San Juan Basin Region: A Report on Environmental Issues," measures the impacts of projected uranium exploration, mining, and milling from now through the year 2000 on the natural and human environment of the region.

The study describes the probable impacts on air quality, health, water resources, population, the economy, and the social and cultural groupings in northwest New Mexico. It also provides options for the leadership in the area to control those impacts.

James F. Canan,
Acting Deputy Assistant Secretary—Indian Affairs.
[FR Doc. 81-13012 Filed 5-5-81; 8:45 am]
BILLING CODE 4310-02-M

Bureau of Land Management

Arizona, Lower Gila North Grazing Management; Intent To Prepare an Environmental Impact Statement

The Department of the Interior, Bureau of Land Management, Phoenix District Office, will prepare an

Environmental Impact Statement (EIS) that will evaluate a proposed grazing management program for public rangelands in portions of Yuma, Yavapai, Mohave, and Maricopa Counties in west-central Arizona. The proposal was developed as part of the Bureau's Lower Gila North Land-Use Plan.

The program is intended to meet requirements to manage efficiently the basic resources of the public rangelands and to improve their productivity to serve the full range of natural, social, economic and environmental needs. Major components of the program include proposals for: 1) intensive management of livestock grazing on specific allotments through grazing systems and other practices; 2) ephemeral grazing management where conditions so warrant; 3) allocation of forage to livestock, wild burros, wildlife and non-consumptive uses; and 4) construction of rangeland developments needed to implement intensive grazing systems or to obtain better use of the rangelands. The objectives of the proposed program are to enhance vegetation production, improve range condition, provide a continuous supply of forage for competing uses, reduce soil erosion and sedimentation, improve water quality, improve recreation and visual resources, and protect archeological and historical sites.

The EIS will analyze alternatives to the proposed grazing management program. Some of the possible alternatives include continuation of present management (no action), elimination of livestock grazing, livestock optimization, less intensive grazing management, and wildlife enhancement.

The statement will identify the impacts that can be expected from implementation of the proposed grazing management program and each of the alternatives, and will serve as an analytical tool to assist responsible BLM managers in making decisions concerning livestock grazing and forage allocation in the Lower Gila North Planning Area. The Final Environmental Impact Statement will contain a Draft Rangeland Program Summary.

Prior to the commencement of the land-use plan and during its preparation, public workshops were held to inform various interest groups of management options and to obtain public input. These sessions provided valuable information regarding significant issues and alternatives to be addressed in the plan and constitute a substantial portion of the scoping process for the development of the EIS. Open houses will be held early this summer, in which government agencies, organizations, and interested members of the public are invited to comment on the Bureau's proposals for management of various resources within the planning area. Notice of specific times and locations of these open houses will be published in local news media when the information becomes available.

For information concerning the Environmental Impact Statement or the open houses, contact:

Jim Crisp, Team Leader, Phoenix District, BLM, 2929 W. Clarendon Avenue, Phoenix, Arizona 85017, Telephone: FTS 261–2852, Commercial 602/241–2852.

Bill Carter, Environmental Coordinator, Arizona State Office, BLM, 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone: FTS 261–4127, Commercial 602/261–4127.

Dated: April 29, 1981.

Tom Allen,

Associate State Director.

[FR Doc. 81-13631 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-84-M

Baker District Advisory Council; Meeting

The Baker District Advisory Council Meeting scheduled to be held on April 29, 1981 will be postponed until 9:00 a.m. May 20, 1981. The location and agenda will remain the same as previously noted in the Federal Register. (46 FR 17691, March 20, 1981).

April 23, 1981.

Gordon R. Staker,

District Manager.

[FR Doc. 81-13632 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-84-M

[31529]

Colorado; Invitation to Participate in Coal Exploration Program; Application for License by W. R. Grace & Co.

Members of the Public are hereby invited to participate with W. R. Grace & Co., a Connecticut corporation, in a program for the exploration of certain coal deposits owned by the United States of America in the following described lands located in Moffat and Rio Blanco Counties in the State of Colorado:

T. 3 N., R. 94 W., 6th P.M.
- Sec. 2: Lots 5–8, S½N½, S½ (All)
- Sec. 3: Lots 5–8, S½N½, S½ (All)
- Sec. 4: Lots 5–8, S½N½, S½ (All)
- Sec. 5: Lots 5–8, S½N½, S½ (All)
- Sec. 6: Lots 8–14, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (All)
- Sec. 7: Lots 5–8, E½W½, E½ (All)
- Sec. 8: All
- Sec. 10: All
- Sec. 11: All
- Sec. 14: NW¼
- Sec. 15: N½
- Sec. 18: Lots 5–8, E½W½, E½ (All)
- Sec. 19: Lots 5–8, E½W½, E½ (All)

T. 4 N., R. 94 W., 6th P.M.
- Sec. 7: Lots 4–8, E½SW¼, SE¼
- Sec. 8: Lots 3, 4, 6, 7, 10, W½SE¼, SW¼
- Sec. 9: Lots 3, 6–10, 15, 16, 21, 22
- Sec. 10: Lots 3–6, S½ (All)
- Sec. 11: Lots 3–6, S½ (All)
- Sec. 12: Lots 3, 6, 7, 11, NE¼SW¼, S½SW¼, SW¼SE¼
- Sec. 13: Lots 5, 7, NW¼, N½SW¼
- Sec. 14: Lots 1, 3, 5, 7, 10, 11, 14, 15, 18, 20, 24, 26, N½NW¼, SW¼NW¼, SE¼SE¼
- Sec. 15: N½, N½S½, S½SW¼, SW¼SE¼
- Sec. 16: Lots 1, 10, 11, 14, 15, 16, S½S½
- Sec. 17: Lots 2, 3, 6, W½E½, W½, SE¼SE¼
- Sec. 18: Lots 5–8, E½W½, E½ (All)
- Sec. 19: Lots 5–8, E½W½, E½ (All)
- Sec. 20: All
- Sec. 21: Lots 1, 3, 5, 8, N½, N½SW¼, SW¼SW¼, NW¼SE¼
- Sec. 22: Lots 3, 5, 13, 15, 20, 24, 26, NW¼NE¼, N½NW¼, S½SE¼
- Sec. 23: SW¼
- Sec. 26: NW¼
- Sec. 27: Lot 1, NE¼, E½NW¼, SW¼NW¼, S½
- Sec. 28: Lots 2, 6, 7, 9, 13, 15, 16, 19, 23, 25, 27, NW¼NW¼, NE¼SE¼, S½SE¼
- Sec. 29: Lots 1, 3, 5, N½, SW¼, NW¼SE¼
- Sec. 30: Lots 5–8, E½W½, E½ (All)
- Sec. 31: Lots 5–8, E½W½, E½ (All)
- Sec. 32: Lots 2, 4, N½NW¼, S½N½, S½
- Sec. 33: Lot 1, NE¼, NE¼NW¼, S½NW¼, S½
- Sec. 34: All

T. 3 N., R. 95 W., 6th P.M.
- Sec. 1: Lots 5–8, S½N½, S½ (All)
- Sec. 2: Lots 5–8, S½N½, S½ (All)
- Sec. 12: All
- Sec. 13: All

T. 4 N., R. 95 W., 6th P.M.
- Sec. 12: Lots 3, 12, SE¼SE¼
- Sec. 13: E½E½
- Sec. 24: E½
- Sec. 25: E½

Containing 23,074.25 Acres, more or less.

Any party electing to participate in this proposed program must provide written notice of that election to the Bureau of Land Management and the applicant directed to the following persons at the addresses indicated:

Leader, Craig Team, Branch of Adjudication, Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, CO 80202, and Manager of Exploration, W. R. Grace & Co., Stapleton Plaza, Suite 3000, 3333 Quebec Street, Denver, CO 80207.

Such written notice must be received by the above indicated persons at the addresses shown not later than June 5, 1981.

A copy of the exploration plan, as submitted by W. R Grace & Co., is available for public review during

normal business hours in the following office under Serial Number C–31529: Colorado State Office, Bureau of Land Management, Room 701, Colorado State Bank Building, 1600 Broadway, Denver, Colorado.

The above office will be closed at 4:15 p.m., May 26, 1981, while all records, including the mentioned exploration plan, are being moved. The exploration plan may again be examined by the public after 7:45 a.m., June 3, 1981 at the following office: Colorado State Office, Bureau of Land Management, 2000 Arapahoe Steet, Denver, Colorado 80205.

The exploration plan and the exact lands to be included in the license are subject to the approval of the U.S. Geological Survey and Bureau of Land Management, both agencies of the Departemnt of the Interior, which will review the environmental aspects of the proposed exploration before determining whether the license shall be issued and under what terms.

Questions concerning this application may be directed to Mr. William Norton in the Colorado State Office of the Bureau of Land Management at Telephone Number (303) 837–3891. This Notice is published pursuant to 43 CFR 3410.2–1(d)(1).

Rodney A. Roberts,

Leader, Craig Team Branch of Adjudication.

[FR Doc. 81–13557 Filed 5–5–81; 8:45 am]

BILLING CODE 4310–84–M

[M 50602]

Montana, Filing of Plat of Survey and Order Providing for Opening of Public Lands

April 29, 1981.

1. A plat of survey of an island described below be officially filed in the Montana State Office, Billings, Montana, efective 8 a.m., on June 15, 1981.

Principal Meridian, Montana

T. 18 N., R. 57E.,
Sec. 20: Lots 7 to 10, inclusive;
Sec. 21: Lot 6.
The area described contains 202.81 acres of public lands in Dawson County.

2. The surveyed island is situated in the Yellowstone River about 18 miles northeast of the town of Glendive, Montana, and 30 miles southwest of the town of Sidney, Montana. It is river bottom land located in the flood plain. The land has been and is being used for livestock grazing by preference rights permittees as provided for under Section 3 of the Taylor Grazing Act.

3. At 8 a.m. on June 15, 1981, the above described public lands shall be open to the public land laws, generally, subject to valid existing rights, the provision of existing withdrawals and classifications, and the requirements of applicable laws. These public lands have been and will continue to be open to location and entry under the United States mining laws, and to leasing under the mineral leasing laws.

4. Inquiries concerning these lands should be adressed to the Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Delores M. James,

Chief, Branch of Records and Data Management.

[FR Doc. 81–13563 Filed 5–5–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 20231–A]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by the Executive Order of June 7, 1922, be continued in part as to the following described lands for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

The area described contains 40.00 acres in Crook County, Oregon.

Willamette Meridian

Public Water Reserve No. 84

T. 12 S., R. 22 E.,
Sec. 14, W½NE¼NW¼ and E½NW¼NW¼.

The purpose of the withdrawal is to protect an existing permanent water source. The land is currently segregated from operation of the public land laws generally, including non-metalliferous mineral location, under the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded on connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before June 8, 1981.

Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before June 8, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: April 24, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–13564 Filed 5–5–81; 8:45 am]

BILLING CODE 4310–84–M

[ORE 016183–C]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Public Land Order No. 3869 of November 12, 1965, be continued in part as to the following described lands for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Sixes River Recreation Site

T. 32 S., R. 14 W.,
Sec. 12, N½SW¼ and NW¼SE¼.

Revested Oregon and California Railroad Grant Land, Smith River Falls Recreation Site

T. 20 S., R. 9 W.,
Sec. 31, Lots 9 and 10.

Vincent Creek Recreation Site

T. 20 S., R. 9 W.,
Sec. 33, Portion of the N½ containing 3.50 acres.

Bear Creek Recreation Site

T. 30 S., R. 9 W.,
Sec. 9, S½SE¼.

Loon Lake Recreation Site

T. 23 S., R. 10 W.,
Sec. 2, Lots 14 and 15.

Park Creek Recreation Site

T. 27 S., R. 10W.,
Sec. 4, NW¼SW¼ and N½SW¼SW¼.

Cherry Creek Recreation Site

T. 27 S., R. 10 W.,
Sec. 18, S½ of Lot 8.
The areas described aggregate 441.65 acres in Douglas, Coos, and Curry Counties, Oregon.

The purpose of the withdrawal is to portect existing recreation sites. The lands are currently segregated from location and entry under the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before June 8, 1981.

Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before June 8, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Harold A. Berends,
Chief, Branch of Lands and Minerals Operations.

Dated: April 24, 1981.

[FR Doc. 81-12665 Filed 5-5-81; 8:45 am]
BILLING CODE 4310-84-M

Prineville District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub.L. 92-463 that a meeting of the newly formed Prineville District Grazing Advisory Board will be held May 20, 1981.

The meeting will begin at 1:00 P.M. in the conference room of the Bureau of Land Management office at 185 East 4th Street, P.O. Box 550, Prineville, Oregon 97754.

The agenda will include: (1) Expenditure of range betterment funds for range improvements in fiscal year 1981. (2) A discussion of the ongoing land use planning as it relates to future allotment management plans.

The meeting is open to the public. Anyone wishing to make oral or written statements to the board is requested to do so through the office of the District Manager, at the above named address, at least 5 days prior to the meeting date.

Summary minutes of the board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Paul W. Arrasmith,
District Manager.

April 10, 1981

[FR Doc. 81-12668 Filed 5-5-81; 8:45 am]
BILLING CODE 4310-84-M

[Colorado 0123759; Colorado 0123870; Colorado 23395]

Colorado; Order Providing for Opening of Public Lands and National Forest Lands in Power Development Projects 1063 and 1268

Correction

In FR Doc. 81-12002 appearing on page 22992, in the issue of Wednesday, April 22, 1981, make the following change:

On page 22992, middle column, in the land description, under "T. 6 S., R. 80 W.," fourth line, "Sec. 32, SE¼SW¼" should read "Sec. 32, SW¼SW¼".

BILLING CODE 1505-01-M

Arizona; Phoenix District, Phoenix/Lower Gila Resource Areas; Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Phoenix/Lower Gila Resource Areas (Phoenix District) Grazing Advisory Board will be held on Wednesday, June 10, 1981.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

The agenda for the meeting will include:

1. Lower Gila South—Inventory and Planning
2. Status of Lower Gila North Planning
3. Status of Range Improvements for fiscal year 1981
4. Arrangements for future meetings.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: April 27, 1981.

William K. Barker,
District Manager.

[FR Doc. 81-13013 Filed 5-5-81; 8:45 am]
BILLING CODE 4310-84-M

Realty Action—Sale CA 6628; Public Lands in Kern County, California

The following described land has been identified as suitable for disposal by sale under the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1713, at no less than the fair market value shown:

Legal Description: S½SE¼SW¼SE¼ NW¼; Sec. 34, T. 11 N., R. 9 W., San Bernardino Meridian, California.
Acreage: 1.25.
Value: $750.

The land is being sold noncompetitively to Allen C.

Williamson, owner of Williamson's Trailer Park. A portion of the Trailer Park is on land owned by Mr. Williamson. On the public land proposed to be sold to Mr. Williamson there exists 3 mobile homes, ½ of a medium sized frame house, 1 double car garage, 1 workshop, 1 small apartment, 2 covered carports, 1 water tank tower, 1 well and pump, 13 shade trees, and 2 fences. The above listed dwellings are occupied by tenants and the other improvements are in active use. This occupancy trespass was discovered in 1967. Therefore, to resolve this trespass, disposal by direct sale rather than public auction will protect the equity investment in the improvements on the sale land and eliminate an undue hardship if Mr. Williamson were compelled to remove or otherwise dispose of the improvements. The sale land is part of an 80-acre parcel of public land that is surrounded by private land on all sides, is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency. The sale is consistent with the Bureau of Land Management's planning for the land. The public interest would be served by offering these lands for sale.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719).

Detailed information concerning the sale is available for review at the California State Office, Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

For a period of 45 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, at the above address. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: April 24, 1981.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-13618 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-84-M

[Wyoming 72525]

Wyoming; Application

April 21, 1981.

Notice is hereby given that pursuant to the Act of May 24, 1928, 49 U.S.C. 211-214, the Town of Cokeville, Wyoming, has applied for an airport lease for the following public land:

Sixth Principal Meridian, Wyoming

T. 24 N., R. 119 W.,
sec. 20, lot 28.

The land described contains 26.69 acres.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their comments together with their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-13634 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4082, Block 18, Sabine Pass Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:

U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 28, 1981

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-13589 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Forest Oil Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0795, Block 99, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT:

U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and

procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated April 28, 1981

Lowell G. Hammons

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-13660 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Texaco Inc., Unit Operator of the Eugene Island Block 205 Federal Unit Agreement No. 14-08-0001-8654, submitted on April 23, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the Eugene Island Block 205 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATON: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 29, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-13659 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-31-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Gulf of Mexico OCS.

SUMMARY: The USGS, in accordance with Federal Regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EAs) and findings of no significant impact (FONSIs), prepared by the USGS for the following oil and gas exploration activities proposed on the Gulf of Mexico OCS. This listing includes all proposals for which environmental docments were prepared by the Gulf of Mexico OCS Region in the 3-month period preceding this Notice.

Activity/Operator	Location	FONSI Date
Mobil Oil Exploration and Producing Southeast Inc., EA No. 495, Plan Control No. N-0665.	OCS Blocks 565 and 566, The Elbow Area (92 mi. west of Sarasota, Florida).	March 27, 1981.
Mobile Oil Exploration and Producing Southeast Inc., EA No. 496 Plan Contol No. N-0664.	OCS Block 652, The Elbow Area, (90 Mi. from the Florida coast).	

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Gulf of Mexico OCS are encouraged to contact the USGS office in the Gulf of Mexico OCS Region.

FOR FURTHER INFORMATION CONTACT: Deputy Conservation Manager, Offshore Operations Support, Gulf of Mexico OCS Region, U.S. Geological Survey, Post Office Box 7944, Metairie, Louisiana 70010, 504/837-4720.

SUPPLEMENTARY INFORMATION: The Conservation Division of the USGS prepares EAs and FONSIs for proposals which relate to exploration for oil and gas resources on the Gulf of Mexico OCS. The EAs examine the potential environmental effects of activities described in the proposals and present USGS conclusions regarding the significance of those effects. EAs are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA § 102(2)(C). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-13657 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-31-M

Office of the Secretary

Proposed Changes in Offshore Leasing Program—Extension of Comment Period

AGENCY: Office of the Secretary, Interior.

ACTION: Extension of comment period on proposed changes in offshore leasing program.

SUMMARY: On April 17, 1981, a notice was published on pages 22468-22474 of the **Federal Register** requesting public comments on proposed changes in the offshore leasing program. Comments were requested by May 11, 1981. The comment period has been extended too May 26, 1981, and this notice serves to advise the public of this extension.

DATES: Comments must be received by May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Carolita Kallaur, Office of OCS Program Coordination, Department of the Interior, Room 5150, 18th & C Streets, N.W., Washington, D.C. 20240, telephone 202/343-9314.

AUTHOR: Carolita Kallaur, Office of OCS Program Coordination, Department of the Interior, Room 5150, 18th & C Streets, N.W., Washington, D.C. 20240, telephone 202/343-9314.

April 30, 1981.

Donald Paul Hodel

Under Secretary of the Interior

[FR Doc. 81-13630 Filed 5-5-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provides that an original and two

(2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-117

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 65900 (Sub-4-1TA), filed April 20, 1981. Applicant: REMICK TRANSFER CO., INC., 268 Sanford Street, Menasha, WI 54956. Representative: Edward J. Gerrity, P.O. Box 914, Appleton, WI 54912. *Paper and Paper Products, and the return of materials, equipment and supplies used in the manufacture and distribution of Paper and Paper Products.* Between Oshkosh, WI, on the one hand, and, on the other, Green Bay, DePere, Kaukauna, Combined Locks, Little Chute, Kimberly, Neenah, Menasha, Appleton and Stevens Point, WI. Supporting shippers: Menasha Corporation, P.O. Box 367, Neenah, WI 54956, Hoffmaster Company, Inc., P.O. Box 2038, Oshkosh, WI 54903, American Can Company, Neenah, WI 54956.

MC 76286 (Sub-4-20TA), filed April 17, 1981. Applicant: ADMIRAL MERCHANTS MOTOR FREIGHT, INC., 215 South 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Aluminum, copper or steel wire, cable, strands or rods; reels used in the distribution thereof and equipment, material and supplies used in the manufacture of the above commodities,* between Los Angeles and Orange, CA; Atlanta, Forest Park and Watkinsville, GA; Sycamore, IL; Indianapolis and Marion, IN; Portland, OR; Middletown, PA (Dauphin County) and Arlington, TX on the one hand, and, on the other points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Anaconda Ericson, Inc., 303 W. Palm Ave., Orange, CA 92666.

MC 105045 (Sub-4-30), filed April 17, 1981. Applicant: R. L. JEFFRIES TRUCKING, CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: Robert P. Cline, Traffic Manager (same as above). *Machinery and Machinery Parts, Metal and Metal Articles,* between Vanderburgh County, IN and IL and KY. An underlying ETA is in effect. Supporting shipper: Mead Johnson Terminal, Evansville, IN.

MC 107295 (Sub-4-36TA), filed April 21, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 148, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Iron and steel articles,* between the facilities of Dietrich Industries at or near Ashville, AL, on the one hand, and on the other, all points in the U.S. in and east of TX, OK, KS, NB, SD, and ND. Supporting shipper: Dietrich Industries, Inc., Highway #11, P.O. Box 400, Ashville, AL 35953.

MC 111310 (Sub-4-6TA), filed April 20, 1981. Applicant: BEER TRANSIT, INC., Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Food stuffs and pet foods and materials, equipment, and supplies used in the manufacture and distribution of food stuffs and pet food* between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Restriction: Restricted to traffic originating at or destined to the facilities of Swift & Company. Supporting shipper: Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604.

MC 114362 (Sub-4-3TA), filed April 21, 1981. Applicant: ROBERT J. ECKLUND, d.b.a. ECKLUND TRUCKING, P.O. Box 566, Kiester, MN 56051. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Store displays, racks or stands and materials, equipment and supplies used in the manufacture thereof,* between Freeborn County, MN on the one hand, and, on the other, points in the U.S. Supporting shipper: Streater Industries, Division of Litton Business Systems, 411 1st Ave. South, Albert Lea, MN 56007.

MC 121259 (Sub-4-1TA), filed April 20, 1981. Applicant: JAY-BEE CARTAGE CO., INC., 1514 South Canal Street, Chicago, IL 60607. Representative: Themis N. Anastos, 120 West Madison Street, Chicago, Il 60602. *Household appliances; leather and leather products; drugs; pulp, paper and related products; metal products; printed matter; rubber and plastic products,* to and from all points in the U.S. in the east of the States of MN, IA, MO, KS, OK and TX. Supporting shipper: There are (9) shippers.

MC 123765 (Sub-4-4TA), filed April 23, 1981. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 E National Ave., Milwaukee, WI 53204. Representative: William P. Dineen, 710 N Plankinton Ave., Milwaukee, WI 53203. *Contract, irregular;* (1) *Metal and metal products and* (2) *materials, equipment and supplies used in the manufacture or distribution of metal and metal products,* between Northbrook, IL, on the one hand, and on the other, points in WI, and the Upper Peninsula of MI, under continuing contract(s) with Fullerton Metals Co. of Northbrook, IL. Supporting shipper: Fullerton Metals Co., 3000 Sherman Rd. Northbrook, IL 60045.

MC 124078 (Sub-4-67TA), filed April 17, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Calcium carbonate, in bulk in tank or hopper type vehicle* from Marion County FL to points in AL, GA, LA, NC and SC. Supporting shipper: Southern Materials Corp., P.O. Box 216, Ocala, FL 32678.

MC 124078 (Sub-4-68TA), filed April 17, 1981. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *(1) Resins in bulk in tank vehicles (2) plasticizers in bulk in tank vehicles* (1) from points in DE, MD, MO, NY, OH, PA, and TX to Troup County, GA (2) from LA, MD, MO, OH, and TX Troup County, GA. Supporting shipper: Carpets International-Georgia, Inc., P.O. Box 1503, Orchard Hill Road, LaGrange, GA 30241.

MC 126555 (Sub-4-26TA), filed April 20, 1981. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Barry C. Burnette (same as applicant) *Machinery and Supplies* between points

in the U.S. Supporting shippers: Gifford Electric Supply, 11th and Kno Place, Rapid City, SD 57701. Ingersoll-Rand, P.O. Box 19188, Huston, TX 77024.

MC 133189 (Sub-4-12TA), filed April 20, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. *Roofing*, between Will County, IL on the one hand, and, on the other, Posey County, IN. Supporting shipper: G.A.F. Corporation; P.O. Box 798; Joliet, IL 60434.

MC 133698 (Sub-4-79TA), filed April 17, 1981. Applicant: OVERLAND EXPRESS, INC., 9651 Naples St. NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Foodstuffs and kindred products*, between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Restricted to traffic originating at or destined to the facilities of The Pillsbury Company. Supporting shipping: The Pillsbury Company, 608 Second Ave. So., Minneapolis MN 55402.

MC 134940 (Sub-4-2TA), filed April 21, 1981. Applicant: VERNON KUFAHL d.b.a. KUFAHL TRUCKING, 4704 North 32nd Ave., Wausau, WI 54401. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Contract; irregular: Such commodities as are dealt in or used by manufacturers, converters, printers and distributors of paper and paper products* (except commodities in bulk) between the facilities of Georgia Pacific Corporation at or near Tomahawk, WI, on the one hand, and on the other, points in KS, NE, ND, and SD. Restriction: Restricted to service performed under continuing contract(s) with Georgia Pacific Corporation. Authority sought for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Georgia Pacific Corporation, 320 Post Road, Darien, CT 06820.

MC 135185 (Sub-4-6TA), filed April 20, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Charles J. Kimball, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Contract*, irregular: *meat, meat products, meat by-products and articles distributed by meat packing-houses*, from the facilities of Land-O-Lakes/Spencer Beef Division at or near Oakland, IA and Schuyler, NE to points in MA, NY, NJ, FL, GA, NC, SC, and TN, under continuing contract(s) with Land-O-Lakes/Spencer Beef Division for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Land-O-Lakes/Spencer Beef Division, P.O. Box 544, Schuyler, NE 68661.

MC 136774 (Sub-4-7TA), filed April 22, 1981. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 366, Shullsburg, WI 53586. Representative: Marc J. Blumenthal, 39 S. LaSalle St., Chicago, IL 60603. *Orange juice concentrate* from Indiantown, FL, to Marshall, MN. Supporting shipper: Schwan's Sales Enterprises, Inc., Sun Vi Products Division, 113 S. Sixth, Marshall, MN 56258.

MC 138432 (Sub-4-10TA), filed April 19, 1981. Applicant: GARLAND GEHRKE, 1800 N. Jefferson St., Lincoln, IL 62656. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Paper and paper articles; materials, equipment and supplies used in the manufacture and distribution of paper articles*, between the facilities of Continental Forest Industries, on the one hand, and, on the other, points in the United States. Supporting shipper: Continental Forest Industries, Greenwich, CT.

MC 140615 (Sub-4-5TA), filed April 21, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown, P.O. Box 1116, Wisconsin Rapids, WI 54494. *Cheese* between Independence, MO and points in the states of IA, IL, MN, OH, and WI. Supporting shipper: Milkhouse 9119 S. Gessner, Houston TX 77074.

MC 141367 (Sub-4-1TA), filed April 21, 1981. Applicant: PUBLIX TRANSPORT, INC., 11740 S. LaPorte, Worth, IL 60482. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Common, irregular: Commodities generally dealt in by manufacturers of electrical equipment* between Blue Island, IL; Macon, GA; and Temple, TX. Supporting shipper: G & W Electric Specialty Co., 3500 W. 127th St., Blue Island, IL 60406.

MC 143027 (Sub-4-1TA), filed April 21, 1981. Applicant: CAPITAL AIR FREIGHT, INC., P.O. Box 8566, Madison, WI 53708. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Common, irregular*: (1) *Such merchandise as is dealt in by office supply stores* from Chicago and Itasca, IL to Milwaukee, WI. (2) *Such merchandise as is dealt in by office supply stores and materials, equipment and supplies used or useful in the manufacture, sale or distribution of the involved commodities* from points in WI to Chicago and Itasca, IL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Boise Cascade Corporation, Office Products Division, 800 West Bryn Mawr Ave., Itasca, IL 60143.

MC 143280 (Sub-4-20TA), filed April 21, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Common, irregular: Foodstuffs and kindred products*, between points in WI and CA, on the one hand, and, on the other, points in the U.S. Supporting shipper: American Farms Coop, Inc., 11 East Main Street, Waupun, WI 53963.

MC 143280 (Sub-4-21TA), filed April 22, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Textile mill products; lumber or wood products; pulp, paper or allied products; chemicals and allied products; rubber or miscellaneous plastic products; fabricated metal products and machinery and supplies*, between points in IN, OH, GA and Detroit, MI and points in its Commerical Zone as defined by the Commission and St. Louis City, St. Louis, Clay and Jackson Counties, MO; Johnson, Leavenworth and Wyandott Counties, KS on the one hand, and, on the other, points in the U.S. Supporting shipper: Action Supply Co., Inc., 1625 Ohio Ave., Anderson, Indiana 46016.

MC 143280 (Sub-4-22TA), filed April 20, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Transportation equipment*, between Minneapolis-St. Paul, MN and points in its commercial Zone as defined by the Commission; Chicago, IL and points in its Commercial Zone as defined by the Commission; Detroit, MI and points in its Commerical Zone as defined by the Commission, and points in Brown and Milwaukee Counties, WI; Saginaw and Genesee Counties, MI; Madison, Marion, Delaware and Allen Counties, IN; St. Louis City, St. Louis, Clay and Jackson Counties, MO; and Johnson, Leavenworth and Wyandott Counties, KS on the one hand, and, on the other, points in the U.S. Supporting shipper: Deluxe Supply, Inc., 7530 Washington Ave. So., Eden Prairie, MN 55344.

MC 143280 (Sub-4-23TA), filed April 22, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul MN 55118. *Pulp, paper or allied products*, between

Minneapolis-St. Paul, MN on the one hand, and, on the other, points in the U.S. Supporting shipper: Anchor Papers, 480 Broadway, St. Paul, MN 55165.

MC 145544 (Sub-4-6TA), filed April 21, 1981. Applicant: W. & M., INC., P.O. Box 2237, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Contract, irregular: Such commodities as are dealt in or used by dealers of used industrial machinery,* between points in the U.S., under continuing contract(s) with dealers, brokers and riggers of used industrial machinery. Supporting shippers: There are six supporting shippers:

MC 145842 (Sub-4-6TA), filed April 22, 1981. Applicant: SUNDERMAN TRANSFER, INC., P.O. Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 798, Dubuque, IA 52001. *Foodstuffs and related products,* from at or near Waterloo, WI, to points in USA. Supporting shipper: Madison Packing Inc., 333 Portland Road, Waterloo, WI 53594.

MC 148394 (Sub-4-1TA), filed April 20, 1981. Applicant: McKINLEY TRUCKING CO., INC., 652 N. Williams St., Carson City, MI 48811. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Contract, irregular: Petroleum and petroleum products* between Calhoun County, MI and Steuben County, IN under continuing contract(s) with Crystal Refining Company, Peerless Distributing Company and Lakeside Refining Company. An underlying ETA seeks 120-day authority. Supporting shippers: Peerless Distributing Company, 21700 Northwestern Highway, Suite 1160, Southfield, MI 48075, Crystal Refining Company, 801 N. Williams St., Carson City, MI 48811, and Lakeside Refining Company, P.O. Box 909, Kalamazoo, MI 49005.

MC 150187 (Sub-4-6TA), filed April 20, 1981. Applicant: D & L TRUCKING SERVICES, INC., 1419 South Clark Blvd., Jeffersonville, IN 47130. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson Street, Louisville, KY 40203. *Contract, irregular: cleaning chemicals and cleaning equipment; and materials and supplies used in the manufacture thereof,* between Grand Rapids, MI, on the one hand, and on the other hand, all points in the U.S. under a continuing contract with M.C. Sales & Services, Inc. Supporting shipper: M.C. Sales & Services, Inc., 6616 Strawberry Lane, Louisville, KY 40214.

MC 150667 (Sub-4-4TA), filed April 20, 1981. Applicant: PRESS EXPRESS, 15234 Ezers, Dolton, IL 60419. Representative: William H. Shawn, Suite 501, 1730 M Street, Northwest, Washington, D.C. 20036. *Contract, irregular: transporting those commodities which, because of their size or weight, require the use of special handling or equipment,* between all points in the U.S. (except HI), for or on behalf of Wickman Machine Tool, Inc., under a continuing contract(s) with Wickman Machine Tool, Inc. Supporting shipper: Wickman Machine Tool, Inc., 950 Morse Ave., Elk Grove Village, IL 60007.

MC 151365 (Sub-4-4TA), filed April 21, 1981. Applicant: MAC OF WISCONSIN, INC., 26 Lake View Dr., Sullivan, WI 53178. Representative: Steven L. Weiman, 4 Professional Dr., Suite 145 Gaithersburg, MD 20760. *Laminated plastic sheets, lumber derivative products with plastic lamination, furniture pieces and components, and related items used in the assembly and installation of such products,* from Oconomowoc, WI to points in MA, NJ, NY, OH and PA. Supporting shipper: Fiberesin Industries, Inc, P.O. Box 68, 37031 E. Wisconsin Ave, Oconomowoc, WI 53066

MC 152244 (Sub-4-2TA), filed April 17, 1981. Applicant: TOTE, INC., Box 753, Sioux Falls, SD 57101. Representative: Thomas J. Simmons, 5301 N Cliff Ave., Box 480, Sioux Falls, SD 57101. *Contract, irregular: lumber, lumber products, and building materials,* between points in the U.S., under contract with House of Plywood, Inc. Supporting shipper: House of Plywood, Inc., 620 S Fifth Ave, Sioux Falls, SD 57101.

MC 155070 (Sub-4-1TA), filed April 20, 1981. Applicant: AMERICAN PACIFIC EXPRESS, INC., 817 McDonald Street, Green Bay, Wi 54303. Representative: Patrick J. Fleming, 817 McDonald Street, Green Bay, WI 54303. (1) *Such commodities as are dealt in, or used by, manufacturers and distributors of paper and paper products, printed matter, and plastic products;* and (2) *Such commodities as are dealt in, or used by, manufacturers and distributors of cheese and gift packages,* between Ashland, Brown, Columbia, Jefferson, Marathon, Milwaukee, Oneida, Outagamie, Washington, Waupaca, Winnebago, and Wood Counties, WI on the one hand, and, on the other, El Paso, TX and points in the west of CO, MT, NM, and WY. Supporting shippers: There are 19 supporting shippers.

MC 155354 (Sub-4-1TA), filed April 17 1981. Applicant: RYPKEMA OIL COMPANY, Rural Route 1, Mora, Minnesota 55051. Represnetative: Bruce Rypkema, same as above. *Plastics Articles and Materials, equipment and supplies used in the manufacturer of plastic articles,* between Kanabec County, MN and points in IL, IN, MI, OH, and WI. An underlying ETA seeks 120 days. Supporting Shipper: Amoco Engineerer Plastics, 1020 East Maple, Mora, MN 55051.

MC 155358 (Sub-4-) filed April 17, 1981. Applicant: WING TRANSPORT, INC., 450 Ford Road, St. Louis Park, MN 55426. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Food and related products,* between points in Rice County, MN, and San Joaquin County, CA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Malt-O-Meal Company, P.O. Box 180, Northfield, MN 55057.

MC 155395 (Sub-4-1TA), filed April 20, 1981. Applicant: A. BETLEY CARTAGE, INC., 8906 S. 83rd Court, Hickory Hills, IL 60457. Representative: Anthony E. Young, 29 S. La Salle St., Suite 350, Chicago, IL 60603. *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between Chicago, IL and its commercial zone on the one hand, and, on the other, points in IL, WI, MI, IA, KY, OH, IN, MO, and WV, restricted to the transportation of traffic having a prior or subsequent movement by rail or water. There are nine (9) supporting shippers.

MC 155396 (Sub-4-1TA), filed April 20, 1981. Applicant: JOHN SLEGERS, d.b.a. SLEGERS TRANSPORT, 11651 N. 900 West, Demotte, IN 46310. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *(1) Cement, and (2) Flyash, in Bulk, in Pneumatic Tank Vehicles,* between the Chicago Commercial Zone, on the hand, and, on the other, points and places in IN. Supporting shippers: American Flyash Co., 606 Potter Rd., Des Plaines, IL 60016 and Dundee Cement Co., P.O. Box 122, Dundee, MI. 48131.

MC 155397 (Sub-4-1TA), filed April 21, 1981. Applicant: PENNINGTON BROTHERS, INC., 5320 Grand Haven Road, Muskegon, MI 49441. Representative: Earl L. Pennington, 5320 Grand Haven Road, Muskegon, MI 49441. *Waste acids, chemicals and petroleum products and recycled or reprocessed products thereof and raw materials and supplies used in the treatment of these wastes,* between the state of MI, and points and places in the states of AL, MS, AR, MO, IL, KY, IN, OH, PA, NY, TN and WI. Supporting shippers: Systech Liquid Treatment Corp., 3030 Wood Street, Muskegon

Heights, MI 49444; Thermo Chem, Inc., P.O. Box 51, Muskegon, MI 49443; Windatt Pontiac, 2001 Peck St., Muskgon Heights, MI 49444.

MC 155406 (Sub-4–1TA), filed April 21, 1981. Applicant: FRED C. WALKER, an individual, d.b.a. WALKER TRUCKING, Route 2, Box 153, Butternut, WI 54514. Representative: Rolfe E. Hanson, 121 West Doty St., Madison, WI 53703. *Contract, irregular: Paper and paper products, sulfite liquor, materials, equipment and supplies used in the manufacture of the above commodities* between Park Falls, WI (Price County) on the hand, and, on the other, points in Chicago and Taylorsville, IL; Detroit and Kalamazoo, MI; Cedar Rapids, Des Moines, Waterloo, Dubuque and Muscatine, IA; Indianapolis, Hammond and Ft. Wayne, IN; Portland, Fulton and Vandalia, MO; St. Paul and Duluth, MN and Kansas City, KS. Restricted to service to be performed under continuing contract with Flambeau Paper Crop., Park Falls, WI. Underlying ETA seeks 120 days authority. Supporting shipper: Flambeau Paper Corporation, 200 1st Ave. N., Park Falls, WI 54552.

MC 155409 (Sub-4–1TA), filed April 21, 1981. Applicant: MICHALETZ TRUCKING, INC., 3302 Park Drive, Owatonna, MN 55060. Representative: Stanley C. Olsen, Jr., Olsen, Snelling & Christensen, P.A., 5200 Willson Road, Suite 307, Edina, MN 55424. *Contract, Irregular: (1) printed matter and (2) materials, equipment, and supplies used in the manufacture and distribution of printed matter,* between Waseca, MN; East Greenville, PA; and Franklin, KY; under continuing contract(s) with Brown Printing Company, Inc. Supporting shipper: Brown Printing Company, Inc., Hwy 14 West, Waseca, MN 56093.

MC 155411 (Sub-4–1TA), filed April 21, 1981. Applicant: S & C TRANSPORT INC., 16657 Kennebec Southgate, MI 48195. Representative: Robert G. Paluch, 7800 West 60th Place, Summit, IL 60501. Petroleum products including waste, recycled, or reprocessed products thereof, between points in the U.S. (Wynne, AR, Hartford, CN, Winchester, KY, Detroit, Flint, Grand Rapids, Lansing and Traverse City, MI, Fulton, MS, Rochester and Tonawanda, NY, Cleveland, Cincinnati, Dayton and Toledo, OH, McKeesport, Philadelphia and Scranton, PA, Charleston and Wheeling, WV, Kenosha, WI and Windsor, Canada are representative origins); (Chicago, IL, Indianapolis, IN and Detroit, MI are representative destinations), Under continuing contract with General Oil Co., Inc. Supporting shipper: General Oil Co. Inc., 12880 Beech Daly Road, Detroit, MI 48239.

MC 155412 (Sub-4–1TA), filed April 21, 1981. Applicant: INLAND WATERS POLLUTION CONTROL, INC., 4544 Webster, Ecorse, MI 48229. Representative: Everett Shively, 4544 Webster, Ecorse, MI 48229. *Industrial waste including hazardous waste and reclaimed or recycled products thereof* between all points in the U.S. Supporting shippers: General Oil Company, 12880 Beech Daly Road, Detroit, MI 48239; Truck and Coach Division of General Motors, 660 South Boulevard East, Pontiac, MI 48053; Cecos International, Inc., 5092 Aber Road, Williamsburg, OH 45176.

MC 155440 (Sub-4–1TA), filed April 20, 1981. Applicant: WILLIAM A. THOMAS & DONALD L. GILBERT d.b.a. MICHIGAN CARPET DELIVERY, 533 E. Beltline S.E., Grand Rapids, MI 49506. Representative: William A. Thomas (same address as applicant). *Floor covering and materials and supplies used in the manufacture, distribution and installation thereof* between points in AL, GA, IL, IN, MI, OH, PA, SC, NC, VA and WV. An underlying ETA seeks 120 days authority. Supporting shippers: B&D Commercial Floors, Inc., 4180 44th S.E., Kentwood, MI 49508, Kitchen & Home Center, 903 Woodmere, Traverse City, MI 49682, American Floor & Wall, 1815 N. Michigan Ave., Saginaw, MI 48602, Commercial Supply Company, 2511 E. Michigan Ave., Lansing, MI, Coutures Custom Floor Covering, North, P.O. Box 3206, Lewiston, MI 49756.

MC 155446 (Sub-4–1TA), filed April 22, 1981. Applicant: RONALD CORRELL, SR., an individual, d.b.a. CORRELL TRANSPORTATION, 18020 Barry Knoll Way, Granger, IN 46530. Representative: Paul D. Borghesani, Katz & Borghesani, Suite 300 Communicana Bldg., 421 So. Second Street, Elkhart, IN 46516. *Contract* irregular: *General commodities (except classes A and B explosives)* between Eaton county, MI, on the one hand, and, on the other, points in the U.S. Restricted to traffic moving under continuing contract with Johnson Iron Industries, Inc. Supporting shipper: Johnson Iron Industries, Inc., 615 W. Shepherd, Charlotte, MI 48813.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 2960 (Sub-5–6TA), filed April 23, 1981. Applicant: ENGLAND TRANSPORTATION CO. OF TX, INC., 2301 McKinney St., Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45536, Dallas, TX 75245. *General commodities (except classes A and B explosives and hazardous waste),* between points in TX, LA, AR and OK. Supporting shipper(s): There are eight supporting shippers.

MC 96881 (Sub-5–2TA), filed April 23, 1981. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Avenue, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. (1) *Paper and paper products,* and (2) *materials, equipment and supplies used in the manufacturing and distribution of products in (1) above* (except commodities in bulk) between the facilities of Manville Forest Products Corporation at Monroe and West Monroe, LA, on the one hand, and, on the other, points in AR, NM, OK and TX. Supporting shipper: Manville Forest Products Corporation, Monroe and West Monroe, LA.

MC 106398 (Sub-5–69TA), filed April 24, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (same address as applicant). *Machinery and accessories* between Duval County, FL, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: M. D. Moody & Sons, Inc., 4652 Phillips Highway, Jacksonville, FL 32207.

MC 117765 (Sub-5–21TA), filed April 23, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). (1) *Charcoal, charcoal briquets, and charcoal products;* and (2) *materials, equipment and supplies used in the manufacture and distribution of commodities in (1) above,* between Dent County, MO, on the one hand, and, on the other, points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MN, MS, NE, ND, OH, OK, SD, TN, TX, WI and WY. Supporting shipper: Imperial Products Company, Suite 1660—1034 South Brentwood, St. Louis, MO 63117.

MC 119988 (Sub-5–37TA), filed April 24, 1981. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Larry Norwood, P.O. Box 1384, Lufkin, TX 75901. *General commodities,* between points in the U.S., and restricted to shipments originating at, or destined to, the facilities of American Excelsior Company. Supporting shippers: American Excelsior Company, Arlington, TX.

Mc 124673 (Sub-5–13TA), filed April 24, 1981. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Gail P. Johnson (same as applicant).

Fertilizer, fertilizer ingredients, and fertilizer compounds, between Ford County, KS, and points in the U.S. (except Alaska and Hawaii). Supporting shipper: Ruffin, Inc., P.O. Box 940, Dodge City, KS 67801.

MC 126118 (Sub-5–64TA), filed April 24, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *Such commodities as are used by and dealt in by manufacturers and distributors of doors*, between Tarrant County, TX, on the one hand, and, on the other, points in CO, IA, KS, MN, MO, MT, NE ND, SD, and WY. Supporting shipper: Overhead Door Corporation, P.O. Box 2007, Grand Island, NE 68801.

MC 133805 (Sub-5–40TA), filed April 24, 1981. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Gerald Ragle (same as above). *Vinyl siding and plastic articles* between the facilities of Robintech, Incorporated, at or near, Weatherford, TX, and points in the U.S. Supporting shipper: Robintech, Incorporated, Weatherford, TX 76086.

MC 135691 (Sub-5–16TA), filed April 24, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. *Talc in packages*, from Johnson, VT and So. Plainfield, NJ to Houston and Dallas, TX; New Orleans, LA and Tempe, AZ. Supporting shipper: Ribelin Distributors, Inc., 7770 Blankenship, Houston, TX 77055.

MC 141436 (Sub-5–1TA), filed April 23, 1981. Applicant: HARKER'S TRANSPORTATION, INC., P.O. Box 1308, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular. *Such commodites as are dealt in or used by dairies*, from the commercial zones of Madison, WI; Hutchinson, Topeka and Smith Center, KS; Kalamazoo, MI; Amboy, Ashton and Chicago, IL, and St. Louis and Joplin, MO to the facilities of Wells Dairy, Inc. at or near LeMars, IA, under a continuing contract(s) with Wells Dairy, Inc. Supporting shipper: Wells Dairy, Inc., One Blue Bunny Drive, LeMars, IA 51031.

MC 141950 (Sub-5–1TA), filed April 23, 1981. Applicant: IOWA-MINNESOTA EXPRESS, LTD., 2216 5th Avenue South, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Food products* between Hamilton, Webster and Story Counties, IA on the one hand and on the other Pts in CO, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TN and WI. Supporting shippers: The Nissen Company, Box 368, Webster City, IA 50595; Carriage House Meats, Ames, IA 50010; and Jacobson Cold Storage Co., Inc., 3543 Maple, Fort Dodge, IA 50501.

MC 144603 (Sub-5–41TA), filed April 24, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *General commodities, (except Classes A and B explosives, commodities in bulk, size or weight commodities requiring use of special handling or equipment, household goods and Mercer commodities)*, between Jacksonville, IL and its commercial zone, on the one hand, and, on the other, points in CA and points in and East of the States of MN, IA, NE, KS, OK and TX. Supporting shippers: Lundia Myers Industries, Inc., Lafayette and Capitol Way, Jacksonville, IL 62650; Rutland Products (Rutland, Inc.), P.O. Box 1125, 801 N. Church St., Jacksonville, IL 62651.

MC 144858 (Sub-5–12TA), filed April 24, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Glass containers*, from the facilties of Chattanooga Glass Company in Knox County, OH, to Hammondsport, NY. Supporting shipper(s): Chattanooga Glass Company, P.O. Box 7037, Chattanooga, TN 37410.

MC 151505 (Sub-5–2TA), filed April 23, 1981. Applicant: RAM TRUCK LINE, INC., P.O. Box 7232, Houston, TX 77008. Representative: B. R. Bunch (same as applicant). *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between points in CO, CT, DC, DE, IA, ID, IL, IN, KS, MA, MD, MI, MN, MO, MT, ND, NE, NJ, NV, NY, OH, OR, PA, SD, UT, VA, WA, WI, WV, and WY. Supporting shipper: ABC–TNT Acme Fast Freight, Inc., 2110 Alhambra Avenue, Los Angeles, CA 90031.

MC 151619 (Sub-5–6TA), filed April 24, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Malt beverages, malt supplies and equipment used in the sale and distribution of malt beverages and empty used beverage containers for recycling*, between the facilities of the Miller Brewing Company at Ft. Worth, TX on the one hand, and on the other points in LA. Supporting shipper(s): Baton Rouge Beer Agency, 7806 Airline Hwy, Baton Rouge, LA 70896.

MC 152649 (Sub-5–4TA), filed April 23, 1981. Applicant: RIVERLAND TRUCKING CO., INC., West 10th Avenue, Drawer BC, Reserve, LA 70084. Representative: Harry M. England, (same as applicant). Contract; irregular: *Such commodities as are manufactured by, dealt in, or used by manufacturers and distributors of containers, paper, and plastic products*, between points in AL, AR, FL, LA, MS, TN, TX and GA. Supporting shipper: American Can Company, American Lane, Greenwick, CT. 06830.

MC 153133 (Sub-5–9TA), filed April 23, 1981. Applicant: TRANS AMERICAN TRANSPORTATION SYSTEM, INC., 811 Jackson Street Suite 106, Richmond, TX 77469. Representative: C. Thomas Stradley II, P.O. Box 186, Richmond, TX 77469. *Plastic products, non-toxic chemicals in drums or package, and equipment used in the building of above ground and below ground swimming pools* (1) betwwen points in NM, OK, CO, AZ, WY, NE, IA, MO, KS, IL, IN, OH, TN, KY, AR, LA, MS, AL, GA and FL, and (2) between point in TX, on the one hand, and points in NM, CO, AZ, WY, NE, MO, KS, IL, IN, OH, TN, KY, AR, LA, MS, AL, GA, and FL, on the other hand. Restricted to the Traffic moving for the account of Willis Pool and Chemical, Kytex Industries, and Texas Pool Products Company. Supporting shippers: Willis Pool and Chemical, 1802 Butternut, Abilene, TX; Kytex Industries, P.O. Box 175250, Dallas, TX; Texas Pool Products Company, d.b.a. Lone Star Pool Company, P.O. Box 122871, Dallas, TX.

MC 153137 (Sub-5–2TA), filed April 24, 1981. Applicant: G&H TRANSPORTATION, INC., 711 Pearl Street, Houston, TX 77029. Representative: Charles H. Grindstaff (same as applicant) Common, regular; *General commodities (except Classes A and B explosives and household goods as defined by the Commission)*, between Harris County, TX., on the one hand, and New Orleans, LA., on the other: over Interstate Highway 10 serving the intermediate points of Beaumont, Port Arthur, and Orange, TX., and Lake Charles, Baton Rouge, and Lafayette, LA. Supporting shippers: 9.

MC 153210 (Sub-5–2TA). Applicant: ALAN E. WOLFE EQUIPMENT AND CONSTRUCTION COMPANY, 3001 East 83rd Street, Kansas City, MO 64196. Representative: E. Wayne Farmer, P.O. Box 26010, Kansas, City, MO 64196.

Contract, irregular, *toxic substances; hazardous wastes, heavy equipment, concrete pipe, sand, cement, rock and those commodities generally used in hazardous waste clean-up operations and the heavy construction business* between all points and places in the States of AL, AR, CO, IL, IN, IA, KS, MO, NE, OH, OK, MS, LA and TX. Supporting contract shipper: Tri-City Construction Company, 3001 East 83rd Street, Kansas City, MO 64132.

MC 153457 (Sub-5–5TA), filed April 23, 1981. Applicant: GOLD STAR CARRIERS, INC., Rte. 2, Box 528, Springtown, TX 76082. Representative: Billy R. Reid, 1721 Carl Street, Forth Worth, TX 76103. *Malt beverages,* from San Antonio, TX, to ports of entry located on the United States-Canada Innternational Boundry. Supporting shipper: Blackfoot Freight Systems, Ltd., #3–3540 26th Street, NE, Calgary, Atla, TIY 4T7.

MC 153788 (Sub-5–2TA), filed April 23, 1981. Applicant: G & G COMPANY, INC., P.O. Box 5753, Longview, TX 75608. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Rock and gravel, in bulk* from points in OK to points in Hunt, Lamar, Hopkins, Red River, Titus, Bowie, Morris, Cass, Camp, Rains, Woods, and Upshur Counties, TX. Supporting shippers(s): Lee Ray Construction, 629 W. Broadway, Winnsboro, TX 75494.

MC 154965 (Sub-5–1TA), filed April 24, 1981. Applicant: P&H TRANSPORTATION, INC., 4802 Clinton Drive, Houston, TX 77020. Representative: Paul S. Broussard, 501 Crawford Street, Suite 401, Houston, TX 77002. *General commodities (except household goods as defined by the Commission, and Class A and B explosives),* restricted to shipments having prior or subsequent movement by water or rail; between Harris and Galveston Counties, TX., on the one hand; and Brazoria, Hardin, Jefferson, Orange Counties, TX., and Calasieu Parish, LA., on the other. Supporting shippers: 8.

MC 155467 (Sub-5–1TA), filed April 24, 1981. Applicant: BUR-COLD EXPRESS, INC., P.O. Box 3192, Brownsville, TX 78520. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *Automobile radios, circuit boards, electrical parts, components and articles used in the manufacture of automobile radios* (1) from Kokomo and Indianapolis, IN and Oak Creek, WI to the port of entry at Brownsville, TX and (2) from the port of entry at Brownsville, TX to Kokomo, IN. Restricted to shipments for import or export in through service, in carrier owned equipment. Supporting shipper: Delco Electronics Div., General Motors Corp., Kokomo, IN.

MC 26825 (Sub-5–16TA), filed April 27, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1000, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Metal products,* between King County, WA, on the one hand, and, on the other, Pts in the US, in and east of ID, UT and AZ. Supporting shipper: Earle M. Jorgensen Co., P.O. Box 24020, Seattle, WA 98124.

MC 96681 (Sub-5–3TA), filed April 27, 1981. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Avenue, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. (1) *Foodstuffs* and (2) *Materials, equipment and supplies used in the manufacturing and distribution of products in (1) above* (except commodities in bulk) between the facilities of Campbell Soup Company, Paris, TX, on the one hand, and, on the other, points in AR, KS, LA and OK. Supporting shipper: Campbell Soup Company, Paris, TX.

MC 119345 (Sub-5–2TA), filed April 27, 1981. Applicant: CARY TRUCKING, INC., Box 265, Downs, KS 67437. Representative: Richard E. Dietz, 118 West Main, Osborne, KS 67473. *Hides, meat scraps, packing house by-products and feeds;* from Gibbon, NE, Mankato, Great Bend, and Hutchinson, KS, to points and places in CA, WI, TX, NE, KS, MO, CO, MN, IL, SD, ID, WA, WY, IA, OR, AR, TN, and MS. Supporting shipper: Cox Hide Company, Box 212, 710 W. Harrison, Butler, MO 64730.

MC 119399 (Sub-5–66TA), filed April 27, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Such commodities as are dealt in or used by food business houses,* between Joplin, MO on the one hand, and, on the other, points in the U.S. Supporting shipper: Fleming Foods Company, Joplin, MO 64801.

MC 125535 (Sub-5–10TA), filed April 27, 1981. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, P.O. Box 1746, Maryland Heights, MO 63043. Representative: Same as above. Contract; irregular. *(1) Aluminum and aluminum products, and (2) materials, equipment and supplies used in the manufacture of commodities in (1) above (except commodities in bulk in tank vehicles),* between Minneapolis, New Hope, MN, Glen Cove, LI, NY on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Flour City Architectural Metals, Inc., 175 Sea Cliff Ave., Glen Cove, LI, NY 11542.

MC 135419 (Sub-5–5TA), filed April 27, 1981. Applicant: CONTAINER CARRIER CORPORATION, 301 South Eleventh Street, Fort Smith, AR 72901. Representative: William D. Hendrix (address same as applicant). *General commodities (except classes A and B explosives), in containers or trailers having a prior or subsequent movement by water or rail,* Between Savannah, GA and Charleston, SC, on the one hand, and, on the other, points in the U.S. Supporting shippers: There are twelve supporting shippers.

MC 135691 (Sub-5–17TA), filed April 27, 1981. Applicant: DALLAS CARRIERS CORP., 12861 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. *(1) Disposable cellulose bedding pads and (2) raw materials, supplies and equipment* from (1) Grand Prairie, TX to points in LA, AR, OK, CO, TN, KS and MO and (2) from points in AR, CT, NJ, and GA to Grand Prairie, TX. Supporting shipper: Burnina, Inc., 1127 N. Carriers Parkway, West, Grand Prairie, TX 75050.

MC 138469 (Sub-5–42TA), filed April 27, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Attorney at Law, 205 W. Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. *Chemicals and related products* between points in the U.S. restricted to traffic originating at or destined to the facilities of American Hoechst Corporation. Supporting shipper: American Hoechst Corporation, Route 202/206 North, Somerville, NJ 08876.

MC 138627 (Sub-5–13TA), filed April 27, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Buildings and component parts,* from Washington, IA to points in IL, IN, MN, MO and WI. Supporting shipper: Growmark, Inc., 1701 Towanda Ave., Bloomington, IL 61701.

MC 139284 (Sub-5–6TA), filed April 27, 1981. Applicant: TRUCKER'S INC., P.O. Box 337, 4316 South Main Street, Stafford, TX 77477. Representative: Damon R. Capps, 1300 Main Street, Suite 1230, Houston, TX 77002. *Mercer Commodities, metal and metal products, machinery, rubber and rubber products, and plastic and plastic products,* between points in LA, TX, OK, AR, and NM. Supporting shippers: There are 12 supporting shippers.

MC 143566 (Sub-5–1TA), filed April 27, 1981. Applicant: SIMMONS TRUCKING INC., P.O. Box 71, Glenwood, MO 63541. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. *Dry fertilizer and fertilizer ingredients* (in bags and in bulk) between points in IA, IL, MO and WI. Supporting shippers: Growmark, Inc., 1701 Towanda, Bloomington, IL 61701, and United Suppliers, Inc., Box 536, Eldora, IA 50627.

MC 144595 (Sub-5–3TA), filed April 27, 1981. Applicant: ROBERT D. ANTHOLZ, d.b.a. PAWNEE GRAIN COMPANY, Route 3, Box 42, Pawnee City, NE 68420. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular: *Such commodities as are dealt in by building material and home improvement stores,* between points in the U.S., under a continuing contract(s) with Payless Cashways, Inc. Supporting shipper: Payless Cashways, Inc., 3100 Broadway, Kansas City, MO 64111.

MC 145632 (Sub-5–1TA), filed April 27, 1981. Applicant: OTTUMWA TRANSIT LINES, INC., 1414 W. Second Street, Ottumwa, IA 52501. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004. *Common , Regular, passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between Knoxville and Des Moines, IA, as follows: From Knoxville over IA Hwy 92 to junction IA Hwy 5, then over IA Hwy 5 to junction IA Hwy 46 then over Hwy IA 46 to Des Moines, and return, serving all intermediate pts. Supporting shipper: American Buslines, Inc., 1200 Eye Street, N.W., Washington, DC 20005. Applicant intends to tack and interline.

MC 146616 (Sub-5–10TA), filed April 27, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 West 21st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. *Contract; Irregular. (1) Conventional pumping units, pipe, casing, tubing, tank batteries, and (2) equipment and supplies used in the manufacture and distribution of the commodities named in (1) above,* between points in the U.S. under continuing contract(s) with Mustang Mfg. Company, Inc. of Tulsa, OK. Supporting shipper: Mustang Mfg. Company, Inc., 11130 E. 56th St., Tulsa, OK 74145.

MC 147321 (Sub-5–6TA), filed April 27, 1981. Applicant: BILL STARR TRUCKING, INC., 1041 S. Vista Dr., Independence, MO 64056. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. *Beer, malt beverages and related advertising materials* between Galveston County, TX, on the one hand, and, on the other, Jackson, Clay and Buchanan Counties, MO and Johnson and Wyandotte Counties, KS. Supporting shipper: Pearl Brewing Co., 312 Pearl Parkway, San Antonio, TX 78298.

MC 146107 (Sub-5–8TA), filed April 27, 1981. Applicant: JESSE J. MESA, d.b.a. J. J. MESA TRUCKING COMPANY, 1500 S. Zarzamora Street, San Antonio, TX 78207. Representative: Ronald Mercier (same address as applicant). *Batteries* from TX to NM, AZ, CA, AR, TN, MS, IL, KY, IN, AL, LA, and GA. Supporting shipper: Standard Industries, P.O. Box 27500, San Antonio, TX 78227.

MC 150330 (Sub-5–9TA), filed April 27, 1981. Applicant: BELCO, INC., 2101 West Main Street, Jacksonville, AR 72076. Representative: Ron Harvey, 2101 West Main street, Jacksonville, AR 72076, (501) 982–6511. *Contract, irregular; electric motors and parts thereof NOI, equipment, materials and supplies used in the manufacturer and distribution thereof,* between Franklin Electric Company, Inc., on the one hand, and points in the U.S.A. on the other hand. Supporting shipper: Franklin Electric Company, Inc., Box 887, Redmond Road, Jacksonville, AR 72076.

MC 150496 (Sub-5–16TA), filed April 27, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver, P.O. Box 188, Tontitown, AR 72770. *Textile mill products* between points in Franklin County, Taylor County, and Warren County, KY; Iberia County and St. Martin County, LA; Panola County and Union County, MS; Cleveland County, NC; and Woodward County, OK on the one hand, and, on the other, points in AR, CO, FL, GA, IL, KS, MA, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, and TX. Supporting shipper: Union Underwear Company, Inc., No. 1 Fruit of the Loom Drive, Bowling Green, KY 42101.

MC 150740 (Sub-5–4TA), filed April 27, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Rd., Raytown, MO 64133. Representative: Charles Dixon (same as applicant). Contract, Irregular. *Plastic Resin, Resin, Paint Pigment, Coloring used in plastic products, reground plastic and raw materials used in the manufacture of plastic products,* from Kansas City, MO, and Los Angeles, CA to points in the U.S. Supporting shipper: Avecor Midwest, Inc., 1250 Taney, N. Kansas City, MO 64116.

MC 151234 (Sub-5–2TA), filed April 27, 1981. Applicant: FLORES AND STURGEON ENTERPRISES, INC., P.O. Box 203, Taft, TX 78390. Representative: Mr. Carlos Besinaiz, P.O. Box 203, Taft, TX 78390. *Contract; Irregular: Ilemenite Ore; Zircon Sand; Tatanium Dioxied,* from Corpus Christi, TX to points in TX, OK and LA. Supporting shipper: Hitox Corporation of America, 722 Burleson Street, Corpus Christi, TX 78403.

MC 151238 (Sub-5–4TA), filed April 27, 1981. Applicant: ZERO TANK & TRUCK LINES, INC., P.O. Box 551, Channelview, TX 77530. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Chemicals and related products,* between Port Arthur, Houston, Texas City, Galveston, Freeport, Corpus Christi, Brownsville, and Laredo, TX, on the hand, and, on the other, points in AL, AR, TN, MS, LA, KS, OK and TX. Restricted to shipments moving in foreign commerce. Supporting shipper: Euroquim U.S.A., Inc., 3115 W. Loop South, Suite 40, Houston, TX 77027.

MC 154407 (Sub-5–1TA), filed April 27, 1981. Applicant: EVERETT MALLORY, d.b.a. MALLORY FEED AND SUPPLY, P.O. Box 512, Lexington, OK 73051. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. (1) *Lumber and wood products,* (a) from White City, OR to points in AR, KS, TX, OK, AZ, NV, UT, and CO; (b) from points in CA, OR, WA, ID, MT, AZ, and NM to points in OK, Benton County, AR, and Newton, Henry, and Polk Counties, MO; and (2) *Such commodities as are dealt in by manufacturers of garage doors,* (a) from points in OR and WA to Ada, OK and (b) from Ada, OK to Cerritos, CA. There are five (5) shippers supporting this application.

MC 154419 (Sub-5–2TA), filed April 27, 1981. Applicant: PAUL GAILEY, P.O. Box 3703 (520 Mobile Home Park), Enid, OK 73701. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Beer,* from Ft. Worth, TX to Shawnee, OK. Supporting shipper: Miller Central Sales Co., 617 E. Main, Shawnee, OK 74801.

MC 154646 (Sub-5–5TA), filed April 27, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Avenue, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular: *Such commodities as are dealt in by building material and home improvement stores,* between pts in the US, under a continuing contract(s) with Payless Cashways, Inc. Supporting shipper: Payless Cashways, Inc., 3100 Broadway, Kansas City, MO 64111.

MC 154686 (Sub-5–4TA), filed April 27, 1981. Applicant: SILLIMAN BROS. FREIGHT CO., INC., Route 1, Box 150,

Bernie, MO 63822. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Dry Fertilizer* between Helena and Blytheville, AR; Murray, KY; Woodstock, TN; and Carlsbad, NM on the one hand, and, on the other, Dexter, MO. Supporting shipper: Fleeman Farm Supply, Inc., Dexter, MO 63841.

MC 154883 (Sub-5–1TA), filed April 27, 1981. Applicant: LOGGINS TRUCKING COMPANY, 1925 Oakhurst Circle, P.O. Box 6676, Tyler, TX 75711. Representative: Larry Loggins (same as Applicant). *Contract; Irregular. Fresh and Frozen meat products,* (1) between Tyler, TX, on the one hand, and, on the other, points on the East coast served by Loggins Meat Company including Williamsburg and Norfolk, VA, Columbia and Charleston, SC, Landover, MD, Camden and Bayonne, NJ, New York, NY, Boston, MA, (2) from New York, NY to Tyler, TX. Supporting shipper: Loggins Meat Company, 1906 East Erwin, Tyler, TX 75710.

MC 155345 (Sub-5–1TA), filed April 27, 1981. Applicant: METRO WRECKER SERVICE, INC., 6714 N. W. 38th, Bethany, OK 73006. Representative: Bert Woodring, 4701 N. Donald, Bethany, OK 73008. *Contract; Irregular. Disabled vehicles including tractors, trailers, and converter gears* between Bethany, OK on the one hand, and, on the other, points in the states of NM, TX, MO, OK, KS, AZ, AR and CO. Supporting shipper: Lee Way Motor Freight, Inc., 3401 NW 63rd St., Oklahoma City, OK 73116.

MC 155398 (Sub-5–1TA), filed April 27, 1981. Applicant: TISCHHAUSER TRUCKING, INC., R.R. 1, White City, KS 66873. Representative: Clyde N. Christey, 1010 Tyler, Suite 110L, Topeka, KS 66612. *Feed, feed ingredients and fertilizer* Between points and places in Marion, Dickinson, McPherson, Harvey, Butler, Sedgwick & Morris Counties, KS on the one hand, and points and places in the U.S. (except AK & HI), on the other hand. Supporting shippers: AG Service, Inc., R.R. 2, Box 192–A, Hillsboro, KS 670; Kansas Crop Service, Inc., Box 66A, R.R. 1, Newton, KS 67114; Cargill, Inc., Nutrena Feed Div., P.O. Box 678, McPherson, KS 67460; Agriculture Service Center, Inc., 500 N. 7th St., Herington, KS 67449.

MC 155512 (Sub-5–1TA), filed April 27, 1981. Applicant: C. DEINUM INC., 259 Oryan Ct., Houston, TX 77015. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah WI 54956. Contract; irregular; (1) *Plastic scrap* from Baton Rouge, Plaquemine, and Lake Charles, LA, to Houston, TX, under contract to H. Muehlstein & Co., Inc. of Greenwich, Ct. (2) *Paint, raw materials, and pails* from Houston, TX to Lake Charles, LA, under contract to Ribelin Sales, Inc. of Houston, TX, (3) *Plastic articles, pails, lids and covers* from Dallas, TX, to New Orleans, LA, under contract to Plastican, Inc. of Dallas, TX, to New Orleans, LA, inder contract to Plastican, Inc. of Dallas, TX. (4) *Plastic pellets* from Houston, TX to Lake Charles, Baton Rouge, and New Orleans, LA under contract to Synthetic Materials Corp. of Houston, TX. Supporting shipper: H. Muehlstein & Co., Inc., 591 W. Putnam Ave., Greenwich, CT; Ribelin Sales, Inc., 7786 Blankenship Dr., Houston, TX 77055; Plastican, Inc., 2351 Santa Anna Ave., Dallas, TX 75228 and Synthetic Materials Corp., 700 Turkey St., Houston, TX 77020.

MC 155513 (Sub-5–1TA), filed April 27, 1981. Applicant: TEX-GOOBER TRUCKING, INC., Rt. 1, Box 140, Naples, TX 75568. Representative: Wm. R. Garrett, P.O. Box 1050, Omaha, TX 75571. Contract; irregular; *Foodstuffs, including pet foods and equipment, materials and supplies* used *in the manufacturing and distribution of such foodstuffs, including pet foods, except those commodities requiring tank vehicles for transportation.* Between points in IL, KS, MO, and TX, on the one hand, and on the other, all points in AL, AR, GA, KS, LA, MS, MO, OK, and TX. Supporting shipper: Swift & Company, 115 W. Jackson Blvd., Chicago, IL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–13992 Filed 5–5–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a name shipper "under contract".

Volume No. OPI–134

Decided: April 28, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 135410 (Sub-118F), filed December 31, 1980, and previously noticed in **Federal Register** issue of January 28, 1981. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, North 6th St. Rd., P.O. Box 266,

Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068, (312) 693–3020. Transporting (1) *food and related products*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1), between the facilities of General Mills, Inc., at Cedar Rapids, IA, Galesburg, IL, Buffalo, NY, and Toledo, OH, and (2) between Galesburg, IL, on the one hand, and, on the other, points in AR, AZ, CA, IA, IN, KS, KY, MI, MN, MO, NE, OH, TN, and WI.

Note.—This republication includes Galesburg, IL, in the territorial description in part (1).

Volume No. OP4–85

Decided: April 30, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 151356 (Sub-1F), filed December 4, 1980, previously noticed in the Federal Register of January 8, 1981. Applicant: THE BIRGE COMPANY, INC., 421 E. 16th St., Paterson, NJ 07514. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting (1) *automotive products and parts*, (2) *chemicals and cleaning compounds*, (3) *oils*, (4) *anti-freeze* (except commodities in bulk), and (5) *materials and supplies* used in their manufacture and distribution, between New York, NY, on the one hand, and, on the other, points in the United States (except AK and HI).

Note.—The purpose of this republication is to include the commodities of automotive parts, oils, and anti-freeze.

Volume No. OP5–88.

Decided: April 30, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 99938 (Sub-11), filed February 2, 1981. Applicant: VAN'S AUTO & AIR EXPRESS, INC., C.P.O. Box 609, Kingston, NY 12401. Representative: Bruce J. Robbins, 118–21 Queens Blvd., Forest Hills, NY 11375. Transporting *general commodities* (except classes A and B explosives), between Hudson County, NJ, on the one hand, and, on the other, New York, NY, and points in Albany, Columbia, Delaware, Dutchess, Greene, Orange, Otsego, Putnam, Rennselaer, Rockland, Sullivan, Ulster and Westchester Counties, NY.

MC 106958 (Sub-5), filed January 29, 1981. Applicant: KUPPER BROS., INC., Victory Circle, South Amboy, NJ 08879. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with NL Industries, Inc., of E. Windsor, NJ and United Catalyst, Inc., of Louisville, KY.

MC 153789 (Sub-1), filed January 28, 1981. Published initially in the Federal Register on March 17, 1981. Applicant: MARYLAND TRANSPORT SYSTEMS, INC., P.O. Box 606, Elkton, MD 21921. Representative: Hubert D. Moye, P.O. Box 606, Elkton, MD 21921, 301–398–0100. Transporting *general commodities* (except classes A and B explosives), between the facilities of Scott Paper Company at points in the U.S. on the one hand, and, on the other, points in the U.S. This application is republished to include the restriction to the shipper's facilities.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–13886 Filed 5–5–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the ground that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional question) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirments of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the qualify of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–133

Decided: April 28, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler and Taylor.

MC 128220 (Sub-33), filed April 17, 1981. Applicant: RALPH LATHAM, d.b.a. LATHAM TRUCKING COMPANY, P.O. Box 596, Burnside, KY 42519. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602 (502) 223–8244. As a broker of *general commodities*, (except household goods), between points in the U.S.

MC 148620 (Sub-11), filed April 20, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., 2270 Southwest 36th St., Fort Lauderdale, FL 33312. Representative: Robert W. Gerson, 1400 Candler Bldg., Atlanta, GA 30303 (404) 658–8045. Transporting, for or on half of

the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154050 (Sub-3), filed April 17, 1981. Applicant: CARRIER SYSTEMS INTERNATIONAL MOTOR FREIGHT, INC., Sellers & O'Brien Streets, Kearny, NJ 07032. Representative: Harry H. Jordan, Suite 502, Solar Bldg., 1000 16th Street, N.W., Washington, DC 20036 (202) 783–8131. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155241, filed April 10, 1981. Applicant: COY TERRY d.b.a. COY TERRY & SONS, P.O. Box 272, Whitehouse, TX 75791. Representative: Coy E. Terry, 2615 Golden Rd., Tyler, TX 75701 (214) 592–3106. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155301, filed April 13, 1981. Applicant: JERRY W. HOWELL, Route 2, Piggott, AR 72454. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201 (501) 375–9151. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155400, filed April 20, 1981. Applicant: GOVERNMENT SERVICES TRANSPORTATION, INC., 7061 Oakland Mills Rd., Columbia, MD 21046. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180 (703) 442–8330. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 155431, filed April 20, 1981. Applicant: J & M BROKERS, R.R. No. 1, Box 111A, Oakley, IL 62552. Representative: James E. Ashby (same address as applicant) (217) 763–6514. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–068

Decided April 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams (Williams not participating).

MC 153114 (Sub-2), filed April 22, 1981. Applicant: OLYMPIC EXPRESS, INC., 2690 East 81st St., Bloomington, MN 55420. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424, (612) 927–6855. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–111

Decided April 30, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams (Williams not participating).

MC 143636 (Sub-15), filed April 22, 1981. Applicant: RON SMITH TRUCKING, INC., R.R. No. 1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, 913 So. Sixth St., Springfield, IL 62703, (217) 735–3925. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–4–113

Decided April 29, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams (Williams not participating).

MC 150447 (Sub-6), filed April 23, 1981. Applicant: GSC TRANSPORT, INC., 166 National Rd., Edison, NJ 08817. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–441. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–13098 Filed 5–5–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Volume No. OP4–84]

Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previouisy noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251), addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register issue of July 3, 1980, at 45 FR 45539.

MC 150657 (Sub-1F), (republication), filed November 4, 1980; published in the Federal Register issue of December 2, 1980; and republished this issue. Applicant: B. L. S. LIMOUSINE SERVICE, INC., 11242 Playa Court, Culver City, CA 90230. Representative: Fred Altman (same address as applicant). A decision of the Commission, Review Board 3, acting as an Appellate Division, decided February 27, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in charter operations, beginning and ending in Culver City, CA, and extending to points in the United States in and west of New Mexico, Colorado, Wyoming, and Montana; that the applicant is fit, willing and able to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Agatha L. Mergenovich,

Secretary

[FR Doc. 81–13094 Filed 5–5–81; 8:45 am]

BILLING CODE 7035–01–M

[Decision Volume No. 423]

Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days of this Federal Register notice. Such pleading shall comply with

Special Rule 247(e) of the Commission's Genesl Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 297(Sub-12F) (republication), filed August 27, 1979; published in the Federal Register issue of March 6, 1980; and republished this issue. Applicant: WOODLAND TRUCK LINE, INC., P.O. Box 70, Woodland, WA 98674. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. A decision of the Commission, Review Board 2, acting as an Appellate Division, decided February 12, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives and household goods as defined by the Commission), between Ridgefield, WA, and points in Cowlitz County, WA, on the one hand, and, on the other, Portland, OR; points in Lewis, Thurston, Pierce, King, Snowhomiah, Skagit, Whatcom, and Mason Counties, WA; and the ports of entry on the international boundary line between the United States and Canada, located in Washington; that the applicant is fit, willing and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Note.—Applicant intends to tack the granted authority with its regular-route authority held under Certificates No. MC–297 and No. MC–297 Sub 7. The purpose of this republication is to reflect that tacking is intended.

MC 3717(M1)F (republication), notice of filing of petition to modify certificate; filed November 6, 1979; published in the Federal Register issue of March 26, 1980; and republished this issue. Petitioner: SERVICE WAREHOUSE COMPANY, INC., 112 Poinier Street, Newark, NJ 07114. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. A decision of the Commission, Review Board 2, acting as an Appellate Division, decided November 24, 1980 and finds that the present and future public convenience and necessity require modification of petitioner's Certificate in MC 3717, issued May 16, 1978, to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting (A) over regular routes, (1) *fish containers, sea food, sea food products, adhesives, ink, and paper*, between Gloucester, MA and New York, NY, and all intermediate and off-route points within 5 miles of Gloucester, and those within 10 miles of New York, NY: from Gloucester over Massachusetts Hwy 121 to Essex, MA, then over Massachusetts Hwy 22 to Beverly, MA, then over Massachusetts Hwy 107 via Revere, MA, to junction Massachusetts Hwy 1A, then over Massachusetts Hwy 1A to Boston, MA, then over U.S. Hwy 1 to Providence, RI, then over Rhode Island Hwy 3 to Westerly, RI, and then over U.S. Hwy 1 to New York and return over the same route; (2) *fish containers, sea food, and sea food products*, between Boston, MA, and New York, NY, and the intermediate points of Providence, RI and New Haven, CT, and the off-route points within 10 miles of New York, NY: from Boston over U.S. Hwy 1 to Providence, RI, then over Rhode Island Hwy 3 to Westerly, RI, then over U.S. Hwy 1 to New York, and return over the same route; and (B) over irregular routes, (1) *foods*, between points in CT, MD, MA, NJ, NY, and PA; (2) *sea food*, from Boston and Gloucester, MA, to Albany and Troy, NY; and (3) *petroleum products*, from Chelsea, MA, to North Hampton, NH; that the applicant is fit, willing and able to properly perform such services and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Note.—The purpose of this republication is to reflect petitioner's actual grant of authority.

MC 61016 (Sub-52F) (republication), filed July 3, 1979; published in the Federal Register issue of March 18, 1980; and republished this issue. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Representative: Edward G. Villalon and Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004. A decision of the Commission, Division 2, decided Apri 23, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in charter and special operations, (1) between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New York; and (2) beginning and ending at points in the States named in (1) above, and extending to points in the United States (including Alaska but excluding Hawaii); that the applicant is fit, willing and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Note.—The purpose of this republication is to eliminate the restriction imposed in the publication of March 18, 1980.

MC 141406 (Sub-4F) (republication), filed September 23, 1980; published in the Federal Register issue of October 14, 1980; and republished this issue. Applicant: COAST COUNTIES EXPRESS, INC., 3306 Glendale Blvd., Los Angeles, CA 90039. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212. A decision of the Commission, Review Board 1, acting as an Appellate Division, decided February 2, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *classes A, B and C explosives*, between points in Arizona, Nevada, and Utah, on the one hand, and, on the other, points in California; that the applicant is fit, willing and able to properly perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Note.—The purpose of this republication is to correctly reflect the territorial description. To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring five (5) years from its date of issue.

MC 148127 (Sub-7F) (republication), filed December 17, 1979; published in the Federal Register issue of March 27, 1980; and republished this issue. Applicant: LINEHAUL EXPRESS, INC., P.O. Box 5078, Manchester, NH 03108. Representative: Neal R. Michaud (same address as applicant). A decision of the Commission, Review Board 3, acting as an Appellate Division, decided February 27, 1981 and finds that the present and future public convenience and necessity require operations by the applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery*, from Waco, TX; Chicago, IL; Elizabethtown, PA; and Hackettstown, NJ, to points in CT, MA, ME, NH, NJ, NY, IL, and RI; that the applicant is fit, willing and able to properly perform such service and to

conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Note.—The purpose of this republication is to eliminate the vehicular and "originating at and destined to" restrictions imposed in the publication of March 27, 1980.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13065 Filed 5-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP3-230]

Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register of July 3, 1980, at 45 FR 45539.

MC 45194 (Sub-27) (Republication), filed October 15, 1980, published in the Federal Register issue of November 14, 1980, and republished this issue. Applicant: LATTAVO BROTHERS, INC., 2230 Shepler Church Ave., S.W., Canton, OH 44706. Representative: M. Diane Neal (same address as applicant). A Decision of the Commission, Review Board Number 1, decided February 23, 1981 and served March 12, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission) between points in OH, PA, and WV, on the one hand, and, on the other, points in the United States (except AK and HI); that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. The purpose of this republication is to indicate that the request for authority is for permanent authority in lieu of temporary as previously noticed in the Federal Register.

MC 106644 (Sub-357) (republication), filed December 31, 1980, published in the Federal Register issue of February 5, 1981 and republished this issue. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker, III (same address as applicant). A Decision of the Commission, Review Board Number 2, decided April 24, 1981 and served April 29, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities*, the transportation of which because of size or weight, require the use of special equipment, (2) *self-propelled articles* (except automobiles), and (3) *building materials*, between points in the United States; that applicant is fit, willing and able properly to perform the granted service and to conform to statutory requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13067 Filed 5-5-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 73]

Restriction Removals; Decision-Notice

Decided: April 29, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendents to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich

Secretary.

MC 2202 (Sub-669)X, filed April 21, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-655 certificate and its authority acquired in MC-F-14090 (embraced in MC 98961 (Sub-3)) to broaden its territorial authority to (a) in Sub-No. 655, eliminate the restriction against traffic orginating at, destined to, or interchanged at Humboldt, Brownsville, and Bells, TN; authorize service at all intermediate points between Memphis, TN and Paris Landing, TN; and eliminate the restriction against joinder with other authorized routes, with the exception that joinder shall be authorized with all authorities to perform service to and from specified cities in TN; and (b) in MC-F-14090, eliminate the restriction against traffic having a prior or subsequent movement by rail.

MC 48956 (Sub-21)X, filed April 24, 1981. Applicant: JAMES FLEMING TRUCKING, INC., 761 East St., Suffield, CT 06078. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 5, 8, 9, 11, 13F, 14F, 17F, 18F permits to (1) broaden the commodity descriptions to "such commodities as are dealt in or used by wholesale, retail and chain grocery and food business houses" from (a) frozen foods in Sub-2 (Part 2), (b) canned goods in Sub-8, (c) groceries in Sub-9, (d) canned foodstuffs and pet food in Sub-No. 11, (e) foodstuffs in Sub-13F, (f) canned baby food and dry cereal in Sub-14F and (g) canned foodstuffs, bakery goods, chips, twists or puffs and pet food in Sub-18F; (2) eliminate the "in bulk" restriction in Sub-2 (Part 1), 5, 13F, 17F and "except frozen" restriction in Sub-13; and (3) broaden the territorial

authorities to between points in the United States, under a continuing contract(s) with named shippers in the above permits.

MC 107515 (Sub-1418)X, filed April 17, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 305, Forest Park, GA 30050. Representative: Alan E. Serby, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., NE, Atlanta, GA 30326. Applicant seeks to remove restrictions in its Sub-1326, 1330F, 1344, 1353F, and 1369F certificates to (1) remove facilities limitations at Memphis, TN, in Sub-1344; (2) replace facilities at Morrow, GA, with Clayton County, GA, in Sub-1353F and 1369F; and facilities at Greensboro, NC with Guilford County, NC; (3) remove originating at or destined to restrictions in Sub-1326, 1330F, 1353F; and (4) replace one-way with radial authority (a) (i) between 22 eastern and southern States and DC, and, IL, IA, MN, and WI and (ii) between IL and IA, and MN, ND, SD, and WI in Sub-1326; (b) between Chicago, IL, and MN, ND, SD, and 22 WI counties in Sub-1330F; (c) between Clayton County, GA, and AL, FL, KY, NC, SC, and TN in Sub-1353F; and (d) between Clayton County, GA, and Guilford County, GA and points in the U.S. in and east of ND, SD, NE, KS, OK, and TX; (5) remove the AK and HI exception in Sub-1344F; and (6) remove the following restrictions: (a) except in bulk, in Sub-1326, 1330F, and 1353F; (b) except foodstuffs in Sub-1326, and (c) in vehicles equipped with mechanical refrigeration in Sub-1330.

MC 124774 (Sub-141)X, filed April 20, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions to "food and related products" from specified commodities such as, (a) meats, meat products, and meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (b) meat, in carcass form, (c) hides, skins and pieces thereof and animal feeds, as described in Section C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (d) dairy products, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and (e) fish flour; (2) eliminate all exceptions, such as, commodities in bulk, hides, frozen food, and fats; (3) remove all plantsite and originating at or destined to restrictions and the restriction against transportation of shipments destined to Chicago, IL; (4) change its one-way authorities to radial authorities between points throughout the U.S.; and (5) replace some cities with authority to serve the counties: Gordon, Norfolk, Minden, Lexington, Millard, Darr, York, Schuyler, Lincoln and Humboldt with Sheridan, Madison, Kearney, Dawson, Douglas, York, Colfax, Lancaster, and Richardson Counties, NE; Onawa, Waterloo, and Columbus Junction with Monona, Black Hawk, and Louisa Counties, IA; Logansport, East Chicago, Gary, Hammond, and Lafayette with Cass, Lake, Porter and Tippecanoe Counties, IN; Mankato, Garden City, and Wichita with Jewell, Finney, and Sedgwick Counties, KS; Guymon with Texas County, OK; Phelps City with Atchison County MO; Sterling, Fort Morgan, La Junta, and Evans with Logan, Morgan, Otero, and Weld Counties, CO; Buhl with Twin Falls County, ID; Campbellsville with Taylor County, KY; New Bedford with Bristol County, MA; Greenport with Suffolk County, NY.

MC 129291 (Sub-18)X, filed April 22, 1981. Applicant: McDANIEL MOTOR EXPRESS, INC., 115 Winchester Road, Lexington, KY 40505. Representative: William L. Willis, Suite 706 McClure Bldg., Frankfort, KY 40601. Applicant seeks to remove restrictions in its Sub-Nos. 2, 5, 7, 8, 9, 13F, 14F and 15F certificates to (1) authorize service at all intermediate points between Paris and Maysville, KY, in Sub-No. 5; Louisville and Lexington, KY, in Sub-No. 7; North Middleton and Lexington, and Maysville, KY, and Washington, Court House, OH, in Sub-No. 8; Maysville, KY, and Columbus, OH, in Sub-13F; Lexington and Olive Hill, KY, in Sub-14F; and Lexington, KY, and Atlanta, GA, in Sub-15F; and (2) remove the following restrictions (a) "ex-air" in Sub-2; (b) against service at Carlisle, KY and Ohio points in Maysville, KY commercial zone in Sub-5; (c) against service at points in Indiana, in the Louisville, KY commercial zone, and against service at Paris and Lexington, KY and points on U.S. Hwy 68 between Paris and Lexington, KY, in Sub-7; (d) against traffic originating at or destined to Louisville or Lexington, KY, in Sub-8; (e) against service originating at or destined to named facilities at or near Carlisle, KY, and Millersburg, KY, in Sub-8, and (f) joinder only or interchange only in Sub-7 and 8.

MC 134477 (Sub-445)X, filed April 20, 1981. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Thomas D. Fischbach, P.O. Box 43496, St. Paul, MN 55164. Applicants seeks to remove restrictions in its Sub-228F, 229F, 361F, 396F and 406F certificates to (1) broaden the commodity description from chemicals (except in bulk) to "chemicals and related products" in all subs, (2) remove the "originating at and destined to" restrictions in all subs and (3) change one-way to radial authority between various combinations of States in all Sub-Nos. and between points in 13 states, and facilities at points in OH in Sub-396F.

MC 143594 (Sub-31)X, filed April 20, 1981. Applicant: NATIONAL BULK TRANSPORT, INC., P.O. Box 2298, Greenbay, WI 54306. Representative: Warren L. Troupe (same as applicant). Applicant seeks to remove restrictions in its Sub-6F certificate to (1) broaden the commodity description from chemicals in bulk to "commodities in bulk"; (2) broaden the territorial scope by (a) replacing facilities with Parish-wide authority as follows: Plaquemine and Carville with Iberville Parish, Donaldsonville with Ascension Parish, Napoelonville with Assumption Parish, Grand Bayou with Red River Parish, Bayou Teche with St. Landry Parish, Oakdale with Allen Parish, Garyville with St. John the Baptist Parish, Allemania with Iberville Parish, Baton Rouge with East Baton Rouge Parish, Denham Springs with Livingston Parish, and (b) replacing one-way with radial authority to serve between points in the above named parishes on the one hand, and, on the other, points in the U.S.; and (3) remove the exception of AK and HI.

MC 144398 (Sub-10)X, filed April 16, 1981. Applicant: WAYNE TRANSPORT, INC., Box 366, Milaca, MN 56353. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402. Applicants seeks to remove restrictions in its Sub-2F certificate to (a) broaden the commodity description from asphalt, asphalt compounds, and road oils to "petroleum, natural gas and their products"; (b) replace Waseca, MN, with Waseca County, MN; and (c) replace one-way with radial authority between Minneapolis, MN, Superior, WI and Waseca County, MN, and, ND, SD, WI, IA, and MN.

MC 144667 (Sub-22)X, filed April 20, 1981. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to

remove restrictions in its Sub-Nos. 2F, 5F, 7F, 8F, 11, 14F, and 17F certificates to (1) broaden the commodity description (a) from cellulose insulation and materials, equipment and supplies used in the sale and installation of cellulose insulation, and materials, equipment and supplies, in Sub-2F, to "pulp, paper, and related products"; (b) from fire retardant products, and materials, equipment and supplies, in Sub-2F, to "chemicals and related products"; (c) from beverages and materials, equipment and supplies used in the manufacture, sale and distribution of beverages, to "food and related products and materials, equipment, and supplies used in the manufacture, sale, and distribution thereof", in Sub-5F, (d) from meats, meat products, meat byproducts, and articles distributed by meat-packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in Sub-7F, 11, and 14F (with no exceptions in Sub-11 and 14F), and prepared animal diets, meats, meat products, meat and byproducts and articles distributed by meat-packinghouses, and materials, equipment, and supplies, in Sub-17F, to "food and related products"; (e) from tub grinders, brackets, buckets, cabs, and roll bars, parts and accessories and materials, equipment, and supplies, in Sub-5F; farm equipment parts, in Sub-11, to "machinery"; (f) from metal articles in Sub-8F, to "metal products"; (g) from cabinets in Sub-8F, to "furniture and fixtures"; and (h) from hydraulic hoses and couplings, to "rubber and plastic articles" in Sub-11; (2) remove the exception of AK and HI and a State of origin in Sub-2F, 5F, 8F, 11, and 17F; (3) remove facilities limitations at Scottsbluff, NE, Fremont, NE, and Ottumwa, IA, in Sub-7F, Austin, MN, in Sub-14F, and North Platte, NE, in Su-17F; (4) remove originating at or destined to restrictions in Sub-2F and 5F; (5) replace Scottsbluff, NE with Scotts Bluff County, NE, in Sub-2F, 5F, and 7F; Torrington, WY, with Goshen County, WY, in Sub-2F; Greeley, CO, with Weld County, CO, in Sub-5F; Fremont, NE, with Dodge County, NE, Ottumwa, IA, with Wapello County, IA, and Schuyler, NE, with Colfax County, NE, in Sub-7F; Gering, Gordon, and Minden, NE, with Scotts Bluff, Sheridan and Kearney Counties, NE, and Glasgow, MT, with Valley County, MT, in Sub-11; Austin, MN, with Mower County, MN, and Binghamton, NY, with Broome County, NY, in Sub-14F; and North Platte, NE, with Lincoln County, NE, in Sub-17F; (6) replace one-way with radial authority between combinations of the above counties and points throughout the U.S.

MC 145926 (Sub-4)X, filed April 15, 1981. Applicant: HALL BROS. TRANSPORTATION CO., INC., State Road 37 North, Orleans, IN 47452. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-3 permit to (1) broaden the commodity description from automobile parts and materials, equipment and supplies (except commodities in bulk) used in the manufacture and distribution of automobile parts, to "transportation equipment"; and (2) broaden the territory description to between points in the U.S., under continuing contract(s) with a named shipper.

[FR Doc. 81-13993 Filed 5-5-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980 at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY 4-119

Decided: April 30, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fortier, and Williams. (Williams not participating).

MC 136786 (Sub-246), filed April 23, 1981. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. 3rd Ave., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244-2329. Transporting *conveyer belts*, between the facilities of All-State Belting Co., Inc., in Polk County, IA, on the one hand, and, on the other, Charlotte, NC.

MC 140666 (Sub-17), filed April 23, 1981. Applicant: GREAT NORTHERN TRUCK LINES, INC., Love Lane—P.O. Box 112, Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *plastic products*, between points in the U.S., under continuing contract(s) with Mobil Chemical Company of Macedon, NY.

MC 147636 (Sub-20), filed April 23, 1981. Applicant: LARRY E. HICKOX,

d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *chemicals and related products* and (2) *plastic products*, between points in the U.S., under continuing contract(s) with Dow Chemical Company, Health and Consumer Products Department, of Indianapolis IN.

Volume No. OPY4–112

Decided: April 30, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams (Williams not participating).

MC 59666 Sub-(14), filed April 22, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: Robert A. Mega, 510 Turks Head Bldg., Providence, RI 02903, (401) 272–4040. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Bercen, Inc., of Cranston, R.I.

MC 139906 (Sub-160), filed April 22, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (402) 476–1144. Transporting *mineral ores*, between points in Clay County, FL, on the one hand, and, on the other, points in the U.S.

MC 147636 (Sub-19), filed April 22, 1981. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, P.O. Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *food and related products*, between points in Vermilion and Peoria Counties, IL, Dodge County, WI, West Feliciana and Avonyelles Parishes, LA, on the one hand, on the other, points in the U.S.

MC 150206 (Sub-2), filed April 22, 1981. Applicant: DANTE GENTILINI TRUCKING, INC., 30W443 Roosevelt Rd., P.O. Box 387, West Chicago, IL 60185. Representative: Donald W. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting *general commodities*, (except Classes A and B explosives), between points in the U.S., under continuing contracts(s) with W.R. Grace & Co., of Cambridge, MA.

MC 155456, filed April 22, 1981. Applicant: BERLIN TRANSPORT, INC., 300 West St., Berlin, MA 01503. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02161, (617) 235–5571. Transporting *food and related products*, between points in CT, ME, MA, RI, NH, and VT, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 155476, filed April 23, 1981. Applicant: LOYD THOMPSON TRUCKING CO., INC., P.O. Box 677, Bowdon, GA 30180. Representative: Nathan L. Finkelstein, 1729 21st St., NW., Washington, DC 20009, (202) 332–7737. Transporting *ores and minerals, fertilizer*, and *feed and feed ingredients*, between point in AL, GA, FL, and TN.

Volume No. OPY 4–144

Decided: April 30, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 33317 (Sub-7), filed April 1, 1981, and previously noticed in the **Federal Register** issue of April 21, 1981, and republished this issue. Applicant: BOLUS FREIGHT SYSTEMS, INC., 700 N. Keyser Ave., Scranton, PA 18508. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Over regular routes, transporting *general commodities* (except Classes A and B explosives), (1) between Philadelphia, PA, and Syracuse, NY; from Philadelphia, over U.S. Hwy 309 to junction U.S. Hwy 22, then over U.S. Hwy 22 to junction PA Hwy 33, then over PA Hwy 33 to junction PA Hwy 611, then over PA Hwy 611 to junction Interstate Hwy 380 at or near Tobyhanna, PA, then over Interstate Hwy 380 to Scranton, PA, then over U.S. Hwy 6, to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction Interstate Hwy 81 at or near Johnson City, NY, then over Interstate Hwy 81 to Syracuse, and return over the same route, serving all intermediate points and the off-route points of Lackawanna, Luzerne, Northampton, Lehigh, Berks, Schuylkill and Montogomery Counties, PA, and those points on and north of the PA–NY State line beginning at or near Wattsburg, PA and extending east to Hale Eddy, NY, then over an imaginary line to Hancock, NY, and extending over NY Hwy 17 beginning at Hancock, NY and extending to junction NY Hwy 30, at East Branch, then over NY Hwy 30 to juntion NY Hwy 28, then over NY Hwy 28 to Kingston, NY, then over NY Hwy 199 to the NY–CT State line, and (2) Between Scranton, PA, and Newark, NJ: From Scranton over Interstate Hwy 380 to junction PA Hwy 611 at or near Tobyhanna, PA, then over PA Hwy 611 to junction Interstate Hwy 80 at or near Stroudsburg, PA, then over Interstate, Hwy 80 to junction U.S. Hwy 46 at or near Columbia, NJ, then over U.S. Hwy 46 to junction NJ Hwy 31 at or near Buttzville, NJ, then over NJ Hwy 31 to junction U.S. Hwy 22 at or near Annandale, NJ, then over U.S. Hwy 22 to Newark, NJ, serving all intermediate points and serving as off-route points those points in NJ and those in NY south of NY Hwy 17 beginning at Hancock, NY, and extending to junction NY Hwy 30 at East Branch, then over NY Hwy 30 to junction NY Hwy 28, then over NY Hwy 28 to Kingston, then over NY Hwy 199 to the NY–CT State line, and Nassau and Suffolk Counties, NY, and New York, NY.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–13660 Filed 5–5–81; 8:45 am]
BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.98 Amdt. No. 2]

Director, Office of Contract Management; Revocation of Redelegation of Authority

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12836, May 16, 1973) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby revoke Redelegation of Authority No. 99.1.98 to Mr. Arthur Bjorlykke.

This revocation is effective on the date of signature.

Dated: March 12, 1981.

Hugh L. Dwelley,
Director, Office of Contract Management.

[FR Doc. 81–13625 Filed 5–5–81; 8:45 am]
BILLING CODE 4710–02–M

[Redelegation of Authority No. 99.1.83, Amdt., No. 3]

Mission Director, USAID/Egypt; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No.

99.1.83 dated January 26, 1977 (38 FR 27628) as follows:

The first paragraph is hereby amended to reflect the following changes: Subhead (1) is revised to read as follows:

"(1) U.S. Government contracts including contracts with individuals for services of the individual alone, grants and amendments thereto provided that the amount of each individual contract or grant action does not exceed $1,000,000 per transaction or local currency equivalent."

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect. Actions within the scope of this amendment heretofore taken by the officials designated in such amended delegation are hereby ratified and confirmed.

This amendment is effective on the date of signature.

Dated: April 24, 1981.

Hugh L. Dwelly,

Director, Office of Contract Management.

[FR Doc. 81-13828 Filed 5-5-81; 8:45 am]

BILLING CODE 4710-02-M

[Redelegation of Authority No. 99.1.105, Amdt. No. 2]

Mission Director, USAID/Indonesia; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.105, dated December 18, 1978, as amended, as follows:

The first paragraph is hereby amended to change the stated amount of $300,000 to read $1,000,000.

Except as provided herein the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect. Actions within the scope of this delegation are hereby ratified and confirmed.

The amendment is effective on the date of signature.

Dated: April 24, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 81-13827 Filed 5-5-81; 8:45 am]

BILLING CODE 4710-02-M

[Redelegation of Authority No. 99.1.74, Amdt. No. 2]

Mission Director, USAID/Philippines; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.74 dated November 6, 1975, as amended, as follows:

The first paragraph is hereby amended to reflect the following change:—At the end of the first paragraph after "(or local currency equivalent)" add the phrase "aggregate amount."

Except as provided herein, the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect. This amendment is effective on the date of signature.

Dated: April 24, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 81-13829 Filed 5-5-81; 8:45 am]

BILLING CODE 4710-02-M

[Redelegation of Authority No. 99.1.87, Amdt. No. 2]

Raymond J. Potocki; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.87, dated July 25, 1977, as amended, to insert a new paragraph as follows:

"The authorities herein delegated may be redelegated at your discretion, not to exceed $500,000 per transaction only to the Assistant Area Contracting Officer. The authority so delegated may not be further redelegated."

Except as provided herein, the Redelegation of Authority, as previously amended, remains unchanged and continues in full force and effect. Actions within the scope of this amendment heretofore taken by the officials designated in such amended delegation are hereby ratified and confirmed.

The amendment is effective on the date of signature.

Dated: April 24, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 81-13830 Filed 5-5-81; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-88]

Certain Apparatus for the Continuous Production of Copper Rod; Advice to the U.S. Customs Service Regarding Return of Posted Bond and Non-Collection of Future Bond

AGENCY: International Trade Commission.

ACTION: Advice to U.S. Customs Service regarding return of posted bond and non-collection of future bond.

SUMMARY: On April 30, 1981, the Commission advised the U.S. Customs Service that (1) there is no reason to continue to collect the 100% bond on future importations of the apparatus in question and (2) the bond which has been collected for past importations should be returned.

SUPPLEMENTARY INFORMATION: On October 29, 1980, the U.S. International Trade Commission issued a temporary exclusion order (TEO) in the above-captioned investigation. The TEO excluded any rolling mill described by claims 7, 9, 11, or 12 of U.S. Letters Patent 4,129,179 and components of such rolling mills, until a final determination under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in this investigation. The articles ordered to be excluded were entitled to entry under bond of 100 percent ad valorem, however.

On April 10, 1981, respondents Krupp G.m.b.H. and Krupp International Inc. and complainant Southwire Co. entered in a settlement agreement that could have the effect of terminating this investigation. All of the parties to the investigation filed a joint motion on April 17, 1981, to (1) effect return of the bond which has been posted in compliance with the temporary exclusion order (TEO) of October 29, 1980, and (2) remove the requirement for collection of further bond on future importations. The parties explicitly stated that they are not asking to vacate or otherwise modify the TEO, however.

The Commission's advice to the Customs Service, in the form of a letter from the Commission Chairman to the Commissioner of Customs, is available for public inspection in the Office of the Secretary, U.S. International Trade

Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202–523–0359.

Issued: May 1, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-13966 Filed 5-5-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–76]

Certain Food Slicers and Components Thereof; Commission Schedule for Filing Written Submissions on the Presiding Officer's Recommendation; on Relief, Bonding, and the Public Interest; and for Requesting a Public Hearing

AGENCY: International Trade Commission.

ACTION: Request for written submissions regarding the presiding officer's recommendation, relief, bonding, and the public interest in investigation No. 337–TA–76, Certain Food Slicers and Components Thereof.

SUMMARY: Notice is hereby given that based on a motion for summary determination (Motion 76–16) by complainant Prodyne Enterprises, Inc., the presiding officer has issued a recommended determination that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), in the importation into the United States and sale of certain food slicers and components thereof that are the subject of the Commission's investigation. Accordingly, Motion 76–16, the papers in support thereof, and the recommended determination have been certified to the Commission for review and a Commission determination. No public hearing is presently scheduled in this matter.

Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (and all other public documents on the record of the investigation) by contacting the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–0161.

Although no public hearing before the Commission is scheduled, requests for such a hearing will be considered by the Commission. If a public hearing is requested and the Commission grants that request, the hearing will be held on Thursday, May 28, 1981.

SUPPLEMENTARY INFORMATION:

Written Submissions on Patent Validity, Infringement, and Injury

The Commission hereby requests that the parties submit briefs on the following issues: (1) The validity of U.S. Letters Patent 3,766,817, particularly as to the questions of anticipation and obviousness; (2) the infringement of claim 6 and/or claim 7 of U.S. Letters Patent 3,766,817 by the accused Mishan slicer, particularly as to the issue of the "cutting element having one end looped around the portion of said one leg" in view of the doctrine of file wrapper estoppel; and (3) the question of whether the alleged unfair act or unfair method of competition has an effect or tendency to destroy or substantially injure an industry efficiently and economically operated in the United States, particularly as to the issues of whether the unfair act is the infringement of U.S. Letters Patent 3,766,817 by respondent Mishan, by other respondents who have been terminated on the basis of licensing and/or settlement agreements, by other persons unknown or by all or some of the above, and having defined the unfair act, whether the uncontroverted facts are sufficient as a matter of law to establish an effect or tendency to destroy or substantially injure an efficiently and economically operated U.S. industry. Such briefs must be filed no later than Friday, May 22, 1981.

Written Submissions on Relief, Bonding, and the Public Interest

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions which address the form of relief, if any, which should be ordered.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving written submissions concerning the amount of the bond, if any, which should be imposed.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions concerning whether the aforementioned public interest factors preclude relief in this investigation.

All written submissions on relief, bonding and the public interest must be filed not later than the close of business on Friday, May 22, 1981.

Request for Hearing

Written requests for a hearing before the Commission must be received by the Office of the Secretary no later than Friday, May 15, 1981. Any request for a hearing must state in detail the reason for such request, including the reasons why the issues in question cannot be addressed adequately by means of written submissions.

ADDITIONAL INFORMATION: The original copy and 11 true copies of all written submissions must be filed with the Office of the Secretary not later than May 22, 1981. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request in camera treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments containing confidential information approved by the Commission for in camera treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0143; Scott M. Daniels, Esq., Office of

the General Counsel, U.S. International Trade Commission, telephone 202–523–0480.

Issued: April 28, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–13840 Filed 5–5–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–54]

Certain Multicellular Plastic Film; Advisory Opinion

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has granted Canadian Tarpoly Co.'s request for an advisory opinion interpreting the exclusion order issued in the above-captioned investigation.

AUTHORITY: The authority for this action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and § 211.54(b) of the Commission's Rules of Practice and Procedure (19 CFR 211.54(b)).

SUPPLEMENTARY INFORMATION: On December 19, 1980, the Commission received a petition filed on behalf of Canadian Tarpoly Co., a Canadian manufacturer of multicellular plastic film. The petition requested an advisory opinion on the scope of the exclusion order issued by the Commission on June 29, 1979, at the conclusion of the above-captioned investigation. Canadian Tarpoly proposes to move the manufacture of the plastic film it uses in the construction of its pool cover to the United States, export the platic film to Canada for assembly of the pool covers, and then reship covers to the United States. Canadian Tarpoly has asked the Commission to issue an opinion as to whether this procedure would violate the Commission's exclusion order. The Commission has issued an advisory opinion that the procedure in question would not violate its order.

FOR FURTHER INFORMATION CONTACT: Christine Bliss, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0375.

Issued: April 28, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–13847 Filed 5–5–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–30 (Final)]

Unrefined Montan Wax From East Germany; Postponement of Prehearing Conference and Hearing

AGENCY: International Trade Commission.

ACTION: Notice of postponement of prehearing conference and hearing.

SUMMARY: The U.S. International Trade Commission announces the postponement of the prehearing conference and the hearing on unrefined montax wax.

FOR FURTHER INFORMATION CONTACT: Judith Case, U.S. International Trade Commission, 202–523–0339.

SUPPLEMENTARY INFORMATION: The prehearing conference which had been scheduled for May 1, 1981, and the hearing in this investigation which had been scheduled for June 8, 1981, have been postponed until further notice. The Commission's prehearing conference and hearing have been postponed as a result of the postponement by the United States Department of Commerce, for up to 60 days, of its final determination, as to the question of whether unrefined montan wax from East Germany is being, or is likely to be sold in the United States at less than fair value. The prehearing conference and the hearing will be rescheduled at such time as Commerce makes its final determination, and a notice will be published with these dates, at that time.

The Commission will prepare and place on the record by May 20, 1981, a staff report containing preliminary findings of fact, the public portion of which will be made available to interested persons. Commission rule 207.22, requiring the submission of prehearing statements by parties within 15 days of release of the staff report is waived for purposes of this investigation to allow parties time to address all relevant issues which may develop. The date for submission of the prehearing statements will be accounced in the Commission notice rescheduling the prehearing conference and the hearing.

Issued: April 28, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–13848 Filed 5–5–81; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Attorney General's Task Force on Violent Crime; Meeting

The Attorney General's Task Force on Violent Crime will meet from 9:30 a.m. until 5:00 p.m. on May 20 and 21, 1981, in the Georgia World Congress Center, 285 International Boulevard, NW., Atlanta, Georgia.

The first day of the meeting will be devoted to the taking of public testimony on the subject of the federal government's role in combatting violent crime and how that role could be strengthened with particular emphasis on federal-state-local relations. Persons interested in testifying should contact the Committee Management Liaison Officer, Attorney General's Task Force on Violent Crime, U.S. Department of Justice, Washington, D.C. 20530 (telephone number 202/633–1617). On the second day of the meeting the Task Force members will discuss a broad range of issues which have been identified by the Task Force staff as relevant to the Task Force's focus on ways in which the federal government could do more to combat violent crime within present statutory authority and resource allocations.

The meeting will be open to the public. Approximately 200 seats will be available for the public and media representatives on a first-come first-served basis.

Inquiries may be addressed to the Committee Management Liaison Officer at the above address.

Jeffrey Harris,

Executive Director, Attorney General's Task Force for Violent Crime.

[FR Doc. 81–13839 Filed 5–5–81; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Importer of Controlled Substances; Registration

By Notice dated March 10, 1981, and published in the **Federal Register** on March 16, 1981 (46 FR 16994), Stepan Chemical Company, Natural Products Dept., 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application to the Drug Enforcement Administration to be registered as an importer of Coca Leaf, a basic class of controlled substance listed in schedule II.

No comments or objections have been received. Therefore pursuant to Section

1008 (a) of the Controlled Substances Import and Export Act and in accordance with Title 21 Code of Federal Regulations 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: April 30, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-13560 Filed 5-5-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 19, 1980, Abbott Laboratories, 14th & Sheridan Rd., Attn: Customer Service D-345, N. Chgo., Ill. 60064, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substance Pentobarbital (2270).

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than June 8, 1981.

Dated: April 30, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-13562 Filed 5-5-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By Notice dated March 10, 1981, and published in the Federal Register on March 16, 1981 (46 FR 16995), Hoffman La Roche Inc., Kingland Rd. and Bloomfield Avenue, Nutley, New Jersey 07110, made application to the Drug Enforcement Administration to be registered as a bulk manfacturer of the basic class of controlled substances listed below:

Drug	Schedule
Alphaprodine	II
Levorphanol	II

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations Section 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled subtances listed above is granted.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

Dated: April 30, 1981.

[FR Doc. 81-13563 Filed 5-5-81; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 81-3]

Robert T. Thorpe, D.V.M.; Overland Park, Kansas; Hearing

Notice is hereby given that on February 5, 1981, the Drug Enforcement Administration, Department of Justice, issued to Robert T. Thorpe, D.V.M., Overland Park, Kansas, an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application for registration under Section 303 of the Controlled Substances Act (21 U.S.C. 823), executed on August 14, 1980, to prescribe, dispense, distribute, conduct research or otherwise handle controlled substances.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Tuesday, May 12, 1981, commencing at 1:30 p.m., or as soon thereafter as this matter may be reached, in the Hearing Room of the Occupational Safety and Health Review Commission, Room 1530, 55 East Monroe Street, Chicago, Illinois.

Dated: May 1, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-13567 Filed 5-5-81; 8:45 am]

BILLING CODE 4410-09-M

National Institute of Justice

The Role of Private Counsel in Indigent Defense; Competitive Research

Solicitation

The National Institute of Justice announces a competitive research solicitation aimed at examining The Role of Private Counsel in Indigent Defense.

The solicitation asks for preliminary proposals to be submitted for peer review in accordance with the criteria set forth in the solicitation. In order to be considered, all proposals must contain a U.S. Postal Service postmark dated no later than June 26, 1981. A grant or cooperative agreement for a 21 month research project is planned, with funding not to exceed $275,000. To maximize competition for this award, both profit-making and non-profit organiztions are eligible to apply.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, The Role of Private Counsel in Indigent Defense, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

April 27, 1981.

Harry M. Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 81-13561 Filed 5-5-81; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[81-42]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on High Performance Aircraft Systems.

DATE AND TIME: May 26, 1981, 8:30 a.m. to 4:30 p.m.; May 27, 1981, 8:30 a.m. to 4:30 p.m.; May 28, 1981, 8:30 a.m. to 12:30 p.m.

ADDRESS: NASA Headquarters, 600 Independence Avenue, SW, Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Jack Levine, National Aeronautics and Space Administration, Code RJFH-2, Washington, DC 20546 (202/755-2368).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on High Performance Aircraft Systems was established to assist the NASA in assessing the current adequacy of high performance aircraft technology and recommend actions to reduce deficiencies through modification of the

planned NASA research and technology program in flight dynamics, aerodynamics, structures and materials, propulsion, airframe/propulsion integration, integrated propulsion/airframe controls, and flight research. The Subcommittee, chaired by Mr. William T. Hamilton, is comprised of ten members. The meeting will be open to the public up to the seating capacity of the room (approximately 45 persons including the Subcommittee members and participants).

TYPE OF MEETING: Open.

Agenda:

May 26, 1981

8:30 a.m.—Welcome and Introduction.
8:45 a.m.—NASA Aeronautics Budget Overview/Long Range Planning.
9:45 a.m.—Office of Aeronautics and Space Technology Facility Productivity Improvement Program.
11:15 a.m.—Ongoing NASA Aeronautics High Speed Aircraft Program.
3:00 p.m.—Presentations of Subcommittee Member Views on Research and Technology Needs for High Speed Aircraft (Near Term: 2–4 Years and Long Term 5–10 Years).
4:30 p.m.—Adjourn.

May 27, 1981

8:30 a.m.—Continuation of Presentations of Subcommittee Member Views on Research and Technology Needs for High Speed Aircraft (Near Term 2–4 Years and Long Term 5–10 Years).
10:30 a.m.—Review of NASA Aeronautics High Speed Aircraft Fiscal Year 1982 and Long Range Plan.
2:30 p.m.—Assessment of Planned High Speed Aircraft Program Elements as to Technology Evolution, Demonstration, or Validation categorization.
3:00 p.m.—Discussion of Subcommittee Report Contents.
4:30 p.m.—Adjourn.

May 28, 1981

8:30 a.m.—Preparation of Subcommittee Report.
12:30 p.m.—Adjourn.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

April 28, 1981.

[FR Doc. 81-13568 Filed 5-5-81; 8:45 am]

BILLING CODE 7510-01-M

[81-43]

NASA Advisory Council, Aeronautics, Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Materials and Structures.

DATE AND TIME: June 2, 1981, 8:15 a.m. to 5 p.m.; June 3, 1981, 8:30 a.m. to 4 p.m.

ADDRESS: NASA Headquarters, 600 Independence Avenue, SW, Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Leonard A. Harris, National Aeronautics and Space Administration, Code RTM-6, Washington, DC 20546 (202/755–2364).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Materials and Structures was established to assist the NASA in assessing the current adequacy of materials, structures, and structural dynamics technology and recommend actions to reduce deficiencies through modification of the planned NASA research and technology program. The Subcommittee, chaired by Dr. Martin Goland, is comprised of ten members. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons including the Subcommittee members and participants).

TYPE OF MEETING: Open.

Agenda:

June 2, 1981

8:15 a.m.—Review of NASA Materials and Structures Long Range Plan.
1:15 p.m.—Plans for fiscal year 1983.
5 p.m.—Adjourn.

June 3, 1981

8:30 a.m.—Discussion of fiscal year 1983 Plan.
10:30 a.m.—Review of Select Aspects of Ongoing Program.
1 p.m.—Discussion.
4 p.m.—Adjourn.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

[FR Doc. 81-13567 Filed 5-5-81; 8:45 am]

BILLING CODE 7510-01-M

[81-44]

Space and Terrestrial Applications Steering Committee (STASC), Proposal Evaluation Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee.

DATE AND TIME: June 1–5, 1981, 8:30 a.m. to 5:00 p.m.

ADDRESS: National Aeronautics and Space Administration, Goddard Space Flight Center, Greenbelt, MD 20771, Bldg. 99, Management Conference Facility.

FOR FURTHER INFORMATION CONTACT: Dr. Edward A. Flinn, Code ERG–2, National Aeronautics and Space Administration, Washington, DC 20546 (202/755–3848).

SUPPLEMENTARY INFORMATION: The Subcommittee was established to review and evaluate both solicited and unsolicited proposals which offer to conduct new research or data use investigations in the various discipline areas of the overall Space and Terrestrial Applications Program. The Subcommittee, Chaired by Mr. Floyd I. Roberson, consists of 20 members. During this meeting the Advisory Subcommittee will discuss and evaluate proposals submitted to NASA in response to the Announcement of Opportunity for data use studies of plate movement and crustal deformation using space techniques. Throughout this session the qualifications of the proposers will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this meeting should be closed to the public.

TYPE OF MEETING: Closed.

PURPOSE OF MEETING: The Geodynamics Panel of the STASC Proposal Evaluation Advisory Subcommittee will discuss, evaluate, and categorize the proposals submitted to NASA in response to the Annnouncement of Opportunity for data use investigations in the Crustal Dynamics Program.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

April 28, 1981.

[FR Doc. 81-13569 Filed 5-5-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Music Panel (Composers Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Panel (Composers Section) to the National Council on the Arts will be held May 19–22, 1981, from 9:00 a.m.–5:30 p.m., in room 1422 of the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on May 21, 1981, from 1:30 p.m.–6:30 p.m. for the discussion for policy.

The remaining sessions of this meeting on May 19, 20, and 22, 1981, from 9:00 a.m.–5:30 p.m. and May 21, 1981, from 9:00 a.m.–1:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-13619 Filed 5-5-81; 8:45 am]

BILLING CODE 7537-01-M

Music Panel (Solo Recitalists Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Panel (Solo Recitalists Section) to the National Council on the Arts will be held May 27, 1981, from 9:00 a.m.–5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-13618 Filed 5-5-81; 8:45 am]

BILLING CODE 7537-01-M

RAILROAD RETIREMENT BOARD

Actuarial Advisory Committee With Respect to the Railroad Retirement Accounts; Public Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that the Actuarial Advisory Committee will hold a meeting on June 3, 1981, at the Office of the Chief Actuary of the U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, on the conduct of the 15th Actuarial Valuation of the Railroad Retirement Account. The agenda for this meeting will include the results of the recently completed age retirement, disability retirement, withdrawal, and active service mortality studies for the 15th Valuation, together with the recommendations of the Chief Actuary as to the retirement, withdrawal, and active service mortality assumptions to be used for the 15th Valuation.

The meeting will be open to the public. Persons wishing to submit written statements or make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

Dated: April 28, 1981.

R. F. Butler,

Secretary of the Board.

[FR Doc. 81-13617 Filed 5-5-81; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 11755; 812-4990]

Active Assets Money Trust, Active Assets Tax-Free Trust, and Active Assets Government Securities Trust; Application for an Exemption

April 30, 1981.

Notice is hereby given that Active Assets Money Trust, Active Assets Tax-Free Trust and Active Assets Government Securities Trust ("Applicants") Five World Trade Center, New York, New York 10048, all registered under the Investment Company Act of 1940 ("Act") as open-end, diversified management investment companies, filed an application on April 10, 1981, for an order of the Commission pursuant to Section 6(c) of the Act declaring that Dr. Irwin Friend, a prospective trustee of the Applicants, shall not be deemed to be an interested person of the Applicants solely by reason of his position as a director of PMI Securities Co. ("PMI"), which is registered as a broker-dealer under the Securities Exchange Act of 1934 ("Exchange Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

PMI was originally organized in December, 1972, to be a holding company of two mortgage insurance companies ("insurance companies"). In 1973 PMI and the insurance companies were acquired by Allstate Insurance Company ("Allstate") and PMI commenced doing business as a "matchmaker", that is, bringing together buyers and sellers of whole mortgages and participations on residential properties without compensation. In September, 1976, PMI was sold by Allstate to the newly-formed PMI Mortgage Corporation, a wholly-owned subsidiary of Allstate Enterprises Inc., which is in turn, a wholly-owned subsidiary of Sears, Roebuck & Co. ("Sears"). Subsequently, PMI was transferred to Seroco Enterprises Inc., another wholly-owned subsidiary of Sears.

Applicants state that PMI is not now and since its registration as a broker-dealer under the Exchange Act has not been engaged in the business of buying or selling any securities either as a broker or dealer. However, PMI contemplates acting as a broker-dealer in the distribution of mortgage pass-through securities issued by its parent, PMI Mortgage Corporation. These securities may be registered pursuant to

the Securities Act of 1933. Applicants state that non-registered private placements of securities are also contemplated. Dr. Friend is an Edward J. Hopkinson Professor of Finance and Economics at the Wharton School of the University of Pennsylvania, and is also Director of the Rodney L. White Center for Financial Research at the University of Pennsylvania. Applicants represent that Dr. Friend has had no past employment, consulting, contractual, financial, or other relationship with PMI or any affiliated person of PMI, other than as a director of PMI, the insurance companies and PMI Mortgage Company.

Active Assets Money Trust represents that its investment objectives are high current income, preservation of capital and liquidity and that it will invest in short-term money market instruments. Active Assets Tax-Free Trust represents that its investment objective is to provide as high a level of daily income exempt from federal income tax as is consistent with stability of principal and will invest in those short-term money market instruments, the interest on which is exempt from federal income tax. Active Assets Government Securities Trust represents that its investment policy requires it to invest in short-term United States government securities. Each of the Applicants represent that it is precluded from purchasing interests in real estate, except that Active Assets Money Trust and Active Assets Tax-Free Trust may, among other things, purchase securities that are secured by real estate or interests therein. Applicants state that they believe the mortgage pass-through securities proposed to be the subject of PMI's broker-dealer business are not securities which would generally be appropriate for investment by an Applicant. In any event, Applicants undertake that they will not, under any circumstances, do any business, directly or indirectly, with PMI in any capacity, whether as a broker-dealer or otherwise, so long as Dr. Friend is a trustee of Applicants and a director of PMI.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include any broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer. The term "affiliated person" of another person is defined by Section 2(a)(3)(D) of the Act to include a director of such other person. Dr. Friend is a director of PMI and is, therefore an affiliated person of PMI. Applicants do not concede Dr. Friend to be an interested person of any of the Applicants following his election as a trustee, but seek to have Dr. Friend determined by order to be a disinterested trustee, notwithstanding his status as a director of PMI.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that it would be misleading to shareholders and unfair to Dr. Friend to identify him as an interested trustee of Applicants since such a label, they contend, implies the existence of an actual or a potential conflict of interest which, Applicants claim, does not in fact exist. Applicants assert that because of Dr. Friend's personal stature and the removal of any possibility that Applicants will do business with PMI, Dr. Friend will be in a position to act independently on behalf of the Applicants and their respective shareholders without any possible impairment arising out of his affiliation with PMI.

Accordingly, Applicants believe that it would be in the best interests to have Dr. Friend's status as a disinterested trustee clearly acknowleged and that the requested exemption is therefore appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 26, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-13189 Filed 5-5-81; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0117]

Control Data Capital Corp.; Filing of an Application for Approval of a Conflict of Interest Transaction

Notice is hereby given that Control Data Capital Corporation (CDCC), 8100—34th Avenue South, Bloomington, Minnesota 55420, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1980)) for an exemption from the provisions of the conflict of interest regulation.

This exemption, if granted, will permit CDCC to provide financing in the amount of $300,000 to K. R. Merrill Company (KFMC), 1731 University Avenue, St. Paul, Minnesota.

Control Data Corporation (CDC) is the parent corporation of Commercial Credit Company (CCC) which is the parent corporation of CDCC. Mr. Richard G. Lareau, a director of KFMC is also a director of CDC.

Pursuant to Paragraph (f) of the definition of "Associate of a Licensee" in Section 107.3 of the SBA Regulations, KFMC is considered to be an associate of CDCC. As such, the transaction will require an exemption from the provisions of Section 107.1004(b)(1) of the Regulations.

Notice is hereby given that any person may, no later than May 21, 1981, submit to the Small Business Administration, in writing, relevant comments on the proposed transaction. Any such communications should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in St. Paul, Minnesota.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 29, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-13614 Filed 5-5-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 4 (Rev. 12)]

Investigators (Internal Security) and Internal Security Assistants; Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: This revision includes and authorizes Investigators (Internal Security) and Internal Security Assistants to take testimony under oath, examine books, papers, records or other data and to set the time and place of examination. This revision also authorizes Revenue Representatives and Office Collection Representatives to take testimony under oath of the person summoned and to receive and examine books, papers, records or other data produced in compliance with a summons. The text of the delegation order appears below.

EFFECTIVE DATE: April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Room 6309–I:IS:M, 1111 Constitution Avenue, NW., Washington, D.C. 20224, (202) 566–3868.

This document does not meet the criteria for signficant regulations set forth in paragraph 8 of the Treasury directive appearing in the Federal Register for Wednesday, November 8, 1978.

William E. Mulroy,

Director, Internal Security Division.

[Order No. 4 (Rev. 12)]

Delegation Order

Date of issue: April 28, 1981.

Effective Date: April 28, 1981.

Subject: **Authority to Issue Summonses, to Administer Oaths and Certify, and to Perform Other Functions**

1 (a). The authorities granted to the Commissioner of Internal Revenue by 26 CFR 301.7602–1(b), 301.7603–1, 301.7604–1 and 301.7605–1(a) and the authorities contained in Section 7609 of the Internal Revenue Code of 1954 and vested in the Commissioner of Internal Revenue Service by Treasury Department Order No. 150–37 to issue summonses; to set the time and place for appearance; to serve summonses; to take testimony under oath of the person summoned; to receive and examine books, papers, records or other data produced in compliance with the summons; to enforce summonses; to apply for court orders approving the service of John Doe Summonses issued under Section 7609(f) of the Internal Revenue Code; and to apply for court orders suspending the notice requirements in the case of summonses issued under Section 7609(g) of the Internal Revenue Code, are delegated to the officers and employees of the Internal Revenue Service specified in paragraphs 1(b), 1(c), and 1(d) of this Order and subject to the limitations stated in paragraphs 1(b), 1(c), 1(d), and 6 of this Order.

(b) The authorities to issue summonses and to perform the other functions related thereto specified in paragraph 1(a) of this Order, are delegated to all District Directors, the Director of International Operations, and the following officers and employees, provided that the authority to issue a summons in which the proper name or names of the taxpayer or taxpayers is not identified because unknown or unidentifiable (hereinafter called a "John Doe" summons) may be exercised only by said officers and employees and by them only after obtaining preissuance legal review by Regional Counsel, Deputy Regional Counsel (General Litigation) or District Counsel, or the Director, General Litigation Division in the case of Inspection.

(1) Inspection: Assistant Commissioner and Director, Internal Security Division.

(2) District Criminal Investigation: Chief of Division, except this authority in streamlined districts is limited to the District Director.

(3) International Operations: Chiefs of Division.

(4) District Collection Activity: Chief of Division, except this authority in streamlined districts is limited to the District Director.

(5) District Examination: Chief of Division, except this authority in streamlined districts is limited to the District Director.

(6) District Employee Plans and Exempt Organizations: Chief of Division.

(c) The authorities to issue summonses except "John Doe" summonses, and to perform other functions related thereto specified in paragraph 1(a) of this Order, are delegated to the following officers and employees:

(1) Inspection: Regional Inspectors and Assistant Regional Inspectors (Internal Security) and Chief, Investigations Branch.

(2) District Criminal Investigation: Assistant Chief of Division; Chiefs of Branches; and Group Managers.

(3) International Operations: Assistant Director; Chiefs of Branches; Case Managers; and Group Managers.

(4) District Collection Activity: Assistant Chief of Division; Chiefs of Collection Section; Chiefs of Field Branches and Office Branches; Chiefs, Special Procedures Staffs; Chiefs Technical and Office Compliance Branches and Groups and Group Managers.

(5) District Examination: Chiefs of Branches, Case Managers, Group Managers and, in streamlined districts Chiefs, Examination Section.

(6) District Employee Plans and Exempt Organizations: Group Managers.

(d) The authority to issue summonses except "John Doe" summonses and to perform the other functions related thereto specified in paragraph 1(a) of this Order is delegated to the following officers and employees except that in the instance of a summons to a third party witness, the issuing officer's case manager, group manager, or any supervisory official above that level, has in advance personally authorized the issuance of the summons. Such authorization shall be manifested by the signature of the authorizing officer on the face of the original and all copies of the summons or by a statement on the face of the original and all copies of the summons, signed by the issuing officer, that he/she had prior authorization to issue said summons and stating the name and title of the authorizing official and the date of authorization.

(1) International Operations: Internal Revenue Agents; Attorneys, Estate Tax; Estate Tax Examiners; Special Agents; Revenue Service and Assistant Revenue Service Representatives; Tax Auditors; and Revenue Officers, GS–9 and above.

(2) District Criminal Investigation: Special Agents.

(3) District Collection: Revenue Officers, GS–9 and above.

(4) District Examination: Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Tax Examiners.

(5) District Employee Plans and Exempt Organizations; Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

(e) Each of the officers and employees referred to in paragraphs 1(b), 1(c) and 1(d) of this Order may serve a summons whether it is issued by him/her or another official.

(f) Revenue Representatives, GS–5 and above, and Revenue Officers, who are assigned to the District Collection Activity and to International Operations may serve any summons issued by the officers and employees referred to in paragraphs 1(b), 1(c) and 1(d) of this Order.

2. Each of the officers and employees referred to in paragraphs 1(b), 1(c), and 1(d) of this Order authorized to issue summonses, is delegated the authority under 26 CFR 301.7602–1(b) to designate any other officer or employee of the Internal Revenue Service referred to in paragraph 4(b) of this Order, as the individual before whom a person summoned pursuant to section 7602 of the Internal Revenue Code shall appear. Any such other officer or employee of the Internal Revenue Service when so designated in a summons is authorized to take testimony under oath of the person summoned and to receive and examine books, papers, records or other data produced in compliance with the summons.

(3.) Internal Security Inspectors are delegated the authority under 26 CFR 301.7603–1 to serve summonses issued in accordance with this Order by any of the officers and employees of the Inspection Service referred to in paragraphs 1(b) (1) and 1(c)(1) of this Order even though Internal Security Inspectors do not have the authority to issue summonses.

4(a). The authorities granted to the Commissioner of Internal Revenue by 26 CFR 301.7602–1(a), and 301.7606–1(a) to examine books, papers, records or other data, to take testimony under oath and to set the time and place of examination are delegated to the officers and employees of the Internal Revenue Service specified in paragraphs 4(b), and 4(c) of this Order and subject to the limitations stated in paragraphs 4(c) and 6 of this Order.

(b) General Designations

(1) Inspection: Assistant Commissioner; Director, Internal Security Division; Director, Internal Audit Division; Regional Inspectors; Internal Auditors; and Internal Security Inspectors; Investigators (Internal Security); and Internal Security Assistants.

(2) District Criminal Investigation: Chief and Assistant Chief of Division; Chiefs of Branches; Group Managers; and Special Agents.

(3) International Operations: Director, Assistant Director; Chief of Divisions and Branches; Special Agents; Case Managers; Group Managers, Internal Revenue Agents; Attorneys, Estate Tax; Estate Tax Examiners; Revenue Service and Assistant Revenue Service Representatives; Tax Auditors; and Revenue Officers.

(4) District Collection Activity: Chiefs and Assistant Chiefs of Division; Chiefs of Field Branches and Office Branches; Chiefs, Special Procedures Staffs; Chiefs, Technical and Office Compliance Branches; Chiefs, Collection Section; Chiefs, Technical and Office Compliance Branches and Groups; Group Managers; Revenue Officers; Revenue Representatives and Office Collection Representatives.

(5) District Examination: Chiefs of Division; Chiefs of Examination Sections; Chiefs of Examination Branches; Case Managers; Group Managers; Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Tax Examiners.

(6) District Employee Plans and Exempt Organization: Chief of Division; Chief, Examination Branch; Chief, Technical Staff; Group Managers; Internal Revenue Agents; Tax Law Specialists; and Tax Auditors.

(7) Service Center: Chief, Compliance Division; Chief, Examination Branch; Chief, Collection Branch; Chief, Criminal Investigation Branch; Revenue Agents; Tax Auditors; Tax Examiners in the correspondence examination function; and Special Agents.

(c) District Directors, Service Center Directors, Regional Inspectors, the Chief of Investigation Branch, and the Director of International Operations may redelegate the authority under 4(a) of this Order to Law Clerks (Estate Tax), aides or trainees, respectively, for the positions of Revenue Agent, Tax Auditor, Tax Examiner in the Service Center Correspondence and Processing function, Tax Law Specialists, Revenue Officer, Internal Auditor, Internal Security Inspector, Investigator (Internal Security), Internal Security Assistant, Attorney (Estate Tax) and Special Agent, provided that each such Law Clerk (Estate Tax), aide or trainee shall exercise said authority only under the direct supervision, respectively, as applicable of a Revenue Agent, Tax Auditor, Tax Examiner in the Service Center Correspondence and Processing function, Tax Law Specialist, Revenue Officer, Special Agent, Internal Auditor or Internal Security Inspector or Attorney (Estate Tax).

5. Under the authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7622–1, the officers and employees of the Internal Revenue Service referred to in paragraphs 1(b), 1(c), 1(d), and 4(b) and 4(c) of this Order are designated to administer oaths and affirmations and to certify to such papers as may be necessary under the internal revenue laws and regulations *except* that the authority to certify shall not be construed as applying to those papers or documents the certification of which is authorized by separate order or directive. Revenue Representatives and Office Collection Representatives referred to in paragraph 4(b)(4) of this Order are not designated to administer oaths or to perform the other functions mentioned in this paragraph, except that Revenue Representatives, GS–5 and above, are authorized to certify the method and manner of service, and the method and manner of giving notice, when performing the functions and duties contained in paragraph 1(f) of this Order.

6. The authority delegated herein may not be redelegated except as provided in paragraph 4(c).

7. This Order supersedes Delegation Order No. 4 (Rev. 11), issued July 11, 1980.

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 81–13951 Filed 5–5–81; 8:45 am]

BILLING CODE 4830–01–M

Office of the Secretary

[Department Circular, Public Debt Series No. 14–81]

Treasury Bonds of 2006–2011; Auction

April 30, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,000,000,000 of United States securities, designated Treasury Bonds of 2006–2011 (CUSIP No. 912810 CV 8). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated May 15, 1981, and will bear interest from that date, payable on a semiannual basis on November 15, 1981, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature on May 15, 2011, but may be redeemed at the option of the United States on and after May 15, 2006, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interst or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

2. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, May 7, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, May 6, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 92.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1 Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5, must be made or completed on or before Friday, May 15, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, May 13, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the

Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-13735 Filed 5-4-81; 11:49 am]
BILLING CODE 4810-40-M

[Department Circular; Public Debt Series—No. 13-81]

Treasury Notes of May 15, 1991; Series A-1991; Auction

April 30, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,750,000,000 of United States securities, designated Treasury Notes of May 15, 1991, Series A-1991 (CUSIP No. 912827 LW 0). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated May 15, 1981, and will bear interest from that date, payable on a semiannual basis on November 15, 1981, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1991, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 6, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, May 5, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily

to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Friday, May 15, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, May 13, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registerd in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions of assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are avaialbe, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested from of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General provisions

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary,

to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliane with the departmental procedures applicable to such regulations.

[FR Doc. 81-13724 Filed 5-4-81; 11:49 am]
BILLING CODE 4810-40-M

[Department Circular; Public Debt Series—No. 12-81]

Treasury Notes of May 15, 1984; Series K-1984; Auction

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,000,000,000 of United States securities, designated Treasury Notes of May 15, 1984, Series K-1984 (CUSIP No. 912827 LV 2). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated May 15, 1981, and will bear interest from that date, payable on a semiannual basis on November 15, 1981, and each subsequent 6 months on May 15 and November 15, until the principal becomes payable. They will mature May 15, 1984, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other exise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20220, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, May 5, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, May 4, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be

determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Friday, May 15, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, May 13, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are required if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-13723 Filed 5-4-81; 11:49 am]
BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on May 27, 1981, at 9 a.m., The Veterans Administration Regional Office, St. Petersburg, Florida, Station Committee on Educational Allowances shall, at the Federal Building, Room 621 144 1st Avenue South, St. Petersburg, Florida, conduct a hearing to determine whether Veterans Administration benefits to all

eligible persons enrolled in Florida A&M University, Tallahassee, Florida, should be discontinued, as provided in 36 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: April 27, 1981.

Carlos L. Rainwater,

Director.

[FR Doc. 81-13631 Filed 5-5-81; 8:45 am]

BILLING CODE 6336-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 87
Wednesday, May 6, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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Federal Mine Safety and Health Review Commission	5
Postal Rate Commission	6

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, May 15, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C. eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-769-81 Filed 5-4-81; 11:27 am]

BILLING CODE 6351-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, May 11, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Controller regarding the Corporation's securities portfolio inventory as of March 31, 1981.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: May 4, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-767-81 Filed 5-4-81; 10:02 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, May 11, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Application for Federal deposit insurance:

Community Bank of El Dorado Springs, a proposed new bank, to be located at Highway 54 and Main Street, El Dorado Springs, Missouri.

Applications for consent to establish branches:

The Arizona Bank, Phoenix, Arizona, for consent to establish three branches at the following locations: the southwest corner of Alma School and Elliot Roads, Chandler, Arizona; 25th Avenue and Union Hills Drive, Phoenix, Arizona; and 6028 South Central Avenue, Phoenix, Arizona.

Buffalo Savings Bank, Buffalo, New York, for consent to establish three branches at the following locations: 1071 Payne Avenue, North Tonawanda, New York; 5688 South Transit Road, Town of Lockport, New York; and 2513 West State Street, Olean, New York.

Application for consent to purchase assets and assume liabilities:

Wells River Savings Bank, Wells River, Vermont, for consent to purchase the assets of and assume the liability to pay deposits made in The National Bank of Newbury at Wells River, Wells River, Vermont.

Request for relief from adjustment for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Request for exemption pursuant to Part 348.4(b)(1) of the Corporation's rules and regulations entitled "Management Official Interlocks":

City and County Bank of Anderson County, Lake City, Tennessee.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,774–L—The Hamilton Bank & Trust Company, Atlanta, Georgia

Memorandum and Resolution re: American Bank & Trust Company, New York, New York

Memorandum and Resolution re: Franklin National Bank, New York, New York

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the

Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Grievance Officer's report and recommendation with respect to the formal grievance of a Corporation employee:

Name of employee authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: May 4, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–708 Filed 5–4–81; 3:45 am]

BILLING CODE 6714–01–M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Wednesday, May 6, 1981, at the conclusion of the open meeting.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED: Request for waiver.

No. 483, May 4, 1981.

[S–711–81 Filed 5–4–81; 3:15 pm]

BILLING CODE 6720–01–M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

April 29, 1981.

TIME AND DATE: 10 a.m., Wednesday, May 6, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Madison Granite Company, Docket No. WEST 80–101–M, etc. Petition for Discretionary Review (Issues include whether substantial evidence supports finding that 30 CFR 56.5–50(b) was violated.)

2. Elias Moses v. Whitley Development Company, Docket No. KENT 79–336–D, Petition for Discretionary Review (Issues include whether miner was discharged in violation of section 105(c) of the 1977 Mine Act.)

3. Sewell Coal Company, Docket No. HOPE 78–744–P. (Issues include whether judge erred in vacating citations on the grounds that compliance was impossible due to a manpower shortage.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S–712–81 Filed 5–4–81; 3:28 pm]

BILLING CODE 6820–12–M

6

POSTAL RATE COMMISSION.

TIME AND DATE: Periodic meetings scheduled on short notice during business days during the period May 11, 1981 through June 15, 1981.)

PLACE: Conference Room, Room 500, 2000 L Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Reconsideration of Opinion and Recommended Decision in Docket No. R80–1 issued February 19, 1981, and remanded by the Governors, U.S. Postal Service, on March 19, 1981:

[Closed pursuant to 5 U.S.C. § 552b(c)(10)]

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–710–81 Filed 5–4–81; 1:20 pm]

BILLING CODE 7715–01–M

federal register

Wednesday
May 6, 1981

Part II

Environmental Protection Agency

Polychlorinated Biphenyls (PCBs); Abeyance of Proposed Restrictions on Use at Agricultural Pesticide and Fertilizer Facilities

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS-62003C; TSH-FRL 1620-5]

Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Proposed Restrictions on Use at Agricultural Pesticide and Fertilizer Facilities; Abeyance of Proposed Rule Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule Amendment; Notice of Abeyance.

SUMMARY: EPA announces its decision to hold in abeyance its May 2, 1980 proposed amendment (45 FR 30989, May 9, 1980) to the Final PCB Ban Rule. This amendment proposed to prohibit the use of PCB Items in facilities manufacturing, processing, or storing fertilizers or agricultural pesticides. This decision was made in part because of the October 30, 1980 decision of the United States Court of Appeals for the District of Columbia Circuit which set aside two key provisions of the Agency's Final PCB Ban Rule.

DATES: The proposed rule amendment will be held in abeyance until further notice.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, in Washington, D.C.: (554-1404), Toll free: (800-424-9065), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: In the Federal Register of May 9, 1980 (45 FR 30989), EPA proposed to amend its Final PCB Ban Rule to prohibit the use PCB Items in facilities manufacturing, processing, or storing fertilizers or agricultural pesticides. The term PCB Item is defined in 40 CFR 761.2(x), and includes: PCB Large High and Low Voltage Capacitors, PCB Transformers, PCB—Contaminated Transformers, PCB Heat Transfer Systems, and PCB Hydraulic Systems. PCB small capacitors (containing less than three pounds of fluid) were not to be regulated by the proposal. Related rulemaking proposals by the Food and Drug Administration and the U.S. Department of Agriculture were published on May 9, 1980 in the Federal Register.

On October 30, 1980, the United States Court of Appeals for the District of Columbia Circuit (the D.C. Circuit or the Court) set aside two key provisions of the Agency's Final PCB Ban Rule. In *Environmental Defense Fund, Inc.*, v. *Environmental Protection Agency*, No. 79-1560 (D.C. Cir., Oct. 30, 1980), the D.C. Circuit decided that EPA's designation of the use of intact, non-leaking transformers, capacitors, and electromagnets containing PCBs as "totally-enclosed" uses was not supported by substantial evidence in the record. Similarly, the Court decided that EPA's determination to exclude PCBs in concentrations below 50 parts per million (ppm) from regulation under section 6(e) of the Toxic Substances Control Act (TSCA) was not supported by substantial evidence in the record. The court set aside those parts of the regulation, and remanded those portions of the record to EPA for further proceedings consistent with the Court's opinion. Without EPA's rules on these two issues, the absolute prohibitions of Section 6(e)—including the prohibition against all uses of PCBs regardless of concentration—apply when the decision becomes effective.

On February 12, 1981, the D.C. Circuit issued an order whch conditionally stayed the effectiveness of its decision. This stay was in response to a joint motion submitted by EPA and the other parties to the *EDF* litigation. The Court's order permits owners and users of PCB Transformers and PCB-contaminated Transformers who comply with any applicable interim risk-reduction measures set forth in the Court's order to continue to use the equipment for the 18-month rulemaking period. (The Court's order was published in the Federal Register on March 10, 1981 at 46 FR 16093. EPA explained the Court's decision and the interim measures program at 46 FR 16090.) In connection with the rulemaking, EPA will be gathering a substantial amount of factual information relating to the use of PCB-containing electrical equipment.

Because information generated in connection with the remand of the PCB regulations resulting from the *EDF* litigation will be useful to the Agency in drawing conclusions about PCB-containing electrical equipment in agricultural pesticide and fertilizer facilities, and because the interim measures program ordered by the D.C. Circuit applies to PCB-containing transformers, including such equipment in agricultrual pesticide and fertilizer facilities, EPA has decided to hold the rulemaking initiated on May 9, 1980 in abeyance. EPA anticipates the interim measures program will provide adequate interim protection against the risks associated with the use of PCB-containing electrical equipment in agricultural pesticide and fertilizer facilities as well as in food and feed facilities. EPA will subsequently determine what step to take concerning the proposed amendment to the PCB rules published on May 9, 1980. This determination will be the subject of a future notice.

EPA's Advance Notice of Proposed Rulemaking (AMPR) with respect to the use of PCB-containing equipment, arising from the *EDF* litigation, was published in the Federal Register of March 10, 1981 (46 FR 16096). The comment period for that notice extends until December 7, 1981. EPA encourages persons who own or use PCB-containing electrical equipment in food, feed, agricultural pesticide and fertilizer industries to submit comments in response to the March 10, 1981 ANPR.

Dated: April 28, 1981.

Edwin H. Clark, II,

Acting Assistant Administrator for Pesticides and Toxic Substances,

[FR Doc. 81-13708 filed 5-5-81; 8:45 am]

BILLING CODE 6560-31-M

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federal register

Wednesday,
May 6, 1981

Part III

Civil Aeronautics Board

Air Carriers; Revision of Record Retention Requirements

CIVIL AERONAUTICS BOARD

14 CFR Part 249

[Reg. ER-1214; Docket No. 33725]

Revision of Record Retention Requirements and Reissuance of Part 249

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This action simplifies and substantially reduces the record retention requirements that the CAB prescribes for air carriers. It also revises the remaining requirements to enable carriers to take full advantage of current technology for producing, retaining, and retrieving information.

DATES: Adopted: April 16, 1981. Effective: This rule is subject to OMB clearance. The rule will become effective July 6, 1981; provided the Board receives OMB clearance. A notice will be issued of OMB's decision.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or M. Clay Moritz, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: In a Notice of Proposed Rulemaking issued October 20, 1978, the Board proposed to revise its air carrier record retention requirements (14 CFR Part 249) to enable carriers to take advantage of the current technology for producing, retaining, and retrieving information.[1] The proposal was also intended to make the retention requirements less burdensome and easier to understand by:

1. Standardizing retention periods for similar types of records;
2. Better arranging the schedule of records to be maintained by certificated air carriers; and
3. Rewriting the regulation to make it easier to understand.

Eleven comments were received in response to the rulemaking notice. Of the eleven, six were from certificated air carriers,[2] three from foreign air carriers,[3] and two from industry associations.[4]

While the comments support the proposal to allow carriers to replace paper documentation with microfilm copies at any time and our goal of decreasing the carriers' record retention burden, they also suggest certain modifications to the proposed requirements. Essentially, the carriers seek to modify the proposed rule by:

1. Eliminating the requirement that carriers appoint one or more persons with official responsibility to supervise the preservation, storage and authorized destruction of carrier records. A majority of the comments received are against the imposition of this requirement as being impractical due to the decentralized nature of carrier operations and the large number of record custodians that would be needed.
2. Eliminating the requirement that each air carrier maintain at its principal office a comprehensive index of all records being preserved. Objections to this requirement cited the material burden involved in maintaining a master index within a decentralized operational environment.
3. Not standardizing retention periods by grouping similar type records under a uniform retention period. A significant majority of the comments received opposed standardizing retention periods because it resulted in increased retention periods for some records. Overall, carriers are concerned that the longer retention periods will materially expand the burden associated with handling increasing volumes of records as well as require a significant expansion of current storage facilities.

As a result of the above comments and the enactment of the Airline Deregulation Act of 1978 [5] shortly after the Board's adoption of EDR-365, the Board undertook a reassessment of its need for continuing to prescribe in a deregulated environment a comprehensive list of records to be retained by certificated air carriers. It has been decided that a comprehensive list is no longer needed in the current environment and that the retention periods should be prescribed only for records that support identified regulatory needs. Accordingly, each retention period proposed in EDR-365 has been reexamined.

In reassessing the proposed retention requirements, we have sought to reduce to a minimum the regulatory burden for each designated class of carriers. To this end, we have considered the carriers' comments in the context of the current regulatory environment and eliminated from the final rule the proposed (1) designation of a supervisory official to oversee carrier record retention programs; (2) carrier maintenance of a master index of all records being preserved; and (3) increases in retention periods that would have resulted from grouping similar categories of records for retention purposes. We have also significantly reduced carrier burden by limiting the records to be retained to those that support a specific regulatory need. For example, we have been unable to identify a regulatory need that supports the proposed retention by certificated air carriers of employees' welfare and pension records. Accordingly, these records, which include superseded retirement plans, workmen's compensation accident reports and employees' health and hospital insurance records, have not been included in the final rule. The use of this criterion in determining which records are to be retained has resulted in the elimination of more than 80% of the record retention requirements prescribed for certificated air carriers as well as all of the record retention requirements currently prescribed in Subpart A for foreign air carriers and holders of foreign civil aircraft permits.

Further reductions have been achieved by limiting retention periods to no more than 3 years. This limitation, along with the provision which allows carriers to replace paper documentation with nonerasable microfilm copies at any time, should greatly relieve the carriers' concern over handling and storing increasing volumes of records.

Despite the significant cutback in the number of records we have designated for retention, the records we have included in the final rule will ensure the maintenance of carrier records for audits, compliance reviews, resolution of consumer complaints, and other regulatory monitoring functions, such as monitoring the extension of unsecured credit to political candidates as mandated by Section 401 of the Federal Election Campaign Act of 1971.

The retention requirements contained in this regulation are subject to clearance by the Office of Management and Budget. We will publish a notice of the outcome of the OMB review as soon as it is completed.

The authority citation for Part 249 has been changed to reflect the new Federal Register format.

Final Rule

The Board hereby reissues Part 249 of the Economic Regulations (14 CFR Part 249) to read as follows:

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[1] EDR-365, 43 FR 50150, October 20, 1978.

[2] American Airlines, Inc. (American), Delta Air Lines, Inc. (Delta), Northwest Airlines, Inc. (Northwest), Trans International Airlines, Inc. (Trans International), Trans World Airlines, Inc. (Trans World), and World Airways, Inc. (World).

[3] Air Canada, Compagnie Nationale Air France (Air France), and Korean Air Lines (Korean).

[4] Air Charter Tour Operators of America (ACTOA) and Air Transport Association of America (ATA).

[5] Pub. L. 95-504, October 24, 1978.

PART 249—PRESERVATION OF AIR CARRIER RECORDS

Subpart A—General Instructions

Sec.
249.1 Applicability.
249.2 Definitions.
249.3 Preservation of records.
249.4 Photographic copies.
249.5 Storage of records.
249.6 Destruction of records.
249.7 Restrictions on record destruction.
249.8 Premature loss or destruction of records.
249.9 Carriers going out of business.
249.10 Waiver of requirements.

Subpart B—Preservation of Records by Carrier

249.20 Preservation of records by certificated air carriers.
249.21 Preservation of records by public charter operators and overseas military personnel charter operators.

Subpart C—Regulations Relating to the Truth-in-Lending Act

249.30 Applicability.
249.31 Preservation and inspection of evidence of compliance.

Authority: Secs. 101(3), 204, 401, 402, 403, 404, 407, 411, 416, 418, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 743, 754, 757, 758, 760, 766, 769, 771, 788; 91 Stat. 1284; (49 U.S.C. 1301(3), 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1388, 1482)

Subpart A—General Instructions

§ 249.1 Applicability.

Subparts A and B of this part apply to:

(a) Air carriers, as defined in Section 101(3) of the Act, that hold either certificates of public convenience and necessity or certificates for all-cargo air service.

(b) Public charter operators, as defined in Part 380 of this chapter.

(c) Overseas military personnel charter operators, as defined in Part 372 of this chapter.

§ 249.2 Definitions.

For the purposes of this part:

"Authorized representatives of the Board" means any persons, including special agents and auditors, designated by the Board to perform inspections, audits, or examinations within the purview of the Board's authority.

"Certificated air carrier" means the holder of a certificate of public convenience and necessity issued by the Civil Aeronautics Board under Section 401 of the Act or a certificate for all-cargo air service issued by the Civil Aeronautics Board under Section 418 of the Act.

"Final adjudication" means the expiration date of the last possible period of review or reconsideration of a given case, by the Board or by a court, that is provided by applicable statute or regulation.

"Pending case" means any case that the Board is empowered to hear before its final adjudication.

"Records" include all documents that are related to, or constitute integral links in developing the history of, or facts regarding, financial transactions or physical operations of a particular segment, operating division, or entire system of the carrier's operations. The term includes any copy of initially prepared documents which bear approvals, comments, or notations which were added and are of significance to a full explanation of recorded facts or information. The term "records" means not only accounting records in a limited technical sense but all other evidentiary accounts of events such as memoranda, correspondence, working sheets, tabulating equipment listings punched cards, computer-produced listings, microfilm, and magnetic storage media (*i.e.*, magnetic tapes, disks). The term "records" also means microform and/or tape reproductions of documents made as authorized by this subpart. In addition, the term "records" includes any of the above-described materials coming into the possession of the air carrier through merger, consolidation, succession, transfer, or other acquisition.

"open mail rate period" means the time interval between the date of institution of a new mail rate proceeding or the start of service over a new route for which no mail rate has previously been fixed, and the date upon which a Board order setting the final mail rate becomes legally effective.

"Supporting papers (records)" means any group of documentary papers, such as memoranda, correspondence, working sheets, etc., that assist in upholding the accuracy or clarity of related records.

§ 249.3 Preservation of records.

(a) All records listed in §§ 249.20 and 249.21 may be preserved on either paper or nonerasable microfilm (see § 249.4). However, a paper or microfilm record need not be created to satisfy the requirements of this part if the record is initially prepared in a machine-readable medium such as punched cards, magnetic tapes, and disks. The records maintained in machine-readable media and the underlying data used in their preparation shall be preserved for the periods prescribed in §§ 249.20 and 249.21. A paper or microfilm record shall not be destroyed after transfer to a machine-readable medium before expiration of the prescribed period: however, a waiver permitting the early destruction of paper or microfilm records transferred to a machine-readable medium may be granted by the Chief, Data Requirements Division, Office of the Comptroller, when it is demonstrated by the requesting carrier that the substantive purpose of the retention requirement will be met by retention of the information in machine-readable form (see § 249.10).

(b) Each record kept in a machine-readable medium shall be accompanied by a statement clearly indicating the type of data included in the record and certifying that the information contained in it is complete and accurate. This statement shall be executed by a person having personal knowledge of the facts contained in the records. The records shall be indexed and retained in such a manner so that they are easily accessible, and the carrier shall have the facilities available to locate, identify and reproduce the records in readable form without loss of clarity. Authorized representatives of the Board shall be given immediate access to the carrier's facilities upon request.

(c) If any record which must be retained under the provisions of §§ 249.20 and 249.21 is included as an exhibit to another document which must also be retained, the carrier need only keep in its files one copy of the record to satisfy these record retention requirements. In these cases, the carrier shall establish adequate cross-references to assist in locating the record.

(d) The provisions in this part do not excuse noncompliance with requirements of any other governmental body, Federal or State, prescribing longer retention periods for any records.

§ 249.4 Photographic copies.

(a) Any record may be transferred to nonerasable microfilm (including microfiche, computer output microfilm, and aperture cards) at any time. Records so maintained on microfilm shall satisfy the minimum requirements listed in paragraphs (b) through (f) of this section.

(b) The microfilm shall be of a quality that can be easily read and that can be reproduced in paper similar in size to an original without loss of clarity or detail during the periods the records are required to be retained in §§ 249.20 and 249.21.

(c) Microfilm records shall be indexed and retained in such a manner as will render them readily accessible, and the company shall have facilities available to locate, identify and read the microfilm and reproduce in paper form. Authorized representatives of the Board

shall be given immediate access to these facilities upon request.

(d) Any significant characteristic, feature, or other attribute which microfilm will not preserve shall be clearly indicated at the beginning of each roll of film or series of microfilm records if applicable to all records on the roll or series, or on the individual record, as appropriate.

(e) The printed side of printed forms need not be microfilmed for each record if nothing has been added to the printed matter common to all such forms, but an identified specimen of the form shall be on the film for reference.

(f) Each roll of film or series of microfilm records shall include a microfilm of a certificate stating that the photographs are direct and facsimile reproductions of the original records and they have been made in accordance with prescribed regulations. Such a certificate shall be executed by a person having personal knowledge of these facts. Where the microfilm is computer output, the microfilm certificate shall state that the information is complete and accurate.

§ 249.5 Storage of records.

Each carrier shall provide reasonable protection from damage by fire, floods, and other hazards for records subject to the provisions of this part.

§ 249.6 Destruction of records.

(a) Upon the expiration of the period of preservation prescribed in this regulation, records may be destroyed at the option of the carrier.

(b) Unless otherwise specified, duplicate copies of records may be destroyed at any time if they contain no significant information not shown on the originals.

§ 249.7 Restrictions on record destruction.

(a) Each carrier that has been named a party to a pending case arising under Section 406 of the Act shall retain all records remaining in its custody as of the beginning of an "open mail rate period" until the occurrence of one of the following contingencies, whichever is first:

(1) Final adjudication of a Board order fixing the final mail compensation payable for services rendered during an "open mail rate period."

(2) Receipt of a notice issued by the Chief, Data Requirements Division, Office of Comptroller, in response to a written application filed by the carrier, authorizing the destruction of specifically identified categories of records. An application should be filed when the carrier believes that certain categories of records are not relevant to the proper processing of a pending mail proceeding. The application should list those categories of records which the carrier wants to destroy and its reasons for believing that the records are not necessary or useful in determining its satutory mail pay.

(b) Each carrier shall preserve records supporting the computation of subsidy mail pay in accordance with the provisions of § 249.20 unless the carrier has been advised that these computations are subject to further review and disposition by the Board. When the Board is still reviewing the compensation amount after expiration of the normal retention period specified in § 249.20, these records must be retained until the carrier is notified by the Chief, Data Requirements Division, Office of Comptroller, that the records may be destroyed.

(c) Each carrier that has been named a party to an enforcement proceeding or against whom a third-party complaint has been filed shall retain all records relating to the case until the receipt of formal notification from the Chief, Data Requirements Division, Office of Comptroller, following a written application from the carrier, which authorizes the destruction of these records.

(d) Each carrier that has been named a party to a pending case which is not of a type discussed in paragraphs (a), (b), and (c) of this section, shall preserve all records according to the provisions of § 249.20 unless the Chief, Data Requirements Division, Office of Comptroller, notifies the carrier in writing that specific records shall be preserved until final adjudication of the pending case.

(e) Each carrier that is a party to litigation in a Federal court of which the Board is also a party shall retain all records relating to the case until the receipt of formal notification from the Chief, Data Requirements Division, Office of Comptroller, following a written application from the carrier, which authorizes the destruction of these records.

§ 249.8 Premature loss or destruction of records.

If records are destroyed or lost before the expiration of the prescribed retention period, a statement shall be prepared and submitted to the Chief, Data Requirements Division, Office of Comptroller, which lists, as accurately as possible, the unavailable records and describes the circumstances under which they became unavailable.

§ 249.9 Carriers going out of business.

The records referred to in these regulations may be destroyed after the business is discontinued and the carrier is completely liquidated. The records may not be destroyed until dissolution is final and all transactions and litigations are completed. When a carrier is merged with another company which is regulated by the Board, the successor company shall preserve records of the merged company in accordance with these regulations.

§ 249.10 Waiver of requirements.

A waiver from any provision of this regulation may be made by the Chief, Data Requirements Division, Office of Comptroller, upon the Chief's own initiative or upon submission of a written request by a carrier or group of carriers. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures, or techniques, or that compliance with the prescribed requirements would impose an unreasonable burden on the carrier, and that granting the waiver would be in the public interest.

Subpart B—Preservation of Records by Carrier

§ 249.20 Preservation of records by certificated air carriers.

Each certificated air carrier shall retain its records according to the provisions of this section. Unless otherwise specified in the "Schedule of Records," each retention period shall begin on the date when the records are created or otherwise come into the possession of the carrier.

Schedule of Records

Category of records	Retention period
1. General and subsidiary ledgers or their equivalents:	
(a) General ledgers; subsidiary or auxiliary ledgers	3 years.
(b) Indexes to general and subsidiary ledgers	3 years.
2. Journals and journal vouchers:	
(a) General and subsidiary journals, and journal vouchers	3 years.
(b) Papers forming a part of, or necessary to explain, journal entries; entry numbers	3 years.
3. Voucher distribution registers or their equivalent	3 years.
4. Accounts receivables and payables:	
(a) Traffic accounts receivable or payable, detailed journals and ledgers or their equivalents, together with supporting papers.	3 years.

Schedule of Records—Continued

Category of records	Retention period
(b) General accounts receivable or payable, detailed journals and ledgers or their equivalents, together with supporting papers.	3 years.
(c) Copies of invoices issued by the carrier which have been settled and all supporting papers	1 year.
(d) Copies of Postal Service Forms: Weekly Summary of Airmail Dispatch (No. 2729) and POD Airmail Exemption Record (No. 2734) supporting mail pay claims which have been settled.	30 days.
5. Subsidy records:	
(a) For each calendar year, all monthly records of operations, such as tabulations and summaries of miles flown and passenger-miles flown, pertaining to or part of operational records relevant to computation of subsidy mail pay.	3 years.
(b) For each calendar year, all basic original documents, such as pilots' flight logs and passenger lists relevant to a determination of the validity of a carrier's operations described in item (a) above.	3 years.
6. The papers, records, or other evidence supporting financial and statistical reports to the CAB. These should include among others the following specific records: Internal administrative or operating reports; system reports of aircraft movements by trip number, showing arrivals, departures, flight delays and related information; bonds and other long-term debt records; stock records; corporate organization records; financial data in support of subsidy claims; minutes of meetings; carrier internal reports on internal controls and other internal audits and procedural studies; operational, management, accounting, financial, and legal service contracts and agreements; records and agreements relating to the lease or purchase and sale of company assets, including title papers, deeds, and similar records; insurance records; property and equipment records; tax records; accountants' and auditors' reports; records of receipts and disbursements including bank statements, check registers and cancelled checks; payroll registers of salaries and wages paid; cost accounting records for work orders; inventories of materials and supplies; and other source documents.	3 years.
7. Funds reports and estimates of funds	1 year.
8. Consumer Complaints:	
(a) Initial correspondence and record of action taken	3 years.
(b) Initial trip reports:	
(1) Traffic Data: Basic documents showing the number of passengers, and pounds of mail and property carried.	(1).
(c) Reservations reports and records:	
(1) Cards and charts constituting original source of passengers' names, telephone numbers, etc	2 months.
(2) Telegrams and radio messages relating to the clearance of space, passenger dispatching, etc	1 month.
(d) System report of airplane movements by trip number showing arrivals, departures, delays and related information.	3 years.
(e) Sales reports:	
(1) Sales ticket or other similar reports from stations, offices and agents	2 years.
(f) Auditors' coupons	1 year.
(g) Air waybills	1 year.
(h) Flight coupons	1 year.
(i) Ticket refund claims records and reports	1 year.
(j) Records and reports relating to errors, oversales, irregularities and delays in handling passengers	1 year.
9. All documents which relate to the furnishing of transportation to candidates for political office or persons acting on their behalf which are required to be maintained following § 374a.7 of the subchapter.	2 years.
10. Correspondence and working papers relating to rate and route proceedings	3 years.

[1] One year-mail-property; 2 years-passengers.

§ 249.21 Preservation of records by public charter operators and oversees military personnel charter operators.

Each operator authorized under Parts 372 and 380 of this chapter shall retain the following records for 6 months after completion or cancellation of the flight or series of flights. The records shall be made available upon request of an authorized representative of the Board.

(a) All receipts and statements of travel agents and all other documents which show deposits made by each charter participant or which show refunds to charter participants.

(b) All receipts and statements of travel agents and all other documents which show or reflect commissions received, paid to, or deducted by travel agents in connection with the flight or series of flights.

(c) All statements, invoices, bills, and receipts from suppliers for furnishing of goods or services in connection with the tour or series of tours.

(d) All customer reservations records for each flight.

(e) All contracts with individual tour participants.

(f) All bank statements and reconciliations for escrow bank accounts opened and maintained in accordance with Board regulations.

Subpart C—Regulations Relating to the Truth-in-Lending Act

§ 249.30 Applicability.

This subpart is applicable to all air carriers and foreign air carriers as defined in Section 101 of the Federal Aviation Act of 1958, including, without limitation, direct carriers, air taxi operators registered under Part 298 of this chapter, indirect air carriers registered under Part 296 of this chapter, charter operators authorized under Parts 372 and 380 of this chapter, and foreign air carriers holding permits to engage in indirect foreign air transportation issued under section 402 of the Act.

§ 249.31 Preservation and inspection of evidence of compliance.

Air carriers and foreign air carriers shall preserve evidence of compliance with the requirements imposed under Regulation Z of the Board of Governors of the Federal Reserve System (12 CFR Part 226), implementing the provisions of Title I (Truth in Lending) and Title V (General Provisions) of the Consumer Credit Protection Act, as amended (15 U.S.C. 1601 *et seq.*) other than the advertising requirements under § 226.10 of regulation Z. This evidence shall be preserved for no less than 2 years after the date each disclosure is required to be made and shall be made available for inspection by authorized representatives of the Board.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13804 Filed 5-5-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 207

[Reg. 1215; Amdt. No. 28 To Part 207; Docket No. 33725]

Charter Trips and Special Services; Reductions in Record Retention Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is eliminating certain record retention requirements. This action is at the CAB's own initiative.

DATES: Adopted: April 16, 1981.
Effective: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or M. Clay Moritz, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1214, issued today.

The Civil Aeronautics Board amends 14 CFR Part 207, *Charter Trips and Special Services*, as follows:

1. The authority for Part 207 is:

Authority: Secs. 204, 401, 403, 404(b), 407, 411, 416(b), Pub. L. 85-726, as amended; 72 Stat. 743, 754, 758, 760, 766, 769, 771 (49 U.S.C. 1324, 1371, 1373, 1374, 1377, 1381, 1386).

2. The Table of Contents is amended by removing and reserving § 207.9, *Records and Record Retention.*

§ 207.19 [Removed and Reserved]

3. Section 207.9 is removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13805 Filed 5-5-81; 8:45 a.m.]

BILLING CODE 6320-01-M

14 CFR Part 208

[Reg. ER-1216, Amdt. No. 29 to Part 208; Docket No. 33725]

Terms, Conditions, and Limitations of Certificates To Engage in Charter Air Transportation; Reductions in Record Retention Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is eliminating certain record retention requirements. This action is at the CAB's own initiative.

DATES: Adopted: April 16, 1981. Effective: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or M. Clay Moritz, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1214, issued today.

The Civil Aeronautics Board amends 14 CFR Part 208, *Terms, Conditions, and Limitations of Certificates to Engage in Charter Air Transportation*, as follows:

1. The authority for Part 208 is:

Authority: Secs. 101(3), 101(34), 204(a), 401(d)(3), 401(n), 403, 404(b), 407, 411, 416(b), 417, Pub. L. 85-726, as amended; 72 Stat. 737, 743, 754, 758, 760, 766, 769, 771; 76 Stat. 145; (49 U.S.C. 1301, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1387).

2. The Table of Contents is amended by removing and reserving §§ 208.4, *Particular Records*, and 208.34, *Record Retention*.

§ 208.4 [Removed and Reserved]

3. Section 208.4, *Particular Records* is removed and reserved.

§ 208.34 [Removed and Reserved]

4. Section 208.34, *Record Retention* is removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13686 Filed 5-5-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 212

[Reg. ER-1217; Amdt. No. 38 to Part 212; Docket No. 33725]

Charter Trips by Foreign Air Carriers; Reductions in Record Retention Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is eliminating certain record retention requirements. This action is at the CAB's own initiative.

DATES: Adopted: April 16, 1981. Effective: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or M. Clay Moritz, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1214, issued today.

The Civil Aeronautics Board amends 14 CFR Part 212, *Charter Trips by Foreign Air Carriers*, as follows:

1. The authority for Part 212 is:

Authority: Secs. 204(a), 402, 403, 404(b), 411, Pub. L. 85-726, as amended; 72 Stat. 743, 757, 758, 760, 769 (49 U.S.C. 1324, 1372, 1373, 1374, 1381).

2. The Table of Contents is amended by removing and reserving § 212.7, *Records and Record Retention*.

§ 212.7 [Removed and Reserved]

3. Section 212.7, *Records and Record Retention*, is removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13687 Filed 5-5-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 221

[Reg. ER-1218; Amdt. No. 55 to Part 221; Docket No. 33725]

Tariffs; Reductions in Record Retention Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is eliminating certain record retention requirements. This action is at the CAB's own initiative.

DATES: Adopted: April 16, 1981. Effective: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or M. Clay Moritz, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1214, issued today.

The Civil Aeronautics Board amends 14 CFR Part 221, *Tariffs*, as follows:

1. The authority for Part 221 is:

Authority: Secs. 204, 204(a), 401, 403, 404, 411, 416, 1001, 1002, Pub. L. 85-726, as amended; 72 Stat. 743, 754, 758, and 771, 788, 760, and 769 (49 U.S.C. 1323, 1324, 1371, 1373, 1374, 1381, 1386, 1481, 1482).

2. The Table of Contents is amended by removing and reserving § 221.170, *Posting at principal or general office*.

§ 221.170 [Removed and Reserved]

3. Section 221.170, *Posting at principal or general office* is removed and reserved.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13688 Filed 5-5-81; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 223

[Reg. ER-1219; Amdt. No. 11 to Part 223; Docket No. 33725]

Free and Reduced-Rate Transportation; Reductions in Record Retention Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is eliminating certain record retention requirements. This action is at the CAB's own initiative.

DATES: Adopted: April 16, 1981. Effective: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Clifford M. Rand or M. Clay Moritz, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1214, issued today.

The Civil Aeronautics Board amends 14 CFR Part 223, *Free and Reduced-Rate Transportation*, as follows:

1. The authority for Part 223 is:

Authority: Secs. 204, 403, 404, 405(j), 407, and 416 of Pub. L. 85-726, as amended; 72 Stat. 743, 758, 760, 766, 771 (49 U.S.C. 1324, 1373, 1374, 1375, 1377, 1386; sec. 2 of the Postal Reorganization Act, 84 Stat. 767, 39 U.S.C. 5007).

§ 223.5 [Removed and Reserved]

2. The Table of Contents is amended by removing and reserving § 223.5, *Carrier's records*.

§ 223.5 [Removed and Reserved]

3. Section 223.5, *Carrier's records*, is removed and reserved.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.
[FR Doc. 81-13699 Filed 5-5-81; 8:45 am]
BILLING CODE 6320-01-M

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14 CFR Part 375

[Reg. SPR-174; Amdt. No. 13 to Part 375; Docket No. 33725]

Navigation of Foreign Civil Aircraft Within the United States; Reductions in Record Retention Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is eliminating certain record retention requirements. This action is at the CAB's own initiative.

DATES: Adopted: April 16, 1981.
Effective: May 6, 1981.

FOR FURTHER INFORMATION CONTACT:
Clifford M. Rand or M. Clay Moritz, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION: A full discussion of this action is in ER-1214, issued today.

The Civil Aeronautics Board amends 14 CFR Part 375, *Navigation of Foreign Civil Aircraft Within the United States*, as follows:

1. The authority for Part 375 is:

Authority: Secs. 204, 402, 1108, Pub. L. 85-726, as amended; 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.

2. Paragraph (b) of § 375.43 is removed and reserved, and paragraph (c) is amended to read, as follows:

§ 375.43 Keeping of records on commercial transport operations.

* * * * *

(b) [Reserved]

(c) *Contents of documents for passenger flights.* The holder of a permit for passenger charters originating or terminating in the United States issued under § 375.42 shall require each charterer to file with it prior to flight a list of the names and addresses of all passengers to be transported on each flight.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.
[FR Doc. 81-13700 Filed 5-5-81; 8:45 am]
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Wednesday, May 6, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of May 10 through May 16, 1981

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

23466 4–27–81 / Commercial tanner crab fishery off the coast of Alaska; fishery conservation, and management, final rule; comments by 5–15–81

COPYRIGHT ROYALTY TRIBUNAL

20586 4–6–81 / Regulations for copyright owner access to phonorecord players (jukeboxes) and certain establishments; comments by 5–15–81

ENERGY DEPARTMENT

Economic Regulatory Administration—

20508 4–3–81 / Crude oil and refined petroleum products; price and allocation regulation revocation; comments by 5–15–81

[Corrected at 46 FR 21357, 4–10–81]

Federal Energy Regulatory Commission—

22004 4–15–81 / High-cost gas produced from tight formations, Alabama; comments by 5–11–81

ENVIRONMENTAL PROTECTION AGENCY

21390 4–10–81 / Air quality, Ohio; deadline to remedy conditionally approved portions for primary nonattainment area of Middletown; comments by 5–11–81

21391 4–10–81 / Air quality, Washington; review of implementation plans as applied to energy facilities; comments by 5–11–81

18055 3–23–81 / Canned and preserved seafood processing point source category; comments by 5–11–81

21200 4–9–81 / Consideration of request that a variance to Virginia's Air Pollution Control Regulations be processed as revision to the State Implementation Plan; comments by 5–11–81

21632 4–13–81 / Polyethylene glycol; exemption from the requirement of a tolerance; comments by 5–13–81

21199 4–9–81 / Proposed approval of revisions of the South Dakota State Implementation Plan; comments by 5–11–81

2556 1–9–81 / Proposed disposal standards for inactive uranium processing sites; comments by 5–11–81

22005 4–15–81 / Standards of performance for new stationary sources; stationary gas turbines; comments by 5–15–81

21790 4–14–81 / State and Federal administrative orders permitting a delay in compliance with State implementation plan requirements; proposed disapproval of administration order issued by Indiana Air Pollution Control Board to Bethlehem Steel Corp.; comments by 5–14–81

18978 3–27–81 / State hazardous waste programs, requirements for authorization; comment period extended to 5–11–81

[*See also* 46 FR 8296, 1–26–81]

21395 4–10–81 / Water pollution, Virginia, expansion of program to include discharges from Federal facilities; comments by 5–11–81

EXPORT-IMPORT BANK

15888 3–10–81 / Financial disclosure requirements for bank employees; comments by 5–11–81

FEDERAL COMMUNICATIONS COMMISSION

17233 3–18–81 / Automation of the use of measurement data for AM broadcast stations; comments extended to 5–11–81

[*See also* 45 FR 82973, 12–17–80]

15185 3–4–81 / FM broadcast station in East Hampton, N.Y.; Proposed changes in table of assignments; reply comments by 5–11–81

15186 3–4–81 / FM broadcast station in Fort Worth and Palestine, Tex.; Proposed changes in table of assignments; reply comments by 5–11–81

15184 3-4-81 / FM broadcast station in Tioga and Boyce, La.: Proposed changes in the table of assignments: reply comments by 5-11-81

18737 3-26-81 / FM broadcast stations in various cities in South Carolina: changes in table of assignments: comments by 5-12-81

18743 3-26-81 / FM broadcast station in Ellsworth, Farmington, Lewiston, and Sicowlegan, Me.: changes in table of assignments: comments by 5-12-81

23087 4-23-81 / Inquiry into the role of low-power television broadcasting and television translators in the National Telecommunications system: reply comment period extended to 5-13-81

[*See also* 45 FR 69178, October 17, 1980]

22626 4-20-81 / Interservice sharing of frequencies in the private land mobile service below 470 MHz: comments by 5-15-80

12024 2-12-81 / Telephone systems; license contract agreements and other intrasystem arrangements: comments by 5-11-81

19005 3-27-81 / TV broadcast station in Lander, Wyo.: changes in table of assignments: comments by 5-12-81

19269 3-30-81 / TV broadcast station in Orchard, Nebr.: changes in table of assignments: comments by 5-15-81

19267 3-30-81 / TV broadcast stations in Arcata and Eureka, Calif.: changes in table of assignments: comments by 5-15-81

18745 3-26-81 / TV broadcast station in Oroville, Calif.: proposed changes in table of assignments: comments by 5-12-81

FEDERAL MARITIME COMMISSION

17064 3-17-81 / Interest in Reparation Proceedings: comments by 5-13-81

FEDERAL TRADE COMMISSION

21784 4-14-81 / Funeral industry practices extension of rebuttal comment period to 5-13-81

[Originally published at 46 FR 6976, 1-22-81]

16274 3-12-81 / George Irvin Chevrolet Co.; proposed consent agreement with analysis to aid comment; comments by 5-11-81

INTERSTATE COMMERCE COMMISSION

19271 3-30-81 / C.O.D. shipments, handling of funds; elimination of requirements; comments by 5-14-81

19273 3-30-81 / Railroad employees; revision of reporting requirements; comments by 5-14-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

4182 1-16-81 / Marine terminals; health and safety standards; comments by 5-15-81

NATIONAL CREDIT UNION ADMINISTRATION

22762 4-21-81 / Federal credit unions; share, share draft and share certificate accounts; deregulation of deposit rate ceilings; comments by 5-15-81

SECURITIES AND EXCHANGE COMMISSION

18559 3-25-81 / Proposed availability of Rule 242 to certain mining companies; definition of "qualified issuer"; comments by 5-15-81

12011 2-12-81 / Proxy rules and shareholder communications; disclosure and compliance; comments by 5-15-81

TRANSPORTATION DEPARTMENT

Coast Guard—

12987 2-19-81 / St. Marys River Vessel Traffic Service; comments by 5-15-81

Federal Aviation Administration—

15746 3-9-81 / Balloon Federation of America; balloon pilot and flight instructor certification; petition for rulemaking; comments by 5-11-81

3776 1-15-81 / Parts manufacturer approvals; and falsification of airworthiness certification documents; reply comments by 5-15-81

Federal Highway Administration—

21620 4-13-81 / Regulations review; comments by 5-15-81

VETERANS ADMINISTRATION

21389 Loan guaranty; home financing by State and local agencies and VA; simultaneous veteran participation; comments by 5-11-81

Deadlines for Comments on Proposed Rules for the Week of May 17 through May 23, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

22557 4-17-81 / Valencia oranges grown in Arizona and designated part of California; minimum size requirement; comments by 5-18-81

Animal and Plant Health Inspection Service—

17753 3-20-81 / Plant pest regulations; Mediterranean fruit fly; methyl bromide treatment for bell peppers; comments by 5-19-81

COMMERCE DEPARTMENT

International Trade Administration—

17218 3-18-81 / Export licensing for petroleum naptha; quantitative restrictions; comments by 5-18-81

National Oceanic and Atmospheric Administration—

22011 4-15-81 / Atlantic sea scallops; comments by 5-22-81

22913 4-22-81 / Fish and Wildlife Coordination Act, Uniform procedures for Federal agency compliance; comments by 5-22-81

[*See also* 45 FR 83412, 12-18-80 and 46 FR 15186, 5-4-81]

19418 3-30-81 / Licensing of ocean thermal energy conversion facilities and plantships; comments by 5-18-81

CONSUMER PRODUCT SAFETY COMMISSION

17788 3-20-81 / Miniature Christmas tree lights; withdrawal of proposed standard; comments by 5-19-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

23947 4-29-81 / Incremental pricing; Adoption of single-tier alternative fuel price ceiling; comments by 5-22-81

23950 4-29-81 / Incremental pricing; elimination of 31 metropolitan regions; comments by 5-22-81

ENVIRONMENTAL PROTECTION AGENCY

22613 4-20-81 / Certain inert ingredients; exemption from the requirement of a tolerance; comments by 5-20-81

22615 4-20-81 / Certain inert ingredients; exemption from the requirement of a tolerance; comments by 5-20-81

20567 4-6-81 / Clean water; grants for construction of treatment works; comments by 5-21-81

22612 4-20-81 / Establishment of a tolerance for the herbicide bentazone and its metabolites; comments by 5-20-81

17196 3-18-81 / Hazardous waste management system; identification and listing of hazardous waste; comments by 5-17-81

22768 4-21-81 / Organic solvent cleaners (degreasers); standards of performance; comments by 5-21-81

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22907 4–22–81 / Titanium dioxide; proposed exemption from the requirement of a tolerance; comments by 5–22–81

FARM CREDIT ADMINISTRATION

17022 3–17–81 / Disposition of obsolete records; authorization; comments by 5–18–81

FEDERAL COMMUNICATIONS COMMISSION

15754 3–9–81 / FM broadcast stations in Eagle River and Anchorage, Alaska; proposed changes in table of assignments; reply by 5–18–81

22910 4–22–81 / FM Broadcast Stations in Mountain Home and Marshall, Ark., and Thayer, Mo.; comments extended to 5–20–81

[*See also* 46 FR 15298, 3–5–81]

15757 3–9–81 / FM Broadcast Station in Newberry, South Carolina; proposed changes in table of assignments; reply comments by 5–18–81

15758 3–9–81 / FM Broadcast Station in Selmer, Tenn.; proposed changes in table of assignments; reply comments by 5–18–81

9664 1–29–81 / Overseas Communications Services; comment period extended to 5–22–81

[*See also* 45 FR 76498, 11–19–80; 45 FR 82280, 12–15–80]

22911 4–22–81 / Petition to reallocate VHF–TV Channel 9 from New York, N.Y. to a city within the city grade contour of Station WOR–TV; comments by 5–21–81

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Services—

17791 3–20–81 / Federal travel regulation; updating and improving relocation allowances for Federal employees transferred in the interest of the Government; comments by 5–19–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

14355 2–27–81 / Erythomycin estolate; certification of adult dosage forms, revocation of provisions; reopening of comment period; comments by 5–18–81

[Corrected at 46 FR 16692, 3–13–81]

17063 3–17–81 / Reclassification procedures to determine that licensed biological products are safe, effective, and not misbranded under prescribed, recommended, or suggested conditions of use; extends comment period to 5–18–81

[*See also* 46 FR 4634, 1–16–81]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Fair Housing and Equal Opportunity Office—

22204 4–16–81 / Amendment of provisions for recognition of substantially equivalent laws; comments by 5–18–81

INTERIOR DEPARTMENT

Geological Survey—

22901 4–22–81 / Geothermal resources operations on public, acquired, and withdrawn lands; comments by 5–22–81

Indian Affairs Bureau—

22205 4–16–81 / Intent to rescind portions of regulations involving granting of rights-of-way over Indian lands; comments by 5–18–81

National Park Service—

22905 4–22–81 / Big Cypress National Preserve, Fla.; intent to propose rulemaking; comments by 5–22–81

22905 4–22–81 / Everglades National Park, Fla., petition for rulemaking; comments by 5–22–81

Office of the Secretary—

22913 4–22–81 / Fish and Wildlife Coordination Act, Uniform procedures for Federal agency compliance; comments by 5–22–81

[*See also* 45 FR 83412, 12–18–80 and 46 FR 15188, 5–4–81]

LABOR DEPARTMENT

Wage and Hour Division, Employment Standards Administration—

11672 2–10–81 / Projects assisted by grants from Arts and Humanities, National Foundation; labor standards for professional performers and technical personnel; comments extended to 5–22–81

[*See also* 45 FR 83914, 12–19–80]

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

16918 3–16–81 / Federal Acquisition Regulation (FAR); contracts with State and local governments; cost principles and procedures; comments by 5–19–81

SECURITIES AND EXCHANGE COMMISSION

19251 3–30–81 / Reporting and regulatory requirements; definitions of terms "small business" and "small organization"; comments by 5–19–81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

5506 1–19–81 / FAA access to flight data recorder and cockpit voice recorder tapes; comments by 5–18–81

National Highway Traffic Safety Administration—

7015 1–22–81 / Federal motor vehicle safety standards, pedestrian impact protection; comments by 5–22–81

Urban Mass Transportation Administration—

23501 4–27–81 / Buy America requirements; subcomponents manufactured in U.S.; comments extended from 4–20–81 to 5–20–81

[*See also* 46 FR 5815, 1–19–81]

TREASURY DEPARTMENT

Internal Revenue Service—

17566 3–19–81 / Temporary employment tax regulations relating to submission of certain withholding certificates; comments by 5–18–81

22395 4–17–81 / Withholding exemption certificates; comments by 5–19–81

Next Week's Meetings:

AGRICULTURE DEPARTMENT

Forest Service—

22773 Umatilla National Forest Grazing Advisory Board, Pendleton, Oreg. (open), 5–11–81

CIVIL AERONAUTICS BOARD

22763 4–21–81 / Smoking aboard aircraft; alternatives to ban on in-flight smoking; proposed rulemaking; oral arguments on 5–13–81 in Wash., D.C.

CIVIL RIGHTS COMMISSION

19287 3–30–81 / North Carolina Advisory Committee, Raleigh, N.C. (open), 5–13–81

23089 4–23–81 / West Virginia Advisory Committee, Charleston, W.V. (open), 5–14–81

22630 4–20–81 / Wisconsin Advisory Committee, Milwaukee and Racine, Wis. (open), 5–15 and 5–16–81

[Amended at 46 FR 23962, 4–29–81]

COMMERCE DEPARTMENT

International Trade Administration—

21216 4–9–81 / Exporters' Textile Advisory Committee, Washington, D.C. (open), 5–12–81

National Oceanic and Atmospheric Administration—

22418 4–17–81 / Gulf of Mexico Fishery Management Council, Clearwater Beach, Fla. (open), 5–13 and 5–14–81

22251 4–16–81 / Mid-Atlantic Fishery Management Council, Groundfish Subpanel, Riverhead, N.Y. (open), 5–11–81

23280 4–24–81 / South Atlantic Fishery Management Council's, Scientific and Statistical Committee, Charleston, S.C. (open), 5–11 and 5–12–81

22921 4–22–81 / Pacific Fishery Management Council, Herring Subpanel, Portland, Oreg. (open), 5–13 and 5–14–81

DEFENSE DEPARTMENT

Air Force Department—

21057 4–8–81 / USAF Scientific Advisory Board, Washington, D.C. (closed), 5–12 and 5–13–81

Army Department—

22255 4–16–81 / United States Army Medical Research and Development Advisory Panel Subcommittee on Surgery, San Francisco, Calif. (open), 5–15–81

Office of the Secretary—

22025 4–15–81 / Defense Intelligence Agency Advisory Committee, foreign collection systems, Rosslyn, Va. (closed), 5–13–81

21228 4–9–81 / National Defense University and Defense Intelligence School Board of Visitors, Defense Intelligence School Panel, Washington, D.C. (partially open), 5–11 through 5–13–81

17826 3–20–81 / Wage Committee, Washington, D.C. (closed), 5–12–81

EDUCATION DEPARTMENT

23784 4–28–81 / Search Committee of the Intergovernmental Advisory Council on Education, Washington, D.C. (closed), 5–13–81

ENERGY DEPARTMENT

19970 4–2–81 / National Petroleum Council, Environmental Conservation Committee, Synthetic Fuels Task Group (open), Washington, D.C., 5–14–81

22026 4–15–81 / National Petroleum Council, Environmental Conservation Committee, Synthetic Fuels Task Group, Denver, Colo. (open), 5–13–81

[Location changed at 46 FR 23784, 4–28–81]

Bonneville Power Administration—

23287 4–24–81 / Bonneville's contract negotiation sessions, Seattle, Wash., 5–13–81 and Boise, Idaho, 5–14–81 (both sessions open)

ENVIRONMENTAL PROTECTION AGENCY

23490 4–27–81 / FIFRA Scientific Advisory Panel, Arlington, Va. (open), 5–13 and 5–14–81

23800 4–28–81 / Science Advisory Board Executive Committee, Washington, D.C. (open), 5–14 and 5–15–81

22260 4–16–81 / Science Advisory Board, Subcommittee on Health Risk Assessment, Washington, D.C. (open), 5–13–81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

23301 4–24–81 / Committee Meetings, Washington, D.C. (partially open), 5–14–81

FINE ARTS COMMISSION

23098 4–23–81 / Washington, D.C. (open), 5–12–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

21455 4–10–81 / Drug Abuse Advisory Committee, Rockville, Md. (open), 5–14 and 5–15–81

National Institutes of Health—

21827 4–14–81 / Surgical Therapy for Periodontitis Workshop, Bethesda, Md. (open), 5–13 and 5–14–81

Public Health Service—

22991 4–22–81 / Health Care Technology Council, National Center for Health Care Technology, Coverage Subcommittee, Washington, D.C. (partially open), 5–14–81

INTERIOR DEPARTMENT

Land Management Bureau—

22466 4–17–81 / Arizona Strip District Grazing Advisory Board, St. George, Utah (open), 5–19–81

20784 4–7–81 / Eugene District Advisory Council, Eugene, Ore. (open), 5–12–81

16340 3–12–81 / Lakeview District Advisory Council, Lakeview, Ore. (open), 5–12–81

[*See also* 46 FR 13045, 2–19–81]

21251 4–9–81 / Rock Springs District Advisory Council, Pinedale, Wyo. (open), 5–14–81

18798 3–26–81 / Safford District Advisory Council, Safford, Ariz. (open), 5–14–81

19993 4–2–81 / Susanville District Grazing Advisory Board, Susanville, Calif. (open), 5–14–81

23312 4–24–81 / Twin Falls Grazing Environmental Impact Statement, Twin Falls, Idaho (open), 5–13–81

19998 4–2–81 / Worland District Grazing Advisory Board, Worland, Wyo. (open), 5–13–81

National Park Service—

22044 4–15–81 / Delta Region Reservation Commission, New Orleans, La. (open), 5–13–81

22661 4–20–81 / Santa Monica Mountains National Recreation Area Advisory Commission, Studio City, Calif. (open), 5–12–81

Water and Power Resources Service—

22662 4–20–81 / McElmo Creek Salinity Control Unit, Cortez, Colo. (open), 5–13–81

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federal register

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25421 **Termination of Certain Federal Advisory Committees** Executive order.

25491 **Transport of Radioactive Materials** DOT/RSPA requests comments on proposed changes to international regulations.

25463 **Federal Motor Vehicle Safety Standards** DOT/NHTSA delays for one year the effective date of requirements for speedometers, and odometers.

25443, 25444 **Veterans** VA issues rules to increase the maximum permissible interest rate on guaranteed, insured, and direct loans for homes and condominiums and guaranteed loans for mobile homes. (2 documents)

25584 **Iran** State issues notice providing special telex number for the International Legal and Financial Claims Committee to which claimants with claims against Iran for over $250,000 should communicate their claims.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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25424 **Spearmint Oil** USDA/AMS issues rule concerning the quantity of oil that may be freely marketed by handlers from the 1981 crop.

25494 **Antidumping** Commerce/ITA issues final determination of sales less than fair value for precipitated barium carbonate from the Federal Republic of Germany.

25496 **Antidumping** Commerce/ITA makes final determination of sales at less than fair value for strontium nitrate from Italy.

25498 **Antidumping** Commerce/ITA gives preliminary results of administrative review of antidumping finding for carbon steel plate from Japan.

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Presidential Documents

Title 3—

The President

Executive Order 12305 of May 5, 1981

Termination of Certain Federal Advisory Committees

By the authority vested in me as President by the Constitution of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), the following Executive Orders, establishing advisory committees, are hereby revoked and the committees terminated:

(a) Executive Order No. 12059 of May 11, 1978, as amended, establishing the United States Circuit Judge Nominating Commission;

(b) Executive Order No. 11992 of May 24, 1977, establishing the Committee on Selection of Federal Judicial Officers;

(c) Executive Order No. 12084 of September 27, 1978, as amended by Executive Order 12097 of November 8, 1978, establishing the Judicial Nominating Commission for the District of Puerto Rico; and

(d) Executive Order No. 12064 of June 5, 1978, establishing the United States Tax Court Nominating Commission.

Subsections (g), (i), (j) and (k) of Section 1-101 of Executive Order No. 12258, extending these committees, are also revoked.

Ronald Reagan

THE WHITE HOUSE,
May 5, 1981.

[FR Doc. 81-13973
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Rules and Regulations

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Thursday, May 7, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 521; 520, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period May 8–May 14, 1981, and increases the quantity of such oranges that may be so shipped during the period May 1–May 7, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective May 8, 1981, and the amendment is effective for the period May 1–May 7, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and is not a major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on May 5, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. § 907.821 is added as follows:

§ 907.821 Navel Orange Regulation 521.

The quantities of navel oranges grown in Arizona and California which may be handled during the period May 8, 1981, through May 14, 1981, are established as follows:

(1) District 1: 1,300,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

2. § 907.520 Navel Orange Regulation 520 (46 FR 24143), is hereby amended to read:

§ 907.520 Navel Orange Regulation 520.

* * * * *

(1) District 1: 1,400,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 6, 1981.

D. S. Kuryloski

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-14020 Filed 5-6-81; 11:22 am]

BILLING CODE

7 CFR Part 918

[Peach Reg. 1]

Fresh Peaches Grown in Georgia; Grade and Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes minimum grade and size requirements for fresh peaches grown in Georgia for the 1981 season. These requirements are designed to promote orderly marketing in the interests of producers and consumers.

EFFECTIVE DATE: May 7, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This regulation is issued under the

marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of peaches grown in Georgia. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based on information submitted by the Industry Committee, established under the order, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on April 16, 1981, to consider supply and market conditions and other factors affecting the need for regulation. It recommended minimum grade and size requirements for shipments of fresh peaches grown in Georgia, except for those shipped in bulk to adjacent markets, which it deemed advisable for the 1981 season. The exception of peaches shipped in bulk to adjacent markets from regulation requirements follows the practice of prior years. It is designed to permit shipment of peaches which are of a quality and size acceptable in the adjacent markets but are not suitable for distribution in more distant markets in competition with peaches from other areas.

The committee reports that it expects 1,750 carlots of inspected peaches to be shipped this season, compared with 1,805 carlots in 1980. It also reports that the developing crop is of good quality. Shipment of this season's Georgia peach crop is expected to begin about May 7, 1981, and ample supplies of peaches meeting the following requirements are expected to be available to satisfy the demand. Peaches failing to meet these requirements may be marketed in Georgia, shipped to adjacent markets, or utilized in processing.

The following regulation reflects the Department's appraisal of the need for regulation based on the current and prospective crop and market conditions.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, a new § 918.323 is added to read as follows: (§ 918.323 expires August 31, 1981, and will not be published in the annual Code of Federal Regulations).

§ 918.323 Peach Regulation 1.

(a) No handler shall ship, except peaches in bulk to destinations in the adjacent markets, any peaches which:

(1) During the period May 7, 1981, through August 31, 1981, do not grade at least 85 percent U.S. No. 1 quality: *Provided*, That peaches with well-healed hail marks or split pits not scored as serious damage, or peaches with not more than 1 percent decay, may be shipped if they otherwise meet the requirements of this subparagraph.

(2) During the period May 7, 1981, through August 31, 1981, are smaller than 1⅝ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1⅝ inches in diameter.

(b) The inspection requirement contained in § 918.64 of this part shall not be applicable to any shipment of peaches in bulk to destinations in the adjacent markets, except for peaches in closed containers, during the period May 7, 1981, through August 31, 1981.

(c) The maturity regulations contained in § 918.400 of this part are hereby suspended with respect to shipments of peaches to all destinations other than those in the adjacent markets during the period May 7, 1981, through August 31, 1981.

(d) "U.S. No. 1" and "diameter" mean the same as defined in the United States Standards for Peaches (7 CFR 2851.1210–2851.1223).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 001–674)

Dated: May 5, 1981, to become effective May 7, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-13826 Filed 5-6-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 985

Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 1981–82 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes, by class, the quantity of spearmint oil that may be freely marketed by handlers from the 1981 crop. The action is taken under Marketing Order No. 985, which regulates the handling of spearmint oil produced in the Far West to promote orderly marketing conditions. It was recommended by the Spearmint Oil Administrative Committee, which works with the Department in locally administering the order.

EFFECTIVE DATE: For the marketing year beginning June 1, 1981, and ending May 31, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. (202) 447–5697. An impact statement relative to this final action is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, it is not a major rule.

William T. Maney, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 10 handlers.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because: (1) The 1981–82 marketing year begins June 1, 1981, and producers and handlers need to be informed of the salable quantities and allotment percentages as soon as possible so they can plan their operations accordingly; (2) no useful purpose would be served by delaying the effective date of this

action; and (3) the Committee held open meetings on October 7, 1980, and March 3, 1981, and interested persons were given the opportunity to submit information and views on the salable quantities and allotment percentages at those meetings.

Notice inviting written comments on the proposed establishment of a salable quantity and allotment percentage for each of three classes of spearmint oil was published in the Federal Register on February 12, 1981 (46 FR 12000). The proposal was made pursuant to the applicable provisions of Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). One comment was received.

The commentator objected to a 40 percent allotment percentage for "Class 1" Oil contending that it was too restrictive and would have an adverse impact on producers in Idaho. The Committee's proposal to establish volume regulation for "Class 1" Oil and the two other oil classes was made to help solve the industry's current marketing problems caused by excessive supplies of each class of oil. The industry's objective is to reduce gradually the excessive supplies to more manageable levels and thereby establish better marketing conditions for spearmint oil. Under the act for programs of this kind, allocation of the quantity which handlers may purchase from or handle on behalf of any and all producers must be under a uniform rule so that the total quantity to be handled or purchased is apportioned equitably among producers.

The Committee decided on a salable quantity of 562,760 pounds and a 40 percent allotment percentage for "Class 1" Oil after considerable study. It considered actual data available and the industry's estimates of carrying, trade demand, and desirable carryout for the 1981–82 marketing year. This computation would have resulted in a salable quantity of 315,825 pounds and an allotment percentage of 22 percent. The Committee believed that such a restrictive allotment percentage would impose too great a hardship on many produces and that the excessive inventory should be reduced over several years rather than one year.

After consideration of all relevant matter presented, including that in the notice, the comment submitted, the information, and recommendation submitted by the Committee and other available information, it is further found that to establish this rule will tend to effectuate the declared policy of the act.

Therefore, § 985.201 is added under "Subpart—Salable Quantities and Allotment Percentages (7 CFR Part 200) as follows:

§ 985.201 Salable quantities and allotment percentages—1981–82 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year which begins June 1, 1981, shall be as follows:

(a) "Class 1" Oil—a salable quantity of 562,760 pounds and an allotment percentage of 40 percent.

(b) "Class 2" Oil—a salable quantity of 25,380 pounds and an allotment percentage of 20 percent.

(c) "Class 3" Oil—a salable quantity of 815,790 pounds and an allotment percentage of 47.5 percent.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 1, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-13811 Filed 5-6-81; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Organization and Functions; Service Office Locations

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This notice adds Bangkok, Thailand, Montevideo, Uruguay, and Singapore, Republic of Singapore to the list of overseas Service office locations and removes Tijuana, Mexico, and Tokyo, Japan from the same listing.

EFFECTIVE DATE: June 5, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633–3048

For specific information: Frank R. Potter, Immigration Inspector, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536. Telephone: (202) 633–2361

SUPPLEMENTARY INFORMATION: 8 CFR 100.4(c)(4) lists the locations of overseas Immigration and Naturalization Service offices. This amendment adds "Bangkok, Thailand" "Montevideo, Uruguay," and "Singapore, Republic of Singapore" to advise the public of these overseas Service offices. The public is also advised that the Service offices at Tijuana, Mexico, and Tokyo, Japan have been closed and are being deleted from the listing.

Compliance with 5 U.S.C. 553 as to proposed rulemaking and delayed effective date is unnecessary as this amendment merely updates the regulations to include to locations of new overseas Service offices.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public regarding the organization of the Service's overseas offices and is not a rule within the definition of section 1(a)(3) of E.O. 12291.

Accordingly, 8 CFR Part 100.4—Field Service, is amended as follows:

§ 100.4 [Amended]

8 CFR 100.4(c)(4) is amended by removing "Tijuana, Mexico" and "Tokyo, Japan" and adding "Bangkok, Thailand", "Montevideo, Uruguay" and "Singapore, Republic of Singapore" in proper alphabetical sequence to the list of *"Immigration Offices in foreign countries:"*

(Sec. 103; 8 U.S.C. 1103)

Dated: May 4, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-13840 Filed 5-6-81; 8:45 am]
BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 73

Scabies in Cattle; Areas Quarantined and Released

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to quarantine a portion of Randall County in Texas, occupied by a facility conducting research on cattle scabies, in order to prevent the dissemination of cattle scabies. The effect of this action will be to place certain restrictions on the interstate movement of cattle from the quarantined area.

Also, these amendments release the portion of Potter County in Texas,

previously occupied by the research facility, from areas quarantined because of cattle scabies. Surveillance activity indicates that cattle scabies no longer exists in the quarantined area. The effect of this action will allow for less restrictions on cattle moved interstate from this area.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goat, Equine, and Ectoparasites Staff, USDA, APHIS, VS, Federal Building, Room 737, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8322.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291, and has been classified as not a "major rule."

The Department has determined that this rule will have an annual effect on the country of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies from such area and must be made effective immediately to accomplish its purpose in the public interest.

The amendment releasing the quarantined area relieves certain restrictions no longer deemed necessary to prevent the spread of cattle scabies from such area and should be made effective immediately in order to permit affected persons to move cattle interstate from such area without unnecessary restrictions. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it affects only the premises of one entity, Pest Consultants, Inc. Pest Consultants, Inc. does research on the disease, cattle scabies. Pest Consultants, Inc. has moved its research facility from the quarantined area in Potter County to the area to be quarantined by this amendment in Randall County. No new or additional quarantine restrictions are being placed on the new premises that were not on the old premises.

These amendments quarantine a portion of Randall County in Texas because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas, contained in 9 CFR Part 73, as amended, apply to the quarantined area.

Also, the amendments release the portion of Potter County in Texas previously occupied by Pest Consultants, Inc. from the areas quarantined for cattle scabies. Surveillance activity indicates that cattle scabies no longer exists in that quarantined area. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, no longer apply to the released area.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended in the following respects:

1. The authority citation for Part 73 reads as follows:

Authority: Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.

2. In § 73.1a(a), relating to the State of Texas, paragraph (3), relating to the premises of Pest Consultants, Inc., comprised of Lot 691, sec. 164, Block 2 located at 7146 North Broadway, Amarillo, Potter County, Texas, is removed, and in lieu thereof the following is added. As revised, paragraph (a)(3) reads as follows:

§ 73.1a Notice of quarantine.

* * * * *

(a) * * *

(3) The premises of Pest Consultants, Inc., comprised of approximately 12.07 acres located in the McMurty Acres Subdivision on S. Western Street, 5 miles south of Amarillo, Randall County, Texas, described as all of tract No. 6 except the north one-half consisting of 5.19 acres and a 1-acre tract in the southwest corner of the premises.

* * * * *

Done at Washington, D.C., this 1st day of May 1981.

K. R. Hook,

Acting Deputy Administrator Veterinary Services.

[FR Doc. 81-13812 Filed 5-6-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

10 CFR Part 903

Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions

AGENCY: Department of Energy.

ACTION: Amendment to final rule.

SUMMARY: Notice is given that the Department of Energy is amending its regulations on "procedures for public participation in power and transmission rate adjustments and extensions" (45 FR 86976, Dec. 31, 1980) in order to change all references from "Assistant Secretary for Resource Applications" to "Assistant Secretary for Conservation and Renewable Energy." The amendment is necessary as a result of the transfer on February 24, 1981, of the Office of Power Marketing Coordination and the power marketing administrations from the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy.

DATE: This amendment is effective as of February 24, 1981.

FOR FURTHER INFORMATION CONTACT:

James A. Braxdale, Office of Power Marketing Coordination, Department of Energy, (202) 633–8338

Richard K. Pelz, Office of General Counsel, Department of Energy, (202) 252–2918.

SUPPLEMENTARY INFORMATION: On March 19, 1981, Delegation Order No. 0204–33, dated December 27, 1978, and effective January 1, 1979, was amended by substituting the "Assistant Secretary for Conservation and Renewable Energy" for the "Assistant Secretary for Resource Applications."

Issued in Washington, D.C., April 28, 1981.

Frank DeGeorge,

Acting Assistant Secretary, Conservation and Renewable Energy.

Part 903 is amended by changing the reference to "Assistant Secretary for Resource Applications" to "Assistant Secretary for Conservation and Renewable Energy" wherever those words appear in Part 903.

[FR Doc. 81-13980 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-WE-3-AD; Amdt. 39-4103]

Hiller Aviation Model FH 1100 Series Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires a one time inspection of the flight control system support column for conformity to type design and replacement, if necessary, on certain Hiller Aviation Model FH 1100 series helicopters. The AD is needed to prevent flight control system support column deflecting and contacting the main motor mast, affecting rotor stability causing excessive vibration and fatigue failure.

DATES: Effective May 11, 1981.

Compliance schedule—Within ten (10) calendar days from the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Hiller Aviation, 2075 West Scranton Avenue, Porterville, California 93275.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

SUPPLEMENTARY INFORMATION: Early service experience of the Fairchild/Hiller FH 1100 helicopter indicated that the flight control system support column, during some maneuvers, bends sufficiently to contact the main rotor mast which may result in fatigue related damage and subsequent loss of main rotor mast. This was attributed to inadequate bending stiffness in the column base support. As a result, a Service Bulletin 30-6, dated 1969, was issued which required a replacement of the original type design column (base thickness equal to 0.060 inches) with a new design incorporating a base thickness 0.090 inches. The type design data was changed to reflect that only the support column with base thickness of 0.090 inches is approved. Since the transfer of the Type Certificate to Hiller Aviation, including the spare parts, eleven (11) undersized support column bases were found in stock and subsequently destroyed. Since there may be other support columns in service with the undersized base, Hiller has written a Service Bulletin 30-0 dated April 3, 1981, requiring a one time inspection of the present fleet to determine whether or not undersized parts are in service. If such parts are found, they are to be replaced with new parts that are within the type design. If an undersized part is found, an inspection of the main rotor mast for damage in a localized area is also required.

Note.—Hiller kits P/N SBK-FH-1100-23-2 and spares stock may contain undersize flight control system support columns.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Hiller Aviation: Applies to all Models FH 1100 Series Helicopter, certified in all categories, Serial Nos. 001 through 254.

Compliance required as indicated, unless already accomplished.

To prevent the upper controls support column from contacting and damaging the main rotor mast, accomplish the following:

(a) Within the next ten (10) calendar days from the effective date of this AD

(1) Accomplish a one time visual inspection of the support column P/N 24-30206 to determine whether or not the base flange P/N 24-30210 is undersized. Inspection is to be performed in accordance with Hiller Service Bulletin SB 30-0, Part 2, Subpart B, dated April 3, 1981.

(2) If the inspection (a)(1) determines that the flange thickness is in accordance with type design (specifically 0.090±0.010 inches), no further AD action is required.

(b) After inspection of paragraph (a)(1) and a determination that the flange thickness is undersized prior to further flight

(1) Replace the support column P/N 24-30206 with a like serviceable part which is in compliance with type design; and

(2) Inspect the main rotor mast for damage (nicks, scratches or dents) at the top of the support column location, approximately 12.375 inches from top of upper housing of transmission. Replace each damaged main rotor mast with a like serviceable part.

Note.—The main rotor mast cannot be inspected until the upper controls and support column are disassembled.

Note.—Hiller kits P/N SBK-FH-1100-23-2 and spares stock may contain undersize flight control system support columns.

(c) Verify that any replacement support column is in compliance with type design as noted in paragraph (a)(2) prior to return to service.

Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate helicopters to a base for the accomplishment of inspections and maintenance required by this AD.

Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western Region.

Manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to: Hiller Aviation, 2075 West Scranton Avenue, Porterville, California 93275.

These documents may also be examined at:

FAA Western Region Office, Room 6W14, 15000 Aviation Boulevard, Hawthorne, California 90261.

and at:

FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. 20591.

An historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C. and at FAA Western Region Office.

This amendment becomes effective May 11, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981 and an emergency regulation that is not

major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued Los Angeles, Calif., on April 23, 1981.

John D. Mattson,

Director, FAA Western Region.

[FR Doc. 81-13447 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 78-ASW-53; Amdt. 39-4032]

Airworthiness Directives; Bell Models 206L and 206L-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Bell Models 206L and 206L-1 helicopters by requiring inspection and modification of all P/N 206-023-119 horizontal stabilizers. The amendment is needed to prevent possible failure of the horizontal stabilizer which could result in loss of the helicopter.

DATES: Effective date of the AD is May 11, 1981. Compliance schedule—As prescribed in body of AD.

ADDRESSES: Bell Service information may be obtained from Product Support Department, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101.

These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Tom Dragset, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 517.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3358 (43 FR 56647), AD 78-24-06, which currently requires inspection and modification of certain dash number horizontal stabilizers on certain serial number Bell Models 206L and 206L-1 helicopters. After issuing Amendment 39-3358, the FAA has determined that additional Model 206L and 206L-1 helicopters and all dash number horizontal stabilizers should be inspected and modified. There have been three recent reports of left-hand horizontal stabilizers on 206L and 206L-1 helicopters cracking chordwise along the inserts on the upper side. These cracks were on stabilizers with 1,503, 1,725, and 3,200 hours. Two of these stabilizers separated from the aircraft. The cracks originated and progressed along the inserts under the flange of the support that attaches the stabilizer to the tail boom. Therefore, the FAA is amending Amendment 39-3358 by requiring inspection and modification of all P/N 206-023-119 horizontal stabilizers on Bell Models 206L and 206L-1 helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-3358 (43 FR 56647), AD 78-24-06, as follows:

(1) By revising the applicability paragraph to read:

Bell: Applies to Bell Models 206L and 206L-1 helicopters, certificated in all categories (Airworthiness Docket No. 78-ASW-53).

(2) By revising the compliance statement to read: Compliance required as indicated, unless previously accomplished. To prevent possible failure of the horizontal stabilizer, P/N 206-023-119, all dash numbers, accomplish the following:

(3) By revising paragraph (a) to read:

Within the next 10 hours' time in service after the effective date of this AD, modify the left and right upper stabilizer supports, P/N 206-023-100-009 and -010, respectively, in accordance with Bell Helicopter Textron Service Bulletin 206L-78-3 dated October 23, 1978, or Bell Helicopter Textron Alert Service Bulletin 206L-80-16 dated November 17, 1980, or FAA approved equivalent, so that the critical area can be checked.

This amendment becomes effective May 11, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on April 20, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-13734 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-NW-15-AD; Amdt. No. 39-4110]

Airworthiness Directives; Boeing Model 707/720 Series Airplanes Prior to Line Number 885

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On March 6, 1981, the FAA issued a telegraphic Airworthiness Directive, AD T81-06-51, to all known operators of Boeing Model 707/720 series airplanes, effective upon receipt, which required a one-time visual inspection of the wing station 733 production brake rib lower outboard and inboard chord for cracks. This action was necessary because a 21 inch long crack was found in the aft lower outboard wing splice rib chord which resulted in degradation of the structural capability of the wing below fail-safe

regulatory requirements. The results of the inspection uncovered six rib chords with small cracks none of which seriously compromised the strength of the wing. This AD is hereby published in the Federal Register to make it effective to all persons.

DATES: Effective date May 18, 1981. This AD was effective earlier to all recipients of the telegraphic AD T81-06-51 dated March 6, 1981. Initial Compliance is within 75 hours time-in-service unless accomplished since January 1, 1980.

ADDRESSES: The service bulletin and document specified in this Airworthiness Directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington, 98124. These documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Roger D. Anderson, Airframe Branch, ANW-120S, Seattle Area Aircraft Certification Office, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, Telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: During routine inspection one operator recently found a 21 inch long crack in the aft lower outboard wing splice rib chord at wing station 783. The crack ran from the sixth bolt hole forward of the rear spar to the twentieth hole. This was the first report of cracks further forward than the most aft four holes. Cracks of this length degrade the structural capability of the wing below fail-safe regulatory requirements and could result in the loss of the outboard wing panel.

The results of one-time visual inspections which were required by the telegraphic AD T81-06-51 revealed only small cracks, which did not seriously degrade structural strength. Inspection reports were received for approximately 200 airplanes involving about 30 operators with six cracks detected. Continued normal inspection in accordance with D6-44860 (Supplemental Inspection Document) should allow timely detection of such cracks and avoid the necessity for a continuing AD inspection procedure. Only aircraft prior to production line number 885 are affected.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 3913 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to Boeing Model 707/720 series airplanes, certificated in all categories, prior to line number 885. To assure continued structural integrity of the outboard wing, accomplish the following within the next 75 hours time-in-service unless accomplished since January 1, 1980:

1. Perform a one-time visual inspection of the wing station 733 production break in accordance with Boeing Service Bulletin A3306 Rev. 1 dated March 6, 1981.

2. After inspection, spray the area with BMS 3-23 organic corrosion inhibitor or equivalent.

3. Parts found cracked must be repaired in accordance with Boeing Service Bulletin A3306 or replaced prior to further flight except that airplanes may be flown to a maintenance base for repairs or replacement in accordance with FAR 21.197 and 21.199 with prior approval of the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

4. Equivalent inspections and repairs may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Region.

Note.—Close visual inspection of the forward and aft inboard and outboard lower chords in accordance with D6-44860 (Supplemental Inspection Document) is an approved alternate means of compliance with Paragraph 1 above.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108. This amendment becomes effective May 18, 1981, and was effective earlier to those recipients of telegraphic AD T81-06-51 dated March 6, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on April 28, 1981.

Jonathan Howe,
Acting Director, Northwest Region.

[FR Doc. 81-13790 Filed 5-6-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-WE-36-AD; Amdt. 39-4169]

Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires modification of the left and right overwing (No. 3 door) evacuation slide or slide/raft packs and container assemblies installed on McDonnell Douglas Model DC-10 series airplanes. This AD is needed to insure that the inflation system of the evacuation slide or slide/raft is initiated automatically. Non-automatic operation could result in an increase in the time required to evacuate an airplane in an emergency.

DATES: Effective date June 12, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Gilbert L. Thompson, Aerospace Engineer, Systems and Equipment Branch, ANW-130L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6357.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal

Aviation Regulations to include an Airworthiness Directive (AD) to require modification of the slide or slide/raft container on McDonnell Douglas Model DC–10 series airplanes was published in the **Federal Register** on August 25, 1980, (45 FR 56351). The proposal was prompted by reports noting the failure of emergency evacuation devices to inflate automatically on McDonnell Douglas Model DC–10 series airplanes, which could result in extended evacuation time. Since this condition is likely to exist or develop on other airplanes of the same type design, this AD requires modification of the evacuation system assemblies and slide or slide/raft container assemblies on McDonnell Douglas DC–10 series airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all comments received in response to the Notice of Proposed Rule Making (NPRM).

Only two comments were received. Both commenters questioned the justification for the AD considering the service experience of the DC–10 fleet. As noted in the NPRM, the instances where the inflation system was not initiated automatically occurred during production tests. However, such occurrences were easily repeatable and could not be attributed to design changes initiated subsequent to original certification. Therefore, the entire fleet must be considered suspect. Also, since issuance of the NPRM, Pan American World Airways, Flight 99, DC–10–30, at London, England, on September 16, 1980, during an emergency evacuation subsequent to an aborted takeoff, experienced a failure of the No. 3L door evacuation system to inflate automatically. This was DC–10 Fuselage No. 167 delivered on June 16, 1975. In light of the existing evidence, the FAA feels the proposed modification is justified.

One of the above commenters also felt that the compliance time should be adjusted, based upon its current and expected utilization, to four years. The FAA disagrees. In view of the elapsed time required for completion of the modification, the DC–10 utilization rate, and safety considerations, the 3-year compliance time is not considered to be overly restrictive.

It is estimated that 283 U.S. registered aircraft will be affected by this AD. The total cost impact to modify these airplanes is estimated to be $124,500. Of that cost, $40,300 is material cost, and $84,200 is labor cost to perform the modification.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new

Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–10–10, –10F, –30, –30F, and –40 series airplanes certificated in all categories utilizing the following slide or slide/raft assemblies at the No. 3 door:

Manufacturer	Part No.
Left-Hand Door	
Sargent Industries, Pico Division	SLD230600–112, SLD230600–114, SWD230600–101, SWD230600–101 (DAW95), SWD230600–301, SWD230600–301 (DAW95), SWD230600–401, SWD230600–401 (DAW95).
Air Cruisers Company	24D29220–3, 24D30051–11, 24D30051–11 (DAW95), 24D30051–13 (DAW95), 24D30051–61, 24D30051–63 (DAW95), 24D30051–81.
Right-Hand Door	
Sargent Industries, Pico Division	SLD230600–112, SLD230600–114, SWD230600–101, SWD230600–101 (DAW95), SWD230600–301, SWD230600–301 (DAW95), SWD230600–401, SWD230600–401 (DAW95).
Air Cruisers Company	24D29220–4, 24D30051–21, 24D30051–21 (DAW95), 24D30051–23 (DAW95), 24D30051–61, 24D30051–63 (DAW95), 24D30051–101.

Compliance is required as indicated unless already accomplished.

To prevent improper deployment of No. 3 door slide or slide/raft, accomplish the following:

At the next slide or slide/raft assembly overhaul after the effective date of this AD, but in no case exceeding three years from the effective date of this AD, unless already accomplished, modify the affected evacuation system assemblies and container assembly, Douglas P/N AWD7446–503, in accordance with Part 2 of Douglas Service Bulletin No. 25–278 dated March 7, 1980.

Alternate methods of compliance may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60).

These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261, Room 6W14.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it involves few, if any, small entities. A final regulatory evaluation has been prepared for this regulation, has been placed in the regulatory docket, and summarized earlier in this rule. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT".

This regulation is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended. As such it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Wash., on April 28, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81–13781 Filed 5–6–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–AWE–5]

Alteration of Control Zone; Miramar, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of the Miramar, California, Control Zone by realigning the southernmost boundary of the present control zone. This would effectively reduce the control zone in that area.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT:
Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to decrease the area encompassed by the Miramar Control Zone. The rule change is minor in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure are unnecessary and the rule may be made effective in less than 30 days.

The Rule

This amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the description of the Miramar, California, Control Zone by excluding a portion of the control zone along the southern boundary. Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was republished in the Federal Register on January 2, 1981 (46 FR 353).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 353) is amended, effective 0901 G.m.t., June 11, 1981, as follows:

Under § 71.171:

Miramar, California

Within a 5-mile radius of NAS Miramar (latitude 32°52'30" N, longitude 117°08'15" W) and within 2 miles either side of the NAS Miramar TACAN 078° radial extending from the 5-mile radius zone to 12 miles E of the TACAN, excluding the portion south of a line from latitude 32°50'00" N, longitude 117°04'10" W, to latitude 32°50'00" N, longitude 117°10'10" W, to latitude 32°50'30" N, longitude 117°13'00" W.

(Secs. 307(a) and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510, Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on April 27, 1981.

John D. Matteson,
Director, Western Region.

[FR Doc. 81-13726 Filed 5-6-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWE-14]

Alteration of Control Zone; Point Mugu, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the description of the Point Mugu, California Control Zone by adding the description of the Oxnard, California Control Zone. This action will effectively provide air traffic control service when the Oxnard Tower is not in operation.

EFFECTIVE DATE: May 17, 1981.

FOR FURTHER INFORMATION CONTACT:
Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; Telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to provide air traffic control service when the Oxnard Tower is not staffed. The rule change is minor in nature and does not impose any additional burden on any person. It will, however, provide air traffic service to all users including scheduled commuter operations. In view of the foregoing, notice and public procedure are unnecessary and the rule may be made effective in less than 30 days.

The Rule

This amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the description of the Point Mugu, California Control Zone including the description of the Oxnard, California Control Zone within the Point Mugu, California Control Zone. Part 71 of the Federal Aviation Regulations (14 CFR Part 71) was republished in the Federal Register on January 2, 1981 (46 FR 353).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 353) is amended, effective 0901 GMT, May 17, 1981, as follows:

Under § 71.171:

Point Mugu, California

Following * * * "to the 252° radial" * * * add: "; within a 5-mile radius of Oxnard Airport (latitude 34°12'02"N., longitude 119°12'10"W.) and within 2 miles each side of the Oxnard Runway 25 localizer east course extending from the 5-mile radius zone to 2 miles east of the outer marker; * * *."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510, Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California on April 27, 1981.

John D. Mattson,

Director, Western Region.

[FR Doc. 81-13737 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-SO-54]

Designation of Control Zone, Bartow, Fla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates the Bartow, Florida, Control Zone and lowers the base of controlled airspace in the vicinity of the Bartow Municipal Airport from 700 feet AGL to the surface.

EFFECTIVE DATE: 0901 G.m.t., August 6, 1981.

FOR FURTHER INFORMATION CONTACT: Carl F. Stokoe, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On January 15, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Bartow, Florida, Control Zone. The existing nonfederal Airport Traffic Control Tower on the Bartow Municipal Airport meets the requirements for establishment of a part-time control zone with irregular hours of operation. In order to provide the maximum level of safety, designated airspace protection to the surface is required to contain Instrument Flight Rule (IFR) operations near the airport (46 FR 3544). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections to the proposal were received.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Bartow, Florida, Control Zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171, Subpart F, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (46 FR 455) is further amended, effective 0901 G.m.t., August 6, 1981, as follows:

Bartow, Florida

* * * Within a five-mile radius of Bartow Municipal Airport (Lat. 27°56'36"N., Long. 81°47'03"W.); within 1.5 miles each side of the Lakeland VORTAC 103° radial, extending from the five-mile radius zone to eight miles east of the VORTAC; excluding the area within a one-mile radius of Cypress Gardens Airport (Lat. 27°57'35"N., Long. 81°42'00"W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on April 29, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-13777 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-4]

Alteration of Control Zone and Transition Area, Asheville, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Asheville, North Carolina, Control Zone and Transition Area by correcting the airport name to Asheville Regional Airport. It also alters the Transition Area by designating a basic radius around the airport.

EFFECTIVE DATE: 0901 G.m.t., July 14, 1981.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, February 12, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a 9.5-mile radius around the Asheville Regional Airport. With this designation, the 700-foot Transition Area would coincide with the lateral boundary and floor of a portion of the Asheville Terminal Radar Service Area (TRSA). The additional airspace is necessary to provide air traffic control service, also called Stage III service, at low altitudes near the airport.

Since the airport name has been changed from Asheville Municipal to Asheville Regional Airport, it is necessary to correct the Control Zone and Transition Area descriptions to reflect the change (46 FR 12001). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations lowers the base of controlled airspace from 1200 to 700 feet AGL east and west of the Asheville Regional Airport by designating a 9.5-mile radius around the airport. This amendment also corrects the airport name in the Control Zone and Transition Area description.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G (46 FR 540) and § 71.171, Subpart F (46 FR 455), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) are further amended, effective 0901 G.m.t., July 14, 1981, as follows:

Asheville, North Carolina (Transition Area)

"* * * Within 7 miles east and west * * *" is deleted and "* * * within a 9.5-mile radius of Asheville Regional Airport (Lat. 35°26'04"N., Long. 82°32'25"W.); within 7 miles east and west * * *" is substituted therefor.

Asheville, North Carolina (Control Zone)

"* * * Asheville Municipal Airport * * *" is deleted and "* * * Asheville Regional Airport * * *" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on April 28, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-13726 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-3]

Alteration and Redesignation of Transition Areas, Charlotte and Waxhaw, N.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Charlotte, North Carolina Transition Area by revoking an unnecessary extension, reducing another and increasing the basic radius around Douglas Municipal Airport and Bryant Field. This rule also designates the Waxhaw, North Carolina, Transition Area.

EFFECTIVE DATE: 0901 G.m.t., June 29, 1981.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, February 12, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to increase the basic radius of the 700-foot transition area from 8.5 to 12 miles around Douglas Municipal Airport. With this designation, the transition area would coincide with the lateral boundary and floor of a portion of the Charlotte Terminal Radar Service Area (TRSA). The additional airspace is necessary in order to provide air traffic control service, also called Stage III service, at low altitudes near the airport. Due to changes in instrument flight procedures at Douglas Municipal Airport, the northeast extension is no longer needed and the south extension can be reduced. The reduction would separate the airspace associated with the Jaars-Townsend Airport from the Charlotte Transition Area which necessitates the designation of the Waxhaw Transition Area.

Increasing the basic radius from 6.5 to 8.5 miles around Bryant Field, formerly Rock Hill Municipal Airport, would designate adequate controlled airspace to accommodate the NDB Runway 1 standard instrument approach procedure. The procedure would be supported by a nonfederal nondirectional radio beacon which is proposed for establishment on the airport. These changes are necessary in order to provide the required controlled airspace to protect aircraft flight operations (46 FR 12003). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (1) lowers the base of controlled airspace from 1,200 to 700 feet AGL north and east of Douglas Municipal Airport, (2) redesignates an extension south of the airport, (3) eliminates an extension northeast of the airport, (4) changes the Rock Hill Municipal Airport name to Bryant Field, (5) lowers the base of controlled airspace from 1,200 to 700 feet AGL south of Bryant Field, (6) removes the designated airspace centered on the Jaars-Townsend Airport from the Charlotte description, and (7) designates the Waxhaw, North Carolina, Transition Area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 G.m.t., June 29, 1981, as follows:

Charlotte, North Carolina

The present description is deleted and "* * *That airspace extending upward from 700 feet above the surface within a 12-mile radius of Douglas Municipal Airport (Lat. 35°12'53" N., Long. 80°56'18" W.); within 5 miles each side of Fort Mill VORTAC 005° radial, extending from the 12-mile radius area to 1 mile north of the VORTAC; within 8.5 miles northwest and 5 miles southeast of Charlotte ILS localizer southwest course, extending from the 12-mile radius area to 19 miles southwest of TRYON LOM; within an 8.5-mile radius of Bryant Field (Lat. 34°59'05" N., Long. 81°03'30" W.); within a 6.5-mile radius of Gastonia Municipal Airport (Lat. 35°12'00" N., Long. 81°09'05" W.) * * *" is substituted therefor.

Waxhaw, North Carolina

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Jaars-Townsend Airport (Lat. 34°31'50" N., Long. 80°44'50" W.).

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on April 27, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-13728 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-8]

Alteration of Transition Area, Greenville, S.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Greenville, South Carolina, Transition Area by lowering the base of controlled airspace in the vicinity of the Donaldson Center Airport from 1,200 to 700 feet AGL.

EFFECTIVE DATE: 0901 G.m.t., July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Monday, March 23, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Greenville, South Carolina, Transition Area. This action provides controlled airspace protection of Instrument Flight Rule (IFR) operations at the Donaldson Center Airport. The existing Donaldson Center Nondirectional Radio Beacon (nonfederal) would support the NDB RWY 4 instrument approach procedure. The operating status of the NDB is being changed from VFR to IFR and the airport is being changed from private use to public use (46 FR 18049). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. In response to the Notice, the Air Transport Association of America submitted an objection based on nonradar IFR airspace conflicts at Donaldson Center, Greenville-Downtown and Greenville-Spartanburg Airports.

Air traffic control service in the Greenville terminal area is conducted primarily in a radar environment. Nonradar separation is provided for aircraft when climbing or descending below the radar minimum vectoring altitude. Service can be safely provided at Donaldson Center Airport with minimal impact upon operations at Greenville-Spartanburg and Greenville-Downtown Airports. Missed approach and holding procedures can be adjusted to lessen the interaction time when the volume of aircraft activity warrants such action.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations lowers the base of controlled airspace from 1,200 to 700 feet AGL around the Donaldson Center Airport.

The operating status of the Donaldson Center nondirectional radio beacon is changed from VFR to IFR and the Donaldson Center Airport is changed from private use to public use.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 G.m.t., July 31, 1981, by adding the following:

Greenville, South Carolina

* * * Within an 8.5-mile radius of Donaldson Center Airport (lat. 34°45'29" N., long. 82°22'35" W.); within 3 miles each side of the 210° bearing from Donaldson Center RBN (lat. 34°44'35" N., long. 82°23'31" W.), extending from the 8.5-mile radius area to 8.5 miles south of the RBN * * *.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on April 28, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-13778 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 95

[Docket No. 21706; Amdt. No. 95-297]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT April 30, 1981.

(Secs. 307 and 1110, Federal Aviation Act of

1958 (49 U.S.C. §§ 1348 and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore— (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on April 30, 1981.

John S. Kern,

Chief, Aircraft Programs Division.

BILLING CODE 4910-13-M

§95.46 GREEN FEDERAL AIRWAY 6
is added to read:

FROM	TO	MEA
St. Marys, Alt. NDB	Anich, Alt. NDB	4000
Anich, Alt. NDB	Spenrewohn, Alt. NDB	6000

§95.50 GREEN FEDERAL AIRWAY 10
is amended to read in part:

FROM	TO	MEA
Ellee, Alas. NDB	Salka INT, Alas.	*3000
Salka INT, Alas.	*Port Heiden, Alas. NDB	**3000
*DOG LEG CD NDB 024° BRG FROM & PHD NDB 229° BRG FROM		
Port Heiden, Alas. NDB	Width INT, Alas.	9000
Width INT, Alas.	Woody Island, Alas. NDB	*9000

§95.1001 DIRECT ROUTES—U.S.
is amended to delete:

FROM	TO	MEA
Tulsa, Okla. VOR	Davis, Okla. VOR	*2500 MAA—12000

§95.1001 DIRECT ROUTES - U.S.
is added to read:

FROM	TO	MEA
Albuquerque, N.M. VORTAC	Cylow INT, N.M.	*14000 MAA—27000
*11600—MOCA		
Cylow INT, N.M.	Hallsman, N.M. VOR	*12500 MAA—27000
*11700—MOCA		

§95.1001 DIRECT ROUTES—U.S.
is added to read:

FROM	TO	MEA
Ellen INT, N.Y.	*INT SAX R034/ALB R205	6000
*5500—MOCA		
INT SAX R034/ALB R205	Acove, N.Y. VORTAC	*5500
Acove INT, N.Y.	Albany, N.Y. VORTAC	*3500
*4000—MOCA		

§95.1001 DIRECT ROUTES—U.S.
is amended to read in part:

FROM	TO	MEA
Kennebunk, Me. VORTAC	U.S. Canadian Border Via YJN 147R/ENE 331R	*15000 MAA—31000
*6300—MOCA		

§95.6003 VOR FEDERAL AIRWAY 3
is amended to read in part:

FROM	TO	MEA
Presque Isle, ME VOR	U.S. Canadian Border	*6000
*3500—MOCA		

§95.6006 VOR FEDERAL AIRWAY 6
is amended to delete:

FROM	TO	MEA
Omaha, Neb. VOR Via S alter.	Enjoy INT, Iowa Via S alter.	2000
Enjoy INT, Iowa *2700—MOCA	Wiota INT, Iowa	*3000
Wiota INT, Iowa Via S alter.	Des Moines, Iowa VOR Via S alter.	2700

§95.6012 VOR FEDERAL AIRWAY 12
is amended to read in part:

FROM	TO	MEA
Mexia INT, Tex. Via S alter. *9500—MRA	*Sidon INT, Tex. Via S alter.	6000

§95.6013 VOR FEDERAL AIRWAY 13
is amended to delete:

FROM	TO	MEA
Lemoni, Iowa VOR Via W alter.	Des Moines, Iowa VOR Via W alter.	3000

§95.6030 VOR FEDERAL AIRWAY 30
is amended to read in part:

FROM	TO	MEA
Reino INT, Mich. Via S alter.	Pullman, Mich. VOR Via S alter.	2200

§95.6045 VOR FEDERAL AIRWAY 45
is amended to read in part:

FROM	TO	MEA
Varys INT, OH *2000—MOCA	Waterville, OH VOR	*4000

§95.6045 VOR FEDERAL AIRWAY 45
is amended to read in part:

FROM	TO	MEA
Saubs INT, Mich. *4300—MRA **2600—MOCA	*Coors INT, Mich.	**3500
Coors INT, Mich. *4300—MRA **2600—MOCA	*Ailes INT, Mich.	**3500
Ailes INT, MICH *2600—MOCA	Alpena, Mich. VOR	*3500

§95.6077 VOR FEDERAL AIRWAY 77
is amended to read in part:

FROM	TO	MEA
Wichita, KS VOR	Kanga INT, KS	3400
Kanga INT, KS *5000—MRA	*Floss INT, KS	3000

§95.6078 VOR FEDERAL AIRWAY 78
is amended to read in part:

FROM	TO	MEA
Pellston, Mich. VOR *3500—MRA	*Rabbo INT, Mich.	2600

§95.6095 VOR FEDERAL AIRWAY 95
is amended to read in part:

FROM	TO	MEA
Baloo INT, Colo.	Bdlf INT, Colo.	
	NE-bound	16200
	SW-bound	15000
Bdlf INT, Colo.	Treee INT, Colo.	16200

§95.6095 VOR FEDERAL AIRWAY 95
is amended to read in part:

FROM	TO	MEA
Zeeee INT, Colo.	Leeee INT, Colo.	16100
Leeee INT, Colo.	Powee INT, Co.	
	S-bound	16100
	N-bound	15000
Powee INT, Co.	*Gunnison, Colo. VOR	
	S-bound	16100
	N-bound	12500

*12500-MCA Gunnison VOR, S-bound
*13000-MCA Gunnison VOR, NE-bound

§95.6133 VOR FEDERAL AIRWAY 133
is amended to read in part:

FROM	TO	MEA
Traverse City, Mich. VOR	Escanaba, Mich. VOR	2900

§95.6157 VOR FEDERAL AIRWAY 157
is amended to read in part:

FROM	TO	MEA
Ocala, Fla. VOR	Gainesville, Fla. VOR	1700

§95.6159 VOR FEDERAL AIRWAY 159
is amended to read in part:

FROM	TO	MEA
Ocala, Fla. VOR	Gainesville, Fla. VOR	
Via E alter.	Via E alter.	1700

§95.6193 VOR FEDERAL AIRWAY 193
is amended to read in part:

FROM	TO	MEA
White Cloud, Mich. VOR	Traverse City, Mich. VOR	3500

§95.6215 VOR FEDERAL AIRWAY 215
is amended to read in part:

FROM	TO	MEA
Sales INT, Mich.	Muskegon, Mich. VOR	*3000

*2300-MOCA

§95.6232 VOR FEDERAL AIRWAY 232
is amended to read in part:

FROM	TO	MEA
Broadway, NJ VOR/DME	Lisse INT, NY	2500
Lisse INT, NY	La Guardia, NY VOR	2700

§95.6244 VOR FEDERAL AIRWAY 244
is amended to read in part:

FROM	TO	MEA
Gunnison, Colo. VOR	Dolol INT, Colo.	
	E-bound	16000
	W-bound	12000
Dolol INT, Colo.	*Flood INT, Colo.	16000

*16000-MRA

§95.6275 VOR FEDERAL AIRWAY 275
is amended to read in part:

FROM	TO	MEA
Dayton, OH VOR	Kline INT, OH	*5000

*2600-MOCA

§95.6275 VOR FEDERAL AIRWAY 275
is amended to read in part:

FROM	TO	MEA
Meier INT, Mich.	Salem, Mich. VOR	*3000

*2300-MOCA

§95.6288 VOR FEDERAL AIRWAY 288
is amended to read in part:

FROM	TO	MEA
Meer INT, Tex.	*Sider INT, Tex.	6000

*9300-MRA

§95.6287 VOR FEDERAL AIRWAY 287
is amended to read in part:

FROM	TO	MEA
Cawe INT, WA	*Brade INT, WA	**5000

*5500-MRA
**6400-MOCA

Brade INT, WA	Leid INT, WA	*5000

*6400-MOCA

§95.6337 VOR FEDERAL AIRWAY 337
is amended to read in part:

FROM	TO	MEA
Mt. Pleasant, Mich. VOR	White Cloud, Mich. VOR	*3000

*2400-MOCA

§95.6388 VOR FEDERAL AIRWAY 388
is added to read:

FROM	TO	MEA
Kenai, Alas. VOR	Anchorage, Alas. VOR	*2000

*1600-MOCA

§95.6400 VOR FEDERAL AIRWAY
is amended to read in part:

U.S. Canadian Border	Presque Isle, ME VOR	*6000

*4000-MOCA

§95.6421 VOR FEDERAL AIRWAY 421
is amended to read in part:

FROM	TO	MEA
Zeeee Int., Colo.	Leeee Int. Colo.	16100
Leeee Int., Colo	Powee Int., Colo.	
	S-bound	16100
	N-bound	15000
Yeeee Int., Co.	Cezee Int., Colo.	
	S-bound	15000
	N-bound	17000
Cezee Int., Colo.	Jeee Int., Colo.	*17000

*16300-MOCA

§95.7006 JET ROUTE NO. 6 is amended to delete:

FROM	TO	MEA	MAA
Big Sur, Calif. VORTAC	Zonal Int., Calif.	18000	45000
Zonal Int., Calif.	Palmdale, Calif. VORTAC	20000	45000

§95.7065 JET ROUTE NO. 65 is amended to read in part:

is amended to read in part:

FROM	TO	MEA	MAA
Red Bluff, Ca VORTAC	Klamath Falls, Or. VORTAC	#18000	45000

#MEA is established with a gap in navigation signal coverage

§95.7141 JET ROUTE NO. 141 is added to read:

FROM	TO	MEA	MAA
U.S. Mexican Border	Keyle INT, Tx	#18000	#45000
Keyle Int., Tx	El Paso, Tx., VORTAC	18000	45000

§95.7177 JET ROUTE NO. 177 is amended by adding:

FROM	TO	MEA	MAA
Hobby, Tx VORTAC	Humble, Tx VORTAC	18000	45000

§95.7501 JET ROUTE NO. 501 is amended to delete:

FROM	TO	MEA	MAA
Tatoosh, WA VORTAC	Port Hardy, BC, Canada VORTAC	#18000	#45000

#For that airspace over U.S. territory

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE FROM	
V-10 is amended to delete:			
Lawson INT, Mo. Via N alter.	Kirksville, Mo. VOR Via N alter.	53	Kirksville
V-104 is added to read:			
Montpelier VT VOR	Berlin NH VOR	39	Montpelier
Berlin NH VOR	Ansyn INT, ME	25	Berlin

[FR Doc. 81-13779 Filed 5-6-81; 8:45 am]
BILLING CODE 4910-13-C

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 401

Amendment of Rules to Require Water Conservation Procedures for New Water Supply Projects

AGENCY: Delaware River Basin Commission.

ACTION: Final rule.

SUMMARY: The Delaware River Basin Commission has amended its Rules of Practice and Procedure so as to establish new conservation requirements for future water supply projects. The amendments apply to industrial, municipal and agricultural water users in the Delaware River Basin who propose water supply projects involving withdrawal from ground or surface waters in excess of million gallons per day. Applications for approval of such projects, submitted to the Commission under Section 3.8 of the Delaware River Basin Compact, must include and describe water conserving practices and technologies designed to minimize the use of water.

A water conservation policy was included in the Commission's Comprehensive Plan in 1976 (Resolution 76–17). The policy requires maximum feasible efficiency in the use of water by new users, and the eventual application of water conserving practices and technologies by existing users throughout the basin. The amendment that is the subject of this notice is in furtherance of that policy.

EFFECTIVE DATE: September 1, 1981.

ADDRESS: Copies of the Commission's Administrative Manual are available from Delaware River Basin Commission, P.O. Box 7360, West Trenton, N. J. 08628.

FOR FURTHER INFORMATION CONTACT: W. Brinton Whitall, Secretary, Delaware River Basin Commission, Post Office Box 7360, West Trenton, New Jersey 08628 609–883–9500.

SUPPLEMENTARY INFORMATION: On July 30, 1980 the Commission held a public hearing in West Trenton, New Jersey, on the amendment. Notice of the hearing, including the text of the proposed amendment, appeared at 45 FR 49323 (July 24, 1980), and was widely distributed to public agencies, civic groups and water users in the Delaware Basin area of Pennsylvania, New Jersey, New York and Delaware. The draft amendment as originally proposed was modified as a result of public comment received at the hearing. Significant changes are:

(1) Limiting the applicability of the amendment to water supply projects in excess of one million gallons per day;

(2) Including agricultural irrigation projects within the scope of the amendment;

(3) Referencing public utility regulations as a possible limitation on conservation programs prepared by public or private water purveyors; and,

(4) Requiring that water shortage contingency plans prepared by public or private water purveyors be coordinated with applicable statewide water shortage contingency plans.

The text of the Commission's Administrative Manual—Part II, *Rules of Practice and Procedure*, is relevant context for the amendment that is the subject of this notice. The same text appears at 18 CFR Part 401.

The Commission's *Rules of Practice and Procedure*, 18 CFR Part 401, are amended as follows:

§§ 401.38—401.45 [Redesignated as §§ 401.39—401.46]

1. Amend Subpart C by redesignating §§ 401.38 through 401.45 as §§ 401.39 through 401.46.

2. Amend Subpart C by addition of a new § 401.38 entitled, *Water Supply Projects—conservation Requirements*, to read as follows:

§ 401.38 Water supply projects—Conservation requirements.

Maximum feasible efficiency in the use of water is required on the part of water users throughout the basin. Effective September 1, 1981 applications under Section 3.8 of the Compact for new water withdrawals subject to review by the Commission shall include and describe water conserving practices and technology designed to minimize the use of water by municipal, industrial and agricultural users, as provided in this section.

(a) Applications for approval of new withdrawals from surface or ground water sources submitted by a municipality, public authority or private water works corporation whose total average withdrawals exceed one million gallons per day shall include or be in reference to a program prepared by the applicant consisting of the following elements:

(1) Periodic monitoring of water distribution and use, and establishment of a systematic leak detection and control program;

(2) Use of the best practicable water conserving devices and procedures by all classes of users in new construction or installations, and provision of information to all classes of existing users concerning the availability of water conserving devices and procedures;

(3) A contingency plan including use priorities and emergency conservation measures to be instituted in the event of a drought or other water shortage condition. Contingency plans of public authorities or private water works corporations shall be prepared in cooperation with, and made available to, all municipalities in the area affected by the contingency plan, and shall be coordinated with any applicable statewide water shortage contingency plans.

(b) Programs prepared pursuant to paragraph (a) of this section shall be subject to any applicable limitations of public utility regulations of the signatory party in which the project is located.

(c) Applications for approval of new industrial or commercial water withdrawals from surface or ground water sources in excess of an average of one million gallons per day shall contain (1) a report of the water conserving procedures and technology considered by the applicant, and the extent to which they will be applied in the development of the project; and (2) a contingency plan including emergency conservation measures to be instituted in the event of a drought or other water shortage. The report and contingency plan estimate the impact of the water conservation measures upon consumptive and non-consumptive water use by the applicant.

(d) Applications for approval of new agricultural irrigation water withdrawals from surface or ground water sources in excess of one million gallons per day shall include a statement of the operating procedure or equipment to be used by the applicant to achieve the most efficient method of application of water and to avoid waste.

(e) Reports, programs and contingency plans required under this section shall be submitted by the applicant as part of the permit application to the state agency having jurisdiction over the project, or directly to the Commission in those cases where the project is not subject to the jurisdiction of a state agency. State agencies having jurisdiction over a project that is subject to the provisions of this section shall determine the adequacy and completeness of the applicant's compliance with these requirements and

shall advise the Commission of their findings and conclusions.

W. Brinton Whitall,

Secretary.

April 27, 1981.

[FR Doc. 81-13389 Filed 5-6-81; 8:45 am]

BILLING CODE 6369-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 57

[DoD Directive 6060.xx]

Hearings Required by the Education for all Handicapped Children Act of 1975

AGENCY: Office of the Secretary of Defense.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of the Secretrary of Defense issued a directive-type memorandum pending issuance of a proposed and final rule to implement the Education for All Handicapped Children Act of 1975 and the Defense Dependents' Education Act of 1978. The memorandum establishes procedural rules which are set forth below to govern impartial due process hearings and which are now in effect for use and guidance by the Office of the Secretary of Defense and the Military Departments.

EFFECTIVE DATE: April 27, 1981. Written comments from the public are solicited and must be received by June 1, 1981. Comments will be considered in the preparation of the proposed and final rule that will supersede the interim rules set forth below.

ADDRESS: Office of General Counsel, Department of Defense, Room 3E960, The Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Paul S. Koffsky, 202-695-3657.

Accordingly, 32 CFR Chapter I is amended by adding a new Part 57 to read as follows:

PART 57—HEARINGS REQUIRED BY THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975

Sec.

57.1 Purpose.
57.2 Applicability and scope.
57.3 Standards and criteria.
57.4 Administration.
57.5 Mediation.
57.6 Practice and procedure.
57.7 Determination without hearing.
57.8 Appeal.
57.9 Publication and indexing of Final Decisions.

Authority: Pub. L. No. 94-142, 20 U.S.C. 1401 et seq. (1976) ("EHA").

§ 57.1 Purpose.

This memorandum is issued to establish adjudicative requirements whereby the parents or guardians of handicapped children are afforded a due process hearing with respect to the free appropriate public education provided such children by DoD in accordance with the EHA and the Defense Dependents' Education Act of 1978, Pub. L. 95-561, 20 U.S.C. 921-932 (Supp. III 1979) ("DDEA").

§ 57.2 Applicability and scope.

The provisions of this memorandum apply to all DoD Components and personnel concerned with DoD overseas schools, including but not limited to regional directors, school principals and teachers; parents and guardians; and children of military and civilian employees eligible to receive instruction from the Department of Defense Dependents Schools (DoDDS).

§ 57.3 Standards and Criteria.

(a) The EHA and DDEA require that handicapped children attending DoD overseas schools be provided a free appropriate public education.

(b) The appropriateness of the education shall be based on a determination of the needs of the individual child and on any policies and procedures that may be established by DoD or DoDDS.

§ 57.4 Administration.

(a) The DoDDS Regional Director with responsibility for the handicapped child whose education is at issue shall be responsible for the hearings conducted under this memorandum.

(b) This memorandum shall be administered to assure that the findings, judgments, and determinations made are prompt, fair, and impartial.

(c) Impartial Hearing Officers shall be appointed by the Assistant Secretary of Defense (Manpower, Reserve Affairs & Logistics) or the Assistant Secretary's designee and shall be attorneys who are independent of DoDDS and members in good standing of the Bar of any state, the District of Columbia or a territory of the United States.

(d) Qualified counsel shall normally appear and represent DoDDS in proceedings conducted under this memorandum. A parent or guardian shall have the right to be represented in such proceedings at no cost to the Government by qualified counsel or a personal representative.

§ 57.5 Mediation.

(a) Mediation shall consist of, but not necessarily be limited to, an informal discussion of the differences between the parties in an effort to resolve those differences. The parents or guardians and the appropriate school officials may attend mediation sessions.

(b) Mediation must be conducted or attempted, or refused in writing by a parent or guardian of the handicapped child whose education is at issue, prior to a request for, or the initiation of, a hearing authorized by this memorandum. Any request by DoDDS for a hearing under this memorandum shall state how this requirement has been satisfied. No stigma may attach to the refusal of a parent or guardian to mediate or to an unsuccessful attempt to mediate.

(c) If mediation has not been refused pursuant to § 57.5(b), the Hearing Officer may order additional efforts at mediation prior to the commencement of a hearing hereunder. Such additional efforts at mediation, however, shall be completed within a period of thirty (30) calendar days of the Hearing Officer's order.

§ 57.6 Practice and Procedure

(a) *Hearing.* (1) Should mediation be refused or otherwise fail to resolve the issues concerning the provision of a free appropriate public education to a handicapped child, including the identification, evaluation or educational placement of the child, the child's parent or guardian or the school principal having jurisdiction over the child may request and shall receive a hearing before a Hearing Officer to resolve the matter. The parents or guardians of a handicapped child whose education is at issue and DoDDS shall be the only parties to a hearing conducted pursuant to this memorandum.

(2) The party seeking the hearing shall submit a written request, in the form of a Petition, setting forth the facts, issues, and proposed relief, to the DoDDS Regional Director who has responsibility for the handicapped child. A copy of the Petition shall be delivered to the opposing party (*i.e.*, the parent or guardian, or, on behalf of DoDDS, the school principal), either in person or by first class mail, postage prepaid. Delivery is complete upon mailing. When DoDDS petitions for a hearing, it shall inform the other parties of the deadline for filing an Answer under § 57.6(a)(3), and shall provide the other parties with a copy of this memorandum.

(3) An opposing party shall submit an Answer to the Petition to the

appropriate Regional Director, with a copy to the Petitioner, within thirty (30) calendar days of receipt of the Petition. The Answer shall be as full and complete as possible, addressing the issues, facts, and proposed relief.

(4) Within ten (10) calendar days after receiving the Petition, the Regional Director shall obtain the assignment of a Hearing Officer, who shall then have jurisdiction over the resulting proceeding. The Regional Director shall promptly forward all pleadings to the Hearing Officer.

(5) The questions for adjudication shall be based on the Petition and the Answer, provided that a party may amend a pleading if the Amendment is filed with the Hearing Officer and received by the other parties at least five (5) calendar days before the hearing.

(6) The Regional Director shall arrange for the time and place of the hearing, and shall provide administrative support.

(7) The purpose of a hearing is to establish the relevant facts necessary to reach a fair and impartial determination of the case. Oral and documentary evidence that is relevant and material may be received. The technical rules of evidence shall be relaxed to permit the development of a full evidentiary record, with the Federal Rules of Evidence serving as a guide.

(8) The Hearing Officer shall be the presiding officer, with judicial powers to manage the proceeding and conduct the hearing. Those powers shall include, but not be limited to, the authority to order an independent evaluation of the child at the expense of DoDDS and to call and question witnesses.

(9) Those normally authorized to attend a hearing shall be the parents or guardians of the child, their counsel or personal representative, the counsel or other representative of DoDDS, the Hearing Officer, and an individual qualified to transcribe or record the proceedings. The Hearing Officer may permit other persons to attend the hearing consistent with the privacy interests of the parents or guardians and the child, provided, however, a parent or guardian has the right to an open hearing upon waiving in writing his or her privacy rights and those of the child.

(10) A verbatim record of the hearing shall be made in written or electronic form and shall become a permanent part of the record, unless each party files a written waiver of such recordation with the Hearing Officer. A copy of the written transcript or electronic recording shall be made available to a parent or guardian upon request and without cost. The Hearing Officer may allow corrections to the written transcript or electronic recording for the purpose of conforming it to actual testimony after adequate notice of such changes is given to all parties.

(11) The Hearing Officer's decision of the case shall be based on the record, which shall include the Petition; the Answer; the written transcript or the electronic recording of the hearing, if any; exhibits admitted into evidence; pleadings or correspondence properly filed and served on all parties; and such other matter as the Hearing Officer may include in the record, provided that such matter is made available to all parties before the record is closed pursuant to § 57.8(a)(13).

(12) The Hearing Officer shall make a full and complete record of a case presented for adjudication.

(13) The Hearing Officer shall decide when the record in a case is closed.

(14) The Hearing Officer shall issue findings of fact and render a decision in a case not later than sixty (60) calendar days after being assigned to the case, unless a discovery request pursuant to § 57.8(b), is pending.

(b) *Discovery.* (1) Full and complete discovery shall be available to parties to the proceeding, with the Federal Rules of Civil Procedure serving as a guide.

(2) If voluntary discovery cannot be accomplished, a party seeking discovery may file a Motion to Accomplish Discovery, provided such Motion is founded on the relevance and materiality of the proposed discovery to the issues. An Order granting discovery shall be enforceable as is an Order compelling testimony or the production of evidence.

(3) A copy of the written or electronic transcription of a deposition taken by DoDDS shall be made available free of charge to the parent or guardian.

(c) *Witnesses; production of evidence.* (1) All witnesses testifying at the hearing shall be advised that it is a criminal offense knowingly and willfully to make a false statement or representation to a department or agency of the United States Government as to any matter within the jurisdiction of that department or agency. All witnesses shall be subject to cross-examination by the parties.

(2) A party calling a witness shall bear the witness' travel and incidental expenses associated with testifying at the hearing. DoDDS shall pay such expenses when a witness is called by the Hearing Officer.

(3) The Hearing Officer may issue an Order compelling the attendance of witnesses or the production of evidence upon his own Motion or, if good cause be shown, upon Motion of a party.

(4) Whenever the Hearing Officer determines that (i) a person has failed to obey an Order to testify or to produce evidence and (ii) such failure is in knowing and willful disregard of the Order, the Hearing Officer shall so certify.

(5) The party or the Hearing Officer seeking to compel testimony or the production of evidence may, upon the certification provided for in § 57.8(c)(4), file an appropriate action in a court of competent jurisidiction to compel compliance with the Hearing Officer's Order.

(6) Pending the Hearing Officer's decision regarding a Motion for an Order to compel testimony or the production of evidence or an action in a court to enforce the Hearing Officer's Order, the Hearing Officer may recess the proceeding.

(d) *Hearing Officer's findings of fact and decision.* (1) The Hearing Officer shall make written findings of fact and shall issue a decision, setting forth the questions presented, the resolution of those questions, and the rationale for the resolution. The Hearing Officer shall file the findings of fact and decision with the appropriate Regional Director, with a copy to each party.

(2) The Regional Director shall forward a copy of the Hearing Officer's findings of fact and decision to the Overseas Dependents Schools National Advisory Panel on the Education of Handicapped Dependents.

(3) The Hearing Officer shall have the authority to impose financial responsibility for placements pursuant to his or her findings of fact and decision.

(4) The findings of fact and decision of the Hearing Officer shall become final unless a Notice of Appeal is filed pursuant to § 57.8(a), of this part DoDDS shall implement a decision as soon as practicable after it becomes final.

§ 57.7 Determination without Hearing.

(a) At the request of a parent or guardian of the handicapped child whose education is at issue, the requirement for a hearing may be waived and the case may be submitted to the Hearing Officer on written documents filed by the parties. The Hearing Officer shall make findings of fact and issue a decision within the period fixed by § 57.8(a)(14) of this part.

(b) DoDDS may oppose a request to waive the hearing. In that event, the Hearing Officer shall rule on the request.

(c) Documents submitted to the Hearing Officer in a case determined without hearing shall comply with § 57.8(a)(7), of this part. Copies of such

documents shall be exchanged between the parties.

§ 57.8 Appeal.

(a) A party may appeal the Hearing Officer's findings of fact and decision by filing a written Notice of Appeal with the Assistant Secretary of Defense (Manpower, Reserve Affairs & Logistics) or the Assistant Secretary's designee within fifteen (15) calendar days of receipt of the findings of fact and decision. The Notice of Appeal must contain the appellant's certification that a copy of the Notice of Appeal has been provided to all other parties.

(b) Within twenty (20) calendar days of filing the Notice of Appeal, the appellant shall submit a written Statement of Issues and Arguments to the Assistant Secretary of Defense (Manpower, Reserve Affairs & Logistics) or the Assistant Secretary's designee, with a copy to the other parties. The other parties shall submit a Reply to the Assistant Secretary of Defense (Manpower, Reserve Affairs & Logistics) or the Assistant Secretary's designee within thirty (30) calendar days of receiving the Statement, with a copy to the appellant.

(c) The Assistant Secretary of Defense (Manpower, Reserve Affairs & Logistics) or the Assistant Secretary's designee shall determine the matter on appeal, including the making of interlocutory rulings, within thirty (30) calendar days of receiving timely filed Replies under section VIII.B, above. The Assistant Secretary of Defense (Manpower, Reserve Affairs & Logistics) or the Assistant Secretary's designee may request oral argument.

(d) The determination of the Assistant Secretary of Defense (Manpower, Reserve Affairs & Logistics) or the Assistant Secretary's designee shall be a final administrative decision and shall be in written form. It shall address the issues presented and set forth a rationale for the decision reached. A determination denying the appeal of a parent or guardian in whole or in part shall state that the parent or guardian has the right under the EHA, 20 U.S.C. 1415(e)(2), to bring a civil action with respect to the matters in dispute in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.

(e) No provision of this memorandum or other DoD guidance may be construed as conferring a further right of administrative review. A party must exhaust all administrative remedies afforded by this memorandum before seeking judicial review of a determination made pursuant to this memorandum.

§ 57.9 Publication and indexing of final decisions.

Final decisions in cases arising under this memorandum shall be published and indexed in accordance with the Freedom of Information Act, 5 U.S.C. 552(a)(2)(A), so as to protect the privacy rights of the parents or guardians, and the child.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

April 30, 1981.

[FR Doc. 81-13699 Filed 5-6-81; 8:45 am]
BILLING CODE 3810-70-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket RM 81-1]

Payment and Refund of Copyright Office Fees; General Provisions

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulations.

SUMMARY: This notice is issued to inform the public that the Copyright Office of the Library of Congress is adopting an amendment of § 201.6 of the Copyright Office regulations. The effect of the amendment is to permit the Copyright Office to retain application fees in cases where an application is rejected and to provide that in cases of a mistaken or excess payment, refunds in the amount of $5 or less will be made only on specific request.

EFFECTIVE DATE: June 15, 1981.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, D.C. 20559, (703) 287-8380.

SUPPLEMENTARY INFORMATION: Under section 708(c) of the Copyright Act of 1976, title 17 of the United States Code, the Register is authorized to deduct all or any part of the registration fee otherwise prescribed by section 708, to cover the administrative costs of processing a refusal to register a claim to copyright under section 410(b). That section authorizes the Register to refuse registration of the claim to copyright when the material deposited does not constitute copyrightable subject matter, or when the claim is invalid for any other reason.

Until now, it has been the policy of the Copyright Office to refund fees submitted for registration purposes when the claim is rejected. However, following a review of this refund policy, the Copyright Office has decided that it should invoke the authority of section 708(c) and deduct the administrative costs of processing section 410(b) rejection cases.

Currently, the income from copyright registration and related fees covers less than 30 percent of the expenditures of the Copyright Office. The Copyright Office does not recoup its operating costs through application fees even in cases where applications are accepted for registration without correspondence. Processing costs in rejection cases are higher since more administrative steps are involved; for example, a letter is written, typed, and mailed. Since the cost of processing any application is greater than $10, we have determined that the reasonable administrative cost of processing a section 410(b) claim is at least $10 for first term or ordinary and supplementary registration, and $6 for a renewal registration claim.

On and after the effective date of this regulation, the Copyright Office will therefore not refund the fee submitted for claims for which registration is refused under section 410(b). The Office will however refund payments made by mistake or in excess of the statutory fee schedule. If the excess amount is higher than $5, the refund will be made without specific request. Amounts of $5 or less will not be refunded except by specific request.

Accordingly, Part 201 of 37 CFR Chapter II is amended by revising § 201.6(c) to read as follows:

§ 201.6 Payment and refund of Copyright Office fees.

* * * * *

(c) *Refunds.* Money remitted to the Copyright Office for original, basic, supplementary or renewal registration will not be refunded if the claim is rejected because the material deposited does not constitute copyrightable subject matter or because the claim is invalid for any other reason. Payments made by mistake or in excess of the statutory fee will be refunded, but amounts of $5 or less will not be refunded unless specifically requested, and refunds of less than $1 may be made in postage stamps.

* * * * *

(17 U.S.C. 702; 708(c))

Dated: April 27, 1981.
David Ladd,
Register of Copyrights.
Approved:
Daniel J. Boorstin,
The Librarian of Congress.
[FR Doc. 81-13944 Filed 5-6-81; 8:45 am]
BILLING CODE 1410-09-M

VETERANS ADMINISTRATION

38 CFR Part 36

New Guaranteed, Insured and Direct Loans for Homes and Condominiums; Increase in Maximum Permissible Interest Rate

AGENCY: Veterans Administration.
ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rate on guaranteed, insured and direct loans for homes and condominiums. The maximum interest rate is increased because the former interest rate was not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rate will assure a continuing supply of funds for home mortgages; thereby allowing veterans to purchase a home with the assistance of a no downpayment VA loan.

EFFECTIVE DATE: April 13, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (284), Department of Veterans Benefits, Veterans administration, 810 Vermont Ave., NW, Washington, D.C. 20420 (202-389-3042).

SUPPLEMENTARY INFORMATION: The Administrator is required to establish a maximum interest rate for loans guaranteed, insured or made by the Veterans Administration as he finds the mortage money market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage money market has become more restrictive. The maximum rate in effect for VA guaranteed loans has not been sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program it has been determined that an increase in the maximum permissible rates is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

Regulatory Flexibility Act/Executive Order 12291 Certifications

The Administrator of Veterans Affairs hereby certifies that these final regulations, which will change the maximum interest rates for VA guaranteed, insured, and direct home and condominium loans, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612. The Regulatory Flexibility Act provides that for purposes of the Act, " * * * the term 'rule' means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of this title, or any other law, * * *" 5 U.S.C. 601(2). Similarly, the Act provides that "When an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, the agency shall prepare a final regulatory flexibility analysis." 5 U.S.C. 604(a). Two provisions in section 553 of title 5 United States Code give a legal basis for exempting these regulatory amendments from the requirement that they be published for general notice in the Federal Register. Additionally, there is no other law requiring that the regulations be so published. Consequently, the regulations are exempt from the provisions of the Regulatory Flexibility Act.

Subsection (a)(2) of section 553 provides that:

> (a) This section applies according to the provisions thereof, except to the extent that there is involved—
> * * * * *
> (2) a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.

These regulations, which change interest rates, are matters relating to VA benefits and are, thus, exempt from the provisions of section 553

Subsection (b)(3)(B) of section 553 provides that unless required by statute, notice is not required "(B) when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." The publication of notice of a regulatory change in the maximum interest rate for VA guaranteed, insured, and direct home and condominium loans would create an acute shortage of mortgage funds pending the final date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has long been the position of the Veterans Administration that notice and public procedure prior to final adoption of the regulation would be contrary to public interest. For the foregoing reasons, these regulatory amendments are also exempt from 38 CFR 1.12. Finally, 38 U.S.C. 1803(c)(1), the section which mandates that the Administrator of Veterans Affairs shall establish the rate of interest, does not require that any change in the rate be published for notice in the Federal Register.

Even though the Regulatory Flexibility Act does not apply to these particular regulations, I further certify that the regulations will not have significant economic impact on a substantial number of small entities, as those terms are defined in that Act. Therefore, these regulations are exempt from the regulatory analysis requirements of the Act.

The reasons for this certification are that changes in the VA interest rates are mandated by 38 U.S.C. 1803(c)(1) to assure veterans available funding for VA guaranteed loans while assuring the lowest reasonable cost to veterans for their loans. Interest rate changes do not impact upon small Government jurisdictions or upon small organizations. Small businesses, including small lending companies, small real estate firms, and small developers, participate in the VA home loan program. Interest rate amendments require no additional recordkeeping on loans closed at the new effective rate. On guaranteed loans on which a commitment has been previously issued but the loan has not closed, the lender must obtain the veteran's written authorization to close at the higher rate. This one time reporting requirement does not have a significant economic impact upon small businesses.

Interest rate amendments are necessary because of fluctuations in the cost of mortgage funds in the secondary market. These fluctuations affect all lenders regardless of size. When mortgage funds become more restrictive, investors in the secondary market demand a greater return on their investment. Since the VA interest rate is set at a maximum, investors purchase loans at a discount from lenders originating loans, thereby increasing the effective yield on their investment. This discounting of loans on the secondary

market means that the lender must pass this cost on home and condominium loans through to the home seller or builder in the form of a charge generally termed points or discount points. As the money market becomes more restrictive, the cost of funds or the discount charged the home seller or home developer increases to high levels. By increasing the interest rate, investors may lower the discount points charged to sellers or developers and still maintain the necessary yield for secondary market investors. The interest rate increase should thereby aid developers, particularly small developers, who may be unable to absorb excessive discount points. Lenders may also find it easier to obtain funding for VA guaranteed loans which should benefit the small lender. It should be noted that the increased VA maximum rate is optional, not mandatory; lenders are free to close at any rate up to the new maximum. We therefore believe that this amendment to the VA regulations will have no compliance costs and minimal reporting burdens upon small businesses. Not only should the amendments cause no disproportionate adverse impacts upon small entities, but they should not cause a significant economic impact on any entities, large or small. For all the foregoing reasons, we have concluded that the amendment increasing the guaranteed home and condominium interest rate is a nonsignificant regulation with respect to the Act, and no final regulatory flexibility analysis is required.

Concerning direct loans, increases in the interest rates charged on direct loans are mandated by 38 U.S.C. 1811(d)(1) which requires that the rate for VA direct loans must be set at a rate not to exceed the guaranteed loan rate. Since the VA is the lender on direct loans, and the VA charges no discount points to sellers or developers participating in the program, the increase in the interest rate for VA direct loans should have no economic impact upon any small entity. The increase in the direct loan interest rate therefore is a nonsignificant regulation with respect to the Act, and no final regulatory flexibility analysis is required.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they do not come within the definition of a "major rule" as defined in that Order. Also, the existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process will still permit timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market. These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1) and 1811(d)(1) of title 38, United States Code. The regulations are clearly within that statutory authority and are consistent with Congressional intent.

The increase in the maximum interest rate is accomplished by amending §§ 36.4311(a) and 36.4503(a) of title 38, Code of Federal Regulations.

Approved: April 10, 1981.

Rufus H. Wilson,

Acting Administrator.

1. In § 36.4311, paragraph (a) is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 14½ per centum per annum, effective April 13, 1981, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 14½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

* * * * *

2. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1978, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $25,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 14½ percent per annum. Loans soley for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 16 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

(38 U.S.C. 210(c), 1803(c))

[FR Doc. 81-13801 Filed 5-6-81; 8:45 am]

BILLING CODE 8320-01-M

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38 CFR Part 36

Mobile Home Loans; Increase in Maximum Permissible Interest Rate

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum permissible interest rate on guaranteed mobile home loans. The maximum interest rates are increased because the former rates were not sufficiently competitive to induce private sector lenders to make VA guaranteed mobile home loans. The increases will attract funds for GI mobile home loans; thereby, allowing veterans to purchase mobile homes with the assistance of no downpayment VA loans.

EFFECTIVE DATE: April 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (284), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202-389-3042.

SUPPLEMENTARY INFORMATION: The Administrator is required to establish a maximum interest rate for mobile home loans guaranteed by the Veterans Administration as he finds the capital markets demand. Recent market indicators, including the general increase in interest rates charged on conventional mobile home loans and the increase in the prime interest rate, have shown that the capital markets have become more restrictive. The maximum rates formerly in effect for VA guaranteed mobile home loans were not sufficiently competitive to induce private sector lenders to make VA guaranteed mobile home loans. To assure a continuing supply of funds for mobile home loans through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rates is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed mobile home loans.

The increase in the interest rate applies to mobile home unit loans, mobile home lot and site preparation loans, and combination loans involving

the purchase of a mobile home unit and lot.

Regulatory Flexibility Act/Executive Order 12291 Certifications

The Administrator of Veterans Affairs hereby certifies that this final regulation, which will change the maximum interest rates for VA guaranteed mobile home loans, is not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612. The Regulatory Flexibility Act provides that for purposes of the Act, "* * * the term 'rule' means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of this title, or any other law, * * *" 5 U.S.C. 601(2). Similarly, the Act provides that "[w]hen an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, the agency shall prepare a final regulatory flexibility analysis." 5 U.S.C. 604(a). Two provisions in section 553 of title 5, United States Code, give a legal basis for exempting this regulatory amendment from the requirement that it be published for general notice in the Federal Register. Additionally, there is no other law requiring that the regulation be so published. Consequently, the regulation is exempt from the provisions of the Regulatory Flexibility Act.

Subsection (a)(2) of section 553 provides that:

(a) This section applies according to the provisions thereof, except to the extent that there is involved—

(2) a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.

This regulation, which changes mobile home interest rates, is a matter relating to VA benefits and is, thus, exempt from the provisions of section 553.

Subsection (b)(3)(B) of section 553 provides that unless required by statute, notice is not required "(B) when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." The publication of notice of a regulatory change in the maximum interest rates for VA guaranteed mobile home loans would create an acute shortage of loan funds pending the final date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has long been the position of the Veterans Administration that notice and public procedure prior to final adoption of the regulation would be contrary to public interest. For the foregoing reasons, this regulatory amendment is also exempt from 38 CFR 1.12. Finally, 38 U.S.C. 1819(f), the section which mandates that the Administrator of Veterans Affairs shall establish the rate of interest, does not require that any change in the rate be published for notice in the Federal Register.

Even though the Regulatory Flexibility Act does not apply to this particular regulation, I further certify that the regulation will not have significant economic impact on a substantial number of small entities, as those terms are defined in that Act. Therefore, this regulation is exempt from the regulatory analysis requirements of the Act.

The reasons for this certification are that changes in the VA interest rates are mandated by 38 U.S.C. 1819(f) to assure veterans availability funding for VA guaranteed mobile home loans while assuring the lowest reasonable cost to veterans for their loans. Interest rate changes do not impact upon small Government jurisdictions or upon small organizations. Small businesses including small lending companies and small mobile home dealers participate in the VA mobile home loan program. Interest rate amendments require no additional recordkeeping on loans closed at the new effective rate. On loans on which a commitment has been previously issued but the loan has not closed, the lender must obtain the veteran's written authorization to close at the higher rate. This one time reporting requirement does not have a significant economic impact upon small businesses.

Interest rate amendments are necessary because of fluctuations in the cost of loan funds. These fluctuations affect all lenders regardless of size. When loan funds become more restrictive, investors demand a greater return on their investment. Since the VA interest rate is set at a maximum, investors purchase loans at a discount from lenders originating loans; thereby increasing the effective yield on their investment. This discounting of loans on the secondary market means that the lender must pass this cost through to the mobile home seller or dealer in the form of a charge generally termed points or discount points. As the money market becomes more restrictive, the cost of funds or the discount charged the seller or dealer increases to high levels. By increasing the interest rate, investors may lower the discount points charged to sellers or dealers and still maintain the necessary yield for investors. The interest rate increases should thereby aid sellers and dealers, particularly small dealers, who may be unable to absorb excessive discount points. Lenders may also find it easier to obtain funding for VA guaranteed mobile home loans which should benefit the small lender. It should be noted that the increased VA maximum rates are optional not mandatory; lenders are free to close at any rate up to the new maximum. We, therefore, believe that the amendment to the VA regulations increasing the mobile home interest rates will have no compliance costs and minimal reporting burdens upon small businesses. Not only should the amendments cause no disproportionate adverse impacts upon small entities, but they should not cause a significant economic impact on any entities, large or small. For all the foregoing reasons, we have concluded that the amendment increasing the mobile home interest rates is a nonsignificant regulation with respect to the Act, and no final regulatory flexibility analysis is required.

This regulatory amendment has also been reviewed under the provisions of Executive Order 12291. The VA finds that it does not come within the definition of a "major rule" as defined in that Order. Also, the existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process will still permit timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of credit at rates consistent with the market. These regulations are adopted under authority granted to the Administrator by sections 210(c), and 1819 (f) and (g) of title 38, United States Code. The regulations are clearly within that statutory authority and are consistent with Congressional intent.

The increases in the maximum interest rates are accomplished by amending § 36.4212(a) (1), (2), and (3), Title 38, Code of Federal Regulations.

Approved: April 24, 1981.

Rufus H. Wilson,

Acting Administrator.

In § 36.4212, paragraph (a) is revised as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to the respective effective date: (38 U.S.C. 1819(f))

(1) Effective April 27, 1981, 17½ percent simple interest per annum for a loan which finances the purchase of a mobile home unit only.

(2) Effective April 27, 1981, 17 percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective April 27, 1981, 17 percent simple interest per annum for a loan which will finance the simultaneous acquisition of a mobile home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the mobile home.

* * * * *

[FR Doc. 81-13800 Filed 5-6-81; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual, Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby describes the numerous miscellaneous revisions consolidated in the Transmittal Letter for Issue 5 of the Domestic Mail Manual (DMM), which is incorporated by reference in the **Federal Register**, 39 CFR 111.1.

Some of the revisions are minor, editorial, or clarifying. Substantive changes, such as those concerning third-class carrier route presort mail, have previously been published in the **Federal Register** both in the proposed rule and the final rule stages.

EFFECTIVE DATE: March 1, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 245-4638.

SUPPLEMENTARY INFORMATION: The Domestic Mail Manual, which is incorporated by reference in the **Federal Register** (See 39 CFR 111.1), has been amended by the publication of a transmittal letter for Issue 5, dated March 1, 1981. The text of all published changes is filed with the Director of the Federal Register. Subscribers to the Domestic Mail Manual receive these amendments automatically from the Government Printing Office.

The following excerpt from the Summary of Changes section of the transmittal letter for Issue 5 covers the minor changes not previously described in final rules published in the **Federal Register.**

Summary of Changes

Issue 5 contains all DMM revisions published between September 25, 1980 and January 8, 1981.

1. Sections 112.2 and 112.35 are revised to reflect recent amendments to the regulations which implement the Private Express Statutes (PB 21267, 10-16-80).

2. Section 113.263 is revised to update the cross-reference to the *Administrative Support Manual.*

3. Sections 121.5, 121.731, and 128.6e are revised to redefine "high density" parcels. The new definition allows certain high density parcels to qualify as machinable parcels (PB 21266, 10-23-80).

4. Exhibit 122.633 is revised to include Walnut Creek, CA.

5. Exhibit 125.2 (p. 2) is revised to add APO 09668, Khartoum, Sudan.

6. Part 126 is revised, at the request of the Department of State, to clarify the regulations governing State Department pouch mail (PB 21270, 11-6-80).

7. Part 132 is revised to include the new mail classification center (MCC) at the Brooklyn, New York Post Office (PB 21260, 10-30-80). Incorrect ZIP Codes also corrected.

8. Part 144 is revised to: clarify regulations on .00 meter impressions; discontinue mandatory use of Form 3602-A, *Daily Record of Meter Register Readings;* authorize advance deposits for on-site meter settings; clarify regulations concerning meters set at another office under the on-site meter setting program; clarify the Computerized Remote Postage Meter Resetting Program; and define permissible content of meter ad plates (PB 21262, 9-11-80; PB 21274, 12-4-80).

9. Section 149.161 (first sentence) is revised to correct an erroneous reference.

10. Sections 159.551, 159.552, and 159.561 are revised to reflect changes in the dead mail branches in the Southern Region (PB 21278, 1-1-81).

11. Section 159.552 is revised to provide that dead letters from Illinois post offices located in the St. Louis, MO MSC (ZIP Code prefixes 620 and 622) be sent to the dead letter branch at St. Louis, MO 63155 (PB 21265, 10-2-80). Incorrect ZIP Codes are also corrected.

12. Part 294 is revised to clarify insurance coverage to improve customer understanding and administration of insurance claims (PB 21270, 11-6-80).

13. * * *

14. * * *

15. Section 911.32 (final sentence) is revised to insert the word *not* between the words *will* and *absorb.* This was inadvertently omitted in Issue 2.

16. Section 941 is revised to reflect the use of new Form 6387, *Rural Money Order Transaction* (PB 21274, 12-4-80).

In consideration of the foregoing, 39 CFR 111.3 is amended by adding at the end thereof the following:

§ 111.3 Amendments to the domestic mail manual.

* * * * *

Transmittal letter for issue	Dated	Federal Register publication
5	Mar. 1, 1981	46 FR 23446

(5 U.S.C. 552(a); 39 U.S.C. 401, 407, 408, 2001-3011, 3201-3219, 3403-3406, 3601, 3621; 42 U.S.C. 1973 cc-13, 1973 cc-14)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 81-13799 Filed 5-6-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52, 81

[A1 FRL 1809-6]

Rhode Island Revisions; State Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this Notice is to approve, in part, the State Implementation Plan (SIP) revisions for Rhode Island which were received by the Environmental Protection Agency (EPA) on May 14, June 11 and August 13, 1979. In addition, EPA is taking final action to approve conditionally five elements of the SIP revisions.

These plan revisions were prepared by the state to meet the requirements of Part D (Plan Requirements for Non-Attainment Areas) and certain other sections of the Clean Air Act (the Act) 42 U.S.C. 7401 et seq., as amended in 1977. On December 7, 1979 (44 FR 70486), EPA published a Notice of Proposed Rulemaking (NPR) which described the revisions, discussed certain provisions

which in EPA's judgment did not comply with the requirements of the Act, and requested public comment. Six comments have been received. Responses to general comments received on the December 7, 1979 NPR are contained in a separate section at the end of the preamble. In this Notice EPA is also amending 40 CFR Part 81 to redesignate the attainment status of Providence for total suspended particulates.

EFFECTIVE DATE: May 1, 1981.

ADDRESSES: Copies of the SIP revisions and comments received are available for public inspection during normal business hours at the Air Branch, Room 1903, U.S. EPA, Region I, J.F.K. Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, U.S. EPA, 401 M Street, SW., Washington, DC 20400; The Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, DC and the R.I. Department of Environmental Management, Division of Air Resources, Cannon Building, Room 204, 75 Davis Street, Providence, RI 02908.

FOR FURTHER INFORMATION CONTACT: Harley F. Laing, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, (617) 223-6663.

SUPPLEMENTARY INFORMATION: EPA's December 7, 1979 Notice of Proposed Rulemaking (NPR) (44 FR 70486) outlined the requirements of the Clean Air Act (the Act) that Rhode Island has addressed in its submittal. These will not be restated here. The NPR also contained detailed descriptions of the SIP revisions being acted on in this Notice which will not be repeated here except as necessary to respond to comments. The NPR raised several issues which in EPA's judgment required changes in either the SIP narrative or the regulations. In response to the NPR, Rhode Island submitted the following narrative and regulatory changes and clarifications to Rhode Island's submittal on January 8, 1980, January 24, 1980, March 10, 1980, March 31, 1980, April 21, 1980, June 6, 1980, June 13, 1980, August 20, 1980, November 14, 1980, March 4, 1981, March 5, 1981 and April 16, 1981. The substance of these changes and clarifications is discussed in the appropriate section of this Notice.

The Rhode Island SIP revisions, except as otherwise noted in this Notice, were developed in response to the requirements of Part D of the Act. In general, the SIP is required to provide for attainment and maintenance of the national ambient air quality standards (NAAQS) for all areas which have been designated non-attainment areas pursuant to Section 107 of the Act. Specific requirements are discussed in detail in the Federal Register of May 19, 1978 (the Administrator's Memorandum), (43 FR 21673), General Preamble of April 4, 1979 (the General Preamble) (44 FR 20372), and supplements published on July 2 (44 FR 38583), August 28 (44 FR 50371), September 17 (44 FR 53761), and November 23, 1979 (44 FR 67182).

EPA has received six letters of comment. Two of these were general letters concerning SIP revisions which were sent to every EPA regional office. These two letters are discussed in Section III of this Notice. One comment was received from the Federal Highway Administration (FHWA) and is discussed in Section I. C. and D. One was received from Urban Mass Transportation Administration (UMTA) and is discussed in Section I. C. and D. One was received from the Rhode Island Lung Association (RILA) and is discussed in Sections I. A., B., C., D., E., I. and K. One was received from the Rhode Island Department of Environmental Management (RIDEM) and is discussed in Section I. C. and H.

As a result of consideration of these public comments and the requirements of the Clean Air Act, EPA is:

Approving:

1. The stationary source volatile organic compounds (VOC) section except for the portion pertaining to surface coating of paper and fabric.
2. The carbon monoxide attainment plan.
3. The transportation planning process section.
4. The public transportation portion of the plan.
5. The reasonable further progress demonstration.
6. Extension for attainment of ozone standards to December 31, 1987.
7. The notice and hearing provisions.
8. Resource commitments.
9. Conflict of interest provisions.
10. The plan showing evidence of public, local, and state involvement in SIP development.
11. The program for reasonably available control measures.

Approving Conditionally

1. The inspection/maintenance (I/M) program.
2. The program to review new sources in non-attainment areas (New Source Permit Program) except for Sections 9.2.3(b) and 9.12 of Regulation 9.
3. The emission inventories section
4. Surface coating of paper and fabric of the stationary source VOC section.

Approving (Under 40 CFR Part 81) the Following Redesignations

1. The termination of the designation of Providence as non-attainment, based upon the data from the Dyer Street air sampler.
2. The designation of Providence as non-attainment for the primary TSP standard based upon the 1978 data from the Westminster Street air sampler.

Taking no Action on

1. The program to review new sources in attainment areas (Prevention of Significant Deterioration).
2. Monitoring.
3. Permit fees.
4. Consultation.
5. Stack height requirements.
6. Interstate pollution.
7. Public notification.
8. Sections 9.2.3(b) and 9.12 of Regulation 9.

I. Part D Non-Attainment Control Strategies

A. Total Suspended Particulates (TSP)

Based on data from an air sampler at Dyer Street, the city of Providence was designated non-attainment for the primary TSP standard in the March 3, 1978 Federal Register (43 FR 8962). EPA and RIDEM have determined that the Dyer Street sampler was both improperly sited and unduly influenced by reentrained road dust. Therefore, Providence should not have been designated non-attainment based on that data. However, EPA's review of 1978 data from an air sampler at Westminster Street revealed a primary standard violation. The Westminster Street air sampler is influenced by a markedly different class of sources from those at Dyer Street and has not recorded previous violations of the primary standard. Additional details concerning the Dyer and Westminster Streets air samplers were presented in the NPR (44 FR 70486).

Because the non-attainment designation based on the Dyer Street data is being terminated and a new non-attainment designation is being made based on the Westminster Street data, RIDEM has twelve months from the date of this Notice to submit an approvable TSP standard attainment plan for Providence.

In the NPR, EPA proposed to terminate the designation of Providence as non-attainment for the primary TSP standard based upon the data from the Dyer Street air sampler, to approve a new designation of Providence as non-attainment for the primary TSP standard based upon the 1978 data from the

Westminster Street air sampler, and to require RIDEM twelve months from the date of this Notice to provide an approvable TSP standard attainment plan for Providence.

The Rhode Island Lung Association provided the sole comment on the TSP aspects of EPA's NPR. Adressing EPA's brief synopsis of Part D of the Act, the Rhode Island Lung Association commented that chemical and physical analyses of particulate samples were essential to comply with Part D requirements. EPA finds that these analyses are not necessary to identify particulate standards violations and are not required by Part D. It would, therefore, be inappropriate for EPA to require that RIDEM perform such analyses.

Action:

EPA is:

1. Terminating the designation of Providence as non-attainment for the primary TSP standard based upon the data from the Dyer Street air sampler.

2. Approving a new designation of Providence as non-attainment for the primary TSP standard based upon the 1978 data from the Westminster Street air sampler.

3. Requiring an approvable revised control strategy attainment plan for Providence. RIDEM must submit such a plan written twelve months from publication of this Notice pursuant to Section 129(c) of Pub. L. 95-95.

B. Ozone(O_3)—Control of Stationary Source Volatile Organic Compounds (VOC)

Rhode Island was designated non-attainment statewide for ozone (O_3) in the March 3, 1978 **Federal Register** (43 FR 8962). In order to meet the requirements of Part D of the Act RIDEM has developed regulations to control the following source categories to Reasonably Available Control Technology (RACT): limits surface coating of paper and fabric, solvent metal cleaning and petroleum storage and marketing (including Stage I vapor recovery). The state claims the use of cutback asphalt is insufficient to warrant control at this time and that there are no sources in the remaining group I categories. EPA is approving an extension for attainment of ozone standards until December 31, 1987 (See Section I.F. of this Notice).

1. Surface Coating of Paper and Fabric

In response to condition 1 of the NPR for this source category, Rhode Island submitted adopted Regulation 19 on January 8, 1980. This regulation requires control statewide of paper and fabric coating sources to the emission limits recommended in the relevant CTG. In response to condition 2 of the NPR, the state indicated a final compliance date of 1985, which is beyond the December 31, 1982 date recommended in EPA guidance for add on control devices and presently available low solvent technology. However, the state has surveyed the ten sources affected and found that it would be economically prohibitive to install control devices by December 31, 1982 and that because of the specialized nature of the coating generally used, few low solvent substitutes are available at this time. The state has set an interim emission limit of 4 lbs/gal to be achieved by 1982 which will result in significant reductions by that date. New solvent systems must be developed to achieve the 1985 limit and the compliance schedule appears to be developed to achieve the 1985 limit and the compliance schedule appears to be reasonable considering the large number of new specialty coatings to be developed and tested. The individual compliance schedules were to have been submitted to the state by March 1, 1980 and then submitted to EPA for review and approved as part of the SIP revisions. These schedules are presently being finalized by the state and will be submitted to EPA for review to determine whether they are expeditious.

In response to condition 3 of the NPR, the state has shown that the emission reduction to be realized from implementation of Regulation 19 will be within 5 percent of the reductions which would result from the use of the recommended EPA source size criteria in the Administrator's Memorandum.

A letter of comment was received from the Rhode Island Lung Association which stated that it is essential to the environmental movement's credibility and effectiveness that EPA accept the responsibility of proving the reasonableness of its own standards. In particular, the letter (1) questioned EPA's authority to require states to adopt CTG limits or document why a source category cannot meet these limits; (2) questioned the reasonableness of the CTG limits; (3) stated that there is no documentation for the 2.9 lb/gal limit in the CTG for paper and fabric coating; (4) objected to a requirement that states must justify failure of surface coating operations to meet the CTG emission limit; and (5) urged EPA to require the state to closely monitor and document the solvent coating industries' efforts to develop low or no solvent formulas.

The first, second and fourth points have been addressed in the **Federal Register** on September 17, 1979 (44 FR 53761-53763). This was a supplement to the General Preamble which addressed CTGs.

The 2.9 lb./gal limit which was questioned in the third point was documented in the CTG and was based on 90 percent capture and 90 percent control using add on control devices which are in general use in the coating industry. This limit can also be achieved by using various low solvent technologies. The last point raised urged EPA to require the state to monitor closely and to document the coating industries' efforts to develop low or no solvent formulas. The state will be required to monitor the compliance schedule for each source and report to EPA on accomplishment of increments of progress. The effect of this requirement will be to facilitate the monitoring of progress in development of the coating technology to meet the emission limits. EPA is also monitoring nationwide the development of promising low or no solvent technologies.

Action:

EPA is approving this portion of the SIP revisions conditioned upon submittal by July 1, 1981 of all individual compliance schedules for sources in this category including a justification of need for any extensions beyond December 31, 1982.

2. Solvent Metal Cleaning

In the NPR, EPA proposed approval of Regulation 18 which requires control of metal cleaning operations, conditioned upon the state changing the compliance schedule to meet EPA's recommended schedule or justifying the schedule in Regulation 18 which is eight months longer. The state has presented a justification which is based upon the practical problems of implementing the required measures on a large number of very small sources. This justification is considered adequate by EPA.

Action:

EPA is approving this portion of the SIP revisions.

3. Petroleum Storage and Marketing

In the NPR, EPA proposed approval conditioned upon the state revising the Stage I gasoline vapor recovery requirements in Regulation 11 to include controls for 2000 gallon tanks. The Regulation resubmitted on March 10, 1980 has been revised to include these tanks. In the NPR, EPA also proposed approval conditioned upon the state revising the compliance schedules in Regulation 11 for Stage I gasoline service station and bulk terminal controls to be consistent with the

schedules recommended in EPA guidance or to provide adequate justification for the schedule in the regulation. Regulation 11 has been revised to change the compliance date from July 1, 1982 to the July 1, 1981 date recommended by EPA for these categories. Since there is no compliance schedule for bulk plants in Regulation 11 in the NPR, EPA also proposed approval conditioned upon a certification that there are no bulk plants in the state, submission of a compliance schedule acceptable to EPA for any bulk plants, or adequate justification for not controlling bulk plants. The state has responded by certifying that there are no bulk plants in the state to which the regulation would apply and that the regulation is designed to cover any new sources including bulk plants. EPA considers these regulatory changes and justifications to be adequate.

Action:

EPA is approving the VOC portion of the SIP revisions as it pertains to petroleum storage and marketing.

4. Cutback Asphalt

In the NPR, EPA proposed approval of the cutback ashpalt portion of the SIP revisions conditioned upon the state submitting a documented estimate of cutback asphalt usage, a commitment to monitor such usage annually and to adopt a regulation to control the use of cutback asphalt when emissions in any single county in the state exceed 100 tons per year. In response to the NPR, the state has submitted a revised analysis of cutback ashpalt emissions using U.S. Department of Energy figures which show that only 49 tons of VOC per year are emitted from this category statewide. The state has committed to survey all municipalities annually for cutback usage and adopt a regulation to control such usage if the VOC emissions in any county exceed 100 tons annually. EPA considers this response adequate.

Action:

EPA is approving the VOC portion of the SIP revisions as it pertains to cutback asphalt.

5. Other Categories

In the NPR, EPA requested a certification that there are no sources located in Rhode Island in the remaining CTG categories. This certification was submitted.

Action:

EPA is approving the VOC portion of the SIP revisions as it pertains to other categories.

6. Commitment to Future CTG Categories

In the NPR, EPA requested a commitment that the state implement RACT for VOC sources for which CTG's are published after January 1, 1978. The state, in response to the NPR, has provided such a commitment. EPA considers this response adequate.

Action:

EPA is approving the VOC portion of the SIP revisions as it pertains to commitment to future CTG categories.

C. Carbon Monoxide (CO)

The city of Providence was designated non-attainment for the 8-hour carbon monoxide (CO) standard in the March 3, 1978 Federal Register (43 FR 8962). According to the SIP revisions, monitoring undertaken since the designation demonstrates that violations of the standard are limited to the Providence central business district (CBD). The remainder of the state was designated as unclassifiable for carbon monoxide. Rhode Island's plan for CO is described in the NPR.

At the present time, the only locations known to have CO violations in the Providence CBD are in an area planned for the development of an auto restricted zone (ARZ). At the time of the NPR, it was felt that CO "hot spots" in this area could be eliminated if the ARZ were designed to include CO correction strategies to eliminate violations in the areas affected by the project. It was thought that this project could be implemented prior to the December, 1982 attainment date and that this would lead to earlier attainment of the CO standards. Therefore, EPA proposed as a condition for approval in the NPR that the ARZ project be reviewed by March 1, 1980 for consistency with the SIP revisions and adopted in the SIP revisions if shown to expedite attainment for CO standards. The condition would have been imposed pursuant to Section 172(b)(2) of the Act which requires the SIP revisions to provide for the implementation of all reasonably available control measures (RACM) as expeditiously as practicable.

EPA received a number of comments on this condition in the NPR. The Rhode Island Lung Association (RILA) felt that a requirement for analysis of the ARZ project separately from other projects in the CBD was inadequate in that these projects may affect traffic flow and, hence, CO levels. RILA recommended that the state and the city of Providence should be required to do a comprehensive CO analysis of all currently planned projects. EPA initially chose the above condition to expedite the implementation of the ARZ project because, as a RACM, the project had the potential to advance the date of attainment of standards. Other projects in the Providence CBD which would have the potential to affect CO levels will, in most cases, be reviewed through the consistency review and/or Environmental Impact Statement processes. Thus, further analysis would not necessarily expedite attainment of standards.

RIDEM questioned the basis for the ARZ analysis on the grounds that the state has already undertaken an effort to eliminate CO hot spots through implementation of the hot spot screening process. RIDEM also felt that the requirement would disrupt the on-going transportation-air quality planning and public participation process and stated that the project will be examined during 1980, as described in the Rhode Island Office of State Planning (RIOSP) work program. However, according to the RIOSP work program schedule, the analysis would not be completed by March 1, 1980. The Federal Highway Administration (FHWA) also commented that the ARZ project has not yet advanced to the design stage and that additional data will need to be developed before data required for the air quality review will be available. As a result, FHWA felt that the March 1, 1980 compliance date was impractical.

In reviewing the above information, EPA has concluded that the schedule for design and construction of the ARZ makes completion of the project substantially in advance of the 1982 attainment date doubtful. It is therefore unlikely that actions which might expedite project implementation will have the effect, in turn, of expediting attainment of standards. Because of this and the fact that RIOSP has examined the ARZ for air quality effects during 1980, EPA has determined that the condition for approval of the SIP revisions that the city of Providence analyze the ARZ for its impacts on CO levels in the CBD by March, 1, 1980 is unnecessary.

A further condition placed on EPA's approval of the CO portion of the SIP revisions was that appropriate state and local agencies must submit written commitments to EPA that they will seek the necessary resources and funding to develop and implement hot spot correction strategies for those locations given highest priority in the CO hot spot screening procedure, according to a schedule that will be incorporated into the SIP revisions. The submittal of January 8, 1980 contains a revision to the CO program, which includes a

commitment that "DOT and OSP (and local agencies) will * * * seek the necessary resources to develop and implement CO hot spot correction strategies for the highest priority locations. DOT will use available funding and seek additional funding as necessary to correct the high priority location." Also included is a commitment to incorporate the schedule for development and implementation of CO hot spot correction strategies into the SIP. EPA considers these commitments to be adequate.

Action:

EPA is approving the carbon monoxide portion of the SIP revisions.

D. Transportation Planning

1. *Process.*

Sections 172(b)(9) and 174 of the Act require the development of a transportation planning process for air quality improvements. The joint EPA–U.S. Department of Transportation (DOT) Air Quality Planning Guidelines (June, 1978) (hereafter EPA–DOT Guidelines) provide specific guidance and criteria to assist local planning agencies to develop a transportation planning process to be included in the SIP.

As discussed in the NPR, the Rhode Island SIP revisions include a section describing criteria and procedures to be followed in the consistency [1] review process. The criteria to be used in determining consistency of plans and programs are acceptable.

In response to the three conditions for approval in the NPR, RIDEM submittal on January 8, 1980, a revised Unified Planning Work Program (UPWP) task description and on January 24, 1980 a revised consistency agreement. The consistency review process documentation included: a procedure and schedule for review of Long Range Plans in response to condition (a)(i); a description of procedures for an independent consistency determination to be performed by RIDEM in response to condition (a)(ii); and procedures for addressing the consistency of projects beyond the draft EIS or draft Negative Declaration (Finding of No Significant Impacts) stage, not covered under the previous consistency review process in response to condition (a)(iii). Based on submittal of this material EPA finds that condition (a) has been met. The revised UPWP submitted by RIDEM identifies RIOSP's responsibilities for consistency review and EPA finds that this material is adequate to meet condition (b). The revised consistency review process documentation, discussed above, also includes documentation of a process ensuring that projects developed through the SIP process and transportation controls with air quality benefits will be implemented and given high priority for implementation. EPA finds that this procedure is adequate to meet condition (c).

EPA received a number of comments on the Transportation Planning Process portion of the NPR. RILA expressed full support for EPA's proposals to correct deficiencies in the SIP revisions consistency review procedures. The Region I Office of UMTA agreed that long range plans must be reviewed for consistency with the SIP and that appropriate procedures should be incorporated into the SIP. The Region I Office of FHWA questioned the requirement that the SIP revisions identify consistency determination procedures. Its concern is based on the fact that DOT was developing national procedures for carrying out Sections 176 (c) and (d) of the Act and it was therefore inappropriate to require state agencies to pursue the matter further without the benefit of DOT national procedures. While EPA recognizes that national guidance must be addressed in the SIP revisions and Rhode Island has responded accordingly in its submittal, the Act does not require the availability of national guidance on consistency review procedures before such procedures can be incorporated into the SIP. Furthermore, the joint EPA-DOT Guidelines state that revised SIPs for areas requiring an extension of the attainment date must provide specific procedures and criteria developed by lead agencies for determining whether the transportation planning process conforms to the SIP. DOT has recently published interim air quality conformity procedures (January 26, 1981, 46 FR 8426) and, in view of this, the Rhode Island process will be reviewed for compatibility and changes can be made if necessary.

Based on the material submitted by RIDEM and in consideration of comments reviewed, EPA feels that the conditions for approval appearing in the NPR have been met.

Action:

EPA approves the transportation planning process section of the SIP revisions.

2. Reasonably Available Control Measures (RACMs)

As a result of the deficiencies in the SIP revisions described in the NPR, EPA proposed to approve the RACM section with four conditions. In response to the first condition, the state submitted on January 8, 1980, a revised UPWP task description for RIOSP which includes: commitments to perform the analysis of the 18 RACMs; an assignment of agency responsibilities for undertaking the analysis; and a description of the general methodology to be applied in the RACM analysis. In response to condition 2, the January 8 submittal contained a schedule, with milestones, for the analysis of RACMs and their adoption into the SIP. The ultimate goal of this effort will be the submittal of a transportation element for the 1982 SIP revisions which will reduce mobile source emissions by the amount stated in the SIP as necessary to meet air quality standards. The procedures established as part of the consistency review process, discussed in Section I.D.1., Transportation Planning Process, assure the expeditious implementation of projects adopted into the SIP.

In its comments to EPA on the NPR, FHWA questioned the requirement that the state commmit to perform the analysis of the 18 RACMs, identify agency responsibilities and confirm that the analyses will identify resources which will attain the reduction target ascribed to transportation sources. The reason given for this comment is that the EPA studies of the 18 RACMs mandated under Section 108(f) have not been completed and that for the state to properly address this requirement, it shoud have the benefit of these reports. However, Section 172(b) of the Act and the Administrator's Memorandum require that the SIP revisions identify commitments and procedures for the analysis of the 18 RACMs and these requirements are not related to the availability of guidance documents. EPA finds that Rhode Island's response to these two conditions have been met.

In response to the third condition the state submitted a list of programs and projects with implementation schedules and funding commitments on March 10, 1980. It contained the following list of projects for implementation:

1. Bus Acquisition

The Rhode Island Public Transit Authority (RIPTA) will purchase approximately 34 buses in FY 1980, accelerating its bus replacement program. These buses will cost approximately $4.8 million, with 20

[1] The Rhode Island SIP revisions use the term "consistency" rather than "conformity". Although the term "conformity" is contained in Section 176(c) of the Act and is the basis of this requirement, the term "consistency" will be used in its place because this is the reference in the SIP revisions. UMTA and RIDEM have both commented in support of retaining the original terminology of the SIP revisions.

percent funded from a previous state bond issue and 80 percent from UMTA. The buses were ordered in 1980, with delivery expected in 1981. This project is listed in the state's Transportation Improvement Program (TIP) for FY 1980–1982.

2. Bus Operating Assistance

RIPTA will use approximately $7.8 million in federal and state funds (divided evenly between an UMTA grant and a state appropriation by the General Assembly) to meet its operating deficit in FY 1980. This project is listed in the FY 1980–1982 TIP.

3. Other Transit Projects (Dependent on Future Bond Issue)

RIPTA has programmed other projects in the FY 1980–1982 TIP that would also be funded 80 percent with UMTA grants and 20 percent with state money. As stated in the Governor's Annual Message, these other projects are dependent on passage of a bond issue for the state share. The Governor has said that he will ask the General Assembly to approve in the 1980 session a bond issue of approximately $3.6 million to be put before the voters. The bonds could be matched with $14.4 million in federal funds, for a total of approximately $18 million. The following RIPTA projects would be programmed in the next two years:

—Acquisition of about 86 additional buses

—Provision of an additional bus garage in Providence

—Provision of a satellite garage in Newport

—Purchase of communications equipment (radios)

—Capital improvements at other fixed facilities

The bond issue was approved by general referendum on July 22, 1980.

Included with the March 10, 1980 submittal is a letter from the General Manager of RIPTA dated February 26, 1980, in which it is stated that RIPTA is committed to the projects described above. This represents an adequate commitment to implementation of these projects.

On June 13, 1980, in response to the fourth condition in the NPR, RIDEM submitted an "Air Quality Analysis of Transit Projects for the State Implementation Plan," prepared by RIOSP. In their transmittal letter, RIDEM expressed reservations about the analysis because calculations were based on a 20 percent stringency rate for the I/M program. RIDEM states that the only documentation of the actual failure rate is based on an attitudinal survey which indicates a 4.5 percent failure rate. EPA also has reservations about the analysis in that it fails to show the air quality benefits of the specific projects and instead calculates the air quality benefits of the entire RIPTA system. This analysis therefore cannot show the incremental benefits gained from these specific program commitments. Furthermore, no attempt was made to determine the level of emissions from the buses or to establish how many of the trips made by bus were, in fact, diverted from automobiles. Studies performed nationally have shown that only a small fraction of all transit trips could have been made alternatively by automobile.

EPA recognizes that this study was prepared as an interim analysis and that a more detailed analysis is in preparation by OSP. Furthermore, RIDEM commits to updating their analysis of the I/M program at the earliest possible opportunity. Therefore EPA will accept this analysis with the understanding that it will be revised prior to the State taking credit toward Reasonable Further Progress (RFP) for these projects.

RIDEM did not submit procedures for reporting implementation or analysis of the ongoing air quality benefits from these projects as required in condition 4. In the absence of such procedures, EPA will determine compliance through the consistency determination of the TIP and will track the ongoing air quality benefits through the state's RFP documentation.

Action:

EPA approves the RACM portion of the Rhode Island SIP revisions.

3. Public Transportation

The Rhode Island SIP revisions contain a narrative which describes programs to increase bus transit utilization, including transit marketing programs, a park-and-ride program, and special fares. However, prior to the NPR, a clear commitment to expand or improve public transportation measures to meet basic transportation needs was not included. This was particularly important in that the SIP revisions did not establish the adequacy of the existing public transportation system. Therefore, as a condition for the approval of the public transportation portion of the SIP revisions, EPA required in the NPR that the SIP be revised to include adequate commitments from the Governor for the provision and funding of public transportation measures.

In response to the condition appearing in the NPR, the state submitted on January 24, 1980, a section of the Annual Message of Governor Garrahy to the General Assembly at the January 1980 session. In his message, the Governor identified service improvements instituted by RIPTA during 1979. He also authorized the funding necessary to purchase an additional 30–35 buses and asked the General Assembly to approve submission to the voters of a $3.6 million bond issue which would be used toward the purchase of additional buses and the renovation and construction of garage and transportation facilities. EPA feels that these programs represent a strong commitment to the requirements of Section 110(a)(3)(D).

A number of comments were received by EPA in response to this proposed action. RILA expressed support of the EPA proposal to correct deficiencies in the commitment to expand and improve public transit measures. The Region I Office of UMTA submitted detailed comments on what it considers as an acceptable examination of "basic transportation needs," i.e. a review of those changes in public transportation service, facilities, and policies that are necessary to maintain mobility as transportation control strategies are imposed. UMTA feels that this examination should take place as an integral part of the ongoing transportation planning process.

UMTA recommended conditional approval of the public transportation component of the SIP revisions and felt that full approval should be based on a demonstration of a commitment to development of comprehensive measures to meet basic transportation needs. EPA supports UMTA's position on the provision of basic transportation needs and encourages Rhode Island to incorporate the above considerations into its existing transportation planning process. However, EPA feels that the Governor's commitment to the funding and operation of an expanded public transportation program, in conjunction with State agency commitments to analyze improved public transit and long range transit programs as part of the transportation-air quality planning process, is adequate to meet the requirements of Section 110(a)(3)(D) of the Act.

It should be noted that DOT and EPA issued a proposed joint policy on basic transportation needs on September 18, 1980 (45 FR 62170) and have also revised the June 14, 1978 Memorandum of Understanding to include DOT and EPA procedures for reviewing SIP revisions with respect to basic transportation needs. EPA and DOT will review Rhode Island's future SIP revisions in light of this policy and procedures.

Action:

EPA approves the public transportation portion of the SIP revisions.

E. Motor Vehicle Inspection and Maintenance Program (I/M)

"Inspection/Maintenance" (I/M) refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes can be included as well. Operation of noncomplying vehicles is prohibited. This is more effectively accomplished by requiring proof of compliance to purchase license plates or to register a vehicle. A windshield sticker system, much like that of many safety inspection programs can be used if it can be demonstrated that equal effectiveness will be achieved.

Section 172 of the Clean Air Act requires that SIPs for states which include nonattainment areas must meet certain criteria. For areas which demonstrate that they will not be able to attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available measures, an extension to 1987 will be granted. In such cases Section 172(b)(11)(B) requires that: "The plan provisions shall establish a specific schedule for implementation of a vehicle control inspection and maintenance program * * *"

EPA issued guidance on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978 regarding the specific criteria for I/M SIP approval. Both of these items are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking (44 FR 20372, 20373, n 6). Though the July 17, 1978, guidance should be consulted for details, the key elements for I/M SIP approval are as follows:

* *Legal Authority.* States or local governments must have adopted the necessary statutes, regulations, ordinances, etc., to implement and enforce the I/M program. (Section 172(b)(10)).

* *Commitment.* The appropriate governmental unit(s) must be committed to implement and enforce the I/M program. (Section 172(b)(10)).

* *Resources.* The necessary finances and resources to carry out the I/M program must be identified and committed. (Section 172(b)(10)).

* *Schedule.* A specific schedule to establish the I/M program must be included in the State Implementation Plan. (Section 172(b)(11)(B)). Interim milestones are specified in the July 17, 1978, memorandum in accordance with the general requirement of 40 CFR 51.15(c).

* *Program Effectiveness.* As set forth in the July 17, 1978 guidance memorandum, the I/M program must achieve a 25% reduction in passenger car exhaust emissions of hydrocarbons and a 25% reduction for carbon monoxide. This reduction is measured by comparing the levels of emission projected to December 31, 1987, with and without the I/M program. This policy is based on Section 172(b)(2) which states that "the plan provisions * * * shall * * * provide for the implementation of all reasonably available control measures * * *"

Specific detailed requirements of these five provisions are discussed below.

To be acceptable, I/M legal authority must be adequate to implement and effectively enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state Department of Environmental Protection or Department of Transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which establishes an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a state legislature has had no opportunity to consider enabling legislation.

Written evidence is also required to establish that the appropriate governmental bodies are "committed to implement and enforce the appropriate elements of the plan." (Section 172(b)(10).) Under Section 172(b)(7), supporting commitments for the necessary financial and manpower resources are also required.

A specific schedule to establish an inspection/maintenance program is required (Section 172(b)(11)(B). The July 17, 1978, guidance memorandum established as EPA policy the key milestones for the implementation of the various I/M programs. These milestones were the general SIP requirement for compliance modified at 40 CFR 51.15(c). This section requires that increments of progress be incorporated for compliance schedules of over one year in length.

To be acceptable, an I/M program must achieve the requisite 25% reductions in both hydrocarbon and carbon monoxide exhaust emissions from passenger cars by the end of calendar year 1987. The Act mandates "'Implementation of all reasonably available control measures as expeditiously as practicable." (Section 172(b)(2).) At the time of passage of the Clean Air Act Amendments of 1977, several I/M programs were already operating, including mandatory programs in New Jersey and Arizona operating at about a 20% stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not undergone I/M before. Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the program.) Depending on program type (private garage or centralized inspection) a mandatory I/M program may be implemented as late as December 31, 1982. Based on implementation date of December 31, 1982 and a 20% stringency factor, EPA predicts the reductions of both CO and HC exhaust emissions of 25% can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20% stringency factor, it is EPA policy to use a 25% emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2).

EPA published the 1982 SIP policy (part of which pertains to I/M programs) on January 22, 1981 (46 FR 7182). As discussed in that policy states with areas that have I/M programs under development or operational as part of their 1979 SIP revisions were required to submit only qualitative descriptions of their I/M program elements in the 1979 SIP submittal. The 1982 SIP revision must include, unless already submitted and approved as part of a previous SIP submittal, rules and regulations and all other I/M elements which could affect the ability of the I/M program to achieve the minimum emission reduction requirements. More specifically, the 1982 submittal must include the following critical elements: (1) Inspection test procedures; (2) emission standards; (3) inspection station licensing

requirements; (4) emission analyzer specification and maintenance/calibration requirements; (5) recordkeeping and record submittal requirements; (6) quality control, audit, and surveillance procedures; (7) procedures to assure that non-complying vehicles are not operated on the public roads; (8) any other official program rules, regulations, and procedures; (9) a public awareness plan; and (10) a mechanics training program if additional emission reduction credits are being claimed for mechanics training.

EPA will determine the overall adequacy of the critical elements of each I/M program and, therefore, the approvability of the 1982 SIP by comparing those elements to established I/M policy. I/M program elements must be consistent with EPA policy or a demonstration must be made that the program elements are equivalent.

State or local governments that have I/M programs, but plan to increase the coverage and/or stringency of the programs in order to achieve greater reductions and to demonstrate earlier attainment of the standards, must submit the program modifications in legally enforceable form through the 1982 SIP revision process.

In the case of a partial submittal EPA's action will be limited to the submitted program elements. Final action on the total I/M program must be reserved until all elements are submitted and reviewed in order to assure that the program satisfies the requirements in Part D of the Clean Air Act.

The Rhode Island I/M Program. Rhode Island included provisions in its SIP for an I/M program which began mandatory inspection/maintenance on January 1, 1979. EPA published a NPR regarding the RI I/M program on December 7, 1979 (44 FR 70486). A description of the program was included in that Notice. As discussed in the NPR, ten elements of the RI I/M program were identified by the State Planning Council as requiring study. The State Planning Council recommended in June 1979, that these ten program elements be jointly studied by RIDOT and RIDEM. These recommendations were incorporated into a letter from Governor Garrahy to EPA which was received on August 13, 1979. In this letter, the Governor indicated that he had directed the State Planning Council and the affected state agencies to refine the I/M program based on the results of the studies by January 1, 1981. Based on this, EPA proposed, in the December 7, 1979 Notice, to approve the RI I/M program conditioned on the receipt of the following January 7, 1980:

(1) A written commitment from the authorized state agencies or officials binding them to the implementation by January 1, 1981 of an inspection/maintenance (I/M) program (including necessary refinements) which will accomplish the required 25% reduction in hydrocarbon and carbon monoxide emissions from light duty vehicles by December 31, 1987.

(2) This commitment must include a schedule featuring interim and final dates to complete the study and adoption of the necessary refinements (discussed in the NPR) and listed in the addendum to the Governor's letter. This submittal must indicate the delegation of responsibilities, and the funding and manpower commitments to accomplish these refinements.

(3) A commitment to submit an approvable revision to the SIP incorporating these refinements within twelve months of the NPR.

During the comment period, only one comment was received on the I/M program. The Rhode Island Lung Association supported the EPA position that the State should correct the deficiencies identified in the I/M program by the State Planning Council.

On August 20, 1980, RIDEM submitted additional information to EPA on the I/M program. This package contained language regarding the commitment to achieve the requisite emission reduction by December 31, 1987. In this submittal, the State indicated that it felt the existing I/M program will achieve the required reduction by 1987 and that it is committed to continuing the operation of the existing program. The package also stated that if evaluation of the program in future years indicates that the required reduction would not be met, the State would modify the I/M program. RI also claimed reductions in their SIP RFP line for an I/M program with a 20% stringency. EPA's evaluation of RI's program with this stringency indicates that the required reduction will be achieved by 1987. Therefore, EPA finds RI's commitment acceptable.

A schedule was included in the August 20, 1980, package which contained interim and final dates for completion of studies of the ten program elements identified by the State Planning Council. However, final dates for the adoption of the program refinements resulting from the studies were not included in all cases. The status of each of these ten studies is discussed below:

1. Development and Implementation of a Data Recording and Management System

RIDOT and RIDEM signed a cooperative agreement dated March 5, 1980, which was submitted as part of the August 20, 1980 submittal, to design and implement a data system that will use data acquired from garage inspections and roadside checks to determine such items as: Failure rates, average CO/HC emissions, a systematic method for doing random roadside sampling and the statistical difference in HC/CO emission between roadside checked vehicles and garage inspected vehicles. Completion of the system design by RIDOT was scheduled for July 1980; system documentation was to have been submitted to EPA by RIDOT by October 1980; and system implementation was scheduled for January 1981.

While the final system documentation has not yet been submitted, EPA has received on March 5, 1981 a status report and schedule from RIDEM which indicates that the system has been partially implemented. EPA will make a final determination of the acceptability of the I/M program data collection/management system, after the complete documentation has been received and reviewed.

The data analysis as discussed in the August 20, 1980 submittal should be adequate as long as sufficient data is collected from the inspection stations to allow an evaluation of program effectiveness. A final determination of the acceptability of this element cannot be made until EPA receives all this documentation; therefore, Condition 2 of the NPR as it relates to this study has not been met.

2. Development and Implementation of Quality Assurance Procedures Concerning Instrument Calibration Techniques and the Sticker Control System

RIDEM and RIDOT have prepared an outline which contains procedures to be used in the testing of gases used by RIDOT inspectors to calibrate emission analyzers. RIDOT has agreed to enter into an MOU with the RI Department of Health for implementation of the final procedures. This MOU was scheduled to be submitted to EPA by October, 1980. As of this Notice, the procedures are still under review by RIDEM, and the MOU has not been signed or submitted to EPA. However, RIDEM submitted a letter dated March 5, 1981 to EPA which indicates that the quality assurance procedures and the MOU will be submitted by May 15, 1981.

Additionally, new precedures for issuing inspection stickers to licensed inspection garages and for monitoring the number of inspection stickers issued monthly by each garage were to have been developed by October, 1980 and implemented by December, 1980. The State is currently computerizing the auditing portion of this procedure and linking it to the I/M data collection system. Data collection from the garages has begun.

RIDEM submitted additional information on sticker control to EPA in their letter of March 5, 1981. This submittal indicated that RIDOT has implemented a policy of scrutinizing the number of inspection stickers requistioned by each inspection station and investigating cases of excessive requisitions.

In addition to monitoring the number of stickers issued to inspection stations, the State should also require each station to account for all stickers, both issued and unissued, through a monthly report. A sticker control system can be effective if this or an equivalent procedure is used to make the inspection stations accountable for every sticker issued to them.

3. Determination of the Need for a Light Duty Engine Emission Repair and Maintenance Training Course for Garage Mechanics

In the August 20, 1980 submittal, RIDEM committed to work with EPA to gather information concerning the benefits of a garage mechanic education course. This was to have been completed by September, 1980 and reported to RIDOT. RIDOT was to then submit this information to a legislative commission by December, 1980 for further consideration. RIDEM reported in their March 5, 1981 letter to EPA that they will submit to EPA by June 15, 1981 a summary of their literature search on mechanics training and their rationale for establishing a voluntary mechanics training program. RIDEM also reported in their letter that they will contract by July 15, 1981 with the RI Department of Education to develop the voluntary emission repair training program. In addition, by July 15, 1981, RIDEM will submit to EPA a detailed implementation schedule for this mechanic training program. EPA will review and comment on this material after it is received.

A mechanics training program can greatly enhance the cost-effectiveness and consumer protection aspects of an I/M program, therefore, EPA strongly encourages the State to promote a voluntary mechanics training program. As of this notice the State has not completed the literature search; therefore, Condition 2 of the NPR as it relates to this study has not been met.

4. Development and Implementation of a System Linking Vehicle Registration to Passing the Auto Emission Test

Because of its proven effectiveness, it is EPA policy that denial of vehicle registration to non-complying vehicles is an adequate mechanism for assuring that such vehicles are not driven on public roads. EPA recognizes that other mechanisms, such as a sticker system, may be developed which prevent the operation of non-complying vehicles as effectively as denial of registration. EPA, therefore, will approve any mechanism for assuring compliance with I/M program requirements by vehicle owners which is demonstrated to be equally as effective as a registration ban in preventing the operation of non-complying vehicles, using the criteria contained in the memorandum dated January 19, 1981, from Michael Walsh to the EPA Regional Offices.

The RIDEM August 20, 1980 submittal included a discussion of the problems associated with linking I/M to registration at this time. However, to date RI has not provided the documentation required to demonstrate that its sticker enforcement system is equally effective as a registration ban in preventing the operation of non-complying vehicles. This documentation must be submitted before EPA can determine the acceptability of this aspect of the RI I/M program. Therefore, Condition 2 of the NPR as it relates to this study has not been met.

5. Development and Implementation of a Roadside Check Program

The need to collect valid and accurate data during roadside checks, to have data collection procedures established for these checks, and to have reinspection for vehicles failed at roadside checks at the State referee station, was studied by RIDEM and RIDOT. A data collection system, discussed in item #1, is being implemented, and quality assurance procedures were to have been developed by July, 1980. As of this Notice, EPA has not received documentation of these procedures. The State's August 20, 1980 submittal provided a description of the existing system for reinspecting vehicles failed during roadside checks and the history of the development of these procedures. The submittal also offered reasons for the administrative reluctance to require failed vehicles to be rechecked at the State operated challenge facility. The roadside check program is a good supplement to the EPA I/M data collection requirements, but it cannot substitute for any part of these requirements. For instance, the data collected in the roadside check program cannot substitute for the data collected from the inspection stations for determining the I/M program's effectiveness. Nevertheless, quality assurance of this roadside check program is important. In their March 5, 1981 submittal, RIDEM indicated that the overall quality assurance procedures will be submitted by May 15, 1981. EPA cannot determine the acceptability of this element until the program documentation is received from RIDEM and reviewed. Therefore, Condition 2 of the NPR as it relates to this study has not been met.

6. Development and Implementation of Consumer Protection Elements

RIDEM and the RI Attorney General's Office have signed an agreement whereby the Attorney General's Office will conduct a survey of a portion of the inspection stations using an undercover vehicle to assess the performance of the inspection stations. The Attorney General survey is scheduled for completion late in 1981. EPA supports this study and feels that such studies should be an ongoing part of the surveillance of the licensed inspection stations. Condition 2 of the NPR as it relates to this study has been met.

7. Determination of the Need for a New Program To Evaluate Inspector Proficiency

New procedures to check the proficiency of each licensed garage inspector were to have been developed by RIDEM and RIDOT with implementation scheduled for August, 1980. In their March 5, 1981 submittal, RIDEM indicated that a new policy has been implemented by RIDOT whereby each inspector's proficiency in calibrating emissions analyzers would be checked at least once a year through the State's monthly station investigations. This requirement is a necessary part of assessing an inspector's proficiency. However, it is equally important to assess an inspector's proficiency in conducting emissions tests and in recordkeeping. Although EPA recommends that the State incorporate these evaluations into their monthly surveillance activities, Condition 2 as relates to the NPR has been met.

8. Development and Implementation of a Variance Procedure

The procedures for issuing a variance to those vehicles failing the emissions test was studied by RIDOT. The August 20, 1980, submittal discussed both the current method and a joint agency agreement by which RIDOT will annually inform RIDEM of the number of variances issued. If the number of variances granted annually becomes excessive, RIDEM will initiate an investigation to determine if program modifications are needed. Future modifications to the process will be considered if it appears that air quality is being impacted due to the variance procedures. The new procedure was implemented on January 1, 1981. In their March 5, 1981 submittal, RIDEM submitted the first annual report on variances from RIDOT. RIDOT indicated in their report to RIDEM that no variances were issued during 1980.

Vehicles in Rhode Island which receive variances or waivers cannot be claimed for emission reduction credits, unless the State can demonstrate that emission reductions are received from waived vehicles. This does not affect RI at this time, since RI has not yet issued any variances or waivers. Therefore, Condition 2 of the NPR as it relates to this study has been met.

9. Determination of the Desirability of Issuing Inspection Stickers at the Challenge Station

In the August 20, 1980 submittal, the State presented its views regarding the legislative background of this issue and the difficulties they feel are involved in having the challenge station issue inspection stickers to owners whose vehicles were inappropriately failed in inspection stations. RIDOT has indicated that it will continue to prohibit the issuance of stickers at the challenge station until the legislature provides direction to the contrary. EPA finds this position acceptable and, therefore, Condition 2 of the NPR as it relates to this study has been met.

10. Determination of the Extent of Fuel Switching

RIDEM and RIDOT jointly conducted a study last summer in conjunction with the RIDOT roadside check program to assess the extent of tampering with fuel inlet restrictors to allow fuel switching. RIDEM included a report on this study in their March 5, 1981 submittal. Since only 3 of the 250 vehicles analyzed during the study had altered fuel inlet restrictors, the report concluded that this was not a significant problem in RI at this time. Therefore, RI will not modify its I/M program at this time to require fuel inlet tampering checks. EPA agrees with these conclusions. Therefore, Condition 2 of the NPR as it relates to this study has been met.

The third condition in the NPR required a commitment from the State that any I/M program changes which occurred as a result of the refinements contained in the second condition were to be submitted to EPA as approvable SIP revisions within twelve months of the NPR. In the August 20, 1980 submittal the State committed to consider any future program modifications that may be shown to be necessary. However, the State has not submitted most of the documentation of program changes to EPA as SIP revisions. Therefore, Condition 3 of the NPR has not been met.

Rhode Island has met the basic requirements for the 1979 I/M SIP revision. As discussed previously, the I/M policy for the 1979 SIP includes requirements for legal authority, commitments to implement and enforce, resources, an implementation schedule, and the commitment to achieve the minimum requisite emission reduction. RI's legal authority for I/M is included in Chapter 31–36 of the RI Motor Vehicle Code. Further evidence of RI's legal authority and evidence of their commitments to implement and enforce the program and to provide adequate resources for the program are demonstrated by the fact that I/M has been a mandatory program in RI since January 1, 1979. In the August 20, 1980 submittal, RI also stated their commitments to continue the operation of the I/M program and achieve the 25% reduction. As noted above, the August 20, 1980 and March 5, 1981 submittals included schedules for the conduct of certain studies and implementation of certain program refinements to achieve the requisite reduction.

Today's action is not intended, nor should it be interpreted, as the final approval of RT's I/M program which is intended to result from the 1982 SIP process. Such approval can only be granted after the State has submitted the complete documentation of its I/M program into its SIP in accordance with EPA's 1982 SIP policy as discussed earlier in this notice. RI's 1982 SIP revision must reflect any final program modifications resulting from the Attorney General's study, the joint EPA/RI study, or other findings. In addition, the 1982 SIP revision must also include a demonstration that the RI I/M program, as modified, will achieve the required emission reduction by December 31, 1987.

The RIDEM August 1980, submittal committed to consider any future program modifications that may be shown to be necessary. Many of the studies identified in the submittal have been completed.

EPA has determined that the August 20, 1980, and March 5, 1981, submittals from RIDEM only partially fulfill the requirements of the conditions in the EPA December 7, 1979 NPR. As noted above however, the State, in the RIDEM March 5, 1981 submittal, has committed to submitting all the outstanding reports on the completed studies on or before July 15, 1981.

EPA recognizes that RI is continuing to evaluate their I/M program to identify and incorporate any additional necessary program refinements. For instance, the Attorney General's study discussed previously is scheduled for completion in late 1981. In addition, EPA and the State have had preliminary discussions about the possibility of jointly funding a study of the RI I/M program. Such a study would assist the State in further evaluating their program and would provide beneficial information of national importance on the implementation and operation of a decentralized I/M program.

In view of the above, EPA is taking final action today to approve the RI I/M program with the following conditions:

1. Submission by July 15, 1981 of the outstanding reports on all studies agreed to pursuant to the memorandum of understanding between RIDOT and RIDEM (except the study being performed by the Attorney General), and including all data collected, analyses performed, and documentation of new procedures;

2. Submission by January 1, 1982 of a SIP revision which includes:

(a) A complete description of all program modifications, both adopted and planned, resulting from the completed studies;

(b) A commitment and schedule to implement as expeditiously as practicable those necessary program modifications identified by these studies and agreed to by the State and EPA, and which have not been implemented by January 1, 1982.

F. Reasonable Further Progress (RFP)—Attainment of Standards—Request for Extension of Attainment Date for Ozone

In response to the six conditions set forth in the NPR, the state submitted material on January 8, 1980. This included a revised ozone attainment demonstration incorporating expected reductions from all CTG categories and the I/M program. In addition the RFP

demonstration was revised to reflect expected compliance dates for all sources and show the annual reductions from stationary and mobile sources were shown. However, with the exception of the I/M program, the air quality analysis of additional transportation measures was not completed and these reductions are therefore not included. The RFP schedule can be adjusted to include reductions from additional transportation measures when these reductions and their scheduling is known. Additionally, the growth increments used were specified. Based on the revised demonstration, an attainment date of 1987 resulted. Finally, the state agreed to participate in the Northeast Corridor Regional Modeling Project study. No comments were received on this section of the NPR. EPA believes that these responses to the conditions are adequate.

Action:

EPA approves this portion of the plan, including the extension of the attainment date for ozone to December 31, 1987.

C. Emission Inventories

In response to the Condition 1 set forth in the NPR, the state submitted on January 8, 1980 a list of VOC 100 ton actual emission sources, a revised summary of VOC emissions, and documentation of the sources of these emissions. The state also submitted on May 30, 1980 an inventory in NEDS format of all actual VOC sources. The inconsistencies which were mentioned in the NPR are being resolved during the first annual update of the inventory, and the procedures which will be used to update the inventory annually are acceptable.

The state has not submitted the emissions data for all potential 100 ton VOC sources as required by condition 2. The state has indicated to EPA that the format of their inventory makes identification of potential 100 ton sources virtually impossible, and committed to provide emissions data for all sources with actual emissions 25 tons or greater. EPA believes that submittal of all actual 25 tons/year or greater sources should provide data equivalent to that required by condition 2. The state has committed to submit this data by October 1, 1981. This data was initially required by March 1, 1981 to provide input to the Northeast Corridor Modeling project. Since this study has been delayed, submittal of this information is necessary primarily for the 1982 SIP revision submittal, and can be delayed. EPA finds this revised time schedule satisfactory.

In response to condition 3, the state submitted on January 2, 1981 an updated inventory for all other pollutants in NEDS format.

Action:

EPA is approving this portion of the SIP revision subject to the submittal by October 1, 1981 of emission data for all sources with actual emissions of 25 tons or greater.

H. New Source Permit Program

In the NPR, EPA proposed disapproval of the portion of the SIP revisions pertaining to review of new sources in non-attainment areas because the state did not have the legal authority and, therefore, did not adopt a regulation pursuant to Section 173 of the Clean Air Act. In the NPR, EPA set forth in detail the requirements contained in Section 173 for an approvable regulation.

Since the publication of the NPR, the state has obtained the necessary legal authority and has promulgated on April 13, 1981, *Air Pollution Control Regulation No. 9, Approval To Construct, Install, Modify or Operate* (Regulation 9) which went to hearing on August 20, 1980. Although Rhode Island is in the process of revising Regulation 9 to make it conform with changes to EPA's Regulation 40 CFR 51.18] published on August 7, 1980 (45 FR 52676), the April 13, 1981 version of Regulation 9 was submitted to EPA on April 16, 1981 in order to fulfill the requirements of Part D of the Act. This preconstruction review program assures that permits for proposed major sources and major modifications may be issued only if the requirements of Section 173 of the Clean Air Act are satisfied. Rhode Island's program regulates any new source or new physical or operational change to any source which may result in a potential to emit 100 tons or more of any air containment to the atmosphere.

EPA has reviewed Regulation 9 and finds that the regulation meets the requirements of Section 173, as set forth in the NPR and is approvable, except for the following: (1) There are two areas where EPA will be taking no action in this rulemaking; (2) there is one area where EPA will be conditionally approving the regulation; and (3) there are three areas where clarifications in the March 4, 1981 submittal from Rhode Island make it clear that the state regulation is consistent with EPA guidance and therefore approvable. Each of these findings is discussed below.

(1) Sections on Which EPA Is Taking No Action

EPA is taking no action on Subsection 9.2.3(b) of Regulation 9. This Subsection contains a grandfather provision which exempts sources which received permits after July 1, 1971 from having to refile an application and comply with Regulation 9 as a new source and thus could allow sources to construct and operate in violation of Section 110(a)(1) and 173 of the Act. Because EPA is taking no action on this subsection these sources must obtain new construction permits from the state which will contain the requirements imposed on new major sources or major modifications as specified in the remainder of Regulation 9 in order to be in compliance with the federally approved SIP revision.

EPA is also taking no action in Section 9.12 which addresses "Banking" of emissions. EPA is presently developing an agency policy on emission offset banking and trading and will take no action on the Rhode Island provisions until that policy is published.

(2) Sections Which EPA Approves With Conditions

As discussed below, Definitions 9.1.2 (Potential to emit), 9.1.3 (Potential to emit 100 tons per year of any regulated contaminant) and 9.1.5 (Major modification) are not collectively consistent with EPA guidance. Definitions 9.1.2 and 9.1.3 allow a source to consider control equipment effects when calculating "potential to emit" any air contaminant. This is consistent with the definitions in the regulatory changes effecting New Source Review in non-attainment areas published in the August 7, 1980 **Federal Register** (August 7, 1980 regulations) (45 FR 52743–52744). However, the August 7, 1980 regulations further define a modification as major if there is a significant increase in emissions (e.g., 40 TPY or greater for hydrocarbons). Definition 9.1.5 in the Rhode Island regulation is inconsistent with the August 7, 1980 regulation's definition of major modification because 9.1.5 defines a modification as major only when the cumulative effect is an increase in emissions of 100 tons or more per year. This makes 9.1.5 consistent with the January 16, 1979 Emission Offset Interpretative Ruling (EOIR) (40 CFR Part 51, Appendix S) which has been amended by the August 7, 1980 regulations (although the states are not required to revise their regulations to comply with the August 7, 1980 regulations until May 7, 1981). However, Definition 9.1.2 and 9.1.3 are not consistent with the EOIR because the EOIR does not allow control equipment to be used when calculating "potential to emit."

By using definitions from both the August 7, 1980 regulations and the EOIR,

the resulting Rhode Island regulation is less stringent than either because some modifications which are less than 100 tons per year would be exempt from Rhode Island's new source review requirements. For example, a hydrocarbon source with a modification of 60 tons per year with control equipment which is 50 percent effective (i.e. uncontrolled emissions are 120 tons per year) would not be considered a major modification under the Rhode Island regulation as presently drafted because there is not an increase in the potential to emit as defined in 9.1.2 of 100 tons per year or more. However, such a modification would be a major modification under the August 7, 1980 regulations because the potential to emit as defined in the August 7, 1980 regulations is greater than 40 tons per year. Such a modification would also be a major modification under the EOIR because the potential to emit as defined in the EOIR is greater than 100 tons per year.

Because of the foregoing problem with definitions 9.1.2, 9.1.3 and 9.1.5, the State has agreed to (a) revise Regulation 9 by September 1, 1981 so that it will be consistent with the definitions in the August 7, 1980 regulations; and (b) not issue any permits for any modifications if the net increase in emissions will be greater than those values for each pollutant as set forth in those regulations (45 FR 52745) unless that permit contains all the requirements for a major source or modification. EPA will condition its approval of Regulation 9 based upon these two commitments.

(3) Sections Which EPA Approves Based on Clarification in the March 4, 1981 Submittal

The March 4, 1981 submittal letter contained clarification on three definitions. First, it was unclear whether the definition of "major source" in 9.1.1 is in accordance with EPA's dual definition of "source" under either Section II.A.1 of the EOIR or the August 7, 1980 regulations (45 FR 52743–52744). Under the dual definition, a source may be either an individual piece of process equipment or the entire plant. In addition, a modification can occur at either an individual piece of equipment or at the plant as a whole. Under this scheme, even if a new piece of equipment is not subject to review as a major source in and of itself, it may be subject to review as a major modification of the plant as the source. In its March 4, 1981 submittal Rhode Island clarified Definition 9.1.1 by indicating that in practice the state uses EPA's dual definition for a major source.

Second, under the definition in Section 9.1.3(c), the state allows an operating hour restriction in an operating permit to limit the potential emissions to less than 100 tons per year based on the average number of hours that a source has operated in the previous five years. This operating permit is not federally enforceable. In the absence of 9.1.3(c), such a source wishing to modify its system would require a construction permit under 9.1.2 because it would be considered a major modification until the hours of operation are limited in an enforceable construction permit. Since there is an apparent conflict between 9.1.2 and 9.1.3(c), the state submitted a clarification of this definition which states that: (1) 9.1.3(c) applies only to existing sources for purposes of issuing operating permits; and (2) no major sources or modification will be exempt from needing a construction permit because of 9.1.3(c).

Finally section 173 of the Act requires that the proposed major source or major modification must comply with the lowest achievable emission rate (LAER) as defined in Section 171(3) of the Act. As provided in Section 171(3) of the Act, definition 9.1.8 sets forth two alternative bases (subsections 9.1.8(a) and 9.1.8(b)) for determining LAER and contains the phrase "Providing the approved emissions limit is no higher than limitations called for in a New Source Performance Standard." Section 171(3) of the act requires that the quoted language relate to both bases. Since it was unclear because of the placement of the quoted language in 9.1.8 whether the phrase related to either or both 9.1.8(a) or 9.1.8(b), the state has submitted a clarification that the phrase is intended to apply to both subsections.

EPA finds that the regulations, except 9.2.3(b), and 9.12, are approvable subject to the conditions set forth below.

Action:

(1) EPA approves Rhode Island's program for New Source Review (except for 9.2.3(b) and 9.12) with the following conditions:

a. By September 1, 1981 the state will revise the regulation so that it will be consistent with the definitions in 40 CFR 51.18 (45 FR 52743, August 7, 1980), and

b. The state will not issue any permit for any modification if the net increase in emissions will be greater than those values for each pollutant set forth at 40 CFR 51.18(j)(1)(xiii) (45 FR 52745, August 7, 1980) unless that permit contains all the requirements for a major source or modification.

(2) EPA is taking no action on 9.2.3(b).

(3) EPA is taking no action on 9.12.

I. Evidence of Public, Local and State Involvement

EPA proposed in the NPR to approve the public participation/intergovernmental consultation efforts that had been made to date. Additionally, EPA proposed to conditionally approve the SIP, based on a submittal by January 1, 1980, of a long term plan for public participation/intergovernmental consultation, as required in the grant conditions of Rhode Island's FY--1980 program grant under Section 105 of the Act. The state submittal meets the requirements of this condition.

On March 31, 1980 the state submitted a long-term plan for public participation which included:

1. A description of resources
2. A commitment to an annual work plan for public participation and subsequent evaluations of these plans
3. An identification of interested and affected constituencies, and a summary of how the issues could affect them
4. An identification of major program issues
5. A listing of public participation objectives for each issue
6. A listing of specific techniques to be employed to satisfy each objective
7. A commitment to utilize an evaluation procedure, to be developed by EPA (utilizing much of the materials contained in Rhode Island's submittal), and a summary of A–95 and other public comments
8. Provisions for compliance with the Public Notification (Section 127) Guidelines

The submittal also contained material required under Sections 121 and 127 of the Act. As discussed in Part II E and H of this Notice, EPA will be proposing action on this material in a separate rulemaking.

EPA also proposed to conditionally approve the SIP revisions based on the submission, by January 1, 1980, of a complete and expanded analysis of the effects of the SIP revisions and a summary of public comment on this analysis, as required by Section(s) 172(b)(9) (A) and (B) of the Clean Air Act.

In response to this condition, the March 31, 1980 submittal contained an identification and analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions.

EPA received the following comments on its NPR from RILA:

1. Previous EPA requirements to the States for public participation lacked specificity. However, overall

endorsement was given on EPA's more recent guidelines which included provisions for both the development of an annual public participation plan and an identification of priority issues for public attention, interest groups affected by the issues, specific mechanisms to involve these groups, resources, and evaluation techniques.

2. It was felt that no SIP revision should be approved unless conformance to public participation requirements is clearly evident.

3. EPA was urged to give more widespread notice of its proposed rulemakings. At a minimum, it was suggested that members of the RIDEM Stationary Source Committee and RILA should receive notice of major Federal actions affecting the State's air quality program.

EPA feels that comments 1 and 2 have been fully incorporated in the state's submittal. Comment 3, requesting more widespread notice of proposed rulemakings, is a difficult issue to address since no alerting system is presently in place at EPA Headquarters. EPA is working with RIDEM on this issue.

EPA feels that this submittal represents a substantial and effective public participation effort and is approving this SIP revision.

Action:

EPA is approving this portion of the Rhode Island SIP revision.

J. Adoption After Notice and Hearing

Public hearings were held on January 30 and 31, 1979 following 30 days public notice. The regulations to implement the revisions have been adopted. Hearings were also held on November 27, 1979, after 30 days public notice, concerning amendments to Regulation 11 which were then submitted to EPA on March 10, 1980.

Hearings were also held on August 22, 1980 after 30 days public notice, concerning amendments to Regulation 9 which were then submitted to EPA on April 16, 1981.

Action:

EPA is approving this portion of the SIP revisions.

K. Resources

The state has not included in its SIP revisions a discussion of the resources necessary to carry out the mobile source related programs, but did include description of the existing and planned resources within RIDEM needed to carry out the planned programs for stationary sources.

RILA stated that the amount of resources information provided in the SIP revisions was so general as to appear that RIDEM might be incapable of enforcing the plan and suggested that EPA request more detailed data from the state. RILA also questioned whether RIDEM had sufficient manpower available to enforce the regulations.

Within the Section 105 grant application for fiscal year 1980 the state committed to implement the mobile and stationary source activities included in the SIP. EPA negotiated with the state and its grant funds were approved. Section 175 grant funds were also made available to the state to perform specific activities in transportation-air quality planning. These grant documents are available for public review at the EPA Region I office. EPA believes this commitment of resources for both mobile and stationary sources is adequate.

Action:

EPA is approving this portion of the SIP revision.

II. General SIP Revision Measures (Non-Part D SIP Revisions)

No public comments were received on issues A through F below except as noted under Section III of this Notice.

A. *Conflict of Interest*—Rhode Island General laws, Chapter 34–14 require the Governor, the Director of RIDEM and the Director of the Department of Health to disclose potential conflicts of interest. EPA finds this statute to meet the requirements of Section 128 of the Clean Air Act.

Action:

EPA is approving this portion of the SIP revisions.

B. *Prevention of Significant Deterioration*—Sections 160–169 in Part C and Section 110(a)(2)(D) of the Act contain provisions for the Prevention of Significant Deterioration (PSD) of air quality in those parts of the Nation where the air quality is better than required by NAAQS. Rhode Island did not submit regulations to adopt the PSD program although the SIP narrative indicates that a comprehensive PSD plan would be submitted in the future. Rhode Island's legal authority to set ambient PSD increments and to promulgate regulations for protecting these increments must be established prior to submission of the plan. EPA has recently amended its PSD regulations in response to Alabama Power Company v. Costle, 13 ERC 1225. Rhode Island must now propose and adopt new regulations in accordance with EPA's revised requirements in 40 CFR 51.24, as published August 7, 1980 (45 FR 52676). In addition, although a PSD program is a requirement of the Clean Air Act, it is not a requirement of the Part D provisions of the Act, and the omission of PSD regulations does not warrant disapproval of the state's attainment plan.

Action:

EPA is taking no action at this time.

C. *Comprehensive Air Quality Monitoring Network*—Section 110(a)(2)(C) and Section 319 require a comprehensive air quality monitoring network. Rhode Island submitted a SIP revision on January 8, 1980 in response to these requirements. It was reviewed and approved by FPA on January 15, 1981 (46 FR 3516).

Action: No action is necessary due to previous EPA action.

D. *Permit Fees*—Section 110(a)(2)(K) requires each state to institute a fee system for those sources applying for a permit to cover the administrative costs of reviewing that application as well as those incurred in monitoring and enforcing the permit conditions.

Because EPA has not yet promulgated regulations concerning the permit fee requirements, Rhode Island has not included this provision with the submittal. The state acknowledges its obligation to submit such a provision within 9 months of publication of the final regulations.

Action: EPA is taking no action at this time.

E. *Consultation*—Section 121 of the Act requires a state to provide a satisfactory process for consultation with local governments and federal land managers on the development of the SIP. A SIP revision was submitted to EPA on March 31, 1980 (See Section I.I above). EPA will address this submittal in a future rulemaking.

Action: EPA is taking no action at this time.

F. *Stack Height requirements*—Section 123 of the Act provides that the degree of emission limitation necessary may not be affected by stack height in excess of good engineering practice or by other dispersion techniques.

EPA proposed stack height regulations on January 12, 1979, but has not yet promulgated regulations.

Action: EPA is taking no action at this time.

G. *Interstate Pollution Notification Requirements*—Section 126 of the Act requires states to identify existing major sources which may significantly contribute to air pollution levels and to provide written notice to nearby states. In addition, states must do the same for any proposed major new stationary source or major modification.

Rhode Island has committed to notifying other states of proposed new major stationary sources which may affect their air quality but has not

indicated that the state has, in fact, notified nearby states of existing sources which currently may be impacting their air quality.

Action: EPA is taking no action at this time.

H. *Public Notification*—Section 127 of the Act requires each state to effect measures for notifying the public on a regular basis of instances or areas in which any primary standard is exceeded and to enhance public awareness of measures which can prevent the standards from being exceeded. A SIP revision was submitted to EPA on March 31, 1980 (See Section I.I above). EPA will address this submittal in a future rulemaking.

Action:

EPA is taking no action at this time.

III. Responses to General Comments

One commenter submitted extensive comments and requested that they be considered as part of the record for each State plan revision. Another commenter, a national environmental group, discussed EPA action on permit fee systems and the composition of State boards. Each of the points raised by these commenters and EPA's response have been published on January 10, 1980 (45 FR 2036, 2039 et. seq.)

IV. EPA Final Action

EPA is taking final action to approve conditionally certain elements of the Rhode Island submittal. A discussion of conditional approval and its practical effect appears in a supplement to the General Preamble on July 2, 1979 (44 FR 38583) and on November 23, 1979 (44 FR 67182). A conditional approval requires the State to submit additional materials by the deadlines specified in today's Notice. There will be no extensions of conditional approval deadlines which are being promulgated today. EPA will follow the procedures described below when determining if the State has satisfied the conditions.

1. If the State submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the State's submission to determine if the condition is fully met. After review is complete, a **Federal Register** notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the State fails to timely submit the required materials needed to meet a condition, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect.

Accordingly, the Rhode Island Air Quality Implementation Plan Revisions received on May 14, June 11, and August 13, 1979 are approved as satisfying the requirements of Part D and Section 110(a)(2)(I), with the exception of the I/M program, the emission inventory section, the paper and fabric surface coating regulation and the program to review new sources in nonattainment areas (New Source Permit Program) which are approved conditionally.

The measures above which are approved or conditionally approved are in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while moving toward compliance with the new regulations (or, if it chooses, challenging the new regulations). Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, which may include assessment of noncompliance penalties.

There are two main exceptions to this rule. First, if a pre-existing control requirement is incompatible with a new, more stringent requirement, the State may exempt sources from compliance with the pre-existing regulations during the period when compliance with the existing requirement conflicts with achieving compliance with the new requirement. Any exemption granted would be reviewed and acted on by EPA as a SIP revision. Second, an existing requirement can be relaxed or revoked if the revision will not interfere with attainment of standards.

The 1978 edition of 40 CFR Part 52 lists in the subpart for Rhode Island the applicable deadlines for attaining ambient standards required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on Rhode Island's attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under part D.
>
> (123 Cong. Rec. H 11958, daily ed. November 1, 1977)

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.*

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatibility of requirements will be made on a case-by-case basis.

The Agency finds that good cause exists for making this action immediately effective for the following reasons:

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*See General Preamble for Proposed Rulemaking, 44 FR 20373–74 (April 4, 1979).

1. Implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden;

2. EPA has a responsibility under the Act to take final action on the portion of the SIP which addresses Part D requirements by July 1, 1979, or as soon thereafter as possible.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state action and imposes no new regulations.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This rulemaking action is issued under the authority of Sections 110, 172, and 301 of the Clean Air Act, as amended.

Note.—Incorporation by reference of the State Implementation Plan for the State of Rhode Island was approved by the Director of the Federal Register on July 1, 1980.

Dated: May 1, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart 00—Rhode Island

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

1. In § 52.2070, paragraph (c) is amended by adding subparagraph (12) as follows:

§ 52.2070 Identification of plan.

* * * * *

(c) * * *

(12) Attainment plans to meet the requirements of Part D of the Clean Air Act, as amended in 1977, were submitted on May 14, 1979, June 11, 1979, August 13, 1979, January 8, January 24, March 10, March 31, April 21, June 6, June 13, August 20, November 14, March 4, March 5, and April 16, 1981. Included are plans to attain the carbon monoxide and ozone standards and information allowing for the redesignation of Providence to non-attainment for the primary TSP standard based on new data. A program was also submitted for the review of construction and operation of new and modified major stationary sources of pollution in non-attainment areas. Certain miscellaneous provisions unrelated to Part D are also included.

§ 52.2071 [Amended]

2. Section 52.2071 is amended by changing the wording "Photochemical oxidants (hydrocarbons)" to "Ozone".

3. Section 52.2072 is revised to read as follows:

§ 52.2072 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Rhode Island's plan, as identified in § 52.2070 of this subpart, for the attainment and maintenance of the national standards under Section 110 of the Clean Air Act. Furthermore, the Administrator finds the plan satisfies all requirements of Part D, Title I, of the Clean Air Act, as amended in 1977, except as noted below. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by January 1, 1981 for the sources covered by CTGs issued between January 1978 and January 1979 and adoption and submittal by each subsequent January as additional RACT requirements for sources covered by CTGs issued by the previous January.

4. Section 52.2076 is revised to read as follows:

§ 52.2076 Attainment of dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Rhode Island's plan, except where noted.

Air quality control region [1]	Pollutant						
	TSP		SO_2		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
Providence	e	e	a	b	a	c	d
E. Providence	a	b	a	b	a	a	d
Cranston	a	b	a	b	a	a	d
Warwick	a	b	a	b	a	a	d
N. Providence	a	b	a	b	a	a	d
Pawtucket	a	b	a	b	a	a	d
Central Falls	a	b	a	b	a	a	d
Remainder of Rhode Island portion of AQCR 120.	a	b	a	b	a	a	d

a—Air quality levels presently better than primary standards or area is unclassifiable.
b—Air quality levels presently better than secondary standards or area is unclassifiable.
c—December 31, 1982.
d—December 31, 1987.
e—Redesignation to non-attainment. Twelve months granted for submission of an attainment plan; attainment dates not yet proposed.

[1] Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR Part 52.2076 (1978).

5. Section 52.2081 is revised to read as follows:

§ 52.2081 Review of new sources and modifications.

Regulation 9, the Rhode Island program to review operation and construction of new and modified major stationary sources in non-attainment areas, except for Section 9.1.2 and subsection 9.2.3(b), is conditionally approved subject to submittal by September 1, 1981 of revised definitions which are consistent with 40 CFR 51.18(j)(1)(vi) and 51.18(j)(1)(xiii) (45 FR 52745). EPA is taking no action on 9.1.2 and 9.2.3(b).

6. A new § 52.2084 is added as follows:

§ 52.2084 Rules and Regulations.

(a) *Part D—conditional approval*—The May 14, June 11, and August 13, 1979, January 8, January 24, March 10, March 31, April 12, June 6, June 13, August 20, November 14, 1980, and March 4, March 5 and April 16, 1981 revisions are approved as satisfying Part D requirements under the following conditions:

(1) Submittal by October 1, 1981 of emission data for all VOC sources with actual emissions of 25 tons or greater.

(2) Submittal by January 1, 1982 of (i) documentation of studies conducted; (ii) the results of data collected and analyzed; and, (iii) a description of procedural I/M program changes as outlined in the August 1980 state interagency agreement.

(3) Submittal by July 1, 1981 of all individual compliance schedules for paper and fabric surface coating sources covered by Regulation 19 including a justification of need for any extensions beyond December 31, 1982.

(b) *Non-Part D—No Action*—EPA is neither approving nor disapproving the following elements of the revisions:

(i) The program to review new sources in attainment areas. (Prevention of Significant Deterioration)
(ii) Consultation.
(iii) Permit fees..
(iv) Stack height requirements.
(v) Public notification.

7. A new § 52.2065 is added as follows:

§ 52.2065 Extensions.

The Administrator hereby extends for 12 months from the publication of this notice, the statutory time table for submission of Rhode Island's plan for attainment and maintenance of the primary standard for particulate matter in the Providence primary standard non-attainment area (See 40 CFR 81.340).

PART 81—DESIGNATIONS OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.340 [Amended]

1. In § 81.340, the table entitled "Rhode Island—O_x" is amended to read "Rhode Island—O_3".

[FR Doc. 81-13662 Filed 5-6-81; 8:45 am]
BILLING CODE 6560-38-M

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Parts 1501, 1502, and 1508

Scoping Guidance

May 1, 1981.

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information only; Publication of Notice of Availability of Memorandum to Agencies Containing Scoping Guidance.

SUMMARY: The Council on Environmental Quality, as part of its oversight of implementation of the National Environmental Policy Act, investigated agency and public experiences with the scoping process. This guidance document summarizes a series of recommendations which were distilled from this research. It contains no new legal requirements beyond those in the NEPA regulations. Notice is being published in the **Federal Register** in order to make the fruits of this project generally available and to encourage the use of better techniques for ensuring public participation and efficiency in the scoping process.

ADDRESS: Copies of the memorandum may be obtained from Michael Kane, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006; 202-395-5750.

FOR FURTHER INFORMATION CONTACT: Michael Kane; 202-395-5750.

Nicholas Yost,
General Counsel.

[FR Doc. 81-13630 Filed 5-6-81; 8:45 am]
BILLING CODE 3125-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-415; RM-3475]

Radio Broadcast Services; FM Broadcast Station in Naples, Florida; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 288A to Naples, Florida, as that community's fourth FM assignment, at the request of L. S. Vance.

EFFECTIVE DATE: June 22, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 23, 1981.
Released: April 30, 1981.
By the Chief, Policy and Rules Division.

In the Matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Naples, Florida) BC Docket No. 80-415, RM-3475, Report and Order, (Proceeding Terminated).

1. Before the Commission is the *Notice of Proposed Rule Making*, 45 Fed. Reg. 51624, published August 4, 1980, proposing the assignment of FM Channel 288A to Naples, Florida, as that community's fourth FM assignment, at the request of L. S. Vance ("petitioner"). Petitioner filed comments in which he reiterates his intention to apply for Channel 288A if it is assigned to Naples. An opposition to the proposed assignment was filed by Sterling Communications Corporation ("Sterling"), permittee of Station WSGL (FM), Naples, Florida. Petitioner filed a reply to the opposition of Sterling.[1]

2. Naples (population 12,042),[2] in Collier County (population 38,040), is located on the Gulf coast of Florida, approximately 201 kilometers (125 miles) south of St. Petersburg, and 161 kilometers (100 miles) west of Miami. The city is currently served by one AM station and three FM stations.

3. In the *Notice*, we stated that although a similar request for a fourth assignment to Naples was rejected in 1976,[3] that earlier denial was not controlling because our assignment policies had been modified since that time. We stated that the assignment had been denied earlier because of our finding that Naples was too small a city to justify an additional assignment, but that the Commission's strict adherence to population criteria had given way to an emphasis on the proposed assignment's efficiency in terms of its preclusive effect on other communities. We were also influenced by the continued demand for another FM station in Naples despite the Commission's failure to grant an additional assignment earlier. Such demand indicates to us that the potential applicants believe that another station can survive. In its opposition, Sterling argues that factors other than the assignment's preclusive impact must be considered as well. Sterling asserts that an additional assignment to Naples is unwarranted because Naples is already well served by the three existing FM stations operating there. According to Sterling, the Commission earlier denied a fourth assignment after finding this to be true, and nothing has changed to make the Commission reconsider that finding. Sterling further states that the proposed assignment would result in an unfair distribution of available frequencies in the area and thus be in conflict with the Commision's statutory mandate to provide a fair, efficient, and equitable distribution of radio service.[4] In summary, Sterling argues that the lack of demonstrated growth in Naples, the adequate service presently available in Naples, and recent Commission precedent, all lead to the conclusion that the proposed assignment should be denied.[5]

4. In response to Sterling's comments, petitioner counters that the efficiency of an assignment cannot be judged by considering one community in a vacuum,

[1] Petitioner's reply was submitted one week after the comment filing period had passed. Because no party has objected to the late filing and accepting the filing will not delay the proceeding, the reply comment has been accepted.

[2] Population figures are taken from the 1970 U.S. Census.

[3] *Naples, Florida*, 61 FR 44427 (1976).

[4] 47 U.S.C. Section 307(b).

[5] Sterling cites no Commission precedent other than the previous Naples case.

but must be judged in light of the assignment's effect on other communities as well. Petitioner points out that Channel 288A could be assigned to only four other communities currently without an assignment and that additional channels are available for assignment to those cities. Petitioner thus argues that the assignment of Channel 288A to Naples represents an efficient use of the frequency. Finally, petitioner avers that Sterling's arguments are based on nothing more than the Commission's population guidelines, which, according to petitioner, have utility only when the Commission is faced with competing demands and channel shortages. Because neither of these are present in the instant case, petitioner states that the channel should be assigned in order to afford additional service to the public.

5. As we stated in the *Notice*, the Commission has generally adopted channel assignments in excess of its population guidelines when an interest has been expressed for the channel and the assignment does not cause significant preclusion. This policy of focusing attention on the needs of communities in the precluded areas, and making additional assignments when preclusion is deemed insignificant, recognizes that the public interest is not served by reserving FM channels in perpetuity. In fact, the public interest is better served by putting the heretofore unassigned channel to use. A clear statement of the rationale behind the Commission's assignment policy was made in *St. Simons Island and Waycross, Georgia*, 47 R.R. 2d 319, 322 (Broadcast Bureau, 1980):

> This trend is not a radical departure from the Commission's position on what constitutes an equitable distribution of frequencies. Rather, if recognizes that in a situation where there are no precluded communities more deserving of the assignment, to refuse to respond to a demand for an additional station, may not serve the public interest.

In the instant situation, no interests have been expressed in assigning Channel 288A to any of the communities which would be precluded by assigning that channel to Naples. Furthermore, it appears that, even if an interest were expressed, alternative channels would be available for assignment to those precluded communities. Given this and the fact that an interest has been expressed in the Naples assignment, we find that the public interest would be served by assigning Channel 288A to Naples. This action, in our judgment, constitutes a much efficient use of the spectrum than continuing to reserve the channel indefinitely.

6. Accordingly, it is ordered, That effective June 22, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Naples, Florida	224A, 223, 249A, 288A.

7. Authority for the action taken herein is contained in §§ 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Commnications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-13795 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-200; RM 3322]

Radio Broadcast Services: FM Broadcast Station in Lewiston, Idaho; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein amends the FM Table of Assignments, by assigning Channel 268 to Lewiston, Idaho, in response to a petition filed by The Call of the Cross Bill Dawkins Evangelistic Association. The assignment could provide a third FM station to Lewiston.

EFFECTIVE DATE: June 22, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 23, 1981.

Released: April 28, 1981.

By the Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Lewiston, Idaho), BC Docket No. 80-200, RM-3322, Report and Order, (Proceeding Terminated).

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 45 Fed. Reg. 32028, published May 15, 1980, which proposed the assignment of Class C Channel 268 to Lewiston, Idaho, in response to a petition filed by The Call of the Cross Bill Dawkins Evangelistic Association ("petitioner"). Supporting comments were filed by the petitioner in which it expressed its continuing interest in applying for the channel, if assigned. Comments were also filed by the Independent School District No. 1, Lewiston, licensee of Radio Station KLHS-FM, Lewiston, Idaho ("KLHS").

2. Lewiston (population 28,068),[1] seat of Nez Perce County (population 30,376), is located approximately 142 kilometers (88 miles) southeast of Spokane, Washington. Lewiston is an important agricultural, industrial and tourist center. In addition, it is Idaho's only inland seaport, catering to diverse commercial interests. The town is served locally by full-time AM Stations KOZE and KRLC and by FM Station KOZE-FM (Channel 244A). There is also a currently unused assignment on Channel 295 for which three applications are pending.[2]

3. A preclusion study indicates that seven communities with populations greater than 1,000 would be precluded from using Channels 257A, 258, and 261A as a result of the proposed assignment. However, alternate channels appear to be available for assignment to all of the communities.

4. In the *Notice*, it was pointed out that assignment of Channel 268 requires a separation of 32 kilometers (20 miles) to Channel 205A, for which KLHS has a pending application. At that time, we noted that it may be necessary to find another frequency for the proposed Class A operation unless the proposed Lewiston assignment is used more than twenty miles from Station KLHS's site for Channel 205A. In its comments,

[1] Population figures are taken from the 1970 U.S. Census.

[2] The applications are BPH-800421AH, filed By KRLC, Inc.; BPH-800710AA, filed by Nez Perce Broadcasting; BPH-800829AB, filed by Seaport Broadcasters, Inc.

KLHS stated that while a change in transmitter site is not feasible, it would consider a frequency change if petitioner would pay the expenses. A study conducted by the staff indicates, however, that there are no noncommercial channels for KLHS, but that Class C Channel 268 is available for assignment to Lewiston without any site restrictions.

5. After careful consideration of the proposal and comments, the Commission believes it would be in the public interest to assign Channel 268 for Lewiston, Idaho, as its third commercial FM assignment. While Lewiston's population does not warrant three assignments, the existence of three pending applications on Channel 295 demonstrates the abundance of interest in operating an additional radio station there and the insignificant nature of the preclusion impact from this assignment justifies exceeding the population guidelines. *See, Waycross, Georgia,* 45 Fed. Reg. 25806, published April 16, 1980.

6. In view of the foregoing and pursuant to authority contained in §§ 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, That effective June 22, 1981, § 73.202(b) of the Commission's Rules is amended, with respect to the community listed below, as follows:

City	Channel No.
Lewiston, Idaho	244A, 268, 295.

7. Canadian concurrence in this assignment has been obtained.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Mark Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-13695 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 83

Temporary Waiver of the Requirement for Vessels of 1600 Gross Tons and Over To Carry Specified Tools, Test Instruments, Spares and Manuals

AGENCY: Federal Communications Commission.

ACTION: Temporary waiver of section of final rule.

SUMMARY: This document temporarily waives a section of the FCC rules (47 CFR 83.465(c)) for vessels of 1600 gross tons and over which are required to carry radar. In that it appears that certain materials required by the subject rule are unavailable, the Chief, Private Radio Bureau waived the subject rule until November 30, 1981, to allow further investigation.

DATES: This waiver becomes effective on April 27, 1981, and will remain in effect until November 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Charles D. Fisher, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of temporary waiver of the requirement contained in § 83.465(c) of the rules for vessels of 1600 gross tons and over to carry specified tools, test instruments, spares and manuals.

Adopted: April 27, 1981.

Released: April 28, 1981.

By the Chief, Private Radio Bureau.

1. The Report and Order in Docket No. 18948 and Gen Docket No. 80-106 adopted March 11, 1981,[1] implemented certain provisions of the International Convention for the Safety of Life at Sea, 1974, regarding compulsory carriage of radar on board vessels of 1600 gross tons and over. Section 83.465(c) which was adopted in that proceeding requires carriage of specified tools, test instruments, spares and manuals.

2. It has come to our attention that certain of the specified materials are not currently available. In that no harm will result from a temporary waiver of § 83.465(c) we feel it is in the public interest to temporarily relieve affected vessel operators from such requirements pending further investigation.

3. Accordingly, it is ordered, That, under the authority contained in Section 0.331 of the Commission's rules, § 83.465(c) is waived until November 30, 1981.

Federal Communications Commission.

Carlos V. Roberts,

Chief, Private Radio Bureau.

[FR Doc. 81-13703 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

[1] FCC 81-97, 46 FR 18964.

DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 78-06; Notice 10]

Federal Motor Vehicle Safety Standards; Speedometers and Odometers

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: This notice delays for one year the effective date of the odometer requirements of Safety Standard No. 127, *Speedometers and Odometers.* The new effective date for those requirements is September 1, 1982, i.e., model year 1983. NHTSA is taking this action because its review of the Standard leads it to the tentative conclusion that the Standard is unlikely to yield significant safety benefits. Based on that tentative conclusion, the agency will soon issue a proposal to rescind the Standard. The agency therefore believes that it is inappropriate to require vehicle manufacturers to continue their efforts to comply with the odometer requirements. Those requirements become effective in four months. The one-year delay relieves the vehicle manufacturers of the necessity for making further expenditures. The delay also permits the agency to maintain the status quo while the agency conducts a rulemaking proceeding on the proposal to rescind Standard No. 127.

DATE: The new effective date for the odometer requirements in paragraphs § 4.2 through § 5.2 is September 1, 1982.

ADDRESSES: Petitions for reconsideration should refer to the docket and notice numbers and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. John Carson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2720).

SUPPLEMENTARY INFORMATION: Safety Standard No. 127, *Speedometers and Odometers* (49 CFR 571.127), specifies requirements for the manufacture and installation of speedometers and odometers. The purpose of the standard is to ensure that each motor vehicle is equipped with instruments for monitoring driving speeds, aiding in maintaining proper vehicle maintenance schedules, and providing an indication

of the degree of wear and tear to which the vehicle's safety-related systems have been subjected. The standard applies to passenger cars, multipurpose passenger vehicles (MPV's), trucks, motorcycles, and buses, and to speedometers and odometers for use in these vehicle types. However, the odometer provisions do not apply to vehicles having a gross vehicle weight rating greater than 16,000 pounds. The speedometer requirements became effective September 1, 1979, while the odometer requirements do not take effect until September 1, 1981.

There are three principal odometer requirements. First, odometers must indicate when they have advanced or have been advanced beyond a reading of either 99,999 or 99,999 miles/kilometers. Second, they must either prevent reversal or provide an indication that they have been reversed. This tamper resistance may be provided in any one of several ways. Odometers may be designed so that (a) if reversal is attempted, the odometer breaks so as to impair the recording of distance; (b) an encapsulation must be pierced or broken so that reversal can be achieved; (c) some definitive indication of reversal, such as the appearance of an otherwise hidden part, is provided when reversal is attempted; or (d) each number on the 10,000 miles/kilometers wheel is marked as or after it disappears from view so that the mark becomes visible if the wheel is reversed. Third, the standard requires that replacement odometers be differentiated from original equipment odometers so that new replacement odometers with low distance readings cannot be substituted for original equipment odometers with high mileage readings.

As a result of the agency's review of its safety standards in the past several months to determine if they have achieved or are likely to achieve their objectives and meet the criteria of the National Traffic and Motor Vehicle Safety Act, NHTSA is issuing this notice to delay the effective date of the odometer requirements by one year. Further, the agency will soon propose to rescind Standard 127 altogether. The legislative history of the Act indicates that Congress contemplated that only those aspects of vehicle performance involving significant safety problems would be regulated. However, the agency's review leads it to the tentative conclusion that the standard is not yielding and cannot be expected to yield either measurable or significant safety benefits.

When the odometer requirements were issued, it was anticipated that they would promote vehicle safety by reducing odometer tampering and thereby reducing the number of used-vehicle buyers who would be misled about the age and condition of their vehicles. The agency believed that the mileage of a car is an important indicator of the vehicle's operating condition. Knowledge of the actual mileage is necessary if vehicle owners are to follow the manufacturers' recommended preventive maintenance schedules and have the necessary safety-related repairs made. If an odometer is altered so that it understates a vehicle's total mileage, the agency thought that the purchaser of the vehicle might be lulled into a false sense of security about the condition of the vehicle. As a result, the purchaser might fail to check his or her vehicle adequately, forego preventive maintenance or be unwilling to invest in needed repairs. Failure to prevent, detect or correct defects in the vehicle could result in an accident that causes death, injury or property damage. In its 1976 economic impact analysis of the Standard, the agency estimated that the odometer provisions could prevent 660 accidents each year. This figure was based on compliance by all cars, multi-purpose passenger vehicles, etc., on the road and on the assumption that the requirements were 25 percent effective in preventing tampering.

The belief that the odometer requirements would produce safety benefits was based on the agency's analysis of several studies. One showed that some of the vehicle system failures and defects which cause accidents occur as a function of vehicle mileage. The agency believed that owners of vehicles with seemingly low mileage could reasonably expect that their vehicles had safer components than those of vehicles having higher mileage. The incorrect belief by a used vehicle purchaser that his or her vehicle has low mileage was thought to cause a false sense of secruity that would cause systems defects and failures to go undetected by the purchaser. NHTSA also relied on studies indicating that vehicle component failures and defects are a cause of approximately 8 percent of the motor vehicle accidents. Thus, it was thought that knowledge of correct vehicle mileage would reduce such accidents.

The agency's recent review of Standard 127 leads it to the tentative conclusion that the odometer requirements will not yield the anticipated safety benefits. The re-examination of the studies and analysis underlying the odometer requirements indicates that some of the problems with vehicle systems most responsible for causing accidents do not occur as a function of vehicle mileage. Further, many of the defects and failures involving these systems develop gradually and are either readily visible or manifest themselves to the driver when the vehicle is being driven. The agency has tentatively concluded that correction of these readily detectable defects and failures does not depend to any significant extent on the vehicle owner's knowledge of the correct mileage. Further, even if the owner is misled about the mileage of a vehicle, he or she is not likely to fail to notice these defects, especially those which manifest themselves during driving.

The agency has examined the impacts of this limited delay and determined that the notice is not major within the meaning of E.O. 12291 or significant with the meaning of the Department of Transportation regulatory policies and procedures. A regulatory evaluation regarding these impacts has been prepared and placed in the public docket. Copies are available in the Docket Section at the address given at the beginning of this notice for submission of petitions for reconsideration.

NHTSA's examination of these impacts shows that there would be very limited, if any, impacts on safety from the one-year delay. Notwithstanding the one-year delay, the vehicles subject to the odometer requirements have long had odometers and therefore can be expected to continue to be equipped with them. Given the efforts already made by the vehicle manufacturers to comply with the odometer requirements for model year 1982, it is possible that at least some of the odometers in model year 1982 vehicles will incorporate improved tamper resistance features. However, even if they do not, NHTSA does not believe that safety will be adversely affected. As noted above, reducing the incidence of tampering is not believed likely to have a significant effect on the detection of defects and failures in used vehicles.

Although non-safety impacts are beyond the purview of the Vehicle Safety Act, the agency has considered them. The one-year delay is likely to result in more tampering than there otherwise would be with the odometers of used model year 1982 vehicles. The increased tampering would cause an increase in the amount of economic injury to consumers as a result of their overpaying for used vehicles with altered odometer readings. However, since the agency lacks even rough

estimates of the effectiveness of the anti-tampering features, the agency is unable to estimate either the amount of the increase in tampering or the resulting amount of economic injury.

NHTSA estimates that the one-year delay will create economic benefits for vehicle manufacturers and the purchasers of model year 1982 vehicles. At least one vehicle manufacturer will be able to defer some capital expenditures. Ford Motor Company indicates that a one-year delay would enable them to save $500,000 in investment costs if the delay were adopted by May 1. There may be other manufacturers which can defer some capital expenditures. Capital savings are apparently not possible for General Motors. It wrote the agency in August 1980 indicating that its capital expenditures would be fully made by January 1, 1981. If General Motors adhered to that schedule, it has no remaining capital expenditures to be made. In addition, there would be variable cost savings. Ford has stated that the one-year delay would result in a variable cost savings of $2,000,000 or approximately $.75 per vehicle. The variable cost per vehicle for other manufacturers may be higher or lower. However, the Ford figure can be used to calculate very roughly the amount of variable cost savings that might be available to all manufacturers. Assuming a sale of 13,400,000 vehicles (10,400,000 cars and 3,000,000 trucks, buses, vans, etc.) in model year 1982, the variable cost savings for all manufacturers would be about $10,000,000. Since Ford and perhaps other manufacturers can postpone some capital costs, the total savings would be somewhat higher. Some of these savings to vehicle manufacturers may be offset if they respond to the one-year delay by cancelling contracts for Standard No. 127 odometers. Cancellation of supply contracts typically necessitates the payment of cancellation costs to supplier.

The potential consumer cost savings from the one-year delay is approximately $29,000,000. The figure was calculated using the 13,400,000 production figure and $1.50 as the per vehicle figure for model year 1982 variable costs and amortized capital costs. Those consumer benefits would be offset to the extent that consumers overpay in purchasing used model year 1982 vehicles whose odometers would not have been reset had not the odometer requirements been delayed until the following model year.

Odometer manufacturers capable of either continuing to supply the current types of odometers or providing new Standard No. 127 odometers should not be substantially affected by the one-year delay. If the profit from selling Standard No. 127 odometers is greater than that from current odometers, then the odometer manufacturers sales revenues will be reduced. This loss would be partially offset by receipt of cancellation payments from the vehicle manufacturers.

The agency has also considered the impacts of this rule in relation to the Regulatory Flexibility Act. NHTSA concludes that the one-year delay will not have a significant effect on a substantial number of small entities. Accordingly, no regulatory impact analysis has been prepared. Based on available information, the agency believes that few, if any, of the odometer manufacturers are small businesses as that term is defined for the purposes of the Flexibility Act. Small organizations and governmental jurisdictions which purchase fleets of motor vehicles would not be significantly affected by the delay. Since they typically buy new vehicles, those entities would not be subject to the problems of odometer tampering. Further, the difference in cost of those vehicles from vehicles with Standard No. 127 odometers would be insubstantial at most.

NHTSA has analyzed the one-year delay for the purposes of the National Environmental Policy Act and determined that it will not have a significant effect on the human environment. An environmental assessment to support this finding has been placed in the public docket.

This final rule is being issued without prior notice and opportunity for comment because the agency finds that taking those procedural steps is impracticable and contrary to the public interest in this case. The vehicle manufacturers are still in the process of making expenditures to comply with the odometer requirements which were scheduled to become effective in less than four months. Among the expenditures are those for the purchase of Standard No. 127 odometers for installation in model year 1982 vehicles. Given the agency's tentative conclusions about the insignificant safety benefits of the odometer requirements, NHTSA believes that it is inappropriate to require the manufacturers to continue making those expenditures. The agency believes that were NHTSA to have first issued a notice of proposed rulemaking and provided a comment period (normally 45 days in length), much of those expenditures would be made by the time a final rule could be issued. As a result, the value of a one-year delay would be substantially vitiated. As noted above, the one-year delay is not expected to have any significant effect on safety. Further, the economic effects of the delay are anticipated to be fairly limited.

Although notice and comment are not being provided for the limited delay in the odometer requirements, they will be provided for the larger question of whether those requirements ought to be rescinded altogether. In the very near future, the agency will issue a proposal seeking comment on rescission and on the agency's tentative conclusions regarding the safety value of the speedometer and odometer requirements.

The officials primarily responsible for this notice are John Carson, Office of Vehicle Safety Standards, and Joan M. Griffin, Office of Chief Counsel.

In consideration of the foregoing, the effective date of paragraphs S4.2 through S5.2 of 49 CFR 571.127 is delayed one year until September 1, 1982.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on May 1, 1981.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 81-13824 Filed 5-4-81; 3:45 pm]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 46, No. 88
Thursday, May 7, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Office of the Assistant Secretary for Conservation and Renewable Energy

10 CFR Part 459

[Docket No. CAS-RM-81-127]

Residential Energy Efficiency Program; Compliance With the Regulatory Flexibility Act

AGENCY: Department of Energy; the Assistant Secretary for Office of Conservation and Renewable Energy.

ACTION: Notice of Compliance with the Regulatory Flexibility Act.

SUMMARY: The Department of Energy gives notice of its determination that the proposed rule published on January 26, 1981, to implement the Residential Energy Efficiency Program (REEP or Program) (46 FR 8016) does not require initial regulatory flexibility analysis pursuant to the Regulatory Flexibility Act. The Department of Energy is requesting comment on its determination not to develop an initial regulatory flexibility analysis on this program.

DATES: Written comments on this notice must be received on or before June 8, 1981, 4:30 e.s.t. in order to ensure their consideration.

ADDRESSES: Fifteen copies of comments should be submitted to Carol Snipes, Office of Conservation and Solar Energy, Department of Energy, Room 1F-085, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Comments should be identified on the envelope and in the documents submitted with the designation "Residential Energy Efficiency program, [Docket No. CAS-RM-81-127]."

FOR FURTHER INFORMATION CONTACT: Lisa Cannon, Building Conservation Services, Department of Energy, Room GH-068, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9161.

Daniel Ruge, Office of General Counsel, Room 6B-144, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9519

SUPPLEMENTARY INFORMATION: On January 1, 1981, the Regulatory Flexibility Act (Pub. L. 96-354) became effective. In part, the Act requires agencies to prepare an initial regulatory flexibility analysis for any proposed rule unless it determines that the rule will not have a "significant economic impact on a substantial number of small entities." In the event that a regulatory flexibility analysis is not required for a particular rule, the agency must publish a certification and explanation of that determination in the **Federal Register.**

On January 26, 1981, DOE published in the **Federal Register** a proposed rule (46 FR 8016) to implement the REEP pursuant to subtitle C of Title V of the Energy Security Act (Pub. L. 96-294). Because the program will involve a maximum of four projects, no more than a limited number of small entities are expected to be affected by the proposed program. (Additionally, any adverse impacts upon small entities should be minimized by the proposal's provision, if made final, requiring the use of independent local subcontractors to install materials within each project.) Moreover, section 264(b) (3) of the Energy Security Act requires DOE to take into consideration, in approving an application, the anticipated effects of the program on competition in the geographic area of the demonstration. For these reasons, pursuant to section 605(b) of the Regulatory Flexibility Act, it is certified that the proposed rule will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C., April 30, 1981.

Frank DeGeorge,

Acting Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 81-13946 Filed 5-6-81; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-8]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before: July 7, 1981.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 28, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Petitions for Rulemaking

Docket No.	Petitioner	Description of the rule requested
21371	Southlake Aviation Inc.	Petitioner requests amendment of 14 CFR 61.109(b)(2) to allow the required cross-country flight to consist of three segments of more than 100 nautical miles each with a landing at an airport at the end of each segment. Each of the airports involved would be required to be at least 75 nautical miles, in a straight line from each of the other two airports. The petitioner states that the rule change is needed to provide better training of students with increased safety by allowing greater flexibility in the choice of destination airport where maximum radio and radar work with control facilities is available. A more flexible route of flight of 101 nautical miles with a destination at a large field offering ATIS, TRSA, Tower and Ground Control would be significantly better training than a flight of 101 nautical miles in a straight line to an uncontrolled field with minimum or no radio work.

Petitions for Rulemaking: Denied

None this period.

[FR Doc. 81-13439 Filed 5-6-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASO-17]

Proposed Alteration of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter a low altitude airway. The proposed change will eliminate the segment of V-7 from Cross City, Fla., via Greenville, Fla., to Wire Grass, Ala., and redefine it via Tallahassee, Fla., to Wire Grass. This proposed alteration is responsive to current traffic flow requests and will provide an economical advantage to both VFR and IFR aircraft.

DATE: Comments must be received on or before June 8, 1981.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 81-ASO-17, Federal Aviation Administration, P.O. box 20636, Atlanta, Ga. 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Charles R. Horne, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASO-17." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter a low altitude airway. This proposed change will eliminate the segment of V-7 from Cross City, Fla., via Greenville, Fla., to Wire Grass, Ala., and redefine it via Tallahassee, Fla., to Wire Grass. Most aircraft operating between Cross City and Wire Grass request and receive a direct routing. This proposed alteration will be responsive to requested traffic flows, will provide an economical advantage to both VFR and IFR aircraft, reduce controller/pilot workload, and reduce radio frequency congestion. The description of this airway under Part 71 was republished on January 2, 1981 (46 FR 409).

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend V-7 as published under § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 409), by deleting the words "Greenville, Fla." and substituting for them the words "Tallahassee, Fla."

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 134(a) and 135(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 28, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-13440 Filed 5-6-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 81-AGL-3]

Proposed Alteration of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter Jet Route No. 60 between Joliet, Ill., and Cleveland, Ohio, by realigning the route over Goshen, Ind. Aircraft have been experiencing some difficulty remaining on the route centerline, thereby causing some air traffic control problems for departures from the Chicago, Ill., area. This action increases aviation safety by utilizing an additional navigational aid which enables aircraft to maintain J–60 centerline in the area.

DATE: Comments must be received on or before June 8, 1981.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 81–AGL–3, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81–AGL–3." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs, should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign Jet Route No. 60 between Joliet, Ill., and Cleveland, Ohio. The signal strength in this segment of J–60 is marginal causing some aircraft to stray off the centerline. It is essential aircraft fly the centerline while in the vicinity of Chicago, Ill., metro airports. The proposed realignment is from Joliet, to Goshen, Ill., to Cleveland. This action will improve safety in this area and aid air traffic control.

Note.—Cleveland VORTAC will be renamed "DRYER" effective June 11, 1981. The final rule will reflect this name change. The description of this jet route under Part 75 was republished on January 2, 1981 (46 FR 834).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75), as republished (46 FR 834), by amending Jet Route No. 60 by deleting the words "Joliet, Ill.; Cleveland, Ohio;" and substituting for them the words "Joliet, Ill.; Goshen, Ind.; Cleveland, Ohio;".

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on April 28, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-13600 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published to comply with the Federal Trade Commission Improvements Act of 1980, Pub. L. 96–252 and the Regulatory Flexibility Act, Pub. L. 96–354. Each item reflects the Bureau of Consumer Protection's assessment of events that it expects will occur in the listed proceedings sometime during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from inclusions.

Several of the items concern proceedings that potentially may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Such proceedings are indicated in this agenda by the term "Regulatory Flexibility" immediately below the title for the proceeding. Whether any such proceeding will result in a rule which is likely to have a significant economic impact on such entities depends upon final Commission determinations on the

need for or on the subetance of a trade regulation rule.

The views expressed in these entries are those of the FTC staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself. The Commission will address the issues presented when it considers each staff proposal.

Each agenda item is based on projected timing of future Commission action. Discovery of new information, changes in circumstances or in the law may alter the projected dates.

FOR FURTHER INFORMATION CONTACT: Richard C. Foster, Deputy Director for Operations, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3355.

SUPPLEMENTARY INFORMATION:

FOOD ADVERTISING

(39 FR 39842, Nov. 11, 1974; 40 FR 23066, May 28, 1975; 41 FR 8380, Mar. 2, 1976)

The Rule

The rule would promote accuracy in food advertising claims by standardizing certain terms and requiring disclosure of material information in the following areas: natural food claims; energy and weight control claims; and fat, fatty acid, and cholesterol claims. Foods could be advertised as natural, if such foods contain no artificial or synthetic ingredients and are no more than minimally processed. If a food has been more than minimally processed, it could nonetheless be advertised as natural, if either the processed ingredients or the processes themselves are disclosed. Additionally, natural foods could not be advertised as inherently superior simply because they are natural.

Advertisements making energy claims would have to disclose that the claims mean that the food provides calories. Weight control claims would have to disclose the number of calories in a serving of the advertised food (unless the food meets FDA standards for a "low calorie" food).

Finally, the rule would deal with two types of fatty acid and cholesterol claims: content claims, which simply state the content (*e.g.*, no cholesterol), and health-related claims which refer to heart or artery disease. As to content claims about cholesterol or fatty acids, the rule would require disclosure of either the amounts of the other dietary constituents thought to be related to heart and artery disease or, in broadcast media, a disclosure that the advertised food contains these other components and the label may be consulted for precise information.

As to health related claims, the rule would prohibit certain claims that are unsubstantiated or false. All remaining claims in this area may be made, so long as the advertisement discloses the existence of a scientific controversy concerning the relationship between fat and cholesterol in the diet and the risk of heart or artery disease.

The staff is presently writing a statement of basis and purpose and related documents.

Objectives

The rule is designed to ensure that consumers have accurate and reliable information on nutrition quality by preventing deception in food advertising. The "natural food" section is intended to remedy the deceptive use of the claim that a food is "natural." The energy section would prevent consumers from being misled into believing that something special in the food provides energy, when, in fact, it is the caloric content of the food which determines the energy it provides. Weight control claims would trigger a disclosure to consumers that would permit them to choose foods based on accurate information. Fatty acid and cholesterol claims would be limited to prevent deceptive claims relating to heart or artery disease. Advertisers would be prevented from deceptively overstating the health benefits of particular foods.

Legal Authority

Federal Trade Commission Act, sections 5, 12, 15 and 18, 15 U.S.C. 45, 52, 55 and 57(a).

Timing

Final Commission Action—July, 1981.

Responsible Person

Melvin H. Orlans, Division of Food and Drug Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724–1529.

AMENDMENT TO TRADE REGULATION RULE CONCERNING PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES ("HOLDER-IN-DUE-COURSE RULE")

16 CFR Part 433 (40 FR 53506, November 18, 1975)

Regulatory Flexibility

The Amendment

The original rule, which took effect in May of 1976, requires sellers to ensure that credit contracts used in consumer installment sales and purchase money loans (loans made to finance a purchase from a seller with whom the lender has a working relationship directed at consumer sales) contain a provision which makes any holder of the contract subject to all legal claims and defenses related to the sale transaction which the buyer may have against the seller.

The amendment would extend to creditors who make purchase money loans or purchase retail installment contracts the obligation to ensure that credit contracts contain the required provision. The amendment also would make a number of technical revisions in the rule, including:

1. The definition of "purchase money loan" and certain associated terms would be clarified but the underlying meaning would not be changed.

2. The language of the required contract provision would be changed to make it more readable and to make explicit the idea that the provision only preserves claims and defenses related to the sale financed by the creditor contract. The legal meaning of the contract provision would not be changed.

3. Lenders would be permitted to add to the required contract provision a specified clause which frees them from liability for claims and defenses where a consumer tells them that loan proceeds will be spent at a seller with which they are affiliated, but actually spends the proceeds at a different, unaffiliated, seller.

4. The amendment would add a provision indicating that businesses violate the rule only if the violative actions are engaged in with actual or implied knowledge that they are prohibited by the rule.

5. The minimum size of type in which the required contract provision would have to be printed would be reduced, in order to lessen the amount of space the provision would take up on contract forms.

6. In credit contracts required by law to be in Spanish, a Spanish version of the required contract provision would have to be used.

The staff is presently drafting a statement of basis and purpose and related documents.

Objectives

The underlying objective of the amendment is the same as that of the original rule—to ensure that a purchaser's duty to pay is not separated from sellers' duty to perform as promised when consumer sales are financed by third party creditors or purchase money lenders.

The extension of compliance obligations to creditors is intended to encompass within the rule all parties to the practices covered by the rule. It

should also enhance enforcement of the rule because in many transactions covered by the rule creditors play an important or even dominant role in determining the content of contracts. The technical changes made in the rule by the amendment should make the rule easier for consumers and businesses to work with and understand.

Legal Authority

Federal Trade Commission Act sections 5 and 18, 15 U.S.C. 45 and 57(a).

Timing

Final Commission Action—July 1981.

Responsible Person

David Williams, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724–1100.

USED MOTOR VEHICLES

(41 FR 1069, January 6, 1976)

Regulatory Flexibility

The Rule

The rule would require dealers to post a window form on used cars sold to consumers which discloses, in plain language, information concerning warranty coverage offered (if any), the meaning of an "As Is" sale (in which no express warranties are offered and buyers lose the additional protection of implied warranties created by state law), and other important information. The form would also inform consumers that oral promises are difficult to enforce and would provide space for the dealer to disclose certain specific mechanical condition defects known to him.

The rule would not require dealers to offer any warranties on used cars sold, but it would require dealers who choose to offer written waranties to disclose the basic scope and terms of the warranty coverage provided. Dealers would not be required to inspect vehicles under the rule, but dealers who are aware of certain specific defects in the car at the time of sale would be required to disclose their existence.

The Commission approved the rule in substance on April 14, 1981. The staff was directed to narrow the list of specific known defects which would be required to be disclosed and to conduct consumer testing on the comprehensibility of the window form. The staff will then submit a revised rule and accompanying Statement of Basis and Purpose to the Commission for promulgation.

Objectives

The rule is designed to define and prevent deceptive and unfair practices in the sale of used cars by dealers that may result in substantial consumer injury. These deceptive and unfair practices include oral misrepresentations by dealers about warranty coverage (e.g., misrepresentation that a warranty is offered or of the terms of a warranty, failures to disclose the meaning of warranties and warranty disclaimers prior to sale) and oral misrepresentations about the mechanical condition of used cars (e.g., false claims about condition, failures to disclose known defects, claims about condition made without a reasonable basis).

Legal Authority

Federal Trade Commission Act, Sections 5 and 18, 15 U.S.C. 45 and 57(a).

Magnuson-Moss Warranty Act, Section 109(b), 15 U.S.C. 2309(b).

Timing

Final Commission Action—June, 1981.

Responsible Person

Susan Liss, Division of Product Reliability, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 523–1670.

FUNERAL INDUSTRY PRACTICES

(40 FR 30901, August 29, 1975)

Regulatory Flexibility

In 1979 the Commission tentatively approved in substance a trade regulation rule to govern funeral industry practices. The proposed rule is substantially modified from the rule originally proposed in 1975. The Federal Trade Commission Improvements Act of 1980, Pub. L. 96–252, placed certain limits upon the Commission's authority to regulate the funeral industry. According to Section 19 of the Act, the Commission may issue the funeral rule only to the extent that the rule manadates disclosure of fees or prices and prohibits or prevents: (1) misrepresentations, (2) use of threats or boycotts, (3) conditioning the furnishing of any funeral goods or services to consumers upon the purchase by those consumers of other funeral goods or services, and (4) furnishing funeral goods or services for a fee without prior approval. The Act also requires that any revised rule limited in accordance with Section 19 be published for public comment before the Commission makes a final determination on whether or not to adopt the rule.

On January 22, 1981, the Commission published a revised verson of the 1979 proposed rule (the "January 22 rule"). The proposed January 22 rule has the following features:

1. Price disclosures—The rule would require that consumers be provided with itemized price lists (a general price list, casket price, and other burial container price list) in the funeral home before entering into discussions about particular services or merchandise. It would also require that itemized price information be provided over the telephone upon request. Consumers also would have to be given a written statement listing charges for the services and merchandise they selected.

2. Misrepresentations—It would be a violation of the rule to misstate legal or cemetery requirements. Misrepresentations that funeral services or merchandise can preserve the body for extended periods of time would also be prohibited. Other misrepresentations banned by the rule would be claims that a casket is required for cremations and claims that cash advance items (items obtained from a third party) were being provided at cost when they were not. The rule would also require funeral providers to make certain disclosures to inform consumers whether goods and services such as embalming are required or not.

3. Unfair or Deceptive Practices—The rule as proposed would prohibit embalming without explicit prior permission from family members in ordinary circumstances, would prohibit persons covered by the rule from requiring caskets for cremation, and would require that they make alternative containers available.

4. Market Restraints—Use of group boycotts or threats to restrain competition within the funeral industry (such as competition by advertising prices or by providing alternative funeral arrangements) would be provided.

The Commission invited comment on the January 22 rule for a period of sixty days, ending March 23, 1981, to be followed by a twenty-day rebuttal comment period ending on April 13, 1981. An oral presentation on the January 22 rule was scheduled to be held on May 13, 1981.

During the initial comment period, two interested parties to the rulemaking proceeding submitted a modified version of the proposed funeral rule to the Commission (the "rule proposal"). Prior to the rule proposal being submitted, the Commission's Bureau of Consumer Protection expressed its view that the rule proposal, taken as a whole,

addresses the primary abuses indentified in the funeral rulemaking record and meets the objectives of the funeral rule proceeding. This view was based upon a review of the information on the rulemaking record at the time (*i.e.*, excluding comments submitted in response to the Commission's January 22, 1981 Federal Register notice). However, the Bureau of Consumer Portection stated that it would take into account comments submitted on all issues, including comments submitted on the rule proposal, before making the Bureau's final recommendations to the Commission.

On April 14, 1981 the Commission published a notice in the Federal Register extending the rebuttal comment period on the January 22 rule from April 13, 1981 to May 13, 1981. The extension was provided to give interested parties an opportunity carefully to review the rule proposal. However, the extended time period applied to rebuttal of all comments submitted to the Commission regarding the January 22 rule. Because the rebuttal comment period was extended, the Commission also rescheduled the date of the oral presentation on the funeral rule for June 17, 1981.

Objectives

The proposed funeral rule is intended to reduce the substantial injury to funeral purchasers resulting from inadequate access to price and other information needed in shopping for and purchasing those items which they believe best meet their individual needs, at the best price available. The project is also intended to reduce the extent to which providers may interfere with rational consumer choice by (1) misrepresenting the utility of and need for certain goods and services, (2) providing and then billing for services without asking for or receiving permission to provide them and (3) requiring consumers to purchase certain goods they neither want nor need. Finally, the rule attempts to reduce the extent to which providers, through group threats or boycotts, unlawfully interfere with the businesses of other providers who advertise or offer low cost or alternative forms of dispositions.

Legal Authority

Federal Trade Commission Act Sections 5 and 18, 15 U.S.C. 45 and 57(a), as limited by the Federal Trade Commission Improvements Act of 1980, Pub. L. 96-252, 94 Stat. 374, Section 19.

Timing

Rebuttal period ends—May 13, 1981.

Oral presentation before the Commission—June 17, 1981.

Commission consideration—July, 1981.

Responsible Person

Robert A.M Schick, Division of Professional Services, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3665.

AMENDMENT TO CARE LABELING OF TEXTILE WEARING APPAREL RULE

16 CFR Part 423 (41 FR 3747, January 26, 1976)

Regulatory Flexibility

The Proposed Amendment

An existing rule, effective since July, 1972, requires that all consumers' wearing apparel and piece goods used to make wearing apparel contain a "Care Label" which informs consumers about proper procedures for such things as cleaning, drying, and ironing.

The amendments that were proposed would extend the rule to cover all textile products including carpets and rugs, upholstered furniture, yarns and linens. The amendments would also require a more complete statement of the care procedure, the use of standardized care terminology and the establishment of a basis of accuracy for each care procedure prescribed in a label.

The proposed amendments were approved in substance by the Commission on December 17, 1980. On January 5, 1981, the Commission published in the Federal Register a notice soliciting technical comment on the language of the rule, to determine whether its provisions adequately and clearly convey the Commission's intentions. The staff is presently summarizing the comments received and preparing a statement of basis and purpose and related documents for final Commission review.

Objective

The rule and its amendment seek to inform consumers what care procedures should be used to make certain that the utility and appearance of purchased textile products will not be impaired. In addition, the information thus made available would permit an informed choice among competing products.

Legal Authority

Federal Trade Commission Act sections 5 and 18, 15 U.S.C. 45 and 57(a).

Timing

Final Commission Action—June, 1981.

Responsible Person

Earl Johnson, Division of Energy and Product Information, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 724-1362.

PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

((39 FR 39365, August 15, 1974); Final Rule published (43 FR 60796, December 28, 1978); set aside and remanded by Court of Appeals in *Katharine Gibbs (School), Inc.* v. *FTC*, 612 F.2d. 658 (2d Cir. 1979))

Regulatory Flexibility

The Rule

The rule as originally issued required Proprietary Vocational and Home Study Schools to provide pro rata refunds to students who withdraw from their courses; to provide information to prospective students concerning the schools' graduation and placement records and to provide an initial fourteen day cooling-off period in which students can cancel their enrollment contracts and receive full refunds. The Court of Appeals expressed disagreement with the breadth of the pro rata refund requirement and the manner in which the rule required disclosure of placement and earnings information. The Court also found the rule to be procedurally deficient for not specifying the unfair or deceptive trade practices the rule seeks to prevent.

The Commission is presently considering staff's recommendations for revising the rule.

Objectives

The rule's objectives are to create economic incentives for schools to avoid abusive sales practices, to prevent deception by requiring schools to provide material information to prospective students, and to provide students with contractual remedies which they can use to protect themselves when necessary.

Legal Authority

Federal Trade Commission Act sections 5 and 18, 15 U.S.C. 45 and 57(a).

Timing

Republish rule, revised to respond to Court of Appeals order of remand—June, 1981.

Public comment—After publication of proposed revised rule.

Final Commission Action—November, 1981.

Responsible Person

Walter Gross, Division of Marketing Abuses, Bureau of Consumer Protection,

Federal Trade Commission, Washington, D.C. 20580 (202) 523–3911.

HEARING AIDS

(40 FR 26946, June 24, 1975)

Regulatory Flexibility

The Proposed Rule

The proposed regulation currently under consideration would afford hearing aid purchasers a right to cancel the transaction within 30 days of purchase subject only to reasonable service charges. In addition, the proposal would prohibit advertising claims that a hearing aid will halt or retard hearing loss or that it will restore normal hearing.

The staff is analyzing the rulemaking record for further consideration by the Commission.

Objectives

The purpose of this proposal is to prevent deceptive and unfair sales practices in the sale of hearing aids and to give consumers contractual remedies against the risk that the device will provide no significant benefit to the user.

Legal Authority

Federal Trade Commission Act, sections 5, 12, 15 and 18, 15 U.S.C. 45, 55 and 57(a).

Timing

Commission Consideration of Staff Analysis—September, 1981.

Responsible Person

W. Benjamin Fisherow, Division of Food and Drug Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 724–1511.

PROTEIN SUPPLEMENTS

(40 FR 41144, September 5, 1975)

Regulatory Flexibility

The Proposed Rule

The proposed rule addresses the advertising and labeling of protein supplements in three ways. First, there are provisions designed to inform consumers of certain health hazards. Thus, for example, a labeling disclosure would be a required warning against use for infants. Second, the rule would prohibit certain false or deceptive claims, such as the claim that use of a protein supplement can counteract or delay the signs of aging. Third, the rule as presently proposed would require a general disclosure in the advertising and labeling of these products to the effect that most Americans receive all the protein they need from the food they eat. Public comments on the staff and presiding officer's reports are now being analyzed by the staff.

Objectives

The proposed rule was developed to limit misrepresentations in advertising and labeling and to provide information that some of these products may be inappropriate or hazardous for certain uses (e.g., for infants). The rule was also proposed to remedy misrepresentations about the need for dietary protein supplements to the typical consumer diet.

Legal Authority

Federal Trade Commission Act Sections 5, 12, and 18, 15 U.S.C. 45, 52 and 57(a).

Timing

Final Staff Recommendations—June, 1981.

Commission Consideration—July, 1981.

Responsible Person

Harrison Sheppard, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, CA 94102 (415) 556–1270.

MOBILE HOME SALES AND SERVICE

(40 FR 26334, May 29, 1975)

Regulatory Flexibility

The Proposed Rule

The staff has recommended a trade regulation rule concerning warranty practices in the mobile home industry. This recommended rule contains substantial modifications and deletions from the originally proposed rule. It would set 30 day time limits within which the warrantor must complete warranty repairs and require manufacturers or their service agents to perform pre-occupancy inspection of the home. It would also require that manufacturers who offered written warranties on mobile homes maintain recordkeeping systems and disseminate a consumer questionnaire to monotor the adequacy of factory and dealer repairs. The recommended rule also would require that manufacturers enter into written service agreements with dealers and others who perform warranty repairs which specify who is responsible for making the repairs. Under the rule, written warranties must include specific time deadlines for service; set up and transportation damage cannot be excluded from coverage; and repairs cannot be contingent on return of the home to the factory or return of a registration card.

Based on a review of the written comments received during the public comment period on the staff report released in August, 1980, there will be a further evaluation of the need for each of the provisions of the recommended rule. The recommended rule seeks to set performance standards for warranty service and service systems, but the appropriate degree of flexibility for each rule provision remains to be resolved. A possible alternative to specific time deadlines for warranty repairs would allow individual manufacturers and dealers to set their own deadlines, so long as they were disclosed in their warranties.

The recommended rule sets out eight issues that must be addressed in the written service agreement between the manufacturer and dealer. If specific service deadlines and related requirements are retained in any final rule that is promulgated, they may obviate the need for the written agreement to include some of the terms that essentially track obligations the recommended rule would impose on manufacturers.

Consideration will also be given to the need for a pre-occupancy inspection by the warrantor or its agent and whether responsibility for set up and transportation damage should rest on the manufacturer.

Finally, the recommended rule requires manufacturers to monotor the effectiveness of factory and dealer warranty repairs by maintaining service records and disseminating consumer questionnaires. An alternative may be to have manufacturers select their own monotoring devices, rather then require the use of a questionnaire.

Objectives

Most mobile home manufacturers offer a one year written warranty to cover defects in the materials and workmanship of the home. This warranty obligates them to repair defects, yet the rulemaking record indicates that many do not do so in an adequate or timely manner. The purpose of the recommended rule is to create incentives for warrantors to fulfill their warranty obligations by providing services or repairs within a reasonable period of time.

Legal Authority

Federal Trade Commission Act, Sections 5 and 18, 15 U.S.C .p 45 and 57(a).

Timing

Final Staff recommendations—September, 1981.

Oral Presentation before Commission—October, 1981.

Commission consideration—October, 1981.

Responsible Person

Arther Levin, Division of Product Reliability, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 523–1670.

CREDIT PRACTICES

(40 FR 16347, April 11, 1975)

Regulatory Flexibility

The Proposed Rule

A staff report was placed on the public record. The staff's recommended rule, which modifies the originally proposed rule, addresses the use in consumer credit transactions of a variety of legal devices which creditors use to collect debts. Remedies now being recommended by the rulemaking staff include the following:

1. Confession of judgment—The debtor signs a form which authorizes the creditor to obtain a court judgment aginst him or her without notice to the debtor or an opportunity to be heard. The rule would prohibit the use of confessions of judgment.

2. Waivers of state property exemptions—The debtor waives the right, granted by state law, to keep certain minimal property if a court judgment is obtained against him or her. The rule would prohibit the use of such waivers.

3. Wage assignments—The debtor authorizes the creditor to seize a portion of his or her wages without first obtaining a court judgment. The rule would prohibit the use of wage assignments unless they are revocable.

4. Blanket security interests in household goods—These security interests give the creditor the right to take all of the debtor's household goods in the event of default. The rule would prohibit the use of security interests in household goods except to secure credit used to finance the purchase of such goods.

5. Cross-collateral security interests—These security interests allow a merchant to take all goods that a consumer has purchased from that merchant over an extended period of time, in the event of the consumer's failure to pay for a single purchase. The rule would prohibit cross-collateral security interests unless collateral is released from the security agreement as the consumer pays for it, in the order it was purchased.

6. Deficiencies—Following the repossession and sale of collateral, the creditor can sue the debtor for deficiency, i.e., the difference between their sale price of the product and the amount the consumer owes. Sales of repossessed collateral at very low prices frequently result in large deficiencies still owing to the creditor. The rule would prohibit collection of deficiencies unless the debtor is credited with the fair market retail value of the collateral.

7. Attorney's fee clauses—These clauses require the debtor to pay the creditor's attorneys fees in the event that legal action to collect a debt becomes necessary. In some instances, attorney's fees assessed under these clauses may be larger than actual court costs or the cost of actual service provided. The rule would prohibit attorney's fees clauses in consumer credit contracts.

8. Late charges—are penalty fees that the creditor assesses when the debtor fails to pay an installment on time. Sometimes these charges are "pyramided", i.e., a creditor allocates payments in such a way that a single late or missed payment may result in the debtor being assessed a late fee on all subsequent installments. The rule would prohibit pyramiding of late charges.

9. Third party contacts—The record indicates that some creditors make contacts for debt collection purposes with third parties, such as relatives, neighbors, or the debtor's employer. Such contacts may tend to invade privacy and may harm a debtor's employment relationship and lead to job loss. The rule would require creditors to agree in credit contracts not to engage in third party contacts except to locate debtors or to verify debtor assets.

10. Cosigners—Creditors sometimes have the debtor obtain one or more cosigners who agree to pay the debt if the principal debtor defaults. The evidence shows that cosigners frequently do not understand that the obligation they undertake is substantial. The rule would require creditors to give cosigners a notice informing them of their obligation, along with copies of documents relating to the debt. Creditors would lso have to notify cosigners of serious delinquency on the part of the principal debtor and to make serious efforts to collect from the principal before collecting from a cosigner. When a person is solicited to be a cosigner after an account is in default, the potential cosigner would have to be given a 3-day cooling off period to evaluate his or her obligation.

A variety of alternatives to the staff's recommended rule are under consideration. These include: substituting a "loser pays" approach to attorney's fees clauses in place of the proposed ban on such clauses; limiting the proposed prohibition against third party contacts to contacts with employers; eliminating proposed protections for cosigners which go beyond disclosure of the obligations they are undertaking; elimination of the proposed cross-collateralization provision from the rule; and modification of the deficiency balances section of the rule to permit creditors to calculate deficiencies based on either the wholesale or retail value of the collateral, as determined by an actual sale.

The Commission will consider all of these alternatives, as well as others suggested by participants in the proceeding, and will decide what form of rule, if any, it should ultimately promulgate.

Objectives

When debtors default, they become subject to a variety of legal remedies that creditors use to collect money. Many creditor remedies are appropriate collection devices. Certain others, however, may inflict substantial injury on debtors which is disproportionate to the economic value of the remedy. The proposed rule would restrict some of these remedies in cases where their use causes serious harm to debtors which is substantially greater than the resulting economic benefit to creditors from the availability of the collection remedy.

Legal Authority

Federal Trade Commission Act sections 5 & 18, 15 U.S.C. 45 & 57(a).

Timing

Final staff recommendations to Commission—June, 1981.

Oral presentation to Commission—July, 1981.

Commission Consideration—September, 1981.

Responsible Person

David Williams, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 724–1100.

ANTACID ADVERTISING

(41 FR 13534–25, Apr. 6, 1976)

The Proposal

The Commission did not propose a rule at the outset of this proceeding. Rather than making a specific proposal, the Commission focused the proceeding on whether, and in what form, warnings required by the Food and Drug Administration ("FDA") in the labeling of non-prescription antacids should also

appear in the advertising for such products. The proceeding has explored and considered various alternatives, including no warnings whatsoever, a general warning (which refers generally to the existence of risk and directs consumers to the label), various specific warnings (which specifically disclose the existence of particular risks), and various combinations of general and specific warnings. A decision by the staff on the final form of a recommended rule has not yet been made.

Objectives

Any rule in this area would be designed to prevent deceptive advertising claims for over-the-counter antacid products. In particular, a rule would be aimed at preventing the deceptive implication that antacid products are safe and can be taken by anyone without any adverse effects.

Legal Authority

Federal Trade Commission Act, sections 5, 12, 15 & 18, 15 U.S.C. 45, 52, 55 & 57(a).

Timing

Publication of Staff Report—May, 1981.

Public Comment—After release of the Staff Report.

Final Staff Recommendations to Commission—September, 1981.

Oral Presentations to Commission—December, 1981.

Commission Consideration—January, 1982.

Responsible Person

Joel Brewer, Division of Food and Drug Advertising, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 724–1530.

HEALTH SPAS

(40 FR 34615; (August 18, 1975))

Regulatory Flexibility

The Proposed Rule

The proposed rule would require that health spa membership contracts include provisions which would grant consumers the right to cancel and receive a full refund without penalty, during a three-day cooling-off period. If the contract is with a seller whose facilities are not yet fully operational, the proposed rule would provide that the consumer's right of cancellation may be exercised within ten days after receipt of notice that the spa facilities are fully operational and available. Following the expiration of the cooling-off period, the proposed rule would require that the health spa contract afford the consumer an additional right to cancel at any time prior to the contract's expiration. In this instance, however, the seller would be allowed to retain a cancellation fee not in excess of 5% and pro-rata portion of the contract price based on the period of time the facilities were available to, or used by, the consumer. The balance of the contract price would have to be refunded to the consumer within ten business days after cancellation of the contract.

Other providions of the proposed rule prescribe the manner and form of giving the consumer notice of his cancellation right, prohibit the use of long-term contracts, and prohibit the receipt of more than 5% of the contract price from consumers if a spa is not fully operational and available for use.

The staff is presently completing its analysis of the rulemaking record and its report.

Objectives

The Rule's objectives are to create economic incentives for health spas to avoid unfair or deceptive sales practices and to provide consumers with contractual remedies which they can use to protect themselves when necessary.

Legal Authority

Federal Trade Commission Act, section 5 & 18, 15 U.S.C. 45 & 57(a).

Timing

Publication of Staff Report—June, 1981.

Public Comment on Staff Report—until September, 1981.

Responsible Person

John Crowley, Federal Trade Commission, New York Regional Office, 26 Federal Plaza, New York, New York 10278 (212) 264–1213.

CHILDREN'S ADVERTISING

(43 FR 17967, April 27, 1978)

The Proposed Rule

The Commission did not propose a rule at the onset of this proceeding. Rather than making a specific proposal, the rulemaking was aimed at determining whether television advertising directed to children is unfair or deceptive and, if so, what remedies are appropriate.

The Federal Trade Commission Improvements Act of 1980, Pub. L. 96–252 suspended this proceeding until the Commission votes to publish the text of a proposed rule. Additionally, any further action in the proceeding could be based only on acts or practices which are "deceptive". By order of June 18, 1980, the Commission instructed the staff to analyze the rulemaking record and to prepare recommendations regarding what courses of action might be undertaken by the Commission, including further rulemaking proceedings or alternatives to such proceedings. The original deadline of October 15, 1980 was extended to February 20, 1981 when the staff's status report was placed on the public record. The staff concluded that discussions with regard to voluntary rulemaking had not been successful and set March 31, 1981 as the date for staff's recommendation with regard to the rulemaking proceeding. The staff's Report and Recommendation, which was placed on the public record on April 2, 1981, recommended that the Commission terminate the children's advertising rulemaking proceeding. The Commission, by Federal Register notice of April 7, 1981, has requested public comment on the proposal to terminate.

Objectives

The objective of this rulemaking is to examine whether measures are necessary to reduce any potential deception that may arise when children are too young to understand child-oriented television advertising. It is also intended to examine ways of reducing any deception that may arise when television advertising of sugared products directed to older children omits to inform them of the health consequences of sugar consumption.

Legal Authority

Federal Trade Commission Act sections 5 and 18, 15 U.S.C. 45 and 57(a). Federal Trade Commission Improvements Act, Pub. L. 96–252, 94 Stat. 378, § 11.

Timing

The 60 day public comment period on staff's recommendation to terminate the proceedings ends on June 8, 1981.

Commission decision as to appropriate action—August, 1981.

Responsible Person

Judith P. Wilkenfeld, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 724–1456.

STANDARDS AND CERTIFICATION

(43 FR 57269 Dec. 7, 1978)

Regulatory Flexibility

The rule that was proposed in 1978 would require standards developers to provide notice of their standards-setting proceedings to representatives of all interests that are likely to be affected

and to assure all interested persons fair opportunity to participate in the proceeding. Further, it would require the establishment of challenge and appeal mechanisms to resolve complaints about deceptive or unduly restrictive standards. Certifiers covered by it would be responsible for the truthfulness of their certifications, and would be obligated to take action to stop misuse of their seals of approval by producers.

This rulemaking is affected by the Federal Trade Commission Improvements Act of 1980, Public Law 96-252. More specifically, the Commission's authority to issue the standards and certification rule with respect to "unfair or deceptive acts or practices" under section 18 of the FTC Act has been removed. The 1980 Act leaves unaffected whatever authority the FTC might have under any other provision of the Act to issue a rule with respect to "unfair methods of competition." The Commission has determined that the most efficient way to decide what Commission action, if any, is necessary in this area is to complete the analysis of the rulemaking record gathered to date.

In addition to an FTC rule addressed to unfair methods of competition, there are a variety of possible Commission actions under consideration. Industry guides or statements of enforcement policy could be issued and these could be enforced on a case-by-case basis. Also under review are other government activities which affect the area to determine whether their impact on competitive and consumer problems would reduce the need for FTC action. One such activity is implementation of OMB Circular A-119, Federal Participation in the Development and Use of Voluntary Standards.

Objectives

Activity in this area is intended to reduce the incidence and severity of injuries to competition that may result from private standards development and product certification activities. Some 20,000 product standards are set by trade associations, technical and professional societies, product testing laboratories, and other private sector groups. They are relied on by consumers, building code officials, Federal and State agencies, and others for regulatory and procurement purposes. Generally, these standards provide significant benefits, such as lowering the cost of communications between buyers and sellers; improving the transfer of technology; encouraging efficiencies in design, production, and inventory; and assuring such things as the safety, fitness, and energy efficiency of products. However, substantial injury to competitors can occur if standards development or certification activities block the use of superior or lower cost technology, prevent businesses from competing in profitable industries, establish inadequate or inappropriate product safety levels, inflate product prices, or deceive consumers about the quality of products.

Legal Authority

Federal Trade Commission Act, sections 5 and 6(g), 15 U.S.C. 45 and 46(g); Federal Trade Commission Improvements Act, Pub. L. 96-252, 94 Stat. 374, § 7.

Timing

Staff Report—July 15, 1981.

Presiding Officer's Report—September 15, 1981.

Close of Public Comment Period on Presiding Officers Report, Staff Report, and Impact of OMB Circular A-119—November 15, 1981.

Close of Rebuttal Period on Impact of OMB Circular A-119—December 15, 1981.

Commission Consideration—April, 1982.

Responsible Person

Robert J. Schroeder, Division of Product Reliability, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3936.

AMENDMENT TO EYEGLASSES RULE AND EYEGLASSES II

(16 CFR Part 456)

Regulatory Flexibility

The Proposal

The staff has written a report recommending proposed amendments to the eyeglasses Rule (16 CFR Part 456) concerning release of eyeglass and contact lens prescriptions following the dispensing of the goods, and new trade regulation rule provisions which would remove state-impased restrictions on (1) lay or corporate employment of optometrists and opticians, (2) locations of practice, (3) branch officers and (4) use of trade names. The Commission has made no determination on the findings and recommendations of the staff; hence, no formal rulemaking has been initiated.

The Commission has issued an Advance Notice of Proposed Rulemaking (ANPR) (45 FR 79823-831, Dec. 2, 1980) requesting public comment on the staff's analysis and recommendations and on alternative courses of action which the Commission might take. Based upon the comments and staff recommendations, the Commission will decide what action is appropriate.

In addition to the staff recommendations, the Commission is considering alternative courses of action. One of the alternatives is a publication of a Commission report along with a model State law for review by the States. Such a model statute might, for example, permit optometrists and opticians to practice in commercial settings but at the same time ensure protection of quality of care by including minimum standards for eyes examinations and equipment and the protection of the doctor-patient relationship.

Another alternative would be the issuance of a voluntary guide, including some or all of the provisions recommended by the Commission's staff for a rulemaking. A guide could define, for example, the kinds of private restrictions on commercial practice that the Commission believed unjustifiably inhibited competition among eye care providers or consumer access to alternative, low cost eye care goods and services. Such guides could be followed up by case enforcement.

Objectives

The objective of the Commission's investigation is to reduce public and private restraints which increase consumer prices and limit accessibility to vision care but which do not appear necessary to protect the public health and safety. The principal question the Commission is exploring is the impact of the restrictions noted above on the price, quality and availability of vision care. The investigation has sought, through the development of statistically valid market research, to determine whether higher prices result from these restrictions and, if so, whether offsetting consumer benefits also result for these restrictions.

Legal Authority

Federal Trade Commission Act, Sections 5 and 18, 15 U.S.C. 45 and 57(a).

Timing

Commission decision on appropriate action—May, 1981.

Responsible Person

Christine Latsey, Division of Professional Services, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3428.

RESIDENTIAL REAL ESTATE BROKERAGE PRACTICES

Regulatory Flexibility

The Proposal

The staff has completed its investigative work in a nationwide investigation of the residential real estate brokerage industry. As yet, neither the staff nor the Commission has reached any conclusions on any appropriate action. However, several alternatives are under consideration. These include: (1) a public report designed to aid industry, state regulators and brokers in dealing with industry performance problems; (2) a trade regulation rule which would declare certain brokerage acts or practices "unfair or deceptive" and thus unlawful under Section 5 of the FTC Act; (3) efforts to educate the home buying and selling public, including attempts to increase consumer understanding of the brokerage transaction and to facilitate consumer efforts; (4) formal administrative complaints, alleging anticompetitive, unfair, or deceptive practices, against groups or individuals in the industry; and (5) no action.

Any of these alternatives for action might be used to encourage a number of substantive changes which may enhance competition among brokers and improve the flow of information to consumers. Among the many possible changes the staff is considering are those that would encourage (1) elimination of practices that may discourage brokers from offering differing prices and differing packages of services; (2) easing restrictions on the use of brokers of multiple listing services; (3) clarification of existing legal duties between brokers, and between brokers and consumers; and (4) facilitating informed consumer choice through requirements that brokers make brief information disclosures to consumers.

Objectives

Complaints and comments from brokers, consumer groups, and legal and economic experts have raised questions about how the competitive process is working (especially in light of the commonplace 6 or 7 percent commission rates) and how the consumer is served (including problems of possible conflicts of interest and consumer under-representation) in the brokerage transaction.

In considering the various policy alternatives, the staff is seeking to insure that the marketplace will be allowed to provide the choices that consumers want. The staff is giving primary consideration to actions that may enhance price and service competition among brokers by lessening private restraints on competitors, and that will improve the flow of accurate information to consumers, so that they can make more informed choices among brokers.

Legal Authority

Federal Trade Commission Act, Sections 5, 6, and 18, 15 U.S.C. 45, 46 and 57(a).

Timing

The timetable for any FTC decision will depend on the nature of the action selected. Commission decision as to an appropriate course of action—July, 1981.

Responsible Person

Robert Enders, Regional Director, Paul Roark, Attorney, Federal Trade Commission, Los Angeles Regional Office, 11000 Wilshire Blvd., Suite 13209, Los Angeles CA 90024 (213) 824-7575.

AMENDMENT TO LABELING AND ADVERTISING OF HOME INSULATION RULE

(16 CFR Part 460 (42 FR 59678, 1977))

The Amendment

The Commission's home insulation trade regulation rule became effective on September 29, 1980. The rule requires manufacturers of insulation products sold for residential use to test their products to determine insulating ability ("R-value"), and to disclose R-values and related information on product labels and on fact sheets to be made available to consumers by retailers and installers. It requires disclosure of R-values and related information by insulation installers and new home sellers. It requires advertisers to have a reasonable basis for energy savings claims they make about specific insulation products, and to disclose specific additional information in advertisements or other promotional materials when they make energy savings claims about an insulation product or refer to the product's thickness, R-value or price.

The Commission will reopen the rulemaking proceeding to consider whether it should amend the rule's disclosure requirements insofar as they apply to television advertising. The Commission has temporarily delayed the effective date of those disclosure requirements pending the initiation and completion of these amendment proceedings.

The Commission may lift the temporary stay of the requirement to test insulation at its representative thickness, after the National Bureau of Standards has made thick calibrated samples available.

Objectives

These amendment proceedings are in response to an earlier court order and changes in test technology. After the Commission promulgated the rule on August 31, 1979, an appeal was filed in the United States Court of Appeals for the Tenth Circuit. The Commission and the petitioners agreed to ask the Tenth Circuit to remand the rule to the Commission. On January 4, 1980, the Court approved the joint stipulation and remanded the rule to the Commission for further rulemaking proceedings concerning thick sample testing and television advertising disclosures.

In addition, the rule by necessity incorporates test procedures for determining insulation quality. The National Bureau of Standards is expected to develop procedures for accurately testing thick samples, after which the appropriate requirement can be developed.

Legal Authority

Federal Trade Commission Act, Sections 5 and 18, 15 U.S.C. 45 and 57(a).

Timing

Advance notice of proposed rulemaking—May, 1981.

Notice of proposed rulemaking—August, 1981.

Responsible Person

Kent Howerton, Division of Energy and Product Information, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 724-1524.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-13867 Filed 5-6-81; 8:45 am]

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16 CFR Part 13

[File No. 801 0091]

YKK (U.S.A.) Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a New Jersey-based

firm engaged in the manufacture and sale of finished zippers, zipper chain and sliders to cease discriminating in price between different customers on the same functional level, purchasing products of like grade and quality, through the use of discriminatory prices and rebates.

DATE: Comments must be received on or before July 6, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580, (202) 523–3601.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the Matter of YKK (U.S.A.) Inc., a corporation; File No. 801 0091.

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of YKK (U.S.A.) Inc., a corporation, hereinafter sometimes referred to as proposed respondent, and it now appearing that it is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between YKK (U.S.A.) Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent YKK (U.S.A.) Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located 1251 Valley Brook Avenue, Lyndhurst, New Jersey.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. The agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definitions

For purposes of this Order the following definitions apply:

1. "Slide Fastener Manufacturer" means an integrated manufacturer who produces finished zippers, zipper chain, and sliders.

2. "Assembler" means a customer who purchases finished zippers, zipper chain, sliders or components such as tops, bottoms, opening parts and wire from various manufacturers and assembles and sells finished zippers.

3. "Jobber" means a customer who (a) purchases finished zippers of various sizes from manufacturers and assemblers for sale to users or (b) purchases zipper chain and sliders for resale without assembly or finishing.

4. "User" means a customer who purchases finished zippers, zipper chain, sliders or components in order to incorporate them in products other than finished zippers that it manufactures.

I

It is ordered that respondent YKK (U.S.A.) Inc. and its officers, representatives, agents, employees, successors, and assigns, directly, indirectly, or through any corporate or other device, in or in connection with the sale of finished zippers of like grade and quality, zipper chain of like grade and quality, or sliders of like grade and quality in or affecting commerce as "commerce" is defined in the amended Clayton Act or Federal Trade Commission Act do forthwith cease and desist from:

Discriminating directly or indirectly in the price of finished zippers of like grade and quality, zipper chain of like grade and quality, or sliders of like grade and quality as between customers on the same functional level where respondent YKK is in competition with any slide fastener manufacturer in the sale of finished zippers, zipper chain, or sliders or with any assembler in the sale of finished zippers. For the purposes of this Order, assemblers, jobbers and users are on different functional levels.

II

It is further ordered that respondent shall forthwith distribute a copy of this Order to each of its operating departments and divisions engaged in the offering for sale, sale, distribution, marketing, or promotion of finished zippers, zipper chain and sliders.

III

It is further ordered that respondent shall notify the Federal Trade Commission at least thirty (30) days prior to my proposed change in its corporate organization that may affect compliance obligations arising out of this Order, including but not limited to dissolution, assignment, or sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries.

IV

It is further ordered that respondent shall within sixty (60) days after service on it of this Order, file with the Federal Trade Commission a report in writing setting forth in detail the manner and form in which it is complying and has complied with this Order.

YKK (U.S.A.) Inc.

[File No. 801 0091]

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from YKK (U.S.A.) Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

YKK is engaged primarily in the manufacture and sale of finished zippers, zipper chain, and sliders. The complaint alleges that YKK has violated Section 5 of the Federal Trade Commission Act and Section 2 of the Clayton Act by discriminating in price between different purchasers of finished zippers of like grade and quality, zipper chain of like grade and quality, and sliders of like grade and quality through the use of discriminatory prices and rebates.

The purpose of the proposed order is to eliminate such practices. Section I requires YKK to cease and desist from discriminating in the price of finished zippers, zipper chain or sliders among customers who compete on the same functional level with each other, if manufacturers or assemblers are competing with YKK for such sales. Section II requires that YKK distribute the order to its sales and marketing departments. Section III provides that YKK will notify the Commission thirty days prior to any organizational change that would affect compliance obligations. Section IV requires that YKK file a report sixty days after being served with the order stating how it is complying with the order.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute on official interpretation of the agreement or proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-13730 Filed 5-6-81; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility Agenda

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: On September 19, 1980, Congress enacted the Regulatory Flexibility Act, requiring agencies, consistent with their objectives, to fit their regulatory and informational requirements to the scale and resources of small entities (i.e., business, governmental and other organizational entities) subject to their regulation. In its efforts to comply with the provisions of this Act as well as obtain comments from small entities, the CPSC has prepared its first semi-annual regulatory flexibility agenda for rules expected to be proposed or promulgated during the succeeding months (or such longer projected period as may be anticipated).

DATES: (1) Written comments: The Commission welcomes comments from small entities (i.e., businesses, organizations, and governmental jurisdictions) upon each subject area of the proposed agenda. Written comments concerning the proposed agenda must be received in the Office of the Secretary by July 6, 1981.

ADDRESS: Comments on the proposed regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, (202) 634-7700, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT:

For further information on the proposed regulatory agenda in general, contact: Michele D. Dudley, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, (202) 634-7770.

For further information regarding a particular item on the proposed regulatory agenda, consult the individual listed in the column headed "contact" for that particular item.

SUPPLEMENTARY INFORMATION:

Background

On March 23, 1978, former President Carter issued Executive Order 12044, "Improving Government Regulations". Although the CPSC was excluded from the order's application as an independent regulatory agency, it voluntarily complied with the guidelines of the order by publishing in the Federal Register a proposed response (43 FR 32392) as well as a final response (45 FR 28183) to the order. These responses covered the publication of regulatory agendas; agency head oversight; opportunity for public participation; agency head approval of significant regulations; regulatory analysis; regulatory review; and also included a request for comments regarding the Commission's efforts towards regulatory improvement.

Executive Order 12044 was subsequently revoked on February 17, 1981 by President Reagan's Executive Order 12291. This order directed executive agencies to adopt certain procedures to ensure that their present and future regulations are based upon adequate information concerning the need for and consequences of agency regulations (e.g., that potential benefits outweigh potential costs; that chosen, alternative approaches to regulatory objectives involve the least net cost to society; and that the conditions of particular industries affected by regulations as well as the condition of the national economy, be taken into account in setting regulatory priorities). Section 5 of the order requires executive agencies to publish, in October and April of each year, a regulatory agenda of proposed regulations issued or expected to be issued, and further states that such an agenda may be incorporated with the agendas published under the Regulatory Flexibility Act (5 U.S.C. 602). While the Commission, as an independent regulatory agency, is not required to

follow E.O. 12291, the Commission, as with E.O. 12044, plans to comply voluntarily with those guidelines of the order relating to publication of a regulatory agenda.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act (5 U.S.C. 602) requires each agency to publish during the months of October and April of each year, a regulatory flexibility agenda containing a brief description of any rule expected to be proposed or promulgated which will likely have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the objectives and legal basis for each agenda item, a schedule for acting on each item, as well as the name and address of the agency official knowledgeable concerning the items listed. Further, agencies are required to provide notice of their agendas to small entities and solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

The CPSC has long made virtually all the information requested or required under the former E.O. 12044, the present E.O. 12291, and the Regulatory Flexibility Act, available to the public in forms other than a semi-annual published agenda. For example, the Commission has published its "major" regulations in the Regulatory Council's Calendar of Federal Regulations, and has also published in the Federal Register its annual list of "priority" regulatory projects. Further, the Commission makes available its fiscal year operating plan of regulations to which resources will be devoted, and revises the plan quarterly.

In an effort to comply with the spirit of the Regulatory Flexibility Act, the agenda appearing below lists all of the Commission's anticipated regulatory activities under development or review; a brief description and summary of each regulatory activity (including objectives and legal basis for each); an approximate schedule of target dates (subject to revision) for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda.

Dated: April 30, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

U.S. Consumer Product Safety Commission Semiannual Regulatory Flexibility Agenda

Anticipated regulatory activities	Legal basis	Brief description and summary	Approximate schedule for development or completion	Contact
Upholstered Furniture Cigarette Flammability Standard.	FFA	A finding of possible need for a flammability standard to decrease injuries and deaths associated with cigarette ignited upholstered furniture fires was published on November 29, 1972 (37 FR 25239). In November, 1978, the Commission voted to defer regulatory action in order to monitor the effectiveness of an industry Upholstered Furniture Action Council voluntary action program that may eliminate the need for a mandatory standard. Staff is analyzing the programs' results.	April–May 1981—Regulatory Options paper	James Hoebel, Office of Program Management, 301-492-6453.
Thermal Underwear Labeling Rule.	FFA	In July, 1980, the Commission voted to grant a petition (FP 79-2) to consider a labeling rule indicating that thermal underwear is not covered by the children's sleepwear flammability standards. The rule would alert consumers that this product is not fire resistant.	June–July 1981—Commission decision on proposed rule.	James Hoebel, Office of Program Management, 301-492-6453.
Coal and Wood Burning Stoves Labeling Requirements.	CPSA	On June 6, 1979 the Commission granted a petition that requested that manufacturers be required to label and provide instructions on the minimum clearance to combustibles and the chimney type required for these stoves. Hazard data shows injuries and deaths associated with these stoves, some of which may be prevented by this rule. On November 17, 1980 (45 FR 76018) labeling requirements were proposed.	June–July 1981—Commission decision on final rule.	James Hoebel, Office of Program Management, 301-492-6453.
Antenna Standard.	CPSA	On April 12, 1978 the Commission decided to proceed on internal development of a safety standard for omnidirectional CB base-station antennas to address the hazard of electrocution and other electrical injuries when putting up or taking down these antennas. Notice of proceeding to develop the standard was issued September 14, 1978 (44 FR 53678).	June, 1981—Commission decision on the proposed standard and certification rule.	Carl Blechschmidt, Office of Program Management, 301-492-6557.
Miniature Christmas Tree Lights.	CPSA	On March 31, 1978 the Commission published a notice of proceeding to develop a safety standard for these lights because injury information shows fire and electrocution hazard associated with them. On May 3, 1978 it proposed a standard (43 FR 19136), and extended to March 15, 1981 (46 FV 13040) the time in which it must either publish a mandatory standard or withdraw the notice of proceeding. Based on information showing that there has been significant upgrading of voluntary standards and a decline in fire incidents from 1977 to 1980, the Commission, on March 20, 1981 proposed to withdraw the proposed standard (46 FR 17766).	September, 1981—Commission Decision on withdrawing proposed standard.	Carl Blechschmidt, Office of Program Management, 301-492-6557.
Chain Saw Standard.	CPSA	Efforts in 1979 and 1980 to develop a voluntary chain saw standard were deemed unsuccessful. Subsequently, the Commission decided that a mandatory standard was needed to reduce kickback and other injuries and that it should be developed by Commission staff. An amended voluntary standard should be submitted to the Commission in the near future.	April, 1981—Notice of proceeding to develop standard.	Carl Blechschmidt, Office of Program Management, 301-492-6557.
Unvented Gas-Fired Space Heater Rule.	CPSA	The Commission published a rule on September 17, 1980 that requires all manufacturers to equip their heaters with oxygen depletion sensors which would shut off the heaters, if the carbon monoxide level became hazardous. An extension of its effective date from June 15, 1981 to December 31, 1981 was proposed on April 2, 1981 (46 FR 20032). In the same notice (page 20030), a stockpiling rule was issued, effective May 4, 1981, to limit the number of heaters which can be produced before the effective date of the rule.	June, 1981—Commission decision on Final Extension date notice.	James Hoebel, Office of Program Management, 301-492-6453.
Mattress Flammability Standard Amendment.	FFA	As part of a statutory review of the mattress standard, the standard may be amended to reduce the sampling and recordkeeping costs to manufacturers, while maintaining the level of protection it affords to consumers.	July, 1981—Commission decision on proposed amendments.	James Hoebel, Office of Program Management, 301-492-6453.
Urea-Formaldehyde Foam Insulation Regulation.	CPSA	Hazard information shows that urea-formaldehyde gas which may cause adverse health effects of an acute and chronic nature. On February 6, 1981 the Commission proposed a ban of urea-formaldehyde foam insulation installed in residences and on March 20, 1981 held a public meeting on this proposal.	July–Nov., 1981—Commission decision on final ban.	Harry Cohn, Office of Program Management, 301-492-6453.

U.S. Consumer Product Safety Commission Semiannual Regulatory Flexibility Agenda—Continued

Anticipated regulatory activities	Legal base	Brief description and summary	Approximate schedule for development or completion	Contact
Crib Amendment	FHSA	In December, 1978 the Commission directed staff to prepare an amendment to the full size crib regulation after identifying neck and head entrapment hazard associated with certain cutout designs on cribs. The amendment under consideration would apply also to non-full size cribs and would prohibit hazardous configurations by adding to the crib requirements a performance test to simulate the entrapment hazard pattern.	July, 1981—Commission decision on final amendment.	Elaine Beason, Office of Program Management, 301-492-6463
Strings and Elastics on Infant Toys Regulation.	FHSA	Hazard information identified a serious risk of strangulation presented by some of these products. This regulation will address the generic problems associated with these toys.	October, 1981—Commission decision on alternatives.	Elaine Beason, Office of Program Management, 301-492-6463.
Toy Chests Regulation.	FHSA	Hazard information shows injuries and deaths associated with toy chests. This regulation's requirements and test method are to reduce or prevent the risk of death from strangulation caused by free falling lids.	July, 1981—Commission decision on proposed rule.	Elaine Beason, Office of Program Management, 301-492-6463.
Swimming Pool Slide Standard Revocation.	CPSA	In 1980, the Commission voted to prepare a document which may lead to revocation of this standard, because those parts of it remaining after the U.S. Court of Appeals for the Fifth Circuit set aside certain sections may not address an unreasonable risk of injury and because revocation would eliminate unnecessary requirements for industry to observe.	June, 1981—Commission decision on proposed revocation.	Elaine Beason, Office of Program Management, 301-492-6463.
Benzidine Congener Dyes Ban.	CPSA	Hazard information shows that benzidine congener dyes may present a carcinogenic health hazard. Consumer exposure to the dyes occurs usually from dye products for home dyeing application or those sold as arts and crafts materials. The Commission has granted a petition to propose a ban on consumer dye products containing benzidine congener dyes.	Fall, 1981—Commission decision on proposed rule.	Abbie Garber, Directorate for Health Sciences, 301-492-6994.
Formaldehyde Regulation.	CPSA	Formaldehyde may cause adverse effects to the respiratory system and the skin and has been determined to be a carcinogen in laboratory animals. Formaldehyde is found in a number of consumer products, including laminated veneers, plywood, insulating materials, particle board, textiles, tissue preservation, leathers, and paper. The Commission has commenced an investigation to determine the extent of the hazard, if any, associated with exposure to formaldehyde from these consumer products.	May, 1981—Notice of commencement of investigation may be issued jointly with EPA.	Sandra Eberle, Directorate for Health Sciences, 301-492-6994.
Asbestos Regulation.	CPSA	Hazard information shows that asbestos presents a risk of cancer and respiratory disease. On October 17, 1979, the Commission issued an advance notice of proposed rulemaking (44 FR 60057) on asbestos in consumer products.	May, 1981—Commission decision on consideration of alternatives on selected asbestos-containing consumer products.	Hugh Spitzer, Directorate for Health Sciences, 301-492-6994.
Dual Purpose Closures Restriction.	PPPA	Commission staff believes that dual purpose closures may increase the potential for ingestions of household substances, including prescription drugs, because many consumers may use dual purpose closures in the non-safety packaging position. A rule could restrict these closures and possibly reduce the potential for accidental poisonings.	By October, 1981—Commission decision on proposed restriction.	Virginia White, Office of Program Management, 301-492-6463.
Sulfuric Acid Drain Cleaners; Proposal to Ban.	PPPA	On December 14, 1978, the Commission granted a petition (HP 78-1) to propose a ban on drain cleaners containing sulfuric acid for household use because data indicates injuries associated with these cleaners. This rule would propose a ban on these drain cleaners for use by consumers.	May, 1981—Commission decision on proposed ban.	Virginia White, Office of Program Management, 301-492-6463.
Unstable Refuse Bins; Partial Revocation.	CPSA	As a result of a petition from a group of trash companies in southern California, the Commission proposed a rule to partially revoke the unstable refuse bins ban as it would apply to certain small size, straight sided bins, since such bins were found not to present a significant risk of causing injury. At the end of the comment period and oral presentation of views scheduled for May 11, 1981, the Commission will consider final action.	Schedule undetermined	Douglas L. Noble, Office of Program Management, 301-492-6557.
Benzene	CPSA	A FEDERAL REGISTER notice of January 13, 1981 (46 FR 3034) announced the Commission's decision to withdraw its May 19, 1978 proposal (43 FR 21838) to ban consumer products, with the exception of gasoline and solvents or reagents for laboratory use, which contain benzene as an intentional ingredient or as a contaminant at a level of 0.1 percent or greater by volume. The decision was based on staff information that shows that benzene is no longer used as an intentional ingredient and that contaminant levels do not constitute a significant risk. The May 19, 1978 proposal was made because of indications that exposure to benzene may cause blood disorders, including leukemia and chromosomal abnormalities.	May, 1981—Commission decision on final withdrawal notice.	Rory Faucett, Directorate for Health Sciences, 301-492-6994.
Potassium Supplements Exemption.	PPPA	The Commission exempted on September 30, 1980 (45 FR 64557) potassium supplement drugs in effervescent tablets containing not more than 50 mEq. of potassium from child resistant packaging requirements. The Commission may propose to amend this exemption by issuing a generic exemption to cover all dosage forms of the drug from this special packaging.	July, 1981—Commission decision on proposed exemption.	Virginia White, Office of Program Management, 301-492-6463.
Physician Drugs Samples Policy Statement.	PPPA	The Commission proposed on March 23, 1978 (43 FR 12029) to require safety packaging on drug samples dispensed by physicians to be consistent with its policy for pharmacists which states they are responsible for placing a drug in child resistant packaging when they are functioning as a repackager.	July, 1981—Commission decision on final policy statement.	Virginia White, Office of Program Management, 301-492-6463.
Lawn Mowers	CPSA	On May 5, 1977 (42 FR 23052) a lawn mower standard was proposed, which contained requirements for blade contact thrown objects, fuel ignition, electrically powered mowers, and riding mowers. On February 15, 1979, the Commission finalized a standard on walk behind power mowers addressing blade contact only. The Commission decided to propose to withdraw the portions of its May 5 proposal relating to thrown objects, fuel ignition, and electrically powered mowers.	May, 1981—Commission decision on proposed withdrawal, June, 1981 Commission decision on riding mowers.	Carl Blechschmidt, Office of Program Management, 301-492-6557.

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BILLING CODE 6355-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1787-6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the Bay Area Air Quality Management District (BAAQMD) and the South Coast Air Quality Management District (SCAQMD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted on or before July 6, 1981.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Programs Branch, State Implementation Plan Section (A-2-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions and EPA's associated evaluation reports are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109
South Coast Air Quality Management District, 9150 Flair Drive, El Monte, CA 91731
California Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, (415) 556-2938.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following rules and regulations on the indicated dates, as revisions to the California SIP.

Bay Area Air Quality Management District

May 7, 1979

1317.9 Definitions
1317.92 Permit to Operate
1317.93 Permit to Operate

May 23, 1979

Regulation 3

3-1221 Exclusion
3-1224 Exclusion
3-3102.1 Submerged Fill Pipes
3-3102.4 Double Seals

April 2, 1980

Regulation 9 Inorganic Gaseous Pollutants Rule 4

9-4-100 GENERAL
9-4-101 Description
9-4-200 DEFINITIONS
9-4-201 Fan Type Central Furnace
9-4-202 Seasonal Efficiency
9-4-203 Useful Heat Delivered to the Heated Space
9-4-300 STANDARDS
9-4-301 Home Central Furnace
9-4-302 Mobile Home Central Furnaces
9-4-303 Certified Furnaces
9-4-400 ADMINISTRATIVE REQUIREMENTS
9-4-401 Certification
9-4-402 Compliance Statement
9-4-403 Identification
9-4-404 Enforcement

June 2, 1980

Regulation 1 General Provisions and Definitions

1-100 GENERAL
1-101 Description
1-102 More Than One Emission Standard
1-103 Violations Not Authorized
1-104 Circumvention Not Permitted
1-105 Regulations Not Intended To Apply To Workroom Atmosphere
1-106 Separation of Emissions
1-107 Combination of Emissions
1-108 Metric Governs
1-109 Severability
1-110 Exclusions
1-111 Exemption, Experimental Operations
1-112 Breakdown
1-113 Discretionary Enforcement Breakdown
1-114 Exemption, Uncombined Water
1-200 DEFINITIONS
1-201 Air Contaminant of Air Pollutant
1-202 Air Pollution Control Equipment
1-203 APCO
1-204 ARB
1-205 Atmosphere
1-206 Bar
1-207 Best Modern Practices
1-208 Breakdown (malfunction)
1-209 Commenced
1-210 Construction
1-211 Discharge
1-212 District
1-213 Emission or Emissions
1-214 Emission Point
1-215 Facility
1-216 Fixed Capital Cost
1-217 Modification
1-218 Opacity
1-219 Operation
1-220 Operating Day
1-221 Person
1-222 Plant
1-223 ppm
1-224 Reconstruction
1-225 Sampling Point
1-226 Sea Level Atmospheric Pressure
1-227 Source
1-228 Standard Conditions
1-229 Standard Dry Cubic Meter
1-230 Type A Emission Point
1-231 Type B Emission Point
1-232 Visible Emissions
1-400 ADMINISTRATIVE REQUIREMENTS
1-401 Violation Notice
1-402 Status of Violation Notices During Variance Proceedings
1-410 Registration
1-411 Permits May Be Needed
1-412 Address For Service
1-420 Emission Source Data
1-430 Breakdown Procedures
1-431 Breakdown Report
1-432 Written Breakdown Report
1-433 Determination of Breakdown
1-434 Administrative Violation, Breakdown
1-440 Right of Access to Premises
1-441 Right of Access to Information
1-500 MONITORING AND RECORDS
1-501 Sampling Facilities
1-502 Sampling at Type B Emission Points
1-510 Area Monitoring
1-520 Emission Monitoring
1-521 Monitoring May Be Required
1-530 Instrument Downtime
1-540 Data Examination
1-541 Emission Excesses
1-543 Record Maintenance for Two Years
1-544 Monthly Summary
1-600 MANUAL OF PROCEDURES
1-601 Approval of Sampling Facilities
1-602 Area and Source Monitoring Requirements
1-603 Visible Emissions
1-604 Opacity Measurements

Regulation 5 Open Burning

5-100 GENERAL
5-101 Description
5-110 Exemptions
5-111 Conditional Exemptions
5-200 DEFINITIONS
5-201 Agricultural Fire
5-202 Fire
5-203 Flue
5-204 Gainful Occupation
5-205 Notification
5-206 Permissive Burn Day
5-207 Treated Brush
5-300 STANDARDS
5-301 Prohibition of Fires
5-400 ADMINISTRATIVE REQUIREMENTS
5-401 Allowable Fires
5-402 Reporting
5-403 Agricultural Land Use
5-404 Emergency Waivers

Regulation 6 Particulate Matter and Visible Emissions

6-100 GENERAL
6-101 Description
6-200 DEFINITIONS
6-201 Exhaust Gas Volume

6-202 Particulate Matter
6-203 Process Weight
6-204 Process Weight Rate
6-300 STANDARDS
6-301 Ringelmann No. 1 Limitation
6-302 Opacity Limitation
6-303 Ringelmann No. 2 Limitation
6-304 Tube Cleaning
6-305 Visible Particles
6-310 Particulate Weight Limitation
6-311 General Operations
6-312 Source Gas Volume
6-320 Sulfuric Acid Manufacturing Plants
6-330 Sulfur Recovery Units
6-400 ADMINISTRATIVE REQUIREMENTS
6-401 Appearance of Emissions
6-500 MONITORING AND RECORDS
6-501 Sampling Facilities and Instruments Required
6-502 Data, Records and Reporting
6-600 MANUAL OF PROCEDURES
6-601 Particulate Matter, Sampling Facilities, Opacity Instruments and Appraisal of Visible Emissions

Regulation 11 Hazardous Pollutants

Rule 1 Lead

11-1-100 GENERAL
11-1-101 Description
11-1-102 Optional Standards
11-1-300 STANDARDS
11-1-301 Daily Limitation
11-1-302 Ground Level Concentration Limit Without Background
11-1-303 Ground Level Concentration Limit With Background
11-1-500 MONITORING AND RECORDING
11-1-501 Monitoring
11-1-600 MANUAL OF PROCEDURES
11-1-601 Determination of Emission Limits
11-1-602 Determination of Background Concentrations
11-1-603 Monitoring Equipment

Regulation 12 Miscellaneous Standards of Performance

Rule 2 Rendering Plants

12-2-100 GENERAL
12-2-101 Description
12-2-200 DEFINITIONS
12-2-201 Reduction
12-2-300 STANDARDS
12-2-301 Processing of Gases
12-2-500 MONITORING AND RECORDS
12-2-501 Monitoring

Rule 3 Asphalt Air Blowing

12-3-100 GENERAL
12-3-101 Description
12-3-300 STANDARDS
12-3-301 Processing of Gases
12-3-500 MONITORING AND RECORDS
12-3-501 Monitoring

Rule 4 Sandblasting

12-4-100 GENERAL
12-4-101 Description
12-4-102 Multiple Nozzles
12-4-200 DEFINITIONS
12-4-201 Abrasives
12-4-202 Abrasive Blasting
12-4-203 Abrasive Blasting Equipment
12-4-204 Confined Blasting
12-4-205 Hydroblasting
12-4-206 Multiple Nozzles
12-4-207 Permanent Abrasive Blasting Operations or Equipment
12-4-208 Sandblasting
12-4-209 Source
12-4-210 Unconfined Blasting
12-4-211 Vacuum Blasting
12-4-212 Wet Abrasive Blasting
12-4-300 STANDARDS
12-4-301 Ringelmann 1 Limitation
12-4-302 Ringelmann 2 Limitation
12-4-303 Performance Standards For Abrasive Blasting For Traffic Markers
12-4-304 Performance Standards For Other Abrasive Blasting
12-4-305 Performance Standards For Abrasives
12-4-306 Certification of Abrasives
12-4-307 Abrasive Labeling By Supplier

July 10, 1980

Regulation 9 Inorganic Gaseous Pollutants

Rule 1 Sulfur Dioxide

9-1-100 GENERAL
9-1-101 Description
9-1-110 Conditional Exemption, Area Monitoring
9-1-200 DEFINITIONS
9-1-201 Controlled Sulfur Recovery Plant
9-1-202 Uncontrolled Sulfur Recovery Plant
9-1-203 New Sulfur Recovery Plant or Sulfuric Acid Plant
9-1-204 Start Up
9-1-300 STANDARDS
9-1-301 Limitations on Ground Level Concentrations
9-1-302 General Emission Limitation
9-1-303 Emissions from Ships
9-1-304 Fuel Burning (Liquid and Solids Fuels)
9-1-305 Emission Limitations for Controlled Sulfur Recovery Plants
9-1-306 Emission Limitations for Uncontrolled Sulfur Recovery Plants
9-1-307 Emission Limitations for New Sulfur Recovery Plants
9-1-308 Emission Limitations for Sulfuric Acid Plants
9-1-309 Emission Limitations for New Sulfuric Acid Plants
9-1-310 Emission Limitations for Fluid Catalytic Cracking Units, Fluid Cokers, and Coke Calcining Kilns
9-1-311 Emission Limitations for Catalyst Manufacturing Plants
9-1-400 ADMINISTRATIVE REQUIREMENTS
9-1-401 Schedule for January 1, 1984 Compliance Date
9-1-402 Schedule for January 1, 1989 Final Compliance Date
9-1-403 Schedule for August 1, 1981 Final Compliance Date
9-1-404 Schedule for July 1, 1987 Final Compliance Date
9-1-500 MONITORING AND RECORDS
9-1-501 Area Monitoring Requirements
9-1-502 Emission Monitoring Requirements
9-1-600 MANUAL OF PROCEDURES
9-1-601 Sampling and Analysis of Gas Streams
9-1-602 Sulfur Content of Fuels
9-1-603 Averaging Times
9-1-604 Ground Level Monitoring
9-1-605 Emission Monitoring

July 25, 1980

Regulation 3 Fees

3-100 GENERAL
3-101 Description
3-102 Exemption, Public Agencies
3-103 Exemption, Abatement Equipment
3-200 DEFINITIONS
3-201 Cancelled Application
3-202 Change of Location
3-203 Filing Fee
3-204 Initial Fee
3-205 Internal Offset
3-206 Modification
3-208 Resubmitted Application
3-209 Small Business
3-210 Solvent Evaporating Source
3-211 Source
3-300 STANDARDS
3-301 Hearing Board Fees
3-302 Fees for New & Modified Sources
3-303 Retroactive Permits
3-304 Replacement
3-305 Cancellation or Withdrawal
3-306 Change in Conditions
3-307 Change of Ownership
3-308 Change of Location
3-309 Duplicate Permits
3-310 Late Fee
3-311 Banking
3-400 ADMINISTRATIVE REQUIREMENTS
3-401 Permits
3-402 Single Anniversary Date
3-403 Change in Operating Parameters
3-404 Exemptions
3-405 Fees Not Paid
3-406 Anniversary Date
3-407 Fees to be Paid before A/C is Issued
3-408 Permit to Operate Valid for 12 months

South Coast Air Quality Management District

August 15, 1980

1101 Secondary Lead Smelters/Sulfur Oxides

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove regulations submitted as revisions to the SIP. All the rules listed above have been evaluated and determined to be in accordance with the Clean Air Act, 40, CFR Part 51 and EPA policy, with certain exceptions. Therefore, it is the purpose of this notice to propose to approve all the rule revisions listed above and to incorporate them into the California SIP, except as discussed below.

Bay Area AQMD

Rules 1-112, *Breakdown*, and 1-113, *Discretionary Enforcement Breakdown*, allow excess emissions resulting from the breakdown of air pollution abatement equipment or operating equipment to be exempted from the District's rules. The new rules specify that the District may exempt such emissions only if they do not interfere with the attainment and maintenance of the national ambient air quality standards (NAAQS). The new rules are inconsistent with EPA policy as discussed in 42 FR 21472 (April 27, 1977) because they provide an exemption rather than enforcement discretion.

Therefore, both rules are proposed to be disapproved.

New Rule 1–520, *Emission Monitoring*, requires only the installation of monitors whereas the currently approved rule requires the installation, operation, and maintenance of the monitoring equipment. The new rule is approved since it partially meets the requirements of 40 CFR 51.19. However, the analogous Rule 2: 3210.5(B) submitted on October 13, 1977, is retained as applicable to the BAAQMD since it is not entirely replaced by the new rule.

No action is proposed to be taken on Rules 1–600 through 1–604, 6–600 and 6–601, 9–1–600 through 9–1–605, and 11–1–600 through 11–1–603, all entitled *Manual of Procedures*, pending submission of the Manual of Procedures which these rules reference.

Rule 6–305, *Visible Particles*, is not appropriate for inclusion in the SIP because it concerns "nuisance" provisions, which are not specifically directed at the attainment and maintenance of the NAAQS. Therefore, no action is proposed to be taken on this rule.

New Rule 6–310.1, *Incineration or Salvage Operations*, replaces Rules 2:4112.1 and 4112.2 which have different limits for operations over 100 tons burned and under 100 tons burned. The new rule's allowable emissions are applicable only to sources burning more than 100 tons of waste per day. Rule 6–310.1 is proposed to be disapproved pending submission of a control strategy demonstration that this revision will not interfere with the attainment and maintenance of the NAAQS. Rules 2:4112.1 and 4112.2 are proposed to remain in effect.

Rules 9–1–300 through 9–1–303, *Sulfur Dioxide Standards*, exempt from District rules ships emitting sulfur dioxide which results in ground level concentrations in excess of any California or federal ambient air quality standards. The rules, however, are less stringent than the currently applicable SIP rules and inconsistent with 40 CFR 51.12 and 51.22 since they would allow an exceedance of the NAAQS. Therefore, the rules are proposed to be disapproved and the previously approved Regulation 2, Division 3–3121 and 3122 and Division 6–6110 is proposed to remain in effect.

No action is proposed to be taken on Rule 9–1–309, *Emission Limitations for New Sulfuric Acid Plants*, since it concerns new source performance standards under Section 112 of the Clean Air Act and is not appropriate for inclusion in the SIP under Section 110.

Rules 11–1–500 and 11–1–501, *Monitoring and Records*, do not specify requirements for monitoring and records, and are too general to be properly enforced. The new rules thus decrease the stringency of the SIP and are inconsistent with 40 CFR 51.22 and 51.87, and therefore, are proposed to be disapproved. The previously approved requirements of Regulation 2, Division 12:12111.2 through 12111.7 and 12112 are proposed to remain in effect.

The Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been met. The Regional Administrator herely issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before 60 days after publication of this notice will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The miscellaneous SIP approvals announced today are not Major because they only approve state actions. They impose no new regulatory requirements. The disapprovals are also not Major because they preserve the status quo. Sources will remain subject to existing requirements that were previously approved by EPA. In addition, each of these disapprovals involves only a minor change to the SIP which is not expected to have a major economic effect.

Pursuant to the provisions of 5 U.S.C. § 605(b), the Administrator has certified that this proposed rule, if promulgated, will not have a significant economic effect on a substantial number of small entities. A copy of this certification in available is the rulemaking docket.

(Secs. 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410 and 7601(a))

Dated: February 20, 1981.

Frank M. Covington,

Acting Regional Administrator.

Certification of Lack of Significant Impact on a Substantial Number of Small Entities

Rule: Proposed action on revisions to the California State Implementation Plan for the Bay Area and South Coast Air Quality Management Districts (Miscellaneous revisions) (Section 110, Clean Air Act)

Pursuant to the provisions of 5 U.S.C. § 605(b), I hereby certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposed SIP approvals will only approve State actions and impose no new regulatory requirements. The proposed disapprovals will preserve the status quo. Sources will remain subject to existing requirements that were previously adopted by the State and approved by EPA. In addition, each of these proposed disapprovals involves only one district in California proposes only minor changes to the SIP which are not expected to create a significant economic impact. Finally, due to the nature of the federal-state relationship, federal inquiring into the economic reasonableness of the State actions could well be improper.

Dated: May 1, 1981.

Walter C. Barber,

Acting Administrator.

[FR Doc. 81–13780 Filed 5–6–81; 8:45 am]
BILLING CODE 6560–38–M

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40 CFR Part 52

[A–9–FRL 1797–5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: San Joaquin Valley

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare County Air Pollution Control Districts' (APCDs) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for the purpose of revising the State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations to correct deficiencies in the SIP. The EPA invites

public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted on or before July 6, 1981.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Programs Branch, SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations:

Fresno County Air Pollution Control District, 1246 "L" Street, Fresno, CA 93721;
Kern County Air Pollution Control District, 1601 "H" Street, Suite 250, Bakersfield, CA 93301;
Kings County Air Pollution Control District, 330 Campus Drive, Hanford, CA 93230;
Madera County Air Pollution Control District, 135 West Yosemite Avenue, Madera, CA 93637;
Merced County Department of Public Health, 210 East 13th Street, Merced, CA 95340;
San Joaquin Air Pollution Control District, 1601 East Hazelton Street, P.O. Box 2009, Stockton, CA 95201;
Stanislaus Air Pollution Control District, 1050 N. Carpenter Road, Suite J, Modesto, CA 95351;
Tulare County Air Pollution Control District, Health Building, County Civic Center, Visalia CA 93277;
California Air Resource Board, 1102 "Q" Street, P.O. Box 2815, Sacramento CA 95812;
Public Information Reference Unit, Room 2404 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief SIP Section, Air Programs Branch, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco CA 94105, (415) 556-2938.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following rules and regulations on the indicated dates:

Fresno

October 15, 1979

Rule
301 Permit Fee
302 Permit Fee Schedules
306 Hearing Board Fees

May 13, 1980

411.1 Transfer of Gasoline into Vehicle Fuel Tanks—"Phase II"
410.1 Agricultural Burning

Kern

April 2, 1980

Rule
412.1 Transfer of Gasoline into Vehicle Fuel Tanks

Kings

October 15, 1979

Rule
111 Equipment Breakdown
301 Permit Fee
302 Hearing Board Fees
401 Visible Emissions
519 Emergency Variance

Madera

October 15, 1979

Rule
102 Definitions
103 Confidential Information
103.1 Inspection of Public Records
104 Enforcement
105 Order of Abatement
108 Source Monitoring
108.1 Source Sampling
110 Arrests and Notices to Appear
115 Applicability of Emission Limits
210.3 National Ambient Air Quality Standards
301 Permit Fees
305 Hearing Board Fees
402 Exceptions
409 Fuel Burning Equipment
410 Organic Solvents
416 Open Burning
417 Exceptions
417.1 Agricultural Burning
418 Incinerator Burning
419 Nuisance
420 Exception
501 Applicable Articles of the Health and Safety Code
504 Contents of Petitions
511 Notice of Hearing
519 Emergency Variance
601 General Statement
602 Applicable Areas
603 Episode Criteria Levels
606 Administration of Emergency Program
607 Advisory of High Air Pollution Potential
608 Declaration of Episode
609 Episode Action Stage 1
610 Episode Action Stage 2
611 Episode Action Stage 3
612 Episode Termination

December 15, 1980

412.1 Transfer of Gasoline into Vehicle Fuel Tanks

Merced

October 15, 1979

Rule
109 Equipment Breakdown

May 7, 1979

519 Emergency Variance

July 25, 1980

411.1 Transfer of Gasoline into Vehicle Fuel Tanks—Phase II

San Joaquin

May 23, 1979

Rule
110 Equipment Breakdown
301 Authority to Construct Fee
303 Permit Fee
304 Permit Fee Schedules
305 Hearing Board Fees
306 Emission Source Testing and Evaluation Fees
307 Technical Reports—Charges for
308 Rules and Regulations—Charges for
309 Copies—Charges for
310 Professional Consultation Fee
311 Special Burn Permit Fee
511 Notice of Hearing
521 Emergency Variance

October 15, 1979

209.3 State Ambient Air Quality Standards

September 5, 1980

411.2 Transfer of Gasoline into Vehicle Fuel Tanks

Stanislaus

May 23, 1979

Rule
110 Equipment Breakdown
519 Emergency Variance

October 15, 1979

209.3 National Ambient Air Quality Standards

October 7, 1980

411.1 Transfer of Gasoline into Vehicle Fuel Tanks

July 25, 1980

103 Confidential Information
301 Permit Fee
305 Hearing Board Fee

Tulare

May 23, 1979

Rule
111 Equipment Breakdown
402 Exceptions
417 Exceptions
417.1 Agricultural Burning
519 Emergency Variance

October 15, 1979

301 Permit Fee
302 Permit Fee Schedule

December 15, 1980

412.1 Transfer of Gasoline into Vehicle Fuel Tanks—Phase II

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as State Implementation Plan revisions. All rules submitted have been evaluated and found to be in accordance with EPA policy and 40 CFR Part 51, with certain exceptions.

It is the purpose of this notice to propose to approve all the rule revisions listed above and to incorporate them into the California SIP, with the exception of the rules discussed below:

Rule 519, *Emergency Variance*, of the Kings, Madera, Merced, Stanislaus and Tulare County APCDs does not provide adequate assurance for the attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) during

equipment breakdown periods. Therefore Rule 519 is proposed to be disapproved for these APCDs. Further Rules 111(c), 109(c), 110(c) and 111(c) of the Kings, Merced, Stanislaus and Tulare County APCDs, respectively, are proposed to be disapproved since they rely on Rule 519.

Madera Rule 402(f) is proposed to be disapproved because this paragraph allows a source to be exempted from the visible emission regulations if the emission is the result of an equipment breakdown. The automatic exemption is inconsistent with EPA policy (42 FR 21472).

Revised subparagraph (c)(1) of Rule 417.1, *Agricultural Burning,* allows new exceptions to the agricultural burning requirements. This rule is proposed to be disapproved pending submittal of a control strategy demonstration showing the new exemptions would not interfere with the attainment or maintenance of the NAAQS.

No action is being taken for Madera County Rules 419, *Nuisance,* and 420, *Exception,* and Stanislaus County Rule 209.3, *National Ambient Air Quality Standards,* because they are not specifically directed at the attainment and maintenance of the NAAQS.

EPA is also proposing to rescind the Federal Regulation 40 CFR 52.256 "Control of Evaporative Losses from the filling of Vehicular Tanks" for Fresno, Kern, Madera, Merced, San Joaquin, Stanislaus and Tulare County APCDs. Rules submitted for these counties addressing, Stage II vapor recovery adequately control those sources addressed by the Federal Regulations, and therefore it is proposed to rescind 40 CFR 52.256.

The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before July 6, 1981, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination whether the amendments meet the requirements of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The miscellaneous SIP approvals announced today are not Major because they only approve state actions. They impose no new regulatory requirements. The disapprovals are also not Major because they preserve the status quo. Sources will remain subject to existing requirements that were previously approved by EPA. In addition, each of these disapprovals involves only a minor change to the SIP which is not expected to have a major economic effect.

Pursuant to the provisions of 5 U.S.C. § 605(B), the Administrator has certified that this proposed rule, if promulgated, will not have a significant impact or a substantial number of small entities. A copy of this certification is available for inspection in the rulemaking docket.

(Secs. 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)))

Dated: February 13, 1981.

Sheila M. Prindiville,

Acting Regional Administrator.

Certification of Lack of Substantial Impact on a Significant Number of Small Entities

Rule: Proposed action on California State Implementation Plan for the Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare County Air Pollution Control Districts. (Miscellaneous revisions) (Section 110, Clean Air Act)

Pursuant to the provisions of 5 U.S.C. § 605(b), I hereby certified that this proposal, if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposed SIP approvals will only approve state actions and will not impose any new requirements. The proposed disapprovals will maintain the status quo, as existing requirements previously adopted by the state and approved by EPA will remain in effect. In addition, each of these actions affects only pollution sources in a single California County. Finally, due to the nature of the federal-state relationship under the Clean Air Act, federal inquiry into the economic reasonableness of the state's actions would serve no practical purpose and could well be improper.

Dated: May 1, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-13708 Filed 5-6-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL 1811-5]

Commonwealth of Virginia; Proposed Revision of the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Revisions to the Virginia State Implementation Plan (SIP) have been submitted to the Environmental Protection Agency (EPA) by the Governor on June 19 and August 19, 1980 to satisfy certain requirements of the Clean Air Act. This notice provides a description of the proposed SIP revisions, and indicates the results of EPA's review. EPA proposes to either approve or disapprove the proposed revisions based on the comments received and on determination of whether they meet the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51.

DATE: Comments must be submitted on or before June 8, 1981.

ADDRESSES: Copies of the proposed SIP revisions and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Sheridan.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, Southwest (Waterside Mall), Washington, D.C. 20460.

Virginia State Air Pollution Control Board, Ninth Street Office Building, Room 1106, Richmond, VA 23219, Attn: John M. Daniel, Jr.

All comments on the proposed revisions submitted within 30 days of publication of this Notice will be considered and should be directed to: Mr. James E. Sydnor, Chief, WVA/VA Section (3AH13), Air, Toxic and Hazardous Materials Division, Curtis Building, 6th and Walnut Streets, Phildelphia, PA 19106, Attn: AH026/027VA.

FOR FURTHER INFORMATION CONTACT: Miss Eileen M. Glen (3AH13), U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Phone: (215) 597-8187.

SUPPLEMENTARY INFORMATION: The June 19, 1980 submittal consists of a 1979 Amendment to the provisions of Section 10-17.12 (Qualification of members of Board) of the Virginia Air Pollution Control Law and was submitted to satisfy the requirements of section 128 of the Clean Air Act regarding the composition of State Boards. EPA has reviewed the proposed revisions and believes that § 10-17.12 as amended, in conjunction with the Virginia Conflict of Interest Act, satisfies the requirements of section 128 of the Clean Air Act.

The August 19, 1980 submittal deals with revisions to §§ 1.02, 4.10, 4.11, 4.12, 4.13, and 4.102; Rule NS–3; and Appendices I, C, and O.

The Commonwealth provided proof that after adequate public notice, a public hearing was held regarding the proposed revisions on January 22, 1980 in Richmond, Abingdon, Roanoke, Lynchburg, Fredericksburg, Virginia Beach, and Falls Church.

No public hearing was held relative to Section 10–17.12 as it is a statutory rather than regulatory revision, debated and acted upon by the Virginia legislature.

As a result of EPA's preliminary review, we are proposing approval of the revisions listed below except where noted:

Regulation	Brief description
1.02	Terms Defined—added definitions of garbage, household refuse, refuse, and urban area.
4.10	Miscellaneous wording changes and the addition of § 4.10(g) prohibiting the burning of toxic or hazardous materials.
4.11	Miscellaneous wording changes, addition of provisions affecting AQCR 7, and the addition of a provision regarding forest management and agriculture practices.
4.12	Deleted. This provision related to AQCR 7 and has been rewritten and relocated to § 4.11(g).
4.13	Miscellaneous wording changes and the addition of a provision permitting burning of leaves where permitted by local law.
4.102	Addition of provisions regarding the export and import of motor vehicles.
App. C	Listing of urban areas defined geographically.

Evaluation: The definitions listed above have been reviewed by EPA and found to be acceptable as written.

Sections 4.10 (a) through (f) contain miscellaneous wording changes which are acceptable to EPA. The addition of § 4.10(g) prohibiting the open burning of toxic or hazardous materials is also acceptable.

Sections 4.11 (a) through (f) contain miscellaneous wording changes which are acceptable to EPA. Sections 4.11 (g) and (h) deal with open burning procedures in Air Quality Control Region (AQCR) 7 and replaces § 4.12 which has been deleted. The addition of sections 4.11 (g) and (h) and deletion of § 4.12 is acceptable to EPA.

Section 4.11(i) has been added to permit open burning for forest management and agriculture practices approved by the Board provided certain specified conditions are met. This section is acceptable to EPA.

Section 4.13 deals with the exclusion of certain open burning activities to this Rule. Section 4.13(a) contains minor wording changes and now requires an on-site inspection prior to the installation and operation of devices or methods used to conduct the burning. Section 4.13(b) has been added to allow the burning of leaves on residential property where permitted by local law. These changes are acceptable to EPA.

Sections 4.102(b) and (c) have been added to Rule EX–10 and deal with the export and import of used motor vehicles. While EPA recommends removal of the emission control device no more than five days prior to export, there is no objection to the Commonwealth permitting removal of the device up to ten days prior to shipment. This is a reasonably short period of time and, therefore, acceptable to EPA.

Appendix C is a listing of urban areas defined geographically and is acceptable to EPA.

The balance of the August 19, 1980 submittal deals with the New Source Performance Standards (Rule NS–3 and Appendix I) and is not reviewable under Section 110 of the Clean Air Act as a SIP revision. The appropriate law and regulations covering these standards are contained at section 111(c) of the Clean Air Act and at 40 CFR Part 60, Subpart B. This portion of the submittal will be reviewed in accordance with the above regulations and the Delegation of Authority and no further rulemaking is necessary.

Appendix O was submitted for information purposes only and is not part of the proposed rulemaking.

Conclusion: The public is invited to submit, to the address stated above, comments on the amendments to the regulations as a revision of the Virginia State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the amendment meets the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it does not satisfy the criteria set forth in Section 1(b) of the Executive Order. Today's action simply approves a regulation that is already in effect in the Commonwealth and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by E.O. 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection during normal business hours at the following office: Mr. James E. Sydnor, VA/WVA Section (3AH13), Air and Hazardous Materials Division, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: AH026/027VA.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves state action. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship under the Clean Air Act, federal inquiry into the economic reasonableness of the state action would serve no practical purpose and could well be improper. On January 27, 1981, the Administrator published the required certification for all SIP approvals under Section 110 of the Act at 45 FR 8709.

(42 U.S.C. 7401–7642)

Dated: March 23, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81–13679 Filed 5–6–81; 8:45 am]
BILLING CODE 6560–38–M

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40 CFR Part 180

[PP8E2124/P167A; PH–FRC 1821–1]

Amiben; Proposed Tolerance; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule, correction.

SUMMARY: This notice corrects a proposed rule relating to a tolerance for amiben that published in the Federal Register of March 18, 1981 (46 FR 17229) FR Doc 81–8273.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 509C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7123).

SUPPLEMENTARY INFORMATION: EPA issued a proposal that published in the Federal Register of March 18, 1981, that the Interregional Research Project No. 4 (IR–4) had submitted a pesticide petition (PP 8E2124) to the EPA. The petition proposed establishment of a tolerance for amiben in or on pigeon peas and pigeon pea forage at 0.1 ppm.

An erroneous statement appeared on page 17230, column 1, paragraph 2, which read: "Amiben is a candidate for a rebuttable presumption against registration (RPAR) since it may exceed

the risk criteria described in 40 CFR 162.11(a)(3)(ii)(B) for chronic effects. The agency will reevaluate all the existing tolerances for amiben through the RPAR process."

Amiben is not a candidate for a rebuttable presumption against registration (RPAR); a registration standard, not an RPAR, is being developed for amiben. Therefore, the document is corrected by deleting the erroneous statement indicated above from the tolerance proposal document.

Dated: April 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-13625 Filed 5-6-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-282; RM-3713]

TV Broadcast Station in Roanoke, Va.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF television Channel 38 to Roanoke, Virginia, in response to a petition filed by Vine and Branch, Inc. The proposed assignment could provide for a fourth commercial television station.

DATES: Comments must be filed on or before June 22, 1981, and reply comments on or before July 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Roanoke, Virginia).

Notice of Proposed Rule Making

Adopted: April 23, 1981.

Released: May 1, 1981.

By the Chief, Policy and Rules Division.

1. A petition for rule making [1] was filed by Vine & Branch, Inc. ("petitioner") requesting the assignment of UHF television Channel 38 to Roanoke, Virginia, as that community's fourth commercial television channel assignment. Petitioner stated its intent to apply for the channel, if assigned. Comments were filed by the Association of Maximum Service Telecasters, Inc. ("AMST"), to which petitioner responded.

2. Roanoke (population 92,115)[2] is located in the western portion of Virginia, approximately 217 kilometers (135 miles) west of Richmond, Virginia. It currently has the following television assignments: Channel 7 (WDBJ–TV), Channel 10 (WSLS–TV), Channel *15 (WBRA–TV) and Channel 27 (2 applications pending). The proposed assignment would require a site restriction of approximately 10 kilometers (6.3 miles) northwest of the city.

3. Petitioner claims that the population of Roanoke has increased from 92,000 in 1970, to 107,500 in 1979. It further claims that Roanoke is a vital economic center, employing more than 150,000 persons in manufacturing, retail trade, community services and government. Petitioner states that based on the present economy and population, the city is deserving and capable of supporting a fourth commercial television service. Economic information was submitted to justify the need for an additional assignment to Roanoke.

4. The comments of AMST essentially seve to remind the Commission of the need to impose a site restriction on the assignment of Channel 38 to Roanoke. In particular, the site of other Roanoke TV stations (Poor Mountain) or the city of Roanoke, itself, could not be used by a Channel 38 station without multiple short spacings.

5. In reply, petitioner indicated it planned to comply with the mileage separation requirements or, if its plans change, to seek a waiver.

6. We believe that sufficient information has been provided to justify proposing the assignment of Channel 38 to Roanoke as a fourth commercial television channel. The site restriction of approximately 10 kilometers (6.3 miles) northwest does not pose an obstacle to this assignment in terms of the information provided thus far.

7. Accordingly, it is proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, for the community listed below as follows:

City	Channel No.	
	Present	Proposed
Roanoke, Va.	7-, 10, *15, 27	7-, *15, 27, 38

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before June 22, 1981, and reply comments on or before July 13, 1981.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083, 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

[1] *Public Notice* was given on August 6, 1980, Report No. 1242.

[2] Population data are taken from the 1970 U.S. Census.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at it headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-13797 Filed 5-6-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-281; RM-3707]

FM Broadcast Station in Deer Park, Wash.; Proposed Changes in Table of Assignments.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 296A to Deer Park, Washington, in response to a petition filed by Tri County Broadcasting. The assignment would provide Deer Park with a first local aural service.

DATES: Comments must be filed on or before June 22, 1981, and reply comments must be filed on or before July 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Deer Park, Washington).

Adopted: April 23, 1981.

Released: May 1, 1981.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making [1] filed by Gerald E. Carpenter, Eric E. Carpenter, and Louis Musso III, doing business as Tri-County Broadcasting ("petitioner"), requesting the assignment of FM Channel 296A to Deer Park, Washington, as that community's first FM assignment. No comments were filed opposing the assignment.

2. Deer Park (population 1,295) [2] is located in Spokane County (population 287,467) approximately 368 kilometers (230 miles) east of Seattle, Washington, and 32 kilometers (20 miles) north of Spokane, Washington. It has no local aural service.

3. Petitioner states that Deer Park's population has increased by 43 percent, a fact that can be attributed to the outward migration from the Spokane urban area. Petitioner has submitted demographic and economic information with respect to Deer Park which demonstrates the need for a first FM assignment.

4. Canadian concurrence in this proposal must be obtained, since Deer Park is located within 250 miles of the Canadian border.

5. In view of the fact that the proposed FM channel assignment would provide for a first local aural broadcast service to Deer Park, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to Deer Park, Washington, as follows:

City	Channel No.	
	Present	Proposed
Deer Park, Wash.		296A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before June 22, 1981, and reply comments on or before July 13, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at

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[1] *Public Notice* of the petition was given on July 21, 1980, Report No. 1240.

[2] Population figures taken from the 1970 U.S. Census.

the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expectecd to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict wtih the proposals(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc. 81-13793 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-282; RM-3767]

FM Broadcast Station in Sonora, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 228A to Sonora, California, as the community's second FM assignment at the request of Donald E. Leutz, Jr. and Sylvia B. Leutz.

DATES: Comments must be filed on or before June 22, 1981, and reply comments on or before July 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 23, 1981.

Released: April 30, 1981.

By the Chief, Policy and Rules Division:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Sonora, California) BC Docket No. 81-282 RM-3767 Notice of Proposed Rulemaking.

1. *Petitioner, Proposal, Comments.*

(a) A petition for rule making [1] was filed by Donald E. and Sylvia B. Leutz ("petitioner"), requesting the assignment of either Channel 228A or Channel 288A to Sonora, California, as that community's second FM assignment.

(b) Channel 228A can be assigned to Sonora in accordance with the Commission's minimum distance separation requirements. However, a channel 288A assignment to Sonora would be short-spaced to the new transmitter site of Station KOZZ, Reno, Nevada (Channel 289), by approximately 16 kilometers (10 miles).

(c) Petitioner states that it will apply for authority to build and operate a station on either channel, if assigned to Sonora. Petitioner prefers the assignment of Channel 288A because it is at the opposite end of the FM dial from the existing Sonora station. Also, petitioner states that the Yosemite National Park and Curry Company operate a translater on Channel 228A. No other comments were received.

2. *Demographic Data:*

(a) *Location:* Sonora, the seat of Tuolumne County, is located approximately 184 kilometers (115 miles) east of San Francisco, California.

(b) *Population:*[2] Sonora—3,100; Tuolumne County—22,169.

(c) *Present aural service:* Sonora is presently served by FM Station KROG (Channel 224A) and full-time AM Station KVML.

3. *Economic considerations:* Petitioner estimates that the present population of Sonora and the immediately adjacent unincorporated areas in 10,000. The estimated population of Tuolumne County is 35,300. According to petitioner, tourism, construction, and recreation are the major forces in the county's economic base. Lumbering and the manufacture of wood products also play a significant role in the local economy.

4. *Preclusion study:* Petitioner indicates that the assignment of Channel 228A to Sonora will cause preclusion on Channels 227, 228A and 230. It appears from the maps provided by petitioner that several communities are located in the area precluded on Channel 228A. Petitioner, in its comments, should list those communities in the precluded areas which have a population over 1,000, and which have no FM assignments, and state whether

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[1] *Public Notice* of the petition was given October 17, 1980, Report No. 1253.

[2] Population figures are taken from the 1970 U.S. Census.

alternative FM channels can be assigned to them.

5. The Commission believes that it would be in the public interest to propose the assignment of Channel 228A to Sonora, California, as that community's second FM assignment. Channel 288A is not proposed for assignment because of the short-spacing which would result with Channel 289 at Reno, Nevada.

6. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Sonora, Calif.	224A	224A, 228A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before June 22, 1981, and reply comments on or before July 13, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 1549, published February 9, 1981.

10. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideraton of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-13798 Filed 5-6-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 76

[CT Docket No. 79-163; RM-3115]

Cable Television Services, Petition by Television Muscle Shoals, Inc.; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration of actions in rulemaking proceeding; extension of reply comment period.

SUMMARY: Request for extension of time for the filing of reply comments until May 7, 1981, on the petition for reconsideration of an amendment to § 76.51 major television markets, submitted by Television Muscle Shoals, Inc., is granted by Order of the Chief, Cable Television Bureau upon a finding that grant of the extension will serve the public interest.

DATES: Replies must be submitted by May 7, 1981.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: William H. Johnson, Cable Television Bureau, (202) 632-6458.

SUPPLEMENTARY INFORMATION: In the Matter of Amendment of § 76.51 of the Commission's Rules and Regulations.

Order

Adopted: April 27, 1981.

Released: April 27, 1981.

By the Chief, Cable Television Bureau.

1. On April 21, 1981, Television Muscle Shoals, Inc., licensee of Station WOWL-TV (NBC, channel 15), Florence, Alabama, by its attorney, filed a request for an extension of time to file reply comments to oppositions filed with respect to its petition for reconsideration in the above-captioned proceeding (46 FR 19853, April 1, 1981)[1] from April 27, 1981, until May 7, 1981. The request for time extension is unopposed.

[1] Editorial note: The petition for reconsideration was submitted for publication in the Notices section of the Federal Register.

2. In support of the request, counsel for Television Muscle Shoals indicates that the additional time is needed as a result of "out of town travel and the press of other business." It is also stated that the affidavits which are needed to support the reply pleading will not likely arrive by the presently scheduled reply date. Further, Television Muscle Shoals avers that no objection to the requested extension has been raised by any of the parties which have filed oppositions to its petition for reconsideration.

3. We do not believe that the limited additional time requested by Television Muscle Shoals will unduly delay consideration of the matters in the above-captioned matter but rather might well contribute toward further delineation of the issues in the proceeding. In addition, none of the parties participating in this proceeding has indicated opposition to the time extension request. For these reasons, we find that good cause has been shown and that grant of the request will serve the public interest.

Accordingly, it is ordered, That the date for filing reply comments in the proceeding is extended from April 27, 1981, to May 7, 1981.

This action is taken by the Chief, Cable Televison Bureau pursuant to authority delegated by § 0.288 of the Commission's Rules and Regulatons.

Federal Communications Commission.

Albert J. Baxter,

Acting Chief, Cable Television Bureau.

[FR Doc. 81-13791 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 100 through 199

Transport of Radioactive Materials; Request for Public Comment on Proposed Changes to International Regulations

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Request for Public Comment.

SUMMARY: The International Atomic Energy Agency (IAGA) has published for comment a proposed revision of its "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6". This notice invites public comment on the desirability of the proposed changes as they will affect international transportation and will be considered for inclusion in the U.S. domestic regulations.

DATE: Comments should be received by July 31, 1981.

ADDRESS: Send comments and requests for documents to Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: R. R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone 202-426-2311.

SUPPLEMENTARY INFORMATION: In 1959, at the request of the Economic and Social Council of the United Nations, the IAEA undertook the development of international regulations for the safe transportation of radioactive materials. The initial regulations published by the IAEA in 1961 were recommended to member states as the basis for national regulations and for application to international transportation. As a result of extensive revision in 1963 and 1964, and further effort in 1966, a version of the IAEA "Regulations for Safe Transport of Radioactive Materials, Safety Series No. 6" was published in 1967. The IAEA regulations have since been adopted generally by most of the nations of the world as a basis for their own national regulations governing the transportation of radioactive materials.

Since 1966, the U.S. Nuclear Regulatory Commission (USNRC) (formerly the Atomic Energy Commission (AEC)) has issued regulations which are substantially in conformance with IAEA standards for fissile radioactive materials and large quantities of radioactive materials. On October 4, 1968, the Hazardous Materials Regulations Board of the DOT published amendments which were also in substantial conformance with the 1967 IAEA standards (Docket HM-2, 33 FR 14918).

In February 1969, recognizing that the international standards should be revised from time-to-time on the basis of scientific and technical advances, as well as accumulated experience in their application, the IAEA invited all of its member states to submit comments and suggested changes to the regulations. Another aim was to remove any ambiguities and to simplify the presentation of the text of the regulations.

Comments and suggested revisions to the IAEA regulations were then collected by DOT from the AEC, the American National Standards Institute (ANSI), the Atomic Industrial Forum, and others. As a result of that effort, a compilation of some 40 comments was then forwarded by DOT to the IAEA in July 1969. Some of these suggested changes were intended to make a more positive alignment of the U.S. regulations with the IAEA regulations possible.

A final Review Panel of experts was convened by the IAEA in October 1971, to finalize the revisions. As a result of that Panel, the IAEA subsequently issued its "Safety Series No. 6, Regulations for the Safe Transport of Radioactive Materials, 1973 Revised Edition," in late 1973. Since that time most major countries and international transport organizations, i.e., Inter-Governmental Maritime Consultative Organization (IMCO), International Air Transport Association (IATA), European Agreement for the Carriage of Dangerous Goods by Rail (RID); European Agreement Concerning International Carriage of Dangerous Goods by Road (ADR), have completed revising their own regulations to achieve conformity with the 1973 IAEA Standards.

Since it is recognized that the international standards need to be updated periodically (as was accomplished by the 1973 revision), the IAEA has undertaken a review and revision of the regulations slated for completion in 1983. A request for public input (44 FR 20532) was issued by MTB so that U.S. input to this revision would be as complete as possible. All comments received were compiled and forwarded to the IAEA and were considered at the Advisory Group for the Comprehensive Review and Revision of the Agency's Transport Safety Regulations which met in September, 1980. Careful consideration of these and all other comments submitted by other countries led to the development of a number of changes even in light of a very strong emphasis on revisions only where clearly justified.

As a result of the September 1980 Advisory Group meeting, a draft of the proposed "1983 Revised Edition" of the IAEA regulations has been published by the IAEA for comment by Member States. This draft contains all of the proposed revisions except those pertaining to transport criticality safety

which will be considered by a separate Technical Committee.

The MTB is now requesting public comment on the proposed IAEA 1983 revision and is making available to the public copies of:

(1) the "First Draft Revision" of the 1983 proposed regulations;

(2) a "Paragraph Cross-Reference" between the 1973 Revised Edition of the IAEA regulations and the proposed version; and

(3) an "Annex" which provides some background and highlights three specific proposed changes.

These documents are available free of charge from the Dockets Branch at the address given above.

In providing comments on the proposal it would be most helpful to MTB if commenters would provide specific information on their position concerning the changes they wish to address. Some of the impacts that would be helpful to have information on include:

(1) radiological impacts such as expected radiation dose increase or decrease which will result from the proposed change;

(2) economic impacts resulting from necessary modifications to shipping methods if the change is adopted;

(3) ease or difficulty of understanding and applying the proposed change; and

(4) suitability of the proposed change for application to domestic shipments.

All comments received will be considered and included, as far as practical, in the U.S. Comments to the IAEA on the proposal.

Issued in Washington, D.C. on May 1, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-13831 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-60-M

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49 CFR Part 173

[Docket HM-178; Advance Notice]

Definition of Flammable Solid

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The MTB is publishing this advance notice of proposed rulemaking to request comments on efforts to make the definition of a flammable solid more specific and to provide tests which shippers may use to determine whether their products are flammable solids for purposes of transportation. The present definition of a flammable solid is so vague that many shippers are unable to determine if certain of their materials fall within the definition of this hazard class.

DATE: Comments must be received by August 20, 1981.

ADDRESS: Comments must be addressed to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies. The dockets branch is located in room 8426 of the NASSIF Building, 400 7th Street, S.W., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday thru Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Ke, Sciences Branch, Technical Divison, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590. (202-426-2311).

SUPPLEMENTARY INFORMATION: The flammable solid class has within it the most diversified types of hazardous materials of any of the hazard classes defined in the Department's Hazardous Materials Regulations. For this reason, the MTB is considering dividing the class into several groups and is proposing test methods and criteria which will enable a shipper to determine whether a material he wishes to ship falls within one of those groups. The principal reason for this advance notice of proposed rulemaking is to request comments from interested persons as to the adequacy of the defintion criteria under consideration in this ANPRM including the reproducibility of the results of the tests in Appendix B. Specific questions on which the MTB would like to receive comments and meaningful data are:

1. Are there any additional types of materials which should be included in the flammable solids class (e.g., should the temperature in (g) be lowered to include materials such as molten sulfur)? Should some of the proposed groups be eliminated?

2. If the definition in (g) is adopted, certain molten metals would become subject to the regulations. What type of packaging controls should the MTB consider for such materials. (The MTB has been contacted by officials of two States concerning the regulation of molten materials).

3. Current § 171.8, as pertinent here, defines "Water reactive material (solid)" as a material, that on contact with water, will evolve flammable or toxic gases in dangerous quantities. Is there any substance known which, on contact with water, will evolve a toxic nonflammable gas? If no such material is known to exist, water reactive materials would be included in paragraph (f) of the proposed definition.

4. Are there any consensus standard test methods which could be used in place of, or in addition to, the suggested methods?

For tests, such as the bacterial action or fermentation test, the MTB does not have specific information regarding sample sizes and temperature limitations. It is, therefore, requested that persons with experience with this type of spontaneous heating provide the MTB with pertinent information regardng development of such criteria.

The MTB anticipates that a number of highly competent and qualified experts will, upon review of Appendix B, consider the proposed methods for testing of flammable solids to be less than representative of currently avilable technology. This is intentional. The MTB has attempted to develop methods that would not require the acquisition of expensive and complicated test equipment. For example, metal drums could be used as test chambers and ovens with minor modifications.

This advanced notice of proposed rulemaking requests comments from interested persons regarding the definition of a flammable solid. Such comments may be used for future rulemaking purposes.

In consideration of the foregoing, the MTB is considering the issuance of a proposal to revise the flammable solid definition as follows:

§ 173.150 Flammable solid: definition.

For the purpose of this subchapter, a "Flammable Solid," is any solid material, including gels and pastes, other than one classed as an explosive or a blasting agent, which is described in the following paragraphs:

(a) Pyrophoric solids which ignite when exposed to moist air at or below 55°C (130°F).

(b) Solids subject to spontaneous heating by reaction with oxygen and which contain unsaturated oils or other easily oxidizable substances.

(c) Solids subject to spontaneous heating by fermentation or bacterial action and which self-heat due to the action of bacteria or other organisms.

(d) Readily ignitable solids which are easily ignited and burn so vigorously and persistently as to create a hazard in transportation.

(e) Solids which can be ignited by friction.

(f) Solids which in contact with water evolve flammable gases.

(g) Solids or molten materials shipped at (elevated) temperatures exceeding 315°C (600°F), which can cause ignition of combustible materials.

Tests to be used to evaluate the above descriptions are found in Appendix B to this Part.

Appendix B: Methods for Testing for Flammable Solids

Pyrophoric Solids

At least on pound of material, in the particle size in which it will be shipped, shall be placed in an apparatus where the temperature, humidity and rate of air flow can be controlled. Air at 55°C (130°F) and having a relative humidity of 50 percent (±5 percent) shall be passed at 8 kilometers per hour through the apparatus containing the material. A material that ignites in one hour in this test is classed as a flammable solid and considered a pyrophoric material.

Solids Subject to Heating by Reaction With Oxygen

The material, other than a gel or paste, in the particle size in which it will be shipped, shall be placed in a constant temperature oven having a test chamber with a volume of not less than 120 liters. The temperature control of the oven shall be set so as to maintain a temperature of 55°C (130°F) ±3°C in the oven when it is empty. Fifty kilograms of the material to be tested, or an amount occupying 50 percent of the volume of the test chamber, whichever is less, shall be placed in a holder within the oven. The holder shall be made of wire mesh with a mesh size no smaller than necessary to contain the materials and shall be supported in the geometrical center of the oven so as to clear its bottom and sides by no less than 5 centimeters. Air shall be introduced into the bottom of the test chamber at a rate, in liters per hour, no greater than 3 percent, nor less than 2 percent, of the volume of the test chamber. If the temperature at the center of the sample rises 20°C (36°F) or more within 7 days of initiation of the test, the material is classed as a flammable solid.

Solids subject to Heating by Fermentation or Bacterial Action

The temperature control of an oven is set to maintain a temperature of 37.8°C (100°F) when the oven is empty. One pound of material under test shall be in the oven for 7 days. If the temperature at the center of the sample rises 20°C (36°F) or higher during this period, the material is classed as a flammable solid.

Readily ignitable solids which burn vigorously and persistently:

Ease of ignition shall be determined by attempting to ignite 10 grams of the material under test, arranged in a conical (when practical) pile with:

1. Mechanical (metal) sparks
2. Electrostatic sparks (0.008 joules delivered from a 0.002 to 0.004 microfarad capacitor)
3. A small flame source such as a match.

A material which can be ignited by one of these sources must be considered readily ignitable. Whether the material burns vigorously and persistently shall be determined as follows: when 50 ml of water are applied to 50 g of a material which is burning and the water produces no effect or increases the rate of burning, that material is considered to burn so vigorously and persistently as to create a hazard in transportation. A material which is readily ignitable and burns vigorously as defined in one of the above tests is classed as a flammable solid.

Solids Which Can Be Ignited by Friction

A solid which is as sensitive or more sensitive to friction than phosphorous pentasulfide is classed as a flammable solid. Tests may be conducted on any commercial friction tester or using a laboratory constructed apparatus which gives comparable results.

Solids Which Emit Flammable Gases in Contact With Water

Twenty-five grams of the substance being tested are placed in a gas generator and treated with 50 ml of water. Any material which evolves a flammable gas at a rate exceeding one ml per gram per hour must be classed as a flammable solid.

[49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106]

Note.—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and DOT implementing procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act [49 U.S.C. 4321 et seq.]. Issued in Washington, DC on April 30, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-13843 Filed 5-6-81; 8:45 am]
BILLING CODE 4910-60-M

Notices

Federal Register
Vol. 46, No. 88
Thursday, May 7, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Northeastern Area-State and Private Forestry, Cooperative Federal-State Spruce Budworm; Integrated Pest Management, Maine, 1981

An environmental assessment that discussed the Cooperative 1981 Integrated Pest Management Program for spruce budworm in Maine has been prepared and made available to the public. A Finding of No Significant Impact was made, and because this program has effects considered of national concern, a notice of the finding was published in the Federal Register, Volume 46, Number 61, March 31, 1981.

No comments were received on the environmental assessment and Finding of No Significant Impact.

My conclusion from this review is that no new information not previously considered and appropriate to the analysis has been presented, and that the analysis and evaluation described in the environmental assessment are adequate.

Concerns appropriate to the analysis have been previously expressed prior to preparation of the environmental assessment. These concerns were responded to in a Programmatic Environmental Impact Statement for a 5-year (1981–1985) Spruce Budworm Management Program for Maine. They were used in developing management requirements, constraints and mitigation measures for the program.

Based on the analysis and evaluation described in the environmental assessment, and the Finding of No Significant Impact, it is my decision to provide Federal financial assistance to carry out this program in 1981, to the extent Federal funds are available for this purpose. With this financial assistance in 1981, the Maine Bureau of Forestry will provide silvicultural assistance to owners of small woodlands, utilization and marketing assistance, administer timber supply and demand analyses, and apply chemical insecticides on about 1.0 million acres and a biological insecticide) *Bacillus thuringiensis*) on about 100 thousand acres in Aroostook, Franklin, Hancock, Penobscot, Piscataquis, Somerset and Washington Counties. Landowners and mill owners will be applying silvicultural and utilization marketing methods in these and other counties within the spruce-fir type to reduce losses while implementing integrated pest management. The specified requirements, mitigation measures, and monitoring described in the environmental assessment are adopted as minimums.

Federal participation in this integrated pest management program in future years will depend heavily upon an Environmental Analysis and a demonstrated commitment by the State of Maine to significantly reduce the use of chemical insecticides and to significantly increased silvicultural assistance to owners of small woodlands, utilization marketing assistance, and the use of biological insecticides.

I have reviewed the factors considered in making the Finding of No Significant Impact and have determined that there are no significant factors or adverse effects which have not already been addressed in the PEIS, USDA FS NA–81–01. This Notice constitutes my final determination that an environmental impact statement is not needed for the 1981 program.

Implementation may take place immediately after the date of this decision. This decision is not subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: May 1, 1981.

Allen J. Schacht,

Director, Northeastern Area, State and Private Forestry, 370 Reed Road, Broomall, PA 19008.

[FR Doc. 81–13085 Filed 5–6–81; 8:45 am]

BILLING CODE 3410–11–M

Forest Land and Resource Management Plan, Uinta National Forest, Juab, Sanpete, Utah, and Wasatch Counties, Utah; Revised Notice of Intent To Prepare an Environmental Impact Statement

A Notice of Intent to Prepare an Environmental Impact Statement for the Uinta National Forest Land and Resource Management Plan was published in the Federal Register, Volume 44, No. 38, p. 10522, February 21, 1979.

The estimated dates for filing the Draft and Final Environmental Impact Statements with the Environmental Portection Agency and release to the public have been postponed. The Draft Environmental Impact Statement is now expected in September 1981, and the Final Environmental Impact Statement is proposed for release in April 1982.

All other conditions of the original Notice of Intent remain the same.

Dated: April 28, 1981.

Jeff M. Sirmon,

Regional Forester.

[FR Doc. 81–13022 Filed 5–6–81; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping—Precipitated Barium Carbonate From the Federal Republic of Germany; Final Determination of Sales at Less Than Fair Value

AGENCY: Department of Commerce; ITA.

ACTION: Final Determination of Sales at Less than Fair Value.

SUMMARY: We have determined that precipitated barium carbonate from the Federal Republic of Germany is being sold in the United States at a weighted-average dumping margin of 9.9 percent. The U.S. International Trade Commission is determining whether these imports are materially injuring or threatening material injury to a U.S. industry.

EFFECTIVE DATE: May 7, 1981.

FOR FURTHER INFORMATION CONTACT: Alain Letort, Office of Investigations, Import Administration, International Trade Administration, U.S. Department

of Commerce, Washington, D.C. 20230 (202–377–3534).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 9, 1980, we received a petition in proper form from counsel representing FMC Corporation, Chemical Products Corporation ("CPC") and Sherwin-Williams Company. The petition alleged that precipitated barium carbonate from the Federal Republic of Germany ("FRG") is being "dumped", that is sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) ("the Act"), thereby materially injuring a U.S. industry. Because the petition contained sufficient grounds to warrant an investigation, on September 30, 1980, we initiated an antidumping investigation and informed the U.S. International Trade Commission ("ITC") of our action (45 FR 66185).

On the basis of information the ITC developed during its preliminary investigation, the Commission unanimously determined, on October 21, 1980, that there is a reasonable indication that these imports are materially injuring, or threatening to injure materially, a U.S. industry (45 FR 73812).

On February 11, 1981, we announced our preliminary determination that there was a reasonable basis to believe or suspect that precipitated barium carbonate from the FRG was, or was likely to be, sold in the United States at less than fair value (46 FR 12767).

Scope of the Investigation

This determination covers precipitated barium carbonate, which is currently classifiable under item 472.06 of the Tariff Schedules of the United States. In its granular form (glass grade), barium carbonate is used in the glass industry and in the manufacture of black-and-white television picture tubes. In powder from (ceramic grade), it is used in the ferrite, ceramic and chemical industries. Other applications are in the manufacture of reflective beads and photo paper, in the formulation of brine treatments, and in the production of other barium chemicals.

The period of investigation was April 1 through September 30, 1980. As Kali-Chemie AG ("Kali") of Hannover (FGR) produced virtually all of the barium carbonate sold to the United States during the period under consideration, we limited the investigation to sales from Kali.

Methodology

U.S. Price

Since nearly all sales of precipitated barium carbonate from the FRG to unrelated U.S. customers were concluded before the merchandise was imported into the United States, we used purchase price, as defined in section 772(b) of the Act, to determine the U.S. price.

We calculated purchase price on the basis of C.I.F. prices to unrelated U.S. purchasers with deductions from home market inland freight, ocean freight and insurance.

Foreign Market Value

We calculated foreign market value on the basis of the net weighted-average price per ton of the merchandise in the home market. We added U.S. packing costs to the unpacked home market price. Claims were made for adjustments for differences in level of trade and differences in circumstances of sale.

We disallowed the claim for differences in level of trade, since respondent presented no evidence that the additional costs incurred in selling to end-users in the home market would not have been incurred in sales to distributors (19 CFR 353.19).

We rejected the claim for a circumstance of sale adjustment for advertising since all advertising appeared to be directed at the purchasers of the merchandise and was not attributable to a later sale of the merchandise as required in § 353.15, Commerce Regulations (19 CFR 353.15).

We disallowed the claim for a circumsance of sale adjustment for technical services because the respondent did not adequately justify the amount of the deduction to be applied.

Verification

In making our final determination, in accordance with section 776 of the Act, we have verified all the information we relied upon, using the corporate books and records of the German company involved, Kali-Chemie AG of Hannover (FRG).

Final Determination

Based on the preceding criteria, and in accordance with § 353.44 of the Commerce Regulations, we have determined that exports of precipitated barium carbonate from the FRG are being sold at less than fair value within the meaning of section 731 of the Act. Margins were found on 91.9 percent of the merchandise sold to unrelated U.S. purchasers during the period, and they ranged from 3.3 to 38.96 percent. The weighted-average margin over all sales was 9.9 percent.

We have provided interested parties with an opportunity to present oral views in accordance with 19 CFR 353.47 and written views in accordance with 19 CFR 353.46(a).

Continuation of Suspension of Liquidation

The liquidation of all entries, or withdrawals from warehouse, for consumption of this merchandise will continue to be suspended. The Customs Service will require posting of a cash deposit, bond, or other security in the amount of 9.9 percent of the f.o.b. ex-factory value of precipitated barium carbonate from the FRG for all entries, or withdrawals from warehouse, for consumption on or after the date of publication of this notice. The cash deposits, bonds or other security on merchandise entered since the preliminary determination will remain in effect.

ITC Notification

We have referred this case to the ITC so that it may determine whether these imports are materially injuring a U.S. industry. That determination is due on or before June 22, 1981.

As section 735(c)(1)(A) of the Act requires, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without written consent of the Deputy Assistant Secretary for Import Administration.

If the ITC rules that material injury does not exist, this case will be terminated, and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC rules that such injury does exist, within seven days we will issue an antidumping duty order, directing customs officers to assess an antidumping duty on all precipitated barium carbonate from the FRG, entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, which was sold at less than foreign market value.

John D. Greenwald,

Acting Assistant Secretary for Trade Administration.

May 1, 1981.

[FR Doc. 81–13088 Filed 5–6–81; 8:45 am]

BILLING CODE 3510–25–M

Antidumping—Strontium Nitrate From Italy; Final Determination of Sales at Less Than Fair Value

AGENCY: Department of Commerce; ITA.

ACTION: Final determination of sales at less than fair value.

SUMMARY: We have determined that strontium nitrate from Italy is being sold in the United States at a weighted-average dumping margin of 2.6 percent. The U.S. International Trade Commission is determining whether these imports are materially injuring or threatening material injury to a U.S. industry.

EFFECTIVE DATE: May 7, 1981.

FOR FURTHER INFORMATION CONTACT: Michael Hudak, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202–377–3530).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 9, 1980, we received a petition in proper form from counsel representing FMC Corporation, Chicago, Illinois. The petition alleged that strontium nitrate from Italy is being "dumped", that is, sold in the United States at less than fair value within the meaning of Section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) ("the Act"), thereby materially injuring a U.S. industry. Because the petition contained sufficient grounds to warrant an investigation, on September 30, 1980, we initiated an antidumping investigation and informed the U.S. International Trade Commission ("ITC") of our action (45 FR 66187).

On the basis of information the ITC developed during its preliminary investigation, the Commission unanimously determined on October 21, 1980, that there is a reasonable indication that these imports are materially injuring, or are threatening to injure materially, a U.S. industry (45 FR 73812).

On February 11, 1981, we announced our preliminary determination that there was a reasonable basis to believe or suspect that strontium nitrate from Italy was, or was likely to be, sold in the United States at less than fair value (46 FR 12769).

Scope of the Investigation

This determination covers strontium nitrate, which is a chemical compound currently classifiable under item 421.74 of the Tariff Schedules of the United States. It is used predominantly for producing red colors during combustion of pyrotechnics, such as distress signals, rockets, flares, fusees and fireworks.

The investigation covers the period January 1, 1980 through September 30, 1980. As Societa Bario e Derivati SpA ("SABED") of Massa, Italy produced virtually all of the strontium nitrate sold to the United States during the period under consideration, we limited the investigation to sales from SABED.

Methodology

U.S. Price

Since all sales of strontium nitrate from Italy to an unrelated U.S. customer were concluded before the merchandise was imported into the United States, we used purchase price, as defined in section 772(b) of the Act, to determine the U.S. price. We calculated purchase price on the basis of a packed price for Massa, Italy.

Foreign Market Value

Constructed value is the basis for foreign market value because we determined that neither the sales in Italy, or for exportation to countries other than the United States, constitute a viable market.

In our preliminary determination, we used the first quarter 1980 rate of exchange to convert the constructed value from lire to dollars. Counsel for the importer and counsel for the respondent have argued that this was improper, since all terms necessary for a legally enforceable contract were not fixed until each specific shipment was requested by the importer and confirmed by respondent and that a blanket order forwarded by the importer in January 1980, and confirmed by respondent in February 1980, was not binding. We scrutinized all the documents pertaining to this issue and have concluded that the terms of sale were fixed only when respondent confirmed the importer's order to ship at a quantity and price specified by the importer and confirmed by the respondent. We have therefore converted the constructed value from lire to dollars, for each shipment, using the quarterly rate of exchange applicable on the date that each order to ship was confirmed.

The respondent claimed deductions from the constructed value for extraordinary repair cost and extraordinary production loss. These claims were due to equipment breakdown. Equipment failures are to be expected in any production process and unless they are demonstrated to be unusual and extraordinary we will not permit an allocation to longer time periods or different production runs. Respondent has not provided us with evidence that the equipment failure was unusual and extraordinary. Consequently we have not allowed this claim.

The constructed value calculation includes a deduction from raw material costs for the value of a by-product generated in the production process. Counsel for the petitioner has maintained that this value must be based on actual sales and not be an imputed value. During verification, we obtained sufficient documentation to ensure that the by-product value was based on actual sales and that all production and sales related costs were deducted.

Counsel for the petitioner argues that all costs incurred by the parent firm in support of respondent's production and sales of strontium nitrate should be included in the constructed value calculation. The respondent has explained that the parent firm incurs costs attributable to auditing and financial planning as well as those attributable to the services of directors of the parent firm who are also directors of SABED. The respondent also claims that payment for these costs are made by SABED and are part of the "Selling and General Administration" ("SGA") costs of SABED. Counsel for the respondent, however, has not been able to provide sufficient documentation to prove that the amounts for auditing and financial planning as well as for services of the directors have been included in the total SGA calculation. Therefore, we assured inclusion of these amounts by using a factor based upon sales of the parent company and sales of the merchandise in question.

In making this determination we also have focused upon questions concerning the calculation of profit for purposes of constructed value. In a prior case (*Electric Motors from Japan*, 45 FR 73723), we determined that the profit element of constructed value, as defined in section 773(e) of the Act, should be determined based upon sales of comparable merchandise to the United States by the individual producer under investigation. Consistent with that interpretation, we investigated SABED's profits on its sales to the United States during the investigation. Since the profit on these sales was less than the statutorily required minimum profit factor of eight percent, eight percent was added as the profit factor in calculating constructed values. However, we have reviewed our interpretation of section 773(e) as announced in *Electric Motors from Japan* and followed here, and we have concluded that that interpretation

is incorrect. The calculation of profit based on sales to the United States appears to be inconsistent with the meaning and intent of the statute, which, as enacted in 1979, brings constructed value within the definition of "foreign market value." In order to calculate profit for purposes of constructed value in future cases we will look to:

(1) profits on home market sales of comparable merchandise by the individual producer under investigation;

(2) profits on third country sales of comparable merchandise by the individual producer under investigation, to the extent such information is readily available; or, if not,

(3) profits on home market sales of comparable merchandise by the industry.

Verification

In making our final determination, in accordance with section 776 of the Act, we have verified all the information we relied upon, using the corporate books and records of the Italian company involved, SABED of Massa, Italy.

Final Determination

Based on the preceding criteria, and in accordance with § 353.44 of the Commerce Regulations, we have determined that exports of strontium nitrate from Italy are being sold at less than fair value within the meaning of section 731 of the Act. Margins were found on 38 percent of the merchandise sold to unrelated U.S. purchasers during the period, and they ranged from 0 to 6.6 percent. The weighted average margin over all sales was 2.6 percent. We have provided interested parties with an opportunity to present oral views in accordance with 19 CFR 353.47 and written views in accordance with 19 CFR 353.46(a).

Continuation of Suspension of Liquidation

The liquidation of all entries, or withdrawals from warehouse, for consumption of this merchandise will continue to be suspended. The Customs Service will require posting of a cash deposit, bond, or other security in the amount of 2.6 percent of the f.o.b. ex-factory value of strontium nitrate from Italy for all entries, or withdrawals from warehouse, for consumption on or after the date of publication of this notice. The cash deposits, bonds or other security on merchandise entered since the preliminary determination will remain in effect.

ITC Notification

We have referred this case to the ITC so that it may determine whether these imports are materially injuring a U.S. industry. That determination is due within 45 days of the publication of this notice.

As section 735(c)(1)(A) of the Act requires, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without written consent of the Deputy Assistant Secretary for Import Administration.

If the ITC rules that material injury does not exist, this case will be terminated, and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC rules that such injury does exist, within seven days we will issue an antidumping duty order, directing customs officers to assess an antidumping duty on all strontium nitrate from Italy, entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, which was sold at less than the foreign market value.

John D. Greenwald,

Acting Assistant Secretary for Trade Administration.

May 1, 1981.

[FR Doc. 81-13987 Filed 5-6-81; 8:45 am]

BILLING CODE 3510-25-M

Cadmium From Japan; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination To Revoke

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination to Revoke.

SUMMARY: As a result of an administrative review of the antidumping finding on cadmium from Japan, the Department of Commerce has tentatively determined to revoke the finding. The review covers the seven known exporters of this merchandise to the United States and the period April 1, 1978 through September 4, 1979. There were no known shipments to the United States during this period and there are no known unliquidated entries. Prior Treasury Department review indicates no shipments to the U.S. since May, 1974. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 7, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3814).

SUPPLEMENTARY INFORMATION:

Procedural Background

On August 4, 1972, a dumping finding with respect to cadmium from Japan was published in the Federal Register as Treasury Decision 72-206 (37 FR 15700. A "Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise was published by the Department of the Treasury in the Federal Register on September 4, 1979 (44 FR 51696). Reasons for the tentative revocation were given in the notice and interested parties were given an opportunity to present written or oral views. No comments were received. However, Treasury took no final action on the proposed revocation.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on cadmium from Japan.

Scope of the Review

Imports covered by this review are shipments of cadmium from Japan. Cadmium is a silver-white metal which is relatively rare and found in small amounts in zinc ores. It is currently classifiable under items 632.1420 and 632.1440 of the Tariff Schedules of the United States Annotated (TSUSA).

There are seven known exporters of this merchandise:

Dowa Mining Company Ltd.
Mitsubishi Metal Corp.
Mitsui Mining and Smelting Co. Ltd.
Nippon Mining Co. Ltd.
Nisso Smelting Co. Ltd.
Sumitomo Metal Mining Co., Ltd.
Toho Zinc Co., Ltd.

This review covers the period April 1, 1978, through September 4, 1979, the date that the tentative revocation was

published by the Treasury Department. The Treasury Department previously reviewed all earlier periods covered by the finding.

Preliminary Results of the Review

There were no shipments of Japanese cadmium to the U.S. during the period and there are no known unliquidated entries. In addition, prior treasury Department review indicated that there were no shipments since may, 1974, for a combined period of approximately 5⅛ years.

As provided for in § 353.54(e) of the Commerce Regulations, the seven exporters have agreed in writing to an immediate suspension of liquidation and reinstatement of the findng if circumstances develop which indicate that cadmium thereafter imported into the United States is being sold at less than fair value.

Tentative Determination

As a result of our review we tentatively determine to revoke the finding on cadmium from Japan. Interested parties may submit written comments on or before June 8, 1981 and may request disclosure and/or a hearing May 28, 1981.

The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review, tentative determination to revoke, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and § 353.54(e) of the Commerce Regulations (19 CFR 353.54(e)).

John D. Greewald,

Deputy Assistant Secretary for Import Administration.

May 4, 1981.

[FR Doc. 81-13940 Filed 5-6-81; 8:45 am]

BILLING CODE 3510-25-M

Carbon Steel Plate From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on carbon steel plate from Japan. The review covers the 6 known manufacturers of this merchandise and consecutive periods from July 1, 1977 through March 31, 1980. This review indicates the existence of dumping margins in particular periods for certain firms.

As a result of the review the Department has preliminarily determined to assess dumping duties for individual firms equal to the calculated differences between United States price and foreign market value on each of their shipments during the period of review. Where company-supplied information was inadequate or no information was received, the Department has used the best information available. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 7, 1981.

FOR FURTHER INFORMATION CONTACT: John Nolan, Alfredo Montemayor, or William L. Matthews, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4347).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 30, 1978, a dumping finding with respect to carbon steel plate from Japan was published in the Federal Register as Treasury Decision 78-150 (43 FR 22937). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on carbon steel plate from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of hot rolled carbon steel plate, 0.1875 inches or more in thickness, over 8 inches in width, not in coils, not pickled, not coated or plated with metal, not clad, and not cut, pressed or stamped to non-rectangular shape, currently classifiable under item 607.6615 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of a total of 6 Japanese firms engaged in the manufacture of carbon steel plate. This review covers all six for consecutive time periods from July 1, 1977 through March 31, 1980. This includes all unliquidated entries made since the date of suspension of liquidation.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act or section 203 of the 1921 Act, as appropriate. Purchase price was based on the FOB or FAS Japanese port price to an unrelated Japanese trading company for export to the United States. Where applicable, deductions were made for Japanese inland freight, loading charges, and insurance. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act or section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. For all six firms home market sales constitute at least 40 percent of the total sales and more than 80 percent of sales for export to countries other than the United States during the periods covered. The foreign market values were adjusted, where applicable, for inland freight and insurance. Adjustments were also made, where applicable, for differences in credit costs, packing, post-sale price adjustments, warranties, and differences in the merchandise, in accordance with §§ 353.15 and 353.19 of the Commerce Regulations and §§ 153.10 and 153.15 of the Customs Regulations. Certain claims by one manufacturer for differences in the merchandise due to varying yield ratios and productivity levels were disallowed due to insufficient supporting evidence. No other adjustments were claimed or allowed.

The Department also investigated allegations of sales below the cost of production. Where sales in the home market were made at prices which did not permit recovery of all costs within a reasonable period of time, the Department excluded these sales from its analysis. Since the producers either declined to furnish actual costs of production or did not allow verification of such data, the Department used data developed in its Trigger Price Mechanism (TPM), with adjustments for each manufacturer based on the best

evidence of differences in cost of production.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer	Time period	Margin (per-cent)
Nippon Steel	7-77—6-78	0
Do	7-78—3-80	*0
Nipon Kokan	7-77—6-78	2.95
Do	7-78—3-80	*2.95
Kawasaki	7-77—6-78	0
Do	7-78—3-80	*0
Kobe Steel Ltd.	7-77—6-78	0
Do	7-78—3-80	0
Sumitomo Metals	7-77—6-78	2.64
Do	7-78—3-80	*2.64
Kansai, Ltd.	7-77—3-78	7.90
Do	4-78—3-80	8.51

*No shipments during the period.

Interested parties may submit written comments on these preliminary results on or before June 8, 1981, and may request disclosure and/or a hearing on or before May 22, 1981. Any request for an administrative protective order must be no later than May 12, 1981. The Department will publish the final results of the administrative review including its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of carbon steel plate entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

May 4, 1981.

[FR Doc. 81-13706 Filed 5-6-81; 8:45 am]

BILLING CODE 3510-25-M

Portland Cement, Other Than White, Nonstaining Portland Cement, From the Dominican Republic; Final Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On November 24, 1980, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on portland cement, other than white, nonstaining portland cement, from the Dominican Republic. The scope of the review was limited to the only known exporter, Fabrica Dominicana de Cemento, C por A, and to the period December 4, 1969 through May 31, 1980.

Interested parties were given an opportunity to submit oral or written comments on this preliminary determination. Based on information furnished by the exporter, the Department has calculated a new weighted-average margin.

EFFECTIVE DATE: May 7, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis U. Askey, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4793).

SUPPLEMENTARY INFORMATION:

Background

On May 4, 1963, a dumping finding with respect to portland cement, other than white, nonstaining portland cement, from the Dominican Republic was published in the Federal Register as Treasury Decision 5683 (28 FR 4507-08). On November 24, 1980, the Department of Commerce ("the Department") published in the Federal Register the preliminary results of its administrative review of the finding (45 FR 77502-3). The Department has now completed its administrative review of that antidumping finding.

Scope of the Review

Imports covered by this review are shipments of portland cement, other than white, non-staining portland cement. It is classifiable under items 511.1420 and 511.1440 of the Tariff Schedules of the United States Annotated (TSUSA).

The department knows of only one exporter of portland cement, other than white, nonstaining portland cement, from the Dominican Republic to the United States. That firm is Fabrica Dominicana de Cemento, C por A.

The review covered all time periods, that is, from December 4, 1969 through May 31, 1980, during which shipments by Fabrica Dominicana de Cemento, C por A, may have been made to the United States and for which appraisement instructions ("master lists") have not been issued. The Department stated in its notice of preliminary results that the exporter had not responded to its questionnaires. That statement was in error, as the Department has since located a response in U.S. Customs Service files. Based on that response the Department has recalculated the margin.

In its recalculation, the Department compared purchase price to foreign market value, as defined in sections 203 and 205 of the Antidumping Act of 1921, based on the ex-factory price to unrelated purchasers in the U.S. and in the Dominican Republic, respectively, with an adjustment to foreign market value for a difference in packing costs. No other adjustments were claimed or made.

Final results of the Review

As a result of our comparison of purchase price to foreign market value, we determine that the following weighted-average margin exists:

Period	Margin (pct)
December 4, 1969—May 31, 1980	10.33

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries with purchase dates during this period. Individual differences between purchase price and foreign market value may vary from the above percentage. The Department will issue appraisement instructions separately to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margin calculated above, that is, 10.33 percent of the entered value, shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This latter requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of May 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C.

1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53)

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

May 4, 1981.

[FR Doc. 81-13946 Filed 5-6-81; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Request for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310

Patent application 6,140,646: A Flowing Gas Discharge Source of Vacuum Ultraviolet Line Radiation System; filed Apr. 16, 1980.

Patent application 6,186,109: Phase Sensor for R.F. Transmission Lines; filed Sept. 11, 1980.

Patent application 6,205,361: Line Source Antenna for Electronic Beam Scanning; filed Nov. 10, 1980.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, DC 20324.

Patent application 6,192,406: Dynamic Damping System; filed Sept. 30, 1980.

Patent application 6,193,048: Method and Apparatus for Measuring Hand-eye Coordination While Tracking a Changing Size Image; filed Oct. 2, 1980.

Patent application 6,195,147: Atmospheric Dispersion Corrector; filed Oct. 8, 1980.

Patent application 6,195,693: Flat Workpiece Pickup; filed Oct. 9, 1980.

Patent 4,238,197: Analysis of Lubricating Oils for Iron Content; filed Apr. 12, 1979, patented Dec. 9, 1980; not available NTIS.

Patent 4,238,602: Fluorine Containing Polyethers; filed Apr. 26, 1979, patented Dec. 9, 1980; not available NTIS.

Patent 4,238,716: Miniature Vehicle Dispenser Spin-up Speed Control System; filed Sept. 27, 1978, patented Dec. 9, 1980; not available NTIS.

Patent 4,238,747: Mode Filtering Apparatus; filed Aug. 10, 1979, patented Dec. 9, 1980; not available NTIS.

Patent 4,238,772: Image Enhancement Using On-Line Spatial Filtering; filed Dec. 9, 1980; not available NTIS.

Patent 4,238,827: Interferogram Synthesization Method and Apparatus; filed Nov. 20, 1978, patented Dec. 9, 1980; not available NTIS.

Patent 4,239,053: Fuel Flow Distribution System; filed Feb. 7, 1978, patented Dec. 16, 1980; not available NTIS.

Patent 4,239,392: Grating Output Wavefront Sampling System; filed July 7, 1978, patented Dec. 16, 1980; not available NTIS.

Patent 4,241,223: F-Phenylalkylene Oxide Diacetylenes; filed Aug. 28, 1979, patented Dec. 23, 1980; not available NTIS.

Patent 4,242,179: Method of Fabricating Cadmium Electrodes; filed July 27, 1979, patented Dec. 30, 1980; not available NTIS.

U.S. Department of Agriculture, Program Agreements and Patent Branch, Administration Service Division Federal Building, Science and Education Administration, Hyattsville, MD 20782

Patent application 6,210,460: Carriage for Cable Logging System; filed Nov. 25, 1980.

Patent application 6,219,569: Apparatus, Treatment of Fibers with Ozone-Steam Mixtures; filed Dec. 22, 1980.

Patent 4,239,701: Ternary Salts of Tris(Aminomethyl)-Phosphines and Their Oxides; filed July 20, 1979, patented Dec. 16, 1980; not available NTIS.

Patent 4,245,494: Inlet System for Direct Gas Chromatographic and Combined Gas Chromatographic Mass Spectrometric Analysis of Food Volatiles; filed Feb. 26, 1979, patented Jan. 20, 1981; not available NTIS.

Patent 4,246,031: Prepolymer Preparation and Polymerization of Flame Retardant Chemicals from THP-Salts; filed Oct. 11, 1978, patented Jan. 20, 1981; not available NTIS.

Patent 4,246,310: High Performance, Lightweight Structual Particleboard; filed Apr. 6, 1979, patented Jan. 20, 1981; not available NTIS.

Patent 4,249,017: Tris(N-Carbalkoxylaminomethyl)-Phosphine Oxides and Sulfides; filed Nov. 20, 1978, patented Feb. 3, 1981; not available NTIS.

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent application 6,210,044: Acoustically Transparent Hydrophone Probe; filed Nov. 24, 1980.

Patent application 6,221,565: Recombinant DNA Process and Product Utilizing a Papilloma Virus DNA as a Vector; filed Dec. 31, 1980.

Patent application 6,240,577: Silver Stains for Protein in Gels; filed Mar. 4, 1981.

Patent 4,247,780: Feedback Controlled Geometry Registration System for Radiographs; filed June 8, 1979, patented Jan. 27, 1981; not available NTIS.

U.S. Department of the Navy, Director, Navy Patent Program/ Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent Application 6,090,205: Arrestment System; filed Nov. 1, 1980.

Patent Application 6,189,401: A Method and Apparatus for Measuring Optical Coupling Coefficients; filed Sept. 1980.

Patent Application 6,199,895: Laser Bottlenecking Technique; filed Oct. 23, 1980.

Patent Application 6,203,003; Light Burst Activity Analyzer; filed Nov. 3, 1980.

Patent Application 6,203,197: Balanced Impedance Coupler; filed Nov. 4, 1980.

Patent Application 6,206,130: Multi-Sampling-Channel Pulse Compressor; filed Nov. 6, 1980.

Patent Application 6,206,404: Method for Cation Production; filed Nov. 13,1980.

Patent Application 6,206,355: Multiple-Microcomputer Processing; filed Nov. 19, 1980.

Patent Application 6,206,757: Recoil Force and Weight Loss Simulation Device; filed Nov. 20, 1980.

Patent Application 6, 210,114: Pressure Formed Fiber Optic Connector; filed Nov. 24, 1980.

Patent Application 6,210,981: Improved Method of Preparing N, N-Bis (2-Fluoro-2,2-Dinitroethyl) Carbamyl Chloride and Its Derivatives; filed Nov. 28, 1980.

Patent Application 6,213,529: High Speed Digital to Analog Converter Circuit; filed Dec. 5, 1980.

Patent Application 6,215,213: Rotating Shutter System for Improving the Resolution of a Visual Display System; filed Dec. 11, 1980.

Patent 4,230,995: Electrically Excited Mercury Halide Laser; filed Oct. 24, 1978, patented Oct. 28, 1980; not available NTIS.

Patent 4,231,050: Tungsten-Titanium-Chromium/-Gold Semiconductor Metallization; filed Nov. 22, 1978, patented Oct. 28, 1980; not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA CODE GP-4, Washington, DC 20546

Patent 4,209,561: Structural Wood Panels with Improved Fire Resistance; filed July 28, 1978, patented June 24, 1980; not available NTIS.

Patent 4,212,297: Micro-Fluid Exchange Coupling Appraratus; filed Oct. 16, 1978, patented July 15, 1980; not available NTIS.

Patent 4,218,685: Coaxial Phased Array Antenna; filed Oct. 17, 1978, patented Aug. 19, 1980; not available NTIS.

Patent 4,218,892: Low Cost Cryostat; filed Mar. 29, 1979, patented Aug. 26, 1980; not available NTIS.

Patent 4,218,941: Method and Tool for Machining a Transverse Slot About a Bore; filed Oct. 17, 1978, patented Aug. 26, 1980; not available NTIS.

Patent 4,219,027: Subcutaneous Electrode Structure; filed Jan. 16, 1979, patented Aug. 26, 1980; not available NTIS.

Patent 4,219,084: Fire Extinguishing Apparatus Having a Slidable Mass for a Penetrator Nozzle; filed Apr. 19, 1978, patented Aug. 26, 1980; not available NTIS.

Patent 4,219,928: Method and Apparatus for Fabricating Improved Solar Cell Modules; filed Feb. 23, 1979, patented Sept. 2, 1980; not available NTIS.

Patent 4,222,098: Base Drive for Paralleled Inverter Systems; filed Feb. 16, 1978, patented Sept. 9, 1980; not available NTIS.

Patent 4,225,372: Surface Finishing; filed Jan. 23, 1979, patented Sept. 30, 1980; not available NTIS.

Patent 4,228,422: System for a Displaying at a Remote Station Data Generated at a Central Station and for Powering the Remote Station from the Central Station; filed Nov. 30, 1978, patented Oct. 14, 1980; not available NTIS.

Patent 4,228,656: Power Control for Hot Gas Engines; filed May 19, 1978, patented Oct. 21, 1980; not available NTIS.

Patent 4,229,198: Atomic Hydrogen Storage Method and Apparatus; filed Feb. 6, 1979, patented Oct. 21, 1980; not available NTIS.

Patent 4,229,473: Partial Interlaminar Separation System for Composites; filed Mar. 24, 1978, patented Oct. 21, 1980; not available NTIS.

Patent 4,230,717: Indometh Acin-Antihistamine Combination for Gastric Ulceration Control; filed Dec. 29, 1978, patented Oct. 28, 1980; not available NTIS.

Patent 4,233,606: Frequency Translating Phase Conjugation Circuit for Active Retrodirective Antenna Array; filed Dec. 29, 1978; patented Nov. 11, 1980; not available NTIS.

Patent 4,234,971: Precise RF Timing Signal Distribution to Remote Station; filed Sept. 24, 1979, patented Nov. 18, 1980; not available NTIS.

Patent 4,235,080: Installing Fiber Insulation; filed Dec. 15, 1978, patented Nov. 25, 1980; not available NTIS.

[FR Doc. 81-13681 Filed 5-6-81; 8:45 am]

BILLING CODE 3510-04-M

COMMODITY FUTURES TRADING COMMISSION

New York Mercantile Exchange: Proposed Position Limits Program in the Round White Potato Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rules.

SUMMARY: The New York Mercantile Exchange ("NYME") has submitted a proposal to provide a position limits program in the Round White Potato Futures contract. The Commodity Futures Trading Commission ("Commission") has determined that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposed of the Commodity Exchange Act.

DATE: Comments must be received on or before July 6, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to NYME Potato Position Limits Program.

FOR FURTHER INFORMATION CONTACT: Lawrence Dolins, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-8955; or Blake Imel, Division of Economics and Education, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-3203.

SUPPLEMENTARY INFORMATION: The NYME is proposing a position limits program in its Round White Potato futures contract ("contract") stipulating diverse position limits for the contract months of February, March, April and November. The proposal also would eliminate price limits during the last six trading days of the spot month, thereby providing traders with an increased opportunity to liquidate positions in conformity with the speculative limits specified within the contract. This proposal is intended to further orderly liquidations of the contract while minimizing the inconvenience and restraint on bona fide hedge and speculative activity. The Exchange has stated that the proposed amendments concerning position and price fluctuation limits will be made effective following notice of approval by the Commission and will apply to any contracts open to trading at that time.

The Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (Supp. III 1979), has determined that the proposals submitted by the NYME concerning its Round White Potato futures contract are of major economic significance. The NYME's proposed new rule 60.17 and Hedge Notice Form are printed below:

Proposed Rule for Potato Contract on Position Limits

60.17 Position Limits

(1) Limitations: No person may hold or control contracts at any time, net long or short, in excess of the number set forth below:

(a) November futures: 300 contracts.

(b) February, March and April futures: 150 contracts for any of said months except that for the last 5 days of trading of any of said months, the limit shall be 100 contracts.

(c) All futures combined: 350 contracts.

(2) Aggregation of Positions: Positions directly or indirectly held or controlled by a person and positions held or controlled by two or more persons acting pursuant to an express or implied agreement or understanding shall be aggregated in determining complicance with this Rules.

(3) Clearing Members: A Clearing Member shall not maintain or carry a customer's account which by itself of in aggregation with any other accounts of the holder exceeds the foregoing position limits.

(4) Hedge Notice: The foregoing position limits shall not apply to positions held as bona fide hedging positions which meet the following requirements:

(a) All persons exceeding the foregoing position limits must submit to the Exchange a Hedge Notice, in the form prescribed by the Exchange, within 48 hours after exceeding such limits for the first time in each crop year.

(b) The hedge positions must be bona fide hedges as defined in CFTC Regulating Section 1.3(z)(2), or other transactions or positions which are approved by the CFTC under regulations Section 1.3(z)(3).

(c) During the last five days of trading in the February, March and April delivery months, positions used to hedge potatoes which are not specified as deliverable under the terms of the contract shall not be considered bona fide hedging positions under this subsection (4).

(5) Forms:

(a) All persons required under CFTC regulations to file Form 601 for Potatoes must file copies of such Form with the Exchange between January 15 and April 1, at the same time they are required to be filed with the CFTC under the applicable CFTC Regulations.

(b) All persons required under CFTC regulations to file Form 604 and holding

positions exceeding those set forth in subsection (1) of this Rule must file copies of such form with the Exchange. These copies must be filed with the Exchange at the same time the form is required to be filed with the CFTC under applicable CFTC Regulations. These copies need not contain such person's CFTC code number, but must contain either the person's name or a code number on file with the Exchange.

(6) Reduction or Elimination of Positions Over the Position Limits: Whenever the President is his discretion determines that positions exceeding the limits are not bona fide hedging positions, be may, upon notification, order the reduction or elimination of such positions held by any persons or all persons for such period of time as he may determine.

(7) Appeal: Action of the President may be appealed to the Control Committee and thereafter to the Board of Governors. On such appeal, the respective body may affirm, rescind or modify the order or grant such other relief as in its discretion may be warranted.

NEW YORK MERCANTILE EXCHANGE—POTATO CONTRACT, NOVEMBER, FEBRUARY, MARCH, AND APRIL FUTURES—HEDGE NOTICE

The undersigned hereby furnishes notice that he holds or controls contracts in excess of the Exchange's position limits for the November, February, March and April Potato Futures, in accordance with Exchange Rule 60.17.

1. Name of Applicant:———
Phone: ( ) ———
Address: ———
City: ——— State: —— Zip Code: ——
3. Principal Business (check one) — Grower; — Dealer; — Processor; — Other (describe):

4. Officers, employees or managing agents responsible for futures trading:

5. Principal Owners of applicant:

6. Do any of the principal owners control or have financial interest in any other potato commodity account(s)? —— If yes, please provide the name of the account, account number, account executive, type of control or percentage of financial interest, and the FCM or Clearing Member where the accounts are maintained.

7. Clearing members where hedge accounts will be maintained:
Name: ——— Account Executive: —— Account No. ——
Name: ——— Account Executive: —— Account No. ——
Name: ——— Account Executive: —— Account No. ——

8(a) Total number of positions held or controlled:

Short	Long
November	
February	
March	
April	

(b) If short against production or stocks, what variety? ———; located in what state? ———
(c) If long and have a fixed price commitment specifying a variety, what variety is specified?

The applicant hereby affirms:

That the foregoing contracts are bona fide hedges, as defined in CFTC Reg. Section 1.3(z) which are necessary or advisable as an integral part of his business.

That he will inform the New York Mercantile Exchange of any changes in the information provided in answer to questions two (2) through seven (7) of this Notice within 48 hours of any such change.

That he has complied with all federal requirements relating to hedging and has received approval for this purpose from the CFTC where necessary.

That he will furnish to the Exchange such information as requested relating to contracts held or controlled.

That he will comply with whatever limitations are imposed by the Exchange with relation to said hedges.

That he will not make use of his hedge exemption to violate or avoid Exchange rules, manipulate any market, or otherwise impair the dignity or good name of the Exchange.

This notice is subject to the by-laws, rules and resolutions of the Exchange.

Date ———
Applicant ———
Signature ———
Please Print Name ———
Title ———

The NYME's proposed amendment to rule 60.05(F) is printed below, using arrows to indicate additions and brackets to indicate deletions:

Proposer Amendment to Rule 60.05(F)

(F) There shall be no maximum limit on price fluctuations [on] ►during◄ the last ►six (6)◄ trading day►s◄ established for the delivery month.

* * * * *

Other materials submitted by the NYME in support of its position limits program may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 28953–4 (April 22, 1980)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed position limits program should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by July 6, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on May 1, 1981.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 81-13888 Filed 5-6-81; 8:45 am]
BILLING CODE 6351-01-M

COUNCIL ON ENVIRONMENTAL QUALITY

Publication of Tenth Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information only: Publication of tenth progress report on agency implementing procedures under the National Environmental Policy Act.

SUMMARY: In response to Executive Order 11991, on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). 43 FR 55978–56007; 40 CFR 1500–08). Section 1507.3 of the regulations provides that each agency of the Federal government shall have adopted procedures to supplement the regulations by July 30, 1979. The Council has indicated to Federal agencies its intention to publish progress reports on agency efforts to develop implementing procedures under the NEPA regulations. The purpose of these progress reports, the tenth of which appears below, is to provide an update on where agencies stand in this process and to inform interested persons of when to expect the publication of proposed procedures for their review and comment.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006; 202–395–5750.

Tenth Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act

At the direction of Executive Order 11991, on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). These regulations appear at Volume 43

of the Federal Register, pages 55978–56007 and in Volume 40 of the Code of Federal Regulations, Sections 1500–1508. Their purpose is to reduce paperwork and delay associated with the environmental review process and to foster environmental quality through better decisions under NEPA.

Section 1507.3 of the NEPA regulations provides that each agency of the Federal government shall adopt procedures to supplement the regulations. The purpose of agency "implementing procedures," as they are called, is to translate the broad standards of the Council's regulations into practical action in Federal planning and decisionmaking. Agency procedures will provide government personnel with additional, more specific direction for implementing the procedural provisions of NEPA, and will inform the public and State and local officials of how the NEPA regulations will be applied to individual Federal programs and activities.

In the course of developing implementing procedures, agencies are required to consult with the Council and to publish proposed procedures in the Federal Register for public review and comment. Proposed procedures must be revised as necessary to respond to the ideas and suggestions made during the comment period. Thereafter, agencies are required to submit the proposed final version of their procedures for 30 day review by the Council for conformity with the Act and the NEPA regulations. After making such changes as are indicated by the Council's review, agencies are required to promulgate their final procedures. Although CEQ's regulations required agencies to publish their procedures by July 30, 1979 a number of Federal agencies did not meet the deadline. We stress, however, that the CEQ regulations are in effect now and are binding on all agencies of the Federal government now, whether or not the agencies are on time or late with their own procedures.

The Council published its first progress report on agency implementation procedures on May 7, 1979, its second report on July 23, 1979, its third report on September 26, 1979, its fourth report on November 2, 1979, its fifth report on December 14, 1979, its sixth report on January 29, 1980, its seventh report on March 25, 1980, its eighth report on June 25, 1980 and its ninth report on November 21, 1980 (44 FR 26781–82; 44 FR 43037–38; 44 FR 55408–55410; 44 FR 63132–63133; 44 FR 72622–72623; 45 FR 6638–6640; 45 FR 19294; 45 FR 42786; 45 FR 77107). The tenth progress report appears below.

The Council hopes that concerned members of the public will review and comment upon agency procedures to insure that the reforms required by the Council's regulations are implemented. Agencies preparing implementing procedures are listed under one of the following four categories:

Category No. 1: Final Procedures Have Been Published

This category includes agencies whose final procedures have appeared in the Federal Register:

Advisory Council on Historic Preservation, 45 FR 4353 (Jan. 22, 1980)
Agency for International Development 45 FR 70239 (Oct. 23, 1980)
Arms Control Disarmament Agency, 45 FR 84840 (Dec. 23, 1980)
Central Intelligence Agency, 44 FR 45431 (Aug. 2, 1979)
Consumer Product Safety Commission, 45 FR 69433 (Oct. 21, 1980)
Department of Agriculture, 44 FR 44802 (July 30, 1979)
- Animal and Plant Health Inspection Service, 44 FR 50381 (Aug. 28, 1979) [correction: 44 FR 51272 (Aug. 31, 1979)]
- Forest Service, 44 FR 44716 (July 30, 1979)
- Soil Conservation Service, 44 FR 50578 (Aug. 29, 1979)
- Rural Electrification Administration, 45 FR 6592 (Jan. 29, 1980)

Department of Commerce, 45 FR 47806 (July 17, 1980)
- Economic Development Administration, 45 FR 63310 (Sept. 24, 1980), supplemented 45 FR 74902 (Nov. 13, 1980)
- National Oceanic and Atmospheric Administration, 45 FR 49312 (July 24, 1980)

Department of Defense, 44 FR 46841 (Aug. 9, 1979)
- Army Corps of Engineers, 45 FR 56760 (Aug. 25, 1980)
- Department of the Army, 45 FR 69215 (Oct. 20, 1980)

Department of Energy, 45 FR 20694 (Mar. 28, 1980); Proposed amendments for categorical exclusions for Fuel Use Act, 45 FR 53199 (Aug. 11, 1980)
Department of Housing and Urban Development (agency wide procedures), 44 FR 67906 (Nov. 27, 1979). CEQ approval letter of April 29, 1981 scheduled for publication in Tuesday, May 5, 1981 Federal Register. Title I Programs under Housing and Community Development Act, see Appendix I
Department of the Interior (revised), 45 FR 27541 (April 23, 1980)
- Bureau of Indian Affairs, 46 FR 7490 (Jan. 23, 1981)
- Bureau of Mines, 45 FR 86528 (Dec. 29, 1980)
- Bureau of Land Management, 46 FR 7492 (Jan. 23, 1981)
- Fish and Wildlife Service, 45 FR 47941 (July 17, 1980)
- Geological Survey, 46 FR 7485 (Jan. 23, 1981)
- Heritage Conservation and Recreation Service, 45 FR 76801 (Nov. 20, 1980)
- Lowell Historic Preservation Commission, 45 FR 86562 (Dec. 31, 1980)
- National Park Service, 46 FR 1042 (Jan. 5, 1981)
- Office of Surface Mining Reclamation and Control, 46 FR 7487 (Jan. 23, 1981)
- Water and Power Resources Services, 45 FR 47944 (July 17, 1980)

Department of Health and Human Services, 45 FR 76519 (Nov. 19, 1980)
Department of Labor, 45 FR 51184 (Aug. 1, 1980)
Department of Justice, 46 FR 7953 (Jan. 26, 1981)
- Drug Enforcement Agency, 46 FR 7956 (Jan. 26, 1981)
- Immigration and Naturalization Service, 46 FR 7957 (Jan. 26 1981)
- Bureau of Prisons, 46 FR 7955 (Jan. 26, 1981)
- Office of Justice, Assistance, Research and Statistics (formerly LEAA), 46 FR 7959 (Jan. 26 1981)

Department of State, 45 FR 59553 (Sept. 10, 1980)
Department of Transportation, 44 FR 56420 (Oct. 1, 1979)
- Coast Guard, 45 FR 32816 (May 19, 1980)
- Federal Aviation Administration, 45 FR 2244 (Jan. 10, 1980)
- Federal Highway Administration, issued jointly with UMTA, 45 FR 71966 (Oct. 30, 1980)
- Federal Railroad Administration, 45 FR 40854 (June 16, 1980)
- Urban Mass Transportation Administration, issued jointly with FHWA, 45 FR 71966 (Oct, 1980)

Department of the Treasury, 45 FR 1628 (Jan. 8, 1980)
Environmental Protection Agency, 44 FR 64174 (Nov. 6, 1979)
Export-Import Bank, 44 FR 50810 (Aug. 30, 1979)
Farm Credit Administation, 45 FR 81733 (Dec. 12, 1980)
Federal Emergency Management Agency, 45 FR 41141 (June 18, 1980); amendments for categorical exclusions, 46 FR 2049 (Jan. 8, 1981)
Federal Maritime Commission, 45 FR 33996 (May 21, 1980)
Federal Railroad Administration, 45 FR 40854 (June 16, 1980)

General Services Administration, 45 FR 83 (Jan. 2, 1980) Public Buildings Service (see 44 FR 65675, Nov. 14, 1979)
International Communications Agency, 44 FR 45469 (Aug. 2, 1979)
Interstate Commerce Commission, 45 FR 79810 (Dec. 2, 1980)
Marine Mammal Commission, 44 FR 52837 (Sept. 11, 1979)
National Aeronautics and Space Administration, 44 FR 44485 (July 30, 1979) [corrections: 44 FR 49650 (Aug. 24, 1979); 44 FR 69920 (Dec. 5, 1979)]
National Capitol Planning Commission, 44 FR 64923 (nov. 8, 1979)
National Science Foundation, 45 FR 39 (Jan. 2, 1980)
Overseas Private Investment Corporation, 44 FR 51385 (Aug. 31, 1979). [NEPA Procedures are contained in this agency's procedures implementing Executive Order 12114 above.]
Postal Service, 44 FR 63524 (Nov. 5, 1979)
Small Business Administration, 45 FR 7358 (Feb. 1, 1980)
Tennessee Valley Authority, 45 FR 54511 (Aug. 15, 1980)
Veteran's Administration, 45 FR 62800 (Sept. 22, 1980)
Water Resources Council, 44 FR 69921 (Dec. 5, 1979)

Category No. 2: Proposed Procedures Have Been Published

This category includes agencies whose proposed procedures have appeared in the **Federal Register:**

ACTION, 44 FR 60110 (Oct. 18, 1979)
Civil Aeronautics Board, 44 FR 45637 (Aug. 3, 1979). [reissuance of part: 45 FR 16132 (Mar. 12, 1980)]
Community Services Administration, 45 FR 85485 (Dec. 29, 1980)
Department of Agriculture Agencies
- Agriculture Stabilization and Conservation Service, 44 FR 44167 (July 27, 1979) [correction: 44 FR 45631 (Aug. 3, 1979)]; procedures published as final without CEQ approval, 45 FR 32312 (May 16, 1980)
- Food Safety and Quality Service, 45 FR 60460 (Sept. 12, 1980)
- Science and Education Administration, 45 FR 11147 (Feb. 20, 1980)
- Notice of proposed categorical exclusion of certain Department of Agriculture agency programs, 45 FR 38092 (June 6, 1980)

Department of Defense Agencies
- Department of the Air Force, 44 FR 44118 (July 26, 1979)

Federal Energy Regulatory Commission, 44 FR 50052 (Aug. 27, 1979)
Food and Drug Administration, 44 FR 71742 (Dec. 11, 1979)
Federal Communications Commission, 44 FR 38913 (July 3, 1979)
Federal Trade Commission, 44 FR 42712 (July 20, 1979)
International Boundary and Water Commission (U.S. Section), 44 FR 61665 (Oct. 26, 1979)
National Credit Union Administration, 45 FR 12211 (Feb. 25, 1980)
Nuclear Regulatory Commission, 45 FR 13739 (Mar. 3, 1980)
Pennsylvania Avenue Development Corporation, 44 FR 45925 (Aug. 6, 1979)
Saint Lawrence Seaway Development Corp., 45 FR 46601 (July 10, 1980)

Category #3: Proposed Procedures Have Not Been Published

This category includes agencies that have not published proposed procedures in the **Federal Register** as of March 31, 1981:

Defense Logistics Agency
Department of the Navy
Farmers Home Administration
Federal Reserve System
Appalachian Regional Commission
Federal Deposit Insurance Corporation
Federal Home Loan Bank Board
Federal Savings and Loan Insurance Corporation
METRO
National Highway Traffic Safety Administration
Securities and Exchange Commission

The development of agency implementing procedures is a critical stage in Federal efforts to reform the NEPA process. These procedures must, of course, be consistent with the Council's regulations and provide the means for reducing paperwork and delay and producing better decisions in agency planning and decisionmaking.

Interested persons will have the opportunity to make their suggestions for improving agency procedures when they are published in the **Federal Register** in proposed form. Broad public participation at this crucial juncture could go a long way toward ensuring that the goals of the NEPA regulations are widely implemented in the day-to-day activities of government.

Prior to promulgation of final proceudres, agencies are required to submit the proposed final version of their procedures to the Council for review. When the Council finds that an agency's procedures conform with NEPA and the NEPA regulations, the Council sends a letter of approval to the agency after which the agency may adopt and publish its procedures in final form.

The following is an example of the approval letter:

Honorable R. Max Peterson,
Chief, Forest Service, Department of Agriculture, Washington, D.C. 20250.

Dear Mr. Peterson: Section 1507.3 of the "Regulations for Implementing The Procedural Provisions of the National Environmental Policy Act," 40 CFR 1500, *et seq.* provides that each agency shall as necessary adopt procedures to supplement the regulations. Section 1507.3 also provides that final agency procedures shall be adopted only after review by the Council on Environmental Quality.

On June 12, 1979 your predecessor, Mr. John McGuire, transmitted for Council review final procedures developed by the Forest Service under Section 1507.3 of the NEPA regulations. These procedures were published in the **Federal Register** for public review and comment on April 29, 1979. The comment period on the procedures concluded May 31, 1979. The preamble to the procedures contains a point-by-point response to the major comments received on the procedures.

The Council has completed its review of the procedures developed by the Forest Service. Based on that review, the Council has determined that the procedures address all of the sections of the regulations required to be addressed by Section 1507.3(b) of the regulations. The procedures will take effect and supplement the NEPA regulations once they are published in final form in the **Federal Register.**

Yours truly,
Nicholas C. Yost,
General Counsel.

Disapproved

Department of Housing and Urban Development; proposed procedures implementing NEPA for the Urban Development Action Grant (UDAG) Program under Title I programs under Housing and Community Development Act

Approved

Advisory Council on Historic Preservation
Agency for International Development
Arms Control Disarmament Agency
Central Intelligence Agency
Consumer Product Safety Commission
Department of Agriculture
- Animal & Plant Health Inspection Service
- Forest Service
- Soil Conservation Service
- Rural Electrification Administration

Department of Commerce
- Economic Development Administration
- National Oceanic & Atmospheric Administration

Department of Defense
- Army Corps of Engineers
- Department of the Army

Department of Energy
Department of the Interior
- Bureau of Indian Affairs
- Bureau of Mines
- Bureau of Land Management
- Fish and Wildlife Service
- Geological Survey

Heritage Conservation and Recreation Service
Lowell Historic Preservation Commission
National Park Service
Office of Surface Mining Reclamation and Control
Water and Power Resources Service
Department of Health and Human Services
Department of Justice
Drug Enforcement Agency
Immigration and Naturalization Service
Bureau of Prisons
Office of Justice Assistance, Research and Statistics
Department of Labor
Department of State
Department of Transportation
Coast Guard
Federal Aviation Administration
Federal Highway Administration & Urban Mass Transit Administration
Federal Railroad Administration
Department of the Treasury
Environmental Protection Agency
Export-Import Bank
Farm Credit Administration
Federal Emergency Management Agency
Federal Maritime Commission
Federal Railroad Administration
General Services Administration
Public Buildings Service
International Communications Agency
Interstate Commerce Commission
Marine Mammal Commission
National Aeronautics & Space Administration
National Capitol Planning Commission
National Science Foundation
Overseas Private Investment Corporation
Postal Service
Small Business Administration
Tennessee Valley Authority
Veteran's Administration
Water Resources Council

Dated: April 27, 1981.

Nicholas C. Yost,

General Counsel.

[FR Doc. 81-13621 Filed 5-6-81; 8:45 am]

BILLING CODE 3125-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers,

Department of the Army Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Proposed Harbor Facilities at Ninilchik, Alaska

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. Three alternatives are being studied in detail to provide additional small boat harbor facilities at Ninilchik, Alaska. These include a rubble mound breakwater offshore of the beach immediately south of Ninilchik River, a dredged half tide harbor protected by two rubble mound breakwaters south of Ninilchik River, and expansion of the existing harbor.

2. A scoping meeting is planned to identify the significant resources to be discussed within the DEIS. The date of this meeting has not been determined. Written comments will be requested from Federal, State, and local agencies as well as the general public.

The sites are located within the Clam Gulch State Critical Habitat Area. Significant issues to be discussed in the DEIS are impacts to mollusks, anadromous and resident fish, water dependent birds, marine mammals, littoral drift, water quality and socioeconomic factors.

3. Interested persons, agencies and organizations desiring to submit comments or suggestions for consideration in preparation of the DEIS are invited to do so. Upon completion of the DEIS, estimated to be early 1982, it will be available for public comment and review.

ADDRESS: Questions about the proposed action and DEIS can be answered by: William D. Lloyd, Chief, Environmental Section, Alaska District, Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510.

Lee R. Nunn,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81-13619 Filed 5-6-81; 8:45 am]

BILLING CODE 3710-HL-M

Intent To Prepare a Supplement to the Final Environmental Impact Statement (FEIS) for the Kaskaskia River Navigation Project, Illinois (Operation and Maintenance)

AGENCY: St. Louis District, Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Supplement to the Final Environmental Impact Statement (FEIS) for the Kaskaskia River Navigation Project, Illinois (Operation and Maintenance).

SUMMARY:

1. *Proposed Action:* The proposed action is to prepare a Supplement to the FEIS for the Kaskaskia River Navigation Project, Illinois (Operation and Maintenance) Study concerning construction of the remaining 0.9 mile of the canal from canal mile 28.7 to 29.6; redredging the canal from canal mile 29.6 to the head of navigation at Fayetteville, Illinois, mile 35.9; full coverage revetment of the canal banks from mile 28.7 to mile 35.9; and planning for future operation and maintanance disposal sites. Dredging activities are to be accomplished by hydraulic pipeline dredge, and dredge material is to be placed in existing placement sites and selected new sites. A cumulative impact analysis of the Kaskaskia River as a system may be considered and addressed within the Supplement to the FEIS, pending coordination with affected State and Federal agencies. The project area is located in St. Clair County, Illinois.

2. *Alternatives:* The alternatives will include selection of dredge material placement sites, choice of land use determination for filled disposal sites, and no action.

3. *Scoping Process:*

a. *Public Involvement:* The FEIS was released in July 1974 after coordination with Federal, State and local agencies and other interested private organizations and parties.

We are inviting the participation of affected Federal, State and local agencies and other interested organizations and individuals. The scoping process, as outlined by the Council of Environmental Quality (29 November 1978), will begin at a meeting in May 1981, and will be incorporated in the existing planning process.

b. *Significant Issues:* Significant issues addressed in the Supplement to the FEIS will include dredging, revetment, placement of dredge material, and an analysis of the impact on the environment regarding the proposed action and the economically justified alternatives.

c. *Lead Agency and Cooperating Agency Responsibilities:* The St. Louis District, Army Corps of Engineers, is the lead agency responsible for the preparation of the supplement to the FEIS. The Illinois Department of Transportation, the Illinois Department of Conservation, the U.S. Fish and Wildlife Service, and the Kaskaskia Regional Port District will furnish input for the supplement and be invited to participate as cooperating agencies.

d. *Environmental Review and Consultation Requirements:* The completed Supplement to the FEIS will be made available to appropriate Federal, State, and local agencies, and other interested individuals. The Supplement to the FEIS will contain records of compliance with designated consultation requirements found applicable during the course of this study.

4. *Scoping Meeting:* The scoping process will be initiated in May 1981 at a formal coordination meeting with the Illinois Department of Transportation (State sponsor), and interested Federal, State, and local agencies. The scoping process will continue, as additional

scoping meetings will be scheduled throughout the duration of the study.

5. *Supplement to FEIS Preparation:* The Supplement to the FEIS is scheduled to be completed in the first quarter of 1983.

ADDRESS: Questions concerning the proposed action and the Supplement to the FEIS can be answered by: William L. Rogers, Kaskaskia Navigation Project Manager (ED–PK), U.S. Army Engineer District, St. Louis, 210 Tucker Blvd., North, St. Louis, Missouri 63101.

Dated: April 29, 1981.

Robert J. Dacey,

Colonel, CE, District Engineer.

[FR Doc. 81-13806 Filed 5-6-81; 8:45 am]

BILLING CODE 3710-GS-M

Department of the Army

Draft Environmental Impact Statement (DEIS); Proposed Modification to the Francis E. Walter Dam and Reservoir at the Confluence of the Lehigh River and Bear Creek in Luzerne County, Pa.

AGENCY: U.S. Army Corps of Engineers (Lead Agency), Philadelphia District.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: (1) The existing single purpose project is contained in about 2,880 acres and has a 234 foot-high dam which provides flood control and 80-acres conservation pool. One form of the proposed modification would raise the dam about 29-feet to add about 69,500 acre-feet of water (23 billion gallons) for water supply purposes and provide a 1,300 acre recreation pool. An additional 3,250 acres of land will be required for operation and recreation purposes of this multi-purpose project.

(2) Phase I Advanced Engineering and Design studies will be initiated in fiscal year 1981 to result in a Phase I General Design Memorandum which includes the DEIS. Alternatives to be considered in the DEIS include (1) structural options, (2) variations in the available recreation facilities, (3) maintaining the existing project (no action), and (4) various non-structural solutions.

(3) A plan of study, which will define the scope of the Phase I AE & D study, is underway. The scoping process will presently supplement that effort and will be continued through each iteration of the analysis. Participating agencies presently include the U.S. Fish and Wildlife Service, the Environmental Protection Agency (Region III), the Pennsylvania Department of Environmental Resources, the Pennsylvania Fish Commission, the Pennsylvania Game Commission, the Delaware River Basin Commission, County officials, and local and regional service and environmental groups. The appropriate Congressmen and State legislators will be apprised of these actions along with real estate interests who may be affected.

In addition, a mailing list of local, regional, and Federal agencies and individuals will utilized to ensure appropriate participation in and review of this project. The DEIS, upon completion, will be circulated to all the above mentioned individuals and organizations.

Significant environmental matters in the study include socio-economic concerns, conservation of fish and wildlife habitat, multi-purpose land use considerations and maintenance of water quality within and downstream of the project. The DEIS scope will consider public concerns with respect to the project as identified during the conduct of the Level B study by the Delaware River Basin Commission.

The Corps' environmental document will also include consideration of Section 404 (Pub. L. 92–500) factors, and cultural resources. No additional environmental review and consultation requirements are anticipated at this time.

(4) No scoping meeting has been scheduled. It is anticipated that inter-agency and public contacts will be maintained throughout the study course and as the DEIS is developed.

(5) It is anticipated that the DEIS will be available for public comment in late 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Dr. John A. Burnes, Chief, Environmental Resources Branch, U.S. Army Corps of Engineers, Philadelphia District, Custom House, 2d & Chestnut Streets, Philadelphia, PA 19106; Telephone: (215) 597–4833.

Dated: April 29, 1981.

John A. Burnes,

Chief, Environmental Resources Branch.

[FR Doc. 81-13802 Filed 5-6-81; 8:45 am]

BILLING CODE 1710-GR-M

Environmental Impact Statement; Alaska

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent to prepare a draft environmental impact.

SUMMARY: 1. Three alternatives are being considered in detail to provide new harbour facilties at Dillingham, Alaska. These include use of an offshore floating breakwater (Site 1), expansion of the existing harbor (Site 2), and construction of a new harbor near the mouth of Squaw Creek (Site 3) west of Dillingham. Details of each of these alternatives are being developed and will be made available to interested parties.

2. A scoping meeting is not planned, although a public meeting has been held in Dillingham to gather preliminary information on the three alternatives. Written comments will be requested from Federal, State, and local agencies as well as the general public.

Significant issues to be discussd in the DEIS are the impacts on waterbirds and fish, sedimentation within the harbor, water quality and harbor flushing characteristics, wave action and socioeconomic factors.

3. Interested persons, agencies and organization desiring to submit comments or suggestions for consideration in connection with the Preparation of the DEIS are invited to do so. Upon completion of the DEIS, estimated to be early 1982, it will be available for public comment and review.

ADDRESS: Questions about the proposed action and DEIS can be answered by: William D. Lloyd, Chief, Environmental Section, Alaska District, Corps of Engineers, P.O. Box 7002, Anchorage, Alaska 99510.

To Prepare a Draft Environmental Impact Statement (DEIS For a Proposed Small Boat Harbor at Dillingham, Alaska.

Lee R. Nunn,

Colonel, Corps of Engineers, District Engineer

[FR Doc. 81-13830 Filed 5-6-81; 8:45 am]

BILLING CODE 3710-ML-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with section 252(c)(1)(a)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of the following meetings:

I. A meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on May 12, 1981, at the offices of Petroleum Association of Japan, Keidanren Building, No. 9–4, 1-Chrome, Ohtemachi, Chiyoda-Ku, Tokyo, Japan, beginning at 9:30 a.m. The agenda for the meeting is as follows:

1. Impact of destination restrictions on the Emergency Sharing System.
2. Matters remaining from AST–3, including work necessary to simulate pricing effects in AST–4.
3. Aspects of pricing in a real emergency.
4. Non-crisis alternatives to Questionnaires A and B.
5. Buffer stocks needed to hold 90 days at all times.
6. Data questions, including:
A. New Questionnaire A formats;
B. Country-by-country data survey;
C. New crude oil data for ISOM list (Section SI.A);
D. Trade discrepancies;
E. New rolling four-quarter period to replace fixed BPFC;
F. Status of stocks at sea issue;
G. Insufficient data base for Emergency Sharing System.
7. Desirability of fine-tuning rules in Emergency Management Manual, including:
A. Establishment of priorities for allocation;
B. Start point of sharing after a trigger.
8. Review of proposed inclusion of petrochemical naptha in emergency reserves.
9. Principles of bunker demand restraint.
10. Training sessions:
A. Participation in training session on emergency system;
B. ISAG Seminar.
11. Future work program.

II. A meeting of Subcommittee C of the IAB to the IEA will be held on May 13, 1981, at the offices of Petroleum Association of Japan, Keidanren Building, No. 9–4, 1-Chome, Ohtemachi, Chiyoda-ku, Tokyo, Japan, beiginning at 9:30 a.m. The agenda for the meeting is as follows:

1. IEA Dispute Settlement Centre, including the draft Procedures for Arbitration and report on SEQ's DSC Working Group meeting on April 6.
2. Legal clearances for a real emergency:
A. Under Treaty of Rome;
B. Under U.S. and any other national legislation.
3. Legal questions arising out of conclusions and decisions of the Governing Board's March 31 meeting and results of its high level *Ad Hoc* Group.
A. Under Treaty of Rome;
B. Under U.S. and any other national legislation.
4. Pricing in an emergency, including inconsistencies between IEP Article 10 and the Emergency Management Manual.
5. Possibility of companies rescinding an approved Type 2 voluntary offer.
6. Revision of ISOM manual, Section V.
7. Future work program.

III. A meeting of the IAB to the IEA will be held on May 14 and 15, 1981, at the Imperial Hotel, 1–1–1 Uchisaiwai-Chu, Chiyoda-ku PC, Tokyo, Japan, beginning at 9:00 a.m. on May 14. The meeting will be continued on May 15, if necessary, at the Imperial Hotel, or at such other location in Toyko as may be announced on May 15. The agenda for the meeting is as follows:

1. Opening remarks.
2. Communications to and from IEA and Reporting Companies.
3. Matters arising from Record Notes of IAB Meetings of December 15, 1980, and January 28, 1981.
4. Report on, and discussion of:
A. Joint SOM and SEQ meeting of March 24, 1981;
B. SEQ meeting of March 24–25, 1981.
5. A. Progress report by the IEA Secretariat on, and discussion of, the work of the IEA-high-level *Ad Hoc* Group on Pre-Trigger Emergency Management.
B. Report by IEA Secretariat on, and discussion of, Governing Board meeting of March 31, 1981, and other recent developments.
6. Report by IEA on, and discussion of, worldwide supply situation following April (and possibly May) Questionnaire B submission, and outlook for 1981.
7. Subcommittee A Report, including:
A. Impact of destination restrictions on the Emergency Sharing System;
B. Matters remaining from AST–3, including work necessary to simulate pricing effects in AST–4;
C. Aspects of pricing in a real emergency;
D. Non-crisis alternatives to Questionnaires A and B;
E. Buffer stocks needed to hold 90 days at all times;
F. Data questions, including:
(1) New Questionnaire A format;
(2) Country-by-country data survey;
(3) Update of crude oil list in ISOM;
(4) Trade discrepancies;
(5) New rolling 4-quarter period to replace fixed BPFC in a crisis;
(6) Review of industry position regarding forward stocks at sea;
(7) Secretariat action in an emergency to compensate for incomplete data input.
G. Desirability of finely tuning the rules in Emergency Management Manual, such as:
(1) Establishment before a trigger of priorities for allocation;
(2) Start-point of sharing after a trigger.
H. Review of proposed inclusion of petrochemical naphtha in emergency reserves.
I. Principles of bunker demand restraint.
J. Training sessions:
(1) Participation in Secretariat's training session on Emergency System;
(2) ISAG indoctrination seminar.
K. Future work program.
8. Subcommittee C report, including:
A. IEA Dispute Settlement Centre, including:
(1) The draft Procedures for Arbitration;
(2) Report of April 6 meeting of SEQ Working Group on the DSC.
B. Legal clearances for a real emergency.
(1) Under Treaty of Rome;
(2) Under U.S. and any other national legislation.
C. Legal questions arising out of conclusions and decisions of the Governing Board's March 31 meeting and results of its high level *Ad Hoc* Group:
(1) Under Treaty of Rome;
(2) Under U.S. and any other national legislation.
D. Pricing in an emergency, and reconcilation of inconsistencies between IEP Article 10 and the Emergency Management Manual.
E. Possibility of the rescission by companies of an approved Type-2 voluntary offer.
F. Revision of ISOM Manual, Section V.
G. Future work program.
9. A. ISAG management and nominations for staffing.
B. Report by ISAG and IEA Secretariat on the March 12 ISAG meeting in San Francisco.
C. Date of AST–4.
10. Future work program and meeting schedule.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., April 29, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81–13828 Filed 5–6–81; 8:45 am]
BILLING CODE 6450–01–M

Economic Regulatory Administration

Ozona Gas Processing Plant; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Peition submitted to the Office of Hearings and Appeals: April 27, 1981.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000 M Street, NW., Room 5204, Washington, D.C. 20461 (202) 653-3541.

SUPPLEMENTARY INFORMATION: On December 20, 1979, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a proposed Consent Order with Ozona Gas Processing Plant (OGP) of Tyler, Texas on November 26, 1979, 44 FR 75450 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the proposed Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by OGP pursuant to the proposed Consent Order were requested to submit notice of their claims to the ERA.

A second notice was published in the **Federal Register**, 45 FR 8697 (1980). That second notice stated that after consideration of the one comment received, the ERA had concluded that the Consent Order as executed was an appropriate resolution of the compliance proceedings. The Consent Order was made effective February 8, 1980.

Pursuant to the Consent Order, OGP refunded the sum of $814,000 by certified checks made payable to the United States Department of Energy. This sum has been placed into a suitable account pending determination of its proper distribution.

The following persons submitted claims to the ERA: Suburban Propane Gas Corporation, Growth Energy, Inc.

ACTION TAKEN: The ERA is unable to identify readily the persons entitled to recieve the $814,000 or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA, therefore, has petitioned the Office of Hearings and Appeals (OHA) on April 27, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seg.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 30th day of April 1981.

James Fenton,

Acting Director, Programs Operations Division.

[FR Doc. 81-13826 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW, Washington, DC 20461, phone 202/653-3517. On or before May 22, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, DC 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C., on the 30th day of April 1981.

Charles L. Croxton,

Acting Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

Proposed Remedial Orders—Southwest District

Station	Address	Date	Violation amount	Highest cents per gallon violation
C & C Mobil Service	7020 N.W. 23, Bethany, OK 73008	3/25/81	$967.01	3.4
Cole's Service Station	738 Cubbertson Dr., Oklahoma City, OK 73105	3/25/81	5,696.34	6.5

[FR Doc. 81-13827 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 739 etc.]

Appalachian Power Company, et al.; Expiration

April 30, 1981.

So that the Congress may have an adequate opportunity to decide whether upon the expiration of the licensee, to take over the projects under Section 14 of the Federal Power Act, as amended (16 U.S.C. 807), and that the Licensees for the projects and others may have adequate notice and opportunity to file timely application for new licenses under Section 15 of the Act, as amended (16 U.S.C. 808), public notice is hereby given that the license issued for the designated and described projects on the appended tables will expire on the dates specified.

Lois D. Cashell,

Acting Secretary.

Table 1.—*Projects for Which Licenses Will Expire Between Jan. 1, 1981 and Dec. 31, 1986, Inclusive, Which Are Subject to Relicensing or Takeover*[1]

License expiration date	Licensee	PERC Project No.	State	County	Stream	Installation (kilowatts)	Facilities under license	Period of License (years)
6-30-81	Appalachian Power Co.	739	Virginia	Pulaski	New River	77,400	Dam, reservior, powerhouse and transmission line.	50
9-30-82	Pacific Gas and Electric Co.	1962	California	Butte and Plumas	North Fork of Feather River	180,900	2 dams, 2 reservors, 2 powerhouses and transmission lines.	35
1-15-84	Kanawha Valley Power Co.	1175	West Virgina	Kanawha and Fayette	Kanawha River	28,800	2 dams, 2 powerhouses and transmission lines.	50
1-15-84	Kanawha Valley Power Co.	1290	West Virgina	Kanawha and Putnam	Kanawha River	14,760	Powerhouse and transmission lines.	48
6-10-84	Idaho Power Co.	18	Idaho	Jerome and Twin Falls	Snake River	8,438	Dam, powerhouse and transmisson line.	50
2-10-85	Duke Power Co.	1267	South Caroline	Greenwood, Laurens, and Newberry.	Saluda River	15,000	Dam, reservoir and powerhouse.	50
3-31-85	Pacific Gas and Electric Co.	1988	California	Fresno	Kings River, N. Fork Kings River, Helms Creek.	179,100	6 dams, 2 reservoirs, tunnel, 2 powerhouses and transmisson lines.	30
11-30-86	South California Edison Co.	1389	California	Mono	Leaving Creek	10,000	Dams, power plant	50
11-30-86	South California Edison Co.	1389	California	Mono	Rush Creek	8,400	Dams, power plant	50
11-30-86	South California Edison Co.	1389	California	Mono	Mill Creek	2,400	Dams, power plant	50
11-30-86	South California Edison Co.	1394	California	Inyo	Bishop, Birch and McGee Creeks.	21,875	Dams, power plant	50
12-31-86	Wisconsin Public Service Corp.	1940	Wisconsin	Lincoln	Wis. River	2,800	Dams, power plant	50

[1] Sec. 14 of the Federal Power Act (16 U.S.C 807), reserves the right of the United States to take over the project works upon expiration of the license at a price to be determined under that section, but may be waived pursuant to Sec. 10(i). Sec. 14 is not applicable to any project owned by a state or municipality, pursuant to the act of Aug. 15, 1953 (67 Stat. 587).

Table 2.—*Projects for Which Licenses Will Expire Between Jan. 1, 1981 and Dec. 31, 1986, Inclusive, Which Are Not Subject to Takeover*[1]

License expiration date	Licensee	PERC Project No.	State	County	Stream	Installation (kilowatts)	Facilities under license	Period of License (years)
8-23-83	City of Ephraim	1212	UT	Sanpete	City Creek[2]	205	Pipeline and powerhouse	50
12-6-83	City of Radford	1235	VA	Montgomery and Pulaski	Little Creek[2]	800	Dam, reservor and powerhouse	50
4-16-84	Loup River Public Power District.	1256	NE	Platte, Nance, Madeon, Stanton, Wayne, Dixon, Colfax, Dodge, Douglas, Butler, Saunders and Lancaster.	Loup River	47,736	Diversion, dams, reservoirs, powerhouses and transmisson lines.	50
5-30-84	City of Pasadena	1250	CA	Los Angeles	San Gabriel River	3,000	Diversion dam and powerhouse	50
9-18-84	Red Bluff Water Power Control Dist.	1280	NM	Eddy	Pecos[3]	2,300	Dam, power plant	50
10-31-85	Utah Power & Light Co.	708	ID	Pear Lake	Paris Creek[3]	850	Dam, canal, forebay and powerhouse.	10

[1] Sec. 14 of the Federal Power Act (16 U.S.C 807), reserves the right of the United States to take over the project works upon expiration of the license at a price to be determined under that section, but may be waived pursuant to Sec. 10(i) to the Act (16 U.S.C. 803(i)). Section 14 is not applicable to any project owned by a State or municipality, pursuant to the Act of Aug. 15, 1953 (67 Stat. 587).
[2] Minor License.
[3] Includes equivalent kW for 60 hp (mechanical).
[4] Does not include an additional 410 MW in second powerhouse currently under construction.

[FR Doc. 81-13740 Filed 5-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ID-1944-000]

Earl G. Cheney; Application

May 4, 1981.

The filing individual submits the following:

Take notice that on April 13, 1981, Earl G. Cheney, pursuant to Section 305(b) of the Federal Power Act, tendered for filing an application for authority to hold the following positions:

Executive Vice President and Director—Cambridge Electric Light Company; Canal Electric Company; Commonwealth Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13760 Filed 5-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4204-000]

City of Batesville, Arkansas; Application for Preliminary Permit

May 5, 1981.

Take notice that City of Batesville, Arkansas (Applicant) filed on February 13, 1981, an application for preliminary permit (pursuant to the Federal Power

Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4204 to be known as White River L&D #1 Hydro Project located on the White River in Independence County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor Jim Shirrell, City Hall, Batesville, Arkansas 72501. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) An existing dam, 660 feet long and 31 feet high, constructed of concrete with a spillway section and a navigation lock at the left river bank; (2) a reservoir having negligible pondage; (3) an intake structure; (4) new penstocks; (5) a new powerhouse containing generating units having a total rated capacity of 10,000 kW; (6) a tailrace; (7) a new transmission line, approximately one mile long; and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 43,800,000 kWh.

Purpose of Project—Project energy would be utilized by the City of Batesville and would be sold to public and private utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Ramel Corporation's application for Project No. 3668 filed on November 3, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 10, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4204. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13758 Filed 5-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4145-000]

City of Valentine, Nebraska; Application for Preliminary Permit

May 1, 1981.

Take notice that The City of Valentine (Applicant) filed on February 6, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4145 to be known as Merritt Dam located on the Snake River in Cherry County, Nebraska. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Norma Jean New, City Manager, The City of Valentine, 323 North Main, Valentine, Nebraska 69201. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing United States Water and Power Resources Service's dam and reservoir. Project No. 4145 would consist of: (1) A proposed powerhouse located above the point on the outlet works where water is diverted to the Ainsworth Canal, and having an estimated installed generating capacity of 4.2 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The proposed project is located on Federal lands.

The Applicant estimates that the average annual energy output would be 36 GWh.

Purpose of Project—Energy produced at the proposed project would be used by the residents of the City of Valentine, Nebraska.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated to be $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the

permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc. & Enagenics Projects Nos. 3738 and 3813 filed on November 12, 1980 and December 3, 1980 respectively under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before May 18, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before June 5, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4145. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13741 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4358-000]

Columbia Basin Project Irrigation Districts; Application for Preliminary Permit

May 4, 1981.

Take notice that the Columbia Basin Project Irrigation Districts (Applicant) filed on March 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)) for proposed Project No. 4358 to be known as the Scooteney Inlet Project located on Potholes East Canal in Franklin County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Russell D. Smith, Secretary-Manager, South Columbia Basin Irrigation District, P.O. Box 1006, Pasco, Washington 99301. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A canal diverting flows from the Water and Power Resources Service's existing Potholes East Canal immediately upstream of the check structure at Scooteney Inlet; (2) a powerhouse containing two generating units with a total rated capacity of 2.8 MW; and (3) a 7,500-foot long, 34.5-kV transmission line. The Applicant estimates that the average annual output would be 10,000 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct detailed studies to determine the technical, economic, financial, and environmental feasibility of the proposed project. The estimated costs of conducting the studies are preparing an application for license or exemption is $91,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 18, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comment, protest, or petition to intervene must be received on or before June 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4358. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the orginal and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each respresentative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13742 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-115-002]

Columbia Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

May 1, 1981.

Take notice that on April 15, 1981, Columbia Gas Transmission Corporation (Columbia) tendered for filing Second Revised Sheet No. 335 to its FERC Gas Tariff, Original Volume No. 2. The revised tariff sheet bears an issue date of April 13, 1981, and an effective date of August 1, 1980.

By Order dated March 16, 1981, in *The Union Light, Heat & Power Company*, Docket No. RP80-115, the Commission approved a Stipulation and Agreement providing for a rate of return component of 9.84% to be used in computing *The Union Light, Heat & Power Company's* (Union) charges to Columbia under Union's Rate Schedule X-4. According to Columbia, Union's Rate Schedule X-4 consists of a March 2, 1972 Revised Transportation and Reimbursement Agreement among Columbia, Union, and The Cincinnati Gas and Electric Company (Cincinnati)—an Agreement which is also on file with the Commission as Columbia's Rate Schedule X-33, FERC Gas Tariff, Original Volume No. 2. Under this Agreement, Columbia pays Union an allocated portion of Union's annual costs pertaining to the facilities involved in the transportation service rendered by Union. Columbia in turn is reimbursed by Cincinnati for all payments made by Columbia to Union under the Agreement. Pursuant to Article I of the referenced Stipulation and Agreement, Columbia states that it is required to file a revised tariff sheet to its Rate Schedule X-33 of its FERC Gas Tariff, Original Volume No. 2, to reflect the settlement rate of return of 9.84%.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13710 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4417-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

May 4, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 25, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4417 to be known as Horse Linto Creek, Humboldt located on Horse Linto Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed Project would consist of three facilities. The Upper Facility would consist of: (1) Two natural rock diversion structures; (2) a 20-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 80-foot long, 5-foot high, 8-foot wide concrete diversion structure; (4) two diversion conduits or channels with a total length of 10,200 feet; (5) a 1,000-foot long, 36-inch diameter penstock; (6) a powerhouse containing generating equipment with a combined capacity of 4,500 kW; and (7) a 1.5-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the Upper Facility would be 19.8 million kWh.

The Middle Facility would consist of: (1) A natural rock diversion structure; (2) an 88-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) an 8,300-foot long diversion conduit or channel; (4) a 900-foot long, 36-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 3,000 kW; and (6) a 1-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the

Middle Facility would be 13.2 million kWh.

The Lower Facility would consist of: (1) A natural rock diversion structure; (2) a 45-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 4,500-foot long diversion conduit or channel; (4) a 1,500-foot long, 28-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 2,050 kW; and (6) a 6-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the Lower Facility would be 8.1 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4417. Any comments notices of intent, competing applications, protests or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13749 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4338-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

May 4, 1981.

Take notice that Consolidated Hydroelectric (Applicant) filed on March 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4338 to be known as the Deep Hole Creek Project located on the Deep Hole Creek in Mendocino County, near Covelo, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96001. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A 5-foot high by 150-foot long combination natural rock and concrete diversion structure; (2) a 4,800-foot long, 66-inch diameter diversion conduit; (3) an 1,800-foot long, 50-inch diameter steel penstock serving; (4) a powerhouse with a total installed capacity of 4,600 kW; and (5) approximately 13 miles of 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company (PG&E) transmission line.

The Applicant estimates that the average annual energy output would be 17.2 million kWhs.

Purpose of Project—Applicant proposes to sell the project energy to PG&E.

Proposed Scope and Cost of Studies under Permit—The Applicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 36 months, during which it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about $140,000. Some ground distrubing activities, including field tests, and borings, will be undertaken during the permit period. All disturbances will be kept to a minimum and will be restored to their original condition as close as possible. No new road construction

would be required to conduct the field studies under the proposed permit.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this applicaton should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4338. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13744 Filed 5-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4330-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

May 4, 1981.

Take notice that Consolidated Hydroelectric Inc. (Applicant) filed on March 12, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4330 to be known as the Beaver Creek, Mendocino Power Project located on the Beaver Creek in Mendocino County, near Covelo, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A 5-foot high by 60-foot long combination natural rock and concrete diversion structure; (2) a 5,000-foot long diversion conduit with varying diameter from 42 inches to 60 inches; (3) a 1,300-foot long, 50-inch diameter steel penstock serving; (4) a powerhouse with a total installed capacity of 4,300 kW; and (5) approximately 11 miles of 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company (PG&E) transmission line.

The applicant estimates that the average annual energy output would be 15.4 million kWhs.

Purpose of Project—Applicant proposes to sell the project energy to PG&E.

Proposed Scope and Cost of Studies under Permit—The Applicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 36 months, during which it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about $140,000. Some ground disturbing activities, including field tests, and borings, will be undertaken during the permit period. All disturbances will be kept at a minimal and will be restored to their original condition as close as possible. No new road construction would be required to conduct the field studies under the proposed permit.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examination to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be

made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than. A notice of intent September 8, 1981 must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4330. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13745 Filed 5-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4121-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

May 4, 1981.

Take notice that the Consolidated Hydroelectric, Inc. (Applicant) filed on February 5, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4121 to be known as the Middle Fork Sacramento River located on Middle Fork Sacramento River in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A diversion structure; (2) a 7,500-foot long conduit; (3) a 1,700-foot long, 32-inch diameter penstock; (4) a powerhouse containing a 3,975-kW generating unit; and (5) a 5.5 mile long, 12.5-kV transmission line. The Applicant estimates that the average annual output would be 15.7 million kWh.

Purpose of Project–The power generated by the proposed project would be sold to Pacific Power and Light Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a prelimary permit for a period of 36 months, during which it would survey the project boundary; make a geologic study; prepare an environmental report, perform economic, and financial feasibility studies; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protests or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION",

"PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4121. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13748 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 4095-000 and 4203-000]

Consolidated Hydroelectric, Inc., Richard L. Bean and Fred G. Castagna; Application for Preliminary Permit

May 5, 1981.

Take notice that Consolidated Hydroelectric, Inc., and Richard L. Bean and Fred G. Castagna (Applicants) filed on January 30, 1980, and February 13, 1981, respectively, applications for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)) for proposed Projects Nos. 4095 and 4203 to be known as Corral and Gates Creek and Corral Creek, respectively, located on Corral Creek and Gates Creek and Corral Creek, respectively, in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with Consolidated Hydroelectric, Inc. should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Correspondence with Richard L. Bean and Fred G. Castagna should be directed to: Richard L. Bean and Fred G. Castagna, 1646 East Street, Redding, California 96001. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project by Consolidated Hydroelectric, Inc. would consist of: (1) Two natural rock diversion structures; (2) a 250-foot long, 5-foot high, 8-foot wide, concrete diversion structure; (3) a 30-foot long, 8-foot high, 8-foot wide, concrete diversion structure; (4) two diversion conduits or channels with a combined length of 8,000 feet; (5) a transition structure; (6) a 1060-foot long, 66-inch diameter penstock; (7) a powerhouse containing generating equipment with a combined capacity of 3,870 kW; and (8) a 1.2-mile long, 12.5-kV transmission line. Consolidated Hydroelectric, Inc. estimates that the average annual energy output would be 15.2 million kWh.

The project proposed by Richard L. Bean and Fred G. Castagna would consist of: (1) A natural rock diversion structure; (2) a 4-mile long conduit or canal; (3) an enclosed pressure box or an open headworks; (4) a 1,800-foot long, 36-inch diameter penstock; (5) a powerhouse containing two generating units, rated at 1,200 and 2,000 kW respectively; and (6) a transmission line. Richard L. Bean and Fred G. Castagna estimate that the average annual energy output would be 6.9 million kWh.

Purpose of Project—The power generated by each proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Consolidated Hydroelectric seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the property; perform geologic studies; prepare an environmental report; perform economic and financial studies; and apply for necessary rights. The Applicant estimates the cost of these studies to be $80,000 to $140,000. Richard L. Bean and Fred G. Castagna seek issuance of a preliminary permit for a period of 24 months, during which time they would conduct geological and soils stability tests; study the hydrology; analyze the environmental impacts; survey the project area; perform an economic analysis; and apply for necessary rights. The Applicant estimates the cost of these studies to be $90,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 18, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for

Project No. 4095 and 4023. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13797 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3775 and Project No. 3792]

Cook Electric Co. and Enagenics; Application for Preliminary Permit

May 1, 1981.

Take notice that Cook Electric Company (Cook) and Enagenics filed on November 21, 1980 and November 28, 1980, respectively, competing applications for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r) for proposed Project Nos. 3775 and 3792 to be known as Sun River Diversion Dam Located at the U.S. Water Power and Resources Service's Sun River Diversion Dam on the Sun River in Lewis and Clark County and in Teton County, near the town of Augusta, Montana. The applications are on file with the Commission and are available for public inspection. Correspondence with Cook should be directed to: Mr. Warren P. Chapman, Cook Electric Company, P.O. Box 1071, Twin Falls Idaho 83301. Correspondence with Enagenics should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects of Cook and Enagenics would both consist of: (1) A proposed powerhouse located on the southern bank of the river; (2) proposed transmission facilities; and (3) appurtenant facilities. Cook estimates the capacity of its project to be about 1.1 MW with an annual generation of 8,500 MWh. Enagenics estimates the capacity of its project to be 1.0 MW with an annual generation of 8,800 MWh.

Purpose of Project—Cook proposes to negotiate with local utility companies for the purchase of the project generation. Enagenics states that Montana Power Company or the Sun Valley Electric Cooperatives are the most likely market for the project power.

Proposed Scope and Cost of Studies under Permit—Both Applicants have requested 36-month permits to undertake the necessary studies including design and economic feasibility, and assessment of environmental impact. Cook estimates the cost of studies for Project No. 3775 under the permit would be approximately $62,200, while Enagenics estimates the cost of studies for Project No. 3792 would be approximately $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3775 and 3792. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13747 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4192-000]

Diamond Power Corp.; Application for Preliminary Permit

May 5, 1981.

Take notice that The Diamond Power Corporation (Applicant) filed on February 12, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4192 to be known as the Five Mile Pond Project located on the Five Mile River in the Town of Killingly, Windham County, Connecticut. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mel Barkan, 1330 Boylston Street, Suite 512, Chestnut Hill, Massachusetts 02167. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) The existing Five Mile Pond Dam, approximately 120 feet long, varying in height from 8 to 16 feet, and surmounted by flashboards 1.75 feet high; (2) Five Mile Pond, with a surface area of 81 acres and a storage capacity of 240 acre-feet at 220.75 feet msl; (3) a new gate house; (4) trash racks; (5) a new powerhouse; (6) a 412-kw turbine/generator unit; (7) a new tailrace into the Quinebaug River; (8) a new 23-kV transmission line 5,500 feet long; and (9) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,725,000 Kwh.

Purpose of Project—Project power would be sold to Connecticut Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreemennt on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $20,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 17, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 15, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before July 17, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4192. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An Additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13750 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1948-000]

Jeremiah V. Donovan; Application

May 4, 1981.

The filing individual submits the following:

Take notice that on April 13, 1981, Jeremiah V. Donovan, pursuant to Section 305(b) of the Federal Power Act, tendered for filing an application for authority to hold the following positions:

Executive Vice President and Director—Cambridge Electric Light Company; Canal Electric Company; Commonwealth Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are

on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13745 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4414-000]

East Bay Municipal Utility District; Application for Preliminary Permit

May 1, 1981.

Take notice that East Bay Municipal Utility District (Applicant) filed on March 25, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4414 to be known as the Upper Mokelumne River (Railroad Flat Dam Site) Project located on the South Fork Mokelumne River in Calaveras County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John B. Reilley, General Counsel, East Bay Municipal Utility District, P.O. Box 24055, Oakland, California 94623. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) The Railroad Flat Dam, a new 345-foot high, 1,400-foot long rockfill structure creating a reservoir with storage capacity of 80,000 acre-feet; (2) the Middle Fork Diversion Dam, a new 130-foot high by 730-foot long structure creating a pondage with a capacity of 4,300 acre-feet; (3) a 35,000-foot long power tunnel; (4) a 2,900-foot long, 6-foot diameter penstock leading to; (5) a powerhouse to contain one impulse-type turbine-generating unit with a rated capacity of 20 MW; and (6) a 2.3-mile long, 230-kV transmission line to connect to an existing Pacific Gas and Electric Company transmission line. The Applicant estimates that the average annual energy output would be 60 million kWhs.

Purpose of Project—Applicant proposes to sell the project energy to a utility for distribution in the Northern California market.

Proposed Scope and Cost of Studies Under Permit—The Applicant has conducted some preliminary studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about $1,130,000. A detailed work plan and schedule was submitted as part of the application. Some ground disturbing activities, including field tests, and borings, may be undertaken during the permit period. All disturbances will be minimal and will be restored to their original condition as close as possible. No new road construction would be required to conduct the field studies under the proposed permit.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 17, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before June 17, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4414. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13746 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-23-001]

Eastern Shore Natural Gas Co.; Revised Tariff Filing

May 1, 1981.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on April 3, 1981, tendered for filing the following revised tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff:

To Be Effective March 1, 1981

Substitute Seventeenth Revised Sheet No. 5
Substitute Seventeenth Revised Sheet No. 6
Substitute Seventeenth Revised Sheet No. 10
Substitute Seventeenth Revised Sheet No. 11
Substitute Seventeenth Revised Sheet No. 12

Eastern Shore states that the purpose of this filing is to reflect a Purchased Gas Cost Current Adjustment. This filing is being made in accordance with Section 21 of Eastern Shore's FERC Gas Tariff and the Purchased Gas Cost Adjustment reflects rates payable to Eastern Shore's supplier during the period March 1, 1981 through August 31, 1981.

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13701 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3991-000]

Energenics Systems, Inc.; Application for Preliminary Permit

May 1, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on January 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 3991 to be known as the Cross-Cut Diversion Dam Project located on the Henry's Fork River in Fremont County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr.; President; Energenics, Systems, Inc.; 1727 Q Street, NW.; Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Water and Power Resources Service's Cross-Cut Diversion Dam and would consist of: (1) A new intake structure; (2) a new penstock; (3) a new powerhouse, having an installed generating capacity of 2,700 kW; (4) a new tailrace; (5) a new transmission line; and (6) appurtenant facilities. Applicant estimates that the average annual energy output would be 7,600,000 kWh.

Purpose of Project—Project energy would be sold to the Fall River Rural Electric Cooperative.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, historic and aesthetic impacts, and project power potential. Depending on the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3991. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13749 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3973-000]

Energenics Systems, Inc.; Application for Preliminary Permit

May 5, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on January 12, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 6 U.S.C. 791(a)–825(r)) for proposed Project No. 3973 to be known as Monongahela River Lock and Dam No. 2' located on the Monongahela River in Allegheny County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, ENERGENICS SYSTEMS, INC., 1727 Q Street, NW, Washington, D.C. 20009, (202) 332–3705. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Monongahela Lock and Dam No. 2 and would consist of: (1) A powerhouse containing generating units having a total rated capacity of 3.8 MW; (2) the existing transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 21.8 GWh.

Purpose of Project—The energy generated at the proposed project would be sold to Duquesne Light Co., or other alternatives such as nearby public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—The proposed term of the requested permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in the application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3752 submitted on November 18, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 10, 1981.

Filing and Service of Responsive Documents—Any comments, protests or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3973. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13750 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3951-000 and Project No. 4299-000]

Energenics Systems, Inc. and Creswell Heights Joint Authority; Application for Preliminary Permit

May 1, 1981.

Take notice that Energenics Systems, Inc. (ESI) and the Creswell Heights Joint Authority (CH) filed on January 9, 1981, and March 6, 1981, applications for preliminary permits (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Projects Nos. 3951 and 4299, respectively, to be known as the Dashields Project located on the Ohio River near the Town of Edgeworth in Allegheny County, Pennsylvania. Correspondence with ESI should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009. Correspondence with CH should be directed to: Mr. George McElhaney, Manager, Creswell Heights Joint Authority, 101 South Jordan Street, South Heights, Pennsylvania 15081.

Project Description—Each project would utilize the existing Corps of Engineers' Dashields Lock and Dam.

Project No. 3951 would consist of: (1) A new powerhouse on the northern river-bank; (2) one turbine/generating unit rated at 48.9 MW and operating under a head of approximately 9.6 feet; (3) a 35.0-kV transmission line two miles long; and (4) appurtenant facilities.

Project No. 4299 would consist of: (1) A new powerhouse located at the dam's northern abutment or in-channel near the downstream face of the dam; (2) turbine/generator units with a power potential of 23.5 MW; (3) a 3.50-kV and 2.0-mile long or 69-kV and 0.8-mile long

transmission line; and (4) appurtenant facilities.

Purpose of the Projects—ESI would probably sell the project power to the Duquesne Light Company. CH would use the project power to operate water treatment facilities and for other municipal purposes. Any excess power would be sold to Duquesne Light Company.

Proposed Scope and Cost of Studies Under Permit—Each applicant seeks issuance of preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for an FERC license, including an environmental report. Both ESI and CH estimate the cost of studies under its permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (Copies of the applications may be obtained directly from the applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—These applications were filed as competing applications to the application filed by Mitchell Energy Company for Project No. 3747 on November 17, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 of § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 5, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of applications for preliminary permit for Projects Nos. 3951 and 4299. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any application, or petition to intervene must also be served upon each representative of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13790 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 4169-000 and 4325-000]

Energenics Systems, Inc. and Talent Irrigation District; Application for Preliminary Permit

May 5, 1981.

Take notice that Energenics Systems, Inc. and Talent Irrigation District (Applicants) filed on February 10, and March 12, 1981, competing applications for a preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Projects Nos. 4169 and 4325, respectively, to be known as the Emigrant Dam Hydroelectric Project located on Emigrant Creek in Jackson County, Oregon. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, ENERGENICS SYSTEMS, INC., 1727 Q Street, NW., Washington, D.C. 20009 and Mr. W. H. Hoffbuhr, Talent Irrigation District, P.O. Box 467, Talent, Oregon 97540. Any person who wishes to file a response to this notice should read the entire notice, must comply with the requirements specified for the particular kind of response that person wishes to file, and must identify which application is being addressed.

Project Description—The proposed Project would consist of a powerhouse located adjacent to the outlet works of the Water and Power Resources Service's existing Emigrant Dam and a short transmission line. Energenics Systems, Inc.'s project would have a capacity of 849 kW and an average annual energy output of 1,850 MWh. The District's project would have a capacity of 2,000 kW and an average annual output of 6,900 MWh.

Purpose of Project—Power produced by the proposed project would be sold to a utility or other power purchaser.

Proposed Scope and Cost of Studies Under Permit—The Applicant would conduct a detailed feasibility study including engineering, environmental, and economic analysis. Energenics Systems, Inc. estimates the costs of its studies to be $30,000. The District's studies are estimated to cost $41,600.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right to priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (Copies of the applications may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of the permit as described in this notice. No other formal request for comments will be made. If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Competing Applications—These applications were filed as competing applications to Cascade Waterpower Development Corporation's Project No. 3384 filed on August 25, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 10, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 4169 and 4325. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13782 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1947-000]

Andrew S. Griffiths; Application

May 4, 1981.

The filing individual submits the following:

Take notice that on April 13, 1981, Andrew S. Griffiths, pursuant to Section 305(b) of the Federal Power Act, tendered for filing an application for authority to hold the following positions:

Vice President—Cambridge Electric Light Company; Canal Electric Company; Commonwealth Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13785 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1948-000]

Robert E. Healey; Application

May 4, 1981.

The filing individual submits the following:

Take notice that on April 13, 1981, Robert E. Healey, pursuant to Section 305(b) of the Federal Power Act, tendered for filing an application for authority to hold the following positions:

Vice President—Cambridge Electric Light Company; Canal Electric Company; Commonwealth Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13786 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4114-000]

Long Lake Energy Corp.; Application for Preliminary Permit

May 4, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on February 5, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4114 to be known as the Lower Saranac Project located on the Saranac River in Clinton County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer, Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York, New York 10017. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consider two alternatives.

Alternative 1 proposes development of the river reach extending from the vicinity of Lincoln Ponds Dam to the Fredenburg Falls Dam and would consist of: (1) The existing Lincoln Ponds Dam, a 20-foot high concrete gravity structure with a crest length of 300 feet; (2) the existing Lincoln Ponds Reservoir, with a surface area of 75 acres, at a mean surface elevation of 290.0 feet (USGS datum); (3) a new intake structure and control gate; (4) a new power canal approximately 4,000 feet long; (5) approximately 200 feet of new penstock; (6) a new powerhouse having units with an installed generating capacity of 3,300 kW; (7) a new transmission line and switchyard equipment; and (8) appurtenant facilities. The Lincoln Ponds Dam and Reservoir are owned by the Georgia-Pacific Corporation. The Applicant estimates that the average annual energy output for Alternative 1 would be 14,500,000 kWh.

Alternative 2 proposes development of the river reach extending from the vicinity of the Lincoln Ponds Dam to the Indian Rapids Dam and would consist of the same facilities listed in Alternative 1 in addition to: (1) Approximately 2,800 feet of new penstock; (2) an existing powerhouse adjacent to the Indian Rapids Dam with new generating equipment for a total Alternative 2 generating capacity of 5,200 kW; (3) the existing tailrace; and (4) the existing switchyard equipment and transmission line located adjacent to the powerhouse.

The existing generating facilities located at the Indian Rapids Dam Site are owned by the New York State Electric and Gas Corporation. The Applicant estimates that the average annual energy output for Alternative 2 would be 22,750,000 kWh.

Purpose of Project—Project energy would be sold to the new York State Electric and Gas Corporation.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $136,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4114. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13721 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1954-000]

Ronald F. MacDonald; Application

May 4, 1981.

The filing individual submits the following:

Take notice that on April 13, 1981, Ronald F. MacDonald, pursuant to Section 305(b) of the Federal Power Act, tendered for filing an application for authority to hold the following positions:

Vice President—Cambridge Electric Light Company; Canal Electric Company; Commonwealth Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determing the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13727 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-52-000]

Northern Natural Gas Co.; Division of InterNorth, Inc.; Proposed Changes in F.E.R.C. Gas Tariff

May 1, 1981.

Take Notice that Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), on April 24, 1981 tendered for filing proposed changes in its F.E.R.C. Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales by $176,208,211 annually, based on sales volumes and costs for the twelve months ended January 31, 1981, as adjusted for the Test Period.

Northern states the principal reasons for the proposed rate increase are: (1)

increased costs of obtaining new gas supplies, (2) the need to provide a return of 13.38% on its utility investment, and (3) increased costs of operations.

The Company states that copies of the filing have been mailed to each of its Gas Utility customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitons or protests must be filed on or before May 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 81-13707 Filed 5-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP78-123, et al. Docket No. CP78-124]

Northwest Alaskan Pipeline Co., and Northern Border Pipeline Co.; Order To Show Cause

Issued May 1, 1981.

On December 15, 1980, the Commission issued in Docket No. CP78-123, *et al.*, (13 FERC ¶ ——), an order to show cause why the Commission should not adopt, for purposes of rate base determination, the data and opinions set forth in three Reports on Results of Audit prepared by the Office of the Chief Accountant. Those three reports covered expenditures in connection with the Alaska segment of the Alaska Natural Gas Transportation System (ANGTS).

The Commission has now received from the Office of the Chief Accountant two additional reports.[1] These reports concern the audit of expenditures in connection with the Northern Border segment of the ANGTS. The audit reports are attached to this order for review by interested persons.

The Northern Border Pipeline Company whose expenditures are the subject of the audit reports was formed as a partnership effective March 9, 1978. At that time it had four partners. A fifth partner was added in 1979.

The first audit report attached hereto covers pre-partnership expenditures by two individual companies which later became partners in Northern Border. The claimed expenditures include funds contributed to the Northern Border Pipeline Study Group for development of the project, filing fees paid to the Commission, and Allowances for Funds Used During Construction (AFUDC), with credits for recoveries made by the parent companies of the two individual companies.

The second audit report attached hereto covers expenditures incurred by the Northern Border partners from March 9, 1978 through December 31, 1979. It consists of partnership expenditures charged to the gas plant accounts, including AFUDC.

As described in our order of December 15, 1980 with respect to the Alaska segment audit, on April 18, 1979, the Commission directed[2] its Office of the Chief Accountant to audit expenditures incurred by the certificate holders of the ANGTS.[3] The Commission directed the Chief Accountant to include in the reports his opinion as to whether "expenditures are properly assignable to the project and of a nature that would qualify the expenditures for eventual inclusion in the rate base, whether the accounting used by the sponsors meets the requirements of the Uniform System of Accounts and generally accepted accounting principles, and whether the project sponsors are in compliance with other accounting and reporting regulations and requirements of the Natural Gas Act, the *Decision*, and the certificate of public convenience and necessity."[4]

The Commission orders:

(A) Within 45 days of the issuance of this order, any interested person shall show cause why the Commission should not adopt, for purposes of rate base determination pursuant to the Natural Gas Act, ANGTA, and the President's Decision, the data and opinions set forth in the two Reports on Results of Audit prepared by the Office of the Chief Accountant and attached to this order.

(B) No later than 75 days after the date of issuance of this order, any interested person may submit pleadings responsive to any pleadings submitted within the 45 day period provided by paragraph (A) above.

(C) No later than 90 days after the date of issuance of this order, any interested person who has previously filed a pleading within the 45 day period provided by paragraph (A) above, or who has filed a responsive pleading within the 75 day period provided by paragraph (B) above, may also file a pleading responsive to any new points raised in pleadings filed pursuant to paragraph (B) above.

By the Commission.

Lois D. Cashell,
Acting Secretary.

[1] "Report on Results of Audit of Expenditures by Partners of the Northern Border Pipeline Company which were incurred prior to the Formation of the Partnership on March 9, 1978"; "Report on Results of Audit of Expenditures by the Northern Border Pipeline Company which were incurred from March 9, 1978 through December 31, 1979." Both reports are dated March, 1981.

[2] Directive to the Office of the Chief Accountant, Administrative Order No. 4, 7 FERC ¶ —— (1979).

[3] ANGTS was authorized by the Alaska Natural Gas Transportation Act (ANGTA), 15 U.S.C. §§ 719-7190 and the President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System* (Executive Office of the President, Energy Policy and Planning, September 1977), as enacted into law by H. J. Res. 621, Pub. Law No. 95-108 (November 2, 1977). The Commission, by an order issued December 16, 1977 in Docket No. CP78-123, *et al.*, issued conditional certificates of public convenience and necessity to construct and operate the ANGTS.

[4] Administrative Order No. 4, at 3.

Report on Results of Audit of Expenditures by Partners of the Northern Border Pipeline Co. Which Were Incurred Prior to the Formation of the Partnership on March 9, 1978

[Docket No. CP78-124]

March 1981, Division of Audits, Office of Chief Accountant, Federal Energy Regulatory Commission

Introduction

This is the fourth in a series of reports on the results of audits of expenditures related to the construction of the Alaska Natural Gas Transportation System (ANGTS).[1] The audits and reports are being made pursuant to the directions contained in Administrative Order No. 4, issued April 18, 1979.

The first three reports conveyed the results of the staff's audits of expenditures charged to the *Alaskan section* of ANGTS through December 31, 1979. The findings and recommendations in these three reports are the subject of an Order to Show Cause issued by the Commission on December 15, 1980, in Docket No. CP78-123, *et al.*

This report conveys the results of the staff's audit of pre-partnership expenditures charged to the *Northern Border section (Eastern Leg)* of ANGTS. This audit covered expenditures incurred prior to the formation of the

[1] ANGTS was authorized by the Alaska Natural Gas Transportation Act of 1976 (ANGTA), 15 U.S.C. 719, *et seq.* and the President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System*, as enacted into law, H. J. Res. 621, Pub. L. No. 95-108 (November 2, 1977).

partnership, Northern Border Pipeline Company (NBPC),[2] effective March 9, 1978, for the construction and operation of the Eastern Leg of ANGTS. Amounts charged to the Eastern Leg of ANGTS for pre-partnership expenditures totaled $4,615,582.[3]

Summary

Prior to the formation of the partnership, effective March 9, 1978, for the purpose of construction and operation of the Eastern Leg of ANGTS under a Conditional Certificate for Public Convenience and Necessity issued by FERC on December 16, 1977 (Docket No. CP78-123, *et al.*),[4] substantial sums were expended by two of the four partners, Northern Plains Natural Gas Company (Northern Plains) and Pan Border Gas Company (Pan Border).

The claimed pre-partnership expenditures totaled $4,615,582, consisting of $4,313,352 contributed to the Northern Border Pipeline Study Group (NBPSG), the sponsors of the successful application for the Conditional Certificate of Public Convenience and Necessity issued by FERC; $390,000 for filing fees paid to FERC; $1,952,280 of Allowances for Funds Used During Construction (AFUDC); and credits of $2,040,050 for recoveries made by the parent companies of Northern Plains and Pan Border.

With respect to the pre-partnership expenditures claimed by the partnership, the staff concludes that:

1. *Payments to NBPSG ($4,313,352).*

a. Expenditures of $4,164,110 are properly assignable to the Eastern Leg of ANGTS and are of a nature that would qualify for eventual inclusion in rate base.

b. Expenditures of $149,242 either are not properly assignable to the Eastern Leg of ANGTS or are not of a nature that would qualify for eventual inclusion in rate base and should be disallowed.

2. *FERC Filing Fees ($390,000).*

These expenditures, which represent two partners' share of the filing fees paid to FERC, are properly assignable to the Eastern Leg of ANGTS and are of a nature that would qualify for eventual inclusion in rate base.

3. *Allowances for Funds Used During Construction ($1,952,280).*

The AFUDC amounts were incorrectly computed and will require downward adjustment consistent with the recommendations in this report.

4. *Recoveries by Parent Companies ($2,040,050).*

These credits, which represent partial recoveries of payments to NBPSG and FERC filing fees by the parent companies of two partners, have been appropriately applied to reduce the amounts assignable to the Eastern Leg of ANGTS and the resulting amounts qualified for eventual inclusion in rate base.

5. *Deferred Taxes.*

The parent companies of Northern Plains and Pan Border have already claimed the pre-partnership expenditures as tax deductions [5] for Federal income tax purposes. The staff is proposing that the deferred taxes resulting from this procedure be recorded on NBPC's books to assure that the tax benefits are properly associated with the pre-partnership expenditures in making AFUDC computations, computing Federal income tax allowances, and establishing rate base.

The basis for the conclusions cited above are discussed in the text of this report.

Scope of Audit

The audit covered claimed pre-partnership expenditures of $4,615,582. These expenditures relate to disbursements made by Northern Plains and Pan Boarder for their shares of NBPSG costs and the FERC filing fees. Therefore, it was necessary for the staff to examine the total expenditures incurred by NBPSG of $13,357,336 and the total FERC filing fees of $1,170,000 to determine whether the partners' claimed expenditures were properly assignable to the Eastern Leg of ANGTS and eligible for eventual inclusion in NBPC's rate base.

The audit included an examination of the accounting and other records, to the extent deemed necessary, to determine whether:

1. The various financial statements and reports properly reflected the underlying records and documents.

2. The expenditures were adequately documented and supported.

3. The accounting for the expenditures met the requirements of the Uniform System of Accounts and generally accepted accounting principles.

4. The expenditures were properly assignable to the Eastern Leg of ANGTS and were of a nature that would qualify for eventual inclusion in rate base.

Results of Audit

Northern Plains and Pan Border claimed pre-partnership expenditures of $4,615,582, consisting of the following:

	Total	Northern Plains	Pan Border
Payments to NBPSG	$4,313,352	$2,156,676	$2,156,676
FERC Filing Fees	390,000	195,000	195,000
AFUDC	1,952,280	976,140	976,140
Recoveries by Parent Company	(2,040,050)	(673,374)	(1,366,676)
Net Claim	4,615,582	2,654,442	1,961,140

1. *Northern Border Pipeline Study Group (NBPSG) Expenditures.* The principle purpose of the NBPSG was to perform studies and other preliminary activities related to the construction of a natural gas transmission line running from the Canadian border to the midwestern United States. The pipeline would transport Alaskan and Canadian natural gas to the midwestern and eastern United States markets.

NBPSG reported expenditures of $13,357,336 and did not capitalize AFUDC. The staff determined that:

a. Expenditures of $12,894,584 were applicable to studies and other preliminary activities related to the future construction of a natural gas transmission line from the Canadian border to the midwestern United States.

These expenditures were found to be adequately documented and supported, directly related to the Eastern Leg of ANGTS, and of a nature that would qualify for eventual inclusion in rate base.

b. Expenditures of $462,752 are either not properly assignable to the Eastern Leg of ANGTS or are not of a nature that would qualify for eventual inclusion in the rate base of NBPC. These expenditures fall into the following categories:

(1) *Cash and Marketable Securities.* Expenditures of $112,434 represent cash and marketable securities against which NBPSG participants still have a claim.

[2] At March 9, 1978, the Northern Border Pipeline Company (NBPC), successor to the Northern Border Pipeline Company (Old Partnership), was composed of four partners, all affiliated with major gas transmission companies: Northern Plains Natural Gas Company (Northern Natural Gas Company), Northwest Border Pipeline Company (Northwest Pipeline Corporation), Pan Border Gas Company (Panhandle Eastern Pipeline Company), and United Mid-Continent Pipeline Company (United Gas Pipeline Company). See Exhibit No. 2.

[3] See Exhibit No. 1.

[4] On April 20, 1980, the Commission transferred the Conditional Certificate to the four member partnership formed effective March 9, 1978, as expanded during 1979 to five partners by inclusion of Trans Canada Border Pipeline, Ltd., an affiliate of Trans-Canada Pipeline, Ltd.

[5] IRS has challenged these claimed tax deductions, but the dispute has not yet been resolved.

These items are not related to the Eastern Leg of ANGTS. These amounts should be accounted for by the NBPSG participants individually.

(2) *Booklet Printing and Press Kit Costs.* Expenditures of $28,000 represent $19,077 paid to a firm to print a booklet entitled "What Happens When a Pipeline Goes Through", and $8,923 paid to another firm to assemble and distribute the "Northern Border Pipeline Press Kits". A review of the booklet and the press kit disclosed that they were intended and used to influence public opinion and the opinion of public officials during the selection process of the project.

The Uniform System of Accounts requires that expenditures of this nature be recorded in Account 426.4, Expenditures for certain civic, political and related activities, a non-utility expense account.

(3) *Expenditures Related to the Unsuccessful Arctic Gas Proposal.* Expenditures of $305,172 represents payments to a firm for environmental and legal work. These expenditures were incurred to: (a) review Alcan Pipeline Company's (Alcan) Alaskan environmental report, (b) prepare comments and technical support materials based upon review of the briefs being prepared by Arctic Gas' legal group and to aid in the preparation for the cross-examination of Alcan's Alaskan witnesses, and (c) provide technical support during the cross-examination of the Alcan witnesses.

Alcan was in direct competition with Arctic Gas to build the *Alaskan* section of ANGTS. The amounts expended relate to Alaskan environmental studies which are not related to the Eastern Leg of ANGTS. Therefore, these expenditures are not properly assignable to the Eastern Leg.

(4) *Professional Accounting Services.* Expenditures of $17,146 represent payments for professional accounting services to analyze expenditures incurred by the Canadian Arctic Gas Study Group to determine the continuing usefulness of these expenditures to ANNGTC. These expenditures related to the unsuccessful Arctic Gas project proposal and have no direct or indirect relationship or benefit to the Eastern Leg of ANGTS. Therefore, these expenditures are not properly assignable to the Eastern Leg.

Application of the findings of our audit of NBPSG expenditures to the dollar amounts recorded on NBPC's books gives the following results:

	Total	Not assignable or eligible for inclusion in rate base	Assignable and eligible for inclusion in rate base
NBPSG Expenditures:			
Cash and Marketable Securities	$112,434	$112,434	
Study Group Project Expenditures	$13,244,902	$350,318	$12,894,584
Total	$13,357,336	$462,752	$12,894,584
Percentage	100.00	3.46	96.54
NBPC Books: Recorded as Construction Work in Progress	$4,312,352	$148,242	$4,164,110

2. *FERC Filing Fees.* NBPSG filed an application with FERC to obtain a Conditional Certificate of Public Convenience and Necessity to build the Eastern Leg of ANGTS. Their application was approved and filing fees associated with the application were $1,170,000. Northern Plains and Pan Border's applicable share of this cost was $390,000.

The staff determined that these expenditures were adequately documented, supported, and properly assignable to the Eastern Leg of ANGTS, and of a nature that would qualify for eventual inclusion in rate base.

3. *Allowance for Funds Used During Construction.* AFUDC was claimed as pre-partnership expenditures by Northern Plains and Pan Border in identical amounts of $976,140 for a total of $1,952,280. No computational recognition was given to NBPSG expenditures and FERC filing fees recovered by the parent companies of Northern Plains and Pan Border.

AFUDC must be recomputed to five effect to NBPSG expenditures and FERC filing fees recovered by the parent companies and any adjustments required as a result of the other findings in this report. Additionally, the recomputation must be consistent with the pertinent provisions of Commission Order No. 31, issued June 8, 1979.

4. *Recovery of Pre-Partnership Expenditures by Parent Companies.* The parent companies of Northern Plains and Pan Border have recovered a significant portion of their NBPSG expenditures and FERC filing fees through billings to customers:

a. *Northern Plains Natural Gas Company.* At March 8, 1978, Northern Plains, through its parent's (Northern Natural Gas Company) annual R&D Tracker filing, has recovered $673,374 of its NBPSG expenditures and FERC filing fees. Northern Plains' pre-partnership expenditures were appropriately credited with $673,374 to give recognition of these recoveries.

b. *Pan Border Gas Company.* At March 8, 1978, Pan Border, through its parent's (Panhandle Eastern Pipeline Company) tariff, had recovered $1,366,676 of its NBPSG expenditures and FERC filing fees.

Pan Border's claimed pre-partnership expenditures were appropriately credited with $1,366,676 to give recognition of these recoveries.

5. *Federal Income Tax Benefits Derived From NBPSG Expenditures and FERC Filing Fees Need to be Associated With Claimed Pre-Partnership Expenditures.* The parent companies of Northern Plains and Pan Border have claimed NBPSG expenditures and FERC filing fees as tax deductions for Federal income tax purposes, thereby reducing their tax liabilities for prior years. This procedure will result in higher tax liabilities in future years (deferred taxes).

NBPC, a partnership, is not a tax paying entity. However, its rates will include allowances for Federal income taxes which will be paid by the individual partners or their parent companies. Such tax allowances should not include any amounts for the higher future tax liabilities resulting from the parent companies' prior use of the tax benefits associated with costs capitalized as part of this project. Accordingly, to assure this result, staff believes that the tax benefits already realized by the parent companies (represented by deferred taxes) should be recorded on the books of NBPC.

In addition, the deferred tax balances represent a reduction in the net cost of the pre-partnership expenditures. The staff believes that this reduction in costs should be reflected in NBPC's AFUDC computations during the construction period and in NBPC's rate base during the period of operations by reducing the base for such computations by the deferred tax balances related to the pre-partnership expenditures.

Recommendations

The staff recommends that:

1. $4,164,110 of NBPSG expenditures be allowed as charges properly assignable to the Eastern Leg of ANGTS and be determined as qualifed for eventual inclusion in the rate base of NBPC.

2. $148,242 of NBPSG expenditures be disallowed as charges properly assignable to the eastern Leg of ANGTS and qualifed for eventual inclusion in the rate base of NBPC.

3. $390,000 in FERC filing fees be allowed as charges properly assignable to the Eastern Leg of ANGTS and be determined as qualified for eventual inclusion in the rate base of NBPC.

4. $1,952,280 of AFUDC be recomputed to give effect to: (a) NBPSG expenditures and FERC filing fees partially recovered by parent companies, (b) adjustments resulting from this audit, and (c) Commission Order No. 31.

5. $2,040,050 of recoveries by parent companies be determined to be proper deductions from pre-partnership expenditures otherwise found qualified for eventual inclusion in the rate base of NBPC.

6. The deferred taxes arising from Northern Plains and Pan Border's parent companies' use of pre-partnership expenditures as deductions for Federal income tax purposes be recorded on NBPC books.

Exhibit No. 1.—*Northern Border Pipeline Company Pro Forma Balance Sheet as of Mar. 8, 1978, With Staff Adjustments Thereto*

	Pro forma balance 3-8-78	Staff adjustments	Adjusted balance 3-8-78
ASSETS			
Construction Work in Progress:			
Payments to NBPSG	$4,313,362	($149,242)	$4,164,110
FERC Filing Fees	390,000		390,000
Allowance for Funds Used During Construction	1,952,280		1,952,280
Amounts Recovered by Parent Companies	(2,040,050)		[1](2,040,050)
Total Assets	4,615,592	(149,242)	4,466,340
PARTNERS' EQUITY			
Northern Plains Natural Gas Company	2,654,442	(74,621)	2,579,821
Pan Border Gas Company	1,961,140	(74,621)	1,886,519
Northwest Border Pipeline Company			
United Mid-Continent Pipeline Company			
Total Partners' Equity	4,615,582	(149,242)	4,466,340

[1] Subject to recalculation, as recommended in the text of this report.

Exhibit No. 2.—Background Data, The Northern Border Pipeline Study Group and Northern Border Pipeline Company Partnerships

Northern Border Pipeline Study Group (NBPSG) was formally organized by a Joint Research and Feasibility Study Agreement dated January 28, 1973. The principal purposes of the NBPSG were to: (1) determine the feasibility of the construction and operation of a natural gas pipeline project to transport gas produced at Prudhoe Bay, Alaska, from locations on the border between Canada and the United States to interconnections with existing gas pipeline systems in the east and midwest in the United States; (2) prepare such studies, exhibits, and other data necessary for the filing of applications with government agencies; and (3) file and prosecute such applications.

Participants in the NBPSG and payments made through March 8, 1978 were as follows:

Participating company	Date withdrawn	Payments through 3-8-78
Columbia Gas Transmission Corporation		$2,166,676
Michigan Wisconsin Pipeline Company		2,166,676
Natural Gas Pipeline Co. of America		2,166,676
Texas Eastern Transmission Corporation		2,166,676
Consolidated Natural Gas Company	10-14-76	160,423
Transcontinental Gas Pipeline Corp.	12-09-76	296,857
Northern Natural Gas Company	06-01-76	2,166,676
Panhandle Eastern Pipeline Company	06-01-76	2,166,676
Total Payments to NBPSG		13,267,236

As a direct result of the Joint Research and Feasibility Study Agreement, another entity, the Northern Border Pipeline Company (NBPC) (Old Partnership) was formed on April 15, 1974.

NBPSG represented the NBPC (Old Partnership) in applications with government agencies in the United States. As a result of these applications, NBPC (Old Partnership) was awarded a Conditional Certificate of Public Convenience and Necessity by FERC for construction of the Eastern Leg of the ANGTS on December 16, 1977.

The NBPC (Old Partnership) was comprised of affiliates of the same companies that participated in the NBPSG, except that two NBPSG participants (Consolidated Natural Gas Company and Transcontinental Gas Pipeline Corp.) withdrew from NBPSG in 1973 and did not become members of the Old Partnership.

The only financial activity of the Old Partnership was the payment of the FERC filing fees as follows:

Old partnership member	Affiliated gas pipeline company	Contribution for FERC filing fees
Columbia Alaskan Gas Transmission Corp.	Columbia Gas Transmission Corporation.	$195,000
American Natural Gas Arctic Company.	Michigan Wisconsin Pipeline Company.	195,000
NANBCO Inc.	Natural Gas Pipeline Co of America.	195,000
Northern Plains Natural Gas Company.	Northern Natural Gas Company.	195,000
Pan Border Gas Company.	Panhandle Eastern Pipeline Company.	195,000
TETCO Three, Inc.	Texas Eastern Transmission Corp.	195,000
Total FERC filing fees through 3-8-78.		1,170,000

During 1978, NBPC (Old Partnership) was reorganized into NBPC (new Partnership) effective March 9, 1978. The purpose of the new NBPC was to build and operate the pre-build portion of the Eastern Leg of the ANGTS to effectuate the delivery of Canadian gas and to later expand the pipeline for the transportation of Alaskan gas.

The New Partnership consisted of two of the Old Partnership members (Northern Plains Natural Gas Company and Pan Border Gas Company) plus two new companies, United Mid-Continent Pipeline Company (an affiliate of United Gas Pipeline Company) and Northwest Border Pipeline Company (an affiliate of Northwest Pipeline Corporation).

The four other active members of the NBPSG and the Old Partnership did not wish to participate in the pre-build activity. In connection with this development, the Joint Research and Feasibility Study Agreement for NBPSG and the Old Partnership Agreement was amended in 1978 to provide as follows:

1. The Old Partnership was terminated.

2. The NBPSG shall transfer, assign and release to the new NBPC all rights and interests granted by the Presidential Decision and FERC designating Northern Border or its successor the conditional certificate to construct and operate in the United States the transportation System.

3. The four remaining members of the NBPSG and the Old Partnership not desiring to participate in the prebuilding retain the right to either transfer or sell their interest in the NBPSG assets to the New Partnership. In the event pre-building does not occur, this election must take place when the Management Committee of the New Partnership notifies the NBPSG that it will not proceed with pre-building. If pre-building does occur, this election must take place at commitment date for the construction of the additional facilities required to transport Alaskan gas. Each of the four Study Group partners which did not participate in pre-building will have the right to subscribe and contribute up to 7.5% of the additional equity funds required for the additional facilities.

Report on Results of Audit of Expenditures by the Northern Border Pipeline Company Which Were Incurred From March 9, 1978, Through December 31, 1979

[Docket No. CP78-124]

March 1981, Division of Audits, Office of Chief Accountant, Federal Energy Regulatory Commission

Introduction

This is the fifth in a series of reports on the results of audits of expenditures related to the construction of the Alaska Natural Gas Transportation System (ANGTS).[1] The audits and reports are being made pursuant to the directions contained in Administrative Order No. 4, issued April 18, 1979.

The first three reports conveyed the results of the staff's audits of expenditures charged to the *Alaskan section* of ANGTS through December 31, 1979. The findings and recommendations in these three reports are the subject of an Order to Show Cause issued by the Commission on December 15, 1980, in Docket No. CP78-123, *et al.*

The fourth report conveyed the results of the staff's first audit of expenditures charged to the *Northern Border section (Eastern Leg)* of ANGTS. The report covered expenditures incurred prior to the formation of the partnership, Northern Border Pipeline Company (NBPC), effective March 9, 1978, for the construction and operation of the Eastern Leg of ANGTS. Amounts charged to the Eastern Leg of ANGTS for pre-partnership expenditures totaled $4,615,562. In the report, the staff recommended the disallowance of $148,242 of the total claimed pre-partnership expenditures and the recomputation of the Allowances for Funds Used During Construction (AFUDC) for which $1,952,280 was claimed.

This report conveys the results of the staff's audit of partnership expenditures charged to the Eastern Leg of ANGTS for the period March 9, 1978 through December 31, 1979. Partnership expenditures charged to the gas plant accounts during this period totaled $8,613,654, including AFUDC of $1,397,955. The staff's findings and recommendations in this report do not cover the $1,397,955 of AFUDC claimed during the period. A part of the AFUDC claimed is based on amounts which are at issue in our first audit report on NBPC. Upon disposition of the audit findings and recommendations in our first report, AFUDC claimed from March 9, 1978 through December 31, 1979, will need to be recomputed and adjusted as appropriate.

Summary

With respect to the partnership's expenditures claimed during the period March 9, 1978 through December 31, 1979 ($7,215,699, exclusive of AFUDC), the staff concludes that all such expenditures are properly assignable to the Eastern Leg of ANGTS and are of a nature that would qualify for eventual inclusion in rate base.

Scope of Audit

The audit covered claimed partnership expenditures charged to the gas plant accounts totaling $7,215,699, exclusive of AFUDC, for the period March 9, 1978 through December 31, 1979.

The audit included an examination of the accounting and other records, to the extent deemed necessary, to determine whether:

1. The various financial statements and reports properly reflected the underlying records and documents.
2. The expenditures were adequately documented and supported.
3. The accounting for the expenditures met the requirements of the Uniform System of Accounts and generally accepted accounting principles.
4. The expenditures were properly assignable to the Eastern Leg of ANGTS and were of a nature that would qualify for eventual inclusion in rate base.
5. The other accounting and reporting regulations and requirements of the Natural Gas Act, the Decision, and the Certificate of Public Convenience and Necessity were complied with.
6. The policies, procedures, and controls appear adequate to ensure the efficient and economic construction of the project.

Results of Audit

Northern Border Pipeline Company claimed expenditures of $7,215,699, excluding AFUDC. With respect to these expenditures, the staff has determined that:

All expenditures were for preliminary activities related to construction of the Eastern Leg of ANGTS to effectuate early delivery of Canadian gas from Alberta, Canada, and later to expand the system for the transportation of Alaskan gas. These expenditures are properly assignable to the Eastern Leg of ANGTS and are of a nature that would qualify for eventual inclusion in NBPC's rate base.

Recommendations

The staff recommends that:

1. $7,215,699 of partnership expenditures be allowed as charges properly assignable to the Eastern Leg of ANGTS and be determined as qualified for eventual inclusion in the rate base of the Northern Border Pipeline Company.
2. Upon disposition of the audit findings in our first report on NBPC, AFUDC for the period March 9, 1978 through December 31, 1979, be recomputed and adjusted, as appropriate, consistent with the pertinent provisions of Commission Order No. 31, issued June 8, 1979.

[FR Doc. 81-13778 Filed 5-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ID-1953-000]

Robert S. Parker; Application

May 4, 1981.

The filing individual submits the following:

Take notice that on April 13, 1981, Robert S. Parker, pursuant to Section 305(b) of the Federal Power Act, tendered for filing an application for authority to hold the following positions:

Treasurer—Cambridge Electric Light Company; Canal Electric Company; Commonwealth Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13728 Filed 5-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-187-000]

Public Service Company of New Mexico; Order Granting in Part and Denying in Part Petitions for Rehearing

April 28, 1981.

On March 30, 1981, Public Service Company of New Mexico (PNM) and

[1] ANGTS was authorized by the Alaska Natural Gas Transportation Act of 1976 (ANGTA), 15 U.S.C. 719, *et seq.* and the President's *Decision and Report to Congress on the Alaska Natural Gas Transportation System*, as enacted into law, H. J. Res. 621, Pub. L. No. 95-158 (November 2, 1977).

Plains Electric Generation and Transmission Cooperative, Inc. (Plains) filed separate applications for rehearing of the Commission order issued on February 27, 1981, in this docket. The challenged order concerned rate increases proposed by PNM for service to five wholesale customers. The rates to four of these customers, including Plains, were tendered as unilateral rate changes. The proposed increase to the fifth wholesale customer, the City of Gallup, New Mexico (Gallup), was submitted pursuant to section 206 of the Federal Power Act, to become effective prospectively.

The February 27, 1981 Commission order, *inter alia*, accepted the proposed rates with some modifications and, except as applied to Gallup, suspended the rates for five months. As to Gallup, the Commission noted that the proposed rates included a Schedule A applicable to service at three existing delivery points and a Schedule B for service expected to commence at a fourth delivery point in February of 1981.[1] The Commission ordered that the rates under both schedules would become effective prospectively only following a Commission order establishing just and reasonable rates.

PNM has applied for rehearing with respect to two aspects of the order. First, PNM requests the Commission to reconsider deferring the effectiveness, until a Commission order, of increased rates proposed in Schedule B for service to the fourth Gallup delivery point. In support of its request, PNM states that its filing neglected to identify the differences in services provided under Schedules A and B. Under Schedule A, service is provided pursuant to a contract which the Commission previously determined was subject only to prospective change.[2] On the other hand, Schedule B service is provided under a contract which specifically provides for unilateral rate changes under section 205 of the Act. In fact, in Docket No. ER80–313, PNM filed rates for service under Schedule B which the Commission accepted for filing as permissible unilateral changes.[3]

PNM concludes that the Commission should have treated the Schedule B rates as a unilateral change and should have suspended these rates, if at all, for one day. Accordingly, PNM requests that the rates for this service become effective, subject to refund, at the time this service commences.

We note that the Federal Power Act (Section 205(d)) requires a utility to state plainly the time when a rate change will go into effect (absent Commission action). We further note that it appears to be a minimal burden on a company seeking higher rates to state the intended date of the rate increase. The requirement to state the proposed effective date of a rate change is not a mere technicality. As acknowledged by PNM, its rate filing erroneously asked that the Commission treat rates for all service to Gallup in the same manner, and specifically requested that the proposed rates for such service be made effective prospectively following a Commission order. Important legal consequences flow from the requested effective date, and it is not a matter that the Commission should determine contrary to the language of a company's filing based on a suspicion that the company has made a factual mistake.

We shall treat PNM's request for a different effective date for service to the fourth Gallup delivery point as an amendment to its filing with a filing date of March 30, 1981. The Commission must, therefore, grant waiver of the statutory notice requirement to permit a proposed effective date less than 60 days after filing.

In this instance, in view of all of the circumstances, including the previously ordered five month suspension, we find good cause to grant waiver. Apart from PNM's omission, there appears to be no substantive reason to require a different effective date for service to the new Gallup delivery point than for the remaining PNM customers whose rates can be increased unilaterally. Thus, for the reasons stated in our earlier order, we shall suspend the Schedule B rate for five months from March 1, 1981, to become effective thereafter on August 1, 1981, subject to refund. However, we put this company and others on notice that the statutory command to plainly state the date when a utility proposes that a rate change will go into effect is a requirement which must be met; and that the consequences of failure to meet it will not necessarily be mitigated in the future by the granting of a waiver of notice.

PNM next requests reconsideration of the Commission's decision to exclude ADITC from PNM's capital structure. PNM acknowledges that this treatment is fully consistent with Commission precedent, but the company notes that the Commission's decision on this point is currently on appeal before the United States Court of Appeals for the District of Columbia Circuit in consolidated Dockets 80–1200 and 80–1424, *Public Service Company of New Mexico* v. *Federal Energy Regulatory Commission*. PNM requests reconsideration of the Commission's decision in this docket "in light of the settlement agreement in Docket Nos. ER77–464, *et al.*, and the provision therein that ADITC be included in PNM's capital structure pending the outcome of the appeal."[4] PNM concludes that the Commission in this docket may fully enforce its policy position by carrying out the terms of the settlement agreement. Additionally, PNM concludes that if the Commission denies rehearing on the ADITC issue, PNM would be compelled to seek appellate review of the orders in this proceeding. According to PNM, this would result in unnecessary burdens on PNM, its customers, and the Commission.

We do not find the company's arguments concerning the prior settlement agreement or additional appellate litigation persuasive. With respect to the settlement agreement in Docket Nos. ER77–464, *et al.*, which was quoted, in part, in our February 27, 1981 order, we believe that the pertinent language fails to specify clearly whether the intent of the parties was for PNM (1) to "file" rates including ADITC in capitalization without protest by the affected customers, or (2) to "collect" such rates pending the outcome of the ongoing appeal. Such a distinction easily could have been reflected in the agreement. Moreover, as noted in our prior order, even assuming that the settlement language was interpreted as suggested by PNM, the Commission, unlike the parties, is not bound to adopt that approach. Concerning the ADITC issue, we find no compelling reason to reverse our prior decision.

In its application for rehearing, Plains requests the Commission to reconsider its denial of Plain's motion to summarily reject PNM's proposed rates. As support for its request, Plains repeats its previous argument that PNM's filing will allow the company to overcollect approximately $1.1 million.

According to Plains, this overcollection results from an inconsistency between the filed cost of service and the projected revenues PNM would collect under the proposed rates. Specifically, Plains argues that in the cost of service calculations, PNM divided its demand-related costs by one set of demand units (2415 kW) to derive the unit rate. However, PNM then

[1] As of the date of PNM's application for rehearing, the anticipated commencement of service at the new delivery point was early April, 1981.

[2] *Public Service Company of New Mexico*, Docket No. E–9454 (orders issued July 31, 1975 and September 27, 1975), *aff'd* 557 F.2d 227 (10th Cir. 1977).

[3] *See, Public Service Company of New Mexico*, Docket No. ER80–313, order issued May 30, 1980, mimeo. at 5.

[4] PNM's application for rehearing, mimeo at 4.

multiplied the unit rate by a higher number of demand units (2475 kW) to determine the projected revenues. To avoid a potential over-collection of revenues, Plains requests that PMN should be required to refile its unit charges reflecting the higher number of billing demand units.

Upon reconsideration, we believe that there is an inconsistency between the bases used by PNM to calculate its cost of service and to calculate its projected revenues. To remedy this inconsistency, we shall direct PMN to refile its projected revenues, Statement M, page 10, to reflect the same demand units used to calculate its cost of service.[5]

However, we reject Plain's request to summarily require PMN to use the higher billing determinants to calculate its cost of service. We find that this part of PNM's filing substantially complies with the Commission's filing requirements,[6] and represents an issue more appropriately resolved at hearing. We are unable to conclude as a matter of law that PNM lacked a substantial basis for employing the lower demand units in calculating its cost of service. The demand units which PNM employed appear to be the total contract reserve demand for the four wholesale customers. Use of the total contract reserve demand for cost of service purposes appears to be consistent with the agreement reached by PNM and these wholesale customers in Docket Nos. ER77-464, *et al.*

The Commission orders:

(A) The applications for rehearing filed by PNM and Plains are hereby granted in part and denied in part as set forth in this order.

(B) Within thirty (30) days of the issuance of this order, PNM shall file a revised Statement M in accordance with the instructions set forth in this order.

(C) PNM's proposed Schedule B rates for service to the fourth Gallup delivery point are hereby suspended for five months from March 1, 1981, to become effective on August 1, 1981, subject to refund.

(D) The Secretary shall promptly publish this order in the Federal Register.

[5] We shall also direct PNM to refile Statement M, page 8, which also erroneously uses 2475 kW to calculate the revenues which the company would receive under existing rates.

[6] *See, Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13782 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1943-000]

J. James Tasillo, Jr.; Application

May 4, 1981.

The filing individual submits the following:

Take notice that on April 13, 1981, J. James Tasillo, Jr., pursuant to Section 305(b) of the Federal Power Act, tendered for filing an application for authority to hold the following positions:

Vice President—Cambridge Electric Light Company; Canal Electric Company; Commonwealth Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13784 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP74-20-008, etc.]

United Gas Pipe Line Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

May 1, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 15, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

Appendix

Filing date	Company	Docket No.	Type Filing
Dec. 8, 1980	United Gas Pipe Line Company	RP74-20-008	Report.
Apr. 13, 1981	Tennessee Gas Pipeline Company	RP81-44-001	Report.
Apr. 13, 1981	Transcontinental Gas Pipe Line Corporation.	RP77-108	Report.
Apr. 15, 1981	Columbia Gas Transmission Corporation	RP76-94, *et al.*	Report.
Apr. 15, 1981	Midwestern Gas Transmission Company	RP80-23-008	Report.
Apr. 16, 1981	Consolidated Gas Supply Corporation	RP72-157-042	Report.
Apr. 20, 1981	Union Light, Heat & Power Company	RP80-115-003	Report.

[FR Doc. 81-13729 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4336-000]

Vale-Oregon Irrigation District; Application for Preliminary Permit

May 1, 1981.

Take notice that Vale-Oregon Irrigation District (Applicant) filed on March 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4336 to be known as the Agency Valley Project located on the North Fork Malheur River in Malheur County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert D. Butler, Swan, Butler and Looney, P.C., P.O. Box 430, Vale, Oregon 97918. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed Project would consist of: (1) A penstock; (2) a powerhouse having a capacity of 2 MW located adjacent to the stilling basin of the Water and Power Resources Service's existing Agency Valley Dam; and (3) a transmission line approximately 2½ miles long.

The Applicant estimates that the average annual energy output would be 5,200 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant proposes to conduct a detailed feasibility study including technical, economic, environmental, and financial analysis. Applicant estimates the costs of conducting its studies at $123,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Cascade Waterpower Development Corporation's Project No. 3445 filed on September 8, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4336. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13720 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-88-001]

Valley Gas Transmission, Inc.; Tariff Filing

May 1, 1981.

Take notice that on April 22, 1981, Valley Gas Transmission, Inc. (Valley) tendered for filing, pursuant to the Commission's March 16, 1981 Letter Order accepting and approving a Stipulation and Agreement in the above-listed docket, the following tariff sheets to Valley's FERC Gas Tariff Original Volume No. 1:

Substitute Eighteenth Revised Sheet No. 2A
Substitute Nineteenth Revised Sheet No. 2A
Substitute Twentieth Revised Sheet No. 2A

Valley states that following the Commission's acceptance of the tendered tariff sheets the pipeline will make the appropriate refunds, pursuant to the Commission's March 16, 1981 Letter Order. In addition, Valley requests that the Commission grant waiver of any applicable regulation as necessary to facilitate this compliance filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13729 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1945-000]

Richard G. Velte; Application

May 4, 1981.

The filing individual submits the following:

Take notice that on April 13, 1981, Richard G. Velte, pursuant to Section 305(b) of the Federal Power Act, tendered for filing an application for authority to hold the following positions:

Vice President—Cambridge Electric Light Company; Canal Electric Company; Commonwealth Electric Company
Director—Canal Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13708 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-300-000]

Washington Water Power Co.; Tender of "Letter Agreement"

April 30, 1981.

The filing company submits the following:

Take notice that on March 30, 1981, The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as a "Letter Agreement" between Washington and Portland General Electric Company, which applies to the sale of energy from Washington's portion of the Centralia coal-fired steam generating plant or from purchases made from other utilities by Washington. This agreement shall remain in effect until terminated by either party.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to January 1, 1981, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-13731 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1949-000]

John A. Whalen; Application

May 4, 1981.

The filing individual submits the following:

Take notice that on April 13, 1981, John A. Whalen, pursuant to Section 305(b) of the Federal Power Act, tendered for filing an application for authority to hold the following positions:

Comptroller—Cambridge Electric Light Company; Canal Electric Company; Commonwealth Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13729 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1952-000]

William F. Burt; Application

May 4, 1981.

The filing individual submits the following:

Take notice that on April 13, 1981, William F. Burt, pursuant to Section 305(b) of the Federal Power Act, tendered for filing an application for authority to hold the following positions:

Director—Connecticut Yankee Atomic Company; Maine Yankee Atomic Power Company; Vermont Yankee Nuclear Power Corp.; Yankee Atomic Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13732 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1951-000]

William R. Smith; Application

May 4, 1981.

The filing individual submits the following:

Take notice that on April 13, 1981, William R. Smith, pursuant to Section 305(b) of the Federal Power Act, tendered for filing an application for authority to hold the following positions:

Vice President—Cambridge Electric Light Company; Canal Electric Company; Commonwealth Electric Company
Director—Canal Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13730 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4060-001]

Willwood Irrigation District; Application for Preliminary Permit

May 1, 1981.

Take notice that Willwood Irrigation District (Applicant) filed on March 9, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4060 to be known as Willwood Dam located in Shoshone River in Park County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Neil E. Earhart, Commissioner—Chairman of Power Committee, Willwood Irrigation District, P.O. Box

982, Powell, Wyoming 82435. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A proposed powerhouse containing two generating units rated at 1.85 MW each; (2) proposed 7-foot diameter penstock; (3) proposed 34.5-kV or 69-kV transmission lines; and (4) appurtenant facilities. Applicant would utilize an existing dam owned by the Water and Power Resources Service, the U.S. Department of the Interior, and the Applicant's facilities would be located on U.S. lands.

The Applicant estimates that the average annual energy output would be 13.6 GWh.

Purpose of Project—Power produced at the project would be sold to either the Water and Power Resources Service, the Willwood Light and Power Company, or the Consumer Light and Power Company.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time studies would be conducted to determine the engineering, economic, and environmental feasibility of the project, along with applying for DOE funds and preparing an application for FERC license. In addition, Federal, State, and local government agencies would be consulted to determine the environmental effects of the project. Applicant estimates the cost of the studies would be $46,000.00.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Corporation Project No. 3576, filed on October 16, 1980, under CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4080. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13754 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4399-000, Project No. 4411-000, Project No. 4420-000]

Yuma County Water Users Association; Notice of Applications for Preliminary Permit

May 1, 1981.

Take notice that Yuma County Water Users Association (Association), City of McFarland (City), and Imperial Irrigation District (District) each filed on March 23, 1981, March 24, 1981, and March 25, 1981, respectively, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Sections 791(a)–825(r)] for proposed Projects Nos. 4399, 4411, and 4420, respectively, to be known as the Siphon Drop Power Project to be located on the U.S. Water and Power Resources Service's (WPRS), Yuma Main Canal and the All American Canal in Imperial County, California. The applications are on file with the Commission and are available for public inspection. Correspondence with the Association should be directed to: Mr. Jim Cuming, President, Yuma County Water Users Association, P.O. Box 708, Yuma, Arizona 85364. Correspondence with the City should be directed to: Mr. Chris Kirkman, P.O. Box 707, Solana Beach, California 92075. Correspondence with the District should be directed to: Mr. Donald Twogood, General Manager, Imperial Irrigation District, 333 East Main Street, Imperial, California 92251. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—Each of the proposed projects would consist of: (1) an intake structure; (2) a penstock; (3) a powerhouse to contain one generating unit with a rated capacity of 2 MW; and (4) a transmission line. The City estimates that the average annual energy output would be 13.2 million kWhs. The Association and the District each estimate that average annual energy output would be 12 million kWhs.

Purpose of Project—The Association would use a major portion of the energy generated by the project for its drainage and pumping requirements. Any remaining energy would be offered for sale to WPRS. The City proposes to sell its project energy to the Imperial Irrigation District or to wheel the power to the City for its own use. The District proposes to use the project energy within its electrical service area.

Proposed Scope and Cost of Studies Under Permit—Each Applicant seeks a

preliminary permit to prepare a definitive project report that would include engineering, economic, and emvironmental data. The City seeks a 12-month preliminary permit. The Association and the District each seek a 24-month preliminary permit. The City estimates that the cost of studies would be about $63,000. The Association and the District each estimated that the cost would be about $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (Copies of the applications may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—These applications were filed as competing applications to the Western Water Power's application for Project No. 3524 filed on October 3, 1980, and to the ENERGENICS SYSTEMS, INC.'s application for Project No. 3950 filed on January 9, 1981, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about the applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 2, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of applications for preliminary permit for Projects Nos. 4399, 4411, or 4420. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13771 Filed 5-5-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to members of the public $11,777,850.37 in consent order funds. Five escrow accountants were established in settlement of enforcement proceedings brought by the Office of Enforcement in the matters of Fagadau Energy Corporation ($83,985), Coline Gasoline Corporation ($628,480.79), Lewtex Oil and Gas Corporation ($251,384.58), National Helium Corporation ($10,000,000), and Ozona Gas Processing Plant ($814,000).

DATE AND ADDRESS: Comments must be filed on or before June 8, 1981, and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW, Washington, D.C. 20461. All comments should display conspicuously a reference to case numbers BEF-0030, BEF-0036, BEF-0033, BEF-0006, and BEF-0046.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Acting Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461 (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order relates to five consent orders. The first consent order was entered into by the Fagadau Energy Corporation (Fagadau) and the Office of Enforcement of the DOE's Economic Regulatory Administration. *See* 44 FR 40545 (1979). The Fagadau consent order was intended to settle all disputes between the DOE and Fagadau regarding Fagadau's first sale prices of natural gas liquids (NGLs) during the period September 1973 through October 1976. Under the terms of the consent order, Fagadau has deposited $83,985 into an escrow account. The second consent order was entered into by Coline Gasoline Corporation (Coline) and the ERA's Office of Enforcement. *See* 45 FR 1672 (1980). The Coline consent order was intended to settle all disputes between the DOE and Coline regarding first sale prices charged by Coline during the period August 19, 1973 to May 31, 1976. Under the terms of the consent order, Coline has deposited $628,480.79 into an escrow account. The third consent order was entered into by Lewtex Oil and Gas Corporation (Lewtex) and the ERA's Office of Enforcement. *See* 44 FR 47396 (1979). The Lewtex consent order was intended to settle all disputes between the DOE and Lewtex regarding Lewtex's first sale prices of NGLs during the period September 1973 through March 1977. Under the terms of the consent order, Lewtex deposited $251,384.58 into an escrow account. The fourth consent order was entered into by National Helium Corporation (National Helium) the Office of Enforcement. *See* 45 FR 9057 (1980); 45 FR 23051 (1980). This consent order was intended to settle all disputes between the DOE and National Helium regarding the firm's first sale prices of NGLs during the period September 1973 through December 1979.

In accordance with the terms of the consent order, National Helium deposited $10,000,000 into an escrow account. The final consent order was entered into by Ozona Gas Processing Plant (Ozona) and the Office of Enforcement. *See* 44 FR 75450 (1979). The Ozona consent order was intended to settle all disputes between the DOE and Ozona regarding first sales prices charged by Ozona during the period September 1, 1973 through December 31, 1974. Under the terms of the consent order, Ozona deposited $814,000 into an escrow account. In all five consent orders, the parties stipulated that the refunds would be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V.

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated in order to distribute the contents of the escrow accounts funded by the five firms. The DOE has tentatively decided that Applications for Refund should be accepted from the seven initial purchasers of NGLs from the five firms during the covered period. We have also determined that Applications for Refund should be accepted from downstream purchasers who bought products produced with or from the NGLs sold by Fagadau, Coline, Lewtex, National Helium, or Ozona during the relevant time period. The Proposed Decision and Order states that in order to establish entitlement to some portion of the funds, a purchaser should provide all relevant information pertaining to a claim, including information concerning the date and place of purchase of the relevant product, information concerning whether increased costs incurred were retained or passed through to other purchasers by the claimant, and information reflecting the extent of any injury incurred, including the price and volume of product purchased. The Proposed Decision and Order further provides a mechanism for distributing the funds remaining after all valied claims are paid.

The Proposed Decision and Order states DOE's view that the remainder of the consent order funds should be distributed through the seven initial purchasers to persons or groups of persons who are likely to have suffered any overcharge injury. The DOE therefore solicits proposals from those seven firms which set forth appropriate mechanisms for returning the moneys to the parties who likely paid increased prices as a result of the alleged overcharges. The DOE also invites proposals from other interested parties as well.

It should be pointed out that until final procedures are adopted, no claims for refunds can be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be provided for the filing of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register** and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, NW., Washington, D.C. between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on May 1, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 1, 1981.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Fagadau Energy Corporation, Coline Gasoline Corporation, Lewtex Oil and Gas Corporation, National Helium Corporation, and Ozona Gas Processing Plant

Dates of Filing: March 27, 1981, March 13, 1981, February 11, 1981, November 5, 1980, April 27, 1981.

Case Numbers: BEF–0030, BEF–0036, BEF–0033, BEF–0008, BEF–0046.

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) may request the Office of Hearings and Appeals (OHA) to formulate and implement a specially designed process to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. In accordance with these regulatory provisions, the OE recently filed Petitions for the implementation of Special Refund Procedures in connection with Consent Orders entered into with Fagadau Energy Corporation (Fagadau), Coline Gasoline Corporation (Coline), Lewtex Oil and Gas Corporation (Lewtex), National Helium Corporation (National Helium), and Ozona Gas Processing Plant (Ozona). Pursuant to the five Consent Orders, these firms agreed to make refunds for alleged violations of the DOE price regulations in the amounts of $83,985 (Fagadau), $628,480.79 (Coline), $251,384.58 (Lewtex), $814,000 (Ozona), and $10,000,000 (National Helium). The funds have been paid to the Department of Energy and are now being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the OHA regarding their final distribution.

I. Background

Fagadau, Coline, Lewtex, National Helium, and Ozona are "gas plant operators" within the meaning of 10 CFR 212.162. During the relevant time periods, they were therefore subject to the Mandatory Petroleum Price Regulations set forth in 6 CFR, Part 150, Subpart L and 10 CFR, Part 212, Subparts E and K. Those regulations governed the maximum prices that could lawfully be charged in the first sales of natural gas liquids and products (NGLs). As a part of its enforcement activities, the OE conducted audits of a number of these firms' natural gas processing plants. The funds involved in these proceedings were obtained as a result of Consent Order agreed to in settlement of alleged overcharges in the sales of NGLs by the five firms.

In its audits of Fagadau's Bluegrove and Marietta gas processing plants, OE found possible violations with respect to first sales of NGLs during the period September 1973 through October 1976. Fagadau sold the output from those plants only to TLOK Marketing (TLOK) during the relevant time period. In order to settle all claims and disputed between Fagadau and the OE regarding the first sales of NGLs Fagadau agreed to pay $83,985 to the DOE. The parties further agreed that this amount would be distributed by DOE pursuant to 10 CFR, Part 205, Subpart V. On July 11, 1979, the Proposed Consent Order was finalized without modification and the DOE published notice in the Federal Register requesting that persons believing that they had a claim to all or a portion of the refund amount file written notification of such a claim to ERA within 30 days of publication. 44 FR 40545 (1979). No claim was filed.

The OE audit of Coline's gas plant revealed possible pricing violations with respect to Coline's first sales of NGLs during the period August 19, 1973 through May 31, 1976. Coline sold NGLs to only two firms during this period: Petrolane Transport Company (Petrolane) and Mobile Oil Corporation (Mobil). According to OE, 73.3 percent fo the total alleged overcharges are attributable to sales to Petrolane, which purchased NGLs from Coline during 25 months of the audit period. The OE further calculated that 26.7 percent of the alleged overcharges occurred in sales to Mobil over an 18-month period. In order to settle all claims and disputes between the parties regarding the firm's first sales of NGLs, Coline and the OE entered into a Proposed Consent Order on November 19 1979. Under the terms of this Consent Order, Coline agreed to pay $628,480.79 to the DOE. The parties further agreed that this amount would be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V. The Proposed Consent Order was finalized without modification on January 8, 1980. *See* 45 FR 1672 (1980).

In its audits of Lewtex's Olney, Throckmorton, and Graham gas plants, the OE found possible violations with respect to

first sales of NGLs during the period September 1973 through March 177. Lewtex sold NGLs from these three plants to only two companies during this period: Warren Petroleum Company, a wholly-owned subsidiary of Gulf Oil Corporation (Warren) and Enterprise Products, Inc. (Enterprise). On July 31, 1979, the OE and Lewtex entered into a Consent Order under which Lewtex agreed to refund $189,744 plus applicable interest to the DOE in settlement of all claims and disputes between the parties arising from the audits of Lewtex's gas plants. The parties stipulated that the funds were to be distributed by the DOE pursuant to Subpart V proceedings. The terms of the final consent order were published in the Federal Register on August 13, 1979. *See* 44 FR 47396 (1979). Interested parties were given an opportunity to comment on the terms of the Consent Order and to submit written notice of potential claims against the refund account. Warren submitted comments identifying itself as a potential claimant.

The audit of National Helium's gas plant in Liberal, Kansas revealed possible overcharges with respect to first sales of NGLs during the period September 1973 through December 1979. In order to settle all claims and disputes between the parties regarding the firm's first sales of NGL's National Helium and the OE entered into a Proposed Consent Order. In that Proposed Consent Order, National Helium agreed to pay $10,000,000 to the DOE. The parties further agreed that this sum would be distributed by the DOE pursuant to Subpart V. Notice of the Proposed Consent Order was published in the Federal Register on February 11, 1980. *See* 45 FR 9057 (1980). Interested persons were provided an opportunity to comment on the terms of the Proposed Consent Order and to submit written notice to ERA of potential claims against the settlement funds. In response, Atlantic Richfield Company (ARCO) submitted a claim for the entire $10,000,000 fund. No other comments were received. The Proposed Consent Order was finalized without modification on April 4, 1980. *See* 45 FR 23051 (1980).

The OE's audit of Ozona's gas plant in Crockett County, Texas revealed possible pricing violations with respect to Ozona's first sales of covered NGL products during the period September 1, 1973 through December 31, 1974. In order to settle all claims and disputes between the OE and Ozona regarding the first sales of NGLs, the parties entered into a Consent Order in which Ozona agreed to pay $614,000 to the DOE. The parties further agreed that this amount would be distributed by the DOE pursuant to Subpart V. The terms of the final Consent Order were published in the Federal Register on December 20, 1979. *See* 44 FR 75450 (1979). Interested persons were provided an opportunity to comment on the terms of the Proposed Consent Order and to submit written notice of potential claims against the settlement funds. In response, Suburban Propane Gas Corporation (Suburban) identified itself as a first purchaser of products from Ozona and submitted a claim to the refund account. In addition, Growth Energy, Inc. (GEI) identified itself as a downstream purchaser of NGLs from the Ozona plant through Suburban.

The names of the five firms, the amounts involved in the consent orders, and the identities of the first purchasers are summarized in the Appendix to this Proposed Decision and Order.

II. Jurisdiction

With regard to the Fagadau, Coline, Lewtex and National Helium matters, the Office of Hearings and Appeals previously determined that the jurisdictional requirements of Subpart V had been satisfied and therefore asserted jurisdiction over each of these cases in an Interlocutory Order issued on April 6, 1981. See *Office of Enforcement, Economic Regulatory Administration: In the Matters of National Helium, et al.*, 8 DOE ——, No. BRZ–0091 (April 6, 1981). For reasons specified in that decision, we shall also accept jurisdiction over the Ozona case.

III. Authority to Fashion Refund Procedures

In several recent decisions we have examined the OHA's authority to conduct special refund proceedings under Subpart V. *See, e.g., Office of Enforcement*, No. DFF–0006 (February 27, 1981), 46 FR 15320 (1981), (proposed decision) (hereinafter cited as *Vickers*); *Office of Enforcement*, No. BEF–0021 (March 13, 1981), 46 FR 17839 (1981), (proposed decision) (hereinafter referred to as *Alcoa*). Subpart V authorizes the Office of Hearings and Appeals upon request by an enforcement office to fashion special procedures to distribute refunds obtained as part of settlement agreements. The special refund procedures are part of an overall regulatory scheme which is intended to implement several different statutes. Congress provided for the mandatory allocation and pricing of crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751 et seq. (1976). Natural gas liquids are considered to be petroleum products for the purposes of the EPAA and were therefore subject to the provisions of the DOE price regulations during the periods covered by the consent orders. *Mobil Oil Corp. v. FEA*, 566 F. 2d 87 (Emer. Ct. App. 1977). The enforcement mechanisms for regulations issued under the EPAA were specified in the Economic Stabilization Act (ESA), 12 U.S.C. 1904 note (1970). EPAA, section 5(a), 15 U.S.C. 754(a).

The statutory authority to enforce the regulations governing petroleum allocation and pricing was delegated to the Administrator of the Federal Energy Administration and subsequently to the Secretary of Energy. Federal Energy Administration Act (FEAA), section 5, 15 U.S.C. 765 (1974); Department of Energy Organization Act (DOE Act), section 201(a), 42 U.S.C. 7151(a) (1979). To carry out the statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR 155.81(b) (1973); 10 CFR 205.2 (1974) (defining "remedial order").

In order to implement these statutory and regulatory goals the DOE's enforcement process is designed to accomplish two independent ends: disgorgement of the fruits of a regulatory violation from the wrongdoers, and restitution to persons injured by the regulatory violation. *See generally Vickers*, slip op. at 4. The latter objective—restitution to overcharged persons—furthers the specified EPAA goals of "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users" and "economic efficiency." 15 U.S.C. 753(b)(1) (F), (H).

IV. Proposed Refund Procedures

In view of the objectives expressed in the statutes and regulations discussed above, and the Consent Orders themselves, procedures to be devised in these five cases should, to the maximum extent practicable, provide for the distribution of the refund amounts to parties on whose behalf the settlements were negotiated.

As we stated in *Vickers*, restitution is the primary focus of Subpart V, which authorizes the Office of Hearings and Appeals to formulate and implement a process intended to provide refunds whenever possible to the persons or firms who were injured by overcharges. It offers a means of compensation for many individuals who lack the resources or the financial stake to institute their own private lawsuits under Section 210 of the ESA. The Subpart V process can also be an efficient administrative mechanism for returning overcharges to affected parties without recourse to lengthy and costly court actions. The distribution of funds to overcharged persons should generally take place in two primary ways: (1) payment of funds to persons and firms who file individual applications for refund and prove they are entitled to a portion of the funds held in trust, and (2) payment of funds on behalf of injured persons to entities which can themselves implement restitution which furthers the foregoing purposes. The Subpart V regulations specify that "any remaining funds . . . shall be deposited in the United States Treasury or distributed in any other manner specified in the Decision and Order referred to in § 205.282(c)." 10 CFR 205.286(c).

A. Refunds to Identifiable Purchasers

As a first step, the consent order funds should be distributed to claimants who successfully identify themselves as adversely affected purchasers. The first purchasers in these cases are TLOK, Petrolane, Mobil, Warren, Enterprise, ARCO, and Suburban. They will be afforded an opportunity to file claims regarding the injury that they incurred on account of the alleged overcharges. To the extent that those firms passed on the alleged overcharges to their own customers, they will not have been injured in any direct, monetary way. If, however, they absorbed the price increases rather than passing them through to customers, they will be entitled to receive refunds themselves. In order to qualify for a refund, a first purchaser will be required to demonstrate that during the period covered by the relevant Consent Order it could have kept its prices for NGLs at the same level if it

had experienced a cost reduction equal to the amount of the refund claimed. In order to show this, a firm must demonstrate that at the time it purchased NGLs from Fagadau, Coline, Lewtex, Ozona, or National Helium, it had unrecovered product costs which were at least equal to the amount of the refund claim, and that market conditions would not permit it to increase its prices for NGLs to pass through the higher costs. In addition, it must have maintained a "bank" of unrecovered costs during each month thereafter in order to demonstrate that it did not subsequently recover these costs by increasing its prices. The amount of the refund will be limited to the amount of unrecovered product costs available to the claimant for recovery through price increases. *See Office of Special Counsel for Compliance*, 4 DOE ¶ 82,511 (1979). If the initial purchasers of covered products from the five firms which entered into Consent Orders are able to make these showings, the entire amount of the funds at issue in this proceeding will be disbursed to them. In the event they are unable to make a fully satisfactory showing, they will be entitled to only a portion of the money and the next group of persons who will be entitled to receive a portion of these funds are those firms and individuals who purchased NGLs from the first purchasers.

In order to establish entitlement to a refund, any person identifying itself as an injured party must demonstrate initially that it purchased a specific quantity of products which were produced with or from the NGLs sold by Fagadau, Coline, Lewtex, Ozona or National Helium during the relevant time period. Privity with one of these firms' first purchasers need not be established; evidence need only be presented that the products purchased by the claimants flowed through a chain of distribution from Fagadau, Coline, Lewtex, Ozona, or National Helium. In addition, unless the purchaser is an ultimate consumer, it must demonstrate that it did not pass through to its own customers any cost increases resulting from the alleged overcharges. For example, purchasers who resold the identified products must show that market conditions did not permit them to raise prices charged to downstream customers, and that as a result they were forced to absorb any cost increases incurred. In the absence of that showing, we must conclude that the claimant was not injured in any way by the alleged overcharge. *See Vickers*, slip. op. at 6; *Office of Special Counsel for Compliance*, 4 DOE ¶ 82,511 at 85,043–44 (1979). Refunds to purchasers who establish their entitlement to a refund would be made on a volumetric basis—*i.e.*, the refund would be based on the proportion of NGLs purchased by the applicant to the total amount of NGLs sold from the relevant gas processing plants.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information pertaining to a claim for refunds of alleged overcharges, including the type of information described above concerning the date and place of purchase, the retention of increased costs, and information reflecting the extent of any injury incurred, including the price and volume of product purchased.

Detailed procedures for filing applications will be provided in a final Decision and Order. Before diposing of any of the funds received from Fagadau, Coline, Lewtex, National Helium, or Ozona, we intend to provide widespread public notice of the distribution process and the opportunity to file claims. This notice will be provided to parties who may wish to request a refund by identifying themselves as adversely affected purchasers. In addition to publishing notice in the **Federal Register**, notice will be provided in trade journals and in the areas in which TLOK, Petrolane, Mobil, Warren, Enterprise, ARCO and Suburban marketed their respective products during the periods covered by the Consent Orders. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers will be considered. Applications that are submitted on behalf of groups of purchasers will be evaluated on a case-by-case basis as received.

B. Distribution of the Remainder of the Refund Amount

After the claims of parties identifying themselves as adversely affected purchasers of the Fagadau, Coline, Lewtex, Oxona, and National Helium NGLs have been filed and appropriate refund amounts to those purchasers determined, the total funds provided by each firm pursuant to its Consent Order are likely to be diminished but not exhausted. In view of the relatively small sums of money likely to be involved in many ultimate consumer claims, and the improbability that such consumers will possess detailed records regarding the validity of their claims, we anticipate that a showing of refund entitlement can be made by only a limited number of persons. *See Vickers*, slip. op. at 7. The fact that claims to specific refunds may not have been proven, however, does not mean that injury to various parties has not occurred. Rather, the absence of claims for the full amount of the settlement would tend to reflect the difficulty of establishing a valid claim for a portion of the consent order funds.

As discussed above, the remaining amounts should be distributed in accordance with the broadly conceived goals announced in the DOE's enabling legislation and implementing regulations. Consequently, the remaining funds should be distributed to groups of ultimate consumers who were likely to have borne a portion of the higher prices charged by Fagadau, Coline, Lewtex, National Helium, and Ozona. This conclusion was reflected in our recent decision in *Vickers*, in which we proposed to return unclaimed portions of the consent order funds to ultimate consumers through organizations such as public utilities which are required by law to pass through the benefits of any cost reductions to their customers. In that proposed decision we stated our belief that the class of customers of public utilities in the affected area was likely to bear a close relationship to the class of customers who were adversely affected by Vickers' pricing policies. *See Vickers*, slip. op. at 8–10.

However, in *Alcoa* we recognized that the marketing and distribution of NGLs is significantly different from the marketing of motor gasoline through independent retail outlets in a particular geographic region. A significant portion of the NGLs involved in these cases were in all likelihood sold for processing into other types of products such as petrochemicals. These products were probably distributed over an extremely wide geographic area. Moreover, there is nothing contained in the present record that indicates that the impact of any unlawful price increases were confined to an identifiable geographic area.

Under these circumstances, we believe that the first purchasers of the NGLs produced by Gagadau, Coline, Lewtex, National Helium, and Ozona are in a position to provide assistance to the DOE in channeling the remaining Consent Order funds to persons who are most likely to have suffered any overcharge injury. Consequently, we proposed to distribute any funds remaining after payments are made to successful claimants through TLOK, Petrolane, Mobil, Warren, Enterprise, ARCO, and Suburban. We solicit proposals from those seven firms which set forth appropriate mechanisms for returning these moneys to the parties who likely paid increased prices as a result of the alleged overcharges. These plans should identify groups of end-users who were likely to have been adversely affected by the Fagadau, Coline, Lewtex, National Helium, and Suburban price increases. To this end, each firm should take into account its distribution and marketing system and its method of calculating prices during the relevant period. To the extent that product purchases from particular gas plants can be isolated in an appropriate distribution system, refunds should be made to customers who were downstream purchasers of the NGLs covered by the Consent Orders. The plans should also provide, as much as practicable, for a method by which to exclude from participation in this stage of the refund proceeding any purchasers who recovered a portion of the consent order funds during the prior distribution to successful claimants. In developing the foregoing plans, the first purchasers should give paramount consideration to the cost, efficiency and administrative ease of any proposed refund plan. For example, to the extent that the NGLs were used by agricultural producers, the plan may propose to distribute funds through agricultural cooperatives in the affected areas rather than to specific individuals.

Aside from the first purchasers of the Fagadau, Coline, Lewtex, National Helium, and Ozona NGLs, there may be other entities that might wish to submit proposals suggesting either a distribution scheme through which the first purchasers could channel remaining funds to injured parties, or an alternative method of distribution for the unclaimed funds. We invite any party interested in submitting such a plan to do so.

It is therefore ordered that: The $83,985 refund amount supplied by Fagadau, the $828,480.79 refund amount provided by Coline, the $251,384.58 refund amount

proivded by Lewtex, the $10,000,000 refund amount supplied by National Helium, and the $614,000 provided by Ozona will be distributed in accordance with the foregoing Decision.

Appendix

Name of firm	Amount of consent order funds	First pruchasers
Fegedau Energy Corp. (Fegedau).	$63,965	TLOK Marketing.
Coline Gasoline Corp. (Coline).	$28,480.70	Petroleno Transport Co.
Lewtex Oil and Gas Corp. (Lewtex).	$51,364.58	Mobil Oil Corp. Warren Petroleum Co. Enterprise Products, Inc.
National Helium Corp. (National Helium).	10,000,000	Atlantic Richfield Co.
Ozona Gas Processing Plant (Ozona).	$14,000	Suburban Propane Gas Corp.

[FR Doc. 81-13863 Filed 5-6-81; 8:45 am]
BILLING CODE 6450-01-M

Western Area Power Administration

Floodplain/Wetlands Involvement Determination for the Sterling-Holyoke 115-kV Transmission Line Upgrade Proposal in Logan and Phillips Counties, Colorado

AGENCY: Western Area Power Administration, U.S. Department of Energy.

ACTION: Statement of Findings.

SUMMARY: The Western Area Power Administration (Western) proposes to upgrade approximately 48 miles of the exisitng Sterling-Holyoke 69-kV transmission line in Colorado in order to increase service reliability in conjunction with other utility-owned programs and operations. The proposed action would cross four different wetland classifications within the 100-year floodplain of the South Platte River. Existing transmission structures would be removed and replaced in some of the floodplain/wetlands of the river and some minor changes in structure location would be anticipated. The proposed action is, therefore, a "floodplain action" as defined by DOE regulations in 10 CFR 1022.4(k) and 0022.5(h). Executive Order 11988, "Floodplain Management," requires a finding that the only practicable alternative requires siting in a floodplain. Executive Order 11990, "Protection of Wetlands," requires a finding (1) that there is no practicable alternative to such construction and (2) that the proposed action includes all practical measures to minimize harm to wetlands which may result from such use.

Other than the no action alternative, crossing the South Platte River floodplain/wetlands by means of the proposed action would be unavoidable as there are no practicable alternatives available. A number of alternatives to the proposed action, including the no action alternative, upgrading measures, undergrounding, and rebuilding at present capacity, are presented in the environmental assessment. Except for the no action alternative, implementation of these alternatives would have a similar or greater impact on the South Platte River floodplain/wetlands than that anticipated from the proposed upgrade.

Crossing the South Platte River floodplain/wetlands by means of the proposed action is unavoidable unless the Sterling Substation is moved from its present location to a new site on the east side of the river. However, the benefits of such action are extremely questionable in that the relocation would: (1) Be extremely expensive; (2) still require a crossing(s) of the floodplain/wetlands by extension of other existing lines now entering the Substation from the north and west; and (3) predictably result in even greater overall environmental consequences.

Western would design all structures located within floodplains to withstand any flooding and to conform to all applicable State and local floodplain/wetlands standards. Western would implement steps to minimize harm to floodplain/wetlands including: (1) Revegetation with appropriate native grasses of all areas where soil is bared by construction operations to minimize the potential for erosion and sedimentation; (2) chiseling where necessary to mitigate soil compaction; and (3) avoiding chemcial spillage by filling fuel tanks well away from the watercourse, proper disposal of empty containers, and well-maintained equipment which precludes leakage.

For further information or copies of the floodplain/wetlands assessment contact:

Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, P.O. Box 2850, Fort Collins, CO 80522, Telephone: (303) 493-7716.

Mr. Gary W. Frey, Environmental Manager, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, Telephone: (303) 231-1527.

Issued at Golden, Colo., April 28, 1981.

Robert L. McPhail,
Administrator.

[FR Doc. 81-13839 Filed 5-6-81; 8:45 am]
BILLING CODE 6450-01-M

Announcement of Proposed Allocation Criteria for the Marketing of 102 MW of Additional Power and 10 MW of Power to Protect System Diversity, and Announcement of the Application Format for Requesting an Allocation

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Announcement of proposed allocation criteria for the marketing of 102 MW of additional power and 10 MW of power to protect system diversity, and announcement of the application format for requesting an allocation—Central Valley Project, California.

SUMMARY: The Western Area Power Administration (Western) is developing a power marketing plan for power resources marketed by Western's Sacramento Area Office. An integral part of the plan will be the allocation criteria to be used in determining qualified applicants and the amount of each allocation. Western hereby announces the proposed allocation criteria for the marketing of 102 megawatts (MW) of additional power and 10 MW of power to protect system diversity, and announces the application format to be used in requesting an allocation.

Western proposes to market 102 MW as follows: the 48 MW reserved for the Westlands Water District will be marketed on a withdrawable basis; of the remaining 56 MW, 30 MW will be reserved to "firm" renewable resources and cogeneration, and 26 MW will be allocated on a firm basis. An additional 10 MW will be made available to those entities who can shed load during times of Western's total system's simultaneous peak, and can thus contribute to protection of Western's system diversity.

Western proposes to renew existing contracts that expire by April 30, 1985, on substantially the same terms; however, Western has not yet decided as to whether a 40-percent annual average load factor energy limitation or renewal at customer load factor will be applied to the contract rate of delivery (CRD). The decision on which CRD load factor to apply will be made after all comments have been received pursuant to the July 14, 1981, public comment forum.

The contract termination date for all renewed contracts, contracts for power allocated under the 102 MW, and contracts for the 10 MW of power for protection of system diversity is proposed to be July 1, 1994.

The analyses and documentation supporting the reasons for the proposed allocation criteria will be available at the Sacramento Area Office at the time the proposed power marketing plan will be published in a **Federal Register** notice scheduled to be issued in late May 1981. The proposed plan and analyses will also be mailed to all interested parties about 1 week before the June 2, 1981, public information forum at which the plan will be formally presented.

A proposed application format for an allocation request(s) is given below. The format specifies the data to be submitted and need be completed only once as the format is common to all allocation requests.

Comments on the proposed allocation criteria, contract termination date, and the application format should be submitted in writing and/or presented verbally at the July 14, 1981, comment forum. In any event, written comments are due no later than July 27, 1981, to the address given below.

DATES: Applications for power will be accepted from eligible preference entities between August 10, 1981, and September 15, 1981. Applications must be received in the Sacramento Area Office no later than 5 p.m. Pacific daylight time, September 15, 1981, to ensure consideration. Applications will be evaluated by the Administrator based upon adopted allocation criteria, applicable laws, the Administrator's judgment, and the final power marketing plan for the Sacramento Area Office.

A public information forum will be held on June 2, 1981, beginning at 9:30 a.m. in the Mariposa/Sonora Rooms, Holiday Inn—Holidome, 5321 Date Avenue, Sacramento, California. The proposed plan will be made available at this forum. Written comments are due by July 27, 1981.

ADDRESS: For further information concerning the proposed power marketing plan, allocation criteria, application format, the June 2, 1981, public information forum, or the July 14, 1981, public comment forum, contact: Mr. David G. Coleman, Area Manager, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, CA 95825 916-484-4251.

Proposed Allocation Criteria: Western proposes to allocate all 102 MW and an additional 10 MW to protect system diversity. Forty-six MW of the 102 MW will be reserved for the Westlands Water District, but will be allocated on a withdrawable basis. The remaining 56 MW will provide 30 MW for renewable resources and cogeneration and 26 MW for firm allocations.

The proposed allocation criteria presented below will, after interested parties' comments are evaluated and considered, be formulated into allocation criteria which will be adopted and published on or about August 3, 1981. Comments are solicited and can be sent to the address previously stated no later than July 27, 1981.

General Criteria: The following criteria shall apply to all applicants seeking allocations from the 102 MW and from the 10 MW to protect system diversity.

1. Only preference entities qualified under Reclamation Law and pertinent statutes, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) can apply.

2. Eligible entities must have been in actual existence and operation as of October 1, 1980.

Reason: The October 1, 1980, date chosen because coincides with the start of the Federal Government's fiscal year and with the initiation and development of the power marketing plan.

3. Applicants currently receiving any firm power from Western are ineligible to receive any allocations from the 102 MW except for allocations from that reserved for renewable resources and cogeneration, and diversity.

Reason: Western's allocation of power to those eligible preference entities who are not currently customers of Western allows for the most widespread use of its power and is in consonance with the intent of section 9(c) of the Reclamation Project Act of 1939.

Allocation Criteria for the 26 MW of Firm Power

1. Greater consideration will be given to those applicants who can demonstrate a contribution to system diversity at the time of the total system's simultaneous peak; i.e., the applicants' peak demands do not tend to coincide with Western's total system's simultaneous peak.

Reason: The protection of system diversity during times of the total system's simultaneous peak is a necessary consideration to protect existing contracts from being adversely affected by possible over-commitment of power resources which could result in subsequent withdrawals of existing allocations.

2. Applicants serving a comparatively large number of residential customers will be given greater consideration to those serving proportionately larger numbers of commercial, industrial, or single-use customers.

Reason: Residental customers are more impacted by high energy costs caused by scarce fuel resources than industrial and commercial customers who generally are more able to absorb energy costs within their production or sales costs.

3. Failure of the contracting parties to come to terms within 1 year of the offer made by Western of an allocation as indicated by nonsignature of the contract by any of the parties, shall cause the offered power to be placed back in the allocation pool.

Reason: Western will offer a contract to each entity who has been allocated power and will negotiate in good faith to reach a mutually acceptable agreement. The purpose of this provision is an administrative criteria designed to maintain the availability of power previously allocated, but which subsequently fails to be subscribed.

Allocation Criteria for the 30 MW of Firm Power for Renewable Resources and Cogeneration:

Western will consider the following types of projects for allocations from the 30 MW.

1. Solar-photovoltaic projects and possibly other types.
2. Wind turbine generators.
3. Geothermal projects.
4. Cogeneration that conserves imported oil or natural gas.
5. Fuel cells using coal-derived fuels or domestic natural gas.
6. Small hydroelectric generators (less than 10 MW nameplate).

The following criteria are proposed:

1. Allocations shall not exceed 10 MW per project.

Reason: Western's research of potential energy sources in its market area indicates a large number of projects that are 10 MW and smaller; some projects such as small hydroelectric projects are less than 1.0 MW. The exact allocation to be granted will depend on the amount of capacity (if any) and energy produced, the ultimate cost of the project, and the negotiated purchase price of power.

2. Projects that receive an allocation may also qualify for Western's usual purchase power contracts for additional excess project energy.

Reason: A two-part contract which covers an allocation made under the renewable resource and cogeneration category and, secondly, which covers the purchase of additional energy output is possible. All projects receiving an

allocation will also be considered eligible for an additional purchase power contract with Western.

3. Applications will be accepted and processed until all 30 MW have been allocated.

Reason: Procedurally, applications will be accepted and processed after September 15, 1981, the closing date for applications to be received in the Sacramento Area Office. After September 15, 1981, Western adopts the "first in time, first in right" concept, provided all other criteria for allocations are met.

4. Failure of the contracting parties to come to terms within 1 year of the offer made by Western of an allocation as indicated by nonsignature of the contract by any of the parties, shall cause the offered power to be placed back in the allocation pool.

Reason: Western will offer a contract to each entity who has been allocated power and will negotiate in good faith to reach a mutually acceptable agreement. The purpose of this provision is an administrative criteria designed to maintain the availability of power previously allocated, but which subsequently fails to be subscribed.

5. The scheduled commercial operation date of any new generation project shall be within 5 years of the date the contract is signed and shall be attested to by a registered professional engineer and verified by Western. Failure of a project to begin commercial operation shall cause the allocated power to revert to the allocation pool. No grace period for an extension of time to the contract shall be afforded. Allocations under the renewable resource and cogeneration provisions shall not become effective until commercial operation of the project.

Reason: Western believes that the 5-year period is a reasonable length of time which recognizes licensing time requirements and which will provide for near-time benefits to the applicant and to Western.

6. Preference will be given to projects that provide energy that is above and beyond that retained to meet the applicant's own demand, and which is made available for sale to Western.

Reason: Western desires to "firm" renewable resources and cogeneration, and at the same time obtain additional energy to help improve its energy deficiency. The concept of the kWh for kWh exchange will be discussed in detail in the proposed power marketing plan. Other approaches may be negotiated as appropriate to each project.

7. Projects that produce dependable capacity and energy will be given preference over nonfirm capacity and energy.

Reason: On a planning and operational basis, dependable capacity and energy enables Western to rely on firm resources to meet its customers' demands. By definition, nonfirm capacity and energy cannot be used for planning purposes.

8. Demonstration projects will be eligible for consideration for an allocation.

Reason: Although Western believes that the cost and risks associated with demonstration projects should be borne by the project proponent and by other agencies who have a direct mission in the research and development of new and innovative technologies, such projects will still be considered eligible for an allocation.

9. The cost of the project's energy (including any wheeling and interconnection costs) must be competitive with other sources of power available to Western.

Reason: Western is committed to acquiring economical power for the benefit of all of its customers.

10. Preference will be given to those projects that complement the seasonal output of the Central Valley Project's (CVP) generation system.

Reason: Generation resources which provide power during the low generation periods (winter and fall) of the CVP system will allow Western to better utilize its resources.

Allocation Criteria for the 10 MW for Protection of System Diversity

The following criterion is proposed:

1. Applicants who are ready, willing, and able to shed load during those times approaching Western's total system's simultaneous peak will be eligible to contract for a higher contract rate of delivery (CRD). Actual amounts to be load shed and compensatory CRD's are to be negotiated on a case-by-case basis.

Allocation Criteria for the 46 MW of Westlands Water District

Withdrawable Power: The criteria proposed previously under the 26 MW of firm power shall also apply to the allocation of the 46 MW. The terms for the withdrawal of power shall be that adopted in the final power marketing plan.

Contract Period for the 102-MW Allocation and 10-MW Diversity

Allocation: The contract termination date for all contracts for allocations from the 102 MW and the 10 MW to protect system diversity is proposed to be July 1, 1994.

Previously Filed Applications: Any applications filed prior to the date of this Federal Register notice for the 102 MW or any other power not currently under contract will not be considered by Western.

Renewal of Contracts Expiring Between 1981 and 1985: Western proposes to renew contracts expiring by April 30, 1985, on substantially the same CRD terms; however, Western is still studying the option of applying a 40-percent average load factor energy limitation rather than renewing at the customer's load factor. The right to modify other contract terms shall be reserved and will be subject to negotiation of each expiring contract being renewed. The contract termination date is proposed to be July 1, 1994; by this date, Western will have been able to reconsider, review, and possibly reallocate approximately 754 MW (642 MW sold under expiring contracts plus the 10 MW for diversity plus the 102 MW) of power sold under contracts.

Western commits itself to the timely renewal of expiring contracts. To allow for reasonable and foreseeable delays, service will be provided until that time when the contract is renewed, but for no more than 1 year from the expiration date. Failure to renew a contract within the 1-year grace period will relegate the CRD to be used for further protection of system diversity. If adequate system diversity exists, then the CRD shall be marketed subject to General Criteria 1 and 2 and criteria 1, 2, and 3 listed under "Allocation Criteria for the 26 MW of Firm Power."

Reason: Western will first protect its total system's simultaneous peak from being exceeded. If, however, adequate system diversity exists, then Western will make the power available as it was originally contracted—as a firm-power allotment.

Application Format for an Allocation Request(s): The proposed application format is specified below. The cover sheet should be done as follows:

Western Area Power Administration, Sacramento Area Office—Application for Power Allocation

Applicant's Name _____
Official Contact Person _____
Address _____
_____
_____
Telephone ( ) _____
Firm Allocation of —— NW
Renewable Resource/Cogeneration Allocation of —— MW
Westlands Withdrawable Allocation of —— MW
Diversity Allocation of —— MW
The following to be completed by Western:
Registered Mail Receipt Number: _____

Date Received: _____
Time: _____
Signed: _____
Title: _____

The type of information to be submitted is detailed below. Most of the data categories appeared previously in the March 31, 1981, **Federal Register** notice (46 FR 19808), titled "Applicant Profile Data." However, some new data requirements are being proposed.

The information should be submitted in the sequence listed below. If information is "not available," so indicate. If an area of data requested is "not applicable," so indicate.

Western does not require the application to be spiral or perfect bound or with hard cover. Six copies, typed, with the cover sheet as specified previously, should be submitted by registered mail to the address stated above.

The burden of ensuring consistency of the content of all six copies rests with the applicant. Errors in data or missing pages are not the responsibility of Western.

The data proposed to be included in the application are enumerated below.

Applicant Profile Data

1. *Eligibility.* A statement of eligibility as a preference customer under Reclamation Law and pertinent statutes, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)).

2. *Organization.* A brief description of the organization that will interact with Western on contracts and billing matters.

3. *Loads.* a. Number and type of customers served: residential, commercial, industrial, military base, and agricultural.

b. Maximum demand and energy use for 1978, 1979, and 1980 versus contract rate of delivery (CRD).

c. Twenty-four-hour load curves for winter and summer peak days in 1978, 1979, and 1980.

d. 1978–1980 average annual and monthly load factors for your total system. Projected load factors, if available, for the 1981–1994 period.

e. Projected monthly capacity and energy demand, 1981–1994. Indicate forecasting method and basic assumptions.

4. *Resources.* a. List of operating generating resources, if any—capacity, location, and 1980 availability factor.

b. Percent of total supply received from Western, 1981–1994.

c. Status of power supply contracts with parties other than Western.

5. *Transmission.* a. Voltage of service required and possible delivery points.

b. A brief description of the type of transmission service being requested of Western—direct or wheeled.

6. *Renewable Resources and Cogeneration Projects.* a. List of future firm and planned resources, if any—capacity, location, scheduled operation date, and expected annual average lifetime capacity factor.

b. Estimated busbar cost (cents/kWh) of each project in 1980 dollars.

c. As appropriate, proposed plans for wheeling to Western's system.

7. The name, address, and telephone number (of a contact person) of the consulting firm used, if any.

8. Any other information the applicant desires to include.

9. The signature and title of an appropriate official who is able to attest to the validity of the data submitted and who is authorized to submit the application.

Issued at Golden, Colorado, April 24, 1981.

William H. Clagett,

Deputy Administrator.

[FR Doc. 81-13897 Filed 5-6-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-222; PH-FRL 1820-6]

Pesticide Products; Filing of Pesticide and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed pesticide and feed additive petitions for residues of certain pesticide products in or on certain raw agricultural commodities and feed items.

ADDRESS: Written comments to the product manager cited in each specific petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Written comments may be submitted while a petition is pending before the agency. The comments are to be identified by the document control number "[PF–222]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each specific petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following pesticide and feed additive petitions have been submitted to the agency by various companies to establish tolerances and a feed additive regulation for residues of certain pesticides in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each specific petition.

PP 1F2464. Albany International, 110 A St., Needham Heights, MA 02194 has submitted a petition proposing that 40 CFR Part 180 be amended by establishing an exemption from the requirement of a tolerance for the insecticides (*Z*)-4-Tridecen-1-yl acetate and (*E*)-4-Tridecen-1-yl acetate when used on tomato plants. (PM 17, Franklin D. R. Gee, Rm. 400, CM#2, 703–557–7020).

PP 1F2435. Albany International, 110 A St., Needham Heights, MA 02194 has submitted a pesticide petition proposing that 40 CFR Part 180 be amended by establishing an exemption from the requirement of a tolerance for *Heliothis virescens* when used on cotton to control tobacco budworms. (PM 17, Franklin D. R. Gee, 401, CM#2, 703–557–7020).

FAP 1H5293. Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409 has submitted a feed additive petition proposing that 21 CFR Part 561 be amended by establishing a feed additive regulation permitting residues of the herbicide metolachlor [2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy 1-methylethyl)acetamide] and its metabolites 2-([2-ethyl-6-methylphenyl]amino)propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone (expressed as the parent compound) on the commodities flaxseed meal at 0.4 part per million (ppm) and flax hulls at 0.4 ppm. (PM 23, Richard F. Mountford, Rm. 412D, CM#2, 703–557–7070).

PP 1F2477. E. I. du Pont de Nemours & Co., Wilmington, DE 19898 has submitted a pesticide petition proposing that 40 CFR 180.209(b) be amended by establishing tolerances for the combined residues of the herbicide terbacil (3-tert-butyl-5-chloro-6-methyluracil) and its metabolites [3-tert-butyl-5-chloro-6-hydroxymethyluracil]; [6-chloro-2,3-dihydro-7-hydroxymethyl-3,3-dimethyl-5H-oxazol (3,2-a)pyrimidin-5-one]; and [6-chloro-2,3-dihydro-3,3,7-trimethly-5H-oxazolo(3,2-a)-pyrimidin-5-one] in or on the raw agricultural commodities grasses, hay at 1.0 ppm and grasses, forage at 1.0 ppm. The proposed analytical method for determining residues is by microcorilometric gas chromatography. (PM 25, Robert J. Taylor, Rm. 412E, CM#2, 703–557–7088).

PP 1F2450. Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804 submitted a pesticide petition proposing that 40 CFR Part 180 be amended by establishing an exemption from the requirement of a tolerance for *O,O*-diethyl-*O*-phenylphosphoiothioate when used in formulations of the herbicide S-ethyl dipropylthiocarbamate applied to corn fields before the corn plants emerge from the soil, and according to the following restrictions: *O,O*-diethyl-*O*-

phenylphosphorothioate (R–33865) as an inert ingredient in herbicide formulations with a maximum of 1 pound R–33865 per acre. The proposed analytical method for determining residues is by gas chromatography using a nitrogen-phosphorous flame ionization detector. (PM 25, Robert J. Taylor, Rm. 412E, CM#2, 703–557–7066).

(Secs. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: April 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–13786 Filed 5–6–81; 8:45 am]

BILLING CODE 6560–32–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–C31045; PH–FRL 1820–6]

Calgon Corp.; Receipt of Application To Conditionally Register Pesticide Product Entailing a Changed Use Pattern; TEKTAMER 38

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that applications have been submitted to conditionally register pesticide products entailing a changed use pattern.

DATE: Written comments must be received by June 6, 1981.

ADDRESS: Written comments to: Arturo Castillo, Product Manager (PM) 32, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Arturo Castillo, (703–557–7170).

SUPPLEMENTARY INFORMATION: Applications to conditionally register pesticide products entailing a changed use pattern have been received from Calgon Corp., P.O. Box 1346, Pittsburgh, PA 15230. These applications are made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136), and the regulations thereunder (40 CFR 162.6). Notice of receipt of these applications does not indicate a decision by the agency on the applications.

EPA Registration No. 10445–33. Product Name: TEKTAMER 38, containing the active ingredient 1,2-Dibromo-2,4-Dicyanobutane at 98 percent. The application proposes that the microbiocide classified for general use be as a preservative in paints, adhesives, latex emulsions, disperse pigments, joint cements, and metalworking fluids be changed to a preservative in liquid detergents, laundry starches, and fabric softeners.

EPA Registration No. 10445–22. Product Name: TEKTAMER 38 Liquid Concentrate, containing the active ingredient 1,2-Dibromo-2,4-Dicyanobutane at 25 percent. The application proposes that the microbiocide classified for general use as a preservative in paints, adhesives, latex emulsions, dispersed pigments, joint cements, and metalworking fluids be changed to a preservative in liquid detergents, laundry starches, and fabric softeners.

Notice of approval or denial of these applications to conditionally register the pesticide products will be announced in the **Federal Register**. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Interested persons are invited to submit written comments on these applications. Comments may be submitted and inquiries directed to the product manager. The comments must be received on or before June 8, 1981 and should bear a notation indicating the document control number "[OPP–C31045]" and the file symbol. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(40 CFR 162.5 and 162.6)

Dated: April 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–13788 Filed 5–6–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–C31042A; PH–FRL 1820–7]

National Chemsearch; Approval of Application To Conditionally Register a Pesticide Product Entailing a Changed Use Pattern

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces conditional approval of an application to register the pesticide product FENOCIL II, entailing a changed use pattern.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of December 24, 1980 (45 FR 85153), that National Chemsearch, Division of NCH Corp., 2727 Chemsearch Blvd., Irving, TX 75062, had filed an application (EPA File Symbol 1769–EOI) with the EPA to register the pesticide product HK–7 Weed Killer, containing the active ingredients: Heavy Aromatic Naptha at 92.17 percent; Tetrachloroacetic Acid at 3.50 percent; and Bromacil (5-bromo-3-sec-butyl-6-methyluracil) at 0.90 percent. The ingredient tetrachloroacetic acid had not previously been registered for the use sites proposed.

Subsequently, an application (EPA File Symbol 1769–EII) was approved for the pesticide product, FENOCIL II, containing the same active ingredients at different percentages: Heavy Aromatic Naptha at 83.10 percent; Trichloroacetic Acid at 8.62 percent; and Bromacil (5-bromo-3-sec-butyl-6-methyluracil) at 2.47 percent. Notice of this registration is given in accordance with 40 CFR 162.7(d)(2).

The application was approved for conditional registration on March 12, 1981. The product has been assigned the EPA Registration No. 1769–288. FENOCIL II is conditionally registered for general use on outdoor/noncropland such as loading ramps, fence rows, railroad sidings, storage yards, parking lots, around buildings, and industrial plant sites. A copy of the approved label and list of data references used to support registration are available for public inspection in the office of the product manager.

The data and other scientific information used to support registration, except for material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA, within 30 days after the registration date of March 12, 1981. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101) EPA, 401 M St. SW., Washington, D.C. 20460. Such requests should: (1) identify the product by name and registration number, and (2) specify the data or information desired.

(Sec. 3(c)(5), 92 Stat. (7 U.S.C. 136))

Dated: April 29, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–13787 Filed 5–6–81; 8:45 am]

BILLING CODE 6560–32–M

[OPP–30198; PH–FRL 1821–2]

Pesticide Products; Receipt of Applications To Register Pesticide Products Containing New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register certain pesticide products containing new active ingredients.

DATE: Comments must be received on or before June 8, 1981 and should bear a notation indicating the EPA file symbol.

ADDRESS: Written comments to the product manager cited in each specific application at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that certain companies have submitted applications to register certain pesticide products containing new active ingredients. These applications are made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136), and the regulations thereunder (40 CFR 162.6). Notice of receipt of these applications does not indicate a decision by the agency on the applications.

EPA File Symbol 42981–E. U.S. Soil Inc., Drawer 920, Salida, CO 81201. Product Name: Bollex Cotton Boll Feeding Deterrent, containing 20 percent of the active ingredient methyl alpha-eleosterate [methylester of (Z,E,E)–9,11,13–octadecatrienoic acid]. The product is proposed for general use on cotton. (PM 16, William H. Miller, 707–557–7040).

EPA File Symbol 2097–RE. Beecham Labs, Bristol, TN 37620. Product Name: MYCODEX Sanitizer-disinfectant containing 4.0 percent of the active ingredient 1,1-hexamethylenebis [5, (4-chlorophenyl)biguanide]digluconate. The product is proposed for general use on hard surfaces. (PM 31, John H. Lee, 703–557–7183).

EPA File Symbol 2139–RER. Nor-Am Agricultural Products, Inc., 350 West Sherman Blvd., Naperville, IL 60566. Product Name: PREVEX, containing 66.5 percent of the active ingredient propamocarb hydrochloride. The product is proposed for general use on turf grass. (PM 21, Henry M. Jacoby, 703–557–7060).

Notice of approval or denial of these applications to register the pesticide products will be announced in the **Federal Register**. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Interested persons are invited to submit written comments on these applications. Comments may be submitted an inquiries directed to the product manager. The comments must be received on or before June 8, 1981 and should bear a notation indicating the document control number "[OPP–30198]" and the file symbol. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: April 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81–13788 Filed 5–6–81; 8:45 am]

BILLING CODE 6560–32–M

[A–4–FRL 1796–7]

Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to the Commonwealth of Kentucky

AGENCY: Environmental Protection Agency.

ACTION: Informational notice.

SUMMARY: Section 301 in conjunction with Sections 111 and 112 of the Clean Air Act authorizes the Administrator to delegate his authority to implement and enforce the New Source Performance Standards (NSPS) and National Emission Standard for Hazardous Air Pollutants (NESHAPS). The Commonwealth of Kentucky has requested delegation of this authority. After a thorough review of the request and information submitted, the Regional Administrator determined that such delegation was appropriate for the source categories and with the conditions set forth in the letter reproduced below. Source categories identified below which are subject to these requirements will now be under jurisdiction of the Commonwealth of Kentucky.

EFFECTIVE DATE: December 5, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Melvin Russell, Air Program Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, phone 404/881–3286 or FTS 257–3286.

SUPPLEMENTAL INFORMATION: In letters dated May 5 and July 13, 1976 and March 18, 1977, and in an undated letter received by the EPA Regional Office on August 12, 1980, the Kentucky Department for Natural Resources and Environmental Protection submitted to the EPA Regional Office requests for delegation of authority and implementation and enforcement of NSPS and NESHAPS. After a thorough review of the request and information submitted, The Regional Administrator has determined that delegation or relinquishment of this authority to Kentucky is appropriate subject to the conditions set forth in the following letter.

[COPY OF SCHELL LETTER DATED DECEMBER 5, 1980]. Therefore, pursuant to the authority delegated to

her by the Administrator, the Regional Administrator formally notified Mr. Norman E. Schell, Director of Kentucky's division of Air Pollution Control that the authority to implement and enforce NSPS and NESHAPS for source categories listed was delegated to the Commonwealth of Kentucky.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region IV Office, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Effective immediately, all reports required pursuant to the delegated NSPS and NESHAPS should not be submitted to the EPA Region IV office, but instead should be submitted to the Kentucky agency at the following address: Mr Norman E. Schell, Director, Division of Air Pollution Control, Kentucky Department for Natural Resources and Environmental Protection, West Franklin Office Complex, 1050 U.S. 127 South, Frankfort, Kentucky 40601.

This notice is issued under the authority of Sections 111, 112, and 301 of the Clean Air Act, as amended (42 U.S.C. 7411, 7412, and 7601).

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely transfers authority from the Federal government to the State government; it imposes no new regulatory requirements.

John A. Little,

Acting Regional Administrator.

December 5, 1980.

Mr. Norman E. Schell,

Director, Division of Air Pollution Control, Kentucky Department for Natural Resources and Environmental Protection, West Franklin Office Complex, 1050 U.S. 127 South, Frankfort, Kentucky

Dear Mr. Schell: On April 12, 1977 we delegated to the Commonwealth of Kentucky the authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) that had been promulgated by EPA as of March 16, 1977. On February 23, 1978 and March 7, 1978, EPA promulgated NSPS for kraft pulp mills and lime manufacturing plants, respectively; on October 21, 1976 and April 6, 1973 (amended March 3, 1978) EPA promulgated NESHAPS for vinyl chloride and beryllium rocket motor firing respectively. In your letter (undated) received by this office on August 12, 1980, you requested that EPA delegate to the Commonwealth of Kentucky the authority for implementation and enforcement of these new Federal regulations.

As stated in our letter of April 12, 1977 we have reviewed the pertinent laws of the Commonwealth of Kentucky and your rules and regulations and have determined that they provide an adequate and effective procedure for implementing and enforcing the NSPS and NESHAPS in the Commonwealth of Kentucky. Therefore, we hereby delegate our authority for the implementation and enforcement of NSPS and NESHAPS to the Commonwealth of Kentucky as follows:

A. Authority for all sources located or to be located in the Commonwealth of Kentucky subject to the Standards of Performance for New Stationary Sources for kraft pulp mills and lime manufacturing plants promulgated in 40 CFR Part 60 as of the date of this letter.

B. Authority for all sources located or to be located in the Commonwealth of Kentucky subject to the National Emission Standards for Hazardous Air Pollutants for vinyl chloride and beryllium rocket motor firing promulgated in 40 CFR Part 61 as of the date of this letter.

This delegation is based upon the same conditions as those stated in our letter of April 12, 1977, except that Condition 4, relating to Federal facilities, has been voided by the Clean Air Act Amendments of 1977. A copy of the April 12, 1977 letter was published in the notices section of the Federal Register of December 28, 1977 (42 FR 64735), along with the associated rulemaking notifying the public that certain reports and applications required from operators of new sources shall be submitted to the Commonwealth of Kentucky (43 FR 3360). All those conditions except Condition 4, relating to Federal facilities are hereby incorporated into this delegation by reference. A notice announcing this delegation will be published in the Federal Register in the near future.

Since this delegation is effective immediately, there is no need for the Commonwealth to notify EPA of its acceptance. Unless we receive from you written notice of objections within ten days of the date on which you receive this letter, the Commonwealth of Kentucky will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

John A. Little,

Deputy Regional Administrator.

[FR Doc. 81-13708 Filed 5-6-81; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1983 Region 2 DBS Planning Conference; Service Requirements, Technical Parameters, and Inter-Service Sharing Sub-Group Meetings

April 29, 1981.

The above-mentioned three sub-committees will meet on the 21st and 22nd of May, 1981 at the Federal Communications Commission (FCC) offices, 1229 20th Street, N.W., Washington, D.C. in Room A-110. The Service Requirements sub-committee will meet from 9:30 A.M. until noon on 21 May; the Technical Parameters sub-committee will meet from 1:30 P.M. until 4:00 P.M. on 21 May; and the Inter-Service Sharing sub-committee will meet from 9:30 A.M. until noon on 22 May. The purpose of the meetings is to discuss and agree upon the method of work of each of the sub-committees, to form appropriate working groups or drafting groups, and to establish broad timetables for completion of work.

These meetings will be open to the public. Parties wishing to offer extensive statements during the meeting must make arrangements with the sub-committee before the meeting. Written statements will be accepted before or after the meeting.

For further information, contact Edward R. Jacobs, Office of Science and Technology, FCC, 2025 M Street, N.W., Washington, D.C. 20554 (202) 653-6102

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-13709 Filed 5-6-81; 8:45 am]
BILLING CODE 6712-01-M

[Report No. A-30]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: April 30, 1981.

Cut-Off Date: June 12, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after June 12, 1981. An application, in order to be considered with any application appearing on the attached list or with any other on file by the close of business on June 12, 1981, which involves a conflict necessitating a hearing with any application on this list must be substantially complete and tendered for filing at the close of business on June 12, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on June 12, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BP-801112AA (KFWY), Sumner, Washington, Southsound Communications, Inc., Has: 1560 kHz, 0.25 kW, D, Req: 1560 kHz, 1 kW, DA-1, U

BP-801230AE (WACK), Newark, New York, Pembrook Pines, Inc., Has: 1420 kHz, 0.5

kW, DA–N, U, Req: 1420 kHz, 0.5 kW, 5 kW–LS, DA–2, U

BP–810220AA (WHTH), Heath, Ohio, Runnymede, Inc., Has: 790 kHz, 0.5 kW, DA–D, Req: 790 kHz, 1 kW, DA–D

BP–810331AE (KWIQ), Moses Lake North, Washington, Radio Station KWIQ, Has: 1280 kHz, 1 kW, D, Req: 1020 kHz, 0.5 kW, 5 kW–LS, U

[FR Doc. 81-13710 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

[PR Docket No. 81-224]

Clarence R. Mitchell, Sr.; Designating Application for Hearing on Stated Issues

Adopted: April 2, 1981.

Released: April 8, 1981.

The Chief, Private Radio Bureau, has under consideration the Citizens Band (CB) License application of Clarence R. Mitchell, Sr., 667 Edmonds Avenue N.E., Renton, Washington 98055.

1. Information before the Commission indicates that on October 15, 1980, the Commission monitored Mitchell transmitting on the frequency 27.814 MHz. 27.814 MHz is assigned for use of United States Government radio stations. Mitchell does not possess a license authorizing use of that frequency, thus his operation was apparently in wilful violation of Section 301 of the Communications Act of 1934, as amended which prohibits unlicensed radio operation.

2. Further information before the Commission indicates that on October 16, 1980, the Commission monitored Mitchell transmitting on the frequency 27.814 MHz in apparent wilful and repeated violation of Section 301 of the Act. As a result of these monitorings, Mitchell was issued a letter warning of unlicensed operation (FCC Form 835) on October 10, 1980.

3. On October 24, 1980, Mitchell applied to the Commission for a license in the Citizens Band Radio Service. Mitchell's apparent unlicensed radio operation calls into question his qualifications to become a Commission licensee in the CB Radio Service. This matter precludes the Commission from determining that a grant of Mitchell's application would serve the public interest, convenience, and necessity.

4. Accordingly, it is ordered, pursuant to Section 309(e) of the Communications Act of 1934, as amended, and § 1.973(b) and 0.331 of the Commission's Rules, that Mitchell's application, filed October 24, 1980, for a Citizens Band Radio Station License is designated for hearing on the issues specified below:

(a) To determine whether Clarence R. Mitchell, Sr., has operated radio transmitted equipment in wilful and/or repeated violation of Section 301 of the Communications Act of 1934, as amended.

(b) To determine whether Clarence R. Mitchell, Sr., has the requisite qualifications to become a Commission licensee.

(c) To determine whether a grant of the application of Clarence R. Mitchell, Sr., for a station license in the Citizens Band radio service, would serve the public interest, convenience, and necessity.

5. It is further ordered, That if Mitchell wants a hearing on the application, he must file within 20 days a written notice that he will appear at a hearing to present evidence on the issues specified above.[1] If a hearing is requested, the time, place, and Presiding Judge will be specified by subsequent order.

6. It is further ordered, That copies of this Order SHALL BE SENT by Certified Mail—Return Receipt Requested and by Regular Mail to the applicant at his address of record (shown in caption).

Chief, Private Radio Bureau.

By: W. Riley Hollingsworth, Jr.,

Acting Chief, Compliance Division.

[FR Doc. 81-13712 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-285, File No. BP-791227 Au; et al.]

Gospel-West Broadcasting, et al.; Designating Applications For Consolidated Hearing on Stated Issues

In re applications of Gospel-West Broadcasting, West Richland, Washington, Req: 1600 kHz, 2.5 kW, 5kW–LS, DA–N, U; BC Docket No. 81–285, File No. BP–791227AU; Radio Spokane, Inc., KSPO, Spokane, Washington, Has: 1230 kHz, 250 W, 1 kW–LS, U, Req: 1600 kHz, 5 kW, DA–2, U; BC Docket No. 81–286, File No. BP–800627AA; and Western Sun, Inc., KLAK, Lakewood, Colorado, Has: 1600 kHz, 5 kW, DA–N, U, Req: Minor Change in Nighttime Operation; BC Docket No. 81–287, File No. BP–800721AR, for construction permit.

Hearing Designation Order

Adopted: April 22, 1981.

Released: April 30, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new and modified AM broadcast stations.

2. *Gospel-West Broadcasting.* Analysis of the financial data Gospel-West submitted reveals that at least $55,660 will be required to construct its proposed station and operate for three months, itemized as follows:

Equipment down payment	$4,836
Equipment payments	9,876
Land and building costs	7,000
Other construction costs	10,250
Operating costs	21,500
Miscellaneous promotion and administrative costs	2,098
Total	55,660

However, we are unable to determine whether applicant has adequately provided for operating costs, since it has not properly itemized them, as required by Form 301. To finance its proposed station, Gospel-West relies on a $50,000 loan and the return of $5,000 in deposits on land it no longer plans to buy. Apart from the obvious failure of these funds to cover even the costs listed, neither source of funds has been shown available. The lender is not a financial institution, and its balance sheet has not been submitted; and there is no documentation regarding the $5,000 in deposits. A limited financial issue must therefore be specified.

3. *Radio Spokane, Inc.* Radio Spokane's nighttime interference-free (7.4 mV/m) contour would cover only about 95 percent of the area of Spokane. The applicant describes the area that would not receive service as recently annexed and sparsely populated, so more than 95 percent of Spokane's population would receive nighttime interference-free service. The proposal therefore substantially complies with the principal-city coverage requirements of Section 73.24(j) of the Commission's Rules. See *Broadcasting, Inc.*, 20 FCC 2d 713 (Rev. Bd. 1969).

4. We have no evidence that Radio Spokane broadcast and published the local notice of its application required by § 73.3580 of the Rules. It must therefore demonstrate that it did.

5. *Western Sun, Inc.* KLAK has been authorized a nighttime directional antenna with an RMS value of radiation of 415 mV/m since 1965 (BP–16,544). Recently, its consulting engineer discovered that based upon the station's licensed pattern parameters, the RMS should be 469.9 mV/m. Accordingly, Western Sun filed this application to specify an RMS of 469.9 mV/m and make other corrections. The proposed KLAK operation would raise the

[1] The enclosed form and preaddressed envelope should be used to request or decline a hearing in this matter. Failure to file a hearing request within the designated period will result in dismissal of the application pursuant to § 1.221(c) of the Commission's Rules.

nighttime limit of the KSPO proposal slightly, thereby reducing its coverage of Spokane. Consequently, the KLAK and KSPO proposals are mutually exclusive and must be considered together.

6. *Other matters.* Because the three proposals are for different communities, it will be necessary to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of them would best provide a fair, efficient, and equitable distribution of radio services.

7. Except as indicated by the issue specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

8. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Gospel-West Broadcasting:

(a) Whether the amount it proposes for initial operating costs is sufficient for that purpose;

(b) The source and availability of sufficient funds to meet anticipated costs; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

2. To determine the areas and populations which would receive service from each proposal, and the availability of other primary aural service to such areas and populations.

3. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the application should be granted.

9. It is further ordered, That Radio Spokane, Inc. shall broadcast and publish local notice of its application (if it has not already done so) and file a statement with the presiding Administrative Law Judge within 40 days after this Order is published in the **Federal Register.**

10. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That pursuent to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-13713 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-290, File No. BP-801103AJ and BC Docket No. 81-291, File No. BP-810209AJ]

KDUN Radio, Inc., and Gospel Hymn Time, Inc.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of KDUN Radio, Inc., KDUN, Reedsport, Oregon, Has: 1470 kHz, 5 kW, Day, Req: 700 kHz, 500 W, 10 kW-LS, U; BC Docket No. 81-290, File No. BP-801103AJ; and Gospel Hymn Time, Inc., Winston, Oregon, Req: 700 kHz, 500 W, 25 kW-LS, U; BC Docket No. 81-291, File No. BP-810209AJ; for construction permit.

Hearing Designation Order

Adopted: April 22, 1981.

Released: April 29, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new and modified AM broadcast stations.

2. *KDUN Radio, Inc.* We have no evidence that KDUN broadcast the local notice of its application required by § 73.3580 of the Commission's Rules. It must therefore demonstrate that it did.

3. *Gospel Hymn Time, Inc.* In Section II, Table II of its application, Gospel Hymn Time has apparently not listed all the business and financial interests of principals Richard Gawer and Lyle Arndt for the past five years. An amendment is required.[1]

4. *Other matters.* Both applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be set for hearing in a consolidated proceeding. Since the proposals are for different communities, an issue must be specified to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of them would be better provide a fair, efficient, and equitable distribution of radio service. Further, since the proposals would serve substantial common areas, a contingent comparative issue will be specified.

5. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

2. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would on a comparative basis better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which application should be granted.

6. It is further ordered, That Gospel Hymn Time, Inc. shall file the amendment specified in paragraph 3 above, on or before June 8, 1981.

7. It is further ordered, That KDUN Radio, Inc. shall broadcast local notice of its application (if it has not already done so) and file a statement of notice with the presiding Administrative Law Judge on or before June 8, 1981.

8. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

9. It is further ordered, That pursuant to Section 311(a)(2) of the

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[1] This applicant has also been requested by pre-designation letter to file certain environmental information about its proposed nighttime transmitter site. If it has not yet done so, it must file that information within the specified time.

Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 81-13714 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket 81-288, File No. BP-800117AF and BC Docket 81-289, File No. BP-801003AK]

Osborn Communications Corp. and Jem Broadcasting Co.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Osborn Communications Corporation, KJLA, Kansas City, Missouri, Has: 1190 kHz, 250 W, 1 kW-LS, DA-N, U, Req: 1190 kHz, 250 W, 5 kW-LS (1 kW-CH), DA-N, U; BC Docket 81-288, File No. BP-800117AF; and Jem Broadcasting Company, KJEM, Bentonville, Arkansas, Has: 1190 kHZ, 500 W, Day, Req: 1190 kHz, 5 kW (2.5 kW-CH), Day; BC Docket 81-289, File No. BP-801003AK; for construction permit.

Hearing Designation Order

Adopted: April 22, 1981.

Released: April 28, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications to improve the daytime facilities of existing AM broadcast stations.

2. Both applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be designated for hearing in a consolidated proceeding. Further, because the proosals are for different communities, it will be necessary to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of them would better provide a fair, efficient, and equitable distribution of radio service.

3. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

2. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which application should be granted.

4. It is further ordered, That to avail themselves of the opportunity to be heard ad pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

5. It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

By: Larry D. Eads,

Acting Chief Broadcast Facilities Division.

[FR Doc. 81-13715 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-292, File No. BPCT-791210KG, et al.]

Quality Media Corp., et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Quality Media Corporation, Birmingham, Alabama, BC Docket No. 81-292, File No. BPCT-791210KG; Birmingham Family Television, Inc., Birmingham, Alabama, BC Docket No. 81-293, File No. BPCT-800521KP; and Celtic Media, Inc., Birmingham, Alabama, BC Docket No. 81-294, File No. BPCT-800521KQ; for construction permit.

Hearing Designation Order

Adopted: April 9, 1981.

Released: April 30, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 68, Birmingham, Alabama.

2. *Quality Media Corporation (QMC).* Analysis of the financial data submitted by QMC reveals that $164,500 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$108,000
Building	2,500
Legal costs	2,500
Engineering and installations costs	4,500
Miscellaneous costs	5,000
Operating costs (3 months)	42,000
Total	164,500

To meet these costs, QMC relies upon the following:

Cash	$48,504
Contracts for air time	159,540
Total	208,044

3. QMC's estimates for construction, legal, engineering and operating expenses for three months seem unreasonably low. An issue inquiring into the basis of QMC's cost estimates will be specified.

4. Review of QMC's balance sheet shows that it has net liquid assets of only $13,282. Further, anticipated air-time revenues cannot be considered as an immediate source of funds because applicant has not shown that these revenues will be forthcoming before the proposed station goes into operation. Therefore, applicant's reliance on $159,540 from contracts for air time is misplaced. Accordingly, financial issues will be specified.

5. No determination has been reached that the antenna structure proposed by BFT would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

6. *Celtic Media, Inc. (CMI).* No determination has been reached that the antenna structure proposed by CMI would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the

Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place and before an Administrative Law Judge to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Quality Media Corporation:

(a) whether a reasonable basis exists for its estimate of construction and operational costs;

(b) whether applicant has available sufficient funds to construct and operate as proposed;

(c) whether, in light of the evidence adduced pursuant to issues (a) and (b), applicant is financially qualified.

2. To determine with respect to Birmingham Family Television, Inc.:

(a) whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation;

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is qualified.

3. To determine with respect to Celtic Media, Inc.:

(a) whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation;

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is qualified.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

10. If is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

By: Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-13718 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

[PR Docket No. 81-278, File Number 516-A-L-70, et al.]

Reading Aviation Service, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Reading Aviation Service, Inc., Reading, Pennsylvania, PR Docket No. 81-278, File Number 516-A-L-70; Perkiomen Airways, Ltd., Reading, Pennsylvania, PR Docket No. 81-279, File Number 554-A-L-60; and Public Aviation, Inc., Reading, Pennsylvania, PR Docket No. 81-280, File Number 555-A-L-60; for an Aeronautical Advisory Station to serve Reading Municipal Airport, Reading, Pennsylvania.

Order

Adopted: April 23, 1981.

Released: April 30, 1981.

1. Reading Aviation Service, Inc. (hereafter Reading), Perkiomen Airways, Ltd. (hereafter Perkiomen), and Public Aviation, Inc. (hereafter Public) have filed applications for a new Aeronautical Advisory Station at Reading Municipal Airport, Reading, Pennsylvania. Since § 87.251(a) of our rules provides that only one aeronautical advisory station may be authorized at an airport, the above-captioned applications are mutually exclusive. Accordingly, it is necessary to designate these applications for comparative hearing in order to determine which, if any, should be granted.

2. In view of the foregoing, it is ordered, That pursuant to the provisions of Section 309(e) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following comparative issues:

(a) to determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) location of the aviation service organization and the proposed radio station in relation to the landing area and traffic patterns;

(2) hours of operation;

(3) personnel available to provide advisory service;

(4) experience of applicant and employees in aviation and aviation communications, including but not limited to operation of stations in the Aviation Services (Part 87) that may be or have been authorized to the applicant;

(5) ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) proposed radio system including control and dispatch points; and

(7) the availability of the radio facilities to other aviation service organizations;

(b) to determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

3. It is further ordered, That the burden of proof and the burden of proceeding with the introduction of evidence is on each applicant with respect to its application except issue (b) which is conclusory.

4. It is further ordered, That to avail themselves of an opportunity to be heard, Reading, Perkiomen, and Public pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Federal Communications Commission.

Carlos V. Roberts,

Chief, Private Radio Bureau.

[FR Doc. 81-13717 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-27]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: April 30, 1981.

Cut-Off Date: June 15, 1981.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after June 15, 1981. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on June 15, 1981, which

involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C. no later than the close of business on June 15, 1981.

Petitions to deny any application on this list mumst be on file with the Commission not later than the close of business on June 15, 1981.

Applications for new stations may not be filed against any application on the attached list which is designated by an asterisk (*).

Federal Communications Commission.

William J. Tricarico,

Secretary.

*BMLCT–810109KF (WJNL–TV) Johnstown, Pennsylvania, Cover Broadcasting, Inc. Channel 19. Increase ERP Vis. to 2504 kW; change transmitter location.

BPCT–810121KO (new) Wilmington, North Carolina, Wilmington Telecasters, Inc. Channel 29. ERP: Vis. 3192 kW; HAAT: 803 feet

BPCT–810126KE (new) Hardeeville, South Carolina (Savannah, Georgia allocation), Business and Minority Coalition Broadcasters, Inc. Channel 28. ERP: Vis. 5000 kW; HAAT: 1313 feet

BPCT–810206KF (new) San Diego, California, Venton Corporation. Channel 69. ERP: Vis. 3155 kW; HAAT: 1906 feet

BPCT–810209KE (new) Knoxville, Tennessee, Knoxville Broadcasting Corp. Channel 8. ERP: Vis. 316 kW; HAAT: 1866 feet

BPCT–810227KH (new) Toledo, Ohio, Toledo Telecasting, Inc. Channel 36. ERP: Vis. 2050 kW; HAAT: 1410 feet

BPCT–810227KI (new) High Point, North Carolina, Fox Media, Inc. Channel 67. ERP: Vis. 1355 kW; HAAT: 978 feet

[FR Doc. 81-13711 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Doc. No. 81-295 ect.; File No. BPH-800603AB ect.]

South Burlington Communications Corp. et al.; Applications for Consolidated Hearing on Stated Issues

Adopted: April 24, 1981.

Released: May 1, 1981.

By the Chief, Broadcast Bureau.

In the matter of South Burlington Communications Corp., South Burlington, Vermont, Req: 95.3 MHz, Channel 237A 1.8 kW (H&V), 370 feet, BC Docket No. 81–295 File No. BPH–791012AH. Lake Champlain Communications Corp., South Burlington, Vermont, Req: 95.3 MHz, Channel 237A 1.5 kW (H&V), 402 feet, BC Docket No. 81–296 File No. BPH–800603AB. Champlain Valley Broadcasting Corp., South Burlington, Vermont, Req: 95.3 MHz, Channel 237A 3.0 kW (H&V), 225 feet, BC Docket No. 81–297 File No. BPH–800829AL.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of South Burlington Communications Corp. (South Burlington), Lake Champlain Communications Corp. (Lake Champlain) and Champlain Valley Broadcasting Corporation (Champlain Valley) for a construction permit for a new FM station.

2. *South Burlington.* An analysis of the financial data submitted by South Burlington reveals that $130,398 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$68,595
Land	600
Buildings	8,500
Miscellaneous	10,333
Operating expenses (three months)	46,368
Total	130,398

To meet these expenses South Burlington is relying on $2,000 existing capital, $68,595 deferred credit, a loan of $87,000 from the Merchants Bank and $46,000 in personal loans from the applicant's principals, Martin Chester and Howard M. Ginsberg. The bank loan and deferred credit figures used in the analysis above, are contained in an amendment which was filed by South Burlington on December 19, 1980. However, the amendment fails to contain documentation from the respective creditors acknowledging the changes in commitment. Accordingly, a financial issue will be specified.

3. Lake Champlain filed an amendment and a motion for leave to amend, on March 6, 1981, after the December 19, 1980 cut-off date. South Burlington Communications Corporation filed an Opposition on April 6, 1981, contending that the amendment improves the comparative position of Lake Champlain and should be denied. The amendment modifies Lake Champlain's engineering date by correcting its computation of the 60 dbu and 70 dbu contours and by updating the census figures to 1980 data. Further, it informs the Commission that International Television Corporation has an application pending before the Commission, to assign the license of WEZF–FM to its wholly owned subsidiary, Martin Broadcasting, Inc.[1] corrects previously filed information and does not change the comparative qualifications of the applicant. The change in ownership of WEZF–FM to Martin Broadcasting, Inc., does not affect Lake Champlain's comparative qualifications because the applicant's majority shareholder signed a written agreement dated May 7, 1980, promising to divest himself of all other broadcast interests, including WEZF–FM should his application be granted.

4. *Champlain Valley.* Section 73.1125 of the Commission's Rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause the main studio may be located outside that community. Champlain Valley proposes to locate its main studio at its transmitter site, approximately two miles from South Burlington. The applicant has requested that we waive Section 73.1125 of the Commission's Rules and has demonstrated good cause for locating the main studio outside of South Burlington.

5. An analysis of the financial data submitted by Champlain Valley reveals that $143,060 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$72,143
Other	40,507
Operating costs (three months)	30,410
Total	143,060

Champlain Valley plans to finance construction and operation costs, with a net loan of $86,900 from the Merchants Bank and with $42,170 deferred credit from its equipment supplier. Further, the applicant's principals, John Nichols and Lawrence McCrorey, have agreed to lend the corporation $104,500, obtained in part, from a $100,000 loan from John Nichols parents, Mr. & Mrs. Josef Nichols. The only information that Mr. & Mrs. Nichols have submitted, substantiating their loan commitment is an appraisal of their home in Yonkers, New York, indicating that it has a fair market value of $110,000. This information does not establish that these funds are available. Mr. & Mrs. Nichols must submit a balance sheet and a commitment letter indicating that they intend to sell or mortgage the house so that they will have liquid funds at their disposal. Consequently, a financial issue will be specified.

6. Champlain Valley will not be able to provide a 3.16 mV/m signal to the entire city of South Burlington as required by Section 73.315(a) of the

[1] The applicant's majority shareholder, John R. Hughes, is 3.72% shareholder and general manager of International Television Corporation. International Television Corporation is the licensee of WEZF–FM and WEZF–TV, Burlington, Vermont.

Commission's Rules. We believe that adequate justification has not been provided for waiver of this provision. Accordingly, an issue will be specified.

7. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

8. All three applicants, South Burlington, Lake Champlain and Champlain Valley, have not provided us with current FAA clearance. Accordingly, an appropriate issue will be specified.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine with respect to South Burlington Communications Corporation:

(a) the source and availability of additional funds over and above the $50,000 indicated; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(2) To determine with respect to Champlain Valley Broadcasting Corporation:

(a) the source and availability of addditional funds over and above the $133,570 indicated; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(3) To determine with respect to Champlain Valley whether circumstances exist to warrant a waiver of Section 73.315(a) of the Commission's Rules.

(4) To determine whether there is a reasonable possibility that the tower height and location proposals by South Burlington, Lake Champlain and Champlain Valley would constitute a hazard to air navigation.

(5) To determine, which of the proposals would, on a comparative basis, best serve the public interest.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which if any, of the applications should be granted.

11. It is further ordered, That the motion for leave to amend filed by South Burlington Communications Corp. IS GRANTED, and the amendment filed by South Burlington IS ACCEPTED for filing.

12. It is further ordered, That the motions for leave to amend filed by Lake Champlain on March 6, 1981 and April 14, 1981 ARE GRANTED and the amendments filed by Lake Champlain ARE ACCEPTED for filing.

13. It is further ordered, That the motion for leave to amend filed by Champlain Valley Broadcasting Corporation IS GRANTED, and the amendment filed by Champlain Valley IS ACCEPTED for filing.

14. It is further ordered, That in the event the application of Lake Champlain Communications Corp. is granted, it is subject to the condition that program test authority will not be granted until the principals of Lake Champlain divest themselves of all interests in WEZF-FM and WEZF—TV, Burlington, Vermont.

15. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

16. It is further ordered, That, to avail themselves of the opportuntiy to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

17. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-13720 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Doc. No. 80-479 ect., File No. BRH-589]

United Broadcasting Co., et al.; Memorandom Opinion and Order

In re Applications of United Broadcasting Company, Washington, D.C. For Renewal of License of Station WOOK (FM), Washington, D.C., BC Docket No. 80-479, File No. BRH-589. District Broadcasting Company, Washington, D.C. Reg: 100.3 MHz, Channel No. 262 20 KW (H&V), 447 feet, BC Docket No. 80-480 File No. BPH-780831 AY. Hispanic Broadcasting Corporation, Washington, D.C. Req: 100.3 MHz, Channel No. 262 20 KW (H&V), 485 feet For Construction Permits, BC Docket No. 80-481 File No. BPH-780901 AB.

Adopted: April 23, 1981.
Released: April 30, 1981.
By the Commission.

1. On September 10, 1980, the Commission designated the above-captioned applications for a comparative hearing to determine which applicant is most qualified to operate a commerical FM radio broadcast station on frequency 100.3 MHz in Washington, D.C. *United Broadcasting Company,*———FCC 2d———, FCC 80-529, released September 30, 1980. In that order, however, we reserved jurisdiction to consider what effect past misconduct of United Broadcasting Co. (United) at other broadcast stations should have on its basic and/or comparative qualifications in this proceeding. *Id.* at para. 5. Both of the challengers in this proceeding filed pre-designation pleadings proposing how we should address the issue here. We have considered the matter and hold that an issue should be designated to determine whether in light of our decisions in *WOOK (AM)*[1] and *WFAB*,[2] United has the basic and/or comparative qualifications to be the licensee of Station WOOK (FM). United is collaterally estopped from relitigating factual findings and legal conclusions made in Commission orders.

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[1] *United Television Co.*, 56 FCC 2d 416 (1975), *recon. denied*, 59 FCC 2d 883 (1976), *aff'd sub nom. United Broadcasting Co. v. FCC*, 569 F. 2d 699 (D.C. Cir. 1977), *cert. denied*, 434 U.S. 1040 (1978) (hereinafter "*WOOK(AM)*").

[2] *United Broadcasting of Florida*, 55 FCC 2d 832 (1975), *recon. denied*, 60 FCC 2d 816 (1976) (hereinafter "*WFAB*").

I. Background

2. United, licensee of WOOK (FM), is wholly owned by Richard Eaton. Through various subsidiaries United also owns and/or controls licenses to several other broadcast stations. [3] United's stations are no strangers to this agency. Over the past several years, eight of its licenses have been designated for hearing.[4] We have denied renewal or revoked four of those licenses.[5] We approved an ALJ's renewal of two station licenses, contingent on United's sale of those stations, even though broadcast-related misconduct had been shown at evidentiary hearing.[6] An initial decision denying two other broadcast renewal applications has been issued but not yet reviewed by the full Commission.[7]

3. We found United unfit to operate Station WOOK (AM), in Washington, D.C., *supra* note 1, based on a variety of misconduct at that facility. In light of the widespread misconduct at WOOK (AM), we found United unqualified to hold the license and reversed the ALJ's finding that United was entitled to any comparative consideration at all in that contested proceeding. 55 FCC 2d at 417.

4. The evidence revealed that United had broadcast material directly promoting a lottery over an extended period of time in violation of federal and local law, long after top management and Eaton had ample notice of this illegal activity. We found that United's operation of WOOK (AM) reflected "callous disregard" for its listening audience and showed a lack of responsible supervision by Eaton. 55 FCC 2d at 422. United's repeated dissemination of illegal lottery matter alone, we held, was sufficient to warrant non-renewal. *Id.* We also found that United's repeated violation of our technical rules, despite a $7,500 forfeiture and a prior renewal grant made expressly in reliance upon United's assurance of future compliance, destroyed the credibility of its assurances in that respect. *Id.* at 424–25. Since "United's past representations were of no value, [and] no reliance [could] be placed on its present promises of future compliance," United's technical rule violations provided another, independent basis for non-renewal. *Id.* at 425. The licensee's broadcast of false and misleading advertisements while it was on notice that the ads were under investigation by the Federal Trade Commission—also a serious breach of United's fiduciary duty to its listeners—reinforced our decision to deny WOOK (AM)'s renewal application. *Id.* at 423–24.

5. Shortly thereafter, United's renewal application for Station WFAB in Miami, Florida, was also denied, *supra* note 2, based on its flagrant disregard of the Commission's fraudulent billing policy and a total abdication of supervision and control over that station. WFAB's station managers, who directly participated in a massive fraudulent billing scheme, had no previous management experience, and were totally unfamiliar with station procedures. That scheme persisted, we found, because United's principals were—once again—utterly indifferent to evidence of wrongdoing at WFAB, despite clear warning signals. Based on the extensive evidentiary record, we characterized United's attitude toward FCC rules and policies as "gross disregard," 55 FCC 2d at 838, "contemptuous," *id.* at 840, "flagrant," *id.* at 839, and "tantamount to an intentional disregard of its duties." *Id.* In sum, we determined that stripping United of that license was the only legally appropriate action. A forfeiture, we found, far from having a cathartic effect on management of the station,'. . . . would be cynically viewed [by Eaton and top management] as just another cost of doing business. *Id.* at 841.[8]

6. Each party in this case holds a different theory of the relevance, weight and preclusive effect the prior adverse findings should be given here. Hispanic Broadcasting Corp. (Hispanic), one of the competing applicants, contends that *WFAB* and *WOOK(AM)* conclusively demonstrate that United is unfit to remain a Commission licensee and that, by virtue of *res judicata*, the Commission should deny WOOK(FM)'s renewal application without an evidentiary hearing.[9] District Broadcasting Co. (District), the other mutually exclusive applicant, agrees that our prior decisions are *res judicata* and clearly bear on United's qualifications to retain WOOK(FM), but recommends that the matter instead be explored in the pending evidentiary hearing.[10] United argues that prior findings are limited to the disposition of those licenses. In its view, Hispanic's position is at odds with Commission precedent in factually similar circumstances and with section 309(e) of the Communications Act,[11] which mandates an evidentiary hearing if the FCC is for any reason unable to find a license grant in the public interest. United also maintains that *res judicata*, if applicable to administrative proceedings, only bars relitigation of the fact that it lost control of billing procedures at WFAB; United contends

[3] These stations include: Stations WJMO (AM) and WLYT (FM), Cleveland Heights, Ohio; Station KALI (AM), San Gabriel, Calif.; Station KSOL (FM), San Mateo, Calif.; Station KECC–TV, El Centro, Calif.; Station WMUR–TV, Manchester, N.H.; Stations WSID (AM) and WLPL (FM), Baltimore, Md.; Station WINX (AM), Rockville, Md.; and Station WBNX (AM), New York, N.Y.

[4] We also have imposed a number of monetary forefeitures on United's stations. *See, e.g., Hawaiian Paradise Park Co.*, 10 FCC 2d 89, 93 (1967); *United Television Co. of New Hampshire*, 49 FCC 2d 1163 (1974) (WMUR–TV).

[5] *United Television Co.*, 46 FCC 2d 698 (1974) (WFAN–TV) and *United Television of New Hampshire*, 46 FCC 2d 702 (1974) (WMET), *aff'd*, 514 F. 2d 279 (D.C. Cir. 1975); *United Broadcasting of Florida, supra* (WFAB); *United Television Co., supra* (WOOK (AM)).

In the first two decisions, we revoked two of United's television stations because they had been dark for more than two years, thereby depriving viewers of service over those frequencies. In the latter two, we denied two radio station renewals, finding that United was unfit to operate those broadcast facilities.

[6] *United Television Co. of New Hampshire*, 46 RR 2d 655 (1979) (WMUR–TV and KECC–TV). In a 1974 Initial Decision, ALJ Ernest Nash found that Richard Eaton had made improper payments to an ABC official to improve the terms of network affiliation agreements. The ALJ ordered United to sell those television stations at once, granting the renewal applications for that purpose only. FCC 74D–52, released Sept. 12, 1974. Ultimately, the Commission allowed the sales to go forward, noting that we were unable to distinguish that case from others involving the same improper scheme where license renewals had been granted. *See Melody Music, Inc. v. FCC*, 345 F. 2d 730 (D.C. Cir. 1965). That case holds that the FCC must treat similarly situated parties alike unless it explains its reasons for differential treatment in light of the purposes of the Communications Act.

[7] *Friendly Broadcasting Co.*, Docket No. 19412 (released Feb. 25, 1977) (Initial Decision) (WLYT–FM and WJMO) (appeal pending).

[8] In the *WFAB* designation order, we said that if United were found otherwise qualified in other then-pending cases involving its licenses, the grant of authorizations requested there was to be withheld until *WFAB* was decided. We also ruled that the "resolution of issues in [*WFAB*] shall be binding on any other licensee commonly owned and controlled . . . and will be *res judicata* as to any such other licensee." 36 FCC 2d at 957.

In denying WFAB's renewal application in 1975, we observed that none of the proceedings specifically referenced in the above-quoted designation order had been resolved "in the manner recited [in the] order so as to require suspension pending the outcome of the instant proceeding." 55 FCC 2d at 833 n. 2. This is the first time, therefore, that we have considered—in accordance with the second phrase quoted above—*WFAB*'s impact on another United-controlled license.

[9] On September 1, 1978, Hispanic filed along with its construction permit application a Petition to Designate for Oral Argument, Deny Renewal Application and Grant Competing Application. Thereafter, District Broadcasting Co. filed a mutually exclusive application. As a result, Hispanic's request for a license without an evidentiary hearing cannot be granted.

[10] District would also have us explore the impact of our revocation of United's WFAN–TV and WMET, *see* note 5, *supra*, and the misconduct established in *United Television Co. of New Hampshire*, note 6, *supra*.

[11] 47 U.S.C. § 309(e).

that prior adverse findings cannot be conclusive as to its fitness to operate WOOK(FM).[13]

II. Discussion

A. Relevance of United's Prior Disqualifications to This Case

7. Under the Communications Act, the Commission may not issue a broadcast license unless that grant would serve the public interest.[13] In making that determination, we must be confident that the licensee will be law-abiding in the operation of the station.[14] This obligation stems from the fact that a broadcast licensee is a public trustee, entrusted with the use of a precious resource, and should accordingly maintain a high standard of conduct.[15] If the licensee is an absentee owner, he must impose adequate supervisory controls to ensure that the station is run in a manner consistent with applicable law and regulations.[16] Otherwise "the key element of the present system—accountability to the public and the Commission—would be lost."[17]

8. In the case of a renewal applicant, the licensee's past broadcast performance "affords the 'best evidence'"[18] of what we can expect from that broadcaster in the future. Of course, predicting future conduct is a complex task. But, to the extent that patterns of conduct emerge, the predictive value of that record is greatly enhanced. The Commission ordinarily evaluates the licensee's conduct at the station in question in deciding whether renewal would serve the public interest. Sometimes, however, behavior outside the station has a direct bearing on the predictive judgment to be made. For example, undesirable conduct by a licensee at one station or in connection with one license application has been deemed relevant to a party's fitness to operate other stations.[19] Even misconduct outside the broadcasting arena altogether has been deemed highly relevant to our licensing functions when it "bears a reasonable relationship to an applicant's ability to operate a station in the public interest."[20]

9. We agree with United that a broadcaster's loss of one license does not invariably compel the conclusion that grant of another license to that same broadcaster would be contrary to the public interest. For example, in *Donald W. Reynolds*, 65 FCC 2d 451 (1977), we renewed licenses belonging to a multiple owner who had earlier lost a television station.[21] The earlier license loss resulted from inadequate supervision and there was no evidence that Reynolds had known of the wrongdoing at that station. Since non-renewal was premised on the licensee's negligence, we felt that the licensee, once aware of the shortcomings that warranted a license loss, could be trusted (in the absence of facts suggesting otherwise) to ensure that other commonly held stations were run in conformity with Commission standards.

10. On the other hand, United misconstrues the law when it claims that we must dismiss Hispanic's petition to deny because it does not allege specific facts about misconduct at WOOK(FM). That showing is not required by section 309(d)(1) of the Communications Act, 47 U.S.C. 309(d)(1), which simply states that a petition to deny must contain specific factual allegations "sufficient to show that * * * a grant of the application would be *prima facie* inconsistent with" the public interest. The statute further provides that an application shall not be granted if a substantial and material factual question exists or for any other reason we are unable to make the requisite public interest determination. *See* 47 U.S.C. 309(d)(2). By any reasonable benchmark, the past adverse determinations against United raise a *prima facie* question about its qualifications to operate WOOK(FM). This is so because the misconduct reflects a pattern by United at various stations to disregard applicable rules and even Commission admonitions.

11. United also misperceives our prior case law when it argues that its previous license losses cannot be considered here because no factual nexus has been shown between those rulings and the operation of WOOK(FM). United's heavy reliance on our *Hemreich* decisions, see *KFPW Broadcasting Co.*, 47 FCC 2d 1090 (1974) and 54 FCC 2d 201 (1975), is misplaced. Hemreich, the licensee's principal stockholder, made improper payments to improve the terms of a network affiliation agreement with one of its television stations, and that station's renewal application was denied as a result. The Commission at the same time renewed another co-owned television station, since

> Hemreich's misconduct in no manner touched station KFPW–TV, which commenced broadcasting almost two years after the [misconduct] * * *. In view of the absence of any evidence of misconduct committed at KFPW–TV *and the unlikelihood that the misconduct committed at KAIT–TV will be repeated in his operation of station KFPW–TV*, we are convinced that the public interest would be served by the grant of the license * * * of KFPW–TV. 47 FCC 2d at 1095–96 [emphasis added).[22]

In other words, after expressly considering the issue, the Commission determined that the misconduct at one station was not the kind that would affect the operation of the other station. We cannot make that judgment here. United's past misconduct is serious, repetitive, far-flung, and exclusively within its broadcast operations. Significantly, it recurred despite repeated administrative measures by this agency. While there is no direct evidence that Eaton, United's controlling stockholder, actually knew of or personally participated in that

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[12] United's arguments center on *WFAB*, hardly mentioning its disqualification at co-located WOOK(AM). *See, e.g.*, United Opposition at 5 ("In essence, Hispanic is requesting the Commission to *assume*, without the benefit of *any* factual inquiry, that because control and supervision was held to be inadequate with regard to WFAB, United's renewal application should be summarily denied.") (Emphasis in original.)

[13] *See* 47 U.S.C. § 308.

[14] *White Mountain Broadcasting Co.* v. *FCC*, 598 F.2d 274, 277 n.8 (D.C. Cir.), *cert. denied*, 444 U.S. 983 (1979). *See FCC* v. *American Broadcasting Co.*, 347 U.S. 284, 290 (1954).

[15] *See* 47 U.S.C. § 301; *Mansfield Journal Co.* v. *FCC*, 180 F.2d 28.33 (D.C. Cir. 1950); *Golden Broadcasting Co.*, 66 FCC 2d 1099, 1107 (1978).

[16] *Western Communications, Inc.*, 39 FCC 2d 1441, 1450, *recon. denied*, 61 FCC 2d 974 (1976), *reversed in part on other grounds sub nom. Las Vegas Valley Broadcasting Co.* v. *FCC*, 589 F.2d 594 (D.C. Cir. 1978); *WLLE*, 66 FCC 2d 774 (1977); *Continental Broadcasting, Inc.*, 15 FCC 2d 120 (1968), *recon. denied*, 17 FCC 2d 489 (1969), *aff'd*, 439 F.2d 580 (D.C. Cir.), *cert. denied*, 403 U.S. 905 (1971).

[17] *Trustees of the University of Pennsylvania*, 68 FCC 2d 1304, 1306 (1978), *recon. denied*, 71 FCC 2d 416 (1979).

[18] *Central Florida Inc.* v. *FCC*, 598 F.2d 37, 43 (D.C. Cir. 1978), *reh'g denied*, 598 F. 2d 67 (D.C. Cir. 1979) (*per curiam*).

[19] *See, e.g., WIOO, INC.*, 67 FCC 2d 444 (1978) (misconduct in connection with FM license application raised questions whether party had requisite qualifications to hold AM license); *Star Stations of Indiana*, 51 FCC 2d 95 (1975) *aff'd sub nom. Star Broadcasting v. FCC*, 527 F.2d 653 (D.C. Cir. 1975), *cert. denied*, 425 U.S. 902 (1976) (wide variety of misconduct at three broadcast stations supported decision not to renew all five of broadcaster's licenses); *Faulkner Radio, Inc.*, 61 FCC 2d 23 (1976) (broadcaster's conduct in connection with strike petition raised substantial question about fitness to retain other FCC licenses).

[20] *Violations by Applicants of Laws of the United States*, 42 FCC 2d 398, 400–01 (1951) (reprint). *See e.g., Westinghouse Broadcasting Co.* 44 FCC 2770 (1962); *Mansfield Journal Co. v. FCC*, 180 F.2d 28 (D.C. Cir. 1950); *TV–9, Inc. v. FCC*, 495 F.2d 929 (D.C. Cir. 1973), *cert. denied*, 419 U.S. 986 (1974).

[21] *See Western Communications, Inc.*, 39 FCC 2d 1441, *recon. denied*, 61 FCC 2d 974 (1976), *reversed in part on other grounds sub nom. Las Vegas Valley Broadcasting Co.* v. *FCC*, 589 F.2d 594 (D.C. Cir. 1978).

[22] We also approved Hemreich's acquisition of an additional license. *Noark Investment Co.*, 53 FCC 2d 823 (1975). The Commission on reconsideration reversed its non-renewal of KAIT (TV) and granted that application. *George T. Hemreich*, 72 FCC 2d 512 (1979). However, the reasons for that reversal have no bearing on this case.

misconduct,[23] the track record built by his stations suggests that the United organization is either deliberately flouting FCC rules or is irremediably incompetent.[24] In either case, we are not confident at this juncture about United's ability—or willingness—to operate WOOK(FM) in conformity with its obligations as a licensee.[25]

12. A hearing is now underway to determine the ultimate disposition of the frequency. We will therefore specify the addition of an issue to consider the matter. If United is found basically qualified, its qualifications must be compared in this respect with those of the other applicants. United may introduce mitigating evidence as appropriate.[26]

B. Application of Collateral Estoppel

13. The final question to be resolved is the extent to which United is precluded from relitigating prior findings against it in this proceeding. In the *WFAB* designation order, we stated that that case was to be *res judicata* as to any other commonly controlled by United. *See* note 8 *supra*. Therefore, each party has addressed the issue of the applicability of *res judicata* to Commission proceedings.

14. We did not intend, in *WFAB*, to determine United's right to hold other Commission licenses; rather we meant to preclude United from relitigating any adverse findings made there in later proceedings and to ensure that such findings would be taken into account to the extent they raised a negative inference about United's fitness to hold other licenses.[27] Therefore, collateral estoppel, not *res judicata*, is applicable in this case, and we need not reach many of United's argument about the proper application of that principle in administrative proceedings.[28]

15. In *RKO General, Inc.*, 82 FCC 2d 291 (1980), we explained the difference between the two doctrines:

> *Res judicata* takes effect when a final judgment has been entered by a competent authority on the merits of a cuase of action. The result of its application is that parties are precluded from relitigating not only matters that were decided but also matters that could have been litigated as part of that action. If, however, the second cause of action is a different cause of action, the principal of collateral estoppel applies. In that case the prior judgment precludes relitigation only of those matters which actually were in issue and upon which the decision was rendered. As one commentator has observed, "The essence of collateral estoppel by judgment is that some question or fact in dispute has been judicially and finally determined by a court of competent jurisdiction between the same parties or their privies." * * * It is well settled * * * that FCC licensing proceedings are adjudications subject to the principles of *res judicata* and collateral estoppel.[29]

16. The United States Court of Appeals for the District of Columbia Circuit recently confirmed the applicability of collateral estoppel to administrative proceedings. *Nasem* v. *Brown*, 595 F.2d 801 (D.C. Cir. 1979). The court there held that:

> Application of the doctrine of collateral estoppel represents a decision that the need of judicial finality and efficiency outweigh the possible gains of fairness and accuracy from continued litigation of an issue that previously has been considered by a competent tribunal.

595 F.2d at 806. The *Nasem* decision indicates that collateral estoppel applies to administrative proceedings where the party being estopped from relitigation has had an adequate opportunity to litigate its claims. In both the *WOOK(AM)* and *WFAB* proceedings, United exercised its opportunity to litigate the questions surrounding its operation of those stations in evidentiary hearings which were fully adversary in nature, complete with testimony, cross examination, exhibits, briefs and argument.[30]

17. A question remains about the extent to which collateral estoppel bars relitigation of each of the several independent findings in *WOOK(AM)*. United intimates that since that decision was judicially affirmed on the basis of United's technical violations alone[31]—with no mention of the validity of the other, separate grounds for non-renewal—it is entitled to relitigate the other issues before we may consider their impact here.[32] We agree that in cases involving alternative holdings, strictly speaking, collateral estoppel only attaches to those grounds on which a reviewing court rests its decision.[33] In any event, we do not interpret the foregoing rule to entitle United to relitigate before this Commission the other misconduct at *WOOK(AM)*. United has fully litigated those issues before this agency; we have already closely examined the substantial record in *WOOK(AM)* and are confident of the legal analysis in that case. In these circumstances, "finality and efficiency outweigh the possible gains of fairness and accuracy"[34] from relitigation of those matters *in this forum*. As we see it, United will still be able to challenge those earlier, unaffirmed grounds in the U.S. Court of Appeals if those grounds are part of an adverse determination against it in this case.[35]

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[23] *But see United Television Co. of New Hampshire*, FCC 74D-52, released Sept. 12, 1974 (Initial Decision).

[24] While the actions of those in a position to control the licensee are obviously important to any evaluation of the licensee's qualifications, *see, e.g., Star Stations of Indiana, supra*, the fact that a principal is not directly implicated in wrongdoing does not automatically give the licensee a "clean bill of health." *Cf. Western Communications, Inc., supra; Continental Broadcasting, Inc., supra*. By the same token, even if United submits an application for involuntary transfer of control due to Richard Eaton's recent illness, (*see* United's Notification Concerning Control of Licensee, received March 26, 1981, and Supplement, received April 21, 1981) a serious question would still remain about the soundness and reliability of the licensee's operations, and thus, about United's basic qualifications.

[25] Nor did we, as United maintains, previously determine that *WOOK(FM)* has no bearing upon its qualifications to retain WOOK(AM) "in the absence of any violations regarding that facility." United Opposition at 12, citing *In re Oppenheimer*, 65 FCC 2d 443 (1977). In *Oppenheimer*, we concluded that United's decision to switch the format WOOK(FM) did not violate FCC rules. In dictum we stated that "[n]o inquiry was conducted [in *WOOK(AM)*] into United's operation of its Washington, D.C., FM facility; and, thus, no finding has been made that it is unqualified to operate that station." 65 FCC 2d at 444. That observation hardly represented a finding that *WOOK(AM)* had no bearing on United's qualifications to operate WOOK(FM). The question was not then before us.

[26] 47 CFR 0.341(a).

[27] *Cf. KFPW Broadcasting Co.*, 47 FCC 2d 1090 (1974), where we included similar language but in the end did not apply adverse findings in connection with KAIT(TV) to other Hernreich stations because we were convinced that Hernreich's misconduct was limited solely to that facility and *by its nature was unlikely to recur elsewhere. See also Lorain Journal Co.* v. *FCC*, *351 F.2d 824, 831 n. 10 (D.C. Cir. 1965); Tipton County Broadcasters*, 37 FCC 191 (1961).

[28] Indeed, it seems fairly obvious that a prior decision regarding one of a multiple owner's licensees can be considered later if it is relevant to other commonly held stations (assuming collateral estoppel principles are satisfied), regardless of whether language to that effect is specifically included.

[29] 82 FCC 2d at 312–13 (citations omitted). *See, e.g., Gordon County Broadcasting Co.* v. *FCC*, 446 F.2d 1335, 1338 (D.C. Cir. 1971); *Tomah-Mauston Broadcasting Co.* v. *FCC*, 306 F.2d 811, 813 (D.C. Cir. 1962); *WIOO*, 60 FCC 2d 127, 128 (1976).

[30] *Nasem* recognized an exception to the applicability of collateral estoppel to administrative proceedings where there is a difference in the "quality or extensiveness of procedures followed in the two courts." 595 F.2d at 806. Since the "quality or extensiveness" of procedures to be followed in the WOOK(FM) hearing will be no different than those followed in the WOOK(AM) and WFAB proceedings, there is no reason to exempt this proceeding from the collateral estoppel doctrine.

[31] The Court of Appeals, in affirming the Commission stated:

> In our view, the long history of persistent violations of [the Commission's technical] rules was a sufficient reason for disqualification. The Commission's decision is therefore affirmed on the basis of its discussion of this issue . . . .

595 F.2d at 809.

[32] United Opposition at 19 and n.16.

[33] 1B *Moore's Federal Practice*, § 0.443[5], at 3921 n.10.

[34] *Nasem v. Brown, supra*, 595 F.2d at 806.

[35] United's disingenuous statement that it does not "concede the accuracy of the adverse findings" in *WFAB* because that decision was not judicially

Continued

16. One additional matter needs to be resolved here. Some confusion exists as to the scope of our reservation of jurisdiction in paragraph 5 of the designation order. Our retention of jurisdiction was limited to final determinations of past misconduct at other Eaton-controlled stations.[26] Requests for issues regarding United's operation of *WOOK(FM)* should be made to and ruled on by the presiding Administrative Law Judge.

19. Accordingly, it is ordered, that, the issues in this proceeding ARE ENLARGED, by adding the following issue:

To determine whether, in light of the Commission's findings and conclusions in *United Broadcasting of Florida, Inc.*, 55 FCC 2d 832 (1975), *recon. denied*, 60 FCC 2d 816 (1976) and *United Television Co.*, 55 FCC 2d 416 (1975), *recon. denied*, 59 FCC 2d 863 (1975), *aff'd sub nom. United Broadcasting Co. v. FCC*, 569 F.2d 699 (D.C. Cir. 1977), *cert. denied, 434 U.S. 1076 (1978), United Broadcasting Company has the basic and/or comparative qualifications to be the licensee of Station WOOK(FM).*[27]

20. It is further ordered that the burden of proceeding with the introduction of evidence and the burden of proof with respect to the above issue shall be upon United Broadcasting Co., Inc.

21. It is further ordered, that Hispanic Broadcasting Corporation's Petition to Designate for Oral Argument, Deny Renewal Application and Grant Competing Application, IS DENIED to the extent herein indicated.[28]

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-13721 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

[FCC 81-188; BC Docket Nos. 81-237-81-238; File Nos. BP-790620AA, BP-800314AC]

Broadcast Facilities and AGK Communications, Inc.; Consolidated Hearing on Stated Issues

In re applications of Robert Raide tr/as Broadcast Facilities Penn Yan, New York, Req: 850 kHz, 500 W, DA, Day BC Docket No. 81-237, File No. BP-790620AA; AGK Communications, Inc., Cazenovia, New York, Req: 850 kHz, 500 W, 2.5 kW-LS, DA-2, U, BC Docket No. 81-238, File No. BP-800314AC; for construction permit.

Memorandum Opinion and Order

Adopted: April 9, 1981.

Released: April 17, 1981.

By the Commission: Chairman Ferris not participating.

1. The Commission has under consideration (a) the above-captioned mutually exclusive applications for new AM broadcast stations, (b) a petition to deny Raide's application filed by Finger Lakes Radio, Inc., licensee of station WFLR, Dundee, New York, [1] (c) an informal objection to Raide's application filed by Cornell University, licensee of station WHCU, Ithaca, New York, (d) Raide's motion to reject AGK's application as unacceptable for filing, and (e) related pleadings.

2. *Rober Raide tr/as Broadcast Facilities.* Because Raide's proposed station would compete with Finger Lakes's WFLR, we find petitioner has standing as a party in interest within the meaning of Section 309(d) of the Communications Act of 1934, as amended. *FCC* v. *Sanders Bros. Radio Station*, 309 U.S. 470 (1940).

3. The petition and informal objection will be discussed together because Finger Lakes's main argument is Cornell's only one. Both parties have contended that Raide's proposed 25 mV/m contour would significantly overlap the 2 mV/m contour of second-adjacent-channel WHCU, in violation of § 73.37 (a) of the Commission's rules. Finger Lakes argues that overlap is expected based on the conductivities shown FCC Figure M-3, that Raide's measurement data rebutting its M-3 predictions are defective and unreliable, and that petitioner's own measurement data show prohibited overlap. Cornell submitted measurement data also indicating substantial contour overlap.

4. In reply to Finger Lakes, Raide disputes the conclusion that Figure M-3 indicates there would be overlap. Further, he contends that petitioner's spot measurements fall fatally short of the Commission's measurement standards (§ 73.186 of the rules) in that they were taken at random locations within Raide's proposed 25 mV/m contour rather than along particular radials from WHCU. Moreover, Raide states he could not duplicate petitioner's measurements, from which he concludes that the measurements were incorrectly made.

5. In an effort to settle the overlap question, Raide and representatives of Cornell jointly made measurements on September 10, 1980.[2] Raide subsequently submitted the measurement data and his conclusion that they show there would be no prohibited contour overlap between WHCU and Raide's proposed station. Neither Finger Lakes nor Cornell has opposed the measurements submitted or Raide' conclusion drawn from them,[3] and independent analysis of the measurements by our staff confirms that there would be no prohibited overlap.[4] Thus we find no merit in this argument by Finger Lakes and Cornell, and dismiss the latter's informal objection.

6. One of petitioner's remaining charges is that Raide's transmitter site is too small for the use proposed. As a result, petitioner contends that the towers cannot be erected far enough form the property boundaries to satisfy zoning requirements, the necessary guy

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reviewed. (United Opposition at 15 n.10), does not alter the finality of that decision. United there forfeited its right to judicial review because it did not file a timely appeal. Unless a Commission action is challenged in a timely manner it becomes final for all intents and purposes. *See* 47 U.S.C. § 402(c). United's position is, therefore, of no legal significance.

[26] For that reason, we will not specify an issue to consider the ALJ's findings in *United Television Co. of New Hampshire, supra*, note 6. While United fully litigated that case before the ALJ, we did not specifically pass upon the accuracy of the findings made there. However, if the outcome of the Commission's review of *Friendly Broadcasting Co., supra* note 7, is adverse to United and occurs while this proceeding is still before the ALJ, the ALJ shall consider that ruling in conjunction with the issue specified in this Order, *if doing so would not cause appreciable delay or administrative inefficiency.* If such consideration is not practicable, *Friendly's* impact would be considered in any review proceding brought by United.

[27] No issue will be added to assess the impact of *WFAN(TV)* and *WMET*, *see* note 5, *supra*, on United's qualifications. We revoked those licenses because United for financial reasons could not continue to operate the stations. Without more, those revocations do not bear a reasonable relationship to United's fitness to operate WOOK(FM).

[28] In our designation order in this proceeding, all predesignation issue pleadings were dismissed subject to the parties' being allowed to replead their requests for specification of issues before the presiding Administrative Law Judge. However, we indicated specifically that District's request for an issue against United based on its past broadcast misconduct at other stations would be considered in conjunction with Hispanic's petition. *See* United Broadcasting Company, Inc. FCC 80-529, released September 30, 1980, at paragraph 2.

[1] Raide filed unopposed petitions requesting extensions of time to respond to Finger Lakes' petition to deny. The petitions are granted and the opposition accepted.

[2] Finger Lakes was invited to participate, but did not.

[3] Cornell formally withdrew its objection to the Raide application on April 8, 1981, but had previously advised the Commission that it concurred with Raide's analysis of the joint measurements.

[4] Because valid measurement data supersedes M-3 conductivities, the dispute about possible overlap based on M-3 is moot. Further, Finger Lakes' random cluster measurements are without evidentiary merit, as § 73.186(a)(1) of the rules clearly requires that field strength measurements be made on radials.

wires cannot be installed within the property available, and an adequate ground system cannot be provided. In his opposition Raide does not concede the deficiencies charged, but states that he has "made arrangements to secure additional land," and submits a plat of the entire property to be acquired. The application has not been amended to show the enlarged site.[5] However, Raide's representation in his opposition is sufficient to rebut Finger Lakes' contentions that the size of the site proposed renders it in effect unavailable. Petitioner's objections to the revised site proposal are essentially speculative, and do not raise a substantial question that the larger site indicated is not available. No issue is warranted.

7. Finally, petitioner contends that Raide has underestimated the actual costs of construction by at least $36,425, and is not financially qualified. Many of the contested costs concern installation and construction that Raide insists he will personally perform. While this may be unusual, it is not inherently improbable, and petitioner's unsupported arguments to the contrary are unconvincing. As to challenged land and equipment costs, Raide has shown that these are on-hand or budgeted for.[6] Finally, Raide has shown net liquid assets of $75,000 to finance construction and operation costs of $59,150, leaving a margin of over $15,000 to meet any unanticipated costs. Thus, even assuming costs were increased to include a remote-control system (which Raide says he will not need, though he has not amended his application to so indicate) and increased professional fees (which Raide admits, but again has not amended his financial plan accordingly), applicant has a sufficient cushion of funds available to absorb the additional costs. Therefore, we find the applicant financially qualified.

8. *AGK Communications, Inc.* Raide's motion to reject AGK's application as unacceptable for filing argues that AGK's proposal would violate the Commission's regional concentration rule.[7] AGK is the licensee of WAQX(FM), Manlius, New York; and two of AGK's principals are also principals in the licensees of WCGR and WFLC(FM), Canandaigua, New York, and WDNY, Dansville, New York. Cazenovia, Manlius, and Dansville are all within 100 miles of Canadaigua. Raide states that his measurements of WCGR's signal indicate its 0.5 mV/m contour would overlap the proposed Cazenovia station's 0.5 mV/m contour as depicted in AGK's application.[8] AGK responds that the two contours would be at least 2.5 miles apart, but bases its location of the WCGR 0.5 mV/m contour on Figure M–3. Since Raide's measurement data supersedes the M–3 conductivities, a substantial question of compliance with § 73.35(b) of the rules is presented, and an appropriate issue must be specified.

9. Analysis of the financial data AGK submitted reveals that $307,893 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$217,393
Land and building	28,500
Other construction costs	27,000
Operating costs	35,000
Total	307,893

AGK plans to finance construction and operation with one bank loan for $235,000 and a second for $100,000. However, the commitment for the larger loan was only in effect for six months from March 11, 1980 and has expired. Further, the commitment letter for the smaller loan does not specify the terms and conditions of the proposed loan. A limited financial issue must be specified.

10. *Other matters.* Although for different communities, the two proposals would serve common areas. Consequently, in addition to an issue to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

11. Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

12. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether grant of the application of AGK Communications, Inc. would violate § 73.35(b) of the Commission's Rules with respect to regional concentration of control.

2. To determine with respect to AGK Communications, Inc.:

a. The source and availability of sufficient funds to construct the proposed station and operate it for three months, and

b. Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary service to such areas and populations.

4. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

5. To determine, in the event it be concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

13. It is further ordered, that the petition to deny filed by Finger Lakes Radio, Inc. and the informal objection filed by Cornell University, both opposing the application of Robert Raide tr/as Broadcast Facilities, are denied and dismissed, respectively.

14. It is further ordered, that the motion to reject Robert Raide filed against the application of AGK Communications, Inc. is granted to the extent indicated, and is denied otherwise.

15. It is further ordered, that Robert Raide shall file the amendments

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[5] The change relates to information called for by Questions 10 and 11 of Section V–A of the application form. A formal amendment is thus required. 47 CFR 1.65.

[6] A dispute as to whether Raide's proposed used transmitter (on hand) is type-accepted is overblown. The specific transmitter is of a type (GE XT1A) that is type-accepted and on our type-accepted list. The additional identification of model number (4XT1A–1) does not alter the acceptability.

[7] Section 73.35(b) of the Commission's rules provides in pertinent part that an undue concentration of control will be found to exist if "any party or any of its stockholders, officers or directors * * * have a direct or indirect interest in, or be stockholder, officers or directors of * * * three broadcast stations in one or several services, where any two are within 100 miles of the third (measured city to city), if there is primary service contour overlap of the stations."

[8] Raide also argues that contour overlap between WAQX and the proposed station would violate § 73.35(b). Yet he apparently overlooks Note 11 to that section of the rules, which provides that an AM/FM combination in the same or nearby towns are considered a single station for purposes of the regional concentration rule. Manlius and Cazenovia are only 9.2 miles apart, and there is no question of violation of the rule. However, any grant to AGK must be subject to a divestiture condition in case we should adopt rules prohibiting commonly owned AM and FM stations in the same market. *Public Notice*, FCC 79–370, Mimeo No. 14032, 45 RR 2d 1327 (released June 8, 1979).

indicated in paragraphs 6 and 7 above within 30 days after this Order is published in the Federal Register.

16. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

17. It is further ordered, that pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-13719 Filed 5-6-81; 8:45 am]

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[FCC 81-201]

WAFA Broadcasting, Inc.; Designating Applications for Hearing on Stated Issues

In re application of WAFA Broadcasting, Inc., Warner Robins, Georgia, Req: 1470 kHz, 1 kW, 500 W-LS, DA-N, U, BC Docket 81-277, File No. BP-790530A0; for construction permit.

Memorandum Opinion and Order

Adopted: April 23, 1981.

Released: May 4, 1981.

1. The Commission has before it for consideration: (i) The above-captioned application of WAFA Broadcasting, Inc. (WAFA); (ii) a petition to deny the application, filed by WRBN, Inc. (WRBN), licensee of stations WQCK(AM) and WRBN-FM, Warner Robins, Georgia; and (iii) related pleadings.[1]

2. Because WAFA's proposed station would compete with WRBN's stations, petitioner has standing as a party in interest within the meaning of Section 309(d) of the Communications Act of 1934, as amended. *FCC* v. *Sanders Bros. Radio Station*, 309 U.S. 470 (1940).

3. WRBN's principal allegations are that: (i) WAFA's proposal does not comply with § 73.24(j) of our rules to the extent that the applicant claims; (ii) the proposed facilities may adversely affect operation of WQCK due to their proximity; (iii) the prior sole stockholder of WAFA, who has been convicted of a felony, remains a party in interest to the application; (iv) WAFA violated §§ 1.65 and 73.3514 of our rules by not continually reporting all changes in circumstances; and (v) WAFA is not financially qualified.

4. *Technical matters.* Section 73.24(j) of the Commission's rules requires every AM proposal to provide 25 mV/m service to the business district of the city to be served and 5 mV/m service to all its residential areas (at night an interference-free signal, if of a higher value). WAFA states that its daytime proposal satisfies these requirements, but that its nighttime interference-free contour (34.4 mV/m) only encompasses 87 percent of Warner Robins. The applicant requests waiver of § 73.24(j).

5. In support of the request, WAFA states that "the high nighttime interference level at Warner Robins and the protection requirements on 1470 kilohertz, make 100 percent coverage of the city impossible." WAFA also cites the steady westward movement of the main business district, and maintains that in order to meet the business-district requirements of the rules, the transmitter site must be on the west side of the city. Applicant asserts that its proposal will serve all densely populated areas of the city, and that the parts of the city not served are sparsely populated. Finally, it says that 27 percent of the area its nighttime proposal would serve is now without primary AM service nighttime.[2]

6. Petitioner disputes WAFA's coverage claims. It notes that the applicant's predictions are based on a uniform soil conductivity of 4 mmho/m, the value shown on FCC Figure M3. However, it states that measurements it made for its own station (whose transmitter site is only 0.6 mile away) showed that the area's soil conductivity ranges between 1 and 3 mmho/m, even on radials that traverse the city area to be served by the proposed station. Using the conductivities indicated by these measurements, petitioner concludes that the proposed 5 mV/m daytime contour would cover only 89 percent of the city, and that the proposed nighttime interference-free contour would cover only 38.5 percent.

7. As general propositions, coverage predictions based on Figure M3 are used only when measurements have not been made (see § 73.183(c) of the rules), and measurements made from a site as close as 0.6 mile from the site in question would not usually result in significant error. But since in this case the distances to the pertinent contours are small,[3] and the signal paths consequently quite different, application of WRBN's measurement data to this proposal is of questionable validity. Nevertheless, the measurements do raise a sufficient question of compliance with § 73.24(j) both day and night to warrant exploration at hearing.

8. WRBN also contends that, due to the proximity of the proposed site to WQCK's antenna, the proposed operation would adversely affect WQCK's radiation pattern and cause cross-modulation problems. In our experience, such proximity is common, and occasionally some corrective measures are required. Petitioner recognizes that as an alternative to a hearing on this issue, any grant of the application could be appropriately conditioned; and the applicant has agreed to accept such a condition. It is therefore unnecessary to specify an issue on this matter.

9. *Ownership and character matters.* WAFA's application ws originally filed on May 5, 1976 and accepted for filing on September 14, 1977. At the time, the applicant was solely owned by Dan Callahan. Callahan was indicted for income tax fraud on January 13, 1978, and on April 7, 1978 was convicted. On May 29, 1979 the application was amended to reflect the acquisition of all of Callahan's stock by the present two stockholders.[4] However, they granted Callahan an option to reacquire 15 percent of the WAFA stock three years

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[1] Besides WRBN's petition to deny, other pleadings relating to the present application include WAFA's opposition, WRBN's reply, WAFA's supplement to its opposition, WRBN's reply to the supplement, and various requests for extensions of time. The requests are granted and all these pleadings accepted. WAFA's original application (File No. BP-20,336) was amended on May 30, 1979 to reflect a complete change in ownership. Pursuant to § 73.3571(j)(2) of the rules, it was assigned a new file number and included in a new "cut-off" list, and is to all intents a completely new application. Therefore, all pleadings relating to BP-20,336 are moot and are dismissed.

[2] WQCK's nighttime interference-free contour serves only 45.5 percent of Warner Robins.

[3] For example, according to applicant's showing, the nighttime interference-free contour lies no more than about four miles from the transmitter site.

[4] WRBN faults the transfer of Callahan's stock for abuse of Commission processes and trafficking in broadcast applications due to "selling at a profit an interest in a broadcast application which had already received the umbrella protection of the Commission's 'cut-off' rule." However, the sale stock in a mere applicant falls outside our trafficking rule (see *Mesabi Communications Systems, Inc.*, 57 FCC 2d 832 (Rev. Bd. 1976)), and thus no question of WAFA's qualifications is presented. As previously indicated, the ownership change required assignment of a new file number to the application and its inclusion in a new cut-off list.

after operation of the station is authorized. Petitioner argues that because of the option, Callahan still has an interest in the application, and that his conviction for tax fraud therefore raises questions of WAFA's character qualifications which must be considered in a hearing.[5]

10. On September 2, 1979 (after the petition to deny was filed) the option was modified so it could not be exercised without prior Commission consent or notification that consent was not required. In light of the amendment limiting Callahan's ability to exercise the option, we believe Callahan has no present interest in WAFA which would require us to pass on his qualifications now.[6] However, to insure that the public interest is protected should this application be granted and Callahan later elected to exercise his option, any construction permit must be appropriately conditioned.[7] We recognize that such scrutiny is not normally employed when persons acquire minority interests in authorized broadcast stations. But in view of the manner in which this option came into being, we believe additional scrutiny is warranted.

11. *Section 73.3514 and 1.65 matters.* WRBN next contends that WAFA has not provided the Commission information required in connection with its application. First, petitioner maintains the applicant apparently violated § 73.3514 of the rules by failing to identify its corporate treasurer in its May 29, 1979 amendment, an omission which was corrected by a September 27, 1979 amendment showing that the corporation's president (previously identified) was also its treasurer. We believe this technical violation of the rules to be inadvertent and, since corrected, not requiring further attention.

12. Petitioner also identifies three instances where it maintains WAFA violated § 1.65 of the rules by not informing the Commission of changes in its status or prepoasl within 30 days. First, the WAFA stock transfer already referred to occurred on April 6, 1979, but the amendment reportng it was not filed until May 29, 1979. WAFA explains that it was attempting to prepare a comprehensive amendment reflecting all changes that would be required as a result of the ownership change (including financial, ascertainment, and programming), and realizing too late its inability to accomplish this in a reasonable time, reported the ownership changes three weeks later. Second, on June 13, 1979 the WAFA by-laws were amended with respect to the resident agent; but the change was not reported until August 3, 1979. Applicant maintains the tardiness was inadvertent, that it was not concealing anything, and that the information involved is not decisionally significant. The third area WRBN identifies involves details of WAFA's financial plans relating to possibly conflicting security interests in the proposed station's equipment, and whether WAFA candidly disclosed to this Commission and the Small Business Administration (SBA) that its equipment supplier required a first lien on its equipment as a condition for extending credit. Applicant states that it did not believe the security requirements were in conflict, and that all details of its equipment purchase have since been filed. It subsequently amended its proposal to eliminate reliance on deferred equipment credit altogether.

13. Applicant's explanations for its tardiness in reporting the various changes appear reasonable, and the lapses were not lengthy. Further, we perceive no motive for concealment as to any of these matters. For example, as WAFA notes, the Commission staff attributes security terms to equipment suppliers as a matter of course. Viewed either separately or collectively, we do not believe these incidents raise any question that WAFA intended to deceive this Commission or the SBA. Nor do we believe the technical violations of § 1.65 involved were more than innocent error. We therefore reject petitioner's argument that they raise a question of WAFA's fitness to be a Commission licensee.

14. *Financial qualifications.* Analysis of the financial data WAFA submitted reveals that $204,690 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$91,456
Land and buildings	35,750
Other construction costs	43,500
Operating costs	43,960
Total	204,690

WAFA plans to finance the station with $22,000 existing capital, $6,600 prepaid expenses, and a $200,000 bank loan (of which $189,946 would be available after allowing for initial repayments), 90 percent of which is to be guaranteed by the SBA.

15. The existing capital and pre-paid expenses have been shown to be available. However, the SBA loan guarantee expired May 24, 1980, and there appear to be serious questions whether the conditions of the loan guarantee could be met. The SBA required as collateral various deeds, a first lien on all business furniture and equipment, and a guarantee on SBA Form 148 by one of the WAFA principals; but there is no evidence of WAFA's ability to satisfy these requirements. Further, the SBA requires assignment of a substantial amount of life insurance on one of the WAFA principals but it is not shown by how much this would reduce the amount available for station expenses from the claimed loan.

16. Some of these points were raised by petitioner, who also questions the SBA's earmarking for specific use some of the loan proceeds. The SBA agreement stipulated that approximately $37,300 of the loan is for reimbursement of Callahan for his "initial costs for engineering and license application fees." Even if the availability of the loan were established, subtracting this amount from the proceeds would leave WAFA without sufficient funds to construct and operate for three months. Applicant dismisses this earmarking as a mistake, states that the obligation to Callahan is a personal debt of the principals rather than of WAFA, provides a letter from the lending bank confirming its awareness of the debt to Callahan at the time it made the loan commitment, and shows the availability of a separate $40,000 loan from another bank to repay the debt. Even this loan raises questions, however. The commitment letter for the $40,000 loan states that all terms of the loan, including collateral, would be decided at a later date. Yet provision 5 of the SBA loan agreement bars the borrower from encumbering any of its assets without the lender's permission. It is therefore not clear whether the borrower or its principals have any assets, not already committed to secure the SBA-

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[5] WRBN also alleges that Robert M. Richardson, applicant's local attorney, is a hidden party in interest due largely to his presence at a stockholders' meeting and his actions as agent for WAFA. However, at best these are tenuous bases for such a charge, which WAFA and Richardson have categorically denied. No substantial question warranting further exploration is raised.

[6] Petitioner's reliance on *Louis Wasmer*, 44 FCC 1171 (1957), is illfounded. The phrase "party in interest" in that case (and other cases cited in it) related to a party's standing to petition to deny an assignment application, not to ownership interests for purposes of establishing one's licensee qualifications.

[7] Petitioner's argument that Callahan's stock option circumvents the Commission's local notice requirements, which would include original stockholders, is groundless because the same situation would arise in any subsequent sale of a minority interest to a new party. In our view, the public interest is fully protected by the conditioning of any construction permit which may be issued.

guaranteed loan, with which to secure the $40,000 loan.

17. WRBN's suggestions that applicant's amendment to specify less costly equipment is suspicious, and that the interest rate specified for the SBA-guaranteed loan is either too low to be depended upon or the result of a family relationship between one of the WAFA principals and one of the bank's directors, are totally unsubstantiated, and therefore raise no question requiring exploration at hearing. Other of petitioner's arguments have been mooted by subsequent amendments. However, because of the matters discussed above, we find that WAFA has shown only $28,600 available to meet costs of $204,699. A limited financial issue must be specified.

18. *Conclusions.* In view of the foregoing, the Commission is unable to conclude that grant of the captioned application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing. Except as indicated by the issues specified below, however, the applicant is qualified to construct and operate as proposed.

19. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the proposal would provide coverage of Warner Robins, Georgia, as required by Section § 73.24(j) of the Commission's rules, and if not whether circumstances exist which warrant waiver of that Section.

2. To determine the source and availability for station construction and operation of additional funds over and above the $28,600 indicated, and whether in light of the evidence adduced, the applicant is financially qualified.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether grant of the application would serve the public interest, convenience, and necessity.

20. It is further ordered, that the petition to deny filed by WRBN, Inc. is granted to the extent indicated, and is denied in all other respects, and that WRBN, Inc. is made a party to this proceeding.

21. It is further ordered, That in the event of a grant of this application, the construction permit shall contain the following conditions:

a. In the event Dan Callahan gives notice of his election to exercise his option to purchase any stock of WAFA Broadcasting, Inc., the permittee/licensee shall notify the Commission, citing the Order that imposed this condition, within 30 days of receipt of Callahan's notice, and request permission to transfer the stock. No stock will be transferred from WAFA Broadcasting, Inc., to Dan Callahan unless the Commission has previously approved the transfer or notified the permittee/licensee that such approval is not necessary.

b. Prior to construction of the antenna authorized herein:

1. Permittee shall conduct a partial proof of performance (as defined by § 73.154 of the Commission's rules) of the nighttime directional array of AM station WQCK; and

2. Permittee shall notify AM station WQCK so it can determine operating power by the indirect method and request temporary authority from the Commission in Washington, D.C. to operate with parameters at variance in order to maintain monitoring points within authorized limits.

c. After construction of the antennna authorized herein and installation of all appurtenances thereon, and before program tests are authorized:

1. Antenna impedance measurements of the daytime antenna of WQCK shall be made, and sufficient field strength measurements, obtained at least ten locations along each of eight equally spaced radials, shall be made to establish that the daytime radiation pattern is essentially omnidirectional;

2. A partial proof of performance (as defined by § 73.154 of the Commission's rules) of the nighttime antenna of WQCK shall be conducted to establish that the nighttime radiation pattern has not been adversely affected; and

3. The results of these tests shall be submitted to WQCK, and to the Commission in an appropriate application for WQCK.

d. WAFA Broadcasting, Inc. shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation patterns of WQCK.

22. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's rules, the parties shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

23. It is further ordered, that pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, the applicant shall give notice of the hearing within the time and in the manner prescribed in the rule, and shall advise the Commission of the publication of its notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-13719 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-41; Transmittal No. 242]

RCA American Communications, Inc.; Tariffs FCC Nos. 1 and 2; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Investigation; extension of comment and reply comment period.

SUMMARY: Based on a motion filed by Home Box Office, Inc. an extension of time has been granted in CC Docket No. 81-41. The date for filing comments and reply cases has been extended from April 27, 1981 until May 1, 1981 and the date for RCA American Communications, Inc. to file its responses is extended from May 12, 1981 until May 14, 1981. This proceeding was initiated by *RCA American Communication, Inc.*, CC Docket No. 81-41, FCC 81-28, released February 9, 1981 and is an investigation of RCA American's tariff proposal to lease additional domestic satellite transponders to its existing customers.

FOR FURTHER INFORMATION CONTACT: Patrick Donovan, Room 514, Common Carrier Bureau, Federal Communications Commission, 1919 M St. NW., Washington, D.C. 20554, (202) 632-6917.

SUPPLEMENTARY INFORMATION:

In the Matter of RCA American Communications, Inc. Tariffs FCC Nos. 1 and 2.

Adopted: April 24, 1981.

Released: April 27, 1981.

By the Acting Chief, Common Carrier Bureau.

1. Before the Chief, Common Carrier Bureau is a motion for extension of time filed by Home Box Office, Inc. (HBO) requesting that we extend the time for

filing reply cases and comments from April 27, 1981, until May 1, 1981, and the date for RCA American Communications, Inc. (RCA Americom) to file its responses from May 12, 1981, until May 14, 1981. In support of the requested extension, HBO states that senior counsel handling the case were called out of town during the present week making it nearly impossible to prepare final comments by the current due date. HBO states that it has contacted all parties to this proceeding, including RCA Americom, who have stated that they will interpose no objection to the requested extensions.

2. In view of the fact that the requested extension is brief and that other parties do not object, we will grant HBO's request.

3. Accordingly, it is ordered, That the "Motion for Extension of Time" filed by Home Box Office, Inc. is granted.

Federal Communications Commission.

Maurice P. Talbot,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-13699 Filed 5-6-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Bell Tower Financial, Inc.; Formation of Bank Holding Company

May 1, 1981.

Bell Tower Financial, Inc., Stanwood, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99 percent or more of the voting shares of Union Trust and Savings Bank, Stanwood, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 31, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13702 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

The Boone Corp.; Formation of Bank Holding Company

The Boone Corporation, Lebanon, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The Boone County State Bank, Lebanon, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 31, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13703 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

Farmers State Bancshares, Inc.; Formation of Bank Holding Company

Farmers State Bancshares, Inc., Burns, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97 per cent of the voting shares of The Farmers State Bank of Burns, Burns, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 31, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13705 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

King Bancshares, Inc.; Formation of Bank Holding Company

King Bancshares, Inc., Kingman, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92 percent or more of the voting shares of The First National Bank of Kingman, Kingman, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 31, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13707 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

Republic Bancshares Corp.; Formation of Bank Holding Company

Republic Bancshares Corporation, Clearwater, Florida, has applied for the Board's approval under section 39(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99 per cent or more of the voting shares of The Republic Bank, Clearwater, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 31, 1981. Any comment on an application that requests a hearing must include a

statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13708 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

Security Holding Co.; Formation of Bank Holding Company

Security Holding Company, Miami, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 87.68 percent or more of the voting shares of Security Bank and Trust Company, Miami, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 31, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13706 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

Bancshares of New Jersey; Acquisition of Bank

Bancshares of New Jersey, Moorestown, New Jersey, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Bancshares of New Jersey, Inc. Wilmington, Delaware which has applied to become a bank holding company by acquiring The Bank of New Jersey, Camden, New Jersey; The Bank of New Jersey, N.A., Morrestown, New Jersey; and Prospect Park National Bank, Wayne, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13632 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

Bancshares of New Jersey; Inc.; Formation of Bank Holding Company

Bancshares of New Jersey, Wilmington, Delaware, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent, less directors' qualifying shares, of the voting shares of The Bank of New Jersey, Camden, New Jersey; The Bank of New Jersey, N.A., Moorestown, New Jersey; and Prospect Park National Bank, Wayne, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13633 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

Bancshares of New Jersey; Bancshares of New Jersey, Inc.; Acquisition of Bank

Bancshares of New Jersey, Moorestown, New Jersey, and Bancshares of New Jersey, Inc., Wilmington, Delaware, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares, less directors' qualifying shares, of The Bank of New Jersey, N.A., Moorestown, New Jersey, a proposed new bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the applications should submit views in writing to the Reserve Bank to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13634 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

First Gonzales Corp.; Formation of Bank Holding Company

First Gonzales Corporation, Gonzales, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 per cent of the voting shares of First National Bank of Gonzales, Gonzales, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing

the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13835 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

Flora Financial Corp.; Formation of Bank Holding Company

Flora Financial Corporation, Flora, Mississippi, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 83.9 percent of the voting shares of Bank of Flora, Flora, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13836 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

Rosedale Bancshares, Inc.; Formation of Bank Holding Company

Rosedale Bancshares, Inc., Kansas City, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring at least 80 per cent of the voting shares of Rosedale State Bank & Trust Company, Kansas City, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-13837 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

Wachovia International Investment Corp.; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Wachovia, International Investment Corporation, Winston-Salem, North Carolina, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in New York, New York. Wachovia International Investment Corporation, which proposes to change its name to "Wachovia International Banking Corporation," operates as a subsidiary of Wachovia Bank & Trust Company, N.A., Winston-Salem, North Carolina.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1981.

D. Michael Maines,

Assistant Secretary of the Board.

[FR Doc. 81-13838 Filed 5-6-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-6]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Alabama Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Alabama Public Service Commission involving the application of the South Central Bell Telephone Company for an increase in rates for telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 30, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-13839 Filed 5-6-81; 8:45 am]

BILLING CODE 6820-25-M

[F-81-7]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Kentucky Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Kentucky Public Service Commission involving the application of the South Central Bell Telephone Company for an increase in rates for telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 30, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-13880 Filed 5-6-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-81-646]

Acting Assistant Secretary for Fair Housing and Equal Opportunity

Section A. *Designation.* Each of the officials listed below is designated to act as Assistant Secretary for Fair Housing and Equal Opportunity, in the case of absence or vacancy in such position. The named officials shall serve in the order set forth.

(1) General Deputy Assistant Secretary for Fair Housing and Equal Opportunity;

(2) Deputy Assistant Secretary for Operations and Management;

(3) Associate Deputy Assistant Secretary for Enforcement and Compliance;

(4) Director, Office of Management and Field Coordination;

(5) Director, Office of Fair Housing Enforcement and Section 3 Compliance;

(6) Director, Office of HUD Program Compliance;

(7) Director, Office of Voluntary Compliance;

(8) Director, Office of Program Standards and Evaluation.

Section B. *Authorization.* Each head of an organizational unit of Fair Housing and Equal Opportunity is authorized to designate an employee under his or her jurisdiction to serve as acting head during the absence of the head of the unit. An official serving in an acting position under this section does not hold that position for purposes of the order of succession set forth in Section A.

Section C. *Functions.* The official serving in an acting capacity under this designation shall have all the powers, functions, and duties assigned to such position.

Section D. *Effective Date.* This designation is effective as of April 24, 1981.

Section E. *Supersedure.* This designation supersedes the designation effective May 24, 1979 (44 FR 40142, July 9, 1979).

Issued at Washington, May 1, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-13776 Filed 5-6-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A-13437]

Arizona; Proposed Partial Continuation of Withdrawal and Opportunity for Public Hearing; Public Water Reserve No. 55

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to continue in part the existing withdrawal made by Executive Order of August 28, 1918 for a period of 60 years. The following described land is included in the proposed continuation:

Gila and Salt River Meridian, Arizona

R. 11 N., R. 28 E.,

Sec. 18, NE¼NE¼SW¼, N½NW¼SE¼.

The areas described aggregate 30 acres in Apache County.

The land is segregated from operation of the public land laws, including location for non-metalliferous minerals under the mining laws. It is otherwise open to the mining and mineral leasing laws. No change in the segregative effect of the withdrawal or use of the land is proposed. By separate order, the withdrawal will be revoked as to 127.33 acres no longer needed as part of the Public Water Reserve.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before May 30, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objection to the proposed withdrawal continuation may be filed with the undersigned officer on or before May 30, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. he will review the withdrawal rejustification to ensure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

April 24, 1981.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-13883 Filed 5-6-81; 8:45 am]

BILLING CODE 4310-84-M

Initiation of Planning Activity in the Medford District, Oregon; Invitation To Comment

In accordance with 43 CFR 1601.3(g) and 1601.6–3(b), notice is hereby given of resource planning amendment activity now underway.

Description of the proposed planning action: The proposed planning action is preparation of amendments to the Josephine and Jackson/Klamath Management Framework Plans (MFPs). These MFP amendments will carry out the requirements of the Federal Land and Management Act of 1976 (FLPMA) as prescribed in 43 CFR 1601.3, 1601.4 and 1601.6–3(b). The MFP amendments and accompanying Medford District grazing management Environmental Impact Statement (EIS) will provide the basis for affected resource allocations and will define and guide subsequent management decisions within the affected resource areas within the District. The EIS is scheduled for completion by September 1983.

Identification of the geographic area to be planned: The subject area is generally located in the upper Rogue and Klamath River basins and covers portions of Coos, Curry, Douglas, Jackson, Josephine and Klamath Counties in Oregon. The planning areas are bounded by the Rogue River and Siskiyou National Forests, the Coos Bay and Roseburg BLM Districts, and the Oregon-California state line.

The general types of issues anticipated: The completed grazing EIS and plan amendments will make allocations of the following resources:

1. Range—Based on the Bureau's Soil-Vegetation Inventory Method (SVIM) it will address allocation of vegetation for livestock, wildlife, wildhorses, and watershed; stocking rates for livestock; seasons of livestock use; protection and management of riparian vegetation; rangeland improvements and the conflict with other resources such as wilderness interim management requirements, visual (scenery) resources, watershed protection, etc.

2. Wilderness—determination of wilderness suitability for future wilderness designation of Mountain Lakes, Inventory No. 11–1, and Soda Mountain, Inventory No. 11–17, Wilderness Study Areas; extent to which interim management requirements restrict use of other resources within study areas and within eventual designated areas.

3. Areas of Critical Environmental Concern (ACEC's)—identification and protection of Areas of Critical Environmental Concern (ACEC).

Areas of Critical Environmental Concern are areas where special management attention is required to protect and prevent irreparable damage to important historic, cultural or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.

Public suggestions or nominations of areas must include the following elements to be considered for study:

—A legal description of the boundaries, or show on a map or aerial photo and describe by terrain features such as roads, streams, ridges, etc.
—A description of relevance and importance to historic, cultural or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards. Illustrate objective evidence that the values are of more than local significance (for example, information or testimony from research entities, recognized scientists or consulting groups).
—Your name, address, and telephone number.

All areas will be evaluated by an interdisciplinary team under the concepts of multiple use and Bureau ACEC guidelines.

The grazing EIS and the MFP Amendments will not address land use allocations and timber management practice decisions which were analyzed in the recent Josephine and Jackson/Klamath Timber Management Plans and associated EISs.

The disciplines to be represented on the interdisciplinary Team: wildlife, fisheries, hydrology, soils science, range management, archeology, outdoor recreation planning, lands, minerals management, forestry, and economics.

Public will be notified by newspress, this **Federal Register** notice, and by special brochure mailing, and requested to respond orally or in writing on or before June 8, 1981.

The kind and extent of public participation activities to be provided: Public participation for the plan amendment process will be carried out in several ways. During the remaining portion of the inventory phase, public participation will take place on an individual basis between interested parties and the BLM. As the planning process proceeds, the public will be asked to become more formally involved through workshops, open houses, and public meetings. If appropriate, mass mailings may be used to solicit comments on controversial issues. The district multiple use advisory council will offer their perspectives in the plan preparation. Arrangements will be made to involve local planning agencies in the planning process, and state and other federal land management agencies will be contacted to assure maximum coordination and consistency between their plans and objectives with the MFP amendments at both regularly scheduled and special meetings.

Various meetings will be held in the spring and summer of 1981 with local planning boards, federal and state land management agencies, and the District Multiple Use Advisory Council. A series of public meetings and/or open houses may be held to discuss management alternatives which will be presented for public review and comment before November, 1982.

The name, title, address and telephone number of the Bureau of Land Management official who may be contacted for further information: Hugh Shera, District Manager, BLM, Medford District Office, 3040 Biddle Road, Medford, Oregon 97501. Telephone (503) 776–4173.

The location and availability of documents relevant to the planning process: Documents will be generally available for public review and will be located at the Medford District Office, 3040 Biddle Road, Medford, Oregon.

Dated: April 29, 1981.

Wayne Boden,

Acting District Manager.

[FR Doc. 81–13804 Filed 5–6–81; 8:45 am]
BILLING CODE 4310–84–M

[CA 8673]

California; Order Providing for Opening of Public Land; Correction

April 29, 1981.

In **Federal Register** Document 81–8704, appearing on page 19858, the thirteenth line of the first paragraph reading Sec. 27, Lot 4, S½SW¼, is corrected to Sec. 27, Lot 4, N½SW¼; the first line of the document reads CA 8673, it is corrected to read CA 8673 and CA 8597.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81–13806 Filed 5–6–81; 8:45 am]
BILLING CODE 4310–84–M

[1784 (U–230)]

Salt Lake District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Public Law 92–463, that a tour and meeting of the Salt Lake District Grazing

Advisory Board will be held on June 9 and 10th, 1981.

The Public Tour will begin at 9 a.m. on June 9th at the Vernon BLM Field Camp. The tour will be of the Benmore-Vernon area.

A meeting of the Salt Lake District Grazing Advisory Board will be held on June 10th. This meeting will begin at 7:30 a.m. The purpose of the meeting will be to look at areas where Allotment Management Plans will be developed in the future. This meeting will begin at the Vernon BLM Field Camp.

The meeting is open to the public. Interested persons may make oral statements between 7:30 to 8:30 a.m. June 10 or file written statements for board's consideration. Anyone wishing to make oral statements must notify the District Manager, 2370 South 2300 West, Salt Lake City, UT 84119, by June 2, 1981. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager.

Summary minutes of the board will be maintained at the District Office and will be available for public inspection and reproduction (during business hours) within 30 days following the meeting.

Dated: April 28, 1981.

W. Cliff Yardley,

Acting District Manager.

[FR Doc. 81-13809 Filed 5-6-81; 8:45 am]

BILLING CODE 4310-84-M

Resource Management Planning; Initiation of Wilderness Studies in the Dillon Resource Area, Butte District, Montana

May 1, 1981.

In accordance with 43 CFR 1601.3(g), notice is hereby provided of resource planning activity now underway.

The proposed action is the preparation of a Wilderness Planning Amendment/Environmental Impact Statement (WPA/EIS) for eight wildnerness study areas (WSAs) in the Dillon Resource Area, Butte District. The WPA/EIS will carry out the requirements of the Federal Land Policy and Management Act (FLPMA) of 1976 and will serve to amend the Dillon Resource Area Management Framework Plan (MFP) completed in 1979. The purpose of the amendment is to determine the suitability or nonsuitability for wilderness designation of the eight WSAs. The process will result in recommendations by the Secretary of the Interior to the President as to which areas, or portions of areas, should be designated as wilderness. The final decision as to whether the WSAs should be designated components of the National Wilderness Preservation System will be made by Congress. The amendment will not address how the WSAs will be managed if they are not recommended as wilderness. Nonwilderness allocation decisions presently exist in the Dillon Management Framework Plan. The WPA/EIS is scheduled for completion by October 1982.

The Dillon Resource Area is located in southwestern Montana and covers all or portions of Beaverhead, Madison, Silver Bow, and Deer Lodge Counties. The eight WSAs that will be addressed are:

a. Ruby Mountains, MT-076-001, 26,357 acres

b. Blacktail Mountains, MT-076-002, 17,639 acres

c. East Fork of Blacktail Deer Creek, MT-076-007, 6,180 acres

d. Hidden Pasture Creek, MT-076-022, 15,475 acres

e. Bell/Limekiln Canyons, MT-076-028, 9,588 acres

f. Henneberry Ridge, MT-076-028, 9,756 acres

g. Farlin Creek, MT-076-034, 1,280 acres

h. Axolotl Lakes, MT-076-069, 6,578 acres

The study process will analyze all resource values and uses within each WSA to determine whether the area, or a portion of the area, will be recommended as suitable or nonsuitable for wilderness designation. This process will address such issues as timber production capability, motorized vehicle access, all forms of mineral activity, the grazing of livestock, land tenure, watershed and socio-economic characteristics.

Disciplines to be represented on the interdisciplinary study team are: wildlife biology, range management, forestry, wilderness, outdoor recreation planning, soils science, lands and minerals management, economics, sociology and visual resources.

The following planning criteria published in the December 19, 1980, **Federal Register**, Vol. 45, No. 246 (Draft Wilderness Study Policy), will be used in the study process.

a. Requirements for Areas Recommended as Suitable for Wilderness Designation

b. Public Comment

c. Local and Regional Socio-Economic Effects

d. Energy and Critical Mineral Resource Values

e. Consistency with Other Plans

f. Impacts on Other Resources

g. Impacts on Wilderness

h. Evaluation of Wilderness Values

i. Diversity in the National Wilderness Preservation System

These criteria will be utilized to determine the level of analysis required for each issue, assist in the formulation of alternatives and the preferred alternative and in estimating the effects of the alternatives. Public comments on the planning criteria will be solicited.

During the inventory phase, various sectors of the public will be requested to provide data needed for the analysis process. As the planning process proceeds, the public will be asked to become more formally involved through open houses and public meetings. The initial open house sessions for the purpose of obtaining public comment on the planning criteria and the issues which should be addressed in the study will be held at the following locations and times:

Date, Time and Location

May 12, 1981, 7–10 p.m.; Lima, Montana, High School

May 13, 1981, 7–10 p.m.; Sheridan, Montana, Elementary School

May 14, 1981, 1–10 p.m.; Dillon Resource Area Office, Dillon, Montana

Future meeting dates, locations and times will be announced in the **Federal Register.**

For further information contact: Harry R. Cosgriffe, Area Manager, Dillon Resource Area (Butte District), P.O. Box 1048, Dillon, Montana 59725 (406) 683–2337.

Michael J. Penfold,

State Director.

[FR Doc. 81-13804 Filed 5-6-81; 8:45 am]

BILLING CODE 4310-84-M

[UT-020-4310-84]

Salt Lake District Advisory Council; Meeting

Notice is hereby given in accordance with Public Law 92-463, that a meeting of the Salt Lake District Advisory Council will be held on June 11, 1981.

The meeting will begin at 9:00 a.m. at the Dugway Proving Ground in Dugway, Utah.

The purpose of the meeting will be to discuss the management options available to the BLM for the wild horses currently occuping the military base and make recommendations to the District Manager. Council members will be touring portions of Dugway Proving Ground during the meeting.

Interested persons may make oral statements or file written statements for the Council's consideration at 2:00 p.m., June 11 at Headquarters Building, Dugway Proving Ground. Anyone

wishing to make a statment to the Council must notify the District Manager, 2370 South 2300 West, Salt Lake City, Utah 84119 (801) 524–5348, before 4:00 p.m., June 10. A time limit may be established per person by the District Manager

Dated: April 28, 1981.

Sammy J. St. Clair,

Acting District Manager.

[FR Doc. 81–13819 Filed 5–6–81; 8:45 am]

BILLING CODE 4310–84–M

Socorro District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Public Law 94–579, that a meeting of the Socorro District Grazing Advisory Board will be held on Tuesday, June 2, 1981.

The meeting will begin at 9:00 a.m., in the Hospitality Room of the First State Bank at 103 Manzanares Avenue NE, Socorro, New Mexico.

The agenda for the meeting will include review and recommendation on 1982 rangeland improvements.

The meeting is open to the public. Interested persons may make oral statements to the board between 1:00 and 2:00 p.m., or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 198 Neel Avenue NW, P.O. Box 1219, Socorro, New Mexico 87801, by May 28, 1981. Depending on the number of persons wishing to make oral statements, a person time limit may be established by the District Manager.

Arlen P. Kennedy,

District Manager.

[FR Doc. 81–13818 Filed 5–6–81; 8:45 am]

BILLING CODE 4310–84–M

Nevada; Classification Partially Revoked and Lands Open to Entry

May 1, 1981.

On February 6, 1970 (FR, vol. 35, No. 30, page 2901) the following described land was classified for multiple use management under the Act of September 19, 1964 and segregated from appropriation under the agricultural land laws and from sale under R.S. 2455:

Mount Diablo Meridian, Nevada

T. 19 N., R. 35 E.,
Sec. 3, S½NW¼SW¼SE¼, S½SW¼SE¼, SW¼SW¼SE¼SE¼;
Sec. 10, N½NE¼NE¼, N½S½NE¼NE¼, N½N½NW¼NE¼;
Sec. 11, N½NE¼NW¼, NE¼SW¼ NE¼NW¼, W½SE¼NE¼NW¼, N½SW¼NW¼, NW¼SE¼NW¼ NW¼, SE¼SE¼NW¼, NE¼NW¼ NE¼SW¼.

The land described aggregated 115 acres.

Review and evaluation of the land use capabilities of the above described land indicates that the classification is no longer valid and it is hereby revoked.

The land is now open to the operation of the public land laws, subject to valid existing rights and the requirements of applicable law. The land has been open continually to the mining laws and to applications and offers under the mineral leasing laws. All valid applications received at or before 10 a.m. on June 8, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. A drawing to determine application priority will be held if more than one application embraces, wholly or in part, the same described land.

Inquiries and applications concerning this land should be addressed to the Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Reno, NV 89520.

John H. Trimmer,

Acting Chief, Division of Technical Services.

[FR Doc. 81–13807 Filed 5–6–81; 8:45 am]

BILLING CODE 4310–84–M

INTERNATIONAL CONVENTION ADVISORY COMMISSION

Vertebrate Species in Trade and a Report on Trade in Parrots; Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. Appendix I, that a meeting of the International Convention Advisory Commission will be held on Thursday, May 21, 1981, 1:30 p.m., Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C.

The Commission will consider a report on vertebrate species in trade, a report on trade in parrots, and miscellaneous other business.

For further information contact Dr. William Y. Brown, Executive Secretary, International Convention Advisory Commission, Suite 220, 1010 Wisconsin Avenue, N.W., Washington, D.C. 20007, telephone 202/343–7407. Opportunity will be given for oral or written presentations provided that, appointments are made with Dr. Brown by 5:00 p.m., May 18, 1981.

Dated: May 4, 1981.

William Y. Brown,

Executive Secretary, International Convention Advisory Commission.

[FR Doc. 81–13790 Filed 5–6–81; 8:45 am]

BILLING CODE 4310–69–M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is

neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: April 27, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC–F–14619, filed April 9, 1981. SOUTHERN FURNITURE TRANSPORT, INC. (Southern) (2003 Viscount Row, Orlando, FL 32809)—Control and Merger—Westchester Furniture Delivery, Inc. (Westchester) (4 Furniture Row, Milford, CT 06460). Representative: Maxwell A. Howell, 1511 K St., NW, Washington, DC 20005. Southern seeks authority to acquire control of all the issued and outstanding capital stock of Westchester, and to merge the interstate operating rights of Westchester into Southern for ownership, management and operation. Angelo Catanesi and Robert Piccolo, persons in control of Southern, seek authority to acquire control of said rights through the transaction. The operating rights to be acquired are contained in MC–148431 as follows: The transportation of *new furniture* and related commodities and parts over a combination of regular and irregular routes between various points and areas in MA, CT, RI, NY, PA, OH, VT, NJ, DE, MD and DC. Southern is a motor comon carrier authorized to transport *new furniture* between points in FL, GA and AL, and between FL, GA and AL, on the one hand, and, on the other, ME, NH, VT, MA, CT, RI, NY, NJ and PA.

Note.—(1) Application for temporary authority has been filed. (2) In all pending applications of Westchester, Southern must seek to substitute itself as applicant. (3) A partially directly related extension application has been filed in MC–141261 (Sub-No. 4), published in this same Federal Register issue.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment or a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: April 27, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 141261 (Sub-4), filed April 9, 1981. Applicant: SOUTHERN FURNITURE TRANSPORT, INC., 2003 Viscount Row, Orlando, FL 32809. Representative: Maxwell A. Howell, 1511 K Street NW., Suite 1100, Washington, D.C. 20005. To operate as a *common carrier*, by motor vehicle transporting *furniture* and *fixtures*, and between points in FL, GA, AL and TN, on the one hand, and, on the other, points in IL, IN, MI and OH. NOTE: This application is partially directly related to a proceeding pursuant to 49 U.S.C. 11343–11344 in MC–F–14619, published in this same Federal Register issue. The stated purpose of this application is to replace an interline service presently being conducted between transferee and transferor. In effect, with respect to points in FL, GA, and AL, on the one hand, and, on the other, points in OH, this application will eliminate a gateway created by the merger in MC–F–14619. With respect to the remaining authority sought, this is an application for new authority and is not directly related to the finance proceeding. Thus, a filing fee of $350 is required as a condition to approval.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–13774 Filed 5–6–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register

issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authorty.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OP1-130

Decided April 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor. (Taylor not participating).

MC 129301 (Sub-20), filed April 20, 1981. Applicant: ENGLISH AND SONS CORPORATION, 412 Kingshighway, Thorofare, NJ 08086. Representative: James H. Sweeney, 468 Kentucky Ave., Williamstown, NJ 08094 (609) 629-2354. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-2-060

Decided April 29, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 155403, filed April 20, 1981. Applicant: TECH TRANS SERVICES COMPANY, 15291 Cadiz Dr., Westminster, CA 92683. Representative: Jerome Paul (same as applicant) (714) 554-0204. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY-3-059

Decided May 1, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 155414, filed April 20, 1981. Applicant: C & W BROKERS AND AUDIT CO., 1157 Commercial Ave., Charlotte, NC 28205. Representative: John L. Chambers (same address as applicant) (704) 333-8785. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 155485, filed April 23, 1981. Applicant: GRAEBEL MOVERS, INC., 820 So. 6th Ave., P.O. Box 1519, Wausau, WI 54401. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785-0024. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 155494, filed April 23, 1981. Applicant: W. M. STONE & CO., INC., 109 E. Main St., P.O. Box 3447, Norfolk, VA 23514. Representative: Meade G. Stone, Jr. (same address as applicant) (804) 622-3293. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY-5-53

Decided April 30, 1981.

By the Commission Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 126589, filed March 9, 1981. Applicant: FRED QUINN d.b.a. QUINN MOVING AND STORAGE, P.O. Box 20083, San Antonio, TX 78220. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th Street, N.W., Washington, DC 20006, 202-833-1170. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 152849 (Sub-2), filed April 14, 1981. Applicant: S.T.S. TRANSPORT SERVICE, INC., 12400 South Keeler, Alsip, IL 60658. Representative: Patrick H. Smyth, 19 South LaSalle St., Suite 401, Chicago, IL 60603, (312) 263-2397. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13772 Filed 5-6-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified

prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OP1–135

Decided April 29, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor. (Taylor not participating.)

MC 19550 (Sub-10), filed April 10, 1981. Applicant: THE OBSERVER TRANSPORTATION COMPANY, INC., P.O. Box 34213, Charlotte, NC 28234. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137 (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between points in Mecklenburg County, NC, on the one hand, and, on the other, points in Beaufort, Bertie, Camden, Carteret, Cherokee, Chowan, Clay, Craven, Currituck, Dare, Edgecombe, Gates, Graham, Green, Halifax, Hertford, Hyde, Jones, Lenoir, Macon, Madison, Martin, Mitchell, Northhampton, Onslow, Pamlico, Passquotank, Pitt, Tyrell, Warren, Washington, Wayne, and Yancey Counties, NC, and Abbeville, Aiken, Edgefield, Greenwood, Hampton, Jasper, Laurens, McCormick, Newberry, Oconne, Pickens, and Saluda Counties, SC.

MC 34361 (Sub-7), filed April 20, 1981. Applicant: A. ARNOLD & SON TRANSFER & STORAGE CO., INC., 2600 W. Broadway, Louisville, KY 40211. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036 (202) 785–0024. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with U.S. Traffic Coordinators, Inc., of Louisville, KY.

MC 34631 (Sub-8), filed April 20, 1981. Applicant: A. ARNOLD & SON TRANSFER & STORAGE CO., INC., 2600 W. Broadway, Louisville, KY 40211. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036 (202) 785–0024. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Celanese Plastics & Specialities Co., a division of Celanese Corporation of Chatham, NJ, and with Brown & Williamson Tobacco Corporation and Humana, Inc., both of Louisville, KY.

MC 52460 (Sub-328), filed April 17, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant) (918) 446–4434. Transporting *petroleum, natural gas and their products*, between Louisville, KY, Kansas City, MO, Houston, TX, and points in St. Charles Parish, LA, on the one hand, and, on the other, points in AL, AR, CO, GA, IA, KS, KY, LA, MO, MS, MT, NC, ND, NE, NM, OK, SC, SD, TN, TX, UT, and WY. Condition: The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the date of issuance.

MC 52460 (Sub-327), filed April 17, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant) (918) 446–4434. Transporting *food and related products*, between points in Houston County, GA, on the one hand, and, on the other, points in AR, CO, KS, MO, and OK.

MC 109490 (Sub-26), filed April 16, 1981. Applicant: HEDING TRUCK SERVICE, INC., P.O. Box 97, Union Center, WI 53962. Representative: Ronald E. Laitsch, P.O. Box 70, Watertown, WI 53094 (414) 261–9725. Transporting *food and related products*, between points in the U.S.

MC 111401 (Sub-612), filed February 26, 1981, and previously noticed in **Federal Register** issue of March 18, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant) (405) 234–4663. Transporting *petroleum products* (a) between points in Lincoln County, OK, on the one hand, and, on the other, points in FL, IN, and PA, and (b) between points in Sedgwick County, KS and points in IA.

Note.—This republication corrects the commodity description.

MC 113751 (Sub-44), filed April 20, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia Sts., Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719 (608) 273–1003. Transporting *food and related products*, between points in Portage County, WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 115000 (Sub-4), filed April 20, 1981. Applicant: JAMES A. BLOCKER, d.b.a. BLOCKER TRANSPORTATION, 910 W. 14th Ave., Blythe, CA 92225. Representative: James A. Blocker (same address as applicant) (714) 922–0221. Transporting *machinery, farm equipment, and farm supplies*, between points in CA, AZ, and NM.

MC 120981 (Sub-37), filed April 20, 1981. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, TN 37210. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601 (502) 227–7384. Transporting *such commodities* as are dealt in by manufacturers and distributors of artificial Christmas trees and decorations, between points in Sumter County, GA, Kane County, IL, Fayette County, KY, Greene County, NY, and Travis County, TX, on the one hand, and, on the other in AL, AR, CT, DE, FL,

GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 128551 (Sub-6), filed April 15, 1981. Applicant: PHILBORO COACH CORP., 1065 Belvoir Rd., Norristown, PA 19401. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210 (703) 525–4050. Transporting *passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Philadelphia, Bucks, Montgomery, Chester, and Delaware Counties, PA, and those in New Castle County, DE, and extending to points in the U.S.

MC 133920 (Sub-28), filed April 22, 1981. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, GA 31082. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349 (404) 996–6266. Transporting *clay, concrete, glass or stone products*, between points in GA, on the one hand, and, on the other, points in AL, CT, DE, FL, IL, IN, KY, LA, MA, MD, ME, MI, MN, MS, MO, NH, NJ, NY, NE, OH, PA, RI, SC, TN, TX, VT, VA, WV, and WI.

MC 134771 (Sub-5), filed April 20, 1981. Applicant: AUSTIN-TUPLER TRUCKING, INC., 6570 S.W. 47th St., Fort Lauderdale, FL 33014. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166 (305) 592–0036. Transporting *such commodities* as are ordinarily transported in dump vehicles, between points in AL, FL and GA.

MC 138861 (Sub-26), filed April 21, 1981. Applicant: C–LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036 (201) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Bunge Edible Oil Corporation, of Kankakee, IL.

MC 139290 (Sub-1), filed April 17, 1981. Applicant: EJB HAULING, INC., 1012 Benedum-Trees Bldg., Pittsburgh, PA 15222. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219 (412) 281–9494. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Allegheny Sand, Inc., Bognar and Company, Inc., Bognar Minerals, Inc., Carb-Rite Company, E. J. Bognar, Incorporated, EJB Trading Company, Inc., Interstate Minerals Corporation, Navarre Minerals Co., Union Metals and Minerals, Inc., Union Mining Company of Allegheny County, Inc., and Vermiculite Industrial Corporation, all of Pittsburgh, PA.

MC 141951 (Sub-3), filed April 23, 1981. Applicant: MARY DICK AND HOLLIS A. DICK, a partnership, d.b.a. H.O. DICK TRANSFER CO., Box 307, Bethany, IL 61914. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *food and related products*, between points in Milwaukee County, WI, on the one hand, and, on the other, points in IL.

MC 141460 (Sub-5), filed April 20, 1981. Applicant: THE GRAY LINE TOURS COMPANY, a corporation, 1207 West Third St., Los Angeles, CA 90017. Representative: Warren N. Grossman, Suite 1800, 707 Wilshire Blvd., Los Angeles, CA 90017 (713) 647–8471. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in Los Angeles, Orange, San Diego, and Riverside Counties, CA, and extending to points in the U.S.

MC 143061 (Sub-13), filed April 24, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant) (919) 623–9100. Transporting such commodities as are dealt in by a manufacturer of (a) *electric products*, and (b) *automotive products*, between points in the U.S., under continuing contract(s) with Arvin Industries, Inc., of Columbus, IN.

MC 146531 (Sub-3), filed April 23, 1981. Applicant: LARRY WILSON, Route #2, Eudora, KS 66025. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601 (913) 234–0585. Transporting *chemicals and related products*, between points in NE, IA, MO, OK, TX, CO, KS, and NM.

MC 149041 (Sub-2), filed April 20, 1981. Applicant: TANK TRANSPORT, INC., P.O. Box 315, Lannon, WI 53046. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705 (608) 238–3119. Transporting *petroleum, natural gas and their products*, and chemicals and related products, between Chicago, IL, on the one hand, and, on the other, points in IN, IA, KY, MI, MN, MO, OH, and WI. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquified petroleum gas, it will expire 5 years from the date of issuance.

MC 151481, filed April 20, 1981. Applicant: GOBEL FREIGHT LINES, INC., 138 8th Avenue South, Onalaska, WI 54650. Representative: Edward H. Instenes, 128½ East Third Street, P.O. Box 676, Winona, MN 55987, 1–507–454–3914. Transporting *such articles as are dealt in by wholesale and retail grocery stores*, between Chicago, IL, on the one hand, and, on the other, points in LaCrosse County, WI.

MC 151531, filed April 20, 1981. Applicant: NATURAL TRUCK LEASING, INC., 13 South Orchard St., Spring Valley, NY 10977. Representative: Edward L. Nehez, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with New-Stan Dyeing & Finishing Co., Inc., of Newburgh, NY.

MC 153651, filed April 23, 1981. Applicant: FLY BY NITE FAST FREIGHT COMPANY, INC., 9808 61st Ave. East, Puyallup, WA 98371. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055 (206) 235–1111. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Pacific Forest Products Ltd., of Victoria, B.C. Canada.

MC 154600, filed April 20, 1981. Applicant: TOMMY L. FINDLEY, P.O. Box 51, Morrilton, AR 72110. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201 (501) 375–3022. Transporting *lumber and wood products*, between points in the Pulaski, Chicot, and Ashley Counties, AR, on the one hand, and, on the other, points in OR, WY, WA, ID, and MT.

MC 154740, filed April 23, 1981. Applicant: LAWRENCE R. JOHNSTON d.b.a. ODESSA TRANSPORTATION, 4525 S. Halsted, Chicago, IL 60609. Representative: Robert E. Knoppe, 79 W. Monroe St., Suite 500, Chicago, IL 60603 (312) 372–5541. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with East Balt Commissary, Inc., of Chicago, IL.

Volume No. OPY–2–061

Decided April 29, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 6143 (Sub-4), filed April 20, 1981. Applicant: DUNBAR TRANSPORTATION SERVICES, INC., 3970 Delp St., Memphis, TN 38118. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014 (301) 986–1410. Transporting *general commodities* (except classes A and B explosives), between points in Shelby County, TN, on the one hand, and, on the other, points in the U.S.

MC 69402 (Sub-4), filed April 20, 1981. Applicant: BEE LINE TRUCKING CO., INC., 3300 Chouteau Ave., St. Louis, MO 63103. Representative: T. M. Tahan, 2001 South Seventh St., St. Louis, MO 63104 (314) 772–6666. Transportating *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Monsanto Company, of St. Louis, MO.

MC 125433 (Sub-473), filed April 21, 1981. Applicant: F–B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant) (801) 973–4242. Transportating *such commodities* as are dealt in or used by manufacturers and distributors of dental, hospital, and surgical supplies, between points in the U.S.

MC 125433 (Sub-474), filed April 21, 1981. Applicant: F–B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant) (801) 973–4242. Transportating *such commodities* as are dealt in or used by manufacturers and distributors of water heaters and warm air furnaces, between points in the U.S.

MC 127172 (Sub-7), filed April 22, 1981. Applicant: MARC BAGGAGE LINES, INC., 9033 Hollyberry Ave., Des Plaines, IL 60016. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237 (404) 477–1525. Transportating *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Westinghouse Electric Corporation, of Pittsburgh, PA.

MC 145773 (Sub-11F), filed April 21, 1981. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandemark Rd., Sidney, OH 45365. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *electrical machinery*, between points in the U.S., under continuing contract(s) with Melchior/Armstrong/Dessau/Inc. of Ridgefield, NJ.

MC 146293 (Sub-83F), filed April 20, 1981. Applicant: REGAL TRUCKING CO., INC. P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, P.O. Box 829, Lawrenceville, GA 30246 (404) 963–0291. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Royal Freight, Inc., of Atlanta, GA.

MC 151283 (Sub-2), filed April 17, 1981. Applicant: MOBY DICK, INC., 815 Max Ave., P.O. Box 20276, Lansing, MI 48901. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing MI 48933 (517) 489–5724. Transporting *general commodities* (except classes A and B explosives), between the facilities of Dow Chemical U.S.A., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151813 (Sub-3), filed April 20, 1981. Applicant: CONERTY-HENIFF TRANSPORT, INC., 4220 West 122nd St., Alsip, IL 60658. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603 (312) 236–0548. Transporting *petroleum, natural gas and their products, chemicals and allied products, and rubber and plastic products*, between points in IL, IN, IA, KY, MI, MN, MO, OH, and WI. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 151822 (Sub-2), filed April 20, 1981. Applicant: FREIGHT DIRECT, INC., 554 University Ave., SW, P.O. Box 10707, Atlanta, GA 30310. Representative: Robert C. Boozer, 1400 Candler Bldg., 127 Peachtree St., NE, Atlanta, GA 30043 (404) 658–8010. Transporting *general commodities* (except classes A and B explosives), between Atlanta, GA, on the one hand, and, on the other, points in FL, AL, MS, LA, TX, AR, TN, SC, NC, VA, WV, KY, OH, IN, IL, MO, MI, PA, DE, MD, NJ, NY, CT, RI, MA, and DC.

MC 153112, filed April 9, 1981. Applicant: KENNETH L. HORTON, 30 Peach Valley Dr., Spartanburg, SC 29303. Representative: P. Bradley Morrah, Jr., 300 East Coffee St., Greenville, SC 29601. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Edgecomb Metals Company, of Greenville, SC.

MC 154383F, filed April 20, 1981. Applicant: ROBERT WODILL, d.b.a. WODILL TRUCKING, Route 1, Fall River, WI 53932. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719 (608) 273–1003. Transporting *such commodities as are dealt in by the manufacturers and distributors of feed and farm supplies*, between points in the U.S., under continuing contract(s) with Vita Plus Corporation, of Madison, WI.

MC 155413F, filed April 20, 1981. Applicant: PEEBLES TRUCK SERVICE, INC., Box 243, Medora, IL 62063. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5466. Transporting *metal products*, between points in IL, on the one hand, and, on the other, points in AL, AR, CO, GA, IA, IN, KY, KS, LA, MO, MI, MS, OH, OK, PA, TN, TX, and WI.

MC 155422, filed April 17, 1981. Applicant: MENINI CARTAGE, INC., 6515 North Cicero Ave., Lincolnwood, IL 60646. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *waste or scrap materials not identified by industry producing*, between points in AL, AR, CO, GA, IA, IL, IN, KS, KY, MI, MN, MO, NC, ND, NE, NY, OH, OK, PA, SC, TN, TX, VA, WI, and WV.

MC 155433F, filed April 20, 1981. Applicant: CANDELORA COAL, INC., 100 E. Independence St., Shamokin, PA 17872. Representative: Frank E. Garrigan (same address as applicant) (717)648–6668. Transporting *anthracite products and by products* between points in Northumberland County, PA, on the one hand, and, on the other, points in DE.

Volume No. OPY–3–057

Decided April 29, 1981.

The Commission Review Board No. 2, Members Carleton, Fortier and Williams. (Williams not participating).

MC 52945 (Sub-3), filed April 22, 1981. Applicant: H. P. STARSIAK, INC., 18 Hills St., Manchester, CT 06040. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181 (617) 235–5571. Transporting *building materials*, between points in CT, ME, MA, NH, NJ, NY, RI, and VT.

MC 61445 (Sub-24), filed April 21, 1981. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Ave., Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014 (301) 654–2240. Transporting (1) *metal products*, (2) *machinery*, and (3) *commodities which because of size and weight require the use of special handling or equipment*, between those points in the U.S. in and east of TX, OK, MO, IA, and MN.

MC 106194 (Sub-44), filed April 23, 1981. Applicant: HORN TRANSPORTATION, INC., 2622 McCormick Ave., P.O. Box 1172, Pueblo, CO 81001. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221–1464. Transporting *building materials*, between points in Jackson, Platte, and Clay Counties, MO, and Wyandotte, Johnson, and Leavenworth Counties, KS, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, IL, MO, AR, and LA.

MC 106194 (Sub-45), filed April 23, 1981. Applicant: HORN

TRANSPORTATION, INC., 2622 McCormick Ave., P.O. Box 1172, Pueblo, CO 81001. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221–1464. Transporting (1) *machinery*, and (2) *metal products* between those points in the U.S. in and west of WI, IL, MO, AR, and LA.

MC 110325 (Sub-175), filed April 20, 1981. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105 (816) 221–1464. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Charlotte and Wilmington, NC, over U.S. Hwy 74, (2) Between Wilmington and Roanoke Rapids, NC, from Wilmington over U.S. Hwy 117 to junction U.S. Hwy 301, then over U.S. Hwy 301 to junction U.S. Hwy 158, and then over U.S. Hwy 158 to Roanoke Rapids, and return over the same route, (3) Between New Bern, NC, and Johnson City, TN, from New Bern over U.S. Hwy 70 to junction U.S. Hwy 64, then over U.S. Hwy 64 to junction U.S. Hwy 321, and then over U.S. Hwy 321 to Johnson City, and return over the same route, (4) Between the junction of Interstate Hwys 20 and 95, near Florence, SC, and Emporia, VA, from junction Interstate Hwys 20 and 95 over Interstate Hwy 95 to junction Interstate Hwys 20 and 95 over Interstate Hwy 95 to junction B.R. Interstate Hwy 95, then over B.R. Interstate Hwy 95 to junction Interstate Hwy 95, and then over Interstate Hwy 95 to Emporia, and return over the same route, (5) Between Washington and Raleigh, NC, from Washington over U.S. Hwy 264 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Raleigh, and return over the same route, (6) Between Florence, SC, and Martinsville, VA, from Florence over U.S. Hwy 52 to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction U.S. Hwy 220, then over U.S. Hwy 220 to junction U.S. Hwy 58, and then over U.S. Hwy 58 to Martinsville, and return over the same route, (7) Between Society Hill and Fayetteville, NC, over U.S. Hwy 401, (8) Between Norfolk, VA, and Atlanta, GA, from Norfolk over U.S. Hwy 13 to junction U.S. Hwy 17, then over U.S. Hwy 17 to junction U.S. Hwy 76, then over U.S. Hwy 76 to junction Interstate Hwy 20, and then over Interstate Hwy 20 to Atlanta, and return over the same route, (9) Between Elizabeth City, NC, and Bristol, TN, from Elizabeth City over U.S. Hwy 158 to junction U.S. Hwy 421, then over U.S. Hwy 421 to Bristol, and return over the same route, serving all intermediate points in routes (1) through (9) above, and all other points in NC as off-route points.

MC 111765 (Sub-64), filed April 21, 1981. Applicant: BURNS MOTOR FREIGHT, INC., P.O. Box 149, Marlinton, WV 24954. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101 (703) 893–4924. Transporting *lumber and wood products, building materials*, and *metal products*, between points in DE, KY, MD, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and DC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 140294 (Sub-28), filed April 20, 1981. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1948, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740 (301) 797–6060. Transporting *general commodities*, serving points in Adams, Pulton and York Counties, PA, as off-route points in connection with carrier's otherwise authorized regular route operations between Hagerstown and Baltimore, MD.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance.

MC 141865 (Sub-11), filed April 21, 1981. Applicant: ACTION DELIVERY SERVICE, INC., 2401 West Marshall Drive, Arlington, TX 75051. Representative: A. William Brackett, 623 So. Henderson, 2nd Floor, Fort Worth, TX 76104 (817) 332–4415 Transporting *such commodities* as are dealt in or used by home products distributors, between the facilities of Amway Corporation, at Des Moines, IA, on the one hand, and, on the ohter, points in the U.S.

MC 144624 (Sub-3), filed April 21, 1981. Applicant: AMERICAN STREVELL TRANSPORT, INC., P.O. Box 26828, 2205 West 15th South, Salt Lake City, UT 84125. Representative: Eugene D. Anderson, 910 Seventeenth St., NW, Suite 428, Washington, DC 20006 (202) 296–2550. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO, and Anderson Clayton Foods, of Dallas, TX.

MC 146865 (Sub-4), filed April 21, 1981. Applicant: M. T. SERVICES, INC., d.b.a. BRENNAN EXPRESS, P.O. Box 18402, Baltimore, MD 21237. Representative: Raymond P. Keigher, 401 E. Jefferson Street, Suite 102, Rockville, MD 20850 (301) 424–2420. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Barre-National, Inc., of Baltimore, MD.

MC 148314 (Sub-10), filed April 22, 1981. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with W. W. Grainger, Inc., of Chicago, IL.

MC 149415, filed April 13, 1981. Applicant: WARCO TRANSPORTATION, INC., RR #2, Cassville, WI 53806. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001 (319) 557–1320. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Crawford and Grant Counties, WI, and extending to points in IL, IA, and MN.

MC 155384, filed April 17, 1981. Applicant: KIMBERLY-CLARK INTEGRATED SERVICES CORPORATION, 1400 Holcomb Bridge Rd., Roswell, GA 30076. Representative: Bradford L. Bates, 1730 Pennsylvania Ave., N.W., Washington, DC 20006 (202) 624–9090. Transporting *general commodities* (except classes A and B explosives), between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 121654 (Sub-43), filed March 17, 1981, previously noticed in the Federal Register on April 6, 1981. Applicant: COASTAL TRANSPORT & TRADING CO., a corporation, P.O. Box 7438, Savannah, GA 31408. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326 (404) 262–7855. Transporting (1) *building materials*, and (2) *construction materials*, between the facilities of CertainTeed Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the commodity description.

MC 123744 (Sub-95), filed March 27, 1981, previously noticed in the Federal Register on April 17, 1981. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830 (814) 765–

9611. Transporting *general commodities* (except classes A and B explosives), between points in PA, NY, OH, NJ, DE, MD, VA, and WV, on the one hand, and, on the other, points in the U.S.

Note.—Applicant relies on traffic studies rather than shipper support.

Note.—This republication corrects the territory description to show DE instead of ND.

MC 145044 (Sub-8), filed February 9, 1981, previously noticed in the Federal Register on March 13, 1981. Applicant: FOREDECK TRANSPORTATION CO., INC., P.O. Box 142, Oak Ridge, NJ 07438. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *general commodities*, between the facilities of Esselte Pendaflex Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the commodity description.

Volume No. OPY–3–858

Decided May 1, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier and Williams/ Williams not participating.

MC 19835, filed April 24, 1981. Applicant: CLIFTON BUS CO., INC., 1222 Putnam Ave., Brooklyn, NY 11221. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022 (212) 838–0600. Transporting *passengers and their baggage*, in round trip, charter operations, beginning and ending at New York, NY, and extending to points in the U.S.

MC 107295 (Sub-1036), filed April 23, 1981. Applicant: PRE–FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant) (309) 928–2141. Transporting *lumber and wood products*, between points in Beltrami County, MN, on the one hand, and, on the other, points in the U.S.

MC 121805 (Sub-16), filed April 23, 1981. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Avenue, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd Street, Suite 411, Little Rock, AR 72201 (501) 375–3022. Transporting *general commodities* (except classes A and B explosives), between Crossett, AR, on the one hand, and, on the other, points in TX, OK, KS, NE, MO, KY, TN, LA, and MS.

Note.—Applicant intends to tack this authority with its existing authority and interline.

MC 125254 (Sub-79), filed April 23, 1981. Applicant: MORGAN TRUCKING CO., 1201 E. 5th Street, P.O. Box 714, Muscatine, IA 52761. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309 (515) 244–2329. Transporting *such commodities* as are dealt in by food business houses, between the facilities of Star-Kist Foods, Inc., and its subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 125535 (Sub-27), filed April 23, 1981. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, P.O. Box 1746, Maryland Heights, MO 63043. Representative: Donald S. Heim (same address as applicant) (314) 569–1161. Transporting *bonding cement and fire clay*, between points in the U.S., under continuing contract(s) with Universal Refractories, Inc., of Chesterfield, MO.

MC 138904 (Sub-3), filed February 9, 1981, previously noticed in the Federal Register on March 13, 1981. Applicant: CARGO AND TRANSPORTATION SERVICES, INC., 2622 McCormick Ave., Pueblo, CO 81001. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105 (816) 221–1464. Transporting *general commodities* (except classes A and B explosives), between points in Scott County, KS, on the one hand, and, on the other, points in Barton, Sedgwick, Atchison, Leavenworth, and Finney Counties, KS, and St. Joseph and Kansas City, MO.

Note.—Applicant intends to tack and interline this authority with its existing authority.

Note.—This republication corrects the territorial description to read points in "Sedgwick County, KS," instead of points in "Wichita County, KS."

MC 146964 (Sub-14), filed April 23, 1981. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same address as applicant) (717) 845–7030. Transporting (1) *printing materials*, (2) *chemicals*, and (3) *plastic products*, between the facilities of Sloan Paper Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150954 (Sub-25), filed April 23, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 215, San Antonio, TX 78217 (512) 828–6496. Transporting *food and related products*, and *toilet preparations*, between ports of entry on the international boundary line between the U.S. and Canada, in ID, ME, MI, MT, NY, VT, and WA, and points in Cameron County, TX, Maricopa County, AZ, Los Angeles and San Francisco Counties, CA, Fulton County, GA, Cook County, IL, Orleans Parish, LA, Suffolk County, MA, Multnomah County, OR, Allegheny County, PA and Salt Lake County, UT.

MC 150954 (Sub-26), filed April 27, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217 (512) 828–6496. Transporting *food and related products*, and *toilet preparations*, between points in Hidalgo County, TX, Maricopa County, AZ, Los Angeles County, CA, Brevard and Broward Counties, FL, Hennipin County, MN and Bergen County, NJ.

MC 155185, filed April 27, 1981. Applicant: GARY MEISTER d.b.a. M & M WRECKER SERVICE, 2311 Fairlawn Drive, Carthage, MO 64836. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804 (417) 883–7311. Transporting *disabled and replacement vehicles and trailers*, between points in the U.S.

MC 155495, filed April 24, 1981. Applicant: JOY BUS SERVICE, INC., 5906 Walker Mill Road, District Heights, MD 20037. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022 (212) 838–0600. Transporting *passengers and their baggage*, in charter operations, helping and ending at Alexandria, VA, points in Prince Georges and Montgomery Counties, MD, Arlington County, VA, and DC, and extending to points in the U.S.

Volume No. OPY4–115

Decided: May 1, 1981.

By the Commission Review Board No. 2, Members Carleton, Fortier, and Williams (Williams not participating).

MC 107727 (Sub-34), filed April 27, 1981. Applicant: ALAMO EXPRESS, INC., 6013 Rittiman Plaza, San Antonio, TX 78218. Representative: Stephen W. Bricker (same address as applicant) (512) 824–9481. Transporting *general commodities* (except Classes A and B explosives), between points in TX, on the one hand, and, on the other points in the U.S. Conditions: (1) The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 4, Room 5331; and (2) Issuance of a certificate in this proceeding is condition upon a prior grant of the conversion application filed in MC–107727 Sub 31F.

MC 119837 (Sub-23), filed April 24, 1981. Applicant: OZARK MOTOR LINES, INC., 27 West Illinois Ave., Memphis, TN 38106. Representative: Thomas A. Stroud, 2006 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities*, (except Classes A and B explosives), between points in the U.S., under continuing contracts(s) with Crosswinds Wood Energy Corporation, of West Plains, MO.

MC 134547 (Sub-10), filed April 24, 1981. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Blvd., Dallas, TX 75212. Representative: Austin L. Hatchell, P.O. Box 2156, Austin, TX 78768, (512) 476–6063. Transporting *building materials*, between points in the U.S., under continuing contracts(s) with Flintkote Building Products Company, of Dallas, TX; Elk Corp., of Texas, Inc., of Ennis, TX; American Paneling, of Nederland, TX; Moses & Cline, Inc., of Addison, TX, and McCoy Corporation, of San Marcos, TX.

MC 145797 (Sub-13), filed April 24, 1981. Applicant: NANCY TRANSPORTATION, INC., 429 Stablestone Drive, Chesterfield, MO 63017. Representative: R. Thomas Grasso, 111 Hilltown Village Center; Suite 212, Chesterfield, MO 63017 (314) 532–7035. Transporting *food and related products*, between points in Fresno County, CA, Morgan County, IL, Grayson County, TX, Gibson County, TN, and Dodge County, WI, on the one hand, and, on the other, points in the U.S.

MC 145807 (Sub-2), filed April 24, 1981. Applicant: DERBY TRANSPORT, INC., 609 First Ave. N., Box 695, Weyburn, Saskatchewan Canada S4H 1P1. Representative: James B. Hovland, 525 Lumber Exchange Bldg., 10 S. 5th St., Minneapolis, MN 55402 (612) 340–0606. Transporting *farm products*, between ports of entry on the United States-Canada International boundary line at points in MT, ND, and MN, on the one hand, and, on the other, points in WI, NE, ND, SD, IA, MN, KS, MO, IL, WY, and MT.

Volume No OPY–4–116

Decided: May 1, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier and Williams.

MC 148657 (Sub-1), filed March 24, 1981, and previously noticed in the **Federal Register** issue of April 14, 1981, and republished this issue. Applicant: RAYMOND & HIGGINS TRANSPORTATION CO., INC., 78/80 Judith St., Providence, RI 02909. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th., N.W., Washington, DC 20004 (202) 737–1030. Transporting *petroleum and petroleum products*, (1) between points in MA, on the one hand, and, on the other, points in CT and RI, and (2) between points in Providence County, RI, on the one hand, and, on the other, points in CT, NH, and NY. Condition: The person or persons who appear to be engaged in common control or another regulated carrier must either file an application under 49 U.S.C. 11343 (A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 4, Room 5331.

Note.—The purpose of this republication is to reflect the above condition which was erroneously omitted.

Volume No. OPY 5–54

Decided: April 30, 1981.

By the Commission, Review Board No. 5, Members Krock, Joyce, and Dowell.

MC 22139 (Sub-17), filed April 20, 1981. Applicant: R. F. ZAPORA MOTOR TRANS., 22 Auburn Rd., Manchester, NH 03104. Representative: Kenneth M. Piken, 95–25 Queens Blvd., Rego Park, NY 11374, 212–275–1000. Transporting *petroleum, natural gas and their products*, between points in ME, NH, VT, MA, RI, CT, NY, NJ, and PA.

MC 85718 (Sub-19), filed April 16, 1981. Applicant: SEWARD MOTOR FREIGHT, INC., 1041 Elm St., Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. Transporting (1) *printed matter*, and (2) *pulp, paper, and related products*, between the facilities of Nebraska Book Company, Inc., located in the U.S., on the one hand, and, on the other, points in the U.S.

MC 105269 (Sub-98), filed April 14, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, 616–459–6121. Transporting *general commodities* (except classes A and B explosives), between the facilities of SCM Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 109449 (Sub-56), filed April 17, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th St., Winona, MN 55987. Representative: Francis Ciesewski (same address as applicant) (507) 452–1032. Transporting *food and related products*, between points in Muscatine and Johnson Counties, IA, on the one hand, and, on the other, points in MN, WI, and ND.

MC 117119 (Sub-640), filed April 23, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant), 501–248–7261. Transporting *chemicals and related products*, between points in the U.S.

MC 121259 (Sub-3), filed April 20, 1981. Applicant: JAY-BEE CARTAGE CO., INC., 1514 South Canal St., Chicago, IL 60607. Representative: Themis N. Anastos, 120 West Madison St., Chicago, IL 60602, 312–782–6666. Transporting (1) *pulp, paper and related products*, (2) *printed matter*, (3) *chemicals*, and (4) *rubber and plastic products*, between those points in the U.S. in and east of MN, IA, KS, OK, and TX, (5) *machinery* and (6) *metal products*, between points in IL, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, KS, OK, and TX, and (7) *leather*, between points in IL, on the one hand, and, on the other, points in GA and TN.

MC 133689 (Sub-369), filed April 22, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, 612–780–1310. Transporting *building materials*, between points in Fredericksburg County, VA on the one hand, and, on the other, points in the U.S.

MC 135658 (Sub-10), filed April 22, 1981. Applicant: ROCK RIVER CARTAGE, INC., R.R. #2, Rock Falls, IL 61071. Representative: Michael W. O'Hare, 300 Reisch Bldg., Springfield, IL 62701, 217–544–5468. Transporting *metal products*, between points in the U.S. under continuing contract(s) with Lawrence Brothers, Inc. of Sterling, IL.

MC 140159 (Sub-17), filed April 20, 1981. Applicant: C.L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, 412–471–3300. Transporting *coal and coal products*, between points in the U.S. under contract(s) with Resource Engineering, Inc., of Waltham, MA.

MC 145129 (Sub-6), filed April 20, 1981. Applicant: WHITAKER TRANSPORTATION COMPANY, INC., 2909 South Hickory St., Chattanooga, TN 37407. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402, 615–756–3620. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.,

under continuing contract(s) with United Freight, Inc., of Morrow, GA.

MC 147409 (Sub-4), filed April 17, 1981. Applicant: THE SPRINGFIELD TRANSPORTATION CO., 3200 Columbiana Rd., New Springfield, OH 44443. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting *general commodities* (except classes A and B explosives), between points in Hartford and New London Counties, CT, Duval County, FL, Atlanta, GA, Hendricks County and Indianapolis, IN, Louisville, KY, Guilford County, NC, Richardson County, NE, Livingston County and Rochester, NY, Columbiana, Lake, Mahoning, and Trumbull Counties and Akron, OH, Allegheny County, PA, and Wythe County, VA, on the one hand, and, on the other, points in the U.S.

MC 150908 filed April 13, 1981. Applicant: SAM E. WINN, 716 Glendale, Jefferson City, MO 65101. Representative: Sam E. Winn (same address as applicant), 314-635-3865. Transporting *transportation equipment* between points in the U.S., under continuing contract(s) with General Motors Acceptance Corporation, of Jefferson City, MO.

MC 153148, filed April 23, 1981. Applicant: MERLE HOUGH, P.O. Box 2, Detroit Lakes, MN 56501. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126, 701-235-4487. Transporting (1) *chemicals and related products*, between points in MN, on the one hand, and, on the other, points in ND, (2) *building materials*, between points in Becker, Otter, Tail and Clay Counties, MN, on the one hand, and, on the other, points in the U.S., (3) *machinery, metal products, rubber and plastic products, pulp, paper and related products*, between points in Becker County, MN, on the one hand, and, on the other, points in the U.S., (4) *petroleum, natural gas, and their products*, between Becker County, MN, on the one hand, and, on the other, points in Tulsa and Oklahoma Counties, OK and Madison County, IL.

MC 155199, filed April 8, 1981. Applicant: MAGYAR TRANSPORT CORPORATION, P.O. Box 554, Herndon, VA 22070. Representative: Laszlo S. Eszenyi, 12509 Glenbrooke Woods Drive, Herndon, VA 22070, 703-620-3977. Transporting (1) *transportation equipment* between points in the U.S., under continuing contract(s) with British Aerospace, Inc., of Herndon, VA; (2) *furniture and fixtures* between points in the U.S., under continuing contract(s) with Burger's Cabinet Shop, Inc., of Herndon, VA; and (3) *pulp, paper and related products*, and (4) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Louis Creative Hairdressers, Inc., of Arlington, VA.

MC 155209, filed April 23, 1981. Applicant: DOT TRANSPORTATION, INC., 1825 Midland Blvd., Ft. Smith, AR 72904. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, 214-358-3341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with H. T. Tucker Industries of Ft. Smith, AR.

MC 155299, filed April 23, 1981. Applicant: L & K CARTAGE COMPANY, INC., 22431 Barton, St. Clair Shores, MI 48081. Representative: Frank J. Kerwin, 24055 Jefferson, Suite 200, P.O. Box 319, St. Clair Shores, MI 48080, 313-777-0400. Transporting *such commodities* as are dealt in by retail chain and grocery stores, between points in MI, on the one hand, and, on the other, points in OH, IN and IL.

MC 155378, filed April 17, 1981. Applicant: MOVING SYSTEMS, INC., 21 Pleasant St., Newburyport, MA 01950. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001 (202) 628-9243. To engage in operations as a *broker*, arranging transportation of (1) *household goods* and (2) *trailers*, between points in the U.S.

MC 155459, filed April 22, 1981. Applicant: AMERICAN INTERSTATE LEASING, INC., 1111 West 39th St., Chicago, IL 60609. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601, 312-332-5106. Transporting *such merchandise* as is used by, or dealt in, sold or distributed by retail, discount, catalog and department stores, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-13773 Filed 5-6-81; 8:45 am]
BILLING CODE 7035-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-19]

Report, Recommendations, Responses; Availability

• *Aircraft Accident Report—Eagle Commuter Airlines, Inc., Piper PA-31-350, Navajo Chieftain, N59932, William P. Hobby Airport, Houston, Texas, March 21, 1980 (NTSB-AAR-81-4).*—As a result of its investigation of this accident and a similar accident at Tusayan, Ariz., July 21, 1980, the National Transportation Safety Board on March 12 issued recommendations A-81-24 and -25 concerning 14 CFR Part 135 operations. (See 46 FR 18823, Mar. 26, 1981.)

• *Aviation Safety Recommendations to the Federal Aviation Administration, April 16, 1981:*

Require single rotor helicopter manufacturers to analyze and define the critical slope angles of each model and include this information in the individual flight manuals. (Class II, Priority Action) (A-81-46)

Include detailed discussions on helicopter dynamic rollover characteristics and corrective actions to be taken in: (1) the Basic Helicopter Handbook, (2) written examinations, (3) helicopter flightcheck oral examinations, and (4) any other publication deemed appropriate for the dissemination of safety of flight information. (Class II) (A-81-47)

• *Railroad Safety Recommendation to the Southeastern Pennsylvania Transportation authority, February 26, 1981:*

Install approved rear marking devices on its commercial cars and discontinue the use of rear-facing headlights for that purpose. (Class II) (R-81-36)

• *Recent Responses from the Federal Aviation Administration to Safety Board Recommendations:*

A-72-56 (April 24).—Supplements response of July 18, 1979 (44 FR 45497, Aug. 2, 1979) and responds to Board inquiry of Aug. 27, 1980. FAA reports that air carrier operators have aggressively pursued installation of underwater locating devices on cockpit voice recorders.

A-77-16 (April 17).—Supplements response of Oct. 22, 1979 (44 FR 62973, Nov. 1, 1979) aand responds to Board inquiry of July 28, 1980. FAA continues nonconcurrence but is considering amending 14 CFR Part 139 to require extended safety areas for air carrier runways with proposed major airport construction.

A-78-78, -80 and -81 (April 17).—FAA reports establishing 137 Terminal Radar Service Areas, 28 more under consideration. Terminal Control Areas have been sited at San Diego and Honolulu; 36 more are under consideration. Board inquiry of Mar. 4, 1981, refers to FAA letters of Jan. 9, 1979 (44 FR 5215, Jan. 25, 1979) and July 1, 1980 (45 FR 51008, July 31, 1980).

A-79-53 and -54 (April 24).—Supplements response of Sept. 25, 1979 (44 FR 57243, Oct. 4, 1979) and responds to Board inquiry of Oct. 21, 1980. FAA says mandatory action to incorporate solid rod ends on Hiller UH-12 series helicopters or to assure periodic

lubrication of the bearings is not necessary, nor is establishment of a separate retirement life for the rod ends.

A–80–1 and –2 (April 17).—Responds to Board inquiry of Feb. 27, 1981, and letter of last June 4 commenting on initial response dated Apr. 10, 1980 (45 FR 27848, Apr. 24, 1980). Provides copies of Air Carrier Operations Bulletins 2–80–4, addressing Nord 262, Emergency Engine Shutdown Procedure, and 2–80–5, addressing Nord 262 Runup Autofeather Check.

A–80–13 and –14 (April 17).—Supplements response of May 13, 1980 (45 FR 34478, May 22, 1980) and responds to Board letters of last June 3 and Feb. 27, 1981, which noted that A–80–14 has been classified "closed." FAA's April 17 letter also responds to Board letter of Sept. 15, 1980, which commented on FAA's Aug. 27, 1980, response (45 FR 60053, Sept. 11, 1980) to related recommendation *A–78–4*. FAA has under study possible regulatory action on a secondary locking device on nose baggage doors of light twin engine aircraft and periodic inspection of forward baggage door locks.

A–80–24 and –25 (April 17).—Supplements responses of last June 25 (45 FR 46585, July 10, 1980) and Dec. 2 (45 FR 83355, Dec. 18, 1980), to which the Board replied on Aug. 12 and Jan. 19, respectively. While FAA agrees that adequate checkout of pilots in tailwheel airplanes is essential, amendment of 14 CFR Part 61 is not justified. Currency requirements for differently configured aircraft will be considered in FAA's Regulatory Review Program.

A–80–42 and –43 (April 24).—Supplements response of last Aug. 20 (45 FR 58736, Sept. 4, 1980) and responds to Board's comments of Jan. 8. Regulatory change for crew coordination, including adequate training procedures, is not required, but revisions to AC 135–3B, Air Taxi Operators and Commercial Operators, are proposed.

• *Other Recent Responses to Safety Board Recommendations:*

Interagency Air Cartographic Committee of the National Oceanic and Atmospheric Administration: A–81–34 (April 10).—New IACC Requirements Documentation No. 230 will be circulated and, after approval by IACC member agencies, new chart specifications may be prepared and circulatd. (Ref. 46 FR 21284, Apr. 9, 1981)

Federal Highway Administration: H–80–3 and –4 (April 17).—Responds to Board reply of Sept. 29 to response of last Aug. 25 (45 FR 60054, Sept. 11, 1980). Provides information and current bulletins regarding courses, films, and programs available for training of State highway maintenance and other personnel.

National Highway Traffic Safety Administration: H–81–1 (April 16).—NHTSA continues to examine automatic brake adjustment as a means of maintaining vehicle braking performance and will generate and analyze in-use fleet data before initiating rulemaking. (Ref. 46 FR 14231, Feb. 26, 1981)

Unitied States Coast Guard: M–78–18 and –27 (April 22).—Responds to Board reply of Nov. 6 to response of last Aug. 6 (45 FR 60055, Sept. 11, 1980). USCG continues study of loading variability on Great Lakes bulk vessels; continues stand on prohibiting navigation of Great Lakes vessels under certain wind and wave conditions.

M–79–103 through –105; Reiterated M–74–15 and M–77–33 (April 14).—USCG responds to Board's Nov. 26 reply to response of last Sept. 4 (45 FR 70358, Oct. 23, 1980). Lower Mississippi River safety study is to be completed May 31, 1981; USCG will continue operating Algiers Point traffic lights during high water stage pending evaluation of the study. A new foreign vessel boarding program checklist is forthcoming. Re M–77–33 and M–74–15, USCG continues nonconcurrence; master and pilot need to share pertinent information about the vessel and waterway, but further regulation is not now warranted.

Amtrak: R–80–25 (April 15).—Responds to the Board's March 18 reply to response of last Oct. 2 (45 FR 75030, Nov. 13, 1980). Amtrak has modified 22 locomotives to date and plans to modify 13 others with audible and visual alarms. AT&SF Railway Co. has observed modifications made.

Secretary, Department of Transportation: R–81–1 and –2 (April 22).—Finds no necessity to seek legislation to explicitly authorize regulation of safety of rail transit systems which receive Federal financial assistance; rail transit safety is a local responsibility. UMTA's safety program and activities will soon be evaluated for improvements. (Ref. 46 FR 17684, March 19, 1981)

Southeastern Pennsylvania Transportation Authority: R–81–36 (April 7).—Tested and approved a rear marking device to replace original rear marking devices on all its commuter rail equipment. Conrail, SEPTA's carrier, will be advised to discontinue use of rear headlight on dim when fleet modification is complete. (R–81–36 reported above)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,
Federal Register Liaison Officer.

May 1, 1981

[FR Doc. 81–13043 Filed 5–6–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactors Safeguards, Subcommittee on Advanced Reactors; Meeting Postponement

The ACRS Subcommittee on Advanced Reactors scheduled for May 14–15, 1981 has been postponed to June 22–23, 1981. Notice of this meeting was published on Wednesday, April 29, 1981 (46 FR 24046).

Dated: May 4, 1981.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 81–13012 Filed 5–6–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–70]

General Electric Co. (Vallecitos Nuclear Center—General Electric Test Reactor, Operating License No. TR–1); Notice of Hearing

May 1, 1981.

On October 24, 1977, the Nuclear Regulatory Commission issued an order directing the General Electric Company (Licensee), to place and maintain its General Electric Test Reactor (GETR), located at Pleasanton, California in a cold shutdown condition, and to show cause why the suspension of activities under Operating License No. TR–1 should not be continued. The order to show cause provided that within 20 days of date of the order Licensee might file a written answer to the order, and Licensee or any interested person might request a hearing.

Licensee filed a timely response requesting approval to resume operations immediately after completion of certain modifications proposed in the response, but did not request a hearing. Timely requests for a hearing were filed by Friends of the Earth and Congressman Ronald V. Dellums.

On February 13, 1978, the Commission issued a Memorandum and Order delegating its authority to rule on the request for a hearing and to conduct any hearings that might ensue to an Atomic Safety and Licensing Board. The order specifically delineated the issues that might be considered by the Board in the event that a hearing were to be held.

The first prehearing conference in this proceeding was held on March 16, 1978. In its Order Following Conference, dated March 28, 1978, the Licensing Board admitted Friends of the Earth and Congressman Ronald Dellums as parties in the proceeding, restated the issues to be determined, opened formal discovery, and directed that an evidentiary hearing be held at a future date, to begin in the vicinity of the GETR site. Subsequent to the filing of petitions by Congressman Dellums and Friends of the Earth, Congressman Phillip Burton and John L. Burton, and Ms. Barbara Shockley also filed petitions to intervene. They were admitted as intervenors, with the Congressman consolidated for all purposes with Congressman Dellums, and Ms. Shockley consolidated for all purposes with Friends of the Earth. By joint motion dated April 16, 1981, Friends of the Earth and Congressman Dellums ask to consolidate their interventions. The Board grants the request.

On January 5, 1981, a second prehearing conference was held. In its Memorandum and Order following that conference, the Board established an 11-step schedule culminating in the commencement of evidentiary hearings on May 27, 1981. All should now take notice that the evidentiary hearings are scheduled to begin at 9:30 a.m. on May 27, 1981 at Veterans Hall, 522 So. L Street, Livermore, California. Limited appearance statements will be heard during that first day to the extent that they can be accommodated, under limitations to be determined by the Board.

If necessary, the evidentiary hearings will continue at that location through May 29, 1981. Thereafter, if necessary, the hearings will be moved to the Holiday Inn at Van Ness and Pine Streets, San Francisco, California, and will commence at that location at 9:30 a.m. on June 1, 1981. Limited appearance statements will also be heard on that date to the extent that they can be accommodated, under limitations to be determined by the Board.

By order of the Board.

Dated at Bethesda, Maryland this 1st day of May 1981.

For the Atomic Safety and Licensing Board.
Herbert Grossman,
Administrative Judge.

[FR Doc. 81-13813 Filed 5-6-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the license for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment modifies License No. DPR-40 to include a requirement to maintain a Safeguards Contingency Plan to be fully implemented, in accordance with 10 CFR 73.40(b), within 30 days of this approval by the Commission.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

The licensee's filing dated March 12, 1979, as revised by pages dated June 18, 1979, July 7, 1979, and October 9, 1980 is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure only in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 58 to License No. DPR-40, and (2) the Commission's related letter. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 28th day of April, 1981.

For the Nuclear Regulatory Commission.
Robert A. Clark,
Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-13814 Filed 5-6-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District, which revised Technical Specifications (TSs) for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment changes the operation limits for Cycle 5 operation. In addition, the Commission has approved the insertion of four axial blanket lead test assemblies into the Cycle 5 core.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated March 13, 1981, as supplemented April 10 and 17, 1981, (2) Amendment No. 33 to License No. DPR-54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of April 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-13815 Filed 5-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-339]

Virginia Electric & Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. NPF-7 issued to the Virginia Electric and Power Company (the licensee) for operation of the North Anna Power Station, Unit No. 2 (the facility) located in Louisa County, Virginia. The amendment is effective as of its date of issuance.

The amendment consists of a one time 30 day extension to the 18 month surveillance frequency requirements specified in the Technical Specifications for the 125-volt direct current battery testing.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 22, 1981; (2) Amendment No. 7 to Facility Operating License No. NPF-7; and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 29th day of April, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-13816 Filed 5-6-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric & Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 27 and No. 8 to Facility Operating License Nos. NPF-4 and NPF-7 issued to the Virginia Electric and Power Company (the licensee) for operation of the North Anna Power Station, Units No. 1 and No. 2 (the facility) located in Louisa County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to allow an increase in enrichment for new and spent fuel from 3.5 weight percent of U-235 to 3.7 weight percent of U-235.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 6, 1981 as supplemented March 26, 1981; (2) Amendment No. 27 and No. 8 to Facility Operating Licenses No. NPF-4 and NPF-7 and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 29th day of April, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 81-13817 Filed 5-6-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

April 4, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are

interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A descripton of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201.

New

- Forest Service

Application for Temporary Employment, Form FS-6100-23
Annually
Individuals or households
Application for temporary employment
Conservation and land management, 100,000 responses, 75,000 hours; $275,000 Federal cost, 1 form; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

This form is the basic application for temporary summer/seasonal employment with the Forest Service. Form FS-6100-23 has been designed as a rating tool to determine applicant's qualifications for various positions in the Forest Service and their grade levels.

Extensions (Burden Change)

- Rural Electrification Adminstration

Request for Mail List Data—REA Borrowers
REA 67
Annually
Businesses or other institutions
REA electric and telephone borrowers
SIC: 481 491
Small businesses or organizations
Area and regional development, 1,948 responses, 487 hours; $28,440 Federal cost, 1 form; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

This form is used by REA to obtain up-to-date mailing information on people with whom REA has outside contact on a receiving basis. The information is used to ensure that proper officials have signed the documents that are submitted to REA and that REA correspondence is properly directed.

Reinstatements

- Science and Education Administration of Food Intake of Men 1981-1982

Other-see SF83
Individuals or households
Male respond. Employed at Marriott Corp. Hdqtrs BE., MD.
Agricultural Research and Services, 400 responses, 400 hours; $217,704 Federal Cost, 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Data from this methodological study are needed to provide information on the types of errors that occur in reporting of foods ingested by individuals. The results will be used to improve procedures for future surveys.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

Extensions (No Change)

- Economic Development Administration

Employment Data of Recipient or Other Party Connected With EDA Assistance
ED-525
On occasion
Businesses or other institutions
Usually organizations with at least 50 Employees
SIC: Multiple
Small businesses or organizations
Area and regional development, 760 responses, 6,080 hours; $145,510 Federal cost, 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

Need-data collected is needed to evaluate personnel and employment procedures to see if employers connected with EDA-assisted projects are in compliance with civil rights laws and regulations. Use—if data collected shows an employer in noncompliance with civil rights regulations, conciliation will be attempted. If conciliation is not achieved, future stages of postapproval monitoring will be taken.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202-633-9464

Revisions

- Energy Information Administration

International Energy Agency Emergency Supply Report
EIA-142
Monthly
Businesses or other institutions
Importers of crude petro., natur. gas liq., feedstocks, etc.
SIC: 517
Energy information, policy, and regulation, 696 responses, 1,490 hours;

$1,675 Federal cost, 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

The form will be used to collect information on imports and stocks at sea of crude petroleum, natural gas liquids, feedstocks, and petroleum products for meeting reporting requirements to the International Energy Agency.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

Reinstatements

• Office of the Solicitor and Office of the Secretary Youth Conservation Corps Work Accomplishment Reporting Form (State Grant Program)
YCC 5
Annually
State or local governments
Director of YCC State grant programs
SIC: 941, 944, 951
Other natural resources, 300 responses, 300 hours; $31,000 Federal cost, 1 form; not applicable under 3504(h)
Constance Buckley, 202–395–7340

State YCC Camp Directors report the value of work accomplished in their camps by resource category. Comparison of the value of work accomplished with funds expended results in a benefit/cost ratio for each camp. This information is primarily used for program justification but it is also used for evaluation.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312

New

• Immigration and Naturalization Service
Application for Permission to Reapply for Admission into the United States After Deportation or Removal
I–212
Nonrecurring
Individuals or households
Applicants seeking readmission into the United States
Federal Law enforcement activities, 5,000 responses, 1,666 hours; $187,000 Federal cost, 1 form; not applicable under 3504(h)
Andy Uscher, 202–395–4814

Section 212(d)(3)(a) of the I&N Act provides that an alien applying for a nonimmigrant visa may at the discretion of the Attorney General be issued such a visa even though inadmissible because of previous deportation or removal from the United States. Information is used to determine eligibility.

• Legal Activities
Statement of Claim
FCSC 600
Nonrecurring
Individuals or households
American citizens whose property was confiscated in Vietnam
Conduct of foreign affairs, 1,000 responses, 1,000 hours; $2,500 Federal cost, 1 form; not applicable under 3504(h)
Andy Uscher, 202–395–4814

To provide a means of filing for claims of American citizens against the Vietnam Government. The claim form will provide the basis for determination of validity and amounts of awards to United States citizens.

Extensions (No Change)

• Immigration and Naturalization Service
Baggage and Personal Effects of Detained Alien
1–43
Nonrecurring
Individuals or households
Detained aliens
Federal law enforcement activities, 600,000 responses, 10,000 hours; $192,000 Federal cost, 1 form; not applicable under 3504(h)
Andy Uscher, 202–395–4814

Information is needed in order to protect the Government from claims that detained aliens were not given an opportunity to obtain their personal effects before deportation from the United States.

• Immigration and Naturalization Service
Application for Issuance or Extension of Permit to Reenter the United States
I–131
Nonrecurring
Individuals or households
Lawful permanent residence
Federal law enforcement activities, 84,000 responses, 42,000 hours; $750,000 Federal cost, 1 form; not applicable under 3504(h)
Andy Uscher, 202–395–4814

Section 223 of the I&N Act provides for the issuance of a permit to reenter the United States to an alien lawfully admitted to the United States who intends to depart temporarily from the United States. Data is used to determine eligibility for issuance of the permit.

• Immigration and Naturalization Service
Petition to Classify Preference Status of Alien on Basis of Profession or Occupation
I–140
Nonrecurring
Individuals or households/businesses or other institutions third or sixth preference petitioners
SIC: 919
Federal law enforcement activities, 26,000 responses, 26,000 hours; $950,000 Federal cost, 1 form; not applicable under 3504(h)
Andy Uscher, 202–395–4814

Sections 203(a) (3) and (6) of the I&N Act provide for persons who meet the provisions of those sections to be eligible for admission into the U.S. Data required to determine eligibility.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

New

• Employment and Training Administration
Nonmonetary Determination Activities
ETA–207
Quarterly
State or local governments
State Employment Security Administration Offices
SIC: 944
Training and employment, 212 responses, 1,166 hours; $1,000 Federal cost, 1 form; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

Measures workload and enables appraisal of adequacy and effectiveness of State and Federal nonmonetary determination procedures and study of relationship against unemployment.

Revisions

• Employment and Training Administration
CETA Grant Application and Reporting Requirements
ETA 2202, 5134, etc.
On occasion, quarterly, annually
State or local governments
State and local governments
SIC: 944
Training and employment, 2,276,318 responses, 1,711,584 hours; $102,000 Federal cost, 14 forms; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

Information by prime sponsor is required for submission in annual reports to Congress and to the President. Summary data are also used for management and are tabulated at the regional and national levels. Data are also used for congressional responses and news releases.

• Employment and Training Administration
State Agency Program and Budget Plan
ET Handbook 336
Annually
State or local governments

State Employment Security Agencies
SIC: 944
Training and employment, 54 responses, 7,928 hours; $90,220 Federal cost, 1 form; not applicable under 3504(h)
Arnold Strasser, 202–395–6880

Provides the basis for the States' application for grant funds for the fiscal year, enables a State to plan a year's activity based upon targets issued by ETA, provides information on the States' commitment regarding planned performance for the fiscal year and provides a basis for the monitoring and review of SESA activities.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Appl. for Recognition of Exempt. Under Section 501(c)(3) of the IRC and Consent Fixing Period of Limit. Upon Assess. of Tax Under Section 4940 of the IRC
1023 & 872–C
Nonrecurring
Businesses or other institutions
Organs. operated for rel., char., sci., lit. and ed. purposes
SIC: 806, 811, 821, 822, 823, 839, 841, 842, 864, 866
Small businesses or organizations
Central fiscal operations, 40,670 responses, 1,208,719 hours; $258,936 Federal cost, 2 forms; not applicable under 3504(h)
Warren Topelius, 202–395–7340

Charitable organs. file Form 1023 to apply for exempt. from Fed. income tax as being described in IRC S. 501(C)(3). Those organized after 10/9/69 also file it to notify IRS of intent to apply (as req. by IRC S. 508). Form 872 extends the statute of limitation for assess. and collecting the tax on net invest. income if the organ. is determined to be a private found. The information provides the basis for determining whether the organ. is exempt and whether it is a private foundation.

Revisions

• Internal Revenue Service
Application for Recognition of Exemption Under Section 501(a) or for Determination Under Section 120
1024
Nonrecurring
Businesses or other institutions
Organizations seeking tax-exempt status
SIC: Multiple
Central fiscal operations, 12,039 responses, 290,871 hours; $91,629 Federal cost, 1 form; not applicable under 3504(h)
Warren Topelius, 202–395–7340

Organizations wanting to be exempt from Federal income tax under IRC section 501(a) as organizations described under most paragraphs of section 501(c) must apply to IRS for a determination or ruling. Group legal services plans described in S. 120 must apply for a determination by filing Form 1024. The information supplied is used by IRS to determine whether the organization qualifies for exempt status or whether the group legal services plan qualifies.

COMMODITY FUTURES TRADING COMMISSION

Agency Clearance Officer—Joseph G. Salazar—254–9735

New

• Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities
On occasion, monthly, quarterly
Business or other institutions
Regis. dealer grantors and futures comm. mer. trad. deal. op.
SIC: 622
Other Advancement and regulation of commerce; 1 response, 1 hour; $129,211 Federal cost, 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

The information collection requirement in this set of rules is intended to protect the public trading dealer options by assuring them of the adequate disclosure of needed information and by assuring that the commission has needed information on the financial stability of option grantors.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Howard Howell—202–287–0800

New

• Application for EPA Recognition as a Motor Vehicle Emission
Testing laboratory
Quarterly
Business or other institutions
Comm. lab. engaged in emission testing of motor vehicles
SIC: 739
Small businesses or organizations
Pollution control and abatement, 64 responses; 192 hours, 1 form, not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This information is needed to evaluate commercial laboratories capable of performing emission tests on motor vehicles. It will be used to assemble a list of competent companies. Private individuals who require independent test data in accordance with CFR will be able to draw from this list.

EXPORT-IMPORT BANK OF THE UNITED STATES

Agency Clearance Officer—Adrian Wainwright—282–366–8111

New

• Export Finance Study
Nonrecurring
Businesses or other institutions
Large U.S. capital goods exporting firms
SIC: Multiple
International financing programs, 0 responses; 0 hours; $30,000 Federal cost, 1 form, not applicable under 3504(h)
Phillip T. Balazs, 202–395–4814

To develop more complete information on the means by which U.S. capital goods exports are financed and the Role Eximbank plays. Such information will be used to analyze existing exim program effectiveness and to develop more useful programs in the future.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—523–5328

Extensions (no change)

• General order 14—shippers' requests and complaints
46 CFR 527
Annually
Business or other institutions
Steamship conference in U.S. foreign commerce
SIC: 441 442
Water transportation; 96 responses, $7,700 Federal cost, 980 hours; 1 form, not applicable under 3504(h)
William T. Adams, 202–395–4814

Each conference and other body ratemaking authority under an approved agreement filed with the commission must file reports detailing shippers requests and complaints received during the preceding calendar year and the disposition of such. Resident representatives domiciled outside the U.S., must keep a complete record of complaints and requests. The Commission uses the reports to determine conferences adequacy in handling them.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202–452–351

New

• Report on Selected Deposits in Foreign Branches Held by U.S. Residents
FR 2050
Weekly
businesses or other institutions
Foreign branches of member banks and Edge Act Corporations

SIC: 602 605
General government, 2,184 responses, $22,997 Federal cost, 4,914 hours; 1 form, not applicable under 3504(h)
Warren Topelius, 202–395–7340
Information is used to monitor the growth of overnight Eurodollar deposits, which form a component of the monetary aggregates.

- Monthly Report on Foreign Branch Assets and Liabilities

FR 2502
Monthly
Businesses or other institutions
Foreign branches of member and nonmember banks and Edge Act Corp.
SIC: 602, 605
General government, 3,840 responses, 9,946 hours; $164,047 Federal cost, 1 form; not applicable under 3504(h)
Warren Topelius, 202–395–7340

Information is essential for monitoring developments in the Eurodollar Market and other foreign financial markets. These data also provide background for, and are used in the analysis of certain issues related to monetary policy and bank regulation.

- Quarterly Report on Foreign Branch Assets and Liabilities

FR 2502S
Quarterly
Businesses or other institutions
Foreign branches of member and nonmember banks and Edge Act Corp.
SIC: 602, 605
General government, 1,280 responses, 4,480 hours; $30,225 Federal cost, 1 form; not applicable under 3504(h)
Warren Topelius, 202–395–7340

Report collects information on the geographical distribution of assets and liabilities from the same respondents that file the FR 2502 report. These data provide information on branch activities, including their lending to less-developed countries. This report, which is a supplement to the FR 2502 report, is used for supervisory, regulatory, and monetary policy purposes.

- Survey of Household Transaction Accounts

FR 3014
Nonrecurring
Individuals or households
Sample of about 10,000 households nationwide
General government, 10,000 responses, 1,000 hours; $85,000 Federal cost, 1 form; not applicable under 3504(h)
Warren Topelius, 202–395–7340

This information will be used by the Federal Reserve Board and the Federal Open Market Committee to interpret developments in the area of NOW and other related accounts and to estimate their effect on the narrow monetary aggregates.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns

Revisions

- Quarterly Consensed Balance Sheet

CBS
Quarterly
Businesses or other institutions
Class I line-haul railroads
Ground transportation, 164 responses, 1,148 hours; $2,774 Federal cost, 1 form; not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

Financial data showing carriers current assets and liabilities and expenditures for additions and betterments are essential to the proper administration of the Interstate Commerce Commission Act. Reports are used by the Commission to assess industry growth. Sudden changes in carrier financial stability and by the Commission and others to identify changes and trends that may affect the National Transportation System.

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer—Herman Fleming—202–357–7811

New

- Statement of Financial Status

NSF 1148
Nonrecurring
Individuals or households
Delinquent individuals (grants made to individuals)
General science and basic research, 25 responses, 13 hours; $500 Federal cost, 1 form; not applicable under 3504(h)
Marsha D. Traynham, 202–395–7340

To determine an individual's ability to repay to the United States.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl

New

- Going Private Transactions by Certain Issuers or Their Affiliates

SEC 1893
On occasion
Businesses or other institutions
Issuers registered under S. 12 or 15(d) of the Sea of 1934
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 187 responses, 187 hours; $204,700 Federal cost, 1 form; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Due to the harm to security holders which may attend going private transactions, rule 13E–3 and schedule 13E–3 which became effective in September 1979, require disclosure of information important to security holders in deciding how to respond to such transactions. The Commission is proposing to amend the rule to exempt certain transactions from the disclosure requirements and to make other clarifying and technical changes.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81-13867 Filed 5-6-81; 8:45 am]
BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17761; File No. SR-MSRB-81-4]

Self-Regulatory Organizations; Proposed Rule Changes By Municipal Securities Rulemaking Board

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 16, 1981, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) The Municipal Securities Rulemaking Board is filing herewith amendments to rule G–35 relating to the Board's Arbitration Committee (hereinafter referred to as "the proposed rule change") as follows:[1]

Rule G–35. Arbitration.

Sections 1–2. No change.
Section 3. Arbitration Committee.
(a) Appointment. The Board shall appoint an Arbitration Committee composed of seven members. The membership of the Arbitration Committee shall consist of three members of the Board, three persons who are not members of the Board and the Director of Arbitration. At all times, one of the members of the Board and one of the persons who are not members of the Board shall be associated with and representative of bank dealers, one each shall be associated with and representative of municipal securities

[1] *Italics* indicate new language; [brackets] indicate deletions.

brokers and municipal securities dealers other than bank dealers, and one each shall not be associated with any broker, dealer or municipal securities dealer. [Except as hereinafter indicated.] The non-Board members of the Arbitration Committee, other than the Director of Arbitration, shall serve for two-year terms[.] *and the Board members shall serve for one-year terms.* [Notwithstanding the foregoing, with respect to the initial members of the Arbitration Committee, the Board shall appoint one or two of the Board members and one or two of the persons who are not Board members to a term of one year, so that the terms of members of the Arbitration Committee shall not all expire in the same year.] The Director of Arbitration shall serve as a member of the Arbitration Committee [as long as he or she remains in office] *at the pleasure of the Board.* Vacancies on the Arbitration Committee shall be filled by the Board. Any person selected to fill a vacancy shall serve only for the remainder of the term of such person's predecessor. The Chairman of the Arbitration Committee shall be selected by the Board and shall serve as Chairman for a one-year term.

(b) No change.

Sections 4–34. No change.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and statutory Basis for, the Proposed Rule Change

(1) Section C–35 provides that the Board shall appoint an Arbitration Committee composed of three members of the Board, three individuals who are not members of the Board, and a Director of Arbitration who may, but need not be, a member or employee of the Board. Presently, all members of the Arbitration Committee serve two-year terms except for the Director of Arbitration who serves at the pleasure of the Board. The Board has found that the present two-year terms unnecessarily restrict participation in the Arbitration Committee's activities to a limited number of Board members. It, therefore, has determined that it would be appropriate to reduce the term of Board members to one year to permit a greater number of Board members to serve on that important committee. The proposed rule change also deletes a provision relating to the terms of the initial members of the Arbitration Committee as that provision no longer is necessary and clarifies that the Director of Arbitration serves at the pleasure of the Board.

(2) The Board has adopted the proposed rule change pursuant to section 15B(b)(1)(D) of the Securities Exchange Act. Section 15B(b)(1)(D) establishes the Board's general authority to adopt rules providing for the arbitration of claims, disputes, and controversies relating to transactions in municipal securities. The proposed rule change will provide increased opportunities for Board members to serve on the Arbitration Committee and, thereby, enhance the effectiveness of that Committee.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not affect the conduct of business by any broker, dealer, or municipal securities dealer. The Board therefore believes that the proposed rule change would not impose any burden on competition.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Board neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 28, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 29, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-13794 Filed 5-6-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-17760; File No. SR-CBOE-81-6]

Chicago Board Options Exchange, Incorporated; Relating to GNMA Options; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 7, 1981, the Chicago Board Options Exchange, Incorporated, ("CBOE" or "self-regulatory organization") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Approval of Underlying Securities

Rule 20.7. [no change]

* * * Interpretations and Policies.

.01 The Board has determined that (i) *only GNMA single family pools containing loans providing for repayment in equal monthly installments shall be eligible as underlying securities for GNMA options dealt in on the Exchange; and (ii)* GNMA pools which include builder loans *i.e., loans for the purpose of financing builders' inventories, including operative builder, builder/investor, and escrow commitment procedure loans)* shall be ineligible as underlying securities for GNMA options dealt in on the Exchange.

.02 [no change]

* * * * *

Accommodation Liquidations

Rule 20.14. [no change]

* * * *Interpretations and Policies.*

.01 For purposes of the applicable provisions of Rule 6.54 and the Interpretations and Policies thereto, references to transactions and orders at a price of $.01 per share shall be deemed to refer, in the case of GNMA options, to transactions and orders at a price of $1 per single call or put.

[Rule 20.14 *and Interpretation and Policy 20.14.01 supplement* [replaces] Rule 6.54.]

* * * * *

Determination of Value for Margin Purposes

Rule 20.25. [no change]

* * * Interpretations and Policies.

.01 The last sentence of Rule 20.25 is intended solely to give meaning to the term "current market value" with respect to any position in a particular GNMA options series for purposes of Rule 20.24. GNMA options contracts, like other options contracts, however, remain governed by Rule 12.5 and shall not be deemed to have market value for purposes of Rule 12.3(a)(1). As with other option contracts, the premium for a long GNMA option must be fully paid, and the proceeds received from selling a GNMA option may be applied toward the satisfaction of margin requirements.

[Ruole 20.25 *and Interpretation and Policy 20.25.01* supplement[s] Rule 12.5.]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(A) Purpose of Proposed Rule Changes. CBOE's proposed Rule changes clarify the meaning of CBOE's existing GNMA options rules with respect to (i) those GNMAS which have been approved as underlying securities for CBOE options, (ii) application of Rule 6.54 to GNMA options, and (iii) the meaning of the term "current market value" for purposes of Rule 20.24. The proposed Rule changes do not make any substantive change in the meaning of CBOE's existing rules.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed Rule changes set forth herein would impose no burdens on competition:

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.* Comments on the proposed Rule changes were neither solicited nor received.

III. Date of Effectivness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number in the caption above and should be submitted on or before May 28, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

April 29, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–13703 Filed 5–6–81; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Small Business Investment Company; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulation governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the Federal Register the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96–221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceiling, and to its forfeiture and penalty provisions.

Effective May 15, 1981, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 14.055% per annum.

Dated: May 1, 1981.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

[FR Doc. 81–13722 Filed 5–6–81; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

Office of the Legal Adviser

[Public Notice 755]

Iran; Negotiations for Settlement of Claims Against Iran Special Telex Number for Bank Markazi

This notice supplements information provided in Public Notice 753 of May 4, 1981 (46 FR 25026). For additional information contact Peter J. Kirsch, Office of the Legal Adviser (Iranian Claims), Department of State, Washington, DC 20520. Telephone (202) 632–5040.

Further to Notice 753, the Central Bank of Iran, Bank Markazi Iran, has established a special telex number for the International Legal and Financial Claims Committee to which claimants with claims over $250,000 should communicate the description of their claims. That international (RCA) telex number is 951–213966 with an answer-back of MBZKIR. The telex number published in Public Notice 753 remains operative but Bank Markazi would prefer that claimants use the special telex number above for communicating

with the International Legal and Financial Claims Committee.

Gerald M. Roeberg,

Counselor on International Law.

May 5, 1981.

[FR Doc. 81-13861 Filed 5-6-81; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-81-12]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: May 27, 1981.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on May 1, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
21672	Lincoln National Corp.	14 CFR 91.32(b)	To allow petitioner to operate two Learjet 35A aircraft (1)(ll) up to 45,000 feet without requiring one pilot to wear and use an oxygen mask at all times above 35,000 feet.
21609	Ransome Airlines	14 CFR 21.197	A continuing authorization for use of a special flight permit program.
21423	Salmon Air Taxi	14 CFR 135.243(b)(3)	To allow petitioner to use pilots in command, who do not have instrument ratings, when operating in day visual flight rule conditions into remote or isolated areas.
21578	Fairchild Swearingen Corp.	14 CFR 91.123(a)	To permit operation of large airplanes by a single pilot during pre-delivery flights.
21528	Mr. Daniel R. Stroud	14 CFR 91.22(a)(1)	To permit operation of petitioner's Bellanca 8KCAB-180 airplane in certain operations without carrying the 30-minute fuel reserve required.
17067	Sis-Q Flying Service, Inc.	14 CFR 91.27	Extension of Exemption 2430A which permits petitioner to operate DC-6 aircraft without a valid airworthiness certificate during ferry flights under certain conditions.
21015	Ransome Airlines (RAN)	14 CFR 135.63(c)(6)	To correct a misunderstanding on the conditions of Exemption 3159 which allows operations without identifying the crew on the load manifest. Specifically RAN wants Condition No. 1 to read: "Each flight must be dispatched through the Ransome Airlines Part 121 dispatch system."
21606	Alaska Airlines	14 CFR 121.574	To permit petitioner to carry and operate oxygen storage and dispensing equipment for medical use by patients being carried as revenue passengers.
21676	Mississippi Valley Airlines, Inc. (MVA)	14 CFR 65.53(a)	To allow Mr. Madsen to act as an aircraft dispatcher in MVA's operation before reaching 23 years of age.
21668	Britt Airways, Inc.	14 CFR 93.123(a)	To permit petitioner an interim use of scheduled air taxi reservations to conduct certificated air carrier operations at Chicago O'Hare Airport for a period of 2 years.
21685	Midstate Airlines, Inc.	14 CFR 93.123(a)	To permit petitioner an interim use of scheduled air taxi reservations to conduct certificated air carrier operations at Chicago O'Hare Airport for a period of 2 years.

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
20612	Flight Safety International, Inc.	14 CFR 61.65(e)(1)	To allow all students enrolled in petitioner's Helicopter Instrument Rating Course or Additional Instrument Rating Course (Helicopter) to be eligible to apply for the Helicopter Instrument Rating without having 50 hours of cross-country flight time as pilot in command in the category of aircraft for which an instrument rating is sought. *Cancelled.*
20638	Air Transport Association of America	14 CFR 121.391(d)	A 90-day extension of the August 31 compliance date, which requires that flight attendants must remain seated at their assigned duty stations with seat belts fastened during ground taxi. *Withdrawn 4/17/81.*
21634	Midstate Airlines Inc. (MAA)	14 CFR 61.31(a)(1)	To permit MAA's pilots to operate Swearingen Metro 6A aircraft without possessing the appropriate type rating for that aircraft. *Granted 4/17/81.*
20050	Jimair Aviation	14 CFR 135.10(b)(3) and 135.173(a)	To permit operation in IFR weather without having the required thunderstorm detection equipment installed in its aircraft. *Denied 4/23/81.*
21396	Royale Airlines, Inc.	14 CFR 91.52	To permit petitioner to conduct operations under Part 135 with airplanes which are not equipped with an automatic-type emergency locator transmitter. *Denied 4/27/81.*

Dispositions of Petitions for Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21363	Bar Harbor Airlines	14 CFR 135.261(b)	To allow petitioner to assign a flight crewmember and to permit a flight crewmember to accept an assignment without complying with 10 consecutive hour rest period requirement during the 24-hour period preceding the planned completion of the assignment. *Denied 4/27/81.*
21361	Tennessee Airways	14 CFR 135.297(b)	To allow 10 pilots in command to conduct Part 135 operations without satisfactorily demonstrating a non-directional beacon (NDB) approach during the 6th-calendar month instrument proficiency check. *Granted 4/24/81.*
20479	Trans World Airlines	14 CFR 121.621(a)(1)	To permit the operation of overseas flights in excess of 8 hours with IFR no alternate releases. *Denied 4/27/81.*
21188	Executive Air Fleet	14 CFR 135.297(a)	To permit petitioner's pilots after receiving an annual instrument proficiency check, to train to proficiency in an approved airplane simulator in lieu of the next 6-month proficiency check. *Granted 4/27/81.*
21524	Transavia Holland b.v. and Air Florida	Parts 21 and 91	To operate one U.S.-registered Boeing 737-200 aircraft leased from Air Florida and using Air Florida's MEL. *Granted 4/28/81.*
21254	Renton Aviation, Inc.	14 CFR 135.209(a)(1)	To permit petitioner to conduct operations at an altitude below 500 feet over water outside of controlled airspace. *Granted 4/27/81.*

[FR Doc. 81-13701 Filed 5-6-81; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Tacoma, Pierce County, Wash.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the proposed construction of Mildred Street for Sixth Avenue to North 17th Street as an arterial street in Tacoma, Pierce County, Washington.

FOR FURTHER INFORMATION CONTACT: William J. Glover, Environmental Engineer, Federal Highway Administration, Suite 501, Evergreen Plaza, 711 South Capitol Way, Olympia, Washington 98501, Telephone: (206)753-9480.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Washington State Department of Transportation and the City of Tacoma Public Works Department, will prepare an environmental impact statement (EIS) on a proposal for the construction of Mildred Street for Sixth Avenue to North 17th Street as an arterial route. The proposed improvement would provide a collector arterial facility into a highly developed residential area north of the future SR-16 between Jackson Avenue and Pearl Street thereby providing for the existing and projected traffic demand. The majority of the route would be constructed as a two-lane facility. Also proposed is a frontage road just north of the future SR-16 connecting Mildred Street and Skyline Drive.

Alternatives under consideration include: 1) Reconstructing Skyline Drive from Sixth Avenue to North 17th Street as two-lane collector arterial street, and 2) not constructing a vehicle overcrossing of SR-16 for either Skyline Drive or Mildred Street with access to the study area being provided by the existing arterial routes of Jackson Avenue and Pearl Street (no action).

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. A public hearing will be held during the public review period for the draft EIS. Public notice will be given as to the time and place of the public hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding state and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: April 27, 1981.

William J. Glover,

Environmental Engineer, Washington Division, Olympia, Wash.

[FR Doc. 81-13301 Filed 5-6-81; 8:45 am]
BILLING CODE 4910-22-M

Environmental Impact Statement: Hamilton County, Indiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for the replacement or reconstruction of Bridge 218 over Stoney Creek in Hamilton County, Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. John Breitwieser, Staff Environmental Specialist, Federal Highway Administration, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204, Telephone: 317/269-7481.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Indiana State Highway Commission and the Commissioners of Hamilton County will prepare an EIS on a proposal to replace or repair the bridge across Stoney Creek and also improve the approaches to the bridge. This bridge has been closed to all traffic due to the deterioriated condition of the existing bridge since mid-March 1981. the project involves Hamilton County Bridge 218 over Stoney Creek on Greenfield Pike, located in the southeastern periphery of the Town of Noblesville. Greenfield Pike is one of the two arterial routes providing access to Noblesville from the south. Hence, the recent closure of this bridge due to structural deterioration poses a significant constraint to efficient access to and from Noblesbville. The existing bridge, a Baltimore (Petit) Truss, has been determined eligible for the National Register of Historic Places.

The bridge and approaches will be designed to efficiently accomodate the traffic demands for existing and projected levels along this roadway.

Six alternatives are proposed: Take no action; Remove and discard the existing bridge and construct a new bridge on the existing alignment; Relocate the existing bridge to another location for preservation and display purposes and construct a new bridge on the existing alignment; Bypass the existing bridge and construct a new

bridge on a new alignment to the northeast of the present site; Bypass the existing bridge and construct a new bridge on a new alignment to the southwest of the present site; (the last two alternatives also infer rehabilitation of the existing structure); and, Repair of the existing bridge.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State, and local agencies. No public meeting is planned. However, the contiguous property owners have been contacted and are aware of the project. An opportunity for a public hearing will be offered. The EIS will serve to document compliance with Section 106 of the National Historic Preservation Act of 1966, pursuant to the procedures of 36 CFR 800.9(d). In addition, the EIS will address considerations under Section 4(f) of the Department of Transportation Act of 1966. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and project apply to the program.)

Issued on: April 29, 1981.

George D. Gibson, Jr.,

Division Administrator, Indianapolis, Indiana.

[FR Doc. 81-13815 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Marion, Indiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for the improvement and extension on new alignment of Pennsylvania Street in northeast Marion, Grant County, Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Breitwieser, Staff Environmental Specialist, Federal Highway Administration, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204. Phone: 317/269-7481.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Indiana State Highway Commission, the City of Marion and Grant County, Indiana will be preparing an EIS on a proposal to improve an existing section of Pennsylvania Street from SR-18 to Bradford Street. From Bradford Street, Pennsylvania Street will be extended on new alignment to the intersection of Charles Road and SR-9 and SR-37. Total project length is approximately 2.5 miles of which 2 miles will be constructed on new alignment. The project is located in northeast Marion, Indiana. The purpose of the project is to develop a corridor between the rapidly developing area northeast of Marion to those areas south of the City. At present all traffic must enter the downtown area before dispersing to various locations in the City.

If developed, the new alternate will provide two 12-foot driving lanes within a typical right-of-way of 110 feet. Access will only be provided at intersecting roads. There are currently three alternatives being considered including the do-nothing alternate. The two proposed construction alternates have common alignments from their junction with SR-18 north to Charles Street where Pennsylvania Street currently terminates. From this point Alternate A traverses due north for 1,800 feet and joins Charles Road, thence along Charles Road to the junction with SR-9 and SR-37. Alternate B traverses north from Charles Street for 330 feet then northwesterly to the aforementioned junction of Charles Road and SR-9 and SR-37. Impacts include the acquisition of up to six residences and one business. Up to 27 acres of right-of-way depending on alternative will be required, most of which is undeveloped and agricultural land. The project will involve the relocation of approximately 400 feet of Massey Creek (low to intermittent flow). As proposed, the new road will coincide with approximately 300 linear feet of the creek. Two alternative treatments are being considered in this location. The project will also involve a new railroad grade crossing which will be protected by the appropriate warning devices.

Nineteen Federal, State, and local agencies have been coordinated with and there has been one informal public information meeting held in the project area. No scoping meeting is proposed. A formal Corridor Location Public Hearing will be conducted and its time and location will be advertised to the public.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and individuals interested in submitting comments or questions should direct them to the FHWA at the address above.

(Catalog of Federal Domestic Assistance Program No. 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program).

Issued on: April 29, 1981.

George D. Gibson, Jr.,

Division Administrator, Indianapolis, Indiana.

[FR Doc. 81-13816 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Herkimer County, New York

AGENCY: Federal Highway Administration (FHWA), NYS Department of Transportation.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Herkimer County, New York.

FOR FURTHER INFORMATION CONTACT: Victor E. Taylor, Division Administrator, Federal Highway Administration, Leo W. O'Brien Federal Building, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 472-3616, or Roger Edwards, Deputy Chief Engineer, Facilities Design Division, New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, New York 12232, Telephone: 457-6452.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New York State Department of Transportation, will prepare an environmental impact statement on a proposal to improve Route 5S in Herkimer County, New York. The proposed improvement would involve the relocation of 4± mile of Route 5S in the villages of Frankfort, Ilion and Mohawk beginning at the terminus of the existing 5S Expressway in Frankfort and proceeding easterly to the end of the Route 28-5S overlap in Mohawk. Improvements to the corridor are considered necessary to provide for future traffic demands.

Alternatives under consideration include (1) taking no action (2)

constructing a highway on new alignment with partial control of access.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. A public hearing will be held after additional study. Public notice will be given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on:

V. E. Taylor,

Division Administrator, Albany, NY.

[FR Doc. 81-13630 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Sonoma and Mendocino Counties, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a project proposing replacement of a bridge and relocation of a portion of Highway 101 in Sonoma and Mendocino Counties, California.

FOR FURTHER INFORMATION CONTACT: D. L. Eyres, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, telephone: (916) 440-3541.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation will prepare an environmental impact statement (EIS) on a project proposing to replace Russian River Bridge Number 20-31 at Preston and to relocate a portion of Route 101 in Sonoma and Mendocino Counties, California. A second bridge is proposed for construction on River Road (a Sonoma County road) at Big Sulphur Creek in order to maintain direct access between Preston and Cloverdale. The Russian River Bridge, which is located in the Russian River floodplain, has sustained structural damage as a consequence of ongoing, massive creep type earth movements at the bridge's north landing.

The proposed replacement bridge will be located at a geologically stable site, approximately two miles to the north of the existing bridge. This will necessitate relocating a three-mile long segment of highway 101 to the west side of the river. The proposal also includes removing the existing bridge and conveying jurisdiction of the existing highway to Sonoma and Mendocino Counties. The proposed facility will require approximately 140 acres of right of way, most of which is undeveloped.

The EIS will consider two project alternatives including, (1) no-build, and (2) construction of a facility bypassing the existing bridge and slide area. Under the latter, three design variations along the same alignment will be considered and include, (1) grading and paving for two lanes plus truck climbing lanes, (2) grading for four lanes and paving two lanes plus truck climbing lanes, and (3) grading and paving for four lanes.

The proposed project, which is located in a rural area, will provide a replacement bridge on stable ground and will bypass an area of recurring major landslides. A number of effects on the area's environment will result including, (1) removal of 80 to 90 acres of vegetation in a heavily forested area, and displacement of a corresponding amount of animal life, (2) alteration of visual quality, (3) displacement of five single-family low and moderate income residences and (4) alteration of present patterns of traffic circulation. The proposed project will provide a modern, structurally adequate replacement bridge on stable ground and will bypass an area of recurring major landslides. Even though past Indian activity existed in the project area, archaeological surveys did not result in the identification of surface resources. However, it is recognized that subsurface archaeological resources could be involved.

A formal interdisciplinary team approach is planned for this study to insure the interaction of different disciplines through all stages of development of the environmental document. This interdisciplinary team will include representatives from the appropriate federal, state and local agencies and any other organizations that have an interest in the study. A public information meeting concerning this project was held on March 29, 1978. No formal scoping meeting has been scheduled at this time; however, one will be scheduled if needed.

To ensure that the full range of issues is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposal and the EIS should be directed to the FHWA at the address provided above.

Issued on: April 23, 1981.

D. L. Eyres,

District Engineer, Sacramento, California.

[FR Doc. 81-13630 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Umatilla County, Oregon

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Umatilla County, Oregon.

FOR FURTHER INFORMATION CONTACT: Ernest J. Valach, FHWA, The Equitable Center, Suite 100, 530 Center Street NE., Salem, Oregon 97301. Telephone (503) 378-3832.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Oregon Department of Transportation, will prepare an environmental impact statement on the proposed improvement of U.S. 395 from the north city limits of Stanfield to the interchange with I-84, a distance of 2.85 miles. The proposed project would widen or realign U.S. 395 to improve traffic efficiency and safety on this section of the highway. Alternatives under consideration include (1) taking no action, (2) widening the existing route through downtown Stanfield, (3) construct a bypass along the eastern boundary of Stanfield, and (4) other feasible alternatives that may develop during the project study. Information describing the proposed action will be sent to the appropriate Federal, State, and local agencies and to private organizations and citizens who have previously expressed interest in this proposal. As necessary, public meetings will be held and, in addition, a public hearing will be held. No formal scoping meeting is planned at this time. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above. Catalog of Federal Domestic Assistance Program Number 20.205, Construction of Stanfield N.C.L. to Stanfield Interchange of the Umatilla Stanfield Highway. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federal assisted programs and projects apply to this program.

Issued on: April 23, 1981.

Ernest J. Valach,

Program Development Engineer, Oregon Division, Salem, Oregon.

[FR Doc. 81-13884 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Delaware County, Chester, Pennsylvania

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Chester, Delaware County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: John R. Krause, Environmental Engineer, Federal Highway Administration, 228 Walnut Street, Harrisburg, Pennsylvania 17108, Telephone: (717) 782-2276, or Robert L. Rowland, P.E. District Engineer, Pennsylvania Department of Transportation, 200 Radnor-Chester Road, St. Davids, Pennsylvania 19087, Telephone: (215) 687-1600.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation, will be preparing an environmental impact statement (EIS) on a proposal to modify L.R. 542 Section 10 (from the intersection of Fourth Street and Price Street in the Borough of Trainer to the intersection of L.R. 542 with L.R. 130 Spur A, Wanamaker Avenue. The proposed project would significantly improve highway facilities to accommodate existing and projected traffic demands and to promot economic growth and development in the City of Chester. Alternatives to be considered include (1) improvement to the existing traffic system network (Traffic Systems Management) (2) construction of full width 4 land alignment including median provisions (3) realignments of a 4 lane facility to avoid affecting certain recreational, cultural and historic 4(f) areas (4) downscoped 4 lane facility to reduce width to mitigate adverse effects on adjacent land (5) a no build section.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have expressed interest in this proposal. A series of public meetings will be held in the St. Davids and Chester area between May 1981, and August 1982. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment. Formal scoping meetings are planned for May–June 1981. To insure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: April 29, 1981.

Donald E. Hemmer,

Division Administrator, Harrisburg, Pa.

[FR Doc. 81-13885 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement, San Juan, Bayamon; Puerto Rico

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public an Environmental Impact Statement will be prepared for a proposed highway project in San Juan Metropolitan Area, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Alonzo, Federal Highway Administration, Federico Degetau Federal Building and U.S. Courthouse, Room 150, Carlos Chardón Street, Hato Rey, Puerto Rico 00918—Telephone: (809) 753-4600 or Néstor Quevedo Cordero, Chief, Environmental studies Division, Puerto Rico Department of Transportation and Public Works, Box 41269, Minillas Station, Santurce, Puerto Rico 00940 Telephone: (809) 726-7060.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Puerto Rico Department of Transportation and Public Works, will prepare an Environmental Impact Statement (EIS) on a proposal for the construction of Route PR-21, 65th. Infantry Freeway in San Juan, Puerto Rico. The proposed action would consist of the construction of 65th. Infantry Freeway from Las Américas Freeway (Route PR-18) in Rio Piedras to Rio Hondo Expressway (Route PR-5) in Bayamón.

The freeway will have a typical section of eight (8) traffic lanes divided by an eleven (11) metres median from PR-18 to Ramirez de Arellano Avenue, where it narrows to six (6) traffic lanes up to Route PR-2. Interchanges at De Diego Avenue, Guaynabo Freeway, Ramirez de Arellano Avenue and PR-2 will be provided. The median of the proposed project from PR-18 to PR-2 will be used as the right-of-way of a mass transit system proposed for the area.

The need of the proposed action is related both to the long-range travel requirements of the San Juan Metropolitan Area and to immediate needs in the vicinity area and it is an integral part of the 1995 Recommended Plan and Growth Analysis, San Juan Transportation Study.

Alternatives under consideration include: (1) taking no action, (2) alternative location, (3) mass transit system, (4) reduced facility, (5) postponing the action, (6) design alternatives.

Consultation letters describing the proposed action have been sent to the concerned Federal, State and Local agencies in order to obtain recommendations that will be properly considered in the Environmental Impact Statement. A formal scoping meeting will be held on May 21, 1981, in the Environmental Studies Office of the P.R. Department of Transportation and Public Works, located on 15th Floor of South Building, Minillas Governmental Center, San Juan, Puerto Rico.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Juan O. Cruz,

Acting Division Administrator, San Juan, Puerto Rico.

[FR Doc. 81-13811 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Petitions on Motor Vehicle Defects and Hearings; Denials

This notice sets forth the reasons for the denials of two petitions relating to safety-related defects in motor vehicles.

Rolland Garber of Bellmawr, New Jersey, petitioned NHTSA on January 19, 1981, to hold a hearing to determine whether Volkswagen of America had reasonably met its obligation to remedy his 1979 Rabbit pursuant to its "EQ Recall Campaign" alleging difficulties with his dealer. NHTSA's inquiry resulted in its notification by Volkswagen that Mr. Garber's vehicle has been corrected in accordance with the campaign, and that he had agreed to return the vehicle to the dealer for correction of any post-repair problems

that might have arisen. Based upon the fact that the problem was resolved without holding a hearing, the petition was denied on March 26, 1981.

On Jaunuary 24, 1981, Curtis S. Ikehara of Aiea, Hawaii, asked NHTSA to determine whether Fiat Motors of North America had met its responsibility to correct a safety-related defect in his 1979 Fiat Xl/9 car with respect to "carburetor hesitation." Mr. Ikehara had experienced delays with his dealer who had no repair parts. After inquiry by NHTSA Fiat informed the agency that repairs had been effected on March 9, 1981. Since no hearing was necessary to resolve the problem, Mr. Ikehara's petition was denied on April 2, 1981.

(Sec. 156, Pub. L. 93-492, 38 Stat. 1470 (15 U.S.C. 1416); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on May 4, 1981.

Lynn Bradford,

Associate Administrator for Enforcement.

[FR Doc. 81-13823 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. No. 81-120]

Reimbursable Services—Excess Cost of Preclearance Operations

Notice is hereby given that pursuant to section 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning May 17, 1981.

Installation	Biweekly excess cost
Montreal, Canada	$16,942
Toronto, Canada	29,991
Kindley Field, Bermuda	6,613
Nassau, Bahama Islands	18,628
Vancouver, Canada	16,057
Winnipeg, Canada	4,144
Freeport, Bahama Islands	10,567
Calgary, Canada	6,944
Edmonton, Canada	5,662

Jack L. Lacy

Comptroller.

[FR Doc. 81-13831 Filed 5-6-81; 8:45 am]

BILLING CODE 4910-22-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 88
Thursday, May 7, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME:

Monday, May 11, 1981, 9 a.m.–12 noon; 1:30–5 p.m.
Tuesday, May 12, 9 a.m.–12 noon; 1:30 p.m.–5 p.m.
Wednesday, May 13, 1:30 p.m.–4 p.m.

PLACE: Room 512, 1121 Vermont Avenue, N.W., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Monday, May 11:

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Review of Voting Rights Act Study.
IV. Review of Budget Impact Statement.

Tuesday, May 12:

V. Review of Equal Opportunity in the Foreign Service.
VI. Review of National Police Practices Report Recommendations.

Wednesday, May 13:

VII. Approval of Proposal for Hearing on Urban Minority Economic Development.
VIII. Memorandum on Monitoring Program.
IX. Presentation of State Advisory Committee Re-Charters: (A) California; (B) Delaware; (C) North Carolina; (D) Wyoming.
X. Transmittal of Maine Advisory Committee *Information Kit on Sexual Harassment in Employment.*
XI. Action re New Jersey Advisory Committee Report Entitled *Battered Women in New Jersey.*
XII. Civil Rights Developments in the Rocky Mountain Region.
XIII. Staff Director's Report: (A) Status of Funds; (B) Personnel Report; (C) Office Directors' Reports.
XIV. Action re Inquiries Pertaining to "Laurel and Laurel—A City Divided."

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division, (202) 254–6697.

[S-710-81 Filed 5-6-81; 2:11 pm]
BILLING CODE 6335-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Tuesday, May 12, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial Session.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-722-81 Filed 5-6-81; 2:19 pm]
BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, May 12, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-720-81 Filed 5-6-81; 2:19 pm]
BILLING CODE 6351-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, May 7, 1981, following the Open Meeting, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Petitions for Stay and Reconsideration in the Harold A. Jahnke, Hampton, Iowa, extension of FM construction permit proceeding (Docket No. 21420).
Hearing—2—Applications for Review in the Phoenix, Arizona comparative FM proceeding (BC Docket Nos. 78-40, 78-41, 78-43), and other related pleadings.
Hearing—3—Application for Review of a Review Board Decision in the Kansas City, Missouri, Domestic Public Land Mobile Radio Service proceeding (CC Docket Nos. 78-397 and 78-398).
Hearing—4—Motion For Consolidation in the Dillon, Colorado, comparative AM proceeding (BC Docket Nos. 80-712 through 80-716).
Hearing—5—Petition for Reconsideration in the Faith Center, Inc., San Bernardino, California television renewal proceeding. (BC Docket No. 78-328).
Hearing—6—Petitions for reconsideration in the Faith Center, Inc., San Bernardino, California television renewal proceeding. (BC Docket No. 78-328).
Hearing—7—Petition for Reconsideration in the Faith Center, Inc., WHCT-TV Hartford, Connecticut television renewal proceeding. (BC Docket No. 80-730).
Hearing—8—Draft Decision in the WDRK, Greenville, Ohio FM radio comparative renewal proceeding (Docket Nos. 21287 and 79-91).
General—1—Review of Proposed Personnel Action.

This Meeting may be contined the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: May 1, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[S-714-81 Filed 5-6-81; 12:11 pm]
BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold an open Meeting on the subjects listed below on Thursday, May 7, 1981, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W.

Agenda, Item No., and Subject

General—1—*Title:* Report and Order to amend the rules to provide for the transmission of motion pictures or other program material to hotels or other similar locations using microwave frequencies available under Part 94. *Summary:* The FCC will consider whether to amend Part 94, Private Operational-Fixed Microwave Service, to specify the conditions, including frequency assignments, applicable to the transmission of program material on frequencies assignable under that Part. Adoption of these amendments would allow a licensee to transmit the licensee's

program material and services to the licensee's customers, but only in certain frequency bands.

General—2—*Title:* Petitions for reconsideration of Commission's Report and Order adopting permanent policies and rules regarding *ex parte* presentations in rulemaking proceedings. *Summary:* The Media Access Project (MAP) and National Telecommunications and Information Agency (NTIA) filed petitions for reconsideration of the Commission's Report and Order. MAP principally argues that that Order violates certain judicial rules of law and proposes changes to the disclosure provisions of the *ex parte* rules. NTIA principally argues that the Commission's "restricted" classification is too narrow in scope and inconsistent with recent court decisions. The Commission must decide whether to grant or deny, in whole or in part, these petitions.

Private Radio—1—*Title:* Tentative Decision and Further Notice of Proposed Rule Making. Docket No. 18921. *Summary:* The Commission will consider whether to adopt a Tentative Decision and Further Notice of Proposed Rule Making dealing with the cooperative sharing and multiple licensing of facilities in the private land mobile radio service.

Private Radio—2—*Title:* Amendment of Part 90 of the Commission's rules to designate frequencies in the 806–821 MHz and 851–866 MHz bands for slow-growth land mobile radio systems of certain categories of users; to allocate frequencies in these bands for specific groups of radio services frequency pools; to facilitate authorization of wide-area mobile radio communications systems on frequencies allocated for trunked systems; and to allocate additional frequencies in these bands to loaded Specialized Mobile Relay-Trunked systems located in areas having all presently allocated trunked frequencies assigned (PR Docket Nos. 79–191 and 79–334; RM–3691). *Summary:* The FCC will consider whether to adopt a Further Notice of Proposed Rule Making that acts upon petitions for reconsideration of its Report and Order making special provision for slow-growth private land mobile radio systems in the 806–821 MHz and 851–866 MHz bands for certain categories of radio users (PR Docket No. 79–191, FCC 80–663, released December 10, 1980); whether to allocate frequencies in these bands, which have been held in reserve, for specific groups of radio services frequency pools; whether to adopt proposed rules facilitating authorization of wide-area mobile radio communications systems on frequencies in these bands allocated for trunked systems (PR Docket No. 79–334, FCC 79–855, released January 3, 1980); and whether to institute rule making to allocate additional frequencies in these bands to loaded Specialized Mobile Relay-Trunked systems located in areas having all presently-allocated trunked frequencies assigned (RM–3691).

Common Carrier—1—*Title:* Use of Recording Devices in Connection With Telephone Service (Docket 20640). *Summary:* The Commission is considering its beep tone requirement, which is presently a Commission mandated tariff provision in AT&T's MTS tariff. An Inquiry (June 24, 1976) and a Rulemaking (March 20, 1978) were released in this proceeding. Among the issues considered in this proceeding are: (1) Whether the tone warning requirement should be deleted and replaced with an all-party consent requirement which we would adopt as a rule of the Commission; (2) Whether the beep tone requirement should encompass private line services which have no access to the public switched network.

Common Carrier—2—*Title:* Notice of Proposed Rulemaking. *Summary:* A *Notice* is being issued to determine if the Commission should eliminate its prescribed tariff requirement concerning the recording of telephone conversations.

Common Carrier—3—*Title:* The Western Union Telegraph Company, Tariff FCC No. 271, Facilities for Use by United States Postal Service, Transmittal No. 7467. *Summary:* The Commission will consider an application for review of a Bureau order rejecting Western Union's proposed tariff.

Common Carrier—4—*Title:* Application of Southern Pacific Telecommunications Processing Company to provide a basic store-and-forward telex service between the United States and the United Kingdom. *Summary:* This item considers the application of a new international resale common carrier. The item addresses the threshold *Computer II* issue and the merits of the application.

Common Carrier—5—*Title:* Application for review filed by the Western Union Telegraph Company of the Bureau's authorizations to the international record carriers to implement the *Gateways* decision. *Summary:* Commission will consider application for review filed by the Western Union Telegraph Company. Western Union seeks vacation of Bureau authorizations made pursuant to delegated authority.

Common Carrier—6—*Title:* Application of Unitel Corporation for authority to provide voice-grade telex services between the United States and the United Kingdom. *Summary:* This item considers the application of a new telex provider which performs store and forward services over international telecommunications facilities. The issue addressed is whether authorization of this applicant will serve the public interest.

Common Carrier—7—*Title:* Interface of the International Telex Service with the Domestic Telex and TWX Service—Docket No. 21005. *Summary:* The Commission will consider the question of deregulation of the international record carriers' provision of telex terminal equipment.

Common Carrier—8—*Title:* In the Matter of RCA Global Communications, Inc. v. Western Union International, Inc. (File No. E–80–24); The Western Union Telegraph Company v. Western Union International, Inc. (File No. E–80–28); and Western Union International, Inc. v. RCA Global Communications, Inc. (File No. E–80–32). *Summary:* The Commission will consider what action to take in response to complaints alleging that international record carriers are violating Section 203 of the Communications Act by providing telex terminal equipment free or at charges below their tariffed rates.

Common Carrier—9—*Title:* Petitions to suspend or to reject AT&T tariff revisions proposing a 10.4% increase in rates for private line services. *Summary:* The Commission will consider whether to grant petitions requesting rejection or suspension and investigation of the American Telephone and Telegraph Company's tariff revisions filed February 13, 1981 proposing and across-the-board 10.4% percent increase in rates for private line services.

Common Carrier—10—*Title:* Docket No. 80–765—Revisions to AT&T's Tariff FCC No. 259, WATS (Transmittal No. 13556); Docket No. 80–54—Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services. *Summary:* The Commission will consider results of its investigation of AT&T's September, 1980, WATS proposal concerning incorporation of a time-of-day sensitive rate sturcture element into that tariff. Additionally, petition for reconsideration and motion for expedited relief filed with regard to Commission action ordering removal of resale and sharing restrictions in AT&T's MTS and WATS tariffs will be considered.

Common Carrier—11—*Title:* Integration of Rates and Services for Communications Between the United States Mainland and Alaska and Hawaii—Docket No. 21283. Joint Motions for Approval of Settlement Agreements Filed by AT&T, Hawaiian Telephone Co., and Alascom, Inc. *Summary:* Based on a proposed recommended decision of the Federal-State Joint Board the Commission will consider whether the existing Separations Manual, incorporated by reference into Part 67 of the Rules, should be applicable to separations procedures for MTS and WATS services between the United States Mainland and Alaska and Hawaii. The Commission will also consider whether to accept agreements reached by AT&T, Hawaiian Telephone Co. and Alascom, Inc. which propose interim settlement procedures pending final rate integration for Alaska/Hawaii services.

Common Carrier—12—*Title:* Notice of Inquiry into the policies to be followed in the future licensing of telecommunications facilities in the Pacific Region for the 1981–1995 time period. *Summary:* This item considers the initiation of a comprehensive facilities planning process for the Pacific Region during the 1981–1995 time period. The issue is whether a comprehensive review of the Pacific Region during the specified time period is more desirable than the Commission's current ad hoc application review process.

Common Carrier—13—*Title:* Petitions for Reconsideration of the Commission's *Memorandum Opinion and Order* clarifying the procedure for waiver of the Telephone Company-Cable Television Cross-Ownership Rules. *Summary:* The Commission will resolve Petitions for

Reconsideration of the *Memorandum Opinion and Order* in CC Docket No. 78–218, which announced that the Commission would examine each separate franchise area within a telephone company's proposed cable television service area to see if it contains less than 30 households per route mile, in which case a presumption arises in favor of waiver of the telephone company-cable television cross-ownership rules.

Renewal—1—*Title:* Petition to deny the renewal application of Miami Valley Broadcasting Corporation for Station KTVU–TV, Oakland, California, filed by the Bay Area Black Media Coalition. *Summary:* The Commission considers allegations by the Bay Area Black Media Coalition that Station KTVU–TV, has failed to provide equal employment opportunities for Blacks.

Renewal—2—*Title:* Application for renewal of license of Station WLAU, Laurel, Mississippi. *Summary:* The Commission considers the short-term license renewal application of Station WLAU, Laurel, Mississippi filed by Southland, Inc.

Renewal—3—*Title:* Application for renewal of license of Station WXGI, Richmond, Virginia. *Summary:* The Commission considers the short-term license renewal application of Station WXGI, Richmond, Virginia, filed by Radio Virginia, Incorporated.

Renewal—4—*Title:* Petition to Deny the Renewal Application of American Broadcasting Companies, Inc. for Station KABC–TV, Los Angeles, California, filed by the Los Angeles Black Media Coalition. *Summary:* The Commission considers allegations by the Los Angeles Black Media Coalition that Station KABC–TV has an ineffective equal employment opportunity program and that the station's programming is unresponsive to the needs of the Black community.

Television—1—*Title:* Application of KTVO, Inc. (BPCT–780720IB) Kirksville, Missouri, for changes in the facilities of television Station KTVO, Channel 3, and Petition to Deny that application. *Summary:* The proposed Order considers allegations raised by Channel Seventeen, Inc. regarding claimed economic injury under the Commission's UHF impact policy; *de facto* reallocation, misrepresentation and adverse environmental impact on the part of licensee; and whether licensee's proposed creation of an unserved area is a matter to be resolved in hearing.

Television—2—*Title:* Southern Television Corp. *Summary:* Application filed by Southern Television Corporation for authority to construct a new UHF television translator station in Columbia, Mississippi. A petition to deny filed by Columbus TV Cable Corp. Petitioner alleges that grant of the application will result in a regional concentration of control in violation of Section 73.636 of the Commission's Rules.

Broadcast—1—*Title:* Order in the Matter of Ascertainment of Community Problems by Broadcast Applicants: Small Market Exemption. *Summary:* The Order considers the advisability of continuing the ascertainment exemption for television stations in communities with populations of 10,000 or less persons but not located within a Standard Metropolitan Statistical Area.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: May 1, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S–712–81 Filed 5–5–81; 12:11 pm]

BILLING CODE 6712–01–M

6

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of Agenda Item from May 7th open meeting.

The following item has been deleted at the request of the Chairman's Office, from the list of agenda items scheduled for consideration at the May 7, 1981, Open Meeting, and previously listed in the Commission's Public Notice of April 30, 1981.

Agenda, Item No., and Subject

Private Radio—2—*Title:* Amendment of Part 90 of the Commission's rules to designate frequencies in the 806–821 MHz and 851–866 MHz bands for slow-growth land mobile radio systems of certain categories of users; to allocate frequencies in these bands for specific groups of radio services frequency pools; to facilitate authorization of wide-area mobile radio communication systems on frequencies allocated for trunked systems; and to allocate additional frequencies in these bands to loaded Specialized Mobile Relay-Trunked systems located in areas having all presently allocated trunked frequencies assigned (PR Docket Nos. 79–191 and 79–334; RM–3691). *Summary:* The FCC will consider whether to adopt a Further Notice of Proposed Rule Making that acts upon petitions for reconsideration of its Report and Order making special provision for slow-growth private land mobile radio systems in the 806–821 MHz and 851–866 MHz bands for certain categories of radio users (PR Docket No. 79–191, FCC 80–663, released December 10, 1980); whether to allocate frequencies in these bands, which have been held in reserve, for specific groups of radio services frequency pools; whether to adopt proposed rules facilitating authorization of wide-area mobile radio communications systems on frequencies in these bands allocated for trunked systems (PR Docket No. 79–334, FCC 79–855, released January 3, 1980); and whether to institute rule making to allocate additional frequencies in these bands to loaded Specialized Mobile Relay-Trunked systems located in areas having all presently allocated trunked frequencies assigned (RM–3691).

The following item has been deleted at the request of Dick Shiben, Chief, Broadcast Bureau, from the list of agenda items scheduled for consideration at the May 7, 1981, Open Meeting, and previously listed in the Commission's Public Notice of April 30, 1981.

Agenda, Item No., and Subject

Television—2—*Title:* Southern Television Corp. *Summary:* Application filed by Southern Television Corporation for authority to construct a new UHF television translator station in Columbia, Mississippi. A petition to deny filed by Columbus TV Cable Corp. Petitioner alleges that grant of the application will result in a regional concentration of control in violation of Section 73.636 of the Commission's Rules.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: May 5, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S–713–81 Filed 5–5–81; 12:40 pm]

BILLING CODE 6712–01–M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby givern that at its closed meeting held at 12:00 Noon on Monday, May 4, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a recommendation regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting

open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(4) and (c)(8) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4) and (c)(8)).

Dated: May 4, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-710-81 Filed 5-5-81; 12:46 pm]

BILLING CODE 6714-01-M

8

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, May 12, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

* * * * *

[Federal Register No. 680]

PREVIOUSLY ANNOUNCED DATE AND TIME: Tuesday, May 5, 1981 at 10 a.m.

CHANGE IN MEETING: The following matter has been added:

Proposed responses to additional questions posed by Senator Ford.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-717-81 Filed 5-5-81; 2:41 pm]

BILLING CODE 6715-01-M

9

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Thursday, May 14, 1981.

PLACE: Room 532 (open); room 540 (closed), Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to public.

(1) Oral Argument in Beatrice Foods Co., et al., Docket No. 912.

Portions closed to the public.

(2) Executive Session to follow Oral Argument in Beatrice Foods Co., et al., Docket No. 9112.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523–1892; Recorded Message: (202) 523–3806.

[S-713-81 Filed 5-5-81; 2:50 pm]

BILLING CODE 6750-01-M

10

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of May 11, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Wednesday, May 13, 1981, at 2:30 p.m., followed by a closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Acting Chairman Loomis and Commissioners Evans and Friedman determined to hold the aforesaid meeting in closed session.

The subject matter of the open meeting scheduled for Wednesday, May 13, 1981, at 2:30 p.m., will be:

Oral argument on an appeal by Michael E. Tennenbaum, a general partner of a registered broker-dealer, from the initial decision of an administrative law judge. For further information, please contact R. Moshe Simon at (202) 523–4586.

The subject matter of the closed meeting scheduled for Wednesday, May 13, 1981, following the 2:30 p.m. open meeting, will be:

Post oral argument discussion.
Settlement of administrative proceedings of an enforcement nature.
Subpoena enforcement action.
Freedom of Information Act appeals.
Formal order of investigation.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Art Delibert at (202) 272–2467.

May 5, 1981.

[S-721-81 Filed 5-6-81; 3:13 pm]

BILLING CODE 8010-01-M

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Federal Register

Vol. 46, No. 88

Thursday, May 7, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing April 17, 1981

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: May 15 and June 12, 1981, at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202-523-5235.

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federal register

Book 1 of 2 Books
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Briefings on How To Use the Federal Register—For details on briefings in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

25597 **Aliens** Justice/INS publishes final rule rescinding a great majority of restrictions placed on Iranian nationals as result of taking the American hostages and the break in diplomatic relations. The remaining restrictions bar transit without visas for Iranian citizens.

25609 **Mortgage Insurance** HUD/FHC publishes regulations increasing the maximum allowable finance charge on Title I property improvement, mobile home loans, combination and mobile home lot loans, and historic preservation loans.

25622 **Health Care** HHS/PHS publishes final rule curtailing contract patient care for American Seamen. The Department is curtailing contract care benefits as a step towards improving stewardship of Federal funds.

25660 **Child Support Enforcement Program** HHS/Office of Child Support Enforcement proposes regulations providing for payment of incentives to States which collect child support on their own behalf.

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

25601 **Old-age, Survivors and Disability Insurance** HHS/SSA introduces new method of computing maximum total benefits for family of worker who are first entitled to disability insurance benefits after June 1980 and who was first eligible for these benefits after 1978.

25736 **Medical Costs** OMB publishes notice of cost of hospital and medical care and treatment furnished by the United States.

25614 **Handicapped** ED publishes postponement of interpretation regarding assistance to States for education of handicapped children.

25774 **Health Facilities** HHS/PHS/HRA provides list of health manpower shortage areas updated as of December 31, 1980, as designated by the Secretary of Health and Human Services. (Part II of this issue)

26026 **Energy** DOE requests written comments on draft "Plan of Action to Implement the International Energy Program". (Part VI of this issue)

25677 **Grant Programs** Commerce/NOAA publishes notice of extension of period for application for 1981 funds for development of Federal and State Cooperative Climate Activities.

26004 **Commodity Futures** CFTC publishes regulation revising Commodity Pool Operator and Commodity Trading Advisor Regulations. (Part V of this issue)

25692 **Motor Vehicle Safety** EPA announces final actions taken in conjunction with its motor vehicle recall program.

25610 **Wine** Treasury/ATF publishes final rule replacing the Lovibond Method with the Association of Official Analytical Chemists method for determining color in white wine.

25888 **Minimum Wage** Labor/ESA specifies the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for described classes of labors and mechanics employed on construction projects. (Part III of this issue)

25748 **Sunshine Act Meetings**

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Rules and Regulations

Federal Register
Vol. 46, No. 89
Friday, May 8, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 870 and 890

Federal Employees' Group Life Insurance; and Federal Employees Health Benefits: Amendment To Clarify Coverage for Employees Hired Under Career-Related Work-Study Programs

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: The Office of Personnel Management (OPM) is revising the Federal Employees' Group Life Insurance (FEGLI) and the Federal Employees Health Benefits (FEHB) regulations to clarify that employees hired under career-related work-study programs are eligible for FEGLI and FEHB coverage if they are (1) expected to be in a pay status for at least one-third of the total period of time from the date of the first appointment to the completion of the work-study program, and (2) serving under appointments not limited to one year or less.

EFFECTIVE DATE: June 8, 1981.

FOR FURTHER INFORMATION CONTACT:
John Ray, Issuances and Instructions Staff, (202) 632–4684.

SUPPLEMENTARY INFORMATION:

Background

Various Federal agencies had questioned the intent of OPM's regulations as they applied to entitlement to FEGLI and FEHB coverage for employees under career-related work-study programs. Some of these agencies had been interpreting the regulations as requiring such an employee to have been in a pay status for not less than one-third of the total time required for completion of the program to become entitled to FEGLI and FEHB coverage. On November 28, 1980, OPM published a proposal [45 FR 79078] to establish eligibility for FEGLI and FEHB coverage for such employees if the expectation exists that they will meet the time-in-pay-status requirement.

Discussion of Comments

One written comment from an agency was received within the specified 30-day period concerning this proposal. That agency offered no objections to the proposal and supported the clarifying revisions.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purpose of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Beverly McCain Jones,
Issuance System Manager.

Accordingly, the Office of Personnel Management is amending Parts 870 and 890 as follows:

PART 870—BASIC LIFE INSURANCE

1. § 870.202(a)(2) is revised to read as follows:

§ 870.202 Exclusions.

(a) * * *

(2) An employee whose employment is of uncertain or purely temporary duration, or who is employed for brief periods at intervals, and an employee who is expected to work less than 6 months in each year, except for an employee who is employed under an OPM approved career-related work-study program under Schedule B of at least 1 year's duration and who is expected to be in a pay status for at least one-third of the total period of time from the date of the first appointment to the completion of the work-study program.

* * * * *

(5 U.S.C. 8716(b))

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

2. § 890.102(c)(2) is revised to read as follows:

§ 890.102 Coverage.

* * * * *

(c) * * *

(2) An employee whose employment is of uncertain or purely temporary duration, or who is employed for brief periods at intervals, and an employee who is expected to work less than 6 months in each year, except for an employee who is employed under an OPM approved career-related work-study program under Schedule B of at least 1 year's duration and who is expected to be in a pay status for at least one-third of the total period of time from the date of the first appointment to the completion of the work-study program.

* * * * *

(5 U.S.C. 8913(b))

[FR Doc. 81-13901 Filed 5-7-81; 8:45 am]
BILLING CODE 6325-01-M

5 CFR Part 890

Federal Employees Health Benefits Program

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: This regulation permits the reinstatement or continuation of a survivor annuitant's health benefits coverage if the survivor annuitant remarries and subsequently becomes entitled to and elects to receive another survivor annuity based on the Federal service of the later spouse.

EFFECTIVE DATE: June 8, 1981.

FOR FURTHER INFORMATION CONTACT:
John Ray, Issuances and Instructions Staff, (202) 632–4684.

SUPPLEMENTARY INFORMATION:

Background

On December 12, 1980, OPM published a proposed regulation in the Federal Register [45 FR 81764] to provide an opportunity for a survivor annuitant who must choose between two or more survivor annuities to elect the health benefits coverage which is best suited to his or her immediate needs. The proposed addition to the regulations was offered to correct a then existing inequity in the area of health benefits coverage.

Discussion of Comments

One written comment from an agency was received within the specified 60-day period concerning this regulation. That agency offered no objections to the proposal and supported the proposed addition to the regulations.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, the Office of Personnel Management is amending 5 CFR 890.301 by adding a new paragraph (w) as set forth below:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(w) Election between survivor annuities. A surviving spouse, irrespective of whether his or her survivor annuity continued or was terminated upon remarriage, who was covered by a health benefits enrollment under this part immediately before his or her remarriage, may elect to continue a health benefits enrollment under this part acquired by virtue of the remarriage or to enroll in his or her own right in the plan under which he or she was previously covered under this part within 60 days after the termination of the remarriage and entitlement to a survivor annuity.

(5 U.S.C. 8905(b))

[FR Doc. 81-13903 Filed 5-7-81; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 304; Lemon Reg. 303, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period May 10–16, 1981, and increases the quantity of lemons that may be shipped during the period May 3–9, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective May 10, 1981, and the amendment is effective for the period May 3–9, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and not a major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on May 5, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

1. Section 910.604 is added as follows:

§ 910.604 Lemon Regulation 304.

The quantity of lemons grown in California and Arizona which may be handled during the period May 10, 1981, through May 16, 1981, is established at 320,000 cartons.

2. Section 910.603 Lemon Regulation 303 (45 FR 24523) is revised to read as follows:

§ 910.603 Lemon Regulation 303.

The quantity of lemons grown in California and Arizona which may be handled during the period May 3, 1981, through May 9, 1981, is established at 320,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 7, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-14181 Filed 5-7-81; 11:26 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 211, 214, 242, 244, 245, and 248

Aliens and Nationality; Removal of Restrictions; Iranian Nationals

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: The revisions to the listed rules rescind the great majority of the restrictions placed on Iranian nationals as a result of the taking of the American hostages and the break in diplomatic relations. The remaining restrictions bar transit without visas for Iranian citizens.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536 Telephone: (202) 633-3048.

For specific information: Michael Heilman, General Attorney, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536 Telephone: (202) 633-2620.

SUPPLEMENTARY INFORMATION: In response to the taking of the American hostages in Tehran and the subsequent break in diplomatic relations between the United States and Iran, certain restrictions were placed on Iranian nationals in regard to conditions of entry and stay, and eligibility for various types of discretionary relief under the immigration laws. Many of these restrictions were also imposed to conform Service policy to that of the Department of State. Among the restrictions imposed were the following: Barring the use of reentry permits and Alien Registration Receipt Cards by permanent resident aliens who had traveled to, in, or through Iran; rescinding the transit without visa privilege of Iranian citizens; restricting extension of stay, except for limited reasons; requiring Iranian students to report their status; limiting the period of voluntary departure and its reinstatement; and limiting both adjustment of status and change of nonimmigrant status.

The present revisions rescind the restrictions with one exception: Transit without visa is barred to citizens of Iran.

This final rule is not within the requirements of Executive Order 12291 because the rule is issued with respect to a foreign affairs function of the United States and is exempt under section 1(a)(2) of the order.

Compliance with 5 U.S.C. 553 as to notice and delayed effective date is not required because the rule involves a foreign affairs function and it is in the public interest not to delay promulgation.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that promulgation of this final rule will not have a significant economic impact because the rule simply removes restrictions which were previously imposed during the Iranian crisis.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

1. Part 211 is amended by revising paragraphs (b)(1) and (b)(2) of § 211.1 to read as follows:

§ 211.1 Visas.

* * * * *

(b) *Returning residents* (1) *Alien Registration Receipt Card (Form I-151 or I-551).* An Alien Registration Card may be presented in lieu of an immigrant visa by an immigrant alien who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, and who is: (i) returning after a temporary absence abroad not exceeding one year; or (ii) an alien crewman regularly serving aboard an aircraft or vessel of American registry who is returning after a temporary absence abroad in connection with his/her duties in that occupation pursuant to his/her employment as a crewman; (iii) a civilian employee of the U.S. Government returning from a foreign assignment pursuant to official orders; or (iv) a spouse or child of a civilian employee of the U.S. Government or a spouse or child of a member of the Armed Forces of the U.S., provided such spouse or child resided abroad while such member of the Armed Forces or such civilian employee was on overseas duty and is preceding or accompanying the member or employee or is following to join the member or employee within four months of the member's or employee's return to the U.S.

(2) *Reentry permit.* Any immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad may present a valid unexpired reentry permit duly issued to him/her in lieu of an immigrant visa. A refugee travel document issued to a lawful permanent resident pursuant to Part 223a of this chapter shall be regarded as a reentry permit.

* * * * *

(Secs. 103 and 211; 8 U.S.C. 103 and 1181)

PART 214—NONIMMIGRANT CLASSES

2. Part 214 is amended by revising paragraph (c) of § 214.1 and revoking § 214.5 in its entirety as follows:

§ 214.1 Requirements for admission, extension, and maintenance of status.

* * * * *

(c) *Extension of stay.* The nonimmigrant alien defined in section 101(a)(15)(A)(i) or (ii) or (G)(i), (ii), (iii), or (iv) of the Act is admitted for as long as such alien continues to be so recognized by the Secretary of State, and is not required to obtain extension of stay. The nonimmigrant alien defined in section 101(a)(15)(C), (D), or (K) of the Act, or who was admitted in transit without visa, is ineligible for extension of stay. Nonimmigrant aliens defined in section 101(a)(15)(F) and (J) of the Act shall apply for extension of stay only on Form I-538 and Form IAP-66, respectively. Aliens in all other nonimmigrant classes shall apply for extensions of stay on Form I-539. The application should be submitted at least fifteen days and not more than sixty days prior to expiration of the currently authorized stay; and it may be granted or denied by the district director or officer in charge. There shall be no appeal from his/her decision. A separate application must be executed and submitted for each alien seeking extension of stay; however, regardless of whether or not they accompanied the applicant to the United States, the spouse and minor unmarried children having the same nonimmigrant classification may be included in the application without additional fee. Extensions granted to members of a family group shall be for the same period; if one member is eligible for only a six-month extension and another for a twelve-month extension, the shorter period shall govern. If failure to file a timely application is found to be excusable, an extension of stay may be granted but it shall date from the time of expiration of the previously authorized stay. When because of conditions beyond his/her control or other special

circumstances, a nonimmigrant needs an additional period of less than thirty days beyond the previously authorized stay within which to effect departure, such time may be granted without the filing of a formal application. For procedures on cancellation and breaching of bonds, see Part 103 of this chapter.

* * * * *

§ 214.5 Requirements for maintenance of status for nonimmigrant students from Iran. [Rescinded]

(Secs. 103 and 214; 8 U.S.C. 1103 and 1184)

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

3. Part 242 is amended by revising paragraph (a)(2) of § 242.5 and revising § 242.22 to read as follows:

§ 242.5 Voluntary departure prior to commencement of hearing.

(a)(1) * * *

(2) *Authorization.* Voluntary departure may be granted to any alien who is statutorily eligible: (i) Who is a native of a foreign contiguous territory and not within the purview of class (vi) of this paragraph; or (ii) whose application for extension of stay as a nonimmigrant is being denied; or (iii) who has voluntarily surrendered himself to the Service; or (iv) who presents a valid travel document and confirmed reservation for transportation out of the United States within 30 days; or (v) who is an F–1, F–2, J–1, or J–2 nonimmigrant and who has lost such status solely because of a private bill introduced in his/her behalf; or (vi) who is admissible to the United States as an immigrant and: (A) Who is an immediate relative of a U.S. citizen, or (B) is otherwise exempt from the numerical limitation on immigrant visa issuance, or (C) has a priority date for an immigrant visa not more than 60 days later than the date show in the latest Visa Office Bulletin and has applied for an immigrant visa at an American Consulate which has accepted jurisdiction over the case, or (D) who is a third-preference alien with a priority date earlier than August 9, 1978, or (E) who is the beneficiary of an approved sixth-preference petition who satisfies Examinations without another petition that he/she can qualify for third preference and who cannot obtain a visa solely because a visa number is unavailable, and who has a priority date earlier than August 9, 1978; or (vii) who has been granted asylum and has not been granted parole status or a stay of deportation; or (viii) in whose case the district director has determined there are compelling factors warranting grant of voluntary departure.

* * * * *

§ 242.22 Reopening or reconsideration.

Except as otherwise provided in this section, a motion to reopen or reconsider shall be subject to the requirements of § 103.5 of this chapter. The immigration judge may upon his/her own motion, or upon motion of the trial attorney or the respondent, reopen or reconsider any case in which he/she had made a decision, unless jurisdiction in the case is vested in the Board of Immigration Appeals under Part 3 of this chapter. An order by the immigration judge granting a motion to reopen may be made on Form I–328. A motion to reopen will not be granted unless the immigration judge is satisfied that evidence sought to be offered is material and was not available and could not have been discovered or presented at the hearing; nor will any motion to reopen for the purpose of providing the respondent with an opportunity to make an application under § 242.17 be granted if respondents's right to make such application was fully explained to him/her by the immigration judge and he/she was afforded an opportunity to do so at the hearing, unless circumstances have arisen thereafter on the basis of which the request is being made. The filing of an application for adjustment of status under section 245 of the Act may be considered as a motion to reopen when the application shows new material not available or discoverable at the time of the deportation hearing. The filing of a motion under this section with an immigration judge shall not serve to stay the execution of an outstanding decision; execution shall proceed unless the immigration judge who has jurisdiction over the motion specifically grants a stay of deportation. The immigration judge may stay deportation pending his/her determination of the motion and also pending the taking and disposition of an appeal from such determination.

(Secs. 103 and 242; 8 U.S.C. 1103 and 1252)

PART 244—SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

4. Part 244 is amended by revising § 244.1 to read as follows:

§ 244.1 Application.

Pursuant to Part 242 of this chapter and section 244 of the Act an immigration judge may authorize the suspension of an alien's deportation; or, if the alien establishes that he/she is willing and has the immediate means with which to depart promptly from the United States, an immigration judge may authorize the alien to depart voluntarily from the United States in lieu of deportation within such time as may be specified by the immigration judge when first authorizing voluntary departure, and under such conditions as the district director shall direct. An application for suspension of deportation shall be made on Form I–256A.

(Sec. 103; 8 U.S.C. 1103. Interpret or apply secs. 242, 244, 8 U.S.C. 1252, 1254)

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR PERMANENT RESIDENCE

5. Part 245 is amended by revising paragraph (d) of § 245.1 to read as follows:

§ 245.1 Eligibility.

* * * * *

(d) *Immediate relatives under section 201(b) and preference aliens under section 203(a)(1) through 203(a)(6).* Any alien applicant who claims immediate relative status under section 201(b) or preference status under sections 203(a)(1) through 203(a)(6) of the Act is not eligible for the benefits of section 245 of the Act unless he/she is the beneficiary of a valid unexpired visa petition filed in accordance with Part 204 of this chapter and approved to accord him/her such status.

* * * * *

(Secs. 103 and 245; 8 U.S.C. 1103 and 1255)

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

6. Part 248 is amended by revising § 248.2 to read as follows:

§ 248.2 Ineligible classes.

Any alien in immediate and continuous transit through the United States without a visa pursuant to section 238(d) of the Act, or an alien classified as a nonimmigrant under section 101(a)(15)(D) or (K) of the Act is not eligible for any change of nonimmigrant classification under section 248 of the Act. Any alien classified as a nonimmigrant under section 101(a)(15)(C) of the Act is not eligible for any change of nonimmigrant classification other than a change to classification under section 101(a)(15)(A) or (G) of the Act. Any alien classified as a nonimmigrant under section 101(a)(15)(J) of the Act is not eligible for any change of nonimmigrant classification other than a change to classification under section 101(a)(15)(A) or (G) of the Act, or, if he/

she is not subject to the foreign residence requirement of section 212(e) of the Act or has been granted a waiver thereof, a change to classification under section 101(a)(15)(H) or (L) of the Act, if otherwise qualified.

(Secs. 103 and 248; 8 U.S.C. 1103 and 1258)

Dated: May 5, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-14149 Filed 5-7-81; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry Areas Quarantined; Arizona

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Maricopa County in Arizona because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Maricopa County on April 18, 1981. Therefore, in order to prevent the dissemination of exotic Newcastle disease, it is necessary to quarantine the affected area.

EFFECTIVE DATE: May 4, 1981.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8093.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

The Department has determined that this rule will have an annual effect on the country of less than $100 million, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and will not have any significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. J. K. Atwell, Deputy Administrator, USDA, APHIS, VS, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. This amendment is necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the Federal Register.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the quarantine imposed due to the existence of exotic Newcastle disease affects only two premises, neither of which are owned by a small entity.

This amendment quarantines a portion of Maricopa County in Arizona, because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. The authority citation for Part 82 reads as follows:

Authority: Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141).

2. In § 82.3, new paragraph (c)(3) is added to read:

§ 82.3 Imposition and removal of quarantine.

* * * * *

(c) * * *

(3) *Arizona.* (i) The premises of Ken Shreve, 2041 N. 28th Place, Mesa, Maricopa County.

(ii) The premises of Ken Shreve, 2050 N. 28th Place, Mesa, Maricopa County.

Done at Washington, D.C., this 4th day of May 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-13804 Filed 5-7-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM80-75]

Incremental Pricing; Agricultural Uses; Interim Rule Under the Natural Gas Policy Act of 1978; Order Amending Stay

Issued: April 22, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order amending stay.

SUMMARY: On October 9, 1980, the Commission issued an interim rule in Docket No. RM80-75 (45 FR 67276, October 9, 1980) providing that "essential agricultural uses" certified by the Secretary of Agriculture (Secretary) for purposes of curtailment are not automatically adopted as "agricultural uses" by the Commission for purposes of incremental pricing, unless such uses were certified prior to October 16, 1979.

On October 23, 1980, the Commission issued a partial stay of the interim rule (45 FR 70661, November 20, 1980). The stay applied to those users of natural gas who, prior to October 6, 1980, has filed affidavits seeking exemptions from incremental pricing as "agricultural users" in reliance on the Secretary's certifications.

The Commission hereby amends the stay to extend it prospectively to all users of natural gas whose use has been certified by the Secretary, regardless of whether the users filed an affidavit prior to October 6, 1980.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Carol Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8511.

SUPPLEMENTARY INFORMATION: Affidavits for claiming an exemption from incremental pricing are available through the Commission's Division of Public Information, Room 1000, 825

North Capitol Street NE., Washington, D.C. 20426.

As part of its action amending the stay, the Commission has waived its regulations in § 282.204(d)(7) [18 CFR Part 282] to provide that if the owner or operator of a facility affected by the stay amendment files, by May 20, 1981, an affidavit with the Commission claiming an "agricultural use" exemption, and sends a copy of the facility's natural gas supplier, the facility shall be exempt from incremental pricing as of May 1, 1981.

Before Commissioners: Georgiana Sheldon, Acting Chairman; Matthew Holden, Jr., George R. Hall, and J. David Hughes.

Interim Rule Amending § 282.202(a) of the Commission's Regulations Under the Natural Gas Policy Act of 1978.

I. Introduction

On October 6, 1980, the Commission issued an interim rule in this docket [1] providing that "essential agricultural uses" certified by the Secretary of Agriculture (Secretary) after October 15, 1979, are not automatically adopted as "agricultural uses" by the Commission for purposes of incremental pricing exemptions. On October 23, 1980, the Commission issued an order [2] granting a partial stay of this interim rule. This order amends that action to provide, on a prospective basis, a full stay of the interim rule until such time as the Commission acts otherwise.

II. Background

Title II of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301–3432) requires the Commission, within certain guidelines, to establish and administer an incremental pricing program. The program is designed to pass through, by surcharge, a portion of the increases in the wellhead prices of natural gas allowed under Title I of the NGPA to certain industrial facilities that use natural gas as a boiler fuel. Certain of those facilities, however, are exempt from incremental pricing either under the statute or by Commission rule or order. Among those groups currently exempt are facilities which use natural gas for an "agricultural use."

Prior to October 6, 1980, the Commission's definition of the term "agricultural use" was set forth in § 282.202(a) of its regulations as follows:

(a) "Agricultural use" means any use of natural gas:

(1) which is certified by the Secretary of Agriculture under 7 CFR 2900.3 as an "essential agricultural use" pursuant to section 402(c) of the NGPA; ***

In the interim rule issued on October 6, 1980, the Commission made clear that paragraph (a)(1), quoted above, referred only to certifications made by the Secretary before the effective date of that paragraph. The paragraph was amended to provide that:

(1) Any use of natural gas certified by the Secretary of Agriculture (Secretary) as an "essential agricultural use" for curtailment purposes on or before October 15, 1979, shall be considered an "agricultural use" of natural gas for incremental pricing purposes; and

(2) any use of natural gas certified by the Secretary as an "essential agricultural use" after October 15, 1979, shall be reviewed by the Commission for a determination of whether such use is an "agricultural use" for incremental pricing purposes, in rulemaking proceedings.

On October 9, 1980, a joint application for immediate stay of the interim rule was filed by the Fertilizer Institute, the American Feed Manufacturers Association, and the National Council of Farmer Cooperatives. In response to this application, the Commission granted a partial stay of the interim rule. The stay was limited to those users of natural gas who had filed, prior to October 6, 1980, affidavits for exemptions as "agricultural users" in reliance on the Secretary's certifications.

III. Discussion and Findings

At the time the Commission granted the stay, it believed that it would be able to act quickly on the final rule, and at the same time lift the stay order. However, the Commission has now determined that it will require additional time to study the issues raised by the above-listed applicants and by other commenters on the interim rule. The Commission believes that equity requires it to amend the stay for the reasons described below.

During the past few months, the Commission's staff has received telephone inquiries concerning the scope of the stay order. In addition, several adjustment applications dealing with this matter have been filed under section 502(c) of the NGPA. These callers and applicants are concerned that the facilities affected by the rule fall into two categories, each receiving different treatment under the terms of the stay order.

The first category consists of those facilities whose use of natural gas was certified by the Secretary after October 15, 1979, but for which an exemption affidavit was not filed before October 6, 1980. These facilities do not fall within the stay and are currently subject to incremental pricing surcharges. In addition, any new facilities which have come into existence since October 6, 1980, do not fall within the stay, since affidavits could not have been filed for them prior to that date. They are also incrementally priced at present.

The second category consists of facilities whose owner or operator, acting in reliance on the Secretary's actions, did file an exemption affidavit prior to October 6, 1980. These facilities fall within the stay and are not currently subject to incremental pricing.

The length of the stay is therefore creating an inequity among facilities that make the same use of incrementally-priced natural gas as boiler fuel, manufacture the same products, and compete with each other in the market. Some are exempt from incremental pricing; some are not. The Commission agrees that, inasmuch as further time is required to study the rule, it would be equitable to amend the stay order so that all facilities affected by the rule are put on the same footing. Accordingly, the interim rule in Docket No. RM80–75 will be fully stayed until such time as the Commission acts otherwise. Facilities using natural gas in a manner certified by the Secretary after October 15, 1979, may file affidavits for agricultural use exemption in reliance on those certifications. This order is prospective only, and will take effect as of the billing period for the month of May 1981.

In order to take advantage of the exemptions temporarily permitted by this order, the Commission is waiving § 282.207(d)(7) of its regulations, which requires an affidavit to be on file at the first of the month in order for a facility to be exempt for that month. Instead, the affidavit may be filed by May 20, 1981. This revised deadline will give owners and operators of facilities affected by this order sufficient time to file affidavits before the close of the May billing period. Affidavits filed after May 20, 1981, will fall under the normal procedural rules set forth in § 282.204(d)(7) of the Commission's regulations.

IV. The Commission Orders

1. The partial stay of the interim rule in this docket granted on October 23, 1980, is amended by placing in effect a full stay effective beginning with the billing period of May 1, 1981, and continuing until such time as the Commission acts otherwise.

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[1] 45 FR 67278, October 9, 1980.

[2] 45 FR 70661, November 20, 1980.

§ 282.204 [Amended]

2. Section 282.204(d)(7) of the Commission's regulations is hereby waived to the following extent:

If the owner or operator of a facility affected by this order files an affidavit with the Commission by May 20, 1981, in order to gain an exemption from incremental pricing as an "agricultural user," and sends a copy to the facility's natural gas supplier by that date, the facility shall be exempt from incremental pricing surcharges as of May 1, 1981, until such time as the Commission acts otherwise.

By the Commission. Commissioner Holden voted present.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13899 Filed 5-7-81; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Deductions; Reductions; and Nonpayments of Benefits—Limit on Family Disability Insurance Benefits

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: In this regulation, we introduce a new method of computing the maximum total benefits for the family of a worker who is first entitled to disability insurance benefits after June 1980 and who was first eligible for these benefits after 1978. The new method reduces the maximum total benefits that would otherwise be payable under section 203(a) of the Social Security Act. These regulations reflect the provisions of section 101 of the Social Security Disability Amendments of 1980 (Pub. L. 96–265).

EFFECTIVE DATE: This regulation is effective May 8, 1981. The statutory changes (Pub. L. 96–265, Section 101) which this regulation reflects is effective for the family of a worker who first becomes eligible for old-age or disability insurance benefits after 1978 and first entitled to disability insurance benefits after June 1980.

FOR FURTHER INFORMATION CONTACT: Jack Schanberger, Room 4–H–10, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–6785.

SUPPLEMENTARY INFORMATION: Before the Social Security Disability Amendments of 1980, many disabled workers were able to qualify for benefits for themselves and their families that exceeded their predisability earnings. Because of its concern for the relatively high level of benefits as replacement for wages, the resulting incentive to receive benefits, and the disincentive to return to work, Congress passed several provisions for restraining benefits (and costs) in the disability program. In this regulation, we provide rules for one of the provisions.

There is now a new ceiling on the total amount of disability benefits payable to a disability beneficiary and his or her family. This ceiling is considerably lower than that which had been in effect in disability cases, and which still applies to the families of old-age insurance beneficiaries and to the families of deceased workers. Under this ceiling, the total benefits are the lesser of 85 percent of the worker's average indexed monthly earnings (but not less than the primary insurance amount) or 150 percent of the primary insurance amount.

The formula for computing disability benefits is basically the same as for old-age benefits and survivor benefits. In June 1980, the average disability benefit was $370 and the average family benefit was $728. At that time the maximum benefit amount payable to a disabled worker and his or her family ranged from 150 to 188 percent of the worker's benefit (i.e., the primary insurance amount). Additionally, the average disability insurance benefit increased from $130 to $370 over the 10-year period June 1970 to June 1980. This is a 185 percent increase, whereas the cost of living rose by 113 percent.

In deciding the level of the ceiling, Congress considered private insurance plans, which generally limit benefits to no more than two-thirds of predisability gross earnings. Congress, however, decided that the limit on social security benefits for the disabled worker's family should be higher because these benefits are the base of income protection for many workers, and are the only source of income for many families of low-income former workers. Thus the ceilings in the Amendments provide a more equitable relationship to the worker's prior earnings while also providing incentives for workers to continue working, or if possible, to return to work.

Comments on Notice of Proposed Rulemaking

On December 22, 1980, a Notice of Proposed Rulemaking was published at 45 FR 84086. In that Notice, we requested that comments be submitted within 60 days. We received only 2 comments, both from the same person. As a result of 1 comment, we have corrected a misleading reference in § 404.403(d–1)(3) by changing "dependents" to "spouse and children."

The second comment was to change the same paragraph to explain that, under certain circumstances, the family maximum is exactly equal to the primary insurance amount. We have not adopted this change because it is unnecessary and the provision as worded in the Notice is technically correct and sufficiently clear. Accordingly, this regulation with one technical change is adopted as set forth below.

Certification Under E.O. 12291 and the Regulatory Flexibility Act

We have determined that this regulation does not meet the criteria specified in Executive Order 12291 for a major regulation. In addition, we certify that this regulation does not have an adverse impact on small entities because the rule affects individuals only.

(Secs. 203, 205 and 1102 of the Social Security Act; 49 Stat. 623, 53 Stat. 1368, and 49 Stat. 647; 42 U.S.C. 403, 405 and 1302)

(Catalog of Federal Domestic Assistance Program No. 13.802 Social Security—Disability Insurance.)

Dated: March 25, 1981.

Herbert R. Daggatte, Jr.,
Acting Commissioner of Social Security.

Approved: April 24, 1981.

Richard S. Schweiker,
Secretary of Health and Human Services.

Part 404 of Chapter II of Title 20 of the Code of Federal Regulations is amended as follows:

Section 404.403 is amended by revising the introductory statements of (c) and (d)(1) and by adding paragraph (d–1), to read as follows:

§ 404.403 Reduction where total monthly benefits exceed maximum family benefits payable.

* * * * *

(c) *Eligible for old-age insurance benefits or dies in 1979.* If an insured individual becomes eligible for old-age insurance benefits or dies in 1979, the monthly maximum is as follows—

* * * * *

(d) *Eligible for old-age insurance benefits or dies after 1979.* (1) If an insured individual becomes eligible for old-age insurance benefits or dies after

1979, the monthly maximum is computed as in paragraph (c) of this section.

* * * * *

(d–1) *Entitled to disability insurance benefits after June 1980.* If you first become eligible for old-age or disability insurance benefits after 1978 and first entitled to disability insurance benefits after June 1980, we compute the monthly family maximum under a formula which is different from that in paragraphs (c) and (d) of this section. The computation under the new formula is as follows:

(1) We take 85 percent of your average indexed monthly earnings (as computed in § 404.212a of this part) and compare that figure with your primary insurance amount (as computed in § 404.212). We work with the larger of these two amounts.

(2) We take 150 percent of your primary insurance amount.

(3) We compare the results of paragraphs (d–1) (1) and (2) of this section. The smaller amount is the monthly family maximum. As a result of this rule, the entitled spouse and children of some workers will not be paid any benefits because the family maximum does not exceed the primary insurance amount

* * * * *

[FR Doc. 81–13809 Filed 5–7–81; 8:45 am]
BILLING CODE 4110–07–M

Food and Drug Administration

21 CFR Parts 430, 436, and 440

[Docket No. 81N–0032]

Antibiotic Drugs; Becampicillin Hydrochloride

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for the certification of a new antibiotic drug, bacampicillin hydrochloride. The manufacturer has supplied sufficent data and information to establish its safety and efficacy.

DATES: Effective May 8, 1981; comments, notice of participation, and request for hearing by June 8, 1981; data, information, and anlayses to justify a hearing by July 7, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new antibiotic drug, bacampicillin hydrochloride. The agency concludes that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 440 (21 CFR Parts 430, 436, and 440) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055–1056, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 430, 436, and 440 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended in § 430.5 by adding new paragraph (b)(1)(xii) to read as follows:

§ 430.5 Definitions of master and working standards.

* * * * *

(b) * * *

(1) * * *

(xii) The term "bacampicillin hydrochloride working standard" means a specific lot of a homogeneous preparation of bacampicillin hydrochloride.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended:

a. In § 436.33(b) by alphabetically inserting a new item into the table as follows:

§ 436.33 Safety test.

* * * * *

(b) * * *

Antibiotic drug	Diluent[1]	Test dose: Concentration[2]	Test dose: Volume[3]	Route of administration[4]
*	*	*	*	*
Becampicillin hydrochloride.	3	40 mg	1.0	Oral.
*	*	*	*	*

[1] Diluent number as listed in § 436.31.
[2] In units or milligrams of activity per milliliter.
[3] In milliliters to be administered to each mouse.
[4] As described in paragraph (c) of this section.

* * * * *

b. In § 436.204(b)(2) by alphabetically inserting a new item into the table as follows:

§ 436.204 Iodometric assay.

* * * * *

(b) * * *

(2) * * *

Antibiotic	Initial solvent	Diluent[1]	Final concentration[2]
*	*	*	*
Becampicillin hydrochloride.	None	Distilled water.	[3]1.25 mg.
*	*	*	*

[1] Solution number as listed in § 436.101(a).
[2] In units or milligrams of activity per milliliter of sample.
[3] The final concentration of becampicillin hydrochloride is calculated in milligrams of ampicillin activity per milliliter of sample. The ampicillin working standard is used for the assay of becampicillin hydrochloride.

* * * * *

c. In § 436.205(c) by alphabetically inserting a new item into the table as follows:

§ 436.205 Hydroxylamine colorimetric assay.

* * * * *

(c) * * *

Antibiotic	Diluent[1]	Final concentration[2]
*	*	*
Becampicillin hydrochloride.	Distilled water	[3]1.25
*	*	*

[1] Solution number as listed in § 436.101(a).
[2] In milligrams per milliliter of sample.
[3] The final concentration of becampicillin hydrochloride is calculated in milligrams of ampicillin per milliliter of sample. The ampicillin working standard is used for the assay of becampicillin hydrochloride.

* * * * *

d. By adding new § 436.330 to read as follows:

§ 436.330 Thin layer chromatographic identity test for becampicillin.

(a) *Equipment*—(1) *Chromatography tank.* Use a rectangular tank approximately 23 × 23 × 9 centimeters, with a glass solvent trough on the bottom and a tight-fitting cover, lined with Whatman's 3MM chromatographic paper (0.3 millimeter) or equivalent.

(2) *Plates.* Use 20 × 20 centimeter thin layer chromatography plates coated

with Silica Gel 60F 254 or equivalent to a thickness of 250 microns.

(b) *Reagents*—(1) *Developing solvent.* Mix methylene chloride, chloroform, and 95 percent ethyl alcohol in volumetric proportions of 100:10:10, respectively.

(2) *Spray solution.* Dissolve 1 gram of ninhydrin in 100 milliliters of *n*-butanol and add 1 milliliter of pyridine.

(c) *Spotting solutions*—(1) *Preparation of working standard solution.* Dissolve and dilute a weighed amount of the bacampicillin hydrochloride working standard with sufficient 95 percent ethyl alcohol to obtain a solution containing 2 milligrams per milliliter.

(2) *Preparation of sample solution.* Dissolve and dilute a weighed amount of the sample with sufficient 95 percent ethyl alcohol to obtain a solution containing 2 milligrams per milliliter. Proceed as described in paragraphs (d) and (e) of this section.

(d) *Procedure.* Pour the developing solvent into the trough in the bottom of the chromatography tank. Cover and seal the tank. Allow it to equilibrate for one hour. Prepare a plate as follows: On a line 2.5 centimeters from the base of the thin layer chromatography plate and at intervals of 2.0 centimeters, spot 5 microliters of the working standard solution to positions 1 and 3. When these spots are dry, apply 5 microliters of the sample solution to points 2 and 3. After all the spots are thoroughly dry, place the plate into the trough in the bottom of the tank. Cover and tightly seal the tank, allow the solvent front to travel about 15 centimeters from the starting line (about 30 minutes) and then remove the plate from the tank. Air dry the plate. Visualize the spots by spraying with spray solution and heating in an oven at 100° C for approximately 10 minutes.

(e) *Evaluation.* Measure the distance the solvent front traveled from the starting line, and the distance the spots are from the starting line. Divide the latter by the former to calculate the R_f value. Bacampicillin appears as a purple spot at an R_f value of approximately 0.52. The test is satisfactory if the R_f value of the sample compares with that of the working standard. The combined spot should appear as a single spot of corresponding R_f value.

e. In § 436.541 by alphabetically inserting a new item into the table in paragraph (b) and by adding paragraph (c)(4) to read as follows:

§ 436.541 Dissolution test.

* * * * *

(b) * * *

Dosage form	Dissolution medium	Stirring blade[1]	Sampling time(s)
Bacampicillin hydrochloride tablets.	900 mL distilled water.	75	30 min.
*	*	*	*

[1] Stirring blade rotation rate (revolutions per minute).

(c) * * *

(4) *Bacampicillin hydrochloride.* Use the ampicillin working standard as the standard of comparison and assay for ampicillin content by either of the following methods.

(i) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except dilute the working standard to a final concentration of 0.3 milligram of ampicillin per milliliter and use the sample solution as it is removed from the dissolution vessel without further dilution.

(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 442.40(b)(1)(ii) of this chapter, except:

(*a*) *Buffer.* In lieu of the buffer described in § 442.40(b)(1)(ii)(*b*)(*2*) of this chapter, use the buffer prepared as follows: Dissolve 200 grams of primary standard tris (hydroxymethyl) aminomethane in sufficient distilled water to make 1 liter. Filter before use.

(*b*) *Preparation of the working standard solution.* Dissolve and dilute an accurately weighed portion of the ampicillin working standard with sufficient distilled water to obtain a final concentration of 0.3 milligram of ampicillin per milliliter;

(*c*) *Sample solution.* Use the sample solution as it is removed from the dissolution vessel without further dilution; and

(*d*) *Calculations.* Determine the total amount of ampicillin dissolved as follows:

$$T = \frac{(A_u)(c)(900)^{1}}{A_s}$$

where:

T = Total milligrams of ampicillin equivalent dissolved;
A_u = Absorbance of sample;
c = Concentration of working standard solution in milligrams per milliliter;
A_s = Absorbance of standard.

[1] If more than 15 mL of dissolution medium is removed, correct for the volume removed.

PART 440—PENICILLIN ANTIBIOTIC DRUGS

3. Part 440 is amended:

a. By adding new § 440.8 to read as follows:

§ 440.8 Bacampicillin hydrochloride.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacampicillin hydrochloride is the hydrochloride salt of the 1-ethoxycarbonyloxyethyl ester of ampicillin. It is a white powder. It is so purified and dried that:

(i) Its potency is not less than 623 micrograms and not more than 727 micrograms of ampicillin per milligram on an "as is" basis.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 1.0 percent.

(iv) Its pH in an aqueous solution containing 20 milligrams per milliliter is not less than 3.0 and not more than 4.5.

(v) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, and identity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Hydroxylamine colorimetric assay.* Proceed as directed in § 442.40(b)(1)(ii) of this chapter, except:

(*a*) *Buffer.* In lieu of the buffer described in § 442.40(b)(1)(ii) (*b*)(*2*) of this chapter, use the buffer prepared as follows: Dissolve 200 grams of primary standard tris (hydroxymethyl) aminomethane in sufficent distilled water to make 1 liter. Filter before use.

(*b*) *Preparation of working standard solution.* Use the ampicillin working standard. Dissolve and dilute an accurately weighed portion of the ampicillin working standard in sufficient distilled water to obtain a concentration of 1.25 milligrams of ampicillin per milliliter.

(*c*) *Preparation of sample solution.* Dissolve and dilute an accurately weighed portion of the sample with sufficient distilled water to obtain a concentration of 1.25 milligrams of ampicillin per milliliter (estimated).

(*d*) *Calculations.* Calculate the ampicillin content in micrograms per milligram as follows:

$$\text{Ampicillin content in micrograms per milligram} = \frac{A_u \times P_s}{A_s \times W_u}$$

where:

A_u = Absorbance of sample solution;

P_s = Potency of working standard in micrograms per milliliter;
A_u = Absorbance of working standard solution;
W_u = Milligrams of sample per milliliter of sample solution.

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except use the ampicillin working standard.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 20 milligrams per milliliter.

(5) *Identity.* Proceed as directed in § 436.330 of this chapter.

b. By adding new § 440.108 to read as follows:

§ 440.108 Bacampicillin hydrochloride tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Bacampicillin hydrochloride tablets are composed of bacampicillin hydrochloride with one or more suitable and harmless diluents and lubricants. Each tablet contains bacampicillin hydrochloride equivalent to 280 milligrams of ampicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of ampicillin that it is represented to contain. Its moisture content is not more than 2.5 percent. It passes the dissolution test. The bacampicillin hydrochloride used conforms to the standards prescribed by § 440.8(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The bacampicillin hydrochloride used in making the batch for potency, safety, moisture, pH, and identity.

(*b*) The batch for potency, moisture, and dissolution.

(ii) Samples required:

(*a*) The bacampicillin hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 100 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Hydroxylamine colorimetric assay.* Proceed as directed in § 440.8(b)(1)(i) of this chapter, except prepare the sample solution and calculate the potency of the sample as follows:

(*a*) *Preparation of sample solution.* Place one tablet into a high-speed glass blender jar with sufficient distilled water to obtain a concentration of 1.25 milligrams of ampicillin per milliliter (estimated). Blend for 3 to 5 minutes. Filter before using.

(*b*) *Calculations.* Calculate the ampicillin content in milligrams per tablet as follows:

$$\text{Milligrams of ampicillin per tablet} = \frac{A_u \times P_s \times d}{A_s \times 1.000}$$

where:

A_u = Absorbance of sample solution;
P_s = Potency of working standard in micrograms per milliliter;
A_s = Absorbance of working standard solution;
d = Dilution factor of the sample.

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except use the ampicillin working standard. Prepare the sample as follows: Dissolve and dilute a representative number of tablets with distilled water to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Dissolution.* Proceed as directed in § 436.541 of this chapter, except:

(i) A distance of 2.5±0.2 centimeters should be maintained between the lower edge of the stirring blade and the lowest inner surface of the vessel during test rather than 4.5±0.5 centimeters as specified in paragraph (a) of that section; and

(ii) In lieu of paragraph (d) of that section, use the interpretation described in the United States Pharmacopeia XX dissolution test. The quantity, Q (the amount of ampicillin dissolved) is 85 percent at 30 minutes.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act, FDA permits the manufacturer to market this drug on a "release" status pending the regulation's becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective upon the date of publication in the Federal Register (May 8, 1981). However, interested persons may, on or before June 8, 1981, submit written comments on this rule to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before June 8, 1981, a written notice of participation and request for hearing, and (2) on or before July 7, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analysis in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, make findings and conclusions and deny a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective May 8, 1981.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)).

Dated: April 30, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-13670 Filed 5-7-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Parts 430, 436, and 442

[Docket No. 81N-0117]

Antibiotic Drugs; Sterile Cefotaxime Sodium

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic drug regulations to provide for the certification of a new antibiotic drug, sterile cefotaxime sodium. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective May 8, 1981; comments, notice of participation, and request for hearing by June 8, 1981; data, information, and analyses to justify a hearing by July 7, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new antibiotic drug, sterile cefotaxime sodium. The agency concludes that the data supplied by the manufacturer on sterile cefotaxime sodium are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 442 (21 CFR Parts 430, 436, and 442) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended, [21 U.S.C. 357, 371 (f) and (g)]) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Parts 430, 436, and 442 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:

a. In § 430.5 by adding paragraphs (a)(71) and (b)(71) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(71) *Cefotaxime.* The term "cefotaxime master standard" means a specific lot of cefotaxime that is designated by the Commissioner as the standard of comparison in determining the potency of the cefotaxime working standard.

(b) * * *

(71) *Cefotaxime.* The term "cefotaxime working standard" means a specific lot of a homogeneous preparation of cefotaxime.

b. In § 430.6 by adding paragraph (b)(73) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(73) *Cefotaxime.* The term "microgram" applied to cefotaxime means the cefotaxime activity (potency) contained in 1.000 micrograms of cefotaxime master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended.

a. In § 436.33(b) by alphabetically inserting a new item into the table as follows:

§ 436.33 Safety test.

* * * * *

(b) * * *

Antibiotic drug	Diluent [1]	Test dose: Concentration [2]	Test dose: Volume [3]	Route of administration [4]
Cefotaxime sodium	3	40 mg	0.5	Intravenous.

[1] Diluent number as listed in § 436.31.
[2] In units or milligrams of activity per milliliter.
[3] In milliliters to be administered to each mouse.
[4] As described in paragraph (c) of this section.

* * * * *

b. In § 436.105 (a) and (b) by alphabetically inserting a new item into the respective tables, as follows:

§ 436.105 Microbiological agar diffusion assay.

* * * * *

(a) * * *

Antibiotic	Media to be used (as listed by medium number in § 436.102(b)): Base layer	Media to be used (as listed by medium number in § 436.102(b)): Seed layer	Milliliters of media to be used in the base and seed layers: Base layer	Milliliters of media to be used in the base and seed layers: Seed layer	Test organism	Suggested volume of standardized inoculum to be added to each 100 milliliters of seed agar	Incubation temperature for the plates
Cefotaxime	2	1	21	5	A	0.1 milliliters	37 Degrees C.

(b) * * *

Antibiotic	Working standard stock solutions: Drying conditions (method number as listed in § 436.200)	Working standard stock solutions: Initial solvent	Working standard stock solutions: Diluent (solution number as listed in § 436.101(a))	Working standard stock solutions: Final concentration units or milligrams per milliliter	Working standard stock solutions: Storage time under refrigeration	Standard response line concentrations: Diluent	Standard response line concentrations: Final concentrations, units or micrograms of antibiotic activity per milliliter
Cefotaxime	Not dried	1	1	1 mg	Use same day.	1	6.4, 8.0, 10.0, 12.5, 15.6 µg.

PART 442—CEPHA ANTIBIOTIC DRUGS

3. Part 442 is amended:

a. In Subpart A by adding new § 442.13a to read as follows:

§ 442.13a Sterile cefotaxime sodium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cefotaxime sodium is the sodium salt of 5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid, 3-[(acetyloxy)methyl]-7-[[[(2-amino-4-thiazolyl)(methoxyimino)acetyl]amino]-8-oxo-,[6*R*-[6α, 7β(*Z*)]]-. It is so purified and dried that:

(i) Its potency is not less than 655 micrograms and not more than 1,002 micrograms of cefotaxime per milligram on an anhydrous basis. If it is packaged for dispensing, its content is satisfactory if it is not less than 90 percent and not more than 110 percent of the number of milligrams of cefotaxime that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 6.0 percent.

(vi) Its pH in an aqueous solution is not less than 4.5 and not more than 6.5.

(vii) It gives a positive identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, and identity.

(ii) Samples required:

(*a*) If the batch is packaged for repacking or for use as an ingredient in the manufacture of another drug:

(*1*) For all tests except sterility: 10 packages, each containing approximately 1 gram.

(*2*) For sterility testing: 20 packages, each containing approximately 1 gram.

(*b*) If the batch is packaged for dispensing:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Use either of the following methods; however, the results obtained from the hydroxylamine colorimetric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 8.0 (solution 1), to obtain a stock solution of convenient concentration; also, if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with solution 1 to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 2.0 micrograms of cefotaxime per milliliter (estimated).

(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 442.40(b)(1)(ii) of this chapter, except prepare the working standard and sample solutions and calculate the potency of the sample as follows:

(*a*) *Preparation of the working standard solution.* Dissolve and dilute an accurately weighed portion of the cefotaxime working standard in sufficient distilled water to obtain a concentration of 1 milligram of cefotaxime per milliliter.

(*b*) *Preparation of sample solution.* Dissolve and dilute an accurately weighed portion of the sample in sufficient distilled water to obtain a concentration of 1 milligram of cefotaxime per milliliter (estimated).

(*c*) *Calculations*—(*1*) Calculate the cefotaxime content in micrograms per milligram as follows:

$$\text{Micrograms of cefotaxime per milligram of sample} = \frac{A_u \times P_s}{A_s \times W_u}$$

where:

A_u = Absorbance of sample solution;
P_s = Potency of working standard solution in micrograms per milliliter;
A_s = Absorbance of working standard solution;
W_u = Milligrams of sample per milliliter of sample solution.

(*2*) Calculate the cefotaxime content of the single-dose vial as follows:

$$\text{Milligrams of cefotaxime per single-dose vial} = \frac{A_u \times P_s \times d}{A_s \times 1{,}000}$$

where:

A_u = Absorbance of sample solution;
P_s = Potency of working standard solution in micrograms per milliliter;
A_s = Absorbance of working standard solution;
d = Dilution factor of the sample.

(*3*) Calculate the cefotaxime content of the multiple-dose vial as follows:

$$\text{Milligrams of cefotaxime per multiple-dose vial} = \frac{A_u \times P_s \times d}{A_s \times 1{,}000 \times n}$$

where:

A_u = Absorbance of sample solution;
P_s = Potency of working standard solution in micrograms per milliliter;
A_s = Absorbance of working standard solution;
d = Dilution factor of the sample;
n = Volume of sample solution assayed.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of cefotaxime per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(7) *Identity.* Proceed as directed in § 436.323 of this chapter, except prepare spotting solutions as follows: Prepare solutions of the sample and working standard, each containing 1 milligram of

cefotaxime per milliliter in distilled water.

b. In Subpart C by adding new § 442.213 to read as follows:

§ 442.213 Sterile cefotaxime sodium.

The requirements for certification and the tests and methods of assay for sterile cefotaxime sodium packaged for dispensing are described in § 442.13a.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act, FDA permits the manufacturer to market this drug on a "release" status pending the regulation's becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective May 8, 1981. However, interested persons may, on or before June 8, 1981, submit written comments on this rule to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before June 8, 1981, a written notice of participation and request for hearing, and (2) on or before July 7, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective May 8, 1981.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended, (21 U.S.C. 357, 371 (f) and (g)))

Dated: April 30, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-13878 Filed 5-7-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Parts 436, 442, 444, and 455

[Docket No. 81N-0107]

Antibiotic Drugs; Updating and Technical Changes

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the antibiotic regulations by making corrections, noncontroversial technical changes, and revocations in the regulations providing for the certification of antibiotic and antibiotic-containing drugs for human use. These changes will result in more accurate and usable regulations that reflect current certification practices.

DATES: Effective May 8, 1981; comments, notice of participation, and request for hearing by June 8, 1981; data, information, and analyses to justify a hearing by July 7, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: FDA is amending the antibiotic drug regulations by making corrections, minor noncontroversial technical changes, and revocations in several antibiotic drug regulations that provide for certification of antibiotic and antibiotic-containing drugs intended for human use. To aid in understanding the types of changes included in this document, the changes have been grouped into three general classes for discussion in this preamble: monograph corrections, technical changes, and revocations.

Monograph Corrections

1. In § 436.106(b), the heading of the last column of the table is corrected to delete the postscript "2" after the phrase "Degrees C." The heading appeared incorrectly in the recodification published in the Federal Register on May 30, 1974 (39 FR 18922).

2. In § 442.40(b)(1)(ii)(*b*)(*4*), the preparation of ferric nitrate solution is corrected.

3. In § 444.142a(b)(2), the test reference is corrected to refer to an active section.

4. In § 455.251(b)(5), the test reference is corrected to refer to the specific test method.

Technical Changes

In § 444.442f, in the heading and in paragraph (a)(1), "hydrocortisone acetate" is revised to read "hydrocortisone" to correctly identify the ingredient.

Revocations

Sections 436.314 and 436.315 are revoked. The test methods specified under these sections are no longer active.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742), that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701(f), (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371(f), (g))) and under authority delegated to the Commissioner

of Food and Drugs (21 CFR 5.1), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

§ 436.106 [Amended]

1. Part 436 is amended:

a. In § 436.106 *Microbiological turbidimetric assay* in paragraph (b) by amending the heading of the last column of the table by removing the postscript "2" after the phrase "Degrees C."

§ 436.314 [Removed]

b. Section 436.314 *Thin layer chromatographic test for doxorubicin hydrochloride* is removed.

§ 436.315 [Removed]

c. Section 436.315 *Thin layer chromatographic identity test for doxorubicin hydrochloride for injection* is removed.

PART 442—CEPHA ANTIBIOTIC DRUGS

2. Part 442 is amended in § 442.40 by revising paragraph (b)(1)(ii)(*b*)(*4*), to read as follows:

§ 442.40 Cephradine.

* * * * *

(b) * * *
(1) * * *
(ii) * * *
(*b*) * * *

(*4*) *Ferric nitrate solution.* Dissolve 300 grams of ferric nitrate nonahydrate ($9H_2O$) in a mixture of 2.8 milliliters of concentrated sulfuric acid and sufficient distilled water to make 1 liter.

* * * * *

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

3. Part 444 is amended:

a. In § 444.142a, by revising paragraph (b)(2), to read as follows:

§ 444.142a Neomycin sulfate tablets.

* * * * *

(b) * * *

(2) *Moisture.* Proceed as directed in § 436.200(b) of this chapter.

* * * * *

b. In § 444.442f, by revising the section heading and amending paragraph (a)(1) by revising the first sentence, to read as follows:

§ 444.442f Neomycin sulfate-hydrocortisone-acetic acid otic suspension.

(a) * * *

(1) *Standards of identity, strength, quality, and purity.* Neomycin sulfate-hydrocortisone-acetic acid otic suspension is an aqueous suspension containing in each milliliter 5.0 milligrams of neomycin sulfate equivalent to 3.5 milligrams of neomycin and 10 milligrams of hydrocortisone.

* * *

* * * * *

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

4. Part 455 is amended in § 455.251 by revising paragraph (b)(5), to read as follows:

§ 455.251 Sodium novobiocin for injection.

* * * * *

(b) * * *

(5) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

* * * * *

These amendments institute changes that are corrective, editorial, or of a minor substantive nature. Because the amendments are not controversial and because when effective they provide notice of accepted standards, FDA finds that notice, public procedure, and delayed effective date are unnecessary and not in the public interest. The amendments, therefore, may become effective May 8, 1981. However, interested persons may, on or before June 8, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this regulation. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before June 8, 1981, a written notice of participation and request for hearing and (2) on or before July 7, 1981, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order must be filed in four copies, identified with the docket number appearing in the heading of this order, with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective May 8, 1981.

(Secs. 507, 701 (f), (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f), (g)))

Dated: April 20, 1981.

Mary A. McEniry,
Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-13877 Filed 5-7-81; 8:45 am]
BILLING CODE 4110-03-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Diethylcarbamazine Citrate Chewable Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Jensen-Salsbery Labs., Division of Burroughs Wellcome Co., providing for safe and effective use of diethylcarbamazine citrate chewable tablets for prevention of heartworm disease and as an aid in controlling ascarid infections in dogs, and as an aid in treating ascarid infections in dogs and cats.

EFFECTIVE DATE: May 8, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Jensen-Salsbery Laboratories, Division of Burroughs-Wellcome Co., 520 W. 21st St., Kansas City, MO 64108, filed an NADA (120–326) providing for use of 60-milligram (mg) diethylcarbamazine citrate chewable tablets in dogs for prevention of heartworm disease caused by *Dirofilaria immitis* and as an aid in the control of ascarid infections caused by *Toxocara canis*, and for use in dogs and cats as an aid in treating ascarid infections caused by *Toxocara canis* and *Toxascaris leonia*.

The chewable tablet is similar to a nonchewable tablet that was reviewed by the National Academy of Sciences/National Research Council (NAS/NRC) and a report published in the Federal Register of January 8, 1969 (34 FR 275). The NAS/NRC review stated, and the agency concurred, that diethylcarbamazine is effective as an aid in treating ascarid infections in dogs and cats when administered at 25 to 50 milligrams per pound of body weight as a single dose with a repeat dose given after 10 to 20 days.

Another dosage form, diethylcarbamazine premix, is the subject of an NAS/NRC review published in the Federal Register of June 16, 1970 (35 FR 9668). The NAS/NRC review concluded that diethylcarbamazine is probably effective, and the agency concluded that it is effective as an aid in controlling and treating large roundworm (ascarid) infections in dogs when given as directed.

Jensen-Salsbery filed an NADA containing data from published literature using diethylcarbamazine to demonstrate that their product is safe and effective for preventing heartworm and treating ascarid infections. In addition, they submitted data from a controlled artificial challenge heartworm study and a palatability study. The agency granted a waiver from the requirements of 21 CFR 514.111(a)(5)(ii) concerning additional studies to provide substantial evidence of effectiveness of this drug for prevention of heartworm disease. The claims for control and treatment of ascarid infections are approved on the basis of the NAS/NRC reviews and the published literature submitted. The application is therefore approved and the regulations amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Director, Bureau of Veterinary Medicine, has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment. Therefore, an environmental impact statement will not be prepared. The Director's finding of no significant impact and the evidence supporting that finding are contained in a statement of exemption (21 CFR 25.1(f)(1)(ii)(*a*)), which may be seen in the Dockets Management Branch (HFA–305), address above.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.622c by adding new paragraph (b)(5), to read as follows:

§ 520.622c Diethylcarbamazine citrate chewable tablets.

* * * * *

(b) * * *

(5) For 017220, use of 60-milligram tablets as in paragraph (c)(2)(i) of this section.

* * * * *

Effective date. This amendment is effective May 8, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 30, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81–13775 Filed 5–7–81; 8:45 am]

BILLING CODE 4110–83–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R–81–919]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the maximum allowable finance charge on Title I property improvement, mobile home loans, combination and mobile home lot loans, and historic preservation loans. The change is necessitated by the high interest rates prevalent for such loans. This action by HUD is designed to bring the maximum financing charges into line with other competitive market rates and help assure an adequate supply of financing for such loans.

EFFECTIVE DATE: April 27, 1981.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Office of Title I Insured Loans, Office of Single Family Housing, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 (202–755–6680).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum finance charge on mobile home loans has been raised from 17.00 percent to 18.00 percent, and the finance charge on combination loans for the purchase of a mobile home and a developed or undeveloped lot has been raised from 16.50 percent to 17.50 percent. The maximum charge on property improvement and historic preservation loans has been raised to 18.00 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709–1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS SUBPART A—ELIGIBILITY REQUIREMENTS—PROPERTY IMPROVEMENT LOANS

1. Section 201.4(a) is revised to read as follows:

§ 201.4 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (b) of this section which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 18.00 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart B—Eligibility Requirements—Mobile Home Loans

2. Section 201.540(a) is revised to read as follows:

§ 201.540 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed 18.00 percent simple interest per annum. No points or discounts of any kind may be assessed or collected in connection with the loan transaction, except that a one percent origination fee may be collected from the borrower. If assessed, this fee must be included in the finance charge. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

Subpart D—Eligibility Requirements—Combination and Mobile Home Lot Loans

3. Section 201.1511(a)(1), is revised to read as follows:

§ 201.1511 Financing charges.

(a) *Maximum financing charges.*

* * * * *

(1) 17.50 percent per annum.

* * * * *

Subpart E—Eligibility Requirements—Historic Preservation Loans

4. Section 201.1625(a) is revised to read as follows:

§ 201.1625 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge, exclusive of fees and charges as provided by paragraph (b) of this section, which may be directly or indirectly paid to, or collected by the insured in connection with the loan transaction, shall not exceed a 18 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

* * * * *

(Section 3(a), 82 Stat. 113; 12 U.S.C. 1709–1; section 7 of the Department of Housing and Urban Development Act, 42 U.S.C. 3534(d))

Issued at Washington, D.C., April 24, 1981.

Philip D. Winn,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 81-13869 Filed 5-7-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 240

[T.D. ATF-83; Re: Notice No. 324]

Wine; Determination of Color in White Wine; Treatment of White Wine, Pale Dry Sherry, and Cocktail Sherry With Activated Carbon; and Other Miscellaneous Amendments

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF); Department of the Treasury.

ACTION: Final rule (Treasury decision).

SUMMARY: This final rule replaces the Lovibond Method with the Association of Official Analytical Chemists (AOAC) method for determining color in white wine. The AOAC method utilizes a device known as a colorimeter which gives results that correspond more closely to the intensity of white wine color than the Lovibond Method.

This final rule also provides that a proprietor may treat pale dry sherry or cocktail sherry with activated carbon to remove excess color within a new prescribed limitation. The new prescribed limitation of activated carbon to remove the excess color in producing pale dry sherry or cocktail sherry is 25 pounds per 1,000 gallons of wine.

This final rule also eliminates the need for a proprietor to submit to ATF an application for authority to use activated carbon under 27 CFR 240.527a. Additionally, when a proprietor desires to treat white wine with more than 9 pounds of activated carbon to remove excess color under 27 CFR 240.527, the proprietor will be required only to submit a notice and, if required by the regional regulatory administrator, samples.

In compliance with Executive Order 12291, this final rule is not classified as a major rule.

EFFECTIVE DATE: June 8, 1981.

FOR FURTHER INFORMATION CONTACT: Armida N. Stickney at 202–566–7626.

SUPPLEMENTARY INFORMATION:

I. Notice of Proposed Rulemaking

This Treasury decision follows the notice of proposed rulemaking published in the **Federal Register** on July 10, 1979 (44 FR 40351).

The notice proposed to amend 27 CFR 240.527 (redesignated from § 240.527a) (1) by granting proprietors authority to use activated carbon above 9 pounds per 1,000 gallons of wine for purposes of removing excess color in sherry (pale dry or cocktail) as long as the amber color and sherry flavor characteristics recognized as standard for pale dry sherry or cocktail sherry are not lost and (2) by limiting the total use of activated carbon to 25 pounds or less per 1,000 gallons. Additionally, the notice proposed to amend 27 CFR 240.1051 by listing the maximum amounts of activated carbon to remove the excess color in pale dry sherry or cocktail sherry and in white wines—25 pounds and 9 pounds, respectively. To be listed also in 27 CFR 240.1051 was the statement that the amount of activated carbon used to clarify and purify wine shall be included in the total amount used to remove excess color in white wine.

The notice also proposed to require a proprietor to state, in the application to

obtain authority to use activated carbon for decolorizing purposes, the range of color (per AOAC Method 11.B01–11.B02 (AOAC, 12th ed. 1975)) of the expressed juice before treatment.

Activated Carbon Treatment of Pale Dry Sherry or Cocktail Sherry

The previous application of § 240.527 (redesignated from § 240.527a) allowed a proprietor to use activated carbon to treat pale dry sherry or cocktail sherry when it was necessary to remove excess color from the product. The amount of activated carbon was limited to no more than 9 pounds per 1,000 gallons of wine for the treatment. Each time a proprietor needed to use more than that amount to treat pale dry sherry or cocktail sherry, the proprietor had to submit an application.

In an experimental study conducted between industry participants and ATF on the activated carbon treatment of white wine, information on sherry treatment revealed that greater amounts than 9 pounds of activated carbon per 1,000 gallons of wine were needed to produce a sherry of very pale color and mild flavor. Chemical analysis and taste tests of several sherries demonstrated that the necessary quantity of activated carbon can range up to 25 pounds per 1,000 gallons of sherry in order to produce a desirable light product while still retaining the characteristic sherry flavor and distinctive amber color.

Consequently, the Director is allowing a proprietor, without submitting a written statement and samples, to use up to 25 pounds of activated carbon per 1,000 gallons of wine when decolorizing treatment is required to adjust the color in a pale dry sherry or cocktail sherry.

The key amendment, 27 CFR 240.527 (redesignated from § 240.527a), authorizes proprietors to use activated carbon in treating sherry as long as the amber color and sherry flavor characteristics recognized as standard for pale dry sherry or cocktail sherry are not lost, and limits the total use of activated carbon to 25 pounds or less. Additionally, 27 CFR 240.1051 lists the maximum amounts of activated carbon to remove the excess color in pale dry sherry or cocktail sherry and in other white wines—25 pounds and 9 pounds, respectively. Also listed in 27 CFR 240.1051 is the statement that the amount of activated carbon used to clarify and purify the wine shall be included in the total amount used to remove excess color in white wine.

AOAC Method for Determining Color in White Wine

Previous regulations allowed activated carbon and other decolorizing material to be used in producing white wine, but the color could not be less than 0.6 Lovibond in a one-half inch cell.

The Lovibond Method was first adopted by the brewing industry in 1884 and was gradually used to meet the requirements of the whisky and wine industries. Though the Lovibond Method was solely designed to measure and record "color units" (1.0–20.1 units) of malt beverage, the Lovibond scale was arbitrarily extended below the 1.0 color unit to 0.6 in order to include white wines. The method required a number of adjustments to correct turbidity readings and to apply no-longer-meaningful color specifications to a spectro-photometric analytical procedure. Determination of color by this method was subject to error due to haze from suspended particles.

The wine industry expressed dissatisfaction with the Lovibond Method. As a result, a trade association undertook an extensive study to devise a more satisfactory analytical method. The study resulted in the development of a method which was adopted by the Association of Official Analytical Chemists (AOAC) in 1976. Prior to adoption, the AOAC proved the method to be precise in measuring color variations within grape juice variation and in measuring reproducible color in hazy or cloudy wines.

This same trade association filed a petition for rulemaking to amend 27 CFR 240.527 (redesignated from § 240.527a) by replacing the Lovibond Method with the AOAC method to test color in white wine.

The amendment states that white wine treated with activated carbon or other decolorizing material shall have a color of not more than 95% transmittance value per AOAC Method 11.003–11.004 (AOAC 13th edition, 1980; formerly from AOAC 11.B01–11.B02, 12th edition, 1975). The 95% transmittance value is reasoned to be the minimum color level, equivalent to the current 0.6 Lovibond level, that occurs naturally in white grape wines.

AOAC Method: Color in White Wine—Official Final Action.[1]

Apparatus. White wine colorimeter.—Double beam filter photometer utilizing tungsten incandescent lamp with Corning 5–61 high pass filter, selenium photocells, and 1-inch path test and reference cells, and zero set cell for calibration. Combination of responses of photocell and filter approximates monochromatic peak at 430 nanometers. . . .

Reagents. Potassium chromate standard solution—0.0002069 Molar. Dissolve 0.0400 gram of potassium chromate primary standard . . . in 0.05 Normal potassium hydroxide and dilute to one liter with 0.05 Normal potassium hydroxide.

Determination. Let instrument warm up 2 hours. Standardize with potassium chromate solution according to manufacturer's instructions. Percent transmittance should be reproducible to ±0.1%.

Fill reference and test cells with water and place both in colorimeter. Set indicator knob to zero, and null colorimeter by adjusting zero set knob. Remove test cell and replace with zero set cell. Null meter by adjusting indicator. Indicator should read approximately 98.5 on duplicate tests. Repeat each hour or after every 10–15 samples.

With zero set cell in place, set indicator to value (approximately 98.5) determined above. Null meter with zero set knob. Replace zero set cell with test cell containing wine sample. Null meter by adjusting indicator. Read percent transmittance on indicator.

[1] Source: AOAC 12th ed. 1980, p. 185.

II. Public Participation

Interested persons were afforded an opportunity to comment on the proposed amendments and due consideration was given to all comments received in response to the notice. As a result of comments received, certain changes have been made to the proposed amendments. The basic purpose of the amendments, as stated above, remain the same.

III. Discussion of Comments

A total of four commenters submitted their written views, containing several issues, during the 60-day comment period of the notice. In general, all commenters were in favor of replacing the Lovibond Method for determining color in white wine with a more reliable method and in liberalizing the continuing authority provisions so as to reduce operating costs in the production of sherry.

Discussions of the comments and issues raised are as follows:

Topic: AOAC Method.

Comment. The Association of Official Analytical Chemists, Washington, D.C., advised ATF that the new Thirteenth Edition 1980 of the *Official Methods of Analysis of the Association of Official Analytical Chemists* (AOAC) no longer refers to the AOAC Method for the determination of color in white wine as AOAC Method "11.B01–11.B02" but as "11.003–11.004".

Response. As revised, 27 CFR 240.527 (redesignated from § 240.527a) has been changed by replacing the reference to AOAC Method "11.B01–11.B02" with "AOAC Method 11.003–11.004". Moreover, since ATF has received approval from the Director of the Federal Register to incorporate the AOAC publication by reference under 5 U.S.C. 552(a), paragraph (d) is added to 27 CFR 240.527 (redesignated from § 240.527a) to provide the statement of incorporation by reference.

Comment. One commenter recommended that wineries be authorized to use alternative precision instruments other than the colorimeter specified in the AOAC method, because other methods may be superior.

Response. No change has been made. Any new precision instrument would best be subject to collaborative study with the Association of Official Analytical Chemists, the American Society of Enologists, or the like and with ATF before a new method is adopted by regulation. To date, the colorimeter is sufficiently adequate to routinely measure the color in white wine. ATF welcomes continued industry/Government investigation to develop better standards.

Comment. Another comment concerned the proposed wording in 27 CFR 240.527(c)(2) (redesignated from § 240.527(b))—that the proposed treatment with activated carbon would "not remove any of the characteristics of the wine". The commenter stated that activated carbon would definitely remove certain undesirable characteristics (*i.e.*, excessive color) of the wine and suggested that the language be changed to provide that the "natural characteristics cannot be removed nor can the vinous characteristic be reduced".

Response. A change has been made. The term "characteristic" has been made explicit to mean the vinous characteristic of the wine. The term "natural characteristics" will not be used, because some undesirable characteristics may occur naturally (for example, oxidation, which tends to cause color change, is a natural characteristic; and oxidated products may need to be partially absorbed by the decolorizing activated carbon to remove the excess color). The existent term "any of the usual natural color" was inadvertently omitted from the proposed language and has been reinstated. The proposed wording "that the proposed treatment will remove only the excess color and will not remove any of the characteristics of the wine" has been changed to read "that the proposed treatment will remove only the excess color and will not remove any of the usual natural color or other vinous characteristics of the white wine".

Comment. A commenter questioned the need to record, in 27 CFR 240.527 (redesignated from § 240.527a), the approximate temperature of the juice or wine during activated carbon treatment.

Response. No change has been made. ATF requires temperature data during the treatment with activate carbon or other decolorizing material, because temperature is a factor in changing the characteristic of a white wine.

Topic: Activated carbon.

Comment. One commenter stated that the scope of 27 CFR 240.527a (redesignated from § 240.527) should not be limited to only white wine and sherry made from white wine but to allow sherry made from red wine to be treated also with activated carbon.

Response. A change has been made, but the substantive requirement of the regulation to control the amount of activated carbon in removing excess color from white wine or sherry made with white wine is being retained. A reference to the decolorization treatment with activated carbon of certain types of sherry (*i.e.*, pale dry sherry or cocktail sherry) has been made in 27 CFR 240.527 (redesignated from § 240.527a). The reference to "sherry" has been dropped from 27 CFR 240.527a (redesignated from § 240.527).

Comment. A commenter suggested that the term "decolorizing carbon" replace "activated carbon".

Response. A change has been made to make the term "activated carbon" more explicit by referring to it as "activated carbon for decolorization" or in association with the words "other decolorizing materials" in 27 CFR 240.527 (redesignated from § 240.527a).

Comment. A commenter questioned why the amount of activated carbon used in the basic wine-producing material should reduce the 25-pound maximum limitation authorized for sherry.

Response. The total amount of activated carbon employed to produce a pale dry sherry or cocktail sherry product shall not exceed the 25-pound-maximum-limitation requirement. Any total amount beyond the 25-pound-maximum limitation could severely alter the product to render a very low sherry character.

Topic: Recordkeeping requirements.

Comment. One commenter felt that records under 27 CFR 240.527(b) (redesignated from § 240.527a(c)) should be limited to (1) date of treatment, (2) kind and quantity of wine or juice treated, (3) amount of activated carbon or other decolorizing material used, and (4) color of wine or juice after treatment. The commenter stated that the details of the cellar treatment and the variety of the grape should be excluded from the recordkeeping requirements.

Response. No change has been made to eliminate any existing recordkeeping requirements. Such record data has been and is essential for post-audit inspections and is good business practice. The comment to record the date of treatment with activated carbon or other decolorizing material, however, has been adopted.

Comment. A commenter recommended that the data on transmittance per AOAC Method 11.003–11.004 be part of the records as required in 27 CFR 240.527(b) (redesignated from § 240.527a(c)).

Response. This recommendation has been adopted, because it is important for auditing purposes and is practical from a business standpoint.

IV. Other Amendments

The requirement for a proprietor to submit an application and samples to receive authority to use activated carbon within prescribed limitations under 27 CFR 240.527 (redesignated from § 240.527a) is eliminated. Moreover, a proprietor need only file a notice to treat white wine requiring more activated carbon than the prescribed limitation and, if the regional regulatory administrator requests samples, shall submit such samples of the white wine.

Other amendments are editorial in nature. For example, the provisions of 27 CFR 240.527a have been redesignated to 27 CFR 240.527 and vice versa; the headings have also been changed—the redesignated § 240.527 has been amended to read "Decolorizing wine" and the redesignated § 240.527a has been amended to read "Authority to use greater quantities of activated carbon in white wine"; both sections have been made more readable and procedurally correct; and the citations of authority at the end of 27 CFR 240.527, 240.527a, and 240.1051 have been updated.

V. Safety of Activated Carbon

The safety of activated carbon is being evaluated by the Food and Drug Administration under their comprehensive safety review procedures to determine whether activated carbon is generally recognized as safe (GRAS) or subject to a prior sanction. The Director will take appropriate action in the event the adopted limitations on activated carbon are affected by any future conclusions made by the Select Committee on GRAS Substances.

VI. Drafting Information

The primary author of this final rule is A. N. Stickney of the Research and Regulations Branch, ATF. Other personnel of ATF and other offices of the Department of Treasury participated in developing this final rule, both as to matters of substance and style.

VII. Authority and Issuance

The Director is issuing this Treasury decision, under the authority contained in 26 U.S.C. 5382 (72 Stat. 1383) and 26 U.S.C. 7805 (68A Stat. 917).

VIII. Adoption of Amendments to the Regulations

Accordingly, 27 CFR Part 240 is amended by adopting, subject to the foregoing changes, the regulations proposed in the notice of proposed rulemaking published in the Federal Register on July 10, 1979 (44 FR 40351).

1. Subpart X of the table of sections of 27 CFR Part 240, as amended, reads as follows:

PART 240—WINE

* * * * *

Subpart X—Storage and Finishing of Wine

* * * * *

Sec.
240.527 Decolorizing wine.
240.527a Authority to use greater quantities of activated carbon in white wine.
* * * * *

2. As revised, § 240.527 reads as follows:

§ 240.527 Decolorizing wine.

(a) *Conditions and limitations.* If a proprietor wishes to use activated carbon or other decolorizing material to remove excess color from white wine (other than vermouth) or from pale dry sherry or cocktail sherry, the proprietor shall meet the following conditions and limitations:

(1) *White wine.* (i) The vinous character of the wine treated shall not be reduced; (ii) the quantity of activated carbon or other decolorizing material per 1,000 gallons of wine used to treat white wine, including any decolorizing material used in the basic wine-producing material, shall not exceed 9 pounds; (iii) the total amount of decolorizing material used in the white wine before and after a transfer of wine in bond shall not exceed the prescribed limitations of 9 pounds per 1,000 gallons (see paragraph (c) of this section); and (iv) the white wine treated with decolorizing material shall have a color of not more than 95 percent transmittance per AOAC Method 11.003–11.004 (see paragraph (d) of this section). However, a proprietor may produce a white wine having a color of more than 95 percent transmittance per AOAC Method 11.003–11.004 by using normal methods and without the use of decolorizing material.

(2) *Pale dry sherry or cocktail sherry.* (i) The amber color and flavor characteristics generally attributed to sherry shall be retained; (ii) the quantity of activated carbon or other decolorizing material used per 1,000 gallons of wine, including any decolorizing material used in the basic wine-producing material, shall not exceed 25 pounds; (iii) the total amount of decolorizing material used in pale dry sherry or cocktail sherry before and after a transfer of wine in bond shall not exceed the prescribed limitations of 25 pounds per 1,000 gallons (see paragraph (c) of this section); and (iv) the pale dry sherry or cocktail sherry treated with decolorizing material shall have a color of not more than 95 percent transmittance per AOAC Method 11.003–11.004 (see paragraph (d) of this section). However, a proprietor may produce a pale dry sherry or cocktail sherry having a color of more than 95 percent transmittance per AOAC method 11.003–11.004 by using normal methods and without the use of decolorizing material.

(b) *Records.* A proprietor treating wine or pale dry sherry or cocktail sherry with activated carbon or other decolorizing material under this section shall keep records showing—

(1) The kind and type of white wine, pale dry sherry, or cocktail sherry;

(2) For each lot of white wine or pale dry sherry or cocktail sherry or basic wine-producing material treated, the date of the treatment and the length of time the decolorizing material is in contact with the white wine or pale dry sherry or cocktail sherry;

(3) The percentage of transmittance per AOAC 11.003–11.004 of the expressed juice before treatment with any decolorizing material and the percentage of transmittance per AOAC 11.003–11.004 after treatment (see paragraph (d) of the section);

(4) The kind and quantity of the juice (for example, grape variety or kind of wine);

(5) The kind and quantity of the decolorizing material used per 1,000 gallons of wine and/or juice;

(6) The approximate temperature of the juice or wine during treatment; and

(7) The complete cellar treatment given the finished wine, pale dry sherry, or cocktail sherry such as the use of sulfur dioxide and the length of time the decolorizing material is in contact with the finished wine, pale dry sherry, or cocktail sherry.

(c) *Transfer in bond.* When a consignor proprietor transfers the white wine or pale dry sherry or cocktail sherry treated with activated carbon or other decolorizing material to a consignee proprietor, the consignor proprietor shall record on Form 703 (5120.23)—

(1) The amount of the white wine or pale dry sherry or cocktail sherry which has been treated under the provisions of this section and

(2) The amount of decolorizing material used in treating the white wine or pale dry sherry or cocktail sherry before its transfer.

The consignee proprietor may further treat the white wine or pale dry sherry or cocktail sherry with decolorizing material as long as the consignee proprietor possesses a copy of Form 703 (5120.23) and complies with the requirements of this section.

(d) *Incorporation by reference.* The "Official Methods of Analysis of the Association of Official Analytical Chemists" (AOAC Method 11.003–11.004; 13th Edition 1980) is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register on May 7, 1981 and is available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20408. The publication is available from the Association of Official Analytical Chemists, 11 North 19th Street, Suite 210, Arlington, Virginia 22209.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383 (26 U.S.C. 5382))

3. As revised § 240.527a reads as follows:

§ 240.527a Authority to use greater quantities of activated carbon in white wine.

(a) *Proprietor's notice.* If color in excess of that normally present in white wine develops during the production or storage of a particular lot or lots and if the proprietor desires to use activated carbon in excess of 9 pounds per 1,000 gallons of wine to remove the excess color, the proprietor, prior to starting the treatment, shall submit to the regional regulatory administrator a written notice for each lot of white wine to be treated with activated carbon for decolorization. The written notice shall state (1) the reasons for treating the white wine; (2) the quantity, kind, and type of the white wine to be treated; (3) the kind and quantity of activated carbon to be used for decolorization; and (4) the process to be employed.

(b) *Action by the regional regulatory administrator on proprietor's notice.* Upon receipt of the proprietor's notice, the regional regulatory administrator may require the proprietor to submit samples of each lot of white wine for examination by the ATF Laboratory.

(c) *Samples and chemical analysis.* (1) *Samples.* If the regional regulatory administrator requires samples under paragraph (b) of this section, the proprietor shall prepare samples representing the white wine and submit such samples to the regional regulatory administrator for examination. The samples shall consist of (i) the white wine before treatment with activated carbon, (ii) the white wine after treatment with activated carbon, and (iii) the activated carbon used for decolorization.

(2) *Chemical analysis.* If the ATF chemical analysis on the samples shows that the proposed treatment will remove only the excess color and will not remove any of the usual natural color or other vinous characteristics of the white wine, the regional regulatory administrator will return a copy of the proprietor's written notice. If the ATF chemical analysis shows that the proposed treatment is not acceptable, the regional regulatory administrator will send the proprietor a letter stating the reasons for disallowing the proposed treatment.

(d) *Other requirements.* The proprietor shall maintain records, as prescribed in § 240.527(b) and (c), on each lot of white wine treated for decolorization and for any in bond transfers of white wines so treated. The proprietor shall maintain also a copy of the notice sent to the regional regulatory administrator and, if any, a copy of correspondence pertaining to samples submitted for examination.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383 (26 U.S.C. 5362))

4. Section 240.1051, as amended, reads as follows:

§ 240.1051 Materials authorized for treatment of wine.

* * * * *

Materials	Use	Reference or limitation
Activated carbon.	To assist precipitation during fermentation.	§§ 240.381, 240.388, 240.401, 240.405. GRAS.
	To clarify and purify wine.	Any amount used shall be included in the total amount used to remove excess color in wine. §§ 240.527, 240.527a. GRAS.
	To remove excess color in white wine (other than vermouth).	The amount used shall not exceed 9 pounds per 1,000 gallons of wine. § 240.527. GRAS. If the amount used shall exceed 9 pounds per 1,000 gallons of wine, a notice is required. § 240.527a. GRAS.
	To remove excess color in pale dry sherry or cocktail sherry.	The amount used shall not exceed 25 pounds per 1,000 gallons of wine. § 240.527. GRAS.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1383 (26 U.S.C. 5362))

Signed: April 2, 1981.

G. R. Dickerson,

Director.

Approved: April 17, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-14099 Filed 5-7-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF EDUCATION

34 CFR Parts 104 and 300

Special Education and Rehabilitative Services; Handicapped Children, Assistance to States for Education, and Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting From Federal Financial Assistance; Interpretation

AGENCY: Department of Education.

ACTION: Notice of postponement of interpretation.

SUMMARY: The Secretary of Education postpones until further notice the effective date of the notice of interpretation published in the **Federal Register** on January 19, 1981. The notice interpreted Part B of the Education of the Handicapped Act ("EHA") and Section 504 of the Rehabilitation Act of 1973 ("Section 504") to require public educational agencies to provide clean intermittent catheterization as a "related service" when required to provide a free appropriate public education, including services in the least restrictive environment, to handicapped children entitled to receive services under these statutes. The Secretary takes this action in order to permit a comprehensive review of the related services requirements of Part B of the EHA and Section 504. However, pending a final determination on the related service provision in general, the provision of clean intermittent catheterization as a related service will be treated as an allowable cost under part B of the EHA.

EFFECTIVE DATE: This interpretation is postponed until further notice is published by the Secretary.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley A. Jones, Office of Special Education, Department of Education, Donohoe Building, 4th Floor, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 472–7921.

SUPPLEMENTARY INFORMATION: The Department of Education has published four previous documents concerning this notice of interpretation: a notice of interpretation (46 FR 4912; January 19, 1981), a notice of postponement of the effective date of the interpretation until March 30, 1981 pursuant to a Presidential memorandum dated January 29, 1981 (46 FR 12496; February 17, 1981), a notice of further postponement of the effective date of the interpretation until May 10, 1981 (46 FR 19878; March 27, 1981), and a notice of proposed suspension of the interpretation (46 FR 19002; March 27, 1981).

The issue presented in this interpretation is whether Part B of the Education of the Handicapped Act, as amended (20 U.S.C. 1411–1420) and its regulations (34 CFR Part 300) and Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) and its regulations (34 CFR Part 104) require public educational agencies to provide clean intermittent catheterization ("CIC") as a related service to eligible handicapped children when those children require the service to receive a free appropriate public education, including services in the least restrictive environment. The provision of clean intermittent catheterization as a related service was discussed in detail in the January 19, 1981 notice of interpretation.

The Secretary has concluded that this interpretation should be postponed pending a comprehensive review of the related services requirements of Part B of the EHA and Section 504. The Secretary anticipates that this review will be completed within six months. The Secretary is concerned that handicapped school children be educated to the greatest extent possible in the least restrictive environment. The Secretary is also concerned that the differentiation between related services and medical services be clarified. The Secretary declines to issue an interpretation based on regulations that are ambiguous and subject to review. In the interim, the provision of clean intermittent catheterization as a related service will be treated as an allowable cost under Part B of the EHA.

Public Comments on Proposed Suspension

The Department received approximately 100 written comments on the proposed indefinite suspension of this interpretation and about 80% of the commenters supported the interpretation. The majority of these comments were from parents or relatives of handicapped students.

The comments of parents, including those whose children are currently receiving CIC in public schools, expressed concern that the indefinite suspension of the interpretive rule would result in the provision of more restrictive educational placements for their children. A number of these comments stated that the educational alternatives to a regular classroom environment would ultimately be more costly financially for public schools and in terms of the normal social development of their children. Several commenters noted that more restrictive educational placements would mean transporting their children to schools more distant from their home. A significant number of parental comments stated that the indefinite suspension would increase the amount of court litigation and the number of due process hearings. These commenters also stressed that the economic burden of providing CIC, if any, would affect parents who would have to leave their jobs to drive to school to provide CIC.

Approximately 20% of the comments received supported the indefinite suspension of the interpretive rule. The majority of these commenters stated that CIC is a medical procedure and is unrelated to education.

Another commenter expressed concern that if CIC were viewed as a related service, life sustaining health services and equipment such as transfusions, orthopedic devices, iron lungs, or renal dialysis machines would also be required.

Based on the comments received, the Secretary has determined that this interpretation should be postponed until further notice pending the Department's comprehensive review of the related services provisions in general.

(20 U.S.C. 1221e-3, 1401, 1411-1420; 29 U.S.C. 794)

Dated: May 5, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-13573 Filed 5-7-81; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 8E2123/R300; PH-FRL 1780-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; O,O-Dimethyl S-[(4-OXO-1,2,3-Benzotriazin-3(4H)-YL) Methyl] Phosphorodithioate

Correction

In FR Doc. 81-8099 appearing on page 17021, in the issue of Tuesday, March 17, 1981, make the following corrections:

1. The heading should have appeared as set forth above.

2. In the first column, the fourth line of the "Summary" should have read "benzotriazin-3(4 *H*)-yl) methyl]".

3. In the first column, in the twelfth line of the "Summary", the portion reading "3(4H)-yl)" should have read "3(4 *H*)-yl)".

BILLING CODE 1505-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 5-5 and 5A-5

Public Contracts and Property Management; Special and Directed Sources of Supply

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Procurement Regulations, Chapter 5, are amended to transfer policies and procedures regarding special and directed sources of supply from Chapter 5A. This transfer is part of the action to incorporate appropriate material in Chapter 5A and 5B into Chapter 5. The intended effect is to have a single GSA-wide procurement regulation.

EFFECTIVE DATE: May 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

ADDITIONAL INFORMATION: Outstanding Procurement Letters remain in effect until canceled.

CHAPTER 5—GENERAL SERVICES ADMINISTRATION

[APD 2800.2 CHGE 16]

1. The Table of Parts is amended by adding the following entry.

Table of Parts

Part
5-5 Special and directed sources of supply.

2. The Contents of Part for Part 5-5 is added as follows:

PART 5-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 5-5.4—Procurement of Prison-Made Products

Sec.
5-5.406 Procurement procedures.
5-5.406-50 Delinquent delivery orders.
5-5.406-51 Contractual arrangements.
5-5.408 Clearances.
5-5.408-50 Federal prison industries clearance numbers.

Subpart 5-5.8—Procurement of Products of the Blind and Other Severely Handicapped

5-5.805 Procurement procedures.
5-5.805-2 Allocations and orders.
5-5.805-3 Purchase exceptions.
5-5.805-50 Delinquent delivery orders.
5-5.805-51 Contractual arrangements.

Subpart 5-5.50—Government Sources of Supply

5-5.5001 GSA sources.
5-5.5002 Government Printing Office.
5-5.5005 Department of Defense contracts.
5-5.5005-1 Lubricating oils, greases, and gear lubricants.
5-5.5005-2 Packaged petroleum products.
5-5.5005-3 Gasoline, fuel oil (diesel and burner), kerosene, and solvents.
5-5.5005-4 Coal.
5-5.5005-5 Electronic items.
5-5.5006 District of Columbia Government—Department of Corrections.
5-5.5007 District of Columbia Government term contracts.

Subpart 5-5.60—Procurement Procedures and Forms

5-5.6001 Use of GSA form 1584, Contract Summary.

3. Part 5-5 Special and Directed Sources of Supply is added as follows:

Subpart 5-5.4—Procurement of Prison-Made Products

§ 5-5.406 Procurement procedures.

§ 5-5.406-50 Delinquent delivery orders.

(a) Contracting officers shall establish delivery schedules based on the normal leadtime required by Federal Prison Industries (FPI) to prevent avoidable delinquent orders.

(b) Contracting officers shall take appropriate action on delinquent delivery orders until all deliveries are made.

(c) Contracting officers' efforts to negotiate an adjustment to the delivery

schedule shall not include a request for price adjustment.

(d) The existence of delinquent orders may indicate the need for requesting clearances for procurement from other sources until FPI can make deliveries within the normal leadtime.

(e) If the FPI facility cannot furnish the supplies within the normal leadtime, and the items can be obtained from commercial sources in significantly less time than from FPI, a clearance for procurement from another source shall be obtained in accordance with § 1–5.406.

§ 5–5.406–51 Contractual arrangements.

Contractual arrangements for GSA stock item purchases from FPI shall be summarized on GSA Form 1584, Contract Summary, in accordance with the procedures in § 5–5.6001.

§ 5–5.408 Clearances.

§ 5–5.408–50 Federal Prison Industries clearance numbers.

When procurement is made from a source other than FPI, the clearance number issued by FPI shall be cited in the solicitation for offers and all subsequent award documents.

Subpart 5–5.8—Procurement of Products of the Blind and Other Severely Handicapped

§ 5–5.805 Procurement procedures.

(a) When the Committee for Purchase from the Blind and Other Severely Handicapped (the Committee) undertakes the evaluation of an item for possible addition to the Procurement List, the item is assigned to a workshop or central nonprofit agency (CNA) and is listed in the Committee's Assignment Register. A copy of this register, updated monthly, is maintained in the Office of Small and Disadvantaged Business Utilization (VS). Information concerning items appearing on the register is available from VS.

(b) Once an item is assigned by the Committee to a workshop/CNA for evaluation, the CNA requests from VS pertinent information, including procurement history, anticipated requirements, and the following details from the current production plan: (1) date solicitation is to be released for printing, (2) solicitation issuance date, (3) bid opening date, and (4) contract award date. The appropriate procuring activity will in turn be contacted by VS, and shall furnish the requested information to the responsible CNA, with copy to VS, within 15 workdays. This response shall include identification, by NSN, of any items which are currently set aside for small business.

(c) Contracting officers shall, prior to the issuance of a solicitation, request from VS the status of any item previously identified as one in which the Committee has expressed interest.

(d) The Committee may occasionally request that a procurement be canceled or delayed pending Committee action. VS will coordinate such requests with the procuring activity to determine the feasibility of agreeing to the cancellation or delay.

§ 5–5.805–2 Allocations and orders.

(a) *Packaging, packing, and marking.* In addition to the requirements set forth in § 1–5.805–2, requests for allocations and orders shall indicate the packaging, packing, or marking required if other than the standard set forth in the specification cited, or otherwise provided in the Procurement List. Pricing of these nonstandard requirements is covered in § 1–5.805–10(e).

(b) *Delivery orders received and shipments made.* Each workshop for the blind or for other severely handicapped shall be required to maintain and furnish a monthly report of orders received and shipments made. This requirement shall be implemented by including the Delivery Status Record provision set forth in § 5–5.6001(g) in each GSA Form 1584, Contract Summary, issued for the procurement of items on the Procurement List.

§ 5–5.805–3 Purchase exceptions.

Purchases from commercial sources under § 1–5.805–3 shall cite the purchase exception number issued by the CNA in the solicitation for offers and all subsequent award documents.

§ 5–5.805–50 Delinquent delivery orders.

(a) Contracting officers shall take appropriate action on delinquent delivery orders until all deliveries are made. Procedures shall be in accordance with § 1–5.805–6 and the regulations of the Committee for Purchase from the Blind and Other Severely Handicapped (see 41 CFR 51–5.2 and 51–5.7).

(1) Contracting officers' efforts to negotiate an adjustment to the delivery schedule shall not include a request for price adjustment.

(2) Records of delinquent delivery orders shall be maintained regardless of adjustments to the delivery schedule.

(b) The contracting officer shall request a purchase exception from the CNA when:

(1) There is a delinquent delivery,

(2) The Government's requirements will not permit further delay, and

(3) The items are available from commercial sources in significantly less time.

(c) If the CNA delays acting on the request or refuses to grant a purchase exception, the matter shall be referred successively to VS, and, through the procuring director, to the head of the procuring activity for expeditious resolution of the problem with the Committee.

§ 5–5.805–51 Contractual arrangements.

Contractual arrangements for GSA stock item purchases shall be summarized on GSA Form 1584, Contract Summary, in accordance with § 5–5.6001.

Subpart 5–5.50—Government Sources of Supply

§ 5–5.5001 GSA sources.

Items covered by the GSA Stock Catalog, Federal Supply Schedule contracts, and GSA consolidated procurement programs shall be acquired in accordance with instructions contained in the Federal Property Management Regulations Subchapter E—Supply and Procurement, Subparts 101–26.3, 101–26.4, and 101–26.5.

§ 5–5.5002 Government Printing Office.

Procurement of items for use within the District of Columbia which are listed in the GPO Catalog and Price List shall be from GPO. Procurement of these items from commercial sources is prohibited unless a waiver is granted by the Public Printer through the Printing and Publications Division, National Capital Region, authorizing such purchases. When so authorized, the GPO waiver number shall be shown in the contract and/or purchase order. Acquisition from GPO of such items for use outside the District of Columbia is not mandatory. See § 101–26.703 regarding marginally punched continuous forms.

§ 5–5.5006 Department of Defense contracts.

The Defense Logistics Agency, Defense Fuel Supply Center, Cameron Station, Alexandria, Virginia 22314, and the Defense General Supply Center, Richmond, Virginia 23219, prepare annual contracts for lubricating oils, greases, gear lubricants, packaged petroleum products, gasoline, fuel oil (diesel and burner), kerosene, solvents, and coal. Electronic items are available from the Defense Electronic Supply Center, Dayton, Ohio 45444.

§ 5–5.5005–1 Lubricating oils, greases, and gear lubricants.

See § 101–26.602–1.

§ 5–5.5005–2 Packaged petroleum products.

See § 101–26.602–2.

§ 5–5.5005–3 Gasoline, fuel oil (diesel and burner), kerosene, and solvents.

See § 101–26.602–3.

§ 5–5.5005–4 Coal.

See § 101–26.602–4.

§ 5–5.5005–5 Electronic items.

See § 101–26.603.

§ 5–5.5006 District of Columbia Government—Department of Corrections.

(a) The District of Columbia is authorized, under Public Law 88–622, to sell industrial products and services to Federal agencies. A listing of the commercial products and services is available from: District of Columbia, Department of Corrections, Industries Division, Lorton, Virginia 22079. Except as otherwise provided in paragraphs (b) and (c) of this § 5–5.5006, these supplies and services may be procured on an optional basis.

(b) Laundry services for Federal agencies in the Washington, D.C. metropolitan area should be obtained from the Department of Corrections except when that department issues clearance for procurement from another source.

(c) Official U.S. Government tags for use on motor vehicles shall be acquired in accordance with § 101–38.3.

§ 5–5.5007 District of Columbia Government term contracts.

The District of Columbia places term contracts for sand, gravel, premixed concrete, Portland cement, slag and slag screenings, and road salt which may be used on an optional basis in the Washington, D.C. area. Details of these contracts may be obtained from the Purchasing Officer, D.C. Government, 613 G St. NW, Room 1002, Washington, D.C. 20001.

Subpart 5–5.50—Procurement Procedures and Forms

§ 5–5.5001 Use of GSA Form 1584, Contract Summary.

Contractual arrangements with (1) Federal Prison Industries (FPI), and (2) central nonprofit agencies (CNA) operating under the auspices of the Committee for Purchase from the Blind and Other Severely Handicapped shall be summarized on GSA Form 1584. The form shall be prepared in accordance with § 5–16.950–1584–1 and the applicable instructions in this Subpart 5–5.50.

(a) A separate GSA Form 1584 shall be prepared for each addressee (block 5).

(1) For CNA items, the appropriate CNA alpha code shall be inserted following the addressee (block 5).

(2) Currently applicable alpha codes are:

IB—National Industries for the Blind.
SH—National Industries for the Severely Handicapped.

(b) Each GSA Form 1584 shall be assigned a separate contract number in accordance with § 5–1.352.

(c) At a minimum, blocks 1, 2, 4, 5, 6, 9, 10, 11, and 15 through 18 of GSA Form 1584 shall be completed. Blocks which are not applicable shall be annotated "N/A". Necessary information not available from the FPI Schedule or the CNA Procurement List shall be obtained by letter or telephone.

(1) When shipment FOB origin is specified, the shipping container weight shall be shown in block 17(h).

(2) For CNA items:

(i) Block 17(b)—include statement that a copy of each purchase order is to be furnished to the appropriate CNA (see alpha code in block 5).

(ii) Block 17(c)—enter "OWS" instead of the price.

(d) If not otherwise provided, copies of GSA Form 1584 forwarded to the Quality Assurance/Contract Management Division shall include or be accompanied by adequate information regarding specifications, including packing and marking requirements, to enable that activity to perform inspection of the supplies.

(e) Each GSA Form 1584 issued for the procurement of stock items from FPI or a CNA/workshop may be renewed for a maximum of two successive periods, provided no significant change has occurred. A new GSA Form 1584 shall be issued and a new contract number assigned:

(1) After two renewals, or

(2) If a significant change has occurred during the period covered by the GSA Form 1584.

(f) When items are designated by a CNA as "allocated," the CNA's address shall be shown in block 5 of GSA Form 1584; the Procurement Order Writing System (OWS) will then provide a printed request that the inventory manager obtain an allocation number and workshop address from the CNA. At a minimum, entries are required in blocks 2, 4, 5, 16, 17(a), and 17(b). Block 17(b) shall include the caption Allocated Item(s). Each purchase order issued under a GSA Form 1584 covering allocated items shall include one of the following:

(1) Applicable specification.

(2) Applicable item purchase description and date.

(3) Reference to (1) or (2), above, when appropriate.

(g) Each GSA Form 1584 issued for CNA items shall include the following provision:

Delivery Status Record

The workshop shall furnish, for each calendar month this contract summary is in effect, a record of all orders received and shipments made. This record shall be maintained on GSA Form 1678, Contract Delivery Status Record, and shall be furnished to the Contracting Office no later than the seventh workday of each month following the close of the reporting period.

(h) Distribution of GSA Form 1584 shall include a copy of FPI or the CNA as applicable.

CHAPTER 5A—GENERAL SERVICES ADMINISTRATION

[APD 2800.3 CHGE 24]

PART 5A–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

1. The Table of Parts for GSPR 5A is amended to remove "Part 5A–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY."

2. Part 5A–5 is removed in its entirety as follows:

PART 5A–5 [REMOVED]

(Sec. 205(c), 63 Stat; 40 U.S.C. 486(c))

Dated: April 17, 1981.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 81–13870 Filed 5–7–81; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

41 CFR Part 14–3

Small Purchases; Imprest Funds

AGENCY: Department of the Interior.

ACTION: Final rule.

SUMMARY: This rule adds a new section to the Interior Procurement Regulations on the use of imprest funds (petty cash). The new section raises the dollar limitations established under the Federal Procurement Regulations for purchases made using imprest funds within the Department. The dollar limitations is being raised so that the

formal purchase procedures may be waived more often. Waiving the formal purchase procedures means that is less paperwork to complete consequently, small vendors will likely get paid sooner for certain purchases made with imprest funds.

EFFECTIVE DATE: This rule is effective May 8, 1981.

FOR FURTHER INFORMATION CONTACT: William Opdyke, 202-343-6431.

SUPPLEMENTARY INFORMATION: Explanation: On December 4, 1980, the Department made a request to the Department of the Treasury to raise the maximum dollar limitations on small purchases made with imprest funds. Bureaus and offices of the Department were experiencing problems with the $150 limitation ($300 for emergency conditions) in that purchases over this amount required issuance of formal purchase orders thereby increasing paperwork, operating costs, and workload for purchasing activities in remote locations. Small and minority vendors with limited cash resources were burdened by the delay associated with the receipt of Treasury checks under purchase orders, thereby causing cash flow problems. Some vendors had expressed reluctance to accept purchase orders due to the delay in receiving payments.

In order to allow prompt payment for these purchases, the Department requested that the dollar limitations for use of imprest funds be raised to $300 for each single transaction and up to $500 in emergency situations.

By letter dated December 29, 1980, the Bureau of Government Financial Operations, Department of the Treasury, approved the Department's request. Accordingly, the Interior Procurement Regulations are being amended under this rule to fully implement the new dollar limitations. This change has been coordinated with the Director of the Federal Procurement Regulations pursuant to 41 CFR 1-3.604-5(a).

Primary Author: The primary author of this rule is William Opdyke, Office of Acquisition and Property Management, Washington, D.C. 20240, telephone 202-343-6431.

Waiver: It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rulemaking process. However, the changes made under this rule are entirely administrative in nature and public participation in the rulemaking process would serve no useful purpose. Therefore, the public rulemaking process is waived in this instance in accordance with 5 U.S.C. 553.

Impact: The Director, Office of Management and Budget has excepted agency procurement regulations from the requirements of Executive Order 12291 pursuant to a memorandum dated April 8, 1981. The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities. In some instances the rule will enable faster payment to be made to small vendors for certain purchases made from imprest funds. However, the economic effect of this prompt payment is not significant and will involve only a small portion of the total number of small business firms which do business with the Department.

Accordingly, 41 CFR, Chapter 14, is amended as stated below, pursuant to the authority of the Secretary of the Interior contained in Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 5 U.S.C. 301.

Dated: April 7, 1981.

William L. Kendig,

Deputy Assistant Secretary of the Interior.

PART 14-3—PROCUREMENT BY NEGOTIATION

Subpart 14-3.6—Small Purchases

1. The Table of Contents for Part 14-3 is amended by adding a new § 14-3.604-5 as follows:

Subpart 14-3.6—Small Purchases

* * * * *

Sec.
14-3.604-5 Limitations.
* * * * *

2. A new § 14-3.604-5 is added as follows:

* * * * *

§ 14-3.604-5 Limitations.

Small purchases made pursuant to imprest fund procedures may not exceed $300 for any one transaction, except that under emergency conditions the amount of any one transaction may not exceed $500.

[FR Doc. 81-13663 Filed 5-7-81; 8:45 am]

BILLING CODE 4310-10-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-37

[FPMR Amendment F-48]

Telecommunications Management; FTS Minimize Guidelines

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation revises FPMR 101-37.7 to include the Federal Telecommunications System (FTS) intercity voice network in the Minimize procedures for administrative control of telecommunication traffic during emergency conditions. This will permit improved network access for emergency-related calls.

EFFECTIVE DATE: May 8, 1981.

FOR FURTHER INFORMATION CONTACT: Robert R. Johnson, Policy and Analysis Division (202-566-0194).

1. The table of contents for Part 101-37 is amended by revising all entries for Subpart 101-37.7 as follows:

Subpart 101-37.7—FTS Minimize Guidelines

Sec.
101-37.700 Scope and applicability of subpart.
101-37.701 Purpose.
101-37.702 Definitions.
101-37.703 Minimize guidelines for the FTS intercity voice network.
101-37.703-1 Policy.
101-37.703-2 Procedure.
101-37.703-3 Agency responsibility.
101-37.704 Minimize guidelines for the FTS Advanced Record System (ARS).
101-37.704-1 Policy.
101-37.704-2 Procedure.
101-37.704-3 Agency responsibility.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

2. Subpart 101-37.7 is revised to read as follows:

Subpart 101-37.7—FTS Minimize Guidelines

§ 101-37.700 Scope and applicability of subpart.

This subpart sets forth policies and procedures for Minimize as it relates to the Federal Telecommunications System. The provisions of this Subpart 101-37.7 apply to all Federal agencies. For further information concerning these policies and procedures write to General Services Administration (CTDL), Washington, DC 20405.

§ 101-37.701 Purpose.

This subpart establishes procedures for administrative control of voice, data, and record traffic over the FTS during emergency conditions. It implements the Minimize guidelines prescribed by the National Communications System (NCS).

§ 101-37.702 Definitions.

(a) "Minimize" means an administrative control procedure that restricts or limits voice, data, and record traffic over the FTS to certain areas during an emergency or disaster to facilitate the handling of emergency and essential voice, data, and record traffic.

(b) "Emergency traffic" means voice, data, or record traffic to emergency

facilities or units, to local or State officials, and/or to controlling military or civil groups that have a direct bearing on the safety of life and property.

(c) "Essential traffic" means voice, data, or record traffic considered necessary to avoid a serious impact on an agency's mission or to provide support to units that are responsible for disaster control or relief.

§ 101-37.703 Minimize guidelines for the FTS intercity voice network.

§ 101-37.703-1 Policy.

GSA has the sole responsibility to impose a Minimize condition on the FTS intercity voice network. Minimize control will apply to voice and data traffic to specific location(s) and specified telephone area code(s). Agencies may exercise their internal minimize notification system, but shall not impose Minimize upon another agency without GSA approval or direction.

§ 101-37.703-2 Procedure.

GSA will notify the agency head and communications staff by the most rapid means available, when a Minimize condition is in effect on the FTS intercity voice network. GSA regional offices will notify all major agency regional offices in their respective geographical areas of the Minimize condition. The Minimize notice will identify the city, State, and commercial telephone area code affected. The notice will emphasize that only emergency and essential voice and data traffic is to be placed to the affected area. GSA and the GSA regional offices will inform agencies when the minimize condition is canceled.

Note.—Minimize to be effective requires that agencies curtail as many calls as possible. Minimize notification procedures should use cascade notification methods to disperse the calls and to expedite the notification.

§ 101-37.703-3 Agency responsibility.

Agency offices are responsible for notifying their Central Office personnel expeditiously, by whatever means they deem appropriate for their particular operation, when a Minimize condition is imposed or terminated by GSA. Intercity voice network users are to determine when their call meets the description of "emergency" or "essential." If neither description can be applied, the call shall not be initiated.

§ 101-37.704 Minimize guidelines for the FTS Advanced Record System (ARS).

§ 101-37.704-1 Policy.

GSA has the sole responsibility to impose a Minimize condition on the ARS users. Contingent upon operational conditions encountered, Minimize control may apply to only portions of the system. Agencies may exercise their Minimize internal notification system to determine response time, etc., but shall not alter any ARS messages to include the Minimize notice without GSA approval or direction. GSA will inform agencies when the Minimize condition is canceled.

§ 101-37.704-2 Procedure.

GSA will inform headquarter's offices of ARS subscriber agencies by ARS message when a Minimize condition is imposed. The Minimize notice will contain "Minimize" as the first word in the text and will identify the area affected by the action and the type of traffic to be excluded.

§ 101-37.704-3 Agency responsibility.

Headquarter's offices of subscriber agencies shall notify their field stations when an ARS Minimize condition is imposed by GSA. Writers, originators, clearance officers, signatory officials, or other designated agency representatives shall evaluate each message to determine if rapid transmission is essential and shall annotate those messages that must be sent immediately with the words "Minimize Considered."

Dated: April 17, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-13680 Filed 5-7-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5860

Alaska; Withdrawal of Lands for Selection by Arctic Slope Regional Corporation

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order makes lands available for selection purposes by the Arctic Slope Regional Corporation under the Alaska Native Claims Settlement Act.

EFFECTIVE DATE: May 4, 1981.

FOR FURTHER INFORMATION CONTACT: Beaumont C. McClure, Washington, D.C., 202-343-6511, or Robert D. Arnold, Alaska State Office, 907-271-5768.

Pursuant to the authority vested in the Secretary by Section 14(h) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 704, and by Section 1406(d) of the Alaska National Interest Lands Conservation Act, 94 Stat. 2371, 2495, it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including, but not limited to, selection by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, location and entry under the mining laws, and leasing under the mineral leasing laws, and made available for selection by Arctic Slope Regional Corporation pursuant to Section 14(h)(8) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 705:

Umiat Meridian

T. 6 S., R. 16 W.,
  Secs. 4 to 9, inclusive;
  Secs. 16 to 21, inclusive;
  Secs. 28 to 33, inclusive.
T. 6 S., R. 17 W.,
  Secs. 1 to 36, inclusive.
T. 8 S., R. 16 W.,
  Secs. 1 to 3, inclusive;
  Secs. 10 to 15, inclusive;
  Secs. 22 to 27, inclusive;
  Secs. 34 to 36, inclusive.
T. 7 S., R. 16 W.,
  Secs. 4 to 9, inclusive;
  Sec. 16, all;
  Sec. 21, all.
T. 7 S., R. 17 W.,
  Secs. 1 to 4, inclusive;
  Sec. 12, all.
T. 11 S., R. 16 W.,
  Sec. 6, all;
  Sec. 7, all;
  Sec. 18, all;
  Sec. 19, all;
  Sec. 30, all;
  Sec. 31, all.
T. 11 S., R. 17 W.,
  Secs. 19 to 36, inclusive.
T. 11 S., R. 18 W.,
  Secs. 21 to 28, inclusive;
  Secs. 33 to 36, inclusive.
T. 12 S., R. 16 W.,
  Sec. 6, all;
  Sec. 7, all;
  Sec. 18, all;
  Sec. 19, all;
  Sec. 30, all.
T. 12 S., R. 17 W.,
  Secs. 1 to 18, inclusive.
T. 12 S., R. 18 W.,
  Secs. 1 to 4, inclusive;
  Secs. 9 to 16, inclusive.

Containing an aggregate of approximately 96,513 acres.

Excepting from the withdrawal any portion of the said lands that may lie within the exterior boundaries of the National Petroleum Reserve in Alaska as described in Executive Order 3797-A, dated February 27, 1923.

2. Prior to the conveyance of any of the lands withdrawn by this order to said Regional Corporation, the lands shall be subject to administration by the Secretary of the Interior under

applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the mineral leasing laws will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

3. Pursuant to Section 910 of the Alaska National Interest Lands Conservation Act, 94 Stat. 2371, 2447, the promulgation of this public land order does not require the preparation or submission of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C).

James G. Watt,

Secretary of the Interior.

May 4, 1981.

[FR Doc. 81-13997 Filed 5-7-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-251; RM-3408, RM-3433]

FM Broadcast Station in Boise, Idaho; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 290 to Boise, Idaho, as that city's fifth FM assignment, at the request of Stanley L. Ross and William E. Clayton.

DATES: Effective June 22, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Boise, Idaho).

Report and Order

(Proceeding Terminated)

Adopted: April 23, 1981.

Released: May 4, 1981.

By the Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 F. R. 40181, published June 13, 1980, proposing the assignment of FM Channel 290 to Boise, Idaho, at the request of William E. Clayton ("Clayton") and Stanley L. Ross ("Ross"). Both Clayton and Ross filed comments in support of the proposed assignment. KBOI, Inc., licensee of Station KBOI-FM, Boise, Idaho ("KBOI"), filed comments opposing the assignment. Clayton and KBOI filed reply comments.

2. Boise (population 74,990),[1] seat of Ada County (population 112,230), is the capital of the State of Idaho and is located in the southwestern part of Idaho. Boise is currently served by six AM stations, three full-time and three daytime-only, and four FM stations.

3. Ross states in his comments that if Channel 290 is assigned to Boise, he will apply for its use there. In support of the assignment, Ross states that Boise and the surrounding areas are growing rapidly in population, and that subject to spectrum availability, expansion of available broadcast services seems completely reasonable. Clayton asserts in his comments, also, that he will apply for authority to construct and operate a station on Channel 290, if assigned to Boise. Clayton relates that although Boise is served by four FM stations, three or these stations are affiliated with existing AM stations. Clayton also notes that according to a prospectus published by the Greater Boise Chamber of Commerce, Boise's population has grown to 115,000 people.

4. In opposing the proposed assignment, KBOI takes issue with the statement in the *Notice* that "the preclusion impact of the proposed 290 assignment would not be significant in view of the availability of alternate channels." *Notice*, para. 6. KBOI claims that at least twenty-two communities in the area, precluded by the Channel 290 assignment to Boise, could not be assigned an FM channel. Furthermore, of the seven precluded communities within 65 miles of Boise, KBOI asserts that alternative FM assignments could be made to only two or three of these communities. KBOI further protests that assigning a fifth FM channel to Boise would violate the Commission's population criteria, which generally limit cities with a population from 50,000 to 100,000 to four FM channels.[2] KBOI reasons that a city's present population is irrelevant and that only official 1970 census figures can be used in determining the number of channels which may be assigned. According to KBOI, merely because a community has grown since 1970, it is not entitled to the number of FM assignments specified for its new population category. If this were true, states KBOI, all available FM assignments would be quickly allocated. KBOI argues that by adopting the population criteria, the Commission sought to devise an assignment scheme whereby assignments were made depending on a community's relative size and not its absolute population. Using 1970 census figures, Boise does not fit into the population category which would allow it a fifth assignment; thus, KBOI states that such an assignment would not be a fair and equitable distribution of radio services.

5. In reply comments, Clayton notes that KBOI is the only licensee in the Boise area objecting to the proposed assignment, and opines that KBOI's objections are based only on its fear of competition. In response to the merits of KBOI's arguments, Clayton points out that KBOI does not dispute the fact that Boise has grown considerably, and that KBOI itself uses the most current population figures available in soliciting advertisers. Clayton also takes issue with KBOI's claim that the proposed assignment would not be a "fair and equitable" distribution of frequencies. Clayton states that the mandate of the Communications Act clearly contemplates an active use of frequencies and not the development of some method which will guarantee that such frequencies lie fallow in the hope that a small community might desire an aural facility sometime in the future. Clayton concludes that from a technical standpoint as well as from the standpoint of the requirements of the Communications Act, the assignment of Channel 290 to Boise is in the public interest.

6. In its reply comments, KBOI states that the proponents of the Boise assignment overlook the fact that Boise currently receives service from seven FM stations, not just the four stations licensed to Boise.[3] KBOI concludes that Clayton's showing as to population growth is counterbalanced by the fact that seven commercial FM stations currently provide service to Boise.

7. The parties raise three issues which require analysis in determining whether an additional FM channel should be assigned to Boise. The first issue involves the preclusion which would be caused by the assignment and whether other channels are available to those communities so precluded. The second issue concerns the application of the Commission's population criteria. The

[1] Unless otherwise noted, population figures are taken from the 1970 U.S. Census.

[2] *Further Notice of Proposed Rule Making* in Docket No. 14185, 27 Fed. Reg. 7787, 7790, published August 7, 1962.

[3] The other three stations are KBXL, Caldwell, Idaho; KFXD-FM, and WUUZ(FM), Nampa, Idaho. These stations operate from the same transmitter site as the four Boise FM stations.

third issue, which is related to the second, involves the extent to which additional services licensed to other communities, but received in Boise, should affect the assignment of a fifth channel to Boise. We shall address these issues in turn.

8. As stated above, in the *Notice* we asserted that the preclusion impact of the proposed assignment would not be significant in view of the availability of alternate channels to the precluded communities. KBOI challenges this assertion by stating that of the twenty-five or so precluded communities, up to twenty-two might not be able to receive an assignment if Channel 290 is assigned to Boise. KBOI misconstrues the meaning of our statements on preclusion. By stating that additional channels are available to the precluded communities, we by no means suggest that *every one* of the precluded communities could be assigned a channel of its own. As the Commission has stated many times, it would be practically impossible for every community in the United States to have its own FM assignment. *See, e.g., Anamosa and Iowa City, Iowa,* 46 FCC 2d 520, 525 (1974). By stating that additional channels are available for assignment to the precluded communities, we are merely stating that, *at this time,* the proposed assignment is not foreclosing another community from obtaining a channel if an interest develops for its use. We have determined that several channels are still available for assignment in the greater Boise area. Therefore, at this time, the Boise assignment does not cause significant preclusion, and the assignment would not be denied on the basis of preclusion.

9. Regarding the Commission's population criteria, KBOI submits that the Commission should continue to use official 1970 census data, instead of current population figures, so that FM assignments can be made according to a city's size in relation to the size of other cities instead of the city's actual population. KBOI cites no authority for its proposition, and we have found none as well. Commission precedent is clearly to the contrary, and channels in excess of the population criteria have been assigned to communities on a finding that the community's population has grown beyond its 1970 population bracket. *See, e.g., Alameda and Albuquerque, New Mexico,* 46 F. R. 10724, published February 4, 1981; *cf. Pecos and Santa Fe, New Mexico,* 46 F. R. 14345, published February 27, 1981.[4] This determination, however, is not particularly crucial since the trend in assignment cases in recent years has been to analyze a proposed assignment on the basis of its preclusive impact and not the simplistic numerical limits. *See, e.g., Tallahasse, Florida,* 43 R.R. 2d 639 (Broadcast Bureau 1978); *Poplar Bluff, Arkansas,* 47 R.R. 2d 222 (Broadcast Bureau 1980); and *Waycross, Georgia,* 47 R.R. 2d 319 (Broadcast Bureau 1980). As we have already determined, the preclusive effect of the proposed assignment is insubstantial.

10. The final issue for resolution concerns the fact that Boise receives additional FM service from three stations licensed to other cities. KBOI contends that this additional service should be taken into account when considering whether Boise deserves a fifth assignment. Although the availability of reception service has been cited by the Commission as justification for denying a channel assignment in comparative cases, *i.e.,* where interest in assigning a channel to more than one community has been expressed, we are aware of no instance, and KBOI has cited none, in which a channel assignment was denied to a community solely because that community already received reception service from other communities. The Commission's system for making channel assignments is based on the service provided by stations licensed to serve a community. A channel is assigned to a specific community to broadcast programs meeting that community's special needs, interests and problems. No station owing a primary obligation to another locality is expected to provide the equivalent of such local service. *Clinton, Louisiana,* 45 R.R. 2d 1587, 1588 (Broadcast Bureau 1979). Therefore, the signals received in Boise from the stations licensed to other cities cannot be considered as substitutes for local service, and the reception of those signals does not, standing alone, provide a sufficient basis for denying the assignment of a fifth channel to Boise.

11. In view of the foregoing, the Commission finds that it would be in the public interest to assign Channel 290 to Boise. Accordingly, it is ordered, That effective June 22, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended, with respect to Boise, Idaho, as follows:

[4] Indeed, one of the cases cited at another point in KBOI's comments contains the following language: ". . . in cases where the population has or soon will pass the cutoff level, it is not only unfair, it is pointless to use an out-of-date lower census figure as a basis for denial." *Jefferson City, Missouri,* 38 R.R. 2d 917, 918 (Broadcast Bureau 1976).

City	Channel No.
Boise, Idaho	222, 250, 262, 286, and 290.

12. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

13. It is further ordered, That this proceeding is terminated.

14. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-13913 Filed 5-7-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1056

[Ex Parte No. MC-19 (Sub No. 36)]

Practices of Motor Common Carriers of Household Goods (Revision of Operational Regulations)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of modification of form OCP-100 pursuant to 49 CFR 1056.2.

SUMMARY: The Commission is modifying its requirements for household goods carriers regarding the placement of the "Moving Service Questionnaire" in Form OCP-100, Your Rights and Responsibilities When You Move. Form OCP-100 is required by § 1056.2 which states that the text and format may not be changed without approval of the ICC's Director of the Office of Consumer Protection.

The Commission is also granting permission to household goods carriers to append a description of carriers complaint and inquiry handling procedures to Form OCP-100 and to add a reference to that appendix to the table of contents of Form OCP-100. These changes are made at the request of petitioners as so discussed in Supplementary Information.

DATE: This decision is effective on May 7, 1981.

FOR FURTHER INFORMATION CONTACT: Ray G. Atherton, Jr., (202) 275-7944 or W. F. Sibbald, Jr., (202) 275-7148

SUPPLEMENTARY INFORMATION: The Commission's final household goods operational rules published on page 16200 of the March 11, 1981, **Federal Register** require that Form OCP–100, *Your Rights and Responsibilities When You Move*, include a Moving Service Questionnaire to be inserted between pages 2 and 3. Printing Incorporated, which plans to reproduce this Form for carrier clients, has requested permission to vary the placement of the Moving Service Questionnaire on the basis that considerable cost savings would result. We agree that exact placement of the Questionnaire is not critical provided the questionnaire is furnished as an integral part of Form OCP–100. We therefore will modify the second sentence of the second note appearing in Appendix A to the Commission's Notice of Final Operational Rules published at page 16213 of the March 11, 1981, **Federal Register** to read as follows:

THIS CARD IS TO BE INCLUDED IN THE BOOKLET AND SHOULD BE PERFORATED FOR EASY REMOVAL.

On April 23, 1981, we reaffirmed our decision to require a publication that describes consumer rights and responsibilities under the law rather than mandating publications varying by carrier, and describing only individual carrier programs. However, in that decision on a petition by Wheaton Van Lines, Inc., we allowed modification of the publication to the following limited extent:

1. Wherever the OCP–100 Publication describes a permissive feature, option, program, or service, a particular carrier is authorized to show in a footnote that it does not offer the feature, option, program or service. For instance, "Wheaton does not provide binding estimates." The footnote must simply be declarative and must not be used to present arguments concerning the feature, etc., or to disparage it. Such material, if necessary, can adequately be presented in the carrier's other promotional material.

2. The carrier is authorized to satisfy § 1056.2(b)(2) which requires the furnishing of a publication describing the customer complaint and inquiry handling procedures, etc., by providing a card with telephone contact information such as that submitted with the Wheaton request. If the requirement is met in this way the word pamphlet on page 1 of OCP–100 may not be deleted but the carrier may show in a footnote that the requirement is being met by such a card. To meet the requirement, the card must indicate clearly whether collect calls are or are not accepted at origin, destination or any central or headquarters telephone numbers listed and at what telephone number "complaints" will be taken.

Allied Van Lines, Inc., requests permission to modify Form OCP–100 by adding a description of its complaint and inquiring handling system as Appendix A to Form OCP–100, by referencing the Appendix in the Table of Contents, and by adding a new paragraph to the topic heading *Complaints and Inquiries About The Mover's Service* which would refer the reader to the Appendix. It appears reasonable to allow carriers to incorporate their descriptions of complaint and inquiry procedures as an Appendix to Form OCP–100 and to reference the Appendix by an additional item in the Table of Contents.

This would be consistent with our April 23, 1981, decision on the Wheaton petition and the carrier is, therefore, expressly authorized to make these inclusions.

A departure from the prescribed text would, on the other hand, establish an undesirable precedent which would encourage carriers to individualize information that, in the shippers' interests, tends to be less difficult to absorb if presented in a uniform manner by all carriers. Rather than altering the text, we think it preferable, and will, authorize carriers to place the individualized information in a footnote on the appropriate page of Form OCP–100.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

It is ordered: That the second sentence of the second note to Appendix A of the Commission's decision adopting household goods final operational rules be rephrased to read as follows:

THIS CARD IS TO BE INCLUDED IN THE BOOKLET AND SHOULD BE PERFORATED FOR EASY REMOVAL

Decided: April 30, 1981.

By the Commission: Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–14024 Filed 5–7–81; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 32

Curtailment of Contract Patient Care for American Seamen

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: This final rule amends Part 32 of 42 CFR governing the provision of health care services to American seamen and certain other persons by the Public Health Service (Service). The amendment rescinds provisions on contract patient care—care provided by non-Service providers and facilities at the expense of the Service—and substitutes a provision authorizing contract patient care depending upon the availability of funds and other management considerations, upon such terms and conditions as the Secretary or his designee may from time to time announce by publication of a notice in the **Federal Register**. The preamble to this final rule, which will be mailed directly to contract service providers, constitutes notice that contract patient care will be restricted to situations involving (1) life-threatening medical emergencies as determined by the service, or (2) services needed by patients at Service facilities which the Service facility is unable to provide. This regulation is effective immediately upon publication in the **Federal Register**. The Department is curtailing contract care benefits as a step toward improving stewardship of Federal funds.

EFFECTIVE DATE: May 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Ward, Acting Chief, Policy Coordination Branch, Bureau of Medical Services, Room 1127, 6525 Belcrest Road, W. Hyattsville, Maryland 20782, Telephone: (301) 436–6261.

SUPPLEMENTARY INFORMATION:

Changes in the Regulation

This amendment deletes provisions at § 32.11(a) and (b), and at 32.12(a) entitling seamen to contract patient care (1) from designated Service contract providers; (2) in cases where a Service facility is unable to provide the needed care; and (3) in emergencies. A new provision is added to § 32.11(a) stating that depending upon the availability of funds and other management considerations health care and services

from non-Service providers and at non-Service facilities may be arranged for and authorized at the expense of the Service upon such terms and conditions as the Secretary or his designee may from time to time announce by publication of a notice in the Federal Register. Each provider will be notified directly of such terms and conditions with a contract modification form, Standard Form 30.

The amendment also deletes §§ 32.12(b) and (c) regarding conditional authorization of contract patient care prior to verification of eligibility and § 32.13 regarding application for contract patient care. These matters will be dealt with in the notices published from time to time in the Federal Register and therefore may be deleted from Part 32.

Notice Governing Authorization of Contract Patient Care for American Seamen and Other Persons Eligible for Services Under 42 CFR Part 32

Under the above outlined format, the Secretary, based on his judgment of availability of funds and other management considerations, will announce in the Federal Register the extent to which contract care will be available. The following discussion serves as that announcement. In accordance with sound management of funds entrusted to the Public Health Service, expenses for health care and services obtained from non-Service providers or in non-Service facilities will only be paid by the Service when arranged for and/or authorized by the director of a Service facility or a designated authorizing official in situations involving (1) life-threatening medical emergencies as determined by the Service, and (2) when needed by patients at Service facilities and the Service facility is unable to provide the needed services.

For purposes of this notice "life-threatening medical emergency" means the sudden and unexpected onset of a medical condition or the acute exacerbation of a chronic condition which requires immediate medical treatment to avoid death. Life-threatening medical emergencies include heart attacks, cardiovascular accidents, poisoning, convulsions, and such other acute medical conditions as may be determined by the Director, Bureau of Medical Services, or a designee.

In life-threatening emergencies, the director of the nearest Service facility or his or her designee must be notified by the patient, or an individual or agency acting on the patient's behalf, within 72 hours after the beginning of treatment or admission to the non-Service health care facility. The 72 hour period may be extended if the Service authorizing official determines that notification within the prescribed period was impracticable or that other good cause exists for failure to comply. No payment will be made for services obtained from non-Service providers or in non-Service facilities unless the above notification requirements have been met.

Arrangements for and/or authorization of health services from non-Service providers or in non-Service facilities at the expense of the Service may be made on a conditional basis, subject to proof of eligibility. In those situations, the seaman and the non-Service provider or facility will be notified that payment by the Service of reasonable expenses for the care is subject to proof of the seaman's eligibility for Service benefits.

The authorizing official shall keep informed of the progress of the patient's condition so that treatment or hospitalization from non-Service providers or in non-Service facilities shall not be unnecessarily prolonged. The authorizing official has the option to make arrangements for transfer of the patient to a Service facility under 42 CFR 35.21 when feasible. If the patient refuses transfer, payment will not be made by the Service for the patient's continued care from the non-Service provider or non-Service facility from the date of the refusal.

Need for the Regulation

The Department is curtailing contract care benefits as a step toward improving stewardship of Federal funds. The principle effect of this amendment and notice is to eliminate unnecessary contract patient care for seamen at the approximately 400 designated Service contract providers (hospitals, physicians, dentists and pharmacies) throughout the country. Seamen will no longer be able to obtain care at Service expense from these designated providers unless, as is the case with any non-Service provider, payment is authorized for treatment of a life-threatening medical emergency under the terms and conditions of this notice or where the care is authorized after the patient presents himself at a PHS facility.

The Service will continue to provide needed supplementary services to patients at Service facilities while otherwise limiting contract patient care to those cases of greatest medical need, i.e., life-threatening medical emergencies.

Authority to Establish Limitations on Contract Patient Care for Seamen

American seamen are "entitled, in accordance with regulations, to medical, surgical, and dental treatment and hospitalization without charge *at hospitals and other stations of the Service*" (emphasis added) under section 322(a) of the PHS Act (42 U.S.C. 249(a)). Standing alone this section entitles seamen to care at PHS facilities, but does not provide a fixed benefit package or a specific level and range of services at a given number or configuration of facilities. Thus the "entitlement" is necessarily limited to available resources and their allocation by the Secretary under his authority to control, manage and operate all institutions, hospitals and stations of the Service under section 321(a) of the PHS Act (42 U.S.C. 248(a)). Further, while the Department has discretion to fund contract care services, Section 322(e) of the Public Health service Act (42 U.S.G. 249(e)) makes clear that it is not required to do so.

Publication of a Final Rule

Rulemaking procedures under the Administrative Procedures Act (5 U.S.C. 553) generally involve publication of a notice of proposed rulemaking, affording interested persons the opportunity to comment, and publication of the final rule after consideration of the comments received. However, the statute allows the agency to dispense with notice and comment procedures:

(B) When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

Costs of providing services and administrative costs associated with the program have increased faster than was expected. In light of the urgent need to take steps toward meeting severe and imminent budgetary constraints, we are dispensing with notice and comment procedures as both impracticable and as contrary to the public interest. Seven months of the fiscal year have already gone by. The necessary time for preparation and clearance of two Federal Register documents (a notice of proposed rulemaking and final rule), added to at least a minimal public comment period and the time necessary to evaluate the comments submitted, would defeat the very purpose of the rule, which is to change the management of the program promptly so as to immediately affect the necessary fiscal savings.

We note also that the APA requires publication of a substantive rule not less than 30 days before its effective date (5 U.S.C. 553(d)) except——

(3) As otherwise provided by the agency for good cause found and published with the rule.

Again we think that given the urgent need for the rule in question as a means of controlling expenditures, there is good cause for making the rule effective immediately on publication.

Determination Concerning Impact of the Rule

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation will not have a significant economic impact on a substantial number of small entities. The reason for the Secretary's certification is that the regulation will affect only a very small number of health care providers (approximately 400 nationwide) and, in turn, seamen represent only a small proportion of the patients treated by those providers. Furthermore, these private sector providers can continue to provide services to seamen and other beneficiaries who can avail themselves of alternate sources of payment, such as private insurers.

The Secretary has also determined, in accordance with Executive Order 12291 of February 17, 1981, entitled "Federal Regulation" that the proposed rule does not constitute a "major rule" because it will not: have an annual effect on the economy of $100 million or more; result in a major increase in costs or prices for consumers, any industries, any governmental agencies or any geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: April 29, 1981.

James F. Dickson,

Acting Assistant Secretary for Health.

Approved: May 3, 1981.

Richard S. Schweiker,

Secretary.

1. 42 CFR Part 32 is amended by removing the paragraph designation and revising the text of § 32.11(a) to read as follows:

§ 32.11 Scope of benefits

American seamen (hereinafter referred to in §§ 32.11 to 32.23, inclusive, as seamen) shall, on presenting evidence of eligibility, be entitled to medical, surgical, and dental treatment or hospitalization at medical care facilities operated by the Service. Depending upon the availability of funds and other management considerations, health care and services from non-Service providers and at non-Service facilities may be arranged for and authorized at the expense of the Service upon such terms and conditions as the Secretary or his designee may from time to time announce by publication of a notice in the **Federal Register**.

2. 42 CFR Part 32 is further amended by removing § 32.11(b).

§ 32.12 [Removed and reserved]

§ 32.13 [Removed and reserved]

3. 42 CFR Part 32 is further amended to remove and reserve §§ 32.12 and 32.13.

[FR Doc. 81-14341 Filed 5-7-81; 4:04 pm]
BILLING CODE 4110-84-M

Propo

This section contains noti proposed iss regulations. T is to give in opportunity t making prior rules.

DEPARTME

Agricultural

7 CFR Part

Irish Potato Southeaste Handling Re

AGENCY: Ag USDA.

ACTION: Pro

SUMMARY: T fresh market grown in de and North C meet minimu requirement promote ord potatoes and qualities and consumers.

DATES: May

ADDRESSES: to: Hearing C Department D.C. 20250. T comments sh will be made inspection at Clerk during

FOR FURTHER Charles W. B Branch, F&V D.C. 20250 (2

SUPPLEMENT proposed rul USDA proce 12291 and he significant" a

William T. Administrato Service, has will not have impact on a s entities beca measurably regulated ha

Marketing Order No. 95 regulate the

Proposed Rules

Federal Register
Vol. 46, No. 89
Friday, May 8, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 953

Irish Potatoes Grown in the Southeastern States; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would require fresh market shipments of potatoes grown in designated counties of Virginia and North Carolina to be inspected and meet minimum grade and size requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable qualities and sizes from being shipped to consumers.

DATES: May 23, 1981.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 104 and Order No. 953, both as amended, regulate the handling of potatoes grown in designated counties of Virginia and North Carolina. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Southeastern Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Norfolk, Virginia, on April 9, 1981.

The proposed grade and size requirements are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable sizes from being distributed to fresh market outlets. The proposal would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production areas.

Again this season the minimum quantity exemption is proposed to be five hundredweight. This should relieve the burden on handling noncommercial quantities of potatoes and allow direct marketing outlets to operate in greater freedom.

Exceptions are proposed to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be allowed to certain special purpose outlets without regard to the grade, size, and inspection requirements, provided that safeguards were met to prevent such potatoes from reaching unauthorized outlets. Shipments for use as livestock feed would be so exempt because requirements for this outlet differ greatly from those for fresh market. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments also would be exempt. Also, potatoes for most processing uses are exempt under the legislative authority for this part.

It is proposed that § 953.320 (45 FR 56353, May 30, 1980) be removed and an new § 953.321 be added as follows:

§ 953.321 Handling regulation.

During the period June 5 through July 31, 1981, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) or (e) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, better grade, 1½ inches (38.1 mm) minimum diameter.

(b) *Inspection.* Except as provided in paragraphs (c) and (e), no handler shall ship any potatoes unless an appropriate inspection certificate covering them has been issued by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not apply to potatoes shipped for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity, except that the handler of them shall comply with the safeguard requirements of paragraph (d) of this section.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, five hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds five hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes as amended (7 CFR 2851.1540 through 2851.1566), including the tolerances set forth in it. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

(h) *Forms.* Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

Dated: May 4, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-13980 Filed 5-7-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 982 and 999

Filberts Grown in Oregon and Washington and Filbert Imports; Proposed Grade Requirements for Domestic and Imported Filberts; Extension of Time for Filing Comments and Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing comments and correction of proposal.

SUMMARY: This document extends the period for filing comments on proposals to change the grade requirements for domestic and imported filberts from May 15 to July 15. It also changes a sentence in the proposal pertaining to the availability of a final impact statement.

DATES: Written comments on the proposals referred to herein must be received by July 15, 1981.

ADDRESSES: Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Agricultural Marketing Service, Washington, D.C. 20250 (202) 447-5697.

SUPPLEMENTARY INFORMATION: Notice was published in the April 8, 1981, **Federal Register** (46 FR 21017) to amend Subpart—Grade and Size Regulation (7 CFR 982.101; 45 FR 73634) by revising § 982.101. This subpart is issued under the marketing agreement and Order No. 982, both as amended (7 CFR 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are referred collectively to in this document as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

Notice was given also of a proposal to revise § 999.400(b)(2), and the grade requirements for imported shelled filberts (§ 999.400; Exhibit A) issued pursuant to section 8e (7 U.S.C. 608e-1) of the act.

This document extends the time for filing comments on the proposals from May 15 to July 15. The extension was requested by the Association of Food Distributors to give it more time to prepare its comments.

Also, the second sentence of the proposal's section entitled "FOR FURTHER INFORMATION CONTACT:" should be changed to read "A final impact statement relative to a prior action is available on request from J. S. Miller."

Dated: May 4, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-13979 Filed 5-7-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1040

[Docket No. AO-225-A33]

Milk in the Southern Michigan Marketing Area; Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, UDSA.

ACTION: Proposed rule.

SUMMARY: This decision changes the order provisions pertaining to supply plant pooling qualifications and the conditions under which milk may be diverted from one plant to another. Also, handlers would be allowed to substract authorized deductions from partial payments to producers. This decision is based on industry proposals considered at a public hearing held March 25-26, 1980. The changes are needed to reflect current marketing conditions and to assure orderly marketing in the area.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: This administration action is governed by the provisions of Section 556 and 557 of Title 5 of U.S. Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued February 28, 1980, published March 4, 1980 (45 FR 14047).

Recommended Decision: Issued December 30, 1980, published January 6, 1981 (46 FR 1279).

Extension of time for filing exceptions to the recommended decision: Issued January 16, 1981, published January 22, 1981 (46 FR 6973).

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Southern Michigan marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Flint, Michigan, on March 25-26, 1980, pursuant to notice thereof issued on February 28, 1980 (45 FR 14047).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, on December 30, 1980, filed with the Hearing Clerk, United States Department of Agriculture, his

recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. In Issue No. 1.

a. Paragraph 12 is revised.

b. A new section, "Discussion of Exceptions Filed on Partial Payment Issue," is added at the end of the issue.

2. In Issue No. 2 two paragraphs have been added at the end of the issue.

3. In Issue No. 3(a) nine paragraphs have been added at the end of the issue.

The material issues on the record of hearing relate to:

1. A second partial payment to producers.

2. Pool supply plant provisions.

3. Producer milk.

4. Payments to producers and to cooperative associations.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *A second partial payment to producers.* The order should not be revised to provide for a second partial payment to producers.

The order now provides that handlers shall pay a partial payment to producers for milk delivered during the first 15 days of the month at not less than the Class III price for the preceding month. The payment to individual producers is made on or before the last day of the month. In the case of a cooperative association authorized to collect payments due its members, the partial payment is made to the cooperative on or before the second day prior to the end of the month.

The Michigan Milk Producers Association (MMPA) proposed that the order be revised to provide for two partial payments each month to producers and to cooperative associations. The rate of payment would be the Class III price for the preceding month (3.5 percent butterfat basis), plus 25 cents per hundredweight. For milk delivered during the first 10 days of the month, handlers would pay the first partial payment to cooperate associations by the 20th day of the month, and, as initially proposed, to individual producers by the 25th day of the month. At the hearing, proponent modified the second date to the 22nd instead of the 25th day of the month. For milk delivered during the 11th–20th days of the month, handlers would pay the second partial payments to cooperative associations by the last day of the month and, as initially proposed, to individual producers by the 5th day of the following month. At the hearing, proponent changed the 5th to the 2nd day of the following month.

Proponent's proposal was supported by Michigan Producers Dairy, a cooperative association supplying the market. Also, the President of the Michigan Farm Bureau supported the proposal in a post-hearing brief. The proposal was opposed by 11 handlers regulated by the order, and by the Independent Cooperative Milk Producers Association.

A proponent witness testified that the proposal is intended to reduce the credit extended to handlers by dairy farmers and to accelerate payment to them, thereby improving producers' cash flow. The witness also testified that with an additional partial payment farmers would probably lose less money than with only one partial payment in the event of handler insolvency. The witness testified that the interest cost to producers in extending credit to handlers may be actual interest for the money the farmer borrows to conduct his operation, or it may be an imputed interest cost for the money dairy farmers have tied up in the milk in the marketing system for which they have not yet been paid. The witness stated that over the years the money that dairy farmers have in the system, the interest cost of the money and their financial risk have increased substantialy. In his view, this has tended to place an extremely high part of the cost of the milk marketing system on dairy farmers.

The witness testified further that in the Order 40 marketing area a very high percentage of milk is sold to consumers through stores on a cash and carry basis. He stated that most of the milk received at a handler's processing plant is in the hands of consumers and paid for by them in 10 days. His view was that a highly efficient marketing system takes a bulky, very perishable product and moves it from cow to consumer in less than two weeks, and a large part of it within one week. Yet, farmers do not receive final payment for their milk until two to six weeks after the milk has been delivered to regulated handlers.

Two MMPA producers also testified in favor of the proposal. One testified that suppliers of production inputs have changed their credit policies over the past year (prior to the hearing) so that some merchants now are on a cash basis and others have reduced credit terms from the usual 30 days to 10 days on accounts for feed, supplies, machinery and other goods. The other producer testified that adoption of the proposal would create a better cash flow for dairy farmers and would reduce producers' financial risk. The financial risk referred to is the possibility that producers would not be paid in the event of handler insolvency.

Another MMPA witness testified that the additional partial payment, which would result in producers receiving three payments a month for their milk, is workable. He explained the procedural steps necessary for the additional payment and stated that, administratively, the cooperative is capable of paying producer members close to the handler date for making payments, and could do so if handlers made payment in good funds by the due date.

Four witnesses representing 11 handlers regulated by the order, and the representative of a producer cooperative association, testified against the proposal. One of the witnesses, who represented the 9 handlers, opposed the proposal primarily on the basis that: (1) Handlers would be required to pay for milk prior to the time they could collect for products sold, and (2) a cash flow problem would be created for handlers, resulting in additional costs for consumers.

In a post-hearing brief, the attorney for the 9 handlers stated that: (1) There should not be an amendment of this significance without substantial additional study and coordination with other orders, and (2) a substantial question exists as to whether the Department is authorized to prescribe more expedited payment terms.

The witness for another handler opposed the proposal primarily on the basis that: (1) Producer interest expenses, which are incorporated into Federal milk support prices, do not justify payment acceleration, (2) producer financial risk would not be reduced by the adoption of the proposal and may be more effectively resolved by a variety of less costly alternatives, (3) substantial costs to handlers and consumers would result, and (4) a disproportionate share of cash flow burdens would be shifted to handlers.

In a post-hearing brief, the handler's counsel stated that since cash flow problems to producers, as well as to handlers, are not unique to the Southern Michigan market, any affirmative agency decision on the proposal, or its equivalent consideration elsewhere, should come only after studied analysis of its national impact.

Two other handler witnesses who testified in opposition to the proposal stated that some handlers who sell fluid

milk products to institutions, such as public schools, cannot reduce the time it presently takes to collect accounts.

A witness for a producer cooperative association opposed the proposal on the basis that a cash flow "squeeze" would fall hardest on small, independent milk dealers. The witness claimed that because of this a second partial payment would increase, not decrease, the exposure of producers to the risk of handler insolvency.

Before discussing the issue of whether a second partial payment should be provided for Order 40, it is appropriate to describe some of the characteristics of the Order 40 market. At the time the hearing was held, there were 28 handlers operating 42 pool plants regulated by the order. Five of these handlers were cooperative associations that operated 15 of the pool plants.

For 1979, the Order 40 market was supplied by 6,365 producers who delivered a monthly average of 350 million pounds of milk to the market. The average production per farmer was 1,824 pounds per day. For the year, producers supplied about 4 billion pounds of milk. Of this, 53 percent was used in Class I fluid milk products, 7 percent was used in Class II (chiefly as cottage cheese) and 40 percent was used in Class III (chiefly as nonfat dry milk and condensed milk). About 54 percent of the Class I milk for the market was sold in the Detroit metropolitan area. The average order blend price for Order 40 producer milk pooled in 1979 was $11.73 per hundredweght (3.5 percent butterfat basis).

A witness for proponent entered an exhibit into evidence to indicate certain changes that have occurred with respect to Michigan dairy farms between 1958 and 1978, as compiled by Michigan State University. The number of cows per farm increased from 30 to 83, while production per cow increased from 9,715 pounds to 14,232 pounds. Milk sales from such farms increased from 288,000 pounds to 1.2 million pounds a year per farm. The dollar value of milk sales per farm increased from $10,036 to $124,000 while the average price of milk increased from $3.49 to $10.41 per hundredweight. This average price corresponds closely to the uniform prices of the present Order 40 and its predecessor orders for milk of 3.5 percent butterfat.

Total farm capitalization increased from $61,395 to $492,746. Cash income, increasingly from milk sales, went from $19,952 to $156,958, while cash expenses increased from $11,685 to $104,412. Loan repayments increased from $3,000 to $33,224.

An evaluation of the hearing evidence introduced into the record on the proposal for a second partial payment leads to the conclusion that the proposal should not be adopted. Marketing conditions in the affected area are not such that it is necessary to mandate more frequent payments to producers each month.

Although the Act expressly authorizes the setting of payment dates under an order, it does not specify how frequently handlers must pay producers. This is customarily established under an order of the basis of prevailing marketing conditions, including payment practices already existing in an area or new payment practices that handlers and producers may find mutually desirable. On this basis, the Southern Michigan order now provides for one partial payment and a final payment by handlers to producers each month.

Under the proposal being considered, handlers would be required each month to make a second partial payment to producers. While the proposal is supported by a large segment of the producers on the market, a number of producers in the area do not support the proposal. Also, objections to the proposal were voiced by many of the handlers in the market. Although some of the opposing arguments are of a questionable nature, it is evident, nevertheless, that there is a substantial difference of opinion among producers and handlers in the market as to whether a different payment arrangement between these parties is desirable. This places considerably more burden on proponents to show that a second partial payment for milk is warranted for the maintenance of orderly marketing in the Southern Michigan market and that the order must be changed to impose the additional payment requirement on regulated handlers. This showing was not made.

A principal argument by the proponent cooperative (MMPA) for more frequent payments was the need by producers for impoving their cash flow, that is, obtaining payment for milk more quickly after producing it and delivering it to handlers. However, proponent did not establish any specific "cash flow" problems applicable to a substantial number of Order 40 producers that would require an acceleration of payments to producers. In fact, the testimony of two MMPA producers established that producers often are able to arrange payment schedules to correspond to the payment dates now provided by the order, that only some production items are bought on a cash-on-delivery basis (and then often at a discount rate), and that many items are bought on the basis of monthly payments with no cost or penalty imposed except for payment delinquency.

Furthermore, it is noted that the record established that producers are receiving increases in Class III prices which have occurred since the present partial payment provision was established for Order 40 in 1964. Such increases automatically enhance the amount of money paid out by handlers for the single partial payment. In 1974, the average Class III price was $6.80 per hundredweight. For the same year, the average uniform price was $8.13. The partial payment rate was 84 percent of the final payment rate of $8.13. In 1979, the average Class III price was $10.91 and the average uniform price was $11.73. The partial payment rate was 93 percent of the final uniform price. In this way, producers have automatically received larger partial payments to cover the cost of interest or other expenses.

Proponent claimed that there is a need for decreasing the interest cost and farm capitalization borne by Order 40 producers. However, the general data furnished by proponents do not point to specific instances of disorderly marketing conditions for such producers that necessitate changing the current payment schedule. In this connection, it is noted that contrary to proponent's claim that a higher proportion of producer cash flow goes to debt repayment than heretofore, the record evidence established that in 1978 a smaller proportion of producer cash flow went to debt repayment than in 1968. It is also noted that proponent did not establish that adoption of the proposal would have any substantial, practical effect on reducing interest costs incurred by Order 40 producers in their milk production operations. Much of the emphasis by proponent was on imputed interest costs that would be "discontinued" if the proposal were adopted. That is, if producers received payment for their milk sooner, the interest cost which they imputed to the value of the milk not paid for would no longer apply. As a practical matter, elimination of this imputed interest cost would not represent an actual savings for producers since the cost is not one that is actually being incurred.

The proponent claimed also that adoption of the proposal was needed to reduce the financial risk of producers that stems from the possibility that handlers might declare bankruptcy with a large amount of money outstanding for

milk delivered by producers during a month. Yet, the record reveals no major problems in this respect. While the adoption of the proposal would result in somewhat less money in the marketing system that could become involved in a possible handler default, the proposal is not the type that would guarantee producers against financial loss resulting from handler default. There is no basis in the record for concluding that there is substantial concern on the part of producers and cooperative associations in this market about such risks in dealing with regulated handlers.

In taking all the foregoing findings into consideration, it must be concluded that the hearing record of this proceeding does not provide the basis for adopting the proposal for a second partial payment. Proponent did not demonstrate convincingly that disorderly marketing conditions prevail which imperatively require provision for a second partial payment. Accordingly, the proposal is denied.

Discussion of Exceptions Filed on Partial Payment Issue

General Comments

Kraft, Inc., Independent Cooperative Milk Producers Association and Liberty Dairy, a division of Dean Foods Company, concurred with the findings and conclusions of the recommended decision.

Nine Regulated Handlers

The attorney for 9 handlers regulated by the order said that the handlers previously had stated their basis for opposing the additional partial payment proposal. He said that while the proposal cannot be adopted for reasons additional to those set forth in the proposed ruling, the 9 handlers endorse the Department's conclusion that proponents of the additional partial payment had failed to establish the need or desirability for the adoption of the proposal.

The proposal was denied for the reason stated by exceptor. We believe that it is unnecessary to go into the merits or demerits of the "additional reasons" alluded to by exceptor.

Michigan Producers Dairy

The cooperative association objected to the Department's conclusion that a second partial payment should not be adopted. The exception of the cooperative was not aimed at any specific findings of the decision. The exceptor reiterated some of the views which proponents had presented at the hearing. These views were fully considered in formulating the findings and conclusions of the recommended decision. Accordingly, the exception is denied.

Michigan Milk Producers Association

1. The exceptor cited a finding in the recommended decision which stated that "there is a substantial difference of opinion among producers and handlers in the market as to whether a different payment arrangement between these parties is desirable" (46 FR 1280, Col. 3, par. 5). Exceptor commented that such difference of opinion had been stated by a cooperative association that represented a minority of producers. Exceptor said that this was "an instance of citing a minority of a minority to reflect a majority position". Exceptor concluded that "it is ridiculous to say that the record reflects significant differences of opinion in this category," (presumably among producers).

The statement cited by exceptor has been reviewed in the light of the comments. It is concluded that the comments made by exceptor are not wholly within the context of that portion of the decision from which the statement was quoted. The recommended decision referred to the substantial difference of opinion among producers and handlers concerning whether a different payment arrangement is desirable. Producers and handlers are the two major groups operating in the market. The statement cited by exceptor did not focus on a difference of opinion expressed on the record between the major group of producers and a relatively minor one as exceptor appears to claim. The substantial difference of opinion which the decision focused on was between the major group of producers, as represented by proponent cooperative association and regulated handlers. We must conclude that the Department's finding is appropriate within that context. The exception, therefore, is denied.

2. The exceptor commented that if agreement by parties is a prerequisite to milk order changes, there will be few changes in an order. The findings and conclusions of the recommended decision, which have been reviewed from the standpoint of this comment, are not based on the idea that a second partial payment should not be adopted because there was no agreement between producers and handlers. The proposal was denied because marketing conditions in the affected area are not such that warrant that a second partial payment be mandated by the order. The exception, therefore, is denied.

3. The exceptor reiterated proponent's testimony that in any period of 10 days most of the raw milk that is supplied by producers is sold for cash (by store operators). In exceptor's view, it is expected that the money collected (by handlers) would be put out to earn interest until payment to producers is required by the order. Proponent stated this hypothesis on the record, but provided no factual analysis to support it. The recommended decision cited this testimony, and the opinion stated on the record was duly considered in relation to the evidence in formulating the decision. The conclusion to deny the proposal was based on the finding that proponent did not demonstrate convincingly that disorderly marketing conditions prevail which require provision for a second partial payment. The exception, therefore, is denied.

4. The exceptor commented that the failure or absence of any program to increase Class I differentials, which now form a smaller proportion of the total price due to "over-order premiums", could account for the finding that because Class III prices have increased substantially, the partial payment now being paid is enhanced.

The question of the Class I price is not an issue of this proceeding. The statement in the recommended decision which was alluded to by exceptor related only to the effect of substantially higher Class III prices on the partial payment now provided by the order. Accordingly, the exception is denied.

5. The exceptor commented that the "imputed interest" discussion is a nebulous matter that becomes lost in discussing concepts of support price standards and whether borrowings (by producers) actually take place. In exceptor's view, the previous reference to the 10-day period of milk being converted to money covers the issue.

The findings and conclusions of the recommended decision did not discuss imputed interest either to relate it to, or to distinguish it from price support "standards" or (the cost of) borrowing. However, all the testimony and evidence that pertained to these considerations, including the 10-day sales cycle, was carefully studied and fully considered in formulating the recommended decision. Actually, the recommended decision touched briefly on imputed interest and concluded that as a practical matter the elimination of imputed interest would not represent an actual savings for producers since the cost is not one that is actually being incurred. The exception that a shift from the consideration of imputed interest to the 10-cycle of selling Class I milk for cash may provide the basis for adopting a second partial payment is denied.

6. The exceptor cited the recommended decision as stating that there was no substantial concern in the market for the problem of insolvent handlers. Then, the exceptor cited the testimony of a cooperative association that opposed a second partial payment because adopting it would increase, not decrease the risk of handler insolvency.

The Department statement cited by exceptor was made in connection with the findings in the decision about exceptor's testimony in the record, which was made on behalf of a very substantial proportion of the producers supplying milk to the market. Presumably, exceptor's comment is pointing to a perceived inconsistency in the findings. We do not agree for the reasons stated. The exception, therefore, is denied.

7. The exceptor commented that if the now defunct Council on Wage and Price Stability (COWPS) had filed a post-hearing brief on the issue of a second partial payment, such brief could be considered improper to form the basis of consideration. Although it is not clear what point exceptor is raising, the question is moot since COWPS did not file a post-hearing brief or any other document in connection with the Southern Michigan proceeding.

8. The exceptor stated that the reference in the decision to a statement of the "chief economist" of the Department is not based on record evidence. The decision and record evidence have been reviewed in the light of this exception. The reference cited by the exceptor appears in the decision where the contents of a handler's post-hearing brief was summarized (46 FR 1280, Col. 2, first full paragraph). Neither the reference nor the alleged statement of the chief economist appears in the findings and conclusions of the decision. The material did not figure in the formulation of the decision. Exceptor is correct that the alleged statement has no basis in record evidence. Accordingly, the paragraph in which it appears is revised to exclude the mention of it.

9. The exceptor appended to the comments two communications issued by the Milk Industry Foundation (MIF) in October 1980 and January 1981. The communications were not part of the hearing record and were not considered in formulating the findings and conclusions of the decision. The exceptor called particular attention to part of the contents of the October 1980 MIF document which, in exceptor's view, may have referred to communications with USDA outside the record of this proceeding.

It is noted that the October 1980 document states, "* * * after being urged to do so at the last board meeting, board members *across the country* (emphasis supplied) had contacted their market administrators expressing concern about the proposed changes." Apparently, the implication that exceptor seeks to convey is that *ex parte* communication may have been initiated by certain MIF members.

The only market administrator who is bound by the *ex parte* rules in this proceeding is the Southern Michigan market administrator as indicated in the Notice of Hearing (45 FR 14049). The rules require that any *ex parte* communication, from the issuance of a hearing notice until a final decision is issued, must be noted in the hearing record. There is no evidence in the record of this proceeding of any *ex parte* contact with the market administrator of the Southern Michigan order, and exceptor did not cite any.

2. *Pool supply plant provisions.* The pooling provisions for supply plants should be revised by reducing the shipping requirements for the months of October through March 30 percent of the supply plant's, or supply plant unit's receipts of producer milk and milk received from a cooperative association in its capacity as a bulk tank handler. Producer milk diverted from the supply plant, or unit of supply plants, to pool distributing plants also should be considered as qualifing shipments in fulfilling up to one-half of the 30 percent shipping requirement. Likewise, transfers of fluid milk products to distributing plants fully regulated under another Federal order should be considered as qualifying shipments for pooling a supply plant, or unit of supply plants, in an amount not to exceed the actual transfers of fluid milk products from the supply plant, or unit, to pool distributing plants. This latter change also should apply to the separate pooling requirements for supply plants operated by a cooperative association.

Presently, the pooling provisions for supply plants specify that during the months of October through March any supply plant, or unit of supply plants, shipping at least 40 percent of its receipts of producer milk and milk received from a cooperative association in its capacity as a bulk tank handler to pool distributing plants shall be a pool supply plant. During the remaining months of the year, the shipping percentage is 30 percent, except that a supply plant or unit that was pooled in each of the months of October through March has automatic pool plant status during the remaining months.

In addition, there are separate pooling requirements for supply plants operated by a cooperative association. These provisions allow milk delivered directly from member producers' farms to pool distributing plants by the cooperative association, or in combination with member producer milk of another cooperative association with which it has a marketing agreement, to be included as qualifying shipments to enable the cooperative's supply plant to meet the pooling requirements. These provisions pool a supply plant operated by a cooperative association if the cooperative delivers at least 50 percent of its members' producer milk, either directly from the farms or by transfer from the supply plant, to pool distributing plants. If the plant does not meet these pooling requirements during a month, it still retains its pool plant status for that month if at least one-half of its members' milk was delivered to pool distributing plants during the preceding 12 months. Further, a cooperative association that operates a plant located in the marketing area that has been a pool plant for 12 consecutive months, but which otherwise does not qualify, may qualify the plant as a pool supply plant if the cooperative has a marketing agreement with another cooperative association, and the total deliveries of milk to pool distributing plants by the two cooperatives combined, either directly from farms or by transfer from the plant, if not less than 50 percent of their combined member producer milk.

Michigan Milk Producers Association (MMPA) proposed that the shipping percentage for pooling supply plants during the months of October through March be reduced to 30 percent in the interest of reducing needless fuel consumption and avoiding excessive transportation cost. Proponent's witeness testified that the 40 percent shipping requirement is not necessary to assure that reserve supplies of milk will be made available to the fluid market. He claimed that the Southern Michigan market has operated with an effective shipping requirement of 30 percent for the past 2 years and there has been an adequate supply of milk available to distributing plants.

The proposal was supported by another cooperative association whose witness testified that milk production in the market is increasing, and Class I sales are declining. This has made it increasingly more difficult for some supply plants to remain qualified as pool plants under the present provisions. He said the proposal to reduce the shipping percentage for pooling supply plants

would relieve the problems while continuing to curb "pool riding" abuses.

A handler who operates two pool supply plants and a pool distributing plant also supported the proposal. The handler's witness said that in the past 6 years the Class I utilization percentage of producer milk on the market has declined from nearly 64 percent in 1974 down to 53 percent in 1979. He stated that the order should be changed to provide pooling provisions that are responsive to this change. There was no opposition to the proposal.

Lowering the shipping percentage for pooling supply plants during the months of October through March from 40 to 30 percent, along with the other modifications described later, would allow supply plants to serve the fluid milk requirements of the market in an efficient manner without causing needless shipments of milk merely for the purpose of meeting the pooling requirements. The hearing record indicates that the market was adequately supplied with milk during the preceding 2 years when the effective shipping percentage, as a result of suspension actions, was 30 percent. Further, it indicates that with such a shipping percentage supply plants would continue to make adequate supplies available to pool distributing plants for fluid use.

During the six-year period of 1974 through 1979, receipts from producers increased nearly 14 percent while producer milk utilized in Class I outlets decreased more than 5 percent. For the months of October through March, when the present order specifies a 40 percent shipping percentage for pooling supply plants, receipts of producer milk increased nearly eleven percent from the October 1974–March 1975 period to the October 1978–March 1979 period while producer milk utilized as Class I milk declined 2.5 percent. Nothing in the hearing record would indicate a reversal of these trends in the future.

The increase in producer receipts and decline in Class I sales described in the previous paragraph caused producers to request a suspension of the 40 percent shipping percentage for the months of October through March in both the 1978–79 and 1979–80 period. These suspensions resulted in an effective shipping percentage of 30 percent. The hearing evidence shows that the suspension for the 1979–80 period allowed proponent cooperative to reduce the qualifying shipments from its supply plant unit by 16¾ million pounds. At current transportation rates it would have cost a minimum of 25 cents per hundredweight to move this milk from a supply plant to the nearest bottling plant. If it had been necessary to transport this milk to Detroit, the cost would have been 37 cents per hundredweight. Consequently, lowering the shipping percentage saved between $41,875 and $61,975 in transportation charges. Further, if it had been necessary for proponent to ship the 16¾ million pounds of milk to distributing plants in order to maintain the pooling status of the supply plants in its unit, such shipments would have displaced an equivalent amount of direct delivered milk because distributing plants already were adequately supplied. This would have forced proponent to divert the displaced direct delivered milk to manufacturing plants which would have resulted in the hauling of milk additional miles and the consumption of more fuel. Thus, lowering the shipping percentage to 30 percent during the months of October through March would permit proponent's supply plants and all other supply plants under similar circumstances to continue serving the fluid milk needs of the market without causing a needless expenditure of money for the transportation of milk solely to qualify supply plants for pooling.

The companion pooling proposal of MMPA to include transfers to distributing plants fully regulated under other Federal orders as qualifying shipments for pooling a supply plant, including the similar change in the provisions for pooling plants operated by cooperative associations, also should be adopted. The qualifying credit for transfers to such plants, however, should be limited to an amount that is equal to the quantity of milk transferred by the supply plant to pool distributing plants. Transfers to other order distributing plants on the basis of agreed upon Class II or Class III classification should not be eligible for such credit.

Proponent's witness stated that in recent years bulk sales of milk to other order distributing plants have gained significant importance in the cooperative's total marketing program. The witness claimed that the absence of the proposed provision in the order creates a barrier that prevents adding more Class I sales to the Southern Michigan pool. Also, it was claimed that absent the provision, nearby deficit markets are forced to procure supplemental milk from more distant sources at higher transportation costs.

The proposal was supported by two cooperative associations and three handlers who operate pool distributing plants. The witness for one of these handlers testified that his company also operates a distributing plant regulated under the Ohio Valley order while the witness for another handler testified that his company also operates distributing plants regulated under both the Ohio Valley and Indiana orders. These two witnesses said that milk supplies from the Southern Michigan market are received at their respective plants in Ohio and Indiana and that the amount of such milk received at these plants probably will increase in the future.

A supply plant or unit of supply plants should be given credit for shipments to distributing plants regulated under other orders. This provision would help accommodate the orderly pooling of Grade A milk that is produced in the Southern Michigan market procurement area but not needed at local fluid milk outlets. As described previously, supplies of producer milk on the market are increasing while Class I sales are decreasing. Without such a provision, a supply plant operator serving the Southern Michigan market might be reluctant to supply milk to another market because of the necessity of supplying a minimum quantity of milk to distributing plants regulated under this order. This could occur even though these other orders would provide the most lucrative outlet for the milk. Further, such a provision could encourage supply plant operators to offer "spot" shipments of milk where needed.

As testified on the record, cooperatives have the opportunity to supply milk to distributing plants regulated under different orders. Such sales not only help the cooperative improve its returns but also tend to improve the blend price payable to all producers who supply the Southern Michigan market. the availability of such milk also helps the handlers in the buying market to obtain milk from the closest available source. During 1979 Class I utilization realized from such shipments amounted to 129 million pounds. This was substantially above the 1976 Class I sales to nonpool plants, which amounted to less than 6 million pounds. Further, the 129 million pounds in 1979 represented 5¾ percent of the total producer milk used in Class I and added 4½ cents to the producer blend price. Also, the testimony of two handlers' witnesses indicated that shipments to their distributing plants regulated under the Ohio Valley and Indiana orders from the Southern Michigan market probably will increase in the future. These handler witnesses said milk supplies in the Southern Michigan production area are located much closer to their distributing plants

than are alternative supplies in Minnesota and Wisconsin.

Credit for shipments to other markets should be limited to the amount of milk delivered to distributing plants regulated under the Southern Michigan order to insure that adequate supplies of milk will be made available to distributing plants in this market. If no limit were provided on the credit for transfers to other markets, situations could arise where most of the milk associated with a supply plant being pooled on the Southern Michigan market would be moved to other markets. This could undermine the effectiveness of the Southern Michigan order in insuring an adequate supply of milk for fluid use within the market.

Only transfers to other markets that are not made on the basis of agreed upon Class II or Class III utilization should receive qualifying credit. When milk is transferred at agreed upon Class II or Class III utilization, it is surplus milk intended for use in manufacturing outlets. Such transferred milk should not receive credit as a shipment supplying a fluid market.

Several witnesses testified about the desirability of permitting the diversion of Southern Michigan producer milk direct from the producer's farm to distributing plants regulated under another order for Class I use and the dairy farmer retaining his producer status under the Southern Michigan order. These witnesses claimed that allowing such diversions would eliminate the needless hauling of producer milk to supply plants where it is received and then reloaded onto another truck for shipment to another order distributing plant.

This suggestion cannot be adopted on the basis of this hearing record because there was no proposal in the hearing notice to consider such an order amendment on the basis of this record. Furthermore, consideration of such a proposal would require a hearing that included several other Federal orders because any change would involve amendments to orders in both the shipping and receiving markets.

The proposal to allow up to one-half of the shipping requirements for pooling a supply plant to be met by the diversion of producer milk from the supply plant to pool distributing plants should be adopted. The proposal was made by a handler who operates two pool supply plants and a pool distributing plant. The handler's witness said the proposal is intended to promote economy and efficiency in the handling of milk by supply plant operators. The proposal was supported by another handler and there was no opposition to it.

Permitting supply plant operators to include as qualifying shipments producer milk diverted to pool distributing plants would promote the efficient handling of milk supplies and eliminate the hauling of producer milk to a supply plant for transfer to distributing plants solely for the purpose of helping the supply plant meet the pooling requirements. Proponent handler operates supply plants located at Pinconning and Clare, Michigan. Producer milk received at the Pinconning plant is used to supply a pool distributing plant located at Port Huron, Michigan, 130 miles southeast of Pinconning. Some of the producer milk received at the Pinconning plant is from dairy farms located in the Michigan counties of Sanilac, Huron and Tuscola. Milk from these dairy farms is delivered to a facility located at Verona, Michigan, where it is reloaded into over-the-road tankers and then delivered to the Pinconning supply plant. Verona is 98 highway miles east of Pinconning, directly across Saginaw Bay.

Presently, the hauler delivering milk from Verona to Pinconning travels 98 miles over to Pinconning and then 98 miles back. When the Verona milk is received in the Pinconning supply plant it loses its identity as producer milk. Thus, when this milk is loaded onto another truck and transported to the Port Huron distributing plant, it is considered a qualifying shipment for pooling the supply plant. The hauler at Pinconning drives 130 miles to Port Huron and 130 miles return. The total distance traveled by the 2 truckers combined is 456 miles.

Allowing diversions of producer milk to the Port Huron distributing plant to be considered as qualifying shipments from the Pinconning supply plant would reduce significantly the total miles traveled. The Verona reload facility is located 83 miles north of Port Huron. Thus, the hauler who would transport the milk from Verona to Port Huron would travel 83 miles down and 83 miles back, a round trip distance of 166 miles. This would be a reduction in total mileage of 290 miles (456 miles present minus 166 miles recommended) as compared to transporting the milk first to Pinconning. Also, the direct shipment of the milk from Verona to Port Huron would help preserve its quality by avoiding the pumping and storage of the milk at Pinconning.

The qualifying credits for diversions from a supply plant to pool distributing plants should be limited to one-half of the pooling requirements for the supply plant. This would insure that the supply plant actually is supplying the fluid needs of the Southern Michigan market. Further, it would prevent a Southern Michigan handler who operates a plant in a distant market from qualifying that plant for pooling on the Southern Michigan market based on direct delivery of producer milk by the handler to pool distributing plants without any demonstration that the distant plant has a bona-fide association with the Order 40 market.

In exceptions to the recommended decision, Kraft, Inc., suggested certain modifications to the order language. It excepted to the order language in § 1040.7(b)(5) which limits qualifying credit for transfers to other order distributing plants to the quantity of milk *transferred* to pool distributing plants. Exceptor claims there was no intent expressed by any witness to limit such qualifying credits only to transfers to pool distributing plants. In exceptor's view, the limit should be based on the *sum of transfers and diversions* to pool distributing plants. We do not agree with exceptor's characterization of the hearing record. Although proponent's witness referred to "shipments of milk" to pool distributing plants and to other order plants, he stated, in response to a question, that the amount of credit on shipments to other order distributing plants should be limited to the amount actually shipped from a supply plant and received at an Order 40 distributing plant. Further, proponent stated in an exception to the recommended decision that it supports the use of the more precise language contained in the recommended decision that limits such credit to transfers from the supply plant to pool distributing plants. If the qualifying credits on transfers to other order distributing plants were based on both transfers and diversions to pool distributing plants, then actual qualifying transfers from a supply plant to pool distributing plants could be only one-half the quantity of qualifying transfers to other order plants. The hearing record indicates that supply plants should have as great an association with the Southern Michigan market as they do with other markets in order to be pooled under Order 40. Diversions of producer milk to pool distributing plants would help qualify a supply plant, but such diversions do not demonstrate the supply plant's actual association with the Southern Michigan market. Accordingly, the exception is denied.

The Kraft Inc. exception also stated that in the introductory text of § 1040.7(b)(1) the language, "* * * is *transferred* to plants described in

paragraph (b)(5) * * *", (emphasis added) should read, "* * * is *transferred or diverted* to plants described in paragraph (b)(5) * * *". Exceptor said that the use of the word "transferred" only may suggest an unintended limitation and confuse the reader because the decision is clear that diversions of producer milk by a supply plant operator to pool distributing plants would be considered qualifying shipments for pooling the supply plant. We do not agree with exceptor's view that the exclusive use of the word "transferred" in that phrase would confuse the reader. The specific language refers only to the provisions contained in paragraph (b)(5) and that paragraph concerns, "Qualifying transfers from supply plants * * *". The provisions that include as qualifying shipments from supply plants the diversion of producer milk to pool distributing plants are clearly set forth in § 1040.7(b)(1)(i) and should not lead to any confusion on the reader's part. For these reasons the exception is denied.

3. *Producer milk.* (a) The order should be revised by reducing from 6 to 2 the number of days of production of a producer that must be delivered to a pool plant each month in order to qualify the milk of that producer for diversion to a nonpool plant as producer milk. This revision was proposed by Independent Cooperative Milk Producers Association which supplies milk to a pool distributing plant at Grand Rapids and diverts producer milk not needed for fluid use to a nonpool manufacturing plant located 80 miles north of Grand Rapids at Reed City, Michigan. Proponent's witness said that the purpose of the proposal is to reduce the transportation costs that are associated with the hauling of milk between these two cities.

The proposed change would promote the efficient handling of reserve supplies and reduce the hauling of milk to a pool plant solely to maintain its producer milk status. Proponent cooperative association is a regular supplier of milk to the fluid market. The cooperative has member producers whose farms are located in the Grand Rapids area and other member producers located in the general vicinity of the Reed City manufacturing plant. Normally, the milk produced by members in the Grand Rapids area is sufficient to fill the fluid requirements of the Grand Rapids distributing plant. The milk produced in the Reed City area is therefore diverted to the nearby nonpool plant for manufacturing. However, sufficient milk from the Reed City area is delivered to the Grand Rapids distributing plant to qualify the producers' milk for diversion to the nonpool manufacturing plant as producer milk. Since the Reed City milk is not needed at Grand Rapids, proponent diverts some of the milk in the Grand Rapids area to Reed City to make room in the Grand Rapids plant for the milk delivered from Reed City. As a result, the proponent must make six round trips each month to deliver milk from the Reed City area to Grand Rapids and, in addition, six round trips each month to divert milk from the Grand Rapids area to Reed City. The total mileage involved in this cross movement of milk is approximately 1,920 miles per month.

Requiring only 2 days' production of a producer's milk each month to be received at a pool plant would lower the number of miles traveled by two-thirds. As provided herein, the total mileage each month would be only 640 miles, a reduction of 1,280 miles (1,920 miles present minus 640 miles recommended). Thus, the reduction would result in a more economic movement of milk while assuring that the producers in the Reed City area continue their association with the Southern Michigan market.

The proposal was opposed by the Michigan Milk Producers Association whose witness testified that anything less than 6 days' production of a producer's milk that is delivered to a pool plant each month would not represent an adequate association with the fluid market. The witness also stated that the delivery of 6 days' production equates to a shipping requirement of 20 percent while 2 days would represent only a 6.5 percent shipping requirement. In the witness' view this is not compatible with the shipping requirements for pooling supply plants of 40 percent or the proposed 30 percent. The proposal also was opposed by two other cooperative associations in their post-hearing briefs.

In is true that 2 days represents only about 6.5 percent of the days in a month, and that for an individual producer whose milk is diverted to a nonpool plant the remaining days of the month his deliveries to a pool plant would equate to a 6.5 percent shipping requirement. However, this is not a valid comparison because the diversion limitations set forth in the order limit the total quantity of producer milk a cooperative association or pool plant handler may divert. The total quantity of milk that may be so diverted by such handlers may not exceed 60 percent of their receipts of producer milk during the months of October through March. Thus, 40 percent of their producer receipts must be delivered to pool plants. This is higher than the 30 percent shipping requirement for pooling supply plants that is recommended herein. Also, the producer milk provisions effectively limit diversions by a cooperative association or a handler to an appropriate level without the necessity of requiring excessive deliveries of milk from individual producers to pool plants merely for qualifying the milk for diversion to nonpool plants as producer milk.

Michigan Milk Producers Association excepted to the provision adopted in the recommended decision that reduces from 6 to 2 the number of days of production of a producer that must be delivered to a pool plant each month in order to qualify the milk of that producer for diversion to a nonpool plant as producer milk. Exceptor claimed this is a very substantial change that would create many problems when haulers and producers react to opportunities presented for "transportation savings," or if nonpool plants exploit a location advantage and capture, on a relatively permanent basis, pockets of supply in their area. Exceptor also stated that the statement in the recommended decision that total diversion limits would control instances where milk is qualified on the two-day rule does not address the main problem. It was the contention of the cooperative that milk supplies would become associated basically with the nearest nonpool plant for manufacturing rather than with pool distributing plants where the milk is needed for fluid use.

These potential problems were fully considered in the recommended decision. As described in the decision, it would be possible, under the change adopted herein, for a regulated handler to deliver only 2 days' production of an individual producer to a pool plant each month and divert the remaining milk of that producer to a nonpool plant. However, the total quantity of milk that may be so diverted could not exceed the diversion limits that are presently set forth in the order. Thus, the change adopted may reduce the deliveries of some producers to a pool plant each month but the total quantity of producer milk received by a handler that must be delivered to a pool plant would not change. This requirement limiting total diversions would continue to protect the integrity of the order. Accordingly, the exception is denied.

Exceptor stated also that several hearings were held to arrive at an appropriate direct-delivery differential that would provide an incentive for the more distant producers to deliver their

milk to distributing plants in the metropolitan areas. Such milk, exceptor said, must be drawn away from outside pool plants and nonpool plants. The adopted provision contained in the recommended decision, exceptor claimed, would tend to negate this incentive.

Reducing the number of days of production that a producer's milk must be delivered to a pool plant each month should not affect the quantity of milk delivered to distributing plants in the metropolitan areas directly from producers' farms. If, at the present time, distant producers find it profitable to deliver their milk to such distributing plants, that incentive would not be affected by this decision because nothing in this decision would change the price relationship between the metropolitan areas and the more distant areas in the milkshed. The hearing record is replete with testimony and exhibits demonstrating that ample supplies of milk are available to distributing plants to meet their fluid milk requirements. In fact, exceptor's witness testified that with the exception of the Benton Harbor and Lansing areas there is more than an ample supply of direct delivered milk to supply the normal requirements of distributing plants. Further, exceptor was the proponent of a proposal to lower the shipping requirement for pooling supply plants because the present higher shipping requirement is not necessary to assure that reserve supplies of milk will be made available to the fluid market. Similarly, it is not necessary to require that 6 days' production of a producer be delivered to a pool plant each month to assure that the milk of such producer will be made available to the fluid market. Accordingly, the exception is denied.

Exceptor also stated that in the recommended decision a statement was made that the rate of partial payment (Class III price) was over 93 percent of the final uniform price. Since the uniform price is becoming less attractive relative to the manufacturing price, it would seem more advisable to exceptor to maintain individual shipping requirements than to relax them. Exceptor claimed that with uniform prices now somewhat lower in relation to nonpool plant prices and with higher hauling charges, any order change that encourages pooling without delivering milk to fluid outlets works adversely to sound order objectives.

We cannot agree with exceptor on this point. As the price spread between the uniform prices to producers under the order and the prices paid by nonpool plant operators to their dairy farmers narrows, association with the Southern Michigan fluid market becomes less attractive to the dairy farmers who deliver to nonpool plants. This narrowing of the price spread would indicate that the market is adequately supplied with milk. Under these circumstances, the need to reduce the number of days of production of a producer that must be delivered to a pool plant each month is even greater. Otherwise, there would be needless transporting of producer milk to pool plants merely for the purpose of meeting the delivery requirements. As described previously, the record evidence demonstrates that the market is adequately supplied with milk. Further, the requirement that limits total diversions by a cooperative association or pool plant operator would continue to protect the integrity of the order. Accordingly, the exception is denied.

Michigan Producers Dairy Company, another cooperative association whose members deliver milk to the market, also excepted to the adoption of this provision. This exceptor stated that reducing the number of days of production that must be delivered to a pool plant from 6 to 2 days appears "risky" because of the possibility that milk supplies associated with another Federal order market with a lower blend price could be associated with the Southern Michigan market. The order provisions are not intended to impede producers from becoming associated with this market but, instead, are intended to identify those producers who are associated with the Southern Michigan market and whose milk is available for the fluid market. Further, as set forth previously in this decision, the producer milk provisions effectively limit diversions by a cooperative association or a handler to an appropriate level without the necessity of requiring excessive deliveries of milk from individual producers to pool plants merely for qualifying the milk for diversion to nonpool plants as producer milk. Accordingly, the exception is denied.

In its exceptions, this cooperative association also stated that a "compromise" of 4 days of production each month should be provided if the present provision for 6 days of production cannot be continued. This suggestion is denied for the reasons stated previously in justifying the adoption of the provision requiring 2 days of production being delivered to a pool plant each month.

Liberty Dairy Company, Division of Dean Foods, expressed reservations about the reduction from 6 to 2 in the number of days of productin of a producer that must be delivered to a pool plant each month. This respondent stated that the revision makes it too easy for additional milk to attach itself to Order 40. This exception is denied for the reasons set forth previously in this decision.

(b) The producer milk definition should be revised to recognize the diversion of producer milk from one pool plant to another. Although such diversions are provided for in those sections of the order that deal with the classification provisions, the present producer milk definition does not specifically provide for them.

A handler who operates two supply plants and a distributing plant regulated by the Southern Michigan order proposed the revision. The handler's witness stated that this change was needed to complement the handler's proposal to include as qualifying shipments for pooling a supply plant the diversions of milk from a supply plant to a pool distributing plant. There was no opposition to the proposal.

As set forth in another issue, up to one-half of the qualifying shipments for pooling a supply plant may be met by diversions of producer milk from the supply plant to pool distributing plants. As a result of that change, it is necessary to make a corollary change in the producer milk definition to accommodate the diversion of producer milk between pool plants. In doing so, it is necessary to distinguish between diversions of producer milk between pool plants and diversions of producer milk to nonpool plants. Certain limitations are necessary on diversions to nonpool plants to assure that the diverted milk is actually associated with the Southern Michigan market and available for the fluid market. No such limitations are necessary with respect to diversions between pool plants since the diverted milk would still be received at a pool plant and would be associated with the market.

(c) The producer milk definition also should be revised to establish a specific sequence to exclude from producer milk the quantity of milk that has been diverted to nonpool plants in excess of the diversion limits when the handler does not designate the dairy farmers whose milk shall not be producer milk. The present order excludes the days of production last diverted in determining which milk shall not be producer milk. However, it does not set forth any procedure for determining which day's milk shall be excluded first.

The handler who proposed recognizing diversions between pool plants in the producer milk section also proposed this revision. There was no opposition. The handler's witness said this proposal would provide an appropriate basis for determining which milk shall not be producer milk when it is overdiverted and the diverting handler does not designate the dairy farmers whose milk was overdiverted.

It is appropriate that the order provide a procedure for determining which diversions shall not be considered producer milk when milk diverted to nonpool plants exceeds the diversion limits prescribed by the order. The provisions of the accompanying order amendments achieve this objective. The provisions prescribe a specific procedure for excluding overdiverted milk from producer milk when a diverting handler does not designate whose milk shall not be producer milk. The procedure would exclude milk diverted on the last day of the month first, then, in sequence, milk diverted on the second-to-last day and so on in daily allotments until all of the overdiverted milk is accounted for.

4. *Payments to producers and to cooperative associations.* The order should be revised to allow handlers to subtract deductions authorized in writing by producers from their partial payments to such producers. Presently, handlers may subtract authorized deductions only with respect to their final payments to producers each month.

A handler who operates two pool supply plants and a pool distributing plant proposed the revision. The handler's witness testified that allowing deductions on partial payments would provide producers with more balanced payments, give producers greater flexibility in using their business judgment on financial matters, and reduce disharmony between producers, their creditors and handlers when the monthly final payment to a producer is not adequate to satisfy all assignments. There was no opposition to the proposal.

Testimony on the record indicates that the average number of assignments per producer is seven. All producers on the market have an assignment against their milk checks for hauling. Many producers also make assignments on behalf of their creditors and sometimes these assignments are larger than the amount of their final payment.

Proponent's witness testified that when the assignments against a producer's milk check are larger than the final payment, the handler does not pay all the assignments. He claimed that in such circumstances the creditor who did not get paid and the producer are upset because the handler didn't make the deduction even though the producer had requested the handler to do so. A witness representing another handler testified that with respect to assignments by a producer to the Farmers Home Administration, the handler is required to accept the assignment and has the responsibility for the payment, even if the handler fails to make the deduction from the producer's check. With respect to other assignments, this witness testified also that it creates bad feelings among creditors, producers and handlers when terms of the assignment are not followed.

Permitting handlers to subtract authorized deductions when making both partial and final payments to producers would give producers greater flexibility in their business decisions and could help reduce the risk that some assignments against a producer's milk check would not be deducted because the final payment is not sufficient to cover all the assignments. Accordingly the proposal should be adopted. However, a producer's written authorization for a handler to deduct monies for payment to an assignee does not relieve the handler of his obligation to make full payment for milk received from producers by the date prescribed in the order. Thus, it is expected that the amounts deducted by handlers will be paid to assignees by the time partial payments are due individual producers. This is necessary to insure that all handlers are paying the minimum class prices for their producer milk by the dates required in the order.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a MARKETING AGREEMENT regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Southern Michigan marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement,[1] be published in the Federal Register. The regulatory provisions of the marketing agreement are identical

[1] Filed as part of the original document.

with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

December 1980 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Southern Michigan marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on May 5, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

Order[1] amending the order, regulating the handling of milk in the Southern Michigan marketing area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et. seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Acting Administrator, on December 30, 1980, and published in the **Federal Register** on January 6, 1981 (46 FR 1279), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. In § 1040.7, paragraph (b) (1), (2) and (3) is revised and a new paragraph (b)(5) is added to read as follows:

§ 1040.7 Pool plant.

* * * * *

(b) * * *

(1) A supply plant from which each month not less than 30 percent of the total quantity of Grade A milk received at such plant from producers and from a handler described in § 1040.9(c), or diverted therefrom by the plant operator or a cooperative association (as described in § 1040.9(b)) pursuant to § 1040.13, less than Class I disposition of fluid milk products which are processed and packaged in consumer-type containers in the plant, is transferred to plants described in paragraph (b)(5) of this section, subject to the following conditions:

(i) Not more than one-half of the shipping percentage specified in this paragraph may be met through the diversion of producer milk from the supply plant to pool distributing plants; and

(ii) A supply plant that qualifies as a pool plant pursuant to this subparagraph in each of the months of October through March shall be a pool plant for the following months of April through September.

(2) A plant operated by a cooperative association which supplies distributing plants qualified under paragraph (a) of this section, if transfers from such supply plant to plants described in paragraph (b)(5) of this section and by direct delivery from the farm to plants qualified under paragraph (a) of this section are:

(i) Not less than one-half of its total member producers' milk in the current month; or

(ii) Not less than one-half of its total member producers' milk for the second through the 13th preceding months, if such plant was qualified under this paragraph in each of the preceding 13 months.

(3) A plant located in the marketing area operated by a cooperative association, which plant has been a pool plant for 12 consecutive months but is not otherwise qualified under this paragraph, on meeting the following conditions:

(i) The cooperative has a marketing agreement with another cooperative whose members delivers at least 50 percent of their milk during the month directly to distributing plant(s) qualified under paragraph (a) of this section; and

(ii) The aggregate monthly quantity supplied by both such cooperatives to distributing plants by transfer from the cooperative's plant to plants described in paragraph (b)(5) of this section and by direct delivery from farms to plants qualified under paragraph (a) of this section is not less than 50 percent of the combined total of their member producers' milk deliveries during the month.

* * * * *

(5) Qualifying transfers from supply plants pursuant to this paragraph may be made to the following plants:

(i) Pool plants described in paragraph (a) of this section; and

(ii) Distributing plants fully regulated under other Federal orders except that credit for transfers to such plants shall be limited to the quantity of milk transferred from the supply plant to pool distributing plants during the month. Qualifying transfers to other order plants shall not include transfers made on the basis of agreed upon Class II or Class III utilization.

* * * * *

2. Section 1040.13 is revised to read as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

§ 1040.13 Producer milk.

"Producer milk" shall be the skim milk and butterfat in milk from producers that is:

(a) Received at a pool plant directly from a producer excluding such milk that is diverted from another pool plant;

(b) Received by a handler described in § 1040.9(c);

(c) Diverted by the operator of a pool plant to another pool plant; and

(d) Diverted by the operator of a pool plant or by a handler described in § 1040.9(b) to a nonpool plant, other than a producer-handler, subject to the following conditions:

(1) In any month that less than 2 days' production of a producer is delivered to a pool plant, the quantity of milk of the producer diverted during the month shall not be producer milk;

(2) The total quantity of producer milk diverted by a cooperative association or by the operator of a pool plant may not exceed 60 percent during each of the months of October through March of the total quantity of producer milk for which it is the handler;

(3) Any milk diverted in excess of the limits described in paragraph (d)(2) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk, otherwise the total milk diverted on the last day of the month, then the second-to-the-last day, and so on in daily allotments will be excluded until all of the over-diverted milk is accounted for; and

(4) Milk which is subject to pooling under another order, shall not be producer milk.

3. Section 1040.73(d) is revised to read as follows:

§ 1040.73 Payments to producers and to cooperative associations.

* * * * *

(d) On or before the last day of each month for producer milk received during the first 15 days of the month at not less than the Class III milk price for the preceding month, less any proper deductions authorized in writing by the producer.

[FR Doc. 81-13885 Filed 5-7-81; 8:45 am]
BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221a

[EDR-424; Docket No. 35139]

Fare Summaries

Dated: April 23, 1981.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to revoke its requirement that certificated carriers provide fare summaries at all ticketing locations. This action is in response to a petition by American Airlines.

DATES: Comments by: July 7, 1981.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: May 26, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 35139, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: 14 CFR Part 221a, *Fare Summaries*, was adopted by the Board in ER-979, 41 FR 55865, December 23, 1976. In that rule, the Board required certificated air carriers to provide consumers with pamphlets containing concise and easily understandable information concerning the various normal and discount passenger fares offered on their interstate and overseas routes. The purpose of the rule was to provide prospective travelers with an alternative source of fare information so that consumers could make an informed choice among the types and levels of fares offered.

Each summary had to list the current fares, and the major qualifying conditions for each of the 10 most popular destinations from the origin city. The summaries had to be updated within 30 days of major changes or within 6 months for minor changes. Passengers could pick up a fare summary at any ticket-selling location, or could obtain a copy by mail.

American Airlines petitioned the Board to modify Part 221a to eliminate much of the "forbidding detail" so that the fare summaries could be more usable to the public. Delta Air Lines, in its answer, urged the Board to totally eliminate the fare summary requirement. Delta argued that elimination would benefit both carriers and the traveling public by allowing carrier marketing departments to develop the most effective means of informing the passengers of airline fares, without the burden of producing the summaries.

The Board agreed in Order 79-8-116, August 23, 1979, that fare summaries had not accomplished their hoped-for goals. We therefore granted American's petition to review the fare summaries rule. Pending completion of the examination, the effectiveness of 14 CFR Part 221a was suspended.

We have completed our examination and have tentatively decided that Part 221a should be revoked. Part 221a did not provide all the consumer benefits we anticipated. Relatively few passengers were aware that the summaries existed. A large percentage of passengers choose their flight and fare during a telephone conversation with a reservations clerk or a travel agent, so that they are not able to pick up a fare summary at a ticket sales location. Some passengers find written material concerning fares and conditions too complex to understand. The information offered was of limited value to some consumers because the summaries included only fares offered by a single carrier.

The cost burden on carriers to produce the fare summaries appeared to outweigh the benefits enjoyed by consumers. Since the Deregulation Act, discount fares and their accompanying restrictions have been changing rapidly. The fare summaries are useful only if they are kept up to date, and if the fare summary requirement were reimposed, very frequent republication of the pamphlets would be necessary. In a period when we are encouraging aggressive price competition, we will not reimpose a rule that could discourage price movement, and that we have found to be at best marginally useful.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96-354, took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities. It requires regulatory flexibility analyses for rules that, if adopted, will have a significant economic impact on a substantial number of small entities.

The analysis is required to describe the need, objectives, legal basis for, and flexible alternatives to the actions proposed here. The first three requirements are met by the discussion above. The alternative approaches would be to maintain the present rule, or

modify it to make the fare summaries more usable to the public. We have not proposed the first alternative because the rule is placing a burden on carriers with only a marginal benefit to consumers. We tentatively decided not to modify the present requirements because we believe the carriers themselves can best decide how to advertise their fares.

In addition, the analysis must include a description of the small entities to which this proposal would apply, the reporting, recordkeeping or other compliance requirements of this proposed rule, and any other Federal rules that may duplicate, overlap or conflict with it. Although the rule's effectiveness is currently suspended, total elimination of the fare summaries rule would affect approximately 25 certificated carriers that may be considered small entities under the Regulatory Flexibility Act. If the rule were revoked, these carriers would be free to choose any or no method for publicizing their fares without the burden of printing and distributing fare summaries. The proposed revocation would not impose any reporting or compliance requirements. Finally, there are no other Federal rules duplicating, overlapping or conflicting with the proposal.

Accordingly, the Civil Aeronautics Board proposes to amend Chapter II of 14 CFR, as follows:

PART 221a—FARE SUMMARIES [REMOVED]

1. Part 221a, *Fare summaries,* would be revoked.

2. The effectiveness of Part 221a would continue to be waived pending issuance of a final rule in this rulemaking.

(Secs. 204, 401, 403, 404, 411 of Pub. L. 85–726, as amended, 72 Stat. 743, 754, 758, 760, 769, (49 U.S.C. 1324, 1371,1373, 1374, 1381))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–13979 Filed 5–7–81; 8:45 am]

BILLING CODE 6320–01–M

CONSUMER PRODUCT SAFETY COMISSION

16 CFR Part 1301

Ban of Unstable Refuse Bins; Proposal to Partially Revoke the Rule as it Applies to Front-Loading, Small-Capacity, Straight-Sided Refuse Binn; Cancellation of Oral Presentation

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed partial revocation of rule; cancellation of oral presentation.

SUMMARY: On March 30, 1981, the Commission published a proposed partial revocation of the ban of unstable refuse bins, 16 CFR Part 1301 (46 FR 19247). On April 27, 1981, the Commission announced an opportunity for interested persons to make an oral presentation of views on May 11, 1981, in Los Angeles, California (46 FR 23469). The Commission received no request to make a presentation of views by May 4, 1981, the closing date for such requests. Consequently, the Commission cancels the hearing on the proposed revocation.

DATE: Written comments on the proposed revocation can be submitted until May 26, 1981.

ADDRESS: Written comments should be addressed to the Office of the Secretary, Consumer Product Safety Commission, 1111–18th St., NW, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Douglas Noble, Office of Program Management, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492–6557.

Dated: May 6, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81–14161 Filed 5–7–81; 9:45 am]

BILLING CODE 6355–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 229

[Release Nos. 33–6315; 34–17762; File No. S7–684]

Proposed Amendments to Item 5 of Regulation S–K Regarding Disclosure of Certain Environmental Proceedings

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments to regulations.

SUMMARY: The Commission is publishing for comment proposed amendments to the regulations governing disclosure of environmental proceedings. The proposals would permit the omission of disclosure relating to certain environmental proceedings and would require that registrants provide interested persons with the names and addresses of the governmental authorities from which compliance-related reports about disclosable environmental proceedings may be obtained. The proposed amendments are intended to improve the quality and utility of environmental disclosure and to reduce burdens on registrants.

DATE: Comments must be received on or before September 1, 1981.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7–684. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Stephen W. Hamilton (202) 272–2390, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today is publishing for comment proposed amendments to Item 5 of Regulation S–K (17 CFR 229.20),[1] which govens disclosure of legal proceedings in certain filings under the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.).[2] These proposals would (1) establish a threshold which would permit registrants to omit disclosure about certain environmental proceedings to which a governmental authority is a party, and (2) require that registrants either disclose the names and addresses of the governmental authorities from which compliance-related reports pertaining to disclosable environmental proceedings can be obtained, or provide such names and addresses to interested persons upon written request.

The proposed amendments reflect the Commission's experience in administering the current environmental disclosure provisions, as well as recommendations made in the *Staff Report on Corporate Accountability* ("*Staff Report* ") which was issued by the Commission's Division of Corporation Finance in September 1980.[3] The Commission believes that these

[1] It should be noted that, if the proposed revisions of Regulation S–K and the Guides for the Preparation and Filing of Registration Statements and Reports are adopted as proposed, Item 5 of Regulation S–K will be renumbered as Item 3. *See* Release No. 33–6276 (December 23, 1980) [46 FR 78].

[2] If these proposals are adopted, the Commission also will adopt corresponding amendments to Instruction 5 of Item 6 of Form S–18, 17 CFR 239.28.

[3] Division of Corporation Finance, Securities and Exchange Commission, *Staff Report on Corporate Accountability*, 96th Cong., 2d Sess. (Comm. Print 1980) (Senate Comm. on Banking, Housing and Urban Affairs) [hereinafter *Staff Report*].

proposals, if adopted, would improve the quality and utility of environmental disclosure to shareholders and investors and would be compatible with the procedural mandate of the National Environmental Policy Act ("NEPA").[4] In addition, the proposals would have a concomitant effect of reducing burdens on registrants.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Acting Chairman of the Commission has certified that the amendments proposed herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

I. Background

Over the past decade, the Commission has taken several actions to improve the environmental disclosures made to shareholders and investors. These actions have been based on the Commission's recognition of the importance of environmental information to informed investment and voting decisions, and the unique mandate to consider the environment which was imposed on all federal agencies by NEPA.

The Commission's initial action in the environmental area came in 1971 when it issued an interpretive release which alerted registrants to the potential disclosure obligations that could arise from material environmental litigation and the material effects of compliance with environmental laws.[5] After an assessment of the disclosures elicited under the 1971 release, the Commission determined that more specific disclosure standards were necessary.

In 1973, the Commission adopted amendments to certain of its registration and reporting forms to require more meaningful disclosure of environmental information.[6] These amendments required disclosure of (1) the material effects compliance with federal, state and local environmental laws may have on the capital expenditures, earnings and competitive position of the registrant, and (2) any material pending or contemplated administrative or judicial proceedings involving federal, state or local environmental laws, as well as *any* environmental proceeding by a governmental authority. While these amendments called for disclosure of all environmental proceedings involving governmental authorities, the Commission recognized that a complete description of each such proceeding might cause disclosure documents to be excessively detailed without a commensurate benefit to investors. Therefore, the Commission also adopted at that time a provision which allowed registrants to group similar governmental proceedings and to describe them generically.[7]

Following litigation concerning both the denial of a rulemaking petition and the promulgation of the 1973 amendments,[8] the Commission in 1975 initiated public proceedings [9] to elicit comments on whether further rulemaking in the environmental area was appropriate. As a result of these proceedings, the Commission in 1976 amended its forms specifically to require disclosure of any material estimated capital expenditures for environmental control facilities for the remainder of the registrant's current fiscal year and its succeeding fiscal year, and for any further periods that are deemed material.[10] These provisions regarding capital expenditures and effects of compliance and legal proceedings subsequently were promulgated without substantive change as current Items 1(c)(2)(iii) [11] and 5,[12] respectively, of Regulation S–K.

The Commission has taken actions to enforce these requirements in appropriate cases [13] and has published an interpretive release concerning the scope of these requirements.[14] In addition, the Commission has continued to explore ways in which environmental disclosures can be made more meaningful to investors and shareholders while not unduly burdening registrants. In particular, the Commission's corporate governance proceeding, which was initiated in 1977,[15] elicited oral and written comments on a number of issues affecting environmental disclosure, such as the relevance of socially significant information, including matters related to the environment, to informed voting decisions.[16]

The corporate governance proceeding resulted in certain staff recommendations, as set forth in the *Staff Report*,[17] concerning the Commission's environmental disclosure provisions. The proposals in this release are based on the alternatives considered and the recommendations made in the *Staff Report*, as well as on the experience which the Commission has gained over the last decade in developing and administering its rules and regulations on environmental matters.

II. Synopsis of Proposed Amendments

A. New Threshold

Currently, Item 5 of Regulation S–K requires, among other things, disclosure of all pending or contemplated environmental proceedings to which a governmental authority is a party ("governmental proceedings"). This disclosure standard for governmental proceedings differs from, and is broader than, the standard applicable to other types of environmental proceedings, which are subject to disclosure thresholds. In particular, Instruction 5 to Item 5 specifies that a proceeding involving primarily a claim for damages must be described if the amount involved, exclusive of interest and costs, exceeds 10 percent of the registrant's current assets on a consolidated basis.

When the governmental proceedings requirement first was adopted in 1973, the Commission believed that requiring disclosure of all governmental proceedings was an effective method to inform investors and to promote environmental goal.[18] The Commission's

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[4] 42 U.S.C. 4321 et seq. Section 102(1) of NEPA provides that "to the fullest extent possible . . . the policies, regulations and public laws of the United States shall be interpreted and administered in accordance with the policies set forth" in NEPA. *Id.* at 4332(1).

[5] Release No. 33–5170 (July 19, 1971) [36 FR 13989].

[6] Release No. 33–5386 (April 20, 1973) [38 FR 12100].

[7] This provision currently is contained in Instruction 5 to Item 5 of Regulation S–K.

[8] *See Natural Resources Defense Council, Inc.* v. *SEC*, 389 F. Supp. 689 (D.D.C. 1974). *See also Natural Resources Defense Council, Inc.* v. *SEC*, 606 F.2d 1031 (D.C. Cir. 1979), *rev'g* 432 F. Supp. 1190 (D.D.C. 1977). A more complete description of this litigation is contained in the *Staff Report* at 251–60.

[9] *See* Release No. 33–5589 (February 11, 1975) [40 Fr 7013].

[10] Release No. 33–5704 (May 5, 1976) [41 FR 21032].

[11] Release No. 33–5893 (November 23, 1977) [42 FR 65554].

[12] Release No. 33–6049 (July 28, 1978) [43 FR 34407].

[13] *See In re* Occidental Petroleum Corporation, Release No. 34–16630 (July 2, 1980); *In re* United States Steel Corporation, Release No. 34–16223 (September 27, 1979). *See also SEC* v. *Allied Chemical Corporation*, Civil No. 77–373, Litigation Release No. 7811 (March 4, 1977).

[14] Release No. 33–6130 (September 27, 1979) [44 FR 56924] which concerned disclosure of (1) the total costs of complying with environmental laws, (2) contemplated proceedings by governmental authorities and (3) policies concerning, or approach toward, compliance with environmental laws. It should be noted that the instant proposals would not affect the positions set forth in parts (1) and (3) of that release, or the broad interpretation of the term "proceeding" contained in part (2) of that release. The proposals would, however, eliminate the requirement to disclose *all* proceedings to which a governmental authority is a party, and accordingly the language to that effect in the 1979 release would be rescinded.

[15] *See* Release No. 34–13601 (August 29, 1977) [42 FR 44369].

[16] These comments are summarized and discussed in the *Staff Report* at 250–66.

[17] *Id.* at 284–86.

[18] *See* Text accompanying notes 6–7 *supra*.

review of the disclosure generated by the governmental proceedings provision and comments received from the public indicates, however, that this provision may not be fully accomplishing its intended results. The Commission is aware of numerous instances in which disclosures of more significant environmental proceedings have been obscured by lengthy disclosures of relatively inconsequential governmental proceedings,[19] particularly proceedings which involve small fines or relatively small capital expenditures.[20]

In the Commission's view, the overwhelming amount of information which often is elicited by the current environmental provisions results in less readable disclosure documents and makes it more difficult to identify significant environmental proceedings. This impedes the Commission's ability to fulfill its obligation under the federal securities laws of ensuring that investors and shareholders receive full and fair disclosure of all material information necessary for informed decision-making. Moreover, it appears that the current lengthy environmental disclosures, because they may tend to focus attention on less important matters, may be doing little to enhance understanding of the economic impact on the registrant of significant environmental concerns.

As a result, the current environmental disclosure system actually may hinder informed evaluations by investors and shareholders. A similar concern was expressed in the *Staff Report* after an extensive analysis of information gathered in the corporate governance hearings,[21] and in remarks made by commentators in connection with other Commission initiatives.[22]

The Commission believes that it could more fully satisfy its responsibilities under the federal securities laws if environmental disclosures were focused on significant environmental proceedings and were not interspersed with information about relatively inconsequential matters. Moreover, the Commission believes that clarity and comprehensibility of environmental disclosure effectively promotes goals of NEPA and thus conform with the Commission's mandate under Section 102(1) of that Act.[23] The Commission therefore is proposing to amend Instruction 5 to Item 5 by adding a new threshold for disclosure of governmental proceedings. The proposed new threshold also would reduce burdens on registrants.[24]

The proposed new threshold would replace the existing language in Instruction 5 which mandates disclosure of all governmental proceedings, and in its place would require disclosure of (a) all environmental proceedings, including governmental proceedings, which are material to the business or financial condition of the registrant, (b) damage actions, or governmental proceedings involving potential fines, capital expenditures or other charges, in which the amount involved exceeds 10 percent of current assets, and (c) governmental proceedings, unless the registrant reasonably believes such proceedings will result in fines of less than $100,000. The proposed threshold would be added to Instruction 5 by revising a portion of that Instruction's existing language and dividing it into three clauses, designated (a), (b) and (c). The three proposed clauses are in the alternative, and disclosure of a proceeding would be required if the provisions of any one of the clauses are satisfied. In addition, the term "proceeding," for purposes of the proposed clauses, would include all proceedings which generally involve the same issues.[25]

Proposed clause (a) would retain without change the current provision which requires disclosure of environmental proceedings that are material to the business or financial condition of the registrant. Disclosure of a governmental proceeding, as well as a proceeding involving private parties, would be required under this proposed clause if the proceeding was material to the registrant, regardless of whether the conditions of proposed clause (b) or (c) are satisfied.

Proposed clause (b) would make the disclosure requirement applicable to governmental proceedings consistent with the disclosure threshold applicable to proceedings involving claims for damages. This proposed clause would retain the current provision which requires disclosure of damage actions in which the amount involved exceeds 10 percent of current assets on a consolidated basis and, in addition, would apply this same current assets threshold to all proceedings, including governmental proceedings, which may result in monetary sanctions, capital expenditures, deferred charges or charges to income. This proposal would permit the omission of information about a governmental proceeding which is not otherwise disclosable and which involves potential fines, capital expenditures or other charges which do not constitute 10 percent of the registrant's consolidated current assets. In addition, the phrase "deferred charges or charges to income" would be included in proposed clause (b) to encompass those situations in which, for example, the registrant chooses to shut down a relatively insignificant plant, rather than make the necessary capital expenditures, and therefore must make a charge against income.[26]

Finally, proposed clause (c) would require disclosure about governmental proceedings involving potential fines, unless the registrant reasonably believes that such proceedings will result in fines of less than $100,000. The $100,000 fine threshold is based, in part, on the Commission's review of the actual fines assessed in enviornmental proceedings. This proposal would not automatically require disclosure of any proceeding in which the possible maximum fine which could be imposed

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[19] The Commission has found, for example, that environmental disclosures made by steel companies and utilities often take up several pages in the Annual Report on Form 10–K (17 CFR 249.310).

[20] Lengthy environmental disclosures typically contain information about governmental proceedings which result in fines under $100,000 and in many cases as low as $100. Similarly, information often is given about governmental proceedings which involve relatively minor capital expenditures which are incurred, for example, to obtain a regulatory permit.

[21] *Staff Report* at 285–86.

[22] For example, one commentator on the proposed revisions to Form 10–Q (which were adopted in Release No. 33–6288 (February 9, 1981) [46 FR 12480]) stated that disclosure of insignificant environmental proceedings is a significant management burden with no real benefit to the disclosure system (File No. S7–850).

[23] *See* note 4 *supra*.

[24] This proposal, by eliminating discussions about less significant matters, also should facilitate the efforts which some registrants currently are making to improve the effectiveness and readability of their environmental disclosures by using separate paragraphs or headings to distinguish general environmental information, such as broad discriptions of various legal requirements and standards, from information relating to specific environmental proceedings. The Commission believes that disclosures significant proceedings should be readily identifiable, and should not be obscured by, or buried within, general discussions, and therefore encourages registrants to continue and expand this practice.

[25] This would require aggregation of those proceedings which present in large degree the same issues, just as current Instruction 2 to Item 5 requires such grouping in determining whether the 10 percent of current assets exclusion for legal proceedings generally is available. Accordingly, registrants would be required to aggregate the potential financial consequences of proceedings which generally involve the same legal or factual issues when determining whether the thresholds in proposed clauses (a), (b) and (c) have been exceeded. This aggregation would be required even if none of the proceedings individually exceeded the proposed thresholds.

[26] The proposals are not intended to and, if adopted as proposed or in modified form, would not affect Item 1(c)(2)(iii) of Regulation S–K, which requires a registrant to consider all capital expenditures or other costs when making the aggregate disclosures required pursuant to Item 1(c)(2)(iii).

is $100,000 or more, but rather would permit registrants to consider both the amount of any potential fine and the probability that this maximum penalty, as opposed to a lesser fine, actually will be imposed. Even if disclosure of a governmental proceeding is not required under proposed clause (a) or (b), disclosure would be required under proposed clause (c) unless the registrant reasonably believes that the proceeding will result in a fine of less than $100,000. Of course, this reasonable belief would have to exist at the time the disclosure document is filed, and such belief would have to be reevaluated in connection with future filings if circumstances change with respect to a particular proceeding.[27]

The Commission believes that disclosure of fines by governmental authorities may be of particular importance in assessing a registrant's environmental compliance problems. Proceedings involving fines (as opposed, for example, to proceedings involving capital expenditures necessary to obtain regulatory permits) may be more indicative of possible illegality and conduct contrary to public policy. Accordingly, the Commission does not view a disclosure threshold related solely to a percentage of assets as appropriate in this context. At the same time, the Commission's review of environmental disclosure has shown that the significance of a governmental proceeding does not necessarily correlate with the potential monetary sanction that could be imposed, since such a proceeding, while involving a possible penalty which is great,[28] may be resolved with a sanction that is less substantial.

Proposed clause (c) would take these considerations into account and would be, in the Commission's view, a more accurate benchmark of the significance of a governmental proceeding. This proposed clause would require disclosure of governmental proceedings which, while not directly involving substantial issuer assets, are important in evaluating the issuer's environmental compliance and its impact on the issuer's operations. It also would allow the omission of disclosure about immaterial governmental proceedings which, based on the registrant's reasonable belief, will result in relatively inconsequential fines. By improving the clarity and informativeness of disclosure, the Commission believes that this proposal is consistent with its responsibilities under both the Federal securities laws and NEPA.

The Commission recognizes, however, that a reasonable belief standard for disclosure in some instances would require registrants to make difficult judgments about the ultimate outcome of a still-pending proceeding. Therefore, the Commission solicits comments on whether proposed clause (c) should contain a more definite disclosure threshold, and, if so, whether a threshold based on the actual fine imposed in a proceeding after it is completed should be adopted. The Commission also seeks comments on whether, assuming the reasonable belief standard is adopted, the $100,000 figure is an appropriate disclosure threshold.

The Commission is aware that these proposals, if adopted, may no longer provide investors and shareholders with information about all of the governmental proceedings involving a registrant, as is the case today. Information about the total number of governmental proceedings may be indicative of the registrant's policies concerning, or approach toward, compliance with environmental laws. The Commission solicits comment on the need for, and feasibility of, an additional provision which would require a brief aggregate disclosure of the number of, and total amount involved in, governmental proceedings not otherwise disclosable under the proposals. Comments on whether such a provision, if adopted, should contain an exclusion for clearly *de minimus* proceedings also would be helpful.

If adopted, the proposal also would delete the current provision which allows similar proceedings to be grouped and described generically. This provision originally was adopted because of the lack of a disclosure threshold for governmental proceedings.[29] Despite this provision for grouping on a generic basis, the disclosures of environmental proceedings involving governmental authorities have been excessively lengthy and detailed and have tended to obscure the disclosures of more significant proceedings. If the proposed new threshold is adopted, it appears that such a provision would no longer be necessary. Nevertheless, the Commission is soliciting comments on whether the grouping provision should be retained, and if so under what circumstances, if the proposed new threshold is adopted.

Finally, the Commission notes that both the Clean Air Act and the Clean Water Act contain provisions which require, upon conviction of certain offenses under those Acts, that a facility be placed on a "List of Violating Facilities" ("List") until the condition giving rise to such conviction has been corrected.[30] The Administrator of the Environmental Protection Agency also has promulgated regulations which permit the Assistant Administrator to place a facility on the List under certain other egregious circumstances.[31] So long as a facility remains on the List, no Federal agency may contract for goods, materials or services at the facility. While disclosure of placement on the List in many instances would be required under proposed clause (a) or (b), the Commission seeks comments on whether the mere fact of being placed on the List, or being notified of possible placement on the List, should be required in all instances.

B. Additional Information

As the Commission noted in its 1975 environmental proceeding, some shareholders and investors may be interested in additional environmental information beyond that required pursuant to the Commission's disclosure rules described above.[32] In 1975, the Commission proposed provisions that would have required a registrant to provide a list of its most recently filed environmental compliance reports which indicate that the registrant has not met, at any time within the previous twelve months, any applicable environmental standard established pursuant to a federal statute.[33] The Commission ultimately determined not to go forward with this proposal in part because no means existed to distinguish between significant and *de minimis* noncompliance with environmental standards.[34]

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[27] Moreover, if a proceeding were omitted under proposed clause (c) and, before the issuer's next filing requiring environmental disclosure, this proceeding terminates and results in a fine of $100,000 or more, disclosure would be required by Item 1 of Part II of the Quarterly Report on Form 10-Q, 17 CFR 249.308a, which specifies that information about the termination of any proceeding disclosable under Item 5 must be provided.

[28] For example, under the Clean Air Act, 42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604, the Environmental Protection Agency may seek a civil fine of up to $25,000 per day of violation.

[29] *See* text accompanying note 7 *supra*.

[30] Section 306, 42 U.S.C. 7606, and Section 508, 33 U.S.C. 1368, respectively.

[31] 40 CFR Part 15. Pursuant to these regulations, the Assistant Administrator may place a facility on the list based on, among other things, any injunction, order, judgment, decree or other form of civil ruling by a Federal, State or local court issued as a result of noncompliance with clean air or water standards, or a conviction in State or local court for noncompliance with such standards.

[32] *See* Release No. 33-5627 (October 14, 1975) [40 FR 51656]. *See also Staff Report* at 289-92.

[33] Release No. 33-5627 (October 14, 1975) [40 FR 51656].

[34] Release No. 33-5704 (May 6, 1976) [41 FR 21332].

The Commission now believes that, assuming the proposed new threshold is adopted, it would be possible to develop a relatively simple requirement which would provide shareholders and investors with a means of obtaining specific information concerning significant environmental proceedings, without unduly burdening registrants, and without requiring the listing of information related to insignificant proceedings. As recommended in the *Staff Report*,[35] the Commission proposes to adopt an additional amendment to Instruction 5 to Item 5 which would require that registrants list (or make available upon request) the names and addresses of those governmental authorities from which compliance-related reports [36] concerning significant (*i.e.*, disclosable under the proposed threshold) environmental proceedings can be obtained.[37] The Commission requests comments on: the need for this proposal; the burdens, if any, it would impose on registrants; and any alternatives to this proposal. Commentators are also requested to consider whether the term "compliance-related reports" is sufficiently accurate and specific to achieve the intended results of the proposal.

The Commission also invites comment concerning the usefulness to investors and shareholders of the proposed listing of names and addresses of governmental authorities. Specifically, the Commission inquires whether the disclosure provided by this proposal would be used primarily in connection with voting decisions, or primarily in connection with investment decisions, or whether it would be of equal usefulness in both contexts. Information concerning the manner in which the data contained in compliance-related reports would be utilized in determining whether to purchase, hold or sell securities, or whether to give a proxy, would be especially useful to the Commission in evaluating this proposal.

In addition, the Commission solicits comment on whether the proposals would have an adverse effect on competition or would impose a burden on competition which is not necessary or appropriate in furtherance of the purposes of the federal securities laws.

Text of Proposed Amendments

(Attention—The text of the following proposed amendments uses ► ◄ arrows to indicate additions and [ ] brackets to indicate deletions.)

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S-K

1. Section 229.20 is proposed to be amended by revising Instruction 5 to Item 5 as follows:

§ 229.20 Information required in document.

* * * * *

Item 5. Legal proceedings.

* * * * *

Instructions.

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5. Notwithstanding the foregoing, ►an◄ administrative or judicial proceeding [s] ►(including, for purposes of this Instruction, proceedings which present in large degree the same issues)◄ arising under any federal, state or local provisions which have been enacted or adopted regulating the discharge of materials into the environment or otherwise relating to the protection of the environment, shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if ►(a)◄ such proceeding is material to the business or financial condition of the registrant [or if it] ►, (b) such proceeding◄ involves primarily a claim for damages, ►or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income,◄ and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis [. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 percent of current assets on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business"; provided however, that such proceedings which are similar in nature may be grouped and described generically stating: the number of such proceedings in each group; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the registrant, the effect of such proceedings on the business or financial condition of the registrant.] ►, or (c) a governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than $100,000. In addition, if a proceeding is disclosable under this Instruction, the registrant shall state the name and address of each governmental authority from which any compliance-related reports relating to each such proceeding may be obtained, or, in lieu thereof, shall include a statement which indicates that such names and addresses will be furnished without charge to any interested person upon written request and includes the name and address of the person to whom such request should be directed.◄

* * * * *

Authority: These amendments are being proposed pursuant to the authority in Sections 6, 7, 8, and 19(a) of the Securities Act of 1933 and Sections 12, 13, 15(d) and 23(a) of the Securities Exchange Act of 1934.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 908, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 15(d), 23(a) 48 Stat. 892, 894, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat. 704; sec. 202, 68 Stat. 686; secs. 3, 4, 5, 6, 78 Stat. 565–568, 569, 570–574, secs. 1, 2, 3, 82 Stat. 454, 455; secs. 28(c), 1, 2, 3–5, 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78l, 78m, 78o(d), 78w(a))

By the Commission.

George A. Fitzsimmons,
Secretary.
May 4, 1981.

Regulatory Flexibility Act Certification

I, Philip A. Loomis, Jr., Acting Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed amendments to the Commission's environmental disclosure provisions set forth in Release No. 33-6315 (May 4, 1981), if promulgated, will not have a significant economic impact on any entity subject to the amendments, and therefore will not have a significant economic impact on a substantial number of small entities. The reasons for this certification are that the proposed amendments (1) will apply only to those entities (including small entities) that already are subject to the Commission's rules and regulations, and (2) are expected to result in a minor net reduction in costs to all

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[35] *Staff Report* at 294–80.

[36] The Commission is using the phrase "compliance-related reports" to mean those communications which registrants are required to send to governmental authorities and which indicate, or may indicate, noncompliance with an applicable environmental standard or limitation.

[37] This type of proposal essentially would accomplish the same purposes and would be much more workable than a provision which would require disclosure of detailed compliance-related information (or summaries thereof) in filings with the Commission. Detailed compliance data would exacerbate the readability problems resulting from the already-existing welter of environmental disclosure which the Commission is attempting to reduce through the proposed threshold. *See also Staff Report* at 278–88.

registrants, in that the proposals would permit the omission of certain currently mandated disclosures and would require only relatively short additional disclosures of information readily available to registrants.

Dated: May 4, 1981.

Philip A. Loomis, Jr.,
Acting Chairman.

[FR Doc. 81-14607 Filed 5-7-81; 8:45 am]
BILLING CODE 6310-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76 (Colorado—14)]

High-Cost Gas Produced From Tight Formations; Colorado

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado Oil and Gas Conservation Commission that the Dakota Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 3, 1981. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on May 19, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Victor Zabel, (202) 357-8616.

Issued: May 4, 1981.

I. Background

On April 23, 1981, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's final regulations (45 FR 56034, August 22, 1980), that the Dakota Formation located in Mesa and Garfield Counties, Colorado, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's recommendation that the Dakota Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Colorado's recommendation. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation underlies certain lands in Mesa and Garfield Counties, Colorado. The area is approximately six to eight miles northeast of the city of Grand Junction, Colorado, and surrounds the town of DeBeque. The area is bordered by the Book Cliffs outcrop of the Mesaverde formation to the southwest and is traversed by the Colorado River. The recommended area contains 334,995 acres and consists of all or portions of Townships 7 through 11 South, Ranges 96 through 100 West, 6th P.M. Approximately 78 percent of this land is federal acreage and 22 percent is fee. The average depth to the top of the Dakota Formation is 7075 feet. The formation ranges from 160 to 275 feet in thickness.

III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. NG-19 convened by Colorado on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that the Dakota Formation, as described and delineated in Colorado's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 3, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Colorado—14), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE, Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than May 19, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

in the event Colorado's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (48) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(25) through (47) [Reserved]

(48) *Dakota Formation in Colorado* RM79–76 (Colorado—14)

(i) *Delineation of formation.* The Dakota Formation is found in Mesa and Garfield Counties, Colorado, and consists of all or portions of Townships 7 through 11 South, Ranges 96 through 100 West, 6th P.M.

(ii) *Depth.* The Dakota Formation occurs at an average measured depth of 7075 feet.

[FR Doc. 81–13662 Filed 5–7–81; 8:45 am]

BILLING CODE 6450–85–M

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18 CFR Part 271

[Docket No. RM79–76 (Colorado—15)]

High-Cost Gas Produced From Tight Formations; Colorado

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado Oil and Gas Conservation Commission that the Dakota formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 3, 1981.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on May 19, 1981.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8307, or Victor Zabel, (202) 357–8610.

Issued May 4, 1981.

I. Background

On April 23, 1981, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's final regulations (45 FR 56034, August 22, 1980), that the Dakota formation located in Garfield and Rio Blanco Counties, Colorado, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's recommendation that the Dakota Formation be designated a tight formation should be adopted. The United States Geological Survey concurs with Colorado's recommendation. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation underlies portions of Garfield and Rio Blanco Counties, Colorado. The recommended area is located in the Dougla Creek Arch area approximately 50 to 70 miles northwest of the city of Grand Junction. The area contains approximately 284,538 acres, consisting of all or portions of Townships 3 through 8 South, Ranges 98 through 103 West, 6th P.M. Approximately 85 percent of this land is federal acreage and 15 percent is fee. The depth to the top of the Dakota Formation ranges from 5,480 to 9,225 feet and averages 6,993 feet. The thickness of the formation ranges from 100 to 200 feet.

III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. NG–15 convened by Colorado on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that the Dakota Formation, as described and delineated in Colorado's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before June 3, 1981. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76 (Colorado—15), and\should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than May 19, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3342)

Accordingly, the Commission proposes to amend the regulations in Part 271, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

Section 271.703(d) is amended by adding new subparagraph (50) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79–76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(25) through (49) [Reserved]

(50) *Dakota Formation in Colorado* RM79–76 (Colorado—15).

(i) *Delineation of formation.* The Dakota Formation is found in Garfield and Rio Blanco Counties, Colorado, and consists of all or portions of Townships 3 through 8 South, Ranges 98 through 103 West, 6th P.M.

(ii) *Depth.* The depth to the top of the Dakota Formation ranges from 5,480 to 9,225 feet and averages 6,993 feet.

[FR Doc. 81–13901 Filed 5–7–81; 8:45 am]

BILLING CODE 6450–85–M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 676 and 679

Comprehensive Employment and Training Act Regulations; Amendments to Title VII and PSE Base Average Annual Wage Provisions

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the May 20, 1980 regulations for Private Sector Initiative Programs under Title VII of the Comprehensive Employment and Training Act to implement the Title VII statutory amendment and extension enacted on December 23, 1980. The proposal also implements a technical amendment which increases the base average annual wage for Public Service Employment under Titles II–D and VI of the Act. The purpose of this publication is to request comment on the proposed rules.

DATE: Comments must be submitted on or before June 8, 1981.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, Room 5014, 601 D Street NW., Washington, D.C. 20213. Attention: Mr. Robert Anderson, Administrator, Office of Comprehensive Employment Development.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Anderson, 202–376–6254.

SUPPLEMENTARY INFORMATION: Public Law 96–583, enacted on December 23, 1980, extended Title VII of the Comprehensive Employment and Training Act (CETA) through fiscal year 1982 and made various substantive changes in the provisions governing Private Sector Initiative Programs (PSIP) under this Title. Pub. L. 96–583 also amended Section 122(i)(2) of the Act to increase the base average annual wage for Public Service Employment (PSE) under Titles II–D and VI from $7,200 to $8,000 per year.

The statutory amendment sets aside ten percent of the funds under Title VII for incentive bonuses to encourage prime sponsors and Private Industry Councils (PICs) to develop programs which link employment and training efforts with economic development activities. The amendment retains the current statutory set-aside of five percent of Title VII funds for Native American PSIP programs and for prime sponsors who establish joint (multijurisdictional) PICs. Provision is also made for use of 15 percent of prime sponsors' Title VII money for upgrading and retraining activities in accordance with the provisions of Title II–C of the Act, with the requirement that employers hire one economically disadvantaged person for each person retrained or upgraded with CETA funds, unless the Secretary waives this requirement where compliance would be impractical.

This document proposes to amend the CETA regulations published on May 20, 1980 (45 FR 33846 *et seq.*) to implement these and other minor changes made by Pub. L. 96–583.

In order to facilitate review and comment, the following is a brief summary of each of the proposed changes:

Private Sector Initiatives

Section 679.3–2(a)(1) adds local economic development organizations as one of the required groups from which PIC members shall be drawn.

Section 679.3–2(c)(3) is amended to indicate that representatives of educational agencies and institutions with expertise in on-site, industry-specific vocational training should be included in the PIC membership.

A new § 679.3–2(c)(4) has been added requiring that at least one representative of local economic development organizations, such as those formed under the Public Works and Economic Development Act of 1965 (PWEDA), be on the PIC. The Department recognizes that active PWEDA groups may not exist in all prime sponsors' jurisdictions and has broad language in this provision to permit representatives from other appropriate economic development organizations to be selected for the PIC where necessary.

Section 679.4(a) is amended to specify that 85 (rather than 95) percent of the funds available under Title VII of the Act will be available for prime sponsor basic allocations.

Section 679.4(b) has been changed to indicate how the remaining 15 percent of the funds will be distributed. The current § 679.4(b) (1) and (2), which provide for use of five percent of Title VII funds for Native American private sector programs and for prime sponsors with multijurisdictional PICs, is retained.

A new § 679.4(b)(3) has been added specifying that ten percent of the available Title VII funds shall be used for incentive bonuses to prime sponsors that engage in efforts to promote coordination of employment and training program with economic development activities supported by Federal, State or local funds. It is proposed in the rulemaking to distribute such incentive funds through a formula allocation.

Section 679.5(b) is amended to specify that a copy of the Title VII Annual Plan Subpart shall be transmitted to local economic development organizations, including those authorized under PWEDA.

New section 679.5(d)(5) has been added requiring that the Title VII Annual Plan Subpart narrative description include a plan for the use of economic development coordination incentive funds.

Sections 679.5 (f) and (g) have been amended to indicate that the Program Planning Summary and Budget Information Summary are to include items on the use of economic development coordination incentive funds.

Section 679.6(b)(3) is amended and a new § 679.6(b)(3)(ii) is added to specify that 15 percent of the funds allocated under Title VII may be used for upgrading and retaining persons eligible under Title II–C (§ 675.5–3), provided that employers participating in such programs agree to hire one economically disadvantaged person for each such person being upgraded or retrained. The Department recognizes that it may not always be possible for employers participating in upgrading or retraining programs to satisfy this one-for-one hiring requirement, as in the case of small businesses with few employees or in situations where the employer's workforce is declining. Provision is made for waivers of the requirement by Regional Offices under such circumstances.

Section 679.6(b)(3)(ii) has been renumbered as (b)(4).

In § 679.7(c), subparagraph (16) has been renumbered as paragraph (17). A new subparagraph (16) has been added specifying as an allowable activity under Title VII the development of on-site industry specific training programs in cooperation with State vocational education boards.

Public Service Employment Programs

Section 676.26–1(c) is amended to reflect the legislative increase in the base average annual wage for Public Service Employment under Titles II–D and VI from $7,200 to $8,000.

Regulatory Impact. The financial and other impact of this regulation is less than specified in Section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), for designation as a major rule which requires a regulatory impact analysis. The proposed regulations merely implement technical amendments designed to improve the operation of private sector initiative programs, by providing financial incentives for recipients who coordinate CETA activities with local economic development efforts, specifying the conditions under which Title VII funds may be used for upgrading and retraining, and the like. No increase in planning or compliance costs is anticipated for State and local government prime sponsors or participating private businesses; instead, financial benefits will result from the changes. Therefore, a regulatory analysis was not prepared for this regulation.

The Secretary has certified, pursuant to 5 U.S.C. 605(b), that the amendments in this document will not have a significant economic impact on a substantial number of small entities, because the regulations are related primarily to the conditions of federal grants received by State and local governments with populations of more than fifty thousand who are the primary recipients of CETA funds. To the extent that small businesses are affected, the proposed regulation will facilitate receipt of CETA funds for upgrading and retraining activities.

The program for which these amendments are proposed is listed in the Catalog of Federal Domestic Assistance as No. 17.232 "Comprehensive Employment and Training Programs."

Accordingly, the regulations at Parts 676 and 679 of Title 20 of the Code of Federal Regulations are proposed to be amended as set forth below:

PART 676—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. Section 676.26–1 is amended by revising paragraph (c)(1)–(3).

§ 676.26 Payments to participants.

§ 676.26–1 Payment of Wages.

* * * * *

(c) *Wages for Public Service Employment*—(1) *Minimum wage rates.* A participant in PSE shall be paid wages not less than the highest of the rates specified in (a) (1) through (6) (sec. 124(b)).

(2) *Maximum wage rates payable with CETA funds.* (i) The wages (including those received for overtime work and leave taken during the period of employment) paid to any PSE participant from funds under the Act shall be limited to a full-time rate of $10,000 per year (or the hourly, weekly, or monthly rate which, if full-time and annualized would equal a rate of $10,000 per year), unless the Secretary adjusts this maximum upward by the area wage adjustment index. In areas where the maximum wage rate for a fiscal year is decreased from the rate for the previous fiscal year, participants hired in the previous fiscal year may receive the maximum rate from that previous year in the current fiscal year. For school employees whose work is done only during the school year, that school year shall be considered a full year for wage rate annualization purposes.

(ii) Fringe benefits payable from funds under the Act to any PSE participants may not exceed those regularly afforded to similarly employed non-CETA workers, and shall never exceed those afforded to non-CETA workers earning an amount equal to the maximum wage.

(3) *Average wage rates payable with CETA funds.* The average annual wage rate for PSE participants hired on or after April 1, 1979, shall not exceed $8,000 as adjusted upward or downward by the Secretary on an area basis by the area wage adjustment index. In no case shall this wage be adjusted downward to a level that is less than 10 percent above the annualized Federal minimum wage rate.

* * * * *

2. Part 679 is added as follows:

PART 679—PRIVATE SECTOR INITIATIVE PROGRAM FOR THE ECONOMICALLY DISADVANTAGED UNDER TITLE VII OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.

679.1 Scope and purpose.
679.2 Participant eligibility.
679.3 Private Industry Councils (PIC's).
679.3–1 Purpose.
679.3–2 Appointment of PIC members.
679.3–3 Chairperson.
679.3–4 Organizational position.
679.3–5 Staff.
679.3–6 Multijurisdictional PICs.
679.3–7 Functions of the PIC.
679.3–8 Accountability.
679.3–9 Conflict of interest.
679.4 Allocation of funds.
679.5 Annual plan subpart.
679.6 Administrative standards and procedures.
679.7 Allowable activities.

Authority. Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq., Pub. L. 95–524, 92 Stat. 1907), unless otherwise noted.

§ 679.1 Scope and purpose.

This Part contains the regulations for activities under Title VII of the Act, known as the Private Sector Initiative Program.

(a) Title VII of the Act is a demonstration Title. It authorizes a variety of approaches to increase the involvement of the business community in employment and training activities under the Act.

(b) Title VII is designed to increase private sector employment and training opportunities for persons eligible under this Part.

(c) As a primary vehicle to assist prime sponsors in meeting these goals, Title VII provides for the establishment of Private Industry Councils (PIC's) which are to participate jointly with the prime sponsor in the local development and implementation of programs under this Part, and to consult with the prime sponsor on other employment and training activities. Title VII encourages the formulation of a local partnership between the private sector and the prime sponsor in order to meet its purposes.

(d) The ultimate goal of Title VII is to increase private sector employment and training opportunities under all Titles of the Act, commensurate with reduced emphasis on public and private nonprofit subsidized employment.

(e) An important thrust of the Act is to provide for maximum feasible coordination of programs under the Act with related functions supported by the Department and by other Federal, State and local agencies. Accordingly, PIC's formed by prime sponsors to assist in Title VII implementation are encouraged to work with Job Service Employer Committees (JSEC's), the Bureau of Apprenticeship and Training, and State Apprenticeship Councils, as well as the Economic Development Administration, Small Business Administration, Community Services Administration, and U.S. Department of Housing and Urban Development among others, in order to increase the effectiveness of programs under this Part and under the Act in securing employment for economically disadvantaged persons (sec. 701).

(f) This Part, in conjunction with Parts 675 through 677, Subpart C, comprise the regulations for Title VII of the Act.

§ 679.2 Participant. eligibility

Eligibility requirements applicable to this Part may be found in § 675.5–7.

§ 679.3 Private Industry Councils (PIC's).

§ 679.3–1 Purpose.

(a) To receive financial assistance under this Part, each prime sponsor shall establish a Private Industry Council (PIC). Its purpose shall be to increase the involvement of the business community, including small business, minority business enterprises, and labor organizations in employment and training activities under the Act, and to increase private sector employment opportunities for economically disadvantaged persons (secs. 701 and 704(a)(1)).

(b) Given the diversity of local circumstances and the differing environments in which PIC's will operate, the structure, level of activity, and composition of PIC's may vary considerably from one prime sponsor jurisidiction to another.

(c) Generally, meetings of the PIC shall be open and accessible to the general public, and minutes shall be maintained.

§ 679.3–2 Appointment of PIC members

Each prime sponsor shall appoint the members of the PIC (sec. 704).

(a) *General.* (1) A majority of the PIC membership shall be representatives of industry and business (including small business and minority business enterprises). The PIC shall also include members representing organized labor, community-based organizations, educational agencies and institutions, and local economic development organizations.

(2) Existing local councils or committees may be designated or adapted to serve as the PIC (sec. 704(a)).

(3) The prime sponsor shall make ultimate decisions regarding the membership of the PIC after soliciting and considering the recommendations of the business and industrial community. Additionally, the prime sponsor should consult with labor organizations, community-based organizations, educational agencies and institutions, the appropriate apprenticeship agency, the State employment security agency (SESA), and women's organizations, existing councils and committees, and other organizations expressing an interest in the Title VII program (sec. 704(a)).

(4) In prime sponsor jurisdictions in which a National Alliance of Business (NAB) metro organization exists, it should be given consideration in the establishment of the PIC.

(5) Nothing in this section is meant to give a presumptive role to any particular organization in the establishment of the PIC (sec. 704(d)).

(b) *Business and industry members.* (1) The prime sponsor shall make every effort to recruit business and industry members for the PIC who will be representative of the private for profit employment community in terms of the types of business represented, such as small businesses, minority-owned businesses, businesses owned by women and others reflective of the commercial and industrial makeup of the area (sec. 704(a)(1)).

(2) Where possible, at least half of the industry and business representatives shall be representatives from small business. For purposes of this requirement, "small business" means any private for profit enterprise employing five hundred or fewer employes (sec. 704(a) (1) and (2)).

(3) Minority business enterprises shall be represented on the PIC, at least consistent with their representation in the business community (sec. 704(a)(1)).

(4) Prime sponsors may consider either the residence of the prospective PIC member or the location of the business or organization with which that person is associated in considering appointments to the PIC.

(c) *Other required members.* At least one representative of each of the following shall be included among the PIC membership:

(1) Organized labor. In appointing members from organized labor, the prime sponsor should consult State or central labor bodies, building and construction trades councils, the Human Resources Development Institute (HRDI), appropriate apprenticeship agencies, and unions representing major occupations in the area.

(2) Community-based organizations that have demonstrated to the prime sponsor a record of effectiveness in their relationships with the business community.

(3) Educational agencies and institutions (particularly those with expertise with on-site, industry-specific vocational education) that have demonstrated to the prime sponsor a record of effectiveness in providing education or vocational training oriented toward the needs of the business community.

(4) Local economic development organizations such as those authorized under the Public Work and Economic Development Act of 1965).

(d) *Other members.* Prime sponsors may also appoint to the PIC other members, such as representatives of persons eligible to participate in activities under this Part and representatives of organizations having unique relationships to both the CETA system and the private sector, such as SESA's and appropriate apprenticeship agencies (sec. 704(a)(1)).

§ 679.3–3 Chairperson.

(a) A chairperson pro tem from the business and industrial community should be appointed by the prime sponsor to assist in identifying potential members and in establishment of the PIC.

(b) Once established, the PIC shall have a permanent chairperson selected by the members of the PIC, who should be a representative of business and industry.

§ 679.3–4 Organizational position.

(a) The organizational position occupied by the PIC within the overall employment and training delivery system shall be determined by the prime sponsor in consultation with the PIC. Such position and relationship shall be designed to enable the PIC to carry out its responsibilities.

(b) To carry out its duties, the PIC should appoint subcommittees to deal with particular areas of concern and secure, either through its staff or other means, the expertise of persons in the private sector having knowledge of business practices and policies (sec. 704(c)).

(c) PIC relationship to the prime sponsor's planning council.

(1) The activities of the PIC shall be coordinated by the prime sponsor with those of the prime sponsor's planning council, and area planning bodies in the case of State prime sponsors. The planning council shall be consulted in the development of the Title VII program, and shall be afforded the opportunity to review and comment on the Title VII Annual Plan subpart (sec. 703(b)(4)).

(2) For purposes of Title VII, the PIC shall not be subordinate in its authority to the prime sponsor's planning council.

(3) The PIC chairperson (or designee) shall, at a minimum, serve as an ex officio, nonvoting member of the prime sponsor's planning council, and the chairperson (or designee) of the prime sponsor's planning council shall, at a minimum, serve as an ex officio, nonvoting member of the PIC. However, the prime sponsor may assign either chairperson the status of a full voting member on the respective councils (sec. 704(b)).

(d) Due to the unique nature of Balance-of-State organizational structures, such prime sponsors are authorized to develop alternate measures regarding the organization and structure of PIC's such as PIC's covering sub-State planning areas, a single PIC for the entire prime sponsor jurisdiction with a decentralized staff, and other special arrangements.

§ 679.3–5 Staff.

The PIC shall be appropriately staffed, commensurate with its responsibilities. The staffing composition of the PIC shall be determined through mutual agreement between the PIC and the prime sponsor.

(a) When the PIC is a subgrantee or contractor of the prime sponsor, staff shall be hired in a manner consistent with that status and with the terms of the PIC's subgrant or contract with the prime sponsor.

(b) If the PIC is other than a subgrantee or contractor, it shall be consulted by the prime sponsor on the matter of its staffing. To the extent possible, consistent with applicable personnel rules, the PIC should be party to decisions on staff selection or hiring.

§ 679.3–6 Multijurisdictional PIC's.

A PIC may be established to cover more than one prime sponsor area, pursuant to arrangements and written agreements between the prime sponsors and the PIC.

(a) A PIC may be established to cover a multijurisdictional area with the affected prime sponsors submitting and reporting upon separate Title VII Annual Plan subparts.

(b) The above approach does not preclude other arrangements. Prime sponsors may propose alternatives as part of their Title VII Annual Plan Subpart. The RA may approve such arrangements after considering the desirability of the proposed arrangements in view of the purposes of Title VII and after reviewing their feasibility in terms of reporting and otherwise meeting Comprehensive Employment and Training Plan requirements of § 676.9, § 676.10 and § 676.11.

(c) Financial incentives shall be provided to prime sponsors establishing multijurisdictional PIC's that meet criteria discussed in § 679.4(b)(2) (secs. 702(b) and 704(a)(1)).

§ 679.3–7 Functions of the PIC.

The prime sponsor and the Private Industry Council shall determine those functions that the PIC will perform, based upon local conditions, the interests of the private sector, and the needs of the community. Those functions include the following, among others:

(a) *General.* (1) The PIC shall serve as an intermediary to assist the local employment and training structure to become more responsive to the business community.

(2) The PIC shall serve as the business and industry contact point in the local employment and training system, to present the private sector's view and recommendations for making programs more responsive to local employment needs.

(3) The PIC shall advise and provide direction to the local employment and training system on ways to increase private sector job placements for persons eligible under this Part (secs. 701 and 704(c)).

(b) *Planning and coordination.* (1) The PIC shall, in conjunction with the prime sponsor, design and develop the Title VII program and subpart to the prime sponsor's Annual Plan (sec. 703(b)).

(2) In designing the plan, and on a continuing basis, the PIC shall analyze private sector job opportunities, including estimates by occupation, industry, and location. The analysis should survey employment demands in the private sector and training possibilities, such as apprenticeship, in order to develop projections of short and long range labor needs, and to refine employment and training programing so that it becomes increasingly responsive to private sector labor needs. In undertaking such analysis, the PIC should assess and utilize information contained in economic development plans for the area and currently available labor market information from sources already in place, such as the SESA and appropriate apprenticeship agencies (sec. 703(b)(3)).

(3) The PIC should, in conjunction with the prime sponsor, develop specific private sector employment and training projects.

(4) The PIC should, in conjunction with the prime sponsor, develop criteria for the types of occupations to be selected for the expenditure of training funds.

(5) The PIC should, in conjunction with the prime sponsor, develop standards and specifications for training in particular occupations.

(6) In designing the plan, the PIC and prime sponsor should, to the extent possible, ensure that the plan is consistent with plans, funding applications and grants for programs related to private sector employment and training which are funded by other Federal agencies. For planning purposes and to coordinate with activities under other Federal programs, the PIC and prime sponsor should where possible review and comment on such plans and funding applications, especially regarding ways in which they affect employment and training, including apprenticeship, in the private sector (including those of the Economic Development Administration, Department of Housing and Urban Development, Small Business Administration and Community Services Administration) (secs. 103(a)(20), 704(c) and 705(a)(4)).

(7) The PIC should consult with the prime sponsor and its planning council during the development of, and shall have the opportunity to review and comment on, other Annual Plan subparts under the Act (sec. 704(c)).

(8) In undertaking activities under this Part, the requirements of § 676.24,

"Labor organization consultation and/or concurrence", shall be observed.

(c) *Operational functions.* (1) The PIC should actively solicit public and private support for and participation in the Private Sector Initiative Program and other programs and activities designed to increase private sector employment and training opportunities for persons who are economically disadvantaged.

(2) The prime sponsor may involve the PIC through arrangements and written agreements so that the PIC can carry out its responsibilities. In particular, the PIC should be involved with the SESA, Job Service Employer Committees (JSEC's), local WIN sponsors and other private sector intermediaries in marketing and disseminating information on the Targeted Jobs Tax Credit, created by the Revenue Act of 1978 (Pub. L. 95-600), and the WIN Tax Credit.

(3) The prime sponsor and the PIC may decide that the PIC will administer and directly operate local private sector employment and training programs. Such an operational function could involve directly marketing on-the-job and other training agreements with private employers, developing training programs, entering into contracts with private firms, community-based organizations, educational agencies and institutions and SESA's and other related activities. Consistent with State and local law, PIC's may incorporate for these purposes.

(4) Organizations represented on the PIC may be directly involved in the operation of employment and training programs funded under this Part, consistent with the conflict of interest provisions of § 679.3–9.

(5) In accordance with § 676.38(b), the PIC may participate with the prime sponsor in developing criteria for the selection of any nongovernmental organization, association, firm or other entity for the conduct of programs or activities under this Part (secs. 121(o) and 704(c)).

(d) *Review and Assessment.* (1) The PIC shall participate with the prime sponsor in overseeing activities under this Part. Programs under this Part are subject to the prime sponsor's monotoring responsibilities (sec. 704(c)).

(2) The PIC may, in consultation with the prime sponsor, identify the factors to be addressed in an assessment of the effectiveness of activities under this Part.

(3) In consultation with existing groups, such as Job Service Employer Committees (JSEC's) and prime sponsor's planning and youth councils, the PIC may examine the performance of the local CETA and SESA delivery system to determine how to better meet the needs of business and industry and increase private sector employment opportunities for the economically disadvantaged, and advise the prime sponsor and the SESA of its observations and recommendations (sec. 704(c)).

(e) Nothing in this section is intended to limit the functions of the PIC, with respect to assisting the prime sponsor to improve the responsiveness of employment and training programs to employment opportunities in the private sector. The business community should be involved in determining the functions of the PIC so that these will be responsive to the needs and interests of business and industry.

§ 679.3–8 Accountability.

The Department holds the prime sponsor accountable for activities conducted and funds expended under this Part.

(a) The PIC, in working with the prime sponsor to develop activities under this Part, must recognize the prime sponsor's ultimate liability for all of the PIC's activities. The PIC and the prime sponsor are thus both responsible for program performance, and the Department in assessing the Title VII program will take both the prime sponsor's and the PIC's performance of functions into account.

(b) Where the PIC is a contractor or subgrantee of the prime sponsor, it is financially liable to the prime sponsor for funds received.

§ 679.3–9 Conflict of interest.

(a) Except for voting on the Title VII Annual Plan Subpart, no member of the PIC may cast a vote on any matter which has a direct bearing on services to be provided by that member or by any organization which such member directly represents on any matter which would financially benefit such member or any organization such member represents.

(b) Contracts in excess of $10,000 between the PIC and any private organization with which a PIC member is associated as an officer, member or employee shall be subject to the final written approval of the prime sponsor, prior to execution of the contract or subgrant.

(c) In addition, the provisions of § 676.62 (b) and (c) apply.

§ 679.4 Allocation of funds.

(a) *Prime sponsor basic allocations.* Eighty-five percent of funds available under Title VII of the Act shall be allocated to prime sponsors as provided in section 202(a) of the Act except that:

(1) In order to ensure that every prime sponsor receives an allocation of sufficient size to mount a viable program, a minimum allocation level may be established; and

(2) In the case of Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Northern Marianas, these shall be allocated the same percentage of Title VII funds as the percentage of Title II Parts A, B and C funds allocated to them

(b) *Other allocations.* The remaining fifteen percent of the funds shall be allocated in the following manner:

(1) *Assistance to Native American entities.* No less than two percent of the total funds available under Title VII of the Act will be used to support Title VII programs for Native American entities described in sections 302(c)(1) (A) and (B) of the Act.

(2) *Assistance to prime sponsors who establish a single Private Industry Council.* Additional funds shall be provided to prime sponsors that establish a single Private Industry Council that serves a substantial portion of a functioning labor market area, as determined by the Secretary. Included may be:

(i) An existing consortium covering a substantial portion of a functioning labor market area that qualifies for incentive funds under § 676.4(c);

(ii) Two or more prime sponsors establishing a PIC that serves at least 75% of a functioning labor market area; and

(iii) To the extent that funding is available, other combinations of prime sponsors forming a single PIC (sec. 702(b)).

(3) *Incentives to promote coordination with economic development activities.* Ten percent of the funds available shall be used for incentive bonuses to prime sponsors that engage in efforts to promote coordination with economic development activities supported by Federal, State or local funds. Such incentive bonuses shall be allocated to prime sponsors as provided in section 202(a) of the Act.

(c) Funds may be reallocated pursuant to the provisions of § 676.47 (sec. 108).

§ 679.5 Annual plan subpart.

(a) *General.* To receive financial assistance under this Part, a prime sponsor shall submit the following information, which will become part of the Annual Plan as described in § 676.11. This subpart shall consist of a Narrative Description, Statement of Concurrence, Program Planning Summary, and Budget Information

Summary, specific to Title VII (sec. 103(b)).

(b) The prime sponsor shall transmit a copy of the Title VII Annual Plan subpart to the prime sponsor's planning council, to appropriate labor organizations, community-based organizations, educational agencies and institutions, local economic development organizations (including those authorized under the Public Works and Economic Development Act of 1965), and to such other parties as are required by § 676.12(d). The comment and publication procedures of § 676.12 apply to this Part (secs. 703(b) (4) and (5)).

(c) The Annual Plan subpart shall have the concurrence of both the PIC and the prime sponsor in order to be approved. Therefore, a Statement of Concurrence shall be submitted, signifying the concurrence of the PIC and the prime sponsor with the contents of the Annual Plan subpart or any modifications thereto.

(d) *Narrative Description.* The narrative description shall include:

(1) *Objectives and need for assistance.* State the objectives and need for funding under this Part, including an identification of private sector occupations where there are labor shortages.

(2) *Results and benefits.* Provide a statement on:

(i) Specific quantified performance and placement goals, by program activity.

(ii) Any performance and placement goals with respect to groups designated to be served (sec. 103(b)(4)).

(iii) Explain any variation between such performance and placement goals and the Secretary's performance standards (sec. 103(b)(4)).

(iv) Any nonquantifiable goals or outcomes.

(3) *Approach.* Provide a description of:

(i) The specific activities to be conducted, and how these activities will be integrated with other training and placement activities under the Act (sec. 703(a)).

(ii) The procedures and standards to be used for the selection of occupations in which training is to be provided.

(iii) The system that will be used to review and assess the success of activities, including a description of the role of the PIC.

(4) *Private Industry Council (PIC).* Provide the following:

(i) The responsibilities assumed and the functions to be performed by the Private Industry Council in the planning, operation and review of programs.

(ii) A list of the PIC Membership indicating representation from among those membership categories identified in § 679.3–2.

(iii) Staffing arrangements for support of the PIC agreed upon the PIC and the prime sponsor.

(iv) A description of procedures established to ensure periodic consultation and coordination of activity between the PIC and the prime sponsor's planning council and other appropriate agencies in the labor market area.

(v) For multijurisdictional PIC's (except for existing consortia) identify the geographic area to be served, the prime sponsors participating, administrative and programmatic relationships between the PIC and the participating prime sponsors and the functions to be performed by each. A copy of the written agreement cited in § 679.3–6 must be included as an attachment to the Annual Plan Subpart.

(5) *Economic development incentive funds.* Provide a description of the plans for the use of the funds allocated pursuant to § 679.4(b)(3).

(e) *Statement of Concurrence.* This statement documents the concurrence of the PIC and the prime sponsor with the contents of the Annual Plan Subpart.

(f) *Program Planning Summary (PPS).* The PPS reflects the goals, objectives and activities planned under Title VII for the program year, including those planned for with the economic development incentive funds.

(g) *Budget Information Summary (BIS).* The BIS contains the planned budget under Title VII for the program year. It includes a separate line item for the planned expenditures of the economic development incentive funds.

§ 679.6 Administrative limitations.

(a) *General.* The General Provisions of Part 676 shall apply except as otherwise indicated.

(b) *Allowable costs and cost allocation.* The provisions of § 676.40 and § 676.41 shall apply to programs under Title VII except as follows:

(1) *Employment generating services.*

(i) For programs funded under Title VII only, costs for activities which are not directly related to the immediate provision of training or employment for participants but which are intended to result in the creation or expansion of employment opportunities for persons eligible under this Part may be classified as employment generating services and charged to the "Services" cost category. Examples are:

(A) Those items enumerated in paragraphs (b) (1), (2), (3), (4), (6), (7), (9), (10), (12), (13), (14) and (15) of § 679.7, Allowable Activities.

(B) The costs for the salaries and fringe benefits of labor market and program analysts, for consultants under contract for employment generating services, and for technical assistance to contractors and subgrantees.

(ii) While such activities are allowable and desirable under Title VII, no more than 30 percent of a prime sponsor's Title VII funds may be used for employment generating services.

(iii) The program activity against which the costs for employment generating services are to be allocated is "Other Activities."

(iv) No costs attributable to the general administration of the Title VII program shall be charged to the "Services" cost category.

(2) *Administrative costs.* (i) For purposes of Title VII, administrative costs are those costs which fall within the category of administration as defined in § 676.41–1(f), exclusive of employment generating services.

(ii) The total amount of funds expended for administration by all prime sponsors in carrying out programs under this Part shall not exceed 20 percent of the total expenditures for all prime sponsor Title VII programs. Each prime sponsor and PIC must make every effort to limit administrative costs to only those that are necessary to assure the effective operation of programs under this Part. If the prime sponsor and PIC determine that more than 20 percent is necessary to operate the planned program, a higher amount may be requested by providing a satisfactory explanation of the need for such amount in the Title VII Annual Plan Subpart. The special needs of urban and rural areas and other relevant factors shall be considered by the RA in reviewing requests for administrative costs in excess of 20 percent (sec. 705(b)).

(iii) It is recognized that startup and initial implementation of programs under this Part may require administrative expenditures greater than those necessary for the operation of established program. Thus, it should subsequently become possible for administrative costs to be reduced such that they are brought to a more appropriate level of 10 percent. Prime sponsors and PIC's should therefore plan to reduce administrative costs after startup and initial implementation.

(3) Up to 15 percent of funds allocated under Title VII may be used to enroll persons using the § 675.5–3 criteria into upgrading and/or retraining programs provided that:

(i) Participating employers agree to hire at least one economically disadvantaged person for each

participant being upgraded and/or retrained.

(ii) Prime sponsors may request a waiver to paragraph (b)(3)(i) of this section in situations where it is impracticable to implement such requirement, e.g., in cases of small businesses with few employees or in businesses where the work force is declining. The request, which shall include a brief statement of the facts (*i.e.*, why the requirement cannot be met), may accompany or be submitted subsequent to submission of the Annual Plan.

Such request should be acted upon by the Regional Office within one calendar week of receipt. Regional offices are expected to exercise maximum possible flexibility in the granting of such waivers to insure that the skill needs of community employers are met and new employment and career opportunities for workers are opened.

(4) Payments to private-for-profit employers through methods not specifically authorized under Parts 676 through 677, Subpart B shall not be allowable unless and until the method of payment is explained in advance and authorization for its use is specifically granted. Prime sponsors shall transmit to the RA requests to permit such new payment methods. The RA shall transmit such requests, with comments and recommendations, to the Assistant Secretary for Employment and Training. Action on a request shall be taken within 60 days after the prime sponsor's submission of the request to the RA. Nothing in this paragraph authorizes wage subsidies (sec. 703(c)).

§ 679.7 Allowable activities.

Funds under this Part shall be used to augment private sector-related activities under Part 677, including on-the-job training with private employers (sec. 703(b)(2)). Funds shall be used to provide employment and training and related activities consistent with the purposes of Title VII including:

(a) Activities and services authorized in § 677.13;

(b) Upgrading and retraining in accordance with § 675.5–7, and Subpart C of Part 677, and

(c) The following:

(1) Coordinating programs of jobs and training and education enabling individuals to work for a private employer while attending an education or training program;

(2) Developing a small business intern program to provide practical training enabling youths and other individuals to work in small business firms to acquire first-hand knowledge and management experience about small business;

(3) Developing relationships between employment and training programs, educational institutions, and the private sector;

(4) Developing useful methods for collecting information about Federal Government procurement contracts with private employers, new and planned publicly supported projects such as public works, economic development and community development programs, transportation revitalization, alternative energy technology development, demonstration, and utilization projects, energy conservation projects, and rehabilitation of low-income housing as part of a community revitalization or stabilization effort, which provide work through private sector contractors;

(5) Conducting innovative cooperative education programs for youths in secondary and postsecondary schools designed to coordinate educational programs with work in the private sector;

(6) Developing and marketing model contracts designed to reduce the administrative burden on the employer and model contracts to meet the needs of specific occupations and industries;

(7) Coordinating programs under this Part with other job development, placement, and employment and training activities carried out by public and private agencies;

(8) Providing on-the-job training subsidies on a declining ratio to wages over the period of training;

(9) Providing followup services with employees placed in private employment and employers who hire recipients of services under the Act;

(10) Encouraging employers to develop job skill requirement forecasts and to coordinate such forecasts with prime sponsors;

(11) Using direct contracts for training and employment programs with private for profit and private nonprofit organizations;

(12) Developing apprenticeship or comparable high-skill training programs for workers regardless of age in occupations where such programs do not presently exist in the area;

(13) Increasing opportunities for upgrading from entry level jobs by providing counseling and other services to employees and employers beyond initial training periods;

(14) Providing technical assistance to private employers to reduce the administrative burden of employment and training programs;

(15) Disseminating information to private employers so that they may more fully utilize programs under the Act;

(16) Developing on-site, industry specific training programs supportive of industrial and economic development in cooperation with State vocational education boards, provided that, where feasible, funds made available under this Act for such programs are supplemented by Federal, State or local vocational education funds or by non-governmental funds made specifically available for such programs, or both; and

(17) Other program activities which demonstrate effective approaches to the training and employment of persons eligible to participate in programs under this Part (sec. 705(a)).

(Sec. 126 of the Comprehensive Employment and Training Act (Pub. L. 95–524, 92 Stat. 1909. 29 U.S.C. 801 *et seq.*))

Signed at Washington, D.C. this 4th day of May 1981.

Raymond J. Donovan,
Secretary of Labor.

[FR Doc. 81–13981 Filed 5–7–81; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430, 436, 440, 444, 448, and 452

[Docket No. 81N–0066]

Antibiotics for Human Use; Revocation of Certain Monographs

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to amend the antibiotic regulations by removing provisions providing for the certification of certain antibiotic drugs for human use that are no longer marketed. This action would result in more accurate and usable regulations that reflect current certification practices.

DATES: Comments by July 7, 1981; requests for informal conference by June 8, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: For the past several years, the agency has not received requests for certification of certain antibiotic drugs. Because these drugs are no longer being marketed, the agency is proposing that the monographs (regulations) providing for these drugs be revoked to maintain current regulations. The agency has contacted affected manufacturers, where possible, and these firms support the proposed revocation. (Copies of agreement letters from the firms and telephone correspondence are on file at the Dockets Management Branch, address above.)

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Because this proposed rulemaking imposes no regulatory requirements but only maintains current certification provisions, an initial regulatory flexibility analysis as required by section 603 of the Regulatory Flexibility Act (RFA) of 1980, 94 Stat. 1167, is unnecessary. Accordingly, pursuant to section 605(b) of the RFA, the Commission of Food and Drugs certifies that this rulemaking, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Parts 430, 436, 440, 444, 448, and 452 be amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:

§§ 430.4, 430.5, and 430.6 [Amended]

a. In § 430.4 *Definitions of antibiotic substances*, by removing and reserving paragraph (a)(27).

b. In § 430.5 *Definitions of master and working standards*, by removing and reserving paragraphs (a)(1) (iv) and (v), (a)(28), (b)(1)(iv) and (b)(29).

In § 430.6 *Definitions of the terms "unit" and "microgram" as applied to antibiotic substances*, by removing and reserving paragraphs (a)(1)(iv) and (b)(28).

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended:

§ 436.33 [Amended]

a. In § 436.33 *Safety test*, by amending the table in paragraph (b) by removing the items "Penicillin V hydrabamine[2]", "Phenethicillin potassium", and "Viomycin sulfate".

§ 436.35 [Amended]

b. In § 436.35 *Histamine test*, by amending the table in paragraph (c) by removing the item "Viomycin sulfate".

§ 436.105 [Amended]

c. In § 436.105 *Microbiological agar diffusion assay*, by amending the table in paragraph (a) by removing the items "Phenethicillin" and "Viomycin" and by amending the table in paragraph (b) by removing the items "L-phenethicillin" and "Viomycin".

§ 436.106 [Amended]

d. In § 436.106 *Microbiological turbidimetric assay*, in paragraphs (a) and (b), by amending the tables by removing the items "Viomycin".

§ 436.204 [Amended]

e. In § 436.204 *Iodometric assay*, by amending the table in paragraph (b)(1) by removing the items "L-phenethicillin" and by amending the table in paragraph (b)(2) by removing the items "Phenethicillin V hydrabamine" and "Phenethicillin potassium".

§ 436.205 [Amended]

f. In § 436.205 *Hydroxylamine colorimetric assay*, by amending the table in paragraph (b) by removing the item Phenethicillin" and by amending the table in paragraph (c) by removing the item "Phenethicillin potassium".

PART 440—PENICILLIN ANTIBIOTIC DRUGS

3. Part 440 is amended:

§ 440.69 [Removed]

a. By removing § 440.69 *Penicillin V hydrabamine.*

§ 440.82 [Removed]

b. By removing § 440.82 *Penicillin potassium.*

§ 440.169 [Removed]

c. By removing § 440.169 *Penicillin V hydrabamine oral dosage forms.*

§ 440.169a [Removed]

d. By removing § 440.169a *Penicillin V hydrabamine chewable tablets.*

§ 440.169b [Removed]

e. By removing § 440.169b *Penicillin V hydrabamine oral suspension.*

§ 440.182 [Removed]

f. By removing § 440.182 *Phenethicillin potassium oral dosage forms.*

§ 440.182a [Removed]

g. By removing § 440.182a *Phenethicillin potassium tablets.*

§ 440.182b [Removed]

h. By removing § 440.182b *Phenethicillin potassium for oral solution.*

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

§ 444.44 [Removed]

4. Part 444 is amended by removing § 444.44 *Neomycin undecylenate.*

PART 448—PEPTIDE ANTIBIOTIC DRUGS

5. Part 448 is amended:

§ 448.80a [Removed]

a. By removing § 448.80a *Sterile viomycin sulfate.*

§ 448.280 [Removed]

b. By removing § 448.280 *Sterile viomycin sulfate.*

PART 452—MACROLIDE ANTIBIOTIC DRUGS

§ 452.40 [Removed]

6. Part 452 is amended by removing § 452.40 *Erythromycin sulfate.*

Interested persons may, on or before July 7, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Interested persons may also, on or before June 8, 1981, submit to the Dockets Management Branch (address above) a request for an informal conference. If an informal conference is held, interested persons will have until July 7, 1981, or 30 days from the date of the conference, whichever is later, to submit their comments.

Dated: April 30, 1981.

Mary A. McEniry,

Assistant Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc. 81-13975 Filed 5-7-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-201]

Conveyor Standard

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Cancellation of Public Meeting, Change of Public Meeting Dates.

SUMMARY: This notice cancels the public meeting on conveyors scheduled to be held in Los Angeles, California on May 19, 20, and 21, 1981, and changes the dates for the public meeting on conveyors scheduled in Chicago, Illinois to May 12 and 13, 1981. The notice announcing these public meetings was published on April 10, 1981 (46 FR 21368). This action is taken due to the limited response to the invitation to appear at the public meetings in Los Angeles, California and Chicago, Illinois.

DATES: Written comments may be submitted until June 30, 1981.

ADDRESSES: The public meeting in Chicago will commence at 9:00 a.m. on May 12, 1981, in the Lakeside Room, Best Western/Lakeshore Hotel, 600 North Lakeshore Drive, Chicago, Illinois 60611. Persons who wish to make presentations and who have not indicated their desire to do so by written notice, may make their desires known at the meeting place after 8:30 a.m. on the days of the meeting.

Comments should be sent to: Docket Officer, Docket No. S-201, Room S-6212, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210. Telephone: (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: Carrol E. Burtner, Director, Office of Mechanical Engineering Safety Standards, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3508, 200 Constitution Avenue NW., Washington D.C. 20210. Telephone: (202) 523-7202.

SUPPLEMENTARY INFORMATION: The Occupational Safety and Health Administration published a Notice on January 16, 1981 (46 FR 3916) announcing the scheduling of a public hearing for May 1981. After reviewing the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) and Executive Order 12291 (46 FR 13193), OSHA published a notice (46 FR 21368) changing the hearing to informal public meetings. The meetings were intended to allow public participation and information to assist the Agency in complying with the Regulatory Flexibility Act and the new Executive Order and to determine how to proceed with the conveyor standard rulemaking. The meetings were scheduled for May 5, 6 and 7, 1981, in Washington, D.C.; May 12, 13 and 14, 1981, for Chicago, Illinois and May 19, 20 and 21, 1981, for Los Angeles, California. To date OSHA has received three requests for presentations in Chicago, Illinois and no requests for Los Angeles, California.

Since there have been limited requests to participate in the public meetings in Chicago, Illinois, and none for Los Angeles, California, the meeting in Los Angeles, California, is cancelled and the meeting in Chicago, Illinois, will be held on May 12, 1981 and continuing on to May 13, if necessary. It is anticipated that the persons who requested to appear would, within the limits of their ability to do so, make their presentations on May 12. Any other person who makes his intentions known at the meeting places, will be allowed to participate following the conclusion of the presentations given by those who filed timely notices of intention to appear.

Public Participation: Each meeting will begin as noted above. All persons having made timely written requests to speak will be given time for oral presentations. Other persons wishing to speak should register at each meeting from 8:30 a.m. to 9:00 a.m. on the day they wish to speak. As long as time permits, all persons who wish to speak may do so. As time is limited, priority will be given to those who have requested time in advance.

During the meetings, OSHA's representatives and the public may request that participants clarify their comments or provide additional information.

OSHA suggests that interested parties review the issues set forth in the notices of November 14, 1980, January 16, 1981 and April 10, 1981 before attending the public meetings or submitting written comments.

All written comments must be submitted by June 30, 1981, to the Docket Office, Docket No. S-201, Room S-6212, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210. Telephone (202) 523-7894.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655), 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059))

Signed at Washington, D.C., this 1st day of May 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-13969 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Bureau of Mines

30 CFR Part 601

Sales of Helium by and Rental of Containers From the Bureau of Mines

AGENCY: Bureau of Mines, Department of the Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Mines proposes to revise its regulations on sales of helium and rental of containers to simplify the regulations and eliminate the need to republish the regulations when prices and charges must be changed.

DATE: Comments by June 10, 1981.

ADDRESS: Send comments to: Division of Helium Operations, Bureau of Mines, Box H 4372 Herring Plaza, Amarillo, Texas 79101.

FOR FURTHER INFORMATION CONTACT: B. J. King, Chief, Section of Administration, Division of Helium Operations, Bureau of Mines, Box H 4372 Herring Plaza, Amarillo, Texas 79101, A/C 806 376-2606, FTS 735-1606.

SUPPLEMENTARY INFORMATION: Under the Helium Act (50 U.S.C. 167, et seq.), the Bureau of Mines is authorized to sell helium to the public. Regulations in 30 CFR Part 601 govern such sales, as well as the provision of services by the Bureau attendant to helium sales. The regulations also contain a schedule of prices and charges.

Part 601 was issued in 1961 and, except for changes in prices and charges, has not been revised since. The Bureau of Mines now proposes a complete revision of the Part.

The proposed revision will simplify Part 601, eliminating a number of unnecessary provisions. The revision will also eliminate the necessity to republish the Part each time a change in

prices or charges is necessitated by changed Bureau of Mines costs; instead customers will be notified directly.

The proposed revision continues a procedure for application to the Bureau of Mines for a contract to purchase helium. This information collection requirement has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act (Pub. L. 96.511).

Under authority provided by the Helium Act, it is proposed to revise 30 CFR Part 601 as set forth below:

Dated: May 1, 1981.

William P. Pendley,

Deputy Assistant Secretary of the Interior.

CHAPTER VI—BUREAU OF MINES

PART 601—SALES OF HELIUM BY AND RENTAL OF CONTAINERS FROM THE BUREAU OF MINES

Sec.

601.1 Purpose.
601.2 Definitions.
601.3 Contract application forms and procedures.
601.4 Reserved.
601.5 Schedule of prices and charges.
601.6 Purchase price of helium.
601.7 Service charges.
601.8 Settlements under existing contracts.
601.9 Shipping containers.
601.10 Reserved.
601.11 Applicability to Federal agencies.

Authority: Pub. L. 86–777, approved September 13, 1960, 74 Stat. 918; 50 U.S.C. 167–167n.

§ 601.1 Purpose.

The purpose of this Part 601 is to establish procedures governing the sale of helium and related services by the Bureau of Mines, and the rental of helium containers from the Bureau of Mines.

§ 601.2 Definitions.

(a) "Act" means the Helium Act, Pub. L. 86–777, approved September 13, 1960 (74 Stat. 918; 50 U.S.C. 167–167n).

(b) [Reserved]

(c) "Helium plant" means a facility operated by or for the United States Bureau of Mines for the production, purification, repurification, or shipment of helium.

(d) "Bureau" means the Bureau of Mines of the Department of the Interior.

(e) "Purchaser" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, state or political subdivision thereof, having a new (after revision of this Part) helium purchase contract with the Bureau, and any agency of the United States Government, purchasing helium from the Bureau, or using helium containers rented from the Bureau.

(f) "Grade-A helium" means the grade of helium produced at the Bureau's helium plants, and is 99.995 percent pure helium, or better by volume.

(g) "Standard cubic foot (scf) is a 1-cubic foot volume of Grade-A helium measured at a pressure of 14.7 pounds per square inch absolute and a temperature of 70° Fahrenheit.

(h) "Cylinder" means a standard-type cylinder of approximately 1.5 cubic feet internal volume, designed for a filling pressure of 1,800 pounds per square inch gage or more, which will stand vertically without external support with the center of the valve outlet not less than 50½ inches nor more than 58½ inches above the floor, equipped with a standard-type cylinder valve, safety relief device, and valve-protective cap, or a similar cylinder acceptable to the Bureau as a standard type.

(i) "Valve" means a standard-type cylinder vavle acceptable to the Bureau of Mines having a valve outlet conforming to Specification No. 580 or No. 350 as described by the latest edition of Compressed Gas Association, Inc., Pamphlet V–1, ANSI B57.1–1977; Provided, That at the Bureau's option, valves with outlets conforming to other specifications may be accepted as alternate standards.

(j) "Tank car" means a railroad car permanently equipped with multiple tubes manufactured in accordance with 49 CFR 179.500.

(k) "Tube trailer" means a road-type semitrailer without motive power permanently equipped with multiple tubes manufactured in accordance with 49 CFR 178.36, 178.37, or 178.45.

(l) "Tube module" means one or more seamless steel tubes, manufactured in accordance with 49 CFR 179.500, that by means of a framework are joined together to form a unit. Valves may be manifolded.

(m) "Liquid helium trailer" means a special road-type semitrailer without motive power, equipped with a vacuum-jacketed container suitable for transporting 1,000 U.S. gallons or more of liquid helium. The container may be separable or an integral part of the chasis and dependent upon design, may or may not require a Department of Transportation (DOT) special permit for transporting.

(n) "Liquid helium dewar" (dewar) means a portable or skid-mounted, vacuum-jacketed container suitable for shipping less than 1,000 U.S. gallons of liquid helium.

(o) "Schedule of Prices and Charges" (Schedule) means a listing of prices and charges for products and services provided under contract pursuant to this Part.

(p) "Federal Agency" is any department, independent establishment, commission, administration, foundation, authority, board, or bureau of the United States Government, or any corporation owned, controlled, or in which the United States Government has a proprietary interest, as these terms are defined in 5 U.S.C. 101–05; 5 U.S.C. 551(1); 5 U.S.C. 552(e); or in 18 U.S.C. 6, but does not include Federal agency contractors.

(q) "Contracting officer" is the person executing a contract on behalf of the Government, and includes any duly appointed successor.

§ 601.3 Contract application forms and procedures.

(a) Any prospective helium purchaser may make application to the Bureau to become a purchaser of helium, and, if desired, rent containers from the Bureau and, upon meeting the requirements of this Part and upon execution of a purchase (and container rental) contract with the Bureau, may purchase helium (and rent containers) from the Bureau. To be eligible, a prospective purchaser must: demonstrate adequate financial resources to pay for helium and helium-related services in advance, hold a certificate of competency and/or a determination of eligibility from the Small Business Administration if the prospective purchaser is a small business concern and is determined to be nonresponsible and/or ineligible by the contracting officer, and be otherwise qualified and eligible to enter into a Bureau contract under applicable laws and regulations.

(b) The contract shall include, among other things, duties and responsibilities of the parties, definitions, term, minimum contract volume, and other conditions, such as advance payments, deposits, surety bonds, repurchase rights of the Government, liabilities, reservations with respect to sales and deliveries, power of inspection, notification to repurchasers, violations and penalties, cancellation and assignment of contract, termination, general provisions, and standard provisions.

(c) Application forms are available upon written request from Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101. Applicable contract form(s) and Schedule will be included for examination by the prospective purchaser.

(d) Upon approval by the Contracting Officer of the returned application, the

contract will become effective when executed by both parties.

§ 601.4 [Reserved]

§ 601.5 Schedule of prices and charges.

(a) The Schedule of Prices and Charges (Schedule) is published by the Bureau of Mines, Division of Helium Operations, and is periodically updated. The Schedule is available upon request from the Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101, telephone 806–376–2638 or FTS 735–1638. The Schedule shows prices and charges for helium, ordinary related services, use or rental of Bureau-owned helium containers or equipment, cash advance, and deposit required, and bonds and/or insurance to guarantee return of containers.

(b) Terms and conditions under which products and services can be acquired under contract pursuant to this Part are shown in Appendix 1 to the Schedule. The Terms and Conditions are reviewed at least annually, and are revised as required.

(c) Revisions to the Schedule are determined at least annually by the Division of Helium Operations in accordance with Office of Management and Budget (OMB) Circular No. A–25, as revised. In no case will a revised Schedule become effective in less than 30 days after date of distribution to all Bureau helium customers known at the time of distribution.

§ 601.6 Purchase price of helium.

(a) The purchase price of Grade-A helium shipped f.o.b. origin shall be the price stated in the Schedule that is in effect on the date the helium is shipped from the helium plant.

(b) [Reserved]

(c) The purchase price of Grade-A helium shipped f.o.b. destintation shall be the price stated in the Schedule that is in effect on the date the helium is shipped from the helium plant plus any service charges, container charges, transportation charges, and other charges incurred in making such delivery. Delivery of helium f.o.b. destination is made only in Bureau-furnished containers.

§ 601.7 Service charges.

In addition to the purchase price of helium, the following charges for services and use of equipment rented from the Bureau shall be paid by the purchaser:

(a) *For filling containers.* The charge for filling helium containers shall be as shown in the Schedule that is in effect on the date the helium is shipped from the helium plant.

(b) *For ordinary work performed on containers supplied by the purchaser and for ordinary services performed in connection with shipment of helium from a helium plant.* The charge for ordinary work shall be as shown in the Schedule that is in effect on the date the work is performed.

(c) *For extraordinary expenses.* Such expenses incurred in connection with any contract or delivery for which prices are not stated in the effective Schedule including, but not limited to, costs of work on purchaser's containers, filling, servicing, and rental of containers of types other than those stated in the effective Schedule, purifying helium beyond normal plant purity, liquefying helium, analytical services, shipment of helium from other than a helium plant selected by the Bureau, and unusual handling, transportation, and communications, may be determined by the Bureau and charged to the purchaser as they arise on the basis of the cost of rendering the services, making due allowance for contingencies, overhead expense, and commercial common-carrier rates.

(d) *For use of helium containers supplied by the Bureau.* The charge for use of each Bureau-supplied container shall be as shown in the Schedule in effect on the date of shipment from a helium plant.

§ 601.8 Settlements under existing contracts.

Contracts for the purchase of helium or for the rent of Bureau-owned shipping containers which are in effect on the effective date of the amended regulations in this Part shall remain in effect, subject to the terms and conditions of the amended regulations in this Part, for a period of not more than 90 days after the effective date of these amended regulations or until replaced by new contract or contracts as described in these amended regulations, should such replacement occur prior to expiration of the 90 days. In the event that purchaser does not enter into replacement contract or contracts within 90 days after effective date of these regulations, the existing contract(s) shall terminate and purchaser shall pay any sums due Bureau under terms of the contracts and shall return any Bureau-owned shipping containers outstanding under any container rent contract so terminated.

§ 601.9 Shipping containers.

(a) *Containers may be provided by the purchaser or the Bureau.* The purchaser may provide containers or may request the Bureau to provide them under contract. Containers provided by the purchaser must be satisfactory to the Bureau in all respects, must be free internally from oil or water, and shall comply with the requirements for shipment in interstate commerce. The Bureau will not use or fill any container which in its opinion is unsafe or unsuitable.

(b) *Provisions applicable to all types of containers supplied by the Bureau.* Specific provisions for all types of containers, such as, cylinders, tank cars, tube trailers, tube modules, liquid helium trailers, and liquid helium dewars, are detailed in the container rental contract and the Schedule.

§ 601.10 [Reserved]

§ 601.11 Applicability to Federal Agencies.

The regulations in this Part are applicable to Federal agencies procuring helium or services from Bureau or using containers furnished by Bureau; *except that* Federal agencies shall not be required to: (a) enter into contracts for the purchase of helium or lease of containers, (b) furnish advance payments, or (c) provide surety for the return of containers or payment of bills.

[FR Doc. 81–13952 Filed 5–7–81; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[Docket Number OAQPS A–80–60; AD FRL 1743–5]

National Ambient Air Quality Standards for Hydrocarbons

AGENCY: Environmental Protection Agency.

ACTION: Proposed Revocation of rule.

SUMMARY: In accordance with sections 108 and 109 of the Clean Air Act, 42 U.S.C. 7408, 7409, the Environmental Protection Agency (EPA) has conducted a review of the criteria upon which the existing primary and secondary National Ambient Air Quality Standards (NAAQS) for hydrocarbons (HC) are based (40 CFR Part 50). A document entitled Review of Criteria for Vapor-Phase Hydrocarbons has been published in connection with the issuance of this proposal. As a result of the review of HC criteria, EPA proposes to revoke the primary (health) and secondary (welfare) NAAQS for HC. The rule (40 CFR Part 50) has been found to be technically inadequate. The intended effect of this revocation is to eliminate unnecessary regulations pertaining to ambient air quality.

DATES: Written comments should be postmarked no later than July 7, 1981. Persons desiring an opportunity for the oral presentation of their data, views or arguments should contact Mr. Michael H. Jones by June 8, 1981 (see below under "For Further Information"); if any such interest is expressed, notice of a public hearing will appear in a subsequent **Federal Register.**

ADDRESS: All written comments should be submitted in duplicate if possible, reference the docket number, A–80–60, and be addressed to: Central Docket Section (A–130), Attention: Docket Number A–80–60, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Availability of related documents: Documents upon which this proposal is based are available for public inspection in the rulemaking docket (A–80–60). All comments received during the comment period, as well as any other documents relied on in the promulgation of the final rule, will be added to the docket promptly. The docket number should be included on all correspondence and written comments. The docket will be open for inspection at the Central Docket Section, West Tower Lobby, Gallery I, Waterside Mall, 401 M Street, SW., Washington, D.C. between 8:00 a.m. and 4:00 p.m., Monday through Friday. A reasonable fee may be charged for copying.

The final review document on hydrocarbons, EPA–600/8–80–045 (August 1980), is available from: Environmental Criteria and Assessment Office (MD–52), U.S. Environmental Protection Agency, Research Triangle Park N.C. 27711 (Attention: Diane Chappell). The review document may be requested by calling (919) 541–3746, FTS 629–3746.

FOR FURTHER INFORMATION CONTACT: Michael H. Jones, Strategies and Air Standards Division (MD–12), OAQPS, U.S. EPA, Research Triangle Park, N.C. 27711, (919) 541–5531, FTS 629–5531.

SUPPLEMENTARY INFORMATION: On April 30, 1971, EPA promulgated primary and secondary NAAQS for HC (36 FR 8186). The national primary and secondary NAAQS for HC measured and corrected for methane are both 160 micrograms per cubic meter (0.24 ppm)—maximum 3-hour concentration (6 to 9 a.m.) not to be exceeded more than once per year. As indicated above, the primary HC NAAQS was not health based but was promulgated because it represented EPA's best judgment of the maximum level of NMHC that would ensure attainment of the oxidant standard, which at that time was set at 0.08 ppm. The sole purpose of prescribing NAAQS for HC, then, was not for the protection of public health from hydrocarbons as a class of compounds, but as a "guide in devising [state] implementation plans to achieve oxidant standards," 40 CFR § 50.10.

The primary HC NAAQS is unique among the primary NAAQS in that it was expressly developed as a guide and not as a health-based standard. In the proposal notice (36 FR 1502, January 30, 1971), the Agency did not elaborate on its rationale for casting the standard in this fashion, but restated the major conclusion of the criteria document (Air Quality Criteria for Hydrocarbaons, AP–64, 1970) that gaseous HC contribute to the formation of oxidants, which do adversely affect health. The proposed preamble stated that "the only direct effect attributable to ambient levels of hydrocarbons is the vegetation damage from ethylene." Three months later (36 FR 8186, April 30, 1971), when the standard was promulgated, EPA stated that: "The sole purpose of prescribing a hydrocarbon standard is to control oxidants."

The existing NAAQS for HC, excluding methane, are both 160 micrograms per cubic meter (0.24 ppm)—maximum 3-hour concentration (6 to 9 a.m.) not to be exceeded more than once per year. These standards were not based on direct health or welfare effects of HC but were promulgated because they represented EPA's best judgment at the time of the maximum level of non-methane hydrocarbons (NMHC) that would ensure the attainment of the NAAQS for photochemical oxidants. EPA has since determined that there is no single, universally applicable relationship between HC and photochemical oxidants, and that HC as a class apparently do not produce any health or welfare effects at or near ambient levels.

During the Agency's review and revision of the NAAQS for oxidants, which were relaxed in 1979 from 0.99 ppm to 0.12 ppm and restated as NAAQS for ozone (40 CFR 50.9), the City of Houston petitioned EPA to revoke the HC standard. The Agency's response at that time was to include in the requirements for State Implementation Plans a provision indicating that HC emissions control sufficient to attain the NAAQS for ozone would be considered adquate for attainment of the HC standard, 40 CFR 51.14(c)(9).

The present proposal to revode the NAAQS for HC is based on a recent review of the original criteria document, Air Quality Criteria for Hydrocarbons, AP–64 (1970). That document set forth the following conclusions in subchapters H and I of Chapter 8:

1. That there was no demonstration of any direct health effects of the gaseous HC in the ambient air on people, although many of the effects attributed to photochemical smog were indirectly related to ambient levels of these HC.

2. That injury to sensitive plants had been reported in association with eithylene concentrations of from 1.15 to 575 $\mu g/m^3$ over a time period of 8 to 24 hours.

3. That an early morning (6:00 to 9:00 a.m.) concentration of 200 $\mu g/m^3$ NMHC could be expected to produce a maximum hourly average oxidants concentration of up to 200 $\mu g/m^3$, according to the then-existing air quality data.

The Agency's recent review indicates that the first two conclusions remain valid. As discussed below, however, these conclusions alone do not provide justification for retaining the current standards or for proposing new ones for the class of compounds encompassed by the standards. EPA's review further indicates that the third conclusion is no longer valid based on new findings discussed elsewhere in this notice. The third conclusion was the basis for the original HC NAAQS affected by this proposal, and it has now been determined by EPA to be an inappropriate basis for either a standard or guide.

It also must be emphasized, however, that this proposal in no way is intended to restrict EPA or state authority to limit emissions of HC as a class, particular hydrocarbon compounds, or any other volatile organic compounds (VOC) which may be found to pose a threat to health and welfare. HC or VOC as a class are subject to control by the states (as a means of attaining the ozone NAAQS), as are particular HC or VOC which are found to present a direct hazard to health and welfare. HC and VOC may also be controlled by regulation under other provisions of the act such as Section 111 (New Source Performance Standards) or Section 112 (Emission Standards for Hazardous Pollutants). Hydrocarbons and VOC, as precursors to O_3, will also be controlled under Section 111.

Legislative Requirements Affecting This Proposal

Two sections of the Clean Air Act particularly govern the establishment and revision of NAAQS. In general, section 108, 42 U.S.C. 7408, instructs EPA to document the scientific basis (criteria) for standards. Section 109, 42 U.S.C. 7409, provides guidance on

establishing such standards and on reviewing and revising both criteria and standards.

Air quality criteria are required by section 108(a)(2) to reflect upon issuance the latest scientific information useful in indicating the kind and extent of all identifiable effects on public health or welfare that may be expected from the presence of the pollutant in the ambient air. Section 109(a)(2) contemplates that the Administrator publish, simultaneously with issuance of the criteria, proposed primary and secondary NAAQS based upon such criteria.

Primary standards are defined in section 109(b)(1) as ambient air quality standards, the attainment and maintenance of which in the Administrator's judgment, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health. Secondary standards (section 109(b)(2)) must specify levels the attainment and maintenance of which in the Administrator's judgment, based on such criteria, are required to protect the public welfare from any known or anticipated adverse effects associated with the presence of the pollutant in the ambient air. These adverse welfare effects as defined in section 302(h) of the Act (42 U.S.C. 7602(h)) include effects on soils, water, crops, vegetation, man-made materials, animals, weather, visibility, hazards to transportation, economic values, personal comfort and well-being, and other factors.

The Act requires that NAAQS be based solely on protection of public health and welfare. Under section 109, the economic and technical feasibility of attaining the standards are not to be considered, although these factors may enter to some degree into development of implementation plans by the States and may, of course, be the basis for special Congressional relief for particular industries. *Lead Industries Association et. al.* v. *EPA*,——F.2d,——, 14 ERC 1906 (D.C. Cir., 1980), *cert. denied*, ——U.S.——, 101 S. Ct. 621 (1980). Section 109(d) requires periodic review and, if appropriate, revision of standards and criteria. As indicated above, this proposal is the result of such a review.

Under section 109(d)(2) of the Act, the Administrator has established a Clean Air Scientific Advisory Committee (CASAC) to provide advice on various matters concerning NAAQS, including the periodic review of existing criteria documents and standards. As a committee of EPA's Science Advisory Board, CASAC may also choose to provide its advice and comments to the Administrator on the adequacy of the scientific and technical basis of draft criteria documents and proposed standards, pursuant to Section 8(e) of the Environmental Research Development and Demonstration Authorization Act of 1978 (42 U.S.C. 4365(e)). As discussed below, CASAC has reviewed the adequacy of the HC criteria review document, and will be provided a copy of this proposal.

To date, reviews of the various criteria for regulated pollutants under section 109(d) typically have led to revisions of the existing criteria documents. However, the Clean Air Act does not specify the form in which the review itself should be accomplished, and revision is not a necessary consequence of review. As discussed below, it became apparent that preparation of a revised criteria document for HC was probably not appropriate, especially in view of the unique nature of the standard for HC as a guide for controlling oxidants. Instead, EPA decided to make a threshold regulatory decision relative to the current HC NAAQS by preparing a paper that presented a review of current scientific data followed by the identification of key issues. As discussed below, the HC review paper that resulted is the basis for this proposal.

Accordingly, it is EPA's judgment that the provisions of section 108(c) and 109(d) regarding review of HC criteria and standards have been fully met by this review and proposal, and that this action is fully supported by all available information presented or referred to in this notice. However, should EPA decide not to revoke the HC NAAQS after considering public comments on this proposal, a revised criteria document would be prepared for use in proposing to retain or revise the HC NAAQS.

Contribution of Hydrocarbons to the Formation of Ozone and Photochemical Oxidants

Hydrocarbons become involved in the production of photochemical air pollution through reaction with other components of the atmosphere in the presence of sunlight. The processes by which HC participate in the formation of ozone (O_3) and other photochemical oxidants have been reviewed in detail in the recent EPA document, Air Quality Criteria for Ozone and Other Photochemical Oxidants, EPA–600/3–78–004 (1978), and the draft EPA document, Air Quality Criteria for Nitrogen Oxides (1979). In addition, the chemistry of oxidant formation and of the role of organic compounds, including HC, in those processes has been reviewed in two NAS documents, Ozone and Other Photochemical Oxidants (Washington, D.C.; National Academy of Sciences, 1976) and Vapor Phase Organic Pollutants, (Washington, D.C.; National Academy of Sciences, 1976).

The principal photochemical oxidants observed in the atmosphere are O_3, nitrogen dioxide (NO_2), and peroxyacetyl nitrate (PAN). Several other substances, such as hydrogen peroxide (H_2O_2), may also be classified as oxidants but their presence in smog is not well established. Of these oxidants, most of which are secondary pollutants formed as a result of chemical reactions in the atmosphere, O_3 occurs in the highest concentration.

Information generated since the 1970 criteria document on HC was issued has provided a much more complete view of probable atmospheric photochemical oxidant formation processes and the role of organic compounds in those processes, though much of the evidence for reaction mechanisms has been obtained from laboratory studies and remains to be verified in the ambient atmosphere. As reflected in the documents cited above, the elucidation of atmosphere reaction mechanisms, along with other research of the past decade, has confirmed that photochemical oxidants in the ambient air are a function of the presence of HC, as well as other organic compounds and NO_x, in the atmosphere.

Review of Criteria for Hydrocarbons and Summary of General Findings

Section 109(d)(1) of the Act requires periodic review and, if appropriate, revision of the NAAQS and the air quality criteria documents on which they are based. On February 23, 1980, EPA announced (45 FR 1319) that a draft of a review paper entitled, Facts and Issues Relating to the Need for a Hydrocarbon Criteria Document, would be discussed at a public meeting of the Clean Air Scientific Advisory Committee (CASAC) of EPA's Science Advisory Board (SAB) on March 17, 1980, in Washington, D.C. On March 10, 1980, EPA's Environmental Criteria and Assessment Office (ECAO) announced (45 FR 15262) the availability to the public of this HC criteria review. The public was given from March 10, 1980 to June 1, 1980 to comment on the draft document, which was published in its final form in August, 1980 (EPA–600/8–80–045).

The current air quality criteria document for HC, published in 1970, covered only those organic compounds that are composed solely of carbon and hydrogen and that occur in the

atmosphere in the gas phase. These compounds are collectively referred to as HC, and hundreds of them have been identified as being emitted into the atmosphere. The 1970 criteria document excluded certain compounds, such as most VOC, that include atoms other than hydrogen and carbon, as well as compounds that occur in the atmosphere in aerosol or particulate form. It included a brief treatment of aldehydes to ensure coverage of this class of secondary pollutants formed from HC in the atmosphere; however, no standard for aldehydes was promulgated in 1971.

The criteria review draft document discussed by CASAC in March 1980 covered only vapor phase HC as covered by the 1971 NAAQS for HC. Aldehydes were generally excluded from the paper since they are not covered by the NAAQS for HC and since the 1978 criteria document for O_3 and other photochemical oxidants included information on the photochemistry and health effects of aldehydes. Furthermore, the National Academy of Sciences is presently conducting a review of these aspects of aldehyde air pollutants for EPA. Currently in preparation by EPA are separate documents that assess the health effects of a number of non-HC organic compounds; e.g., perchloroethylene, trichloroethylene, ethylene dichloride, acrylonitrile, and vinylidene chloride.

As previously discussed, the HC NAAQS are unique among the seven pollutants or classes of pollutants for which NAAQS have been established in the following respects: (1) the NAAQS were not based on direct health or welfare effects of HC, either singly or as a class; (2) they were intended to serve solely as a guide in helping States determine HC emission reductions needed to attain the original NAAQS photochemical oxidants; and (3) they were not intended to have the same regulatory status and function as the other NAAQS. For these reasons, no State Implementation Plans for attainment of the NAAQS for HC have been required, and only limited monitoring of ambient of NMHC has been required. In keeping with the intended function of the 1971 NAAQS for HC as a guide for achieving the photochemical oxidant standards (which are now standards for O_3), the level selected for NAAQS for HC was fixed by the level selected for the photochemical oxidant standards. This level was determined through the application of an empirical relationship.

The existing NAAQS for HC were based on the contribution of HC to the formation of O_3 and other photochemical oxidants and on a judgment that that contribution could be quantified. EPA's recent review of HC criteria addressed three separate questions related to the basis for the existing NAAQS for HC and needed for a regulatory decision, based on present scientific knowledge:

1. Whether gas-phase hydrocarbons as a class contribute to the formation of O_3 and other photochemical oxidants.
2. Whether the attainment and maintenance of a uniform, nationwide ambient air concentration of volatile NMHC can ensure the attainment and maintenance of O_3 standards.
3. Whether gas-phase HC, as a class, causes adverse effects on public health or welfare.

The first of these questions was answered in the affirmative in Air Quality Criteria for Ozone and Other Photochemical Oxidants (EPA 600/3-78-004), which was the basis for the ozone standards proposed in 1978. The HC review document fully confirms that hydrocarbons in ambient air are major precursors to O_3 and other photochemical oxidants in ambient air.

The second issue was answered in the negative; the concept that a single, nationally-uniform level could be selected to serve as a guide for meeting the oxidant standards was not substantiated in the O_3 criteria document and cannot be substantiated in the light of present knowledge. As discussed in the HC criteria review paper, no consistent quantitative relationship exists nationwide between O_3 concentrations in ambient air and HC emissions or concentrations in ambient air. Accordingly, the original basis for the HC NAAQS can no longer serve to justify retaining them as a guide for attainment of the O_3 standards.

No review of the criteria and standards for HC would be complete without discussion of the crucial third issue relating to the possible need for a hydrocarbon standard on a new basis; i.e., direct health or welfare effects. Nearly 10 years have passed since the 1970 data base was developed, the criteria document published, and the standards promulgated for HC. A review of the literature since 1970 reveals once again that HC, as a class, does not appear to cause adverse health or welfare effects at the present detectable ambient levels. It is apparent, nonetheless, that HC should continue to be controlled or restricted on the basis of its contribution to photochemical smog and the resultant health and welfare effects of the smog products and that any specific HC that exhibits health effects should be regulated separately.

Ambient air levels of most HC are many times lower than those shown in occupational or laboratory studies necessary to produce any direct adverse acute health effects. One member of this class, however, is present in ambient air at levels that are believed to cause adverse health effects. This compound, benzene, is an aromatic hydrocarbon that has been implicated in four pathological conditions; namely, aplastic anemia, leukemia, pancytopenia, and chromosomal aberrations. The concern over benezene as a leukemogen and as the cause of other severe systemic toxic effects at low exposure levels has been widely recognized, as indicated by the fact that EPA has listed it as a hazardous pollutant under section 112 of the Clean Air Act.

While aromatic HC are not generally tolerated as well as the acyclics (alkanes, alkenes, alkynes) and alicyclics, benzene is nevertheless the only aromatic HC which is known to cause adverse health effects at concentrations near ambient air levels. In the case of the acyclic HC containing less than five carbon atoms (alkanes, alkenes, alkynes), no health-based threshold limit values have been assigned to these gaseous HC since their tolerable concentrations in air are limited only by the percentage of available oxygen, according to the American Conference of Governmental Industrial Hygienists.

Review of criteria relating to the secondary standard shows that there are no welfare effects produced by HC, as a class, at or near ambient levels. The effects of a specific HC, ethylene, on vegetation have been well documented. In specific areas of the country, because of a combination of meteorological conditions and vehicle exhaust emissions, the levels of ethylene in the ambient air have resulted in damage to ornamental plant species. Damage from ethylene does not, however, appear to be a problem nationwide. Now, as in 1970, certain areas of the country have emission standards for dealing with local problems from ethylene point sources.

Relationship of Proposal to Regulation of Volatile Organics

As previously discussed, other volatile organic compounds (VOC) besides HC are photochemically reactive. Elimination of the ambient air quality standards for HC will not preclude regulation of VOC, which include HC, in the State Implementation Plans required by section 110 of the Clean Air Act. The reason for regulating

VOC is that these compounds, along with HC—a specific class of VOC—contribute to the formation of O_3. Hydrocarbons and other VOC which are photochemically reactive must be subject to regulation in order to attain ozone standards.

For some other VOC, health effects rather than their contribution to O_3 formation may be of principal concern. Where this is the case, the Clean Air Act provides several possible regulatory mechanisms for such substances, including section 111 and 112.

Regulatory Impacts

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it involves revocation of a standard or guide, which itself has required only limited regulatory costs. Revocation will result in no increased regulatory costs. Revocation is also expected to have no effect on competition, employment, investment, productivity, innovation, or the competitive ability of United States-based enterprises.

EPA has also determined that the rule will not have a significant economic impact on a substantial number fo small entities. Accordingly, the Agency has determined that the preparation of a regulatory flexibility analysis, as defined by the recently enacted "Regulatory Flexibility Act, Pub. L. 96-354, 5 U.S.C. 601-612, is unnecessary.

Federal Reference Method

A list of all methods designated by EPA as reference or equivalent methods for measuring nonmethane organic compounds (NMOC) is available from any EPA regional office or from EPA, Department E (MD-76), Research Triangle Park, North Carolina 27711. Further information on hydrocarbon measurement can be found in the EPA publication entitled, Guidance for the Collection and Use of Ambient Hydrocarbon Species Data in Development of Ozone Control Strategies (EPA-450/4-80-008, April 1980).

Monitoring Requirements

In June 1980, the Environmental Protection Agency published guidance for NMOC monitoring for O_3 State Implementation Plans (EPA-450/4-80-011). State and local agencies must continue monitoring ambient NMOC in specified areas, not to show attainment of a HC standard but rather to obtain data for SIP control strategy purposes (for estimating VOC reductions needed to achieve the O_3 standard) and to follow the progress of the O_3 abatement strategy. Accordingly, no change in monitoring requirements is being proposed.

Public Participation

EPA has solicited public comment and critique on the draft of the HC criteria review document initially entitled Facts and Issues Associated with Need for a Hydrocarbon Criteria Document. Comments on the initial draft of the review document have been considered in the final version, Review of Criteria for Vapor-Phase Hydrocarbons, published in connection with the issuance of this proposal. An explanation of how EPA addressed each of these comments has been included in the document.

On February 28, 1980 (45 FR 13191), EPA announced that the draft report on HC would be discussed at a meeting of the Clean Air Scientific Advisory Committee (CASAC) of EPA's Science Advisory Board (SAB) on March 17, 1980, in Washington, D.C. At that meeting, CASAC members were in agreement that HC, as a class, and as defined in the 1970 Criteria Document (AP-64), do not cause adverse health or welfare efects at or near ambient levels. In addition the committee agreed that the review paper was a satisfactory scientific and technical basis for EPA's development of this regulatory analysis and for making a regulatory decision on the NAAQs for HC. The CASAC's advice was summarized in a December 10, 1980 letter from CASAC Chairman, Sheldon K. Friedlander, to the Administrator.

Comments from the public will be accepted on the proposed revocation of the NAAQS for HC (40 CFR Part 50) for a period of sixty days following publication of this notice; should any interest in an opportunity for the oral presentation of views be communicated to EPA within 30 days of this notice, a public hearing on the proposal will be held at a time and place to be announced in a subsequent Federal Register notice. The proposal will also be provided to CASAC so that it may make available to the Administrator, if it chooses, any further advice and comments on the adequacy of the proposal's scientific and technical basis.

Dated: April 30, 1981.

Walter C. Barber Jr.,

Acting Administrator.

[FR Doc. 81-13052 Filed 5-7-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 52

[A1-FRL 1800-5]

Approval and Promulgation of Implementation Plans; Connecticut

Correction

In FR Doc. 81-12273, appearing at pages 24597, in the Friday, May 1, 1981 Federal Register, make the following changes:

1. Change the FR Doc. No. (the next to the last line in 2d column, on page 24601) from "81-12273" to "81-14124".

2. On page 24596, in the third column under paragraph *"C. Ambient Standards Review,"* in the first line, change "never" to "next" so that the sentence begins "The DEP will next review the air . . ."

BILLING CODE 1505-01-M

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40 CFR Part 180

[OPP 300039A; PH-FRL-1822-1]

Isophorone; Proposed Exemption From the Requirement of a Tolerance; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule, correction.

SUMMARY: This document corrects a proposed rule relating to proposed exemption from the requirement of a tolerance for the inert ingredient isophorone that appeared in the Federal Register of February 10, 1981 (46 FR 11680) FR Doc. 81-4610.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Federal Register Staff (TS-788), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-125, 401 M St. SW., Washington, D.C. 20460 (202-426-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of February 10, 1981 (46 FR 11680) that an exemption from the requirement of a tolerance was proposed for the inert ingredient isophorone.

In the 2nd column, the 25th line reading "to 40 CFR 180.1001(d) the public health," the document is corrected to read "to 40 CFR 180.1001(d) will protect the public health". Also the document control number in the 44th line appearing as "OPP-30039" is corrected to read "OPP-300039."

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: April 29, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-13032 Filed 5-7-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 761

[TS FRL 1773-2; OPTS-62015]

Polychlorinated Biphenyls (PCBs); Use in Electrical Equipment

Correction

In FR Doc. 81-7509 appearing at page 16096 in the issue for Tuesday, March 10, 1981, please make the following correction:

On page 16098, in the middle column, in the last paragraph, in the 13th line, "PSCs" should have read "PCBs".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

45 CFR Part 302

Child Support Enforcement Program; State Plan Requirements Incentive Payments

AGENCY: Office of Child Support Enforcement (OCSE), Department of Health and Human Services.

ACTION: Proposed regulation.

SUMMARY: These proposed regulations provide for the payment of incentives to States which collect child support on their own behalf. The proposed regulations would implement amendments made to Section 458 of the Social Security Act that were made by Pub. L. 96-272. The amendments permit States to receive incentive payments on child support collections which the States make on their own behalf on or after June 17, 1980.

DATE: Consideration will be given to comments received by July 7, 1981.

ADDRESSES: Address comments to: Acting Director, Office of Child Support Enforcement, Department of Health and Human Services, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852. Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection Monday through Friday, 8:30 a.m. to 5 p.m. in Room 1010 of the Department's office at the address above.

FOR FURTHER INFORMATION CONTACT:

Pierre Mooney (301) 443-5350, 6110 Executive Blvd., Rockville, MD 20852.

SUPPLEMENTARY INFORMATION:

Previously, Section 458 of the Social Security Act provided for 15 percent incentive payments on certain child support collections which were enforced and collected under a State's Child Support Enforcement program and retained by the State to reimburse assistance payments. Under this provision States were entitled to receive incentive payments on collections they made on behalf of another State and political subdivisions were entitled to receive an incentive on collection made for their own State or another State, but States were not authorized to keep an incentive payment for collections they made on their own behalf.

As a result, several State Child Support Enforcement programs were not eligible to receive incentives on collections made on their own cases because collection and enforcement of the support obligation was the responsibility of the State agency rather than delegated to a political subdivision.

Section 307 of Pub. L. 96-272, signed by the President on June 17, 1980, amends Section 458 to permit incentives on collections a State makes for itself. OCSE implemented this provision on an interim basis by issuing an Action Transmittal on August 28, 1980 designated OCSE-AT-80-13. Under the amendment, States in which the Child Support Enforcement program is State administered are now eligible to receive incentive payments on collections that the States make on their own "intrastate" cases.

These proposed regulations, implementing the law, provide for incentives to be paid on any amounts collected and required to be retained to reimburse assistance payments. States and political subdivisions must still meet the requirement that they enforce and collect support rights assigned under 45 CFR 232.11, pursuant to a Title IV-D State plan, in order for incentives to be paid on collections.

Where the Child Support Enforcement program is totally State administered, the State will receive an incentive that it was not previously eligible to receive. Where the program is State supervised but administered by political subdivisions, the political subdivision collecting and enforcing is entitled to receive the incentive. Where various program activities are carried out by both the State and the political subdivision, the entity to receive the incentive could be controlled by the cooperative agreement, purchase of service agreement or possibly State law. However, for any one collection of assigned child support, only one 15 percent incentive payment may be made.

The changes will result in increased amounts of incentive payments to those States that have State administered Child Support Enforcement programs. The incentive payment comes out of what would otherwise be the Federal share of the collection.

The proposed regulations at 45 CFR 302.52(d) (2) and (3) specify time frames by which a collection must be transmitted and the incentive paid in interstate situations. These time frames are consistent with those in the existing regulations. OCSE has not proposed time frames applicable to intrastate situations to provide flexibility in implementation within a State.

However, § 302.52(d)(4) specifies that the IV-D agency must implement procedures to ensure prompt transmittal of collections and payment of incentives as necessary in intrastate cases.

Several editorial changes are also proposed to improve the clarity of the regulations.

In the past OCSE has issued instructions in the form of action transmittals to describe the incentive payment process in detail. OCSE-AT-76-22, dated December 21, 1976, and OCSE-AT-75-5, dated October 2, 1975, define various collection situations and explain whether or not circumstances merit the payment of an incentive. OCSE-AT-76-23, dated December 21, 1976, containes instructions for allocating incentives among jurisdictions. Although Section 2 of this AT is out-of-date insofar as it prohibits payments of incentives to States for intrastate collections, the other sections that define terms and cover interstate allocations of incentives remain fully valid.

45 CFR 302.52 is revised by removing the introductory paragraph, revising paragraphs (a) through (e) and adding paragraph (f) to read as follows:

§ 302.52 Incentive payments to States and political subdivisions.

(a) *General provisions.* The State plan must provide that the State IV-D agency will make incentive payments to:

(1) Political subdivisions of the State that, under the approved title IV-D State plan, enforce and collect an assigned support obligation on behalf of the State;

(2) Other States that, under an approved title IV-D State plan, enforce and collect an assigned support obligation on behalf of the State; and

(3) Itself, when under the approved title IV-D State plan, the State enforces

and collects an assigned support obligation on its own behalf.

(b) *Definitions.* For the purposes of this section:

"Assigned support obligation" means a child support obligation assigned to any State under § 232.11 of this title.

"Political subdivision" means a legal entity of the State as defined by the State, including a legal entity of the political subdivision so defined, such as a prosecuting or District Attorney or a Friend of the Court.

(c) *Amount of incentives.* A State or political subdivision that meets the requirements and conditions in this section is eligible to be paid an incentive equal to 15 percent of any amount collected and required to be retained to reimburse assistance payments under § 302.51. For any one collection of assigned child support, only one 15 percent incentive payment may be made.

(d) *Payment of incentives.* (1) Incentive payments must be paid from amounts which would otherwise be paid to the Federal Government to reimbuse its share of assistance payments under § 302.51 of this part.

(2) A State or jurisdiction that makes a colletion on behalf of another State or jurisdiction of another State shall transmit the entire amount of the collection to the IV–D agency where the case originated, no later than 10 days after the end of the month in which the collection was made.

(3) Upon receipt of a collection from another State or jurisdiction of another State, the IV–D agency shall culculate and pay the incentive, if any, within 60 days of the end of the month in which the collection was made by the collecting State or jurisdiction.

(4) The IV–D agency shall implement procedures to ensure prompt transmittal of collections and payment *of* incentives when a jurisdiction makes a collection on behalf of another jurisdiction within the same State.

(e) *Use of codes.* (1) The collecting State or jurisdiction forwarding a child support collection to the IV–D agency must include the appropriate State or county code:

(i) Defined in the Federal Information Processing Standards Publication (FIPS) issued by the National Bureau of Standards; or

(ii) Defined in the Worldwide Geographical Location Codes issued by the General Services Administration.

(2) The IV–D agency shall use the codes to track the collection and pay incentives.

(f) *Assisting jurisdictions.* The incentive payment described in paragraph (c) of this section must be allocated in accordance with instructions issued by the Office when more than one State or more than one political subdivision participates in activity to enforce or collect child support.

(Sec. 1102 of the Social Security Act; 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.679, Child Support Enforcement Program)

Note 1.—The Secretary has determined that this document is not a major rule as described by Executive Order 12291, because it does not met any of the criteria set forth in Section 1 of the Executive Order.

Note 2.—Because these regulations apply to States and not to small entities, the Secretary has determined that they do not require a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act of 1980.

Dated: March 31, 1981.

Louis B. Hays,

Acting Director, Office of Child Support Enforcement.

Approved: April 24, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81–13874 Filed 5–7–81; 8:45 am]

BILLING CODE 4110–07–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 80–742]

Major Telephone Systems; License Contract Agreements and Other Intrasystem Arrangements; Order Extending Time for Filing Comments and Reply Comments.

AGENCY: Federal Communication Commission.

ACTION: Notice of Inquiry; extension of comment and reply comments periods.

SUMMARY: The Commission, through the Acting Chief, Common Carrier Bureau, has enlarged the time period for filing comments and reply comments In the Matter of License Contract Agreements and Other Intrasystem Arrangements of the Major Telephone Systems (CC Docket 80–742 published February 12, 1981, 46 FR 12024). This action is taken because of the complex and fundamental nature of the issues raised in the Notice of Inquiry and their impact on the ratepayers.

DATES: Comments on the Notice of Inquiry must be filed on or before June 22, 1981; reply comments must be filed on or before August 10, 1981.

ADDRESS: Comments should be submitted to The Secretary, Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: James W. McConnaughey, Common Carrier Bureau, Federal Communications Commission, Washington, DC, Telephone No. (202) 653–6187.

SUPPLEMENTAL INFORMATION:

In the matter of license contract agreements and other intrasystem arrangements of the Major Telephone Systems (*See also* February 12, 1981; 46 FR 12024); Order.

Adopted: May 4, 1981.

Released: May 4, 1981.

By the Acting Chief, Common Carrier Bureau.

1. American Telephone and Telegraph Company (AT&T) has filed with this Commission a motion to extend the time for submitting comments for the Notice of Inquiry on the License Contract Agreements and other Intrasystem Arrangements of the Major Telephone Systems (the NOI), released February 6, 1981. 84 FCC 2d 259 (1981). Specifically AT&T seeks an enlargement of time now set for filing comments from May 11, 1981 to July 10, 1981, and for reply comments from the current June 26, 1981 deadline to August 28, 1981.

2. The complex and fundamental nature of the issues raised in the NOI and their significant relationship to the well-being of the ratepayers caution against any hasty resolutions. For this reason, a limited extension of time appears reasonable and in the public interest. In order to afford interested parties ample time to file comments which adequately address these issues, the new date by which comments must be filed shall be June 22, 1981. The new deadline for filing reply comments shall be extended to August 10, 1981.

3. Accordingly, *it is ordered,* pursuant to § 0.291 of the Commission's Rules, 47 CFR 0.291, That the motion for extension of time to file comments on the Notice of Inquiry *is granted* to the extent set forth and otherwise denied. All interested parties shall file comments on or before June 22, 1981, and reply comments on or before August 10, 1981.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81–13902 Filed 5–7–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[BC Docket No. 81-284; RM-3696, RM-3822]

FM Broadcast Station in Christiansted, and Frederiksted, Virgin Islands; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C FM Channel 262 to Christiansted, Virgin Islands, at the request of John T. Galanses and Minority International Enterprises. The action also proposes to reassign Channel 291 from Christiansted to Frederiksted, Virgin Islands, to reflect its use there.

DATES: Comments must be filed on or before June 22, 1981, and reply comments on or before July 13, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Christiansted, and Frederiksted, Virgin Islands).

Adopted: April 23, 1981.

Released: May 4, 1981.

By the Chief, Policy and Rules Division.

1. *Petitioners, Proposals, Comments:* (a) A petition for rule making [1] was filed by John T. Galanses ("Galanses") proposing the assignment of Class B FM Channel 262 to Christiansted, St. Croix, Virgin Islands, as that community's second local FM channel. A second petition for rule making [2] was filed by Minority International Enterprises ("MIE") proposing the assignment of Class B FM Channel 263 to Christiansted as that community's second FM channel. Both petitioners state that if the requested channel were assigned, they would apply for authority to build and operate at station in Christiansted. No comments on the petitions were received.

(b) Channels 262 and 263 cannot both be assigned to Christiansted due to minimum distance separation considerations. The Commission's rules require a separation of 105 miles between first adjacent Class B FM channels. Section 73.207(a). Because both petitioners seek the new channel as a second FM service to Christiansted, we are proposing only one channel, Channel 262, at this time.[3]

2. *Demographic Data:*

(a) *Location:* Christiansted is located in the Company quarter of the Island of St. Croix in the United States Virgin Islands.

(b) *Population:* [4] Christiansted—3,020; Company quarter—7,360; St. Croix—31,779.

(c) *Present Aural Service:* Christiansted is presently served by FM Station WIVI (Channel 258) and fulltime AM Station WSTX. Channel 291 is also assigned to Christiansted, but is licensed to Station WVIS at Frederiksted, which is also located on St. Croix.

3. *Economic Considerations:* According to the information submitted by the petitioners, the population of Christiansted increased to 3,579 by 1970, and the population of St. Croix increased to 60,830 by 1978. The local economy is supported by tourism, light and heavy industry, and "an influx of affluent retirees." Major employers in Christiansted are the Martin Marietta Aluminum plant and the Amerada Hess oil refinery.

4. It appears that a multiplicity of channels are available for assignment in the surrounding area. Therefore, preclusion caused by the proposed assignment is insignificant.

5. We are proposing to assign Channel 262 to Christiansted rather than Channel 263 because Channel 263 requires a slight site restriction. The assignment of Channel 262 would therefore give prospective applicants more flexibility in finding suitable transmitter sites. In addition, we are proposing to reassign Channel 291 from Christiansted to Frederiksted to reflect its actual usage there.

6. In light of the above, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Christiansted, Virgin Islands	258, 291	258, 262
Frederiksted, Virgin Islands		291

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before June 22, 1981, and reply comments on or before July 13, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, It is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a

[1] Public Notice of the petition was given July 7, 1980, Report No. 1238.

[2] Public Notice of the petition was given January 27, 1981, Report No. 1287.

[3] A staff study indicates that several other channels are available for assignment to Christiansted, including Channels 231, 236, 246, 268, 282, and 287. If either petitioner wishes to pursue a third assignment to Christiansted, a substantial showing as to that community's need for a third FM assignment must be made.

[4] Population figures are taken from the 1970 U.S. Census.

proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-13814 Filed 5-7-81; 8:45 am]
BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 86
Friday, May 8, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

St. Joe Wild and Scenic River; Classification, Development Plan, and Boundaries; Correction

This document corrects a notice on the St. Joe Wild and Scenic River classification, development plan, and boundaries that appeared at page 21796 in the Federal Register of Tuesday, April 14, 1981 (46 FR 21796). This action is necessary to include the development plan summary, legal description, and maps which were omitted from the notice and are required by the Wild and Scenic Rivers Act (82 Stat. 906).

FOR FURTHER INFORMATION CONTACT:

Charles R. Joy, Recreation Management Staff, Forest Service, USDA, Rm. 4238 South Building, Washington, D.C. 20013, (202) 447-2422.

Douglas R. Leisz,

Associate Chief.

April 29, 1981.

Development Summary Sheet

North Fork of the St. Joe to Gold Creek	Gold Creek to Spruce Tree Campground
Recreational River Corridor	
Primary Values	
Wildlife	Wildlife.
Recreation:	Fisheries.
Motorized Access	Recreation:
Day Use	Motorized access.
Developed Facilities	Dispersed overnight use.
Visual quality	Developed facilities.
Water quality	Visual quality.
	Water quality.
Management Direction	
Forest Cover	
Cutting to enhance wildlife values	Cutting to enhance wildlife vales.

Development Summary Sheet—Continued

North Fork of the St. Joe to Gold Creek	Gold Creek to Spruce Tree Campground
Sanitation—salvage cuts	Sanitation—salvage cuts.
Visual Quality Objectives	
Foreground—retention of visual quality	Foreground—retention of visual quality.
Middleground—retention of visual quality	Middleground—retention of visual quality.
Background—partial retention	Background—partial retention.
Recreation Development	
Developed facilities for site protection and user comfort	Some developed facilities, and
Day use facilities	Dispersed overnight camping with Trailhead facilities:
Overnight campgrounds	
Transportation Network	
Two-lane paved road	One-lane improved surface road with turnouts.
Wildlife	
Vegetative manipulation to enhance wildlife values	Vegetative manipulation to enhance wildlife values.

Development Summary Sheet

Wild River Corridor

Spruce Tree Campground to St. Joe Lake

Primary Values:
Fisheries recreation:
Primitive Access
Overnight use
Visual quality
Water quality

Management Direction

Forest Cover:
No commercial timber harvest within corridor
Visual Quality Objectives:
Classified river corridor—preservation
Outside corridor—retention of visual quality
Recreation Deveopment Level:
Minimum of developed facilities
Overnight trail use
Transportation Network:
Trail Access
Existing one-lane dirt road
Wildlife:
Natural plant succession

Boundary Description

From Pub. L. 95-625—November 10, 1978.

"The segment above the confluence of the North Fork of the St. Joe River to Spruce Tree Campground, as a recreational river; the segment above Spruce Tree Campground to St. Joe Lake, as a wild river. . . ."

Segment No. 1—Recreational River Clasification includes portions of the land lying on each side of the St. Joe River and is that exterior line which encompasses the following described areas:

Idaho

Boise Meridian

T. 45 N., R. 5 E.,
Sec. 11, S½ of lot 1, S½ of lot 2, and SE¼ of lot 3;
Sec. 12, S½ of lot 1, and S½SE¼SW¼;
Sec. 13, lots 1 to 8, inclusive, SW¼NE¼NE¼, NW¼NW¼NE¼, S½NW¼NE¼, N½SW¼NW¼, N½NE¼SW¼, NE¼SW¼SE¼;
Sec. 14, lots 1, 2, 3, 4, the east 1,056 feet of lots 5 and 6, and 7, N½SE¼NE¼, SW¼NE¼, SE¼NW¼;
Sec. 24, NE¼NE¼NE¼.

T. 45 N., R. 6 E.,
Sec. 13, lots 1, 2, 3, and 4, SE¼NW¼SW¼, W½E½W½SE¼, W½W½SE¼, E½SE¼SW¼SE¼, and S½SE¼SE¼;
Sec. 14, lots 1, 2, and 3, SW¼NE¼SW¼, S½NW¼SW¼, and SW¼SE¼;
Sec. 15, E½SE¼SE¼;
Sec. 18, lots 3, 4, and 5, W½NE¼SW¼, and SE¼SW¼;
Sec. 19, lots 1 to 8, inclusive, and E½NE¼SW¼;
Sec. 20, lots 1 to 8, inclusive, and SE¼SE¼;
Sec. 21, lots 1 to 10, inclusive, S½S½NE¼, S½SE¼NW¼, SW¼SW¼, and N½SE¼SE¼;
Sec. 22, lots 1, S½ of lot 2, S½ of lot 3, 4, 5, 6, 7, and 8, SE¼NW¼NE¼, N½S½SW¼, and N½NE¼SE¼;
Sec. 23, lots 1 to 6, inclusive, and N½ of lot 7, N½SW¼NE¼, and N½SW¼NW¼;
Sec. 24, lots 1 to 10, inclusive, and N½S½NW¼.

T. 44 N., R. 7 E.,
Sec. 1, E½ of lot 1, N½ of lot 3, and N½ of lot 4, and NE¼SE¼NE¼.

T. 45 N., R. 7 E.,
Sec. 19, lots 2 to 11, inclusive, SW¼NE¼, S½SE¼NE¼, SE¼SW¼, and SW¼SE¼;
Sec. 20, lots 1 to 11, inclusive, W½SE¼NE¼, SW¼NE¼, SE¼NW¼, E½SW¼NW¼; and SW¼SW¼NW¼;
Sec. 21, lots 1 to 7, inclusive, NE¼SW¼, NW¼NW¼SE¼, and S½NW¼SE¼;
Sec. 27, S½ of lot 1, lots 2 to 9 inclusive, W½E½SW¼NE¼, W½SW¼NE¼, S½NE¼NW¼, W½NE¼NW¼SE¼, NW¼NW¼SE¼, S½NW¼SE¼, and SE¼SE¼;
Sec. 28, lots 1 to 8, inclusive, N½ of lot 7, E½NW¼, N½NW¼NW¼, SE¼NW¼NW¼, and N½NE¼SW¼;
Sec. 29, N½NW¼NW¼;
Sec. 30, N½NE¼NE¼;
Sec. 34, lots 1, 2, and 3, SW¼NE¼, N½NE¼NW¼, NE¼NW¼NW¼, SE¼NE¼NW¼, N½NE¼SE¼, SE¼NE¼SE¼, and NE¼SE¼SE¼;

Sec. 35, lots 1 to 9, inclusive, S½S½NE¼, S½SE¼NW¼, N½SW¼SW¼, SE¼SW¼SW¼, and SE¼SW¼;
Sec. 36, lots 1 to 7, inclusive, S½N½SW¼, NW¼, S½SW¼NW¼, SE¼NW¼, S½SWand NE¼SE¼.

T. 43 N., R. 8 E.,
Sec. 1, N½ of lot 1, E½E½SE¼, and E½W½E½SE¼.

T. 44 N., R. 8 E.,
Sec. 4, W½NW¼SW¼, S½SW¼, W½SW¼SE¼, and SE¼SW¼SE¼;
Sec. 5, lot 4, S½SW¼NE¼, SW¼NW¼, W½SE¼,NW¼, SE¼SE¼NW¼, N½SW¼, N½SE¼SW¼, N½SE¼, N½SW¼SE¼, SE¼SW¼SE¼, and SE¼SE¼;
Sec. 6, lots 1 to 5 inclusive, S½NE¼, SE¼NW¼, and E½NE¼SE¼;
Sec. 8, NE¼NE¼NE¼;
Sec. 9, NW¼NE¼, S½NE¼, N½NW¼, NE¼SE¼NW¼, N½SE¼, and N½S½SE¼;
Sec. 10, S½S½N½, N½SW¼, N½SW¼SW¼, SE¼SW¼, and SE¼;
Sec. 11, S½SW¼NW¼, SW¼SE¼NW¼, SW¼, SW¼NW¼SE¼, and W½SW¼SE¼;
Sec. 13, W½SW¼SW¼;
Sec. 14, NW¼NW¼NE¼, S½NW¼NE¼, SW¼NE¼, S½SE¼NE¼, NW¼, N½SW¼, E½SE¼SW¼, and SE¼;
Sec. 15, E½NE¼, E½NW¼NE¼, NW¼NW¼NE¼, N½NE¼NW¼, and NE¼SE¼;
Sec. 22, E½E½, and E½W½E½;
Sec. 24, W½W½, S½NE¼SW¼, SE¼SW¼, SW¼NW¼SE¼, and W½SW¼SE¼;
Sec. 25, W½W½NE¼, N½NW¼, N½SW¼NW¼, E½SW¼SW¼NW¼, SE¼SW¼NW¼, SE¼NW¼, E½SW¼, E½W½SW¼, and W½SE¼;
Sec. 26, NE¼NE¼, and E½NW¼NE¼;
Sec. 36, W½NE¼, S½SE¼NE¼, E½NW¼, E½W½NW¼, E½NE¼SW¼, NE¼SE¼SW¼, N½SE¼, N½SW¼SE¼, and SE¼SE¼.

T. 45 N., R. 8 E.,
Unsurveyed, but probably will be when surveyed:
Sec. 31, S½SW¼.

T. 43 N., R. 9 E.,
Sec. 6, lots 2 to 7, inclusive, W½SW¼NE¼, SE¼NW¼, E½SW¼, NW¼NW¼SE¼, S½NW¼SE¼, SW¼SE¼, and S½SE¼SE¼;
Sec. 7, lot 1, N½NE¼, N½S½NE¼, and E½NW¼;
Sec. 8, W½SW¼NE¼, NW¼, E½SW¼, E½W½SW¼, and W½W½SE¼;
Sec. 17, W½NE¼NE¼, W½NE¼, NW¼SE¼NE¼, E½W½, W½E½SE¼, and W½SE¼;
Sec. 20, W½NE¼NE¼, W½SE¼NE¼, W½NE¼, E½E½NW¼, E½E½SW¼, W½NE¼SE¼, W½SE¼, and SE¼SE¼;
Sec. 28, W½NW¼NW¼, SW¼NW¼, SW¼SE¼NW¼, NW¼NE¼SW¼, NW¼SW¼, and N½SW¼SW¼;
Sec. 29, NE¼, E½E½NW¼, E½NE¼ SW¼, NE¼SE¼SW¼, N½SE¼, and N½S½SE¼.

T. 44 N., R. 9 E.,
Sec. 31, lots 2, 3, and 4, SE¼NW¼, E½SW¼, S½NW¼SE¼, SW¼NE¼ SE¼, SW¼SE¼, and W½SE¼SE¼.

Total acres within Recreational River Corridor, 12,693.34

Average acres per mile, 318.73

Segment No. 2—Wild River Classification includes portions of the lands lying on each side of the St. Joe River and is that exterior line which encompasses the following described areas:

Idaho

Boise Meridian

T. 42 N., R. 8.,
Sec. 1, lots 1 and 2, S½NE¼, SE¼NE¼SW¼, S½SW¼SW¼, SE¼SW¼, N½SE¼, and W½SE¼SE¼;
Sec. 2, S½SE¼SW¼, and S½S½SE¼;
Sec. 3, SE¼SE¼SW¼, and SW¼SW¼ SE¼;
Sec. 5, SW¼ of lot 4, SW¼NW¼, SW¼SE¼NW¼, and SW¼;
Sec. 6, lots 1 and 2, NE¼ of lot 3, N½SW¼NE¼, SE¼SW¼NE¼, SE¼NE¼, N½NE¼SE¼, SE¼NE¼ SE¼, and E½SE¼SE¼;
Sec. 7, E½E½NE¼, SE¼SE¼SW¼, NE¼NE¼SE¼, S½NE¼SE¼, and S½SE¼;
Sec. 8, N½NW¼, SW¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, W½SW¼, and W½NE¼SW¼;
Sec. 9, SE¼SE¼NE¼, E½SE¼, NE¼SW¼SE¼, and S½SW¼SE¼;
Sec. 10, S½NE¼NE¼, NW¼NW¼NE¼, S½NW¼NE¼, S½NE¼, NE¼NW¼, NE¼NW¼NW¼, S½NW¼NW¼, S½NW¼, N½NE¼SW¼, SW¼NE¼SW¼, W½SW¼, NW¼SE¼SW¼, and N½N½SE¼;
Sec. 11, N½NE¼, N½S½NE¼, NE¼NW¼, S½NW¼NW¼, SW¼NW¼, N½SW¼NW¼, SW¼SE¼NW¼, NW¼NE¼SW¼, and N½NW¼SW¼;
Sec. 12, NW¼NE¼, N½NW¼, N½SW¼NW¼, and NW¼SE¼NW¼;
Sec. 15, NW¼NW¼NW¼;
Sec. 16, NW¼SE¼NE¼, N½SW¼NE¼, N½NE¼, NE¼NW¼, NW¼NW¼, NE¼SE¼NW¼, SW¼NW¼, and W½NW¼SW¼;
Sec. 17, NE¼NE¼NE¼, S½NE¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, N½S½, and NW¼SW¼SW¼;
Sec. 18, NE¼, E½NE¼NW¼, NE¼SE¼NW¼, N½SE¼, and N½S½SE¼.

T. 43 N., R. 9 E.,
Sec. 25, SE¼NE¼NE¼, E½SE¼NE¼, and E½E½SE¼;
Sec. 29, SE¼SE¼SW¼, and S½S½SE¼;
Sec. 31, NE¼, E½E½W½, W½E½SE¼, and W½SE¼;
Sec. 32, N½
Sec. 36, E½E½, E½W½E½, and W½SW¼SE¼.

T. 42 N., R. 10 E.,
Sec. 1, lots 1, 2, and 3, S½NE¼, NE¼SE¼NW¼, N½SE¼, E½SW¼ SE¼, and SE¼SE¼;
Sec. 6, lot 4, the N½ of lot 5, and the SW¼ of lot 5;
Sec. 12, NE¼NE¼, NE¼NW¼NE¼, and NE¼SE¼NE¼.

T. 43 N., R. 10 E.,
Sec. 18, SW¼SW¼;
Sec. 17, SE¼SE¼;
Sec. 19, SE¼SE¼SW¼, S½SW¼, and SE¼SE¼;
Sec. 20, E½NE¼, E½W½NE¼, SW¼SW¼NE¼, S½SE¼NW¼, NE¼SW¼, NE¼NW¼SW¼, S½NW¼SW¼, SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼, and N½SE¼;
Sec. 21, W¼NW¼, SW¼SE¼NW¼, N½SW¼, N½SE¼SW¼, SE¼SE¼SW¼, S½NE¼SE¼, NW¼NW¼SE¼, S½NW¼SE¼, and S½SE¼;
Sec. 22, SW¼SW¼, and S½SE¼SW¼;
Sec. 25, SW¼NW¼SW¼, and W½SW¼SW¼;
Sec. 26, S½N½N½, S½N½, N½NE¼SW¼, SE¼NE¼SW¼, NE¼SE¼SW¼, and SE¼;
Sec. 27, SE¼SE¼NE¼, N½SE¼NE¼, N½SW¼NE¼, N½NE¼, N½SE¼NW¼, SW¼SE¼NW¼, and N½NW¼;
Sec. 28, NE¼NE¼, NE¼NW¼NE¼;
Sec. 29, NW¼NW¼;
Sec. 30, lots 1, 2, 3, and 4, N½NE¼, N½SW¼NE¼, SW¼SW¼NE¼, E½NW¼, and W½E½SW¼;
Sec. 31, lots 1, 2, 3, and 4;
Sec. 35, NE¼NE¼, and NE¼SE¼NE¼;
Sec. 36, NW¼NW¼NW¼, S½NW¼NW¼, S½NW¼, N½SW¼, E½SW¼SW¼, SE¼SW¼, NW¼SW¼SE¼, and S½SW¼SE¼.

T. 42 N., R. 11 E.,
Sec. 4, lot 4, and the west 422 feet of lot 3;
Sec. 5, lots 1, 2, 3, and the SE¼ of lot 4, N½SW¼NE¼, N½SE¼NW¼, SW¼SE¼NW¼, SW¼NW¼, NW¼SW¼, and NW¼SW¼SW¼;
Sec. 6, SE¼SE¼NE¼, W½W½NE¼, SW¼, W½SW¼, W½NW¼SE¼, SW¼, S½SE¼SW¼, and N½SE¼NW¼.
Sec. 7, N½NW¼NE¼, SW¼NW¼NE¼, NW¼SW¼NE¼, N½NW¼, N½SW¼NW¼, and N½SE¼NW¼.

T. 43 N., R. 11 E.,
Sec. 32, S½S½SE¼;
Sec. 33, S½SW¼SW¼.

Total Acres within Wild River Corridor, 8,164.14

Average Acres per mile, 309.92

BILLING CODE 3410-11-M

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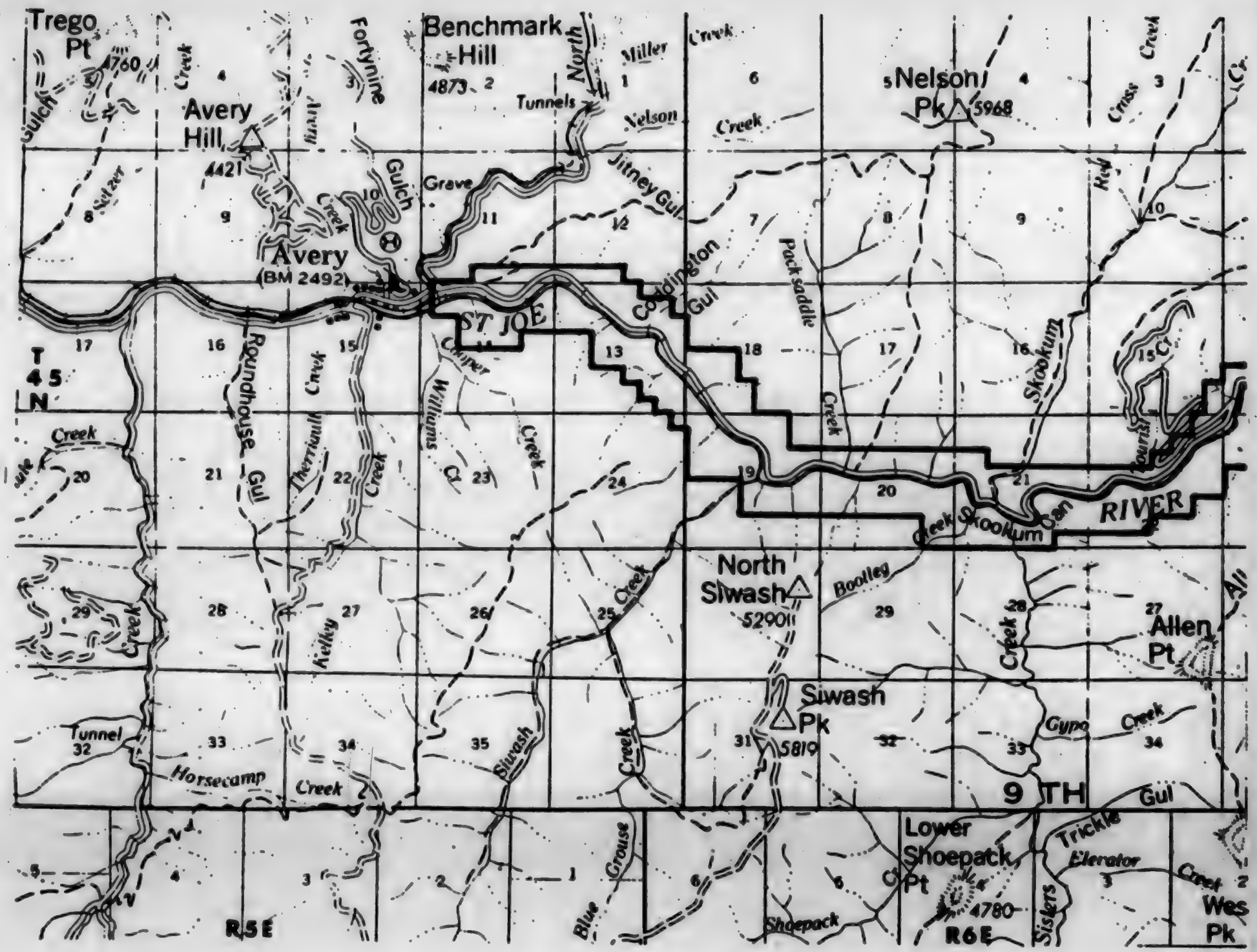

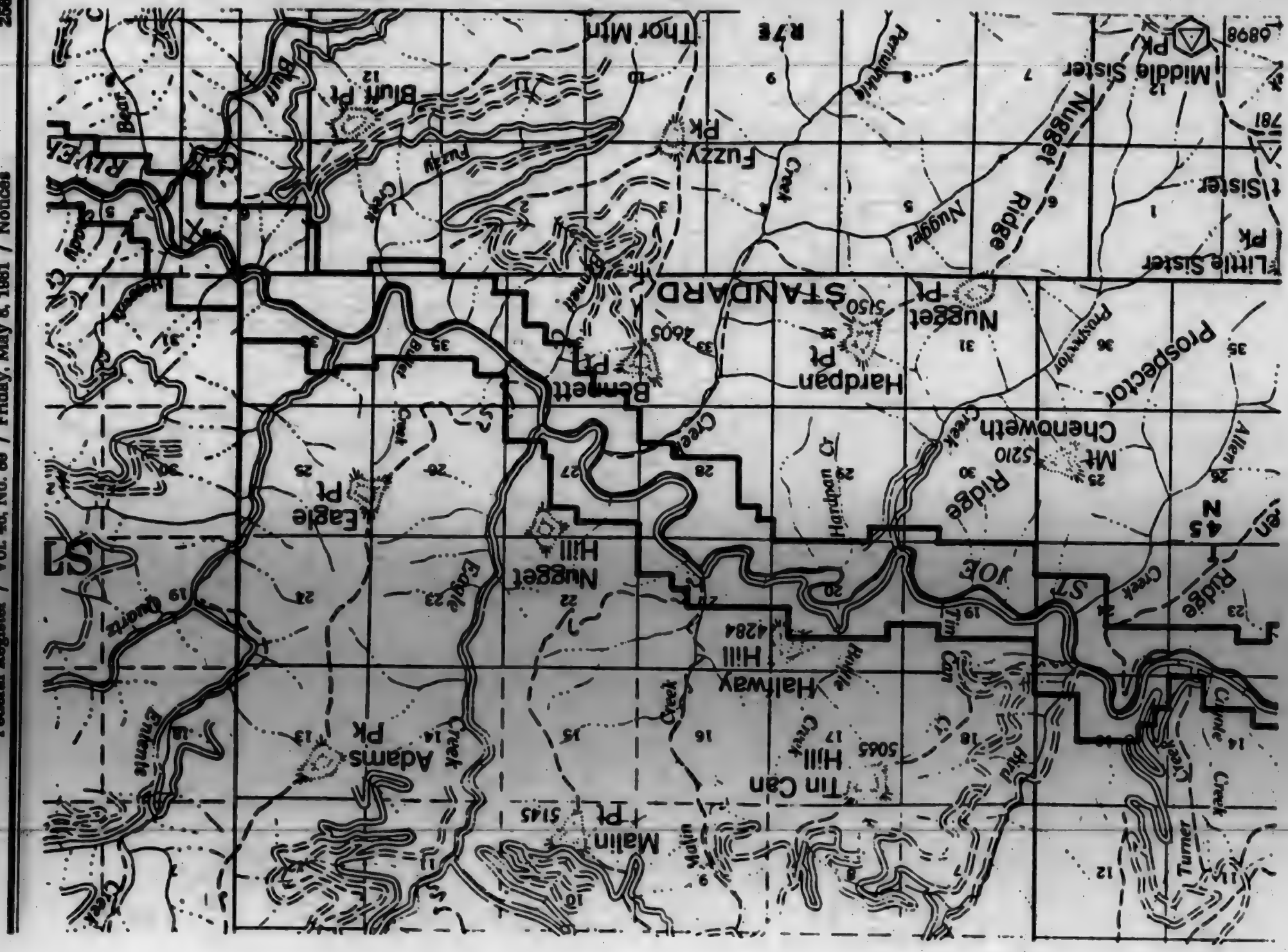
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Perlenthia
Nugget Hill
Harpan Pt
Bennett Pt
STANDARD
Eagle Pt
Eagle Hill
Halfway Hill
Tin Can Hill
Malin Pt
Adams Pk
Joe Creek
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Turner Creek
Ridge
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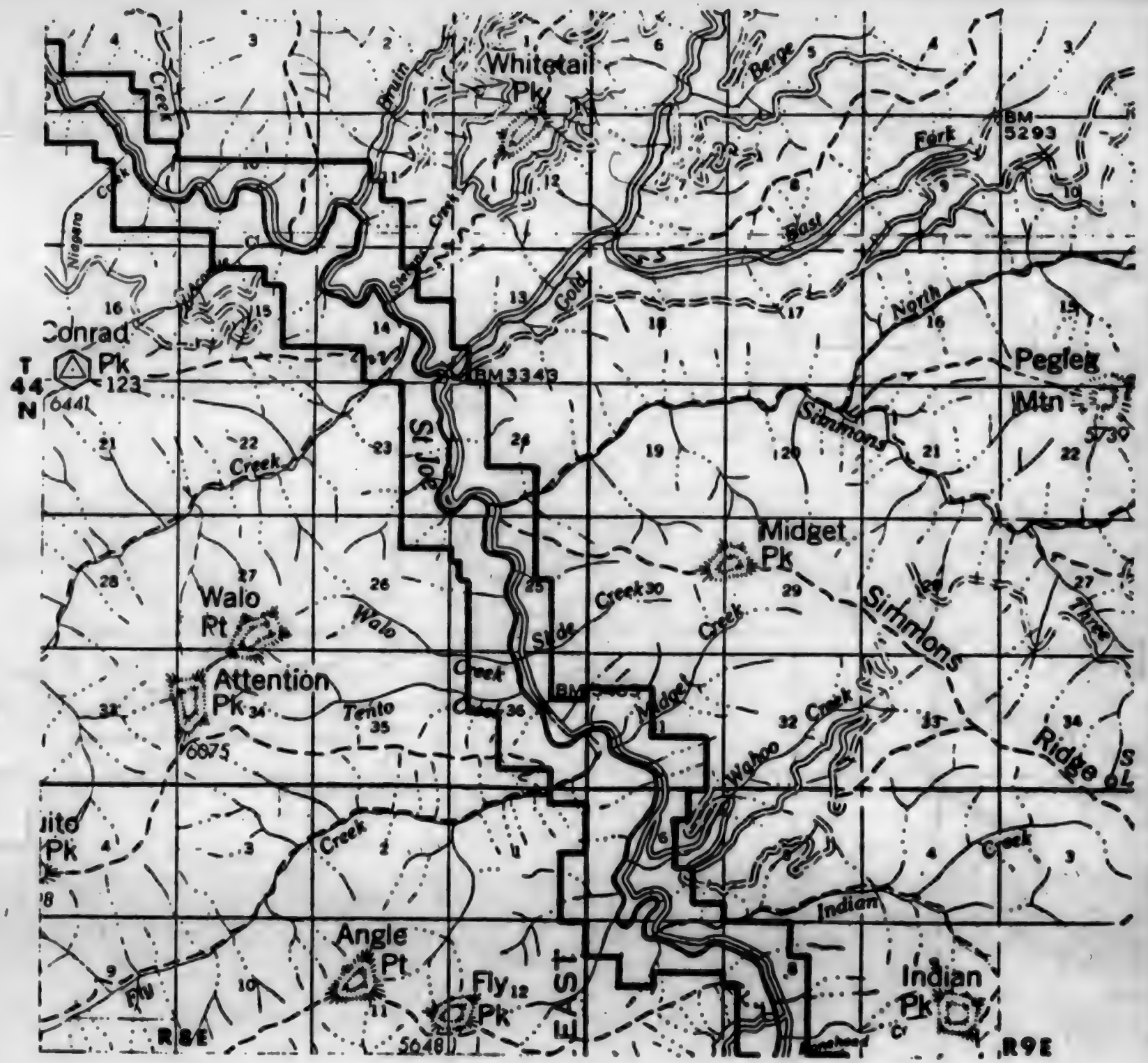
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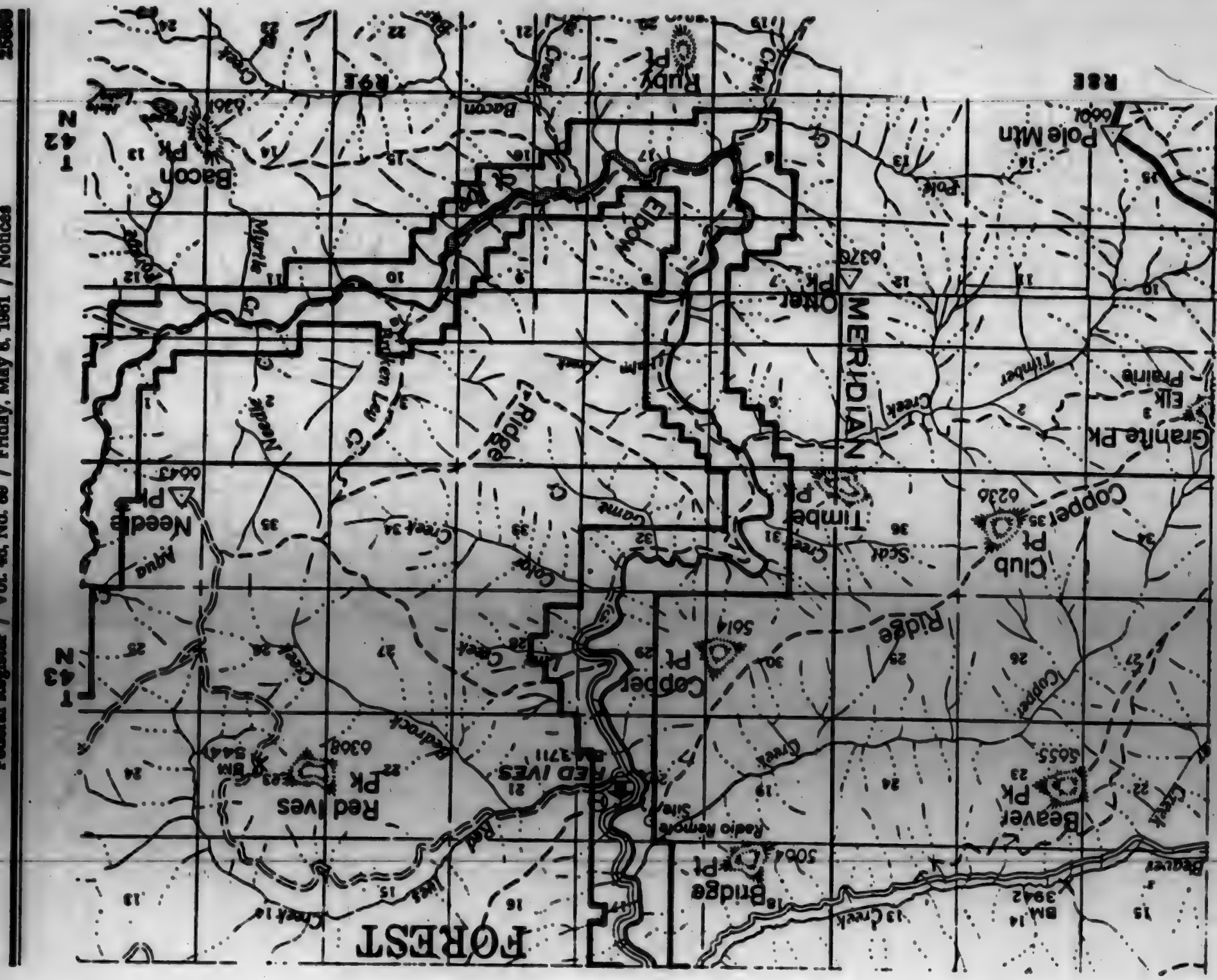
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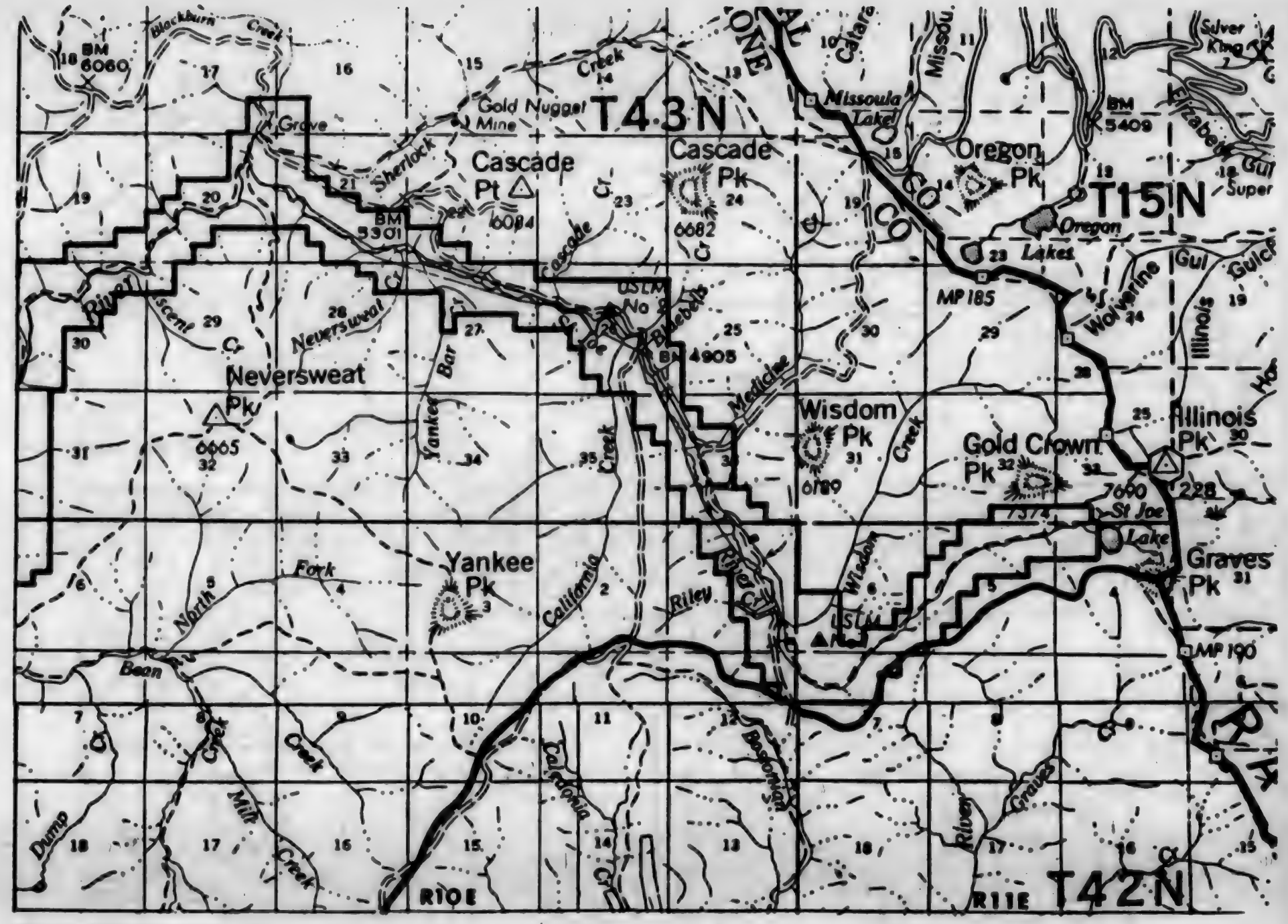

[FR Doc. 81-13901 Filed 5-7-81; 8:45 am]
BILLING CODE 3410-11-C

Rural Electrification Administration

Basin Electric Power Cooperative; Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Draft Environmental Impact Statement (DEIS) in accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 in connection with potential financing assistance to Basin Electric Power Cooperative (Basin), 1717 East Interstate Avenue, Bismarck, North Dakota 58501, for construction of a 112 km (70 miles) 345 kV transmission line and related facilities.

The proposed line would connect Antelope Valley Station (AVS) near Beulah, North Dakota, and Charlie Creek Substation (CCS) near Killdeer, North Dakota, and traverse portions of Billings, Dunn, McKenzie, and Mercer Counties. The related facilities include an additional bay at AVS and an installation of an autotransformer with associated switching and control equipment at CCS.

Alternatives considered in the DEIS are no action, alternative voltages, upgrading of existing facilities, nonelectrification of oil and gas developments, alternative energy sources, energy conservation and load management, and alternative corridors and construction methods.

The preferred alternative which is construction of the 345 kV transmission line crosses the Spring Creek foodplain which is approximately 0.4 to 0.8 km (.25 to .5 m) wide at the preferred point of crossing. One transmission tower with a base of .01 ha (.02 acre) will be located in the floodplain. REA has tentatively concluded that there is no practicable alternative to crossing the floodplain. Further information concerning this matter can be found in the DEIS.

Copies of the DEIS have been sent to various Federal, state, and local agencies as outlined in the Council of Environmental Quality regulations. Limited supplies of the DEIS are available upon request to: Mr. Frank W. Bennett, Director, Power Supply Division, Rural Electrification Administration, 14th St., and Independence Ave., S.W., Washington, D.C. 20250.

The DEIS may also be examined during regular business hours at the following locations and at local libraries in the project area.

Rural Electrification Administration, USDA, 14th and Independence Ave., SW., Room 5168, Washington, D.C. 20250;

Basin Electric Power Cooperative, 1717 East Interstate Ave., Bismarck, North Dakota 58501.

Persons, organizations, and agencies wishing to comment should do so in writing within the 45-day period indicated and address their comments to Mr. Bennett of REA at the address given above. All comments received within the 45-day period will be considered in the formulation of final determinations regarding the Final Environmental Impact Statement (FEIS) and the approval of REA's financing assistance for the project. Response to all substantive comments will be published in the FEIS.

Any financing assistance which may be made pursuant to Basin's application will be subject to REA's reaching satisfactory conclusions with respect to the project's environmental effects and after procedural requirements set forth in NEPA and other environmentally related statutes, regulations and executive orders have been met.

(This Federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.)

Dated at Washington, D.C., this 4th day of May, 1981.

Joe S. Zoller,
Acting Administrator.

[FR Doc. 81-13880 Filed 5-7-81; 8:45 am]
BILLING CODE 3410-15-M

Soil Conservation Service

Brooksville Elementary School Land Drainage and Pleasant Hill Elementary School Critical Area Treatment R.C. & D. Measures, W.V.

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Morgantown, West Virginia 26505, telephone 304-599-7151.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines, (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Brooksville Elementary School Land Drainage and Pleasant Hill Elementary School Critical Area Treatment R.C. & D. Measures, Calhoun County, West Virginia.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures are designed to revegetate about 1.5 acres of critical area and install a subsurface drainage system on about 1.5 acres at two schools in Calhoun County subject to erosion and drainage problems. Included in the planned works of improvement are land smoothing, about 1,410 feet of 4-inch plastic pipe and 6- and 12-inch corrugated steel pipe, gravel backfill, topsoil, seed, lime, and fertilizer.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 8, 1981.

Dated: May 1, 1981.

Joseph W. Haas,
Deputy Chief for Natural Resource Projects

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

[FR Doc. 81-13915 Filed 5-7-81; 8:45 am]
BILLING CODE 3410-16-M

Cameron Flowage Critical Area Treatment and Guy Spetz Park Recreation Development R.C. & D. Measure, Wisconsin

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:
Mr. Clifton A. Maguire, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wisconsin 53711, telephone 608-264-5341.

BILLING CODE 3410-11-C

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cameron Flowage Critical Area Treatment and Guy Speirs Park Recreation Development R.C. & D. Measure, Barron County, Wisconsin.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Cliffton A. Maguire, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for public water-based recreation facilities and critical area treatment. The planned works of improvement will include installation of a structure for water control, sand beach, bathhouse facilities, diversion, and critical area plantings.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Cliffton A. Maguire. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 8, 1981.

Dated: April 27, 1981.

Joseph W. Haas

Deputy Chief for Natural Resource Projects.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

[FR Doc. 81-13810 Filed 5-7-81; 8:45 am]

BILLING CODE 3410-16-M

Cumberland-Green Lakes R.C. & D. Area Critical Area Treatment, Kentucky

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Eddie L. Wood, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, Kentucky 40504, telephone 606-233-2749.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the critical area treatment measures in the Cumberland-Green Lakes RC&D area in Adair, Casey, Clinton, Cumberland, Green, McCreary, Pulaski, Russell, Taylor, and Wayne Counties, Kentucky.

The environmental assessment of these federally assisted actions indicates that these projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Eddie L. Wood, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures concern plans for critical area stabilization. The planned works of improvement include grading and shaping, seed bed preparation, fertilization, seeding, and mulching as needed for the establishment of permanent vegetation.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Eddie L. Wood. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address

Implementation of the proposal will not be initiated until June 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 27, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-13817 Filed 5-7-81; 8:45 am]

BILLING CODE 3410-16-M

Hurley Creek Watershed, South Dakota

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Robert D. Swenson, State Conservationist, Soil Conservation Service, 200 Fourth Street, SW., Huron, South Dakota 57350, telephone (605) 352-8651.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Hurley Creek Watershed, Turner County, South Dakota.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert D. Swenson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The watershed project concerns a plan for watershed protection and flood prevention. The planned works of improvement include land treatment measures, wildlife mitigation measures, a single purpose floodwater retarding structure, and 15.2 miles of channel improvement for flood prevention. No structural measures have been installed based on a plan developed in 1969.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert D. Swenson. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 7, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse

review of Federal and federally assisted programs and projects is applicable)

Dated: May 1, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-13918 Filed 5-7-81; 8:45 am]

BILLING CODE 3410-16-M

Leavitt Park Critical Area Treatment R.C. & D. Measure, New Hampshire

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Richard L. Porter, State Conservationist, Soil Conservation Service, Federal Building, Box C, Durham, New Hampshire 03824, telephone 603–868–7581.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Leavitt Park Critical Area Treatment RC&D Measure, Belknap County, town of Meredith, New Hampshire.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Richard L. Porter, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. Conservation practices include a diversion, a stone-centered waterway, and seeding.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Richard L. Porter. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: May 1, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-13919 Filed 5-7-81; 8:45 am]

BILLING CODE 3410-16-M

Lewis County Park Critical Area Treatment and Land Drainage R.C. & D. Measure, West Virginia

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Morgantown, West Virginia 26505, telephone 304–599–7151.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lewis County Park Critical Area Treatment and Land Drainage R.C. & D. Measure, Lewis County, West Virginia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The proposed works of improving to be installed under this plan consist of about 6,800 square feet of paving grids to be installed for streambank and streambed protection, and a subsurface drainage system totaling about 2,390 linear feet of 4-, 6-, and 8-inch drainpipe to correct internal drainage problems. These drains will be corrugated polyethylene drainage tubing back filled with gravel to the ground surface. This will improve infiltration and provide suitable bedding for the drainage tubing.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: May 1, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-13920 Filed 5-7-81; 8:45 am]

BILLING CODE 3410-16-M

Mission Hill Watershed, South Dakota

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Robert D. Swenson, State Conservationist, Soil Conservation Service, 200 Fourth Street, SW., Huron, South Dakota 57350, telephone (605) 352–8651.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Mission Hill Watershed, Yankton County, South Dakota.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert D. Swenson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The watershed project concerns a plan for watershed protection and flood prevention. The planned works of improvement include one single purpose floodwater retarding structure, one grade stabilization structure, and 3.8 miles of single purpose channel improvement for flood prevention. No structural measures have been installed based on a plan developed in 1978.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert D. Swenson. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 7, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: May 1, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-13821 Filed 5-7-81; 8:45 am]

BILLING CODE 3410-16-M

Nichols Beach Critical Area Treatment R.C. & D. Measure, New Hampshire

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Richard L. Porter, State Conservationist, Soil Conservation Service, Federal Building, Box G, Durham, New Hampshire 03824, telephone 603-868-7581.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Nichols Beach Critical Area Treatment RC&D Measure, Carroll County, town of Madison, New Hampshire.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Richard L. Porter, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. Conservation practices include approximately 85 feet of rock-lined channel, land grading and shaping, and seeding.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reeviewed by contacting Mr. Richard L. Porter. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: May 1, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-13822 Filed 5-7-81; 8:45 am]

BILLING CODE 3410-16-M

Onfarm Conservation Work To Reduce Salinity In the Price and San Rafael Rivers, Utah; Meeting

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of scoping meeting to obtain public comment related to onfarm conservation work to reduce salinity in the Price and San Rafael Rivers, Utah.

SUMMARY: Two scoping meetings will be held to provide an opportunity for the public to become personally involved in the planning process. The public is invited to comment on the data collection process and to assist in identifying opportunities, problems, or environmental impacts to be considered when planning soil and water conservation measures in the Price and San Rafael Salinity Study area. Interested individuals are invited to attend one, or both, of these meetings, or submit written comments to George D. McMillan.

DATE AND PLACE: May 19, 1981, Court House, Price, Utah, at 8:00 p.m., and May 20, 1981, Conference Room of Soil Conservation Service, USDA, 90 South 1st East, Castle Dale, Utah, at 8:00 p.m.

FOR FURTHER INFORMATION CONTACT: George D. McMillan, State Conservationist, Soil Conservation Service, 4012 Federal Building, 125 South

State Street, P.O. Box 11350, Salt Lake City, Utah 84147, telephone 801/524–5050 (CML) or 588–5050 (FTS).

SUPPLEMENTARY INFORMATION: Title II of the Colorado River Basin Salinity Control Act of 1974, Public Law 93–320, authorizes the Secretary of the Interior to expedite investigations, planning and implementation of a salinity control program. The Secretary of Agriculture is directed in the Act to cooperate and coordinate activities of the U.S. Department of Agriculture effectively to carry out the objective of the Act.

The Soil Conservation Service is collecting salinity, irrigation, wildlife, energy development, and other data on the Price and San Rafael Rivers Salinity Study Area, Utah. This data will be used to determine the soil and water conservation measures which will reduce salinity contributions to the Colorado River.

(Catalog of Federal Domestic Assistance Program No. 10.906, River Basin Surveys and Investigations. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is not applicable.)

Dated: May 4, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 12823 Filed 5–7–81; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Week ended May 1, 1981.

Permits filed under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et. seq.)

Subpart Q Applications

The due date for answers, conforming applicatin, or motions to modigy-scope anre set forth below for each application. Following the answer preiod the board may process the application by expedited procedures. Such procedures may consist of the adoption of a SHOW-CAUSE ORDER, A TENTATIVE ORDER, OR IN APPROPRIATE cases a final order without further proceedings.

Date filed	Docket No.	Description
4-27-81	39574	Evergreen Helicopters Of Alaska, Inc., Post Office Box 578, Merrill Firld, Anchorage, Alaska 99510. Application of Evergreen Helicopters Of Alaska, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail within the State of Alaska between the terminal point Akiachak, the intermediate points: Akiak, Alakanuk, Ambler, Aniak, Anchorage, Bethel, Brevig Mission, Buckland, Cape Lisburne, Cape Newenham, Cape Romanzof, Chefornak, Chevak, Cordova, Deering, Eek, Elim, Emmonak, Gambell, Golovin, Goodnews Bay, Homer, Hopper Bay, Iliamna, Kalskag, Kenail, Kiana, Kipnuk, Kivalina, Kobuk, Kodiak, Kotlik, Kotzebue, Koyuk, Kwethluk, Kwinhagk, Marshall, Mekoryuk, Moses Point, Mountain Village, Napakiak, Napaskiak, Newtok, Nightmute, Nostak, Nome, Noorvik, Pilot Station, Platinum, Point Hope, Russian Mission, Savoonga, Scammon Bay, Selawik, Seward, Shishmaref, Shungnak, St. Mary's, Teller, Tin City, Toksook, Tuluksak, Tuntutuliak, Tununak, Valdez and Wales. and the terminal point, White Mountain. Conforming Application, motions to modify scope, and Answers may be filed by May 25, 1981.
4-28-81	39581	Eastern Air Lines, Inc., Miami International Airport, Miami, Florida 33148. Application of Eastern Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Prodecural Regulations, requests amendment of its certificate of public convenience and necessity for Route 165 so as to authorize nonstop srevice between Atlanta, Georgia and Paris, France. Answers may be filed by May 12, 1981.
4-29-81	39582	Lineo Aereo Del Cobre S. A. d/b/a "LADECO", c/o Jerrold Scoutt, Jr., Zuckert, Scoutt & Rasenberger, 888 17th Street, N.W., Washington, D.C. 20006. Application of Lineo Aereo Del Cobre S. A. d/b/a "LABECO", pursuant to Section 402 of the Act, and Subpart Q of the Board's Procedural Regulations, requests a foreign air carrier permit to engage in scheduled foreign air transportation of persons, property and mail on the following route: Between a points in Chile and Miami, Florida, via intermediate points LADECO porposes to begin services on July 1, 1981, providing four weekly round trips betwen Santiago and Miami; Two over a Santiago-Guayaquil-Miami routing and two over Santiago-Lima-Bogota-Miami routing. Conforming Application, motions to modify scope, and Answers may be filed May 27, 1981.Westair Jet Inc. d/b/a Pacific Expres, 839 Hinckley Road Burlingame, California 94010. Application of Westair Jet Inc. d/b/a Pacific Express, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedual Regulations, requests the issuance of a certificate of public convenience and necessity authorizing it to engage in air transportation of persons, property and mail as follows: Between the terminal point Seattle, Washington, the intermediate points Pasco-Richland, Kennewick, Washington; Portland, Eugene, Medfore, Oregon; Boise, Idaho; Salt Lake City, Utah; Reno, Nevada; Lake Tahoe, Chico, Redding-Red Bluff, Eureka-Arcata, Sacramento, San Fransisco-Oakland-San Jose and Fresno, Long Beach-Ontario-Orange County and San Diago, California; Phoenix, Arizona, and the terminal point, Tucson, Arizona. Conforming Applications, motions to modify scope, and Answers may be filed by May 29, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13838 Filed 5-7-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39559; Order 81-5-2]

New York-Mexico City Concorde Fares Proposed by Compagnie Nationale Air France; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of April, 1981.

On April 3, 1981, Compagnie Nationale Air France (Air France) filed tariff revisions proposing a New York-Mexico City Concorde fare of $369, for effectiveness May 3, 1981.

We have decided to suspend this fare. While the Board generally eschews regulation of fares for premium services like the Concorde, recent actions of the French Government call for a response. The Government of France has required Trans World Airlines to raise prices substantially, against its better judgment, for Ambassador Class service where the level of comfort exceeds that provided by the comparable Business Class service of Air France. Despite the cost-based rational advanced for its position, France has refused to permit two designated U.S. carriers seeking entry into the U.S.-French market to implement prices below those of Air France, notwithstanding significant differences in service and comfort levels when compared to Air France. These circumstances require closer scrutiny of present and future Air France fare proposals than we would otherwise prefer.

The fare under consideration appears to have little relation to costs. On a per-mile basis, the proposed level is approximately one-third as high as the Concorde fare between New York and Paris. Since there is no indication that the longer New York-Paris Concorde operation is earning excess profits, the proposed New York-Mexico fare appears noncompensatory. We have invited Air France to provide information to the contrary, but have to date received none. Moreover, the level reflects a smaller than customary differential over first class fares. We are thus implicitly asked to give deference to French marketing judgment and value of service ratemaking principles. This sort of deference is properly based on reciprocity and comity. In view of the Government of France's refusal to permit U.S. carriers to set their own prices and standards of service, we have little choice but to suspend Air France's proposal.

We wish to emphasize that our concern relates to the fares proposed for this service, and not to the service itself. To date, the Board has not objected to the customary 20 percent differential between supersonic and first-class fares (which Air France wishes to narrow in this instance). However, a 20 percent premium on the New York-Mexico City Concorde fare would result in a per-mile level of just 19.16 cents—about 58 percent below Air France's current New York-Paris Concorde level of 45.51 cents per mile. Absent specific justification from Air France, we are unable to accept a fare which is obviously fare below fares per mile in other supersonic service.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. We shall institute an investigation to determine whether the fares and provisions set forth in the attached Appendix, and rules and regulations or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful or contrary to the public interest; and if we find them to be unlawful or contrary to the public interest, to act appropriately to prevent the use of such fares, provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we suspend and defer the use of the tariff provisions in the attached Appendix from May 3, 1981, to an including May 2, 1982, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [1] and, unless disapproved by the President within ten days, it shall become effective May 3, 1981; and

4. We shall file copies of this order in the aforesaid tariff and serve them on Compagnie Nationale Air France and the Ambassador of France in Washington, D.C.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-13866 Filed 5-7-81; 8:45 am]

BILLING CODE 6320-01-M

[1] We submitted this order to the President on April 21, 1981.

COMMISSION ON CIVIL RIGHTS

Connecticut Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m. on May 21, 1981, at the Connecticut Education Association, 21 Oak Street, Hartford, Connecticut. The purpose of this meeting is program planning.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, John Rose, Jr., P.O. Box 3216, Hartford, Connecticut, 203-242-2877, or the New England Regional Office, 55 Summer Street, Boston, Massachusetts, 617-223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 4, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-13868 Filed 5-7-81; 8:45 am]

BILLING CODE 6335-01-M

Pennsylvania Advisory Committee; Meeting Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Pennsylvania Advisory Committee of the Commission originally scheduled to be held at the Green Federal Building, Room 7310, 600 Arch Street, Philadelphia, Pennsylvania (FR Doc. 81-13114 on page 24222), has been changed.

The meeting now will be held at the 30th Street Amtrak Train Station, Room 281, 30th and Market Streets, Philadelphia, Pennsylvania 19104.

Dated at Washington, D.C., May 5, 1981.

John I. Binkley,

Advisory Committee, Management Officer.

[FR Doc. 81-13260 Filed 5-7-81; 8:45 am]

BILLING CODE 6335-01-M

Texas Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Texas Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 2:00 p.m. on May 29, 1981, in the Conference Room of the Southwestern Regional Office, Heritage Plaza, 416 South Main, San Antonio, Texas. The purpose of this meeting is to discuss current program activities.

Persons desiring additional information or planning a presentation to the Committee should contact the Chairperson, Denzer Burke, 1421 Pine Street, Texarkana, Texas, 214-794-8222, or the Southwestern Regional Office, 512-229-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 4, 1981.

John I. Binkley,

Advisory Commission Management Officer.

[FR Doc. 81-13269 Filed 5-7-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Printed Vinyl Film From Brazil; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On March 20, 1981, the Department of Commerce Commerce published the preliminary results of its administrative review of the antidumping finding on printed vinyl film from Brazil. The review covered the two known exporters and the time periods from July 1, 1978 through July 31, 1980, and December 1, 1973 through July 31, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATES: May 8, 1981.

FOR FURTHER INFORMATION CONTACT: E. Valerie Newkirk, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5345).

SUPPLEMENTARY INFORMATION:

Background

On August 24, 1973, a dumping finding with respect to printed vinyl film from Brazil was published in the Federal Register as Treasury Decision 73-232 (38 FR 22794). On March 20, 1981, the Department of Commerce ("the Department") published in the Federal Register the preliminary results of its administrative review of the finding (46 FR 17822-23). The Department has now completed its administrative review of the antidumping finding.

Scope of the Review

The imports covered by this review are printed vinyl film, also known as printed polyvinyl chloride sheeting. Printed vinyl film is currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of two Brazilian exporters of printed vinyl film to the United States. These firms are Vulcan Material Plastico, S.A. and Plasticos Plavinil, S.A. The review covered the time periods July 1, 1978 through July 31, 1980, and December 1, 1973 through July 31, 1980, respectively.

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Results of the Review

Since we have received no comments, the final results of our review are the same as those presented in the preliminary results of review. We therefore determine that no margin exists for Vulcan Material Plastico, S.A., and that a margin of 52 percent of the entered value exists for Plasticos Plavinil, S.A. The Department knows of one shipment by Plasticos Plavinil, S.A. during the covered period.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margin above, that is 52 percent of the entered value, shall be required for Plasticos Plavinil, S.A., on all shipments entered, or withdrawn from warehouse, for consumption on or after the date or publication of these final results. There will be no cash deposit requirement for Vulcan Material Plastico, S.A., since no margin was found on the last known shipment. This cash deposit requirement and deposit waiver shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of August, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

B. Waring Partridge, III,

Acting Deputy Assistant Secretary for Import Administration.

May 4, 1981.

[FR Doc. 81-13262 Filed 5-7-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Extension of Period for Application for 1981 Funds for Development of Federal and State Cooperative Climate Activities

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: Since several applicants have indicated a need for more preparation time for their submittals, NOAA has decided to extend the application period. NOAA will allow two additional weeks over the period previously announced in the Federal Register of April 23, 1981. All applications submitted by the new date will be considered in the review process.

DATES: Applications must be received no later than June 15, 1981, or postmarked on or before June 12, 1981.

ADDRESS: National Climate Program Office, National Oceanic & Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Dr. Peter J. Robinson, telephone 301-443-8961

SUPPLEMENTARY INFORMATION: NOAA published full details of program objectives, availability of funds, identification of eligible applicants, required format for applications, and review criteria and process in the **Federal Register** of Thursday, April 23, 1981, 46 FR 23094.

Dated: May 4, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 81-13827 Filed 5-7-81; 8:45 am]

BILLING CODE 3510-12-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Cotton Textile Products from Macau

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by the application of swing and carryforward the level of restraint established for cotton coats in Category 333/334/335, produced or manufactured in Macau, from 87,686 dozen to 99,767 dozen during the agreement year which began on January 1, 1981. The sublimit for Category 333/335 has not been changed.

(A detailed decription of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, between the Governments of the United States and Portugal concerning products produced or manufactured in Macau provides for percentage increases in certain specific ceilings during an agreement year (swing) and for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the succeeding year's level. Pursuant to the terms of the bilateral agreement, the level of restraint for Category 333/4/5 is being adjusted for the twelve-month period which began on January 1, 1981.

EFFECTIVE DATE: May 1, 1980.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 11, 1980, there was published in the **Federal Register** (45 FR 81643) a letter dated December 8, 1980, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Macau, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level of restraint established for cotton textile products in Category 333/334/335 to 99,767 dozen during the twelve-month period which began on January 1, 1981.

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

May 1, 1981.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 8, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, wool and man-made fiber textile products, produced or manufactured in Macau, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the Governments of the United States and Portugal; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 1, 1981 and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 333/334/335, produced or manufactured in Macau, in excess of the following adjusted level of restraint:

Category	Amended 12-mo. level of restraint [1]
333/334/335	99,767 dozen of which not more than 47,813 dozen shall be in Cat. 333/335.

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1980.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involved foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerly,

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-13828 Filed 5-7-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the Governments of the United States and Portugal, which provide, in part, that: (1) within the aggregate and group limits; specific levels of restraint may be exceeded by designated percentages; (2) these levels may also be increased for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletions from Procurement List.

SUMMARY: This action deletes from Procurement List 1981 commodities and military resale commodities produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: May 8, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On March 6, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (46 FR 15531) of proposed deletions from Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodities and military resale commodities listed below are no longer suitable for procurement

by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

Accordingly, the following commodities and military resale commodities are hereby deleted from Procurement List 1981:

Class 7210

Washcloths
7210–00–060–6006
7210–00–062–2065

Class 7350

Cup, Plastic
7350–01–145–6127

Military Resale Item Nos. and Names

No. 913, Brush, Lint, 2-row Brass Filament
No. 932, Refill, Applicator, Wax, Foam Block
No. 969, Cover, Ironing, Teflon-Coated

C. W. Fletcher,
Executive Director.

[FR Doc. 81-13865 Filed 5-7-81; 8:45 am]
BILLING CODE 6820-33-M

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 commodities to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 10, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 6530

Pad, Cooling Chemical, Disposable
6530–00–133–4299

Class 8415

Apron, Impermeable, Rubber-coated
8415–00–062–6108

C. W. Fletcher,
Executive Director.

[FR Doc. 81-13866 Filed 5-7-81; 8:45 am]
BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

May 4, 1981.

The USAF Scientific Advisory Board Ad Hoc Committee on Non-Nuclear Armament will meet at Eglin AFB, FL on May 28 through June 5, 1981. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. on all days.

The Committee will review the Air Force Non-Nuclear Armament development, and acquisition practices. The briefings and discussions will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Carol M. Rose,
Air Force Federal Register, Liaison Officer.

[FR Doc. 81-13869 Filed 5-7-81; 8:45 am]
BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Houston Oil & Minerals Corp.; Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: April 24, 1981.

COMMENTS BY: June 8, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On April 24, 1981, the Office of Enforcement of the ERA executed a Consent Order with Houston Oil & Minerals Corporation of Houston, Texas. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of more than $500,000 in the aggregate excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Houston Oil & Minerals Corporation wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Houston Oil & Minerals Corporation effective as of the date of its execution by the DOE and HO&M.

I. The Consent Order

Houston Oil & Minerals Corporation (HO&M) is a firm engaged in the production of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of HO&M the Office of Enforcement, ERA and HO&M entered into a Consent Order, the significant terms of which are as follows:

1. During the period September 1, 1973 through June 30, 1978, HO&M allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. HO&M and the DOE have agreed to a settlement of $3,985,000, including interest, plus $37,000 in civil penalty. HO&M shall make eighteen monthly installments of $221,388.89, making the initial payment within five (5) days of the date on which the Consent Order becomes effective. The negotiated settlement was determined to be in the public interest as well as in the best interest of the DOE and HO&M.

3. This Consent Order constitutes neither an admission by HO&M that ERA regulations have been violated nor a finding by the ERA that HO&M has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, HO&M agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in I.1. above, the sum of $3,985,000 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Houston Oil & Minerals Corporation Consent Order." We will consider all comments we received by 4:30 p.m., local time, on or before June 8, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 28th day of April, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-13962 Filed 5-7-81; 8:45 am]

BILLING CODE 6450-01-M

Mississippi River Transmission Corporation; Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has executed a Consent Order and provides an opportunity for potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

COMMENTS BY: On or before June 8, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-5932.

SUPPLEMENTARY INFORMATION: On April 29, 1981, the Office of Enforcement of the ERA executed a Consent Order with Mississippi River Transmission Corporation ("MRTC"). Under 10 CFR 205.199J(b), a Consent Order which involves a sum less than $500,000, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

MRTC, with its home office located in St. Louis, Missouri, is engaged in the processing and sale of natural gas liquids (NGL) and NGL products, and is subject to the Mandatory Petroleum Allocation and Price Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of MRTC the ERA Office of Enforcement and MRTC entered into a Consent Order, the significant terms of which are as follows:

1. The Office of Enforcement has examined MRTC's books and records and reviewed all pertinent matters relating to MRTC's compliance with the DOE petroleum price regulations in effect during the period from September 1, 1973 through December 31, 1979. All civil matters pertaining to compliance with the DOE petroleum price regulations and prices charged by MRTC in sales of NGL and NGL products during the period September 1, 1973 through December 31, 1979 are resolved by this Consent Order.

2. MRTC will refund the aggregate amount of $76,500, which includes interest.

3. Execution of the Consent Order constitutes neither an admission by MRTC nor a finding by DOE that MRTC has violated any statutes or applicable regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration or the Department of Energy.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, MRTC agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in Part I.1. above during the settlement period, the sum of $76,500 on or before May 29, 1981. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly,

distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Domestic Crude Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Notices of Claim

Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or in the general public interest.

You should send your written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Economic Regulatory Administration, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of this Consent Order by writing to the same address or by calling (816) 374–5932.

You should identify your written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Notice of Claim to Mississippi River Transmission Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on June 8, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 1st day of May 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

[FR Doc. 81-13901 Filed 5-7-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA–FC–81–007; OFC Case No. 55001–9201–01–12]

Abitibi-Price Southern Corp.; Acceptance of Exemption

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of acceptance of petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and notice of availability of tentative staff analysis.

SUMMARY: On March 24, 1981, Abitibi-Price Southern Corporation (APSC) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order exempting a new major fuel burning installation (MFBI) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by DOE. Pertinent criteria and procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

APSC is seeking a permanent exemption to burn No. 6 fuel oil or natural gas in a mixture with wood waste in a field-erected boiler to be constructed at its Augusta, Georgia, newsprint producing facility. Eligibility and evidentiary requirements governing the use of petroleum and natural gas in a mixture with alternate fuels, as authorized under section 212(d) of FUA, are set forth at 10 CFR § 503.38. Under subsection (d) of that section, a certification alternative is available for MFBI's which will use a mixture with an alternate fuel an amount of petroleum or natural gas which will not exceed 25 percent of the unit's total annual Btu heat input of its primary energy sources. APSC has petitioned for a permanent exemption from the prohibitions of Title II of FUA under 10 CFR § 503.38(d) based upon the use of a fuels mixture containing not more than 25 percent natural gas or petroleum. ERA's decision in this proceeding will determine whether APSC will be granted the requested permanent exemption to use petroleum or natural gas in a mixture with bark and wood waste in which the amount of petroleum or natural gas used in the new MFBI will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the unit.

ERA has determined that APSC's petition is complete and is accepted as filed in accordance with 10 CFR § 501.3(d). Additionally, the ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding, and has completed a Tentative Staff Analysis which recommends that ERA issue an order which would grant APSC the requested exemption. In order to expedite the processing of the petition, and pursuant to 10 CFR 501.64, notice of availability of the Tentative Staff Analysis is hereby issued simultaneously with this notice of acceptance of APSC's petition for exemption. A review of the petition and a summary of the Tentative Staff Analysis is provided in the Supplementary Information section below.

As provided for in section 701 (c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments on APSC's petition and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. As provided for in 10 CFR 501.64, interested persons may also submit written comments or request a public hearing on the Tentative Staff Analysis noticed herein. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATES: Written comments on the acceptance of APSC's petition for exemption are due on or before 45 days following the date of publication of this notice in the Federal Register (June 22, 1981). Any request for public hearing must also be made within the same 45-day period. The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, is also included within and will run concurrently with the above 45-day comment period. Accordingly, any such written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before the expiration of the 45-day period provided for acceptance of the APSC petition.

ADDRESSES: Fifteen copies of written comments or a request for a public

hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

Docket No. ERA–FC–81–007 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Case Manager, new MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4477.

L. Dow Davis, IV, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed is a field-erected boiler to be constructed at APSC's newsprint producting facility in Augusta, Georgia. Startup for the new MFBI, designated as "Combination boiler number 1" by APSC (hereafter, boiler No. 1), is not yet scheduled, however, the boiler is to be designed with a heat input rate of 401 million Btu's per hour and will be capable of burning wood waste in a mixture with No. 6 fuel oil or natural gas.

APSC has utilized the certification alternative for the permanent fuels mixture exemption provided for in 10 CFR 503.38(d) and has included in its petition a description of the fuel mixture, component elements, percentages and quantities of each component to be utilized, and the following duly executed certifications:

(1) That the amount of petroleum or natural gas to be used in the fuels mixture in boiler No. 1 will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the installation;

(2) That pursuant to 10 CFR 503.15(b), APSC will, prior to operating the boiler under the exemption, secure all applicable environmental permits and approvals pursuant to but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act, and the Resource Conservation and Recovery Act;

(3) The information required by the Environmental Checklist pursuant to 10 CFR 503.15(b); and

(4) That it will, upon grant of the requested exemption, agree to the following terms and conditions specified in 10 CFR 503.38(e):

(a) The amount of petroleum or natural gas to be used in the mixture will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the installation;

(b) The quality of any petroleum to be burned in the unit will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements;

(c) All steam pipes will be insulated and all steam traps properly maintained; and

(d) That it will comply with any terms and conditions which may be imposed pursuant to the environmental requirements of 10 CFR 503.15(b).

ERA hereby gives notices that APSC's petition for a permanent fuels mixture exemption for its boiler No. 1 has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

Tentative Staff Analysis: The ERA staff has examined the aforementioned certifications made by APSC in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.38(d). Accordingly, the ERA staff has completed a Tentative Staff Analysis which tentatively recommends that an order be issued, subject to the terms and conditions specified below, which would grant APSC the requested permanent fuels mixture exemption for its boiler No. 1. This tentative recommendation also takes into account the purposes for which the minimum percentage of petroleum or natural gas provided by a fuels mixture exemption is to be used, i.e., to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should this exemption be granted, ERA will not exclude any fuel from the definition of primary energy source for the purposes of unit ignition, startup, testing, flame stabilization and control uses for the boiler.

Terms and Conditions: Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.38(d), APSC, in accordance with 10 CFR 503.38(e), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Such terms and conditions, as enumerated below, will accordingly be attached to any order which would grant the requested exemption.

(1) The amount of petroleum or natural gas to be used in a mixture with an alternte fuel(s) in boiler No. 1 will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

(2) The quality of any petroleum to be burned in the boiler will be the lowest grade available, which is technically feasible, and capable of being burned consistent with applicable environmental requirements.

(3) Prior to operating boiler No. 1, APSC will secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting Requirements: In addition to the above standard terms and conditions, APSC will, pursuant to 10 CFR 503.38(g), certify to ERA the date boiler No. 1 is first operated under the provisions of this order, and will annually thereafter, at not later than 30 days after each anniversary of that date, file with ERA a certification that the amount of petroleum or natural gas used in the bark boiler during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of APSC. Cite OFC Case No. 55001–9201–01–12 on each certification and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 55001–9201–01–12, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification in which the use of petroleum or natural gas in a mixture with an alternate fuel(s) will not exceed 25 percent of the exempted MFBI's total annual Btu heat input of its primary energy source, were identified as classes of actions which normally do not require the preparation of an Environmental

Impact Statement or an Environmental Assessment.

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. APSC has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed and certified to by APSC pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environmental Protection, Safety, and Emergency Preparedness. They determined that the granting of this exemption will not significantly affect the quality of the human environment and that therefore no further review for NEPA purposes is required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on this Tentative Staff Analysis.

The public file containing documents on this proceeding, supporting materials and the Tentative Staff Analysis is available for inspection upon request at ERA, Room B–110, 2000 M Street, NW., Washington, D.C., Monday–Friday, 8 a.m.–4:30 p.m.

Issued in Washington, D.C. on May 1, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-13901 Filed 5-7-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA–FC–80–041; ERA Case No. 51388–6009–22–22]

Imperial Irrigation District; Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: On December 10, 1979, Imperial Irrigation District (IID) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent peakload powerplant exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) which prohibit the use of petroleum or natural gas in new powerplants. A final rule setting forth the procedure for petitioning and the criteria for exemptions from the prohibitions of FUA is published at 10 CFR 500 *et seq.* (45 FR 38276, June 6, 1980).

IID plans to install a 25,000 KW oil or natural gas-fired combustion turbine unit to be known as Rockwood Unit No. 2 in Imperial County, California. IID certifies that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant.

IID submitted additional information necessary to process the petition on November 13, 1980. 1980. ERA accepted the petition pursuant to 10 CFR 501.3 and 501.63 on December 29, 1980, and published notice of its acceptance in the Federal Register, on January 5, 1980 (46 FR 1015). Publication of the Notice of Acceptance commenced a 45-day public comment period pursuant to section 701 of FUA and 10 CFR 501.31 and 501.33, during which time interested persons were also afforded an opportunity to request a public hearing on the petition. The comment period ended February 19, 1981. No comments or requests for a public hearing were received. Based upon ERA's staff review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis has been made. The analysis recommends that ERA issue an order which would grant the requested peakload powerplant exemption.

DATES: Written comments on the Tentative Staff Analysis and requests for a public hearing are due on or before May 22, 1981.

ADDRESSES: Fifteen copies of critten comments, and any requests for a public hearing should be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461. Docket Number ERA–FC–80–041 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, Phone (202) 653–4055.

Louis T. Krezanosky, Economic Regulatory Administration, Department of Energy, Room 3012B, 2000 M Street NW., Washington, D.C. 20461, Phone (202) 752–4208.

James Renjilian, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6B–178, Washington, D.C. 20585, Phone (202) 252–2967.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials is available upon request at: ERA, Room B–110, 2000 M St., NW., Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: Imperial Irrigation District (IID) plans to install a 25,000 KW oil or natural gas-fired combustion turbine unit to be known as Rockwood Unit No. 2 at its Rockwood generating facility in Imperial County, California.

IID submitted a sworn statement with its petition, signed by Mr. R. Ogilvie, Manager, Power Department, IID, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Ogilvie certified that Rockwood Unit No. 2 will be operated solely as a peakload powerplant and will be operate only to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the unit is 25,000 KW; and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 37,500,000 Kwh.

Under the requirements of 10 CFR 503.41(b)(1)((ii), if a petitioner proposes to use natural gas, or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, it must obtain an air quality certification from the Administrator of the Environmental Protection Agency or the Director of the appropriate state air pollution control agency. However, since ERA has determined that there are no presently available alternate fuels which may be used in the proposed powerplants, no such certification can be made. The certification requirement is therefore waived with respect to this petition.

Tentative Staff Analysis

On the basis of IID's sworn statements and information provided, the staff recommeds that ERA grant the requested peakload powerplant exemption.

On August 11, 1980, DOE published in the Federal Register (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).This classification raises a rebuttable presumption that the granting or denial

of the exemption will not significantly affect the quality of the human environment. IID has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. The Environmental Checklist, completed and certified to by IID pursuant to 10 CFR 503.15(b), has been reviewed by DOE's Office of Environment in consultation with the Office of the General Counsel. It has been determined that IID's responses to the questions therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. Therefore, no additional environmental review is deemed to be required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR §501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. Based upon the information submitted by IID and upon the results of the staff analysis, the staff of ERA recommends that any order granting the requested peakload powerplant exemption should, pursuant to section 214(a) of the Act, be subject to the following terms and conditions:

A. IID shall not produce more than 37,500,000 Kwh during and 12-month period with Rockwood Unit No. 2. IID shall provide annual estimates of the expected periods (hours during specific months) of operation of the unit for peakload purposes (e.g., 8:00–10:00 a.m. and 3:00–6:00 p.m. during the June–September period, etc.). Estimates of the hours in which IID expects to operate Rockwood Unit No. 2 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. IID shall comply with the reporting requirements set forth in 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in the unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. IID shall comply with the terms and conditions which may be imposed pursuant to the environmental requirements set forth at 10 CFR 503.15(b).

Issued in Washington, D.C. on May 1, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-13889 Filed 5-7-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-425-000]

Alabama Power Co.; Cancellation

May 4, 1981.

The filing company submits the following:

Take notice that Alabama Power Company, at the request of Pea River Electric Cooperative, is terminating service to their Ozark delivery point. The termination of this service will become effective on May 1, 1981. On that date service will be provided to this delivery point directly from the electric system of Alabama Electric Cooperative.

Copies of this termination notice were served upon Pea River Electric Cooperative.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13911 Filed 5-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-14-000]

American Municipal Power—Ohio, Inc. and the City of St. Marys, Ohio v. Dayton Power and Light Co.; Filing

May 4, 1981.

The filing parties submit the following:

Take notice that on April 10, 1981, American Municipal Power—Ohio, Inc., and the City of St. Marys, Ohio (jointly referred to as complainants) submitted for filing a complaint and a request for an interim order against Dayton Power and Light Company (DPL).

This complaint arises because the City of St. Marys, Ohio wishes to purchase seasonal power and energy from a member of Buckeye Power, Inc., a state-wide association of rural electric cooperatives in Ohio. Complainants assert that pursuant to the Buckeye Power Delivery Agreement, DPL would be required to transmit the power that the City of St. Marys wishes to purchase. However, DPL has refused to transmit the power pursuant to the Power Delivery Agreement. Instead, it has proposed to transmit the power under a separate transmission rate schedule.

Therefore, complainants allege that DPL is in violation of its obligations to transmit power under the Power Delivery Agreement. Complainants request that the Commission issue an interim order requiring that any charges collected by DPL under a separate transmission rate schedule be subject to refund, pending the outcome of this complaint proceeding.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before June 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13942 Filed 5-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-423-000]

Commonwealth Edison Co.; Filing

May 4, 1981.

The filing company submits the following:

Take notice that Commonwealth Edison Company, on April 20, 1981, tendered for filing proposed changes in its FERC Electric Tariff. The proposed changes revise the Electric Service Contract between Commonwealth Edison Company and the City of

Naperville, Illinois, to provide for a temporary point of electric supply to the City by the Company.

A copy of the filing has been served upon the City of Naperville, Illinois.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13943 Filed 5-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP74-122, etc.]

Energy Terminal Services Corp., et al.; Intent To Conduct Informal Local Public Meeting

May 4, 1981.

In the matter of Energy Terminal Services Corporation (Docket No. CP74-122), Energy Pipeline Corporation (Docket No. CP73-148), Texas Eastern Transmission Corporation (Docket No. CP80-453); Notice of intent to conduct informal local public meeting inviting comments on draft supplement to the environmental impact statement.

Take notice that on May 28, 1981, the staff of the Federal Energy Regulatory Commission intends to conduct an informal meeting for the purpose of entertaining comments to the draft supplement of the environmental impact statement (EIS) prepared and circulated in the above-captioned dockets relative to the proposed liquefied natural gas (LNG) facility at Rossville, Staten Island, New York. This meeting will be held in the conference room at the Gateway National Park (Great Kills Park) (map attached) on Staten Island and will be conducted from 4:30 to 10:00 p.m.

The original July, 1974, FEIS addressed an LNG importation project in which Eascogas LNG, Inc. (Eascogas) and Distrigas Corporation (Distrigas) proposed to import into and sell volumes of LNG from the Rossville LNG terminal then being constructed by Distrigas of New York Corporation (DONY). Approximately 6,000 feet of 24-inch diameter transmission line with a 2,675-foot long underwater segment of 30-inch diameter loop was also proposed by Distrigas Pipeline Corporation. The associated dockets were CP73-47, CP73-48, CP73-132, CP73-148, CP73-230, and CP74-122. Of the six dockets, only two are now applicable, and the applicants' names have since changed.

Docket No. CP74-122, as amended by Energy Terminal Services Corporation (ETS) on February 22, 1980, requests authorization to operate a peak-shaving facility at its existing facilities in Rossville, Staten Island, New York, using both of the existing 900,000-barrel capacity LNG storage tanks and appurtenant facilities, including vaporization (360 billion Btu/day) and compression equipment. It also seeks to construct and operate a 30 billion Btu/day liquefaction unit and vaporization units with an additional 360 billion Btu/day capacity. The existing facilities which would be used for the peaking service cost $127,158,000; this does not include the existing dock facilities, piping within the plant, and other facilities not needed for this proposal.

Docket No. CP73-148, as amended by Energy Pipeline Corporation (EPC) on April 10, 1980, requests authorization to construct and operate a 30-inch diameter natural gas transmission pipeline, approximately 16,625 feet long, between the Rossville LNG plant and points of interconnection with Texas Eastern Transmission Company (Texas Eastern) and Public Service Electric and Gas Company (Public Service) in Woodbridge, New Jersey. EPC also requests authorization to construct and operate a metering and regulating station near the interconnections. The total estimated costs of these facilities would be $9,835,000.

As a part of these two applications, Texas Eastern would purchase from ETS storage capacity of 1,231 billion Btu's and delivery of 102.7 billion Btu/day. This service would replace the service previously supplied by Texas Eastern's own LNG facility, which is the subject of a separate application (Docket No. CP66-43). To effectuate their arrangement, Texas Eastern filed in application in Docket No. CP80-453 to construct and operate 3,300 feet of 30-inch diameter pipeline, northeast of Linden, New Jersey, and other related facilities. Because of this arrangement, the FERC staff will conduct no further environmental analysis for Docket No. CP66-43.

The EIS concentrated on safety issues associated with the liquefaction, storage, and revaporization of LNG at a peak-shaving facility in a populated area. Since the transportion of LNG by ship is no longer proposed, the safety issues associated with this form of LNG transportation will not be addressed, neither in the draft EIS nor at the instant local meeting.

Due to the limited available space at the Gateway National Park community meeting room, it may be necessary that once commentors finish their presentation, they temporarily leave the room in order to allow those who still wish to present oral or written comments to do so. The Commission reserves the right to place a reasonable time limitation on the remarks of any party or organization so that all might be heard in the time provided, and would encourage organizations to designate one member as its spokesman rather than send several members to speak on the same issues. The Commission, further, intends to give deference to elected and appointed public officials, as well as citizens who traveled more than thirty-five (35) miles, and would invite these individuals to indicate their presence to the Commission staff at their earliest convenience. In order to allow for greater local public participation, organizations or those members of the public who are already official intervenors in the FERC hearings are not expected to present comments at this local meeting.

Organizations or those members of the public wishing to present oral or written comments should notify Mr. Robert Arvedlund, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, telephone (202) 357-8043 or in writing by May 15, 1981. A sign-up sheet will also be available at the meeting to allow others to comment in the remaining time allowed. The meeting shall be officially transcribed. Further information on the local meeting is available from Mr. Arvedlund.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13944 Filed 5-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP76-90]

Kansas Nebraska Natural Gas Co., Inc.; Settlement Conference

May 4, 1981.

A settlement conference was convened in Washington, D.C. for the purpose of attempting to arrive at a settlement of all of the outstanding issues in the above-styled proceeding on April 27 and 28, 1981. This conference

terminated on April 28, 1981, after considerable discussion by the parties of the provisions reflected in the curtailment plan that was tendered for consideration by Kansas Nebraska Natural Gas Company, Inc. (Kansas Nebraska). It was agreed upon at that time that Kansas Nebraska would circulate another draft curtailment plan incorporating certain modifications suggested at the conference for purposes of comment and that the settlement conference would reconvene on May 19, 1981, at Washington, D.C.

A settlement conference will therefore be convened at the Offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 commencing on May 19, 1981, at 9:30 a.m. for the purpose of attempting to settle all of the outstanding issues in the above-styled proceeding. All interested parties are invited to attend this conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13965 Filed 5-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-49-000]

Michigan Wisconsin Pipe Line Co.; Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Refund and Conditions and Establishing Procedures

Issued: April 30, 1981.

On March 31, 1981, Michigan Wisconsin Pipe Line Company (Mich-Wisc) filed its semi-annual PGA rate adjustment [1] with a proposed effective date of May 1, 1981, reflecting a 25.34 cents per dekatherm (dth) commodity rate increase in its currently effective rates. The rate increase is comprised of the following ajustments:

(1) a commodity rate PGA increase of 22.42 cents per dth [2] for rate schedules CD–1 and OS–1 ($150,663,792 annually) which reflects producer price increases under the Natural Gas Policy Act of 1978 (NGPA), an increase in the price of gas imported from Canada, and the replacement of older sources of supply with new more expensive sources;

(2) a commodity rate increase of 2.82 cents per dth in the surcharge (from 12.33 cents to 15.15 cents per dth) to recover the balance of $29,423,298 in the Unrecovered Purchased Gas Cost Account; and

(3) a commodity rate increase of .10 cents per dth in the Louisiana First Use Tax (LFUT) current adjustment (from 3.45 cents to 3.55 cents per dth) to recover $23,859,313 annually.

The filing also reflects a 3.0 cents per dth demand charge increase (from $2.407 to $2.437 per dth) in the demand component of the two-part CD–1 rate.

Public notice of the filing was issued on April 7, 1981, providing for protests or petitions to intervene to be filed on or before April 22, 1981. Petitions to intervene were filed by Michigan Power Company and Wisconsin Gas Company. The Public Service Commission of Wisconsin (PSCW) filed a Notice of Intervention, Protest and Petition for Suspension and Hearing. Having demonstrated an interest in this proceeding warranting their participation, the petitioners will be granted intervention.

The PSCW in its notice of intervention and protest of Mich-Wisc's filing requests that it be suspended, that the rates be collected subject to refund, and further that the matter be set for hearing.

Specifically, in its petition PSCW indicates that given the way the NGPA and the FERC's regulations are structured, there is potential for abuse of the PGA mechanism, and that Mich-Wisc lacks an economic incentive to keep prices down. Further, PSCW states that the above-mentioned regulatory structure permits interstate pipelines which have either their own production or production affiliates to benefit from higher gas prices, and that the interstate pipelines have a mutuality of interest with the independent producers which sell to them.

The PSCW further states that Mich-Wisc has both its own production and a producer affiliate. The highest gas cost included in Mich-Wisc's March 31, 1981 filing—$7.28909—was for gas produced by Mich-Wisc itself. Additionally, Mich-Wisc's filing reflects seven contracts for Section 107 gas with its producer affiliate, ANR Production Company. Under those contracts, gas is priced at up to $6.84525 per Mcf. The PSCW stresses that it is incumbent on the FERC to determine that gas costs such as these are not the result of abuse of the PGA system.

PSCW states that Mich-Wisc's filing does not contain the information necessary for the FERC to reach a reasoned decision that the prices which Mich-Wisc seeks to pass through are not excessive due to abuse or similar circumstances. Further, PSCW indicates that certain purchases by Mich-Wisc from its producer affiliate may not meet the "affiliated entities" test of Section 601(b)(1)(E) of the NGPA and further that prices paid for 107 gas from non-affiliated producers may not meet the requirements of Section 601(b) and 601(c)(2) of the NGPA.

In its deliberations on the State Commission's request to set for hearing the question of whether Mich-Wisc should be allowed to pass through the cost of deregulated gas, the Commission remains uncertain as to the particularities of the PSCW's allegations.

Situations might arise in which it would be appropriate to deny pass through of gas costs in accord with Section 601 (b) and (c). We are not able at this stage to say whether the PSCW's allegations sufficiently define a wrong which would lead the Commission to deny pass through in accord with Section 601(c). The mere conclusory allegation of a violation without any factual or indicative elements supporting such an allegation would ordinarily not be sufficent to lead the Commission to set the matter for hearing. However, this being a case of first impression, we believe it essential that the legal and factual issues relating to Section 601(c) be resolved at hearing. We therefore in this instance will refer such matters to an Administrative Law Judge for initial consideration.

More specifically, the Commission does not perceive that Section 601(c) provides for an examination of prudence, as would be the case under conventional Natural Gas Act rate proceedings, based upon Mich-Wisc's purchasing the subject gas, rather than other types of gas. However, when assertions are presented that Section 107 purchases involve conduct which rise to the level of fraud, abuse, or similar circumstances, we have a duty to evaluate them under the statutory criteria in Section 601(c). Abuse, in this context, does not refer to imprudence but to serious improprieties. The PSCW's allegations suggest improper behavior which may rise to that level, and that is the question we are setting for the judge's consideration. Allegations of fraud and similar behavior are serious matters and the Commission will pursue such matters to the appropriate extent. However, it is important to emphasize that Section 601 establishes a guarantee of cost pass through for Section 107 gas absent a finding of fraud, abuse or similar grounds, and protestants have the burden to demonstrate the impropriety that would trigger the "fraud, abuse or

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[1] Eleventh Revised Sheet No. 4 and Fourth Revised Sheet No. 7a to FERC Gas Tariff, Original Volume No. 1.

[2] The unit increases for one-part rate schedules SGS–1 and LVS–1 are 22.74 cents and 22.55 cents per dth, respectively. These rates reflect an imputed demand charge of .32 cents per dth for SGS–1, and .13 cents per dth for LVS–1.

similar grounds" basis for denying pass through of costs.[3]

Based upon a review of Mich-Wisc's filing, the Commission finds that the proposed tariff sheets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept Mich-Wisc's filing and suspend its effectiveness so that it shall become effective, subject to refund and conditions, as indicated further below.

In a number of suspension orders,[4] the Commission has addressed the considerations underlying the Commission's policy regarding rate suspension. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of the other statutory standards. It has been acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. A rate change filed pursuant to Commission authorized tracking authority is the type of circumstance which justifies a shortened suspension period. Accordingly, we believe we should exercise our discretion to suspend the rate, but permit the rate to take effect May 1, 1981, subject to refund, and subject to the conditions set forth below.

The filing contains no PGA incremental pricing reduction and no incremental pricing surcharges. This is due to the fact that the States within Mich-Wisc's service area have implemented incremental pricing programs of their own. Therefore, there were zero MSAC's reported by Mich-Wisc's customers.

Mich-Wisc's annualized purchased gas cost includes costs attributable to gas from company-owned production including certain volumes of high-cost natural gas priced under Section 107 of the NGPA. The Commission notes that the highest gas costs included in the filing, $7.28909 per Mcf, was for § 107 gas produced by Mich-Wisc itself.[5] This where other producers of deregulated § 107 gas are paid base prices of $6.37, $7.19, and $7.27 per Mcf by Mich-Wisc. The Commission is unable to determine from the information submitted by the pipeline whether the proposed purchase prices assigned to its company-owned production and for § 107 gas from ANR Production Company, Mich-Wisc's affiliate, satisfy the affiliated entities limitation set forth in Section 601(b)(1)(E) of the NGPA and the requirements of Section 154.42 of the Commission's regulations. The Commission regulations provide that company-owned production shall be priced at the lower of the maximum lawful price which would apply in a first sale transaction or the amount paid in comparable first sale transactions between persons not affiliated with such pipeline.

The Commission requests in the Appendix data and information, including copies of all Section 107 contracts reflected in the filing, that would demonstrate that the price paid for both company-owned and affiliate production meets the affiliated entities test.

Mich-Wisc's filing also includes increases pursuant to area rate clauses in its contracts with producers. The Commission's acceptance of this filing shall not constitute a determination that any or all of the area rate clauses permit NGPA prices. Should it ultimately be determined—in accordance with the procedures prescribed in Order No. 23, as amended by subsequent orders in Docket No. RM79–22—that a producer is not entitled to an NGPA price under an area rate clause, the refunds made by the producer to Mich-Wisc shall be flowed through to the ratepayers in accordance with the producers prescribed in Mich-Wisc's PGA clause.

The Commission Orders:

(A) Pursuant to the authority of Section 601 of the Natural Gas Policy Act of 1978, the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's Regulations, a public hearing shall be held concerning the lawfulness of the rates proposed by Mich-Wisc in the subject filing.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5), shall convene a pre-hearing conference in this proceeding to be held within 30 days after the issuance of this order in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The Presiding Administration Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever or dismiss), as provided for in the rules of practice and procedure.

(C) Subject to the conditions set forth in the body of this order and the ordering paragraphs below, Mich-Wisc's proposed tariff sheets are accepted for filing and suspended, subject to refund, to become effective May 1, 1981.

(D) Mich-Wisc shall file the Section 107 contracts reflected in the filing and also data as set forth in the Appendix within 30 days of the issuance of this order to show that the pricing of affiliate and company-owned production is in accordance with Section 601(b)(1)(E) of the NGPA and § 154.42 of the Commission's regulations.

(E) The petitioners listed in this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interest specifically set forth in their petitions to intervene and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Lois D. Cashell,

Acting Secretary.

Appendix

In order to make a determination regarding whether or not Mich-Wisc's company-owned or affiliated purchases of Section 107 gas meets the affiliated entities test additional information is required. Please submit the following information:

(1) Please identify other sources of deregulated gas priced pursuant to Section 107 of the NGPA on Mich-Wisc's system or purchased by Mich-Wisc as of May 1, 1981. Further, please provide:

(a) contracts between Mich-Wis and the suppliers of such gas;

(b) the geographic origin of such supplies including file and A.P.I. well number;

(c) indicate if any of the Section 107 wells are jointly owned. If so, provide the names of the other sellers and, if applicable, other buyers;

(d) the price and purchase volumes of such gas;

(e) the pricing mechanism for such gas if no contract applies;

(f) indicate if the contract has in it, or has determined, a maximum ceiling price for such gas. Provide details.

(2) Please identify any other producers who produce deregulated Section 107 gas from the same field from which Mich-Wisc produces or purchases its Section 107 gas; if there are no other producers in the same field, then

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[3] The Commission has further addressed these matters in its order on rehearing in *Columbia Gas Transmission Corporation, et al.*, Docket Nos. TA81–1–21–001, *et al.* (issued April 30, 1981).

[4] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80–98 (August 22, 1980) (one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80–134 (September 24, 1980) (five month suspension).

[5] See, Schedule II–d, page 8, of Mich-Wisc's PGA filing.

identify producers who produce Section 107 gas from fields *adjacent* to that field. Please indicate the prices being paid for the deregulated Section 107 gas in the same field in which Mich-Wisc produces or purchases Section 107 gas and, if there are no other producers in the same field, then indicate the prices being paid for Section 107 gas in the adjacent fields.

[FR Doc. 81-13901 Filed 5-7-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-424-000]

Montana Power Co.; Filing

May 4, 1981.

The filing company submits the following:

Take notice that on April 22, 1981, the Montana Power Company tendered for filing in accordance with Section 35 of the Commission's Regulations revisions to its FERC Electric Tariff M-1, which provides for sale of non-firm energy to other utilities for resale. Montana states that the revisions have been designed to permit greater flexibility in the establishment of charges for particular transactions while incorporating maximum charges which assure that no charge will be excessive.

Montana proposes to make the changes effective June 21, 1981.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-13900 Filed 5-7-81; 8:45 am]
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[Docket No. RP81-49-000]

Natural Gas Pipeline Co. of America; Order Accepting for Filing and Suspending Tariff Sheets, Rejecting Tariff Sheets, Initiating Hearing and Establishing Procedures

Issued: April 30, 1981.

On March 31, 1981, Natural Gas Pipeline Company of America (Natural) filed a general rate increase under section 4(e) of the Natural Gas Act that will result in increased annual jurisdictional revenues of approximately $109.1 million (4.5%) compared to the rates presently effective subject to refund in Docket No. RP80-107.[1] The increased rates are based on actual costs for the 12 month period ending December 31, 1980, as adjusted for known and measurable changes in costs that are expected to be incurred by the end of the test period, September 30, 1981. The proposed effective date is May 1, 1981.

Notice of this filing was issued on April 7, 1981, with petitions to intervene due by April 22, 1981. Petitions to intervene were filed by the petitioners listed in Appendix C. The Commission finds that all petitioners have demonstrated an interest in this proceeding warranting their participation. The petitions shall be granted.

Natural states that the proposed rate change is necessary due to: (1) an increase in plant investment; (2) an increase in the outstanding balance of payments for undelivered gas; (3) an increase in gas stored underground; (4) declining sales volumes; and (5) an increase in the overall rate of return to 11.7 percent. The overall rate of return includes a return of 15 percent on the equity portion, which represents 44.80 percent of Natural's capital structure.

Natural requests waiver of Section 154.63(e)(2)(ii) of the Commission's regualtions, since its cost of service includes expenditures associated with uncertificated facilities that have not yet been placed in service. In support, Natural states that it will file substitute tariff sheets adjusting its rates to reflect only those facilities that are certificated and in service on the date the proposed rates go into effect subject to refund.

Natural's filing contains alternate tariff sheets applicable to the Company's method of cost classification, cost allocation and rate design. Under one alternative [2] Natural proposes to depart from its existing *United* method of cost classification, cost allocation and rate design [3] and to adopt instead a fixed-variable formula in which most fixed production, storage and transmission costs are assigned to the demand component of the rates. The return on common equity and associated income taxes, as well as the variable costs, have been assigned to the commodity component of the rates. Natural alleges that this proposed change will alleviate the increasing uncertainties regarding its recovery of fixed costs due to the operation of the *United* method in the current gas market.

The Company proposes that its change in methodology be put in effect only if accompanied with a refund offset condition. The proposed condition would offset undercollection of commodity revenues with overcollection of demand revenues prior to making refunds if, after hearing, Natural's rate design is not implemented as proposed.

Natural requests that if the refund offset condition is not allowed, that its alternate rates be accepted for filing.[4] According to Natural, the alternative rates are based on a methodology that would approximate the *United* method. Natural's alternate rates also include Alternate Tariff Sheet Nos. 8 and 8A, in which Natural has proposed a tariff change that relates to the minimum bill provision of the DMQ-1 rate schedule. The proposed revision would permit Natural to collect, as a minimum bill, its demand charge and an annual commodity minimum bill from five of its DMQ-1 customers. The annual commodity minimum bill is based upon an annual requirement equal to 65 percent of the sum of a customer's monthly quantity entitlements for a 12 month period.

In its petition to intervene, Northern Indiana Public Service Company (NIPSCO) has requested that the proposed minimum bill provision be rejected. NIPSCO maintains that any loss in revenues that Natural may be incurring due to reduced sales volumes is attributable to the inadequacy of the Company's sales estimates and not to the current lack of an adequate minimum bill provision. NIPSCO also alleges that the proposed minimum bill provision will not alleviate the Company's current take-or-pay problem with its producer-suppliers. NIPSCO argues that a refund obligation will not provide it adequate protection and that the provision could operate to preclude NIPSCO for purchasing the least expensive source of natural gas available for the ultimate benefit of its customers.

Natural proposes certain other revisions and additions to its FERC Gas Tariff (Third Revised Volume No. 1). Second Revised Sheet No. 106 would permit Natural to collect interest on past due customer accounts at the rate of

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[1] A list of filed revised tariff sheets is set forth in Appendix A to this order.

[2] Revised Sheet Nos. 5, 5A and 5B.

[3] *United Gas Pipeline Company*, Opinion Nos. 671 and 671-A, 50 FPC 1248 (1973) and 51 FPC 1014 (1974), aff'd *sub nom.*, *Consolidated Gas Supply Corporation v. F.P.C.*, 520 F.2d 1176 (D. C. Cir., 1975).

[4] Alternate Revised Sheet Nos. 5, 5A and 5B.

interest prescribed by § 154.67(d)(2)(iii) of the regulations, instead of the current rate of 9 percent per annum.

Natural has also proposed two tracking mechanisms. First, Original Sheet Nos. 155 through 160 provide for a proposed net transportation cost adjustment clause. The intent of this provision is to implement a permanent tariff procedure that would permit Natural to track all changes in costs incurred and revenues received that are associated with the transportation of gas of others. Second, Original Sheet Nos. 161 through 163 set forth a provision that would allow Natural to recover carrying costs associated with payments to producers for gas volumes not taken by the company. Rate changes under both provisions would be filed semi-annually, coincident with Natural's PGA filings.

Based upon a review of Natural's filing, the Commission finds that the proposed rates have not been shown to be just and reasonble, and may be unjust, unreasonable, unduly discriminatory of otherwise unlawful. Accordingly, the Commission shall accept certain of Natural's tariff sheets for filing, subject to refund, and to the conditions set forth below.

In a number of suspension orders, the Commission has addressed the policy considerations underlying the Commission's policy regarding rate suspensions.[5] For the reasons given there we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and ureasonable or in violation of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. No such circumstances have been presented here.

Accordingly, subject to the conditions specified below, we shall accept and suspend Natural's rates (set forth in Appendix B), with the exception of Second Revised Sheet No. 108, for a period of five months to become effective, subject to refund on October 1, 1981. Since Second Revised Sheet No. 108 provides for interest on past due accounts at the rate prescribed by § 154.67(d)(2)(iii), it shall be accepted for filing, to become effective on May 1, 1981, without suspension. Revised Sheet Nos. 5, 5A and 5B, Original Sheet Nos. 155 through 160, and Original Sheet Nos. 161 through 163 are rejected for the reasons specified below.

The Commission finds that good cause exists to grant waiver of § 154.63(e)(2)(ii) of its regulations and accept for filing the tariff sheets which reflect costs of uncertificated facilities not yet in service. Acceptance is subject to Natural's filing revised tariff sheets and supporting data 30 days prior to the end of the test period to reflect the elimination of costs associated with facilities not in service by September 30, 1981. Also, this waiver will be granted upon the condition that Natural shall not be permitted to make offsetting adjustments other than those made pursuant to Commission approved tracking privisions, those adjustments required by this order, and those required by other Commission orders. Acceptance of Natural's filed tariff sheets is further conditioned upon Natural's filing revised tariff sheets and supporting data at the end of the test period to reflect the actual balance of advance payments in Account 166 as of September 30, 1981.

We note that in a previous Natural rate proceeding,[6] the issue of the appropriate cost classification, cost allocation, and rate design methodology to be employed was fully litigated. In Opinion Nos. 782 and 782–A, the Federal Power Commission did not find that the *Seaboard*[7] methodology was appropriate for Natural and ordered the use of the *United* method for classifying Natural's costs and designing its rates. Nonetheless, one alternative method proposed by Natural in the instant filing would assign more fixed costs to the demand component of the Company's rates than would be included under the *Seaboard* method. Moreover, Natural has conditioned its request concerning the acceptance of its proposed rates on the allowance of a refund offset condition. We are unwilling to limit our discretion concerning the appropriate amount of refunds that ultimately may be ordered in this proceeding. Therefore, Natural's request for a refund offset condition is denied. Based on the foregoing, Natural's proposed rates (Revised Sheet Nos. 5, 5A and 5B) shall be rejected without prejudice to Natural. Accordingly, we will set the issue of the appropriate cost classification, cost allocation and rate design method for hearing in this proceeding.

Natural's alternate rates (Alternate Revised Sheet Nos. 5, 5A and 5B) shall be accepted for filing. As previously mentioned, Natural represents that these rates would assure it sufficient commodity revenues to match a *United* method of rate design. To the extent that Natural's method departs from the *United* method and in the event that the *United* method of cost classification, cost allocation and rate design is found appropriate for Natural's system, the Company is placed on notice of its potential liability for undercollections.[8]

We find that NIPSCO has failed to raise sufficient legal or factual arguments to warrant summary rejection of Natural's proposed minimum bill provision. Alternate Tariff Sheet Nos. 8 and 8A shall be accepted for filing, suspended and made subject to refund. The justness and reasonableness of this provision should be explored in the evidentiary hearing to be held in this proceeding.

Original Sheet Nos. 155 through 160 and Original Sheet Nos. 161 through 163 are rejected because they provide for tracking provisions that violate § 154.38(d)(3) of the regulations. The transportation and carrying cost tracking provisions contained in these tariffs sheets will, however, be treated as a proposal under § 154.52 of the regulations and be considered an issue in this proceeding.

The Commission Orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the rate increases proposed by Natural.

(B) Pending hearing and decision, and subject to the conditions of the ordering paragraphs below and those described in the body of this order, certain of Natural's tariff sheets listed in Appendix B are accepted for filing and suspended for five months until October 1, 1981, subject to refund.

(C) Second Revised Sheet No. 108 is accepted for filing and may become effective May 1, 1981.

(D) Revised Sheet Nos. 5, 5A and 5B are rejected without prejudice, *provided, however,* that the proposal contained therein is to be considered an issue in this proceeding.

(E) Northern Indiana Public Service Company's request that Alternate Sheet Nos. 8 and 8A be rejected is denied.

[5] *E.g., Valley Gas Transmission, Inc.*, Docket No. RP80–90 (August 22, 1980)(one day suspension); *Great Lakes Gas Transmission Company*, Docket No. RP80–134 (September 24, 1980) (five month suspension).

[6] *Natural Gas Pipeline Company of America*, Opinion No. 782, issued November 9, 1976 and Opinion No. 782–A, issued January 6, 1977.

[7] *Atlantic Seaboard*, 11 FPC 43 (1952).

[8] *See*, ORDER ACCEPTING FOR FILING AND SUSPENDING PROPOSED TARIFF SHEETS SUBJECT TO REFUND AND CONDITIONS, Florida Gas Transmission Company, Docket No. RP81–7–000 (issued November 28, 1980).

These sheets shall be suspended, subject to refund.

(F) Original Sheet Nos. 155 through 160 and Original Sheet Nos. 161 through 163 are rejected without prejudice, *provided, however,* that the proposals contained therein are to be considered as issues in this proceeding.

(G) Waiver of § 154.63(e)(2)(ii) of the regulations, to permit the inclusion in its cost of service of facilities not certificated and not in service, is granted subject to the condition that Natural file on or before August 30, 1981, revised tariff sheets reflecting the elimination of all costs associated with facilities not in service by that date.

(H) Natural shall further be required to revise its tariff sheets to reflect the actual balance of advance payments in Account 166 as of September 30, 1981, *provided, however,* that the inclusion of a higher advance payment balance will not be permitted to increase the level of the original, suspended rates.

(I) Staff shall be required to serve top sheets on or before August 3, 1981.

(J) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a prehearing conference in this proceeding to be held within 10 days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to conduct further proceedings in accordance with this order and the Rules of Practice and Procedure.

(K) The petitioners identified in Appendix C to this order are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *provided, however,* that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petition to intervene and *provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

By the Commission.

Lois D. Cashell,

Acting Secretary.

Appendix A.—Natural Gas Pipeline Company of America, Docket No. RP81–49–000

FERC Gas Tariff, Third Revised Volume No. 1

Forty-fourth Revised Sheet No. 5
Fourteenth Revised Sheet No. 5A
5Fifth Revised Sheet No. 5B
Second Revised Sheet No. 108
Seventh Revised Sheet No. 120
Original Sheet Nos. 155–163
Alternate Forty-fourth Revised Sheet No. 5
Alternate Fourteenth Revised Sheet No. 5A
Alternate Fifth Revised Sheet No. 5B
Alternate Third Revised Sheet No. 6
Alternate Original Sheet No. 8A
Alternate Original Sheet No. 150

FERC Gas Tariff, Second Revised Volume No. 2

Thirteenth Revised Sheet No. 220
Fifth Revised Sheet No. 407
Third Revised Sheet No. 432
Sixth Revised Sheet No. 433
Fifth Revised Sheet No. 744
Fifth Revised Sheet No. 816
Fourth Revised Sheet No. 1000
Second Revised Sheet No. 1070
Second Revised Sheet No. 1170
Second Revised Sheet No. 1274

Appendix B.—Natural Gas Pipeline Company of America, Docket No. RP81–49–000

FERC Gas Tariff, Third Revised Volume No. 1

Alternate Fourty-fourth Revised Sheet No. 5
Alternate Fourteenth Revised Sheet No. 5A
Alternate Fifth Revised Sheet No. 5B
Second Revised Sheet No. 108
Seventh Revised Sheet No. 120

FERC Gas Tariff, Second Revised Volume No. 2

Thirteenth Revised Sheet No. 220
Fifth Revised Sheet No. 407
Third Revised Sheet No. 432
Sixth Revised Sheet No. 433
Fifth Revised Sheet No. 744
Fifth Revised Sheet No. 816
Fourth Revised Sheet No. 1000
Second Revised Sheet No. 1070
Second Revised Sheet No. 1170
Second Revised Sheet No. 1274

Appendix C

Iowa Southern Utilities Company
Northern Illinois Gas Company
United Cities Gas Company
Northern Indiana Public Service Company
Peoples Natural Gas Company
Colorado Interstate Gas Company
Central Illinois Public Service Company
Central Illinois Light Company
City of Chicago
Columbia Gas Transmission Corporation
Associated Natural Gas Company
Iowa Power and Light Company
Illinois Power Company
Peoples Gas Light and Coke Company and North Shore Gas Company
Wisconsin Southern Gas Company
People of the State of Illinois
Mississippi River Transmission Corporation
Cities of Lenox, Bedford, Clearfield and Prescott, Iowa
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Interstate Power Company

[FR Doc. 81–13699 Filed 5–7–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–422–000]

New England Power Pool; Filing

May 4, 1981.

The filing company submits the following:

Take notice that New England Power Pool ("NEPOOL") on April 20, 1981, tendered for filing an amendment to the New England Power Pool Agreement dated September 1, 1971, as amended. NEPOOL indicates that the NEPOOL Agreement has previously been filed with the Commission as a rate schedule (designated NEPOOL FPC No. 1).

The tendered amendment to the NEPOOL Agreement proposes to make the Vermont Electric Generation and Transmission Cooperative, Inc. a participant in the power pool, and such participation by the Vermont Electric Generation and Transmission Cooperative, Inc. electric system is proposed to commence on April 1, 1981. NEPOOL states that the Vermont Electric Generation and Transmission Cooperative, Inc. only recently acquired an interest in electric utility facilities and that it was not possible to make the filing 60 days prior to the April 1, 1981, effective date requested by the Vermont Electric Generation and Transmission Cooperative, Inc.

NEPOOL states that the amendment does not change in any manner the NEPOOL Agreement as previously filed with the Commission other than to make the Vermont Electric Generation and Transmission Cooperative, Inc. an additional participant in the power pool.

NEPOOL also states that copies of the proposed amendment have been mailed to all systems rendering or receiving service under the NEPOOL Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13047 Filed 5-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-144-000]

Upper Peninsula Power Co.; Filing

May 4, 1981.

The filing company submits the following:

Take notice that on April 8, 1981, Upper Peninsula Power Company (UPPCO) tendered for filing revisions to its cost of service study for the test year ending June 30, 1980, and corresponding revisions to its proposed Rate WR-1 for wholesale electric service.

UPPCO stated that it has identified certain errors in its originally proposed cost of service study, which it has now corrected. As a result of these changes, UPPCO has revised its proposed WR-1 rate to produce revenues of $180,446 less than the originally-proposed rate. UPPCO has requested permission to make the revised rate effective, subject to refund, on June 30, 1981, in lieu of the rate originally filed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13048 Filed 5-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-421-000]

Washington Water Power Co.; Filing

May 4, 1981.

The filing company submits the following:

Take notice that on April 17, 1981, The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as a "Letter Agreement" between Washington and The Montana Power Company which applies to the exchange of energy between the parties. Washington would deliver surplus energy to Montana during March and April 1981. Montana would return the amount of energy delivered by Washington divided by 1.45 during the period of July through December 1981. The Agreement terminates December 31, 1981.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to March 1, 1981, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13049 Filed 5-7-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1823-2]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of April 25, 1981 to May 1, 1981.

REVIEW PERIODS: The 45-day review period for Draft EISs' listed in this notice is calculated from May 8, 1981 and will end on June 22, 1981. The 30-day review period for Final EISs' as calculated from May 8, 1981 will end on June 8, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the federal agency which prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 245-3006.

Dated: April 5, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

SCS: Draft—Elm Creek Watershed Protection Plan, Runnels and Taylor Counties, Texas (EIS Order No. 810319)

Army Corps of Engineers

Final—Sacramento River Deep Water Ship Channels, Yolo, Sacramento, Solano and Contra Costa Counties, California (EIS Order No. 810326)

Final—North Chillicothe Flood Control, Scioto River, Ross County, Ohio (EIS Order No. 810332)

Department of Commerce

EDA: Draft Supplement—Palmetto Center-RR Relocation/Consolidation Center, Richland County, South Carolina (EIS Order No. 810330)

NOAA: Final Supplement—High Seas Salmon Fishery, Pacific Ocean, Alaska; the review period for this EIS has been reduced and will terminate on May 15, 1981 (EIS Order No. 810331)

Correction: EDA: Draft—Port District Industrial Park Development and Resource Recovery, NJ, published FR May 1, 1981; was erroneously published under DOI-the correct agency/bureau is DOC/EDA (EIS Order No. 810286)

NOAA: Draft Supplement—Mid-Atlantic Surf Clam and Ocean Quahog Fishery Management Plan, Amendment No. 3, published FR May 1, 1981; was erroneously published under DOI-the correct agency/bureau is DOC/NOAA (EIS Order No. 810296)

Department of Energy

Final—Industrial Fuel Gas Demonstration Project, Shelby County, Tennessee (EIS Order No. 810334)

Draft Supplement—Strategic Petroleum Reserve, Phase III Development, Cameron Parish, Louisiana and Brazoria and Jefferson Counties, Texas (EIS Order No. 810333)

Department of Housing and Urban Development

Draft—Lake Ridge Planned Unit Development, Mortgage Insurance, Prince William County, Virginia (EIS Order No. 810324)
Draft—Landmark Development, Mortgage Insurance, Kane and Kendall Counties, Illinois (EIS Order No. 810328)
Draft—Montclair Planned Unit Development, Mortgage Insurance, Prince William County, Virginia (EIS Order No. 810336)
Final—Wayside Village, Mortgage Insurance, Prince William County, Virginia (EIS Order No. 810325)

Department of the Interior

BLM: Draft—Lakeview Grazing Management Plan, Harney, Klamath and Lake Counties, Oregon; the review period for this EIS has been extended until June 29, 1981 (EIS order No. 810323)
BLM: Draft Supplement—APS/SDG&E Interconnection Transmission System, Maricopa and Yuma Counties, Arizona and Imperial and San Diego Counties, California; the review period for the EIS has been extended until June 29, 1981 (EIS Order No. 810314)
WPR: Final—Colorado-Big Thompson Windy Gap Projects, Several Counties, Colorado (EIS Order No. 810321)
WPR: Report—O'Neill, Norden Dam Liquefaction Studies, Brown, Cherry, Holt, Keya Paha and Rock Counties, Nebraska (EIS Order No. 810337)
Extension: WPR: Draft Supplement—O'Neill Unit, Pick-Sloan Missouri River Basin, NB, published FR December 17, 1980; the review period has been extended until June 3, 1981 in conjunction with the above notice Report (EIS Order No. 800958)

Department of Transportation

FHWA: Final—US 50/US 301, MD–70 to William Preston Lane Memorial Bridge, Anne Arundel County, Maryland (EIS Order No. 810317)
FHWA: Final—25th Street Corridor Interchange Improvement, Cass County, North Dakota (EIS Order No. 810320)
FAA: Final—Ogden Municipal Airport Layout Plan, Davis and Weber Counties, Utah (EIS Order No. 810327)

Environmental Protection Agency

EPA2: Draft—Mammoth Cave Area WWT Facilities Construction, Hart County, Kentucky (EIS Order No. 810335)
EPA2: Draft—Hudson River PCB Reclamation Demonstration Program, Dutchess, Rockland and Washington Counties, New York; the review period for this EIS has been extended until July 6, 1981 (EIS Order No. 810330)

Federal Energy Regulatory Commission

Final—South Fork American River Development, Upper Mountain Hydroelectic Project, License, El Dorado County, California (EIS Order No. 810322)

Great Lakes Basin Commission

Final—Hazardous Materials Strategy, Great Lakes Basin (EIS Order No. 810315)
Final—Water Quality Plan, Great Lakes Basin (EIS Order No. 810316)
Final—Water Conservation Assessment, Great Lakes Basin (EIS Order No. 810318)

Department of the Navy

Draft—China Lake Naval Weapons Center, Feral Burro Management Program, Kern, Inyo and San Bernardino Counties, California (EIS Order No. 810329)

[FR Doc. 81-13883 Filed 5-7-81; 8:45 am]
BILLING CODE 6560-37-M

[EN-FRL 1821-6]

Motor Vehicle Recalls Under the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final agency actions.

SUMMARY: This notice announces final EPA actions taken in conjunction with its motor vehicle recall program. Persons who disagree with these final actions may petition the United States Court of Appeals for the District of Columbia Circuit for review of these actions. Failure to petition for review of these actions on or before July 7, 1981, will preclude a challenge later in an EPA enforcement action.

FOR FURTHER INFORMATION CONTACT: Donald E. Zinger, Manufacturers Operations Division (EN-340), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 (202–472–9425).

SUPPLEMENTARY INFORMATION: Under section 307(b)(1) of the Clean Air Act, judicial review of these actions are available *only* by the filing of a petition for review in the United States Court of Appeals for the District of Columbia Circuit on or before July 7, 1981.

Under section 307(b)(2) of the Clean Air Act, these final actions and the bases for them, which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these actions.

The following EPA actions regarding the recall of motor vehicles under 40 CFR Part 85 for failure to meet applicable Federal emission standards have become final:

1. On December 9, 1980, the Administrator ordered the recall of 1979 model year General Motors (GM) vehicles of engine family 920S2E for their failure to comply with the applicable Federal emission standard for oxides of nitrogen (NO_x). Under section 85.1807, a manufacturer who disagrees with the Administrator's finding of nonconformity may file a request for a public hearing with the Administrator within 45 days after the receipt of the Administrator's notification of nonconformity. GM has not made a request for a public hearing and, therefore, the recall order of December 9, 1980 is now final.

2. In a letter of February 19, 1980, GM submitted a plan to remedy the NO_x nonconformity in 1976 model year GM vehicles of engine family 30H2J. After subsequent changes to this plan were agreed upon by EPA and GM, EPA approved a plan to remedy the NO_x nonconformity in these 1976 vehicles in a letter of December 19, 1980, in accordance with section 85.1804(a). Therefore, on December 19, 1980, EPA's approval of GM's remedial plan for 1976 engine family 30H2J, became final.

3. In a letter of June 20, 1980, GM submitted a plan to remedy the NO_x nonconformity in 1976 and 1977 model year Cadillac Seville vehicles. After subsequent changes to this plan were agreed upon by EPA and GM, EPA approved a plan to remedy the NO_x conformity in these 1976 and 1977 vehicles in a letter of January 7, 1981, in accordance with section 85.1804(a). Therefore, on January 7, 1981, EPA's approval of GM's remedial plan for 1976 and 1977 Cadillac Seville vehicles became final.

Dated: April 17, 1981.

Sanford W. Harvey, Jr.,

Deputy Assistant Administrator for Mobile Source and Noise Enforcement.

[FR Doc. 81-13888 Filed 5-7-81; 8:45 am]
BILLING CODE 6560-33-M

[OPTS-51237A; TS-FRL-1822-4]

Benzophenone Tetracarboxylic Dianhydride Copolyimide; Premanufacture Notice; Correction and Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects and amends certain information in the premanufacture notice (PMN) submitted by the International Harvester Corp. as required by section 5(a)(1) of the Toxic Substances Control Act (TSCA). The notice of receipt of application of the PMN was published in the Federal Register of March 27, 1981 (46 FR 19075).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–221, 401 M St., SW., Washington, DC 20460, (202–426–8816).

SUPPLEMENTARY INFORMATION: EPA, in the Federal Register of March 27, 1981 (46 FR 19075), issued a notice of receipt of a PMN on the new chemical

benzophenone tetracarboxylic dianhydride copolyimide, a generic name provided by the submitter. This PMN was identified as PMN 81–69.

In the FR Doc. 81–6312 appearing at page 19075, the following correction and amendments are submitted:

1. On page 19076, first column, the heading "Expose." is corrected to read "Exposure."

2. On page 19075, third column, under the heading "Specific Chemical Identity." the generic name of the new substance provided by the submitter is amended to read "Salt of benzophenone tetracarboxylic dimethyl ester and diamines."

3. On page 19075, third column, the entry immediately following the heading "Use." is amended to read "Intermediate (site-limited)."

4. On page 19076, first column, the entry immediately following the heading "Toxicity Data." is amended to read "No data were submitted."

5. On page 19076, first column, the two-paragraph entry immediately following the corrected heading "Exposure." is amended to read "the manufacturer states that at sites controlled by the submitter, eight manufacturing and processing workers could have skin and inhalation exposure 24 hr/da, 300 days a year. The manufacturer states that no data were available on the exposure concentration."

Dated: May 1, 1981.

Margaret Stasikowski,

Acting Director, Chemical Control Division.

[FR Doc. 81–12999 Filed 5–7–81; 8:45 am]

BILLING CODE 6560–81–M

[OPTS–51257; TS–FRL–1822–6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of nine PMN's and provides a summary of each.

DATES: Written comments by:

PMN 81–160, 81–163, and 81–164—June 6, 1981.

PMN 81–169, 81–170, and 81–172—June 8, 1981.

PMN 81–177, 81–178, and 81–179—June 12, 1981.

ADDRESS: WRITTEN COMMENTS TO: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, (202–426–2610).

FOR FURTHER INFORMATION CONTACT:

PMN Number, Notice Manager, Telephone and Room Number

81–160 and 81–169, David Dull (202–382–2277), E–229

81–163 and 81–170, Carrie Berlin (202–426–2532), E–210

81–164, Karen Blumenfeld (202–472–3316), E–629B

81–172, Rick Green (202–426–2601), E–208

81–177, 81–178, and 81–179, Janet Thompson (202–755–8297), E–519B

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51257]" and the specific PMN number. Comments received may be seen in Rm. E–106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: May 1, 1981.

Margaret Stasikowski,

Acting Director, Chemical Control Division.

PMN 81–160

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 6, 1981.

Manufacturer's Identity. E. I. du Pont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Ethylene interpolymer.

Use. Molded parts.

Production Estimates

First year—120,000 kg.
Second year—240,000 kg.
Third year—480,000 kg.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. E. I. du Pont states that 4–5 employees could have skin exposure 5–10 da/yr during manufacture.

Environmental Release/Disposal. The manufacturer states that up to 10,000 kg/yr of the substance may be sold as scrap for use into non-critical plastic parts.

PMN 81–163

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 6, 1981.

Manufacturer's Identity. Diamond Shamrock Corp., Process Chemicals Division, P.O. Box 2386R, Morristown, NJ 07960.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylated alkoxylated aliphatic glycol.

Use. Curable coatings and inks.

Production Estimates

	Minimum	Maximum
		(kg/yr)
First year	3,000	25,000
Second year	6,000	46,000
Third year	12,000	100,000

Physical/Chemical Properties

Density—1.06 g/cc or 9.0 lbs/gal.

Vapor pressure—4 x 10^{-4} torr at 28°C; 1 x 10^{-4} torr at 60°C.

Boiling range—Initial—225–232°C (430–450°F); Final—270°C (518°F).

Solubility—<0.04%.

Freezing point—Did not freeze, clear liquid. 24-hr test, 0°F (−17°C)—viscosity increases slightly.

1 hr-test, 58°F (−50°C)—viscosity increases.

Appearance—Clear yellow liquid.

Color—Gardner 3 max.

AV—<0.5

OH—20 max.

Toxicity Data. No data were submitted.

Environmental Test Data. Biological and chemical oxygen demands on wash water shows some degradation at all levels and significant degradation at 400 ppm or lower.

Exposure. The manufacturer states that at two manufacturing sites, a maximum of six workers could have skin and inhalation exposure 4 hr/da, 48 da/yr during cleanup operation, drumming, and quality control sampling at average and peak concentrations of 0–1 and 1–10 ppm respectively.

At a processing site, 2 workers could have skin exposure, 4 hr/da, 20 da/yr at average concentration of 0–1 and peak of 1–10 ppm.

Environmental Release/Disposal. The manufacturer states that at the manufacturing sites, less than 20 kg/yr may be released into the air, 4 hr/da, up to 200 kg/yr to water, and up to 20,000 kg/yr to land.

At the processing site, up to 100 kg/yr may be released to land.

Solid wastes are sent to landfill; processing and equipment cleaning water to on-site water treatment facility.

PMN 81–164

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 6, 1981.

Manufacturer's Identity. Monsanto Co., 800 North Lindbergh, Blvd., St. Louis, MO 63166.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Allylglycidyl ether polyol resin.

Use. Cross-linking adhesive in paper bonding.

Production Estimates. Monsanto Co. estimates that 5,000 to 20,000 kilograms of the new substance will be produced in 1981. The 1982 and 1983 productions estimates were claimed confidential.

Physical/Chemcial Properties

Viscosity—630 cps.

Boiling point at 1 atms.—>750°F (Estimated).

Vapor pressure—<0.1 mm Hg at 140°F.

Specific gravity—1.06

% Volatiles—<1%.

Flash point, Cleveland open cup—>335°F.

Solubility—Insoluble in water; soluble in poler organic solvents such as acetone.

Toxicity Data

Oral LD_{50} (rat)—>5,010 mg/kg. Practically nontoxic.

Dermal LD_{50} (rabbit)—>2,000 mg/kg. No more than slightly toxic.

Eye irritation score (rabbit)—0.0 on a scale of 110. Non-irritating.

Skin irritation score (rabbit)—0.0 on a scale of 8. Non-irritating.

Exposure. Monsato claims that based on maximum annual production during the first three years, under normal operating conditions with all safeguards in place, no occupational exposure to the PMN substance is expected.

Environmental Release/Disposal. Monsanto states that release will be too small to have a material effect on the environment.

PMN 81–169

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 8, 1981.

Manufacturer's Identity. E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Copolymer of styrene and mixed alkyl acrylates.

Use. Isolated intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemcial Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at the manufacturing site, 6 workers could have skin and inhalation exposure, 16 hr/da, 100 da/yr.

At any customer's site using the finished product, 8 workers could have

skin and inhalation exposure, 8 hr/da, 252 da/yr.

Environmental Release/Disposal. The submitter claims that any environmental release of the new substance will be minimal and incidental. Eighty percent of wash solvent is recycled, other waste materials are incinerated.

PMN 81-176

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 8, 1981.

Manufacturer's Identity. Emery Industries, Inc., 4900 Este Ave., Cincinnati, OH 45232.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: (Oxy-1,2-ethanediyl alpha-acyl-omega-alkyl.

Use. Textile lubricant additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Physical appearance at 25°C—Yellow liquid.

Odor—Very mild.

Density at 25°C—8.84 lbs/gal.

Pour point—5°C.

Flashpoint—455°F. C.O.C.

Solubility—Soluble in water at all proportions; soluble in vegetable oils and xylene; dispersible in mineral oils.

Surface tension, 0.1% in water—32 Dynes/C_m^2.

Chemical stability—Subject to hydrolysis under acidic or alkaline conditions.

Toxicity Data. No data were provided on the new substance. Toxicity data were submitted on similar products and raw materials.

Exposure. The submitter states that six workers could have dermal exposure 1 hr/da, 66 da/yr at peak concentration in excess of 100 ppm. Exposure could occur during sampling, analysis, filtering, drumming, and cleanup operations.

Environmental Release/Disposal. Emery Industries, Inc. states that up to 10,000 kg/yr of waste may be released to a sewage facility.

PMN 81-172

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 8, 1981.

Manufacturer's Identity. General Printing Ink Co., 631 Central Ave., Carlstadt, NJ 07072.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Poly (amide-ester) resin X2-821.

Use. Polymeric vehicle component for printing ink.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Light amber-colored, solid resin in granular form.

Softening point—116-125° C (Duran's mercury method).

Specific gravity at 25° C—1.00 (Approximate).

Acid value—2-10 mg KOH/g.

Amine value—1-4 mg KOH/g.

Viscosity at 25° C, 40% in *n*-propanol—B-F (Gardner-Holdt).

Dilutibility—Clear and stable at 5-10% in *n-propanol.*

Toxicity Data. No data were submitted. The manufacture states that this polymer class has had diverse use for many years and have no known history of toxic effects in the workplace or the natural environment.

Exposure. The submitter states that in one manufacturing site, a maximum of 2 workers could have skin exposure, 4 hr/da, 27 da/yr. At four processing sites, a maximum of 8 workers could be exposed dermally, 2-4 hr/da, 27-50 da/yr.

Environmental Release/Disposal. The manufacturer claims that: (1) There will be no release of the new substance into the air during manufacture and processing; (2) Between 100-1,000 kg/yr may be released into the water in the manufacturing site; (3) up to 1,400 kg/yr may be released to land in the manufacturing and processing sites; and (4) Disposal will be by landfill.

PMN 81-177

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 12, 1981.

Manufacturer's Identity. Dow Corning Corp., P.O. Box 1767, Midland, MI 48640.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Chloroalkyl alkoxysilane.

Use. Claimed confidential business information. Generic use information provided: Chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical Chemical Properties

Viscosity at 25° C—<5 cstk.

Solubility—Soluble in hydrocarbons.

Color—Clear to dark tan.

Flash point (closed cup)—158° F.

Vapor pressure at 25° C—0.4 mm Hg.

Toxicity Data

Acute oral toxicity, LD_{50} (rat)—>3,000 mg/kg.

Dermal toxicity, LD_{50} (rabbit)—>2,000 mg/kg.

Eye irritation (rabbit)—Moderately irritating.

Skin irritation (rabbit)—Moderately irritating (occluded).

Ames *Salmonella* assay—No mutagenic activity.

Environmental Test Data

Fish 96-hour, LC_{50}—>100 ppm.

Daphnia 48-hour, LC_{50}—8.5 ppm.

Exposure. The manufacturer claims that since the manufacturing process for the production of this material is a closed system, exposure during the manufacture is not anticipated. A maximum of one individual could be exposed to this chemical substance during the drumming-off process. Local ventilation will be in place to minimize exposure to vapors.

Chemical goggles and appropriate clothing will be used by workers involved in the manufacturing process and good personal hygiene practices will be followed.

Environmental Release/Disposal. The manufacturer states that: (1) None of the new chemical will routinely be released to the environment; (2) Engineering controls will be in place to capture solvent vapors that may be emitted during the manfacturing process; (3) Waste streams and wash water are pretreated prior release to a POTW; (4) The aqueous acid removed from the vent stream is pretreated before release into the river.

PMN 81-178

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 12, 1981.

Manufacturer's Identity. Dow Corning Corp., P.O. Box 1767, Midland, MI 48640.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Chloroalkylchlorosilane.

Use. Claimed confidential business information. Generic use information provided: Chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Viscosity at 25° C—<5 cstk.

Flash point, closed cup—194° F±5.

Vapor pressure at 25° C—0.5

Physical state—Liquid.

Color—Clear to dark tan.

Toxicity Data

Eye irritation (rabbit)—Corrosive.

Skin irritation (rabbit)—Corrosive.

Ames *Salmonella* assay—No mutagenic activity.

Environmental Test Data

Fish 96-hour, LC_{50}—38.4 ppm.
Daphnia 48-hour, LC_{50}—>100 ppm.

Exposure. The submitter states that since production of this material incorporates a closed system, worker exposure is not anticipated. A maximum of one individual could be exposed to this new chemical substance during the drum-off process. Local ventilation will be in place to minimize exposures to vapors at the drum-off location.

Chemical goggles and appropriate clothing will be used by workers involved in the manufacturing process and good personal hygiene practices will be followed.

Environmental Release/Disposal. The submitter states that because the processing of this new chemical substance will incorporate a system which will be closed to the environment, there will be no routine release of this material to land or water. Less than 10 kg/yr could be released into the air.

Byproducts associated with the production of this new chemical substance will be incinerated.

PMN 81-179

The following summary is taken from data submitted by the manufacturer in the PMN test.

Close of Review Period. July 12, 1981.

Manufacturer's Identity. Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Derivatized fatty alcohols.

Use. Claimed confidential business information. No generic use information provided.

Production Estimates. Monsanto states that less than 10 million kilograms of the new chemical will be manufactured each year during the first three years of production.

Physical/Chemical Properties. Claimed confidential business information. The following are generic values for certain parameters.

Density—0.9–1.1 g/ml.
Solubility—<10 g/l in water at 25° C.
Boiling point—<100° C.

Toxicity Data

Acute oral LD_{50}:
Both sexes, rats—3,098 mg/kg. 95% confidence limits—2,776 and 3,549 mg/kg.
Slope: 9.1. 95% confidence limits—4.8 and 13.5.
Male rats—3,558 mg/kg. 95% confidence limits—3,087 and 4,343 mg/kg.
Slope: 19.3. 95% confidence limits: 8.5 and 35.1.
Female rats—2,663 mg/kg. 95% confidence limits: 2,157 and 3,161 mg/kg.
Slope: 9.6. 95% confidence limits: 3.2 and 16.1.

Exposure. The submitter states that 5 workers will potentially be involved in handling the undiluted material during the unloading operations. During routine operations, one of the five workers will have a potential exposure of no more than 2 hours per week while sampling and connecting tank cars/trucks for unloading. Exposure routes will be through the skin and eyes.

In a user's site not controlled by the submitter, a total of five workers may have skin and eye exposure.

Environmental Release/Disposal. The manufacturer states that at the submitter's site, 10–100 kg/yr may be released into an effluent system and up to 1,000 kg/yr into the air.

In a user's site, the submitter claims that less than 20 kg/yr may be released into the air and water.

[FR Doc. 81-13990 Filed 5-7-81; 8:45 am]
BILLING CODE 6560-31-M

[A-1-FRL-1922-2]

Refuse Fuels, Inc.; Approval of PSD Permit

Notice is hereby given that on March 23, 1981 the Environmental Protection Agency (EPA) issued a Prevention of Significant Air Quality Deterioration (PSD) permit to Refuse Fuels, Inc. for approval to modify-an industrial complex boiler house and construct a refuse-fired thermal conversion facility in Lawrence, Masschusetts. This permit has been issued under EPA's PSD regulations (40 CFR 52.21), subject to certain conditions, including:

1. The existing boilers at the industrial complex boilerhouse shall not be operated simultaneously with the proposed refuse-fired facility.

2. The maximum firing rate shall not exceed 40 tons of refuse per hour, and the generating capacity shall not exceed 250,000 pounds of steam per hour.

3. Refuse Fuels, Inc., must assume ownership of the industrial complex boilerhouse.

4. The NO_x emission rate shall not exceed 0.7 pounds per million Btu's when firing refuse, and 0.3 pounds per million Btu's when firing oil.

5. The SO_2 emission rate shall not exceed 0.8 pounds per million Btu's, and the sulfur content of the fuel oil shall not exceed 0.8 percent sulfur by weight.

6. Construction of the proposed facility shall not commence until the Massachusetts Department of Environmental Quality Engineering issues its non-attainment approval.

7. The TSP emission rate shall not exceed LAER as required in the state non-attainment review. However, no rate above 0.03 gr/dscf (at 12% CO) shall be allowed.

Under section 307(b)(1) of the Clean Air Act, judicial review of this permit is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's Notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following locations:

U.S. Environmental Protection Agency, Region 1, Air Branch, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203.

Massachusetts Department of Environmental Quality Engineering, 200 New Boston Road, Woburn, Massachusetts 01801.

Dated: April 27, 1981.

Leslie Carothers,
Acting Regional Administrator, Region I.

[FR Doc. 81-13991 Filed 5-7-81; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81-298, File No. BPH-790604AB, etc.]

Thomas C. and Essie L. Collins, Tenants in Common, et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: April 24, 1981.
Released: May 5, 1981.

In re application of Thomas C. and Essie L. Collins, Tenants in Common, Burney, California, Req: 106.1 MHz, Channel 291, 100kW (H&V), 1,471.5 feet, BC Docket No. 81-298, File No. BPH-790604AB; Merit Broadcasting Corp., Burney, California, Req: 106.1 MHz, Channel 291, 100kW (H&V), 1438 feet, BC Docket No. 81-299, File No. BPH-791106AD; J. Nevin Smith & Ross Shelton, dba Smith, Shelton Broadcasters, Burney, California, Req: 106.1 MHz, Channel 291, 90kW (H&V), 2095 feet, BC Docket No. 81-300, File No. BPH-791114AA; Shasta

Communications Co. Corp., Burney, California, Req: 106.1 MHz, Channel 291, 100kW (H&V), 1532 feet, BC Docket No. 81-301, File No. BPH-791115AK; for construction permit for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (i) the above-captioned mutually exclusive applications filed by Thomas C. and Essie L. Collins, Tenants in Common, (Collins); Merit Broadcasting Corporation (Merit); Smith, Shelton Broadcasters, (SSB); and Shasta Communications Company Corporation (Shasta); (ii) an amendment filed by SSB on August 6, 1980; (iii) a petition for acceptance of late filed pleading *nunc pro tunc*, filed by SSB on September 16, 1980; (iv) a petition for leave to amend application *nunc pro tunc*, filed by SSB on October 17, 1980; (v) a petition to return the SSB application to the head of processing line and assign a new file number filed by Collins on August 28, 1980, and related pleadings.[1]

2. The Collins petition to return the SSB application to the processing line resulted from SSB's August 6, 1980 amendment to its application. Prior to the amendment, Dr. J. Nevin Smith owned 70% and Ross Shelton owned 30% of the applicant. The amendment reduced their ownership interest to 35% and 15%, respectively, and five new partners were introduced (Frank L. Stover, J. Alton Springer, Royce Woods, John Brazo III, & Melissa Spinger), each holding a 10% interest in the applicant. August 6, 1980 was the last day for filing minor amendments to the Burney applications as a matter of right, pursuant to Section 73.3522(a)(2) of the Commission's Rules. Collins contends that the ownership amendment to SSB's application was a major change that requires the return of SSB's application to the end of the processing line and the assignment of a new file number pursuant to Section 73.3573(b) of the Rules. Since the Burney applications were no longer subject to newly filed mutually-exclusive applications, the effect of returning SSB's application to the end of the processing line and assigning a new file number would be the dismissal of SSB's application.

[1] Other pleadings considered herein include: (i) an opposition filed September 16, 1980 by SSB; (ii) an opposition to petition for acceptance of late-filed pleading *nunc pro tunc*, and a reply to, filed September 26, 1980 by Collins; (iii) a motion for extension of time filed October 20, 1980 by Collins; (iv) comments on the petition for leave to amend application, *nunc pro tunc*, filed October 20, 1980, by Merit; and (v) SSB statement of intent and request for postponement filed November 4, 1980.

3. Since 50% or more of the ownership of the applicant was to be transferred to persons who were not original parties to the application, SSB's amendment was a major change under the Rules and would have required the assignment of a new file number and the removal of SSB's application from comparative consideration. On September 16, 1980, SSB sought leave to file its opposition to Collin's petition and indicated it would further amend the ownership of SSB in an effort to resolve the major change problem. On October 17, 1980, SSB petitioned for leave to amend its application *nunc pro tunc*, to "supersede" the August 6, 1980 amendment, add new partners and invest Dr. Smith with a 51% interest in SSB.[2] Although SSB's effort to avoid the major change problem was made after the August 6, 1980 cut-off-date, and SSB has failed to demonstrate good cause for its amendment, dismissal of SSB's application would work an unduly harsh result. Since SSB's amendments *in toto* would simply increase Dr. Smith's ownership from 70% to 100% and permit Mr. Shelton's withdrawal, we will deny Collin's petition. SSB will be denied a comparative advantage, if any, resulting from the withdrawal of Mr. Shelton.

4. Since no determination has been reached that the antenna proposed by SSB would not constitute a menace to air navigation, an issue is required.

5. *Merit.* Analysis of the financial data submitted by Merit reveals that $221,195 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$162,617
Legal	10,000
Engineering	2,200
Miscellaneous	1,000
Operating costs (3 mo)	45,378
Total	221,195

Merit plans to finance construction and operation with the following funds: $105,194 in equipment credit; $7,500 from the sale of stock to Jeffrey B. and Jane M. Martin; $7,500 from the sale of stock to Michael J. Martin; $100,000 loan from Jeffrey B. Martin and Jane F. Martin; and a $30,000 bank loan. However, the applicant has failed to submit an equipment credit letter. By their balance sheet, Jeffrey B. and Jane F. Martin have shown only $11,700 in net current and liquid assets. Although Jeffrey B. Marin states he will sell his 10% stock interest in NorCal Broadcasting Corporation, licensee of station KSXO, Redding, California, to the licensee for $85,000, no showing has been made that NorCal has the necessary financial ability to purchase the stock. Thus, Jeffrey B. and Jane M. Martin have shown only $11,700 available to meet a total commitment to the applicant of $107,500. In addition, Michael Martin has only $2,800 in net current and liquid assets to meet his commitment of $7,500. Finally, the bank loan letters from the North Valley Bank for $30,000 do not contain terms of interest, security and repayment, and do not, by their very language constitute firm commitments to lend the sums in question. Therefore, Merit has failed to provide documentation to support more than $14,500 available to meet the $221,195 required for construction and operation. Accordingly, a limited financial issue will be specified.

[2] The October 17, 1980 petition also includes a minor amendment increasing the power from 50kW to 90kW and the antenna height to 2,085 feet; and changing the transmitter site.

6. *SSB.* Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. The local notice must contain the names of all partners if the applicant is a partnership. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. SSB's certification of local notice does not contain the names of its partners. Accordingly, SSB will be required to republish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

7. Analysis of the financial data submitted by SSB reveals $89,700 that will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	$23,966
Equipment payments with interest	6,484
Miscellaneous	40,000
Operating costs	19,250
Total	89,700

SSB plans to finance construction and operation with the following funds: $150,000 bank loan and $43,638 deferred credit from the equipment supplier. However, the loan commitment to Dr. Smith from the Bank of America does not contain terms of interest or repayment, and by its own terms, expired on November 1, 1980. Moreover, the security for the loan will include a "security agreement on business equipment," which may include broadcast equipment being purchased on credit and already subject to a security interest held by the equipment supplier, and "deeds of trust" on other unspecified property of Dr. Smith, for which no showing of consent thereto by Dr. Smith has been submitted. Finally,

while Dr. Smith has stated his intention to commit the entire loan proceeds of $150,000 to the construction of the new radio station in Burney, he has not submitted an individual balance sheet or financial statement as required by Paragraph 4(b) of Section III of Form 301. Accordingly, SSB has failed to show the necessary documentation to support more than $43,638 equipment credit available to meet the $89,700 required for construction and operation. A limited financial issue will therefore be specified.

8. *Shasta.* Analysis of the financial data submitted by Shasta reveals that $32,903 will be required to construct the proposed station and operate for three months, itemized as follows:

Operating costs (3 mo including equipment lease deposit and payments)	$28,400
Miscellaneous	4,500
Total	32,900

Shasta plans to finance construction and operation with the following funds: $100 in existing capital; $31,000 in new capital and $2,900 in prepaid expenses. Nothing has been submitted to show the ability of Shasta to acquire $31,000 in new capital. In addition, prepaid expenses cannot be considered current and liquid assets in the determination of an applicant's financial qualifications in the absence of an itemization of the prepaid items. Since Shasta has failed to show the necessary documentation to support more than $100 available to meet the $32,903 required for construction and operation, and limited financial issue will be specified.

9. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and population which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accure to any of the applicants.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must designated for hearing in a consolidated proceeding on the issues specified below.

11. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Merit Broadcasting Corporation:

(a) The source and availability of additional funds over and above the $14,500 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine with respect to Smith, Shelton Broadcasters:

(a) The source and availability of additional funds over and above the $43,638 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by Smith, Shelton Broadcasters would constitute a hazard to air navigation.

4. To determine with respect to Shasta Communications Company Corporation:

(a) The source and availability of additional funds over and above the $100 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

5. To determine which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the application should be granted.

12. It is further ordered, That Smith, Shelton Broadcasters shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's Rules.

13. It is further ordered, That the October 17 1980 Petition for Leave to Amend filed by Smith Shelton Broadcasters is granted and the amendment is accepted to the extent indicated herein and is denied in all other respects.

14. It is further ordered, That the petition filed by Thomas C. and Essie L. Collins, tenants in common, and the comments filed by Merit Broadcasting Corporation ARE GRANTED to the extent indicated herein and denied in all other respects.

15. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

16. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

17. It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-13690 Filed 5-7-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Executive Committee Meeting
Notice of April Meeting
Thursday, May 21, 1981—9:30 a.m.
Conference Room: Two Rooms 7200/7202, Nassif (D.O.T.) Building, 400 Seventh Street SW., at D Street, Washington, D.C.

Agenda

1. Administrative Matters.
2. Special Committee Reports.
3. Discussion of U.S. Coast Guard Prioritized List of Subjects for Possible Development of Standards.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 81-13995 Filed 5-7-81; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Banco Central y Economias, San Juan, Puerto Rico; Exemption From Provisions of Securities Exchange Act of 1934

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of granting of an exemption.

DATES: Effective September 2, 1977 through December 31, 1981.

FOR FURTHER INFORMATION CONTACT:
Patrick J. Moses, Chief, Registration and Disclosure Section, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. (202) 389-4651.

SUMMARY: A request for comments was published in the Federal Register 46 FR 10004 (January 30, 1981), concerning the request of Banco Central y Economias, San Juan, Puerto Rico, for a temporay exemption from the reporting requirements of section 13 of the Securities Exchange Act of 1934 ("Act").

It appearing to the FDIC that the exemption of Banco Central y Economias from filing periodic and other reports pursuant to section 13 of the Act and Rules and Regulations adopted by the FDIC thereunder is consistent with the public interest and protection of investors

Therefore, pursuant to sections 12(h) and 12(i) of the Securities Exchange Act of 1934, notice is hereby given that the Federal Deposit Insurance Corporation has granted to Banco Central y Economias, San Juan, Puerto Rico, an exemption from filing periodic and other reports pursuant to section 13 of the Act and Rules and Regulations adopted by the FDIC thereunder, for all fiscal periods included in and events occurring during the period September 2, 1977 through December 31, 1981.

By order of the Board of Directors, May 4, 1981.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 81-13998 Filed 5-7-81; 8:45 am]
BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public, Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Holland Amerika Lijn Toerisme Antillen, N.V. and Westours, Inc., c/o Westours, Inc., Elliott Bay Office Park, 300 Elliott Avenue West, Seattle, Washington 98119.

Dated: May 4, 1981.
Joseph C. Polking,
Acting Secretary.
[FR Doc. 81-13999 Filed 5-7-81; 8:45 am]
BILLING CODE 6730-01-M

[Agreement No. 10413]

Lykes Bros. Steamship Co., Inc. Intermodal Agency Agreement; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10413 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Under the terms of the agreement, Carolina Shipping Company, as agent for Lykes Bros. Steamship Co., Inc., would perform all acts and functions for intermodal traffic moving to or from Charleston, South Carolina.

This Finding of No Significant Impact (FONSI) will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,
Acting Secretary.
[FR Doc. 81-13997 Filed 5-7-81; 8:45 am]
Billing Code 6730-01-M

[Agreement No. T-3972]

Lease Agreement Between Port of Oswego Authority and Lakespan Marine, Inc.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-3972 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. The agreement is between the Port of Oswego Authority, New York (Authority) and Lakespan Marine, Inc. (Lakespan). Under the terms of the agreement, Lakespan would lease certain land and facilities of the Oswego Port District for the conduct of a shipping service (a roll-on, roll-off operation) which would include docking, discharge and loading of a vessel and stevedoring operations pertaining to the containers, tractors and trailers transported by such vessel.

It should be noted, however, that approval of the agreement offers the potential for conserving modest quantities of scarce American fossil fuels. For this reason, it appears approval is the environmentally preferable option available to the Commission.

This Finding of No Significant Impact (FONSI) will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,
Acting Secretary.
[FR Doc. 81-13995 Filed 5-7-81; 8:45 am]
BILLING CODE 6730-01-M

[Agreement No. T-3966]

Cooperation Agreement Among South Carolina State Ports Authority, Charleston County, and Alumax of South Carolina, Inc.; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on

Agreement No. T-3966 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. This agreement, between South Carolina State Ports Authority (Authority) and Alumax of South Carolina, Inc. (Alumax), calls for the acquisition by the Authority of a terminal located in North Charleston consisting of a 650 foot dock, and new and existing improvements thereon including a vacuum unloader. Under the terms of the agreement, Alumax will operate the terminal as a public port facility for handling bulk products.

This Finding of No Significant Impact (FONSI) will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-13888 Filed 5-7-81; 8:45 am]

BILLING CODE: 6730-01-M

FEDERAL RESERVE SYSTEM

Peoples Banking Corp.; Acquisition of Bank

Peoples Banking Corporation, Bay City, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Community Bank, Bad Axe, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 5, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14136 Filed 5-7-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Psychology Education Review Committee; Meeting Cancellation

In FR Doc. 81-12205, appearing on page 23119, in the issue of Thursday, April 23, 1981, the May 29 meeting of the Psychology Education Review Committee was announced. This meeting has been cancelled.

Dated: May 1, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-13810 Filed 5-7-81; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Thomas L. Hooker, District Director, Baltimore District Office, Baltimore, MD.

DATE: The meeting will be held at 1 p.m., Wednesday, May 13, 1981.

ADDRESS: The meeting will be held at the West Virginia Medical Center, Charleston, WV.

FOR FURTHER INFORMATION CONTACT: Anne B. Lane, Consummer Affairs Officer, Food and Drug Administration, 900 Madison Ave., Baltimore, MD 21201, 301-962-3731.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumer and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Baltimore District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 4, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-13869 Filed 5-7-81; 8:45 am]

BILLING CODE 4110-88-M

[Docket No. 80P-0135]

Triton Community College; Approval of Variance for the Cernan Space Theater Laser Light Show and Laser Projector

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for laser products has been approved by the Bureau of Radiological Health for the Cernan SpaceTheater Laser Light Show including a laser projection system, Model LP-4K (1), manufactured and produced by Triton Community College. The projector provides a laser display to produce a variety of special lighting effects in a theater. The principal use of this product is to provide entertainment to general audiences.

DATES: The variance became effective October 15, 1980, and ends October 15, 1982.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Triton Community College, 2200 Fifth Ave., River Grove, IL 60171, has been granted a variance from § 1040.11(c) (21 CFR 1040.11(c)) of the performance standard for laser products. The variance permits the manufacturer to introduce into commerce the demonstration laser product known as the Cernan Space Theater Laser Light Show including a laser projection system Model LP-4K (1), assembled and produced by Triton Community College. The shows have levels of accessible laser radiation in excess of class II levels but not exceeding those required to perform the intended function of the product. Suitable means of radiation protection will be provided by constraints on the

physical and optical design, by warnings in the user manual and on the product, and by procedures for Triton Community College personnel. The product shall bear the Variance Number 80P-0135.

By letter of October 15, 1980, the Director of the Bureau of Radiological Health approved the requested variance, which terminates on October 15, 1982.

In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 28, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12584 Filed 5-7-81; 8:45 am]

BILLING CODE 4110-03-M

National Institutes of Health

National Cancer Advisory Board and Board Subcommittees; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meetings of the National Cancer Advisory Board and its Subcommittees on Planning and Budget, and Special Actions for Grants, May 17-20, 1981, National Cancer Institute, Building 31C, Conference Room 6, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. Portions of the Board meeting will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Portions of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings, substantive program information and rosters of members, upon request.

Name of Committee: National Cancer Advisory Board

Dates of Meeting: May 18-20, 1981

Place of Meeting: Building 31C, Conference Room 6, National Institutes of Health

Open: May 18, 8:30 a.m.-3:00 p.m., May 20, 8:30 a.m.-adjournment

Agenda: May 18, Reports on activities of the President's Cancer Panel; the Director, National Cancer Institute; NCI Contracting Procedure; Foreign Research Support; Human Protein Index; and Status of Construction Program.
May 20, Reports on Subcommittees.

Closed Session: May 18, 8:30 a.m.-adjournment

Closure Reason: To review research grant applications.

Name of Committee: Subcommittee on Special Actions for Grants

Date and Place of Meeting: May 18, 3:00 p.m.-adjournment, Building 31C, Conference Room 6

Closed for the Entire Meeting

Agenda: A review of the Clinical Education and Training Programs.

Name of Committee: Subcommittee on Planning and Budget

Date and Place of Meeting: May 17, 7:30 p.m.-adjournment, Building 31A, Room 11A-10

Open for the Entire Meeting

Agenda: To discuss the development of the preliminary fiscal year 1983 budget.

Dated: May 1, 1981.

Thomas E. Malone,

Deputy Director, NIH.

(Catalog of Federal Domestic Assistance Program Numbers:
13.392, project grants in cancer construction.
13.393, project grants in cancer cause and prevention.
13.394, project grants in cancer detection and diagnosis.
13.395, project grants in cancer treatment.
13.396, project grants in cancer biology.
13.397, project grants in cancer centers support.
13.398, project grants in cancer research manpower.
13.399, project grants and contracts in cancer control)

[NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular].

[FR Doc. 81-12585 Filed 5-7-81; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Institute; Clinical Trials Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Cancer Institute, May 20, 21, and 22, 1981, Landow Building, Conference Room A, 7910 Woodmont Avenue, Bethesda, Maryland 20205. The meeting will be open to the public on May 20, from 9 a.m. to 9:30 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on May 20, from 9:30 a.m. to adjournment, and on May 21 and 22 from 9 a.m. to adjournment, for the review, discussion, and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Gerald U. Liddel, Executive Secretary, National Cancer Institute, Westwood Building, Room 826, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7575) will furnish substantive program information.

Dated: May 1, 1981.

Thomas E. Malone,

Deputy Director, NIH.

(Catalog of Federal Domestic Assistance Number 13.393, Project grants in cancer center support research, National Institutes of Health)

[NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular)

[FR Doc. 81-12586 Filed 5-7-81; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Research Resources Council; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources, May 28-29, 1981, Conference Room 10, Bldg. 31, National Institutes of Health, Bethesda, MD 20205.

The meeting will convene on May 28, at 9:00 a.m. in open session for the regular conduct of Council business; a report by the Acting Director, DRR, a report on the DRR Program Review with the Director, NIH, and staff reports by

the Directors of the Animal Resources Program, Biomedical Research Support Program, Biotechnology Resources Program, General Clinical Research Centers Program, and Minority Biomedical Support Program. The meeting will continue from approximately 10:30 a.m. to approximately 2:30 p.m. as follows: Animal Resources Program Work Group, Room 6A35; Biotechnology Resources Program Work Group, Room 9A51; Biomedical Research Support Program Work Group, Conference Room 10; General Clinical Research Centers Program Work Group, Room 5B03; and Minority Biomedical Support Program Work Group, Room 5B23. The meeting will reconvene on May 29, at 8:30 a.m. in Conference Room 10, in open session until approximately 12:00 Noon, for a Council discussion on Review of Organizational Management of Research Resources, and Program Work Group Reports and Recommendations to Council for discussion and action. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on May 28, from approximately 3:00 p.m. to recess, and on May 29 from approximately 1:00 p.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B13, Bldg. 31, National Institutes of Health, Bethesda, MD 20205, (301) 496-5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Acting Director, Division of Research Resources, Room 5B03, Bldg. 31, National Institutes of Health, Bethesda, MD 20205, (301) 496-6023, will furnish substantive program information and will receive any comments pertaining to this announcement.

Dated: April 29, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

(Catalogy of Federal Domestic Assistance Program Nos. 13.306, Laboratory Animal Sciences and Primate Research; 13.333, Clinical Research; 13.337, Biomedical Research Support; 13.371, Biotechnology Resources; 13.375, Minority Biomedical Support; National Institutes of Health.)

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.)

[FR Doc. 81-13884 Filed 5-7-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

[Docket No. N-81-1064]

Termination of Hearing in the Matter of Brooks Engineering Co. as a Primary Inspection Agency

AGENCY: Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, HUD.

ACTION: Notice of Termination of Hearing in the Matter of Brooks Engineering Company, Docket No. 43-80-MH.

SUMMARY: A Notice of Hearing in the Matter of Brooks Engineering Company was published in the Federal Register on March 26, 1981. The hearing was to commence at 10:00 a.m. on May 13, 1981 at Universal North Building, Suite 1170, 1875 Connecticut Avenue, NW., Washington, D.C. on the Department of Housing and Urban Development's preliminary determination to disqualify Brooks Engineering Company, 733 Robert Road, Slidell, Louisiana as a Design Approval Primary Inspection Agency and Production Inspection Primary Inspection Agency. As a result of a settlement entered into between the parties on April 22, 1981, the Administrative Law Judge issued an order dismissing the proceeding, thereby cancelling the scheduled hearing.

FOR FURTHER INFORMATION CONTACT: Honorable Martin J. Linsky, Administrative Law Judge, Universal North Building, Suite 1170, 1875 Connecticut Avenue, NW., Washington, D.C.

SUPPLEMENTARY INFORMATION: On January 6, 1981, the Department issued two letters notifying Brooks Engineering Company (BEC) that the Secretary had preliminarily determined that BEC should be disqualified as a Design Approval Primary Inspection Agency (DAPIA) and as a Production Inspection Primary Inspection Agency (IPIA) pursuant to 24 CFR 3282.356. BEC requested a hearing on the matter in a letter dated January 12, 1981. A hearing was scheduled for May 13, 1981, and a Notice to this effect appeared in the Federal Register on March 26, 1981 (Vol. 46, No. 58).

On April 22, 1981, BEC and the Department agreed upon a settlement of this case. BEC relinquished its full approval as both a DAPIA and an IPIA and was granted provisional acceptance in both these functions for a period of six months subject to certain conditions imposed by the Department. At the end of this six month period, the Department will evaluate BEC's performance and determine whether BEC's continued participation in the program is appropriate.

Issued at Washington, D.C. April 30, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

[FR Doc. 81-13811 Filed 5-7-81; 8:45 am]

BILLING CODE 4210-01-M

Office of Environmental Quality

[Docket No. N-50]

Intended Environmental Impact Statement; Summitwood Subdivision, Meriden, Conn.

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Summitwood Subdivision, Meriden, Connecticut. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies

having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the Federal Register a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the Federal Register, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. May 1, 1981.

Francis G. Hass,

Deputy Director, Office of Environmental Quality.

EIS on Summitwood Subdivision, Meriden, Connecticut

The HUD Area Office in Hartford, Connecticut, intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description. Carabetta Enterprises, Inc., of Meriden, Connecticut, proposes to develop 1,932 dwelling units situated on a 301 acre site. Summitwood is bounded by Kensington Avenue on the south, by Chamberlin Highway (SR61) on the west, Sodom Brook on the east, and the Meriden Township line on the north.

Need. The size and scope of the proposed project has determined that an environmental impact statement is required pursuant to Pub. L. 91–190, the National Environmental Policy Act of 1969.

Alternatives Perceived. HUD alternatives are 1) no HUD assistance to the project; 2) acceptance of the project as proposed; 3) or acceptance of the project with conditions and/or modifications.

Scoping. Not formal scoping meeting is anticipated for this project. The Notice of Intent will be considered as part of the process used for scoping the environmental impact statement. Responses to this Notice will be used to determine significant environmental issues and identify data which the EIS should address.

Comments. Comments should be sent on or before May 29, 1981 to Philip Forzley, Environmental Officer, Hartford Area Office, Department of Housing and Urban Development, One Financial Plaza, Hartford, Connecticut 06103. The commercial telephone number of the office is (203) 244–3638 and the FTS number is 244–3793.

[FR Doc. 81–13813 Filed 5–7–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

National Park Service

Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

Grand Canyon National Park, Arizona, Adjacent Lands Study; Availability

Notice is hereby given that the draft Adjacent Lands Study for Grand Canyon National Park, prepared by the National Park Service and the Bureau of Land Management, Department of Interior and the U.S. Forest Service, Department of Agriculture, is available for public review and comment.

This study was done in response to the Grand Canyon National Park Enlargement Act, Pub. L. 93–620 of January 3, 1975, and accompanying Joint Statement of Committee of Conference Report #93–1611. The Committee of Conference directed the Secretary of the Interior to study certain lands adjacent to the enlarged Grand Canyon National Park and determine if they qualified for national park designation.

The draft report describes the study area and evaluates resource significance and land use practices. Land management options are discussed and tentative conclusions reported.

The draft study is being distributed to all individuals, organizations, and governmental agencies contacted during the study. The public record will remain open for comment for 45 days from the date of publication of this Notice of Availability (June 22, 1981).

Anyone wanting copies of the Adjacent Lands Study or those wishing to submit comments on the study may write to the National Park Service, Western Regional Office, 450 Golden Gate Avenue, Box 36063, San Francisco, California 94102, Attention: Grand Canyon Adjacent Lands Study.

Dated: April 28, 1981.

Howard H. Chapman,

Regional Director, Western Region, National Park Service.

[FR Doc. 81–13809 Filed 5–7–81; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit; Receipt of Application From Corps of Engineers

Applicant: U.S. Army Corps of Engineers, Jacksonville, Florida District.

The applicant requests a permit to take Atlantic ridley (*Lepidochelys kempi*), hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*) and loggerhead (*Caretta caretta*) sea turtles for the purpose of enhancement of survival during dredging in Port Everglades Harbor.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7970. Interested persons may comment on this application on or before June 8, 1981, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: May 4, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81–13808 Filed 5–7–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application From St. Louis Zoological Park

Applicant: St. Louis Zoological Park, St. Louis, MO.

The applicant requests an amendment to permit PRT 2–7364 to import one banteng (*Bos banteng*) from the Copenhagen Zoo, Copenhagen, Sweden for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on this application on or before June 8, 1981, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: May 5, 1981.

Robert J. Batky,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81–13804 Filed 5–7–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application From Martine Colette

Applicant: Martine Colette, Wildlife Waystation, San Fernando, California.

The applicant requests a permit to export four tigers (*Panthera tigris*), two leopards (*Panthera pardus*), and two gray wolves (*Canis lupus*) to the Zoo-Palacio de Gobierno, Toluca, Mexico for enhancement of propagation and survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7812. Interested persons may comment on this application on or before June 8, 1981, by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: May 4, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-13038 Filed 5-7-81; 8:45 am]

BILLING CODE 4310-55-M

Marine Mammals; Receipt of Applications for Permit Amendments; Denver Wildlife Research Center

Notice is hereby given that an Applicant has applied in due form for Amendments to his permits to take sea otters and manatees as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant: Chief, Marine Mammal Section.

2. Address: Denver Wildlife Research Center, Bldg. 16, Denver Federal Center, Denver, CO 80225.

3. Type of Permits: Scientific Research.

4. File Number PRT 2-6669.

a. Name and Number of Species: Sea otters (*Enhydra lutris*), one hundred.

b. Type of Activity: The applicant is currently authorized to take up to 35 sea otters each year for two years as part of a tagging project. The amendment would allow take of up to 50 individuals per year for two years for that same project.

c. Location of Activity: California coast from Ragged Point to Cambria.

d. Period of Activity: until 21 August 1982.

e. The purpose of this project is to capture sea otters, mark and release them for later observation to determine daily and seasonal movements, dispersal patterns of independent young and gain additional knowledge of their life history.

5. File Number PRT 2-6963.

a. Name and Number of Animals: West Indian manatees (*Trichechus manatus*), undetermined number.

b. Type of Activity: Allow testing and development of manatee marking and tagging techniques on animals being held in captivity for rehabilitation. This was previously authorized for up to 14 individuals under permit PRT 2-3058 which has expired.

c. Location of Activity: Florida.

d. Period of Activity: until 31 December 1981.

e. The purpose of this project is to develop tagging or marking techniques suitable to use for identification of free-ranging manatees.

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of these applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for copies of the applications or for a public hearing on these applications should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, on or before June 8, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on these particular applications would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in these applications are summaries of those of the Applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above applications are available for review during normal business hours in Room 601, 1000 North Glebe Road, Arlington, Virginia.

Dated: May 4, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-13037 Filed 5-7-81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Indian Affairs

Land transfer; Pit River Indians, XL Ranch, Calif.; amendment

April 30, 1981.

Amendment of Notice published February 2, 1981 (46 FR 10209).

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

On January 20, 1981, the United States District Court for the Eastern District of California remanded to the Secretary of the Interior for clarification the Secretary's previous determination of the rights of various parties in the beneficial ownership of the X-L RANCH in the vicinity of Alturas, California. Under the Court's order as amended by further orders of February 17, 1981, and April 2, 1981, any clarification or redetermination by the Secretary must be made by July 31, 1981.

Any persons or organization of persons of Pit River Indian descent (herein referred to as interested parties) with comments, facts, documents, or legal arguments which they wish to have the Secretary consider must submit same to the Area Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, CA 95825 on or before the close of business on May 8, 1981.

Commencing May 15, 1981, copies of all material submitted will be available for public examination during normal working hours at:

Bureau of Indian Affairs, Redding Employment Assistance Sub-Office, 1304 East Street, Redding, CA 96001

Central California Agency, Bureau of Indian Affairs, 1800 Tribute Road, Sacramento, CA 95813

Bureau of Indian Affairs, Division of Tribal Government Services, 1951 Constitution Avenue NW., Room 2611, Washington, D.C. 20245

After May 15 and before close of business on May 30, 1981, additional materials may be submitted to the Area Director, but only for the limited purpose of commenting on the materials submitted by another interested party. Pursuant to this notice, any material submitted for the first time by interested parties after May 8, 1981, will not be considered.

Any request to take the oral deposition of any Federal official in connection with this matter must be made in writing and received by the Regional Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825, not later than March 28, 1981. The cost of any

deposition must be paid by the person making the request.

Requests to make any documents, under Federal control pertaining to the above determination, available for inspection and copying must be made in writing and received by the Regional Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E–2753, Sacramento, CA 95825 not later than March 28, 1981.

Interested parties may be required to pay reasonable costs for copies of any documents they may wish to obtain under this notice.

A copy of the existing voluminous administrative record for the above determination will be lodged with the United States District Court, Eastern District, Room 3305 Federal Bldg., 650 Capitol Mall, Sacramento, CA 95814. Any inspection and copying of the administrative record can only be accomplished pursuant to District Court requirements and procedures.

The Secretary of the Interior may, if he deems it necessary, appoint an administrative law judge from the Office of Hearings and Appeals to hear and resolve any disputes which may arise in connection with any requested discovery.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81–13886 Filed 5–7–81; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

Alaska Native Claims Settlement Act for the Arctic Slope Regional Corp.; Waiver of Application Filing Date

AGENCY: Bureau of Land Management, Interior.

ACTION: Waiver of regulations.

SUMMARY: This order waives the application filing date and area restrictions for selections pursuant to Section 14(h)(8) of the Alaska Native Claims Settlement Act for the Arctic Slope Regional Corporation.

EFFECTIVE DATE: May 4, 1981.

ADDRESS: Any inquiries or suggestions should be sent to Director (311), 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Beaumont C. McClure (202) 343–6511, or Robert D. Arnold (907) 271–5768.

This order waives the application filing date for selections pursuant to Section 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704), contained in 43 CFR 2653.4(c), and the area restrictions on such selections contained in 43 CFR 2653.9 for the purpose set forth herein.

In April 1981, Arctic Slope Regional Corporation discovered what it believed to be land that should have been withdrawn under section 11(a)(3) of the Alaska Native Claims Settlement Act for its selection. The lands described in Public Land Order No. 5860 were conditionally withdrawn for selection by Arctic Slope Regional Corporation pending a final determination of the availability of the withdrawn lands for such selection. The lands withdrawn for selection are a limited and logical extension of interim conveyances already made to Arctic Slope Regional Corporation. In view of the extraordinary circumstances present in this case, the time for filing and area restrictions applicable to selections under section 14(h)(8) should be waived.

It is hereby ordered, as authorized by the terms of 43 CFR 2650.0–8, that the nonstatutory requirements of 43 CFR 2653.4(c), and 43 CFR § 2653.9, are waived, and the time for filing selections by Arctic Slope Regional Corporation under section 14(h)(8) of the Alaska Native Claims Settlement Act within the area withdrawn under Public Land Order No. 5860 is extended until November 1, 1981.

James G. Watt,

Secretary of the Interior.

May 4, 1981.

[FR Doc. 81–13888 Filed 5–7–81; 8:45 am]

BILLING CODE 4310–84–M

[ES 21181]

Coal Lease Offering Cancelled; Ryans Creek Coal Co.

Notice is hereby given that the coal resources within application ES 21181 filed by Ryans Creek Coal Company and described as the underground Jellico and Barren Fork seams in the following described lands located between Whitley City and Williamsburg, Kentucky, on all or portions of Forest Service Tracts within the Daniel Boone National Forest numbered: 1888a, 1888b, 1888n, 1888o, 1888p, 1888t, 1888t–I, 1888x, 1888y; 1586a, 1586a–I, 1586a–II, 1586a–III, 1586a–IV, 1586a–V; 1941a, 1941b, 1941c, 1941c–I, 1941c–II, 1941c–IV, 1941d, containing 1922.5 acres, are cancelled from the sale scheduled for May 12, 1981. Any sealed bids received for the above parcel will be returned unopened.

This notice of cancellation in no way affects application ES 15444 filed by Greenwood Land and Mining Company. The coal resources within ES 15444 will still be offered for competitive lease by sealed bid at 2:00 p.m., on May 12, 1981.

Jeff O. Holdren,

Chief, Division of Lands and Minerals.

[FR Doc. 81–13889 Filed 5–7–81; 8:45 am]

BILLING CODE 4310–84–M

[U–49606]

Utah; Invitation To Participate in Coal Exploration Program—Royal Land Company

Royal Land Company, a wholly-owned subsidiary of Standard Oil Company of Ohio, is inviting all qualified parties to participate in a program for the exploration of coal reserves on North Horn Mountain near Orangeville, Utah. The lands are located in Emery County, Utah, and are described as follows:

T. 18 S., R. 6 E., SLM, Utah
Sec. 11, S½;
Sec. 12, S½;
Secs. 13, 14, 24, 25, 26, 35, and 36, all.
T. 19 S., R. 6 E., SLM, Utah
Sec. 1, lots 1–4, S½N½, S½;
Sec. 2, lots 1–4, S½N½, S½;
Sec. 12, N½.
T. 18 S., R. 7 E., SLM, Utah
Sec. 17, NE¼SW¼, S½SW¼;
Sec. 18, lots 1–7, SE¼, E½SW¼, SE¼NW¼, S½NE¼;
Sec. 19, lots 1–4, E½W½, E½;
Sec. 20, all;
Sec. 21, SW¼;
Sec. 28, W½;
Sec. 29, all;
Sec. 30, lots 1–4, E½W½, E½;
Sec. 31, lots 1–4, E½W½, E½;
Sec. 32, all;
Sec. 33, W½, W½SE¼, SW¼NE¼.
T. 19 S., R. 7 E., SLM, Utah
Sec. 4, lots 3, 4, S½NW¼, SW¼;
Sec. 5, lots 1–4, S½N½, SW¼, W½SE¼;
Sec. 6, lots 3–7;
Sec. 7, lots 1, 2, E½NW¼, W½NE¼.
Containing 14,221.59 acres.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to Mr. Richard Ruetschilling, Staff Geologist, Royal Land Company, 925 South Niagra, Suite 600, Denver, Colorado 80224. Such written notice must be received on or before June 8, 1981.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all costs on a pro rata basis. A copy of the exploration plan, as submitted by Royal Land Company, is

available for public review during normal business hours, in the following office, under Serial No. U–48606: Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Robert E. Anderson,

Chief, Division of Technical Services.

April 29, 1981.

[FR Doc. 81–13884 Filed 5–7–81; 8:45 am]

BILLING CODE 4310–84–M

Medford District Advisory Council; Meeting

Notice is hereby given in accordance with 43 CFR Part 1780 that a meeting of the Medford District Advisory Council will be held on May 15, 1981.

The meeting will begin at 8:30 AM and will end at 12 noon in the Oregon Room of the Bureau of Land Management Office at 3040 Biddle Road, Medford, Oregon.

The agenda for the meeting will include:

1. General announcements of BLM Medford District activities.
2. Follow-up on 1981 vegetative management program.
3. Update on wilderness.
4. Discussion of "BLM Program Priority Guides Oregon and Washington-Fiscal Years 1982–1983."
5. Final announcements on range management tour scheduled for Saturday, May 16.
6. Plans for future meetings.

The meeting is open to the public and news media. Interested persons may make oral statements to the Council between 11:30 AM and 12 noon or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the Public Information Officer, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon 97501, telephone 503–776–4196, by close of business May 13, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Council meeting will be maintained at the District Office and be available for public inspection and reproduction at the cost of duplication.

Dated: May 1, 1981.

Wayne Boden,

Acting District Manager.

[FR Doc. 81–13824 Filed 5–7–81; 8:45 am]

BILLING CODE 4310–84–M

National Park Service

Ice Age National Scientific Reserve, Wisconsin; Boundary Revision

Notice is hereby given in accordance with section 2(c) of the Act of October 13, 1964, 78 Stat. 1087, that the boundaries of Ice Age National Scientific Reserve are revised pursuant to authority granted under the same secton of said Act. By this revision the area known as Sheboygan Marsh is deleted, and in its place is added that portion of the area known as Horicon Marsh which is within the boundaries of the Horicon Marsh Wildlife Area administered by the State of Wisconsin Department of Natural Resources. This revision is based on agreement between the Governor of the State of Wisconsin and the Secretary of the Interior, through their respective delegated representatives, that the area of Horicon Marsh herein depicted has significant examples of continental glaciation and the Sheboygan Marsh Unit is no longer desirable as part of the Reserve. The revised boundaries of the Ice Age National Scientific Reserve are depicted in the two maps published with this notice.

Dated: April 30, 1981.

Russell E. Dickenson,

Director, National Park Service.

BILLING CODE 4310–70–M

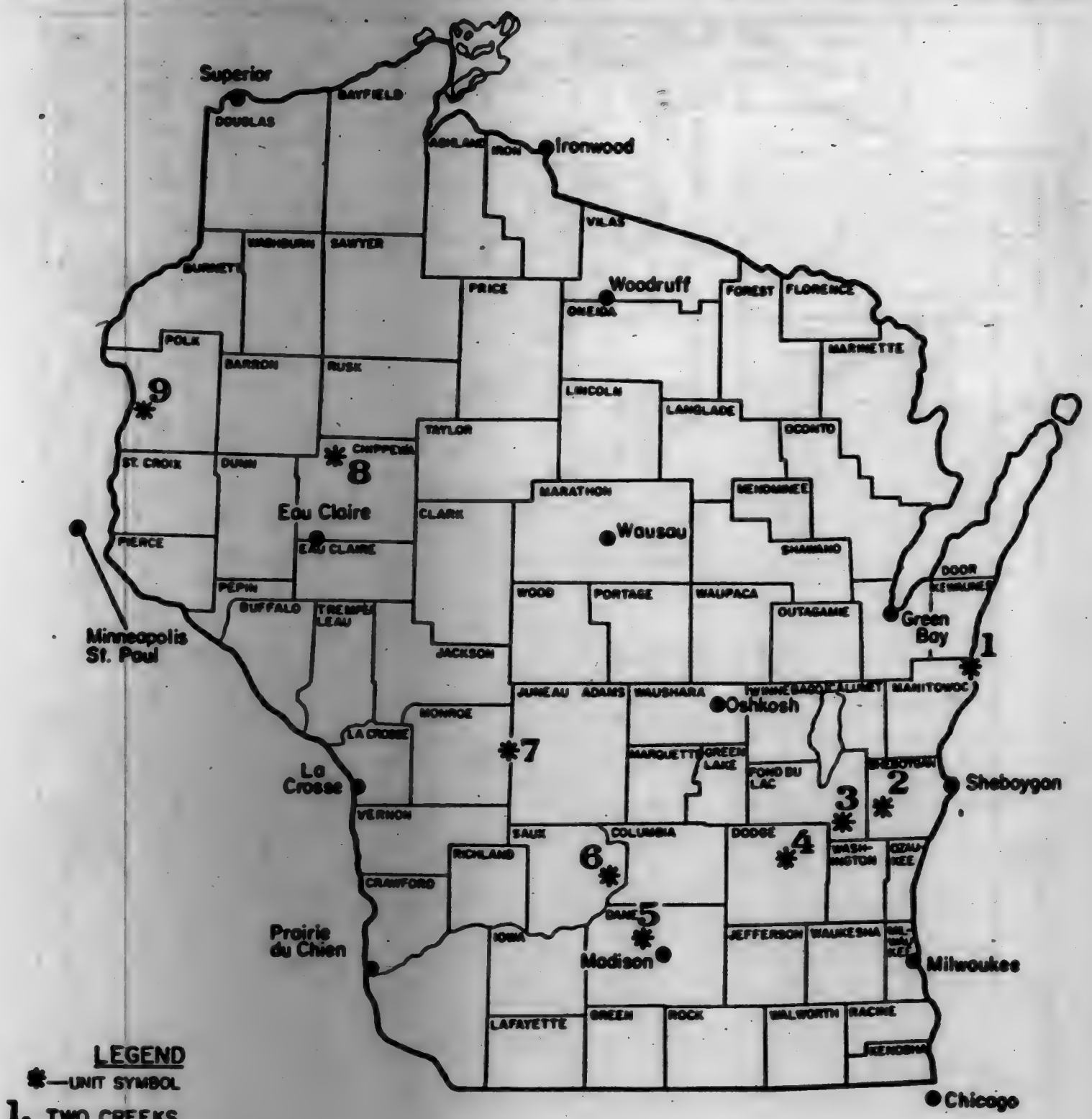
Superior
DOUGLAS
BAYFIELD
ASHLAND
IRON
Ironwood
VILAS
WASHBURN
SAWYER
BARRETT
PRICE
Woodruff
ONEIDA
FOREST
FLORENCE
MARINETTE
POLK
BARRON
RUSK
9
LINCOLN
LANGLADE
OCONTO
TAYLOR
CHIPPEWA
8
ST. CROIX
DUNN
Eau Claire
EAU CLAIRE
CLARK
MARATHON
Wausau
MENOMINEE
SHAWANO
PIERCE
PEPIN
BUFFALO
TREMPE LEAU
JACKSON
WOOD
PORTAGE
WAUPACA
OUTAGAMIE
DOOR
KEWAUNEE
Green Bay
1
Minneapolis St. Paul
JUNEAU
ADAMS
WAUSHARA
WINNE BAGO
FALLUMET
MANITOWOC
Oshkosh
MONROE
LA CROSSE
7
MARQUETTE
GREEN LAKE
FOND DU LAC
SHEBOYGAN
2
3
La Crosse
Sheboygan
VERNON
SAUK
COLUMBIA
DODGE
4
WASH-INGTON
OZAU-KEE
6
RICHLAND
CRAWFORD
DANE
5
Prairie du Chien
IOWA
Madison
JEFFERSON
WAUKESHA
MIL-WAU-KEE
Milwaukee
LAFAYETTE
GREEN
ROCK
WALWORTH
RACINE
KENOSHA
Chicago
LEGEND
*—UNIT SYMBOL
1. TWO CREEKS
2. KETTLE MORAINE
3. CAMPBELLSPORT DRUMLINS
4. HORICON MARSH
5. CROSS PLAINS
6. DEVILS LAKE
7. MILL BLUFF
8. CHIPPEWA MORAINE
9. INTERSTATE
N
ICE AGE SCIENTIFIC RESERVE
UNIT LOCATOR

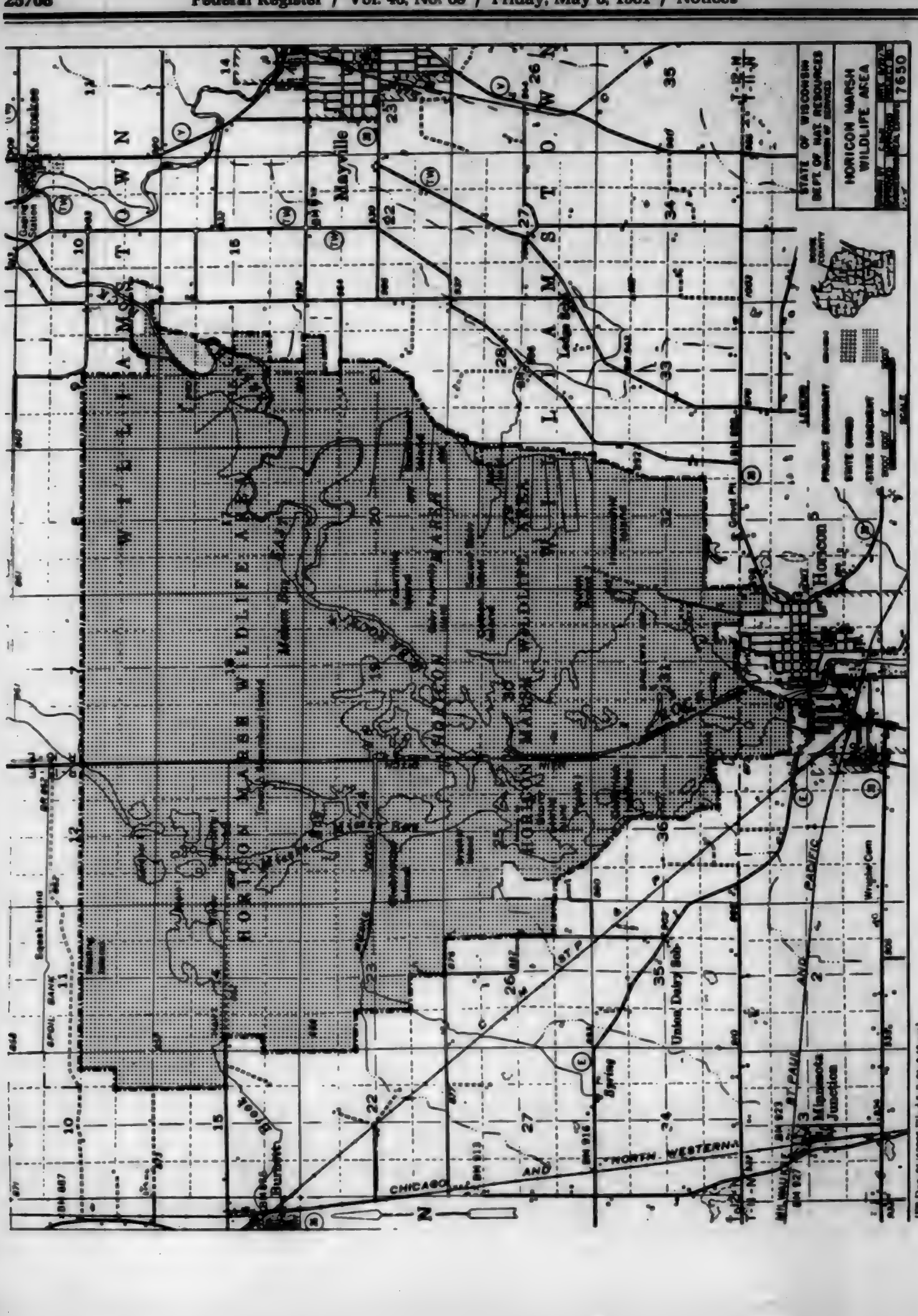

[FR Doc. 81-13806 Filed 5-7-81; 8:45 am]
BILLING CODE 4310-70-C

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning 7:30 p.m. (EDT), on Thursday, May 28, 1981, at Happy Days Visitor Center located on State Route 303 (Streetsboro Road), 1 mile west of State Route 8 near Peninsula, Ohio. Parking is on the north side of Route 303 and a pedestrian tunnel leasd to the building on the south side of the highway.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff–4, to meet and consult with the Secretary of the Interior on matters relating to the administration and developemnt of the Cuyahoga Valley National Recreation Area.

The members of the Commission are as follows:

Mrs. Tommie Patty (Chairperson)
Mr. John Craig
Mr. Norman A. Godwin
Mrs. William Hutchison
Mr. James S. Jackson
Mrs. George Klein
Mr. Stanley Mottershead
Mr. C. W. Eliot Paine
Mr. Melvin J. Rebholz
Mr. F. Eugene Smith
Ms. Robbie Stillman
Mr. Barry K. Sugden
Dr. Robert W. Teater

Matters to be discussed at this meeting include:

1. Presentation on the Parkwide Transportation Study for Cuyahoga Valley National Recreation Area.
2. Public discussion about transportation/circulation within Cuyahoga Valley National Recreation Area.
3. Consideration of Land Acquisition matters.
4. Update on Park operations.

The meeting will be open to the public. It is expected that about 200 persons, in addition to members of the Commission, will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone (216) 650–4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Dated: April 29, 1981.

J. L. Dunning,
Regional Director, Midwest Region.

[FR Doc. 81–13807 Filed 5–7–81; 8:45 am]
BILLING CODE 4310–70–M

Upper Delaware Citizens Advisory Council; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Adivsory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: May 22, 1981, 7:00 p.m.

ADDRESS: Arlington Hotel, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Sperintendent, Upper Delaware National Scenic and Recreation River, Drawer C, Narrowsburg, N.Y. 12764, (914/252–3947).

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include (1) implementation of section 704 of Pub. L. 95–625, and (2) new business.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreation River, Drawer C, Narrowsburg, N.Y. 12764. Minutes of the meeting will be available for inspection four weeks after the meeting at the temporary headquarters of the Upper Delaware National Scenic and Recreational River at the above address.

Dated: April 28, 1981.

Don H. Castleberry,
Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 81–13808 Filed 5–7–81; 8:45 am]
BILLING CODE 4310–70–M

Mining Plan of Operations at Death Valley National Monument; Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, United States Borax & Chemical Corporation has filed a plan of operations in support of proposed exploration drilling on lands embracing its White Monster Borate Mining Claim group within the Death Valley National Monument. This plan is available for public inspection during normal business hours at the Death Valley National Monument Headquarters, Death Valley, California.

Dated: April 6, 1981.

George Von der Lippe,
Superintendent, Death Valley National Monument.

Dated: April 29, 1981.

Norma Cox,
Acting Regional Director, Western Region.

[FR Doc. 81–13809 Filed 5–7–81; 8:45 am]
BILLING CODE 4310–70–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Housing Guaranty Program; Investment Opportunity; Morocco

The Agency for International Development (A.I.D.) has authorized the guaranty of a loan not to exceed $25 million to the Kingdom of Morocco (Borrower) as part of A.I.D.'s overall development assistance program. The proceeds of this loan will be used to finance a shelter project for low income families. Borrower is ready to receive financing and is requesting proposals from U.S. lenders or investment bankers:

Morocco

Project: 608–HG–001, Ministere des Finances, Direction des Tresors, Rabat, Morocco, Attention: Project Ben M'Sik, Telex: 31936 M, Language: French

By this notice of investment opportunity, the Borrower is soliciting expressions of interest from U.S. lenders or investment bankers to counsel it on loan timing and structure and features, and to manage the loan or underwriting.

Interested investment bankers or lenders should contact the Borrower as indicated above. Selection of an investment banker and/or lender and the terms of the loan are initially subject to the individual discretion of the Borrower and thereafter subject to approval by A.I.D. The lenders and A.I.D. shall enter into a Contract of Guaranty, covering the loans. Disbursements under the loan will be subject to certain conditions required of the Borrower by A.I.D. as set forth in an implementation agreement between A.I.D. and the Borrower.

The full repayment of the loans will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the Act).

Lenders eligible to receive an A.I.D. guaranty are those specified in Section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and, (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for an A.I.D. guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate established from time to time by A.I.D.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from: Director, Office of Housing, Agency for International Development, Room 625, SA/12, Washington, D.C. 20523, Telephone: (202) 632–9637.

Dated: May 5, 1981.

Sara A. Frankel,

Assistant Director, Office of Housing.

[FR Doc. 81–13828 Filed 5–7–81; 8:45 am]

BILLING CODE 4710–02–M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Corporation and address of principal office: Ag Exports Inc., 112 West 1st St., North, Sunburst, MT 59482.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: International Imports, Inc., State of Montana.

1. Parent Corporation and address of principal office: Associated Grocers, Inc., P.O. Box 3763, Seattle, WA 98124.

2. Wholly-owned subsidiary which will participate in the operations, and state of Incorporation: Sea-Pac Freight Lines, Inc., Washington.

1. Parent corporation and address of principal office: BASF Aktiengesellschaft, 6700 Ludwigshafen/Rhein, West Germany.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principal offices:

(a) BASF Wyandotte Corporation, 100 Cherry Hill Road, Parsippany, New Jersey 07054
(b) Badische Corporation, P.O. Box Drawer D, Williamsburg, Virginia 23185
(c) BASF Canada Incorporated, P.O. Box 430, Station St. Laurent, Quebec, Canada H4L 4V8
(d) Fritzsche, Dodge & Olcott, 76th 9th Avenue, New York, New York 10011
(e) BASF Systems Corporation, Crosby Drive, Bedford, Massachusetts 01730

1. Parent corporation and address of principal office: Connellee & Company, Inc., 618 Old Philadelphia Road, Aberdeen, Maryland 21001.

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation:

(i) Harco Distributors, Inc., a Maryland corporation.

(ii) Cornett Transportation Co., Inc., a Maryland corporation.

1. Parent corporation and address of principal office: Dean Foods Company, 3600 North River Road, Franklin Park, IL 60131.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

DFC Transportation Company, 12007 Smith Drive, Huntley, IL 60142
Creamland Dairies, Inc., 1911 2nd Street NW., Albuquerque, NM 87125
Amboy Packaging Co., 100–108 Bluff Street, Amboy, IL 61310
Dean Foods Company, 630 Meadow Street, Belvidere, IL 61008
McCadam Cheese Co., 23 Collins Street, Chateaugay, NY 12920
Dean Foods Company, 6303 Maxon Road, Harvard, IL 60033
Liberty Dairy, 530 North River Street, Evart, MI 49631
Creamland Dairies, Inc., 1201 W. Apache, Farmington, NM 87401
McArthur Dairy, Inc., 1101 NW., 40th Avenue, Fort Lauderdale, FL 33313
Green Bay Food Company, 857–897 School Place, Green Bay, WI 54303
Baskin-Robbins, 9400 West Foster, Chicago, IL 60656
Vita Foods Products, 2222 West Lake Street, Chicago, IL 60612
Dean Foods Company, 802 Court Street, Conway, AR 72032
Amboy Packaging Company, 820 Palmyra Avenue, Dixon, IL 61021
Green Bay Food Company, Marlin Street, Eaton Rapids, MI 48827
Price's Creameries, 600 N. Piedras, El Paso, TX 79903
Dean Foods Company, 2040 Madison Avenue, Memphis, TN 38104
Mrs. Weaver's Salads, 2040 Madison Avenue, Memphis, TN 38104
McArthur Dairy, Inc., 6851 NE., Second Avenue, Miami, FL 33138
Life Style Products Div., Highway 15A, Orange City, FL 32763
McCadam Cheese Company, 12 Annette Street, Heuvelton, NY 13654
Dean Foods Company, 11713 Mill Street, Huntley, IL 60142
Dean Foods Co. Warehouse, 12007 Smith Drive, Huntley, IL 60142
Dean Foods Company, 216 Center Avenue, Janesville, WI 53545
Dean Foods Company, 11121 Rodney Parham Road, Little Rock, AR 72212
Dean Milk Company, Inc., 4420 Bishop Lane, Louisville, KY 40218
Dean Foods Company, 6316 Material Avenue, Loves Park, IL 61111
Bell Dairy Products, 201 University, Lubbock, TX 79408
T. G. Lee Foods, Inc., 315 N. Bumbay Ave., Orlando, FL 32802
Dean Foods Company, 215 West Third Street, Pecatonica, IL 61063
Dean Foods Company, Business U.S. 31 North, Rochester, IN 46975
Dean Foods Company, 1126 Kilburn Avenue, Rockford, IL 61101
Gandy's Dairies, Inc., 332 Pulliam Street, San Angelo, TX 76903
Creamland Dairies, Inc., 1591 Pacheco St., Santa Fe, NM 87501
Fieldcrest Sales, 401 South Main Street, Westby, WI 54667

1. Parent corporation and address of principal office: Exterior Wood, Inc., 2685 Index, P.O. Box 208, Washougal, Washington 98671.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation: B & G Trucking, Inc.—State of Washington, 2685 Index, P.O. Box 208, Washougal, Washington 98671.

1. Parent Corporation and address of principal office is: Hayes-Albion

Corporation, 1999 Wildwood Avenue, Jackson, Michigan 49202.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation are: Hayes-Albion Transportation Corporation, Michigan.

3. Divisions which are not subsidiaries, but which are part of the parent corporation, and will participate in intercorporate hauling:

(i) Kooima Manufacturing Division, Iowa.

(ii) St. Louis Die Casting Division, Missouri.

(iii) Keokuk Division, Missouri.

(iv) Tennessee Die Casting Division, Missouri.

(v) Briggs-Shaffner Division, Delaware.

(vi) Textile Service Division, Delaware.

(vii) Albion Division, Albion, Michigan.

(viii) Litemetal Division, Jackson, Michigan.

(ix) Paramount Die Casting Division, Stevensville, Michigan.

(x) Tiffin Division, Tiffin, Ohio.

(xi) Exhaust Systems Division, West Unity, Ohio.

(xii) Fifty Division, Bryan, Ohio.

(xiii) Jackson Division, Jackson, Michigan.

(xiv) Spencerville Division, Spencerville, Ohio.

(xv) Transportation Division, Jackson, Michigan.

(xvi) Sales Engineering Division, Jackson, Michigan.

(xvii) Advanced Engineering Division, Jackson, Michigan.

1. Parent corporation and address of principal office: Lee Capital Corporation, 34 Troy Street, Auburn, ME 04210.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Clark International Corpóration, Auburn, ME; Maine corporation

(ii) U.D.M., Inc., d/b/a United Distributors of Maine, Lewiston, ME; Maine corporation

(iii) Lee Transport, Auburn, ME; Maine company

1. Parent Corporation: The Miami Margarine Company 5226 Vine Street Cincinnati, Ohio 45217.

2. Wholly-Owned Subsidiary Which Will Participate in the operations: Old Dutch Distributors, Inc., 5226 Vine Street, Cincinnati, Ohio 45217.

3. State of Incorporation: Ohio.

1. Parent corporation and address of principal office: Monsey Products Co., Inc., Cold Stream Road, Kimberton, PA 19442.

2. Wholly-owned Subsidiaries which will participate in the operations and address of their respective principal offices:

(a) M.P.C. Trucking, Inc., Cold Stream Road, Kimberton, PA 19442;

(b) American Seal Manufacturing Co., Inc., 430 Hudson River Road, Waterford, NY 12188.

1. Parent corporation and address of principal office: Weyerhaeuser Company, Tacoma, Washington 98477.

2. Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices:

(1) Chehalis Western Railroad Company, Tacoma, WA 98477.

(2) Columbia & Cowlitz Railway Company, Tacoma, WA 98477.

(3) Combustion Power Company, Inc., 1346 Willow Road, Menlo Park, CA 98425.

(4) Curtis Milburn & Eastern Railroad Company, Tacoma, WA 98477.

(6) DeQueen & Eastern Railroad Company, P.O. Box 32, DeQueen, AR 71832.

(7) Dixieline Lumber Company, 3250 Sports Arena Blvd., San Diego, CA 92110.

(8) Eclipse Timber Company, P.O. Box 2087, Port Angeles, WA 98362.

(10) Golden Triangle Railroad, 105 Alabama St., Columbus, MS 39701.

(11) Miss/Ala Plywood Company, P.O. Box 2288, Columbus, MS 39701.

(a) Sumter Plywood Corporation, P.O. Box 1017, Livingston, AL 35470.

(12) Mississippi & Skuna Valley Railroad Company, 105 Alabama St., Columbus, MS 39701.

(13) Northwest Hardwoods, Inc., 1300 S. W. Fifth Ave., Portland, OR 97201.

(14) Oregon Aqua-Foods, Inc., 88700 Marcola Road, Springfield, OR 97477.

(15) Oregon California & Eastern Railway Company, Weyerhaeuser Road, Klamath Falls OR 97601.

(16) Southern Containers, Inc., P.O. Box 1, Franklin, KY 42134.

(17) Texas Oklahoma & Eastern Railroad Company, P.O. Box 32, DeQueen, AR 71832.

(18) Weyerhaeuser Interantional, Inc. (Domestic Parent), Tacoma, WA 98477.

(a) Weyerhaeuser Canada, Ltd., 700 W. Georgia St., Vancouver, B.C., V7Y 1C8.

(19) Weyerhaeuser Construction Company, Tacoma, WA 98477.

(20) Weyerhaeuser Townsite Company, 810 Whittington Ave., Hot Springs, AR 71901.

(21) Weyerhaeuser Real Estate Company, Tacoma, WA 98477.

(a) The Babcock Company, 5915 Ponce de Leon Blvd., Coral Gables, FL 33146.

(b) Centennial Homes, Inc., 5024 Royal Lane, Dallas, TX 75230.

(c) Par-West Financial, P.O. Box 54088, Los Angeles, CA 90025.

(1) Pardee Construction Company, 10960 Wilshire Blvd., Los Angeles, CA 90024.

(22) The Quadrant Corporation, 1427 116th N.E., Bellevue, WA 98004.

(23) Scarborough Corporation, P.O. Box 387, Marlton, NJ 08053.

(a) Scarborough Construction, Inc., P.O. Box 4399, Clearwater, FL 33518.

(b) Quill Corporation, P.O. Box 387, Marlton, NJ 08053.

(24) Westminister Company, 405 Parkway Drive, Greensboro, NC 27405.

(25) Winchester Homes, Inc., 8375 Jumpers Hold Road, Millersville, MD 21108.

(26) Westwood Shipping Lines, P.O. Box 1645, Tacoma, WA 98401.

(27) Fisher Lumber Co., 1601 14th Street, Santa Monica, CA 90404.

(28) Malibu Lumber & Hardware Co., 23419 Pacific Coast Highway, Malibu, CA.

(29) Union Manufacturing & Supply Co., Inc., P.O. Box 1547, 3000 S. College Ave., Ft. Collins, CO 80522.

(30) Trendmaker Homes Inc., 950 Thriadruoli, Suite 150, Houston, TX.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-13866 Filed 5-7-81; 8:45 am]

BILLING CODE 7035-01-M

[Application No. MC-1520]

New England Motor Freight, Inc., Released Rate Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice, Released Rate Application No. MC-1520.

SUMMARY: New England Motor Freight, Inc., on behalf of all carriers now participating or who may hereafter participate in the Coordinated Freight Classification seeks authority to amend Released Rates Order MC-528, applicable on Radio Transmitting Sets or Radio Transmitting and Receiving Sets combined. The proposal is to increase existing released values of $1.50, $3.00 and $5.00 per pound to $3.00, $6.00 and $10.00 per pound to adjust for inflation.

The net effect will be to double the carriers' liability for loss or damage with no increase in rates.

ADDRESS: Anyone seeking copies of this application should contact: Mr. C. D. Donley, Co-Chairman, General Rate and Classification Committee, New England Motor Rate Bureau, Inc., 14 New

England Executive Park, Burlington, MA 01803, Tel. (617) 272–7540 (File 28300).

FOR FURTHER INFORMATION CONTACT: Mr. Max Pieper, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, Tel. (202) 275–7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–13882 Filed 5–7–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek aproval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: May 1, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–F–14574, filed February 11, 1981. (This notice corrects the notice published in the **Federal Register**, Vol 46, No. 53, Thursday, March 19, 1981.) ALLTRANS PILOT, INC. (AP) (Two Robert Speck Parkway), Suite 1050, Mississauga, Ontario, Canada L5A353)—Control—Pilot Freight Carriers, Inc. (Pilot) (Cherry Street & Polo Road, Winston-Salem, NC 27101). Representative: Jack Goodman c/o Axelrod, Goodman, Steiner and Bazelon, 39 South La Salle Street, Chicago, IL 60603 and Pansy Beroth, P.O. Box 615, Cherry Street & Polo Road, Winston-Salem, NC 27102. Authority is sought by AP to control Pilot through ownership of its capital stock. AP is controlled by a noncarrier, Alltrans Holdings, Inc. (AH) which, in turn, is controlled by a noncarrier, Thomas Nationwide Transport Limited (TNTL), whose stock is widely held. AH also controls a motor common carrier, Alltrans Express USA, Inc. (AXUSA), which in turn controls a freight forwarder, Alltrans Alaska Freight, Inc. (AAF). AH also contral a motor common carrier, MMar Transportation, Inc. (MMT). TNTL controls a noncarrier, Alltrans Canada, Inc. which in turn controls a motor common carrier, TNT Canada, Inc. (TC). TC controls a motor common carrier, Trojan Freight Lines, Limited (TFL), a motor common carrier, Overland Western International, Inc. (OWI), and a carrier Champlain Septiles Express, Inc. (CSX). CSX in turn owns 49 percent of the outstanding capital stock of a noncarrier, Cowansville Express, Inc., which in turn controls a motor common carrier, Champlain Express Transport (International), Inc. (CXT). TNTL corporate-system carriers hold operating rights generally authorizing transportation of general and specified commodities in Washington, Oregon, California, Arizona, Missouri, Illinois, Wisconsin, Michigan, Ohio, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. AP proposes to control Pilot which holds operating rights generally authorizing transportation of (1) general commodities (serving all intermediate and off-route points) or specified commodities in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Ohio, West Virginia, Kentucky, Indiana and the District of Columbia. The authorities which AP or its affiliates hold duplicate authorities which AP would control through Pilot. A more detailed description of the carrier operating rights are on file as part of the application at the Commission's main office in Washington, DC and at its Regional Office in Atlanta, GA. To avoid conflict with 49 U.S.C. 11323, the authority of AAF will be transferred to Pilot prior to consummation of the instant transaction. Impediment: Duplication exists between the authorities of the TNTL corporate system carriers and Pilot. Therefore, applicants should submit a plan for eliminating duplicate authority.

Notes.—(1) AP has filed an application for temporary control of Pilot. (2) Pilot has filed a directly-related application under 49 U.S.C. 11301 in Finance Docket No. 29583 for authority to issue 1,000,000 shares of $1.00 par value common stock to AP as part of the control transactions. At the time of issuance, Pilot will have no authorized stock outstanding because it previously will have

redeemed and cancelled its outstanding stock as a earlier step in the control transaction.

MC–F–14617F, filed April 6, 1981. WALTER ENICK, An Individual (Enick)—CONTINUANCE IN CONTROL—GATEWAY TRUCKING, INC. (169 Station Street, Aliquippa, PA 15051). Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Enick seeks authority to continue in control of Gateway Trucking, Inc. (Gateway) upon the institution by Gateway of operations in interstate or foreign commerce as a motor common carrier. Enick owns a majority of the outstanding stock of Gateway and is an officer and director of that company. He also is the controlling shareholder in J. Miller Express, Inc., a motor common carrier holding authority from the Commission in docket No. MC–78228 and Subs thereunder. Gateway seeks authority to operate as a motor common carrier in MC–134403 (Sub-No. 3), which authorize the transportation of metal products, between points in Beaver, Washington, Allegheny, and Westmoreland Counties, PA, on the one hand, and, on the other, points in OH and WV.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–13991 Filed 5–7–81; 8:45 am]

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[Volume No. 74]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 1, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions of broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2806 (Sub-1)X, filed April 29, 1981. Applicant: SAMUEL KESSLER, CHARLES KESSLER, LILLIAN KESSLER and SHELDON KESSLER, doing business as KESSLER TRUCKING COMPANY, P.O. Drawer AR, 52–60 Berkshire Avenue, Patterson, NJ 07509.Representative: Edward L. Nehez, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Applicant seeks to broaden the commodity description in its lead certificate from office furniture, and textile machinery and equipment to "furniture and fixtures, and machinery."

MC 13547 (Sub-14)X, filed April 20, 1981. Applicant: LEONARD BROTHERS TRANSPORT CO., INC., 1528 West 9th Street, Kansas City, MO 64101. Representative: Joe M. Lock (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 10F certificate to authorize service at all intermediate points on its regular route authority between named points in KS and MO.

MC 22182 (Sub-42)X, filed April 27, 1981. Applicant: NU-CAR CARRIERS, INC., P.O. Box 172, Bryn Mawr, PA 19010. Representative: Gerald K. Grimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its Sub-Nos. 34, 37F, and 38 certificates, to (1) broaden the commodity descriptions from automobiles, trucks, and chassis, and pickup trucks, in secondary movements, in truckaway service, to "transportation equipment" in each certificate; (2) eliminate the facilities limitation at Chicago, IL, in Sub-No. 34; and (3) change one-way to radial authority between (a) Chicago, IL, and, points in IL, IN, IA, MI, MN, OH, and WI, in Sub-No. 34; and (b) Baltimore, MD, and, points in AL, AR, IL, IN, KY, LA, MI, MS, and TN; and Jacksonville, FL, and, points in LA, in Sub-No. 37F.

MC 30884 (Sub-29)X, filed April 27, 1981. Applicant: JACK COOPER TRANSPORT, CO., INC., 3501 Manchester Trafficway, Kansas City, MO 64129. Representative: Warren A. Goff, 2006 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-No. 28 permit to broaden the commodity description from motor vehicles to "transportation equipment" between points in the U.S. under continuing contract(s) with named shippers.

MC 35831 (Sub-27)X, filed April 21, 1981. Applicant: E. A. HOLDER, INC., P.O. Box 69, Kennedale, TX 76060. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Applicant seeks to remove restrictions in its Sub-Nos. 18F, and 26F certificate to (1) broaden the commodity description to "lumber and wood products" from lumber and lumber products in Sub-No. 18F; (2) remove the facilities limitation in Polk county, TX, in Sub-No. 18F; and (3) change its one-way authority to radial authority between (a) Polk County, TX, and, AR, LA, OK, and TX, in Sub-No. 18F; and (b) Jefferson and Orleans Parishes, LA, and TX, in Sub-Nos. 26F.

MC 66300 (Sub-37)X, filed April 17, 1981. Applicant: DIXIE AUTO TRANSPORT COMPANY, 1600 Talleyrand Avenue, Jacksonville, FL 32206. Representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, IL 60601. Applicant seeks to remove restrictions from its Sub-Nos. 9, 34, and 36F certificates to (1) broaden the commodity descriptions from (a) new and used automobiles, new and used automobiles chassis, new imported automobile and new imported trucks and motor vehicles, to "transportation equipment", in each sub-number, and (b) farm tractors to "machinery (except electrical), in Sub-No. 9; (2) remove all restrictions to secondary movements and to truckaway and driveaway service in Sub-Nos. 9 and 34; and (3) replace one-way territorial descriptions with radical authority between specified states located mainly in the eastern portion of the U.S., in Sub-Nos. 9 and 34.

MC 107002 (Sub-589)X, filed April 7, 1981. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. Applicant seeks to remove restrictions from Item 317 of its base certificate, Sub-Nos. 360, 400, 450, 494, 500, 530F, 535F and letter notices E–129 and E–130 to (1) broaden the commodity descriptions from liquid plasticizers, crude titanium dioxide, in slurry, liquid chemicals, dry resins, titanium dioxide, liquid insecticides, and dry synthetic plastics to "chemicals and related products"; (2) remove the commodity description restrictions (a) "in bulk" in Item 317 of the lead, and

Sub-No. 494; "in bulk, in tank vehicles" in Sub-Nos. 360, 400, 450, 500, 530F, 535F, and letter notices E–129 and E–130; (c) "except petroleum products, plasticizers, and titanium dioxide" in Sub-No. 400 and letter notices E–129 and E–130; and (d) "restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen when moving to missile storage or launching sites, missile test facilities or manufacturing plants producing liquid hydrogen, liquid oxygen or liquid nitrogen" in letter notices E–129 and E–130; (3) change city-wide to county-wide authority (a) from "Hamilton, MS" to "Monroe County, MS" in Subs 360, 400, 494, 535F, and letter notices E–129 and E–130; (b) from "Aberdeen, MS" to "Monroe County, MS" in Subs 450 and 530F; (c) from "Becker, MS" to "Monroe County, MS" in Sub-500; and (d) from Pownal, VT and Mansfield, MA to "Bennington County, VT" and "Bristol County, MA" in Sub-No. 450; (5) change and expand one-way authority to radial authority between points in Monroe County, MS, and (a) points in AR,LA, MS, K, and TX in Item 317; (b) Savannah, GA, in Sub 360; (c) points in AL, FL, and TN (with certain exceptions), in Sub 400; (d) points in Bennington County, VT and Bristol County, MA, in Sub 450; (e) points in CA, DE, IL, IN, MD, NJ, OH, PA, and WI in Sub 494; (f) points in NC and SC in Sub 500; (g) points in KY, MO, VA, and WV in Sub 530F; and (h) points in MI in Sub 535.

MC 107478 (Sub-66)X, filed April 20, 1981. Applicant: OLD DOMINION FREIGHT LINE, INC. 1791 Westchester Drive, Post Office Box 2006, High Point, NC 27261. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-No. 64F certificate to (1) broaden the commodity description from general commodities (with usual exceptions) to "general commodities (except classes A and B explosives)", and (2) expand the territoral description which authorizes service at specified intermediate points to authorize service at all intermediate points on its described regular routes extending generally along the Atlantic East Coast states from MA through MD, VA, NC, SC to GA.

MC 108053 (Sub-184)X, filed April 20, 1981. Applicant: LITTLE AUDREY'S TRANSPORTATION, CO. INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, Burke, Kerwin, Towle & Andrin, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-Nos. 19, 74, 83, 87, 95, 123, 147F, 150F, 152F, 154F, 159F, 167F, 168F, 169F, 173F, and 176F certificates to (A) broaden the commodity description from (1) general commodities (a) with usual exceptions in Sub-Nos. 168F and 172F, and (b) except bank bills, coins, currency, deeds, drafts, notes, postage stamps, precious metals, or articles manufactured therefrom, precious stones, revenue stamps, valuable and negotiable papers, articles or papers of extraordinary value, tank truck shipments, wild animals, dead animals, classes A and B explosives, coal, sand, and gravel, and automobiles, in Sub-No. 19, to "general commodities (except classes A and B explosives)", (2) in Sub-Nos. 74, 83, 87, 95, 123, 147F, 150F, 152F, 159F, 167F, 168F, and 176F, from meats and packinghouse products, confectionery, syrups, sauces, etc., bananas and agricultural commodities, foodstuffs and beverages to, "food and related products", (3) in Sub-No. 154F from such commodities as are dealt in by food and business houses when moving in mixed loads with agricultural commodities, and, agricultural commodities the transportation of which is otherwise exempt from economic regulation, and, in Sub-No. 173F, from such merchandise as is dealt in by wholesale or retail food business houses, and materials, equipment and supplies (except foodstuffs) to "such commodities as are dealt in by food business houses"; (B) remove the (1) "except hides and/or commodities in bulk" restriction in Sub-Nos. 74, 83, 87, 95, 123, 147F, 152F, 154F, 159F, and 167F, (2) "in tank vehicles" restriction, in Sub-No. 83, and (3) "in containers" restriction, in Sub-No. 168F; (C) remove the restriction limiting service to the transportation of traffic originating at and/or destined to named points in Sub-Nos. 74, 87, 95, 123, 147F, 154F, 159F, 169F, and 172F; (D) remove the restriction prohibiting service to AK and HI, in Sub-Nos. 167F and 168F; (E) replace facilities or city-wide authority with county-wide authority: (1) facilities at Oakdale, CA, with Stanislaus County, CA, in Sub-No. 83, (2) facilities at or near Glenwood, IA, with Mills County, IA, in Sub-No. 87, (3) facilities at Madison, NE, with Madison County, NE, in Sub-No. 123, (4) Schuyler, NE, with Colfax County, NE, in Sub-No. 147F, (5) Wilmington, CA, with Los Angeles County, CA, in Sub-No. 150F, (6) facilities at or near (a) Sioux Falls, SD, with Minnehaha County, SD, and (b) Wichita and Arkansas City, KS, with Sedgwick and Cowley Counties, KS, in Sub-No. 159F, (7) facilities at or near Bridgeview, IL, with Cook County, IL, in Sub-No. 172F, and (8)(a) Denison, Vinton, and Ames, IA, for Crawford, Benton and Story Counties, IA, in Sub-No. 176F; and (F) authorize radial authority to replace existing one-way service between cities and counties in various combinations of States throughout the U.S., in Sub-Nos. 74, 83, 87, 95, 123, 147F, 150F, 152F, 154F, 159F, 168F, 173F, and 176F.

MC 109460 (Sub-73)X, filed April 10, 1981. Applicant: PETROLEUM CARRIERS COMPANY, 5104 West 14th Street, P.O. Box 762, Sioux Falls, SD 57101. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 1, 8, 10, 12, 13, 15, 16, 17, 18, 20, 21, 26, 27, 29, 30, 31, 32, 36, 39, 41, 42, 49, 50, 51, 52, 53, 55, 56, 57, 58, 60, 61F, 63F, 64F, 66F, 69F, 70F and 72F certificates to (1) broaden the commodity description to "commodities, in bulk" (a) in Sub-Nos. 1 and 49, from petroleum products, in bulk, in tank vehicles; (b) in Sub-Nos. 8, 42, and 58, from liquefied petroleum gas, in bulk, in tank vehicles; (c) in Sub-Nos. 10, 12, and 29, from petroleum and petroleum products, as described in the *Descriptions* case, in bulk, in tank vehicles; (d) in Sub-Nos. 13, 25, 36, 39, 41, 53, 55, and 64F, from anhydrous ammonia, in bulk, in tank vehicles; (e) in Sub-Nos. 15 and 20, from liquefied petroleum gas; (f) in Sub-No. 16, from chemicals and fertilizers; (g) in Sub-No. 17, from petroleum products, as described in the *Descriptions* case (h) in Sub-No. 18, from liquid carbon dioxide; (i) in Sub-Nos. 21 and 52, from liquid fertilizers and liquid fertilizer ingredients, in bulk, in tank vehicles; (j) in Sub-No. 27, from fertilizers, insecticides, fungicides, and herbicides, and materials and ingredients thereof, in bulk; (k) in Sub-No. 30 from anhydrous ammonia, urea, and fertilizer (except anhydrous ammonia and urea) in bulk; (l) in Sub-No. 31, from fertilizer and fertilizer materials; (m) in Sub-No. 32, from liquid animal and poultry feed and liquid animal and poultry feed ingredients and supplements, in bulk, and fertilizer and fertilizer ingredients, in bulk; (n) in Sub-No. 50, from soybean meal, soybean mill run, and soybean hulls, dry, in bulk; (o) in Sub-Nos. 51 and 61 from feed; (p) in Sub-No. 56, from anhydrous ammonia, nitrogen fertilizer solutions, and urea liquor, in bulk, in tank vehicles; (q) in Sub-No. 57, from anhydrous ammonia; (r) in Sub-No. 60, from petroleum products, in bulk, in tank vehicles, asphalt, in bulk, in tank vehicles, animal and poultry grease, in bulk, and animal and poultry tankage and meat scraps, and feather meal, in bulk; (s) in Sub-Nos. 63F and 69F from liquid fertilizer, in bulk, in tank vehicles;

(t) in Sub-No. 66F from fertilizer, in bulk; (u) in Sub-No. 70F from liquid carbon dioxide, in bulk, in tank vehicles, and liquid petroleum gas, in bulk, in tank vehicles; and (v) in Sub-No. 72F, from petroleum products, in bulk; (2) remove the restriction limiting service to the transportation of traffic (a) originating at and/or destined to named points, in Sub-Nos. 27, 32, 36, 39, 41, 51 and 52, and (b) in auger-equipped vehicles, in Sub-No. 61F; (3) eliminate the plantsite restrictions, in Sub-Nos. 8, 10, 12, 13, 16, 17, 20, 26, 27, 29, 31, 36, 39, 41, 42, 50, 52, 53, 55, 56, 57, 60 part (4), 63, 66F and 69F; (4) remove the restriction prohibiting service to transportation of specified commodities from and to named points, in Sub-No. 32; (5) authorize county-wide authority to replace existing city-wide service; in Sub-No. 1, Scottsbluff County, NE, for Scottsbluff, NE, McPherson and Phillips Counties, KS, for McPherson and Phillipsburg, KS, Kingsbury, Marshall, Minnehaha, Brown, Moody, Roberts and Deuel Counties, SD, for Arlington, Britton, Colton, Columbia, Flandreau, Garretson, Hartford, Sisseton, and Toronto, SD, Lyon County, IA, for Rock Rapids, IA; in Sub-No. 8, O'Brien County, IA, for Sanborn, IA; in Sub-No. 10, Beadle and Davison Counties, SD, for Wolsey and Mitchell, SD, Campbell and Weston Counties, WY, for Gillette and New Castle, WY; in Sub-No. 12, Brown County, SD, for Aberdeen, SD; in Sub-No. 13, Webster County, IA, for Fort Dodge, IA; in Sub-No. 15, Richland County, ND, for Lidgerwood, ND; in Sub-No. 17, Stutsman County, ND, for Jamestown, ND, Brown, Davison and Beadle Counties, SD, for Aberdeen, Mitchell and Wolsey, SD, and Fillmore and Madison Coounties, NE, for Geneva and Norfolk, NE; in Sub-No. 20, Blue Earth County, MN, for Mankato, and Brown County, SD, for Aberdeen, SD; in Sub-No. 27, Washington County, NE, for Blair, NE; in Sub-No. 29, Plymouth and Dickinson Counties, IA, for Le Mars and Milford, IA; in Sub-No. 31, Adams County, NE, for Hastings, NE; in Sub-No. 32, Minnehaha County, SD, for Ellis and Sioux Falls, SD; Cass County, NE, for Greenwood, NE, and Monona, Sac, and Hancock Counties, IA, for Whiting, Early and Garner, IA; in Sub-No. 36, Clay County, IA, for Spencer, IA; in Sub-No. 41, Washington County, NE, for Fremont, NE; in sub-No. 42, Pope County, MN, for Glenwood, MN; in Sub-No. 49, Blue Earth County, MN, for Mankato, MN; in Sub-No. 50, Woodbury County, IA, for Sergeant Bluff, IA; in Sub-No. 51, Beadle County, SD, for Huron, SD; in Sub-No. 52, Codington County, SD, for Watertown, SD; in Sub-No. 53, Grand Forks County, ND, for Grand Forks, ND, and Pope County, MN, for Glenwood, MN; in Sub-No. 55, Clay and Swift Counties, MN, for Barnesville and Benson, MN; in Sub-No. 56, Woodward County, OK; for Woodward, OK; in Sub-No. 57, Clay and Ida Counties, IA, for Spencer and Holstein, IA, and Butler County, NE for David City, NE; in Sub-No. 58, Cass County, NE, for Greenwood, NE, Blackhawk County, IA, for Waterloo, IA and Minnehaha and Clay Counties, SD, for Sioux Falls, Yankton and Vermillion, SD, Pipestone County, MN, for Pipestone, MN, Rice County, KS, for Little River, KS; in Sub-No. 60, Minnehaha County, SD, for Sioux Falls, SD; Lyon County, MN, for Marshall, MN; in Sub-No. 63F, Minnehaha County, SD, for Sioux Falls, SD; in Sub-No. 64F, Kossuth and Hardin Counties, IA, for Algona and Iowa Falls, IA; in Sub-No. 66F, Washington County, NE, for Blair, NE; in Sub-No. 70F, Monona County, IA, Whiting, IA, Clay County, KS, for Clay Center, KS, and Clay County, MO, for Kearney, MO; and (6) authorize radial authority to replace existing one-way service between points primarily in midwestern and western States.

MC 109449 (Sub-58)X, filed April 20, 1981. Applicant: KUJAK TRANSPORT, INC., P.O. Box 799, Winona, MN 55987. Representative: Jack H. Blanshaw, 205 West Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-Nos. 21F, 25F, 41F, 44F, 47F and 48F certificates to (1) broaden commodity descriptions to "food and related products", from (a) meats, meat products, meat by-products and articles distributed by meat packing houses as defined in *Descriptions in Motor Carrier Certificates*, (except hides, animal fats, animal oils, vegetable oils and commodities in bulk), and food stuffs, (except the commodities described above) and (b) meats, meat products, meat by-products and articles distributed by meat packing houses as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides, animal oils, animal fats, vegetable oils and commodities in bulk), in Sub-No. 21F; to "food and related products" from foodstuffs, in Sub-No. 25F and from frozen foodstuffs, in Sub-No. 41F; from wrapping paper to "pulp, paper and related products", in Sub-No. 44F; and to "meat, meat products, meat by-products and articles distributed by meat packing houses as defined in Sections A, B, C and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766" from meats, meat products, meat by-products and articles distributed by meat packing houses, (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in Sub-No. 47F, (2) remove the plantsite restrictions in all subs except Sub-No. 44F, (3) broaden the territorial description form one-way authority to radial authority in all Subs except Sub-No. 41F and replace specified plantsites with county-wide authority to authorize service (a)(1) between Beadle County, SD (for Huron, SD) and Mower County, MN (for Austin, MN) and points in IL, IN, KS, KY, MO, OH, PA and WV, (a)(2) between Freeborn County, MN (for Albert Lea, MN), and points in IL, in Sub-No. 21F; (b) between St. Louis County, MN (for Duluth, MN) and Douglas County, WI (for Superior, WI) and points in IL, IN, MI, OH and WI, in Sub-No. 25F; (c) between Marathon County, WI (for Mosinee, WI) and points in IN, IL, KS, MO, MI, OH and PA, in Sub-No. 44F; and (d) between Freeborn County, MN (for Albert Lea, MN) and points in IN, KY, NY, OH and PA, in Sub-No. 47F; and (4) remove the restrictions to the transportation of traffic originating at the named origins and destined to the named destinations in Sub-Nos. 21F, 41F, 47F and 48F.

MC 113434 (Sub-159)X, filed April 28, 1981. Applicant: GRA-BELL TRUCK LINE, INC., A5253 144th Avenue, Holland, MI 49423. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Applicant seeks to remove restrictions in its Sub-No. 150F certificate to (1) broaden the commodity description to "containers and materials, equipment and supplies used in the manufacture or description of containers" from glass containers, and materials, equipment and supplies used in the manufacture or distribution of glass containers (except commodities in bulk), and (2) remove the "originating at and destined to" restriction on its non-radial authority between several midwestern and eastern States.

MC 113908 (Sub-523)X, filed April 23, 1981. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 10066, G.S., Springfield, MO 65804. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions in its Sub-Nos. 495F and 509F certificates to (1) broaden the commodity description to "food and related products" from vinegar and vinegar stock, in bulk, in Sub-No. 495F and lecithin, in Sub-No.

509F; and (2) eliminate the except AK and HI restriction in Sub-No. 495F.

MC 117068 (Sub-140)X, filed April 20, 1981. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Hwy. 63, Rochester, MN 55901. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 10, 21, 24, 63, 73, 85, 88, 139X, 93F, 95F, 102F, 104F, 107F, 109F, 114F, and 131F certificates to (1) broaden the commodity descriptions from (a) seat cabs, mining equipment and self-propelled vehicles, equipment, materials and supplies used in manufacture of the above commodities to "transportation equipment and machinery" in Sub-Nos. 10 and 104F; (b) iron and steel articles, and contractors' machinery, equipment, supplies, and materials, and materials, tanks and tank parts, materials and supplies used in the manufacture, and mechanical lifting devices and related machinery, parts and attachments to "machinery and metal producers" in Sub-Nos. 21, 85, and 88; (c) self-propelled articles, each weighing less than 15,000 pounds, saw mill machinery and wood shaving equipment, parts and attachments, metal fabricating machinery, and attachments for metal fabricating machinery to "machinery" in Sub-Nos. 24, 109F, and 114F; (d) lumber to "lumber and wood products" in Sub-No. 63; (e) pre-cast concrete products (except those requiring special equipment) to "clay, concrete, glass or stone products" in Sub-No. 73; (f) backhoes, cranes, lift trucks, and towing tractors, attachments and accessories, and parts, and industrial and irrigation power equipment, parts, materials, equipment, and supplies used in the manufacture to "machinery and supplies" in Sub-Nos. 93F and 131F; (g) pipe, fittings, valves, hydrants, castings, materials, and supplies used in the installation to "metal products and rubber and plastic products" in Sub-No. 95F; (h) iron or steel tanks, and parts and accessories for iron or steel tanks to "metal products" in Sub-No. 102F; and (i) flour and flour ingredients to "food and related products" in Sub-Nos. 107F; (2) remove the restrictions "in bulk" in Sub-Nos. 21, 85, 95F, 104F, 107F, 114F and 131F; and "except automobiles, trucks and buses" in Sub-Nos. 104F; (3) eliminate the facilities limitations in Sub-Nos. 21, 24, 88, 93F, 95F, 102F, 104F, 109F, and 131F; (4) expand city to county-wide authority from Rochester to Olmsted County, MN, and Deerfield to Lake County, IL, in Sub-No. 10; Indian Oaks to Kankakee County, IL, in Sub-No. 21; Barnesville to Clay County, MN in Sub-No. 24; New Castle to Weston County, WY, in Sub-Nos. 63; Coates and Hastings to Dakota County, MN in Sub-No. 73 and 107F; New Prague to Scott County, MN, in Sub-No. 85; St. Joseph to Buchanan County, MO, and Elwood to Doniphan County, KS, in Sub-No. 88; Tifton to Tift County, GA, in Sub-No. 93; Birmingham and Pell City to Jefferson and St. Clair Counties, AL, in Sub-No. 95F; DeKalb to Dekalb County, IL, in Sub-No. 102F; Alton to Madison County, IL, in Sub-No. 107; Mondovi to Buffalo County, WI, in Sub-No. 109F; Lake City to Wabasha County, MN, in Sub-No. 114F; and Los Angeles County to Los Angeles, CA, in Sub-No. 139X; (5) authorize radial authority for one-way authority between points throughout the U.S.; and (6) remove the "originating at and destined to" restrictions in Sub-Nos. 21, 24, 73, 88, 104F and 109F; restrictions against commodities transported on trailers in Sub-No. 24; against service in AK and HI in Sub-Nos. 24, 88, 102F, 104F, 109F, 114F and 131F; against service in AK, HI and MN in Sub-Nos. 73 and 85; against service in AK, HI and GA in Sub-No. 93F; and limiting service to traffic in foreign commerce only in Sub-No. 73.

MC 120430 (Sub-14)X, filed April 21, 1981. Applicant: COASTAL TRANSPORT CO., INC., 5714 Star Lane, Houston, TX 77057. Representative: Leroy Hallman, 4555 First National Bank Building, Dallas, TX 75202. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 6, and 8 certificates to (A) broaden the commodity descriptions as follows: (a) from petroleum and petroleum products, in bulk, to "commodities in bulk", in Sub-No. 3; (b) from wooden building materials and from lumber and particleboard to "building materials" in Sub-No. 4; (c) from dry manufactured fertilizer compounds to "commodities in bulk" in Sub-No. 6; (d) from part (1) buildings, complete, knocked down, or in sections, part (2) building sections and building panels, part (3) parts and accessories used in the installation and completion of commodities in parts (1) and (2) above, and part (4) metal prefabricated structural components and panels and accessories used in the installation and completion of such commodities, to "building materials and those commodities which because of their size or weight require the use of special handling or equipment" in Sub-No. 8, (B) broaden the territorial scope by replacing one-way with radial authority and replacing named facility limitations and/or city-wide with county-wide authority as follows: in Sub-No. 4, Diboll with Angelina County, TX, and Pineland with Sabine County, TX; in Sub-No. 6, Texas City with Galveston County, TX; and in Sub-No. 8, Gregg County with Gregg County, TX; (C) remove restrictions as follows: in Sub-No. 4, (first commodity description), against the transportation of (a) wallboard, to points in AR, DE, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MO, NE, NJ, NM, NY, (except points in Nassau and Suffolk Counties), OH, OK, PA, TN, VA, WV, and WI, Jacksonville, FL, and DC, and (b) lumber to points in LA, NM, and OK; and (second commodity description) against the transportation of lumber to points in LA, NM, and OK; in Sub-Nos. 4 and 8, against the transportation of traffic originating at or destined to named facilities; and in Sub-No. 8, excepting service in AK and HI.

MC 121470 (Sub-83)X, filed April 24, 1981. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan Street, Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-No. 68F certificate to (1) broaden its commodity description from composition board and lumber and wood products, to "building materials, and lumber and wood products"; and (2) change its one-way to radial authority: between Nashville and Henry County, TN, and, points in KY; and between ID, CA, OR, WA, AZ, MS, LA, GA, AL, VA, FL, and MT, and, points in TN, KY, and AL.

MC 124059 (Sub-2)X, filed April 21, 1981. Applicant: REJER TRANSPORT, INC., P.O. Box 566, Marietta, OH 45750. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity descriptions from pig iron, in dump vehicles, to "metal products" and from scrap metals, wood chips, coke and lime to "waste or scrap materials, petroleum or coal products, lumber and wood products, and chemicals and related products"; (2) broaden the territorial scope by replacing one way with radial authority; and Waterford Township with Washington County, OH and (3) remove "except shipments of lime from the Chicago, IL, Commercial Zone, as defined by the Commission to points in Waterford Township."

MC 126313 (Sub-9)X, filed April 20, 1981. Applicant: CHO-BO, INC., P.O. Box 38, Route Kennedy, St. Georges (Beauce County), Quebec, Canada G5Y 5C0. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108.

Applicant seeks to remove the restrictions in its lead and Sub-Nos. 3, 5, 6, and 8 certificates as follows: (1) broaden the commodity descriptions (a) from lumber, wood chips, pulpwood, hardwood squares, cedar furniture, shingles, fenceposts, pickets, panels, and hardwood flooring, to "lumber and wood products, furniture and fixtures, and metal products" in the lead; (b) from sulphite and wood pulp to "chemicals and related products, and pulp, paper, and related products" in Sub-No. 3; (c) from cement to "clay, concrete, glass, or stone products" in Sub-No. 5; (d) from asbestos to "clay, concrete, glass, or stone products" in Sub-No. 6; (e) from sulphite and woodpulp, paper, waste paper, and lumber, to "chemicals and related products, pulp, paper, and related products, waste or scrap materials, lumber and wood products" in Sub-No. 8; (2) expand its one-way authorities in its lead and Sub-Nos. 3, 5, 6, and 8 to radial authority between specified ports of entry on the US–CD boundary line, and points in ME, NH, VT, MA, CT, RI, NY, and NJ.

MC 126320 (Sub-17)X, filed April 21, 1981. Applicant: DETTINBURN TRUCKING, INC., Route 3, Box 24, Petersburg, WV 26847. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, D.C. 20014. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 8F, 10F, 12F, 14F, and 16F certificates to (1) broaden the commodity descriptions from (a) glass sand, burnt lime, limestone, rock dust, lime, lime products, fly-ash, and sand (almost all in bulk) to "commodities in bulk and ores and minerals" in the lead and Sub-Nos. 6, 8F, and 10F; (b) coal to "petroleum or coal products" in the lead; (c) charcoal, charcoal briquetts, wood chips, vermiculite, lighter fluid, and sawdust and wax impregnated fireplace logs; materials, supplies, and equipment used in the manufacture or distribution to "such commodities as are dealt in by manufactures of charcoal, charcoal briquetts, and wax impregnated fireplace logs and related items, materials, supplies, and equipment used in the manufacture thereof" and sodium nitrate to "chemicals and related products" in Sub-No. 12F; (d) dried bakery products to "food and related products" in Sub-No. 14F; and (e) charcoal, charcoal briquettes, wood chips, vermiculite, lighter fluid, sawdust, wax impregnated fireplace logs, and barbecue equipment, materials, and supplies, materials, equipment and supplies used in the manufacture and distribution to "such commodities as are dealt in by manufacturers and distributors of charcoal and charcoal briquettes and related items, and materials, supplies, and equipment used in the manufacture thereof" and coal to "commodities in bulk" in Sub-No. 16F; (2) remove the restrictions, "in bulk, in dump vehicles" in the lead; "in bags" in the lead and Sub-No. 8F; "in bulk" in Sub-Nos. 8F, 12F, and 16F; "in tank or hopper type vehicles" in the lead; and "in bulk, in tank vehicles" in Sub-No. 6; (3) eliminate the facilities limitations in Sub-No. 6 and 12F; (4) expand city to county-wide authority from Riverton, Durbin, Elkins, Cheat Bridge, and Petersburg to Pendleton, Pocahontas, Randolph, and Grant Counties, WV, and Clearbrook to Frederick County, VA, in the lead; Morgantown, Shinnston, Kingwood, and Fairmont to Monongalia, Harrison, Preston, and Marion Counties, WV, in Sub-No. 6; Parsons to Tucker County, WV, in Sub-Nos. 12F and 16F; Ridgeley to Mineral County, WV, in Sub-No. 12; and Carteret to Middlesex County, NJ, Broadway, New Market, Crewe and Urbanna to Shendoah, Nottoway, and Middlesex Counties, VA, and Morefield to Hardy County, WV, in Sub-No. 14F; (5) change one-way to radial authority between specified points and States throughout the U.S.; and (6) remove the "ex-rail" restriction in the lead.

MC 127379 (Sub-2)X, filed April 29, 1981. Applicant: DRIVE U SERVICE, INC., 1631 Lebanon Road, Nashville, TN 37210. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from non-commercial privately-owned used passenger automobiles, in secondary movements, in driveway service to "transportation equipment", and (2) remove the restriction against service to AK and HI.

MC 134301 (Sub-7)X, filed April 23, 1981. Applicant: ATLANTIS TRANSPORTATION SERVICES, INC., Stevenson Road North, Oshawa Airport, Oshawa, Ontario, Canada L1G 5P5. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (1) broaden the commodity description from general commodities, with exception to "general commodities (except classes A and B explosives)"; (2) eliminate the airport limitations at Chicago, IL, Romulus, MI, Buffalo, NY, Rochester, NY, Jamaica, NY, and Philadelphia, PA; and (3) remove the "ex-air" restrictions.

MC 134369 (Sub-19)X, filed April 16, 1981. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Byron, IL 61010. Representative: Allan C. Zuckerman, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 5, 7, 11F and 14F certificates to (1) broaden the commodity description to "ores and minerals" from (a) sand, in the lead and Sub-Nos. 3,4, 5, and 11, (b) sand and sand additives, in Sub-No. 7, and (c) bentonite and bentonite products, in Sub-No. 14; (2) eliminate the restrictions limiting service to the transportation of specified commodities (a) "in bulk," in the lead and Sub-Nos. 3, 4, 7, 11F and 14F, (b) "in dump or hopper-type vehicles," in Sub-No. 7; and (c) in bags, in the lead certificate; (3) eliminate the facilities restriction, in Sub-Nos. 3, 4, 5, 7 and 14F (4) authorize county-wide authority to replace existing city-wide service: (a) Ogle County, IL, for Oregon, IL, Scott, Clinton, Jefferson and Muscatine Counties, IA, for Davenport, Clinton, Fairfield and Stockton, IA, in the lead certificate; (b) La Porte County, IN, for Michigan City, IN, and Ogle County, IL, for Oregon, IL, in Sub-No. 3; (c) Ogle County, IL, for Oregon, IL, in Sub-No. 4; (d) La Porte, IN, for Michigan City, IN, Lake, Cook, Kane DuPage and Will Counties, IL, for Waukegan and North Chicago, IL, and points in the Chicago, IL, commercial zone, Ogle County, IL, for Oregon, IL, in Sub-No. 5; (e) St. Joseph County, IN, for Mishawaka, IN, in Sub-No. 7; (f) Berrien County, MI, for Bridgman, MI, Columbia County, WI, for Portage, WI and LaSalle County, IL, for Troy Grove, IL, in Sub-No. 11F; (g) Crook County, WY, for Colony, WY and Winnebago County, WI, for Neenah, WI, in Sub-No. 14F; and (5) authorize radial authority to replace existing one-way service between points in various combinations of eastern States, in all certificates.

MC 134645 (Sub-45)X, filed April 27, 1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, MN 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-No. 28F certificate to (1) remove from the commodity description the "except hides and commodities in bulk" restriction; (2) change authority to serve facilities at Huron, SD, to county-wide authority and authorize radial authority between Beadle County, SD, and, points in AZ,CA, and NV and (3) remove the originating at or destined to restriction.

MC 139379 (Sub-11)X, filed April 17, 1981. Applicant: LES MATHRE TRUCKING, INC., 417 8th Street, Story City, IA 50248. Representative: Larry D.

Knox, 600 Hubbell Building, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 5F certicates to (1) eliminate the except commodities in bulk restriction, in both certificates; (2) replace the facilities and city-wide authority with county-wide authority: (a) Saline County, NE, for Crete, NE, Crawford, Carroll and Hardin Counties, IA, for Denison, Carroll, and Iowa Falls, IA, in Sub-No. 2, and (b) Lancaster, Douglas and Saline Counties, NE, for Lincoln, Omaha and Crete, NE, and Crawford, Carroll, Hardin, Polk, Webster and Woodbury, IA, for Denison, Carroll, Iowa Falls, Des Moines, Fort Dodge, and Sioux City, IA, in Sub-No. 5F; (3) eliminate the restriction limiting service to the transportation of traffic originating at and destined to named points, in Sub-No. 2; and (4) authorize radial authority to replace existing one-way service between named counties in NE and IA and points in various combinations of States throughout the U.S., in both certificates.

MC 139923 (Sub-83)X, filed April 10, 1981. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer D, Stroud, OK 74079. Representative: Daniel O. Hands, Suite 200–A, 205 W. Touhy Ave., Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-Nos. 13, 22, 27, 31, 36, 38, 39, 40, 42, 54, 55, 58, 59, 61, 68, and 73 certificates to (1) broaden the commodity descriptions (a) from frozen bakery goods in Sub-No. 13, from food, food products, and food ingredients (except in bulk) in Sub-No. 22, frozen foodstuffs (except commodities in bulk) in Sub-No. 27, from cheese, cheese products, and synthetic cheese (except in bulk) in Sub-No. 38, from food and food products (except in bulk), from canned and preserved foodstuffs in Sub-No. 55F, from frozen foods (except in bulk) in Sub-No. 58F, from frozen foods in Sub-No. 59F, from soya products and by-products (except commodities in bulk) in Sub-No. 61F, and from bakery pay coating (except in bulk) in Sub-No. 73F, to "food and related products"; (b) from foodstuffs (except commodities in bulk), and plastic and rubber articles, in Sub-No. 31, to "food and related products and rubber and plastic products"; (c) from petroleum products, in containers, in Sub-No. 36, to "petroleum, natural gas and their products"; (d) from foodstuffs, inedible corn products, inedible soybean products and animal and poultry drug supplements (except commodities in bulk) in Sub-No. 39 to "food and related products and chemicals and related products"; and (e) from automotive and trailer parts and accessories in Sub-No. 40 to "transportation equipment"; from empty propane tanks in Sub-No. 68F to "metal products"; (2) remove a mixed loads restriction in Sub-No. 31; (3) remove originating at or destined to restrictions in Sub-Nos. 13, 22, 27, 31, 36, 38, 39, 42, 54, 55, 58, 59, and 61, (4) remove "except frozen commodities and commodities in bulk" in Sub-No. 54F; (5) remove facilities limitations at or near Nashville, TN, in Sub-No. 13, at or near Decatur, IL, in Sub-No. 22, at or near Kansas City, KS, in Sub-No. 27, at or near Sturgis, MI, in Sub-No. 31, at or near Bradford and Petrolia, PA, in Sub-No. 36, in Barry, Jasper, Lawrence, and Newton Counties, MO, in Sub-No. 38, at Coloma, Croswell and Keeler, MI, in Sub-No. 42F, at or near Houston, TX in Sub-No. 54F, at or near Pittsburgh, PA, in Sub-No. 55F, at Nashville, TN, in Sub-No. 58F, at Solon and Cleveland, OH in Sub-No. 59F, and at or near Chicago, Gibson City, and Peoria, IL, Decatur and Indianapolis, IN, Belmond, IA and Bellevue, OH, in Sub-No. 61F; (6) replace Decatur, IL, with Mason County, IL in Sub-Nos. 22 and 39; Sturgis, MI, with St. Joseph County, MI, in Sub-No. 31; Bradford and Petrolia, PA, with McKean and Butler Counties, PA, in Sub-No. 36; Croswell, Keeler and Coloma, MI, with Sanilac, Van Buren, and Berrien Counties, MI, in Sub-No. 42F; Cleveland and Solon, OH, with Cuyahoga County in Sub-No. 59F; Gibson City, IL with Ford County, IL, Decatur, IN, with Adamas County, IN, Belmond, IA with Wright County, IA, and Bellevue, OH with Huron County, OH, in Sub-No. 61F; and Bedford, IN, with Lawrence County, IN and Stroud, OK, with Lincoln County, OK, in Sub-No. 68F; and (7) replace one-way with radial authority between various combinations of the above areas, for example: (a) between Nashville, TN, and CO, KS, NM, OK, and TX; (b) Mason County, IL and AK, LA, NM, OK, and TX; and (c) Kansas City, KS, and GA, KY, TN (with exceptions) and VA in Sub-No. 27.

MC 141548 (Sub-21)X, filed April 13, 1981. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Applicant seeks to remove restrictions in its MC–138256 Sub-Nos. 2, 4, 5, and 11F permits (A) in Sub-Nos. 2, 5, and 11F to broaden the commodity descriptions from pipe, tubing, fittings, couplers and irrigation pumps and accessories for the foregoing commodities, aluminum coil and plastic pipe additives, metal building materials, steel coil, sprinkler systems, knocked down and components, parts and accessories for sprinkler irrigation systems, to "metal and metal products, and rubber and plastic products," and broaden the territorial scope to between points in the U.S. under continuing contract(s) with 3 named shippers; and (B) in Sub-No. 4, to broaden the commodity description from metal building materials to "building materials" and broaden the territorial scope to between points in the U.S. under continuing contract with ASC Pacific, Inc., of Tacoma, WA.

MC 143406 (Sub-4)X, filed April 23, 1981. Applicant: MICHEL PROPERTIES, INC., Stenersen Lane, Cockeysville, MD 21030. Representative: Walter T. Evans, 7961 Eastern Avenue, Silver Spring, MD 20910. Applicant seeks to remove restrictions in its lead permit (MC–143406F) and its certificate (MC–143406 Sub-No. 1F) to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 1; (2) remove commodity restrictions "except frozen foods and commodities in bulk" in the permit; (3) authorize service between all points in the U.S. under continuing contract(s) with a named shipper in the permit; and (4) broaden the territorial description by authorizing county-wide authority for city-wide authority in Sub-No. 1, Baltimore County for Cockeysville, MD.

MC 143520 (Sub-2)X, filed April 24, 1981. Applicant: AAA MIDWEST VAN LINES, INC., 1350 Stimmel Rd., Columbus, OH 43223. Representative: E. H. Van Deusen, P.O. Box 97, Dublin, OH 43017. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden its commodity description from used household goods to "household goods, furniture and fixtures" and (2) remove restriction limiting service to traffic moving on bills of lading of freight forwarders.

MC 144107 (Sub-3)X, filed April 24, 1981. Applicant: CITY-WIDE CARTAGE CONTRACT CARRIER, INC., 3317 McKinley Avenue, Des Moines, IA 50321. Representative: James M . Hodge, 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its Sub-No. 2 permit to broaden the territorial scope between points in the United States under contract(s) with a named Shipper.

MC 145765 (Sub-11)X, filed April 23, 1981. Applicant: WIEST TRUCKLINE, INC., Rural Route #2, Jamestown, ND 58401. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3F,

7F, 8F, and 9F certificates to (1) broaden its commodity descriptions (a) in the lead, from prefabricated metal buildings, and parts and accessories thereof, to "metal products and building materials", (b) in Sub-No. 3F, from iron and steel articles, to "metal products", (c) in Sub-No. 7F, from frozen bread dough, to "food and related products", (d) in Sub-No. 8F, from lumber, lumber products, wood products, and forest products, to "lumber and wood products, and forest products", and (e) in Sub-No. 9F, from insulation material and expanded plastic articles, to "building materials, and rubber and plastic products"; (2) replace its facilities and cities with city-wide and county-wide authority (a) in the lead, Jamestown, ND, with Stutsman County, ND, (b) in Sub-No. 3F, facilities at or near Gary, IN, and South Chicago and Joliet, IL, with Gary, IN, and South Chicago and Joliet, IL; Sterling, IL, with Whiteside County, IL; Sioux Falls, SD, with Minnehaha County, SD, (c) in Sub-No. 7F, facilities at or near Jamestown, ND and Columbus, WI, with Stutsman County, ND and Columbia County, WI, (d) in Sub-No. 9F, Belvidere, IL, with Boone and Winnebago Counties, IL; (3) change its one-way to radial authority between specified cities, counties, and States, and points in several specified States throughout the U.S.; and (4) eliminate the originating at facilities restrictions in the lead and Sub-No. 8F and the restriction against transportation of traffic destined to named facilities in Sub-No. 3F.

MC 146051 (Sub-4)X, filed April 21, 1981. Applicant: WITTENBURG TRUCK LINE, INC., Box 99, Readlyn, IA 50668. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1 and 3 certificates and No. MC-135599 and Sub-Nos. 3 and 4 permits to (1) broaden the commodity description to (a) "metal products" from iron and steel articles in the lead and Sub-No. 3 certificate; (b) "plastic products" from plastic pipe in Sub-No. 1 certificate and from plastic drain tile, plastic water pipe, and plastic storm sewer pipe in the lead permit and from plastic pipe, plastic tile and plastic fittings in Sub-No. 3 permit, and (c) "machinery" from grain wagons and parts for grain wagons in Sub-No. 4 permit, (2) change city to county-wide authority (a) in the lead certificate Grand Rapids, MI, and Marengo, IL to Kent County, MI and McHenry County, IL, (b) in Sub-No. 1 certificate New Richland, MN to Waseca County, MN, (3) remove facilities limitations in Sub-No. 3 certificate and replace Rock Falls and Sterling, IL with Whiteside County, IL, (4) change one-way to radial authority between (a) in Sub-No. 1 certificate points in 1 MN county and Knoxville, TN, and, points in a described portion of the U.S., (b) in Sub-No. 3 certificate points in 1 IL county, and, points in a described portion of the U.S., (5) change the territorial description in each permit to between points in the U.S. under continuing contract(s) with named shippers; (6) remove the originating at or destined to restriction in the lead certificate; and (7) remove the AK and HI restriction in the lead and Sub-No. 1 certificates.

MC 148589 (Sub-7)X, filed April 23, 1981. Applicant: STOREY TRUCKING COMPANY, INC., P.O. Box 128, Henegar, AL 35978. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 4F permits to (A) broaden the commodity description in Sub-No. 4F, part (3), from general commodities, with the usual exceptions, to general commodities (except classes A and B explosives; and (B) broaden the territorial scope in Sub-Nos. 1F and 4F to serve between points in the U.S., under continuing contract(s) with named shippers.

MC 149207 (Sub-3)X, filed April 24, 1981. Applicant: LOW-VOL FUELS, INC., P.O. Box 25, Boswell, PA 115531. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its Sub-No. 2F permit to (1) broaden the commodity description from coal to "commodities in bulk" and (2) broaden the territorial authority to between points in the United States under continuing contract(s) for a named Shipper.

MC 149406 (Sub-11)X, filed March 30, 1981, noticed in the Federal Register of April 10, 1981, republished as corrected this issue. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. REPRESENTATIVE: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions from its Sub-Nos. 3F and Sub-No. 4F certificates to (1) expand to "metal products" from articles in Sub-No. 3F, and iron and steel articles and fabricated metal products in Sub-No. 4F; (2) expand the territorial authority from Sioux Falls, SD, to Minnehaha County, SD, in Sub-No.. 3F, and from facilities at Willmar, NM, in Sub-No. 4F to Kandiyohi County, MN; and (3) authorize radial authority between Minnehaha County, SD, and points in MN, MT, ND, and WY, in Sub-No. 3F and between Kandiyohi County, MN, and points in MT, ND, and SD, in Sub-No. 4F. The purpose of this republication is to indicate that Kandiyohi County is in the State of MN.

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[Volume No. 75]

Motor Carriers; Permanent Authority Decisions; Restriction Removals, Decision-Notice

Decided: May 5, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 10173 (Sub-22)X, filed April 23, 1981. Applicant: MARVIN HAYES LINES, INC., P.O. Box 468, Clarksville, TN 37040. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-No. 19 certificate to (1) remove all exceptions from the general commodities description except "classes A and B explosives," and (2) remove the restriction limiting service to the transportation of traffic originating at or

destined to Evansville, IN, on its two regular routes between Hopkinsville, KY, and Evansville, IN.

MC 30504 (Sub-25)X, filed April 16, 1981. Applicant: TUCKER FREIGHT LINES, INC., P.O. Box 3144, South Bend, IN 46619. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 11, 14, 15, 17, 18, 20, and 21 certificates, MC-911 (Sub-No. 2) permit, and authority acquired in MC-F-13568 to (1) broaden its commodity descriptions: from general commodities with the usual exceptions to "general commodities except classes A and B explosives" in the lead, sheets 1, 2, and 6; Sub-No. 11, sheets 1, 4, 5, and 6; Sub-No. 15; Sub-No. 17, sheets 1, 2, 7, 8, 9, and 10; Sub-Nos. 18 and 20; Sub-No. 21, sheets 1, 2, 6, 7, and 9, and MC-F-13568; from general commodities with exceptions to "general commodities" in Sub-No. 17, sheets 3, 4, and 8; from lining, shoddy, jute and shoddy combined to "textile mill products" in the lead, sheet 5; from empty drums, scrap metal, castings, etc., to "metal products" in Sub-No. 11, sheet 4; Sub-No. 21, sheet 6; and the Sub-No. 2 permit; from trailers, semi-trailers, trucks, in secondary, truckaway or drive away movements, etc., to "transporation equipment" in Sub-No. 11, sheet 6; from iron and steel and materials, equipment, and supplies to "metal products and materials, equipment and supplies" in Sub-No. 14, sheet 1 and Sub-No. 21, sheet 8; from meat, meat by-products, chocolate, candy, foodstuffs, margarine, etc., to "food and related products" in Sub-No. 17, sheets 11 and 12, and Sub-No. 21 sheets 5 and 9; from petroleum products to "petroleum, natural gas, and their products" in Sub-No. 21, sheet 5; from livestock to "farm products" in Sub-No. 21, sheet 9; and from glass containers to "clay, concrete, glass, or stone products" in Sub-No. 21, sheet 9; (2) authorize radial movements in place of one-way movements, generally between points in IL, IN, MI, and OH, in Sub-No. 11, sheet 6; Sub-No. 14; Sub-No. 17, sheets 11 and 12; and Sub-No. 21, sheets 8 and 9; (3) authorize return movements in place of one-way movements on regular routes in Sub-No. 21, sheets 5 and 6; (4) authorize service at all intermediate points on authorized regular routes, generally, between named points in the Midwest in the lead, sheets 2, 3, 4, and 5; Sub-No. 17, sheets 3, 4, 5, 6, 7, 9, and 10; Sub-No. 18; Sub-No. 21, sheets 1, 2, 3, 4, 5, and 6; and MC-F-13568; (5) remove plantsite restrictions in the lead, sheet 3; Sub-No. 14, sheets 1 and 2; Sub-No. 15; Sub-No. 17, sheets 2, 6, 11, and 12; Sub-No. 20; and Sub-No. 21, sheets 7 and 9; (6) remove restrictions against service at termini or limiting service to "for purposes of joinder only" in the lead, sheet 8; and Sub-No. 17, sheet 12; (7) remove restrictions against the transportation of commodities in bulk, "size and weight" commodities, or Mercer commodities in Sub-No. 14, sheet 2; and Sub-No. 21, sheet 8; (8) remove "originating at or destined to" restrictions in Sub-No. 14; Sub-No. 17, sheet 12; and Sub-No. 21, sheet 8; (9) remove restrictions limiting service to pickup or delivery only in Sub-No. 21, sheet 4; and MC-F-13568, paragraphs 2, 5, 6, 8, and 9; (10) remove restrictions against the transportation of fruit and vegetables in Sub-No. 11, sheet 6; (11) remove restriction against service between Indianapolis, IN, and Versailles, IN, or Cincinnati, OH, in Sub-No. 21, sheet 3; (12) remove "except AK and HI", in Sub-No. 11, sheet 6; (13) broaden the territorial description in the Sub-No. 2 permit to between points in the U.S. under continuing contract(s) with a named shipper; (14) remove restriction limiting service at a point to traffic moving to and from Indiana in the lead, sheet 2; (15) remove restriction limiting service to named commodities at LaPorte, IN, in Sub-No. 17, sheet 6; and (16) replace authority to serve named points with county-wide authority: LaPorte County, IN, for Michigan City and LaPorte, IN, in Sub-No. 11, sheet 6, and Sub-No. 17, sheet 12; Cass County, IN, for Logansport, IN, in Sub-No. 17, sheet 11; Milwaukee County, WI, for 7 named points in WI, in Sub-No. 21, sheet 7; St. Clair County, IL, for Dupo, IL, in Sub-No. 21, sheet 9; Warren County, MO, for Augusta, MO, in Sub-No. 21, sheet 9; Anoka, Dakota, Hennepin, Ramsey, and Washington Counties, MN, for 17 named points in MN, in Sub-No. 21, sheet 9, and Madison County, IN, for Lapel, IN, in Sub-No. 21, sheet 9.

MC 66100 (Sub-48)X, filed April 17, 1981. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions in its Sub-No. 11 certificate, to (1) broaden the commodity description from machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, to "machinery and metal products", and (2) remove the restriction limiting service to the transportation of shipments moving to or from pipeline rights-of-way.

MC 109326 (Sub-116)X, filed April 20, 1981. Applicant: C&D TRANSPORTATION CO., INC., Box 10506, New Orleans, LA 70121. Representative: William P. Jackson, Jr., Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its lead and Sub-Nos. 103, 104, 106, 107, 108G, 110, 111, 113, 114F, 115F, E letter notices E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11, E12, E13, E37, E38, E39, E40, and E41 to (1) broaden commodity descriptions to "food and related products" from perishable foods, packinghouse products, dairy products, fresh and frozen seafood and fresh and frozen fruits and vegetables, frozen citrus products, cheese, fresh and frozen meat, foodstuffs (except bananas), canned goods and frozen foods, bananas, perishable foods and foodstuffs, meats, meat products, meat by-products, dairy products, and commodities distributed by meat packinghouses and returned shipments, fresh or frozen foods and foodstuffs (except carcass meat suspended on rails) and returned shipments, coffee beans, poultry products and poultry by-products, animal and poultry feed, and meat in carcass form in the lead; from meats, meat products and meat by-products and articles distributed by meat packinghouses in Sub-Nos. 103, 106, 107, part of 108G, and E letter notices E11, E5, E37, E38, E39, E40, and E41 from spring water, in containers in Sub-No. 104; from packinghouse products, dairy products, fresh and frozen seafood and fresh and frozen vegetables, meat, meat products, meat by-products, dairy products and commodities distributed by meat packinghouses in Sub-No. 108G; from bananas in Sub-No. 110, E letter notices E1, E2, E4, E5, E6, E7, E8, E9, E10, E12, E13, from foodstuffs in Sub-No. 111; and from frozen foods in Sub-No. 113; to "printed matter" from advertising, promotional, and display material when moving in the same vehicle and at the same time with canned goods and frozen foods in part of the lead; to "metal products" from cans in part of the lead; to "pulp, paper and related products" from boxes in part of the lead; to "containers" from cartons and containers, and cardboard, fibreboard, paper and composition containers in parts of the lead; to "machinery" from machinery, parts, accessories, equipment, supplies, implements, parts, appliances, and products usually or customarily used or useful in the processing, manufacture, packing,

freezing, or canning of foodstuffs in part of the lead; and to "containers and packaging materials" from glass and plastic containers and other related packaging materials in Sub-No. 104, (2) remove the "in bulk" restriction in the lead, Sub-Nos. 103, 106, 107, 108G, 111, 114, E37, and E41, (3) remove the mechanical refrigeration vehicle restrictions in the lead, and E3, E11, E38, and E39, (4) remove (a) the restriction against the transportation of bananas between New Orleans, LA and Gulfport, MS in the lead, (b) the ex-water restrictions in the lead, and Sub-No. 110, (c) the restriction against the transportation from or to any facility of the Great Atlantic and Pacific Tea Company, Inc. of New York, NY and Hunt Foods and Industries, Inc. (merged into Norton Simon, Inc.) of Fullerton, CA in the lead, Sub-Nos. 103, 104, 106, 107, 108G, 110, 111, E letter notices E37, E38, E39, E40, and E41, (d) the restriction against transportation to AK and HI in Sub-No. 114, (5) remove the facilities limitation (a) in the fourth paragraph of the lead and replace New Albany, MS with Union County, MS, (b) in the fifth paragraph of the lead and replace Jackson, MS with Hinds County, MS, (c) in the sixth paragraph of the lead and replace Collins, New Albany, Canton, Crystal Springs, and Jackson, MS with Covington, Union, Madison, Copiah, and Hinds Counties, MS, (d) in paragraphs 8, 9, 10, and 11 in the lead and replace Moorhead, MS with Sunflower County, MS, (e) in Sub-No. 103 and replace Goodlettsville, TN with Davidson County, TN, (f) in Sub-No. 106 and replace Shreveport, LA with Caddo Parish, LA, (g) in Sub-No. 113 and replace Forest, MS with Scott County, MS, (h) in Sub-No. 114 and replace Brundidge and Troy, AL with Pike County, AL, (6) replace city with county-wide authority (a) in paragraph 2 of the lead from Montgomery, AL to Montgomery County, AL; in the ninth paragraph of the lead from Birmingham, AL to Jefferson County, AL; Arlington, TX to Tarrant County, TX; Austin, IN to Scott County, IN; and Winchester, VA to Winchester County, VA; in the tenth paragraph of the lead, Birmingham, AL to Jefferson County, AL and Monroe, LA to Ouachita Parish, LA; in paragraph twelve of the lead, Wilmington, DE to New Castle County, DE; in paragraph thirteen, Orange, TX to Orange County, TX and New Orleans and points within 15 miles thereof to New Orleans, LA; paragraphs fourteen through seventeen, Ft. Walton Beach, Panama City, and Pensacola, FL to Okaloosa, Bay, and Escambia Counties, FL; Gulfport, Columbus, Hattiesburg, Jackson, Laurel, Meridian, Pascagoula, and Vicksburg, MS to Harrison, Lowndes, Forrest, Hinds, Jones, Lauderdale, Jackson, and Warren Counties, MS; and Mobile, AL to Mobile County, AL; in paragraphs sixteen and seventeen of the lead, Birmingham, AL to Jefferson County, AL; in paragraph 20 of the lead, Decatur, IL to Macon County, IL and Terre Haute, IN to Vigo County, IN; in paragraph 24, Sikestown, MO to Scott County, MO and Mobile and Eight Mile, AL to Mobile County, AL, (b) in Sub-No. 104, Deer Park, MD to Garrett County, MD, (c) in Sub-No. 107, Gulfport, MS to Harrison County, MS, (d) in Sub-No. 108G, second paragraph, Pascagoula, and Bay St. Louis, MS to Jackson and Hancock Counties, MS; in the fourth paragraph, Montgomery, AL to Montgomery County, AL, (e) in Sub-No. 110 and E38, Mobile, AL to Mobile County, AL, (f) in D1, E11, and E12, Miami, FL to Dade County, FL, (g) in E4, E9, and E10, Terre Haute, IN to Vigo County, IN, (h) in E8, Pensacola, FL to Escambia County, FL, (i) in E37, Mobile, AL to Mobile County, AL, and (j) in E39, Montgomery, AL to Montgomery County, AL, (7) remove the "originating at or destined to" named facilities restriction in the lead and Sub-Nos. 103 and 113 and (8) change one way to radial authority between various points throughout the U.S. in the lead, Sub-Nos. 103, 104, 106, 107, 108G, 110, 113, 115, E letter notices E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11, E12, E13, E37, E38, E39, E40, E41.

MC 113855 (Sub-530)X, filed April 13, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its MC-4405 Sub-Nos. 448, 468, 480, 498, 509, 521, 533, 535, 537, 541, 543, 554, 555, 560, 568, 575F, 578F, 580F, 586F, 587F, 599F, 600F, 602F, 619F and 625F certificates (acquired in MC-F-14421F) to (1) broaden the commodity description to "machinery" from various types of machinery and equipment, such as electrical transformers, excavating tractors in all the above Sub-Nos. and to metal products from various commodities such as tanks and bins, pipe and boilers, in Sub-Nos. 541, 555, 560, 586, and 619, (2) remove plantsite restrictions, in Sub-Nos. 480, 498, 533, 535, 541, 543, 554, 555, 560, 568, 578F, 580F, 586F, 587F, 619F and 625F; (3) remove (a) "size and weight" restrictions, in Sub-Nos. 448, 575F, and 586F, and (b) the restrictions against transportation of specific commodities in Sub-No. 575F; (4) remove the restriction prohibiting service to (a) AK and HI in Sub-Nos. 448, 468, 480, 498, 509, 521, 533, 535, 541, 543, 554, 555, 560, 568, 575F, 578F, 580F, 586F, 587F, 599F, 600F, 602F, 619F and 625F, (b) HI, in Sub-No. 537, (c) MS in Sub-No. 448, and (d) OK in Sub-Nos. 468 and 521, (5) remove the originating at restrictions in Sub-Nos. 480, 541, 543, 560, and 560, (6) remove the restriction limiting or prohibiting service to the transportation of specified commodities (a) "in containers, in mixed loads", in Sub-No. 448, (b) as are used in automobiles," in Sub-No. 480, (c) "trailer mounted, in initial movements, in truckaway service, in Sub-No. 533, (d) in mixed loads, in Sub-No. 535, (e) in bulk, in Sub-Nos. 537, 554, 568, 600F, (f) in tank vehicles, in Sub-No. 600F; (7) authorize county-wide authority to replace existing city-wide service: (a) from Crystal Springs, MS to Copiah County, MS in Sub-No. 448; (b) from Perry, OK to Noble County, OK in Sub-No. 468; (c) from Essex, MA, to Essex County, MA in Sub-No. 480; (d) from Columbus, OH to Franklin County, OH, and from Lisle, IL to DuPage County, IL in Sub-No. 498; (e) from Niles and Winn, MI, to Berrien and Isabella Counties, MI, in Sub-No. 509; (f) from Attalla, AL to Etowah County, AL, in Sub-No. 535; (g) from Guthrie, OK, to Logan County, OK, in Sub-No. 537; (h) from Glasgow, MO, to Howard County, MO, in Sub-No. 541; (i) from Erie, PA, to Erie County, PA and from Sapulpa, OK to Creek County, OK, in Sub-No. 555; (j) from Whitewater, OH, to Hamilton County, OH in Sub-No. 560; (k) from Boise, ID, to Ada County, ID in Sub-No. 568; (l) from Crystal Springs, IL to McHenry County, IL, in Sub-No. 575F; (m) from Alliance, OH, to Stark County, OH in Sub-No. 578F; (n) from Blair, NE, to Washington County, NE in Sub-No. 599F; (o) from Ashville, NC, to Buncombe County, NC and from Commerce City, CO, to Adams County, CO in Sub-No. 600F; (p) from Cedar Rapids, IA to Linn County, in Sub-No. 602F; (q) from Pearland, TX to Brazoria County, TX, in Sub-No. 619F; and, (r) from Waco, TX to McLennan County, TX in Sub-No. 625F; and (8) authorize radial authority to replace existing one-way service between cities and counties in various combinations of States, throughout the U.S., in Sub-Nos. 448, 468, 480, 509, 521, 533, 537, 541, 543, 554, 555, 560, 568, 575F, 578F, 580F, 587F, 599F, 600F, and 602F.

MC 114194 (Sub-223)X, filed April 14, 1981. Applicant: KREIDER TRUCK SERVICE, INC., 1600 Collinsville Avenue, Madison, IL 62060. Representative: Marshall Kragen, Suite 300, 1919 Pennsylvania Avenue NW.,

Washington, DC 20009. Applicant seeks to remove restrictions in numerous certificates and its E-1 letter notice to (A) broaden the commodity description: lead, and Sub-No. 8, to "lumber and wood products" from wooden pallets, skids, and boxes, and wood, sawdust, wood chips and shavings; Sub-No. 22, to "metal products, and machinery" from mechanical sprayers and accessories, and such commodities as are used in installing irrigation systems; and Sub-Nos. 9, 12, 13, 14, 16, 17, 18, 19, 23, 24, 31, 34, 36, 37, 38, 41, 42, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, 68, 69, 70, 73, 75, 77, 78, 84, 88, 89, 92, 93, 94, 96, 97, 98, 99, 100, 101, 105, 112, 113, 114, 124, 126, 129, 131, 132, 133, 140, 145, 147, 149, 153, 154, 155, 158, 160, 161, 165, 167, 168, 169, 172, 173, 176, 177, 178, 181, 182, 184, 186, 187, 188, 190, 192, 196, 197, 199, 202, 205, 206, 208, 209, 210, 213, 215, 217, 218, 219, and E-1, to "commodities in bulk" from numerous bulk commodities such as: syrups and sweetners, glues and adhesives, ethylene dibromide, softeners, lime and limestone products, liquid wax, plastics, animal and poultry feed ingredients, corn and soybean products, foundry core and molding sand binders, alcohol, clay, fertilizer, vegetable oils, meat scrap, yeast, vinegard, lard, chocolate, silicates, and pineapple juice; (B) remove restrictions against the transportation of various named commodities, and eliminate "size and weight" and "in tank vehicles" restrictions; (C) remove restrictions limiting service to that originating at and destined to the specified origins and destinations, remove exceptions excluding service in AK and HI, change one-way operations to radial service, and replace named facilities and cities with county-wide authority: Sub-Nos. E-1, 124 and 147, between Kansas City, KS (plantsites at Kansas City, KS), and, points in described parts of KY and TN, and points in six States; Sub-No. E-1, between Evansville and Mt. Vernon, IN, and, points in three States; and between Indianapolis, IN, and, points in 16 States; lead, Sub-Nos. 9, 13, 17, 18, 42, 45, 46, 48, 52, 53, 54, 55, 57, 58, 59, 60, 69, 70, 73, 75, 77, 84, 93, 96, 98, 99, 101, 105, 112, 131, 155, 161, 181, and E-1, between Madison County, IL (Granite City, IL), and, points in the U.S.; lead, Sub-Nos. 23 and 176, between Midland, MI, Manistee and Gratiot Counties, MI (Filer City and St. Louis, MI), Union County, AR (El Dorado, AR), and, points in the U.S.; Sub-Nos. 19, 34, 68, 31, between St. Clair County, IL (Dupo, IL), and, points in 26 States; Sub-Nos. 36 and 50, between St. Francois County, MO (plant-site near Bonne Terre, MO), and, points in 10 States; Sub-No. 37, between Middlesex County, CT (Essex, CT), and, St. Louis, MO;

Sub-Nos. 51 and 135, between St. Charles, St. Louis, and Jefferson Counties, MO, and, points in five States; Sub-No. 142, between Vermilion County, IL (Danville, IL), and, points in six States; Sub-Nos. 74, 121, 150, 156 and 162, between Linn, Clinton, Lee, and Muscatine Counties, IA (Clinton, Cedar Rapids, Keokuk, and Muscatine, IA), and, points in the U.S.; Sub-Nos. 144 and 165, between Lake County, IN (plantsite at Roby (Hammond) IN), and, points in the U.S.; Sub-Nos. 166 and 185, between Tippecanoe County, IN, and, points in the U.S.; Sub-No. 169, between Cook County, IL (facilities at Elk Grove Village, IL), and, points in nine States; Sub-Nos. 95, 128, 129, 132, 133, 145, 173, and 192, between Macon County, IL (Decatur, IL), and, points in the U.S.; Sub-No. 176, between Columbus, OH, and, points in seven States; Sub-Nos. 177 and 186, between Posey County, IN (Mt. Vernon, IN), and, point in the U.S.; Sub-Nos. 175 and 179, between Indianapolis, IN, and, points in the U.S.; Sub-No. 182, between Chicago, IL and points in Tazewell County, IL (facilities near Chicago and Pekin, IL), and, points in the U.S.; Sub-No. 184, between Limestone County, AL (facilities near Decatur, AL), and, points in the U.S.; Sub-No. 187, between points in the Kansas City, KS/MO commercial zone, and, points in the U.S.; Sub-Nos. 153 and 188, between Ste. Genevieve, MO, and, points in AR, KY, LA, and IL (except points in Madison County, IL); Sub-No. 190, between Alexander County, IL (Cairo, IL), and, points in 20 States; Sub-No. 197, between St. Louis County, MO (facilities near Bussen Spur, MO), and, points in IL; Sub-No. 205, between Vermilion County, IL (facilities near Danville, IL), and, points in three States; Sub-No. 206, between Cincinnati, OH and Indianapolis, IN (facilities near Cincinnati, OH and Indianapolis, IN), and, points in 23 States; Sub-No. 208, between Edgar County, IL (Paris, IL), and, points in 13 States; lead, Sub-Nos. 1, 12, 14, 23, 26, 38, 41, 49, 160, 161, 167, 172, 209, and E-1, between St. Louis, MO (plantsites at St. Louis), and, points in the U.S.; Sub-No. 210, between Jones County, IA (Olin, IA), and, points in four States; Sub-No. 215, between Atchison County, KS (Atchison, KS), and, points in the U.S.; Sub-No. 217, between Sherman County, KS (Goodland, KS), and, points in MO; Sub-No. 219, between Des Moines, IA, and, points in the U.S.; Sub-Nos. 88, 89, 92, 94, 97, and 100, between Johnson County, IN (Edinburgh, IN), and, points in the U.S. (except AK, HI, IN, NM, and WI); Sub-Nos. 21 and 78, between points in 12 States, and, points in MO; Sub-No. 140, between Perry County, IL (Du Quoin, IL), and, points in 10 States; Sub-No. 161, between Richland County, IL (Olney, IL), and Vandenburgh County, IN (Evansville, IN), and, points in five States; Sub-No. 199, between St. Joseph, MO, and, Joplin, MO, and Pittsburg, KS; Sub-No. 202, between Crawford County, IL (Robinson, IL), and, Toledo and Columbus, OH, St. Paul, MN, points in Talledega County, AL (Sylacauga, AL), and Tampa, FL; Sub-No. 218, between Bexar County, TX (San Antonio, TX), and, points in Adams County, IN (Geneva, IN); Sub-No. 187, between North Kansas City, MO, and, points in the U.S.; Sub-Nos. 154 and 196, between Montgomery County, MO (High Hill, MO), and, points in 19 States; Sub-No. 114, between Monroe County, IL, and, points in part of MO; lead certificate, between Madison and St. Clair Counties, IL, and, points in St. Louis and St. Charles Counties, MO; Sub-No. 8, between St. Louis, MO, and Madison County, IL (Collinsville, IL), and, points in eight States; Sub-No. 22, between points in three States, and, points in IL other than incorporated municipalities.

MC 117013 (Sub-3)X, filed April 17, 1981. Applicant: THOMAS G. BURKHOLDER, 1630 Maine Drive, Altoona, PA 16602. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Applicant seeks removal of restrictions in its Sub-No. 2 permit to (1) broaden the commodity descriptions to (a) "printed matter, clothing and wearing apparel, and display racks" from paper patterns, fashion publications, fabrics, and notions, and (b) "toys and games" from toys; and (2) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with named shippers.

MC 118838 (Sub-81)X, filed April 27, 1981. Applicant: GABOR TRUCKING, INC., R.R. 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-No. 62F certificate to (1) broaden the commodity description from iron and steel articles to "metal products", (2) replace specified facilities with county-wide authority and radial service for one-way service between points in Mahoning, Trumbull, Lorain, Geauga, Cuyahoga, Medina, Summit, and Lake Counties (for facilities at or near Cleveland, Lorain and McDonald, OH) and points in 16 western states.

MC 120737 (Sub-92)X, filed April 20, 1981. Applicant: STAR DELIVERY &

TRANSFER, INC., P.O. Box 38, Canton, IL 61520. Representative: James C. Hardman, 33 N. La Salle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden its commodity descriptions (a) to "machinery", from tractors, tractor parts and attachments, when moving at the same time and in the same vehicle with tractors (with exceptions), (b) to "general commodities (except classes A and B explosives)", from general commodities (with exceptions), and (c) remove all size and weight exceptions; (2) replace Canton, IL, with Fulton County, IL; (3) change its one-way to radial authority between specified cities and county in IL, and points in several specified eastern states; (4) eliminate the originating at and destined to restrictions and (5) remove the restriction against tacking the authority under the general commodities commodity description with any other authority granted in the Sub-No. 2 authority.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.10(b).

MC 121566 (Sub-87)X, filed April 17, 1981. Applicant: HUMBOLDT EXPRESS, INC., P.O. Box 100906, Nashville, TN 37210. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 61F and 73F certificates to (1) broaden the commodity description from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)," in Sub-No. 61F and (b) oil and air filters, and oil and air filter parts, to "machinery," in part (1) of Sub-No. 73F; (2) broaden territorial authority to authorize service at all intermediate points on its regular routes between Little Rock, AR and Tyler, TX; Little Rock, AR and Sherman, TX; Fort Smith, AR and Tyler, TX; and Fort Smith, AR and Sherman, TX, in Sub-No. 61F; and (3) authorize county-wide authority to replace existing city-wide service: Edwards County, IL, for Albion, IL, in Sub-No. 73F.

MC 123061 (Sub-141)X, filed April 27, 1981. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 940 Donner Way No. 370, Salt Lake City, UT 84108. Applicant seeks to remove restrictions in its Sub-No. 79 certificate to (1) remove from the commodity description the "in packages and bags" restriction; and (2) change one-way to radial authority between points in Sacramento and San Joaquin Counties, CA, on the one hand, and, on the other, points in ID, OR, UT, and WA.

MC 124247 (Sub-23)X, filed April 17, 1981. Applicant: DAN LODESKY TRUCKING, INC., P.O. Box 236, Gurnee, IL 60031. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 9, 10, 11, 12, 13, 17, 19 and 20 certificates to (1) broaden the commodity description (a) in the lead and Sub-No. 12 from cement, in bulk to "building materials" (b) in Sub-No. 3 from limestone mineral filler dust, in bulk to "clay, concrete, glass or stone products", (c) in Sub-No. 9 from glassware, caps for bottles and jars, and cartons to "clay, concrete, glass or stone products, paper and paper products and metal products", (d) in Sub-Nos. 10, 11, and 19 from gypsum and gypsum products and building materials to "building materials", (e) in Sub-No. 13 from construction materials and cement and asbestos products and insulating materials not embraced in construction materials to "construction and building materials", and (f) in Sub-Nos. 17 and 20 from construction materials and cement and asbestos products and insulating materials which are not intended for use as construction materials (except commodities in bulk) to "construction materials, insulating materials and building materials", (2) remove facilities limitations (a) in Sub-No. 9 and replace Gurnee, IL with Lake County, IL, (b) in Sub-Nos. 10, 11 and 20 and replace Waukegan, IL with Lake County, IL (c) in Sub-No. 19 and replace Waukegan and Rockdale, IL with Lake and DuPage Counties, IL, and (d) in Sub-No. 19 and replace East Chicago, IL, with Lake County, IN, (3) change city to countywide authority (a) in the lead and Sub-No. 13 Waukegan, IL to Lake County, IL, (b) in Sub-No. 3 Waukesha, WI, and points within 5 miles thereof to Waukesha County, WI, and (c) in Sub-No. 12 Buffington, IN to Lake County, IN, (4) remove the "originating at named plantsites and warehouses" restriction in Sub-No. 13 (5) remove (a) the "in packages" restriction in the lead, (b) the mixed loads restriction in Sub-Nos. 10 and 11, (c) the "in tank vehicles" in Sub-No. 12, and (d) the "in bulk" restrictions in the lead and Sub-Nos. 3, 12, 13, 17, and 19, and (e) against the transportation of cement from Milwaukee, WI, to Rockdale, IL in Sub-No. 17 and (6) change one way to radial authority between specified points in IL, IN, WI, and MI in the lead and Sub-Nos. 3, 9, 10, 12, 13, 17, 19, and 20.

MC 133315 (Sub-8)X, filed April 24, 1981. Applicant: ASBURY SYSTEM, 2222 E. 38th Street, Los Angels, CA 90058. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden its commodity description from fuel oil, in bulk, in tank vehicles, to "petroleum, natural gas and their products"; and (2) remove the facilities restriction, and authorize radial authority between Los Angeles and Kern Counties, and, points in Maricopa, Pima, Pinal, and Yuma Counties, AZ.

MC 135542 (Sub-13)X, filed April 16, 1981. Applicant: TIMOTHY D. SHAW, Stanton and Empire Streets, Wilkes-Barre, PA 18702. Representative: Lawrence E. Lindleman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6F, 10F, and 12 certificates to (1) broaden the commodity descriptions (a) from new furniture, uncrated, and materials, equipment, and supplies used in the manufacture of new furniture (except commodities in bulk), to "furniture and fixtures" in its lead, (b) from cushions, pillows, and inserts to "textile mill products and rubber and plastic products" in Sub-No. 6F; (c) from sweeping and cleaning compounds to "chemicals and related products" in Sub-No. 10F, and (d) from iron and steel articles to "metal products" in Sub-No. 12; (2) remove the exception of AK or HI in Sub-Nos. 10F and 12; (3) replace Wyoming, PA, with Luzerne County, PA in its lead, Wilkes-Barre, PA with Luzerne County, PA, Elizabeth, NJ to Richmond County, NY, and Union and Essex Counties, NJ, Dallas, TX, with Dallas, Tarrant, Collin, Rockwall, Denton, Ellis, and Kaufman Counties, TX, Atlanta, GA to Cobb, Dekalb, Fulton, and Clayton Counties, GA, Kansas City, KS, with Wyandotte and Johnson Counties, KS, Platt, Clay, and Jackson Counties, MO, and Columbus, OH, with Franklin County, OH, in Sub-No. 6F, and Turbotville, PA, with Northumberland County, PA; and (4) replace one-way with radial authority (a) between Luzerne County, PA, and points in CT, DE, MD, MA, NJ, NY, RI, and DC in its lead; (b) between Luzerne County, PA, and (4) Richmond County, NY, and Union, Hudson, Middlesex, and Essex Counties, NJ, Cobb, Dekalb, Fulton, and Clayton Counties, GA, Dallas, Tarrant, Collin, Rockwall, Denton, Ellis, and Kaufman Counties, TX, Wyandotte and Johnson Counties, KS, Platt, Clay, and Johnson Counties, MO, and Franklin County, OH, in Sub-No. 6F; (c) between Northumberland County, PA, and the U.S., in Sub-No. 10F; and (d) between Columbia,

Lackawanna, and Luzerne Counties, PA, and points in the U.S. in Sub-No. 12.

MC 140033 (Sub-100)X, filed April 23, 1981. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. Applicant seeks to remove restrictions in its authority as acquired in No. MC–F–14531F to (1) broaden the commodity descriptions from meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) to "food and related products"; and from auto parts to "transportation equipment"; (2) remove facilities limitations and replace Dyersburg, TN, with Dyer County, TN, Goldsboro, NC, with Wayne County, NC, and Grand Haven, MI, with Ottawa County, MI; (3) remove originating at or destined to restrictions, and the exception of AK and HI; and (4) replace one-way with radial authority (a) between Amarillo, TX, and, 18 eastern States, and (b) between the counties in (2) above, and, points in the U.S. in and west of AR, LA, MN, IA, and MO.

MC 142310 (Sub-36)X, filed April 20, 1981. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-Nos. 13F, 16F, 17F, 24F, 26F, and 30F certificates to (A) broaden the commodity descriptions as follows: in Sub-No. 13F, from paper and paper products to "pulp, paper, and related products"; in Sub-No. 17F, from part (1) paper and paper products, and part (2) plastic articles, to "(1) pulp, paper, and related products, (2) rubber and plastic products"; in Sub-No. 26F, part, (1) from doors, millwork, and vents, to "lumber and wood products", (B) broaden the territorial scope by (1) replacing one-way with radial authority in Sub-No. 13F between several western States and the Wisconsin Counties listed below and in Sub-No. 30F between Chicago, IL, and, points in midwestern States; and (2) replacing named plantsite and/or city-wide authority with county-wide authority as follows: in Sub-No. 13F, Appleton and Combined Locks with Outagamie, Winnebago, and Calumet Counties, WI; in Sub-No. 16F, Columbus, Green Bay, and Mosinee with Columbia, Brown, and Marathon Counties, WI; in Sub-No. 17F, Green Bay with Brown County; in Sub-No. 24F, Hammond with Lake County, IN, Versailles with Woodford County, KY; Taunton with Bristol County, MA, and Ossining with Westchester County, NY; and in Sub-No. 26F, Marshfield with Wood County, WI; (C) remove restrictions (a) limiting traffic to transportation originating at or destined to named facilities in Sub-Nos. 16F, 17F, and 24F; (b) excepting AK and HI in Sub-Nos. 16F and 24F; and (c) excepting commodities in bulk and/or those which because of size or weight require the use of special equipment in Sub-Nos. 17F and 24F.

MC 144827 (Sub-60)X, filed April 16, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. Applicant seeks to remove restrictions in its Sub-No. 7F certificate to (1) remove "except foodstuffs" from the commodity description such merchandise as is dealt in by retail and wholesale food business houses and "except frozen foods and meat and packing house products as described by the Commission" from the commodity description foodstuffs; (2) eliminate the mixed load restriction; (3) replace facilities limitation at Dallas, TX and LaVergne, TN, with Dallas County, TX and Rutherford County, TN; (4) expand one-way authority to radial authority between Dallas County, TX and Rutherford County, TN, and points in the US; (5) eliminate the AK and HI exceptions; (6) remove the restriction against the transportation of commodities in bulk; and (7) remove the "originating at" restriction.

MC 144827 (Sub-60)X, filed April 16, 1981. Applicant: DELTA MOTOR FREIGHT, INC., P.O. Box 18423, Memphis, TN 38118. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. Applicant seeks to remove restrictions in its Sub-No. 7F certificate to (1) remove "except foodstuffs" from the commodity description such merchandise as is dealt in by retail and wholesale food business houses and "except frozen foods and meat and packing house products as described by the Commission" from the commodity description foodstuffs; (2) eliminate the mixed load restriction; (3) replace facilities limitation at Dallas, TX and LaVergne, TN, with Dallas County, TX and Rutherford County, TN; (4) expand one-way authority to radial authority between Dallas County, TX and Rutherford County, TN, and points in the US; (5) eliminate the AK and HI exceptions; (6) remove the restriction against the transportation of commodities in bulk; and (7) remove the "originating at" restriction.

MC 147021 (Sub-6)X, filed April 20, 1981. Applicant: C. SUMMERS, INC., 112, Spruce St., Elizabethville, PA 17023. Representative: Daniel W. Krane, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 3F, 4F, 5F, and 7F certificates to (1) broaden the commodity descriptions (a) from meats, meat products, meat by products, and articles distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), foodstuffs (except in bulk), meats, meat products, and meat byproducts, and canning plant materials, equipment, and supplies (except commodities in bulk) in Sub-No. 2F, from meats in Sub-No. 4F, and from foodstuffs in Sub-No. 6F, to "food and related products"; (b) from breadmaking ingredients, fatty esters,and buffering compounds (except commodities in bulk), in Sub-No. 3F, to "food and related products and chemicals and related products"; and (c) from general commodities (with exceptions) to general commodities (except classes A & B explosives) in Sub-No. 5; (2) remove facilities limitations at Elizabethville, Pittston, and Shenandoah, PA, and Beloit, WI, in Sub-No. 2F, and at Williamsport and Elizabeth, PA, and Painesville, OH, in Sub-No. 3F; (3) remove a restriction requiring traffic to have a prior or subsequent movement by water in Sub-No. 4F; (4) replace Elizabethville, PA, with Dauphin County, PA, in Sub-Nos. 2F, 3F, and 4F; Pittston, PA with Luzerne County, PA Shenandoah, PA, with Schuykill County, PA, and Beloit, WI, with Rock County, WI, in its Sub-No. 2F; Williamsport, PA, with Lycoming County, PA, Painesville, OH, with Lake County, OH, Pennsauken, NJ, with Camden County, NJ, and Totowa, NJ, with Passaic County, NJ, in its Sub-No. 3F; and (5) replace one-way with radial authority between (a) points in numerous midwestern and southern States.

MC 147144 (Sub-1)X, filed April 23, 1981. Applicant: INTERNATIONAL CARRIERS, INC., 4300 N.W. 37th Avenue, Miami, FL 33142. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)"; (2) broaden the territorial description to countywide, radial authority to replace

existing one-way authority from facilities: between Hudson County, NJ (for Jersey City, NJ) Cook County, IL (for Chicago, IL) and Suffolk County, MA (for Boston, MA), and, points in FL.

MC 147629 (Sub-6)X, filed April 16, 1981. Applicant: SONIC DELIVERY, INC., WV Rte. 31 at Airport Rd., Williamstown, WV 26187. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities (with usual exceptions, and motor vehicles) to "general commodities (except classes A and B explosives)"; (2) eliminate the restriction limiting service to the transportation of shipments having a prior or subsequent movement by air; and (3) eliminate named airports, to authorize service between Charleston, Huntington, and Parkersburg, WV, Cleveland and Cincinnati, OH, and Pittsburgh, PA, and points in specified counties in OH and WV and between Lawrence County, OH, and, Charleston, Huntington, and Parkersburg, WV and Pittsburgh, PA.

MC 147915 (Sub-2)X, filed April 28, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Blvd., and Bridge Plaza, Commerce Square, Burlington, NJ 08016. Representative: Robert R. Harris, 1730 M Street, N.W., Washington, DC 20036. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; and (2) remove the facilities limitations at Camden and Beverly, NJ, change city-wide to county-wide authority from Camden and Beverly to Camden and Burlington Counties, NJ, and authorize radial authority between Camden and Burlington Counties, NJ, and, points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and DC.

MC 149334 (Sub-2)X, filed April 24, 1981. Applicant: PIONEER ACQUISITION CORP., 2500 28th Street, S.W., Wyoming, MI 49509. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description to "food and related products" from frozen foods; (2) remove the plantsite restriction at or near Grand Rapids, MI and replace it with authority to serve Kent County, MI; and (3) change its one-way authority to radial authority between Kent County, MI, and several States. Applicant also seeks to remove restrictions in its MC-145604 permit to (1) broaden the commodity description to "such commodities as are dealt in or used by manufacturers and distributors of paper products" from paper labels; and (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 149455 (Sub-1)X, filed April 20, 1981. Applicant: TORNETTA'S MOTOR TRUCK, INC., P.O. Box 349, Conshohocken, PA 19428. Representative: Alan Kahn, Barry D. Kleban, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove restrictions in its No. MC-147654F and Sub-Nos. 2F and 3F permits to (A) broaden the commodity description in each to "metal products" from iron and steel articles; and (B) broaden the territorial descriptions to authorize service between points in the U.S., under continuing contract(s) with named shippers.

MC 151655 (Sub-7)X, filed April 22, 1981. Applicant: FRANK BROS. TRUCKING CO., 349 Abbott Avenue, Hillsboro, TX 76645. Representative: Charles E. Munson, P.O. Box 1945, Austin, TX 78767. Applicant seeks to remove restrictions in its MC-140601 Sub-Nos. 1, 7F, 8F, 9F, 10F, and 17F permits to (1) broaden the commodity descriptions from asbestos cement pipe, plastic pipe fittings and accessories, and materials, equipment and supplies (except commodities in bulk) used in the manufacture of those commodities, to "plastic products and building materials"; and (2) broaden the territorial scope to between points in the U.S. under continuing contract(s) with named shippers.

MC 150447 (Sub-5)X, filed April 20, 1981. Applicant: GSC TRANSPORT INC., 166 National Road, Edison, NJ 08817. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (A) remove all exceptions in its general commodities authority "except classes A and B explosives," and (B) remove the restriction limiting service to shipments having a prior or subsequent movement by water.

[FR Doc. 81-13888 Filed 5-7-81; 8:45 am]
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[Volume No. 62]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Correction

In FR Doc. 81-11844, published at page 22669, on Monday, April 20, 1981, on page 22677, in the first column, the third full paragraph, in the application for Conerty-Heniff Transport, Inc., in the first line "MC 15183" should be corrected to read "MC 151813".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-81-99-C]

Consolidation Coal Co., Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241, has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Blacksville No. 1 mine located in Monongalia County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return air courses be examined in their entirety on a weekly basis.

2. The relevant entries of the mine were driven in 1969 and 1970; the roof is deteriorating, the floor is hooving and the travel height in some areas has been reduced to three to four and one-half feet.

3. These return airways are not designated as return escapeways and petitioner states that because of the existing roof conditions, weekly examinations for hazardous conditions are considered too hazardous to be performed.

4. As an alternate method, petitioner proposes to establish and maintain specified air monitoring stations and record results of weekly examinations at each location.

5. Petitioner states that the proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 8, 1981. Copies of the petition are available for inspection at that address.

Dated: May 1, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-13862 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-17-M]

Mississippi Chemical Corp.; Petition for Modification of Application of Mandatory Safety Standard

Mississippi Chemical Corporation, Box 101, Carlsbad, New Mexico 88220 has filed a petition to modify the application of 30 CFR 57.4-27 (fire extinguishers on self-propelled mobile equipment) to its Mine and Mill located in Eddy County, New Mexico. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that self-propelled mobile equipment be provided with a suitable fire extinguisher readily accessible to the equipment operator.

2. Petitioner has been using stored pressure fire extinguishers with pressure gauges on all face equipment; damage to the fire extinguishers has been extensive due to vibration which is inherent on these machines.

3. As an alternate method, petitioner proposes to maintain one twenty pound ABC fire extinguisher at a minimum of ten feet on the upwind side from each power distribution center. In addition, petitioner proposes to maintain fire protection in the immediate mining face and the dump area.

4. Petitioner states that fire on any of the trailing cable equipment would be of an electrical origin; operators are trained as the first step to open the breaker at the power distribution center in the event of a fire. This propsoal would apply to equipment powered through trailing cables, with travel distance from a power distribution center limited to the length of cable on each machine.

5. Petitioner states that the proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 8, 1981. Copies of the petition are available for inspection at that address.

Dated: April 29, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-13874 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-99-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, P.O. Box 350, Morganfield, Kentucky 42437 has filed a petition to modify the application of 30 CFR 75.1403-8 (criteria-track haulage roads) to its Camp No. 1 located in Union County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that 24 inches of clearance be maintained in the track entry.

2. Petitioner states that removing the additional timbering required due to weakening of the roof after entries were advance would pose a hazard to miners affected.

3. For these reasons, petitioner requests a modification to maintain less than 24 inches of clearance in the track entry at designated locations.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 8, 1981. Copies of the petition are available for inspection at that address.

Dated: April 29, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-13875 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-102-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, P.O. Box 350, Morganfield, Kentucky 42437, has filed a petition to modify the application of 30 CFR 75.303 (preshift examination) to its Camp No. 1 located in Union County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Petitioner is seeking a modification to monitor the 3 East off 2 Main South seals at a specified location between the seals and fan shaft.

2. Petitioner states that examining each seal on a daily basis exposes miners to adverse roof conditions in those areas.

3. In support of the proposed alternate method, petitioner states that:

a. Due to the extremely close proximity of the seals to the fan shaft, there would be little danger resulting from a damaged seal;

b. Each seal is adequately ventilated; any gases would go directly to the fan;

c. Much additional roof support has been installed in the proposed area between the seals and fan shaft.

4. Petitioner states that the alternate method proposed will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 8, 1980. Copies of the petition are available for inspection at that address.

Dated: April 29, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-13876 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-104-C]

Permac, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Permac, Inc., P.O. Box 296, Oakwood, Virginia 24631, has filed a petition to modify the application of 30 CFR 77.214 (refuse piles; general) to its Project-Refuse Disposal Area located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that refuse piles not be located over abandoned openings.

2. Petitioner states that covering of the existing opening with refuse would eliminate an existing highwall and thus improve the safety and appearance environmentally and give extend life to the disposal area, thus minimizing additional disturbed areas.

3. In support of this proposal, petitioner states that:

a. Before refuse is placed, rock drains will be constructed which will allow any water seepage from the mine to escape;

b. There will be gas vent pipes installed to allow any gas which accumulates to escape.

4. Petitioner states that this proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 8, 1981. Copies of the petition are available for inspection at that address.

Dated: April 29, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-13681 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-88-C]

Texas Utilities Generating Co.; Petition for Modification of Application of Mandatory Safety Standard

Texas Utilities Generating Company, 2001 Bryan Tower, Dallas, Texas 75201 has filed a petition to modify the application of 30 CFR 77.901 (protection of low and medium voltage three-phase circuits) to its Martin Lake Strip located in Panola County, Texas, its Monticello Strip located in Titus County, Texas and its Sulphur Springs Strip located in Hopkins County, Texas. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petioner's statement follows:

1. The petitions concerns the requirement that a grounding resistor be installed in the neutral circuit of the 3-phase, 480 volt power source supplying power to the 50 ton, portable locomotive jacks.

2. As an alternate method, petitioner proposes that an oversized external ground cable of minimal length be bolted or welded on one end to the frame of the jack and the other end connected to the nearest substantial ground, either the building ground or the rail system itself.

3. In support of this proposed alternate method, petitioner states that:

a. The railroad jacks used at the lines must be portable or they are of no use;

b. The railroad jacks are used in and around the shop maintenance areas where there is little chance of the power cable being damaged by dozer tracks or grader blades;

c. All three-phase power cables contain a fourth wire which serves as a grounding conductor for the frames of all the electrical equipment;

d. Consultation with electrical experts conclude that a grounding resistor and a ground check monitoring system would not provide any greater measure of safety for the miners as compares to the four-wire power cable and case ground-cable proposed;

e. The electrical configuration of the portable railroad jacks provides grounding, short circuit protection, overload protection and is acceptable and in accordance with the National Electrical Code and the Occupational Safety and Health Administration regulations;

f. The external case ground would protect the miners from any harm if a phase-to-ground fault were to occur in the jack along with an open or broken wire in the power cable and if a miner were to come in contact with the jack during the few milliseconds prior to the automatic circuit breakers tripping off the unit.

4. Petitioner states that the proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 8, 1981. Copies of the petition are available for inspection at that address.

Dated: April 29, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-13677 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-12,479]

Algy Shoe Co.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 16, 1981, in response to a worker petition received on March 11, 1981, which was filed on behalf of workers at Algy Shoe Co., Chelsea, Massachusetts.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-6911). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 4th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13682 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,039]

Attwood Corporation; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 12, 1981, in response to a worker petition received on December 29, 1980, which was filed by the United Polishers, Buffers, Platers and Allied Workers (AFL-CIO), Local 7, on behalf of workers at the Attwood Corporation, Lowell, Michigan.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 4th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13671 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,878]

Boris Smoler & Sons, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 15, 1980 in response to a worker petition received on December 2, 1980 which was filed on behalf of workers at the La Porte, Indiana plant of Boris Smoler & Sons, Incorporated.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-11,501). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 4th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13860 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,247 and 11,248]

Fairfield Glove Co.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 14, 1980 in response to a worker petition received on October 6, 1980 which was filed on behalf of workers at the Fairfield, Iowa and Bonaparte, Iowa plants of Fairfield Glove Company.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 4th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13864 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,143]

Farwest Garments, Inc.; Termination of Investigtion

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 26, 1981 in response to a worker petition received on January 19, 1981 which was filed by the United Garment Workers of America on behalf of workers at Farwest Garments, Inc., Seattle, Washington.

An active certification covering the petitioning group of workers remains in effect (TA-W-10,801). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 4th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13866 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10,485]

General Refractories Co., U.S. Refractories Division Administrative Offices; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 2, 1980 in response to a worker petition which was filed on behalf of workers at U.S. Refractories Division administrative offices, Pittsburgh, Pennsylvania, of General Refractories Company.

The petitioners requested withdrawal of the petition. On the basis of the request, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 1st day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13868 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,595]

Miller Brothers Industries; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 31, 1980, which was filed on behalf of workers and former workers producing men's dress slacks and jeans at Miller Brothers Industries, New York, New York.

The Notice of Investigation was published in the **Federal Register**. No public hearing was requested and none was held.

Section 221(a) of the Trade Act of 1974 states that a petition for certification of eligibility to apply for adjustment assistance may be filed with the Secretary of Labor by a group of workers or by their certified or recognized union or other duly authorized representative. During the course of the investigation, it was esatablished that the petitioner is neither an authorized representative of the workers of Miller Brothers Industries, Contact Slack and Jean Division, nor a company official. Consequently the investigation has been terminated.

Signed in Washington, D.C., this 1st day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13867 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,804]

Reed Forest Products, Inc.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 31, 1980, in response to a worker petition received on October 30, 1980, which was filed on behalf of workers at Reed Forest Products, Inc., Cheektowaga, New York.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigaton has been terminated.

Signed in Washington, D.C. this 4th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13869 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,486]

Wagner Electric Corp.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 16, 1981, in response to a worker petition received on March 3, 1981, which was filed on behalf of workers of Wagner Electric Corp., Hazelton, Pennsylvania. Wagner Electric Corporation closed the Hazelton plant permanently in August 1979.

A negative determination applicable to the petitioning group of workers was issued on August 28, 1980 (TA-W-7255). No new information is evident which would result in a reversal of the Department's previous determination. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 4th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13865 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,307]

Westport Casuals; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 23, 1981, in response to a petition received on February 9, 1981, which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Westport Casuals, Batesville, Arkansas, a subsidiary of Stern-Slegman-Prins Company, Incorporated.

An active certification covering the petitioning group of workers remains in effect (TA-W-6340). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 4th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13670 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-28-M

Al Hirt Ford-Mercury, Inc., et al.; Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 18, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 18, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of April 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition number	Articles produced
Al Hert Ford-Mercury, Inc. (workers)	Charlotte, Michigan	4/24/81	4/16/81	TA-W-12,657	Sell new and used cars and trucks and service department.
Bobbie Brooks (Market Exchange Div.) (workers)	New York, New York	4/24/81	4/24/81	TA-W-12,658	Women's sportswear.
E. Norris Brown Company, Inc. (company)	Whitman, Mass	4/27/81	4/24/81	TA-W-12,659	Wooden fan blades for ceiling fans.
Fluid & Electric Control Company (company)	Fenton, Michigan	4/27/81	4/23/81	TA-W-12,660	Automated equipment, control panels and hydraulic equipment.
Huron Forge & Machine Company (UAW)	Detroit, Michigan	4/27/81	4/23/81	TA-W-12,661	Commercial forgings.
National Gypsum Co., Decorative Products Div. (workers).	Hatfield, Mass	4/27/81	4/25/81	TA-W-12,662	Vinyl wall coverings.
Precision Woodcraft, Inc. (company)	E. Bridgewater, Mass	4/27/81	4/24/81	TA-W-12,663	Wooden fan blades for ceiling fans.
Stanscrew, Div. of Stanadyne Corp. (workers)	Bellwood, Ill	4/24/81	4/16/81	TA-W-12,664	Screws.
Wells Lamont Corp. (workers)	Las Cruces, New Mexico	4/27/81	4/23/81	TA-W-12,665	Cotton work gloves.
Western Electric (workers)	Lee's Summit, MO	4/24/81	4/17/81	TA-W-12,666	Electronic components.
Acme Metalcraft, Inc. (USWA)	Warren, Mich	4/28/81	4/23/81	TA-W-12,667	Parts for tractors.
Aileen, Inc. (workers)	Edinburg, Va	4/27/81	4/24/81	TA-W-12,668	Knit materials.
Aquarius Shoe (workers)	Farma, Missouri	4/27/81	4/22/81	TA-W-12,669	Children's, men's and women's shoes.
Bethlehem Mines Corp., Kayford-Boone-Nicholas Div. (workers).	Charleston, W. Va	4/29/81	3/30/81	TA-W-12,670	Metallurgical coal.
Brown Shoe Co. (workers)	Ironton, Missouri	4/28/81	4/24/81	TA-W-12,671	Molded outsoles, plastic heels and wedges.
Ford Motor Co., Ford Export Div. (company)	Wixom, Michigan	4/30/81	4/21/81	TA-W-12,672	Sales and marketing of Ford vehicles.
La Salle Fashions, Inc. (ILGWU)	Hoboken, New Jersey	4/29/81	4/24/81	TA-W-12,673	Ladies' coats.
Upland Cedar Products, Inc. (workers)	Nellton, Washington	4/28/81	4/23/81	TA-W-12,674	Shakes and shingles.
Walker Manufacturing Co., Div. of Tenneco (UAW)	Jackson, Michigan	4/28/81	4/22/81	TA-W-12,675	Mufflers, pipes, resonators.
Carpenter Technology Corp. (USWA)	Jamesburg, N.J	4/29/81	4/24/81	TA-W-12,676	Stainless steel tubing.
Dubeck Manufacturing Company (workers)	Magnolia, Ark	4/30/81	4/27/81	TA-W-12,677	Cape-yoke jackets.
Ely & Walker (workers)	Heber Springs, Ark	4/30/81	4/27/81	TA-W-12,678	Men's and boys' shirts.
Felker Brothers Corp. (Marshfield, Wis. Plants) (Boilermakers).	Marshfield, Wis	4/27/81	4/22/81	TA-W-12,679	Stainless steel pipe and tubing.
Hi-Lo Manufacturing Corp. (ILGWU)	New York, New York	4/30/81	4/28/81	TA-W-12,680	Cotton sundresses and cotton skirts, silk jackets and maternity clothes.

[FR Doc. 81-13672 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Clifton Heights Sportswear, et al.

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period 4/27/81—5/1/81.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–10, 180; Clifton Heights Sportswear #2, Bridgeport, PA

Investigation revealed that sales by manufacturers for which the subject firm produced under contract did not decline.

TA–W–10,035; Ideal Engineering Co., Livonia, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,011; Robinson Transformer Co., Robinson, IL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9744; Hater Industries, Inc., Cincinnati, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9166 & 9167; Goodyear Tire and Rubber Co., Corporate Headquarters, Research Division, Akron, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9440; Guterl Special Steel Corp., Lockport, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9347; Van Dyke Fabricators, Inc., Imlay City, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of material handling containers are negligible.

TA–W–9292; Troytown Shirt Corp., Cohoes, NY

Investigation revealed that either sales by manufacturers for which the subject firm produced under contract did not decline or the manufacturers switched product lines.

TA–W–302; Portec, Inc., Railcar Division, Paragon Railcar Operations, Novi, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9180, 9180A, & 9180B; United Technologies Corp., Automotive Group, Components Div., Coldwater, MI, Columbia City, IN, and Andrews, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9013; Geauga Co., Canton, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9360; E.I. Du Pont De Nemours & Co., Newport, DE

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–12,330; Dolan Steel Co., Inc., Bridgeport, CT

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of galvanized steel sheets did not increase as required for certification.

TA–W–12,287; L&M Coal Co., Herndon, WV

Investigation revealed that criterion (3) has not been met. The preponderance of coal mined is for export.

TA–W–12,221; G.E.M., Inc., Lyburn, WV

Investigation revealed that criterion (3) has not been met. The preponderance of coal mined and cleaned is for export.

TA–W–10,418; Cyclops Corp., Detroit, Strip Div., Hamden, CT

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9208, 9270, and 10,317; Woodall Division of LOF Plastics, Inc., Fremont, OH, Monroe, MI, and Spring Arbor, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9994; Taylor Machine Products, Inc., Taylor, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9982; Geneva Rubber Co., Geneva, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9944; Detroit Window Products, Detroit, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of windows are negligible.

TA–W–9400; Wilson Concepts, Inc., Dayton, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9242; Hayes-Albion Corp., Albion, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9161; Eagle-Picher Industries, Inc., Plastics Division, Grabill, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,883; General Seal Corporation, Roseville, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of automotive air conditioning parts, including seals and seal assemblies, are negligible.

TA–W–10,871; Merit Plastics, Inc., East Canton Div., East Canton, OH

Investigation revealed that criterion (3) has not been met. Sales increased from 1978 to 1979 and in the first quarter of 1980 compared to the first quarter of 1979. The workers have been on strike from April 1980 to the present.

TA–W–10,642; Monsanto Plastics & Resins Co., Bircham Bend Plant, South Butvar Department, Indian Orchard, MA

Investigation revealed that criterion (3) has not been met. Sales and production fluctuations were attributable to normal business trends.

TA–W–10,536; Skimmer, Inc., Romulus, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,328; The General Tire and Rubber Co., Marion, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,257; Bafco Steel Forgings Co., Ferndale, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of automotive steering components (with the exception of ball joints) were negligible during the period under investigation.

TA–W–10,008; Melling Forging Co., Lansing, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9049; Revonah Spinning Mills, Inc., Hanover, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to workers separations at the firm.

TA–W–9048; GAF Corporation, Jarvis Street Plant, Binghamton, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to workers separations at the firm.

TA–W–11,084; Goodyear Tire and Rubber Co., Jackson, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to workers separations at the firm.

TA–W–11,005; Rohm & Haas Tennessee, Inc., Knoxville, TN

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of acrylic sheet are negligible.

TA–W–10,878; Shuert Industries, Inc., Troy, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of material handling containers are negligible.

TA–W–10,487; Dana Corporation, Weatherhead Div., Angola, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to workers separations at the firm.

TA–W–10,360; Armada Rubber Mfg. Co., Armada, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to workers separations at the firm.

TA–W–9847; Northside Pattern Works, Indianapolis, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to workers separations at the firm.

TA–W–9811; Flexible Controls Corp., Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to workers separations at the firm.

TA–W–9506; Prestole Everlock, Toledo, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to workers separations at the firm.

TA–W–9457; Moog Automotive, Inc., St. Louis, MO

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of ball joints did not increase as required for certification. U.S. imports of automotive steering components, with the exception of ball joints, were negligible during the period under investigation.

TA–W–9456; Goodyear Tire and Rubber Co., Niagara Falls, NY

Investigation revelaed that criterion (3) has not been met. With respect to workers producing chemicals for rubber used in tire production, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9433; Toms River Chemical Corp., Ciba-Geigy Facilities—Toms River, Toms River, NJ

Investigation revealed that criterion (3) has not been met. Quarterly variations in production levels are due to normal business fluctuations.

TA–W–9387; Gould, Inc., Shreveport, LA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9295; Central Mfg. Inc., Parker City, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9205B; Goodyear Tire and Rubber Co., Plant #3, Akron, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9205A; Goodyear Tire and Rubber Co., Plant #2, Akron, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9205; Goodyear Tire and Rubber Co., Plant #1, Akron, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm, with respect to experimental tire production.

With respect to foam filled tires, imports are negligible.

TA–W–9178; Blue Water Seafoods, Inc., Cleveland, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9046; Grinnell Screw Products Co., Inc., St. Clair Shores, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9044; Brown Corporation of Ionia, Ionia, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9007, 9008, & 9009; Emerson Electric Co., Rogers, AR, Kennett, MO, and Paragould, AR

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of AC fractional horsepower motors did not increase as required for certification.

TA–W–8398; Auto Specialties Mfg. Co., Castings Division and Jack Division, St. Joseph, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not

contribute importantly to worker separations at the firm.

TA-W-11,827; Fisher Mills Co., Secaucus, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finished fabric did not increase as required for certification.

TA-W-10,587; M&G Engineering Corp., Marine City, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9986; Blonder Tongue Laboratories, Inc., Lakewood, NJ

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9583; The Lamson & Sessions Co., Birmingham, AL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9451; Estan Mfg. Co., Tube Processing Div., Troy, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9417; U.S. Steel Corp., Eastern Limestone Operations, Conneaut, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of pulverized limestone are negligible.

Affirmative Determinations

TA-W-11,057; KLH Research and Development Corporation, Westwood, MA

A certification was issued covering all workers separated from the firm on or after January 11, 1980.

TA-W-11,161; U.S. Steel Corp., McKees Rocks, PA

A certification was issued covering all workers engaged in employment related to the production of railroad wheels separated on or after October 10, 1980.

TA-W-11,564 & 11, 564A; K Industries Corp., Mineral Wells, TX and Kay Electronics, Inc., Edgerton, KS

A certification was issued covering all workers separated from employment on or after January 1, 1980.

TA-W-9284, 9286., 9233, & 9285; Pep Industries, Inc., Houston, MS, Ripley, MS, 63rd & Morrow Streets and 6115 Robertson Avenue, Nashville, TN

A certification was issued covering all workers separated on or after June 17, 1979 (TA-W-9233); June 4, 1979 (TA-W-9284); June 4, 1979 (TA-W-9285); and June 4, 1979 (TA-W-9286).

TA-W-9048; OSS Corporation, Hazelton, PA

A certification was issued covering all workers separated from employment on or after June 3, 1979.

TA-W-9302; Enterprise Machine and Development Corp., New Castle, DE

A certification was issued covering all workers of the firm separated on or after June 18, 1979.

I hereby certify that the aforementioned determinations were issued during the period April 27-May 1, 1981. Copies of these determinations are available for inspection in Room S-5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: May 4, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-13864 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-36; Exemption Application No. D-2947]

Exemption From the Prohibitions for Certain Transactions Involving the Simkins Industries, Inc., Master Trust; Located in New Haven, Conn.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits a series of loans by the Simkins Industries, Inc. Master Trust (the Trust) to Simkins Industries, Inc. (the Employer), a party in interest with respect to the Trust.

TEMPORARY NATURE OF EXEMPTION: This exemption is temporary and will expire five years after the date of grant with respect to the making of any loan, and will expire ten years after the date of grant with respect to the Trust's continued holding of any loan obligations. Should the applicant wish to continue entering into loan transactions beyond the five year period, the applicant may submit another application for an exempton.

FOR FURTHER INFORMATION CONTACT: Mr. Elliot Arditti of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 13, 1981 notice was published in the Federal Register (46 FR 12369) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a series of loans by the Trust to the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that the notification requirements set forth in the notice of pendency have been complied with. No requests for a hearing were received. One public comment opposing the proposed exemption was submitted to the Department. The commentator did not state any specific objections to any of the terms and conditions of the proposed exemption. The comment focused on a concern that the loans will not be adequately secured. The application states that the loans made will be secured by marketable securities having a fair market value of not less than 150% of the outstanding balance of the loans. After consideration of the entire record, the Department has decided to grant the exemption.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions

of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Trust and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Trust.

Accordingly the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to a series of loans by the Trust to the Employer for a five year period beginning with the date of the granting of this exemption, provided the terms of each loan are at least as favorable to the Trust as those obtainable in a similar transaction with an unrelated party. Subsequent to the five year period, the restrictions and sanctions shall not apply to the holding by the Trust of loan obligations of the Employer, provided such obligations arose during the initial five year term of the exemption.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 28th day of April, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-13882 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL SCIENCE FOUNDATION

Engineering and Applied Science Advisory Committee; Earthquake Hazards Mitigation Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92–463 as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Earthquake Hazards Mitigation (EHM) of the Advisory Committee for Engineering and Applied Science

Date and time: June 1, 1981, 9:00 AM to 5:00 PM; June 2, 1981, 9:00 AM to 2:30 PM

Place: National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550, June 1: Room 540, June 2: Room 543

Type of meeting: Open

Contact person: Ms. Tyzcer Henson, Secretary, Division of Civil and Environmental Engineering, Earthquake Hazards Mitigation Program, Room 1140, NSF, Washington, D.C. 20550 (202) 357–9502

Summary minutes: May be obtained from the Contact Person at the above address

Agenda: June 1, 9:00–10:00 AM, Welcome and Review of Recent Events; 10:00–10:30 AM, Subcommittee Membership; 10–30–12:00 N, Engineering Directorate Plans; 12:00–1:00 PM, Lunch; 1:00–2:00 PM, Strong Motion Report; 2:00–4:00 PM, Program Policy Discussion; 4:00–5:00 PM, Task Group Reports

June 2, 9:00–11:00 AM, Program Policy Discussion Con't; 11:00–12:00 N, Program Status Reports; 12:00–1:00 PM, Lunch; 1:00–2:30 PM, Issues for Next Meeting

May 5, 1981.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-13887 Filed 5-7-81; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Mathematical and Computer Sciences; Subcommittee for Mathematical Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Mathematical Sciences of the Advisory Committee for Mathematical and Computer Sciences

Date and time: May 28, 29 and 30, 1981—9:00 a.m. each day

Place: Room 523, National Science Foundation, 1800 G. Street, NW., Washington, D.C. 20550

Type of meeting: Part open—5/28 closed—9:00 a.m. to 5:00 p.m.; 5/29 open—9:00 a.m. to 1:30 p.m.; 5/29 closed—1:30 p.m. to 3:30 p.m.; 5/29 open—3:30 p.m. to 5:00 p.m.; 5/30 open—9:00 a.m. to 3:00 p.m.

Contact person: Dr. William G. Rosen, Head Mathematical Sciences Section, Room 304, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 357–7341

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Mathematical Sciences

Agenda: *Thursday, May 28, 1981—9:00 a.m. to 5:00 p.m.—closed*

Review and comparison of declined proposals (and supporting documentation) with successful awards under the Statistics and Probability program and the Classical Analysis program including review of peer review materials and privileged material

Preparation of a report based upon the above review

T3Friday, May 29, 1981—9:00 a.m. to 1:30 p.m.—open

9:00 a.m.—Joint meeting with Advisory Subcommittee for Computer Science to discuss cryptology issues

12:30 p.m.—Lunch

Friday, May 29, 1981—1:30 p.m. to 3:30 p.m.—closed

1:30 p.m.—Report of oversight review committee on the Statistics and Probability program

2:30 p.m.—Report of oversight review committed on the Classical Analysis program

Friday, May 29, 1981—3:30 p.m. to 5:30 p.m.—open

3:30 p.m.—Needs of the mathematical sciences

Saturday, May 30, 1981—9:00 a.m. to 3:00 p.m.—open

9:00 a.m.—Needs of the mathematical sciences

3:00 p.m.—Adjourn

Reason for closing: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government, in the Sunshine Act

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer delegated the authority to make such determinations by the Acting Director, NSF on July 6, 1979

M. Rebecca Winkler,

Committee Management Coordinator.

May 1, 1981.

[FR Doc. 81-13999 Filed 5-7-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-317 and 318]

Baltimore Gas and Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 53 and 36 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2. The amendments are effective as of the date of issuance.

The amendments incorporate certain of the Lessions Learned Category "A" requirements related to the Three Mile Island Accident.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not de prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendment dated November 10, 1980, (2) Amendment Nos. 53 and 36 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related Safety Evaluation. All of these items items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of April 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-13998 Filed 5-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293 EA 80-38]

Boston Edison Co., (Pilgrim Nuclear Power Station, Unit 1); Order Imposing Civil Monetary Penalties

I

The Boston Edison Company (the "licensee") is the holder of Operating License No. DPR-35 (the "license") which authorizes operation of the Pilgrim Nuclear Power Station, Unit 1 (the "facility"). The facility consists of a boiling light water moderated and cooled reactor (BWR), located at the licensee's site in Plymouth, Massachusetts.

II

On March 8, 1980, irradiated fuel was moved at the Pilgrim Nuclear Power Station without secondary containment integrity, an event which exceeded a Limiting Condition for Operation. Furthermore, this activity was conducted in a manner that violated station fuel handling procedures. In addition, the auxiliary electrical system, including emergency power, was aligned in a condition not prescribed by plant procedures. The Nuclear Regulatory Commission's Office of Inspection and Enforcement conducted an inspection of this incident during the period March 10-21, 1980. The objectives of this inspection were to gather facts concerning the cause, effect and the licensee's response to the event and to evaluate these facts as a basis for corrective or enforcement action, as appropriate. The inspection findings are stated in Inspection Report 50-293-80-09.

As a result of the inspection, the Office of Inspection and Enforcement cited the licensee for specific violations as described in the Notice of Violation and Notice of Proposed Imposition of Civil Penalties which was served upon the licensee by letter dated July 8, 1980, in accordance with 10 CFR 2.201, Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205. A letter dated August 1, 1980, with enclosures, in response to the Notice of Violation and Notice of Proposed Imposition of Civil Penalties, was received from the licensee. In consideration of the licensee's letter dated August 1, 1980, an Amended Notice of Violation and Notice of Proposed Imposition of Civil Penalties were served upon the licensee by letter dated October 30, 1980 in accordance with 10 CFR 2.201, Section 234 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2282), and 10 CFR 2.205. A letter dated November 19, 1980 with enclosures, in response to the Amended Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of Boston Edison Company's responses (August 1, 1980, and November 19, 1980) and the statements of fact, explanation and argument in denial or mitigation contained therein as set forth in Appendix A to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for violations (items I, II.B and II.C) designated in the July 8, 1980 Notice of Violation, and the violation designated in the October 30, 1980 Amended Notice of Violation should be imposed in accordance with enforcement criteria sent to licensees by the NRC in a letter dated December 31, 1974.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the total amount of Thirteen Thousand Dollars ($13,000) within twenty-five (25) days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may within twenty-five (25) days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director at the same address. If a hearing is requested, the Commission will issue an Order designating the time and place of the

hearing. Upon failure of the licensee to request a hearing within twenty-five (25) days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

(a) whether the licensee was in noncompliance with the Commission's regulations and the conditions of the license in the respects set forth in the Notice of Violation (items I, II.B and II.C) and Amended Notice of Violation referenced in Section II above, and

(b) whether on the basis of such items of noncompliance the Order should be sustained.

Dated at Bethesda, Maryland this 21st day of April 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

Appendix A—Evaluation and Conclusions

Each violation and associated civil penalty identified in the original Notice of Violation (dated July 8, 1980) and the amended Notice of Violation (October 30, 1980) is restated below. The Office of Inspection and Enforcement's evaluation of the licensee's response is presented, followed by conclusions regarding the occurrence of the noncompliance and the proposed civil penalties.

Notice of Violation (July 8, 1980)

Item I

Statement of Noncompliance. Technical Specification 3.7.C.1 requires that secondary containment integrity shall be maintained whenever irradiated fuel movement is in progress.

Contrary to the above, irradiated fuel was moved within the spent fuel pool on March 8, 1980, without assuring secondary containment integrity existed.

This is a violation. (Civil Penalty—$5,000)

Evaluation of Licensee's Response. The licensee admits the item of noncompliance and attributes the cause of the occurrence to failure of a licensed Senior Reactor Operator to realize that secondary containment integrity was not assured, failure of the "Fuel Handling" procedure to contain a distinct checklist applicable solely to fuel movement within the spent fuel pool, and lack of requirements for prerequisite station management review and approval of fuel movement activities. In response to the specific item of noncompliance, the licensee submits that prompt NRC notification was made, fuel handling activities were temporarily suspended, a leak rate test was conducted, the "Fuel Handling" procedure was revised to require Operations Review Committee approval prior to all fuel movement, a checklist specific to fuel movement in the spent fuel pool was being developed, and all licensed personnel received training stressing the importance of assuring that fuel handling prerequisites are met. The licensee also committed to revision of operator qualification and requalification programs to reinforce concerns raised by this incident; and to conduct special training sessions immediately prior to the next refueling.

The licensee contends the civil penalty is inappropriate, based on a review of the Commission's "Criteria for Determining Enforcement Action" dated December 31, 1974, and requests it be withdrawn, reduced or mitigated. The licensee submits the specific violation was readily correctable, could not be considered repetitive or chronic, did not constitute an immediate or serious threat to health, safety, the environment or the common defense and security, was subject to prompt corrective action, and therefore is more nearly described as an event where a "Notice of Violation" would be considered sufficient enforcement action.

A Notice of Violation for the noncompliances associated with this event might have been appropriate if the cited items of noncompliance had reflected only isolated instances of noncompliance. In this case, however, the licensee has been cited for noncompliance in a number of instances relating to the proper establishment and implementation of procedures, including operation and maintenance procedures. Between May 16, 1977 and March 21, 1980 NRC inspections identified forty-four (44) items of noncompliance in this area. The licensee's enforcement history relating to failure to establish, implement and maintain required procedures was pivotal in the decision to seek a civil penalty, since previous "Notices of Violation" apparently had failed to elicit effective lasting corrective action to ensure compliance with procedures. In light of the event and the nature of the circumstances surrounding it, civil penalties are appropriate in this case under the December 31, 1974 enforcement policy, specifically under paragraphs "a" and "h" of "Civil Monetary Penalties—Criteria":

a. Those cases of noncompliance with the same basic requirements that were brought to the attention of the licensee in a "Notice of Violation" following a previous inspection.

h. Those cases involving items of noncompliance in the Violation Category.

The movement of irradiated fuel within the spent fuel pool without secondary containment integrity in effect posed a serious threat to the health and safety of the public because a fuel handling accident could have resulted in the release of significant quantities of radioactive material to unrestricted areas. The potential, as well as the actual, occurrence of events that threaten public health and safety is a basis for taking enforcement action. If an accident had occurred under conditions identified in this case, it is likely that stronger enforcement action in the form of an order would have been issued in addition to the imposition of civil penalties.

Conclusion

The item as stated is an item of noncompliance. The information provided in the response by the licensee does not provide a basis for modification of the enforcement action.

Item II.A

This item was withdrawn and an amended Notice of Violation was issued to the licensee on October 30, 1980. The evaluation of the licensee's response to the amended notice is presently at the end of this appendix.

Item II.B

Statement of Noncompliance. Technical Specification 6.8.A states in part, "Written procedures and administrative policies shall be established, implemented and maintained that meet or exceed the requirements and recommendations of Sections 5.1 and 5.3 of ANSI N 18.7—1972 and Appendix "A" of USNRC Regulatory Guide 1.33 . . . ."

PNPS Procedure 1.3.4, "Procedures", Revision 20, requires that approved written procedures shall be adhered to and that these procedures shall cover all normal and foreseeable off-normal conditions.

Contrary to the above, on March 8, 1980, the output breaker controls of the emergency diesel generator were temporarily modified to prevent automatic closure and there was no written procedure for the startup, operation and shutdown of the emergency power source in this condition.

This is an infraction. (Civil Penalty—$4,000)

Evaluation of Licensee's Response. The licensee admits that no written procedure existed for the particular condition, but argues that this was not a circumstance for which a written procedure was required by PNPS 1.3.4. In any event, the licensee contends that the intent of the requirements of TS 6.8.A and PNPS Procedure 1.3.4 were met. The modification of the diesel generator controls was scheduled for a period when fuel was not in the reactor and the manual operations required to operate the diesels had been communicated to all control room licensed operators. The licensee contends that an "approved written procedure" was not required, since the condition requiring diesel operability was not foreseeable in that fuel movement should not have taken place, and the intent of the requirement for approved procedures was met, in that appropriate individuals were aware of the special conditions and had specific guidance on how to cope with a need to operate the diesels under these conditions.

The licensee requests that the infraction be withdrawn and the civil penalty be withdrawn, reduced or mitigated.

The licensee's contentions are without merit. The foreseeable off-normal condition that required procedural coverge was the planned modification of the diesel generator output breaker controls, not the event which required the diesels to be operable. Nothing in the license allows required procedural coverage to lapse during periods when the licensee believes procedures probably will not be needed. Accidents are not planned and thus, to justify the lack of required

procedures, the licensee cannot rely on the expectation that procedures will not be needed. Further, written approved procedures are necessary to ensure that uniform guidance is provided to each individual requiring the information, that the guidance is subject to independent review and approval prior to issuance, and that the subsequent actions of individuals are auditable for conformance to expected practices.

Conclusion

The item as stated is an item of noncompliance. The information provided by the licensee does not provide a basis for modification of the enforcement action or withdrawal of the item of noncompliance.

Item II.C

Statement of Noncompliance. Technical Specification 6.8.A states in part, "Written procedures and administrative policies shall be established, implemented and maintained that meet or exceed the requirements and recommendations of Sections 5.1 and 5.3 of ANSI N18.7—1972 and Appendix "A" of USNRC Regulatory Guide 1.33 . . . ."

PNPS Procedure 1.3.7, "Records", Revision 17, requires the Operating Supervisor and Control Room Operator to log in the Station Operations Log a minute by minute account of the operation of the plant, and that this should include everything that is happening in the plant.

Contrary to the above, the movement of irradiated fuel in the spent fuel pool, the violation of Technical Specification 3.7.C.1 and the notification of NRC of the incident were not logged in the Station Operations Log on March 8, 1980.

This is a deficiency. (No Civil Penalty)

Evaluation of Licensee's Response. The licensee admits the three specified items were not logged in the "Station Operations Log", but submits the failure to log these items does not warrant a citation, since the intent of Procedure 1.3.7 was satisfied. The movement of irradiated fuel in the spent fuel pool was logged in an additional operations log titled the "Refueling Floor Supervisor's/Coordinator's Log". The determination that a violation of TS 3.7.C.1 had occurred and the notification to NRC of the event, took place away from the control room. Although the control room was notified of this determination and notification, these two items were not recorded in the "Station Operations Log", since the licensee interprets these activities as not constituting "operations of the plant."

The licensee has committed to revise Procedure 1.3.7, "to explicitly reference the refueling log."

The licensee's contention that this item does not warrant a citation is without merit. The guidance provided personnel in Procedure 1.3.7 states that the Station Operations Log "should include everything that is happening in the plant." That the licensee established a new "Refueling Floor Supervisor's/Coordinator's Log" in 1975, which documented safety related activities and which was not subject to the controls of Procedure 1.3.7, is indicative of inadequacies of the licensee's controls for establishment, implementation and maintenance of procedures.

Conclusion

The item as stated is an item of noncompliance. The information provided by the licensee does not provide a basis for modification of the enforcement action or withdrawal of the item of noncompliance.

Amended Notice of Violation (October 30, 1980

Statement of Violation. Technical Specification 6.8.A stated in part, "Written procedures and administrative policies shall be established, implemented and maintained that meet or exceed the requirements and recommendations of Sections 5.1 and 5.3 of ANSI N18.7—1972 and Appendix "A" of USNRC Regulatory Guide 1.33. . . ."

Pilgrim Nuclear Power Station (PNPS) Procedure 4.3, "Fuel Handling", Rev. 16, in effect on March 8, 1980, required that "fuel movement may not begin until the 'on-duty' Watch Engineer gives his consent."

Contrary to the above, on March 8, 1980, a Senior Reactor Operator undertook fuel movement without the consent of the "on-duty" Watch Engineer.

This is an infraction. (Civil Penalty—$4,000)

Evaluation of Licensee's Response. The licensee admits the violation. The licensee indicated that the Senior Reactor Operator supervising operations on the refueling floor believed that the fuel movement had been planned and authorized by Station management and did not obtain the express consent of the "on-duty" Watch Engineer.

The licensee further indicated that contributing factors causing the occurrence included the lack of a specific checklist for fuel movement within the spent fuel pool and the belief that the Watch Engineer on-duty at the time was cognizant of and consented to the planned fuel movement.

The licensee stated that the fuel handling procedure had been revised to include a requirement that the full Onsite Review Committee approval must be obtained prior to fuel movement, that a new checklist for fuel movement within the spent fuel pool would be developed, and that the licensed operator training program will include reinforcement of the importance of assuring that all fuel handling prerequisites and requirements are verified prior to commencement of any fuel movement.

The licensee requests that the civil penalty be withdrawn, reduced or mitigated because of the licensee's belief that the incident could not be characterized as constituting a threat to the health and safety of the public.

As described in the Inspection Report No. 80-09, the licensee was unable to satisfactorily complete a secondary containment integrity test, due to various unrepaired holes and leaks, until March 21, 1980. The movement of irradiated fuel within the spent fuel pool without secondary containment integrity in effect posed a serious threat to the health and safety of the public because a fuel handling accident could have resulted in the release of significant quantities of radioactive material to unrestricted areas.

Conclusion

The item has stated is an item of noncompliance. The information provided by the licensee does not provide justification for remission or mitigation of the proposed penalty.

[FR Doc. 81-13267 Filed 5-7-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-247 EA 81-04]

Consolidated Edison Co. of New York, Inc., (Indian Point Nuclear Power Station, Unit 2); Order Imposing a Civil Monetary Penalty

I

The Consolidated Edison Company of New York, Inc. (the "licensee") is the holder of Operating License No. DPR-26 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). The license authorizes operations of the Indian Point Nuclear Power Station, Unit 2 (the "facility"). The facility consists of a pressurized light water moderated and cooled reactor (PWR), located at the licensee's site in Buchanan, New York. The license was issued on October 19, 1971.

II

During an inspection of the licensee's facility conducted by the Nuclear Regulatory Commission's Office of Inspection and Enforcement on September 24, 1980, a system important to safety was found in a condition not permitted under the license. The inspection findings are stated in Inspection Report 50-247/80-16. As a result of this inspection, the Office of Inspection and Enforcement cited the licensee for the specific item of noncompliance described in a Notice of Violation and Notice of Proposed Imposition of Civil Penalty which were served upon the licensee by letter dated December 19, 1980, in accordance with 10 CFR 2.201, Section 234 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2282), and 10 CFR 2.205. A letter dated January 13, 1981, with enclosure, in response to the Notice of Violation and Notice of Proposed imposition of Civil Penalty, was received from the licensee.

III

Upon consideration of Consolidated Edison's response (January 13, 1981) and the statements of fact, explanation and argument in denial or mitigation contained therein as set forth in Appendix A to this order, the Director of the Office of Inspection and Enforcement has determined that the penalty proposed for the violation designated in the Notice of Violation should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2282), and 10 CFR 2.205, *it is hereby ordered that:*

The licensee pay a civil penalty in the total amount of Five Thousand Dollars ($5,000) within twenty-five (25) days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may within twenty-five (25) days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within twenty-five (25) days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

(a) whether the licensee was in violation of the Commission's regulations as set forth in the Notice of Violation referenced in Section II above, and

(b)— whether on the basis of such violation the Order should be sustained.

Dated at Bethesda, Maryland this 29th day of April 1981.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

Appendix A—Evaluation and Conclusion

The violation and associated proposed civil penalty identified in the Notice of Violation (dated December 10, 1980) is restated below. The Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response dated (January 13, 1981), is presented.

Statement of the Violation

10 CFR Part 50.59(a)(1) states in part "the holder of a license authorizing operation of a production or utilization facility may . . . (ii) make changes in the procedures as described in the safety analysis report . . . without prior Commission approval, unless the proposed change, test or experiment involves a change in the Technical Specifications incorporated in the license or an unreviewed safety question."

10 CFR Part 50.59(a)(2), states in part, "A proposed change . . . shall be deemed to involve an unreviewed safety question . . . (iii) if the margin of safety as defined in the basis for any Technical Specification in reduced."

The Basis for Technical Specifications, Section 3 states in part, "in the event of a Design Basis Accident, three charcoal filters (and their associated recirculation fans) in operation, along with one containment spray pump and sodium hydroxide addition, will reduce airborne organic and molecular iodine activities sufficiently to limit off-site doses to acceptable values. These constitute the minimum safeguards for iodine removal. . ."

Contrary to the above, on May 10, 1977, a change in a procedure was made without Commission approval which was contrary to Technical Specification 3.3.B.1.b. and which involved an unreviewed safety question. Specifically, an addition of paragraph 3.11 was made to Procedure 10.6.2, "Containment Entry and Egress," (Revision 1) which called for placing the two containment spray pump control switches in the trip pull-out position when containment was entered. This action rendered the automatic startup feature of the Containment Spray System inoperable and thus reduced the margin of safety as defined in the Basis for Technical Specification, Section 3. This unauthorized change resulted in Limiting Condition for the Operation to be exceeded each time the procedure was implemented during reactor operation.

This violation had the potential for causing or contributing to an occurrence related to safety (Civil Penalty—$5,000).

Evaluation of the Licensee's Reponse

The licensee denied the existence of an item of noncompliance based on its contention that:

"1. The procedure change was not contrary to Technical Specification 3.3.B.1.b, which requires, inter alia, that two containment spray pumps be 'operable', and;

"2. The procedure change did not involve an 'unreviewed safety question'".

With respect to the first contention, the licensee has argued that the definition of operability contained in the Technical Specification does not specify "automatic" or "manual" modes of operation. Thus, according to the licensee, when the pump switches are in the pull-out position the system has not been rendered inoperable since it can be operated manually by appropriate operator action. The licensee's contention regarding operability is not supportable. As the licensee states, the intended function of the containment spray system is to spray into containment follow a loss of coolant accident to lower pressure and remove airborne radionuclides. As an Engineered Safety Feature, the containment spray system, must meet the requirements of General Design Criterion (GDC) 20 for a protective system. In Section 7.2.1 of the Indian Point Unit 2 Final Facility Description and Safety Analysis Report (FDSAR), the licensee documents its commitment to GDC-20.[1] The licensee states:

"Criterion: Protection systems shall be provided for sensing accident situations and *initiating* the operation of necessary engineered safety features." (Emphasis added)

"The engineered safety features systems are actuated by the engineered safety features actuation channels. Each coincidence network energizes an engineered safety features actuation device that operates the associated engineered safety features equipment, motor starters and valve operators."

"Containment spray is actuated by coincident and redundant high containment pressure signals".

With the containment spray pump controllers in the trip pull-out position, initiation in response to the actuation signals is blocked. Thus the system is incapable of performing its intended function "as designed" and is therefore considered inoperable as an ESF system. Technical Specification (TS) 3.3.B.1.b requires two containment spray pumps to be operable. Since the pumps are inoperable when the switches are in the pull-out position, the licensee has approved a procedure that is contrary to the requirements of TS 3.3.B.1.b. In failing to seek Commission approval for such a change in procedures, the licensee has failed to comply with the requirements of 10 CFR 50.59(a)(1).

The licensee also argues that the change made to procedure 10.6.2 "Containment Entry and Egress", Revision 1, did not involve an unreviewed safety question as described in 10 CFR 50.59. This contention is also not supportable. The Bases of the Indian Point Unit 2 Technical Specification states the need for at least one containment spray pump to be operable to provide a margin of safety for iodine removal to ensure off-site doses are limited to acceptable values in the event of a Design Basis Loss of Coolant Accident. With both pumps rendered inoperable, this margin was reduced. Hence, an unreviewed safety question, as defined by 10 CFR 50.59(a)(2)(iii), existed.

The licensee has also contended that: "Assuming noncompliance, arguendo, the noncompliance was not in the violation category." This contention is equally not supportable. The licensee was cited for having approved a change to a procedure described in the Safety Analysis Report that involved an unreviewed safety question.

Specifically, the procedure in question permits placing both the containment spray pumps in the trip pull-out position with four operable fan coolers, whereas the analysis performed in the safety analysis report is based on five fan coolers, or at least one containment spray pump and three fan coolers to be operable to provide adequate iodine removal and containment cooling. Implementation of the procedure at issue resulted in operating the facility in a manner that would not assure timely initiation of the containment spray system for iodine removal or containment cooling. Thus, the preventive

[1] The FDSAR identifies this criterion as GDC-15.

capability of automatic initiation of the containment spray system, as designed, was removed, constituting a condition that we consider a violation.

Operating a reactor while using a procedure involving an unreviewed safety question could potentially cause, contribute to or aggravate incidents or occurrences of the types described as violations in the NRC enforcement action criteria as communicated to the licensee by letter dated December 31, 1974. Therefore, the item of noncompliance has been properly categorized as a violation in accordance with paragraph (k) of the violation category of noncompliance as described in the December 31, 1974 letter, Attachment B, page 2.

In the response to the Notice of Proposed Imposition of Civil Penalty, the licensee discussed extenuating circumstances which it felt should serve to mitigate the civil penalty. The licensee stated that the revision was made to the procedure to enhance personnel safety during containment entries at power. Although the concern exhibited by the licensee in this regard is commendable, this concern is insufficient grounds to justify operation while an unreviewed safety question is in existence.

The licensee further stated that, in the best technical judgment of its personnel at the time the procedure was revised, the operability of the containment spray system was not affected. It is unclear as to what served as a basis for this judgment, since the licensee has been unable to produce the records of any safety evaluations done at the time regarding the effects of the procedure revision on containment spray system operability.

The licensee also stated that the existence of an unreviewed safety question is nothing more than a difference in technical judgment between the NRC Staff and itself. This contention is not supportable. The fact that an unreviewed safety question did exist has been described above. The fact that the licensee erroneously concluded that no unreviewed safety question existed upon changing the procedure does not necessarily serve as a basis for mitigation of the civil penalty. Indeed, the failure of the licensee to recognize that the change in its procedure resulted in the existence of an unreviewed safety question is a significant part of the basis of this civil penalty.

The licensee also offered as an extenuating circumstance the fact that the revised procedure had been in effect for more than three years and had been reviewed by the NRC during two inspections conducted in 1979. Although these inspections did not identify any items of noncompliance in connection with this procedure, it should be noted that neither inspection included a comprehensive review of the procedure. Specifically, neither inspection addressed the comparison of the procedure content with Technical Specification requirements.

Additionally, an acceptable finding related to a particular area does not ensure that future concerns or noncompliances will not develop as a result of subsequent inspections.

Finally, the licensee offered in extenuation the fact that corrective action was initiated expeditiously after the NRC inspector identified the situation. Prompt corrective action of problems identified by the NRC in safety-related areas is expected and required of licensees and does not in itself serve as a basis to mitigate the enforcement action.

Conclusion

The containment spray pumps were inoperable when their pump controllers were placed in the trip pull-out position and an unreviewed safety question did exist. Approving procedure 10.6.2 involving an unreviewed safety question constituted an item of noncompliance and this item is correctly classified as a violation in accordance with the criteria stated in the December 31, 1974 letter to the licensee. The extenuating circumstances offered by the licensee do not justify mitigation or withdrawal of the civil penalty.

[FR Doc. 81-13068 Filed 5-7-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. STN 50-510 & STN 50-511]

Gulf States Utilities Co., (Blue Hills Station, Units 1 & 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(2), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit proceeding (early site review): Alan S. Rosenthal, Chairman, Dr. John H. Buck, Christine N. Kohl.

Dated: May 1, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-13069 Filed 5-7-81; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Cost of Hospital and Medical Care and Treatment Furnished by the United States; Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by Section 2(a) of the Act of September 25, 1962, (76 Stat. 593: 42 U.S.C. 2652), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970, (35 FR 10737), the following three sets of rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 20 of the Code of Federal Regulatons) through three separate Federal agencies. These rates have been determined to represent the reasonable cost of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals, nursing homes, and outpatient clinics, administered by any of the three Federal agencies—Department of Defense, Veterans Administration, or Department of Health and Human Services—with the exception of Department of Defense operated medical treatment facilities in Panama.

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment.

(c) For such care and treatment of the United States Government medical treatment facilities in Panama, Panama-specific rates shall be those established and in effect at the time the care and treatment is furnished, by the Department of Defense for such care and treatment furnished in Panama to beneficiaries of other United States Government agencies.

Effective May 11,	1981 and thereafter		
	DOD	VA	HHS
Hospital care per inpatient day:			
General medical, surgical, and tuberculosis care	336	243	224
In Panama	397	.....	.....
Psychiatric care	.....	154	.....
In Panama	141	.....	.....
Nursing home care	.....	98	.....
Burn Center, U.S. Army Institute of Surgical Research, Brooke Army Medical Center, Houston, Tex.	1,010	.....	.....
Outpatient medical and dental treatment:			
Per outpatient visit	39	54	44
In Panama	44	.....	.....

For the period beginning May 11, 1981, the rates prescribed herein supersede those established by the Director of the Office of Management and Budget on April 7, 1980, (45 FR 24293).

Dated: May 4, 1981.

David A. Stockman,

Director, Office of Management and Budget.

[FR Doc. 81-13072 Filed 5-7-81; 8:45 am]
BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22036; 70-6591]

American Electric Power Co.; Proposal by Holding Company To Act as Guarantor for Subsidiaries

May 4, 1981.

American Electric Power Company ("AEP"), 180 East Broad Street, Columbus, Ohio 43215, a registered holding company, has filed a declaration with this Commission pursuant to Sections 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder. AEP proposes (1) to enter into contracts of guarantee on behalf of American Electric Power Service Corporation ("AEPSC") and Columbus and Southern Ohio Electric Company ("C&SOE"), each a subsidiary of AEP, and (2) that AEPSC and C&SOE be added to the General Agreement of Indemnity dated November 8, 1976, between AEP and Seaboard Surety Company.

With the exception of AEPSC and C&SOE the AEP System companies operating in Ohio are self-insured as to workmen's compensation liability. The Industrial Commission of Ohio requires self-insuring employees to post bonds of up to $5,000,000 each and has required AEP to guarantee payment of workmen's compensation benefits by its subsidiaries should they fail to make such payments. Accordingly, the maximum amount of indemnity from AEP to Seaboard Surety, which provides the required bonds for AEP's System companies, will be increased from $15,000,000 to $25,000,000 and AEP will provide the required guarantees of its subsidiaries' performance.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 28, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-13997 Filed 5-7-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 17790; (812-4951)]

Cralin Money Market Fund, Inc.; Application

Notice is hereby given that Cralin Money Market Fund, Inc. ("Applicant"), 220 East 51st Street, New York, New York 10022, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on March 27, 1981, and an amendment thereto on April 22, 1981, requesting an order of the Securities and Exchange Commission ("Commission") pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to value its portfolio assets pursuant to the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant states that is it a "money market" fund organized as a corporation under the laws of the State of Maryland and that J. R. Cralin & Co., Inc., serves as Investment Adviser to Applicant. Applicant further states that it is designed as an investment vehicle for investors with temporary cash balances or cash reserves seeking as high a level of current income as is consistent with liquidity and the preservation of capital and that its portfolio may be invested in a variety of money market instruments. The Applicant's portfolio may include U.S. Government securities, certificates of deposit, bankers' acceptances (including certificates of deposit and banker's acceptances issued by foreign branches of U.S. domestic banks), commercial paper and other corporate debt obligations, all maturing in one year or less. Applicant will not invest in obligations of banks or savings and loan associations unless, at the time of the Applicant's investment they have capital, surplus and undivided profits of $100,000,000 or more as of the date of their most recently published year-end financial statements, or unless the principal amount of such obligations is fully insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. Commercial paper investments are limited to commercial paper rated Prime 1 or Prime 2 by Moody's Investors Service, Inc. or A-1 or A-2 by Standard & Poor's Corporation.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, repurchase and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the appliction, the Commission expressed its view that, among other things: (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and

consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant hereby requests an exemption from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit it to value its portfolio by means of the amortized cost method of valuation (i.e., valuing securities at cost, adjusted for amortization of premium or accretion of discount).

In support of its request for exemptive relief Applicant states that investors are not concerned with the theoretical difference which might occur between yield achieved through pricing to some sort of "market" and yield computed by using the amortized cost valuation method. Applicant states that by valuing its portfolio of high quality instruments of short-term maturities at amortized cost, it would be able to achieve the two qualities which investors in a money market fund seek: (1) certainty of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant states that by valuing its portfolio assets by the amortized cost method, investors would achieve a steady income flow and avoid the volatility which might result from valuing its assets based on market prices.

Applicant represents that it has found through experience that investment in a portfolio of high quality money market instruments of short-term maturities will enable it to provide the required stability to investors. Applicant states that maintaining an average portfolio maturity of 120 days accomplishes both aforementioned investor aims because such a portfolio reduces the likelihood of significant volatility in the value of portfolio instruments as effectively as does an average maturity of shorter duration, and such a portfolio provides a yield on portfolio instruments commensurate with yields available in the general money market which are less available with a portfolio having an average maturity of shorter duration.

Applicant further states that its request for exemptions is based on its existing and proposed investment policies, which have been adopted by the board of directors and are described in its application and prospectus. Applicant represents that its board of directors has determined in good faith that use of the amortized cost valuation method to value Applicant's portfolio instruments is appropriate and preferable.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

4. Applicant will record, maintain and preserver permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which the board of directors determines present minimal credit risks, and which are of high quality as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any such action was taken, will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 26, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

May 4, 1981.

FR Doc. 81–13999 Filed 5–7–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 17759; (812–4840)]

Fidelity Ready Cash Fund; Application (Formerly Fidelity Cash Reserves II)

Notice is hereby given that Fidelity Ready Cash Fund ("Applicant") 82 Devonshire Street, Boston, Massachusetts 02109, filed an application on March 16, 1981, and an amendment thereto on April 24, 1981, for an order of the Securities and Exchange Commission ("Commission") pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to compute its net asset value per share using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is organized as a business trust under the laws of the Commonwealth of Massachusetts, and is registered under the Act as an open-end, diversified, management investment company. Applicant was organized on March 21, 1980, in response to the credit restraint regulations promulgated by the Board of Governors of the Federal Reserve System effective as of March 14, 1980 (the "Regulations"). Those Regulations required "money market" investment companies, among others, to maintain non-interest bearing special deposits with the Federal Reserve Banks in an amount equal to 15% of their average daily covered assets as defined in the Regulations. In order to avoid any significant dilution in the yield of Fidelity Cash Reserves ("FCR") (File No. 2–63350) as a result of the Regulations, the Trustees of FCR caused Applicant to be registered with the Commission. Applicant's prospectus was effective April 1, 1980.

During its active operation, Applicant valued its assets on the basis of amortized cost in accordance with the authority granted in the Commission's temporary Rule 6c–4(T) (*See* Investment Company Act Release No. 11137, April 22, 1980). In accordance with the policy of the Commission as set forth in Investment Company Act Releast No. 11277 (July 25, 1980) and temporary Rule 6c–5(T), after the Regulations were dismantled all of Applicant's remaining assets excepting the initial capital of $100,000 supplied by Applicant's investment adviser, Fidelity Management and Research Co., were exchanged for shares of FCR on August 15, 1980. Applicant assets that it has conducted no public business since that date.

On February 27, 1981, Applicant's Board of Trustees and sole shareholder approved various amendments to its Declaration of Trust and fundamental investment policies. Applicant is now structured as a "series" money market fund consisting of two Portfolios, with the investment objective of seeking as high a level of current income as is consistent with the preservation of capital and liquidity within the investment standards of each of its Portfolios. Its U.S. Treasury Portfolio will invest exclusively in U.S. Treasury obligations; its Money Market Portfolio will invest in (i) U.S. dollar-denominated obligations of banks, including certificates of deposit, time deposits or bankers' acceptances of U.S. banks and their branches located outside of the U.S. and of U.S. branches of foreign banks and of wholly-owned banking subsidiaries of such foreign banks, provided that the bank has capital, surplus and undivided profits (as of the date of its most recently published annual financial statements) with a value in excess of $100,000,000 at the date of investment; (ii) commercial paper rated A–1 by Standard & Poor's Corporation or Prime-1 by Moody's Investors Service, Inc. at the time of investment; and (iii) U.S. government obligations. Each portfolio may also invest in repurchase agreements. All of the investments of Applicant will consist of obligations maturing within one year from the date of acquisition, and the dollar-weighted average portfolio maturity of all of its investments will be 120 days or less. Applicant states that it will also purchase short-term high quality obligations on a "when issued" or delayed delivery basis. Applicant represents that such securities will be carried and treated on Applicant's books and will be valued in accordance with all the conditions set forth in Investment Company Act Release No. 10666, dated April 18, 1979. Shares of Applicant will be sold without a sale charge. The minimum initial investment will be $1,000 with additional investments accepted in any amount.

Applicant seeks an order of the Commission pursuant to Section 6(c) of the Act exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant's assets to be valued according to the amortized cost valuation method. Under the amortized cost valuation method, portfolio instruments are valued at their cost as of the date of acquisition and thereafter assuming a constant rate of amortization to maturity of any discount or premium, regardless of the impact of fluctuating interest rates on the market value of such instruments.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in

computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extend that such exemption is necessary of appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it has been management's experience that in order to attract and retain investments Applicants must have a stable net asset value (preferably at $1.00 per share) and a constant and steady flow of investment income. Applicant believes that the valuation of its portfolio securities on the amortized cost basis will benefit shareholders by enabling it to maintain a constant $1.00 per share purchase and redemption price, while at the same time providing shareholders with a steady flow of investment income through daily dividends which reflect Applicant's net income as earned.

Applicant states that its Trustees have determined in good faith that in light of the characteristics of the Applicant as described above and absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects the fair value of such securities. It is Applicant's experience that given the nature of Applicant's policies and operations, there will be relatively negligible discrepancy between prices obtained by market value methods and amortized cost.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising the operations of Applicant and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of trustees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Applicant's investment objectives, to stabilize the Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated.

(c) Where the board of trustees believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which the board of trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the board of trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

Notice is further given that any interested person may, not later than May 26, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter order a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

May 4, 1981.

[FR Doc. 81–14000 Filed 5–7–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 11762; 812–4837]

Sentry Cash Management Fund, Inc.; Filing of an Application for an Order of Exemption

May 4, 1981.

Notice is hereby given that Sentry Cash Management Fund, Inc. ("Applicant"), 1800 North Point Drive, Stevens Point, Wisconsin 54481, an open-end, diversified management investment company which has filed a registration statement under the Investment Company Act of 1940 ("Act"), filed an application on March 9, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit the Applicant to value its portfolio securities using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund whose investment objective is maximum current income consistent with the preservation of capital and the maintenance of liquidity. To this end, Applicant proposes invest in high quality money market instruments consisting of: (a) Debt securities issued or guaranteed by the United States Government, its agencies or instrumentalities; (b) certificates of deposit, bankers' acceptances or other short-term debt obligations of domestic banks or savings and loan associations (which have total assets of one billion dollars or more and are members of the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation); (c) commercial paper rated A–1 by Standard and Poor's Corporation ("S&P") or Prime 1 by Moody's Investors Service, Inc., ("Moody's") or, if not rated, issued by a corporation with an outstanding debt issue of at least AA by S&P or Aa by Moody's; (d) non-convertible corporate debt securities (e.g., bonds and debentures) rated at least AA by S&P or Aa by Moody's; and (e) repurchase agreements pertaining to the above-noted securities.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

In support of the relief requested, Applicant states its belief that two qualities are helpful in order to attract investors, namely, stability or principal and a steady flow of investment income. Applicant further believes that investors will be interested that the daily income declared by the Applicant reflect income as earned and that the sale and redemption prices not change. By utilizing high quality money market instruments of short maturities combined with a stable net asset value, preferably $1.00 per share, Applicant asserts that it would be possible to provide these features to a variety of investors. Applicant further believes that, given the nature of its policies and operations and based upon the experience of its investment adviser, Sentry Investment Management, Inc., in managing the money market investments of other entities, there will normally be a relatively negligible discrepancy between the amortized cost value of such securities and the value determined by a market valuation method.

On the basis of the foregoing, Applicant believes that the valuation of its portfolio securities on the amortized cost basis will benefit its shareholders by enabling the Applicant to maintain more effectively a stable price per share while providing its shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than under procedures whereby dividends would be adjusted by unrealized gains and losses on its portfolio securities as well as realized gains and losses. The Applicant's Board of Directors has determined in good

faith that in light of the characteristics of the Applicant as described above, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for the Applicant and will reflect the fair value of such securities.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemption it has requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the Applicant's $1.00 amortized cost price per share from the net asset value per share as determined by using available market quotations, and the maintenance of records of such review;[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or any other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of the Applicant's portfolio; withholding dividends; or utilizing a net asset value per share as determined by using actual quotations or estimates of market value reflecting current market conditions selected by the board of directors as appropriate indicators of value.

3. The Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days.[2]

4. The Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1, above, and the Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the directors determine present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the board of directors.

6. The Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than May 28, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided in Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing on request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of the Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14008 Filed 5-7-81; 8:45 am]

BILLING CODE 8010-01-M

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[1] The Applicant states that to fulfill this condition, it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by it board of directors in the exercise of its discretion to be appropriate indicators of value. In addition, the Applicant states that the quotations or estimates utilized may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market investments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 17765; SR–Amex–81–3]

American Stock Exchange, Inc.; Order Approving Proposed Rule Change

May 4, 1981.

On March 9, 1981, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and rule 19b–4 thereunder, copies of a proposed rule change which would amend Amex Rule 22 to expressly authorize Floor Officials to resolve market disputes involving Intermarket Trading System ("ITS") rules arising between Amex members and members of other ITS participating market centers.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release

(Securities Exchange Act Release No. 17652 (March 23, 1981)) and by publication in the Federal Register (46 FR 19371 (March 30, 1981)). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b) (1) and (5) and the rules and regulations thereunder, in that it enhances the exchange's ability to enforce member compliance with Amex rules and aids in perfecting the mechanism of a free and open market and a national market system.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-13999 Filed 5-7-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17766; File Nos. SR-MSE-81-3, SR-MSE-81-5]

Self-Regulatory Organizations, Proposed Rule Change by Midwest Stock Exchange, Inc.; Clearing the MSE Post Prior to the Entry of Orders Into the ITS System

Comments requested on or before May 29, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), notice is hereby given that on April 1 and 28, 1981, the Midwest Stock Exchange, Incorporated, filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule changes were set out in a *Notice to Floor Members*, dated March 26, 1981, and another dated April 24, 1981, which informed floor members that entering an order into the ITS System without first "clearing the MSE post" may result in a violation of the MSE Rules and subsequent disciplinary action, and described the minimum procedures that clearing the post requires, as follows. First, a broker or market maker must be physically present at the post. In addition, a broker must request a market quote from the specialist prior to entering a commitment into the ITS System for another market, and a market maker is required, after requesting the specialist's market quote, to make a bid or offer at the post for the price and size of his intended interest, prior to entering a commitment into the ITS System.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concening the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The policy of requiring floor brokers and market makers to clear the MSE post prior to entry into ITS is intended to facilitate best price execution of orders, and avoid potential trade throughs of the MSE market quotation.

The statutory basis for the adoption of the proposed rule changes is found in Sections 6(b)(1) and 6(b)(5) of the Act in that the rules will aid the exchange to enforce compliance by its members and persons associated with its members, with the provisions of Section 6, the rules and regulations thereunder and the rules of the Exchange, and encourage floor members to seek out and obtain execution of customer orders in the best market thus promoting just and equitable principles of trade and the maintenance of a fair and orderly market.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule changes.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule changes have become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act, Rule 19b-4. At any time within 60 days of the filing of such proposed rule changes, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file numbers in the caption above and should be submitted on or before May 29, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 4, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14001 Filed 5-7-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17770; SR-Phlx-80-29]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

On January 2, 1981, the Philadelphia Stock Exchange, Inc. ("Phlx"), 17th

Street and Stock Exchange Place, Philadelphia, PA 19103, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change to amend Phlx Rule 631 to provide that no Phlx member or member organization may establish or maintain private electronic communications between the Phlx trading floor and a non-member without application to and approval by the Phlx.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17442, January 12, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.[1]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

May 5, 1981.

[FR Doc. 81–14002 Filed 5–7–81; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM–8/402]

Oceans and International Environmental and Scientific Affairs Advisory Committee; Open Meeting

The meeting of the General Panel of the Oceans and International Environmental and Scientific Affairs Advisory Committee announced in the Federal Register on April 20th on page 22711 has been rescheduled. The Panel will meet at 9:15 a.m. on Wednesday, May 20, 1981 in Room 250, National Academy of Science, 2101 Constitution Avenue NW., Washington, D.C.

At this meeting, officers responsible for nuclear, scientific, and oceans affairs in the Department of State and members of the Advisory Committee will discuss U.S. nuclear non-proliferation policy, funding of international science and technology cooperation, the Law of the Sea, biogenetic engineering, and energy cooperation with developing nations. This session will be open to the public, which will be admitted to the limits of seating capacity. Individuals may be given the opportunity to participate in discussions according to the instructions of the Chairperson.

Requests for further information on the meeting may be directed to Michael Congdon, OES Policy Assessment Staff, Department of State, (202) 632–3325.

Harry R. Marshall, Jr.,

Acting Chairman.

April 23, 1981.

[FR Doc. 81–13871 Filed 5–7–81; 8:45 am]

BILLING CODE 4701–07–M

[Public Notice CM–8/404]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Working Group on Lifesaving Appliances; Meeting

The SOLAS Working Group on Lifesaving Appliances will conduct an open meeting on May 21, 1981, at 9:00 A.M., in Room 1303 of the Coast Guard Headquarters (Transpoint Building), 2100 Second Street SW., Washington, D.C. 20593.

The purpose of the meeting will be to discuss the draft text for revision of SOLAS Chapter III and consider the text or the need for U.S. submissions for the next LSA Sub-Committee meeting scheduled for week of June 29, 1981.

For further information contact Mr. N. W. Lemley, U.S. Coast Guard Headquarters (G–MMT–3/12), 2100 Second Street SW., Transpoint Building, Washington, D.C. 20593. Telephone (202) 426–1444.

Dated: April 28, 1981.

James A. Treichel,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 81–13869 Filed 5–7–81; 8:45 am]

BILLING CODE 4701–07–M

[Public Notice CM–8/403]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Working Group on the Carriage of Dangerous Goods; Meeting

The SOLAS Working Group on the Carriage of Dangerous Goods will conduct an open meeting on June 4, 1981, at 9:30 A.M., in Room 3201 of the Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of this meeting will be to:

Discuss the report of the XXXII Session of the IMCO Subcommittee on the Carriage of Dangerous Goods;

Discuss progress of IMCO activities of a continuing nature such as implementation of the IMDG Code.

Requests for further information on the meeting should be directed to Lieutenant Kevin J. Eldridge, U.S. Coast Guard (G–MHM–2), 2100 Second Street, SW., Washington, D.C. 20593. Telephone (202) 426–1577.

Dated: April 20, 1981.

John Todd Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc. 81–13870 Filed 5–7–81; 8:45 am]

BILLING CODE 4701–07–M

[Public Notice 754]

State Department Performance Review Board Members

In accordance with Section 4314(c)(1) through (5) of the Civil Service Reform Act of 1978 (Pub. L. 95–454), the Executive Resources Board of the Department of State has appointed the following additional persons to the State Department Performance Review Board Register, and in so doing amends accordingly Department of State Public Notice No. 703 (45 FR 6877–6878, January 30, 1980), effective April 15, 1981.

George H. Aldrich, U.S. Member of the International Law Commission;
J. Brian Atwood, Dean of Academic Affairs, Foreign Service Institute;
Joseph S. Bennett, Deputy Administrator for Management, Food and Nutrition, Department of Agriculture;
Vivian L. Derryck, Deputy Assistant Secretary, Equal Employment Opportunity Office;
Monroe Leigh, Partner, Steptoe and Johnson;
Ginger Law, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs;
Thomas R. Pickering, Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs;
Roxanne L. Ridgway, Special Assistant to the Secretary, Office of the Secretary;
Arthur W. Rovine, Assistant Legal Adviser, Treaty Affairs, Office of the Legal Adviser.

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[1] Since the subject proposed rule change merely provides a procedure by which a Phlx member may apply to the Phlx to establish or maintain electronic access between a non-member and the Phlx trading floor, the Commission, in approving the proposed rule change, has not determined the extent to which the Act permits an exchange, through interpretation of existing rules or adoption of new rules, to prohibit all private wires between floor members and non-members. That issue is not before the Commission and, accordingly, the Commission reserves judgment on the merits of any rule proposal seeking to establish such an absolute prohibition.

The following names as announced in Department of State Public Notice No. 703 (45 FR 6677–6678, January 30, 1980) are removed from the Department of State Performance Review Board Register:

Stephen M. Schwebel, Deputy Legal Adviser, Office of the Legal Adviser;
W. W. Francis, Deputy Assistant Secretary for Information Systems, Bureau of Administration;
Ralph C. Guzman, Deputy Assistant Secretary, Bureau of Inter-American Affairs.

The following names announced in Department of State Public Notice No. 723 (45 FR 58284, September 2, 1980) are also removed from the Department of State Performance Review Board Register:

William T. Lake, Deputy Legal Adviser, Office of the Legal Adviser;
Michael A. Glass, General Counsel, United States International Communication Agency.

Dated: April 27, 1981.

Joan M. Clark,

Director General of the Foreign Service and Director of Personnel.

[FR Doc. 81-13825 Filed 5-7-81; 8:45 am]

BILLING CODE 4710-15-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 89
Friday, May 8, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 10:00 a.m. (Eastern Time). Tuesday, May 12, 1981.

PLACE: Baileys Cross Roads, Tenth Floor, Suite 1000, Conference Room E, Skyline Center 2, 5203 Leesburg Pike, Falls Church, Va.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE DISCUSSED:

1. Three proposed contracts for expert witness services in connection with court cases.
2. A report on Commission operations by the Executive Director.

Closed to the Public:

1. Freedom of Information Act Appeal No. 81–2–FOIA–53.
2. Proposed Withdrawal of a Charge.
3. Request for Authorization to seek bids for a contract in a litigation case.
4. Litigation Authorization: General Counsel Recommendation.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer. Executive Secretariat, at (202) 634–6748.

[S–729–81 Filed 5–6–81; 3:30 pm]

BILLING CODE 6750–06–M

2

FEDERAL COMMUNICATIONS COMMISSION.

FCC to hold a special open Commission meeting, Tuesday, May 5, 1981.

The Federal Communications Commission will hold a Special Open Meeting, on the subject listed below on Tuesday, May 5, 1981 at 9:00 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Petitions for Review, Special Permission—81–177, AT&T Tariffs Implementing Docket No. 79–63, AT&T Rate of Return.

The prompt and orderly conduct of Commission business did not permit announcement of this meeting prior to this time.

The prompt and orderly conduct of Commission business requires that less than 7-day notice be given.

Action by the Commission May 4, 1981. Commissioners Lee, Chairman; Quello, Washburn, Fogarty and Jones voting to hold this Open Meeting with less than 7-day notice.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: May 6, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S–728–81 Filed 5–6–81; 3:16 pm]

BILLING CODE 6712–01–M

3

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda items from May 7th open meeting.

The following items have been deleted at the request of Commissioner Washburn's Office, from the list of agenda items scheduled for consideration at the May 7, 1981, Open Meeting, and previously listed in the Commission's Public Notice of April 30, 1981.

Agenda, Item No., and Subject

General—2—*Title:* Petitions for reconsideration of Commission's Report and Order adopting permanent policies and rules regarding *ex parte* presentations in rulemaking proceedings. *Summary:* The Media Access Project (MAP) and National Telecommunicatons and Information Agency (NTIA) filed petitions for reconsideration of the Commission's Report and Order. MAP principally argues that that Order violates certain judicial rules of law and proposes changes to the disclosure provisions of the *ex parte* rules. NTIA principally argues that the Commission's "restricted" classification is too narrow in scope and inconsistent with recent court decisions. The Commission must decide whether to grant or deny, in whole or in part these petitions.

Issued: May 6, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Agenda, Item No., and Subject

Common Carrier—10—Title: Docket No. 80–765—Revisions to AT&T's Tariff F.C.C. No. 259, WATS (Transmittal No. 13555); Docket No. 80–64—Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services. Summary: The Commission will consider results of its investigation of AT&T's September, 1980, WATS proposal concerning incorporation of a time-of-day sensitive rate structure element into that tariff. Additionally, petition for reconsideration and motion for expedited relief filed with regard to Commission action ordering removal of resale and sharing restrictions in AT&T's MTS and WATS tariffs will be considered.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

[S–727–81 Filed 5–6–81; 3:16 pm]

BILLING CODE 6712–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 11:30 a.m. on Monday, May 4, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Memorandum and Resolution re: Exemption from Periodic Reporting Requirements of Securities Exchange Act of 1934—Banco Central y Economias, San Juan, Puerto Rico.

Memorandum and Resolution re: Semiannual Agenda of Regulations.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and

Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director of the Office of Personnel Management re: Quarterly Summary of Personnel Activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 27, 1981

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-724-81 Filed 5-6-81; 9:06 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 12:00 Noon on Monday, May 4, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Application for Federal deposit insurance: Lone Star Bank, a proposed new bank, to be located at 1501 Interstate Highway 10, East, Unincorporated Harris County (P.O. Baytown), Texas.

Recommendations regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania (two memorandums).

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,664–L (Amendment #2—The Mission State Bank and Trust Company, Mission, Kansas.

Case No. 44,766–L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Case No. 44,770–L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Memorandum and Resolution re: Southern National Bank, Birmingham, Alabama.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof: Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.: Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 27, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-725-81 Filed 5-6-81; 9:36 am]

BILLING CODE 6714-01-M

6

FEDERAL LABOR RELATIONS AUTHORITY.

TIME AND DATE: 10:00 a.m., Thursday, May 14, 1981.

PLACE: Department of Labor Building, 200 Constitution Avenue, NW., Room N5437 C & D, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Authority Workload, Resources, and Management Processes.
2. Organization and Operation of the Office of Chief Counsel.
3. Technical Assistance Projects.
4. Program for the National Headquarters Office.
5. The Foreign Service Labor Relations Program.
6. General Counsel Workload Statistics and Processes.

CONTACT PERSON FOR MORE INFORMATION: James J. Shepard, Executive Director, telephone 202/632–3920.

James J. Shepard,

Executive Director.

May 6, 1981, Washington, D.C.

[S-730-81 Filed 5-6-81; 3:07 pm]

BILLING CODE 6727-01-M

7

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:00 a.m., Wednesday, May 13, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204

Dated: May 5, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-723-81 Filed 5-6-81; 4:02 pm]

BILLING CODE 6210-01-M

8

FOREIGN CLAIMS SETTLEMENT COMMISSION [F.C.S.C. Meeting Notice No. 4–81]

Announcement in Regard to Commission Meetings and Hearings.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

DATE AND TIME:

Wed., May 6, 1981 at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic and the People's Republic of China; Claims for Vietnam Prisoner of War Compensation.

Wed., May 13, 1981 at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic and the People's Republic of China; Claims for Vietnam Prisoner of War Compensation.

Fri., May 15, 1981 at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic and the People's

Republic of China; Claims for Vietnam Prisoner of War Compensation.

Mon., May 18, 1981 at 2:30 p.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic and the People's Republic of China; Claims for Vietnam Prisoner of War Compensation.

Wed., May 20, 1981 at 10:30 a.m.—Canceled.

Wed., May 27, 1981 at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the People's Republic of China; and Claims for Vietnam Prisoners of War Compensation.

Oral Hearings

Tues., May 5, 1981 at 10:00 a.m.—G-2309 Walter O. Michael.

Tues., May 5, 1981 at 10:00 a.m.—G-3032 Ernst L. Lowe, Werner Loewy, Margot Loewy.

Tues., May 5, 1981 at 2:00 p.m.—G-2350 Rachel Grote Dickey.

Mon., May 18, 1981 at 2:30 p.m.—CN-3-041 John J. Tzeng.

Subject matter listed above not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. Request for information, or advance notice of intention to observe a meeting, may be directed to Executive Director, Foreign Claims Settlement Commission, 1111 20th Street, N.W., Washington, D.C. 20579

Dated at Washington, D.C. on April 30, 1981.

[S-725-81 Filed 5-6-81; 12:41 pm]

BILLING CODE 4410-01-M

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Federal Register

Vol. 46, No. 89

Friday, May 8, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing May 5, 1981

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: May 15 and June 12, 1981, at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202-523-5235.

Advance Orders are now Being Accepted for Delivery in About 6 Weeks

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Revised as of January 1, 1981

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List of Health Manpower Shortage Areas Designated Under Section 332 of the Public Health Service Act.

25868 Part III—DOL/ESA/W&H:
Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions.

26000 Part IV—CFTC:
Monthly and Confirmation Statements.

26004 Part V—CFTC:
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26026 Part VI—DOE:
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federal register

Friday
May 8, 1981

Part II

Department of Health and Human Services

Public Health Service, Health Resources Administration

List of Health Manpower Shortage Areas Designated Under Section 332 of the Public Health Service Act

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Resources Administration

List of Health Manpower Shortage Areas Designated Under Section 332 of the Public Health Service Act

1. Purpose

This notice provides a list of health manpower shortage areas updated as of December 31, 1980, as designated by the Secretary of Health and Human Services under the authority of section 332 of the Public Health Service Act.

2. Background

Section 332 of the Public Health Service Act, as amended by Pub. L. 94–484 (the Health Professions Educational Assistance Act of 1976), provides that the Secretary of Health and Human Services shall designate health manpower shortage areas based on criteria established by regulation. Health manpower shortage areas are defined in section 332 to include (1) urban and rural geographic areas, (2) population groups, and (3) facilities with shortages of health manpower. Section 332 further requires that the Secretary publish a list of the designated geographic areas, population groups, and facilities. The list of areas is to be reviewed at least annually, and revised as necessary. The Health Resources Administration's Bureau of Health Professions has been assigned the responsibility for designating these areas.

Public or non-profit entities in (or with a demonstrated interest in) these areas are eligible to apply for assignment of National Health Service Corps personnel to provide health services in, or to, the areas. These areas are also eligible obligated service areas for certain Public Health Service scholarship and loan repayment programs, and entities located in the areas are eligible to apply for (or receive preference for) certain Public Health Service grant programs.

3. Development of List

Criteria for designating health manpower shortage areas were first published by the Department of Health, Education, and Welfare as Interim-Final regulations (42 CFR Part 5) in the **Federal Register** of January 10, 1978. Final regulations, revised as warranted by public comments received, were published in the **Federal Register** on November 17, 1980. Criteria are defined for each of seven health manpower types (primary medical care, dental, psychiatric, vision care, podiatric, pharmacy, and veterinary manpower). In January 1978 and June 1980, the Bureau of Health Professions compared these criteria with available data on counties and small areas throughout the country and developed data listings showing areas which appeared to meet the criteria. These listings were submitted to the appropriate Health Systems Agencies (HSA's), State Health Planning and Development Agencies (SHPDA's), and Governors for their review and recommendations. In addition, individual requests for designation or withdrawal of particular areas, population groups, or facilities are received continuously; these are routinely submitted to the appropriate HSA's, SHPDA's, Governors, and other interested organizations or individuals for their review and recommendations.

The Bureau of Health Professions reviews each designation or withdrawal request, together with any recommendations received on individual requests or on the data listings, and determines whether or not each area involved meets the shortage criteria. The results are provided by letter to the agency or individual requesting action or providing data; copies are sent to other involved agencies as well as to interested organizations and persons. These letters constitute the official notice of designation as a health manpower shortage area or disapproval of recommendations for such designation.

The list below includes all those areas, population groups, and facilities which had been so designated by the Bureau of Health Professions as of April 15, 1981. The list does not include those areas, population groups, or facilities which had previously been designated but whose designations had been withdrawn by April 15, 1981. This list supersedes the list which appeared in the **Federal Register** on August 28, 1980, and all previously published lists of health manpower shortage areas.

In the case of veterinary care manpower shortage area designations, the list as presented here does not include areas in degree-of-shortage groupings 4 and 5 (i.e., those areas which have shortages of companion animal veterinarians only). We plan to revise the criteria for designation of veterinary care manpower shortage to include only those areas with shortages of food animal veterinarians.

4. Format of List

For each type of manpower, the list of areas is arranged by State. Within each State, the list is first presented by county. In those cases where a portion (or portions) of a county has been designated, or a population group or facility designation has been made, the name of the service area, population group, or facility involved is listed under the county name. Following the county listing, a list of the designated service areas is presented, showing their component parts in terms of towns, townships, census tracts (C.T.'s), minor civil divisions (M.C.D.'s), census county divisions (C.C.D.'s), enumeration districts (E.D.'s), magisterial districts, or other definable geographic divisions. Following the service area listing, a list of the designated population groups is presented, showing the geographic area where each population group resides. Finally, this is followed by a listing of the designated facilities showing their location.

Beside each designated area, the appropriate "degree-of-shortage" group is indicated, corresponding to the criteria for these groupings contained in the Final regulations. (Group 1 represents areas with the highest degree-of-shortage, Group 2 with the next highest degree of shortage, etc.)

In addition to the specific listings included in this notice, all Indian tribes which meet the definition in section 4(d) of Pub. L. 94–437, the Indian Health Care Improvement Act of 1976, are automatically designated as population groups with primary medical care and dental manpower shortages. These automatic designations of Indian tribes have been assigned to degree-of-shortage group 4, unless otherwise noted in the listing (based on specific data provided for this purpose).

5. Future Updates of List of Designated Areas

The list below consists of those areas which were designated as of December 31, 1980. Additional areas are being designated continuously, and future updates of the list will be published periodically in the **Federal Register**. In particular, it should be noted that some additional areas have been designated by letter since December 31, 1980, and the appropriate agencies and persons notified of the designation. Although officially designated, these areas are not included in the list below, because they had not yet been added to the computerized data base at the time this list was generated.

Any designated area listed below is subject to possible future withdrawal from designation if new information is received by the Bureau of Health Professions indicating that the situation in the area has changed or that

erroneous or incomplete data were used in making the original designation.

For further information on these designations, to request additional designations, or to request withdrawal of any designation, please contact: Richard C. Lee, Chief, Distribution Studies Branch, Division of Health Professions Analysis, Bureau of Health Professions, Health Resources Administration, Center Building, Room 4-44, 3700 East-West Highway, Hyattsville, Maryland 20782.

All requests for designations or withdrawals should be based on the criteria as published in the regulations.

Dated: April 28, 1981.

Robert Graham,

Acting Administrator.

PRIMARY CARE: Alabama

County Listing

County name	Degree of shortage group
Autauga	01
Baldwin:	
Service area: Bay Minette	04
Barbour	01
Bibb	04
Blount	02
Bullock	01
Butler	03
Calhoun:	
Service area: Etowah	04
Chambers:	
Service area: La Fayette	01
Cherokee	02
Chilton	02
Choctaw	01
Clarke	03
Clay	04
Cleburne	01
Colbert:	
Service area: Cherokee	01
Conecuh	01
Coosa	01
Covington:	
Service area: South East Covington	03
Service area: North Covington	01
Crenshaw	03
Cullman	02
Dale	01
De Kalb	02
Elmore	02
Etowah:	
Service area: Etowah	04
Fayette	02
Geneva	01
Greene:	
Service area: Greene-Hale	04
Hale:	
Service area: Greene-Hale	04
Henry	01
Houston:	
Service area: East Houston	01
Jackson	02
Jefferson:	
Service area: Pratt City	01
Service area: Warrior-Morris	02
Service area: Roosevelt City	02
Lamar	03
Lauderdale:	
Service area: Waterloo	02
Lawrence	02
Limestone	04
Lowndes	01
Macon	04
Madison:	
Service area: Triana	02
Population group: Med. Ind. Pop. of Madison	02
Marengo	03
Marion	01

PRIMARY CARE: Alabama—Continued

County Listing

County name	Degree of shortage group
Mobile:	
Service area: Davis Area Community	01
Service area: Bayou La Batre	01
Monroe	04
Montgomery:	
Service area: South Montgomery	01
Perry	02
Pickens	01
Pike	03
Randolph	02
Russell:	
Service area: Cottonton/Hurtsboro	01
St. Clair	03
Sumter:	
Service area: Black Belt Community	01
Talladega:	
Service area: Munford	01
Service area: Childersburg CCD	01
Service area: Lincoln-Estaboga CCD	01
Tallapoosa	03
Tuscaloosa:	
Service area: Tuscaloosa	01
Walker	02
Washington	01
Wilcox	02
Winston	02

PRIMARY CARE: Alabama

Service Area Listing

Service area name	Degree of shortage group
Bay Minette	04
County—Baldwin:	
Parts of county:	
C.T. 101-106	
Bayou La Batre	01
County—Mobile:	
Parts of county:	
C.T. 66 (Parts)	
C.T. 67 (Parts)	
C.T. 72 (Parts)	
C.T. 73 (Parts)	
Black Belt Community	01
County—Sumter:	
Parts of county:	
Gainesville Div.	
Livingston Div. (EpPS Twn)	
Panola/Geiger Div.	
Cherokee	01
County—Colbert:	
Parts of county:	
Cherokee CCD	
Childersburg CCD	01
County—Talladega:	
Parts of county:	
Childersburg Div.	
Cottonton/Hurtsboro	01
County—Russell:	
Parts of county:	
Cottonton-Seale	
Hurtsboro	
Davis area community	01
County—Mobile:	
Parts of county:	
C.T. 2	
C.T. 3	
C.T. 4.01	
C.T. 4.02	
C.T. 5	
C.T. 6	
East Houston	01
County—Houston:	
Parts of county:	
Columbia	
Gordon	
Etowah	04

PRIMARY CARE: Alabama—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Calhoun:	
Parts of county:	
Piedmont Div.	
Ohatchee Div.	
Webster Chapel-Alexandria Div.	
County—Etowah:	
Greene-Hale	04
County—Green:	
County—Hale:	
Lafayette	01
County—Chambers:	
Parts of county:	
Lafayette Div.	
Lincoln-Estaboga CCD	01
County—Talladega:	
Parts of county:	
Lincoln-Estaboga Div.	
Munford	01
County—Talladega:	
Parts of county:	
Munford	
North Covington	01
County—Covington:	
Parts of county:	
Red Level	
Rosehill-Gantt	
Pratt City	01
County—Jefferson:	
Parts of county:	
C.T. 10 through 12	
C.T. 14	
Roosevelt City	02
County—Jefferson:	
Parts of county:	
C.T. 105	
C.T. 131	
C.T. 133	
C.T. 136	
C.T. 137	
South East Covington	03
County—Covington:	
Parts of county:	
Florala CCD	
South Montgomery	01
County—Montgomery:	
Parts of county:	
Hope Hull	
Pine Level	
Ramer	
Triana	02
County—Madison:	
Parts of county:	
C.T. 106 (E.D. 8, 15)	
C.T. 110 (E.D. 9A, 9B, 10, 11, 18, 19A)	
C.T. 112 (E.D. 12, 17B, 20B, 21B)	
Tuscaloosa	01
County—Tuscaloosa:	
Parts of county:	
C.T. 116-119	
Warrior-Morris	02
County—Jefferson:	
Parts of county:	
C.T. 113, 114	
Waterloo	02
County—Lauderdale:	
Parts of county:	
Waterloo CCD	

PRIMARY CARE: Alabama

Population Group Listing

Population group name	Degree of shortage group
Med. Ind. Pop. of Madison	02
County—Madison:	

PRIMARY CARE: Alabama—Continued

Population Group Listing

Population group name	Degree of shortage group
Parts of county:	
Med. Ind. Pop. of Madison	

PRIMARY CARE: Alaska

County Listing

County name	Degree of shortage group
Aleutian Islands Div.	01
Anchorage Div.:	
Population group: Med. indigent pop. of Anchorage	04
Angoon Div.:	
Service area: Juneau	04
Barrow Div	01
Bethel Div	01
Bristol Bay Div.:	
Service area: Bristol Bay	03
Bristol Bay Boro. Div.:	
Service area: Bristol Bay	03
Juneau Div.:	
Service area: Juneau	04
Kobuk Div	01
Kuskulwim Div	01
Matanuska-Susitna div.	04
Nome Div	01
Outer Ketchikan Div	01
Prince of Wales Div	01
Skagway-Yakutat Div.:	
Service area: Juneau	04
Southeast-Fairbanks Div	01
Upper Yukon Div	01
Valdez-Chitina-Whit. Div	02
Wade Hampton Div	01
Yukon-Koyukuk	01

PRIMARY CARE—Alaska

Service Area Listing

Service area name	Degree of shortage group
Bristol Bay	03
County—Bristol Bay Div.	
County—Bristol Bay Boro Div.	
Juneau	04
County—Angoon Div.	
County—Juneau Div.	
County—Skagway-Yakutat Div.	

PRIMARY CARE: Alaska

Population Group Listing

Population group name	Degree of shortage group
Municipality of Anchorage	04
County—Anchorage Div.:	
Parts of county:	
Med Indigent Pop of Anchorage	

PRIMARY CARE: Arizona

County Listing

County name	Degree of shortage group
Apache:	
Service area: White Mountain Indian Reservation	03
Service area: Puerco Valley	01
Service area: St. Johns	02
Cochise:	
Service area: Bowie	01
Service area: Tombstone City Area	03
Service area: Benson	03
Coconino:	
Service area: Williams	02
Gila:	
Service area: Globe-Miami-Superior	03
Service area: White Mountain Indian Reservation	01
Service area: Payson	04
Maricopa:	
Service area: South Phoenix	02
Service area: El Mirage	01
Service area: Town of Guadalupe	02
Navajo:	
Service area: Kayenta	01
Service area: Winslow	04
Service area: Hopi Indian Reservation	01
Service area: White Mountain Indian Reservation	03
Pima:	
Service area: Catalina	01
Service area: Marana	02
Service area: El Rio	01
Pinal:	
Service area: Catalina	01
Service area: Globe-Miami-Superior	03
Service area: Central-West Pinal Co.	04
Santa Cruz	01
Yavapai	
Service area: Seligman	02
Yuma	
Service area: Northern Yuma County	01
Service area: Somerton Clinic Target Area	01

PRIMARY CARE: Arizona

Service Area Listing

Service area name	Degree of shortage group
Benson	03
County—Cochise:	
Parts of county:	
Benson CCD	
Bowie	01
County—Cochise:	
Parts of county:	
Bowie CCD	
Catalina	01
County—Pima:	
Parts of county:	
C.T. 47.07	
County—Pinal:	
Parts of county:	
Oracle Junction (in San Manuel Div.)	
Central/West Pinal Co.	04
County—Pinal:	
Parts of county:	
Maricopa/Stanfield	
Casa Grande	
Eloy	
Coolidge	
Florence	
El Mirage	01
County—Maricopa:	
Parts of county:	
C.T. 405 (Southern ½)	
C.T. 606	
C.T. 609	
El Rio	01

PRIMARY CARE: Arizona—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Pima:	
Parts of county:	
C.T. 1 through 4	
C.T. 6 through 12	
C.T. 13.02	
C.T. 22 through 24	
C.T. 25.01	
C.T. 37.01	
C.T. 37.02	
C.T. 37.03	
C.T. 38	
C.T. 39	
Globe-Miami-Superior	03
County—Gila:	
Parts of county:	
Globe Div.	
Miami Div.	
Young & Roosevelt Tonto Div.	
County—Pinal:	
Parts of county:	
Superior-Ray Div.	
Hopi Indian Reservation	01
County—Navajo:	
Parts of county:	
Hopi Division	
Kayenta	01
County—Navajo:	
Parts of county:	
Navajo Monument Div.	
Marana MSA	02
County—Pima:	
Parts of county:	
Marana CCD	
Northern Yuma County	01
County—Yuma:	
Parts of county:	
Parker Division	
Payson	04
County—Gila:	
Parts of county:	
Christopher Creek	
Gisela	
Jakes Corner	
Kohls Ranch	
Payson	
Pine	
Rye	
Strawberry	
Tonto Div.	
Tonto Village	
Puerco Valley	01
County—Apache:	
Parts of county:	
Puerco Division	
Seligman	02
County—Yavapai:	
Parts of county:	
Ashfork Div	
Somerton Clinic Target Area	01
County—Yuma:	
Parts of county:	
Somerton	
Wellton (Part)	
South Phoenix	02
County—Maricopa:	
Parts of county:	
C.T. 1152 through 1161	
C.T. 1162.01	
C.T. 1162.02	
C.T. 1163 through 1167	
St. Johns	02
County—Apache:	
Parts of county:	
St. Johns Div.	
Tombstone City Area	03
County—Cochise:	
Parts of county:	
Tombstone Pt. (Pt. Tombstone Div.)	
Town of Guadalupe	02
County—Maricopa:	
Parts of county:	
Town of Guadalupe	
White Mountain Indian Reservation	03

PRIMARY CARE: Arizona—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Apache:	
Parts of county:	
McNary Division	
County—Gila:	
Parts of county:	
Reservation Division (Part)	
Williams	02
County—Coconino:	
Parts of county:	
Williams CCD	
Winslow	04
County—Navajo:	
Parts of county:	
Winslow (Ft. Little Colorado Div.)	

PRIMARY CARE Arkansas:

County Listing

County name	Degree of shortage group
Arkansas:	
Service area: Arkansas County	01
Ashley	02
Bradley	04
Calhoun	01
Clark:	
Service area: Southern Clark Co.	02
Clay	03
Cleveland	02
Crawford	03
Crittenden:	
Service area: Parkin	01
Facility: Crittenden Memorial Hosp	01
Cross:	
Service area: Parkin	01
Franklin	01
Fulton:	
Service area: Horseshoe Bend	03
Grant	04
Howard:	
Service area: Dierks	01
Izard:	
Service area: Horseshoe Bend	03
Jefferson:	
Service area: Northeast Jefferson County	01
Facility: S. Arkansas Correctional Facilities	02
Lafayette	01
Lawrence	04
Lee	02
Lincoln	01
Little River	02
Logan	02
Lonoke	02
Mississippi	03
Monroe	03
Montgomery	01
Nevada:	
Service area: Stephens	01
Newton	01
Ouachita:	
Service area: Stephens	01
Perry	01
Phillips:	
Service area: Elaine	01
Pike:	
Service area: Dierks	01
Prairie	01
Pulaski:	
Service area: East Central Pulaski	01
Scott	02
Searcy	01
Sebastian:	
Service area: Diamond	01
Sevier:	
Service area: Dierks	01
Sharp	03
Stone	02
Union:	
Service area: Stephens	01
Service area: Strong	01
Van Buren	04
Washington:	
Service area: West Washington	02
Woodruff	03

PRIMARY CARE: Arkansas

Service Area Listing

Service area name	Degree of shortage group
Arkansas County	01
County—Arkansas:	
Parts of county:	
Keaton Township	
Crockett Township	
Barton Township	
Garland Township	
Brewer Township	
Bayou Meto Township	
La Grue Township	
Prairie Township	
Point de Luce Township	
Arkansas Township	
Chester Township	
Stanley Township	
Diamond	01
County—Sebastian:	
Parts of County:	
Diamond Township	
Hartford Township	
Jim Fork Township	
Mississippi Township	
Sugarloaf Township	
Dierks	01
County—Howard:	
Parts of County:	
Baker Township	
Blue Ridge Township	
Burg Township	
Clay Township	
Duckett Township	
Holly Creek Township	
Madison Township	
Mountain Township	
Muddy Fork Township	
Sulphur Spring Township	
Umpire Township	
County—Pike:	
Parts of County:	
Mountain Township	
Eagle Township	
Salt Creek Township	
White Township	
Muddy Fork Township	
County—Sevier:	
Parts of County:	
Jefferson Township	
East Central Pulaski	01
County—Pulaski:	
Parts of County:	
C.T. 1 through 13	
C.T. 16	
C.T. 25	
C.T. 26	
C.T. 28	
C.T. 40.01	
Elaine	01
County—Phillips:	
Parts of County:	
Jamestown	
Lake	
Mooney	
Searcy	
Tappan	
Horseshoe Bend	03
County—Fulton:	
Parts of County:	
Union	
Baker	
Franklin	
County—Izard:	
Parts of County:	
Jefferson	
New Hope	
Violet Hill	
Northeast Jefferson County	01

PRIMARY CARE: Arkansas—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Jefferson:	
Parts of County:	
Dudley Township	
Roberts Township	
Plum Bayou Township	
Dunnington Township	
Boggy Township	
Old River Township	
Villemont Township	
Barraque Township	
Bolivar Township	
Jefferson Township	
Pastoria Township	
Washington Township	
Parkin	01
County—Crittenden:	
Parts of County:	
Tyronza Township	
County—Cross:	
Parts of County:	
Tyronza Township	
Southern Clark Co.	02
County—Clark:	
Parts of County:	
Missouri Township	
Stephens Service Area	01
County—Nevada:	
Parts of County:	
Jackson	
Leslie	
County—Ouachita:	
Parts of County:	
Bragg	
Bridge Creek	
Jefferson	
Lafayette	
Liberty	
Marion	
Smackover	
County—Union:	
Parts of County:	
Boone	
Van Buren	
Strong	01
County—Union:	
Parts of County:	
Harrison Township	
Lapile Township	
West Washington	02
County—Washington:	
Parts of County:	
Boston Township	
Cane Hill Township	
Cove Creek Township	
Dutch Mills Township	
Illinois Township	
Mars Hill Township	
Morrow Township	
Price Township	
Prairie Grove Township	
Rhea Hill Township	
Starr Hill Township	
Valley Township	
Vineyard Township	
Weddington Township	

PRIMARY CARE: Arkansas

Facility Listing

Facility name	Degree of shortage group
Crittenden Memorial Hospital	01
County—Crittenden	
S. Arkansas Correctional Facilities	02

PRIMARY CARE: Arkansas—Continued

Facility Listing

Facility name	Degree of shortage group
County—Jefferson:	
Parts of County:	
Tucker Prison	
Women's Unit:	
County—Lincoln:	
Parts of County:	
Cummins Prison	

Primary Care: California

County Listing

County name	Degree of shortage group
Alameda:	
Service area: East Alameda	03
Service area: Albany-Berkeley N.W-Berkeley S.W.	03
Population group: Sp. Spkg./Med. Ind (Union City.)	02
Alpine:	
Service area: Markleeville	01
Amador:	
Service area: Pine Grove/Silver Lake	02
Service area: Sutter Creek/Plymouth	04
Butte:	
Service area: Yuba Foothills/Feather Falls	01
Calaveras:	
Service area: West Point/Wilseyville	01
Contra Costa:	
Service area: Oakley/Bethel/Byron/Brentwood	01
Del Norte	04
El Dorado:	
Service area: Georgetown	03
Fresno:	
Service area: Southeast Fresno	01
Service area: Firebaugh/Mendota	01
Service area: Fresno	01
Service area: Southwest Fresno	02
Service area: Riverdale/Caruthers/Raisin City	02
Glenn:	
Service area: Orland	04
Humboldt:	
Service area: Trinidad	03
Service area: Mad River	01
Inyo:	
Service area: Death Valley	01
Kern:	
Service area: Arvin/Lamont	03
Service area: Boron	03
Service area: Lake Isabella	04
Service area: Frazier Park	02
Service area: Buttonwillow	01
Service area: Wasco/Shafter	02
Lake:	
Service area: Clearlake Highlands	02
Lassen:	
Service area: North Lassen	01
Service area: Honey Lake	01
Los Angeles:	
Service area: Highland Pk/Linc. Hts/Mt Wash./ El Sereno	02
Population group: Spanish-Spkng & Mod Ind Pop of Boyle Hts	01
Service area: East La/City Terrace/Maravilla	02
Service area: Commerce	02
Service area: Pico Rivera	04
Service area: Monterey Park/Rosemead	03
Service area: North El Monte/South El Monte	03
Service area: Industry/La Puente/Baldwin	02
Service area: Avalon/Goodyear/Main	04
Service area: Maple/Santa Barbara	01
Service area: Florence/Huntington Park	04
Service area: Maywood Bell/Southgate	03
Service area: Dominguez/W. Compton/Willowbrook	03
Service area: Figueroa/Firestone/Green Meadows/Watts	04
Service area: Palmdale	02
Service area: Newhall	02
Service area: Wholesale Urban Subdivision	01
Madera:	
Service area: Oakhurst-North Fork	02
Population group: Mig./Sp. Spkg. Pop (Madera)	01

Primary Care: California—Continued

County Listing

County name	Degree of shortage group
Marin:	
Service area: Bolinas-Stinson	01
Mariposa:	
Service area: Coulterville	01
Mendocino:	
Service area: Point Arena	01
Service area: Covelo	01
Service area: Northwest Mendocino	01
Merced:	
Service area: Northern Merced	03
Population group: Mig./Sp. Spkg. (Greater Merced)	02
Population group: Sp. Spkg. Mig. & Sea Pop. (Los Banos-Dos Palos)	01
Modoc:	
Service area: Tule Lake-Butte Valley	01
Service area: Adin-Lookout	01
Mono:	
Service area: North Mono	01
Monterey:	
Service area: Seaside	02
Service area: Soledad	01
Orange:	
Population group: Indochinese Pop. of Orange	02
Placer:	
Service area: Foresthill-Backcountry	01
Service area: Colfax-Summit	01
Riverside:	
Service area: Blythe	02
Service area: Lower Coachella Valley	01
Sacramento:	
Service area: Galt	01
San Benito	04
San Bernardino:	
Service area: Wrightwood	01
San Diego:	
Service area: Alpine	02
Service area: Mountain Empire	01
Service area: Palomar-Laguna	03
Service area: Southwest San Diego	04
Service area: San Ysidro	02
Population group: Sp. Spkg/Mig. Pop.-Escondido	02
San Francisco:	
Service area: Merced Hts/Visitation Valley	02
Service area: Bayview/Hunters Point	02
San Joaquin:	
Population group: Inner City Stockton Res(Mig & Sea Frmwkr	04
San Luis Obispo:	
Service area: Nipomo/Arroyo Grande	02
San Mateo:	
Service area: Fair Oaks	02
Santa Barbara:	
Service area: Cuyama Valley	01
Santa Clara:	
Service area: Loma Prieta School District	02
Santa Cruz:	
Service area: Loma Prieta School District	02
Shasta:	
Service area: Burney Basin	03
Sierra:	
Service area: West Sierra	01
Siskiyou:	
Service area: Happy Camp	04
Service area: Siskiyou	01
Service area: Tule Lake-Butte Valley	01
Solano:	
Service area: Dixon/Esparto	03
Service area: Vacaville	04
Sonoma:	
Service area: Russian River	02
Service area: Cloverdale/Geyserville	04
Stanislaus:	
Population group:Mig./Sp. Spkg. (SW Stanislaus)	02
Service area: West Modesto	01
Trinity:	
Service area: Mad River	01
Tulare:	
Service area: Springville	01
Service area: Tipton-Earlimart	01
Tuolumne:	
Service area: Groveland	01
Service area: Stanislaus/Yosemite	01
Service area: Tuolumne City	01

Primary Care: California—Continued

County Listing

County name	Degree of shortage group
Ventura:	
Population group: The developmentally disabled in Ventura Co	02
Yolo:	
Service area: Dixon/Esparto	03
Yuba:	
Service area: Yuba Foothills/Feather Falls	01

PRIMARY CARE: California

Service Area Listing

Service area name	Degree of shortage group
Adin-Lookout	01
County—Modoc:	
Parts of county:	
Adin-Lookout	
Albany-Berkeley N.W./Berkeley S.W	03
County—Alameda:	
Parts of county:	
C.T. 4201 through 4206	
C.T. 4218 through 4223	
C.T. 4230 through 4234	
C.T. 4240	
Alpine	02
County—San Diego:	
Parts of County:	
Alpine Division	
Arvin/Lamont	03
County—Kern:	
Parts of County:	
C.T. 62 through 64	
Avalon/Goodyear/Main	04
County—Los Angeles:	
Parts of County:	
C.T. 2281 through 2289	
C.T. 2291 through 2294	
C.T. 2311	
C.T. 2318 through 2319	
C.T. 2328	
C.T. 2361 through 2366	
C.T. 5328 through 5329	
Bayview/Hunters Point	02
County—San Francisco:	
Parts of county:	
C.T. 230 through 234	
C.T. 606	
C.T. 609 through 610	
Blythe	01
County—Riverside:	
Parts of county:	
Palo Verde Div.	
Chuckwalla Div.	
Bolinas-Stinson	01
County—Marin:	
Parts of county:	
C.T. 1321	
Boron	03
County—Kern:	
Parts of county:	
C.T. 55.02	
C.T. 56 through 59	
Burney Basin	03
County—Shasta:	
Parts of County:	
Big Bend Div.	
Burney Div.	
Cassel Div.	
Caton Valley Div.	
E. Shasta Div.	
Hat Creek div	
Johnson Park Div.	
Montgomery Creek Div.	
Old Station Div.	
Buttonwillow	01
County—Kern:	
Parts of county:	
C.T. 33.01 (Part-Blk GRP 1–3, 951)	
C.T. 37	
C.T. 42 (Part-Blk GRP 1)	
C.T. 45 (Part-Blk GRP 1–3, 5)	
Clearlake Highlands	02

PRIMARY CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Lake:	
Parts of county:	
Lower Lake/Middletown CCD	
Upper Lake/Clear Lake Oaks CCD (Parts)	
Cloverdale/Geyserville	04
County—Sonoma:	
Parts of county:	
Cloverdale/Geyserville	
Colfax-Summit	01
County—Placer:	
Parts of county:	
Colfax-Summit Div.	
Commerce	02
County—Los Angeles:	
Parts of county:	
C.T. 5223.01	
C.T. 5223.02	
Coulterville	01
County—Mariposa:	
Parts of county:	
Coulterville	
Covelo	01
County—Mendocino:	
Parts of county:	
Covelo	
Cuyama Valley	01
County—Santa Barbara:	
Parts of county:	
Cuyama Division	
Death Valley	01
County—Inyo:	
Parts of county:	
E.D. 23 through 26 of Death Valley	
Dixon/Esparto	03
County—Solano:	
Parts of county:	
C.T. 2533	
C.T. 2534	
County—Yolo:	
Parts of county:	
C.T. 114	
C.T. 115	
Dominguez/W. Compton/Willowbrook	03
County—Los Angeles:	
Parts of county:	
C.T. 5406 through 5408	
C.T. 5409.01	
C.T. 5409.02	
C.T. 5410.01	
C.T. 5410.02	
C.T. 5411 through 5415	
C.T. 5425 through 5432	
C.T. 5433.01	
C.T. 5433.02	
C.T. 5434	
C.T. 5440	
East Alameda	03
County—Alameda	
Parts of county	
C.T. 4046 through 4068	
C.T. 4070 through 4078	
C.T. 4082 through 4098	
C.T. 4101 through 4104	
East LA/City Terrace/Maravilla	02
County—Los Angeles:	
Parts of county:	
C.T. 5303 through 5306	
C.T. 5308 through 5319	
Fair Oaks	02
County—San Mateo:	
Parts of county:	
C.T. 6104	
C.T. 6105	
C.T. 6106	
C.T. 6117 through 6119	
C.T. 6121	
Figueroa/Firestone/Green Meadows/Watts	04

PRIMARY CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Los Angeles:	
Parts of County:	
C.T. 2387 through 2389	
C.T. 2401 through 2409	
C.T. 2411 through 2418	
C.T. 2421 through 2429	
C.T. 2431	
C.T. 5349 through 5360	
C.T. 5361.01	
C.T. 5361.02	
C.T. 5362 through 5364	
C.T. 5404	
Firebaugh/Mendota	01
County—Fresno:	
Parts of county:	
Firebaugh Div.	
Mendota Div.	
Florence/Huntington Park	04
County—Los Angeles:	
Parts of county:	
C.T. 5325 through 5332	
C.T. 5336	
C.T. 5345	
C.T. 5347 through 5348	
Honey Lake	01
County—Lassen:	
Parts of County:	
Honey Lake Div.	
Industry/La Puente/Baldwin	02
County-Los Angeles:	
Parts of county:	
C.T. 4047 through 4052	
C.T. 4069 through 4073	
C.T. 4075 through 4079	
C.T. 4081 through 4086	
Foresthill—Backcountry	01
County—Placer:	
Parts of county:	
C.T. 202 (Foresthill—Backcountry)	
Frazier Park	02
County—Kern:	
Parts of county:	
C.T. 33.02	
C.T. 60 (Part)	
Fresno	01
County—Fresno:	
Parts of county:	
C.T. 82	
Galt	01
County—Sacramento:	
Parts of county:	
C.T. 94	
C.T. 95	
Georgetown	06
County—El Dorado:	
Parts of county:	
C.T. 306	
C.T. 309 (Coloma and Lotus)	
Groveland	01
County—Tuolumne:	
Parts of county:	
Groveland	
Happy Camp	04
County—Siskiyou:	
Parts of county:	
Happy Camp CCD	
Highland Pk/Linc. HTS/MT Wash./EL Sereno	02
County—Los Angeles:	
Parts of county:	
C.T. 1831 through 1833	
C.T. 1835 through 1838	
C.T. 1851 through 1853	
C.T. 1991 through 1999	
C.T. 2011 through 2017	
C.T. 5307	
Lake Isabella	04
County—Kern:	
Parts of county:	
C.T. 51.01	
C.T. 52	
Lipton-Earlimart	01
County—Tulare:	
Parts of county:	
C.T. 32	
C.T. 42 through 44	
Lowa Prieta School District	02

PRIMARY CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Santa Clara:	
Parts of county:	
Lexington Division (Part)	
County—Santa Cruz:	
Parts of county:	
San Lorenzo Valley (Part)	
Scotts Valley Division (Part)	
Lower Coachella Valley	01
County—Riverside:	
Parts of county:	
C.T. 456	
Mad River	01
County—Humboldt:	
Parts of county:	
Dinsmore Div.	
County—Trinity:	
Parts of county:	
Mad River Div.	
Maple/Santa Barbara	01
County—Los Angeles:	
Parts of county:	
C.T. 2214.01	
C.T. 2214.02	
C.T. 2215.01	
C.T. 2215.02	
C.T. 2216.01	
C.T. 2216.02	
C.T. 2217.01	
C.T. 2217.02	
C.T. 2218 through 2219	
C.T. 2221 through 2227	
C.T. 2244 through 2247	
C.T. 2264 through 2267	
Marldeville	01
County—Alpine:	
Parts of county:	
Marldeville	
Maywood Bell/Southgate	03
County—Los Angeles:	
Parts of county:	
C.T. 5333 through 5334	
C.T. 5336 through 5337	
C.T. 5338.01	
C.T. 5338.02	
C.T. 5339 through 5343	
C.T. 5344.01	
C.T. 5344.02	
C.T. 5355	
C.T. 5356.01	
C.T. 5356.02	
C.T. 5357 through 5362	
Merced Hts/Visitation Valley	02
County—San Francisco:	
Parts of county:	
C.T. 256 through 264	
C.T. 312 through 314	
C.T. 606	
Monterey Park/Rosemead	03
County—Los Angeles:	
Parts of county:	
C.T. 4322	
C.T. 4329	
C.T. 4336	
C.T. 4613	
C.T. 4617	
C.T. 4618	
C.T. 4620 through 4626	
Mountain Empire	01
County—San Diego:	
Parts of county:	
Mountain Empire Division	
Newhall	02
County—Los Angeles:	
Parts of county:	
C.T. 1081	
C.T. 1082	
C.T. 9200.01 through 9200.03	
C.T. 9201	
C.T. 9203.01 through 9203.03	
Nipomo/Arroyo Grande	02
County—San Luis Obispo:	
Parts of county:	
Arroyo Grande Division	
North El Monte/South El Monte	03

PRIMARY CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Los Angeles:	
Parts of county:	
C.T. 4315	
C.T. 4323 through 4328	
C.T. 4331 through 4340	
North Lassen	01
County—Lassen:	
Parts of county:	
Big Valley	
Madeline Plains	
North Mono	01
County—Mono:	
Parts of county:	
Mono North	
Northern Merced	03
County—Merced:	
Parts of county:	
Atwater Division	
Hilmar-Irwin Division	
Livingston-Delhi	
Snelling Division	
Northwest Mendocino	01
County—Mendocino:	
Parts of county:	
Laytonville-Leggett	
Oakhurst-North Fork	02
County—Madera:	
Parts of county:	
Oakhurst-North Fork CCD	
Orland	04
County—Glenn:	
Parts of county:	
Orland CCD	
Palmdale	02
County—Los Angeles:	
Parts of county:	
C.T. 9100 through 9110	
Palomar-Laguna	03
County—San Diego:	
Parts of county:	
Palomar-Laguna Div.	
Pico Rivera	04
County—Los Angeles:	
Parts of county:	
C.T. 5504.01	
C.T. 5504.02	
C.T. 5005 through 5010	
C.T. 5021 through 5025	
C.T. 5026.01	
C.T. 5026.02	
Pine Grove/Silver Lake	02
County—Amador:	
Parts of county:	
Pine Grove/Silver Lake	
Point Arena	01
County—Mendocino:	
Parts of county:	
Point Arena	
Riverdale/Caruthers/Raisin City	02
County—Fresno:	
Parts of county:	
C.T. 75 through 77	
Russian River	02
County—Sonoma:	
Parts of county:	
C.T. 1537	
C.T. 1543 (South Portion)	
San Ysidro	02
County—San Diego:	
Parts of county:	
C.T. 100	
C.T. 101.01	
C.T. 101.02	
C.T. 102 through 106	
C.T. 132.01	
C.T. 132.02	
C.T. 133.03	
C.T. 133.04	
Seaside	02
County—Monterey:	
Parts of county:	
Seaside Div.	
Siskiyou	01
County—Siskiyou:	
Parts of county:	
Etna	
Ft. Jones	
Soledad	01

PRIMARY CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Monterey:	
Parts of county:	
Soledad Div.	
Southeast Fresno	01
County—Fresno:	
Parts of county:	
C.T. 4	
C.T. 12	
C.T. 13	
C.T. 14.01	
C.T. 15	
Southwest Fresno	02
County—Fresno:	
Parts of county:	
C.T. 78 through 81	
Southwest San Diego	04
County—San Diego:	
Parts of county:	
C.T. 36	
C.T. 45 through 54	
Springville	01
County—Tulare:	
Parts of county:	
C.T. 27 (Springville)	
Stanislaus/Yosemite	01
County—Tuolumne:	
Parts of county:	
Stanislaus/Yosemite	
Sutter Creek/Plymouth	04
County—Amador:	
Parts of county:	
Sutter Creek/Plymouth	
Trinidad	00
County—Humboldt:	
Parts of county:	
North Coastal Division	
Tule Lake-Butte Valley	01
County—Modoc:	
Parts of county:	
Tule Lake	
County—Siskiyou:	
Parts of county:	
Tule Lake CCD	
Butte Valley CCD	
Tuolumne City	01
County—Tuolumne:	
Parts of county:	
Tuolumne City	
Vacaville	04
County—Solano:	
Parts of county:	
C.T. 2529 through 2532	
Wasco/Shafter	02
County—Kern:	
Parts of county:	
C.T. 39 through 45	
West Modesto	01
County—Stanislaus:	
Parts of county:	
C.T. 15 through 17	
C.T. 22 through 25	
C.T. 31	
West Point/Wilseyville	01
County—Calaveras:	
Parts of county:	
West Point-Wilseyville	
West Sierra	01
County—Sierra:	
Parts of county:	
West Sierra Div.	
Wholesale Urban Subdivision	01
County—Los Angeles:	
Parts of county:	
C.T. 2061	
C.T. 2063 through 2065	
C.T. 2261 through 2263	
Wrightwood	01
County—San Bernardino:	
Parts of county:	
Mt. Baldy/Wrightwood	
Yuba Foothills/Feather Falls	01

PRIMARY CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Butte:	
Parts of county:	
Feather Falls Div.	
County—Yuba:	
Parts of county:	
Yuba Foothills Div.	

PRIMARY CARE: California

Population Group Listing

Population group name	Degree of shortage group
Indochinese pop. of Orange	02
County—Orange	
Inner City Stockton Res. (Mig. & Seas. Frmwkr)	04
County—San Joaquin:	
Parts of county:	
C.T. 1 through 3	
C.T. 6 through 8	
C.T. 19	
C.T. 20	
C.T. 23 through 25	
Mig./Sp. Spng. Pop. (Madera)	01
County-Madera:	
Parts of county:	
C.T. 4 through 10	
Mig./Sp. Spng. (Greater Merced)	02
County—Merced:	
Parts of county:	
Merced	
Merced Rural	
Planada-La Grand	
Mig./Sp. Spng. (SW Stanislaus)	02
County—Stanislaus:	
Parts of county:	
Patterson	
Newman	
Oakley/Bethel/Byron/Brentwood (Low Inc./Span. Spng.)	01
County—Contra Costa:	
Parts of county:	
C.T. 3010	
C.T. 3020	
C.T. 3031	
C.T. 3040	
Sp. Spng./Med. Ind (Union City)	00
County—Alameda:	
Parts of County:	
C.T. 4380 through 4384	
C.T. 4401 through 4403	
C.T. 4414	
C.T. 4415	
C.T. 4441 through 4446	
Sp. Spng./Nig. Pop.-Escondido	00
County—San Diego:	
Parts of County:	
C.T. 201.01	
C.T. 202.01 through 202.03	
C.T. 203.01 through 203.03	
C.T. 204.00	
C.T. 205.00	
C.T. 206.01	
C.T. 206.02	
Sp. Spng. Mig. and Sea. Pop. (Los Banos-Dos Palos)	01
County—Merced:	
Parts of county:	
Dos Palos Division	
Los Banos Division	
Spanish-Spkng. and Med. Ind. Pop. of Boyle Hts	01
County—Los Angeles:	
Parts of County:	
C.T. 2031 through 2039	
C.T. 2041 through 2048	
C.T. 2051	
The Developmentally Disabled in Ventura Co	00
County—Ventura	

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PRIMARY CARE: Colorado

County Listing

County name	Degree of shortage group
Adams:	
Service area: Commerce City	02
Service area: Eastern Plains	02
Alamosa	04
Arapahoe:	
Service area: Eastern Plains Area	02
Archuleta	01
Baca	04
Bent	04
Boulder:	
Service area: Lafayette	04
Conejos:	
Service area: San Luis Valley	01
Costilla:	
Service area: San Luis Valley	01
Crowley:	
Population group: Crowley/Otero (low income pop.)	03
Custer	01
Dolores	01
El Paso:	
Population group: Colorado Springs (low income pop.)	01
Service area: Calhan-Yoder	02
Gilpin:	
Service area: Central City	01
Hinsdale	01
Kiowa	01
Las Animas	02
Lincoln	02
Logan	04
Mesa:	
Service area: Collbran	02
Montrose:	
Service area: Nucla	04
Otero:	
Population group: Crowley/Otero (low income pop.)	01
Ouray	03
Park:	
Service area: Fairplay	01
Prowers	04
Pueblo:	
Service area: Avondale	01
Rio Blanco	04
Routt:	
Service area: Hayden	01
Saguache	03
San Juan	01
San Miguel	01
Sedgwick:	
Service area: Julesburg	01
Teller:	
Service area: Cripple Creek	01
Washington	01
Weld:	
Population Group: MIG./SEAS. Farmworkers	02
Yuma	03

PRIMARY CARE: Colorado

Service Area Listing

Service area name	Degree of shortage group
Avondale	01
County—Pueblo:	
Parts of county:	
C.T. 30.01	
C.T. 30.02	
C.T. 31.02	
C.T. 32 through 34	
Calhan-Yoder	02
County—El Paso:	
Parts of county:	
C.T. 39.01	
C.T. 46	
Central City	01
County—Gilpin:	
Parts of county:	
Central City Div.	
Collbran	02
County—Mesa:	
Parts of county:	
Collbran CCD	
Commerce City	02
County—Adams:	
Parts of county:	
C.T. 87.02 (Commerce City)	
C.T. 87.03 (Commerce City)	
C.T. 88.01 (Irondale City)	
C.T. 88.02 (Adams City)	
C.T. 89.01 (Commerce City)	
C.T. 89.02 (South Wolby)	
Cripple Creek	01
County—Teller:	
Parts of county:	
Cripple Creek Div.	
Eastern Plains Area	02
County—Arapahoe:	
Parts of county:	
East Arapahoe Div.	
County—Adams:	
Parts of county:	
East Adams Div.	
Julesburg	01
County—Sedgwick (Colorado)	
County—Duval (Nebraska)	
Fairplay	01
County—Park:	
Parts of county:	
Alma Twn.	
Fairplay Twn.	
Jefferson Twn.	
Hayden	01
County—Routt:	
Parts of county:	
Hayden	
Lafayette	04
County—Boulder:	
Parts of county:	
C.T. 129	
NUCLA	04
County—Montrose:	
Parts of county:	
NUCLA Division	
San Luis Valley	01
County—Conejos	
County—Costilla	

Population Group Listing

Population Group Name	
Colorado Springs (low income pop)	01
County—El Paso:	
Parts of county:	
C.T. 22 (low income pop)	
C.T. 23 (low income pop)	
C.T. 26 (low income pop)	
C.T. 27 (low income pop)	
C.T. 30 (low income pop)	
Crowley/Otero (low income pop)	01
County—Crowley:	
Parts of county:	
Low income pop.	

PRIMARY CARE: Colorado—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Otero:	
Parts of county:	
Low income pop.	

PRIMARY CARE: Colorado

Population Group Listing

Population group name	Degree of shortage group
Mig./Seas. Farmworkers	02
County—Weld:	
Parts of county:	
Mig./Seas. Farmworkers	

PRIMARY CARE: Connecticut

County Listing

County name	Degree of shortage group
Fairfield:	
Service area: Southeast Bridgeport	01
Service area: Central Bridgeport	01
Service area: South West Bridgeport	01
Service area: North Central Bridgeport	01
Service area: Southwest Stamford	01
Service area: South Norwalk	03
Hartford:	
Service area: Enfield	02
Service area: North-North Central Hartford	04
Service area: Charter Oak-Rice Hts	01
Middlesex:	
Population group: Med. Ind. Pop./Middletown	04
New Haven:	
Service area: Fair Haven	01
Service area: Brooklyn/South End/Hopeville/East End	02
Service area: Waterville/Buck's Hill	01
Service area: Boulevard/Lower North End/Long Hill	02
Service area: West Haven	03
Service area: West Rock/Newhallville	02
New London:	
Service area: New London	01
Windham:	
Service area: Northeast Windham	03

PRIMARY CARE: Connecticut

Service Area Listing

Service area name	Degree of shortage group
Boulevard/Lower North End/Long Hill	02
County—New Haven:	
Parts of county:	
C.T. 3502 through 3504	
C.T. 3508	
C.T. 3512	
Brooklyn/South End/Hopeville/East End	02
County—New Haven:	
Parts of county:	
C.T. 3505	
C.T. 3506	
C.T. 3513	
C.T. 3514	
C.T. 3517	
Central Bridgeport	01

PRIMARY CARE: Connecticut—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Fairfield:	
Parts of county:	
C.T. 713 through 717	
Chester Oak/Rice Hts	01
County—Hartford:	
Parts of county:	
C.T. 5046	
C.T. 5049	
Enfield	02
County—Hartford:	
Parts of county:	
C.T. 4791 through 4793 (Windsor Locks)	
C.T. 4771 through 4772 (Suffield)	
C.T. 4801 through 4813 (Enfield)	
Fair Haven	01
County—New Haven:	
Parts of county:	
C.T. 1421 through 1426	
New London	01
County—New London:	
Parts of county:	
C.T. 6801 through 6807	
North Central Bridgeport	01
County—Fairfield:	
Parts of county:	
C.T. 728	
North-North Central Hartford	04
County—Hartford:	
Parts of county:	
C.T. 5008 through 5015	
C.T. 5017	
C.T. 5018	
C.T. 5036	
C.T. 5037	
Northeast Windham	03
County—Windham:	
Parts of county:	
Brooklyn	
Canterbury	
Eastford	
Killingly	
Plainfield	
Pomfret	
Putnam	
Sterling	
Thompson	
Woodstock	
South Norwalk	03
County—Fairfield:	
Parts of county:	
C.T. 418	
C.T. 419	
C.T. 422	
C.T. 423	
Southwest Bridgeport	01
County—Fairfield:	
Parts of county:	
C.T. 702 through 706	
Southeast Bridgeport	01
County—Fairfield:	
Parts of county:	
C.T. 740 through 744	
Southwest Stamford	01
County—Fairfield:	
Parts of county:	
C.T. 222	
C.T. 223	
Waterville/Buck's Hill	01
County—New Haven:	
Parts of county:	
C.T. 3522 through 3525	
West Haven	03
County—New Haven:	
Parts of county:	
West Haven Twn	
West Rock/Newhallville	02

PRIMARY CARE: Connecticut—Continued

Service Area Listing

Service area name	Degree of shortage group
County—New Haven:	
Parts of county:	
C.T. 1412 through 1418	

PRIMARY CARE: Connecticut

Population Group Listing

Population group name	Degree of shortage group
Population Group Listing	
Population Group Name	04
County—Middlesex:	
Med. Ind. Pop./Middletown	
Parts of county:	
C.T. 5401	
C.T. 5402	
C.T. 5406	
C.T. 5408	

PRIMARY CARE: Delaware

County Listing

County name	Degree of shortage group
New Castle:	
Service area: City of Wilmington	02
Service area: Odessa-Middletown-Townsend	03
Sussex:	
Service area: Milton	02
Population group: Med. Ind. Children of W. Sussex Co	01

PRIMARY CARE: Delaware

Service Area Listing

Service area name	Degree of shortage group
City of Wilmington	02
County—New Castle:	
Parts of county:	
C.T. 1	
C.T. 6	
C.T. 9	
C.T. 17	
C.T. 20	
C.T. 154 through 156	
MILTON	02
County—Sussex:	
Parts of county:	
Selbyville-Frankford CCD	
Millsboro CCD	
Milton. CCD	
Odessa-Middletown-Townsend	03
County—New Castle:	
Parts of county:	
C.T. 166 through 169	

PRIMARY CARE: Delaware

Population Group Listing

Population group name	Degree of shortage group
Med Ind Children of W. Sussex Co	01
County—Sussex:	

PRIMARY CARE: Delaware—Continued

Population Group Listing

Population group name	Degree of shortage group
Parts of county:	
Bridgeville—Greenwood CCD	
Laurel—Delmar CCD	
Seaford CCD	

PRIMARY CARE: District of Columbia

County Listing

County name	Degree of shortage group
District of Columbia:	
Service area: Anacostia	01

PRIMARY CARE: District of Columbia

Service Area Listing

Service area name	Degree of shortage group
Anacostia	01
County—District of Columbia:	
Parts of county:	
C.T. 73.01 through 73.04	
C.T. 73.06 through 73.08	
C.T. 74.01	
C.T. 74.02	
C.T. 74.04	
C.T. 74.05	
C.T. 75.01	
C.T. 75.02	
C.T. 76.01 through 76.03	
C.T. 77.01 through 77.03	
C.T. 77.05 through 77.07	
C.T. 78.01 through 78.05	
C.T. 78.07	
C.T. 78.08	
C.T. 96 through 98	

PRIMARY CARE: Florida

County Listing

County name	Degree of shortage group
Baker:	
Facility: Baker Correctional Inst	01
Bradford	02
Facility: Florida State Prison	02
Brevard	03
Broward:	
Population group: Sunshine FHC Target Population	01
Facility: Sunshine Family Health Center	01
Calhoun:	
Service area: Calhoun/Liberty	04
Collier:	
Service area: Southern Collier County	01
Columbia	04
Dade:	
Service area: Southern Dade	01
Service area: Wynwood	01
Dixie	01
Duval:	
Population group: Low Income Pop. of Duval	04
Escambia:	
Service area: Flomaton	01
Gilchrist	01
Glades:	
Service area: Glades/Hendry	02
Hendry:	
Service area: Glades/Hendry	02
Hillsborough:	
Population group: Hillsborough Co. Mig Health Center Inc	02

PRIMARY CARE: Florida—Continued

County Listing

County name	Degree of shortage group
Holmes	01
Jackson	04
Lafayette	01
Lake:	
Population group: Migrant & Seasonal—Farmworkers	01
Lee:	
Population group: Lee Co. Migrant Population	01
Liberty:	
Service area: Calhoun/Liberty	04
Madison	03
Manlee:	
Population group: Hillsborough Co. Mig Health Center Inc	02
Marion	04
Facility: Florida Correctional Inst	03
Orange	04
Osceola	03
Palm Beach:	
Service area: Palm Beach	01
Service area: West Palm Beach	01
Service area: Glades	03
Pasco:	
Population group: Medically Indigent Pop	01
Putnam	02
St. Lucie	03
Santa Rosa:	
Service area: Jay-Berrydale	03
Seminole	02
Sumter	01
Suwannee	03
Walton	03
Washington	02

PRIMARY CARE: Florida

Service Area Listing

Service area name	Degree of shortage group
Calhoun/Liberty	04
County—Calhoun	
County—Liberty	
Flomaton	01
County—Escambia:	
Parts of county:	
Cantonment	
North West Escambia	
South Flomaton	
Glades	03
County—Palm Beach:	
Parts of county:	
C.T. 80 through 83	
Glades/Hendry	02
County—Glades	
County—Hendry	
Jay-Berrydale	03
County—Santa Rosa:	
Parts of county:	
Jay-Berrydale	
Palm Beach	01
County—Palm Beach:	
Parts of county:	
C.T. 78	
Southern Collier County	01
County—Collier	
Parts of county:	
Everglades (southern portion)	
Southern Dade	01
County—Dade:	
Parts of county:	
C.T. 103 through 105	
C.T. 106.02	
C.T. 108 through 115	
West Palm Beach	01
County—Palm Beach:	
Parts of county:	
C.T. 22 through 25	
Wynwood	01

PRIMARY CARE: Florida—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Dade:	
Parts of county:	
C.T. 26	
C.T. 27.01	
C.T. 27.02	
C.T. 28	

PRIMARY CARE: Florida

Population Group Listing

Population group name	Degree of shortage group
Lee Co. migrant population	01
County—Lee:	
Parts of county:	
Mig. pop. in Lee	
Low income pop. of Duval	04
County—Duval:	
Parts of county:	
C.T. 1 through 5	
C.T. 9 through 19	
C.T. 26 through 29	
C.T. 107 through 109	
C.T. 112 through 116	
C.T. 118	
C.T. 121	
Medically indigent pop.	01
County—Pasco:	
Parts of county:	
Medically indigent pop.	
Migrant and seasonal farmworkers	01
County—Lake:	
Parts of county:	
Migrant and seasonal farmworkers	
Hillsborough Co. Mig. Health Center, Inc	02
County—Hillsborough:	
Parts of county:	
C.T. 121 through 141	
County—Manlee:	
Parts of county:	
C.T. 13 through 16	
C.T. 19	
Sunshine FHC target population	01
County—Broward:	
Parts of county:	
C.T. 305 (migrant and seasonal farmworkers)	

PRIMARY CARE: Florida

Facility Listing

Facility name	Degree of shortage group
Baker Correctional Inst.	01
County—Baker	
Florida Correctional Inst.	03
County—Marion	
Florida State Prison	02
County—Bradford	
Sunshine Family Health Center	01
County—Broward	

PRIMARY CARE: Georgia

County Listing

County name	Degree of shortage group
Appling	02
Atkinson	01
Baker:	
Service area: Baker/Dougherty/Lee	03
Banks	01

PRIMARY CARE: Georgia—Continued

County Listing

County name	Degree of shortage group
Bartow	04
Brantley	01
Brooks	02
Bryan	01
Burke	04
Butts	02
Calhoun	04
Camden	04
Chattahoochee	01
Chattooga	04
Cherokee	04
Clarke:	
Service area: Athens NHC Target Area	01
Crawford	01
Dade	01
Dawson	03
De Kalb:	
Service area: De Kalb	02
Dooly	03
Dougherty:	
Service area: Baker/Dougherty/Lee	03
Early	02
Effingham	04
Elbert	04
Evans	02
Fayette	02
Fulton:	
Service area: Inner-City Atlanta	04
Service area: Atlanta (Southside)	01
Service area: Palemetto	01
Service area: West End	01
Glascock	01
Grady	03
Hancock	02
Heard	04
Henry	02
Irwin	01
Jackson	04
Jasper	01
Jeff Davis	02
Jefferson	03
Jenkins	03
Jones	02
Lee:	
Service area: Baker/Dougherty/Lee	04
Lincoln	04
Long	01
McDuffie	04
McIntosh	01
Macon	01
Macon	01
Madison	01
Meriwether	02
Mitchell	04
Montgomery	01
Murray	02
Newton	03
Oglethorpe	01
Pickens	04
Pike	01
Pulaski:	
Service area: Pulaski/Wilcox	03
Quitman:	
Service area: Randolph/Quitman	03
Randolph:	
Service area: Randolph/Quitman	03
Screven	04
Stewart:	
Service area: Stewart-Webster MSA	02
Sumter:	
Population Group: Medical Ind. Pop.	01
Talbot	01
Taliaferro	01
Tattnall	02
Terrell	03
Union	03
Walker:	
Service area: South Walker	02
Warren	01
Webster:	
Service area: Stewart-Webster MSA	02
Wheeler	01
White	02
Whitfield:	
Population Group: Medical Indigent Pop	01
Wilcox:	
Service area: Pulaski/Wilcox	03
Wilkes	03

PRIMARY CARE: Georgia—Continued

County Listing

County name	Degree of shortage group
Wilkinson	09
Worth	04

Primary Care: Georgia

Service Area Listing

Service area name	Degree of shortage group
Athens NHC Target Area	01
County—Clark:	
Parts of county:	
C.T. 2	
C.T. 3	
C.T. 6	
C.T. 9	
Atlanta (Southside)	01
County—Fulton:	
Parts of county:	
C.T. 44 through 49	
C.T. 52	
C.T. 53	
C.T. 55.01	
C.T. 55.02	
C.T. 57	
C.T. 58	
C.T. 63	
C.T. 64	
C.T. 66 through 73	
Baker/Dougherty/Lee	03
County—Baker:	
County—Dougherty:	
County—Lee:	
De Kalb	02
County—De Kalb:	
Parts of county:	
C.T. 206	
C.T. 227	
C.T. 228	
Inner-City Atlanta	04
County—Fulton:	
Parts of county:	
C.T. 17	
C.T. 18	
C.T. 20	
C.T. 21	
C.T. 27	
C.T. 28	
C.T. 32	
C.T. 33	
C.T. 35	
Palmetto Service Area	01
County—Fulton:	
Parts of county:	
C.T. 13 (Palmetto CCD)	
Pulaski/Wilcox	09
County—Pulaski:	
County—Wilcox:	
Randolph/Quitman	03
County—Quitman:	
County—Randolph:	
South Walker	02
County—Walker:	
Parts of county:	
C.T. 206–209	
Stewart-Webster MSA	02
County—Stewart:	
County—Webster:	
West End	01
County—Fulton:	
Parts of county:	
C.T. 22	
C.T. 23	

Primary Care: Georgia—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 25	
C.T. 26	
C.T. 36 through 43	
C.T. 59 through 62	

PRIMARY CARE: Georgia

Population Group Listing

Population group name	Degree of shortage group
Medically Indigent Pop	01
County—Sumter:	
Parts of county:	
Medically Indigent Pop	
Medically Indigent Pop	01
County—Whitfield:	
Parts of county:	
Medically Indigent Pop	

PRIMARY CARE: Hawaii

County Listing

County name	Degree of shortage group
Hawaii:	
Service area: North Kohala	01
Honolulu:	
Service area: Kalihi Valley	01

PRIMARY CARE: Hawaii

Service Area Listing

Service area name	Degree of shortage group
Kalihi Valley	01
County—Honolulu:	
Parts of County:	
C.T. 63 through 68	
North Kohala	01
County—Hawaii:	
Parts of County:	
C.T. 216 (North Kohala Div.)	

PRIMARY CARE: Idaho

County Listing

County name	Degree of shortage group
Ada:	
Population group: Med. Ind. Pop. (Boise City)	04
Bannock:	
Population group: Eastern Snake River Valley Migrant pop	01
Benewah:	
Service Area: Plummer	01
Bingham:	
Population group: Eastern Snake River Valley Migrant pop	01
Boise	01
Bonner:	
Service Area: Priest River	01
Butte:	
Service Area: Lost Rivers	01

PRIMARY CARE: Idaho—Continued

County Listing

County name	Degree of shortage group
Camas	01
Canyon:	
Population group: Treasure Valley mig. area #1	04
Service Area: Nyssa	03
Caribou	03
Cassia:	
Service Area: Albion/Oakley Divisions	01
Population Group: Magic Valley Mig. pop	01
Custer:	
Service Area: Lost Rivers	01
Service Area: Stanley	01
Elmore:	
Service Area: Glenns Ferry	01
Fremont	02
Gem:	
Population Group: Treasure Valley mig. area #2	01
Gooding:	
Population Group: Magic Valley Mig. popa	01
Kootenai:	
Service Area: Kootenai/Shoshone	03
Service Area: Plummer	01
Lewis:	
Service Area: Naz Perce	02
Minidoka:	
Population Group: Magic Valley mig. area	01
Owyhee:	
Service Area: Treasure Valley mig. area #1	04
Payette:	
Population Group: Treasure Valley mig. area #2	01
Power:	
Population Group: Eastern Snake River Valley Migrant area	01
Shoshone:	
Service Area: Kootenai/Shoshone	03
Twin Falls:	
Population Group: Magic Valley mig. area	01
Washington:	
Population Group: Treasure Valley mig. area #2	01

PRIMARY CARE: Idaho

Service Area Listing

Service area name	Degree of shortage group
Albion/Oakley Divisions	01
County—Cassia:	
Parts of County:	
Albion Division	
Oakley Division	
Glenns Ferry	01
County—Elmore:	
Parts of County:	
Glenns Ferry	
Kootenai/Shoshone	03
County—Kootenai:	
Parts of County:	
Cataldo	
Fourth of July	
Rose Lake	
County—Shoshone:	
Lost Rivers	01
County—Butte:	
County—Custer:	
Parts of County:	
Mackay Div.	
Naz Perce	02
County—Lewis:	
Parts of County:	
Naz Perce	
Winchester	
Naz Perce	02
Plummer	01
County—Benewah:	
Parts of County:	
Plummer	
Tensed	
County—Kootenai:	
Parts of County:	
Worley	
Priest River	01

PRIMARY CARE: Idaho—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Bonner:	
Parts of County:	
Blanchard-Glengary Div. (Western Part)	
Priest River Div.	
Stanley	01
County—Custer:	
Parts of County:	
Stanley Div.	

PRIMARY CARE: Idaho

Population Group Listing

Population group name	Degree of shortage group
Eastern Snake River Valley Migrant pop	01
County—Bannock:	
Parts of County:	
Migrant Population	
County—Bingham:	
Parts of County:	
Migrant Population	
County—Power:	
Parts of County:	
Migrant Population	
Magic Valley Mig. pop	01
County—Cassia:	
Parts of County:	
Migrant Population	
County—Gooding:	
Parts of County:	
Migrant Population	
County—Minidoka:	
Parts of County:	
Migrant Population	
County—Twin Falls:	
Parts of County:	
Migrant Population	
Med. Ind. Pop. (Boise City)	04
County—Ada:	
Parts of County:	
C.T. 1 through 24	
Treasure Valley Mig. Area #1	04
County—Canyon:	
Parts of County:	
Migrant Population	
County—Owyhee:	
Parts of County:	
Migrant Population	
Treasure Valley Mig. Area #2	01
County—Gem:	
Parts of County:	
Migrant Population	
County—Payette:	
Parts of County:	
Migrant Population	
County—Washington:	
Parts of County:	
Migrant Population	

PRIMARY CARE: Illinois

County Listing

County name	Degree of shortage group
Alexander	02
Brown	01
Calhoun	01
Carroll	04
Champaign:	
Service area: Northern Champaign Urbana	01
Clay	02
Clinton	03
Cook:	
Service area: Chatham (Near Southeast)	04
Service area: Douglas	03
Service area: Chicago Heights	03

PRIMARY CARE: Illinois—Continued

County Listing

County name	Degree of shortage group
Service area: Robbins Village	01
Service area: Southeast Chicago	01
Service area: S. Lawndale/Lower W. Side	01
Service area: Uptown	01
Service area: Phoenix	01
Service area: E. Chicago Heights	01
Service area: Cabrini-Green/Near North Side	01
Service area: Chicago Lawn	04
Service area: Garfield Ridge	02
Service area: Humboldt/Austin/Garfield	01
Service area: New City/W. Englewood/Englewood	01
Service area: West Town	02
Service area: South Shore	04
Edwards	04
Fayette	02
Franklin	02
Fulton:	
Service area: London Mills	02
Hamilton	02
Henderson	02
Jackson:	
Service area: Murphysboro	04
Jasper	02
Johnson	02
Kankakee:	
Service area: Pembroke	01
Knox:	
Service area: London Mills	02
McDonough:	
Service area: London Mills	02
Macon:	
Service area: Decatur Inner City	01
Marshall:	
Service area: Princeville	03
Mason	04
Mercer	03
Peoria:	
Service area: Peoria	02
Service area: Princeville	03
Pike	04
Pope	02
Rock Island:	
Service area: East Moline	04
St. Clair:	
Service area: East Side Health Dist. (E. St. Louis)	02
Sangamon:	
Service area: Northeast Springfield	01
Scott	02
Stark:	
Service area: Princeville	03
Union	02
Warren:	
Service area: London Mills	02
Wayne	04
White	02
Will:	
Facility: Joliet Correctional Inst	02
Facility: Statesville Correctional Inst	02
Service area: Eastside Joliet	02
Williamson:	
Service area: Carterville	02
Winnebago:	
Service area: Rockford Inner City	01

PRIMARY CARE: Illinois

Service Area Listing

Service area name	Degree of shortage group
Cabrini-Green/Near North Side	01
County—Cook:	
Parts of County:	
C.T. 803 through 810	
C.T. 817 through 819	
Carterville	02
County—Williamson:	
Parts of County:	
Stairsville Twp	
Carterville Twp	
Grassy Twp	
Chatham (Near Southeast)	04
County—Cook:	
Parts of County:	
C.T. 4401 through 4408	
C.T. 4501 through 4503	
C.T. 4701	
C.T. 6801 through 6815	
C.T. 7101 through 7115	
Chicago Heights	03
County—Cook:	
Parts of County:	
C.T. 8290 through 8292	
C.T. 8294	
Chicago Lawn	04
County—Cook:	
Parts of County:	
C.T. 6201 through 6204	
C.T. 6301 through 6308	
C.T. 6501 through 6505	
C.T. 6601 through 6611	
Decatur Inner City	01
County—Macon:	
Parts of County:	
C.T. 1	
C.T. 7 through 9	
Douglas	03
County—Cook:	
Parts of County:	
C.T. 3501 through 3515	
E. Chicago Heights	01
County—Cook:	
Parts of County:	
C.T. 8297 (E. Chicago Heights)	
East Moline	04
County—Rock Island:	
Parts of County:	
C.T. 202	
C.T. 204	
C.T. 206	
C.T. 207	
East Side Health Dist. (St. Louis)	02
County—St. Clair	
Parts of County:	
C.T. 9001 through 9014	
C.T. 9015.01	
C.T. 9020 through 9023	
C.T. 9024.01 through 9024.02	
C.T. 9025	
C.T. 9026.01 through 9026.04	
C.T. 9027 through 9030	
Eastside Joliet	02
County—Will:	
Parts of County:	
C.T. 8807	
C.T. 8812 through 8813	
C.T. 8820 through 8825	
C.T. 8830 through 8831	
Garfield Ridge	02
County—Cook:	
Parts of County:	
C.T. 6801 through 6813	
Humboldt/Austin/Garfield	01
County—Cook:	
Parts of County:	
C.T. 2301 through 2318	
C.T. 2506 through 2510	
C.T. 2514	
C.T. 2516 through 2523	
C.T. 2525	
C.T. 2601 through 2610	
C.T. 2701 through 2719	
C.T. 2801 through 2808	
C.T. 2819 through 2843	
C.T. 2901 through 2927	
London Mills	02

PRIMARY CARE: Illinois—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Fulton:	
Parts of County:	
Ellisville Twp	
Fairview Twp	
Lee Twp	
Union Twp	
Young Hickory Twp	
Chestnut Twp	
Haw Creek Twp	
County—Knox:	
Parts of County:	
Indian Point Twp	
Maquon Twp	
Orange Twp	
County—McDonough	
Parts of County:	
Prairie City Twp	
County—Warren	
Parts of County:	
Berwick Twp	
Greenbush Twp	
Murphysboro	04
County—Jackson:	
Parts of County:	
Bradley Twp	
Degognia Twp	
Fountain Bluff Twp	
Kinkaid Twp	
Levan Twp	
Ora Twp	
New City/W. Englewood/Englewood	01
County—Cook:	
Parts of County:	
C.T. 8101 through 8122 (New City)	
C.T. 6701 through 6720 (West Englewood)	
C.T. 6801 through 6814 (Englewood)	
Northeast Springfield	01
County—Sangamon	
Parts of County:	
C.T. 7	
C.T. 8	
C.T. 16 through 17	
Northend-Champaign Urbana	01
County—Champaign	
Parts of County:	
C.T. 2	
C.T. 7 (BLKGRPS 1 & 2)	
C.T. 53 (BLKGRPS 2 & 3)	
Pembroke	01
County—Kankakee:	
Parts of County:	
Pembroke Twp	
St. Anne Twp	
Peoria	02
County—Peoria:	
C.T. 1 through 15	
Phoenix	01
County—Cook:	
Parts of County:	
C.T. 8272 (Phoenix Village)	
Princeville	03
County—Marshall:	
Parts of County:	
La Prairie Twp	
County—Peoria:	
Parts of County:	
Akron Twp	
Brimfield Twp	
Hallock Twp	
Jubilee Twp	
Millbrook Twp	
Princeville Twp	
County—Stark:	
Parts of County:	
Essex Twp	
Valley Twp	
West Jersey Twp	
Robbins Village	01
County—Cook:	
Parts of County:	
Robbins Village	
S. Lawndale/Lower W. Side	02
County—Cook:	
Parts of County:	
C. T. 3001 through 3020	
C. T. 3101 through 3114	
Rockford Inner City	

PRIMARY CARE: Illinois—Continued

Service Area Listing

Service area name	Degree of shortage group
C. T. 10	
C. T. 21	
C. T. 24 through 29	
Southeast Chicago	01
County—Cook:	
Parts of County:	
C. T. 3801 through 3805	
C. T. 3701 through 3704	
C. T. 3801 through 3820	
C. T. 3901 through 3903	
C. T. 4001 through 4008	
South Shore	04
County—Cook:	
Parts of County:	
C. T. 4301 through 4314 (S. Shore)	
Uptown	01
County—Cook:	
Parts of County:	
C. T. 310 through 312	
C. T. 315 through 321	
West Town	02
County—Cook:	
Parts of County:	
C. T. 2401 through 2436 (West Town)	

PRIMARY CARE: Illinois

Facility listing

Facility name	Degree of shortage group
Joliet Correctional Inst	02
County—Will	
Stateville Correctional Inst	02
County—Will	

PRIMARY CARE: Indiana

County Listing

County name	Degree of shortage group
Brown	03
Clinton	02
Crawford	01
Dearborn:	
Service area: Lawrenceburg	03
Decatur	03
Fayette	03
Franklin	01
Greene:	
Service area: Linton-Jasonville	03
Harrison	03
Howard	02
Jay	02
Jennings	03
Knox:	
Service area: Bicknell	02
Lake:	
Service area: Gary, area #1	01
Marion:	
Service area: Highland-Brookside	01
Service area: South-West Indianapolis	02
Service area: Near North Side (Indianapolis)	02
Service area: South Central Indianapolis	02
Service area: Barrington (Indianapolis)	01
Martin	03
Ohio:	
Service area: Lawrenceburg	03
Owen	03
Perry	04
Posey	04
Ripley:	
Service area: Lawrenceburg	03
Rush	03
Shelby	04
Spencer	02
Starke	04
Switzerland:	
Service area: Lawrenceburg	03

PRIMARY CARE: Indiana—Continued

County Listing

County name	Degree of shortage group
Union	02
Vermillion:	
Service area: Northern Vermillion	01
Warren	02

PRIMARY CARE: Indiana

Service Area Listing

Service area name	Degree of shortage group
Barrington (Indianapolis)	01
County—Marion:	
Parts of county:	
C.T. 3572 through 3575	
Bicknell	02
County—Knox:	
Parts of county:	
Vigo Twp	
Washington Twp (Eastern ½)	
Widner Twp	
Gary, area #1	01
County—Lake:	
Parts of county:	
C.T. 101 through 129	
Highland-Brookside	01
County—Marion:	
Parts of county:	
C.T. 3526	
C.T. 3527	
C.T. 3530	
C.T. 3543 through 3550	
Lawrenceburg	03
County—Dearborn	
County—Ohio	
County—Ripley	
County—Switzerland	
Linton-Jasonville	03
County—Greene:	
Parts of county:	
Stockton Twp	
Wright Twp	
Near North Side (Indianapolis)	02
County—Marion:	
Parts of county:	
C.T. 3517 through 3522	
C.T. 3530 through 3532	
Northern Vermillion	01
County—Vermillion:	
Parts of county:	
Eugene Twp	
Highland Twp	
Hill Twp	
Vermillion Twp	
South Central Indianapolis	02
County—Marion:	
Parts of county:	
C.T. 3557 through 3563	
C.T. 3567 through 3571	
C.T. 3578 through 3580	
South-West Indianapolis	02
County—Marion:	
Parts of county:	
C.T. 3411 through 3416	
C.T. 3422 through 3427	
C.T. 3537	
C.T. 3538	
C.T. 3564 through 3566	
C.T. 3581	

PRIMARY CARE: Iowa

County Listing

County name	Degree of shortage group
Adair	02
Service area: Adair	
Audubon	02

PRIMARY CARE: Iowa—Continued

County Listing

County name	Degree of shortage group
Benton:	
Service area: Center PL/Central City/Coggon	03
Service area: Tama-Traer Dyeart	04
Black Hawk:	
Population group: Low income pop. of Waterloo	01
Service area: Tama-Traer Dyeart	04
Boone:	
Service area: Dayton-Gowrie	02
Buchanan	04
Calhoun:	
Service area: Dayton-Gowrie	02
Carroll:	
Service area: Coon Rapids area	02
Cass:	
Service area: Oakland	02
Cedar:	
Service area: Clarence-Tipton	02
Cherokee:	
Service area: Kingsley-Anthon-Mapleton	04
Service area: Lemars-Remsen	02
Clinton:	
Service area: Clarence-Tipton	02
Delaware:	
Service area: Center PL/Central City/Coggon	03
Fremont:	
Service area: Tabor	03
Service area: Shenandoah	03
Greene:	
Service area: Dayton-Gowrie	02
Service area: Coon Rapids	02
Grundy:	
Service area: Tama-Traer Dyeart	04
Guthrie:	
Service area: Adair	02
Service area: Coon Rapids	02
Hamilton:	
Service area: Dayton-Gowrie	02
Service area: Hubbard service	01
Hancock:	
Service area: Buffalo Center	02
Hardin:	
Service area: Hubbard	01
Harrison:	
Service area: Onawa (Iowa/Neb)	03
Service area: Harlan	03
Service area: Woodbine	04
Johnson:	
Service area: Clarence-Tipton	02
Jones:	
Service area: Clarence-Tipton	02
Kossuth:	
Service area: Buffalo Center	02
Linn:	
Service area: Center PL/Central City/Coggon	03
Service area: Clarence-Tipton	02
Marshall:	
Service area: Hubbard	01
Mills:	
Service area: Tabor	03
Service area: Oakland	02
Monona:	
Service area: Onawa (Iowa/Neb)	03
Service area: Kingsley-Anthon-Mapleton	04
Monroe	04
Muscatine:	
Service area: Clarence-Tipton	02
Page:	
Service area: Shenandoah	03
Plymouth:	
Service area: Kingsley-Anthon-Mapleton	04
Service area: Lemars-Remsen	02
Pottawattamie:	
Service area: Harlan	03
Service area: Oakland	02
Scott:	
Population group: Med. Ind. Pop. of Scott Co	04
Service area: Clarence-Tipton	02
Shelby:	
Service area: Harlan	03
Story:	
Service area: Hubbard service	01
Wayne	02
Webster:	
Service area: Dayton-Gowri	02
Woodbury:	
Service area: Onawa (Iowa/Neb)	03
Service area: S. Sioux City (Iowa/Neb)	02
Service area: Kingsley-Anthon-Mapleton	04

PRIMARY CARE: Iowa

Service Area Listing

Service area name	Degree of shortage group
Adair	02
County—Adair	
County—Guthrie:	
Parts of county	
Beaver Twp.	
Grant Twp.	
Thompson Twp.	
Buffalo Center	02
County—Hancock:	
Parts of county:	
Woden division	
Crystal Lake division	
County—Kossuth:	
Parts of county:	
Sexa City division	
Bancroft division	
Ledyard division	
Lakota division	
Titonka division	
Center PL/Central City/Coggon	03
County—Benton:	
Parts of county:	
Urbana	
County—Delaware:	
Parts of county:	
Ryan	
County—Linn:	
Parts of county:	
Alburnett	
Central City	
Center Pt.	
Coggon	
Marion	
Prairieburg	
Robins	
Walker	
Clarence—Tipton	02
County—Cedar:	
Parts of county:	
Clarence division	
Lipton division	
Mechanicsville division	
Lowden division	
Stanwood division	
Bennett division	
West Branch division	
County—Clinton:	
Parts of county:	
Toronto division	
Lost Nation division	
Wheatland division	
County—Johnson	
Parts of county:	
Solon division	
County—Jones:	
Parts of county:	
Olin division	
Oxford junction	
Center junction	
Onslow division	
Morley division	
Wyoming division	
County—Linn:	
Parts of county:	
Lisbon division	
County—Muscatine:	
Parts of county:	
Atalissa division	
Tilton division	
County—Scott:	
Parts of county:	
New Liberty division	
Dixon division	
Coon Rapids	02

PRIMARY CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Carroll:	
Parts of county:	
Coon Rapids division	
Dedham division	
Templeton division	
Glidden division	
Ralston division	
County—Greene:	
Parts of county:	
Scranton division	
County—Guthrie:	
Parts of county:	
Bayard division	
Bagley division	
Dayton—Gowrie	02
County—Boone:	
Parts of county:	
Boxholm division	
Pilot Mound division	
County—Calhoun:	
Parts of county:	
Farnhamville division	
County—Greene:	
Parts of county:	
Paton division	
County—Hamilton:	
Parts of county:	
Stratford division	
County—Webster:	
Parts of county:	
Dayton division	
Gowrie division	
Callender division	
Leigh division	
Harcourt division	
Harlan	03
County—Harrison:	
Parts of county:	
Washington Twp.	
County—Pottawattamie:	
Parts of county:	
Layton Twp.	
County—Shelby:	
Parts of county:	
Cass Twp.	
Douglas Twp.	
Greeley Twp.	
Harlan Twp.	
Jefferson Twp.	
Shelby Twp.	
Union Twp.	
Washington Twp.	
Westphalia Twp.	
Hubbard Service	01
County—Hamilton:	
Parts of county:	
Ellsworth Twp.	
Jewell Twn.	
Williams Twp. (½-Southern Pt.)	
County—Hardin:	
Parts of county:	
New Providence Twn.	
Radcliff Twn.	
Hubbard Twn.	
County—Marshall:	
Parts of county:	
Albion Twn. (¼-Northern Pt.)	
Liscomb Twp.	
Clemants Twn.	
St. Anthony Twn.	
County—Story:	
Parts of county:	
Zearing Twn.	
Kingsley—Anthon—Mapleton	04

PRIMARY CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Cherokee:	
Parts of county:	
Washta division	
County—Monona:	
Parts of county:	
Rodney division	
County—Monona:	
Parts of county:	
Mapleton division	
Soldier division	
County—Plymouth:	
Parts of county:	
Kingsly division	
County—Woodbury:	
Parts of county:	
Moville division	
Pierson division	
Correctionville division	
Anthon division	
Oto division	
Smithland division	
Danbury division	
Cushing division	
Lemars—Remsen	02
County—Cherokee:	
Parts of county:	
Marcus division	
Cleghorn division	
County—Plymouth:	
Parts of county:	
Lemars division	
Brunsville division	
Craig division	
Struble division	
Merrill division	
Remsen division	
Oyens division	
Oakland	02
County—Cass:	
Parts of county:	
Lewis Twn.	
County—Mills:	
Parts of county:	
Henderson Twn.	
County—Pottawattamie:	
Parts of county:	
Oakland Twn.	
Carson Twn.	
McClelland Twn.	
Treynor Twn.	
County—Pottawattamie:	
Parts of county:	
Avoca Twn.	
Macedonia Twn.	
Minden Twn.	
Hancock Twn.	
Onawa (Iowa/Neb.)	03
County—Burt (Nebraska):	
Parts of county:	
Decatur	
Quinnebaugh	
Riverside (½)	
Silver Creek (½)	
County—Harrison:	
Parts of county:	
Jackson	
Little Rock	
Morgan (½)	
Raglan (½)	
County—Monona:	
Parts of county:	
Aston	
Belvidere	
Center	
Fairview	

PRIMARY CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
Franklin	
Jordan	
Kennebec	
Lake	
Lincoln	
Sherman	
Sioux	
Spring Valley	
West Fork	
Willow	
County—Woodbury:	
Parts of county:	
Lakeport	
Liberty (½)	
Sloan	
Willow (½)	
S. Sioux City (Iowa/Neb.)	02
County—Dakota (Nebraska):	
Parts of county:	
C.T. 101 through 104	
County—Woodbury:	
Parts of county:	
C.T. 1 (S. ½)	
C.T. 18 through 21	
C.T. 33	
C.T. 34	
Shenandoah	03
County—Fremont:	
Parts of county:	
Shenandoah Town	
Imogene Town	
Farragut Town	
County—Page:	
Parts of county:	
Essex Town	
Yorktown Town	
Coin Town	
Northboro Town	
Tabor	03
County—Fremont:	
Parts of county:	
Randolph Town	
Thurman Town	
County—Mills:	
Parts of county:	
Tabor Town	
Malvern Town	
Tama—Traer Dysart	04
County—Benton:	
Parts of county:	
Jackson Twnship.	
Cedar Twnship.	
County—Black Hawk:	
Parts of county:	
Big Creek Twp. (La Porte City)	
County—Grundy:	
Parts of county:	
Tama	
Reinbeck (Black Hawk Twp.)	
Woodbine	04
County—Harrison:	
Parts of county:	
Woodbine Town	
Logan Town	
Magnolia Town	
Dunlap Town	

PRIMARY CARE: Iowa

Population Group Listing

Population group name	Degree of shortage group
Low income pop. of Waterloo	01
County—Black Hawk:	
Parts of county:	
C.T. 1 through 3	
C.T. 5 through 9	

PRIMARY CARE: Iowa—Continued

Population Group Listing

Population group name	Degree of shortage group
C.T. 17 through 20	
Med. Ind. pop. of Scott Co	04
County—Scott:	
Parts of County:	
C.T. 109 through 115	
C.T. 123	
C.T. 124	

PRIMARY CARE: Kansas

County Listing

County name	Degree of shortage group
Chase	04
Coffey	02
Elk	03
Jackson	01
Jefferson	03
Johnson:	
Service Area: Blackwell (Okla-Kansas)	04
Linn	03
Miami	03
Nemaha	04
Osage	04
Reno:	
Service Area: Haven	02
Sedgwick:	
Service Area: Haven	02
Shawnee:	
Service Area: Northwest Shawnee	01
Service Area: Northeast Topeka	03
Wabaunsee	01
Washington	02
Wichita	03
Woodson	03
Wyandotte:	
Service Area: Clinicare	04

PRIMARY CARE: Kansas

Service Area Listing

Service area name	Degree of shortage group
Blackwell (Okla-Kansas)	04
County—Johnson	
Parts of county:	
Green Twp	
Guelph Twp	
County—Kay (Oklahoma)	
Parts of county:	
Blackwell CCD	
Braman CCD	
Tonkawa CCD	
W. Newkirk CCD	
Clinicare	04
County—Wyandotte	
Parts of county:	
C.T. 400.02	
C.T. 425.01	
C.T. 425.02	
C.T. 426 through 428	
C.T. 429.01	
C.T. 429.02	
C.T. 430	
C.T. 431.02	
C.T. 433.02	
Haven	02

PRIMARY CARE: Kansas—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Reno	
Parts of county:	
Haven Township	
Yoder Township	
Lincoln Township	
Center Township	
Castleton Township	
Troy Township	
Albion Township	
Nimrecah Township	
Sumner Township	
County—Sedgwick	
Parts of county:	
Grestly	
Northeast Topeka	03
County—Shawnee	
Parts of county:	
C.T. 2	
C.T. 5	
C.T. 7	
C.T. 8	
C.T. 11	
C.T. 12	
C.T. 14	
C.T. 31	
Northwest Shawnee	01
County—Shawnee	
Parts of county:	
Dover Twp	
Grover Twp	
Rossville Twp	
Silver Lake Twp	

PRIMARY CARE: Kentucky

County Listing

County name	Degree of shortage group
Adair	03
Allen	02
Ballard	03
Bath	04
Bell:	
Service area: Western Harlan	01
Bracken	03
Breathitt:	
Service area: Perry County	02
Bullitt	02
Butler	04
Caldwell	02
Carlisle	01
Carter	01
Clay	04
Crittenden	02
Edmonson	04
Estill	04
Fayette:	
Population group: Low income POP/Fayette	01
Floyd:	
Service area: Mud Creek	01
Fulton:	
Service area: Western Fulton	01
Gallatin	01
Garrard	04
Grant	04
Grayson	04
Greenup	03
Hancock	03
Harlan:	
Service area: Western Harlan	01
Service area: Cumberland	02
Hickman	02
Jackson	01
Jefferson:	
Service area: West end	02
Jessamine	03
Knott:	
Service area: Perry County	02
Knox	02
Larue	04
Laurel	02
Lee	03
Leslie	02

PRIMARY CARE: Kentucky—Continued

County Listing

County name	Degree of shortage group
Letcher:	
Service area: Perry County	02
Lewis	01
Lincoln	01
Livingston	04
Logan	04
Lyon	02
Magoffin	02
Marion	02
Meade	02
Menifee	01
Metcalfe	02
Montgomery	04
Ohio	03
Owen	02
Owsley	01
Pendleton	01
Perry:	
Service area: Perry County	02
Pike:	
Service area: Pike	01
Service area: South Williamson	03
Powell	02
Robertson	01
Rockcastle	02
Russell	04
Scott:	
Population Group: Poverty Pop. of Scott	01
Shelby	04
Spencer	02
Trigg	01
Trimble	01
Union	04
Washington	03
Webster	03
Whitley:	
Service area: Perry County	02
Service area: Williamsburg	02
Wolfe	01

PRIMARY CARE: Kentucky

Service Area Listing

Service area name	Degree of shortage group
Cumberland	02
County—Harlan:	
Parts of county:	
Benham-Lynch CCD	
Cumberland CCD	
Poor Fork CCD	
Upper Clover CCD	
Mud Creek	01
County—Floyd:	
Parts of county:	
McDowell CCD	
Mud Creek CCD	
Wheelwright CCD	
Perry County	02
County—Breathitt:	
Parts of county:	
Canoe Div	
Haddix Div	
Hardshell Div	
County—Knott:	
Parts of county:	
Carr Fork Div	
Emmalena Div	
Mousie Div	
County—Letcher:	
Parts of county:	
Blackey Div	
County—Perry	
Pike	01
County—Pike:	
Parts of county:	
Feds Creek CCD	
Long Fork CCD	
Millard CCD	
Phelps CCD	
Robinson Creek CCD	
South Williamson	03

PRIMARY CARE: Kentucky—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Pike:	
Parts of county:	
McAndrews	
McCarr	
Phelps	
Sidney	
South Williamson	
West End	02
County—Jefferson:	
Parts of county:	
C.T. 1-35	
Western Harlan	01
County—Bell:	
Parts of county:	
Tejay CCD	
County—Harlan:	
Parts of county:	
Alva CCD	
Wallins Creek CCD	
Western Fulton	01
County—Fulton:	
Parts of county:	
C.T. 7-12	
Williamsburg	02
County—Whitley:	
Parts of county:	
Pearl	
Saxton	
Siler	
Williamsburg	

PRIMARY CARE: Kentucky

Population Groups Listing

Population area name	Degree of service group
Low Income Pop/Fayette	01
County—Fayette:	
Parts of county:	
C.T. 1-4	
C.T. 9-11	
Poverty Pop. of Scott	01
County—Scott:	
Parts of county:	
Poverty Pop	

PRIMARY CARE: Louisiana

County Listing

County name	Degree of shortage group
Ascension	03
Assumption	02
Beauregard:	
Service area: Merryville	03
Bienville	01
Bossier	01
Caddo:	
Population Group: Shreveport Low Income	01
Calcasieu:	
Service Area: North Lake Charles	01
Caldwell	04
Cameron	03
Catahoula	03
De Soto	01
East Baton Rouge:	
Service area: Eden Park	01
East Feliciana	01
Evangeline	03
Grant	01
Iberia:	
Service area: Teche	02
Iberville	04
Jackson	04
Jefferson:	
Service area: Lafitte	02
Jefferson Davis	04
Livingston	02

PRIMARY CARE: Louisiana—Continued

County Listing

County name	Degree of shortage group
Madison	02
Orleans:	
Service area: Desire/Florida	01
Service area: Lower 9th Ward	02
Ouachita:	
Facility: E. A., Conway Mem Hosp	04
Pointe Coupee	01
Sabine:	
Service area: Zwolle	01
St. Helena	03
St. Martin:	
Service area: St. Martin	02
St. Mary:	
Service area: Teche	02
St. Tammany:	
Service area: Northeastern St. Tammany	01
Tensas	04
Terrebonne:	
Service area: Dulac	01
Union:	
Service area: West Union	02
Vernon	01
Webster	02
West Baton Rouge	01
West Carroll	01
West Feliciana	03
Winn	04

PRIMARY CARE: Louisiana

Service Area Listing

Service area name	Degree of shortage group
Desire/Florida	01
County—Orleans:	
Parts of county:	
C.T. 11 (N. of Derbigny St.)	
C.T. 14.01	
C.T. 14.02	
C.T. 15 (N. of Derbigny St.)	
C.T. 16	
C.T. 17.03	
C.T. 17.14	
Dulac	01
County—Terrebonne:	
Parts of county:	
Ward 4	
Ward 7	
Eden Park	01
County—East Baton Rouge:	
Parts of county:	
C.T. 8 through 10	
C.T. 12	
C.T. 13	
Lafitte	02
County—Jefferson:	
Parts of county:	
C.T. 277 through 279	
Lower 9th Ward	02
County—Orleans:	
Parts of county:	
C.T. 7.01	
C.T. 7.02	
C.T. 8	
C.T. 9.01 through 9.04	
Merryville	03
County—Beauregard:	
Parts of county:	
Ward 2	
Ward 5	
North Lake Charles	01
County—Calcasieu:	
Parts of county:	
C.T. 2 through 4	
C.T. 14	
C.T. 15	
Northeastern St. Tammany	01
County—St. Tammany:	
Parts of county:	
C.T. 401	
C.T. 407	
St. Martin	02

PRIMARY CARE: Louisiana—Continued

Service Area Listing

Service area name	Degree of shortage group
County—St. Martin:	
Parts of county:	
Ward 1 through 5	
Teche	02
County—Iberia:	
Parts of county:	
Ward 1	
Ward 6	
County—St. Mary:	
Parts of county:	
Ward 1 through 5	
Ward 7	
Ward 10	
West Union	02
County—Union:	
Parts of county:	
Division 3	
Division 4	
Division 10	
Zwolle	01
County—Sabine:	
Parts of county:	
Ward 5	
Ward 6	
Ward 8	

PRIMARY CARE: Louisiana.

Population Group Listing

Population group name	Degree of shortage group
Shreveport Low Income	01
County—Caddo:	
Parts of county:	
Shreveport (Low Income Pop.)	

PRIMARY CARE: Louisiana

Facility Listing

Facility name	Degree of shortage group
E. A. Conway Mem. Hosp	04
County—Ouachita:	

PRIMARY CARE: Maine

County listing

County name	Degree of shortage group
Androscoggin:	
Service area: Leeds	01
Aroostook:	
Service area: Northern Aroostook	03
Service area: Southern Aroostook	01
Cumberland:	
Service area: Kezar Falls	01
Hancock:	
Service area: Bucksport	01
Kennebec:	
Service area: Albion	02
Service area: Leeds	01
Knox:	
Service area: Penobscot Bay	01
Oxford:	
Service area: Bethel	01
Service area: Kezar Falls	01
Penobscot:	
Service area: Southern Aroostook	01
Service area: Dexter	03
Service area: Bradley	01
Piscataquis:	
Service area: Greenville	02

PRIMARY CARE: Maine—Continued

County listing

County name	Degree of shortage group
Service area: Dexter	03
Somerset:	
Service area: Bingham	04
Service area: Jackman	01
Service area: Dexter	03
Waldo:	
Service area: Albion	02
Service area: Bucksport	01
Washington:	
Service area: Lubec	03
Service area: Southern Aroostook	01
Service area: Eastport	03
York:	
Service area: Kezar Falls	01

PRIMARY CARE: Maine

Service Area Listing

Service area name	Degree of shortage group
Albion	02
County—Kennebec:	
Parts of county:	
Albion Town	
Vassalboro Town	
China Town	
County—Waldo:	
Parts of county:	
Troy Town	
Unity Town	
Thorndike Town	
Jackson Town	
Monroe Town	
Brooks Town	
Knox Town	
Freedom Town	
Montville Town	
Liberty Town	
Palermo Town	
Bethel	01
County—Oxford:	
Parts of county:	
Bethel Town	
Gilead Town	
Hanover Town	
Newry Town	
Upton Town	
Woodstock Town	
Bingham	04
County—Somerset:	
Parts of county:	
Solon Town	
Bingham Town	
Moscow Township	
Brighton Town	
Pleasant Ridge Plantation	
The Forks Plantation	
Caratunk Plantation	
West Forks Plantation	
Bradley	01
County—Penobscot:	
Parts of county:	
Bradley Division	
Clifton Division	
Greenbush Division	
Greenfield Division	
Milford Division	
Bucksport	01
County—Hancock:	
Parts of county:	
Dedham Town	
Orland Town	
Penobscot Town	
Verona Town	
Bucksport Town	
County—Waldo:	
Parts of county:	
Prospect Town	
Stockton Springs Town	
Dexter	03

PRIMARY CARE: Maine—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Penobscot:	
Parts of county:	
Dexter	
Corinna	
Exeter	
Garland	
County—Piscataquis:	
Parts of county:	
Wellington	
County—Somerset:	
Parts of county:	
Athens	
Harmony	
Ripley	
St. Albans	
Eastport	03
County—Washington:	
Parts of county:	
Eastport	
Perry	
Passamaquoddy Indian Reservation	
Pembroke (part)	
Dennysville (part)	
County—Washington:	
Parts of county:	
Edmunds (part)	
Charlotte (part)	
Robbinston (part)	
Greenville	02
County—Piscataquis:	
Parts of county:	
Blanchard Plantation	
Elliotsville Plantation	
Greenville	
Monson	
Shirley	
Willimantic	
Unorg. Terr of N. Piscataquis	
Beaver Cove Plant	
Jackman	01
County—Somerset:	
Parts of county:	
Jackman Town	
Moose River Town	
Dennistown Plantation	
Kezar Falls	01
County—Carroll (New Hampshire):	
Parts of county:	
Effingham Town	
Freedom Town	
Madison Town	
County—Cumberland:	
Parts of county:	
Baldwin Town	
County—Oxford:	
Parts of county:	
Brownfield	
Hiram Town	
Porter Town	
County—York:	
Parts of county:	
Newfield Town	
Limerick Town	
Cornish Town	
Parsonfield	
Leeds	01
County—Androscoggin:	
Parts of county:	
Turner Town	
Greene Town	
Leeds Town	
County—Kennebec:	
Parts of county:	
Wayne Town	
Monmouth Town	
Lubec	03

PRIMARY CARE: Maine—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Washington:	
Parts of county:	
Lubec Township	
Cutler Township	
Whiting Township	
Pembroke Township	
Dennysville Township	
Perry Township	
Edmunds Township	
Eastport City	
Charlotte Township	
Plantation #14	
Robbinston Township	
Northern Aroostook	03
County—Aroostook:	
Parts of county:	
Unorganized Terr. of North Aroostook	
Unorganized Terr. of Central Aroostook	
Allagash Plantation	
St. Francis Plantation	
Bridgewater Town	
Blaine Town	
Winterville Plantation	
Cyr Plantation	
Hamlin Plantation	
Westmanland Plantation	
Nashville	
Garfield Plantation	
E Plantation	
Oxbow Plantation	
Eagle Lake Town	
Ashland Town	
Frenchville Town	
St. Agatha Town	
Madawaska Town	
Grand Isle Town	
Van Buren Town	
Stockholm Town	
Penobscot Bay	01
County—Knox:	
Parts of county:	
Vinalhaven Island	
North Haven Island	
Matinicus Island	
Isle Au Haut	
Southern Aroostook	01
County—Aroostook:	
Parts of county:	
Amity Town	
Bancroft Town	
Benedicta Town	
Crystal Town	
Dyer Brook Town	
Glenwood Plantation	
Hersey Town	
Island Falls Town	
Macwahoc Plantation	
Merrill Town	
Monticello Town	
Moro Plantation	
Oakfield Town	
Orient Town	
Reed Plantation	
Sherman Town	
Smyrna Town	
Weston Town	
Unorg. Terr. of S. Aroostook	
County—Penobscot:	
Parts of county:	
Drew Plantation	
Mt. Chase Plantation	
Patten Town	
Prentiss Plantation	

PRIMARY CARE: Maine—Continued

Service Area Listing

Service area name	Degree of shortage group
Stacyville Town	
County—Washington:	
Parts of county:	
Danforth Town	

PRIMARY CARE: Maryland

County Listing

County name	Degree of shortage group
Allegany:	
Service area: Hancock	01
Anne Arundel:	
Service area: Owensville	03
Baltimore:	
Facility: MD Penitentiary	03
Facility: MD Reception Diag/Class Center	02
Caroline	03
Cecil:	
Service area: Southeast Cecil	02
Charles	04
Dorchester:	
Service area: Northeast Dorchester County	01
Garrett	04
Howard:	
Facility: MD House of Corrections	02
Kent:	
Service area: Northeast Kent	01
Service area: Eadesville/Fairlee	02
Queen Annes	03
Somerset	02
Washington:	
Service area: Keedysville	01
Service area: Hancock	01
Facility: MD Correctional Inst	03
Facility: MD Corr Training Center	02
Worcester:	
Service area: Pocomoke City	02
Baltimore City:	
Service area: North Central Baltimore	01
Service area: O'Donnell Heights	01
Service area: Cherry Hill	01
Service area: Constant Care	02
Service area: East Baltimore	02
Service area: West Baltimore	03
Service area: Northwest Baltimore	01
Service area: Hampden/Woodberry/Remington	01
Facility: Baltimore City Jail	02

PRIMARY CARE: Maryland

Service Area Listing

Service area name	Degree of shortage group
Cherry Hill	01
County—Baltimore City:	
Parts of county:	
C.T. 2502.01 through 2502.05	
C.T. 2503.01 through 2503.03	
Constant Care	02
County—Baltimore City:	
Parts of county:	
C.T. 402	
C.T. 1401 through 1403	
C.T. 1501	
C.T. 1502	
C.T. 1601 through 1604	
C.T. 1701 through 1703	
C.T. 2101	
Eadesville/Fairlee	02
County—Kent:	
Parts of County:	
Dist. 5 (Eadesville)	
Dist. 6 (Fairlee)	
East Baltimore	02

PRIMARY CARE: Maryland—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Baltimore City:	
Parts of County:	
C.T. 501	
C.T. 603 through 605	
C.T. 704	
C.T. 806	
C.T. 807	
C.T. 808	
C.T. 809	
C.T. 1001	
C.T. 1002	
C.T. 1004	
Hampden/Woodberry-Remington	01
County—Baltimore City:	
Parts of county:	
C.T. 1203	
C.T. 1206	
C.T. 1207	
C.T. 1305	
C.T. 1306	
C.T. 1306.02	
Hancock	01
County—Allegany:	
Parts of county:	
Dist. 1 (Orleans)	
County—Washington:	
Parts of county:	
Dist. 4 (Clear Spring)	
Dist. 5 (Hancock)	
Dist. 15 (Indian Springs)	
Keedysville	01
County—Washington:	
Parts of county:	
Election District 1	
Election District 6	
Election District 8	
Election District 11	
Election District 19	
North Central Baltimore	01
County—Baltimore City:	
Parts of county:	
C.T. 902	
C.T. 903.01	
C.T. 903.02	
C.T. 904	
C.T. 905	
C.T. 901 through 908	
C.T. 1204	
Northeast Dorchester County	01
County—Dorchester:	
Parts of county:	
Dist. 1 through 3	
Dist. 12	
Dist 15	
Northeast Kent	01
County—Kent:	
Parts of county:	
Dist. 1 (Massey)	
Dist. 2 (Kennedyville)	
Northwest Baltimore	01
County—Baltimore City:	
Parts of county:	
C.T. 1512	
C.T. 1513	
C.T. 2716	
C.T. 2717	
C.T. 2718.01	
C.T. 2718.02	
O'Donnell Heights	01
County—Baltimore City:	
Parts of county:	
C.T. 2606.01	
C.T. 2606.02	
Owensville	03
County—Anne Arundel:	
Parts of county:	
C.T. 7012 through 7014	
C.T. 7070	
C.T. 7080	
Pocomoke City	02
County—Worcester:	
Parts of county:	
Dist. 1	
Dist. 7	
Dist. 8	
Southeast Cecil	02

PRIMARY CARE: Maryland—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Cecil:	
Parts of county:	
Dist. 1 (Cecilton)	
Dist. 2 (Chesapeake City)	
West Baltimore	03
County—Baltimore City:	
Parts of county:	
C.T. 1601 through 1603	
C.T. 1901 through 1903	
C.T. 2001 through 2005	

PRIMARY CARE: Maryland

Facility Listing

Facility name	Degree of shortage group
Baltimore City Jail	02
County—Baltimore City	
Md. Corr. Training Center	02
County—Washington	
Md. Correctional Inst.	03
County—Washington	
Md. House of Corrections	02
County—Howard	
Md. Penitentiary	03
County—Baltimore	
Md. Reception Diag/Class Center	02
County—Baltimore	

PRIMARY CARE: Massachusetts

County Listing

County name	Degree of shortage group
Barnstable:	
Service area: Provincetown	03
Bristol:	
Service area: New Bedford	01
Service area: Taunton	02
Population group: Low income pop of Fair River..	04
Dukes:	
Service area: New Bedford	01
Essex:	
Service area: Peabody	02
Service area: Lynn	04
Service area: North Lawrence	02
Service area: Methuen	03
Franklin:	
Service area: Mohawk	02
Hampden:	
Service area: Worthington	02
Service area: Brookfield	02
Hampshire:	
Service area: Worthington	02
Middlesex:	
Service area: East Cambridge	02
Service area: Hudson	02
Service area: Maynard	03
Service area: Lowell	04
Service area: North Cambridge	02
Service area: Watertown	02
Service area: Somerville	02
Service area: S. Framingham	01
Norfolk:	
Service area: So. Blackstone Valley	02
Service area: Wrentham	02
Service area: Hough's Neck-Germantown	01
Facility: Norfolk-Walpole Correct. Inst	03
Plymouth:	
Service area: Hull	01
Facility: Mass. Corr. Inst. (Bridgewater)	02
Suffolk:	
Service area: Dorchester	03
Service area: Hyde Park	02
Service area: North End Boston	04
Service area: Allston	02
Population Group: Chinese pop. (South End Boston)	01

PRIMARY CARE: Massachusetts—Continued

County Listing

County name	Degree of shortage group
Service area: Jamaica Plain	03
Service area: South Boston	04
Service area: Revere City	02
Worcester:	
Service area: Winchendon	04
Service area: So. Blackstone Valley	02
Service area: Brookfield	02
Service area: Barre Health Service Area	04

PRIMARY CARE: Massachusetts

Service Area Listing

Service area name	Degree of shortage group
Allston	02
County—Suffolk:	
Parts of county:	
C.T. 1	
C.T. 7	
C.T. 8	
Barre Health Service Area	4
County—Worcester:	
Parts of County:	
Barre Town	
Hardwick Town	
New Braintree Town	
Oakham Town	
Petersham Town	
Rutland Town	
Brookfield	02
County—Hampden:	
Parts of county:	
Brimfield Town	
Holland Town	
Wales Town	
County—Worcester:	
Parts of county:	
Brookfield Town	
East Brookfield Town	
North Brookfield Town	
Spencer Town	
Warren Town	
West Brookfield Town	
Dorchester	03
County—Suffolk:	
Parts of county:	
C.T. 901 through 924	
C.T. 1001 through 1011	
East Cambridge	02
County—Middlesex:	
Parts of county:	
C.T. 3521 through 3535	
Hough's Neck-Germantown	01
County—Norfolk:	
Parts of county:	
C.T. 4178	
Hudson	02
County—Middlesex:	
Parts of county:	
Hudson Town	
Hull	01
County—Plymouth:	
Parts of county:	
Hull Town	
Hyde Park	02
County—Suffolk:	
Parts of county:	
C.T. 1401 through 1404	
Jamaica Plain	03
County—Suffolk:	
Parts of county:	
C.T. 1202 through 1207	
Lowell	04
County—Middlesex:	
Parts of county:	
Lowell	
Lynn	04

PRIMARY CARE: Massachusetts—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Essex:	
Parts of county:	
C.T. 2080 through 2083	
C.T. 2085	
C.T. 2088	
C.T. 2070 through 2072	
Maynard	03
County—Middlesex:	
Parts of county:	
Maynard Town	
Methuen	03
County—Essex:	
Parts of County:	
C.T. 2522 through 2526	
Mohawk	02
County—Franklin:	
Parts of county:	
Ashfield Town	
Buckland Town	
Charlemont Town	
Colrain Town	
Conway Town	
Hawley Town	
Heath Town	
Shelburne Town	
Monroe Town	
Rowe Town	
New Bedford	01
County—Bristol:	
Parts of county:	
C.T. 6512	
C.T. 6513	
C.T. 6518	
C.T. 6519	
C.T. 6526	
C.T. 6527	
County—Dukes:	
Parts of county:	
Goenold Town	
North Cambridge	02
County—Middlesex:	
Parts of county:	
C.T. 3547 through 3550	
North End Boston	04
County—Suffolk:	
Parts of county:	
C.T. 301 through 305	
North Lawrence	02
County—Essex:	
Parts of County:	
C.T. 2502 through 2511	
C.T. 2513	
C.T. 2514	
Peabody	02
County—Essex:	
Parts of county:	
C.T. 2106 through 2109	
Provincetown	04
County—Barnstable:	
Parts of county:	
Provincetown	
Revere City	02
County—Suffolk:	
Parts of county:	
Revere City	
S. Framingham	01
County—Middlesex:	
Parts of county:	
C.T. 3831	
C.T. 3832	
C.T. 3834	
So. Blackstone Valley	02
County—Norfolk:	
Parts of county:	
Bellingham Town	
County—Worcester:	
Parts of county:	
Blackstone Town	
Douglas Town	
Mendon Town	
Millville Town	
Northbridge Town	
Sutton Town	
Uxbridge Town	
Somerville	02

PRIMARY CARE: Massachusetts—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Middlesex:	
Parts of county:	
C.T. 3601 through 3615	
South Boston	04
County—Suffolk:	
Parts of county:	
C.T. 601 through 614	
Taunton	02
County—Bristol:	
Parts of county:	
Berkley Town	
Dighton Town	
Raynham Town	
Rehoboth Town	
Taunton City	
Watertown	02
County—Middlesex:	
Parts of county:	
Watertown	
Winchendon	04
County—Worcester:	
Parts of county:	
Ashburnham	
Gardner	
Hubbardston	
Royalston	
Templeton	
Winchendon	
Worthington	02
County—Hampden:	
Parts of county:	
Chester Town	
County—Hampshire:	
Parts of county:	
Cummington Town	
Goshen Town	
Huntington Town	
Plainfield Town	
Worthington Town	
Chesterfield Town	
Wrentham	02
County—Norfolk:	
Parts of county:	
Wrentham Town	

PRIMARY CARE: Massachusetts

Population Group Listing

Population group name	Degree of shortage group
Chinese pop. (South End Boston)	01
County—Suffolk:	
Parts of county:	
C.T. 701 through 712	
Low income pop. of Fair River	04
County—Bristol:	
Parts of county:	
C.T. 6408	
C.T. 6409	
C.T. 6411	
C.T. 6412	
C.T. 6413 (Fair River Comm. Health. Center)	
C.T. 6414	

PRIMARY CARE: Massachusetts

Facility Listing

Facility name	Degree of shortage group
Mass. Corr. Inst. (Bridgewater)	02
County—Plymouth:	
Parts of county:	
Bridgewater Twn.	
Norfolk—Walpole Correct. Inst	03

PRIMARY CARE: Massachusetts—Continued

Facility Listing

Facility name	Degree of shortage group
County—Norfolk:	
Parts of County:	
Norfolk Twn.	
Walpole Twn.	

PRIMARY CARE: Michigan

County Listing

County name	Degree of shortage group
Alcona	02
Alger	04
Allegan:	
Service area: Allegan/Kent	02
Service area: Allegan	03
Antrim:	
Service area: East Jordan	01
Arenac:	
Service area: Sterling	01
Baraga:	
Service area: Baraga	03
Bay:	
Service area: Sterling	01
Cass:	
Service area: Dowagiac	04
Charlevoix:	
Service area: East Jordan	01
Chippewa:	
Service area: De Tour	01
Service area: Kinross-Rudyard	01
Clare:	
Service area: Clare	01
Service area: Harrison	01
Crawford:	
Service area: Roscommon/St. Helen	03
Dickinson:	
Service area: Iron River/Crystal Falls	03
Eaton	02
Genesee:	
Service area: Otter Lake	02
Service area: North Central Flint	01
Service area: Montrose	01
Gladwin:	
Service area: Sterling	01
Hillsdale	04
Houghton:	
Service area: Calumet/Keweenaw	01
Huron:	
Service area: Port Austin	01
Iosco:	
Service area: Hale/Whittemore	04
Iron:	
Service area: Iron River/Crystal Falls	03
Isabella:	
Service area: Clare	01
Kent:	
Service area: Northern Kent	03
Service area: Allegan/Kent	02
Service area: Grand Rapids (Med. Ind. Pop.)	04
Keweenaw:	
Service area: Calumet/Keweenaw	01
Lake:	
Service area: Lake/Newaygo	01
Lapeer:	
Service area: Otter Lake	02
Livingston:	
Service area: Cohoctah	01
Mackinac	02
Marquette:	
Service area: Iron River/Crystal Falls	03
Mecosta:	
Service area: Mecosta	04
Menominee:	
Service area: Northern Menominee	01
Midland:	
Service area: Clare	01
Missaukee:	
Service area: Houghton Lake	03
Monroe:	
Service area: Sumpter	01
Service area: Bedford/Erie	02
Montmorency	01

PRIMARY CARE: Michigan—Continued

County Listing

County name	Degree of shortage group
Muskegon:	
Service area: Northern Kent	03
Service area: Northern Muskegon	02
Newaygo:	
Service area: Southern Newaygo	02
Service area: Mecosta	04
Service area: Lake/Newaygo	01
Oakland:	
Service area: Milford	02
Oceana:	
Service area: Benova	02
Service area: Southern Newaygo	02
Ogemaw:	
Service area: Hale/Whittemore	04
Ontanogan:	
Service area: Ewen	01
Osceola:	
Service area: Osceola	04
Oscoda	02
Ottawa:	
Service area: Northern Kent	03
Service area: Allegan/Kent	02
Roscommon:	
Service area: Houghton Lake	03
Roscommon:	
Service area: Roscommon/St. Helen	03
Saginaw:	
Service area: Chesaning	01
Service area: Saginaw City (east side)	01
Service area: Montrose	01
St. Clair:	
Service area: Algonac	04
Service area: Yale	03
Sanilac:	
Service area: Yale	01
Service area: Marlette-Kingston	02
Service area: Lexington-Croswell	01
Shiawassee:	
Service area: Cohoctah	01
Service area: Chesaning	01
Tuscola:	
Service area: Otter Lake	02
Service area: Marlette-Kingston	02
Van Buren:	
Service area: Dowagiac	04
Washtenaw:	
Service area: Sumpter	01
Wayne:	
Service area: Sumpter	01
Service area: Detroit area #3	02
Service area: Detroit area #2	01
Service area: Detroit area #1	01
Facility: Wayne County Jail	02
Facility: Herman Keller Health Complex	01
Facility: Titus Greene Health Center	02
Facility: Mt. Carmel Mercy Hospital	02
Facility: Deaconess Hospital	01

PRIMARY CARE: Michigan

Service Area Listing

Service area name	Degree of shortage group
Algonac	04
County—St. Clair:	
Parts of county:	
Algonac City.	
Casco Township.	
China Township.	
Clay Township.	
Columbus Township.	
Cottenville Township.	
East China Township.	
Idra Township.	
Marine City.	
St. Clair City.	
St. Clair Township.	
Allegan	03

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Allegan:	
Parts of County:	
Allegan TWP.	
Cheshire TWP.	
Gunplain TWP	
Heath TWP.	
Hopkins TWP.	
Lee TWP.	
Martin TWP.	
Monterey TWP.	
Otsego TWP.	
Trowbridge TWP.	
Valley TWP.	
Watson TWP.	
Wayland TWP.	
Allegan/Kent	02
County—Allegan:	
Parts of county:	
Dorr TWP.	
Leighton TWP.	
Salem TWP.	
County—Kent:	
Parts of County:	
Byron TWP.	
Gaines TWP.	
County—Ottawa:	
Parts of County:	
Jamestown TWP.	
Berage	03
County—Berage:	
Parts of County:	
Arm TWP.	
Berage TWP.	
Berage Village.	
L'Anse TWP.	
L'Anse Village.	
Bedford/Erie	02
County—Monroe:	
Parts of County:	
Bedford TWP. (Northern ½).	
Erie TWP. (Northern ½).	
Ida TWP.	
La Salle TWP.	
Summerfield TWP.	
Whiteford TWP. (N. ½).	
Benova	02
County—Oceana:	
Parts of County:	
Benova TWP.	
Colfax TWP.	
Claybanks TWP.	
Crystal TWP.	
Elbridge TWP.	
Ferry TWP.	
Golden TWP.	
Grant TWP.	
Hart TWP.	
Leavitt TWP.	
Newfield TWP.	
Otto TWP.	
Pentwater TWP.	
Shelby TWP.	
Weare TWP.	
Calumet/Keweenaw	01
County—Houghton:	
Parts of County:	
Calumet Township.	
Hancock.	
Osceola.	
Schoolcraft.	
County—Houghton:	
Parts of County:	
Torch Lake.	
County—Keweenaw.	
Chesaning	01
County—Saginaw:	
Parts of County:	
C.T. 125 (Chapin and Brady Township.).	
C.T. 127 (Chesaning Township.).	
C.T. 128 (Chesaning Township.).	
C.T. 129 (Maple Grove Township.).	
County—Shiawassee:	
Parts of County:	
Fairfield Township.	
Rush Township.	
New Haven Township.	
Hazelton Township.	
Clare	01

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Clare:	
Parts of County:	
City of Clare.	
Garfield Township.	
Surrey Township.	
Grant Township.	
Sheridan Township.	
County—Isabella:	
Parts of County:	
Coldwater Township.	
Gilmore Township.	
Vernon Township.	
Wise Township.	
County—Midland:	
Parts of County:	
Coleman Village.	
Warren Township.	
Cohoctah	01
County—Livingston:	
Parts of County:	
Conway Township.	
Cohocta Township.	
Deerfield Township.	
County—Shiawassee:	
Parts of County:	
Antrim Township.	
Burns Township.	
Perry City.	
Perry Township.	
De Tour	01
County—Chippewa:	
Parts of County:	
De Tour TWP.	
De Tour Village.	
Drummond TWP.	
Raber TWP.	
Detroit Area #1	01
County—Wayne:	
Parts of County:	
C.T. 520 Through 526.	
C.T. 539 Through 541.	
C.T. 548 Through 550.	
C.T. 560 Through 561.	
C.T. 566 Through 570.	
C.T. 656.	
C.T. 661 Through 666.	
C.T. 765 Through 778.	
C.T. 789 Through 797.	
Detroit Area #2	01
County—Wayne:	
Parts of County:	
C.T. 11 Through 13.	
C.T. 15.	
C.T. 16.	
C.T. 51 Through 64.	
C.T. 101.	
C.T. 108 Through 123.	
C.T. 154 Through 163.	
C.T. 179 Through 180.	
C.T. 201 Through 202.	
C.T. 211.	
Detroit area #3	02
County—Wayne:	
Parts of county:	
C.T. 166 through 171.	
C.T. 173 through 176.04.	
C.T. 209.	
C.T. 251 through 264.	
C.T. 302.01 through 302.03.	
C.T. 305.01 through 306.02.	
C.T. 408.	
C.T. 409.01.	
C.T. 409.02.	
Dowagiac	04

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Cass:	
Parts of county:	
Dowagiac City	
Lagrange Twp.	
Marcellus Twp.	
Newberg Twp.	
Penn Twp.	
Silver Creek Twp.	
Volinia Twp.	
Wayne Twp.	
County—Van Buren:	
Parts of county:	
Decatur Twp.	
Hamilton Twp.	
Keeler Twp.	
Porter Twp.	
East Jordan	01
County—Antrim:	
Parts of county:	
Echo Twp. (part).	
Jordan Twp.	
Warker Twp. (part).	
County—Charlevoix:	
Parts of county:	
Bank Twp. (part).	
South Arm Twp.	
Wilson Twp. (part).	
Ewen	01
County—Ontanogan:	
Parts of county:	
Bergland Twp.	
Haight Twp.	
Interior Twp.	
Matchwood Twp.	
McMillan Twp.	
Rockland Twp.	
Stannard Twp.	
Hale/Whittemore	04
County—Iosco:	
Parts of county:	
Burleigh Twp.	
Grant Twp.	
Plainfield Twp.	
Reno Twp.	
Sherman Twp.	
Whittemore City	
County—Ogemaw:	
Parts of county:	
Hill Twp.	
Logan Twp.	
Richland Twp.	
Harrison	01
County—Clare:	
Parts of county:	
Arthur Township.	
Franklin Township.	
Freeman Township.	
Frost Township.	
Greenwood Township.	
Hamilton Township.	
City of Harrison.	
Hatton Township.	
Hayes Township.	
Lincoln Township.	
Redding Township.	
Summerfield Township.	
Winterfield Township.	
Houghton Lake	03
County—Missaukee:	
Parts of county:	
Butterfield Township.	
Enterprise Township.	
Holland Township.	
County—Roscommon:	
Parts of county:	
Denton Township.	
Lake Township.	
Markey Township.	
Roscommon Township.	
Iron River/Crystal Falls	04
County—Dickinson:	
Parts of county:	
Sagola division.	
County—Iron	
County—Marquette:	
Parts of county:	
Republic division.	
Kinross/Rudyard	01

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Chippewa:	
Parts of county:	
Bay Mills Twp	
Front Lake Twp	
Kinross Twp	
Rudyard Twp	
Superior Twp	
Lake/Newaygo	01
County—Lake:	
Parts of county:	
Chase Twp	
Cherry Valley Twp	
Dover Twp	
Eden Twp	
Elk Twp	
Ellsworth Twp	
Lake Twp	
Newkirk Twp	
Peacock Twp	
Pinora Twp	
Pleasant Plains Twp	
Sauble Twp	
Sweetwater Twp	
Webber Twp	
Yates Twp	
County—Newaygo:	
Parts of county:	
Beaver Twp	
Home Twp	
Lilly Twp	
Merrill Twp	
Monore Twp	
Troy Twp	
Lexington-Croswell	01
County—Sanilac:	
Parts of county:	
Brist Twp	
Croswell Twp	
Fremont Twp	
Worth Twp	
Marlette-Kingston	02
County—Sanilac:	
Parts of county:	
La Motte Township	
Marlette Township	
County—Tuscola:	
Parts of county:	
Dayton Township	
Kingston Township	
Koylton Township	
Mecosta	04
County—Mecosta:	
Parts of county:	
Aetna Twp	
Austin Twp	
Big Rapids Twp	
Chippewa Twp	
Colfax Twp	
Deerfield Twp	
Fork Twp	
Grant Twp	
Green Twp	
Martiny Twp	
Mecosta Twp	
Morton Twp	
Sheridan Twp	
Wheatland Twp	
County—Newaygo:	
Parts of county:	
Barton Twp	
Morwich Twp	
Milford	02
County—Oakland:	
Parts of county:	
C.T. 1052 (Wixon City)	
C.T. 1057 (Commmerce Twnship)	
C.T. 1058.01 (Commmerce Twnship)	
C.T. 1058.02 (Commmerce Twnship)	
C.T. 1056 (Milford Twnship)	
C.T. 1055 (Milford Twnship)	
C.T. 1113.01 (Highland Twnship)	
C.T. 1113.02 (Highland Twnship)	
C.T. 1112.01 (White Lake Twnship)	
C.T. 1112.02 (White Lake Twnship)	
C.T. 1112.03 (White Lake Twnship)	
Montrose	01

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Genesee:	
Parts of county:	
Clio Village	
Montrose Village	
Montrose Twp	
Vienna Twp	
County—Saginaw:	
Parts of county:	
Albee Twp	
Birch Run Twp	
Maple Grove Twp	
Taymouth Twp	
North Central Flint	01
County—Genesee:	
Parts of county:	
C.T. 4 through 7	
C.T. 19 through 26	
Northern Kent	03
County—Kent:	
Parts of county:	
Algoma Twp	
Courtland Twp	
Nelson Twp	
Solon Twp	
Sparta Twp	
Tyrone Twp	
County—Muskegon:	
Parts of county:	
Casnovia Twp	
County—Ottawa:	
Parts of county:	
Chester Twp	
Wright Twp	
Northern Menominee	01
County—Menominee:	
Part of county:	
Cedarville Twp	
Daggett Twp	
Daggett City	
Faithorn Twp	
Gowley Twp	
Harris Twp	
Holmes Twp	
Lake Twp	
Meyer Twp	
Nadeau Twp	
Powers City	
Spalding Twp	
Stephenson Twp	
Stephenson City	
Northern Muskegon	02
County—Muskegon:	
Parts of county:	
Blue Lake Twp	
Cedar Creek Twp	
Dalton Twp	
Fruitland Twp	
Holton Twp	
Montague Twp	
White Hall Twp	
White River Twp	
Osceola	04
County—Osceola:	
Parts of county:	
Cedar	
Evart	
Hartwick	
Hersey	
Leroy	
Lincoln.	
Middle Branch.	
Orient.	
Osceola.	
Richmond.	
Rose Lake.	
Sylvan.	
Otter Lake	02

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Genesee:	
Parts of county:	
Thetford Township.	
Forest Township.	
County—Lapeer:	
Parts of county:	
Marathon Township.	
Deerfield Township.	
Rich Township.	
County—Tuscola::	
Parts of county:	
Arbela Township.	
Millington Township.	
Watertown Township.	
Port Austin	01
County—Huron::	
Parts of county:	
Dwight Twp.	
Gore Twp.	
Hume Twp.	
Huron Twp.	
Lake Twp.	
Port Austin Twp.	
Pte. Au Barques Twp.	
Roscommon/St. Helen	03
County—Crawford:	
Parts of county:	
Beaver Creek Twp.	
South Branch Twp.	
County—Roscommon:	
Parts of county:	
Au Sable Twp.	
Beaton Twp.	
County—Roscommon:	
Parts of county:	
Gerrish Twp.	
Higgins Twp.	
Lyon Twp.	
Nester Twp.	
Richfield Twp.	
Roscommon Village.	
Saginaw City (East Side)	01
County—Saginaw:	
Parts of county:	
C. T. 1 through 8.	
Southern Newaygo	02
County—Newaygo:	
Parts of county:	
Ashland Twp.	
Big Prairie Twp.	
Bridgeton Twp.	
Brooks Twp.	
Croton Twp.	
Denver Twp.	
Endeley Twp.	
Everett Twp.	
Garfield Twp.	
Grant Twp.	
Lincoln Twp.	
Sheridan Twp.	
Wilcox Twp.	
County—Oceana:	
Parts of county:	
Greenwood Twp.	
Sterling	01
County—Arenac:	
County—Bay:	
Parts of county:	
Gibson Township.	
County—Gladwin:	
Parts of county:	
Bourret Township.	
Bentley Township.	
Grim Township.	
Sumpter	01

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Monroe:	
Parts of county:	
C.T. 303 (Ash Twp.).	
C.T. 304 (Ash Twp.).	
C.T. 305 (Exeter Twp.).	
C.T. 306 (London Twp.).	
County—Washtenaw:	
Parts of county:	
C.T. 34 (Augusta Twp.).	
County—Wayne:	
Parts of county:	
C.T. 941 (Huron Twp.).	
C.T. 940 (Sumpter Twp.).	
Yale	08
County—St. Clair:	
Parts of county:	
Brockway Twp.	
Emmett Twp.	
Lynn Township (Part).	
Mussey Twp.	
County—Senilac:	
Parts of county:	
Elk Township.	
Flynn Township.	
Maple Valley Township	
Speaker Township.	
Grand Rapids (Med. Ind Pop)	04
County—Kent:	
Parts of county:	
Grand Rapids City (Med. Ind Pop).	

Primary Care: Michigan

Facility Listing

Facility name	Degree of shortage group
Herman Kiefer Health Complex	01
County—Wayne.	
Titus Greene Health Center	02
County—Wayne.	
Wayne County Jail	02
County—Wayne.	
Mt Carmel Mercy Hospital	02
County—Wayne.	
Deaconess Hospital	01
County—Wayne.	

PRIMARY CARE: Minnesota

County Listing

County name	Degree of shortage group
Aitkin:	
Service area: Mille Lacs	02
Service area: Floodwood	02
Beltrami:	
Service area: Lake of the Woods—Beltrami	02
Cass	02
Clay:	
Service area: Barnesville	02
Clearwater	02
Cottonwood:	
Service area: N.W. Cottonwood County	04
Crow Wing:	
Service area: Mille Lacs	02
Hennepin:	
Population group: Am. Ind. in Minneapolis	01
Itasca:	
Service area: Bigfork	02
Service area: Floodwood	02
Kanabec:	
Service area: Mille Lacs	02
Lac Qui Parle:	
Service area: Canby	04

PRIMARY CARE: Minnesota—Continued

County Listing

County name	Degree of shortage group
Lake:	
Service area: Ely-Babbitt	02
Lake of the Woods:	
Service area: Lake of the Woods—Beltrami	02
Le Sueur:	
Service area: Waterville	04
Lincoln:	
Service area: Canby	04
Marshall	01
Mille Lacs:	
Service area: Mille Lacs	02
Morrison:	
Service area: Mille Lacs	02
Murray	04
Norman	04
Pine:	
Service area: Sandstone	04
Polk:	
Service area: Red Lake	02
Ramsey:	
Service area: Riverview	02
Service area: Summit/University	01
Facility: Model Cities Health Cntr. (St. Paul)	01
Red Lake:	
Service area: Red Lake	02
Redwood	04
Renville	04
Rice:	
Service area: Waterville	04
Roseau	01
St. Louis:	
Service area: Floodwood	02
Service area: Ely-Babbitt	02
Sibley	02
Wabasha:	
Service area: Plainview	01
Waseca	04
Wilkin:	
Service area: Barnesville	02
Yellow Medicine:	
Service area: Canby	04

PRIMARY CARE: Minnesota

Service Area Listing

Service area name	Degree of shortage group
Barnesville	02
County—Clay:	
Parts of county:	
Altranee Township	
Barnesville City	
Barnesville Township	
Comstock Village	
Elkton Township	
Elmwood Township	
Holy Cross Township	
Humboldt Township	
Parke Township	
Sabin Village	
Stowe Township	
Tansem Township	
County—Wilkin:	
Parts of county:	
Atherton Township	
Deerhorn Township	
Marston Township	
Mitchell Township	
Prairie View Township	
Rothsay Village	
Tanberg Township	
Wolverton Township	
Bigfork	02

PRIMARY CARE: Minnesota—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Itasca:	
Parts of county:	
Balsam Twp.	
Bigfork Twp.	
Bowstring Twp.	
Carpenter Twp.	
Kinghurst Twp.	
Lake Jessie Twp.	
Liberty Twp.	
Marcell Twp.	
Pomroy Twp.	
Sand Lake Twp.	
Stokes Twp.	
Wirt Twp.	
12 Unorganized Twp.	
Canby	04
County—Lac Qui Parle:	
Parts of county:	
Freeland Twp.	
Manfred Twp.	
County—Lincoln:	
Parts of county:	
Marble Twp.	
Alta Vista Twp.	
County—Yellow Medicine:	
Parts of county:	
Canby City	
Florida Twp.	
Hammer Twp.	
Normen Twp.	
Omro Twp.	
Oshkosh Twp.	
Porter City	
St. Leo City	
Wereland Twp.	
County—Deuel (South Dakota):	
Parts of county:	
Gary City	
Henick Twp.	
Glenwood Twp.	
Ely-Babbitt	02
County—Lake:	
Parts of county:	
Beaver Bay Twp.	
Fall Lake Twp.	
Unorg. Terr. (West Lake)	
County—St. Louis:	
Parts of county:	
Babbitt Vil.	
Breitung Twp.	
Ely City	
Embarrass Twp.	
Kugler Twp.	
Morse Twp.	
Tower City	
Vermilion Lake Twp.	
Wasee Twp.	
Winton Vil.	
Unorg. Terr. (Birch Lake)	
Unorg. Terr. (NE St. Louis)	
Floodwood	02
County—Aitkin:	
Parts of county:	
Ball Bluff Twp.	
Balsam Twp.	
Cornish Twp.	
Turner Twp.	
Unorg. Terr. (NE Aitkin)	
County—Itasca:	
Parts of county:	
Wawina Twp.	
County—St. Louis:	
Parts of county:	
Arrowhead Twp.	
Cedar Valley Twp.	
Cotton Twp.	

PRIMARY CARE: Minnesota—Continued

Service Area Listing

Service area name	Degree of shortage group
Fine Lakes Twp.	
Floodwood Twp.	
Floodwood Vil.	
Halden Twp.	
Kelsey Twp.	
Meadowlands Twp.	
Meadowlands Vil.	
Ness Twp.	
Northland Twp.	
Payne Twp.	
Prairie Lake Twp.	
Tiovola Twp.	
Van Buren Twp.	
Unorg. Terr. (Pot Shot Lake)	
Lake of the Woods-Beltrami	
County—Beltrami:	
County—Lake of the Woods:	
Mills Lacs	02
County—Aitkin:	
Parts of county:	
Idum Twp.	02
Seavy Twp.	
Lakeside Twp.	
County—Crow Wing:	
Parts of county:	
Bay Lake Twp.	
Garrison Twp.	
Garrison Village	
County—Kanabec:	
Parts of county:	
Anna Lake Twp.	
Hillman Twp.	
Hay Brook Twp.	
County—Mills Lacs:	
Parts of county:	
East Side Twp.	
Isle Harbor Twp.	
Lewis Twp.	
Onamia Twp.	
South Harbor Twp.	
Kathio Twp.	
Bradbury Twp.	
Daley Twp.	
Mudgett Twp.	
Isle Village	
Wahkon Village	
Onamia Village	
County—Morrison:	
Parts of county:	
Richardson Twp.	
Leigh Twp.	
Mount Morris Twp.	
Hillman Village	
N. W. Cottonwood County	04
County—Cottonwood:	
Parts of county:	
Ann Township	
Highwater Township	
Westbrook Township	
Storden Township	
Amboy Township	
Rose Hill Township	
Jeffers Village	
Storden Village	
Westbrook Village	
Plainview	01
County—Wabasha:	
Parts of county:	
Elgin Twp.	
Elgin Village	
Highland Twp.	
Oakwood Twp.	
Millville Village	
Plainview Twp.	
Plainview Village	
Red Lake	02

PRIMARY CARE: Minnesota—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Polk:	
Parts of county:	
Badger Township	
Garden Township	
Godfrey Township	
Grove Park Township	
Knute Township	
Tilden Township	
Winger Township	
Woodside Township	
Fertile Village	
Mentor Village	
Winger Village	
County—Red Lake:	
Riverview	02
County—Ramsey:	
Parts of county:	
C.T. 361	
C.T. 370 through 372	
Sandstone	04
County—Pine:	
Parts of county:	
Arlone Township	
Arna Township	
Askov Village Township	
Barry Township	
Bremen Township	
Bruno Township	
Clover Township	
Danforth Township	
Dill Grove Township	
Finlayson Township	
Fleming Township	
Hinckley Township	
New Dosey Township	
Ogema Township	
Park Township	
Partridge Township	
Pine Lake Township	
Sandstone Township	
Wilma Township	
Finlayson Village	
Hinckley Village	
Sandstone Village	
Summit/University	01
County—Ramsey:	
Parts of County:	
C.T. 335 through 340	
C.T. 354	
C.T. 355	
Waterville	04
County—Le Sueur:	
Parts of County:	
Elysian TWP & City	
Kilkenny TWP & City	
Montgomery TWP & City	
Waterville TWP & City	
County—Rice:	
Parts of County:	
Morristown TWP & village	

PRIMARY CARE: Minnesota

Population Group Listing

Population group name	Degree of shortage group
Am. Ind. in Minneapolis	01
County—Hennepin	

PRIMARY CARE: Minnesota

Facility Listing

Facility name	Degree of shortage group
Model Cities Health Center (St. Paul)	01
County—Ramsey	

PRIMARY CARE: Mississippi

County Listing

County name	Degree of shortage group
Amite	01
Attala	03
Benton	01
Calhoun	02
Carroll:	
Service Area: Carroll/Montgomery	02
Chickasaw	04
Choctaw	02
Claiborne	01
Clay	02
Coahoma	03
Covington	03
De Soto:	
Service Area: DeSoto/Tate	01
George	03
Greene	01
Hancock	03
Harrison:	
Service Area: East Biloxi	01
Service Area: North Gulfport	04
Hinds:	
Service Area: Jackson Inner-City	01
Service Area: Hinds	01
Holmes	04
Humphreys	02
Issaquena:	
Service Area: Issaquena/Sharkey	03
Itawamba	01
Jasper	02
Jefferson	04
Jefferson Davis	03
Kemper	04
Lamar	02
Lawrence	03
Leake	04
Lafore	03
Lowndes	03
Madison	01
Marion	04
Marshall	01
Montgomery:	
Service Area: Carroll/Montgomery	02
Neshoba	02
Newton	03
Noxubee	02
Perry	04
Pontotoc	01
Prentiss	04
Quitman	02
Rankin	02
Scott	02
Sharkey:	
Service Area: Issaquena/Sharkey	03
Simpson	02
Smith	02
Stone	02
Sunflower	04
Tallahatchie	02
Tate:	
Service Area: Desoto/Tate	01
Tippah	03
Tishomingo:	
Service Area: Shiloh Pickwick	02
Tunica	01
Union	02
Washington	04
Webster	04
Winston	03
Yalobusha	02
Yazoo	04

PRIMARY CARE: Mississippi

Service Area Listing

Service area name	Degree of shortage group
Carroll/Montgomery	02
County—Carroll	
County—Montgomery	
Desoto/Tate	01
County—De Soto	
County—Tate	
East Biloxi	01

PRIMARY CARE: Mississippi—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Harrison:	
Parts of County:	
C.T. 1–8	
Hinds	01
County—Hinds:	
Parts of County:	
C.T. 105–108	
C.T. 112	
C.T. 113	
Issaquena/Sharkey	03
County—Issaquena	
County—Sharkey	
Jackson Inner-city	01
County—Hinds:	
Parts of County:	
C.T. 6–12	
C.T. 16–20	
C.T. 24–32	
North Gulfport	04
County—Harrison:	
Parts of County:	
C.T. 16	
C.T. 24	
Shiloh Pickwick	02
County—Hardin (Tennessee)	
County—McNairy (Tennessee)	
County—Tishomingo:	
Parts of County:	
District 1	
District 2	

PRIMARY CARE: Missouri

County Listing

County name	Degree of shortage group
Andrew	03
Bollinger	01
Caldwell	03
Camden	03
Carter	02
Cass:	
Service area: Garden City	03
Cedar:	
Service area: Osage Prairie	04
Christian	02
Clark	02
Crawford	02
Dade	02
De Kalb	01
Douglas	01
Gasconade:	
Service area: Southern Gasconade	02
Harrison	04
Hickory:	
Service area: Osage Prairie	04
Iron	04
Jackson:	
Service area: Central Kansas City	02
Service area: Richard Cabot	01
Jefferson	01
Johnson:	
Service area: Sweet Springs	03
Lafayette:	
Service area: Sweet Springs	03
Lewis	02
McDonald	04
Maries	01
New Madrid	01
Oregon	01
Osage	04
Ozark	03
Pettis:	
Service area: Sweet Springs	03
Polk:	
Service area: Benton	03
Service area: Osage Prairie	04
Pulaski	01
Putnam	02
Ralls	02
Reynolds	01
Ripley	04
St. Charles	04

PRIMARY CARE: Missouri—Continued

County Listing

County name	Degree of shortage group
St. Clair:	
Service area: Appleton	03
Service area: Osage Prairie	04
St. Louis:	
Service area: Kinlock/Berkley	02
Saline:	
Service area: Sweet Springs	03
Shannon	02
Stone	02
Texas	01
Vernon:	
Service area: Osage Prairie	04
Warren	01
Washington	03
Wayne	03
Webster	03
St. Louis City:	
Service area: Southeast St. Louis	03
Service area: North St. Louis	02

PRIMARY CARE: MISSOURI

Service Area Listing

Service area name	Degree of shortage group
Appleton	03
County—St. Clair:	
Parts of county:	
Appleton Twp	
Butler Twp	
Center Twp	
Chalk Level Twp	
Dallas Twp	
Doyal Twp	
Jackson Twp	
Monegaw Twp	
Osage Twp	
Osceola Twp	
Polk Twp	
Tabor Twp	
Benton	03
County—Polk:	
Parts of county:	
Benton Twp	
Cambell Twp	
Cliquot Twp	
Jackson Twp	
Looney Twp	
Madison Twp	
Marion Twp	
Mooney Twp	
Union Twp	
Wishart Twp	
Central Kansas City	02
County—Jackson:	
Parts of county:	
C.T. 4 through 10	
C.T. 15 through 28	
C.T. 32 through 34	
C.T. 35.01	
C.T. 35.02	
C.T. 36.01	
C.T. 36.02	
C.T. 37 through 42	
C.T. 52 through 55	
C.T. 56.01	
C.T. 56.02	
C.T. 57	
C.T. 58.01	
C.T. 58.02	
C.T. 59.01	
C.T. 60 through 64	
C.T. 75 through 77	
C.T. 78.01	
C.T. 78.02	
C.T. 79	
C.T. 80	
Garden City	03
County—Cass:	
Parts of county:	
C.T. 907 through 912	
Kinlock/Berkley	02

PRIMARY CARE: MISSOURI—Continued

Service Area Listing

Service area name	Degree of shortage group
County—St. Louis:	
Parts of county:	
C.T. 2128	
C.T. 2129	
C.T. 2134	
North St. Louis	02
County—St. Louis City:	
Parts of county:	
C.T. 1061 through 1065	
C.T. 1061 through 1067	
C.T. 1071 through 1077	
C.T. 1081 through 1085	
C.T. 1091 through 1095	
C.T. 1101 through 1105	
C.T. 1111 through 1115	
C.T. 1121 (portion)	
C.T. 1122 (portion)	
C.T. 1123 (portion)	
C.T. 1192 (portion)	
C.T. 1193 (portion)	
C.T. 1201 through 1208	
C.T. 1211 (portion)	
C.T. 1212 through 1219	
C.T. 1214 (portion)	
C.T. 1251 (portion)	
C.T. 1252	
C.T. 1253	
C.T. 1261 through 1265	
Osage Prairie	04
County—Cedar:	
County—Hickory:	
County—Polk:	
Parts of county:	
Johnson Division	
Flemington Division	
Jefferson Division	
McKinley Division	
Greene Division	
County—St. Clair:	
Parts of county:	
Speedwell Division	
Roscoe Division	
Washington Division	
Collins Division	
County—Vernon	
Parts of county:	
Bacon Division	
Clear Creek Division	
Virgil Division	
Montevallo Division	
Richard Cabot	01
County—Jackson:	
Parts of county:	
C.T. 1	
C.T. 11	
C.T. 29	
C.T. 30	
C.T. 45	
Southeast St. Louis	03
County—St. Louis City:	
Parts of county:	
C.T. 1011 through 1017	
C.T. 1023 through 1025	
C.T. 1151 through 1157	
C.T. 1161 through 1165	
C.T. 1173 (portion)	
C.T. 1174 (portion)	
C.T. 1185 (portion)	
C.T. 1221 through 1224	
C.T. 1231 through 1235	
C.T. 1241 through 1245	
Southern Gasconade	02
County—Gasconade:	
Parts of county:	
Boeuf Twp	
Boulware Twp	
Bourbois Twp	
Brush Creek Twp	
Canaan Twp	
Clay Twp	
Third Creek Twp	
Sweet Springs	03

PRIMARY CARE: MISSOURI—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Johnson:	
Parts of county:	
Grover Twp	
County—Lafayette:	
Parts of county:	
Freedom Twp	
County—Pettis:	
Parts of county:	
Blackwater Twp	
Houstonia Twp	
County—Saline:	
Parts of county:	
Elmwood Twp	
Liberty Twp	
Salt Pond Twp	

PRIMARY CARE: Montana

County Listing

County name	Degree of shortage group
Big Horn	01
Blaine	03
Carter	01
Chouteau:	
Service Area: Fort Benton	01
Fallon	03
Gallatin:	
Service Area: West Yellowstone	01
Glacier:	
Service Area: Babb-Browning	01
Golden Valley:	
Service Area: Tri-County	04
Hill:	
Service Area: Chester	03
Jefferson:	
Service Area: Boulder	01
Judith Basin:	
Service Area: Petroleum-Judith Basin	01
Lake:	
Service Area: Seely Lake	01
Liberty:	
Service Area: Chester	03
Meagher	01
Mineral	01
Missoula:	
Service Area: Seely Lake	01
Musselshell:	
Service Area: Tri-County	04
Petroleum:	
Service Area: Petroleum-Judith Basin	01
Phillips	01
Pondera:	
Service Area: Babb-Browning	01
Powell:	
Service Area: Seely Lake	01
Roosevelt:	
Service Area: Poplar	01
Rosebud:	
Service Area: Rosebud	03
Toole:	
Service Area: Chester	03
Treasure:	
Service Area: Rosebud	03
Valley	04
Wheatland:	
Service Area: Tri-County	04
Wibaux	01

PRIMARY CARE: Montana

Service Area Listing

Service area name	Degree of shortage group
Babb-Browning	01
County—Glacier:	

PRIMARY CARE: Montana—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts of county:	
Browning-E. Glacier Division	
Babb Division	
County—Pondera:	
Parts of county:	
Valier-Dupeyer Division	
Boulder	01
County—Jefferson:	
Parts of county:	
Boulder Division	
Chester	03
County—Hill:	
Parts of county:	
Gildford Division	
Rudyard Division	
County—Liberty	
County—Toole:	
Parts of county:	
South Toole CCD (E ½)	
Fort Benton	01
County—Chouteau:	
Parts of county:	
Fort Benton Division	
Highwood Division	
Geraldine Division	
Petroleum—Judith Basin	01
County—Judith Basin	
County—Petroleum	
Poplar	01
County—Roosevelt:	
Parts of county:	
Poplar Division	
Wolf Point Rural Division	
Wolf Point Division	
Rosebud	03
County—Rosebud	
County—Treasure	
Seely Lake	01
County—Lake:	
Parts of county:	
Big Fork/Swan River Division	
County—Missoula:	
Parts of county:	
Seely Lake/Blackfoot Division	
County—Powell:	
Parts of county:	
Ovando Division	
Tri-County	04
County—Golden Valley	
County—Musselshell	
County—Wheatland	
West Yellowstone	01
County—Gallatin:	
Parts of county:	
West Yellowstone	

PRIMARY CARE: Nebraska

County Listing

County name	Degree of shortage group
Antelope:	
Service area: Antelope	04
Arthur:	
Service area: Mullen	01
Blaine	01
Boone:	
Service area: Albion	02
Service area: Antelope	04
Boyd:	
Service area: Boyd-Holt	04
Brown	04
Buffalo:	
Service area: Sherman	04
Burt:	
Service area: Onawa (Iowa/Neb.)	03
Cass	04
Cedar:	
Service area: Cedar-Dixon	02
Chase:	
Service area: Southwest Nebraska	02
Cherry:	
Service area: Mullen	01

PRIMARY CARE: Nebraska—Continued

County Listing

County name	Degree of shortage group
Service area: Martin (S. Dak.)	02
Clay	01
Colfax:	
Service area: Colfax/Dodge	03
Cuming	03
Custer:	
Service area: Arnold	01
Dakota:	
Service area: S. Sioux City (Iowa/Neb.)	02
Deuel:	
Service area: Julesburg (Neb./Colorado)	01
Dixon:	
Service area: Cedar-Dixon	02
Dodge:	
Service area: Colfax/Dodge	03
Douglas:	
Service area: Northeast Omaha	03
Dundy:	
Service area: Southwest Nebraska	02
Fillmore	04
Franklin	03
Garfield:	
Service area: Garfield	03
Gosper	01
Grant:	
Service area: Mullen	01
Greeley:	
Service area: Albion	02
Hayes:	
Service area: Southwest Nebraska	02
Hitchcock:	
Service area: Southwest Nebraska	02
Holt:	
Service area: Boyd-Holt	04
Hooker:	
Service area: Mullen	01
Keith:	
Service area: Sutherland	01
Keya Paha:	
Service area: Bassett	04
Lincoln:	
Service area: Arnold	01
Service area: Sutherland	01
Logan:	
Service area: Mullen	01
Service area: Arnold	01
Loup:	
Service area: Garfield	03
McPherson:	
Service area: Mullen	01
Madison	04
Merrick	03
Nemaha	04
Nuckolls	02
Pawnee	03
Perkins:	
Service area: Sutherland	01
Platte:	
Service area: Albion	03
Rock:	
Service area: Bassett	04
Saunders	04
Sherman:	
Service area: Sherman	04
Sioux	01
Stanton	02
Thayer	04
Thomas:	
Service area: Mullen	01
Wayne	04
Wheeler:	
Service area: Garfield	03

PRIMARY CARE: Nebraska

Service area listing

Service area name	Degree of shortage group
Albion	02
County—Boone:	
Parts of county:	
Albion City	
Ashland precinct	
Beaver precinct	
Bonanse precinct	
Boone precinct	
Cedar precinct	
Dublin precinct	
Manchester precinct	
Midland precinct	
North Branch precinct	
Plum Creek precinct	
Rossiine precinct	
Shell Creek precinct	
Woltzel precinct	
County—Greeley	
Parts of county:	
Spalding precinct	
County—Platte	
Parts of county:	
St. Bernard	
Walker	
Antelope	04
County—Antelope	
County—Boone:	
Parts of county:	
Oakland precinct	
Arnold	01
County—Custer:	
Parts of county:	
Hayes	
Arnold	
Cliff	
Triumph	
Elm	
Delight	
Wayne	
County—Lincoln:	
Parts of county:	
Whittier	
Garfield	
Harrison	
Table	
Cox	
Antelope	
County—Logan:	
Parts of county:	
Gandy	
Logan	
Bassett	04
County—Keya Paha	
County—Rock	
Boyd-Holt	04
County—Boyd	
County—Holt	
Cedar-Dixon	02
County—Cedar	
County—Dixon	
Colfax/Dodge	03
County—Colfax:	
Parts of county:	
Adams precinct	
Colfax precinct	
Lincoln precinct	
Maple Creek precinct	
Midland precinct	
Rogers precinct	
Schuyler city	
Schuyler precinct	
County—Dodge:	
Parts of county:	
Cotterell Twp.	
Cuming Twp.	
North Bend City	
Pebble Twp.	
Pleasant Valley Twp.	
Ridgeley Twp.	
Scribner City	
Union Twp.	
Webster Twp.	
Garfield	03
County—Garfield	
County—Loup	
County—Wheeler	
Julesburg (Neb./Co.)	01
County—Deuel	
Martin	02

PRIMARY CARE: Nebraska—Continued

Service area listing

Service area name	Degree of shortage group
County—Cherry:	
Parts of county:	
Ell precinct	
Merriman village	
County—Bennett (S. Dak.)	
County—Jackson (S. Dak.):	
Parts of county:	
S. Jackson Co.	
Mullen	
County—Arthur:	
Parts of county:	
Edward	
Arthur	
Lone	
County—Cherry:	
Parts of county:	
Gillespie	
Cleveland	
Lachey	
Wells	
Loup	
Goosecreek	
Pleasant Hill	
Calf Creek	
Mother Lake	
County—Grant	
County—Hooker	
County—Logan:	
Parts of county:	
Dorp	
Stapleton	
Cody Lake	
Lone Valley	
Burt	
County—McPherson	
County—Thomas	
Northeast Omaha	03
County—Douglas:	
Parts of county:	
C.T. 6	
C.T. 7	
C.T. 9 through 12	
C.T. 13.01	
C.T. 13.02	
C.T. 14	
C.T. 15	
C.T. 52	
C.T. 60	
Sherman	04
County—Buffalo:	
Parts of county:	
Beaver township	
Garfield township	
Cherry Creek township	
Cedar township	
Schneider township	
Gardner township	
Ravenna city	
County—Sherman	
Southwest Nebraska	02
County—Chase	
County—Dundy	
County—Hayes	
County—Hitchcock	
Sutherland	01
County—Keith:	
Parts of county:	
Paxton CCD	
County—Lincoln:	
Parts of county:	
Springdale CCD	
Birdwood CCD	
Rosedale CCD	

PRIMARY CARE: Nebraska—Continued

Service area listing

Service area name	Degree of shortage group
N. Rosedale CCD	
Hershey CCD	
Sunshine CCD	
Fairview CCD	
Nowell CCD	
Wallace CCD	
Hooker CCD	
Dickens CCD	
Willow CCD	
County—Perkins:	
Parts of county:	
Woodson CCD	
Yankee CCD	
Marvin CCD	

PRIMARY CARE: Nevada

County Listing

County name	Degree of shortage group
Churchill	04
Clark:	
Service area: Searchlight—Davis Dam—Southpoint	01
Service area: Indian Springs	01
Service area: Virgin Valley	01
Service area: Moapa Valley	01
Service area: Lake Mead	01
Service area: Jean—Goodsprings Sandy Valley	01
Service area: Blue Diamond—Lee Canyon—Mt. Charleston	01
Service area: Central/North Central Las Vegas	01
Population group: Paiute Indian Colony—Las Vegas Valley	04
Population group: Paiute Indian—Moapa Valley	04
Douglas	04
Elko:	
Service area: Wells	01
Esmeralda	01
Humboldt	03
Lander	04
Lincoln	01
Lyon	01
Mineral	04
Nye:	
Service area: Nye Co. Service Area	01
Pershing	04
Storey	01
Washoe:	
Service area: Stead—Lemmon Valley	01
Service area: Sun Valley	01
Service area: Wadsworth	01
Service area: Gerlach/Bald Mt.	01
White Pine	04

PRIMARY CARE: Nevada

Service Area Listing

Service area name	Degree of shortage group
Blue Diamond—Lee Canyon—Mt. Charleston	01
County—Clark:	
Parts of county:	
C.T. 58 (central)	
Central/North Central Las Vegas	01
County—Clark:	
Parts of county:	
C.T. 3.01	
C.T. 3.02	
C.T. 7	
C.T. 9	
C.T. 11	
C.T. 35 through 38	
C.T. 46	
Gerlach/Bald Mt.	01

PRIMARY CARE: Nevada—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Washoe:	
Parts of county:	
C.T. 24	
Indian Springs	01
County—Clark:	
Parts of county:	
C.T. 59 (southwest)	
C.T. 59 (north)	
Jean-Goodsprings Sandy Valley	01
County—Clark:	
Parts of county:	
C.T. 59 (southeast)	
C.T. 57 (northwest)	
Lake Mead	01
County—Clark:	
Parts of county:	
C.T. 56 (southern part)	
Moapa Valley	01
County—Clark:	
Parts of county:	
C.T. 56 (Cent./W. Cent.)	
Nye Co. service area	01
County—Nye:	
Parts of county:	
Tonopah Township	
Pahrump Township	
Beatty Township	
Searchlight—Davis Dam—Southpoint	01
County—Clark:	
Parts of county:	
C.T. 57 (southern part)	
Stead—Lemmon Valley	01
County—Washoe:	
Parts of county:	
C.T. 28	
Sun Valley	01
County—Washoe:	
Parts of county:	
C.T. 27	
Virgin Valley	01
County—Clark:	
Parts of county:	
C.T. 55 (north)	
Wadsworth	01
County—Washoe:	
Parts of county:	
C.T. 31	
Wells	01
County—Elko:	
Parts of county:	
Wells Township	

PRIMARY CARE: Nevada

Population Group Listing

Population group name	Degree of shortage group
Paiute Indian—Moapa Valley	04
County—Clark	
Paiute Indian Colony—Las Vegas Valley	04
County—Clark	

PRIMARY CARE: New Hampshire

County Listing

County name	Degree of shortage group
Carroll:	
Service area: Kezar Falls	01
Coos:	
Service area: Upper Connecticut Valley	03
Grafton:	
Service area: Baker River Valley	01
Hillsboro:	
Service area: Hillsborough	02
Merrimack:	
Service area: Hillsborough	02

PRIMARY CARE: New Hampshire—Continued

County Listing

County name	Degree of shortage group
Rockingham:	
Service area: North West Rockingham County	02
Sullivan:	
Service area: Hillsborough	02

PRIMARY CARE: New Hampshire

Service Area Listing

Service area name	Degree of shortage group
Baker River Valley	01
County—Grafton:	
Parts of county:	
Warren Twn.	
Rumney Twn.	
Wentworth Twn.	
Hillsborough	02
County—Hillsboro:	
Parts of county:	
Deering Twn.	
Hillsborough Twn.	
Weare Twn. (Western Part)	
Windsor Twn.	
County—Merrimack:	
Parts of county:	
Henniker Twn.	
County—Sullivan:	
Parts of county:	
Washington Twn.	
North West Rockingham County	02
County—Rockingham:	
Parts of county:	
Nottingham Town	
Deerfield	
Candia	
Raymond	
Fremont	
Epping	
Upper Connecticut Valley	03
County—Coos:	
Parts of county:	
Colebrook Twn.	
Columbia Twn.	
Stratford Twn.	
Stewartstown Twn.	
Pittsburg Twn.	
Dixville Twn.	
Errol Twn.	
Clarksville	
Millsfield Twn.	
Wentworth Location	
Atkinson—Gilman Academy Grant	
Dice Grant	
Second College Grant	
Odell Twn.	
County—Essex (Vermont):	
Parts of county:	
Canaan Twn.	
Lexington Twn.	
Bloomfield Twn.	
Brunswick Twn.	
Averill Twn.	
Norton Twn.	

PRIMARY CARE: New Jersey

County Listing

County name	Degree of shortage group
Atlantic:	
Service Area: Mays Landing	04
Service Area: Atlantic City	04
Camden:	
Service Area: North East Camden	04
Service Area: North West Camden	02
Service Area: West Central Camden	02

PRIMARY CARE: New Jersey—Continued

County Listing

County name	Degree of shortage group
Cape May:	
Service Area: Lower Cape May	02
Service Area: Maya Landing	04
Cumberland:	
Service Area: Bridgeton	04
Facility: Leesburg State Prison	01
Essex:	
Service Area: Dayton	01
Service Area: Gladys E. Dickerson	04
Service Area: North Newark	03
Service Area: Central Newark	04
Hudson:	
Service Area: Downtown Bergen/Lafayette	01
Mercer:	
Service Area: Trenton NHG Target Area	04
Middlesex:	
Population Group: Med Ind/New Brunswick Urban Corridor	02
Facility: Fam H Ctr of Middlesex Gen Hosp	02
Passaic:	
Service Area: West Milford Township	02
Service Area: Downtown Paterson	01
Service Area: Northside Neighborhood (Patterson)	01
Sussex	03
Union:	
Service Area: Westside of Plainfield	02

PRIMARY CARE: New Jersey

Service Area Listing

Service area name	Degree of shortage group
Atlantic City	04
County—Atlantic:	
Parts of county:	
Atlantic City	
Bridgeton	04
County—Cumberland:	
Parts of county:	
Bridgeton Township	
Downe Township	
Fairfield Township	
Greenwich Township	
Hopewell Township	
Lawrence Township	
Shiloh Borough	
Stow Creek Township	
Central Newark	04
County—Essex:	
Parts of county:	
C.T. 2 (med. indigent)	
C.T. 3 (med. indigent)	
C.T. 9 through 11 (med. indigent)	
C.T. 14 through 16 (med. indigent)	
C.T. 31	
C.T. 34 (med. indigent)	
C.T. 39	
C.T. 40 (med. indigent)	
C.T. 56 through 57 (med. indigent)	
C.T. 59 (med. indigent)	
C.T. 60	
C.T. 62	
C.T. 63 through 66	
C.T. 67 (med. indigent)	
C.T. 80 through 83	
C.T. 84 (med. indigent)	
C.T. 85 (med. indigent)	
C.T. 91 (med. indigent)	
Dayton	01
County—Essex:	
Parts of county:	
C.T. 47	
C.T. 48.01	
C.T. 48.02	
C.T. 49 through 51	
Downtown Bergen/Lafayette	01

PRIMARY CARE: New Jersey—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Hudson:	
Parts of county:	
C.T. 32 through 36	
C.T. 40	
C.T. 44	
C.T. 50	
Downtown Paterson	01
County—Passaic:	
Parts of county:	
C.T. 1614	
C.T. 1615	
C.T. 1616.01	
C.T. 1616.02	
C.T. 1617.01	
C.T. 1617.02	
C.T. 1618	
C.T. 1620	
C.T. 1622	
C.T. 1628	
Gladys E. Dickerson	04
County—Essex:	
Parts of county:	
C.T. 86 through 91	
Lower Cape May	02
County—Cape May:	
Parts of county:	
Bayshore	
Bennett	
Cape May Beach	
Cape May City	
Cape May Point	
Cold Spring	
Erma	
Fishing Creek	
Highland Beach	
North Cape May	
Town Bank	
West Cape May	
Maya Landing	04
County—Atlantic:	
Parts of county:	
Buena Vista	
Corbin City	
Egg Harbor Township	
Estell Manor	
Hamilton	
Weymouth	
Mullica Township (southern portion)	
Galloway Township (southern portion)	
County—Cape May:	
Parts of county:	
Upper	
North East Camden	04
County—Camden:	
Parts of county:	
C.T. 6011 through 6013	
North Newark	03
County—Essex:	
Parts of county:	
C.T. 92 through 97	
North West Camden	02
County—Camden:	
Parts of county:	
C.T. 6007	
C.T. 6008	
Northside Neighborhood (Patterson)	01
County—Passaic:	
Parts of county:	
C.T. 1603 through 1607	
Trenton NHG target area	04
County—Mercer:	
Parts of county:	
C.T. 1	
C.T. 8 (part)	
C.T. 9 (part)	
C.T. 10	
C.T. 11 (part)	
C.T. 14 (part)	
C.T. 15 (part)	
C.T. 16	
C.T. 17 (part)	
C.T. 18 (part)	
C.T. 19	
C.T. 22 (part)	
West Central Camden	02

PRIMARY CARE: New Jersey—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Camden:	
Parts of county:	
C.T. 6016 through 6019	
West Milford Township	02
County—Passaic:	
Parts of county:	
C.T. 2506	
Westside of Plainfield	02
County—Union:	
Parts of county:	
C.T. 368	
C.T. 380	
C.T. 382 through 386	

PRIMARY CARE: New Jersey

Population Group Listing

Population group name	Degree of shortage group
Med Ind/New Brunswick Urban Corridor	02
County—Middlesex:	
Parts of county:	
C.T. 53 through 55 (med. indigent)	
C.T. 57 through 59 (med. indigent)	

PRIMARY CARE: New Jersey

Facility Listing

Facility name	Degree of shortage group
Fam H Ctr of Middlesex Gen Hosp	02
County—Middlesex:	
Parts of county:	
Fam. H. Care Ctr. of Middx. Gen. Hosp.	
Leesburg State Prison	01
County—Cumberland:	

PRIMARY CARE: New Mexico

County Listing

County name	Degree of shortage group
Bernalillo:	
Service Area: Los Padillas/Pajarito	01
Chaves:	
Population group: Med. Indigent of S. Chaves	01
Colfax:	
Service Area: Colfax/Harding	04
De Baca:	
Service Area: Fort Sumner/Santa Rosa	01
Dona Ana:	
Service Area: Hatch	01
Service Area: Southern Dona Ana	01
Guadalupe	01
Harding:	
Service Area: Quay	01
Service Area: Colfax/Harding	04
Hidalgo	01
Lincoln:	
Service Area: Carrizozo	02
Luna	02
McKinley	03
Mora	02
Otero:	
Service Area: Cloudcroft/Sacramento	01
Quay:	
Service Area: Quay	01
Rio Arriba:	
Service Area: Rural Rio Arriba Co.	02
Roosevelt	04
San Juan:	
Service Area: Navajo Reservation	01

PRIMARY CARE: New Mexico—Continued

County Listing

County name	Degree of shortage group
San Miguel:	
Service Area: Ouay	01
Service Area: Pecos	02
Sandoval	02
Santa Fe:	
Service Area: La Clinica de la Gente	01
Facility: N.M. State Pen. Cerrillos	03
Sierra:	
Service Area: Hatch	01
Socorro:	
Service Area: Carrizozo	02
Taos:	
Service Area: Embudo/Penasco	01
Torrance	01
Union	04
Valencia:	
Service Area: Los Lunas	02

PRIMARY CARE: New Mexico

Service Area Listing

Service area name	Degree of shortage group
Carrizozo	02
County—Lincoln:	
Parts of county:	
Capitan	
Carrizozo	
Corona	
County—Socorro:	
Parts of county:	
Claunch	
Cloudcroft/Sacramento	01
County—Otero:	
Parts of county:	
Cloudcroft/Sacramento	
Elbflying H.	
Mescalero (S.E. part)	
Orogrande (N. part)	
Collax/Harding	04
County—Colfax:	
Parts of county:	
Cimarron	
Springer	
County—Harding:	
Parts of county:	
North Harding	
Embudo/Penasco	01
County—Taos:	
Parts of county:	
Penasco	
Fort Sumner/Santa Rosa	01
County—De Baca:	
County—Guadalupe:	
Hatch	01
County—Dona Ana:	
Parts of county:	
Hatch (E.D. 6, 9, 99)	
County—Sierra:	
Parts of county:	
Truth or Consequences (E.D. 5, 14)	
La Clinica De La Gente	01
County—Santa Fe:	
Parts of county:	
C.T. 7	
C.T. 9	
C.T. 12	
Acres Estates	
Airport Road	
Agua Fria Village	
Pinon Hills	
Los Padillas/Pajarito	01
County—Bernalillo:	
Parts of county:	
C.T. 46	
Los Lunas	02
County—Valencia:	
Parts of county:	
CCD 25	
Pecos	02

PRIMARY CARE: New Mexico—Continued

Service Area Listing

Service area name	Degree of shortage group
County—San Miguel:	
Parts of county:	
Pecos	
Villanueva	
Quay	01
County—Harding:	
Parts of county:	
South Harding CCD	
County—Quay:	
County—San Miguel:	
Parts of county:	
Conchas CCD	
Rural Rio Arriba Co	02
County—Rio Arriba:	
Parts of county:	
Chama	
Coyote	
El Rito	
Tierra Amarilla	
Truchas	
Southern Dona Ana	01
County—Dona Ana:	
Parts of county:	
E.D. 76 (Anthony)	
E.D. 77 (Anthony)	
E.D. 79	
E.D. 80 (La Mesa)	
E.D. 81	
E.D. 84 (La Union)	

PRIMARY CARE: New Mexico

Population Group Listing

Population group name	Degree of shortage group
Med: Indigent of S. Chaves	01
County—Chaves:	
Parts of county:	
C.T. 12 through 14	
Navajo Reservation	01
County—San Juan:	
Parts of county:	
Navajo Reservation	

PRIMARY CARE: New Mexico

Facility Listing

Facility name	Degree of shortage group
N.M. State Pen. Cerrillos	03
County—Santa Fe.	

PRIMARY CARE: New York

County Listing

County name	Degree of shortage group
Albany:	
Service area: Northeast Albany	03
Allegany:	
Service area: Arcade	02
Service area: Andover	04
Bronx:	
Service area: South Bronx-Fort Apache	03
Service area: Northeast Bronx	01
Service area: Hunts Point	01
Service area: Soundview	02
Service area: Martin Luther King	04
Service area: Mott Haven	01
Service area: S.W. Bronx (Zip Code: 10451)	01
Service area: Central S.W. Bronx (Zip Code: 10468)	01

PRIMARY CARE: New York—Continued

County Listing

County name	Degree of shortage group
Service area: Tremont	01
Service area: West Central Bronx	02
Facility: NYC Corr. Fac./Riker's Island	02
Broome:	
Service area: Deposit	03
Cattaraugus:	
Service area: Arcade	02
Service area: Randolph-Ellicottville	02
Cayuga:	
Service area: Cato	01
Service area: Aurora	02
Chautauqua:	
Service area: Westfield	04
Chenango:	
Service area: Greene	04
Service area: Sherburne	02
Facility: Chenango Mem. Hosp. Out-Pat. Dept	02
Columbia:	
Service area: Blue Stores	01
Cortland:	
Service area: Marathon-Cincinnatus	02
Service area: De Ruyter	01
Delaware:	
Service area: Deposit Area	03
Duchess:	
Facility: Green Haven Corr. Facility	01
Erie:	
Population group: Elicott Neighborhood of Buffalo	02
Service area: Lower West Side	02
Service area: P.S. 84	02
Essex:	
Service area: Essex Co. (Parts)	02
Service area: Essex/Warren Co	01
Fulton:	
Service area: Barkersville	01
Genesee:	
Service area: Bergen	02
Greene:	
Service area: Western Greene Co	04
Hamilton:	
Service area: North Hamilton	01
Service area: South Hamilton	01
Herkimer:	
Service area: West Winfield	01
Service area: Herkimer	03
Jefferson:	
Service area: Alexandria Bay	01
Service area: Adams	02
Kings:	
Service area: East N.Y. Section of Brooklyn	01
Service area: Bedord/Stuyvesant	02
Service area: Gowanus/Park Slope	01
Service area: South Williamsburg	04
Service area: Coney Isl/Brighton Beach/W. Brighton	01
Service area: S.W. Brooklyn (Health Area 41)	01
Service area: Brooklyn (Health Area 60)	01
Livingston:	
Service area: Geneseo	02
Madison:	
Service area: Hamilton	03
Service area: De Ruyter	01
Monroe:	
Service area: Bergen	02
Service area: Westside of Rochester	03
Service area: Jordan (Rochester)	02
Montgomery:	
Service area: Western Montgomery Co	01
New York:	
Service area: Lower East Side	03
Service area: Chinatown	02
Service area: Chelsea	01
Service area: Cent. Harlem (Health Area: 15, 19, 24, 85, 20)	01
Service area: West Central Harlem	03
Population group: Homeless Youth of Times Square Area	02
Service area: East Harlem	04
Service area: Inwood	03
Oneida:	
Service area: Boonville	01
Service area: Hamilton	03
Onondaga:	
Service area: Baldwinville	03
Population group: Syracuse Chc. Target Area	01
Service area: Southern Onondaga Co	02

PRIMARY CARE: New York—Continued

County Listing

County name	Degree of shortage group
Orange:	
Service area: Warwick	02
Orleans:	
Service area: Oak Orchard	04
Oswego:	
Service area: Central Square	03
Service area: Pulaski	04
Otsego:	
Service area: S.E. Otsego Co	01
Service area: Cherry Valley	01
Service area: Western Otsego	01
Service area: Morris	01
Queens:	
Service area: Rockaway Section of Queens	04
Service area: South Jamaica	02
Service area: South Jamaica	01
Facility: Mary Immaculate Hosp	01
Rensselaer:	
Service area: Berlin	02
Richmond:	
Service area: Mariner's Harbor	01
Rockland:	
Service area: Northern Rockland	01
St. Lawrence:	
Service area: Alexandria Bay	01
Service area: Southern St. Lawrence Co	02
Service area: Gouverneur	04
Saratoga:	
Service area: Barkersville	01
Schenectady:	
Service area: Hamilton Hill/Mont Pleasant	01
Schohard:	
Service area: Cherry Valley	01
Schuyler	03
Seneca:	
Service area: South Seneca	02
Steuben:	
Service area: Andover	04
Suffolk:	
Service area: Southold/Shelter Island	03
Service area: S. Hampton (S. Fork)/E. Hampton	03
Tioga	03
Warren:	
Service area: Essex/Warren Co	01
Wayne:	
Service area: Sodus	04
Westchester:	
Service area: Peekskill	04
Population group: Med. Ind. (Mt. Vernon)	04
Wyoming:	
Service area: Arcade	02
Service area: Warsaw	04
Facility: Attica Correctional Facility	02

PRIMARY CARE: New York

Service Area Listing

Service area name	Degree of shortage group
Adams	02
County—Jefferson:	
Parts of county:	
Adams Twn	
Ellisburg Twn	
Henderson Twn	
Lorraine Twn	
Rodman Twn	
Worth Twn	
Alexandria Bay	01
County—Jefferson:	
Parts of county:	
Alexandria Town	
Antwerp Town	
Cape Vincent Town	
Clayton Town	
Lyme Town	
Orleans Town	
Philadelphia Town	
Theresa Town	
County—St Lawrence:	
Parts of county:	
Hammond Town	
Rossie Town	
Andover	04
County—Allegheny:	
Parts of county:	
Almond	
West Almond	
Ward	
Wellsville	
Willing	
Independence	
Andover	
Alfred	
County—Steuben:	
Parts of county:	
Hartsville	
Greenwood	
West Union	
Jasper	
Troupsburg	
Arcade	04
County—Allegany:	
Parts of county:	
Centerville	
Rushford	
County—Cattaraugus:	
Parts of county:	
Farmersville	
Freedom	
Machias	
Yorkshire	
County—Wyoming:	
Parts of county:	
Arcade	
Eagle	
Java	
Aurora	02
County—Cayuga:	
Parts of county:	
Genoa	
Ledyard	
Locke	
Moravia	
Niles	
Scipio	
Semponious	
Springport	
Summerville	
Venice	
Baldwinsville	03
County—Onondaga:	
Parts of county:	
C.T. 114 (Lysander Twn)	
C.T. 115 (Lysander Twn)	
C.T. 116 (Baldwinsville)	
C.T. 117 (Baldwinsville)	
C.T. 118 (Van Buren Twn)	
C.T. 119 (Van Buren Twn)	
Barkersville	01
County—Fulton:	
Parts of county:	
Broadalbin Twp	
County—Saratoga:	
Parts of county:	
Galway Twp	
Providence Twp	
Bedford/Stuyvesant	02

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Kings:	
Parts of county:	
C.T. 201	
C.T. 227	
C.T. 229	
C.T. 231	
C.T. 233	
C.T. 235	
C.T. 237	
C.T. 239	
C.T. 241	
C.T. 243	
C.T. 245	
C.T. 247	
C.T. 249	
C.T. 251	
C.T. 253	
C.T. 255	
C.T. 257	
C.T. 259.01	
C.T. 261	
C.T. 263	
C.T. 265	
C.T. 267	
C.T. 269	
C.T. 271.01	
C.T. 273	
C.T. 275	
C.T. 277	
C.T. 279	
C.T. 281	
C.T. 285.01	
C.T. 285.02	
C.T. 287	
C.T. 289	
C.T. 291	
C.T. 293	
C.T. 295	
C.T. 297	
C.T. 299	
C.T. 301	
C.T. 303	
C.T. 307	
C.T. 309	
C.T. 311	
C.T. 365.01	
C.T. 365.02	
C.T. 367	
C.T. 369	
C.T. 371	
C.T. 373	
C.T. 375	
C.T. 377	
C.T. 379	
C.T. 381	
C.T. 383	
C.T. 385	
C.T. 387	
Bergen	02
County—Genesee:	
Parts of county:	
Bergen	
Byron	
County—Monroe:	
Parts of county:	
Riga	
Berlin	02
County—Rensselaer:	
Parts of county:	
Berlin Twp	
Hoosick Twp	
Petersburg Twp	
Stephentown Twp	
Blue Stores	01
County—Columbia:	
Parts of county:	
Clermont Twp	
Germantown Twp	
Livingston Twp	
Boonville	01
County—Oneida:	
Parts of county:	
C.T. 241	
C.T. 242	
C.T. 243.02	
C.T. 243.03	
C.T. 244	
Brooklyn (Health area 60)	01

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Kings:	
Parts of county:	
C.T. 916	
C.T. 918	
C.T. 920	
Cato	01
County—Cayuga:	
Parts of county:	
Cato	
Conquest	
Ira	
Sterling	
Victory	
Cent. Harlem (Health area: 15, 19, 34, 65.20)	01
County—New York:	
Parts of county:	
C.T. 186	
C.T. 190	
C.T. 197.02	
C.T. 200	
C.T. 201.02	
C.T. 207.02	
C.T. 209.02	
C.T. 213.02	
C.T. 216	
C.T. 217.02	
C.T. 218	
C.T. 220	
C.T. 222	
Central S.W. Bronx (ZIP Code: 10455)	01
County—Bronx:	
Parts of county:	
C.T. 31	
C.T. 35	
C.T. 71	
C.T. 73	
C.T. 75	
C.T. 77	
C.T. 79	
C.T. 83	
C.T. 85	
Central Square	03
County—Oswego:	
Parts of county:	
C.T. 204 (Part)	
C.T. 205 (Parish & Amboy Twns)	
C.T. 206 (Constantia Twn)	
C.T. 207.01 (W. Monroe Twn)	
C.T. 207.02 (Central Square)	
C.T. 207.03 (Hastings Twn)	
C.T. 208 (Palermo Twn)	
C.T. 209.02 (Part)	
Chelsea	01
County—New York:	
Parts of county:	
C.T. 87	
C.T. 89	
C.T. 91	
C.T. 93	
C.T. 95	
C.T. 97	
C.T. 99	
C.T. 101	
C.T. 103	
Cherry Valley	01
County—Otsego:	
Parts of county:	
Cherry Valley	
Roseboom	
Springfield	
County—Schoharie:	
Parts of county:	
Sharon	
Chinatown	02

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—New York:	
Parts of county:	
C.T. 7	
C.T. 9 (part)	
C.T. 9	
C.T. 13	
C.T. 15.01	
C.T. 15.02	
C.T. 19	
C.T. 21	
C.T. 25	
C.T. 27	
C.T. 29	
C.T. 31	
C.T. 33	
C.T. 39	
C.T. 41	
C.T. 43	
C.T. 45	
C.T. 47	
C.T. 49	
C.T. 51	
C.T. 53	
Coney Isl/Brighton Beach/W. Brighton	01
County—Kings	
Parts of county:	
C.T. 326	
C.T. 328	
C.T. 330	
C.T. 336	
C.T. 340	
C.T. 342	
C.T. 348.01	
C.T. 348.02	
C.T. 350	
C.T. 352	
C.T. 354	
C.T. 356	
C.T. 360.01	
C.T. 360.02	
C.T. 362	
C.T. 364	
De Ruyter	01
County—Cortland:	
Parts of county:	
Cuyler Town	
County—Madison	
Parts of county:	
De Ruyter Town	
Deposit Area	03
County—Broome	
Parts of county:	
Colesville	
Sanford	
Windsor	
County—Delaware	
Parts of county:	
Deposit	
Tompkins	
East Harlem	04
County—New York	
Parts of county:	
C.T. 162	
C.T. 164	
C.T. 166	
C.T. 168	
C.T. 170	
C.T. 172.01	
C.T. 172.02	
C.T. 174.01	
C.T. 174.02	
C.T. 176	
C.T. 180	
C.T. 182	
C.T. 184	
C.T. 186	
C.T. 192	
C.T. 194	
C.T. 196	
C.T. 198	
C.T. 202	
C.T. 204	
C.T. 206	
C.T. 210	
East N.Y. section of Brooklyn	01

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Kings:	
Parts of county:	
C.T. 401	
C.T. 403	
C.T. 405	
C.T. 407	
C.T. 409	
C.T. 411	
C.T. 413	
C.T. 437	
C.T. 804	
C.T. 806	
C.T. 808	
C.T. 810	
C.T. 812	
C.T. 814	
C.T. 1040	
C.T. 1068	
C.T. 1070	
C.T. 1078	
C.T. 1100	
C.T. 1102	
C.T. 1106	
C.T. 1110	
C.T. 1112	
C.T. 1114	
C.T. 1116	
C.T. 1120	
C.T. 1122	
C.T. 1124	
C.T. 1126	
C.T. 1128	
C.T. 1130	
C.T. 1132	
C.T. 1134	
C.T. 1136	
C.T. 1140	
C.T. 1142.01	
C.T. 1142.02	
C.T. 1146	
C.T. 1148	
C.T. 1150	
C.T. 1152	
C.T. 1154	
C.T. 1156	
C.T. 1158	
C.T. 1160	
C.T. 1162	
C.T. 1164	
C.T. 1166	
C.T. 1168	
C.T. 1170	
C.T. 1172	
C.T. 1174	
C.T. 1176	
C.T. 1180	
C.T. 1182	
C.T. 1184	
C.T. 1186	
C.T. 1188	
C.T. 1190	
C.T. 1192	
C.T. 1194	
C.T. 1196	
C.T. 1200	
C.T. 1202	
C.T. 1208	
C.T. 1210	
C.T. 1214	
C.T. 1220	
Essex Co. (parts)	02
County—Essex:	
Parts of county:	
Elizabeth Twn.	
Essex	
Keene	
Lewis	
Moriah	
North Hudson	
Westport	
Willsboro	
Essex/Warren Co.	01

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Essex:	
Parts of county:	
Minerva	
County—Warren:	
Parts of county:	
Chester	
Horicon	
Johnsburg	
Thurman	
Warrensburg	
Genesee	02
County—Livingston:	
Parts of county:	
Avon	
Caledonia	
Geneseo	
Groveland	
Leicester	
Lima	
Livonia	
York	
Gouverneur	04
County—St. Lawrence:	
Parts of county:	
Dekalb	
Depeyster	
Fowler	
Gouverneur	
Hermon	
Macomb	
Gowanus/Park Slope	01
County—Kings:	
Parts of county:	
C.T. 71	
C.T. 127	
C.T. 131	
C.T. 133.	
Greene	04
County—Chenango:	
Parts of county:	
German Twn.	
Greene Twn.	
McDonough Twn.	
Smithville Twn.	
Hamilton	03
County—Madison:	
Parts of county:	
Brookfield	
Eaton	
Georgetown	
Hamilton	
Lebanon	
Madison	
County—Oneida:	
Parts of county:	
Sangerfield.	
Hamilton Hill/Mont. Pleasant	01
County—Schenectady:	
Parts of county:	
C.T. 209	
C.T. 210.02	
C.T. 211.03	
C.T. 214 through 217	
Herkimer	03
County—Herkimer:	
Parts of county:	
C.T. 115	
Hunts Point	01
County—Bronx:	
Parts of county:	
C.T. 5	
C.T. 81	
C.T. 81.99	
C.T. 91	
C.T. 97	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 99	
C.T. 105	
C.T. 115.02	
Inwood	03
County—New York:	
Parts of county:	
C.T. 277	
C.T. 279	
C.T. 281	
C.T. 283	
C.T. 285	
C.T. 287	
C.T. 289	
C.T. 291	
C.T. 293	
C.T. 295	
C.T. 303	
C.T. 307	
Jordan (Rochester)	02
County—Monroe:	
Parts of county:	
C.T. 6 through 8	
C.T. 13 through 15	
C.T. 39	
C.T. 43 through 45	
C.T. 47 through 53	
C.T. 55	
C.T. 56	
C.T. 79	
C.T. 90	
C.T. 91	
Lower East Side	02
County—New York:	
Parts of county:	
C.T. 2.01	
C.T. 2.02	
C.T. 6	
C.T. 10.01	
C.T. 10.02	
C.T. 12	
C.T. 14.01	
C.T. 16 (Part)	
C.T. 20.02 (Part)	
C.T. 22.01	
C.T. 24 (Part)	
C.T. 25 (Part)	
C.T. 27 (Part)	
C.T. 30.01	
C.T. 30.02 (Part)	
Lower West Side	02
County—Erie:	
Parts of county:	
C.T. 68	
C.T. 71.01	
C.T. 71.02	
C.T. 72.02	
Marathon-Cincinnatus	02
County—Cortland:	
Parts of county:	
Taylor Town	
Cincinnatus Town	
Willet Town	
Freetown Town	
Marathon Town	
Lapeer Town	
Harford Town	
Mariner's Harbor	01
County—Richmond:	
Parts of county:	
C.T. 223	
C.T. 231	
C.T. 239	
C.T. 319.01	
C.T. 319.02	
Martin Luther King	04

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Bronx:	
Parts of county:	
C.T. 87	
C.T. 89	
C.T. 119	
C.T. 121.01	
C.T. 121.02	
C.T. 123	
C.T. 125	
C.T. 127.01	
C.T. 127.02	
C.T. 129.01	
C.T. 129.02	
C.T. 131	
C.T. 133	
C.T. 135	
C.T. 137	
C.T. 139	
C.T. 145	
C.T. 147	
C.T. 149	
C.T. 151	
C.T. 153	
C.T. 175	
C.T. 177	
C.T. 179	
C.T. 187	
C.T. 189	
C.T. 193	
C.T. 197	
C.T. 199	
C.T. 201	
C.T. 211	
C.T. 213.01	
C.T. 213.02	
C.T. 219	
C.T. 221	
Morris	01
County—Otsego:	
Parts of county:	
Butternuts Twp	
Morris Twp	
Mott Haven	01
County—Bronx:	
Parts of county:	
C.T. 11	
C.T. 17	
C.T. 23	
C.T. 25	
C.T. 27.01	
C.T. 27.02	
C.T. 33	
C.T. 39	
C.T. 41	
C.T. 43	
North Hamilton	01
County—Hamilton:	
Parts of county:	
Indian Lake Twp.	
Long Lake Twp.	
Northeast Albany	03
County—Albany:	
Parts of county:	
C.T. 1	
C.T. 2	
C.T. 7	
C.T. 8	
C.T. 11	
Northeast Bronx	01
County—Bronx:	
Parts of county:	
C.T. 276	
C.T. 302	
C.T. 356	
C.T. 358	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 394	
C.T. 396	
C.T. 378	
C.T. 380	
C.T. 382	
C.T. 386	
C.T. 388	
C.T. 390	
C.T. 392	
C.T. 394	
C.T. 396	
C.T. 398	
C.T. 404	
C.T. 406	
C.T. 408	
C.T. 458	
C.T. 460	
C.T. 462.02	
C.T. 464	
C.T. 802	
C.T. 804	
Northern Rockland	01
County—Rockland:	
Parts of county:	
C.T. 101 through 107	
Oak Orchard	04
County—Orleans:	
Parts of county:	
Carlton	
Gaines	
Albion	
Barre	
Clarendon	
Murray	
Kendall	
Albion	
P.S. 64 Health Service Area	02
County—Erie:	
Parts of county:	
C.T. 27.02	
C.T. 32.01	
C.T. 32.02	
C.T. 33.01	
C.T. 33.02	
C.T. 34 through 36	
C.T. 39 through 42	
C.T. 52.02	
Peekskill	04
County—Westchester:	
Parts of county:	
C.T. 141 through 146	
Pulaski Primary Care Service Area	04
County—Oswego:	
Parts of county:	
Albion	
Boylston	
Mexico (part)	
Orwell	
Redfield	
Richland	
Sandy Creek	
Williamstown	
Randolph-Ellicottville	02
County-Cattaraugus:	
Parts of county:	
Cold Spring Twn	
Conewango Twn	
Ellicottville Twn	
Mansfield Twn	
Napoli Twn	
New Albion Twn	
Randolph Twn	
South Valley Twn	
Little Valley Twn	
Rockaway section of Queens	04

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Queens:	
Parts of county:	
C.T. 916.01	
C.T. 916.02	
C.T. 916.03	
C.T. 918	
C.T. 922	
C.T. 926	
C.T. 934	
C.T. 938	
C.T. 942.01 through 942.03	
C.T. 952	
C.T. 964	
C.T. 972	
C.T. 982	
C.T. 988	
C.T. 1008	
C.T. 1010	
C.T. 1032	
S. Hampton (S.-Port)/E. Hampton	06
County—Suffolk:	
Parts of county:	
C.T. 1904 through 1908	
C.T. 1907.01	
C.T. 1907.02	
C.T. 1908	
C.T. 2009	
C.T. 2010	
S.E. Otsego Co	01
County—Otsego:	
Parts of county:	
Decatur	
Maryland	
Westford	
Worcester	
S.W. Bronx (Zip Code: 10451)	01
County—Bronx:	
Parts of county:	
C.T. 47	
C.T. 49	
C.T. 55	
C.T. 57	
C.T. 59.01	
C.T. 59.02	
C.T. 61	
C.T. 65	
C.T. 67	
C.T. 69	
C.T. 141	
C.T. 143	
C.T. 173	
C.T. 181	
C.T. 183	
C.T. 185	
S.W. Brooklyn (Health Area 41)	01
County—Kings:	
Parts of county:	
C.T. 55	
C.T. 57	
C.T. 59	
C.T. 65	
Sherburne	02
County—Chenango:	
Parts of county:	
Columbus Twn	
Otselic Twn	
Sherburne Twn	
Smyrna Twn	
Sodus	e04
County—Wayne:	
Parts of county:	
C.T. 201 (Ontario)	
C.T. 204 (Williamson)	
C.T. 208 (Sodus)	
C.T. 209 (Sodus)	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 215 (Huron-Wolcott)	
C.T. 216 (Rose-Butler)	
Soundview area	02
County—Bronx:	
Parts of county:	
C.T. 2	
C.T. 4	
C.T. 16	
C.T. 20	
C.T. 24	
C.T. 28	
C.T. 36	
C.T. 38	
C.T. 40.01	
C.T. 40.02	
C.T. 44	
C.T. 46	
C.T. 48	
C.T. 50	
C.T. 52	
C.T. 54	
C.T. 56	
C.T. 58	
C.T. 62	
C.T. 64	
C.T. 66	
C.T. 68	
C.T. 70	
C.T. 72	
C.T. 74	
C.T. 76	
C.T. 844	
C.T. 86	
C.T. 102	
South Bronx-fort apache	06
County—Bronx:	
Parts of county:	
C.T. 156	
C.T. 161	
C.T. 359	
C.T. 361	
C.T. 363	
C.T. 365	
C.T. 365.01	
C.T. 365.02	
C.T. 367	
C.T. 369.01	
C.T. 369.02	
C.T. 371	
C.T. 373	
South Hamilton	01
County—Hamilton:	
Parts of county:	
Arietta	
Benson	
Hope	
Lake Pleasant	
Morehouse	
Wells	
South Jamaica	02
County—Queens:	
Parts of county:	
C.T. 44.01	
C.T. 50	
C.T. 54	
C.T. 56	
C.T. 58	
C.T. 66	
C.T. 84	
C.T. 96	
C.T. 100	
C.T. 102	
C.T. 104	
C.T. 166	
C.T. 168	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 170	
C.T. 172	
C.T. 174	
C.T. 176	
C.T. 178	
C.T. 180	
C.T. 182	
C.T. 184.01	
C.T. 184.02	
C.T. 186	
C.T. 188	
C.T. 190	
C.T. 192	
C.T. 274	
C.T. 276	
C.T. 278	
C.T. 280	
C.T. 282	
C.T. 284	
C.T. 286	
C.T. 292	
C.T. 304	
C.T. 304.01	
C.T. 320	
C.T. 328	
C.T. 330	
C.T. 334.01	
C.T. 334.02	
C.T. 352	
C.T. 358	
C.T. 366	
C.T. 368	
C.T. 376	
C.T. 384	
C.T. 394	
C.T. 426	
C.T. 432	
C.T. 618	
C.T. 620	
C.T. 624	
C.T. 626	
C.T. 630	
C.T. 632	
C.T. 648	
C.T. 650	
C.T. 660	
C.T. 662	
C.T. 690	
C.T. 694	
C.T. 786	
C.T. 788	
C.T. 790	
C.T. 792	
C.T. 814	
C.T. 818	
C.T. 838	
C.T. 840	
C.T. 846	
C.T. 846.01	
C.T. 846.02	
C.T. 864	
C.T. 878	
South Jamaica	01
County—Queens:	
Parts of county:	
C.T. 194.01	
C.T. 194.02	
C.T. 196	
C.T. 198	
C.T. 202	
C.T. 204	
C.T. 206	
C.T. 208	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 212	
C.T. 244	
C.T. 246	
C.T. 248	
C.T. 250	
C.T. 252	
C.T. 258	
C.T. 260	
C.T. 262	
C.T. 264	
C.T. 266	
C.T. 270	
C.T. 398	
C.T. 400	
C.T. 402	
C.T. 404	
C.T. 410	
C.T. 414	
C.T. 420	
C.T. 422	
C.T. 424	
C.T. 434	
C.T. 440	
C.T. 442	
C.T. 502.01	
C.T. 502.02	
C.T. 504	
C.T. 506	
C.T. 508	
C.T. 510	
C.T. 512	
C.T. 516	
C.T. 518	
C.T. 520	
C.T. 522	
C.T. 524	
C.T. 526	
C.T. 528	
C.T. 530	
C.T. 532	
C.T. 534	
C.T. 536	
C.T. 538	
C.T. 540	
C.T. 568	
C.T. 578	
C.T. 580	
C.T. 588	
C.T. 590	
C.T. 592	
C.T. 594	
C.T. 596	
C.T. 598	
C.T. 600	
C.T. 602	
C.T. 604	
C.T. 606	
C.T. 608	
C.T. 610	
C.T. 612	
C.T. 614	
C.T. 616.01	
South Seneca	02
County—Seneca:	
Parts of county:	
Covert	
Lodi	
Ovid	
South Williamsburg	04
County—Kings:	
Parts of county:	
C.T. 507	
C.T. 509	
C.T. 525	
C.T. 529	
C.T. 531	
C.T. 533	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 535	
C.T. 537	
C.T. 539	
C.T. 545	
C.T. 547	
C.T. 549	
Southern Onondaga Co	02
County—Onondaga:	
Parts of county:	
Lafayette	
Fabius	
Pompey	
Tully	
Otisco	
Onondaga Indian reservation	
Southern St. Lawrence Co	02
County—St. Lawrence:	
Parts of county:	
Clare Twn	
Clifton Town	
Edwards Town	
Fine Town	
Fitzsim Town	
Russell Town	
Southold/Shelter Island	03
County—Suffolk:	
Parts of county:	
Shelter Island Town	
Southold Town	
Tremont	01
County—Bronx:	
Parts of county:	
C.T. 163	
C.T. 165	
C.T. 167	
C.T. 169	
C.T. 171	
C.T. 205	
C.T. 215.01	
C.T. 215.02	
C.T. 217.01	
C.T. 217.02	
C.T. 223	
C.T. 225	
C.T. 227.01 through 227.03	
C.T. 229.01	
C.T. 229.02	
C.T. 231	
C.T. 233.01	
C.T. 233.02	
C.T. 235.01	
C.T. 237.01	
C.T. 239	
C.T. 241	
C.T. 243	
C.T. 245	
C.T. 247	
C.T. 249	
C.T. 251	
C.T. 253	
C.T. 255	
C.T. 257	
C.T. 334	
C.T. 375.01 through 375.03	
C.T. 377	
C.T. 379	
C.T. 381	
C.T. 391	
C.T. 393	
C.T. 397	
Warsaw	04
County—Wyoming:	
Parts of county:	
Attica	
Bennington	
Castile	
Covington	
Gainesville	
Genesee Falls	
Middlebury	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
Orangeville	
Perry	
Pike	
Sheldon	
Warsaw	
Wethersfield	
Warwick	02
County—Orange:	
Parts of county:	
Florida	
Greenwood Lake	
Pine Island	
Warwick	
West Central Bronx	02
County—Bronx:	
Parts of county:	
C.T. 237.02	
C.T. 253	
C.T. 263	
C.T. 265	
C.T. 267	
C.T. 269	
C.T. 273	
C.T. 277	
C.T. 279	
C.T. 281	
C.T. 283	
C.T. 285	
C.T. 287	
C.T. 289	
C.T. 291	
C.T. 293	
C.T. 299.01	
C.T. 299.02	
C.T. 401	
C.T. 403.01	
C.T. 403.02	
C.T. 405	
C.T. 407.01	
C.T. 407.02	
C.T. 411	
C.T. 413	
C.T. 415	
West Central Harlem	03
County—New York:	
Parts of county:	
C.T. 208	
C.T. 209.01	
C.T. 211	
C.T. 212	
C.T. 213.01	
C.T. 214	
C.T. 217.01	
C.T. 219	
C.T. 221.01	
C.T. 221.02	
C.T. 223 through 225	
C.T. 227.01	
C.T. 227.02	
C.T. 229 through 230	
C.T. 231.01	
C.T. 231.02	
C.T. 232 through 234	
C.T. 235.01	
C.T. 235.02	
C.T. 236	
C.T. 237	
C.T. 239	
C.T. 241	
C.T. 243.02	
West Winfield	01
County—Herkimer:	
Parts of county:	
C.T. 101	
C.T. 102.01	
C.T. 102.02	
Bridgewater Town (Part)	
Western Greene Co	04

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Greene:	
Parts of county:	
Ashland	
Hunter	
Jewett	
Lexington	
Prattsville	
Windham	
Western Montgomery Co	01
County—Montgomery:	
Parts of county:	
Canajoharie	
Minden	
Palatine	
Root	
St. Johnsville	
Western Otsego	01
County—Otsego:	
Parts of county:	
Burlington Division	
Edmeston Division	
New Lisbon Division	
Pittsfield Division	
Plainfield Division	
Westfield	04
County—Chautauqua:	
Parts of county:	
Charlestown	
Sherman	
Ripley	
Westfield	
Westside of Rochester	03
County—Monroe:	
Parts of county:	
C.T. 1 through 4	
C.T. 16 through 27	
C.T. 40 through 42	
C.T. 62 through 75	
C.T. 87	
C.T. 88	
C.T. 89 (Part)	

PRIMARY CARE: New York

Population Groups Listing

Population area name	Degree of shortage group
Elliott Neighborhood of Buffalo	02
County—Erie:	
Parts of county:	
C.T. 12 (med. indigent)	
C.T. 13.01 (med. indigent)	
C.T. 13.02 (med. indigent)	
C.T. 14.01 (med. indigent)	
C.T. 14.02 (med. indigent)	
C.T. 15 (med. indigent)	
C.T. 25.01 (med. indigent)	
C.T. 25.03 (med. indigent)	
C.T. 26 (med. indigent)	
C.T. 27.01 (med. indigent)	
C.T. 31 (med. indigent)	
Homeless Youth of Times Square Area	02
County—New York:	
Part of county:	
C.T. 113	
C.T. 115	
C.T. 117	
C.T. 119	
C.T. 121	
C.T. 125	
C.T. 127	
C.T. 129	
Med. Ind. (Mt. Vernon)	04
County—Westchester:	
Parts of County:	
Med. Ind. (Mt. Vernon)	
Syracuse CHC Target Area	01

PRIMARY CARE: New York—Continued

Population Groups Listing

Population area name	Degree of shortage group
County—Onondaga:	
Parts of County:	
C.T. 30	
C.T. 40 through 42	
C.T. 53	

PRIMARY CARE: New York

Facilities Listing

Facility	Degree of shortage Group
Attica Correctional Facility	02
County—Wyoming	
Chenango Mem. Hosp. Out-Pat. Dept.	02
County—Chenango	
Green Haven Corp. Facility	01
County—Duchess	
Mary Immaculate Hosp.	01
County—Queens	
NYC Corr. Fac./Riker's Island	02
County—Bronx	

PRIMARY CARE: North Carolina

County Listing

County name	Degree of shortage group
Alexander	02
Alleghany	04
Anson	02
Ashe	03
Beaufort:	
Service area: Chocowinity/Richland	02
Bertie	02
Bladen	01
Buncombe:	
Service area: Swannanoa Valley	04
Service area: Bat Cave	01
Caldwell	04
Camden	01
Caswell	01
Chatham	04
Clay	02
Columbus	03
Cumberland	01
Service area: C.T. 30	
Service area: Cedar Creek	
Currituck	01
Dare	01
Davie	03
Duplin	03
Edgecombe	02
Franklin	03
Gaston	04
Gates	01
Graham	01
Granville	04
Greene	01
Halifax	04
Harnett	04
Henderson:	
Service area: Bat Cave	01
Hoke	01
Hyde	01
Jackson	04
Johnston:	
Service area: Benson	02
McDowell	03
Macon	04
Madison	04
Martin	04
Mecklenburg:	
Service area: Central Charlotte	03
Mitchell	04
Montgomery	02
Nash:	
Population group: Migrant Pop. of Nash/Wilson	01
Northampton	03

PRIMARY CARE: North Carolina—Continued

County Listing

County name	Degree of shortage group
Onslow	03
Orange:	
Service area: Orange (Ft. Portion)	02
Pender	01
Perquimans	02
Person	02
Randolph	03
Richmond	03
Robeson:	
Population group: Maxton (Pov. Pop.)	01
Service area: Rowland	01
Population group: Pembroke (Med. Ind. Pop.)	01
Service area: Parkton/St. Paul	02
Sampson	04
Stokes:	
Service area: Westfield	01
Surry:	
Service area: Elkin	04
Service area: Westfield	01
Swain	02
Transylvania:	
Service area: Balsam Grove	01
Tyrrell	01
Union	03
Warren	02
Washington	04
Wilkes	03
Wilson:	
Population group: Migrant Pop. of Nash/Wilson	01
Yadkin:	
Service area: Elkin	04
Yancey	03

PRIMARY CARE: North Carolina

Service Area Listing

Service area name	Degree of shortage group
Balsam Grove	01
County—Transylvania:	
Parts of county:	
Gloucester	
Hog Back	
Bat Cave Service area	01
County—Buncombe:	
Parts of county:	
E.D. 204–207	
County—Henderson:	
Parts of county:	
E.D. 1–6	
E.D. 7	
Benson	02
County—Johnston:	
Parts of county:	
Banner Twp.	
Elevation Twp.	
Meadow Twp.	
Pleasant Grove Twp.	
Central Charlotte	03
County—Mecklenburg:	
Parts of county:	
C.T. 1–8	
C.T. 25	
C.T. 26	
C.T. 35–37	
C.T. 49	
C.T. 52	
Chocowinity/Richland	02
County—Beaufort:	
Parts of county:	
Chocowinity Twp.	
Richland Twp.	
C.T. 30	01
County—Cumberland:	
Parts of county:	
C.T. 301Cedar Creek	01

PRIMARY CARE: North Carolina—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Cumberland:	
Parts of county:	
Eastover	
Cedar Creek	
Elkin	04
County—Surry:	
Parts of county:	
Bryon	
Dobson	
Elkin	
Marsh	
Rockford	
County—Yadkin:	
Parts of county:	
Boonville	
Knobs	
Orange (Ft. Portion)	02
County—Orange:	
Parts of county:	
Cedar Grove	
Chewke	
End	
Hillsborough	
Little River	
Parkton/St. Paul	02
County—Robeson:	
Parts of county:	
Parkton Twp.	
St. Paul Twp.	
Rowland Service area	01
County—Robeson:	
Parts of county:	
Allenderville Twp.	
Gaddy Twp.	
Rowland Twp.	
Thompson Twp.	
Union Twp.	
Swannanoa Valley	04
County—Buncombe:	
Parts of county:	
Black Mountain	
Swannanoa	
Westfield	01
County—Stokes:	
Parts of county:	
Quaker Gap	
County—Surry:	
Parts of county:	
Westfield	
South Westfield	

PRIMARY CARE: North Carolina

Population Group Listing

Population group name	Degree of shortage group
Maxton (Pov. Pop.)	01
County—Robeson:	
Parts of county:	
Maxton	
Stewartsville	
Migrant Pop of Nash/Wilson	01
County—Nash:	
Parts of county:	
Migrant Pop. of Nash	
County—Wilson:	
Parts of county:	
Migrant Pop. of Wilson	
Pembroke (Med. Ind. Pop.)	01
County—Robeson:	
Parts of county:	
Burnt Twp.	

PRIMARY CARE: North Carolina—Continued

Population Group Listing

Population group name	Degree of shortage group
Pembroke Twp.	
Philadelphus Twp.	
Smiths Twp.	
Saraops Twp.	

PRIMARY CARE: North Dakota

County Listing

County name	Degree of shortage group
Benson	02
Billings	01
Bowman	03
Burke	01
Divide	02
Dunn	01
Eddy	04
Emmons	01
Foster	01
Grant	01
Griggs	01
Hettinger	01
Kidder	01
La Moure	01
Logan	03
McHenry	03
McIntosh	01
McKenzie	01
Mercer:	
Service area: Mercer/Oliver	02
Morton	03
Oliver:	
Service area: Mercer/Oliver	02
Pembina:	
Service area: Park River	02
Ransom:	
Service area: Lisbon	03
Sargent:	
Service area: Lisbon	03
Sheridan	01
Sioux	01
Slope	01
Steele	04
Walsh:	
Service area: Park River	02
Ward:	
Service area: Kenmare	01
Wells	04

PRIMARY CARE: North Dakota

Service Area Listing

Service area name	Degree of shortage group
Kenmare	01
County—Ward:	
Parts of county:	
Des Lacs Valley Div	
Kenmare Div	
Lisbon	03
County—Ransom	
County—Sargent	
Mercer/Oliver	02
County—Mercer	
County—Oliver	
Park River	02

PRIMARY CARE: North Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Pembina:	
Parts of county:	
Drayton City	
County—Walsh	

PRIMARY CARE: Ohio

County Listing

County name	Degree of shortage group
Adams	04
Brown	02
Butler:	
Service area: Hamilton	00
Service area: Middletown	04
Carroll	02
Clark:	
Service area: Rocking Horse	02
Clermont	00
Coshocton	04
Cuyahoga:	
Service area: Corlett/Lee Miles/Mt. Pleas	02
Service area: Area 1—Cleveland	02
Service area: Glenville	01
Service area: Collingwood	00
Service area: Jefferson/Parlse-Bellaire	00
Service area: Hough/Norwood	02
Darke	04
Defiance:	
Service area: Hicksville	01
Hamilton:	
Service area: East End (Cincinnati)	02
Service area: Winton Hills (Cincinnati)	01
Service area: Price Hill/Fairmont (Cincinnati)	01
Service area: Lincoln Heights (Cincinnati)	02
Harrison	00
Henry	02
Highland:	
Service area: Greenfield	01
Hocking:	
Service area: Chillicothe	00
Holmes	04
Jackson	04
Lawrence	00
Lucas:	
Service area: Western Lucas Co	02
Service area: Old West End-Toledo	01
Service area: Downtown East Side Toledo	02
Service area: Near South Side-Toledo	01
Service area: North Toledo	02
Service area: Center City/Dorr-Toledo	01
Mahoning:	
Service area: Eastside	02
Meigs	02
Monroe	02
Montgomery:	
Service area: Dayton	00
Morgan	02
Morrow	02
Paulding	02
Perry	02
Pickaway:	
Service area: Chillicothe	00
Pike	04
Ross:	
Service area: Chillicothe	00
Sandusky	00
Tuscarawas	00
Vinton	01
Warren	02
Wood:	
Service area: Southern Wood Co	00

PRIMARY CARE: Ohio

Service Area Listing

Service area name	Degree of shortage group
Chillicothe	00
County—Hocking:	
Parts of county:	
Perry Township	
Salt Creek Township	
County—Pickaway:	
Parts of county:	
Deer Creek Township	
Pickaway Township	
Salt Creek Township	
Wayne Township	
County—Ross	
Collingwood	00
County—Cuyahoga:	
Parts of county:	
C.T. 1166	
C.T. 1171 through 1179	
C.T. 1201	
Corlett/Lee Miles/Mt. Pleas	02
County—Cuyahoga:	
Parts of county:	
C.T. 1196	
C.T. 1198	
C.T. 1199	
C.T. 1201 through 1208	
C.T. 1211 through 1218	
C.T. 1221 through 1223	
Area 1—Cleveland	02
County—Cuyahoga:	
Parts of county:	
C.T. 1012	
C.T. 1015 through 1019	
C.T. 1022 through 1029	
C.T. 1031 through 1039	
C.T. 1041 through 1049	
C.T. 1051 through 1056	
C.T. 1079	
C.T. 1087 through 1089	
C.T. 1091 through 1099	
C.T. 1101 through 1103	
C.T. 1109	
C.T. 1124	
C.T. 1131 through 1139	
C.T. 1141 through 1146	
Center City/Dorr—Toledo	01
County—Lucas:	
Parts of county:	
C.T. 27	
C.T. 28	
C.T. 31 through 37	
C.T. 39	
Dayton	00
County—Montgomery:	
Parts of county:	
C.T. 19 through 23	
C.T. 25	
C.T. 26	
C.T. 28	
C.T. 29	
Downtown East Side Toledo	02
County—Lucas:	
Parts of county:	
C.T. 46	
C.T. 49	
C.T. 51	
C.T. 52	
East End (Cincinnati)	02
County—Hamilton:	
Parts of county:	
C.T. 13	
C.T. 43	
C.T. 44	
C.T. 47	
Eastside	02
County—Mahoning:	
Parts of county:	
C.T. 8001 through 8008 (Youngstown)	
Glenville	01
County—Cuyahoga:	
Parts of county:	
C.T. 1114	
C.T. 1161 through 1166	
C.T. 1181 through 1185	
Greenfield	01

PRIMARY CARE: Ohio—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Highland:	
Parts of county:	
Paint Twp	
Madison Twp	
Fairfield Twp	
Hamilton Target Area	00
County—Butler:	
Parts of county:	
C.T. 2 through 4	
Hicksville	01
County—Defiance:	
Parts of county:	
Hicksville Twp	
Mark Twp	
Milford Twp	
Hough/Norwood	02
County—Cuyahoga:	
C.T. 1112	
C.T. 1113	
C.T. 1115 through 1119	
C.T. 1121	
C.T. 1123 through 1128	
Jefferson/Parlse-Bellaire	00
County—Cuyahoga:	
Parts of county:	
C.T. 1014 (Jefferson)	
C.T. 1021 (Jefferson)	
C.T. 1233 (Jefferson)	
C.T. 1235 (Jefferson)	
C.T. 1239 (Jefferson)	
C.T. 1241 (Jefferson)	
C.T. 1242 through 1248 (Parlse-Bellaire)	
Lincoln Heights (Cincinnati)	02
County—Hamilton:	
Parts of county:	
C.T. 80 (Hartwell)	
C.T. 225 (Woodlawn)	
C.T. 227 (Lincoln Heights)	
C.T. 228 (Lockland)	
C.T. 229 (Arlington Heights)	
C.T. 231 (Evendale)	
Middletown target area	04
County—Butler:	
Parts of county:	
C.T. 128 through 132	
C.T. 140 (Part)	
Near South Side-Toledo	01
County—Lucas:	
Parts of county:	
C.T. 36	
C.T. 40 through 42	
C.T. 54	
North Toledo	02
County—Lucas:	
Parts of county:	
C.T. 9 through 12	
C.T. 17 through 20	
C.T. 29	
C.T. 30	
Old West End-Toledo	01
County—Lucas:	
Parts of county:	
C.T. 6	
C.T. 14 through 16	
C.T. 21 through 23	
C.T. 24.01	
C.T. 24.02	
C.T. 25	
C.T. 26	
Price Hill/Fairmont (Cincinnati)	01
County—Hamilton:	
Parts of county:	
C.T. 87 (Fairmont—South)	
C.T. 88 (Fairmont—South)	
C.T. 90 (Price Hill—East)	
C.T. 91 (Price Hill—Tower)	
C.T. 93 (Price Hill —East)	
C.T. 96 (Price Hill—East)	
C.T. 103 (Riverside—Delaneville)	
Rocking Horse	02

PRIMARY CARE: Ohio—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Clark:	
Parts of county:	
C.T. 1 through 5	
C.T. 9.01	
C.T. 9.02	
C.T. 10	
C.T. 12	
C.T. 17	
Southern Wood Co.	03
County—Wood:	
Parts of county:	
C.T. 211 through 216	
C.T. 219 through 224	
Western Lucas Co.	02
County—Lucas:	
Parts of county:	
C.T. 87	
C.T. 88	
C.T. 89.01	
C.T. 90 (part)	
C.T. 91	
C.T. 93 through 96	
Winton Hills (Cincinnati)	01
County—Hamilton:	
Parts of county:	
C.T. 73 (Winton Hills)	
C.T. 80 (Winton Hills)	
C.T. 257 (Elmwood Place)	

PRIMARY CARE: Oklahoma

County Listing

County name	Degree of shortage group
Adair	02
Alfalfa	04
Blaine:	
Service area: Western Oklahoma	03
Caddo	03
Canadian	04
Choctaw	02
Cimarron	03
Comanche	03
Custer:	
Service area: Western Oklahoma	03
Delaware	02
Dewey:	
Service area: Western Oklahoma	03
Ellis:	
Service area: Western Oklahoma	03
Grant	04
Harmon	02
Jackson	03
Jefferson	03
Johnston	02
Kay:	
Service area: Blackwell (Okla/Kansas)	04
Latimer:	
Service area: Clayton	02
Le Flore:	
Service area: Clayton	02
Logan	01
McClain	21
McCurtain	03
McIntosh	03
Mayes:	
Service area: Chelsea/New Alluwe	01
Nowata:	
Service area: Chelsea/New Alluwe	01
Okfuskee	04
Oklahoma:	
Service area: Del City	03
Service area: Oklahoma	02
Osage	03
Pushmataha:	
Service area: Clayton	02
Roger Mills:	
Service area: Western Oklahoma	03
Rogers:	
Service area: Chelsea/New Alluwe	01
Seminole	03
Sequoyah	03
Tillman	01

PRIMARY CARE: Oklahoma—Continued

County Listing

County name	Degree of shortage group
Tulsa:	
Service area: West Central Tulsa	01
Service area: Northeast Tulsa	03
Service area: North Central Tulsa	01
Service area: West Tulsa	03
Washita	03
Woods	03
Woodward:	
Service area: Western Oklahoma	03

PRIMARY CARE: Oklahoma

Service Area Listing

Service area name	Degree of shortage group
Blackwell (Okla/Kansas)	04
County—Kay:	
Parts of county:	
Blackwell CCD	
Braman CCD	
Tonkawa CCD	
West Newkirk CCD	
County—Sumner (Kansas):	
Parts of county:	
Greene Twp	
Guelph Twp	
Falls Twp	
Jackson Twp	
Osborne Twp	
South Haven Twp	
Val Verde Twp	
Walton Twp	
Chelsea/New Alluwe	01
County—Mayes:	
Parts of county:	
Adair (Part) E.D. 12	
County—Nowata:	
Parts of county:	
New Alluwe (Part) E.D. 14 and 15	
County—Rogers:	
Parts of county:	
Chelsea E.D. 1, 2, 3, 4	
Clayton	02
County—Latimer:	
County—Le Flore:	
Parts of county:	
E.D. 37–38 (Heavener)	
E.D. 46 through 52	
County—Pushmataha:	
Parts of county:	
No. Pushmataha Division	
Del City	03
County—Oklahoma:	
Parts of county:	
C.T. 1078.01 through 1078.06	
North Central Tulsa	01
County—Tulsa:	
Parts of county:	
C.T. 2 through 15	
C.T. 57	
C.T. 62	
C.T. 79	
C.T. 80	
C.T. 91.01 through 91.03	
Northeast Tulsa	03
County—Tulsa:	
Parts of county:	
C.T. 1	
C.T. 16	
C.T. 59 through 61	
C.T. 81	
C.T. 82	
Oklahoma	02

PRIMARY CARE: Oklahoma—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Oklahoma:	
Parts of county:	
C.T. 1037 through 1040	
C.T. 1047 through 1048	
C.T. 1063	
C.T. 1064	
C.T. 1072.07	
C.T. 1072.08	
C.T. 1073.01	
C.T. 1073.02	
West Central Tulsa	01
County—Tulsa:	
Parts of county:	
C.T. 28 through 30	
C.T. 88	
West Tulsa	03
County—Tulsa:	
Parts of county:	
C.T. 46 through 49	
C.T. 63.01	
C.T. 63.02	
C.T. 64.01	
C.T. 64.02	
C.T. 65.01	
C.T. 65.02	
C.T. 66	
C.T. 67.01	
Western Oklahoma	03
County—Blaine:	
Parts of county:	
E.D. 4, 5, 7	
County—Custer:	
Parts of county:	
E.D. 6, 7	
County—Dewey:	
County—Ellis:	
County—Roger Mills:	
County—Woodward:	
Parts of county:	
E.D. 14, 15, 16	
County—Lipscomb (Texas):	
Parts of county:	
Higgins CCD	

PRIMARY CARE: Oregon

County Listing

County name	Degree of shortage group
Baker:	
Service area: Halfway	01
Benton:	
Service area: Blodgett/Eddyville	01
Service area: Monroe/Alsea	01
Clackamas:	
Service area: Estacada	04
Population group: Woodburn-Marion Mig. Pop.	01
Columbia:	
Service area: Vernonia	
Coos:	
Service area: Powers	01
Curry:	
Service area: Powers	01
Deschutes:	
Service area: La Pine	02
Gilliam	02
Jackson:	
Service area: Butte Falls—Prospect	02
Service area: Rogue River—Gold Hill	02
Service area: Applegate-Williams	01
Josephine:	
Service area: Applegate-Williams	01
Klamath:	
Service area: Bly	01
Service area: Chiloquin	01
Service area: La Pine	02
Lake:	
Service area: La Pine	02
Lane:	
Service area: McKenzie	01
Lincoln:	
Service area: Blodgett/Eddyville	01

PRIMARY CARE: Oregon—Continued

County Listing

County name	Degree of shortage group
Linn:	
Service area: Harrisburg	01
Service area: Detroit-Idanha	01
Service area: Brownsville	01
Malheur:	
Population group: Treasure Valley Migrant Pop	01
Service area: Nyssa	03
Service area: Jordan Valley	01
Marion:	
Service area: Detroit-Idanha	01
Service area: West Salem	01
Population group: Woodburn-Marion Mig. Pop	02
Multnomah:	
Service area: Northeast Portland	01
Polk:	
Service area: Willamina	01
Population group: Woodburn-Marion Mig. Pop	02
Union:	
Service area: Cove/Union	01
Washington:	
Service area: Washington Mig. Pop	04
Wheeler:	01
Yamhill:	
Service area: Willamina	01
Service area: Woodburn-Marion Mig. Pop	02

PRIMARY CARE: Oregon

Service Area Listing

Service area name	Degree of shortage group
Applegate—Williams	01
County—Jackson:	
Parts of county:	
Applegate	
County—Josephi:	
Parts of county:	
Williams	
Bly	01
County—Klamath:	
Parts of county:	
Langell CCD	
Brownsville	01
County—Linn:	
Parts of county:	
Brownsville CCD	
Chiloquin	01
County—Klamath:	
Parts of county:	
Chiloquin CCD	
Cove/Union	01
County—Union:	
Parts of county:	
Cove Div.	
Union Div.	
Detroit—Idanha	01
County—Linn:	
Parts of county:	
Cascadia CCD (Part A)	
County—Marion:	
Parts of county:	
Breitenbush	
Detroit	
Forks	
Idanha	
Marion	
Estacada	04
County—Clackamas:	
Parts of county:	
Highland CCD	
Mt. Hood CCD	
Estacada CCD	
Halfway	01
County—Baker:	
Parts of county:	
Halfway CCD	
Eagle Valley CCD	
Harrisburg	01
County—Linn:	
Parts of county:	
Harrisburg CCD	
Prospect—Butte Falls	01

PRIMARY CARE: Oregon—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Jackson:	
Parts of county:	
Prospect CCD	
Butte Falls CCD	
Jordan Valley	01
County—Malheur:	
Parts of county:	
Jordan CCD	
La Pine	02
County—Deschutes:	
Parts of county:	
Sisters—Mulligan CCD South of Sumiver	
County—Klamath:	
Parts of county:	
Crescent Lake CCD	
County—Lake:	
Parts of county:	
Silver Lake—Ft. Rock CCD	
McKenzie	01
County—Lane:	
Parts of county:	
C.T. 1 (McKenzie)	
Monroe/Alsea	01
County—Benton:	
Parts of county:	
Monroe	
Alsea	
Northeast Portland	01
County—Multnomah:	
Parts of county:	
C.T. 33.01	
C.T. 33.02	
C.T. 34.01	
C.T. 34.02	
C.T. 35.01	
C.T. 35.02	
C.T. 36.01	
C.T. 37.01	
C.T. 37.02	
C.T. 38.01 through 38.03	
C.T. 39.01	
C.T. 39.02	
C.T. 40.01	
C.T. 40.02	
Nyssa	03
County—Canyon (Idaho):	
Parts of county:	
Parma Div.	
Wilder Div.	
Notus Div.	
County—Malheur:	
Parts of county:	
Adrian Div.	
Nyssa Div.	
Owyhee Div.	
Powers	01
County—Coos	
Parts of county:	
Powers Div.	
County—Curry:	
Parts of county:	
Agness Div.	
Rogue River—Gold Hill	02
County—Jackson:	
Parts of county:	
Evans Valley C.C.D.	
Foots Creek C.C.D.	
Vernonia	01
County—Columbia:	
Parts of county:	
Vernonia Div.	
Blodgett/Eddyville	01
County—Benton	
Parts of county:	
Blodgett Div.	
County—Lincoln	
Parts of county:	
Eddyville Div.	
West Salem	01
County—Marion	
Parts of county:	
C.T. 51	
C.T. 52	
Willamina	01

PRIMARY CARE: Oregon—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Polk:	
Parts of county:	
C.T. 304 (Willamina Division)	
County—Yamhill	
Parts of county:	
Willamina CCD	

PRIMARY CARE: Oregon

Population Group Listing

Population group name	Degree of shortage group
Washington Mig. Pop	04
County—Washington:	
Parts of county:	
Migrant population	
Woodburn—Marion Mig. Pop	02
County—Clackamas:	
Parts of county:	
Migrant population	
County—Marion	
Parts of county:	
Migrant population	
County—Polk:	
Parts of county:	
Migrant population	
County—Yamhill	
Parts of county:	
Migrant population	

PRIMARY CARE: Pennsylvania

County Listing

County name	Degree of shortage group
Adams:	
Service area: North Adams	03
Allegheny:	
Service area: Southwest Pittsburgh	02
Service area: Arlington Heights/St. Clair	01
Service area: Hill District	01
Service area: Homewood-Brushton	04
Service area: McKees Rocks-Stowe	01
Service area: Manchester	01
Service area: Beltzhoover/Knoxville	03
Armstrong:	
Service area: Armstrong-Clarion	01
Service area: Dayton Rural Valley	01
Service area: Kiski Valley	02
Service area: Punxsutawney	02
Bedford:	
Service area: Hyndman	01
Bradford:	
Service area: Towanda	04
Butler:	
Service area: Butler-NE Portion	02
Cambria:	
Service area: North Cambria	02
Cameron:	
Service area: Austin-Emporium	02
Carbon:	
Service area: Kidder	01
Centre:	
Service area: Snow Shoe	02
Service area: Penns Valley	02
Service area: Bellefonte/Howard	03
Chester:	
Service area: South Western Chester	03
Clarion:	
Service area: Forest-Clarion	01
Service area: Armstrong-Clarion	01
Clearfield:	
Service area: Snow Shoe	02
Service area: S. Central Clearfield Co.	04
Clinton:	
Service area: Renovo	02
Service area: Bellefonte/Howard	03

PRIMARY CARE: Pennsylvania—Continued

County Listing

County name	Degree of shortage group
Columbia:	
Service area: Benton-Millville	04
Crawford:	
Service area: East Crawford County	01
Dauphin:	
Service area: Williamstown	01
Delaware:	
Service area: City of Chester	03
Erie:	
Population Group: Low Inc. Pop. of Erie City	01
Service area: Southern Erie	02
Service area: North East Erie	01
Fayette:	
Service area: Markleysburg	01
Service area: Greensboro	01
Forest:	
Service area: Forest-Clarion	01
Franklin:	
Service area: Valleys Community	01
Fulton	01
Greene:	
Service area: Greensboro	01
Service area: West Greene	01
Huntingdon	03
Indiana:	
Service area: Indiana-N Portion	01
Service area: Punxsutawney	02
Jefferson:	
Service area: Punxsutawney	02
Juniata:	
Service area: Juniata Co.	03
Service area: Millerstown	01
Service area: Mt. Pleasant Mills-Middleburg	04
Lackawanna:	
Service area: Moscow	02
Lancaster:	
Population Group: Span. Spk. Pop. of S.E. Lancaster City	02
Service area: Welsh Mountain	01
Lebanon:	
Service area: Northern Lebanon Co.	01
Luzerne:	
Service area: Kidder	01
Service area: Benton-Millville	04
Service area: Exeter	01
Service area: Pittston	03
Service area: Mountaintop	02
Service area: Freeland	03
Lycoming:	
Service area: Picture Rocks/Hughesville/Muncy	04
Service area: Benton-Millville	04
McKean:	
Service area: Shinglehouse	01
Service area: Central McKean County	02
Mercer:	
Population Group: Low Income Pop. of Sharon-Farrell	02
Mifflin:	
Service area: Big Valley	04
Monroe:	
Service area: Kidder	01
Montour:	
Service area: Picture Rocks/Hughesville/Muncy	04
Northumberland:	
Service area: Picture Rocks/Hughesville/Muncy	04
Service area: Herndon-Mandata	02
Perry	
Service area: Millerstown	01
Service area: Western Perry County	03
Service area: Eastern Perry Co.	04
Philadelphia:	
Service area: North Philadelphia	03
Service area: Covenant House	01
Service area: South Philadelphia	04
Pike	04
Potter:	
Service area: Austin-Emporium	02
Service area: Galeton	04
Service area: Shinglehouse	01
Schuylkill:	
Service area: Shenandoah/Mahoning City	04
Service area: Herndon/Mandata	02
Service area: Tremont/Pine Grove	03
Snyder:	
Service area: Mt. Pleasant Mills-Middleburg	04
Somerset:	
Service area: Hyndman	01
Service area: Boswell	02

PRIMARY CARE: Pennsylvania—Continued

County Listing

County name	Degree of shortage group
Sullivan	01
Susquehanna:	
Service area: Barnes-Kasson	02
Tioga:	
Service area: Blossburg	02
Washington:	
Service area: Burgettstown	02
Wayne	03
Westmoreland:	
Service area: Kiski Valley	02
Wyoming:	
Service area: Exeter	01
York:	
Service area: York	02

PRIMARY CARE: Pennsylvania

Service Area Listing

Service area name	Degree of shortage group
Arlington Heights/St. Clair	01
County—Allegheny:	
Parts of county:	
C.T. 316.04	
C.T. 316.05	
Armstrong-Clarion	01
County—Armstrong:	
Parts of county:	
Brady's Bend Township	
Madison Township	
Perry Township	
Pine Township	
Sugarcreek Township	
Washington Township	
County—Clarion:	
Parts of county:	
Brady Township	
East Brady Township	
Madison Township	
Austin-Emporium	02
County—Cameron	
County—Potter:	
Parts of county:	
Austin Twp	
Keating Twp	
Portage Twp	
Sylvania Twp	
Wharton Twp	
Barnes-Kasson	02
County—Susquehanna:	
Parts of county:	
C.T. 301	
C.T. 302	
C.T. 307	
Bellefonte/Howard	03
County—Centre:	
Parts of county:	
Bellefonte Boro	
Howard Boro	
Milesburg Boro	
Bogge Township	
Curtin Township	
Howard Township	
Liberty Township	
Marion Township	
Spring Township	
Walker Township (southern ½)	
County—Clinton:	
Parts of county:	
Beech Creek Boro	
Beech Creek Township	
Belleshoover/Knoxville	01
County—Allegheny:	
Parts of county:	
C.T. 318.04	
C.T. 318.05	
C.T. 330.01	
Benton-Millville	04

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Columbia:	
Parts of county:	
Benton Borough	
Benton Township	
Fishing Creek Township	
Madison Township (northern ½)	
Millville Borough	
Mt. Pleasant Township	
Orange Township (northern ½)	
Pine Township	
Stillwater Borough	
Sugarloaf Township	
County—Luzerne:	
Parts of county:	
Fairmont Township	
Huntington Township	
New Columbus Borough	
County—Lycoming:	
Parts of county:	
Franklin Township (southern ½)	
Jordan Township	
Big Valley	04
County—Mifflin:	
Parts of county:	
Brown Twp	
Menno Twp	
Union Twp	
Blossburg	02
County—Tioga:	
Parts of county:	
Blossburg Boro	
Bloss Twp	
Covington Twp	
Duncan Twp	
Hamilton Twp	
Liberty Boro	
Liberty Twp (eastern ½)	
Putnam Boro	
Union Twp	
Ward Twp	
Boswell	02
County—Somerset:	
Parts of county:	
Boswell Boro	
Hooversville Boro	
Jennerstown Boro	
Jenner Twp	
Quemahoning Twp	
Stoystown Boro	
Burgettstown	02
County—Washington:	
Parts of county:	
Hanover Twp	
Robinson Twp	
Smith Twp	
Mt. Pleasant Twp	
Jefferson Twp	
Cross Creek Twp	
Independence Twp	
Hopewell Twp	
Burgettstown Borough	
Midway Borough	
McDonald Borough	
West Middletown Borough	
Butler—NE Portion	02
County—Butler:	
Parts of county:	
Venango Twp	
Alleghany Twp	
Washington Twp	
Parker Twp	
Concord Twp	
Fairview Twp	
Oakland Twp	
Donegal Twp	
Cherry Valley Borough	
Eau Claire Borough	
Bruin Borough	
Fairview Borough	
Petrolia Borough	
Karns City Borough	
Chicora Borough	
Central McKean County	02

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—McKean:	
Parts of county:	
Keating Township	
Otto Township	
Hamlin Township	
Sergeant Township	
Norwich Township	
City of Chester	06
County—Delaware:	
Parts of county:	
C.T. 4046	
C.T. 4048.01	
C.T. 4048.02	
C.T. 4050 through 4057	
C.T. 4058.01	
C.T. 4058.02	
C.T. 4059	
C.T. 4060	
Conrail	01
Covenant House	01
County—Philadelphia:	
Parts of county:	
C.T. 249 through 254	
Dayton Rural Valley	01
County—Armstrong:	
Parts of county:	
Redbank Twp (No Western Portion)	
Wayne Township	
Covenanthament Township	
Dayton Borough	
Rural Valley Borough	
Atwood Borough	
East Crawford County	01
County—Crawford:	
Parts of county:	
Athens Township	
Bloomfield Township	
Rockdale Township	
Rome Township	
Sparta Township	
Steuben Township	
Centerville Borough	
Townville Borough	
Spartansburg Borough	
Richmond Twp	
Eastern Perry Co	04
County—Perry:	
Parts of county:	
Buffalo Twp	
Duncannon Boro	
Howe Twp	
Marysville Boro	
Miller Twp	
New Buffalo Boro	
Newport Boro	
Oliver Twp	
Penn Twp	
Rye Twp	
Watts Twp	
Wheatfield Twp	
County—	
Parts of county:	
Exeter	
County—Luzerne:	
Parts of county:	
Exeter Borough	
West Wyoming	
Franklin Township	
Exeter Township	
County—Wyoming:	
Parts of county:	
Exeter Township	
Falls Township	
Forest-Clarion	01
County—Clarion:	
Parts of county:	
Farmington Twp	
Washington Twp	
Knox Twp	
County—Forest	
Freeland	06

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Luzerne:	
Parts of county:	
Butler Twp	
Foster Twp (W. Portion)	
Freeland Boro	
Hazel Twp	
Jeddo Boro	
Galeton	04
County—Potter:	
Parts of county:	
Galeton Borough	
Pike Township	
Ulysses Township	
West Branch Township	
Abbott Township	
Stewardson Township	
Greensboro	01
County—Fayette:	
Parts of county:	
Point Marion Borough	
Gorman Township	
Nicholson Township	
Springhill Township	
County—Greene:	
Parts of county:	
Dunkard Township	
Greene Township	
Monongahela Township	
Greensboro Borough	
Hamden-Mendon	02
County—Northumberland:	
Parts of county:	
Jackson Township	
Hamden Borough	
Jordan Township	
Lower Mahanoy Township	
Little Mahanoy Township	
Washington Township	
Upper Mahanoy Township	
West Cameron Township	
County—Schuylkill:	
Parts of county:	
Elkred Township	
Upper Mahantango Township	
Hill District	01
County—Allegheny:	
Parts of county:	
C.T. 300.01	
C.T. 300.03	
C.T. 300.04	
C.T. 305.01	
C.T. 305.02	
C.T. 305.05	
C.T. 305.06	
Homewood-Brushton	04
County—Allegheny:	
Parts of county:	
C.T. 1207	
C.T. 1301 through 1305	
Hyndman	01
County—Bedford:	
Parts of county:	
Harrison Twp	
Hyndman Boro	
Juniata Twp	
Londonderry Twp	
County—Somerset:	
Parts of county:	
Allegheny Twp	
Fairhope Twp	
Indiana—N Portion	01
County—Indiana:	
Parts of county:	
South Mahoning Twp	
East Mahoning Twp	
Grant Twp	
Montgomery Twp	
Washington Twp	
Rayne Twp	
Green Twp	
Pine Twp	
Glen Campbell Borough	
Cherry Tree Borough	
Marion Center Borough	
Plumville Borough	
Clymer Borough	
Juniata Co.	06

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Juniata:	
Parts of county:	
Lack Township	
Tuscarora Township	
Beale Township	
Spruce Hill Township	
Millin Borough	
Millerstown Borough	
Port Royal Borough	
Fayette Township	
Fermanagh Township	
Milford Township	
Turbett Township	
Walker Township	
Kidder	01
County—Carbon:	
Parts of county:	
East Side Boro	
Kidder Twp	
Penn Forest Twp	
Lausanne Twp	
Lehigh Twp	
County—Luzerne:	
Parts of county:	
White Haven Borough	
Bush Twp	
Foster Twp (E. Portion)	
County—Monroe:	
Parts of county:	
Coolbaugh Township	
Tobyhanna Township	
Tunkhannock Borough	
Kiski Valley	02
County—Armstrong:	
Parts of county:	
Apollo Borough	
Bethel Township	
Burrel Township	
Gilpin Township	
Kiskiminetas Township	
Leechburg Borough	
North Apollo Borough	
Parks Township	
South Bend Township	
County—Westmoreland:	
Parts of county:	
Allegheny Township	
Avonmore Borough	
Bell Township	
East Vandergrift Borough	
Hyde Park Borough	
Vandergrift Borough	
Washington Township	
West Leechburg Borough	
Oklahoma Borough	
Manchester	01
County—Allegheny:	
Parts of county:	
C.T. 321.01 through 321.06	
C.T. 321.08	
Marklesburg	01
County—Fayette:	
Parts of county:	
Henry Clay Twp	
Markleysburg Boro.	
Ohiopyle Boro.	
Stewart Twp	
Wharton Twp	
McKees Rocks-Stowe	01
County—Allegheny:	
Parts of county:	
C.T. 4021 through 4026	
C.T. 4031 through 4036	
Millerstown	01
County—Juniata:	
Parts of county:	
Greenwood Township	
Delaware Township	
Thompsontown Borough	
County—Perry:	
Parts of county:	
Tuscarora Township	
Greenwood Township	
Liverpool Township	
Liverpool Borough	
Millerstown Borough	
Mooreo	02

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Lackawanna:	
Parts of county:	
C.T. 129 (Springbrook, Madison, Covington, Clifton and Lehigh Twps)	
C.T. 116 (Roaring Brook, Jefferson Twps, Elmhurst Twp, Moscow Borough)	
Mountaintop	02
County—Luzerne:	
Parts of county:	
Dennison Township	
Wright Township	
Fairview Township	
Rice Township	
Dorrance Township	
Slocum Township	
Huntsgate Boro	
Mt. Pleasant Mills-Middleburg	04
County—Juniata:	
Parts of county:	
Monroe Township	
Susquehanna Twp	
County—Snyder:	
Parts of county:	
Beaver Township	
Beavertown Borough	
Chapman Township	
Franklin Township	
Centre Township	
Middleburg Borough	
Perry Township	
Washington Township	
West Perry Township	
Union Township	
Freeburg Borough	
North Adams	03
County—Adams:	
Parts of county:	
Menallen Township	
Tyrone Township	
Huntington Township	
Butler Township	
Arendtsville Borough	
Bendersville Borough	
Biglerville Borough	
York Springs Borough	
North Cambria	02
County—Cambria:	
Parts of county:	
Allegheny Twp	
Ashville Boro	
Barnesboro boro	
Barr Twp	
Carrolltan boro	
Chest Spring Boro	
Chest Twp	
Clearfield Twp	
Dean Twp	
East Carroll Twp	
Elder Twp	
Gallitzen Boro	
Gallitzen Twp	
Hastings Boro	
Loretto Boro	
Patton Boro	
Reade Twp	
Spangler Boro	
Susquehanna Twp	
Tunnelhill Boro	
West Carroll Twp	
White Twp	
North East Erie	01
County—Erie:	
Parts of county:	
C.T. 116 (North East Borough)	
C.T. 117 (North East and Greenfield Town)	
North Philadelphia	09
County—Philadelphia:	
Parts of county:	
C.T. 131 through 133	
C.T. 135 through 141	
C.T. 145 through 149	

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 151 through 166	
C.T. 165 through 168	
C.T. 171 through 174	
Northern Lebanon Co	01
County—Lebanon:	
Parts of county:	
Cold Spring Twp	
East Hanover Twp	
Union Twp	
Swatara Twp	
Bethel Twp	
Jonestown Boro	
Northern Lycoming	01
County—Lycoming:	
Parts of county:	
Cogan House Township	
McHenry Township	
Brown Township	
Pine Township	
Jackson Township	
Lewis Township (Northern 2/3)	
McIntyre Township	
McNett Township	
Cascade Township	
Gamble Township	
Cummings Township (Northern 2/3)	
Plunkett's Creek Township (Northeast 1/2)	
County—Tioga:	
Parts of County:	
Elk Township	
Morris Township	
Liberty Township (Western 1/2)	
Penns Valley	02
County—Centre:	
Parts of County:	
Center Hall Borough	
Gregg Township	
Haines Township	
Miles Township	
Millheim Borough	
Penn Township	
Potter Township	
Picture Rocks/Hughesville/Muncy	04
County—Lycoming:	
Parts of county:	
Clinton Twp (E. 1/2)	
Franklin Twp (N. 2/3)	
Hughesville Boro	
Mill Creek Twp	
Montgomery Boro	
Moreland Twp	
Muncy Boro	
Muncy Creek Twp	
Muncy Twp	
Penn Twp	
Picture Rocks Boro	
Pleasantle Creek Twp (S. 1/2)	
Shrewsbury Twp	
Wolf Twp	
County—Montour:	
Parts of County:	
Anthony Twp	
County—Northumberland:	
Parts of County:	
Lewis Twp	
Turbotville Boro	
Pittston	09
County—Luzerne:	
Parts of County:	
C.T. 101 through 109	
C.T. 117	
Punxsutawney	02
County—Armstrong:	
Parts of County:	
Redbank Township (Eastern 1/3)	

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Indiana:	
Parts of County:	
Banks Township (Northern 2/3)	
Canoe Township (Northern 2/3)	
Northern Mahoning (Northern 1/2)	
Smicksburg Borough	
West Mahoning Township (Northern 1/2)	
County—Jefferson:	
Parts of County:	
Bell Township	
Beaver Township (Southern 1/2)	
Big Run Borough	
Gaskill Township	
Henderson Township	
Oliver Township	
Perry Township	
Porter Township	
Punxsutawney Borough	
Riggold Township	
Tiobbin Borough	
Worthville Borough	
Young Township	
Renovo	02
County—Clinton:	
Parts of County:	
East Keating Township	
Renovo Borough	
South Renovo Borough	
Leidy Township	
Chapman Township	
Noyes Township	
Grugan Twp	
S. Central Clearfield Co	04
County—Clearfield:	
Parts of County:	
Coalport Boro	
Glen Hope Boro	
Irvona Boro	
Ramey Boro	
Westover Boro	
Beccaria Twp	
Bigler Twp	
Chest Twp	
Gulich Twp	
Jordan Twp	
Shenandoah/Mahoning City	04
County—Schuylkill:	
Parts of county:	
Delano Twp	
East Union Twp	
Gilberton Boro	
Kline Twp	
McAdoo Boro.	
Mahanoy City Boro.	
Mahanoy Twp	
North Union Twp	
Ringtown Boro.	
Ryan Twp	
Shenandoah Boro.	
Union Twp	
West Mahanoy Twp	
Shinglehouse	01
County—McKean:	
Parts of county:	
Ceres Township	
Eldred Township	
County—Potter:	
Parts of county:	
Shinglehouse Borough	
Sharon Township	
Oswayo Township	
Oswayo Borough	
Genesee Township	
Pleasant Valley Township	
Clara Township	
Snow Shoe	02

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Centre:	
Parts of county:	
Snow Shoe Township	
Snow Shoe Borough	
Burnside Township	
Boggs Township (Southern ½)	
Union Township (Southern ½)	
Curtin Twp (Eastern ½)	
Unionville Borough	
County—Clearfield:	
Parts of county:	
Cooper Township (Northern ½)	
Covington Township	
Karthaus Township	
South Philadelphia	04
County—Philadelphia:	
Parts of county:	
C.T. 13	
C.T. 14	
C.T. 19 through 22	
C.T. 38	
South Western Chester	03
County—Chester:	
Parts of county:	
C.T. 3061	
C.T. 3062	
C.T. 3077 through 3082	
Southern Erie	02
County—Erie:	
Parts of county:	
Conneaut Township	
Elk Creek Township	
Franklin Township	
Springfield Township	
Cranesville Borough	
Albion Borough	
Platea Borough	
Southwest Pittsburgh	02
County—Allegheny:	
Parts of county:	
C.T. 2001 through 2009	
C.T. 2601 through 2605	
C.T. 2606	
Towanda	04
County—Bradford:	
Parts of county:	
Albany Twp	
Asylum Twp	
Burlington Boro	
Burlington Twp	
Franklin Twp	
Herrick Twp	
Monroe Boro	
Monroe Twp	
New Albany Boro	
North Towanda Twp	
Orwell Twp	
Overton Twp	
Rome Boro	
Rome Twp	
Standing Stone Twp	
Terry Twp	
Towanda Boro	
Towanda Twp	
Wilmont Twp	
Wyalusing Twp	
Tremont/Pine Grove	03
County—Schuylkill:	
Parts of county:	
Tremont Borough	
Tremont Township	
Pottsy Township	
Porter Township	
Pine Grove Borough	
Washington Township	
Pine Grove Township	
Hegins Township	
Berry Township	
Hubley Township	
Tower City Borough	
Valleys Community	01
County—Franklin:	
Parts of county:	
Fannet Township	
Metal Township	
Wabash Mountain	01

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Lancaster:	
Parts of county:	
Salisbury Twp	
Caernarvon Twp	
East Twp	
East East Twp	
West Greene	01
County—Greene:	
Parts of county:	
Aleppo Twp	
Gilmore Township	
Gray Township	
Jackson Township	
Richhill Township	
Springhill Township	
Center Township	
Freeport Township	
Morris Township	
Washington Township	
Wayne Township	
Western Perry County	03
County—Perry:	
Parts of county:	
Blain Boro	
Bloomfield Boro	
Carroll Twp	
Centre Twp	
Jackson Twp	
Juniata Twp	
Landisburg Boro	
N.E. Madison Twp	
Saville Twp	
S.W. Madison Twp	
Spring Twp	
Toboyne Twp	
Tyrone Twp	
Williamstown	01
County—Dauphin:	
Parts of county:	
Upper Paxton Township	
Millersburg Borough	
Mifflin Township	
Berrysburg Borough	
Washington Township	
Elizabethville Borough	
Jackson Township	
Jefferson Township	
Wayne Township	
Reed Township	
Halifax Township	
Halifax Borough	
Williamstown Borough	
Williams Township	
Lykens Twp	
Gratz Borough	
Wiconisco Township	
Lykens Borough	
York	02
County—York:	
Parts of county:	
C.T. 1 through 3	
C.T. 6	
C.T. 7	
C.T. 10	
C.T. 15	
C.T. 16	

PRIMARY CARE: Pennsylvania

Population Groups

Population group name	Degree of shortage group
Low Inc. Pop. of Erie City	01
County—Erie:	
Parts of county:	
Erie city:	
Low Income Pop. of Sharon-Farrell	02
County—Mercer:	
Parts of county:	
Farrell	
Sharon	
Span. Spk. Pop. of S.E. Lancaster city	02

PRIMARY CARE: Pennsylvania—Continued

Population Groups

Population group name	Degree of shortage group
County—Lancaster:	
Parts of county:	
C.T. 8	
C.T. 9	
C.T. 15	
C.T. 16	

PRIMARY CARE: Rhode Island

County Listing

County name	Degree of shortage group
Kent:	
Population group: Med. Ind. Pop. (Kent Co.)	01
Facility: Combined Health Center	01
Newport:	
Population group: Low Inc. Pop. (S. Rhode Island)	01
Providence:	
Service area: Olneyville	02
Service area: Central Falls	02
Service area: Northwest Woonsocket	01
Facility: Med/Mex Securities Institution	03
Service area: Woodlawn	02
Washington:	
Service area: Hope Valley	
Population group: Low Inc. pop. (S. Rhode Island)	01

PRIMARY CARE: Rhode Island

Service Area Listing

Service area name	Degree of shortage group
Central Falls	02
County—Providence:	
Parts of county:	
C.T. 108 through 111	
Hope Valley	02
County—Washington:	
Parts of county:	
Charlestown	
Exeter	
Hopkinton	
Richmond	
Northwest Woonsocket	01
County—Providence:	
Parts of county:	
C.T. 172	
C.T. 174	
C.T. 176	
C.T. 178 through 183	
Olneyville	02
County—Providence:	
Parts of county:	
C.T. 18 through 22	
Woodlawn	02
County—Providence:	
Parts of county:	
C.T. 161	
C.T. 161	
C.T. 164	

PRIMARY CARE: Rhode Island

Population Group Listing

Population group name	Degree of shortage group
Low Inc. Pop. (S. Rhode Island)	01
County—Newport:	

PRIMARY CARE: Rhode Island—Continued

Population Group Listing

Population group name	Degree of shortage group
Parts of county:	
Jamestown Twn	
County—Washington:	
Parts of county:	
Narragansett Twn	
North Kingstown Twn	
South Kingstown Twn	
Med. Ind. Pop. (Kent Co.)	01

PRIMARY CARE: Rhode Island

Facility Listing

Facility name	Degree of shortage group
Carolwood Health Center	01
County—Kent:	
Parts of county:	
Warwick	
Med/Max Securities Institution	3
County—Providence:	
Parts of county:	
Cranston	

PRIMARY CARE: South Carolina

County Listing

County name	Degree of shortage group
Abbeville:	
Service area: Iola	02
Allendale	04
Anderson:	
Service area: Iola	02
Bamberg	04
Barnwell	04
Beaufort:	
Service area: St. Helena	02
Berkeley	01
Calhoun	01
Charleston:	
Service area: Sea Island Compre. Health Care Corp.	01
Service area: McClellanville	02
Cherokee	03
Chester	03
Chesterfield	04
Clarendon	01
Dillon	02
Dorchester	02
Edgefield	04
Fairfield	01
Florence:	
Service area: Lake City	02
Greenwood:	
Service Area: Hodges/Princeton	04
Horry	04
Jasper	04
Kershaw:	
Service Area: Bethune/Mt. Pisgah	01
Laurens	04
Service Area: Hodges/Princeton	04
Lexington:	
Service Area: Batesburg	02
McCormick	03
Marlboro	02
Newberry	04
Orangeburg:	
Service Area: Orangeburg	01
Richland:	
Facility: Central Correctional Inst	02
Facility: Manning Correctional Inst	02
Facility: Women's Correctional Inst	02
Service Area: Richland	01
Facility: Kirkland Correctional Inst	03
Saluda	02
Spartanburg:	
Service Area: Landrum	01
Union	04

PRIMARY CARE: South Carolina—Continued

County Listing

County name	Degree of shortage group
Williamsburg	04
York:	
Service Area: Western York Co	02

PRIMARY CARE: South Carolina

Service Area Listing

Service area name	Degree of shortage group
Batesburg	02
County—Lexington:	
Parts of county:	
Batesburg—Leesville CCD	
Gilbert CCD	
Bethune/Mt. Pisgah	01
County—Kershaw:	
Parts of county:	
E.D. 1 Through 3 (Bethune CCD)	
E.D. 5 (Mt. Pisgah CCD)	
E.D. 6 (Mt. Pisgah CCD)	
Hodges/Princeton	04
County—Greenwood:	
Parts of county:	
E.D. 1 (Hodges)	
E.D. 2 (Hodges)	
E.D. 4 Through 6 (Hodges)	
County—Laurens:	
Parts of county:	
E.D. 30 Through 31 (Princeton)	
Iola	02
County—Abbeville:	02
Parts of county:	
Abbeville—Lowndesville	
County—Anderson:	
Parts of county:	
Iva	
Starr	
Lake City	02
County—Florence	
Parts of county:	
Coward	
Johnsonville	
Lake City	
Olanta	
Scranton	
Landrum	03
County—Spartanburg:	
Parts of county:	
Landrum	
Orangeburg	01
County—Orangeburg:	
Parts of county:	
Bowman Division	
Holly Hill Division	
Eutawville Division	
Vance Division	
Elloree Division	
Richland	01
County—Richland:	
Parts of county:	
C.T. 116	
C.T. 119.02	
C.T. 120	
Sea Island Compre. Health Care Corp	01
County—Charleston:	
Parts of county:	
C.T. 19.01	
C.T. 19.02	
C.T. 20.01 Through 20.04	
C.T. 21.01	
C.T. 21.02	
C.T. 22 Through 25	
McClellanville	02
County—Charleston:	
Parts of county:	
McClellanville Division	
St. Helena	02
County—Beaufort:	
Parts of county:	
St. Helena	
Western York Co.	02

PRIMARY CARE: South Carolina—Continued

Service Area Listing

Service area name	Degree of shortage group
County—York:	
Parts of county:	
C.T. 14 Through 16	
C.T. 19	
E.D. 9 (of C.T. 17)	

PRIMARY CARE: South Carolina

Facility Listing

Facility name	Degree of shortage group
Central Correctional Inst	02
County—Richland:	
Kirkland Correctional Inst	03
County—Richland:	
Manning Correctional Inst	02
County—Richland:	
Women's Correctional Inst	02
County—Richland	

PRIMARY CARE: South Dakota

County Listing

County name	Degree of shortage group
Aurora	01
Bennett:	
Service area: Martin	02
Bon Homme	03
Brule:	
Service area: Chamberlain	02
Buffalo:	
Service area: Buffalo-Jerauld	01
Campbell	01
Charles Mix:	
Service area: Lake Andes	02
Clark	01
Corson	01
Custer	01
Day	02
Deuel:	
Service area: Canby (Minnesota)	04
Service area: Deuel	01
Dewey	01
Douglas	03
Edmunds	01
Fall River:	
Service area: Edgemont	02
Faulk	03
Grant	04
Gregory:	
Service area: Lake Andes	02
Haakon:	
Service area: Philip	01
Hamlin	01
Hanson	01
Harding	01
Hyde	01
Jackson:	
Service area: Philip	01
Service area: Martin	02
Jerauld:	
Service area: Buffalo-Jerauld	01
Jones	01
Lincoln:	
Service area: Turner-Lincoln	04
Facility: South Dakota State Penitentiary	02
Lyman:	
Service area: Chamberlain	02
McCook	03
Mcpherson	04
Meade	04

PRIMARY CARE: South Dakota—Continued

County Listing

County name	Degree of shortage group
Mellette	01
Miner	02
Minnehaha:	
Population group: Med. Indigent Pop./Minnehaha Co	01
Moody	04
Pennington:	
Service area: Phillip	01
Perkins	01
Roberts	01
Sanborn	01
Shannon	01
Spink:	
Facility: Redfield State Hosp. & School	01
Stanley	01
Sully	01
Todd	03
Tripp	03
Turner:	
Service area: Turner-Lincoln	04
Union	01
Washabaugh	01
Yankton:	
Facility: Human Services Center	03
Ziebach	01

PRIMARY CARE: South Dakota

Service Area Listing

Service area name	Degree of shortage group
Buffalo—Jerauld	01
County—Buffalo	
County—Jerauld	
Chamberlain	02
County—Brule	
County—Lyman	
Deuel	01
County—Deuel:	
Parts of county:	
Altamont Town	
Altamont Township	
Anastape Valley Township	
Astoria Town	
Blom Township	
Brandt Town	
Brandt Township	
Clear Lake City	
Clear Lake Township	
Glenwood Township	
Goodwin Town	
Goodwin Township	
Grange Township	
Havana Township	
Hidewood Township	
Lowe Township	
Portland Township	
Rome Township	
Scandinavia Township	
Toronto Township	
Edgemont	02
County—Fall River	
Parts of county:	
Argentine Township	
Cottonwood Township	
Dudley Township	
Edgemont City	
Provo Township	
Unorganized Terr.	
Lake Andes	02
County—Charles Mix:	
Parts of county:	
Lake Andes City	
Dante Township	

PRIMARY CARE: South Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
Geddes City	
Kennedy Township	
White Swan Township	
Platn Center Township	
Wagner City	
Choteau Creek Township	
Highland Township	
Lawrence Township	
Wahaha Township	
Hamilton Township	
Signal Township	
Rhoda Township	
Moore Township	
Jackson Township	
Goose Lake Township	
Howard Township	
Lone Tree Township	
Rae Township	
Rouse Township	
County—Gregory	
Parts of county:	
Fairfax Township	
Pleasant Valley Township	
Whetstone Township	
Schriever Township	
Star Valley Township	
Un. Org. Terr. S.E. Gregory	
St. Charles Township	
Un. Org. Terr. E. Gregory	
Elliston Township	
Martin	02
County—Bennett	
County—Jackson	
Parts of county:	
S. Jackson Co. (formerly Washabaugh)	
County—Cherry (Nebraska)	
Parts of county:	
Ell Precinct	
Merriman Village	
Phillip	01
County—Haakon	
County—Jackson	
Parts of county:	
Unorg. Terr. of NW Jackson	
Unorg. Terr. of E. Jackson	
Unorg. Terr. of Brady	
Grandview Township	
Jewett Township	
Cottonwood Township	
Indian Creek Township	
Big Buffalo Township	
Little Buffalo Township	
Kadoka City	
Kadoka Township	
Belvidere Township	
Belvidere Town	
County—Pennington	
Parts of county:	
Pano Township	
Cowanka Township	
Wasta Township	
Lake Flat Township	
Lake Hill Township	
Lake Creek Township	
Conata Township	
Wall Town	
Quinn Township	
Imlay Township	
Wasta Town	
Quinn Town	
Unorg. Terr. of N.E. Pennington	
Unorg. Terr. of Dalzell Canyon	
Unorg. Terr. of Badlands	
Flat Butte Township	
Cheyenne Township	
Rainy Creek Township	
Sunnyside Township	
Ash Township	
Shyne Township	
Crooked Creek Township	
Castle Butte Township	
Cedar Butte Township	
Turner—Lincoln	04

PRIMARY CARE: South Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Lincoln	
County—Turner	

PRIMARY CARE: South Dakota

Population Group Listing

Population group name	Degree of shortage group
Medically Indigent Pop/Minnehaha County	01
County—Minnehaha:	
Parts of county:	
Med. Indigent Pop	

PRIMARY CARE: South Dakota

Facility Listing

Facility name	Degree of shortage group
Human Services Center	03
County—Yankton	
Redfield State Hosp. & School	01
County—Spink	
Parts of county:	
Redfield State Hosp. & School	
South Dakota State Penitentiary	02
County—Lincoln	
Parts of county:	
State Penitentiary	

PRIMARY CARE: Tennessee

County Listing

County name	Degree of shortage group
Benton	03
Bledsoe	04
Campbell	04
Carter	03
Cheatham	02
Chester	03
Claiborne	03
Clay	04
Cocke	01
Crockett	03
Davidson:	
Population group: Med. Indigent Pop	01
Decatur	01
Fayette	04
Fentress	03
Grainger	01
Grundy	02
Hamilton:	
Population group: Alton Pk/Dodson Ave (Medically Ind. Pop.)	02
Hancock	04
Hardeman	03
Hardin:	
Service Area: Shiloh Pickwick	02
Hawkins	04
Haywood	02
Henderson	04
Hickman	02
Jackson	02
Lake	02
Lauderdale	02
Loudon	03
McNairy:	
Service Area: Shiloh Pickwick	02
Macon	01
Meigs	01
Monroe	03
Morgan	01

PRIMARY CARE: Tennessee—Continued

County Listing

County name	Degree of shortage group
Overton	02
Pickett	02
Polk:	
Service Area: West Polk County	01
Roane	04
Scott	04
Sevier	04
Stewart	01
Tipton	02
Unicoi	04
Union	01
Van Buren	02
Wayne	02
Weakley	03

PRIMARY CARE: Tennessee

Service Area Listing

Service area name	Degree of shortage group
West Polk County	01
County—Polk:	
Parts of county:	
Benton Div (Enum. Dist. 1 through 4)	
Parksville Div (Enum. Dist. 5 through 7)	

PRIMARY CARE: Tennessee

Population Group Listing

Population group name	Degree of shortage group
Alton Pk/Dodson Ave (Medically Ind. Pop.)	02
County—Hamilton:	
Parts of county:	
C.T. 1 through 4	
C.T. 10 through 18	
C.T. 19 through 27	
C.T. 114.01	
C.T. 115	
C.T. 120	
C.T. 121	
Med. Indigent Pop	01
County—Davidson:	
Parts of county:	
C.T. 118 through 126	
C.T. 128 through 131	
C.T. 133	
C.T. 135 through 148	
C.T. 160 through 164	
C.T. 166 through 171	

PRIMARY CARE: Texas

County Listing

County name	Degree of shortage group
Archer	04
Armstrong	01
Atascosa	04
Bandera	02
Bee	04
Bexar:	
Service area: East side (San Antonio)	02
Service area: Southern Rural Bexar (San Antonio)	01
Service area: South side (San Antonio)	01
Service area: West side (San Antonio)	01
Borden	01
Bowie:	
Service area: DeKalb	01
Cameron	04
Carson	04

PRIMARY CARE: Texas—Continued

County Listing

County name	Degree of shortage group
Castro	01
Crane	02
Crosby	04
Culberson	04
Dallas:	
Service area: West Dallas	01
Service area: Fair Park/White Rock Creek Industrial	01
Service area: South Dallas	02
Service area: Trinity	01
Service area: Lisbon	01
Service area: Simpson Stuart	01
Dawson	04
Deaf Smith	04
Dickens:	
Service area: Dickens-King	02
Donley	04
Duval	04
Ellis	04
El Paso:	
Service area: Southeast El Paso	02
Service area: South El Paso	02
Floyd	03
Galveston:	
Service area: Highland Bayou	04
Service area: Bolivar Penninsula	01
Glasscock	01
Gonzales:	
Service area: Nixon	04
Hardin	02
Henderson:	
Service area: Cedar Creek	02
Hidalgo	04
Hudspeth	01
Hunt	04
Jackson	02
Jeff Davis:	
Service area: Presidio—Jeff Davis	01
Jefferson:	
Service area: Beaumont Inner City	01
Service area: Port Arthur Inner City	01
Jim Hogg	02
Kaufman:	
Service area: Cedar Creek	02
King:	
Service area: Dickens-King	02
Kinney	03
Kleberg	04
La Salle	02
Liberty	04
Lipscomb:	
Service area: Western Oklahoma	03
Live Oak	04
Llano	04
Loving	04
Lubbock:	
Service area: East Lubbock	01
Lynn	01
Marion	01
Mason	04
Maverick	04
Medina	03
Mills:	
Service area: San Saba-Mills	04
Montgomery	03
Newton	04
Oldham	01
Parmer	04
Polk	04
Presidio:	
Service area: Presidio-Jeff Davis	01
Reins	01
Red River:	
Service area: DeKalb	01
Reeves	04
Sabine	04
San Jacinto	01
San Saba:	
Service area: San Saba-Mills	04
Smith:	
Service area: Hawkins	01
Starr	02
Tarrant:	
Service area: Far Northside/Diamond Hill	03
Service area: Poly	01
Service area: Stop Six	04
Terrell	01

PRIMARY CARE: Texas—Continued

County Listing

County name	Degree of shortage group
Travis:	
Service area: East Austin	03
Trinity	03
Tyler	03
Upshur:	
Service area: Hawkins	01
Upton	02
Val Verde	04
Van Zandt	04
Walker	02
Waller	01
Ward	03
Webb	02
Willacy	03
Wilson	02
Wood:	
Service area: Hawkins	01
Yoakum	02
Zapata	01
Zavala	02

PRIMARY CARE: Texas

Service Area Listing

Service area name	Degree of shortage group
Beaumont Inner City	01
County—Jefferson:	
Parts of county:	
C.T. 7	
C.T. 8	
C.T. 10	
C.T. 15 through 19	
Bolivar Penninsula	01
County—Galveston:	
Parts of county:	
C.T. 1 through 6	
Cedar Creek	02
County—Henderson:	
Parts of county:	
Cedar Creek Lake	
Eustice	
County—Kaufman:	
Parts of county:	
Kemp-Mabank	
Dekalb	01
County—Bowie:	
Parts of county:	
C.T. 116	
C.T. 117	
County—Red River:	
Parts of county:	
Annona-Avery	
Dickens-King	02
County—Dickens:	
County—King	
East Austin	03
County—Travis:	
Parts of county:	
C.T. 9 through 10	
C.T. 21.02	
East Lubbock	01
County—Lubbock:	
Parts of county:	
C.T. 8 through 11	
C.T. 12.01	
C.T. 12.02	
East Side (San Antonio)	02
County—Bexar:	
Parts of county:	
C.T. 1301 through 1313	
Fair Park/White Rock Creek Industrial	01
County—Dallas:	
Parts of county:	
C.T. 23	
C.T. 25	
C.T. 26	
C.T. 27.01	
C.T. 27.02	
C.T. 28	
C.T. 93.02	
C.T. 115	
Far Northside/Diamond Hill	03

PRIMARY CARE: Texas—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Tarrant:	
Parts of county:	
C.T. 2.01	
C.T. 2.02	
C.T. 3	
C.T. 5.01	
C.T. 5.02	
C.T. 90.01	
Hawkins	01
County—Smith:	
Parts of county:	
Winona	
County—Upshur:	
Parts of county:	
Big Sandy	
County—Wood:	
Parts of county:	
Hawkins	
Highland Bayou	04
County—Galveston:	
Parts of county:	
C.T. 1225	
C.T. 1230	
Lisbon	01
County—Dallas:	
Parts of county:	
C.T. 56	
C.T. 57	
C.T. 58.01	
C.T. 58.02	
C.T. 87.01	
C.T. 87.02	
C.T. 88	
Nixon	04
County—Gonzales:	
Parts of county:	
CCD 020	
CCD 025	
Poly	01
County—Tarrant:	
Parts of county:	
C.T. 14.02	
C.T. 15	
C.T. 36	
C.T. 37.01	
C.T. 37.02	
C.T. 46.04	
Port Arthur Inner City	01
County—Jefferson:	
Parts of county:	
C.T. 51 through 53	
C.T. 57 through 62	
Presidio-Jeff Davis	01
County—Jeff Davis:	
County—Presidio:	
San Saba-Mills	04
County—Mills:	
County—San Saba:	
Simpson Stuart	01
County—Dallas:	
Parts of county:	
C.T. 112	
C.T. 113	
C.T. 114.01	
C.T. 114.02	
C.T. 167.01	
C.T. 167.02	
C.T. 169.01	
C.T. 169.02	
South Dallas	02
County—Dallas:	
Parts of county:	
C.T. 29	
C.T. 30	
C.T. 31.02	
C.T. 32.02	
C.T. 33 through 36	
C.T. 38.01	
C.T. 38.02	
C.T. 40	
South El Paso	02
County—El Paso:	
Parts of county:	
C.T. 17 through 21	
South Side (San Antonio)	01

PRIMARY CARE: Texas—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Bexar:	
Parts of county:	
C.T. 1601 through 1607	
C.T. 1610	
C.T. 1801 through 1805	
Southeast El Paso	02
County—El Paso:	
Parts of county:	
C.T. 39	
C.T. 40	
C.T. 104	
C.T. 105	
Southern Rural Bexar (San Antonio)	01
County—Bexar:	
Parts of county:	
C.T. 1314 through 1316	
C.T. 1318	
C.T. 1416 through 1419	
C.T. 1519 through 1522	
C.T. 1610 through 1612	
C.T. 1619	
C.T. 1620	
Stop Six	04
County—Tarrant	
Parts of county:	
C.T. 38.01	
C.T. 38.02	
C.T. 46.01 through 46.03	
C.T. 61.01	
C.T. 61.02	
C.T. 62 through 64	
Trinity	01
County—Dallas:	
Parts of county:	
C.T. 49	
C.T. 54	
C.T. 55	
C.T. 86	
C.T. 89	
West Dallas	01
County—Dallas:	
Parts of county:	
C.T. 43	
C.T. 101 through 106	
West Side (San Antonio)	01
County—Bexar:	
Parts of county:	
C.T. 1606	
C.T. 1607	
C.T. 1701	
C.T. 1703	
C.T. 1704	
C.T. 1707 through 1712	
C.T. 1715	
C.T. 1716	

PRIMARY CARE: Utah

County Listing

County name	Degree of shortage group
Carbon	02
Daggett	01
Emery:	
Service area: Castle Dale	02
Millard:	
Service area: Fillmore	02
Piute	01
Rich	01
San Juan:	
Service area: Blanding	03
Sevier	02
Tooele:	
Service Area: Tooele	01
Uintah	02
Wayne	01
Weber:	
Service Area: Central and West Ogden	02

PRIMARY CARE: Utah

Service Area Listing

Service area name	Degree of shortage group
Blanding	03
County—San Juan:	
Parts of county:	
Blanding Div	
Castle Dale	02
County—Emery:	
Parts of county:	
Castle Dale-Huntington Div	
Emery-Price Div. (N. ½)	
Central and West Ogden	02
County—Weber:	
Parts of county:	
C.T. 3	
C.T. 4	
C.T. 10 through 12	
C.T. 18	
C.T. 19	
Fillmore	02
County—Millard:	
Parts of county:	
Fillmore City	
Holden Twn	
Kanosh Twn	
Meadow Twn	
Scipio Twn	
Unicorp area (Scipio Div.)	
Tooele	01
County—Tooele:	
Parts of county:	
Onaqui Div	
Tooele-Grantsville Div	

PRIMARY CARE: Vermont

County Listing

County name	Degree of shortage group
Addison:	
Service area: Route 100	01
Service area: Otter Creek Valley	01
Bennington:	
Service area: Londonderry	03
Caledonia:	
Service area: Hardwick	03
Essex:	
Service area: Upper Connecticut Valley	03
Service area: Essex	03
Franklin:	
Service area: Richford-Enosburg	04
Grand Isle	03
Lamoille:	
Service area: Hardwick	04
Orleans:	
Service area: Hardwick	04
Rutland:	
Service area: Black River Valley	01
Service area: Route 100	01
Service area: Otter Creek Valley	01
Washington:	
Service area: Hardwick	03
Windham:	
Service area: West River Valley	01
Service area: Londonderry	03
Windsor:	
Service area: Black River Valley	01
Service area: Route 100	01
Service area: Londonderry	03

PRIMARY CARE: Vermont

Service Area Listing

Service area name	Degree of shortage group
Black River Valley	01
County—Rutland:	

PRIMARY CARE: Vermont—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts of county:	
Mt. Holly Town	
County—Windsor:	
Parts of county:	
Cavendish	
Ludlow	
Reading Town	
Weathersfield Town	
Essex	03
County—Essex:	
Parts of county:	
Brighton Twn	
Concord Twn	
East Haven Twn	
Ferdinand Twn	
Granby Twn	
Guildhall Twn	
Lewis Twp	
Lunenburg Twn	
Maidstone Twn	
Victory Twn	
Hardwick	03
County—Caledonia:	
Parts of county:	
Hardwick	
Walden	
Danville	
Peacham Twn	
County—Lamoille:	
Parts of county:	
Wolcott	
Elmore	
County—Orleans:	
Parts of county:	
Greensboro	
Craftsbury	
County—Washington:	
Parts of county:	
Woodbury	
Calais	
Calais Twn	
East Montpelier Twn	
Plainsfield Twn	
Marshfield Twn	
Londonderry	03
County—Bennington:	
Parts of county:	
Landgrove Town	
Peru Town	
Winhall Town	
County—Windham:	
Parts of county:	
Londonderry Town	
County—Windsor:	
Parts of county:	
Weston Town	
Otter Creek Valley	01
County—Addison:	
Parts of county:	
Goshen Town	
Leicester Town	
Orwell Town	
Whiting Town	
Shoreham Town	
County—Rutland:	
Parts of county:	
Brandon Town	
Hubbardton Town	
Pittsford Town	
Sudbury Town	
Richford-Enosburg	04
County—Franklin:	
Parts of county:	
Bakersfield Twn	
Berkshire Twn	
Enosburg Twn	
Fairfield Twn	
Franklin Twn	
Montgomery Twn	
Richford Twn	
Sheldon Twn	
Route 100	01

PRIMARY CARE: Vermont—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Addison:	
Parts of county:	
Hancock Town	
Granville Town	
County—Rutland:	
Parts of county:	
Pittsfield Town	
County—Windsor:	
Parts of county:	
Rochester Town	
Stockbridge Town	
West River Valley	01
County—Windham:	
Parts of county:	
Jamaica	
Newfane	
Stratton	
Townshend	
Wardsboro	
Windham	

PRIMARY CARE: Virginia

County Listing

County name	Degree of shortage group
Accomack:	
Service area: Accomack/Northampton	04
Albemarle:	
Service area: Southern Albemarle	01
Amelia	03
Augusta:	
Service area: Craigsville	01
Bath:	
Service area: Craigsville	01
Bedford:	
Service area: Big Island	
Bland	01
Botetourt	02
Brunswick	01
Buckingham:	
Service area: Tri-County (Buck/Flue/Cumb)	01
Caroline	02
Carroll:	
Service area: Hillsville	02
Charles City	01
Charlotte:	
Service area: Drakes Branch	01
Craig	02
Cumberland:	
Service area: Tri-County (Buck/Flue/Cumb)	01
Dickenson	03
Elizabeth City:	
Service area: East End	02
Floyd	01
Fluvanna:	
Service area: Tri-County (Buck/Flue/Cumb)	01
Grayson:	
Service area: Trout Dale/Independence	04
Greene	01
Halifax:	
Service area: Nathalie	01
Hanover	04
Isle of Wight	02
King and Queen	01
King George	03
King William:	
Service area: Northern King William	01
Lee	01
Louisa	02
Lunenburg	01
Madison	02
Middlesex	04
Nelson	02
New Kent	01
Norfolk:	
Service area: Chesapeake	02
Service area: Pungo	01
Service area: Norfolk Area 1	01
Service area: Norfolk Area 2	01
Service area: Norfolk Area 3	01
Northampton:	
Service area: Capeville	04

PRIMARY CARE: Virginia—Continued

County Listing

County name	Degree of shortage group
Page	03
Pittsylvania	01
Powhatan	03
Richmond	03
Rockbridge:	
Service area: Craigsville	01
Russell	01
Scott	03
Southampton:	
Service area: Capron	01
Service area: Berlin-Ivor	01
Surry	03
Sussex	03
Westmoreland	03

PRIMARY CARE: Virginia

Service Area Listing

Service area name	Degree of shortage group
Berlin-Ivor	01
County—Southampton:	
Parts of county:	
Berlin-Ivor	
Big Island	01
County—Bedford:	
Parts of county:	
Dexter Dist. (Pt. 1½)	
Jefferson Dist. (Pt. 1½)	
Peaks Dist. (Pt. 1½)	
Capeville	01
County—Northampton:	
Parts of county:	
Capeville	
Capron	01
County—Southampton:	
Parts of county:	
Capron Dist.	
Drewryville Dist.	
Newsoms Dist.	
Chesapeake	02
County—Norfolk:	
Parts of county:	
Chesapeake City	
Craigsville	01
County—Augusta:	
Parts of county:	
Craigsville Twn	
Pastures Dist.	
Riverhead Dist. (portion)	
County—Bath:	
Parts of county:	
Millboro Dist. (portion)	
Williamsville Dist. (portion)	
County—Rockbridge:	
Parts of county:	
Goshen Twn	
Keers Creek Dist.	
Walkers Creek Dist. (portion)	
Drakes Branch	01
County—Charlotte:	
Parts of county:	
Bacon Dist.	
Central Dist.	
Roanoke Dist.	
East End	02
County—Elizabeth City:	
Parts of county:	
C.T. 302 through 306	
Hillsville	02
County—Carroll:	
Parts of county:	
Laurel Fork Dist.	
Hillsville Town	
Fancy Gap Town	
Nathalie	01
County—Halifax:	
Parts of county:	
Meadville Dist.	
Staunton Dist.	
Norfolk Area 1	01

PRIMARY CARE: Virginia—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Norfolk:	
Parts of county:	
C.T. 32	
C.T. 33	
C.T. 60	
C.T. 61	
Norfolk Area 2	01
County—Norfolk:	
Parts of county:	
C.T. 35.01	
C.T. 35.02	
C.T. 34	
Norfolk Area 3	01
County—Norfolk:	
Parts of county:	
C.T. 50	
C.T. 52	
C.T. 53	
Northern King William	01
County—King William:	
Parts of county:	
Mongohick Dist.	
Acquilon Dist.	
Pungo	01
County—Norfolk:	
Parts of county:	
Blackwater Boro.	
Pungo Boro.	
Southern Albemarle	01
County—Albemarle:	
Parts of county:	
Scottsville Dist.	
Tri-County (Buck-Fluv/Cumb)	01
County—Buckingham	
County—Cumberland	
County—Fluvanna	
Trout Dale/Independence	04
County—Grayson:	
Parts of county:	
Elk Creek Dist.	
Wilson Creek Dist.	

PRIMARY CARE: Washington

County Listing

County name	Degree of shortage group
Adams:	
Population Group: Migrants in Grant/Adams Co	02
Service area: Othello	02
Benton:	
Population Group: Migrant/Seasonal Farmworkers	01
Chelan:	
Population Group: Chelan-Douglas Migrant Pop	01
Clallam:	
Facility: Washington State Correctional Institution	03
Service area: Forks	04
Clark:	
Facility: Washington State Correctional Institution	03
Columbia:	
Population Group: Migrant Pop. in Columbia and Walla Walla	01
Cowlitz:	
Service area: Cowlitz-Lewis	01
Service area: Ryderwood	01
Douglas:	
Population Group: Chelan-Douglas Migrant Pop.s	01
Service area: Grand Coulee	01
Franklin:	
Population Group: Migrant/Seasonal Farmworkers	01
Grant:	
Population Group: Migrants in Grant/Adams Co	02
Service area: Othello	02
Service area: Grand Coulee	01
Grays Harbor	03
Jefferson:	
Service area: Forks	04

PRIMARY CARE: Washington—Continued

County Listing

County name	Degree of shortage group
King:	
Facility: Washington State Correctional Institution	03
Service area: Seattle-Central	03
Service area: South Seattle	03
Service area: Vashon-Maury Island	02
Service area: Pike Market	04
Facility: Seattle & King Co. Jails	02
Kittitas:	
Service area: Cle Elum	03
Klickitat	04
Lewis:	
Service area: Cowlitz-Lewis	01
Service area: Packwood	03
Mason:	
Facility: Washington State Correctional Institution	03
Service area: Grand Coulee	01
Okanogan:	
Service area: Oroville	01
Population Group: Okanogan Valley Migrant Area	01
Service area: Grand Coulee	01
Pacific:	
Service area: Raymond/South Bend	03
Service area: Naselle/Grays River	01
Pend Oreille	02
Pierce	01
Population Group: low income pop:	
San Juan	04
Skagit:	
Population Group: Whatcom-Skagit Area	04
Skamnia	02
Snohomish:	
Facility: Washington State Correctional Institution	03
Population Group: Tulalip Tribe-Snohobish County	01
Service area: Darrington	01
Stevens:	
Service area: Chewelah	04
Wahkiakum:	
Service Area: Naselle/Grays River	01
Walla Walla:	
Facility: Washington State Correctional Institution	03
Population Group: Migrant Pop. in Columbia and Walla Walla	01
Whatcom:	
Population Group: Whatcom-Skagit Migrant Area	04
Yakima:	
Population Group: Lower Yakima Valley-Migrant Area	02

PRIMARY CARE: Washington

Service Area Listing

Service area name	Degree of shortage group
Chewelah	04
County—Stevens:	
Parts of county:	
C.C.D. #4	
C.C.D. #6	
Cle Elum	03
County—Kittitas:	
Parts of county: Division 2 through 6	
Cowlitz-Lewis	01
County Cowlitz	
Parts of county: C.T. 1 through 3	
County—Lewis:	
Parts of county: C.T. 10	
Darrington	01
County—Snohomish:	
Parts of county: C.T. 837	
Forks	04

PRIMARY CARE: Washington—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Callam:	
Parts of county:	
Div. 5	
Div. 6	
County—Jefferson:	
Parts of county:	
Div. 4	
Div. 5	
Grand Coulee	01
County—Douglas:	
Parts of county: Coulee Dam	
County—Grant:	
Parts of county:	
Div. 1	
Div. 2	
County—Lincoln:	
Parts of county: Div. 6	
County—Okanogan:	
Parts of county: Div. 16	
Naselle/Grays River	01
County—Pacific:	
Parts of county: Division 7 (Naselle CCD)	
County—Wahkiakum:	
Parts of county: Division 3 (Grays River)	
Oroville	01
County—Okanogan:	
Parts of county:	
Division 1 through 4	
Division 11	
Othello	02
County—Adams:	
Parts of county:	
Div. 4 (Southern ½)	
Div. 5	
Div. 8 (Western ½)	
Div. 9	
Div. 10	
County—Grant:	
Parts of county:	
Div. 14	
Div. 16	
Div. 17	
Packwood	03
County—Lewis:	
Parts of county: C.C.D. #1	
Pike Market	04
County—King:	
Parts of county:	
C.T. 71	
C.T. 72	
C.T. 80 through 83	
Raymond/South Bend	03
County—Pacific:	
Parts of county:	
Division 1 through 4	
Raymond Division	
Ryderwood	01
County—Cowlitz:	
Parts of county: Div. 3	
Seattle-Central	
County—King:	
Parts of county:	
C.T. 73 through 79	
C.T. 86	
C.T. 87	
C.T. 90 through 92	
South Seattle	03
County—King:	
Parts of county:	
C.T. 100	
C.T. 101	
County—King:	
Parts of county: C.T. 103 through 112	
Vashon-Maury Islands	02

PRIMARY CARE: Washington—Continued

Service Area Listing

Service area name	Degree of shortage group
County—King:	
Parts of county:	
C.T. 277 (Vashon-Maury Islands)	

PRIMARY CARE: Washington

Population Group Listing

Population group name	Degree of shortage group
Chelan-Douglas Migrant Area	01
County—Chelan:	
Parts of county:	
Migrant Population	
County—Douglas:	
Parts of county:	
Migrant Population	
Low Income Pop. of Pierce Co.	
County—Pierce:	
Parts of county:	
Low Income Population	
Lower Yakima Valley Migrant Area	02
County—Yakima:	
Parts of county:	
Migrant Population	
Migrant Pop. in Columbia and Walla Walla	01
County—Columbia:	
Parts of county:	
Migrant Population	
County—Walla Walla:	
Parts of county:	
Migrant Population	
Migrant/Seasonal Farmworkers	01
County—Benton:	
County—Franklin:	
Migrants in Grant/Adams Co.	02
County—Adams:	
Parts of county:	
Mig. Pop. in Adams Co.	
County—Grant:	
Parts of county:	
Mig. Pop. in Grant Co.	
Okanogan Valley Migrant Area	01
County—Okanogan:	
Parts of county:	
Migrant Population	
Tulalip Tribe-Snohobish County	01
County—Snohobish:	
Whatcom-Skagit Migrant Area	04
County—Skagit:	
Parts of county:	
Migrant Population	
County—Whatcom:	
Parts of county:	
Migrant Population	

PRIMARY CARE: Washington

Facility Listing

Facility name	Degree of shortage group
Seattle & King Co. Jails	02
County—King:	
Washington State Correctional Institution	03
County—Clallam:	
Parts of county:	
Forks (Clearwater Corrections Center)	

PRIMARY CARE: Washington—Continued

Facility Listing

Facility name	Degree of shortage group
County—Clark:	
Parts of county:	
Yacolt (Larch Corrections Center)	
County—King:	
Parts of county:	
Seattle (Pirland Correctional Center)	
County—Mason:	
Parts of county:	
Shelton (Washington Corrections Center)	
County—Snohomish:	
Parts of county:	
Monroe (Washington State Reformatory)	
County—Walla Walla:	
Parts of county:	
Walla Walla (Wa. St. Pen/Ment Health Unit)	

PRIMARY CARE: West Virginia

County Listing

County name	Degree of shortage group
Berkeley	02
Boone	03
Braxton	01
Cabell:	
Service area: Cabell	01
Calhoun	03
Clay	01
Doddridge	01
Fayette:	
Service area: Fayetteville	01
Gilmer	01
Grant:	
Service area: MT Storm	01
Service area: Moorefield	04
Greenbrier:	
Service area: Northern Greenbrier	03
Hampshire:	
Service area: Baker	02
Service area: Moorefield	04
Service area: Capon Bridge	01
Hardy:	
Service area: Baker	02
Service area: Moorefield	04
Harrison:	
Service area: Shinnston	02
Jackson	03
Jefferson	01
Kanawha:	
Service area: Kanawha	01
Lewis	01
Lincoln	01
Logan:	
Service area: Man	03
Service area: Chapmanville	02
McDowell	04
Marion:	
Service area: Farmington	02
Marshall:	
Service area: Cameron	01
Facility: West Virginia Penitentiary	02
Mason:	
Service area: Mason	01
Mercer:	
Service area: Mercer	01
Mineral:	
Service area: Moorefield	04
Service area: Cabin Run	03
Mingo:	
Service area: Mingo	01
Service area: Man	03
Monongalia:	
Service area: Blacksville	01
Monroe	01
Morgan	02
Nicholas:	
Service area: Nicholas	01
Pendleton	01

PRIMARY CARE: West Virginia—Continued

County Listing

County name	Degree of shortage group
Pleasants:	
Service area: Jefferson	01
Pocahontas	01
Preston	01
Putnam:	
Service area: Teays Valley	02
Raleigh:	
Service area: Northwest of Raleigh Co.	01
Service area: Mountaineer of Raleigh Co.	01
Service area: Gulf of Raleigh Co.	01
Randolph:	
Service area: Middlefork	01
Facility: Huttonsville Corr. Center	02
Ritchie	01
Taylor	01
Tucker	04
Tyler:	
Service area: Tyler	01
Upshur:	
Service area: Middlefork	01
Wayne	01
Webster	04
Wetzel	03
Wirt	02
Wyoming	01

PRIMARY CARE: West Virginia

Service Area Listing

Service area name	Degree of shortage group
Baker	02
County—Hampshire:	
Parts of county:	
Capon Dist	
Romney Dist (Southern ¼)	
Sherman Dist	
County—Hardy:	
Parts of county:	
Capon Dist	
Lost River Dist	
Blacksville	01
County—Monongalia:	
Parts of county:	
Clay	
Battelle	
Cabell	01
County—Cabell:	
Parts of county:	
Union	
McComas	
Grant	
Barboursville	
Guyandotte	
Cabin Run	03
County—Mineral:	
Parts of county:	
Frankfurt	
Cabin Run	
Cameron	01
County—Marshall:	
Parts of county:	
Cameron	
Capon Bridge	01
County—Hampshire:	
Parts of county:	
Bloomery	
Capon	
Sherman	
Gore	
Chapmanville	02
County—Logan:	
Parts of county:	
Guyan	
Farmington	02
County—Marion:	
Parts of county:	
Lincoln District	
Fayetteville	01

PRIMARY CARE: West Virginia—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Fayette:	
Parts of county:	
Fayetteville	
Falls	
Cunningham	
Sewell Mountain	
Nuttall	
Mountain Cave	
Gulf	01
County—Raleigh:	
Parts of county:	
Trap Hill MCD	
Slab Fork MCD	
Jefferson	01
County—Pleasants:	
Parts of county:	
Grant	
Jefferson	
Lafayette	
McKim	
Union	
Kanawha	01
County—Kanawha:	
Parts of county:	
Big Sandy	
Poca	
Cabin Creek	
Malden	
Chesapeake Town	
Marmet Town	
Washington	
Union	
Washington	
Elk	
Man	03
County—Logan:	
Parts of county:	
Logan Dist (Southern part)	
Triadelphia Dist.	
County—Mingo:	
Parts of county:	
Stafford Dist. (Northeastern part)	
Mason	01
County—Mason:	
Parts of county:	
Arbuckle	
Clendenin	
Cologne	
Copper	
Graham	
Hannan	
Robinson	
Union	
Waggener	
Mercer	01
County—Mercer:	
Parts of county:	
Rock	
Jumping Branch	
Plymouth	
Middlefork	01
County—Randolph:	
Parts of county:	
Middlefork	
County—Upshur:	
Parts of county:	
Meade	
Banks	
Mingo	01
County—Mingo:	
Parts of county:	
Harvey	
Hardee	
Kermit	
Magnolia	
Lee	
Moorefield	04

PRIMARY CARE: West Virginia—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Grant:	
Parts of county:	
Grant Dist	
Milroy Dist	
Petersburg Twn	
County—Hampshire:	
Parts of county:	
Mill Creek Dist (Southern ½)	
Romney Dist (Southwest ½)	
County—Hardy:	
Parts of county:	
Moorefield Dist	
Moorefield Twn	
South Fork Dist	
County—Mineral:	
Parts of county:	
Welton Dist	
Mountaineer	01
County—Raleigh:	
Parts of county:	
Shady Spring MCD	
Richmond MCD	
Mt. Storm	01
County—Grant:	
Parts of county:	
Union	
Nicholas	01
Parts of county:	
Jefferson	
Grant	
Wilderness	
Summersville	
Hamilton	
Northern Greenbrier	03
County—Greenbrier:	
Parts of county:	
Meadow Bluff	
Williamsburg	
Falling Springs	
Frankford	
Anthony Creek	
Northwest—of Raleigh Co.	01
County—Raleigh:	
Parts of county:	
Clear Fork MCD	
Marsh Fork MCD	
Shinnston	02
County—Harrison:	
Parts of county:	
Clay District	
Eagle District	
Teays Valley	02
County—Putnam:	
Parts of county:	
Scott District	
Teays Valley District	
Tyler	01
County—Tyler:	
Parts of county:	
Centerville	
Ellsworth	
McElroy	
Meade	
Union	

PRIMARY CARE: West Virginia

Facilities Listing

Facility name	Degree of shortage group
Huttonsville Corr. Center	02
County—Randolph:	
West Virginia Penitentiary	02

PRIMARY CARE: West Virginia—Continued

Facilities Listing

Facility name	Degree of shortage group
County—Marshall:	

PRIMARY CARE: Wisconsin

County Listing

County name	Degree of shortage group
Adams	03
Ashland:	
Service area: Park Falls	03
Brown:	
Service area: Pulaski	01
Facility: Wisconsin State Reformatory	02
Buffalo:	
Service area: Western Buffalo Co.	01
Service area: Whitehall/Arcadia	01
Burnett	02
Calumet	04
Clark	02
Crawford:	
Service area: Kickapoo Valley	01
Dane:	
Service area: Ft. Atkinson	04
Dodge:	
Service area: Waupun	04
Facility: Wisconsin Correctional Inst	02
Facility: Wisconsin State Prison	02
Door:	
Service area: Northern Door	02
Douglas:	
Service area: Minong	02
Fond Du Lac:	
Service area: Waupun	04
Grant	04
Green Lake:	
Service area: Waupun	04
Iowa	04
Iron:	
Service area: Park Falls	03
Jackson:	
Service area: Sparta	02
Jefferson:	
Service area: Ft. Atkinson	04
Juneau:	
Service area: Hillsboro	02
Lafayette	02
Langlade:	
Service area: Elcho	03
Lincoln:	
Service area: Athens	01
Service area: Tomahawk	03
Facility: Lincoln Hill School	02
Manitowoc:	
Service area: Reedsville	01
Marathon:	
Service area: Athens	01
Service area: Tigerton	02
Service area: Edgar	03
Service area: Birnamwood	01
Marinette:	
Service area: Pound	01
Menominee	01
Milwaukee:	
Service area: Inner City North (Milwaukee)	01
Service area: Inner City South (Milwaukee)	03
Population Group: Med. Indigent Pop. (N. Milwaukee)	01
Population Group: Med. Indigent Pop. (S. Milwaukee)	03
Monroe:	
Service area: Hillsboro	02
Service area: Sparta	02
Oconto:	
Service area: Oconto Falls	03
Service area: Mountain	01
Service area: Pulaski	01
Oneida:	
Service area: Tomahawk	03
Service area: Elcho	03
Portage:	
Service area: Tigerton	02
Price:	
Service area: Park Falls	03

PRIMARY CARE: Wisconsin—Continued

County Listing

County name	Degree of shortage group
Service area: Tomahawk	03
Racine:	
Service area: Racine (City)	04
Population Group: Med. Indigent Pop. (Racine)	04
Richland:	
Service area: Kickapoo Valley	01
Service area: Hillsboro	02
Sauk:	
Service area: Hillsboro	02
Sawyer:	
Service area: Park Falls	03
Shawano:	
Service area: Oconto Falls	03
Service area: Tigerton	02
Service area: Birnamwood	01
Service area: Pulaski	01
Sheboygan:	
Facility: Kettle Moraine Correctional Inst.	02
Taylor	04
Trempealeau:	
Service area: Whitehall/Arcadia	01
Vernon:	
Service area: Western Vernon County	04
Service area: Kickapoo Valley	01
Service area: Hillsboro	02
Walworth:	
Service area: Ft. Atkinson	04
Washburn:	
Service area: Minong	02
Waukesha:	
Facility: Ethan Allen School	02
Waupaca:	
Service area: Tigerton	02

- **PRIMARY CARE: Wisconsin**

Service Area Listing

Service area name	Degree of shortage group
Athens	01
County—Lincoln:	
Parts of county:	
Corning Twn	
County—Marathon:	
Parts of county:	
Athens City	
Bein Twn	
Halsey Twn	
Hamburg Twn	
Johnson	
Rietbrock Twn (Part)	
Birnamwood	01
County—Marathon:	
Parts of county:	
Norrie Town	
Pioner Town	
Hatley Village	
County—Shawano:	
Parts of county:	
Birnamwood Village	
Birnamwood Town	
Eland Village	
Almon Town	
Anime Town	
Anime Village	
Hutchins Village	
Edgar	03
County—Marathon:	
Parts of county:	
Edgar city	
Rietbrock Town (S. Part)	
Wein Town	
Rib Falls Town	
Cassel Town	
Fenwood City	
Elcho	03

PRIMARY CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Langlade:	
Parts of county:	
Ainsworth Twn	
Elcho Twn	
Parish Twn	
County—Portage:	
Parts of county:	
Rosholt Village	
Alben Town	
County—Shawano:	
Parts of county:	
Wittenberg Village	
Tigerton Village	
Bowler Village	
Bartelme Town	
Wittenberg Town	
Morris Town	
Seneca Town	
Germania Town	
Fairbanks Town	
Grant Town	
County—Waupaca:	
Parts of county:	
Big Falls Village	
Wyoming Town	
Harrison Town	
Dupont Town	
Marion Village	
Tomahawk	03
County—Lincoln:	
Parts of county:	
Bradley Town	
King Town	
Harrison Town	
Shawano Town	
Somo Town	
Tomahawk Town	
Tomahawk City	
Wilson Town	
County—Oneida:	
Parts of county:	
Lynne Town	
Little Rice Town	
Nokomus Town	
County—Price:	
Parts of county:	
Knox Town	
Prentice Town	
Spirit Town	
Prentice City	
Waupun	04
County—Dodge	
Parts of county:	
Chester Twn	
Leroy Twn	
Trenton Twn	
Waupun City	
County—Fond Du Lac:	
Parts of county:	
Alto Twn	
Waupun Twn	
Waupun City	
County—Green Lake:	
Parts of county:	
Kingston Twn	
Mackford Twn	
Manchester Twn	
Marquette Twn	
Kingston Village	
Marquette Village	
Markesan City	
Western Buffalo Co	01
County—Buffalo:	
Parts of county:	
Nelson	
Cochrane	
Lincoln	
Alma City	
Alma Town	
Belvedere	
Waumandee	
Cross	
Milton	
Buffalo Town	
Fountain City	
Buffalo City	
Western Vernon County	04

PRIMARY CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Vernon:	
Parts of county:	
Bergen	
Berrow Town	
Hamburg	
Harmony	
County—Langlade:	
Parts of county:	
Summit Twn	
Upham Twn	
County—Oneida:	
Parts of county:	
Enterprise Twn	
Monico Twn	
Pelican Twn (Pt)	
Schoepke Twn	
Ethan Allen School	02
County—Waukesha:	
Parts of county:	
Ethan Allen School	
Ft. Atkinson	04
County—Dane:	
Parts of county:	
Cambridge Village	
Christiana Twn	
County—Jefferson:	
Aztalan Twn	
Cambridge Village	
Cold Springs Twn	
Ft. Atkinson City	
Hebron Twn	
Jefferson Twn	
Jefferson City	
Koshkonong Twn	
Lake Mills Twn	
Lake Mills City	
Oakland Twn	
Palmyra Twn	
Palmyra Village	
Sullivan Twn	
Sullivan Village	
Sumner Twn	
Whitewater City	
County—Walworth:	
Parts of county:	
Whitewater Twn	
Whitewater City	
Hillsboro	02
County—Juneau:	
Parts of county:	
Wonewoc Twn	
Wonewoc Vil	
County—Monroe:	
Parts of county:	
Cashton Village	
Glendale Twn	
Jefferson Twn	
Kendall Village	
Sheldon Twn	
Wellington Twn	
County—Richland:	
Parts of county:	
Bloom Twn	
Henrietta Twn	
Westford Twn	
Yuba Village	
County—Sauk:	
Parts of county:	
La Valle Twn	
Woodland Twn	
County—Vernon:	
Parts of county:	
Clinton Twn	
Forest Twn	
Greenwood Twn	
Hillsboro City	
Hillsboro Twn	
Ontario Village	
Stark Twn	
Union Twn	
Whitestown Twn	
Inner City North (Milwaukee)	01

PRIMARY CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Milwaukee:	
Parts of county:	
C.T. 63 through 72	
C.T. 79 through 89	
C.T. 97 through 107	
C.T. 112 through 122	
C.T. 126 through 142	
Inner City South (Milwaukee)	03
County—Milwaukee:	
Parts of county:	
C.T. 155 through 171	
Kickapoo Valley	01
County—Crawford:	
Parts of county:	
Haney	
Bell Center	
Gays Mills	
Scott	
Clayton	
Soldiers Grove Village	
St. Sterling Village	
Utica	
County—Richland:	
Parts of county:	
Viola	
Sylvan	
Forest	
County—Vernon:	
Parts of county:	
Webster	
Liberty	
Viola	
Kickapoo	
Readestown	
Stark	
La Farge	
Lincoln Hills School	02
County—Lincoln:	
Parts of county:	
Lincoln Hills School	
Mountain	01
County—Oconto:	
Parts of county:	
Townsend	
Lakewood	
Doty	
Riverview	
Armstrong	
Breed	
Bagley	
Brazeau	
Minong	02
County—Washburn:	
Parts of County:	
Minong Town	
Minong Village	
Frog Creek Town	
County—Douglas:	
Parts of county:	
Wascott Town	
Gordon Town	
Dairyland Town	
Solon Springs Town	
Springs Village	
Northern Door	02
County—Door:	
Parts of county:	
Baileys Harbor Twn	
Gibraltar Twn	
Liberty Grove Twn	
Sister Bay Vil.	
Washington Twn	
Oconto Falls	03
County—Oconto:	
Parts of county:	
Abrams Twn (Western 1/2)	
Gillett City	
Gillett Twn	

PRIMARY CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
How Twn	
Lena Twn	
Lena Village	
Maple Valley Twn	
Morgan Twn	
Oconto Falls City	
Oconto Falls Twn	
Spruce Twn	
Stiles Twn (Western 1/2)	
Suring Village	
Underhill Twn	
County—Shawano:	
Green Valley Twn	
Park Falls	03
County—Ashland:	
Parts of county:	
Agenda Twn	
Butternut Village	
Chippewa Twn	
Gordon Twn	
Jacobs Twn	
Peeksville Twn	
Shanagolden Twn	
County—Iron:	
Parts of county:	
Sherman Twn	
County—Price:	
Parts of county:	
Catawba Twn and Village	
Eisenstein Twn	
Elk Twn	
Emery Twn	
Fifield Twn	
Flambeau Twn	
Georgetown Twn	
Hackett Twn	
Harmony Twn	
Lake Twn	
Park Falls City	
Phillips City	
Worchester Twn	
County—Sawyer:	
Parts of county:	
Draper Town	
Pound	01
County—Marinette:	
Parts of county:	
Beaver Twn	
Coleman Village	
Grover Twn	
Lake Twn	
Pound Twn	
Pound Village	
Stephenson Twn	
Pulaski	01
County—Brown:	
Parts of county:	
Pulaski Village	
Pittsfield Town	
County—Oconto:	
Parts of county:	
Chase Town	
County—Shawano:	
Parts of county:	
Angelica Town	
Maple Grove Town	
Racine (city)	04
County—Racine:	
Parts of county:	
C.T. 2 through 5	
Reedsville	01
County—Manitowoc:	
Parts of county:	
Cooperstown Town	
Cato Town	
Rockland Town	
Franklin Town	
Maple Grove Town	
Reedsville Village	
Whitelaw Village	
Maribel Village	
Sparta	02
County—Jackson	
Parts of county:	
Melrose Town	

PRIMARY CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
Melrose Village	
County—Monroe:	
Parts of county:	
Angelo town	
Lafayette Town	
Leon Town	
Little Falls Town	
New Lyme Town	
Norwalk Village	
Ridgeville Town	
Sheldon Town	
Sparta Town	
Sparta City	
Wells Town	
Tigerton	02
County—Marathon:	
Parts of county:	
Elderon Village	
Elderon Town	
Franzen Town	
County—Vernon	
Parts of county:	
Sterling	
Wheatland	
Chaseburg	
Desoto	
Stoddard	
Genoa Village	
Whitehall/Arcadia	01
County—Buffalo	
Parts of county:	
Cross	
Glencoe	
Milton	
County—Trempealeau	
Parts of county:	
Arcadia (City)	
Arcadia (Twn.)	
Blair (City)	
Burnside (Twn.)	
Chimney Rock	
Dodge	
Hale	
Independence (City)	
Lincoln	
Pigeon	
Pigeon Falls (VL)	
Preston	
Whitehall	

PRIMARY CARE: Wisconsin

Population Group Listing

Population group name	Degree of shortage group
Medically Indigent Pop. (N. Milwaukee)	01
County—Milwaukee:	
Parts of county:	
C.T. 39	
C.T. 44 through 48	
C.T. 61 through 62	
C.T. 80 through 91	
C.T. 96	
C.T. 108	
C.T. 110 through 111	
C.T. 123	
Medically Indigent Pop. (S. Milwaukee)	03
County—Milwaukee:	
Parts of county:	
C.T. 154	
C.T. 172 through 180	
Medically Indigent Pop. (Racine)	04

PRIMARY CARE: Wisconsin—Continued

Population Group Listing

Population group name	Degree of shortage group
County—Racine:	
Parts of county	
C.T. 1	
C.T. 6 through 8	
C.T. 10 through 13	

PRIMARY CARE: Wisconsin

Facility Listing

Facility name	Degree of shortage group
Kettle Moraln Correctional Inst.:	
County—Sheboygan	02
Wisconsin Correctional Inst.:	
County—Dodge	02
Wisconsin State Prison:	
County—Dodge	02
Wisconsin State Reformatory:	
County—Brown	02

PRIMARY CARE: Wyoming

County Listing

County name	Degree of shortage group
Albany:	
Service area: Hanna-Rock River	01
Big Horn:	
Service area: Big Horn	03
Campbell:	
Service area: Wright	01
Carbon:	
Service area: Saratoga	03
Service area: Hanna-Rock River	01
Crook:	
Service area: Upton	01
Fremont:	
Service area: Sweetwater	01
Service area: Wind River	01
Service area: Shoshoni	01
Facility: Wind River Indian Reservation	01
Hot Springs:	
Facility: Wind River Indian Reservation	01
Lincoln	03
Natrona:	
Service area: Shoshoni	01
Niobrara	04
Platte	04
Sweetwater	04
Uinta	02
Washakie:	
Service area: Big Horn	03
Weston:	
Service area: Upton	01

PRIMARY CARE: Wyoming

Service Area Listing

Service area name	Degree of shortage group
Big Horn	03
County—Big Horn:	
Parts of county:	
Big Horn-South Div	
County—Washakie	
Hanna-Rock River	01

PRIMARY CARE: Wyoming—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Albany:	
Parts of county:	
Rock River Div	
County—Carbon:	
Parts of county	
Hanna CCD	
Saratoga	03
County—Carbon:	
Parts of county:	
Saratoga CCD	
Shoshoni	01
County—Fremont:	
Parts of county:	
Shoshoni Div	
County—Natrona:	
Parts of county:	
Hall's Half Acre Div	
Sweetwater	01
County—Fremont:	
Parts of county:	
Sweetwater Div	
Upton	01
County—Crook:	
Parts of county:	
Hulett Div	
Moorcroft Div	
County—Weston:	
Parts of county:	
Upton Div	
Wind River	01
County—Fremont:	
Parts of county:	
Dubois Div	
County—Fremont:	
Parts of county:	
Five Mile Creek Div	
Wind River Div	
Wright	01
County—Campbell:	
Parts of county:	
Gillette South CCD	

PRIMARY CARE: Wyoming

Population Group Listing

Population group name	Degree of shortage group
Wind River Indian Reservation	01
County—Fremont:	
Parts of county:	
Wind River Indian Reservation	
County—Hot Springs:	
Parts of county:	
Wind River Indian Reservation	

PRIMARY CARE: American Samoa

County Listing

County name	Degree of shortage group
Manu'a District	03
Eastern Tutuila District:	
Service area: Tutuila Island	01
Western Tutuila District:	
Service area: Tutuila Island	01

PRIMARY CARE: American Samoa

Service Area Listing

Service area name	Degree of shortage group
Tutuila Island	01
County—Eastern Tutuila District	
County—Western Tutuila District	

PRIMARY CARE: Commonwealth of Northern Mariana Islands

County Listing

County names	Degree of shortage group
Agrihan:	
Service area, N. Marianas	02
Alamagan:	
Service area, N. Marianas	02
Pagan:	
Service area, N. Marianas	02
Rota:	
Service area, N. Marianas	02
Saipan:	
Service area, N. Marianas	02
Tinian:	
Service area, N. Marianas	02

PRIMARY CARE: Commonwealth of Northern Mariana Islands

Service Area Listing

Service area name	Degree of shortage group
N. Marianas	02
County—Agrihan	
County—Alamagan	
County—Pagan	
County—Rota	
County—Saipan	
County—Tinian	

PRIMARY CARE: Guam

County Listing

County name	Degree of shortage group
Inarajan:	
Service area, Southern Guam	01
Merizo:	
Service area, Southern Guam	01
Talofofo:	
Service area, Southern Guam	01
Umatac:	
Service area, Southern Guam	01

PRIMARY CARE: Guam

Service Area Listing

Service area name	Degree of shortage group
Southern Guam	01
County—Inarajan	

PRIMARY CARE: Guam—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Merizo	
County—Talofofo	
County—Umatac	

PRIMARY CARE: Puerto Rico

County Listing

County names	Degree of shortage group
Adjuntas:	
Service area: Guanguaco	01
Anasco:	
Service area: Mayaguez	02
Arcibo:	
Population Group: Med. Ind. in Arecibo area	01
Barceloneta:	
Service area: Florida	01
Population Group: Pov. Pop. (Barceloneta)	01
Barranquitas:	
Population Group: Med. Ind. in Barrang. Service Area	01
Cabo Rojo:	
Service area: Mayaguez	02
Camuy:	
Population Group: Med. Ind. in Arecibo area	01
Catano:	
Population Group: Catano Health area (Med. Ind.)	04
Cayey:	
Population Group: Med. Ind. Pop of Cayey	01
Ciales:	
Population Group: Med Ind. in Arecibo area	01
Cidra:	
Population Group: Med Ind. Pop. of Cidra	01
Comerio:	
Population Group: Med Ind. in Barrang. Service area	01
Corozal:	
Population Group: Med Ind. in Barrang. Service area	01
Dorado:	
Population Group: Catano Health Area (Med Ind.)	04
Guanguaco:	
Service area: Guanguaco	01
Hatillo:	
Population Group: Med Ind. in Arecibo aread	01
Hormigueros:	
Service area: Mayaguez	
Juana Diaz	02
Juncos	02
Lajas:	
Population Group: Med Ind. in San Germen service area	03
Lares:	
Population Group: Med Ind. in Arecibo area	01
Las Marias	01
Loiza:	
Population Group: Med Ind. in Loiza	01
Manati:	
Population Group: Med Ind. in Manati	01
Mariaco	04
Maunabo	02
Mayaguez:	
Service area: Mayaguez	02
Morovis:	
Population Group: Med Ind. in Arecibo area	01
Naranjito:	
Population Group: Med Ind. in Barrang. Service area	01
Orocovis:	
Population Group: Med Ind. in Barrang. Service area	01
Patillas	02
Penuelas:	
Service area: Guanguaco	01
Quebradillas:	
Population Group: Med Ind. in Quebradillas	01
Rincon	01
Sabana Grande:	
Population Group: Med Ind. in San Germen service area	03

PRIMARY CARE: Puerto Rico—Continued

County Listing

County names	Degree of shortage group
San Germen:	
Population Group: Med Ind. in San Germen service area	03
San Juan:	
Service area: LLorens Torres	04
San Sebastian	01
Toa Baja:	
Population Group: Catano Health Area (Med Ind.)	04
Utuado:	
Population Group: Med Ind. in Arecibo area	01
Vega Baja:	
Population Group: Med Ind. in Arecibo area	01

PRIMARY CARE: Puerto Rico

Service Area Listing

Service area name	Degree of shortage group
Florida	01
County—Barceloneta:	
Parte of county:	
Florida Adentco	
Florida Afuero	
Guanguaco	01
County—Adjuntas:	
Parte of county:	
Portugez	
County—Penuelas:	
Parte of county:	
Rucio	
County—Guanguaco:	
Parte of county:	
Guanguaco	
Llorens Torres	04
County—San Juan:	
Parte of county:	
Llorens Torres	
Mayaguez	02
County—Anasco	
County—Cabo Rojo	
County—Hormigueros	
County—Mayaguez	

PRIMARY CARE: Puerto Rico

Population Groups

Population group name	Degree of shortage group
Catano Health Area (Med. Ind.)	04
County—Catano:	
Parte of county:	
Med. Ind. of Catano	
County—Dorado:	
Parte of county:	
Med. Ind. of Dorado	
County—Toa Baja	
Parte of county:	
Med. Ind. of Toa Baja	
Med. Ind. in Arecibo Area	01
County—Arecibo:	
Parte of county:	
Med. Ind. of Arecibo	
County—Camuy:	
Parte of county:	
Med. Ind. of Camuy	
County—Ciales:	
Parte of county:	
Med. Ind. In Ciales	
County—Hatillo:	
Parte of county:	
Med. Ind. of Hatillo	
County—Lares:	

PRIMARY CARE: Puerto Rico—Continued

Population Groups

Population group name	Degree of shortage group
Parte of county:	
Med. Ind. of Lares	
County—Morovis:	
Parte of county:	
Med. Ind. of Morovis	
County—Utuado:	
Parte of county:	
Med. Ind. of Utuado	
County—Vega Baja	
Parte of county:	
Med. Ind. of Vega Baja	
Med. Ind. in Barrang. Service Area	01
County—Barranquitas:	
Parte of county:	
Med. Ind. of Barranquitas	
County—Comerio:	
Parte of county:	
Med. Ind. of Comerio	
County—Corozal:	
Parte of county:	
Med. Ind. of Corozal	
County—Naranjito:	
Parte of county:	
Med. Ind. of Naranjito	
County—Orocovis:	
Parte of county:	
Med. Ind. of Orocovis	
Med Ind. in Loiza	01
County—Loiza:	
Parte of county:	
Med. Ind. in Loiza	
Med. Ind. in Manati	01
County—Manati:	
Parte of county:	
Med. Ind. In Manati	
Med. Ind. in Quebradillas	01
County—Quebradillas:	
Parte of county:	
Med. Ind. in Quebradillas	
Med. Ind. in San Germen Service Area	03
County—Lajas:	
Parte of county:	
Med. Ind. of Lajas	
County—Sabana Grande:	
Parte of county:	
Med. Ind. of Sabana Grande	
County—San Germen:	
Parte of county:	
Med. Ind. of San Germen	
Med. Ind. Pop. of Cayey	01
County—Cayey:	
Parte of county:	
Med. Ind. of Cayey	
Med. Ind. Pop. of Cidra	01
County—Cidra:	
Parte of county:	
Med. Ind. of Cidra	
Pov. Pop. (Barceloneta)	01
County—Barceloneta:	
Parte of county:	
Pov. Pop. (Barceloneta)	

PRIMARY CARE: Trust Ter-Pac

County Listing

County Name	Degree of shortage group
Kosrae District	01
Marshall District	01
Ponape District	02
Truk District	01
Yap District	03

PRIMARY CARE: Virgin Islands

County listing

County name	Degree of shortage group
St. Croix:	
Service area: Frederiksted	01
St. Thomas:	
Service area: East End St. Thomas	01

PRIMARY CARE: Virgin Islands

Service Area Listing

Service area name	Degree of shortage group
East End St. Thomas	01
County—St. Thomas:	
Parts of county:	
Election Dist. 1	
Election Dist. 2	
Election Dist. 3 (Eastern Part)	
Election Dist. 4 (Eastern Part)	
Election Dist. 5 (Eastern Part)	
Frederiksted	01
County—St. Croix:	
Parts of County:	
E.D. 13	
E.D. 14	
E.D. 19 through 35	

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DENTAL CARE: Alabama

County Listing

County name	Degree of shortage group
Barbour	02
Blount	02
Bullock	01
Chambers	02
Cherokee	04
Chilton	03
Choctaw	02
Clay	01
Cleburne	01
Conecuh	03
Coosa	01
Crenshaw	01
Cullman	03
Dale	01
De Kalb	03
Elowah:	
Service Area: East Gadsden	01
Franklin	04
Geneva	03
Hale	02
Jackson	04
Jefferson:	
Service Area: Pratt City	01
Service Area: Roosevelt City	01
Lamar	01
Lawrence	01
Lowndes	02
Macon	02
Madison:	
Population Group: Den. Ind. Pop. (Madison)	01
Marengo	04
Marion	04
Mobile:	
Service Area: Davis Ave. Community	01
Perry	03
Pickens	04
Randolph	02
Russell:	
Service Area: Russell	01
Sumter	01
Talladega	03
Washington	01
Wilcox	01
Winston	03

DENTAL CARE: Alabama

Service Area Listing

Service area name	Degree of shortage group
Davis Ave. Community	01
County—Mobile:	
Parts of county:	
C.T. 2	
C.T. 3	
C.T. 4.01	
C.T. 4.02	
C.T. 5	
C.T. 6	
East Gadsden	01
County—Elowah:	
Parts of county:	
C.T. 13 through 17	
C.T. 105	
C.T. 106	
Pratt City	01
County—Jefferson:	
Parts of county:	
C.T. 10 through 12	
C.T. 14	
Roosevelt City	01
County—Jefferson:	
Parts of county:	
C.T. 105	
C.T. 131	
C.T. 133	
C.T. 136	
C.T. 137	
Russell	01

DENTAL CARE: Alabama—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Russell:	
Parts of county:	
Hurts Borough	

DENTAL CARE: ALABAMA

Population Groups

Population group name	Degree of shortage group
Den. Ind. Pop. (Madison)	01
County—Madison:	
Parts of county:	
Dent. Ind. Pop.	

DENTAL CARE: Alaska

County Listing

County name	Degree of shortage group
Aleutian Islands Division	01
Angoon Division	01
Barrow Division	01
Bethel Division	03
Bristol Bay Borough Div.:	
Service Area: Bristol Bay	01
Bristol Bay Division:	
Service Area: Bristol Bay	01
Kobuk Division	03
Kuskokwim Division	01
Nome Division	04
Outer Ketchikan Division	01
Prince of Wales Division	01
Skagway-Yakutat Division	01
Southeast-Fairbanks Div.	01
Upper Yukon Division	01
Valdez-Chitina-Whit. Div.	01
Wade Hampton Division	01
Yukon-Koyukuk Division	01

DENTAL CARE: Alaska

Service Area Listing

Service area name	Degree of shortage group
Bristol Bay	01
County—Bristol Bay Borough Division	
County—Bristol Bay Division	

DENTAL CARE: Arizona

County Listing

County name	Degree of shortage group
Apache:	
Service area: Southeast/South Central Apache Co	02
Gila	04
Greenlee	03
Maricopa:	
Service area: El Mirage	01
Service area: Twn of Guadalupe	01
Service area: South Phoenix	02
Navajo:	
Service area: Kayenta	01
Population Group: Hopi Indian Reservation	01
Pima:	
Service area: El Rio	01

DENTAL CARE: Arizona—Continued

County Listing

County name	Degree of shortage group
Service area: Marana	02
Pinal	04
Santa Cruz	02
Yavapi:	
Service area: Seligman	01
Yuma:	
Population Group: Mig./Low Inc. Pop. (Somerton)	01

DENTAL CARE: Arizona

Service Area Listing

Service area name	Degree of shortage group
El Mirage	01
County—Maricopa:	
Parts of county:	
C.T. 406 (Southern ½)	
C.T. 608	
C.T. 609	
El Rio	01
County—Pima:	
Parts of county:	
C.T. 1 through 4	
C.T. 8 through 12	
C.T. 13.02	
C.T. 22 through 24	
C.T. 25.01	
C.T. 37.01	
C.T. 37.02	
C.T. 37.03	
C.T. 38	
C.T. 39	
Kayenta	01
County—Navajo:	
Parts of county:	
Navajo Monument Div.	
Marana	02
County—Pima:	
Parts of county:	
Marana CCD	
Seligman	01
County—Yavapai:	
Parts of county:	
Ash Fork Division	
South Phoenix	02
County—Maricopa:	
Parts of county:	
C.T. 1152 through 1161	
C.T. 1162.01	
C.T. 1162.02	
C.T. 1163 through 1167	
Southeast/South Central Apache	02
County—Apache:	
Parts of county:	
St. Johns	
Round Valley	
Fuerco	
Town of Guadalupe	
County—Maricopa:	
Parts of county:	
Town of Guadalupe	

DENTAL CARE: Arizona

Population Group Listing

Population group name	Degree of shortage group
Hopi Indian Reservation	01
County—Navajo:	
Parts of county:	
Hopi Div.	
Mig./Low Inc. Pop. (Somerton)	01

DENTAL CARE: Arizona—Continued

Population Group Listing

Population group name	Degree of shortage group
County—Yuma:	
Parts of county:	
Somerton Div.	

DENTAL CARE: Arkansas

County Listing

County name	Degree of shortage group
Ashley	04
Calhoun	01
Chicot	03
Clay:	
Service area: Rector	01
Cleveland	01
Dallas	04
Franklin	04
Fulton	01
Grant	03
Greene:	
Service area: Rector	01
Hempstead	04
Lafayette	01
Lawrence	04
Lincoln	02
Logan	03
Marion	03
Monroe	03
Montgomery	03
Nevada	03
Newton	03
Perry	01
Poinsett	04
Randolph	04
Scott	02
Sharp	01
Woodruff	03

DENTAL CARE: Arkansas

Service Area Listing

Service area name	Degree of shortage group
Rector service area	01
County—Clay:	
Parts of county:	
Blue Cane	
Haywood	
Oak Bluff	
Rector	
County—Greene:	
Parts of county:	
Hopewell	
Humcane	

DENTAL CARE: California

County Listing

County name	Degree of shortage group
Alameda:	
Service area: Fruitvale	02
Fresno:	
Service area: Huron/Five Points	01
Imperial:	
Population group: Mig/Seas Frmwkrs of Imperial	04
Los Angeles:	
Service area: Maple/Santa Barbara	01
Service area: Newhall	02
Service area: Highland/Lincoln Hts/Mt. Wash./El Sereno	02
San Benito	04
San Bernardino:	
Service area: Barstow	04
San Francisco:	
Service area: Potrero Hill/South Bayshore	02
San Joaquin:	
Population group: Mig/Seasonal Farmworkers (San Joaquin)	01
San Luis Obispo:	
Population group: Span.-Spkng/Ind. Pop. in Nipomo area	01
Santa Clara:	
Service area: Loma Prieta School District	01
Santa Cruz:	
Service area: Loma Prieta School district	01
Stanislaus:	
Service area: West Modesto	01
Tulare:	
Service area: South Tulare	01

DENTAL CARE: California

Service Area Listing

Service area name	Degree of shortage group
Barstow	04
County—San Bernardino:	
Parts of County:	
C.T. 89.02	
C.T. 90.01	
C.T. 90.02	
C.T. 93 through 95	
C.T. 96.01	
C.T. 96.02 (ED 1045, 1056, 1057, 1104)	
C.T. 93.03	
C.T. 103 (ED 1021-1024)	
Fruitvale	02
County—Alameda:	
Parts of County:	
C.T. 4005 through 4011	
C.T. 4014 through 4026	
C.T. 4030 through 4033	
C.T. 4053 through 4063	
C.T. 4065	
C.T. 4070 through 4078	
C.T. 4082 through 4096	
C.T. 4101 through 4104	
C.T. 4251	
Highland/Lincoln Hts/Mt. Wash./El Sereno	02
County—Los Angeles:	
Parts of County:	
C.T. 1831 through 1833	
C.T. 1835 through 1838	
C.T. 1851 through 1853	
C.T. 1991 through 1998	
C.T. 2011 through 2017	
C.T. 5307	
Huron/Five Points	01
County—Fresno:	
Parts of County:	
C.T. 78	
Loma Prieta School District	01
County—Santa Clara:	
Parts of County:	
Lexington Div. (Part)	
County—Santa Cruz:	
Parts of County:	
San Lorenzo Valley (Part)	
Scotts Valley Div. (Part)	
Maple/Santa Barbara	01

DENTAL CARE: California—Continued

County Listing

County name	Degree of shortage group
Los Angeles:	
Service area: Maple/Santa Barbara	01
Service area: Newhall	02
Service area: Highland/Lincoln Hts/Mt. Wash./El Sereno	02
San Benito	04
San Bernardino:	
Service area: Barstow	04
San Francisco:	
Service area: Potrero Hill/South Bayshore	02
San Joaquin:	
Population group: Mig/Seasonal Farmworkers (San Joaquin)	01
San Luis Obispo:	
Population group: Span.-Spkng/Ind. Pop. in Nipomo area	01
Santa Clara:	
Service area: Loma Prieta School District	01
Santa Cruz:	
Service area: Loma Prieta School district	01
Stanislaus:	
Service area: West Modesto	01
Tulare:	
Service area: South Tulare	01

DENTAL CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Los Angeles:	
Parts of County:	
C.T. 2214.01	
C.T. 2214.02	
C.T. 2215.01	
C.T. 2215.02	
C.T. 2216.01	
C.T. 2216.02	
C.T. 2217.01	
C.T. 2217.02	
C.T. 2218	
C.T. 2219	
C.T. 2221 through 2227	
C.T. 2244 through 2247	
C.T. 2264 through 2267	
Newhall	02
County—Los Angeles:	
Parts of County:	
C.T. 1061	
C.T. 1062	
C.T. 9200.01 through 9200.03	
C.T. 9201	
C.T. 9203.01 through 9203.03	
Potrero Hill/South Bayshore	02
County—San Francisco:	
Parts of County:	
C.T. 230 through 234	
C.T. 606 through 610	
C.T. 160	
C.T. 226	
C.T. 227	
C.T. 230 through 234	
C.T. 606 through 610	
South Tulare	01
County—Tulare:	
Parts of County:	
C.T. 32	
C.T. 42 through 45	
West Modesto	01
County—Stanislaus:	
Parts of County:	
C.T. 16 through 17	
C.T. 22 through 25	
C.T. 31	

DENTAL CARE: California

Population Group Listing

Population group name	Degree of shortage group
Mig/Seasonal Farmworkers of Imperial	04
County—Imperial	
Mig/Seasonal Farmworkers (San Joaquin)	01
County—San Joaquin	
Spen.-Spkng/Ind. pop. in Nipomo area	01
County—San Luis Obispo:	
Parts of County:	
Nipomo	

DENTAL CARE: Colorado

County Listing

County name	Degree of shortage group
Adams:	
Service area: Commerce City	02
Baca	01
Pueblo:	
Service area: Avondale	02
Saguache	01
Washington	01

DENTAL CARE: Colorado

Service Area Listing

Service area name	Degree of shortage group
Avondale	02
County—Pueblo:	
Parts of county:	
C.T. 30.01 (Part—Avondale)	
C.T. 30.02 (Part—Avondale)	
C.T. 31.02 (Part—Avondale)	
C.T. 32 through 34 (Avondale)	
Commerce City	02
County—Adams:	
Parts of county:	
C.T. 87.02 (Commerce City)	
C.T. 87.03 (Commerce City)	
C.T. 88.01 (Irondale)	
C.T. 88.02 (Adams City)	
C.T. 89.01 (Commerce City)	
C.T. 89.52 (South Welby)	

DENTAL CARE: Connecticut

County Listing

County name	Degree of shortage group
Fairfield:	
Service area: S.W. Bridgeport	01
Service area: S.E. Bridgeport	02
Service area: Central Bridgeport	04
Service area: N. Central Bridgeport	03
Service area: S.W. Stamford	02
Hartford:	
Service area: Charter Oak/Rice Hts	01
Service area: North/Northcentral Hartford	04
Middlesex:	
Population group: Low Income Pop. of Middletown	04

DENTAL CARE: Connecticut

Service Area Listing

Service area name	Degree of shortage group
Central Bridgeport	04
County—Fairfield:	
Parts of county:	
C.T. 713 through 717	
Charter Oak/Rice Hts	01
County—Hartford:	
Parts of county:	
C.T. 5046	
C.T. 5049	
N. Central Bridgeport	03
County—Fairfield:	
Parts of county:	
C.T. 728	
North/Northcentral Hartford	04
County—Hartford:	
Parts of county:	
C.T. 5008 through 5010	
C.T. 5012 through 5015	
C.T. 5017	
C.T. 5018	
C.T. 5035	
C.T. 5037	
S.E. Bridgeport	02
County—Fairfield:	
Parts of county:	
C.T. 740 through 744	
S.W., Bridgeport	01
County—Fairfield:	
Parts of county:	
C.T. 702 through 706	
S.W. Stamford	02

DENTAL CARE: Connecticut—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Fairfield:	
Parts of county:	
C.T. 222	
C.T. 223	

DENTAL CARE: Connecticut

Population Group Listing

Population group name	Degree of shortage group
Low income pop. of Middletown	04
County—Middlesex:	
Parts of county:	
C.T. 5401	
C.T. 5407	
C.T. 5408	

DENTAL CARE: Florida

County Listing

County name	Degree of shortage group
Baker:	
Facility: Baker Correctional Inst	01
Citrus	04
Collier:	
Service area: Collier (southern portion)	01
Dixie:	
Facility: Cross City Corr. Inst	01
Escambia:	
Service area: Northern Escambia	01
Franklin	03
Gilchrist	01
Glades:	
Service area: Glades-Hendry	02
Gulf	03
Hamilton	04
Hardee	02
Hendry:	
Service area: Glades-Hendry	02
Hernando	04
Highlands:	
Population Group: Low Income Pop. (highlands)	03
Hillsborough:	
Population Group: Hillsborough Co. Mig. Health Center Inc	02
Holmes	03
Jackson	03
Lafayette	01
Lake:	
Population Group: Migrant/Seasonal Farmworkers	04
Lee:	
Population Group: Mig. Pop. in Lee	01
Madison	04
Manatee:	
Population Group: Hillsborough Co. Mig. Health Center Inc	02
Orange:	
Service area: West Central Orange	04
Service area: Northwest Orange	02
Osceola	04
Palm Beach:	
Service area: Glades	01
Service area: West Palm Beach	01
Pasco	04
Polk:	
Service area: Frostproof	01
Putnam	02
St. Lucie	03
Sumter	01
Suwannee	02
Union	03
Walton	04
Washington	02

DENTAL CARE: Florida

Service Area Listing

Service area name	Degree of shortage group
Collier (Southern portion)	01
County—Collier:	
Parts of county:	
Everglades (Southern portion)	
Frostproof	01
County—Polk:	
Parts of county:	
Frostproof	
Lake Wales	
South-Babson Park	
Glades	01
County—Palm Beach:	
Parts of county:	
C.T. 80 through 83	
Glades/Hendry	02
County—Glades	
County—Hendry	
Hillsborough Co. Mig. Health Center Inc	02
County—Hillsborough:	
Parts of county:	
C.T. 121 through 141	
County—Manatee:	
Parts of county:	
C.T. 13 through 16	
C.T. 19	
Northern Escambia	01
County—Escambia:	
Parts of county:	
C.T. 36 through 40	
Northwest Orange	02
County—Orange:	
Parts of county:	
C.T. 175 through 179	
West Central Orange	04
County—Orange:	
Parts of county:	
C.T. 160	
C.T. 171 (N. ½)	
C.T. 172 through 174	
West Palm Beach	01
County—Palm Beach:	
Parts of county:	
C.T. 22 through 25	

DENTAL CARE: Florida

Population Group Listing

Population group name	Degree of shortage group
Low income pop. (Highlands)	03
County—Highlands:	
Parts of county:	
Low income population	
Mig. pop. in Lee	01
County—Lee:	
Parts of county:	
Mig. pop. in Lee	
Migrant/seasonal farmworkers	04
County—Lake:	
Parts of county:	
Migrant/seasonal farmworkers	

DENTAL CARE: Florida

Facility Listing

Facility name	Degree of shortage group
Baker Correctional Inst	01
County—Baker:	
Cross City Corr. Inst	01

DENTAL CARE: Florida—Continued

Facility Listing

Facility name	Degree of shortage group
County—Dixie	

DENTAL CARE: Georgia

County Listing

County name	Degree of shortage group
Atkinson	01
Banks	02
Ben Hill	04
Brantley	01
Brooks	02
Bryan	01
Burke:	
Service area: Burke-Jenkins-Screven	04
Butts	03
Calhoun	02
Camden	04
Candler	03
Chattahoochee	01
Chattooga	02
Clarke:	
Service area: Athens Neighborhood Health Center Target	01
Clinch	01
Coffee	03
Crawford	01
Crisp	04
Dawson	01
Decatur	04
Dooly	02
Early	04
Emanuel	03
Fannin	04
Franklin	04
Fulton:	
Service area: Atlanta Southside	01
Glascock:	
Service area: Tri-County	01
Grady	04
Greene	04
Hancock	01
Haralson	02
Harris	01
Hart	03
Heard	01
Irwin	02
Jefferson	03
Jenkins:	
Service area: Burke-Jenkins-Screven	04
Lamar	04
Lanier	04
Lee	01
Liberty	03
Lincoln	03
Long	01
Lumpkin	04
Macon	01
Madison	02
Meriwether	03
Miller	02
Mitchell	03
Montgomery	01
Murray	01
Oconee	04
Oglethorpe	01
Peach	01
Pickens	03
Pike	01
Randolph	02
Richmond:	
Service area: Gracewood School	01
Screven:	
Service area: Burke-Jenkins-Screven	04
Seminole	01
Stewart:	
Service area: Stewart/Webster	02
Talbot	01
Taliaferro:	
Service area: Tri-County	01
Tattnall	04
Taylor	02
Union	02

DENTAL CARE: Georgia—Continued

County Listing

County name	Degree of shortage group
Warren:	
Service area: Tri-County	01
Webster:	
Service area: Stewart/Webster	02
Wilcox	01
Wilkinson	01
Worth	03

DENTAL CARE: Georgia

Service Area Listing

Service area name	Degree of shortage group
Athens Neighborhood Health Center Target	01
County—Clarke:	
Parts of county:	
C.T. 2	
C.T. 3	
C.T. 6	
C.T. 9	
Atlanta Southside	01
County—Fulton:	
Parts of county:	
C.T. 44 through 50	
C.T. 52	
C.T. 53	
C.T. 55.01	
C.T. 55.02	
C.T. 56 through 58	
C.T. 60	
C.T. 64	
C.T. 67	
C.T.69 through 73	
Burke-Jenkins-Screven	04
County—Burke	
County—Jenkins	
County—Screven	
Stewart/Webster	02
County—Stewart	
County—Webster	
Tri-County	01
County—Glascock	
County—Taliaferro	
County—Warren	

DENTAL CARE: Georgia

Facility Listing

Facility name	Degree of shortage group
Gracewood School	01
County—Richmond:	
Parts of county:	
Mentally Retarded (Gracewood School)	

DENTAL CARE: Hawaii

County Listing

County name	Degree of shortage group
Hawaii:	
Service area: Kau	01

DENTAL CARE: Hawaii

Service Area Listing

Service area name	Degree of shortage group
Kau	01
County—Hawaii:	
Parts of county:	
C.T. 212	

DENTAL CARE: Idaho

County Listing

County name	Degree of shortage group
Idaho	03
Owyhee	01

DENTAL CARE: Illinois

County Listing

County name	Degree of shortage group
Alexander:	
Service area: Alexander/Pulaski	01
Brown	04
Calhoun	01
Cook:	
Service area: Robbins	02
Service area: Englewood	02
Service area: Uptown	04
Service area: South Lawndale (Chicago)	03
Gallatin	03
Hamilton	02
Hardin:	
Service area: Hardin/Pope	01
Henderson	02
Jackson	04
Kankakee:	
Service area: Pembroke	01
Macon:	
Service area: Decatur Inner City	01
Mercer	04
Pope:	
Service area: Hardin/Pope	01
Pulaski:	
Service area: Alexander/Pulaski	01
St. Clair:	
Service area: East Side Health Dist	01
Will:	
Facility: Joliet Correctional Inst	01
Facility: Stateville Correctional Inst	01
Winnebago:	
Service area: Rockford Inner City	04

DENTAL CARE: Illinois

Service Area Listing

Service area name	Degree of shortage group
Alexander/Pulaski	01
County—Alexander	
County—Pulaski	
Decatur Inner city	01
County—Macon:	
Parts of county:	
C.T. 1	
C.T. 7 through 9	
East Side Health Dist	01
County—St. Clair:	
Parts of county:	
C.T. 5001 through 5014	
C.T. 5015.01	
C.T. 5020 through 5030	

DENTAL CARE: Illinois—Continued

Service Area Listing

Service area name	Degree of shortage group
Englewood	02
County—Cook:	
Parts of county:	
C.T. 6101 through 6122	
C.T. 6701 through 6720	
C.T. 6801 through 6814	
Hardin/Pope	01
County—Hardin	
County—Pope	
Pembroke	01
County—Kankakee:	
Parts of county:	
Pembroke Twp.	
Robbins	02
County—Cook:	
Parts of county:	
Robbins Village	
Rockford inner city	04
County—Winnebago:	
Parts of county:	
C.T. 10	
C.T. 21	
C.T. 24 through 28	
South Lawndale (Chicago)	03
County—Cook:	
Parts of county:	
C.T. 3001 through 3020	
Uptown	04
County—Cook:	
Parts of county:	
C.T. 310 through 312	
C.T. 315 through 321	

DENTAL CARE: Illinois

Facility Listing

Facility name	Degree of shortage group
Joliet Correctional Inst.	01
County—Will	
Statesville Correctional Inst.	01
County—Will	

DENTAL CARE: Indiana

County Listing

County name	Degree of shortage group
Crawford	01
Lake:	
Service area: Gary/area #1	01
Martin	03
Miami	03
Owen	02
Pike	04
Starke	04

DENTAL CARE: Indiana

Service Area Listing

Service area name	Degree of shortage group
Gary area #1	01
County—Lake:	
Parts of county:	
C.T. 101 through 129	

DENTAL CARE: Iowa

County Listing

County name	Degree of shortage group
Adair	03
Appanoose:	
Service area: Albia	04
Benton:	
Service area: Belle Plaine	03
Cedar:	
Service area: Clarence-Wheatland	03
Clarke:	
Service area: Osceola	02
Clayton:	
Service area: Southern Clayton County	04
Clinton:	
Service area: Clarence-Wheatland	03
Crawford:	
Service area: Onawa-Mapleton	03
Decatur	02
Guthrie	03
Harrison:	
Service area: Logan	04
Iowa:	
Service area: Brooklyn-Montezuma	03
Jasper:	
Service area: Brooklyn-Montezuma	03
Jones:	
Service area: Clarence-Wheatland	03
Facility: State correctional institutions	01
Keokuk	04
Lee:	
Facility: State correctional institutions	01
Louisa	04
Lucas:	
Service area: Charlton	03
Madison:	
Service area: Osceola	02
Mahaska:	
Service area: Brooklyn-Montezuma	03
Marion:	
Service area: Albia	04
Monona:	
Service area: Logan	04
Service area: Onawa-Mapleton	03
Monroe:	
Service area: Albia	04
Service area: Charlton	03
Polk:	
Population group: Dentally indigent of Polk Co.	01
Pottawattamie:	
Service area: Logan	04
Poweshiek:	
Service area: Brooklyn-Montezuma	03
Scott:	
Service area: Clarence-Wheatland	03
Shelby:	
Service area: Logan	04
Tama:	
Service area: Belle Plaine	03
Taylor:	
Service area: Bedford	02
Union:	
Service area: Osceola	02
Van Buren	02
Wapello:	
Service area: Albia	04
Warren:	
Service area: Osceola	02
Service area: Charlton	03
Wayne	04
Woodbury:	
Service area: Onawa-Mapleton	03

DENTAL CARE: Iowa

Service Area Listing

Service area name	Degree of shortage group
Albia	04
County—Appanoose:	
Parts of county:	
Monrovia Town	
County—Marion:	
Parts of county:	
Hamilton Town	
County—Monroe:	
Parts of county:	
Albia City	
Lovilla Town	
County—Wapello:	
Parts of county:	
Blakesburg Town	
Bedford	02
County—Taylor:	
Parts of county:	
Bedford Town	
Gravity Town	
Conway Town	
New Market Town	
Sharpsburg Town	
Athelstan Town	
Stockton Town	
Clearfield Town	
Belle Plaine	03
County—Benton:	
Parts of county:	
Belle Plaine Town	
Luzerne Town	
Keystone Town	
County—Tama:	
Parts of county:	
Elberon Town	
Vining Town	
Chelsea Town	
Brooklyn-Montezuma	03
County—Iowa:	
Parts of county:	
Victor Town	
County—Jasper:	
Parts of county:	
Lynnville Town	
County—Mahaska:	
Parts of county:	
Barnes City Town	
County—Poweshiek:	
Parts of county:	
Brooklyn Town	
Guernsey Town	
Victor Town	
Hartwick Town	
Montezuma Town	
Searsboro Town	
Barnes City Town	
Deep River Town	
Malcom Town	
Charlton	03
County—Lucas:	
Parts of county:	
Charlton Township	
Lucas Town	
Derby Town	
Russell Town	
Williamson Town	
County—Monroe:	
Parts of county:	
Melrose Town	
County—Warren:	
Parts of county:	
Lacona Town	
Clarence-Wheatland	03
County—Cedar:	
Parts of county:	
Clarence Town	
Lowden Town	
Sherwood Town	

DENTAL CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Clinton:	
Parts of county:	
Lost Nation Town	
Calamus Town	
Wheatland Town	
Toronto Town	
County—Jones:	
Parts of county:	
Olin Town	
Wyoming Town	
Oxford Junction Town	
County—Scott:	
Parts of county:	
Dixon Town	
New Liberty Town	
Logan	04
County—Harrison:	
Parts of county:	
Logan Town	
Magnolia Town	
Woodbine Town	
Missouri Valley Town	
Modale Town	
Persia Town	
Mondamin Town	
Pisgah Town	
Little Sioux Town	
County—Monona:	
Parts of county:	
Moorhead Town	
County—Pottawattamie:	
Parts of county:	
Neola Town	
Underwood Town	
County—Shelby:	
Parts of county:	
Portsmouth Town	
Panama Town	
Tennant Town	
Onawa-Mapleton	03
County—Crawford:	
Parts of county:	
Charter Oak Town	
Ricketts Town	
County—Monona:	
Parts of county:	
Whiting Town	
Turin Town	
Castana Town	
Mapleton Town	
County—Monona:	
Parts of county:	
Rodney Town	
Onawa Town	
Ute Town	
Soldier Town	
County—Woodbury:	
Parts of county:	
Anthon Town	
Oto Town	
Hornick Town	
Smithland Town	
Danbury Town	
Osceola	02
County—Clarke	
County—Madison:	
Parts of county:	
Truro Town	
County—Union:	
Parts of county:	
Afton	
Arispe	
Lorimar	
Thayer	
County—Warren:	
Parts of county:	
New Virginia Town	
Southern Clayton County	04

DENTAL CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Clayton:	
Parts of county:	
Guttenberg City	
Garber Town	
Elkport Town	
North Buena Vista Town	
Elkader Town	
Saint Olaf Town	
Garnavillo Township	
Little Port Town	
Volga City Town	
Edgewood Town	
Strawberry Point Town	

DENTAL CARE: Iowa

Population Group Listing

Population group name	Degree of shortage group
Dentally Indigent of Polk Co	01
County—Polk	

DENTAL CARE: Iowa

Facility Listing

Facility name	Degree of shortage group
State Correctional Institutions	01
County—Jones:	
Parts of county:	
Men's Reformatory (Anamosa)	
County—Lee:	
Parts of county:	
State Penitentiary (Ft. Madison)	

DENTAL CARE: Kansas

County Listing

County name	Degree of shortage group
Chase	01
Chautauqua	03
Cherokee	03
Coffey	02
Comanche	01
Gove:	
Service area: Gove/Logan	04
Gray	04
Greeley	01
Jefferson	04
Jewell	01
Lane	01
Linn	02
Logan:	
Service area: Gove/Logan	04
Meade	04
Smith	03
Wabaunsee	02
Wallace	01
Woodson	03

DENTAL CARE: Kansas

Service Area Listing

Service area name	Degree of shortage group
Gove/Logan	04
County—Gove	
County—Logan	

DENTAL CARE: Kentucky

County Listing

County name	Degree of shortage group
Ballard	04
Bath	04
Bell:	
Service area: Tetay/Pruden Fonde	01
Bracken	02
Breathitt	04
Butler	03
Carlisle	01
Carter	02
Casey	02
Clay	01
Edmonson	01
Elliott	01
Estill	02
Gallatin	01
Grant	03
Hancock	03
Harlan:	
Service area: Cumberland	01
Service area: Western Harlan	01
Jackson	01
Jefferson:	
Service area: West End	03
Johnson	04
Knott	02
Knox:	
Service area: Williamsburg	02
Larue	04
Laurel	02
Leslie	01
Lewis	01
Lincoln	01
Livingston	03
Logan	04
Lyon:	
Facility: Kentucky State Reformatory	01
McCreary	04
Magoffin	01
Martin	01
Menifee	01
Morgan	03
Ohio	03
Pendleton	04
Perry	02
Pike	04
Spencer	04
Todd	03
Trimble	04
Wayne	04
Webster	03
Whitley:	
Service area: Williamsburg	02
Wolfe	03

DENTAL CARE: Kentucky

Service Area Listing

Service area name	Degree of shortage group
Cumberland	01
County—Harlan:	
Parts of county:	
Benham-Lynch Division	
Cumberland CCD	
Poor Fork CCD	
Upper Clover CCD	
Tetay/Pruden Fonde	01

DENTAL CARE: Kentucky—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Bell:	
Parts of county:	
Tejay CCD	
Preston Fork	
West End	03
County—Jefferson:	
Parts of county:	
C.T. 1-35	
Western Harlan	01
County—Harlan:	
Parts of county:	
Alva CCD	
Wallins Creek CCD	
Williamsburg	02
County—Knox:	
Parts of County:	
Barbourville CCD	
Barbourville East CCD	
Bryants CCD	
Dewitt CCD	
Girdler CCD	
Gray CCD	
Trooper CCD	
Barbourville West CCD	
County—Whitley:	
Parts of County:	
Ader CCD	
Rockholds CCD	
Williamsburg CCD	

DENTAL CARE: Kentucky

Facility Listing

Facility name	Degree of shortage group
Kentucky State Reformatory	01
County—Lyon	

DENTAL CARE: Louisiana

County Listing

County name	Degree of shortage group
Bienville	01
Caddo:	
Population group: Shreveport (low income)	01
Caldwell	01
Catahoula	02
Concordia	04
De Soto	03
East Baton Rouge:	
Service area: Eden Park	01
East Carroll	03
Franklin	02
Grant	01
Jackson	03
Lincoln	04
Madison	01
Morehouse	04
Natchitoches	04
Orleans:	
Service area: Desire/Florida	01
Service area: Irish Channel	01
Service area: Lower 9th Ward	04
Red River:	01
Sabine:	
Service area: Zwolle	01
Tensas	01
Union	04
Vernon	02
West Baton Rouge	02
West Carroll	01
Winn	04

DENTAL CARE: Louisiana

Service Area Listing

Service area name	Degree of shortage group
Desire/Florida	01
County—Orleans:	
Parts of county:	
C.T. 11	
C.T. 14.01	
C.T. 14.02	
C.T. 15	
C.T. 16	
C.T. 17.03 through 17.06	
Eden Park	01
County—East Baton Rouge:	
Parts of county:	
C.T. 8 through 10	
C.T. 12	
C.T. 13	
Irish Channel	01
County—Orleans:	
Parts of county:	
C.T. 77	
C.T. 78	
C.T. 81.01	
C.T. 81.02	
C.T. 83	
C.T. 87 through 88	
Lower 9th Ward	04
County—Orleans:	
Parts of county:	
C.T. 7.01	
C.T. 7.02	
C.T. 8	
C.T. 9.01 through 9.04	
Zwolle	01
County—Sabine:	
Parts of county:	
Ward 5	
Ward 6	
Ward 8	

DENTAL CARE: Louisiana

Population Group Listing

Population group name	Degree of shortage group
Shreveport (low income)	01
County—Caddo:	
Parts of county:	
Shreveport (low income)	

DENTAL CARE: Maine

County Listing

County name	Degree of shortage group
Aroostook:	
Service area: Madawaska	01
Penobscot:	
Service area: Northern Penobscot-Piscataquis	02
Piscataquis:	
Service area: Northern Penobscot-Piscataquis	02

DENTAL CARE: Maine

Service Area Listing

Service area name	Degree of shortage group
Madawaska	01
County—Aroostook:	
Parts of county:	
Grand Isle	
Madawaska	
St. Agatha	
Northern Penobscot-Piscataquis	02

DENTAL CARE: Maine—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Penobscot:	
Parts of county:	
Bradford Town	
Greenbush Town	
Greenfield Town	
Maxfield Town	
Unorg. Terr. of N. Penobscot	
Burlington Town	
Chester Town	
East Millinocket Town	
Enfield Town	
Howland Town	
La Grange Town	
Lee Town	
Lincoln Town	
Lowell Town	
Mattawamkeag Town	
Medway Town	
Millinocket Town	
Passadumkeag Town	
Springfield Town	
Winn Town	
Unorganized Terr of Kingman	
Edinburg Town	
Lakeville Plantation	
Carroll Plantation	
Woodville Town	
Dismont Town	
Etna Town	
Webster Plantation	
Seboois Plantation	
Grand Falls Plantation	
County—Piscataquis	
Parts of county:	
Brownville Twn	
Greenville Twn	
Milo Twn	
Monson Twn	
Sebec Twn	
Shirley Twn	
Medford Twn	
Lake View Plantation	
Bowerbank Twn	
Willimantic Twn	
Elliottsville Plantation	
Barnard Plantation	
Blanchard Plantation	
Kingsbury Plantation	
Unorg. Terr. of N. Piscataquis	
Unorg. Terr. of S.E. Piscataquis	

DENTAL CARE: Maryland

County Listing

County name	Degree of shortage group
Somerset:	
Service area: Princess Anne	02
Baltimore City:	
Service area: Constant Care	02
Service area: East Baltimore	01
Service area: West Baltimore	02
Service area: Hampden/Woodberry/Remington	04

DENTAL CARE: Maryland

Service Area Listing

Service area name	Degree of shortage group
Constant Care	02
County—Baltimore City:	

DENTAL CARE: Maryland—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts of county:	
C.T. 402	
C.T. 1401 through 1403	
C.T. 1501	
C.T. 1502	
C.T. 1601 through 1604	
C.T. 1701 through 1703	
C.T. 2101	
East Baltimore	01
County—Baltimore City:	
Parts of county:	
C.T. 501	
C.T. 603 through 605	
C.T. 704	
C.T. 806 through 808	
C.T. 909	
C.T. 1001	
C.T. 1002	
C.T. 1004	
Hampden/Woodberry/Remington	04
County—Baltimore City:	
Parts of county:	
C.T. 1203	
C.T. 1206	
C.T. 1207	
C.T. 1305	
C.T. 1306	
C.T. 1306.02	
Princess Anne	02
County—Somerset:	
Parts of county:	
Election Dist. 1	
Election Dist. 3	
Election Dist. 4	
Election Dist. 6	
Election Dist. 8	
Election Dist. 13	
Election Dist. 15	
West Baltimore	02
County—Baltimore City:	
Parts of county:	
C.T. 1801 through 1803	
C.T. 1901 through 1903	
C.T. 2001 through 2005	

DENTAL CARE: Massachusetts

County Listing

County name	Degree of shortage group
Suffolk:	
Service area: South End	03
Service area: Roxbury	03
Service area: North Dorchester	02
Service area: Allston	01

DENTAL CARE: Massachusetts

Service Area Listing

Service area name	Degree of shortage group
Allston	01
County—Suffolk:	
Parts of county:	
C.T. 1	
C.T. 7	
C.T. 8	
North Dorchester	02
County—Suffolk:	
Parts of county:	
C.T. 901 through 924	
Roxbury	03
County—Suffolk:	
Parts of county:	
C.T. 801 through 821	
South End	03

DENTAL CARE: Massachusetts—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Suffolk:	
Parts of county:	
C.T. 703 (Pt. 1/2)	
C.T. 704 through 712	

DENTAL CARE: Michigan

County Listing

County name	Degree of shortage group
Alcona	03
Arenac:	
Service area: Rifle River	02
Service area: Sterling-Standish	04
Baraga:	
Service area: Iron County Area	04
Bay:	
Service area: Sterling-Standish	04
Chippewa:	
Service area: Bay Mills	01
Clare:	
Service area: Harrison	01
Genesee:	
Service area: North Flint	01
Gladwin:	
Service area: Gladwin	04
Service area: Sterling-Standish	04
Iosco:	
Service area: Rifle River	02
Livingston:	
Service area: Cohoctah	01
Ogemaw:	
Service area: Rifle River	02
Roscommon:	
Service area: Houghton Lake-St. Helen	04
Saginaw:	
Service area: Easton	04
Service area: Inner City Saginaw	
Shiawassee:	
Service area: Easton	04
Service area: Cohoctah	01
Wayne:	
Service area: Detroit Area #1	02
Service area: Detroit Area #2	03
Facility: Wayne County Jail	02

DENTAL CARE: Michigan

Service Area Listing

Service area name	Degree of shortage group
Bay Mills	01
County—Chippewa:	
Parts of county:	
Bay Mills Twp	
Chippewa Twp	
Hulbert Twp	
Superior Twp	
Whitefish Twp	
Cohoctah	01
County—Livingston:	
Parts of county:	
Cohoctah Twp	
Conway Twp	
Deerfield Twp	
County—Shiawassee:	
Parts of county:	
Antrim Twp	
Burns Twp	
Perry Twp	
Detroit area #1	02

DENTAL CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Wayne:	
Parts of county:	
C.T. 501 through 503	
C.T. 505	
C.T. 509	
C.T. 511 through 515	
C.T. 517 through 527	
C.T. 537 through 542	
C.T. 547 through 550	
C.T. 554 through 556	
C.T. 558 through 572	
C.T. 601.01	
C.T. 602	
C.T. 604	
C.T. 651 through 657	
C.T. 662 through 665	
C.T. 751 through 757	
C.T. 951 through 961	
Detroit area #2	03
County—	
Parts of county:	
C.T. 3 through 13	
C.T. 15 through 21	
C.T. 36	
C.T. 38 through 41	
C.T. 43	
C.T. 51 through 58	
C.T. 58 through 64	
C.T. 66 through 78	
C.T. 101	
C.T. 103 through 123	
C.T. 153 through 169	
C.T. 173 through 183	
C.T. 185	
C.T. 187	
C.T. 201 through 203	
C.T. 208 through 213	
C.T. 251 through 258.01	
C.T. 259.02 through 261	
C.T. 263	
C.T. 358	
C.T. 401	
C.T. 407 through 408.01	
C.T. 170 (part)	
C.T. 171 (part)	
C.T. 184 (part)	
C.T. 262.01 (part)	
C.T. 262.02 (part)	
Easton	04
County—Saginaw:	
Parts of county:	
Brady Twp	
Chapin Twp	
Chesaning Twp	
Maple Grove Twp	
County—Shiawassee	
Parts of county:	
Fairfield Twp	
Hazelton Twp	
New Haven Twp	
Rush Twp	
Gladwin	04
County—Gladwin:	
Parts of county:	
Beaverton City	
Beaverton Twp	
Bently Twp	
Billings Twp	
Buckeye Twp	
Butman Twp	
Clement Twp	
Gladwin City	
Gladwin Twp	
Grant Twp	
Hay Twp	
County—Gladwin:	
Parts of county:	
Sage Twp	
Secord Twp	
Sherman Twp	
Tobacco Twp	
Harrison	01

DENTAL CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Clare:	
Parts of county:	
Arthur Twp	
Franklin Twp	
Freeman Twp	
Frost Twp	
Greenwood Twp	
Hamilton Twp	
Harrison City	
Hatton Twp	
Hayes Twp	
Lincoln Twp	
Redding Twp	
Summerfield Twp	
Winterfield Twp	
Houghton Lake-St. Helen	04
County—Roscommon:	
Parts of county:	
Richfield Twp	
Au Sable Twp	
Nester Twp	
Backus Twp	
Higgins Twp	
Denton Twp	
Roscommon Twp	
North Flint	01
County—Genesee:	
Parts of county:	
C.T. 1 through 7	
C.T. 19 through 25	
C.T. 44	
Rifle River	02
County—Arenac:	
Parts of county:	
Moffatt Twp	
Clayton Twp	
Mason Twp	
County—Iosco:	
Parts of county:	
Plainfield Twp	
Reno Twp	
Burleigh Twp	
County—Ogemaw:	
Parts of county:	
Horton Twp	
Mills Twp	
Richland Twp	
Churchhill Twp	
Logan Twp	
Saginaw Inner City	04
County—Saginaw:	
Parts of county:	
C.T. 1 through 11	
Sterling-Standish	04
County—Arenac:	
Parts of county:	
Adams Twp	
Arenac Twp	
Au Gres City	
Au Gres Twp	
Deep River Twp	
Lincoln Twp	
Omer City	
Sims Twp	
Standish Twp	
Turner Twp	
Whitney Twp	
County—Bay:	
Parts of county:	
Gibson Twp	
County—Gladwin:	
Parts of county:	
Bourret Twp	
Grim Twp	

DENTAL CARE: Michigan

Facility Listing

Facility name	Degree of shortage group
Wayne County Jail	02
County—Wayne	

DENTAL CARE: Minnesota

County Listing

County name	Degree of shortage group
Hennepin:	
Population group: Am. Ind. pop. in Minneapolis	01

DENTAL CARE: Minnesota

Population Group Listing

Population group name	Degree of shortage group
Am. Ind. pop. in Minneapolis	01
County—Hennepin	

DENTAL CARE: Mississippi

County Listing

County name	Degree of shortage group
Amite	03
Attala	04
Benton	01
Bolivar	04
Carroll	04
Chickasaw	03
Choctaw	01
Claiborne	03
Clarke	01
Clay	01
Copiah	02
Covington	04
De Soto	02
Franklin	01
Greene	01
Hinds:	
Service area: Good Samaritan	02
Service area: Southwest Hinds	01
Holmes	01
Humphreys	01
Issaquena:	
Service area: Issaquena-Sharkey	04
Itawamba	04
Jasper	01
Kemper	01
Lafayette	04
Lamar	03
Leake	01
Madison	01
Marshall	01
Monroe	03
Montgomery	01
Neshoba	03
Newton	03
Noxubee	01
Perry	01
Pontotoc	03
Prentiss	02
Quitman	02
Rankin	03
Sharkey:	
Service area: Issaquena-Sharkey	04
Smith	02
Stone	01
Tallahatchie	02
Tate	03
Tippah	04
Tishomingo	03
Tunica	01
Walthall	02
Wayne	03
Webster	03
Winston	04
Yalobusha	03
Yazoo	03

DENTAL CARE: Mississippi

Service Area Listing

Service area name	Degree of shortage group
Good Samaritan	02
County—Hinds:	
Parts of county:	
C.T. 17–20	
C.T. 25–28	
Issaquena-Sharkey	04
County—Issaquena	
County—Sharkey	
Southwest Hinds	01
County—Hinds:	
Parts of county:	
C.T. 106	
C.T. 107	
C.T. 112	
C.T. 113	

DENTAL CARE: Missouri

County Listing

County name	Degree of shortage group
Bollinger	01
Carter	04
Cedar:	
Service area: Humansville	02
Chariton	04
Clark	03
Dallas	01
Daviess	03
De Kalb	04
Douglas	03
Dunklin	04
Hickory:	
Service area: Humansville	02
Service area: Hickory	01
Holt	02
Iron	04
Jackson:	
Service area: Central Kansas City	04
Knox	03
Lewis	02
Lincoln	03
McDonald	04
Marion	02
Mississippi	04
New Madrid	04
Oregon	01
Ozark	01
Pemiscot	02
Polk:	
Service area: Humansville	02
Pulaski	02
Ralls	01
Reynolds	01
Ripley	02
St. Clair:	
Service area: Humansville	02
Schuyler	01
Scotland	04
Shannon	01
Stone	03
Sullivan	03
Washington	02
Wayne	01

DENTAL CARE: Missouri

Service Area Listing

Service area name	Degree of shortage group
Central Kansas City	04
County—Jackson:	

DENTAL CARE: Missouri—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts of county:	
C.T. 4 through 10	
C.T. 15 through 26	
C.T. 32 through 34	
C.T. 35.01	
C.T. 35.02	
C.T. 36.01	
C.T. 36.02	
C.T. 37 through 42	
C.T. 52 through 55	
C.T. 56.01	
C.T. 56.02	
C.T. 57	
C.T. 58.01	
C.T. 58.02	
C.T. 59.01	
C.T. 60 through 64	
C.T. 78.01	
C.T. 78.02	
C.T. 80	
Hickory	01
County—Hickory:	
Parts of county:	
Center Township	
Cross Timbers Township	
Green Township	
Jordon Township	
Montgomery Township	
Stark Township	
Wheatland Township	
Humansville	02
County—Cedar:	
Parts of county:	
Jefferson Township	
Washington Township	
County—Hickory:	
Parts of county:	
Tyler Township	
Weaubleau Township	
County—Polk:	
Parts of county:	
Campbell Township	
Cliquot Township	
Flemington Township	
Jefferson Township	
Johnson Township	
County—St. Clair:	
Parts of county:	
Collins Township	
Washington Township	

DENTAL CARE: Montana

County Listing

County name	Degree of shortage group
Liberty	01

DENTAL CARE: Nebraska

County Listing

County name	Degree of shortage group
Arthur:	
Service area: Mullen	01
Cherry:	
Service area: Mullen	01
Douglas:	
Service area: Northeast Omaha	04
Grant:	
Service area: Mullen	01
Hooker:	
Service area: Mullen	01
Logan:	
Service area: Mullen	01
McPherson:	
Service area: Mullen	01
Thomas:	
Service area: Mullen	01

DENTAL CARE: Nebraska

Service Area Listing

Service area name	Degree of shortage group
Mullen	01
County—Arthur	
County—Cherry:	
Parts of county:	
Calf Creek Prec	
Elsmere Prec	
Gillespie Prec	
Kennedy Prec	
Lackey Prec	
Loup Prec	
Mother Lake Prec	
Pleasant Hill Prec	
Wells Prec	
Elsmere	
County—Grant	
County—Hooker	
County—Logan:	
Parts of county:	
Burt Prec	
Cody Lake Prec	
Lone Valley Prec	
County—McPherson:	
Parts of county:	
Hall Prec	
Whitewater Prec	
Worden Prec	
County—Thomas	
Northeast Omaha	04
County—Douglas:	
Parts of county:	
C.T. 6	
C.T. 7	
C.T. 9 through 12	
C.T. 13.01	
C.T. 13.02	
C.T. 14	
C.T. 15	
C.T. 52	
C.T. 60	

DENTAL CARE: Nevada

County Listing

County name	Degree of shortage group
Clark:	
Service area: Low income pop (West Las Vegas)	01
Service area: Northeast Clark	01
Service area: South/Southwest Clark	01
Service area: Western Clark	01
Esmeralda	01
Eureka	01
Lander	01
Lyon	03
Mineral	02
Nye	01
Storey	01
White Pine	04

DENTAL CARE: Nevada

Service Area Listing

Service area name	Degree of shortage group
Northeast Clark	01
County—Clark:	
Parts of county:	
C.T. 56	
C.T. 59 (East)	
South/Southwest Clark	01
County—Clark:	
Parts of county:	
C.T. 57	
C.T. 58 (South)	
Western Clark	01
County—Clark:	
Parts of county:	
C.T. 56 (Central/Northern)	
C.T. 59 (West)	

DENTAL CARE: Nevada

Population Group Listing

Population group name	Degree of shortage group
Low Income Pop (West Las Vegas)	01
County—Clark:	
Parts of county:	
C.T. 3.01	
C.T. 3.02	
C.T. 7	
C.T. 9	
C.T. 10	
C.T. 35	

DENTAL CARE: New Jersey

County Listing

County name	Degree of shortage group
Mercer:	
Population group: Dent. Ind. in Austin HC	03
Passaic:	
Service area: Northside Paterson	02

DENTAL CARE: New Jersey

Service Area Listing

Service area name	Degree of shortage group
Northside Paterson	02
County—Passaic:	
Parts of county:	
C.T. 1803 through 1807	

Dental Care: New Jersey

Population Group Listing

Population group name	Degree of shortage group
Dent. Ind. in Austin HC	03
County—Mercer:	
Parts of county:	
C.T. 1	
C.T. 8 (portion)	
C.T. 9	
C.T. 10	
C.T. 11 (portion)	

Dental Care: New Jersey—Continued

Population Group Listing

Population group name	Degree of shortage group
C.T. 14 (portion)	
C.T. 15 through 17	
C.T. 18 (portion)	
C.T. 19	
C.T. 20	
C.T. 21 (portion)	
C.T. 22 (portion)	

DENTAL CARE: New Mexico

County Listing

County name	Degree of shortage group
Bernalillo:	
Service area: Los Padillas/Pajarito	01
Catron	01
Chaves:	
Population group: Mod. ind. of S. Chaves	04
De Baca	01
Service area: Ft. Sumner-Santa Rosa:	
Dona Ana:	
Service area: Hatch	01
Service area: southern Dona Ana	01
Guadalupe	01
Service area: Ft. Sumner-Santa Rosa:	
Harding	01
Hidalgo	01
Lincoln	01
Service area: Northern Lincoln Co.	0
Otero	04
Rio Arriba	03
San Miguel	04
Sandoval	01
Santa Fe:	
Population group: Indigent pop.	01
Sierra	01
Torrance	02

DENTAL CARE: New Mexico

Service Area Listing

Service area name	Degree of shortage group
Ft. Sumner—Santa Rosa	01
County—De Baca:	
County—Guadalupe:	
Hatch	01
County—Dona Ana:	
Parts of county:	
Hatch	
Los Padillas/Pajarito	01
County—Bernalillo:	
Parts of county:	
C.T. 46	
Northern Lincoln Co.	01
County—Lincoln:	
Parts of county:	
Carrizozo	
Capitan	
Corona	
Southern Dona Ana	01
County—Dona Ana:	
Parts of county:	
E.D. 76 (Anthony)	
E.D. 77 (Anthony)	
E.D. 79	
E.D. 80 (La Mesa)	

DENTAL CARE: New Mexico—Continued

Service Area Listing

Service area name	Degree of shortage group
E.D. 81	
E.D. 84 (La Union)	

DENTAL CARE: New Mexico

Population Groups

Population group name	Degree of shortage group
Mod. Ind. of S. Chaves	01
County—Chaves:	
Parts of county:	
C.T. 12 through 14	
Ind. pop. of Santa Fe	01
County—Santa Fe:	
Parts of county:	
Ind. pop. of Santa Fe	

DENTAL CARE: New York

County Listing

County name	Degree of shortage group
Allegany	04
Bronx:	
Service Area: Soundview	04
Service Area: South Bronx	04
Service Area: Morris Heights	03
Service Area: South Central Bronx-Fort Apache	04
Cattaraugus:	
Service Area: Northwest Cattaraugus	01
Cortland:	
Service Area: Marathon	01
Kings:	
Service Area: S.W. Brooklyn (Health area 41)	01
Service Area: S. Williamsburg (Brooklyn)	04
Service Area: Sunset Park	03
Service Area: Coney Island	01
Service Area: Gowanus/Park Slope	02
New York:	
Service Area: Lower Eastside	02
Service Area: West Harlem	04
Service Area: East and Central Harlem	03
Service Area: Metro North	03
Service Area: East Harlem	03
Rockland:	
Service Area: Northern Rockland	04
Westchester:	
Population group: Dent. Ind. Pop. (Mt. Vernon)	04

DENTAL CARE: New York

Service Area Listing

Service area name	Degree of shortage group
Coney Island	01
County—Kings:	
Parts of county:	
C.T. 338	
C.T. 339	
C.T. 340	
C.T. 342	
C.T. 348.02	
C.T. 352	
East and Central Harlem	03

DENTAL CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—New York:	
Parts of county:	
C.T. 166	
C.T. 180	
C.T. 187.02	
C.T. 200	
C.T. 201.02	
C.T. 206	
C.T. 207.02	
C.T. 208	
C.T. 208.02	
C.T. 210	
C.T. 212	
C.T. 213.02	
C.T. 214	
C.T. 216	
C.T. 217.02	
C.T. 218	
C.T. 220	
C.T. 221.02	
C.T. 222	
C.T. 224	
C.T. 226	
C.T. 227.02	
C.T. 228	
C.T. 230	
C.T. 231.02	
C.T. 232	
C.T. 234	
C.T. 235.02	
C.T. 236	
C.T. 243.02	
East Harlem	03
County—New York:	
Parts of county:	
C.T. 178	
C.T. 180	
C.T. 182	
C.T. 184	
C.T. 186	
C.T. 192	
C.T. 194	
C.T. 196	
C.T. 198	
Gowanus/Park Slope	02
County—Kings:	
Parts of county:	
C.T. 71	
C.T. 127	
C.T. 131	
C.T. 153	
Lower Eastside	02
County—New York:	
Parts of county:	
C.T. 18.02	
C.T. 20	
C.T. 22.02	
C.T. 24	
C.T. 26.01	
C.T. 26.02	
Marathon	01
County—Cortland:	
Parts of county:	
Cincinnatus	
Freetown	
Harford	
Lapeer	
Marathon	
Taylor	
Willet	
Metro North	03
County—New York:	
Parts of county:	
C.T. 166.02	
C.T. 182	
C.T. 184	
C.T. 178	
Morris Heights	03

DENTAL CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Bronx:	
Parts of county:	
C.T. 235.01	
C.T. 235.02	
C.T. 237.01	
C.T. 237.02	
C.T. 239	
C.T. 241	
C.T. 243	
C.T. 245	
C.T. 247	
C.T. 249	
C.T. 251	
C.T. 253	
C.T. 255	
C.T. 257	
Northern Rockland	04
County—Rockland:	
Parts of county:	
C.T. 101 through 107	
Northwest Cattaraugus	01
County—Cattaraugus:	
Parts of county:	
Dayton	
Persia	
Otto	
East Otto	
Mansfield	
Leon	
New Albion	
Conewango	
Napoli	
Little Valley	
S. Williamsburg (Brooklyn)	04
County—Kings:	
Parts of county:	
C.T. 253	
C.T. 257	
C.T. 259.01	
C.T. 259.02	
C.T. 261	
C.T. 279	
C.T. 281	
C.T. 283	
C.T. 285.01	
C.T. 285.02	
C.T. 287	
C.T. 289	
C.T. 291	
C.T. 293	
C.T. 387	
C.T. 389	
C.T. 391	
C.T. 393	
C.T. 395	
C.T. 397	
C.T. 399	
C.T. 415	
C.T. 417	
C.T. 419	
C.T. 421	
C.T. 423	
C.T. 429	
C.T. 435	
C.T. 487	
C.T. 489	
C.T. 491	
C.T. 505	
C.T. 507	
C.T. 509	
C.T. 511	
C.T. 523	
C.T. 525	
C.T. 527	
C.T. 529	
C.T. 531	
C.T. 533	
C.T. 535	
C.T. 537	
C.T. 539	
C.T. 545	

DENTAL CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 547	
C.T. 549	
S.W. Brooklyn (Health Area 41)	01
County—Kings:	
Parts of county:	
C.T. 55	
C.T. 57	
C.T. 59	
C.T. 65	
Soundview	04
County—Bronx:	
Parts of county:	
C.T. 2	
C.T. 4	
C.T. 18	
C.T. 20	
C.T. 24	
C.T. 28	
C.T. 26	
C.T. 28	
C.T. 40.01	
C.T. 40.02	
C.T. 44	
C.T. 46	
C.T. 48	
C.T. 50	
C.T. 52	
C.T. 54	
C.T. 56	
C.T. 62	
C.T. 64	
C.T. 66	
C.T. 68	
C.T. 70	
C.T. 72	
C.T. 74	
C.T. 76	
C.T. 84	
C.T. 86	
C.T. 88	
C.T. 90	
C.T. 102	
C.T. 110	
C.T. 118	
C.T. 130	
C.T. 132	
C.T. 136	
C.T. 144	
C.T. 154	
C.T. 156	
C.T. 158	
C.T. 160	
C.T. 162	
C.T. 164	
C.T. 166	
C.T. 194	
C.T. 214	
C.T. 274	
C.T. 276	
South Bronx	04
County—Bronx:	
Parts of county:	
C.T. 11	
C.T. 15	
C.T. 17	
C.T. 23	
C.T. 25	
C.T. 27.01	
C.T. 27.02	
C.T. 31	
C.T. 33	
C.T. 35	
C.T. 37	
C.T. 39	
C.T. 41	
C.T. 43	

DENTAL CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 47	
C.T. 49	
C.T. 53	
C.T. 57	
C.T. 59.01	
C.T. 59.02	
C.T. 61	
C.T. 65	
C.T. 67	
C.T. 69	
C.T. 71	
C.T. 73	
C.T. 75	
C.T. 77	
C.T. 79	
C.T. 81	
C.T. 83	
C.T. 85	
C.T. 87	
C.T. 89	
C.T. 91	
C.T. 97	
C.T. 99	
C.T. 105	
C.T. 115.01	
C.T. 115.02	
C.T. 119	
C.T. 127.02	
C.T. 129.01	
C.T. 129.02	
C.T. 133	
C.T. 135	
C.T. 137	
C.T. 139	
C.T. 141	
C.T. 143	
C.T. 145	
C.T. 147	
C.T. 149	
C.T. 153	
C.T. 155	
C.T. 163	
C.T. 165	
C.T. 167	
C.T. 169	
C.T. 171	
C.T. 173	
C.T. 175	
C.T. 177	
C.T. 179	
C.T. 181	
C.T. 183	
C.T. 187	
C.T. 189	
C.T. 193	
C.T. 195	
C.T. 197	
C.T. 199	
C.T. 201	
C.T. 211	
C.T. 213.02	
C.T. 217.02	
C.T. 219	
C.T. 221	
C.T. 223	
C.T. 225	
C.T. 227.02	
C.T. 227.03	
C.T. 229.02	
C.T. 367	
C.T. 369.02	
South Central Bronx-Fort Apache	04
County—Bronx:	
Parts of county:	
C.T. 121.01	
C.T. 121.02	
C.T. 123	
C.T. 125	
C.T. 127.01	
C.T. 131	
C.T. 151	

DENTAL CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 157	
C.T. 161	
Sunset Park	03
County—Kings:	
Parts of county:	
C.T. 2	
C.T. 16	
C.T. 20	
C.T. 22	
C.T. 72	
C.T. 74	
C.T. 76	
C.T. 78	
C.T. 80	
C.T. 82	
C.T. 84	
C.T. 86	
C.T. 88	
C.T. 90 (Parts)	
C.T. 92 (Parts)	
C.T. 94 (Parts)	
C.T. 96	
C.T. 98	
C.T. 100	
C.T. 101	
C.T. 104 (Parts)	
C.T. 106 (Parts)	
C.T. 108 (Parts)	
C.T. 118	
C.T. 122	
C.T. 143	
C.T. 146	
C.T. 147	
C.T. 162	
West Harlem	04
County—New York:	
Parts of county:	
C.T. 209.01	
C.T. 211	
C.T. 213.01	
C.T. 217.01	
C.T. 219	
C.T. 221.01	
C.T. 223	
C.T. 225	
C.T. 227.01	
C.T. 229	
C.T. 231.01	
C.T. 233	

DENTAL CARE: New York

Population Groups

Population group name	Degree of shortage group
Dent. Ind. Pop. (Mt. Vernon)	04
County—Westchester:	
Parts of county:	
C.T. 25 (dentally indigent pop.)	
C.T. 27 (dentally indigent pop.)	
C.T. 28 (dentally indigent pop.)	
C.T. 29 (dentally indigent pop.)	
C.T. 31 (dentally indigent pop.)	
C.T. 32 (dentally indigent pop.)	
C.T. 35 (dentally indigent pop.)	

DENTAL CARE: North Carolina

County Listing

County name	Degree of shortage group
Alexander	03
Anson	01
Beaufort:	
Service area: Chocowinity-Richland	01

DENTAL CARE: North Carolina—Continued

County Listing

County name	Degree of shortage group
Bertie	01
Bladen	02
Brunswick	01
Caldwell	04
Camden	01
Chatham:	
Service Area: Chatham/Lee	04
Columbus	03
Cumberland:	
Service Area: Eastern Cumberland Co.	01
Currituck	02
Duplin	02
Durham:	
Service Area: Lincoln Comm. Health Center	04
Edgecombe	03
Franklin	02
Gates	01
Greene	01
Halifax	03
Harnett	04
Hartford	04
Hoke	02
Hyde	01
Jackson	04
Jones	02
Lee:	
Service Area: Chatham/Lee	04
McDowell	04
Macon	04
Madison	03
Martin	04
Mitchell:	
Service Area: Northern Mitchell Co.	01
Montgomery	04
Northampton	01
Onslow	04
Pender	02
Perquimans	01
Richmond	04
Robeson:	
Population Group: Pembroke (Dent. Ind. Pop.)	01
Sampson	02
Scotland	03
Swain	04
Tyrrell	01
Union	02
Warren	04
Washington	02
Wilkes	03

DENTAL CARE: North Carolina

Service Area Listing

Service area name	Degree of shortage group
Chatham/Lee	04
County—Chatham	
County—Lee	
Chocowinity-Richland	01
County—Beaufort:	
Parts of county:	
Chocowinity Twp	
Richland Twp	
Eastern Cumberland Co.	01
County—Cumberland:	
Parts of county:	
Eastern Cumberland Co.	
Northern Mitchell Co	01
County—Mitchell:	
Parts of county:	
Bakersville	
Cane Creek	
Little Rock Creek	

DENTAL CARE: North Carolina—Continued

Service Area Listing

Service area name	Degree of shortage group
Fork Mountain	
Red Hill	
Harnett	
Bradshaw	
Poplar	
Snow Creek	

DENTAL CARE: North Carolina

Population Group Listing

Population group name	Degree of shortage group
Lincoln Comm. Health Center	04
County—Durham:	
Parts of county:	
C.T. 8.01	
C.T. 8.02	
C.T. 9	
C.T. 10.01	
C.T. 11	
C.T. 12.01	
C.T. 12.02	
C.T. 13.01	
C.T. 13.02	
C.T. 14	

DENTAL CARE: North Carolina

Service Area Listing

Service area name	Degree of shortage group
Pembroke (Dent. Ind. Pop.)	01
County—Robeson:	
Parts of county:-	
Burnt Twp (Dent. Ind. Pop.)	
Pembroke Twp (Dent. Ind. Pop.)	
Philadelphus Twp (Dent. Ind. Pop.)	
Smiths Twp (Dent. Ind. Pop.)	
Swamp Twp (Dent. Ind. Pop.)	

DENTAL CARE: North Dakota

County Listing

County name	Degree of shortage group
Benson	03
Billings	01
Burke	01
Dunn	01
Eddy	04
Emmons	01
Grant	01
Kidder	03
McHenry:	
Service Area: Harvey	04
McKenzie	04
Mercer:	
Service Area: Mercer/Oliver	02
Mountrail	03
Oliver:	
Service Area: Mercer/Oliver	02
Pierce:	
Service Area: Harvey	04
Sheridan:	
Service Area: Harvey	04
Sioux	01
Slope	01
Ward:	
Service Area: Kenmare	01
Wells:	
Service Area: Harvey	04

DENTAL CARE: North Dakota

Service Area Listing

Service area name	Degree of shortage group
Harvey	04
County—McHenry:	
Parts of county:	
Drake Div.	
County—Pierce:	
Parts of county:	
South Pierce Div.	
County—Sheridan	
County—Wells	
Kenmare	01
County—Ward:	
Parts of county:	
Des Lacs Valley Div.	
Kenmare Div.	
Mercer/Oliver	02
County—Mercer	
County—Oliver	

DENTAL CARE: Ohio

County Listing

County name	Degree of shortage group
Adams	01
Brown	03
Cuyahoga:	
Service area: Near Westside—Cleveland	03
Service area: Hough/Norwood	02
Service area: Corlett/Mt. Pleas/Widland	03
Service area: North/South Collingwood	04
Service area: Puritas-Bellaire/Jeffran	04
Service area: Glenville (Area I—Cleveland)	02
Darke	03
Hamilton:	
Service area: Winton Hills (Cincinnati)	02
Harrison	02
Henry	02
Mahoning:	
Service area: Eastside—Youngstown	02
Meigs	03
Monroe	03
Montgomery:	
Service area: Area I—Dayton	04
Service area: Area II—Dayton	01
Service area: Area III—Dayton	02
Morgan	02
Noble	04
Perry	03
Ross:	
Population group: Dentally indigent (Ross Co.)	04
Sandusky:	
Population group: Migrant Pop (Sandusky Co.)	01
Population group: Sandusky (Pov. Pop.)	01
Vinton	01

DENTAL CARE: Ohio

Service Area Listing

Service area name	Degree of shortage group
Area I—Dayton	04
County—Montgomery:	
Parts of county:	
C.T. 1 through 5	
C.T. 16 through 18	
C.T. 30	
C.T. 31	
Area II—Dayton	01
County—Montgomery:	
Parts of county:	
C.T. 11	
C.T. 22	
C.T. 23	
C.T. 25 through 29	
C.T. 33	
C.T. 34	
Area III—Dayton	02

DENTAL CARE: Ohio—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Montgomery:	
Parts of county:	
C.T. 6	
C.T. 7	
C.T. 12 through 15	
C.T. 20	
C.T. 21	
Corlett/Mt. Pleas/Widland	03
County—Cuyahoga:	
Parts of county:	
C.T. 1158	
C.T. 1163	
C.T. 1166	
C.T. 1199	
C.T. 1201	
C.T. 1203 through 1208	
C.T. 1213	
Eastside-Youngstown	02
County—Mahoning:	
Parts of county:	
C.T. 8001 through 8006	
Glenville (Area I—Cleveland)	02
County—Cuyahoga	
Parts of county:	
C.T. 1114	
C.T. 1161 through 1166	
C.T. 1181 through 1185	
Hough/Norwood	02
County—Cuyahoga:	
Parts of county:	
C.T. 1112	
C.T. 1113	
C.T. 1115 through 1119	
C.T. 1121	
C.T. 1123 through 1126	
Near Westside—Cleveland	03
County—Cuyahoga:	
Parts of county:	
C.T. 1025	
C.T. 1026	
C.T. 1031 through 1039	
North/South Collingwood	04
County—Cuyahoga	
Parts of county:	
C.T. 1169	
C.T. 1171 through 1179	
C.T. 1261	
Puritas-Bellaire/Jeffran	04
County—Cuyahoga:	
Parts of county:	
C.T. 1014	
C.T. 1021	
C.T. 1033	
C.T. 1035	
C.T. 1239	
C.T. 1241 through 1246	
Winton Hills (Cincinnati)	02
County—Hamilton	
Parts of county:	
C.T. 73 (Winton Hills)	
C.T. 80 (Winton Hills)	
C.T. 257 (Elmwood Place)	

DENTAL CARE: Ohio

Population Group Listing

Population group name	Degree of shortage group
Dentally indigent (Ross Co.)	04
County—Ross:	
Parts of county:	
Dentally indigent	
Migrant pop. (Sandusky Co.)	01
County—Sandusky:	
Parts of county:	
Migrant pop.	
Sandusky (pov. pop.)	01

DENTAL CARE: Ohio—Continued

Population Group Listing

Population group name	Degree of shortage group
County—Sandusky:	
Parts of County:	
Pov. pop.	

DENTAL CARE: Oklahoma

County Listing

County name	Degree of shortage group
Adair	02
Alfalfa	01
Beaver	03
Choctaw	04
Coal	01
Cotton	04
Delaware	03
Dewey	01
Greer	03
Haskell	01
Hughes	04
Johnston	02
Kiowa	04
Latimer	03
Le Flore	03
McCurtain	04
Major	03
Okfuskee	01
Oklahoma:	
Service area: Southeast Oklahoma City	03
Osage	03
Pushmataha	01
Roger Mills	01
Seminole	04
Tulsa:	
Service area: North Tulsa	04

DENTAL CARE: Oklahoma

Service Area Listing

Service area name	Degree of shortage group
North Tulsa	04
County—Tulsa:	
Parts of county:	
C.T. 2 through 15	
C.T. 62	
C.T. 80	
Southeast Oklahoma City	03
County—Oklahoma	
Parts of county:	
C.T. 1037 through 1040	
C.T. 1047 through 1049	
C.T. 1053	
C.T. 1054	
C.T. 1073.01	

DENTAL CARE: Oregon

County Listing

County name	Degree of shortage group
Malheur:	
Service area: Jordan Valley	01
Marion:	
Population group: Marion/Polk/Yamhill Mig. Pop.	01
Multnomah:	
Population group: North/Northeast Portland Low Income Pop.	03
Polk:	
Population group: Marion/Polk/Yamhill Mig. Pop.	01

DENTAL CARE: Oregon—Continued

County Listing

County name	Degree of shortage group
Yamhill:	
Population group: Marion/Polk/Yamhill Mig. Pop.	01

DENTAL CARE: Oregon

Service Area Listing

Service area name	Degree of shortage group
Jordan Valley	01
County—Malheur:	
Parts of county:	
Jordan CCD	

DENTAL CARE: Oregon

Population Group Listing

Population group area name	Degree of shortage group
Marion/Polk/Yamhill Mig. Pop.	01
County—Marion:	
Parts of county:	
Migrant Pop.	
County—Polk:	
Parts of county:	
Migrant Pop.	
County—Yamhill:	
Parts of county:	
Migrant Pop.	
North/Northeast Portland	04
County—Multnomah:	
Parts of county:	
C.T. 33.01 through 40.02 (Low Inc. Pop.)	
C.T. 22.01 (Low Inc. Pop.)	
C.T. 22.02 (Low Inc. Pop.)	

DENTAL CARE: Pennsylvania

County Listing

County name	Degree of shortage group
Adams:	
Service area: North Adams	02
Allegheny:	
Service area: McKees Rocks/Stowe	04
Service area: Homewood-Brushton	04
Service area: Manchester	01
Service area: Arlington Heights/St. Clair	01
Service area: Baltzhoover/Knoxville	01
Armstrong:	
Service area: Armstrong-Clarion	03
Service area: Kiski Valley	03
Bedford:	
Service area: Hyndman	01
Cambria:	
Service area: South Central Clearfield	02
Carbon:	
Service area: Jim Thorpe	01
Centre:	
Service area: Snow Shoe	03
Clarion:	
Service area: Armstrong-Clarion	03
Service area: Forest	02
Clearfield:	
Service area: Snow Shoe	03
Service area: South Central Clearfield	02
Clinton:	
Service area: Renovo	01

DENTAL CARE: Pennsylvania—Continued

County Listing

County name	Degree of shortage group
Crawford:	
Service area: East Crawford County	01
Dauphin:	
Service area: Tri-Town Service Area	04
Delaware:	
Service area: City of Chester	02
Erie:	
Population Group: Erie City (low income pop.)	04
Fayette:	
Service area: Greensboro	02
Forest:	
Service area: Forest	02
Franklin:	
Service area: Valleys Community	01
Fulton	01
Greene:	
Service area: Greensboro	02
Service area: West Greene	01
Huntingdon:	
Service area: Mt. Union	02
Indiana:	
Service area: Indiana—N Portion	02
Lancaster:	
Service area: Welsh Mountain	02
Population Group: SP. SPKG. POP. (SE Lancaster City)	02
Mercer:	
Population Group: Low income pop. of Farrell/Sharon	01
Mifflin:	
Service area: McClure	04
Service area: Mt. Union	02
Northumberland:	
Service area: Herndon/Mandata	01
Perry	03
Philadelphia:	
Service area: North Philadelphia	01
Schuylkill:	
Service area: Herndon/Mandata	01
Service area: Shenandoah/Mahanoy City	03
Service area: Tri-Town Service Area	04
Snyder:	
Service area: McClure	04
Somerset:	
Service area: Hyndman	01
Sullivan	01
Susquehanna:	
Service area: Barnes-Kasson	03
Tioga:	
Service area: Blossburg	04
Venango:	
Service area: Forest	02
Warren:	
Service area: Forest	02
Wayne:	
Service area: Barnes-Kasson	03
Westmoreland:	
Service area: Kiski Valley	03
Wyoming:	
Service area: Southern Wyoming Co	01
York:	
Service area: York City	04

DENTAL CARE: Pennsylvania

Service Area Listing

Service area name	Degree of shortage group
Arlington Heights/St. Clair	01
County—Allegheny:	
Parts of county:	
C.T. 316.04	

DENTAL CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 316.05	
Armstrong-Clarion	03
County—Armstrong:	
Parts of county:	
Brady's Bend Township	
Madison Township	
Perry Township	
Pine Township	
Sugarcreek Township	
Washington Township	
County—Clarion:	
Parts of county:	
Brady Township	
East Brady Township	
Madison Township	
Barnes-Kasson	03
County—Susquehanna:	
Parts of county:	
C.T. 301	
C.T. 302	
C.T. 307	
County—Wayne:	
Parts of county:	
Mt. Pleasant Twp	
Preston Twp	
Scott Twp	
Starrucca Boro.	
Baltzhoover-Knoxville	01
County—Allegheny:	
Parts of county:	
C.T. 316.04	
C.T. 316.05	
C.T. 330.01	
Blossburg County	04
County—Tioga:	
Parts of county:	
Blossburg Boro.	
County—Tioga:	
Parts of county:	
Bloss Twp	
Covington Twp	
Duncan Twp	
Hamilton Twp	
Liberty Boro.	
Liberty Twp	
Putnam Twp	
Union Twp (½ western portion)	
Ward Twp	
City of Chester	02
County—Delaware:	
Parts of county:	
C.T. 4048	
C.T. 4049.01	
C.T. 4049.02	
C.T. 4050 through 4057	
C.T. 4058.01	
C.T. 4058.02	
C.T. 4059	
C.T. 4060	
East Crawford County	01
County—Crawford:	
Parts of county:	
Athens Township	
Bloomfield Township	
Centerville Township	
Richmond Township	
Rockdale Township	
Rome Township	
Sparta Township	
Spartanburg Township	
Steuben Township	
Townville Borough	
Forest	02
County—Clarion:	
Parts of county:	

DENTAL CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
Washington Township	
Farmington Township	
County—Forest:	
County—Venango:	
Parts of county:	
Pleasantville Township	
Allegheny Township	
President Township	
County—Warren:	
Parts of county:	
Triumph Township	
Limestone Township	
Watson Township	
Deerfield Township	
Cherry Grove Township	
South West Township	
Greensboro	02
County—Fayette:	
Parts of county:	
Point Marion Borough	
German Township	
Nicholson Township	
Springhill Township	
County—Greene:	
Parts of county:	
Dunkard Township	
Greene Township	
Monongahela Township	
Greensboro Borough	
Herndon/Mandata	01
County—Northumberland:	
Parts of county:	
East Cameron Twp	
Herndon	
Jackson Twp	
Jordan Twp	
Little Mahoney Twp	
Lower Mahoney Twp	
Upper Mahoney Twp	
Washington Twp	
County—Northumberland:	
Parts of county:	
West Cameron Twp	
County—Schuylkill:	
Parts of county:	
Eldred Twp	
Upper Mahantango	
Homerwood-Brushton	04
County—Allegheny:	
Parts of county:	
C.T. 1207	
C.T. 1301 through 1305	
Hyndman	01
County—Bedford:	
Parts of county:	
Harrison Twp	
Hyndman Boro.	
Juniata Twp	
Londonderry Twp	
County—Somerset:	
Parts of county:	
Allegheny Twp	
Fairhope Twp	
Indiana—N Portion	02
County—Indiana:	
Parts of county:	
West Mahoning Twp	
North Mahoning Twp	
South Mahoning Twp	
East Mahoning Twp	
Canoe Twp	
Banks Twp	
Grant Twp	
Montgomery Twp	
Washington Twp	
Rayne Twp	
Green Twp	
Pine Twp	
Glen Campbell Borough	
County—Indiana:	
Parts of county:	
Smicksburg Borough	
Cherry Tree Borough	
Marion Center Borough	
Plumville Borough	
Creekside Borough	
Clymer	
Jim Thorpe	01

DENTAL CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Carbon:	
Parts of county:	
Kidder Township	
Penn Forest Township	
Jim Thorpe Borough	
East Side Borough	
Lausanne Township	
Lehigh Township	
Kiski Valley	03
County—Armstrong:	
Parts of county:	
Apollo Borough	
Bethel Township	
Burrel Township	
Gilpin Township	
Kiskiminetas Township	
Leechburg Borough	
North Apollo Borough	
Parks Township	
South Bend Township	
County—Westmoreland:	
Parts of county:	
Allegheny Township	
Avonmore Borough	
Bell Township	
East Vandergrift Borough	
Hyde Park Borough	
Oklahoma Borough	
Vandergrift Borough	
Washington Township	
West Leechburg Borough	
Manchester	01
County—Allegheny:	
Parts of county:	
C.T. 321.01 through 321.03	
C.T. 321.05	
McClure	04
County—Mifflin:	
Parts of county:	
Decatur (Northern ½)	
County—Snyder:	
Parts of county:	
Adams Twp	
McClure	
Spring Twp	
West Beaver Twp	
McKees Rocks/Stowe	04
County—Allegheny:	
Parts of county:	
C.T. 4621 through 4625	
C.T. 4631 through 4636	
Mt. Union	02
County—Huntingdon:	
Parts of county:	
Brady Twp	
Mapleton	
Mill Creek	
Mt. Union	
Shirleysburg	
Shirley Twp	
Union Twp	
County—Mifflin:	
Parts of county:	
Newton Hamilton	
Wayne Twp	
North Adams	02
County—Adams:	
Parts of county:	
Menallen Township	
Tyrone Township	
Huntington Township	
Butler Township	
Arendtsville Borough	
Bendersville Borough	
Biglerville Borough	
York Springs Borough	
North Philadelphia	01
County—Philadelphia	
Parts of county:	
C.T. 131 through 133	
C.T. 135 through 141	
C.T. 145 through 149	
C.T. 151 through 155	
C.T. 165 through 169	
C.T. 171 through 174	
Renovo	01

DENTAL CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Clinton:	
Parts of county:	
Chapman Twp	
East Keating Twp	
Grugan Twp	
Lindy Twp	
Noyes Twp	
Renovo Boro	
South Renovo Boro	
Shenandoah/Mahanoy City	03
County—Schuylkill:	
Parts of county:	
Delano Twp	
East Union Twp	
Gilberton Boro.	
Kline Twp	
Mahanoy City Boro.	
Mahanoy Twp	
Mcadoo Boro.	
North Union Twp	
Ringtown Boro.	
Ryan Twp	
County—Schuylkill:	
Parts of county:	
Shenandoah Boro.	
Union Twp	
West Mahanoy Twp	
Snow Shoe	03
County—Centre:	
Parts of county:	
Beggs Twp (western ½)	
Burnside Twp	
Curtin Twp (western ⅝)	
Huston Twp (northern ½)	
Snow Shoe	
Snow Shoe Twp	
Union Twp	
Unionville	
County—Clearfield	
Parts of county:	
Cooper Twp (northern ½)	
Covington Twp	
Karthaus Twp	
South Central Clearfield	02
County—Cambria:	
Parts of county:	
Reade Twp (northern ⅝)	
White Twp	
County—Clearfield:	
Parts of county:	
Beccaria Twp	
Bigler Twp (western ⅝)	
Chest Twp	
Coalport Boro	
Glen Hope Boro	
Gulich Twp	
Irvona Boro	
Jordan Twp	
Ramey Boro	
Westover Boro	
Southern Wyoming Co.	01
County—Wyoming:	
Parts of county:	
Exeter Twp	
Faus Twp	
County—Wyoming:	
Parts of county:	
Monroe Twp	
Northmoreland Twp	
Noxen Twp	
Tri-Town	04
County—Dauphin:	
Parts of county:	
Lykens Borough	
Williamstown Borough	
Gratz Borough	
Wiconisco Township	
County—Schuylkill:	
Parts of county:	
Tower City Borough	
Frailey Township	
Valleys Community	01
County—Franklin:	
Parts of county:	
Fannet Twnship	
Metal Twnship	
Welsh Mountain	02

DENTAL CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Lancaster:	
Parts of county:	
Salisbury Township	
Caernarvon Township	
East Township	
East Earl Township	
West Greene	01
County—Greene:	
Parts of county:	
Aleppo Township	
Gilmore Township	
Gray Township	
Jackson Township	
Richhill Township	
Springhill Township	
Center Township	
Freeport Township	
Morris Township	
Washington Township	
Wayne Township	
York City	04
County—York:	
Parts of county:	
C.T. 1 through 3	
C.T. 5	
C.T. 7	
C.T. 10	
C.T. 15	
C.T. 16	

DENTAL CARE: Pennsylvania

Population Group Listing

Population group name	Degree of shortage group
Low Income Pop. (Erie City)	04
County—Erie:	
Parts of county:	
Erie City	
Low Income Pop. (Farrell/Sharon)	01
County—Mercer:	
Parts of county:	
Farrell	
Sharon	
Sp. Splng. Pop. (SE Lancaster City)	02
County—Lancaster:	
Parts of county:	
C.T. 8	
C.T. 9	
C.T. 15	
C.T. 16	

DENTAL CARE: South Carolina

County Listing

County name	Degree of shortage group
Abbeville:	
Service area: Iva	01
Allendale	02
Anderson:	
Service area: Iva	01
Beaufort	04
Berkeley	03
Calhoun	03
Charleston:	
Service area: Sea Island Compre. Health	01
Chester	04
Chesterfield	04
Clarendon	03
Dillon	02
Fairfield	04
Georgetown	04
Horry	04
Jasper	01
Lancaster	02
Lee	01
McCormick	02

DENTAL CARE: South Carolina—Continued

County Listing

County name	Degree of shortage group
Marion	04
Marlboro	02
Richland:	
Service area: Richland Co	01
Saluda	03
Sumter	04
Union	04
Williamsburg	04
York:	
Service area: Western York Co	03

DENTAL CARE: South Carolina

Service Area Listing

Service area name	Degree of shortage group
Iva	01
County—Abbeville:	
Parts of county:	
Abbeville-Lowndesville	
County—Anderson:	
Parts of county:	
Iva	
Starr	
Richland Co	01
County—Richland:	
Parts of county:	
C.T. 118	
C.T. 119.02	
C.T. 120	
Sea Island Compre. Health	01
County—Charleston:	
Parts of county	
C.T. 19.01	
C.T. 19.02	
C.T. 20.01 through 20.04	
C.T. 21.01	
C.T. 21.02	
C.T. 22 through 25	
Western York Co	03
County—York:	
Parts of county:	
C.T. 14 through 16	
C.T. 17 (E.D. 6)	
C.T. 19	

DENTAL CARE: South Dakota

County Listing

County name	Degree of shortage group
Buffalo	01
Campbell	01
Corson	04
Dewey	03
Gregory	03
Harding	01
Jackson	01
Lyman	01
Marshall	01
Mellette	01
Moody	03
Roberts	02
Sanborn	02
Shannon	01
Sully	03
Todd	01
Washabaugh	01
Yankton:	
Facility: Human Services Center	03

DENTAL CARE: South Dakota

Facility Listing

Facility name	Degree of shortage group
Human Services Center:	
County—Yankton	03

DENTAL CARE: Tennessee

County Listing

County name	Degree of shortage group
Claiborne	04
Cumberland:	
Service area: Monterey	03
Fayette	02
Fentress:	
Service area: Monterey	03
Grainger	02
Hancock	02
Haywood	03
Henry	01
Johnson	02
Lewis	04
Morgan	03
Overton:	
Service area: Monterey	03
Perry	03
Pickett	01
Polk:	
Service area: West Polk	01
Putnam:	
Service area: Monterey	03
Scott	02
Union	02
Wayne	01

DENTAL CARE: Tennessee

Service Area Listing

Service area name	Degree of shortage group
Monterey	03
County—Cumberland:	
Parts of county:	
Maryland/Pleasant Hill	
County—Fentress:	
Parts of county:	
Clark Range	
County—Overton:	
Parts of county:	
Crawford	
County—Putnam:	
Parts of county:	
Monterey	
West Polk	01
County—Polk:	
Parts of county:	
E.D. 1-7	

DENTAL CARE: Texas

County Listing

County name	Degree of shortage group
Sanders	03
Sea	03
Bexar:	
Service area: East Side (San Antonio)	02
Service area: West Side (San Antonio)	02
Service area: South Side (San Antonio)	02
Service area: Southern Rural Bexar	01
Caldwell:	
Population Group: Dentally Indigent	01
Cameron	04
Castro	03

DENTAL CARE: Texas—Continued

County Listing

County name	Degree of shortage group
Cochran	04
Dallas:	
Service area: Simpson Stuart/Polk South	02
Service area: Trinity	02
Service area: West Dallas	02
Service area: Fair Park/White Rock Creek Industrial	01
Service area: South Dallas	01
Service area: Lisbon	03
Deaf Smith	03
Dimmit	01
Duval	01
Edwards	01
El Paso:	
Service area: R. E. Thomason Gen Hosp Catch Area	01
Frio	01
Gonzales	03
Hall	04
Hardin	04
Hidalgo	02
Jefferson:	
Service area: Beaumont Inner City	04
Service area: Port Author Inner City	01
Karnes	04
Kinney	01
La Salle	03
Live Oak:	
Service area: McMullen/Live Oak	02
McMullen:	
Service area: McMullen/Live Oak	02
Maverick	01
Newton	04
Parmer	02
Polk	02
San Jacinto	01
Shelby	03
Sherman	01
Starr	01
Trinity	02
Uvalde	03
Val Verde	03
Waller	04
Webb	02
Willacy	03
Zapata	01
Zavala	01

DENTAL CARE: Texas

Service Area Listing

Service area name	Degree of shortage group
Beaumont Inner City	04
County—Jefferson:	
Parts of county:	
C.T. 7	
C.T. 8	
C.T. 10	
C.T. 15 through 19	
East Side (San Antonio)	03
County—Bexar:	
Parts of county:	
C.T. 1301	
C.T. 1303 through 1313	
Fair Park/White Rock Creek Industrial	01
County—Dallas:	
Parts of county:	
C.T. 23	
C.T. 25	
C.T. 26	
C.T. 27.01	
C.T. 27.02	
C.T. 28	
C.T. 93.02	

DENTAL CARE: Texas—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 115	
Lisbon	03
County—Dallas:	
Parts of county:	
C.T. 86	
C.T. 87	
C.T. 88.01	
C.T. 88.02	
C.T. 87.01	
C.T. 87.02	
C.T. 86	
McMullen/Live Oak	02
County—Live Oak	
County—McMullen	
Port Author Inner City	01
County—Jefferson:	
Parts of county:	
C.T. 51 through 53	
C.T. 57 through 62	
Simpson Stuart/Polk South	02
County—Dallas:	
Parts of county:	
C.T. 112	
C.T. 113	
C.T. 114.01	
C.T. 167.01	
South Dallas	01
County—Dallas:	
Parts of county:	
C.T. 29	
C.T. 31.02	
C.T. 32.02	
C.T. 33 through 36	
C.T. 36.01	
South Side (San Antonio)	02
County—Bexar:	
Parts of county:	
C.T. 1601	
C.T. 1603 through 1607	
C.T. 1610	
C.T. 1601 through 1606	
Southern Rural Bexar	01
County—Bexar:	
Parts of county:	
C.T. 1314 through 1316	
C.T. 1318	
C.T. 1416 through 1418	
C.T. 1519 through 1522	
C.T. 1610 through 1612	
C.T. 1619	
C.T. 1620	
Trinity	02
County—Dallas	
Parts of county:	
C.T. 41	
C.T. 48	
C.T. 84	
C.T. 85	
C.T. 86	
C.T. 89	
West Dallas	02
County—Dallas:	
Parts of county:	
C.T. 43	
C.T. 101 through 106	
West Side (San Antonio)	02
County—Bexar:	
Parts of county:	
C.T. 1606	
C.T. 1607	
C.T. 1701	
C.T. 1703	
C.T. 1704	
C.T. 1707 through 1712	
C.T. 1715	
C.T. 1716	
R. E. Thomason Gen Hosp Catch Area	01

DENTAL CARE: Texas—Continued

Service Area Listing

Service area name	Degree of shortage group
County—El Paso	
Parts of county:	
C.T. 36 through 32	
C.T. 35.01	
C.T. 35.02	
C.T. 36 through 40	
C.T. 41.01	
C.T. 41.02	
C.T. 42.01	
C.T. 42.02	
C.T. 104	
C.T. 105	

DENTAL CARE: Texas

Population Group Listing

Population group name	Degree of shortage group
Dentally indigent of Caldwell:	
County—Caldwell	01

DENTAL CARE: Utah

County Listing

County name	Degree of shortage group
Daggett	01
Piute	01
Rich	01

DENTAL CARE: Vermont

County Listing

County name	Degree of Shortage group
Addison:	
Service area: Addison	02
Essex	04
Grand Isle	01
Washington:	
Service area: Plainfield	01

DENTAL CARE: Vermont

Service Area Listing

Service area name	Degree of shortage group
Addison	02
County—Addison:	
Parts of county:	
Addison	
Bridport	
Bristol	
Ferrisburg	
Lincoln	
Monkton	
New Haven	
Orwell	
Panton	
Shoreham	
Waltham	
Starksboro	
Plainfield	01

DENTAL CARE: Vermont—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Washington:	
Parts of county:	
Woodbury Town	
Cabot Town	
Calais Town	
Marshfield Town	
East Montpelier Town	
Plainfield Town	

DENTAL CARE: Virginia

County Listing

County name	Degree of shortage group
Albemarle:	
Service area: Southern Albemarle Co	01
Amelia	02
Bath	03
Brunswick	02
Buchanan	02
Charlotte	02
Craig	01
Dickenson	02
Fluvanna	01
Grayson:	
Service area: Troutdale	01
Greene	01
King and Queen:	
Service area: King & Queen/Northern King William	01
King George	01
King William:	
Service area: King & Queen/Northern King William	01
Lee	03
Louisa	01
Lunenburg	02
Madison	03
Orange	04
Patrick	01
Rappahannock	01
Richmond:	
Service area: Randolph Dental	01
Russell	01
Scott	03
Southampton	01
Surry	01
Sussex	01
Tazewell	04
Wise	03
Suffolk City:	
Service area: Nansemond	02

DENTAL CARE: Virginia

Service Area Listing

Service area name	Degree of shortage group
King & Queen/Northern King William	01
County—King and Queen	
County—King William:	
Parts of county:	
Acquilon Dist.	
Mangohick Dist.	
Nansemond	02
County—Suffolk City:	
Parts of county:	
Nansemond Dist.	
Randolph Dental Serv Area	01
County—Richmond:	
Parts of county:	
C.T. 411	
C.T. 413	
C.T. 414	
Southern Albemarle Co.	01

DENTAL CARE: Virginia—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Albemarle:	
Parts of county:	
Samuel Miller Dist (S. Part)	
Scottsville Dist.	
Troutdale	01
County—Grayson:	
Parts of county:	
Wilson Creek Dist.	

DENTAL CARE: Washington

County Listing

County name	Degree of shortage group
Adams:	
Population group: Grant-Adams Co. migrant population	02
Clallam:	
Facility: Washington State Correctional Institution	03
Clark:	
Facility: Washington State Correctional Institution	03
Ferry	04
Grant:	
Service area: Grand Coulee area	03
Population group: Grant-Adams Co. migrant population	02
King:	
Population group: Low income population—King Co	04
Facility: Washington State Correctional Institution	03
Facility: Seattle & King Co. jails	02
Mason:	
Facility: Washington State Correctional Institution	03
Pierce:	
Facility: Washington State Correctional Institution	03
Snohomish:	
Facility: Washington State Correctional Institution	03
Walla Walla:	
Facility: Washington State Correctional Institution	03

DENTAL CARE: Washington

Service Area Listing

Service area name	Degree of shortage group
Grand Coulee area	03
County—Grant:	
Parts of county:	
Grand Coulee Area	

Dental Care: Washington

Population Group Listing

Population group name	Degree of shortage group
King Co. low income population	04
County—King (low income pop)	
Grant-Adams Co. migrant population	02

Dental Care: Washington—Continued

Population Group Listing

Population group name	Degree of shortage group
County—Adams:	
Parts of county:	
Migrant population	
County—Grant:	
Parts of County	
Migrant population	

DENTAL CARE: Washington

Facility Listing

Facility care	Degree of shortage group
Seattle and King Co. jails	02
County—King:	
Washington State Correctional Institution	03
County—Clallam:	
Parts of county:	
Forks (Clearwater Corrections Center)	
County—Clark:	
Parts of county:	
Yacolt (Larch corrections center)	
County—King:	
Parts of county:	
Seattle (Friend Correctional Center)	
County—Mason:	
Parts of county:	
Shelton (Washington Corrections Center)	
County—Pierce:	
Parts of county:	
Gig Harbor (Purdy Trimont Cent for Women)	
County—Snohomish:	
Parts of county:	
Monroe (Washington State Reformatory)	
County—Walla Walla:	
Parts of county:	
Walla Walla (Wa.St. Pen/Ment Health Unit)	

DENTAL CARE: West Virginia

County Listing

County name	Degree of shortage group
Barbour	02
Boone	03
Calhoun	01
Doddridge	03
Fayette:	
Service area: Fayetteville	02
Gilmer	04
Grant:	
Service area: Mt. Storm	01
Greenbrier:	
Service area: Greenbrier	02
Hampshire:	
Service area: Capon Bridge	01
Hardy:	
Service area: Baker	01
Kanawha:	
Service area: St. Albans	04
Lincoln	01
Logan	03
McDowell	01
Marshall:	
Service area: Wetzel	01
Mason County:	
Service area: Mason County service area	01
Mercer:	
Service area: Mercer	01
Mineral:	
Service area: Cabin Run	02
Mingo:	
Service area: Mingo	01
Monongalia:	
Service area: Blacksville	01
Monroe	01
Nicholas:	
Service area: Nicholas-Webster	03

DENTAL CARE: West Virginia—Continued

County Listing

County name	Degree of shortage group
Pleasants:	
Service area: Jefferson	01
Preston	02
Putnam	03
Randolph:	
Service area: Mingo	01
Ritchie	02
Summers	04
Taylor	03
Tucker	03
Tyler:	
Service area: Tyler	01
Upshur:	
Service area: Mingo	
Wayne:	02
Service area: Mingo	01
Webster:	03
Service area: Nicholas-Webster	
Wetzel:	
Service area: Wetzel	01
Wirt:	
Wyoming	03

DENTAL CARE: West Virginia

Service Area Listing

Service area name	Degree of shortage group
Baker	01
County—Hardy:	
Parts of county:	
Capon	
Lost River	
Blackville	01
County—Monongalia:	
Parts of county:	
Clay	
Battelle	
Cabin Run	02
County—Mineral:	
Parts of county:	
Frankfurt	
Cabin Run	
Capon Bridge	01
County—Hampshire:	
Parts of county:	
Bloomery	
Capon	
Sherman	
Gore	
Fayetteville	02
County—Fayette	
Parts of county:	
Fayetteville	
Falls	
Quinnimont	
Sewell Mountain	
Nuttall	
Mountain Cove	
Greenbrier	02
County—Greenbrier:	
Parts of county:	
Meadow Bluff	
Jefferson	01
County—Pleasants:	
Parts of county:	
Grant	
Jefferson	
Lafayette	
Mc Kim	
Union	
Mason County Service area	01
County—Mason county:	
Parts of county:	
Arbuckle District	
Clendenin District	
Cologne District	
Cooper District	
Graham District	
Hannan District	
Robinson District	
Union District	
Waggener District	
Mercer	01
County—Mercer:	
Parts of county:	
Rock	
Jumping Branch	
Plymouth	
Mingo	01
County—Mingo:	
Parts of county:	
Halsey	
Hardie	
Kermit	
Lee	
Magnolia	
County—Randolph:	
Parts of county:	
Middlefork	
County—Upshur:	
Parts of county:	
Banks	
Meade	
Washington	
County—Wayne:	
Parts of county:	
Hacker Valley	
Mt. Storm	01
County—Grant:	
Parts of county:	
Union	
Nicholas-Webster	03
County—Nicholas	
County—Webster	
St. Albans	04
County—Kanawha:	
Parts of county:	
Big Sandy	
Cabin Creek	
Elk	
St. Albans City	
Chesapeake Town	
Malden	
Union	
Washington	
Marmet Town	
Tyler	01
County—Tyler	
Parts of county:	
Centreville	
Ellsworth	
Mc Elroy	
Meade	
Union	
Wetzel	01
County—Marshall:	
Parts of county:	
Liberty District	
Meade District	
Cameron District	
Webster District	
County—Wetzel:	
Parts of county:	
Clay District	
Church District	
Center District	

DENTAL CARE: Wisconsin

County Listing

County name	Degree of shortage group
Brown:	
Service area: Kickapoo Valley	01
Buffalo:	
Service area: Whitehall/Arcadia	01
Crawford:	
Service area: Kickapoo Valley	01
Forest:	
Service area: Mountain	02
Jackson	02
Juneau:	
Service area: Hillsboro	02
Langlade:	
Service area: Mountain	02
Milwaukee:	
Service area: Inner City North (Milwaukee)	02
Monroe:	
Service area: Hillsboro	02
Oconto:	
Service area: Mountain	02
Richland:	
Service area: Kickapoo Valley	01
Service area: Hillsboro	02
Sauk:	
Service area: Hillsboro	02
Trempealeau:	
Service area: Whitehall/Arcadia	01
Vernon:	
Service area: Kickapoo Valley	01
Service area: Hillsboro	02

DENTAL CARE: Wisconsin

Service Area Listing

Service area name	Degree of shortage group
Hillsboro	02
County—Juneau:	
Parts of county:	
Wonewoc (vil)	
Wonewoc (twn)	
County—Monroe:	
Parts of county:	
Sheldon	
Wellington	
Glendale	
Cashton	
Jefferson	
Kendall (vil)	
Sheldon	
County—Richland:	
Parts of county:	
Henrietta	
Westford	
Bloom Town(part)	
Yuba (vil)	
County—Sauk:	
Parts of county:	
Woodland	
La Valle	
County—Vernon:	
Parts of county:	
Hillsboro (twn)	
Greenwood	
Union Town (part)	
Forest	
Clinton	
Hillsboro (city)	
Ontario (vil)	
Stark	
Whitestown	
Inner City North (Milwaukee)	02
County—Milwaukee:	
Parts of county:	
C.T. 66 through 70	
C.T. 81 through 86	

DENTAL CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 101 through 106	
C.T. 114 through 116	
C.T. 139 through 142	
Kickapoo Valley	01
County—Brown:	
Parts of county:	
Pulaski Village	
Pittsfield Town	
County—Crawford:	
Parts of county:	
Utica Town	
Mount Sterling Village	
Gays Mills Village	
Bell Center Village	
Haney Town	
Scott Town	
Clayton Town	
Soldiers Grove Village	
County—Richland:	
Parts of county:	
Sylvan Village (part)	
Forest Town	
Bloom Town (part)	
Viola Village (part)	
County—Vernon:	
Parts of county:	
Stark Town	
La Farge Village	
Forest Town	
Union Town (part)	
Ontario Village	
Whitestown Town	
Clinton Town	
Webster Town	
Liberty Town	
Viola Village (part)	
Kickapoo Town	
Readstown Village	
Mountain	02
County—Forest:	
Parts of county:	
Freedom Twn	
Wabeno Twn	
Blackwell Twn	
County—Langlade:	
Parts of county:	
Evergreen Twn	
Wolf River Twn	
White Lake Village	
County—Oconto:	
Parts of county:	
Townsent Twn	
Lakewood Twn	
Doty Twn	
Riverview Twn	
Armstrong Twn	
Breed Twn	
Bagley Twn	
Brazeau Twn	
Whitehall/Arcadia	01
County—Buffalo:	
Parts of county:	
Cross	
Glencoe	
Milton	
County—Trempealeau:	
Parts of county:	
Arcadia (city)	
Arcadia (Twn)	
Blair (city)	
Burnside (town)	
Chimney Rock	
Dodge	
Hale	
Independence (city)	
Lincoln	
Rideon	

DENTAL CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
Pigeon Falls (vil)	
Preston	
Whitehall	

DENTAL CARE: Wyoming

County Listing

County name	Degree of shortage group
Albany:	
Service area: Hanna-Rock River	01
Campbell	03
Carbon:	
Service area: Hanna-Rock River	01
Converse	04
Crook	03
Fremont:	
Service area: Sweetwater	01
Service area: Dubois	01
Johnson:	
Service area: Kaycee	01
Natrona:	
Service area: Sweetwater	01
Platte	03
Sublette:	
Service area: Big Piney	01

DENTAL CARE: Wyoming

Service Area Listing

Service area name	Degree of shortage group
Big Piney	01
County—Sublette:	
Parts of county:	
Big Piney CCD	
Dubois	01
County—Fremont:	
Parts of county:	
Dubois CCD	
Hanna-Rock River	01
County—Albany:	
Parts of county:	
Rock River CCD	
County—Carbon:	
Parts of county:	
Hanna CCD	
Kaycee	01
County—Johnson:	
Parts of county:	
Kaycee CCD	
Sweetwater	01
County—Fremont:	
Parts of county:	
Sweetwater CCD	
Shoshoni CCD	
County—Natrona:	
Parts of county:	
Hell's Half Acre CCD	

DENTAL CARE: American Samoa

County Listing

County name	Degree of shortage group
Manu'a District	01
Eastern Tutuila District:	
Service area: Tutuila Island-Aunu'u	03
Western Tutuila District:	
Service area: Tutuila Island-Aunu'u	03

DENTAL CARE: American Samoa

Service Area Listing

Service area name	Degree of shortage group
Tutuila Island-Aunu'u	03
County—Eastern Tutuila District	
County—Western Tutuila District	

DENTAL CARE: Puerto Rico

County Listing

County name	Degree of shortage group
Adjuntas	
Anasco:	
Service area: Mayaguez service area	02
Barceloneta:	
Population group: Pov. Pop	01
Barranquitas:	
Service area: Barranquitas	01
Cabo Rojo:	
Service area: Mayaguez service area	02
Camuy	
Catano:	
Service area: Catano health area	01
Ciales	
Cidra:	
Population group: Med. Ind. of Cidra	01
Comerio:	
Service area: Barranquitas	01
Corozal	
Dorado:	
Service area: Catano health area	01
Hatillo	
Hormigueros:	
Service area: Mayaguez service area	02
Juana Diaz	01
Lares	01
Las Marias	01
Loiza	01
Manati	01
Maricao	02
Maunabo	03
Mayaguez:	
Service area: Mayaguez service area	02
Naranjito:	
Service area: Barranquitas	01
Orocovis:	
Service area: Barranquitas	01
Patillas	
Penuelas:	
Service area: Guaraguao community	01
Ponce:	
Service area: Guaraguao community	01
Quebradillas	01
Rincon	01
San Sebastian	01
Toa Baja:	
Service area: Catano health area	01
Utuado	01
Vega Baja	02
Vauco	02

DENTAL CARE: Puerto Rico

Service Area Listing

Service area name	Degree of shortage group
Barranquitas	
County—Barranquitas	01
County—Comerio	
County—Naranjito	
County—Orocovis	
Catano health area	01
County—Catano	
Parts of county:	
County—Dorado	
County—Toa Baja	
Guaraguao community	01

DENTAL CARE: Puerto Rico—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Peruelas	
Parts of county:	
Rucio Barrio	
County—Ponce	
Parts of county:	
Guaraduao Barrio	
Mayeguez service area	02
County—Anasco	
Parts of county:	
County—Cabo Rojo	
Parts of county:	
County—Hormiguero	
County—Mayeguez	

DENTAL CARE: Puerto Rico

Population Group Listing

Population group name	Degree of shortage group
Med. Ind. of Cidra	01
County—Cidra	
Parts of county:	
Med. Ind. of Cidra	
Pov. pop. (Barceloneta)	01
County—Barceloneta	
Parts of county:	
Pov. pop. (Barceloneta)	

DENTAL CARE: Trust Territory of the Pacific

County Listing

County name	Degree of shortage group
Ponape District	04
Truk District	04

DENTAL CARE: Virgin Islands

County Listing

County name	Degree of shortage group
St. Croix:	
Service area: Frederiksted	01

DENTAL CARE: Virgin Islands

Service Area Listing

Service area name	Degree of shortage group
Frederiksted	01
County—St. Croix:	
Parts of county:	
E.D. 13	
E.D. 14	
E.D. 19 through 25	

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PSYCHIATRIC CARE: Alabama

Area Listing

Catchment area name	Degree of shortage group
Alabama Catchment M-1	02
County:	
Colbert	
Franklin	
Lauderdale	
Alabama Catchment M-3	04
County: Madison	
Alabama Catchment M-4	01
County:	
Fayette	
Lamar	
Marion	
Walker	
Winston	
Alabama Catchment M-6	02
County:	
Cherokee	
De Kalb	
Etowah	
Alabama Catchment M-7	04
County:	
Calhoun	
Cleburne	
Alabama Catchment M-8	03
County:	
Bibb	
Pickens	
Tuscaloosa	
Alabama Catchment M-9	01
County:	
Clay	
Coosa	
Randolph	
Talladega	
Alabama Catchment M-10	02
County:	
Choctaw	
Greene	
Hale	
Marengo	
Sumter	
Alabama Catchment M-11	02
County:	
Chilton	
Shelby	
Alabama Catchment M-12	02
County:	
Chambers	
Lee	
Russell	
Tallapoosa	
Alabama Catchment M-13	02
County:	
Dallas	
Perry	
Wilcox	
Alabama Catchment M-14	02
County:	
Autauga	
Elmore	
Lowndes	
Montgomery	
Alabama Catchment M-15	01
County:	
Bullock	
Macon	
Pike	
Alabama Catchment M-17	01
County:	
Clark	
Conecuh	
Escambia	
Monroe	
Washington	
Alabama Catchment M-18	01
County:	
Butler	
Coffee	
Covington	
Crenshaw	
Alabama Catchment M-19	03
County:	
Barbour	
Dale	
Geneva	
Henry	
Houston	
Alabama Catchment M-20	01

PSYCHIATRIC CARE: Alabama—Continued

Area Listing

Catchment area name	Degree of shortage group
County:	
Jackson	
Marshall	
Alabama Catchment M-21	01
County:	
Baldwin	

PSYCHIATRIC CARE: Alabama

Facility Listing

Facility range	Degree of shortage group
Bryce State Hospital	01
County:	
Tuscaloosa	
Searcy Hospital	03
County:	
Mobile	

PSYCHIATRIC CARE: Alaska

Area Listing

Catchment area name	Degree of shortage group
Doyon Region of Alaska Catchment Areas	01
County:	
Bettles	
Galena	
Ft. Yukon	
McGrath	
Tok	

PSYCHIATRIC CARE: Arizona

Area Listing

Catchment area name	Degree of shortage group
Southeastern Arizona	02
County:	
Santa Cruz	
Cochise	
Graham	
Greenlee	
Eastern Pinal/Gila Catchment Area	02
County:	
Pinal	
Parts of county:	
Kearney	
San Manuel	
Superior	
Northern Arizona Mental Health Catchment Area	04
County:	
Apache	
Coconino	
Mojave	
Navajo	
Yavapai	

PSYCHIATRIC CARE: Arizona

Facility Listing

Facility name	Degree of shortage group
Medium to Maximum Security Adult Prison	01
County:	
Pinal	
Parts of county: Florence	

PSYCHIATRIC CARE: Arkansas

Area Listing

Catchment area name	Degree of shortage group
Arkansas Catchment #11	02
County:	
Hempstead	
Howard	
Lafayette	
Little River	
Miller	
Sevier	
Arkansas Catchment #12	02
County:	
Calhoun	
Columbia	
Dallas	
Nevada	
Ouachita	
Union	
Arkansas Catchment #13	02
County:	
Arkansas	
Cleveland	
Grant	
Jefferson	
Lincoln	
Arkansas Catchment #14	02
County:	
Ashley	
Bradley	
Chicot	
Desha	
Drew	
Delta Hills	02
County:	
Independence	
Izard	
Fulton	
Sharp	
Stone	
North Central Arkansas	02
County:	
Cleburne	
Jackson	
Van Buren	
White	
Woodruff	
Crittenden County	02

PSYCHIATRIC CARE: California

Area Listing

Catchment area name	Degree of shortage group
Delano	02
County: Kern	
Parts of county: C.T. 46-50	
Ridgecrest/China Lake/Indian Wells Valley	02
County: Kern	
Parts of county: C.T. 93, 94, 95.01, 95.02, 96-99	
Taft	01

PSYCHIATRIC CARE: California—Continued

Area Listing

Catchment area name	Degree of shortage group
County: Kern	
Parts of county: C.T. 33.01, 34-36	

PSYCHIATRIC CARE: California

Population Group Listing

Population group name	Degree of shortage group
Spanish Speaking Pop. of Fruitvale Service Area (La Clinica de la Raza)	04
County: Alameda	
Parts of county: C.T. 4062–4068, 4080–4088, 4070–4073, 4076–4078, 4082–4084, 4086–4088, 4095–4098, 4101	

PSYCHIATRIC CARE: California

Facility Listing

Facility name	Degree of shortage group
Metropolitan State Hospital	03
County: Los Angeles	
Parts of county: Norwalk	

PSYCHIATRIC CARE: Colorado

Area Listing

Catchment area name	Degree of shortage group
Midwestern Colorado Catchment Area 9001	02
County:	
Delta	
Gunnison	
Hinsdale	
Montrose	
Ouray	
San Miguel	
Huerfano-Las Animas (Part of Catchment Area 08010)	01
County:	
Las Animas	
Huerfano	
Northwest Colorado	01
County:	
Grand	
Jackson	
Moffat	
Routt	

PSYCHIATRIC CARE: Delaware

Area Listing

Catchment area name	Degree of shortage group
Kent County	03
Sussex County	03

PSYCHIATRIC CARE: Florida

Area Listing

Catchment area name	Degree of shortage group
De Soto County	01
Hardee County	01
Mental Health Catchment Area 3C	02
County:	
Citrus	
Hernando	
Marion	
Mental Health Catchment Area #12016:	
County:	
Highlands	01
Seminole	03
South Central Florida	03
County:	
Hendry	
Glades	
Lee	

PSYCHIATRIC CARE: Florida

Facility Listing

Facility name	Degree of shortage group
Baker Correctional Inst	01
County:	
Baker	
Florida and Marion Correctional Inst	02
County:	
Marion	

PSYCHIATRIC CARE: Georgia

Area Listing

Catchment area name	Degree of shortage group
Mental Health Service Area 19 (McIntosh Trail)	02
County:	
Butts	
Fayette	
Henry	
Lamar	
Pike	
Spalding	
Upson	
Kirkwood Subregion	02
County:	
De Kalb	
Parts of county:	
C.T. 202–209	

PSYCHIATRIC CARE: Georgia

Facility Listing

Facility name	Degree of shortage group
Central State Hospital (Milledgeville)	03
County: Baldwin	
Georgia Mental Health Inst.	03
County: De Kalb	
Georgia Regional Hospital (Atlanta)	03
County: De Kalb	
Georgia Regional Hospital (Augusta)	02
County: Richmond	
Georgia Regional Hospital (Savannah)	03
County: Chatam	
Northwest Georgia Regional Hospital (Rome)	01
County: Floyd	
Southwestern State Hospital (Thomasville)	01
County: Thomas	
West Central Georgia Regional Hospital (Columbus)	02

PSYCHIATRIC CARE: Georgia—Continued

Facility Listing

Facility name	Degree of shortage group
County: Muscogee	

PSYCHIATRIC CARE: Illinois

Area Listing

Catchment area name	Degree of shortage group
Catchment Area #22	02
County:	
Clay	
Crawford	
Edwards	
Effingham	
Fayette	
Jasper	
Lawrence	
Marion	
Richland	
Wabash	
Wayne	
Catchment Area #23	02
County:	
Franklin	
Gallatin	
Hamilton	
Jefferson	
Saline	
White	
Williamson	
Catchment Area #35	03
County:	
Alexander	
Hardin	
Jackson	
Johnson	
Massac	
Perry	
Pope	
Pulaski	
Union	
Catchment Area #78	02
County: Bond	
Catchment Area #82	02
County:	
Monroe	
Randolph	
Washington	
La Salle County	02

PSYCHIATRIC CARE: Illinois

Facility Listing

Facility name	Degree of shortage group
Joliet Correctional Inst	02
County: Will	
Statesville Correctional Inst	02
County: Will	

PSYCHIATRIC CARE: Indiana

Area Listing

Catchment area name	Degree of shortage group
Gary CMHC	02
County: Lake:	
Parts of county: C.T. 101, 102, 102.98, 103-124, 411-415	
Midtown CMHC	04

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PSYCHIATRIC CARE: Indiana—Continued

Area Listing

Catchment area name	Degree of shortage group
County: Marion:	
Parts of county: C.T. 3503-3510, 3515-3533, 3541-3563, 3567-3574, 3576-3580	

PSYCHIATRIC CARE: Iowa

Area Listing

Catchment area name	Degree of shortage group
Mental Health Catchment Area #1	02
County:	
Allamakee	
Clayton	
Fayette	
Howard	
Winneshiek	
Mental Health Catchment Area #2	02
County:	
Cerro Gordo	
Floyd	
Franklin	
Hancock	
Kossuth	
Mitchell	
Winnebago	
Worth	
Mental Health Catchment Area #3	02
County:	
Buena Vista	
Clay	
Dickinson	
Emmett	
Lyon	
O'Brien	
Osceola	
Palo Alto	
Sioux	
Mental Health Catchment Area #4	04
County:	
Cherokee	
Ida	
Monona	
Plymouth	
Woodbury	
Mental Health Catchment Area #5	03
County:	
Calhoun	
Hamilton	
Humboldt	
Pocahontas	
Webster	
Wright	
Mental Health Catchment Area #6	04
County:	
Hardin	
Marshall	
Poweshiek	
Tama	
Mental Health Catchment Area #7-A	01
County:	
Bremer	
Butler	
Chickasaw	
Mental Health Catchment Area #8	03
County:	
Delaware	
Dubuque	
Jackson	
Mental Health Catchment Area #11-A	02
County:	
Boone	
Story	
Mental Health Catchment Area #11-D	01
County:	
Jasper	

PSYCHIATRIC CARE: Iowa—Continued

Area Listing

Catchment area name	Degree of shortage group
Marion	
Mental Health Catchment Area #12	01
County:	
Audubon	
Carroll	
Crawford	
Greene	
Guthrie	
Sac	
Catchment #13-A (N. Portion)	01
County: Harrison	
Catchment #13-A (S. Portion)	01
County: Fremont	
Catchment #13-B	03
County:	
Cass	
Montgomery	
Page	
Shelby	
Mental Health Catchment Area #14	02
County:	
Adair	
Adams	
Clarke	
Decatur	
Ringgold	
Taylor	
Union	
Mental Health Catchment Area #15	02
County:	
Appanoose	
Davis	
Jefferson	
Keokuk	
Lucas	
Mahaska	
Monroe	
Van Buren	
Wapello	
Wayne	
Mental Health Catchment Area #16	04
County:	
Des Moines	
Henry	
Lee	
Louisa	

PSYCHIATRIC CARE: Iowa

Facility Name

Facility name	Degree of shortage group
Men's Reformatory	03
County: Jones	
State Penitentiary	03
County: Lee	

PSYCHIATRIC CARE: Kentucky

Area Listing

Catchment area name	Degree of shortage group
Cumberland River Catchment A	02
County:	
Clay	
Jackson	
Laurel	
Rockcastle	
Whitley	
Cumberland River Catchment B	02
County:	
Bell	
Harlan	

PSYCHIATRIC CARE: Kentucky—Continued

Area Listing

Catchment area name	Degree of shortage group
Knox	
Gateway Catchment Area	02
County:	
Bath	
Menifee	
Montgomery	
Morgan	
Rowan	
Kentucky Region 7A	04
County:	
Boone	
Carroll	
Gallatin	
Grant	
Kenton	
Owens	
Kentucky Region 7B	03
County:	
Campbell	
Pendleton	
Region V Catchment Area	02
County:	
Breckinridge	
Grayson	
Hardin	
Larue	
Marion	
Meade	
Nelson	
Washington	
Upper Kentucky River	02
County:	
Breathitt	
Knott	
Lee	
Leslie	
Letcher	
Owsley	
Perry	
Wolfe	

PSYCHIATRIC CARE: Louisiana

Area Listing

Catchment area name	Degree of shortage group
Catchment Area 7-C	02
County:	
De Soto	
Natchitoches	
Red River	
Sabine	
Calcasieu County	04
Terrebonne Service Area	02
County:	
Lafourche	
St. Mary	
Terrebonne	

PSYCHIATRIC CARE: Maine

Area Listing

Catchment area name	Degree of shortage group
Aroostook County	02
East Maine	01
County: Piscataquis	
Kennebec Valley	03

PSYCHIATRIC CARE: Maine—Continued

Area Listing

Catchment area name	Degree of shortage group
County: Somerset	
Tri-County	01
County: Oxford	

PSYCHIATRIC CARE: Maine

Facility Listing

Facility name	Degree of shortage group
Maine Correctional Inst.	01
County: Statewide	

PSYCHIATRIC CARE: Maryland

Area Listing

Catchment area name	Degree of shortage group
Allegany-Garrett	04
County:	
Allegany	
Garrett	

PSYCHIATRIC CARE: Massachusetts

Area Listing

Catchment area name	Degree of shortage group
Crew Area	04
County: Suffolk	
Parts of county:	
Chelsea	
Revere	
E. Boston	
Winthrop	

PSYCHIATRIC CARE: Massachusetts

Population Group Listing

Population group name	Degree of shortage group
Chinese-Speaking Pop. of South Boston	02
County: Suffolk	
Parts of county:	
C.T. 701 through 712	

PSYCHIATRIC CARE: Michigan

Area Listing

Catchment area name	Degree of shortage group
Mt. Pleasant	02
County:	
Clare	
Isabella	
Mecosta	
Osceola	
Au Sable Vasey Service Area	01
County:	
Iosco	
Ogemaw	
Oscoda	
Arenac	01
County: Arenac	
Southwest Detroit (Catchment Area #43)	03

PSYCHIATRIC CARE: Michigan—Continued

Area Listing

Catchment area name	Degree of shortage group
County: Wayne	
Parts of county:	
C.T. 2–15, 20, 35–39, 41, 51–56, 58–64, 66–73, 101, 103–119, 121–123	
N. Woodward/Hamtramck (Catchment Area #46)	02
County: Wayne	
Parts of county:	
C.T. 560–566, 571, 572, 601.01, 601.02, 602, 603.01, 603.02, 604–611, 612.01, 612.02, 613.01, 613.02, 614.01, 614.02, 615.01, 615.02, 616.01, 616.02, 951–961	
North Park (Catchment Area #48)	02
County: Wayne	
Parts of county:	
C.T. 169–177, 182, 251, 261.02, 263, 264, 301.01, 301.02, 302.01, 302.02, 305.02, 306.02, 307.01, 307.02, 901–913	
West Central (Catchment Area #52)	02
County: Wayne	
Parts of county:	
C.T. 201–213, 260, 261.01, 267.01, 267.02, 358.01, 358.02, 409.01, 409.02, 410.01, 410.02, 411.01, 411.02, 412.01, 412.02, 413.01, 413.02, 414.01, 414.02, 415.01, 415.02, 451.01, 451.02, 452.01, 452.02, 453.01, 453.02, 454.01, 454.02, 455.01, 455.02, 456.01, 456.02, 457.01, 457.02, 458.01, 458.02, 459.01, 459.02	

PSYCHIATRIC CARE: Michigan

Facility Listing

Facility name	Degree of shortage group
Wayne County Jail	02
County: Wayne	
Titus Greenwood Health (Serves Catchment Area #43)	02
County: Wayne	
Parts of county:	
C.T. 24	
Herman Kiefer Health (Serves Catchment Area #48)	02
County: Wayne	
Parts of county:	
C.T. 166	

PSYCHIATRIC CARE: Minnesota

Area Listing

Catchment area name	Degree of shortage group
Fergus Falls	02
County:	
Becker	
Clay	
Douglas	
Grant	
Otter Trail	
Pope	
Stevens	
Traverse	
Wilkin	
Bemidji	02
County:	
Beltrami	
Clearwater	
Hubbard	
Lake of the Woods	
Mahnomen	
Crookston	01

PSYCHIATRIC CARE: Minnesota—Continued

Area Listing

Catchment area name	Degree of shortage group
County:	
Kittson	
Marshall	
Norman	
Pennington	
Polk	
Red Lake	
Roseau	

PSYCHIATRIC CARE: Mississippi

Area Listing

Catchment area name	Degree of shortage group
Mental Health Catchment Area #1	01
County:	
Coahoma	
Quitman	
Tallahatchie	
Tunica	
Mental Health Catchment Area #2	02
County:	
Calhoun	
De Soto	
Lafayette	
Marshall	
Panola	
Tate	
Yalo Busha	
Mental Health Catchment Area #3	02
County:	
Benton	
Chickasaw	
Itawamba	
Lee	
Monroe	
Pontotoc	
Union	
Mental Health Catchment Area #4	01
Alcorn	
Prentiss	
Tippah	
Tishomingo	
Mental Health Catchment Area #5	02
County:	
Bolivar	
Issequena	
Sharkey	
Washington	
Mental Health Catchment Area #6	02
County:	
Attala	
Carroll	
Grenada	
Holmes	
Humphreys	
La Flore	
Montgomery	
Sunflower	
Mental Health Catchment Area #7	02
County:	
Choctaw	
Clay	
Lowndes	
Noxubee	
Oktibbeha	
Webster	
Winston	
Mental Health Catchment Area #10	04
County:	
Clarke	
Jasper	
Kemper	
Lauderdale	
Leake	
Neshoba	
Newton	
Scott	
Smith	
Mental Health Catchment Area #11	01

PSYCHIATRIC CARE: Mississippi—Continued

Area Listing

Catchment area name	Degree of shortage group
County:	
Adams	
Amitagon	
Claiborne	
Franklin	
Jefferson	
Lawrence	
Lincoln	
Pike	
Walthall	
Wilkinson	
Mental Health Catchment Area #12	04
County:	
Covington	
Forrest	
Greene	
Jefferson Davis	
Jones	
Lamar	
Marion	
Perry	
Wayne	
Mental Health Catchment Area #13	03
County:	
Hancock	
Harrison	
Pearl River	
Stone	
Mental Health Catchment Area #14	02
County:	
George	
Jackson	
Mental Health Catchment Area #15	02
County:	
Warren	
Yazoo	

PSYCHIATRIC CARE: Montana

Area Listing

Catchment area name	Degree of shortage group
Lewistown Service Area (Part of Montana Region II Catchment Area)	01
County:	
Fergus	
Judith Basin	
Petroleum	
Wheatland	
Eastern Montana—Region I (Catchment Area 30005)	02
County:	
Carter	
Custer	
Daniels	
Dawson	
Fallon	
Garfield	
Mc Cone	
Phillips	
Power River	
Prairie	
Richland	
Roosevelt	
Rosebud	
Sheridan	
Treasure	
Valley	
Wibaux	
Lake County	01
Lincoln County	01
Mineral County	01
Revalli County	01
Sanders County	01

PSYCHIATRIC CARE: Montana

Facility Listing

Facility name	Degree of shortage group
Warm Springs State Hospital	03
County: Deer Lodge	

PSYCHIATRIC CARE: Nebraska

Area Listing

Catchment area name	Degree of shortage group
Blue Valley CMHC	02
County:	
Gage	
Jefferson	
Johnson	
Nemaha	
Otoe	
Pawnee	
Richardson	
Thayer	
Great Plains CMHC	02
County:	
Arthur	
Chase	
Dawson	
Dundy	
Frontier	
Gosper	
Grant	
Hayes	
Hitchcock	
Hooker	
Keith	
Lincoln	
Logan	
McPherson	
Perkins	
Red Willow	
Thomas	
Mid-Nebraska CMHC	02
County:	
Blaine	
Custer	
Garfield	
Greeley	
Hall	
Hamilton	
Howard	
Loup	
Merrick	
Sherman	
Valley	
Wheeler	
Northern Nebraska CMHC	02
County:	
Antelope	
Boone	
Boyd	
Brown	
Burt	
Cedar	
Colfax	
Cuming	
Dakota	
Dixon	
Holt	
Keya Paha	
Knox	
Madison	
Nance	
Pierce	
Platte	
Rock	
Stanton	
Thurston	
Wayne	
Panhandle CMHC	03

PSYCHIATRIC CARE: Nebraska—Continued

Area Listing

Catchment area name	Degree of shortage group
County:	
Banner	
Box Butte	
Cheyenne	
Dawes	
Deuel	
Garden	
Kimball	
Morrill	
Scotts Bluff	
Sheridan	
Sioux	
Pioneer CMHC	02
County:	
Butler	
Fillmore	
Polk	
Saline	
Saunders	
Seward	
York	
South Central CMHC	04
County:	
Adams	
Buffalo	
Clay	
Franklin	
Furnas	
Harlan	
Kearney	
Nuckolls	
Phelps	
Webster	
Catchment #8 (Immanuel)	04
County: Douglas:	
Parts of county:	
C.T. 2-6, 60-63, 65.02, 73.01, 75	
County:	
Dodge	
Washington	

PSYCHIATRIC CARE: Nevada

Area Listing

Catchment area name	Degree of shortage group
Catchment Area 32004 (Rural Nevada Mental Health Catchment Area)	01
County:	
Churchill	
Douglas	
Elko	
Esmeralda	
Eureka	
Humboldt	
Lander	
Lincoln	
Lyon	
Mineral	
Nye	
Pershing	
Storey	
White Pine	

PSYCHIATRIC CARE: New Hampshire

Area Listing

Catchment area name	Degree of shortage group
Mental Health Region I	02
County:	

PSYCHIATRIC CARE: New Hampshire—Continued

Area Listing

Catchment area name	Degree of shortage group
Carroll	
Coos	
Grafton	
Parts of county:	
Bath Twn	
Benton Twn	
Bethlehem Twn	
Easton Twn	
Franconia Twn	
Haverhill Twn	
Landoff Twn	
Lincoln Twn	
Lisbon Twn	
Littleton Twn	
Lyman Twn	
Monroe Twn	
Piermont Twn	
Sugar Hill Twn	
Warren Twn	
Waterville Valley Twn	
Woodstock Twn	

PSYCHIATRIC CARE: New Jersey

Area Listing

Catchment area name	Degree of shortage group
Warren County	04
Newark	04
County: Essex	
Parts of county: Catchment Area: 4(all); 5(all); 6(C.T. 43–46, 48.01, 51–58, 59)	
Service Area 10	02
County: Ocean	
Service Area 11	04
County: Gloucester	
Service Area 12	04
County: Salem	
Service Area 13	02
County: Cape May	
Service Area 60	02
County: Sussex	

PSYCHIATRIC CARE: New Mexico

Area Listing

Catchment area name	Degree of shortage group
New Mexico Planning District I	01
County:	
Catron	
Grant	
Hidalgo	
Luna	

PSYCHIATRIC CARE: New York

Area Listing

Catchment area name	Degree of shortage group
County:	
Cortland	02
St. Lawrence	02
Lewis	02
Jefferson	03

PSYCHIATRIC CARE: North Carolina

Area Listing

Catchment area name	Degree of shortage group
Surry-Yadkin Catchment Area	01
County:	
Surry	
Yadkin	
GVFW Mental Health Catchment Area	03
County:	
Granville	
Vance	
Franklin	
Warren	
Orange-Pearson Chatham Mental Health Catchment Area	02
County:	
Pearson	
Lee-Harnett Mental Health Catchment Area	02
County:	
Lee	
Harnett	

PSYCHIATRIC CARE: North Dakota

Area Listing

Catchment area name	Degree of shortage group
Jamestown	02
County:	
Barnes	
Dickey	
Foster	
Griggs	
La Moure	
Logan	
McIntosh	
Stutsman	
Wells	
Devils Lake	01
County:	
Benson	
Cavalier	
Eddy	
Ramsey	
Rolette	
Towner	
Grand Forks	04
County:	
Grand Forks	
Nelson	
Pembina	
Walsh	
North Central	04
County:	
Bottineau	
Burke	
McHenry	
Mountrail	
Pierce	
Renville	
Ward	

PSYCHIATRIC CARE: Ohio

Area Listing

Catchment area name	Degree of shortage group
Brown County	02
Eastern Clermont County	02
County: Clermont	
Parts of County:	
Batavia Twp	
Franklin Twp	
Jackson Twp	
Monroe Twp	
Stonelick Twp	
Tate Twp	
Washington Twp	
Wayne Twp	
Williamsburg Twp	
Catchment Area #9	02

PSYCHIATRIC CARE: Ohio—Continued

Area Listing

Catchment area name	Degree of shortage group
County:	
Belmont	
Harrison	
Monroe	
Catchment Area #32	03
County:	
Cochocton	
Guernsey	
Morgan	
Muskingum	
Noble	
Perry	
Catchment Area #33	02
County:	
Athens	
Hocking	
Vinton	
Catchment Area #34	02
County:	
Washington	
Catchment Area #36	04
County:	
Gallia	
Jackson	
Meigs	

PSYCHIATRIC CARE: Ohio

Facility Listing

Facility name	Degree of shortage group
Mental Health and Mental Retardation Center	01
County: Athens	

PSYCHIATRIC CARE: Oklahoma

Area Listing

Catchment area name	Degree of shortage group
Catchment Area #1	02
County:	
Craig	
Delaware	
Mayes	
Nowata	
Ottawa	
Rogers	
Washington	
Catchment Area #9	01
County:	
Beckham	
Blaine	
Custer	
Dewey	
Greer	
Kiowa	
Rober Mills	
Washita	

PSYCHIATRIC CARE: Oregon

Area Listing

Catchment area name	Degree of shortage group
Clackamas County	02
Lincoln county	01
Catchment Area #14	04
County:	
Coos	
Curry	
Catchment Area #18	01

PSYCHIATRIC CARE: Oregon—Continued

Area Listing

Catchment area name	Degree of shortage group
County:	
Baker	
Grant	
Harney	
Malheur	
Umatilla	
Union	
Wallowa	
Catchment Area I	02
County:	
Clatsop	
Tillamook	
Catchment Area II	02
County:	
Columbia	

PSYCHIATRIC CARE: Pennsylvania

Area Listing

Catchment area name	Degree of shortage group
Tioga 42041	03
County: Tioga	
Centre 42062	02
County: Centre	
Clearfield/Jefferson	02
County:	
Clearfield	
Jefferson	
Northumberland 42058/Columbia 42054	04
County:	
Columbia	
Montour	
Northumberland	
Snyder	
Union	
Mifflin-Juniata 42055	02
County:	
Juniata	
Mifflin	
Clinton-Lycoming 42053	04
County:	
Clinton	
Lycoming	
North Central Philadelphia	02
County: Philadelphia	
Parts of County: C.T. 151–155, 164–169, 171–175, 197–199, 200–204	
Catchment Area #11	03
County:	
Lackawanna	
Susquehanna	
Wayne	
Parts of county: C.T. 101, 102, 106–114	

PSYCHIATRIC CARE: Rhode Island

Area Listing

Catchment area name	Degree of shortage group
Catchment Area #1	04
County: Providence	
Parts of county:	
Burrillville Twn	
Cumberland Twn	
Lincoln Twn	
N. Smithfield Twn	
Woonsocket City	
Catchment Area #4	04

PSYCHIATRIC CARE: Rhode Island—Continued

Area Listing

Catchment area name	Degree of shortage group
County: Providence	
Parts of county:	
Cranston City	
Foster Twn	
Glocester Twn	
Johnston Twn	
N. Providence Twn	
Scituate Twn	
Smithfield Twn	
Catchment Area #5	04
County: Kent	
Parts of county:	
Coventry Twn	
East Greenwich Twn	
Warwick City	
West Greenwich Twn	
West Warwick Twn	
Catchment Area #6	03
County: Washington	
Parts of county:	
Charlestown Twn	
Exeter Twn	
Hopkinton Twn	
Narragansett Twn	
New Shoreham Twn	
N. Kingstown Twn	
Richmond Twn	
S. Kingstown Twn	
Westerly Twn	
Catchment area #7	04
County: Bristol	
Parts of county:	
BarringtonTwn	
Bristol Twn	
Warren	
Providence	
Parts of county:	
E. Providence City	

PSYCHIATRIC CARE: South Carolina

Area Listing

Catchment area name	Degree of shortage group
Orangeburg Catchment Area	02
County:	
Bamberg	
Calhoun	
Orangeburg	
Columbia Mental Health Catchment Area	01
County:	
Fairfield	
Catchment Area #1B	02
County:	
Oconee	
Pickens	
Catchment Area #3	03
County:	
Cherokee	
Spartanburg	
Union	
Catchment Area #4	02
County:	
Chester	
Lancaster	
York	
Catchment Area #5	02
County:	
Abbeville	
Edgefield	
Greenwood	
Laurens	
McCormick	
New Berry	
Saluda	
Catchment Area #7	02
County:	
Darlington	
Florence	
Marion	
Catchment Area #8B	01

PSYCHIATRIC CARE: South Carolina—Continued

Area Listing

Catchment area name	Degree of shortage group
County:	
Berkeley	
Dorchester	
Catchment Area #9	02
County:	
Clarendon	
Kershaw	
Lee	
Sumter	
Catchment Area #10	02
County:	
Aiken	
Barnwell	
Catchment Area #11	02
County:	
Allendale	
Beaufort	
Colleton	
Hampton	
Jasper	
Orangeburg	
Catchment Area #12	01
County:	
Chesterfield	
Dillon	
Marlboro	
Catchment Area #13	03
County:	
Georgetown	
Horry	
Williamsburg	

PSYCHIATRIC CARE: South Carolina

Facility Listing

Facility name	Degree of shortage group
Earl E. Morrise Jr., State Mental Hospital	01
County:	
Richland	

PSYCHIATRIC CARE: South Dakota

Area Listing

Catchment area name	Degree of shortage group
Catchment Area I (Lake Region)	01
County:	
Brookings	
Clark	
Codington	
Deuel	
Grant	
Hamlin	
Kingsbury	
Moody	
Roberts	
Catchment Area IV (Northeastern)	02
County:	
Brown	
Campbell	
Day	
Edmunds	
Faulk	
McPherson	
Marshall	
Potter	
Spink	
Walworth	
Catchment Area V (Central)	01

PSYCHIATRIC CARE: South Dakota—Continued

Area Listing

Catchment area name	Degree of shortage group
County:	
Buffalo	
Corson	
Dewey	
Gregory	
Haakon	
Hughes	
Hyde	
Jones	
Lyman	
Mellette	
Perkins	
Stanley	
Sully	
Todd	
Tripp	
Ziebach	
Catchment Area VII (Great Plains)	01
County:	
Aurora	
Beadle	
Brule	
Davison	
Hand	
Hanson	
Jerauld	
Miner	
Sanborn	

PSYCHIATRIC CARE: South Dakota

Facility Listing

Facility name	Degree of shortage group
Human Services Center	03
County: Yankton	
Redfield State Hospital and School	02
County: Spink	
State Penitentiary	01
County: Lincoln	

PHYCHIATRIC CARE: Tennessee

Area Listing

Catchment areas name	Degree of shortage group
Catchment Area #5	02
County:	
Claiborne	
Cocke	
Grainger	
Hamblen	
Jefferson	
Union	
Catchment Area #6	02
Anderson	
Campbell	
Roane	
Morgan	
Scott	
Catchment Area #8	02
County:	
Blount	
Loudon	
Monroe	
Sevier	
Catchment Area #9	02

PHYCHIATRIC CARE: Tennessee—Continued

Area Listing

Catchment areas name	Degree of shortage group
County:	
Cannon	
Clay	
Cumberland	
DeKalb	
Fentress	
Jackson	
Macon	
Overton	
Pickett	
Putnam	
Smith	
Van Buren	
Warren	
White	
Catchment Area #14	02
County:	
Cheatham	
Dickson	
Houston	
Humphreys	
Montgomery	
Robertson	
Stewart	
Catchment Area #18	02
County:	
Rutherford	
Sumner	
Trousdale	
Williamson	
Wilson	
Catchment Area #21	02
County:	
Benton	
Carroll	
Gibson	
Henry	
Catchment Area #22	02
County:	
Crockett	
Dyer	
Obion	
Weakley	
Catchment Area #23	02
County:	
Bedford	
Coffee	
Franklin	
Lincoln	
Moore	
Catchment Area #24	02
County:	
Chester	
Decatur	
Hardeman	
Hardin	
McNairy	

PSYCHIATRIC CARE: Tennessee

Facility Listing

Facility name	Degree of shortage group
Western Mental Health Institute	01
County: Hardeman	

PSYCHIATRIC CARE: Texas

Area Listing

Catchment area name	Degree of shortage group
Health Service Area 3	02
County:	

PSYCHIATRIC CARE: Texas—Continued

Area Listing

Catchment area name	Degree of shortage group
Brewster	
Culberson	
Hudspeth	
Jeff Davis	
Presidio	
Plainview Catchment Area	02
County:	
Bailey	
Briscoe	
Castro	
Floyd	
Hale	
Lamb	
Motley	
Parmer	
Swisher	

PSYCHIATRIC CARE: Utah

Area Listing

Catchment area name	Degree of shortage group
Four Corners CMHC Catchment Area (#9011)	02
County:	
Carbon	
Emery	
Grand	
San Juan	

PSYCHIATRIC CARE: Vermont

Area Listing

Catchment area name	Degree of shortage group
Northeast Kingdom Region II	02
County:	
Caledonia	
Essex	
Orleans	
Orange/Windsor	02
County:	
Orange	
Windsor	
Parts of County:	
Bethel	
Norwich	
Rochester	
Royalton	
Sharon	
Stockbridge	

PSYCHIATRIC CARE: Virginia

Area Listing

Catchment area name	Degree of shortage group
Alleghany county	02
Lee county	01
Wise county	01
Planning District II	01
County:	
Buchanan	
Dickinson	
Russell	
Tazewell	
Planning District III	02

PSYCHIATRIC CARE: Virginia—Continued

Area Listing

Catchment area name	Degree of shortage group
County:	
Bland	
Carroll	
Grayson	
Smyth	
Wythe	
Planning District XII	02
County:	
Franklin	
Henry	
Patrick	
Pittsylvania	
Middle Peninsula/Northern Neck	02
County:	
Essex	
Gloucester	
King & Queen	
King William	
Lancaster	
Mathews	
Middlesex	
Northumberland	
Richmond	
Westmoreland	
Eastern Shore of VA	01
County:	
Accomack	
Northampton	
Planning District XIV	01
County:	
Amelia	
Buckingham	
Charlotte	
Cumberland	
Lunenburg	
Nottoway	
Prince Edward	
Southside Community Catchment Area	02
County:	
Brunswick	
Halifax	
Mecklenburg	
City of South Boston	

PSYCHIATRIC CARE: Virginia

Facility Listing

Facility name	Degree of shortage group
Southwestern State Hospital	03
County: Smyth	

PSYCHIATRIC CARE: Washington

Area Listing

Catchment area name	Degree of shortage group
Adams-Grant	01
County:	
Adams	
Grant	
Clallam	01
County: Clallam	
Mental Health Catchment Area 19	02

PSYCHIATRIC CARE: Washington—Continued

Area Listing

Catchment area name	Degree of shortage group
County:	
Chelan	
Douglas	
Okanogan	
Washington	
Catchment Area 53021	01
County:	
Ferry	
Pend Oreille	
Stevens	
Catchment Area 53026	02
County:	
Asotin	
Garfield	
Whitman	
Grays Harbor-Pacific	02
County:	
Grays Harbor	
Pacific	

PSYCHIATRIC CARE: Washington

Facility Listing

Facility name	Degree of shortage group
Clearwater Corrections Center	03
County: Clallam	
Larch Corrections Center	03
County: Clark	
Pirtland Correctional Center	03
County: King	
Washington Correctionals Center	03
County: Mason	
Purdy Treatment Center for Women	03
County: Pierce	
Washington State Reformatory	03
County: Snohomish	
Washington State Penitentiary and Mental Health Unit	03
County: Walla Walla	
Seattle and King County Jails	01
County: King	

PSYCHIATRIC CARE: West Virginia

Area Listing

Catchment area name	Degree of shortage group
Central District	02
County:	
Braxton	
Doddridge	
Gilmer	
Harrison	
Lewis	
Catchment 202	03
County:	
Cabell	
Lincoln	
Mason	
Wayne	
Valley Comprehensive (Catchment Area 54006)	02

PSYCHIATRIC CARE: West Virginia—Continued

Area Listing

Catchment area name	Degree of shortage group
County:	
Marion	
Monongalia	
Preston	
Taylor	
Logan-Mingo	02
County:	
Logan	
Mingo	

PSYCHIARIC CARE: West Virginia

Facility Listing

Facility name	Degree of shortage group
Huntington State Hospital	02
County: Cabell	
Lakin State Hospital	03
County: Mason	
Spencer State Hospital	01
County: Roane	
Weston State Hospital	01
County: Lewis	

PSYCHIATRIC CARE: Wyoming

Area Listing

Catchment area name	Degree of shortage group
Region II Mental Health	03
County:	
Campbell	
Crook	
Johnson	
Sheridan	
Weston	

PSYCHIATRIC CARE: American Samoa

Area Listing

Catchment area name	Degree of shortage group
Territory of American Samoa	03

PSYCHIATRIC CARE: Puerto Rico

Area Listing

Catchment area name	Degree of shortage group
Indigent of Catano	01
County: Catano	

VISION CARE: Alabama

County Listing

County name	Degree of shortage group
Autauga	01
Baldwin	03
Bibb	01
Bullock	01
Calhoun	03
Chambers	02
Cherokee	01
Chilton	02
Choctaw	01
Clarke	02
Clay	01
Cleburne	01
Colbert	03
Coosa:	
Service area: Coosa/Talladega	03
Cullman	03
DeKalb	02
Elmore	03
Franklin	02
Greene	01
Hale	01
Jackson	03
Jefferson:	
Service area: Pratt City	01
Lamar	01
Lawrence	01
Lee	02
Limestone	02
Macon	02
Madison	03
Marengo	03
Marion	03
Mobile	03
Monroe	03
Montgomery	03
Morgan	03
Pickens	03
Randolph	03
Russell	01
Shelby	03
Sumter	01
Talladega	
Service area: Coosa/Talladega	03
Tuscaloosa	02
Walker	02
Washington	01
Wilcox	01

VISION CARE: Alabama

Service Area Listing

Service area name	Degree of shortage group
Coosa/Talladega	03
County:	
Coosa	
Talladega	
Pratt City	01
County:	
Jefferson:	
Parts of county:	
C.T. 10–12	
C.T. 14	

VISION CARE: Arizona

County Listing

County name	Degree of shortage group
Apache	01
Cochise	03
Gila:	
Service area: Gila/East Pinal	02
Greenlee	01
Maricopa:	
Service area: El Mirage	01
Pinal:	
Service area: Gila/East Pinal	02

VISION CARE: Arizona—Continued

County Listing

County name	Degree of shortage group
Santa Cruz	03
Yavapai	03

VISION CARE: Arizona

Service Area Listing

Service area name	Degree of shortage group
El Mirage	01
County—Maricopa:	
Parts of county:	
C.T. 406 (Southern ½)	
C.T. 606	
C.T. 609	
Gila/East Pinal	02
County:	
Gila	
Pinal	
Parts of county:	
Superior-Ray	
San Manuel	

VISION CARE: Arkansas

County Listing

County name	Degree of shortage group
Chicot	01
Cleveland	01
Lafayette	01
Lincoln	01
Madison	01
Miller	01

VISION CARE: California

County Listing

County name	Degree of shortage group
Alameda:	
Service area: Fruitvale	03
Los Angeles:	
Service area: East Los Angeles	03

VISION CARE: California

Service Area Listing

Service area name	Degree of shortage group
Fruitvale	03
County—Alameda:	
Parts of county:	
C.T. 4005 through 4011	
C.T. 4014 through 4028	
C.T. 4030 through 4033	
C.T. 4053 through 4063	
C.T. 4065	
C.T. 4070 through 4076	
C.T. 4082 through 4096	
C.T. 4101 through 4104	
C.T. 4251	
East Los Angeles	03

VISION CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Los Angeles:	
Parts of county:	
C.T. 1931 through 1933	
C.T. 1935 through 1936	
C.T. 1951 through 1963	
C.T. 1981 through 1999	
C.T. 2011 through 2017	
C.T. 2031 through 2036	
C.T. 2041 through 2048	
C.T. 2061	
C.T. 5209 through 5319	
C.T. 5323.01	
C.T. 5323.02	

VISION CARE: Colorado

County Listing

County name	Degree of shortage group
Baca	01
Custer	01
Rio Blanco	01
San Juan	01
San Miguel	01

VISION CARE: Connecticut

County Listing

County name	Degree of shortage group
Fairfield:	
Service area: Southwest Bridgeport	01
Service area: Southeast Bridgeport	01
Service area: N. Central Bridgeport	01
Service area: Central Bridgeport	02
Service area: Southwest Stamford	01
Hartford:	
Service area: Charter Oak/Rice Hts	01

VISION CARE: Connecticut

Service Area Listing

Service area name	Degree of shortage group
Central Bridgeport	02
County—Fairfield:	
Parts of county:	
C.T. 713 through 717	
Charter Oak/Rice Hts	01
County—Hartford:	
Parts of county:	
C.T. 5046	
C.T. 5049	
N. Central Bridgeport	01
County—Fairfield:	
Parts of county:	
C.T. 728	
Southeast Bridgeport	01
County—Fairfield:	
Parts of county:	
C.T. 740 through 744	
Southwest Bridgeport	01
County—Fairfield:	
Parts of county:	
C.T. 702 through 706	
Southwest Stamford	01

VISION CARE: Connecticut—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Fairfield:	
Parts of county:	
C.T. 222	
C.T. 223	

VISION CARE: Florida

County Listing

County name	Degree of shortage group
Citrus	03
Dixie:	
Service area: Dixie/Gilchrist/Lafayette	02
Gilchrist:	
Service area: Dixie/Gilchrist/Lafayette	02
Hamilton	01
Holmes	01
Lafayette:	
Service area: Dixie/Gilchrist/Lafayette	02
Monroe	03
Putnam	03
Suwannee	03

VISION CARE: Florida

Service Area Listing

Service area name	Degree of shortage group
Dixie/Gilchrist/Lafayette	02
County:	
Dixie	
Gilchrist	
Lafayette	

VISION CARE: Georgia

County Listing

County name	Degree of shortage group
Bleckley	01
Brantley	01
Bryan	01
Bulloch	03
Camden	01
Candler	01
Carroll	03
Chatham	03
Clarke	03
Dade	01
Effingham	01
Forsyth	01
Jenkins	01
Laurens	03
McIntosh	01
Meriwether	03
Newton	03
Pierce	01
Pike	01
Rockdale	03
Tattnall	01
Taylor	01
Ware	03
Wayne	03

VISION CARE: Illinois

County Listing

County name	Degree of shortage group
Alexander:	
Population Group: Pov. Pop. of Alexander & Pulaski Co	01
Pulaski:	
Population Group: Pov. Pop. of Alexander & Pulaski Co	01

VISION CARE: Illinois

Population Group Listing

Population group name	Degree of shortage group
Pov. Pop. of Alexander & Pulaski Co	01
County—Alexander:	
Parts of county:	
Poverty population	
County—Pulaski	
Parts of county:	
Poverty population	

VISION CARE: Indiana

County Listing

County name	Degree of shortage group
LaGrange	01
Starke	03

VISION CARE: Iowa

County Listing

County name	Degree of shortage group
Clayton	03
Ringgold	01

VISION CARE: Kentucky

County Listing

County name	Degree of shortage group
Clinton	01
Harlan	03
Jefferson:	
Service area: West End	01
Knott	01
Lee	01
Letcher	03

VISION CARE: Kentucky

Service Area Listing

Service area name	Degree of shortage group
West End	01
County—Jefferson:	

VISION CARE: Kentucky—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts of county:	
C.T. 1-35	

VISION CARE: Louisiana

County Listing

County name	Degree of shortage group
Caddo:	
Population Group: Shreveport (low income)	02
De Soto	02
Iberia	03
Iberville	02
St. Charles	02

VISION CARE: Louisiana

Population Group Listing

Population group name	Degree of shortage group
Shreveport (low income)	02
County—Caddo:	
Parts of county:	
Shreveport (low income)	

VISION CARE: Maryland

County Listing

County name	Degree of shortage group
Calvert	01
St. Marys	03

VISION CARE: Mississippi

County Listing

County name	Degree of shortage group
Amite:	
Service area: Amite/Wilkerson	01
Benton	01
Choctaw	01
Clarke	01
Covington	01
Franklin	01
Greene	01
Issaquena:	
Service area: Issaquena/Sharkey	01
Jefferson	01
Kemper	01
Lamar	01
Lauderdale	02
Lawrence	01
Noxubee	01
Oktibbeha	03
Quitman:	
Service area: Quitman/Tallahatchie	01
Sharkey:	
Service area: Issaquena/Sharkey	01
Tallahatchie:	
Service area: Quitman/Tallahatchie	01
Tishomingo	01
Walthall	01
Webster	01
Wilkinson	01

VISION CARE: Mississippi

Service Area Listing

Service area name	Degree of shortage group
Amite/Wilkerson	01
County—Amite:	
County—Wilkerson	
Issaquena/Sharkey	01
County—Issaquena	
County—Sharkey	
Quitman/Tallahatchie	01
County—Quitman	
County—Tallahatchie	

VISION CARE: Missouri

County Listing

County name	Degree of shortage group
Caldwell	01
Charton	01
Clark	01
Crawford	02
Daviess	01
De Kalb	01
Hickory	01
Holt	01
Lewis	01
Lincoln	03
Miller	03
Monroe	01
Montgomery	01
New Madrid	03
Pike	01
Pulaski	02
Putnam	01
Ralls	01
Reynolds	01
St. Clair	01
Shelby	01
Sullivan	01
Warren	03
Wayne	02

VISION CARE: Montana

County Listing

County name	Degree of shortage group
Blaine	01
Rosebud:	
Service area: Rosebud/Treasure	01
Treasure:	
Service area: Rosebud/Treasure	01

VISION CARE: Montana

Service Area Listing

Service area name	Degree of shortage group
Rosebud/Treasure	01
County—Rosebud	
County—Treasure	

VISION CARE: Nebraska

County Listing

County name	Degree of shortage group
Douglas:	
Service area: N.E. Omaha area	01

VISION CARE: Nebraska—Continued

County Listing

County name	Degree of shortage group
Garfield:	
Service area: Ord	03
Greeley:	
Service area: Ord	03
Howard:	
Service area: Ord	03
Loup:	
Service area: Ord	03
Sherman:	
Service area: Ord	03
Valley:	
Service area: Ord	03
Wheeler:	
Service area: Ord	03

VISION CARE: Nebraska

Service Area Listing

Service area name	Degree of shortage group
N.E. Omaha	01
County—Douglas:	
Parts of county:	
C.T. 6	
C.T. 7	
C.T. 9 through 12	
C.T. 13.01	
C.T. 13.02	
C.T. 14	
C.T. 15	
C.T. 52	
C.T. 60	
Ord	03
County—Garfield	
County—Greeley	
County—Howard:	
Parts of county:	
Cotesfield prec.	
Dannevirke prec.	
Elba prec.	
Fairdale-Logan prec.	
County—Loup:	
Parts of county:	
Kent prec.	
Taylor prec.	
County—Sherman:	
Parts of county:	
Ashton Twp	
Elm Twp	
Logan Twp	
Loup City Twp	
Oak Creek Twp	
Washington Twp	
Webster Twp	
County—Valley	
County—Wheeler	

VISION CARE: Nevada

County Listing

County name	Degree of shortage group
Clark:	
Service area: Rural Clark Co	01
Lyon	01
Mineral	01
Nye	01

VISION CARE: Nevada

Service Area Listing

Service area name	Degree of shortage group
Rural Clark Co	01
County—Clark:	
Parts of county:	
C.T. 56 through 59	

VISION CARE: New Mexico

County Listing

County name	Degree of shortage group
Rio Arriba	03
Sandoval	01

VISION CARE: New York

County Listing

County name	Degree of shortage group
Bronx	03
Erie	02
Kings	03
Niagara	02
Queens	03

VISION CARE: North Carolina

County Listing

County name	Degree of shortage group
Bertie:	
Service Area: Bertie/Gates/Hertford/Northampton	03
Bladen	02
Brunswick	02
Carteret	03
Columbus	03
Cumberland	03
Gates:	
Service area: Bertie/Gates/Hertford/Northampton	03
Harnett	03
Hertford:	
Service area: Bertie/Gates/Hertford/Northampton	03
Hoke	01
Mecklenburg:	
Service area: Mecklenburg	03
Montgomery	03
Moore	03
Northampton:	
Service area: Bertie/Gates/Hertford/Northampton	03
Pender	03
Randolph	02
Sampson	03
Stokes	02
Swain	03

VISION CARE: North Carolina

Service Area Listing

Service area name	Degree of shortage group
Bertie/Gates/Hertford/Northampton	03
Mecklenburg	03

VISION CARE: North Caroline—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Mecklenburg:	
Parts of county:	
C.T. 1–8	
C.T. 25	
C.T. 26	
C.T. 36–37	
C.T. 49	
C.T. 52	

VISION CARE: North Dakota

County Listing

County name	Degree of shortage group
Benson	01
Burke:	
Service area: Kenmare	01
La Moure:	
McHenry	01
McLean	01
Mountrail	01
Renville:	
Service area: Kenmare	01
Ward:	
Service area: Kenmare	01

VISION CARE: North Dakota

Service Area Listing

Service area name	Degree of shortage group
Kenmare	01
County—Burke	
County—Renville	
County—Ward	

VISION CARE: Ohio

County Listing

County name	Degree of shortage group
Coshocton	03
Jefferson	03
Meigs	03
Vinton	01

VISION CARE: Oklahoma

County Listing

County name	Degree of shortage group
Cimarron	01

VISION CARE: Pennsylvania

County Listing

County name	Degree of shortage group
Pike	01

VISION CARE: South Caroline

County Listing

County name	Degree of shortage group
Berkeley	03
Calhoun	01
Jasper	01
Orangeburg	02
Union	03

VISION CARE: Tennessee

County Listing

County name	Degree of shortage group
Bledsoe	01
Cheatham	01
Clay	01
Fentress	01
Giles	02
Grundy	01
Jefferson	03
Loudon	03
Sequatchie	01
Stewart	01
Wayne	01

VISION CARE: Texas

County Listing

County name	Degree of shortage group
Knox	01
Marion	01
Panola	01
Starr	03
Walker	03
Willacy	01

VISION CARE: Utah

County Listing

County name	Degree of shortage group
Emery	01
Millard	01
Summit	01

VISION CARE: Virginia

County Listing

County name	Degree of shortage group
Accomack	01
Amelia	01
Bath	01
Buchanan	02
Charlotte	01
Cumberland	01
Dickenson	01
Floyd	01
Gloucester	02
Greene	01
King George	01
King William	01
Lee	02
Louisa	01
Lunenburg	01
Mathews	01
Middlesex	01
Nelson	01
Pittsylvania	03
Powhatan	01
Russell	01
Tazewell	03
Westmoreland	01

VISION CARE: Washington

County Listing

County name	Degree of shortage group
King:	
Population group: Low income pop. of King	03
Lincoln	01

VISION CARE: Washington

Population Group Listing

Population group name	Degree of shortage group
Low income pop. of King	03
County—King:	
Parts of county:	
Low income pop. of King	

VISION CARE: West Virginia

County Listing

County name	Degree of shortage group
Barbour	01
Boone	02
Calhoun	01
Clay	01
Gilmer	01
Hampshire	01
Hardy	01
Jefferson	03
Lincoln	02
Logan	03
McDowell	03
Morgan	01
Pendleton	01

VISION CARE: West Virginia—Continued

County Listing

County name	Degree of shortage group
Pleasants	01
Pocahontas	01
Preston	02
Putnam	02
Ritchie	01
Roane	03
Tucker	01
Wayne	01
Webster	01

VISION CARE: Wisconsin

County Listing

County name	Degree of shortage group
Adams	01
Oneida	03
Vilas	02

VISION CARE: American Samoa

County Listing

County name	Degree of shortage group
Manu'a District:	
Service area: Manu'a/Tutuila Island Group	01
Eastern Tutuila District:	
Service area: Manu'a/Tutuila Island Group	01
Western Tutuila District:	
Service area: Manu'a/Tutuila Island Group	01

VISION CARE: American Samoa

Service Area Listing

Service area name	Degree of shortage group
Manu'a/Tutuila Island Group	01
County—Manu'a District	
County—Eastern Tutuila District	
County—Western Tutuila District	

PODIATRIC CARE: Alabama

County Listing

County name	Degree of shortage group
Autauga	01
Baldwin	01
Barbour	01
Bibb	01
Blount	01
Bullock	01
Butler	01
Calhoun:	
Service area: Calhoun Co.	02
Chambers:	
Service area: Chambers Co.	01
Cherokee:	
Service area: Etowah Co.	02
Chilton	01
Choctaw	01
Clay:	
Service area: Calhoun Co.	02
Cleburne:	
Service area: Calhoun Co.	02
Coffee	01
Colbert	01
Conecuh	01
Coosa:	
Service area: Talladega Co.	01
Covington	01
Crenshaw	01
Cullman	01
Dale	01
Dallas	01
De Kalb:	
Service area: Etowah Co.	02
Elmore	01
Etowah:	
Service area: Etowah Co.	02
Fayette	01
Franklin	01
Geneva	01
Hale	01
Henry	01
Houston	03
Jackson	01
Jefferson	02
Lamar	01
Lauderdale	03
Lawrence	01
Lee	01
Limestone	01
Lowndes	01
Macon	01
Madison	02
Marengo	01
Marion	01
Marshall	01
Mobile	02
Monroe	01
Montgomery	02
Morgan	01
Perry	01
Pickens	01
Pike	01
Randolph:	
Service area: Chambers Co.	01
Russell	01
St. Clair	01
Shelby	01
Sumter	01
Talladega:	
Service area: Talladega Co.	01
Tallapoosa:	
Service area: Talladega Co.	01
Tuscaloosa	02
Walker	01
Washington	01
Wilcox	01
Winston	01

PODIATRIC CARE: Alabama

Service Area Listing

Service area name	Degree of shortage group
Calhoun Co. service area	02
County—Calhoun	

PODIATRIC CARE: Alabama—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Clay	
County—Cleburne	
Chambers Co. service area	01
County—Chambers	
County—Randolph	
Etowah Co. service area	02
County—Cherokee	
County—De Kalb	
County—Etowah	
Talladega Co. service area	01
County—Coosa	
County—Talladega	
County—Tallapoosa	

PODIATRIC CARE: Arizona

County Listing

County name	Degree of shortage group
Apache	01
Cochise	01
Coconino	01
Gila	01
Graham:	
Service area: Graham/Greenlee	01
Greenlee:	
Service area: Graham/Greenlee	01
Maricopa:	
Service area: South Phoenix	01
Mohave	01
Navajo	01
Pima	03
Pinal	01
Santa Cruz	01
Yavapai	03
Yuma	02

PODIATRIC CARE: Arizona

Service Area Listing

Service area name	Degree of shortage group
Graham/Greenlee	01
County—Graham	
County—Greenlee	
South Phoenix	01
County—Maricopa:	
Parts of county:	
C.T. 1152 through 1167	

PODIATRIC CARE: Arkansas

County Listing

County name	Degree of shortage group
Arkansas	01
Ashley	01
Benton	01
Boone	01
Bradley	01
Carroll	01
Chicot	01
Clark	01
Clay	01
Cleburne	01
Columbia	01
Conway	01
Craighead	01
Crawford	01
Crittenden	01
Cross	01
Desha	01

PODIATRIC CARE: Arkansas—Continued

County Listing

County name	Degree of shortage group
Drew	01
Faulkner	01
Franklin	01
Grant	01
Greene	01
Hempstead	01
Hot Spring	01
Howard	01
Jackson	01
Jefferson	02
Johnson	01
Lawrence	01
Lee	01
Lincoln	01
Little River	01
Logan	01
Lonoke	01
Miller	03
Mississippi	01
Monroe	01
Nevada	01
Ouachita	01
Phillips	01
Poinsett	01
Polk	01
Pope	01
Pulaski	03
Randolph	01
St. Francis	01
Saline	01
Sharp	01
Union	03
White	01
Woodruff	01
Yell	01

PODIATRIC CARE: California

County Listing

County name	Degree of shortage group
Amador	01
Calaveras	01
Del Norte	01
Fresno	03
Humboldt	03
Imperial	02
Kern	02
Kings	02
Lake	02
Lassen	01
Los Angeles:	
Service area: East Los Angeles	02
Madera	03
Merced	02
Monterey	03
Riverside	03
San Benito	01
San Bernardino	03
San Luis Obispo	03
Siskiyou	01
Tehama	01
Tulare	03
Ventura	03
Yolo	03

PODIATRIC CARE: California

Service Area Listing

Service area name	Degree of shortage group
East Los Angeles	02
County—Los Angeles:	

PODIATRIC CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts of county:	
C.T. 1631 through 1633	
C.T. 1635 through 1638	
C.T. 1651 through 1653	
C.T. 1991 through 1999	
C.T. 2011 through 2017	
C.T. 2031 through 2039	
C.T. 2041 through 2049	
C.T. 2051	
C.T. 5303 through 5319	
C.T. 5323.01	
C.T. 5323.02	

PODIATRIC CARE: Colorado

County Listing

County name	Degree of shortage group
Delta	01
El Paso	03
Fremont	01
Las Animas	01
Montrose	01
Morgan	01
Pueblo	03
Weld	02

PODIATRIC CARE: Connecticut

County Listing

County name	Degree of shortage group
Fairfield:	
Service area: Southeast Bridgeport	01
Service area: Southwest Bridgeport	01

PODIATRIC CARE: Connecticut

Service Area Listing

Service area name	Degree of shortage group
Southeast Bridgeport	01
County—Fairfield:	
Parts of county:	
C.T. 740 through 744	
Southwest Bridgeport	01
County—Fairfield:	
Parts of county:	
C.T. 702 through 708	

PODIATRIC CARE: Delaware

County Listing

County name	Degree of shortage group
Kent	03
Sussex	03

PODIATRIC CARE: Florida

County Listing

County name	Degree of shortage group
Alachua	03
Baker	01
Bay	02
Bradford	01
Brevard	03
Charlotte	03
Citrus	01
Clay	01
Collier	03
Columbia	01
De Soto	01
Duval	03
Escambia	03
Gadsden	01
Hardee	01
Hernando	01
Highlands	01
Hillsborough	03
Holmes	01
Indian River	01
Jackson	01
Lake	03
Lee	03
Leon	03
Levy	01
Madison	01
Manatee	03
Marion	03
Nassau	01
Okaloosa	01
Osceola	01
Pasco	01
Polk	01
Santa Rosa	01
Seminole	02
Sumter	01
Suwannee	01
Taylor	01
Volusia	01
Walton	01
Washington	01

PODIATRIC CARE: Georgia

County Listing

County name	Degree of shortage group
Appling	01
Baldwin	01
Bartow	01
Ben Hill	01
Berrien	01
Bibb	03
Brooks	01
Bulloch	01
Butts	01
Carroll	01
Catoosa	01
Chatham	03
Chattooga	01
Cherokee	01
Coffee	01
Colquitt	01
Cook	01
Coweta	01
Crisp	01
Decatur	01
De Kalb:	
Service Area: Gwinnett	02
Dodge	01
Dougherty	03
Early	01
Effingham	01
Elbert	01
Emanuel	01
Fayette	01
Floyd	03
Forsyth	01
Fulton:	
Service area: Gwinnett	02
Gordon	01
Grady	01

PODIATRIC CARE: Georgia—Continued

County Listing

County name	Degree of shortage group
Gwinnett:	
Service area: Gwinnett	02
Habersham	01
Hall	01
Haralson	01
Hart	01
Henry	01
Houston	01
Jones	01
Laurens	01
Liberty	01
Lowndes	03
Macon	01
Mitchell	01
Monroe	01
Murray	01
Newton	01
Paulding	01
Peach	01
Polk	01
Rockdale	01
Stephens	01
Sumter	01
Tattnall	01
Tift	01
Toombs	01
Walker	01
Walton	01
Washington	01
Wayne	01
Whitfield	01
Worth	01

PODIATRIC CARE: Georgia

Service Area Listing

Service area name	Degree of shortage group
Gwinnett	02
County—DeKalb:	
Parts of county:	
Chamblee-Doraville	
County—Fulton	
Parts of county:	
Alpharetta	
County—Gwinnett	
Parts of county:	
Lawrenceville	
Lilburn	
Norcross	
Suwanee-Duluth	

PODIATRIC CARE: Hawaii

County Listing

County name	Degree of shortage group
Hawaii	02
Honolulu	02
Kauai	01
Maui	01

PODIATRIC CARE: Idaho

County Listing

County name	Degree of shortage group
Bonner	01
Payette	01
Shoshone	01

PODIATRIC CARE: Illinois

County Listing

County name	Degree of shortage group
Alexander:	
Service area: Alexander/Pulaski	01
Bureau	01
Champaign	03
Clay	01
Coles	01
Douglas	01
Edgar	01
Ford	01
Fulton	02
Greene	01
Iroquois	01
Jackson	03
Kankakee	03
Marshall	01
Mason	01
Massac	01
Monroe	01
Moultrie	01
Peoria	01
Pulaski:	
Service area: Alexander/Pulaski	01
Randolph	01
Rock Island	03
St. Clair	02
Shelby	01
Union	01
Vermilion	03
Williamson	02
Woodford	01

PODIATRIC CARE: Illinois

Service Area Listing

Service area name	Degree of shortage group
Alexander/Pulaski	01
County—Alexander	
County—Pulaski	

PODIATRIC CARE: Indiana

County Listing

County name	Degree of shortage group
Benton	01
Blackford	01
Boone	01
Carroll	01
Cass:	
Service area: Fulton—Cass	03
Clay	01
Daviess	01
Dearborn	01
Delaware	03
Dubois	01
Fountain	01
Fulton:	
Service area: Fulton—Cass	03
Gibson	01
Grant	03
Greene	01
Hamilton	01
Harrison	01
Hendricks	01
Henry	01
Howard	02
Huntington	01
Jackson	01
Jasper:	
Service area: Jasper—Newton	01
Jay	01
Knox	01
Kosciusko	01
Lagrange	01
Madison	03
Miami	01
Morgan	01

PODIATRIC CARE: Indiana—Continued

County Listing

County name	Degree of shortage group
Newton:	
Service area: Jasper—Newton	01
Noble	01
Orange	01
Owen	01
Parke	01
Perry	01
Pike	01
Porter	03
Posey	01
Pulaski:	
Service area: Pulaski—Starke	01
Putnam	01
Randolph	01
Ripley	01
Scott	01
Spencer	01
Starke:	
Service area: Pulaski—Starke	01
Sullivan	01
Tipton	01
Vermillion	01
Vigo	03
Warrick	01
Washington	01
Whitley	01

PODIATRIC CARE: Indiana

Service Area Listing

Service area name	Degree of shortage group
Fulton—Cass	03
County—Cass	
County—Fulton	
Jasper—Newton	01
County—Jasper	
County—Newton	
Pulaski—Starke	01
County—Pulaski	
County—Starke	

PODIATRIC CARE: Iowa

County Listing

County name	Degree of shortage group
Allamakee	01
Appanoose	01
Audubon:	
Service area: Audubon/Guthrie	01
Butler:	
Service area: Butler/Franklin	01
Calhoun:	
Service area: Calhoun/Pocahontas/Webster	02
Cedar	01
Chickasaw	01
Clarke:	
Service area: Clarke/Decatur	01
Clayton	01
Clinton	03
Crawford:	
Service area: Crawford/Monona	01
Decatur:	
Service area: Clarke/Decatur	01
Dickinson:	
Service area: Emmet Service Area	03
Emmet:	
Service area: Emmet Service Area	03
Floyd	01
Franklin:	
Service area: Butler/Franklin	01
Guthrie:	
Service area: Audubon/Guthrie	01
Hancock:	
Service area: Hancock/Winnebago	01
Hardin	01
Harrison	01

PODIATRIC CARE: Iowa—Continued

County Listing

County name	Degree of shortage group
Howard:	
Service area: Howard/Mitchell	01
Iowa	01
Jackson	01
Jones	01
Keokuk	01
Kossuth:	
Service area: Emmet Service Area	03
Lucas:	
Service area: Lucas/Wayne	01
Lyon	01
Marion	01
Mitchell:	
Service area: Howard/Mitchell	01
Monona:	
Service area: Crawford/Monona	01
Montgomery	01
O'Brien:	
Service area: O'Brien/Osceola	01
Osceola:	
Service area: O'Brien/Osceola	01
Palo Alto:	
Service area: Emmet Service Area	03
Pocahontas:	
Service area: Calhoun/Pocahontas/Webster	02
Pottawattamie	02
Poweshiek	01
Shelby	01
Sioux	01
Story	01
Washington	01
Wayne:	
Service area: Lucas/Wayne	01
Webster:	
Service area: Calhoun/Pocahontas/Webster	02
Winnebago:	
Service area: Hancock/Winnebago	01

PODIATRIC CARE: Iowa

Service Area Listing

Service area name	Degree of shortage group
Audubon/Guthrie:	
County—Audubon	
County—Guthrie	
Butler/Franklin	01
County—Butler	
County—Franklin	
Calhoun/Pocahontas/Webster	02
County—Calhoun	
County—Pocahontas	
County—Webster	
Clarke/Decatur	01
County—Clarke	
County—Decatur	
Crawford/Monona	01
County—Crawford	
County—Monona	
Emmet service area	03
County—Dickinson	
County—Emmet	
County—Kossuth	
County—Palo Alto	
Hancock/Winnebago	01
County—Hancock	
County—Winnebago	
Howard/Mitchell	01
County—Howard	
County—Mitchell	
Lucas/Wayne	01
County—Lucas	
County—Wayne	
O'Brien/Osceola	01

PODIATRIC CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
County—O'Brien	
County—Osceola	

PODIATRIC CARE: Kansas

County Listing

County name	Degree of shortage group
Allen	01
Bourbon	01
Brown	01
Butler	03
Cherokee	01
Douglas	02
Franklin	01
Greenwood	01
Jackson	01
Jefferson	01
Johnson	03
Lyon	03
Marion	01
Marshall	01
Miami	01
Nemaha	01
Neosho	01
Osage	01
Pottawatomie	01
Seward	01
Shawnee	03
Sumner	01
Wilson	01
Wyandotte	01

PODIATRIC CARE: Kentucky

County Listing

County name	Degree of shortage group
Adair	01
Allen	01
Barren	01
Boone	01
Bourbon	01
Breathitt	01
Breckinridge	01
Bullitt	01
Caldwell	01
Calloway	01
Carter	01
Casey	01
Christian	03
Clark	01
Clay	01
Daviess	03
Estill	01
Fleming	01
Floyd	01
Grant	01
Graves	01
Grayson	01
Greenup	01
Hardin	02
Harlan	01
Harrison	01
Hart	01
Henry	01
Hopkins	01
Jefferson	03
Jessamine	01
Knott	01
Knox	01
Larue	01
Letcher	01
Lewis	01
Lincoln	01
Logan	01
McCreary	01
Madison	01

PODIATRIC CARE: Kentucky—Continued

County Listing

County name	Degree of shortage group
Mason	01
Meade	01
Mercer	01
Monroe	01
Montgomery	01
Muhlenberg	01
Nelson	01
Ohio	01
Oldham	01
Perry	01
Pike	01
Pulaski	01
Rockcastle	01
Scott	01
Shelby	01
Simpson	01
Taylor	01
Todd	01
Union	01
Wayne	01
Webster	01
Whitley	01
Woodford	01

PODIATRIC CARE: Louisiana

County Listing

County name	Degree of shortage group
Acadia	01
Allen	01
Ascension	01
Assumption	01
Avoyelles	01
Bienville	01
Bossier	01
Calcasieu	03
Claiborne	01
Concordia	01
De Soto	01
East Baton Rouge	03
East Carroll	01
East Feliciana	01
Evangeline	01
Franklin	01
Grant	01
Iberia	01
Iberville	01
Jackson	01
Jefferson	02
Lafayette	02
Lafourche	01
La Salle	01
Lincoln	01
Livingston	01
Madison	01
Morehouse	01
Natchitoches	01
Ouachita	02
Plaquemines	01
Pointe Coupee	01
Rapides	03
Richland	01
Sabine	01
St. Bernard	01
St. Charles	01
St. James	01
St. John the Baptist	01
St. Landry	01
St. Martin	01
St. Mary	01
St. Tammany	01
Tangipahoa	01
Terrebonne	01
Union	01
Vermilion	01
Vernon	01
Washington	01
Webster	01
West Baton Rouge	01
West Carroll	01
Winn	01

PODIATRIC CARE: Maine

County Listing

County name	Degree of shortage group
Aroostook	01
Franklin	01
Hancock	03
Lincoln	01
Oxford	01
Penobscot	02
Piscataquis	01
Sagadahoc	01
Somerset	01
Waldo	01
Washington	01
York	01

PODIATRIC CARE: Maryland

County Listing

County name	Degree of shortage group
Allegany	03
Anne Arundel	02
Calvert	01
Caroline	01
Cecil	01
Charles	01
Dorchester	02
Garrett	01
Queen Annes	01
St. Marys	01

PODIATRIC CARE: Michigan

County Listing

County name	Degree of shortage group
Allegan	03
Antrim	01
Arenac	01
Barry	01
Berrien	02
Branch	01
Cass	01
Chippewa	01
Clare	01
Clinton	01
Delta	03
Dickinson	01
Eaton	01
Genesee	03
Gladwin	01
Grand Traverse	01
Hillsdale	03
Houghton	01
Huron	01
Ingham	03
Ionia	01
Isabella	02
Jackson	02
Leelanau	01
Livingston	01
Mecosta	01
Menominee	01
Montcalm	01
Newaygo	01
Oceana	01
Ogemaw	01
Osceola	01
Otsego	01
Ottawa	01
Presque Isle	01
Sanilac	01
Shiawassee	02
Tuscola	01
Van Buren	01

PODIATRIC CARE: Minnesota

County Listing

County name	Degree of shortage group
Aitkin	01
Anoka	02
Becker	01
Benton	01
Carlton	01
Carver	01
Cass	01
Chippewa	01
Chisago	01
Clay	01
Cook	01
Cottonwood	01
Crow Wing	03
Dakota	03
Douglas	01
Grant	03
Houston	01
Hubbard	01
Isanti	01
Itasca	01
Kanabec	01
Koochiching	01
Lac Qui Parle	01
Mc Leod	01
Meeker	01
Mille Lacs	01
Morrison	01
Murray	01
Otter Tail	03
Pine	01
Pope	01
Ramsey	03
Redwood	01
Renville	01
Rice	03
Roseau	01
St. Louis	03
Scott	01
Sherburne	01
Steams	03
Stevens	01
Swift	01
Todd	01
Traverse:	
Service area: Wakpeton/Breckenridge	01
Wadena	01
Washington	01
Wilkin:	
Service area: Wakpeton/Breckenridge	01
Wright	01
Yellow Medicine	01

PODIATRIC CARE: Minnesota

Service Area Listing

Service area name	Degree of shortage group
Wakpeton/Breckenridge	01
County—Traverse	
County—Wilkin	
County—Richland (N. Dakota)	

PODIATRIC CARE: Mississippi

County Listing

County name	Degree of shortage group
Adams	01
Alcorn	01
Amite	01
Attala	01
Bolivar	01
Calhoun	01
Chickasaw	01
Clarke	01
Clay	01
Coahoma	01
Copiah	01

PODIATRIC CARE: Mississippi—Continued

County Listing

County name	Degree of shortage group
Covington	01
De Soto	01
George	01
Grenada	01
Hancock	01
Harrison	02
Hinds	03
Holmes	01
Humphreys	01
Itawamba	01
Jackson	03
Jasper	01
Jefferson Davis	01
Jones	01
Lafayette	01
Lamar	01
Lauderdale	01
Lawrence	01
Leake	01
Lee	01
Leflore	01
Lincoln	01
Lowndes	01
Madison	01
Marion	01
Marshall	01
Monroe	01
Montgomery	01
Neshoba	01
Newton	01
Noxubee	01
Oktibbeha	01
Panola	01
Pearl River	01
Pike	01
Pontotoc	01
Prentiss	01
Quitman	01
Rankin	01
Scott	01
Simpson	01
Smith	01
Sunflower	01
Tallahatchie	01
Tate	01
Tippah	01
Tishomingo	01
Union	01
Walthall	01
Warren	01
Washington	02
Wayne	01
Winston	01
Yalobusha	01
Yazoo	01

PODIATRIC CARE: Missouri

County Listing

County name	Degree of shortage group
Andrew	01
Audrain	01
Bates	01
Benton	01
Buchanan	02
Camden	01
Cape Girardeau	03
Carroll	01
Cass	01
Cedar	01
Charlton	01
Clay	01
Clinton	01
Cooper	01
Crawford	01
Dallas	01
Dent	01
Douglas	01
Dunklin:	
Service area: Bootheel	01
Franklin	01
Gasconade	01

PODIATRIC CARE: Missouri—Continued

County Listing

County name	Degree of shortage group
Grundy	01
Harrison	01
Henry	01
Howard	01
Howell	01
Jackson	03
Johnson	01
Laclede	01
Lafayette	01
Lawrence	01
Lincoln	01
Linn	01
Livingston	01
McDonald	01
Macon	01
Miller	01
Mississippi:	
Service area: Bootheel	01
Moniteau	01
Montgomery	01
Morgan	01
New Madrid:	
Service area: Bootheel	01
Newton	01
Nodaway	01
Osage	01
Pemiscot:	
Service area: Bootheel	01
Perry	01
Pike	01
Platte	01
Polk	01
Pulaski	01
Ray	01
Ripley	01
St. Charles	03
St. Clair	01
St. Francois	01
St. Louis	03
St. Louis City	01
Ste Genevieve	01
Saline	01
Scott:	
Service area: Bootheel	01
Stoddard:	
Service area: Bootheel	01
Stone	01
Taney	01
Warren	01
Washington	01
Webster	01
Wright	01

PODIATRIC CARE: Missouri

Service Area Listing

Service area name	Degree of shortage group
Bootheel	01
County—Dunklin	
County—Mississippi	
County—New Madrid	
County—Pemiscot	
County—Scott	
County—Stoddard	

PODIATRIC CARE: Montana

County Listing

County name	Degree of shortage group
Beaverhead:	
Service area: Area #6	02
Big Horn:	
Service area: Area #3	03
Blaine:	
Service area: Area #4	02

PODIATRIC CARE: Montana—Continued

County Listing

County name	Degree of shortage group
Carbon:	
Service area: Area #5	02
Carter:	
Service area: Area #1	01
Chouteau:	
Service area: Area #4	02
Custer:	
Service area: Area #1	01
Daniels:	
Service area: Area #2	02
Dawson:	
Service area: Area #2	02
Deer Lodge:	
Service area: Area #6	02
Fallon:	
Service area: Area #1	01
Fergus:	
Service area: Area #4	02
Flathead:	
Service area: Area #7	02
Garfield:	
Service area: Area #2	02
Glacier:	
Service area: Area #6	02
Hill:	
Service area: Area #4	02
Judith Basin:	
Service area: Area #4	02
Liberty:	
Service area: Area #6	02
Lincoln:	
Service area: Area #7	02
McCone:	
Service area: Area #2	02
Madison:	
Service area: Area #6	02
Meagher:	
Service area: Area #5	02
Musselshell:	
Service area: Area #3	03
Park:	
Service area: Area #5	02
Phillips:	
Service area: Area #4	02
Pondera:	
Service area: Area #6	02
Powder River:	
Service area: Area #1	01
Prairie:	
Service area: Area #1	01
Richland:	
Service area: Area #2	02
Roosevelt:	
Service area: Area #2	02
Rosebud:	
Service area: Area #3	02
Sheridan:	
Service area: Area #2	02
Silver Bow:	
Service area: Area #6	02
Stillwater:	
Service area: Area #5	02
Sweet Grass:	
Service area: Area #5	02
Toole:	
Service area: Area #6	02
Treasure:	
Service area: Area #3	03
Valley:	
Service area: Area #2	02
Wheatland:	
Service area: Area #5	02
Wibaux:	
Service area: Area #1	01
Yellowstone:	
Service area: Area #3	03

PODIATRIC CARE: Montana

Service Area Listing

Service area name	Degree of shortage group
Area #1	01
County—Carter	
County—Custer	
County—Fallon	
County—Powder River	
County—Prairie	
County—Wibaux	
Area #2	02
County—Daniels	
County—Dawson	
County—Garfield	
County—McCone	
County—Richland	
County—Roosevelt	
County—Sheridan	
County—Valley	
Area #3	03
County—Big Horn	
County—Musselshell	
County—Rosebud	
County—Treasure	
County—Yellowstone	
Area #4	02
County—Blaine	
County—Chouteau	
County—Fergus	
County—Hill	
County—Judith Basin	
County—Phillips	
Area #5	02
County—Carbon	
County—Meagher	
County—Park	
County—Stillwater	
County—Sweet Grass	
County—Wheatland	
Area #6	02
County—Glacier	
County—Liberty	
County—Pondera	
County—Teole	
Area #7	02
County—Flathead	
County—Lincoln	
Area #8	02
County—Beaverhead	
County—Deer Lodge	
County—Madison	
County—Silver Bow	

PODIATRIC CARE: Nebraska

County Listing

County name	Degree of shortage group
Buffalo	01
Cedar	01
Dakota	01
Dawson	01
Douglas:	
Service area: Northeast Omaha	01
Knox	01
Richardson	01
Saline	01
Sarpy	01
Seward	01
York	01

PODIATRIC CARE: Nebraska

Service Area Listing

Service area name	Degree of shortage group
Northeast Omaha	01
County—Douglas:	

PODIATRIC CARE: Nebraska—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts of county:	
C.T. 6	
C.T. 7	
C.T. 9 through 12	
C.T. 13.01	
C.T. 13.02	
C.T. 14	
C.T. 15	
C.T. 52	
C.T. 60	

PODIATRIC CARE: Nevada

County Listing

County name	Degree of shortage group
Clark	02

PODIATRIC CARE: New Hampshire

County Listing

County name	Degree of shortage group
Carroll	01
Cheshire	02
Coos	01
Rockingham	02
Strafford	02

PODIATRIC CARE: New Jersey

County Listing

County name	Degree of shortage group
Hunterdon	01
Monmouth	02
Ocean	02
Salem	02
Sussex	02
Warren	02

PODIATRIC CARE: New York

County Listing

County name	Degree of shortage group
Allegany	01
Cattaraugus	02
Clinton	02
Dutchess	02
Essex	01
Franklin	01
Herkimer	02
Lewis	01
Livingston	02
Madison	01
Niagara	02
Oneida	02
Ontario	01
Orleans	01
Oswego	02
St. Lawrence	01
Saratoga	02
Schoharie	01
Steuben	02
Sullivan	02
Washington	01

PODIATRIC CARE: New York—Continued

County Listing

County name	Degree of shortage group
Wyoming	03
Yates	01

PODIATRIC CARE: New Mexico

County Listing

County name	Degree of shortage group
Curry	01
Dona Ana	03
Grant	01
Luna	01
McKinley	01
Otero	01
Quay	01
Roosevelt	01
San Juan	03
San Miguel	01
Taos	01

PODIATRIC CARE: North Carolina

County Listing

County name	Degree of shortage group
Alamance	02
Alexander	01
Anson	01
Ashe	01
Bertie	01
Bladen	01
Brunswick	01
Buncombe	03
Burke	01
Cabarrus	02
Caswell	01
Catawba	01
Chatham	01
Cherokee	01
Cleveland	01
Columbus	01
Craven	03
Cumberland	03
Edgecombe	01
Franklin	01
Gaston	02
Granville	01
Greene	01
Halifax	01
Harnett	01
Haywood	01
Henderson	01
Hertford	01
Hoke	01
Iredell	02
Jackson	01
Johnston	01
Lee	01
Lenoir	01
Lincoln	01
McDowell	01
Macon	01
Madison	01
Martin	01
Mecklenburg	03
Mitchell	01
Montgomery	01
Nash	02
Northampton	01
Onslow	02
Orange	03
Pasquotank	01
Pender	01
Person	01
Pitt	01
Polk	01
Randolph	01
Richmond	01

PODIATRIC CARE: North Carolina—Continued

County Listing

County name	Degree of shortage group
Robeson	02
Rockingham	03
Rowan	02
Rutherford	01
Sampson	01
Scotland	01
Stanly	01
Surry	01
Transylvania	01
Union	01
Wake	02
Warren	01
Washington	01
Watauga	01
Wayne	02
Wilkes	01
Wilson	03
Yancey	01

PODIATRIC CARE: North Dakota

County Listing

County name	Degree of shortage group
Barnes	01
Cass	03
Cavalier	01
Grand Forks	03
Morton	01
Ramsey	01
Richland:	
Service area: Wahpeton-Breckenridge	01
Stark	01
Stutsman	01
Walsh	01

PODIATRIC CARE: North Dakota

Service Area Listing

Service area name	Degree of shortage group
Wahpeton-Breckenridge	01
County—Richland	
County—Traverse (Minnesota)	
County—Wilkin (Minnesota)	

PODIATRIC CARE: Ohio

County Listing

County name	Degree of shortage group
Athens	02
Auglaize	03
Belmont	02
Brown	01
Butler	03
Carroll	01
Clermont	02
Greene	01
Guernsey	03
Harrison	01
Jackson	01
Lawrence	02
Logan	03
Meigs	01
Miami	03
Monroe	01
Morgan	01
Noble	01
Paulding	01
Perry	01

PODIATRIC CARE: Ohio—Continued

County Listing

County name	Degree of shortage group
Preble	01
Putnam	01
Tuscarawas	01
Warren	03
Washington	02
Williams	01

PODIATRIC CARE: Oklahoma

County Listing

County name ✓	Degree of shortage group
Adair	01
Atoka	01
Beckham	01
Blaine	01
Bryan	01
Caddo	01
Canadian	01
Carter	03
Cherokee	01
Choctaw	01
Cleveland	03
Craig	01
Creek	01
Custer	01
Delaware	01
Garfield	01
Garvin	01
Grady	01
Hughes	01
Jackson	01
Kay	03
Kingfisher	01
Kiowa	01
Le Flore	01
Lincoln	01
Logan	01
McClain	01
McCurtain	01
McIntosh	01
Mayes	01
Murray	01
Noble	01
Nowata	01
Okfuskee	01
Oklahoma	03
Okmulgee	03
Osage	01
Ottawa	01
Pawnee	01
Payne	01
Pottawatomie	02
Seminole	01
Sequoyah	01
Stephens	01
Texas	01
Tillman	01
Wagoner	01
Washington	01
Washita	01
Woods	01
Woodward	01

PODIATRIC CARE: Oregon

County Listing

County name	Degree of shortage group
Baker	01
Benton	03
Clatsop	01
Columbia	01
Coos	03
Crook	01
Curry	01
Deschutes	01
Douglas	02

PODIATRIC CARE: Oregon—Continued

County Listing

County name	Degree of shortage group
Klamath	03
Lane	03
Lincoln	01
Linn	02
Marion	03
Polk	01
Tillamook	01
Umatilla	01
Union	01
Washington	03
Yamhill	01

PODIATRIC CARE: Pennsylvania

County Listing

County name	Degree of shortage group
Adams	01
Armstrong	02
Cambria	02
Clarion	01
Fayette	03
Fulton	01
Indiana	02
Jefferson	02
Lycoming:	
Service area: Muncy/Hughesville	01
McKean	02
Montour:	
Service area: Muncy/Hughesville	01
Northumberland:	
Service area: Muncy/Hughesville	01
Pike	01
Potter	01
Somerset	03
Sullivan:	
Service area: Muncy/Hughesville	01
Tioga	03
Union:	
Service area: Muncy/Hughesville	01
Venango	03
Wayne	03
Westmoreland	03
Wyoming	01

PODIATRIC CARE: Pennsylvania

Service Area Listing

Service area name	Degree of shortage group
Muncy/Hughesville	01
County—Lycoming:	
Parts of county:	
Clinton Twp (½)	
Franklin Twp	
Hughesville Boro	
Mill Creek Twp	
Montgomery Boro	
Moreland Twp	
Muncy Boro	
Muncy Creek Twp	
Muncy Twp	
Penn Twp	
Picture Rocks Boro	
Plunketts Creek Twp	
Wolf Twp	
County—Montour:	
Parts of county:	
Anthony Twp	
Limestone Twp (¼)	
County—Northumberland:	
Parts of county:	
Delaware Twp	
Lewis Twp	
McEwensville Boro	
Turbotville Boro	
Watsontown Boro	
County—Sullivan:	
Parts of county:	
Shrewsbury Twp	
County—Union:	
Parts of county:	
Gregg Twp	
White Deer Twp (¼)	

PODIATRIC CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group

PODIATRIC CARE: South Carolina

County Listing

County name	Degree of shortage group
Abbeville	01
Aiken	01
Anderson	02
Bamberg	01
Barnwell	01
Beaufort	01
Berkeley	01
Charleston	03
Cherokee	01
Chester	01
Chesterfield	01
Clarendon	01
Colleton	01
Darlington	01
Dillon	01
Dorchester	01
Edgefield	01
Fairfield	01
Georgetown	01
Greenville	03
Greenwood	01
Hampton	01
Horry	01
Jasper	01
Kershaw	01
Lancaster	01
Laurens	01
Lee	01
Lexington	02
Marion	01
Marlboro	01
Newberry	01
Oconee	01
Orangeburg	01
Pickens	01
Richland	03
Saluda	01
Spartanburg	02
Sumter	02
Union	01
Williamsburg	01
York	02

PODIATRIC CARE: South Dakota

County Listing

County name	Degree of shortage group
Beadle	01
Brookings	01
Lake	01
Lawrence	01
Meade	01
Roberts	01
Union	01

PODIATRIC CARE: Tennessee

County Listing

County name	Degree of shortage group
Anderson	01
Bedford	01
Benton	01
Blount	01
Bradley	01
Campbell	01
Carroll	01
Carter	01
Cheatham	01
Chester	01
Claiborne	01
Cocke	01
Coffee	01
Crockett	01
Cumberland	01
Davidson	02
DeKalb	01
Dickson	01
Dyer	01
Fayette	01
Fentress	01
Franklin	01
Gibson	01
Giles	01
Grainger	01
Greene	01
Grundy	01
Hamblen	01
Hamilton	03
Hardeman	01
Hardin	01
Hawkins	01
Haywood	01
Henderson	01
Henry	01
Hickman	01
Humphreys	01
Jefferson	01
Johnson	01
Lauderdale	01
Lawrence	01
Lincoln	01
Loudon	01
McMinn	01
McNairy	01
Macon	01
Madison	03
Marion	01
Marshall	01
Maury	01
Monroe	01
Montgomery	01
Morgan	01
Obion	01
Overton	01
Polk	01
Putnam	01
Rhea	01
Roane	01
Robertson	01
Rutherford	01
Scott	01
Sevier	01
Shelby	03
Smith	01
Sullivan	02
Sumner	01
Tipton	01
Unicoi	01
Warren	01

PODIATRIC CARE: Tennessee—Continued

County Listing

County name	Degree of shortage group
Wayne	01
Weakley	01
White	01
Williamson	01
Wilson	01

PODIATRIC CARE: Texas

County Listing

County name	Degree of shortage group
Anderson	01
Angelina	01
Aransas	01
Austin	01
Bastrop	01
Bee	01
Bell	03
Bexar	03
Bosque	01
Bowie	01
Brazoria	02
Brazos	02
Brown	01
Burleson	01
Burnet	01
Caldwell	01
Cameron	02
Cass	01
Cherokee	01
Coleman	01
Collin	03
Colorado	01
Comal	01
Comanche	01
Cooke	01
Coryell	01
Denton	02
Duval	01
Ector	03
Ellis	01
El Paso	03
Erath	01
Falls	01
Fannin	01
Fayette	01
Fort Bend	01
Freestone	01
Galveston	03
Gillespie	01
Gonzales	01
Grayson	01
Grimes	01
Guadalupe	01
Hale	01
Hardin	01
Harris	03
Harrison	01
Hays	01
Hill	01
Hockley	01
Hopkins	01
Houston	01
Howard	01
Hunt	01
Hutchinson	01
Jackson:	
Service area: Jackson/Victoria	03
Jasper	01
Jefferson	03
Jim Wells	01
Johnson	01
Jones	01
Kaufman	01
Lamar	03
Lamb	01
Lampasas	02
Liberty	01
Limestone	01
Lubbock	01
McLennan	03
Matagorda	01
Maverick	01
Medina	01
Milam	01
Montague	01
Montgomery	02
Nacogdoches	03
Navarro	01
Newton	01
Nolan	01
Orange	01
Palo Pinto	01
Panola	01
Parker	01
Pecos	01
Polk	01
Red River	01
Robertson	01
Runnels	01
Rusk	01
San Patricio	01
Shelby	01
Starr	01
Tarrant	03
Taylor	03
Titus	01
Tom Green	03
Travis	03
Tyler	01
Upshur	01
Uvalde	01
Val Verde	01
Van Zandt	01
Victoria:	
Service area: Jackson/Victoria	03
Walker	03
Waller	01
Washington	01
Webb	01
Wharton	01
Wichita	03
Wilbarger	01
Williamson	01
Wilson	01
Wise	01
Wood	01
Young	01

PODIATRIC CARE: Texas

Service Area Listing

Service area name	Degree of shortage group
Jackson/Victoria	03
County—Jackson	
County—Victoria	

PODIATRIC CARE: Utah

County Listing

County name	Degree of shortage group
Carbon	01
Tooele	01
Uintah	01

PODIATRIC CARE: Vermont

Service Area Listing

Service area name	Degree of shortage group
Addison	01
Bennington	01
Chittenden	03
Franklin	01
Lamoille	01
Orange	01
Orleans	01
Rutland	03
Washington	03

PODIATRIC CARE: Virginia

County Listing

County name	Degree of shortage group
Accomack	01
Alleghany	01
Amherst	01
Augusta	02
Bedford	01
Botetourt	01
Brunswick	01
Buchanan	01
Campbell	03
Caroline	01
Carroll	01
Charlotte	01
Culpeper	01
Dickenson	01
Dinwiddie	01
Elizabeth City	03
Fauquier	01
Franklin	01
Giles	01
Gloucester	01
Grayson	01
Greensville	01
Halifax	01
Hanover	01
Henrico:	
Service area: East Henrico	01
Henry	02
Isle of weight	02
Lee	01
Loudoun	01
Lodies	01
Lunenburg	01
Mecklenburg	01
Montgomery	01
Nansemond	01
Nelson	01
Norfolk	01
Northampton	03
Nottoway	01
Orange	01
Page	01
Patrick	01
Pittsylvania	03
Prince Edward	01
Prince George	01
Prince William	02
Pulaski	01
Roanoke	03
Rockbridge	01
Rockingham	01
Russell	01
Scott	01
Smyth	01
Southampton	01
Spotsylvania	01
Stafford	01
Tazewell	01
Washington	01
Wise	01
Wythe	01
York	01

PODIATRIC CARE: Virginia

Service Area Listing

Service area name	Degree of shortage group
East Henrico	02
County—Henrico:	
Parts of county:	
C.T. 2010.01 through 2010.08	
C.T. 2011.01	
C.T. 2011.02	
C.T. 2012.01	
C.T. 2012.02	
C.T. 2013	
C.T. 2014.01	
C.T. 2014.02	
C.T. 2015.01	
C.T. 2015.02	
C.T. 2016	
C.T. 209 through 212	

PODIATRIC CARE: Washington

County Listing

County name	Degree of shortage group
Adams	01
Asotin	01
Benton	03
Clallam	01
Clark	01
Cowlitz	03
Douglas	01
Grant	01
Grays Harbor	03
Island	01
Jefferson	01
Kitsap	02
Kittitas	01
Lewis	01
Mason	01
Okanogan	01
Pacific	01
Pierce	03
Snohomish	03
Stevens	01
Thurston	03
Walla Walla	01
Whatcom	03
Whitman	01
Yakima	03

PODIATRIC CARE: West Virginia

County Listing

County name	Degree of shortage group
Barbour	01
Berkeley	01
Boone	01
Braxton	01
Brooke	03
Fayette	01
Greenbrier	01
Hampshire	01
Jackson	01
Jefferson	01
Kanawha	03
Logan	01
McDowell	01
Marshall	01
Mercer	02
Mineral	01
Mingo	01
Monroe	01
Nicholas	01
Preston	01
Putnam	01
Raleigh	02
Randolph	01
Ritchie	01
Roane	01
Summers	01
Taylor	01
Upshur	01
Wood	03
Wyoming	01

PODIATRIC CARE: Wisconsin

County Listing

County name	Degree of shortage group
Adams	01
Ashland	01
Bayfield	01
Buffalo	01
Burnett	01
Calumet	01
Chippewa	01
Clark	01
Columbia	01
Crawford	01
Dodge	02
Door	01
Douglas	03

PODIATRIC CARE: Wisconsin—Continued

County Listing

County name	Degree of shortage group
Dunn	01
Fond Du Lac	03
Grant	01
Green Lake	01
Iowa	01
Jefferson	03
Juneau	01
Kewaunee	01
Lafayette	01
Langlade	01
Lincoln	01
Manitowoc	02
Marathon	03
Marinette	03
Marquette	01
Oconto	01
Outagamie	03
Ozaukee	02
Pierce	01
Polk	01
Portage	03
Price	01
Richland	01
St. Croix	01
Sawyer	01
Shawano	01
Taylor	01
Vilas	01
Walworth	03
Washburn	01
Washington	02
Waukesha	03
Waupaca	01
Waushara	01
Winnebago	03
Wood	03

PODIATRIC CARE: Wyoming

County Listing

County name	Degree of shortage group
Albany	01
Fremont	01
Natrona	03
Park	01
Sweetwater	01

PHARMACY: Alabama

County Listing

County name	Degree of shortage group
Greene	03
St. Clair	03
Washington	03
Wilcox	02

PHARMACY: Arizona

County Listing

County name	Degree of shortage group
Maricopa:	
Service area: El Mirage	02
Service area: Twn of Guadalupe	01
Yuma:	
Service area: Somerton	02

PHARMACY: Arizona

Service Area Listing

Service area name	Degree of shortage group
Somerton	02
County—Yuma:	
Parts of county:	
Somerton Division	
El Mirage	02
County—Maricopa:	
Parts of county:	
C.T. 405 (Southern ½)	
C.T. 606	
C.T. 609	
Twn of Guadalupe	01
County—Maricopa:	
Parts of county:	
Twn of Guadalupe	

PHARMACY: Arkansas

County Listing

County name	Degree of shortage group
Bradley	03
Lawrence	03
Lincoln	02
Newton	01
Perry	03
Sevier	03
Stone	03

PHARMACY: California

County Listing

County name	Degree of shortage group
Tulare:	
Service area: Southern Tulare	01

PHARMACY: California

Service Area Listing

Service area name	Degree of shortage group
Southern Tulare	01
County—Tulare:	
Parts of county:	
C.T. 32	
C.T. 42 through 45	

PHARMACY: Colorado

County Listing

County name	Degree of shortage group
Costilla	01
Elbert	01

PHARMACY: Connecticut

County Listing

County name	Degree of shortage group
Fairfield:	
Service area: Southwest Bridgeport	03
Service area: Southeast Bridgeport	02
Service area: N. Central Bridgeport	03
Service area: S. Norwalk/Springwood	02
Service area: Southwest Stamford	03

PHARMACY: Connecticut

Service Area Listing

Service area name	Degree of shortage group
N. Central Bridgeport	03
County—Fairfield:	
Parts of county:	
C.T. 728	
S. Norwalk/Springwood	02
County—Fairfield:	
Parts of county:	
C.T. 416	
C.T. 419	
C.T. 422	
C.T. 423	
Southeast Bridgeport	02
County—Fairfield:	
Parts of county:	
C.T. 740 through 744	
Southwest Bridgeport	03
County—Fairfield:	
Parts of county:	
C.T. 702 through 706	
Southwest Stamford	03
County—Fairfield:	
Parts of county:	
C.T. 222	
C.T. 223	

PHARMACY: Florida

County Listing

County name	Degree of shortage group
Glades	01
Lafayette	01
Liberty	01
Sumter	03

PHARMACY: Georgia

County Listing

County name	Degree of shortage group
Banks	01
Brantley	03
Crawford	01
Glascock	01
Oglethorpe	03
Quitman	01
Wilkinson	03

PHARMACY: Idaho

County Listing

County name	Degree of shortage group
Boundary	03
Madison	03

PHARMACY: Illinois

County Listing

County name	Degree of shortage group
Clay	03
Marshall	03

PHARMACY: Indiana

County Listing

County name	Degree of shortage group
Crawford	01
Franklin	03
Switzerland	03
Washington	03

PHARMACY: Kentucky

County Listing

County name	Degree of shortage group
Bracken	01
Jackson	02

PHARMACY: Michigan

County Listing

County name	Degree of shortage group
Leelanau	03

PHARMACY: Minnesota

County Listing

County name	Degree of shortage group
Aitkin	03
Marshall	03

PHARMACY: Mississippi

County Listing

County name	Degree of shortage group
Benton	01

PHARMACY: Missouri

County Listing

County name	Degree of shortage group
Caldwell	02
Charlton	03
Harrison	03
Hickory	03
Holt	01
Knox	03
Lewis	01
Maries	01
Mercer	01
Miller	02
Montgomery	03
Morgan	03
Osage	01
Reynolds	03
Ripley	03
Schuyler	03
Scotland	03
Shelby	02
Sullivan	03

PHARMACY: Montana

County Listing

County name	Degree of shortage group
McCone	01

PHARMACY: Nevada

County Listing

County name	Degree of shortage group
Clark:	
Service area: Western Clark	01
Service area: North Central Clark	01

PHARMACY: Nevada

Service Area Listing

Service area name	Degree of shortage group
North Central Clark	01
County—Clark:	
Parts of county:	
C.T. 59	
Western Clark	01

PHARMACY: Nevada—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Clark:	
Parts of County:	
C.T. 67	
C.T. 88	

PHARMACY: New Mexico

County Listing

County name	Degree of shortage group
Catron	01
Mora	01
Rio Arriba:	
Service area: rural Rio Arriba	03

PHARMACY: New Mexico

Service Area Listing

Service area name	Degree of shortage group
Rural Rio Arriba	03
County—Rio Arriba:	
Parts of county:	
Chama	
Tierra Amarilla	
Truchas	

PHARMACY: North Carolina

County Listing

County name	Degree of shortage group
Currituck	01
Hyde	01

PHARMACY: North Dakota

County Listing

County name	Degree of shortage group
Oliver	01

PHARMACY: Ohio

County Listing

County name	Degree of shortage group
Vinton	01

PHARMACY: Oregon

County Listing

County name	Degree of shortage group
Wheeler	01

PHARMACY: Pennsylvania

County Listing

County name	Degree of shortage group
Centre:	
Service area: Snow Shoe	01
Clearfield:	
Service area: Chesapeake	01
Service area: Snow Shoe	01
Franklin:	
Service area: Valleys	01
Fulton	01
Greene:	
Service area: Clay/Battelle	01
Huntingdon:	
Service area: Valleys	01
Indiana:	
Service area: Chesapeake	01
Lycoming:	
Service area: Northern Lycoming	01
Mifflin:	
Service area: McClure	01
Northumberland:	
Service area: Herndon/Mandata	01
Perry:	
Service area: Valleys	01
Schuylkill:	
Service area: Herndon/Mandata	01
Snyder:	
Service area: McClure	01
Tioga:	
Service area: Northern Lycoming	01

PHARMACY: Pennsylvania

Service Area Listing

Service area name	Degree of shortage group
Chesapeake	01
County—Clearfield:	
Parts of County:	
Bell Twp	
Burnside Boro	
Burnside Twp	
Ferguson Twp	
Greenwood Twp	
Mahaffey Boro	
Newburg Boro	
New Washington Boro	
County—Indiana:	
Parts of county:	
Banks Twp (Eastern ½)	
Glen Campbell Boro	
Clay/Battelle	01

PHARMACY: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Greene:	
Parts of county:	
Freeport	
Gilmore	
Jackson	
Perry	
Wayne	
Whitley	
County—Monongalia (West Virginia)	
Parts of county:	
Battelle	
Clay	
Herndon/Mandata	01
County—Northumberland:	
Parts of county:	
Herndon Boro	
Jackson Twp	
Jordan Twp	
Little Mahanoy Twp	
Lower Mahanoy Twp	
Upper Mahanoy Twp	
Washington Twp	
West Cameron Twp	
County—Schuylkill:	
Parts of county:	
Eldred Twp	
Upper Mahantango Twp	
McClure	01
County—Mifflin:	
Parts of county:	
Decatur Twp (Northern ½)	
County—Snyder:	
Parts of county:	
Adams Twp	
McClure Boro	
Spring Twp	
West Beaver Twp	
Northern Lycoming	01
County—Lycoming:	
Parts of county:	
Brown Twp	
Cascade Twp	
Cogan House Twp	
Cummings Twp (Northern ⅔)	
Gamble Twp	
Jackson Twp	
Lewis Twp (Northern ⅔)	
McHenry Twp	
McIntyre Twp	
McNett Twp	
Pine Twp	
Plunketts Creek Twp (Northern ½)	
County—Tioga:	
Parts of county:	
Elk Twp	
Liberty Twp (Southern ½)	
Morris Twp	
Snow Shoe	01
County—Centre:	
Parts of county:	
Boggs Twp (Northern ½)	
Burnside Twp	
Curtin Twp	
Snow Shoe Boro	
Snow Shoe Twp	
Union Twp	
Unionville Boro	
County—Clearfield:	
Parts of county:	
Cooper Twp (Northern ⅔)	
Covington Twp	
Karthaus Twp	
Valleys	01

PHARMACY: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Franklin:	
Parts of county:	
Fannett Twp	
Metal Twp	
County—Huntingdon:	
Parts of county:	
Dublin Twp (E. portion)	
Tell Twp	
County—Perry:	
Parts of county:	
Toboyne Twp (S. portion)	

PHARMACY: South Dakota

County Listing

County name	Degree of shortage group
Brule	03
Dewey	01
Jerauld	01
Mellette	01
Todd	03

PHARMACY: Tennessee

County Listing

County name	Degree of shortage group
Bledsoe	03

PHARMACY: Texas

County Listing

County name	Degree of shortage group
Hudspeth	01

PHARMACY: Virginia

County Listing

County name	Degree of shortage group
Bland	01
Buckingham	02
Caroline	03
Charles City	01
Cumberland	01
Floyd	02
Fluvanna	02
Greene	02
King George	01
Madison	02
Norfolk:	
Service Area: Pungo Service Area	01
Powhatan	02
Rappahannock	01
Richmond	03

PHARMACY: Virginia

Service Area Listing

Service area name	Degree of shortage group
Pungo Service Area	01
County—Norfolk:	
Parts of county:	
Pungo Boro:	
Blackwater Boro.	

PHARMACY: West Virginia

County Listing

County name	Degree of shortage group
Braxton	02
Clay	01
Doddridge	03
Gilmer	03
Grant	03
Hampshire	03
Hardy	01
Lincoln	02
Monongalia:	
Service Area: Clay/Battelle	01
Pendleton	01
Pocahontas	03
Ritchie	03
Roane	03
Webster	02
Wirt	01
Wyoming	03

PHARMACY: Wisconsin

County Listing

County name	Degree of shortage group
Buffalo	02
Taylor	03

PHARMACY: Commonwealth of Northern Mariana Islands

County Listing

County name	Degree of shortage group
Rota:	
Service area: Rota/Saipan/Tinian	02
Saipan:	
Service area: Rota/Saipan/Tinian	02
Tinian:	
Service area: Rota/Saipan/Tinian	02

PHARMACY: Commonwealth of Northern Mariana Islands

Service Area Listing

Service area name	Degree of shortage group
Rota/Saipan/Tinian	02
County—Rota	

PHARMACY: Commonwealth of Northern Mariana Islands—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Saipan	
County—Tinian	

PHARMACY: Trust Territory of the Pacific

County Listing

County name	Degree of shortage group
Kosrae District	01
Marshall District	01
Palau District	02

PHARMACY: Trust Territory of the Pacific—Continued

County Listing

County name	Degree of shortage group
Ponape District	01
Truk District	01
Yap District	01

VETERINARY CARE: Alabama

County Listing

County name	Degree of shortage group
Bullock	01
Butler	03
Calhoun	02
Clay:	
Service Area: Clay/Talladega	03
Cleburne	01
Cullman	03
De Kalb	03
Jackson	03
Lowndes	02
Pike	03
Randolph	03
Talladega:	
Service area: Clay/Talladega	03
Wilcox	01
Winston	03

VETERINARY CARE: Alabama

Service Area Listing

Service area name	Degree of shortage group
Clay/Talladega service area County—Clay County—Talladega	03

VETERINARY CARE: Arizona

County Listing

County name	Degree of shortage group
Gila	03
Graham	03
Greenlee	01
Yuma	03

VETERINARY CARE: Arkansas

County Listing

County name	Degree of shortage group
Carroll	03
Clay	01
Cleburne	02
Conway	03
Fulton	01
Hempstead	03
Howard	03
Independence	03
Izard	01
Johnson	01
Lafayette	01
Little River	01
Madison	03
Marion	01
Miller	01
Nevada	01
Newton	01
Pike	01
Polk	03
Scott	01
Sevier	03
Stone	01
Van Buren	02
Washington	03
White	03
Yell	03

VETERINARY CARE: California

County Listing

County name	Degree of shortage group
Fresno	03
Imperial	03
Kings	03
Madera	03
Merced	03
Modoc	03

VETERINARY CARE: Colorado

County Listing

County name	Degree of shortage group
Baca	03
Cheyenne	01
Crowley	01
Kiowa	01
Logan	03
Montrose	03
Phillips	01
Washington	01

VETERINARY CARE: Delaware

County Listing

County name	Degree of shortage group
Sussex	03

VETERINARY CARE: Florida

County Listing

County name	Degree of shortage group
Clay	03
Glades	01
Hamilton	01
Hardee	03
Hendry	03
Highlands	03
Indian River	03
Jackson	03
Lafayette	01
Madison	03
Okeechobee	03
Osceola	03
Pasco	03
St. Lucie	03
Sumter	01

VETERINARY CARE: Georgia

County Listing

County name	Degree of shortage group
Addison	01
Banks	01
Coffee	03
Colquitt	03
Dawson	01
Murray	01
Newton	03
Pickens	01
Pierce	01
Putnam	03
Wheeler	01

VETERINARY CARE: Hawaii

County Listing

County name	Degree of shortage group
Hawaii	03
Honolulu	03

VETERINARY CARE: Idaho

County Listing

County name	Degree of shortage group
Bear Lake	03
Bingham	03
Blaine	03
Butte	01
Caribou	03
Clark	01
Franklin	03
Gooding	03
Jefferson	03
Oneida	01
Owyhee	03
Power	01
Teton	01

VETERINARY CARE: Illinois

County Listing

County name	Degree of shortage group
Marion	03
Randolph	03

VETERINARY CARE: Indiana

County Listing

County name	Degree of shortage group
Crawford	01
Greene	03
Owen	01
Pike	01
Spencer	01

VETERINARY CARE: Kansas

County Listing

County name	Degree of shortage group
Atchison	03
Barber	03
Chase	01
Coffey	03
Comanche	03
Doniphan	03
Gove	03
Graham	03
Greeley	01
Greenwood	03
Lane	01
Lincoln	03
Linn	03
Ness	03
Phillips	03
Wallace	01
Woodson	03

VETERINARY CARE: Kentucky

County Listing

County name	Degree of shortage group
Adair	03
Boone	03
Breckinridge	03
Butler	01
Carlisle	01
Casey	03
Clark	03
Clinton	03
Cumberland	01
Edmonson	01
Grayson	03
Green	03
Hardin	03
Hart	03
Henry	03
Hickman	01
Jackson	01
Lincoln	03
Livingston	01
McLean	01
Marion	03
Metcalfe	01
Muhlenberg	01
Ohio	03
Pulaski	03
Trigg	01
Washington	03
Wayne	03
Webster	03

VETERINARY CARE: Louisiana

County Listing

County name	Degree of shortage group
Bienville	01
Cameron	01
Catahoula	01
Claiborne	01
Grant	01
Natchitoches	03
Red River	01
Sabine	03
Vernon	03
Washington	03

VETERINARY CARE: Maine

County Listing

County name	Degree of shortage group
Somerset	03

VETERINARY CARE: Maryland

County Listing

County name	Degree of shortage group
Somerset	03
Worcester	03

VETERINARY CARE: Michigan

County Listing

County name	Degree of shortage group
Delta	02
Iosco	02
Menominee	03
Newaygo	03
Ogemaw	03
Osceola	01

VETERINARY CARE: Minnesota

County Listing

County name	Degree of shortage group
Becker	03
Benton	03
Cass	03
Chisago	03
Houston	03
Isanti	03
Kittson	01
Marshall	01
Morrison	03
Norman	03
Otter Tail	03
Pine	03
Polk	03
Pope	03
Rock	03
Sherburne	03
Todd	03

VETERINARY CARE: Mississippi

County Listing

County name	Degree of shortage group
Amite	01
Attala	03
Benton	01
Calhoun	01
Choctaw	01
Claiborne	01
Covington	01
Holmes	03
Itawamba	01
Jefferson Davis	03
Jones	03
Lawrence	02
Leake	03
Marshall	01
Noxubee	03
Pontotoc	03
Prentiss	03
Rankin	03
Scott	03
Simpson	03
Smith	01
Tate	03
Walthall	03
Yazoo	03

VETERINARY CARE: Missouri

County Listing

County name	Degree of shortage group
Barton	01
Bollinger	01
Camden	02
Cole	03
Daviess	03
Harrison	03
Hickory	01

VETERINARY CARE: Missouri—Continued

County Listing

County name	Degree of shortage group
Howard	01
Knox	03
Lincoln	03
Livingston	03
McDonald	03
Mercer	03
Miller	02
Morgan	03
Pulaski	02
Putnam	03
Ralls	01
Randolph	03
Schuyler	01
Shelby	03
Vernon	03
Wright	03

VETERINARY CARE: Montana

County Listing

County name	Degree of shortage group
Beaverhead	03
Big Horn	03
Blaine	03
Carbon	03
Carter	03
Chouteau	03
Custer	03
Dawson	03
Garfield	01
Golden Valley	01
Jefferson	01
Liberty	01
McCone	03
Meagher	03
Musselshell	03
Petroleum	01
Phillips	03
Powder River	01
Prairie	01
Rosebud	03
Stillwater	03
Toole	01
Treasure	01
Wibaux	01

VETERINARY CARE: Nebraska

County Listing

County name	Degree of shortage group
Banner	01
Blaine	01
Boone	03
Boyd	03
Brown	03
Cedar	03
Cherry	03
Cuming	03
Custer	03
Dixon	03
Franklin	03
Furnas	03
Garden	03
Garfield	03
Greeley	03
Hayes	01
Hitchcock	01
Holt	03
Keya Paha	01
Kimball	01
Knox	03
Logan	01
Loup	01
McPherson	01
Pawnee	03
Perkins	01

VETERINARY CARE: Nebraska—Continued

County Listing

County name	Degree of shortage group
Polk	03
Richardson	03
Rock	03
Sarpy	03
Seward	03
Sheridan	03
Sherman	03
Sioux	01
Stanton	01
Wayne	03
Wheeler	01

VETERINARY CARE: Nevada

County Listing

County name	Degree of shortage group
Churchill	03
Elko	03
Eureka	01
Humboldt	03
Lander	01
Lincoln	01
Pershing	01
White Pine	03

VETERINARY CARE: New Mexico

County Listing

County name	Degree of shortage group
Catron	01
Chaves	03
De Baca	01
Eddy	03
Guadalupe	01
Harding	02
Hidalgo	01
Lea	03
Lincoln	03
McKinley	03
Mora	01
Otero	03
Roosevelt	03
Sierra	03
Socorro	03
Torrance	01
Union	03

VETERINARY CARE: New York

County Listing

County name	Degree of shortage group
Clinton	03
Fulton	03
Livingston	03
St. Lawrence	03
Sullivan	03

VETERINARY CARE: North Carolina

County Listing

County name	Degree of shortage group
Ashe	03
Duplin	03

VETERINARY CARE: North Caroline—Continued

County Listing

County name	Degree of shortage group
Montgomery	01
Moore	03
Randolph	03
Stanly	03

VETERINARY CARE: North Dakota

County Listing

County name	Degree of shortage group
Benson	03
Billings	01
Burke	01
Burleigh	03
Cavalier	01
Dickey	03
Divide	01
Dunn	03
Emmons	03
Grant	02
Kidder	03
Logan	01
McHenry	01
McIntosh	03
McKenzie	01
McLean	03
Mercer	01
Morton	03
Mountrail	01
Nelson	01
Oliver	02
Pembina	01
Rolette	01
Sargent	01
Sheridan	01
Sioux	01
Slope	01
Stark	03
Stutsman	03
Traill	01

VETERINARY CARE: Ohio

County Listing

County name	Degree of shortage group
Adams	01
Gallia	01
Guernsey	03
Monroe	01
Noble	01
Pike	01

VETERINARY CARE: Oklahoma

County Listing

County name	Degree of shortage group
Adair	03
Atoka	03
Beaver	03
Caddo	03
Cimarron	03
Delaware	03
Ellis	03
Garvin	03
Grant	01
Haskell	03
Jackson	03
Jefferson	03
Johnston	01

VETERINARY CARE: Oklahoma—Continued

County Listing

County name	Degree of shortage group
Le Flore	03
Love	03
McClain	03
Okfuskee	03
Pittsburg	03
Pushmataha	01
Roger Mills	03
Sequoyah	03
Texas	03
Washita	03

VETERINARY CARE: Oregon

County Listing

County name	Degree of shortage group
Gilliam	01
Grant	03
Harney	03
Jefferson	03
Lake	03
Malheur	03
Wheeler	01

VETERINARY CARE: Pennsylvania

County Listing

County name	Degree of shortage group
Fayette	03
Fulton	01
Indiana	03
Lycoming	03
Snyder	03
Warren	03

VETERINARY CARE: South Caroline

County Listing

County name	Degree of shortage group
Chesterfield	01
Greenwood	03
Hampton	01
Newberry	03
Saluda	01

VETERINARY CARE: South Dakota

County Listing

County name	Degree of shortage group
Brookings	03
Brule	03
Buffalo	01
Campbell	01
Charles Mix	03
Clay	03
Corson	01
Custer	01
Day	03
Deuel	01
Dewey	01
Edmunds	03
Faulk	03
Gregory	03
Haakon	03

VETERINARY CARE: South Dakota—Continued

County Listing

County name	Degree of shortage group
Harding	01
Hutchinson	03
Hyde	03
Lyman	03
McPherson	03
Marshall	03
Meade	03
Mellette	01
Perkins	03
Roberts	03
Shannon	01
Spink	03
Stanley	01
Sully	03
Todd	01
Tripp	03
Washabaugh	01
Yankton	03
Ziebach	01

VETERINARY CARE: Tennessee

County Listing

County name	Degree of shortage group
Bedford	03
Bledsoe	01
Fentress	01
Giles	03
Greene	03
Grundy	01
Hancock	01
Hickman	01
Jackson	01
McMinn	03
Macon	01
Marshall	03
Meigs	01
Moore	01
Overton	03
Polk	01
Robertson	03
Smith	01
Trousdale	01
Warren	03
Wayne	01

VETERINARY CARE: Texas

County Listing

County name	Degree of shortage group
Anderson	03
Andrews	01
Armstrong	01
Austin	03
Baylor	03
Bosque	03
Brewster	03
Brooks	03
Burnet	03
Callahan	03
Castro	03
Cherokee	03
Childress	01
Clay	03
Cochran	03
Coleman	03
Collingsworth	03
Colorado	03
Comanche	03
Concho	03
Crockett	03
Culberson	01
Deaf Smith	03
Delta	01

VETERINARY CARE: Texas—Continued

County Listing

County name	Degree of shortage group
Dimmit	03
Duval	01
Edwards	01
Foard	01
Freestone	03
Gaines	03
Gillespie	01
Goliad	01
Gonzales	03
Hall	01
Hamilton	03
Haskell	01
Hemphill	03
Hill	03
Hockley	02
Hopkins	03
Houston	03
Hudspeth	01
Jack	03
Jeff Davis	03
Jim Hogg	03
Jim Wells	03
Jones	03
Karnes	03
Kenedy	01
Kent	01
King	01
Kinney	03
Lampasas	03
La Salle	01
Lavaca	03
Lee	03
Llano	03
McMullen	01
Maverick	01
Menard	03
Mills	03
Motley	01
Nacogdoches	03
Navarro	03
Ochiltree	03
Oldham	03
Palo Pinto	03
Panola	03
Parmer	03
Pecos	03
Reins	01
Reagan	01
Red River	03
Rusk	03
Sabine	01
San Augustine	01
San Saba	03
Shelby	03
Starr	03
Stonewall	01
Swisher	03
Terrell	01
Throckmorton	01
Webb	03
Zapata	03
Zavala	03

VETERINARY CARE: Utah

County Listing

County name	Degree of shortage group
Beaver	03
Box Elder	03
Duchesne	03
Emery	01
Garfield	01
Iron	03
Juab	01
Millard	01
Rich	01
Sevier	03
Uintah	03
Washington	03
Wayne	01

VETERINARY CARE: Vermont

County Listing

County name	Degree of shortage group
Essex	01
Grand Isle	01
Orange	03
Orleans	01

VETERINARY CARE: Virginia

County Listing

County name	Degree of shortage group
Amelia:	
Service area: Amelia/Buckingham/Cumberland/Powhatan	01
Amherst:	
Service area: Amherst/Appomattox/Bedford	03
Appomattox:	
Service area: Amherst/Appomattox/Bedford	03
Bath:	
Service area: Bath/Highland/Rockbridge	03
Bedford:	
Service area: Amherst/Appomattox/Bedford	03
Bland	01
Brunswick	01
Buckingham:	
Service area: Amelia/Buckingham/Cumberland/Powhatan	01
Caroline:	
Service area: Caroline/King George/Stafford	01
Carroll	03
Chesterfield	03
Cumberland:	
Service area: Amelia/Buckingham/Cumberland/Powhatan	01
Floyd	01
Grayson	03
Greene:	
Service area: Greene/Madison/Orange/Page/Rappahannock	03
Highland:	
Service area: Bath/Highland/Rockbridge	03
King George:	
Service area: Caroline/King George/Stafford	01
Lee	01
Louisa	01
Madison:	
Service area: Greene/Madison/Orange/Page/Rappahannock	03
Orange:	
Service area: Greene/Madison/Orange/Page/Rappahannock	03
Page:	
Service area: Greene/Madison/Orange/Page/Rappahannock	03
Patrick	01
Pittsylvania	03
Powhatan:	
Service area: Amelia/Buckingham/Cumberland/Powhatan	01
Rappahannock:	
Service area: Greene/Madison/Orange/Page/Rappahannock	03
Rockbridge:	
Service area: Bath/Highland/Rockbridge	03
Scott	01
Stafford:	
Service area: Caroline/King George/Stafford	01
Wythe	03

VETERINARY CARE: Virginia

Service Area Listing

Service area name	Degree of shortage group
Amelia/Buckingham/Cumberland/Powhatan	01
County—Amelia	

VETERINARY CARE: Virginia—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Buckingham	
County—Cumberland	
County—Powhatan	
Amherst/Appomattox/Bedford	03
County—Amherst	
County—Appomattox	
County—Bedford	
Bath/Highland/Rockbridge	03
County—Bath	
County—Highland	
County—Rockbridge	
Caroline/King George/Stafford	01
County—Caroline	
County—King George	
County—Stafford	
Greene/Madison/Orange/Page/Rappahannock	03
County—Greene	
County—Madison	
County—Orange	
County—Page	
County—Rappahannock	

VETERINARY CARE: Washington

County Listing

County name	Degree of shortage group
Okanogan	03
Stevens	03

VETERINARY CARE: West Virginia

County Listing

County name	Degree of shortage group
Grant	01
Hampshire	01
Marshall	02
Pocahontas	01

VETERINARY CARE: Wisconsin

County Listing

County name	Degree of shortage group
Adams	01
Bayfield	01
Buffalo	03
Clark	03
Door	03
Eau Claire	03
Florence:	
Service Area: Florence/Forest	00
Fond Du Lac	03
Forest:	
Service Area: Florence/Forest	01
Iowa	03
Jackson	03
Juneau	03
Kewaunee	03
Lafayette	03
Langlade	03
Lincoln	03
Marathon	03
Marquette	03
Portage	03
Price	03
Richland	03
Rusk	03
St. Croix	03
Sawyer	01
Shawano	03
Taylor	03
Washburn	03
Waushara	03
Winnebago	03

VETERINARY CARE: Wisconsin

Service Area Listing

Service area name	Degree of shortage group
Florence/Forest	01
County—Florence	
County—Forest	

VETERINARY CARE: Wyoming

County Listing

County name	Degree of shortage group
Big Horn	03
Campbell	03
Carbon	03
Converse	03
Crook	01
Hot Springs	03
Lincoln	03
Niobrara	03
Platte	03
Uinta	01
Weston	03

VETERINARY CARE: Puerto Rico

County Listing

County name	Degree of shortage group
Dorado	01

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federal register

Friday
May 8, 1981

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Arkansas:	
AR80–4079	Nov. 7, 1980.
AR80–4080	Oct. 31, 1980.
AR80–4081	Nov. 7, 1980.
AR80–4082	Nov. 7, 1980.
AR80–4083	Oct. 31, 1980.
California CA81–5109	Apr. 10, 1981.
Florida:	
FL80–1075	June 20, 1980.
FL81–1180	Mar. 6, 1981.
FL80–1072	May 16, 1980.
FL81–1185	Feb. 13, 1981.
FL80–1084	Apr. 25, 1980.
Kansas MO80–4081	Nov. 21, 1980.
Kentucky:	
KY80–1089	Aug. 15, 1980.
KY80–1090	Aug. 22, 1980.
KY80–1093	Aug. 22, 1980.
KY80–1094	Aug. 22, 1980.
KY80–1096	Aug. 22, 1980.
KY80–1097	Aug. 22, 1980.
KY80–1098	Aug. 22, 1980.
KY80–1101	Aug. 29, 1980.
Missouri:	
MO80–4081	Nov. 21, 1980.
MO81–4013	Feb. 27, 1981.
New Mexico:	
NM80–4101	Dec. 19, 1980.
NM81–4023	Apr. 10, 1981.
New York NY81–3024	Apr. 3, 1981.
Oregon OR80–5145	Nov. 21, 1980.
Pennsylvania PA80–3044	July 25, 1980.
South Dakota SD80–5118	June 6, 1980.
Tennessee KY80–1096	Aug. 22, 1980.
Washington WA81–5107	Apr. 3, 1981.
Wyoming WY81–5106	Apr. 3, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

California CA80–5133 (CA81–5118)	Sept. 26, 1980.
Delaware DE78–3080 (DE81–3029)	Nov. 9, 1978.
Mississippi:	
MS79–1088 (MS81–1225)	June 1, 1979.
MS81–1161 (MS81–1230)	Jan. 6, 1981.
MS81–1162 (MS81–1229)	Jan. 6, 1981.
MS81–1163 (MS81–1228)	Jan. 6, 1981.
MS81–1164 (MS81–1227)	Jan. 6, 1981.
MS81–1165 (MS81–1226)	Jan. 6, 1981.

MS81-1174 (MS81-1223)	Jan. 30, 1981.
MS81-1179 (MS81-1224)	Jan. 30, 1981.
Missouri MO79-4084 (MO81-4091)	Nov. 9, 1979.
Montana:	
MT80-5141 (MT81-5114)	Nov. 21, 1980.
MT80-5142 (MT81-5115)	Nov. 21, 1980.
MT80-5143 (MT81-5116)	Nov. 21, 1980.
Ohio:	
OH80-2003 (OH81-2023)	Mar. 7, 1980.
OH80-2052 (OH81-2021)	July 7, 1980
Tennessee TN79-1104 (TN81-1204)	June 29, 1979.
Texas:	
TX80-4077 (TX81-4032)	Oct. 10, 1980.
TX80-4085 (TX81-4030)	Nov. 7, 1980.
Utah UT80-5148 (UT81-5117)	Dec. 21, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 1st day of May 1981.

Dorothy P. Comse,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION #AR80-4079-Mod.#6 45FR74344-November 7, 1980 Garland, Hot Springs and Clark Counties, Arkansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Electricians	$12.17	.60	3%+1.00		1/4%
Cable splicers	12.295	.60	3%+1.00		1/4%
LINE CONSTRUCTION:					
Linemen	12.17	.60	3%+1.00		1/4%
Cable splicers	12.295	.60	3%+1.00		1/4%
Groundman	64%JR	.60	3%+1.00		1/4%
Truck drivers-with winch	80%JR	.60	3%+1.00		1/4%
Truck drivers-flat bed	64%JR	.60	3%+1.00		1/4%
PLUMBERS-PIPEFITTERS:					
Zone A	12.85	.90	.60		.10
Zone B	13.80	.90	.60		.10
ROOFERS	11.26		.30		
DECISION #AR80-4080-Mod.#8 45FR72439-October 31, 1980 Jefferson County, Arkansas					
CHANGE:					
Bricklayers-Stonemasons	11.80	.85	.55		.04
Glaziers	10.08		.25		
Marble, terrazzo and tile workers	10.50				
Roofers	11.26		.30		
Plumbers-Pipefitters	13.80	.90	.60		.10
DECISION #AR80-4081-Mod.#7 45FR7432-November 7, 1980 Sebastian, Crawford and Washington Counties, Arkansas					
CHANGE:					
Bricklayers-Stonemasons	11.65	.85	.55		.14
Roofers	11.26		.30		

Modification Page 2

DECISION #AR80-4082-Mod.#6 45FR74345-November 7, 1980 Union & Ouachita Counties, Arkansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Ironworkers	$13.35	.60	1.25		.06
Roofers	11.26		.30		
DECISION #AR80-4083-Mod.#7 45FR72438-October 31, 1980 Pulaski County, Arkansas					
CHANGE:					
Bricklayers-Stonemasons	11.80	.85	.55		.04
Glaziers	10.08		.25		
Marble, terrazzo and tile workers	10.50				
PLUMBERS-PIPEFITTERS:					
Within 10 miles of Pulaski Co., Courthouse	13.85	.85	.85		.08
Over 10 miles of Pulaski County Courthouse	14.15	.85	.85		.08
Roofers	11.26		.30		

Modification Page 3

Modification Page 4

DECISION NO. CA81-5109 - Mod. #1
(46 FR 21532 - April 10, 1981)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties					
Change:					
Sprinkler Fitters:					
Area 3 should read Area 2	$20.03	.95	$1.40		.08
Power Equipment Operators:					
Dredging - Schedules I and II - See Attached.					
Omit:					
Soft Floor Layers:					
All Areas					
Add:					
Soft Floor Layers:					
Area 1	12.43	.89	1.30	1.25	.10
Area 2	13.74	.70	.20		
Area 3	16.16	1.00	1.75	1.55	.19
Area 4	11.18	1.00	1.15	88	
Area 5	16.16	1.00	1.75	1.55	.19
Area Descriptions:					
Attached					

DECISION NO. CA81-5109 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators: Dredging Schedule I					
Group 1:					
Bargeman; Deckhand; Fireman; Oiler:					
Area 1	$12.12	$1.65	$3.00	$1.55	.19
Area 2	13.17	1.65	3.00	1.55	.19
Area 3	13.48	1.65	3.00	1.55	.19
Area 4	13.79	1.65	3.00	1.55	.19
Group 2:					
Deck Engineers; Deck Mate:					
Area 1	14.02	1.65	3.00	1.55	.19
Area 2	15.16	1.65	3.00	1.55	.19
Area 3	15.48	1.65	3.00	1.55	.19
Area 4	15.81	1.65	3.00	1.55	.19
Group 3:					
Welder; Mechanic Welder; Watch Engineer:					
Area 1	14.84	1.65	3.00	1.55	.19
Area 2	15.67	1.65	3.00	1.55	.19
Area 3	16.00	1.65	3.00	1.55	.19
Area 4	16.32	1.65	3.00	1.55	.19
Group 4:					
Clamshell Operator (up to and including 7 cu. yds. M.R.C.)(Long Boom Pay):					
Area 1	15.42	1.65	3.00	1.55	.19
Area 2	16.56	1.65	3.00	1.55	.19
Area 3	16.88	1.65	3.00	1.55	.19
Area 4	17.20	1.65	3.00	1.55	.19

DECISION NO. CA81-5109 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 4-A: Clamshell Operator (over 7 cu. yds. M.R.C.) (Long Boom Pay):					
Area 1	$16.77	$1.65	$3.00	$1.55	.19
Area 2	17.93	1.65	3.00	1.55	.19
Area 3	18.29	1.65	3.00	1.55	.19
Area 4	18.61	1.65	3.00	1.55	.19
Schedule II					
Group A-1: Bargeman; Deckhand; Leveehand; Firmean; Oiler:					
Area 1	12.10	1.65	3.00	1.55	.19
Area 2	13.15	1.65	3.00	1.55	.19
Area 3	13.46	1.65	3.00	1.55	.19
Area 4	13.77	1.65	3.00	1.55	.19
Group A-2: Winchman (stern winch on dredge); Deck Engineer:					
Area 1	13.24	1.65	3.00	1.55	.19
Area 2	14.34	1.65	3.00	1.55	.19
Area 3	14.67	1.65	3.00	.155	.19
Area 4	14.98	1.65	3.00	1.55	.19
Group A-3: Watch Engineer; Welder; Welder Mechanic; Deckmate; Booster Pump Operator (Mud Cat):					
Area 1	14.00	1.65	3.00	1.55	.19
Area 2	15.14	1.65	3.00	1.55	.19
Area 3	15.47	1.65	3.00	1.55	.19
Area 4	15.79	1.65	3.00	1.55	.19

DECISION NO. CA81-5109 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group A-4: Leverman; Clamshell Operator:					
Area 1	$15.04	$1.65	$3.00	$1.55	.19
Area 2	16.19	1.65	3.00	1.55	.19
Area 3	16.50	1.65	3.00	1.55	.19
Area 4	16.82	1.65	3.00	1.55	.19

AREA DEFINITIONS FOR DREDGING, SCHEDULES I and II

*Employer contributes $0.44 per hour to a Pensioned Health and Welfare Fund.

Four Centers designated: City Halls of Oakland, San Fracisco, Sacramento, and Stockton, California

Area 1: Up to 20 road miles from said Centers
Area 2: More than 20 road miles to and including 30 road miles from said Centers
Area 3: Outside of 30 road miles from said Centers
Area 4: An area extending 25 road miles from Shoreline of Lake Tahoe

AREA DEFINITIONS FOR SOFT FLOOR LAYERS:

Area 1: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, and Lassen Counties (excluding Honey Lake Area); Merced County (east of San Joaquin River); Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba Counties; El Dorado, Nevada, Placer, and Sierra Counties (those portions excluding Lake Tahoe Area)
Area 2: Honey Lake Area and Lake Tahoe Area
Area 3: Lake, Marin, Mendocino, Merced, Monterey, San Francisco, San Benito, San Mateo, Santa Clara, Santa Cruz, and Sonoma Counties
Area 4: Del Norte and Humboldt Counties
Area 5: Alameda, Contra Costa, Napa and Solano Counties

Modification Page 7

DECISION NO. FL80-1075 - MOD. #7 (45 FR 41831 - June 20, 1980) Duval County, Florida	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	12.90	1.375	1.20		.04
Bricklayers & Stonemasons	11.65	.55	.50		.06
Carpenters & Piledrivermen	11.32	.72	.80		.06
Ironworkers	11.65	.70	.90		.03
P.R.O.					
Group I	12.18	.55	.50		.06
Group II	11.00	.55	.50		.06
Group III	8.80	.55	.50		.06
DECISION NO. FL81-1190 - MOD #2 (46 FR 15643-15644, March 6, 1981) Palm Beach & Martin Counties, Florida					
Change:					
Boilermakers	13.90	1.375	1.20		.04
Millwrights	12.67	.70	.70		.10
DECISION NO. FL80-1072 - MOD. #6 (45 FR 32535 May 16, 1980) Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center, & Melabar Radar Site, Florida					
Change:					
Boilermakers	12.90	1.375	1.20		.04
Millwrights	12.67	.70	.70		.10

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DECISION NO. FL81-1185 - MOD. #2 (46 FR 12406-12407 - February 13, 1981) Dade County, Florida	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	13.90	1.375	1.20		.04
Ironworkers	12.55	1.13	1.10		.15
Millwrights	12.67	.70	.70		.10
P.R.O.					
Class A	13.25	.50	.45		.05
Class B	12.33	.50	.45		.05
Class C	11.21	.50	.45		.05
Class D	10.29	.50	.45		.05
Class E	9.06	.50	.45		.06
DECISION NO. FL80-1064 - MOD. #4 (45 FR 20864 - April 25, 1980) Broward County, Florida					
Change:					
Boilermakers	13.90	1.375	1.20		.04
Ironworkers	12.55	1.13	1.10		.15
Millwrights	12.67	.70	.70		.10
Plumbers; Pipefitters					
Commercial	13.40	.85	.95		.15
Industrial	14.40	.85	.95		.15

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DECISION NO. KY80-1089 - MOD. #4 (45 FR 54613 August 15, 1980) Warren County, Kentucky	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Changes:					
Glaziers	11.50	.60	.50		.02
Ironworkers	12.85	.95	.95		.17
Laborers:					
Group 1	9.90	.45	.80		
Group 2	10.05	.45	.80		
Group 3	10.40	.45	.80		
Painters					
Brush & Roller	11.30	.40	.60		.10
Spray work, Drywall Finishing	11.55	.40	.60		.10
Structural Steel, Swing Stage Chair, & Motor Stage	11.65	.40	.60		.10
Paperhangers	11.80	.40	.60		.10
Sandblasting	12.05	.40	.60		.10

Modification Page 10

DECISION NO. KY80-1090 - MOD. #4 (45 FR 56280-56283 - August 22, 1980) Hardin, Jefferson, and Meade Counties, Ky.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Changes:					
Ironworkers	13.45	1.00	2.85		.10
Laborers					
Group I	9.60	.45	.80		.03
Group II	10.30	.45	.80		.03
Group III	10.50	.45	.80		.03
Group IV	10.65	.45	.80		.03
Group V	10.80	.45	.80		.03
Group VI	11.50	.45	.80		.03
Painters					
Area 1 - 35 mile radius from the Jefferson County Courthouse, Louisville, Ky:					
Brush, Roller, Drywall painting, Taping, Finishing & Paperhanging	11.07	.55	.60		.03
Steeple Jack work, Boatswain Chairs, Safety; belt work, Steamcleaning, Sandblasting, Exterior stage work and Window Jack work over 50' in height	11.42	.55	.60		.03
Spray	11.52	.55	.60		.03
Repaint Work - Brush, Roller, Drywall Painting, Taping, Finishing, & Paperhanging	10.32	.55	.60		.03
Repaint Work - Spray	10.77	.55	.60		.03

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DECISION NO. KY80-1090 - MOD. #4 cont.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Area 2 - over a 35 mile radius from the Jefferson County Courthouse, Louisville, Ky:					
Brush, Roller, Drywall Painting, Taping, Finishing, and Paperhanging	11.42	.55	.60		.03
Steeple Jack work, Boatswain Chairs, Safety-belt work, Steamcleaning, Sandblasting, Exterior Stage work, and Window Jack work over 50' in height	11.77	.55	.60		.03
Spray	11.87	.55	.60		.03
Repaint Work - Brush, Roller, Drywall Painting, Taping, Finishing, and Paperhanging	10.67	.55	.60		.03
Repaint Work - Spray	11.12	.55	.60		.03
Sheet Metal Workers	14.58	1.619	1.61		.16

DECISION NO. KY80-1093 - MOD. #1
(45 FR 56287-56290, August 22, 1980)
Boone, Campbell, Kenton, & Pendleton Counties, Ky.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers - Pendleton County					
Group I	10.40	.45	.80		
Group II	10.80	.45	.80		
Group III	11.00	.45	.80		
Group IV	11.10	.45	.80		
Group V	11.60	.45	.80		
Group VI	11.90	.45	.80		
Delete:					
POWER EQUIPMENT OPERATORS					
Group A	13.94	1.11	1.25		.11
Group B	13.82	1.11	1.25		.11
Group C	12.78	1.11	1.25		.11
Group D	12.35	1.11	1.25		.11
Group E	9.49	1.11	1.25		.11

DECISION NO. KY80-1093 - MOD. #3 cont.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add:					
POWER EQUIPMENT OPERATORS					
Group A	15.61	1.26	1.50		.11
Group B	15.45	1.26	1.50		.11
Group C	15.09	1.26	1.50		.11
Group D	14.31	1.26	1.50		.11
Group E	13.98	1.26	1.50		.11
Group F	11.78	1.26	1.50		.11

GROUP A: A-frame; Air compressor on steel erection; all rotary drills used on caisson work for foundations and substructure work; Boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation); Boom trucks (all types); Cableways; Cherry pickers; Combination concrete mixer and tower; Concrete pumps; Cranes (all types); Derricks (all types); Draglines; Dredge (dipper, clam or suction) 3 man crew; Elevating grader or euclid loader; Floating equipment; Gradalls; Helicopter operator, (hoisting builders materials); Helicopter winch operator (hoisting builders materials); Hoes (all types); Hoisting engines (two or more drums); Lift slab or panel jack operator; Locomotives (all types); Maintenance engineer (mechanic or welder); Mixer paving (multiple drum); Mobile concrete pumps with boom; Panelboard (all types on site); Pile driver; Power shovels; Side booms; Slip form pavers; Straddle carriers (building construction on site); Trench machines (over 24" wide); Tug boat

GROUP B: Asphalt paver; Bulldozer; CMI type equipment; End loaders; Kohlman type loaders (dirt loading); Mucking machines; Power grader; Power scoops; Power scrapers; Push cats; Lead greasemen

GROUP C: Air compressor, pressurizing shafts or tunnels; All asphalt rollers; Fork lifts; Hoist (one drum); House elevators; Man lift; Power boilers (over 15 lbs., pressure); Pump operator installing or operating well points or other type of dewatering system; Pumps (4" and over discharge); Submersible pumps (4" and over discharge); Trenchers (24" and under)

GROUP D: Compressors on building construction; Conveyors building material; Gunite machines; Mixers (cap., more than one bag); Mixers (one bag cap., side loader); Post driver; Post hole digger; Pavement breaker (hydraulic or cable); Road widening trencher; Rollers; Welder operator; Generators

GROUP E: Backfillers and tampers; Batch plant; Bar and joint installing machine; Bull floats; Burlap and curing machines; Clefplanes; Concrete spreading machines; Crushers; Drum fireman asphalt; Farm type tractors, pulling attachments; Finishing machines; Form trenchers; High pressure pumps (over ½" discharge); Hydro seeders; Self propelled powered spreader; Self propelled sub-grader; Tire repairman; Tractors (pulling sheep foot roller or grader); Vibratory compactors with integral power); Deckhand

GROUP F: Oiler, Helper, Signalman; Light plant operator; Power driven heaters (oil fired); Power boilers (less than 15 lbs., pressure); Pumps (under 4" discharge); Submersible pumps (under 4" discharge); Inboard, Outboard motor boat launch

DECISION NO. KY80-1094 - MOD. #4 (45 FR 46278-46280 - August 22, 1980) Henderson County, Ky.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Changes:					
Carpenters:					
Carpenters	13.17	.80	1.00		
Piledriverman	13.42	.80	1.00		
Cement Masons	13.30	.85	.65		
Laborers					
Group A	10.75	1.00	.75		.09
Group B	10.95	1.00	.75		.09
Group C	11.05	1.00	.75		.09
Group D	11.75	1.00	.75		.09
Roofers	13.13	.80	.80		
Sheet Metal Workers	14.58	1.619	1.61		.16

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. KY80-1096 - MOD. #4 (45 FR 56283-56285 - August 22, 1980) Franklin County, Kentucky					
Changes:					
Laborers:					
Group I	10.40	.45	.80		
Group II	10.80	.45	.80		
Group III	11.00	.45	.80		
Group IV	11.10	.45	.80		
Group V	11.60	.45	.80		
Group VI	11.90	.45	.80		
Sheet Metal Workers	14.58	1.619	1.61		.16
DECISION NO. KY80-1097 - MOD. #4 (45 FR 56274 - 56275 - August 22, 1980) Fayette County, Kentucky					
Changes:					
Laborers:					
Group I	10.40	.45	.80		
Group II	10.80	.45	.80		
Group III	11.00	.45	.80		
Group IV	11.10	.45	.80		
Group V	11.60	.45	.80		
Group VI	11.90	.45	.80		
Sheet Metal Workers	14.58	1.619	1.61		.16

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision No. KY80-1098 - MOD. #1 (45 FR 56285 - August 22, 1980) Fort Campbell (located in Christian County, Ky., and Montgomery County, Tn.)					
Changes:					
Carpenters:					
Carpenters, Soft Floor Layers & Lathers	13.60	.45	.25		.02
Piledrivermen & Millwrights	14.10	.45	.25		.02
Glaziers	11.50	.60	.50		.02
Ironworkers	12.85	.95	.95		.17
Laborers					
Group 1	9.90	.45	.80		
Group 2	10.05	.45	.80		
Group 3	10.40	.45	.80		
Painters					
Brush & Roller	11.30	.40	.60		.10
Spray work, drywall finishing	11.55	.40	.60		.10
Structural Steel, swing stage, chair & motor stage	11.65	.40	.60		.10
Paperhangers	11.80	.40	.60		.10
Sandblasting	12.05	.40	.60		.10

DECISION NO. KY80-1101 - MOD. #4 (45 FR 57919-57921 - August 29, 1980) McCracken County, Kentucky	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Carpenters & Lathers	13.60	.45	.25		.02
Piledrivermen & Millwrights	14.10	.45	.25		.02
Cement Masons	12.45	.90	.40		.05
Laborers:					
Group 1	9.90	.45	.80		
Group 2	10.10	.45	.80		
Group 3	10.40	.45	.80		
Painters					
Brush & Roller	12.30	.70			
Sandblast & Power Tools	12.85	.70			
Drywall Finishers & Paperhangers	12.80	.70			
Steeple Jack Work	13.45	.70			
Plumbers & Pipefitters	16.10	.75	1.00		.08
Sheet Metal Workers	14.58	1.619	1.61		.16

DECISION #MO80-4091-Mod. #1 45FR77281-November 21, 1980 Cass, Clay, Jackson, Platte, Henry, Johnson, Lafayette & Ray Counties, Missouri; Johnson & Wyandotte Counties, Kansas	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
HEAVY & HIGHWAY CONSTRUCTION Johnson & Wyandotte Counties, Kansas:					
Cement masons	$14.11	.80	.85		
LABORERS (SITE PREPARATION and GRADING, HEAVY & HIGHWAY CONSTRUCTION (Johnson & Wyandotte Cos., Kansas					
Zone 4					
Group 1	11.20	.60	1.00	1.05	.10
Group 2	11.35	.60	1.00	1.05	.10
Group 3	11.50	.60	1.00	1.05	.10
Group 4	11.70	.60	1.00	1.05	.10
Group 5	12.00	.60	1.00	1.05	.10
POWER EQUIPMENT OPERATORS SITE PREPARATION & GRADING, HEAVY & HIGHWAY CONSTRUCTION Johnson & Wyandotte Cos., Kansas					
Zone I					
Group I	13.10	1.05	1.25	1.05	.15
Group II	12.85	1.05	1.25	1.05	.15
Group III	12.15	1.05	1.25	1.05	.15
Group IV					
(a)	9.83	1.05	1.25	1.05	.15
(b)	11.15	1.05	1.25	1.05	.15
Group V	13.35	1.05	1.25	1.05	.15
Group VI	13.10	1.05	1.25	1.05	.15
TRUCK DRIVERS (SITE PREPARATION & GRADING, HEAVY & HIGHWAY CONSTRUCTION Johnson & Wyadotte Counties, Kansas - Zone X					
Group I	11.75	1.00	1.50	.75	
Group II	11.95	1.00	1.50	.75	
Group III	12.26	1.00	1.50	.75	
Group IV	12.41	1.00	1.50	.75	
Group V	11.53	1.00	1.50	.75	

MODIFICATION NO. MO80-4091 (cont'd.)

MODIFICATION NO. MO80-4091 (contd.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CARPENTERS:					
Zone 1	$14.05	.65	.75		.07
Zone 2:					
Carpenters	12.95	.65	.75		.07
Millwrights & piledrivermen	14.05	.65	.75		.07
Zone 3:					
Carpenters	13.375	.65	.75		.07
Millwrights & piledrivermen	14.05	.65	.75		.07
IRONWORKERS	13.83	.80	1.50	1.00	.05

DECISION #MO81-4013-Mod. #1
46FR14636-February 27, 1981
Statewide, Missouri

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Cement masons - Zone 3	$14.11	.80	.85		
LABORERS - Zone 5					
Group 1	11.20	.60	1.00	1.05	.10
Group 2	11.35	.60	1.00	1.05	.10
Group 3	11.50	.60	1.00	1.05	.10
Group 4	11.70	.60	1.00	1.05	.10
Group 5	12.00	.60	1.00	1.05	.10
POWER EQUIPMENT OP.-Zone 1					
Group I	13.10	1.05	1.25	1.05	.15
Group II	12.85	1.05	1.25	1.05	.15
Group III	12.15	1.05	1.25	1.05	.15
Group IV					
(a)	9.03	1.05	1.25	1.05	.15
(b)	11.15	1.05	1.25	1.05	.15
Group V	13.35	1.05	1.25	1.05	.15
Group VI	13.10	1.05	1.25	1.05	.15
TRUCK DRIVERS - Zone 1					
Group 1	11.75	1.00	1.50		.75
Group 2	11.95	1.00	1.50		.75
Group 3	12.26	1.00	1.50		.75
Group 4	12.41	1.00	1.50		.75
Group 5	11.53	1.00	1.50		.75
CARPENTERS & PILEDRIVERMEN:					
Zone 9	14.03	.65	.75		.07
IRONWORKERS:					
Zone 2	13.85	.80	1.50	1.00	.05
Zone 3	13.735	.80	1.50	1.00	.05

DECISION NO. NM80-4101 - MOD. #1.
45 FR 83611 - December 19, 1980
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CARPENTER	$ 6.71	.10	.20	.10	.04
CEMENT MASON	6.34	.26			
IRONWORKERS:					
Reinforcing	6.61	.25	.25		
Structural	8.24	.50	.75		.04
LABORERS:					
Group I	4.22	.20	.15		
Group II	4.52	.20	.15		
Group III	4.52	.20	.15		
Group IV	4.92	.20	.15		
PAINTERS:					
Brush	7.96	.10	.20	.10	.04
Spray	7.74	.11	.07	.01	.01
TRUCK DRIVERS:					
Distributor (asphalt)	5.11	.26			
Dump or batch truck: under 8 cy	4.71	.26			
8 cy and under 16 cy	4.91	.26			
Diesel-powered transport	5.31	.26			
Flat bed, 1½ ton	4.71	.26			
Flat bed, over 1½ ton	4.91	.26			
Lowboy, heavy equipment	5.31	.26			
Lowboy, light equipment	5.11	.26			
Off-highway hauler	5.11	.26			
Pick-up truck 3/4 ton or under	4.71	.26			
Trailer or semi-trailer dump & transit mix	5.11	.26			
Warehousemen	4.71	.26			

DECISION #NM81-4023 MOD #1
46 FR 21572 - April 10, 1981
STATEWIDE, NEW MEXICO

OMIT:

SOFT FLOOR LAYERS' ZONE DEFINITIONS

ZONE 1 - Dona Ana, Luna and Otero Counties, New Mexico
ZONE 2 - Statewide (excluding Dona Ana, Luna and Otero Counties)

CHANGE:

COMMERCIAL LINE WORK
Applies to switching stations and substations adjacent to power plants in zone 1 and zone 2 in Luna, Dona Ana, Otero, and Hidalgo Counties, exclusive of White Sands Missile Range and that portion of Fort Bliss in New Mexico.

ZONE 1
The area within 25 miles radius from the downtown Post Office of El Paso, Texas. Fort Bliss and Biggs Field; the area within a five mile radius of any city, town or municipality within which an employer establishes or maintains his place of business; the area within ten mile radius form the post office in Las Cruces, New Mexico, and within a five mile radius from the post office in Alamogordo, New Mexico,

ZONE II
All other areas of the jurisdiction except those specified in zone 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE II					
Linemen - tehonicians	11.60	.60	3%		4%
Cable splicers	11.85	.60	3%		4%
Equipment Opr. (includes helicopter opr.)	11.02	.60	3%		4%
Equipment Mechanic (includes helicopter mechanic)	10.21	.60	3%		4%
Powderman	10.21	.60	3%		4%
Oprs.	8.24	.60	3%		4%

DECISION NO. NY81-3024 - Mod. #2
(46 FR 20442 - April 3, 1981)
Bronx, Kings, Queens, New York

DECISION NO. NY81-3024 - Mod. #2 (Cont'd)

DECISION NO. NY81-3024 - Mod. #2
(46 FR 20442 - April 3, 1981)
Bronx, Kings, Queens, New York
& Richmond Counties, New York

Change:

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Class 1	13.95	1.05	3.25	.75+a	.10
Class 2	13.85	1.05	3.25	.75+a	.10
Class 3	13.53	1.05	3.25	.75+a	.10
Class 4	13.26	1.05	3.25	.75+a	.10
Class 5	12.97	1.05	3.25	.75+a	.10
Class 6	12.96	1.05	3.25	.75+a	.10
Class 7	12.60	1.05	3.25	.75+a	.10
Class 8	12.32	1.05	3.25	.75+a	.10
Class 9	11.73	1.05	3.25	.75+a	.10
Class 10					
a	14.03	1.05	3.25	.75+a	.10
b	14.28	1.05	3.25	.75+a	.10
c	14.53	1.05	3.25	.75+a	.10
d	15.03	1.05	3.25	.75+a	.10
Class 11	13.31	1.40	.75		.05
Class 12	13.00	1.40	.75		.05
Class 13	12.78	1.40	.75		.05

FOOTNOTE:
a. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day, Christmas Day, providing the employee works one day in the payroll week in which the holiday occurs.

CLASSIFICATIONS:
Class 1: Backhoes, Power shovels.

Class 2: Mine hoist, Cranes, etc, used as mine hoists.

Class 3: Gradalls, Ketstones, Cranes (with digging buckets including sand dock cranes, bridge cranes), Trenching machines.

Class 4: Rigs (under direction of a dockbuilder foreman), Derrick boats, Tunnel shovels, Piledrivers.

Class 5: Raise Bore Drill.

Class 6: Mucking machines, Back filling machines, Cranes, Paver dual drums.

DECISION NO. NY81-3024 - Mod. #2 (Cont'd)

POWER EQUIPMENT OPERATORS (CONT'D)
HEAVY AND HIGHWAY CONSTRUCTION

Class 7: Elevator (manually operated), Concrete pavers, Cableways, Land Derricks, Mixers, Power Houses (which contain low pressure units).

Class 8: Power Houses (other than above), Compressors (3 or more in battery), Stone Crusher, Double Drum Hoist, Concrete pumps, Well point pumps, Tugger machines (caissons), Drilled in caissons, Soil solidification equipment, Welding machines (used for steel erection), Concrete plant, Conveyor attachment, Wall Drilling machine.

Class 9: River cofferdam pumps, Welding machines, Boilers, High pressure, Compressors (portable, single or two in a battery), not over 100' apart, Concrete breaking machines, Hoists, Single drum, Load Masters, Locomotives and Dinkies over 10 tons, Mixers (Concrete with loading attachment), Push button machines.

Class 10: Long Boom Land Cranes:
a---100' to 149'
b---150' to 249'
c---250' to 349'
d---350' to 450'

Class 11: Loaders rubber tired and/or tractor type with a manufacturer's minimum rated bucket capacity of 6 cubic yards and over.

Class 12: Scrapers, Turnapulls, Tugger hoists used exclusively for handling excavated material, Tractors (rubber tired and/or track type), Hysters and roustabout cranes, Back scratchers, Cherry-pickers under 20 tons, Austin Western and machines of a similar nature, Bulldozers, Loaders rubber tired and/or tractor type with a manufacturer's minimum rated bucket capacity or less than 6 cubic yards, Conveyors, Motor graders, Curb and Gutter Pavers and machines of a similar nature.

Class 13: Tractors, Locomotives 10 tons and under, Post hole diggers, Motor generators, Road Finishing machines, Mixers 16S and under with or without loading devices, Rollers 5 tons and under, Tugger hoists, Dual purpose trucks, Fork lifts, Dumpster Dumpsters, Firemen tending to: Steam operated shovels, power boilers, steam operated piledrivers, steam operated derrick boats, steam operated water rigs.

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DECISION NO. OR80-5145 - Mod #8 (45 FR 77321 - Nov. 21, 1980) Statewide Oregon	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
DREDGING:					
Leverman:					
Dipper	14.66	1.25	1.47	.50	.05
Hydraulic	13.41	1.25	1.47	.50	.05
Assistant Engineer (Including Watch Engineer, Welder, Mechanic, and Machinist); Mate	14.25	1.25	1.47	.50	.05
Tenderman (Boatman, attending Dredge Plant); Fireman	13.98	1.25	1.47	.50	.05
Assistant Mate (Deckhand); Oiler	13.66	1.25	1.47	.50	.05

DECISION NO. PA80-3044 MOD. NO. 5 (45 FR 49839 - July 25, 1980) Northumberland County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BUILDING, HEAVY & HIGHWAY:					
Electricians:					
Remainder of County	$13.65	.60	3%+.60		.03
Cement masons	12.45				.01
LABORERS: (Building Construction)					
North of Susquehanna River					
Unskilled laborers, scaffold builders, wrecking, window cleaners & demolition	8.35	.70	.60		
Mason tenders, operators of jackhammers, paving breakers, vibrators & other pneumatic & mechanical tools coming under the jurisdiction of laborers, wagon drill op., excavating for caissons, underpinning & pier holes (below 12"), non-metallic pipe layers, plasterers tenders mortar men (mixed by hand), handling & using cutting or burning torches in the wrecking of building	8.90	.70	.60		
POWER EQUIPMENT OPERATORS:					
BUILDING & HEAVY CONSTRUCTION:					
GROUP 1	14.27	9.5%	10.5%	*	1.5%
GROUP 2	13.98	9.5%	10.5%	*	1.5%
GROUP 3	13.11	9.5%	10.5%	*	1.5%
GROUP 4	12.34	9.5%	10.5%	*	1.5%
GROUP 5	11.87	9.5%	10.5%	*	1.5%
GROUP 6	10.96	9.5%	10.5%	*	1.5%
GROUP 7	14.32	9.5%	10.5%	*	1.5%
GROUP 7-A	14.77	9.5%	10.5%	*	1.5%
GROUP 7-B	13.81	9.5%	10.5%	*	1.5%

Modification Page 27

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #SD80-5118 - Mod. #3 (45 FR 38246 - June 6, 1980) Statewide, South Dakota					
Change:					
Line Construction:					
Group 1	$12.90	.45	4%		1/2%
Group 2	12.67	.45	4%		1/2%
Group 3	10.32	.45	4%		1/2%
Group 4	8.60	.45	4%		1/2%
Group 5	7.90	.45	4%		1/2%
DECISION NO. WA81-5107 - Mod #4 (46 FR 20432 - April 3, 1981) Statewide Washington					
CHANGE:					
POWER EQUIPMENT OPERATORS (DREDGING - AREA 3)					
Clark, Cowlitz, and Klickitat Counties; Pacific County (Southern Portion); Skamania and Wahkiakum Counties:					
Group 1	$14.66	1.25	1.47	.30	.03
Group 1A	15.41	1.25	1.47	.30	.05
Group 2	14.25	1.25	1.47	.30	.03
Group 3	13.98	1.25	1.47	.30	.03
Group 4	13.68	1.25	1.47	.30	.03

Modification Page 28

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. WY81-5106 - Mod. #1 (46 FR 20477 - April 3, 1981) Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming					
CHANGE:					
ELECTRICIANS:					
Area 1:					
Electricians	$ 13.25	.73	3%+.50		3/4 of 1%
Cable Splicers	13.50	.73	3%+.50		3/4 of 1%
Area 2:					
Contracts $250,000 and under:					
Electricians	14.73	1.00	3%+.73		3/4 of 1%
Sprinkler fitters	14.57	.95	1.40		.00

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: CA81-5118 DATE: Date of Publication
Supersedes Decision No. CA80-5133 dated September 26, 1980, in 45 FR 64046
DESCRIPTION OF WORK: Building Projects (including Residential Projects consisting of single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pension	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$17.74	$1.30	$1.45		.07
BOILERMAKERS	17.61	1.30	1.25	1.00	.04
BRICKLAYERS; Stonemasons	15.09	1.13	1.34		.13
BRICK, BLOCK and STONEMASONS' TENDERS	12.42	.87	2.26	1.00	
CARPENTERS:					
Carpenters	15.11	.91	1.55		.07
Piledrivermen	15.36	.91	1.55		.07
Millwrights; Pneumatic Nailer; Hardwood Floor-layers	15.61	.91	1.55		.07
CEMENT MASONS:					
Cement Masons	12.41	1.00	2.05	2.00	.07
Color Work; Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	12.71	1.00	2.05	2.00	.07
DIVERS:					
Divers	35.22	.91	1.55		.07
Stand-by Divers	17.61	.91	1.55		.07
Tender	16.61	.91	1.55		.07
DRYWALL INSTALLERS	16.60	.91	1.55		.07
DRYWALL FINISHERS	15.31	1.23	1.43	.75	.07
ELECTRICIANS:					
Electricians; Technicians	17.43	.88	30+2.04		.13
Cable Splicers	17.88	.88	30+2.04		.13
ELEVATOR CONSTRUCTORS	16.62	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS (Prob.)	50%JR				
GLAZIERS	14.88	1.03	1.30		
IRONWORKERS:					
Fence Erectors	13.46	1.39	2.57	2.15	.07
Reinforcing	14.35	1.39	2.57	2.15	.07
Ornamental; Structural	14.35	1.39	2.57	2.15	.07
IRRIGATION And LAWN SPRINKLERS	12.24	100	160	130	10
LATHERS	16.18	.91	1.55		.10

DECISION NO. CA81-5118 Page 2

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pension	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Groundman	$13.21	.88	30+2.04		.13
Lineman	17.15	.88	30+2.04		.13
Cable Splicers	17.45	.88	30+2.04		.13
MARBLE SETTERS	11.27	1.00	1.79	1.24	.13
PAINTERS:					
Brush, Paint Burner	15.26	1.23	1.43	.75	.07
Brush (swing stage), Spray Paperhanger, Spray (swing stage)	15.51	1.23	1.43	.75	.07
Sandblaster (swing stage); Iron, steel and bridge painters (swing stage); Iron, steel and bridge painter, Spray (swing stage)	15.76	1.23	1.43	.75	.07
Sandblaster; Iron, steel and bridge painter (groundwork); Iron, steel and bridge painters, Spray (groundwork); Riggers, climbing steel; Brush, climbing steel and bridge; Spray, climbing steel and bridge	16.26	1.23	1.43	.75	.07
Stagelejack	16.01	1.23	1.43	.75	.07
PARKING LOT WORK And/Or Highway MARKERS:	16.91	1.23	1.43	.75	.07
Traffic delineating device applicator	11.22	.90	.55	b	
Wheel stop installer; Traffic surface sandblaster	11.22	.90	.55	b	
Striper	10.83	.90	.55	b	
PAVING SEAL OPERATION:					
Mixer Operator	10.83	.90	.55	b	
Squeegee Man	9.64	.90	.55	b	
Applicator Operator	9.64	.90	.55	b	
Shuttleman	9.64	.90	.55	b	
Top Man	8.10	.90	.55	b	
PLASTERERS	15.41	.65	2.50		.12

DECISION NO. CA81-5118 Page 3

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pension	Vacation	Education and/or Appr. Tr.
PLASTERER TENDERS	12.41	.90	2.05	2.00	.07
PLUMBERS	16.95	1.23	1.43	.75	.07
ROOFERS	13.10	.91	1.55		.07
SHEETMETAL WORKERS	15.61	.91	1.55		.07
SOFT FLOOR LAYERS	15.61	.91	1.55		.07
STEAMFITTERS	16.95	1.23	1.43	.75	.07
TERRAZZO WORKERS	14.35	1.39	2.57	2.15	.07
TERRAZZO FINISHERS	13.46	1.39	2.57	2.15	.07
TILE SETTERS	14.35	1.39	2.57	2.15	.07
TILE FINISHERS	13.46	1.39	2.57	2.15	.07
TRUCK DRIVERS:					
Group 1	11.22	.90	.55	b	
Group 2	11.32	.90	.55	b	
Group 3	11.42	.90	.55	b	
Group

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' TENDERS	$14.30	.87	$2.26	$1.00	
PLUMBERS; Pipefitters; Steamfitters; Air Condition, Refirgeration	16.75	1.52	2.44	1.98	.08
ROOFERS	12.79	.80	1.05	1.00	
SHEET METAL WORKERS	16.34	1.20	2.64		.04
SOFT FLOOR LAYERS	14.77	.91	1.70		.10
SPRINKLER FITTERS	20.03	.95	1.40		.08
TERRAZZO WORKERS	12.54	.81	1.17		.08
TILE SETTERS	13.54	.81	1.17		.08
TILE and MARBLE FINISHERS	10.33	1.00	1.00	1.00	.21
RIGGERS; WELDERS - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.34 per hour to Holiday Fund plus $.24 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years $.45 per hour to Vacation, 5 years but less than 10 years $.60 per hour to Vacation Fund, over 10 years $.80 per hour to Vacation Fund.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS:					
Group 1	$11.10	.87	$2.26	$1.00	.13
Group 2	11.40	.87	2.26	1.00	.13
Group 3	11.60	.87	2.26	1.00	.13
Group 4	11.85	.87	2.26	1.00	.13

LABORERS

Group 1: Laborer (general construction); Boring Machine Tender; Caulker; Cesspool Digger and Installer; Chucktender (except tunnels); Concrete Curer (impervious membrane and form oiler); Concrete Water curing, Cutting Torch Operator (demolition); Driller's Tender (Caisson) including Bellowsmen, Dri Pak-it Machine, Concrete Cutting Torch, Dry packing of concrete, plugging, filling of Shee Bolt Holes, Fine Grader on highways, streets and airport paving (sewer and drainage lines when employed); Flagmen; Gas and Oil Pipeline Laborer; Guinea Chaser; Jet Man; Landscape Gardener and Nursery Man; Laser Beam in connection with Laborers work; Packing Rod Steel and Pans; Pipelayer's Backup Man; Coating, Grouting, Making of Joints; Sealing, Caulking, Dispering and including Rubber Gasket Joints, Pointing; Railroad work Laborer; Rigging and Signaling, Riprap Stonepaver; Sandblaster (Pot Tender); Scaler, Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner, Tool Shed Checker; Watchman; Window Cleaner; Fence Erector (Class 3); Rebound Man (gunite industry); Housemover Journeyman

Group 2: Asphalt Raker; Ironer; Spreader; Buggymobile Man; Cement Dumper (on 1 yard or larger mixers and handling bulk cement); Concrete Saw Man (excluding tractor type); Roto-scraper; Chipping Hammper; Concrete Core Cutter and Form Blower; Concrete Grinder and Sander; Cribber; Shorer; Lagging and Trench Bracing; Hand-guided Lagging Hammer; Driller; All power Drills, including Jackhammer, whether Core, Diamond, Wagon, Track Multiple Unit, and all types of Mechanical Drills without regard to the form of motive power; Driller (all other where drilling is for use of explosives); Gas and Oil Pipeline Wrapper (Pot Tender and Form Man); Gas and Oil Pipeline Wrapper (6 inch pipe and over); Operator and Tenders of pneumatic, gas and electric tools; Concrete Pumps; Vibrating Machines; Multi-plate Impact Wrench and similar mechanical tools not separately classified herein; Pipelayer (performing all services in the laying and installation of pipe from the point of receiving pipe until completion of the operation, including any and all forms of tubular material, whether Pipe, Metallic or Nonmetallic, Conduit and any other stationary type of tubular device used for the conveying of substance or element, whether water, sewage, solid, gas, air or other products what-so-ever and without regard to the nature of material from which the tubular material is fabricated; Powderman; Blasters' Tenders; Prefabricated Manhole Installer; Rock Slinger; Sandblaster and Waterblaster (Nozzleman); Scaler (using Bos'n Chair, Safety Belt); Steel Headerboard Man; Tee Climber, using mechanical tools; Welding in connection with Laborer's work; Fence Erector (Class 2); Gun Man (gunite industry)

Group 3: Fence Erector (Class 1); Nozzleman and Rod Man (gunite industry)

Group 4: Powderman; Blasters (licensed) - all work of loading holes, placing and blasting all powder and explosives of whatever type regardless of method used for such loading and placing

TUNNEL LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$11.60	.87	$2.26	$1.00	.13
Group 2	11.40	.87	2.26	1.00	.13
Group 3	11.85	.87	2.26	1.00	.13

Group 1: Blasters; Drillers; Powdermen; Cherry Pickerman; Grout Gunmen; Kemper and other pneumatic Concrete Placer Operator; Miners in short dry tunnels under streets, highways and similar places; Miners (tunnel hand or machine); Powderman Helper (tunnel work); Steel Form Raisers and Setters; Timbermen; Retimbermen - wood or steel

Group 2: Bull Gang Muckers (Trackman); Chucktender; Cabletender; Concrete Crew (includes Rodders and Spreaders); Dumpmen; Grout Crew; Tender for Steel Form Raisers and Setters; Muckers (Laborers) in short dry tunnels, under streets, highways and similar places; Nipper; Swamper (Breakmen and Switchman) on tunnel work; Vibratormen; Jackhammer; Pneumatic tools (except Driller); Nutli-plate Impact Wrench

Group 3: Powdermen (licensed) - Primer House (tunnel work); Shaft and Raise Miner; Shifters; Watchmen

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.60	$1.10	$2.65	.90	.14
Group 2	13.88	1.10	2.65	.90	.14
Group 3	14.17	1.10	2.65	.90	.14
Group 4	14.31	1.10	2.65	.90	.14
Group 5	14.55	1.10	2.65	.90	.14
Group 6	14.64	1.10	2.65	.90	.14
Group 7	14.76	1.10	2.65	.90	.14
Group 8	14.93	1.10	2.65	.90	.14
Group 9	15.06	1.10	2.65	.90	.14

POWER EQUIPMENT OPERATORS: (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)

POWER EQUIPMENT OPERATORS: (Cont'd)

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator; Pump; Signalman; Switchman; Ditchwitch; Elevator Operator (inside); Forklift (under 5 tons);

Group 2: Concrete Mixer (skip type); Conveyor; Fireman; Hydrostatic Pump; Plant Operator; Generator, Pump or Compressor; Rotary Drill Tender (oilfield); Skiploader - wheel type up to 3/4 yd. without attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Concrete Pump Oiler (truck mounted)

Group 3: Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power driven Jumbo Form Setter; Stationary Pipe Wrapping and Cleaning Machine; Gradall Oiler; Surge Tank and Weight Master (Hot Plant); Trencher Oiler (foundations); Truck Crane Oiler

Group 4: Asphalt Plant Fireman; Boring Machine; Chip Spreading Machine; Concrete Pump Operator; Dinkey Locomotive or Motorman (10 ton); Helicopter Hoist; Highline Cableway Signalman; Power Sweeper; Trenching Machine (up to 6 ft.); Concrete Pump Operator, truck mounted; Rodman and Chainman; Helicopter Radioman

Group 5: A-frame Winch Truck Operator; Asphalt Plant or Concrete Batch Plant Operator (where commercial power is not used, no less than one Generator Operator is required); Asphalt Spreading Machine Operator (Spreader Bar and similar); Bit Sharpener; Boxman or Mixerman (asphalt or concrete); Concrete Joint Machine Operator (canal and similar type); Concrete Planer Operator; Derrickman (oilfield type); Drilling Machine Operator (including water wells); Equipment Greaser (Mobile and Grease Rack); Forklift Operator (over 5 ton capacity); Hydro-hammer - Aero Stomper; Hydrographic Seeder Machine Operator (straw, pulp, or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanical Finisher Operator (Concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker Operator (truck mounted, oiler required); Road Oil Mixing Machine Operator; Roller Operator; Ross Carrier Operator (jobsite); Self-propelled Tar Pipelining Machine Operator; Skiploader Operator (wheel or track type over 3/4 yd. up to and including 1¼ yds.); Skiploader - Ford Ferguson up to 3/4 yd. with drag attachments; Slip Form Pump Operator (power driven hydraulic lifting device for concrete forms); Screed Operator; Stinger Crane (Austin-Western or similar type); Traveling Pipe Wrapping, Cleaning and Bending Machine Operator; Truck type Loader; Tugger Hoist (1 drum)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Plant Engineer; Asphalt or Concrete Spreading Operator (tamping or finishing); Asphalt Paving Machine Operator (Barber Green or similar type); Automatic Curb Machine; Belt Splicer or Vulcanizer; BHL Lima Road Pactor; Wagner Pactor or similar Operator; Bridge Crane Operator; Bridge type Unloader and Turntable Operator; Cast-in-place Laying Machine; Combination Mixer and Compressor Operator (Gunite work); Concrete Mixer; Concrete Mixer Operator - paving (Oiler required); Crane Operator (up to and including 25 ton capacity)(Oiler required)(Long Boom Pay applicable); Crushing Plant Operator (Oiler required)(where commercial power is not used, no less than one Generator Operator is required); Deck Engine Operator; Drill Doctor; Elevating Grade Operator; Gradall Operator (Oiler required); Grade Checker; Grouting Machine Operator; Guard Rail Post Driver Operator; Heavy Duty Repairman; Hoist Operator (single drum - Buck Hoist - Chicago Boom and similar type); Hoist Operator (2 or 3 drum); Holman Belt Loader and similar type (when two or more are working together an additional employee shall be required); LeTourneau Blob Compactor or similar type; Lift Mobile Operator (Oiler required); Lift Slab Machine Operator (Vagtborg and similar types); Material Hoist Operator (1 drum); Mucking Machine Operator (1/4 yd.) (Oiler required)(rubber-tired, rail or track type); Pile Driver Operator (Oiler required); Pneumatic Concrete Placing Machine Operator (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumperete Gun Operator; Polar Gantry Crane Operator; Rotary Drill Operator (excluding Caisson type)(Oiler required); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon - Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired Scraper Operator (self-loading paddle wheel type - John Deere 104 and similar single unit); Skiploader Operator (wheel or track type, over 1¼ yds. up to and including 6¼ yds.); Stinger Crane (Austin-Western-Pettibone or similar type) (over 5 tons); Surface Heaters and Planer Operator; Tractor Compressor Drill Combination Operator; Tractor Operator (Bull Dozer, Tamper, Scraper, and Push Tractor, single engine); Trenching Machine Operator (over 6 ft. depth capacity - manufacturers rating) (Oiler required); Tunnel Locomotive Operator (10 to 30 tons); Universal Equipment Operator (Shovel, Backhoe, Dragline, Clamshell, up to and including 1 cu. yd. M.R.C.) (Oiler required) (Long Boom Pay applicable); Welder (general)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Automatic Lineau Tension Machine (2 Operator required); Crane Operator (over 25 tons, up to and including 100 ton M.R.C.) (Long Boom Pay applicable) (Oiler required); Derrick Barge Operator (Oiler required, up to 100 tons) (over 100 tons, Fireman or Oiler required); Dual Drum Mixer (Oiler required); Hoist Operator (2 or 3 drum with boom attachment); Hoist Operator (Stiff Leg, Guy Derrick or similar type up to 100 ton capacity) (Oiler required, Long Boom pay applicable); Loader Operator (Athey, Euclid, Sierra or similar type); Monorail Locomotive Operator (diesel, gas, or electric); Motor Patrol - Blade Operator; Multiple Engine Tractor Operator (Euclid and similar type, except Quad 9 Cat); Pre-stressed Wrapping Machine Operator (2 Operators required); Rubber-tired Earth Moving Equipment Operator (multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor Loader Operator (Crawler and wheel type over 6¼ yds.); Tractor Operator (boom attachments) (over 40 ft. boom, Oiler required); Tower Crane Operator (two Operators required); Tower Crane Repairman; Universal Equipment Operator (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. M.R.C.); Welder - certified; Welder-Heavy Duty Repairman Combination; Woods Mixer Operator and other similar Pugmill Equipment

Group 8: Auto Grader Operator (one Grade Checker and one additional employee required); Automatic Slip Form Operator (Grade Checker and one additional employee required); Crane Operator (over 100 tons, two Operators required, Long Boom Pay applicable); Mass Excavator Operator (two or more Operators and Oiler required, less than 750 cu. yds.); Mechanical Finishing Machine Operator; Mobile Form Traveler Operator; Motor Patrol Operator (multi-engine); Pipe Mobile Machine Operator (two Operators required); Rubber-tired Earth Moving Equipment Operator (multi-engine, Euclid, Caterpillar, and similar type over 50 cu. yds. struck); Rubber-tired Scraper Operator (pushing one another without Push Cat, Push Pull - $.50 per hour additional to base rate); Rubber-tired Self Loading Scraper Operator (paddle wheel - Auger type Self Loading, 2 or more units); Polar Crane Operator; Tandem Equipment Operator (2 units only); Tandem Tractor Operator (Quad 9 or similar type); Tunnel Mole Boring Machine Operator

Group 9: Canal Liner or Trimmer Operators (not less than four (4) employees required - Oiler, Welder - Mechanic and Grade Checker); Helicopter Pilot; Highline Cableway Operator; Remote Controlled Earth Moving Equipment Operator (no one Operator shall operate more than two pieces of earth moving equipment at one time) ($1.00 per hour additional to base rate); Wheel Excavator Operator (over 750 cu. yds. per hour, two Operators and one Oiler and two Heavy Duty Repairmen required)

POWER EQUIPMENT OPERATORS: DREDGING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
(Hydraulic Suction Dredge)					
LEVERMAN	$15.45	$1.10	$2.80	.92	.04
WATCH ENGINEER; Welder	14.87	1.10	2.80	.92	.04
DECKMATE	14.87	1.10	2.80	.92	.04
WINCHMAN (Stern Winch or Dredge)	14.32	1.10	2.80	.92	.04
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	13.78	1.10	2.80	.92	.04
(Clamshell Dredges)					
LEVERMAN	15.45	1.10	2.80	.92	.04
WATCH ENGINEERS	14.87	1.10	2.80	.92	.04
DECKMATE	14.87	1.10	2.80	.92	.04
BARGEMATE	14.39	1.10	2.80	.92	.04
BARGEMAN; Deckhand; Fireman; Oiler	13.78	1.10	2.80	.92	.04

SUPERSEDEAS DECISION

STATE: Delaware COUNTIES: State of Delaware
DECISION NO.: DE81-3028 DATE: Date of Publication
Supersedes Decision NO. DE78-3028 dated November 1, 1978 in 43

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.14	$1.25	$1.76	$1.00	.10
Group 2	12.34	1.25	1.76	1.00	.10
Group 3	12.54	1.25	1.76	1.00	.10
Group 4	12.75	1.25	1.76	1.00	.10
Group 5	14.74	1.25	1.76	1.00	.10
Group 6	11.84	1.25	1.76	1.00	.10

Group 1: 2 axle Dumps; 2 axle Flatbed; Bunkerman; Concrete Pumping; Industrial Lift; Warehouseman; Forklift, under 15,000 lbs.

Group 2: 3 axle Dump; 3 axle Flatbed; 2 axle Water Trucks; Erosin Control Nozzleman; Dumpcrete, less than 6½ yds.; Forklift 15,000 lbs. and over; Prell; Pipeline working Truck Driver; Road Oil Spreader; Cement Distributor or Slurry Driver; Bootman; Ross Carrier

Group 3: Off-road Dump, under 35 tons; 4 axle but less than 7 axle; Lowbed and Trailer; Transit Mix, under 8 yds.; 3 axle Water Trucks; Erosin Control; Grout Mixer; Dumpcrete 6½ yds. and over; Dumpsters; DW 10's, 20's and over; Fuel Truck and Dynamite; Winch, 2 axle; Truck Greaser

Group 4: Off-road Dump, 35 tons and over; 7 axle or more; Transit Mix, 8 yds. and over; A-frame or Swedish Cranes; Fireman; Water Pull Pull Tankers; Welder; Winch Truck, 3 axle or more

Group 5: Truck Repairman

Group 6: Traffic Control, also Swampers and Pickups

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Delaware COUNTIES: State of Delaware
DECISION NO.: DE81-3028 DATE: Date of Publication
Supersedes Decision NO. DE78-3000 dated November 3, 1978 in 42 FR 51567
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4 stories), Heavy & Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	14.24	1.20	1.90		.03
BOILERMAKERS:					
New Castle County	15.57	1.275	1.00		.04
Kent & Sussex Counties	14.275	1.275	1.00		.02
BRICKLAYERS	11.40	.95	1.10		
CARPENTER - BUILDING & HEAVY					
New Castle & Kent Counties	12.55	1.29	1.40		.03
Sussex County	12.19		1.00		.02
CARPENTS - HIGHWAY CONSTRUCTION:					
New Castle & Kent Counties	10.95	1.29	1.40		.03
CEMENT MASONS:					
Building Construction	10.55	1.20	.82		
Heavy & Highway Construction	10.25	1.20	.82		
DIVERS	11.97	2.63	1.40	a	.13
ELECTRICIANS	14.03	1.15	1.26		.40
ELEVATOR CONSTRUCTORS:					
Mechanics	13.26	1.195	.95	b•c	.035
Elevator Constructors' Helpers	9.28	1.195	.95	b•c	.035
Elevator Constructors' Helpers (Probationary)	6.63				
GLAZIERS	11.93	.95	1.80		.01
IRONWORKERS:					
Structural Ornamental, Reinforcing, Riggers & Machinery Movers	12.95	1.34	1.34		.05
LABORERS - BUILDING CONSTRUCTION:					
CLASS 1	9.20	.90	.90		
CLASS 2	9.45	.90	.90		
CLASS 3	9.70	.90	.90		
CLASS 4	9.80	.90	.90		
CLASS 5	10.45	.90	.90		

DECISION NO. DE81-3028

LABORERS - CLASSIFICATION DEFINITIONS
BUILDING CONSTRUCTION

CLASS 1 - Laborers, general and construction, dumpmen and truck spotters

CLASS 2 - Caulkers; operators of pneumatic and electric tools; vibrating machines; concrete saws and pumps (which shall include the hook-up of hose and/or pipe); pot tenders; and sewer pipe layers; demolition (where walls are required to be ridden down by hand tools). Driller (except Core, Diamond, or Multiple Wagon); Gunite material and rebound workers; mason and plasterer tenders; and cement workers; mobile buggy operators; operators of power saws (portable) power and sewing machines; scaffold builders, shoring; hookup men; including when working with digging and grading equipment; stripping of flat arch and form work; and cleaning and oiling thereof, and tool room attendant

CLASS 3 - Burners and welders; caisson workers, top men (when excavations for caissons are dug eight feet or more below the nature grade level adjacent to the starting point of the caisson hole, the rate shall apply at the ground level); driller (core, diamond, or multiple wagon); gunite industrial fume stack, nozzle, and rod workers; sandblaster (nozzleman); tunnelling - Underpinning excavation (when an underpinning excavation is dug eight feet or more below the natural grade, or when an excavation for a pier hole of five feet square or less and eight feet or more deep is dug, the rate shall apply only when a depth of eight feet is reached); working under compressed air

CLASS 4 - Caisson workers, bottom men

CLASS 5 - Blaster; laborers engaged in unloading, placing, and assisting in the installation of well point systems or deep well systems as long as needed on the job for such work

DECISION NO. DE81-3028

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS - HEAVY CONSTRUCTION:					
New Castle County:					
General laborers, asphalt tamper, asphalt raker, concrete pitman, landscaper, planter, puddler, railroad trackman, rubber magazine tender, seeder and arboriate, and signalman	6.95	.90	.90		
Pipelayers	7.10	.90	.90		
Blasters, caissons, and cofferdams (open air below 8 feet where excavations for circular caissons and cofferdams are 8 feet or more below level of natural grade adjacent to start point), diamond point drills, form setters, gunite nozzle operators, and wagon drills	7.25	.90	.90		
LABORERS - HEAVY CONSTRUCTION:					
Kent & Sussex Counties:					
Common laborers, landscapers, planters, seeders, aborists, asphalt tampers, rakers, concrete pitman, puddlers, rubber magazine tenders, railroad trackmen, signal men	5.95	.90	.90		
Pipelayers	6.10	.90	.90		
Wagon drill, diamond point drill, gunite nozzlemen, form setters, blasters, caissons & coffer dams (open-air, below 8')	6.25	.90	.90		

DECISION NO. DE81-3028	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS - HIGHWAY CONSTRUCTION:					
New Castle County	5.90				
Kent & Sussex Counties	5.45				
LATHERS	11.15	1.25	.15		.01
LINE CONSTRUCTION:					
Linemen, cable splicers	14.62	.60+4%	3%		3/4of1%
Winch truck operators	10.20	.60+4%	3%		3/4of1%
Truck drivers	9.46	.60+4%	3		3/4of1%
Groundmen	8.73	.60+4%	3%		3/4of1%
LINE CONSTRUCTION (RAILROAD ONLY)					
Linemen	12.34	.60	3%	d	.75%
"A" Equipment Operator	12.34	.60	3%	d	.75%
"B" Equipment Operator	10.78	.60	3%	d	.75%

CLASSIFICATION DEFINITIONS FOR LINE CONSTRUCTION (RAILROAD ONLY)

"A" Equipment Operators:

1. Hoisting equipment - when erecting complete towers, erecting framed structures, erecting steel transmission poles, erecting railroad pole extensions and crossbeams and when operating personnel lift baskets.

2. Tension pulling equipment under energized conditions - parallel with other energized circuits or above energized circuits on the same structure, not to include crossovers. Bundled conductors stringing, including static conductors on bundled conductor lines.

3. Excavating augurs 36" inches in diameter or larger, 5/8 cubic yard backhoe and larger, trencher over four feet in depth, bulldozer D-6 (caterpillar) or larger, and blade on finish grade work.

"B" Equipment Operators:
Operators of all other equipment

DECISION NO. DE81-3028	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS	11.13	.95	1.10		
MILLWRIGHTS:					
Kent & New Castle Counties	13.37	1.10	2.25		.02
Sussex County	12.69	.75	1.00		.02
PAINTERS:					
Base rate	10.77	1.00	.85		.01
Structural steel & suspended scaffolding (swing, chair & window belts)	10.99	1.00	.85		.01
Machine taping	11.27	1.00	.85		.01
Bridges (if surface to be painted is 50' or more above ground or water), and/or cabled scaffolding	13.25	1.00	.85		.01
Tanks (if exposes to the weather and is used for storage or processing purposes with a capacity of 5,000 gallons or more using exterior dimensions and/or interior work on all tanks), sandblasting, and spray	11.32	1.00	.85		.01
Height pay - work 75' or more from surface and additional 55¢ shall be paid above the applicable rate					
PILEDRIVERMEN, WHARF & DOCK BUILDERS	11.97	2.63	1.40	e	.13
PLASTERERS	11.62	.90			.01
PLUMBERS & STEAMFITTERS:					
New Castle & Kent (north of the southern boundary of Dover City) Counties:					
Plumbers	14.89	1.30	1.20		.10
Steamfitters	15.30	1.03	1.07	f	.02
Sussex & Kent (remainder of county) Counties	14.80	1.00	1.00	g	.05

DECISION NO. DE81-3028	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS - BUILDING & HEAVY CONSTRUCTION:					
GROUP 1	14.27	9.5%	10.3%	h	1.8%
GROUP 2	13.98	9.5%	10.3%	h	1.8%
GROUP 3	13.11	9.5%	10.3%	h	1.8%
GROUP 4	12.34	9.5%	10.3%	h	1.8%
GROUP 5	11.87	9.5%	10.3%	h	1.8%
GROUP 6	10.96	9.5%	10.3%	h	1.8%
GROUP 7					
150' & over	14.52	9.5%	10.3%	h	1.8%
180' & over	14.77	9.5%	10.3%	h	1.8%
200' & over	15.40	9.5%	10.3%	h	1.8%

CLASSIFICATIONS

GROUP 1 - Machines with booms doing hook work, any machine handling machinery, cable spinning machines, helicopter and similar machines

GROUP 2 - All types of cranes, all types of backhoes, cableway, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with 2 towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machines, in tunnel, all front end loaders 3-4 c.y., and over, tandem scrapers, pipin type backhoes, boat captains, batch plant operators (concrete), drills, self contained rotary drill, fork lifts (20' lift & over), and similar machines

GROUP 3 - Conveyors, building hoist (single drum), scrapers, tentapulls, spreaders (asphalt), high or low pressure boilers, concrete pumps, well drillers, bulldozers, tractors, asphalt plant engineers, rollers (high grade finishing), ditch witch type trenchers, all loaders under 3½ c.y., mechanic-welders, motor-patrols, core drill operator, forklift trucks under 20' lift, similar machines

GROUP 4 - Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power boom, seeding spreader, tireman (for power equipment), and similar machines

GROUP 5 - Fireman, grease trucks

GROUP 6 - Oilers and deck hands (personnel boats), core drill helper

GROUP 7 - All machines with booms (including jibs, masts and loads)

DECISION NO. DE81-3028	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS - HIGHWAY CONSTRUCTION					
GROUP 1	13.98	9.5%	10.3%	h	1.8%
GROUP 2	13.11	9.5%	10.3%	h	1.8%
GROUP 3	12.34	9.5%	10.3%	h	1.8%
GROUP 4	10.96	9.5%	10.3%	h	1.8%

CLASSIFICATIONS

GROUP 1 - Pipin type backhoe, euclid loader, all types of cranes, all types of backhoes, draglines, all types of shovels, keystones, paver 21E and over, trenching machines, cableways, all loaders 3 cu. yds. and over and similar machines

GROUP 2 - Carryalls, tournapulls, asphalt spreaders, motor patrols, concrete pumps, asphalt plant engineers, well drillers, all bulldozers, tractors, maintenance engineer, welders, conveyor loader, all loaders under 3 cu. yds., and similar machines

GROUP 3 - Form line grader, farm tractor, road finishing machine, concrete spreader, fine grade machines, compressors, pumps (4" or over), pumps (2 or more any size), well point pumps, concrete breaking machines, rollers (grade fill and stone base), firemen, and similar machines

GROUP 4 - Oilers

ROOFERS:					
Composition, damp and waterproofing	14.17	1.48	.95	3	
Mechanic II (re-roofing)	7.08	1.48	.95	3	
SHEET METAL WORKERS	14.38	1.00	1.06		.69
SOFT FLOOR LAYERS:					
New Castle & Kent Cos.	12.38	1.39	1.48		.63
Sussex Co.	12.19		1.00		.62

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DECISION NO. DR81-3028

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	14.53	.85	1.20		.08
STONE MASONS	11.40	.95	1.10		
TERRAZZO WORKERS & TILE SETTERS	11.13	.95	1.10		
TRUCK DRIVERS - BUILDING CONSTRUCTION:					
GROUP 1	9.035	.9675	1.125	k	
GROUP 2	8.935	.9675	1.125	k	
GROUP 3	8.785	.9675	1.125	k	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - Euclid type or similar off highway equipment (where not self loaded), off highway tandem back-dump, specialized earth moving equipment, truck mechanic (first class), twin engine equipment & double-hitched equipment (where not self-loaded).

GROUP 2 - A-frames, agitators or mixers, asphalt distributors, dispatchers, low-boys, semi-trailers, tandems, batch trucks & truck mechanics (second class).

GROUP 3 - Dumps (single axle), dumpsters, escort & pilot vehicles, flat body material trucks (straight job), greasers, material checkers & receivers, panel trucks, pick-ups rubber-tired (towing & pushing vehicles), tiremen & truck mechanic helpers, truck helpers.

TRUCK DRIVERS - HEAVY HIGHWAY CONSTRUCTION:					
GROUP 1	8.185	.9675	1.125	k	
GROUP 2	8.085	.9675	1.125	k	
GROUP 3	7.935	.9675	1.125	k	

DECISION NO. DR81-3028

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS
HEAVY & HIGHWAY CONSTRUCTION

GROUP 1 - Euclid type or similar off highway equipment (where not self loaded), specialized earth moving equipment, truck mechanics (first class), twin engine equipment & double-hitched equipment (where not self-loaded.)

GROUP 2 - A-frames, agitators or mixers, asphalt distributors, dispatchers, low-boys, semi-trailers, tandems, batch trucks, truck mechanics (second class).

GROUP 3 - Dump trucks (single axle), dumpsters, escort & pilot vehicles, flat body material trucks (straight jobs), greasers, material checkers & receivers, panel trucks, pick-ups, rubber-tired (towing or pushing flat body vehicles), tiremen, truck mechanic helpers, truck helpers.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: Good Friday, Memorial Day, Washington's Birthday, Labor Day, Presidential Election Day; Veteran's Day, Thanksgiving Day; Christmas Day.

b. Employer contribution of 8% of the basic hourly rate for 5 years or more of service and 5% of the basic hourly rate for 6 months to 5 years of service for Vacation Pay Credit.

c. Paid Holidays: A through F

d. Paid Holidays: New Year's Day; Declaration Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Good Friday.

DECISION NO. MS81-3028

FOOTNOTES: Cont'd

e. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Independence Day; Presidential Election Day; Veterans Day; and Thanksgiving Day.

f. Paid Holiday: Labor Day provided the employee is currently on the payroll and would be scheduled to work the holiday also employee must work the day prior to and after the holiday.

g. Paid Holidays: A through F; provided the employee worked the scheduled work day preceeding and following the holiday.

h. Paid Holidays: A through F; plus Election Day provided the employee works the scheduled work day before and after the holiday.

j. Paid Holiday: Election Day.

k. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day provided the employee has worked the scheduled workdays preceding and following the holiday.

Welders - Rate for craft

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))."

SUPERSEDEAS DECISION

STATE: MISSISSIPPI

COUNTIES: Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union, and Webster.

DECISION NUMBER: MS81-1225 DATE: Date of Publication

Supersedes Decision No. MS79-1066 dated June 1, 1979 in 44 FR 31850.

DESCRIPTION OF WORK: Highway Construction Projects (does not include Building Structure in Rest Area Projects; Bridges over Navigable Water; Tunnels and Railroad Construction).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$5.50				
CARPENTERS	6.00				
CEMENT MASONS/FINISHERS	7.00				
ELECTRICIANS	5.50				
IRONWORKERS, reinforcing & structural	5.45				
LABORERS:					
Unskilled	3.35				
Mason tender	4.35				
Asphalt raker	3.35				
Grade checker	5.38				
Air tool operator	3.34				
Concrete saw	4.50				
PAINTERS, structural steel	4.75				
PIPELAYERS	4.50				
TRUCK DRIVERS	3.79				
WELDERS - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Aggregate spreader operator	3.91				
Air compressor operator	3.54				
Asphalt Distributor-Spreader operator	4.08				
Asphalt plant	4.60				
Backhoe or shovel operator	6.14				
Bulldozer operator	6.50				
Concrete batch plant operator	5.50				
Concrete finishing machine operator	5.79				
Curing machine operator	3.54				
Concrete paving machine operator	5.50				
Concrete spreader machine operator	5.50				
Crane, dragline operator	6.63				
Guard rail post driver	3.54				
Earth auger	4.00				

SUPERSEDEAS DECISION

STATE: MISSISSIPPI

COUNTIES: George, Hancock, Harrison, Jackson, Pearl River, and Stone

DECISION NUMBER: MS81-1230 DATE: Date of Publication

DECISION NUMBER: MS81-1225 Page 2

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fireman	5.00				
Joint filler	3.54				
Joint setter	3.54				
Loader operator (all types)	6.50				
Mechanic	6.50				
Mixer operator (all types)	4.50				
Motor Patrol operator	5.99				
Mulcher operator	3.50				
Oiler-greaser	$5.85				
Pileddriver operator	6.85				
Roller operator (self-propelled)	3.98				
Scales (all types)	3.54				
Scraper operator	6.00				
Striping machine operator	5.08				
Tractor operator (track type)	4.74				
Tractor operator (wheel type)	3.50				
Trenching machine	5.00				
Concrete breaker & Hydro-hammer operator	3.54				
Subgrade machine operator	3.54				

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: George, Hancock, Harrison, Jackson, Pearl River, and Stone

DECISION NUMBER: MS81-1230 DATE: Date of Publication

Supersedes Decision No.: MS81-11ft, January 6, 1981 in 46 FR 1989.

DESCRIPTION OF WORK: Highway Construction (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension, and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	6.15				
CEMENT MASONS/CEMENT FINISHERS	5.06				
ELECTRICIANS	6.08				
IRONWORKERS, reinforcing	8.50				
LABORERS:					
Asphalt rakers	4.68				
Air tool operators	4.18				
Concrete saw operators	5.08				
Grade checkers	4.68				
Rheem tenders	4.68				
Pipelayers	5.35				
Form setter	5.35				
Unskilled	5.35				
PAINTERS, structural steel	5.98				
PILEDRIVERMEN					
POWER EQUIPMENT OPERATORS:					
A - frame truck (winch)	4.98				
Aggregate spreader	5.35				
Air Compressor	5.35				
Asphalt distributor	5.35				
Asphalt plant	5.35				
Backhoe	5.35				
Bulldozer	5.35				
Concrete batch plant	5.35				
Concrete finishing machine	5.35				
Curing machine	5.35				
Concrete paving machine	5.35				
Concrete spreader machine	5.35				
Crane and dragline	5.35				
Guard rail post driver	5.35				
Earth auger	5.35				
Fireman	5.35				
Joint filler	5.35				
Loader (all types)	5.35				
Mechanic	5.35				
Mixer (all types)	5.35				
Motor Patrol	5.35				
Mulcher	5.35				
Oiler - greaser	5.35				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (cont'd)					
Piledriver	$6.85				
Roller (self-propelled)	4.21				
Scales (all types)	3.40				
Scraper	5.00				
Shovel	4.74				
Spreader	4.00				
Striping machine	4.00				
Tractor (track type)	5.00				
Tractor (wheel type)	4.20				
Trenching machine	4.00				
Sub- grade machine	3.60				
Crusher feeder	3.35				
TRUCK DRIVERS	3.50				
TUGBOAT OPERATORS	5.50				
WELDERS - receive rate prescribed for craft to which it is incidental.					

SUPERSEDES DECISION

STATE: MISSISSIPPI COUNTIES: Adams, Amite, Covington, Forrest, Franklin, Greene, Jefferson, Jefferson-Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Perry, Pike, Walthall, Wayne, and Wilkinson.

DECISION NUMBER: MS81-1229 DATE: Date of Publication

Supersedes Decision No.: MS81-1162, January 6, 1981 in 46 FR 1530

DESCRIPTION OF WORK: Highway Construction (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$5.00				
CARPENTERS	6.00				
CEMENT MASONS/CEMENT FINISHERS	6.00				
ELECTRICIANS	9.70				
IRONWORKERS:					
Reinforcing	6.50				
Structural	6.00				
LABORERS:					
Asphalt rakers	4.65				
Concrete saw operator	4.85				
Grader checker	4.75				
Mason tenders	4.79				
Unskilled	4.00				
PAINTERS, structural steel	4.00				
PILEDRIVERS	5.50				
POWER EQUIPMENT OPERATORS:					
Aggregate spreader	4.46				
Air compressor	4.88				
Asphalt distributor	4.23				
Asphalt plant	4.88				
Backhoe	5.45				
Bulldozer	5.08				
Concrete batch plant	4.58				
Concrete paving machine	4.08				
Crane and dragline	6.58				
Loader (all types)	5.03				
Mechanic	5.65				
Motor Patrol	6.08				
Oiler - greaser	5.19				
Piledriver	5.75				
Scraper	5.08				
Shovel	4.93				
Striping machine	4.88				
Tractor (wheel type)	5.08				
TRUCK DRIVERS	4.15				

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDES DECISION

STATE: MISSISSIPPI COUNTIES: Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith, and Winston

DECISION NUMBER: MS81-1228 DATE: Date of Publication

SUPERSEDEAS DECISION

STATE: Mississippi

COUNTIES: Attala, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith, and Winston

DECISION NUMBER: MS81-1268

DATE: Date of Publication

Supersedes Decision No.: MS81-1163, January 6, 1981 in 46 FR 1531

DESCRIPTION OF WORK: Highway Construction (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension, and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$9.50				
CARPENTERS	8.88				
CEMENT MASONS/CEMENT FINISHERS	9.58				
ELECTRICIANS	7.80				
IRONWORKERS, reinforcing	9.50				
LABORERS:					
Air tool operators	9.38				
Asphalt rakers	9.78				
Concrete saw operators	9.88				
Grade checkers	9.10				
Mason tenders	9.88				
Pipelayers	9.38				
Unskilled	8.88				
PAINTERS, structural steel	9.80				
POWER EQUIPMENT OPERATORS:					
A-frame truck (winch)	9.73				
Aggregate spreader	9.88				
Air compressor	9.88				
Asphalt distributor	9.88				
Asphalt plant	9.88				
Backhoe	9.88				
Bulldozer	9.88				
Concrete batch plant	9.88				
Concrete finishing machine	9.88				
Concrete paving machine	9.88				
Concrete spreader machine	9.88				
Crane and dragline	9.88				
Crusher feeder	9.88				
Curing machine	9.88				
Earth auger	9.88				
Fireman	9.88				
Guard rail post driver	9.88				
Joint setter	9.88				
Loader (all types)	9.88				
Mechanic	9.88				
Mixer (all types)	9.88				
Motor Patrol	9.88				
Pulvaber	9.88				

DECISION NUMBER: MS81-1268 PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (cont'd)					
Oiler-greaser	$9.88				
Piledriver	9.88				
Roller (self-propelled)	9.88				
Scales (all types)	9.88				
Scraper	9.88				
Shovel	9.88				
Spreader	9.88				
Striping machine	9.88				
Tractor (track type)	9.88				
Tractor (wheel type)	9.88				
Trenching	9.88				
TRUCK DRIVERS	8.88				
WELDERS - receive rate prescribed for craft to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: MISSISSIPPI

COUNTIES: Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren, and Yazoo

DECISION NUMBER: MS81-1227

DATE: Date of Publication

Supersedes Decision No.: MS81-1164, January 6, 1981 in 46 FR 1532.

DESCRIPTION OF WORK: Highway Construction (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension, and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$5.00				
CARPENTERS	5.55				
CEMENT MASONS/CEMENT FINISHERS	5.54				
ELECTRICIANS	10.65				
IRONWORKERS, reinforcing	5.57				
LABORERS:					
Asphalt rakers	4.10				
Grade checkers	4.75				
Mason tenders	4.07				
Pipelayers	4.50				
Unskilled	3.35				
PAINTERS, structural steel	5.00				
POWER EQUIPMENT OPERATORS:					
A-frame truck (winch)	5.00				
Aggregate spreader	3.50				
Air compressor	3.35				
Asphalt distributor	5.00				
Asphalt plant	4.00				
Backhoe	5.56				
Bulldozer	5.00				
Concrete batch plant	4.25				
Concrete breaker	3.35				
Concrete finishing machine	5.50				
Concrete paving machine	3.80				
Concrete spreader	4.25				
Crane and dragline	6.25				
Crusher feeder	4.25				
Curing machine	3.35				
Earth auger	5.00				
Firemen	3.60				
Guard rail post driver	3.50				
Hydro-hammer	3.35				
Joint filler	3.35				
Joint setter	3.95				
Loader (all types)	5.10				
Mechanic	7.00				

DECISION NUMBER: MS81-1227 PAGE 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (cont'd)					
Mixer (all types)	$4.14				
Motor patrol	6.00				
Mulcher	3.50				
Oiler-greaser	5.00				
Piledriver	5.00				
Roller (self-propelled)	4.56				
Scales (all types)	4.00				
Scraper	5.73				
Shovel	5.08				
Spreader	3.50				
Striping machine	4.88				
Tractor (truck type)	4.08				
Tractor (wheel type)	3.88				
Trenching machine	3.35				
TRUCK DRIVERS	3.98				
WELDER - receive rate prescribed for craft to which it is incidental.					

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI

COUNTIES: Bolivar, Carroll, Coahoma, DeSoto, Grenada, LeFlore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington and Yalobusha

DECISION NUMBER: MS81-1226 page 2

SUPERSEDEAS DECISION

STATE: MISSISSIPPI

COUNTIES: Bolivar, Carroll, Coahoma, DeSoto, Grenada, LeFlore, Montgomery, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington, and Yalobusha

DECISION NUMBER: MS81-1226 DATE: Date of Publication

Supersedes Decision No.: MS81-1165, January 6, 1981, 46 FR 1533

DESCRIPTION OF WORK: Highway Construction (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension, and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	6.00				
CEMENT MASONS	5.00				
CEMENT FINISHERS	6.50				
ELECTRICIANS	6.00				
IRONWORKERS, reinforcing & structural	4.75				
LABORERS:					
Air tool operators	3.50				
Asphalt rakers	3.35				
Concrete saw operators	4.25				
Grade checkers	3.75				
Mason tenders	4.00				
Pipelayers	3.50				
Unskilled	3.35				
PAINTERS, structural steel	4.50				
POWER EQUIPMENT OPERATORS:					
Aggregate spreader	3.35				
Air compressor	3.35				
Asphalt distributor	3.75				
Asphalt plant	3.35				
Backhoe	3.80				
Bulldozer	3.80				
Concrete batch plant	6.80				
Concrete breaker	3.35				
Concrete finishing machine	3.35				
Concrete paving machine	6.50				
Concrete spreader machine	3.35				
Crane and dragline	7.80				
Crusher feeder	3.35				
Curing machine	3.35				
Earth auger	3.35				
Guard rail post driver	3.50				
Fireman	3.35				
Hydo-hammer	3.35				
Joint filler	3.35				
Loader (all types)	5.50				
Mechanic	5.65				
Mixer (all types)	3.50				

DECISION NUMBER: MS81-1226 page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:(con't)					
Motor patrol	$5.00				
Mulcher	3.50				
Oiler-greaser	3.40				
Piledriver	5.20				
Roller (self-propelled)	3.35				
Scales (all types)	4.00				
Scraper	6.00				
Shovel	4.00				
Spreader	3.35				
Striping machine	3.00				
Subgrade machine	4.00				
Tractor (track type)	5.00				
Tractor (wheel type)	3.35				
Trenching machine	4.00				
TRUCK DRIVERS	3.60				
WELDERS - receive rate prescribed for craft to which it is incidental.					

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: Hancock, Harrison, Jackson & Pearl River
DECISION NUMBER: MS81-1223 DATE: Date of Publication
Supersedes Decision No.: MS81-1174, January 30, 1981, 46 FR 10092
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS					
Hancock & pearl river Cos.	$12.50	.65	1.30		.07
Harrison & Jackson Cos.	13.15	.90	1.25	a	.02
BOILERMAKERS	12.75	1.275	1.10		.04
BRICKLAYERS					
Bricklayers	10.95		.60		.01
Blocklayers	10.95		.60		.01
Caulkers& Pointers	10.95		.60		.01
Marble Masons	10.95		.60		.01
Plasterers	10.95		.60		.01
Stone Masons	10.95		.60		.01
Terrazzo Workers	10.95		.60		.01
Tile Setters	10.95		.60		.01
CEMENT MASONS	10.35		.60		.01
CARPENTERS					
Carpenters	9.95	.45	.35		.10
Millwrights	10.45	.45	.35		.10
Soft Floor Layers	9.95	.45	.35		.10
ELECTRICIANS					
Cable Splicers	13.35	5%	5%		1/2%
Electricians	13.10	5%	5%		1/2%
ELEVATOR CONSTRUCTORS					
Mechanics	10.92	1.195	.95	b	.035
Helpers	7.64	1.195	.95	b	.035
Helpers, Probationary	5.46				
IRONWORKERS					
Structural, ornamental and Reinforcing					
Jackson Co. & eastern 1/3 of Harrison Co. (including Biloxi, Keesler AFB & towns of Howison and Success	12.84	.65	.50		.10
Hancock & Pearl River Cos. & Western 2/3 of Harrison Co.	12.52	.93	.65		.00
LABORERS					
Asphalt Rakers	6.70	.20	.20		.05
Mason tenders	6.70	.20	.20		.05
Mortar Mixers	6.70	.20	.20		.05
Pipelayers & wrappers	6.70	.20	.20		.05
Plasterers Tenders	6.70	.20	.20		.05
Post Hole Diggers	6.70	.20	.20		.05
Unskilled	6.55	.20	.20		.05

DECISION NUMBER: MS81-1223 Page 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Cable Splicers	$13.35	5%	5%		1/2%
Linemen	13.10	5%	5%		1/2%
PAINTERS:					
Commercial:					
Brush	7.50		.20		.02
Roller	7.50		.20		.02
Spray	8.25		.20		.02
Industrial					
Brush	8.20		.20		.02
Spray	9.50		.20		.02
Sandblasting	9.50				
PILEDRIVERMEN	9.55	.45	.45		.03
PLUMBERS & STEAMFITTERS	12.80	.65	.65		.03
POWER EQUIPMENT OPERATORS:					
Group 1	10.53	.50	.50		.03
Group 2	9.58	.50	.50		.03
Group 3	9.38	.50	.50		.03
Group 4	8.43	.50	.50		.03
Group 5	7.13	.50	.50		.03
Group 6	7.13	.50	.50		.03
Group 7	11.53	.50	.50		.03
ROOFERS:					
Roofers	10.00		.20		
Kettlemen	7.75		.20		
SHEET METAL WORKERS	11.35	3%+.65	1.10		.10
SPRINKLER FITTERS	12.80	.65	1.10		.10
TRUCK DRIVERS:					
Group 1	7.85	.20	.20		
Group 2	7.84	.20	.20		
Group 3	9.15	.20	.20		

POWER EQUIPMENT OPERATORS: Classification Definitions

Group 1: Engineer (operating under pressure)
Group 2: Mechanic
Group 3: Air tugger(Strom), asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick boat, derrick car, dragline, dredge, elevating grader, excavator(power belt), forklift, hoist(2 drum), locomotive engineer, marine engineer(chief), master pilot, mixer mobile, motor patrol and similar type equipment, paver(21 c.f. or larger), piledriver, remburger, reaming greaser(1st), scoop(skimmer), scraper, shovel, trenching machine(over 18" bucket line width), tournapull, TM-10 and similar pull type scrapers, truexcavator and similar endloaders, welders, welding machine or s/v pumps(2 to 6), well driller, well point pumps

POWER EQUIPMENT OPERATORS: Classification Definitions (cont'd)

Group 4: Air tugger, asphalt spreader(bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTY: Warren
DECISION NUMBER: MS81-1224 DATE: Date of Publication
Supersedes Decision No.: MS81-1179, January 30, 1981, 46 FR 10095
DESCRIPTION OF WORK: Building construction (excluding single family homes and apartments up to and including 4 stories)

POWER EQUIPMENT OPERATORS: Classification Definitions (cont'd)

Group 4: Air tugger, asphalt spreader(bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, heating plant, hoist, marine engineer(assistant), mixer, payloader, and similar endloaders, pilot power generating plant, pump (concrete), roller, scoopmobile, tractor(with power take-off), trenching machine(18" or smaller bucket line width), tugboat, winch truck.
Group 5: Air compressor, form grader, locomotive hostler, oiler(truck crane), pump, roughneck, tractor(without attachments), welding machine
Group 6: Batch scale, deckhand, motorboat(in or out board), oiler, screedman
Group 7: Operating engineers servicing boilermakers, electricians, ironworkers, piledrivers, and pipefitters

TRUCK DRIVERS: Classification Definitions

Group 1: Truck drivers on equipment up to but not including 1½ tons, station wagons, jeeps, and automobiles, truck spotters
Group 2: Truck drivers on equipment 1½ tons and up but not including 5 tons
Group 3: Truck drivers on equipment rated 5 tons or 6 yards and over, including heavy equipment such as pole trucks, mixe or corning wagons, dumpsters, semi-drivers, agitators, rose carriers, dempsey dumps, euclid trucks, forklift trucks in warehouse and similar equipment, such as tractors, 10 wheelers, jeeps or dump trucks or picking trucks pulling two or four wheel trailers hauling equipment

Footnotes:
a. two paid holidays
b. employer contributes 6% of basic hourly rate for 6 months to 5 years service and 8% for over 5 years service as vacation pay credit; also seven paid holidays.

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(11)).

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTY: Warren
DECISION NUMBER: MSD1-1924 DATE: Date of Publication
Supersedes Decision No.: MSD1-1179, January 30, 1981, 46 FR 10095
DESCRIPTION OF WORK: Building construction (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.69	.45	.50		.6
BOILERMAKERS	12.75	1.875	1.10		.6
BRICKLAYERS:					
Bricklayers	11.15	.55	.10		.05
Stone,Block,Marble Masons	11.15	.55	.10		.05
Caulkers,Pointers,Cleaners	11.15	.55	.10		.05
Tile & Terrazzo Workers	11.00	.55	.10		.05
CARPENTERS:					
Carpenters	10.85	.55	.10		.05
Millwrights	10.85	.55	.10		.05
Piledrivermen	10.85	.55	.10		.05
CEMENT MASONS	9.70	.55	.10		.05
ELECTRICIANS:					
Electricians	12.85	.55	3% + .55		.05
Cable Splicers	12.50	.55	3% + .55		.05
ELEVATOR CONSTRUCTORS					
Mechanics	10.98	1.195	.55	a.	.055
Helper	7.66	1.195	.55	a.	.055
GLAZIERS	9.85	.60	.55		.055
IRONWORKERS	11.90	.60	.55		.055
LABORERS:					
Mortar Mixers	6.55	.50	.10		.05
Unskilled	6.10	.50	.10		.05
LATHERS	9.42	.55	.10		.05
PAINTERS:					
Brush	8.92	.55	.10		.05
Drywall Tapers	9.92	.55	.10		.05
Roller	8.92	.55	.10		.05
Spray	8.92	.55	.10		.05
PLASTERERS	9.42	.55	.10		.05
PLUMBERS & PIPEFITTERS	12.15	.55	.10		.05
POWER EQUIPMENT OPERATORS:					
Group 1	10.95	.55	.10		.05
Group 2	11.15	.55	.10		.05
Group 3	11.35	.55	.10		.05
Group 4	11.55	.55	.10		.05
Group 5	11.75	.55	.10		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$10.00		.30		
SHEET METAL WORKERS	10.55	.45	.45		.07
SPRINKLER FITTERS	12.80	.85	1.20		.08
TRUCK DRIVERS:					
Group 1	7.85	.40	.50		
Group 2	7.84	.40	.50		
Group 3	9.15	.40	.50		

POWER EQUIPMENT OPERATORS: Classification Definitions

Group 1: Engineer (operating under pressure)
Group 2: Mechanic
Group 3: Asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick car, derrick boat, dragline, dredge, elevating grader, excavator (power belt), forklift (5 tons & over), hoists (2 drums in active use), locomotive engineer, marine engineer (chief), master pilot, mixer-mobile, motor patrol and similar equipment, paver (21 s.f. or larger), piledriver, recharger, scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), turnapull (DW-10 and similar pull type scrapers), trascavator and similar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), well driller, well point pumps
Group 4: Asphalt spreader (bituminous distributor and mixer), backfilling machine, conveyor, drill(earth), finishing machine, fireman, forklift (over 2 tons and less than 5 tons), heating plant, hoist (1 drum), marine engineer's assistant, mixer payloader and similar endloader, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machines (18" or smaller bucket line width), tugboat, winch truck and tractor, small rubber tire with backhoe attachment
Group 5: Air compressor, batch scale, deckhand, forklift (2 tons and under), form grader, locomotive hostler, motor boat (in or outboards), Oiler, pump, roughneck, screwman, tractor (with attachments), welding machine

Booms, including jib;
100 ft to 200 ft - 50¢ per hour above regular pay
201 ft to 300 ft - 75¢ per hour above regular pay
301 ft and over - $1.00 per hour above regular pay

TRUCK DRIVERS: Classification Definitions

Group 1: Truck drivers on equipment up to but not including 1½ tons, station wagons, jeeps and automobiles, truck spotters
Group 2: Truck drivers on equipment 1½ tons and up but not including 5 tons
Group 3: Truck drivers on equipment rated 5 tons or 6 yards and over, including heavy equipment such as pole trucks, mine or corning wagons, dumpsters, semi-drivers, agitators, ross carriers, dempsey dumps, euclid trucks, forklift trucks in warehouse and similar equipment, such as tractors, 10 wheelers, jeeps or dump trucks or pickup trucks pulling two or four wheel trailers hauling equipment.

Footnotes:
a. Employer contributes 6% of basic hourly rate for 6 months to 5 years service and 8% for over 5 years service as vacation pay credit; also seven paid holidays.
b. Two paid holidays.

SUPERSEDEAS DECISION

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, Warren & City & County of St. Louis

SUPERSEDEAS DECISION

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, Warren & City & County of St. Louis

DECISION NO. MO81-4031

DATE: Date of Publication

Supersedes Decision No. MO79-4094 dated November 9, 1979 in 44 FR 65910

DESCRIPTION OF WORK: Building projects, (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Asbestos workers	$15.49	1.00	1.26		
Swing stage or boson's chair	15.99	1.00	1.26		
Asbestos workers requiring spray in application	15.99	1.00	1.11		
BOILERMAKERS	14.02	1.375	1.10		.05
BRICKLAYERS; STONEMASONS	13.38	.72	.95	.76	.01
CARPENTERS: MILLWRIGHTS; PILEDRIVERMEN:					
Zone 1 - St. Louis City & County	14.16	.90	.95		.10
CARPENTERS					
Zone 2 - Franklin County:					
Contracts $200,000.00 & under	10.35	.70	.80		.10
Contracts over $200,000.00	13.16	.90	.95		.10
Zone 3 - Jefferson County:					
Contracts $25,000.00 & under	9.96	.50	.70		
Contracts over $25,000.00	13.16	.90	.95		.10
Zone 4 - St. Charles County:					
Contracts under $250,000.00	11.35	.70	.80		
Contracts over $250,000.00 or more	13.16	.90	.95		.10
Zone 5 - Lincoln & Warren Counties:					
Contracts $250,000.00 & under	10.65	.70	.80		
Contracts over $250,000.00	13.16	.90	.95		.10
ELECTRICIANS:					
Zone I - City & County of St. Louis and St. Charles Co.	13.40	.83	3%+54¢	15¢	.12
Zone II - Franklin, Jefferson, Lincoln and Warren Counties where the electrical contracts exceeds $15,000.00	13.40	.83	3%+5¢	15¢	.12
Zone III - Franklin, Jefferson, Lincoln, and Warren Counties where the electrical contract does not exceed $15,000.00	12.54	.83	3%+54¢	15¢	.12

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	$11.80	.895	.69	3%+a	.025
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.895	.69	3%+a	.025

FOOTNOTE:
a- Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit, also 7 Paid Holidays.

GLAZIERS	13.68	1.34	2.10	13.2%	.05
IRONWORKERS	13.475	.65	1.05		.09
LABORERS					
Zone 1 - City & County of St. Louis					
General, laborer	12.475	.65	1.05		.05
Wrecking	12.35	.65	1.05		.05
Dynamiter or powderman	12.975	.65	1.05		.05
Plasterers tender	12.125	.65	1.05		
Mason tenders, brick	11.65	.45	1.00		
Plumber, labor	12.85	.65	1.05		
Zone 2 - Franklin County:					
Contracts $250,000.00 or less:					
General labor	8.75	.60	.50		
Mason tenders, plumbers laborers, plaster tender	8.95	.60	.50		
Contracts over $250,000.00:					
General laborer	10.25	.60	.50		
Mason tenders, plumber laborer, plaster tender	10.45	.60	.50		
Zone 3 - Jefferson County:					
Laborers	10.55	.60	.50		
Powderman, mason tenders, plaster tenders	11.05	.60	.50		
Zone 4 - St. Charles County:					
General laborer	13.17%	.60	.70		.03
Dynamiter or powderman	13.67%	.60	.70		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS CONTD:					
Zone 2 - Lincoln & Warren Counties					
Projects under 1 million dollars	12.175	.60	.70		.03
Projects 1 to 10 million dollars	12.675	.60	.70		.03
Projects 10 million dollars & over	13.175	.60	.70		.03
PAINTERS:					
Zone 1 - Lincoln County:					
Brush	8.20				
Spray	8.70				
Zone 2 - Franklin, Jefferson, St. Charles, Warren Counties & City & County of St. Louis					
Brush	12.99	.68	.37	.80	.15
Spray	14.99	.68	.37	.80	.15
PIPEFITTERS (Franklin, Jefferson St. Charles, St. Louis & Warren Counties)	14.05	2.435	1.64		
PIPEFITTERS & PLUMBERS (Lincoln County)	14.05	2.435	1.64		
PLASTERERS	12.755	.78	.80		.04
PLUMBERS (Franklin, Jefferson, St. Charles, St. Louis and Warren Counties)	13.255	.90	1.10	.90	.20
POWER EQUIPMENT OPERATORS:					
Group 1	13.32	.90	1.00		.20
Group 2	12.02	.90	1.00		.20
Group 3	11.87	.90	1.00		.20
Group 4:					
(a)	14.02	.90	1.00		.20
(b)	14.87	.90	1.00		.20
(c)	15.32	.90	1.00		.20
(d)	16.07	.90	1.00		.20
(e)	13.82	.90	1.00		.20
LATHERS	11.955	.57	.55		
MARBLE SETTERS	12.31	.85	1.305		4 of 16

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted-16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradeall, crawler or tire mounted; locomotive gas, steam & other power; pile driver; land or scoop, skimmer; shovel, power (steam, gas electric or other powers); switch boat; whirley; air tugger w/air compressor; anchor placing barge; asphalt spreader; athey force feeder loader (self-propelled); back-filling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker, combination concrete hoist & mixer such as mixer-mobile; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumperete machine; concrete spreader; compressor (when operator run throttle); compressor-generator combination; compresser -pump combination; generators, two 30 KW or over, or any number developing over 30 KW; generator pump combination conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jack-hammers and barco equipment); elevating greader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; led-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mixer-mobile, mucking machine, pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix-job site; plant, heating-job-site; plant-mixing-job-site; plant, power generating-job site; pumps, two self-powered, over 2" through 6" pumps, electric submersible, one through three, over 4" quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine, tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine; mechanic on job site; mixer, paving; compressors, two, not more than 30 ft. apart

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CLASSIFICATION DEFINITIONS (CONTD.)

POWER EQUIPMENT OPERATORS (ZONE 1-GROUP 1 CONTD.)

Group II - Air tugger w/plant air; boiler, for power or heating

SUPERSEDAS DECISION

STATE: Montana COUNTIES: Statewide
DECISION NUMBER: MT81-5114 DATE: Date of Publication
Supersedes Decision No. MT80-5141 dated November 21, 1980, in

CLASSIFICATION DEFINITIONS (CONTD.)

POWER EQUIPMENT OPERATORS (ZONE I-GROUP I CONTD.)

Group II - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-cool; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level, curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 kw or any number developing over 30 kw; greaser; hoist, one drum regardless of size (except brick or concrete); lad-o-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, PUMP--self-powered, automatic controller over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck; scissor lift (used for hoisting); curb finishing machine. Tractor small wheel type 30 h.p. & under with grader, blade and similar equipment.

Group III - Boat operator-outboard motor (job-site); conveyor (such as con-vay--it), regardless of how used; oiler; sweeper floor.

Group IV - (a) Air pressure; oiler engineer operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over ten pounds. (e)Crane-pile driving and extracting; crane using rock socket tool; dragline-7 cu. yds. & over; shovel, power-7 cu. yds. and over, crane, climbing (such as Linden), derrick, diesel, gas or electric hoisting material and erecting steel 150' or more above ground, hoist, three or more drums; scoop, tandem; tractor, tandem crawler. (Crane, with boom (including jib) over 100' from pin to pin (add 1¢ per foot to maximum of 1.00) above basic rate for cranes.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Composition; slate and tile	$11.60	.82	.73		.03
SHEET METAL WORKERS	14.03	.82	.96	1.13	.06
SPRINKLER FITTERS	15.96	.85	1.20		.12
TERRAZZO WORKERS	14.55				
TILE SETTERS	12.10	.85	1.305		

welders - receive rate prescribe for craft performing operatin to which is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Montana COUNTIES: Statewide
DECISION NUMBER: MT81-5114 DATE: Date of Publication
Supersedes Decision No. MT80-5141 dated November 21, 1980, in 45 FR 77284
DESCRIPTION OF WORK: Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	$13.07	$1.375	$1.10		.05
CARPENTERS:*					
Area 1:					
Carpenters	11.13	.65	1.00		.04
Millwrights	12.13	.65	1.00		.04
Piledrivermen	11.38	.65	1.00		.04
CEMENT MASONS:					
Cement Masons	10.00	.65	.60		
Grinder, Bush Hammer and Clipping Fan preparing finished surfaces; Epoxy	11.63	.65	.60		
ELECTRICIANS:*					
Area 1	14.35	.70	30+.80		1/20
Area 2:					
Electricians	14.83	.70	30+.75		1/20
Cable Splicers	15.00	.70	30+.75		1/20
Area 3:					
Contracts under $75,000:					
Electricians	14.45	.70	30+.75		1/20
Cable Splicers	15.17	.70	30+.75		1/20
Contracts over $75,000:					
Electricians	15.90	.70	30+.75		1/20
Cable Splicers	16.70	.70	30+.75		1/20
Area 4	14.95	.70	30+.75		1/20
Area 5:					
Electricians	15.90	.70	30+.75		1/20
Cable Splicers	16.70	.70	30+.75		1/20
Area 6	11.47		30		1/20
Area 7:					
Electricians	15.65	.70	30+.50		1/20
Cable Splicers	16.43	.70	30+.50		1/20
Area 8	13.70	.55	30+.50		1/20
Area 9	12.35	.50	30+.50		1/20
IRONWORKERS:*					
Area 1	13.21	.90	1.45		.15
Area 2	13.66	.93	1.70		.10
Area 3	13.21	.90	1.45		.15

*See AREA Descriptions - following Page

AREA DESCRIPTIONS

CARPENTERS:
Area 1: Statewide excluding Beaverhead and Silver Bow Counties

ELECTRICIANS:
Area 1: Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Power Counties

Area 2: Big Horn, Carbon, Carter, Dawson, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 3: Blaine, Chouteau, Daniels, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Petroleum, Ponders, Phillips, Richland, Roosevelt, Sheridan, Teton, Toole, Valley, and Wheatland Counties

Area 4: Broadwater, Lewis and Clark, and Meagher Counties

Area 5: Cascade County

Area 6: Custer and Garfield Counties

Area 7: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

Area 8: Gallatin County

Area 9: Park and Sweet Grass Counties

IRONWORKERS:
Area 1: Beaverhead County, Broadwater County, Deer Lodge County, Gallatin County, Granite County, Jefferson County, Lewis and Clark County (southern half including Wolf Creek), Madison County, Park County, Powell County, Ravalli County, and Silver Bow County

Area 2: Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 3: Remaining Counties (including northern half of Lewis and Clark County)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:*					
Area 1:					
Brush or Roller, prep work, Pot Tender	$11.08	.59	.50		.03
Wet Sandblasting, Brush or Roller application of cold tar, epoxies and acid resistant materials	13.08	.59	.50		.03
Spray application of cold tar, epoxies and acid resistant materials	14.08	.59	.50		.03
Paper or Vinyl Hanger	11.08	.59	.50		.03
Structural Steel: Brush or Roller	13.08	.59	.50		.03
Perfa-taping	11.58	.59	.50		.03
Structural Steel: Spraying	14.08	.59	.50		.03
Airless Spraying	13.08	.59	.50		.03
Area 2:					
Brush; Roller; Floor Layers	10.66	.63	.50		.10
Brush, Roller on steel and roofs, Pot Tender, and Paperhanger	10.91	.63	.50		.10
Perfataper (hand tools)	10.76	.63	.50		.10
Spray (not steel)	11.64	.63	.50		.10
Sandblaster, commercial and steel; Spray on structural steel and tanks	11.89	.63	.50		.10
Perfataper (machine tools)	11.16	.63	.50		.10
Area 3:					
Painter	10.02				
Paint Mitts	10.52				
Perfa-taping	10.27				

*See AREA Descriptions - Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:*					
Area 4:					
Brush or Roller, prep work, Pot Tender	$10.58	.59	.50		.03
Wet Sandblasting, Brush or Roller application of cold tar, epoxies and acid resistant materials	12.58	.59	.50		.03
Spray application of cold tar, epoxies and acid resistant materials	13.58	.59	.50		.03
Paper or Vinyl Hanger	10.58	.59	.50		.03
Structural Steel: Brush or Roller	12.58	.59	.50		.03
Perfa-taping	11.08	.59	.50		.03
Structural Steel: Spraying	13.58	.59	.50		.03
Airless Spraying	12.58	.59	.50		.03
Area 5:					
Brush; Roller; Floor Layers	10.66	.63	.50		.10
Brush, Roller on steel and roofs, Pot Tender, and Paperhanger	10.91	.63	.50		.10
Perfataper (hand tools)	10.76	.63	.50		.10
Spray (not steel)	11.64	.63	.50		.10
Sandblaster, commercial and steel; Spray on structural steel and tanks	11.89	.63	.50		.10
Perfataper (machine tools)	11.16	.63	.50		.10
Area 6:					
Painter	10.02				
Paint Mitts	10.52				
Perfa-taping	10.27				

*See AREA Descriptions - Page 5

AREA DESCRIPTIONS

PAINTERS:
Area 1: Statewide excluding Areas 2, 3, 4, 5, 6, 7, 8, and 9

Area 2: Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Power Counties

Area 3: Big Horn, Carbon, Carter, Dawson, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 4: Blaine, Chouteau, Daniels, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Petroleum, Ponders, Phillips, Richland, Roosevelt, Sheridan, Teton, Toole, Valley, and Wheatland Counties

Area 5: Broadwater, Lewis and Clark, and Meagher Counties

Area 6: Cascade County

Area 7: Custer and Garfield Counties

Area 8: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

Area 9: Gallatin County

Area 10: Park and Sweet Grass Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 3: (Cont'd)					
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water Sandblasting and Steam cleaning; Stacks and steeples; Brushing of steel; Spraying and airless spraying; Work over 30 ft.	$12.80				
Area 4:					
Painter, Brush, Preparatory work, Pot Tender, Roller up to 9 inches	12.42	.69	.40		10
Paperhanger, Brush on steel	12.92	.69	.40		10
Water and Sandblasting; Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Spraying and airless spray	14.67	.69	.40		10
Roller over 9" long	16.02	.69	.40		10
Signwriter	12.78	.69	.40		10
Spray and Roller (in shop)	12.78	.69	.40		10
Spray and Roller (out shop)	14.18	.69	.40		10
Hand Taper	12.82	.69	.40		10
Machine Taper	14.07	.69	.40		10
Area 5:	10.90				
Area 6	12.17	.69	.50		.04
Area 7:					
Highway parking and marking traffic surface applicator Operator; Material Mixer; Sandblaster; Striper	10.60	.56	.40		
The installation of plastic, metal or composition button, or lines used instead of paint.					

*See AREA Descriptions - Page 5

AREA DESCRIPTIONS

PAINTERS:

Area 1: Beaverhead, Broadwater, Gallatin, and Jefferson Counties; Lewis and Clark County (southern portion from a line running east and west through the southern limits of Craig); Madison, Meagher, and Park Counties; Powell County (northern area from a line running east and west through the southern City limits of Helmsville); Silver Bow County

Area 2: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, and Treasure Counties; Wheatland County (south of the City of Harlowton); Wibaux and Yellowstone Counties

Area 3: Deer Lodge County and the southern part of Granite County from a line east-west through the southern limits of Phillipsburg

Area 4: Cascade County; Chouteau County (south of a line running east and west through the southern limits of Big Sandy); Daniels and Fergus Counties; Glacier County (including Glacier National Park); Garfield and Judith-Basin Counties; Lewis and Clark County (northern portion from a line running east and west through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, and Valley Counties; Wheatland County (northern area from a line running east and through the southern limits of Harlowtown)

Area 5: Blaine, Hill, and Liberty Counties; Chouteau County (north of the southern limits of the City of Big Sandy)

Area 6: Flathead County; Granite County (northern area north of City limits of Phillipsburg); Lake County (southern area including the City of Ronan); Lincoln, Mineral, and Missoula Counties; Powell County (northern area through south limits of Helmsville); Ravalli and Sanders Counties

Area 7: Statewide

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS:*					
Area 1	$15.78	.75	.70		.15
Area 2	15.10	1.05	1.10		.17
Area 3	15.35	.70	.85		.10
Area 4	15.90	1.00	1.10		.20
SHEET METAL WORKERS:*					
Area 1	14.32	.73	.66		.24
Area 2	14.71	.73	.50		.24
Area 3	14.25	1.205	.805		.24
Area 4	14.04	.73	.75		.24
Area 5	14.09	.73	.73		.24

AREA DESCRIPTIONS

PLUMBERS:

Area 1: Flathead, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 2: Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole, and Valley Counties

Area 3: Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweet Grass Counties .

Area 4: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties

SHEET METAL WORKERS:

Area 1: Broadwater County, Jefferson County (including the north half of the City of Boulder), Lewis and Clark County, and Meagher County

Area 2: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

Area 3: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure, and Yellowstone Counties

Area 4: Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton, and Toole Counties

Area 5: Beaverhead County, Deer Lodge County, Granite County, Jefferson County (southern half), Madison County, Powell County, and Silver Bow Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Group 1	$10.50	.75	.65	.30	.05
Group 2	10.66	.75	.65	.30	.05
Group 3	10.80	.75	.65	.30	.05
Group 4	11.50	.75	.65	.30	.05

Group 1: Azimas; Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Commolene applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Stripper; General Laborer - Heavy Highway, Highway Bridge and Structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type of butane five, without blowers or fans - General Laborers scale); Landscape Laborer; Riprap Tender; Stake Jumper for Equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman; Flagman and Scaleman

Group 2: Burning Bar; Cement Mason Tender; Caisson Workers (free air); Cement Handlers; Choker Setter; Concrete Laborers (wet or dry); Buckstemen and Signalmen; Curb Machine; Dumpman (Grade Man); Form Setter; Hand Feller; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper Vibrating Roller, hand steered and other power tools; Nozzleman - air water, Gunite and Placo Machine; Concrete or Asphalt Saws; Pipelayer (all types); Laser equipment Operator; Pipewrapper; Posthole Digger (power auger); Power Saw (bucking); Powderman Tender; Power driven wheelbarrow; Rigger; Riprapper; Spiker Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Raker; Concrete Vibrator (5" and over); Drills, Air Track, self-propelled, Cat and Truck mounted air operated Drills; Drills, Air Track with dual masts; Drills, Air Tract, self-propelled Mustang type and similar; Equipment Handler; High Scaler; High Pressure Machine Nozzleman; Power Saw (falling); Sandblaster

Group 4: Core Drill Operator; Grade Setter; Powderman; Welder, cutting torch and air arc

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POWER EQUIPMENT OPERATORS: STATEWIDE	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-Frame Truck Crane, Winch Truck and similar	$12.80	.97	.85	.50	.10
Air Compressor, single	12.49	.97	.85	.50	.10
Air compressor, two or more	12.66	.97	.85	.50	.10
Air Doctor	12.96	.97	.85	.50	.10
Asphalt Paving Machine Operator	11.96	.97	.85	.50	.10
Asphalt Paving Machine Screed Operator	12.96	.97	.85	.50	.10
Automatic Finegrader, Gurries and other similar types	13.09	.97	.85	.50	.10
Belt Finish Machine Operator	12.66	.97	.85	.50	.10
Bit Grinder	12.96	.97	.85	.50	.10
Bituminous Mixer Paving, Travel Plant	12.96	.97	.85	.50	.10
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	12.55	.97	.85	.50	.10
Boring Machine (large)	12.96	.97	.85	.50	.10
Broom, self-propelled	12.63	.97	.85	.50	.10
Cableway Highline Operator	13.47	.97	.85	.50	.10
Cement Silo Operator	12.75	.97	.85	.50	.10
Central Mixing Plants, Concrete dam and stationary	13.21	.97	.85	.50	.10
Chain Bucket Loader	12.68	.97	.85	.50	.10
Chip or Gravel Spreader, self-propelled	12.68	.97	.85	.50	.10
Concrete Batch Plant, one and two Mixers	12.96	.97	.85	.50	.10
Concrete Batch Plant, three and four Mixers	13.16	.97	.85	.50	.10
Concrete Batch Plant, five Mixers and over	13.36	.97	.85	.50	.10
Concrete Batch Plant Oiler, up to and including two Mixers	12.48	.97	.85	.50	.10
Concrete Batch Plant Oiler, three Mixers and over	12.79	.97	.85	.50	.10
Concrete Bucket Dispatcher	12.96	.97	.85	.50	.10
Concrete Curing Machine	12.96	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Finish Machine Paving	$12.96	.97	.85	.50	.10
Concrete Float-Spreader	12.96	.97	.85	.50	.10
Concrete Mixer, three bags and under	11.55	.97	.85	.50	.10
Concrete Mixer, four bags and over	12.72	.97	.85	.50	.10
Concrete Power Saw, self-propelled	12.96	.97	.85	.50	.10
Concrete Travel Batcher	12.96	.97	.85	.50	.10
Concrete Conveyor under 40 feet	12.54	.97	.85	.50	.10
Concrete Conveyor over 40 feet	13.29	.97	.85	.50	.10
Concrete Pump	13.29	.97	.85	.50	.10
Conveyor Loader Operator, up to and including 42' belt	12.54	.97	.85	.50	.10
Conveyor Loader Operator over 42" belt	12.66	.97	.85	.50	.10
Crane, to and including 80' boom	13.12	.97	.85	.50	.10
Crane, 81' to 130' boom	13.27	.97	.85	.50	.10
Crane, 131' to 150' boom	13.32	.97	.85	.50	.10
Crane, 151' boom and over	13.37	.97	.85	.50	.10
Crane Oiler	12.53	.97	.85	.50	.10
Crane with jibs an additional $.15 per hour					
Crusher Operator	12.96	.97	.85	.50	.10
Crusher Oiler	12.45	.97	.85	.50	.10
Crusher Conveyor, when required	12.42	.97	.85	.50	.10
Distributor Operator	12.96	.97	.85	.50	.10
DW 10, 15, or 20 tractor pulling Roller	12.68	.97	.85	.50	.10
Electric Overhead Cranes	13.14	.97	.85	.50	.10
Elevating Grader	12.96	.97	.85	.50	.10
Farm type tractor up to and including 50 HP engine	12.42	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Farm Type tractor, over 50 HP engine	$12.50	.97	.85	.50	.10
Field Equipment Servicemen	12.88	.97	.85	.50	.10
Fireman	12.55	.97	.85	.50	.10
Forklift, on construction job site	12.77	.97	.85	.50	.10
Form Grader Operator	12.73	.97	.85	.50	.10
Gradall Operator	12.96	.97	.85	.50	.10
Grade Setter	12.42	.97	.85	.50	.10
Heavy Duty Drills, all types	12.96	.97	.85	.50	.10
Herman-Nelson Heaters and similar type	12.50	.97	.85	.50	.10
Hoist Operator, single drum	12.73	.97	.85	.50	.10
Hoist, two or more drums	12.96	.97	.85	.50	.10
Helicopter Hoist Operator	13.46	.97	.85	.50	.10
Hot Plant Operator	12.96	.97	.85	.50	.10
Hot Plant Fireman, when in operation	12.96	.97	.85	.50	.10
Hot Plant Oiler, 100 ton per hour or over	12.45	.97	.85	.50	.10
Hydra Lift and similar types	12.86	.97	.85	.50	.10
Industrial Locomotive all classes	12.96	.97	.85	.50	.10
Mechanic and/or Welder on job	13.06	.97	.85	.50	.10
Mechanic Shop (Dec. April 1)	12.66	.97	.85	.50	.10
Mixermobile	13.04	.97	.85	.50	.10
Motor Patrol Operator	13.09	.97	.85	.50	.10
Mountain Logger or similar type	12.96	.97	.85	.50	.10
Mucking Machine Operator	12.96	.97	.85	.50	.10
Oiler-Driver, Rubber tired Cranes	12.53	.97	.85	.50	.10
Oilers, other than Shovels and Cranes	12.45	.97	.85	.50	.10
Oiler, Hoist House, dams	12.86	.97	.85	.50	.10
Pavement Breakers, Rmsco and similar	12.96	.97	.85	.50	.10
Paving and Mixing Machine	13.09	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Auger, large truck or tractor mounted and Punch	$12.96	.97	.85	.50	.10
Power Mixer, single or double drum	12.96	.97	.85	.50	.10
Power Saw, multiple cut, self-propelled	12.96	.97	.85	.50	.10
Pumperete or Grout Machine	12.96	.97	.85	.50	.10
Pumpman	12.49	.97	.85	.50	.10
Push Tractor	12.97	.97	.85	.50	.10
Quad Cat	13.26	.97	.85	.50	.10
Quad Loader and similar type	13.34	.97	.85	.50	.10
Radiator Repairman	12.77	.97	.85	.50	.10
Raygo Gaint	13.54	.97	.85	.50	.10
Refrigeration Plant Operator	12.96	.97	.85	.50	.10
Retort Operator	12.55	.97	.85	.50	.10
Roller, on blade or hot mix oil paving	12.96	.97	.85	.50	.10
Roller, on other blade or hot mix paving	12.66	.97	.85	.50	.10
Roller, 25 ton or over	12.96	.97	.85	.50	.10
Rose and similar type Carriers, on construction site	12.96	.97	.85	.50	.10
Rubber-tired Dozer	12.96	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. and under	12.67	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. to and including 3 cu. yds.	12.96	.97	.85	.50	.10
Rubber-tired Front End Loader, over 3 cu. yds. to and including 5 cu. yds.	13.08	.97	.85	.50	.10
Rubber-tired Front End Loader, over 5 cu. yds. to and including 10 cu. yds.	13.18	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Rubber-tired Front End Loader, over 10 cu. yds.	13.28	.97	.85	.50	.10
Rubber-tired Scraper	12.96	.97	.85	.50	.10
Rubber-tired Tractor	12.96	.97	.85	.50	.10
Rubber-tired Tractor, Articulated	13.08	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 25 ton	13.18	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 50 ton	13.28	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 100 ton	13.38	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 150 ton	13.48	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 200 ton	13.58	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 250 ton	13.68	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 300 ton	13.78	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 350 ton	13.88	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 400 ton	13.98	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 450 ton	14.08	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 500 ton	14.18	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 550 ton	14.28	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 600 ton	14.38	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 650 ton	14.48	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 700 ton	14.58	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 750 ton	14.68	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 800 ton	14.78	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 850 ton	14.88	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 900 ton	14.98	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 950 ton	15.08	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1000 ton	15.18	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Rubber-tired Tractor, Articulated, over 1050 ton	15.28	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1100 ton	15.38	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1150 ton	15.48	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1200 ton	15.58	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1250 ton	15.68	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1300 ton	15.78	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1350 ton	15.88	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1400 ton	15.98	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1450 ton	16.08	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1500 ton	16.18	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1550 ton	16.28	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1600 ton	16.38	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1650 ton	16.48	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1700 ton	16.58	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1750 ton	16.68	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1800 ton	16.78	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1850 ton	16.88	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1900 ton	16.98	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 1950 ton	17.08	.97	.85	.50	.10
Rubber-tired Tractor, Articulated, over 2000 ton	17.18	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	$13.28	.97	.85	.50	.10
Rubber-tired Front End Loader, over 15 yards	13.38	.97	.85	.50	.10
Scraper, DW 15, 20, 21 and similar type if power unit is not used	12.96	.97	.85	.50	.10
Scraper, single or twin engine pulling Belly Dump Trailer	13.34	.97	.85	.50	.10
Scraper, single engine	13.09	.97	.85	.50	.10
Scraper, twin engine	13.19	.97	.85	.50	.10
Scraper, tandem engine or 3 engine	13.45	.97	.85	.50	.10
Self-propelled Sheepfoot and similar type	12.96	.97	.85	.50	.10
Shovels, including all attachments, under 1 cu. yd.	12.96	.97	.85	.50	.10
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	13.14	.97	.85	.50	.10
Shovels, including all attachments, over 3 cu.yds. to and including 5 cu. yds.	13.41	.97	.85	.50	.10
Shovels, including all attachments over 5 cu. yds.	13.54	.97	.85	.50	.10
Shovel Oiler, 3 yds. and under	12.45	.97	.85	.50	.10
Shovel Oiler, over 3 cu. yds.	12.86	.97	.85	.50	.10
Slip Form Paver Operator	13.09	.97	.85	.50	.10
Stiff Leg Derrick and Guy Derrick	13.41	.97	.85	.50	.10
Track-type Front End Loaders, up to and including 5 cu. yds.	12.96	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	$13.19	.97	.85	.50	.10
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	13.29	.97	.85	.50	.10
Track-type Front End Loaders, over 15 cu. yds.	13.39	.97	.85	.50	.10
Track-type Tractor w/wo attachments	12.96	.97	.85	.50	.10
Track-type Tractor, on Euclid Loader	13.14	.97	.85	.50	.10
Trenching Machine	12.96	.97	.85	.50	.10
Turnhead Conveyor, or Head Tower on Batch Plant	12.96	.97	.85	.50	.10
Wagner Roller and similar type	12.96	.97	.85	.50	.10
Whirley Crane Operator	13.49	.97	.85	.50	.10
Whirley Crane Oiler	12.86	.97	.85	.50	.10
Water Pull when used for compaction	12.96	.97	.85	.50	.10
Washing and Screening Plant Operator	12.96	.97	.85	.50	.10
Washing and Screening Plant Oiler	12.45	.97	.85	.50	.10
Yo-Yo Cat, both ends	13.16	.97	.85	.50	.10

TRUCK DRIVERS: STATEWIDE	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To & including 4 cu. yds.	$11.10	.82	.84		
Over 4 cu. yds. to and including 6 cu. yds.	11.18	.82	.84		
Over 6 cu .yds. to and including 8 cu. yds.	11.26	.82	.84		
Over 8 cu. yds. to and including 10 cu. yds.	11.34	.82	.84		
Over 10 cu. yds.-additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER	11.08	.82	.84		
DRY BATCH TRUCKS:					
3 Batch or under	10.85	.82	.84		
Over 3 Batch to and including 5 Batch	11.98	.82	.84		
Over 5 Batch to and including 10 Batch	11.14	.82	.84		
Over 10 Batch to and including 15 Batch	11.30	.82	.84		
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	10.95	.82	.84		
ROADMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters	10.85	.82	.84		

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS And SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards:					
7 cu. yds. or less	$10.85	.82	.84		
Over 7 cu. yds. to and including 10 cu. yds.	10.98	.82	.84		
Over 10 cu. yds. to and including 15 cu. yds.	11.14	.82	.84		
Over 15 cu. yds. to and including 20 cu. yds..	11.28	.82	.84		
Over 20 cu. yds. to and including 25 cu. yds.	11.34	.82	.84		
Over 25 cu. yds. to and including 30 cu. yds.	11.40	.82	.84		
Over 30 cu. yds. to and including 35 cu. yds.	11.46	.82	.84		
over 35 cu. yds. to and including 40 cu. yds.	11.52	.82	.84		
Over 40 cu. yds. to and including 45 cu. yds.	11.58	.82	.84		
Over 45 cu. yds.-additional $.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	10.98	.82	.84		
POWER TRUCK DRIVER (bulk unloader type)	11.03	.82	.84		
FLAT TRUCKS:					
To and including 3 tons	11.00	.82	.84		
Over 3 tons factory rating	11.20	.82	.84		

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
FUEL TRUCK DRIVERS; TIREMEN	$11.44	.82	.84		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	11.28	.82	.84		
LUMBER CARRIERS, LIFT TRUCK and FORK LIFTS	11.20	.82	.84		
POWER BROOM	10.94	.82	.84		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	10.85	.82	.84		
Over 2,500 gallons to and including 4,500 gallons	11.14	.82	.84		
Over 4,500 gallons to and including 6,000 gallons	11.34	.82	.84		
Over 6,000 gallons to and including 8,000 gallons	11.48	.82	.84		
Over 8,000 gallons to and including 10,000 gallons	11.48	.82	.84		
Over 10,000 gallons - additinal $.10 per hour each additinal 2,000 gallons increment					
TRUCK MECHANIC	11.84	.82	.84		

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Flathead, Lake, and Lincoln Counties:					
All work for power utilities, all highway lighting, street lighting and motor traffic controlling.					
Lineman	$13.92	.45	3%+.50		1/20
Cable Splicers	13.49	.45	3%+.50		1/20
Pole Sprayer	12.37	.45	3%+.50		1/20
Line Equipment Operators	11.87	.45	3%+.50		1/20
Powderman, Jackhammer, Compressorman	10.29	.45	3%+.50		1/20
Groundman "A"	9.65	.45	3%+.50		1/20
Tree Trimmer	12.83	.45	3%+.50		12/5
Head Groundman and Groundman "B" are not applicable					
Statewide, except Flathead, Lake, and Lincoln Counties:					
Lineman, Pole Sprayer	12.90	.45	3%+.50		1/40
Cable Splicers	13.86	.45	3%+.50		1/40
Line Equipment Operators' Powderman	11.40	.45	3%+.50		1/40
Groundman	9.23	.45	3%+.50		1/40

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DREDGING: STATEWIDE					
Assistant Mate (Deckhand)	$15.02	$1.07	$ 1.50		.14
Fireman	15.12	1.07	1.50		.14
Oiler	15.12	1.07	1.50		.14
Assistant Engineer (electric, diesel, steam or booster Pump)	15.46	1.07	1.50		.14
Mates and Boatman	15.46	1.07	1.50		.14
Engineer Welder	15.51	1.07	1.50		.14
Craneman	15.51	1.07	1.50		.14
Assistant Engineer (electric, generator Operator for Primary Pump, power barge or dredge)	15.56	1.07	1.50		.14
Leverman, Dipper:					
(a) 5 yards and under	16.27	1.07	1.50		.14
(b) over 5 yards	16.82	1.07	1.50		.14
Leverman, Hydraulic	15.88	1.07	1.50		.14

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Montana COUNTIES: Statewide
DECISION NUMBER: MT81-5115 DATE: Date of Publication
Supersedes Decision No. MT80-5142 dated November 21, 1980, in 45 FR 77295
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$16.69	.78	$1.45		.04
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS; MARBLE MASONS:*					
Area 1	14.20		.55		
Area 2	12.85	.90	.55		
Area 3	15.00		.75		
Area 4	12.55	.70	.60		
Area 5	16.15		.55		
Area 6	13.80	.85	.90		.035
Area 7	12.75	.75	.75		
Area 8	13.58	.90	.55		
Area 9	12.00				
CARPENTERS:*					
Area 1:					
Carpenters	11.25	.85	1.00		.04
Piledrivermen	11.50	.85	1.00		.04
Millwrights	12.25	.85	1.00		.04
Area 2:					
Carpenters	11.13	.85	1.00		.04
Piledrivermen	11.63	.85	1.00		.04
Millwrights	12.13	.85	1.00		.04
Area 3:					
Carpenters	11.13	.85	1.00		.04
Piledrivermen	11.38	.85	1.00		.04
Millwrights	12.13	.85	1.00		.04
Area 4:					
Carpenters	11.67	.85	1.00		.04
Piledrivermen; Millwrights	11.92	.85	1.00		.04
Area 5:					
Carpenters	11.13	.85	1.00		.04
Piledrivermen	11.43	.85	1.00		.04
Millwrights	12.27	.85	1.00		.04
Area 6:					
Carpenters	11.38	.80	.75		.02
Piledrivermen	11.53	.80	.75		.02
Millwrights	12.38	.80	.75		.02
Area 7:					
Carpenters	11.13	.85	1.00		.04
Piledrivermen	11.38	.85	1.00		.04
Millwrights	12.13	.85	1.00		.04

*See AREA Descriptions - Page 2

AREA DESCRIPTIONS

BRICKLAYERS; MARBLE MASONS:

AREA DESCRIPTIONS

BRICKLAYERS; MARBLE MASONS:
Area 1: Beaverhead County; Jefferson County (except northern tip of County); Madison County, and Silver Bow Counties

Area 2: Gallatin and Park Counties

Area 3: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweet Grass, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 4: Broadwater, Lewis & Clark, and Meagher Counties

Area 5: Deer Lodge, Powell, and Granite Counties

Area 6: Cascade, Chouteau, Glacier, Pondera, and Teton Counties

Area 7: Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole, and Valley Counties

Area 8: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

Area 9: Fergus, Garfield, Golden Valley, Judith-Basin, Musselshell, Petroleum, and Wheatland Counties

CARPENTERS:
Area 1: Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Liberty, Meagher, Pondera, Teton, and Toole Counties

Area 2: Blaine and Hill Counties

Area 3: Broadwater, Lewis & Clark, and Jefferson Counties

Area 4: Deer Lodge County; Granite County (all area lying south of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County); Powell County (area lying south of the N.E. corner of Granite County)

Area 5: Granite County (area lying north of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County); Lake County (southern area, south of and including the Town of Ravalli); Mineral County (area southeast of southeast city limits of the Town of Superior); Missoula County; Powell County (area lying north of the N.E. corner of Granite County); Ravalli County; Sanders County (southeastern portion)

Area 6: Carter, Custer, Daniels, Dawson, Fallon, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties; and Fort Peck Project

Area 7: Flathead and Lincoln Counties; Lake County (northern area including Town of Ravalli from a point where Highway #10A and Highway #93 intersect); Mineral County (northern area including the Town of Superior); Sanders County (except S.E. corner portion)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pension	Vacation	Education and/or Appr. Tr.
CARPENTERS:* (Cont'd)					
Area 8:					
Carpenters	$11.28	.85	$1.00		.06
Floor Sander; Sawmen	11.43	.85	1.00		.06
Piledrivermen	11.43	.85	1.00		.06
Millwrights	12.28	.85	1.00		.06
Area 9:					
Carpenters	12.98	.90	1.25		.04
Piledrivermen; Millwrights	13.48	.90	1.25		.04
Area 10:					
Carpenters	11.13	.85	1.00		.04
Piledrivermen	11.38	.85	1.00		.04
Millwrights	12.13	.85	1.00		.04
CEMENT MASONS:*					
Area 1	12.00	1.00	.50	1.00	
Area 2	10.95	.85	.40		
Area 3	11.35				
Area 4	10.00				
ELECTRICIANS:*					
Area 1	14.35	.70	3%+.50		1/2%
Area 2:					
Electricians	14.55	.70	3%+.75		1/2%
Cable Splicers	15.00	.70	3%+.75		1/2%
Area 3	11.45		3%		1/2%
Area 4:					
Contracts under $75,000:					
Electricians	14.45	.70	3%+.75		1/2%
Cable Splicers	15.17	.70	3%+.75		1/2%
Contracts over $75,000:					
Electricians	15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Area 5:					
Electricians	14.95	.65	3%+.50		1/2%
Area 6:					
Electricians	15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Area 7:					
Electricians	15.65	.70	3%+.50		1/2%
Cable Splicers	16.43	.70	3%+.50		1/2%
Area 8:					
Electricians	12.70	.55	3%+.50		1/2%
Area 9:					
Electricians	12.35	.50	3%+.75		1/2%

*See AREA Descriptions - Page 4

AREA DESCRIPTIONS

CARPENTERS: (Cont'd)
Area 8: Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure, Wheatland, and Yellowstone Counties

Area 9: Beaverhead and Silver Bow Counties

Area 10: Gallatin, Madison, Park, and Sweet Grass Counties

CEMENT MASONS:
Area 1: Beaverhead and Deer Lodge Counties; Granite County (southern half); Jefferson County (southern area including Town of Wickes); Madison County; Powell County (south portion including the Town of Deer Lodge); Silver Bow County

Area 2: Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland, and Yellowstone Counties

Area 3: Blaine, Cascade, Chouteau, Hill, Liberty, Pondera, Teton, and Toole Counties

Area 4: Carter, Custer, Dawson, Fallon, Powder River, Prairie, Rosebud, Richland, and Wibaux Counties

ELECTRICIANS:
Area 1: Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow, and Powell Counties

Area 2: Big Horn, Carbon, Carter, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 3: Custer and Garfield Counties

Area 4: Blaine, Chouteau, Daniels, Fergus, Glacier, Hill Judith-Basin, Liberty, McCone, Petroleum, Pondera, Phillips, Richland, Roosevelt, Sheridan, Teton, Toole, Valley, and Wheatland Counties

Area 5: Broadwater, Lewis & Clark, and Meagher Counties

Area 6: Cascade County

Area 7: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

Area 8: Gallatin County

Area 9: Park and Sweet Grass Counties

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Elevator constructors	$13.63	$1.195	.95	a	.03%
Helpers	9.54	1.195	.95	a	.03%
Probationary Helpers	6.82				
IRONWORKERS:*					
Area 1	13.21	.90	1.45		.15
Area 2	15.36	.93	1.90		.10
Area 3	13.21	.90	1.45		.15
PAINTERS:*					
Area 1:					
Brush, Roller; Floor Layers	10.66	.63	.50		.10
Brush, Roller on steel and roofs, Pot Tender; Paperhanger	10.91	.63	.50		.10
Perfataper (hand tools)	10.76	.63	.50		.10
Spray (not Steel)	11.64	.63	.50		.10
Sandblaster, commercial and steel; Spray on structural steel and tanks	11.89	.63	.50		.10
Perfataper (Machine tools)	11.16	.63	.50		.10
Area 2:					
Brush; Preparatory work; Pot Tender; Parking Lot Striping and related work; Roller up to 9"	12.52	.69	.40		10
Paperhanger, Brush on Steel	12.92	.69	.40		10
Water and Sandblasting; Application of cold tar products, epoxies and polyurethanes and acid resistant paints; Spraying and airless spray	14.67	.69	.40		10
Roller over 9" long	16.02	.69	.40		10
Signwritter	12.78	.96	.40		10
Spray and Roller (in shop)	12.78	.69	.40		10
Spray and Roller (out shop)	14.18	.69	.40		10
Hand Taper	12.82	.69	.40		10
Machine Taper	14.87	.69	.40		10

*See AREA Descriptions - Page 9

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 3:					
Brush; Preparatory work; Pot Tender; Parking Lot Striping and related work; Roller up to 9"	12.52	.69	.40		10
Paperhanger, Brush on Steel	12.92	.69	.40		10
Water and Sandblasting; Application of cold tar products, epoxies and polyurethanes and acid resistant paints; Spraying and airless spray	14.67	.69	.40		10
Roller over 9" long	16.02	.69	.40		10
Signwritter	12.78	.96	.40		10
Spray and Roller (in shop)	12.78	.69	.40		10
Spray and Roller (out shop)	14.18	.69	.40		10
Hand Taper	12.82	.69	.40		10
Machine Taper	14.87	.69	.40		10
PLASTERERS:					
Area 1	13.21	.90	1.45		.15
Area 2	15.36	.93	1.90		.10
Area 3	13.21	.90	1.45		.15
PLUMBERS & PIPEFITTERS:					
Area 1	13.21	.90	1.45		.15
Area 2	15.36	.93	1.90		.10
Area 3	13.21	.90	1.45		.15
ROOFERS:					
Area 1	10.66	.63	.50		.10
Area 2	12.52	.69	.40		10
Area 3	12.52	.69	.40		10
SHEET METAL WORKERS:					
Area 1	13.21	.90	1.45		.15
Area 2	15.36	.93	1.90		.10
Area 3	13.21	.90	1.45		.15
SPRINKLER FITTERS:					
Area 1	13.21	.90	1.45		.15
Area 2	15.36	.93	1.90		.10
Area 3	13.21	.90	1.45		.15

AREA DESCRIPTIONS

IRONWORKERS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 3:					
Painters	$10.02				
Perfataper	10.27				
Paint Mitts	10.52				
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water sandblasting and steam cleaning; Stacks and Steeples; Brushing of steel; Spraying and airless spraying; Work over 30 feet	12.80				
Area 4:					
Wet sandblasting, brush or roller; Application of cold tar epoxies, and acid resistant materials	13.08	.59	.50		.03
Brush or Roller; Prep work; Pot Tender	11.08	.59	.50		.03
Spray application of cold tar epoxies, and acid resistant materials	16.08	.59	.50		.03
Paper or Vinyl Hanger	11.08	.59	.50		.03
Structural steel; Brush or Roller	13.08	.59	.50		.03
Perfataping	11.58	.59	.50		.03
Structural Steel; Spraying	14.08	.59	.50		.03
Airless Spraying	12.08	.59	.50		.03
Area 5	10.90				
Area 6	12.17	.69	.50		.04

*See AREA Descriptions - following Page

AREA DESCRIPTIONS

IRONWORKERS:

Area 1: Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, and Jefferson Counties; Lewis & Clark County (southern half including Wolf Creek); Madison, Park, Powell, Ravalli, and Silver Bow Counties

Area 2: Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 3: Remaining Counties (including northern half of Lewis & Clark County)

PAINTERS:

Area 1: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wibaux, and Yellowstone Counties

Area 2: Cascade County; Chouteau County (south of a line running east and west through the southern limits of Big Sandy); Daniels, and Fergus Counties; Glacier County (excluding Glacier National Park); Garfield and Judith-Basin Counties; Lewis & Clark County (northern portion from a line running east and west through the northern limits of Craig); McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, and Valley Counties; Wheatland County (northern area from a line running east and west through the southern limits of Harlowtown)

Area 3: Deer Lodge County and the southern part of Granite County from a line east-west through the southern limits of Phillipsburg

Area 4: Broadwater and Gallatin Counties; Jefferson County (northern area from a line running east and west five(5) miles south of the southern city limits of Boulder); Lewis & Clark County (southern portion from a line running east and west through the southern limits of Craig); Park County; Powell County (southern area from a line running east and west through the southern City limits of Helmeville); Silver Bow County; Jefferson County (south part, from a line running due west from the south limits of Toston); Broadwater County (south part, from a line running east and west through the north limits of Toston); Madison County (west part, from a line running North and south through the west limits of Harrison in Beaverhead County)

Area 5: Blaine, Hill, and Liberty Counties; Chouteau County (north of the southern limits of the City of Big Sandy)

Area 6: Flathead County; Granite County (northern area north limits of Phillipsburg); Lake County (southern area including the City of Ronan); Lincoln, Mineral, and Missoula Counties; Powell County (northern area through south limits of Helmeville); Ravalli and Sanders Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:*					
Area 1	$10.50	.75	.35		
Area 2	12.00	1.00	.50	1.00	
Area 3	10.95	.85	.40		
Area 4	10.00				
PLUMBERS:*					
Area 1	15.78	.75	.70		.15
Area 2	15.10	1.05	1.10		.17
Area 3	15.35	.70	.85		.10
Area 4	15.90	1.00	1.10		.20
ROOFERS; Waterproofers:*					
Area 1	11.69		.25		
Area 2:					
Roofers	10.75	.85	.25		
Irritable bituminous Roofer, Waterproofer, Kettleman	12.25	.85	.25		
Area 3	11.32	.70	.60		
Area 4:					
Roofers	12.82	.85	.50		.10
Irritable bituminous Roofer, Waterproofer, Kettleman	14.82	.85	.50		.10
Area 5:					
Roofers	13.00	.85	.50		.10
Irritable bituminous Roofer, Waterproofer, Kettleman	15.00	.85	.50		.10
Area 6	12.00	.35			

See AREA Descriptions - Page 9

AREA DESCRIPTIONS

PLASTERERS:

Area 1: Granite County; Lake County (southern area, including the City of Pablo); Mineral and Missoula Counties; Powell County (northern area including the City of Helmsville); Ravalli County; Sanders County (south portion, including the City of Paradise)

Area 2: Beaverhead and Deer Lodge Counties; Jefferson County (southern area, including the Town of Wickes); Madison County; Powell County (south of a line running east-west north of the Town of Deer Lodge); Silver County

Area 3: Big Horn, Carbon, Golden Valley, Stillwater, Treasure, and Wheatland Counties

Area 4: Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud, and Wibaux Counties

PLUMBERS:

Area 1: Flathead, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 2: Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole, and Valley Counties

Area 3: Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis & Clark, Madison, Park, Powell, Silver Bow, and Sweet Grass Counties

Area 4: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden valley, McCone, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux, and Yellowstone Counties

ROOFERS; Waterproofers:

Area 1: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Richland, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 2: Blaine, Cascade, Chouteau, Daniels, Fergus, Garfield, Glacier, Hill, Judith-Basin, Liberty, McCone, Petroleum, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole, and Valley Counties

Area 3: Deer Lodge, Powell, and Silver Bow Counties

Area 4: Flathead, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 5: Lewis and Clark Counties

Area 6: Beaverhead, Broadwater, Gallatin, Jefferson, Madison, Meagher, Park, Sweet Grass, and Wheatland Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Area 1:					
Sheet Metal Worker	$11.50	.75	.35		
Air Balancer	12.50	.75	.35		
Area 2:					
Sheet Metal Worker	12.00	.75	.35		
Air Balancer	13.00	.75	.35		
Area 3:					
Sheet Metal Worker	11.00	.75	.35		
Air Balancer	12.00	.75	.35		
Area 4:					
Sheet Metal Worker	11.00	.75	.35		
Air Balancer	12.00	.75	.35		
Area 5:					
Sheet Metal Worker	11.00	.75	.35		
Air Balancer	12.00	.75	.35		
Area 6:					
Sheet Metal Worker	11.00	.75	.35		
Air Balancer	12.00	.75	.35		

AREA DESCRIPTIONS (CONT'D)

SHEET METAL WORKERS:

Area 1: Flathead, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 2: Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole, and Valley Counties

Area 3: Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis & Clark, Madison, Park, Powell, Silver Bow, and Sweet Grass Counties

Area 4: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden valley, McCone, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux, and Yellowstone Counties

Area 5: Lewis and Clark Counties

Area 6: Beaverhead, Broadwater, Gallatin, Jefferson, Madison, Meagher, Park, Sweet Grass, and Wheatland Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:*					
Area 1	$14.32	.73	.66		.24
Area 2	14.71	.73	.50		.24
Area 3	14.25	1.205	.705		.24
Area 4	14.04	.73	.75		.24
Area 5	14.09	.73	.73		.24
SOFT FLOOR LAYERS:*					
Area 1	12.50				
SPRINKLER FITTERS	14.81	.95	1.40		.08
TERRAZZO WORKERS and TILE SETTERS:*					
Area 1	12.55		.60		
Area 2	15.00	.70	.75		
Area 3	13.58	.90	.55		
Area 4	12.75	.75	.75		
Area 5	11.70	.85	.90		
WELDERS:					
Receive rate for craft					
*See AREA Descriptions - Page 11					

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA DESCRIPTIONS (CONT'D)

SHEET METAL WORKERS:
Area 1: Broadwater County; Jefferson County (including north half of the City of Boulder); Lewis & Clark and Meagher Counties

Area 2: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders

Area 3: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Park, Petroleum, Phillips, Powder River, Prairie, Richland, Rosebud, Roosevelt, Sheridan, Stillwater, Sweet Grass, Treasure, Valley, Wibaux, Wheatland, and Yellowstone Counties

Area 4: Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton, and Toole Counties

Area 5: Beaverhead, Deer Lodge, and Granite Counties; Jefferson County (southern half); Madison, Powell, and Silver Bow Counties

SOFT FLOOR LAYERS:
Area 1: Cascade County; Chouteau County (south of a line running east and west through the southern limits of Big Sandy); Daniels, and Fergus Counties; Glacier County (excluding Glacier National Park); Garfield and Judith-Basin Counties; Lewis & Clark County (northern portion from a line running east and west through the northern limits of Craig); McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, and Valley Counties; Wheatland County (northern area from a line running east and west through the southern limits of Harlowtown)

TERRAZZO WORKERS and TILE SETTERS:
Area 1: Broadwater, Lewis & Clark, and Meagher Counties; Jefferson County (northern area north of Boulder Hill)

Area 2: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweet Grass, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 3: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders

Area 4: Blaine, Daniels, Hill, Liberty, Phillips, roosevelt, Sheridan, Toole, and Valley Counties

Area 5: Cascade, Chouteau, Glacier, Pondera, and Teton Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Beaverhead, Deer Lodge, Madison, Powell, Silver Bow and that portion of Jefferson County within the territorial limits of District No. 2					
Group 1	$10.16	.75	.65	.30	.05
Group 2	10.36	.75	.65	.30	.05
Group 3	10.41	.75	.65	.30	.05
Group 4	10.66	.75	.65	.30	.05
Group 5	10.76	.75	.65	.30	.05
Broadwater, Lewis and Clark Meagher, north half of Jefferson County including the City of Boulder; that portion of Powell County lying east of a north-south line at west edge of the Town of Elliston					
Group 1	10.29	.75	.65	.30	.05
Group 2	10.45	.75	.65	.30	.05
Group 3	10.54	.75	.65	.30	.05
Group 4	10.79	.75	.65	.30	.05
Group 5	10.89	.75	.65	.30	.05
Broadwater (that portion lying south of an east-west line north of the City of Townsend), Gallatin, Madison (that portion lying east of the Gravely Mountain Range), Park, Sweet Grass and Wheatland Counties:					
Group 1	10.03	.75	.65	.30	.05
Group 2	10.19	.75	.65	.30	.05
Group 3	10.29	.75	.65	.30	.05
Group 4	10.53	.75	.65	.30	.05
Group 5	10.63	.75	.65	.30	.05

LABORERS

Beaverhead, Deer Lodge, Madison, Powell, Silver Bow and that portion of Jefferson County within the Territorial limits of District No. 2

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Cosmoline, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer - Building and structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblasting Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Houseman; Tool Checker; Flagman and Scaleman

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Grout, Concrete Pump and Nozzleman; Hand Faller; Nozzleman - air, water, Gunite and Placo Machine; Pipelayer (all types) Laser Equipment Operator; Pipewrapper; Postbole Digger (power Auger); Power Saw (bucking); Powderman Tender; Rigger; Riprapper; Spike Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Raker; Concrete Laborer (wet or dry); Bucketmen and Signalmen; Concrete Vibrator (3" and over); Drills, Air Track (all types); Equipment Handler; Grade Setter; High Scaler; High pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Vibrating Roller, hand steered and other power tools; Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Welder, Cutting Torch and Air Arc

LABORERS (Cont'd)

Broadwater, Lewis and Clark, Meagher, north half of Jefferson County including the City of Boulder; that portion of Powell

LABORERS (Cont'd)

Broadwater (that portion lying south of an east-west line

LABORERS (Cont'd)
Broadwater, Lewis and Clark, Meagher, north half of Jefferson County including the City of Boulder; that portion of Powell County lying east of a north-south line at west edge of the Town of Elliston

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborer (wet or dry); Bucketman and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer, building and structure; Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision, such as radiant type or butane fire, without blowers or fans, General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Housemen; Flagman and Scaleman

Group 2: Burning Bar; Cement Handlers; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman - Air, water, Gunite and Placo Machine; Pipelayer (all types); Laser Equipment Operator; Pipewrapper; Posthole Digger (power auger); Powderman Tender; Riprapper; Spike Driver, single or dual or hand; Switchmen

Group 3: Asphalt Raker; Choker Setter; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzlemen; High Scaler; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Vibrating Roller, hand steered and other power tools; Power driven Wheelbarrow; Power Saw (bucking); Power Saw (falling); Rigger; Sandblaster; Tar Pot Operator

Group 4: Cement Mason Tender and Hod Carriers; Powdermen

Group 5: Core Drill Operator; Welder, Cutting Torch and Air Arc

LABORERS (Cont'd)
Broadwater (that portion lying south of an east-west line north of the City of Toaten), Gallatin, Madison (that portion lying east of the Gravely Mountain Range), Park and Wheatland Counties

Group 1: Axeman; Caisson Workers (free air); Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborers, building and structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Housemen; Flagman and Scaleman

Group 2: Burning Bar; Cement Handlers; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman - air, water, Gunite and Placo Machine; Pipelayer (all types); Laser equipment Operator; Pipewrapper; Posthole Digger (power Auger); Powderman Tender; Riprapper; Spike Driver, single or dual or hand; Switchmen;

Group 3: Asphalt Raker; Choker Setter; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scaler; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper; Vibrating Roller, hand steered and other power tools; Power driven Wheelbarrow; Power Saw (bucking); Power Saw (falling); Rigger; Sandblaster; Tar Pot Operator

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Welder, Cutting Torch and Air Arc

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Flathead, Glacier National Park, Lincoln and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel:					
Group 1	9.90	.70	.60	.20	.05
Group 2	10.05	.70	.60	.20	.05
Group 3	10.20	.70	.60	.20	.05
Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Cos.:					
Group 1	9.45	.70	.60	.20	.05
Group 2	9.67	.70	.60	.20	.05
Group 3	9.70	.70	.60	.20	.05
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties:					
Group 1	9.60	.70	.60	.20	.05
Group 2	9.82	.70	.60	.20	.05
Group 3	9.85	.70	.60	.20	.05
Granite, Lake (southern area), Mineral, Missoula, Ravalli and Sanders (southern area) Counties:					
Group 1	9.32	.62	.53		.05
Group 2	9.57	.62	.53		.05
Group 3	9.72	.62	.53		.05

LABORERS (Cont'd)
Flathead, Glacier National Park, Lincoln, and that portion of Lake and Sanders Counties lying 5 miles north of the 5th Parallel

Group 1: General Laborers; Scaleman; Form Strippers; Car and Truck Loaders; Flagman

Group 2: Concrete Handlers, conveying and handling concrete; Nozzlemen (air or water); Sand Blast Tail Hose Man; Power driven Wheelbarrow; Rodder and Spreader; Form Setters (paving); Bucketman; Small air tool Operators, including Blow Pipe and small power power tool Operators; Chuck Tenders; Asphalt Rakers; Dumpman; Rip Rapping; Pipe Wrapper; Pot Tender; Concrete Pumper Hoseman; Jackhammer; Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipe Layers (non-metallic); Metal Culvert Pipe Layer; Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Mixer Operator; Shoring and Lagging open ditches; Powderman; Drills, Air-trac, Wagon Drill, cat or truck mounted air operated Drills, Sand Blaster (wet or dry); Gunite Nozzleman; Barco Tamper

Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties

Group 1: Axeman; Car and Truck Loaders (weighing loaded trucks); Cosmoline, applying and removing; Concrete Laborer; Chucktenders and Nippers; Crusher Laborer; Equipment Handlers (truck, boboats); Flagman, watchman; Form Stripper; General Laborer; Hand Faller; Landscape Laborer; Riprap Tender; Rodman; Scaleman; Scissorman; Stake Jumper; Tool Checker; Toolhouse Man

Group 2: Applicator, hand or nozzle (applying hot protective material or oil or asphalt base); Asphalt Raker; Barco Tamper; Caulker, Collarman, Jointer, Mortarman, Cement Handler (sack or bulk); Choker Setter; Concrete and Asphalt Saws; Concrete Bucketman; Creosote Material Handler; Curb Machine; Dumpman, Grademan; Dumpman, Spotter; Form Setters; Gunite, Pumpcrete and Placo Machine Operator; Machine Operator; Jackhammer Operator; Mechanical Tampers; Laser Beam Operator; Pipelayers (all types); Plastic Pipe Layer; Pavement Breaker Operator; Pneumatic and electric tool Operator; Pipe Wrapper; Powderman Tender, Primerhouseman; Power driven Wheelbarrow; Power Saw (bucking and falling); Rip Wrapper (hand placed); Rodder and Spreader; Signal Man; Shoring and Lagging (open ditch); Tar Pot Operator

Group 3: Tenders, Trowl Trades (scaffolding, staging, forklifts for Masons and Plasterers)

LABORERS (Cont'd)
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud,

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LABORERS (Cont'd)
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties

Group 1: Axeman; Car and Truck Loaders (weighing loaded trucks); Cosmoline, applying and removing; Concrete Laborer; Chucktenders and Nippers; Crusher Laborer; Equipment Handler (trucks, bobcats); Flagman, Watchman; Form Stripper; General Laborer; Hand Faller; Landscape Laborer; Riprap Tender; Rodman; Scaleman Scissorman; Stake Jumper; Tool Checker; Toolhouseman

Group 2: Applicator, hand or nozzle (applying hot protective material of oil or asphalt base); Asphalt Raker; Barco Tamper; Caulker, Colarman, Jointer, Mortarman; Cement Handler (sack or bulk); Choker Setter; Concrete and Asphalt Saws; Concrete Bucketman; Creosote material Handler; Curb Machine; Dumpman, Grademan, Dumpman, Spotter; Form Setters; Gunite, Pumperete and Placo Machine Operator; Machine Operator; Jackhammer Operator; Mechanical Tampers; Laser Beam Operator; Pipelayers (all types); Plastic Pipe Layer; Pavement Breaker Operator; Pneumatic and electric tool Operator; Pipe Wrapper; Powderman Tender, Primerhouseman; Power driven Wheelbarrow; Power Saw (bucking and falling); Rip Wrapper (hand placed); Rodder and Spreader; Signal Man; Shoring and Lagging (open ditch); Tar Pot Operator

Group 3: Tenders, Trowl Trades (scaffolding, staging, forklifts, for Masons and Plasterers)

Granite, Lake (southern area), Mineral, Missoula, Ravalli and Sanders (southern area) Counties

Group 1: General Building and Contruction Labor, Scaleman, Watchman, Flagman, Form Strippers, Car and Truck Loaders, Carpenters Tenders

Group 2: Nozzleman (air or water); Sand Blast; Tailhoseman, Powderman Tender, Power driven wheelbarrow; Rodder and Spreader; Form Setters (paving); Bucketman; Signlaman; Rigger; Small Air Tool Operators, including Blow Pipes, Small power tool Operators, Chuck Tenders, Asphalt Rakers, Dumpman, Rip Rapping, Pipe Wrapper, Pot Tenders; Concrete Pumper Hoseman, Cutting Torch; Jackhammer, Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipelayers (non-metallic); Metal Culvert; Pipelayers, Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Mixer Operator; Shoring and Lagging Open Ditches; Concrete Saw; Powderman; Drills, Air-trac, Wagon Drill, Cat or Truck mounted air operated drills; Laser Equipment and Tool; Welders; Sand Blaster (wet or dry); Gunnitemen; Barco Tamper

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Pondera, Teton and Toole Counties:					
Group 1	$10.50	.75	.65	.30	.05
Group 2	10.66	.75	.65	.30	.05
Group 3	10.75	.75	.65	.30	.05
Group 4	11.00	.75	.65	.30	.05
Group 5	11.10	.75	.65	.30	.05
Blaine, Hill and Liberty Counties:					
Group 1	10.50	.75	.65	.30	.05
Group 2	10.75	.75	.65	.30	.05
Group 3	10.85	.75	.65	.30	.05
Group 4	10.90	.75	.65	.30	.05
Group 5	11.00	.75	.65	.30	.05
Group 6	11.22	.75	.65	.30	.05
Daniels, Garfield, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties:					
Group 1	10.50	.75	.65	.30	.05
Group 2	10.75	.75	.65	.30	.05
Group 3	10.85	.75	.65	.30	.05
Group 4	10.90	.75	.65	.30	.05
Group 5	11.00	.75	.65	.30	.05
Group 6	11.25	.75	.65	.30	.05

LABORERS (Cont'd)
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Pondera, Teton and Toole Counties

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer, building and structure; Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision, such as radiant type or butane fire, without blowers or fans, General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman; Flagman and Scaleman

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman (air, water), Gunite and Placo Machine; Pipelayer (all types) Laser Equipment Operator; Pipewrapper; Spike Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Raker; Concrete Vibrator (3" and over); Drills, Air Track (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scaler; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Welder, Cutting Torch and Air Arc

LABORERS (Cont'd)
Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties

Group 1: General and Building Laborers and Scale Man; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small power tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers includes installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers

Group 2: Dumpmen (Grade).

Group 3: Power Driven Concrete Buggies or power driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzleman, Placo Operator, Jackhammer, Pavement Breaker, Vibrator (24" and over) Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender; Gunite Nozzleman; Caisson Workers (free air); Tunnels and Shafts (free air); Bull Gang, Pot Tender; Chuck Tender, Huckers and Nippers, Primerhouseman

Group 4: Brick Tenders handling bricks and blocks only

Group 5: Hod Carriers and Plaster Tenders (men carrying mortar either by hod, pail or barrow); High Scaler; Wagon Driller, cat or truck mounted air operated Drills; Asphalt Rakers and Tampers, Gunite, Form setter (Slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Laser Tools and Equipment; Small Concrete Mixers; Concrete Saw

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: Broadwater, Flathead, Lake, Lewis & Clark, Lincoln, Mineral, Missoula, Northern half of Powell, Ravalli and Sanders Counties:					
A-Frame Truck Crane, Winch Truck and similar	$12.80	.97	.85	.50	.10
Air Compressor, single	12.49	.97	.85	.50	.10
Air compressor, two or more	12.66	.97	.85	.50	.10
Air Doctor	12.96	.97	.85	.50	.10
Asphalt Paving Machine Operator	12.96	.97	.85	.50	.10
Asphalt Paving Machine Screed Operator	12.96	.97	.85	.50	.10
Automatic Finegrader, Gurries and other similar types	13.09	.97	.85	.50	.10
Belt Finish Machine Operator	12.66	.97	.85	.50	.10
Bit Grinder	12.96	.97	.85	.50	.10
Bituminous Mixer Paving, Travel Plant	12.96	.97	.85	.50	.10
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	12.55	.97	.85	.50	.10
Boring Machine (large)	12.96	.97	.85	.50	.10
Broom, self-propelled	12.63	.97	.85	.50	.10
Cableway Highline Operator	13.47	.97	.85	.50	.10
Cement Silo Operator	12.75	.97	.85	.50	.10
Central Mixing Plants, Concrete dam and stationary	13.21	.97	.85	.50	.10
Chain Bucket Loader	12.68	.97	.85	.50	.10
Chip or Gravel Spreader, self-propelled	12.68	.97	.85	.50	.10
Concrete Batch Plant, one and two Mixers	12.96	.97	.85	.50	.10
Concrete Batch Plant, three and four Mixers	13.16	.97	.85	.50	.10
Concrete Batch Plant, five Mixers and over	13.36	.97	.85	.50	.10
Concrete Batch Plant Oiler, up to and including two Mixers	12.48	.97	.85	.50	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Concrete Batch Plant Oiler, three Mixers and over	$12.79	.97	.85	.50	.10
Concrete Bucket Dispatcher	12.96	.97	.85	.50	.10
Concrete Curing Machine	12.96	.97	.85	.50	.10
Concrete Finish Machine Paving	12.96	.97	.85	.50	.10
Concrete Float-Spreader	12.96	.97	.85	.50	.10
Concrete Mixer, three bags and under	12.88	.97	.85	.50	.10
Concrete Mixer, four bags and over	12.72	.97	.85	.50	.10
Concrete Power Saw, self-propelled	12.96	.97	.85	.50	.10
Concrete Travel Batcher	12.96	.97	.85	.50	.10
Concrete Conveyor under 40 feet	12.54	.97	.85	.50	.10
Concrete Conveyor over 40 feet	13.29	.97	.85	.50	.10
Concrete Pump	13.29	.97	.85	.50	.10
Conveyor Loader Operator, up to and including 42' belt	12.54	.97	.85	.50	.10
Conveyor Loader Operator over 42' belt	12.66	.97	.85	.50	.10
Crane, to and including 80' boom	13.12	.97	.85	.50	.10
Crane, 81' to 130' boom	13.27	.97	.85	.50	.10
Crane, 131' to 150' boom	13.32	.97	.85	.50	.10
Crane, 151' boom and over	13.37	.97	.85	.50	.10
Crane Oiler	12.53	.97	.85	.50	.10
Crane with jibs an additional $.15 per hour					
Crusher Operator	12.96	.97	.85	.50	.10
Crusher Oiler	12.45	.97	.85	.50	.10
Crusher Conveyor, when required	12.42	.97	.85	.50	.10
Distributor Operator	12.96	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DW 10, 15, or 20 tractor pulling Roller	$12.68	.97	.85	.50	.10
Electric Overhead Cranes	13.14	.97	.85	.50	.10
Elevating Grader	12.96	.97	.85	.50	.10
Farm type tractor up to and including 50 HP engine	12.42	.97	.85	.50	.10
Farm Type tractor, over 50 HP engine	12.50	.97	.85	.50	.10
Field Equipment Serviceman	12.88	.97	.85	.50	.10
Fireman	12.85	.97	.85	.50	.10
Forklift, on construction job site	12.77	.97	.85	.50	.10
Form Grader Operator	12.73	.97	.85	.50	.10
Gradall Operator	12.96	.97	.85	.50	.10
Grade Setter	12.42	.97	.85	.50	.10
Heavy Duty Drills, all types	12.96	.97	.85	.50	.10
Herman-Nelson Heaters and similar type	12.50	.97	.85	.50	.10
Hoist Operator, single drum	12.73	.97	.85	.50	.10
Hoist, two or more drums	12.96	.97	.85	.50	.10
Helicopter Hoist Operator	13.46	.97	.85	.50	.10
Hot Plant Operator	12.96	.97	.85	.50	.10
Hot Plant Fireman, when in operation	12.96	.97	.85	.50	.10
Hot Plant Oiler, 100 ton per hour or over	12.43	.97	.85	.50	.10
Hydra Lift and similar types	12.86	.97	.85	.50	.10
Industrial Locomotive all classes	12.96	.97	.85	.50	.10
Mechanic and/or Welder on job	13.06	.97	.85	.50	.10
Mechanic Shop (Dec. April 1)	12.66	.97	.85	.50	.10
Mixermobile	13.04	.97	.85	.50	.10
Motor Patrol Operator	13.09	.97	.85	.50	.10
Mountain Logger or similar type	12.96	.97	.85	.50	.10
Mucking Machine Operator	12.96	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Oiler-Driver, Rubber tired Cranes	$12.53	.97	.85	.50	.10
Oiler, other than Shovels and Cranes	12.45	.97	.85	.50	.10
Oiler, Hoist House, dams	12.86	.97	.85	.50	.10
Pavement Breakers, Essco and similar	12.96	.97	.85	.50	.10
Paving and Mixing Machine	13.09	.97	.85	.50	.10
Power Auger, large truck or tractor mounted and Punch	12.96	.97	.85	.50	.10
Power Mixer, single or double drum	12.96	.97	.85	.50	.10
Power Saw, multiple cut, self-propelled	12.96	.97	.85	.50	.10
Pumperete or Grout Machine	12.96	.97	.85	.50	.10
Pumpman	12.49	.97	.85	.50	.10
Push Tractor	12.96	.97	.85	.50	.10
Quad Cat	13.26	.97	.85	.50	.10
Quad Loader and similar type	13.14	.97	.85	.50	.10
Radiator Repairman	12.77	.97	.85	.50	.10
Rayco Gaint	13.54	.97	.85	.50	.10
Refrigeration Plant Operator	12.96	.97	.85	.50	.10
Retort Operator	12.53	.97	.85	.50	.10
Roller, on blade or hot mix oil paving	12.96	.97	.85	.50	.10
Roller, on other blade or hot mix paving	12.66	.97	.85	.50	.10
Roller, 25 ton or over	12.96	.97	.85	.50	.10
Roos and similar type Carriers, on construction site	12.96	.97	.85	.50	.10
Rubber-tired Dozer	12.96	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. and under	12.67	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. to and including 3 cu. yds.	12.96	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Scraper, Tractor drawn	$12.96	.97	.85	.50	.10
Self-propelled Compactor	12.96	.97	.85	.50	.10
Service Oiler	12.42	.97	.85	.50	.10
Shovel, Backhoe, Dragline, Clamshell, Crane	13.14	.97	.85	.50	.10
Shovel, Backhoe, Dragline, Clamshell, Crane, Mobile	13.04	.97	.85	.50	.10
Skidder	12.96	.97	.85	.50	.10
Slusher	12.96	.97	.85	.50	.10
Spreader, Chip	12.96	.97	.85	.50	.10
Spreader, Stone	12.96	.97	.85	.50	.10
Stationary Plant Operator	12.96	.97	.85	.50	.10
Steam Cleaner	12.42	.97	.85	.50	.10
Steam Generator Operator	12.96	.97	.85	.50	.10
Stump Cutter	12.96	.97	.85	.50	.10
Subgrader	12.96	.97	.85	.50	.10
Surface Heater and Planer Operator	12.96	.97	.85	.50	.10
Tamper	12.96	.97	.85	.50	.10
Tank Farm Operator	12.96	.97	.85	.50	.10
Tar Distributor	12.96	.97	.85	.50	.10
Tar Kettle	12.96	.97	.85	.50	.10
Tar Pump	12.96	.97	.85	.50	.10
Tie Tamper	12.96	.97	.85	.50	.10
Tractor Operator	12.96	.97	.85	.50	.10
Trenching Machine	12.96	.97	.85	.50	.10
Truck Crane Oiler	12.53	.97	.85	.50	.10
Truck Crane Operator	12.96	.97	.85	.50	.10
Truck Mounted Concrete Mixer	12.96	.97	.85	.50	.10
Truck Mounted Concrete Pump	12.96	.97	.85	.50	.10
Truck Mounted Concrete Spreader	12.96	.97	.85	.50	.10
Truck Mounted Hydraulic Crane	12.96	.97	.85	.50	.10
Vacuum Concrete Machine	12.96	.97	.85	.50	.10
Vacuum Truck	12.96	.97	.85	.50	.10
Welder	12.96	.97	.85	.50	.10
Well Driller	12.96	.97	.85	.50	.10
Well Driller Helper	12.96	.97	.85	.50	.10
Work Boat Operator	12.96	.97	.85	.50	.10
Yo-Yo Cat	12.96	.97	.85	.50	.10
Yo-Yo Cat Operator	12.96	.97	.85	.50	.10

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Worker	$12.96	.97	.85	.50	.10
Blaster	12.96	.97	.85	.50	.10
Brick Mason	12.96	.97	.85	.50	.10
Brick Mason Tender	12.96	.97	.85	.50	.10
Carpenter	12.96	.97	.85	.50	.10
Carpenter Tender	12.96	.97	.85	.50	.10
Cement Finisher	12.96	.97	.85	.50	.10
Cement Finisher Tender	12.96	.97	.85	.50	.10
Chainman	12.96	.97	.85	.50	.10
Change House or Dry Man	12.96	.97	.85	.50	.10
Chuck Tender	12.96	.97	.85	.50	.10
Concrete Curing Machine	12.96	.97	.85	.50	.10
Concrete Saw	12.96	.97	.85	.50	.10
Concrete Vibrator	12.96	.97	.85	.50	.10
Crusher Feeder	12.96	.97	.85	.50	.10
Crusher Operator	12.96	.97	.85	.50	.10
Crusher Oiler	12.96	.97	.85	.50	.10
Crusher Tender	12.96	.97	.85	.50	.10
Curb Machine	12.96	.97	.85	.50	.10
Dam Tender	12.96	.97	.85	.50	.10
Dope Pot Fireman	12.96	.97	.85	.50	.10
Dope Pot Fireman, Asphalt Plant	12.96	.97	.85	.50	.10
Dope Pot Fireman, Hot Plant	12.96	.97	.85	.50	.10
Dope Pot Fireman, Tar Plant	12.96	.97	.85	.50	.10
Dope Pot Fireman, Tar Pump	12.96	.97	.85	.50	.10
Dope Pot Fireman, Tie Tamper	12.96	.97	.85	.50	.10
Dope Pot Fireman, Tractor Operator	12.96	.97	.85	.50	.10
Dope Pot Fireman, Trenching Machine	12.96	.97	.85	.50	.10
Dope Pot Fireman, Truck Crane Oiler	12.53	.97	.85	.50	.10
Dope Pot Fireman, Truck Crane Operator	12.96	.97	.85	.50	.10
Dope Pot Fireman, Truck Mounted Concrete Mixer	12.96	.97	.85	.50	.10
Dope Pot Fireman, Truck Mounted Concrete Pump	12.96	.97	.85	.50	.10
Dope Pot Fireman, Truck Mounted Concrete Spreader	12.96	.97	.85	.50	.10
Dope Pot Fireman, Truck Mounted Hydraulic Crane	12.96	.97	.85	.50	.10
Dope Pot Fireman, Vacuum Concrete Machine	12.96	.97	.85	.50	.10
Dope Pot Fireman, Vacuum Truck	12.96	.97	.85	.50	.10
Dope Pot Fireman, Welder	12.96	.97	.85	.50	.10
Dope Pot Fireman, Well Driller	12.96	.97	.85	.50	.10
Dope Pot Fireman, Well Driller Helper	12.96	.97	.85	.50	.10
Dope Pot Fireman, Work Boat Operator	12.96	.97	.85	.50	.10
Dope Pot Fireman, Yo-Yo Cat	12.96	.97	.85	.50	.10
Dope Pot Fireman, Yo-Yo Cat Operator	12.96	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Rubber-tired Front End Loader, over 3 cu. yds. to and including 5 cu. yds.	$13.08	.97	.85	.50	.10
Rubber-tired Front End Loader, over 5 cu. yds. to and including 10 cu. yds.	13.18	.97	.85	.50	.10
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	13.28	.97	.85	.50	.10
Rubber-tired Front End Loader, over 15 yards	13.38	.97	.85	.50	.10
Scraper, DW 15, 20, 21 and similar type if power unit is not used	12.96	.97	.85	.50	.10
Scraper, single or twin engine pulling Belly Dump Trailer	13.34	.97	.85	.50	.10
Scraper, single engine	13.09	.97	.85	.50	.10
Scraper, twin engine	13.19	.97	.85	.50	.10
Scraper, tandem engine or 3 engine	13.45	.97	.85	.50	.10
Self-propelled Sheepfoot and similar type	12.96	.97	.85	.50	.10
Shovels, including all attachments, under 1 cu. yd.	12.96	.97	.85	.50	.10
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	13.14	.97	.85	.50	.10
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	13.41	.97	.85	.50	.10
Shovels, including all attachments over 5 cu. yds.	13.54	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Shovel Oiler, 3 yds. and under	$12.68	.97	.85	.50	.10
Shovel Oiler, over 3 cu. yds.	12.86	.97	.85	.50	.10
Slip Form Paver Operator	13.09	.97	.85	.50	.10
Stiff Leg Derrick and Guy Derrick	13.41	.97	.85	.50	.10
Track-type Front End Loaders, up to and including 5 cu. yds.	13.96	.97	.85	.50	.10
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	13.19	.97	.85	.50	.10
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	13.29	.97	.85	.50	.10
Track-type Front End Loaders, over 15 cu. yds.	13.39	.97	.85	.50	.10
Track-type Tractor w/wo attachments	12.96	.97	.85	.50	.10
Track-type Tractor, on Euclid Loader	13.14	.97	.85	.50	.10
Trenching Machine	12.96	.97	.85	.50	.10
Turnhead Conveyor, or Head Tower on Batch Plant	12.96	.97	.85	.50	.10
Wagner Roller and similar type	12.96	.97	.85	.50	.10
Whirley Crane Operator	13.49	.97	.85	.50	.10
Whirley Crane Oiler	12.86	.97	.85	.50	.10
Water Pull when used for compaction	12.96	.97	.85	.50	.10
Washing and Screening Plant Operator	12.96	.97	.85	.50	.10
Washing and Screening Plant Oiler	12.45	.97	.85	.50	.10
Yo-Yo Cat, both ends	13.16	.97	.85	.50	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Big Horn, Carbon, Carter, Custer, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties:					
A-Frame Truck Crane Operator	$12.71	.97	.85	.50	.10
Air Compressor Operator, single	12.45	.97	.85	.50	.10
Asphalt Paving Machine Operator	12.96	.97	.85	.50	.10
Air Doctor	12.96	.97	.85	.50	.10
Belt Finishing Operator	12.63	.97	.85	.50	.10
Bit Grinder	12.96	.97	.85	.50	.10
Bituminous Mixer Operator	12.96	.97	.85	.50	.10
Bulldozer Operator	12.96	.97	.85	.50	.10
Boring Machine Operator, small	12.52	.97	.85	.50	.10
Boring Machine Operator, large	12.96	.97	.85	.50	.10
Cableway Operator	13.48	.97	.85	.50	.10
Cement Silo Operator	12.73	.97	.85	.50	.10
Concrete Batch Plant Operator	12.85	.97	.85	.50	.10
Concrete Finish Machine, paving	12.96	.97	.85	.50	.10
Concrete Float Operator and Spreader	12.96	.97	.85	.50	.10
Conveyor Operator	12.66	.97	.85	.50	.10
Chip and Gravel Spreader	12.66	.97	.85	.50	.10
Crane Operator, to and including 80' boom	13.12	.97	.85	.50	.10
Crane Operator, 81' to 130' boom	13.27	.97	.85	.50	.10
Crane Operator, 131' to 150' boom	13.32	.97	.85	.50	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Crane Operator, 151' to 170' boom (an additional $0.05 per hour is added for each 20' of boom) All Cranes with jibs, an additional $0.25 per hour is added to above Crane rates.	$13.37	.97	.85	.50	.10
Crane Oiler-Driver, rubber tired	12.51	.97	.85	.50	.10
Electric Overhead Crane Operator	13.15	.97	.85	.50	.10
Crusher and/or Screening Plant Operator, portable	12.96	.97	.85	.50	.10
Crusher and/or Screening Plant Tender, if over 2 units	12.45	.97	.85	.50	.10
Crusher and/or Screening Plant Operator, Stationary	12.85	.97	.85	.50	.10
Distributor Operator	12.96	.97	.85	.50	.10
Drilling Machine Operator, does not include Jack-hammer, Wagon Driller, Waterliner	12.86	.97	.85	.50	.10
Euclid Loader and similar type	13.15	.97	.85	.50	.10
Tractor, rubber-tired, Industrial	12.40	.97	.85	.50	.10
Elevating Grader	12.96	.97	.85	.50	.10
Field Equipment Serviceman	12.86	.97	.85	.50	.10
Fireman	12.52	.97	.85	.50	.10
Fork Lift on construction site	12.73	.97	.85	.50	.10
Front End Loader, rubber-tried, under 1 yard	12.65	.97	.85	.50	.10
Front End Loader, 1 yard and including 3 yards	12.96	.97	.85	.50	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Roller Operator, asphalt	12.96	.97	.85	.50	.10
Roller Operator, other than asphalt	12.52	.97	.85	.50	.10
Rotary Drill Operator, Mud Type	12.96	.97	.85	.50	.10
Rotary Drill Operator, Water Well	12.96	.97	.85	.50	.10
Rotary Drill Operator, Oil Well	13.15	.97	.85	.50	.10
Rotary Drill Operator, Helper	12.52	.97	.85	.50	.10
Scraper Operator	12.96	.97	.85	.50	.10
Self-Propelled Compactor Operator	12.96	.97	.85	.50	.10
Shovel, Backhoe, Dragline, Clamshell Operator, to and including 3 yards	12.96	.97	.85	.50	.10
Shovel, Backhoe, Dragline, Clamshell Operator, over 3 yards	13.15	.97	.85	.50	.10
Slusher Operator	12.96	.97	.85	.50	.10
Tractor Operator, Pulling Sheepsfoot Roller	12.96	.97	.85	.50	.10
Tractor Operator, Pulling Disc	12.96	.97	.85	.50	.10
Tractor Operator, Pulling Scraper	12.96	.97	.85	.50	.10
Tractor Operator, Pulling Other Than Sheepsfoot Roller, Disc or Scraper	12.52	.97	.85	.50	.10
Truck Crane Oiler-Driver	12.51	.97	.85	.50	.10
Truck Mounted Concrete Mixer Operator, 1 bag capacity	12.96	.97	.85	.50	.10
Truck Mounted Concrete Mixer Operator, over 1 bag capacity	13.15	.97	.85	.50	.10
Truck Mounted Concrete Pump Operator	12.96	.97	.85	.50	.10
Truck Mounted Concrete Pump Operator, Helper	12.52	.97	.85	.50	.10
Truck Mounted Concrete Spreader	12.96	.97	.85	.50	.10
Truck Mounted Hydraulic Crane Operator, 25 ton or less	12.96	.97	.85	.50	.10
Truck Mounted Hydraulic Crane Operator, over 25 ton	13.15	.97	.85	.50	.10
Truck Mounted Hydraulic Crane Operator, over 25 ton with Swing Boom/Jib	13.37	.97	.85	.50	.10
Truck Mounted Hydraulic Crane Operator, Helper	12.52	.97	.85	.50	.10
Truck Mounted Material Spreader, Dry Aggregate	12.96	.97	.85	.50	.10
Truck Mounted Solid Particle Blasting Machine Operator	12.96	.97	.85	.50	.10
Vibrator Operator	12.52	.97	.85	.50	.10
Welder	12.96	.97	.85	.50	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Welder, Helper	12.52	.97	.85	.50	.10
Yo-Yo Operator	12.96	.97	.85	.50	.10
TRUCK DRIVERS:					
Big Horn, Carbon, Carter, Custer, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties:					
Dump Truck, 2 axle	$12.52	.97	.85	.50	.10
Dump Truck, 3 axle	12.52	.97	.85	.50	.10
Dump Truck, 4 axle	12.52	.97	.85	.50	.10
Dump Truck, 5 axle	12.52	.97	.85	.50	.10
Dump Truck, 6 axle	12.52	.97	.85	.50	.10
Dump Truck, 7 axle	12.52	.97	.85	.50	.10
Dump Truck, 8 axle	12.52	.97	.85	.50	.10
Dump Truck, 9 axle	12.52	.97	.85	.50	.10
Dump Truck, 10 axle	12.52	.97	.85	.50	.10
Dump Truck, Articulated	12.52	.97	.85	.50	.10
Dump Truck, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
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Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
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Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
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Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
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Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
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Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
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Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer, Trailer, Transfer	12.52	.97	.85	.50	.10
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Dump Truck, Water Pull, Articulated, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trailer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer	12.52	.97	.85	.50	.10
Dump Truck, Water Pull, Articulated, Trailer, Transfer, Trail

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Front End Loader, rubber-tired, over 3 yards and including 5 yards	$13.09	.97	.85	.50	.10
Front End Loader, rubber-tired, over 5 yares and including 10 yards	13.19	.97	.85	.50	.10
Front End Loader, rubber-tired, over 10 yards and including 15 yards	13.29	.97	.85	.50	.10
Front End Loader, rubber-tired,over 15 yards (factory struck rating, not to include sideboards)	13.39	.97	.85	.50	.10
Grade Setter	12.42	.97	.85	.50	.10
Heavy Duty Drills-Rotary-Quarry Master	12.96	.97	.85	.50	.10
Heavy Duty Rotary Drill Tender	12.41	.97	.85	.50	.10
Helicopter Hoist Operator	13.46	.97	.85	.50	.10
Herman Nelson Heaters and similar type	12.42	.97	.85	.50	.10
Hoist Operator, single drum	12.71	.97	.85	.50	.10
Hoist Operator, two or more drums	12.96	.97	.85	.50	.10
Hot Plant Operator	12.96	.97	.85	.50	.10
Hot Plant Fireman	12.96	.97	.85	.50	.10
Industrial Locomotive	12.96	.97	.85	.50	.10
LeTourneau Operator, single and similar type	13.09	.97	.85	.50	.10
LeTourneau Operator, Tandem and similar type	13.26	.97	.85	.50	.10
Loaders, Barber Green and similar types	12.60	.97	.85	.50	.10
Mechanic and/or Welder on job	13.06	.97	.85	.50	.10
Mechanic and/or Welder Tender	12.41	.97	.85	.50	.10
Mixer Operator, Concrete, 3 bags or under	12.52	.97	.85	.50	.10
Mixer Operator, Concrete, 4 bags or over	12.77	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mixermobile	$13.05	.97	.85	.50	.10
Motor Patrol Operator	13.09	.97	.85	.50	.10
Mucking Machine Operator	12.96	.97	.85	.50	.10
Oiler	12.41	.97	.85	.50	.10
Pavement Breaker, Rmsco and similar type	12.96	.97	.85	.50	.10
Paver Mixer Operator	12.96	.97	.85	.50	.10
Power Saw Operator, self-propelled, multiple cut	12.96	.97	.85	.50	.10
Pumperete or Grout Machine Operator	12.96	.97	.85	.50	.10
Pumpman	12.46	.97	.85	.50	.10
Quad Cat	13.26	.97	.85	.50	.10
Retort Operator	12.52	.97	.85	.50	.10
Roller Operator, grade or finish	12.65	.97	.85	.50	.10
Roller Operator, finsih high type pavement	12.96	.97	.85	.50	.10
Ross and similar type Carriers, on construction site	12.96	.97	.85	.50	.10
Roller, 25 ton or over	12.96	.97	.85	.50	.10
Screed Operator	12.96	.97	.85	.50	.10
Shovels, including all attachments under 1 yard	12.96	.97	.85	.50	.10
Shovels, including all attachments 1 yard to and including 4 yards	13.15	.97	.85	.50	.10
Shovels, over 4 yards	13.45	.97	.85	.50	.10
Shovel Oiler for shovel over 4 yards ($.05 per hour under Shovel Operator)					
Stiff Leg and Guy Derrick Operator	13.45	.97	.85	.50	.10
Tournapull, DW 20, 21, and similar type	13.15	.97	.85	.50	.10
Scraper, twin engine	13.19	.97	.85	.50	.10
Scraper, Tandem, 3 engine	13.45	.97	.85	.50	.10

DECISION NO. MT81-5115 Page 31

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: Statewide, except Gallatin, Park, Sweet Grass, Broadwater (south of U.S. Highway #12) Counties:					
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To & including 4 cu. yds.	$11.10	.82	.84		
Over 4 cu. yds. to and including 6 cu. yds.	11.18	.82	.84		
Over 6 cu .yds. to and including 8 cu. yds.	11.26	.82	.84		
Over 8 cu. yds. to and including 10 cu. yds.	11.34	.82	.84		
Over 10 cu. yds.-additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER	11.08	.82	.84		
DRY BATCH TRUCKS:					
3 Batch or under	10.85	.82	.84		
Over 3 Batch to and including 5 Batch	11.98	.82	.84		
Over 5 Batch to and including 10 Batch	11.14	.82	.84		
Over 10 Batch to and including 15 Batch	11.30	.82	.84		
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	10.95	.82	.84		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teameters	10.85	.82	.84		

DECISION NO. MT81-5115 Page 32

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Track type Tractor, with or without attachments including Track-type Loader, Front end up to and including 5 yards	$12.96	.97	.85	.50	.10
Track type Front End Loaders, over 5 yards to and including 10 yards	13.19	.97	.85	.50	.10
Track type Front End Loaders, over 10 yards to and including 15 yards	13.29	.97	.85	.50	.10
Track type Front End Loaders, over 15 yards	13.39	.97	.85	.50	.10
Traxcavator, and Athey type Loader	12.96	.97	.85	.50	.10
Trench Machine Operator	12.90	.97	.85	.50	.10
Wagner Roller and similar type	12.96	.97	.85	.50	.10
Winch Truck Operator with Hydraulic Boom	12.86	.97	.85	.50	.10
Tower Crane	13.45	.97	.85	.50	.10
Automatic Finegrader, Gurries and similar type	13.09	.97	.85	.50	.10
Concrete Conveyor, under 40'	12.54	.97	.85	.50	.10
Concrete Conveyor, over 40'	13.29	.97	.85	.50	.10
Concrete Pump	13.29	.97	.85	.50	.10
Rayco Giant	13.54	.97	.85	.50	.10
Quad Loader and similar type	13.54	.97	.85	.50	.10
Leadman: $0.25 per hour above highest paid Operator					

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					
ZONE PAY: Add $1.00 per hour for jobs 50 miles or more from Billings, Great Falls, Helena, Butte, Missoula, Kalispell, Bozeman, Miles City, Glasgow, Havre, Lewistown, Livingston, Anaconda, Dillon, Deer Lodge, Hamilton, Polson, Ronan, Thompson Falls, Libby, Eureka, Whitefish, Columbia Falls, Cut Bank, Shelby, Conrad, Choteau, Fairfield, Valier, Dutton, Fort Benton, Big Timber, Hardin, Forsyth, Colstrip, Roundup, Lewistown, Harlowton, Wolf Point, Glendive, Sidney, Circle, Jordan, Baker, Ekalaka, Broadus, Plentywood, Scobey, Malta, Chinook, Harlem, Fort Peck, Townsend, Three Forks, Manhattan, Belgrade, Bozeman, Virginia City, Ennis, West Yellowstone, Gardiner, Cooke City, Red Lodge, Columbus, Laurel, Joliet, Fromberg, Belfry, Bridger, Lodge Grass, Hysham, Forsyth, Colstrip, Ashland, Broadus, Ekalaka, Alzada, Wibaux, Terry, Fallon, Baker, Plevna, Jordan, Winnett, Grass Range, Roundup, Harlowton, Ryegate, Melstone, Musselshell, Shawmut, Judith Gap, Stanford, Moore, Hobson, Utica, Geyser, Denton, Lewistown, Grass Range, Winnett, Mosby, Jordan, Circle, Brockton, Fort Peck, Wolf Point, Froid, Culbertson, Scobey, Opheim, Whitetail, Glasgow, Nashua, Malta, Dodson, Chinook, Harlem, Havre, Big Sandy, Fort Benton, Loma, Big Sandy, Geraldine, Highwood

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS And SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards:					
7 cu. yds. or less	$10.85	.82	.84		
Over 7 cu. yds. to and including 10 cu. yds.	10.98	.82	.84		
Over 10 cu. yds. to and including 15 cu. yds.	11.14	.82	.84		
Over 15 cu. yds. to and including 20 cu. yds.	11.28	.82	.84		
Over 20 cu. yds. to and including 25 cu. yds.	11.34	.82	.84		
Over 25 cu. yds. to and including 30 cu. yds.	11.40	.82	.84		
Over 30 cu. yds. to and including 35 cu. yds.	11.46	.82	.84		
over 35 cu. yds. to and including 40 cu. yds.	11.52	.82	.84		
Over 40 cu. yds. to and including 45 cu. yds.	11.58	.82	.84		
Over 45 cu. yds.-additional $.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	10.98	.82	.84		
POWER TRUCK DRIVER (bulk unloader type)	11.03	.82	.84		
FLAT TRUCKS:					
To and including 3 tons	11.00	.82	.84		
Over 3 tons factory rating	11.20	.82	.84		

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
FUEL TRUCK DRIVERS; TIREMEN	$11.44	.82	.84		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	11.44	.82	.84		
LUMBER CARRIERS, LIFT TRUCK and FORK LIFTS	11.20	.82	.84		
POWER BROOM	10.94	.82	.84		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	10.85	.82	.84		
Over 2,500 gallons to and including 4,500 gallons	11.14	.82	.84		
Over 4,500 gallons to and including 6,000 gallons	11.34	.82	.84		
Over 6,000 gallons to and including 8,000 gallons	11.40	.82	.84		
Over 8,000 gallons to and including 10,000 gallons	11.48	.82	.84		
Over 10,000 gallons - additinal $.10 per hour each additinal 2,000 gallons increment					
TRUCK MECHANIC	11.84	.82	.84		

TRUCK DRIVERS:* (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS:					
7 yards or less	$ 9.73	.82	.84		
Over 7 yards to and including 10 yards	9.98	.82	.84		
Over 10 yards to and including 15 yards	10.14	.82	.84		
Over 15 yards to and including 20 yards	10.28	.82	.84		
PICKUP DRIVER, hauling materials	9.73	.82	.84		
FLAT TRUCKS:					
Less than 2 ton factory rating	9.73	.82	.84		
2 - 5 tons	9.88	.82	.84		
5 - 8 tons	9.88	.82	.84		
SEMI and 4-WHEEL TRAILERS	9.98	.82	.84		
SERVICE TRUCKS and A-FRAME TRAILERS	9.73	.82	.84		
HOUSE MOVERS	9.82	.82	.84		
*See Jurisdictional Areas - following Page					

JURISDICTIONAL AREAS

All of Gallatin, Park, and Sweet Grass Counties; that portion of Madison County east of Montana Highway #287; that portion of Broadwater County south of U. S. Highway #12; in full detail starting with Montana #287 at the Idaho Line, then north following highway to where it meets U.S. Highway #10; then north to connect with the Broadwater County Line and continues until it meets a straight line drawn between Boulder, Montana and Townsend, Montana. Follow this line to Townsend and then follow U. S. Highway #12 east until you meet the Wheatland County Line, follow the Wheatland County Line and then follow this County Line south to the State Line, follow the State Line west to where it meets Montana Highway #287.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt Plant Operator	$ 9.98	.82	.84		
Asphalt Spreader	9.98	.82	.84		
Backhoe	9.98	.82	.84		
Boom Truck	9.98	.82	.84		
Bulldozer	9.98	.82	.84		
Compressor	9.98	.82	.84		
Concrete Batch Plant	9.98	.82	.84		
Concrete Pump	9.98	.82	.84		
Crane	9.98	.82	.84		
Dragline	9.98	.82	.84		
Elevating Grader	9.98	.82	.84		
Forklift	9.98	.82	.84		
Gradall	9.98	.82	.84		
Grader	9.98	.82	.84		
Loader	9.98	.82	.84		
Mechanic	9.98	.82	.84		
Mucking Machine	9.98	.82	.84		
Oiler	9.98	.82	.84		
Pipelayer	9.98	.82	.84		
Roller	9.98	.82	.84		
Scraper	9.98	.82	.84		
Shovel	9.98	.82	.84		
Tractor	9.98	.82	.84		
Trenching Machine	9.98	.82	.84		
Tunnel Boring Machine	9.98	.82	.84		
Welder	9.98	.82	.84		

SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley

DECISION NUMBER: MT81-5116

DATE: Date of Publication

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Flathead, Lake, and Lincoln Counties:					
Lineman	$13.92	.45	30+.50		1/2%
Cable Splicer	13.49	.45	30+.50		1/2%
Pole Sprayer	12.37	.45	30+.50		1/2%
Line Equipment Operators	11.87	.45	30+.50		1/2%
Powderman, Jackhammerman, Compresserman	10.29	.45	30+.50		1/2%
Groundman "A	9.65	.45	30+.50		1/2%
Tree Trimmer	12.83	.45	30+.50		1/2%
Statewide, except Flathead, Lake, Lincoln Counties:					
Lineman, Pole Sprayer	12.90	.45	30+.50		1/2%
Cable Splicer	13.80	.45	30+.50		1/2%
Line Equipment Operator; Powderman	11.40	.45	30+.50		1/2%
Groundman	9.23	.45	30+.50		1/2%

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley

DECISION NUMBER: MT81-5116 DATE: Date of Publication

Supersedes Decision No. MT80-5143 dated November 21, 1980, in 45 FR 77311

DESCRIPTION OF WORK: Residential Projects (consisting of single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$16.69	.78	$1.45		.02
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS; MARBLE MASONS:*					
Area 1	13.80	.85	.90		
Area 2	14.15		.55		
Area 3	13.58	.90	.55		
Area 4	12.85	.90	.55		
Area 5	12.75	.75	.75		
Area 6	14.20		.55		
CARPENTERS:*					
Area 1:					
Carpenters	11.25	.80	.75		.04
Piledrivermen; Saw Filers; Sawmen	11.50	.80	.75		.04
Millwrights	12.25	.80	.75		.04
Area 2:					
Carpenters	11.67	.80	.75		.04
Piledrivermen; Millwrights	11.92	.80	.75		.04
Area 3:					
Carpenters	11.13	.80	.75		.04
Millwrights	12.27	.80	.75		.04
Piledrivermen	11.43	.80	.75		.04
Area 4	11.13	.80	.75		.04
Area 5	11.13	.80	.75		.04
Area 6:					
Carpenters	11.43			.75	
Millwrights; Piledrivermen	11.93			.75	
Area 7:					
Carpenters	12.98	.90	1.25		.04
Millwrights	13.48	.90	1.25		.04
Piledrivermen	13.48	.90	1.25		.04
Area 8:					
Carpenters	11.28	.80	.75		.02
Millwrights	12.28	.80	.75		.02
Piledrivermen	11.53	.80	.75		.02
CEMENT MASONS:*					
Area 1	10.60				
Area 2	12.00	1.00	.50	1.00	
Area 3	10.50	.75	.35		

*See AREA Descriptions - following Page

AREA DESCRIPTIONS

BRICKLAYERS; MARBLE MASONS:
Area 1: Cascade and Glacier Counties
Area 2: Deer Lodge County
Area 3: Missoula County
Area 4: Gallatin County
Area 5: Hill and Valley Counties
Area 6: Silver Bow County

CARPENTERS:
Area 1: Cascade and Glacier Counties
Area 2: Deer Lodge County
Area 4: Missoula County
Area 5: Gallatin County
Area 6: Hill County
Area 7: Silver Bow County
Area 8: Valley County

CEMENT MASONS:
Area 1: Cascade, Hill, and Valley Counties
Area 2: Deer Lodge and Silver Bow Counties
Area 3: Missoula County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:*					
Area 1:					
Electricians	$15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Area 2	14.35	.70	3%+.50		1/2%
Area 3:					
Contracts under $75,000:					
Electricians	14.45	.70	3%+.75		1/2%
Cable Splicers	15.17	.70	3%+.75		1/2%
Contracts over $75,000:					
Electricians	15.90	.70	3%+.75		1/2%
Cable Splicers	16.70	.70	3%+.75		1/2%
Area 4:					
Electricians	15.65	.70	3%+.50		1/2%
Cable Splicers	16.43	.70	3%+.50		1/2%
Area 5:					
Electricians	12.70	.55	3%+.50		1%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	12.38	1.045	.82	a	.035
Helpers	9.54	1.045	.82	a	.035
Probationary Helpers	6.82				
IRONWORKERS:*					
Structural; Ornamental and Reinforcing:					
Area 1	13.34	.93	1.90		.10
Area 2	13.21	.90	1.45		.15
PAINTERS:*					
Area 1:					
Brush	12.42	.69	.40		1%
Paperhanger	12.92	.69	.40		1%
Brush on Steel	12.92	.69	.40		1%
Spraying; Sandblasting	14.67	.69	.40		1%
Area 2:					
Brush or Roller, Prep Work; Pot Tender; Paper or Vinyl Hanger	11.08	.52	.50		.01
Wet Sandblasting, Brush or Roller application of cold tar epoxies, and acid resistant materials	13.08	.52	.50		.03
Spray application of cold tar epoxies, and acid resistant materials	16.08	.59	.50		.03
Perfataping	11.58	.59	.50		.03
Airless Spraying	12.08	.59	.50		.03

*See AREA Descriptions - Page 5

FOOTNOTE:
a. Employer contibutes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 2: (Cont'd)					
Structural Steel: Brush or Roller	$13.08	.59	.50		.03
Structural Steel: Spraying	14.08	.59	.50		.03
Area 3	9.73	.69	.50		.04
Area 4	10.90				
Area 5	8.65				
PLASTERERS:					
Area 1	12.00	1.00	.50	1.00	
Area 2	10.50	.75	.35		
PLUMBERS:*					
Area 1	15.10	.75	1.10		.16
Area 2	15.78	.75	.70		.15
Area 3	15.35	.70	.85		.10
ROOFERS:					
Area 1	11.52	.85	.50		.10
Area 2	10.75	.85	.25		
Area 3	11.32	.70	.60		
Area 4	12.00	.55			
SHEET METAL WORKERS:*					
Area 1	14.04	.73	.75		.24
Area 2	14.09	.73	.73		.24
Area 3	14.71	.73	.50		.24
Area 4	14.25	1.205	.805		.24
SOFT FLOOR LAYERS:					
Area 1	12.50				
SPRINKLER FITTERS	14.81	.95	1.40		.08
TERRAZZO and TILE SETTERS:*					
Area 1	13.58	.90	.55		
Area 2	11.70	.85	.90		
Area 3	12.75	.75	.75		
WELDERS: Receive rate for Craft					

*See AREA Descriptions - following Page

FOOTNOTE:
a. Employer contibutes 8¢ of basic hourly rate for 5 years' service and 6¢ of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA DESCRIPTIONS

ELECTRICIANS:
Area 1: Cascade County
Area 2: Deer Lodge and Silver Bow Counties
Area 3: Glacier, Hill, and Valley Counties
Area 4: Missoula County
Area 5: Gallatin County

IRONWORKERS:
Area 1: Glacier and Missoula Counties
Area 2: Cascade, Deer Lodge, Gallatin, Hill, Silver Bow and Valley Cos.

PAINTERS:
Area 1: Cascade, Glacier, and Valley Counties
Area 2: Gallatin and Silver Bow Counties
Area 3: Missoula County
Area 4: Hill County
Area 5: Deer Lodge County

PLASTERERS:
Area 1: Deer Lodge and Silver Bow Counties
Area 2: Missoula County

PLUMBERS:
Area 1: Cascade, Glacier, Hill, and Valley Counties
Area 2: Missoula County
Area 3: Deer Lodge, Gallatin, and Silver Bow Counties

ROOFERS:
Area 1: Missoula County
Area 2: Cascade, Glacier, Hill, and Valley Counties
Area 3: Deer Lodge and Silver Bow Counties
Area 4: Gallatin County

SOFT FLOOR LAYERS:
Area 1: Cascade, Glacier, and Valley Counties

SHEET METAL WORKERS:
Area 1: Cascade, Glacier, and Hill Counties
Area 2: Deer Lodge and Silver Bow Counties
Area 3: Missoula County
Area 4: Gallatin and Valley Counties

TERRAZZO and TILE SETTERS:
Area 1: Missoula County
Area 2: Cascade and Glacier Counties
Area 3: Hill and Valley Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: Hill and Valley Counties:					
Group 1	$10.50	.75	.65	.30	.05
Group 2	10.75	.75	.65	.30	.05
Group 3	10.85	.75	.65	.30	.05
Group 4	10.90	.75	.65	.30	.05
Group 5	11.00	.75	.65	.30	.05
Group 6	11.22	.75	.65	.30	.05

Group 1: General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking or concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide post and right-of-way markers

Group 2: Dumpman (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster; Concrete Nozzleman, Placo Operator, Jackhammerman, Pavement Breaker; Vibrator (2¼ inches and over); Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender, Gunite Nozzleman; Caisson Workers (free air); Tunnels and Shafts (free air); Bull Gang; Pot Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders (handling brick and block only)

Group 5: Hod Carriers and Plaster Tenders (men carrying mortor either by hod pail or barrow); High Scaler; Wagon Driller, cat or truck mounted air operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setter (Slab Steel Forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Laser Tools and Equipment; Small Concrete Mixers and Concrete Saws

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd) Missoula County:					
Group 1	$ 9.32	.62	.53		.05
Group 2	9.57	.62	.53		.05
Group 3	9.72	.62	.53		.05

Group 1: General Building and Construction Labor; Scaleman; Watchman; Flagman; Form Strippers; Car and Truck Loaders; Carpenters Tenders; Concrete Handler, conveying and handling concrete, other than concrete classifications listed below

Group 2: Nozzleman (air or water); Sand Blast Tail, Hose Man; Powderman Tender; Power driven Wheelbarrow; Rodder and Spreader; Form setters (paving); Buckotman; Signalman; Rigger; Small Air Tool Operators, including Blow Pipes, small power tool Operators; Chuck Tenders; Asphalt Rakers; Dumpman; Rip Rapping, Pipe Wrapper; Pot Tenders; Concrete Pumper Nozeman; Cutting Torch; Jack Hammer; Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipelayers (non-metallic); Metal Culvert Pipelayers; Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Saw; Powderman; Drills, Air-trac, Wagon Drill, Cat or Ttuck mounted Air operated Drills; Laser Equipment and Tools; Welders; Sandblaster (wet or dry); Gunnitmen; Jarco Tamper

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: Ravalli County:					
Group 1	$ 9.32	.62	.53		.05
Group 2	9.57	.62	.53		.05
Group 3	9.72	.62	.53		.05

Group 1: General Building and Construction Labor; Scaleman; Watchman; Flagman; Form Strippers; Car and Truck Loaders; Carpenters Tenders; Concrete Handler, conveying and handling concrete, other than concrete classifications listed below

Group 2: Nozzleman (air or water); Sand Blast Tail, Hose Man; Powderman Tender; Power driven Wheelbarrow; Rodder and Spreader; Form setters (paving); Buckotman; Signalman; Rigger; Small Air Tool Operators, including Blow Pipes, small power tool Operators; Chuck Tenders; Asphalt Rakers; Dumpman; Rip Rapping, Pipe Wrapper; Pot Tenders; Concrete Pumper Nozeman; Cutting Torch; Jack Hammer; Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipelayers (non-metallic); Metal Culvert Pipelayers; Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Saw; Powderman; Drills, Air-trac, Wagon Drill, Cat or Ttuck mounted Air operated Drills; Laser Equipment and Tools; Welders; Sandblaster (wet or dry); Gunnitmen; Jarco Tamper

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: Sanders County:					
Group 1	$ 9.32	.62	.53		.05
Group 2	9.57	.62	.53		.05
Group 3	9.72	.62	.53		.05

Group 1: General Building and Construction Labor; Scaleman; Watchman; Flagman; Form Strippers; Car and Truck Loaders; Carpenters Tenders; Concrete Handler, conveying and handling concrete, other than concrete classifications listed below

Group 2: Nozzleman (air or water); Sand Blast Tail, Hose Man; Powderman Tender; Power driven Wheelbarrow; Rodder and Spreader; Form setters (paving); Buckotman; Signalman; Rigger; Small Air Tool Operators, including Blow Pipes, small power tool Operators; Chuck Tenders; Asphalt Rakers; Dumpman; Rip Rapping, Pipe Wrapper; Pot Tenders; Concrete Pumper Nozeman; Cutting Torch; Jack Hammer; Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipelayers (non-metallic); Metal Culvert Pipelayers; Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Saw; Powderman; Drills, Air-trac, Wagon Drill, Cat or Ttuck mounted Air operated Drills; Laser Equipment and Tools; Welders; Sandblaster (wet or dry); Gunnitmen; Jarco Tamper

LABORERS: (Cont'd) Cascade and Glacier Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 10.50	.75	.65	.30	.05
Group 2	10.66	.75	.65	.30	.05
Group 3	10.75	.75	.65	.30	.05
Group 4	11.00	.75	.65	.30	.05
Group 5	11.10	.75	.65	.30	.05

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rials, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer, building and structure; Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision, General Laborers scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblast Tail Hoseman, Pot Tender; Sod Cutter, hand operated (general Laborers); Tool Checker; Tool Houseman; Flagman and Scaleman

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Feller; Nozzleman (air, water); Gunite and Place Machine; Pipelayer (all types) Laser Equipment Operator; Pipewrapper; Spike Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Raker1 Concrete Vibrator (3" and over); Drills, Air Track (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scaler; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Rod Carriers; Powderman

Group 5: Core Drill Operator; Welder; Cutting Torch and Air Arc

LABORERS: (Cont'd) Gallatin County:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.03	.75	.65	.30	.05
Group 2	10.19	.75	.65	.30	.05
Group 3	10.29	.75	.65	.30	.05
Group 4	10.53	.75	.65	.30	.05
Group 5	10.63	.75	.65	.30	.05

Group 1: Axeman; Caisson Workers (free air); Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the ipstallation and erection fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborers, building and structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman; Flagman and Scaleman

Group 2: Burning Bar; Cement Handlers; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Feller; Nozzleman - air, water, Gunite and Place Machine; Pipelayer (all types); Laser equipment Operator; Pipewrapper; Posthole Digger (power Auger); Powderman Tender; Riprapper; Spike Driver, single or dual or hand; Switchman;

Group 3: Asphalt Raker; Choker Setter; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scaler; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper; Vibrating Roller, hand steered and other power tools; Power driven Wheelbarrow; Power Saw (bucking); Power Saw (falling); Rigger; Sandblaster; Tar Pot Operator

Group 4: Cement Mason Tender and Rod Carriers; Powderman

Group 5: Core Drill Operator; Welder; Cutting Torch and Air Arc

LABORERS (Cont'd) Deer Lodge and Silver Bow Counties:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.16	.75	.65	.30	.05
Group 2	10.36	.75	.65	.30	.05
Group 3	10.41	.75	.65	.30	.05
Group 4	10.66	.75	.65	.30	.05
Group 5	10.76	.75	.65	.30	.05

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Cosmoline, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer - Building and structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblasting Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Houseman; Tool Checker; Flagman and Scaleman

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Grout, Concrete Pump and Nozzleman; Hand Faller; Nozzleman - air, water, Gunite and Placo Machine; Pipelayer (all types) Laser Equipment Operator; Pipewrapper; Posthole Digger (power Auger); Power Saw (bucking); Powderman Tender; Rigger; Riprapper; Spike Driver, single or dual or hand; Switchman; Tat Pot Operator;.

Group 3: Asphalt Raker; Concrete Laborers (wet or dry); Bucketmen and Signalmen; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; High Scaler; High pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Vibrating Roller, hand steered and other power tools; Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Welder, Cutting Torch and Air Arc

POWER EQUIPMENT OPERATORS: MISSOULA COUNTY:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-Frame Truck Crane, Winch Truck and similar	$12.80	.97	.85	.50	.10
Air Compressor, single	12.49	.97	.85	.50	.10
Air compressor, two or more	12.66	.97	.85	.50	.10
Air Doctor	12.96	.97	.85	.50	.10
Asphalt Paving Machine Operator	12.96	.97	.85	.50	.10
Asphalt Paving Machine Screed Operator	12.96	.97	.85	.50	.10
Automatic Finegrader, Gurries and other similar types	13.09	.97	.85	.50	.10
Belt Finish Machine Operator	12.66	.97	.85	.50	.10
Bit Grinder	12.96	.97	.85	.50	.10
Bituminous Mixer Paving, Travel Plant	12.96	.97	.85	.50	.10
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	12.55	.97	.85	.50	.10
Boring Machine (large)	12.96	.97	.85	.50	.10
Broom, self-propelled	12.63	.97	.85	.50	.10
Cableway Highline Operator	13.47	.97	.85	.50	.10
Cement Silo Operator	12.75	.97	.85	.50	.10
Central Mixing Plants, Concrete dam and stationary	13.21	.97	.85	.50	.10
Chain Bucket Loader	12.68	.97	.85	.50	.10
Chip or Gravel Spreader, self-propelled	12.68	.97	.85	.50	.10
Concrete Batch Plant, one and two Mixers	12.96	.97	.85	.50	.10
Concrete Batch Plant, three and four Mixers	13.16	.97	.85	.50	.10
Concrete Batch Plant, five Mixers and over	13.36	.97	.85	.50	.10
Concrete Batch Plant Oiler, up to and including two Mixers	12.48	.97	.85	.50	.10
Concrete Batch Plant Oiler, three Mixers and over	12.79	.97	.85	.50	.10
Concrete Bucket Dispatcher	12.96	.97	.85	.50	.10
Concrete Curing Machine	12.96	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Finish Machine Paving	$12.96	.97	.85	.50	.10
Concrete Float-Spreader	12.96	.97	.85	.50	.10
Concrete Mixer, three bags and under	12.55	.97	.85	.50	.10
Concrete Mixer, four bags and over	12.72	.97	.85	.50	.10
Concrete Power Saw, self-propelled	12.96	.97	.85	.50	.10
Concrete Travel Batcher	12.96	97	.85	.50	.10
Concrete Conveyor under 40 feet	12.54	.97	.85	.50	.10
Concrete Conveyor over 40 feet	13.29	.97	.85	.50	.10
Concrete Pump	13.29	.97	.85	.50	.10
Conveyor Loader Operator, up to and including 42' belt	12.54	.97	.85	.50	.10
Conveyor Loader Operator over 42" belt	12.66	.97	.85	.50	.10
Crane, to and including 80' boom	13.12	.97	.85	.50	.10
Crane, 81' to 130' boom	13.27	.97	.85	.50	.10
Crane, 131' to 150' boom	13.32	.97	.85	.50	.10
Crane, 151' boom and over	13.37	.97	.85	.50	.10
Crane Oiler	12.53	.97	.85	.50	.10
Crane with jibs an additional $.15 per hour					
Crusher Operator	12.96	.97	.85	.50	.10
Crusher Oiler	12.45	.97	.85	.50	.10
Crusher Conveyor, when required	12.42	.97	.85	.50	.10
Distributor Operator	12.96	.97	.85	.50	.10
DW 10, 15, or 20 tractor pulling Roller	12.68	.97	.85	.50	.10
Electric Overhead Cranes	13.14	.97	.85	.50	.10
Elevating Grader	12.96	.97	.85	.50	.10
Farm type tractor up to and including 50 HP engine	12.42	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Farm Type tractor, over 50 HP engine	$12.50	.97	.85	.50	.10
Field Equipment Serviceman	12.88	.97	.85	.50	.10
Fireman	12.55	.97	.85	.50	.10
Forklift, on construction job site	12.77	.97	.85	.50	.10
Form Grader Operator	12.73	.97	.85	.50	.10
Gradall Operator	12.96	.97	.85	.50	.10
Grade Setter	12.42	.97	.85	.50	.10
Heavy Duty Drills, all types	12.96	.97	.85	.50	.10
Herman-Nelson Heaters and similar type	12.50	.97	.85	.50	.10
Hoist Operator, single drum	12.73	.97	.85	.50	.10
Hoist, two or more drums	12.96	.97	.85	.50	.10
Helicopter Hoist Operator	13.46	.97	.85	.50	.10
Hot Plant Operator	12.96	.97	.85	.50	.10
Hot Plant Fireman, when in operation	12.96	.97	.85	.50	.10
Hot Plant Oiler, 100 ton per hour or over	12.45	.97	.85	.50	.10
Hydra Lift and similar types	12.86	.97	.85	.50	.10
Industrial Locomotive all classes	12.96	.97	.85	.50	.10
Mechanic and/or Welder on job	13.06	.97	.85	.50	.10
Mechanic Shop (Dec. April 1)	12.66	.97	.85	.50	.10
Mixermobile	13.04	.97	.85	.50	.10
Motor Patrol Operator	13.09	.97	.85	.50	.10
Mountain Logger or similar type	12.96	.97	.85	.50	.10
Mucking Machine Operator	12.96	.97	.85	.50	.10
Oiler-Driver, Rubber tired Cranes	12.53	.97	.85	.50	.10
Oilers, other than Shovels and Cranes	12.45	.97	.85	.50	.10
Oiler, Hoist House, dams	12.86	.97	.85	.50	.10
Pavement Breakers, Emsco and similar	12.96	.97	.85	.50	.10
Paving and Mixing Machine	13.09	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Auger, large truck or tractor mounted and Punch	$12.96	.97	.85	.50	.10
Power Mixer, single or double drum	12.96	.97	.85	.50	.10
Power Saw, multiple cut, self-propelled	12.96	.97	.85	.50	.10
Pumprete or Grout Machine	12.96	.97	.85	.50	.10
Pumpman	12.49	.97	.85	.50	.10
Push Tractor	12.96	.97	.85	.50	.10
Quad Cat	13.26	.97	.85	.50	.10
Quad Loader and similar type	13.54	.97	.85	.50	.10
Radiator Repairman	12.77	.97	.85	.50	.10
Raygo Gaint	13.54	.97	.85	.50	.10
Refrigeration Plant Operator	12.96	.97	.85	.50	.10
Retort Operator	12.55	.97	.85	.50	.10
Roller, on blade or hot mix oil paving	12.96	.97	.85	.50	.10
Roller, on other blade or hot mix paving	12.66	.97	.85	.50	.10
Roller, 25 ton or over	12.96	.97	.85	.50	.10
Rose and similar type Carriers, on construction site	12.96	.97	.85	.50	.10
Rubber-tired Dozer	12.96	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. and under	12.67	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. to and including 3 cu. yds.	12.96	.97	.85	.50	.10
Rubber-tired Front End Loader, over 3 cu. yds. to and including 5 cu. yds.	13.08	.97	.85	.50	.10
Rubber-tired Front End Loader, over 5 cu. yds. to and including 10 cu. yds.	13.18	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	$13.28	.97	.85	.50	.10
Rubber-tired Front End Loader, over 15 yards	13.38	.97	.85	.50	.10
Scraper, DW 15, 20, 21 and similar type if power unit is not used	12.96	.97	.85	.50	.10
Scraper, single or twin engine pulling Belly Dump Trailer	13.34	.97	.85	.50	.10
Scraper, single engine	13.09	.97	.85	.50	.10
Scraper, twin engine	13.19	.97	.85	.50	.10
Scraper, tandem engine or 3 engine	13.45	.97	.85	.50	.10
Self-propelled Sheepfoot and similar type	12.96	.97	.85	.50	.10
Shovels, including all attachments, under 1 cu. yd.	12.96	.97	.85	.50	.10
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	13.14	.97	.85	.50	.10
Shovels, including all attachments, over 3 cu.yds. to and including 5 cu. yds.	13.41	.97	.85	.50	.10
Shovels, including all attachments over 5 cu. yds.	13.54	.97	.85	.50	.10
Shovel Oiler, 3 yds. and under	12.45	.97	.85	.50	.10
Shovel Oiler, over 3 cu. yds.	12.86	.97	.85	.50	.10
Slip Form Paver Operator	13.09	.97	.85	.50	.10
Stiff Leg Derrick and Guy Derrick	13.41	.97	.85	.50	.10
Track-type Front End Loaders, up to and including 5 cu. yds.	12.96	.97	.85	.50	.10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	$13.19	.97	.85	.50	.10
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	13.29	.97	.85	.50	.10
Track-type Front End Loaders, over 15 cu. yds.	13.39	.97	.85	.50	.10
Track-type Tractor w/wo attachments	12.96	.97	.85	.50	.10
Track-type Tractor, on Euclid Loader	13.14	.97	.85	.50	.10
Trenching Machine	12.96	.97	.85	.50	.10
Turnhead Conveyor, or Head Tower on Batch Plant	12.96	.97	.85	.50	.10
Wagner Roller and similar type	12.96	.97	.85	.50	.10
Whirley Crane Operator	13.49	.97	.85	.50	.10
Whirley Crane Oiler	12.86	.97	.85	.50	.10
Water Pull when used for compaction	12.96	.97	.85	.50	.10
Washing and Screening Plant Operator	12.96	.97	.85	.50	.10
Washing and Screening Plant Oiler	12.45	.97	.85	.50	.10
Yo-Yo Cat, both ends	13.16	.97	.85	.50	.10

TRUCK DRIVERS: Cascade, Dear Lodge, Glacier, Hill, Missoula, Silver Bow and Valley Counties:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixer:					
To & including 4 cu. yds.	$11.10	.82	.84		
Over 4 cu. yds. to and including 6 cu. yds.	11.18	.82	.84		
Over 6 cu .yds. to and including 8 cu. yds.	11.26	.82	.84		
Over 8 cu. yds. to and including 10 cu. yds.	11.34	.82	.84		
Over 10 cu. yds.-additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER	11.08	.82	.84		
DRY BATCH TRUCKS:					
3 Batch or under	10.85	.82	.84		
Over 3 Batch to and including 5 Batch	11.98	.82	.84		
Over 5 Batch to and including 10 Batch	11.14	.82	.84		
Over 10 Batch to and including 15 Batch	11.30	.82	.84		
Over 15 Batch-additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	10.95	.82	.84		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters	10.85	.82	.84		

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS And SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:					
Water Level Capacity, including Sideboards:					
7 cu. yds. or less	$10.85	.82	.84		
Over 7 cu. yds. to and including 10 cu. yds.	10.98	.82	.84		
Over 10 cu. yds. to and including 15 cu. yds.	11.14	.82	.84		
Over 15 cu. yds. to and including 20 cu. yds.	11.28	.82	.84		
Over 20 cu. yds. to and including 25 cu. yds.	11.34	.82	.84		
Over 25 cu. yds. to and including 30 cu. yds.	11.40	.82	.84		
Over 30 cu. yds. to and including 35 cu. yds.	11.46	.82	.84		
over 35 cu. yds. to and including 40 cu. yds.	11.52	.82	.84		
Over 40 cu. yds. to and including 45 cu. yds.	11.58	.82	.84		
Over 45 cu. yds.-additional $.10 per hour each additional 5 cu. yds. increment					
DUMPSTERS	10.98	.82	.84		
POWER TRUCK DRIVER (bulk unloader type)	11.03	.82	.84		
FLAT TRUCKS:					
To and including 3 tons	11.00	.82	.84		
Over 3 tons factory rating	11.20	.82	.84		

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
FUEL TRUCK DRIVERS; TIREMEN	$11.44	.82	.84		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	11.44	.82	.84		
LUMBER CARRIERS, LIFT TRUCK and FORK LIFTS	11.20	.82	.84		
POWER BROOM	10.94	.82	.84		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	10.85	.82	.84		
Over 2,500 gallons to and including 4,500 gallons	11.14	.82	.84		
Over 4,500 gallons to and including 6,000 gallons	11.34	.82	.84		
Over 6,000 gallons to and including 8,000 gallons	11.40	.82	.84		
Over 8,000 gallons to and including 10,000 gallons	11.48	.82	.84		
Over 10,000 gallons - additinal $.10 per hour each additinal 2,000 gallons increment					
TRUCK MECHANIC	11.84	.82	.84		
TRUCKS with power equipment if under Teamster jurisdiction, such as: Winch, A-Frame Trucks, Swedish Crane, Hydralift, Grout-crete Truck and Combination Mulching, Seeding and Fertilizing Truck	10.34	.82	.84		

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: FAYETTE & ROSS
DECISION NO.: OH81-2023 DATE: Date of Publication
Supersedes Decision No. OH80-2003 dated March 7, 1980 in 45 FR 15036
DESCRIPTION OF WORK: Residential Construction Consisting of Single

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd) Gallatin County					
DUMP TRUCKS:					
7 yards or less	$ 9.73	.82	.84		
Over 7 yards to and including 10 yards	9.98	.82	.84		
Over 10 yards to and including 15 yards	10.14	.82	.84		
Over 15 yards to and including 20 yards	10.28	.82	.84		
PICKUP DRIVER, hauling materials	9.73	.82	.84		
FLAT TRUCKS:					
Less than 2 ton factory rating	9.73	.82	.84		
2 - 5 tons	9.88	.82	.84		
5 - 8 tons	9.88	.82	.84		
SEMI and 4-WHEEL TRAILERS	9.98	.82	.84		
SERVICE TRUCKS and A-FRAME TRAILERS	9.73	.82	.84		
HOUSE MOVERS	9.82	.82	.84		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: FAYETTE & ROSS
DECISION NO.: OH81-2023 DATE: Date of Publication
Supersedes Decision No. OH80-2003 dated March 7, 1980 in 45 FR 15036
DESCRIPTION OF WORK: Residential Construction Consisting of Single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$5.44				
BRICKLAYERS; Blocklayers	9.05				
CARPENTERS	7.50				
CEMENT MASONS	9.00				
DRYWALL HANGERS	7.55				
DRYWALL FINISHERS & TAPERS	9.92				
ELECTRICIANS	7.50				
LABORERS	5.27				
PAINTERS	5.25				
PLUMBERS; Steamfitters	6.25				
ROOFERS	7.50				
SHEET METAL WORKERS	6.00				
SOFT FLOOR LAYERS	7.12				
TILE SETTERS	7.00				
TRUCK DRIVERS	6.50				
POWER EQUIPMENT OPERATORS:					
Backhoes	6.27				
Bulldozers	6.00				
Front End Loaders	6.00				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NO: OH81-2021
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. OH80-2052, dated July 7, 1980 in 45 FR 45834
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

BRICKLAYERS & STONE MASONS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS & SCIOTO COUNTIES	$14.10		.50		.05
ALLEN, AUGLAIZE, MERCER & VAN WERT COS.	13.04		.70		.02
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, & WAYNE (except Twps. of Milton & Chippewa) COS. & WYANDOT Co. (except Twps. of Crawford, Richland, Ridge & Tymochtee)	12.98	.80	1.00		.02
ASHTABULA COUNTY					
Bricklayers	16.42	.95	1.50		
Sewer Bricklayers	16.67	.95	1.50		
ATHENS COUNTY	13.30	.80	1.00		.05
BELMONT, JEFFERSON (Warren, Mt. Pleasant, & Dillonvale), & MONROE COS.	11.30	.60	.25		.02
BROWN, BUTLER, CLERMONT, HAMILTON, PREBLE (Twps. of Dixon, Gratis, Israel, Lanier, & Somers), & WARREN COS.	14.945	.80	.45		.02
CARROLL, COLUMBIANA (Twps. of Butler, Hanover, Knox & West), MAHONING (Twp. of Smith), STARK, & TUSCARAWAS COS.	12.79	.95	1.05		.01
CHAMPAIGN, CLARK & LOGAN COS.	11.32	.85	1.10		.03
CLINTON & HIGHLAND COS.	11.00				
COLUMBIANA CO., (Twps. of Center, Elk Run, Fairfield, Middletown, New Waterford, Perry, Salem & Unity), MAHONING CO. (except Smith Twp.)	13.595	.85	1.25		.02

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BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA CO. (Twps. of E. Liverpool, Franklin, Madison, St. Clair, Washington, Wayne & Yellow Creek), JEFFERSON CO. (Twps. of Bush, Creek & Saline)	$12.75	.70	.50		
COSHOCTON, FAIRFIELD, GUERNSEY, HOCKING, KNOX, LICKING, MORGAN, MUSKINGUM, & PERRY COUNTIES	11.40	.80	1.70		.10
CUYAHOGA CO. & MEDINA CO. (except the Twps. of Chatham, Wadsworth, Guilford, Westfield, Sharon, Lafayette, Harrisville, Homer, Litchfield & Spencer)	14.83	1.21	1.33		.07
DARKE, MIAMI, & SHELBY COS.	12.08	.85	1.10		.03
DEFIANCE, FULTON (except Twps. of Amboy, Fulton, & Swan Creek), HENRY (except Twps. of Barlow, Damascus, Liberty, Marion, Monroe, Richfield, Washington & that part of Harrison outside City limits of Napolean), PAULDING, PUTNAM, & WILLIAMS COS.	14.47	1.06	.75		
DELAWARE, FRANKLIN, MADISON, PICKAWAY & UNION COS.	13.69	.90	1.50		.10
ERIE, HANCOCK & HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.) WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) COS. & ISLAND OF LAKE ERIE N. of SANDUSKY	13.19	.80	1.25		.01
FAYETTE, PIKE, & ROSS COS.	14.94		.50		.05
FULTON (Rem. of Co.), HENRY (Rem. of Co.), LUCAS, & WOOD (Rem. of Co.) COS.	15.473	1.06	1.65		.03
GALLIA & MEIGS COS.	13.93	.70			
GEAUGA & LAKE COS.	16.72	.90	1.15		75.00p/y
GREENE & MONTGOMERY COS. & Remainder of PREBLE CO.	12.43	.85	1.48		.03

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BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HARRISON CO. & the Remainder of JEFFERSON CO.	$12.78	.80	.50		.03
JACKSON & VINTON COS.	13.00	.70	.80		.05
LAWRENCE COUNTY	13.65		.50		.05
LORAIN CO. & MEDINA CO. (Chatham, Harrisville, Homer, Litchfield, & Spencer Twps.)	16.45		.80	a	.01
MEDINA (Remainder of Co.), PORTAGE, SUMMIT & WAYNE (Twps. of Milton & Chippewa) COS. Bricklayers	15.92	1.02	.80		.02
NOBLE CO. (Remainder of Co.) & WASHINGTON CO.	12.95	.70	.50		.05
TRUMBULL COUNTY	13.99	.75	.50		.02
FOOTNOTE: a. 2 pd. Holidays: Independence Day and Labor Day					
CARPENTERS & PILEDRIVERMEN					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.					
Carpenters	14.33	.75	1.25		.05
Piledrivermen	14.62	.75	1.25		.05
ALLEN, AUGLAIZE, CHAMPAIGN CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.					
Carpenters	13.92	.90	1.25		.04
Piledrivermen	14.37	.90	1.25		.04

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ASHLAND, CRAWFORD, ERIE (East of B & O Railroad Tracks), HURON, LORAIN and RICHLAND COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$14.17	.85	1.00	b	.08
Piledrivermen	15.50	1.20	2.02		.09
ASHTABULA, CUYAHOGA, GEAUGA and LAKE COUNTIES					
Carpenters	15.67	1.20	1.85		.09
Piledrivermen	15.50	1.20	2.02		.09
ATHENS, HOCKING, VINTON and WASHINGTON COUNTIES					
Carpenters	13.92	.90	1.25		.04
Piledrivermen	14.37	.90	1.25		.04
BELMONT and MONROE COUNTIES					
Carpenters	12.73	1.04	1.25		.04
Piledrivermen	13.43	1.04	1.25		.04
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON and WARREN COUNTIES					
Carpenters	13.80	.90	1.10		.075
Piledrivermen	13.80	.90	1.10		.075
CARROLL, STARK, TUSCARAWAS and WAYNE COUNTIES					
Carpenters	12.63	.70	.80		.02
Piledrivermen	13.16	.65	.80		.02
COLUMBIANA, & JEFFERSON COUNTIES					
Carpenters	12.73	1.04	1.25		.04
Piledrivermen	14.05	6%	10%		.50
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE & SHELBY COUNTIES					
Carpenters	14.30	1.00	1.40		.07
Piledrivermen	14.30	1.00	1.40		.07
DEFIANCE, HENRY, PAULDING and WILLIAMS COUNTIES					
Carpenters	14.76	1.06	.75		
Piledrivermen	15.90	1.06	1.25		.10
ERIE (West of B & O Railroad Tracks), OTTAWA, SANDUSKY & SENECA COS. and City of Fostoria in HANCOCK & WOOD COUNTIES					
Carpenters	14.17	.85	1.00	b	.08
Piledrivermen	15.90	1.06	1.25		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FULTON, LUCAS, HANCOCK & WOOD COS. excluding the City of Fostoria					
Carpenters; Piledrivermen	$15.90	1.06	1.25		.10
HARRISON COUNTY					
Carpenters	12.73	1.04	1.25		.04
Piledrivermen	13.43	1.04	1.25		.04
MAHONING & TRUMBULL COS.					
Carpenters	13.87	1.34	1.50		.05
Piledrivermen	14.66	1.34	1.50		.05
MEDINA, PORTAGE, & SUMMIT COS.					
Carpenters	14.40	.70	1.00		.02
Piledrivermen	15.50	1.20	2.02		.09
FOOTNOTE: b. 2 Paid Holidays: Memorial Day and Independence Day					
CEMENT MASONS:					
ASHTABULA, CUYAHOGA, FULTON, GRAUGA, HANCOCK, HENRY, LAKE, LORAIN, LUCAS, PUTNAM, & WOOD COS.	15.03	.70	.95		.02
BROWN, BUTLER, CLERMONT, COLUMBIANA, DEFIANCE, ERIE, HAMILTON, HIGHLAND, HURON, MAHONING, MEDINA, OTTAWA, PAULDING, PORTAGE, SANDUSKY, SENECA, STARK, SUMMIT, TRUMBULL, WARREN, & WILLIAMS COS.	14.38	.70	.95		.02
REMAINING COUNTIES	13.83	.70	.95		.02
ELECTRICIANS:					
ADAMS, JACKSON (All but Coal, Jackson, Liberty, Milton & Washington Twps.), PIKE (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish, & Union) & SCIOTO COS.	14.00	.50	3%+.60	1.00	.04
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, & VAN WERT COS. & WYANDOT CO. (West of Crane, Pitt, & Tymochtee Twps.)	13.70	1.10	3%+.43		.04

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, HURON (Twps. of Greenwich, New Haven, Richmond, & Ripley) Knox (N½ inclu. Clinton, Howard, Liberty, Monroe & Union Twps.), MARION, MORROW, RICHLAND, & WYANDOT (Rem. of Co.) COS.	$ 14.59	.80	3%+.66		.16
ASHTABULA CO. (all but Colebrook, Orwell, Wayne, Williamsfield & Windsor Twps.)	15.30	1.00	3%+1.00		.3%
ASHTABULA (Rem. of Co.), GRAUGA (Twps. of Auburn, Middlefield, Parkman, & Troy), MAHONING (Milton Twp.), PORTAGE (Twps. of Charleston, Edinburg, Freedom, Hiram, Palmyra, Paris, & Windham) & TRUMBull (except Hubbard & Liberty Twps.) COS.	15.54	.75	7%		.7%
ATHENS, MEIGS, MONROE, MORGAN, NOBLE, VINTON (East of Clinton, Elk and Swan Twps.) & WASHINGTON COS.	13.30	.30	3%+1.00	1.30	.04
BELMONT CO.	13.20	.30	3%+1.00	1.25	.04
BROWN, CLERMONT & HAMILTON COUNTIES					
Within 10 Mi. of Hamilton County Court House	15.30	.70	3%+.80		4%
From 10 to 21 Miles	15.60	.70	3%+.80		4%
From 21 to 25 Miles	15.70	.70	3%+.80		4%
Over 25 Miles	15.85	.70	3%+.80		4%
BUTLER CO. & WARREN CO. (excluding Clear Creek, Franklin & Wayne Twps.)	13.20	.70	3%+1.00		4%
CARROLL (S. of Fox, Harrison, Rose & Washington Twps.), HARRISON, & JEFFERSON COS.	15.50	8%	17%	10%	4%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL (Rem. of Co.), COLUMBIANA (Knox Twp.), HOLMES, MAHONING (Smith Twp.), STARK, TUSCARAWAS (N ½ excl. Twps. of Auburn, Clay, Rush, York, Salem, Jefferson, Oxford, Washington, Perry, & Bucks), & WAYNE (S. of Baughman, Chester, Green, & Wayne Twps.) COS.	$ 14.61	.79	3%+.80		.38
CHAMPAIGN & CLARK COS. & MADISON CO. (Twps. of Paint, Pike, Somerford, Stokes & Union)	13.34	.75	3%+1.00		.04
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS. & WARREN CO. (Rem. of Co.)					
Within 11 Mi. Radius of 3rd & Main Streets, Dayton	14.13	.75	3%+1.00		.58
Beyond 11 Mi. Radius	14.36	.75	3%+1.00		.58
COLUMBIANA CO. (except Twps. of Butler, Fairfield, Knox, Perry, Salem & Unity)	13.30	2.00	3%+.53		.09
COLUMBIANA (Twps. of Butler, Fairfield, Perry, Salem, & Unity), MAHONING (exclu. Milton & Smith Twps.), & TRUMBULL (Twps. of Hubbard & Liberty) COS.	14.52	.75	11%		.58

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COSHOCTON, GUERNSEY, KNOX (Jackson, Clay, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, and College Twps.), LICKING, MUSKINGUM, PERRY, TUSCARAWAS (S½ incl. Twps. of Auburn, Clay, Rush, York, Salem, Jefferson, Oxford, Washington, Perry, and Bucks) COS.	13.90	.50	3%+1.02		.03
CUYAHOGA, GEAUGA (Twps. of Bainbridge, Chester, & Russell), and LORAIN (Twp. of Columbia) COS.	17.03	.90	3%+.60		.06
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	15.30	.85	3%+.85		.30
DELAWARE, FAIRFIELD, FRANKLIN, MADISON (Rem. of Co.) & PICKAWAY CO. (Excl. Deer Creek, Perry, Pickaway, Salt Creek & Wayne Twps.) & UNION COS.	14.00	.80	3%+1.02		.06
ERIE CO., HURON CO. (Rem. of Co.)	15.03	.72	3%		.18
FAYETTE, HIGHLAND, HOCKING, JACKSON (Rem. of Co.), PICKAWAY, PIKE, ROSS, & VINTON COS.	14.25	.50	3%		.02
GALLIA CO.	14.52	.50	3%+1.00	1.00	.04
GEAUGA (except Auburn, Bainbridge, Chester, Middlefield, Parkman, Russell, & Troy Twps.), & LAKE COS.	15.23	.85	3%+.70		.28
LAWRENCE COUNTY	14.02	.50	3%+1.00	1.00	.04
LORAIN CO. (Rem. of Co.) and MEDINA CO. (Twps. of Litchfield & Liverpool)	15.35	.75	3%+1.00		.18

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ELECTRICIANS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA (Rem. of Co.), PORTAGE (exclu. Twps. of Charleston, Edinburg, Freedom, Hiram, Palmyra, Paris, & Windham), SUMMIT, & WAYNE (Rem. of Co.) COS.	15.25	.74	3%+.76		.28
IRONWORKERS:					
ADAMS (¾), GALLIA, JACKSON (¾), LAWRENCE, PIKE (¾), & SCIOTO COS.					
Up to 10 miles from Union Hall in Ashland, Ky.	11.92	.90	1.20		.01
10 to 15 miles from Union Hall in Ashland, Ky.	12.07	.90	1.20		.01
15 to 30 Miles from Union Hall in Ashland Ky.	12.17	.90	1.20		.01
20 Miles & over from Union Hall in Ashland, Ky.	12.27	.90	1.20		.01
ADAMS, (W½), BROWN, BUTLER (¾), CLERMONT, CLINTON (S. of a line drawn from Blanchester to Lynchburg), HAMILTON, HIGHLAND (exclu. E 1/5 and portion of Co. inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall) & WARREN (S ½) COS.					
Reinforcing	14.33	1.00	1.60		.02
Ornamental; Structural	14.08	1.00	1.60		.03
ALLEN (S½), Auglaize, BUTLER (N ½), CHAMPAIGN (W 2/3), CLARK (N 3/4), CLINTON (excl. S. of a line drawn from Blanchester to Lynchburg), Darke, Greene, Highland (Inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), LOGAN (W 2/3),					

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IRONWORKERS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MERCER (S½), MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (N½) COS					
Within 15 miles radius of Local Union Office #290	13.06	1.00	1.60		.06
Outside 15 miles radius of Local Union Office #290	13.21	1.00	1.60		.06
ALLEN (N½), DEFIANCE (except portion S. of a line drawn from where Rt. 66 meets the N. line through Independence to the E. Co border), Mercer (N½), PAULDING, PUTNAM (except portion E. of a line drawn from the N. border down thru Miller city to where 696 meets the S. border), VAN WERT, & WILLIAMS (except portion E. of a line drawn from Pioneer thru Stryker to the S. border) COS.	14.20	1.00	1.85		.04
ASHLAND, CARROLL, COSHOCTON (exclu. portion w. of a line beginning at NW Co. line going thru Walhonding & Tunnel Hill to the S. Co. line), HOLMES, RICHLAND, STARK, TUSCARAWAS, & WAYNE COS.	13.48	.80	.95		.05
ASHTABULA (NE ¼) CO.	14.50	1.86	1.31		.15
ASHTABULA (S½), CUYAHOGA, ERIE (Exclu. W 1/3), GEAUGA (except portion E. of a line from Austinburg to Middlefield & South), HURON (Exclu. portion W.					

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IRONWORKERS (CONT'D)

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IRONWORKERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
of a line drawn from the N. border through Monroeville & Willard), LAKE, LORAIN, MEDINA, PORTAGE (Exclu. Ravenna Ordnance Depot), & SUMMIT COS.	16.22	1.05	1.45		.08
ASHTABULA (NW ¼), COLUMBIANA, GEAUGA (E. of a line from Austinburg to Middlefield & South), MAHONING, PORTAGE (E. of a line from Middlefield to Shalersville to Deerfield) & TRUMBULL COS.	15.41	.85	1.30		.09
ATHENS, MEIGS, MORGAN, NOBLE & WASHINGTON COS.	13.10	1.00	1.45		.03
BELMONT, GUERNSEY, HARRISON, JEFFERSON, MONROE, & MUSKINGUM (except portion W. of a line starting at Adams Mill going to Adamsville & going from Adamsville through Blue Rock to the S. border) COS.	13.47	.90	2.10		.05
CHAMPAIGN (E 1/3), CLARK (E½), COSHOCTON (W. of a Line Beginning at NW Co. line going through Walhonding & Tunnel Hill to the S. Co. line), CRAWFORD (S. of Rte 30), FAYETTE, HARDIN (except a line drawn from Roundhead to Maysville), HIGHLAND (E 1/5), HOCKING, JACKSON (N½ of Co.), KNOX, LOGAN (E 1/3), MARION, MORROW, MUSKINGUM (W. of a line starting at Adams Mill going to Adamsville and going from Adamsville thru Blue Rock to the S. border), PERRY, PIKE (N½), ROSS, VINTON, & WYANDOT (S. of Rte 30) COS.	13.85	1.00	2.35		.05

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IRONWORKERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CRAWFORD (Area between lines drawn from where hwy 598 & 30 meet thru N. Liberty to the N. border & from said hwy junction point due W. to the border), DEFIANCE (S. of a line drawn from where Rte. 66 meets the N. line thru Independence to the E. Co. border), ERIE (W 1/3), FULTON, HANCOCK, HARDIN (N. of a line drawn from Maysville to a point 4 miles S. of the N. line on the E. line), HENRY, HURON (W. of a line drawn from the N. border thru Monroeville & Willard), LUCAS, OTTAWA, PUTNAM (E. of a line drawn from the N. border down thru Miller City to where 696 meets the S. border), SANDUSKY, SENECA, WILLIAMS (E. of a line drawn from Pioneer thru Stryker to the S. border), WOOD, & WYANDOT (Area N. of Rte. # 30) COS.	15.76	1.06	1.73		.09
DELAWARE, FAIRFIELD, LICKING, MADISON, PICKAWAY, & UNION COUNTIES	13.75	1.00	2.35		.05
FRANKLIN COUNTY	13.60	1.00	2.35		.05
PAINTERS:					
ADAMS, HIGHLAND, JACKSON, PIKE & SCIOTO COUNTIES					
Brush	14.35		1.00		.03
Spray	15.35		1.00		.03
ALLEN, AUGLAIZE, DEFIANCE, HARDIN, MERCER, PAULDING, PUTNAM, SHELBY, VAN WERT & WILLIAMS COS.					
Brush & Roller	12.05	1.06	.50		.03
Sandblasting; Spray; Steam Cleaning	12.55	1.06	.50		.03
ASHLAND, CRAWFORD, MARION, MORROW & RICHLAND COS.					
Brush	10.90		.65		
Structural Steel	11.40		.65		
Spray	11.65		.65		

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHTABULA, CUYAHOGA, GEAUGA, & LAKE COS., LORAIN (North East Part) and PORTAGE & SUMMIT COS. (North of the Ohio Turnpike)					
Brush	13.81	.97	1.10		.05
Bridge and Open Steel; Closed Steel Over 55'	16.91	.97	1.10		.05
Closed Steel Below 55'; Spray	16.21	.97	1.10		.05
ATHENS & HOCKING COUNTIES					
Brush	14.60				
Spray	15.25				
BELMONT, HARRISON & JEFFERSON COS.	10.05	.50	.40		
BROWN, CLERMONT & HAMILTON COS.					
Brush	14.85		.35		25.00p/yr
Spray	15.35		.35		25.00p/yr
BUTLER & WARREN COUNTIES					
Brush	12.73				
Spray	13.23				
CARROLL, HOLMES, STARK, TUSCARAWAS & WAYNE COS.					
Brush	11.94	1.00	.90		.02
Spray	12.47	1.00	.90		.02
Structural Steel	12.65	1.00	.90		.02
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY & PREBLE COUNTIES					
Brush; Roller	13.21		1.00		.11
Structural Steel	13.61		1.00		.11
Spray	13.71		1.00		.11
COLUMBIANA, MAHONING, PORTAGE (Ravenna Ordnance Depot), & TRUMBULL COS.					
Brush	13.65	.85	1.15		
Sandblasting; Spray	14.35	.85	1.15		
COSHOCTON COUNTY					
Brush; Roller	8.10				
Spray; Sandblasting	8.60				
Sandblasting pot tend	7.60				

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, MADISON, PICKAWAY & UNION COS.					
Brush	$13.44	.95	1.00		.02
Structural Steel	13.74	.95	1.00		.02
Spray	13.94	.95	1.00		.02
ERIE, HANCOCK, HURON, SANDUSKY, SENECA & WYANDOT COUNTIES					
Brush	12.30	.70	.60		50.00p/yr
Structural Steel	12.75	.70	.60		50.00p/yr
FULTON, HENRY, LUCAS, OTTAWA & WOOD COUNTIES					
Brush	13.44	1.06	1.80		
Spray	13.99	1.06	1.80		
Bridge Railings	13.69	1.06	1.80		
GALLIA, LAWRENCE, MEIGS, & VINTON COUNTIES					
Brush; Roller	12.70			c	
Sandblasting; Spray; Waterblasting	13.70			c	
GUERNSEY COUNTY					
Brush; Roller; Sandblasting and Steamcleaning	9.50				
KNOX, LICKING, MUSKINGUM and PERRY COUNTIES					
Sandblasting; Steel; Bridge	9.50				
Spray	9.95				
LORAIN COUNTY (Rem. of Co.)					
Brush	11.85	.85	.10	d	
Spray; Sandblasting	12.35	.85	.10	d	
Roller	12.10	.85	.10	d	
MEDINA, PORTAGE (Up to & incl. the Ohio Turnpike), & SUMMIT (Up to & incl. the Ohio Turnpike) COS.:					
Brush; Paperhanger; & Roller	14.85	1.07	.60		
Structural Steel	15.40	1.07	.60		
Spray	15.50	1.07	.60		
MONROE, MORGAN, NOBLE, & WASHINGTON COS.					
Bridges; Guard Rails; & Structural Steel	11.72	.60	.40		.02
MUSK COUNTY					
Brush	11.00				
Spray	11.25				

FOOTNOTES: c. 6 paid holidays: Decoration Day; July 4th; Thanksgiving Day; Christmas Day; New Year's Day; & Veteran's Day
d. 2 paid holidays: Labor Day and July 4th

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PLUMBERS; STEAMFITTERS; & PIPEFITTERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, ATHENS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, PIKE, SCIOTO, & VINTON COS.	$14.37	.85	1.00		
ALLEN, AUGLAIZE, HARDIN, MERCER, SHELBY & VAN WERT COS.	14.75	.60	.90		.05
ASHLAND, CRAWFORD, ERIE, HURON, KNOX, LORAIN, MORROW, RICHLAND & WYANDOT COS.	15.33	1.00	1.00		.05
ASHTABULA, CUYAHOGA, GEAUGA, LAKE, MEDINA (N. of Rt. 18 excl. city of Medina), PORTAGE (N. of #303), & SUMMIT (N. of Rt. #303, excl. city of Hudson) COS.:					
Plumbers	16.03	1.20	1.40		.02
Pipefitters; & Steamfitters	15.92	1.45	1.35		.10
BELMONT & MONROE (South of Rt. 78) COS.	12.59		1.13	1.26	.05
BROWN, CLERMONT, & HAMILTON COS.:					
Plumbers; Gas Fitters	14.97	1.23	1.50		.07
Steamfitters; Pipefitters	14.60	1.075	1.90		.06
BUTLER (North Half) & WARREN (N. of Rte. #63 excl. Lebanon & S. Lebanon) COS.	15.80	.90	1.00		.05
BUTLER (South Half) & WARREN (S. of Rte. #63 including Lebanon and S. Lebanon) COS.	15.63	.90	1.20		.02
CARROLL CO. (Except Twps. of Ross, Monroe, Union, Lee, Orange, Perry & London), STARK & WAYNE COS.	14.17	.75	.70	•	.10
CARROLL (Twps. of Ross, Monroe, Union, Lee, Orange, Perry & London), COSHOCTON, GUERNSEY, HOLMES, MORGAN (South of State Rte. #78 & from McConnelsville West on State Rte #37 to the Perry Co. line), MUSKINGUM, NOBLE, & TUSCARAWAS COS.	15.85	.87	.60		.08

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PLUMBERS; STEAMFITTERS; & PIPEFITTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, CLARK, GREENE (Twps. of Cedarville, Ceasar Creek, New Jasper, Jefferson, & Ross), LOGAN & MADISON (West of Rt. 38 including the city of London) COS.	$14.25	.83	.85		.04
CLINTON, DARKE, FAYETTE, GREENE (Rem. of Co.), MIAMI, MONTGOMERY, & PREBLE COUNTIES	13.91	1.05	1.05		.03
COLUMBIANA (excluding Washington & Yellow Creek Twps. & Liverpool Twp. secs. 35 & 36 - West of County Rd. #427), MAHONING COS. & TRUMBULL CO. (Hubbard & Liberty Twps. Youngstown Municipal Airport & the Filtration Plant of the Mahoning Valley Sanitary District)	15.79	1.17	.80		.05
COLUMBIANA (Washington & Yellow Creek Twps., & Liverpool Twp. secs 35 & 36 West of County Rd. #427), HARRISON AND JEFFERSON COUNTIES	15.07	1.10	1.30	1.30	.12
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	15.64	1.35	1.15		.12
DELAWARE, FAIRFIELD, FRANKLIN, HOCKING, LICKING, MADISON (Rem. of Co.), MARION, PERRY, PICKAWAY, ROSS & UNION COS.	13.42	1.15	1.05		.07
MEDINA (Rem. of Co.), PORTAGE, & SUMMIT (S. of Rte #303) COS.	14.19	.91	1.40		.05
MEIGS, MONROE (Rem. of Co.), MORGAN (Rem. of Co.), & WASHINGTON COS.	13.83	.62	.75		.06
TRUMBULL CO. (Rem. of Co.)	14.69	1.07	1.15		.03

FOOTNOTE:
•. One paid holiday: Labor Day providing employee has worked 5 consecutive days before and after the Holiday

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LABORERS: (Excluding Railroad Construction)	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 13.68	$ 12.20	$ 11.77	.75	1.30		.05
GROUP II	13.805	12.325	11.895	.75	1.30		.05
GROUP III	13.88	12.40	11.97	.75	1.30		.05
GROUP IV	14.03	12.55	12.12	.75	1.30		.05
GROUP V	14.33	12.85	12.41	.75	1.30		.05

GROUP I - Asphalt Laborer; Carpenter Tender; Concrete Curing Applicator; Dump Man (Batch Trucks); Flagman; Grade Checker; Guardrail & Fence Installers; Joint Setter; Laborers (Construction); Landscape Laborer; Mesh Handlers & Placers; Plant Laborers or Yardmen; Right-of-way Laborers; Riprap Laborer & Grouter; Scaffold Erector; Seal Coating Surface Treatment or Road Mix Laborer; Sign Installer; Slurry Seal; Utility Man or Handyman; & Waterproofing Laborer

GROUP II - Asphalt Raker; Concrete Puddler; Kettle Man (Pipeline); Machine Driven Tools; Mason Tender; Mortar Mixer; Power Buggy or Power Wheelbarrow; Sheeting & Shoring Man; & Surface Grinder Man

GROUP III - Air Track & Wagon Drill; Bottom Man; Car Pusher (Without Air); Cofferdam (Below 25 feet deep); Concrete Saw Man; Cutting with Burning Torch; Form Setter; Hand Spiker (Railroad); Pipelayer; Tunnel Laborer (Without Air) and Caisson; Undergroundman (Working in Sewer & Waterline, Cleaning, Repairing & Reconditioning); & Welder Tender (Pipeline)

GROUP IV - Blaster; Muckers; Powder Man; Top Lander; Wrencher (Mechanical Joints & Utility Pipeline); & Yarner

GROUP V - Concrete Crew in Tunnels; Curb Setter & Cutter; Gunnite Nozzle Man; Miner Without Air; Utility Pipeline Tapper; & Waterline Caulker

ZONE DEFINITIONS

ZONE 1 - Cuyahoga, Geauga & Lake Cos.
ZONE 2 - Ashtabula, Erie, Huron, Lorain, Lucas, Mahoning, Medina, Ottawa, Portage, Stark, Summit, Trumbull & Wood Cos.
ZONE 3 - Remainder of Counties

LABORERS: (Railroad Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cuyahoga, Geauga, Lake, Lorain, Lucas, Portage, & Summit Coun Counties	$7.25	.80	.80		.10
Remaining Counties	6.75	.80	.80		.10

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POWER EQUIPMENT OPERATORS ZONE 1 - Columbiana, Mahoning & Trumbull Cos.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 15.41	1.05	1.00		.16
CLASS II	14.92	1.05	1.00		.16
CLASS III	14.28	1.05	1.00		.16
CLASS IV	13.87	1.05	1.00		.16
CLASS V	13.77	1.05	1.00		.16
CLASS VI	13.68	1.05	1.00		.16

CLASS I - Asphalt Planer Heater; Austin Western & Similar Type; Backhoe; Batch Plant-Central Mix; Batch Plant-Portable Concrete; Beam Builder-Automatic; Backfiller W/Drag Attachments; Boat Derrick; Boat-Tug; Boring Mach. Attached to Tractor; Bullslam; Bulldozer; C.M.I. Road Builder & Similar Types; Cable Placer & Layer; Carrier-Straddle; Carryall - Scraper or Scoop; Chicago Boom; Compactor W/Blade attached; Concrete Spreader Finisher Comb., Crane; Crane-Stationary or climbing; Crane-Electric Overhead; Crane-Side Boom; Crane Truck; Crane-Tower; Derrick-Boom; Derrick-Car; Diggers-Wheel (Hot Trencher or Road Widener); Double Wine; Drag Line; Dredge; Drill-Kenny or Similar Type; Electromatic; Fork Lift; Frankie Pile; Gradall; Grader-Power; Gurry; Gurry-Self-Propelled; High Lift; Hoist-Monorail; Hoist-Stationary & Mobile Tractor; Hoist-2 or 3; Jackall; Jumbo Mach.; Koeal or Kuhlman; Land-Seagoing Vehicle; Loader - Elevating; Loader-Front End; Locomotive; Mechanic as Welder; Metro Clip Harvester w/ Boom; Mucking Mach.; Paver-Asphalt Finishing Mach.; Paver - Road Concrete; Paver-Slipform; Place Crete Mach; Post Driver; Power Driven Hydraulic Pumps & Jacks; Pump Crete Machine; Regulator-Ballast; Rigs-Drilling; Shovels; Spikemaster; Stonecrusher; Tie Puller & Loader; Tie Tamper; Tractor-Double Boom; Tractor w/ Attachments; Trucks-Boom; Truck-Tire-Assigned to Job; Trench Mach.; Tunnel Machine (Mark 21 Java or Similar); Whirley

CLASS II - Asphalt Plant; Bending Machine; Boring Mach.; Chip Harvester W/O Boom; Cleaning Mach.- Pipeline Type; Coating Mach-Pipeline Type; Concrete Belt Placer; Concrete Finisher; Concrete Planer or Asphalt; Concrete Spreader; Elevator; Fork Lift Walk Behind; Form Line Mach.; Grease Truck Op.; Grout Pump; Gunnite Mach.; Huck Bolting Mach.; Hydraulic Scaffold; Paving Breaker; Pipe Dream; Pot Fireman; Power Broom; Refrigeration Plant; Saegen Derrick; Seeding Mach.; Self-Propelled Mobile Vibrator Compactor or Roller; Hoist-Single Drum; Soil Stabilizer (Pump Type); Spray Cure Mach.-Self Propelled; Straw Blower Mach.; Sub-Grader; Tube Finisher or Broom C.M.I. or Similar Type; Tugger Hoist

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POWER EQUIPMENT OPERATORS

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POWER EQUIPMENT OPERATORS
ZONE 1 - Columbiana, Mahoning & Trumbull Counties (Cont'd)

CLASS III - Batch Plant-Job Related; Boiler Op.; Compressor (125 CFM or Over); Curb Builder (Self-Propelled); Generator- Steam; Jack-Hydraulic Driven; Mixer-Concrete; Mulching Mach.; Pin Puller; Pulverizer; Pump; Road Finishing Mach. (Pulltype); Roller; Saw-Concrete-Self-Propelled; Signal Man; Spray Cure Mach. Motor Powered; Spreader (Side Driver Shoulder Attachment); Tractor; Trencher-Form; Water Blaster
CLASS IV - Brake Man; Compressor Under 125 CFM; Conveyor; Conveyor 12 Feet or Under Other Than Servicing Bricklayers; Deck Hand; Drill Wagon; Fireman; Generator Sets; Heaters-Portable Power (2 to 5); Ladavator; Roller (Walk Behind 1 Ton or over); Steam Jenny; Syphons; Tender-Mechanic; Jacks Hydraulic (Railroad); Vibrator-Gasoline; Welding Machines (2) (Fuel Burning)
CLASS V - Oiler
CLASS VI - Rigs-Pile Driving or Caisson Type

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$15.78	$ 15.04	1.26	1.50		.15
CLASS B	15.68	14.92	1.26	1.50		.15
CLASS C	14.64	13.88	1.26	1.50		.15
CLASS D	14.17	13.43	1.26	1.50		.15
CLASS E	10.98	10.09	1.26	1.50		.15

CLASS A - Air Compressor On Steel Erection; Asphalt Plant Engineer (Cleveland District Only); Boiler Op.; Compressor or Generator When Mounted On Rig; Cableway; Combination Concrete Mixer & Tower; Concrete Plants (Over 4 yds. Cap.); Concrete Pumps; Cranes (All Types Incl. A Frames, Boom Trucks, Cherry Pickers); Derricks; Draglines; Dredge (Dipper Clam or Suction); Elevation Grader or Euclid Loader; Floating Equipment (All Types); Helicopter Crew (Hoist or Winch); Hoes (All Types); Hoisting Engines (Including Shaft & Tunnel Work); Industrial Type Tractor; Jet Engineer Dryer (D8 or D9) Diesel Tractor; Locomotives (Standard Guage); Maintenance Op. Class A; Mixer (Paving Single or Double Drum); Mucking Mach.; Multiple Scraper; Piledriving Mach. (All Types); Power Shovel; Quad 9 (Double Pusher); Refrigerating Mach. (Freezer Operation); Rotary Drill on Caisson Work; Slip Form Paver; Tower Derricks; Tree Shredder; Trench Mach. (Over 24" Wide); Truck Mounted Concrete Pump; Tug Boat; Tunnel Mach. and/or Mining Machine; Wheel Excavator
CLASS B - Asphalt Paver; Automatic Subgrader Mach. Self-Propelled (CMI Type); Boring Mach. Op. (More than 48"); Bulldozers; Endloader; Kolman Loader (Production Type Dirt); Lead Grease Man; Maintenance Op., Class B (in Zone 2 Portage & Summit Cos. only); Power Grader; Power Scraper; Push Cat; Trench Mach. (24" Wide & Under)
CLASS C - Air Compressor on Tunnel Work (Low Pressure); Asphalt Plant Engineer (in Zone 2 Portage & Summit Cos. Only); Locomotive (Narrow Guage); Concrete Mixers (More than 1 Bag Cap.); Mixers (1 Bag Cap. - Side Loader); Power Boiler over 15 lb. Pressure; Pump Op. Installing & Operating Well Points; Pumps (4" & Over Discharge); Rollers (Asphalt); Utility Op. (Small Equipment); Welding Mach. & Generators.

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POWER EQUIPMENT OPERATORS (CONT'D)

CLASS D - Back Fillers; Bar (Joint & Mesh Installing Mach.); Batch Plant; Boring Mach. Op. (48" or less); Bull Floats; Burlap & Curing Mach.; Compressor (Portable, Sewer, Hvy. & Hwy.); Concrete Plant (4 Yd. & Under Cap.); Concrete Saw (Multiple); Conveyors (Hwy.); Crusher, Deckhand; Drill Highway (W. Integral Power); Farm Type Tractors W/ Attachs. (Hwy.); Finishing Mach.; Fireman (Floating Equipment, All Types); Fork Lift (Hwy.); Form Trenchers; Hydro Hammer; Hydro Seeder; Pavement Breaker; Plant Mixers; Post Driver; Post Hole Digger (Power Auger); Power Brush Burner; Power Form Handling Equip.; Road Widening Trencher; Rollers (Brick, Grade, Macadam); Self-Propelled Power Spreader; Self Propelled Power Subgrader; Steam Fireman; Tractor (Pulling Sheepfoot Roller or Grader); Vibratory Compactor W/Integral Power

CLASS E - Drum Fireman (Asphalt Plant); Inboard-Outboard, Motor Boat-Launch; Oil Heaters (Asphalt Plant); Oilers; Power Driven Heaters; Pumps (Under 4" Discharge); Signalmen; Tenders; Tire Repairmen

ZONE DEFINITIONS

ZONE 2 - Ashtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, Medina, Portage & Summit Counties

ZONE 3 - Remainder of Counties

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TRUCK DRIVERS ZONE 1 - CUYAHOGA, LAKE & GEAUGA COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 11.95	34.00a	30.00a	b&c	.03
CLASS II	12.10	34.00a	30.00a	b&c	.03
CLASS III	12.45	34.00a	30.00a	b&c	.03

CLASS I - Straight & Dumps (Including Asphalt); Straight Fuel;

CLASS II - Semi Fuel; Semi Pole Drivers (Hauling Steel Pipe); & Semi Tractor Drivers

CLASS III - Ready-Mix (Agitator or non Agitator); Bulk Concrete Drivers; Dry Batch Trucks; Carry-All Driver; Darts; Double Hook-up Tractor Trailers Including Team Track & Railroad Siding; Euclids; Extra Long Trailers & Semi Pole Trailers, Except When Hauling Steel Pipe; Fork Lifts; Hi-Lifts; Low Boys; Semi-Tractor & Tri-Axle Trailer; Tag Along Trailer, Expandable Trailers, Load (Requiring Road Permits); Tandem Tractor, Tandem Trailer & Tri-Axle Trailer; Tank Asphalt Spreaders; & Tournarockers

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgivng Day; F-Christmas Day.

FOOTNOTES:

a. Per Week Per Employee

b. One week's paid vacation for one year of service; two weeks for five years; three weeks for ten years & four weeks for seventeen years.

c. Seven paid holidays: A through F Plus National Election Day

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TRUCK DRIVERS ZONE II - Remainder of the State	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$12.47	31.00a	24.00a		.05
CLASS II	12.52	31.00a	24.00a		.05
CLASS III	12.57	31.00a	24.00a		.05
CLASS IV	12.67	31.00a	24.00a		.05
CLASS V	12.77	31.00a	24.00a		.05
CLASS VI	12.94	31.00a	24.00a		.05

CLASS I - Asphalt Distributors; Batch Trucks; 4 Wheel Service Truck; 4 Wheel Dump Trucks; & Oil Distributors
CLASS II Tandems
CLASS III - Fuel Trucks; Pole Trailers; Ready Mix Trucks; & Semi-Tractor Trucks; Asphalt Oil Spraybar Man
CLASS IV - All Trucks Five Axle & Over
CLASS V - Asphalt Oiler Spraybar Man When Operated From Cab
CLASS VI - Euclid Wagons; Euclid End Dumps; Heavy Duty Equipment over 12 cu. yd. cap.; & Low Boys

FOOTNOTE:
a. Per Week Per Employee

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LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, ATHENS, GALLIA, LAWRENCE, MEIGS, & SCIOTO COS., JACKSON CO. (except Coal, Jackson, Liberty, Milton & Washington Twps.), PIKE CO. (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish & Union), & VINTON CO. (E. of Clinton, Elk & Swan Twps.):					
Cable Splicers; Linemen Welders	$16.39	.70	30+.50	.90	40
Linemen	15.08	.70	30+.50	.90	40
Operators: All Mechanised Equipment	12.06	.70	30+.50	.90	40
Groundmen	9.80	.70	30+.50	.90	40
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT, & WYANDOT (Twps. of Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem) COS.:					
Linemen	14.43	.70	30		40
Equipment Operators	13.00	.70	30		40
Groundmen; Truck Drivers	9.48	.70	30		40
ASHLAND, CRAWFORD, HURON (Twps. of Richmond, New Haven, Ripley & Greenwich), KNOX (Twps. of Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown & Jefferson), MARION, MORROW, RICHLAND, & WYANDOT (Twps. of Sycamore, Crane, Eden, Pitt, Antrim & Tymochtee) COS.:					
Equipment Operators; Linemen	14.59	.60	30+.66		40
Line Truck Driver	8.75	.60	30+.66		40
Groundmen	9.48	.60	30+.66		40
ASHTABULA CO., except Twps. of Colebrook, Orville, Wayne, Williamsfield, & Windsor:					
Cable Splicers; Equipment Ops.; Line Truck Drivers; & Linemen	13.05	.90	30+.85		40
Groundmen	9.80	.90	30+.85		40

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LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHTABULA (Twps. of Colebrook, Wayne, Williamsfield, Orwell, & Windsor), COLUMBIANA (Twps. of Butler, Fairfield, Perry, Salem, & Unity), GEAUGA (Twps. of Auburn, Middlefield, Parkman, Burton, & Troy), MAHONING (excl. Smith Twp.), PORTAGE (Charleston, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris, Windom Twps.), & TRUMBULL COS.:					
Cable Splicers; Linemen; Operator - Poledigging Equipment	$16.21	.70	3%		4%
Groundmen	12.97	.70	3%		4%
BELMONT COUNTY:					
Equipment Operators; Linemen & Technicians	13.20	.50	3%+1.00	1.25	
Cable Splicers; Welders	13.45	.50	3%+1.00	1.25	
Groundmen	10.56	.50	3%+1.00	1.25	
BROWN, CLERMONT, & HAMILTON COS.:					
ZONE I: Up to & incl. 18 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	13.30	.70	3%+.80		4%
Groundmen	11.475	.70	3%+.80		4%
ZONE II: Over 18 mi. radius up to & incl. 21 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	13.60	.70	3%+.80		4%
Groundmen	11.70	.70	3%+.80		4%
ZONE III: Over 21 mi. radius up to & incl. 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	13.70	.70	3%+.80		4%
Groundmen	11.775	.70	3%+.80		4%
ZONE IV: Over 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	13.85	.70	3%+.80		4%
Groundmen	11.89	.70	3%+.80		4%

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LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUTLER, WARREN (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union & Washington Twps.) COS.:					
Linemen	$ 15.20	.70	3%+1.00		4%
Cable Splicers	15.70	.70	3%+1.00		4%
Groundmen	10.64	.70	3%+1.00		4%
CARROLL (N. ½ incl. Fox, Harrison, Rose & Washington Twps.), COLUMBIANA (Knox Twp.), HOLMES, MAHONING (Smith Twp.), STARK, TUSCARAWAS (N. of Auburn, Clay, Bush, & York Twps.), & WAYNE (S. of Baughman, Chester, Green & Wayne Twps.) COS.:					
Cable Splicers	13.30	.79	3%+.80		.3%
Linemen	14.61	.79	3%+.80		.3%
Line Equipment Ops.	12.33	.79	3%+.80		.3%
Groundmen; Truck Drivers	8.73	.79	3%+.80		.3%
CARROLL (S. of Fox, Harrison, Rose & Washington Twps.), HARRISON, & JEFFERSON COS.:					
Linemen; Line Equipment Ops.; Truck Drivers	13.30	8%	17%	10%	4%
Cable Splicers	16.00	8%	17%	10%	4%
Groundmen	10.08	8%	17%	10%	4%

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LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, CLARK, CUYAHOGA, GEAUGA (Bainbridge, Russell & Chester Twps.), LORAIN (Columbia Twp.), & MADISON (except Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range, & Pleasant Twps.) COS.:					
Cable Splicers; Equipment Ops.; Linemen	$17.93	.60	3%		4%
Groundmen	11.65	.60	3%		4%
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, WARREN (Wayne, Clear Creek, & Franklin Twps.), COS.:					
Cable Splicers; Linemen	14.13	.75	3%+1.00		4%
Operators:					
Hole Digging Equipment, Cranes, Hydraulic Lift or Bucket	14.13	.75	3%+1.00		4%
Line Truck with Winch or Pole & Steel Handling	10.60	.75	3%+1.00		4%
None-Specialized Truck & Misc. Equipment;					
Groundmen - Truck Driver	8.48	.75	3%+1.00		4%
COLUMBIANA (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.) CO.:					
Linemen; Heavy Equipment Ops.	13.30	15%	7%		4%
Groundmen & Truck Drivers	11.90	15%	7%		4%
COSHOCTON, GUERNSEY, MUSKINGUM, PERRY, & TUSCARAWAS (Rem. of Co.) COS.:					
Cable Splicers; Equipment Ops.; Linemen	13.95	.50	3%		4%
Groundmen	8.41	.50	3%		4%

DECISION NO. OH81-2021

LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.:					
Linemen	$ 14.08	.70	3%	a	4%
Technicians	13.52	.70	3%	a	4%
Cable Splicers	16.33	.70	3%	a	4%
Operator Class I	12.81	.70	3%	a	4%
Operator Class II	11.29	.70	3%	a	4%
Groundmen	9.60	.70	3%	a	4%
DELAWARE, FRANKLIN, MADISON (Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range & Pleasant Twps.), PICKAWAY (Twps. of Circleville, Darby, Harrison, Jackson, Madison, Monroe, Muhlenburg, Scioto, Walnut, & Washington), & UNION COS.:					
Cable Splicers; Equipment Ops. & Linemen	14.93	.50	3%		4%
Groundmen	8.41	.50	3%		4%
ERIE, & HURON (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarksfield, Norwich, Greenfield Fairfield, Fitchville, & New London Twps.)COS.:					
Cable Splicers; Equipment Ops. & Linemen	13.08	.73	3%		4%
Truck Driver (winch) Groundman; Groundman	9.78	.73	3%		4%
FAIRFIELD, KNOX (Butler, Clay, College, Harrison, Hilliar, Jackson, Morgan, Milford, Miller, & Pleasant), & LICKING COS.:					
Cable Splicers; Linemen; Operators: All Mechanized Equipment	13.85	.70	3%		4%
Groundmen - Truck Driver	10.97	.70	3%		4%
Groundmen	8.45	.70	3%		4%

DECISION NO. OH81-2021

LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FAYETTE, HIGHLAND, HOCKING, JACKSON (Coal, Jackson, Liberty, Milton, & Washington Twps.), PICKAWAY (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), PIKE (Excl. Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), ROSS, VINTON (W ½ of Co., incl. Clinton, Elk & Swan Twps.) COS.:					
Linemen; Equipment Operators	14.25	.50	3%		4%
Truck Drivers	8.40	.50	3%		4%
Groundmen	8.04	.50	3%		4%
GEAUGA (Excl. Bainbridge, Chester, Russell, Auburn, Middlefield, Parkman & Troy Twps.), & LAKE COS.:					
Cable Splicers; Equipment Ops. & Linemen	15.13	.95	3%+.70		4%
Truck Drivers (Winch) Groundman; Groundman	9.83	.95	3%+.70		4%
LORAIN (Exclu. Columbia Twp.), & MEDINA (Litchfield & Liverpool Twps.) COs.:					
Cable Splicers; Equipment Op.; & Linemen	15.33	.75	3%+1.00		4%
Truck Driver (winch) Groundman; Groundman	9.98	.75	3%+1.00		4%
MEDINA (Brunswick, Chatham, Granger, Guilford, Harrisville, Hinckley, Homer, Lafayette, Medina, Montville, Sharon, Spencer, Wadsworth, Westfield, & York Twps.), PORTAGE (Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantua, Randolph, Ravenna, Rootstown, Shalersville, Streetsboro & Suffield Twps.), SUMMIT, & WAYNE (Northern ½ of Co.) COS.:					

DECISION NO. OH81-2021

LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA CO. (CONT'D)					
Linemen	$ 15.25	.74	3%+.76		4%
Cable Splicers	16.30	.74	3%+.76		4%
Equipment Operators	11.44	.74	3%+.76		4%
Truck Drivers; Groundman	7.63	.74	3%+.76		4%
MONROE, MORGAN, NOBLE, & WASHINGTON COUNTIES:					
Cable Splicers; Equipment Operators.; Linemen	14.93	.60	3%		4%
Groundmen	8.41	.60	3%		4%

FOOTNOTE: a. 10 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; Christmas Eve; Christmas Day; New Year's Eve; & Good Friday

POWER EQUIPMENT OPERATORS:					
Statewide, except Columbiana, Mahoning & Trumbull Cos.:					
Well & Pump Work (Incl. Drilling & Repair of all Water Wells; Test Holes & Wells; & Installation & Repair of Deep Well Type & Shallow Well Pumps on Water wells)					
Well Driller & Pump Installer	8.10	.34	.27	a&b	

DECISION NO. OH81-2021

SUPERSEDEAS DECISION

STATE: TENNESSEE — COUNTIES: *SEE BELOW
DECISION NUMBER: TN81-1204 — DATE: DATE OF PUBLICATION
Supersedes Decision TN79-1104 dated June 29, 1979 in 44 FR 38137
DESCRIPTION OF WORK: BUILDING CONSTRUCTION (does not include single

DECISION NO. GH81-2021

FOOTNOTES:

a. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve Day; & Christmas Day
b. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' paid vacation

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: TENNESSEE
DECISION NUMBER: TN81-1204
COUNTIES: *SEE BELOW
DATE: DATE OF PUBLICATION
Supersedes Decision TN79-1104 dated June 29, 1979 in 44 FR 38137
DESCRIPTION OF WORK: BUILDING CONSTRUCTION (does not include single family homes and apartments up to and including 4 stories), and HEAVY CONSTRUCTION.
*COUNTIES: Hamilton (Building and Heavy Construction); Marion, Polk and Rhea (Building Construction ONLY)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pension	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.14	.55	.70		.06
BOILERMAKERS	11.75	1.275	1.10		.04
BRICKLAYERS & STONE MASONS:					
Polk County	10.50				
All other Counties	13.72	.75	.80		
CARPENTERS, CARPET LAYERS & FLOOR LAYERS	11.28	.57	.58		.08
CEMENT MASONS:					
Polk County	10.50				
All other Counties	11.70				
ELECTRICIANS:					
Wiremen	13.55	.75	10%		1%
Cable splicers	13.80	.75	10%		1%
ELEVATOR CONSTRUCTORS:					
Mechanics	11.46	1.195	.95	a+b	.035
Helpers	8.02	1.195	.95	a+b	.035
Probationary Helpers	5.73	1.195	.95	a+b	.035
GLAZIERS	9.16			4%	
IRONWORKERS	11.36	.95	.90		1%
LATHERS	11.28	.57	.58		.08
LINE CONSTRUCTION:					
Linemen & Operators of hole digging equipment tractor with winch	13.55	.75	10%		***** of 1%
Cable splicers	13.80	.75	10%		***** of 1%
Truck without winch	11.69	.75	10%		***** of 1%
Groundmen	9.68	.75	10%		***** of 1%
MARBLE, TERRAZZO & TILE WORKERS (All Counties except Polk)	13.72	.57	.58		.08
PAINTERS:					
Painters	9.50	.45	.40		
Paperhanging, wall covering, & drywall finishing	9.75	.45	.40		
Sandblasting	10.00	.45	.40		
Painters - tanks, steel towers, stacks, bridges, pumping stations	9.75	.45	.40		
PILEDRIVERMEN	11.40	.57	.58		.08

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Polk County	10.50				
All other Counties	12.25				
PLUMBERS & PIPEFITTERS	12.50	.65	.70	c	.13
ROOFERS:					
Composition, damp & waterproofers	10.90		.10		.05
Kettlemen	10.25		.10		.05
Slate & tile	11.12		.10		.05
SHEET METAL WORKERS:					
Hamilton County	11.60	.77	.96		.08
All other Counties	12.10	.77	.96		.08
SPRINKLER FITTERS	12.80	.85	1.20		.08
TRUCK DRIVERS:					
Trucks - up to 3 tons	6.96	.5375	.45		
Trucks - 3 to 5 tons	7.11	.5375	.45		
Trucks - 5 to 7 tons	7.26	.5375	.45		
Trucks - with special equipment	7.46	.5375	.45		
WELDERS: Rate for craft.					

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day.

b. Employer contributes 8% of the basic hourly rate of employees with 5 years or more service, or 6% of the basic hourly rate of employees with 6 months to 5 years service as Vacation Pay Credit.

c. One Paid Holiday: Labor Day

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	7.10	.25	.30		
GROUP B	7.20	.25	.30		
GROUP C	7.30	.25	.30		
GROUP D	7.40	.25	.30		
GROUP E	7.45	.25	.30		
GROUP F	7.75	.25	.30		
GROUP G	7.80	.25	.30		
GROUP H	7.50	.25	.30		
GROUP I	7.65	.25	.30		
GROUP J	7.90	.25	.30		

GROUP A: Concrete laborers, general laborers, carpenter tenders, window and floor cleaners, and flagman on road and street crossing, form strippers, handling of rope to clam bucket, grout men, laborers working on demolition work, handling, cleaning, and pulling of nails from materials

GROUP B: Powder man helpers, vibrator operators, tenders to all trowel trades and terrazzo work, carrying reinforced steel, operating motorized wheel barrows, doping and painting of pipe, railroad track laborers, air spade operators, snake man on pipe work.

GROUP C: Sanitary and storm pipe layers or any other pipe outside of foundation, grade checker, yarner and pot man, steel form setters, mortar mixers by hand or machine, power saw operators, jackhammer operator, pavement breaker operator, air tool operators, regular air tamp operators, wacker tamp operator, chipping hammer operator, hand operated ditching machine operator, concrete grinder, floor sweeping machine operator, concrete buffer and grinder power operator, concrete pumping machine operator.

GROUP D: Asphalt raker, wagon drill operator, sand blasting, track drill operator, concrete saw operator, using cutting torch or burner on demolition work, flagging of rigs.

GROUP E: Barch tamp operator and specially designed tamp operator, black top or concrete curbing machine operator.

GROUP F: Powderman, motorized post hole digger operator and terrazzo machine grinder.

GROUP G: Pneumatic concrete gun operator and nozzleman.

FREE AIR SHAFTS AND TUNNELS

GROUP H: Tunnel laborers.

GROUP I: Chuck tender; top lander on shaft work.

GROUP J: Tunnel laborer, including men required to go down in pier hole drilled by machines.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP A	7.10	.25	.30		
GROUP B	7.20	.25	.30		
GROUP C	7.30	.25	.30		
GROUP D	7.40	.25	.30		
GROUP E	7.45	.25	.30		
GROUP F	7.75	.25	.30		
GROUP G	7.80	.25	.30		
GROUP H	7.50	.25	.30		
GROUP I	7.65	.25	.30		
GROUP J	7.90	.25	.30		

GROUP A: Air compressor operator, boiler operator, concrete mixer operator, conveyor operator, generator operator, hoist operator, pump operator, welding machine operator.

GROUP B: Bobcat operator, forklift operator, mechanic, oiler, roller operator, spreader operator.

GROUP C: Backhoe operator, boom truck operator, crane operator, dozer operator, grader operator, loader operator, mechanic, oiler, roller operator, spreader operator.

GROUP D: Backhoe operator, boom truck operator, crane operator, dozer operator, grader operator, loader operator, mechanic, oiler, roller operator, spreader operator.

GROUP E: Backhoe operator, boom truck operator, crane operator, dozer operator, grader operator, loader operator, mechanic, oiler, roller operator, spreader operator.

GROUP F: Backhoe operator, boom truck operator, crane operator, dozer operator, grader operator, loader operator, mechanic, oiler, roller operator, spreader operator.

GROUP G: Backhoe operator, boom truck operator, crane operator, dozer operator, grader operator, loader operator, mechanic, oiler, roller operator, spreader operator.

GROUP H: Backhoe operator, boom truck operator, crane operator, dozer operator, grader operator, loader operator, mechanic, oiler, roller operator, spreader operator.

GROUP I: Backhoe operator, boom truck operator, crane operator, dozer operator, grader operator, loader operator, mechanic, oiler, roller operator, spreader operator.

GROUP J: Backhoe operator, boom truck operator, crane operator, dozer operator, grader operator, loader operator, mechanic, oiler, roller operator, spreader operator.

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Galveston & Harris
DECISION NO. TX81-4032 DATE: Date of Publication
Supersedes Decision No. TX80-4077, dated October 10, 1980, in

DECISION NO. TN81-1204 PAGE 4

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	11.65	.45	.45		.10
GROUP B	10.85	.45	.45		.10
GROUP C	10.25	.45	.45		.10
GROUP D	9.95	.45	.45		.10

GROUP A: Backhoes; cableways; ross carrier; clamshells; cranes; derricks; draglines; turnapulls; pans; scrapers; scoops; head tower machines; end-loaders; locomotives (over 20 tons); shovels; dozers; fork-lifts (over 8' lift); core drills; foundation drills; graders; mechanics; welders; winch truck with A-Frame; skimmer scoops; locomotive cranes; overhead cranes; skid rigs; piledrivers; side boom tractors; euclid loaders; derrick boat; dredge boats; hoist (any size handling steel or stone); engines used in connection with hoists material; mucking-machines; cherry pickers; tower cranes; skylift; gradall.

GROUP B: Tractors; farm type tractors (with attachments); central compressor plants; elevators (used for hoisting building materials); central mixing plants; hoist (not handling steel or stone); pump-crete machine; concrete pumps; backfillers (other than cranes); tracmobile; crushing plant; elevating graders; earth augers; fork-lifts (8' lift or under); paving machines (Blacktop/concrete); boat operator or engineer (30 tons or over); blacktop rollers; switch-man; locomotive (under 20 tons); maintainers.

GROUP C: Asphalt plant; barber-green type loader; engine tender (other than steam); mixers (over 2 bags, not to include central plants); pumps (not more than 3); scrifiers; spreader box (bituminous); asphalt mixers; portable compressors (not more than 3); roller; sub-grader machine; tractors (farm type without attach-ments); cable head tower engineman; dredge booster pump; boat operator or engineers (under 30 tons); finishing machine; fireman & oiler (Combination); motor crane oiler & driver; welding machine (not more than 3); heaters (stationary or portable, not more than 5); compressors (portable, not more than 3); greaser or fuel truck.

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pump (1); oiler; heater (1).

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Galveston & Harris
DECISION NO. TX81-4032 DATE: Date of Publication
Supersedes Decision No. TX80-4077, dated October 10, 1980, in 45 FR 67538.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current highway general wage determination for Paving & Utilities Incidental to Building Construction for Galveston (excluding Galveston Island) & Harris Counties).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.12	1.00	1.08		.05
BOILERMAKERS	12.70	1.275	1.00		.03
BRICKLAYERS & STONEMASONS	14.60	.94	.90		.06
CARPENTERS:					
Carpenters & piledrivermen	14.45	1.00	.95		.07
Millwrights	14.835	1.00	.95		.07
CEMENT MASONS:					
Galveston County	14.05	.73	1.07		
Harris County	14.05	.73	1.07		.08
ELECTRICIANS:					
Galveston County	14.44	.90	3%+1.40		.08
Harris County	14.25	1.00	12%		.08
ELEVATOR CONSTRUCTORS:					
Mechanics	12.56	1.195	.82	a+b	.035
Helpers	70%JR	1.195	.82	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	13.39	.67	.875		.03
IRONWORKERS	14.31	.80	1.70		.10
LABORERS:					
GROUP 1 - Common	10.85	.60	.91		.05
GROUP 2 - Air tool op. (jackhammer-vibrator); mason tenders;pipelayers (concrete & clay); sand blasterers; power buggy op.	11.035	.60	.91		.05
GROUP 3 - Lather tender; mortar mixers; plaster tenders & hod carriers	11.145	.60	.91		.05
GROUP 4 - Well driller	11.44	.60	.91		.05
GROUP 5 - Well driller tender	10.985	.60	.91		.05
GROUP 6 - Blaster,powderman	11.305	.60	.91		.05
LATHERS(Harris Co. only)	13.82	.70	.35		.03
LINE CONSTRUCTION:					
ZONE 1 - Galveston Co. & that part of Harris Co. from Loop 610 east to State Hwy. 59, north on State Hwy. 59, Hwy. 1960 west on Hwy. 1960 to Hwy. 6, south on Hwy. 6 to State Hwy. 59, southeast on State Hwy. 59 to Loop 610					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line construction (Cont'd):					
around Loop 610 to State Highway 59 North:					
Lineman & Cable Splicer	$14.95	.60	3%		1/2
Groundman	8.67	.60	3%		1/2
Zone 2 - Remainder of Harris Co:					
Lineman & Cable splicer	14.55	.60	3%		1/2
Groundman	8.44	.60	3%		1/2
MARBLE MASONS:					
Galveston County	13.26				
Harris County	12.42	.89	.30		.06
MARBLE MASONS' FINISHERS	9.30				
PAINTERS:					
East Harris County:					
GROUP 1 - All brush painting, hand rolling and all other work other than that below	14.98				
GROUP 2 - All pneumatic & electric tools & steam cleaning	15.335				
GROUP 3 - All tape and float on drywall	15.075				
GROUP 4 - All paper & vinyl hanging	15.23				
GROUP 5 - All spray painting, Sandblasting & waterblasting	15.375				
GROUP 6 - Steeple jack work, hot materials	15.64				
Remainder of Harris County:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	13.095	.765	.60	.40	.05
GROUP 2 - All spray painting, sandblasting, waterblasting	13.47	.765	.60	.40	.05
GROUP 3 - Tape, float & drywall	13.22	.765	.60	.40	.05
GROUP 4 - Steeple jack work, hot materials	13.72	.765	.60	.40	.05
Galveston County:					
GROUP 1 - Painters on new work	13.345	.95	.75	1.15	.05
GROUP 2 - Painters on swinging stage work or using materials injurious to the skin	13.595	.95	.75	1.15	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
GROUP 3 - Painters on rework & repaint	$12.59	.95	.75	1.15	.05
PIPEFITTERS	13.70	.70	.80		.06
PLASTERERS	13.50	.92	.45		.02
PLUMBERS	15.12	.75	.80		.10
ROOFERS:					
Composition	11.71	.57	.50	.35	.06
Slate & tile	12.45	.57	.50	.35	.06
Rattleman	10.80	.57	.50	.35	.06
SHEET METAL WORKERS	12.86	3%+.45	.74	.42	.10
SOFT FLOOR LAYERS	12.92	.60	.55		.14
SPRINKLER FITTERS	14.68	.95	1.40		.08
TERRAZZO WORKERS:					
Galveston County	13.26				
Harris County	12.42	.89	.30		.06
TERRAZZO WORKERS' FINISHERS:					
Terrazzo workers' finishers	9.30				
Terrazzo floor machinemen	9.45				
Terrazzo base machinemen	9.60				
TILE SETTERS:					
Galveston County	12.26				
Harris County	12.42	.89	.30		.06
TILE SETTERS' FINISHERS	9.30				
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons; wash grease, tireman, fuel pump operator when used on construction jobs	7.84				
GROUP 2 - 1½ thru 2½ tons; dump truck less than 7 yds.	8.23				
GROUP 3 - Over 2½ tons; farm tractors; fork lifts, floats	8.45				
GROUP 4 - Euclids (not self-loading)	8.61				
GROUP 5 - Pickup drivers	9.14				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$13.34	.75	1.25		.07
GROUP 2	11.48	.75	1.25		.07
GROUP 3	10.85	.75	1.25		.07
GROUP 4	10.64	.75	1.25		.07

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; blade grader, self-propelled; bull clam; back filler; derrick-power operated (all types); clam shell; draglines; push cat operator; hull dozer & all types cat tractors; cable-way; backhoe; shovel, power operated; crane, power operated (all types); elevating grader, self-propelled; hoist, motor-driven, two drums or more; mix mobile; water well drilling machines, used on construction; building elevator, used on construction; tug boat operator, assigned to construction; winch truck; locomotive crane; concrete mixer, 14 cubic feet or more; paving mixer (all types); pile driver; scraper, heavy type, over 3 cubic yards; trenching machine (all sizes); gradall; high-lift; foundation boring machine; gasoline or diesel-driven welding machines, 7 or more; pumpcrete machine operator; turnapulls; DW-10 Caterpillar, 8-18 euclid and similar tractors; asphalt plant mixer operator on job; crusher operator on job; scoopmobiles; forklift used on construction (not including warehousing); well point pump; concrete batch plant operator; pneumatic rollers, self-propelled;

GROUP 2 - Air compressors; blade grader, towed; flex plane; form grader; concrete mixer, less than 14 cubic feet; pumps; pulsometer; truck crane driver; gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); hoist, single drum; scraper, 3 cubic yards or less; wagon drill operator; conveyor; generator gasoline or diesel driven, over 1500 watts; rubber tired farm tractor with attachments; a light equipment operator may run 1 or 2 105 cfm compressors

GROUP 3 - Firemen
GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day' F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%, over 5 yrs. - 8% of basic hourly rates
b - Paid Holidays A thru G

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SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO. : TX81-4030 DATE: Date of Publication

Supersedes Decision No. TX80-4085, dated November 7, 1980, in 45 FR 74365.

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories). (Use current heavy & highway general wage determination for paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.50	.80	1.35		.02
BOILERMAKERS	12.70	1.275	1.00		.03
BRICKLAYERS & STONEMASONS	12.60		.80		
CARPENTERS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter Randall, Roberts, Sherman Swisher & Wheeler Cos.:					
Carpenters	12.85		.50		.01
Millwrights	13.20		.50		.01
ZONE 2 - Childress Co.:					
Carpenters	12.25	.48	.70		.10
Millwrights	12.75	.48	.70		.10
CEMENT MASONS	12.05				
ELECTRICIANS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Electricians	12.73	.60	3%+.50		1/2%
Cable splicers	14.00	.60	3%+.50		1/2%
ZONE 2 - Childress Co.:					
Electricians	12.10	.60	3%		1/10%
Cable splicers	12.35	.60	3%		1/10%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	$ 7.90			&	
IRONWORKERS:					
ZONE 1 - Armstrong, Carson, Castro, Childress (excluding southeastern 1/4) Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.	12.55	.65	1.65		.10
ZONE 2 - Childress Co. (southeastern 1/4)	11.125	.55	1.70		.10
LABORERS:					
GROUP 1 - General or construction laborers	7.17	.63	.40		
GROUP 2 - Air or electric tool ops., jackhammers, vibrator tampers, chipping hammers, pipe wrappers, asphalt rakers, sand blasterers, riprap stone pavers, cutting torch op. (demolition), mortar mixer (hand or machine), mason tenders, plasterer tenders, hod carriers, loader & placer, chuck tenders, timberman, collapsible form setters, concrete buggy ops.; carpenter tenders, pipe layers: main, sewer and drainage; make-up man, powderman & blasters; gunite ops. or concrete operators	7.32	.63	.40		
LATHERS	13.65				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Brush & roller	11.50	.60	1.00		.02
Spray & sandblast	12.00	.60	1.00		.02
ZONE 2 - Childress Co.:					
Brush & roller	11.00	.60	1.00		.02
Spray & sandblast	11.50	.60	1.00		.02
PILEDRIVERMEN	12.70	.80	1.35		.02
PLASTERERS	12.60		.80		
PLUMBERS & PIPEFITTERS	12.70	1.275	1.00		.03
ROOFERS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.	12.55	.65	1.65		.10
ZONE 2 - Childress Co.	11.125	.55	1.70		.10
SHEETMETAL WORKERS	12.70	1.275	1.00		.03
TERRAZZO WORKERS	12.60		.80		
TILE SETTERS	12.60		.80		
TRUCK DRIVERS:					
GROUP 1 - Dump trucks, pickup trucks, flatbed trucks, transit mix trucks, water trucks	7.17	.63	.40		
GROUP 2 - Lowboy trucks	7.32	.63	.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1 - Air compressor, boiler, concrete mixer (1 bag capacity), concrete pump, crane, derrick, dragline, elevator, forklift, hoist, mechanic, motor grader, oiler, pavement breaker, post hole digger, power broom sweeper, roller, scraper, shovel, tractor, trenching machine, winch	7.32	.63	.40		
GROUP 2 - Asphalt plant, batch plant, concrete batch plant, concrete mixer (2 bag capacity or more)	7.47	.63	.40		
GROUP 3 - Concrete paving machine, concrete spreader, finishing machine	7.62	.63	.40		
WELDERS	12.70	1.275	1.00		.03

[FR Doc. 81-13984 Filed 5-7-81; 8:45 am]

BILLING CODE 4510-27-C

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
ZONE 1 - Childress Co.:					
Lineman; operators	$12.10	.60	3%		1/2%
Cable splicers	12.35	.60	3%		1/2%
Groundman	70%JR	.60	3%		1/2%
ZONE 2 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Linemen	12.73	.60	3%+.50		1/2%
Cable splicers	14.00	.60	3%+.50		1/2%
Groundmen	8.41	.60	3%+.50		1/2%
Operator-hole digger, line truck	9.79	.60	3%+.50		1/2%
Flat bed truck driver	7.38	.60	3%+.50		1/2%
MARBLE MASONS (EXTERIOR)	12.60		.80		
PAINTERS:					
GROUP 1 - Brush & roller; paperhangers; perfa-taper	9.95		.50		
GROUP 2 - Structural steel; swinging stage or chair below 50 ft.	10.07		.50		
GROUP 3 - Spray & sand-blasters	10.70		.50		
GROUP 4 - Perfa-tape mach.	10.20		.50		
PLASTERERS	13.65				.01
PLUMBERS & PIPEFITTERS	12.65	.50	.65	1.06	
SHEET METAL WORKERS	13.12	.50	.72		.12
SPRINKLER FITTERS	14.68	.95	1.40		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE FOR GLAZIERS
a - Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$12.40	.65	.50		.15
GROUP 2	11.90	.65	.50		.15
GROUP 3	9.95	.65	.50		.15

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1: Blade Grader, self-propelled; Clam Shells; Cable Ways; Cranes, power operated (all types); Air Compressors, Pumps, Welding Machines and Light Plants (7 to 12 machines); Derricks, power operated (all types); Draglines; Elevating Graders, self-propelled; Hoist, 2 drums or more; Locomotive; Mixermobiles; Paving Mixers, all types; Pile Drivers; Scrapers; Bulldozers; Side Boom; Cherry Pickers-12½ tons and over; Shovels; Heavy Duty Mechanics; All Welders; All tractors with power attachments; Ditching Machines - crawler type; Farm type Tractor (Loader, 1 yd. and over) with Backhoe

Group 2: Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 machines); Cherry Pickers - unders 12½ tons; Ditch Witch - J30 and under; Farm type Tractor (Loader under 1 yd.) with Backhoe; Go-Devil; Mixers, 14 cu. ft. or over; Rollers over 10 tons; Air Compressor and one Tugger; Boilers, 2 or more; Winch Trucks; Front End Scoopmobile, Loader, Payloader; Blade Grader, towed; Elevators, building; Fork Lifts; Hoist, single drum or 1 line hoisting (1 tugger); Mixers less than 15 cu. ft.; Rollers; Screening Plants; Crushing Plants; Tractors - Wheel type except when hauling material

Group 3: Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Utah COUNTIES: Statewide
DECISION NUMBER: UT81-5117 DATE: Date of Publication
Supersedes Decision No. UT80-5148 dated December 21, 1980, in 45 FR 81991
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.36	.77	$1.52		
BOILERMAKERS	14.71	1.30	1.25	1.00	.04
BRICKLAYERS	13.50	.70	.62		.10
CARPENTERS:*					
Building Construction:					
Carpenters	11.90	.65	.65	.25	.03
Saw Operators; Carpenters handling creosote materials	12.15	.65	.65	.25	.03
Millwrights	12.75	.65	.65	.25	.03
Piledrivermen	13.45	.65	.65	.25	.03
Heavy and Highway Construction:*					
Zone 1:					
Carpenters	11.90	.65	.65	.25	.03
Saw Operators; Carpenters handling creosote materials	12.15	.65	.65	.25	.03
Millwrights	12.75	.65	.65	.25	.03
Piledrivermen	13.45	.65	.65	.25	.03
Zone 2:					
Carpenters	12.90	.65	.65	.25	.03
Saw Operators; Carpenters handling creosote materials	13.15	.65	.65	.25	.03
Millwrights	12.75	.65	.65	.25	.03
Piledrivermen	13.45	.65	.65	.25	.03
Zone 3:					
Carpenters	13.90	.65	.65	.25	.03
Saw Operators; Carpenters handling creosote materials	14.15	.65	.65	.25	.03
Millwrights	12.75	.65	.65	.25	.03
Piledrivermen	13.45	.65	.65	.25	.03
CEMENT MASONS:					
Building Construction:					
Cement Masons	11.84	.65	.65	.25	.10
Machine Operator; Mastic Floor Materials	11.79	.65	.65	.25	.10

*See ZONE DESCRIPTIONS - Page 3

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:* (Cont'd)					
Heavy and Highway Construction:					
Zone 1:					
Cement Masons	$11.84	.65	.65	.25	.10
Machine Operator; Mastic Floor Materials	11.79	.65	.65	.25	.10
Zone 2:					
Cement Masons	12.84	.65	.65	.25	.10
Machine Operator; Mastic Floor Materials	12.79	.65	.65	.25	.10
Zone 3:					
Cement Masons	13.84	.65	.65	.25	.10
Machine Operator; Mastic Floor Materials	13.79	.65	.65	.25	.10
DRYWALL INSTALLERS:					
Taping, finishing and texturing (hand or machine)	11.84	.51	.40		.03
ELECTRICIANS:*					
Area 1:					
Zone 1:					
Electricians; Technicians	14.10	.75	3%+1.00		8/10%
Cable Splicers	14.35	.75	3%+1.00		8/10%
Zone 2:					
Electricians; Technicians	14.85	.75	3%+1.00		8/10%
Cable Splicers	15.10	.75	3%+1.00		8/10%
Zone 3:					
Electricians; Technicians	15.60	.75	3%+1.00		8/10%
Cable Splicers	15.85	.75	3%+1.00		8/10%
Zone 3A:					
Electricians; Technicians	15.10	.75	3%+1.00		8/10%
Cable Splicers	15.35	.75	3%+1.00		8/10%
Zone 4:					
Electricians; Technicians	17.35	.75	3%+1.00		8/10%
Cable Splicers	17.60	.75	3%+1.00		8/10%

*See AREA and ZONE DESCRIPTIONS - Page 3

AREA and ZONE DESCRIPTIONS

CARPENTERS:

	Basic Hourly Rates	Fringe Benefits Payments

AREA and ZONE DESCRIPTIONS

CARPENTERS:
Heavy and Highway Construction:
Zone 1: Area 0 to 40 road miles from the following Cities: Brigham City, Cedar City, Kanab, Logan, Moab, Monticello, Ogden, Price, Provo, Richfield, St. George, Salt Lake City, and Vernal
Zone 2: Area 40 to 60 road miles from the Cities listed in Zone 1
Zone 3: Area over 60 road miles from the Cities listed in Zone 1

CEMENT MASONS:
Heavy and Highway Construction:
Zone 1: Area 0 to 40 road miles from the following Cities: Brigham City, Cedar City, Kanab, Logan, Moab, Monticello, Ogden, Price, Provo, Richfield, St. George, Salt Lake City, and Vernal
Zone 2: Area 40 to 60 road miles from the Cities listed in Zone 1
Zone 3: Area over 60 road miles from the Cities listed in Zone 1

ELECTRICIANS:
Area 1: North section of Utah - Box Elder and Cache Counties; Davis County (north of 41st Parallel); Morgan, Rich, and Weber Counties:
Zone 1: That area 10 miles on either side of Interstate Highway #15, commencing on the south at the 41st Parallel in Davis County, continuing north to Highway #91 - Interstate #15 junction south of Brigham City; at this point go east and north through Logan and continue north to the 42nd Parallel in Cache County on Highway #91
Zone 2: That area not included in Zone 1 that lies east of 112°20' longitude in Box Elder County and that area lying west of 111°35', north of the 41st Parallel in Cache, Morgan, Weber Counties
Zone 3: That area lying east of 111°35' longitude and north of the 41st Parallel in Cache, Morgan, Rich, Weber Counties; also the area in Box Elder County lying west of 112°20' longitude and north and east of Utah Highway #83
Zone 3A: That area from a point 2 miles north of Center Street in Smithfield to the Utah-Idaho State Line and 10 miles east and west from Highway #91
Zone 4: All other area west of Zones 3 and 3A in Box Elder County

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:* (Cont'd)					
In Zones 2, 3, and 3A, on any job or project not exceeding $250,000.00 electrical, labor and material included, Zone 1 rate shall apply.					
Area 2:					
Zone 1:					
Zone 1A:					
Electricians; Technicians	$13.35	.75	3%+.75		3/100
Cable Splicers	13.85	.75	3%+.75		3/100
Zone 1B:					
Electricians; Technicians	14.10	.75	3%+.75		3/100
Cable Splicers	14.60	.75	3%+.75		3/100
Zone 1C:					
Electricians; Technicians	14.85	.75	3%+.75		3/100
Cable Splicers	15.35	.75	3%+.75		3/100
Zone 2:					
Electricians; Technicians	16.85	.75	3%+.75		3/100
Cable Splicers	17.35	.75	3%+.75		3/100
ELEVATOR CONSTRUCTORS	12.91	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	9.04	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS (Prob.)	6.455				
GLAZIERS:					
Area 1	17.02	.75	.40		.08
Area 2	13.16	.61	.60	.98	
IRONWORKERS:					
Fence Erectors; Ornamental; Reinforcing; Structural	13.10	.90	1.45		.10
LATHERS	12.22	.55	.70		.01

*SEE AREA and ZONE DESCRIPTIONS - Page 5

AREA and ZONE DESCRIPTIONS

ELECTRICIANS: (Cont'd)
Area 2: South section of Utah (Remaining Counties):
Zone 1: Davis County (south of 41st Parallel); Salt Lake County; Tooele County (northeast corner beginning at a point where the township line between Township 3 south and Township 4 south, Salt Lake Base Meridian, intersects the east boundary line of Tooele County and thence west along said township line to the southwest corner of Section 32, Township 3 south, Range 4 west, Salt Lake Base Meridian, thence north to the northwest corner of Section 17 of Township 3 south, Range 4 west, thence west to longitude 112.5°, thence north along the line of longitude 112.5° to the north line of Tooele County); Utah County (north of 40th Parallel):
Zone 1A: Ten miles either direction (east or west) from Interstate Highway #15, bounded on the north by the 41st Parallel and on the south by the 40th Parallel
Zone 1B: The balance of Zone 1 that lies in Davis, Salt Lake, and Utah Counties
Zone 1C: That portion of the remainder of Zone 1 that lies in Tooele County
Zone 2: Remainder of Counties and all portions of Counties not included in Zone 1 of the south section of Utah

GLAZIERS:
Area 1: Iron and Washington Counties
Area 2: Remaining Counties

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
LINE CONSTRUCTION WORKERS:					
Groundman	$10.83	.45	3%+.50		1/4%
Line Equipment Serviceman	12.98	.45	3%+.50		1/4%
Line Equipment Mechanic:					
Base Shop	12.98	.45	3%+.50		1/4%
Right-of-way	13.88	.45	3%+.50		1/4%
Line Equipment Operators	13.20	.45	3%+.50		1/4%
Linemen	14.67	.45	3%+.50		1/4%
Cable Splicers	16.17	.45	3%+.50		1/4%
MARBLE SETTERS	12.37	.60	.60		.04
MASON TENDERS	11.02	.50	.35		
PAINTERS:*					
Area 1:					
Brush; Roller	10.72	.51	.50		.05
Spray; Sandblast; Steeplejack; Brush, steel and bridge; Brush (swing stage)	10.97	.51	.50		.05
Spray (swing stage); Sandblaster (swing stage); Spray, steel and bridge	11.17	.51	.50		.05
Area 2:					
Brush; Roller	12.00	.61	.50		.02
Brush (swing stage); Brush (Steel and bridge); Spray sandblaster, Steeplejack	12.30	.61	.50		.02
Spray (swing stage); Spray (steel and bridge); Sandblaster (swing stage)	12.55	.61	.50		.02
Wallcovering Hanger	12.25	.61	.50		.02
PLASTERERS' TENDERS	11.15	.50	.35		
PLASTERERS	12.23	.65	.65		.10
PLUMBERS; Pipefitters	12.60	.81	1.10		.06
REFRIGERATION and AIR CONDITIONING	12.60	.81	1.10		.06
ROOFERS	11.74	.62	.35		.03
SHEET METAL WORKERS	14.30	1.15	1.39		.12
SOFT FLOOR LAYERS	9.98	.51	.27		
SPRINKLER FITTERS	14.09	.95	1.40		.08
TERRAZZO WORKERS and TILE LAYERS	12.37	.60	.65		.04

*See AREA DESCRIPTIONS - Page 7

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Area 1:					
Group 1	11.17	.51	.50		.05
Group 2	11.32	.51	.50		.05
Group 3	11.47	.51	.50		.05
Group 4	11.62	.51	.50		.05
Group 5	11.77	.51	.50		.05
Area 2:					
Group 1	12.55	.61	.50		.02
Group 2	12.70	.61	.50		.02
Group 3	12.85	.61	.50		.02
Group 4	13.00	.61	.50		.02
Group 5	13.15	.61	.50		.02
POWER EQUIPMENT OPERATORS: Underground Sewer & Water Pipe Only					
Area 1:					
Group 1	11.17	.51	.50		.05
Group 2	11.32	.51	.50		.05
Group 3	11.47	.51	.50		.05
Group 4	11.62	.51	.50		.05
Group 5	11.77	.51	.50		.05
Area 2:					
Group 1	12.55	.61	.50		.02
Group 2	12.70	.61	.50		.02
Group 3	12.85	.61	.50		.02
Group 4	13.00	.61	.50		.02
Group 5	13.15	.61	.50		.02
POWER EQUIPMENT OPERATORS: Underground Tunnel Only					
Area 1:					
Group 1	11.32	.51	.50		.05
Group 2	11.47	.51	.50		.05
Group 3	11.62	.51	.50		.05
Group 4	11.77	.51	.50		.05
Group 5	11.92	.51	.50		.05
Area 2:					
Group 1	12.70	.61	.50		.02
Group 2	12.85	.61	.50		.02
Group 3	13.00	.61	.50		.02
Group 4	13.15	.61	.50		.02
Group 5	13.30	.61	.50		.02

WELDERS: Receive rate prescribed for craft performing operation to which Welding is incidental.

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for 3 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. 7 Paid Holidays: A through G.

b. Employees who have been employed for a period of 1 year shall have 3 weeks' vacation with pay. Should a holiday listed below occur within an employee's vacation period he shall be allotted an additional day's vacation. 8 Paid Holidays: A through F, President's Day and Pioneer Day.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

AREA DESCRIPTIONS

PAINTERS:
Area 1: Box Elder, Cache, and Rich Counties; and the following Counties North of an east-west line from the north boundary of Farmington: Davis, Morgan, Summit, Tooele, and Weber Counties
Area 2: Remainder of State

LABORERS: Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$9.07	.50	.35	.25	.04
Group 2	9.20	.50	.35	.25	.04
Group 3	9.32	.50	.35	.25	.04
Group 4	9.57	.50	.35	.25	.04
Group 5	10.07	.50	.35	.25	.04

Group 1: General Laborers

Group 2: Asphalt Raker; Sandblast Pot Tender; Gunite Nozzleman; Concrete Pump (Head Hoseman); Signalman and Dumpman on concrete construction

Group 3: Work of all types using cutting torch; Operators of gasoline, electric or pneumatic tools (e.g., Compressor, Compactors, Jackhammer, Vibrator, Concrete Saw, Chain Saw and Concrete Cutting Torch); Pipelayer; Laser Instrument Operator; Refinery Tank and Vessel Cleaner; Sandblaster

Group 4: Air Track and similar Drills

Group 5: Powderman

LABORERS:* Heavy and Highway Construction	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$8.52	$10.02	.50	.35	.25	.04
Group 2	8.65	10.15	.50	.35	.25	.04
Group 3	8.77	10.22	.50	.35	.25	.04
Group 4	9.02	10.52	.50	.35	.25	.04
Group 5	9.52	11.02	.50	.35	.25	.04
Tunnel and Shaft Work:						
Group 1	8.67	10.17	.50	.35	.25	.04
Group 2	8.77	10.27	.50	.35	.25	.04
Group 3	8.97	10.47	.50	.35	.25	.04
Group 4	9.42	10.92	.50	.35	.25	.04
*See AREA DESCRIPITONS - following TRUCK DRIVERS' classifications						

Group 1: General Laborers

Group 2: Asphalt Raker; Sandblast Pot Tender; Gunite Nozzleman; Concrete Pump Head Hoseman; Signalman and Dumpman on concrete construction

Group 3: Work of all types using cutting torch; Operators of gasoline, electric or pneumatic tools (e.g., Compressor, Compactor, Jackhammer, Vibrator, Concrete Saw, Chain Saw and Concrete Cutting Torch); Pipelayer; Laser Instrument Operator; Refinery Tank and Vessel Cleaner; Sandblaster

Group 4: Air Track and similar Drills

Group 5: Powderman

Tunnel and Shaft Work

Group 1: Underground Laborers

Group 2: Brakeman; Chucktender; Dumpman; Powderman Tender; Puddler; Nipper; Tapman; Vibrator; Screedman

Group 3: Cutting Machine Operator; Drill Doctor; Finisher; Gunite Gunman; Miner; Powder Makeup Man; Spader and Tugger; Steelman; Gunite Groundman; Gunite Nozzleman; Gunite Rodman; Concrete Head Hoseman

Group 4: Shifter

POWER EQUIPMENT OPERATORS:* Building Construction	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$9.96	11.96	$1.33	$1.735	.87	.08
Group 2	10.35	12.35	1.33	1.735	.87	.08
Group 3	10.55	12.55	1.33	1.735	.87	.08
Group 4	10.66	12.66	1.33	1.735	.87	.08
Group 5	11.17	13.17	1.33	1.735	.87	.08
Group 6	11.34	13.34	1.33	1.735	.87	.08
Group 7	11.46	13.46	1.33	1.735	.87	.08
Group 8	11.79	13.79	1.33	1.735	.87	.08
Group 9	11.86	13.86	1.33	1.735	.87	.08
Group 10	12.02	14.02	1.33	1.735	.87	.08
Group 11	12.20	14.20	1.33	1.735	.87	.08
Group 12	12.69	14.69	1.33	1.735	.87	.08
Group 13	13.65	15.65	1.33	1.735	.87	.08
Group 14	14.14	16.14	1.33	1.735	.87	.08
Group 15	14.42	16.42	1.33	1.735	.87	.08
*See AREA DESCRIPTIONS - following TRUCK DRIVERS' classifications						

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

Group 1: Assistant to Engineer; Elevator Operators; Hydraulic Monitor; Material Loader or Conveyor Operators

Group 2: Air Compressor Operator; Concrete Mixer Operator (skip-type); Concrete Pump or Pumperete Gun Operator; Generator Operator (100 KW or over); Mixer Box Operator or similar (concrete or asphalt plant continuous mix); Pump Operator; Truck Crane Oiler

Group 3: Front End Loader (up to and including 1 cu. yds. struck M.R.C.); Hoist Operator - 1 drum; Slip Form Pumps

Group 4: Air Compressor Operator (2 or more compressors); Signalman; Small Rubber-tired Tractor; Small self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more); Concrete Conveyor, building site

Group 5: A-Frame Truck and Tugger Hoist; Fork Lift (construction job site); Kolman Loader and similar; Loader Operator (over 1 cu. yd. to and including 2 cu. yds. struck M.R.C.); McGinnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Ross Carrier or similar type; Small rubber-tired Tractor (with attachments, including Backhoe); Small rubber-tired Trenching Machine; Small Tractor with boom; Gradesetter

Group 6: Bridge Crane; Concrete Mixer Operator (paving or batch plant); Drilling Machine Operator (Well or Diamond); Dual Drum Mixers; Hoist Operator - 2 drums; Lull High-lift (40 ft. or similar); Roller Operator or self-propelled Compactors; Tractor Operator (Sheep's Foot and compacting equipment); Trenching Machine; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Self-propelled Compactor with or without Dozer

Group 7: Tractor Operator (Bulldozer or tractor-drawn Scraper or drag-type Shovel or boom attachment, up to and including D-7 or similar)

Group 8: Chicago Boom (including Stiff Leg and Sheer Pole); Concrete Batch Plant (multiple units); Loader Operator (over 2 cu. yds. up to and including 5 cu. yds. struck M.R.C.); Self-propelled boom type Lifting Device (center mount) (10 ton capacity or less M.R.C.)

POWER EQUIPMENT OPERATORS (Cont'd)
BUILDING CONSTRUCTION (Cont'd)

Group 9: Heavy Duty Repairman or Welder; Tractor Operator (Bulldozer or tractor-drawn Scraper or drag-type Shovel or boom attachment, larger than D-7 or similar)

Group 10: Motor Patrol

Group 11: Loader Operator (over 5 cu. yds. up to and including 12 cu. yds. struck M.R.C.); Universal Equipment Operator (Shovel, Backhoe, Dragline, Derrick, Derrick Barge, Clamshell, Crane, Grade-all, etc.)(up to and including 5 cu. yds. struck M.R.C.); Self-propelled boom type Lifting Device (center mount); Tower Crane (Linden type or similar designs and capacity)

Group 12: Remote Controlled (over 12 cu. yds. struck M.R.C. up to 18 cu. yds. M.R.C.)

Group 13: Loader Operator (over 12 cu. yds. struck M.R.C. up to 18 cu. yds. M.R.C.)

Group 14: Operator of Helicopter (when used in erection work)

Group 15: Cranes over 125 tons

POWER EQUIPMENT OPERATORS:* Heavy and Highway Construction	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$11.11	$12.61	$1.33	$2.05	$1.12	.17
Group 2	11.46	12.96	1.33	2.05	1.12	.17
Group 3	11.64	13.14	1.33	2.05	1.12	.17
Group 4	11.75	13.25	1.33	2.05	1.12	.17
Group 5	12.21	13.71	1.33	2.05	1.12	.17
Group 6	12.36	13.86	1.33	2.05	1.12	.17
Group 6-A	12.47	13.97	1.33	2.05	1.12	.17
Group 7	12.77	14.27	1.33	2.05	1.12	.17
Group 7-A	12.83	14.33	1.33	2.05	1.12	.17
Group 8	12.89	14.39	1.33	2.05	1.12	.17
Group 9	13.05	14.55	1.33	2.05	1.12	.17
Group 10	13.49	14.99	1.33	2.05	1.12	.17
Group 10-A	14.45	15.95	1.33	2.05	1.12	.17
Group 10-B	14.90	16.40	1.33	2.05	1.12	.17
Group 11	15.06	16.56	1.33	2.05	1.12	.17

*See AREA DESCRIPTIONS - following TRUCK DRIVERS' classifications.

Underground and Shaft Work:

Underground Work: Employees working underground shall receive $0.30 per hour in addition to their straight-time hourly wage rate.

Shaft Work: Employees working within Shafts, Stopes and Raises shall receive $0.50 per hour in addition to their straight-time hourly rates.

POWER EQUIPMENT OPERATORS
HEAVY and HIGHWAY CONSTRUCTION

Group 1: Assistant to Engineer; Brakeman - Locomotive; Elevator Operator; Fireman; Asphalt Plant Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - field; Repairman Tender - field; Chainman; Rodman

Group 2: Boxman, asphalt plant; Air Compressor Operator; Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinky Operator; Generator Operator (100 KW or over); Mixer Box Operator or similar (concrete or asphalt plant continuous mix); Pump Operator; Screedman; Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Truck Crane Oiler (Assistant to Engineer)

Group 3: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper - multiple purpose; Front End Loader (up to and including 1 cu. yd. struck M.R.C.); Hoist Operator - 1 drum Line Master; Slip Form Pumps

Group 4: Batch Operator (asphalt plant); Air Compressor Operator (2 or more compressors); Concrete Conveyor, building site; Lube and Service engineer (mobile and grease rack); Motorman; Pavement Breaker Operator (Emsco and similar type); Shuttlecar; Signalman; Slurry Seal Machine or similar; Small rubber-tired Tractors; Small self propelled pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)

Group 5: A-Frame Truck and Tugger Hoist; Concrete Saws (self-propelled unit on streets, highways, airports and canals); Engineer - Locomotive; Forklift (construction jobsite); Grade-setter; Kolman Loader (and similar); McGinnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Power Jumbo Operator (setting slip forms, etc., in tunnels); Road Mixing Machine Operator; Ross Carrier or similar type; Small rubber-tired Trenching Machine; Small rubber-tired tractor (with attachments, including Backhoe); Small Tractor with boom; Surface Heater (self-propelled); Loader Operator (over 1 cu. yd. up to and including 2 cu. yds. struck M.R.C.)

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POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction

Group 6: Bridge Crane; Chip Box Spreader (Flaherty type and similar); Concrete Conveyor or Concrete Pump, truck or equipment mounted, boom length to apply; Concrete Mixer Operator (paving or batch plant); Deck Engineer (Marine); Drilling Machine Operator (Well or Diamond); Drilling and Boring Machinery, horizontal and vertical (not to apply to waterliners, wagon drills, or jack hammers); Dual Drum Mixers; Elevating Grader Operator; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as Quarry Master, Joy Drills or equal); Hoist Operator - 2 drums; Lull High-lift (40 ft or similar); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Mechanical Finisher Operator (asphalt or concrete); Mine or Shaft Hoist; No-joint Pipe Laying Machine; Pavement Breaker; Pavement Breaker with Compressor combination; Pavement Breaker, truck mounted, Compressor combination; Refrigeration Plant; Roller Operator or self-propelled Compactor; Self-propelled Compactor (with multiple-propulsion power units); Self-propelled Pipeline Wrapping Machine Perault, CRC, or similar types); Self-propelled Compactor with or without Dozer; Slusher Operator; Tractor Operator (Sheep's Foot and Compacting Equipment); Tractor Compressor Drill Combination; Trenching Machine

Group 6-A: Side Boom Operator; Tractor Operator (Bulldozer or Tractor-drawn Scraper or Drag-type Shovel or Boom attachment, up to and including D-7 or similar); Instrumentman

Group 7: Asphalt Plant Engineer; Chicago Boom (including Stiff Leg ang Sheer Pole); Combination Backhoe and Loader (3/4 cu. yds. or over M.R.C.); Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Domor Loader and Adams Elegrader; Engineer, Crushing Plant; Euclid Loader and similar types; Loader Operator (over 2 cu. yds. up to and including 5 cu. yds. struck M.R.C.); Koehring Skooper (or similar)(up to 5 cu. yds. struck M.R.C.); Mechanical Trench Shield; Mucking Machine Operator Rubber-tired Scrapers (under 35 cu. yds. struck M.R.C.); Saurman type Dragline (under 5 cu. yds. struck M.R.C.); Self-propelled Boom-type Lifting device (center mount) (10-ton capacity or less M.R.C.); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Tri Batch Paver; Tunnel Mole (or similar)

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction

Group 7-A: Heavy Duty Repairman or Welder; Tractor Operator (Bulldozer or Tractor-drawn Scraper or Drag-type Shovel or boom attachment, larger than D-7 or similar)

Group 8: Combination Mixer and Compressor (gunite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity)

Group 9: DW-10, 20, etc. (Tandem Scrapers); Loader Operator (over 5 cu. yds. up to and including 12 cu. yds. struck M.R.C.); Highline Cableway Operator; Lift Slab Machine (Vagtborg and similar types); Locomotive (over 100 tons) (single or multiple units); Pre-stress Wire Wrapping Machine; Saurman-type Dragline (5 cu. yds. and over struck M.R.C.); Self-propelled boom-type lifting device (center mount)(over 10 tons); Tractor (Tandem Scrapers); Universal Equipment Operator (Shovel, Backhoe, Dragline, Derrick, Derrick Barge, Clamshell, Crane, Grade-all, etc.)(up to and including 5 cu. yds. struck M.R.C.)

Group 10: Automatic Concrete Slip Form Paver; Koehring Skooper (or similar) (5 cu. yds. and over struck M.R.C.); Multiple-propulsion Power Unit Earthmovers (up to and including 75 cu. yds. struck M.R.C.); Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. struck M.R.C.); Remote-controlled Cranes and Derricks; Rubber-tired Scrapers (35 cu. yds. and over struck M.R.C.); Slip Form Paver (concrete or asphalt); Sub-grader (automatic Sub-grader - Fine Grader, CMI or similar); Tandem Tractors; Tower Cranes Mobile

Group 10-A: Loader Operator (over 12 cu. yds. struck M.R.C. up to 18 cu.yds. M.R.C.); Multi-purpose Earthmoving Machines (2 or more scrapers)(over 75 cu. yds. struck M.R.C); Power Shovels and Draglines (over 7 cu. yds. struck M.R.C)

Group 10-B: Operator of Helicopter (when used in erection work); Loader (18 cu. yds. and over)

Group 11: Cranes over 125 tons

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: Steel Erection					
Group 1	$12.70	$1.33	$2.05	$1.12	.17
Group 2	13.15	1.33	2.05	1.12	.17
Group 3	14.38	1.33	2.05	1.12	.17
Group 4	14.55	1.33	2.05	1.12	.17
Group 4-A	14.92	1.33	2.05	1.12	.17
Group 5	15.52	1.33	2.05	1.12	.17
Group 6	16.04	1.33	2.05	1.12	.17
Group 6-A	16.75	1.33	2.05	1.12	.17
Group 7	16.40	1.33	2.05	1.12	.17
Group 8	16.75	1.33	2.05	1.12	.17
Group 9	18.01	1.33	2.05	1.12	.17
Piledriving					
Group 1	12.13	1.33	2.05	1.12	.17
Group 1-A	12.54	1.33	2.05	1.12	.17
Group 1-B	12.79	1.33	2.05	1.12	.17
Group 2-A	12.79	1.33	2.05	1.12	.17
Group 2-B	13.44	1.33	2.05	1.12	.17
Group 2-C	13.69	1.33	2.05	1.12	.17
Group 2-D	13.87	1.33	2.05	1.12	.17
Group 3	14.05	1.33	2.05	1.12	.17
Group 3-A	14.57	1.33	2.05	1.12	.17
Group 4	15.23	1.33	2.05	1.12	.17
Group 5	15.44	1.33	2.05	1.12	.17
Group 6	16.01	1.33	2.05	1.12	.17

UNDERGROUND and SHAFT WORK:
Underground Work: Employees working underground shall receive $0.50 per hour in addition to their straight-time hourly rate.

Shaft Work: Employees working within Shafts, Stopes and Raises shall receive $0.50 per hour in addition to their straight-time hourly rate.

POWER EQUIPMENT OPERATORS
Steel Erection

Group 1: Assistant to Engineer (Oiler)

Group 2: Compressor Operator; Generator, gasoline or diesel driven (100 KW or over)(structural steel or tank erection only); Assistant to Engineer (Truck Crane Oiler)

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6)(structural steel or tank erection only); Deck Engineer; Forklift; Instrumentman; Signalman (using mechanical equipment

Group 4: Heavy Duty Repairman; Tractor Operator

Group 4-A: Combination Heavy Duty Repairman - Welder

Group 5: Dual purpose A-frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons M.R.C. or less); Single drum Hoist; Self-propelled Boom-type lifting device (center mount)(10 ton capacity or less M.R.C.); Tugger Hoist; Overhead Cranes (15 tons M.R.C. or less)

Group 6: Crawler Cranes and Truck Cranes (over 15 tons M.R.C.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Two or more drum Hoist; Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tower Cranes Mobile (including rail mounted); Universal Liebher and Tower Cranes (and similar types); Overhead Cranes (over 15 tons M.R.C.)

Group 7: Self-propelled Boom-type Lifting Device (center mount) (over 25 tons)

Group 8: Cranes (over 125 tons)

Group 9: Operator of Helicopter

POWER EQUIPMENT OPERATORS (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)
Piledriving

Group 1: Deckhand; Fireman; Oiler

Group 1-A: Compressor Operator

Group 1-B: Truck crane Oiler (Assistant to Engineer)

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Forklift Operator

Group 2-C: Compressor Operator (over 2); Generators; Pumps; Welding Machine (powered other than by electricity)

Group 2-D: A-Frames

Group 3: Deck Engineer; Self-propelled boom-type lifting device (center mount) (10-ton capacity or less M.R.C.)

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operator of Piledriving Rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler)(up to and including 1 cu. yd. rating); Truck Crane Operator (up to and including 25 tons) (hoisting material only); Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to Crane Piledriver; Self-propelled boom-type lifting device (center mount) (over 10 tons up to and inculuding 25 tons)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler)(over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work) Self-propelled Boom-type Lifting Device (center mount) (over 25 tons)

Group 6: Cranes (over 125 tons)

TRUCK DRIVERS:*	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$10.625	$12.625	$1.13	$1.21	$1.00	.10
Group 2	10.675	12.675	1.13	1.21	1.00	.10
Group 3	10.725	12,725	1.13	1.21	1.00	.10
Group 4	10.75	12.75	1.13	1.21	1.00	.10
Group 5	10.825	12.825	1.13	1.21	1.00	.10
Group 6	10.85	12.85	1.13	1.21	1.00	.10
Group 7	10.90	12.90	1.13	1.21	1.00	.10
Group 8	11.00	13.00	1.13	1.21	1.00	.10
Group 9	11.05	13.05	1.13	1.21	1.00	.10
Group 10	11.075	13.075	1.13	1.21	1.00	.10
Group 11	11:15	13.15	1.13	1.21	1.00	.10
Group 12	11.175	13.175	1.13	1.21	1.00	.10
Group 13	11.25	13.25	1.13	1.21	1.00	.10
Group 14	11.30	13.30	1.13	1.21	1.00	.10
Group 15	11.35	13.35	1.13	1.21	1.00	.10
Group 16	11.55	13.55	1.13	1.21	1.00	.10
Group 17	11.625	13.625	1.13	1.21	1.00	.10
Group 18	11.725	13.725	1.13	1.21	1.00	.10
Group 19	11.75	13.75	1.13	1.21	1.00	.10
Group 20	11.80	13.80	1.13	1.21	1.00	.10
Group 21	11.86	13.86	1.13	1.21	1.00	.10
Group 22	11.95	13.95	1.13	1.21	1.00	.10
Group 23	12.05	14.05	1.13	1.21	1.00	.10
Group 24	12.07	14.07	1.13	1.21	1.00	.10
Group 25	12.30	14.30	1.13	1.21	1.00	.10
Group 26	12.55	14.55	1.13	1.21	1.00	.10

*See AREA DESCRIPTIONS - following TRUCK DRIVERS' classifications

TRUCK DRIVERS

Group 1: Chauffeurs

Group 2: Flat Rack Trucks, Bulk Cement Trucks, Transport Trucks, Semi-Trailer (Pickup); Gas Station Attendants

Group 3: Water, Fuel and Oil Trucks (less than 1200 gallons)

Group 4: Flat Rack Trucks, Bulk Cement Trucks, Transport Trucks, Semi-Trailer (carrying capacity less than 10 tons)

Group 5: Washers

Group 6: Dump Trucks - water level capacity (bottom, end and side)(including Dumpster Trucks, Turnawagons, Turnarockers and Dumporete)(less than 8 yds.); Water, Fuel and Oil Trucks (1200 gallons to less than 2500 gallons)

Group 7: Flat Rack Trucks, Bulk Cement Trucks, Transport Trucks, Semi-Trailer (carrying capacity 10 tons and less than 15 tons)

Group 8: Dump Trucks - water level capacity (bottom, end and side)(including Dumpster Trucks, Turnawagons, Turnarockers and Dumporete)(8 yds. and less than 14 yds.); Flat Rack Trucks, Bulk Cement Trucks, Transport Trucks, Semi-Trailer (carrying capacity 15 tons and less than 20 tons); Water, Fuel and Oil Trucks (2500 gallons to less than 4000 gallons); Sweeper or Vacuum Truck

Group 9: Construction Job Serviceman, Fork Lift, Straddle Truck; Warehouseman (Counter Clerk)

Group 10: Transit Mix Trucks (less than 8 cu. yds.); Concrete Pumping Trucks

Group 11: Dump Trucks - water level capacity (bottom, end and side)(including Dumpster Trucks, Turnawagons, Turnarockers and Dumporete)(14 yds. and less than 35 yds.); Flat Rack Trucks, Bulk Cement Trucks, Transport Trucks, Semi-trailer (carrying capacity 20 tons and over)

Group 12: Transit Mix Trucks (over 8 cu. yds. to 14 cu. yds.)

Group 13: Fireman and Greaser

TRUCK DRIVERS (Cont'd)

Group 14: Water, Fuel and Oil Trucks (4000 gallons to less than 6000 gallons)

Group 15: Dump Trucks - water level capacity (bottom, end and side)(including Dumpster Trucks, Turnawagons, Turnarockers and Dumporete)(35 yds. and less than 55 yds.)

Group 16: Dump Trucks - water level capacity (bottom, end and side)(including Dumpster Trucks, Turnawagons, Turnarocker and Dumporete)(55 yds. and less than 75 yds.); Water Fuel and Oil Trucks (6000 gallons to less than 10,000 gallons); Oil Spreader Operator (on single man operation where Boot Man is not required)

Group 17: Teamster, driving two horses

Group 18: Teamster, driving three or more horses

Group 19: Dump Trucks - water level capacity (bottom, end and side)(including Dumpster Trucks, Turnawagons, Turnarocker and Dumporete)(75 yds. and less than 95 yds.)

Group 20: Water, Fuel and Oil Trucks (10,000 gallons to less than 15,000 gallons)

Group 21: Teamster Mechanics, Teamster Welder

Group 22: Dump Trucks - water level capacity (bottom, end and side)(including Dumpster Trucks, Turnawagons, Turnarockers and Dumporete)(95 yds. and less than 105 yds.)

Group 23: Water, Fuel and Oil Trucks (15,000 gallons to less than 20,000 gallons)

Group 24: Dump Trucks - water level capacity (bottom, end and side)(including Dumpster Trucks, Turnawagons, Turnarockers and Dumporete)(105 yds. and less than 130 yds.), (all 130 cu. yds. and over to be paid one-half cent ($0.005) per cu. yd. capacity per hour in addition to rate for 105 yds. and less than 130 yds.)

Group 25: Water, Fuel and Oil Trucks (20,000 gallons to less than 25,000 gallons)

Group 26: Water, Fuel and Oil Trucks (25,000 gallons and over)

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

AREA DESCRIPITONS
Laborers
(Heavy and Highway Construction)

AREA DEFINITIONS (Cont'd)

AREA DESCRIPITONS
Laborers
(Heavy and Highway Construction)

Power Equipment Operators

Truck Drivers

AREA 1: All area included in the description defined below which is based upon township and range lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah/Nevada border and the Southerly line of township 35 south;
Thence easterly to the S.E. corner of township 35 south, range 17 west;
Thence northerly to the S.E. corner of township 34 south, range 17 west;
Thence easterly to the S.E. corner of township 34 south, range 16 west;
Thence northerly to the S.E. corner of township 30 south, range 16 west;
Thence easterly to the S.E. corner of township 30 south, range 15 west;
Thence northerly to the S.E. corner of township 25 south, range 15 west;
Thence easterly to the S.E. corner of township 25 south, range 14 west;
Thence northerly to the S.E. corner of township 24, south, range 14 west;
Thence easterly to the S.E. corner of township 24 south, range 13 west;
Thence northerly to the S.E. corner of township 23 south, range 13 west;
Thence easterly to the S.E. corner of township 23 south, range 12 west;
Thence northerly to the S.E. corner of township 18 south, range 12 west;
Thence easterly to the S.E. corner of township 18 south, range 11 west;
Thence northerly to the S.E. corner of township 16 south, range 11 west;
Thence easterly to the S.E. corner of township 16 south, range 10 west;
Thence northerly to the S.E. corner of township 15 south, range 10 west;
Thence easterly to the S.E. corner of township 15 south, range 9 west;
Thence northerly to the S.E. corner of township 14 south, range 9 west;

AREA DEFINITIONS (Cont'd)

AREA 1: (Cont'd)

Thence easterly to the S.E. corner of township 14 south, range 8 west;
Thence northerly along the easterly line of range 8 west, crossing the Salt Lake Base Line to the intersection of the easterly line of range 8 west and the northerly border of Utah;
Thence easterly along the northerly border of Utah crossing the Salt Lake Meridian to the Utah/Idaho/Wyoming border;
Thence southerly along the Utah/Wyoming border;
Thence easterly along the Utah/Wyoming border to the intersection of the Utah/Wyoming border and Longitude 111 degrees west;
Thence southerly along Longitude 111 degrees west crossing the Salt Lake Base Line to the intersection of Longitude 111 degrees west and the southerly line of township 4 south;
Thence easterly along the southerly line of township 4 south to the S.E. corner of township 4 south, range 17 east;
Thence northerly to the S.E. corner of township 1 south, range 17 east;
Thence easterly along the southerly line of township 1 south to the intersection of the Utah/Colorado border;
Thence southerly along the Utah/Colorado border to the intersection of the Utah/Colorado border and the southerly line of township 7 south;
Thence westerly along the southerly line of township 7 south to the S.W. corner of township 7 south, range 20 east;
Thence southerly to the S.E. corner of township 8 south, range 19 east;
Thence westerly along the southerly line of township 8 south to the S.E. corner of township 8 south, range 12 east;
Thence southerly along the easterly line of range 12 east to the S.E. corner of township 20 south, range 12 east;
Thence westerly along the southerly line of township 20 south to the S.E. corner of township 20 south, range 3 east;
Thence southerly along the easterly line of range 3 east to the S.E. corner of township 27 south, range 3 east;
Thence westerly to the intersection of the southerly line of township 27 south and the Salt Lake Meridian, thence southerly along the Salt Lake Meridian to the intersection of the Salt Lake Meridian and the southerly line of township 39 south;
Thence westerly crossing the Salt Lake Meridian to the S.E. corner of township 39 south, range 2 west;

AREA DEFINITIONS (Cont'd)

AREA 1: (Cont'd)

Thence southerly to the S.E. corner of township 41 south, range 2 west;
Thence westerly to the S.E. corner of township 41 south, range 3 west;
Thence southerly along the easterly line of range 3 west to the Utah/Arizona border;
Thence westerly along the Utah/Arizona border to the Utah/Arizona/Nevada border;
Thence northerly along the Utah/Nevada border to the point of beginning. Commencing at the intersection of the Utah/Colorado border and the southerly line of township 34 south;
Thence westerly to the S.W. corner of township 34 south, range 21 east;
Thence northerly to the S.W. corner of township 29 south, range 21 east;
Thence westerly to the S.W. corner of township 29 south, range 19 east;
Thence northerly to the N.W. corner of township 23 south, range 19 east;
Thence easterly to the N.W. corner of township 23 south, range 22 east;
Thence northerly to the N.W. corner of township 21 south, range 22 east;
Thence easterly to the N.E. corner of township 21 south, range 24 east;
Thence southerly to the N.E. corner of township 31 south, range 24 east;
Thence easterly along the northerly line of township 31 south, to the Utah/Colorado border;
Thence southerly along the Utah/Colorado border to the point of beginning.

AREA 2: All areas not included in Area 1 as defined.

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federal register

Friday,
May 8, 1981

Part IV

Commodity Futures Trading Commission

Monthly and Confirmation Statements

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Monthly and Confirmation Statements

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission has revised paragraph (c) of § 1.33, 17 CFR 1.33(c), which relates to the trading information that futures commission merchants ("FCMs") must furnish their customers. The revision requires FCMs to furnish to a person that controls a client's account, confirmations, purchase and sale statements and monthly statements for the account. Revised § 1.33(c) supplements and strengthens the customer protection provisions under the Commission's existing regulatory scheme by ensuring that timely trading information is furnished to persons that control clients' accounts.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara R. Stern, Special Counsel, Front Office Audit Unit, Division of Trading and Markets, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: On August 4, 1980, the Commission published for comment in the **Federal Register** proposed revisions to § 1.33(c). 45 FR 51598. The proposed revisions would have required FCMs to furnish (1) to a person that controls a client's account, monthly and confirmation statements for the account, and (2) to the individual participants in a commodity pool operated by a commodity pool operator ("CPO") that is not registered as such under the Act, monthly statements for the pool's account.

The Commission received ten comment letters on the proposals: six from FCMs; two from futures industry trade associations; one from an investment adviser registered with the Securities and Exchange Commission under the Investment Advisers Act of 1940; and one from a law firm.

The Commission has carefully considered all of the comments received in response to the proposed revisions and, based in part upon those comments, has determined to make certain changes in revised § 1.33(c) as adopted.

I. Proposed § 1.33(c)(1): Reporting to persons that control clients' accounts.—The Commission proposed to revise § 1.33(c) to require each FCM to furnish to a person that controls the account of the FCM's customer the same information that the FCM must furnish to the customer under that rule. As the Commission noted in proposing the requirement, without such data such person lacks critical and timely information about its client's account—information that tells him what trades were in fact executed for the client and their execution prices. *See* 45 FR 51598.

The Commission received generally favorable comments on the proposal. Commenters stated that the proposal would codify a common FCM practice and that it would conform with sound business practice. The Commission has thus adopted the proposal in revised § 1.33(c). And, in furtherance of the purposes of the proposal and in light of the comments on it, the Commission also has revised § 1.33(c) to require each FCM to furnish to the controller of the account of the FCM's customer a copy of the purchase and sale statement that the FCM must provide the customer under § 1.46.

II. Proposed § 1.33(c)(2): Reporting to participants in pools operated by CPOs that are not registered as such under the Act.—The Commission also proposed to revise § 1.33(c) to require FCMs to furnish to the participants in a commodity pool operated by a CPO that is not registered as such under the Act monthly statements for the pool's account. The Commission proposed this revision to ensure that "all pool participants, regardless of the size or composition of their pool, [would] receive timely information on their pool's trading activities." 45 FR 51598.[1]

Most of the persons commenting on the proposal did not question its purpose. They did, however, strongly object to the proposed requirement being placed on FCMs. Among other things, these commenters stated that an FCM should not be responsible for determining if a CPO was registered (or was required to be registered) and for obtaining, and constantly updating, a list of participants in each pool operated by the CPO. These commenters recommended that the proposed requirement should apply, instead, to the CPO.

[1] Sections 4.22(a) and 4.22(c) of the Commission's regulations require each CPO that is "registered or required to be registered" to furnish periodic Account Statements and an Annual Report to each participant in each pool it operates. Under § 4.13, CPOs who operate pools of a certain size or composition are not required to register as such. If a CPO is exempt from registration, then, that CPO is not required to distribute trading information to the participants in its pool.

The Commission has considered these views and believes that its regulatory objectives can be met in a less burdensome manner. Thus, in lieu of proposed § 1.33(c)(2), the Commission has adopted a rule that requires a CPO who is exempt from registration as such and who has not registered as such pursuant to the exemption to furnish to its participants certain information received for its pool from an FCM. This requirement is specified in new § 4.13(b)(2)(i), announced in a separate **Federal Register** release issued today.[2]

In consideration of the foregoing and pursuant to the authority in Sections 2(a)(1), 4b, 4c, 4*l*, 4m, 4n, 4*o*, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 6b, 6c, 6*l*, 6m, 6n, 6*o*, 12a and 23, as amended, 92 Stat. 865 *et seq.*, the Commission hereby revises part 1 of Chapter 1 of 17 CFR. In revising § 1.33, the Commission has taken into consideration the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the regulatory objectives of the Commodity Exchange Act.

1. By revising § 1.33 to read as follows:

§ 1.33 Monthly and confirmation statements.

(a) *General requirements.* Except as provided in paragraph (b) of this section, each futures commission merchant shall promptly furnish in writing directly to each customer—

(1) As of the close of the last business day of each calendar month or as of any regular monthly date selected: (i) A statement which clearly shows the open contracts with prices at which acquired, and the ledger balance carried for the customer's account; (ii) a statement which clearly shows the net unrealized profit or loss in all open contracts marked to the market; and (iii) a statement which clearly shows any money, securities or other property which the customer has deposited with the futures commission merchant to margin, guarantee, or secure the account; and

[2] Specifically, new § 4.13(b)(2)(i) provides:

(2) Each person who is exempt from registration as a commodity pool operator under § 4.13(a)(1) or § 4.13(a)(2) and who is not registered as such pursuant to that exemption must:

(i)(A) Promptly furnish to each participant in each pool that it operates a copy of the monthly statement for the pool that such person received from a futures commission merchant pursuant to § 1.33, and

(B) Clearly show on such statement, or on an accompanying supplemental statement, the net profit or loss on all contracts closed since the date of the previous statement; * * *

(2) A confirmation of each commodity futures transaction caused to be executed by it for the customer. A commodity futures transaction that is caused to be executed for a commodity pool need be confirmed only to the operator of the commodity pool and not to the participants in the pool.

(b) *Exemptions.* The requirements of paragraphs (a)(1)(i), (a)(1)(ii), and (a)(2) of this section shall not apply to the following: (1) Any account carried for a person who is a member of any contract market; (2) any omnibus account carried for another futures commission merchant; and (3) any account containing only bona fide hedge positions, except that confirmations must be furnished to accounts containing only bona fide hedge positions.

(c) *Controlled acounts.* With respect to any account controlled by any person other than the customer for whom such account is carried, each futures commission merchant: (i) Shall promptly furnish in writing to such other person the information required by paragraph (a) of this section; (ii) shall clearly show on each monthly statement furnished to the customer as required by paragraph (a) of this section and to such other person as required by this paragraph (c), or on an accompanying supplemental statement, the net profit or loss on all contracts closed since the date of the previous statement; and (iii) shall promptly furnish in writing to such other person a copy of the purchase and sale statement required by § 1.46; *Provided, however,* That the provisions of this paragraph shall not apply to an account controlled by the spouse, parent or child of the customer for whom such acount is carried.

(d) *Recordkeeping.* Each futures commission merchant shall retain, in accordance with § 1.31, a copy of each document required by this § 1.33 to be sent.

Issued in Washington, D.C. on May 1, 1981 by the Commission.

Jane K. Stuckey,

Secretary, Commodity Futures Trading Commission.

[FR Doc. 81-13782 Filed 5-7-81; 8:45 am]

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federal register

Friday,
May 8, 1981

Part V

Commodity Futures Trading Commission

Revisions of Commodity Pool Operator and Commodity Trading Advisor Regulations; Delegation of Authority

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 4 and 140

Revisions of Commodity Pool Operator and Commodity Trading Advisor Regulations; Delegation of Authority

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission has revised Part 4 of its regulations, 17 CFR Part 4, which relates to the operations and activities of commodity pool operators ("CPOs") and commodity trading advisors ("CTAs") (the "Part 4 rules").

Under the revisions, the Part 4 rules continue to exempt certain persons from registration as a CPO or as a CTA; to require CPOs and certain CTAs that must register to give prospective customers a written Disclosure Document containing specified information and to keep specified trading and other records; to require CPOs that must register to provide pool participants with periodic Account Statements and Annual Reports; and to prohibit CPOs from commingling the property of a pool they operate with their own property or the property of any other person.

Under the revisions, the Part 4 rules also make available to more persons an exemption from registration as a CPO or as a CTA; they require CPOs and CTAs to specifically respond to items of information that the Disclosure Document must include; they amend the specified format for presenting past performance of commodity interest accounts in the Document and revise the categories of accounts for which performance must be disclosed; they require CPOs and CTAs to make and keep available for inspection additional books and records of their activities; and they substantially amend the information that the Account Statements and Annual Reports must contain.

The new regulations under Part 4 also specify the manner of preparation for Disclosure Documents and Annual Reports; they require Disclosure Documents to be filed with the Commission at least 21 calendar days prior to their intended use; they specifically prohibit CPOs and CTAs from engaging in certain activities; and, under new Subpart D, establish minimum advertising standards for CPOs, CTAs, and their principals.

The revisions to Part 4 are intended to make the information CPOs and CTAs furnish customers more meaningful and to effectuate the Commission's intent that such information be presented in a uniform format. These revisions also are intended to ensure that CPOs and CTAs are dealing fairly with their customers and maintaining adequate records of those dealings; to facilitate the Commission's inspections of the operations and activities of CPOs and CTAs; and to relieve certain regulatory burdens and streamline and simplify reporting and record-keeping requirements for CPOs and CTAs.

Also, under new § 140.93, the Commission has delegated to the Director of the Division of Trading and Markets, and to such members of the Commission staff acting under his direction as he may designate from time to time, the authority to perform certain functions reserved to the Commission under Part 4. Specifically, the Commission has delegated the authority to grant exemptions from the requirements of Part 4; to grant an extension of time to distribute the Annual Report; and to approve a change in a pool's fiscal year.

EFFECTIVE DATES: The revisions to Part 4 shall become effective July 1, 1981. Section 140.93 is effective May 8, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara R. Stern, Special Counsel, Front Office Audit Unit, or David S. Mitchell, Attorney, Legal Section, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. *Background.* On August 4, 1980 the Commission proposed substantial revisions to the Part 4 rules, 45 FR 51600. The comment period on the proposed revisions was originally due to expire on September 30, 1980. to maximize public participation in the rulemaking process, the Commission twice extended the comment period on the proposed revisions: first, to October 15, 1980 and second, to November 4, 1980. 45 FR 65257 (October 2, 1980) and 45 FR 69248 (October 20, 1980), respectively.[1]

The Commission received ninety-four comment letters on the proposed revisions to part 4: eleven from CPOs; twenty-eight from CTAs; seventeen from persons registered as both a CPO and as a CTA; four from futures commission merchants ("FCMs"); two from persons registered as both a CPO and as an FCM; one from a person registered as both a CTA and as an FCM; eight from commodity account management customers; two from futures industry trade associations; one from the Staff of the Division of Corporation Finance of the Securities and Exchange Commission ("SEC"); eight from state regulatory agencies; eight from law firms; one from a certified public accountant; and three from investment advisers registered with the SEC under the Investment Advisors Act of 1940.

The Commission has carefully considered all of the comments received in response to the proposed revisions and, based in part upon those comments, has determined to make certain changes in the proposed rules.[2]

B. *Major differences between proposed and final rules.* On the whole, the changes lessen the regulatory burdens that would have been placed on CPOs and CTAs if the Part 4 rules had been revised as proposed. Based upon the comments and its own further review of the proposals, the Commission believes that this can be done without a reduction of safeguards for customers of CPOs and of CTAs; however, the Commission will carefully monitor the operation of these revised regulations to determine whether further rulemaking is necessary.

The changes in the proposals are discussed in detail below at Part II of this **Federal Register** release. Among the major differences between the proposed and final rules are: an increase in the availability of exemption from registration as a CPO or as a CTA; a further streamlining of past performance disclosure; a shortening of the Disclosure Document pre-filing period; and the establishment of minimum standards, in lieu of prescribed and proscribed activity, for advertising past performance.

The Commission recognizes that there may be uncertainty with respect to the application of the revisions to the Part 4 rules pending the effective date of those revisions. For example, this uncertainty might arise as to the registration status

[1] The Commission notes that to encourage such participation, its Division of Trading and markets sent a copy of the **Federal Register** release announcing the proposed revisions to all registered CPOs and CTAs.

[2] In addition, the Commission has considered as public comments on the proposed revisions to Part 4 the "Guidelines for Registration of Commodity Pool Programs" proposed by the North American Securities Administrators Association on September 17, 1980. although the Commission is vested with exclusive jurisdiction over the full range of activities related to commodity pools, it believes that the States should have an important role in connection with the Commission's adoption of standards governing CPO's and commodity pools. The Commission, however, has determined at this time not to adopt any revisions to the Part 4 rules based on the proposed guidelines.

of a person who would qualify for an exemption from registration under the revised rules but who is required to register under the current rules. Or, it might arise as to the disclosures required in a Disclosure Document that is intended to be distributed for a period during which first the current, and then the revised, rules would be applicable. To alleviate that uncertainty, the Commission has determined that it will not take enforcement action against any person solely on the basis of such person's compliance with the revised Part 4 rules prior to their effective date in lieu of his compliance with the current rules. Of course, this position requires a total, and not selective, compliance with the revised rules.

In addition, the Commission will not take enforcement action against a registrant who prepares its disclosure Document in accordance with the existing Part 4 rules prior to the effective date of the revised Part 4 rules and who utilizes such document following the effective date of the revised rules. A document prepared under the existing rules can only be used for six months after the effective date of the revised rules, however. *See* § 4.21(e) for CPOs and § 4.31(e) for CTAs.

II. Summary Analysis of the Final rules

A. *General Provisions.* As proposed, § 4.1 would have specified paper, size, type and reproduction standards for Disclosure Documents and Annual reports. The purpose of this proposal was to ensure that these documents were prepared in a readable format and that all of the pages of a document were, in fact, distributed as required. While many of the commenters on the proposed rule agreed that certain minimum standards should be adopted for Part 4 documents, they argued that the proposed standards were unnecessarily restrictive and, in some cases, inappropriate. The Commission has considered these comments and further analyzed its proposal. As a result of these further considerations, the Commission believes that certain revisions can be made to the proposal without sacrificing its regulatory obectives.

As adopted, § 4.1(a) requires that each document distributed pursuant to Part 4 must be clear and legible, paginated, and fastened in a secure manner. A CPO or CTA which complies with these requirements may thus choose the manner of preparation of documents required under Part 4. For example, a CPO or CTA may choose to have these documents printed, typewritten, mimeographed, photocopied, or the like, so long as the original and each copy of the document are clear and legible. Similarly, documents with more than one page may be securely fastened by stapling, binding or other means. As adopted, § 4.1(b) specified that information required to be prominently disclosed under Part 4 must be displayed in capital letters and in boldface type. Unlike the proposal, this rule does not also specify the style and leading of that type.

Finally, it should be noted that the Commission has expanded the scope of § 4.1. As proposed, the rule would have applied only to Disclosure Documents and Annual Reports. As adopted, it applies to all documents distributed pursuant to Part 4. Therefore, such documents as the Account Statements that CPOs must prepare and distribute pursuant to § 4.22(a) must be prepared in accordance with § 4.1.

As proposed and as adopted, § 4.2 specifies the address where Part 4 documents must be filed with the Commission and provides that a document will be considered filed when received at that address. Although the rule does not also impose a requirement that Part 4 documents be delivered by registered mail, by hand, or other similar means, a CPO or a CTA may use any such means of delivery if it wishes to be certain whether or upon what date a document was filed.

B. *Definitions.* The Commission has made certain revisions to those of the proposed rules which define terms for purposes of Part 4. Those revisions have been made to § 4.10(e), which defines the term "principal", § 4.10(f), which defines the term "direct" and § 4.10(g), which defines the term "trading program."

The term "principal" is defined in § 4.10(e) to correspond to the definition of that term in recently adopted § 3.1(a). That rule defines "principal" for purposes of Part 3 of the Commission's regulations, which relates to the registration of, among other persons, CPOs and CTAs. *See* 45 FR 80485, 80492 (December 5, 1980). Because the term "principal" is employed in both Part 3 and Part 4 to obtain similar critical information about certain persons associated with a CPO or a CTA, the Commission has determined to use the same term in both parts. To serve the objectives of Part 4, however, the term "principal" does not need to be defined as broadly as it is in § 3.1(a). Therefore, § 4.10(e) does not include within its scope such persons as a "branch office manager or designated supervisor."

As proposed, § 4.10(f) would have defined the term "control", and § 4.10(g), the term "managed account program." Several commenters noted that these same terms are defined differently in §§ 1.3(j) and 15.00(i), respectively, of the Commission's regulations. These commenters stated that multiple definitions of the same term are potentially confusing. To avoid such potential confusion, § 4.10(f) as adopted employs the term "direct" to define the subject matter of the regulation, and § 4.10(g) employs the term "trading program."[3] The Commission also wishes to make clear that, because these terms speak in terms of *clients*, as used in the context of the past performance disclosure requirements these terms apply to persons other than the CPO or the CTA (or the principals thereof) who presents that past performance in its Disclosure Document. *See* §§ 4.21(a)(4) and 4.21(a)(5) for CPOs and § 4.31(a)(3) for CTAs.

One commenter also suggested that the rules would be clearer if the definition of the term "formed" in proposed § 4.10(h) were transferred to § 4.22, which pertains to the Account Statements and the Annual Report that CPOs must distribute. This person suggested that because the term "formed" is of special significance with respect to these reports, it would be more appropriate to define the term in § 4.22 than in § 4.10, the general definition section of Part 4. The Commission agrees and has added the definition of the term "formed" to § 4.22(g) in lieu of adopting proposed § 4.10(h).

As proposed and as adopted, § 4.10(d) narrows the definition of the term "pool" by specifying that it is an entity "operated for the purpose" of trading commodity interests. While all of the persons who commented on the proposal agreed with the Commission's objective of clarifying the scope of the term, they argued that the proposed definition was still overly broad. One person suggested that an entity whose assets committed to trading commodity interests do not exceed a specified percentage—*e.g.*, 10%—should be outside the definition of the term "pool." The Commission finds this approach deficient because it fails to take into account the fact that such an entity might, nonetheless, be marketed and sold as a commodity pool, so that the participants therein should not be denied the protections of the Part 4 rules. Several other persons suggested that the term "pool" be defined as "an

[3] It should be noted that § 4.10(g) defines the term "trading program" much more narrowly than § 15.00(f) defines the term "*customer* trading program."

entity organized and operated for the principal purpose of acquiring or trading commodity interests." The Commission similarly finds this suggestion unsatisfactory, because it does not recognize that an entity may commence operations in one line of business and subsequently may engage in another line of business—*i.e.*, a commodity pool. Also, the Commission believes that the phrase "principal purpose" is too narrow. It could inappropriately exclude from the scope of the Part 4 rules certain persons who are, in fact, operating commodity pools. The Commission therefore has determined to adopt § 4.10(d) as proposed.

Depending on the facts of a particular case, an entity may or may not be a "pool" within the scope of § 4.10(d). For example, the Commission is aware of the arguments advanced by such persons as pension funds and limited partnerships registered as broker-dealers under the Securities Exchange Act of 1934 that they are not "pools." Among other reasons, these persons state that they only occassionally trade commodity interests, that they commit a limited amount of assets to such trading, that they are hedging those assets as opposed to speculating with them, and that their "participants" are knowledgeable in business matters and financially secure. Whether a particular entity is operated "for the purpose" of trading commodity interests, and thus is a pool within the scope of § 4.10(d), depends on an evaluation of all the facts relevant to the entity's operation. The Commission recognizes that in the past its staff has issued interpretations of the Part 4 rules. Consistent with that practice, the Commission invites interested persons to seek such staff interpretations of § 4.10(d) and of all the other Part 4 rules.

C. *Exemption from registration.* The Commission has reorganized into two separate rules the exemptions from registration under Part 4 and has increased the availability of certain of those exemptions. Section 4.13 for CPOs and § 4.14 for CTAs. As a result of the comments received and the Commission's further deliberations on the proposed revisions to these rules, certain changes have been made to the proposals as adopted.

1. *CPOs.* Sections 4.13(a)(1) and 4.13(a)(2) specify the conditions under which a person is exempt from registration as a CPO. Section 4.13(a)(1) continues to exempt from registration as a CPO persons who operate only one pool under the conditions specified in the rule. The Commission received no specific comments on § 4.13(a)(1), and has made no revisions to that rule. Section 4.13(a)(2), however, has been revised from the proposal in two significant ways. Under the proposal, a person would have been exempt from registration as a CPO if it accepted no more than $100,000 in gross receipts for the purchase of interests in the only pool it operated, or $200,000 in such gross receipts for all the pools it operated, so long as each pool had no more than 15 participants. Under the rule as adopted, there is not tiering of the exemption. Also, the term "capital contributions" has replaced that of "receipts". Thus, under § 4.13(a)(2), a person is exempt from registration as a CPO if the total gross capital contributions it receives for all of the pools it operates do not exceed $200,000, so long as each pool it operates has no more than 15 participants. The Commission has adopted without change the manner of computing the number of participants in § 4.13(a)(2)(ii). This revision makes the exemption available to more persons by excluding from the computation of participants the principlas of the pool's CPO and CTA and certain persons who would have immediate access to the principals. And, as one commenter suggested, the Commission intends to reevaluate the dollar amount of the exemption from time to time to assure that it remains realistic.

Section 4.13(b) imposes certain minimal requirements on persons who are exempt from registration as a CPO. Some persons commenting on the proposal stated that the Commission should not impose any requirements on persons exempt from registration. The Commission believes, however, that the benefits to participants in pools operated by such persons far outweigh the slight burdens imposed on these persons by the rule. As proposed, § 4.13(b) would have required a person exempt from registration as a CPO to furnish a prescribed statement stating that the person was exempt from registration and that it was not required to furnish a Disclosure Document, Account Statements and an Annual Report to participants in its pool. One commenter suggested that the prescribed statement should take into account the fact that the person may contractually obligate itself to provide such documents. The Commission finds this suggestion sensible, and has incorporated it into § 4.13(b)(1). Under both the proposed and adopted rule, the person must describe in the statement the exemption pursuant to which it is not registered as a CPO and must manually sign the statement. Under new § 4.13(b)(2)(i), the person must promptly furnish to each of its participants a copy of the monthly information received for the pool from an FCM pursuant to § 1.33 [4] and a statement of net profit or loss from trading futures contracts, and under new § 4.13(b)(2)(ii), the person must keep all of the books and records generated in connection with operating its pool for a period of five years and must make these books and records available for inspection by a Commission representative. The Commission wishes to make clear that § 4.13(b)(2)(ii) does not specifically require the keeping of all of the books and records that registered CPOs must keep under § 4.23. The rule only requires the keeping of those books and records

[4] In a separate Federal Register notice issued today, the Commission announced the revision of § 1.33(c). The complete text of § 1.33 as revised is as follows:

§ 1.33 Monthly and confirmation statements.

(a) *General requirements.* Except as provided in paragraph (b) of this section, each futures commission merchant shall promptly furnish in writing directly to each customer—

(1) As of the close of the last business day of each calendar month or as of any regular monthly date selected: (i) A statement which clearly shows the open contracts with prices at which acquired, and the ledger balance carried for the customer's account; (ii) a statement which clearly shows the net unrealized profit or loss in all open contracts marked to the market; and (iii) a statement which clearly shows any money, securities or other property which the customer has deposited with the futures commission merchant to margin, guarantee, or secure the account; and

(2) A confirmation of each commodity futures transaction caused to be executed by it for the customer. A commodity futures transaction that is caused to be executed for a commodity pool need be confirmed only to the operator of the commodity pool and not to the participants in the pool.

(b) *Exemptions.* The requirements of paragraphs (a)(1)(i), (a)(1)(ii), and (a)(2) of this section shall not apply to the following: (1) Any account carried for a person who is a member of any contract market; (2) any omnibus account carried for another futures commission merchant; and (3) any account containing only bona fide hedge positions, except that confirmations must be furnished to accounts containing only bona fide hedge positions.

(c) *Controlled accounts.* With respect to any account controlled by any person other than the customer for whom such account is carried, each futures commission merchant: (i) Shall promptly furnish in writing to such other person the information required by paragraph (a) of this section; (ii) shall clearly show on each monthly statement furnished to the customer as required by paragraph (a) of this section and to such other person as required by this paragraph (c), or on an accompanying supplemental statement, the net profit or loss on all contracts closed since the date of the previous statement; and (iii) shall promptly furnish in writing to such other person a copy of the purchase and sale statement required by § 1.46; *Provided, however,* That the provisions of this paragraph shall not apply to an account controlled by the spouse, parent or child of the customer for whom such account is carried.

(d) *Recordkeeping.* Each futures commission merchant shall retain, in accordance with § 1.31, a copy of each document required by this § 1.33 to be sent.

which are generated in the ordinary course of operating the pool.

As proposed and as adopted, § 4.13(c) requires that each person who applies for registration as a CPO must include with its initial application the information required by §§ 4.22(c) (1) through (5), which pertain to the financial statements and other information that the Annual Report must contain. Most of the persons who commented on the proposal argued against it. These persons stated, among other things, that the proposal could disrupt the operations of smaller pools and that it would be inconsistent with the purposes of the broadened exemption from registration under § 4.13(a)(2). In response to this concern, the Commission has determined not to adopt the proposed requirement that the information be audited by an independent public accountant. This will considerably lessen any burden that might be imposed by the rule, but will continue to enable the Commission to verify that the person has been acting as a CPO without being registered as such pursuant to a bona fide exemption.

As proposed and as adopted, § 4.13(d) specifies that if a person who is exempt from registration as a CPO registers as such, that person must comply with the Part 4 rules as if it were not so exempt. The one comment received on this proposal supported it, stating that it clarifies the reach of the Part 4 rules to all registered CPOs.

2. *CTAs.* Section 4.14 now contains the rules applicable to exemption from registration as a CTA. The Commission has made two changes in these rules as proposed.

First, the Commission has increased the availability of an exemption from registration as a CTA. New § 4.14(a)(5), which incorporates the recommendation of a commenter on the proposal, exempts a person from registration as a CTA if the person is exempt from registration as a CPO and the person's commmodity trading advice is directed solely to, and for the sole use of, the pool or pools for which it is so exempt.

Second, and again in response to the recommendation of a commenter, new § 4.14(c) specifies that if a person who is exempt from registration as a CTA registers as such, that person must comply with the Part 4 rules as if it were not so exempt. This rule parallels the provisions of § 4.13(d), applicable to persons registered as CPOs.

D. *Disclosure.* Sections 4.21(a) and 4.31(a), respectively, require all CPOs who must register under the Act and certain CTAs who must register to furnish a Disclosure Document to prospective customers. The Commission proposed to amend the existing rules applicable to Disclosure Documents and to add new disclosure rules to Part 4. Based on the comments it received on those proposals, the Commission has made certain revisions to them and by this Federal Register release is making certain clarifications of them. Also, the Commission notes that it is still considering the proposed requirement that FCMs furnish a Disclosure Document to prospective customers and therefore it has not adopted at this time any such requirement.[5]

Prior to specifically discussing the revisions to the rules applicable to Disclosure Documents the Commission wishes to note that under revised § 4.21(a) a CPO must deliver a Disclosure Document for the specific pool for which it is soliciting participants and under revised § 4.31(a) a CTA must deliver a Disclosure Document for the specific trading program for which it is soliciting clients.

1. *Revision to existing rules.*

a. *Technical revisions.* As proposed and as adopted, the texts of the disclosure rules specifically itemize the information that the Disclosure Document must contain. Sections 4.21(a) (1), (2), (3), (8), (9), (10), (12), (13) and (15) for CPOs and §§ 4.31(a) (1), (2), (5), (6) and (7) for CTAs. For example, §§ 4.21(a)(1) and 4.31(a)(1) specifically itemize the persons for whom information must be furnished thereunder.

Many commenters argued that if this information were not known at the time the Disclosure Document was first delivered, compliance with these rules would not be possible. In response, the Commission wishes to note that under § 4.12 such person may petition for an exemption from the requirement to disclose such information. If granted, the exemption might be conditioned on, among other things, the Document (1) clearly indicating that the information is not known at the time, and (2) being amended as necessary or required to disclose the information when it is known. *See* § 4.21(b) for CPOs and § 4.31(b) for CTAs.

As proposed and as adopted, the rules require a response, whether in the affirmative or in the negative, to certain items of information that the Disclosure Document must contain. Sections 4.21(a) (3), (6), (8), (10), (13) and (15) for CPOs and §§ 4.31(a) (5), (6) and (7) for CTAs. Thus, for example, a CPO under § 4.21(a)(3) and a CTA under § 4.31(a)(5) is required to state whether or not a conflict of interest exists on the part of each person specified in the rule. Judging from the comments received on the proposals, the Commission believes certain clarifications of them are necessary.

First the Commission wishes to emphasize that responses may be aggregated. It is not the Commission's intent, as many commenters seemed to believe, to require a specific response for each person for whom information must be provided under the rules. As these commenters noted, such a requirement could make for unnecessarily lengthy and cumbersome disclosure. Responses may be grouped according to whether they are in the affirmative or in the negative, so long as each person for whom information must be provided is specifically covered in one or the other of the groups.[6]

The Commission also wishes to specify the standard of knowledge applicable to disclosures made under these rules, and under all of the Part 4 rules. That standard is one of "knows or should know." Under this standard, a CPO or a CTA would be able to make required disclosures about persons other than itself based on information that such other persons provided, so long as the CPO or the CTA does not or should not know that the information is inaccurate. It also should be noted that under this standard the required information could not be preceded by a disclaimer such as "To the best of my knowledge and belief, . . .", as some commenters suggested.[7]

Many persons commented that where disclosures were proposed for principals, and in particular for principals of a pool's FCM, it would be time-consuming to acquire and difficult to verify the required information. The first concern has been addressed in the revised definition of the term "principal"

[5] In proposing revisions to the Part 4 rules, the Commission stated that it was considering "requiring those FCMs that offer [trading] programs to individual customers to furnish Disclosure Documents" and invited interested persons "to submit comments which will assist in the determination of this issue." 45 FR 51000, 51001.

[6] For example, under § 4.21(a)(15) a CPO must provide information on whether trading for its own account will be done or is intended to be done by the CPO, the pool's CTA, or any principal thereof. Assuming that only the CPO intends to trade commodity interests for its own account, the rule could be complied with as follows: "The CPO intends to trade commodity interests for its own account. The CPO's principals and the pool's CTA and its principals do not intend to trade commodity interests for their own accounts."

[7] To comply with § 4.21(a)(15), the CPO must make inquiries of its principals and of the pool's CTA and its principals as to whether they intend to trade commodity interests for their own account. The CPO may use the information obtained through the inquiries in complying with § 4.21(a)(15), so long as the CPO does not or should not know that any of that information is not accurate.

in § 4.10(e) which, among other things, narrows the scope of the term and therefore decreases the number of persons who are "principals" for purposes of the Part 4 rules. The second concern has been addressed by the Commission's preceding discussion of the standard of knowledge required under the rules.

Several commenters requested clarification of the term "material administrative, civil or criminal action" as used in §§ 4.21(a)(13) and 4.31(a)(7). The term encompasses actions about which an average prospective customer should be informed before becoming a participant in a CPO's pool or a client in a CTA's trading program. As such, the term "material administrative, civil or criminal action" must be defined in the context of each particular factual situation. Depending on each such situation, it may include (1) technical as well as substantive violations of the Act and the rules thereunder; (2) reparations proceedings; (3) technical and substantive violations of the securities laws; (4) civil actions unrelated to the commodities laws; (5) actions which have been successfully defended; or (6) actions which are still pending. Thus, while the rules would not necessarily require disclosure of a material action against a firm of which a person specified in the rules was (or is) a principal, depending on the particular factual situation, such disclosure might be required. For example, where the person was (or is) the sole proprietor or the only principal of the firm disclosure of a material action against the firm might, depending on the facts, be required. On the other hand, where the person was (or is) one of several hundred principals of the firm, such disclosure might not be required.

Finally, the Commission has proposed and has adopted revisions that amplify the texts of the disclosure rules. Sections 4.21(a) (1), (2), (3), (6), (7), (9) and (10) for CPOs and §§ 4.31(a) (1), (2), (4) and (5) for CTAs. Based in part on the comments the Commission received on the proposed revisions, certain changes have been made in the rules as adopted.

Proposed § 4.21(a)(1) would have required a CPO to disclose the capital structures of the pool and of the CPO and proposed § 4.31(a)(1) would have required a CTA to disclose its capital structure. Some persons commented that this information would not be useful and material to a prospective customer. The Commission believes these comments have merit, and has deleted the proposed requirements from these rules as adopted. Section 4.21(a)(1) does, however, retain the proposed requirement that the form of organization of the pool must be disclosed.

Proposed § 4.21(a)(7)(i) would have required a CPO to disclose, wherever possible, the dollar amount of each expense incurred by the pool in its preceding and current fiscal years. One commenter noted that a CPO may not know the actual dollar amount of those expenses during the pool's current fiscal year and recommended that the proposal be redrafted to take this fact into account. The Commission has specifically incorporated this suggestion into the final rule. As adopted § 4.21(a)(7)(i) requires a CPO to disclose the actual dollar amount of the pool's expenses for its preceding fiscal year and, wherever possible, the estimated dollar amount of those expenses for the pool's current fiscal year.

New provisions also have been added to § 4.21(a)(9). Specifically, new § 4.21(a)(9)(iii) requires that if pool funds not deposited as margin will be held outside of the United States, its territories or possessions, the CPO must specify where those funds will be held. The Commission has adopted this rule in lieu of adopting at this time the proposed rule which would have required a CPO to keep within the United States all of the assets of its pool not committed to trading outside of the United States.[8]

Finally, in response to comments received, the Commission has clarified the scope of the disclosures on Federal income tax effects of distributions to pool participants required under § 4.21(a)(12). As revised, § 4.21(a)(12)(ii) specifies that disclosure of such effects must include a discussion of the Federal income tax laws applicable to the form of organization of the pool and to such payments therefrom. The rule further requires that if a pool specifically is structured to accomplish certain Federal income tax objectives, the CPO must disclose that information and explain those objectives.

b. *Substantive revisions.* The Commission proposed to amend certain of the Disclosure Document rules to require that the information specified thereunder be disclosed for certain additional persons. Sections 4.21(a) (1) and (13) for CPOs and §§ 4.31(a) (1) and (7) for CTAs. Subject to the exceptions discussed below, the Commission has adopted the amendments as proposed.

Proposed § 4.21(a)(13)(i)(g) would have required a CPO to state, affirmatively or negatively, whether there had been any material administrative, civil or criminal action within the five years preceding the date of the Disclosure Document against any person who solicited prospective participants in the pool. Proposed § 4.31(a)(7)(i)(e) would have required a CTA to make such statement with respect to any person who solicited clients for the trading program. In lieu of these proposals, the Commission is continuing to consider the adoption of registration requirements for these persons.[9]

Significant revisions to the existing Disclosure Document rules under Part 4 concern the presentation of past performance of commodity interest accounts. Sections 4.21(a) (4) and (5) for CPOs and § 4.31(a)(3) for CTAs. The revisions change both the manner of presenting past performance and the commodity interest accounts for which that performance must be disclosed. And, as is stated in the rules, the format the Commission has adopted for the presentation of past performance is a minimum disclosure standard which CPOs and CTAs must meet. More comprehensive or more frequent disclosure could thus be made as needed—*e.g.*, where the format potentially could mislead prospective customers.

As proposed, the past performance of a commodity interest account would have been required to be displayed in a table showing at least quarterly: (A) beginning net asset value; (B) all additions; (C) all withdrawals and redemptions; (D) net performance; (E) ending net asset value; and (F) the rate of return, calculated by dividing net performance by beginning net asset value. As a result of generally favorable comments, the Commission has determined to adopt this proposal for presenting the past performance of a CTA and its principals in both CPO and CTA Disclosure Documents. Section 4.21(a)(5)(ii) for CPOs and § 4.31(a)(3)(ii) for CTAs. And, in response to one of those comments, the Commission has added a requirement to the past performance disclosure of pools operated by a CPO and its principals.

[8] In proposing revisions to the Part 4 rules, the Commission stated that it was "actively considering requiring a CPO to maintain all of the assets of its pool . . . in the United States" and invited interested persons "to submit comments which will assist in the determination of this issue." 46 FR 51600, 51601.

[9] In proposing revisions to the Part 4 rules the Commission also stated that it was considering "adopting rules that would implement and facilitate the registration of non-clerical employees and agents of CPOs and CTAs" and requested interested persons "to submit comments which will assist in the formulation of such rules." *Id.*

Under new § 4.21(a)(4)(ii)(G), a CPO must also include in the prescribed table the number of units outstanding at the end of each period for which past performance is disclosed.

While commenters generally supported the proposal, many expressed the concern that, in certain circumstances, the format would err on the side of simplicity by omitting information material to prospective customers. One commenter suggested that the performance table should be combined with the expense information required to be presented under §§ 4.21(a)(7) and 4.31(a)(4), resulting in the following additional column headings for the table: gross realized profits (losses); net realized profits (losses); net interest income; increase (decrease) in unrealized profits; and increase (decrease) in accrued commissions or open positions. Other commenters stated that the table also should include more information on the rate of return, such as a cumulative or a compounded rate. As the Commission noted above, such supplementary performance information may be presented in the Disclosure Document, so long as the prescribed table is presented in accordance with the applicable rules. In fact, such information may indeed be needed to fulfill the obligation "to disclose all material information to existing or prospective [customers] even if the information is not specifically required by this section." *See* § 4.21(h) for CPOs and § 4.31(g) for CTAs.

The second area of revision to the past performance rules concerns the commodity interest accounts for which past performance must be disclosed. With respect to CPOs, the proposed revisions would have required a CPO to disclose the past performance of all pools operated by the CPO and its principals and would have given the CPO discretion to disclose the past performance of (1) all pools operated by the pool's CTA and its principals, and (2) all other accounts directed by the CPO and its principals and by the CTA and its principals. Several persons who commented on these proposals stated that, because a CTA is so critical to a pool's performance, a CPO should be required to disclose the past performance of the pool's CTA. The Commission agrees with these comments and has incorporated them into the rules as adopted. Thus, under § 4.21(a)(4)(i), a CPO must disclose the past performance of all pools operated by the CPO and its principals and under § 4.21(a)(5)(i), the past performance of all accounts (including pools) directed by the pool's CTA and its principals. And, while a CPO continues to have discretion to disclose the past performance of accounts other than pools directed by it and its principals, the rules no longer specifically make reference to that discretion.

With respect to CTAs, as proposed and as adopted, a CTA must disclose the past performance of all accounts (including pools) directed by the CTA and its principals. Section 4.31(a)(3)(i). The comments the Commission received on the proposal were mixed. Those persons who supported the proposal stated that, among other things, they agreed with harmonizing the past performance disclosure required of CTAs with that required of CPOs. Those who opposed the proposal stated that, among other things, it could lead to cumbersome and unnecessarily lengthy performance tables. This concern has been addressed, in part, in the rules on compositizing past performance, discussed below. Moreover, the Commission believes that to fulfill the purposes of the Disclosure Document rules, it is essential that this performance be disclosed. The Disclosure Document is intended to provide protections for commodity customers—particularly those who are unsophisticated in financial matters—by ensuring that they are informed about material facts before committing their funds. *See* 44 FR 1918, 1920 (January 8, 1979). Because a CTA's past performance is a material fact about which a prospective client should be informed, the record of that past performance should be disclosed. It also should be noted that the new rule will provide essential assistance to CPOs in preparing their Disclosure Documents. A CPO must present in its pool's Disclosure Document the past performance of the pool's CTA in the same manner that the CTA must present its past performance in the Disclosure Document that the CTA employed to solicit the pool's account. As a result of the new rule, a CPO will be able to use this same information in its Disclosure Document.

As noted above, and in response to generally favorable comments, the amended rules specifically allow for presenting past performance on a composite basis under the requirements set forth therein. Sections 4.21(a)(4)(iv) and 4.21(a)(5)(iii) for CPOs and § 4.31(a)(3)(iii) for CTAs. With respect to pools operated by the CPO and its principals, (1) the performance of the pool for which the CPO is soliciting participants may not, however, be included in the composite, and (2) the performance of all other pools operated by the CPO and directed by the pool's CTA and its principals must be presented in a composite separate and apart from any other composite. All accounts (including pools) directed by a CTA and its principals may be presented in a single composite. And, with respect to any composite, there must be included a description of how it was developed and disclosure of material information from which it was drawn. For example, the CPO or the CTA would be required to disclose the number of accounts involved in the composite and the number of accounts with net profits and the number with net losses. Other material information might include (depending upon the circumstances of each composite) the largest profit and loss among the accounts, both on a percentage and dollar amount basis, and the average of percentage net gains among the accounts as well as the average of percentage net losses. The Commission wishes to emphasize that, as with all of the other disclosure rules, the rules pertaining to compositizing establish minimum standards to be followed. Supplemental disclosure may be necessary in certain circumstances—for example, where compositizing would tend to obscure poor performance.

In presenting past performance CPOs must describe the material differences among the pools for which performance is presented. Section 4.21(a)(4)(iii). Such material differences could include, among other things, differences in the fees and commissions charged each pool, the trading philosophies (such as technical or fundamental) pursuant to which each pool was directed, and the commodities underlying the commodity interests which each pool traded.

The proposed rules on past performance disclosure would have prescribed certain statements to be made on the lack of performance history for the persons for whom that performance was required to be disclosed. The Commission did not receive any specific comments on these statements and, accordingly, has adopted them substantially as proposed. Sections 4.21(a)(4)(i) and 4.21(a)(5)(i) for CPOs and § 4.31(a)(3)(i) for CTAs.

The Commission also proposed and has adopted revisions to the prescribed Risk Disclosure Statement that the Disclosure Document must contain. Section 4.21(a)(17) for CPOs and § 4.31(a)(8) for CTAs. The main objection of commenters on these proposals concerned the language "In some cases [pools or accounts] are subject to substantial charges. . . ."

These commenters stated, among other things, that this language was inappropriate because it was theoretical and subjective and could thus be misleading. The Commission does not agree. The language specifically is phrased to alert prospective customers to the fact that such charges are indeed made to some pools and accounts but that this may not be the case with respect to the pool or trading program for which the Disclosure Document is being delivered. Further language in the prescribed statement informs prospective customers that the Disclosure Document contains "a complete description" of the applicable charges—from which the prospective customer may determine whether the charges will in fact be substantial.

The comments received on the proposed revisions to the Cautionary Statement that the Disclosure Document must contain were favorable, and the Commission has adopted the revisions to the Statement as proposed. Section 4.21(a)(18) for CPOs and § 4.31(a)(9) for CTAs.

Similarly, several commenters supported the proposal to increase to 21 days from 5 days the period of time within which a materially inaccurate or incomplete Disclosure Document must be corrected, and the Commission has adopted the revision as proposed. Section 4.21(b) for CPOs and § 4.31(b) for CTAs. Corrections may be made by way of an amended Document, a sticker on the Document, or other similar means—such as by letter or, in the case of a pool, by the next periodic Account Statement for the pool. For example, if a CPO subsequent to the delivery of the Disclosure Document for a pool it intended to operate hired a CTA for the pool, that information would have to be distributed pursuant to § 4.21(b). Because of the wide range of possible fact situations, the Commission cannot, however, specify each circumstance that would come within the scope of the requirement, as one commenter requested.

2. *New rules.* As noted, in addition to proposing revisions to the existing disclosure rules the Commission also proposed to add several new rules to Part 4. Based on the comments received on those proposed new rules, and the Commission's additional considerations of them, changes have been made in some of those rules as adopted.

First, the Commission has made certain changes in the proposals requiring a receipt for the Disclosure Document. Section 4.21(d) for CPOs and § 4.31(d) for CTAs. As adopted, the rules specify that a CPO may not accept or receive funds from a prospective participant and that a CTA may not enter into an agreement to direct a prospective client's account unless the CPO or the CTA, as the case may be, first receives an acknowledgement from the prospective participant or client that he has received the Disclosure Document. As proposed, the rules also would have required the prospective customer to acknowledge that the CPO or the CTA had not delivered to it "any other information on . . . trading commodity interests prior to receipt of the Document." As certain commenters noted, those proposals might have prohibited even brief contacts with persons who might become customers. By deleting these proposals the Commission is not, however, sanctioning any practice which would undermine the purpose of the Disclosure Document—to ensure that prospective customers are fully informed in advance about all material facts before committing their funds.

In the adopted rules, the Commission also has reduced to 21 days from 45 days the minimum period of time a Disclosure Document must be pre-filed before its intended use. Section 4.21(g)(1) for CPOs and § 4.31(f)(1) for CTAs. While the Commission did not adopt the proposed specific requirement that the Document could not be delivered if the Commission gave notice that it did not comply with the disclosure rules, the Act or the other regulations thereunder, the Commission does intend to give notice of any such deficiencies it identifies. One commenter suggested that the Commission's staff should work with the CPO or the CTA to cure those deficiencies. The Commission agrees, and by this **Federal Register** release the Commission is instructing its staff, to the extent practicable consistent with other commitments and resource availability, to do so.

Amendments to the Disclosure Document must be distributed, and filed with the Commission, within 21 days after the date upon which a CPO or a CTA knows or should know of the defect requiring the amendment. Section 4.21(g)(2) for CPOs and § 4.31(f)(2) for CTAs. In response to several questions, the Commission wishes to make clear that the pre-filing requirement only applies to the initial Disclosure Document and not to any amendments thereto. Thus, such amendments which change the date of the Document or update the performance information disclosed therein would not have to be pre-filed. Of course, if an amendment substantially revises the Disclosure Document, the CPO or the CTA might find it advisable to pre-file it with the Commission.

The Commission has adopted as proposed new rules that require the Disclosure Document to be dated, that specify the currentness of information in the Document and, for CPOs, that require the Document to be accompanied by the most current Account Statement and Annual Report of the pool for which the CPO is soliciting prospective participants. Sections 4.21(c), 4.21(e) and 4.21(f) for CPOs and §§ 4.31(c) and 4.31(e) for CTAs. The comments were generally supportive of these proposals; however, judging from certain of them on the proposals concerning the currentness of required information in the Disclosure Document, the Commission believes that three clarifications of them are needed.

First, the intent of these rules is to allow the Disclosure Document, including the performance information disclosed therein, to be used for six months after the date thereof. Because performance information must be current "as of a date not more than three months preceding the date of the Document," solicitations may therefore be made using a Document containing a performance record for a period ending up to nine months before those solicitations are made. More frequent updating of the Disclosure Document may be necessary, however, pursuant to the requirement "to disclose all material information . . . even if the information is not specifically required." For example, if the pool or trading program for which a Disclosure Document was being delivered suffered a material drop in performance, the Document might have to be amended to disclose that information, the six-month rule notwithstanding.

Second, the Commission wishes to make clear that a new Disclosure Document does not have to be prepared at the end of each six-month period. Subject to the requirement that a material deficiency be corrected within 21 days, the Document only needs to be revised at the end of the six months to indicate the information that has changed during that period. For example, if the only information that had changed was performance information, the Document would only need to be revised to show that new information, and the new date of the Document. And, as with amendments to the Document, these revisions may be supplied by sticker or other similar means.

Third, it should be noted that the rules only require an updating of a Disclosure Document if the Document is being used

to solicit prospective customers. If no solicitations are being made, there is no need to update the Document. When solicitations resumed, the Document would be required to be updated at that time.

The Commission has determined not to adopt at this time the proposed prohibition on including promotional material in the Disclosure Document. Proposed § 4.21(d) for CPOs and proposed § 4.31(d) for CTAs. Because the term "promotional material" could include information of which a prospective customer should be aware, the Commission is not specifically prohibiting the inclusion of such material in the Disclosure Document.

E. *CPO reporting requirements.* The Commission proposed to make significant revisions to the periodic Account Statements and Annual Reports that all CPOs registered or required to be registered must distribute. Sections 4.22(a) and 4.22(c), respectively. The Commission proposed no change in the required frequency of distribution of the Account Statement. Section 4.22(b). Since the comments on the revisions were on the whole in favor of them, the Commission has adopted the revisions substantially as proposed.

Both the Account Statement and the Annual Report must contain a prescribed affirmation signed by the CPO. Section 4.22(h). Several commenters asked whether each report must contain a manual signature. The Commission believes that a facsimile signature would be appropriate, provided the CPO retains the Account Statement or Annual Report containing the manual signature from which the facsimile was made in accordance with the recordkeeping requirements of § 4.23 and that at least one of the three Annual Reports required to be filed with the Commission is manually signed. One commenter recommended that the rules prescribing the Account Statement and the Annual Report alert CPOs to the affirmation requirement. The Commission believes that this is a useful suggestion and has incorporated it into §§ 4.22(a) and 4.22(c).

Two persons recommended that the Commission prescribe a specific form for the Account Statement. The Commission is declining at this time to take such action, because it may not be possible to specify in such a form all of the variables applicable to the Account Statement. Instead, the Commission invites interested CPOs to submit their Account Statements to its staff for review of the form thereof.

The financial statements that the Annual Report must contain must be certified by an independent public accountant. Section 4.22(d). Under the former rules, these statements were not required to be certified if (1) the pool had less than $50,000 in average net asset values for the first six months of its fiscal year, or (2) there were no more than 15 participants in the pool at any time during its fiscal year. The revised rules, as proposed and as adopted, do not contain such exemptions from the certification requirement. Many commenters argued that deleting these exemptions could subject small pools to disproportionately large accounting fees. The Commission believes this concern has been adequately addressed by the increase in the availability of an exemption from registration as a CPO—*i.e.*, a person can accept up to $200,000 in gross capital contributions for the purchase of interests in the one pool (or in all the pools) it operates before registration as a CPO is required of it. Until registration is required, the person is not required to prepare and distribute an Annual Report.

The Commission recognizes that adopting a requirement that all Annual Reports be certified could work a hardship on those operators of small pools who previously qualified for an exemption from the certification requirement. To avoid any such hardship, the Commission has determined that it will not take enforcement action against any such person for failure to distribute and file a certified Annual Report, provided such person qualifies for an exemption from registration as a CPO under the new rules and does not apply for re-registration as a CPO at the end of the current registration period. That person must, however, distribute and file an uncertified Annual Report for each pool it operates within 90 days after the end of each such pool's fiscal year. This position applies to any fiscal year which commenced on a date from July 1, 1980 through June 30, 1981.

Several commenters asked the Commission to specify what information should be contained in the footnotes to the financial statements required in the Annual Report. Those footnotes must contain all of the information specifically required by generally accepted accounting principles as well as any other information necessary to make the financial statements not misleading. For example, if the pool was not being operated in accordance with the information on fees, commissions and other expenses as stated in the pool's Disclosure Document, such information should be fully disclosed in a footnote. Because of the many variables involved and because circumstances may change, the Commission cannot specifically prescribe in this Federal Register release all of the information that the footnotes must contain.

The Commission also has adopted as proposed an increase to 90 days from 60 days after the close of the pool's fiscal year within which the Annual Report must be filed and a procedure for requesting an extension of time within which to file the Annual Report. Sections 4.22(c) and 4.22(f), respectively. The Commission cautions, however, that any such extension will be granted only in the most extenuating of circumstances.

Finally, to assist in monitoring compliance with the Annual Report requirement, the Commission has added a new provision that requires each registered CPO that has not operated a pool during any calendar year to file a statement to that effect within 30 days after the end of such calendar year. Section 4.22(c).

F. *Record-keeping.* The Commission also proposed certain revisions to the record-keeping requirements under Part 4. Section 4.23 for CPOs and § 4.32 for CTAs. With the exception of certain changes discussed below, the Commission has adopted those revisions as proposed.

First, the Commission has increased the amount of time within which a CPO or a CTA whose main business office is located outside of the United States must produce required records within the United States. Section 4.23 for CPOs and § 4.32 for CTAs. The amount of that time as proposed was 24 hours after receipt of such a request from a Commission representative. Several commenters stated that the proposed time did not recognize the logistical problems that the transmittal of such records could present. As adopted, the record-keeping rules take these problems into account by requiring that the requested books and records be produced in the United States within 72 hours after receipt of a request for them.

Second, the Commission has deleted the requirement that trading records be kept "in the form of a journal of original entry or other equivalent record." Sections 4.23(a)(1) and 4.23(b)(1) for CPOs and §§ 4.32(a)(5) and 4.32(b)(1) for CTAs. The Commission has taken this action to allow the keeping of trading records by the maintenance, in an orderly and chronological manner, of confirmations, purchase and sale statements and monthly statements received from an FCM. It should be noted that the revised record-keeping rules specifically require the keeping of

confirmation and monthly statements received from an FCM. Sections 4.23(a)(7) and 4.23(b)(2) for CPOs and §§ 4.32(a)(8) and 4.32(b)(2) for CTAs.[10]

Third, the Commission has amended those record-keeping rules that require the maintenance of the original or a copy of all material that a CPO or a CTA distributes. Section 4.23(a)(9) for CPOs and § 4.32(a)(7) for CTAs. Specifically, the Commission has incorporated into these rules the suggestion of one commenter that the material show the "*first* date of distribution." This amendment makes clear that the rules require the keeping of the original or a copy of the first piece of material so distributed, and not the keeping of a copy each subsequent time the same material is distributed. In response to other comments, the Commission also wishes to make clear that where material is distributed through "television, seminar or similar mass media presentations", the rules only require the keeping of the texts of those presentations. They do not require, as one commenter thought, the keeping of video tapes or other similar memorializations of such presentations.

While the Commission has adopted as proposed new rules that require CPOs and CTAs to keep books and records on their other business activities, in light of the comments received on the proposals the Commission believes the following explanation of them is appropriate. Section 4.23(b)(3) for CPOs and § 4.32(b)(3) for CTAs. Several commenters questioned the Commission's authority to adopt such requirements. This authority is clearly found in Section 4n(3)(A) of the Act, which specifies that each registered CPO and CTA "shall maintain books and records and file such reports in such form and manner as may be prescribed by the Commission." These persons also argued that the additional record-keeping requirements could conflict with those of other regulatory agencies. The Commission does not agree with this argument. To the contrary, the Commission finds that these new rules only require what may already be required by such other agencies. Finally, the Commission wishes to emphasize that it does not intend to make routine inspections of the additional records required by the rules. These records are intended to be inspected only where the other required books and records indicate that such additional inspection is necessary. For example, if in inspecting the books and records that a CPO must keep for its pool the Commission finds a deficiency in the assets of the pool, the Commission would then inspect the books and records of the CPO's other activities to determine whether the missing assets were placed into them.

G. *Advertising of past performance results.* In proposing revisions to the Part 4 rules the Commission proposed to add a new Part D thereunder, pertaining to the advertising of actual, simulated or hypothetical past performance results of CPOs, CTAs, and their principals. While the Commission has adopted a new Part D, its provisions have been revised from those proposed.

With respect to the advertising of past performance results, the Commission has determined not to adopt at this time a rule that would specify a uniform manner of presentation of those results. Instead, the Commission has adopted a rule that leaves to the discretion of the person advertising performance results—whether actual, simulated or hypothetical—the format of that presentation, so long as that format is not false, misleading or deceptive. Section 4.41(a). While it is not possible to identify every advertisement that is prohibited by the rule, the Commission wishes to give notice, however, that it considers the following advertisements, among others, to be prohibited: (1) references only to successful trades, if during the same time period, trades which were unsuccessful were also recommended or executed; (2) references to the results during a specific time period, if the results claimed were not fairly representative of results achieved for comparable periods; (3) suggestions, assurances or claims of profit potential that do not also fairly present the possibility of loss; (4) statements of opinions or predictions which are not clearly labeled as such or which have no reasonable basis in fact; and (5) failure to disclose whether, and to what extent, fees, commissions and other expenses are reflected in the past performance results. The Commission emphasizes that the foregoing is offered by way of guidance and should not be taken as an all-inclusive list of the advertisements proscribed by § 4.41(a).

Also with respect to the advertising of simulated or hypothetical past performance results, the Commission has determined not to adopt at this time a rule that would prohibit such advertising. Instead, the Commission has adopted a rule that allows the presentation of those results, provided that the presentation is accompanied by the statement prescribed in the rule. Section 4.41(b). This statement is intended to alert prospective customers to the limitations inherent in simulated and hypothetical past performance results.

Finally, the scope of these new rules on advertising should be noted. Section 4.41(c). First, they apply to both oral and written material (including Disclosure Documents). Second, the fact that the CPO or the CTA (or the principals thereof) for whom past performance is presented is not registered as such does not affect the applicability of the rules to that presentation.

H. *Prohibited activities.* The Commission also proposed, and has adopted, new rules that prohibit CPOs and CTAs from engaging in certain activities.

Under section 4*o*(2) of the Act, CPOs and CTAs are prohibited from representing that they have been approved or that their qualifications or abilities have been passed upon by the Federal government or any agency or officer thereof. The Commission has adopted as proposed a new rule that extends this prohibition to the principals of CPOs and CTAs and to persons who solicit on behalf of CPOs and CTAs. Section 4.16. Two commenters noted that section 4*o*(2) does, however, allow a person to state that it is registered as a CPO or as a CTA, if such statement is true in fact and if the effect of such registration is not misrepresented. The Commission wishes to make clear that the adoption of § 4.16 does not diminish in any way the right to make such statement under the terms and conditions specified in section 4*o*(2).

The Commission also has adopted as proposed new rules that require a CPO to operate its pool as a separate legal entity, that require pool funds to be received in the pool's name, and that prohibit a CPO from commingling pool property with the property of any other person. Sections 4.20(a), 4.20(b) and 4.20(c), respectively. While the comments received on the proposed rules generally supported them, certain persons requested additional clarifications of them. Specifically, these persons asked the Commission to clarify the application of the requirement that a CPO operate its pool as a separate legal entity to a commodity pool organized as a corporation. The CPO of a pool organized as a corporation might be the members of the corporation's Board of Directors or the chief executive and financial officers of the corporation. But because the answer to this question depends on the particular facts of each case the Commission cannot specify

[10] Formerly, FCMs were not required to send this information to a CTA for each account the CTA advised. Under revised § 1.33(c), announced in a separate **Federal Register** release issued today, FCMs now are required to provide CTAs with this information for those accounts.

without exception who the CPO of a corporate pool is. The Commission does believe, however, as is stated in § 4.20(a), that the corporation itself is not the CPO. Also, it should be noted that because § 4.20(b) requires that all funds a CPO receives for the purchase of, or as an assessment on, an interest in the CPO's pool must specifically be made payable to that pool, the rule prohibits a CPO from accepting or receiving funds made payable to the CPO for the account of the pool or to an account denominated as the CPO's "customers' segregated fund."

Finally, the Commission proposed and has adopted a rule that similarly prohibits a CTA from accepting money or extending credit in its own name to margin, guarantee or secure a commodity interest unless registered as an FCM under the Act. Section 4.30. Two commenters on the proposal recommended that it take into account the fact that, absent any other specific registration requirements, some leverage transaction merchants have registered with the Commission as CTAs. The Commission finds this recommendation a sensible one, and the rule as adopted also excludes leverage transaction merchants from its application.

III. Delegation of Authority

The Commission also is amending Part 140 of its regulations to provide a new § 140.93. This new rule delegates to the Director of the Division of Trading and Markets, and to such members of the Commission's staff acting under his direction as he may designate, the authority to perform certain functions reserved to the Commission under §§ 4.12, 4.22(f) and 4.22(g). It should be noted that § 140.93 empowers the Director of the Division of Trading and Markets to submit any matter which has been delegated to him under this rule to the Commission for its consideration whenever such action is deemed to be appropriate and specifically reserves to the Commission the right to exercise the authority delegated under the rule.

Section 4.12 provides that the Commission may exempt any person or any class or classes of persons from any provision of Part 4 if it finds that the exemption is not contrary to the public interest and the purpose of the provision from which the exemption is sought. Section 4.12 further provides that the Commission may grant the exemption subject to such terms and conditions as it may find appropriate.[11]

As discussed above, § 4.22(c) provides that each CPO registered or required to be registered under the Act must distribute an Annual Report to each participant in each pool that it operates, and must file three copies of the Report with the Commission, within 90 days after the end of the pool's fiscal year. Section 4.22(f)(1) provides that in the event the CPO finds that it cannot distribute the Annual Report within the time specified in § 4.22(c) without substantial undue hardship, it may file with the Commission an application for extension of time to a specified date not more than 90 days after the date as of which the Annual Report was to have been distributed. Section 4.22(f)(3) requires the Commission to notify the CPO of the grant or denial of the requested extension, or to indicate to the CPO that additional time is required to analyze the request.

Section 4.22(g)(1) permits a CPO to initially elect any fiscal year for a pool, so long as the first fiscal year does not end more than one year after the pool's formation. Section 4.22(g)(2) provides that if a CPO elects a fiscal year other than the calendar year, it must give written notice of the election to all participants and must file the notice with the Commission within 90 days after the date of the pool's formation. If this notice is not given, the CPO will be deemed to have elected the calendar year as the pool's fiscal year. Section 4.22(g)(3) requires the CPO to continue to use the elected fiscal year for the pool unless it provides written notice of any proposed change to all participants and files such notice with the Commission at least 90 days before the change and the Commission does not disapprove the change within 30 days after the filing of the notice.

The Commission has adopted § 140.93 because it finds that the actions authorized under §§ 4.12, 4.22(f)(3) and 4.22(g)(3) can be performed most efficiently and expeditiously by Commission staff. Section 140.93 is effective immediately. The Commission finds that the rule relates solely to agency practice and procedure and that notice of proposed rulemaking and opportunity for public participation are not required. The foregoing is in accordance with the Administrative Procedure Act, as codified, 5 U.S.C. 553.

In consideration of the foregoing and pursuant to the authority contained in sections 2(a)(1), 4b, 4c, 4*l*, 4m, 4n, 4*o*, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 6b, 6c, 6*l*, 6m, 6n, 6*o*, 12a and 23, as amended, 92 Stat. 865 *et seq.*, the Commission hereby revises Part 4 and Part 140 of Chapter 1 of 17 CFR. In adopting these rules, the Commission has taken into consideration the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the regulatory objectives of the Commodity Exchange Act.

1. Part 4 is revised to read as follows:

PART 4—COMMODITY POOL OPERATORS AND COMMODITY TRADING ADVISORS

Subpart A—General Provisions, Definitions and Exemptions

Sec.
4.1 Requirements as to form.
4.2 Requirements as to filing.
4.3–9 [Reserved]
4.10 Definitions.
4.11 Exemption from section 4n(3)(B).
4.12 Exemption from provisions of Part 4.
4.13 Exemption from registration as a commodity pool operator.
4.14 Exemption from registration as a commodity trading advisor.
4.15 Continued applicability of antifraud and reparation sections.
4.16 Prohibited representations.

Subpart B—Commodity Pool Operators

4.20 Prohibited activities.
4.21 Disclosure to prospective pool participants.
4.22 Reporting to pool participants.
4.23 Record-keeping.

Subpart C—Commodity Trading Advisors

4.30 Prohibited activities.
4.31 Disclosure to prospective clients.
4.32 Record-keeping.

Subpart D—Advertising

4.40 [Reserved]
4.41 Advertising by commodity pool operators, commodity trading advisors, and the principals thereof.

Authority: Secs. 2(a)(1), 4b, 4c, 4*l*, 4m, 4n, 4*o*, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 6b, 6c, 6*l*, 6m, 6n, 6*o*, 12a and 23, as amended, 92 Stat. 865 *et seq.*

Subpart A—General Provisions, Definitions and Exemptions

§ 4.1 Requirements as to form.

(a) Each document distributed pursuant to this Part 4 must be:

(1) Clear and legible;

(2) Paginated; and

(3) Fastened in a secure manner.

(b) Information that is required to be "prominently" disclosed under this Part 4 must be displayed in capital letters and in boldface type.

§ 4.2 Requirements as to filing.

(a) All material filed with the Commission under this Part 4 must be

[11] Of course, the delegation of authority to exempt under § 4.12 could not be used to broaden the exemptions from registration contained in Part 4. *See* § 4.13 for CPOs and § 4.14 for CTAs. This delegation of authority only applies to the requirements imposed under the provisions of Part 4.

filed with the Commission at its Washington, D.C. office (Att: Special Counsel, Front Office Audit Unit, Division of Trading and Markets, C.F.T.C., 2033 K Street N.W., Washington, D.C. 20581).

(b) All such material shall be considered filed when received by the Commission at the address specified in paragraph (a) of this section.

§ 4.3–9 [Reserved]

§ 4.10 Definitions.

For purposes of this part:

(a) "Commodity interest" means:

(1) Any contract for the purchase or sale of a commodity for future delivery; and

(2) Any contract, agreement or transaction subject to Commission regulation under section 4c or 19 of the Act.

(b) "Net asset value" means total assets minus total liabilities, determined in accord with generally accepted accounting principles, with each position in a commodity interest accounted for at fair market value.

(c) "Participant" means any person that has any direct financial interest in a pool (*e.g.*, a limited partner).

(d) "Pool" means any investment trust, syndicate or similar form of enterprise operated for the purpose of trading commodity interests.

(e) "Principal," when referring to a person that is a principal of a particular entity, means:

(1) Any person including, but not limited to, a sole proprietor, general partner, officer or director, or person occupying a similar status or performing similar functions, having the power, directly or indirectly, through agreement or otherwise, to exercise a controlling influence over the activities of the entity;

(2) Any holder of more than ten percent of the outstanding shares of any class of stock of the entity; and

(3) Any person who has contributed more than ten percent of the capital of the entity.

(f) "Direct," as used in the context of trading commodity interest accounts, refers to agreements whereby a person is authorized to cause transactions to be effected for a client's commodity interest account without the client's specific authorization.

(g) "Trading program" refers to the program pursuant to which a person (1) directs a client's commodity interest account, or (2) guides the client's commodity interest trading by means of a systematic program that recommends specific transactions.

§ 4.11 Exemption from section 4n(3)(B).

The provisions of section 4n(3)(B) of the Act shall not apply to any commodity pool operator or commodity trading advisor that is registered under the Act as such or that is exempt from such registration.

§ 4.12 Exemption from provisions of Part 4.

The Commission may exempt any person or any class or classes of persons from any provision of this Part 4 if it finds that the exemption is not contrary to the public interest and the purposes of the provision from which the exemption is sought. The Commission may grant the exemption subject to such terms and conditions as it may find appropriate.

§ 4.13 Exemption from registration as a commodity pool operator.

(a) A person is not required to register under the Act as a commodity pool operator if:

(1) (i) It does not receive any compensation or other payment, directly or indirectly, for operating the pool, except reimbursement for the ordinary administrative expenses of operating the pool;

(ii) It operates only one commodity pool at any time;

(iii) It is not otherwise required to register with the Commission and is not a business affiliate of any person required to register with the Commission; and

(iv) Neither the person nor any other person involved with the pool does any advertising in connection with the pool (for purposes of this section, advertising includes the systematic solicitation of prospective participants by telephone or seminar presentation); or

(2) (i) The total gross capital contributions it receives for units of participation in all of the pools that it operates or that it intends to operate do not in the aggregate exceed $200,000; and

(ii) None of the pools operated by it has more than 15 participants at any time. For purposes of computing the number of participants for paragraph (a)(2)(ii) of this section, the following participants shall be excluded:

(A) The pool's operator, commodity trading advisor, and the principals thereof; and

(B) Any relative, spouse or relative of such spouse living in the same household as such participant.

(b) (1) No person who is exempt from registration as a commodity pool operator under paragraph (a)(1) or (a)(2) of this section and who is not registered as such pursuant to that exemption may, directly or indirectly, solicit, accept or receive funds, securities or other property from any prospective participant in a pool that it operates or that it intends to operate unless, on or before the date it engages in that activity, the person delivers or causes to be delivered to the prospective participant a written statement that must disclose this fact as follows: "The commodity pool operator of this pool is not required to register, and has not registered, with the Commodity Futures Trading Commission. Therefore, unlike a registered commodity pool operator, this commodity pool operator is not required by the Commission to furnish a Disclosure Document, periodic Account Statements, and an Annual Report to participants in the pool." The person must describe in the statement the exemption pursuant to which it is not registered as a commodity pool operator and must manually sign the statement.

(2) Each person who is exempt from registration as a commodity pool operator under paragraph (a)(1) or (a)(2) of this section and who is not registered as such pursuant to that exemption must:

(i) (A) Promptly furnish to each participant in each pool that it operates a copy of the monthly statement for the pool that such person received from a futures commission merchant pursuant to § 1.33, and

(B) Clearly show on such statement, or on an accompanying supplemental statement, the net profit or loss on all contracts closed since the date of the previous statement; and

(ii)(A) Maintain all books and records prepared in connection with its activities as a commodity pool operator for a period of five years from the date of preparation, and

(B) Keep such books and records readily accessible during the first two years of the five-year period. All such books and records shall be open to inspection by any representative of the Commission or the United States Department of Justice.

(c) Each person who applies for registration as a commodity pool operator must include with its initial application the financial statements and other information required by § 4.22(c)(1) through (5) for each pool it operates when such application is made. That information must be presented and computed in accordance with generally accepted accounting principles consistently applied. If the person is granted registration as a commodity pool operator, it must comply with this Part 4 with respect to each pool it operates. The provisions of this

paragraph (c) shall apply even though such person was exempt from registration as a commodity pool operator pursuant to the provisions of paragraph (a) of this section at the time it applied for registration.

(d) If a person exempt from registration under the Act as a commodity pool operator under paragraph (a)(1) or (a)(2) of this section registers as a commodity pool operator, that person must comply with this Part 4 as if such person were not exempt from registration as a commodity pool operator.

§ 4.14 Exemption from registration as a commodity trading advisor.

(a) A person in not required to register under the Act as a commodity trading advisor if:

(1) It is a dealer, processor, broker, or seller in cash market transactions of any commodity (or product thereof) and the person's commodity trading advice is solely incidental to the conduct of its cash market business;

(2) It is a non-profit, voluntary membership, trade association or farm organization and the person's commodity trading advice is solely incidental to the conduct of its business as such association or organization;

(3) It is registered under the Act as an associated person and the person's commodity trading advice is issued solely in connection with its employment as an associated person;

(4) It is registered under the Act as a commodity pool operator and the person's commodity trading advice is directed solely to, and for the sole use of, the pool or pools for which it has so registered; or

(5) It is exempt from registration as a commodity pool operator and the person's commodity trading advice is directed solely to, and for the sole use of, the pool or pools for which it is so exempt.

(b) For purposes of this section, "cash market transactions" shall not include transactions involving contracts for the purchase or sale of a commodity for future delivery or transactions subject to Commission regulation under section 4c or 19 of the Act.

(c) If a person exempt from registration under the Act as a commodity trading advisor under paragraph (a) of this section registers as a commodity trading advisor, that person must comply with this Part 4 as if such person were not exempt from registration as a commodity trading advisor.

§ 4.15 Continued applicability of antifraud and reparation sections.

The provisions of sections 4*o* and 14 of the Act shall apply to any person even though such person is exempt from registration under this Part 4, and it shall continue to be unlawful for any such person to violate section 4*o* of the Act.

§ 4.16 Prohibited representations.

It shall be unlawful for any commodity pool operator, commodity trading advisor, principal thereof or person who solicits therefor to represent or imply in any manner whatsoever that such commodity pool operator or commodity trading advisor has been sponsored, recommended or approved, or that its abilities or qualifications have in any respect been passed upon, by the Commission, the Federal government or any agency thereof.

Subpart B—Commodity Pool Operators

§ 4.20 Prohibited activities.

(a) A commodity pool operator must operate its pool as an entity cognizable as a legal entity separate from that of the pool operator.

(b) All funds, securities or other property received by a commodity pool operator from an existing or prospective pool participant for the purchase of an interest or as an assessment (whether voluntary or involuntary) on an interest in a pool that it operates or that it intends to operate must be received in the pool's name.

(c) No commodity pool operator may commingle the property of any pool that it operates or that it intends to operate with the property of any other person.

§ 4.21 Disclosure to prospective pool participants.

(a) No commodity pool operator registered or required to be registered under the Act may, directly or indirectly, solicit, accept or receive funds, securities or other property from a prospective participant in a pool that it operates or that it intends to operate unless, on or before that date it engages in that activity, the commodity pool operator delivers or causes to be delivered to the prospective participant a Disclosure Document for the pool, in such form as the Commission may prescribe, containing the following information:

(1)(i) The name, address of the main business office, main business telephone number and form of organization of the pool. If the address of the main business office is a post office box number, the pool operator must state where the pool's books and records will be kept;

(ii) The name, address of the main business office, main business telephone number and form of organization of the commodity pool operator. If the address of the main business office is a post office box number, the pool operator must state where its books and records will be kept;

(iii) The name of each principal of the pool operator;

(iv) The name of the pool's commodity trading advisor;

(v) The name of each principal of the trading advisor;

(vi) The name of the person who will make the trading decisions for the pool; and

(vii) If known, the name of the futures commission merchant through which the pool will execute its trades.

(2) The business background, for the five years preceding the date of the Document, of:

(i) The commodity pool operator;

(ii) Each principal of the pool operator;

(iii) The pool's commodity trading advisor; and

(iv) Each principal of the pool's commodity trading advisor.

The pool operator must include in the description of the business background of each such person the name and main business of that person's employers, business associations or business ventures and the nature of the person's duties performed for the employers or in connection with the associations or ventures.

(3)(i) Any actual or potential conflict of interest regarding any aspect of the pool on the part of:

(A) The commodity pool operator;

(B) Any principal of the pool operator;

(C) The pool's commodity trading advisor;

(D) Any principal of the trading advisor;

(E) Any futures commission merchant through which the pool's trades will be executed; or

(F) Any principal of the futures commission merchant.

Included in the description of such conflict shall be any arrangement whereby the commodity pool operator, commodity trading advisor, or the principals thereof may benefit, directly or indirectly, from the maintenance of the pool's account with a futures commission merchant.

(ii) If there is any such actual or potential conflict of interest, the pool operator must fully describe the nature of the conflict.

(iii) If there is no such actual or potential conflict of interest on the part

of any of the foregoing persons, the pool operator must make a statement to that effect with respect to each such person.

(4) The actual performance record of the commodity pool operator and of each of its principals as specified below; *Provided, however,* That nothing in this § 4.21(a)(4) shall be construed to prohibit a commodity pool operator from disclosing additional information on such performance record so long as the pool operator complies with each of the specified requirements of this § 4.21(a)(4).

(i) The commodity pool operator must comply with this § 4.21(a)(4) as follows: If commodity interests have been traded by the pool for which the commodity pool operator is soliciting participants, the pool operator must comply with paragraph (a)(4)(i)(A) of this section if that trading has been for 12 months or more preceding the date of the Disclosure Document, or with paragraph (a)(4)(i)(B) of this section if that trading has been for less than 12 months preceding the date of the Document. If commodity interests have not been traded by the pool for which the commodity pool operator is soliciting participants, the pool operator must comply with paragraph (a)(4)(i)(C) of this section.

(A) If the pool for which the commodity pool operator is soliciting participants has traded commodity interests for 12 months or more preceding the date of the Document, the pool operator must disclose the actual performance of the pool for its entire operating history; *Provided, however,* That if the pool has traded commodity interests for more than three years preceding the date of the Document, the pool operator need only disclose the actual performance for such preceding three years.

(B) If the pool for which the commodity pool operator is soliciting participants has traded commodity interests for less than 12 months preceding the date of the Document, the pool operator must disclose the actual performance of the pool for its entire operating history and also must present the actual performance for the three years preceding the date of the Document of each other pool operated by it and by each of its principals; *Provided, however,* That if the pool operator and its principals previously have not operated any other pool, the pool operator must disclose these facts with a prominent statement as follows: "THE COMMODITY FUTURES TRADING COMMISSION REQUIRES THE OPERATOR OF A POOL THAT HAS TRADED COMMODITY INTERESTS FOR LESS THAN 12 MONTHS TO DISCLOSE THE ACTUAL PERFORMANCE RECORD OF THE POOL FOR ITS ENTIRE OPERATING HISTORY AND THE ACTUAL PERFORMANCE RECORD OF EACH OTHER POOL OPERATED BY THE POOL OPERATOR AND ITS PRINCIPALS. YOU SHOULD NOTE THAT THE ACTUAL PERFORMANCE RECORD OF THIS POOL REPRESENTS ITS ENTIRE OPERATING HISTORY. A PERIOD OF ONLY——— MONTHS. YOU ALSO SHOULD NOTE THAT THIS POOL OPERATOR AND ITS PRINCIPALS PREVIOUSLY HAVE NOT OPERATED ANY OTHER COMMODITY POOL." If the commodity pool operator is a sole proprietorship, reference to its principals may be deleted from the prescribed statement.

(C) If the pool for which the commodity pool operator is soliciting participants has not commenced trading commodity interests, the pool operator must disclose this fact with a prominent statement as follows: "THE COMMODITY FUTURES TRADING COMMISSION REQUIRES A COMMODITY POOL OPERATOR TO DISCLOSE TO PROSPECTIVE POOL PARTICIPANTS THE ACTUAL PERFORMANCE RECORD OF THE POOL FOR WHICH THE OPERATOR IS SOLICITING PARTICIPANTS. YOU SHOULD NOTE THAT THIS POOL HAS NOT BEGUN TRADING AND DOES NOT HAVE ANY PERFORMANCE HISTORY." The pool operator also must present the actual performance for the three years preceding the date of the Document of each other pool operated by it and by each of its principals; *Provided, however,* That if the pool operator and its principals previously have not operated any other pool, the pool operator must disclose this fact with a prominent statement as follows: "WHERE THE POOL FOR WHICH THE POOL OPERATOR IS SOLICITING PARTICIPANTS HAS NOT BEGUN TRADING, THE COMMISSION REQUIRES THE POOL OPERATOR TO DISCLOSE TO PROSPECTIVE PARTICIPANTS THE ACTUAL PERFORMANCE RECORD OF EACH OTHER POOL OPERATED BY THE POOL OPERATOR AND ITS PRINCIPALS. YOU ALSO SHOULD NOTE THAT THIS POOL OPERATOR AND ITS PRINCIPALS PREVIOUSLY HAVE NOT OPERATED A COMMODITY POOL." If the commodity pool operator is a sole proprietorship, reference to its principals may be deleted from the prescribed statement.

(ii) The presentation of actual performance must be displayed in a table showing at least quarterly the following information, current as of a date not more than three months preceding the date of the Document:

(A) The beginning net asset value for the period, which shall represent the previous period's ending net asset value;

(B) All additions, whether voluntary or involuntary, during the period;

(C) All withdrawals and redemptions, whether voluntary or involuntary, during the period;

(D) The net performance for the period, which shall represent the change in the net asset value net of additions, withdrawals and redemptions;

(E) The ending net asset value for the period, which shall represent the beginning net asset value plus or minus additions, withdrawals and redemptions, and net performance;

(F) The rate of return for the period, which shall be calculated by dividing the net performance by the beginning net asset value; and

(G) The number of units outstanding at the end of the period.

(iii) The commodity pool operator must describe the material differences among the pools for which past performance is disclosed pursuant to paragraph (a)(4)(i) of this section.

(iv) The commodity pool operator may present the actual performance of the pools operated by each such person for whom such performance is disclosed pursuant to paragraph (a)(4)(i) of this section on an individual basis or on a composite basis; *Provided, however,* That if the commodity pool operator presents that performance on a composite basis, it must:

(A) Separately disclose the actual performance of the pool for which it is soliciting participants;

(B) Present in a composite separate and apart from any other composite the actual performance of all other pools operated by the commodity pool operator and directed by the pool's commodity trading advisor and by any principals of the trading advisor; and

(C) Describe how each composite was developed and disclose material information from which the composite was drawn.

(5) The actual performance record of the pool's commodity trading advisor and of each of its principals as specified below; *Provided, however,* That nothing in paragraph (a)(5) of this section shall be construed to prohibit a commodity pool operator from disclosing additional information on such performance record so long as the pool operator complies with each of the specified requirements of this paragraph (a)(5).

(i) The commodity pool operator must disclose the actual performance for the three years preceding the date of the Document of all accounts other than the pool directed by the pool's commodity trading advisor and by each of its principals; *Provided, however,* That if the pool for which the pool operator is soliciting participants has not

commenced trading commodity interests and the pool's trading advisor and its principals previously have not directed an account, the pool operator must disclose this fact with a prominent statement as follows: "THE COMMISSION ALSO REQUIRES THE POOL OPERATOR TO DISCLOSE THE ACTUAL PERFORMANCE RECORD OF ALL ACCOUNTS FOR WHICH THE POOL'S TRADING ADVISOR AND ITS PRINCIPALS HAVE HAD THE AUTHORITY TO CAUSE TRANSACTIONS TO BE EFFECTED WITHOUT CLIENTS' SPECIFIC AUTHORIZATION. YOU ALSO SHOULD NOTE THAT THIS POOL'S TRADING ADVISOR AND ITS PRINCIPALS PREVIOUSLY HAVE NOT HAD SUCH AUTHORITY." If the pool's commodity trading advisor is a sole proprietorship, reference to its principals may be deleted from the prescribed statement.

(ii) The presentation of actual performance must be displayed in a table showing at least quarterly the information required under paragraph (a)(4)(ii) (A) through (F) of this section, current as of a date not more than three months preceding the date of the Document.

(iii) In presenting actual performance the commodity pool operator may present the actual performance of the accounts directed by each such person for whom such performance is disclosed pursuant to paragraph (a)(5)(i) of this section on an individual basis or on a composite basis.

(A) The commodity pool operator must describe the material differences among those accounts, and

(B) If that performance is presented on a composite basis, the pool operator must describe how each composite was developed and must disclose material information from which the composite was drawn.

(6)(i) The extent of any ownership or beneficial interest in the pool held by:

(A) The commodity pool operator;

(B) Any principal of the pool operator;

(C) The pool's commodity trading advisor; or

(D) Any principal of the trading advisor.

(ii) If any of the foregoing persons does not own any such interest in the pool, the pool operator must make a statement to that effect with respect to each such person.

(7) A complete description of each kind of expense which the commodity pool operator knows or should know has been incurred by the pool for its preceding fiscal year or is expected to be incurred by the pool in its current fiscal year, including, but not limited to, fees for management, trading advice, brokerage commissions, legal advice, accounting services and organizational services; *Provided, however,* That if any such information is contained in an Annual Report which accompanies the Disclosure Document pursuant to paragraph (f) of this section, the pool operator need not also include that information in the Disclosure Document.

(i) The pool operator must specify the actual dollar amount of each such expense for the pool's preceding fiscal year and, wherever possible, the estimated dollar amount of each such expense for the pool's current fiscal year.

(ii) Where any expense is determined by reference to a base amount term including, but not limited to, "net assets," "gross profits," "net profits" or "net gains," the pool operator must specifically define each such term.

(iii) Where any fee is based on an increase in the value of the pool, the pool operator must specify how the increase is calculated, the period of time during which the increase is calculated, the fee to be charged at the end of that period and the value of the pool at which payment of the fee commences.

(iv) Where any expense of the pool has been paid or is to be paid by a person other than the pool, the pool operator must disclose the nature and amount of that expense and the person who paid or who is expected to pay it.

(8)(i)(A) The minimum aggregate amount of funds that will be necessary for the pool to commence trading commodity interests, or

(B) If there is no such minimum amount, the pool operator must make a statement to that effect; and

(ii)(A) The maximum aggregate amount of funds that may be contributed to the pool, or

(B) If there is no such maximum amount, the pool operator must make a statement to that effect.

(iii)(A) The maximum period of time for which the pool will hold funds prior to the commencement of trading commodity interests, or

(B) If there is no such period of time, the pool operator must make a statement to that effect.

(iv) The disposition of those funds if the pool does not receive the necessary amount to commence trading, including the period of time within which the disposition will be made; and

(v) Where the pool operator will deposit or invest funds received prior to the commencement of trading by the pool. If the pool operator intends to place those funds in an income-generating account or obligation, it must disclose the person to whom that income will be paid.

(9) (i) The manner in which the pool will fulfill its margin requirements. If the pool will fulfill its margin requirements with other than cash, the pool operator must disclose:

(A) The nature of such non-cash items, and

(B) If those items generate income, the person to whom that income will be paid.

(ii) The form in which pool funds not deposited as margin will be held after the commencement of trading by the pool. If those funds will be held in assets other than cash, the pool operator must disclose:

(A) The nature of such non-cash assets, and

(B) If those assets generate income, the person to whom that income will be paid.

(iii) If pool funds not deposited as margin will be held outside of the United States, its territories or possessions, the pool operator must specify where those funds will be held.

(10) (i) (A) A complete description of any restrictions upon the transferability of a participant's interest in the pool.

(B) If there are no such restrictions, the pool operator must make a statement to that effect.

(ii) A complete description of the manner in which a participant may redeem its interest in the pool. That description must specify:

(A) How the redemption value of a participant's interest will be calculated, including the cost associated therewith;

(B) The conditions under which a participant may redeem its interest, including the terms of any notification required; and

(C)(*1*) Any restrictions on the redemption of a participant's interest, or

(*2*) If there are no such restrictions, the pool operator must make a statement to that effect.

(11) The extent to which a participant may be held liable for obligations of the pool in excess of the funds contributed by the participant for the purchase of an interest in the pool.

(12) (i) (A) The pool's policies with respect to the payment of distributions from profits or capital.

(B) The pool's policies with respect to the frequency of such payments.

(ii) The Federal income tax effects of such payments for a participant, including a discussion of the Federal income tax laws applicable to the form of organization of the pool and to such payments therefrom. If a pool specifically is structured to accomplish certain Federal income tax objectives, the commodity pool operator must disclose that information and explain those objectives

(13) (i) Any material administrative, civil or criminal acton within the five yers preceding the date of the Document against:

(A) The commodity pool operator;
(B) Any principal of the pool operator;
(C) The pool's commodity trading advisor;
(D) Any principal of the trading advisor;
(E) The pool's futures commission merchant; or
(F) Any principal of the pool's futures commisson merchant.

(ii) If there has been no such action against any of the foregoing persons, the pool operator must make a statement to that effect with respect to each such person.

(14) Any commission or other fee that is paid or may be paid, directly or indirectly, by the pool, the pool's operator, commodity trading advisor, or the principals thereof, to any person in connection with the solicitation of funds, securities or other property for the pool.

(15) (i) A statement whether trading in commodity interests will be done or is intended to be done for its own account by:
(A) the commodity pool operator;
(B) Any principal of the pool operator;
(C) The pool's commodity trading advisor; or
(D) Any principal of the trading advisor.

(ii) If any of the foregoing persons will trade or intends to trade for its own account, for each such person the pool operator must further disclose whether participant will be permitted to inspect the records of that person's trades.

(iii) If any of the foregoing persons will not trade or does not intend to trade for its own account, the pool operator must make a statement to that effect with respect to each such person.

(16) A statement that the commodity pool operator must provide all participants with monthly or quarterly (whichever applies) statements of account and with a certified annual report of financial condition.

(17) (i) The following Risk Disclosure Statement, to be prominently disclosed as, and the only language on, the first page of the Disclosure Document:

Risk Disclosure Statement

You should carefully consider whether your financial condition permits you to participate in a commodity pool. You may lose a substantial portion or even all of the money you place in the pool.

In considering whether to participate in a commodity pool, you should be aware that trading commodity contracts can quickly lead to large losses as well as gains. Such trading losses can sharply reduce the net asset value of the pool and consequently the value of your interest in the pool. Also, market conditions may make it difficult or impossible for the pool to liquidate a position.

In some cases, commodity pools are subject to substantial charges for management, advisory and brokerage fees. It may be necessary for those pools that are subject to these charges to make substantial trading profits to avoid depletion or exhaustion of their assets. This disclosure document contains a complete description of each expense to be charged this pool.

This brief statement cannot disclose all the risks and other significant aspects of participating in a commodity pool. You should therefore carefully study this disclosure document and commodity trading before you decide to participate in a commodity pool.

(ii) If the potential liability of a participant in the pool is greater than the amount of the participant's contribution for the purchase of an interest in the pool and profits earned thereon, whether distributed or not, the commodity pool operator must make the additional following statement in the Risk Disclosure Statement, to be prominently disclosed as the last paragraph thereof:

Also, before you decide to participate in this pool, you should note that your potential liability as a participant in this pool for trading losses and other expenses of the pool is not limited to the amount of your contribution for the purchase of an interest in the pool and any profits earned thereon. A complete description of the liability of a participant in this pool is explained more fully in this disclosure document.

(18) The following Cautionary Statement, to be prominently disclosed on the cover page of the Document: "The Commodity Futures Trading Commission has not passed upon the merits of participating in this pool nor has the Commission passed on the adequacy or accuracy of this disclosure document."

(b)(1) If the commodity pool operator knows or should know that the Disclosure Document is materially inaccurate or incomplete in any respect, it must correct that defect and must distribute the correction to:
(i) All existing pool participants within 21 calendar days of the date upon which the pool operator first knows or has reason to know of the defect, and
(ii) Each previously solicited prospective pool participant prior to accepting or receiving funds, securities or other property from any such prospective participant.

The pool operator may furnish the correction by way of an amended Document, a sticker on the Document, or other similar means.

(2) The pool operator may not use the Document until such correction has been made.

(c) The commodity pool operator must date each Disclosure Document and amendment thereto as of the date it is first used.

(d) The commodity pool operator may not accept or receive funds, securities or other property from the prospective participant unless the pool operator first receives from the prospective participant an acknowledgement signed and dated by the prospective participant stating that the participant received a Disclosure Document for the pool.

(e)(1) Subject to paragraph (b) of this section, all information contained in the Disclosure Document must be current as of the date of the Document; *Provided, however,* Performance information may be current as of a date not more than three months preceding the date of the Document.

(2) No commodity pool operator may use a Disclosure Document dated more than six months preceding the date of its use.

(f) The commodity pool operator must attach to the Document the most current Account Statement and Annual Report for the pool required to be distributed in accordance with § 4.22.

(g)(1) The commodity pool operator must file with the Commission three copies of the Disclosure Document for each pool that it operates or that it intends to operate not less than 21 calendar days prior to the date the pool operator first intends to deliver the Document to a prospective participant in the pool. The pool operator must specify with the filing the date it first intends to deliver the Document to a prospective participant.

(2) The commodity pool operator must file with the Commission three copies of all subsequent amendments to the Disclosure Document for each pool that it operates or that it intends to operate within 21 calendar days of the date upon which the pool operator first knows or has reason to know of the defect requiring the amendment.

(h) This section does not relieve a commodity pool operator from any obligation under the Act or the regulations thereunder, including the obligation to disclose all material information to existing or prospective pool participants even if the information is not specifically required by this section.

§ 4.22 Reporting to pool participants.

(a) Each commodity pool operator registered or required to be registered under the Act must periodically distribute to each participant in each pool that it operates, within 30 calendar days after the last date of the reporting period prescribed in paragraph (b) of this section, an Account Statement, which shall be presented in the form of a Statement of Income (Loss) and a

Statement of Changes in Net Asset Value, for the prescribed period. These financial statements must be presented and computed in accordance with generally accepted accounting principles consistently applied. The Account Statement must be signed in accordance with paragraph (h) of this section.

(1) The portion of the Account Statement which must be presented in the form of a Statement of Income (Loss) must separately itemize the following information:

(i) The total amount of realized net gain or loss on commodity interest positions liquidated during the reporting period;

(ii) The change in unrealized net gain or loss on commodity interest positions during the reporting period;

(iii) The total amount of net gain or loss from all other transactions in which the pool engaged during the reporting period, including interest and dividends paid on funds not committed to margin the pool's commodity interest positions;

(iv) The total amount of all management fees during the reporting period;

(v) The total amount of all advisory fees during the reporting period;

(vi) The total amount of all brokerage commissions during the reporting period;

(vii) The total amount of other fees for commodity interest and other investment transactions during the reporting period; and

(viii) The total amount of all other expenses incurred or accrued by the pool during the reporting period.

(2) The portion of the Account Statement that must be presented in the form of a Statement of Changes in Net Asset Value must separately itemize the following information:

(i) The net asset value of the pool as of the beginning of the reporting period;

(ii) The total amount of additions to the pool, whether voluntary or involuntary, made during the reporting period;

(iii) The total amount of withdrawals from and redemption of participation units in the pool, whether voluntary or involuntary, for the reporting period;

(iv) The total net income or loss of the pool during the reporting period;

(v) The net asset value of the pool as of the end of the reporting period; and

(vi)(A) The net asset value per outstanding participation unit in the pool as of the end of the reporting period, or

(B) The total value of the participant's interest or share in the pool as of the end of the reporting period.

(3) The Account Statement must also disclose any material business dealings between the pool, the pool's operator, commodity trading advisor, futures commission merchant, or the principals thereof that previously have not been disclosed in the pool's Disclosure Document or any amendment thereto, other Account Statements or Annual Reports.

(b) The Account Statement must be distributed at least monthly in the case of pools with net assets of more than $500,000 at the beginning of the pool's fiscal year, and otherwise at least quarterly; *Provided, however,* That an Account Statement for the last reporting period of the pool's fiscal year need not be distributed if the Annual Report required by paragraph (c) of this section is sent to pool participants within 45 calendar days after the end of the fiscal year. The requirement to distribute an Account Statement shall commence as of the date the pool is formed as specified in paragraph (g)(1) of this section.

(c) Each commodity pool operator registered or required to be registered under the Act must distribute an Annual Report to each participant in each pool that it operates, and must file three copies of the Report with the Commission, within 90 calendar days after the end of the pool's fiscal year; *Provided, however,* That if during any calendar year the commodity pool operator did not operate a commodity pool, the pool operator must so notify the Commission within 30 calendar days after the end of such calendar year. The first fiscal year for which an Annual Report is due shall be the first fiscal year that begins on or after January 1, 1979. The Annual Report must be signed pursuant to paragraph (h) of this section and must contain the following:

(1) The net asset value of the pool as of the end of each of the pool's two preceding fiscal years.

(2)(i) The net asset value per outstanding participation unit in the pool as of the end of each of the pool's two preceding fiscal years, or

(ii) The total value of the participant's interest or share in the pool as of the end of each of the pool's two preceding fiscal years.

(3) A Statement of Financial Condition as of the close of the pool's fiscal year and preceding fiscal year.

(4) Statements of Income (Loss), Changes in Financial Position, and Changes in Ownership Equity, for the period between (i) the later of: (A) the date of the most recent Statement of Financial Condition delivered to the Commission pursuant to this paragraph (c), (B) January 1, 1979, or (C) the date of the formation of the pool, and (ii) the close of the pool's fiscal year, together with Statements of Income (Loss), Changes in Financial Position, and Changes in Ownership Equity for the corresponding period of the previous fiscal year.

(5) Appropriate footnote disclosure and such further material information as may be necessary to make the required statements not misleading.

(d) The financial statements in the Annual Report must be presented and computed in accordance with generally accepted accounting principles consistently applied and must be certified by an independent public accountant. The certification must be in accordance with § 1.16, except that the following requirements of that section shall not apply:

(1) The audit objectives of § 1.16(d)(1) concerning the periodic computation of minimum capital and property in segregation;

(2) All other references in § 1.16 to the segregation requirements; and

(3) Sections 1.16(c)(5), (d)(2), (e)(2), and (f).

(e) The Statement of Income (Loss) required by this section must itemize brokerage commissions, management fees, advisory fees, incentive fees, interest income and expense, total realized net gain or loss from commodity interest trading, and change in unrealized net gain or loss on commodity interest positions during the pool's fiscal year. Gains and losses on commodity interests need not be itemized by commodity or by specific delivery or expiration date.

(f)(1) In the event the commodity pool operator finds that it cannot distribute the Annual Report for a pool that it operates within the time specified in paragraph (c) of this section without substantial undue hardship, it may file with the Commission an application for extension of time to a specified date not more than 90 calendar days after the date as of which the Annual Report was to have been distributed. The application must be made by the pool operator and must:

(i) State the name of the pool for which the application is being made;

(ii) State the reasons for the requested extension;

(iii) Indicate that the inability to make a timely filing is due to circumstances beyond the control of the pool operator, if such is the case, and describe briefly the nature of such circumstances;

(iv) Contain an undertaking to file the Annual Report on or before the date specified in the application; and

(v) Be filed with the Commission prior to the date on which the Annual Report is due.

(2) The application must be accompanied by a letter from the independent public accountant answering the following questions:

(i) What specifically are the reasons for the extension request?

(ii) Do you have any indication from the part of your audit completed to date that would lead you to believe that the commodity pool operator was or is not meeting the segregation or recordkeeping requirements of this Part 4?

(3) Within ten calendar days after receipt of an application for an extension of time, the Commission shall:

(i) Notify the commodity pool operator of the grant or denial of the requested extension, or

(ii) Indicate to the pool operator that additional time is required to analyze the request, in which case the amount of time needed will be specified.

(g)(1) A commodity pool operator may initially elect any fiscal year for a pool, but the first fiscal year may not end more than one year after the pool's formation. For purposes of this section, a pool shall be deemed to be formed as of the date the pool operator first receives funds, securities or other property for the purchase of an interest in the pool.

(2) If a commodity pool operator elects a fiscal year other than the calendar year, it must give written notice of the election to all participants and must file the notice with the Commission within 90 calendar days after the date of the pool's formation. If this notice is not given, the pool operator will be deemed to have elected the calendar year as the pool's fiscal year.

(3) The commodity pool operator must continue to use the elected fiscal year for the pool unless it provides written notice of any proposed change to all participants and files such notice with the Commission at least 90 days before the change and the Commission does not disapprove the change within 30 days after the filing of the notice.

(h)(1) Each Account Statement and Annual Report must contain a signed oath or affirmation that, to the best of the knowledge and belief of the individual making the oath or affirmation, the information contained in the document is accurate and complete; *Provided, however,* That it shall be unlawful for the individual to make such oath or affirmation if the individual knows or should know that any of the information in the document is not accurate and complete.

(2) There must be typed beneath the signed oath or affirmation:

(i) The name of the individual signing the document;

(ii) The capacity in which he is signing;

(iii) The name of the commodity pool operator for whom he is signing; and

(iv) The name of the commodity pool for which the document is being distributed.

(3) If the commodity pool operator is a sole proprietorship, the oath or affirmation must be made by the sole proprietor; if a partnership, by a general partner; and if a corporation, by the chief executive officer or chief financial officer.

§ 4.23 Record-keeping.

Each commodity pool operator registered or required to be registered under the Act must make and keep the following books and records in an accurate, current and orderly manner at its main business office and in accordance with § 1.31. All books and records required by this section except those required by paragraphs (a)(3), (a)(4), (b)(1), (b)(2) and (b)(3) must be made available to participants for inspection and copying during normal business hours at the main business office of the pool operator. Upon request, copies must be sent by mail to any participant within five business days if reasonable reproduction and distribution costs are paid by the pool participant. If the commodity pool operator's main business office is outside of the United States, its territories or possessions, then upon the request of a Commission representative, the pool operator must provide such books and records as requested at the place in the United States, its territories or possessions designated by the representative within 72 hours after the pool operator receives the request.

(a) Concerning the commodity pool:

(1) An itemized daily record of each commodity interest transaction of the pool, showing the date, price, quantity, commodity interest, delivery or expiration month, the futures commission merchant carrying the account, whether the interest was purchased or sold, and, if the transaction liquidated an open position, the gain or loss realized.

(2) A journal of original entry or other equivalent record showing all receipts and disbursements of money, securities and other property.

(3) The acknowledgement specified in § 4.21(d) for each participant in the pool.

(4) A subsidiary ledger or other equivalent record for each participant in the pool showing the participant's name and address and all funds, securities and other property that the pool received from or distributed to the participant.

(5) Adjusting entries and any other records of original entry or their equivalent forming the basis of entries in any ledger.

(6) A general ledger or other equivalent record containing details of all asset, liability, capital, income and expense accounts.

(7) Copies of each confirmation of a commodity futures transaction of the pool, each purchase and sale statement and each monthly statement for the pool received from a futures commission merchant.

(8) Cancelled checks, bank statements, journals, ledgers, invoices, computer generated records, and all other records, data and memoranda prepared or received in connection with the operation of the pool.

(9) The original or a copy of each report, letter, circular, memorandum, publication, writing, advertisement or other literature or advice (including the texts of standardized oral presentations and of radio, television, seminar or similar mass media presentations) distributed or caused to be distributed by the commodity pool operator to any existing or prospective pool participant or received by the pool operator from any commodity trading advisor of the pool, showing the first date of distribution or receipt if not otherwise shown on the document.

(10) A Statement of Financial Condition as of the close of (i) each regular monthly period if the pool had net assets of $500,000 or more at the beginning of the pool's fiscal year, or (ii) each regular quarterly period for all other pools. The Statement must be completed within 30 days after the end of that period.

(11) A Statement of Income (Loss) for the period between (i) the later of: (A) the date of the most recent Statement of Financial Condition furnished to the Commission pursuant to § 4.22(c), (B) April 1, 1979 or (C) the formation of the pool, and (ii) the date of the Statement of Financial Condition required by paragraph (a)(10) of this section. The Statement must be completed within 30 days after the end of that period.

(b) Concerning the commodity pool operator:

(1) An itemized daily record of each commodity interest transaction of the commodity pool operator and each principal thereof, showing the date, price, quantity, commodity interest, delivery or expiration month, person for whom the transaction was effected, the futures commission merchant carrying the account, and whether the interest was purchased or sold.

(2) Each confirmation of a commodity futures transaction, each purchase and sale statement and each monthly statement furnished by a futures commission merchant to (i) the commodity pool operator relating to a personal account of the pool operator, and (ii) each principal of the pool operator relating to a personal account of such principal.

(3) Books and records of all other transactions in all other activities in which the pool operator engages. Those books and records must include cancelled checks, bank statements, journals, ledgers, invoices, computer generated records and all other records, data and memoranda which have been prepared in the course of engaging in those activities.

Subpart C—Commodity Trading Advisors

§ 4.30 Prohibited activities.

No commodity trading advisor may solicit, accept or receive from an existing or prospective client funds, securities or other property in the trading advisor's name (or extend credit in lieu thereof) to margin, guarantee or secure any commodity interest of the client; *Provided, however,* That this section shall not apply to a futures commission merchant that is registered as such under the Act or to a leverage transaction merchant that is registered as a commodity trading advisor under the Act.

§ 4.31 Disclosure to prospective clients.

(a) No commodity trading advisor registered or required to be registered under the Act may solicit or enter into an agreement with a prospective client to direct the client's commodity interest account or to guide the client's commodity interest trading by means of a systematic program that recommends specific transactions, unless the commodity trading advisor, at or before the time it engages in the solicitation or enters into the agreement (whichever is earlier), delivers or causes to be delivered to the prospective client a Disclosure Document for the trading program pursuant to which the trading advisor seeks to direct the client's account or to guide the client's trading, in such form as the Commission may prescribe, containing the following information:

(1)(i) The name, address of the main business office, main business telephone number and form of organization of the commodity trading advisor. If the address of the main business office is a post office box number, the trading advisor must state where its books and records will be kept;

(ii) The name of each principal of the trading advisor;

(iii) A description of the trading program; and

(iv)(A) The name of the futures commission merchant with which the client will be required to maintain its account, or

(B) If the client is free to choose the futures commission merchant with which it will maintain its account, the trading advisor must make a statement to that effect.

(2) The business background, for the five years preceding the date of the Document, of:

(i) The commodity trading advisor; and

(ii) Each principal of the trading advisor.

The trading advisor must include in the description of the business background of each such person the name and main business of that person's employers, business associations or business ventures and the nature of the person's duties performed for the employers or in connection with the associations or ventures.

(3) The actual performance record of the commodity trading advisor and of each of its principals as specified below; *Provided, however,* That nothing in this paragraph (a)(3) shall be construed to prohibit a commodity trading advisor from disclosing additional information on such performance record so long as the trading advisor complies with each of the specified requirements of this paragraph (a)(3).

(i) The commodity trading advisor must disclose the actual performance for the three years preceding the date of the Document of all accounts directed by the commodity trading advisor and by each of its principals; *Provided, however,* That if the trading advisor and its principals previously have not directed an account, the trading advisor must disclose this fact with a prominent statement as follows: "THE COMMODITY FUTURES TRADING COMMISSION REQUIRES A COMMMODITY TRADING ADVISOR TO DISCLOSE TO PROSPECTIVE CLIENTS THE ACTUAL PERFORMANCE RECORD OF ALL ACCOUNTS FOR WHICH THE TRADING ADVISOR AND ITS PRINCIPALS HAVE HAD THE AUTHORITY TO CAUSE TRANSACTIONS TO BE EFFECTED WITHOUT CLIENTS' SPECIFIC AUTHORIZATION. YOU SHOULD NOTE THAT THIS TRADING ADVISOR AND ITS PRINCIPALS PREVIOUSLY HAVE NOT HAD SUCH AUTHORITY." If the commodity trading advisor is a sole proprietorship, reference to its principals may be deleted from the prescribed statement.

(ii) The presentation of actual performance must be displayed in a table showing at least quarterly the information required under § 4.21(a)(4)(ii)(A) through (F), current as of a date not more than three months preceding the date of the Document.

(iii) In presenting actual performance the commodity trading advisor may present the performance of the accounts directed by each such person for whom such performance is disclosed pursuant to paragraph (a)(3)(i) of this section on an individual basis or on a composite basis.

(A) The commodity trading advisor must describe the material differences among those accounts, and

(B) If that performance is presented on a composite basis, the trading advisor must describe how each composite was developed and must disclose material information from which the composite was drawn.

(4) A complete description of each fee which the commodity trading advisor will charge the client.

(i) Wherever possible, the trading advisor must specify the dollar amount of each such fee.

(ii) Where any fee is determined by reference to a base amount term including, but not limited to, "net assets," "gross profits," "net profits" or "net gains," the trading advisor must specifically define each such term.

(iii) Where any fee is based on an increase in the value of the client's commodity interest account, the trading advisor must specify how that increase is calculated, the period of time during which the increase is calculated, the fee to be charged at the end of that period and the value of the account at which payment of the fee commences.

(5)(i) Any actual or potential conflict of interest regarding any aspect of the trading program on the part of:

(A) The commodity trading advisor;

(B) Any principal of the trading advisor;

(C) Any futures commission merchant with which the client will be required to maintain its commodity interest account; or

(D) Any principal of the futures commission merchant.

Included in the description of such conflict shall be any arrangement whereby the trading advisor or any principal thereof may benefit, directly or indirectly, from the maintenance of the client's commodity interest account with a futures commission merchant.

(ii) If there is any such actual or potential conflict of interest, the trading advisor must fully describe the nature of the conflict.

(iii) If any of the foregoing persons does not have any such actual or potential conflict of interest, the trading advisor must make a statement to that effect with respect to each such person.

(6)(i) A statement whether trading in commodity interests will be done or is intended to be done for its own account by:

(A) The commodity trading advisor; or

(B) Any principal of the trading advisor.

(ii) If any of the foregoing persons will trade or intends to trade for its own account, for each such person the commodity trading advisor must further disclose whether clients will be permitted to inspect the records of that person's trades.

(iii) If any of the foregoing persons will not trade or does not intend to trade in commodity interests for its own account, the trading advisor must make a statement to that effect with respect to each such person.

(7)(i) Any material administrative, civil or criminal action within the five years preceding the date of the Document against:

(A) The commodity trading advisor;

(B) Any principal of the trading advisor;

(C) The futures commission merchant with which the client will be required to maintain its commodity interest account; or

(D) Any principal of the futures commission merchant.

(ii) If there has been no such action against any of the foregoing persons, the trading advisor must make a statement to that effect with respect to each such person.

(8)(i) The following Risk Disclosure Statement to be prominently disclosed as, and the only language on, the first page of the Disclosure Document:

Risk Disclosure Statement

The risk of loss in trading commodity contracts can be substantial. You should therefore carefully consider whether such trading is suitable for you in light of your financial condition. In considering whether to trade or to authorize someone else to trade for you, you should be aware of the following:

(1) You may sustain a total loss of the initial margin funds and any additional funds that you deposit with your broker to establish or maintain a position in the Commodity Futures Market. If the market moves against your position, you may be called upon by your broker to deposit a substantial amount of additional margin funds, on short notice, in order to maintain your position. If you do not provide the required funds within the prescribed time, your position may be liquidated at a loss, and you will be liable for any resulting deficit in your account.

(2) Under certain market conditions, you may find it difficult or impossible to liquidate a position. This can occur, for example, when the market makes a "limit move."

(3) The placement of contingent orders by you or your trading advisor, such as a "stop-loss" or "stop-limit" order, will not necessarily limit your losses to the intended amounts, since market conditions may make it impossible to execute such orders.

(4) A "spread" position may not be less risky than a simple "long" or "short" position.

(5) The high degree of leverage that is often obtainable in futures trading because of the small margin requirements can work against you as well as for you. The use of leverage can lead to large losses as well as gains.

In some cases, managed commodity accounts are subject to substantial charges for management and advisory fees. It may be necessary for those accounts that are subject to these charges to make substantial trading profits to avoid depletion or exhaustion of their assets. This Disclosure Document contains a complete description of each fee to be charged to your account by the commodity trading advisor.

This brief statement cannot disclose all the risks and other significant aspects of the Commodity Futures Market. You should therefore carefully study this disclosure document and futures trading before you trade.

(ii) If the commodity trading advisor is not also a registered futures commission merchant, the trading advisor must make the additional following statement in the Risk Disclosure Statement, to be prominently disclosed as the last paragraph thereof:

This commodity trading advisor is prohibited by law from accepting funds in the trading advisor's name from a client for trading commodity interests. You must place all funds for trading in this trading program directly with a futures commission merchant.

(9) The following Cautionary Statement, to be prominently disclosed on the cover page of the Document: "The Commodity Futures Trading Commission has not passed upon the merits of participating in this trading program nor has the Commission passed on the adequacy or accuracy of this Disclosure Document."

(b)(1) If the commodity trading advisor knows or should know that the Disclosure Document is materially inaccurate or incomplete in any respect, it must correct that defect and must distribute the correction to:

(i) All existing clients in the trading program within 21 calendar days of the date upon which the trading advisor first knows or has reason to know of the defect, and

(ii) Each previously solicited prospective client for the trading program prior to entering into an agreement to direct or to guide such prospective client's commodity interest account pursuant to the program. The trading advisor may furnish the correction by way of an amended Document, a sticker on the Document, or other similar means.

(2) The trading advisor may not use the Document until such correction is made.

(c) The commodity trading advisor must date each Disclosure Document and amendment thereto as of the date it is first used.

(d) The commodity trading advisor may not enter into an agreement with a prospective client to direct the client's commodity interest account or to guide the client's commodity interest trading unless the trading advisor first receives from the prospective client an acknowledgement signed and dated by the prospective client stating that the client received a Disclosure Document for the trading program pursuant to which the trading advisor will direct his account or will guide his trading.

(e)(1) Subject to paragraph (b) of this section, all information contained in the Disclosure Document must be current as of the date of the Document; *Provided, however,* That performance information must be current as of a date not more than three months preceding the date of the Document.

(2) The commodity trading advisor may not use a Disclosure Document dated more than six months preceding the date of its use.

(f)(1)(i) The commodity trading advisor must file with the Commission three copies of the Disclosure Document for each trading program that it offers or that it intends to offer not less than 21 calendar days prior to the date the trading advisor first intends to give the Document to a prospective client in the trading program. The trading advisor must specify with the filing the date it first intends to deliver the Document to a prospective client.

(2) The commodity trading advisor must file with the Commission three copies of all subsequent amendments to the Disclosure Document for each trading program that it offers or that it intends to offer not less than 21 calendar days after the date upon which the trading advisor first knows or has reason to know of the defect requiring the amendment.

(g) This section does not relieve a commodity trading advisor from any obligation under the Act or the regulations thereunder, including the obligation to disclose all material information to existing or prospective clients even if the information is not specifically required by this section.

§ 4.32 Record-keeping.

Each commodity trading advisor registered or required to be registered under the Act must make and keep the following books and records in an accurate, current and orderly manner at its main business office and in accordance with § 1.31. If the commodity trading advisor's main business office is located outside the United States, its territories or possessions, then upon the request of a Commission representative the trading advisor must provide such books and records as requested at the place designated by the representative in the United States, its territories or possessions within 72 hours after receipt of the request.

(a) Concerning the clients and subscribers of the commodity trading advisor:

(1) The name and address of each client and each subscriber.

(2) The acknowledgement specified in § 4.31(d).

(3) All powers of attorney and other documents, or copies thereof, authorizing the commodity trading advisor to direct the commodity interest account of a client or subscriber.

(4) All other written agreements, or copies thereof, entered into by the commodity trading advisor with any client or subscriber.

(5) A list or other record of all commodity interest accounts of clients directed by the commodity trading advisor and of all transactions effected therefor.

(6) Copies of each confirmation of a commodity futures transaction, each purchase and sale statement and each monthly statement received from a futures commission merchant.

(7) The original or a copy of each report, letter, circular, memorandum, publication, writing, advertisement or other literature or advice (including the texts of standardized oral presentations and of radio, television, seminar or similar mass media presentations) distributed or caused to be distributed by the commodity trading advisor to any existing or prospective client or subscriber, showing the first date of distribution if not otherwise shown on the document.

(b) Concerning the commodity trading advisor:

(1) An itemized daily record of each commodity interest transaction of the commodity trading advisor and each principal thereof, showing the date, price, quantity, commodity interest, delivery or expiration month, person for whom the transaction was effected, the futures commission merchant carrying the account, and whether the commodity interest was purchased or sold.

(2) Each confirmation of a commodity futures transaction, each purchase and sale statement and each monthly statement furnished by a futures commission merchant to (i) the commodity trading advisor relating to a personal account of the trading advisor, and (ii) each principal of the trading advisor relating to a personal account of such principal.

(3) Books and records of all other transactions in all other business dealings in trading commodity interests and of all cash market transactions in which the commodity trading advisor and each principal thereof engages. Those books and records must include, as applicable, books and records of the type specified in paragraphs (a)(1) through (a)(7) of this section and in paragraphs (a)(1) through (a)(8) of § 4.23.

Subpart D—Advertising

§ 4.40 [Reserved]

§ 4.41 Advertising by commodity pool operators, commodity trading advisors, and the principals thereof.

(a) No commodity pool operator, commodity trading advisor, or any principal thereof, may advertise in a manner which:

(1) Employs any device, scheme or artifice to defraud any participant or client or prospective participant or client; or

(2) Involves any transaction, practice or course of business which operates as a fraud or deceit upon any participant or client or any prospective participant or client.

(b)(1) No person may present the performance of any simulated or hypothetical commodity interest account, transaction in a commodity interest or series of transactions in a commodity interest of a commodity pool operator, commodity trading advisor, or any principal thereof, unless such performance is accompanied by the following statement: "Hypothetical or simulated performance results have certain inherent limitations. Unlike an actual performance record, simulated results do not represent actual trading. Also, since the trades have not actually been executed, the results may have under-or-over compensated for the impact, if any, of certain market factors, such as lack of liquidity. Simulated trading programs in general are also subject to the fact that they are designed with the benefit of hindsight. No representation is being made that any account will or is likely to achieve profits or losses similar to those shown."

(2) If the presentation of such simulated or hypothetical performance is other than oral, the prescribed statement must be prominently disclosed.

(c) The provisions of this section shall apply:

(1) To any publication, distribution or broadcast of any report, letter, circular, memorandum, publication, writing, advertisement or other literature or advice, including the texts of standardized oral presentations and of radio, television, seminar or similar mass media presentations, and

(2) Regardless of whether the commodity pool operator or commodity trading advisor is exempt from registration under the Act.

PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION

2. Part 140 is amended to add § 140.93 to read as follows:

§ 140.93 Delegation of Authority to the Director of the Division of Trading and Markets.

(a) The Commission hereby delegates, until such time as the Commission orders otherwise, the following functions to the Director of the Division of Trading and Markets and to such members of the Commission's staff acting under his direction as he may designate from time to time:

(1) All functions reserved to the Commission in § 4.12 of this chapter;

(2) All functions reserved to the Commission in § 4.22(f)(3) of this chapter; and

(3) All functions reserved to the Commission in § 4.22(g)(3) of this chapter.

(b) The Director of the Division of Trading and Markets may submit any matter which has been delegated to him under paragraph (a) of this section to the Commission for its consideration.

(c) Nothing in this section may prohibit the Commission, at its election, from exercising the authority delegated to the Director of the Division of Trading and Markets under paragraph (a) of this section.

Issued in Washington, D.C. on May 1, 1981 by the Commission.

Jane K. Stuckey,

Secretary, Commodity Futures Trading Commission.

[FR Doc. 81-13886 Filed 5-7-81; 8:45 am]

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May 8, 1981

Part VI

Department of Energy

Plan of Action To Implement the International Energy Program; Request for Comments on Draft

DEPARTMENT OF ENERGY

Plan of Action To Implement the International Energy Program

AGENCY: Department of Energy.

ACTION: Request for comments on the draft "Plan of Action to Implement the International Energy Program".

SUMMARY: The Department of Energy requests written comments on a draft "Plan of Action to Implement the International Energy Program". The draft document describes the types of substantive actions which participants in the Voluntary Agreement and Plan of Action to Implement the International Energy Program (Voluntary Agreement) may take during implementation of emergency oil sharing as provided in the Agreement on an International Energy Program (IEP), TIAS 8278. The IEP emergency oil sharing system, operated by the International Energy Agency (IEA), can be activated only to deal with an oil supply emergency involving at least a seven percent supply shortfall.

Section 252 of the Energy Policy and Conservation Act (EPCA) makes available a limited antitrust defense in respect to actions taken by U.S. oil companies to implement the information and allocation provisions of the IEP, provided such actions are described in a voluntary agreement or plan of action. Any plan of action is required to be as specific in its description of proposed substantive actions as is reasonable in light of known circumstances.

The draft "Plan of Action to Implement the International Energy Program" has been prepared by the Departments of Energy and Justice, in consultation with the Department of State and the staff of the Federal Trade Commission. Following review of submitted comments and possible revision of the draft plan of action in light thereof, the draft will be furnished to the companies participating in the Voluntary Agreement for their consideration. Any plan of action adopted by them is subject to approval by the Secretary of Energy, and by the Attorney General after consultation with the Federal Trade Commission.

If adopted and approved, the "Plan of Action to Implement the International Energy Program" would go into effect only if the President makes a finding that an "international energy supply emergency" exists.

DATE: All comments received by July 10, 1981, will be considered.

ADDRESS: Comments should be submitted to: Craig S. Bamberger, Assistant General Counsel, International Trade and Emergency Preparedness (GC–11), Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone: (202) 252–2900.

FOR FURTHER INFORMATION CONTACT THE ABOVE OR:

George G. Dowd, International Affairs (IA–12), Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone: (202) 252–6777;

Patrick A. Mulloy, Antitrust Division (Energy Section), Department of Justice, P.O. Box 14141, Washington, D.C. 20044, Telephone: (202) 724–6638.

SUPPLEMENTARY INFORMATION:

I. Background
II. Subject of Comments
III. Specific Comments Requested
IV. Comment Procedures

I. Background

Following the oil embargo of 1973, the United States and certain other members of the Organization for Economic Cooperation and Development (OECD) entered into the IEP Agreement, which provides for the international sharing of oil during supply emergencies. Pursuant to the IEP, the IEA has been established as an autonomous institution within the OECD to operate the IEP emergency sharing system. The IEP emergency sharing system may be activated only when the IEA group of twenty-one member countries as a whole or an individual IEA country experiences a seven percent or greater shortfall of available petroleum supplies, measured against a specified base period.

U.S. and other IEA country oil companies would play a vital role in the implementation of the emergency sharing system, providing essential information, advising the IEA on supply and logistical matters, and actually effectuating international oil allocation. To facilitate U.S. company participation in the IEA, the Congress in 1975 enacted Section 252 of EPCA, which authorizes the development of voluntary agreements and plans of action to implement the allocation and information provisions of the IEP, and makes available a limited antitrust defense in respect to actions taken to develop or carry out voluntary agreements and plans of action.

The Voluntary Agreement and Plan of Action to Implement the International Energy Program was agreed to in 1976 by a number of U.S. oil companies. See 41 FR 14998. At the present time the following twenty-one companies are participants in the Voluntary Agreement:

Amerada Hess Corporation
Ashland Oil Inc.
Atlantic Richfield Company
Caltex Petroleum Corporation
Champlin Petroleum Company
Cities Service Company
Continental Oil Company
Exxon Corporation
Getty Oil Company
Gulf Oil Corporation
Mobil Oil Corporation
Murphy Oil Company
Occidental Petroleum Corporation
Phillips Petroleum Company
Shell Oil Company
Standard Oil Company of California
Standard Oil Company (Indiana)
Standard Oil Company of Ohio
Sun Company
Texaco, Inc.
Union Oil Company of California

Section 6(c)(1) of the Voluntary Agreement provides for the development of plans of action elaborating and applying IEA allocation principles and measures, and describing the types of substantive actions which may be taken under the plan, in the event that the sharing system is triggered by an oil supply emergency. Section 6(c)(1) and EPCA Section 252(d)(3) require that such a plan of action be as specific in its description of proposed substantive actions as is reasonable in light of known circumstances. Approval of the Secretary of Energy, and of the Attorney General after consultation with the Federal Trade Commission, is required before a plan of action may be carried out.

The purpose of this request is to obtain comments on a draft "Plan of Action to Implement the International Energy Program" which has been prepared by the Departments of Energy and Justice, in consultation with the Department of State and the Staff of the Federal Trade Commission. Comments submitted will be considered in reviewing and possibly revising this draft plan of action, prior to its consideration by industry.

The Department of Energy, with the approval of the Attorney General, then may convene a working party consisting of U.S. companies participating in the Voluntary Agreement, for the purpose of considering and to the extent necessary further developing a draft "Plan of Action to Implement the International Energy Program." Any meeting of such a working party will be open to public attendance; preceded by timely and adequate Federal Register notice; and initiated and chaired by a regular full-time Federal employee. Interested persons will be afforded an opportunity

at such a meeting to present views and arguments. A verbatim transcript will be kept, and made available for public inspection.

If adopted by the Voluntary Agreement participants and approved by the Secretary of Energy and by the Attorney General after consultation with the Federal Trade Commission, the "Plan of Action to Implement the International Energy Program" would go into effect only if the President finds that an "international energy supply emergency" exists. EPCA Section 252(a)(1) defines this term as meaning a period when the President determines that oil allocation to IEA countries is required by the IEP.

II. Subject of Comments

Plan of Action To Implement the International Energy Program

1.0 *Introduction.*

1.1 This Plan of Action is adopted pursuant to Section 252 of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6272, and Sections 5 and 6 of the Voluntary Agreement and Plan of Action to Implement the International Energy Program, 41 FR 14998 (April 1, 1976), as amended, as a supplement to the existing Voluntary Agreement and Plan of Action, to enable United States oil companies and their employees to participate in the International Energy Program and in advisory bodies created by the International Energy Agency.

1.2 Section 252(f) of EPCA provides that persons engaged in activities pursuant to a Plan of Action shall have as a defense to any civil or criminal action brought under the antitrust laws of the United States, or under any similar state laws, that challenged actions were taken in the course of carrying out a Plan of Action and were in compliance with the requirements of Section 252 of EPCA and rules promulgated thereunder.

2.0 *Activation.*

This Plan of Action as well as the existing Plan of Action shall enter into effect upon a determination by the President that an international energy supply emergency exists, and notification of the participants in the Voluntary Agreement.

3.0 *Deactivation.*

After a determination by the President that an international energy supply emergency no longer exists and publication thereof in the **Federal Register**, no further action shall be initiated pursuant to this Plan of Action or the existing Plan of Action, and action previously initiated shall be completed as promptly as possible, and not later than 90 days after notification, provided that upon specific application the Secretary of Energy, with the concurrence of the Attorney General after consultation with the Federal Trade Commission, may approve extensions of such 90 day period.

4.0 *Definitions.*

For purposes of this Plan of Action:

"Allocation meeting" includes the following group meetings held at the allocation site (with or without IEA Secretariat participation):

(a) Meetings of the entire Industry Supply Advisory Group;

(b) Meetings of the Industry Supply Advisory Group's Country Supply, Supply Coordination or Supply Analysis subgroups;

(c) Meetings of the Industry Supply Advisory Group Manager or Deputy Manager and Industry Supply Advisory Group subgroup heads; and

(d) Meetings of the Industry Supply Advisory Group Manager or other Industry Supply Advisory Group personnel with members of the Industry Advisory Board.

"Allocation site" is that space in IEA headquarters or elsewhere designated by the Allocation Coordinator as the work area in which the Emergency Management Organization shall conduct its operations.

"Confidential or proprietary information or data" is information or data relating to a firm or group of firms that (a) may tend to cause harm to competition or to the competitive position of that firm or group of firms if disclosed and (b) customarily (i) is not disclosed by that firm or group of firms to other persons or (ii) is disclosed to other persons pursuant to a restriction on further disclosure of such information or data.

"Communication" is any disclosure, provision or exchange of data or other information relating to the carrying out of the emergency allocation.

"Emergency Management Organization" is all of the functional offices or groups at the allocation site which will supervise the allocation process, and includes the Standing Group on Emergency Questions, the Allocation Coordinator, various task forces on the IEA Secretariat, and the Industry Supply Advisory Group.

"Emergency reserve drawdown obligation" is that volume of oil taken out of emergency reserves for the IEA countries as a group to bridge the gap between the group's permissible consumption and available supplies; a particular IEA country's percentage share in that obligation is equal to its percentage share of the aggregate emergency reserve commitment of the group.

"EMM" is the Emergency Management Manual issued by the IEA as in effect during an international energy supply emergency.

"EPCA" is the Energy Policy and Conservation Act, 42 U.S.C. 6201 et seq., as amended.

"Firm" is any association, company, corporation, estate, individual, joint venture, partnership or sole proprietorship, or any other entity however organized, including charitable, educational or other eleemosynary institutions.

"IEA" is the International Energy Agency established to implement the Agreement on an International Energy Program.

"IEA country" is a participating country of the IEA including Norway.

"IEP" is the International Energy Program established pursuant to the Agreement on an International Energy Program signed on November 18, 1974, TIAS 8278, including (a) the Annex entitled "Emergency Reserves", (b) any amendment to such Agreement that includes another nation as a party to such Agreement, and (c) any technical or clerical amendment to such Agreement.

"International energy supply emergency" is any period (a) beginning on any date on which the President determines that allocation of petroleum products to nations participating in the IEP is required by Chapters III and IV of the IEP and (b) ending on a date on which he determines that such allocation no longer is required.

"ISOM" is the Industry Supply Advisory Group/IEA Secretariat Operations Manual describing activities of the Industry Supply Advisory Group and the IEA Secretariat during a period when the Secretariat and the Industry Supply Advisory Group are assisting the Allocation Coordinator in the international allocation of oil pursuant to Chapters III and IV of the IEP.

"Oil" is crude oil, petroleum products, refinery feedstocks and finished products produced in association with natural gas and crude oil, which are or may be owned or controlled by a firm, including any oil destined directly or indirectly for import into the United States or any foreign country, or produced or refined in the United States.

"Participant" is an oil firm which has joined the Voluntary Agreement, and whose participation therein has been approved by the Secretary of Energy (or the Administrator of the Federal Energy Administration) and the Attorney General in accordance with Section 9 of the Voluntary Agreement.

"Person" is an individual, firm, estate, trust, sole proprietorship, partnership, association, company, joint-venture, corporation, or a charitable, educational or other eleemosynary institution, and includes any officer, director, owner or duly authorized representative thereof.

"Questionnaire A" means the monthly data submission by a Reporting Company to the IEA which provides for the current month, the two prior months and the two following months, specified data on imports, exports, indigenous production, stocks at sea and inventories to, from or in IEA countries as prescribed in the EMM and denominated therein as "Questionnaire A".

"Questionnaire B" means the monthly data submission by the National Emergency Sharing Organization or other governmental agency of an IEA country which provides for the current month, the two prior months and the two following months, specified data on imports, exports, indigenous production, stocks at sea and inventories for all oil firms engaged in such activities in the country concerned, as prescribed in the EMM and denominated therein as "Questionnaire B".

"Type 2 activities" include those activities of Reporting Companies defined or described as "Type 2 activities" in the EMM. In general, these include submission of data to National Emergency Sharing Organizations or other governmental agencies of IEA countries and to the IEA, communications with National Emergency Sharing Organizations, the IEA and other Reporting Companies in connection with the making of "voluntary offers" to reallocate or redirect oil supplies in response to a request of the Emergency Management Organization, and implementation of transactions pursuant to those voluntary offers which have been accepted by the Allocation Coordinator.

"Type 3 activities" include those activities defined or described as "Type 3 activities" in the EMM. Generally, these will include all actions to implement international oil allocation mandated by governments of IEA countries, pursuant to the IEP.

"Voluntary Agreement" means the Voluntary Agreement and Plan of Action to Implement the International Energy Program, 41 FR 13998 (April 1, 1976), as amended.

5.0 Scope of Coverage.

5.1 This Plan of Action is a supplement to the exiting Voluntary Agreement and to the more general existing Plan of Action, which remains in effect. This Supplemental Plan of Action describes in greater detail the activities of U.S. companies and persons, which it presently is anticipated would take place during an international energy supply emergency, in advising and assisting the IEA in implementing Chapters III and IV of the IEP. Actions and communications comprehended within these activities come within the coverage of this Plan of Action and, if carried out in accordance with the terms of Section 252 of EPCA, applicable regulations implementing Section 252, the Voluntary Agreement, and the conditions set forth in this Plan of Action, are entitled to the antitrust defense accorded under Section 252(f) of EPCA.

5.2 Specifically excluded from coverage of this Plan of Action and the antitrust defense are the following activities: (a) those defined or described in the EMM as "Type 1" activities, which are undertaken voluntarily and independently of any request by the IEA during a period of international energy supply emergency and which may be considered to constitute usual commercial activities by U.S. oil companies in both domestic and international commerce, including sales or exchanges with non-affiliated companies; and (b) any actions initiated during times other than an international energy supply emergency.

6.0 General Description of Entities Involved.

This section describes generally the entities presently expected to participate in the IEA's allocation activities during an international energy supply emergency.

6.1 *The Standing Group on Emergency Questions ("SEQ") Emergency Group* is an IEA body, composed of representatives from each IEA country, which is convened during the period when the IEA allocation mechanism is activated. It is responsible for ensuring intergovernmental agreement or consensus as regards decisions taken in implementation of the IEP during an emergency; it also is responsible for maintaining communication between the IEA and IEA countries on matters of emergency policy or problems.

6.2 *The Allocation Coordinator* is the Executive Director of the IEA; he is assisted by a small team and may designate one or more members of this team to act on his behalf on particular matters. The Allocation Coordinator and his team will be responsible to the SEQ Emergency Group for the immediate supervision and direction of the allocation process. This responsibility will include reviewing and approving proposed allocation actions, coordinating with the SEQ Emergency Group on policy guidance and on problems, and ensuring that the implementation of allocation is consistent with the principles and objectives of the IEP and that all of the appropriate resources of all Reporting Companies as a group are used in resolving allocation problems. The Allocation Coordinator is responsible for accepting for implementation those voluntary offers he deems most suitable in the circumstances.

6.3 *The IEA Secretariat*, consisting of the Executive Director and staff of the IEA, will be organized into several task forces to deal with various aspects of the emergency operation.

6.4 *The National Emergency Sharing Organizations ("NESOs")* are governmental organizations in each IEA country which will be responsible for national oil reallocation, other national energy emergency measures, and liaison with the IEA on matters of international oil allocation in an emergency.

6.5 *The Industry Supply Advisory Group ("ISAG")* is an ad hoc group of the Industry Advisory Board made up of representatives from the Reporting Companies, which in its substantive allocation activities is responsible to the IEA. The ISAG will serve as an advisory group to the Allocation Coordinator during a period of oil allocation under Chapters III and IV of the IEP and will coordinate, under the guidance of the Allocation Coordinator, voluntary rearrangement of supplies by Reporting Companies including independent development of transactions in order better to direct supplies to meet IEA calculated supply rights. It is composed of oil industry supply, logistics, maritime and other experts employed by Reporting Companies and presently includes an ISAG Manager, a Deputy Manager and the heads and members of the following subgroups:

(a) The Supply Coordination Group, each of whose members is assigned to communicate with and process the material received from a specified group of Reporting Companies.

(b) The Country Supply Group, each of whose members is assigned, together with a member of one of the Secretariat's task forces, to communicate with and process the material received from a specified group of IEA country NESO's.

(c) The Supply Analysis Group, which assists the analytical efforts of the Supply Coordination Group and the Country Supply Group as assigned, and is responsible for all other ISAG analytical work on supply reallocation

problems or potential problems identified in the course of the supply emergency.

6.5 *The Reporting Companies* are a group of oil companies so designated by the IEA, including all U.S. company participants in the Voluntary Agreement. During each monthly cycle they are responsible for submitting appropriate Questionnaire A data to the IEA and NESO's or other governmental agencies in countries in which they operate, and for carrying out Type 2 and Type 3 allocation activities.

6.7 *The "Non-Reporting Companies"* are firms which are not "Reporting Companies" and which submit data on indigenous production, imports, exports, stocks at sea and inventories, and make voluntary offers to redirect oil supplies. These submissions and offers are made to NESO's but not to the IEA directly.

6.8 *The Industry Advisory Board ("IAB")*, whose members are drawn from the group of Reporting Companies, has been established by the IEA to provide advice and consultation on emergency oil sharing and related questions. When the emergency sharing system is activited the IAB may be consulted on specific oil sharing and related questions by the Allocation Coordinator and his team and by the ISAG, at the request of the SEQ Emergency Group, as described in Section 7.8. It also may be consulted from time to time by the ISAG Manager on ISAG organizational, administrative and personnel matters.

7.0 *General Description of the Allocation Process.*

The IEA international allocation operation is governed by a monthly cycle of scheduled activities set by the Allocation Coordinator, as generally described in the EMM. While normal commercial activities of the Reporting Companies, both within countries and in international trading, will go forward and change throughout the month in response to changing circumstances, the international allocation activities of U.S. Reporting Companies and the ISAG which are covered by this Plan of Action are guided by this schedule as to both timing and type of activity undertaken. Unless circumstances require modification by the Allocation Coordinator, the monthly timetable governing operations typically would be in accordance with Sections 7.1 through 7.9.

7.1 After notification of the triggering of an international energy supply emergency (or, in a subsequent month, after the beginning of the monthly cycle), Reporting Companies will submit Questionnaire As to the IEA. At the same time their affiliates in IEA countries will submit to their NESOs or other governmental agencies similar information or data on operations in those countries. These data will be incorporated, along with aggregate information with respect to their domestic Non-Reporting Companies, in Questionnaire Bs which will be submitted to the IEA by IEA countries.

7.2 The ISAG's Supply Coordination Group will analyze Questionnaire As for errors or anomalies, and ISAG's Country Supply Group, with its counterparts from the Secretariat, will do the same with Questionnaire Bs. Possible errors in the questionnaires, as well as discrepancies between Questionnaire As and Bs, then will be discussed with the Reporting Companies and NESOs.

7.3 The questionnaire data will be processed by the Secretariat to obtain the supply right, the emergency reserve drawdown obligation and the allocation right or alloction obligation of each IEA country for the monthly cycle, taking into account any adjustment provided for in the EMM. The resulting allocation rights and allocation obligations are provided to the Allocation rights and allocation-obligations are provided to the Allocation Coordinator, the Secretariat, the SEQ Emergency Group and the ISAG, and transmitted to NESOs and Reporting Companies and through NESOs to Non-Reporting Companies.

7.4 Based on this allocation right/allocation obligation information, the Reporting Companies will ascertain whether their scheduled or contemplated international shipments can be reallocated in order to assist in balancing allocation rights and allocation obligations. They also may explore with non-affiliated companies whether this result can be accomplished through sale or exchange with those companies. Within a specified time Reporting Companies are expected to notify the IEA of their potential voluntarily to meet each IEA country's allocation right or allocation obligation, and may submit to the IEA a number of volumetric voluntary offers to reallocate supplies. These may be "open" offers to supply a quantity of oil to any destination chosen by the IEA or to receive oil from any available source. They also may be "closed-loop" offers of a transaction between affiliates or with another firm or a NESO to divert quantities of oil from a specified country to another specified country. During the same period, NESOs will seek to develop similar voluntary offers from Non-Reporting Companies in their jurisdictions and submit them to the IEA.

7.5 The ISAG's Supply Coordination Group will analyze voluntary offers received from Reporting Companies, and may contact the Reporting Companies for clarification of details, to suggest possible modifications, or to explore the possibility of additional offers. The ISAG's Country Supply Group and its Secretariat counterparts will do the same for voluntary offers received from NESOs.

7.6 In accordance with criteria set forth in Sections 8.3(i) and 8.3(j), ISAG and Secretariat personnel will undertake a balancing of allocation rights and allocation obligations, including a matching of "supply" and "receive" offers and an examination of "closed-loop" offers for suitability, for the periods covered under the current monthly allocation cycle, for future monthly cycles where applicable, and to fulfill unsatisfied allocation rights or allocation obligations from prior monthly cycles.

7.7 ISAG and the Secretariat will notify the Reporting Companies and NESOs of the extent to which the Allocation Coordinator has approved ISAG's recommendation for acceptance of certain offers. Within a specified period the notified entities will confirm that they are implementing these offers. If appropriate, they also will confirm whether they have been able to conclude any additional arrangements previously suggested to them by ISAG or the Secretariat. All these results are to be reported by ISAG to the Allocation Coordinator, who in turn will report the information to the SEQ Emergency Group.

7.8 If substantial unfulfilled allocation rights and allocation obligations remain among IEA countries, the SEQ Emergency Group may request the ISAG and Allocation Coordinator to consult with the IAB on ways to elicit further voluntary offers to balance these allocation rights and allocation obligations. If the imbalances remain after subsequent efforts by ISAG to implement the recommendations agreed on by the Allocation Coordinator and the IAB, and cannot be resolved on a voluntary basis, the Allocation Coordinator will so inform the SEQ Emergency Group.

7.9 The SEQ Emergency Group then will undertake intergovernmental consultation and, after contacts by the Allocation Coordinator or his team with the Reporting Companies concerned, will determine whether corrective actions previously identified and advised to Reporting Companies, but not undertaken by them on a voluntary basis, should be mandated by IEA

country governments. As a last resort IEA country governments having jurisdiction over the Reporting Companies may order them to carry out Type 3 allocation shipments.

8.0 Description of Activities Covered.

8.1 *U.S. Reporting Companies.* Except as otherwise noted in this Plan of Action, the following activities of a U.S. Reporting Company, including communications and other actions, are covered under it:

(a) Preliminary communications with the Emergency Management Organization to ensure that communication channels are working and to discuss schedules for submission of Questionnaire As.

(b) The submission to the IEA of Questionnaire As, and subsequent discussion of these with ISAG or the Secretariat, including provision of amplifying or collateral information, in order to clarify points of information and identify possible errors or anomalies in the questionnaires.

(c) The receipt of the monthly allocation rights and allocation obligations from the IEA, the subsequent development of voluntary offers to supply or receive oil in order to assist in balancing IEA countries' allocation rights and allocation obligations, and the submission of voluntary offers (omitting price and other commercial terms) to the IEA. The voluntary offers may consist of sales or exchanges with other companies as well as intra-company movements.

(d) Communications with other Reporting Companies or with NESOs following receipt of the monthly allocation rights and allocation obligations, for the purpose of developing voluntary offers for the current monthly cycle, including the current and two succeeding months, even if a voluntary offer cannot be agreed on the parties or subsequently is rejected by the Allocation Coordinator.

(e) Discussion with ISAG or the Secretariat to clarify aspects of a voluntary offer submitted, to consider possible modification of a voluntary offer which is seen as needed by ISAG to balance supplies among IEA countries more effectively, or to explore and identify possible additional voluntary offers which might be made.

(f) If a voluntary offer is submitted on an urgent basis, good only for a specified time period which lapses before the voluntary offer has been accepted or rejected by the Allocation Coordinator, any subsequent action to carry out a transaction which is the subject of the voluntary offer is not covered under this Plan of Action unless a renewed offer is made and accepted by the Allocation Coordinator, or the transaction is mandated by an IEA country government having jurisdiction over the offering firm.

(g) If a voluntary offer is rejected, any subsequent action by the Reporting Company to carry out a transaction which is the subject of the voluntary offer is not covered under this Plan of Action unless a renewed voluntary offer is made and accepted by the Allocation Coordinator, or the transaction is mandated by an IEA country government having jurisdiction over the offering firm.

(h) Any communications and actions necessary and appropriate to carry out a voluntary offer after notification by ISAG or the Secretariat that it has been accepted by the Allocation Coordinator.

(i) Communications with ISAG or the Secretariat to report that accepted voluntary offers are being implemented.

(j) Consultations with the SEQ Emergency Group, interested IEA country governments and, as required, other firms about possible or actual mandatory shipments of oil, and actions taken to carry out mandated shipments of oil.

(k) Communications with ISAG or the Secretariat dealing with appraisal of the monthly allocation cycle.

(l) Any other communication with ISAG or the Secretariat which relates directly to timely aspects of implementing the monthly allocation cycle as generally set out in Section 7.

(m) Communications with the Allocation Coordinator or with duly appointed arbitrators to resolve a dispute arising out of a transaction described in this Section 8.1.

8.2 *U.S. IAB Members.* Except as otherwise noted in this Plan of Action, the following activities of a U.S. Reporting Company member of the IAB are covered under it, subject to such recordkeeping requirements as may be provided for pursuant to Section 13 of this Plan of Action:

(a) Participation as an IAB member in meetings with the SEQ Emergency Group, the Allocation Coordinator, ISAG representatives or the Secretariat, to develop and transmit advice on the substantive issues set forth in Section 7.8.

(b) Participation as an IAB member in meetings with the ISAG Manager or his Deputy concerning ISAG organizational, administrative or personnel matters.

(c) It is understood that during the course of an international energy supply emergency, other meetings of the IAB and its subcommittees, or other industry bodies created by the IEA, may be scheduled to advise on matters unrelated to the emergency or only marginally related to the international emergency allocation operation. Such meetings are not covered under this Plan of Action. The provisions of Section 5 of the Voluntary Agreement continue to apply to them as if no emergency had occurred.

8.3 *U.S. ISAG Members.* Except as otherwise noted in this Plan of Action, the following activities of U.S. Reporting Companies and their representatives serving on the ISAG are covered under it, if within the scope of the representatives' assigned duties:

(a) Communications with Reporting Companies, NESOs, and the Secretariat, to ensure that communication channels are working and to discuss schedules for submission of Questionnaire As or Bs.

(b) Receipt and analysis of Reporting Company Questionnaire As to detect errors or anomalies, and communications with these Reporting Companies to resolve such potential discrepancies.

(c) Receipt and analysis of NESO Questionnaire Bs to detect possible errors or anomalies, and subsequent communications with NESOs to resolve them.

(d) Receipt of the monthly allocation rights and allocation obligations from the Secretariat, the transmission of allocation rights and allocation obligations to Reporting Companies, and analytical discussions within ISAG and with Reporting Companies or NESOs, as well as study of ISAG work formats as required, in order to identify the types of actions which may be needed to correct the imbalances in available supplies among IEA countries.

(e) Contacts with Reporting Companies or NESOs and with the Secretariat on formulations of voluntary offers; the receipt and analysis of voluntary offers, and discussion of them within ISAG; and follow-up contacts with Reporting Companies or NESOs to clarify aspects of voluntary offers submitted, to consider possible modification of an offer which is seen as needed by ISAG more effectively to balance supplies among IEA countries, or to explore and identify possible additional voluntary offers.

(f) Analytical work to develop a country supply/demand profile for an IEA country and to study general product imbalance problems within an IEA country in order to advise the Secretariat or a NESO on possible resolution of these problems. To assist his study of product imbalance problems within a country, a U.S. Reporting Company representative on the ISAG may receive from the government of that

IEA country or from the Secretariat, data on aggregated historical supply patterns for that country, including indigenous production, imports of crude and products by country of origin, exports of crude and products to country of destination, stocks at sea and crude and product inventory profiles. Regional breakdowns may be provided as required. However, no disaggregated individual company information for that country is comprehended in this Section 8.3(f).

(g) Other analytical work on country or company supply plans as requested by the Allocation Coordinator, including following, analyzing and forecasting shipping tonnage availability and requirements, by class of vessel, during the course of an emergency, in addition to communications within ISAG or with outside persons in order to develop necessary information for such shipping analyses.

(h) Participation in the ISAG/Secretariat process of balancing allocation rights and allocation obligations of IEA countries for the periods covered in a monthly allocation cycle, including matching available "supply" and "receive" voluntary offers and examining "closed-loop" offers.

(i) The ISAG in consultation with the Secretariat will evaluate the voluntary offers by Reporting Companies and by NESOs for Non-Reporting Companies. In making its evaluation and recommendations to the Allocation Coordinator, it may be guided by technical factors including the following, in addition to specific guidance from the Allocation Coordinator:

(i) The volumes of oil required to balance the allocation rights and allocation obligations of individual IEA countries;

(ii) The petroleum logistics system of each country, including harbor capacity, storage capacity, and barge/pipeline facilities;

(iii) The specifications of the crude oil being delivered in relation to the refining capability within the country to process that oil;

(iv) Product imbalance problems in IEA countries as compared with the supply mix scheduled for these countries;

(v) Insofar as possible, maintenance of normal supply patterns for various IEA countries and normal supply proportions between crude oil and products and among different categories of crude oil and products;

(vi) Minimization of transportation costs, for example, by avoidance to the greatest possible extent of obvious logistical disadvantages arising from unduly long voyages or empty backhaul voyages by types of vessels in short supply;

(vii) Spreading as evenly as possible over all IEA countries the overall deviation from the normal IEA crude oil quality due to the supply disruptions;

(viii) Utilization of backhaul voyages for vessels if certain sizes of vessels are or may be in short supply following the onset of a disruption; or

(ix) The need for priorities in considering offers, as among such voluntary offers.

If, after such an evaluation process, there remain alternative allocation possibilities for an IEA country or too many voluntary offers so that a selection must be made, such alternatives may be discussed with the relevant NESO as well as with the Secretariat for the purpose of exchanging views on the choices to be made.

(j) In evaluating potential alternative actions to balance allocation rights and allocation obligations, ISAG is not to take into account the economic benefit or penalty to any Reporting Company or IEA country, or the market share of any Reporting or Non-Reporting Company in any country. Internal fair sharing of available supply is solely a matter for decision by each IEA country.

(k) Participation in development of an ISAG appraisal of the monthly allocation cycle.

(l) Participation, at meetings of ISAG, of the ISAG Manager and Deputy Manager with subgroup heads, and of ISAG subgroups, as well as participation by U.S. Reporting Company representatives on the ISAG in joint work sessions, relating to carrying out of the international emergency monthly allocation cycle as indicated in Sections 7 and 8.3.

(m) Any communications, not already specifically mentioned, with members of ISAG, with the Secretariat, with Reporting Companies and with NESOs, on subjects which relate directly to aspects of implementing the international emergency monthly allocation cycle as indicated in Sections 7 and 8.3.

8.4 *Other Activities.* Such additional actions or communications as may be needed on a timely basis to meet specific problems as they arise in implementing the emergency allocation program of the IEA (as set out in the EMM), provided that such actions or communications are approved by the U.S. Government, in such manner as may be provided for pursuant to Section 13 of this Plan of Action.

9.0 *Confidential or Proprietary Information Which May Be Communicated by or to Voluntary Agreement Participants and Their Employees.*

The following types of confidential or proprietary information or data may be communicated by or to Voluntary Agreement participants or their employees in carrying out activities covered by this Plan of Action:

9.1 Disaggregated Questionnaire A or B data submitted by Reporting Companies or NESOs of IEA countries, and ISAG work formats derived from such data; i.e., disaggregated data as defined in the Questionnaire A and B reporting instructions as specified in the EMM, including:

(a) indigenous production of crude oil and natural gas liquids ("NGLs") and feedstocks;

(b) imports and exports of crude oil, NGLs and feedstocks;

(c) petroleum product imports and exports (in crude oil equivalent);

(d) international marine bunkers;

(e) inventory levels and changes; and

(f) stocks at sea.

9.2 Capability of a refinery to process crude oil or specific crude oils, and the capability of a pipeline, dock or terminal or other storage or transit facility to receive, store, or throughput crude oils or specific crude oils or petroleum products or specific petroleum products.

9.3 Capability of a port, installation, or waterway to receive or move vessels of various sizes and configurations.

9.4 Location, routing, size, specifications and operating characteristics of oil tankers.

9.5 Main characteristics of crude grades and product specifications (excluding individual company crude yields and product specifications).

9.6 Actual and estimated historical production data on crude oils and NGLs for individual countries.

9.7 Aggregated historical country supply patterns for crude oil, NGLs and petroleum products, e.g., imports by country of origin, exports to country of destination, and inventory profiles.

9.8 Specific refinery considerations that prevent acceptance or release of certain crudes, e.g., the inability of a refinery to process specific types of crude oil or to make certain specialty products for which the crude oil is particularly suited; the inability of a type of crude oil to meet product specifications; hazards to refinery operations which processing of a particular type of crude oil might cause; or the need for a refinery to operate at a minimum throughput level.

9.9 Identification of supply logistics problems relating to certain countries or regions of countries.

9.10 Identification, without disclosure of specific costs, prices or financial information, of the existence of certain individual company considerations which would preclude or make impracticable a proposed movement of oil, involving:

(a) commercial policy;

(b) supply or transportation factors;

(c) affiliate, third-party, concessional or other contractual arrangements; or

(d) constraints relating to actions or policies of governments.

9.11 Identification of product imbalances in certain countries or regions of countries.

9.12 Information or data concerning voluntary offers made by Reporting Companies to supply or receive, and information or data concerning the implementation of voluntary offers which have been accepted by the Allocation Coordinator.

9.13 Clarification, amplification, correction, explanation or supplementation of the types of information enumerated in Sections 9.1–9.12 and 9.14, provided that this Section 9.13 does not supersede any specific prohibition contained in this Plan of Action.

9.14 Such additional information or data as may be needed on a timely basis to meet specific problems as they arise in implementing the emergency allocation program of the IEA (as set out in the EMM), provided that provision of such information or data is approved by the U.S. Government, in such manner as may be provided for pursuant to Section 13 of this Plan of Action.

9.15 This Plan of Action does not cover the communication of the following types of information or data:

(a) Company market shares of oil or types of oil;

(b) Individual company information regarding overall long-term investment, divestment, production, refining, operating, transportation or marketing programs; or

(c) Confidential or proprietary oil prices or other confidential or proprietary commercial terms, except in: communications with the Allocation Coordinator to utilize his services to help resolve a dispute involving price or other commercial terms; and communications with any arbitrator duly appointed to resolve price or other commercial term disputes arising out of a voluntary offer or mandated shipment.

10.0 *Disposition Of and Access to Confidential or Proprietary Information or Data.*

10.1 In no case shall an employee or representative of a U.S. participant in the Voluntary Agreement or any affiliate of such a U.S. company, which affiliate is a participant in the Voluntary Agreement, supply to his company or to any other person, any confidential or proprietary information or data obtained as a consequence of his membership in the ISAG or of participation in any NESCO, except such information or data as is necessary to be supplied in the course of carrying out the international oil allocation provisions of the IEP as described in the EMM or in carrying out related NESO activities. No. U.S. Reporting Company representative serving on the ISAG may remove any documents related to such allocation from the IEA premises, except as authorized by the U.S. Government in such manner as may be provided for pursuant to Section 13 of this Plan of Action.

10.2 One copy of all Questionnaire A data shall be provided in Questionnaire A format, as distinguished from telex format, to each of the following and to such other persons as the U.S. Government may specify pursuant to Section 13 of this Plan of Action:

Voluntary Agreement Coordinator, International Affairs, IA–12, Department of Energy, Forrestal Building, Room 7F–031, 1000 Independence Avenue SW., Washington, D.C. 20585, Telex, and Twx No. 7108220176

Chief, Energy Section, Antitrust Division, Department of Justice, P.O. Box 14141, Washington, D.C. 20044, Twx No. 7108221907.

10.3 Any confidential or proprietary information or data communicated pursuant to the allocation activities shall be supplied upon request to U.S. Government observers, in accordance with the provisions of this Plan of Action and any guidelines issued pursuant to Section 13.

11.0 *Requirements for Recordkeeping.*

11.1 *Introduction.* Section 252 of EPCA provides that a U.S. Government representative shall be present at all emergency allocation meetings under the Voluntary Agreement and that a full and complete record (where practicable, a verbatim transcript) shall be made. The following sections are in further implementation of the existing U.S. recordkeeping requirements in Section 252 of EPCA and 10 CFR Part 209 and apply such requirements to IEA emergency allocation activities. These requirements apply to U.S. Reporting Companies and to U.S. Reporting Company representatives serving on the ISAG who will be participating in the allocation activities at the allocation site.

11.2 *Definitions.* For purposes of these recordkeeping requirements the following additional definitions apply:

(a) The term "allocation site communication" means any face-to-face communication (other than administrative, procedural or ministerial in nature) occurring within the allocation site which involves two or more Reporting Company representatives serving on the ISAG, at least one of whom is a U.S. Reporting Company representative.

(b) The term "allocation site telephone conversation" means any telephonic communication (other than a telephonic communication which is administrative, procedural or ministerial in nature, all of the parties to which are within the allocation site) between a U.S. Reporting Company representative serving on the ISAG and (i) another Reporting Company representative on the ISAG and (ii) a Reporting Company, (iii) the Chairman of the IAB, (iv) any NESO representative, or (v) the IEA Secretariat.

11.3 *Oral Communications by U.S. ISAG Members.*

(a) Covered Oral Communications. Subject to the procedures and limitations in Sections 11.4 and 11.5, the requirements of this section apply to the following types of oral communications by or to U.S. Reporting Company representatives serving on the ISAG, other than communications with representatives of the IEA Secretariat or members of the SEQ Emergency Group:

(i) allocation site communications;

(ii) allocation site telephone conversations; and

(iii) off-site communications.

(b) Restrictions on Oral Communications. All oral communications of U.S. Reporting Company representatives serving on the ISAG related to carrying out the IEA's allocation activities during an international energy supply emergency shall occur on the allocation site except when circumstances make an off-site communication necessary, e.g., when a need for immediate communication arises unexpectedly or after normal working hours or otherwise makes a return to the allocation site impracticable or unreasonable, or when time zone differences involved in necessary communications otherwise would require early morning arrival or late night stay at the allocation site.

11.4 *U.S. Government Monitoring and Recordkeeping at the Allocation Site.*

(a) A U.S. Government observer shall be present throughout all allocation meetings during hours when ISAG normally is engaged in allocation activities and at such other times as the ISAG meets, and may be present during any other communications. It is intended that a U.S. Government observer will be present continuously at the allocation site to monitor allocation meetings, communications, work sessions and individual work by Reporting Company representatives on the ISAG (i) during such regular work hours as ISAG adopts and (ii) at any extraordinary hours if given reasonable advance notice. U.S. Reporting Company representatives serving on the ISAG may engage in individual work or in communications other than allocation meetings or allocation site communications if no U.S. Government observer is present at the allocation site, provided adequate records of such communications (other than administrative, procedural or ministerial communications between Reporting Company representatives on the ISAG, at the allocation site) are made by the U.S. representatives on the ISAG.

(b) Allocation meetings shall be monitored by a U.S. Government observer, who shall be responsible for keeping a written record of each session or for ensuring that a verbatim transcript is made. Failure of the U.S. Government to maintain a full and complete written record shall not vitiate the antitrust defense accorded by Section 252 of EPCA, unless such failure is due to the willful act of a U.S. Reporting Company representatives serving on the ISAG or of a U.S. Reporting Company.

(c) U.S. Government representatives shall be permitted to be present during any communications involving U.S. Reporting Company representatives on the ISAG or during allocation activities involving a U.S. Reporting Company representative on the ISAG, except communications between a U.S. Reporting Company representative on the ISAG and his legal counsel which would be subject to the attorney-client privilege.

11.5 *Recordkeeping Requirements for U.S. ISAG Representatives.*

(a) A U.S. Reporting Company representative serving on the ISAG shall maintain a full and complete record of an allocation site communication (except when a U.S. Government observer present agrees to maintain such record), allocation site telephone conversation, or off-site communication, by means of entering in a standardized log the date, time, identity of the parties (by name and organization) and a description of the transaction or information discussed, including identification of any problem involved and any conclusions reached or recommendations made. In the case of an off-site communication, the member also shall state the special circumstances necessitating this communication. Procedural, administrative or ministerial communications between Reporting Company representatives on the ISAG, at the allocation site, need not be recorded.

(b) Where a U.S. Reporting Company representative on the ISAG has been assigned to a joint work session to solve a specific identified problem, the overall subject matter of which already is contained in a full and complete record of an allocation meeting, the result of which work session will be reported at a meeting where a full and complete record will be maintained, then notwithstanding subsection (a), the record of such session to be kept by the U.S. ISAG representative need only include the date, time and identity of the parties and a brief indication of the substance of the discussion during the work session, with a reference to the allocation meeting where it was more fully discussed.

(c) When a U.S. Reporting Company representative on the ISAG contacts a NESO, he shall ascertain whether the NESO person contacted normally is employed by an oil firm, and if so the identity of that organization should be recorded in the log kept pursuant to Section 11.5(a).

(d) Where more than one U.S. Reporting Company representative on the ISAG is involved, the parties may designate who shall make and supply such records. Non-U.S. Reporting Company representatives on the ISAG may make records of communications with U.S. Reporting Companies and with U.S. Reporting Company representatives on the ISAG if such records are kept in the required form and supplied to a U.S. Government observer promptly, and if the U.S. Reporting Company involved agrees.

(e) When a U.S. Reporting Company representative on the ISAG communicates with legal counsel and the communication is subject to attorney-client privilege, the record of such communication need only contain the date and time of the communication, the identity of all parties to the communication and a statement that the matter discussed was subject to the attorney-client privilege.

11.6 *Disposition of Records Made at the Allocation Site.*

(a) Copies of records required to be maintained by U.S. Reporting Company representatives serving on the ISAG under Section 11.5 shall be submitted to a U.S. Government observer at the allocation site within three working days following the communication involved.

(b) Documents, information or data furnished by the IEA to U.S. Reporting Company representatives serving on the ISAG to be used in balancing allocation rights and allocation obligations, including the IEA country allocation rights and allocation obligations and any other information furnished in step 1 of the IEA allocation implementaion steps, as described in the EMM and the ISOM, shall be provided to a U.S. Government observer. Questionnaire A's submitted by non-U.S. Reporting Companies and Questionnaires B's submitted by NESOs and ISAG formats derived therefrom, and voluntary offers submitted by non-U.S. Reporting Companies or foreign NESOs shall be submitted to a U.S. Government observer at the allocation site.

(c) All documents, information or data furnished by or on behalf of U.S. Reporting Companies or the ISAG to the IEA in connection with allocation activities shall be submitted to a U.S. Government observer at the allocation site.

(d) Telexes or other written communications which are sent or received by a U.S. Reporting Company representative serving on the ISAG, to or from a U.S. Reporting Company or the U.S. NESO, and from U.S. Reporting Companies to the ISAG, shall be provided to a U.S. Government observer at the allocation site.

11.7 *U.S. Government Monitoring at U.S. Reporting Company Offices.*

(a) U.S. Government observers shall be permitted to monitor allocation activities and communications at the offices of U.S. Reporting Companies located in the United States.

(b) U.S. Government observers may be present during all communications between U.S. Reporting Company personnel and Reporting Company representatives on the ISAG or members of the Secretariat, and shall be permitted to observe and interview all U.S. Reporting Company employees in connection with IEA emergency oil allocation activities.

(c) U.S. Government observers shall be permitted to examine and copy any document or information in the possession of a U.S. Reporting Company concerning IEA emergency oil allocation activities.

11.8 *Records of U.S. Reporting Companies.*

(a) A U.S. Reporting Company is required to maintain intra-corporate documents relating to the Voluntary Agreement for five years. With respect to allocation activities such records are expected to include telexes received and sent, memoranda concerning intra-company discussions of sales or exchanges, documentation concering actions requested by the ISAG or proposed by the Reporting Company, communications with the IEA Secretariat, and any other documents generated by the allocation activities.

(b) A U.S. Reporting Company also is required to make a full and complete record of any communication with Reporting Company representatives serving on the ISAG, including any of its own representatives on the ISAG, except when the Reporting Company has agreed with the ISAG or with a Reporting Company representative on the ISAG that the communication will be recorded by the ISAG or the Reporting Company representative. Such records made by a U.S. Reporting Company shall be sent to the Department of Energy, the Department of Justice and the Federal Trade Commission within three working days of the occurrence.

(c) A U.S. Reporting Company is required to maintain copies of all written communications with another company, ISAG or the Secretariat and to make a full and complete written record of any non-written communication with another company, ISAG or the Secretariat, in connection with carrying out the allocation, i.e., a communication with respect to developing or implementing a voluntary offer.

(d) Records of unwritten communications should be made in the manner described in Section 11.5(a).

(e) Each U.S. Reporting Company is required to forward within two weeks, copies of all allocation records set forth in Section 11.8 (a) through (d), to an appropriate office at company headquarters, where they shall be maintained for five years separately from other company records. These records may be subject to U.S. Government examination during and after the allocation period.

11.9 *Reports of Communications with Other Companies.*

(a) A copy of any written communication by a U.S. Reporting Company with another Reporting Company shall be sent simultaneously to the Departments of Energy and Justice and the Federal Trade Commission, if possible by the same means of transmission as used to send the original. In the case of a voluntary offer a "clear" copy rather than a coded copy should be sent.

(b) A U.S. Reporting Company shall make a copy of each written communication received from another company and forward it to the Departments of Energy and Justice and the Federal Trade Commission within three working days of its receipt by the company office and/or individual it specifically is addressed to.

(c) A U.S. Reporting Company shall forward to the Departments of Energy and Justice and the Federal Trade Commission, within three working days of its occurrence, a copy of each record of an unwritten communication required to be made pursuant to Section 11.8(c).

(d) Upon advance notice by the Department of Energy, U.S. Reporting Companies shall permit personnel from the Departments of Energy and Justice and the Federal Trade Commission to monitor communications with other companies by means of on-site inspections at the Reporting Companies' offices in the United States, or in three-way conference telephone calls.

11.10 *Reports of Actions Taken.*

(a) Under the Voluntary Agreement, U.S. Reporting Companies must report to the U.S. Government actions taken pursuant to a plan of action. Therefore, each U.S. Reporting Company shall report to the Departments of Energy and Justice and the Federal Trade Commission, actions taken as part of the allocation, such as details of voluntary offers made, those accepted, and reallocations of supply in response to requests for voluntary offers. When forwarding copies of voluntary offers these should be "clear" copies rather than coded ones.

(b) A report should be submitted within seven days of the end of the week in which the action was taken.

(c) The manner and particular content of a report is left to the discretion of the individual U.S. Reporting Company. It can be submitted in any fashion a company believes will best reflect what it has done. In the case of voluntary offers, the record should include substantially all of the information contained in the voluntary offer itself.

12.0 *ISAG Meetings—Notice Requirements.*

12.1 Pursuant to the notice requirements of Section 5 of the Voluntary Agreement, the ISAG emergency activities at the allocation site will be conducted as a single ISAG meeting. Because it will be impracticable to notice all allocation meetings, communications and other activities during the course of a supply emergency, there will be only one Federal Register notice at the beginning of an emergency supply allocation operation.

12.2 U.S. Government observers shall be notified in advance of the time and place of each allocation meeting, and of any meeting held pursuant to Section 8.2 (a) or (b). If all or a portion of the allocation site is to be in a place other than IEA headquarters, the Allocation Coordinator and/or the ISAG Manager shall so notify the U.S. Government observers assigned to monitor activities of U.S. Reporting Company representatives serving on the ISAG during the allocation period, as much in advance as possible.

13.0 *U.S. Government Monitoring.*

This Plan of Action shall be governed by monitoring guidelines to be issued by the Secretary of Energy pursuant to the provisions of Section 252 of EPCA, 10 CFR Part 209, and the existing Voluntary Agreement and Plan of Action. Such monitoring guidelines may establish procedures for the approvals described in Sections 8.4 and 9.14 or for modification or revocation of this Plan of Action, for further implementation of the recordkeeping requirements established hereunder, for notice to or from U.S. Government observers, or for other matters pertaining to implementation of this Plan of Action.

14.0 *Termination.*

This Plan of Action shall cease to be effective on the expiration of Section 252 of EPCA or any successor statutory authority.

III. Specific Comments Requested

Comments are invited on the draft "Plan of Action to Implement the International Energy Program" in general, or on particular provisions of it. In addition to such other comments as respondents wish to make, specific comments are requested on the following issues (please reference the pertinent paragraph number when commenting):

1. Does the draft plan of action comprehensively and adequately detail the potential emergency sharing actions and communications of U.S. Voluntary Agreement participants?

2. Section 9.15 provides that, with certain exceptions related to the resolution of disputes, the draft plan of action does not cover the communication of confidential or proprietary oil prices or other commercial terms. The draft plan of action does not cover the communication of such information or data by or to U.S. Reporting Companies for the purpose of carrying out voluntary offers, or of implementing oil shipments

mandated by governments of IEA countries. What impact, if any, will this exclusion have on implementation of the IEA emergency sharing system?

3. The draft plan of action does not cover the communication of confidential or proprietary price or other commercial term information or data to U.S. Reporting Company representatives serving on the ISAG, or to the IEA Secretariat. What impact, if any, will this exclusion have on implementation of the IEA emergency sharing system?

4. Is it necessary for the draft plan of action to spell out in further detail the communications which may take place between ISAG or Reporting Companies and various other entities, or the actions which may be taken by Reporting Companies?

5. Should the proceedings of the IEA's Dispute Settlement Centre be covered by the draft plan of action?

6. The definition of "oil", which is based on that contained in the IEP, is not the same as the definition of "petroleum" contained in the Voluntary Agreement. What definition is most appropriate and useful?

7. Should the draft plan of action quote or describe pertinent legal authorities or other provisions bearing on implementation of the Plan of Action, such as EPCA Section 252(d)(1) and Sections 6(c)(2) and (e)(3) of the Voluntary Agreement empowering the Attorney General to amend, modify, disapprove or revoke a plan of action at any time?

8. Section 13 of the draft Plan of Action provides for the subsequent issuance of monitoring guidelines establishing procedures for Government approvals, modification or revocation of the Plan of Action, further implementation of recordkeeping requirements, notice to or from U.S. Government observers, and other matters. Should these procedures be detailed in the draft plan of action?

IV. Comment Procedures

You are invited to submit your comments on the draft plan of action, and on the specific questions raised with respect to this draft. Comments should be in writing, identified on the outside envelope and on the documents submitted with the designation, "IEA Plan of Action". Comments should be submitted by the date indicated in the "Date" section of this Notice and to the address indicated in the "Address" section. Ten copies should be submitted. Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination. We will consider all comments received by July 10, 1981.

Issued in Washington, D.C., May 5, 1981.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 81-13988 Filed 5-6-81; 8:45 am]

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5-11-81
Vol. 46 No. 90
Pages 26037-26274

federal register

Monday
May 11, 1981

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26053 **Taxes** Treasury/IRS makes changes to the statement of procedural rules (SPR). The SPR governs the procedures for all taxes administered by IRS as well as certain rules applicable to the Bureau of Alcohol, Tobacco and Firearms.

26094 **Privacy Act Document** DOD/Navy

26224 **Communications** FCC revises applications for the renewal of licenses of commercial and noncommercial AM, FM, and television licensees. (Part II of this issue)

26050 **Federal Trade-Conduct Standards** FTC adopts rules to govern disciplinary actions concerning postemployment conflicts of interest.

26262 **Consumer Protection** CPSC begins the development of a proposed consumer product safety standard for chain saws and their components and replacement parts. This action is being instigated to reduce the risk of injury to consumers caused by kickback. (Part IV of this issue)

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

26224 **Continental Shelf** Interior/BLM provides affected States an opportunity to review the proposed sale notice for Sale No. 60 in the offshore waters of the Lower Cook Inlet/Shelik of Strait area. (Part II of this issue)

26058 **Pesticides** EPA grants to qualifying States the primary enforcement responsibility for pesticide use violations.

26066 **Navigation** DOT/CG solicits the public's comments and suggestions regarding the identification of constraints on bridge navigational visibility.

26065 **Wildlife** USDA/APHIS proposes procedures for the approval of commercial bird quarantine facilities and recovery of costs of services.

26213 **Sunshine Act Meetings**

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7 CFR Pa

Filberts/H
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Rules and Regulations

Federal Register
Vol. 46, No. 90
Monday, May 11, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

Filberts/Hazelnuts Grown in Oregon and Washington; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the filbert marketing agreement and order program to improve its operation and effectiveness. The amendment was favored by the required two-thirds majority of growers voting in a referendum. The most significant change would improve the method for adopting and implementing marketing policy and volume regulation. The amendment is based on proposals submitted by the Board which works with AMS in administering the program. These proposals were considered at a public hearing last July. The referendum was conducted by the Department by mail ballot March 23–April 6, 1981.

EFFECTIVE DATE: May 11, 1981.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5697. An impact statement relative to this action is available on request from J. S. Miller.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued June 18, 1980, and published June 24, 1980 (45 FR 42315).

Notice of Recommended Decision—Issued January 7, 1981, and published January 12, 1981 (46 FR 2622).

Final Decision—Issued March 18, 1981, and published March 23, 1981 (46 FR 18040).

Correction to Final Decision—Published April 2, 1981 (46 FR 19946).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and thereof, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated nine handlers.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations previously made in connection with the issuance of the aforesaid order and each previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of filberts grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of filberts grown in the production area which make necessary different terms and provisions applicable to different parts of such area, and

(5) All handling of filberts grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary and in the public interest to make all of the amendatory provisions effective upon publication in the Federal Register. Any delay beyond that date would interfere with effective order administration. The amendatory order provides for a marketing year beginning May 1, 1981, and the improvements in program operations and procedures provided by that order should be utilized from the start of the 1981–82 season. Further, the amendatory order provides that Filbert/Hazelnut Marketing Board nominations for grower, handler, and public members whose terms begin May 1, 1981, shall be made and submitted to the Secretary as soon as practicable following the beginning of the 1981–82 marketing year. A prompt effective date would be consistent with fulfilling that requirement.

In view of the foregoing, it is hereby found and determined that good cause exists for making this amendatory order effective upon publication in the Federal Register, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the Federal Register (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of FILBERTS/HAZELNUTS, Grown in Oregon and Washington" [1] upon which the aforesaid public hearing was held has been signed by handlers (excluding

[1] Marketing agreement filed as part of the original document.

cooperative associations of producers who are not engaged in processing, distributing, or shipping covered by the said order, as amended, and as hereby further amended) who, during the period August 1, 1979 through July 31, 1980, handled not less than 50 percent of the volume of such filberts covered by the said order, as amended, and as hereby further amended, and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1979 through July 31, 1980 (which has been deemed to be a representative period), have been engaged within Oregon and Washington, in the production of filberts for market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of filberts shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

1. The title of the part is revised to read as follows:

PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON

2. Section 982.17 is revised to read as follows:

§ 982.17 Marketing year.

"Marketing year" means the 12 months from May 1 to the following April 30, both inclusive, or such other period of time as may be recommended by the Board and established by the Secretary.

§§ 982.1-982.88 [Nomenclature change]

3. The terms "marketing policy year" and "fiscal year" are changed to "marketing year" wherever they appear in §§ 982.1 through 982.88.

4. Section 982.18 is revised to read as follows:

§ 982.18 Board.

"Board" means the Filbert/Hazelnut Marketing Board established pursuant to § 982.30.

5. Section 982.19 is redesignated § 982.20 and a new § 982.19 is added to read as follows:

§ 982.19 Disappearance.

"Disappearance" means the difference between orchard-run production and the available supply of merchantable filberts and merchantable equivalent of shelled filberts.

§ 982.20 [Renumbered from § 982.19]

6. Section 982.30(g) is revised to read as follows:

§ 982.30 Establishment and membership.

* * * * *

(g) One public member who is neither a grower nor a handler.

7. Section 982.32 (e) and (f) are revised to read as follows:

§ 982.32 Nomination.

* * * * *

(e) All votes cast by cooperative handlers, independent handlers, or for cooperative growers, shall be weighted according to the tonnage of certified merchantable filberts and, when shelled filbert grade and size regulations are in effect, the inshell equivalent of certified shelled filberts (computed to the nearest whole ton) recorded by the Board as handled by each such handler or cooperative grower group during the preceding marketing year and if less than one ton is recorded for any such handler or cooperative grower group, the vote shall be weighted as one vote. All votes cast by independent growers shall be given equal weight. Nominations received in the foregoing manner by the Board shall be reported to the Secretary at least 60 days prior to the beginning of each marketing year, together with a certificate of all necessary data and other information deemed by the Board to be pertinent or requested by the Secretary: *Provided,* That the nominations of the persons who would serve for terms beginning May 1, 1981, together with such certificate and other information, shall be reported as soon as practicable after May 1. If such nominations of any group are not submitted to the Secretary by that time, the Secretary may select the representatives of that group without nomination.

(f) Nominees for the public member and alternate member positions specified in § 982.30(g) shall be chosen by the other eight members who are to serve on the Board during the ensuing marketing year. If nominations for such member or alternate are not submitted within 30 days after the beginning of the marketing year, the Secretary may select such member or alternate without nomination: *Provided,* That the nominations for such member and alternate member whose terms would begin May 1, 1981, shall be submitted as soon as practicable after May 1.

* * * * *

8. Section 982.33(b)(1) is revised to read as follows:

§ 982.33 Selection and term of office.

* * * * *

(b) *Term of office.* (1) The term of office of each member and alternate member shall be two marketing years from the beginning of the marketing year, except that (i) the terms of office of one of the grower members and the member's alternate specified in § 982.30 (a) and (b) shall expire at the end of the first even numbered marketing year following the year of selection, and the terms of office of all other members and alternate members shall expire at the end of the first odd-numbered marketing year following the year of selection; (ii) if the representation on the Board in an ensuing marketing year will, by reason of change in representation pursuant to § 982.30 (c) and (f), be different from that in the current marketing year, the terms of office of all grower and handler members and alternate members shall expire at the end of the current marketing year and successor members and alternate members shall be nominated and selected in conformance with §§ 982.30 and 982.33; (iii) if the districts for independent grower representation in an ensuing marketing year will be different from that in the current marketing year, the terms of office of all independent grower members and alternate members specified in § 982.30 (e) and (f) shall expire at the end of the current marketing year, and persons nominated to succeed them shall be nominated and selected so as to conform with such changed representation.

* * * * *

9. Section § 982.34 is revised to read as follows:

§ 982.34 Qualification.

(a) Any person selected to serve as a member or an alternate member of the Board shall qualify by filing with the Secretary a written acceptance of appointment. Any member or alternate member who at the time of selection was a member or employed by a member of the group which nominated that person shall, upon ceasing to be such a member or employee, become disqualified to serve further and that position on the Board shall be deemed vacant. In the event any member or alternate member of the Board qualified and selected, in accordance with the provisions of §§ 982.30 and 982.32, to represent independent growers should

during that person's term of office handle filberts produced by other growers or become an employee of a handler, that position on the Board shall thereupon be deemed to be vacant.

(b) No person nominated to serve as a public member or alternate shall have a financial interest in any filbert growing or handling operation.

10. Section 982.39(f) is revised to read as follows:

§ 982.39 Duties.

* * * * *

(f) To cause the books of the Board to be audited by one or more public accountants approved by the Board at least once for each marketing year and at such other times as the Board deems necessary or as the Secretary may request, and to file with the Secretary reports of all audits made;

* * * * *

11. Section 982.40 is revised to read as follows:

§ 982.40 Marketing policy and volume regulation.

(a) *General.* As provided in this section, for each marketing year the Board may hold meetings for the purpose of computing its marketing policy for that year and shall do so for the purpose of submitting any recommendations on its policy to the Secretary. The Board may designate one of its employees to compute and announce the preliminary computed and final computed free and restricted percentages.

(b) *Trade demand.* Prior to August of a marketing year, the Board shall recommend establishment of an inshell trade demand for that year to the Secretary. The inshell trade demand shall equal the average of the trade acquisitions of inshell filberts during the proceding three years. If the trade acquisitions during any one or all of those years was abnormally low because of crop conditions, the Board may use a more representative prior year or years in determining the three-year average. If the Secretary finds, on the basis of the Board's recommendation or other information that limiting the quantity of merchantable filberts which may be handled during a marketing year through application of the free and restricted percentages to that trade demand as provided in paragraph (c) of this section would tend to effectuate the declared policy of the act, the Secretary shall establish that trade demand.

(c) *Inshell allocation*—(1) *Preliminary computed percentages.* Prior to September 20 of that marketing year, the Board shall compute and announce preliminary computed free and restricted percentages for that year, to release 70 percent of the inshell trade demand computed for that year. The preliminary computed free percentage shall be computed by multiplying that trade demand, adjusted by the declared carryin, by 70 percent and dividing by the most recent official estimate of orchard-run production less the average disappearance during the preceding three years, plus the undeclared carryin. The difference between 100 percent and the preliminary free percentage shall be the preliminary computed restricted percentage.

(2) *Final computed percentages.* The Board upon determining that a firm field price has been established for filberts for that marketing year shall compute and announce final computed free and restricted percentages for that year, to release 80 percent of the inshell trade demand computed for that year. The final computed free percentage shall be computed by multiplying that trade demand, adjusted by the declared carryin, by 80 percent and dividing by the most recent official estimate of orchard-run production less the average disappearance during the preceding three years plus the undeclared carryin. The difference between 100 percent and the final computed free percentage shall be the final computed restricted percentage.

(3) *Final percentages.* On or before November 15 the Board shall meet to recommend to the Secretary the final free and restricted percentages to release 100 percent or up to 110 percent if market conditions justify of the inshell trade demand previously established by the Secretary for the marketing year. The recommendation shall include the following:

(i) The estimated tonnage of merchantable filberts expected to be produced during the marketing year.

(ii) The estimated tonnage of inshell filberts held by handlers on the first day of the marketing year which may be available for handling as inshell filberts thereafter.

(iii) Any other pertinent factors bearing on the marketing of filberts during the marketing year. Whenever the Secretary finds, on the basis of the recommendation of the Board or other available information that to establish the final free and restricted percentages would tend to effectuate the declared policy of the act, the Secretary shall establish such percentages.

(d) *Grade and size regulations.* Prior to September 20 the Board may consider grade and size regulations in effect and may recommend modificatons thereof to the Secretary.

(e) *Revison of marketing policy.* At any time prior to February 15 of the marketing year the Board may recommend to the Secretary revisons in the marketing policy for that year: *Provided,* That in no event shall any revison result in free and restricted percentages which would release more than 110 percent of the inshell trade demand computed for that marketing year. At any time during the period December 1 through February 10 at the request of two or more handlers who during the preceding marketing year handled at least 10 percent of all filberts handled the Board shall meet to determine whether the marketing policy should be revised.

12. Section 982.41 is revised to read as follows:

§ 982.41 Free and restricted percentages.

The free and restricted percentages computed by the Board or established by the Secretary pursuant to § 982.40, shall apply to all merchantable filberts handled during the current marketing year. Until the preliminary or final computed free and restricted percentages are computed by the Board for the current marketing year, the percentages in effect at the end of the previous marketing year shall be applicable.

§ 982.50 [Amended]

13. Sections 982.50(a) (1) and (d) are amended by adding the word "applicable" before the words "free percentage" and "reserve percentage" whenever they appear.

14. Sections 982.54(a) and (c) are revised to read as follows:

§ 982.54 Deferment of restricted obligation.

(a) *Bonding.* Compliance by any handler with the requirements of § 982.50 as to the time when restricted filberts shall be withheld shall be temporarily deferred to any date required by the handler, but not later than 60 days prior to the end of the marketing year, upon the voluntary execution and delivery by such handler to the Board before handling any merchantable filberts of such marketing year of a written undertaking secured by a bond or bonds with a surety or sureties acceptable to the Board that on or prior to such date the handler will have fully satisfied the restricted obligation required by § 982.50: *Provided,* That for the marketing period August 1, 1980, through April 30, 1981, compliance with any restricted

obligation may be deferred to April 30, 1981.

* * * * *

(c) *Bonding rate.* Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to handler f.o.b. shipping point which shall be computed at the opening price for such pack announced by the handler or handlers who during the preceding marketing year handled more than 50 percent of the total volume handled. If such opening prices involve different prices announced by two or more handlers for respective packs the price so announced shall be averaged on the basis of the quantity of such packs handled during the preceding marketing year by each such handler. Until bonding rates for a marketing year are fixed the rates in effect for the preceding marketing year shall continue in effect, and when such new rates are fixed necessary adjustments should be made.

* * * * *

15. Section 982.62 (a) and (b) are revised to read as follows:

§ 982.62 Accounting.

(a) *Operating reserve.* The Board with the approval of the Secretary may establish and maintain an operating monetary reserve in an amount not to exceed approximately one marketing year's operational expenses or such lower limits as the Board with the approval of the Secretary may establish.

(b) *Refunds.* At the end of a marketing year funds in excess of the marketing year's expenses and reserve requirements shall be refunded to handlers from whom collected and each handler's share of such excess funds shall be the amount of assessments the handler paid in excess of the handler's pro rata share of expenses of the Board. However, excess funds may be maintained and used by the Board until December 1 following the end of any such marketing year: *Provided,* That the Board shall refund to each handler upon request, or credit to the handler's account with the Board, the handler's share of such excess prior to January 1.

* * * * *

16. Section 982.65 is revised to read as follows:

§ 982.65 Carryover reports.

As of January 1, May 1, and August 1, or such other dates as the Board may recommend and the Secretary approve, each handler shall report within 10 days to the Board the handler's inventory of inshell and shelled filberts. Such reports shall be certified to the Board and the Secretary as to their accuracy and completeness and shall show, among other items, the following: (a) Certified merchantable filberts on which the restricted obligation has been met; (b) merchantable filberts on which the restricted obligation has not been met; (c) the merchantable equivalent of any filberts intended for handling as inshell filberts; and (d) restricted filberts withheld.

17. Section 982.66(b)(3) is revised to read as follows:

§ 982.66 Effective time, termination or suspension.

* * * * *

(b) *Suspension or termination.* * * *

(3) The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever the Secretary finds that such termination is favored by a majority of the producers of filberts who during the preceding marketing year have been engaged in the production for marketing of filberts in the States of Oregon and Washington: *Provided,* That such majority have during such period produced for market more than 50 percent of the volume of such filberts produced for market within said States; but such termination shall be effected only if announced 30 days or more before the end of the then current marketing year.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Effective May 11, 1981.

Signed at Washington, D.C., on May 5, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation.

[FR Doc. 81-14068 Filed 5-8-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 92

Procedures for the Withdrawal or Denial of Approval of a Commercial Bird Quarantine Facility

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document provides additional grounds and revises the procedures for the withdrawal or denial of approval of a commercial bird quarantine facility. The intended effect of this action is to terminate the Department's approval or to refuse approval of such facility when certain persons that operate or are responsibly connected with the business of the facility are determined to be unfit to engage in such business. This action is necessary because it is believed that the present procedures may not be adequate to insure the proper operation of quarantine facilities involved in the importation of certain birds.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. S. S. Richeson, USDA, APHIS, VS, Federal Building, Room 815, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: This Final action has been reviewed in conformance with Executive Order 12291 and has been determined not to be a "major rule." The Department has determined that this rule will not have a significant effect on the economy; that it will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

On Thursday, November 20, 1980, there was published in the Federal Register (45 FR 76689–76691), a proposed rule which provided additional grounds and revised the procedures for the withdrawal or denial of approval of a commercial bird quarantine facility.

A 60-day comment period which expired January 19, 1981, was provided to permit public participation in the rulemaking process. A total of 14 comments were received, all in support of the proposal with the following suggested changes.

One respondent suggested that the statement, "Such birds represent a potential to introduce communicable animal diseases into the United States if not properly handled.", appearing in the Supplementary Information section of the proposed rule be modified to specify "Viscerotropic Velogenic Newcastle Disease", in the interest of honesty.

VVND is not the only disease which is of concern to the Department. Both poultry and birds are refused entry if any communicable disease of poultry is detected, i.e., avian influenza or fowl plague.

One respondent suggested that the proposed rule change be modified to include violations by all personnel employed in a quarantine facility. The Department feels that such action would be too restrictive. Additionally, provisions presently exist in the regulations (9 CFR 92.11(f)(8)(A)(4)), whereby operators of approved facilities

agree to suspend employees in specified situations in which the employee has demonstrated his unfitness to be employed at a quarantine facility. Therefore, no change in this regard is necessary with respect to the rule presently under consideration.

One comment suggested the proposal was somewhat vague and provides the Department unfettered authority to close down a facility at the Deputy Administrator's whim. The respondent suggested the suspension be time limited, be restricted to substantive violations, be restricted to only violations that breach USDA quarantine requirements and not "include crimes regarding the importation or quarantine of any animal or bird," and that the Deputy Administrator in determining whether to refuse or withdraw an approval take into account the nature, circumstances, extent and gravity of the prohibited act. The respondent also commented that the policy that a "tainted" person shall not ever be associated with the approved quarantine facility, as reflected in the regulations, does not provide the flexibility needed to permit rehabilitated persons to be associated with such facilities.

The comment that the proposal was vague did not state in what respect the proposal was vague. The Department believes that the proposal is specific and not vague since it delineates what action will be taken on the basis of what violations and provides that an affected person will be given notice and opportunity for a hearing concerning the actions contemplated concerning any such violation. Therefore, no change in the regulation has been made on the basis of this comment.

The Department does not believe that the proposed regulation provides the Department with unfettered authority to close down a facility at the Deputy Administrator's whim. The regulations provide for notice to the operator of the facility or the applicant for approval of the action contemplated and the reasons for such action, and opportunity for a hearing, before approval is withdrawn or refused, except when the Deputy Administrator determines that immediate withdrawal of approval pending a final decision is necessary to protect the public health, interest or safety. With respect to all such actions, the operator or applicant is given an opportunity for a hearing with respect to the merits or validity of the action and will have the opportunity to have any such action reviewed administratively and judicially in accordance with rules of practice adopted for any such proceeding. The Department believes these procedures will accord due process to any affected person and will protect such person from any abuse of discretion by the Department.

Concerning the comment that the suspension be limited in time, it should be noted that the term suspension was not used in the proposed regulations. However, as indicated above, withdrawal of approval would be effective immediately, pending a final decision after opportunity for a hearing, when the Deputy Administrator determines that such action is necessary to protect the public health, interest or safety. As noted in the proposal, such emergency authority is necessary because quarantined birds represent a potential to introduce communicable animal diseases into the United States if not properly handled. Since the withdrawal isn't finalized until an opportunity for a hearing is afforded the operator of the facility, this temporary withdrawal is limited in time to the final decision in the proceeding.

Concerning the comment that the Department's action be limited to substantive violations, the Department is not certain of the meaning of this comment. The Department in the regulations has specified the violations or convictions of crimes or particular classes of crimes which will be considered as a basis for withdrawal or denial of approval of a facility. These are substantive violations of law.

The Department believes that a person who has been convicted of violating any law or regulation concerning the importation or quarantining of any animal or bird has demonstrated a lack of the integrity needed to operate a quarantine facility. It would be naive and an undue risk to the livestock and poultry industries of the United States to assume that a person convicted of violating other laws or regulations of other agencies concerning the importation of any animal or bird would not also consider violating the laws enforced by this Department and this Department's regulations concerning the importation or quarantining of birds.

Concerning the comment that the regulations do not provide the flexibility needed to permit rehabilitated persons to be associated with an approved bird quarantine facility, the Department agrees that no specific provision has been made to permit rehabilitated persons to be associated with a facility. However, the regulations do not state that approval *must* be refused or withdrawn if anyone responsibly connected with a facility has been convicted of certain crimes. The regulations state that the approval of any such facility may be refused or withdrawn by the Deputy Administrator for such convictions. In deciding whether or not the conviction should be the basis for denying or withdrawing approval of such a facility, the Deputy Administrator will consider the nature, circumstances, extent and gravity of the prohibited Act. Therefore, the Department believes the regulations do provide flexibility to permit rehabilitated persons to be associated with such facilities.

The Department is aware of and does consider the nature, circumstances and gravity, of violations of prohibited actions, but must also consider the potential effect of continued violations on the livestock and poultry industries of the United States. These considerations provided the basis for the Department to develop the proposed amendment.

Therefore, the amendment is adopted as proposed without change.

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 92.1, new paragraphs (y) and (z) are added to read:

§ 92.1 Definitions.

* * * * *

(y) *Persons.* Any individual, corporation, company, association, firm, partnership, society or joint stock company.

(z) *Operator.* For the purposes of § 2.11, any person operating a quarantine facility.

2. In § 92.11(f)(6), the first sentence is moved to the end of paragraph (f)(5) of this section, and paragraph (f)(6) is revised to read:

§ 92.11 Quarantine requirements.

* * * * *

(f) * * *

(6)(i) Approval of any facility may be refused and approval of any approved quarantine facility may be withdrawn at any time by the Deputy Administrator, Veterinary Services, for any of the reasons provided in paragraph (f)(6)(ii) of this section. Before such action is taken, the operator of the facility will be informed of the reasons for the proposed action and, upon request, shall be afforded an opportunity for a hearing with respect to the merits or validity of such action, in accordance with rules of practice which shall be adopted for the proceeding. However, such withdrawal shall become effective pending final determination in the proceeding, when the Deputy Administrator determines that such action is necessary to protect

the public health, interest or safety. Such withdrawal shall be effective upon oral or written notification, whichever is earlier, to the operator of the facility. In the event of oral notification, written confirmation shall be given to the operator of the facility as promptly as circumstances permit. This withdrawal shall continue in effect pending the completion of the proceeding and any judicial review thereof, unless otherwise ordered by the Deputy Administrator.

(ii) Except as provided in paragraph (f)(6)(iv) of this section, the approval of a commercial bird quarantine facility may be denied or withdrawn if:

(A) Any requirement of this section is not complied with, or

(B) The operator or a person responsibly connected with the business of the quarantine facility is or has been convicted of any crime under any law regarding the importation or quarantine of any animal or bird, or

(C) The operator or a person responsibly connected with the business of the quarantine facility is or has been convicted of any crime involving fraud, bribery, or extortion or any other crime involving a lack of integrity needed for the conduct of operations affecting the importation of commercial birds, research birds or zoological birds.

(iii) For the purposes of this section, a person shall be deemed to be responsibly connected with the business of the quarantine facility if a partner, officer, director, holder or owner of 10 per centum or more of its voting stock, or an employee in a managerial or executive capacity.

(iv) The denial or withdrawal referenced in this subparagraph (6), shall not be solely based upon the convictions of those persons responsibly connected with an approved commercial bird quarantine facility if, after issuance of a complaint and upon receipt of notification of such action from the Deputy Administrator, the operator of the approved quarantine facility enters into a consent agreement with the Deputy Administrator, Veterinary Services, in which it is agreed that the responsibly connected person identified in the notification shall not ever be associated with the approved quarantine facility and the operator complies with the provisions of the agreement. Violation of the consent agreement shall constitute independent grounds for withdrawal of approval of an approved quarantine facility.

(Sec. 2 of the Act of February 2, 1903, as amended; and secs. 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f))

Done at Washington, D.C., this 5th day of May 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-14161 Filed 5-8-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-EA-7; Amdt. 39-4112]

Airworthiness Directives; DeHavilland DHC-6

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment issues a new airworthiness directive applicable to DHC-6 DeHavilland type airplanes. The AD requires a repetitive inspection of the elevator root rib in the vicinity of the torque tube attachment for cracks and repair or replacement where necessary. Failure of the rib can result in additional structural failure to the elevator with possible loss of elevator effectiveness and control of the airplane.

EFFECTIVE DATE: May 14, 1981. Compliance is required as set forth in the AD.

ADDRESSES: DeHavilland Service Bulletins may be acquired from the manufacturer at Downsview, Ontario, Canada M3K 1A5.

FOR FURTHER INFORMATION CONTACT: V. Barsamian, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: The manufacturer determined that after the incorporation of a 1972 Bulletin (S.B. 6/287) to alleviate cracks in the same elevator root rib area, cracks were still occurring in some airplanes. Therefore, it has issued a new service bulletin requiring an inspection and alteration where necessary. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by adding the following new Airworthiness Directive:

DeHavilland: Applies to all DHC-6 series aircraft certificated in all categories.

To prevent failure of the elevator root rib (P/N C 6TE 1022) due to cracking accomplish the following:

Within the next 50 hours service after the effective date of this Airworthiness Directive, unless already accomplished within the last 550 hours in service, and at intervals thereafter, not to exceed 600 hours in service, accomplish the following or an approved equivalent.

(a) Inspect the elevator root rib (P/N C 6TE 1022) in the area of the torque tube attachment for cracks with a ten-power magnifying glass in accordance with DeHavilland Service Bulletin No. 6/269, dated December 5, 1980, Accomplishment Instructions (1), (2) and (4).

(b) If cracking is evident, replace damaged components in accordance with Service Bulletins No. 6/269 and 6/287 dated April 24, 1972, prior to next flight.

(c) Alternative inspections, alterations or repairs which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(d) Compliance times may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, upon receipt of substantiating data submitted through an FAA maintenance inspector.

Effective Date: This amendment is effective May 14, 1981.

(Sections 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportaion Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Jamaica, New York, on April 30, 1981.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 81-14090 Filed 5-8-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-18; Amdt. 39-4108]

Airworthiness Directives; Bell Model 212 Helicopter

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires a periodic 10-flight-hour inspection of Bell Helicopter Textron Model 212 helicopters that have swashplate support part number (P/N) 204-011-404-017 installed. This AD also reduces the retirement life of swashplate support P/N 204-011-404-017 from 1,000 to 400 flight hours and requires mandatory replacement of swashplate support P/N 204-011-404-017 with P/N 204-011-404-121 prior to April 30, 1982. The manufacturer has received reports of nine cracked/fractured support lugs as of February 3, 1981. The AD is needed to prevent the possible loss of main rotor control.

DATES: Effective May 14, 1981. Compliance required as indicated in the AD.

ADDRESSES: Alert Service Bulletin 212-81-22 may be obtained from Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, Attention: Product Support.

A copy of the service bulletin is contained in the Rules Docket at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: H. A. Armstrong, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 517.

SUPPLEMENTARY INFORMATION: Bell Model 212 Helicopter Serial Number 30940 and subsequent had swashplate support P/N 204-011-404-017 installed prior to delivery. Further, this part number has been supplied as a spare part since March 1979. As of February 3, 1981, there have been nine reports of fractures/cracks of inboard gimbal attachment lugs on the swashplate support. Failures have been reported at times ranging from 401 to 920 flight hours. To assure early identification of this problem, an inspection of the support lugs every 10 flight hours is now considered mandatory. Further, a reduction in retirement life and eventual mandatory replacement of the swashplate support with an improved design are also considered mandatory. No previous inspection was required. Undetected lug fractures could lead to total gimbal attachment failure and possible loss of main rotor control.

The time to perform the inspection of the swashplate support is approximately 15 minutes. The reduction in life to 400 hours may result in some operators reaching the replacement time before improved design swashplate support P/N 204-011-404-121 is available. In order to continue operations, these operators would have to install another eligible 204-011-404-017 part.

Since a situation exists that requires immediate adoption of this AD, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective immediately to all U.S. Owners and Operators of Bell Model 212 helicopters.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Bell Helicopter Textron (BHT): Amendment 39-4108. Applies to all Model 212 series helicopters which have swashplate support part number (P/N) 204-011-404-017 installed (Airworthiness Docket No. 81-ASW-18).

To prevent possible loss of main rotor control, accomplish the following:

(a) Within the next 10 flight hours following the effective date of this AD and continuing at intervals not to exceed 10 flight hours, thoroughly clean the 204-011-404-017 swashplate support-to-gimbal-ring attachment lugs. Using an inspection mirror and flashlight, inspect the lugs for cracks. Particular attention should be given to both inner attachment lugs. If a crack is found, remove and replace the swashplate support.

(b) The inspection is not required after swashplate support P/N 204-011-404-017 is replaced with P/N 204-011-404-121.

(c) Effective June 1, 1981, the retirement life of swashplate support P/N 204-011-404-017 is reduced from 1,000 flight hours to 400 flight hours when used on the Model 212 helicopter. The new retirement life shall be recorded on the appropriate helicopter maintenance record.

(d) Prior to April 30, 1982, all swashplate support assemblies P/N 204-011-404-017 on Bell Model 212 helicopters must be replaced with P/N 204-011-404-121.

(e) Bell Helicopter Textron Alert Service Bulletin 212-81-22 applies for inspection techniques and areas to be inspected.

Note.—Swashplate supports P/N 204-011-404-017 may have been installed on Model 204 or 205 helicopters and subsequently removed and installed on Model 212 helicopters. For those parts having such a history, determine the equivalent hours as follows:

Take the time the part has been installed on a Model 204 or 205 helicopter and divide this time by 2.5; to this result, add the time the part has been on a Model 212 helicopter. The answer is the equivalent hours on the part, and this number must not exceed 400 hours.

(f) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

(g) In accordance with FAR 21.197, flight is permitted to a base where the inspection and repairs required by this AD may be accomplished.

This amendment becomes effective May 14, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note: The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on April 27, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-14090 Filed 5-8-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-NE-36]

Description of the Concord, New Hampshire 700-Foot Transition Area Amended and the Laconia, New Hampshire 700-Foot Transition Area Deleted

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment changes the Concord, New Hampshire, 700-foot transition area so as to provide additional airspace for radar vectoring in the terminal area.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE-535, Federal Aviation Administration, Air Traffic Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the Federal Register [46 FR 12003, 12004, February 12, 1981] stating that the FAA proposed to amend the description of the Concord, New Hampshire 700-Foot Transition Area so as to provide additional airspace for radar vectoring in the terminal area.

This additional airspace, approximately four hundred (400) square miles, encompasses the Laconia, New Hampshire, 700-Foot Transition Area, therefore, the Laconia 700-Foot Transition Area will be deleted in its entirety.

Interested persons were invited to participate in the rulemaking process by submitting written comments on the proposal to the FAA. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of the Federal Aviation Regulations [14 CFR Part 71] as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the entire description of the Concord, New Hampshire 700-Foot Transition Area and substitute in lieu thereof:

That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°23'00" N., 71°11'30" W. to 43°09'00" N., 71°11'30" W. to 43°03'00" N., 71°05'00" W. to 42°50'00" N., 71°05'00" W. to 42°38'00" N., 71°20'00" W. to 42°40'00" N., 71°35'00" N., 42°43'00" N., 71°36'00" W. to 42°45'00" N., 71°38'25" W. to 42°54'30" N., 72°00'00" W. to 43°41'00" N., 72°00'00" W. to 43°41'00" N., 71°26'00" W. to 43°38'00" N., 71°14'00" W. to 43°34'00" N., 71°14'00" W. to 43°23'00" N., 71°08'00" W. to point of beginning, excluding that portion within the Lebanon, New Hampshire; Keene, New Hampshire; and Boston, Massachusetts, transition areas.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Laconia, New Hampshire, 700-Foot Transition Area in its entirely.

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed Rule, at promulgation, will not have significant impact on a substantial number of small entities.

(Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 USC 1348(a) and 1354(c); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Massachusetts, on April 29, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 81-14043 Filed 5-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ANW-24]

Alteration of Eugene, Oregon, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action provides for controlled airspace for aircraft to operate on direct routes or on radar vectors throughout west central Oregon at altitudes lower than the existing floor of controlled airspace.

EFFECTIVE DATE: July 9, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

On February 17, 1981, a Notice of Proposed Rulemaking was published in the Federal Register (46 FR 12500) stating that the Federal Aviation Administration proposed to alter transition areas at Eugene, Salem, and Corvallis, Oregon. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No comments were received objecting to the proposal.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, July 9, 1981, as follows:

Eugene, Oregon

1. Delete entire description and substitute "That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 45°10'00" N, longitude 122°30'00" W, thence south to latitude 44°30'00" N, longitude 122°30'00" W, south to latitude 44°06'00" N, longitude 122°31'30" W, thence clockwise via the Eugene, Oregon, VOR 34.5 mile arc to latitude 44°16'00" N, longitude 123°53'30" W, thence north to latitude 45°10'00" N, longitude 123°30'00" W, direct to point of beginning."

Salem, Oregon

2. Delete entire description.

Corvallis, Oregon

3. Delete entire description.

(Sec. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c), and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current and promote flight safety. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington, April 30, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-14061 Filed 5-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 80-ASO-74]

Amendment to Restricted Area, Fort Stewart, Ga.

Correction

In FR Doc. 81-12010 appearing at page 23046 in the issue of Thursday, April 23, 1981, make the following changes:

1. On page 23046, third column, under "Part 73—SPECIAL USE AIRSPACE", in the amendatory paragraph "20" "R-3005C" should be corrected to read "R-3005A".

2. On page 23046, third column, under "Part 73—SPECIAL USE AIRSPACE", in the land description following amendatory paragraph "3.", in the 11th line, reading "thence south along Georgia Highway 144" should be corrected to read "thence southwest along Georgia Highway 144".

3. On page 23047, first column, in the 17th line, in the land description, "R-300D Fort Stewart, Ga." should be corrected to read "R-3005D Fort Stewart, Ga."

BILLING CODE: 1505-01-M

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14 CFR Part 95

[Docket No. 21713; Amdt. No. 95-298]

IFR Altitudes; Miscellaneous Amendments.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT, June 11, 1981.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on May 5, 1981.

John S. Kern,

Chief, Aircraft Programs Division.

BILLING CODE 4910-13-M

§95.1001 DIRECT ROUTES - U.S.
Is amended to delete:

FROM	TO	MEA
Acins INT, Calif.	Dewey INT, Calif.	9500 MAA–17500
Dewey INT, Calif.	Palm Springs, Calif. VORTAC	9500 MAA–17500
Felso INT, Ala. *2500 – MOCA	Rocket, Ala. VOR	*3000
Hobbi INT, Ala. *2600 - MOCA	Rocket, Ala. VOR	*3000
Paradise, Calif. VORTAC	Acins INT, Calif.	7000E 5000W MAA–17500

§95.1001 DIRECT ROUTES–U.S.
Is amended to read:

FROM	TO	MEA
Rocket, AL VOR	Rome, GA VOR	6000

§95.1001 DIRECT ROUTES–U.S.
Is added to read:

FROM	TO	MEA
Indee INT, BH *1200–MOCA	Ponce INT, BH	*2000
Ponce INT, BH 1200–MOCA	Grand Turk, BH NDB	*2000

§95.1001 DIRECT ROUTES–U.S.
Is added to read:

FROM	TO	MEA
	Atlantic Routes	
A 599		
Jesse INT, BH	Nucar INT, FL	24000 MAA–45000
Nucar INT, FL	Bluff INT, FL	24000 MAA–45000

§95.6008 VOR FEDERAL AIRWAY 8
Is amended to read in part:

FROM	TO	MEA
Mormon Mesa, NV VOR	Hunch INT, UT E-bound W-bound	 12000 9000
Hunch INT, UT	Bryce Canyon, UT VOR	12000

§95.6013 VOR FEDERAL AIRWAY 13
Is amended to read in part:

FROM	TO	MEA
Texarkana, AR VOR *5000–MRA **1700–MOCA	*Pandy INT, AR	**2300

§95.6016 VOR FEDERAL AIRWAY 16
Is amended to read in part:

FROM	TO	MEA
Los Angeles, CA VOR	Prado INT, CA	4000

§95.6016 VOR FEDERAL AIRWAY 16
Is amended to read in part:

FROM	TO	MEA
Quitman, TX VOR	Roder INT, TX	2300
Roder INT, TX *1700–MOCA	Texarkana, AR VOR	*2300

§95.6020 VOR FEDERAL AIRWAY 20
Is amended to read in part:

FROM	TO	MEA
Pelzo INT, SC	Spartanburg, SC VOR	2900

§95.6025 VOR FEDERAL AIRWAY 25
Is amended to read in part:

FROM	TO	MEA
Lupod INT, CA *5500–MCA Gremy INT, S-bound	*Gremy INT, CA	9000

§95.6028 VOR FEDERAL AIRWAY 28
Is amended to read in part:

FROM	TO	MEA
Alturas INT, CA	Heise INT, CA	4500

§95.6029 VOR FEDERAL AIRWAY 29
Is amended to read in part:

FROM	TO	MEA
Salisbury, MD VOR	Fatima, DE VOR	1800
Fatima, DE VOR	Modena, PA VOR	2000

§95.6032 VOR FEDERAL AIRWAY 32
Is amended to read in part:

FROM	TO	MEA
Elko, NV VOR Via N alter.	*Wells, NV VOR Via N alter.	13000
*11800–MCA Wells VOR, SW-bound		

§95.6047 VOR FEDERAL AIRWAY 47
Is amended to read in part:

FROM	TO	MEA
Sacks INT, IN *2300–MOCA	Heals INT, IN	*3500
Heals INT, IN *2300–MOCA	Nobb, IN VOR	*3000

§95.6054 VOR FEDERAL AIRWAY 54
Is amended to read in part:

FROM	TO	MEA
Quitman, TX VOR	Roder INT, TX	230[illegible]
Roder INT, TX *1700–MOCA	Texarkana, AR VOR	*2300

§95.6064 VOR FEDERAL AIRWAY 64
Is amended to read in part:

FROM	TO	MEA
Thermal, CA VOR	Blythe, CA VOR	7000

§95.6066 VOR FEDERAL AIRWAY 66
Is amended to read in part:

FROM	TO	MEA
Sulphur Springs, TX VOR Via S alter.	Roder INT, TX Via S alter.	2500
Roder INT, TX Via S alter. *1700–MOCA	Texarkana, AR VOR Via S alter.	*2300

§95.6077 VOR FEDERAL AIRWAY 77
Is amended to delete:

FROM	TO	MEA
Oklahoma City, Okla. VOR Via E alter.	Pioneer Okla. VOR Via E alter.	3000

§95.6107 VOR FEDERAL AIRWAY 107
is amended to read in part:

FROM	TO	MEA
Imply INT, CA	Oakland, CA VOR	
	SE-bound	7000
	NW-bound	4500

§95.6143 VOR FEDERAL AIRWAY 143
is amended to read in part:

FROM	TO	MEA
Pottstown, PA VOR	Yardley, PA VOR	5000

§95.6157 VOR FEDERAL AIRWAY 157
is amended to read in part:

FROM	TO	MEA
Kenton, DE VOR	Fetina, DE VOR	1800
Fetina, DE VOR	Robinsville, NJ VOR	2000

§95.6166 VOR FEDERAL AIRWAY 166
is amended to read in part:

FROM	TO	MEA
Boley INT, MD	Fetina, DE VOR	2000
Fetina, DE VOR	Woodstown, NJ VOR	1800
Woodstown, NJ VOR	Brief INT, NJ	1900
Brief INT, NJ	Sea Isle, NJ VOR	1800

§95.6170 VOR FEDERAL AIRWAY 170
is amended to read in part:

FROM	TO	MEA
Modena, PA VOR	Kenno INT, MD	2000

§95.6210 VOR FEDERAL AIRWAY 210
is amended to read in part:

FROM	TO	MEA
Peach Springs, AZ VOR	Grand Canyon, AZ VOR	10000

§95.6259 VOR FEDERAL AIRWAY 259
is amended to read in part:

FROM	TO	MEA
Grand Strand, SC VOR	*Kooke INT, SC	2000
*3000-MRA		
Kooke INT, SC	Florence, SC VOR	2000

§95.6278 VOR FEDERAL AIRWAY 278
is amended to read in part:

FROM	TO	MEA
Texarkana, AR VOR	Woolr INT, AR	*2200
*1700-MOCA		
Woolr INT, AR	Wells INT, AR	2200

§95.6289 VOR FEDERAL AIRWAY 289
is amended to read in part:

FROM	TO	MEA
Texarkana, AR VOR	*Provo INT, AR	**2500
*5000-MRA		
**1700-MOCA		

§95.6291 VOR FEDERAL AIRWAY 291
is amended to read in part:

FROM	TO	MEA
Winslow, AZ VOR	*Frisy INT, AZ	
Via N alter.	Via N alter.	9000
*10500-MCA Frisy INT, W-bound		

§95.6301 VOR FEDERAL AIRWAY 301
is amended to read in part:

FROM	TO	MEA
*Klago INT, CA	Williams, CA VOR	7000
*6000-MCA Klago INT, NE-Bound		

§95.6309 VOR FEDERAL AIRWAY 309
is amended to read in part:

FROM	TO	MEA
Charleston, WV VOR	Rando INT, WV	5000
Rando INT, WV	Burgs INT, WV	7000

§95.6354 VOR FEDERAL AIRWAY 354
is amended by adding:

FROM	TO	MEA
Oklahoma City, OK VOR	Trump INT, OK	3000
Trump INT, OK	Pioneer, OK	3000

§95.6388 VOR FEDERAL AIRWAY 388
is added to read:

FROM	TO	MEA
Paradise, CA VOR	Acins INT, CA	
	E-bound	7000
	W-bound	5000
Acins INT, CA	*Palm Springs, CA VOR	9500
*6300-MCA Palm Springs, VOR W-bound		

§95.6433 VOR FEDERAL AIRWAY 433
is amended to read in part:

FROM	TO	MEA
Swann INT, MD	Kenno INT, MD	2500
Kenno INT, MD	Fetina, DE VOR	2000
Fetina, DE VOR	Yardley, PA VOR	2400
Fetina, DE VOR	Muffs INT, NJ	
Via E alter.	Via E alter	2000
Muffs INT, NJ	Yardley, PA VOR	
Via E alter.	Via E alter.	2500

§95.6485 VOR FEDERAL AIRWAY 485
is amended to read in part:

FROM	TO	MEA
Honer INT, CA	Fellows, CA VOR	9000

§95.6405 HAWAII VOR FEDERAL AIRWAY 5
is amended to read in part:

FROM	TO	MEA
Moane INT, HI	*Rowin INT, HI	
Via W alter.	Via W alter	**4000
*5500-MCA Rowin INT N-bound		
**1200-MOCA		
Rowin INT, HI	Maken INT, HI	
Via W alter.	Via W alter	*7000
**6100-MOCA		

§95.6409 HAWAII VOR FEDERAL AIRWAY 9
is amended to read in part:

FROM	TO	MEA
Makai INT, HI	Soldo INT, HI	*2000
*1200-MOCA		
Soldo INT, HI	Honolulu, HI VOR	
	N-bound	4000
	S-bound	2000

§95.6416 HAWAII VOR FEDERAL AIRWAY 16
is amended to read in part:

FROM	TO	MEA
Honolulu, HI VOR	Soldo INT, HI	
	N-bound	4000
	S-bound	2000
Soldo INT, HI	Makai INT, HI	*2000
*1200-MOCA		

§95.7005 is amended to delete:

FROM	TO	MEA	
Seal Beach, Calif,VORTAC	Porterville, Calif. VORTAC	18000	45000
Porterville, Calif. VORTAC	Reno, Nev. VORTAC	18000	45000

§95.7005 JET ROUTE NO. 5 is amended by adding:

FROM	TO	MEA	MAA
Los Angeles, CA VORTAC	Bakersfield, CA VORTAC	18000	45000
Bakersfield, CA VORTAC	Reno, NV VORTAC	#18000	45000

#MEA established with gap in navigation.

§95.7010 JET ROUTE NO. 10 is amended by adding:

FROM	TO	MEA	MAA
Gunnison, CO VORTAC	Shrew INT, CO	18000	45000
Shrew INT, CO	Byson INT, CO	18000	45000
Byson INT, CO	Denver, CO VORTAC	18000	45000
Denver, CO VORTAC	North Platte, NE VORTAC	18000	45000

§95.7040 JET ROUTE NO. 40 is amended to read in part:

FROM	TO	MEA	MAA
Richmond, VA VORTAC	INT Gordonsville VORTAC 065M rad & Fatima VORTAC 233M rad	18000	45000
INT Gordonsville VORTAC 065M rad & Fatima VORTAC 233M rad	Fatima, DE VORTAC	18000	45000

§95.7044 JET ROUTE NO. 44 is added to read:

FROM	TO	MEA	MAA
Shrew INT, CO	Byson INT, CO	18000	45000
Byson INT, CO	Denver, CO VORTAC	18000	45000

§95.7130 JET ROUTE NO. 130 is amended by adding:

FROM	TO	MEA	MAA
Castel INT, CO	Shrew INT, CO	18000	45000
Shrew INT, CO	Byson INT, CO	18000	45000
Byson INT, CO	Denver, CO VORTAC	18000	45000

§95.7189 JET ROUTE NO. 189 is amended to delete:

FROM	TO	MEA	MAA
Int 129 M rad Avenal, Calif. VORTAC & 158 M rad	Fresno, Calif. VORTAC	18000	45000
Fresno, Calif. VORTAC	Linden, Calif. VORTAC	18000	45000

§95.7189 JET ROUTE NO. 189 is amended by adding:

FROM	TO	MEA	MAA
Avenal, CA VORTAC	Linden, CA VORTAC	18000	45000

V. 46 / 90 / MAY 11 1981 UMI

2. By amending Sub-part D as follows:

§95.6003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT FROM	TO	CHANGEOVER POINTS DISTANCE	FROM
V-5 is added to read:			
Cincinnati, OH VORTAC	Appleton, OH VORTAC	64	Cincinnati
V-14 is added to read:			
Muncie, IN VOR	Findlay, OH VORTAC	44	Muncie
V-31 is amended to delete:			
Rochester, NY VOR	Elmira, NY VOR	30	Rochester
V-34 is amended to delete:			
Rochester, N.Y. VOR	Ithaca, N.Y. VOR	30	Rochester
V-104 is amended to read in part:			
Berlin, NH VOR	Bangor, ME VOR	25	Berlin
V-317 is added to read:			
Poggi, CA VOR	Imperial, CA	25	Poggi

[FR Doc. 81-14048 Filed 5-8-81; 8:45 am]
BILLING CODE 4910-13-C

FEDERAL TRADE COMMISSION

16 CFR Part 5

Standards of Conduct

AGENCY: Federal Trade Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting rules to govern disciplinary actions concerning postemployment conflicts of interest. These regulations, which have been approved by the Office of Government Ethics, establish procedures for determining alleged violations of 18 U.S.C. 207 (a), (b), and (c). They establish a procedure whereby the Commission's General Counsel may conduct an investigation of the allegedly improper conduct which may culminate in the Commission issuing an order to show cause and ordering a trial-type hearing to determine whether disciplinary action is warranted.

EFFECTIVE DATE: May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Barry R. Rubin, Assistant General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202–523–3520.

SUPPLEMENTARY INFORMATION: These rules provide a mechanism for Commission discipline for violations of the postemployment conflict of interest standards of the Ethics in Government Act. At the direction of the Commission, its General Counsel will conduct a nonpublic investigation to determine whether further Commission action is appropriate. If the Commission determines that reasonable cause exists to believe that a former employee violated 18 U.S.C. 207, the Commission may issue an order requiring the former employee to show cause why disciplinary sanctions should not be improved. The former employee would then have the right to be heard at a trial-type hearing conducted by an Administrative Law Judge in accordance with the Commission's adjudicative procedures. At the close of the hearing, the ALJ would issue an initial decision which could then be appealed to the Commission. The sanctions that may be imposed include reprimand, suspension from practice before the Commission, or prohibiting the former employee from communicating with the Commission with the intent to influence it for a period not to exceed five years.

Accordingly, the Commission amends its rules of practice by adding Subpart E to Part 5 to read as follows:

Subpart E—Disciplinary Actions Concerning Postemployment Conflict of Interest

Sec.

5.51 Scope and applicability.
5.52 Nonpublic proceedings.
5.53 Initiation of investigation.
5.54 Referral to the Office of Government Ethics and to the Department of Justice.
5.55 Conduct of investigation.
5.56 Disposition.
5.57 Order to show cause.
5.58 Answer and request for a hearing.
5.59 Presiding official.
5.60 Scheduling of hearing.
5.61 Perhearing procedures; motions; interlocutory appeals; summary decision; discovery; compulsory process.
5.62 Hearing rights of respondent.
5.63 Evidence; transcript; in camera orders; proposed findings of fact and conclusions of law.
5.64 Initial decision.
5.65 Review of initial decision.
5.66 Commission decision and reconsideration.
5.67 Sanctions.
5.68 Judicial review.

Authority: 15 U.S.C. 41 et seq.

Subpart E—Disciplinary Actions Concerning Postemployment Conflict of Interest

§ 5.51 Scope and applicability.

These regulations establish procedures for investigating and determining alleged violations of 18 U.S.C. 207 (a), (b) and (c) (Postemployment restrictions applicable to federal employees) or regulations issued by the Office of Personnel Management set forth in 5 CFR Part 737, reflecting the joint views of the Office of Government Ethics and the Department of Justice as to the requirements of 18 U.S.C. 207.

§ 5.52 Nonpublic proceedings.

Any investigation or proceedings held under this Part shall be nonpublic unless the respondent specifically requests otherwise, except to the extent required by the Freedom of Information Act (5 U.S.C. 552) or by the Sunshine Act (5 U.S.C. 552b). However, the presiding official's initial decision and any final decision of the Commission shall be placed on the public record, except that information may be designated *in camera* in accordance with § 3.45 of the Commission's Rules of Practice.

§ 5.53 Initiation of investigation.

(a) Investigations under this Part may be initiated upon the submission by any person of a written statement to the Secretary setting forth sufficient information to indicate a possible violation of 18 U.S.C. 207 or by the Commission on its own initiative when a possible violation is indicated by information within the Commission's possession.

(b) At the direction of the Commission, the General Counsel shall investigate any alleged violation of 18 U.S.C. 207.

§ 5.54 Referral to the Office of Government Ethics and to the Department of Justice.

(a) The General Counsel shall make a preliminary determination of whether the matter appears frivolous and, if not, shall expeditiously transmit any available information to the Director of the Office of Government Ethics and to the Criminal Division, Department of Justice.

(b) Unless the Department of Justice communicates to the Commission that it does not intend to initiate criminal prosecution, the General Counsel shall coordinate any investigation or proceeding under this Part with the Department of Justice in order to avoid prejudicing criminal proceedings.

§ 5.55 Conduct of investigation.

(a) The General Counsel may (1) exercise the authority granted in § 2.5 of the Commission's Rules of Practice to administer oaths and affirmations; and (2) conduct investigational hearings pursuant to Part 2 of these rules. He may also recommend that the Commission issue compulsory process in connection with an investigation under this section.

(b) Witnesses in investigations shall have the rights set forth in § 2.9 of the Commission's Rules of Practice.

§ 5.56 Disposition.

(a) Upon the conclusion of an investigation under this Part, the General Counsel shall forward to the Commission a summary of the facts disclosed by the investigation along with a recommendation as to whether the Commission should issue an order to show cause pursuant to § 5.57.

(b) When the former government employee involved is an attorney, the General Counsel shall also recommend whether the matter should be referred to the disciplinary committee of the bar(s) of which the attorney is a member.

§ 5.57 Order to show cause.

(a) Upon a Commission determination that there exists reasonable cause to believe a former government employee has violated 18 U.S.C. 207, the Commission may issue an order requiring the former employee to show cause why sanctions should not be imposed.

(b) The show cause order shall contain (1) the statutory provisions

alleged to have been violated and a clear and concise description of the acts of the former employee that are alleged to constitute the violation; (2) notice of the respondent's right to submit an answer and request a hearing, and the time and manner in which the request is to be made; and (3) a statement of the sanctions that may be imposed pursuant to § 5.67 of this Part.

(c) Subsequent to the issuance of an order to show cause, any communications to or from the Commission or any member of the Commission shall be governed by the *ex parte* provisions of § 4.7 of the Commission's Rules of Practice. 16 CFR 4.7.

§ 5.58 Answer and request for a hearing.

(a) An answer and request for a hearing must be filed with the Secretary of the Commission within thirty (30) days after service of the order to show cause.

(b) In the absence of good cause shown, failure to file an answer and request for a hearing within the specified time limit (1) will be deemed a waiver of the respondent's right to contest the allegations of the show cause order or request a hearing and (2) shall authorize the Commission to find the facts to be as alleged in the show cause order and enter a final decision providing for the imposition of such sanctions specified in § 5.67 as the Commission deems appropriate.

(c) An answer shall contain (1) a concise statement of the facts or law constituting each ground of defense and (2) specific admission, denial, or explanation of each fact alleged in the show cause order or, if the respondent is without knowledge thereof, a statement to that effect. Any allegations of a complaint not answered in this manner will be deemed admitted.

(d) Hearings shall be deemed waived as to any facts in the show cause order that are specifically admitted or deemed to be admitted as a result of respondent's failure to deny them. Those portions of respondent's answer, together with the show cause order, will provide a record basis for initial decision by the Administrative Law Judge or for final decision by the Commission.

(e) If all material factual allegations of the show cause order are specifically admitted or have been deemed admitted in accordance with paragraph (c) of this Section, the Commission will decide the matter on the basis of the allegations set forth in the show cause order and respondent's answer.

§ 5.59 Presiding official.

(a) Upon the receipt of an answer and request for a hearing, the Secretary shall refer the matter to the Chief Administrative Law Judge, who shall appoint an Administrative Law Judge to preside over the hearing and shall notify the respondent and the General Counsel as to the person selected.

(b) The powers and duties of the presiding official shall be as set forth in § 3.42(b)–(h) of the Commission's Rules of Practice.

§ 5.60 Scheduling of hearing.

The presiding official shall fix the date, time and place of the hearing. The hearing shall not be scheduled earlier than fifteen days after receipt of the respondent's answer and request for a hearing. In fixing the time, date and place of the hearing, the presiding official shall give due regard to the respondent's need for adequate time to prepare a defense and an expeditious resolution of allegations that may be damaging to his or her reputation.

§ 5.61 Prehearing procedures; motions; interlocutory appeals; summary decision; discovery; compulsory process.

Because of the nature of the issues involved in proceedings under this Part, the Commission anticipates that extensive motions, prehearing proceedings and discovery will not be required in most cases. For this reason, detailed procedures will not be established under this Part. However, to the extent deemed warranted by the presiding official, prehearing conferences, motions, interlocutory appeals, summary decisions, discovery and compulsory process shall be permitted and shall be governed, where appropriate, by the provisions set forth in Subparts C and D, Part 3, of the Commission's Rules of Practice.

§ 5.62 Hearing rights of respondent.

In any hearing under this subpart, the respondent shall have the right (a) to be represented by counsel; (b) to present and cross-examine witnesses and submit evidence; (c) to present objections, motions, and arguments, oral or written; and (d) to obtain a transcript of the proceedings on request.

§ 5.63 Evidence; transcript; in camera orders; proposed findings of fact and conclusions of law.

Sections 3.43, 3.44, 3.45, and 3.46 of the Commission's Rules of Practice shall govern, respectively, the receipt and objections to admissibility of evidence, the transcript of the hearing, *in camera* orders and the submission and consideration of proposed findings of fact and conclusions of law except that (a) a copy of the hearing transcript shall be provided the respondent; and (b) the Commission has the burden of establishing, by a preponderance of the evidence on the record as a whole, the allegations stated in the order to show cause.

§ 5.64 Initial decision.

Section 3.51 of the Commission's Rules of Practice shall govern the initial decision in proceedings under this subpart, except that the determination of the Administrative Law Judge must be supported by a preponderance of the evidence.

§ 5.65 Review of initial decision.

Appeals from the initial decision of the Administrative Law Judge or review by the Commission in the absence of an appeal shall be governed by §§ 3.52 and 3.53 of the Commission's Rules of Practice except that oral arguments shall be nonpublic subject to the exceptions stated in § 3.52 of this Part.

§ 5.66 Commission decision and reconsideration.

The Commission's decision and any reconsideration or reopening of the proceeding shall be governed by §§ 2.51, 3.54, 3.55, 3.71 and 3.72 of the Commission's Rules of Practice, except that (a) if the initial decision is modified or reversed, the Commission shall specify such findings of fact and conclusions of law as are different from those of the presiding official; and (b) references therein to "court of appeals" shall be deemed for purposes of proceedings under this Part to refer to "district court."

§ 5.67 Sanctions.

In the case of any respondent who fails to request a hearing after receiving adequate notice of the allegations pursuant to § 5.57 or who is found in the Commission's final decision to have violated 18 U.S.C. 207 (a), (b), or (c), the Commission may order such disciplinary action as it deems warranted, including: (a) reprimand; (b) suspension from participating in a particular matter or matters before the Commission; or (c) prohibiting the respondent from making, with the intent to influence, any formal or informal appearance before, or any oral or written communication to, the Commission or its staff on any matter or business on behalf of any other person (except the United States) for a period not to exceed five (5) years.

§ 5.68 Judicial review.

A respondent against whom the Commission has issued an order imposing disciplinary action under this

Part may seek judicial review of the Commission's determination in an appropriate United States District Court by filing a petition for such review within sixty (60) days of receipt of notice of the Commission's final decision.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-14176 Filed 5-8-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Part 5

Raising the Level of Rulemaking Authority of the Food and Drug Administration in Matters Involving Significant Public Policy; Response to Executive Order 12291

AGENCY: Office of the Secretary, HHS.

ACTION: Rule (Notice of Reservation of Authority).

SUMMARY: The President's Executive Order on Federal Regulation, Executive Order 12291, requires each Federal agency to minimize regulatory burdens on the public. This notice, raising the level of the rulemaking authority of the Food and Drug Administration in matters involving signficant public policy to the Secretary, is part of HHS' response to that Executive Order.

EFFECTIVE DATE: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Robert Brady, Executive Assistant to the Commissioner, Office of the Commissioner (HF-9), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4124.

SUPPLEMENTARY INFORMATION:

Overview and Purpose

On February 17, 1981, President Reagan issued Executive Order 12291. The Executive Order establishes a government-wide framework for carrying out the President's policy of providing regulatory relief to the public. HHS is fully committed to this objective and will soon be establishing a number of Department-wide policies to assure its successful implementation.

Among the actions HHS will take are revisions to the Department's regulations development processes to assure consistency with the objectives of the President's regulatory relief program in all of the Department's regulatory actions. Included in the revisions will be steps to maximize coordination and consultation with the President's Task Force on Regulatory Relief and the Director of the Office of Management and Budget, as required by the Executive Order.

Under the terms of the Order, all regulations, except several categories specifically exempted, must be reviewed by the Director of the Office of Management and Budget, subject to the direction of the President's Task Force on Regulatory Relief, chaired by the Vice President, and composed of a number of Cabinet members.

Under existing practice, all regulations issued by operating components of HHS, with the exception of the Food and Drug Administration, are approved by the Secretary prior to review by the Director of OMB. In order to effectively carry out HHS' substantive responsibilities under the Executive Order, as well as the procedural requirements pertaining to review by the Director of OMB, FDA regulations involving significant public policy must receive similar Secretarial consideration and approval.

Therefore, this document amends previous delegations of authority to issue regulations of the Food and Drug Administration by providing that the Secretary reserves the authority vested in him by applicable statutes to approve FDA regulations involving significant public policy, except regulations to which the formal rulemaking procedures of the Administrative Procedure Act apply.

More specifically, regulations which establish procedural rules applicable to a general class of foods, drugs, cosmetics, medical devices, or other subjects of regulation, or which present highly significant public issues involving the quality, availability, marketability or cost of one or more foods, drugs, cosmetics, medical devices, or other subjects of regulation, shall be reserved for Secretarial approval.

This reservation of authority is designed to continue previous delegations of authority to the Commissioner of Food and Drugs with respect to all other activities of the agency, including the approximately 1,000 regulatory actions taken annually by FDA regarding specific foods, drugs, cosmetics, medical devices, and other subjects of regulation not involving significant public policy. This reservation of authority is intended only to improve the internal management of the Department, and is not intended to create any legal right or benefit. Regulations issued by FDA without approval of the Secretary are to be conclusively viewed as falling outside the scope of this reservation of authority. Moreover, it is the policy of the Secretary that with respect to those FDA regulations for which the Secretary hereby reserves approval authority, the Commissioner of Food and Drugs will be the Secretary's principal advisor.

This reservation of authority, set forth below, is effective this date.

Dated: May 6, 1981.

Richard S. Schweiker,

Secretary.

Title 21, Part 5 of the Code of Federal Regulations, is amended as follows:

§ 5.1 [Redesignated as § 5.10]

1. By redesignating § 5.1 as § 5.10;

2. By adding after § 5.10 the following new § 5.11:

§ 5.11 Reservation of authority.

(a) Notwithstanding provisions of § 5.10 or any previous delegations of authority to the contrary, the Secretary reserves the authority to approve regulations of the Food and Drug Administration, except regulations to which sections 556 and 557 of Title 5 of the United States Code apply, which:

(1) Establish procedural rules applicable to a general class of foods, drugs, cosmetics, medical devices, or other subjects of regulation; or

(2) Present highly significant public issues involving the quality, availability, marketability or cost of one or more foods, drugs, cosmetics, medical devices, or other subjects of regulation.

(b) This reservation of authority is intended only to improve the internal management of the Department of Health and Human Services, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, the Department of Health and Human Services, the Food and Drug Administration, any agency, officer, or employee of the United States, or any person. Regulations issued by the Food and Drug Administration without the approval of the Secretary are to be conclusively viewed as falling outside the scope of this reservation of authority.

§ 5.10 [Amended]

3. By inserting in redesignated § 5.10(a)(15), after the word "Administration," a comma and the following: "except as provided in § 5.11."

[FR Doc. 81-14189 Filed 5-8-81; 8:45 am]

BILLING CODE 4110-88-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 601

Statement of Procedural Rules; Miscellaneous Amendments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of statement of procedural rules.

SUMMARY: This document contains miscellaneous amendments to the statement of procedural rules (SPR). The SPR sets forth the procedural rules of the Internal Revenue Service for all taxes administered by the Service as well as certain rules that apply to the Bureau of Alcohol, Tobacco & Firearms. These amendments update the SPR and make certain changes in the Service's procedure.

DATE: The amendments are effective May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Carolyn Swift of the Legislation & Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T (202-566-3456, not a toll-free number).

SUPPLEMENTARY INFORMATION: This document contains amendments to the SPR (26 CFR Part 601). The amendments are issued under the authority contained in 5 U.S.C. sections 301 and 552.

These amendments fall into several categories. A description of the most significant amendments in each category follows:

Conforming Amendments

Several amendments reflect the addition of a tax on certain generation-skipping transfers by the Tax Reform Act of 1976 (Pub. L. 94-455). For example, the change in § 601.102(a)(2)(B) reflects the addition of the tax on generation-skipping transfers to the list of taxes collected principally by assessment.

Several amendments to § 601.203 conform the rules to the delegation of authority to the Regional Counsel to review and dispose of offers in compromise and the redelegations made by the Regional Counsel pursuant thereto. For example, paragraph (c)(4) is amended to reflect the authority of the Regional Counsel to review recommendations for acceptance of offers in compromise involving unpaid liability of $100,000 or more. Other amendments reflect delegations by the Commissioner pursuant to Delegation Order No. 11 (Rev. 12). Other changes to § 601.203 include an amendment to paragraph (c)(1) to reflect the authority of Regional Commissioners to perform a post review of offers involving liabilities of $5,000 or more.

Amendments Updating the SPR

Section 601.201 (e)(2) and (s)(2) are amended to include references to new revenue procedures and update citation of existing revenue procedures. For example, § 601.201(e)(2) is amended to reflect the addition of Revenue Procedures 79-4 and 79-12 relating to requests for advance rulings under sections 103 and 7478 of the Code. Section 601.201(e)(2) also is broken down into 12 subdivisions to make the provision easier to read.

Amendments Clarifying the SPR

Section 601.203(a)(2) is amended to eliminate possible confusion caused by use of the term "ad valorem" penalties. The term "delinquency" penalties is used instead to more accurately reflect the nature of the penalties.

A document can be submitted which meets the § 601.501(a)(3) definition of a tax information authorization, but fails to specify that the representative is to receive copies of notices and communications addressed to the taxpayer. Paragraph (a) is amended to make clear that unless the taxpayer specifically authorizes a representative to receive copies of notices and communications (other than rulings), the Service will send copies of those items only to the taxpayer. If a taxpayer does not designate a representative to receive rulings, the Service will continue to send copies to the first representative named on the latest power of attorney.

Section 601.602 (relating to forms and instructions) is revised to make that section easier to read. No substantive changes are made to that section.

Amendment Reflecting Changes in Procedure

Section 601.201(e)(19) is amended to include a rule for determining the date on which a protest is considered made to an adverse ruling under section 367. The amendment also contains the address to which the protest letter must be directed.

Drafting Information

The principal author of these amendments to the statement of procedural rules was Richard L. Mull of the Legislation & Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service participated in developing the amendments both on matters of substance and style.

Adoption of Amendments to Statement of Procedural Rules

Accordingly, 26 CFR Part 601 is amended as follows:

Paragraph 1. Paragraph (b)(1) of 601.102 is amended by removing subdivision (iv) and inserting instead a new subdivision (iv) and (v) to read as set forth below:

§ 601.102 Classification of taxes collected by the Internal Revenue Service.

* * * * *

(b) *Assessed taxes.* * * *

(1) * * *

(iv) The tax on generation-skipping transfers imposed by chapter 13 of the 1954 Code.

(v) Taxes imposed by chapters 41 through 44 of the 1954 Code.

* * * * *

§ 601.103 [Amended]

Par. 2 Paragraph (b) of § 601.103 is amended by inserting "generation-skipping transfer," between "gift," and "or" in the last sentence.

§ 601.105 [Amended]

Par. 3. Paragraphs (b)(4) and (h) of § 601.105 are amended by inserting "generation-skipping transfer," between "gift," and "or" each place it appears.

§ 601.106 [Amended]

Par. 4. Section 601.106 is amended as follows:

1. Paragraph (a)(1)(ii)(*1a*) is amended by inserting "generation-skipping transfer," between "gift," and "or".

2. Paragraph (d)(2)(ii) is amended by inserting "generation-skipping transfer," between "estate," and "or gift tax," in the first sentence.

3. Paragraph (g)(1) is amended by inserting "generation-skipping transfer," between "estate," and "or gift tax," in the first sentence.

Par. 5. Section 601.201 is amended as follows:

1. The portion of paragraph (e)(2) beginning with "If the request for an advance ruling under section 367" and ending with "Internal Revenue Service file which cannot be returned." is revised to read as set forth below.

2. Paragraph (e)(8) is amended by removing "T:PS:T" and inserting instead "T:FP:T".

3. Paragraph (e)(19) is amended by inserting after the second sentence "A protest is considered made on the date of the postmark of a letter of protest or the date of the postmark of a letter of protest or the date that such letter is hand delivered to any Internal Revenue

Service office, including the National Office. The protest letter must be addressed to the Assistant Commissioner (Technical), Attention: T:FP:T.".

4. Paragraph (s)(2) is amended by removing "Rev. Proc. 72–9, 1972–1 C.B. 718" in the third sentence and inserting instead "Rev. Proc. 80–22, 1980–1 C.B. 654).".

§ 601.201 Rulings and determination letters.

* * * * *

(e) *Instructions to taxpayers.* * * *

(2) * * *

The following list contains references to revenue procedures for advance ruling requests under certain sections of the Code.

(i) For ruling requests under section 103 of the Code, see Rev. Proc. 79–4, 1979–1 C.B. 483, as amplified by Rev. Proc. 79–12, 1979–1 C.B. 492. Revenue Procedure 79–12 sets forth procedures for submitting ruling requests to which sections 103 and 7478 of the Code apply.

(ii) For ruling requests under section 367 of the Code, see Rev. Proc. 68–23, 1968–1 C.B. 821, as amplified by Rev. Proc. 76–20, 1976–1 C.B. 560, Rev. Proc. 77–5, 1977–1 C.B. 536, Rev. Proc. 78–27, 1978–2 C.B. 528, and Rev. Proc. 78–28, 1978–2 C.B. 528. Revenue Procedure 68–23 contains guidelines for taxpayers and their representatives in connection with issuing rulings under section 367. Revenue Procedure 76–20 explains the effect of Rev. Rul. 75–561, 1975–2 C.B. 129, on transactions described in section 3.03(1)(c) of Rev. Proc. 68–23. Revenue Procedure 77–5 sets forth procedures for submitting ruling requests under section 367, and the administrative remedies available to a taxpayer within the Service after such rulings have been issued. Revenue Procedure 78–27 relates to the notice requirement set forth in the setion 367(b) temporary regulations. Revenue Procedure 78–28 relates to the timely filing of a section 367(a) ruling request.

(iii) For ruling requests under section 351 of the Code, see Rev. Proc. 73–10, 1973–1 C.B. 760, and Rev. Proc. 69–19, 1969–2 C.B. 301. Revenue Procedure 73–10 sets forth the information to be included in the ruling request. Revenue Procedure 69–19 sets forth the conditions and circumstances under which an advance ruling will be issued under section 367 of the Code that an agreement which purports to furnish technical know-how in exchange for stock is a transfer of property within the meaning of section 351.

(iv) For ruling requests under section 332, 334(b)(1), or 334(b)(2) of the Code, see Rev. Proc. 73–17, 1973–2 C.B. 465. Revenue Procedure 73–17 sets forth the information to be included in the ruling request.

(v) See Rev. Proc. 77–30, 1977–2 C.B. 539, and Rev. Proc. 78–18, 1978–2 C.B. 491, relating to rules for the issuance of an advance ruling that a proposed sale of employer stock to a related qualified defined contribution plan of deferred compensation will be a sale of the stock rather than a distribution of property.

(vi) For ruling requests under section 302 or section 311 of the Code, see Rev. Proc. 73–35, 1973–2 C.B. 490. Revenue Procedure 73–35 sets forth the information to be included in the ruling request.

(vii) For ruling requests under section 337 of the Code (and related section 331) see Rev. Proc. 75–32, 1975–2 C.B. 555. Revenue Procedure 75–32 sets forth the information to be included in the ruling request.

(viii) For ruling requests under section 346 of the Code (and related sections 331 and 336), see Rev. Proc. 73–36, 1973–2 C.B. 496. Revenue Procedure 73–36 sets forth the information to be included in the ruling request.

(ix) For ruling requests under section 355 of the Code, see Rev. Proc. 75–35, 1975–2 C.B. 561. Revenue Procedure 75–35 sets forth the information to be included in the ruling request.

(x) For ruling requests under section 368(a)(1)(E) of the Code, see Rev. Proc. 78–33, 1978–2 C.B. 532. Revenue Procedure 78–33 sets forth the information to be included in the ruling request.

(xi) For ruling requests concerning the classification of an organization as a limited partnership where a corporation is the sole general partner, see Rev. Proc. 72–13, 1972–1 C.B. 735. See also Rev. Proc. 74–17, 1974–1 C.B. 438, and Rev. Proc. 75–16, 1975–1 C.B. 676. Revenue Procedure 74–17 announces certain operating rules of the Service relating to the issuance of advance ruling letters concerning the classification of organizations formed as limited partnerships. Revenue Procedure 75–16 sets forth a checklist outlining required information frequently omitted from requests for rulings relating to classification of organizations for Federal tax purposes.

(xii) For ruling requests concerning the creditability of a foreign tax under section 901 or 903 of the Code, see Rev. Rul. 67–308, 1967–2 C.B. 254, which sets forth requirements for establishing that translations of foreign law are satisfactory as evidence for purposes of determining the creditability of a particular foreign tax.

Original documents should not be submitted because documents and exhibits become a part of the Internal Revenue Service file which cannot be returned. * * *

* * * * *

Par. 6. Section 601.203 is amended as follows:

1. The seventh sentence of paragraph (a)(1) is removed and "These functions are performed in the District Counsel, Regional Counsel, or National Office as appropriate." is inserted instead.

2. Paragraph (a)(2) is amended by removing "ad valorem" and inserting instead "delinquency" in the first sentence and by removing the words "ad valorem" from the second sentence.

3. Paragraph (c)(1) is amended by removing "Regional" in subdivision (iii) and inserting instead "District", and by deleting "National Office" in subdivision (iv) and inserting instead "Regional Commissioner".

4. Paragraph (c)(2) is amended as follows:

a. So much of subdivision (i) as precedes (*a*) is amended by removing "Regional" and inserting instead "District".

b. Subdivision (ii) is amended to read as set forth below.

c. Subdivision (iv) is amended by removing "Regional Counsel" and inserting instead "District Counsel".

d. Subdivision (v) is removed.

5. Paragraph (c)(3) is amended by removing "and chiefs, accounting and adjustment divisions" in the first sentence and inserting instead "Regional Directors of Appeals, and Chiefs and Associate Chiefs, Appeals Offices", by deleting "Chief Counsel, regional counsel" in the second sentence and inserting instead "District Counsel, Regional Counsel, or Office of Chief Counsel in Washington", and by revising the last two sentences to read as set forth below.

6. Paragraph (c)(4) is amended by inserting "or Regional Office, as appropriate" between "Office" and "for" in the first sentence, by removing "Office of the Chief Counsel" wherever it appears and inserting instead "Regional Counsel or Office of Chief Counsel in Washington, as appropriate,", and by removing "Commissioner" in the third sentence and inserting instead "Assistant Commissioner (Compliance), Director, Collection Division, or Regional Commissioner, as appropriate".

§ 601.203 Offers in compromise.

* * * * *

(c) *Consideration of offer.* * * *

(2) * * *

(ii) The District Counsel considers and processes offers submitted in cases described in paragraph (c)(2)(i) (*a*) through (*h*) of this section and forwards those offers to the district director, service center director, Regional Counsel, or Office of Chief Counsel in Washington, as appropriate.

* * * * *

(3) * * * Each Regional Commissioner will perform a post review of offers accepted, rejected, or withdrawn in the district director's office if the offer covers liabilities of $5,000 or more. The post review will cover a sampling of cases processed by the Collection function and all cases processed by the Examination function.

* * * * *

Par. 7. Paragraph (a) of § 601.506 is amended as follows:

1. The second sentence is amended by inserting at the end thereof "and, except with respect to a ruling, which specifically authorizes the representative to receive such notices and communications".

2. The sixth sentence is amended by removing "desingated" and inserting instead "designated".

3. The seventh sentence is revised and a new sentence is added immediately after the seventh sentence. The new and revised provisions read as set forth below.

4. The last sentence is amended by removing "designated" and inserting instead "designate".

§ 601.506 Notices to be given to recognized representatives; delivery of refund checks to recognized representatives.

(a) *Notices.* * * * In a case in which the taxpayer does not specifically authorize a representative to receive notices (other than rulings), it will be the practice of the Revenue Service to give copies only to the taxpayer. With respect to a ruling, if the taxpayer does not designate a representative to receive copies, it will be the procedure of the Revenue Service to give copies of rulings to the representative first named on the instrument which reflects the latest date. * * *

* * * * *

Par. 8. Section 601.602 is revised to read as set forth below.

§ 601.602 Tax forms and instructions.

(a) *Tax return forms and instructions.* The Internal Revenue Service develops forms and instructions that explain the requirements of the Internal Revenue Code and regulations. The Service distributes the forms and instructions to help taxpayers comply with the law. The tax system is based on voluntary compliance, and the taxpayers complete and return the forms with payment of any tax owed.

(b) *Other forms and instructions.* In addition to tax return forms, the Internal Revenue Service furnishes the public copies of other forms and instructions developed for use in complying with the laws and regulations. These forms and instructions lead the taxpayer step-by-step through data needed to accurately report information required by law.

(c) *Where to get forms and instructions.* The Internal Revenue Service mails tax return forms to taxpayers who have previously filed returns. However, taxpayers can call or write to district directors or directors of service centers for copies of any forms they need. These forms are described in Publication 676, *Catalog of Federal Tax Forms, Form Letters, and Notices*, which the public can buy from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

These amendments to the statement of procedural rules are issued under the authority contained in 5 U.S.C. 301 and 552.

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

[FR Doc. 81-14175 Filed 5-8-81; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD2 81-01]

Safety Zone: Upper Mississippi River, Mile 633.7 to 636.7

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations establishes the Upper Mississippi River, Mile 633.7 to 636.7 including the Marquette-Joliet Highway 18 Bridge at Mile 634.7 near Prairie Du Chien, Wisconsin, as a safety zone. The discovery of potential structural defects resulted in the Wisconsin Department of Transportation closing the bridge to vehicle and pedestrian traffic. With the onset of the navigation season certain safety precautions are required to reduce the possibility of vessel or cargo loss, or damage to life, property, or the marine environment. This safety zone, with its special regulations, is intended to meet this requirement by placing restrictions upon certain vessels navigating the affected portion of the Upper Mississippi River. Vessels affected by the rule include tows with loaded barges containing petroleum and hazardous materials as listed in 46 CFR Table 151.01–10(b) and 46 CFR Table 151.01–10(d). The effect of these regulations is to reduce the possibility of damage to the bridge or vessels and minimize the possibility of a release of oil or a hazardous cargo.

EFFECTIVE DATE: This amendment becomes effective at 1800 on March 23, 1981.

FOR FURTHER INFORMATION CONTACT: Commander L. Z. Katcharian, c/o Marine Safety Office, Minneapolis/St. Paul, P.O. Box 3428, St. Paul, Minnesota 55165, telephone (612) 725–7452.

ADDRESSES: Comments should be mailed to Commander(m), Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri 63103. The comments and other material related to this amendment will be available for inspection or copying at the Office of Commander, Second Coast Guard District, Room 310, 1430 Olive Street, St. Louis, Missouri. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except holidays. Comments may be mailed or hand delivered to this office.

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rulemaking and is effective in less than 30 days from the date of publication because public procedures on this amendment are impractical due to the immediate and present hazard posed by the present structural condition of the Marquette-Joliet Highway 18 Bridge. These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal persons involved in drafting this amendment are LCDR J. L. ROBINSON, USCG, Project Officer, c/o Commander, Second Coast Guard

District, 1430 Olive Street, St. Louis, Missouri 63103, telephone (314) 425–4655, and LT R. A. KNEE, USCG, Project Attorney, c/o Commander, Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri 63103, telephone (314) 425–4624.

Comments: Although this Safety Zone is published as a final rule without prior notice, public comment is nevertheless desirable to ensure that the regulation is both workable and reasonable. Accordingly, persons wishing to comment may do so by submitting written comments to the office listed under "Addresses" in this preamble. Commenters should include their names and addresses, identify the docket number, and give reasons for their comments. Based upon comments received and experience gained under the rule, the amendment may be changed. Any persons desiring acknowledgment of their written comments should include a self-addressed stamped postcard or envelope.

Final Regulations

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding § 165.211, to read as follows:

§ 165.211 Upper Mississippi River, Mile 633.7 to 636.7.

(a) *Safety Zone.* All the waters of the Upper Mississippi River from Mile 633.7 to 636.7, including the Marquette-Joliet Highway 18 Bridge at Mile 634.7 are a Safety Zone.

(b) *Special Regulations.* (1) All tows transporting petroleum and hazardous materials as listed in 46 CFR Table 151.01–10(b) and 46 CFR 151.01–10(d) must comply with the following regulations when transiting within the Safety Zone.

(i) All such towboats and barges shall be inspected by the person-in-charge of the towboat prior to entry into the zone to ensure cargo integrity, and that all equipment affecting vessel safety, propulsion, and control is operating properly.

(ii) No person shall navigate such tow within the Safety Zone during adverse weather (severe thunderstorms, tornado warnings, etc.) or adverse river conditions (high flow rates, floods, etc.).

(iii) All tows containing loaded anhydrous ammonia barges shall, in addition to the above:

(A) Notify Coast Guard authority at (612) 725–7453 or (314) 425–4614 at least twenty-four (24) hours in advance of the estimated time of arrival at the Marquette-Joliet Highway 18 bridge.

(B) Contact Coast Guard authority on channel 16, VHF–FM and receive positive clearance from said authority prior to entering the safety zone.

(C) Be limited to no more than three barges, in a one barge wide configuration.

(D) Transit the safety zone during daylight hours only.

(2) Coast Guard on scene authority may issue verbal orders via channels 13 and 16, VHF–FM to limit traffic to one way in the safety zone during those times a tow containing a loaded anhydrous ammonia barge is transiting the zone. All vessels shall comply with such orders.

(92 Stat. 1475 (33 U.S.C. 1225); 92 Stat. 1477 (33 U.S.C. 1231); 49 CFR 1.46(n)(4))

Dated: April 3, 1981.

L. Z. Katcharian,

Commander, U.S. Coast Guard, Captain of the Port, Minneapolis/St. Paul, MN.

[FR Doc. 81-14172 Filed 5-8-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Part 776

Library Career Training Program (Title II–B HEA); Correction

AGENCY: Department of Education.

ACTION: Final regulations; correction.

SUMMARY: This document corrects final regulations for the Library Career Training Program that appeared at page 85422 in the **Federal Register** of Wednesday, December 24, 1980 (45 FR 85422). The action is necessary to correct errors relating to the Education Department General Administrative Regulations and typographical errors in citations, cross references, and in the text of the regulations.

ADDRESSES: Send any questions regarding these regulations, their effective date, or project grants to: Chief, Library Education and Postsecondary Resources Branch, Division of Library Programs, Office of Libraries and Learning Technologies, U.S. Department of Education (Room 3622, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Frank A. Stevens, Telephone (202) 245–9530.

The following corrections are made in the final regulations for the Library Career Training Program appearing on 85422 in the issue of December 24, 1980:

1. On page 85422, column three, in "Authority" the line "* * * Education Amendments of 1980, 94 Stat. 1383 * * *" is corrected to read "* * * Education Amendments of 1980 (Pub. L. 96–374), 94 Stat. 1383 * * *".

2. On page 85423, column one, in § 776.3(a), "the Education Division General Administrative Regulations (EDGAR) 34 CFR Parts 75 and 77" is corrected to read "The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75 (Direct Grant Programs) and 77 (Definitions)".

3. On page 85424, column one, in § 776.10(b), "libary and information science" is corrected to read "library and information science".

4. On page 85424, column two, in § 776.21, the paragraph is deleted and a new paragraph is added to read "One applies for a grant under the procedures of EDGAR §§ 75.100 through 75.129.".

5. On page 85425, column one, in § 776.34(b)(1)(ii)(E)(*1*), change colon (:) to semi-colon (;) at end of sentence.

6. On page 85425, column one, in § 776.34(b)(2)(ii)(C) the phrase, "each person referred to in paragraphs (b)(9)(ii) (A) and (B)" is corrected to read "each person referred to in paragraph (b)(2)(ii) (A) and (B)".

7. On page 85425, column three, in § 776.36(b) the phrase, "The Secretary looks for" is corrected to read "the Secretary looks for".

8. On page 85426, column one, the citation "(Section 222; 20 U.S.C. 1032)" appearing at the end of § 776.36 is corrected to read "(Section 222 of the Act; 20 U.S.C. 1032)".

9. On page 85427, column one, "Section 222 of the Act; 20 U.S.C. 1032)" is added at the end of § 776.44

10. On page 85427, column one, the duplicate paragraph (b) in § 776.45 is removed.

11. On page 85427, column one, the citation ("Section 222 of the Act; 20 U.S.C.)" appearing at the end of § 776.45 is corrected to read "(Section 222 of the Act; 20 U.S.C. 1032)".

Dated: April 29, 1981.

T. H. Bell,

Secretary of Education.

[FR. Doc. 81-14177 Filed 5-8-81; 8:45 am]

BILLING CODE 4000-01-M

34 CFR Part 735

Minority Institutions Science Improvement Program; Correction

AGENCY: Department of Education.

ACTION: Final regulations; correction.

SUMMARY: This document corrects final regulations implementing the Minority Institutions Science Improvement

Program that appeared at page 3873 in the Federal Register of Friday, January 16, 1981 (46 FR 3873). The action is necessary to correct errors relating to the Education Department General Administrative Regulations and typographical errors in the preamble and the regulations.

ADDRESSES: Send any questions regarding these regulations, their effective date, or project grants to: Program Director, Minority Institutions Science Improvement Program, U.S. Department of Education, Room 2083, Federal Office Building 6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Argelia Velez-Rodriguez, Telephone (202) 245-8118.

The following corrections are made in the preamble and final regulations for the Minority Institutions Science Improvement Program, appearing on page 3873 in the issue of January 16, 1981:

1. On page 3874, column one in "For Further Information Contact:", "Telephone: (202) 282-7760" is corrected to read "Telephone: (202) 245-8118.".

2. On page 3875, column one, in § 735.4(a), the word at the end, "(General)" is corrected to read "(Definitions)".

3. On page 3875, column one, § 735.5(b), the definition of "Minority" is corrected by adding the word "Cuban" to read as follows:

§ 735.5 What definitions apply to the Minority Institutions Science Improvement Program?

* * * * *

(b) *Definitions that apply to this part:*

* * * * *

"Minority" means American Indian, Alaskan Native, black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin), Pacific Islander or other ethnic group underrepresented in science and engineering.

* * * * *

4. On page 3876, column one, in § 735.14(d), the reference at the end of the paragraph, "§ 735.5(d)," is corrected to read "§ 735.5(b).".

5. On page 3876, column one, after Subpart C, add the following heading:

§ 735.20 Application procedures.

* * * * * *

Dated: April 29, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-14179 Filed 5-8-81; 8:45 am]

BILLING CODE 4000-01-M

34 CFR Part 797

Pre-College Teacher Development in Science Program; Correction

AGENCY: Department of Education.

ACTION: Final regulations; correction.

SUMMARY: This document corrects final regulations for the Pre-College Teacher Development in Science Program that appeared at page 86372 in the Federal Register of Tuesday, December 30, 1980 (45 FR 86372). The action is necessary to correct errors relating to the citations of the Education Department General Administrative Regulations and typographical and editorial errors in the preamble and text of the regulations.

ADDRESSES: Send any question regarding these regulations, their effective date, or project grants to: Director, Pre-College Teacher Development in Science Program, U.S. Department of Education, 1832 M Street, N.W. (Room 819, Riviere Building), Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Mary G. Lewis; telephone (202) 653-5963.

The following corrections are made in the preamble and final regulations for the Pre-College Teacher Development in Science Program appearing on page 86372 in the issue of December 30, 1980:

1. On page 86372, column two, comment on § 797.2, the word "rule" is corrected to read "role".

2. On page 86372, column two, response to comment on § 797.2, paragraph two, sentence four, "Since a further objective of the program is part * * * teachers. These institutions * * *" is corrected to read "Since a further objective of the program in part is * * * teachers, these institutions * * *".

3. On page 86373, column three, in § 797.3(a), "The Education Division General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (General)" is corrected to read "The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions)".

4. On page 86374, column one, § 797.10, line four, the comma after science is deleted and the phrase, "social science, mathematics, and engineering" is also deleted.

5. On page 86374, column one, § 797.10(a), the words "and mathematics" are removed.

6. On page 86374, column one, § 797.11(c)(1), the words "and mathematics" are deleted.

7. On page 86374, column three, in § 797.31(b)(2)(iv), "* * * groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, and handicapped persons" is corrected to read "* * * groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly."

8. On page 86375, column two, in § 797.41(a), "* * * Subpart E of the Education Division General Administrative Regulations (EDGAR) in 34 CFR Part 75 §§ 75.530-568." is corrected to read "* * * Subpart E of the Education Department General Administrative Regulations (EDGAR) in 34 CFR §§ 75.530 through 75.568".

Dated: April 29, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-14180 Filed 5-8-81; 8:45 am]

BILLING CODE 4000-01-M

34 CFR Part 778

Strengthening Research Library Resources Program (Title II-C HEA); Correction

AGENCY: Department of Education.

ACTION: Final regulations; correction.

SUMMARY: This document corrects final regulations implementing the Strengthening Research Library Resources Program that appeared at page 85430 in the Federal Register of Wednesday, December 24, 1980, (45 FR 85430). The action is necessary to correct typographical errors in cross-references and in the text of the regulations.

ADDRESSES: Send any questions regarding these regulations, their effective date, or project grants to: Chief, Library Education and Postsecondary Resources Branch, Division of Library Programs, Office of Libraries and Learning Technologies, U.S. Department of Education (Room 3622, Regional Office Building 3), 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Frank A. Stevens, Telephone (202) 245-9530.

The following corrections are made in the final regulations for the Strengthening Research Library Resources Program appearing on page 85430 in the issue of December 24, 1980:

1. On page 85430, column three, in "Authority" the line "* * * Education Amendments of 1980, 94 Stat. 1383

* * *" is corrected to read "* * * Education Amendments of 1980 (Pub. L. 96–374), 94 Stat. 1383 * * *".

2. On page 85431, column three, in § 778.7(a)(1)(ii), the line "* * * expended in Federal and/or other" is corrected to read "* * * expended in Federal or other * * *".

3. On page 85433, column one, in § 778.8(a) the phrase, "evaluation criteria in § 778.6" is corrected to read "selection criteria in § 778.7".

4. On page 85433, column one, in § 778.8(b) the phrase, "The Secretary will pilot" is corrected to read "The Secretary will plot".

Dated: April 29, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–14178 Filed 5–8–81; 8:45 am]

BILLING CODE 4000–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 173

[EN–FRL 1750–5]

Procedures Governing the Rescission of State Primary Enforcement Responsibility for Pesticide Use Violations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Sections 26 and 27 of the Federal Insecticide, Fungicide, and Rodenticide Act authorize EPA to grant to a qualifying State the primary enforcement responsibility for pesticide use violations, and to rescind such responsibility if the State's pesticide enforcement program is inadequate. This rule sets forth procedures designed to ensure that rescission proceedings are conducted in an orderly and uniform manner.

EFFECTIVE DATE: This rule will not take effect before the end of 60 calendar days of continuous session of Congress after the date of publication. EPA will publish a notice of the actual effective date of this rule. See supplementary information for further details.

FOR FURTHER INFORMATION CONTACT: Laura Campbell (EN–342), Pesticides and Toxic Substances Enforcement Division, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 755–0970.

SUPPLEMENTARY INFORMATION:

Background

The 1978 Amendments to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) require States to be accorded the primary responsibility for the enforcement of pesticide use violations within the State in certain situations. States can obtain primacy if they enter into a cooperative agreement with the Environmental Protection Agency (EPA) under section 23 of FIFRA or if their use enforcement programs are found by the Administrator of EPA to be adequate under section 26(a).

Section 27(b) of FIFRA authorizes EPA to rescind a State's primacy if the Administrator determines that the State is not adequately discharging its use enforcement responsibilities. Under section 27(b), whenever the Administrator makes such a determination he must send a notice to the State specifying the deficiencies in the State's use enforcement program. If after ninety days from receipt of a notice by a State the Administrator finds that the State has not corrected the deficiencies set forth in the notice, the Administrator may rescind, in whole or in part, the State's primary enforcement responsibility for pesticide use violations.

On October 8, 1980 these procedures were proposed in the **Federal Register** (45 FR 65633) and comments were requested by December 2, 1980. After consideration of the comments received, EPA has decided not to change section 173. The significant comments are discussed below.

Comments Received

Five comments were submitted in response to the proposal of the rescission procedures. Environmental groups submitted two of the comments and a pesticide company, a State Department of Agriculture and a pesticide trade association each submitted one. None of the comments received suggested any substantive changes in the regulation as proposed. Several of the commentors urged EPA to adopt the proposed procedures and use them where appropriate. One commentor suggested that informal procedures should be available to resolve disputes about the adequacy of a State's pesticide use enforcement program. Section 173.4 of the regulation as proposed set forth an informal mechanism for resolving such disputes. The remaining comments were insubstantial or irrelevant.

Initiation of Rescission Proceedings

The rule promulgated today provides the procedures by which EPA intends to effectuate rescission where appropriate. A rescission proceeding is initiated by the issuance of a notice of intent to rescind. Before such a formal step is taken, however, the Administrator, as a matter of policy, will confer with the State and attempt to resolve the matter through informal negotiations.

The Administrator will issue a notice of intent to rescind if he determines, on the basis of information gathered by the Agency or submitted to EPA by other reliable sources, and after consultation with the appropriate Regional Administrator, that the State is not carrying out, or cannot carry out due to the lack of adequate legal authority, its use enforcement responsibility. (Further discussion of the criteria for making this determination will be contained in an interpretive rule which will soon be proposed for comment). The notice of intent to rescind will list the deficiencies that the Administrator has found in the State program. The notice will also detail the basis for each of the findings.

State Response to Notice of Intent To Rescind

States can respond to the receipt of a notice of intent to rescind in one of several ways. First, a State can correct the deficiencies specified in the notice. Second, the State can present evidence to the Administrator at an informal conference which shows that the determinations made in the notice are unfounded. Third, the State and EPA can agree that the State will take the steps necessary to remedy the deficiencies in the State program according to an agreed upon time schedule. This agreement would then be embodied in a written and signed document. Finally, the State, within 60 days of the issuance of the notice, could request a public hearing on the Administrator's determination to rescind its primary enforcement responsibility for pesticide use violations.

If the State corrects the deficiencies in its program, agrees to do so in a written settlement agreement, or convinces the Administrator that the findings made in the notice are not supported by the facts, the Administrator will issue an order withdrawing the notice of intent to rescind and terminating the proceeding. If sixty days elapse from the date of notice of intent was served upon the State without the Administrator issuing such an order, the notice of intent to rescind will be published in the **Federal Register**. The public may submit comments on the matters discussed in the notice of intent to rescind.

Hearings

Upon request of the State within sixty (60) days of the issuance of the notice of intent to rescind, a hearing will be

scheduled and the date for the hearing will be published along with the notice of intent to rescind. Parties, for purposes of proceedings have been defined in the definitions sections as the State and the Agency's Office of Enforcement. However, at the hearing, representatives from the State, EPA, and the public will be able to present evidence relating to the adequacy of the State's pesticide use enforcement program. A presiding officer will preside over the hearing and upon its termination will make a recommended decision on the adequacy of the State's pesticide use enforcement program. The Presiding Officer has the option to recommend that the Administrator (1) find that the State has corrected, or agreed to correct, the deficiencies in its program, (2) find that the State has shown that the determinations made in the notice of intent to rescind were unfounded, or (3) rescind the State's primary enforcement responsibility for pesticide use violations in whole or in part.

Agency Decision

The recommended decision of the Presiding Officer will become final 45 days after it is issued unless either of the parties appeal the initial decision to the Administrator or unless the Administrator elects to review the decision on his own initiative (*sua sponte*). After an appeal or *sua sponte* review, the Administrator will issue a final order which adopts, modifies, or sets aside the recommendations made in the Presiding Officer's decision.

The Agency believes that the procedures promulgated today will encourage States and EPA to cooperate in resolving any problems in a State's use enforcement program.

Effective Date

On December 17, 1980, President Carter signed the Federal Insecticide, Fungicide and Rodenticide Act Extension Bill (Pub. L. 96–539). This bill amended several sections of FIFRA, including section 25 on rulemaking. Section 4 of the Extension Act adds a new paragraph to FIFRA, section 25(e), which requires EPA to submit final regulations to Congress for review before the regulation becomes effective. In accordance with this requirement, copies of this rule have been transmitted to the appropriate offices in both Houses of Congress. The rule will not take effect before the end of 60 calendar days of continuous session of Congress after the date of its publication in the **Federal Register**. Because the length of this waiting period may be affected by Congressional action, it is not possible, at this time, to specify a date on which this regulation will become effective. EPA will publish a notice in the **Federal Register** announcing the end of this "report and wait" period to notify the public of the actual effective date of this regulation.

Compliance With the Regulatory Flexibility Act

I hereby certify that this rule will not have a significant economic impact on small entities. The rule only affects States, which are not small entities under the Regulatory Flexibility Act, 5 U.S.C. sec. 601 *et seq.*

Compliance With Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is entirely procedural in nature, and thus

(1) Does not have an annual effect on the economy of $100 million or more;

(2) Will not increase costs to consumers, industry, or government; and

(3) Will not have a significant adverse effect on competition, employment, investment, productivity, or innovation.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Accordingly, under the authority of sections 25(a) and 27(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, the new Part 173 set forth below is hereby added to 40 CFR.

Dated: April 8, 1981.

Walter C. Barber,

Acting Administrator.

PART 173—PROCEDURES GOVERNING THE RESCISSION OF STATE PRIMARY ENFORCEMENT RESPONSIBILITY FOR PESTICIDE USE VIOLATIONS

Sec.

173.1 Applicability.
173.2 Definitions.
173.3 Initiation of rescission proceedings.
173.4 Informal conference and settlement.
173.5 Request for hearing.
173.6 Publication of the notice; scheduling the hearing.
173.7 Hearing and recommended decision.
173.8 Final order.
173.9 Judicial review.

Authority: Secs. 25(a) and 27(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, (7 U.S.C. 136w and 136w–2).

§ 173.1 Applicability.

These procedures govern any proceeding to rescind a State's primary enforcement responsibility for pesticide use violations conducted under section 27(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA), 7 U.S.C. 136 *et seq.*

§ 173.2 Definitions.

For purposes of this part:

(a) "Administrator" means the Administrator of the United States Environmental Protection Agency or his delegate.

(b) "Notice of intent to rescind" means a notice to a State issued under § 173.3 which initiates a proceeding to rescind the State's primary enforcement responsibility for pesticide use violations.

(c) "State" means the agency or agencies primarily responsible for enforcing pesticide use laws or regulations within the State or jurisdiction undergoing rescission proceedings.

(d) "Party to the proceeding" shall mean the State or the Agency's Office of Enforcement.

(e) "Presiding Officer" means an attorney appointed by the Administrator to conduct the rescission proceeding. The Presiding Officer shall be an employee or representative of the Agency and shall not have had prior direct connection with the specific proceeding except in circumstances where subsequent hearings are in order.

§ 173.3 Initiation of rescission proceedings.

(a) Whenever the Administrator determines that a State having primary enforcement responsibility for pesticide use violations is not carrying out such responsibility, or cannot carry out such responsibility due to the lack of adequate legal authority, the Administrator shall notify the State in writing of his intent to rescind its primary enforcement responsibility, in whole or in part, by serving upon the State a notice of intent to rescind.

(b) The notice of intent to rescind shall:

(1) Specify those aspects of the State's pesticide use enforcement program determined to be inadequate;

(2) Specify the facts which underlie the findings contained in the rescission notice;

(3) Have attached thereto copies of any relevant documents discoverable under the Federal Rules of Civil Procedure and the Freedom of Information Act which contain data relied upon by the Administrator in making his decision to issue the notice;

(4) Have attached thereto a copy of this Part; and

(5) Be sent to the State by certified mail, return receipt requested.

(c) The State may respond in writing to the findings specified in the notice of intent to rescind.

§ 173.4 Informal conference and settlement.

(a) After receipt of a notice of intent to rescind, the State may request that an informal conference be held between appropriate State and EPA officials to discuss the findings made in the notice of intent to rescind. The informal conference shall then be held in the State. If the Administrator finds, on the basis of information submitted by the State at the conference, that the deficiencies specified in the notice did not exist or were corrected by the State, the Administrator shall issue an order withdrawing the notice of intent to rescind and terminating the rescission proceeding.

(b) At any time after receipt of a notice of intent to rescind and before the issuance of a final order, the State and EPA may resolve the issues raised in the notice by agreement. Any settlement agreement shall be in writing and signed by the parties and shall:

(1) Detail the deficiencies found in the State program;

(2) Specify the steps the State has taken or will take to remedy the deficiencies; and

(3) Set forth a precise schedule for each remedial action yet to be initiated.

(c) If a written agreement is signed by the parties, the Administrator shall issue an order withdrawing the notice of intent to rescind and terminating the rescission proceeding. If the State does not comply with the terms of the settlement agreement, the Administrator may reissue the notice of intent to rescind.

§ 173.5 Request for hearing.

A State may request a hearing before a Presiding Officer not later than sixty (60) days after receipt of a notice of intent to rescind.

§ 173.6 Publication of the notice; scheduling the hearing.

(a) If the Administrator has not issued an order terminating the rescission proceeding within sixty (60) days after service of the notice of intent to rescind upon the State, the Administrator shall publish the notice of intent to rescind in the Federal Register. The Administrator may modify the original notice of intent to rescind before its publication by deleting those deficiencies listed in the original notice which have been corrected or which were shown not to have existed. The public may submit comments upon the matters specified in the published notice of intent to rescind within the time specified therein.

(b) Concurrently with the publication of the notice of intent to rescind, the Administrator shall schedule a hearing in the State if one has been requested by the State. The date, time, and location of the hearing shall be published in the Federal Register along with the notice of intent to rescind.

(c) If a hearing is requested and the Administrator has not issued an order terminating the rescission proceeding, the Administrator shall provide for a hearing as scheduled. Representatives of the State, EPA, and the public may present evidence at the hearing. The Administrator shall appoint a Presiding Officer who shall preside over the hearing and make a recommended decision regarding the adequacy of the State's pesticide use enforcement program. The Administrator, after consultation with the State, may prescribe additional procedures governing the conduct of the hearing.

(d) If a termination order is issued or the hearing is rescheduled after the notice of intent to rescind is published in the Federal Register, such order or notice rescheduling the hearing shall also be published in the Federal Register.

§ 173.7 Hearing and recommended decision.

(a) The Presiding Officer shall:

(1) Conduct a fair and impartial hearing, without unnecessary delay;

(2) Ensure that the facts are fully elicited; and

(3) Consider all evidence, comment, and argument which is submitted by persons who will be affected by the outcome of the proceeding and which is not irrelevant, immaterial, unduly repetitious, or otherwise unreliable or of little probative value. The Presiding Officer may require any prospective witness to make available, in advance of the hearing, a brief summary of his or her testimony.

(b) If, following the close of the hearing, the Presiding Officer finds that the State has corrected, or has agreed in writing to correct, the deficiencies specified in the notice of intent to rescind or has shown that such deficiencies do not exist, the Presiding Officer shall issue a decision recommending that the notice of intent to rescind be withdrawn and that the rescission proceeding be terminated.

(c) If, following the close of the hearing, the Presiding Officer finds that the State has not corrected the deficiencies in its program, the Presiding Officer shall issue a decision recommending that the State's primary enforcement responsibility for pesticide use violations be rescinded in whole or in part.

(d) The recommended decision of the Presiding Officer shall become final Agency action forty-five (45) days after its service upon the parties and without further proceedings unless (1) an appeal to the Administrator is taken from it by a party to the proceeding, or (2) the Administrator elects, sua sponte, to review the recommended decision.

§ 173.8 Final order.

(a) If the State does not request a hearing within the sixty-day time period and the Administrator has not issued an order withdrawing the notice of intent to rescind, the Administrator shall issue a final order as soon as practicable after the time for public comment on the notice of intent to rescind has elapsed. The final order shall either withdraw the notice of intent to rescind and terminate the proceeding or rescind, in whole or in part, the State's primary enforcement responsibility for pesticide use violations.

(b) If a hearing has been held and the Presiding Officer has made a recommended decision, then either the Office of Enforcement or the State may appeal the recommended decision to the Administrator or the Administrator may elect to review the recommended decision on his own initiative.

(c) After an appeal or sua sponte review the Administrator shall issue a final order terminating the rescission proceeding or rescinding, in whole or in part, the State's primary enforcement responsibility for pesticide use violations.

(d) In no event may the Administrator issue his final decision sooner than ninety (90) days after service of the notice of intent to rescind on a State.

(e) Any final order, or a recommended decision which becomes a final order under § 173.7(c), shall be published in the Federal Register.

§ 173.9 Judicial review.

The State may appeal an order rescinding, in whole or in part, its primary enforcement responsibility for pesticide use violations to the appropriate federal court pursuant to section 16 of FIFRA.

[FR Doc. 81-14128 Filed 5-8-81; 8:45 am]
BILLING CODE 6560-30-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch.1

[FPR Temp. Reg. 45, Supplement 3]

Fair and Equitable Compensation to Professional Employees; Temporary Regulation

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends the expiration date of Federal Procurement Regulations Temporary Regulation 45 (43 FR 27235, June 23, 1978). The extension reflects the Office of Federal Procurement Policy (OFPP) Policy Letter 78–2, dated March 28, 1978. The effect will be to continue the policies in OFPP Policy Letter 78–2, regarding wage busting for professionals.

DATES: Effective date: April 1, 1981.

Expiration date: This regulation will continue in effect until April 1, 1983, unless canceled earlier.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate (VR), Office of Acquisition Policy 703–557–8947.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

In 41 CFR Chapter 1, FPR Temporary Regulation 45, Supplement 3 is added to the appendix at the end of the chapter.

May 1, 1981.

[Federal Procurement Regs.; Temporary Reg. 45, Supplement 3]

Fair and Equitable Compensation to Professional Employees Under Federal Contracts for Services

1. *Purpose.* This supplement extends the expiration date of FPR Temporary Regulation 45, as previously extended by Supplement 2.

2. *Effective date.* This supplement is effective April 1, 1981.

3. *Expiration date.* FPR Temporary Regulation 45 and this supplement will expire on April 1, 1983, unless canceled earlier.

4. *Explanation of changes.* Paragraph 3 of FPR Temporary Regulation 45 is revised to delete the expiration date of April 1, 1981, and to prescribe the revised expiration date which appears in paragraph 3. The change prescribed in paragraph 4 of Supplement 2 continues in effect.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-14127 Filed 5-8-81; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5861

[NM 28466—OKLA]

Restoration of Lands to Ownership of the Kiowa, Comanche and Apache Tribes; Oklahoma

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This action will terminate the withdrawal of 115.41 acres of ceded public lands and restore them to the ownership of the Kiowa, Comanche and Apache Tribes.

EFFECTIVE DATE: May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Stella Gonzales, New Mexico State Office, 505–988–6211.

By virtue of the authority contained in Section 3 of the Act of June 18, 1934, 25 U.S.C. 463, and pursuant to the recommendations of the Tribal Council and the Acting Deputy Assistant Secretary of Indian Affairs, and a finding of the Secretary of the Interior that such action is in the public interest, it is ordered as follows:

The following described lands, ceded by the Kiowa, Comanche and Apache Tribes of Indians to the United States pursuant to agreement ratified by the Act of June 6, 1900, 31 Stat. 672, 676, having been reserved for use by the Bureau of Indian Affairs for school, agency, cemetery and administrative purposes and not needed for such uses, are hereby restored to tribal ownership for use and benefit of the Kiowa, Comanche and Apache Tribes of Indians and are added to and made a part of the existing reservation, subject to valid existing rights:

Indian Meridian

T. 2. N., R. 11 W.

A parcel situated in the NW¼ of Sec. 29; SW¼ Sec. 20: Beginning at the Southwest Quarter corner of the said Section 20 (or the Northwest Quarter of said Sec. 29): thence N. 00°00'49" E. a distance of 1,371.87 feet; thence N. 88°33'09" W. a distance of 1,288.07 feet; thence S. 00°53'28" E. a distance of 394.05 feet; thence N. 88°31'10" W. a distance of 790.04 feet; thence S. 06°25'56" W. a distance of 122.16 feet; thence S. 31°42'19" W. a distance of 34.02 feet; thence S. 22°56'47" W. a distance of 72.41 feet; thence S. 01°12'25" W. a distance of 719.89 feet; thence S. 09°32'45" E. a distance of 106.84 feet; thence S. 01°27'40" E. a distance of 331.80 feet; thence S. 06°47'14" E. a distance of 36.94 feet; thence S. 06°47'14" E. a distance of 193.83 feet; thence S. 12°39'53" E. a distance of 325.16 feet; thence S. 14°03'46" E. a distance of 328.25 feet; thence S. 05°47'48" E. a distance of 142.10 feet; thence S. 13°20'05" E. a distance of 100.56 feet; thence N. 64°27'13" E. a distance of 1,104.64 feet; thence S. 86°00'16" E. a distance of 843.86 feet; thence N. 76°20'40" E. a distance of 55.06 feet; thence N. 00°25'12" E. a distance of 979.22 feet; to point of beginning.

The area described aggregates 115.41 acres in Comanche County.

James G. Watt,

Secretary of the Interior.

May 6, 1981.

[FR Doc. 81-14174 Filed 5-8-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-6036]

Communities With Minimal Flood Hazard Areas; for the National Flood Insurance Program; Nebraska, et al.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

The entry reads as follows:

§ 65.7 List of Communities with Minimal Flood Hazard Areas.

State	County	Community name	Date of conversion to regular program
Nebraska	Colfax	Village of Howells.	June 2, 1981.
Missouri	Wright	City of Mansfield	June 16, 1981.
Alabama	Jefferson	Town of Kimberly.	June 19, 1981.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Federal Insurance Administrator)

Issued: April 23, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-13627 Filed 5-8-81; 8:45 am]

BILLING CODE 6718-03-M

FOREIGN CLAIMS SETTLEMENT COMMISSION

45 CFR Parts 500 and 531

Vietnam Claims Program

AGENCY: Foreign Claims Settlement Commission.

ACTION: Amendment of Regulations.

SUMMARY: Pursuant to Public Law 96–606, approved December 28, 1980, which added Title VII to the International Claims Settlement Act of 1949, the Foreign Claims Settlement Commission is authorized to receive and determine claims against Vietnam for losses incurred as a result of nationalization, expropriation or other takings of property interests of nationals of the United States. The administration of this program of claims pursuant to the provisions of Public Law 96–606, known as the Vietnam Claims Program pursuant to notice of commencement published on February 26, 1981 in the Federal Register [FR 14230], necessitates the amendment of certain Regulations of the Foreign Claims Settlement Commission to include this new class of claims within their scope.

EFFECTIVE DATE: May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Karl D. Klauck, Deputy General Counsel, Foreign Claims Settlement Commission, Room 414, 1111 20th Street, N.W., Washington, D.C. 20579 (202) 653–6156.

The regulations of the Foreign Claims Settlement Commission are amended as follows:

1. Section 500.3(c) of the Commission's regulations is hereby amended by removing the "or" before "Title VI" and inserting the words ", or Title VII" thereafter so that the paragraph reads as follows:

§ 500.3 Fees.

* * * * *

(c) The total remuneration on account of services rendered or to be rendered to or on behalf of any claimant in connection with any claim falling within Title I, Title IV, Title VI, or Title VII of the International Claims Settlement Act shall not exceed ten per centum of the total amount paid on account of such claim.

2. Section 531.1 of the Commission's regulations is hereby amended by adding paragraph (j) which reads as follows:

§ 531.1 Time for filing.

* * * * *

(j) Claims under Title VII of the Act against Vietnam shall be filed on or before July 31, 1982.

3. Section 531.2 of the Commission's regulations is hereby amended by redesignating paragraph (j) as paragraph (k), redesignating paragraph (k) as paragraph (l), and inserting a new paragraph (j) which reads as follows:

§ 531.2 Form, content and filing of claims.

* * * * *

(j) FCSC Form 606—Statement of Claim against Vietnam.

* * * * *

These amendments are effective May 11, 1981.

This publication is exempt from Executive Order 12291 because it involves internal management procedure.

Dated at Washington, D.C. on May 5, 1981.

Richard W. Yarborough,

Chairman.

[FR Doc. 81-14671 Filed 5-8-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 78–253; FCC 81–173]

Inquiry into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System

AGENCY: Federal Communications Commission.

ACTION: Modification of interim policy statement.

SUMMARY: This Order discontinues acceptance of new TV translator applications, including those seeking waivers for low power features and applications for major amendments to existing TV translator licenses and pending applications. Three categories of applications would be excepted: TV translator applications meeting one of the two specified service priorities in Docket Nos. 8736 and 8974, 9175 and 8976 and major amendment applications from existing translators seeking to change frequency to avoid interference to or from full service stations or to move from Channels 70 through 83 will continue to be accepted. As its reasons for this action, the Commission cites the great volume of applications currently on file and the insufficient number of staff available to process pending applications.

EFFECTIVE DATE: April 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Molly Pauker, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of an inquiry into the future role of low-power television broadcasting and television translators in the national telecommunications system; BC Docket No. 78–253; *Order.*

Adopted: April 9, 1981.

Released: April 13, 1981.

By the Commission: Chairman Ferris not participating.

1. It has been our policy to continue accepting TV translator applications during the pendency of the rule making proceeding on low power television. *See, Notice of Proposed Rule Making,*

BC Docket No. 78–253, 45 FR 69178, October 17, 1980 ("NPRM"). As of March 25, 1981, 3,646 TV translator applications were on file, among them numerous applications accompanied by requests for waiver to include low power features. Of these, 3,078 were filed on or before February 17, 1981, the cut-off date for the first two translator cut-off lists, which comprised over 250 applications. We estimate that an additional 1,568 applications were filed as of March 31, 1981, the cut-off date for the third cut-off list, composed of nearly 100 applications. We are continuing to receive applications at a steady rate. Many of these applications, indeed, the vast majority, propose operations that are mutually exclusive to other applications. As we stated in the NPRM, resolution of mutually exclusive applications will be deferred until adoption of a Report and Order in this proceeding.

2. The burdens on the staff, with respect to processing these great numbers of applications, are onerous. They range from housekeeping tasks, such as recording the receipt of each application and associating minor amendments with the proper file, to more complicated analysis, including "loading" the data base and performing exclusivity checks. In order to determine mutual exclusivities among the applications now cut-off, all applications on file must be checked against those on the initial cut-off lists. Much of this work must be done manually because Commission computer capacity is inadequate to contain all the requisite data. We simply do not have sufficient staff to keep abreast of the steady influx of translator applications described above. In view of the unforeseen numbers of applications that are being filed, we believe it is in the public interest for the Commission to discontinue accepting applications for TV translators, including those seeking waivers for low power features, immediately and until further notice.

3. We do not herein propose cessation of interim processing or a moratorium on interim grants of applications that have gone through the cut-off process. Indeed, the purpose of our present action is administrative, to permit the staff to catch up with the backlog of applications that has rapidly accumulated since the NPRM. Only in this way will we be able to determine which, if any, pending applications are subject neither to competing applications nor petitions to deny and are therefore grantable on an interim basis.[1]

4. We are therefore proposing to cease accepting applications for TV translators, with or without waiver petitions for low power features, until further notice. We also will not accept applications for major amendments to pending applications or existing licenses, because such applications would have to be placed on a new cut-off list. Except as indicated in paragraph 5, *infra*, we do not intend to issue additional "A" cut-off lists for TV translators.[2] Any such applications tendered after the adoption of this *Order* will be returned to the applicant without prejudice.

5. We shall continue to accept TV translator applications in any of the following three categories, where we find that the public interest considerations in service override our concerns about the administrative burdens attendant on acceptance of additional applications:

(a) Applications meeting any one of the following service priorities of the *Sixth Report and Order* in Docket Nos. 8736 and 8975, 9174 and 8976, 41 F.C.C. 148, 167 (1952):[3]

(1) To provide at least one TV service to all parts of the United States, and

(2) To provide a choice of at least two TV services to all parts of the United States.[4]

(b) Applications for major modifications filed by existing translator licensees operating on Channels 70 through 83 seeking to change frequency to lower channels, in conformity with established Commission policy to permit land mobile use of Channels 70 through 83. *See, Report and Order* in Docket No. 18861, 47 F.C.C. 2d 628 (1971); *First Report and Order and Second Notice of Inquiry* in Docket No. 18262, 35 Fed. Reg. 8644 (1970) and Section 74.702(i) of the Commission's Rules.

(c) Applications for major modifications filed by licensees of existing translators seeking to change frequency to resolve interference caused to or received from full service stations. The secondary spectrum priority of translators mandates this exception.

We shall continue to accept and place on cut-off lists only applications that provide a detailed affirmative showing that they meet one of the above criteria. Competing applications to these would likewise only be accepted if they meet one of the criteria. We believe that the measures outlined herein will facilitate the continued progress of our interim translator policy and therefore will best serve the public interest.

6. Accordingly, it is ordered, That effective immediately until further notice, the Commission will not accept for filing either new applications for TV translators, including those with low power features, except such applications meeting the specified service priorities of the *Sixth Report and Order* in Docket Nos. 9736 and 8975, 9175 and 8976, or applications seeking major amendments to existing TV translator licenses or pending TV translator applications, including those with low power features, except applications of existing translator licensees seeking to change frequency from Channels 70 through 83 or to resolve interference caused to or received from full service stations.

7. This action is taken pursuant to authority contained in Sections 1, 4(i), 5(d)(1), 303 (c) and (r) and 309(b) of the Communications Act of 1934, as amended.

8. For further information concerning this proceeding, contact Molly Pauker, Broadcast Bureau, (202) 632–7792.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-14135 Filed 5-8-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Until such time as we are prepared to process applications under the interference standard of Section 74.702(e), or some other standard that ultimately may be adopted in this proceeding, we shall use the fixed mileage separation requirements of Section 74.702(c)(2) to determine, in the first instance, whether applications for translators, including those with low power features, are apparently mutually exclusive with full-service stations or each other. Upon completion of the processing of pending applications under this admittedly strict standard, the Commission may consider, on a case-by-case basis, any applications that may be grantable under the traditional translator standards as set forth in Section 74.701

[2] An "A" cut-off list is one that generates competing applications to the listed applications. We note that our *Memorandum Opinion and Order*, FCC 81–15, released January 16, 1981, (46 FR 10726; February 4, 1981) instructed the staff that "(f)uture cut-off dates for the duration of the rule making will be bi-monthly, beginning with March 1, 1981, May 1, July 1, and so on." The instant *Order* supercedes that instruction.

[3] This would include TV translator applications and those seeking waivers to include low power features.

[4] It is our opinion that, in the context of TV translator and low power stations, these two service priorities of the *Sixth Report and Order* are of paramount importance because they would facilitate service to areas most in need of it, the primary goal of our interim policy. We shall therefore accept translator or low power applications that cover areas that directly receive fewer than two full-service TV stations.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1034

[Ex Parte No. 376]

Rerouting of Traffic; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Notice of correction to final rule.

SUMMARY: The Commission is adopting rules to permit carriers to reroute traffic without prior Commission authorization for 30 days, when necessary for reasons beyond their control and for additional 30-day increments. The final rules in the Commission's decision of March 27, 1981 (46 FR 21781, 04–14–81) will become effective on May 14, 1981. This notice is to correct an inadvertent omission in 49 CFR 1034.1, Temporary authority, paragraph (c), Notice by rerouting carrier.

EFFECTIVE DATE: May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall (202) 275–7656.

SUPPLEMENTARY INFORMATION: To correct an inadvertent omission in 49 CFR 1034.1(c), Notice by rerouting carrier, which appears in the **Federal Register** issue of April 14, 1981 (46 FR 21781), the second sentence of paragraph (c) is revised to include the following italicized language:

The originating carrier must notify each shipper at the time each shipment is rerouted or diverted and furnish to each shipper the rerouting, *except when the disability requiring the rerouting occurs after the movement has begun.*

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14021 Filed 5-8-81; 8:45 am]

BILLING CODE 7035-01-M

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Proposed Rules

Federal Register
Vol. 46, No. 90
Monday, May 11, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

Cherries Grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland; Findings and Determinations With Respect to Continuation of the Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Determination of referendum results.

SUMMARY: This document contains the determination with respect to continuation of the marketing order regulating cherries grown in designated States. A referendum was conducted among cherry growers and handlers March 22–31, 1981, to ascertain if they favor termination of this regulatory program. The vote in the referendum shows that the required majority of such growers and handlers do not favor termination.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: Pursuant to the applicable provisions of Marketing Order No. 930 (7 CFR Part 930), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), notice was given in the March 10, 1981, issue of the Federal Register (46 FR 15888) that a referendum would be conducted among the growers who, during the period May 1, 1980, through December 31, 1980 (which period was determined to be a representative period for the purpose of such referendum), were engaged, in the production area, in the production of cherries for market and among handlers who, during the aforesaid period, canned or frozen cherries produced in the production area, to ascertain whether such growers and handlers favor continuation of the marketing order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period March 22 to March 31, 1981, both dates inclusive, it is hereby found and determined that the termination of the marketing order, regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, is not favored by the requisite majority of such growers or handlers.

Dated: May 6, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation.

[FR Doc. 81-14044 Filed 5-8-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 92

Importation of Birds; Procedures for the Approval of Commercial Bird Quarantine Facilities and Recovery of Costs of Services

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document would amend Title 9, Code of Federal Regulations, Part 92, to make the operator of a quarantine facility for the importation of birds responsible for the maintenance and operation of the quarantine facility and for the cost of services provided by the Department at the quarantine facility. This action is necessary because an operator of an approved quarantine facility for the importation of birds controls the facility, and, therefore, is in a better position than an importer to assure that the quarantine facility is maintained and operated in accordance with the regulations in Title 9, Code of Federal Regulations, Part 92, and to pay for charges for services provided by the Department at the quarantine facility. The effect of this action would be to relieve an importer of birds of the responsibilities presently imposed upon him by the regulations in Title 9, Code of Federal Regulations, Part 92, for the maintenance and operation of an approved quarantine facility for the importation of birds and for the costs for services provided by the Department at the approved quarantine facility. All costs for the use of a facility by an importer could be negotiated with the operator of the facility.

This document would also amend Title 9, Code of Federal Regulations, Part 92, to provide for withdrawal of approval of any approved quarantine facility which has not been used to quarantine birds for a period of one year. This action is necessary to prevent a misallocation of Department personnel which may result when Department personnel are made available to provide services at approved quarantine facilities which remain unused for prolonged periods of time. The effect of this action would be to give the Deputy Administrator the authority to withdraw approval from any approved quarantine facility which has not been used to quarantine birds for a period of one year.

DATE: Comments on or before July 10, 1981.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, USDA, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. S. S. Richeson, USDA, APHIS, VS, Import-Export Staff, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule". The proposed rule, if adopted, would not have a significant effect on the economy and would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial

number of small entities. Only 10 of the 93 approved bird quarantine facilities are presently not active. These 10 approved bird quarantine facilities would be affected by this action which would provide the Deputy Administrator with authority to withdraw approval from those facilities which have not been used for one year or longer. This action would also make the operators of approved bird quarantine facilities, rather than the importer of the birds, responsible for the costs and operations of the approved bird quarantine facilities. This should have no significant economic impact on any small entity because operators of these approved quarantine facilities also import birds into the facilities, and, other importers which may use any of the facilities could negotiate all costs for the use of the facilities with operators of the facilities.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended, section 11 of the Act of May 29, 1884, as amended, and sections 2, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 114a, 134a, 134c, and 134f, respectively), and the Act of July 24, 1919 (7 U.S.C. 450b), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations.

The regulations in 9 CFR 92.11(e) require that each lot of commercial birds, zoological birds, or research birds imported into the United States be quarantined for a minimum of 30 days at a USDA quarantine facility or in a facility provided by the importer and approved by the Deputy Administrator. Section 92.11(f) provides that to qualify as an approved quarantine facility and to retain such approval, certain standards for approved quarantine facilities and handling procedures for importation of birds must be met and that the cost of the facility and all costs associated with its maintenance and operation shall be borne by the importer. Section 92.12(a) provides that the Deputy Administrator, Veterinary Services may prescribe rates for the costs to the Department incurred in the care, feed, and handling of the birds, sanitation of the facilities, inspection, and other services as may be required from the time of unloading at a quarantine port to the time of release from quarantine.

On August 9, 1978, there was published in the **Federal Register** (43 FR 35457–35459) a rule that required importers, effective October 1, 1978, to reimburse Veterinary Services for all costs incurred in providing services required at approved quarantine facilities for the importation of birds, and a schedule of fees to be charged importers for such services. Further, the regulations in § 92.11 paragraphs (e) and (f) impose responsibility for the maintenance and operation of approved quarantine facilities upon the importer using such facilities. This document proposes to amend § 92.11 (e), (f), and (g) of the regulations to require that the operator of the facility, rather than the importer, pay for all charges for services provided by Veterinary Services at the approved quarantine facility and bear all costs associated with and be responsible for the maintenance and operation of the facility. This amendment is necessary because an operator of an approved quarantine facility controls the facility and, therefore, is the more logical person upon which to impose such costs and charges and responsibility for the maintenance and operation of the facility in accordance with the applicable regulations.

Presently, § 92.11(e) requires, among other things, that imported birds be quarantined for 30 days at a USDA quarantine facility or in a facility provided by the importer and approved by the Deputy Administrator. This proposal would amend § 92.11(e) to eliminate the requirement that the approved quarantine facility be provided by the importer. The Department does not believe that this requirement is necessary. The Department's concern is that if the birds are not quarantined in a USDA quarantine facility, the birds must be quarantined in a facility approved by the Deputy Administrator.

Presently, §§ 92.11(e) and 92.11(f)(7)(i) of the regulations require, among other things, that when an approved quarantine facility is about to be used, a Cooperative and Trust Fund Agreement as set forth in § 92.11(f)(7) of the regulations must be executed by the importer and the Department and appropriate funds deposited with the Deputy Administrator. Further, § 92.11(f)(7)(ii) of the regulations only authorizes the Deputy Administrator to provide services required by an importer at an approved quarantine facility if the Deputy Administrator determines that the importer has executed a Cooperative and Trust Fund Agreement. This proposal would amend §§ 92.11(e) and 92.11(f)(7)(i) to require that, prior to the use of an approved quarantine facility, the operator rather than the importer must execute the Cooperative and Trust Fund Agreement and deposit appropriate funds with the Deputy Administrator. Further, this proposal would amend § 92.11(f)(7)(ii) to authorize the Deputy Administrator to provide services required by the operator at an approved quarantine facility if the Deputy Administrator determines that the operator has executed a Cooperative and Trust Fund Agreement. The Department believes that these amendments are necessary because the operator is the person in control of the approved quarantine facility and, therefore, is in a better position than an importer to insure that the facility is maintained and the birds are handled in accordance with the terms of the Cooperative and Trust Fund Agreement.

Presently, § 92.11(f)(7)(iii) sets forth the Cooperative and Trust Fund Agreement which must be executed by the importer and the amount of money which must be deposited with the Veterinary Services. As stated above, this proposal would require that the operator execute the Cooperative and Trust Fund Agreement and deposit agreed upon amounts of money with Veterinary Services. Therefore, this proposal would amend the Cooperative and Trust Fund Agreement set forth in § 92.11(f)(7)(iii) to provide for the execution of such Agreement by the operator of the facility and for the depositing of funds with Veterinary Services by the operator of the facility.

Presently, § 92.11(f)(8) provides for a separate Cooperative Agreement to be executed by the operator of the quarantine facility and the Animal and Plant Health Inspection Service. This proposal would delete § 92.11(f)(8) and place the terms of this agreement in the Cooperative and Trust Fund Agreement in § 92.11(f)(7)(iii). The need for two agreements would no longer be necessary because under this proposal the person who would be required to execute the two agreements are the same. Therefore, the Department would combine the two agreements and thereby reduce the amount of paperwork necessary prior to the use of approved quarantine facilities.

Importers wishing to use a facility should benefit from these amendments by negotiating all costs for the use of the facility with the operator of the facility. The Department would benefit by having a responsible operator with a financial interest provide responsible management of the facility. By adopting this procedure importers applying for a permit would not be required to execute a Cooperative and Trust Fund Agreement nor deposit the required funds with the Department. It would

only be necessary for the applicant to reserve space at an approved facility.

Presently, § 92.11(f)(6) provides that approval of a quarantine facility will only be given after an inspection of the facility to determine if the facility meets the standards set forth in § 92.11(f). Further, approval may be withdrawn or denied if any requirement of § 92.11 is not met. This proposal would amend § 92.11(f)(6) to provide that approval of any facility may be withdrawn by the Deputy Administrator, if the approved quarantine facility has not been used to quarantine birds for a period of one year. The withdrawal of approval would be effective upon receipt by the operator of a notice from the Deputy Administrator of such withdrawal of approval. The Department believes that this additional ground for withdrawal is necessary to prevent a misallocation of personnel which results when the Department makes personnel available to provide services at approved quarantine facilities which remain unused for prolonged periods of time.

The Department has approved 93 privately owned quarantine facilities for the quarantine of imported birds. Of these, 10 facilities have not been used to quarantine birds since being approved.

This proposal would add definitions of the words "person" and "operator" in proposed §§ 92.1(y) and 92.1(z). These definitions would be added to clarify the meaning of those words. Other minor editorial changes would be made for clarity.

Accordingly, Part 92, Title 9, Code of Federal Regulations, would be amended in the following respects:

1. In § 92.1, a new paragraph (y) would be added to read:

§ 92.1 Definitions.

* * * * *

(y) *Person.* Any individual, corporation, company, association, firm, partnership, society or joint stock company.

2. In § 92.1, a new paragraph (z) would be added to read:

* * * * *

(z) *Operator.* For the purposes of § 92.11, any person operating a quarantine facility.

3. In § 92.11(e), the following phrase in the first sentence would be removed:

§ 92.11 Quarantine requirements.

* * * * *

(e) *Birds.* * * * which are provided by the importer and * * *

* * * * *

4. In § 92.11(e), the period at the end of the third sentence would be changed to a comma.

5. In § 92.11(e), the 7th and 8th sentences would be revised to read:

* * * * *

(e) *Birds.* * * * Prior to use of an approved quarantine facility, a Cooperative and Trust Fund Agreement as set forth in paragraph (f)(7) of this section shall be executed by the operator of the facility and the Department and appropriate funds shall be deposited with the Deputy Administrator pursuant to the Cooperative and Trust Fund Agreement. During the quarantine period, the operator of the facility and the importer shall comply with handling procedures (including inspection and testing) as provided in paragraph (f) of this section. * * *

* * * * *

6. In § 92.11(f) introductory text, the second sentence would be revised to read:

* * * * *

(f) *Standards for approved quarantine facilities and handling procedures for importation of birds.* * * * The cost of the facility and all costs associated with the maintenance and operation of the facility shall be borne by the operator in accordance with the provisions of §§ 92.11(g) and 92.12 (a) and (c).

* * * * *

7. In § 92.11(f)(6), the following two sentences would be added at the end of the section:

* * * * *

(f) * * *

(6) * * * Approval of any approved quarantine facility may be withdrawn by the Deputy Administrator, Veterinary Services, if the approved quarantine facility has not been used to quarantine birds for a period of one year. Withdrawal of approval of any approved quarantine facility for not quarantining birds in the approved quarantine facility for a period of one year shall be effective upon the receipt by the operator of a written notice from the Deputy Administrator of the withdrawal of approval.

* * * * *

8. In § 92.11(f)(7)(i), the first sentence would be revised to read:

* * * * *

(f) * * *

(7) *Cooperative and Trust Fund Agreement for services required by importer at approved quarantine facilities for the importation of birds.* (i) When a quarantine facility for the importation of birds is approved by the Deputy Administrator as provided in paragraph (e) of this section, a Cooperative and Trust Fund Agreement as set forth in paragraph (f)(7)(iii) of this section shall be executed by the operator of the facility and the Department and, in conjunction therewith, the operator shall deposit with the Deputy Administrator, Veterinary Services, funds adequate to cover all costs incurred by the Department in providing services required for two complete quarantine periods in accordance with the provisions of the Cooperative and Trust Fund Agreement.

* * * * *

9. Section 92.11(f)(7)(ii), would be revised to read:

* * * * *

(f) * * *

(7) * * *

(ii) The Deputy Administrator is authorized to provide services required by the operator of an approved quarantine facility in conjunction with the importations made through the facility for the importation of birds when he determines that the operator has executed a Cooperative and Trust Fund Agreement specified in paragraph (f)(7)(iii) of this section and has deposited funds in connection therewith as provided in such agreement.

* * * * *

10. In § 92.11(f)(7)(iii), the first sentence and the second sentence up to the first comma would be revised to read:

* * * * *

(f) * * *

(7) * * *

(iii) *Cooperative and Trust Fund Agreement.*

Cooperative and Trust Fund Agreement between ———— (name of operator) and the United States Department of Agriculture, Animal and Plant Health Inspection Service.

This Agreement is made and entered into by and between———— (name of operator), hereinafter referred to as the Cooperator * * *

* * * * *

11. In § 92.11, paragraph (f)(7)(iii)(A) would be revised to read:

* * * * *

(f) * * *

(7) * * *

(iii) * * *

(A) *The Cooperator Agrees:*

(1) To operate the approved quarantine facility in accordance with all Federal Laws and regulations.

(2) To provide a current list of designated personnel employed by the Cooperator who wil be used to handle and care for birds during a quarantine period. The list will include the legal names, current residential addresses, and social security numbers of the designated personnel. The list will be furnished to the port veterinarian at the time an application for an import permit to import

birds into the quarantine facility is submitted to the Service. The list will be updated for any changes in or additions to the designated personnel in advance of such personnel working in the quarantine facility.

(3) To furnish to the Service a signed statement from each of the designated personnel employed by the Cooperator which provides that such personnel agree that for a period of seven days from their most recent contact with birds in the approved quarantine facility, such personnel will refrain from having contact with other birds and poultry. Such condition shall not be applicable from the date that the birds are released from quarantine.

(4) To not permit any designated personnel which the Service determines to be unfit to be employed at a quarantine facility upon written notice from the Service. Such determination shall be based upon such employee's committing or adding and abetting in the commission of any violation of Title 9, Code of Federal Regulations, Part 92. The Cooperator further agrees to suspend any designated employee from working at a quarantine facility when the Service has reason to believe that such employee has violated any provision of Title 9, Code of Federal Regulations, Part 92, and the Deputy Administrator has determined that the actions of such employee constitute a severe threat to introduce or disseminate a communicable disease of poultry into the United States. Such action shall be made upon receipt of notice from the Service requiring such action by the Cooperator.

(5) To allow the unannounced entry into the quarantine facility of Service personnel or other persons authorized by the Service for the purpose of inspecting birds in quarantine, the operations at the quarantine facility and to ascertain compliance with the Standards for approved quarantine facilities and handling procedures for importation of birds contained in Title 9, Code of Federal Regulations, § 92.11(f).

(6) To provide permanent restrooms in both the clean and the quarantine areas of the approved quarantine facility.

(7) To provide a T.V. monitoring system or a window or windows sufficient to provide a full view of the quarantine area excluding the clothes changing area.

(8) To install a communication system between the clean and quarantine areas of the approved quarantine facility. Such communication system shall not interfere with the maintenance of the biological security of the quarantine area.

(9) To secure all windows and any openings in the quarantine facility in a manner satisfactory to the Department which will insure the biological security of the quarantine facility and prevent the unauthorized removal of birds.

(10) To install tamperproof hasps and to install hinges on doors from which the pins cannot be removed.

(11) To install a hood with a viewing window over the necropsy table.

(12) To bag waste material in leakproof bags. Such material shall be handled in a manner that spoilage is kept to a minimum and control of pests is maintained. Such material shall be disposed of by incineration or by public sewer or other method authorized by the Deputy Administrator to prevent the spread of disease. The disposition of such material shall only be under the direction and supervision of the Service.

(13) To feed chlortetracycline to psittacine birds, upon their arrival in the facility, in accordance with the guidelines of the United States Public Health Service to reduce the risk of infecting Service employees, as well as other individuals having contact with the birds. If non-psittacine species are quarantined in the same facility with psittacine species, they will all be fed the chlortetracycline-medicated feed.

(14) To install an electronic security system which is coordinated through or with the local police so that monitoring of the quarantine facility is maintained whenever Service personnel are not at the facility or, in lieu of such electronic monitoring system to arrange for continuous guarding of the facility with personnel from a bonded, security company. *Provided*, That, if exotic Newcastle disease is diagnosed in any of the birds in the quarantine facility, continuous guarding of the facility with personnel from a bonded security company shall be maintained by the Cooperator. The electronic security system if installed shall be of the "silent type" and shall be triggered to ring at the monitoring site and not at the facility. The electronic system shall be approved by Underwriters's Laboratories.

Written instructions shall be provided to the monitoring agency which shall require that upon activation of the alarm, the police and a representative of the Service designated by the Service shall be notified by the monitoring agency. Such instructions, as well as any changes in such instructions, shall be filed in writing with the Deputy Administrator, Veterinary Services. The Cooperator shall notify the Service whenever a break in security occurs or is suspected of occurring.

(15) To not have non-Service personnel in the quarantine area when birds are in the quarantine facility unless Service personnel are present.

(16) To have seals of the Service placed on all entrances and exits of the facility when determined necessary by the Service and to take all necessary steps to insure that such seals are only broken in the presence of Service personnel.

(17) To decide what the disposition of a lot of birds will be within 48 hours following official notification that such a lot is infected with or exposed to velogenic viscerotropic Newcastle disease. Final disposition of the infected or exposed lot is to be accomplished within 4 working days following official notification. Disposition of the birds will be under the supervision of the Service.

(18) To furnish a telephone number or numbers to the Service at which the Cooperator can be reached on a daily basis or furnish the same for an agent or representative that can act and make decisions on the Cooperator's behalf.

(19) To deposit with the Service upon execution of this agreement the amount of $——— (equal to the approximate cost to the Department for two 30-day quarantine periods) to be used by the Service to defray all expenses incurred by the Service in providing services required, and as funds from that amount are obligated, monthly bills for costs incurred based on official accounting records will be issued to restore the deposit to its original level.

(20) To provide for the maintenance and operation of the approved quarantine facility in accordance with standards for approved quarantine facilities and handling procedures for importation of birds as provided in Part 92 of 9 CFR.

* * * * *

12. In § 92.11(f)(7)(iii)(B), paragraphs (3)–(7) would be added to read:

* * * * *

(f) * * *

(7) * * *

(iii) * * *

(B) *The Service Agrees:*

* * * * *

(3) To issue or validate permits on a timely basis depending upon the availability of personnel.

(4) To inform the Cooperator when a diagnosis of VVND has been made in any facility.

(5) To promptly inform the Embassy or Consulate of the foreign country to which lots of birds, refused entry into the United States due to a diagnosis of VVND, are to be shipped.

(6) To notify in writing the Cooperator of any designated employee which the Service believes should be suspended from work at the approved quarantine facility and the basis for such action. Similar notice shall be afforded to the designated employee. Subsequent to such suspension, the designated employee shall have the right to request an immediate review of such action by the Deputy Administrator, Veterinary Services, including presenting his views to the Deputy Administrator in an informal conference. If the Deputy Administrator makes a final determination that grounds existed to suspend such employee, he shall notify the Cooperator and the suspended employee of his decision and such employee shall be discharged by the Cooperator.

(7) Prior to any final determination being made by the Service concerning the discharge of any designated personnel employed by the Cooperator, the Service will inform, in writing, the Cooperator and the designated personnel of the basis for such action. If such person contests such action he or she shall be permitted to present his or her views to the Deputy Administrator, Veterinary Services, provided such request is made within 30 days of the receipt of the aforementioned written notice. If a final determination is made by the

Deputy Administrator that such personnel should be discharged, he shall notify such personnel and the Cooperator of such determination.

* * * * *

13. In § 92.11(f)(7)(iii)(C), paragraphs (1), (2), and (3) would be renumbered (3), (4), and (5) respectively, and new paragraphs (1) and (2) would be added to read:

* * * * *

(f) * * *
(7) * * *
(iii) * * *

(C) *It is Mutually Agreed and Understood:*

(1) That a maximum capacity will be established for each approved quarantine lot. This will be based upon the capacity of the approved quarantine facility to handle the birds. The number of birds on the permits will not exceed this capacity.

(2) If the seals referred to in A.18. are broken by other than Service personnel, it will be considered a breach in security and an immediate accounting of all birds in the facility shall be made by the Service. If any birds are determined to be missing from the facility, the quarantine period will be extended for at least an additional 30-day period.

* * * * *

14. In § 92.11(f)(7)(iii)(C), the paragraph following the signature block would be removed.

15. Section 92.11(f)(8) would be removed.

16. In § 92.11(g), the introductory language up to the colon would be amended to read:

* * * * *

(g) *Charges for services.* The charges to be borne by the operator for services provided for quarantine facilities approval in accordance with paragraph (f) of this section shall be:

* * * * *

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the Federal Register.

Done at Washington, D.C., this 5th day of May, 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-13804 Filed 5-8-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket Nos. 80-NW-21-AD, 80-WE-9-AD, 80-WE-10-AD, 80-WE-11-AD, 80-WE-12-AD]

Airworthiness Directives: Fortner Engineering and Manufacturing, Inc.; Hydraulic Components Repaired or That Contain Parts Produced and Installed in the Following Series Aircraft; Boeing Models 707/720/727/737/747, McDonnell Douglas Models DC-8/DC-9/DC-10; and Lockheed Model L-1011

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notices of proposed rulemaking.

SUMMARY: This document withdraws several Notices of Proposed Rulemaking (NPRMs) that proposed the adoption of Airworthiness Directives (ADs) that would have required the removal of certain hydraulic components that had been repaired or contain parts produced by Fortner Engineering and Manufacturing, Inc., of Glendale, California (hereinafter referred to as Fortner) and installed in Boeing 707/720/727/737/747, McDonnell Douglas DC-8/DC-9/DC-10, or Lockheed L-1011 aircraft. This action was initiated as a result of a finding that the components had not been shown to conform to FAA-approved design data and that improper operation of these components could affect safety of flight; consequently, the airworthiness of airplanes on which they were subsequently installed was questionable. Upon further consideration and in light of comments received and additional findings, the FAA has determined that the proposed ADs are not required at this time and accordingly the NPRMs are withdrawn.

DATES: Effective May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, ANW-110, FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION: *Public Participation:* Proposals to amend Part 39 of the Federal Aviation Regulations to include airworthiness directives requiring removal of certain hydraulic components used on these aircraft that have been repaired by or contain parts manufactured by Fortner Engineering and Manufacturing, Inc., of Glendale, California were published in the Federal Register as follows:

1. NPRM dated April 9, 1980, 45 FR 26075 (Docket 80-NW-21-AD).
2. NPRM dated March 11, 1980, 45 FR 16941 (Docket 80-WE-9-AD).
3. NPRM dated March 11, 1980, 45 FR 16942 (Docket 80-WE-12-AD).
4. NPRM dated March 11, 1980, 45 FR 16943 (Docket 80-WE-11-AD).
5. NPRM dated March 11, 1980, 45 FR 16945 (Docket 80-WE-10-AD).

As announced in the Federal Register of October 20, 1980 (45 FR 69332), the Northwest Region of the FAA assumed new authority as certificating region for transport category airplanes, including the McDonnell Douglas and Lockheed airplanes, effective November 1, 1980. This action, therefore, consolidates the actions proposed in all five of the outstanding NPRMs inasmuch as they relate to products for which this region now holds certification responsibility.

The FAA received numerous comments from the Air Transport Association of America (ATA), operators, and airframe and parts manufacturers. Due consideration has been given to all comments received.

Subsequent to publishing the NRPMs, the ATA requested an extension to the comment period and a meeting to provide public input. The request for extension was granted (45 FR 37221-37223 and 45 FR 58133) and a public meeting was held on September 18, 1980. Comments from that meeting have also been considered. In addition, following the public meeting and prior to this action, preliminary drafts of a summary of the industry comments and proposed FAA responses were coordinated with affected manufacturers and user groups for completeness and accuracy.

History of Proposals

During an overhaul test, an operator discovered that a Boeing 737 rudder power control unit (PCU) exhibited reverse control. The problem was isolated to a PCU dual servo valve (S/N 18X) that had been repaired by Fortner Engineering and Manufacturing, Inc., of Glendale, California. This valve and two other overhauled valves were returned to Fortner for overhaul tests. Data gathered from these and other tests indicated that not all the overhaul tests had been conducted as directed by the Fortner overhaul specification. The valves were overhauled by Fortner Engineering by honing out the housing that contains the primary and secondary slides, and replacing the primary and secondary slides with slides manufactured by Fortner in accordance with Fortner data. These data had not received FAA approval.

For the above reasons a Telegraphic Airworthiness Directive (T80NW-4) dated January 29, 1980, was issued to

require the removal from service of the Boeing 737 rudder PCU servo valves that had been overhauled by Fortner Engineering and Manufacturing, Inc. Subsequently and following additional investigation, the FAA issued an Airworthiness Directive (Docket 80-NW-6-AD), 45 FR 20055, March 27, 1980, requiring the removal from service of certain other dual concentric servo valves overhauled by Fortner and installed to control flight critical surfaces on Boeing 707/720/727/737 and 747 series airplanes. The proposed ADs involves in the NPRMs would require that those hydraulic components not included in the previous ADs also be removed from service.

Discussion

For the following reasons, the FAA has determined that ADs are not required at this time for the remaining components not already covered by the ADs issued to date.

1. The proposed rules would have applied only to components repaired or parts manufactured by Fortner prior to February 15, 1980, the date its FAA Repair Station Certificate was suspended. Since that time, Fortner repair station privileges have been fully reinstated and the Order of Suspension terminated.

2. Fortner applied for and on November 7, 1980, was granted authority under the provisions of Special Federal Aviation Regulation (SFAR) 36 to approve these types of appliances for return to service following major repairs, without FAA approval of the data.

3. An audit conducted on April 10, 1981, for Fortner's use of SFAR 36 authority has revealed no significant discrepancies.

4. Original design criteria applicable to the affected hydraulic systems require continued safe flight of the aircraft after combinations of failures not shown to be extremely improbable.

5. The airframe manufacturers have stated that the potential failure modes of these valves are covered by the existing failure assessment and that forms a part of the aircraft type certification. Their opinion is that the malfunction of any single component listed in the subject NPRMs would not compromise airworthiness of an affected airplane since such malfunction is considered by existing failure assessment.

6. Most of the hydraulic components listed in the NRPMs are maintained by "On Condition" (OC) or "Condition Monitoring" (CM) maintenance processes. Airline records indicate that the Fortner valves do not show any adverse reliability characteristics and have average mean time between failures of over 20,000 hours. They further show that probable service time accumulation is in excess of 300 million component hours. Service history to date tends to confirm the assessments of the manufacturers (see paragraph 5).

Therefore, the proposed ADs are being withdrawn. Withdrawal of these proposed ADs constitutes only such action and does not preclude the agency from issuing another Notice in the future or commit the FAA to any course of action in the future.

The Withdrawal

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, the proposed airworthiness directives published in the **Federal Register** on March 24, 1980 (45 FR 18941-18945), and April 17, 1980 (45 FR 26075-26078), are hereby withdrawn.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—Since this action withdraws a proposed restriction and imposes no additional burden on any person, it may be made effective in less than 30 days. It is neither a proposed nor final rule and, therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on May 1, 1981.

Jonathan Howe,

Acting Director, Northwest Region.

[FR Doc. 81-14067 Filed 5-8-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 75-SW-7]

Airworthiness Directives; Gulfstream American (Rockwell) Aircraft Models 500, 500A, 500B, 500S, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), and 720

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD) applicable to Gulfstream American (Rockwell) Aircraft Models 500, 500A, 500B, 500S, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), and 720 to require additional inspections and subsequent modification to the "bob weight" mounting bracket side supports. The amendment is needed because reports from the field indicate that cracks are occurring after varying times in service.

DATES: Comments must be received on or before June 8, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, Attention: Docket No. 75-SW-7, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The applicable service bulletins may be obtained from Gulfstream American Corporation, 5001 North Rockwell Avenue, Bethany, Oklahoma 73008.

These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: James L. Patras, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making or the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with the proposed amendment to the AD, will be filed in the docket.

AD 75-12-09 was issued to require the installation of a "bob weight" to increase stick forces thereby minimizing the potential of wing overload failure due to inadvertent high maneuver "g" loads.

During routine maintenance inspection, six aircraft have been found with cracks in the original "bob weight" support installation. Total hours since the "bob weight" installation averaged 3,220 hours prior to detecting cracks.

This condition is likely to exist or develop in other aircraft with the "bob weight" installation. The proposed amendment to the AD would require inspection, repair, or modification of the structure to prevent recurrence. Gulfstream American (Rockwell) Service Bulletin No. 179 dated January 26, 1981; Service Bulletin No. 129, Revision 4, dated January 26, 1981; and Service Bulletin No. 136, Revision 3, dated January 26, 1981, refer to this subject.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by further amending Amendment 39–2223, 40 FR 21178, AD 75–12–09 as follows:

(1) Add the following paragraph after the second paragraph of the AD:

Aircraft that have complied with Service Bulletin No. 129, prior to Revision 4 dated January 26, 1981, or Service Bulletin No. 136 prior to Revision 3 dated January 26, 1981, must comply with Service Bulletin No. 179 dated January 26, 1981, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Texas, unless already accomplished. Initial compliance with the inspections specified in Service Bulletin No. 179 by an appropriate rated mechanic or repair station is required within 25 hours' time in service after the effective date of this amendment to the AD. When compliance with the repair or strengthening of the supports in accordance with Service Bulletin No. 179 or Service Bulletin No. 129, Revision 4, or Service Bulletin No. 136, Revision 3, has been accomplished, the repetitive inspections of Service Bulletin No. 179 may be discontinued.

(2) Change the last paragraph to read as follows:

Copies of these bulletins may be obtained by contacting the Service Manager, Gulfstream American Corporation, 5001 North Rockwell Avenue, Bethany, Oklahoma 73008.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85)

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); nor will it have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves a relatively low cost per aircraft. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Fort Worth, Tex., on April 23, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-14091 Filed 5-8-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-CE-22]

Transition Area—Kimball, Nebr.; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Kimball, Nebraska, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Kimball, Nebraska, Municipal Airport utilizing the Kimball nondirectional radio becon (NDB) as a navigational aid.

DATES: Comments must be received on or before June 21, 1981.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room, 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Don A. Peterson, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before June 21, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374–3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Kimball, Nebraska. To enhance airport usage, a new instrument approach procedure is being developed for the Kimball, Nebraska, Municipal Airport utilizing the Kimball nondirectional radio beacon as a navigational aid. This radio facility will provide new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Kimball, Nebraska, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating inder Visual Flight Rules (VFR).

The Proposed Amendment

Accordingly, Federal Aviation Administration proposes to amend Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1981 (46 FR 540), by adding the following new transition area:

Kimball, Nebr.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Kimball Municipal Airport, Kimball, Nebraska, (Latitude 41°11'20" N, Longitude 103°40'11" W) and 3 miles either side of the 133° bearing of the Kimball NDB (Latitude 41°11'30" N, Longitude 103°40'08" W)

extending from 6 miles to 8.5 miles southeast of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Mo., on May 1, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-14046 Filed 5-8-81; 8:45 am]

BILLING CODE 4910-13-M

Coast Guard

33 CFR Part 165

[CGD8-81-01]

Safety Zone—Vicinity of Old River Control Structure, Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering amending its Safety Zone Regulations, 33 CFR Part 165, by establishing a Safety Zone in the vicinity of the Old River Control Structure at mile 314.5 Above Head of Passes, Lower Mississippi River. This structure is exposed to Mississippi River navigation and is vulnerable to damage if struck by errant vessels. This structure controls the distribution of water between the Mississippi River, Red River and the Atchafalaya River. The zone will assist in protecting the structure, thus preventing interruption of flow control with serious downstream ramifications for flood control, navigation and municipal/industrial water supplies.

DATES: Comments must be received by June 25, 1981.

ADDRESS: Comments should be submitted to the U.S. Coast Guard Captain of the Port 4640 Urquhart Street, New Orleans, Louisiana 70117. The comments will be available for inspection or copying at the Captain of the Port Office, Room A-104. Normal office hours are between 7:00 a.m. and 3:30 p.m. Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR G. J. E. Thornton, Port Safety Officer or LTJG M. R. Beskeen, Waterways Safety Officer, c/o U.S. Coast Guard Captain of the Port, 4640 Urquhart Street, New Orleans, Louisiana 70117, Tel: (504) 589-7108.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD8-81-01), and the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in the drafting of the rulemaking are LCDR G. J. E. Thornton, Port Safety Officer, and LTJG M. R. Beskeen, Waterways Safety Officer, Captain of the Port, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA., 70117, TEL: (504) 589-7108. The project attorney is LT. J. C. Helfrich, c/o Commander, Eighth Coast Guard District (dl), Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA., 70130, TEL: (504) 589-6188.

Discussion of Proposed Rule

Prior to the 1959–1960 construction of the Old River Control project, the Mississippi River and the Atchafalaya River were linked by an uncontrolled natural channel known as the Old River. Studies made by the Mississippi River Commission indicated that the Mississippi River was seeking to use this natural link to change its course to that of the Old and Atchafalaya Rivers. In the absence of any intervention by man, the study showed that such change would take place between 1965 and 1975. If this had occurred, the cities of Baton rouge and New Orleans and many lesser sized communities would have been without sufficient quantities of fresh water to satisfy domestic needs during low water periods. The vast industrial complex located from Baton Rouge to near the mouth of the River would have been without fresh water vital to its operation. The Mississippi River as far upstream as Baton Rouge would have become brackish.

Cities, towns, railroads, highways, waterways, industry, agriculture and utilities in the Atchafalaya Basin would have been subject to serious disruption. The effect would have probably been felt as far upstream as Vicksburg on the Mississippi River and Boyce on the Red River as a result of swifter currents and increased meandering. The government's investment in flood control and navigation works would have been threatened and a large amount of it lost.

The cost associated with providing the necessary flood protection against captured flows of the Mississippi River down the Old and Atchafalaya Rivers has been estimated at close to $2.4 billion (1978 dollars).

In order to preserve the existing course of the Mississippi River, a project was authorized by P.L. 780, 83rd Congress, approved in September 1954 (a modification of the Flood Control Act of 1928), to maintain the balance of flows from the Mississippi River to the Atchafalaya River and Basin by control structures on the right descending bank and for the operation and maintenance of these structures.

The Old River Control Structure consists of a low sill structure and an overbank structure. The sill structure is a reinforced concrete dam with eleven gate bays, each having 44 foot clear width between piers. Its total length is 566 feet between abutments. Vertical lift gates are operated by two traveling gantry cranes. The overbank structure consists of 73 gated bays, each with a width of 44 feet between piers, giving a total width of 3356 feet. Both structures were completed in 1959 and the inflow and outflow channels were completed in 1960.

In 1964, several barges which had broken loose upriver were pulled into the structure. The gate bays had to be closed to reduce the suction force holding the barges in the structure. When the gates were finally opened, scour holes were created by the tremendous water pressure that had built up behind the structure. A similar incident in 1965–66 led to a study to determine what measures could be

taken to avoid this type of occurrence in the future. Subsequently, a barrier was constructed upriver of this structure in an attempt to stop objects before they reached the control structure. This project was abandoned after it became evident that the barrier itself posed more of a hazard to the structure than it did to prevent the possibility of a collision.

In 1973, a large scour hole was detected. This hole led to erosion of one of the training walls. Material generated by this erosion was drawn into the filling basin and this has caused erosion of the foundation. Damage caused by this scour hole has still not been completely repaired. This is evident by the damage discovered in the foundation in September 1980.

In September 1980, the results of a study entitled "If the Old River Control Structure Fails?" by Raphael G. Kasman and David B. Johnson of Louisiana State University were published in the Louisiana Water Resources Research Institute Bulletin 12. The study emphasizes the potential consequence of the structure's failure. According to the study, failure could result from events such as collision by river traffic, acts of sabotage or war, the undermining of the foundation by scour with subsequent settlement or total collapse from the scouring out of an unobstructed channel under or around the edge of the structure or by any set of combinations of these probabilities.

Certain safety precautions are already in place to protect the Old River Control Structure from navigation. There is a flashing amber light at the junction of the inflow channel and the Mississippi River used to warn mariners that they are near the structure and may be affected by current flow toward the open gates. Federal Regulations in 33 CFR 162.80 prohibit any vessel or barge from mooring along either bank of the Mississippi River from mile 314.5 to mile 340.0 Above Head of Passes except in an emergency, pursuant to an approved navigation permit or as authorized by Commander, Eighth Coast Guard District, New Orleans. These regulations have been effective in removing the threats of breakaway barges from the Old River Control Structure. The Coast Guard also maintains a series of six buoys marking the right descending bank side of the channel past the structure. These buoys are placed approximately mid-river starting at mile 314.0 Above Head of Passes and extend upriver one and a half miles. To assure safe passage, vessels must navigate between the buoys and the left descending bank. This channel guides vessels well clear of the structure. During critical high water periods, these buoys are of minimal value because they are frequently underwater, Offstation, or carried away by the swift currents.

The Old River Control Structure was designed to allow a maximum of 620,000 cubic feet of water per second to be diverted from the Mississippi River. 320,000 cubic feet per second would flow through the low sill structure with the remainder flowing through the overbank structure immediately upriver. At these designed maximums, the current through the Old River Control Structure would be ten feet per second, over six and a half miles per hour. During actual high water, current velocities up to 9.5 feet per second have been experienced. Currents of this magnitude may overpower vessels inadvertently straying into the inflow channel. Local observers report periodic incidents of vessels erroneously turning into the inflow channel. In most instances, the operators of these vessels are confused into thinking the Control Structure is the Old River Navigation Locks. The Corps of Engineers maintains a radar equipped picket boat in the area throughout the year to protect the Old River Control Structure from navigation threats. Vessels passing the area normally establish contact with the picket boat on channel 16 VHF–FM. The Corps of Engineers is in the process of upgrading this form of protection through acquisition of a new, more powerful, towing type vessel to be operational by approximately 1982. The Corps is also developing a land based radar system for the area with a capability of detecting a vessel straying into the danger area and concurrently alerting the picket boat of such a development.

An auxiliary control structure to be located just downstream from the existing structure on the right descending bank of the Mississippi River is in the planning stages. Completion of this structure will relieve the pressure from the existing structure and is expected to reduce current velocities and lessen navigation hazards. Completion of this structure is not expected before 1985. In the interim, establishment of this safety zone will re-emphasize, through regulatory means, the importance of remaining clear of the existing structure. Subsequent to implementation, the zone will have the authority and penalty provisions of the Ports and Waterways Safety Act. Concurrently, a river operator awareness program concerning the safety zone and the Old River Control Structure hazards will be intensified.

Evaluation

The only effect of the proposed regulation is to establish an area of controlled access in the vicinity of the Old River Control Structure. Limited access in this area will not impede normal navigation and will have no economic impact on any entity. The proposal has been evaluated under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this proposed regulation is considered to be nonsignificant in accordance with guidelines set out in the "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Proposed Regulations:

In consideration of the foregoing, the Coast Guard proposes to amend Part 165 of Title 33, Code of Federal Regulations by adding § 165.800 to read as follows:

§ 165.800 Lower Mississippi River vicinity of Old River Control Structure.

(a) The area enclosed by the following boundary is a Safety Zone—a line beginning at Black Hawk Point Light at Mile 316.1 AHOP LMR; thence to the northwest end of the Overbank Structures; thence south along the Old River Control Structure to the southeast end of the Low Sill Structure; then Northeast to the Old River Control Structure Light at Mile 314.5 AHOP LMR; thence along a line to Black Hawk Point Light.

(b) Any vessel desiring to enter this Safety Zone must first obtain permission from the Captain of the Port, New Orleans, LA. The Corps of Engineers picket boat on scene is normally delegated the authority to permit entry into this Safety Zone.

(33 U.S.C. 1225, 1231; 49 CFR 1.46(n)(4))

Dated: April 30, 1981.

R. J. Clements,

Captain, Coast Guard, Captain of the Port, New Orleans, La.

[FR Doc. 81–14171 Filed 5–8–81; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 1796-1]

Approval and Promulgation of State Implementation Plans: Arkansas Submission of Volatile Organic Compound (VOC) Regulations for Set II Control Technique Guideline Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This action proposes approval of revisions to the Arkansas State Implementation Plan (SIP) which were submitted by the Governor on October 10, 1980. Specifically, the State has revised Sections 3, 4 and 5 of the Arkansas Regulations for the Control of Volatile Organic Compounds to include new definitions, legally enforceable regulations for several of the source categories addressed in the EPA Control Technique Guideline (CTG) documents issued between January 1978 and January 1979 (Set II CTGs), and applicable, effective, and final compliance dates and testing and reporting requirements for these source categories. These revisions were submitted in response to the Clean Air Act Amendments of 1977. The Administrator's memorandum of February 24, 1978 (43 FR 21673, May 19, 1978), and the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas (44 FR 20372, April 4, 1979), described the minimum requirements for the stationary source portion of an approvable ozone SIP revision.

DATES: Interested persons are invited to submit comment on this proposed action on or before June 10, 1981.

ADDRESSES: Written comments should be submitted to the address below: Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270.

Copies of the State's submittal are available for inspection during normal business hours at the address above and at the following locations:
Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 "M" Street, SW., Washington, D.C. 20460;
Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209.

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, Implementation Plan Section, Environmental Protection Agency, Region 6, Air and Hazardous Materials Division, Air Programs Branch, 1201 Elm Street, Dallas, Texas 75270 (214) 767-1518.

SUPPLEMENTARY INFORMATION:

Introduction

Provisions of the Clean Air Act enacted in 1977 (the Act) required States to revise their State Implementation Plans (SIPs) for areas that had not attained the National Ambient Air Quality Standards (NAAQS). Each State was to submit a SIP revision by January 1, 1979, providing for the attainment of the primary NAAQS as expeditiously as practicable, but no later than the end of 1982 (or the end of 1987 for areas with approved extensions which have particularly difficult ozone or carbon monoxide problems).

The requirements for an approvable SIP were set out in Section 110 and Part D of the Act. The Administrator's memorandum of February 24, 1978, published in the Federal Register at 43 FR 21673 (May 19, 1978), summarized the elements that an approved SIP must contain in order to meet the requirements of Part D. EPA also published at 44 FR 20372 (April 4, 1979), a General Preamble for proposed rulemaking on approval of SIP revisions for nonattainment areas, summarizing the major considerations guiding EPA's evaluation of nonattainment area plan revisions. EPA published the General Preamble in order to assist the public in commenting on the approvability of the State SIP revisions. See, also, supplements to the General Preamble published at 44 FR 36563 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979).

For areas not attaining the ozone NAAQS, the Administrator's memorandum and the General Preamble stated that, at a minimum, the stationary source portion of an approvable ozone SIP revision must include legally enforceable regulations that reflect the application of reasonably available control technology (RACT) to those volatile organic compound (VOC) sources for which EPA had published a control technique guideline (CTG) by January 1978, and provide for adoption and submittal of additional legally enforceable RACT regulations on an annual basis beginning January 1980 for VOC sources covered by CTGs that have been published by January of the preceding year. RACT requirements for sources covered by the CTGs issue between January 1978 and January 1979 (Set II CTGs) were to be adopted and submitted to EPA by January of 1980. However, on November 23, 1980, EPA revised the deadline for submission of the RACT regulations for Set II CTG sources when it became apparent that the regulatory adoption process was going to take longer than originally anticipated (45 FR 78121). EPA notified States that plan revisions setting forth RACT regulations for the following Set II CTG sources were due by January 1, 1981:

Factory Surface Coating of Flatwood Paneling
Petroleum Refinery Fugitive Emissions (Leaks)
Pharmaceutical Manufacture
Rubber Tire Manufacture
Surface Coating of Miscellaneous Metal Parts and Products
Graphic Arts (Printing)
Dry Cleaning, Perchloroethylene
Gasoline Tank Trucks, Leak Prevention
Petroleum Liquid Storage
Floating Roof Tanks

On January 29, 1980, EPA issued final conditional approval to the Arkansas SIP which had been submitted in response to the requirements of Part D of the Act. These revisions included legally enforceable regulations that reflected the application of RACT to several of the VOC sources for which EPA had published a CTG by January 1978 (Set I CTGs). In that notice, EPA also noted that the State had committed to adopt additional VOC control measures for sources covered by future CTGs.

On October 10, 1980, the Governor of Arkansas submitted revisions to Sections 3, 4, and 5 of the Arkansas Regulations for the Control of Volatile Organic Compounds. The revisions to Section 5 consisted of legally enforceable regulations for the following Set II CTG source categories; gasoline tank trucks and vapor collection systems, and surface coating of miscellaneous metal parts and products. The revisions to Section 3 included definitions for new terms used in conjunction with the above mentioned source categories, and the revisions to Section 4 incorporated applicable, effective and final compliance dates, and compliance testing and reporting requirements for these source categories.

In addition, in July 1980, the Governor submitted certification that there were no major sources within the ozone nonattainment area for the following source categories: Surface coating of flatwood paneling; pharmaceutical manufacture; pneumatic rubber tire manufacture; graphic arts; petroleum refinery fugitive emissions; perchloroethylene dry cleaning; and

petroleum liquid storage in external floating roof tanks. This certification was received by EPA on July 15, 1980. EPA has reviewed the State's submittal and developed an evaluation report [1] which discusses the technical aspects of the revisions in detail. This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 office and the other addresses listed above.

Revisions to Section 3

As previously noted, the State has revised Section 3, Definitions, to include the definitions of new terms that are used in Section 5. In addition to adding new terms, the State revised its definition of VOC in response to EPA's July 31, 1979, notice of proposed rulemaking. In that notice (at 44 FR 44906), EPA pointed out that the State's definition of VOC was inconsistent with EPA's definition, and the State would be required to modify its definition at the time they adopted and submitted to EPA additional VOC regulations. The State has revised its definition of VOC to include those compounds of carbon having a vapor pressure greater than 0.1 millimetar of mercury. EPA is proposing to approve the revisions to Section 3 (i.e. 3. (a), (b), (k), (l), (n), (o), (z), (bb), (dd), (ee), (ff), and (gg)).

Revisions to Section 4

The State has revised Section 4, General Provisions, to include effective, applicable and final compliance dates, and compliance testing and reporting requirements for the source categories regulated under the provisions of Section 5. The effective date is defined as the date on which the corresponding regulatory provision goes into full force and effect. For the source categories of gasoline tank trucks and vapor collection systems and the surface coating of miscellaneous metal parts, the effective date is October 1, 1980. The applicable date is defined as the date by which an applicable source must submit a compliance schedule, and is specified as January 1, 1981, for these two source categories. Approval of the compliance schedules must be granted by February 1, 1982, and final compliance must be achieved by July 1, 1982. In addition, this section has been revised to include test methods for determining compliance with the applicable regulation for the two source categories.

Under Section 4, the State has also provided an exemption for several VOCs, among them, methyl cholorform and methylene chloride. On May 16, 1980 (at 45 FR 32424), EPA published a clarification of Agency policy concerning the control of these compounds in ozone SIPs. EPA explained that it cannot approve or enforce controls on either of these compounds as part of a federally enforceable ozone SIP because current information indicates that neither compound is an ozone precursor. Consequently, EPA will not disapprove these exemptions. In addition, on July 22, 1980 (at 45 FR 48941) EPA expanded the list of VOCs having negligible photochemical reactivity to include the chlorofluorocarbons or fluorocarbons exempted by Arkansas. Therefore, EPA will also not disapprove these exemptions.

This policy is in no way an expression of EPA's view on the desirability of controls on these compounds. States retain the authority to control these compounds under the authority reserved to them in Section 116 of the Clean Air Act. In addition, State officials and sources should be advised that there is a strong possibility of future regulatory action by EPA to control emissions of these compounds (see, e.g. Proposed New Source Performance Standards for Organic Solvent Cleaners, 45 FR 39788, June 11, 1980).

EPA is proposing to approve the revisions to section 4 (i.e. 4.1(b), 4.2(a), 4.5(a)(1), 4.5(a)(2), 4.6(c) and 4.6(d)).

Revisions to Section 5

As previously noted, the State has revised Section 5, Provisions for Specific Processes, by adding Subsections 5.4 and 5.5 which provide for the control of VOC emissions from gasoline tank trucks and vapor collection systems, and surface coating of miscellaneous metal parts, respectively. The CTGs for these source categories provided information on available air pollution control techniques and contain recommendations of what EPA calls the "presumptive norm" for RACT. EPA has reviewed the revisions to Section 5 and, based on the information in the CTGs, believes that they represent RACT. Therefore, EPA proposes to approve the revisions to Section 5 (i.e. Subsections 5.4 and 5.5).

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it only proposes approval of State actions and imposes no new requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

This notice of proposed rulemaking is issued under the authority of Section 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7502.

Dated: March 5, 1981.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 81-14125 Filed 5-8-81; 8:45 am]

BILLING CODE 6560-38-M

[1] EPA Review of Arkansas' State Implementation Plan Revisions for the Set II CTG Source Categories, December 1980.

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40 CFR Part 65

[EN-FRL-1823-6]

State and Federal Administrative Enforcement of Implementation Plan Requirements After Statutory Deadlines; Receipt of an Administrative Order Issued by the New Jersey Department of Environmental Protection to Owens-Illinois, Inc., Glassboro City, N.J.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The New Jersey Department of Environmental Protection ("NJDEP") issued an administrative order on November 7, 1980 requiring Owens-Illinois, Inc., Closure and Metal Container Division, to bring its container manufacturing plant at Glassboro City, New Jersey into compliance with N.J.A.C. 7:27-16.1 *et seq.*, and 7:27-18.1 *et seq.*, a part of the federally-approved New Jersey Implementation Plan. The date for final compliance established by the order is September 15, 1981. The purpose of this notice is to invite public comment on whether EPA should approve the order under Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7401 *et seq.* ("the Act"). If approved by EPA, the order will become effective as a delayed compliance order under Section 113(d) of the Act and will constitute an addition to the New Jersey Implementation Plan. While a delayed compliance order places a noncomplying source on a remedial

compliance schedule, it does not alter the underlying State Implementation Plan compliance date. Under Section 113(d)(10) of the Act, EPA approval of the order would also insulate the source from federal enforcement action under Section 113 of the Act and from citizen enforcement action under Section 304 of the Act for violations of the regulation covered by the order during the period the order is in effect and the source is complying with its terms.

DATE: Written comments must be received on or before June 10, 1981.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Samuel P. Moulthrop, Esq., Enforcement Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278 (212) 264–1196.

SUPPLEMENTARY INFORMATION: Owens-Illinois, Inc., operates a container manufacturing plant at Glassboro City, New Jersey. The order under consideration addresses emissions from the Crown Cork and Seal Rotary Lid Lining Machines (Nos. 901–904) at the plant, which are subject to N.J.A.C. 7:27–16.1 *et seq.* and 7:27–18.1 *et seq.* These regulations limit the emission of volatile organic compounds ("VOC") and are part of the federally-approved State Implementation Plan. The order requires final compliance with the regulations by September 15, 1981. During the period covered by this order, Owens-Illinois, Inc. must meet the following increments of progress:

(1) Complete engineering study for the development of a water base can end sealing compound by December 15, 1980;

(2) Develop the application process and evaluate the water base can end sealing compound using the converted 207.5 line by January 30, 1981;

(3) Convert two of the eight lines presently using hexane to water base end sealing compound by March 1, 1981;

(4) Convert two of the remaining six lines presently using hexane to water base end sealing compound by May 15, 1981;

(5) Convert two of the remaining four lines presently using hexane to water base end sealing compound by July 15, 1981; and

(6) Convert the remaining two lines presently using hexane to water base end sealing compound by September 15, 1981. Because this order has been issued to a major source of VOC emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Act. EPA may approve the order only if it satisfies the appropriate requirements of this subsection. If the order is approved by EPA, compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violation of the regulations covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. However, source compliance with the order will not preclude assessment of noncompliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120(a)(2) (B) or (C).

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. Final approval or disapproval will also be published in the Federal Register.

Dated: April 13, 1981.

Richard T. Dewling,

Acting Regional Administrator, Region II.

[FR Doc. 81-14138 Filed 5-8-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 86

[EN-FRL-1824-8]

Application for Waiver of Effective Date of the 1981 and 1982 Model Year Carbon Monoxide Emission Standard for Light-Duty Motor Vehicles—Request for Public Comments and Opportunity for Hearing.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for public comments and notice of opportunity for a hearing.

SUMMARY: This notice requests public comment and provides interested parties with an opportunity to request a hearing to consider an application that Subaru of America, Inc. (Subaru) submitted to EPA on April 3, 1981. The application is for a waiver of the 1981 and 1982 model year carbon monoxide (CO) exhaust emission standard for its 1.6 liter(L) and 1.8L engine families. EPA will also consider any other CO waiver applications submitted by the deadline listed below.

DATES: Interested parties may submit a request for a public hearing and manufacturers may file CO waiver applications by May 15, 1981. If EPA receives such a hearing request, the Agency will hold a hearing on May 18, 1981, beginning at 9:00 a.m. If no request is received by May 15, 1981, EPA will cancel the hearing. In any event, interested parties may also submit written comments to the public docket on this and any other timely waiver requests until May 26, 1981, to ensure consideration of those comments in my evaluation of these waiver applications.

ADDRESSES: Requests for a hearing, comments or applications should be sent to the Director, Manufacturers Operations Division, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Information submitted by Subaru or other applicants, as well as any requests and comments received from interested parties, will be available for public inspection and copying in EPA Public Docket EN–81–6, located in EPA's Central Docket Section (A–130), Gallery I, 401 M Street, S.W., Washington, D.C. 20460. If EPA conducts a hearing it will be held at the EPA Conference Room 2409, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Alex Varela, Attorney/Advisor, Manufacturers Operations Division (EN–340), 401 M St., S.W., Washington, D.C. 20460, (202) 472–9421.

SUPPLEMENTARY INFORMATION: Under section 202(b)(5) of the Clean Air Act, as amended (Act), 42 U.S.C. 7521(b), at any time after August 31, 1978, any manufacturer may file with the Administrator an application requesting the waiver of the effective date of the carbon monoxide (CO) emission standard applicable to any model of light-duty motor vehicles and engines manufactured by the applicant during model years 1981 and 1982. Section 202(b)(5)(C) requires the Administrator to issue a decision granting or denying such waiver within 60 days after receipt of the application and after public hearing and specify the criteria which EPA should consider in deciding on the waiver requests. Guidelines for the submission of such waiver requests have been previously published in the Federal Register (43 FR 47272, October 13, 1978). If the Administrator determines that a waiver from the CO standard of 3.4 grams per vehicle mile (g/mi) should be granted, he must, simultaneously with such determination, prescribe by regulation CO emission standards to apply to those model

vehicles or engines to which the waiver applies. Under section 202(b)(5)(B), the maximum CO level for which a waiver may be granted is 7.0 g/mi.

On December 3, 1979,[1] EPA issued a decision denying waiver requests for the Subaru 1.6L and 1.8L engine families because EPA concluded that Subaru failed to establish that technology would be unavailable to enable these engine families to meet the 3.4 g/mi statutory standard for the 1981 and 1982 model years. On April 3, 1981, Subaru submitted a petition for reconsideration of the above decision and again requested a waiver for these two engine families for the 1981 and 1982 model years.

Subaru asserted that although it has produced its 1981 model year 1.6L and 1.8L engine families in compliance with the statutory CO standard, the vehicles of these engine families have exhibited driveability difficulties while in actual use. Subaru stated that it was requesting a waiver for both the 1981 and 1982 model years in order to make a modification to 1981 model year vehicles already in production or in use and a design change for the 1982 model year vehicles before 1982 production.

I am now requesting public comments and providing an opportunity for manufacturers to file additional CO waiver applications and for a public hearing on the issues which section 202(b)(5)(C) directs the Administrator to consider in deciding on waiver requests. If a hearing is requested by May 15, 1981, EPA will hold the hearing on May 18, 1981 on Subaru's application and any other applications received by May 15, 1981. If no request is received by May 15, 1981, EPA will cancel the hearing. The procedures under which the hearing would be held are the same as those EPA has employed for previous CO hearings (see 45 FR 45956 (July 8, 1980)).

Whether or not EPA holds a hearing, the record will remain open until May 26, 1981, for the submission of written information for consideration by the Administrator in formulating this waiver decision. If EPA does hold the hearing, the Agency will make a verbatim record of the proceeding. Interested persons may obtain a copy of the transcript at their own expense by so arranging with the reporter during the hearing.

The Administrator will base determinations with regard to Subaru's and any other waiver requests submitted by the above deadline on the record of the public hearing, if any, and on any other relevant written submissions submitted to, or otherwise included in, the record. This information will be available for public inspection at the EPA Central Docket Section in docket number EN-81-6. Interested parties may obtain copies of documents in the public docket as provided in 40 CFR Part 2.

Dated: May 5, 1981.

Richard D. Wilson,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-14223 Filed 5-8-81; 8:45 am]

BILLING CODE 6560-26-M

[1] 44 FR 69617.

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6044]

National Flood Insurance Program; Proposed Zone Designations for the City of Ashland, Ashland County, Ohio

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at the Municipal Building, 206 Claremont Avenue, Ashland, Ohio.

Send comments to: The Honorable Donald M. Richey, City of Ashland, Municipal Building, 206 Claremont Avenue, Ashland, Ohio 44805.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations for the City of Ashland, Ohio, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to means the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designations are: Zone A & Zone C along Jamison Creek in a portion of the area bounded on the north by East Main Street, on the south by Hillcrest Drive, on the west by Sloan Avenue, and on the east by the corporate limits; and also along Lang Creek where a portion of the area bounded on the north by Lang Creek, on the south by Middle Rowsburg Road, on the west by Cleveland Avenue, and on the east by the corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 27, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14220 Filed 5-8-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6045]

National Flood Insurance Program; Proposed Zone Designations for the City of Trenton, Butler County, Ohio

AGENCY: Federal Insurance Administration, FEMA

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain

management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 21 East State Street, Trenton, Ohio.

Send Comments to: The Honorable John Madoffori, City of Trenton, 21 East State Street, Trenton, Ohio 45067.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations for the City of Trenton, Ohio, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designations are: Zone A and Zone C along Elk Creek in a portion of the area bounded on the north and east by the corporate limits, on the west by North Miami Avenue, and on the south by a line coincident with the centerline of East Arlington Drive; and also along a small tributary of the Miami River in a portion of the area bounded on the south and east by the corporate limits. On the west by Woodsdale Road, and on the north by Sycamore Road.

Zone C in that portion of the community not included in the above descriptions.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 27, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14032 Filed 5-8-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6046]

National Flood Insurance Program; Proposed Base Flood Elevations and Zone Designations for the Borough of Brookhaven, Delaware County, Pennsylvania

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication or this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Borough Building, Brookhaven Road and Edgemont Avenue, Brookhaven, Pennsylvania.

Send comments to: John Moccia, President of Council, Borough of Brookhaven, Brookhaven Road and Edgemont Avenue, Brookhaven, Pennsylvania 19015.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations and zone designations for the Borough of Brookhaven, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rate for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed flood elevations and zone designations for selected locations are:

Source of flooding	Location	Elevation in feet (NGVD)	Zones
Chester Creek.	Between Trimble Run and the Bridgewater Road Bridge.	36–38	A13, B, C.
	Between the Bridgewater Road Bridge and the confluence of Shepherd's Run.	38–43	A13, B, C.
	Between the confluence of Shepherd's Run and Dutton's Mill Road Bridge.	43–46	A13, B C.
	Dutton's Mill Road Bridge.	46	A16, B, C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 16, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14071 Filed 5-8-81; 8:45 am]

BILLING CODE 6710-02-M

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44 CFR Part 67

[Docket No. FEMA-6037]

National Flood Insurance Program; Proposed Base Flood Elevations for the City of Kingman, Mohave County, Arizona

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations as described below.

The proposed base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Office of the City Clerk, 310 North Fourth Street, Kingman, Arizona.

Send comments to: The Honorable A. H. Carpenter, Mayor, City of Kingman, 310 North Fourth Street, Kingman, Arizona 86401.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-6570, (in Alaska and Hawaii call toll free (800) 424-8080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Adminstrator gives notice of the proposed base flood elevations for the City of Kingman, Arizona, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations are as follows:

Source of flooding	Location	Elevation (national geodetic vertical datum)	Zone designation
Sheet Flooding.	Along Chestnut Drive between North Harvard Street and Western Avenue.	Depth 1 to 2 feet.	Zone AO.
Mohave Channel.	Between U.S. Route 40 and the Limit of Detailed Study.	None	Zone A.
Sheet Flooding.	Between Gordon Drive and the Limit of Detailed Study.	3,366 feet to 3,375 feet.	Zone AH.

In various areas of the City, identified as Zone AO, the numerical designations of the base flood elevations are being revised to a uniform depth of 1 foot. The Special Flood Hazard Area was adjusted due to the completion of U.S. Route 40. Also, the base flood elevations have been adjusted along Clack Canyon, Sawmill Canyon, and Slaughterhouse Canyon to coincide with the profiles presented in the Flood Insurance Study.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 24, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14088 Filed 5-8-81; 8:45 am]

BILLING CODE 6710-03-M

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44 CFR Part 67

[Docket No. FEMA-6038]

National Flood Insurance Program; Proposed Zone Designations for the Village of Third Lake, Lake County, Illinois

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations describe below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the zone designations are available for review at 23 South Lake Avenue, Third Lake, Illinois.

Send comments to: Edwin Sutter, Village President, Village of Third Lake, 23 South Lake Avenue, Third Lake, Illinois 60046.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755-6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations for the Village of Third Lake, Illinois, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact

stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designations are:

Zone A2 along Avon Fremont Ditch in portions of the Village south of Cat Schooner Lane and west of Mainsail Drive; also in portions of the area between Third Lake and Druce Lake south of the stream joining the two lakes.

Zone C along Druce Lake in the vicinity of Lincoln Avenue.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 27, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14088 Filed 5-8-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6039]

National Flood Insurance Program; Proposed Zone Designations and Base Flood Elevations for the City of Loyall, Kentucky

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations and base flood elevations described below.

The proposed zone designations and base flood elevations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations and base flood elevations are available for review at the Mayor's Office, City Hall, Loyall, Kentucky.

Send comments to: The Honorable Charles Wattenberger, Mayor, City of Loyall, Post Office Box 127, Loyall, Kentucky 40854.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations and base flood elevations (100-year flood) for the City of Loyall, Kentucky, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

The proposed zone designations and base flood elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed zone designations and base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of flooding	Location		Elevation (national geodetic vertical datum) (feet)
Cumberland River	Southernmost Limit.	Corporate	1,167
Cumberland River	State Route 413		1,171
Cumberland River	Easternmost Limit.	Corporate	1,173

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.

Issued: April 23, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14089 Filed 5-8-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6040]

National Food Insurance Program; Proposed Zone Designations for the City of Harbor Springs, Emmet County, Michigan

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood zone designations described below.

The proposed base flood zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at 349 East Main Street, Harbor Springs, Michigan.

Send comments to: The Honorable David Irish, City of Harbor Springs, 349 East Main Street, Harbor Springs, Michigan 49740.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood zone designations for the City of Harbor Springs, Michigan, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zone designation is:

Zone A along Shay Park Drain between the northern corporate limits and Little Traverse Bay.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 24, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14667 Filed 5-8-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6048]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Missouri, et al.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C 4001–4128, and 44 CFR 67.4.

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C) Times Beach, St. Louis County	Meramec River	Just upstream of St. Louis-San Francisco Railway	*442
			About 800 feet upstream of Interstate 44	*447
Maps available for inspection at the City Hall, Times Beach, Missouri. Send comments to Honorable Harold Goodmon, Mayor, City of Times Beach, City Hall, Times Beach, Missouri 63025.				
New Jersey	Lebanon, Borough Hunterdon County	South Branch Rockaway Creek	Downstream Corporate Limits	*212
			Upstream of Sloan's Lane	*223
			Downstream of Cherry Street	*243
			Upstream of Central Street	*252
			Upstream Corporate Limits	*270
		Tributary A	Confluence with South Branch Rockaway Creek	*213
			Upstream of Main Street	*220
			Upstream of Colesbury Road	*242
			Approximately 900 feet upstream of Colesbury Road	*247
		Tributary B	Confluence with Tributary A	*221
			Upstream of State Route 22	*231
			Downstream face of Interstate 78 culvert	*242
			Upstream Corporate Limits	*257
Maps available for inspection at the Office of the Borough Clerk, 96 Main Street, Lebanon, New Jersey. Send comments to Honorable Donald Carlson, Mayor of Lebanon, 96 Main Street, Lebanon, New Jersey 08833.				
North Carolina	Unincorporated Areas of Nash County	Swift Creek	Just upstream of Seaboard Coastline Railroad	*92
			Approximately 600 feet at upstream of U.S. Highway 301.	*96
			Just upstream of North Carolina Route 48	*116
			Just downstream of North Carolina Route 1003	*131
		Compass Creek	Just downstream of North Carolina Route 1584	*132

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of North Carolina Route 1003	*139
		Stony Creek	Just upstream of North Carolina 1644	*116
			Just upstream of North Carolina 1003	*133
			Just downstream of Nashville Urban Extraterritorial Boundary or approximately 500 feet downstream of North Carolina Route 1600.	*131
		Maple Creek	Just upstream of North Carolina 1003	*167
		Sapony Creek	Upstream North Carolina Route 1717	*134
			Just downstream of U.S. Highway 64	*141
		Tar River	Just downstream of North Carolina 1644	*112
			Just upstream of North Carolina Route 58	*136
			Just downstream of North Carolina Route 1003	*137
			Just upstream of North Carolina Route 1001	*148
			Just downstream of North Carolina Route 581	*156
			Just upstream of U.S. Route 64	*164
		Turkey Creek	Just downstream of North Carolina 1101	*160
			Just upstream of Southern Railway	*166
		Grape Branch	Approximately 750 feet at upstream of State Road 1717.	*166
		Fishing Creek	Just downstream of State Road 1222	*166
			Just upstream of Interstate Highway 95 Southbound	*116
			Just upstream of State Road 1342	*135

Maps available for inspection at Nash County Courthouse, Nashville, North Carolina 27856.

Send comments to Mr. Frederick Cooper, Nash County Commissioner or Mr. L. R. Holoman, County Manager, Nash County Courthouse, Nashville, North Carolina 27856.

North Carolina	City of Rocky Mount, Edgecombe and Nash Counties	Tar River	Just upstream of State Road 1249	*74
			Just downstream of U.S. Highway 301 (Bustnoss)	*83
			Just downstream of State Road 1714 (Nashville Road)	*108
		Tar River Tributary	Just upstream of State Road 1251	*90
		Horn Beam Branch	Just upstream of U.S. Highway 301 By-Pass	*98
			Just downstream of State Road 1636	*105
		Compass Creek	Just upstream of North Carolina 97;	*90
			Just upstream of State Road 1636	*91
		Cowlick Creek	Just upstream of U.S. Highway 64 (Raleigh Road)	*93
			Just downstream of Courtland Avenue	*97
		Parker Canal	Just downstream of Grand Avenue	*94
			Just downstream of Atlantic Avenue	*98
		Goose Branch	Just upstream of Highway 43/48 (Benvenue Road)	*96
			Just downstream of Country Club Rd.	*96
		Stony Creek	Just downstream of U.S. Highway 301	*98
			Just upstream of U.S. Highway 64	*114
		Maple Creek	Just upstream of State Road 1713 (Old Mill Road)	*102
			Just downstream of State Road 1544 (Halifax Road)	*116
		Grape Branch	Approximately 100 feet upstream of State Road 1717 (West Mount Dr.).	*106
		Little Coley Swamp	Just downstream of State Road 1002 (Old Wilson Road).	*101
			Just upstream of Kirdow Street	*122
		Little Coley Swamp Tributary	Just downstream of State Road 1152 (Arlington St.)	*113
			Just upstream of U.S. Highway 301 (Business)	*127

Maps available for inspection at City Hall, 131 N.E. Main Street, Rocky Mount, North Carolina 27801.

Send comments to Mayor Frederick E. Turnage or Mr. Bill Batchelor, City Manager, City Hall, P.O. Drawer 1180, Rocky Mount, North Carolina 27801.

Oklahoma	City of Stillwater, Payne County	Stillwater Creek	Just upstream of South Main St. (U.S. Highway 177)	*861
			Just downstream of Western Road	*869
			Just downstream of State Highway 51	*877
		West Bush Creek	Approximately 1,400 feet upstream of State Highway 51.	*869
		Boomer Creek	Just upstream of East 12th Avenue	*861
			Just downstream of South Perkins Road	*867
		East Boomer Creek	Just downstream of East 3rd Avenue	*873
			Just downstream of Atchison Topeka & Santa Fe Railroad.	*878
			Just downstream of North Husband St.	*886
			Just upstream of Airport Road	*916
			Just downstream of East Richmond Rd.—State Highway 160.	*894
		West Boomer Creek	Just downstream of Virginia Avenue	*876
			Just downstream of Boomer Drive (U.S. Highway 177)	*880
			Just upstream of Washington Street	*904
		Duck Creek	Just upstream of West Admiral Rd.	*884
		Cow Creek	Just upstream of State Highway 51	*877
		Stream B	Just downstream of South Sangre Rd.	*878
			Just downstream of Juniper Drive	*889
		Stream C	Just downstream of West 26th Avenue	*872

Maps available for inspection at City Hall, 723 Saint Louis Street, Stillwater, Oklahoma 74074.

Send comments to Mayor Bill Thomas or Mr. Chris Henderson, City Planner, City Hall, P.O. Box 1449, Stillwater, Oklahoma 74074.

Pennsylvania	Carlisle, Borough Cumberland County	Letort Spring Run	Downstream Corporate Limits	*448
			Upstream of Conrail	*450
			Upstream of Pomfret Street	*454
			Upstream Corporate Limits	*455

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Borough Building, Carlisle, Pennsylvania.				
Send comments to Honorable Douglas W. Lowe, Borough Manager of Carlisle, 53 West South Street, Carlisle, Pennsylvania 17013.				
Pennsylvania	Latimore, Township Adams County	North Branch Latimore Creek	Confluence with Latimore Creek	*514
			Bushey's School Road bridge (Upstream side)	*544
			Brough Road bridge (Downstream side)	*561
		Tributary 1	U.S. Route 15 bridge (Upstream side)	*548
			U.S. Route 15 (business) bridge (Upstream side)	*568
			Latimore Road bridge (Downstream side)	*605
		Latimore Creek	Confluence with Tributary 1	*484
			Farm Lane bridge (Upstream side) approximately 4,850 feet upstream from Ridge Road bridge.	*488
			U.S. Route 15 (business) bridge (Upstream side)	*507
			Confluence of North Branch Latimore Creek	*514
			Bonners Hill Road bridge (Upstream side)	*537
			Latimore Road bridge (Downstream side)	*571
Maps available for inspection at the Latimore Township Building, R. D. 1, York Springs, Pennsylvania.				
Send comments to Honorable Dale R. King, Chairman of the Latimore Board of Supervisors, R. D. 1, York Springs, Pennsylvania 17372.				
Commonwealth of Puerto Rico.	Rio de La Plata Basin	Rio de la Plata (At Toa Baja)	At intersection of Puerto Rico Highway 865 and Calle Industria (Puerto Rico Highway 693).	*5.4
		Rio de la Plata (At Toa Alta)	At intersection of Puerto Rico Highway 861 and Rio de la Plata.	*17.7
		Rio de la Plata (At Comerio)	At intersection of Puerto Rico Highways 156 and 775	*198.6
		Rio de la Plata (At Cayey)	At intersection of Puerto Rico Highway 1 and Rio de la Plata.	*371.2
		Rio de la Plata Tributary No. 1	At intersection of Puerto Rico Highway 736 and Rio de la Plata Tributary No. 1.	*371.2
		Rio Guavate	At intersection of Puerto Rico Highway 52 and Rio Guavate.	*376.9
		Quebrada Santo Domingo	At intersection of footbridge (near end of Calle Manuel Rivera) and Quebrada Santo Domingo.	*376.2
		Rio de Alborito Tributary No. 1	At intersection of Puerto Rico Highway 14 and Rio de Alborito Tributary No. 1.	*800.3
		Rio Guadiana	At intersection of Caserio Candelario Torres Bridge and Rio Guadiana.	*114.9
		Rio de La Plata Overflow	0.1 kilometer downstream of intersection of Puerto Rico Highway 165 and Rio de la Plata overflow.	*8.4
		Atlantic Ocean	At intersection of Puerto Rico Highway 165 and Rio Coast.	*1.8
Maps available for inspection at Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.				
Send comments to the Honorable Carlos Romero Barcelo, La Fortaleza, San Juan, Puerto Rico.				
Commonwealth of Puerto Rico.	Rio Grande de Manati Basin	Atlantic Ocean	At mouth of Rio Grande de Manati	*1.8
		Rio Grande de Manati	Intersection of Rio Grande de Manati and center of Abandoned Railroad Bridge.	*8.4
			Intersection of Rio Grande de Manati and Puerto Rico Highway 642.	*22.0
			Intersection of Rio Grande de Manati and center of Puerto Rico Highway 146.	*45.2
Maps available for inspection at Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.				
Send comments to the Honorable Carlos Romero Barcelo, La Fortaleza, San Juan, Puerto Rico.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128) Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 23, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-14660 Filed 5-8-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6041]

National Flood Insurance Program; Proposed Incorporated Annexed Area, Base Flood Elevations and Zone Designations for the Township of Ocean, N.J.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed incorporated annexed area, base flood elevations and zone designations described below.

The proposed incorporated annexed area, base flood elevations and zone designations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed incorporated annexed area, base flood elevations and zone designations are available for review at the Mayor's office.

Send comments to: The Honorable Richard E. English, III, Mayor, Town Hall, Deal & Monmouth Roads, Oakhurst, New Jersey 07755.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed incorporated annexed area, base flood elevations (100-year flood) and zone designations for the Township of Ocean, New Jersey in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed incorporated annexed area, base flood elevations, and zone designations together with the floodplain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed incorporated annexed area, base flood elevations, and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Whale Pond Brook	Corporate limits to Larchwood Avenue	21 (NGVD)	A2
Whale Pond Brook	Larchwood Avenue to Monmouth Road	24 (NGVD)	A4
Whale Pond Brook	Monmouth Road to Carole Drive	24–32 (NGVD)	A5
Whale Pond Brook	Carole Drive to approximately 200 feet upstream of the confluence with Whale Pond Brook Tributary I.	36–56 (NGVD)	A4
Whale Pond Brook	From approximately 200 feet upstream of the confluence with Whale Pond Brook Tributary I to the corporate limits.	37–74 (NGVD)	A2
Whale Pond Brook, Tributary I	From confluence with Whale Pond Brook to 1100 feet upstream.	36 (NGVD)	A4
Whale Pond Brook, Tributary II	From the confluence with Whale Pond Brook to 1450 feet upstream.	50–62 (NGVD)	A2
Deal Lake	Southeastern corporate limits	11 (NGVD)	A4

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 27, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14082 Filed 5-8-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6042]

National Flood Insurance Program; Proposed Special Flood Hazard Area Boundaries for the Township of Upper Freehold, N.J.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed Special Flood Hazard Area boundaries described below.

The proposed Special Flood Hazard Area boundaries will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed Special Flood Hazard Area boundaries are available for review at the Mayor's Office.

Send comments to: The Honorable W. Wilmer Drews, Mayor, Township of Upper Freehold, Upper Freehold Township Building, Post Office Box 89, Cream Ridge, New Jersey 08514.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872 or (800) 424–8873.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed Special Flood Hazard Area boundary modifications (100-year flood) for the Township of Upper Freehold, New Jersey in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of

the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed Special Flood Hazard Area boundaries, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed Special Flood Hazard Area boundaries will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood boundary modifications for selected locations are:

Source of flooding	Location	Zone
New Sharon Branch	Upstream of Township Corporate Limits	A
North Tributary	Upstream of confluence with New Sharon Branch	A

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 23, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14084 Filed 5-8-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6043]

National Flood Insurance Program; Proposed Base Flood Elevations and Zone Designations for the Town of East Spencer, N.C.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevations and zone designations are available for review at the Mayor's Office, Town of East Spencer, North Carolina.

Send comments to: The Honorable Reginald Massey, Mayor, Town of East Spencer, P.O. Box 338, East Spencer, North Carolina 28039.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410 (202) 755-6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations (100-year flood) and zone designations for the Town of East Spencer, North Carolina in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (a) (presently appearing at its former Section, 24 CFR 1917.4 (a)).

The base blood elevations and zone designations together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations and zone designations for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Town Creek	Point on southerly corporate limit approximately 1,450 feet east of intersection of southern and southwestern corporate limits.	670 (NGVD)	A3.
Town Creek	Southwesternmost corporate limit	671 (NGVD)	A3.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 23, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14085 Filed 5-8-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6047]

National Flood Insurance Program; Proposed Special Flood Hazard Area Determinations for the City of North Salt Lake, Davis County, Utah

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed Special Flood Hazard Areas as described below.

The proposed Special Flood Hazard Areas are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second

publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed Special Flood Hazard Areas are available for review at the Office of the City Recorder, 17 South Main Street, North Salt Lake, Utah.

Send comments to: The Honorable Robert Palmquist, Mayor, City of North Salt Lake, 17 South Main Street, North Salt Lake, Utah 84054.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6570 (in Alaska and Hawaii call toll free (800) 424-8080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed Special Flood Hazard Areas for the City of North Salt Lake, Utah, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These Special Flood Hazard Areas, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed Special Flood Hazard Areas will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed Special Flood Hazard Areas, identified as Zone A, are generally located as follows:

Source of flooding	Location
Jordan River	Area south of Interstate 215 and west of Route 68.
Unnamed Channel	Area between Interstate 15 and Dorothea Road.
Unnamed Channel	Area east of U.S. Route 89 and south of Hillside Garden Drive.

All remaining annexed areas are identified as Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 17, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14661 Filed 5-8-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Ch. I

[CGD 80-134]

Operational Visibility From the Navigational Bridge of Commercial Vessels Operating in U.S. Waters

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This notice solicits the public's comments and suggestions identifying constraints on bridge navigational visibility and recommending effective measures to provide adequate bridge visibility.

A significant aspect of a poorly designed bridge is often inadequate navigational visibility which interferes with the ship operator's ability to identify his external surroundings. It is imperative that a ship's operator have the ability to see where he is "driving" his vessel; unfortunately traditional bridge design does not pay enough attention to the part human factors play in navigation safety.

Various segments of the marine community have pressed for the development of bridge design criteria or guidelines based on human factors engineering. The need for standards of visibility from the bridges of commercial vessels is the basis for this regulatory project.

DATES: Comments must be received on or before August 10, 1981.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/24)(CGD 80-134), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying from 7:00 am to 5:00 pm, Monday through Thursday at the Marine Safety Council (G-CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593, 202-426-1477.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Robert W. Henry, 202-426-2197.

SUPPLEMENTARY INFORMATION: Interested persons are invited to submit written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 80-134), and include sufficient detail to indicate the basis on which each comment is made. Persons desiring acknowledgment that their comment has been received should enclose a stamped self-addressed postcard. The proposal may be changed in view of the comments received.

All comments received will be considered before further rule making action is taken. No public hearing is planned before publication of proposed rules.

Drafting Information

The principal persons involved in drafting this proposal are Lieutenant Commander Robert W. Henry, Ship Design Branch, Merchant Marine Technical Division, Office of Merchant Marine Safety, and Mr. Michael N. Mervin, Project Counsel, Office of the Chief Counsel.

Discussion

Collisions, rammings and groundings are frequent occurrences despite broad federal marine safety efforts. These incidents result in lost lives, major vessel damage, oil pollution, dangerous chemical spills, bridge, pier and facility damage, and significant economic loss to communities. Although many worthwhile corrective measures have been attempted, the rates of these accidents are increasingly intolerable as the size of ships and the hazard of their cargoes increase.

The Coast Guard originally expressed its concern with restricted bridge visibility in 1967 by issuing Merchant Marine Technical Note No. 2-67, entitled "Forward Visibility from the Navigating Bridges and Pilothouses of Vessels".

The MMT Note established a visibility criteria with two categories of enforcement:

1. Advisory comments to the plan submitter warning of the hazard to visibility due to movable or temporary obstructions to forward visibility.

2. Plan review action in the case of visibility impairment due to permanent structure.

Based on a vessel comparison study done in the early 1960's the MMT Note set a maximum permissible "blind zone" forward of the vessel of 1.25 times the vessel's length. The problem of restricted visibility, as discussed in the MMT Note, is most often encountered

on container vessels, large tank vessels, and special purpose vessels.

On June 26, 1970 the Coast Guard promulgated COMMANDANT NOTICE 5900, "Forward Visibility from the Navigating Bridge." The Notice repeated the Coast Guard's policy on navigational visibility and also required that appropriate entries be made in the Coast Guard's Merchant Marine Safety Manual. The fact that there were no regulations which directly set forth standards for visibility from the navigating bridge was also discussed.

The first significant case where application of the criteria resulted in a major design change involved a new class of LNG vessels. In the early plan review phase the Coast Guard noticed that in some conditions of loading the blind zone extended forward of the vessel almost 22 times the vessel's length. This case and several others during the mid 1970's pointed out the necessity for a stronger statement on bridge visibility from the Coast Guard. Ensuing discussions within the Office of Merchant Marine Safety identified the need for a visibility regulation project. To the extent that regulation is necessary, the Coast Guard intends to develop the appropriate requirements.

Factors To Be Considered

The following factors have been determined to influence operational visibility from the bridge. Not all of the factors are expected to be directly relevant to a regulation in final form; however, public comment at this point is necessary to help determine the significance of these factors.

1. Adequate visibility should be required for all new U.S. flag construction. Should visibility criteria also be applicable to existing U.S. vessels?

2. Should the criteria be applicable to all commercial vessels operating in U.S. waters (e.g., tank, cargo, miscellaneous, passenger, tug-barge combinations and special purpose/special hazard type vessels)? Should there be a lower limit of applicability (e.g., based on tonnage, length, etc.)?

3. Should the master or pilot of a vessel with poor inherent visibility be allowed to rely on alternate means of detecting objects ahead (e.g., closed circuit T.V., doppler sonar, radar, collision avoidance aids, remote lookouts, etc.)? The assignment of extra pilots may be one alternative for existing vessel's (U.S. and foreign) that have inadequate visibility and operate in U.S. pilotage waters.

4. Prospective visibility criteria could be based on specific combinations of vessel characteristics. A possible list of variables could include length, beam, depth, displacement, draft, trim, speed and maneuvering ability. What are the significant variables?

5. Bridge wings extended to the vessel's side are features frequently incorporated in a vessel's design. Would there be situations where full bridge wings would not improve overall vessel safety?

6. In certain situations visibility aft or along a vessel's side may be equally as important as forward visibility. Should the criteria address visibility in more directions than just ahead?

7. What is an operator concerned with seeing: large vessels, small boats, aids to navigation, partially submerged objects?

8. Should separate criteria be considered for different operating conditions? Open water and restricted or congested waters are two operational situations which would seem to suggest different safety considerations.

9. Should the criteria differentiate between the requirements for fixed vessel structure and temporary obstructions such as cargoes, movable cranes, sails, etc.?

10. Early Coast Guard approval of a "visibility plan" during the design phase is one approach to ensure adequate bridge visibility. What other approaches might be taken to demonstrate that a vessel has satisfactory visibility?

11. The criteria is expected to be based on clear weather visibility. Should restricted visibility due to inclement weather be included in the analysis of the problem?

12. An efficient bridge arrangement can significantly contribute to good visibility. Should a visibility standard address inside access to the bridge front windows and ready access from bridge wing to bridge to wing? What other bridge layout features improve visibility?

13. The construction of bridge windows also affect visibility. What influences do size, tilting, tinting and rain clearance have on promoting (or hindering) good external visibility from inside the bridge?

Several example bridge visibility standards are provided below to show alternative criteria for a regulation on bridge visibility:

1. Canada's "Code of Navigation Practices and Procedures", 1972 ed. requires, when the ship is underway, that from any point on the bridge used for navigating the ship, it be possible to view the water surface to within 3000 feet of the ship.

2. The Panama Canal Company's Marine Director's Notice to Shipping No. 1–79, dated January 8, 1979, identifies normal conning positions and minimum visibility requirements ahead and along the side of the vessel. For example, if a vessel is operating at a maximum summer draft, the surface of the water shall be visible one ship length forward.

3. The Coast Guard has traditionally considered that a vessel with extended bridge wings and a blind zone extending forward of the vessel by no more than 1.25 times the vessel's length, in all conditions of loading, has adequate visibility.

If a visibility requirement is proposed, efforts will be made to minimize the economic impact on the private sector, consumers, and Federal, State and Local governments. If the results of this project indicate that regulatory action is warranted the public will be informed by means of a notice in the Federal Register.

(46 U.S.C. 369, 391a; 49 CFR 1.46)

Dated: May 4, 1981.

Henry H. Bell,

Rear Admiral, Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 81-14173 Filed 5-8-81; 8:45 am]

BILLING CODE 4910-14-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1102

[Ex Parte No. 290; Ex Parte 290 (Sub-No. 3)]

Procedures Governing Rail General Increase Proceedings; Modification of Rail Carrier General Increase Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Termination of Proceedings.

SUMMARY: By decision served November 20, 1978 the Commission reopened Ex Parte No. 290, *Procedures Governing Rail General Increase Proceedings*, 351 I.C.C. 544 (1976) to consider certain changes in its regulations governing the submission of evidence in railroad general rate increase proceedings. Those regulations appear at 49 CFR Part 1102 (published at 41 FR 11824 on March 22, 1976 and as corrected on October 3, 1977 at 42 FR 53802). Notice of the proposed changes was published at 43 FR 57309 on December 7, 1978.

Subsequently, in Ex Parte No. 290 (Sub-No. 3), *Modification of Rail Carrier General Increase Procedures* (not printed), decided May 29, 1980, the Commission again indicated that it intended to modify its regulations published at 49 CFR 1102. Additionally,

it waived certain filing requirements pending the development of the cost indexing procedures contemplated in the advance notice of proposed rulemaking in Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures*, served April 28, 1980 (published at 45 FR 29103 on May 1, 1980). Notice of the proposed modifications was given by publication in the **Federal Register** (45 FR 42754) on June 25, 1980.

In its decision in Ex Parte No. 290 (Sub-No. 2), served April 17, 1981 (46 FR 22594, April 20, 1981), the commission adopted a cost recovery index. The existing rules and procedures for the filing of general rate increases by railroads were revised accordingly.

Since both Ex Parte No. 290 and Ex Parte 290 (Sub-No. 3) address regulations subsequently revised in Ex Parte No. 290 (Sub-No. 2), those proceedings are rendered moot and are discontinued.[1]

FOR FURTHER INFORMATION CONTACT:

Richard Felder or Jane Mackall (202) 275-7693.

This decision will not affect significantly the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10321)

Decided: April 30, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14009 Filed 5-8-81; 8:45 am]

BILLING CODE 7035-01-M

[1] No. 36000, *Archer Daniels Midland Company—Petition for Rulemaking—Definition of General Increase* is also discontinued. By decision served August 17, 1978 we indicated that we would consider the issues raised in that proceeding in the reopened Ex Parte No. 290 proceeding. In light of the discontinuance of Ex Parte No. 290, *Archer Daniels* is also rendered moot.

V. 46 / 90 / MAY 11 1981 UMI

Notices

Federal Register
Vol. 46, No. 90
Monday, May 11, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Craggy Mountain Wilderness Study Area; Hearing Announcement

Notice is hereby given that a public hearing will be held beginning at 8:00 p.m., June 10, 1981, in the Humanities Lecture Hall, University of North Carolina-Asheville campus, on a proposal for the future management of the Craggy Mountain Wilderness Study Area comprised of approximately 2,744 acres within the Pisgah National Forest, Buncombe County, North Carolina.

A brochure containing a map and information about the proposal may be obtained from the Forest Supervisor of the National Forests of North Carolina, 50 South French Broad Avenue, Asheville, NC 28801.

Individuals and organizations may express their views by appearing at this hearing or submitting written comments to the Forest Supervisor, 50 South French Broad Avenue, P.O. Box 2750, Asheville, NC 28801, for inclusion in the official record. Written comments must be received by July 14, 1981, to be included in the official record.

Dated: May 1, 1981.

Jerome A. Miles,
Acting Chief.

[FR Doc. 81-14022 Filed 5-8-81; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Air Carrier Fitness Determination of Aviation Services, Ltd., d.b.a. Freedom Air

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-21, Order to Show Cause.

SUMMARY: The Board is proposing to find that Aviation Services, Ltd., d.b.a. Freedom Air is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 10, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-5-21.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-21 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-21 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 6, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-14102 Filed 5-8-81; 8:45 am]
BILLING CODE 6320-01-M

Air Carrier Fitness Determination of Robert U. Marcus d.b.a. Omak Aviation and Omak Airlines

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-5-22, Order to Show Cause.

SUMMARY: The Board is proposing to find that Robert U. Marcus d.b.a Omak Aviation and Omak Airlines is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than June 10, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-5-22.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa Smith, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5348.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-5-22 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-5-22 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 6, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-14103 Filed 5-8-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Cornell University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and

Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00446. Applicant: Cornell University, College of Agriculture and Life Sciences, Mann Library, Ithaca, New York 14853. Article: Gas Exchange Leaf Chamber. Manufacturer: University of Calgary, Canada. Intended use of article: See Notice on page 2666 in the Federal Register of January 12, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instruments or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides thermoelectric Peltier cooling modules for circulating air in the growth chamber and a temperature control of ±0.1° centigrade. The Department of Health and Human Services advises in its memorandum dated February 19, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14008 Filed 5-8-81; 8:45 am]

BILLING CODE 3510-25-M

Massachusetts Institute of Technology; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00396. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: 250 MHz Nuclear Magnetic Resonance Spectrometer. Manufacturer: Bruker-Physik AG, West Germany. Intended use of article: See Notice on page 66629 in the Federal Register of October 8, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (February 6, 1979).

Reasons: This application is a resubmission of Docket Number 79-00368 which was denied without prejudice to resubmisson on May 16, 1980 for informational deficiencies. The foreign article provides a wide band low frequency probe system capable of operation in the range of 11-20 megahertz. The Department Health and Human Services advises in its memorandum dated February 27, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes at this article is intended to be used, which was being manfactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14009 Filed 5-8-81; 8:45 am]

BILLING CODE 3510-25-M

Mount Sinai School of Medicine; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decison on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00434. Applicant: Mount Sinai School of Medicine, One Gustave Levy Place, New York, New York 10029. Article: Mass Spectrometer System, Model MM-ZAB-1F with Integrated Liquid Chromatographic Interface. Manufacturer: VG Organic, United Kingdom. Intended use of article: See Notice on page 76721 in the Federal Register of November 20, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a guaranteed static resolution of 100,000 (10% valley) and a dynamic resolution of 40,000 (10% valley). The Department of Health and Human Services advises in its memorandum dated February 19, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14010 Filed 5-8-81; 8:45 am]

BILLING CODE 3510-25-M

National Jewish Hospital and Research Center; Consolidated Decision on applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for

public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00430. Applicant: National Jewish Hospital and Research Center, National Asthma Center, 3800 E. Colfax Avenue, Denver, CO 80206. Article: LKB Cryokit for Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter, Sweden. Intended use of article: See Notice on page 76721 in the Federal Register of November 20, 1980. Advice submitted by: Department of Health and Human Services. Date Submitted: February 19, 1981.

Docket Number 80-00435. Applicant: U.S. Naval Research Laboratory, Washington, D.C. 20375. Article: Backscattered Electron Detector and Power Supply. Manufacturer: Japan Electron Optical Lab. Ltd., Japan. Intended use of article: See Notice on page 76722 in the Federal Register of November 20, 1980. Advice submitted by: Department of Health and Human Services. Date submitted: February 19, 1981.

Docket Number 80-00443. Applicant: Gerontology Research Center, National Institute on Aging, Experimental Morphology Secton, OSD, c/o Baltimore City Hospitals, Baltimore, Maryland 21224. Article: ASID-4D Scanning Mode for Electron Microscope. Manufacturer: Joel Ltd., Japan. Intended use of article: See Notice on page 2666 in the Federal Register of January 12, 1981. Advice submitted by: Department of Health and Human Services. Date submitted: February 19, 1981 Advice submitted by: National bureau of Standards: Date submitted: March 17, 1981

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health and Human Services and the National Bureau of Standards in their respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that they know of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign article are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14011 Filed 5-8-81; 8:45 am]

BILLING CODE 3510-25-M

Thomas Jefferson University Hospital; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00442. Applicant: Thomas Jefferson University Hospital, Division of Diagnostic Ultrasound, 5th Fl. Curtis Bldg., 1015 Walnut Street, Philadelphia, PA 19107. Article: Octoson, Multiple Transducer Echoscope. Manufactuer: Ausonics Ltd., Australia. Intended use of article: See Notice on page 2665 in the Federal Register of January 12, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides precise automated scanning with its transducers and a wide field of view (up to whole body size). The Department of Health and Human Services advises in its memorandum dated February 19, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14012 Filed 5-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Illinois at Chicago Circle; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00445. Applicant: University of Illinois at Chicago Circle, Department of Physics, 829 W. Taylor Street, Chicago, Ill. 60680. Article: Excimer-Multigas Laser, Model EMG 200. MANUFACTURER: Lambda-Physik GmbH, West Germany. Intended use of article: See Notice on page 2666 in the Federal Register of January 12, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a maximum pulse energy of greater than one joule per pulse using krypton fluoride gas. The National Bureau of Standards advises in its memorandum dated March 18, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article

is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14013 Filed 5-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Illinois at Urbana-Champaign; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00471. Applicant: University of Illinois at Urbana-Champaign, 223 Administration Building, Urbana, Illinois 61801. Article: Magnet System I (500 MHz). Manufacturer: Oxford Instruments, United Kindom. Intended use of article: See Notice on page 2664 in the **Federal Register** of January 12, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a field stability with a net drift per hour of less than one part in 10^7 while operating at 500 megahertz or 11.7 tesla. The Department of Health and Human Services advises in its memorandum dated April 1, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientfic value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14014 Filed 5-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Texas Health Science Center at Dallas; Decision on Application for Duty-Free Entry on Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00473. Applicant: University of Texas Health Science Center at Dallas, 5323 Harry Hines Blvd., Dallas, Texas 75235. Article: Single-photon Emission Tomography System, Tomomatic 64. Manufacturer: Medimatic A/S Denmark. Intended use of article: See Notice on page 2664 in the **Federal Register** of January 12, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article can produce images of brain blood flow in cross section by a noninvasive radioactive tracer technique. The Department of Health and Human Services advises in its memorandum dated April 1, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14015 Filed 5-8-81; 8:45 am]

BILLING CODE 3510-25-M

University of Texas Medical Branch; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00474. Applicant: University of Texas Medical Branch, 322 Administration Building, UMED No. 0-45075-S, Galveston, TX 77550. Article: Tachophor #2127-01 with Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: See Notice on page 2664 in the **Federal Register** of January 12, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for isotachophoretic separations. The Department of Health and Human Services advises in its memorandum dated April 1, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14016 Filed 5-8-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), will meet to discuss the oversight committee reports for herring, lobster and groundfish; committee report on environmental affairs; results of public hearings held on scallops, as well as other fishery management business.

DATES: The meetings, which are open to the public, will convene on Tuesday, May 26, 1981, at approximately 10 a.m., and will adjourn on Wednesday, May 27, 1981, at approximately 5 p.m. The meetings may be lengthened or shortened, or agenda items rearranged depending upon progress on the agenda.

ADDRESS: The meetings will take place at the Biltmore Plaza, Kennedy Plaza, Providence, Rhode Island.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway Route One, Saugus, Massachusetts 01906.

Dated: May 6, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-14184 Filed 5-8-81; 8:45 am]

BILLING CODE 3510-22-M

Public Hearing on Chesapeake Bay Estuarine Sanctuary Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold public hearings for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) prepared on the proposed Chesapeake Bay Estuarine Sanctuary.

The hearings will be held May 26 and 28, 1981 at the following locations:

May 26, 1981—7:30 p.m., Rhode River Site, Smithsonian Visitors' Center, Chesapeake Bay Center for Environmental Studies, Route 4, Edgewater, Maryland

May 28, 1981—7:30 p.m., Monie Bay Site, Somerset County Courthouse, Prince William Street, Princess Anne, Maryland

The views of interested persons and organizations on the adequacy of the impact statement and the proposed Chesapeake Bay Estuarine Sanctuary are solicited, and may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of 5 minutes. This time allotment may be extended before the hearing when the number of speakers can be determined. No verbatim transcript of the hearing will be prepared, but staff present will record the general thrust of the remarks. The comment period for this draft environmental impact statement will end on June 15, 1981.

As part of the procedures leading toward designation of the Chesapeake Bay Estuarine Sanctuary, a Final Environmental Impact Statement, reflecting consideration of these comments, will be prepared pursuant to the National Environmental Policy Act of 1969 and its implementing regulations. All written comments received by OCZM prior to the deadline will be included in the FEIS.

Copies of the DEIS may be obtained from the Office of Coastal Zone Management, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (telephone: 202/634–4253).

(Federal Domestic Assistance Catalog No. 11.420 Coastal Zone Management Estuarine Sanctuaries)

Dated: May 6, 1981.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

[F.R. Doc. 81-14129 Filed 5-8-81; 8:45 am]

BILLING CODE 3510-08-M

Public Hearing on St. Thomas National Marine Sanctuary Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) prepared on the proposed St. Thomas National Marine Sanctuary.

The hearing will be held Wednesday, June 3, 1981—7:30 p.m. at the following location: Caribbean Room, St. Thomas Hotel and Marina, St. Thomas, Virgin Islands.

The views of interested persons and organizations on the adequacy of the impact statement and the proposed St. Thomas National Marine Sanctuary are solicited, and may be expressed orally or in written statements. Presentations will be scheduled on a first-come, first-heard basis, and may be limited to a maximum of 5 minutes. This time allotment may be extended before the hearing when the number of speakers can be determined. No verbatim transcript of the hearing will be prepared, but staff present will record the general thrust of the remarks. The comment period for this draft environmental impact statement will end on July 16, 1981.

As part of theprocedures leading toward approval of the St. Thomas National Marine Sanctuary, a Final Environmental Impact Statement, reflecting consideration of these comments, will be prepared pursuant to the National Environmental Policy Act of 1969 and its implementing regulations. All written comments received by OCZM prior to the deadline will be included in the FEIS.

Copies of the DEIS may be obtained from the Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235 (telephone: 202/634–4253).

Federal Domestic Assistance Catalog No. 11.418 Coastal Zone Management Estuarine Sanctuaries

Dated: May 6, 1981.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-14130 Filed 5-8-81; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Proposed Land Withdrawals at Forts Richardson, Wainwright, and Greely, Alaska; Filing of Environmental Impact Statements

The Army, on May 6, 1981, provided the Environmental Protection Agency three Final Environmental Impact Statements (FEIS) concerning proposed continued withdrawal from public domain of certain lands at Forts Richardson, Wainwright and Greely, Alaska.

The proposed action will continue Army use of the following withdrawal areas: 3,340 acres at Fort Richardson, 249,552 acres at Fort Wainwright and

624,225 acres at Fort Greely. The withdrawals were originally granted in 1961 by various Public Laws; Public Land Orders dated July 14, 1972 extended the withdrawals until 1976. Applications for continued withdrawal of these lands have been filed with the Bureau of Land Management. The recommended period of the proposed withdrawals will be 25 years.

The Final Environmental Impact Statements were prepared by the Army in cooperation with the Bureau of Land Management and that agency proposes to adopt the three documents under the provisions of Section 101d of NEPA 1969, as amended, and 40 CFR 1500.4(n) and 1506.3.

Copies of the statements have been furnished to appropriate Federal, State, and local agencies. In addition, copies may be examined in public libraries and city and borough offices near the three installations. In the Washington, DC area, copies may be seen during normal duty hours (8:00 a.m. to 4:30 p.m., Mondays through Fridays), in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone (202) 694–3434. Interested organizations or individuals may obtain copies for the cost of reproduction from the Commander, 172d Infantry Brigade (Alaska), ATTN: AFZT–FE–EQ, Building 730, Fort Richardson, AL 99505, telephone (907) 863–7185.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health, OASA (IL&FM)

May 6, 1981.

[FR Doc. 81–14134 Filed 5–8–81; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Privacy Act of 1974; Amendment and Deletion of Systems of Records

AGENCY: Department of the Navy (U.S. Marine Corps).

ACTION: Amendment and Deletion of Systems of Records.

SUMMARY: The U.S. Marine Corps is amending system notice MFD00005, entitled: Retired Pay/Personnel System (RPPS). This action is being taken because of a change in procedures to distribute retired pay. The U.S. Marine Corps is also deleting system notice MJA00011, entitled: Delinquent Mail Order Account System. This system notice is being deleted because the system is now covered by system notice MJA00012, entitled: Individual Accounts of Mail Order Clothing (Bill File).

DATES: The amendment and deletion shall be effective June 10, 1981.

ADDRESSES: Send any comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. B. L. Thompson, Privacy Act Coordinator, Headquarters, U.S. Marine Corps, Washington, D.C. 20380, telephone: (202) 694–1452.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps systems notice for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93–579 were published in the Federal Register at FR Doc. 81–997 (46 FR 6639) January 21, 1981.

These proposed changes are not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of an altered system report.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

May 5, 1981.

DELETION

MJA00011

System name:

Delinquent Mail Order Account System (46 FR 6666) January 21, 1981.

Reason:

This system is covered by MJA00012, Individual Accounts of Mail Order Clothing (Bill File) (46 FR 6666) January 21, 1981.

AMENDMENT

MFD00005

System name:

Retired Pay/Personnel System (RPPS)

Changes:

Categories of records in the system:

Delete the last paragraph in its entirety.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entry and substitute the following:

"Headquarters, U.S. Marine Corps, Marine Corps Finance Center, Marine Corps Central Design and Programming Activity—Records are used by officials and employees of the Marine Corps for computation of retired pay, retainer pay, survivor annuity accounts, audit of accounts, and to reply to correspondence relating to retired pay. Information in the system is used to create printed reports, records, checks, microforms, and magnetic files. Under the Department of Treasury Direct Deposit Program, pay data compiled on magnetic tapes is delivered to the Federal Reserve Bank, Kansas City, Missouri. Pay data is then distributed to individual financial organizations through the Federal Reserve distribution system for direct deposit to the individual's bank account. Statistical data and reports, compiled from the system for management studies and statistical analyses, is used internally or as required by the Department of Defense or other government agencies. Some information is made available to authorized local, state, and Federal agencies.

The American Red Cross and Navy Relief Society—Records are used by officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member."

Retention and disposal:

Add the following sentence to the end of the paragraph: "Magnetic tapes delivered to the Federal Reserve Bank are returned to the Marine Corps Finance Center for disposition after direct deposits have been made to the account of the individual concerned."

MFD00005

SYSTEM NAME:

Retired Pay/Personnel System (RPPS).

SYSTEM LOCATION:

Marine Corps Central Design and Programming Activity, 1500 East 95th Street, Kansas City, Missouri 64131; Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Pay account folders for retired Marine Corps members, Fleet Marine Corps Reservists (FMCR), and survivors of deceased retired and FMCR members, who are entitled to retired pay, retainer pay, and survivor annuities.

CATEGORIES OF RECORDS IN THE SYSTEM:

The RPPS automated system of records contains the following fields (data elements and data sets): Retired/Retainer Date; Retainer Date; Pay Change; Information Status; Social Security Number (SSN) and Last, First, and Middle Initial (Key); Deletion Date; Retired Category Code; Member's Name; Pay Entry Base Date; Service for Pay; Active Service; Other Military Service Number (MSN); Prior MSN/SSN/Key; Rank Code; Race Code; Sex Code;

Disability Percent; Heroism Pay; Pay Table Code; Recomputation Age; Retirement Laws; Functional Account Number; Ranks; Birthdates; Pay Delete/ Suspense Code; Retired Serviceman's Family Protection Pay; Reserve Retirement Credit Points; Allotment Data; Withholding Tax Data; Wage and Tax Summaries; Gross Pay; Taxable Pay; Withholding Tax; Dependency Indemnity Compensation; Pension Act of 1944 (Veterans Administration (VA) Waiver); Pension Act of 1984 (Dual Compensation G1); Retired Serviceman's Family Protection Plan; Survivor Benefit Plan; Social Security; Scheduled Collection; Net Pay; Special Handling Code (Check Delivery); Accumulated Summaries; Home Mailing Address; Check Mailing Address; Pay Distribution; Last Change Posted; Date Member Eligible to Retire; Date Arrived United States Without Dependents; Primary Military Occupational Specialty; Districts; Highest Rank Held Satisfactorily; Service Prior to 1 July 1949; Service After 1 July 1949; Active Duty After Transfer to Fleet/Retired Rolls; Date Next Fiscal Year and Month; VA Disease Codes; Department of Defense Disease Codes; Nearest Hospital (See Table 9); Personnel Accounting Separation Designator; Earnings Statement Flag; Disability Pay; Change of Address Flag; Last Time Processed by Update-Extractor; SSN Validation; Remarks Area; One-time Credit/Checkage; Scheduled Collection; VA Claim Number; Tower Amendment Code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Headquarters, U.S. Marine Corps, Marine Corps Finance Center, Marine Corps Central Design and Programming Activity—Records are used by officials and employees of the Marine Corps for computation of retired pay, retainer pay, survivor annuity accounts, audit of accounts, and to reply to correspondence relating to retired pay. Information in the system is used to create printed reports, records, checks, microforms, and magnetic files. Under the Department of Treasury Direct Deposit Program, pay data compiled on magnetic tapes is delivered to the Federal Reserve Bank, Kansas City, Missouri. Pay data is then distributed to individual financial organizations through the Federal Reserve distribution system for direct deposit to the individual's bank account. Statistical data and reports, compiled from the system for management studies and statistical analyses, is used internally or as required by the Department of Defense or other Government agencies. Some information is made available to authorized local, State, and Federal agencies.

The American Red Cross and Navy Relief Society—Records are used by officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is recorded on magnetic records, punch cards, computer printouts, microforms, file folders and other documents.

RETRIEVABILITY:

The data contained in magnetic records can be displayed on cathode-ray tubes, computer printed on paper, and it can be converted to microform for information retrieval; the data in the supporting file folders and other manual records is retrieved manually. Normally all types of records are retrieved by SSN and name.

SAFEGUARDS:

Building management employs security guards; building is locked nights and holidays. Authorized personnel may enter and leave the building during nonworking hours, but must sign in and out.

RETENTION AND DISPOSAL:

Magnetic records are maintained on all persons who are eligible for retired pay, retainer pay, and survivor annuities while they are alive and for a period of 6 months after that person dies or ceases to be eligible. Paper and film records are maintained for a period of 10 years after the final transaction. Magnetic tapes delivered to the Federal Reserve Bank are returned to the Marine Corps Finance Center for disposition after direct deposits have been made to the account of the individual concerned.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code FD), Headquarters, U.S. Marine Corps, Washington, D.C. 20380.

NOTIFICATION PROCEDURE:

Requests from individuals for information should be referred to the SYSMANAGER. Requesting individual must supply full name and SSN. The requester may visit the Marine Corps Finance Center, 1500 East 95th Street, Kansas City, Missouri 64197, to obtain information on whether the system contains records pertaining to him or her. In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identity.

RECORD ACCESS PROCEDURES:

Request for information relative to the RPPS automated system should be signed by the person requesting the information. Dates of service, SSN, and full name of requester should be printed or typed on the request. The request should be sent to the SYSMANAGER.

CONTESTING RECORD PROCEDURES:

The agency's rules for access to records for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Documents and correspondence received from Headquarters, U.S. Marine Corps, the Veterans Administration, the member, changes in laws, etc. are the principle sources of information contained in the RPPS automated system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-14113 Filed 5-8-81; 8:45 am]
BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Uranium Hexafluoride; Separative Work Charges and Base Charges for Natural Uranium

Correction

In FR Doc. 81-13600 appearing on page 25338, in the issue of Wednesday, May 6, 1981 make the following correction:

In the third complete paragraph, the bracketed material in the seventh, eighth, and ninth lines reading: "[Insert date 180 calendar days after publication]" should have been omitted and the date "November 2, 1981" inserted in its place.

BILLING CODE 1505-01-M

Energy Information Administration

American Statistical Association Ad Hoc Committee on Energy Statistics; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. No. 92-463, 86 Stat. 770), notice is hereby given that the American Statistical Association's Ad Hoc Committee on Energy Statistics will meet with representatives of the Energy Information Administration (EIA) on Friday, May 29, 1981, at the International Inn, 10 Thomas Circle, Northwest, Washington, D.C., from 9:00 a.m. to approximately 4:30 p.m., in the Jefferson Room.

The purpose of the meeting is to enable the EIA to utilize the American Statistical Association's Ad Hoc Committee on Energy Statistics to obtain advice on EIA programs and to benefit from the Ad Hoc Committee's expertise concerning other energy statistical matters.

The tentative agenda is as follows:

A. Introductory Remarks

B. Major Topics

1. Procedures for determining when to employ the services of outside contractors

2. Issues to be addressed in the summary volume of next year's EIA Annual Report to Congress, Volume 3

3. An evaluation of the quality of EIA data—a progress report

4. Review of EIA's imports data requirements study

5. Development of a comprehensive natural gas data program

6. Analysis of the use and effectiveness of EIA publications

C. Other Committee Business

1. Topics for future meetings

2. Public comments

The meeting is open to the public. Any member of the public may file a written statement with the EIA for forwarding to the Committee, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should inform Mr. Bruce D. Dwyer, EIA Committee Liaison, (202) 633-8696, or Dr. Fred C. Leone, Executive Director of the American Statistical Association, (202) 393-3253, at least five days prior to the meeting and reasonable provision will be made to include their presentations on the agenda. Subsequent to approval by the Committee, minutes and an executive summary of the meeting will be available for public review and copying at the Office of Planning, Evaluation and Project Control, EIA, 12th and Pennsylvania Avenue, N.W., Room 6149, Mail Stop 4311, Washington, D.C. 20461, (202) 633-8707, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Issued at Washington, D.C. on May 1, 1981.

Albert H. Linden, Jr.,

Acting Administrator, Energy Information Administration.

[FR Doc. 81-14098 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Uses of Atomic Energy; Proposed Subsequent Arrangement; United States and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of contractural arrangements for the supply of source materials and special nuclear materials to the United Kingdom Atomic Energy Authority for collaborative research into the behavior and performance of higher actinides in Liquid Metal Fast Breeder Reactors. The materials to be furnished consist of 0.012 grams of thorium-230, 0.075 grams of thorium-232, 0.030 grams of unanium-233, 0.015 grams of uranium-234, 0.063 grams of uranium-235, 0.038 grams of uranium-236, 0.056 grams of uranium-238, 0.064 grams of plutonium-240, 0.018 grams of plutonium-241, 0.006 grams of plutonium-242, and 0.009 grams of plutonium-244.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materals under Contract Number WC-EU-189 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 26, 1981.

Dated: May 6, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-14100 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4424-000]

Central Utah Water Conservancy District; Application for Preliminary Permit

May 7, 1981.

Take notice that Central Utah Water Conservancy District (Applicant) filed on March 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4424 to be known as the Soldier Creek Dam located on the Strawberry River in Wasatch County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lynn S. Ludlow, Secretary, Central Utah Water Conservancy District, P.O. Box 426, Orem, Utah 84057. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the U.S. Water and Power Resources Service's existing Soldier Creek Dam and Reservoir. The project would consist of: (1) a proposed powerhouse with a new penstock; and (2) appurtenant facilities. The installed capacity would be approximately 500 kW with an average annual energy production of 2,500,000 kWh.

Purpose of Project—Project power would be wheeled over various interconnected systems and then used by the Applicant for irrigation and municipal and industrial pumping and to operate District treatment facilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would conduct studies of the hydraulic, structural, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for a FERC license. Applicant estimates the cost of project design and studies under the permit would be $150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine

the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have not comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4424. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Committion's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14103 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4456-000]

Zoes J. Dimos and James C. Katsekas; Application for Preliminary Permit

Take notice that Zoes J. Dimos and James C. Katsekas (Applicant) filed on March 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4456 to be known as the Davisville Dam Project located on the Warner River in Merrimack County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Zoes J. Dimos and James C. Katsekas, c/o Engineering Design Services, Route 102, Londonderry, New Hampshire 03053. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a breached dam, having the New Hampshire Water Resources Board designation of No. 243.01. The dam would be repaired to have a height of 14 feet and a length of 128 feet; (2) a reservoir having a surface area of 1.5 acres and a storage capacity of 4.5 acrefeet; (3) a proposed penstock; (4) a proposed powerhouse having a total installed generating capacity of 800 kW; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 3,000,000 kWh.

Purpose of Project—Project energy, would be sold to a local Public Utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would prepare an application for an FERC license. Applicant estimates the cost of studies under the permit would be $20,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either the competing application itself or a notice of intent to file a competing application. Subcommittee of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4456. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14101 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP74-122, etc.]

Energy Terminal Services Corp.; Consolidation and Establishment of a Unified Service List

May 6, 1981.

In the matter of Energy Terminal Services Corporation (Docket No. CP74-122), Energy Pipeline Corporation (Docket No. CP73-148), Texas Eastern Transmission Company (Docket No. CP80-453).

Take notice that the Secretary of the Federal Energy Regulatory Commission, pursuant to the authority delegated to him by § 375.302(f) of the Commission's Revised General Rules hereby consolidates the application filed by Texas Eastern Transmission Company (Texas Eastern) in Docket No. CP80-453 with the remaining above-captioned matters for all future proceedings, having determined to his satisfaction that the facilities for which Texas Eastern has applied are interwined inextricably with the facilities currently proposed by the other applicants.

The original proceedings contemplated an LNG importation project in which Essogas LNG, Inc. and Distrigas Corporation proposed to import into and sell volumes of LNG from the Rossville LNG terminal, then being constructed by Distrigas of New York Corporation (DONY).[1] The applicants' names have since changed, and the current applications from Energy Terminal Services Corporation (ETS), Energy Pipeline Corporation (EPC), and Texas Eastern Transmission Company (Texas Eastern) are for certificates of public convenience and necessity to construct and operate an LNG peak-shaving facility using two existing LNG storage tanks and appurtenant facilities and two proposed 30-inch diameter natural gas transmission pipelines.

Docket No. CP74-122, as amended by ETS on February 22, 1980, requests authorization to operate a peak-shaving facility at its existing facilities in Rossville, Staten Island, New York, using both of the existing 900,000-barrel LNG storage tanks and appurtenant facilities, including vaporization (360 billion Btu/day) and compression equipment. It also seeks to construct and operate a 30 billion Btu/day liquefaction unit and vaporization units with an additional 360 billion Btu/day capacity.

Docket No. CP73-148, as amended by EPC on April 10, 1980, requests authorization to construct and operate a 30-inch diameter natural gas transmission pipeline, approximately 16,625 feet long, between the Rossville LNG plant and points of interconnection with Texas Eastern and Public Service Electric and Gas Company in Woodbridge, New Jersey. EPC also requests authorization to construct and operate a metering and regulating station near the interconnection.

As a part of these two applications, Texas Eastern would purchase from ETS storage capacity of 1,231 billion Btu's and delivery of 102.7 billion Btu/day. To effectuate this arrangement, Texas Eastern filed an application in Docket No. CP80-453 to construct and operate 3,200 feet of 30-inch diameter pipeline northeast of Linden, Union County, New Jersey, as well as tap, valve, and other related facilities, and to expand two metering and regulator stations at Crown Central and Franklin, New Jersey. As such, it is properly consolidated with the two other dockets for common resolution. The mutation of parties and proposals has been made more confusing by the change of applicants' names and in docket numbers in these proceedings and the passage of time. For this reason, the Secretary would establish the list of names contained in Appendix "A", and by reference made a part hereof, as the official service list of this proceeding. Parties to the earlier proceedings inadvertently deleted, or any other person desiring to be heard or make any protest with reference ot the consolidation of these proceedings should on or before June 12, 1980, file the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

New Jersey Natural Gas Company
R.T. Abrams, Vice President
601 Bangs Avenue
Asbury Park, New Jersey 07712

Harry L. Albrecht, Esquire
First National-Southern Natural Building
Post Office Box 2563
Birmingham, Alabama 35202

Thomas B. Arnold, Attorney for Union of Concerned Scientists Fund, Inc.
84 State Street
Boston, Massachusetts 02109

Consolidated Edison Company of New York, Inc.
Garrett E. Austin, Esquire
4 Irving Place
New York, New York 10003

Edward M. Barrett, Esquire
James J. Stoker, III, Esquire
250 Old Country Road
Mineola, New York 11501

Edward M. Barrett, Esquire

[1] The then-associated dockets were CP73-47, CP73-48, CP73-132, CP73-148, CP73-220, and CP74-122. Of the six dockets, only the two captioned above are now open and still applicable.

Robert C. Richards, Esquire
Long Island Lighting Company
250 Old Country Road
Mineola, New York 11501

Robert A. Bennett, Mgr.
Planning Services Division
Long Island Lighting Company
175 E. Old Country Road
Hicksville, N.Y. 11801

Mr. William C. Bingham, Vice President
South Jersey Gas Company
One South Jersey Plaza, Route 54
Folsom, New Jersey 08037

B.L.A.S.T.
96 Middle Loop Road
Staten Island, N.Y. 10308

Boston Gas Company
Richard A. Bleakney, Vice President
2900 Prudential Tower
Boston, Massachusetts 02199

Christopher T. Boland, Esquire
Gallagher, Conner and Boland
821 Fifteenth Street, N.W.
Washington, D.C. 20005

The Southern Connecticut Gas Company
Richard H. Bowerman, Esquire
880 Broad Street
Bridgeport, Connecticut 06609

Tennessee Gas Pipeline Company
J.S. Brogdon, Jr., Executive Vice President
Post Office Box 2511
Houston, Texas 77001

Peter A. Buchsbaum, Esquire
P.O. Box 141
Trenton, New Jersey 08601

Civic Congress of Staten Island Inc.
Charles H. Burger, President
Post Office Box 113
Staten Island, New York 10307

William F. Burt, Vice President
NEGEA Service Corporation
130 Austin Street
Cambridge, Massachusetts 02139

Continental Oil Company
Tom Burton, Esquire
Post Office Box 2197
Houston, Texas 77001

L. F. Buse
Natural Gas Pipeline Company of America
Bender Building
1120 Connecticut Avenue, N.W.
Washington, D.C. 20036

National Marine Engineers' Beneficial Association-AFL-CIO
Jessee Calhon, Esquire
400 First Street, N.W.
Washington, D.C. 20001

H. B. Carey, Jr., Esquire
Northeast Utilities Service Company
P.O. Box 270
Hartford, Connecticut 06101

Elizabethtown Gas Company
Calvin R. Carver, Vice President
One Elizabethtown Plaza
Elizabeth, New Jersey 07207

Sherman Chickering, Esquire
Donald J. Richardson, Jr., Esquire
Edward P. Nelsen, Esquire
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Thomas D. Clarke, Esquire
Post Office Box 54790, Terminal Annex
Los Angeles, California 90054

Norman A. Cohen, Attorney for Housing Authority of the Borough of Carteret
214 Smith Street
Perth Amboy, New Jersey 08861

Cole & Goertner
1000 Connecticut Avenue, N.W.
Suite 410
Washington, D.C. 20036

William R. Connole, Esquire
Connole & O'Connell
One Farragut Square South
Washington, D.C. 20006

William R. Connole, Esquire
Eugene E. Threadgill, Esquire
Connole & O'Connell
1000 Connecticut Avenue, N.W.
Washington, D.C. 20036

Henry Costa, NY City Dept. of Finance, Bureau of Real Property Assessment
350 St. Marks Pl., Room 300
Staten Island, New York 10301

Gene Cosgriff, President
Blast
6218 Amboy Road
Staten Island, New York 10309

Maritime Administration
H. Clayton Cook, Jr., Esquire
Department of Commerce Building
14th & E Streets, N.W.
Washington, D.C. 20235

Commonwealth of Massachusetts
Paul K. Connolly, Jr., Esquire
75 Tremont Street
Boston, Massachusetts 02123

Robert M. Crockett
Public Service Electric & Gas Company
80 Park Place
Newark, New Jersey 07101

Francis Cruthers, Chief of Dept.
Fire Department
110 Church Street
New York, New York 10007

G. Scott Cuming, Esquire
Harris S. Wood, Esquire
Post Office Box 1492
El Paso, Texas

Edward V. Curry, Councilmen
38—7th Street
Staten Island, N.Y. 10301

Evan A. Davis, Asst. Corp. Counsel
City of New York
Municipal Building
New York, N.Y. 10007

Atlantic Richfield Company
P.T. Davis, Manager Gas Regulations & Planning
Post Office Box 2819
Dallas, Texas 75221

Robert Del Tufo
State of New Jersey
State House Annex
Trenton, New Jersey 08625

Washington Park Citizens Association
Cheryl Diamond, President
139 Carr Street
Providence, Rhode Island 02905

Dave Dischner
Middlesex County Planning
40 Livingston Avenue
New Brunswick, New Jersey 08901

James H. Dodge, Marketing Manager
Boston Gas Company
144 McBride Street
Boston, Massachusetts 02130

Borough of Carteret
Edward J. Dolan, Esquire
One Holmes Street
Carteret, New Jersey 07008

New England LNG Company Inc.
George Doulames, President
95 East Merrimack Street
Lowell, Massachusetts 01853

William R. Duff, Esquire
932 Pennsylvania Building
Washington, D.C. 20004

The Brooklyn Union Gas Company
James W. Dunlop, Vice President
195 Montague Street
Brooklyn, New York 11201

Edward F. Duschock, Esquire
Rodrigues & Justin
436 Amboy Avenue
Perth Amboy, N.J. 08861

K. R. Edsall, Esquire
Post Office Box 54790, Terminal Ann
Los Angeles, California 90054

Charles T. Ellis
Bay State Gas Company
120 Royall Street
Canton, Massachusetts 02021

Mr. Clifford G. Engstrom
Town of Middleborough Municipal Gas and Electric Department
Town Hall
Middleboro, Massachusetts 02346

Esso LNG, Inc.
Martin N. Erck, Esquire
John R. Rebman, Esquire
John H. Cooper, Jr., Esquire
Post Office Box 2180
Houston, Texas 77001

Mrs. Lee Esposito, et al.
19 Madison Avenue
Staten Island, New York 10314

Robert J. Ferranty, Vice President for Legal Affairs
Providence Gas Company 100 Weybosset Street
Providence, Rhode Island 02901

Public Utility Commissioners of the State of New Jersey
Joseph W. Ferraro, Jr., Deputy Attorney General
Board of Public Utility Commissioners
Room 206, 101 Commerce Street
Newark, New Jersey 07102

William W. Fisher, Esquire
Robinson, Robinson & Cole
799 Main Street
Hartford, Connecticut 06103

Chief Inspector Milton Fishkin
City of New York Fire Dept.
Div. of Fire Prevention
Municipal Building, Room 1128
Brooklyn, New York 11201

Urban C. Fleming, Esquire
Northeast Utilities Service Company
Post Office Box 270
Hartford, Connecticut 06101

Jesse Foster, Esquire
1251 Avenue of the Americas
New York, New York 10020

Consolidated Edison Company of New York Inc.
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[FR Doc. 81-14102 Filed 5-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER80-490]

Lockhart Power Co.; Filing

May 6, 1981.

The filing company submits the following:

Take notice that on April 2, 1981, Lockhart Power Company submitted for filing a refund report pursuant to the Commission's order, dated March 19, 1981, in the above-referenced proceeding.

A copy of this filing has been sent to the South Carolina Public Service Commission.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, on or before May 26, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14104 Filed 5-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. CS81-69-000, et al.]

Margaret C. Johnson, et al.; Applications for "Small Producer" Certificates[1]

May 6, 1981.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS81-68-000	3/10/81	Margaret C. Johnson, 1114 Laurel Drive, Lafayette, California 94549.
CS81-69-000	3/12/81	BYS Inc., 3003 LBJ Freeway, Suite 206, Dallas, Texas 75234.
CS81-70-000	3/23/81	David Nance, et al., partnership, 600 Johnson Building, Shreveport, Louisiana 71101.
CS81-71-000	3/24/81	CNR Resources, Inc., 600 LBJ Freeway, Suite 962, Dallas, Texas 75234.
CS81-72-000	3/30/81	El Grande Pipeline Corp., 250 Decker Drive, Irving, Texas 75061.
CS81-73-000	3/30/81	Continental Resources Corporation, 6th Floor, Mid-America Tower, Oklahoma City, Oklahoma 73102.
CS81-74-000	4/6/81	Cougar Exploration, Inc., 999 18th Street, Ste. 1200, Denver, Colorado 80202.
CS81-75-000	4/7/81	Arrowhead Gas Producers, Inc., P.O. Box 402, 1616 West State Street, Olean, NY 14760.
CS81-76-000	4/10/81	Santa Fe Drilling Corp., P.O. Box 1466, Parkersburg, WV 26101.
CS81-77-000	4/17/81	Energy Sources, Inc., Suite 2100, 333 Clay Street, Houston, Texas 77002.
CS81-78-000	4/17/81	Energy Sources 1980 Program, Suite 2100, 333 Clay Street, Houston, Texas 77002.
CS81-79-000	4/23/81	Big Sky Production Company, Rt. 2, Perry, Oklahoma 73077.
CS81-80-000	4/23/81	Vale & Company, 6 East 43rd Street, New York, N.Y. 10017.
CS81-81-000	4/23/81	Oakwood Resources Inc., 1800, 311-6 Avenue S.W., Calgary, Alberta T2P 0Y2.
CS81-82-000	4/20/81	Mrs. A. D. O'Donnell, 115 Miller Drive, Paula Valley, OK 73075.

[FR Doc. 81-14106 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4450-000]

North Valley Land Corp.; Application for Preliminary Permit

May 7, 1981.

Take notice that North Valley Land Corporation (Applicant) filed on April 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4450 to be known as Cove located on Hatchet Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sam E. Nelson, North Valley Land Corporation, 50 Wilshire Drive, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 2-foot high concrete diverion structure; (2) a concrete intake structure; (3) a 6,500-foot long, 48-inch diameter conduit; (4) a powerhouse containing a 3,500-kW generating unit; and (5) a 0.5-mile long, 12.5-kV transmission line.

The Applicant estimates that the average annual energy output would be 13.5 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would perform hydrological and geological studies; survey the property; assess the environmental impacts; apply for necessary rights; and study the financial feasibility. The cost of the studies is estimated by the Applicant to be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in and application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b)

and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protest, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4450. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14100 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-295-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

May 5, 1981.

Take notice that on April 22, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant) 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-295-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 76 small volume sales measuring stations for the sale and delivery of additional volumes of natural gas in the states of Montana, South Dakota, Minnesota, Iowa, Nebraska, Kansas, Oklahoma and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to provide service to right-of-way grantors whose easements provide for the contractual right to gas service as partial consideration for the easement to construct and operate pipeline facilities across their property. It is stated that such service would be made to small volume [1] industrial, commercial and residential customers.

Applicant proposes to install and operate 65 delivery stations in Minnesota, South Dakota, Iowa, Nebraska, Kansas, and Texas for deliveries of gas to be resold by People's Natural Gas Company, Division of InterNorth, Inc. (People's) from People's presently authorized contract demand.

Applicant also states that it sells and delivers natural gas in Oklahoma to the Southern Union Gas Company (So. Union) pursuant to Applicant's Rate Schedule X-46 for resale by So. Union to Applicant's right-of-way grantors and others for use as irrigation engine fuel, residential and other high priority uses. Applicant proposes to provide natural gas service to 8 of its right-of-way grantors located in So. Union's service areas in Oklahoma which would result in an increase of 2,400 Mcf in annual sales to So. Union.

Further, Applicant proposes to install and operate 3 delivery stations for deliveries of gas for direct sale to 3 Montana customers pursuant to terms of farm tap service contracts between Applicant and the new customers.

Applicant more fully describes the 76

[1] As defined in Applicant's Gas Tariff, customers with maximum daily gas requirements under 200 Mcf are considered small volume customers.

proposed small volume sale measuring stations including location estimated peak day and annual sales, and use as follows:

Right-of-way grantor	Location of facilities: county-State	Estimated sales—1,000 Ft³ Peak Day	Annual	Primary end-use	Estimated facility costs
Applicant (direct):					
Bickford, Arthur W	Hill, Mt	3.2	295	Residential heat	$1,480
Nuesserth, William	Hill, Mt	20.0	2,950	Irrigation	1,780
Volk, William S	Hill, Mt	3.2	295	Shop heat	1,120
Totals, applicant (direct)		26.4	3,540		$4,380
Peoples Natural Gas Co., Division of InterNorth, Inc.:					
Adell, Feland E	Haskell, KS	33.6	3,800	Irrigation	$1,770
Alstrup, Emmett D	Hodgeman, KS	24.0	2,880	Irrigation	940
Beltz, Ernest O	Saunders, NE	2.0	176	Residential heat	1,720
Barrett, Herbert	Crow Wing, MN	14.1	780	Crop dryer	1,570
Barry, Raymond	Wright, IA	2.0	300	Residential heat	2,080
Bemis, Dean E	McLeod, MN	3.0	192	Residential heat	1,170
Benedict, Mark	Redwood, MN	15.0	952	Crop dryer	1,780
Bohr, Melvin	Fayette, IA	12.0	800	Crop dryer	2,160
Brower, Richard W	Black Hawk, IA	2.0	140	Residential heat	1,470
Brownlee, Wayne	Pawnee, KS	36.0	3,440	Irrigation	940
Butters, Tom	Marshall, IA	24.0	900	Crop dryer	2,460
Carlin, Bernard E	Seward, KS	84.0	8,800	Irrigation	1,480
Cohoon, Bill	Hodgeman, KS	36.0	4,320	Irrigation	2,210
Crombie, William	Kingsbury, SD	30.0	1,592	Crop dryer	1,960
Elliott, Ralph A	Saunders, NE	42.0	2,850	Irrigation	2,010
Emerson, Robert C	Carlton, MN	3.0	200	Residential heat	1,180
Engler, William L	Haskell, KS	84.0	8,800	Irrigation	1,270
Erlandson, George	Pope, MN	2.0	186	Residential heat	1,170
Fraser, Orville	Grundy, IA	60.0	3,600	Crop dryer	2,960
Froese, Leon D	Jefferson, NE	36.0	2,100	Irrigation	1,420
Fromm, Herbert J	Story, IA	1.6	246	Residential heat	1,640
Garber, Carl J	Meade, KS	84.0	4,200	Irrigation	1,770
Hagedorn, Albert G	Faribault, MN	30.0	400	Crop dryer	1,960
Halverson, Lloyd	Hamilton, IA	1.7	259	Residential heat	1,640
Harms Implement	Clay, IA	30.0	1,800	Commercial heat	1,820
Hedrick, Richard M	Lancaster, NE	16.8	2,147	Irrigation	1,800
Hilde, Lowell	St. Louis, MN	3.0	200	Residential heat	2,010
Hofer, John L	Fayette, IA	2.5	221	Residential heat	1,470
Hoffman, Gary	Saunders, NE	2.6	176	Residential heat	1,800
Hustava, Helen L	Dallas, IA	1.7	186	Residential heat	1,820
Johannes, Darry	Finney, KS	72.0	18,000	Irrigation	1,270
Kalal, Albert	Lyon, IA	2.0	190	Residential heat	1,650
Kinchloe, Robert	Polk, IA	15.0	948	Residential heat	1,840
Koob, Floyd	Black Hawk, IA	14.0	805	Crop dryer	2,120
Lawson, Ralph	Emmet, IA	35.0	2,480	Crop dryer	2,080
Leonard, Harry No.1	Stevens, KS	84.0	8,500	Irrigation	980
Leonard, Harry No.2	Stevens, KS	84.0	8,500	Irrigation	980
Long, James K	St. Louis, MN	2.0	200	Residential heat	1,740
Master Land No.1	Haskell, KS	108.0	16,650	Irrigation	1,270
Master Land No.2	Haskell, KS	72.0	11,100	Irrigation	1,270
Master Land No.3	Haskell, KS	144.0	22,200	Irrigation	1,160
Master Land No.4	Haskell, KS	108.0	16,650	Irrigation	1,270
Master Land No.5	Haskell, KS	144.0	22,200	Irrigation	1,160
Miller, Clell	Finney, KS	1.5	150	Residential heat	780
Morgan, Clyde J	Buchanan, IA	30.0	1,700	Crop dryer	2,120
Ogden Sow Corp	Boone, IA	12.0	1,800	Commercial heat	1,840
O'Hara, Paul	Stevens, KS	84.0	8,500	Irrigation	980
Olson, Donald P	Washington, MN	3.0	200	Residential heat	1,950
Olson, Oscar B	Watonwan, MN	20.0	465	Crop dryer	1,750
Orth, Wallace No.1	Haskell, KS	84.0	8,500	Irrigation	1,960
Orth, Wallace No.2	Haskell, KS	84.0	8,500	Irrigation	1,960
Ostgaard, Sergliot	Scott, MN	1.8	191	Residential heat	1,560
Owen, Jennie	Stafford, KS	36.0	3,510	Irrigation	2,240
Pearson, Elmer	Douglas, NE	1.4	140	Residential heat	1,840
Pipkin, J. W	Ochiltree, TX	31.2	3,220	Irrigation	2,640
Potter Enterprises	Brown, MN	40.0	440	Crop dryer	1,960
Robb, David E	Ford, KS	36.0	3,440	Irrigation	1,700
Seemann, Robert L	Fayette, IA	12.0	896	Crop dryer	2,120
Smith, Dean	Pawnee, KS	36.0	5,400	Irrigation	980
Stoddard, Ralph	Stevens, KS	1.5	150	Residential heat	780
Terning, Ralph	Wright, MN	160.0	3,586	Crop dryer	2,750
Thompson, Howard	Hodgeman, KS	36.0	2,970	Irrigation	980
Thompson, Norman	Rice, MN	41.0	307	Crop dryer	2,040
Trickey, Cecil R	Haskell, KS	33.6	3,800	Irrigation	1,700
Zimmerman, Lee	Sherburne, MN	20.0	1,546	Crop dryer	1,960
Totals, Peoples Natural Gas		2,318.5	222,691		197,000
Southern Union Gas Co.:					
Bell, Emery L	Beaver, OK	1.4	300	Residential heat	980
Harrison, Pearl M	Woodward, OK	1.4	300	Residential heat	980
Miller, Ronald J	Ellis, OK	1.4	300	Residential heat	980
Thomas, Eddie E	Harper, OK	1.4	300	Residential heat	980
Thomas, James O	Harper, OK	1.4	300	Residential heat	980
Timms, Burl	Rogerwills, OK	1.4	300	Residential heat	2,500
Trout, Rosie M	Rogerwills, OK	1.4	300	Residential heat	2,280
Waugh, Williams W	Harper, OK	1.4	300	Residential heat	980

Right-of-way grantor	Location of facilities: county-State	Estimated sales—1,000 ^{3} Peak Day	Annual	Primary end-use	Estimated facility costs
Totals, Southern Union Gas		11.2	2,400		9,880
Totals, all projects		2,388.1	888,601		121,300

Any person desiring to be heard or to make any protest with reference to said application should on or before May 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in acccordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considerd by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to particiapte as a party in any therein hearing must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to interevene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14107 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4489-000]

Resource Investments; Application for Preliminary Permit

May 7, 1981.

Take notice that Resource Investments (Applicant) filed on April 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4489 to be known as Stuart Fork Power Project located on Stuart Fork Creek in Trinity County, California. The appliction is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Richard L. Bean, Fred G. Castagna and David C. Aby, 1648 East Street, Redding, California 96001. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing diversion structure; (2) an existing 7-mile long ditch; (3) a 0.5-mile long penstock; (4) a powerhouse containing two generating units with a total rated capacity of 4,000 kW; and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 22.7 million kWh.

Purpose of Project—Project energy would be sold to a public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $121,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4489. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North

Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14188 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-436-000]

South Carolina Electric & Gas Co.; Filing

May 6, 1981.

The filing company submits the following:

Take notice that South Carolina Electric & Gas Company (SCE&G) on May 1, 1981, tendered for filing proposed changes in its rates and charges to its municipal, rural electric cooperative, and public power body sales-for-resale customers, as embodied in SCE&G's proposed Rate Schedule WR and accompanying fuel adjustment clause. The proposed changes, which SCE&G proposes to put into effect as of July 1, 1981, would increase revenues from jurisdictional sales and service by $4,242,000 based on the twelve-month period ending December 31, 1981, which is Period II of the filing.

SCE&G states that it expects to earn a rate of return of 8.79% from service to these sales-for-resale customers during the calendar year 1981 in the absense of rate relief. The proposed rates are designed to enable SCE&G to improve the rate of return earned from its service to these sales-for-resale customers. Due to the low returns it is presently earning from service to its customers, SCE&G is not able to issue preferred stock. It is necessary for the Company to receive rate relief if it is to attract necessary amount of capital and if it is to continue to provide adequate service to its present and future customers.

Copies of the filing have been served upon SCE&G's jurisdictional customers and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14189 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4479-000]

Talent Irrigation District; Application for Preliminary Permit

May 7, 1981.

Take notice that Talent Irrigation District (Applicant) filed on April 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4479 to be known as Howard Prairie Hydroelectric Project located at the existing outlet of the United States Department of the Interior, Water and Power Resources Service's (WPRS) Howard Prairie Dam on Grizzly Creek in Jackson County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Walt H. Hoffbuhr, Secretary/Manager, Talent Irrigation District, P.O. Box 467, Talent, Oregon 97540. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of a powerhouse, containing two generating units, with a total rated capacity of 224 kW and appurtenant facilities.

The Applicant estimates that the average annual energy output would be 1.3 million kWh.

Purpose of Project—Project energy would be sold to a private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a project report including preliminary designs, results of environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the WPRS and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $29,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 24, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or

petition to intervene must be received on or before June 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4479. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14110 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4497-000]

Water Power Co.; Application for Preliminary Permit

May 7, 1981.

Take notice that Water Power Company (Applicant) filed on April 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4497 to be known as the Soldier Creek Dam Project located on the Strawberry River in Wasatch County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Clark M. Mower, Water Power Company, AMF Box 22208, Salt Lake City, Utah 84122.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the U.S. Water and Power Resources Service's existing Soldier Creek Dam and Reservoir. The project would consist of: (1) a proposed powerhouse with a new penstock; and (2) appurtenant facilities. The installed capacity would be approximately 400 kW with an average annual energy production of 3,000,000 kWh.

Purpose of Project—Project energy would be sold to a local public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would conduct studies of the hydraulic, structural, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for a FERC license. Applicant estimates the cost of project design and studies under the permit would be $32,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4497. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14111 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER81-320-000; ER80-592, etc.]

Union Electric Co.; Order Accepting for Filing and Suspending Revisions To Interconnection Agreement, Consolidating Dockets, and Establishing Procedures

May 6, 1981.

On March 9, 1981, pursuant to the Commission's Order No. 84,[1] Union Electric Company (UE) tendered for filing an executed amendment to an interconnection agreement between itself and Northern States Power Company (NSP), Interstate Power Company (Interstate), Iowa Electric Light and Power Company (Iowa Electric), Iowa-Illinois Gas and Electric Company (IIGE), Iowa Public Service Company (IPS), and Iowa Southern Utilities Company (ISU).[2] The amendment sets forth revised charges for third party emergency, short-term, system participation, and excess energy services. The parties request that the rates become effective on September 2, 1980, subject to refund, and that the filing be consolidated with the pending proceeding in *Allegheny Power Systems, et al.*, Docket Nos. ER80-592, *et al.*

NSP had previously filed its third party rate unilaterally in Docket No. ER80-636.[3] The instant submittal incorporates the same rate for NSP as well as proposed third party rates for the remaining parties to the interconnection agreement.

Under the proposed agreement, third party service will be provided at cost plus (1) the greater of 1 mill/kWh or 10% of internal incremental cost for energy supplied by Iowa Electric; (2) the greater of 4.28 mills/kWh or 10% of internal incremental cost for energy supplied by IPS; (3) the greater of 4.24 mills/kWh or 10% of internal incremental cost for energy supplied by IIGE; (4) the greater of 3.35 mills/kWh or 10% of internal incremental cost for energy supplied by ISU; (5) the greater of 3.36 mills/kWh or 10% of internal incremental cost for energy supplied by UE; (6) 3 mills/kWh for energy supplied by Interstate; and (7) 1 mill/kWh for energy supplied by NSP.

Notice of the filing was issued on March 19, 1981, with responses due on or before April 6, 1981. No protests or petitions to intervene have been received.

Discussion

As indicated, the charge for third party transactions proposed by NSP was previously submitted to and accepted by the Commission as being in compliance with the standards established in Order No. 84. Accordingly, we shall accept the instant filing with respect to NSP's proposed rate for third party services, to become effective as of September 1, 1980, without suspension.

Our analysis indicates that the proposed rates for third party transactions submitted by Interstate, IIGE, ISU, UE, ISP, and Iowa Electric have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.[4] Accordingly, we shall accept these rates for filing and suspend them as ordered below.

In a number of suspension orders,[5] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspension periods may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here.

While we are unable to conclude that the charges submitted on behalf of Interstate, ISU, IPS, IIGE, Iowa Electric, and UE are just and reasonable, it appears that application of the proposed fixed adders may produce lower revenues than those resulting from the companies' current percentage adder rates. Moreover, no protests or petitions have been received in this docket and the agreement involves the type of interchange arrangement for which we have consistently imposed a nominal suspension. Because Order No. 84 anticipated that limitations be placed on percentage adders as of September, 1980, we further find that good cause exists to waive the notice requirements. As a result, we shall accept the rates proposed in this docket for filing and, with respect to each of the companies other than NSP, we shall suspend the rates for one day from September 1, 1980, to become effective, subject to refund, on September 2, 1980.

Docket Nos. ER80-592, *et al.*, and the instant docket present common questions of law and fact. In order to promote economy of resources and effort, we shall consolidate Docket No. ER81-81-320-000 with Docket Nos. ER80-592, *et al.*, for purposes of hearing and decision.

The Commission Orders

(A) Waiver of the notice requirements is hereby granted.

(B) NSP's proposed third party rates are hereby accepted for filing, to become effective as of September 1, 1980, without suspension.

(C) The third party rates filed by Interstate, IIGE, ISU, UE, IPS, and Iowa Electric are hereby accepted for filing and suspended for one day to become effective, subject to refund, on September 2, 1980.

(D) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR Ch. I (1980)), a public hearing shall be held concerning the justness and reasonableness of the rates filed by Interstate, IIGE, ISU, UE, IPS, and Iowa Electric.

(E) Docket No. ER81-320-000 is hereby consolidated with the proceedings in Docket Nos. ER80-592, *et al.*, for purposes of hearing and decision.

(F) The administrative law judge designated to preside in Docket Nos. ER80-592, *et al.*, shall determine the appropriate procedures necessary to accommodate consolidation of Docket No. ER81-320-000 with the existing proceeding.

(G) The Secretary shall promptly publish this order in the Federal Register.

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[1] Docket No. RM79-29, issued May 7, 1980.

[2] *See* Attachment A for rate schedule designations.

[3] NSP's rate for third party services was accepted for filing by letter order dated October 23, 1980, to become effective on September 1, 1980.

[4] We not that the rates currently proposed for Interstate, IIGE, ISU, and UE are the same as their respective rates for third party services provided under other agreements and subject to investigation in Docket Nos. ER80-592, *et al.*

[5] *E.g., Boston Edison Company*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Company* Docket Nos. ER80-508, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating company*, Docket No. ER-80-468 (August 22, 1980) (one day suspension).

By the Commission.

Lois D. Cashell,

Acting Secretary.

Union Electric Company

[Docket No. ER81-320-000]

Designation and Description

Union Electric Company

(1) Supplement No. 16 to Rate Schedule FPC No. 60—Supplement No. 6
(2) Supplement No. 1 to Supplement No. 16 to Rate Schedule FPC No. 60—Exhibit C (Compliance Adjustments)

Interstate Power Company

(3) Supplement No. 7 to Rate Schedule FPC No. 77 (concurs in (1) and (2) above)—c/c

Iowa Electric Light and Power Company

(4) Supplement No. 7 to Rate Schedule FPC No. 40 (concurs in (1) and (2) above)—c/c
(5) Supplement No. 12 to Rate Schedule FPC No. 14 (concurs in (1) and (2) above)—c/c

Northern States Power Company (Minn)

(6) Supplement No. 13 to Rate Schedule FPC No. 321 (Supersedes Supplement No. 12 and concurs in (1) and (2) above)—c/c

Iowa Southern Utilities Company

(7) Supplement No. 7 to Rate Schedule FPC No. 18 (concurs in (1) and (2) above)—c/c

Iowa Public Service Company

(8) Supplement No. 8 to Rate Schedule FPC No. 36 (concurs in (1) and (2) above)—c/c

[FR Doc 81-14117 Filed 5-8-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-434-000]

West Texas Utilities Co.; Filing

May 6, 1981.

The filing company submits the following:

Take notice that on April 29, 1981, West Texas Utilities Company ("WTU") submitted for filing 13 executed Delivery Point and Service Specifications sheets providing for changes in conditions of service under Service Agreements between WTU and Concho Valley Electric Cooperative, Rio Grande Electric Cooperative and Southwest Texas Electric Cooperative executed under WTU's FERC Electric Tariff, Original Volume No. 1. The changes provide either for the establishment of new delivery points or increases in stated maximum contract demand at existing delivery points.

WTU states that copies of the filing have been sent to the cooperatives and to the Public Utility Commission of Texas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-14112 Filed 5-8-81, 8:45 am]

BILLING CODE 6450-85-M

[Volume 414]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 4, 1981

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 4, 1981.

JD	DOCKET	WELL NO	SEC T R	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION							
-ARKLA EXPLORATION COMPANY			RECEIVED: 04/09/81 JA: LA				
8124849	R1-686	1711920280 102		D C MCCRARY #1 GRAY RA SU M	COTTON VALLEY	185.0	ARKANSAS LOUISIANA G
8124848	R1-685	1706120267 103		F W MARTIN #1 MOSS RA SU M	CLAY	550.0	ARKANSAS LOUISIANA G
-BETHLAN PRODUCTION CORP			RECEIVED: 04/09/81 JA: LA				
8124836	R1-673	1707321610 103		BLACKWELL NO 1	MONROE GAS FIELD	27.0	UNITED GAS PIPE LINE
8124828	R1-665	1707321674 103		E OUACHITA RECREATION DIST #1	MONROE GAS FIELD	29.2	UNITED GAS PIPE LINE
8124826	R1-663	1707321679 103		E OUACHITA RECREATION DIST #2	MONROE GAS FIELD	23.7	UNITED GAS PIPE LINE
8124825	R1-662	1707321646 103		E OUACHITA RECREATION DIST #3	MONROE GAS FIELD	27.4	UNITED GAS PIPE LINE
8124824	R1-661	1707321651 103		E OUACHITA RECREATION DIST #4	MONROE GAS FIELD	32.9	UNITED GAS PIPE LINE
8124835	R1-672	1707321551 103		GRANT A NO 1	MONROE GAS FIELD	28.1	GAS TRANSPORTATION C
8124834	R1-671	1707321552 103		GRANT A NO 2	MONROE GAS FIELD	28.1	GAS TRANSPORTATION C
8124847	R1-684	1707321553 103		GRANT A NO 3	MONROE GAS FIELD	28.1	GAS TRANSPORTATION C
8124846	R1-683	1707321570 103		GRANT A NO 5	MONROE GAS FIELD	28.1	GAS TRANSPORTATION C
8124845	R1-682	1707321571 103		GRANT A NO 6	MONROE GAS FIELD	27.4	GAS TRANSPORTATION C
8124844	R1-681	1707321572 103		GRANT A NO 7	MONROE GAS FIELD	25.6	GAS TRANSPORTATION C
8124839	R1-676	1707321620 103		INARNET-BETHLAN NO 1	MONROE GAS FIELD	23.7	UNITED GAS PIPE LINE
8124838	R1-675	1707321621 103		INARNET-BETHLAN NO 2	MONROE GAS FIELD	23.7	UNITED GAS PIPE LINE
8124843	R1-680	1707321622 103		INARNET-BETHLAN NO 3	MONROE GAS FIELD	23.7	UNITED GAS PIPE LINE
8124842	R1-679	1707321625 103		INARNET-BETHLAN NO 4	MONROE GAS FIELD	23.7	UNITED GAS PIPE LINE
8124837	R1-674	1706721611 103		MARCOVITZ NO 1	MONROE GAS FIELD	25.6	UNITED GAS PIPE LINE
8124841	R1-678	1707321676 103		MOSS NO 1	MONROE GAS FIELD	31.8	UNITED GAS PIPE LINE
8124833	R1-670	1707321654 103		OSTERLAND NO 1	MONROE GAS FIELD	29.2	UNITED GAS PIPE LINE
8124819	R1-656	1707321658 103		OSTERLAND NO 2	MONROE GAS FIELD	58.4	UNITED GAS PIPE LINE
8124832	R1-669	1707321675 103		OSTERLAND NO 3	MONROE GAS FIELD	43.8	UNITED GAS PIPE LINE
8124831	R1-668	1707321652 103		OSTERLAND NO 4	MONROE GAS FIELD	29.2	UNITED GAS PIPE LINE
8124830	R1-667	1707321653 103		OSTERLAND NO 5	MONROE GAS FIELD	58.4	UNITED GAS PIPE LINE
8124829	R1-666	1707321655 103		OSTERLAND NO 6	MONROE GAS FIELD	32.9	UNITED GAS PIPE LINE
8124814	R1-651	1707321657 103		OSTERLAND NO 7	MONROE GAS FIELD	32.9	UNITED GAS PIPE LINE
8124821	R1-658	1707321656 103		OSTERLAND NO 8	MONROE GAS FIELD	31.0	UNITED GAS PIPE LINE
8124816	R1-655	1707321660 103		OSTERLAND PENNZOIL NO 1	MONROE GAS FIELD	47.5	UNITED GAS PIPE LINE
8124817	R1-654	1707321661 103		OSTERLAND PENNZOIL NO 2	MONROE GAS FIELD	32.9	UNITED GAS PIPE LINE
8124818	R1-653	1707321662 103		OSTERLAND PENNZOIL NO 3	MONROE GAS FIELD	29.2	UNITED GAS PIPE LINE
8124815	R1-652	1707321663 103		OSTERLAND PENNZOIL NO 4	MONROE GAS FIELD	31.0	UNITED GAS PIPE LINE
8124823	R1-660	1707321669 103		OSTERLAND PENNZOIL NO 5	MONROE GAS FIELD	32.9	UNITED GAS PIPE LINE
8124822	R1-659	1707321666 103		OSTERLAND PENNZOIL NO 6	MONROE GAS FIELD	34.7	UNITED GAS PIPE LINE
8124820	R1-657	1707321664 103		OSTERLAND PENNZOIL NO 7	MONROE GAS FIELD	31.0	UNITED GAS PIPE LINE
8124827	R1-664	1707321645 103		PECAN BAYOU LAND CORPORATION NO 1	MONROE GAS FIELD	31.0	UNITED GAS PIPE LINE
8124840	R1-677	1707321617 103		PERRY JONES NO 1	MONROE GAS FIELD	23.7	UNITED GAS PIPE LINE
-CALPETCO HERBST EXPLORATION INC			RECEIVED: 04/09/81 JA: LA				
8124776	R1-612	1706721529 108		SPYKER #8 - 1	MONROE GAS ROCK	18.8	SOUTHERN NATURAL GAS
8124775	R1-611	1706721543 108		SPYKER #8 - 10	MONROE GAS ROCK	14.6	SOUTHERN NATURAL GAS

M124740	81-616	1706721547	10M	SPYKER RO - 11	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124752	81-588	1706721560	108	SPYKER RO - 12	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124753	81-589	1706721561	108	SPYKER RO - 13	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124741	81-617	1706721534	108	SPYKER RO - 14	MONROE GAS ROCK	0.0 SOUTHERN NATURAL GAS
M124754	81-590	1706721585	10R	SPYKER RO - 15	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124749	81-605	1706721549	10R	SPYKER RO - 17	MONROE GAS ROCK	14.6 SOUTHERN NATURAL GAS
M124748	81-604	1706721550	10R	SPYKER RO - 18	MONROE GAS ROCK	14.6 SOUTHERN NATURAL GAS
M124755	81-591	17067215?1	10R	SPYKER RO - 19	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124737	81-613	1706721530	108	SPYKER RO - 2	MONROL GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124756	81-592	1706721562	10R	SPYKER RO - 20	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124757	81-593	1706721563	10R	SPYKER RO - 21	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124766	81-602	1706721564	10R	SPYKER RO - 22	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124767	81-603	1706721565	10R	SPYKER RO - 23	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124758	81-594	1706721566	10R	SPYKER RO - 24	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124759	81-595	1706721574	10R	SPYKER RO - 25	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124760	81-596	1706721575	10R	SPYKER RO - 26	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124761	81-597	1706721576	10R	SPYKER RO - 27	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124762	81-598	1706721579	10R	SPYKER RO - 28	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124776	81-614	1706721529	10R	SPYKER RO - 3	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124772	81-608	1706721531	108	SPYKER RO - 4	MONROE GAS ROCK	14.6 SOUTHERN NATURAL GAS
M124779	81-615	1706721532	10R	SPYKER RO - 5	MONROE GAS ROCK	10.0 SOUTHERN NATURAL GAS
M124771	81-607	1706721533	108	SPYKER RO - 6	MONROE GAS ROCK	14.6 SOUTHERN NATURAL GAS
M124770	81-606	1706721540	10R	SPYKER RO - 7	MONROE GAS ROCK	14.6 SOUTHERN NATURAL GAS
M124773	81-609	1706721541	10R	SPYKER RO - 8	MONROE GAS ROCK	14.6 SOUTHERN NATURAL GAS
M124774	81-610	1706721542	10R	SPYKER RO - 9	MONROE GAS ROCK	14.6 SOUTHERN NATURAL GAS
M124763	81-599	1706721580	10R	SPYKER RO-29	MONROE GAS ROCK	0.0 SOUTHERN NATURAL GAS
M124764	81-600	17067215R1	10R	SPYKER RO-30	MONROE GAS ROCK	0.0 SOUTHERN NATURAL GAS
M124765	81-601	17067215R2	108	SPYKER RO-31	MONROE GAS ROCK	0.0 SOUTHERN NATURAL GAS
-CHEVRON U S A INC				RECEIVED: 04/09/81 JA: LA		
M124751	81-587	1707720236	107	U TUSC RA SUC LOWMAN-MERRICK NO 1	JUDGE DIGBY	4388.0 SUGAR BOWL GAS CORP
M124807	81-644	1707720227	107	18100 TUSC RA SUB J DEVILLE #1	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
-CITIES SERVICE COMPANY				RECEIVED: 04/09/81 JA: LA		
M124855	81-692	1711920266	102	INTERNATIONAL PAPER CO B NO 1	NORTH SHONGALOO - RED RO	119.0
-COTTON PETROLEUM CORPORATION				RECEIVED: 04/09/81 JA: LA		
M124852	81-689	1701723560	103	JACKSON B NO 1	GREENWOOD-WASKOM	680.0 UNITED GAS PIPE LINE
-ERGON INC				RECEIVED: 04/09/81 JA: LA		
M124782	81-618	1711121805	10R	H D GREEN NO 4	MONROE (6824)	4.2 TEXAS GAS TRANSMISSI
M124783	81-619	1711121769	10R	H G PARKER ET AL NO 2	MONROE (6824)	2.9 TEXAS GAS TRANSMISSI
M124784	81-620	1711121359	108	JOHN GREEN NO 1	MONROE (6824)	3.5 TEXAS GAS TRANSMISSI
M124785	81-621	1711121741	10R	MINA S PARKER NO 1	MONROE (6824)	1.4 TEXAS GAS TRANSMISSI
-FOUR SEASONS INC				RECEIVED: 04/09/81 JA: LA		
M124808	81-645	1704520614	102	R O LASALLE #1	JEFFERSON ISLAND	182.0 TENNESSEE GAS PIPELI
-FRANKS PETROLEUM INC ETAL				RECEIVED: 04/09/81 JA: LA		
M124850	81-687	1701320418	103	MOSS B SUJJ WOODARD WALKER L NO 1	WEST BRYCELAND	118.0 ARKANSAS LOUISIANA G
-GAS DEVELOPMENT CORP				RECEIVED: 04/09/81 JA: LA		
M124868	81-705	1711121635	108	EXXON 16 # 11	MONROE GAS	5.4 IMC EXPLORATION CO I
M124817	81-704	1711121632	10R	EXXON 16 # 12	MONROE GAS	3.8 IMC EXPLORATION CO I
M124869	81-706	1711121721	10R	EXXON 16 # 14	MONROE GAS	11.9 IMC EXPLORATION CO I
M124870	81-707	1711121630	10R	EXXON 16 # 6	MONROE GAS	9.7 IMC EXPLORATION CO I
M124871	81-708	1711121352	10R	EXXON 17 # 1	MONROE GAS	2.1 IMC EXPLORATION CO I
M124864	81-701	1711121354	10R	EXXON 17 #2	MONROE GAS	4.5 IMC EXPLORATION CO I
M124857	81-694	1711121364	10R	EXXON 17 #3	MONROE GAS	3.4 IMC EXPLORATION CO I

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	FIELD NAME	PROD PURCHASER
M124809	81-646	1707720228	107	18100 TUSC RA SUB J DEVILLE #2	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124810	81-647	1707720229	107	18100 TUSC RA SUB J DEVILLE #3	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124811	81-648	1707720230	107	18100 TUSC RA SUB J DEVILLE #4	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124812	81-649	1707720231	107	18100 TUSC RA SUB J DEVILLE #5	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124813	81-650	1707720232	107	18100 TUSC RA SUB J DEVILLE #6	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124814	81-651	1707720233	107	18100 TUSC RA SUB J DEVILLE #7	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124815	81-652	1707720234	107	18100 TUSC RA SUB J DEVILLE #8	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124816	81-653	1707720235	107	18100 TUSC RA SUB J DEVILLE #9	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124817	81-654	1707720237	107	18100 TUSC RA SUB J DEVILLE #10	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124818	81-655	1707720238	107	18100 TUSC RA SUB J DEVILLE #11	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124819	81-656	1707720239	107	18100 TUSC RA SUB J DEVILLE #12	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124820	81-657	1707720240	107	18100 TUSC RA SUB J DEVILLE #13	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124821	81-658	1707720241	107	18100 TUSC RA SUB J DEVILLE #14	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124822	81-659	1707720242	107	18100 TUSC RA SUB J DEVILLE #15	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124823	81-660	1707720243	107	18100 TUSC RA SUB J DEVILLE #16	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124824	81-661	1707720244	107	18100 TUSC RA SUB J DEVILLE #17	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124825	81-662	1707720245	107	18100 TUSC RA SUB J DEVILLE #18	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124826	81-663	1707720246	107	18100 TUSC RA SUB J DEVILLE #19	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124827	81-664	1707720247	107	18100 TUSC RA SUB J DEVILLE #20	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124828	81-665	1707720248	107	18100 TUSC RA SUB J DEVILLE #21	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124829	81-666	1707720249	107	18100 TUSC RA SUB J DEVILLE #22	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124830	81-667	1707720250	107	18100 TUSC RA SUB J DEVILLE #23	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124831	81-668	1707720251	107	18100 TUSC RA SUB J DEVILLE #24	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124832	81-669	1707720252	107	18100 TUSC RA SUB J DEVILLE #25	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124833	81-670	1707720253	107	18100 TUSC RA SUB J DEVILLE #26	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124834	81-671	1707720254	107	18100 TUSC RA SUB J DEVILLE #27	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124835	81-672	1707720255	107	18100 TUSC RA SUB J DEVILLE #28	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124836	81-673	1707720256	107	18100 TUSC RA SUB J DEVILLE #29	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124837	81-674	1707720257	107	18100 TUSC RA SUB J DEVILLE #30	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124838	81-675	1707720258	107	18100 TUSC RA SUB J DEVILLE #31	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124839	81-676	1707720259	107	18100 TUSC RA SUB J DEVILLE #32	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124840	81-677	1707720260	107	18100 TUSC RA SUB J DEVILLE #33	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124841	81-678	1707720261	107	18100 TUSC RA SUB J DEVILLE #34	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124842	81-679	1707720262	107	18100 TUSC RA SUB J DEVILLE #35	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124843	81-680	1707720263	107	18100 TUSC RA SUB J DEVILLE #36	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124844	81-681	1707720264	107	18100 TUSC RA SUB J DEVILLE #37	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124845	81-682	1707720265	107	18100 TUSC RA SUB J DEVILLE #38	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124846	81-683	1707720266	107	18100 TUSC RA SUB J DEVILLE #39	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124847	81-684	1707720267	107	18100 TUSC RA SUB J DEVILLE #40	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124848	81-685	1707720268	107	18100 TUSC RA SUB J DEVILLE #41	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP
M124849	81-686	1707720269	107	18100 TUSC RA SUB J DEVILLE #42	MOORE-SAMS	3285.0 SUGAR BOWL GAS CORP

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	FIELD NAME	PROD	PURCHASER
8124858	81-695	17111213[illegible]	108	EXXON 17 #4	MONROE GAS	1.9	INC EXPLORATION CO I
8124859	81-696	1711121366	108	EXXON 17 #5	MONROE GAS	2.1	INC EXPLORATION CO I
8124860	81-697	1711121457	108	EXXON 17 #6	MONROE GAS	2.2	INC EXPLORATION CO I
8124865	81-702	1711121458	108	EXXON 17 #7	MONROE GAS	3.8	INC EXPLORATION CO I
8124866	81-703	1711121459	108	EXXON 17 #8	MONROE GAS	1.8	INC EXPLORATION CO I
8124876	81-713	1711121330	108	EXXON 20 # 1	MONROE GAS	4.7	INC EXPLORATION CO I
8124875	81-712	1711121398	108	EXXON 20 # 2	MONROE GAS	8.3	INC EXPLORATION CO I
8124877	81-714	1711121399	108	EXXON 20 # 3	MONROE GAS	1.3	INC EXPLORATION CO I
8124861	81-698	1711121757	108	EXXON 20 #16	MONROE GAS	14.1	INC EXPLORATION CO I
8124863	81-700	1711121893	108	EXXON 20 #17	MONROE GAS	18.3	INC EXPLORATION CO I
8124862	81-699	1711121894	108	EXXON 20 #18	MONROE GAS	8.5	INC EXPLORATION CO I
8124872	81-709	1711121328	108	EXXON 8 # 1	MONROE GAS	3.4	INC EXPLORATION CO I
8124873	81-710	1711121414	108	EXXON 8 # 2	MONROE GAS	2.9	INC EXPLORATION CO I
8124874	81-711	1711121416	108	EXXON 8 # 4	MONROE GAS	3.0	INC EXPLORATION CO I
-GREAT SOUTHERN OIL & GAS CO INC				RECEIVED: 04/09/81 JA: LA			
8124880	81-717	1705721751	103	10050 RA SUA SMITH ET AL #1	LAKE LONG	188.0	SOUTHERN NATURAL GAS
-HERD PRODUCING COMPANY INC				RECEIVED: 04/09/81 JA: LA			
8124805	81-642	1702720735	103	SRK C RA SUH R L MEADORS NO 1	EAST HAYNESVILLE	105.0	LOUISIANA GAS INTRAS
-HOOTKINS-SMITH LA LTD				RECEIVED: 04/09/81 JA: LA			
8124890	81-727	1711122867	107	EDWARDS #3	MONROE	9.0	TEXAS GAS TRANSMISSI
8124891	81-728	1711122868	107	EDWARDS #4	MONROE	11.0	TEXAS GAS TRANSMISSI
8124888	81-725	1711122888	107	FRANK YELTON #1	MONROE	9.0	TEXAS GAS TRANSMISSI
8124887	81-724	1711122576	107	J D VESTAL #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8124893	81-730	1711122575	107	L V MCVICKER #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8124889	81-726	1711122582	107	MATTIE H DAVIS #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8124894	81-731	1711122872	107	READ #2	MONROE	13.0	TEXAS GAS TRANSMISSI
8124895	81-732	1711122869	107	READ #3	MONROE	11.0	TEXAS GAS TRANSMISSI
8124896	81-733	1711122889	107	THOMAS SMITH #1	MONROE	13.0	TEXAS GAS TRANSMISSI
8124892	81-729	1711122844	107	WANDA CHEVRON #1	MONROE	7.0	TEXAS GAS TRANSMISSI
-INC EXPLORATION COMPANY				RECEIVED: 04/09/81 JA: LA			
8124889	81-646	1711123041	103	EXXON 31 #7	MONROE	40.0	INC PIPELINE CO INC
-JEEMS BAYOU PRODUCTION CORP				RECEIVED: 04/09/81 JA: LA			
8124851	81-688	1703121021	103	MILDRED JORDAN 164068	GROGAN	292.0	TENNESSEE GAS PIPELI
-LANKFORD & NANCE				RECEIVED: 04/09/81 JA: LA			
8124812	81-649	1711122529	108	BROWN NO 2	MONROE	14.0	TEXAS GAS TRANSMISSI
8124813	81-650	1711122530	108	BROWN NO 3	MONROE	13.0	TEXAS GAS TRANSMISSI
-MALMAC ENERGY				RECEIVED: 04/09/81 JA: LA			
8124881	81-718	1711122228	107	EXXON 12 # 1	MONROE	12.0	WEST MONROE GAS GATH
8124882	81-719	1711122229	107	EXXON 12 #2	MONROE	4.0	WEST MONROE GAS GATH
8124883	81-720	1711122366	107	EXXON 12 #5	MONROE	4.0	WEST MONROE GAS GATH
-MID LOUISIANA GAS COMPANY				RECEIVED: 04/09/81 JA: LA			
8124810	81-647	1711122820	108	MLGC FEE GAS NO 1003	MONROE FIELD	23.4	
-PENNZOIL PRODUCING COMPANY				RECEIVED: 04/09/81 JA: LA			
8124853	81-690	1702321500	107	S L 2340 ROCKEFELLER NO 20	DEEP LAKE	750.0	UNITED GAS PIPE LINE
-PRIMOS PRODUCTION CO				RECEIVED: 04/09/81 JA: LA			
8124786	81-628	1707321285	108	PETRO LEWIS REA GREEN #1	MONROE	13.1	PETRO LEWIS FUNDS IN
8124794	81-630	1707321324	108	PETRO LEWIS REA GREEN #10	MONROE	9.1	PETRO-LEWIS FUNDS IN
8124795	81-631	1707321325	108	PETRO LEWIS REA GREEN #11	MONROE	9.4	PETRO-LEWIS FUNDS IN
8124796	81-632	1707321326	108	PETRO LEWIS REA GREEN #12	MONROE	9.1	PETRO-LEWIS FUNDS IN
8124797	81-633	1707321332	108	PETRO LEWIS REA GREEN #13	MONROE	9.1	PETRO-LEWIS FUNDS IN
8124798	81-634	1707321335	108	PETRO LEWIS REA GREEN #14	MONROE	13.1	PETRO-LEWIS FUNDS IN
8124799	81-635	1707321333	108	PETRO LEWIS REA GREEN #15	MONROE	13.1	PETRO-LEWIS FUNDS IN

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J...	JA...NT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8124806	81-636	1707321374	108		PETRO LEWIS REA GREEN #16	MONROE	13.1	PETRO-LEWIS FUNDS IN
8124801	81-637	1707321376	108		PETRO LEWIS REA GREEN #17	MONROE	13.2	PETRO-LEWIS FUNDS IN
8124787	81-623	1707321294	108		PETRO LEWIS REA GREEN #2	MONROE	13.2	PETRO LEWIS FUNDS IN
8124788	81-624	1707321295	108		PETRO LEWIS REA GREEN #3	MONROE	13.2	PETRO LEWIS FUNDS IN
8124789	81-625	1707321319	108		PETRO LEWIS REA GREEN #5	MONROE	9.1	PETRO LEWIS FUNDS IN
8124790	81-626	1707321320	108		PETRO LEWIS REA GREEN #6	MONROE	9.1	PETRO LEWIS FUNDS IN
8124791	81-627	1707321321	108		PETRO LEWIS REA GREEN #7	MONROE	9.4	PETRO-LEWIS FUNDS IN
8124792	81-628	1707321322	108		PETRO LEWIS REA GREEN #8	MONROE	9.4	PETRO-LEWIS FUNDS IN
8124793	81-629	1707321323	108		PETRO LEWIS REA GREEN #9	MONROE	9.1	PETRO-LEWIS FUNDS IN
-RELIANCE TR-JV					RECEIVED: 04/09/81 JA: LA			
8124811	81-648	1711122192	108		OLINKRAFT #13	MONROE	15.0	TEXAS GAS TRANSMISSI
-RELIANCE TRUSTS					RECEIVED: 04/09/81 JA: LA			
8124884	81-721	1711122838	107		T L JAMES #1	MONROE	11.0	TEXAS GAS TRANSMISSI
8124885	81-722	1711122871	107		T L JAMES #2	MONROE	11.0	TEXAS GAS TRANSMISSI
8124886	81-723	1711122614	107		T L JAMES #3	MONROE	11.0	TEXAS GAS TRANSMISSI
-SHELL OIL CO					RECEIVED: 04/09/81 JA: LA			
8124879	81-716	1709720614	102		L WX SUO MARTIN LBR NO 4	ELBA	128.0	TRANSCONTINENTAL GAS
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 04/09/81 JA: LA			
8124802	81-639	1710700164	108		FISHER LUMBER CORPORATION A NO 2	LAKE MARYDALE	20.0	LOCUST RIDGE GAS CO
8124803	81-640	1703120856	108		MARION A RICHEY NO 1	PLEASANT HILL	18.0	LOUISIANA INTRASTATE
8124804	81-641	1703120346	108		SOUTHWOOD A NO 2	SPIDER	4.0	J-W OPERATING CO
-TEXACO INC					RECEIVED: 04/09/81 JA: LA			
8124878	81-715	1710922321	103		VUL DGL U-12 65	DOG LAKE	56.0	TEXAS GAS TRANSMICSI
8124856	81-693	1710922322	103		VUL DGL U-12 66	DOG LAKE	1.0	TEXAS GAS TRANSMISSI
-WAGNER & BROWN					RECEIVED: 04/09/81 JA: LA			
8124806	81-643	1707720244	107		J E JUMONVILLE SR NO 2	MOORE-SAMS	3500.0	COLUMBIA GAS TRANSMI
-WILLIAMS EXPLORATION COMPANY					RECEIVED: 04/09/81 JA: LA			
8124854	81-691	1702321182	102		L RC SUA LONG NO 4	MALLARD BAY	770.0	LOUISIANA RESOURCES

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OKLAHOMA CORPORATION COMMISSION

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-E C YEGEN					RECEIVED: 04/09/81 JA: OK			
8124926	07622	3513120689	102		WORDEN #78-1		9.0	DIAMOND-S GAS SYSTEM
8124927	07621	3513121260	102		WORDEN #79-10		9.0	DIAMOND-S GAS SYSTEM
-GEC PRODUCTION CO					RECEIVED: 04/09/81 JA: OK			
8124919	8185	3511122352	103		MILLER #1	BEGGS DISTRICT	300.0	PHILLIPS PETROLEUM C
-GULF OIL CORPORATION					RECEIVED: 04/09/81 JA: OK			
8124917	08161	3501721574	103		PAUL JONAS #1-1	UNION CITY	472.0	
8124918	08164	3501520875	102		VELMA NEWTON #1-26		188.0	
-KENT PHILLIPS EXPLORATION LTD					RECEIVED: 04/09/81 JA: OK			
8124913	08051	3501721451	102		CHEEK #2-35	RICHLAND	0.0	CONOCO INC
-NATURAL GAS ANADARKO INC					RECEIVED: 04/09/81 JA: OK			
8124928	07466	3500721831	102		MULLER #1-12	LORENA	360.0	NORTHERN NATURAL GAS
-NICHOLS PETROLEUM CO					RECEIVED: 04/09/81 JA: OK			
8124924	07656	3511720729	102		FERGUSON #1	GREENUP	50.0	COLORADO GAS COMPRES
-PRODUCTION OIL CORP					RECEIVED: 04/09/81 JA: OK			
8124929	08231	3510521955	103		HALSELL -119-XI	EAST LENAPAH	9.1	CITIES SERVICE GAS C
8124930	08230	3510521956	103		HALSELL LH-120-XI	EAST LENAPAH	11.7	CITIES SERVICE GAS C
8124931	08229	3510521957	103		HALSELL LH-121-XI	EAST LENAPAH	12.8	CITIES SERVICE GAS C
8124935	8218	3510522090	103		HALSELL LH-142-XVII	EAST LENAPAH FIELD	16.4	CITIES SERVICE GAS C
8124932	08228	3510522092	103		HALSELL LH-144-XVII	EAST LENAPAH	16.4	CITIES SERVICE GAS C
8124934	08221	3510522101	103		HALSELL LH-153-XIX	EAST LENAPAH	16.4	CITIES SERVICE GAS C

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J...	JA...NT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

J'...	JA...T	AP...	SEC T...FILL ...E	FIELD NAME	PROD	PURCHASER
8124933	08225	3510522061 103	HASLFLL LM-137-XV	EAST LENAPAH	16.4	CITIES SERVICE GAS C
-SCHICK OIL & GAS INC			RECEIVED: 04/09/81 JA: OK			
*8124941	08204	3509321883 103	NEWMAN 5-1	RINGWOOD	60.0	OKLA NATURAL GAS GAT
-SENECA OIL CO			RECEIVED: 04/09/81 JA: OK			
8124912	08040	3509321814 102	WILSON NO 1-33	S E BADO	75.0	PANHANDLE EASTERN PI
-SERVICE DRILLING CO			RECEIVED: 04/09/81 JA: OK			
8124915	08077	3511921062 102	HOWLAND #1-35	COYLE	7.0	EASON OIL CO
8124914	08076	3511921233 102	HOWLAND #3-35	COYLE	8.0	EASON OIL CO
-SHAWVER & SON INC			RECEIVED: 04/09/81 JA: OK			
8124925	7650	3508321368 102	CASTLE NO 1	WILD CAT	85.0	OKLAHOMA NATURAL GAS
-SOUTHLAND ROYALTY CO			RECEIVED: 04/09/81 JA: OK			
8124922	8188	3509321829 103	DOW #1-25	ORION	110.0	PANHANDLE EASTERN PI
8124921	8187	3513921298 102	MITCHELL #1-6	NORTH HOOKER	120.0	NORTHERN NATURAL GAS
8124920	8186	3513921310 102	YODER #1-1	NORTH HOOKER	125.0	NORTHERN NATURAL GAS
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 04/09/81 JA: OK			
8124916	08121	3504722122 103	GEORGE ANDERSON NO 2	S E FLYNN	110.0	PANHANDLE EASTERN PI
8124939	08200	3505300000 10R	HAWLEY WEST UNIT NO 28-1	HAWLEY	0.1	CITIES SERVICE GAS C
8124938	08201	3505300000 10R	HAWLEY WEST UNIT NO 29-1	HAWLEY	0.1	CITIES SERVICE GAS C
8124937	08202	3505300000 10R	HAWLEY WEST UNIT NO 31-1	HAWLEY	0.1	CITIES SERVICE GAS C
8124936	08203	3505300000 10R	HAWLEY WEST UNIT NO 42-2	HAWLEY	0.1	CITIES SERVICE GAS C
8124940	08198	3504700000 108	S E FLYNN UNIT NO 28-1	DOVER-HENNESSEY	0.2	EXXON CORP
-VULCAN ENERGY CORP			RECEIVED: 04/09/81 JA: OK			
8124942	08194	3507322568 103	STORM #1	SOONER TREND	150.0	CITIES SERVICE CO
-WOODS PETROLEUM CORPORATION			RECEIVED: 04/09/81 JA: OK			
8124923	08191	3512920475 102	GAMBLE #6-1	S W LEEDY	580.0	DELMI GAS PIPELINE C
8124943	08198	3504321020 102	KUNC TRUST #26-1	PUTNAM	1277.0	MICHIGAN WISCONSIN P
**********						
** U.S. GEOLOGICAL SURVEY - CASPER,WY						
**********						
-MIDLANDS GAS CORPORATION			RECEIVED: 04/09/81 JA: MT 5			
8124898	M 513-0	2507121307 10R	1113 #1 FEDERAL	BOWDOIN	20.0	KANSAS-NEBRASKA NATU
8124911	M75-1	2507121558 108	1942 #1 FEDERAL	WILDCAT	20.0	KANSAS-NEBRASKA NATU
-PETROLEUM CORP OF AMERICA			RECEIVED: 04/09/81 JA: ND 5			
8124901	ND37-1	3301100240 103	FEDERAL #3-10	LITTLE MISSOURI	5.0	MONTANA DAKOTA UTILI
-SHELL OIL CO			RECEIVED: 04/09/81 JA: ND 5			
8124910	ND6?-1	3305301078 102	USA 22-24	WILDCAT	22.0	MONTANA DAKOTA UTILI
-TENNECO OIL COMPANY			RECEIVED: 04/09/81 JA: ND 5			
8124902	NF 40-1	3300700369 102	STUART USA #4-7	BIG STICK/MISSION CANYON	130.0	WESTERN GAS PROCESSO
-AMOCO PRODUCTION CO			RECEIVED: 04/09/81 JA: WY 5			
8124900	W-11-1	4904120304 102	MILLIS & I UNIT NC 1	GLASSCOCK HOLLOW	1200.0	MOUNTAIN FUEL SUPPLY
8124904	W 42-1-T	4902320351 107	WILSON RANCH UNIT NO 16	WILSON RANCH	292.0	CITIES SERVICE GAS C
8124903	W 41-1	4902320351 103	WILSON RANCH UNIT NO 16	WILSON RANCH	292.0	CITIES SERVICE GAS C
-BELCO PETROLEUM CORPORATION			RECEIVED: 04/09/81 JA: WY 5			
8124899	B 705-0	4903520544 103	CBU 22-35	CHIMNEY BUTTES	0.0	NORTHWEST PIPELINE C
8124897	B240.0	4903504603 10R	CBU 6-36 04603	CHIMNEY BUTTE	22.0	NORTHWEST PIPELINE C
-COTTON PETROLEUM CORPORATION			RECEIVED: 04/09/81 JA: WY 5			
8124909	W 55-1-T	4900720524 107	TRICO FEDERAL #22-1	STANDARD DRAW	0.0	CITIES SERVICE GAS C
-EXXON CORPORATION			RECEIVED: 04/09/81 JA: WY 5			
8124907	W 54-1	4900720519 102	FEDERAL #1-30	STANLARD DRAW	280.0	
-HOUSTON OIL & MINERALS CORPORATION			RECEIVED: 04/09/81 JA: WY 5			
8124908	B??-1	4903721241 107	FEDERAL 12X-14B	TABLE ROCK	3285.0	
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 04/09/81 JA: WY 5			
8124906	W20-1-T	4903721318 107	CHAMBERS FEDERAL NO 1-24	ECHO SPRINGS	297.0	COLORADO INTERSTATE
-TEXACO INC			RECEIVED: 04/09/81 JA: WY 5			
8124905	J-48-1-T	4903721482 107	GOVERNMENT R M DOWLEY (ACT-1) #1	BRUFF	548.0	MOUNTAIN FUEL SUPPLY

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 26, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14116 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

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CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	R: Revision of Re-determination by Jurisdictional Agency C: Correction to Prior Fed. Reg. Notice
80-38371	OK	Samson Resources Inc	L. M. Coblentz #1	223	07-16-81	C: 102 & 103 Approved
81-21667	WY	Union Oil Co. of California	Jayson Unit #1-6	397	03-31-81	C: API - 25524
81-21666	WY	Union Oil Co. of California	Jayson Unit #3-8	397	03-31-81	C: Well No. API 25578
81-20343	LA	Texaco Inc	Miami Corp E TR2 No 4	392	03-24-81	C: Approved for 103 and 107
81-20341	LA	Elgie Company Inc	Soniat # 2 PXY SUB N	392	03-24-81	C: Well Name
81-22786	WV	Star Gas Company	Sebert Cooper # 1	403	04-16-81	C: Well Name
81-22444	TX	Amoco Production Co	Prentice Northeast Unit # 144	401	04-08-81	C: 103 Approved not 108
81-20938	TX	Perryman Operating Co Inc	David L Goforth #1	394	03-25-81	C: 102 & 103 Approved
81-14383	OK	Andover Oil Company	Walter Mills 4-2	365	02-20-81	C: 102 & 103 Approved
81-09396	OK	Andover Oil Company	Alfadale Farms 2-2	346	01-27-81	C: 102 & 103 Approved
81-09417	OK	Andover Oil Company	Rother 10-1	346	01-27-81	C: 102 & 103 Approved
81-16657	OK	Andover Oil Company	Rother 11-1	373	03-02-81	C: 102 & 103 Approved
81-06163	OK	Andover Oil Company	Jensen 35-4	329	12-12-80	C: 102 & 103 Approved
81-04840	OK	Andover Oil Company	Jensen 2-1	321	11-26-80	C: 102 & 103 Approved
81-01604	OK	Reading & Bates Petroleum Co	Noble "B" Lease #1	306	10-31-8-	R: 108 Approved

BILLING CODE 6450-85-C

JD	DATE	FERC	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
**********							
TEXAS RAILROAD COMMISSION							
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-ADOBE OIL & GAS CORPORATION				RECEIVED: 04/09/81 JA: TX			
R125032	31355	4205131048	102	BERAN UNIT NO 1	GIDDINGS (AUSTIN CHALK)	14.0	FERGUSON CROSSING PI
R125030	31353	4205131067	102	MYNAR UNIT NO 1	GIDDINGS (AUSTIN CHALK)	14.0	CLAJON GAS CO
R125031	31354	4205130964	102	WOLZ UNIT NO 1	GIDDINGS (AUSTIN CHALK)	18.0	FERGUSON CROSSING PI
-AMERICAN DELTA CORP				RECEIVED: 04/09/81 JA: TX			
R124994	29256	4205131070	102	MOORE UNIT #1	TUNIS EAST	700.0	UNI OIL INC
-AMERICAN PETROFINA COMPANY OF TEXAS				RECEIVED: 04/09/81 JA: TX			
R124992	29217	4240130930	103	FREEMAN MILLER GU NO 2 WELL #1	HENDERSON NORTH (COTTON	257.0	UNITED GAS PIPELINE
R124992	29217	4240130930	107	FREEMAN MILLER GU NO 2 WELL #1	HENDERSON NORTH (COTTON	257.0	UNITED GAS PIPELINE
R124995	29284	4240130983	103	J T WRIGHT GAS UNIT WELL #1	HENDERSON NORTH (COTTON	162.0	UNITED GAS PIPELINE
R124995	29284	4240130983	107	J T WRIGHT GAS UNIT WELL #1	HENDERSON NORTH (COTTON	162.0	UNITED GAS PIPELINE
-AMOCO PRODUCTION CO				RECEIVED: 04/09/81 JA: TX			
R125046	31834	4200332438	103	FULLERTON SAN ANDRES UNIT #46	FULLERTON SAN ANDRES	9.9	AMOCO PRODUCTION CO
R125043	31824	4200332441	103	FULLERTON SAN ANDRES UNIT #52	FULLERTON SAN ANDRES	8.8	AMOCO PRODUCTION CO
R125044	31826	4200332443	103	FULLERTON SAN ANDRES UNIT #56	FULLERTON SAN ANDRES	5.5	AMOCO PRODUCTION CO
R125045	31829	4200332450	103	FULLERTON SAN ANDRES UNIT #57	FULLERTON SAN ANDRES	9.9	AMOCO PRODUCTION CO
R125037	31706	4220330772	102	JAMES GAS UNIT WELL NO 1	BLOCKER/COTTON VALLEY/	365.0	UNITED GAS PIPELINE
R125037	31706	4220330772	107	JAMES GAS UNIT WELL NO 1	BLOCKER/COTTON VALLEY/	365.0	UNITED GAS PIPELINE
R125062	31810	4229530856	103	MILES UNIT NO 1	BRADFORD/TONKAWA	3.3	
R125061	31909	4217930755	103	T B COBB NO 42	PANHANDLE	8.4	GETTY OIL CORP
R124948	25044	4234730455	102	T J KENDRICK GAS UNIT WELL NO 1	KENDRICK (TRAVIS PEAK)	280.0	TEXAS EASTERN TRANSM
R125026	31135	4208332397	103	W T FORL #13	FUHRMAN-MASCHO	243.5	PHILLIPS PETROLEUM C
-ANDERSON PETROLEUM INC				RECEIVED: 04/09/81 JA: TX			
R124960	27456	4210532509	107	AUSTIN C MILLSPAUGH 6 3-32	OZONA (CANYON SAND)	65.0	ANDERSON PIPELINE CO
R125106	24055	4210532625	103	AUSTIN MILLSPAUGH C #1-71	OZONA (CANYON SAND)	38.0	ANDERSON PIPELINE CO
-BAR-MAC & HOLLUB DRILLING CO				RECEIVED: 04/09/81 JA: TX			
R125015	30432	4205130949	102	LLOYD MORTON #4	IAEZ JAMESON (NAVARRO -C	31.0	FERGUSON CROSSING PI
-BASS ENTERPRISES PRODUCTION CO				RECEIVED: 04/09/81 JA: TX			
R124998	29576	4226930891	102	C N MAVIS A GAS UNIT NO 1	STESCOTT (ATOKA 6185)	500.0	PALO DURO PIPELINE C
R124998	29576	4226930891	103	C N MAVIS A GAS UNIT NO 1	STESCOTT (ATOKA 6185)	500.0	PALO DURO PIPELINE C
R124947	24634	4210130270	102	HUTCHINSON OIL UNIT NO 1	STESCOTT (ATOKA)	55.0	PALO DURO PIPELINE C
R124947	24634	4210130270	103	HUTCHINSON OIL UNIT NO 1	STESCOTT (ATOKA)	55.0	PALO DURO PIPELINE C
-BELCO PETROLEUM CORPORATION				RECEIVED: 04/09/81 JA: TX			
R125011	30218	4223531551	102	SUGG 115-A	SUGG (FUSSELMAN)	0.0	EL PASO NATURAL GAS
-BRAZOS RESOURCES INC				RECEIVED: 04/09/81 JA: TX			
R125033	31519	4205100000	102	DAISY NO 1 13678 LEASE NO	CALDWELL (AUSTIN CHALK)	0.0	FERGUSON CROSSING PI
-BRIDWELL OIL CO				RECEIVED: 04/09/81 JA: TX			
R125068	20817	4223732890	103	JOE P SHOWN NO 2	LUNA-MAG	100.0	LONE STAR GAS CO
-CANUS PETROLEUM INC				RECEIVED: 04/09/81 JA: TX			
R125070	18582	4235500000	102	#1 JOHNNY C WILSON ET AL GAS UNIT	CORPUS CHRISTI WEST 9700	2.0	UNITED GAS PIPELINE
-CARTER ENERGY CORP				RECEIVED: 04/09/81 JA: TX			

JD	DATE	FERC	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER

8124989	29206	4223743154	103	M J KIRK #3			
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 04/09/81 JA: TX			
8124972	27920	4243130882	102	J E WATSON NO A-1			
-COLORADO INTERSTATE GAS CO				RECEIVED: 04/09/81 JA: TX			
8125094	22192	4237530103	108	MASTERSON A-35R			
-COMBINED AMERICA PRODUCING INC				RECEIVED: 04/09/81 JA: TX			
8124974	28418	4228730700	102	LEHMANN-BLUME #1			
8124974	28418	4228730700	103	LEHMANN-BLUME #1			
-COMINCO AMERICAN INC				RECEIVED: 04/09/81 JA: TX			
8124944	24440	4229500000	102	STUART RANCH #2			
-CONOCO INC				RECEIVED: 04/09/81 JA: TX			
8125036	31690	4237100000	103	J C TREES ESTATE-19-81 ID #89782			
8125069	17891	4215100000	108	ROUND TOP PALO PINTO UNIT #37			
-COURSON OIL & GAS INC				RECEIVED: 04/09/81 JA: TX			
8125105	23719	4239300000	102	LEDRICK RANCH #1			
-DANDEN PETROLEUM INC				RECEIVED: 04/09/81 JA: TX			
8125100	22818	4223300000	108	DAVENPORT A #1			
8125098	22765	4223300000	108	KNUDSEN #2			
8125097	22763	4223300000	108	KNUDSEN #3			
8125099	22774	4223300000	108	KNUDSEN #4			
-DELTA DRILLING CO				RECEIVED: 04/09/81 JA: TX			
8125005	29949	4220330623	107	BARTLETT-BAILEY #1 84390			
8125013	30298	4236500000	103	COOKE #2			
8125013	30298	4236500000	107	COOKE #2			
8125004	29948	4236500000	107	FROST LUMBER CO #1 84372			
-DELTA OIL & GAS CO				RECEIVED: 04/09/81 JA: TX			
8125059	31907	4242900000	108	G H ILES #11 RRC #04048			
8125058	31906	4242900000	108	S G COPELAND 12775			
8125060	31908	4242900000	108	W O GROSS GDN 04046			
-DONALD W JACKSON				RECEIVED: 04/09/81 JA: TX			
8125042	31790	4206500000	108	SIMPS -H-(00046) NO 1			
8125041	31789	4206500000	108	SIMMS -H-(00046) NO 2			
-DORIS J ADAMS				RECEIVED: 04/09/81 JA: TX			
8125071	19296	4210500000	108	JOE PEAK 49-1 IC #73898			
-ENRE CORP				RECEIVED: 04/09/81 JA: TX			
8125024	30939	4242932502	102	LILLIE BELLE THOMPSON #3 (90642)			
8124976	28464	4249731748	102	STRICKLAND #1-T (89268)			
8124993	29223	4205932745	102	WATTS BEULAH #1 (16294)			
-ENSERCH EXPLORATION INC				RECEIVED: 04/09/81 JA: TX			
8125091	21998	4220300000	102	A H PEAL NO 2			
8125056	31890	4238331786	103	FRIEND A NO 1			
8125055	31889	4238331787	103	FRIEND A NO 2			
8125089	20979	4249731663	103	JAMES GRISHAM NO 2			
-EXXON CORPORATION				RECEIVED: 04/09/81 JA: TX			
8124955	28932	4210532043	103	CORDONA LAKE UNIT #60			
8125051	31856	4239931551	103	FT CHADBOURNE GRDM LIME #281(			
8125049	31853	4237123200	103	FORT STOCKTON UNIT #719			
8125050	31855	4222732210	103	H R CLAY #31			
8124978	28540	4226130455	102	MRS S K EAST 93 (89856)			
8125035	31869	4247532056	107	SARITA GAS UNIT #1			
8125021	30753	4226130594	102	SARITA OIL & GAS 157-C (91308)			
-FLAG-REDFERN OIL CO				RECEIVED: 04/09/81 JA: TX			

FIELD NAME	PROD	PURCHASER
CATLIN SW (ATOKA) FIELD	200.0	TEXAS UTILITIES FUEL
CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
WEST PANHANDLE (RED CAVE	20.0	(1) COLORADO INTERST
GIDDINGS (AUSTIN CHALK)	600.0	PHILLIPS PETROLEUM C
GIDDINGS (AUSTIN CHALK)	600.0	PHILLIPS PETROLEUM C
LADY (UPPER MORROW)	1000.0	NORTHERN NATURAL GAS
WAHA (WOLFCAMP)	48.5	DELHI GAS PIPELINE C
ROUND TOP	4.1	LONE STAR GAS CO
LEDRICK RANCH (UPPER MOR	78.0	TRANSWESTERN PIPELIN
PANHANDLE	13.0	DIAMOND-SHAMROCK COR
PANHANDLE	2.1	DIAMOND-SHAMROCK COR
PANHANDLE	2.1	DIAMOND-SHAMROCK COR
PANHANDLE	2.1	DIAMOND-SHAMROCK COR
CARTHAGE (COTTON VALLEY)	288.5	ARKANSAS-LOUISIANA G
CARTHAGE (COTTON VALLEY)	132.0	UNITED GAS PIPE LINE
CARTHAGE (COTTON VALLEY)	132.0	UNITED GAS PIPE LINE
CARTHAGE SE (COTTON VALL	275.0	UNITED GAS PIPE LINE
ILES (CONGL)	15.5	LONE STAR GAS CO
ILES (CONGL)	7.0	LONE STAR GAS CO
	7.5	LONE STAR GAS CO
PANHANDLE CARSON COUNTY	4.3	CITIES SERVICE CO
PANHANDLE CARSON COUNTY	4.3	CITIES SERVICE CO
DONNAH (SAN ANDRES)	2.0	PERMIAN CORP
LILLY BELL (CONGL)	216.0	BARREN PETROLEUM
MONTEATH (CONGL)	1000.0	TEXAS UTILITIES FUEL
SCRANTON NW (DUFFER)	28.0	BENGAL GAS TRANSMISS
WHELAN	252.0	TEXAS EASTERN TRANSM
FARMER	10.0	NORTHERN NATURAL GAS
FARMER	14.0	NORTHERN NATURAL GAS
BOONSVILLE	42.0	LONE STAR GAS CO
CORDONA LAKE	2.0	ODESSA NATURAL CORP
FORT CHADBOURNE	38.0	EL PASO NATURAL GAS
FORT STOCKTON (YATES LOW	238.0	NUECES CO
HOWARD GLASSCOCK (GLORIE	5.0	PHILLIPS PETROLEUM C
RITA SE (N-38)	1.5	NATURAL GAS PIPELINE
GUIBAN (DEVONIAN)	66.0	INTRATEX GAS CO
SARITA (15-V C)	295.0	NATURAL GAS PIPELINE

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8125023	30886	4247730364	102	ROBERT D JAMESON NO 4 WELL	OXBOW (WILCOX)	219.0	PRODUCERS GAS CO
-FOREST OIL CORPORATION				RECEIVED: 04/09/81 JA: TX			
8124983	28962	4204730855	102	EDENA C S NOLL NO 1	N W PITA (VICKSBURG 1035	680.0	CHANNEL INDUSTRIES G
-GENERAL AMERICAN OIL COMPANY OF TEX				RECEIVED: 04/09/81 JA: TX			
8124950	25427	4207931067	103	J S WRIGHT A #1	LEVELLAND	36.0	
8124951	25428	4207931068	103	J S WRIGHT A #2	LEVELLAND	36.0	EL PASO NATURAL GAS
8124949	25426	4207931069	103	J S WRIGHT NO 1	LEVELLAND	36.0	EL PASO NATURAL GAS
-GEODYNAMICS OIL AND GAS INC				RECEIVED: 04/09/81 JA: TX			
8125012	030281	4205130963	102	HELWIG UNIT #1	GIDDINGS (AUSTIN CHALK)	9.9	FERGUSON CROSSING PI
-GETTY OIL COMPANY				RECEIVED: 04/09/81 JA: TX			
8125107	24062	4207100000	103	TST 75 #1	UMBRELLA POINT	561.0	UNITED TEXAS TRANSMI
-GREAT WESTERN DRILLING COMPANY				RECEIVED: 04/09/81 JA: TX			
8124965	27547	4214930543	102	PIELOP NO 1	GIDDINGS (AUSTIN CHALK)	15.0	SOUTH CEN-TEX GAS CO
8124971	27880	4214930694	102	PIELOP NO 2	GIDDINGS (AUSTIN CHALK)	15.0	SOUTH CEN-TEX GAS CO
-GULF OIL CORPORATION				RECEIVED: 04/09/81 JA: TX			
*8125104	23602	4201330978	103	EMMA TARTT ET AL WELL NO 6	FASHING (EDWARDS LIME A	0.0	NATURAL GAS P/L CO O
8125047	31841	4247532115	107	GREER-MCGINLEY GAS UNIT #2	SODA LAKE (FUSSELMAN)	1737.4	DELHI GAS PIPELINE C
8125038	31713	4221131170	105	J CAMPBELL #1-50	SE CANADIAN/DOUGLAS	715.0	TRANSWESTERN PIPE LI
8124966	27673	4210332190	103	B N WADDELL ET AL TR C NO 1141	SAND HILLS (JUDKINS)	136.0	H & T GATHERING
-GUNN OIL CO				RECEIVED: 04/09/81 JA: TX			
8125002	29843	4226930902	102	GUNN OIL COMPANY - S B BURNETT G-2	TOM (B CONGL)	300.0	LONE STAR GAS
-HANLEY COMPANY				RECEIVED: 04/09/81 JA: TX			
8125039	31750	4238331707	103	S E STOUT A (7C-01453) WELL #5	SPRABERRY (TREND AREA)	65.0	EL PASO NATURAL GAS
8125040	31752	4238331706	103	S E STOUT A (7C-01453) WELL NO 4	SPRABERRY (TREND AREA)	65.0	EL PASO NATURAL GAS
-HENDERSON & ERICKSON				RECEIVED: 04/09/81 JA: TX			
8125072	19735	4210531625	103	THOMPSON ET AL #1	CORVO (CLEARFORK)	10.0	EL PASO NATURAL GAS
-HUMBLE EXPLORATION CO INC				RECEIVED: 04/09/81 JA: TX			
8125090	21496	4228730520	102	LIVIA - 12524	GIDDINGS	162.0	PHILLIPS PETROLEUM
8125090	21498	4228730520	103	LIVIA - 12524	GIDDINGS	162.0	PHILLIPS PETROLEUM
-HURLEY PETROLEUM CORPORATION				RECEIVED: 04/09/81 JA: TX			
8125003	29917	4236530990	107	C O BLACK UNIT #2-T	BETHANY (COTTON VALLEY)	180.0	TENNESSEE GAS PIPELI
-J CLEO THOMPSON				RECEIVED: 04/09/81 JA: TX			
8125007	030066	4210533092	102	UNIVERSITY 28-1	UNIVERSITY 31 (STRAWN-DE	47.0	PHILLIPS PETROLEUM C
8125016	30459	4210532995	107	UNIVERSITY 32-1	OZONA CANYON SAND	0.0	PHILLIPS PETROLEUM C
-JENNINGS EXPLORATION CO				RECEIVED: 04/09/81 JA: TX			
8125034	31552	4250731376	102	NO 3 H&F PROPERTIES E 90241	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-JERRY E WYLIE				RECEIVED: 04/09/81 JA: TX			
8125066	31950	4209330555	103	ARNOLD BUTLER BC #1 (15324)	DUSTER NE (MARBLE FALLS	4.0	LONE STAR GAS CO
8125065	31949	4209330598	103	ARNOLD BUTLER BC #2 (15324)	DUSTER NE (MARBLE FALLS	5.0	LONE STAR GAS CO
8125064	31946	4209330718	103	W C SMITH #1 (15942)	DUSTER NW (MARBLE FALLS	3.0	LONE STAR GAS CO
8125063	31945	4209330721	103	W C SMITH #2 (15942)	DUSTER NW (MARBLE FALLS	5.0	LONE STAR GAS CO
-KEITH D GRAHAM				RECEIVED: 04/09/81 JA: TX			
8125027	31157	4205131129	102	TELEPHONE SERVSTA NO 1 ID-13837	GIDDINGS (AUSTIN CHALK)	182.0	CHAMPLIN PETROLEUM C
-KELLY BELL INC				RECEIVED: 04/09/81 JA: TX			
8125093	21782	4205730956	103	KNIFLING #2	SHERIFF EAST	0.0	
-KILLAM & HURD LTD				RECEIVED: 04/09/81 JA: TX			
8124982	28849	4247432764	102	J C MARTIN III WELL NO 4	LOLORES CREEK (9200)	0.0	TRANSCONTINENTAL GAS
-KIRBY EXPLORATION CO				RECEIVED: 04/09/81 JA: TX			
8125006	30024	4247330324	102	JAMES KEMP WELL NO 1	HOBTH (6-1 SAND)	500.0	PRODUCERS GAS CO
-L & B OIL CO INC				RECEIVED: 04/09/81 JA: TX			
8125001	29798	4226700000	102	AUDREY ROTHMANN #3	ROTHMANN RANCH (STRAWN 9	118.0	PRESSURE TRANSPORT I
8125000	29767	4226700000	102	AUDREY ROTHMANN #4	ROTHMANN RANCH (STRAWN 1	80.0	PRESSURE TRANSPORT I

8125008	29918	4236530991	107	C O BLACK UNIT #1-T	BETHANY (COTTON VALLEY)	180.0	TENNESSEE GAS PIPELI
-LEWIS PETROLEUM PROPERTIES				RECEIVED: 04/09/81 JA: TX			
8125041	31753	4238331705	103	S E STOUT A (7C-01453) WELL NO 6	SPRABERRY (TREND AREA)	65.0	EL PASO NATURAL GAS
-LOMAX EXPLORATION CO				RECEIVED: 04/09/81 JA: TX			
8125076	31911	4250731373	102	LOMAX-MCFADDIN UNIT #1	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MARATHON OIL COMPANY				RECEIVED: 04/09/81 JA: TX			
8125009	29919	4236530992	107	C O BLACK UNIT #3-T	BETHANY (COTTON VALLEY)	180.0	TENNESSEE GAS PIPELI
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED: 04/09/81 JA: TX			
8125042	31754	4238331704	103	S E STOUT A (7C-01453) WELL NO 7	SPRABERRY (TREND AREA)	65.0	EL PASO NATURAL GAS
-MCCOMBS OIL & GAS				RECEIVED: 04/09/81 JA: TX			
8125045	31758	4238331703	103	S E STOUT A (7C-01453) WELL NO 8	SPRABERRY (TREND AREA)	65.0	EL PASO NATURAL GAS
-MCCULLOCH ENERGY INC				RECEIVED: 04/09/81 JA: TX			
8125078	31914	4250731374	102	MCCULLOCH-MCFADDIN UNIT #1	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MCFARLAND ENERGY INC				RECEIVED: 04/09/81 JA: TX			
8125044	31756	4238331702	103	S E STOUT A (7C-01453) WELL NO 9	SPRABERRY (TREND AREA)	65.0	EL PASO NATURAL GAS
-MCMORAN EXPLORATION CO				RECEIVED: 04/09/81 JA: TX			
8125080	31917	4250731372	102	MCMORAN-MCFADDIN UNIT #1	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125081	31918	4250731371	102	MEDALLION-MCFADDIN UNIT #1	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125082	31919	4250731370	102	MEDALLION-MCFADDIN UNIT #2	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125083	31920	4250731369	102	MEDALLION-MCFADDIN UNIT #3	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125084	31921	4250731368	102	MEDALLION-MCFADDIN UNIT #4	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125085	31922	4250731367	102	MEDALLION-MCFADDIN UNIT #5	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125086	31923	4250731366	102	MEDALLION-MCFADDIN UNIT #6	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125087	31924	4250731365	102	MEDALLION-MCFADDIN UNIT #7	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125088	31925	4250731364	102	MEDALLION-MCFADDIN UNIT #8	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125089	31926	4250731363	102	MEDALLION-MCFADDIN UNIT #9	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125091	31927	4250731362	102	MEDALLION-MCFADDIN UNIT #10	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125092	31928	4250731361	102	MEDALLION-MCFADDIN UNIT #11	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125094	31929	4250731360	102	MEDALLION-MCFADDIN UNIT #12	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125095	31930	4250731359	102	MEDALLION-MCFADDIN UNIT #13	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125096	31931	4250731358	102	MEDALLION-MCFADDIN UNIT #14	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125097	31932	4250731357	102	MEDALLION-MCFADDIN UNIT #15	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125098	31933	4250731356	102	MEDALLION-MCFADDIN UNIT #16	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125099	31934	4250731355	102	MEDALLION-MCFADDIN UNIT #17	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125100	31935	4250731354	102	MEDALLION-MCFADDIN UNIT #18	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125101	31936	4250731353	102	MEDALLION-MCFADDIN UNIT #19	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125102	31937	4250731352	102	MEDALLION-MCFADDIN UNIT #20	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125103	31938	4250731351	102	MEDALLION-MCFADDIN UNIT #21	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125105	31939	4250731350	102	MEDALLION-MCFADDIN UNIT #22	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125106	31940	4250731349	102	MEDALLION-MCFADDIN UNIT #23	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125108	31941	4250731348	102	MEDALLION-MCFADDIN UNIT #24	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125109	31942	4250731347	102	MEDALLION-MCFADDIN UNIT #25	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125110	31943	4250731346	102	MEDALLION-MCFADDIN UNIT #26	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125111	31944	4250731345	102	MEDALLION-MCFADDIN UNIT #27	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125112	31945	4250731344	102	MEDALLION-MCFADDIN UNIT #28	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125113	31946	4250731343	102	MEDALLION-MCFADDIN UNIT #29	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125114	31947	4250731342	102	MEDALLION-MCFADDIN UNIT #30	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125115	31948	4250731341	102	MEDALLION-MCFADDIN UNIT #31	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125116	31949	4250731340	102	MEDALLION-MCFADDIN UNIT #32	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125117	31950	4250731339	102	MEDALLION-MCFADDIN UNIT #33	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125118	31951	4250731338	102	MEDALLION-MCFADDIN UNIT #34	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125119	31952	4250731337	102	MEDALLION-MCFADDIN UNIT #35	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125120	31953	4250731336	102	MEDALLION-MCFADDIN UNIT #36	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125121	31954	4250731335	102	MEDALLION-MCFADDIN UNIT #37	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125122	31955	4250731334	102	MEDALLION-MCFADDIN UNIT #38	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125123	31956	4250731333	102	MEDALLION-MCFADDIN UNIT #39	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125124	31957	4250731332	102	MEDALLION-MCFADDIN UNIT #40	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125125	31958	4250731331	102	MEDALLION-MCFADDIN UNIT #41	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125126	31959	4250731330	102	MEDALLION-MCFADDIN UNIT #42	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125127	31960	4250731329	102	MEDALLION-MCFADDIN UNIT #43	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125128	31961	4250731328	102	MEDALLION-MCFADDIN UNIT #44	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125129	31962	4250731327	102	MEDALLION-MCFADDIN UNIT #45	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125130	31963	4250731326	102	MEDALLION-MCFADDIN UNIT #46	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125131	31964	4250731325	102	MEDALLION-MCFADDIN UNIT #47	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125132	31965	4250731324	102	MEDALLION-MCFADDIN UNIT #48	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125133	31966	4250731323	102	MEDALLION-MCFADDIN UNIT #49	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125134	31967	4250731322	102	MEDALLION-MCFADDIN UNIT #50	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125135	31968	4250731321	102	MEDALLION-MCFADDIN UNIT #51	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125136	31969	4250731320	102	MEDALLION-MCFADDIN UNIT #52	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125137	31970	4250731319	102	MEDALLION-MCFADDIN UNIT #53	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125138	31971	4250731318	102	MEDALLION-MCFADDIN UNIT #54	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125139	31972	4250731317	102	MEDALLION-MCFADDIN UNIT #55	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125140	31973	4250731316	102	MEDALLION-MCFADDIN UNIT #56	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125141	31974	4250731315	102	MEDALLION-MCFADDIN UNIT #57	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125142	31975	4250731314	102	MEDALLION-MCFADDIN UNIT #58	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125143	31976	4250731313	102	MEDALLION-MCFADDIN UNIT #59	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125144	31977	4250731312	102	MEDALLION-MCFADDIN UNIT #60	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125145	31978	4250731311	102	MEDALLION-MCFADDIN UNIT #61	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125146	31979	4250731310	102	MEDALLION-MCFADDIN UNIT #62	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125147	31980	4250731309	102	MEDALLION-MCFADDIN UNIT #63	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125148	31981	4250731308	102	MEDALLION-MCFADDIN UNIT #64	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125149	31982	4250731307	102	MEDALLION-MCFADDIN UNIT #65	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125150	31983	4250731306	102	MEDALLION-MCFADDIN UNIT #66	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125151	31984	4250731305	102	MEDALLION-MCFADDIN UNIT #67	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125152	31985	4250731304	102	MEDALLION-MCFADDIN UNIT #68	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125153	31986	4250731303	102	MEDALLION-MCFADDIN UNIT #69	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125154	31987	4250731302	102	MEDALLION-MCFADDIN UNIT #70	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125155	31988	4250731301	102	MEDALLION-MCFADDIN UNIT #71	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125156	31989	4250731300	102	MEDALLION-MCFADDIN UNIT #72	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125157	31990	4250731299	102	MEDALLION-MCFADDIN UNIT #73	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125158	31991	4250731298	102	MEDALLION-MCFADDIN UNIT #74	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125159	31992	4250731297	102	MEDALLION-MCFADDIN UNIT #75	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125160	31993	4250731296	102	MEDALLION-MCFADDIN UNIT #76	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125161	31994	4250731295	102	MEDALLION-MCFADDIN UNIT #77	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125162	31995	4250731294	102	MEDALLION-MCFADDIN UNIT #78	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125163	31996	4250731293	102	MEDALLION-MCFADDIN UNIT #79	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125164	31997	4250731292	102	MEDALLION-MCFADDIN UNIT #80	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125165	31998	4250731291	102	MEDALLION-MCFADDIN UNIT #81	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125166	31999	4250731290	102	MEDALLION-MCFADDIN UNIT #82	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125167	32000	4250731289	102	MEDALLION-MCFADDIN UNIT #83	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125168	32001	4250731288	102	MEDALLION-MCFADDIN UNIT #84	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125169	32002	4250731287	102	MEDALLION-MCFADDIN UNIT #85	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125170	32003	4250731286	102	MEDALLION-MCFADDIN UNIT #86	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125171	32004	4250731285	102	MEDALLION-MCFADDIN UNIT #87	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125172	32005	4250731284	102	MEDALLION-MCFADDIN UNIT #88	ALLIGATOR SLOUGH (OLMOS)	156.0	VALERO TRANSMISSION
-MEDALLION OIL CO				RECEIVED: 04/09/81 JA: TX			
8125173	32006	4250731283	102

OP	OP NO	API	DIS	WELL & LEASE	FIELD NAME	PROD	PURCHASER
-LA SALLE ENERGY CORP				RECEIVED: 04/09/81 JA: TX			
8125014	30307	4204130516	102	T J ARMOPULOS #1	GIDDINGS	532.6	CLAJON GAS CO
-LEAGUE MINERAL CORP				RECEIVED: 04/09/81 JA: TX			
8125068	14427	4207731357	103	MORGROVE - LUTZ UNIT #1	RIDINGS (CONGLOMERATE)	10.0	SANFORD P FADADAU
-MARSHALL EXPLORATION INC				RECEIVED: 04/09/81 JA: TX			
8124952	25829	4236530997	103	WILLIAM J WEINER JR #1-LT	BELLE BOWER - (COTTON VA	260.0	UNITED GAS PIPELINE
8124952	25829	4236530967	107	WILLIAM J WEINER JR #1-LT	BELLE BOWER - (COTTON VA	260.0	UNITED GAS PIPELINE
-MCCORMICK OPERATING CO				RECEIVED: 04/09/81 JA: TX			
8124984	29020	4240130933	103	EMMA THORNTON GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	390.0	HYDROCARBON TRANSFER
8124984	29020	4240130933	107	EMMA THORNTON GAS UNIT NO 3	OAK HILL (COTTON VALLEY)	390.0	HYDROCARBON TRANSFER
8124985	29021	4240130943	103	R D BENNETT GAS UNIT #3	OAK HILL (COTTON VALLEY)	360.0	HYDROCARBON TRANSFER
8124985	29021	4240130943	107	R D BENNETT GAS UNIT #3	OAK HILL (COTTON VALLEY)	360.0	HYDROCARBON TRANSFER
-MCMAHON-BULLINGTON DRLG CO				RECEIVED: 04/09/81 JA: TX			
8125053	31865	4236300000	108	RHODES B-6 64660	PALO PINTO COUNTY (GAS)	4.0	TEXAS UTILITIES FUEL
8125052	31864	4236300000	108	RHODES B-8 71282	PALO PINTO CO (GAS)	12.0	TEXAS UTILITIES FUEL
-MGF OIL CORP				RECEIVED: 04/09/81 JA: TX			
8125022	30768	4207130958	102	STATE TRACT 72 #1 RRC #85636	UMBRELLA POINT NW (F-4)	2164.0	UNITED TEXAS TRANSMI
-MITCHELL ENERGY CORPORATION				RECEIVED: 04/09/81 JA: TX			
8125020	30539	4249708800	108	T P BROWN #1 28577	BCONSVILLE (BEND CONGL G	10.0	NATURAL GAS PIPELINE
-MOODY ENERGY CO				RECEIVED: 04/09/81 JA: TX			
8125008	30082	4221131253	103	MURL KENYON NO 1 LEASE NO 04649	FELDMAN (TONKAWA)	8.0	PHILLIPS PETROLEUM C
-MWJ PRODUCING CO				RECEIVED: 04/09/81 JA: TX			
8125109	24299	4217331017	103	TXL 19 A - #2	SPRABERRY TREND AREA	91.0	
-NATURAL GAS ANADARKO INC				RECEIVED: 04/09/81 JA: TX			
8124945	24450	4229530740	102	OWEN #1-544	LIPSCOMB S W ATOKA	278.0	TRANSWESTERN PIPELIN
-OMEGA MINERALS INC				RECEIVED: 04/09/81 JA: TX			
8125095	22261	4250731293	103	C E PLUMLY NO 2	PLUMLY (NAVARRO)	73.0	VALERO TRANSMISSION
-OWL PETROLEUM CO				RECEIVED: 04/09/81 JA: TX			
8124964	27540	4248100000	102	D S BABCOCK #3	MENEFEE (4175) (PROPOSED	73.0	TRANSCONTINENTAL GAS
8124964	27540	4248100000	103	D S BABCOCK #3	MENEFEE (4175) (PROPOSED	73.0	TRANSCONTINENTAL GAS
-QUEST PETROLEUM INC				RECEIVED: 04/09/81 JA: TX			
8125025	30450	4223700000	103	BROWNLEE NO 1	BOONSVILLE (BEND-CONGL G	146.0	SOUTHWESTERN GAS PIP
-ROBERTS & HAMMACK INC				RECEIVED: 04/09/81 JA: TX			
8124979	28603	4228900000	108	T E HARCROW NO 3	RED OAK (SUB-CLARKSVILLE	19.0	LONE STAR GAS CO
8124980	028684	4228900000	108	T S GASAWAY UNIT NO 2	RED OAK (SUB-CLARKSVILLE	15.4	LONE STAR GAS CO
-RUTHERFORD OIL CORP				RECEIVED: 04/09/81 JA: TX			
8124954	26394	4239100000	102	FAGAN EST B #4	MCFADDIN (4080)	250.0	LONE STAR GAS CO
-SABIO OIL & GAS INC				RECEIVED: 04/09/81 JA: TX			
8124999	29662	4249731943	103	H CLAY RANEY WELL #2	BOONESVILLE (BEND CONGL	16.2	NATURAL GAS PIPELINE
-SANCHEZ-OBRIEN MINERALS CORP				RECEIVED: 04/09/81 JA: TX			
8125103	23471	4229732067	102	FODDEN FROST GAS UNIT #1 WELL #1	WILDCAT FIELD	500.0	UNITED TEXAS TRANSMI
-SIMPSON-MANN OIL PRODUCERS				RECEIVED: 04/09/81 JA: TX			
8125054	31882	4210532965	103	J M BAGGETT EST ET AL #1-3	ADAMS-BAGGETT RANCH (CAN	40.0	VALERO TRANSMISSION
8125054	31882	4210532965	107	J M BAGGETT EST ET AL #1-3	ADAMS-BAGGETT RANCH (CAN	40.0	VALERO TRANSMISSION
8125057	031903	4210532968	103	J M BAGGETT EST ET AL #3-2	ADAMS-BAGGETT RANCH (CAN	40.0	VALERO TRANSMISSION
8125057	031903	4210532968	107	J M BAGGETT EST ET AL #3-2	ADAMS-BAGGETT RANCH (CAN	40.0	VALERO TRANSMISSION
-SOUTHWESTERN GAS EXPLORATION				RECEIVED: 04/09/81 JA: TX			
8125102	23143	4222130546	103	A D ROWDEN #1	BOONESVILLE (BEND CONGL)	180.0	SOUTHWESTERN GAS PIP
-SPINDLETOP OIL & GAS CO				RECEIVED: 04/09/81 JA: TX			
8125084	20498	4214730498	103	DAVIS #1 (85233)	X-RAY (MARBLE FALLS)	15.0	LONE STAR GAS CO
8125074	20455	4236731074	103	HARMS #2-T (78810)	KERO (CONGL)	340.0	LONE STAR GAS CO
8125081	20479	4236730910	103	WRIGHT #1-C (75527)	COLEEN (MARBLE FALLS)	137.0	LONE STAR GAS CO

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8125062	20448	4236730912	103	KNIGHT #1-T (74895)	MALES (4850)	223.0	LONE STAR GAS CO
8125075	20458	4236731713	103	LILES #1-C (84832)	WEATHERFORD (STRAWN A)	32.0	BUCKNER GAS CO
8125076	20460	4236731713	103	LILES #1-T (84861)	MALES (4300)	13.0	BUCKNER GAS CO
8125080	20473	4236331743	103	MCCLISH #1 (80687)	MCCLISH-STONE (CONGL UP)	109.0	TEXAS UTILITIES FUEL
8125083	20482	4236730973	103	MCKEON #1 (78187)	MALES (4300)	41.0	LONE STAR GAS CO
8125085	20489	4236731438	103	MIDDLETON #2-T (81353)	MALES (4850)	245.0	LONE STAR GAS CO
8125078	20468	4236332201	103	STEWART #1-C (86031)	MCCLISH-STONE (CONGL UP)	150.0	TEXAS UTILITIES FUEL
8125077	20466	4236332201	103	STEWART #1-T (85799)	MCCLISH-STONE (CONGL LO)	35.0	TEXAS UTILITIES FUEL
8125079	20471	4236331968	103	STONE #1 (80639)	MCCLISH-STONE (CONGL UP)	97.0	TEXAS UTILITIES FUEL
8125073	20451	4236731546	103	STROUD #1-T (83539)	RENO (CONGL)	29.0	LONE STAR GAS CO
8125086	20491	4236731142	103	WALKER #1 (78428)	MALES (4850)	483.0	LONE STAR GAS CO
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 04/09/81 JA: TX			
8125029	31220	4221932943	103	SOUTHEAST LEVELLAND UNIT #253	LEVELLAND	5.0	AMOCO PRODUCTION CO
8125028	31219	4221932945	103	SOUTHEAST LEVELLAND UNIT #254	LEVELLAND	5.0	AMOCO PRODUCTION CO
-TARINA OIL CO				RECEIVED: 04/09/81 JA: TX			
8125018	30486	4212700000	102	STUMBERG RANCH NO 1-76A	STUMBERG (OLMOS 4150)	40.0	VALERO TRANSMISSION
-TEXACO INC				RECEIVED: 04/09/81 JA: TX			
8125048	31844	4221932929	103	MONTGOMERY ESTATE DAVIES NCT-2 #67	LEVELLAND	34.7	AMOCO PRODUCTION CO
-TEXAS OIL & GAS CORP				RECEIVED: 04/09/81 JA: TX			
8124991	29210	4220330659	107	ABNEY A #1	WASKOM (COTTON VALLEY)	0.0	UNITED GAS PIPELINE
8124977	028535	4202500000	102	BORROUM C #1	PLUMMER	0.0	UNITED GAS PIPELINE
8124996	29292	4216130503	107	DOW CHEMICAL B #1	BEAR GRASS NE (COTTON VA	1100.0	DELHI GAS PIPELINE C
8124990	29209	4205130926	102	DUCKWORTH #1	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING PI
8124998	29209	4205130926	103	DUCKWORTH #1	CALDWELL (AUSTIN CHALK)	100.0	FERGUSON CROSSING PI
8124997	29328	4212331025	102	GRUN G U #1	SMITH CREEK FIELD	0.0	UNITED GAS PIPELINE
8124973	28404	4228930351	107	LEWIS B #1	BEAR GRASS (COTTON VALLE	365.0	DELHI GAS PIPELINE C
8125092	21769	4231130957	103	STEELE #2 - UPPER	SO DUNCAN SLOUGH F-6	750.0	DELHI GAS PIPELINE
-TEXAS WEST OIL & GAS CORPORATION				RECEIVED: 04/09/81 JA: TX			
8124981	28840	4219530697	108	LOGSDON #1 84924	HANSFORD (MORROW UPPER)	8.9	PANHANDLE EASTERN PI
-TEXLAND PETROLEUM INC				RECEIVED: 04/09/81 JA: TX			
8125087	20509	4244530669	102	MAUDIE YOUNG NO 1	WARHORSE (CLEARFORK UPPE	50.0	AMOCO PRODUCTION CO
-THOMAS O COFFMAN INC				RECEIVED: 04/09/81 JA: TX			
8125010	30106	4214930342	102	O T A NO 2 049715	GIDDINGS (AUSTIN CHALK)	20.0	PHILLIPS PETROLEUM C
8125009	30105	4214930337	102	O T NO 1 046111	GIDDINGS (AUSTIN CHALK)	20.0	PHILLIPS PETROLEUM C
8124958	27341	4228730740	102	T STRANGER NO 2 086094	GIDDINGS (AUSTIN CHALK)	47.0	P&P GAS PRODUCTS
8124953	26123	4228730573	102	TWO FINGERS A 2 860926	GIDDINGS (AUSTIN CHALK)	122.0	P&P GAS PRODUCTS INC
8124959	27350	4214900000	102	YOUNG NO 1	GIDDINGS (AUSTIN CHALK)	109.0	SOUTH CEN-TEX GAS CO
-U S OPERATING INC				RECEIVED: 04/09/81 JA: TX			
8124957	27014	4228730478	102	GLADYS #1 (12350)	GIDDINGS (AUSTIN CHALK)	90.0	P&P GAS PRODUCTS INC
8125019	30520	4228730735	102	SALLY NO 1 RRC ID #	GIDDINGS (AUSTIN CHALK)	147.0	P&P GAS PRODUCTS INC
-VAUGHAN WELL CORP				RECEIVED: 04/09/81 JA: TX			
8125067	32493	4248300000	108	OGORMAN #2	EAST PANHANDLE	5.0	SHAMROCK GAS CO
-VENUS OIL COMPANY				RECEIVED: 04/09/81 JA: TX			
8124987	29026	4246931537	102	CLARENCE ALBRECHT NO 1 ID NO 88755	WEBER S (1170) FIELD	0.0	DELHI GAS PIPELINE C
8124986	29025	4235531472	102	CODY NO 1 WELL ID NO 89271	BALDWIN (9070) FIELD	0.0	VALERO TRANSMISSION
8124988	29027	4235531501	102	MILL BARNHART UNIT #1 WELL 889270	BALDWIN (9070) FIELD	0.0	VALERO TRANSMISSION
-W WALDO LYNCH				RECEIVED: 04/09/81 JA: TX			
8125017	30484	4250731398	102	A W NELSON NO 6 RRCOP 90931	LETTIS	150.0	NORTHERN NATURAL GAS
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 04/09/81 JA: TX			
8124961	27493	4210332204	103	P J LEA ET AL NO 100	LEA (SAN ANDRES)	7.0	EL PASO NATURAL GAS
8124962	27494	4210332205	103	P J LEA ET AL NO 102	LEA (SAN ANDRES)	8.0	EL PASO NATURAL GAS
8124963	27495	4210332206	103	P J LEA ET AL NO 104	LEA (SAN ANDRES)	8.0	EL PASO NATURAL GAS

8124956	28434	4210332064	103	W A ESTES TR B NO 107	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124955	28433	4210332065	103	W A ESTES TR B NO 108	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124954	28432	4210332066	103	W A ESTES TR B NO 109	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124952	28431	4210332067	103	W A ESTES TR B NO 110	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124951	28430	4210332068	103	W A ESTES TR B NO 111	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124950	28429	4210332069	103	W A ESTES TR B NO 112	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124949	28428	4210332070	103	W A ESTES TR B NO 113	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124948	28427	4210332071	103	W A ESTES TR B NO 114	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124947	28426	4210332072	103	W A ESTES TR B NO 115	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124946	28425	4210332073	103	W A ESTES TR B NO 116	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124945	28424	4210332074	103	W A ESTES TR B NO 117	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124944	28423	4210332075	103	W A ESTES TR B NO 118	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124943	28422	4210332076	103	W A ESTES TR B NO 119	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124942	28421	4210332077	103	W A ESTES TR B NO 120	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124941	28420	4210332078	103	W A ESTES TR B NO 121	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124940	28419	4210332079	103	W A ESTES TR B NO 122	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124939	28418	4210332080	103	W A ESTES TR B NO 123	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124938	28417	4210332081	103	W A ESTES TR B NO 124	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124937	28416	4210332082	103	W A ESTES TR B NO 125	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124936	28415	4210332083	103	W A ESTES TR B NO 126	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124935	28414	4210332084	103	W A ESTES TR B NO 127	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124934	28413	4210332085	103	W A ESTES TR B NO 128	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124933	28412	4210332086	103	W A ESTES TR B NO 129	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124932	28411	4210332087	103	W A ESTES TR B NO 130	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124931	28410	4210332088	103	W A ESTES TR B NO 131	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124930	28409	4210332089	103	W A ESTES TR B NO 132	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124929	28408	4210332090	103	W A ESTES TR B NO 133	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124928	28407	4210332091	103	W A ESTES TR B NO 134	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124927	28406	4210332092	103	W A ESTES TR B NO 135	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124926	28405	4210332093	103	W A ESTES TR B NO 136	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124925	28404	4210332094	103	W A ESTES TR B NO 137	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124924	28403	4210332095	103	W A ESTES TR B NO 138	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124923	28402	4210332096	103	W A ESTES TR B NO 139	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124922	28401	4210332097	103	W A ESTES TR B NO 140	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124921	28400	4210332098	103	W A ESTES TR B NO 141	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124920	28399	4210332099	103	W A ESTES TR B NO 142	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124919	28398	4210332100	103	W A ESTES TR B NO 143	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124918	28397	4210332101	103	W A ESTES TR B NO 144	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124917	28396	4210332102	103	W A ESTES TR B NO 145	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124916	28395	4210332103	103	W A ESTES TR B NO 146	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124915	28394	4210332104	103	W A ESTES TR B NO 147	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124914	28393	4210332105	103	W A ESTES TR B NO 148	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124913	28392	4210332106	103	W A ESTES TR B NO 149	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124912	28391	4210332107	103	W A ESTES TR B NO 150	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124911	28390	4210332108	103	W A ESTES TR B NO 151	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124910	28389	4210332109	103	W A ESTES TR B NO 152	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124909	28388	4210332110	103	W A ESTES TR B NO 153	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124908	28387	4210332111	103	W A ESTES TR B NO 154	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124907	28386	4210332112	103	W A ESTES TR B NO 155	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124906	28385	4210332113	103	W A ESTES TR B NO 156	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124905	28384	4210332114	103	W A ESTES TR B NO 157	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124904	28383	4210332115	103	W A ESTES TR B NO 158	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124903	28382	4210332116	103	W A ESTES TR B NO 159	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124902	28381	4210332117	103	W A ESTES TR B NO 160	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124901	28380	4210332118	103	W A ESTES TR B NO 161	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124900	28379	4210332119	103	W A ESTES TR B NO 162	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124899	28378	4210332120	103	W A ESTES TR B NO 163	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124898	28377	4210332121	103	W A ESTES TR B NO 164	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124897	28376	4210332122	103	W A ESTES TR B NO 165	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124896	28375	4210332123	103	W A ESTES TR B NO 166	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124895	28374	4210332124	103	W A ESTES TR B NO 167	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124894	28373	4210332125	103	W A ESTES TR B NO 168	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124893	28372	4210332126	103	W A ESTES TR B NO 169	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124892	28371	4210332127	103	W A ESTES TR B NO 170	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124891	28370	4210332128	103	W A ESTES TR B NO 171	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124890	28369	4210332129	103	W A ESTES TR B NO 172	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124889	28368	4210332130	103	W A ESTES TR B NO 173	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124888	28367	4210332131	103	W A ESTES TR B NO 174	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124887	28366	4210332132	103	W A ESTES TR B NO 175	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124886	28365	4210332133	103	W A ESTES TR B NO 176	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124885	28364	4210332134	103	W A ESTES TR B NO 177	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124884	28363	4210332135	103	W A ESTES TR B NO 178	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124883	28362	4210332136	103	W A ESTES TR B NO 179	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124882	28361	4210332137	103	W A ESTES TR B NO 180	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124881	28360	4210332138	103	W A ESTES TR B NO 181	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124880	28359	4210332139	103	W A ESTES TR B NO 182	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124879	28358	4210332140	103	W A ESTES TR B NO 183	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124878	28357	4210332141	103	W A ESTES TR B NO 184	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124877	28356	4210332142	103	W A ESTES TR B NO 185	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124876	28355	4210332143	103	W A ESTES TR B NO 186	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124875	28354	4210332144	103	W A ESTES TR B NO 187	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124874	28353	4210332145	103	W A ESTES TR B NO 188	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124873	28352	4210332146	103	W A ESTES TR B NO 189	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124872	28351	4210332147	103	W A ESTES TR B NO 190	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124871	28350	4210332148	103	W A ESTES TR B NO 191	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124870	28349	4210332149	103	W A ESTES TR B NO 192	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124869	28348	4210332150	103	W A ESTES TR B NO 193	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124868	28347	4210332151	103	W A ESTES TR B NO 194	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124867	28346	4210332152	103	W A ESTES TR B NO 195	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124866	28345	4210332153	103	W A ESTES TR B NO 196	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124865	28344	4210332154	103	W A ESTES TR B NO 197	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124864	28343	4210332155	103	W A ESTES TR B NO 198	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124863	28342	4210332156	103	W A ESTES TR B NO 199	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8124862	28341	4210332157	103	W A ESTES TR B NO 200	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	FIELD NAME	PROD	PURCHASER
8124956	26534	4210332064	103	W A ESTES TR B NO 107	SAND HILLS WEST (HOLT)	2.0	EL PASO NATURAL GAS
8125108	24264	4210332184	103	W N WADDELL NO 1118	WADDELL	30.0	EL PASO NATURAL GAS
-WINDSOR PRODUCING CO				RECEIVED: 04/09/81 JA: TX			
8124968	27710	4228730280	103	H KRAUSE #1	GIDDINGS (AUSTIN CHALK)	10.0	PGP GAS PRODUCTS INC
8124975	28419	4205130830	102	JACKSON	GIDDINGS (AUSTIN CHALK)	250.0	PGP GAS PRODUCTS INC
8124975	28419	4205130830	103	JACKSON	GIDDINGS (AUSTIN CHALK)	250.0	PGP GAS PRODUCTS INC
8124967	27704	4228730701	103	JENSEN #1	GIDDINGS (AUSTIN CHALK)	150.0	PGP GAS PRODUCTS INC
8124969	27714	4228730639	103	ROADRUNNER #2	GIDDINGS (AUSTIN CHALK)	5.0	PGP GAS PRODUCTS INC
8124970	27718	4228730683	103	VERNON #1	GIDDINGS (AUSTIN CHALK)	225.0	PGP GAS PRODUCTS INC
-WORLD PRODUCERS INC				RECEIVED: 04/09/81 JA: TX			
P125101	22980	4236731367	102	BOBBY DALTON #1	CABBAGE PATCH (BIG SALIN	250.0	NATURAL GAS PIPELINE
8125096	22647	4236731856	102	HALSELL C #1	KEVIN (ATOKA)	70.0	SOUTHWESTERN GAS PIP
8124946	24592	4223732238	103	HALSELL J #1	ARCO (CONGLOMERATE)	72.0	SOUTHWESTERN GAS PIP

OTHER PURCHASERS

P125104 LONE STAR GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 26, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14119 Filed 5-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 416]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

V46/90 MY 11 81 UMI

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 4, 1981.

J	WELL NAME	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS				
-ASHLAND EXPLORATION INC	RECEIVED: 04/10/81 JA: KY			
8125259 501879 1607114900 108	JESTER LAURA M #4 - 005040	EASTERN KENTUCKY GAS	10.2	COLUMBIA GAS TRANSMI
-CAPITOL PRODUCING CO LTD PTNSP	RECEIVED: 04/10/81 JA: KY			
8125257 501876 1602500000 108	ARCHIE SMITH	FROZEN CREEK	2.2	CAPITOL OIL & GAS CO
8125255 501874 1602500000 108	BANKS GILLUM	FROZEN CREEK	2.6	CAPITOL OIL & GAS CO
8125243 501862 1602500000 108	BROWN LOE LINDON	FROZEN CREEK	8.3	CAPITOL OIL & GAS CO
8125244 501863 1602500000 108	BROWN LOE LINDON (2)	FROZEN CREEK	8.3	CAPITOL OIL & GAS CO
8125256 501875 1602500000 108	CHESTER GILLUM	FROZEN CREEK	1.7	CAPITOL OIL & GAS CO
8125252 501871 1602500000 108	DAVE BANKS	FROZEN CREEK	5.9	CAPITOL OIL & GAS CO
8125253 501872 1602500000 108	DAVE BANKS (2)	FROZEN CREEK	5.9	CAPITOL OIL & GAS CO
8125228 501847 1602500000 108	GOLDEN DAY	FROZEN CREEK	43.4	CAPITOL OIL & GAS CO
8125229 501848 1602500000 108	GOLDEN DAY #2	FROZEN CREEK	43.4	CAPITOL OIL & GAS CO
8125230 501849 1602500000 108	GOLDEN DAY #3	FROZEN CREEK	43.4	CAPITOL OIL & GAS CO
8125231 501850 1602500000 108	GOLDEN DAY #4	FROZEN CREEK	43.4	CAPITOL OIL & GAS CO
8125232 501851 1602500000 108	GOLDEN DAY #5	FROZEN CREEK	43.4	CAPITOL OIL & GAS CO
8125233 501852 1602500000 108	GOLDEN DAY #6	FROZEN CREEK	43.4	CAPITOL OIL & GAS CO
8125234 501853 1602500000 108	GOLDEN DAY #7	FROZEN CREEK	43.4	CAPITOL OIL & GAS CO
8125235 501854 1602500000 108	GOLDEN DAY #8	FROZEN CREEK	43.4	CAPITOL OIL & GAS CO
8125245 501864 1602500000 108	JEFF TAULBEE	FROZEN CREEK	7.8	CAPITOL OIL & GAS CO
8125246 501865 1602500000 108	JEFF TAULBEE (2)	FROZEN CREEK	1.9	CAPITOL OIL & GAS CO
8125250 501869 1602500000 108	L P GILLUM	FROZEN CREEK	12.7	CAPITOL OIL & GAS CO
8125248 501867 1602500000 108	MILLIE CARPENTER	FROZEN CREEK	8.3	CAPITOL OIL & GAS CO
8125249 501868 1602500000 108	MIZE PARKS	FROZEN CREEK	2.2	CAPITOL OIL & GAS CO
8125258 501877 1602500000 108	ROY NOBLE	FROZEN CREEK	4.5	CAPITOL OIL & GAS CO
8125254 501873 1602500000 108	RUSSELL BANKS	FROZEN CREEK	19.1	CAPITOL OIL & GAS CO
8125251 501870 1602500000 108	RUSSELL MCGUIRE	FROZEN CREEK	3.0	CAPITOL OIL & GAS CO
8125247 501866 1602500000 108	SARA TURNER	FROZEN CREEK	1.9	CAPITOL OIL & GAS CO
8125237 501853 1602500000 108	10 W L KING	FROZEN CREEK	3.3	CAPITOL OIL & GAS CO
8125238 501857 1602500000 108	19 W L KING #2	FROZEN CREEK	8.6	CAPITOL OIL & GAS CO
8125239 501858 1602500000 108	24 W L KING #3	FROZEN CREEK	6.9	CAPITOL OIL & GAS CO
8125240 501859 1602500000 108	32 LINDON MALONEY	FROZEN CREEK	14.4	CAPITOL OIL & GAS CO
8125241 501860 1602500000 108	36 ROBERT TAULBEE	FROZEN CREEK	4.9	CAPITOL OIL & GAS CO
8125242 501861 1602500000 108	47 KINGS ZIEBOLD	FROZEN CREEK	2.2	CAPITOL OIL & GAS CO
8125236 501855 1602500000 108	7 ROY COPE	FROZEN CREEK	8.9	CAPITOL OIL & GAS CO
-DANIEL HENDERSON	RECEIVED: 04/10/81 JA: KY			
8125222 501841 1605100000 108	JOHN BURNS #1 WELL LEASE #5995	CLAY COUNTY FIELD	1.4	WISER OIL CO
-KENTUCKY WEST VIRGINIA GAS CO	RECEIVED: 04/10/81 JA: KY			
8125220 501824 1610900000 103	CHARLES H SLONE - 1727	KENTUCKY EAST	93.6	KENTUCKY WEST VA GAS
8125219 501823 1607100000 103	CHRIS GOBLE - 1726	KENTUCKY WEST	12.5	KENTUCKY WEST VA GAS
8125217 501821 1619500000 103	JERRY FRANCISCO - NO 7259	KENTUCKY EAST	90.8	KENTUCKY WEST VA GAS
8125218 501822 1611900000 103	KENNETH SLONE - NO 1686	KENTUCKY EAST	13.7	KENTUCKY WEST VA GAS

-SPARTAN GAS COMPANY				RECEIVED: 04/10/81 JA: KY			
8125240	501880	1619539950	108	BALLARD WEDDINGTON 1-S-75	BIG SANDY	5.5	COLUMBIA GAS TRANSMI
-THE WISER OIL COMPANY				RECEIVED: 04/10/81 JA: KY			
8125223	501842	1605100000	108	HEGLEY COAL CO #3 LEASE #4080	CLAY COUNTY FIELD	0.7	WISER OIL CO
8125224	501843	1605100000	108	HEGLEY COAL CO #4 LEASE #4080	CLAY COUNTY FIELD	4.3	WISER OIL CO
8125221	501840	1605100000	108	G G SPURLOCK #1 LEASE #6364	CLAY COUNTY FIELD	2.3	WISER OIL CO
8125227	501846	1612100000	108	JOHN BINGHAM #1 WELL LEASE #6596	KNOX COUNTY FIELD	0.9	WISER OIL CO
8125226	501845	1612100000	108	PARKER BINGHAM #1 LEASE #6594	KNOX COUNTY FIELD	2.2	WISER OIL CO
8125225	501844	1612100000	108	SQUIRE CAMPBELL #1 LEASE #4862	KNOX COUNTY FIELD	10.3	WISER OIL CO
NORTH DAKOTA GEOLOGICAL SURVEY							
-AL-AQUITAINE EXPLORATION LTD				RECEIVED: 04/10/81 JA: ND			
8125111	355	3305300922	102	EZRA P GREEN 1-1	WILDCAT	180.0	
8125110	354	3300700563	102	WHISKEY JOE 1-3	WHISKEY JOE	180.0	
-COASTAL OIL & GAS CORP				RECEIVED: 04/10/81 JA: ND			
8125113	357	3300700572	102	COG/ALAG 23-142-101 BN#1	BIG STICK	236.0	WESTERN GAS PROCESSO
-DEPCO INC				RECEIVED: 04/10/81 JA: ND			
8125112	356	3305300853	102	SMITH WELL #33-3	WILDCAT	0.0	
-EXXON CORPORATION				RECEIVED: 04/10/81 JA: ND			
8125114	358	3305301151	102	STATE OF NORTH DAKOTA #1	SIOUX (RED RIVER)	1.0	
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
-AMOCO PRODUCTION CO				RECEIVED: 04/13/81 JA: NM			
8125269		3002526117	103	SOUTH HOBBS UNIT AD 122	HOBBS (GSA)	70.4	PHILLIPS PETROLEUM C
8125277		3001523197	102	STATE IA #1	UND MORROW	288.1	EL PASO NATURAL GAS
8125275		3001523380	102	STATE IA #1	UND MORROW	8.8	EL PASO NATURAL GAS
-BILL J GRAHAM				RECEIVED: 04/13/81 JA: NM			
8125278		3002500000	108	LEWIS STATE #1	LANGLIE MATTIX	8.8	GETTY OIL CO
-EL PASO NATURAL GAS COMPANY				RECEIVED: 04/13/81 JA: NM			
8125267		3004524602	103	ATLANTIC A #13	BLANCO PICTURED CLIFFS	55.0	EL PASO NATURAL GAS
-HNG OIL COMPANY				RECEIVED: 04/13/81 JA: NM			
8125262		3001522529	103	WOODS 9 COM #2	WEST MALAGA ATOKA	657.0	EL PASO NATURAL GAS
-JAKE L HAMON				RECEIVED: 04/13/81 JA: NM			
8125266		3002526866	103	CHILDERS NO 1 WELL	NORTH OSUDO	155.0	WARREN PETROLEUM CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 04/13/81 JA: NM			
8125264		3002526678	108	E VACUUM GB/SA TRACT 3226 WC 007	VACUUM GB/SA	12.0	EL PASO NATURAL GAS
8125272		3002526654	103	E VACUUM GB/SA UNIT TRACT 3308	VACUUM GB/SA	4.0	EL PASO NATURAL GAS
-STEVENS OIL COMPANY				RECEIVED: 04/13/81 JA: NM			
8125282		3000560793	103	OBRIEN D #2	TWIN LAKES-SAN ANDRES AS	3.0	TRANSWESTERN PIPELIN
8125273		3000560795	103	OBRIEN J #3	TWIN LAKES-SAN ANDRES AS	7.0	TRANSWESTERN PIPELIN
8125274		3000560796	103	OBRIEN J #4	TWIN LAKES-SAN ANDRES AS	3.0	TRANSWESTERN PIPELIN
8125279		3000560802	103	OBRIEN J #5	TWIN LAKES-SAN ANDRES AS	1.0	TRANSWESTERN PIPELIN
8125280		3000560810	103	OBRIEN J #6	TWIN LAKES-SAN ANDRES AS	3.0	TRANSWESTERN PIPELIN
8125281		3000560814	103	OBRIEN J #7	TWIN LAKES-SAN ANDRES AS	11.0	TRANSWESTERN PIPELIN
8125270		3000560807	103	OBRIEN L #1	TWIN LAKES-SAN ANDRES AS	2.0	TRANSWESTERN P L CO
8125271		3000560824	103	OBRIEN L #2	TWIN LAKES-SAN ANDRES AS	10.0	TRANSWESTERN PIPELIN
8125283		3000560829	103	OBRIEN N #1	TWIN LAKES-SAN ANDRES AS	1.0	TRANSWESTERN P L CO
-TENNECO OIL COMPANY				RECEIVED: 04/13/81 JA: NM			
8125261		3004524437	103	MARQUIS & EATON A 1-E	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
-THE MAURICE L BROWN COMPANY				RECEIVED: 04/13/81 JA: NM			

8125268		3002500000	103	BLUE QUAIL GAS UNIT #1	VADA PENN	11.0	WARREN PETROLEUM CO
-YATES PETROLEUM CORPORATION				RECEIVED: 04/13/81 JA: NM			

A12526R		3002500000	103	BLUE QUAIL GAS UNIT #1	VACA PENN	11.0	WARREN PETROLEUM CO
-YATES PETROLEUM CORPORATION				RECEIVED: 04/13/81 JA: NM			
8125276		3001523433	102	LATHAM OC STATE COM #1	WILDCAT MORROW	8.0	NORTHERN NATURAL GAS
8125265		3001523511	103	STROMFERG OM #1	PENASCO DRAW SA-YESO	8.0	TRANSWESTERN PIPELIN
TENNESSEE OIL & GAS BOARD							
-HICKORY CREEK DEVELOPMENT CORP				RECEIVED: 04/02/81 JA: TN			
8125129	A-623	4103120046	102	CLIFTON SCOTT #2	HICKORY CREEK	75.0	
8125130	A-604	4103120048	102	ED HENLEY #1	HICKORY CREEK	75.0	
8125131	A-603	4103120047	102	RICHARD L WILSON #1	HICKORY CREEK	75.0	
-TOWNER PETROLEUM CO				RECEIVED: 04/02/81 JA: TN			
8125127	A-625	4113320228	102	GEALY #1		9.0	
8125125	A-627	4113320252	102	GEALY #2		85.0	
8125124	A-628	4113320255	102	GEALY #3		82.0	
8125123	A-628	4113320271	102	GEALY #4		5.0	
8125122	A-629	4113320270	102	GEALY #5		1.0	
8125121	A-630	4113320268	102	GEALY #6		7.0	
8125119	A-632	4113320269	102	GEALY #8		3.0	
8125120	A-631	4113320273	102	GIANATASSIO-PAYNE #1		4.0	
8125115	A-614	4112920702	103	M DUNKELBERG #1-A	INDIAN CREEK	18.9	
8125128	A-624	4113320205	102	PAYNE ETAL #1		74.0	
8125118	A-633	4113320277	102	PAYNE-HARGIS-PICKETT #1		3.0	
8125126	A-626	4113320251	102	PAYNE-WARD-PICKETT #1		10.0	
8125116	A-615	4112920724	103	PEMBERTON F-16	COON HOLLOW	5.4	
8125117	A-616	4112920736	103	PEMBERTON F-25	COON HOLLOW	18.0	
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM							
-ALPHA TWENTY-ONE PRODUCTION CO				RECEIVED: 04/06/81 JA: NM 4			
8125153	NM-0004-81	3002527024	103	BUCKSKIN FEDERAL NO 2	DOLLARHIDE-QUEEN	18.0	EL PASO NATURAL GAS
-AMOCO PRODUCTION CO				RECEIVED: 04/06/81 JA: NM 4			
8125214	NM-0152-81	3004524289	103	GALLEGOS CANYON UNIT NO 111E	BASIN DAKOTA	58.0	AMOCO GAS CO
8125215	NM-0153-81	3004524250	103	GALLEGOS CANYON UNIT NO 172E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8125160	NM-0034-81	3003922306	103	JICARILLA TRIBAL 396 NO 1	CHACON DAKOTA	180.0	EL PASO NATURAL GAS
8125213	NM-0151-81	3004524813	103	PAN AM FEDERAL C NO 2E	BASIN DAKOTA	50.0	EL PASO NATURAL GAS
-BILL J GRAHAM				RECEIVED: 04/06/81 JA: NM 4			
8125164	NM-0044-81	3001521877	108	ROSS DRAW UNIT #5-2	ROSS DRAW - BONE SPRINGS	0.3	EL PASO NATURAL GAS
-BIXCO INC				RECEIVED: 04/06/81 JA: NM 4			
*8125166	NM 0059-81	3004524599	103	CAMPBELL WELL NO 1	WILDCAT	15.0	ARIZONA PUBLIC SERVI
*8125167	NM 0060-81	3004524597	103	GASS WELL NO 1	WILDCAT	10.0	ARIZONA PUBLIC SERVI
*8125168	NM 0061-81	3004524598	103	GASS WELL NO 2	WILDCAT	20.0	ARIZONA PUBLIC SERVI
*8125165	NM 0058-81	3004523589	103	TRAIL CANYON NO 1	BLANCO MESA VERDE	90.0	ARIZONA PUBLIC SERVI
-CHAMA PETROLEUM CO				RECEIVED: 04/06/81 JA: NM 4			
8125149	NM-1693-80	3003925806	103	PENNZOIL FEDERAL WELL NO 1	UNDESIGNATED NORTH GUAIL	750.0	EL PASO NATURAL GAS
-COQUINA OIL CORPORATION				RECEIVED: 04/06/81 JA: NM 4			
8125199	NM-0134-81	3001523175	103	PURE GOLD A FEDERAL #1	WILDCAT	547.5	EL PASO NATURAL GAS
-DUGAN PRODUCTION CORP				RECEIVED: 04/06/81 JA: NM 4			
8125216	NM-0154-81	3004521856	108	OJO HE HE #3	WAW FRUITLAND PC	12.0	EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY				RECEIVED: 04/06/81 JA: NM 4			
*8125143	NM-1375-80	3003920407	108	CANYON LARGO UNIT #165	OTERO CHACRA	21.0	EL PASO NATURAL GAS
8125145	NM-1456-80	3002500000	108	ELLIOTT FEDERAL #2	JALMAT YATES	41.0	EL PASO NATURAL GAS

JI NO	JA RT	API NO	SEC T	WELL NAME	FIELD NAME	PROD	PURCHASER
8125139	NM-1230-80	3004506950	108	HOWELL #3	BLANCO-MESAVERDE	21.0	EL PASO NATURAL GAS
•8125151	NM-0801-81	3004524299	103	HUERFANO UNIT #177R	BASIN DAKOTA	45.0	EL PASO NATURAL GAS
8125144	NM-1013-80	3004521227	108	HUERFANO UNIT #239	ANGELS PEAK-GALLUP GAS	19.0	EL PASO NATURAL GAS
8125182	NM-0112-81	3003922382	103	LINDRITH UNIT #101	BLANCO SOUTH PICTURED CL	70.0	EL PASO NATURAL GAS
8125183	NM-0113-81	3003922383	103	LINDRITH UNIT #102	BLANCO SOUTH PICTURED CL	70.0	EL PASO NATURAL GAS
8125184	NM-0114-81	3003922385	103	LINDRITH UNIT #103	BLANCO SOUTH PICTURED CL	70.0	EL PASO NATURAL GAS
8125148	NM-1660-80	3004506537	108	LODEWICK #2	FULCHER KUTZ - PICTURED	15.0	EL PASO NATURAL GAS
8125147	NM-1651-80	3004505564	108	MC MANUS #10	BALLARD-PICTURED CLIFFS	9.0	EL PASO NATURAL GAS
8125204	NM-013A-81	3002511511	108	PRICHARD A #1	JALMAT YATES	11.0	EL PASO NATURAL GAS
8125146	NM-1647-80	3003906942	108	RINCON UNIT #33	BLANCO-MESAVERDE	22.0	EL PASO NATURAL GAS
8125152	NM 0802-81-A	3003922369	103	SAN JUAN 27-4 UNIT #15A	BLANCO MESAVERDE	180.0	EL PASO NATURAL GAS
8125170	NM-0102-81-A	3003922371	103	SAN JUAN 27-4 UNIT #125A	BLANCO MESAVERDE	220.0	EL PASO NATURAL GAS
8125171	NM-0102-81-E	3003922371	103	SAN JUAN 27-4 UNIT #125A	TAPACITO PICTURED CLIFFS	90.0	EL PASO NATURAL GAS
8125169	NM-0060-81	3003920142	108	SAN JUAN 27-4 UNIT #40	BASIN - DAKOTA	22.0	EL PASO NATURAL GAS
•8125178	NM-0108-81-B	3003922378	103	SAN JUAN 27-5 UNIT #56A	BLANCO SOUTH PICTURED CL	55.0	EL PASO NATURAL GAS
•8125177	NM-0108-81-A	3003922378	103	SAN JUAN 27-5 UNIT #56A	BLANCO MESAVERDE	182.0	EL PASO NATURAL GAS
•8125197	NM-0131-81	3003906847	108	SAN JUAN 27-5 UNIT #68 PV & PC	BLANCO - MESAVERDE & SOU	10.0	EL PASO NATURAL GAS
8125196	NM-0128-81	3003920175	108	SAN JUAN 28-4 UNIT #33	BASIN - DAKOTA	6.0	EL PASO NATURAL GAS
8125173	NM 0104-81	3003922270	103	SAN JUAN 30-6 UNIT #101A	BLANCO MESAVERDE	220.0	EL PASO NATURAL GAS
8125179	NM-0109-81	3003922212	103	SAN JUAN 30-6 UNIT #53A	BLANCO MESAVERDE	250.0	EL PASO NATURAL GAS
8125175	NM 0106-81	3003922241	103	SAN JUAN 30-6 UNIT #57A	BLANCO MESAVERDE	220.0	EL PASO NATURAL GAS
8125176	NM 0107-81	3003922242	103	SAN JUAN 30-6 UNIT #58A	BLANCO MESAVERDE	150.0	EL PASO NATURAL GAS
8125174	NM 0105-81	3003922211	103	SAN JUAN 30-6 UNIT #88A	BLANCO MESAVERDE	220.0	EL PASO NATURAL GAS
8125172	NM-0103-81	3003922193	103	SAN JUAN 30-6 UNIT #91A	BLANCO MESAVERDE	250.0	EL PASO NATURAL GAS
8125137	NM-1019-80	3003907206	108	SJ 27-4 UNIT #19 PC & MV	TAPACITO-PICTURED CLIFFS	17.0	EL PASO NATURAL GAS
8125181	NM-0111-81	3003922264	103	VAUGHN #31	BASIN DAKOTA	60.0	EL PASO NATURAL GAS
8125180	NM-0110-81	3003922197	103	VAUGHN #32	BASIN DAKOTA	60.0	EL PASO NATURAL GAS
8125142	NM-1355-80	3004520489	108	WOODRIVER #3	BLANCO-PICTURED CLIFFS	23.0	EL PASO NATURAL GAS
-EL RAN INC				RECEIVED: 04/06/81 JAS NM 4			
8125194	NM-0125-81	3003920771	103	PHILLIPS FEDERAL #4	CHAVEROO	0.0	TRANSWESTERN PIPELIN
-GETTY OIL COMPANY				RECEIVED: 04/06/81 JAS NM 4			
8125157	NM 0828-81	3001522437	103	FEDERAL 34 WELL NO 1	UNDESIGNATED WOLFCAMP	110.0	TRANSWESTERN PIPELIN
-GRACE PETROLEUM CORPORATION				RECEIVED: 04/06/81 JAS NM 4			
8125154	NM-0807-81	3002526810	103	SMITH RANCH FEDERAL NO 1		182.0	GAS CO OF NEW MEXICO
-HNG OIL COMPANY				RECEIVED: 04/06/81 JAS NM 4			
8125140	NM126480-103	3002526137	103	WILSON 21 FEDERAL #7 NP 23199	COMANCHE STATELINE TANSI	5.4	EL PASO NATURAL GAS
-J GREGORY MERRION&ROBERT L BAYLESS				RECEIVED: 04/06/81 JAS NM 4			
8125161	NM-0035-81-1	3004520498	103	BONANZA #2	CHACON DAKOTA	60.0	EL PASO NATURAL GAS
8125162	NM-0035-81-2	3004520497	103	BONANZA #3	CHACON DAKOTA	75.0	EL PASO NATURAL GAS
-KEN BLACKFORD				RECEIVED: 04/06/81 JAS NM 4			
8125163	NM-0043-81	3003921881	103	WELL 37-6 NO 7 LEASE NO 89-000037-B	BALLARD PICTURED CLIFFS	220.0	EL PASO NATURAL GAS
-LEWIS B BURLESON				RECEIVED: 04/06/81 JAS NM 4			
8125198	NM-0132-81	3002509269	108	FEDERAL Y NO 1-Y	JALMAT YATES GAS	4.6	EL PASO NATURAL GAS
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 04/06/81 JAS NM 4			
8125150	NM-1836-80	3002523414	108	COX FEDERAL B NC 1	VADA PENN/BOUGH	10.4	CITIES SERVICE OIL C
8125195	NM-0127-81	3003922549	103	LINDRITH B UNIT NO 16	CHACON-DAKOTA ASSOCIATED	173.4	EL PASO NATURAL GAS
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 04/06/81 JAS NM 4			
8125136	NM-0810-80	3003921130	108	JICARILLA 92 88	BLANCO MESAVERDE	24.0	NORTHWEST PIPELINE C
8125138	NM-1053-80	3003907981	108	NOSA UNIT #41	BLANCO MESAVERDE	25.0	EL PASO NATURAL GAS
8125190	NM 0119-81	3003922476	103	SAN JUAN 30-5 UNIT 471	BASIN DAKOTA	78.0	NORTHWEST PIPELINE C
8125191	NM-0120-81	3003922447	103	SAN JUAN 30-5 51	BASIN DAKOTA	178.0	NORTHWEST PIPELINE C
-R & G DRILLING CO				RECEIVED: 04/06/81 JAS NM 4			

JI NO	JA RT	API NO	SEC T	WELL NAME	FIELD NAME	PROD	PURCHASER
8125135	NM-4994-79	3004520389	108	HAMMOND NO 49	S BLANCO PICTURED CLIFF	16.1	EL PASO NATURAL GAS

J...	JA... AT	-I ..	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8125135	NM-4994-79	3004520349	108	HAMMOND NO 49	S BLANCO PICTURED CLIFF	16.1	EL PASO NATURAL GAS
-ROBERT C ANDERSON				RECEIVED: 04/06/81 JAI NM 4			
8125132	NM 4861-79	3004521618	102	UTE MOUNTAIN UTE NO 1	STRAIGHT CANYON DAKOTA	72.0	GAS CO OF NEW MEXICO
8125134	NM 4863-79	3004522242	102	UTE MOUNTAIN UTE NO 3	STRAIGHT CANYON DAKOTA	72.0	GAS CO OF NEW MEXICO
8125133	NM 4862-79	3004522636	102	UTE MOUNTAIN UTE NO 4	STRAIGHT CANYON DAKOTA	72.0	GAS CO OF NEW MEXICO
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 04/06/81 JAI NM 4			
8125158	NM-0031-81	3004524344	103	NEW MEXICO FEDERAL -N- NO 1E	BASIN DAKOTA	89.0	SOUTHERN UNION GATHE
-SUPRON ENERGY CORPORATION				RECEIVED: 04/06/81 JAI NM 4			
8125202	NM 0137-81A	3003922420	103	JICARILLA J 12-E	BLANCO MESAVERDE	639.0	GAS CO OF NEW MEXICO
8125203	NM 0137-81-B	3003922420	103	JICARILLA J 12-E	BASIN DAKOTA	357.0	GAS CO OF NEW MEXICO
8125185	NM-0115-81-A	3003922417	103	JICARILLA J 9E	BLANCO MESAVERDE	525.0	GAS CO OF NEW MEXICO
8125186	NM-0115-81-B	3004522417	103	JICARILLA J 9E	BASIN DAKOTA	723.0	GAS CO OF NEW MEXICO
8125205	NM-0141-81-A	3004523911	103	PAYNE 4-A	BLANCO MESAVERDE	711.0	SOUTHERN UNION GATHE
8125206	NM-0141-81-B	3004523911	103	PAYNE 4-A	BASIN DAKOTA	1888.0	SOUTHERN UNION GATHE
8125192	NM-0121-81-A	3004524347	103	QUINN 4-A	BLANCO MESAVERDE	285.0	SOUTHERN UNION GATHE
8125193	NM-0121-81-B	3004524347	103	QUINN 4-A	BASIN DAKOTA	0.0	SOUTHERN UNION GATHE
8125187	NM-0116-81-A	3004523584	103	QUINN 7-A	BLANCO MESAVERDE	357.0	SOUTHERN UNION GATHE
8125188	NM-0116-81-B	3004523584	103	QUINN 7-A	BASIN DAKOTA	96.0	SOUTHERN UNION GATHE
8125189	NM-0117-81	3004523711	103	QUINN 9	WILDCAT PICTURED CLIFFS	144.0	SOUTHERN UNION GATHE
-TENNECO OIL COMPANY				RECEIVED: 04/06/81 JAI NM 4			
8125208	NM-0145-81	3004524138	103	FLORANCE #36 E	BASIN DAKOTA	500.0	NORTHWEST PIPELINE C
8125141	NM-1296-80	3004523546	108	FLORANCE #60-R	AZTEC PICTURED CLIFFS	19.3	EL PASO NATURAL GAS
8125209	NM-0143-81	3003922292	103	JICARILLA A #4E	BASIN DAKOTA	500.0	NORTHWEST PIPELINE C
8125211	NM 0147-81A	3005921643	103	JICARILLA A #9	BASIN MESAVERDE/CHACRA	500.0	NORTHWEST PIPELINE
8125212	NM 0147-81B	3005921643	103	JICARILLA A #9	BASIN MESAVERDE/CHACRA	500.0	NORTHWEST PIPELINE
8125210	NM 0146-81	3004524430	103	JONES COM #4	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8125155	NM 0026-81	3003922328	103	REAMES COM #1-E	BASIN DAKOTA	500.0	NORTHWEST PIPELINE C
8125207	NM-0142-81	3004523980	103	RIDDLE B #1	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8125201	NM 0136-81	3004523970	103	WARREN #4	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
8125200	NM 0135-81	3004524184	103	WARREN COM #3	BASIN DAKOTA	500.0	EL PASO NATURAL GAS
-TEXACO INC				RECEIVED: 04/06/81 JAI NM 4			
8125199	NM-0033-81	3004524554	103	H J LOE P FEDERAL WELL NO 2E	BASIN DAKOTA	112.0	SOUTHERN UNION GATHE
-WILLIAM C RUSSELL				RECEIVED: 04/06/81 JAI NM 4			
8125156	NM 0027-81	3004523626	103	RUSSELL #95 MARRON	LARGO CHACRA	60.0	EL PASO NATURAL GAS

OTHER PURCHASERS

8125143	NORTHWEST P L CORP
8125151	NORTHWEST P L CORP
8125165	NORTHWEST P L CO
8125166	EL PASO NATURAL GAS CO
8125167	EL PASO NATURAL GAS CO
8125168	EL PASO NATURAL GAS CO
8125177	NORTHWEST PL CORP
8125178	NORTHWEST PL CORP
8125197	NORTHWEST PL CORP

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that outher purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 26, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14120 Filed 5-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 417]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 4, 1981.

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 4, 1981.

JD	FERC GAS RLTY	API WELL NO	SEC TWN RNG	WELL NAME	FIELD NAME	PROD RATE	PURCHASER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES							
-AMOCO PRODUCTION CO				RECEIVED: 04/10/81 JA: MI			
	8125312	2107931516	103	STATE BLUE LAKE /G/WELL NO 1-17	BLUE LAKE 17	120.0	CONSUMERS POWER CO
	8125311	2107933860	102	STATE BLUE LAKE/C/WELL NO 3-18	BLUE LAKE 16-28N-5W	110.0	CONSUMERS POWER CO
-MICHIGAN OIL COMPANY				RECEIVED: 04/10/81 JA: MI			
	8125316	2104500000	102	KENNETH HOFFMAN #1-22	HAMLIN 22	80.0	CONSUMERS POWER CO
-MILLER BROTHERS				RECEIVED: 04/10/81 JA: MI			
	8125318	2110133289	102	MAPLE GROVE #1-10	MAPLE GROVE 10B-23N-14W	365.0	CONSUMERS POWER CO
	8125317	2105533290	102	SNYDER ET AL #5-9	MAYFIELD 9-25N-11W	20.0	CONSUMERS POWER CO
-PATRICK PETROLEUM CORP (MI)				RECEIVED: 04/10/81 JA: MI			
	8125320	2104534019	102	HOLBROOK - ET AL 1-6	HAMLIN 6	100.0	CONSUMERS POWER CO
	8125321	2104534075	102	PAPRANEC 1-6A	HAMLIN - PAPRANEC	100.0	CONSUMERS POWER CO
	8125322	2104534020	102	WILSON-HARGRAVE 1-8	HAMLIN 8	100.0	CONSUMERS POWER CO
-REEF PETROLEUM CORP				RECEIVED: 04/10/81 JA: MI			
	8125319	2112533713	102	ISIDOR FFLEER #1-8	LYON 8	36.0	MICHIGAN CONSOLIDATE
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 04/10/81 JA: MI			
	8125313 #4	2114300000	108	DAVID C HYDE NO 1	ST HELEN	8.0	DOW CHEMICAL CO
	8125315 #6	2114300000	108	N-M-L-O-C AND USA NO 1	ST HELEN	11.7	DOW CHEMICAL CO
	8125314 #7	2114300000	108	MELLIST-SCHWALM ET AL UNIT NO 1	ST HELEN	10.0	DOW CHEMICAL CO
-TRAVERSE OIL CO				RECEIVED: 04/10/81 JA: MI			
	8125328	2110134031	102	SPAULDING-ASHCRAFT #2-32	CLEON 32 B	120.0	CONSUMERS POWER CO
OKLAHOMA CORPORATION COMMISSION							
-A & P DRILLING CO INC				RECEIVED: 04/13/81 JA: OK			
	8125444 08284	3507322575	103	ESTELLE 19-1	SOONER TREND	18.3	CONOCO INC
	8125443 08283	3507322254	103	JOHNSON 12-1	SOONER TREND	16.2	CONOCO INC
-ANDOVER OIL COMPANY				RECEIVED: 04/13/81 JA: OK			
	8125442 8261	3501721540	102	ADAMS PARK #7-1		185.0	DELHI GAS PIPELINE C
-ARCO OIL AND GAS COMPANY				RECEIVED: 04/13/81 JA: OK			
	8125421 8104	3509321815	103	ORIE C JOHNSON #2 (CHESTER)	N E CEDARDALE	73.0	MICHIGAN WISCONSIN P
	8125409 8103	3509321815	103	ORIE C JOHNSON #2 (MISSISSIPPI)	N E CEDARDALE	73.0	MICHIGAN WISCONSIN P
-ARTHUR I APPLETON D/B/A APPLETON OI				RECEIVED: 04/13/81 JA: OK			
	8125434 08309	3511921221	103	KIRK #1-A	HEMAN	73.0	COLORADO GAS COMPRES
-AUSTIN & AUSTIN				RECEIVED: 04/13/81 JA: OK			
	8125488 0812R	3510300000	108	DAY B	ORLANDO	9.5	AMINOIL USA INC
	8125493 08127	3510300000	108	GROOP #1	PERRY DIST	9.9	ARCO OIL & GAS CO
-B & D OIL CO				RECEIVED: 04/13/81 JA: OK			
	8125495 08156	3510900000	108	HIERSCHBNK (M) #1 08838	WEST EDMOND	8.5	SWAB CORP
-BEREN CORPORATION				RECEIVED: 04/13/81 JA: OK			
	8125452 8315	3515121611	109	CRAWFORD #1-15		99.0	PANHANDLE EASTERN PI

-BROCK HYDROCARBONS INC				RECEIVED: 04/13/81 JA: OK			
8125447	08279	3504620838	103	STATE #1-36			
8125433	08274	3504620837	103	THURMOND #1-36			
-BROWN & BORELLI INC				RECEIVED: 04/13/81 JA: OK			
8125431	8317	3507322594	103	CHAPLIE #1			
-CANADIAN EXPLORATION CORP				RECEIVED: 04/13/81 JA: OK			
8125475	7932	3501721599	103	WITTKOPP NO 10-2			
-CENTEX OIL & GAS INC				RECEIVED: 04/13/81 JA: OK			
8125406	07880	3504321102	102	MAX E JACKSON NO 1 WELL			
-CHAMPLIN EXPLORATION INC				RECEIVED: 04/13/81 JA: OK			
8125423	08248	3504722204	103	HORSTMAN A #1			
8125422	08249	3504722203	103	O L MARKES #1			
-CHASE EXPLORATION CORP				RECEIVED: 04/13/81 JA: OK			
*8125450	08298	3507121532	103	CHAPPELL/MALC 1F #2-5			
8125448	08299	3507121477	103	FITCH #2-32			
-CLARK RESOURCES INC				RECEIVED: 04/13/81 JA: OK			
8125489	8175	3507322272	103	CRI 36-1			
8125469	08288	3507322271	103	WEHLING 34-1			
-COBRA OIL AND GAS CORPORATION				RECEIVED: 04/13/81 JA: OK			
8125405	07580	3505920931	102	MUNSON 24 #1			
8125405	07580	3505920931	103	MUNSON 24 #1			
-DALCO PETROLEUM INC				RECEIVED: 04/13/81 JA: OK			
8125498	8319	3507322464	103	BETTY #1			
8125497	8321	3507322471	103	HERBERT #1			
8125435	8318	3507322679	103	MUEGGENBORG #2			
8125478	06042	3507322157	103	WAGGENER #1			
-DEMCO OIL & GAS COMPANY				RECEIVED: 04/13/81 JA: OK			
8125425	08289	3507121158	108	MENSLEY #1			
-ECC OIL CO				RECEIVED: 04/13/81 JA: OK			
8125428	8237	3514700000	103	SNOW #2 CW/2 SW/4 SW/4 17-25N-14E	OGLESBY GAS FIELD	61.6	OKAN GAS CO
-ENERGY SERVICES INC				RECEIVED: 04/13/81 JA: OK			
8125496	8208	3508300000	103	SHIMANEK #1-2C		0.0	EASON OIL CO
-EXXON CORPORATION				RECEIVED: 04/13/81 JA: OK			
8125446	08278	3507322532	103	JOE SCHEULEN #4	SOONER TREND (HUNTON)	474.0	ONG WESTERN INC
-F C O OIL CORP				RECEIVED: 04/13/81 JA: OK			
8125481	07856	3507322487	103	SIEGMANN 1-36	SOONER TREND	54.8	EASON OIL CO
-FAIN-PORTER PRODUCTION CO INC				RECEIVED: 04/13/81 JA: OK			
8125432	08265	3510320937	103	YOST #1	SOUTH TONKAWA	0.0	
-FALCON PETROLEUM COMPANY				RECEIVED: 04/13/81 JA: OK			
8125420	8209	3500721912	102	JAMES LESLIE MITCHELL NO 1	WILDCAT (NW DOMBEY)	183.0	PANHANDLE EASTERN PI
-FLOYD BERGEN				RECEIVED: 04/13/81 JA: OK			
8125438	8316	3512120711	103	BLOCKER #1	BLOCKER	0.0	SOUTHEAST TRANSMISSI
-GETTY OIL COMPANY				RECEIVED: 04/13/81 JA: OK			
8125494	8257	3505120900	103	LEACH #F-1	MINCO WEST	180.0	DELMI GAS PIPELINE C
8125441	8258	3505120871	103	OSBORN 69-1	MINCO WEST	200.0	DELMI GAS PIPELINE C
-HADSON PETROLEUM CORP				RECEIVED: 04/13/81 JA: OK			
8125476	8022	3505120940	103	MCCASSLAND 1-15	CHITWOOD	472.0	
-HEATH OIL CO INC				RECEIVED: 04/13/81 JA: OK			
8125492	6759	3507121877	103	ARNOLD #2		0.0	CITIES SERVICE GAS C
-HESTON OIL CO				RECEIVED: 04/13/81 JA: OK			
8125449	08295	3507322576	103	ALLEN #36-1	SOONER TREND	128.0	EASON OIL CO
-HILL RESOURCES INC				RECEIVED: 04/13/81 JA: OK			

FIELD NAME	PROD	PURCHASER
MOCANE-LAVERNE	0.0	TRANSWESTERN PIPELIN
GAGE	0.0	PANHANDLE EASTERN PI
SOONER TREND	58.2	PHILLIPS PETROLEUM C
NORTH MUSTANG	0.0	MOBIL OIL CORP
S E OKAWOOD AREA	36.0	ARKANSAS LOUISIANA G
SOONER TREND	75.0	WELLHEAD ENTERPRISES
SOONER TREND	75.0	WELLHEAD ENTERPRISES
	10.0	CITIES SERVICE GAS C
	6.8	CITIES SERVICE GAS C
SOONER TREND	75.0	CITIES SERVICE GAS C
SOONER TREND	39.0	PANHANDLE EASTERN PI
UNALLOCATED	365.0	NORTHERN NATURAL GAS
UNALLOCATED	365.0	NORTHERN NATURAL GAS
SOONER TREND	91.3	DALCO PETROLEUM US L
SOONER TREND	91.3	DALCO PETROLEUM US L
SOONER TREND	91.3	DALCO PETROLEUM US L
SOONER TREND	91.3	DALCO PETROLEUM US L
	17.2	CHASE EXPLORATION CO

8125465	08179	3507322130	103	OWENS #1	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125464	08178	3507322129	103	OWENS #2	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125463	08177	3507322128	103	OWENS #3	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125462	08176	3507322127	103	OWENS #4	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125461	08175	3507322126	103	OWENS #5	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125460	08174	3507322125	103	OWENS #6	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125459	08173	3507322124	103	OWENS #7	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125458	08172	3507322123	103	OWENS #8	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125457	08171	3507322122	103	OWENS #9	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125456	08170	3507322121	103	OWENS #10	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125455	08169	3507322120	103	OWENS #11	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125454	08168	3507322119	103	OWENS #12	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125453	08167	3507322118	103	OWENS #13	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125452	08166	3507322117	103	OWENS #14	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125451	08165	3507322116	103	OWENS #15	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125450	08164	3507322115	103	OWENS #16	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125449	08163	3507322114	103	OWENS #17	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125448	08162	3507322113	103	OWENS #18	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125447	08161	3507322112	103	OWENS #19	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125446	08160	3507322111	103	OWENS #20	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125445	08159	3507322110	103	OWENS #21	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125444	08158	3507322109	103	OWENS #22	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125443	08157	3507322108	103	OWENS #23	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125442	08156	3507322107	103	OWENS #24	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125441	08155	3507322106	103	OWENS #25	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125440	08154	3507322105	103	OWENS #26	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125439	08153	3507322104	103	OWENS #27	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125438	08152	3507322103	103	OWENS #28	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125437	08151	3507322102	103	OWENS #29	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125436	08150	3507322101	103	OWENS #30	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125434	08149	3507322100	103	OWENS #31	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125433	08148	3507322099	103	OWENS #32	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125432	08147	3507322098	103	OWENS #33	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125431	08146	3507322097	103	OWENS #34	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125430	08145	3507322096	103	OWENS #35	SOONER TREND	69.8	OKLAHOMA GAS & ELECT
8125429	08144	3507322095	103	OWENS #36	SOONER TREND	69.8	OKLAHOMA GAS & ELECT

A125465	08179	3500722130	103	OMERN #1		SOONER TREND	60.0	OKLAHOMA GAS & ELECT
A125491	08178	3500722130	103	OMERN #1		SOONER TREND	60.0	OKLAHOMA GAS & ELECT
A125490	08177	3500722081	103	OMERN 28-1		SOONER TREND	188.0	OKLAHOMA GAS & ELECT
-HOLDEN ENERGY CORP				RECEIVED: 04/13/81 JAS OK				
A125437	08285	3501921941	103	REED 34-1		JOINER CITY	250.0	AMINOIL USA INC
-JET OIL COMPANY				RECEIVED: 04/13/81 JAS OK				
A125445	08279	3504722224	103	HIBY #1		N ELKHORN	0.0	EASON OIL CO
A125467	08281	3504722210	103	MURPHY #1		N ELKHORN	0.0	EASON OIL CO
A125468	08280	3501921146	103	R D GRAY #1		COYLE	0.0	EASON OIL CO
A125470	08282	3500320712	103	REXROAT B #1		RINGWOOD	0.0	AMINOIL USA INC
-JONES & PELLOW OIL CO				RECEIVED: 04/13/81 JAS OK				
A125408	08124	3501921995	103	WOODRUFF 28-1		S E JOYNER CITY	0.0	OKLAHOMA NATURAL GAS
-JORDAN OIL & GAS COMPANY				RECEIVED: 04/13/81 JAS OK				
A125407	04472	3504520755	102	GRAY NO 1		NONE ASSIGNED	50.0	NORTHERN NATURAL GAS
A125407	04472	3504520755	103	GRAY NO 1		NONE ASSIGNED	50.0	NORTHERN NATURAL GAS
-KENNEDY & MITCHELL INC				RECEIVED: 04/13/81 JAS OK				
A125402	08068	3505900800	102	WOOLFOLK #8-89-2		EAST SELMAN	200.0	MICHIGAN WISCONSIN P
A125402	08068	3505900860	103	WOOLFOLK #8-89-2		EAST SELMAN	200.0	MICHIGAN WISCONSIN P
-L G WILLIAMS OIL COMPANY INC				RECEIVED: 04/13/81 JAS OK				
A125417	05825	3501721427	103	LUDWIG 20-1		N CONCHO	0.0	PHILLIPS PETROLEUM C
A125418	05824	3501721428	103	STEIFERMAN 20-1		N CONCHO	0.0	PHILLIPS PETROLEUM C
-LADD PETROLEUM CORPORATION				RECEIVED: 04/13/81 JAS OK				
A125424	08240	3509321836	103	M JOHNSON NO 3		RINGWOOD	128.6	OKLAHOMA NATURAL GAS
-LENHART & BENNETT INC				RECEIVED: 04/13/81 JAS OK				
A125416	05793	3507121777	103	ROSA GARTNER NO 9-1			7.3	CITIES SERVICE
-MACKELLAR INC				RECEIVED: 04/13/81 JAS OK				
A125472	8256	3508300000	103	STIANETT #1		SOONER TREND	0.0	CITIES SERVICE GAS C
-MAY PETROLEUM INC				RECEIVED: 04/13/81 JAS OK				
A125429	08043	3515321064	103	TANGIER #24-142		N W TANGIER	146.0	DELMI GAS PIPELINE C
-MORAN EXPLORATION INC				RECEIVED: 04/13/81 JAS OK				
A125471	08267	3501721586	103	MULVEY NO 1		YUKON	0.0	PHILLIPS PETROLEUM C
-MORRIS GREWARD				RECEIVED: 04/13/81 JAS OK				
A125413	8255	3511121808	103	HENNETT #2-6		HENRYETTA DISTRICT	0.0	PHILLIPS PETROLEUM C
-NATIONAL COOP REFINERY ASSOC				RECEIVED: 04/13/81 JAS OK				
A125486	8187	3509321874	103	RATZLAFF #2		ORIENTA	475.0	UNION TEXAS PETROLEU
-NORTEX GAS & OIL CO				RECEIVED: 04/13/81 JAS OK				
A125482	08205	3500721855	103	BYRUM NO 1-14		MOCANE-LAVERNE	48.0	INTERNORTH INC
-OZARK-MAHONING CO				RECEIVED: 04/13/81 JAS OK				
A125403	7525	3509321851	103	HOMER SANDER #2		CEDARDALE	0.0	MICHIGAN-WISCONSIN P
A125404	7526	3509321851	103	HOMER SANDER #2		CEDARDALE	0.0	MICHIGAN-WISCONSIN P
-P & M OIL & GAS OPERATORS				RECEIVED: 04/13/81 JAS OK				
A125438	08280	3511121687	103	WILSON 2-A		WILDCAT	0.0	PHILLIPS PETROLEUM C
-PHILLIPS OIL OPERATING CO				RECEIVED: 04/13/81 JAS OK				
A125480	07700	3504721949	102	HENDRICK NO 2		SOUTHEAST HUNTER	119.0	ATLANTIC RICHFIELD C
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 04/13/81 JAS OK				
A125415	00353	3513900000	104	HERFEL NO 1		GUYMON HUGOTON	9.0	PANHANDLE EASTERN PI
A125440	8147	3501721649	103	SCHRODER D #1			0.0	PANHANDLE EASTERN PI
-PORTS OF CALL OIL CO				RECEIVED: 04/13/81 JAS OK				
A125439	08307	3501721718	103	WOODS BROTHERS 4-7		S W YUKON	359.0	DORIC PETROLEUM INC
A125436	08308	3501721709	103	WOODS BROTHERS 4-8		S W YUKON	181.0	DORIC PETROLEUM INC
-PRODUCTION OIL CORP				RECEIVED: 04/13/81 JAS OK				
A125466	08233	3510521959	103	HALSELL LH-117-XT		EAST LENAPAH	11.6	CITIES SERVICE GAS C

JOB	WELL NO	API NO	DIST	FIELD NAME	PROD	PURCHASER
8125332	L-17	3704921200	102	LARIMER & NORTON UNIT #1	25.0	NATIONAL FUEL GAS SU
-BISSETT CONSTRUCTION OIL & GAS				RECEIVED: 04/09/81 JAS PA		
8125352	6675	3705300000	108	WILSON MILLER WELL L-2158	1.5	COLUMBIA GAS TRANSMI
8125353	6676	3705300000	108	WM A & MAY HENDERSON WELL L-3793	1.7	COLUMBIA GAS TRANSMI
-C W SUMMERVILLE				RECEIVED: 04/09/81 JAS PA		
8125392	2781	3704920238	108	C W SUMMERVILLE #1 ERI-238	8.1	CONSOLIDATED GAS SUP
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 04/09/81 JAS PA		
8125329	5326	3703320041	108	JAMES M MITCHELL ESTATE WN-1719	4.0	GENERAL SYSTEM PURCH
8125327	5149	3706521506	108	REED REITER WN-1471	19.0	GENERAL SYSTEM PURCH
8125328	5152	3706521749	108	ROBERT A MAAG WN-1743	20.0	GENERAL SYSTEM PURCH
8125354	6467	3712921744	103	ROBERT LENHART 1819	4.5	GENERAL SYSTEM PURCH
8125355	6468	3712917150	103	SARA E EISMAN 1797	5.0	GENERAL SYSTEM PURCH
-DELTA 88 S T JOINT VENTURE				RECEIVED: 04/09/81 JAS PA		
8125338	6550	3703321806	103	MILLER #2	25.0	NATIONAL FUEL GAS SU
-DORAN & ASSOCIATES INC				RECEIVED: 04/09/81 JAS PA		
8125358	6634	3706324619	103	D MARSHALL #1 K-L-155	UPPER DEVONIAN SANDS	30.0 INDUSTRIAL GAS SALES
8125331	6621	3706325749	103	ENGLE-FLEMING KA-52	UPPER DEVONIAN SANDS	30.0 COLUMBIA
8125356	6632	3712921479	103	M LEVINE #2 K-L-249	UPPER DEVONIAN SANDS	30.0 PEOPLES NATURAL GAS
8125357	6633	3712921468	103	M SHETTER #2 K-K-2	UPPER DEVONIAN SANDS	30.0 PEOPLES NATURAL GAS
8125334	6601	3703320676	108	S BENNETT #1 K-6-4	UPPER DEVONIAN SANDS	20.0 CONSOLIDATED GAS SUP
8125333	6599	3703320629	108	SAMUEL YODER #1 K-6-7	UPPER DEVONIAN SANDS	20.0 CONSOLIDATED GAS SUP
8125359	6631	3706324019	108	T L EDWARDS #2 K-L-26	UPPER DEVONIAN SANDS	20.0 PEOPLES NATURAL GAS
8125332	6596	3703320679	108	TWILA M LINVILLE #1 K-6-8	UPPER DEVONIAN SANDS	20.0 CONSOLIDATED GAS SUP
-EPSILON 1980 S T JOINT VENTURE				RECEIVED: 04/09/81 JAS PA		
8125335	6547	3703321019	103	DELARME #2	25.0	CONSOLIDATED GAS SUP
-FAIRMAN DRILLING CO				RECEIVED: 04/09/81 JAS PA		
8125361	6623	3706323519	108	CARL MANKLEROAD NO 1 F-1688	BIG RUN	18.0 CONSOLIDATED GAS SUP
8125336	6622	3706323817	108	DAVID N GASTON NO 1 F-1849	ROCHESTER MILLS	18.0 CONSOLIDATED GAS SUP
8125360	6458	3703321017	103	SPEACER LAND CO NO 2 F-2969	LUMBER CITY	15.0 CONSOLIDATED GAS SUP
-FLOYD DELONG				RECEIVED: 04/09/81 JAS PA		
8125366	2234	3704920098	108	F DELONG #1 ERI-98	ALBION	6.4 CONSOLIDATED GAS SUP
-GOE PRO INC				RECEIVED: 04/09/81 JAS PA		
8125339	6522	3704921161	103	ERI-21161 TEED #1	ALBION	0.0 NATIONAL FUEL GAS DI
8125337	6485	3704921162	103	HANS K HALLGREN-ERI-21162	ALBION-WEST	40.0 NATIONAL FUEL GAS DI
8125341	6524	3704921192	103	J & F MADDEN #1 ERI-21192	LUNDYS LANE	18.0 COLUMBIA GAS TRANSMI
8125340	6523	3704921127	103	P & G ZARENKO #1-ERI-21127	ALBION-EDINBORO	0.0 COLUMBIA GAS TRANSMI
8125342	6525	3704921188	103	P & G ZARENKO 2-ERI-21188	ALBION-EDINBORO	0.0 COLUMBIA GAS TRANSMI
8125338	6521	3704921128	103	R & J SMITH #1 ERI-21128	ALBION-EAST	40.1 COLUMBIA GAS TRANSMI
8125363	6624	3704921295	103	P SALLOT #1 ERI-21295	ALBION-EAST	1000.0 COLUMBIA GAS TRANSMI
-J & J ENTERPRISES INC				RECEIVED: 04/09/81 JAS PA		
8125369	6138	3706325721	103	BYRON C FRICK #2 (48 BA)	WHITE	280.0 COLUMBIA GAS TRANSMI
8125376	6659	3703320811	108	DEAN CAMPBELL #2 (100A)	BURNSIDE	25.3 CONSOLIDATED GAS SUP
8125377	6660	3706323920	108	F V OBERLIN #1	CANOE	15.7 CONSOLIDATED GAS SUP
8125378	6661	3703320887	108	LEMAYNE SOLLEY #1 (54A)	BURNSIDE	3.4 CONSOLIDATED GAS SUP
8125375	6658	3703320795	108	MARY MCGEE ESTATE #B-10 (588A)	BURNSIDE	6.2 CONSOLIDATED GAS SUP
8125373	6656	3703320782	108	MARY MCGEE ESTATE #B-13	BURNSIDE	10.6 CONSOLIDATED GAS SUP
8125372	6654	3703320781	108	MARY MCGEE ESTATE B-15 (588A)	BURNSIDE	12.8 CONSOLIDATED GAS SUP
8125381	6664	3703320888	108	MERLE OAKS #1 (50A)	BURNSIDE	25.7 CONSOLIDATED GAS SUP
8125380	6663	3706521505	108	ELICK SHAFFER #2 (175A)	MCCALMONT	8.1 CONSOLIDATED GAS SUP
8125378	6652	3703320812	108	OLER THOMPSON #B-1 (407A)	BURNSIDE	9.1 CONSOLIDATED GAS SUP
8125382	6665	3703320813	108	OLER THOMPSON #B-2 (407A)	BURNSIDE	9.3 CONSOLIDATED GAS SUP
8125371	6655	3703320815	108	OLER THOMPSON B4 (407A)	BURNSIDE	9.1 CONSOLIDATED GAS SUP
8125374	6656	3706322835	108	PHILLIP NIPPLE #1	CANOE	17.1 CONSOLIDATED GAS SUP

8125379	6642	3706324391	10A	WILLIAM CAMERON #2 (141A)	BANKS	10.9	CONSOLIDATED GAS SUP
-JOHN T GALEY				RECEIVED: 04/09/81 JAS PA			
8125362	6664	3712520042	10A	SAMUEL V COOPER #2 (PART OF 699 5 •	DANIELS RUN FIELD GLYDE	5.6	COLUMBIA GAS TRANSMI
-LOYALHANNA DRILLING PROGRAM				RECEIVED: 04/09/81 JAS PA			
8125383	6640	3712921713	103	HEZICH #2	LOYALHANNA	25.0	
8125387	6644	3712921741	103	NOWMAN #1	BELL	25.0	
8125386	6643	3712921740	103	MEISSNER #1	BELL	25.0	
8125388	6645	3712921707	103	QUICK #1	LOYALHANNA	25.0	INDUSTRIAL ENERGY SE
8125385	6642	3712921714	103	STEELE #2	LOYALHANNA	25.0	
8125384	6641	3712921717	103	STINE #1	LOYALHANNA	25.0	
-MITCHELL ENERGY CORPORATION				RECEIVED: 04/09/81 JAS PA			
8125345	6603	3703920806	103	GALLAHER #1-54	UNNAMED FIELD - MEDINA &	40.0	
-NEA CROSS CO				RECEIVED: 04/09/81 JAS PA			
8125390	5953	3704921035	102	P PENNSY #1	MILL VILLAGE	15.0	NATIONAL FUEL GAS SU
-PHILLIPS PRODUCTION CO				RECEIVED: 04/09/81 JAS PA			
8125391	6630	3706225815	103	DANIEL J PERLONGO ET UX #1	EAST MAHONING	35.0	
-ROBERT THORSEN				RECEIVED: 04/09/81 JAS PA			
8125368	2237	3704920233	10A	C ERNER ERI-233	ALBION	3.3	NATIONAL FUEL GAS CO
8125367	2236	3704920276	10A	J J WHEFLER ERI-276	ALBION	19.2	NATIONAL FUEL GAS CO
8125365	2233	3704920160	10A	P PANKO #1 ERI 160	ELK CREEK	3.2	NATIONAL FUEL GAS CO
8125364	2232	3704920275	10A	P PANKO #2 ERI 275	ELK CREEK	10.6	NATIONAL FUEL GAS CO
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 04/09/81 JAS PA			
8125389	6635	3704921019	102	HOJARSKI #1	MCKEAN	50.0	COLUMBIA GAS TRANSMI
-TRI-COUNTY OIL & GAS INC				RECEIVED: 04/09/81 JAS PA			
8125394	6638	3705900000	10A	HEWITT #1	RICHHILL TOWNSHIP	3.5	COLUMBIA GAS TRANSMI
8125393	6638	3705900000	10P	HEWITT #2	RICHHILL TOWNSHIP	3.0	COLUMBIA GAS TRANSMI
-UNION DRILLING INC				RECEIVED: 04/09/81 JAS PA			
8125401	6650	3706324700	10A	ARTHUR J MCEWAN #1 0618	RAYNE TOWNSHIP	4.0	PEOPLES NATURAL GAS
8125400	6649	3706324016	10A	EARL C FENCE #1 0593	RAYNE TOWNSHIP	10.0	PEOPLES NATURAL GAS
8125399	6648	3706324235	10A	EDWARD & CHARLES MEARS #2 0604	RAYNE TOWNSHIP	19.0	PEOPLES NATURAL GAS
8125397	6646	3712921210	10A	ETHELWIN C RINNE #1 0621	SOMERSET TOWNSHIP	17.0	BROCKWAY GLASS CO IN
8125395	6602	3704921180	102	LYNFORD F PROPER #1 0726	LEBOEUF TWP	0.0	COLUMBIA GAS TRANSMI
8125398	6647	3706324175	10A	PHILIP A & JUDITH A FORRESTER #2 0•	RAYNE TOWNSHIP	6.0	PEOPLES NATURAL GAS
8125396	6604	3704921177	102	WILLIAM RODGER SCOTT #1 0615	WATERFORD	0.0	COLUMBIA GAS TRANSMI
-WAINOCO OIL & GAS CO				RECEIVED: 04/09/81 JAS PA			
8125346	6614	3703920797	102	JOSEPH L MILLER NO 1 (W-50)	ATHENS	25.0	COLUMBIA GAS TRANSMI
8125347	6615	3703920787	102	RETH P HALLOG NO 1 (W-84)	ATHENS	24.0	COLUMBIA GAS TRANSMI
-WATSON & SWANSON INC				RECEIVED: 04/09/81 JAS PA			
8125348	6616	3706325820	103	J O CLARK ET AL NO 8	CHERRY TREE	1.5	COLUMBIA GAS TRANSMI

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** U.S. GEOLOGICAL SURVEY - DENVER,CO

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-ARCO OIL AND GAS COMPANY				RECEIVED: 04/09/81 JAS CO 1			
8125284	CD0877-81	0506706409	103	SOUTHERN UTE 19-2 32-8 (MV)	IGNACIO BLANCO (MV)	239.0	WESTERN SLOPE GAS CO
8125286	CD0875-81	0506706355	103	SOUTHERN UTE 18-1 32-11 (MV)	IGNACIO BLANCO (MV)	292.0	NORTHWEST PIPELINE C
8125285	CD0875-81	0506706304	103	SOUTHERN UTE 29-1 33-10 (MV)	IGNACIO BLANCO	287.0	NORTHWEST PIPELINE C
-MCW DRILLING PARTNERSHIP 75				RECEIVED: 04/09/81 JAS CO 1			
8125293	CD581-0	0503077•2	10A	USA 23-C-2	TRAIL CANYON	17.0	NORTHWEST PIPELINE C
-MESA PETROLEUM				RECEIVED: 04/09/81 JAS CO 1			
8125287	CD0043-81	0506700000	10A	UTE INDIAN #11	IGNACIO	18.0	EL PASO NATURAL GAS
-MURCHISON BROTHERS				RECEIVED: 04/09/81 JAS CO 1			
8125289	CD0041-81	0506706342	103	FLORA ID WELL #1P-31	IGNACIO-BLANCO	60.0	WESTERN SLOPE GAS CO

8125283	CD0877-81 A	0506706356	103	SOUTHERN UTE 18-1 32-8 (DK)	IGNACIO BLANCO (DK)	0.0	NORTHWEST PIPELINE C
8125282	CD0877-81	0506706409	103	SOUTHERN UTE 19-2 32-8 (DK)	IGNACIO BLANCO (DK)	0.0	NORTHWEST PIPELINE C
8125281	CD0875-81	0506706355	103	SOUTHERN UTE 18-1 32-11 (DK)	IGNACIO BLANCO (DK)	0.0	NORTHWEST PIPELINE C
8125280	CD0875-81	0506706304	103	SOUTHERN UTE 29-1 33-10 (DK)	IGNACIO BLANCO	0.0	NORTHWEST PIPELINE C
-MCW DRILLING PARTNERSHIP 75				RECEIVED: 04/09/81 JAS CO 1			
8125292	CD581-0	0503077•2	10A	USA 23-C-2	TRAIL CANYON	0.0	NORTHWEST PIPELINE C
-MESA PETROLEUM				RECEIVED: 04/09/81 JAS CO 1			
8125288	CD0043-81	0506700000	10A	UTE INDIAN #11	IGNACIO	0.0	EL PASO NATURAL GAS
-MURCHISON BROTHERS				RECEIVED: 04/09/81 JAS CO 1			
8125290	CD0041-81	0506706342	103	FLORA ID WELL #1P-31	IGNACIO-BLANCO	0.0	WESTERN SLOPE GAS CO

								FIELD NAME	PROD	PURCHASER
8125290	CD0074-81-A	0506706390	103	BLOCK 11 WELL 3-12				IGNACIO-BLANCO	62.0	WESTERN SLOPE GAS CO
8125296	CD0074-81-F	0506706380	103	BLOCK 11 WELL 4-12				IGNACIO-BLANCO	119.0	WESTERN SLOPE GAS CO
8125294	CD0030-81-B	0506706391	103	BLOCK 11 WELL 5-12				IGNACIO-BLANCO	115.0	WESTERN SLOPE GAS CO
8125295	CD0038-81-A	0506706391	103	BLOCK 11 WELL 6-12				IGNACIO-BLANCO	62.0	WESTERN SLOPE GAS CO
8125292	CD0040-81-A	0506706389	103	BLOCK 16 WELL 3-13				IGNACIO-BLANCO	58.0	WESTERN SLOPE GAS CO
8125297	CD0040-81-F	0506706389	103	BLOCK 16 WELL 3-13				IGNACIO-BLANCO	98.0	WESTERN SLOPE GAS CO
-PALMER OIL & GAS COMPANY				RECEIVED: 04/09/81	JA: CO	1				
8125299	CC12-0	0504506151	102	FEDERAL #6-3					96.0	COLORADO INTERSTATE
-TENNECO OIL COMPANY				RECEIVED: 04/09/81	JA: CO	1				
8125283	CD0070-81	0504506123	108	FEDERAL #12-16				SOUTH CANYON	16.0	COLORADO INTERSTATE
8125300	CD 0097-NO	0504506155	102	FEDERAL 33-15				SOUTH CANYON	18.0	WESTERN SLOPE GAS CO
8125291	CD0073-81	0510308419	107	GOVERNMENT #10-36				FOUNDATION CREEK	30.0	NORTHWEST PIPELINE C
8125298	CD0072-81	0510308414	107	GOVERNMENT #7-23				FOUNDATION CREEK	45.0	NORTHWEST PIPELINE C
8125302	CC 424-0	0504506164	102	LEWIS USA 36-1				PRAIRIE CANYON	336.0	SOUTHWEST GAS CORP
-TWIN ARROW INC				RECEIVED: 04/09/81	JA: CO	1				
8125310	CD0101-80	0510308107	108	BROWN 2-17				CATHEDRAL	1.3	IGC PRODUCTION CO
8125309C	CD0104-80	0510308091	108	C & K 4-24				CATHEDRAL	1.5	IGC PRODUCTION CO
8125305	CD0103-80	0510308037	108	CONTINENTAL 1-16				CATHEDRAL	21.6	IGC PRODUCTION CO
8125304	CD0102-80	0510307733	108	FEDERAL 1-3 A				EAST DOUGLAS CREEK	18.1	IGC PRODUCTION CO
8125308	CD0105-80	0510308119	108	RAINBOW 2-30X				CATHEDRAL	1.2	IGC PRODUCTION CO
-BELCO PETROLEUM CORPORATION				RECEIVED: 04/09/81	JA: UT	1				
8125288	UD0076-81	4304730541	103	DUCK CREEK 17-16				DUCK CREEK	8.0	NORTHWEST PIPELINE C
-CIG EXPLORATION INC				RECEIVED: 04/09/81	JA: UT	1				
8125301	UD0023-81	4304730737	103	CIGE 25-34-9-22				NATURAL BUTTES	418.0	COLORADO INTERSTATE
8125306	UD0025-81	4304730738	103	CIGE 27-33-9-22				NATURAL BUTTES	246.0	COLORADO INTERSTATE
8125307	UD0024-81	4304730740	103	CIGE 40-3-10-21				NATURAL BUTTES	602.0	COLORADO INTERSTATE
-TENNECO OIL COMPANY				RECEIVED: 04/09/81	JA: UT	1				
8125303	UC 425-0	4301930516	102	FEDERAL #6-7				SAN ARROYO	589.0	SOUTHWEST GAS CORP

OTHER PURCHASERS

8125450 CHASE GATHERING SYSTEMS INC

BILLING CODE 6450-85-C

Insert Illustrations 3429-3435

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 26, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14121 Filed 5-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 418]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 4, 1981.

JD	DATE	FED NO	SEC WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION						
-HILLIARD OIL & GAS INC			RECEIVED: 04/14/81 JAS CA			
8125650	80-6-0037	0411320555	102 ARCO POUND FARMS #1	EAST MILLER	82.0	SHELL OIL CO
-NATURAL GAS CORPORATION OF CALIF			RECEIVED: 04/14/81 JAS CA			
8125651	80-6-0011	0411320510	102 CAPITOL-SWANSTON 2	SAXON	160.0	PACIFIC GAS & ELECTR
8125652	80-6-0012	0411320559	102 SWANSTON NO 3	SAXON	160.0	PACIFIC GAS & ELECTR
8125654	80-6-0013	0411320564	102 VENADA-LAUREL 6 RANCH 2	SAXON	160.0	PACIFIC GAS & ELECTR
-QUINTANA PETROLEUM CORP			RECEIVED: 04/14/81 JAS CA			
8125655	80-6-0002	0409520413	102 BIANNONI #1	MILLAR (US FORTY AREA)	180.0	PACIFIC GAS & ELECTR
8125656	80-6-0003	0409520429	102 T J SANCHEZ #1 (SIDETRACK)	MILLAR (US FORTY AREA)	180.0	PACIFIC GAS & ELECTR
-SANTA FE ENERGY COMPANY			RECEIVED: 04/14/81 JAS CA			
8125649	80-6-0036	0411320477	103 CWAD-WFL #11 UPPER	CONWAY RANCH FIELD	110.0	PACIFIC GAS & ELECTR
-SEAWARD RESOURCES INC			RECEIVED: 04/14/81 JAS CA			
8125653	80-6-0032	0411320610	102 HARLAN 1-18	(SUGGEST HARLAN RANCH)	280.0	PACIFIC GAS & ELECTR
-TENNECO OIL COMPANY			RECEIVED: 04/14/81 JAS CA			
8125648	80-6-0030	0401120143	102 POUNDSTONE 24-1	SOUTH GRIMES	297.5	PACIFIC GAS & ELECTR
-TEXACO INC			RECEIVED: 04/14/81 JAS CA			
8125647	80-6-0033	0411320547	103 TRANSAMERICA 81-16	MERRITT FIELD	182.0	PACIFIC GAS & ELECTR
MICHIGAN DEPARTMENT OF NATURAL RESOURCES						
-MACK OIL CO			RECEIVED: 04/14/81 JAS MI			
8125644		2105533646	102 BALDWIN-STEADMAN #1-26B	PARADISE 26(A) FIELD	300.0	CONSUMERS POWER CO
NORTH DAKOTA GEOLOGICAL SURVEY						
-KISSINGER PETROLEUM CORPORATION			RECEIVED: 04/14/81 JAS ND			
8125645	364	3310500820	102 D CARLSON #8-36	BATTLEVIEW	5.5	AMINOIL
8125646	365	3305301145	102 D WOLLAN #6-15		40.0	AMINOIL
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS						
-AMERADA HESS CORPORATION			RECEIVED: 04/14/81 JAS NM			
8125504		3003900000	108 HARVEY STATE #2	OTERO	16.1	GAS CO OF NEW MEXICO
OHIO DEPARTMENT OF NATURAL RESOURCES						
-ADOBE OIL & GAS CORPORATION			RECEIVED: 04/13/81 JAS OH			
8125564		3413322340	103 THELMA STUTZMAN #1	KENT	25.0	EAST OHIO GAS CO
-ALSID OIL & GAS DEVELOPMENT CO			RECEIVED: 04/13/81 JAS OH			
8125562		3412724078	103 FLAGG #1-A	HARRISON	15.0	
8125559		3412724891	103 FLAGG #2	HARRISON	15.0	

8125560	3412724892	103		GLAGG #3	HARRISON	15.0	
-APEX NATURAL GAS COMPANY INC			RECEIVED: 04/13/81 JA: OH				
8125523	3408322894	103		KENNETH SWENDAL #8	BEREA	4.0	
-APPALACHIAN PETROLEUM CORP			RECEIVED: 04/13/81 JA: OH				
8125557	3412122410	107		DEXTER REALTY #1	JACKSON	3.5	COLUMBIA GAS TRANSMI
-ATLAS ENERGY GROUP INC			RECEIVED: 04/13/81 JA: OH				
8125563	3413322343	103		PEMBERTON NO 2	DEERFIELD	8.0	EAST OHIO GAS CO
8125608	3415521581	103		ROMAN CATH DIOCESE YOUNGSTOWN 2	CHAMPION	65.0	COLUMBIA GAS TRANS C
-BARTLO OIL AND GAS COMPANY			RECEIVED: 04/13/81 JA: OH				
8125533	3410322300	103		DAGUE-MARRONE UNIT #1	SHARON	15.0	
8125540	3410322495	103		GILBERT DILLEY #2	SHARON	5.0	
8125539	3410322494	103		MONDLE UNIT #1	SHARON	5.0	
8125541	3410322526	103		MOSS UNIT #1	SHARON	10.0	
8125542	3410322527	103		MOSS UNIT #2	SHARON	15.0	
8125543	3410322530	103		PEDCO UNIT #1	SHARON	10.0	
-BELDEN & BLAKE & CO L P NO 76			RECEIVED: 04/13/81 JA: OH				
8125593	3415123418	103		J & E MAARSCHALK #3-1029	MARLBORO	36.5	EAST OHIO GAS CO
-HERMAN J SHAFER			RECEIVED: 04/13/81 JA: OH				
8125534	3410322358	103		JULIA DEWAR #2	SPENCER	83.0	COLUMBIA GAS TRANSMI
8125535	3410322374	103		JULIA DEWAR #3		83.0	COLUMBIA GAS TRANSMI
-CARL M POSTON			RECEIVED: 04/13/81 JA: OH				
8125518	3407322422	103		RUTHERFORD HEIRS NO 2	WARD	50.0	
-COLLINS-MCGREGOR OPERATING COMPANY			RECEIVED: 04/13/81 JA: OH				
8125524	3408923934	103		HIGGINS B-1	HOPEWELL	1.5	NEWZANE GAS CO
-DAVID SHAFER OIL PRODUCERS INC			RECEIVED: 04/13/81 JA: OH				
8125545	3410322558	103		RAYMOND C FIRESTONE #3	GRANGER	5.0	COLUMBIA GAS TRANSMI
8125544	3410322551	103		RAYMOND C FIRESTONE #4	GRANGER	5.0	COLUMBIA GAS TRANSMI
-DAVIS FRAC TANKS & SUPPLY			RECEIVED: 04/13/81 JA: OH				
8125556	3412121497	108		M B KEITH #1		19.0	EAST OHIO GAS
-DERBY OIL & GAS CORP			RECEIVED: 04/13/81 JA: OH				
8125516	3405922873	103		FRANKLIN MOORE #1	SPENCER	12.0	COLUMBIA GAS TRANSMI
8125515	3405922872	103		RICHARD MARTIN #1	SPENCER	12.0	COLUMBIA GAS TRANSMI
-DORAN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125561	3412725076	103		FREEMAN TYLER-JOHN HERSPERGER #1	READING	12.0	COLUMBIA GAS TRANSMI
-EDCO DRILLING & PRODUCING INC			RECEIVED: 04/13/81 JA: OH				
8125513	3403124173	103		BL-2A DUSENBERRY	NEW CASTLE	18.0	
8125519	3407322367	103		KB-2B JOHNSON	RICHLAND	18.0	
-FORAKER PRODUCING COMPANY INC			RECEIVED: 04/13/81 JA: OH				
8125552	3411924783	103		CANNON #1	NEWTON	4.0	
-FRANK W HOOVER PROD			RECEIVED: 04/13/81 JA: OH				
8125529	3408924057	103		JAY W MILLER #1	MARY ANN	5.0	NATIONAL OIL & GAS C
-GASEARCH INC			RECEIVED: 04/13/81 JA: OH				
8125566	3413322467	103		CLARK #1	WINDHAM	20.0	EAST OHIO GAS CO
-GENERAL ELECTRIC CO			RECEIVED: 04/13/81 JA: OH				
8125565	3413322408	103		LEMASTERS-WISE UNIT #1	RAVENNA	64.0	EAST OHIO GAS CO
-GIANT PETROLEUM CORPORATION			RECEIVED: 04/13/81 JA: OH				
8125505	3400713330	103		A MILLER #1	ORWELL	28.0	EAST OHIO GAS CO
8125506	3400713340	103		A MILLER #2	ORWELL	28.0	EAST OHIO GAS CO
-HADDAD & BROOKS INC			RECEIVED: 04/13/81 JA: OH				
8125631	3416726245	103		C & C KENDALL #1	LIBERTY	30.0	
8125633	3416726327	103		HARRY LEASURE #1	INDEPENDENCE	35.0	
8125632	3416726276	103		J G REYNOLDS #1	INDEPENDENCE	30.0	

8125548	3411122186	103		NELLIE HALL #1	BEDFORD	12.0	COLUMBIA GAS TRANSMI
-HARRISON OIL & GAS INC			RECEIVED: 04/13/81 JA: OH				
8125554	3412121494	103		M B KEITH #2		19.0	EAST OHIO GAS
-HOPCO OIL & GAS CO			RECEIVED: 04/13/81 JA: OH				
8125553	3412121493	103		M B KEITH #3		19.0	EAST OHIO GAS
-HOWARD PRODUCING CO			RECEIVED: 04/13/81 JA: OH				
8125550	3411924781	103		CANNON #2	NEWTON	4.0	
-HUNTER PRODUCING CO			RECEIVED: 04/13/81 JA: OH				
8125547	3411122185	103		NELLIE HALL #2	BEDFORD	12.0	COLUMBIA GAS TRANSMI
-JAMES A MCCLAIN			RECEIVED: 04/13/81 JA: OH				
8125537	3410322376	103		JULIA DEWAR #4	SPENCER	83.0	COLUMBIA GAS TRANSMI
-JAMES A MCCLAIN & ASSOCIATES			RECEIVED: 04/13/81 JA: OH				
8125536	3410322375	103		JULIA DEWAR #1	SPENCER	83.0	COLUMBIA GAS TRANSMI
-JAMES R MCCLAIN			RECEIVED: 04/13/81 JA: OH				
8125538	3410322377	103		JULIA DEWAR #5	SPENCER	83.0	COLUMBIA GAS TRANSMI
-JOHN E MCCLAIN			RECEIVED: 04/13/81 JA: OH				
8125546	3410322559	103		RAYMOND C FIRESTONE #2	GRANGER	5.0	COLUMBIA GAS TRANSMI
-JOHN E MCCLAIN & ASSOCIATES			RECEIVED: 04/13/81 JA: OH				
8125549	3411122187	103		NELLIE HALL #3	BEDFORD	12.0	COLUMBIA GAS TRANSMI
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125551	3411924782	103		CANNON #3	NEWTON	4.0	
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125562	3412725077	103		FREEMAN TYLER-JOHN HERSPERGER #2	READING	12.0	COLUMBIA GAS TRANSMI
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125564	3413322344	103		PEMBERTON NO 3	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125567	3413322345	103		PEMBERTON NO 4	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125568	3413322346	103		PEMBERTON NO 5	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125569	3413322347	103		PEMBERTON NO 6	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125570	3413322348	103		PEMBERTON NO 7	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125571	3413322349	103		PEMBERTON NO 8	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125572	3413322350	103		PEMBERTON NO 9	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125573	3413322351	103		PEMBERTON NO 10	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125574	3413322352	103		PEMBERTON NO 11	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125575	3413322353	103		PEMBERTON NO 12	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125576	3413322354	103		PEMBERTON NO 13	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125577	3413322355	103		PEMBERTON NO 14	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125578	3413322356	103		PEMBERTON NO 15	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125579	3413322357	103		PEMBERTON NO 16	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125580	3413322358	103		PEMBERTON NO 17	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125581	3413322359	103		PEMBERTON NO 18	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125582	3413322360	103		PEMBERTON NO 19	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125583	3413322361	103		PEMBERTON NO 20	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125584	3413322362	103		PEMBERTON NO 21	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125585	3413322363	103		PEMBERTON NO 22	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125586	3413322364	103		PEMBERTON NO 23	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125587	3413322365	103		PEMBERTON NO 24	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125588	3413322366	103		PEMBERTON NO 25	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125589	3413322367	103		PEMBERTON NO 26	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125590	3413322368	103		PEMBERTON NO 27	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125591	3413322369	103		PEMBERTON NO 28	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125592	3413322370	103		PEMBERTON NO 29	DEERFIELD	8.0	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125594	3415123419	103		J & E MAARSCHALK #4-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125595	3415123420	103		J & E MAARSCHALK #5-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125596	3415123421	103		J & E MAARSCHALK #6-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125597	3415123422	103		J & E MAARSCHALK #7-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125598	3415123423	103		J & E MAARSCHALK #8-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125599	3415123424	103		J & E MAARSCHALK #9-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125600	3415123425	103		J & E MAARSCHALK #10-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125601	3415123426	103		J & E MAARSCHALK #11-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125602	3415123427	103		J & E MAARSCHALK #12-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125603	3415123428	103		J & E MAARSCHALK #13-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125604	3415123429	103		J & E MAARSCHALK #14-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125605	3415123430	103		J & E MAARSCHALK #15-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125606	3415123431	103		J & E MAARSCHALK #16-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125607	3415123432	103		J & E MAARSCHALK #17-1029	MARLBORO	36.5	EAST OHIO GAS CO
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125609	3415521582	103		ROMAN CATH DIOCESE YOUNGSTOWN 3	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125610	3415521583	103		ROMAN CATH DIOCESE YOUNGSTOWN 4	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125611	3415521584	103		ROMAN CATH DIOCESE YOUNGSTOWN 5	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125612	3415521585	103		ROMAN CATH DIOCESE YOUNGSTOWN 6	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125613	3415521586	103		ROMAN CATH DIOCESE YOUNGSTOWN 7	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125614	3415521587	103		ROMAN CATH DIOCESE YOUNGSTOWN 8	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125615	3415521588	103		ROMAN CATH DIOCESE YOUNGSTOWN 9	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125616	3415521589	103		ROMAN CATH DIOCESE YOUNGSTOWN 10	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125617	3415521590	103		ROMAN CATH DIOCESE YOUNGSTOWN 11	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125618	3415521591	103		ROMAN CATH DIOCESE YOUNGSTOWN 12	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125619	3415521592	103		ROMAN CATH DIOCESE YOUNGSTOWN 13	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125620	3415521593	103		ROMAN CATH DIOCESE YOUNGSTOWN 14	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125621	3415521594	103		ROMAN CATH DIOCESE YOUNGSTOWN 15	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125622	3415521595	103		ROMAN CATH DIOCESE YOUNGSTOWN 16	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125623	3415521596	103		ROMAN CATH DIOCESE YOUNGSTOWN 17	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125624	3415521597	103		ROMAN CATH DIOCESE YOUNGSTOWN 18	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125625	3415521598	103		ROMAN CATH DIOCESE YOUNGSTOWN 19	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125626	3415521599	103		ROMAN CATH DIOCESE YOUNGSTOWN 20	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125627	3415521600	103		ROMAN CATH DIOCESE YOUNGSTOWN 21	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125628	3415521601	103		ROMAN CATH DIOCESE YOUNGSTOWN 22	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125629	3415521602	103		ROMAN CATH DIOCESE YOUNGSTOWN 23	CHAMPION	65.0	COLUMBIA GAS TRANS C
-JOHN E MCCLAIN & ASSOCIATES INC			RECEIVED: 04/13/81 JA: OH				
8125630	3415521603	103		ROMAN CATH DIOCESE YOUNGSTOWN 24	CHAMPION	65.0	COLUMBIA GAS TRANS C

J	JA 41	API No	SPC	WELL NAME	FIELD NAME	PROD	PURCHASER
8125548		3411122186	103	NELLIE HALL #1	BETHEL	45.0	
8125547		3411122195	103	NELLIE HALL #2	BETHEL	45.0	
8125549		3411122197	103	NELLIE HALL #3	BETHEL	30.0	
8125630		3416726226	103	VIVIAN J MYERS #2	LIBERTY	40.0	
-HOPEWELL OIL AND GAS DEVELOPMENT CO		RECEIVED: 04/13/81 JA: CH					
8125550		3411522217	103	EARL CAMPBELL #1	DEERFIELD	12.0	COLUMBIA GAS TRANSMI
8125553		3411925495	103	HARLAN ANDERS #1	HARRISON	12.0	
-HORTIN & HUFFMAN		RECEIVED: 04/13/81 JA: CH					
8125525		3408923944	103	POWELL NO 1	FALLSBURG	1.0	COLUMBIA GAS TRANS C
-J P WHITE		RECEIVED: 04/13/81 JA: CH					
8125507		3400721404	103	T & I MOSLEY #1	SHEFFIELD	8.0	COLUMBIA GAS TRANSMI
-JOHN C MASON		RECEIVED: 04/13/81 JA: CH					
8125512		3403124162	103	CRUDE OIL CO #1	JEFFERSON	15.0	COLUMBIA GAS TRANS C
-KING DRILLING CO		RECEIVED: 04/13/81 JA: CH					
8125635		3416922432	103	IDA RAMSEYER #1	GREEN	18.0	COLUMBIA GAS TRANSMI
-L & M PETROLEUM INC		RECEIVED: 04/13/81 JA: CH					
8125558		3412724762	103	CLAYTON SAUNDERS #1	CLAYTON	7.0	FORAKER GAS CO INC
-LAKE REGION OIL INC		RECEIVED: 04/13/81 JA: CH					
8125538		3410922452	103	F & M & G & R KUNGL #1	SPENCER	18.0	COLUMBIA GAS TRANSMI
8125607		3415123444	103	J & J LINGENHOEL #1	NIMISHILLEN	15.0	EAST OHIO GAS CO
-LBJ DRILLING DBA JEFF MORAN		RECEIVED: 04/13/81 JA: CH					
8125528		3408924026	103	ALICE COLVILLE #1A	EDEN	18.0	
8125527		3408924012	103	JAMES B & ROSALIE M SMITH #1	EDEN	18.0	
-LEW BATES JR		RECEIVED: 04/13/81 JA: CH					
8125522		3408322728	103	FRAZEE-MOLLISON #1	HARRISON	1.8	COLUMBIA GAS TRANSMI
-MICHAEL HASKA		RECEIVED: 04/13/81 JA: CH					
8125567		3415121140	108	PANDORA PARK #1		0.4	EAST OHIO GAS CO
-MICHAELS OIL & GAS CO		RECEIVED: 04/13/81 JA: CH					
8125537		3410320244	103	MICHAELS #5	SHARON	200.0	
-MITCHELL ENERGY CORPORATION		RECEIVED: 04/13/81 JA: CH					
8125514		3405320599	103	BALLMAN #1-32	CLINTON SAND	22.0	
-OHIO PARTNERS OIL CO		RECEIVED: 04/13/81 JA: CH					
8125508		3400922131	103	AORA J SIMMS #1	YORK	35.0	COLUMBIA GAS TRANSMI
-OXFORD OIL CO		RECEIVED: 04/13/81 JA: CH					
8125554		3411925503	103	GERALD WAGNER #1	SALT CREEK	10.0	
8125530		3408924069	103	RAMPO #5	HOPEWELL	11.0	
8125555		3411925641	103	ROBERT THOMPSON #1	SPRINGFIELD	10.0	
8125526	OX-1523	3408924006	103	S M GUTRIDGE #14	HOPEWELL	10.0	
8125551		3411522237	103	URBAN DUTCHER #1	YORK	10.0	
8125521		3407522942	103	WILBUR MANCHESTER #1	RIPLEY	11.0	
-PREMIER ENERGY CORP		RECEIVED: 04/13/81 JA: CH					
8125634		3416922369	103	MELVIN MARKLEY #1	MAUGHMAN	0.0	COLUMBIA GAS TRANSMI
8125520		3407522640	103	WM SHONAUER #1	KILLBUCK	0.0	COLUMBIA GAS TRANSMI
-RELIANCE ENERGY		RECEIVED: 04/13/81 JA: CH					
8125640		3416922404	103	JOHN J ZOOK #1	SALT CREEK	15.0	COLUMBIA GAS TRANSMI
8125641		3416922505	103	MARK A TROYER #1	SALT CREEK	15.0	COLUMBIA GAS TRANSMI
8125517		3407322325	103	SUNDAY CREEK COAL SPR	WARD	10.0	COLUMBIA GAS TRANSMI
-REPUBLIC MINERAL CORP		RECEIVED: 04/13/81 JA: CH					
8125620		3416723319	108	ARTHUR MILLER #1	SIMMONS GAS FIELD	1.5	COLUMBIA GAS TRANSMI
8125622		3416723332	108	C SCHILLING #1	SIMMONS GAS FIELD	2.3	COLUMBIA GAS TRANSMI
8125616		3416723273	108	CHARLES F SCHILLING #1	SIMMONS GAS FIELD	3.6	COLUMBIA GAS TRANSMI
8125614		3416723218	108	CHARLES HESS #1	SIMMONS GAS FIELD	4.5	COLUMBIA GAS TRANSMI

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JOB NO	WELL NO	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8125624		3416723925	108	PARSON WELL #1	SIMMONS GAS FIELD	5.0	COLUMBIA GAS TRANSMI
8125619		3416723299	108	FAYE OAKES #1	SIMMONS GAS FIELD	2.6	COLUMBIA GAS TRANSMI
8125612		3416723237	108	FRIEDA WHARFF #1	SIMMONS GAS FIELD	3.0	COLUMBIA GAS TRANSMI
8125617		3416723278	108	HARRIS - MIENER UNIT #1	SIMMONS GAS FIELD	5.1	COLUMBIA GAS TRANSMI
8125621		3416723320	108	HUEY GREATHOUSE #1	SIMMONS GAS FIELD	1.4	COLUMBIA GAS TRANSMI
8125611		3416723000	108	J PERRY JR	SIMMONS GAS FIELD	5.5	COLUMBIA GAS TRANSMI
8125623		3416723376	108	MYRTA WOLFE #1	SIMMONS GAS FIELD	2.1	COLUMBIA GAS TRANSMI
8125615		3416723268	108	REED WELL #1	SIMMONS GAS FIELD	9.3	COLUMBIA GAS TRANSMI
8125618		3416723290	108	REED-AUGENSTEIN UNIT #1	SIMMONS GAS FIELD	7.8	COLUMBIA GAS TRANSMI
8125625		3416723948	108	SCHANTZ WELL #1	SIMMONS GAS FIELD	7.7	COLUMBIA GAS TRANSMI
8125613		3416723241	108	WALTER F DOBBINS #1	SIMMONS GAS FIELD	2.8	COLUMBIA GAS TRANSMI
-RIMCO OPERATING INC				RECEIVED: 04/13/81 JA: OH			
8125639		3416922491	103	D & G SIGLER #1	PLAIN	12.0	COLUMBIA GAS TRANS
8125637		3416922489	103	D & G SIGLER #2	PLAIN	12.0	COLUMBIA GAS TRANS
8125638		3416922490	103	D & G SIGLER #3	PLAIN	12.0	COLUMBIA GAS TRANS
8125642		3416922515	103	ICKES #1	PLAIN	12.0	COLUMBIA GAS TRANS
8125636		3416922452	103	RHAMY #1	FRANKLIN	12.0	COLUMBIA GAS TRANS
-ROBERT E SHERRY				RECEIVED: 04/13/81 JA: OH			
8125646		3410522000	103	LAMBERT #2	SALSBURY	12.0	
-SCHRIMSHER OIL & GAS EXPLORATION				RECEIVED: 04/13/81 JA: OH			
8125536		3410322582	103	OWEN-ICE UNIT #1	GUILFORD	20.0	COLUMBIA GAS TRANSMI
-SMITH SHAFER SMITH (A PARTNERSHIP)				RECEIVED: 04/13/81 JA: OH			
8125643		3416922566	103	JOHN & MARION WISE #1	CONGRESS	10.0	COLUMBIA GAS TRANSMI
-SUPERIOR PETROLEUM INC				RECEIVED: 04/13/81 JA: OH			
8125518		3401921348	103	M W C D 7-E	MONROE	8.0	M&B OPERATING INC
8125511		3401921347	103	M W C D 8-E	MONROE	20.0	M&B OPERATING INC
8125509		3401921346	103	MWCD 6-F	MONROE	20.0	M&B OPERATING INC
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 04/13/81 JA: OH			
8125609		3415723553	103	MARTY #1	GOSHEN	50.0	EAST OHIO GAS CO
-UNITED PETROLEUM CORP				RECEIVED: 04/13/81 JA: CH			
8125532		3409920734	108	RENOUF #1	ELLSWORTH	0.5	AMERICAN ENERGY SERV
8125531		3409920730	108	STERNAGLE #1	ELLSWORTH	0.0	AMERICAN ENERGY SERV
-VALENTINE OIL PROPERTIES				RECEIVED: 04/13/81 JA: OH			
8125626		3416725835	103	JAMES M & PHYLLIS ANDERSON #3	ADAMS	3.0	
8125627		3416725893	103	JAMES M & PHYLLIS ANDERSON #5	ADAMS	15.0	
8125628		3416726195	103	KUNTZ-METRICK #2	ADAMS	14.4	
8125629		3416726194	103	KUNTZ-METRICK #3	ADAMS	14.4	
-VIKING RESOURCES CORP				RECEIVED: 04/13/81 JA: OH			
8125568		3415122933	103	DEHOFF UNIT #1	WASHINGTON	30.0	
8125602		3415123431	103	DERENZO-FIMPLE UNIT #1	PARIS	30.0	
8125587		3415123403	103	DERENZO-FIMPLE UNIT #2	PARIS	30.0	
8125603		3415123432	103	DERENZO-FIMPLE UNIT #3	PARIS	30.0	
8125604		3415123433	103	DERENZO-FIMPLE UNIT #4	PARIS	30.0	
8125571		3415123310	103	FOLTZ UNIT #2	PARIS	30.0	
8125572		3415123311	103	FOLTZ UNIT #3	PARIS	30.0	
8125589		3415123406	103	FORESTER #2	PARIS	30.0	
8125592		3415123412	103	GORRELL-CUPP UNIT #2	PARIS	30.0	
8125588		3415123404	103	H MILLER #1	PARIS	30.0	
8125585		3415123377	103	HAAS #2	PARIS	30.0	
8125596		3415123424	103	KEITH UNIT #1	PARIS	30.0	
8125597		3415123425	103	KEITH UNIT #2	PARIS	30.0	
8125579		3415123342	103	KIKO #1	PARIS	30.0	

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JOB NO	WELL NO	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8125606		3415123455	103	LYTLE UNIT #1	PARIS	30.0	

8125606		3415123455	103	LYTLE UNIT #1	PARIS	30.0	
8125605		3415123454	103	LYTLE UNIT #2	PARIS	30.0	
8125598		3415123426	103	LYTLE UNIT #3	PARIS	30.0	
8125594		3415123422	103	M & G COAL UNIT #3	PARIS	30.0	
8125590		3415123410	103	MIKES-MILLER UNIT #1	PARIS	30.0	
8125591		3415123411	103	MIKES-MILLER UNIT #2	PARIS	30.0	
8125580		3415123343	103	MILLER-SMITH UNIT #3	PARIS	30.0	
8125575		3415123334	103	OWENS/ICKES UNIT #2	PARIS	30.0	
8125576		3415123335	103	OWENS/ICKES UNIT #3	PARIS	30.0	
8125570		3415123306	103	P SLAGLE #2	PARIS	30.0	
8125601		3415123430	103	ROHRER UNIT #1	PARIS	30.0	
8125573		3415123312	103	SAEGER/DEPALMO UNIT #1	PARIS	30.0	
8125574		3415123313	103	SAEGER/DEPALMO UNIT #2	PARIS	30.0	
8125583		3415123364	103	SICKAFOOSE UNIT #1	PARIS	30.0	
8125584		3415123365	103	SICKAFOOSE UNIT #2	PARIS	30.0	
8125569		3415123305	103	SLAGLE UNIT #1	PARIS	30.0	
8125577		3415123336	103	SPEAKMAN UNIT #1	PARIS	30.0	
8125578		3415123337	103	SPEAKMAN UNIT #2	PARIS	30.0	
8125595		3415123423	103	T POWELL #1	PARIS	30.0	
8125586		3415123378	103	THAYER UNIT #1	PARIS	30.0	
8125599		3415123427	103	UNKEFER UNIT #1	WASHINGTON	30.0	
8125600		3415123428	103	UNKEFER UNIT #2	PARIS	30.0	
8125582		3415123363	103	WAYNE FARMS UNIT #3	PARIS	30.0	
8125581		3415123361	103	WAYNE/FARMS UNIT #1	PARIS	30.0	
-WAYNE HAMMOND				RECEIVED: 04/13/81 JA: OH			
8125610		3415713574	103	HYKES NO 1	GOSHEN	5.0	
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VIRGINIA DEPARTMENT OF LABOR & INDUSTRY							
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-ASHLAND EXPLORATION INC				RECEIVED: 04/13/81 JA: VA			
8125503		4502719940	10R	W H MATNEY #3 - 020690	VIRGINIA	16.2	CONSOLIDATED GAS SUP
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** U.S. GEOLOGICAL SURVEY - DENVER,CO							
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-BELCO PETROLEUM CORPORATION				RECEIVED: 04/13/81 JA: UT 1			
8125500	UD 0064-R1	4304730649	103	DUCK CREEK 15-1C	DUCK CREEK	0.0	NORTHWEST PIPELINE C
8125499	UD 0064-R1	4304730515	103	NBU 2-36C	NATURAL BUTTES UNIT	0.0	NORTHWEST PIPELINE C
-TEXOMA PRODUCTION CO				RECEIVED: 04/13/81 JA: UT 1			
8125502	UD 0063-R1	4301930375	103	FEDERAL 104 #1	WILDCAT	547.0	NATURAL GAS PIPELINE
8125501	UD 0062-R1	4301930446	103	USA 497: #1	WILDCAT	547.0	NATURAL GAS PIPELINE
**********							
** DEPARTMENT OF ENERGY							
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-NAVAL PETROLEUM RESERVES IN CALIFOR				RECEIVED: 04/14/81 JA: CA 9			
8125660		0402900000	103	24Z - 383A	NAVAL PETROLEUM RESERVES	0.0	CHEVRON USA INC
8125657		0402900000	102	36R - 8313	NAVAL PETROLEUM RESERVES	402.0	CHEVRON USA INC
8125658		0402900000	102	9G - 8314	NAVAL PETROLEUM RESERVES	0.0	CHEVRON USA INC
8125659		0402900000	103	9R - 8315	NAVAL PETROLEUM RESERVES	69.0	CHEVRON USA INC

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 26, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14122 Filed 5-6-81; 8:45 am]
BILLING CODE 6450-85-M

[Volume 419]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 5, 1981.

JD	Jd ST	D	Id	FDR D WELL DA - Issued May 5, 1981	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION							
-ACE DRILLING SERVICES INC				RECEIVED: 04/16/81 JA: LA			
8125815	81-129	1711122194	108	JARMON ESTATE #1	MONROE	11.0	WEST MONROE GAS BATH
8125816	81-133	1711122196	108	JARMON ESTATE #3	MONROE	4.0	WEST MONROE GAS BATH
8125817	81-134	1711122201	108	JARMON ESTATE #4	MONROE	13.0	WEST MONROE GAS BATH
-ANADARKO PRODUCTION COMPANY				RECEIVED: 04/16/81 JA: LA			
8125803	81-113	1701722165	102	CYRUS FIELDER #1 PET RA SUG	METCALF	524.0	J-W OPERATING CO
-CEKA GAS CORP				RECEIVED: 04/16/81 JA: LA			
8125860	81-200	1711121994	108	MSC NO 7	MONROE	0.1	INTERNATIONAL MINERA
-CHEVRON U S A INC				RECEIVED: 04/16/81 JA: LA			
8125824	81-145	1707720228	107	A R ALBRITTON #1 L TUSC RA SUE	JUDGE DIGBY	376.0	SUGAR BOWL GAS CORP
8125823	81-144	1707720222	107	W M WAGLEY ET AL #2 L TUSC RA SUF	JUDGE DIGBY	788.0	SUGAR BOWL GAS CORP
-CNG PRODUCING COMPANY				RECEIVED: 04/16/81 JA: LA			
8125802	81-112	1711321006	107	INDIAN POINT #9	HELL HOLE BAYOU	800.0	TEXAS GAS TRANSMISSI
-CRYSTAL OIL COMPANY				RECEIVED: 04/16/81 JA: LA			
8125771	81-749	1701521581	103	A B TURNER #1 CV RA SU A	PLAIN DEALING	182.0	ARKANSAS LOUISIANA G
8125821	81-141	1701521451	102	MAY RA SU W WISE A # 1	ARKANA	76.2	ARKANSAS LOUISANA GA
8125822	81-142	1701521453	102	RINSLAND ESTATE #1 MAY RA SU J	ARKANA	32.8	ARKANSAS LOUISIANA G
-DESCO OIL CO				RECEIVED: 04/16/81 JA: LA			
8125774	81-752	1712120102	102	RIVER INV CO #1 NS-4-C RA SUA	CINCLARE	730.0	MONTEREY PIPELINE CO
-EXXON INC				RECEIVED: 04/16/81 JA: LA			
8125862	81-202	1711122777	103	RICHARD J THOMAS NO 1	MONROE (6824)	9.3	INC PIPELINE CO INC
8125861	81-201	1711122776	103	SALLIE I REPPOND NO 1	MONROE (6824)	18.9	INC PIPELINE CO INC
-EXXON CORPORATION				RECEIVED: 04/16/81 JA: LA			
8125773	81-751	1710922217	107	LATERRE CO INC NO 31	LIRETTE	1825.0	COLUMBIA GAS TRANS C
-GAS CAPITOL CORP				RECEIVED: 04/16/81 JA: LA			
8125768	81-746	1711120982	108	MOSES #1	MONROE GAS	8.8	MID LOUISIANA GAS CO
-GAS DEVELOPMENT CORP				RECEIVED: 04/16/81 JA: LA			
8125784	81-762	1711121517	108	EXXON 16 #1	MONROE GAS	13.7	INC EXPLORATION CO I
8125776	81-754	1711121634	108	EXXON 16 #10	MONROE GAS	8.9	INC EXPLORATION CO I
8125775	81-753	1711121720	108	EXXON 16 #13	MONROE GAS	17.3	INC EXPLORATION CO I
8125783	81-761	1711121518	108	EXXON 16 #2	MONROE GAS	8.6	INC EXPLORATION CO I
8125782	81-760	1711121519	108	EXXON 16 #3	MONROE GAS	5.2	INC EXPLORATION CO I
8125781	81-759	1711121520	108	EXXON 16 #4	MONROE GAS	7.9	INC EXPLORATION CO I
8125780	81-758	1711121629	108	EXXON 16 #5	MONROE GAS	12.3	INC EXPLORATION CO I
8125779	81-757	1711121631	108	EXXON 16 #7	MONROE GAS	10.7	INC EXPLORATION CO I
8125778	81-756	1711121632	108	EXXON 16 #8	MONROE GAS	13.2	INC EXPLORATION CO I
8125777	81-755	1711121633	108	EXXON 16 #9	MONROE GAS	8.7	INC EXPLORATION CO I
8125786	81-764	1711121753	108	EXXON 20 #10	MONROE GAS	7.8	INC EXPLORATION CO I
8125796	81-774	1711121754	108	EXXON 20 #11	MONROE GAS	7.7	INC EXPLORATION CO I
8125795	81-773	1711121736	108	EXXON 20 #12	MONROE GAS	6.6	INC EXPLORATION CO I
8125794	81-772	1711121755	108	EXXON 20 #13	MONROE GAS	7.1	INC EXPLORATION CO I

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JC NO	JA DAT	API NO	SEC T R WELL NAME	FIELD NAME	PROD	PURCHASER
8125793	81-771	1711121739	108 EXXON 20 #14	MONROE GAS	10.4	INC EXPLORATION CO I
8125792	81-770	1711121756	108 EXXON 20 #15	MONROE GAS	4.5	INC EXPLORATION CO I
8125791	81-769	1711121417	108 EXXON 20 #4	MONROE GAS	5.7	INC EXPLORATION CO I
8125790	81-768	1711121505	108 EXXON 20 #5	MONROE GAS	7.7	INC EXPLORATION CO I
8125785	81-763	1711121506	108 EXXON 20 #6	MONROE GAS	4.8	INC EXPLORATION CO I
8125788	81-766	1711121507	108 EXXON 20 #7	MONROE GAS	2.8	INC EXPLORATION CO I
8125789	81-767	1711121508	108 EXXON 20 #8	MONROE GAS	3.8	INC EXPLORATION CO I
8125787	81-765	1711121729	108 EXXON 20 #9	MONROE GAS	9.5	INC EXPLORATION CO I
-GATOR HAWK GAS CO			RECEIVED: 04/16/81 JAS LA			
8125766	81-744	1707321630	103 HEMPHILL #1	MONROE	12.0	INC PIPELINE CO INC
8125767	81-745	1707321631	103 HEMPHILL #2	MONROE	12.0	INC PIPELINE CO INC
-GLENDA PETROLEUM CORP			RECEIVED: 04/16/81 JAS LA			
8125774	81-244	1711122357	108 RABUN 1 #3 S/N 168188	MONROE	12.6	MID LOUISIANA GAS CO
-GOLDSBERRY OPERATING CO INC			RECEIVED: 04/16/81 JAS LA			
8125754	80-3177	1708120376	102 HOOK #2 (HOOK RA SU A)	GAHAGAN	350.0	LOUISIANA INTRASTATE
-HADDOX PETROLEUM CORP			RECEIVED: 04/16/81 JAS LA			
8125811	81-122	1711122864	103 MANVILLE 703 #3	MONROE	0.0	INC PIPELINE CO INC
-HIBBARD-FROST-SMITH			RECEIVED: 04/16/81 JAS LA			
8125828	81-153	1707321532	103 MOBIL OIL E & P SE INC #11	MONROE GAS	7.0	MID LOUISIANA GAS CO
-JOHN O CLAY EXPLORATION INC			RECEIVED: 04/16/81 JAS LA			
8125753	80-3176	1702120500	102 REITZELL NO 1	WEST CLARKS	90.0	GLASS CONTAINERS COR
-LAMONA GAS COMPANY			RECEIVED: 04/16/81 JAS LA			
8125819	81-138	1707321567	103 ARE AREAT #3 - 170936	MONROE GAS ROCK	20.4	INC PIPELINE CO INC
-LANKFORD & NANCE			RECEIVED: 04/16/81 JAS LA			
8125832	81-160	1711122280	108 BEASLEY NO 1	MONROE	0.0	TEXAS GAS TRANSMISSI
8125829	81-157	1711122281	108 BROWN NO 1	MONROE	8.0	TEXAS GAS TRANSMISSI
8125830	81-158	1711122283	108 HAILE NO 2	MONROE	0.0	TEXAS GAS TRANSMISSI
8125831	81-159	1711122284	108 J P LANKFORD NO 1	MONROE	2.0	TEXAS GAS TRANSMISSI
-LOUISIANA LAND & EXPLORATION CO			RECEIVED: 04/16/81 JAS LA			
8125756	80-3683	1710922155	102 LL&E FEE NO A	LAKE HATCH	852.0	COLUMBIA GAS TRANSMI
-MARSHALL EXPLORATION INC			RECEIVED: 04/16/81 JAS LA			
8125820	81-140	1703120896	108 A E ATWOOD #1 FBG RA SU 146	LOGANSPORT	5.0	TENNESSEE GAS PIPELI
8125763	81-741	1703120995	108 A E ATWOOD #2 FBG RA SU 129	LOGANSPORT	20.0	TENNESSEE GAS PIPELI
8125764	81-742	1703120943	108 BOLDEN #1 FBG RA SU 123	LOGANSPORT	20.0	TENNESSEE GAS PIPELI
8125806	81-117	1703120892	108 COKA BARNES #1 FBG RA SU 105	LOGANSPORT	5.0	TENNESSEE GAS PIPELI
8125762	81-740	1703120838	108 COVINGTON #2 FBG RA SU 108	LOGANSPORT	19.0	TENNESSEE GAS PIPELI
8125808	81-119	1703120897	108 COVINGTON #6 FBG RA SU 144	LOGANSPORT	3.0	TENNESSEE GAS PIPELI
8125807	81-118	1703120945	108 CURRY #1 FBG RA SU 103	LOGANSPORT	14.0	TENNESSEE GAS PIPELI
8125759	81-737	1703120966	108 EDWARDS #1 FBG RA SU 79	LOGANSPORT	17.0	TENNESSEE GAS PIPELI
8125809	81-120	1703100009	108 EDWARDS #2 FBG RA SU 97	LOGANSPORT	6.3	TENNESSEE GAS PIPELI
8125810	81-121	1703121025	108 FIELDS A #1 FBG RA SU 148	LOGANSPORT	15.4	TENNESSEE GAS PIPELI
8125761	81-739	1703120840	108 FONVILLE #1 FBG RA SU 107	LOGANSPORT	18.0	TENNESSEE GAS PIPELI
8125760	81-738	1703120841	108 FONVILLE #2 FBG RA SU 119	LOGANSPORT	19.0	TENNESSEE GAS PIPELI
8125805	81-115	1703120858	108 INGLET #1 FBG RA SU 85	LOGANSPORT	10.0	TENNESSEE GAS PIPELI
8125804	81-114	1703100411	108 KYLE #1 FBG RA SU 122	LOGANSPORT	18.0	TENNESSEE GAS PIPELI
-MCCORMICK OIL & GAS CORP			RECEIVED: 04/16/81 JAS LA			
8125755	80-3353	1705120560	102 A F MAYRONNE #1	SOUTH BAYOU DE FLEUR	172.0	SOUTHERN NATURAL GAS
-MID LOUISIANA GAS COMPANY			RECEIVED: 04/16/81 JAS LA			
8125835	81-246	1711122750	103 MLGC FEE GAS NO 1001	MONROE FIELD	72.0	
8125838	81-166	1711122852	103 MLGC FEE GAS NO 1005	MONROE FIELD	48.9	
8125836	81-247	1711122900	103 MLGC FEE GAS NO 1006	MONROE FIELD	90.0	
8125837	81-165	1711121987	103 MLGC FEE GAS NO 827	MONROE FIELD	102.6	

JC NO	JA DAT	API NO	SEC T R WELL NAME	FIELD NAME	PROD	PURCHASER
8125765	81-743	1711122040	103 MLGC FEE GAS NO 853	MONROE FIELD	96.0	

JI.NO	JA..ST	..I..	SEC T.WELL NAME	FIELD NAME	PROD	PURCHASER
8125765	81-143	1711122040 103	MLGC FEE GAS NO 853	MONROE FIELD	36.5	
8125836	81-164	1711122541 103	MLGC FEE GAS NO 913	MONROE FIELD	93.6	
8125839	81-168	1711122552 103	MLGC FEE GAS NO 920	MONROE FIELD	68.4	
8125841	81-172	1711122743 103	MLGC FEE GAS NO 994	MONROE FIELD	34.2	
8125840	81-171	1711122744 103	MLGC FEE GAS NO 995	MONROE FIELD	35.2	
-MIDWAY PRODUCTION CO VII			RECEIVED: 04/16/81 JA: LA			
8125867	81-236	1707321384 108	SUNSHINE #1	MONROE	11.8	PETRO-LEWIS CORP
8125864	81-233	1707321385 108	SUNSHINE #2	MONROE	11.8	PETRO-LEWIS CORP
8125865	81-234	1707321386 108	SUNSHINE #3	MONROE	11.8	PETRO-LEWIS CORP
8125866	81-235	1707321390 108	SUNSHINE #7	MONROE	11.8	PETRO-LEWIS CORP
-MONROE GAS JOINT VENTURE			RECEIVED: 04/16/81 JA: LA			
8125850	81-188	1711120967 108	GRAYLING N-18 152432	MONROE	18.7	IMC PIPELINE CO INC
8125851	81-189	1711120968 108	GRAYLING N-19 152433	MONROE	18.7	IMC PIPELINE CO INC
8125854	81-193	1711120969 108	GRAYLING N-20 152434	MONROE	15.6	IMC PIPELINE CO INC
8125847	81-185	1711120970 108	GRAYLING N-21 152435	MONROE	19.8	IMC PIPELINE CO INC
8125856	81-195	1711120971 108	GRAYLING N-22 152436	MONROE	6.6	IMC PIPELINE CO INC
8125857	81-196	1711120972 108	GRAYLING N-23 152437	MONROE	9.5	IMC PIPELINE CO INC
8125853	81-191	1711120973 108	GRAYLING N-24 152438	MONROE	9.5	IMC PIPELINE CO INC
8125846	81-182	1711121042 108	GRAYLING N-27 153243	MONROE	5.6	IMC PIPELINE CO INC
8125855	81-194	1711121043 108	GRAYLING N-28 153244	MONROE	18.5	IMC PIPELINE CO INC
8125844	81-178	1711121058 108	GRAYLING N-29 153501	MONROE	1.1	IMC PIPELINE CO INC
8125845	81-179	1711121063 108	GRAYLING N-30 153540	MONROE	5.6	IMC PIPELINE CO INC
8125843	81-177	1711121065 108	GRAYLING N-32 153570	MONROE	6.9	IMC PIPELINE CO INC
8125852	81-190	1711121066 108	GRAYLING N-33 153571	MONROE	6.9	IMC PIPELINE CO INC
8125848	81-186	1711121070 108	GRAYLING N-34 153583	MONROE	18.5	IMC PIPELINE CO INC
8125849	81-187	1711121080 108	GRAYLING N-35 153678	MONROE	5.4	IMC PIPELINE CO INC
8125842	81-176	1711121096 108	GRAYLING N-37 153770	MONROE	3.0	IMC PIPELINE CO INC
-PRIMOS-DEAN PRODUCING CO			RECEIVED: 04/16/81 JA: LA			
8125818	81-136	1707321156 108	CEMETERY #1	MONROE	7.4	MID LOUISIANA GAS CO
-QUINTANA PRODUCTION COMPANY			RECEIVED: 04/16/81 JA: LA			
8125757	80-3713	1702320172 102	STATE LEASE 7026 NO 2	WEST CAMERON BLOCK 33	2928.0	MID LOUISIANA GAS CO
-RELIANCE CLEMENT & WOOTKINS			RECEIVED: 04/16/81 JA: LA			
8125798	81-776	1711122127 107	A J RILEY NO 1	MONROE	13.0	TEXAS GAS TRANSMISSI
8125800	81-778	1711122129 107	EXXON 31 NO 1	MONROE	13.0	TEXAS GAS TRANSMISSI
8125801	81-779	1711122130 107	EXXON 6 NO 1	MONROE	13.0	TEXAS GAS TRANSMISSI
8125797	81-775	1711122126 107	G M WEIR NO 1	MONROE	13.0	TEXAS GAS TRANSMISSI
8125799	81-777	1711122128 107	H D GREEN NO 2	MONROE	13.0	TEXAS GAS TRANSMISSI
-RELIANCE TR-JV			RECEIVED: 04/16/81 JA: LA			
8125813	81-127	1711122922 103	BARRON #1	MONROE	15.0	TEXAS GAS TRANSMISSI
8125814	81-128	1711122928 103	H D GREEN #2	MONROE	15.0	TEXAS GAS TRANSMISSI
8125873	81-243	1711122921 103	HOPKINS #10	MONROE	11.0	TEXAS GAS TRANSMISSI
8125872	81-242	1711122920 103	HOPKINS #9	MONROE	11.0	TEXAS GAS TRANSMISSI
8125834	81-162	1711122924 103	OLINKRAFT #21	MONROE	15.0	TEXAS GAS TRANSMISSI
8125833	81-161	1711122929 103	OLINKRAFT #22	MONROE	13.0	TEXAS GAS TRANSMISSI
8125835	81-163	1711122930 103	OLINKRAFT #23	MONROE	15.0	TEXAS GAS TRANSMISSI
8125812	81-125	1711122581 103	W WAYNE ESTATE #1	MONROE	11.0	TEXAS GAS TRANSMISSI
-SUBURBAN PROPANE GAS CORP			RECEIVED: 04/16/81 JA: LA			
8125769	81-747	1704500090 108	TREMONT D1 JSUI	CHATHAM	2.4	VALLEY GAS TRANSMISS
8125770	81-748	1704500101 108	TREMONT D2 AM JSUI	CHATHAM	2.1	VALLEY GAS TRANSMISS
-TEXACO INC			RECEIVED: 04/16/81 JA: LA			
8125825	81-146	1710921941 103	FSE U-7 38 VU-7	BAY ST ELAINE	730.0	KAISER ALUMINUM & CH
8125826	81-147	1710921960 103	TERREBONNE BAY 346 SL 301	CAILLOU ISLAND	150.0	KAISER ALUMINUM & CH

WELL NO	PERMIT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
-TEXAS CRUDE INC				RECEIVED: 04/16/81 JA: LA			
R125863	81-203	17045206350	107	PETIT ANSE CO WELL NO 3	AVERY ISLAND	0.0	LOUISIANA INTRASTATE
-TEXAS OIL & GAS CORP				RECEIVED: 04/16/81 JA: LA			
R125877	81-150	17031212490	103	ATWOOD #1 HOSS RA SUP	SPIDER	496.0	DELHI GAS PIPELINE C
-VIKING RESOURCES (LA)				RECEIVED: 04/16/81 JA: LA			
R125868	81-237	17111228680	103	UNION POWER C #5	MONROE	29.0	PETRO-LEWIS FUNDS IN
R125870	81-239	17111228620	103	UNION POWER C #7	MONROE	26.0	PETRO-LEWIS FUNDS IN
R125859	81-198	17111224750	108	UNION POWER C NO 3	MONROE	48.0	PETRO-LEWIS FUNDS IN
R125858	81-197	17111224760	10H	UNION POWER C NO 4	MONROE	51.0	PETRO-LEWIS FUNDS IN
R125871	81-240	17111229420	103	UNION PRODUCING B #2	MONROE	27.0	PETRO-LEWIS FUNDS IN
R125869	81-238	17111229430	103	UNION PRODUCING B #3	MONROE	29.0	PETRO-LEWIS FUNDS IN
-WAGNER & BROWN				RECEIVED: 04/16/81 JA: LA			
R125772	81-750	17077202430	107	A BATTLEY NO 1	MOORE-SAMS	2458.0	COLUMBIA GAS TRANSMI
-WILLIAMS EXPLORATION COMPANY				RECEIVED: 04/16/81 JA: LA			
R125758	80-4025	17023214630	102	C R JONES ET AL NO 1	WEST KINGS BAYOU	373.0	LOUISIANA RESOURCES

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WEST VIRGINIA DEPARTMENT OF MINES

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-PENNZOIL COMPANY				RECEIVED: 04/16/81 JA: WV			
R125743		4708702816	108	A D TALLMAN #1	REEDY	0.1	
R125744		4708702817	108	A D TALLMAN #6	REEDY	0.1	
R125709		4708703019	108	A W SUMMERS #1	WALTON	2.1	
R125737		4708702755	108	A W SUMMERS #11	WALTON	2.1	
R125676		4708702761	108	A W SUMMERS #20	WALTON	2.1	
R125703		4710300949	108	ANSON CAIN #4	GRANT	0.0	
R125704		4710300943	108	BLACKSHERE HELLS #59	GRANT	0.0	
R125674		4708702910	108	C C HIVELY #16	WALTON	2.1	
R125748		4708702916	108	C C HIVELY #25	WALTON	2.1	
R125670		4708703362	108	C C HIVELY #5	WALTON	2.1	
R125688		4710700152	108	C H SHATTUCK #25	WALKER	0.0	
R125696		4710700226	108	C H SHATTUCK #28	WALKER	0.0	
R125713		4708702486	108	C P & G A DAVIS #3	REEDY	0.1	
R125732		4708703056	108	CORA MARKS #2	HARPER	2.1	
R125733		4708703057	108	CORA MARKS #5	HARPER	2.1	
R125710		4708702471	108	D T CUMMINS #14	WALTON	2.1	
R125714		4708702487	108	DAVIS CP & GB #5	REEDY	0.1	
R125723		4708702539	108	E L FLEMING #3	REEDY	0.1	
R125727		4708702601	108	E LEWIS #4	WALTON	2.0	
R125728		4708702602	108	E LEWIS #5	WALTON	2.0	
R125729		4708702603	108	E LEWIS #6	WALTON	2.0	
R125740		4708702766	108	E T MCVEY #1	REEDY	0.1	
R125706		4709500627	108	ELI WETZEL #3	ELLSWORTH	0.1	
R125719		4708702514	108	ENOCH HRS #1	REEDY	0.1	
R125720		4708702515	108	ENOCH HRS #2	REEDY	0.1	
R125721		4708702517	108	ENOCH HRS #6	REEDY	0.1	
R125722		4708702518	108	ENOCH HRS #7	REEDY	0.1	
R125698		4710311190	108	F S SNODGRASS #7	GRANT	0.0	
R125711		4708702474	108	G A CUMMINGS #2	WALTON	2.1	
R125685		4708702803	108	G P & M A SUMMERS #5	WALTON	2.1	
R125699		4710301094	108	GENINE ROBINSON #13	GRANT	0.0	
R125750		4708702982	108	H M LYNCH #1	WALTON	2.1	
R125735		4708702991	108	H M LYNCH #7	WALTON	2.0	

WELL NO	PERMIT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
R125749					REEDY	0.1	
R125697		4708702926	108	H W ALLEN #1	REEDY	0.1	
R125682		4708700233	108	H W ALLEN #3	REEDY	0.1	

SUB NO	JACKET	API	CODE	WELL NAME	FIELD NAME	PROD	PURCHASER
8125749		4708702926	108	H W ALLEN #1	REEDY	0.1	
8125697		4708700233	108	H W ALLEN #5	REEDY	0.1	
8125726		4708702565	108	HUBBARD-SUMMERS #12	WALTON	0.0	
8125725		4708702560	108	HUBBARD-SUMMERS #3	WALTON	2.1	
8125700		4710301037	108	I D MORGAN #18	GRANT	0.0	
8125742		4708702800	108	I L SUMMERS #8	WALTON	2.1	
8125715		4708702492	108	ISAAC DONOHOE #8	WALTON	2.1	
8125702		4710300988	108	ISAAC HOGE #14	GRANT	0.0	
8125701		4710300989	108	ISAAC HOGE #17	GRANT	0.0	
8125662		4708701987	108	J M HINKLE #10	HARPER	2.1	
8125669		4708703162	108	J M HINKLE #6	HARPER	2.1	
8125731		4708703044	108	J M HIVELY #4	WALTON	2.1	
8125661		4708701988	108	J M SUMMERS #8	WALTON	2.1	
8125663		4708701990	108	J M SUMMERS #9	WALTON	2.1	
8125677		4708702632	108	J L & P LOONEY #3	HARPER	2.1	
8125736		4708702992	108	J L LOONEY #8	WALTON	2.0	
8125678		4708702551	108	J M HIVELY #1	WALTON	1.7	
8125694		4710700823	108	J R BARRETT #2	CLAY	0.0	
8125668		4706100449	108	J S WALKER #3	CLAY	2.4	
8125741		4708702786	108	J W & W C STANLEY #2	REEDY	0.1	
8125745		4708702884	108	J W WINF #5	SPENCER	0.0	
8125664		4708701992	108	JAMES SUMMERS #5	HARPER	2.1	
8125705		4709500632	108	JAMES WOOD #2	ELLSWORTH	0.1	
8125679		4708703364	108	LUCINDA SHAFFER #3	WALTON	2.1	
8125693		4710700824	108	M D DAVIS #2	UNION	0.0	
8125691		4710301245	108	M J WELCH #4	GRANT	0.0	
8125689		4710700067	108	M MCPHERSON #6	WALKER	0.0	
8125724		4708702541	108	M S GREEN #5	REEDY	0.1	
8125673		4708703125	108	MARSHALL LARCH #3	WALTON	2.1	
8125746		4708702891	108	MARY J GIBSON #2	WALTON	2.0	
8125747		4708702892	108	MARY J GIBSON #4	WALTON	2.0	
8125751		4708702984	108	MARY J GIBSON #5	WALTON	2.0	
8125712		4708702477	108	P G CUNNINGHAM #2	WALTON	2.0	
8125717		4708702511	108	R C ELMORE #2	WALTON	2.0	
8125718		4708702512	108	R C ELMORE #3	WALTON	2.0	
8125738		4708702762	108	R L MYLES #1	WALTON	2.1	
8125739		4708702763	108	R L MYLES #2	WALTON	2.1	
8125695		4710700722	108	R P INGRAHAM #29	UNION	0.0	
8125716		4708702496	108	R W DONOHOE #1	WALTON	2.1	
8125752		4708702990	108	R W SWINEY #2	WALTON	2.1	
8125686		4708702958	108	ROBERT CROMWELL #2	WALTON	2.0	
8125692		4710700825	108	ROBT P GRANT #5	CLAY	0.0	
8125730		4708703043	108	S E PHILLIPS #1	HARPER	2.1	
8125707		4708703011	108	S P SHAVER #2	WALTON	2.0	
8125734		4708703008	108	SP SHAVER #1	WALTON	2.1	
8125671		4708702162	108	T M ASHBY #1	HARPER	2.1	
8125708		4708703018	108	W H SLEATH #8	WALTON	2.1	
8125675		4708702850	108	W L TAYLOR #2	WALTON	2.1	
8125672		4708702433	108	W R CALDWELL #1	HARPER	2.1	
8125690		4710700068	108	W S WILLIAMSON #15	UNION	0.0	
8125687		4710700167	108	WR ESCHBACHER #11	WALKER	0.0	

-UNITED OPERATING COMPANY.

RECEIVED: 04/16/81 JAS WV

JD No.	JA	API	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
R125684		4709701152	108	HARVEY LENTZ	MIDDLE FORK RIVER	1.9	PARTNERSHIP PROPERTI
R125666		4700100488	108	HOLBERT #1	BELINGTON	3.5	PARTNERSHIP PROPERTI
R125665		4708100629	108	JESSIE SIBERT	BELINGTON	5.7	PARTNERSHIP PROPERTI
R125683		4709701243	108	MARY L HINKLE A	BUCKHANNON RIVER	1.0	PARTNERSHIP PROPERTI
R125681		4700100473	108	CPHA CHENOWETH	BELINGTON	1.6	PARTNERSHIP PROPERTI
R125682		4700100476	108	OTTO SHOCKEY A	BELINGTON	1.5	PARTNERSHIP PROPERTI
R125667		4700100486	108	SEECH #1	BELINGTON	1.4	PARTNERSHIP PROPERTI
R125680		4700100467	108	WILMER KITZ #1	BELINGTON	4.2	PARTNERSHIP PROPERTI

CORRECTIONS TO PREVIOUS NOTICES/REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	R: Revision of Redetermination by Jurisdictional Agency C: Correction to Prior Fed. Reg. Notice
80-38371	OK	Samson Resources Inc	L. M. Coblentz #1	223	07-16-81	C: 102 & 103 Approved
81-21667	WY	Union Oil Co. of California	Jayson Unit #1-6	397	03-31-81	C: API - 25524
81-21666	WY	Union Oil Co. of California	Jayson Unit #3-8	397	03-31-81	C: Well No. API 25578
81-20345	LA	Texaco Inc	Miami Corp E TR2 No 4	392	03-24-81	C: Approved for 103 and 107
81-20541	LA	Elgie Company Inc	Sonist # 2 PXY SUB N	392	03-24-81	C: Well Name
81-22786	WV	Star Gas Company	Sebert Cooper # 1	403	04-16-81	C: Well Name
81-22444	TX	Amoco Production Co	Prentice Northeast Unit # 144	401	04-08-81	C: 103 Approved not 108
81-20938	TX	Perryman Operating Co Inc	David L Goforth #1	394	03-25-81	C: 102 & 103 Approved
81-14383	OK	Andover Oil Company	Walter Mills 4-2	365	02-20-81	C: 102 & 103 Approved
81-09396	OK	Andover Oil Company	Alfadale Farms 2-2	346	01-27-81	C: 102 & 103 Approved
81-09417	OK	Andover Oil Company	Rother 10-1	346	01-27-81	C: 102 & 103 Approved
81-16657	OK	Andover Oil Company	Rother 11-1	373	03-02-81	C: 102 & 103 Approved
81-06163	OK	Andover Oil Company	Jensen 35-4	329	12-12-80	C: 102 & 103 Approved
81-04840	OK	Andover Oil Company	Jensen 2-1	321	11-26-80	C: 102 & 103 Approved
81-01604	OK	Reading & Bates Petroleum Co	Noble "B" Lease #1	306	10-31-8-	R: 108 Approved
81-01628	OK	Reading & Bates Petroleum Co	Noble "B" Lease #3	306	10-31-80	R: 108 Approved
80-44580	OK	Andover Oil Company	Miller 30-1	246	08-06-80	C: 102 & 103 Approved
80-40536	OK	Andover Oil Company	Cooksey 10-1	231	07-10-80	C: 102 & 103 Approved
81-03966	OK	Devon Corporation	Fred Factory #1	317	11-20-80	C: 102 & 103 Approved
81-20483	LA	Bass Enterprise Production Co	J. L. Smith JR #1	392	03-24-81	C: 102 & 103 Approved
81-20924	TX	BTA Oil Producers	Howe #1 (8001)	394	03-31-81	C: 102 & 103 Approved
81-20772	OK	P-T II LTD	Scott #15-1	394	03-31-81	C: Well Name
81-20180	OH	Belden & Blake Oil Production	J&P King Comm #2-355	391	03-27-81	C: 108 Approved
81-20236	OH	United Petroleum Corp	Hirt #1	391	03-27-81	C: 108 Denied
81-20237	OH	United Petroleum Corp	Barnes #1	391	03-27-81	C: 108 Denied
80-26404	USGS(LA)	Union Oil Company	OCS-G 3530 #A-1	188	05-12-80	C: Well Name
80-10936	OK	Arco Oil & Gas Company	Louis Barby #2	138	01-22-80	C: 103 Denied
80-38631	TX	Texas Oil & Gas Corp	Yoward # 1	225	07-14-80	C: 102 & 103 Approved
80-44563	OK	Kaiser-Francis Oil Co	Watson # 1	246	08-06-80	C: 102 & 103 Approved

BILLING CODE 6450-85-C

The above notices were received from jurisdictional agencies to the Natural Gas Policy Act and 18 CFR 275.202 determinations made after the section 102 production of 1,000 feet (MMcf) per day. control numbers purchasers notice.

The applications these proceedings or description record on were made except to the treated as c 275.209, at t Public Infor North Capit D.C. 20426.

Persons o determinati 18 CFR 275. protest with before May

Please ref Number (JD related to th Kenneth F. Pl *Secretary.*

[FR Doc. 81-14122 BILLING CODE

[Docket Nos.

Arkansas P

May 5, 1981.

The filing following:

Take noti Light Compa submitted re charges in a Coordination Transmissio between the Wholesale C revised form Settlement A with the Com referenced d

Any perso protest this f with the Fed Commission, NE, Washing before May 1 considered b determining taken. Copies

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 26, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14123 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80-373 and ER80-549]

Arkansas Power & Light Co.; Filing

May 5, 1981.

The filing company submits the following:

Take notice that Arkansas Power & Light Company on March 3, 1981, submitted redetermined rates and charges in accordance with the Power Coordination, Interchange and Transmission Service Agreements between the Company and certain Wholesale Customers based on the revised formulas incorporated in the Settlement Agreement recently filed with the Commission in the above-referenced dockets.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on or before May 13, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14087 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4371-000]

City of Chetek; Application for Preliminary Permit

May 6, 1981.

Take notice that the City of Chetek (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4371 to be known as Chetek Dam located on the Chetek River in Barron County, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Honorable John H. Beaty, Mayor, City of Chetek, 220 Stout Street, Chetek, Wisconsin 54728. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 80-foot long and 27-foot high concrete dam with a gravity spillway and earth embankments sections; (2) an existing reservoir with a maximum 3,800 acre surface area, a maximum 42,000 acre-foot storage at 1039.3 feet msl and a drainage area of 204 square miles; (3) an existing powerhouse with a proposed installed capacity of 250 kW; (4) a proposed 2.5-kV transmission line to be interconnected to a Northern States Power Substation; and (5) appurtenant facilities. Project No. 4371 is not located on Federal lands. The Applicant estimates that the average annual energy output would be 900,000 kWh.

Purpose of Project—The Applicant proposes to utilize the output energy within its own system and the excess energy sold to a local utility.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $20,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 18, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments,

protest, or petition to intervene must be received on or before June 19, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4371. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14099 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-433-000]

Commonwealth Electric Co.; Filing

May 6, 1981.

The filing company submits the following:

Take notice that on April 29, 1981, Commonwealth Electric Company, (formerly New Bedford Gas and Edison Light Company) filed, pursuant to Section 205 of the Federal Power Act and the implementing provisions of Section 35.13 of the Commission's Regulations thereunder, an amendment to its currently effective Rate Schedule FERC No. 38.

By the tendered amendatory agreement, Commonwealth Electric Company (Commonwealth) proposes to make available to the Massachusetts Municipal Wholesale Electric Company ("MMWEC") certain increased quantities of capacity and related energy from Commonwealth's entitlement in Canal Electric Company's Unit No. 2.

Commonwealth requests that the Commission's notice requirements be waived in order to allow said filing to become effective January 13, 1981.

Copies of this filing have been served by Commonwealth upon Buyer.

Any person wishing to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14072 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-285-000]

Consolidated Gas Supply Corp.; Application

May 6, 1981.

Take notice that on April 14, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-285-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing a five-year program of improvements of the Fink Storage Pool, Lewis County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to recondition and abandon up to 23 abandoned wells, abandon one active production well, recondition and operate 3 wells for storage observation purposes, drill and operate one new well for storage injection and withdrawal and operate 4 wells for storage observation purposes all in Applicant's Fink Storage area.

Applicant estimates the capital cost of the proposed program to be $5,700,000 which would be financed by either funds on hand or funds obtained from Applicant's parent, Consolidated Natural Gas Company.

Applicant asserts that the proposed program would allow it to properly maintain its expanded storage field and further measure and observe any changes which may occur in the southwest corner of the field.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14114 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-284-000]

Consolidated Gas Supply Corp.; Application

May 6, 1981.

Take notice that on April 14, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-284-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing

the reconditioning of 34 wells in the Lost Creek Storage Field, Lewis and Harrison Counties, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to recondition and replug up to 23 abandoned wells, recondition and retain 8 wells for storage observation purposes in connection with the operation of its Lost Creek Storage Field.

Applicant estimates the capital cost of the proposed program would be $6,660,000 which would be financed by either funds on hand or from funds from Applicant's parent, Consolidated Natural Gas Company.

Applicant asserts the proposed activities would enable it to monitor more closely the pressures and water levels in the storage formation in this area.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14873 Filed 5-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4418-000]

Consolidated Hydroelectric, Inc. Application for Preliminary Permit

May 6, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4418 to be known as Middle Fork Applegate River, Siskiyou located on Middle Fork Applegate River in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, consolidated Hydoelectric, Inc., 696 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 56-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 13,100-foot long diversion conduit or channel; (4) a 1,550-foot long, 31-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 2,400 kW; and (6) an 8-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 9.3 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION",

"COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4418. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14408 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4415-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

May 6, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 25, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4415 to be known as Cold Creek, Glenn located on Cold Creek in Glenn and Mendocino Counties, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of five facilities. The First and Upper Facility would consist of: (1) a natural rock diversion structure; (2) a 146-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 6,800-foot long diversion conduit or channel; (4) a 600-foot long 40-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 3,800 kW; and (6) a 16-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the Upper Facility would be 15.1 million kWh.

The Second Facility would consist of: (1) a natural rock diversion structure; (2) a 190-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 3,800-foot long diversion conduit or channel; (4) a 450-foot long, 40-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 3,700 kW; and (6) a 1-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the Second Facility would be 14.7 million kWh.

The Third Facility would consist of: (1) a natural rock diversion structure; (2) a 116-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 5,500-foot long diversion conduit or channel; (4) a 1,560-foot long, 41-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 4,800 kW; and (6) a 1-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the Third Facility would be 18.7 million kWh.

The Fourth Facility would consist of: (1) a natural rock diversion structure; (2) a 142-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 5,300-foot long diversion conduit or channel; (4) an 800-foot long, 39-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 4,800 kW; and (6) a 1-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the Fourth Facility would be 18.9 million kWh.

The Fifth and Lower Facility would consist of: (1) a natural rock diversion structure; (2) a 193-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 2,250-foot long diversion conduit or channel; (4) a 950-foot long, 52-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 4,700 kW; and (6) a 0.5-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the Lower Facility would be 18.9 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's

Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4415. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14091 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4410-000]

City of Des Moines, Iowa; Application for Preliminary Permit

May 6, 1981.

Take notice that City of Des Moines, Iowa (Applicant) filed on March 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4410 to be known as Saylorville Dam located on Des Moines River in Polk County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard Wilkey, City Manager, City of Des Moines, City Hall, East First and Locust Streets, Des Moines, Iowa 50307.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) as proposed powerhouse containing generating units having a total installed capacity of 6,000 kW; (2) proposed 69 kV transmission lines, and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. The Applicant estimates that the average annual energy output would be 20,900,000 kWh.

Purpose of Project—Energy produced at the project would be mostly consumed by the Applicant to operate its flood control pumping stations. Any excess energy would be sold to Iowa Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 12 months. During this time studies would be conducted to determine the economic, environmental, and engineering feasibility of the project, along with preparing an application for FERC license. Applicant estimates the cost of the studies would be $55,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc. Project No. 3596 filed on October 22, 1980, and the City of Ankeny Project No. 4039 filed on January 21, 1981, under 18 CFR § 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR §§ 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 2, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4410. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14092 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-430-000]

Duke Power Co.; Filing

May 6, 1981.

The filing company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on April 27, 1981 a supplement to

the Company's Electric Power Contract with the Town of Maiden. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 246.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the termination of Delivery Point No. 1.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately proceeding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of March 19, 1981.

According to Duke Power copies of this filing were mailed to the Town of Maiden and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before May 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14074 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-426-000]

El Paso Electric Co.; Filing

May 6, 1981.

The filing company submits the following:

Take notice that El Paso Electric Company (EPEC) on April 24, 1981, tendered for filing proposed changes in its rates for wholesale service to customers served under its FERC Rate Schedules 17, 18 and 19. EPEC indicates that the proposed changes would increase revenues from jurisdictional sales and service by $995,662 based on the 12-month period ending December 31, 1980. El Paso also included a separate request for authorization to include Construction Work in Progress (CWIP) in jurisdictional rate base under the "severe financial difficulty" standard of Order No. 555. Based on the 12-month period ending December 31, 1980, EPEC states that the CWIP application, if granted, would increase EPEC's revenues for wholesale service by $3,819,743 over rates presently in effect. EPEC requests that the cost of service (non-CWIP) increase be made effective on July 1, 1980 and requests that expedited procedures be implemented by the Commission for its CWIP application.

According to El Paso copies of the filing were served upon Community Public Service Company and Rio Grande Electric Cooperative, Inc., El Paso's customers under these schedules, and upon the New Mexico Public Service Commission and the Public Utility Commission of Texas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14075 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4167-000]

Energenics Systems, Inc.; Application for Preliminary Permit

May 6, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on February 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4167 to be known as St. Vrain Canal Project located on the St. Vrain Canal in Boulder County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the Water and Power Resources Service's St. Vrain Canal and consist of: (1) a new intake structure and check structure; (2) a new penstock; (3) a new powerhouse with an installed capacity of 2,100 kW; (4) a new transmission line about 6 miles long; and (5) other appurtenances.

The Applicant estimates that the average annual energy output would be 5,800,000 kWh.

Purpose of Project—Project energy would be sold to the Western Area Power Administration.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit would be $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an

interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4167. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14082 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4280-000]

Energenics Systems, Inc.; Application for Preliminary Permit

May 6, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on March 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4280 to be known as Mississippi River Lock and Dam No. 5 located on the Mississippi River in Winona County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, President, ENERGENICS SYSTEMS, INC., 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the northeastern end of the existing dam, containing generating units having a total installed capacity of 6.0 MW; (2) proposed penstock and intake structures; (3) proposed 115-kV transmission lines; and (4) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands.

The Applicant estimates that the average annual energy output would be 45.2 GWh.

Proposed of Project—Power generated at the project would be sold to Northern States Power Company or other public institutions.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time studies would be made to determine the engineering, economic, and environmental feasibility of the project, along with consulting Federal, State, and local government agencies to determine the environmental effects of the project and preparing an application for FERC license. Applicant estimates the cost of the studies would be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc., Project No. 3652, filed November 3, 1980, under 18 CFR 4.33 (1980), and therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before June 2, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4280. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy

Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14083 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4209-000]

Energenics Systems, Inc.; Application for Preliminary Permit

May 6, 1981.

Take notice that ENERGENICS SYSTEMS, INC. (Applicant) filed on February 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4209 to be known as the Monongahela River Lock and Dam No. 4 Project located on the Monongahela River in Westmoreland County, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, ENERGENICS SYSTEMS, INC., 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Monongahela River Lock and Dam No. 4 and would consist of: (1) a new powerhouse containing generating unit(s) having a total rated capacity of 13.5 MW; and (2) appurtenant facilities. The Applicant estimates that the average annual energy output would be 49.5 GWH.

Purpose of Project—Project energy would be sold to the West Penn Power Company or to nearby public institutions or industrial users.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Atlantic Power Development Corporation's Monongahela River Lock and Dam 4 Project No. 3522 filed on October 2, 1980, under 18 CFR 4.33 (1980), and therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before June 3, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4209. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14084 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4437-000]

Glacier Energy Co.; Application for Preliminary Permit

May 5, 1981

Take notice that Glacier Energy Company (Applicant) filed on March 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4437 to be known as Diobsud Creek Project located on Diobsud Creek in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William L. Devine, 8040 Mt. Baker Highway, P.O. Box 68, Maple Falls, Washington 98266. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a pre-fabricated concrete diversion structure on Diobsud Creek at elevation 1,200 feet; (2) an 8,000-foot long, 48-inch diameter penstock; (3) a powerhouse with a capacity of 3,000 kW located adjacent to Diobsud Creek at elevation 450 feet; and (4) associated electrical and transmission equipment. The Applicant

estimates that the average annual energy output would be 19,000 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant has submitted a study plan and schedule. Studies to be conducted by Applicant include engineering design and feasibility, environmental, and economic feasibility. Test borings would be made at the site of the proposed diversion dam, penstock, and powerhouse with a small, portable, hand operated machine. Disturbed areas would be returned to their natural state. No new roads are proposed under the permit. Applicant estimates the cost of its studies to be $125,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4457. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14115 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3730-001]

Henwood Associates, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

May 6, 1981.

Take notice that on March 27, 1981, Henwood Associates, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) (Public Law 96-294, 94 Stat. 611) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed Salmon Creek small hydroelectric project (FERC Project No. 3730) would be located on the Salmon and Sardine Creeks in Sierra County, California. Correspondence with the Applicant should be directed to: Dr. Kenneth Henwood, P.O. Box 7, Smartville, California 95977. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing 23-foot high and 185-foot long, earthfilled U.S. Forest Service's Upper Sardine Lake Dam, impounding a reservoir with a gross storage capacity of 975 acre-feet; (2) a 5-foot high and 30-foot long timber-crib diversion weir on Sardine Creek; (3) an 18-inch diameter pipeline; (4) a 6-foot high and 50-foot long concrete diversion weir on Salmon Creek; (5) a 5,700-foot long and 30-inch diameter steel penstock; (6) a 25-foot long and 20-foot wide concrete powerhouse containing one generating unit rated at 1,000 kW; and (7) a 600-foot long transmission line.

Purpose of Project—The energy generated by the project would be sold to Pacific Gas and Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before June 19, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely

notice of intent allows an interested person to file the competing license application no later than October 19, 1981. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 19, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3730. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14066 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2845-000]

Idaho Power Co.; Application for a New Major License

May 7, 1981.

Take notice that on August 28, 1980, the Idaho Power Company (IPC) of Boise, Idaho (Applicant) filed an application for license with the Federal Energy Regulatory Commission [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction, operation and maintenance of the A. J. Wiley Hydroelectric Project, FERC No. 2845 to be located on the Snake River in Twin Falls and Gooding Counties, Idaho. Correspondence with the Applicant should be directed to: Mr. Paul L. Jauregui, Secretary and General Counsel, Idaho Power Company, P.O. Box 70, Boise, Idaho 83707.

The proposed project would consist of: (1) Wiley Dam, a 680-foot long, 100-foot high earth filled embankment with an impervious core and rock surface containing a 175-foot wide concrete ogee spillway located on the north abutment controlled by three 45-foot wide and 35-foot high tainter gates; (2) a reservoir, which would extend to the tailwaters of the existing Lower Salmon and Lower Malad Power Plants of FERC Projects Nos. 2061 and 2726, respectively, with a gross storage capacity of 24,000 acre-feet and a surface area of 625 acres at elevation 2,735 feet m.s.l.; (3) a concrete intake structure within the dam, south of the spillway, forming a monolithic structure with; (4) a reinforced concrete powerhouse located below the dam, housing 3 identical generating units with a total rated capacity of 85.8 MW; (5) a 13.8/138-kV 3-phase transformer and switching structures adjacent to the powerhouse; (6) a 3-mile long transmission line connecting the proposed powerhouse to the IPC's existing transmission line, south of the project site. Applicant states that the Bliss Bridge and adjacent portions of Shoestring Road would be inundated by the proposed project. Applicant proposes to build a new bridge at a point 1,500 feet downstream of the proposed dam and reroute and reconstruct the inundated portions of the road.

Applicant proposes to construct 6 public day-use recreational facility areas around the reservoir and estimates the total cost of the project to be $126,000,000. Project power would be integrated into the Applicant's interconnected transmission and distribution system.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended*, 44 *FR* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended*, 44 *FR* 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protests, or petition to intervene must be filed on or before July 13, 1981. The Commission's address: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14067 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4345-000]

Mega-Hydro, Inc.; Application for Preliminary Permit

May 7, 1981.

Take notice that Mega-Hydro, Inc. (Applicant) filed on March 16, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4345 to be known as Dutch Creek located on Dutch Creek and

Maple Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Colley, Chain, and Dellaragione, Mega-Hydro, Inc., 1155 Hilltop Drive, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) two natural rock and concrete diversion structures; (2) two existing 5-foot wide, 5-foot deep channels; (3) a 2,760-foot long, 36-inch diameter penstock; (4) a powerhouse containing a 1,000-kW generating unit; and (5) a 12.5-kV transmission line.

The Applicant estimates that the average annual energy output would be 7,022,500 kWh.

Purpose of Project—The power generated by the proposed project would be sold to the Pacific Gas and Electric Company or other power purchasers.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform geographical studies; assess the environmental impacts; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4345. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14697 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-429-000]

Middle South Services, Inc.; Filing

May 6, 1981.

Take notice that on April 27, 1981, Middle South Services, Inc. (Services) tendered for filing a Memorandum of Understanding that affects ¶§ 2.10, 10.02 and 30.03 of the Agreement Among Arkansas Power & Light Company (AP&L), Louisiana Power & Light Company (LP&L), Mississippi Power & Light Company (MP&L), New Orleans Public Service Inc. (NOPSI) and Services dated April 16, 1973 as amended.

Services states that the changes are necessary because of the impact of Section 210 of PURPA on the companies in the aforementioned Agreement as the individual companies are required to purchase electric power from and sell electric power to cogenerators and small power producers. Section 292.304 of the Commission's Regulations states in (a)(2)—"Nothing in this subpart requires any utility to pay more than the avoided costs for purchases." The purchase of cogeneration power can adversely impact the customers of companies not involved in the transaction because of the "System Agreement." Therefore, Services states it is necessary to make changes in the handling of cogeneration power and energy under the System Agreement. This will in no way stop any company from participating in or with a cogenerator.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14077 Filed 5-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4044]

State of Minnesota, Department of Natural Resources; Application for Preliminary Permit

May 6, 1981.

Take notice that State of Minnesota, Department of Natural Resources (Applicant) filed on January 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4044 to be known as Kettle River Dam located on the Kettle River near Sandstone in Pine County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Larry Seymour, Director, Division of Waters, Minnesota Department of Natural Resources, Space Center Building, 3rd Floor, 444 Lafayette Road, St. Paul, Minnesota 55101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing earth and masonry dam composed of several sections with a total length of approximately 900 feet and maximum height of 34 feet; (2) an existing reservoir with a surface area of 30 acres at a normal maximum surface elevation of 956.3 feet m.s.l. with a storage at spillway crest of 230 acre-feet; (3) a proposed powerhouse containing two 500 kW units and having an installed capacity of 1,000 kW; (4) an existing electrical substation and transmission line located near the dam. The Applicant estimates that the average annual energy output would be 4.15 GWh.

Purpose of Project—The energy produced at the site will be sold to either Minnesota Power and Light Company or United Power Associates.

Proposed Scope and Cost of Studies Under Permit—The Applicant has already completed a preliminary study which determined that the site has a potential for hydropower development. A follow-up comprehensive study would include the following investigations: hydraulic intergity, economic analysis, market analysis and environmental analysis. The cost of the aforementioned studies is estimated by the Applicant to be $57,000. The Applicant seeks issuance of a preliminary permit for a period of 18 months.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 18, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirments of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 19, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protest, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4044. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14116 Filed 5-8-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-427-000]

Montana Power Co.; Filing

May 6, 1981.

The filing company submits the following:

Take notice that on April 27, 1981, the Montana Power Company tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff M–1 during January and February, 1981, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1981. Protests will be considered by the

Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14078 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4493-000]

North Valley Land Corp. Application for Preliminary Permit

May 6, 1981.

Take notice that North Valley Land Corporation (Applicant) filed on April 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4493 to be known as Middle Fork Applegate River, Siskiyou located on Grider Creek Hydroelectric Project located on Brider Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Sam e. Nelson, 50 Wilshire Drive, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Projection Description—The proposed project would consist of: (1) a 4-foot high diversion structure across the Grider Creek; (2) an outlet structure within the east bank; (3) a 16,000-foot long, 48-inch diameter low pressure pipe; (4) a 1,000-foot long, 48-inch diameter penstock; (5) a powerhouse containing a single generating unit with a rated capacity of 2,200 kW; and (6) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 8.5 million kWh.

Purpose of Project—Project energy would be sold to a public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested an 18-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 C.F.R. 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4493. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14080 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-280-000]

Northwest Pipeline Corp.; Application

May 6, 1981.

Take notice that on April 9, 1981, Northwest Pipeline Corporation (Applicant), 315 East Second Street, Salt Lake City, Utah 84111, filed in Docket No. CP81-280-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for a new point of delivey of natural gas in Bannock County, Idaho, and the reallocation of certain natural gas service to Intermountain Gas Company (Intermountain), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Intermountain, an existing customer, has informed it of its need for a delivery point to provide additional natural gas service to the Pocatello, Idaho, area. It is stated that the proposed delivery point is required to provide natural gas service to the Great Western Malting Company which

is an essential agricultural user and to meet future requirements of residential and commercial users of natural gas caused by a shift in the growth pattern of the city of Pocatello.

It is asserted that the daily delivery volume requirements for the proposed delivery point would be 6,660 Mcf per day for 1981–82 and increasing up to 13,321 Mcf per day for the period 1983–1989.

Applicant proposes to construct and operate the following facilities in order to establish the requested additional point for Intermountain: (1) a measuring and regulating station with appurtenances located in Bannock County, Idaho (Pocatello No. 2); (2) a tap on Applicant's 26-inch O.D. mainline located in Bannock County, Idaho; and (3) 2,800 feet of 6⅝-inch O.D. pipeline necessary to connect the proposed tap and meter station.

It is stated that the site of the proposed meter station would be approximately 2,800 feet from the proposed mainline tap adjacent to an existing road.

Applicant asserts that pursuant to a March 25, 1981, letter of agreement between itself and Intermountain, Intermountain would reimburse Applicant for all reasonable costs incurred in constructing the proposed facilities which are estimated to be $116,275. It is further stated that Intermountain would provide for the installation of the 2,800 feet of 6⅝-inch O.D. pipeline and upon completion Intermountain would assign all of its rights, title and interest to the line to Applicant for a consideration of one dollar.

Applicant further proposes to reallocate the natural gas service currently being rendered under its existing Rate Schedule ODL–1 to Intermountain as follows:

ODL–1 Maximum Daily Delivery Obligation

(In therms)

Delivery points	Presently effective	Proposed
Pocatello No. 2	0	70,000
Idaho Falls, Shelley, Blackfoot, Rexburg, Rigby, Lewisville, Ucon, Iona, St. Anthony, and Sugar City, Idaho, and environs including intermediate communities	585,000	515,000
Total	585,000	585,000

It is stated that the volumes of natural gas to be sold and delivered at the Pocatello No. 2 meter station would be from volumes of natural gas which Applicant has heretofore been authorized to sell and deliver to Intermountain. Applicant asserts that no increase in the contract quantity of natural gas is proposed nor would any such increase result from the reallocation.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–14370 Filed 5–8–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–287–000]

Ohio River Pipeline Corp.; Application

May 6, 1981.

Take notice that on April 16, 1981, Ohio River Pipeline Corporation (Applicant), 1630 North Meridian Street, Indianapolis, Indiana 46202, filed in Docket No. CP81–287–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new pipeline crossing under the Ohio River, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate a new 12-inch dual pipeline river crossing immediately downstream of and parallel to the present 10-inch dual crossing. It is asserted that each dual 12-inch pipeline would be approximately 4,100 feet in length and would be installed with a minimum cover of 10 feet under the bottom of the Ohio River and a minimum cover of 5 feet on the private right-of-way on each river bank. It is stated that the present 10-inch dual crossing would be connected at each end by a valving arrangement to the new 12-inch crossing.

It is submitted that the present dual pipeline is seriously impaired because of continuous exposure to additional segments of the pipeline.

It is stated that the total estimated cost of $2,045,940 would be financed by bank loans, long-term loans, and by the sale of securities to its parent, Indiana Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion

believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14080 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-429-000]

Pacific Power & Light Co.; Filing

May 6, 1981.

The filing company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on April 27, 1981, tendered for filing, in accordance with Sections 35.12 of the Commission's Regulations, a Letter Agreement with the Public Service Company of Colorado (Colorado) dated December 10, 1980 providing for sale of 110 megawatts of firm electric capacity and energy.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective January 1, 1981, which it claims is the date of commencement of service.

Copies of the filing were supplied to Colorado.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with ¶§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14081 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-431-000]

Pacific Power & Light Co.; Filing

May 6, 1981.

The filing company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on April 27, 1981, tendered for filing, in accordance with § 35.12 of the Commission's Regulations, a Letter Agreement with Sierra Pacific Power Company (Sierra) dated November 18, 1980. Under this agreement, Pacific is providing for sale of nonfirm thermal energy.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective December 3, 1980, which it claims is the date of commencement of service.

A copy of this filing was supplied to Sierra.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14082 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-152]

Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Amendment to Application

May 6, 1981.

Take notice that on April 13, 1981, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-152 an amendment to the pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect revision to the transportation and exchange agreement dated October 31, 1980, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants state that in their pending application in the instant docket they proposed, *inter alia*, to transport natural gas for the account of United Gas Pipe Line Company from Ellis County, Oklahoma, to points of redelivery in Louisiana and Texas.

Applicants propose herein pursuant to an amendment to the transportation and exchange agreement dated January 30, 1981, to change the agreement from a volumetric basis to a thermal basis and to lower the minimum Btu requirement from 1,015 to 985.

Applicants further state pursuant to an amendment to the transportation and exchange agreement dated March 23, 1981, that the correct mileage for this transportation service is 703.1 miles and the correct charge for redelivery in Waller County, Texas, is 1.47 cents per Mcf which equates to a monthly charge of $166,300 and a unit rate per Mcf of 18.44 cents.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14083 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4470-000]

Puget Sound Power and Light Co.; Application for Preliminary Permit

May 6, 1981.

Take notice that Puget Sound Power and Light Company (Applicant) filed on April 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 4470 to be known as Deschutes-Tumwater Project located on the Deschutes River in Thurston County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Robert V. Myers, Vice President, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing 25-foot high concrete gravity diversion dam, having an existing intake structure on the right bank; (2) a 1,250-foot long wood-stave penstock; (3) a 400-foot long tunnel; (4) a powerhouse containing one generating unit rated at 2,500 kW; and (5) a 750-foot long transmission line.

The Applicant estimates that the average annual energy output would be 7.8 million kWh.

Purpose of Project—The energy generated by the project would be sold to Puget Sound Power & Light Company's 500,000 customers.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, environmental, economic, and financial studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $150,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 8, 1981. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by confroming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 9, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4470. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14669 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1950-000]

Michael P. Sullivan; Application

May 5, 1981.

The filing individual submits the following:

Take notice that on April 13, 1981, Michael P. Sullivan, pursuant to Section 305(b) of the Federal Power Act, tendered for filing an application for authority to hold the following positions:

Clerk—Cambridge Electric Light Company, Canal Electric Company, Commonwealth Electric Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14670 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RI76-31 and Docket No. RI80-13]

Tenneco Oil Co. (Operator) et al. (Agent for Tenneco Oil Co. and Ashland Oil Co.) and Amoco Production Co.; New Briefing Dates and Notice of Compliance With Freedom of Information Act Request

May 5, 1981.

Take notice that parties desiring to file briefs in these consolidated proceedings shall file their initial briefs on or before May 28, 1981; answering briefs are due on or before June 29, 1981. This notice is in accordance with a rehearing order, issued April 23, 1981, in these proceedings. In the above-mentioned order, the Commission stated, among other things, that new briefing dates would be set after

compliance with Amoco Production Company's Freedom of Information Act Request. The Commission responded to Amoco's FOIA request on April 22, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14093 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-282-000]

Transcontinental Gas Pipe Line Corp. and Mid Louisiana Gas Co.; Application

May 6, 1981.

Take notice that on April 10, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Mid Louisiana Gas Company (Mid Louisiana), 21st Floor, Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP81-282-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange and transportation of natural gas and the construction and operation by Transco of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants proposed to institute an exchange and transportation service pursuant to an agreement between the parties dated March 19, 1981. It is stated that the agreement provides for Transco and Mid Louisiana to be obligated to receive for exchange from the other at various points of receipt quantities of gas of up to a maximum daily quantity of 25,000 Mcf. It is further provided under the agreement that the exchange would be on a firm basis and that the parties would be obligated, provided adequate capacity exists on the respective systems, to amend the agreement to add other sources of gas which each party may acquire and can deliver to the other party in order to enable such delivering party to utilize the 25,000 Mcf per day maximum daily quantity. Applicants state that any exchange imbalance which may exist would be eliminated by one party delivering to the other quantities of gas at one or more of the prescribed balancing points which would be located at the Transco-Mid Louisiana interconnections at Ethel, East Feliciana Parish, Louisiana, and Hester, St. James Parish, Louisiana.

It is further stated that the exchange of gas from additional sources would also be performed on a firm basis and that neither party would charge a rate for effectuating the exchange of gas or delivery of imbalance quantities thereunder.

Applicants state that each may elect to tender quantities of gas to the other party in excess of the 25,000 Mcf per day and that upon mutual agreement the other party would receive such quantities for exchange and/or transportation provided sufficient capacity exists on its system. It is stated that any imbalance of quantities in excess of the maximum daily quantity would be eliminated by the transportation and delivery of such volumes by the receiving party to the other at the balance points. For any quantities of gas which may be transported the transporting party would charge the appropriate system tariff rate(s) charged to other pipeline customers for whom similar service is rendered.

Applicants also propose to add additional points of receipt to their agreement as new gas sources are discovered so that the new gas supplies may be subject to the exchange and transportation arrangement in an expeditious manner. It is asserted that the agreement is for a primary term of ten years from the date of initial delivery and from year to year thereafter.

Transco also proposes to construct and operate a 1,100 horsepower reciprocating engine compressor unit at the existing interconnection between Transco and Mid Louisiana at Ethel, East Feliciana Parish, Louisiana, which is near Transco's Station No. 01. It is stated that the pipeline system of Mid Louisiana is a relatively low-pressure system which requires the assistance of compression facilities to deliver the gas quantities to Transco's system at Ethel. Applicants state that the construction of the proposed facilities would not increase the delivery capacity of Transco's main transmission system. Applicants estimate that the cost of the proposed compression facilities would be $900,000 which would be financed initially through short-term loans and available cash and permanent financing undertaken as part of an overall long-term financing program at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14094 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-432-000]

Wisconsin Power & Light Co.; Filing

May 6, 1981.

The filing company submits the following:

Take notice that on April 27, 1981, Wisconsin Power and Light Company (WPL) tendered for filing a new Wholesale Power Agreement dated April 12, 1981, between the Waushara County Electric Cooperative and WPL. WPL states that this is a new agreement between itself and the Cooperative, superseding the existing Wholesale Power Agreement, which previously was designated FPC Rate Schedule No. 105, Supplement 7.

WPL requests a proposal effective date of April 2, 1981, and, therefore, requests waiver of the notice requirements of the Commission's regulations. WPL states that a copy of the Wholesale Power Agreement and the filing have been provided to the Waushara County Electric Cooperative and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest this filing should file a petition to

intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before May 25, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14096 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4430-000]

Wisconsin Public Power Inc. System; Application for Preliminary Permit

May 7, 1981.

Take notice that Wisconsin Public Power Incorporated System (Applicant) filed on March 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4430 to be known as Mississippi River Lock and Dam No. 5 located on the Mississippi River in Buffalo County, Wisconsin and Winona County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Wisconsin Public Power Incorporated System, c/o Richard L. Olson, P.O. Box 927, Madison, Wisconsin 53701. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse containing generating units with a total installed capacity of 5,808 kW; (2) proposed transmission lines; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located on U.S. lands. The Applicant estimates that the average annual energy output would be 45,041 MWh.

Purpose of Project—Energy produced at the project would be marketed to the municipal members of the Wisconsin Public Power Incorporated System.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months to assess the technical and economic feasibility of the proposed project, and consult Federal, State, and local government agencies concerning the environmental effects of the project. In addition, all the information necessary for FERC license application would be obtained. Applicant estimates the cost of the studies would be $51,066.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc. Project No. 3652 filed on November 3, 1980, under 18 C.F.R. (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 5, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4430. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14100 Filed 5-8-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-226; PH-FRL-1824-2]

Abbott Laboratories; Filing of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the filing of a pesticide petition by Abbott Laboratories proposing the establishment of an exemption from the requirement of a tolerance for *Hirsutella thompsonii* when used on citrus, blueberries, and turf to control insects.

ADDRESS: Written comments and inquiries should be directed to: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Written comments may be submitted while the petition is pending before the agency. The comments are to be identified by the document control number "[PF-226]" and the petition number (OF 2400). All written comments filed pursuant to this notice will be

available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee (703–557–7028).

SUPPLEMENTARY INFORMATION: Abbott Laboratories, Chemical and Agricultural Products Div., North Chicago, IL 60064, has submitted pesticide petition OF 2400 to the EPA. The petition proposes that 40 CFR Part 180 be amended by establishing an exemption from the requirement of a tolerance for the mycoacaricide *Hirsutella thompsonii* when used as a miticide on citrus, blueberries, and turf to control insects.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136)).

Dated: May 4, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-14084 Filed 5-8-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-30156A; PH-FRL 1823-8]

Ventron Corp.; Approval of Application To Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces approval of an application to register the pesticide product VINYZENE SB–129 containing the new active ingredient *N*-(2-methyl-1-naphthyl) maleimide.

FOR FURTHER INFORMATION CONTACT: Henery M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of December 28, 1978 (43 FR 60652) that Ventron Corp., Beverly, MA 01915, had filed an application, EPA File Symbol 2829–RRI, with the EPA to register the pesticide product VINYZENE SB–129, containing 12.5 percent of the active ingredient *N*-(2-methyl-1-naphthyl) maleimide. The application proposed that the fungicide be registered for general use as an antimicrobial for plastic compounds.

This application was approved on February 25, 1981. The product has been assigned EPA Registration No. 2829–118. A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after the registration date of February 25, 1981. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), EPA, 401 M St. SW., Washington, D.C. 20460. Such requests should: (1) identify the product by name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(5), 92 Stat. 824 (7 U.S.C. 136))

Dated: April 29, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-14083 Filed 5-8-81; 8:45 am]

BILLING CODE 6560-32-M

[ER-FRL-1823-3]

Upper Blue River Basin (Breckenridge, Colo.); Wastewater Management Plan Environmental Impact Statement

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of Notice of Intent to prepare an Environmental Impact Statement (EIS).

FOR FURTHER INFORMATION CONTACT: Mr. John M. Brink, Environmental Evaluation Branch (8W–EE), U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, CO 80295, Telephone: (Commercial) 303–837–4831, (FTS) 8–237–4831.

SUMMARY: EPA Region VIII issued a Notice of Intent to prepare an Environmental Impact Statement for the Upper Blue River Basin Wastewater Management Plan on May 16, 1980 (45 FR 32419). EPA is withdrawing that Notice at this time because the Breckenridge Sanitation District, the project sponsor, has informed EPA that it does not intend to seek Federal funds for design or construction of its wastewater treatment facilities in the lower portion of the Study Area. The Agency will review the facility plan and project report for the upper portion of the Study Area upon its completion to ensure that the requirements of the National Environmental Policy Act are met.

Date: Effective April 15, 1981.

Dated: April 30, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A–104).

[FR Doc. 81-14085 Filed 5-8-81; 8:45 am]

BILLING CODE 6560-37-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 78–97; Transmittal Nos. 7346 and 7091]

The Western Union Telegraph Co.; Revisions to Tariffs FCC Nos. 240, 252, 260, 263, and 269; Restructuring of Telex and TWX Services

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order.

SUMMARY: The Federal Communications Commission has included in CC Docket No. 78–97 (43 FR 11753; March 21, 1978) tariff revisions filed by the Western Union Telegraph Company which restructure rates for that carrier's Telex and TWX services. By a prior order, 67 FCC 2d 1420 (1978), any cancellations, amendments or reissues of the subject rate schedules are included in the CC Docket No. 78–97-proceeding.

EFFECTIVE DATE: April 22, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Randall S. Coleman, Common Carrier Bureau, Telephone: (202) 632–6917.

In the Matter of the Western Union Telegraph Company; Revisions to Tariffs FCC Nos. 240, 252, 258, 260, 263, and 269—Restructuring of Telex and TWX Services (CC Docket No. 78–97; Transmittal Nos. 7346 & 7091); memorandum opinion and order.

Adopted: April 22, 1981.

Released: April 30, 1981.

By the Acting Chief, Common Carrier Bureau:

1. Before the Bureau are petitions by Graphnet, Inc. (Graphnet) and RCA Global Communications, Inc. (RCA Globcom) requesting rejection or alternatively suspension and investigation of proposed tariff revisions filed by the Western Union Telegraph Company (Western Union).[1] These revisions, scheduled to become effective April 24, 1981, would restructure rates for the carrier's integrated teleprinter

[1] Graphnet seeks only rejection. ITT World Communications, Inc. (ITT Worldcom) has filed reply comments in support of rejection or alternatively suspension and investigation. Western Union, in turn, has filed a response to these comments.

exchange services, Telex and TWX, offered under Tariff FCC Nos. 240 and 258, respectively, and associated services available to Telex and TWX subscribers.[2] Generally, Western Union proposes to establish a nondistance sensitive or "postalized" usage rate structure for the services involved, and to decrease overall rate levels for usage, while increasing charges for access.[3] Western Union also plans to expand its exchange city service locations from approximately 300 to 1600 in the case of Telex, and from approximately 600 to 1600 in the case of TWX. Petitioners argue that Western Union's proposed tariff revisions are unreasonable and unjustly discriminatory within the meaning of Sections 201(b) and 202(a) of the Communications Act, 47 U.S.C. 201(b), 202(a), and violative of Section 222 of the Act, 47 U.S.C. 222(e)(1).[4]

Additionally, they contend that Western Union has failed to supply the economic support data required by Section 61.38 of the Commission's Rules (47 CFR 61.38). For reasons to be explained, we find that neither rejection nor suspension is warranted. However, in light of the Commission's original designation order in the ongoing Docket No. 78-97, *Telex/TWX Investigation*, 67 FCC 2d 1420 (1978), these revisions are automatically included in that investigation.

Background

2. Before turning to petitioners' claims, a brief description of the services involved and Western Union's proposed revisions is helpful. The basic Telex and TWX offerings provide for the transmission of typewritten and data communications between the stations of subscribers to these services.[5] More specifically, a Telex subscriber has the ability to dial any other subscriber station on the Telex network to establish direct, real time, two-way communications in the typewritten or data mode. A TWX subscriber has a similar ability to dial any other TWX station and both Telex and TWX subscribers may "talk" to each other via the carrier's Infomaster service. TWX is a higher speed service, operating at speeds up to 100 words per minute, whereas Telex operates at up to 66.67 words per minute. Another difference is that Telex uses Baudot code while TWX uses the ASCII code, one of the standard codes for computer operation. Thus, although both services serve largely the same market, i.e., the business community, and are used for the transmission of both typewritten messages and low speed data, Telex is the more message oriented service while TWX is better suited to the transmission of low speed data.

3. Telex and TWX services are comprised of several rate elements. At present, the monthly usage rates associated with both services are priced on the basis of monthly usage time and distance. Telex usage, under the currently effective tariff, is measured by "pulses," which reflect both a call's duration and the distance or the number of rate "zones", traversed by the call. TWX usage, under the currently effective tariff, is measured on the basis of call duration (full minutes) and airline mileage between points of origination and destination. In addition, Telex and TWX subscribers pay separate fees for local access and for terminal equipment, if supplied by Western Union. Finally, Telex and TWX subscribers located beyond the city limits of exchange cities must pay an additonal remote access line charge on a per mile basis. Thus, although actual rate levels differ between the two services, the rate structures are similar.

4. The instant revisions mark the initial utilization of Western Union's Digital Exchange System (DES) network costs as the basis for Telex and TWX rate structures. As such, the revisions represent a comprehnsive departure from the Telex and TWX rate structures currently in place. Western Union maintains that with the implementation of its computer-based DES network, distance is no longer a significant factor in its cost of providing service.

5. According to Western Union, the DES network is not linear in the sense that a message follows a reasonably straight-line path from origination to destination. Switching functions are limited to four locations—New York, San Francisco, Atlanta and Chicago. Each terminal in the system is "homed" on one of these sites and each site is directly connected to the others via satellite links. Thus, a call between two terminals located in Dallas, Texas, which is "homed" on Atlanta, will follow a path from Dallas to the Atlanta DES switch and then back to Dallas. On the other hand, a call from Dallas to a terminal in Atlanta will travel from Dallas to the Atlanta DES switch and from there to the Atlanta terminal, or approximately one-half the route distance of the Dallas-to-Dallas call. A call from Pittsburgh to Denver is routed via the New York switch to the San Francisco switch and from there to the Denver terminal. In other words, unlike the previous linear network, there is no significant correlation between airline or straight-line distance between points of origination and distination and the distance a message actually travels over the DES network.

6. Thus, Western Union reasons that since distance is no longer a significant cost-causative factor, distance sensitive rate structures for Telex and TWX services are not warranted. It points out that the only elements of cost affected by geographical considerations are those which relate to switching equipment and "inter-site trunking." However, because inter-site

[2] Western Union's tariff filing includes revisions to its Telex and TWX Computer Services (TCS); Telex and TWX originated MAILGRAM Service, and Telex and TWX Services for connection with the overseas Telex Services of the international record carriers (IRCs). Western Union has also filed revised rates for the InfoMaster 300 and InfoCom services related to Telex and TWX services. These revisions appear to have been proposed for purposes of consistency between rate elements among Telex and TWX and associated services.

[3] "Access" relates to the facilities and associated services provided by the carrier which allow customers to reach its interexchange networks for Telex and TWX. "Local" access is required where the customer's premise is located in a city in which Western Union maintains a terminating device through which the customer may enter the desired network. The charge for local access covers 1) the line between the customer and the carrier's terminating device; 2) the equipment located at the customer's premise other than a terminal device; and 3) associated maintenance services. "Remote" access is required by subscribers located in communities where there is no Western Union terminating device. In those cases, the customer, is charged for a line between his station and the nearest city in which a Western Union terminating device is located.

[4] Section 201(b) requires that all charges, practices, classifications and regulations for and in connection with interstate or foreign communications by wire or radio, shall be just and reasonable, and makes unlawful any charge, practice, classification, or regulation that is unjust or unreasonable. Section 202(a) in turn provides that it shall be unlawful for any common carrier to make "any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communications service * * *."

Section 222(e)(1) states that:

In the case of any consolidation or merger of telegraph carriers pursuant to this section, the consolidated or merged carrier shall, except as provided in paragraph (2) of this subsection, distribute among the international telegraph carriers, telegraph traffic by wire or radio destined to points without the continental United States, and divide the charges for such traffic, in accordance with such just, reasonable, and equitable formula in the public interest as the interested carriers shall agree upon and the Commission shall approve: *Provided, however*, That in case the interested carriers shall fail to agree upon a formula which the Commission approves as above provided, the Commission, after due notice and hearing, shall prescribe in its order approving and authorizing the proposed consolidation or merger a formula which it finds will be just, reasonable, equitable, and in the public interest, will be, so far as is consistent with the public interest, in accordance with the existing contractual rights of the carriers, and will effectuate the purposes of this subsection.

[5] According to Western Union, as of year's end 1980 there were approximately 77,000 Telex subscribers and approximately 56,000 TWX subscribers.

transmission is accomplished through satellite facilities, Western Union maintains that its DES network remains relatively distance insensitive. The remaining small cost differences that truly are a function of the distance between stations do not in Western Union's view justify continuation of the current distance sensitive rate structure or the development of a new structure founded on distance. In fact, Western Union argues that a structure which accounts for the small cost differences that exist among various calls would only complicate its tariff and confuse customers. For these reasons, Western Union proposes a postalized rate structure for Telex and TWX usage.[6]

7. The carrier also proposes to increase charges for local access to a point where local access charges applicable to Telex and TWK subscribers would be equalized and range between $30 and $40.[7] Western Union concedes that even with the proposed increases the access rates would not be compensatory. That is, the rates would not cover the costs it incurs in providing access facilities, as shown in its fully distributed cost (FDC) studies. It neverthless contends that its local access charge proposal goes further than ever toward earning a full return without pricing itself out of the competitive market for the services involved.[8]

8. Similarly, Western Union's proposed two-fold increase in the rates for "remote" accesss do not, according to the carrier, cover, fully allocated access costs. Where a subscriber station is located in a city in which there is no Western Union terminating device, voice grade facilities must be leased from another carrier. Western Union asserts that because the rates local telephone carriers charge other carriers for such facilities vary from one location to another, it has averaged these charges to produce a uniform mileage rate of $3.00 for remote access to both services. Although Western Union's studies put the average cost of remote access at $3.71 per mile for Telex and $3.70 per mile for TWX, even taking into consideration the proposed expansion of access cities, it regards the $3.00 rate as the maximum it could possibly seek without risking the loss of subscribers.

9. As a separate matter, because the petitions call into play the record to date in the *Telex/TWK Investigation*, Docket No. 78-97, a brief description of the issues involved in that proceeding is also helpful. There, the Commission has set for investigation proposed Telex and TWK rate revisions filed by Western Union in 1977 under which rates for short-hall traffic would be increased while rates for long-haul traffic would be lowered.[9] Noting Western Union's projections that by 1981 these changes would generate revenues yielding nearly 26 percent and 19 percent rates of return for Telex and TWX respectively, the Commission has questioned whether such returns are excessive. Moreover, because Western Union projected that its overall rate of return would range from 5.0 percent in 1978 to 8.8 percent in 1981, the Commission has expressed concern that the high returns on Telex and TWK are being used to offset losses or deficient returns on other services, and taken it upon itself to determine the need for and permissible degree of such cross-subsidization. The Commission also has inquired into the reasonableness of the cost-allocation procedures used by Western Union in allocating costs to the various services. The investigation has been enlarged to incorporate subsequently filed revisions aimed at establishing rates applicable to the IRCs in connection with their overseas Telex services, at levels equal to public rates, and to consider additional Telex and TWK related rate increase proposals by Western Union filed in anticipation of increased costs resulting from the imminent expiration of its facilities contracts with AT&T. See 69 F.C.C. 2d 924 (1978).[10]

Contentions

10. Graphnet argues that the proposed revisions are unjust and unreasonable within the meaning of Section 201(b) of the Act and unjustly and unreasonably discriminatory under Section 202(a) of the Act. Rejection is warranted, it says, because the only available evidence, namely the Docket No. 78-79 record, supports a distance sensitive, rather than a postalized, rate structure. Although that proceeding is as yet undecided, Graphnet believes the record there shows that even under the current distance sensitive rate structure, short-haul customers are paying unreasonably high rates vis-a-vis long-haul customers. Thus, Graphnet reasons, since the proposed rate structure would eliminate distance as a ratemaking variable altogether where usage is concerned, the alleged existing unlawful discrimination against short-haul customers would only be exacerbated.

11. Graphnet asserts also that the proposed postalization of Telex and TWX rates is anticompetitive. It maintains that because Western Union enjoys a virtual monopoly over the domestic market for record services, new competitors who wish to enter that market must interconnect with Western Union in order to reach their own customers. In its view, since the charge for dialing into a competing network alone would equal the charge for completing the call over Western Union's Telex or TWK network, the postalized rate structure will eliminate customer incentive to access a competitor of Western Union via Telex or TWK for the purpose of sending a message over a competitor's network.

12. Graphnet next contends in support of rejection that Western Union's tariff filing fails to comply with the requirements of Section 61.38 of the Commission's Rules that proposed tariff changes be accompanied by supporting cost and other economic data. It states the Western Union's revenue and cost analyses are developed on a total system basis including facilities employed in providing services in both interstate and intrastate jurisdictions. Graphnet asserts, however, that Section 61.38 requires that only relevant costs be

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[6] Western Union states that prior to the effective date of the instant revisions, DES will be the sole system for the transmission of TWX traffic. In addition, it represents that approximately one-half of all Telex subscribers are now terminated on DES and that by year-end 1983, over 58 percent of these subscribers will be connected to DES. Western Union also asserts that all future Telex growth will be handled on DES. On this basis, Western Union maintains that its use of the DES network as the foundation of rate structure development is justified. However, the present mix of facilities, i.e., both the DES network and the remaining electromechanical facilities, have been used for purposes of allocating costs to the services involved.

[7] The proposal represents a small increase in the local access charge for Telex and approximately a two-fold increase in such charges for TWX.

[8] Western Union estimates local access revenue requirements to range between approximately $50.00 and $69.00 for Telex and between approximately $46.00 and $59.00 for TWX.

[9] See 67 F.C.C. 2d 1420 (1978).

[10] 68 F.C.C. 2d 98 (1978). As an additional matter, the Commission has delegated authority to the presiding judge in the investigation to prescribe, pursuant to Section 222 (e) of the Act, divisions of charges between Western Union and the IRCs for the joint provision of outbound international Telex and TWK services. The law judge in turn has issued and interim prescription order under which adjustments to Western Union rates applicable to the IRCs for outbound international messages are required to equal the adjustments made to rates applicable to the general public for commensurate service. See *Western Union Telegraph Company*, FCC 79-845, released July 24, 1979. The Commission denied petitions to stay the effectiveness on the interim order in *Western Union Telegraph Company*, 73 FCC 2d 736 (1979), and dismissed the IRC application for review of the interim order by memorandum Opinion and Order released December 13, 1979 (FCC 79-812). The IRCs have appealed the interim prescription order, and that appeal is pending. *Western Union International v. FCC*, D.C. Cir. No. 79-2063. The Commission's order refusing to review the interim prescription order was also appealed. *TRT Telecommunications Corp. v. FCC*, D.C. Cir. No. 79-2324. The Court of Appeals has refused to stay the interim prescription order.

shown and that the inclusion of intrastate costs is impermissible because intrastate rates are beyond the authority of the Commission.

13. Similarly, Graphnet points out that Western Union has based its entire cost analysis on DES costs as a proxy for both Telex and TWK networks, even though only approximately 50 percent of Telex lines are terminated on DES. In this regard it contends that Western Union's justification amounts to nothing more than the "alignment" theory which we found to be "patently illegal" in *American Telephone and Telegraph Company*, 59 F.C.C. 2d 671, 703 (1976).

14. Finnally, Graphnet urges rejection of the rates proposed for local and remote access services. According to Graphnet, these rates are not compensatory and thus openly violate Commission policy.

15. RCA Globcom, for its part, seeks rejection of the revisions to Tarrif FCC Nos. 263 and 269, under which Western Union offers Telex and TWK services, respectively, for connection with the services of the IRCs. It argues that Western Union is attempting to dictate the amount that the IRCs would pay for the domestic portion of outbound international traffic. This attempt is said to violate the requirements of Section 222(e)(1) that Western Union and the IRCs agree as to the division of revenues for such traffic, subject to Commission approval or prescription.

16. RCA Globcon next alleges that at least suspension and investigation is warranted because the revisions fail to account for what it believes to be considerable cost savings associated with handling the traffic of other carriers. Based on the record in Docket No. 78-97, it insists that Western Union experiences savings in capital costs, labor costs, and costs of promotion, sales or advertising when serving other carriers as compared with the general public. These savings, therefore, should be reflected in lower rates to the carriers. Similarly, RCA Globcom contends that the proposed rate structure unjustifiably shifts the brunt of usage costs to short-haul users. Moreover, it shares Graphnet's concern that a non-distance sensitive rate structure is proposed for Telex when only approximately 50 percent of Telex lines are terminated on DES.

Discussion

17. The Commission's authority to reject a tariff filing is limited. To invoke it there must be a clear violation of the Act, a prior Commissioner order, or its Rules. *Associated Press* v. *FCC*, 448 F.2d 1095 (D.C. Cir. 1971). Upon careful consideration, we find the petitions fail to demonstrate that rejection is warranted.

18. As noted, Graphnet relies heavily on the record in Docket No. 78-97 in urging rejection of the instant tariff revisions. The evidence, it says, shows that non-distance sensitive rate structures for Telex and TWK would unlawfully discriminate against a short-haul customers. However, even assuming the correctness of Graphnet's interpretation of that record, Western Union is by no means barred from implementing changes to its tariffs. The ongoing proceeding in Docket No. 78-97 concerns Telex and TWK rates which are not based on costs resulting from Western Union's current DES network. As such, those rates are based on different cost considerations. By contrast, the instant rate proposal is predicated on a different technology, which assertedly eliminates distance as a significant cost-causative factor and therefore obviates the need for a rate differential between short-haul and long-haul customers. Under these circumstances, absent any other showing that the new rates are unreasonable or unjustly discriminatory on their face, we cannot reject simply because the proposed revisions would equalize rates for short-haul and long-haul traffic.

19. Graphnet's contentions that the proposed revisions are anticompetitive likewise do not support rejection. The argument here is simply that postalization would eliminate customer incentive to use services offered by Western Union's competitor because the Western Union charge for service to access a competitor's network would be as great as the charge for transmitting the message entirely over Western Union facilities. Although we can indeed appreciate that a distance sensitive rate structure may be more favorable to Graphnet, it does not follow that rejection of Western Union's postalized rate structure is warranted. The stated preference by one competitor for a structure that would allow it a greater ability to compete, is not the equivalent of a showing that a filing carrier's proposed structure is anticompetitive *per se*. Thus, although the proposed postalized rates may well have some impact in the domestic record marketplace, there is no evidence to suggest that the proposed rate structure is an unreasonable competitive response.

20. Nor do we find any merit to the claim that Western Union has violated Section 61.38 by aggregating intrastate and interstate costs. In this regard, Graphnet relies upon a Bureau order in which rate increases proposed by Western Union for its Public Message Service (PMS) were rejected because the carrier had sought to support those increases with cost data that included non-jurisdictional, i.e., non-communications, services. *Western Union Telegraph Company*, Mimeo No. 99222, released April 7, 1978. Graphnet's reliance on that finding is misplaced, however. Unlike the earlier order, the cost information here does not include the cost of non-communication services. In fact, Western Union has shown that under the proposed rate structure the cost per call would be the same for both intrastate and interstate service and, conversely Graphnet has not substantiated its claim that the inclusion of intrastate costs would have a negative impact on interstate rates.[11] For these reasons, we see no basis to reject on Section 61.38 grounds either.

21. This brings us to Graphnet's contention regarding the propriety of using DES costs to develop the Telex rate structure.[12] The underlying thought here appears to be that because Western Union will continue to use some distance sensitive transmission facilities in providing Telex services, it cannot base its Telex rates on DES costs alone. Initially, it bears pointing out that as we read the cost data, Western Union appears to have considered all of the facilities costs, i.e., the current and projected mix of DES and other facilities, in determining the revenue requirement for Telex service. While not all of these Telex costs are distance insensitive, it is by no means clear that Western Union's decision to postalize Telex rates is unlawful. In fact, RCA Globcom concedes that the proposed postalized structure "probably most accurately mirrors relevant costs."

22. Nevertheless, Graphnet maintains that Western Union's postalization of Telex rates is prompted by its desire to have consistent rate structures and that its justification is based on the same "alignment" theory the Commission rejected in *American Telephone and Telegraph Company, supra*, with respect to revisions of that carrier's Wide Area Telecommunications Service (WATS) tariff. There, however, AT&T had presented no independent cost data to justify its WATS rate proposal. Rather, it had supported WATS rates solely on

[11] Western Union states that it will shortly make correspondings filings with state public utility commissions and that it intends to file rate proposals identical to those at issue here.

[12] Graphnet does not dispute the TWX rate structure. All TWX calls will be transmitted over the DES network.

the basis of maintaining a structure consistent with its MTS rate structure.

23. Hence, the *WATS* decision is simply inapposite. Unlike that case, Western Union here has independently the shown costs of providing Telex and TWX services. These costs, in turn serve as a benchmark from which departures in Telex and TWX rate design may be considered. For its part, Graphnet has submitted no evidence that similar rates for Telex and TWX would lead to cross-subsidization between the two services. On the other hand, Western Union has pointed to the similarity of the two services, their increasing use of common plant, the ability of customers to achieve inter-service communication and the competitive domestic record marketplace, as support for rate structure consistency. Thus, we find that Western Union had provided sufficient justification to avoid rejection.

24. We also are unpersuaded that the filing should be rejected because the proposed rates for local and remote access are not compensatory. Western Union concedes that these rates will not cover fully distributed costs. However, the fact that these separate components of Telex and TWX services may not recover their full costs does not in itself warrant rejection of the filing. The Commission has never required that Western Union earn a specified return on every rate element, as Graphnet implies. Moreover, as noted earlier, the Commission's rejection authority is not triggered simply because there is some reason to believe an individual rate may be too high or too low. *Associated Press, supra.* In any event, because rates for access are being increased significantly in the case of TWX, and to a lesser extent in the case of Telex, we view these revisions as a step justified by the record here.

25. RCA Globcom's arguments for suspension and investigation also concern alleged unreasonable discrimination against short-haul customers and the postalization of Telex rates. We do not judge either of these to be grounds for suspension. For one thing, RCA Globcom's allegation of unreasonable discrimination against short-haul users is inconsistent with its statement elsewhere that the postalized rate structure "probably most accurately mirrors relevant costs." (RCA Globcom Petition, p. 2.) As noted above, DES is the principal switching and transmission technology for Telex and TWX services. Moreover, Western Union anticipates that the DES network will accommodate all future Telex growth and replacement facilities and projects that 58% of Telex subscribers will be connected to the DES network by year-end 1983. Therefore, we do not think Western Union's decision to postalize Telex rates raises substantial questions of reasonableness to warrant suspension.

26. We also are unconvinced by RCA Globcom's Section 222(e)(1) argument. Western Union Tariffs F.C.C. Nos. 266 and 269 cover rates for inbound international traffic only. In the second designation order in Docket No. 78-97, 68 FCC 2d 96, 116 (1978), the Commission found that Section 222(e)(1), which requires agreement between Western Union and the IRCs as to their division of charges applies only with respect to outbound international traffic. The divisions of charges for outbound Telex and TWX traffic are already the subjects of an interim prescription tied to domestic rates. See note 10, above.

Conclusion

27. In sum, while the Bureau has not been persuaded by petitioners that the postalized Telex and TWX rate structures raise questions of lawfulness requiring rejection or suspension, we recognize that the current investigation in Docket No. 78-97 encompasses issues relating to rate structure. Therefore, the law judge may, in his discretion, examine the lawfulness of the postalized rate structures in light of the record developed in that proceeding. As to rate levels, our independent analysis of the cost support data reveals that Telex service overall, under the proposed rates, is expected to produce revenues yielding returns of 17.0% in 1981, 18.0% in 1982 and 18.3 % in 1983. Returns on TWX service under the proposed rates for those same years are estimated at 15.7%, 17.1% and 16.9% respectively. Composite Telex and TWX returns are estimated to be 16.6% in 1981, 17.6% in 1982, and 17.8% in 1983. Since Telex and TWX rates of return and the permissible extent of cross-subsidization between Telex and TWX services on the one hand, and Western Union's remaining communications services on the other hand, are being investigated in Docket No. 78-97, the findings there may well have an impact on the lawfulness of the proposed Telex and TWX rate levels. We remind Western Union that the accounting order imposed in the original designation order, 67 FCC 2d 1420. (1978), remains in effect to facilitate refunds should the rates be found excessive.

28. As one final matter, the interim prescription bases outbound rates applicable to the IRCs on public domestic Telex and TWX rates and requires that adjustment to outbound rates track percentage adjustments made to public rates. Therefore, by operation of the interim prescription, Western Union's divisions of revenues for outbound Telex and TWX traffic may have to be adjusted correspondingly once the proposed rates become effective.

29. Accordingly, it is ordered, That the petitions for rejection of the tariff revisions of the Western Union Telegraph Company under Transmittal No. 7691, filed by Graphnet, Inc. and RCA Global Communications, Inc., are denied.

30. It is further ordered, That the petition for suspension and investigation of the tariff revisions of the Western Union Telegraph Company, filed by RCA Global Communications, Inc., is denied insofar as suspension is concerned and is otherwise dismissed as moot.

31. It is further ordered, That this order is effective upon adoption.

32. It is futher ordered, That pursuant to Section 309(e) of the Communications Act, 47 U.S.C. 309(e), and Section 1.223 of the Commission's Rules, 47 CFR 1.223, a copy of this order shall be published in the Federal Register.

Federal Communications Commission.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-14142 Filed 5-8-81; 8:45 am]

BILLING CODE 6712-01-M

Sub-Delegation of Authority to the International Facilities Authorization and Licensing, Domestic Facilities, and Mobile Services Divisions

AGENCY: Federal Communications Commission.

ACTION: Notice of Sub-Delegation of Authority to Division Chiefs.

SUMMARY: This document subdelegates to certain Division Chiefs the authority to act on applications which were previously handled at the Bureau level. This action is taken to reduce the amount of time taken to process applications which do not raise novel questions. The document also clarifies the existing delegated authority currently possessed by the Division Chiefs. Intended effect of this action is to increase productivity in application processing.

DATE: Effective April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Abraham Leib, Common Carrier Bureau, (202) 632-6363.

In the matter of sub-delegation of authority to the International Facilities Authorization and Licensing, Domestic

Facilities, and Mobile Services Divisions.

Order

Adopted: April 21, 1981.
Released: April 28, 1981.

1. The following procedures relating to sub-delegation of authority to act on applications for authority under Title II and under Title III of the Communications Act of 1934 are adopted pursuant to delegated authority, 47 CFR 0.91; 0.204; and 0.291. These procedures are intended to facilitate the orderly and expeditious processing of applications and related matters by the three Common Carrier Divisions responsible for the licensing and authorization functions. The three divisions are International Facilities Authorization and Licensing; Domestic Facilities; and Mobile Services. The functions of these Divisions are described in the FCC Organizational Manual, at pages 16–11 to 16–12, 16–15 to 16–18 and 16–20 to 16–21 (Oct. 10, 1979).

2. The Commission rules require that formal or informal radio applications or Section 214 applications which are in hearing status or involve annual construction costs in excess of $10 million or rental costs in excess of $2 million be acted upon at the Commission level. Similarly, applications which present novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines will continue to be handled at Commission level. 47 CFR 0.291.

3. All Congressional correspondence and Court actions regarding applications will receive the highest priority, will be reviewed at the Bureau level, and personally approved by the Acting Chief.

4. Contested applications, letters requesting additional information, temporary authority grants, rule waivers, extensions of time, and hearing designations, where clear precedents or guidelines are applicable, will be handled at the Division level.

5. Applications and related matters which require some interpretation of outstanding precedents and guidelines will be handled at the Division level, after two days of written notice to the Bureau level.

6. Uncontested applications where clear precedents and guidelines are applicable will be handled at the Branch level.

7. Petitions for reconsideration of actions taken at the Division or Branch level will be handled at the Bureau level consistent with 47 CFR 1.106(a).

8. This order, which is adopted pursuant to 47 CFR 0.91, 0.204 and 0.291, shall be published in the Federal Register and FCC Reports.

Joseph A. Marino,
Acting Chief, Common Carrier Bureau.

[FR Doc. 81-14126 Filed 5-8-81; 8:45 am]
BILLING CODE 6712-01-M

National Industry Advisory Committee; Domestic and International Common Carrier Communications Services Subcommittee; Meeting

Pursuant to the provisions of Public Law 92–463, announcement is made of a public meeting of the Domestic & International Common Carrier Communications Services Subcommittee of the National Industry Advisory Committee (NIAC) to be held Wednesday, May 27, 1981. The Subcommittee will meet at the Federal Communications Commission Annex Building, Room A–110, 1229—20th Street, N.W., Washington, D.C. at 10:00 A.M.

Purpose: To consider emergency communications matters.

Agenda: As follows:

Items: 1. Open meeting. Mr. Joseph J. Gancie, Chairman.

2. Review of Restoration Priority Rules.

3. Status report on FCC/NCS agreement.

4. Distribution of National level EBS programming by satellite, specialized, and other communications common carriers.

5. Review of current Presidential Directives affecting the communications common carriers.

6. New business.

7. Adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202) 632–7232.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 81-14276 Filed 5-8-81; 10:00 am]
BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket Nos. FEMA-REP-4-GA-1 and FEMA-REP-4-GA-2]

Georgia State Radiological Emergency Response Base Plan Including Annex A for the Edwin I. Hatch Nuclear Power Plant and Annex B for the J. M. Farley Nuclear Power Plant; Findings and Determination

ACTION: Certification of FEMA findings and determination.

In accordance with FEMA Rule 44 CFR 350 (proposed), on June 4, 1980, the State of Georgia submitted its plans relating to the Hatch and Farley nuclear power plants to the Regional Director who has forwarded his evaluations to the Acting Associate Director for Plans and Preparedness in accordance with paragraph 350.11 of the proposed Rule. Considered in his evaluations were the State Base Plan, associated local plans, contiguous State and local plans involved in the 10- and 50-mile emergency planning zones (EPZs) for the Hatch and Farley plants, a critique of the exercises conducted on October 8–9, 1980, and on November 19–20, 1980, in accordance with paragraph 350.9, and a report of the public meetings held on October 1, 1980, and on November 18, 1980, to discuss the site specific aspects of the State and local plans in accordance with paragraph 350.10 of the proposed Rule.

Based on a review of the Region's evaluations by FEMA Headquarters, the Acting Associate Director finds and determines that, subject to the condition stated below, State plans and preparedness including the local plans and preparedness for the Hatch and Farley plants are adequate to protect the health and safety of the public living in the vicinity of each plant. There is reasonable assurance that appropriate protective measures can and will be taken off-site in the event of a radiological emergency and are capable of being implemented. The condition for the above approval is that by July 1, 1981, the public alerting and notification systems must meet FEMA/Nuclear Regulatory Commission (NRC) joint criteria as stated in NUREG–0654/FEMA–REP–1, Rev. 1. These findings and determination have been communicated to the NRC and to the Governors of Georgia and Alabama.

FEMA will continue to revise the status of preparedness of the States and local jurisdictions associated with the Hatch and Farley plants in accordance

with paragraph 350.13 of the proposed Rule.

For further details with respect to the action, refer to Docket File FEMA–REP–4–GA–1 for Hatch and FEMA–REP–4–GA–2 for Farley maintained by the FEMA Regional Director at 1375 Peachtree Street, N.E., Atlanta, Georgia 30309.

Dated: May 5, 1981.

Robert E. Young,

Acting Associate Director for Plans and Preparedness.

[FR Doc. 81–14025 Filed 5–8–81; 8:45 am]

BILLING CODE 6718–01–M

[Docket: FEMA–REP–5–WI–1; FEMA–REP–5–WI–2; FEMA–REP–5–WI–3; FEMA–REP–5–WI–4]

Wisconsin Peacetime Radiological Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government off-site plans, the State of Wisconsin has submitted its radiological emergency plans to FEMA Region V Office. These plans support nuclear power plants which impact on Wisconsin, and include those of local governments near the Dairyland Power Cooperative's Genoa Nuclear Generating Station located in Vernon County; the Wisconsin Public Service Corporation's Kewaunee Nuclear Power Plant in Kewaunee County; the Wisconsin Electric Power Company's Point Beach Nuclear Plant in Manitowoc County; and the Northern States Power Company's Prairie Island Nuclear Generating Plant located in Goodhue County, Minnesota.

DATE PLANS RECEIVED: April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Connor, Acting Regional Director, FEMA Region V, One North Dearborn Street, Chicago, Illinois 60602, (312) 353–1500.

NOTICE: In support of the Federal requirement for off-site emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Peacetime Radiological Emergency Response Plan for the State of Wisconsin was received by the Federal Emergency Management Agency Region V Office.

Included are plans for local governments in Wisconsin which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear plants. For the Genoa plant, plans are included for Vernon County; for the Kewaunee and Point Beach plants, plans are included for Kewaunee and Manitowoc Counties; and for the Prairie Island plant, plans are included for Pierce and Dunn Counties.

Copies of the Plan are available for review at the FEMA Region V Plans and Preparedness Division, Population Protection Section, Federal Center, Battle Creek, Michigan 49016. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 526 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Robert E. Connor, Acting Regional Director, at the above address within thirty days of this Federal Register notice.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Public meetings were held on the State and local jurisdiction plans for the Prairie Island Nuclear Generating Plant on October 16, 1980, 8:00 p.m., Ellsworth Jr. High School, Ellsworth, Wisconsin; and for the Kewaunee and Point Beach Nuclear Power Plants on January 22, 1981, 7:30 p.m., Fox Hills Convention Center, Mischicot, Wisconsin. An exercise and public meeting for the Genoa Nuclear Generating Station is scheduled for October 1981.

Dated: May 5, 1981.

Robert E. Connor,

Acting Regional Director, FEMA Region V.

[FR Doc. 81–14026 Filed 5–8–81; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities; Barclays Bank Ltd., et al.

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than May 31, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

BARCLAYS BANK LIMITED, London, England (investment advisory activities, United States): To enage through its subsidiary, Barclays Investment Management Limited, in providing investment and financial advisory services concerning foreign securities to institutional investors, primarily pension funds, throughout the United States. This activity would be conducted through offices in London, England, serving the United States.

B. *Federal Reserve Bank of Philadelphia* (Thomas K. Desch, Vice President), 100 North 6th Street, Philadelphia, Pennsylvania 19105:

UNIVEST CORPORATION OF PENNSYLVANIA, Souderton, Pennsylvania (investment advisory activities; Florida, Georgia, Alabama, South Carolina, and North Carolina): To engage, through its subsidiary, Union Investment Planning Company, Inc. d.b.a. Union Financial Advisory Company, in activities that may be carried on by an investment adviser,

including offering portfolio investment advice to individuals, corporations, governmental entities, pension and profit sharing plans, private foundations and endowments and other institutions. These activities would be conducted from an office in Boca Raton, Florida, serving the States of Florida, Georgia, Alabama, South Carolina, and North Carolina.

C. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virgina 23261:

DOMINION BANKSHARES CORPORATION, Roanoke, Virginia (financing activities; Virginia): To engage through its subsidiary, Dominion Leasing Corporation, in making loans and other extensions of credit for its own account and for the account of others, and servicing such loans and other extensions of credit for others. These activities would be conducted from an office in Roanoke, Virginia, serving the State of Virginia.

D. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President), 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. BARNETT BANKS OF FLORIDA, INC., Jacksonville, Florida (trust company activities; Florida): To engage, through its subsidiary, Barnett Banks Trust Company, Inc., N.A., Jacksonville, Florida, in certain activities that may be performed by a trust company, including activities of a fiduciary, agency, or custodial nature in the manner authorized by federal and state law: *Provided, however,* That loans and investments will be made and deposits accepted only in conformity with regulations of the Board of Governors of the Federal Reserve System. These activities would be conducted from an office located in Eustis, Florida, serving primarily Lake County where the office is located and contiguous counties, all in Florida.

2. PLANTERS BANCSHARES, INC., Opelousas, Louisiana (equipment leasing; Louisiana): To engage, through its subsidiary, Planters Bancshares Leasing, Inc., in the leasing of heavy equipment, primarily for oil field use. Such activities would be performed from an additional office of the subsidiary located in Lafayette, Louisiana, serving southern Louisiana, principally in and around Lafayette Parish.

E. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

1. SECURITY PACIFIC CORPORATION, Los Angeles, California (financing and credit-related life, accident and health insurance activities; Washington): To engage through its subsidiary, Security Pacific Finance Corp., in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company; and acting as broker or agent for the sale of credit-related life, accident and helath insurance. These activities would be conducted from offices of Security Pacific Finance Corp. located in Bellevue and Tuckwila, Washington, serving the State of Washington. Comments on this application must be received not later than May 24, 1981.

2. SECURITY PACIFIC CORPORATION, Los Angeles, California (finance activities; California): To engage through its subsidiary, Security Pacific Finance Business Center, Inc., in making or acquiring for its own account or the account of others, loans and other extensions of credit such as would be made by a factoring or consumer finance company. These activities would be conducted from an office in Pasadena, California, serving the State of California.

F. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14134 Filed 5-8-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company; Proposed De Novo Nonbank Activities; Industrial National Corp.

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 4, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President), 600 Atlanta Avenue, Boston, Massachusetts 02106:

INDUSTRIAL NATIONAL CORPORATION, Providence, Rhode Island (consumer finance and insurance activities; Illinois, Iowa): To continue to engage through its indirect subsidiary, Mortgage Associates, Inc., in consumer finance and insurance agency activities for the sale of credit life and credit accident and health insurance directly related to an extension of credit. These activities would be relocated from an office in Moline, Illinois to an existing office in Davenport, Iowa, serving Carroll, Henry, Knox, Mercer, Rock Island, Stark, Warren and Whiteside Counties in Illinois and Cedar, Clinton, Louisa, Muscatine and Scott Counties in Iowa.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14133 Filed 5-8-81; 8:45 am]

BILLING CODE 6210-01-M

CB Bancshares, Inc.; Formation of Bank Holding Company

CB Bancshares, Inc., Jeffersonville, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Citizens Bank & Trust Co., Jeffersonville, Indiana. The factors that are considered in acting on

the application are set forth in section 3 (c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14130 Filed 5-8-81; 8:45 am]

BILLING CODE 6210-01-M

Consolidated Bancshares, Inc.; Formation of Bank Holding Company

Consolidated Bancshares, Inc., Abilene, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Abilene National Bank, Abilene, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14144 Filed 5-8-81; 8:45 am]

BILLING CODE 6210-01-M

Fidelity Bankshares of Colorado, Inc.; Formation of Bank Holding Company

Fidelity Bankshares of Colorado, Inc., Denver, Colorado, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Fidelity Bank of Denver, Denver, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14131 Filed 5-8-81; 8:45 am]

BILLING CODE 6210-01-M

First Maryland Bancorp; Proposed Acquisition of First Maryland Cheque Corporation

First Maryland Bancorp, Baltimore, Maryland, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of First Maryland Cheque Corporation, Baltimore, Maryland.

Applicant states that the proposed subsidiary would engage in the issuance and sale of travelers checks. These activities would be performed from offices of Applicant's subsidiary in Baltimore, Maryland, and from offices of financial and non-financial selling agents, and the geographic area to be served is nationwide. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 31, 1981.

Board of Governors of the Federal Reserve System, May 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14132 Filed 5-8-81; 8:45 am]

BILLING CODE 6210-01-M

First National Pennsylvania Corp.; Formation of Bank Holding Company

The First National Pennsylvania Corporation, Meadville, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Pennsylvania, Meadville, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 5, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14121 Filed 5-8-81; 8:45 am]

BILLING CODE 6210-01-M

First State Bancshares, Inc.; Formation of Bank Holding Company

First State Bancshares, Inc., Port Orchard, Washington, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First State Bank, Port Orchard, Washington. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14140 Filed 5-8-81; 8:45 am]

BILLING CODE 6210-01-M

G.W. Bancorp, Inc.; Formation of Bank Holding Company

G.W. Bancorp., Inc., Greenleaf, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 86.7 percent or more of the voting shares of Greenleaf Wayside Bank, Greenleaf, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 4, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 4, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14141 Filed 5-8-81; 8:45 am]

BILLING CODE 6210-01-M

North Texas Bancshares, Inc.; Formation of Bank Holding Company

North Texas Bancshares, Inc., North Richland Hills, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of two Texas banks, Bank of North Texas, North Richland Hills, Texas, and Meadowbrook National Bank, Fort Worth, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 5, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14132 Filed 5-8-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Automated Data and Telecommunication Service

Freedom of Information Act (FOIA); Information Available to the Public

Public Law 89-306, The Brooks Act, requires the General Services Administration (GSA) to provide, directly or by delegation, for the economic and efficient acquisition of automatic data processing (ADP) resources. GSA is also responsible for promoting free and open competition by ensuring a ready exchange of information while still protecting information critical to the Federal procurement process.

To enhance the exchange of information, GSA established a pilot program, announced in the Federal Register on April 8, 1980, to provide ADP procurement information promptly and routinely to the public.

The pilot test was successful and cost effective, thus the procedure will be continued.

Information that will be available includes:

1. Weekly listings of Agency Procurement Request for ADP equipment, commercially available software, maintenance and other ADP services, and related supplies. These listings will include the requesting agency, agency point of contact, GSA control number, and a brief description of the planned acquisition.

2. Copies of the Delegation of Procurement Authority.

Portions of the documents that contain information which would normally be withheld under FOIA procedures will also be withheld under these procedures.

The information will be available in GSA Central Office, Room G-35(C), 18th and F Streets NW., Washington, DC 20405 effective May 6, 1981.

Dated: April 27, 1981.

Frank J. Carr,

Commissioner.

[FR Doc. 81-14090 Filed 5-8-81; 8:45 am]

BILLING CODE 6820-25-M

Federal Property Resources Service

[Wildlife Order 142]

Portion, Hamilton Air Force Base Marin County, California (9-D-CA-1046-B,C); Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By transfer letter from the General Services Administration dated August 2, 1980, the property comprising parcels No. 8, 15, 16, and the southerly portion of parcel 14, including 3,000 feet of runway and miscellaneous improvements, identified as Portion, Hamilton Air Force Base, Marin County, California (9-D-CA-1046-B,C), has been transferred to the U.S. Department of the Interior, Fish and Wildlife Service.

2. The above described property was conveyed for the purpose of carrying out the national migratory bird management program in accordance with the provision of section 1 of said Public Law 80-537 (16 U.S.C. 667b), as amended by Public Law 92-432.

Dated: December 31, 1980.
William R. Campbell, Jr.,
Acting Commissioner, Federal Property Resources Services.
[FR Doc. 81-14030 Filed 5-8-81; 8:45 am]
BILLING CODE 6820-96-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29601]

Indiana Hi-Rail Corp.; Purchase; Consolidated Rail Corp. Between Beesons and Connersville, IN

AGENCY: Interstate Commerce Commission.

ACTION: Notice of intent to purchase.

SUMMARY: Indiana Hi-Rail Corporation (HIR) hereby gives notice of its intent to purchase certain trackage of the Consolidated Rail Corporation (Conrail). The purpose of the proposed acquisition is to acquire certain rail trackage prior to its abandonment or further deterioration, and to preserve it as a regional "feeder" line for the benefit of local shippers and communities.

DATES: IHR's application may be filed no earlier than June 9, 1981, and comments and competing applications are due no later than 30 days after the application is filed. All statements and applications should refer to Finance Docket No. 29601.

ADDRESS: An original and 10 copies of all statements should be sent to: Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Ernest B. Abbott, (202) 275–3002 or Ellen D. Hanson, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Indiana Hi-Rail Corporation (IHR) has notified the Commission of its intent to apply to purchase certain trackage of the Consolidated Rail Corporation (Conrail) under the feeder line acquisition provisions of 49 U.S.C. 10910 and the interim rules of the Commission in Ex Parte No. 395, served October 24, 1980, and published in the Federal Register November 4, 1980, 45 FR 73108.

In its prospective application IHR will seek to purchase the Conrail line segment extending between milepost 74.1 near Beesons and milepost 68.0 near Connersville, a distance of 6.1 miles in Fayette and Wayne Counties, IN. This line segment is referred to as the Beesons/Connersville line, and is also known as Conrail's Whitewater or Connersville Running Track. It is currently listed in Category 2 of Conrail's system diagram map as under study for future abandonment pursuant to 49 CFR 1121.20(b)(2) and is thus eligible for acquisition as a feeder line.

IHR seeks to acquire this segment for essentially two reasons. First, IHR claims the shippers along this line are threatened by the imminent abandonment of operations over the line, since Conrail has listed this line in Category 2 and since Conrail's parent organization, the United States Railway Association, has recently designated this line segment as appropriate for transfer from Conrail to a suitable shortline railroad. In addition, IHR claims that acquisition of the segment will mesh well with its planned subsequent acquisition of additional trackage from the Norfolk & Western Railway Company (N&W) between Rushville and Connersville via New Castle, IN.

Upon acquisition of the line, IHR will provide regular 6-day per week service to shippers along the line, with interchange capabilities with N&W at Beesons and later with the Chessie System and Conrail.

IHR is presently considering imposition of the following preconditions on service: (a) a shipper subsidy in the nature of a user-fee of approximately $10 per car; and (b) the right to decline the shipment of extremely hazardous materials, to avoid excessive insurance premiums.

IHR presently intends to elect a full exemption from the provisions of the Interstate Commerce Act (except its joint-rates provisions).

IHR will afford existing Conrail employees the right of first refusal in performing the functions associated with the operation of the line, subject to such employees' willingness to accept IHR's wage and work rules.

Any interested party may submit comments or recommendations to the Commission with respect to the Notice and application, and any interested and financially responsible persons may also propose to acquire the property through a competing application.

Persons wishing to contact IHR regarding this matter should do so at either of the following addresses: R. Powell Felix, President, Indiana Hi-Rail Corporation, 504 West Main Street, Lebanon, IN 46052, (317) 482–6604, or Jacob P. Billing, Esquire, 2033 "K" Street, N.W., Washington, DC 20006, (202) 223–8270.

Agatha L. Mergenovich,
Secretary.
[FR Doc. 81-14029 Filed 5-8-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–2–062

Decided: April 28, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor (Taylor not participating).

MC 61282 (Sub-3), filed April 1, 1981, published in the **Federal Register** issue of April 16, 1981, and republished, as corrected, this issue. Applicant: ASPEN TRANSPORTATION SERVICE, INC., 435 Main St., Gardner, MA 01440. Representative: James F. Martin, Jr., 8 W. Morse Rd., Bellingham, MA 02019, 617–966–2093. Transporting *general commodities* (except classes A and B explosives), between points in MA, RI, and CT, and points in Cheshire County, NH. The purpose of this republication is to correct the territorial description.

MC 115093 (Sub-27), filed April 20, 1981. Applicant: MERCURY MOTOR EXPRESS, INC., P.O. Box 23406, 33623, 2511 N. Grady Ave., Tampa, GFL 33607. Representative: Joseph W. Watson (same address as applicant), 813–879–7781. Transporting *general commodities* (except classes A and B explosives), between St. Louis, MO, and points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, MI, MS, NC, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV, and DC.

MC 145113 (Sub-2), filed April 20, 1981. Applicant: PLANTATION FOODS, INC., P.O. Box 889, Waco, TX 76703. Representative: Nelson M. "Mike" Davidson, Jr., P.O. Box 1148, Austin, TX 78767, 512–472–8442. Transporting *such commodities* as are dealt in or used by manufacturers, producers, and distributors of aluminum and aluminum products, paper and paper products, foil-lined sheets, bags, metal products, floor coverings, and iron oxide, between points in the U.S., under continuing contract(s) with (a) National Steel Corporation, of Pittsburgh, PA, (b) American Biltrite, Inc., of Cambridge, MA, (c) Accurate Envelope, of New York, NY, and (d) Reichard Coulston, Inc., of New York, Inc.

MC 145833 (Sub-1), filed April 22, 1981. Applicant: SURF COAST TOURS, INC., 835 Ballough Road, Daytona Beach, FL 32014. Representative: William D. Brejcha, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Transporting passengers and their baggage, in the same vehicle with passengers, in round-trip, special, and charter operations, between points in FL, on the one hand, and, on the other, points in the U.S.

MC 147712 (Sub-14), filed March 23, 1981. Applicant: MID–WESTERN TRANSPORT, INC., 14625 Carmenita Road, Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant), (213) 921–7474. Transporting *metal products*, between points in the U.S.

MC 151303 (Sub-3), filed April 22, 1981. Applicant: GEORGE W. SMYTH, JR. CO., 1101 Ritchie Rd., Capitol Heights, MD 20027. Representative: George W. Smyth, Jr. (same address as applicant) 301–350–5734. Transporting (1) *pulp, paper and related products, and rubber and plastic products*, between points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, (2) *such commodities* as are dealt in or used by manufacturers and distributors of malt beverages and alcholic beverages, between Fulton, NY, on the one hand, and, on the other, points in MD, VA, and DC, and (3) *such commodities* as are dealt in or used by manufacturers, distributors, and installators of insulation, between Lorton, VA, on the one hand, and, on the other, points in VA, NC, NY, DE, NJ, PA, WV, TN, KY, and DC.

MC 151653 (sub-7), filed April 20, 1981. Applicant: GLOSSON ENTERPRISES, INC., Route 15, Box (Old 29 South), Lexington, NC 27292. Representative: J. C. Glosson (same address as applicant), 704–956–1121. Transporting *general commodities* (except classes A and B explosives), between the facilities used by CO–AM Transport Services, Inc. and their customers and receivers, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153913 (Sub-2), filed April 20, 1981. Applicant: MISSOURI ALCOHOL FUEL, INC., 406 Thompson Building, Tulsa, OK 74103. Representative: Robert J. Wiruth, 406 Thompson Building, Tulsa, OK 74103, 314–636–6135. Transporting *liquid fertilizer solutions* between points in MO and KS.

MC 155383, filed April 17, 1981. Applicant: ROBERT S. BRISCOE, d.b.a. BRISCOES TRUCKING, Box 178, Gladstone, IL 61437. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, 217–554–5466. Transporting: *such commodities* as are dealt in and used by manufacturers and distributors of fertilizers, between points in IL, IA, and MO.

Volume No. OPY–3–063

Decided: April 30, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 10813 (Sub-11), filed April 20, 1981. Applicant: GEORGE HILLMAN TRUCKING CO., INC., 285 Highland Cross, Rutherford, NJ 07070. Representative: George Haidinger (same address as applicant), (201) 438–3838. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the Okonite Company, of Ramsey, NJ. Condition: Upon a grant of this permit, carrier shall request, in writing, prior to coincidental cancellation of its outstanding permits which are duplicative of the authority herein, with dates of issue.

MC 144743 (Sub-3), filed April 22, 1981. Applicant: CHARLES M. SWINFORD, d.b.a. SWINFORD TRUCKING, 108½ South Main, P.O. Box 85, Cynthiana, KY 41031. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602, 502–223–8244. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Cincinnati, OH and Louisville, KY, over Interstate Hwy. 71, (2) between Lexington, KY and Louisville, KY, (a) over Interstate Hwy 64, and (b) over U.S. Hwy 60, and (3) between Lexington and Berea, KY, over U.S. Hwy 25, serving all intermediate points in (1), (2) (a) and (b), and (3) above.

MC 151482 (Sub-1), filed April 24, 1981. Applicant: ROCK VALLEY CONTRACT CARRIERS, INC., 3571 Merchandise Dr., Rockford, IL 61109. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471–1800. Transporting (1) *metal products*, under continuing contract(s) with (a) J. D. Mott Co, and (b) National Lock Hardware Division of Keystone Industries, Inc., both of Rockford, IL, and (2) *clay, concrete, glass and stone products*, under continuing contract(s) with M.C. Chemical Co., of Rockford, IL, between points in the U.S.

MC 153763, filed April 24, 1981. Applicant: GARY NIPPERT TRUCKING, INC., 114 Duffer, Mangum, OK 73554. Representative: James W. Hightower, First Continental Bank Bldg., No. 301, 5801 Marvin D. Love Freeway, Dallas,

TX 75237 (214) 339–4108. Transporting *metal products and asphalt*, between points in Greer County, OK, on the one hand, and, on the other, points in TX, OK, and KS.

MC 155492, filed April 24, 1981. Applicant: L. DEAN WILSON, DELMER WILSON, BRENT WILSON AND BARRY WILSON, d.b.a. D.B.D. TRUCKING, 10 West Sandy Lane, Salina, UT 84654. Representative: Irene Warr, Ste. 280, Western Home Bank Bldg., 311 S. State Street, Salt Lake City, UT 84111 (801) 531–1306. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Ostler's Rocky Mountain Refractories, of Salt Lake City, UT.

Volume No. OPY–2–665

Decided: May 5, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Parker not Participating.)

MC 22182 (Sub-41), filed April 27, 1981. Applicant: NU-CAR CARRIERS, INC., P.O. Box 172, Bryn Mawr, PA 19010. Representative: Gerald K. Gimmel, Suite 145, 4 Profesional Dr., Gaithersburg, MD 20760 (301) 840–8565. Transporting *transportation equipment*, between points in the U.S. Condition: Issuance of this certificate is conditioned upon prior or coincidental cancellation, upon carrier's written request, of all its existing certificates with dates of issue, and concurrent dismissal of all other pending authorities which duplicates the authority involved herein.

MC 59412 (Sub-3), filed April 27, 1981. Applicant: JACK L. MASSENDER, d.b.a. ZILLAH HAULING SERVICE, 6502 N. Pittsburg Street, Spokane, WA 99207. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting (1) *building materials*, (2) *metal products*, and (3) *lumber and wood products*, between points in WA, OR, ID, MT, AZ, NV, CA, NM, UT, CO, and WY.

MC 77972 (Sub-47), filed April 28, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: James R. Holt, P.O. Box 523, Collierville, TN 38017, 901–853–7206. Transporting *machinery*, between points in Union County, MS, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the authority sought with its existing regular route authority in Docket No. MC–77972 and subs thereunder.

MC 80653 (Sub-32), filed April 27, 1981. Applicant: DAVID GRAHAM CO., P.O. Box 254, Levittown, PA 19059. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005 (202) 347–3987. Transporting (a) *machinery, building materials, metal products, clay, concrete, glass or stone products*, and *such commodities* the transportation of which because of size or weight requires the use of special equipment, between points in CT, DE, MA, RI, NY, NJ, PA, MD, OH, KY, NC, MI, IL, IN, VA, WV, and DC, on the one hand, and, on the other, those points in the U.S., in and west of MT, WY, CO and NM, including AK, and (b) *lumber and wood products* between points in CA, CO, ID, WA, OR, UT, and MT, on the one hand, and, on the other, points in the U.S., in and east of WI, IA, MO, OK, and TX.

MC 107012 (Sub-704), filed April 28, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *such commodities* as are dealt in or used by distributors of tools, between points in Los Angeles County, CA, on the one hand, and, on the other, points in Cook County, IL.

MC 116132 (Sub-10), filed April 28, 1981. Applicant: NATIONAL TANK TRUCK DELIVERY, INC., 85 East Gay St., Columbus, OH 43215. Representative: Earl N. Merwin (same address as applicant) (614) 224–3161. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with St. Regis Paper Company, of New York, NY.

MC 126313 (Sub-10), filed April 28, 1981. Applicant: CHO-BO, INC., P.O. Box 38, Route Kennedy, St. Georges (Beauce County), Quebec, Canada G5Y 5CO. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, 617–742–3530. Transporting *general commodities* (except classes A and B explosives), between ports of entry on the international boundary line between the United States and Canada, at points in ME, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, and PA.

MC 147173 (Sub-3), filed 24, 1981. Applicant: C & T TRUCKING, INC., 1050 Brookside Drive, Richmond, CA 94806. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411–D Backlick Road, Springfield, VA 22151, 703–941–8200. Transporting *such commodities* as are dealt in or used by manufacturers, sellers, and distributors of aluminum and aluminum products, and refractories and refractory products, between those points in the U.S. in and west of WI, IL, MO, AR, and LA.

MC 154163, filed April 27, 1981. Applicant: ROARING RUN TRUCKING CO., INC., R.D., Bigler, PA 16825. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830, (814) 765–9611. Transporting *commodities in bulk*, between points in Clearfield and Centre Counties, PA, on the one hand, and, on the other, points in OH, NY, VT, NH, ME, MA, CT, RI, NJ, DE, MD, VA, and WV.

Volume No OPY–2–666

Decided: April 30, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor. (Taylor not participating.)

MC 52832 (Sub-4), filed April 21, 1981. Applicant: SHORTY'S EXPRESS, INC., 132 Seeley Ave., Syracuse, NY 13205. Representative: Murray J. S. Kirshtein, 116 Bleecker St., Utica, NY 13501 (315) 797–1970. Transporting *food and related products*, between points in Onondaga County, NY, on the one hand, and, on the other, points in NY.

MC 99822 (Sub-2), filed April 24, 1981. Applicant: AJAX TRANS CO., INC., 465 Harrison Avenue, Boston, MA 02118. Representative: Salvatore D. Petringa (same as applicant) (617) 423–6237–8. Transporting *general commodities* between points in ME, CA, CT, NH, RI, VT, NY, NJ and PA. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issue.

MC 107012 (Sub-703), filed April 24, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 4001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant) (219) 429–2110. Transporting *furniture and fixtures*, between points in Canyon County, ID and Clark County, WA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, UT, WA and WY.

MC 116132 (Sub-9), filed April 28, 1981. Applicant: NATIONAL TANK TRUCK DELIVERY, INC., 85 East Gay St., Columbus, OH 43215. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with Ford Motor Company, of Dearborn, MI.

MC 135152 (Sub-50), filed April 21, 1981. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Bldg., 524 Walnut St.,

Cincinnati, OH 45202 (513) 241–4037. Transporting *machinery*, between the facilities used by the Houseware and Audio Divisions of General Electric Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144122 (Sub-82), filed April 22, 1981. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North Paramus, NJ 07652. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076 (201) 322–5030. Transporting *general commodities* (except classes A and B explosives), between the facilities used by E. I. Du Pont de Nemours & Co., Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146343 (Sub-12), filed April 24, 1981. Applicant: SOUTHERN EXPRESS CORPORATION, 505 South Ocean Boulevard Pompano Beach, FL 33062. Representative: S. Christopher Stowe, Jr., Esquire, 2028 Warwick Avenue, Warwick, RI 02889 (401) 738–4500. Transporting *general commodities* between points in the United States, under a continuing contract(s) with (a) Colfax, Inc., of Pawtucket, RI; (b) Original Bradford Soap Works, Inc., of West Warwick, RI; (c) Foye & Sons, Inc., of Westbrook, ME; (d) Superior Cable Corporation, of Hickory, NC; (e) Joseph Silverman and Company, Inc., of Boston, MA; (f) Interroyal Corporation, of Plainfield, CT; (g) Coastal Plastics, Inc., of Hope Valley, RI; and (h) Control Plastics Corporation, of Mundelein, IL. Condition: to the extent this authority authorizes transportation of classes A and B explosives, it shall be limited in term expiring 5 years from its date of issuance.

MC 148643 (Sub-1), filed April 20, 1981. Applicant: MONTY R. COBLE, d.b.a. ARK CITY WAREHOUSE CO., 1201 South First St., Arkansas City, KS 67005. Representative: Monty R. Coble (same as applicant) (316) 442–3020. Transporting *malt beverages* between St. Louis, MO, on the one hand, and, on the other, Arkansas City, KS, under continuing contract(s) with Ark Valley Distributing, Inc., of Arkansas City, KS.

MC 150163 (Sub-6), filed April 24, 1981. Applicant: HORWITH TRUCKS, INC., R.D. No. 1, Coplay, PA 18037. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting (1) *metal products* and (2) *machinery*, between points in Hartford County, CT, and Lehigh and Northampton Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 150873 (Sub-1), filed April 23, 1981. Applicant: WATSON MOBILE HOMES, INC., P.O. Box 6446, Dothan, AL 36302. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104, (205) 262–2756. Transporting (1) *mobile homes*, and (2) *buildings in sections*, between points in AL, FL, GA, MS, and TN.

MC 155393, filed April 6, 1981. Applicant: HENRY YESKA & SON, INC., R.D. No. 1, Box 174, Georgetown Rd., Nazareth, PA 18064. Representative: Lydia Siegfried (same address as applicant). Transporting *waste or scrap materials not identified by Industry producing*, between points in Northampton, Lehigh, Monroe, Montgomery, Schuylkill and Berks Counties, PA, and Warren County, NJ to points in Susquehanna and Delaware Counties, PA, and Union and Camden Counties, NJ.

MC 155493, filed April 24, 1981. Applicant: ACADIANA LIMOUSINE SERVICE, INC., P.O. Box 2143, Lafayette, LA 70502. Representative: James O. Feigler (same as applicant), (318) 235–4159. Transporting *passengers and their baggage and tools, in special operations*, between points in LA, on the one hand, and, on the other, points in TX and MS, restricted to the transportation of passengers travelling to or from off shore drilling rigs.

Volume No. OPY–4–117

Decided: May 4, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier and Williams.

MC 153546 (Sub-4), filed April 24, 1981. Applicant: M & C TRANSPORT, INC., 1708 E. Manhattan Blvd., Toledo, OH 43608. Representative: Charles K. Boxell, First Federal Plaza, 711 Adams St., Toledo, OH 43624, (419) 243–6281. Transporting *pulp, paper and related products*, between the facilities of Packaging Corporation of America, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153606 (Sub-1), filed April 24, 1981. Applicant: PARK PLACE EQUIPMENT SERVICES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Sharon O. Delaney (same address as applicant), (803) 235–3036. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Distribution Services of America, Inc., of Boston, MA.

MC 155436, filed April 20, 1981. Applicant: PETERSON INDUSTRIES, INC., P.O. Box 248, Decatur, AR 72722. Representative: Michael H. Mashburn, 111 Holcomb, P.O. Box 869, Springdale, AR 72764, (501) 751–5222. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wal–Mart Stores, Inc., of Bentonville, AR.

Volume No. OPY–4–118

Decided May 4, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier and Williams.

MC 129086 (Sub-37), filed April 27, 1981. Applicant: SPENCER TRUCKING CORPORATION, Rt. 2, Box 254A, Keyser, WV 26726. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740 (301) 797–6060. Transporting *silica sand and silica flour*, between points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 147636 (Sub-21), filed April 24, 1981. Applicant: LARRY E. HICKOX d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting (1) *automotive parts* and (2) *rubber hosing*, between points in the U.S., under continuing contract(s) with H. K. Porter Company of Bellefontaine, OH.

MC 147676 (Sub-6), filed April 24, 1981. Applicant: KEATON TRUCK LINES, INC., 1000 So. Lelia St., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington (same address as applicant) (214) 793–3991. Transporting *petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with ARCO Petroleum Products Company of Los Angeles, CA.

MC 152146 (Sub-2), filed April 27, 1981. Applicant: FAR WEST TRANSPORTERS, INC., 14901 Chandler Rd., Omaha, NE 68138. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397–7033. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of mobile homes, between points in Schley, Thomas and Sumter Counties, GA, York and Polk Counties, NE, Sarasota and Union Counties, FL, Blair County, PA, Tulare County, CA, Lamar, Hunt, Leon and Van Zandt Counties, TX, Henry County, TN, ONeida County, NY, Payette and Washington Counties, ID, Larimer County, CO, Harnett County, NC, Cache County, UT, and Randolph County, IN,

on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14610 Filed 5-8-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29624]

Richard B. Ogilvie, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company—Exemption—Trustee's Certificates

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) from the provisions of 49 U.S.C. 11301 (b) and (d) requiring Commission approval of the issuance of certain Trustee's Certificates.

DATES: This exemption is effective immediately. Petitions for reconsideration of this decision must be filed within 20 days from this publication.

ADDRESSES: Send petitions for reconsideration to:
(1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423;
and (2) Petitioner's Representative: Michael D. Sullivan, 516 West Jackson Boulevard, Suite 888—Union Station, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Ellen Hanson (202) 275-7425,

SUPPLEMENTAL INFORMATION: The MILW has been in reorganiztion since December 19, 1977 under the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern Division. On occasion, it has issued Trustee's Certificates to evidence borrowings from the Milwaukee Land Company, from property sales escrow accounts and from Federal Agencies. The proceeds from borrowings have been used by the MILW for working funds to pay operating expenses, employee protection benefits, track rehabilitation, car repair and capital improvements. MILW also proposes to finance its proposed tender offer using Trustee's Certificates.[1]

On each occasion, the MILW first obtained approval from its Reorganization Court to issue a Trustee Certificate before applying for Commission authorization. The Trustee here petitions for an exemption from 49 U.S.C. 11301(b) and (d) so it need not obtain Commission authorization for Trustee's Certificates MILW would issue in the future. We will grant the exemption.

The exemption is sought for Trustee's Certificates issued only to the following entities:

1. Milwaukee Land Company, a wholly owned subsidiary of MILW;
2. MILW property sales escrow accounts at the Continental Illinois National Bank and Trust Company of Chicago, IL, established by orders of the Reorganization Court;
3. U.S. Department of Transportation, Federal Railroad Administration under section 505 of the Railroad Revitaliazation and Regulatory Reform Act of 1976, 45 U.S.C. 825; and
4. Federal Financing Bank, pursuant to the Emergency Rail Services Act of 1970, 45 U.S.C. 661 and Section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 831.

The exemption is sought for a limited duration, to be effective only until either (1) a plan of reorganization is confirmed by the Commission and the Reorganization Court under 11 U.S.C. 205(d); or (2) the MILW is ordered liquidated by the Reorganization Court.

Under 49 U.S.C. 10505, as amended by Section 213 of the Staggers Rail Act of 1980, we are authorized to exempt a transaction from regulation when we find that (1) regulation is not necessary to carry out the Rail Transportation Policy in 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from an abuse of market power. We believe that the exemption sought by MILW satisfies these criteria.

Before it can issue a Trustee's Certificate, MILW must obtain approval from its Reorganization Court under section 77(c)(3) of the Bankruptcy Act, 11 U.S.C. 205(c)(3). MILW notifies all parties of record in the Reorganization proceeding whenever it applies for Reorganization Court approval. Any protest to a Trustee's Certificate would be considered at a hearing before the Reorganization Court.

At present, MILW first obtains approval of the Reorganization Court before applying to the Commission for authority under 49 U.S.C. 11301 to issue a Trustee's Certificate. Our regulatory oversight essentially duplicates the Reorganization Court's functions. MILW also believes present procedure impedes it from obtaining funds expeditiously.

When approving a Trustee's Certificate the Court uses a "good cause" standard under the criteria in section 77(c)(3) of the Bankruptcy Act. This standard is comparable to our criteria in 49 U.S.C. 11301 that requires us to find an issuance (a) is for a lawful object within the MILW's corporate purpose, (b) is compatible with the public interest, (c) is appropriate for and consistent with MILW's proper performance of service to the public as a common carrier, and (d) will not impair its financial ability.

One aim of the Rail Transportation Policy is to minimize Federal regulatory control over railroads. Since the MILW Reorganization Court already closely supervises the issuance of Trustee's Certificates, continuing to require MILW to obtain our approval also under 49 U.S.C. 11301 is not warranted.

We also agree with MILW that the transaction is of limited scope. The Trustee's Certificates to be exempted involve only issuances to Federal agencies or to entities that are already controlled by the Trustee under supervision of the Reorganization Court. The exemption is of limited duration and would not interfere with our responsibilities in approving a plan of reorganization.

Exempting our approval of Trustee's Certificate would have no adverse competitive effects. Some funds obtained through Trustee's Certificates are used for operating capital, enabling MILW to continue service to the public. Other funds enable MILW to strengthen its financial status or rehabilitate trackage and thus have an indirect public benefit.

Section 10505(d) allows us to revoke this exemption should circumstances require us to exercise our jurisdiction over certificates to carry out the rail transportation policy in section 10101a. A change in the financial status of the MILW causing it to be unable to provide service to the public is one circumstance that may warrant revoking the exemption.

The Commission has a continuing responsibility to monitor the MILW's financial status. Thus, it is essential that we be kept advised whenever the MILW issues Trustee's Certificates. To accomplish this, we will require the MILW's Trustee to file with us three copies of applications submitted to its Reorganization Court for authorization to issue a Trustee's Certificate.[2] The filings should refer to Finance Docket No. 29624. We will also require MILW to file a report as required by 49 CFR

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[1] See Finance Docket No. 28640 (Sub-6), *Chicago, Milwaukee, St. Paul and Pacific Railroad Company—Reorganization (Tender Offers)* (not printed), decided April 20, 1981.

[2] As the MILW points out, the Commission is already served with a copy of all filings in the Reorganization Court. However, this copy is retained by our General Counsel's office for its litigation file.

1115.6 after it issues a Trustee's Certificate.

The MILW is also willing to serve a copy of its application to the Court on officials of States in which it operates. We agree that this will satisfy the service requirements of 49 U.S.C. 11301(d)(2).

We find:

1. The application of requirements in 49 U.S.C. 11301 (d) and (b) to Trustee's Certificates to be issued by MILW under the terms described above is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a.

2. The transaction is of limited scope.

3. This action will not significantly affect the energy consumption or the quality of the human environment.

It is ordered:

1. Pursuant to 49 U.S.C. 10505, we exempt MILW from the requirements of 49 U.S.C. 11301 (b) and (d) as applied to the issuance of Trustee's Certificates to Milwaukee Land Company, MILW's property sales escrow accounts at the Continental Illinois National Bank and Trust Company of Chicago, IL, U.S. Department of Transportation, Federal Railroad Administration and the Federal Financing Bank.

2. The exemption shall continue in effect until a plan of reorganization is confirmed by the Commission and the Reorganization Court under 11 U.S.C. 205(d), or the MILW is ordered liquidated by the Reorganization Court.

3. MILW shall file three copies of each application submitted to the Reorganization Court for authorization to issue Trustee's Certificates covered by this exemption. The MILW shall serve one copy of each application of the chief executive officer of each State in which it operates.

4. MILW shall file a report as prescribed in 49 CFR 1115.6 after it issues Trustee's Certificates covered by this exemption.

5. This decision is effective immediately.

6. Petitions to reopen this proceeding for reconsideration must be filed within 20 days after publication in the **Federal Register.**

Dated: May 4, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14029 Filed 5-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-227]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: April 15, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 138144 (Sub-59), filed October 10, 1980, previously published in the **Federal Register** issue of November 4, 1980. Applicant: FRED OLSON CO., INC., 6022 West State St., Milwaukee, WI 53213. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603 (312) 263-1600. Transporting (1) *such commodities* as are manufactured or distributed by manufacturers of buildings, building sections and panels, and (2) *equipment, materials and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above, between points in WI, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate is subject to prior or coincidental cancellation of Certificate No. MC 138144 Sub 7 at applicant's written request.

Note.—Applicant now holds authority substantially as set forth above, except that part (2) contains a restriction against the transportation of commodities in bulk. The purpose of this republication is to remove the restriction in part (2). Issuance of an amended certificate is conditioned upon a receipt, in writing, by applicant for coincidental cancellation of the certificate issued March 9, 1981.

[FR Doc. 81-14146 Filed 5-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-061]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: April 30, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applicants may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 144682 (Sub-52), filed January 19, 1981. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, 214–358–3341. Transporting *transportation equipment*, between points in Tarrant County, TX on the one hand and on the other points in the U.S. Hearing Site: Dallas, TX.

[FR Doc. 81-14147 Filed 5-8-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP4-2-064]

Motor Carriers Permanent Authority Decisions; Decision-Notice

Decided: May 5, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon receipt and payment to applicants representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier, member Parker not participating.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 141252 (Sub-14), filed April 22, 1981. Applicant: PAN WESTERN CORPORATION, 4105 Las Lomas, Las Vegas, NV 89102. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701 (702) 882–5649. For or on behalf of the United States Government, Transporting, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155163, filed April 6, 1981. Applicant: R. C. BROSSEAU, 21509 Honeysuckle Drive, Elkhorn, NE 68022. Representative: Richard C. Brosseau (same address as applicant), 402–289–4024. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor

vehicle in such vehicle, between points in the U.S.

[FR Doc. 81-14145 Filed 5-8-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP1-137]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: April 30, 1981

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor, (Taylor not participating).

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

FF-341 (Sub-9), filed April 16, 1981. Applicant: RYDER FORWARDING, INC., 2060 Kings Rd., Jacksonville, FL 32209. Representative: S. E. Somers, Jr. (same address as applicant) (904) 353-3111. As a *freight forwarder* in connection with the transportation of *general commodities* (except classes A & B explosives and household goods as defined by the Commission) between those points in the U.S. in and west of MN, WI, IL, MO, TN, and MS (including AK and HI).

MC 38320 (Sub-27), filed April 20 1981. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. DRAWER C, Campbellsville, KY 42718. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101 (502) 781-4446. Over regular routes, transporting *general commodities* (except classes A and B explosives) (1) between Campbellsville, KY, and Dayton, OH, from Campbellsville over KY Hwy 55 to Springfield, then over U.S. Hwy 150 to Bardstown, then over KY Hwy 245 to its junction with Interstate Hwy 65, then over Interstate Hwy 65 to its junction with Interstate Hwy 71, then over Interstate Hwy 71 to Cincinnati, OH, then over Interstate 75 to Dayton, and return over the same route, (2) between junction Interstate Hwy 65 and KY Hwy 245 at or near Bardstown Junction, KY, and Ft. Wayne, IN, from junction Interstate Hwy 65 and KY Hwy 245 over Interstate Hwy 65 to junction with Interstate Hwy 69, then over Interstate Hwy 69 to Ft. Wayne, and return over the same route, and (3) between Campbellsville, KY, and Cincinnati, OH, from Campbellsville over U.S. Hwy 68 to Lexington, then over Interstate Hwy 75 to Cincinnati, OH, and return over the same route, serving all intermediate points in (1)-(3) above, and points in IN, KY, and OH, as off-route points in connection with carriers otherwise authorized regular-route operations.

MC 106961 (Sub-7), filed April 23, 1981. Applicant: SPEAR TRUCKING CORP., 3 Brick Kiln Rd., N. Billerica, MA 01862. Representative: Irving Klein, 371 Seventh Ave., New York, NY 10001 (212) 279-3050. Transporting *general commodities* (except classes A and B explosives) between points in ME, NH, MA, VT, RI, CT, NY, NJ, PA, DE, MD, and DC.

MC 120770 (Sub-5), filed April 17, 1981. Applicant: KANSAS CARTAGE CO., a corporation, 712 Sunshine Rd., P.O. Box 15277, Kansas City, KS 66115. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110-L, Topeka, KS 66612 (913) 233-9629. Transporting (1) *clay, concrete, glass or stone products*, (a) between Kansas City, MO, on the one hand, and, on the other, points in MO, IA, NE, AR, and OK, and (b) between Kansas City and Independence, MO, on the one hand, and, on the other, points in KS, IA, NE, AR, and OK, (2) *contractors' machinery and equipment*, between Kansas City, MO, on the one hand, and, on the other, points in MO, IA, NE, AR, and OK, and (3) *metal products, lumber and wood products, and clay, concrete, glass or stone products*, between Kansas City, KS, on the one hand, and, on the other, points in MO.

MC 121821 (Sub-19), filed April 24, 1981. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100363, Nashville, TN 37210. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301 (404) 522-2322. Transporting *general commodities* (except classes A and B explosives), between points in Benton County, TN, on the one hand, and, on the other, points in Carroll, Houston, Montgomery, Henry, Weakley, Henderson, Chester, Decatur, Perry, and Hickman Counties, TN.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 126881 (Sub-18), filed April 23, 1981. Applicant: RICHARD B. RUDY, INC., 2036 Linden Ave., Frederick, MD 21701. Representative: H. Neil Garson, 3251 Old Lee Hwy, Suite 400, Fairfax, VA 22030 (703) 691-0900. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with J. A. Wilson, d.b.a. Potomac Foods, of Alexandria, VA.

MC 135091 (Sub-63), filed April 24, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506 (402) 489–3585. Transporting *general commodities* (except classes A and B explosives), between facilities used by Airwick Industries, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 138000 (Sub-66), filed April 24, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *such commodities* as are dealt in by retail chain department stores, between those points in the U.S. in and east of MN, IA, KS, OK, and TX.

MC 140460 (Sub-14), filed April 24, 1981. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herber Alan Dublin, 818 Connecticut Avenue, NW., Washington, DC 20006, (202) 331–1174. Transporting *Food and related products*, between points in the U.S. Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation, at applicant's written request, of any authority which duplicates the authority granted herein.

MC 143331 (Sub-19), filed April 20, 1981. Applicant: FREIGHT TRAIN TRUCKING, INC., P.O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting (1) *chemicals and related products* and (2) *metal products*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in AR, KS, OK, and TX.

MC 143351 (Sub-6), filed April 23, 1981. Applicant: DANTRAC, INC., 602 Airport Rd., Greenville, SC 29606. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *such commodities* as are dealt in by distributors of alchoholic beverages, liquor, and wine, between points in CA, on the one hand, and, on the other, points in SC.

MC 146320 (Sub-5), filed April 24, 1981. Applicant: CHARLES A. STOECKLER, INC., 3 Spring St., Wilkes Barre, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–6030. Transporting *such commodities* as are dealt in by retail department stores between points in Luzerne County, PA, on the one hand, and, on the other, points in the U.S.

MC 148560 (Sub-3), filed April 24, 1981. Applicant: GOLD STAR, INC., 130 Davidson Ave., Somerset, NJ 08873. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, (201) 575–7700. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Garden State Paper Company, Inc., of Saddle Brook, NJ.

MC 153510, filed April 23, 1981. Applicant: FRY TRUCKING CO., INC., R.R. #2, Granby, MO 64844. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221–1464. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Jack Folen Beef Co., Inc., of Kansas City, KS and Polen & Maughmer, Inc., of Joplin, MO.

MC 154121 (Sub-4), filed April 27, 1981. Applicant: TRAILINER CORP., P.O. Box 357, Old Chester Rd., Gladstone, NJ 07934. Representative: George A. Olsen (same address as applicant), (201) 435–7140. Transporting *general commodities* (except classes A and B explosives) between the facilities used by Johnson & Johnson, Inc., its subsidiaries, divisions, or vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155480, filed April 23, 1981. Applicant: JOE B. FAISON, d.b.a. A & J ENTERPRISES, 4001 Marsh Creek Rd., Raleigh, NC 27604. Representative: Joe B. Faison (same address as applicant), (919) 872–1838. Transporting *recyclable aluminum* between points in the U.S., under continuing contract(s) with Reynolds Aluminum Recycling Co., of Richmond, VA.

MC 155510, filed April 24, 1981. Applicant: ORANGE DISTRIBUTION, INC., P.O. Box 486, Orange, VA 22960. Representative: David L. Bolyard, 3428 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives) between points in Orange, Louisa and Culpepper Counties, VA, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81–14143 Filed 5–8–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP2–062]

Motor Carrier Permanent Authority Decisions; Decision—Notice

Decided: April 30, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539. for compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement

in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 154422, filed February 20, 1981. Applicant: DAYMON ASSOCIATES, INC., 500 Fifth Ave., 47th Fl, New York, NY 10110. Representative: Stephen Schaeffer, 1606 Crown Point Lane, Cherry Hill, NJ 08003. As a broker of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-14153 Filed 5-8-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-60]

Motor Carrier Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously notice in the **Federal Register.**

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days of publication. Such pleadings shall comply with 49 CFR 1100.247 addressing specifically the issues(s) indicated as the purpose for republication. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

By the Commission.

Agatha L. Mergenovich,

Secretary.

MC 147152 (Sub-11) (republication), filed September 29, 1980, published in the **Federal Register** issue of October 20, 1980, and republished this issue. Applicant: GENERAL CARRIERS CORPORATION, 9638 Alburtis, Santa Fe Springs, CA 90670. Representative: Miles L Kavaller, 315 South Beverly Dr., Suite 315, Beverly Hills, CA 90212. A Decision of the Commission, *Review Board 1,* decided February 11, 1981, and served February 24, 1981, finds that the present and future public convenience and necessity required operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier,* by motor vehicle, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in the United States; that applicant is fit, willing, and able properly to perform the service and to conform to the requirements of Title 49 Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to remove the restriction from the authority granted.

[FR Doc. 81-14149 Filed 5-8-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-118

The following applications were filed in region I.

Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 148931 (Sub-1-2TA), filed April 28, 1981. Applicant: YANKEE TRANSPORT, INC., RFD No. 2, New Road, Goffstown, NH 03045. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. *Contract carrier:* irregular routes: *Commercial, institutional, office and store fixtures, including office and store equipment, and material, equipment and supplies used in the conduct of such business* between Manchester, NH, and Pittsburgh, PA, Alexandria, VA, Huntington, PA, Mt. Kisco, NY, Bergenfield, NJ, Laurel, MD, Bloomingdale, IL, Indianapolis, IN, and Fredericksburg, PA, under continuing contract(s) with Hermsdorf Fixture Mfg. Co., 108 Franklin Street, Manchester, NH 03101. Supporting shipper: Hermsdorf Fixture Mfg. Co., 108 Franklin Street, Manchester, NH 03101.

MC 150509 (Sub-1-1TA), filed April 23, 1981. Applicant: BULLET EXPRESS, INC., 5600 First Avenue, Brooklyn, NY 11220. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, D.C. 20006. *Contract carrier:* irregular routes: *Cosmetics and toilet preparations, and materials, equipment and supplies used in the manufacture and distribution of such commodities,* between points in the U.S., under continuing contract(s) with Max Factor & Co. of Hollywood, CA. Supporting shipper: Max Factor & Co., 1655 N. McCadden, Hollywood, CA 90028.

MC 144122 (Sub-1-6TA), filed April 23, 1981. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076. *General commodities (except classes A and B explosives, and household goods as defined by the Commission)* between the facilities used by E. I. DuPont de Nemours & Co., Inc. at points in the U.S. Supporting shipper(s): E. I. DuPont de Nemours & Co., Inc., 10007 Market St., Wilmington, DE. 19898.

MC 145995 (Sub-1-3TA), filed April 23, 1981. Applicant: MAZCO SYSTEMS, INC., 140 Grand St., Carlstadt, NY 07072. Representative: Roy A. Jacobs, Esq., 550 Mamaroneck Ave., Harrison, NY 10528. *Contract carrier:* irregular routes: *Printed matter* between Poughkeepsie,

NY on the one hand, and, on the other, points in the commercial zones of Atlanta, GA and Chicago, IL, and points in Mecklenburg County, NC and Smith County, TX, under continuing contract(s) with Great Eastern Color Lithographic Corp. of New York, NY. Supporting shipper(s): Great Eastern Color Lithographic Corp., 114 East 32nd Street, New York, NY 10007.

MC 148693 (Sub-1–6TA), filed April 23, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Road, Buffalo, NY 14212. Representative: James E. Brown, 36 Brunswick Road, Depew, NY 14043. *General commodities (except classes A & B explosives)* between points in AR, CT, DE, DC, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NJ, NC, NY, OH, PA, RI, SC, TN, TX, VT, VA, WV and WI (restricted to traffic originating at or destined to the facilities of Morgan Chemicals, Inc.). Supporting shipper: Morgan Chemical, Inc., 5500 Main St., Williamsville, NY 14221.

MC 123922 (Sub-1–2TA), filed April 28, 1981. Applicant: AMTRUK TRANSPORT, INC., P.O. Box 4327, Bergen Station, Jersey City, NJ 07304. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. *Contract;* Irregular: *general commodities (except classes A & B explosives),* between points in the US, under continuing contract(s) with BASF Wyandotte Corporation. Supporting shipper(s): BASF Wyandotte Corporation, 100 Cherry Hill Road, Parsippany, NJ 07054.

MC 73616 (Sub-1–1TA), filed April 27, 1981. Applicant: BILKAYS EXPRESS CO., 830 Old Corlies Avenue, Neptune, NJ 07753. Representative: John L. Alfano, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528. *General commodities, except classes A and B explosives,* between points in CT, MA, and RI. Applicant seeks to combine this authority with its present authority and also interline shipments with other carriers to provide service between CT, MA, and RI, on the one hand, and, on the other, DE, NJ, NY, and PA. Supporting shipper(s): Wallace Ennace, 50 Newton Road, Plainview, LI, NY 11803; Reynolds Fasteners, 300 Forest Drive, E. Hills, VT 11548; David Allison Co., 220 Crossways Park, West Roxbury, NY 11797; John Hassal, Inc., Cantiague Rock Road, Westbury, LI, NY 11756; Distribution Warehouse & Service Corp., 400 South Second Street, Elizabeth, NJ 07206.

MC 45721 (Sub-1–2TA), filed April 28, 1981. Applicant: WHITE BUS COMPANY, INC., 907 South Orange Avenue, East Orange, NJ 07018. Representative: Larsh B. Mewhinney, Esq., Moore, Berson, Lifflander & Mewhinney, 555 Madison Avenue, New York, NY 10022. *Common carrier:* irregular routes: *Passengers and their baggage,* between points in New York, NY, Nassau and Suffolk Counties, NY, and Bergen and Somerset Counties, NJ, on the one hand, and, on the other, Atlantic City, NJ. Supporting shipper: Alexander's Travel Service, 31 W. 34th Street, New York, NY 10001.

MC 119443 (Sub-1–4TA), filed April 28, 1981. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, NJ 08343. Representative: Gerald A. Kramme (Same as applicant). *Corn syrup and sweeteners in bulk, in tank vehicles* from IA, IL, IN, and OH to Reading, PA. Supporting shipper: Ludens, Inc., 200 N. 8th Street, Reading, PA 19603.

MC 59570 (Sub-1–7TA), filed April 24, 1981. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Road, Toms River, NJ 08753. Representative: James B. Callanan, 2075 Lakewood Road, Toms River, NJ 08753. *Building and construction materials and related products, and materials, equipment and supplies used in the manufacture and distribution of building and construction materials and related products,* between points in NJ, NY, DE, MD, VA, PA, CT, MA, and DC. Supporting shipper: Formigli Corporation, Box F, New Freedom Rd., Berlin, NJ, 08009.

MC 30508 (Sub-1–4TA), filed April 24, 1981. Applicant: DEARBORN'S MOTOR EXPRESS, INC., 140 Epping Road, Exeter, NH 03833. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, DC 20036. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives and hazardous wastes)* between Exeter, NH, on the one hand, and, on the other, all points in and east of the Mississippi River except ME, NH, and MA under continuing contract(s) with Tri-State Shippers Association of Exeter, NH. Supporting shipper: Tri-State Shippers Association, Inc., Exeter, NH 03833.

MC 106194 (Sub-1–1TA), filed April 24, 1981. Applicant: WILLIAM B. MEYER INCORPORATED, P.O. Box 4206, Bridgeport, CT 06607. Representative: Michael A. Wargula, Esq., 2550 Main Place Tower, Buffalo, NY 14202. *Contract Carrier:* irregular routes: *Printed matter, commercial papers and documents, written instruments, business forms and records, materials and supplies, as used in the operation and administration of an insurance business,* between points in NY, NJ, and CT, under a continuing contract(s) with The Equitable Life Assurance Society of the United States, Milford, CT. Supporting shipper: The Equitable Life Assurance Society of the United States, Wheelers Farm Road, Milford, CT 06460.

MC 149218 (Sub-1–1TA), filed April 27, 1981. Applicant: WELLINGTON TRANSPORTATION, INC., 67 Andrew Street, Newton Highlands, MA 02161. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109. *Contract carrier:* irregular routes: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766* between points in MA and IL on the one hand, and on the other, points in and east of MN, IA, MO, AR and TX under continuing contract(s) with Colonial Provisions Co., Inc., Boston, MA, Agar Supply Co. Inc., Boston, MA, Parklane Foods, Inc., Mt. Prospect, IL, HRM Provisions, Inc., Deerfield, IL. Supporting shipper(s): Colonial Provision Co., Inc., 1100 Massachusetts Ave., Boston, MA 02119, Parklane Foods, Inc., 600 E. Northwest Highway, Mt. Prospect, IL 60056; HRM Provision, Inc., 400 Country Line Road, Deerfield, IL 60015.

MC 155525 (Sub-1–1TA), filed April 27, 1981. Applicant: AJL TRANSPORTATION SERVICES LTD., 831 Decarie Blvd, Suite 301, St. Laurent, Quebec, CD H4L 3L8. Representative: H. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, VA 22030. *Contract carrier:* irregular routes: *Furniture, furniture parts and supplies,* from the facilities of Singer Furniture Division in Roanoke, VA, Chocowinity, Lenoir, Sanford, NC, in foreign commerce only to points on the US/CD International Boundary in the states of MI, NY, VT and ME under continuing contract(s) with Singer Furniture of Roanoke, VA. Supporting shipper: Singer Furniture, P.O. Box 5337, Roanoke, VA 24012.

MC 44538 (Sub-1–2TA), filed April 27, 1981. Applicant: NEW BREED MOVING CORP., 24 Lucon Drive, Deer Park, NY 11729. Representative: Pike & Piken, P.C., Queens Office Tower, 95–25 Queens Blvd., Rego Park, NY 11374. *Contract carrier:* irregular routes: *Aircraft fuselages,* between Little Rock, AR and Calverton, NY under continuing contract(s) with Grumman Aerospace Corporation of Bethpage, NY. Supporting shipper: Grumman Aerospace Corporation, Bethpage, NY 11714.

MC 87451 (Sub-1–23TA), filed April 27, 1981. Applicant: CARGO TRANSPORT, INC., 91 Mountain Road, Burlington, MA 01803. Representative: Samuel A. Bithoney, Jr. (same as applicant).

Contract carrier: irregular routes: *Prefabricated buildings, wooden, complete, knocked down, in sections and when transported in connection with such buildings, component parts thereof and equipment and materials incidental to the erection and completion of such buildings, prefabricated structural beams, arches and trusses, buildings, (cabins), prefabricated, wooden, knocked down, component parts thereof and equipment and materials incidental to the erection and completion of such buildings, with the usual exceptions* between points and places in ME on the one hand, and, on the other, points and places in the states of CT, DC, DE, MA, MD, ME, NC, NH, NJ, NY, PA, RI, VA, VT and WV under continuing contract(s) with Creative Cabins of Westbrook, ME. Supporting shipper: Creative Cabins, 332 River Street, Westbrook, ME 04092.

MC 138861 (Sub-1–20TA), filed April 27, 1981. Applicant: C–LINE, INC., 303 Jefferson Blvd., Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, N.W., Suite 501, Washington, DC 20036. *Contract carrier:* irregular routes: *Shortening,* from Bradley, IL, to points in CT, DE, MD, MA, ME, NH, NJ, NY, PA, RI, VT, VA and DC, under continuing contract(s) with Bunge Edible Oil Corporation, Kankakee, IL 60901. Supporting Shipper: Bunge Edible Oil Corporation, P.O. Box 192, Kankakee, IL 60901.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 154713 (Sub-II–7TA), filed April 24, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. *Refractories and refractory materials,* between points in Jackson County, OH, on the one hand, and, on the other, points in and east of ND, SD, NE, CO, OK and TX for 270 days. Supporting shipper: Nock & Son Co., 27320 W. Oviatt, Bay Village, OH.

MC 87103 (Sub-II–3TA), filed April 24, 1981. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 322, Cuyahoga Falls, OH 44222. Representative: Walter Keal, 3917 State Route 183, Edinburg, OH 44272. *Structural steel,* between Long Valley, NJ and Oxford, NC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Frazier Industrial Company, Long Valley, NJ 07853.

MC 153287 (Sub-II–3TA), filed April 24, 1981. Applicant: DRESSER TRANSPORTATION SERVICES, INC., 400 W. Wilson Bridge Road, Worthington, OH 43085. Representative: George C. Sanders, 4445 Weaver Court N., Hilliard, OH 43026. Contract; Irregular: Clay, No. 1 crushed, ground, or pulverized; truckload in packages or in bulk; Sand, No. 1 crushed, ground, or pulverized; truckload in packaged or in bulk. From Kosse, TX; Waco, TX; Ft. Worth, TX; Houston, TX, to Cleveland, OH, and its commercial zone for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Texas Industrial Minerals Company, a subsidiary of Ottawa Silica Company, Route 7, Post Office Box 96, Kosse, TX 76653.

MC 107012 (Sub-II–158TA), filed April 24, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *Contract; irregular: General commodities (except classes A and B explosives and household goods as defined by the Commission)* between points in the U.S. under continuing contracts with Apple Computer, Inc., Cupertino, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Apple Computer, 10260 Bandley Drive, Cupertino, CA 95014.

Note.—Common control may be involved.

MC 125023 (Sub-II–6TA), filed April 23, 1981. Applicant: SIGMA–4 EXPRESS, INC., 3825 Beech Ave., Erie, PA 16508. Representative: Richard G. McCurdy (same as applicant). *Glass Containers,* between Hamilton County, TN; Mineral County, WV; and Knox County, OH, on the one hand, and, on the other, points in the U.S. and east of MN, IA, MO, AR, and LA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chattanooga Glass Co., P.O. Box 7037, Chattanooga, TN 37410.

MC 79687 (Sub-II–6TA), filed April 24, 1981. Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Rd., Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *Windows, doors, related hardware and accessories, and equipment, materials and supplies,* between the facilities of Malta Manufacturing Co., Division of Philips Industries, Inc. at or near Malta, OH, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, KS, AR and LA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Malta Manufacturing Co., Division of Philips Industries, Inc., P.O. Box 397, Malta, OH 43757.

MC 107012 (Sub-II–160TA), filed April 24, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Plastic articles* from the facilities of Amoco Foam Products at Wilmington, DE; Augusta, GA; Beach Island, SC; Winchester, VA; and Chippewa Falls, WI to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX for 270 days. Supporting shipper: Amoco Foam Products, 2100 Powers Ferry Rd., Atlanta, GA 30099.

Note.—Common control may be involved.

MC 152640 (Sub-II–3TA), filed April 24, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Highway, Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005. *Contract,* irregular: *such merchandise as is dealt in and distributed by variety and retail department stores,* between points in the United States (except AK and HI), under a continuing contract(s) with McCrory Stores, a Division of McCrory Corporation, and Otasco, Inc., a subsidiary of McCrory Corporation, for 270 days. Supporting shippers: McCrory Stores, Division of McCrory Corp., York, PA 17402, Otasco, Inc., Tulsa, OK 74102.

MC 138438 (Sub-II–27TA), filed April 24, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Plastic and plastic products, and materials, equipment and supplies* used in the manufacture and distribution thereof, between Augusta, GA, Beach, Island and Spartansburg, SC, Chippewa Falls and Eau Claire, WI, Dallas, TX, Fresno and La Mirada, CA, Greensboro, NC, Kansas City, KS, Oelwein, IA, Melvern, AZ, Portland, OR, Winchester, VA and Yakima, WA, and their respective commercial zones, on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shipper: Amoco Foam Products Division, Suite 200, 2111 Powers Ferry Rd., NW., Atlanta, GA 30339.

MC 138000 (Sub-II–34TA), filed April 24, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *General commodities* (except Classes A and B explosives), between Norfolk, VA, including its commercial zone, on the one hand, and, on the other, points in the United States in and east of MN, IA, KS, OK and TX, for 270 days. Supporting

shipper(s): Service Marketing, No. 40 Rader Street, Norfolk, VA 23501.

MC 153061 (Sub-II–5TA), filed April 27, 1981. Applicant: ATS TRANSPORT, INC., 34439 Mills Road, North Ridgeville, OH 44039. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Cleaning compounds and concrete curing compounds*, between the facilities of the Murphy-Phoenix Company, Cleveland and Madison OH (and points in their respective commerical zones), on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Murphy-Phoenix Company, P.O. Box 22930, Cleveland, OH 44122.

MC 138297 (Sub-II–1TA), filed April 24, 1981. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Mountaintop, PA 18707 Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Passengers and their baggage in the same vehicle with passengers in charter operations* beginning and ending at points in Lackawanna & Luzerne Counties, PA and extending to points in NY, NJ, MA, CT, RI, MD, TN, VA, FL, VT, ME, NH, & DC for 180 days. Supporting shipper(s): Jewelcor, Inc., Gateway Shopping Ctr., Edwardsville, PA 18704.

MC 155471 (Sub-II–1TA), filed April 23, 1981. Applicant: L & B TRUCKING, INC., 950 Washington Avenue, Croyden, PA 19020. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411–D Backlick Road, Springfield, VA 22151. Contract: Irregular: *(1) scaffolding, shoring, and trusses, knocked down, and (2) materials, equipment, and supplies used in the manufacture, distribution, and installation of scaffolding, shoring and trusses*, between Los Angeles, Redwood City, and Sacramento, CA; Orlando and Miami, FL; Atlanta, GA; Chicago, IL; Baltimore, MD; Duluth, MN; Toledo and Cleveland, OH; Oklahoma City, OK; Philadelphia, PA; Rapid City, SD; Austin, Dallas, and Houston, TX; Nashville, TN; Seattle, WA, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Anthes Incorporated. Supporting shipper: Anthes Incorporated, 1620 Woodhaven Drive, Bensalem, PA 19020.

MC 2232 (Sub-II–3TA), filed April 24, 1981. Applicant: CREGER FREIGHT LINES, INC., Old Tyburn Rd. and Corbin Lane, Morrisville, PA 19067. Representative: Bernard J. Kompare, Sullivan & Associates, Ltd., Suite 1600, 10 S. LaSalle St., Chicago, IL 60603. *Such commodities as are dealt in or used by manufacturers of cleaning, polishing and washing products (except in bulk)*, between Bristol, PA, on the one hand, and, on the other, points in DE, MD and NY. An underlying ETA seeks 120 days' authority. Supporting shipper: Purex Corporation, 1414 North Radcliffe Street, Bristol, PA 19007.

MC 143730 (Sub-II–3TA), filed April 22, 1981. Applicant: PENINSULA TRUCKING CO., INC., 705 Morehouse Dr., New Castle, DE 19270. Representative: Richard M. Ochroch, 316 South 16th St., Philadelphia, PA 19102. *Contract; irregular: Such merchandise as is dealt in by wholesale, retail and chain industrial maintenance supply houses, and, in connection therewith, equipment, materials, and supplies used in the manufacture and distribution of the above commodities* between points in the United States, for 270 days, under a continuing contract with Cello Corporation, Havre de Grace, MD. Restricted to the facilities of Cello Corporation, Havre de Grace, MD. An underlying ETA seeks 120 days authority. Supporting shipper: Cello Corporation, Executive Plaza #1, Suite 305, Hunt Valley, MD.

MC 144359 (Sub-II–2TA), filed April 27, 1981. Applicant: DUNIGAN TRUCKING CO., 1875 Bunty Station Rd., Delaware, OH 43015. Representative: Anthony M. Heald, 125 North Sandusky Street, Delaware, OH 43015. Contract, irregular; *General Food Commodities*, from the facilities of Ralston Purina, at or near Lancaster, Ohio, to pts. in GA, FL, OK, CO, and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ralston Purina, Checkerboard Square, St. Louis, MO 63188.

MC 150954 (Sub-II–28TA), filed April 17, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 215, San Antonio, TX 78217. Contract, Irregular; *(1) Plastic materials group: pellets, granuals, beads and (2) oil in drums*, between Orange and Santa Anna, CA; Calumet City and Chicago, IL; Hammond, IN; Lawrenceville, Trenton and Windsor, NJ and Big Spring, TX on the one hand, and on the other, points in AZ, AR, CA, FL, GA, IN, KS, KY, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN and TX, under continuous contract with Cosden Oil & Chemical Company, Dallas, TX, for 270 days. Underlying ETA seeks 120 days operating authority. Supporting shipper: Cosden Oil & Chemical Company, 8350 N. Central Expressway, Dallas, TX 75221.

MC 150954 (Sub-II–29TA), filed April 20, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Contract, Irregular; *Primary Metal Products (STCC 33)*, between Granite City, IL and points in IN, IA, LA, OH, OK and TX, under continuous contract with Taracorp Industries, for 270 days. Underlying ETA seeks 120 days operating authority. Supporting shipper: Taracorp Industries, 16th & Cleveland Blvd., Granite City, IL 62040.

MC 144359 (Sub-II–30TA), filed April 20, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. *Fiberglass reinforcements (rovings, chopped strands, woven rovings and mat), and equipment, materials and supplies used in the manufacture thereof*, between the facilities of Certainteed located at Wichita Falls, TX, on the one hand, and, on the other, points in CA, GA, IA, IL, NY, OH, OR, PA, TN, VT and WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Certainteed Corp.—FRD, 4515 Allendale Rd., Wichita Falls, TX 76310.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 133221 (Sub-3–9TA), filed April 28, 1981. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, GA 30245. Representative: W. D. Beaver (same as applicant). *Plastic articles, materials, equipment and supplies used in the manufacture and distribution of plastic articles* from Mobil Chemical facilities, and facilities used by Mobil Chemical Company to points in the U.S. (except AK and HI). Supporting shipper: Mobil Chemical Company, Macedon, NY 14502.

MC 144776 (Sub-3–2TA), filed April 28, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner Street, SW, Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Plastic articles and material, equipment and supplies used in the manufacture and distribution and sale thereof (except commodities in bulk)*, between points in the United States. Restricted to traffic originating at or destined to the facilities utilized by Amoco Foam Products Company. Supporting shipper: Amoco Foam

Products Company, 2100 Powers Ferry Road, Suite 200, Atlanta, GA 30099.

MC 143351 (Sub-3–2TA), filed April 27, 1981. Applicant: DANTRAC, INC., 602 Airport Rd., Greenville, SC 29606. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Such commodities as are dealt in by distributors of alcoholic beverages, liquor and wine,* from pts. in CA to pts. in SC. Supporting shipper: Columbia Distributing Corporation, 1009 Airport Blvd., Columbia, SC 29205.

MC 145875 (Sub-3–2TA), filed April 28, 1981. Applicant: SWAIN & SONS TRANSPORTS, INC., 206 Poplar Ave., Memphis, TN 38103. Representative: William R. Swain, Jr., Attorney (same as above.). *General Commodities (except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment)* between points in Shelby County, TN and Helena, AR, on the one hand, and, on the other, points in AL, AR, KS, KY, LA, MO, MS, NE, OH, OK, and TX. Supporting shippers: United Warehouse and Terminal Corporation, 137 W. Illinois Street, Memphis, TN 38103, and Rasco, Inc., P.O. Box 193, Lakeville, CT 06039.

MC 151280 (Sub-3–2TA), filed April 27, 1981. Applicant: B & P TRUCK LINES, INC., 103 S. Wingate Lane, Chattanooga, TN 37403. Representative: Daniel O. Hands, Suite 200–A, 205 W. Touhy Ave., Park Ridge, IL 60068. (1) *Wire shipping racks* from the facilities of Tubular Products Co., at or near Birmingham, AL to Chicago and Peoria, IL, Cleveland, OH and Johnstown, PA and (2) *such commodities as are dealt in or used by discount department stores* from points in the United States in and east of ND, SD, NE, KS, OK and TX to the facilities of Bargain Town, USA, Inc. at Birmingham, AL. Supporting shippers: Bargain Town, USA, Inc. 140 W. Oxmoor Road, Birmingham, AL 35209. Tubular Products Co., P.O. Box 31232, Birmingham, AL 35222.

MC 147565 (Sub-3–1TA), filed April 28, 1981. Applicant: PALMETTO TRANSPORTATION SERVICES, INC., P.O. Box 4932, Ranier Ginn Bldg., No. 6 Graves Rd., Hilton Head Island, SC 29928. Representative: Thomas L. Durston (same as above). *Passengers and baggage in charter and special service,* between Hilton Head Island, SC and Chatham County, Savannah, GA. Supporting shipper: Historic Savannah Foundation, Inc., P.O. Box 1733, Savannah, GA 31402.

MC 149563 (Sub-3–13TA), filed April 28, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Precast concrete stone and materials, equipment and accessories used in the manufacture, installation or sale thereof* between the facilities of Coronado Stone Company at or near Garland, TX, on the one hand, and, on the other, points in the states of NM, OK, AR and LA. Supporting shipper: Precasr Manufactured Products d/b/a/ Coronado Stone Co., 2321 Forest Lane, Garland, TX 75042.

MC 143061 (Sub-3–5TA), filed April 28, 1981. Applicant: ELECTRIC TRANSPORT, INC., P. O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same as applicant). *Contract;* irregular: *Such commodities as are dealt in or used by a manufacturer of electrical and automotive products, except commodities in bulk,* between points in MS on the one hand, and, on the other, points in AL, AR, LA, TX, GA, OK, TN, SC, NC, VA, KY, OH, IN, IL, MO, PA, MD, NJ, NY, CT, MA, MI, WI, MN, IA, KS. Supporting shipper: Arvin Industries, Inc., 1531 13th Street, Columbus, IN 47201.

MC 155580 (Sub-3–1TA), filed April 29, 1981. Applicant: MEBANE TRUCKING COMPANY, P.O. Box 406, Mebane, NC 27302. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Contract:* irregular: *Paper or fibreboard boxes, plastic boxes, and plastic bags, and materials, equipment and supplies used in the manufacture, sale and distribution of paper or fibreboard boxes plastic boxes, and plastic bags,* between points in Alamance and Orange Counties, NC and Greenville, MS, on the one hand, and, on the other, points in the United States, except AK and HI, under continuing contract with Mebane Packaging Corporation. Supporting shipper: Mebane Packaging Corporation, P.O. Box 406, Mebane, NC 27302.

MC 155577 (Sub-3–1TA), filed April 28, 1981. Applicant: CAMELOT DISTRIBUTING COMPANY, 400 Fisk Drive, SW., Atlanta, GA 30336. Representative: Clifford G. McGehee III (same address as applicant). *Contract carrier:* irregular: *waste paper, paper and paper products; supplies and materials used in manufacture and distribution thereof,* between points in states of AL, FL, GA, TN, NC, SC, and VA. Supporting shipper: Sonoco Products Co., North Second St., Hartsville, SC 29550.

MC 155232 (Sub-3–1TA), filed April 28, 1981. Applicant: INTERNATIONAL TRUCKING & RIGGING COMPANY, INC., 5950 N.W. 77th Court, Miami, Florida 33166. Representative: Richard B. Austin, 320 Rochester Building, 6300 N.W. 53rd Street, Miami, Florida 33166. *Contract* irregular: *Telephone equipment, materials and supplies used in the construction and maintenance of telephone systems* between points in Broward, Dade and Monroe Counties, FL on traffic having an immediately prior or subsequent movement in interstate or foreign commerce under continuing contract(s) with Western Electric Company, Inc., Atlanta, GA. Supporting shipper: Western Electric Co., Inc., 6701 Rosewell Road, N.E., Atlanta, GA 30328.

MC 155491 (Sub-3–1TA), filed April 28, 1981. Applicant: VERA C. BREWER d.b.a. AGRICULTURAL TRANSPORT, Route 1, Box 74–B, Ellerslie, GA 31807. Representative: F. Lee Champion, III, P.O. Box 2525, Columbus, Georgia 31902. *(1) Agricultural lime, lime materials, lime granulars, limestone, dolomite limestone, fertilizer, fertilizer materials and landplaster,* in dump vehicles, from Escambia, Levy, Taylor, Hamilton, Jackson, Marion and Hillsborough County, FL to points in GA and AL; and *(2) slag* from Jefferson County, AL., *and agricultural lime, lime materials and lime granulars,* from Lee County, AL to points in GA. Supporting shippers: Florida Lime & Dolomite Company, Inc., P.O. Box 2100, Ocala, FL 32670; Slade Farms, Route 1, Vienna, GA 31092; Webster Farmers, Inc., P.O. Box 73, Weston, GA 31832.

MC 146669 (Sub-3–4TA), filed April 24, 1981. Applicant: CARRIER FREIGHT LINES, INC., Post Office Box 613, Hickory, NC 28601. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Beer and malt beverages,* from Evansville, IN to Mecklenburg County, NC. Supporting shipper: Cunningham Wholesale Company, Inc., 901 Berryhill Road, Post Office Box 32651, Charlotte, NC 28232.

MC 146782 (Sub-3–15TA), filed April 24, 1981. Applicant: ROBERTS CARRIER CORPORATION, 300 First Avenue South, Nashville, Tenn 37201. Representative: James Rex Raines, 300 First Avenue, South, Nashville, Tenn 37201. (1) *Knocked down steel storage racks and stainless steel Nuclear storage racks and (2) material equipment and supplies used in manufacture of (1) above (expect commodities in bulk)* between Greenville County, SC on the one hand, and, on the other, points in IL. Supporting shipper: Engineered Products (Division of Gower Corp.) P.O. Box 6767, Greenville, SC 29606.

MC 140460 (Sub-3–6TA), filed April 24, 1981. Applicant: COAST REFRIGERATED TRUCKING Co., Inc., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, Baskin, and Sears, 818 Connecticut Ave., NW, Washington, D.C. 20006. *Meat and meat products* between the facilities by L.B. Darling Company located at or near Southboro and Worcester, MA on the one hand, and, on the other, points in and east of MN, IA, MO, AR and LA. Supporting shipper: L. B. Darling Company, 28 Newton Street, Southboro, MA 01772.

MC 150302 (Sub-3–1TA), filed April 24, 1981. Applicant: UNITED MERCHANTS TRUCKING, INC., Route 7, Box 8–C, Statesville, NC 28677. Representative: Don Del Vitto (same address as applicant). *Contract carrier, irregular routes, general commodities (except classes A & B explosives),* between the facilities of the Charlotte Freight Association, Inc. and its members located in Los Angeles, CA, Miami, FL, Atlanta, GA, Chicago, IL, Boston, MA, Charlotte, NC, New York, NY, Newark, NJ, Philadelphia, PA and Dallas, TX under continuing contract with Charlotte Freight Association, 2506 Starita Road, Charlotte, NC.

MC 115840 (Sub-3–13TA), filed April 24, 1981. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Metal roofing and siding and fabricated metal products, and materials, equipment and supplies used in the manufacture, distribution or sale of the above commodities,* between Gridley, IL on the one and, and, on the other, points in MI, OH, IN, KY, TN, MO, IA, NE, ND, SD, MN, and WI. Restricted to traffic originating at or destined to the facilities utilized by FABRAL, Inc., Division of Alcan Building Products. Supporting shipper: FABRAL, Division of Alcan Building Products, 3449 Hempland Road, Lancaster, PA 17601.

MC 52704 (Sub-3–16TA), filed April 24, 1981. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer, "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Pulp, paper and related articles,* and (2) *materials, equipment, machinery and supplies* used in the manufacture or distribution of commodities in (1) above, between points in the U.S. in and east of MN, IA, OK and TX. Supporting shipper: Allied Paper Company, a subsidiary of SCM Corporation, 307 West Industrial Road, Jackson, AL 36545.

MC 142835 (Sub-3–11TA), filed April 24, 1981. Applicant: CARSON MOTOR LINES, INC., P.O. Box 337, Auburndale, FL 33823. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Food and related products,* (1) between points in FL on the one and, and, on the other, points in AL, AR, GA, IA, KS, KY, LA, MS, MO, NE, NC, OK, SC, TN and TX, and (2) between points in OH on the one and, and, on the other, points in CT, DE, DC, IA, KS, KY, ME, MD, MA, MI, NE, NH, NJ, NY, PA, RI, TN, VT, VA, WV and WI, for 270 days. Supporting shipper: Doric Foods Corporation, Robie Ave., P.O. Box 986, Mt. Dora, FL 32757.

MC 114334 (Sub-3–23TA), filed April 24, 1981. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Metal and Metal Articles* from Sterling, IL to points in Shelby County, TN. Supporting shipper: Southern Steel Supply Co., Inc., 475 N. Dunlap, Memphis, TN.

MC 108074 (Sub-3–25 TA), filed April 24, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221 S, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. (1) *Cleaning, scouring or washing compounds, soap, soap powder, textile softeners, liquid bleach, ammonia, fabric softeners, pot scourers, and steel wool* and (2) *materials, equipment, and supplies used in the manufacture of the above named commodities* (1) from Auburndale, FL to points in AL, GA, LA, MS, NC, SC, and TX and (2) on return. Supporting shipper: Purex Corp., 1414 N. Radcliffe St., Bristol, PA 19007.

MC 155079 (Sub-3–1 TA), filed April 24, 1981. Applicant: CURTIS L. DODGINS, INC., Route 1, Box 393, Franklin, NC 28734.Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Contract* carrier: irregular: *general commodities,* between points in Wake County, NC, on the one hand, and, on the other, all points in the United States, under continuing contract with Quline Corporation. Supporting shipper: Quline Corporation, Post Office Box 58427, 5605 Spring Court, Raleigh, NC 27658.

MC 2934 (Sub-3–36 TA), filed April 24, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Furniture and fixtures,* from Jasper, IN; Borden, IN; and Fordsville, KY; to points and places in the states of AZ, CA, CO, IA, MT, NV, NM, OR, UT, WA and WY. Supporting shipper: Kimball International, Inc., 1549 Royal Street, P.O. Box 460, Jasper, IN 47546.

MC 110012 (Sub-3–5 TA), filed April 23, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. *General commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring use of special equipment)* between points in Dallas County, TX on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): Casual Craft, Div. of Trans International Crop., 2421 West Commerce, Dallas, TX 75212.

MC 144688 (Sub-3–14), filed April 22, 1981. Applicant: READY TRUCKING, INC., 2717 Campbell Boulevard, Ellenwood, GA 30049. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. (1) *Such commodities as are dealt in and are distributed by grocery, hardware, and drug stores;* (2) *cleaning and building maintenance materials and supplies;* (3) *swimming pool, spa, and hot tub products;* (4) *chemicals;* (5) *materials, equipment and supplies used in the manufacture, sale and distribution of commodities in parts (1) through (4),* between points in and west of MT, WY, CO & NM, on the one hand, and, on the other, points in the U.S. Restricted: To traffic originating at or destined to the facilities of the Purex corporation, its divisions and subsidiaries, and further restricted against the transportation of commodities in bulk. Supporting shipper: The Purex Corporation, 24600 South Main Street, Carson, CA 90749.

MC 154969 (Sub-3–2TA), filed April 24, 1981. Applicant: WILLIAM S. LEE, d.b.a. WILLIAM S. LEE TRUCKING, Route 10, Box 249, McMinnville, TN 37110. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. *Such commodities as are dealt in by grocery stores* between points in TN on the one hand, and, on the other, points in the U.S. in and east of KS, NE, ND, OK, SD, and TX. Restricted to shipments originating at or destined to facilities utilized by Malone & Hyde, Inc., and Arrow Industries, Inc. Supporting shippers: Malone & Hyde, Inc., P.O. Box 520427, Miami, FL 33152 and Arrow Industries, Inc., 1740 International Blvd., LaVergne, TN 37086.

MC 154509 (Sub-3–2TA), filed April 24, 1981. Applicant: MEMPHIS COURIER DELIVERY, 3638 Old Getwell Road,

Memphis, TN 38116. Representative: Ralph D. Golden, Suite 2348, 100 North Main Building, Memphis, TN 38103. *Goods, materials, merchandise, supplies, toiletries, cosmetics, and other products dealt in by home products distributors manufactured, distributed and sold by Amway Corporation* from Memphis, TN, on one hand to all points in TN, AR, and MS; from Tupelo, MS, on one hand to all points in TN, MS, and AL. Supporting shipper: Amway Corporation, 6450 Jimmy Carter Blvd., Norcross, GA 30071.

MC 121306 (Sub-3–2TA), filed March 20, 1981. Republication—originally published in **Federal Register** of April 6, 1981, page 20638, volume 46 No. 66. Applicant: SUPERIOR MOTOR EXPRESS, INC., P.O. Box 98, Gold Hill, NC 28071. Representative: Claude O. Earnhardt (same address as above). *Lumber and wood products,* between AL, AR, DE, FL, GA, IN, KY, LA, MD, MI, MO, MS, NC, NJ, NY, OH, PA, SC, TN, VA, WV. Applicant intends to tack with existing authority in MC 121306. Supporting shippers: Empire Wholesale Lumber Co., P.O. Box 249, Akron, OH 44309 and Woodkraft-Div. of GA Kraft, P.O. Box 2489, Peachtree City, GA 30269.

MC 128899 (Sub-3–4TA), filed April 24, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. *Crude oil in bulk,* from points in Allen, Barren, Casey, Clinton, Cumberland, McCreary, Metcalfe, Monroe, Simpson, Warren, and Wayne Counties, KY, to points in Jackson County, TN. Supporting shipper: Delta Refining Co., P.O. Box 35, Burkesville, KY 42717.

MC 59150 (Sub-3–17TA), filed April 27, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sacks, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. *Contract,* irregular, *General Commodities (except Classes A & B explosives),* between points in the United States under continuing contract(s) with Lowe's Companies, Inc. Supporting shipper: Lowe's Companies, Inc., P.O. Box 1111, Hwy. 268 East, North Wilkesboro, NC 28656.

MC 140484 (Sub-3–22TA), filed April 24, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). *Contract carrier;* irregular routes; *Such commodities as are dealt in or used by wholesale and retail grocery stores and food business houses* between points in the US, except AK and HI, on the one hand, and on the other, points in Allegheny and Butler Counties, PA under continuing contract with Giant Eagle Markets. Supporting shipper: Giant Eagle Markets, Inc., 101 Kappa Drive, RIDC Park, Pittsburgh, PA 15238.

MC 153380 (Sub-3–2TA), filed April 10, 1981. Applicant: ROWAN FREIGHT COMPANY, INC., P.O. Box 1571, Salisbury, NC 28144. Representative: Francis O. Clarkson, Jr., 3250 NCNB Plaza, Charlotte, NC 28280. *Contract carrier;* irregular routes; (1) *fire fighting equipment, including extinguishers and charges of compounds, carbon dioxide cylinders—non-flammable gas and storage tanks, pressurized liquid non-flammable gas, fire extinguisher cylinders of iron, steel or aluminum, sprinkler systems, including valves and trimmings of iron, steel or brass, wheeled and skidded fire fighting units, parts, attachments and accessories for fire fighting equipment, including parts and supplies for the above;* (2) *chemicals for manufacturing charges of compounds for fire fighting equipment, including Mono-Amonium, Di-Amonium, and Soda Bicarbonate; machine parts, or motors and thermostats for fire fighting equipment; and materials and supplies used in the manufacturing of fire fighting equipment;* (1) above from the facilities of the Chemetron Fire Systems Company at Granite Quary, NC, to points in Chamblee, GA; Houston, TX; Anaheim, CA; Tigard, OR; Bensenville, IL; Monee, IL; and Cornwell Heights, PA; (2) above from points in Erie, PA; Syracuse, NY; Lancaster, PA; Wyandotte, MI; Plymouth, MI; Maumee, OH; Hastings, MI; South Elgin, IL; Monee, IL; Walberton, IN; and Bolling Green, OH, to the facilities of Chemetron Fire Systems Company at Granite Quary, NC, and from points in Philadelphia, PA; Allentown, PA; Easton, PA; Whitehall, PA; and Williamstown, NJ, to the facilities of the Chemetron Fire Systems Company in Monee, IL. Supporting shipper: Chemetron Fire Systems, Division of Chemetron Corporation, P.O. Box 429, Granite Quary, NC 28072.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 29655 (Sub-4–5), filed April 24, 1981. Applicant: BRIGGS TRANSPORTATION CO., N–400, Griggs-Midway Building, St. Paul, MN 55104. Representative: Winston W. Hurd (same address as applicant). *General commodities (except Classes A and B explosives and household goods as defined by the Commission)* serving points in the following counties in the State of WI as off-route points in connection with applicant's presently authorized regular route operations: Waupaca, Outagamie, Brown, Kewaunee, Waushara, Winnebago, Calumet, Manitowoc, Marquette, Green Lake, Fond du Lac, Sheboygan, Washington, Ozaukee, and Portage. Applicant intends to interline. Applicant intends to tack to its existing authority and any authority it may acquire in the future. Supporting shipper: There are 288 supporting shippers.

MC 32122 (Sub-4–2TA), filed April 23, 1981. Applicant: PAZEN TRANSFER LINES, INC., P.O. Box 243, Waukau, WI 54980. Representative: Edward J. Gerrity, P.O. Box 914, Appleton, WI 54912. *Paper and Paper Products, and the return of Materials, Equipment and Supplies used in the manufacture or distribution of Paper and Paper Products,* between Downingtown, PA on the one hand, and on the other, points in IL, IN, IA, Lower Peninsula of MI, MN, OH, and WI. Supporting shipper: Dopaco, Inc., P.O. Box 270, Downingtown, PA 19335.

MC 107295 (Sub-4–37TA), filed April 23, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Lumber or wood products* between Beltrami County, MN on the one hand, and points in the U.S. on the other. Supporting shipper: The Mead Corporation, Courthouse Plaza, NE, Dayton, OH 45463.

MC 111496 (Sub-4–5TA), filed April 23, 1981. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. Common, regular: *General commodities, except Classes A and B explosives,* serving Sidney, MT as an intermediate point in connection with applicant's regular route service in MC–111496 (Sub No. 37), between Williston, ND and Billings, MT. An underlying ETA seeks 120 days authority. Supporting shipper: There are 21 supporting shippers.

Note.—Applicant proposes to tack the authority sought with its authority in MC–111496 and subs thereto, and proposes to interline with other carriers.

MC 125551 (Sub-4–4TA), filed April 23, 1981. Applicant: K & W TRUCKING CO., INC., 101 Cooper Avenue North, St. Cloud, MN 56301. Representative: William L. Libby, 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Lumber* from Ports of Entry on the International Boundary Line between the U.S. and CD in WA, ID, MT, and ND,

to points in WA, OR, ID, MT, MN, ND, SD, IA, KS, NE, WI, and IL. Supporting shipper: Chandler Corporation, P.O. Box 2840, Boise, ID 83701.

MC 140553 (Sub-4-5TA), filed April 23, 1981. Applicant: ROGERS TRUCK LINE, INC., Box 317, Logansport, IN 46947. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Contract,* irregular: *Malt beverages* between points in the U.S. under contract with Pabst Brewing Company. Supporting shipper: Pabst Brewing Company, Box 766, Milwaukee, WI 53201.

MC 143636 (Sub-4-5TA), filed April 20, 1981. Applicant: RON SMITH TRUCKING, INC., R.R. #1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, 913 South Sixth Street, Springfield, IL 62703. *Coal* from Bicknell, IN to Springfield, IL 62703. Supporting shipper: City of Springfield, 3100 Stevenson Drive, Springfield, IL 62715.

MC 151801 (Sub-4-3TA), filed April 23, 1981. Applicant: VEEN CARTAGE, INC., 9146 S. Kolmar Ave., Oak Lawn, IL 60453. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle St., Chicago, IL 60602. *Pet foods, and material, equipment, and supplies used in the manufacture and distribution of pet foods,* between the facilities of Swift & Co., at Momence, IL, on the one hand, and, on the other, points in IN, MI, NY, OH, PA, and WV. Supporting shipper: Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604.

MC 155429 (Sub-4-1TA), filed April 23, 1981. Applicant: BRUCE R. LAMBERT and ALAN J. MACKEY, d.b.a. LAMBERT-MACKEY TRUCKING, 1225 South Galena, Dixon, IL 61021. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. (1) *Concrete products,* from Woosung and River Grove, IL, to points in IN, IA and WI, and (2) *fertilizer,* between points in IL, IN, IA and WI. Supporting shippers: Keber Fertilizer, 1207 Chicago Street, Mendota, IL 61342; Ag Pro, Inc., P.O. Box 127, Woosung, IL 61091; and Midwest Concrete Products Company, Box 112, River Grove, IL 60171.

MC 155448 (Sub-4-1TA), filed April 20, 1981. Applicant: R. M. TRANSPORT, INC., 619 East Sumner Street, Hartford, WI 53021. Representative: William P. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract; irregular; liquid asphalt, in bulk,* from Dubuque, IA, and Whiting, IN, to Rochester, WI, under a continuing contract with Lang Engineering Co. of Rochester, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Lang Engineering Co., P.O. Box 96, Rochester, WI 53167.

MC 155472 (Sub-4-1TA), filed April 23, 1981. Applicant: TAYLOR TRUCKING COMPANY, 1112 Suffolk Street, Southgate, MI 48195. Representative: John C. Scherbarth, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *General commodities* between points in the U.S. under a continuing contract with Hickman, Williams & Company. Supporting shipper: Hickman, Williams & Company, 40 Port Avenue, Monroe, MI 48161.

MC 155473 (Sub-4-1TA), filed April 23, 1981. Applicant: JAMES K. KIRKER and ROBERT A. JENSEN, d.b.a. K & J TRANSPORT, 112 W. Ludington Avenue, Ludington, MI 49431. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Contract;* irregular: *(1) rubber and plastic products and (2) such commodities as are dealt in or used by hardware stores* between Ludington, MI and Chicago, IL and its Commercial Zone under continuing contract(s) with Ludington Plastics, Inc. and Kirkers Hardware. An underlying ETA seeks 120 days authority. Supporting shippers: Ludington Plastics, Inc., South Jebavy Drive, Ludington, MI 49431 and Kirkers Hardware, 112 W. Ludington Avenue, Ludington, MI 49431.

MC 19945 (Sub-4-5TA), filed April 30, 1981. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Representative: Joseph R. Behnken (same as applicant). *Coal,* from Marion, IL to Davenport, IA, an underlying ETA seeks 120 days authority. Supporting shipper: US. Energy, Inc., 502 S. Court St., P.O. Box 247, Marion, IL 62959.

MC 29555 (Sub-4-6TA), filed May 1, 1981. Applicant: BRIGGS TRANSPORTATION CO., N-400, Griggs-Midway Building, St. Paul, MN 55104. Representative: Winston W. Hurd (same address as applicant). *General commodities (except household goods as defined by the Commission and Classes A & B explosives),* serving points in the following counties in the States of KY and TN as off-route points in connection with carrier's otherwise authorized regular route service: *Kentucky:* Simpson, Logan, Christian, Barren, Allen, Scott, Bourbon, Clark, Madison, Mercer, Boyle. *Tennessee:* Davidson, Montgomery, Cheatam, Sumner, Rutherford, Wilson, Putnam, Robertson, Williamson. Applicant intends to interline. Applicant intends to tack to its existing authority and any authority it may acquire in the future. Supporting Shipper(s): There are 104 statements of support attached.

MC 44770 (Sub4-3TA), filed April 30, 1981. Applicant: MIDLAND LINES, INC., 1206 Currie Avenue, Minneapolis, MN 55403. Representative: Richard L. Gill, 1805 American National Bank Building, St. Paul, MN 55101. *Common* regular *passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers,* between Marshall, MN and Brookings, SD, serving all intermediate points: From Marshall over MN Highway 19 to SD border, thence over SD Highway 30 to junction Interstate Highway 29, thence over Interstate Highway 29 to Brookings, SD and return over same route. Supporting shippers: Marshall Northwest Pipe Fittings, Highway 59 North, Marshall, MN 56258; Divine Providence Hospital, 312 East George, Ivanhoe, MN 56142; Nielsen's Flowers, 1321 6th Street, Brookings, SD 57006.

MC 113434 (Sub-4-6TA), filed April 29, 1981. Applicant: GRA-BELL TRUCK LINE, INC., P.O. Box 1001, A5253, 144th Ave., Holland, MI 49423. Representative: Roger Van Wyk (same as applicant). *Foodstuffs and materials, equipment and supplies used in the manufacture and distribution of foodstuffs,* between Paw Paw, MI and various points in NY, PA, WV, KY, WI, IA, MO & TN. An underlying ETA seeks 120 days authority. Supporting shipper: The Coca-Cola Co., Foods Division, P.O. Box 229, Red Arrow Hwy. West, Paw Paw, MI 49079.

MC 117165 (Sub-4-6TA), filed April 30, 1981. Applicant: ST. LOUIS FREIGHT LINES, INC., 1111 U.S. Highway 20 West, Michigan City, IN 46360. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Refractories products, building board, wallboard, and materials and supplies used in the manufacture and installation thereof,* between points in IA, IL, IN, KY, MI, MN, MO, OH, PA, and WI, restricted to traffic originating at or destined to the facilities of General Refractories Company. Supporting shipper(s): General Refractories Company, 50 Monument Rd., Bala Cynwyd, PA 19004.

MC 117820 (Sub-4-1TA), filed April 30, 1981. Applicant: W. H. FROH, INC., 57760 Main Blvd., New Haven, MI 48048. Representative: Robert D. Schuler, 100 West Long Lake Rd., Ste. 102, Bloomfield Hills, MI 48013. *Commodities dealt in by food business houses, metal products, machinery, printed matter, pulp, paper and related products, lumber and wood products, building materials, materials, supplies and equipment used in the manufacture or distribution of the above-named items,* between points in MN, WI, IL, IA, IN, MI, OH, PA and NY,

on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shippers: There are 11 statements of support.

MC 119619 (Sub-4-10TA), filed April 29, 1981. Applicant: DISTRIBUTORS SERVICE CO., 2000 W. 43rd Street, Chicago, Illinois 60609. Representative: Arthur J. Piken, 95-25 Queens Blvd., Rego Park, NY 11374. *Food and related products and materials, supplies and equipment used in the manufacture and distribution of Food,* Between points in Sussex County, VA on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Old Dominion Packing Co., 2963 Bernice Road, Lansing, IL 60438.

MC 119641 (Sub-4-6TA), filed April 28, 1981. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. (a) *Iron and steel articles, and (b) Materials, equipment and supplies used in the manufacture and distribution thereof,* Between Middlesex County, NJ, on the one hand, and, on the other, points in and east of IA, MN, NE, KS, OK and TX. Supporting shipper: Raritan River Steel Company, P.O. Box 309, Perth Amboy, NJ 08862.

MC 127187 (Sub-4-6TA), filed April 29, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402. *Contract* irregular: *Machiner,* between points in the U.S. under continuing contracts with V & V Sales, Inc., Grand Forks, ND. Supporting shipper: V & V Sales, Inc., Box 457, Hwy 81 North, Grand Forks, ND 58201.

MC 127435 (Sub-4-1TA), filed April 30, 1981. Applicant: DAVID R. BUMGARDNER d.b.a. BURGARDNER DELIVER SERVICE, Rural Route No. 1, Dawson, IL 62520. Representative: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St., Springfield, IL 62703. *Contract* irregular: *commodities as are regularly dealt in by retail drug stores,* from St. Louis, MO commercial zone to points in the IL counties of Macoupin, Cass, Menard, Coles, Moultrie, Effingham, Shelby, Douglas, Macon, Christian, Fayette, Morgan, Sangamon and Cumberland. Supporting shipper: Meyer Brothers Drug Company and/or Fox-Meyer Drug Company, 5430 Wise Avenue, St. Louis, MO 63110.

MC 129645 (Sub-4-6TA), filed April 29, 1981. Applicant: SMEESTER BROS., INC., 1330 S Jackson St., Iron Mountain, MI 49801. Representative: H. G. Denny (same address as applicant). *Lumber and wood products,* from the international boundary line between U.S. and CD at Detroit, MI to points in IA, IL, IN, KY, MI, MO, NY, OH, PA, and WV. An underlying ETA seeks 120 days authority. Supporting shipper: Weyerhaeuser Company, 100 S. Wacker Dr., Chicago, IL 60606.

MC 133060 (Sub-4-30TA), filed April 29, 1981. Applicant: OVERLAND EXPRESS, INC., 6651 Naple Street NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such merchandise as is dealt in by retail stores,* Between the facilities of World Wide, Inc. and Fairway Foods, Inc., at Minneapolis-St. Paul, MN and points in the Commercial Zone as defined by the Commission and Northfield, MN, on the one hand, and, on the other hand, points in the U.S. Supporting shippers: Fairway Foods, Inc., Northfield, MN; and World Wide, Inc., 5601 W. Old Shakopee Road, Bloomington, MN.

MC 139066 (Sub-4-2TA), filed April 29, 1981. Applicant: VAN BUS DELIVERY COMPANY d.b.a. UNITED VAN BUS DELIVERY,, 2601-32nd Ave., South, Minneapolis, MN 55405. Representative: Warren A. Goff, 2006 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Electrical goods,* between Minneapolis, MN on the one hand, and, on the other, points in MN, under continuing contract(s) with Panasonic Co. Supporting shipper: Panasonic Co., 1 Panasonic Way, Secaucus, NJ 07094.

MC 139482 (Sub-4-34TA), filed April 28, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. *Beverages,* from points in the states of CT, IN, KY, MD, MI, NJ and NY to the facilities of Federated Distributors and its subsidiaries located in Chicago, Rockford and Waukegan, IL and Milwaukee, WI. Underlying ETA application seeks 120 days authority. Supporting shipper: Federated Distributors, 4130 S. Morgan, Chicago, IL 60609.

MC 140549 (Sub-4-4), filed April 30, 1981. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, MN 56222. Representative: Samuel Rubenstein, Post Office Box 5, Minneapolis, MN 55440. *Canned fruits and vegetables* from Salem, OR; Vancouver and Yakima, WA; San Jose, Sacramento, Woodland, Yuba City, Atwater, Lodi, Modesto, Oakland and Riverbank, CA; to points in IA, IL, IN, MI, MN, MO, ND, OH, PA, SD and WI. Supporting shipper: Cal Growers Corp., Stockton, CA.

MC 142288 (Sub-4-5TA), filed April 28, 1981. Applicant: GORSKI BULK TRANSPORT, INC., R.R No. 4, Harrow, Ontario, CD NOR 1GO. Representative: Thaddeus A. Gorski, R.R. No. 4, Harrow, Ontario, CD NOR 1GO. *Alcohol, alcoholic liquors, wines, cordials, and materials, ingredients, and supplies used in the manufacture or distribution of those commodities in bulk and other than bulk,* between: (1) the facilities of Heublein, Inc., located at or near Allen Park, MI, Hartford, CT, Menlo Park, Ca and Paducah, KY; and (2) between those points named in Part (1) above, on the one hand, and, on the other, points in the U.S. Supporting shipper: Heublein, Inc., 330 New Park Ave., Hartford, CT 06101.

MC 143280 (Sub-4-24TA), filed May 1, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6634 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Common; irregular; *Containers and foodstuffs,* between the facilities of Coca Cola Bottling Midwest, Inc. at Minneapolis-St. Paul, MN and points in their commercial zones, on the one hand, and, on the other, points in MT, ND, IL, SD, IA, WI and Upper MI. An underlying ETA seeks 120 days. Supporting shipper: Coca Cola Bottling Midwest, Inc., 2750 Eagandale Blvd., Eagan, MN 55121.

MC 145664 (Sub-4-21TA), filed April 29, 1981. Applicant: STALBERGER, INC., 223 S. 50th Ave., W., Duluth, MN 55807. Representative: Joyce L. Donaldson, P.O. Box 6749, Duluth, MN 55807. *All shapes and sizes of steel products, such as bars, bar shapes, sheets, plates, tubing and structural equipment used in the manufacture, sale and distribution thereof,* between Chicago, IL and points in its commercial zone and Plymouth, MN and all points in the Minneapolis, MN commercial zone. Supporting shipper: Joseph T. Ryerson & Son, Inc., 2621 W. 15th Place, Chicago, IL 60608.

MC 145664 (Sub-4-22TA), filed April 30, 1981. Applicant: STALBERGER, INC., 223 S. 50th Ave. W., Duluth, MN 55807. Representative: Joyce L. Donaldson, P.O. Box 6749, Duluth, MN 55807. *Piping and miscellaneous pipe accessories, to include all plastic materials* between all points in the U.S. Supporting shipper: Water Products Company, 15801 W. 78th St., Eden Prairie, MN.

MC 150748 (Sub-4-6TA), filed April 28, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142.

Representative: Joel H. Steiner, 39 S. LaSalle, Suite 600, Chicago, IL 60603. *General commodities (except classes A & B Explosives)*, from Sparks, NV to points in the U.S. in and west of MN, IA, MO, AR and LA (except AK and HI). Supporting shipper: Sierra Warehousing & Service, Inc., 525 Coney Island Drive, Sparks, NV 89431.

MC 152246 (Sub-4–3TA), filed April 30, 1981. Applicant: SCHULD TRANS., INC., 774 Flanner Rd., Box 57, Mosinee, WI 54455. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Primary and fabricated metal products* between Birmingham, AL; Galesburg, IL, Grandview, MO; Laurinburg, NC and Norfolk, NE and points in WI. Supporting shipper: Urban Steel Buildings, Inc., P.O. Box 928, Wausau, WI 54401.

MC 155537 (Sub-4–1TA), filed April 24, 1981. Applicant: MORAVY TRUCKING COMPANY, 1934 Commercial Drive, Mt. Pleasant, MI 48858. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Contract; irregular; Sodium hydrosulfide*, from points in Lapeer County, MI to various points in OH, NY, VA, MD, KY, IN, IL, WI, MN, PA, WV, and MA under continuing contract or contracts with T & T Chemical Incorporated of MI. An underlying ETA seeks 120-day authority. Supporting shipper: T & T Chemical Incorporated of MI.

MC 155599 (Sub-4–1TA), filed April 29, 1981. Applicant: ROBERT STOCK, d.b.a. STOCK TRANSPORT, Route #2, Box 39, Lebanon, IL 62254. Representative: Edward D. McNamara, Jr., 907 S. Fourth St., Springfield, IL 62703. *Contract irregular: vented gas space heaters, wood heaters, outdoor gas-fired grills and materials, equipment and supplies used in the manufacture and distribution thereof*, between East St. Louis and Mt. Vernon, IL and Lyons, KA, on the one hand, and points in the States of AL, AR, GA, IL, IA, KA, KY, MI, MN, MS, MO, NE, NJ, NC, OH, PA, SC, TN, VA, and WI, on the other hand. Supporting shipper: Locke Stove Co., 4200 St. Clair Ave., East St. Louis, IL 62202.

MC 155672 (Sub-4–1TA), filed May 1, 1981. Applicant: WISCONSIN AND SOUTHERN RAILROAD COMPANY, 501 East Lake Street, Horicon, WI 53032. Representative: John P. Fonte, 1333 New Hampshire Ave., N.W., Suite 400, Washington, DC 20036. *General commodities (except Classes A and B explosives), in containers or trailers having a prior or subsequent movement on rail flatcars*, between points in Dodge, Fond du Lac, Green Lake, Columbia, Milwaukee, Washington, Waukesha, and Winnebago counties, WI, restricted to service which is auxiliary to, or supplemental of, rail service provided by the WI and Southern Railroad Company. Supporting shippers: Naas Foods of Wisconsin, P.O. Box 1029, W. 7th St., Portland, IN 47371; Precision Metalsmith, 1149 N. Margaret St., Markesan, WI, 53946; Speedqueen Co., Shepard St., Ripon, WI 54971; Chamco., Inc., P.O. Box 280, Oshkosh, WI 54902.

MC 720 (Sub-4–6TA), filed April 24, 1981. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman (same address as applicant). *Steel Coil Wire and Wire Carriers* between Points in OH and PA on the one hand, and, on the other, the Facilities of National Rivet and Manufacturing Company, at or near Waupun, WI. Supporting shipper: National Rivet and Manufacturing Company, 21 E. Jefferson St., Waupun, WI 53963.

MC 6992 (Sub-4–1TA), filed April 27, 1981. Applicant: AMERICAN RED BALL TRANSIT CO., INC., 1335 Sadlier Circle, East Drive, Indianapolis, IN 46239. Representative: John F. Spickelmier (same address as applicant). *Steel shelving, office furniture and grocery store fixtures* between points in Kalamazoo County, MI on the one hand, and on the other, points in the U.S. Supporting shipper: Lear Siegler, Inc./ Burroughs Division, 3002 N. Burdick Street, Kalamazoo MI 49007.

MC 15735 (Sub-4–1TA), filed April 24, 1981. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same as applicant). *Contract, Irregular: Such commodities as are used or dealt in by medical facilities or manufacturers of medical equipment* between Milwaukee and Waukesha Counties, WI;on the one hand, and, on the other, points and places in the U.S. under continuing contract(s) with the General Electric Company, Medical Systems Business Division of Milwaukee, WI. Supporting shipper: General Electric Company, Medical Systems Business Div., 16705 W. Lincoln, New Berlin, WI 53151.

MC 022147 (Sub-4–1TA), filed April 27, 1981. Applicant: OSBORN & SON TRUCKING CO., INC., 221 W Johnson St., Fond du Lac, WI 54935. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. *Contract; irregular; metal castings, patterns, jigs and fixtures, and related items of rolled steel, steel rods, and bar stock used in the manufacture of patterns, jigs and fixtures, and uncrated machine parts*, between points in IL, IA, IN, MI, MN, OH and WI. Restriction: Restricted to transportation performed under a continuing contract(s) with Giddings and Lewis Machine Tool Company. An underlying ETA seeks 120 days authority. Supporting shipper: Giddings and Lewis Machine Tool Company, P.O. Box 590, 142 Doty St., Fond du Lac, WI 54935.

MC 40978 (Sub-4–14TA), filed April 27, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *General commodities (except classes A and B explosives)*, between the facilities of K. W. Muth Company, Inc., at Sheboygan, WI, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: K. W. Muth Company, Inc., P.O. Box 909, Sheboygan WI 53081.

MC 107295 (Sub-4–38TA), filed April 27, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Metal products*, between Denver, IN, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, KS, LA, MD, MI, MN, MS, MO, NM, NY, NC, OH, SC, TN, TX, VA, and WI. Supporting shipper: Delta Tube, Inc., P.O. Box 158, Denver, IN 46926.

MC 107295 (Sub-4–39TA), filed April 27, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Paper and paper products and lumber and lumber products*, from points in FL and GA to points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Gilman Paper Co., P.O. Box 520, St. Marys, GA 31558.

MC 118612 (Sub-4–9TA), filed April 28, 1981. Applicant: COLUMBIA TRUCKING, INC., 700 131st Place, Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, IL 60601. *Coal Tar Saturants:* From Terre Haute, IN to Chicago, IL. Supporting shipper: CELOTEX CORP., a Div. of Jim Walter Corp., 1500 North Dale Mabry, Tampa, FL 33607.

MC 118806 (Sub-4–5TA), filed April 24, 1981. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodier Boulevard, Winnipeg, Manitoba R2J 3K4. Representative: Bernard J. Kompare, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract, irregular, General*

commodities (except classes A & B explosives), between the ports of entry on the International Boundary Line between CD and the U.S., located in MN, ND, MT, ID, WA, on the one hand, and, on the other, points in the U.S., under contract(s) with Interamerican Transport Systems, Inc. Supporting shipper: Interamerican Transport Systems, Inc., 43 Markham Crescent, Sherwood Park, AB T8A 3T4.

MC 127505 (Sub-4–1TA), filed April 27, 1981. Applicant: RALPH H. BOELK d.b.a. R. H. BOELK TRUCK LINES, INC., R.R. 2, Mendota, IL 61342. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Popular Ave., Memphis, TN 38137. *Such commodities as are manufactured, processed, sold, used, distributed and dealt in by Fort Howard Paper Company*, between Green Bay, WI and Muskogee, OK on the one hand, and, on the other, points in AR, CO, IL, IN, KS, KY, LA, MS, NM, OK, TN, TX, and WI. Supporting shipper: Fort Howard Paper Company, 1919 South Broadway, Green Bay, WI 54305.

MC 136899 (Sub-4–13TA), filed April 27, 1981. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502. *New furniture and furniture parts*, from Menominee, MI, and Green Bay and Madison, WI, to points in IL, IN, IA, MI, MN, MO, OH, and WI. Supporting shippers: Anderson Manufacturing Company, Inc., 4718 10th St., Menominee, MI 49858; Custom Craft Industries, Inc., P.O. Box 4107, Green Bay, WI 54303; and, Rustic Manufacturing, P.O. Box 7395, Madison, WI 53707.

MC 138420 (Sub-4–5TA), filed April 27, 1981. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147 Cleveland, WI 53063. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *(1) Malt and carbonated beverages* from Omaha, NE and its commercial zone to points in WI and the Minneapolis-St. Paul commercial zone, *(2) malt beverages* from Fort Wayne, IN to St. Louis and Kansas City, MO, Menominee, MI and points in MN and IA, and *(3) corrugated cardboard* from Canton, OH to Rockford, IL. An underlying ETA seeks 120 days authority. Supporting shippers: P. L. Distributing Company, 1501 S. Main Street, Council Bluffs, IA 51501 and St. Louis Beer Sales, Inc., 6709 fort Industrial Lane, St. Louis, MO 63134.

MC 138420 (Sub-4–6TA), filed April 28, 1981. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., P.O. Box 147, Cleveland, WI 53015. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Charcoal and liquid smoke flavoring* (1) from Manitowoc, WI to points in KY, MI, MO, OH, PA and WV and (2) from Belle, MO to points in WI. Underlying ETA seeks 120 days authority. Supporting shippers: Red Arrow Products, Inc., P.O. Box 507, Manitowoc, WI 54220.

MC 139482 (Sub-4–32TA), filed April 27, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. *Food and related products*, between Madison, WI, on the one hand, and, on the other, Boston, MA, Chicago, IL, Cleveland, OH, Columbus, OH, Detroit, MI, New York, NY, Philadelphia, PA and Secaucus, NJ. Supporting shipper: Bagels Forever, Inc., 2947 University Avenue, P.O. box 5547, Madison, WI 53705.

MC 139482 (Sub-4–33TA), filed April 27, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. *Food and related products*, between Daviess and Henderson Counties, KY, or the one hand, and, on the other, points in CO. Supporting shipper: Ragu' Foods, Inc., 33 Benedict Place, Greenwich, CT 06830.

MC 143636 (Sub-4–6TA), filed April 27, 1981. Applicant: RON SMITH TRUCKING, INC., Rural Route No. 1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, 913 South Sixth Street, Springfield, IL 62703. *Coal* from Terre Haute, IN, to Springfield, IL. Supporting shippers: Royal Fuel Company, 1211 West 22nd Street, Suite 417, Oakbrook IL 60521.

MC 143739 (Sub-4–4TA), filed April 27, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Leonard K. Sackson (same address as applicant). *Food and Related Products:* From the plantsites of Joan of Arc Company at or near (1) Hoopeston and Princeville, IL, to points in AL, AR, IN, IA, KS, KY, LA, MN, MS, MO, ND, OK, SD, TN, TX and WI and from (2) Mayville, WI to points in AL, AR, IL, IN, IA, KS, KY, LA, MN, MS, MO, ND, OK, SD, TN, and TX. Supporting Shipper: Joan of Arc Co., 2231 W. Altorfer, Peoria, IL 61615.

MC 144281 (Sub-4–1TA), filed April 27, 1981. Applicant: JULIUS KOLESAR, INC., 1359 Milton St., P.O. Box 1066, Benton Harbor, MI 49022. Representative: J. Joseph Daly, 610 Ship St., P.O. Box 558, St. Joseph, MI 49085. *Contract* irregular: *Non-exempt food or kindred products* between points in the U.S. under continuing contract with Campbell Soup Company. An underlying ETA seeks 120 days authority. Supporting shipper: Campbell Soup Company, P.O. Box 117, Paris, TX 75460.

MC 144370 (Sub-4–3TA), filed April 28, 1981. Applicant: DON NASS TRUCKING, INC., 210 Front Street, Clinton, WI 53525. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. *Malt beverages* from the facilities of G. Heileman Brewing Co., located at or near La Crosse, WI to the facilities of Matthews Distributing Co., Inc., at or near Freeport, IL. An underlying ETA seeks 120 days authority. Supporting shipper, Matthews Distributing Co., Inc., 1750 S. Walnut Street, Freeport, IL 61032.

MC 145122 (Sub-4–2TA), filed April 28, 1981. Applicant: SKYLAND, INC., 256 Celia Street, S.W., Wyoming, MI 49508.Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. *Contract* irregular *General Commodities (except classes A and B explosives)* between points in the U.S. under continuing contract with Leslie Metal Products Company. Supporting shipper: Leslie Metal Products Company, 3225 33rd Street S.W., Grand Rapids, MI 49508.

MC 145246 (Sub-4–4TA), filed April 27, 1981. Applicant: A. E. SCHULTZ CORPORATION, 901 Lyndale Avenue, Neenah, WI 54956. Representative: Frank M. Coyne, 25 West Main Street, Madison, WI 53703. *Salt*, from the plant site of Hardy Salt Company at Manistee, MI, to points in WI. Supporting shipper: Hardy Salt Company, 300 Vandeventer Avenue, St. Louis, MO 63166.

MC 145742 (Sub-4–4), filed April 27, 1981. Applicant: BOLES TRUCKING, INC., R. R. #1, Ina, IL 62690. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Contract* irregular: *Iron and pipe fittings, and oil field supplies*, from Martins Ferry, OH to points in LA, OK, and TX. Restricted to traffic moving under continuing contract with Picoma Industries, Inc. An underlying E/T/A seeks 120 days authority. Supporting shipper: Picoma Industries, Inc., P.O. Box 488, Martins Ferry, OH 43935

MC 145902 (Sub-4–1), filed April 24, 1981. Applicant: K.R.L. TRANSIT, INC., 225 Vincent Street, Springfield, IL 62707. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703. *Rough cut hardwood lumber* between Beardstown and Chandlerville, IL on the one hand, and Jasper and LaPorte, IN, on the other hand.

Supporting shipper: Rich Lumber Co., Inc., P.O. Box 31, Beardstown, IL 62618.

MC 146536 (Sub-4-1TA), filed April 27, 1981. Applicant: WALTER SHORT AGENCY, INC., 5000 Wyoming, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Wood based building products, including lumber, plywood, veneer, particleboard paneling* from points in TX to points in IN, MI and OH. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

MC 146695 (Sub-4-1TA), filed April 24, 1981. Applicant: YANKEE S. & L., INC., d.b.a. YANKEE MOTOR FREIGHT, 1136 W 500 S, Marion, IN 46952. Representative: M. H. Haisley (same as applicant). *General Commodities* between points in the U.S. Restricted to traffic originating at or destined to Burger King Corporation. Supporting shipper: Burger King Corporation, 9200 S. Shadeland Blvd, Box 520843, Miami, FL 33152.

MC 146695 (Sub-4-2TA), filed April 24, 1981. Applicant: YANKEE S. & L. INC., d.b.a. YANKEE MOTOR FREIGHT, 1136 W 500 S, Marion, IN 46952. Representative: M. H. Haisley 1136 West 500 South, Marion, IN 46952. *General Commodities* between points in the U.S. Restricted to traffic originating at or destined to Texize, Division of Morton Norwich. Supporting shipper: Texize Div of Morton Norwich., P.O. Box 368, Greensville, SC 29602

MC 147499 (Sub-4-5TA), filed April 24, 1981. Applicant: D. H. TRANSFER INC., 671 M-73, Iron River, MI 49935. Representative: Donald Hooper, 671 M-73, Iron River, MI 49935. *(1) Hardwood systems, synthetic flooring systems, hardwood and synthetic flooring materials and supplies used in the installation of the commodities in (1) above and (3) lumber, wood products and millwork;* from the facilities of Robbins Inc. at or near Ishpeming, MI, and Robbins Inc. at or near White Lake, WI to all points in the U.S. with right of return of rejected or damaged merchandise. Supporting shipper: Robbins Inc., 3626 Roundbotton Road, Cincinnati, OH 45244.

MC 148380 (Sub-4-13TA), filed April 28, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Electrical transformers, utility poles, tubing, pipe, machinery, wire, cable, turbines, rotors, pumps, mining equipment and supplies,* between points in Allegheny, Beaver, Greene and Washington Counties, PA, on the one hand, and, on the other, points in the U.S. under continuing contract with Duquesne Light Company. Supporting shipper: Duquesne Light Company, 435 Sixth Avenue, Pittsburgh, PA 15219.

MC 150696 (Sub-4-5TA), filed April 27, 1981. Applicant: ROBERT JAY SPENCER, d.b.a. SPENCER BROS. TRUCKING, 212 Lincoln Street, Lake Crystal, MN 56055. Representative: William L. Libby, 5200 Willson Road, Ste. 307, Edina, MN 55424. *Such commodities, as are dealt in or used by manufacturers and distributors of soaps, lotions, and cleansing agents,* between Lake Crystal, MN on the one hand, and, on the other, points in the U.S. Supporting shipper: Sween Corporation, P.O. Box 960, Highway 60 East, Lake Crystal, MN 56055.

MC 152256 (Sub-4-2TA), filed April 23, 1981. Applicant: GRAMMER INDUSTRIES, INC., Box 51, Grammer, IN 47236. Representative: Robert B. Hebert, 777 Chamber of Commerce Building, Indianapolis, IN 46204. *Chemicals and related products,* (1) between points in Floyd County, IN, on the one hand, and, on the other, points in Tipton, Carroll and Robertson Counties, TN. Supporting shipper: W. R. Grace & Company, 2818 Grantline Road, New Albany, IN 47150.

MC 152284 (Sub-4-3TA), filed April 28, 1981. Applicant: INDIANA HEAVY & SPECIALIZED CARRIER, INC., Route 1, Wilson Ave., Madison, IN 47250. Representative: Stephen M. Gentry, Attorney at Law, 1502 Main St., Speedway, IN 46224. *Contract,* irregular; *Primary metal products* between points in the U.S. (except AK and HI). Restricted to traffic moving under a continuing contract with Rotary Lift, a Division of Dover Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Tait Pipe Sales, 4000 Palos Verdes Dr. North #202, Palos Verdes, CA 90274.

MC 152284 (Sub-4-4TA), filed April 28, 1981. Applicant: INDIANA HEAVY & SPECIALIZED CARRIER, INC., Route 1 Wilson Ave., Madison, IN 47250. Representative: Stephen M. Gentry, Attorney at Law, 1502 Main St., Speedway, IN 46224. *Contract,* irregular; *Clay, concrete, glass or stone products* between points in the U.S. (except AK and HI). Restricted to traffic moving under a continuing contract with Trenwa Products, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Trenwa Products, Inc., 645 Highland Ave., Fort Thomas, KY 41075.

MC 152514 (Sub-4-3TA), filed April 24, 1981. Applicant: MOTOR ACTIVITIES, LTD., 850 Skokie Highway, Lake Bluff, IL 60044. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *General commodities (except hazard toxic waste and Classes A & B explosives)* between points in the U.S., under continuing contract(s) with Lomax Consolidators, Inc. Supporting shipper: Lomax Consolidators, Inc., 850 Skokie Highway, Lake Bluff, IL 60044.

MC 152949 (Sub-4-1TA), filed April 28, 1981. Applicant: S.T.S. TRANSPORT SERVICE, INC., 12400 South Keeler, Alsip, IL 60658. Representative: Patrick H. Smyth, 19 South LaSalle Street, Suite 401, Chicago, IL 60603. *Contract* irregular: *New furniture, furniture parts, and materials and supplies used in the manufacture and distribution thereof,* from the facilities of S. K. Products Corp., located at or near Atlanta, GA; Chicago, IL; Clifton, NJ; and Houston, TX, on the one hand, and, on the other, all points in the U.S. (except AK and HI), under a continuing contract(s) with S. K. Products Corp. Supporting shipper: S. K. Products, Corp., 5355 Bucknell Drive, SW., Atlanta, GA 30336.

MC 153829 (Sub-4-15TA), filed April 28, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Sugar,* from the facilities of American Crystal Sugar Company at or near Drayton, ND, East Grand Forks, Crookston, Moorhead and Minneapolis-St. Paul, MN, to points in IA, NE, KS, MO, OK and TX. Supporting shipper: American Crystal Sugar Company, 101 North Third Street, Moorhead, MN 56560.

MC 153829 (Sub-4-16TA), filed April 28, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Ventilation louvers and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between the facilities of Lomanco, Inc. located at or near Jacksonville, AR and Kingman, AZ, on the one hand, and, on the other, points in the U.S. Supporting shipper: Lomanco, Inc., 2101 West Main Street, Jacksonville, AR 71076.

MC 154460 (Sub-4-2TA), filed April 27, 1981. Applicant: Q CARRIERS, INC., 14066 Rutgers Street NE., Prior Lake, MN 55372. Representative: Randall D. Quiring, 14066 Rutgers Street NE., Prior Lake, MN 55372. *Contract* irregular: *General Commodities (except those of unusual value, classes A and B*

explosives, commodities in bulk, and those requiring special equipment) between points in the U.S. under continuing contract(s) with R. C. Smith Co. of Bloomington, MN. Supporting shipper: R. C. Smith Co., 601 E. 79th St., Bloomington, MN 55420.

MC 154948 (Sub-4–2TA), filed April 23, 1981. Applicant: DON A. LARSON, d.b.a., LARSON SERVICE COMPANY, 1132 Chateaugay Avenue, Naperville, IL 60540. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract;* Irregular: *Fiberglass and Plastic Articles,* From Joliet, IL, to Memphis, TN; From Jackson, TN, to Joliet, IL; under continuing contract(s) with Kemlite Corporation of Joliet, IL. Supporting shipper: Kemlite Corporation, 101 N. Republic Avenue, Joliet, IL 60435.

MC 154959 (Sub-4–1TA), filed April 24, 1981. Applicant: ROCKY AND RENO TRUCKING, INC., R.R. 6, Box 314, Lot 34, Rapid City, SD 57701. Representative: Thomas J. Simmons, Box 480, Sioux Falls, SD 57101. *Beer, empty containers, and related advertising and promotional materials* between points in SD on the one hand, and, on the other, points in MN, MO, WI. Supporting shipper: Sweetwood Distributing Inc., 2026 Sioux Ave., Box 1859, Rapid City, SD 57701.

MC 155118 (Sub-4–1TA), filed April 24, 1981. Applicant: T.D.S. TRANSPORTATION, INC., 1700 South Wolf Road, Des Plaines, Il 60018. Representative: H. Barney Firestone, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract-irregular, General commodities (except Classes A & B explosives),* between points in MN, IA, MO, WI, IL and IN under continuing contracts with City Products Corporation and Ben Franklin Stores of Des Plaines, IL. Supporting shippers: (1) City Products Corporation, 1700 South Wolf Road, Des Plaines, IL 60018; (2) Ben Franklin Stores, 1700 South Wolf Road, Des Plaines, IL 60018.

MC 155535 (Sub-4–1), filed April 27, 1981. Applicant: EARL DUNCAN TRANSPORT, INC., Box 99, Route #3, Carthage, IL 62321. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Contract* irregular: *Lumber* from Keokuk, IA to Memphis, TN, Beardon, AR and Iron Mountain, MI. Restricted to traffic moving under continuing contract with Carlton Smith Industries, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Carlton Smith Industries, Inc., Route #2, Box 31, Keokuk, IA 52632.

MC 155539 (Sub-4–1TA), filed April 27, 1981. Applicant: JOHN W. FJOSEIDE, an individual, Route #1, P.O. Box 206A, Dawson, MN 56232. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. *Food and related products* from MN and IL to the Los Angeles and San Francisco, CA, Salt Lake City, UT, Portland, OR and Seattle, WA Commercial Zone. Supporting shipper: Prepared Products Company, Inc., 6511 Telegraph Road, Los Angeles, CA 90040.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 110567 (Sub-5–3TA), filed April 29, 1981. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Contract, irregular, *commodities distributed by retail grocery stores* between pts in IA, on the one hand, and, on the other, pts in WI, IN, MI, OH and MS. Supporting shipper: Super Valu Stores, Inc., 3900 106th N.W., Des Moines, IA.

MC 118535 (Sub-5–5TA), filed April 29, 1981. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Jim Tiona, Jr. (same as applicant). *Ground barite,* between Coffeyville, KS on the one hand, and on the other points in AR, AZ, CO, IA, IL, IN, KY, LA, MI, MN, MO, MS, MT, NE, ND, NM, OH, OK, SD, TN, TX, WI, WY. Supporting shipper: The Sherwin-Williams Co. Chemical Division P.O. Box 855, Coffeyville, KS 67337.

MC 124236 (Sub-5–19TA), filed April 28, 1981. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, TX 75205. Representative: Lee Carpenter (same as applicant). *Petroleum, in bulk,* between Houston, TX and Loraine, OH. Supporting shipper: Gulf States Asphalt, P.O. Box 508, S. Houston, TX 77588.

MC 126822 (Sub-5–56TA), filed April 29, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Malt beverages* between Fort Worth, TX, on the one hand, and points in KS, on the other. Supporting shipper: Midwest Distributing Company, 6501 Kansas Ave., Kansas City, KS 66111.

MC 126822 (Sub-5–57TA), filed April 29, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). Contract Irregular; *such commodities as are dealt in by wholesale, retail and chain grocery and food business houses and material, equipment and supplies used or useful in the manufacture, sale and distribution of such commodities* between points in the U.S. (except AK and HI). Supporting shipper: General Foods Corporation, 250 North Street, White Plains, NY 10625.

MC 126822 (Sub-5–58TA), filed April 29, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 S. 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Lumber or wood products* between points in the U.S., restricted to shipments for Delta Wood Products. Supporting shipper: Delta Wood Products, 1120 S. Texas St., Lewisville, TX 75067.

MC 135078 (Sub-5–13TA), filed April 28, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* between points in the U.S. Supporting shipper: Prairie Creek Commodities Corp., P.O. Box 143, Allen, TX 75002.

MC 135078 (Sub-5–14TA), filed April 29, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Foodstuffs, canned and/or frozen,* from the commercial zone of Kansas City, MO, to points in GA, NC and SC. Supporting shipper: Commercial Distribution Center, 16500 East Truman Road, Independence, MO 64051.

MC 138627 (Sub-5–14TA), filed April 29, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Building materials,* From KS, OK and NM to points in the U.S. Supporting shipper: Tokan Company, Inc., Rt. 1, Springfield, MO 65803.

MC 142672 (Sub-5–24TA), filed April 29, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. *Gas and Electrical Appliances and Parts, Materials, Supplies and Equipment used in the manufacture, distribution and repair of appliances* between Ft. Smith, AR, on the one hand, and points in IA, IL, IN, KS, KY, MI, MO, OH and TN. Supporting shipper: Whirlpool Corporation, 2000 U.S. 33 North, Benton Harbor, MI 49022.

MC 146091 (Sub-5–1TA), filed April 29, 1981. Applicant: JOHN E. HOTH and BOBBIE J. HOTH, d.b.a. W. I. EXPRESS, Box 17, Colesburg, IA 52035. Representative: Carl E. Munson, P.O. Box 798, Dubuque, IA 52001. *Meat and meat products, meat by-products, and related products distributed by meat packinghouses,* from the facilities of Wilson Foods Corporation, located at Albert Lea, MN, Cedar Rapids and Des Moines, IA, and Omaha, NE, to points in LA and MS. Supporting shipper: Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105.

MC 149244 (Sub-5–4TA), filed April 29, 1981. Applicant: PEAKE, INC., Midtown Business Center, 2022 Avenue "A", Kearney, NE 68847. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. *Petroleum, petroleum products and alcohol* between pts in IA, KS and NE. Supporting shippers: Dawson Oil & Transport Co., Hwy 73–75, P.O. Box 724, S. Nebraska City, NE 68410; Conway Oil Company of Omaha, Rte 23, Box 141, Omaha, NE 68123; Kehlbeck Oil Co., 395 5th St., Syracuse, NE; Keckler Oil Co., Weeping Water, NE; and Holt Gas Co., Sidney, IA 51652.

MC 151534 (Sub-5–6TA), filed April 29, 1981. Applicant: R&D TRANSPORTATION CORPORATION, P.O. Box 1908, Des Moines, IA. Representative: Craig D. Vermie, 1350 Financial Center, Des Moines, IA. Contract, irregular; *Lumber or Wood Products* between pts in the U.S. Supporting Shipper: Ar WOOD Ltd., P.O. Box 55, Des Moines, IA.

MC 151819 (Sub-5–7TA), filed April 29, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood, Dallas, TX 75235.Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Ferrous and non-ferrous scarp, battery scraps and ferrous and non-ferrous metals,* between points in Sequin, Dallas, Clute, Corpus Christi, Eagle Pass, Ft. Worth, Austin, Beaumont, and Houston, TX, on the one hand, and on the other, points in the U.S. Restricted to traffic of Commercial Metals Company. Supporting shipper(s): Commercial Metals Company, P.O. Box 1046, Dallas, TX 75221.

MC 155125 (Sub-5–1TA), filed April 29, 1981. Applicant: BILL COX TRUCKING CO., #3 Clemens Mobile Est., Box 968, Scottsbluff, NE 69361. Representative: Bill Cox (same as above). *Drilling Gell (Benonite) Chemicals and oil field supplies* between the states of WY and SD and OK. Supporting shipper: Service Mud Co., Box 449, Holdenville, OK 74848.

MC 155569 (Sub-5–1TA), filed April 29, 1981. Applicant: KENNETH HUBKA, d.b.a. HUBKA TRUCKING, R.R. #2, Cresco, IA 52136. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Fertilizers,* from Winona, MN; Whitewater, WI, and East Dubuque, IL, to Howard County, IA. Supporting shipper: Kaiser Ag, Box 423, Cresco, IA 52136.

MC 155594 (Sub-5–1TA), filed April 29, 1981. Applicant: SATAN TRUCKING, INC., Route 2, Box 119, Stonewall, OK 74871. Representative: G. Timothy Armstrong, P.O. Box 1124, El Reno, OK 73036. *Malt beverages, empty used beverage containers, related materials and supplies as are dealt with and used in the sale of malt beverages,* between St. Louis, MO, on the one hand, and, on the other, Stonewall (Union Valley), OK. Supporting shipper: Ed F. Davis, Inc., P.O. Box 539, Durant, OK 74701.

MC 155595 (Sub-1TA), filed April 29, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Metal products,* between Cheatum County, TN, on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. Supporting shipper: State Industries, Inc., Ashland, TN 37015.

MC 61231 (Sub-5–8TA), filed May 1, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *General commodities except Classes A and B explosives and hazardous waste materials,* between the facilities of Centennial Warehousing Corp., at Des Moines, IA, on the one hand, and, on the other, pts. in AR, CO, IL, IN, KS, MI, MN, MO, NE, ND, OH, OK, SD, TX, WI, and WY. Supporting shipper: Centennial Warehousing Corp., 10400 Hickman Road, Des Moines, IA 50322.

MC 95084 (Sub-5–10TA), filed May 1, 1981. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *General Commodities, except class A & B explosives,* between the facilities of CertainTeed Corporation, in the U.S., on the one hand, and, on the other, pts. in the U.S. Supporting shipper: CertainTeed Corporation, P.O. Box 1100, Blue Bell, PA 19422.

MC 95084 (Sub-5–11TA), filed May 1, 1981. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Pipe Fittings, Valves, Hydrants, Brick and Sewerage Treatment Systems,* Between Pell City, AL; Corona, CA; Bensenville, Carol Stream and Westmont, IL; Oskaloosa, IA; Richwood, KY; Coshocton and Parral, OH; and Buckhannon, WV and points in the U.S. Supporting shipper: Clow Corporation, 1211 W. 22nd St., Oakbrook, IL 60521.

MC 114274 (Sub-5–10TA), filed April 30, 1981. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North La Salle St., Suite 3520, Chicago, IL 60601. *Fresh meat and packing house products and articles distributed by meat packing houses.* (1) From the facilities used by Swift Independent Packing Co. at Des Moines & Ames, IA to points in AZ, AR, CA, CO, ID, IL, IN, KS, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI, WY. (2) From the facilities used by Swift Independent Packing Company at or near Bloomington, IL., Detroit, MI., and Washington Court House, OH to points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, & WI. Supporting shipper: Swift Independent Packing Co., 115 West Jackson Boulevard, Chicago, Il 60604.

MC 114274 (Sub-5–11TA), filed April 30, 1981. Applicant: VITALIS TRUCK LINES, INC., P.O. Box 1703, Des Moines, IA 50306. Representative: William Towle, 180 No. LaSalle St., Suite 3520, Chicago, IL 60601. *Paper & Paper Products & Materials, Equipment & Supplies used in the manufacturing & distribution of Paper & Paper Products.* From Appleton, Brokaw, Kimberly, Neenah, Rhinelander & Wisconsin Rapids, WI to points in IA. Supporting shipper: Valley Papers Inc., 801 S. 19th St., West Des Moines, IA 50265.

MC 117119 (Sub-5–56TA), filed May 1, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. BOX 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Wall coverings and materials, equipment, and supplies* used in the manufacture and application of wall coverings from points in NJ, NY, and PA to Dayton, OH. Supporting shipper(s): Wallpapers To Go, P.O. Box 14300, Northridge Branch, Dayton, OH 45414.

MC 117792 (Sub-5–1TA), filed May 1, 1981. Applicant: J. C. JACKSON, JR., d.b.a. FARM PRODUCTS CO., P.O. Box 189, East Prarie, MO 63845.

Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. *Meats and packinghouse products* from IA to points in MS, LA, AR, TN and AL. Supporting shippers: The Rath Packing Company, P.O. Box 330, Waterloo, IA 50704. Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105.

MC 119345 (Sub-5–3TA), filed May 1, 1981. Applicant: CARY TRUCKING, INC., Box 265, Downs, KS 67437. Representative: Richard E. Dietz, 118 West Main, Osborne, KS 67473. *Canned goods and tomato paste;* from points and places in CA and UT to IA, CO, NE, IL, MO, KS, TX, NM, AR, MN, and WI. Supporting shippers: Boogaarts, 124 East Fifth, P.O. Box 569, Concordia, KS 66901.

MC 124411 (Sub-5–2TA), filed April 30, 1981. Applicant: SULLY TRANSPORT, INC., P.O. Box 185, Sully, IA 50251. Representative: Arland Vander Leest, 601 8th St., Sully, IA 50251. *Liquid Fertilizer, Liquid Fertilizer Material* and *Anhydrous Ammonia in bulk, in tank vehicles,* from points in NE to points in IA. Supporting shipper: Land O'Lakes Inc. Ft Dodge, IA 50501.

MC 124711 (Sub-5–7TA), filed May 1, 1981. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *Quickline, in bulk,* from Sequoyah County, OK to points in Barton, Ellis, Montgomery, McPherson, Lyon, Sedgwick, and Sumner Counties, KS. Supporting shipper: St. Clair Lime Company, P.O. Box 894, Oklahoma City, OK 73101.

MC 135078 (Sub-5–15TA), filed May 1, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. Contract; irregular; *Furniture or fixtures,* between pts in the U.S., under continuing contract(s) with Jordan Manufacturing Company, 1625 Altofer Lane, Peoria, IL 61615.

MC 136212 (Sub-TA), filed April 30, 1981. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, NE 69138. Representative: Scott T. Robertson, P.O. Box 94748, Lincoln, NE 68509. *Food and related products, meats, meat products, meat by-products and articles distributed by meat packinghouses* between pts in NE, IA, IL, MO, KS, TX, CO, MI, OK, MN, WI, OH, IN, NV, AZ, and CA restricted to traffic moving from or to the facilities at MBPXL, Missouri Valley Foods, Inc., Spencer Division, Land O'Lakes, Osten Meat Company, Inc. Supporting shippers: Osten Meat Company, Inc., 3340 Trumbull, Detroit, MI 48208; MBPXL, P.O. Box 2519, Wichita, KS 67201; Spencer Beef Division, Land O'Lakes, P.O Box 544, Schuyler, NE 68611; Missouri Valley Foods, Inc., 1141 Center Rd., Omaha, NE 68144.

MC 144962 (Sub-5–10TA), filed May 1, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Food and kindred products,* from the plantsites of the Joan of Arc Co. at or near Hoopeston Princeville, IL to points in AZ, CA, OR and WA. Supporting shipper: Joan of Arc Co., 2231 Altorfer, Peroria, IL 61615.

MC 146553 (Sub-5–12TA), filed May 1, 1981. Applicant: ADRIAN CARRIERS, INC., 1626 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Building materials and metal products,* from the facilities of Frantz Manufacturing Company at or near Sterling, IL to points in the U.S. Supporting shipper(s): Frantz Manufacturing Company, 301 West 3rd Street, Sterling, IL 61081.

MC 147196 (Sub-5–22TA), filed April 30, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Donald A. Larousse (same as applicant). Contract; Irregular; *Iron and Steel Nuts, Bolts, and related Parts* between Orleans Parish, LA and Harrison County, TX, on the one hand, and, on the other, all points in the 48 States under a continuing contract(s) with Atco Fasteners, Inc., Oceanside, New York 11572.. Supporting shipper: Atco Fasteners, Inc., 3505 S. Hampton Road, Oceanside, New York.

MC 147388 (Sub-5–13TA), filed April 30, 1981. Applicant: EARLY BIRD FREIGHT LINES, INC., Route 1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Steel pipe,* between Deshler, Kimball and McCook, NE, on the one hand, and, on the other, points in IA, WY, OK, TX, CO, and KS. Supporting shipper: Pipe & Steel Sales, Ltd., 925 American National Bank Building, Denver, CO 80202.

MC 147676 (Sub-5–6TA), filed May 1, 1981. Applicant: KEATON TRUCK LINES, INC., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington, CPA, P.O. Box 1187, Texarkana, TX 75504. Contract; irregular: *Meat and Meat Products, in carcass or containers and packages, in straight or mixed shipments,* between TX and points in CA, GA, IL, NY, OH, OK, and PA. Supporting shippers: Braunfels Meats, Inc., Hwy 36 N, P.O. Box 307, Sealy, TX 77474 and Western Packing Co., 230 Thunderbird-Suite K, El Paso, TX 79912.

MC 151156 (Sub-5–7TA), filed April 30, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. BEELER, P.O. Box 482, Franklin, TN 37064. *Paper and paper products* between the facilities of Champion International Corp. at Little Rock, Ar on the one hand and Collierville, TN on the other. Supporting shipper: Champion International Corp., P.O. Box 430, Collierville, TN 38017.

MC 152650 (Sub-5–4TA), filed May 1, 1981. Applicant: SHAVER TRUCKING, INC., P.O. Box 104 Springdale, AR 72764. Representative: John C. Everett, P.O. Box A, Priairie Grove, Ar 72753. *Articles dealt in or used by discount stores or grocery stores* from all points and places in the U.S. to all points and places in AR, AL, KS, MO, OK, TX, LA, MS, KY, TN, and IL, restricted to traffic originating at or destined to the facilities of Wal-Mart, Inc. Supporting shipper: Wal-Mart, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 153392 (Sub-5–4TA), filed May 30, 1981. Applicant: CENTRAL TRACTOR FARM & FAMILY CENTER, INC., 1515 East Euclid, Des Moines, IA 50316. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Contract; Irregular. *General commodities (except Classes A and B explosives, household goods and hazardous waste materials)* (1) between Des Moines, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI) under contracts with Walsh equipment, Inc., Pomerantz Diversified Services, Inc. and Ardan, Inc., and (2) between Knoxville, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI), under contract with FI-Shock, Inc. Supporting shippers: FI-Shock, Inc., P.O. Box 9188, Knoxville, TN 37920; Ardan, Inc., 2320 Euclid Avenue, Des Moines, IA 50310; Walsh Equipment, Inc., 614 Corning, Des Moines, IA 50313; and Pomerantz Diversified Services, Inc., 2308 Sunset Road, Box 1284, Des Moines, IA 50305.

MC 155595 (Sub-5–2TA), filed April 30, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street. Dallas, TX 75212. Representative: Daniel C. Sullivan, 10 S. LaSalle Street, Suite 1600 Chicago, Il 60603. *Pulp, paper and related products; rubber and plastic products; and textile mill products,* between Davidson County, TN, on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, KA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK,

PA, RI, SC, SD, TN, TX, VT, VA, WV and WI. Supporting shipper: Werthan Industries, Inc., 1400 8th Avenue N., Nashville, TN 37202.

MC 155595 (Sub-5-3TA), filed April 30, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Furniture and fixtures*, between Williamson and Davidson Counties, TN, and Dougherty County, GA, on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. Supporting shipper: Jamison Bedding, Inc., U.S. 31 North, Franklin, TN.

MC 155647 (Sub-5-1TA), filed April 30, 1981. Applicant: TERRY L. BURDWELL, d.b.a. BURDWELL TRUCKING CO., Route 1, Box 208, Dumas, AR 71639. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Sawdust* from the facilities of Bassett Wood Products Co., Inc. at Dumas, AR, to West Monroe and Lillie, LA. Supporting shipper: Bassett Wood Products Co., Inc., South Main, Dumas, AR 76139.

MC 155648 (Sub-5-1TA), filed April 30, 1981. Applicant: RAY OILFIED THREADING & STORAGE, INC., Highway 271, South, Talco, TX 75487. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *Metal products* between Titus County, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Ray Pipe and Supply, Inc., P.O. Box 26, Highway 271, South, Talco, TX 75487.

MC 155649 (Sub-5-1TA), filed April 30, 1981. Applicant: OKLAHOMA AND NEW ORLEANS FURNITURE MANUFACTURING COMPANY, d.b.a. OKLAHOMA AND NEW ORLEANS TRANSIT, 400 W. College Street, Guthrie, OK 73044. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. Contract; irregular; *Furniture and fixtures* between Houston, TX and its commercial zone on the one hand and points in OK, LA, MS, and AR on the other. Under continuing contract(s) with Shelby Dinettes, Inc. Supporting shipper: Shelby Dinettes, Inc., 5602 Armour Dr., Houston, TX 77020.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14150 Filed 5-8-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-10790, appearing at page 21256, in the issue of Thursday, April 9, 1981, on page 21263, the third column, first paragraph, first line, "MC 107012 (Sub-681)" is corrected to read "MC 107012 (Sub 682)".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Coordinating Council on Juvenile Justice and Delinquency Prevention; Meeting

Notice is hereby given that the Coordinating Council on Juvenile Justice and Delinquency Prevention will meet Wednesday, May 20, 1981, in the 13th Floor Conference Room, 633 Indiana Avenue, N.W., Washington, D.C. 20531. The meeting will be open to the public and will begin at 10:00 a.m.

The meeting will provide an opportunity for newly-designated members to become familiar with the Council's previous activities and current statutory responsibilities. Existing interagency agreements between the Office of Juvenile Justice and Delinquency Prevention and other Council members will be summarized. There will be some discussion pertaining to delinquency-related program changes anticipated in light of the Administration's revised fiscal year 1982 Budget. Additional agenda items include brief presentations of ongoing research and survey efforts which have cross-agency program development implications. There will also be a brief synopsis of the findings and implications of the Fifth Annual Analysis and Evaluation of Federal Juvenile Delinquency Programs.

For further information, contact either Mr. William Modzeleski, or Mr. Edward Guryansky, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81-14085 Filed 5-8-81; 8:45 am]

BILLING CODE 4410-18-M

NUCLEAR REGULATORY COMMISSION

Advisory Panel for the Decontamination of Three Mile Island, Unit 2; Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act that the Advisory Panel for the Decontamination of Three Mile Island, Unit 2 will be meeting on June 4, 1981, from 7:00 p.m. to 10:00 p.m. in the City Council Chambers, Kendig C. Bare Public Safety Building, 208 North Duke Street, Lancaster, Pennsylvania. The meeting will be open for public observation.

At this meeting the Panel will discuss Radiation Worker Exposure/Health Effects.

Further information on the meeting may be obtained from Dr. William Travers, Three Mile Island Program Office, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301/492-7466.

Dated: May 6, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-14135 Filed 5-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295, 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-39, and Amendment No. 60 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

These amendments incorporate the requirements for implementation of the TMI-2 Lessons Learned Category "A" items. They specifically include the areas of emergency power supply requirements, valve position indication, instrumentation for inadequate core cooling, containment isolation, auxiliary feedwater systems, and shift technical advisor. The License Conditions require the implementation of programs to reduce leakage outside containment and to accurately determine airborne iodine concentrations.

The application for the amendments complies with the standards and

requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 17, 1981, (2) Amendment Nos. 63 and 60 to License Nos. DPR–39 and DPR–48, (3) the Commission's related Safety Evaluation transmitted to the licensee on February 29, 1980, and (4) the Commission's letter dated April 20, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 20th day of April 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-14156 Filed 5-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-3, 50-247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Provisional Operating License No. DPR–5 and Amendment No. 70 to Facility Operating License No. DPR–26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Environmental Technical Specifications for operation of the Indian Point Station, Unit No. 1, and the Indian Point Nuclear Generating Unit No. 2 (the facilities) located in Buchanan, Westchester County, New York. The amendments are effective as of the date of issuance.

The amendments revise the Appendix B Environmental Technical Specifications to delete non-radiological environmental requirements, and to add a non-radiological environmental protection plan. The NRC will rely on the requirements of the State Pollutant Discharge Elimination Systems (SPDES) Permit issued by the State of New York for the protection of the environment.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 27, 1981, and (2) Amendment Nos. 30 and 70 to License Nos. DPR–5 and DPR–26, respectively; and (3) the Commission's related letter dated April 24, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 24th day of April 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-14157 Filed 5-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-70 (Show Cause)]

General Electric Co., (Vallecitos Nuclear Center—General Electric Test Reactor, Operating License No. TR–1); Rescheduling of Final Prehearing Conference

May 5, 1981.

Please take notice that, at the request of the parties, the prehearing conference scheduled for 9:30 a.m. on May 12, 1981, has been rescheduled. The parties and Board will conduct a telephone conference call during the week of May 11, 1981 to attempt to resolve all pending procedural matters. Thereafter, a final prehearing conference will be convened at 9:25 a.m. on May 27, 1981, at the Veterans Hall, 522 So. L Street, Livermore, California. The hearing that had been scheduled to begin at that location at 9:30 a.m. on that morning, will begin immediately following the conclusion of the prehearing conference.

Dated at Bethesda, Md., this 5th day of May 1981.

By order of the Board.

For the Atomic Safety and Licensing Board.

Herbert Grossman,

Chairman, Administrative Judge.

[FR Doc. 81-14158 Filed 5-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352, 50-353]

Negative Declaration Supporting: Extension of Construction Permit Nos. CPPR–106 and CPPR–107 Expiration Dates for Philadelphia Electric Co. Limerick-Generating Station, Unit Nos. 2 and 3

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the Philadelphia Electric Company's request to extend the expiration dates of the construction permits for the Limerick Generating Station, Unit Nos. 1 and 2 (CPPR–106 and CPPR–107) which are located in Limerick Township of Montgomery County in the State of Pennsylvania. The permittee requested an extension to the permits through October 1, 1985 for CPPR–106 and through October 1, 1987 for CPPR–107, to allow for completion of construction of the facilities.

The Commission's Division of Licensing has prepared an environmental impact appraisal relative to these changes to CPPR–106 and CPPR–107. Based on this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the

proposed action other than that which has already been described in the Commission's Final Environmental Statement (Construction Permit Stage) or evaluated in the environmental impact appraisal.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Public Library, Pottstown, Pennsylvania.

Dated at Bethesda, Md., this 13th day of April 1981.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-14186 Filed 5-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352, 50-353]

Philadelphia Electric Co., Limerick Generating Station, Units 1 and 2; Order Extending Construction Completion Dates

Philadelphia Electric Company is the holder of Construction Permits CPPR-106 and CPPR-107 issued by the Commission on June 19, 1974. These permits authorize the construction of the Limerick Generating Station, Units 1 and 2, presently under construction at the Company's site on the Schuylkill River, near Pottstown, in Limerick Township, Montgomery County, Pennsylvania.

On February 23, 1981, Philadelphia Electric Company filed a request pursuant to the Code of Federal Regulations, Title 10, Part 50, § 50.55(b) for an extension of the consruction completion dates for these units.

Philadelphia Electric Company gave as reasons for the schedule change a reduction in their projected construction program by approximately $750 million for the four-year period 1976-1980 and $270 million in the four-year period 1978-1982 due to (1) reductions in electrical sales and peak load growth rates, (2) sluggish economic growth, (3) financial considerations, and (4) high interest rates and tight credit. This action involves no significant hazards consideration. Good cause had been shown for extension of the latest construction completion date for Unit 1 to October 1, 1985 and for Unit 2 to October 1, 1987. The bases for the extension of these dates is set forth in a staff evaluation, dated April 13, 1981.

The preparation of an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action authorized by the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement (Construction Permit Stage) for the Limerick Generating Station Units 1 and 2 published in November 1973. A negative declaration and an environmental impact appraisal have been prepared and are available, as are the above stated documents, for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Public Library, Pottstown, Pennsylvania.

It is hereby order that the earliest and latest completion date for CPPR-106 be extended from: April 1, 1981 to October 1, 1985 and that the earliest and latest completion date for CPPR-107 be extended from: April 1, 1982 to October 1, 1987.

Date of issuance: April 24, 1981.

For the Nuclear Regulatory Commission.

Robert L. Tedesco,

Assistant Director for Licensing, Division of Licensing.

[FR Doc. 81-14189 Filed 5-8-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

May 6, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB is carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimte of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments

promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

Revisions

• Forest Service
State and Private Accomplishment Reporting System
3100-8, 3200-6, 3400-5, 3500-5 & 3600-2
Annually
State or local governments
State Forestry agencies
SIC: 951
Conservation and land management 265 responses, 530 hours; $1,773 Federal cost, 5 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340.

Approval is requested to continue use of the State and private forestry reporting system, with minor improvements to forms. Purpose of the reporting system is to meet reporting requirements for State and private forestry programs as required under the Cooperative Forestry Assistance Act of 1978 and the Forest and Rangeland Renewable Resources Planning Act.

Reinstatements

• Food and Nutrition Service
Program and Budget Summary Statement
FNS-366A & FNS-366B
Annually
State or local governments
State income maintenance—State agencies
SIC: 943
Food and nutrition assistance, 270 responses, 9,168 hours; $55,240 Federal cost, 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340.

Part A of the FNS-366 is needed by the respondents to justify and request Federal financial participation in the administrative cost sharing of the food stamp program. A narrative attachment to the form demonstrates the respondents planning in the estimation process. Part B reports annual program performance by the same administrative cost categories as part A for FNS monitoring.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

• Office of Elementary and Secondary Education
National Assessment of Educational Progress Citizenship/Social Studies, Mathematics and Science Assessments—
2371-13BQ, 13A, I, SLF, SSR, PQ, SOQ, QC
TEQ, EGLO, DLO, VO, BQO, SQO, AO, TV
Biennially
Individuals or households/State or local governments
9, 13 & 17 year old students, and school officials
SIC: 821
Research and general education aids, 61,550 responses, 27,559 hours; $5,521,338 Federal cost, 9 forms; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202-426-5030.

Congress has mandated the collection of national assessment survey data. The data collection will occur during the 1981-82 school year in the areas of citizenship/social studies, mathematics and science with respondents ages 9, 13 and 17. The data will be used by policymakers to monitor changes in student performance over time in the United States. The data will be useful to the public, researchers, legislators and educators in determining changes in education.

• Office of Educational Research and Improvement
Common Core of Data (CCD)
Ed (NCES) 2350-5, 6, 7, 8, 8-1, 9, 13, 2393-2 and 4
Annually
State or local governments
50 States, D.C., and 6 outlying areas
SIC: 821
Research and general education aids 57 response, 25,244 hours; $845,000 Federal cost, 1 form; not applicable under 3504(h)
Federal education data acquisition council, 202-426-5030

Elementary and secondary data are collected in cooperation with State education agencies. These data provide information about fall membership, high school graduates, teachers and other staff positions, revenues by source, expenditures by function and other related data. These data are used in allocation of Federal funds for some education grant programs (ESEA title I), and in carrying out NCES mandated studies (equity profiles).

Extensions (No Change)

• Office of Educational Research and Improvement
Salaries, tenure, and fringe benefits of full-time [1] instructional faculty in institutions of higher education, 1981-82
NCES 2300-3
Annually
Businesses or other institutions
Colleges and universities
SIC: 822
Research and general education aids, 3,190 responses, 25,520 hours; $200,000 Federal cost, 1 form; not applicable under 3504(h)
Federal education data acquisition council, 202-426-5030

Faculty data are used by institutions to establish salary scales, State agencies to determine budgets for State supported institutions, professional and educational associations and Federal agencies to evaluate the extent to which salaries differ between men and women.

Reinstatements

• Office of Postsecondary Education
Application for Grants Under Continuing Education Outreach Special Projects Program
OE-1280
Annually
Businesses or other institutions
Colleges, organizations, States, business, industry and labor
SIC: 822
Higher education, 200 responses, 8,000 hours; $25,000 Federal cost, 1 form; not applicable under 3504(H)
Federal Education Data Acquistion Council, 202-426-5030

The information contained in application package will be used in the evaluation process administered by the Department of Education in awarding grants.

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[1] This report has already been assigned an OMB number. Because the request for clearance was received prior to implementation of Section 3520 of the Paperwork Reduction Act of 1980 (P.L. 96-511), the report was reviewed and approved by the Federal Education Data Acquisition Council as required by the Control of Paperwork Amendments of 1978 (P.L. 95-561).

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202–633–9924

New

• Departmental and others
Study of Builders and Buyers of Newly Constructed Homes
CE–704 A/B
Nonrecurring
Individuals or households/business or other institutions
Purchasers and builders of new homes
Small businesses or Organizations
Energy supply, 1,467 responses, 1,467 hours; $167,000 Federal cost, 2 forms; not applicable under 3504(H)
Jefferson B. Hill, 202–395–7340

To collect information on the awareness, knowledge, attitudes and preference of builders and buyers regarding passive Solar energy concepts.

• Conservation and solar Energy
Study of Builders and Buyers of Newly Constructed Homes
CE–704 A & B
Nonrecurring
Individuals or households / businesses or other institutions
Purchasers and builders of new homes
SIC: 152 861
Small businesses or organizations
Energy supply, 1,467 responses, 1,564 hours; $167,000 Federal cost, 2 forms; not applicable under 3504(H)
Jefferson B. Hill, 202–395–7340

To collect information on the awareness, knowledge, attitudes and preference of builders and buyers regarding passive solar energy concepts.

• Departmental and others
Survey of Small Business Firms Engaged in Fossil Energy
Technology
FE–712
Nonrecurring
Businesses or other institutions
Small businesses engaged in fossil energy activities
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation, 400 responses, 400 hours; $30,000 Federal cost, 1 form; not applicable under 3504(H)
Jefferson B. Hill, 202–395–7340

Data are being collected to assess problems encountered by small business firms engaged in Fossil energy related activities in obtaining contractual awards with the Office of Fossil Energy.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Care Financing Administration
Questionnaire on Regulatory Reform [1]
HCFA–285
Nonrecurring
State or local governments/businesses or other institutions
State medicaid agencies and prof. organizations in hlth field
SIC: 911 806 808
Small businesses or organizations
Health, 400 responses, 400 hours; $17,317 Federal cost, 1 form; not applicable under 3504(H)
Richard Eisinger, 202–395–6880

Questionnaire will be used to solicit public comment concerning the identification of HCFA regulations which are excessively burdensome or unnecessary. Information will be used by HCFA's task force on regulatory reform.

• Human Development Services
PSE Participant Outcome
ETA–RC408
Monthly
State or local governments
Win program sponsors
SIC: 944
Training and employment, 324 responses, 324 hours; $3,052 Federal cost, 1 form; not applicable under 3504(H)
Gwendolyn PLa, 202–395–6880

Data will be used to monitor the placement of win clients as they are terminated from CETA PSE and to provide management assistance to win sponsors experiencing difficulty in transitioning them into unsubsidized employment or training.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6191

New

• National Park Service
National Park System Units in Alaska—36 CFR Part 13
Nonrecurring annually
Individuals or households/businesses or other institutions
Individuals and small businesses
Sic: Multiple
Small businesses or organizations
Recreational resources, 1,460 responses, 609 hours; $69,150 Federal cost, 1 form; NPRM under 3504(H)
Constance Buckley, 202–395–7340.

This information will be collected on permit applications from individuals and businesses seeking statutory or administrative benefits in the following areas: Downed aircraft removal, use of helicopters, cabins and ORVS, access (both temporary and permanent), and the use of aircraft and timber for subsistence purposes. It will also be collected from those appealing permit denials.

• United States Fish and Wildlife Service
Alaska National Wildlife Refugees
50 CFR 36, S. .15, .21(B), (E), .22 .23, .24, .33 & .41(B)
On occasion
Individuals or households/businesses or other institutions
Ind. and bus. desiring rights on Alaska National Wild. Refug.
Sic: 091 097 138 104 144 152
Small businesses or organizations
Recreational resources, 1,430 responses, 830 hours; $73,000 Federal cost, 1 form; not applicable under 3504(H)
Constance Buckley, 202–395–7340

50 CFR 36 is intended to provide management of National Wildlife Refuges in Alaska consistent with the Alaska Lands Act, P.L. 96–487. The information requested is the minimum necessary to determine applicant's eligibility for benefits.

• Bureau of Land Management
43 CFR Part 5400 Timber Sales
BLM 5460–17, 5460–16 & 5450–17
Nonrecurring
Businesses or other institutions
Timber industry contractors or forest products manufacturers
Sic: 081 241
Small businesses or organizations
Conservation and land management, 25 responses, 25 hours; $100 Federal cost, 3 forms; not applicable under 3504(H)
Constance Buckley, 202–395–7340

The rulemaking provides a process to safeguard against the substitution of Federal timber for exported private timber by affiliates of Bureau of Land Management timber purchasers. The forms identified under item 12 will be used to protect against substitution by affiliates of purchasers.

DEPARTMENT OF TRANSPORTATION

(Agency Clearance Officer—John Windsor—202–426–1887

New

• Research and Special Programs Administration
Tank car record requirements
On occasion
Businesses or other institutions
Tank car owners—railroads and manufacturers
Sic: 374 401
Small businesses or organizations

[1] Because of the importance of this voluntary information collection to the success of the regulatory relief program, a waiver from the public comment period has been determined to be justified.

Other transportation, 15,000 responses, 3,750 hours; 1 form; not applicable under 3504(H)
Terry Grindstaff, 202–395–7340

Needed to show results of periodic tests and inspections of tank cars so that compliance with standards can be ascertained and integrity of the tank cars assured. (49 CFR 173.31)

Reinstatements

• Federal Aviation Administratioon
Aircraft registration (regulations) FAR 47
AC 8050–81
On occasion
Individuals or households/businesses or other institutions
Aircraft owners
Sic: 451 452
Small businesses or organizations
Air transportation, 92,200 responses, 43,807 hours; $22,000 Federal cost, 0 form; not applicable under 3504(H)
Corrine Hayward, 202–395–7340

Federal Aviation Act of 1958, Section 501 (49 USC 1401) requires registration of aircraft. 14 CFR 47 prescribes requirements for the registration process. Information collected is used to determine compliance.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAP

Agency Clearance Officer—Charles Fletcher—703–557–1145

New

Workshop Responsibilities and Changes in Specifications
On occasion, annually
Businesses or other institutions
Seventy (70) blind workshops
SIC: 833
Small businesses or organizations
Other labor services, 636 responses, 636 hours; $650 Federal cost, 1 form; not applicable under 3504(h)
Diane Wimberley, 202–395–6880

This change is to eliminate certain recordkeeping requirements on blind individuals employed in qualified workshops producing commodities or providing services under Public Law 92–28.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstat—389–4251

New

• Summary of Accounts and Deposits
8020/05, 8020/46
Annually
Businesses or other institutions
Commercial banks and mutual savings banks
SIC: 602, 603
Small businesses or organizations
Mortgage credit and thrift insurance, 58,865 responses, 275,000 hours; $422,000 Federal cost, 5 form; not applicable under 3504(h)
Warren Topelius, 202–395–7340

Survey obtains deposit amounts and number of deposit accounts at commercial and mutual savings banks. Survey covers all banks and their branches in U.S. Survey data provide a basis for measuring the competitive impact of bank mergers and have additional uses in estimates of FDIC-insured deposits and in research studies.

FEDERAL MARITIME COMMISSION

Agency Clearance Officer—Ronald D. Murphy—523–5326

Extensions (no change)

• General Order 4—Licensing of Independent Ocean Freight Forwarders
46 CFR 510
On occasion
Businesses or other institutions
Freight forwarders (export trade)
SIC: 472
Water transportation, 2,100 responses, 248 hours; $177,000 Federal cost, 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

FMC requests short term extension of freight forwarder rules in G.O. 4. The present rules are being revised to become effective October 1, 1981. Extension will insure there is no lapse between clearances.

Application for Independent Ocean Freight Forwarder License
FMC–18
Nonrecurring
Businesses or other institutions
Freight forwarders (export trade)
SIC: 472
Water transportation, 200 responses, 67 hours; $100,000 Federal cost, 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

FMC requests short term extension of application for license as an independent ocean freight forwarder. The application form is being revised to become effective October 1, 1981. Extension will insure there is no lapse between clearances.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—492–8585

New

• TMI Action Plan Requirements and Related Orders
Nonrecurring
Businesses or other institutions
Utilities licensed to operate nuclear power plants
SIC: 493
Energy information, policy, and regulation, 65 responses, 631,480 hours; $3,000,000 Federal cost, 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

TMI action plan imposes reporting and recordkeeping requirements on 65 licensees with operating licenses to provide staff adequate data to perform safety reviews of specific design aspects of nuclear power plants.

Revisions

• 10 CFR Part 20—Standards for Protection Against Radiation
On occasion
Businesses or other institutions
NRC licensees
SIC: 493
Energy information, policy, and regulation, 96 responses, 768 hours; $4,992 Federal cost, 0 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

10 CFR 20 has been amended to include reporting requirements necessary to determine compliance with EPA regulations 4 CFR 190 regarding environmental protection standards. NRC licensees will be required to submit a report to NRC when EPA standards have been violated.

PENSION BENEFIT GUARANTY CORPORATION

Agency clearance Officer—Robert E. Geiger—202–254–4778

New

•Election of Single-Employer Plan Status
Nonrecurring
Businesses or other institutions
Sngle-empl. pens. plans, otherwise would become multiemply.
SIC: multiple
Small Businesses or organizations
General retirement and disability insurance, 700 responses; 180 hours; $50,000 Federal cost, 1 form, not applicable under 3504(h)
Diane Wimberly, 202–395–6880

The information required by 2671.2 of the rule is necessary and is not otherwise available to the PBGC. It will be used by the PBGC to make a determination required by statute. The information is readily available to plans and will involve little or no compliance burden. For example plans will provide copies of the annual report, form 5500 but without any attachments, thus minimizing duplication costs. Plans will also have to provide infor on the amt. of annual contributions made.

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4692

Reinstatements

•Supplemental Information on Accident and Insurance
SI–1C
On occasion
Individuals or households
Applicants for sickness benefits
Mltiple functions, 20,000 responses, 1,667 hours; $220,000 Federal cost, 1 form, not applicable under 3504(h)
Barbara F. Young, 202–395–6880

The Railroad Unemployment Insurance Act provides for reimbursement of sickness benefits paid if the employee receives a settlement for the same injury for which benefits were paid. The collection obtains identifying information about the person or company responsible for such payments and for sending notices of lien by the Board.

•Medical Reports
G–3RMP, G–250, G–253A, G257
G–3EMP, G–250, G–253A, G–257
On occasion
Businesses or other institutions
Physicians
Small businesses or organizations
General retirement and disability insurance, 21,500 responses, 9,250 hours; $300,000 Federal cost, 4 forms, not applicable under 3504(h)
Barbara F. Young, 202–395–6880

Section 2 of the Railroad Retirement Act provides for the payment of disability annuities to qualified railroad employees who are unable to work in their regular occupation (occupational disability) or any occupation (total disability). The medical reports are needed to determine the employee's entitlement to a disability annuity.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202–389–2146

Reinstatements

•Title VI Compliance Review Report
27–8734 and 27–8734A
Other—see SF83
Individuals or households/State or local governments/businesses or other ins Proprietary sch., job-train., estab., their enrollees, etc.
SIC: multiple
Small businesses or organizations
Other veterans benefits and services, 1,979 responses, 4,829 hours, $55,388 Federal cost, 2 forms, not applicable under 3504(h)
Federal Education Data Acquisition council 202–426–5030

Form is necessary to determine equal opportunity compliance status of proprietary institutions and job-training establishements which are approved to train veterans and other eligible beneficiaries, and proprietary institutions which are receiving funds through the department of Education. It is used by agency compliance personnel to appraise the compliance status of facilities under title VI of the Civil Rights Act of 1964 and title IX of the Education Amend. of 1972.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–14170 Filed 5–8–81; 8:45 am]
BILLING CODE 8110–01–M

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

Annual Selection Meeting for White House Fellows

Pursuant to section 10(a)(2) of Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given that the Annual Selection Meeting of the President's Commission on White House Fellowships will be held at the Sheraton International Conference on June 4–8, 1981.

The Annual Selection Meeting is part of the screening process of the White House Fellowships program. During this three-day meeting the thirty-three national finalists will be interviewed by the members of the Presidential Commission. At the conclusion of this meeting the Commission recommends to the President fourteen to twenty persons to serve as White House Fellows.

It has been determined by the Director of the Office of Personnel Management that, because of the very nature of the screening process where personnel records and confidential character references must be used which, if revealed to the public, would constitute a clear invasion of an applicant's privacy, the content of this meeting falls within the provisions of Section 552b(c)(6) of title 5 of the United States Code and that this meeting will be closed to the public.

James C. Roberts,
Director.

Determination to Close the Final Selection Meeting of the President's Commission on White House Fellowships

The final selection meeting of the President's Commission on White House Fellowships is part of the screening process leading to the selection of individuals for White House Fellowships. In this meeting, national finalists of the program are interviewed by the Commission members. The Commission also reviews confidential files and character references which we believe are exempt from disclosure under the provisions of the Freedom of Information and Privacy Acts. At the conclusion of the interviews, the Commission recommends to the President those individuals who should serve as White House Fellows.

This meeting is covered by the provisions of the Federal Advisory Committee Act; Pub. L. 92–463. That act provides that meetings may be closed to the public only as provided for by subsection (c) of section 552b of title 5, United States Code. That section contains the ten exemptions to the open meeting requirements of the "Government in the Sunshine Act." Exemption (6) permits closing of meetings where they would "disclose information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy:"

It is hereby determined that the final selection meeting of the President's Commission on White House Fellowships is concerned with personal information as described in exemption (6) above. Accordingly, the final selection meeting of the Commission to be held on June 4–8, 1981, shall be closed to the public.

Donald J. Devine,
Director, Office of Personnel Management.

[FR Doc. 81–14069 Filed 5–8–81; 8:45 am]
BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–17768; File No. SR–CBOE–81–7]

Chicago Board Options Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by Chicago Board Options Exchange, Incorporated, relating to position and exercise limits. Comments requested on or before June 1, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 10, 1981, the Chicago Board Options Exchange, Incorporated ("self-regulatory organization" or "Exchange") filed with the Securities and Exchange Commission a proposed rule change to increase position and exercise limits for GNMA options, as set forth in CBOE Rules 20.3 and 20.4, from 1,000 to 2,000

contracts. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to raise the position and exercise limits for GNMA contracts. The original figure of 1000 contracts has been criticized as too low by a number of potential GNMA options market participants, including GNMA dealers. For this reason, the Exchange feels that a 2000 contract limit is not only appropriate but necessary. It is necessary in order to enable professional GNMA dealers to meet primarily their hedging, but also their arbitrage needs.

In a letter dated November 5, 1980 to George A. Fitzsimmons supporting the Exchange's GNMA options rule-change filing, the Mortgage-Backed Securities Division of the Public Securities Association indicated that it was concerned about the 1000 contract limit, stating, "* * * it may prove to be inappropriately restrictive to some market participants." It also should be noted that the limits with respect to equity options recently were increased from 1000 to 2000 contracts.

The statutory basis for the proposed rule change is section 6(b)(5) of the Securities Exchange Act of 1934 in that the change will facilitate transactions in securities without lessening the Exchange's ability to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest.

II. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not have an impact on competition.

III. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

IV. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before June 15, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

V. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before June 1, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

May 4, 1981.

[FR Doc. 81-14007 Filed 5-8-81; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 5, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

NLT Corporation (Tennessee)
Common Stock, $5 Par Value (File No. 7-5909)

Teco Energy Inc.
Common Stock, $1 Par Value (File No. 7-5910)

Freeport-McMoRan, Inc.
Common Stock, $5 Value (File No. 7-5911)

Royal Dutch Petroleum Company
10 Guilders Par Value—Ordinary (File No. 7-5912)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 27, 1981 written data, views and arguments concerning the above referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14108 Filed 5-8-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

May 5, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Houston Oil Trust
Units of Beneficial Interest (File No. 7-5913)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 27, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the

maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14187 Filed 5-8-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

May 5, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Gulf Canada Limited
Common Stock, No Par Value (File No. 7-5914)

This security is registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 27, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14186 Filed 5-8-81; 8:45 am]

BILLING CODE 8010-01-M

Pacific Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

May 5, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Houston Oil Trust
Units of Beneficial Interest (File No. 7-5908)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 27, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14188 Filed 5-8-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0210]

Jermyn Venture Capital Corp.; License Surrender

Notice is hereby given that Jermyn Venture Capital Corporation, 190 North Canon Drive, Suite 400, Beverly Hills, California 90210, has surrendered its license to operate as a small business investment company pursuant to 13 CFR 107.105 (1981) of the Small Business Administration's Rules and Regulations governing small business investment companies.

Jermyn Venture Capital Corporation was licensed on October 18, 1978, to operate as a small business investment company specializing in the financing of the production and distribution of motion pictures under the provisions of the Small Business Investments Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

Under the authority vested by the Act and pursuant to the cited Regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises therefrom are cancelled.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: May 4, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-14082 Filed 5-8-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 136—Installation of Emergency Locator Transmitters (ELT) in Aircraft; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of Special Committee 136 on Installation of Emergency Locator Transmitters (ELT) in Aircraft to be held on June 2-3, 1981 in RTCA Conference Room 267, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Ninth Meeting Held on January 29-30, 1981; (3) Consideration of Comments Received on the Third Draft of Committee Report on Installation and Performance of Emergency Locator Transmitter Systems; and (4) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on May 1, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-14001 Filed 5-8-81; 8:45 am]

BILLING CODE 4910-13-M

U.S. National Aviation Standard; Automatic Traffic Advisory and Resolution Service (ATARS)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Extension of comment period.

SUMMARY: On March 26, 1981, the Federal Aviation Administration published for public review and comment a draft U.S. National Aviation Standard for the Automatic Traffic Advisory and Resolution Service (ATARS) (FR Vol. 46, No. 58, 18885). This notice announces that the comment period is extended to June 15, 1981.

DATES: Comments are to be received on or before June 15, 1981.

ADDRESS: Director, Systems Research and Development Service, ATTN: ARD-10, Federal Aviation Administration, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Dr. John Scardina, Aircraft Separation Assurance Branch, ARD-241, Communications and Surveillance Division, Systems Research and Development Service, Federal Aviation Administration, Department of Transportation, 400 7th Street, SW., Washington, D.C., 20590, telephone 202-755-4985.

Issued in Washington, D.C., on May 5, 1981.

Robert W. Wedan,

Director, Systems Research and Development Service, Engineering and Development, Federal Aviation Administration, Department of Transportation.

[FR Doc. 81-14005 Filed 5-8-81; 8:45 am]

BILLING CODE 4910-13-M

Gates Learjet 20 and 30 Series; Type Certification Decision Document and Availability of Speical Certification Review.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability of Documentation.

SUMMARY: The Director of the FAA Central Region has conducted a review of the issues involved in the Learjet 20 and 30 Series Special Certfification Review. He has also reviewed and discussed with his staff a document entitled "Type Certification Decision Document, Learjet Special Certification Review." Based on this review, the Director approves issuance of the first phase report of the Type Certification Decision Document of the Gates Learjet 20 Series Special Certification Review. A copy of the "Type Certification Decision Document, Learjet Special Certification Review" is on file in the FAA Rules Docket. This document is the first phase report of the FAA of the Learjet 20 Series Special Certification Review. It is anticipated that closeout of all the items undergoing review may be as long as 6 months to a year from now. Reports on the balance of the investigative closeouts will be made by supplements to this report. The document is available for examination and copying at the Rules Docket, and may be obtained from the Office of the Regional Counsel, FAA Central Region, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Mo., on April 30, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-14012 Filed 5-8-81; 8:45 am]

BILLING CODE 4910-13-M

National Airspace Review; Reschedule of Informal Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Reschedule of Informal Meeting.

SUMMARY: This notice announces the rescheduling of the National Airspace Review informal meeting previously scheduled for May 18-20, 1981, as announced in **Federal Register** 46 FR 25027 on May 4. The meeting is rescheduled for the following dates:

DATES: May 27—9 a.m. to 3:30 p.m.; May 28—9 a.m. to 3:30 p.m.; May 29—9 a.m. to 12 p.m.

ADDRESS: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. in the auditorium (third floor).

FOR FURTHER INFORMATION CONTACT: Karl Trautmann, Chief, En Route Procedures Branch (AAT-330), 202-426-8630. To provide sufficient meeting space, it is requested that persons desiring to attend give advance notice to the FAA, AAT-330, 800 Independence Avenue, SW., Washington, D.C. 20591.

Issued in Washington, D.C. on May 6, 1981.

Willard H. Reazin,

Acting Chief, ATC Procedures Division.

[FR Doc. 14130 filed 5-8-81; 8:45 am]

BILLING CODE 4910-13-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 90
Monday, May 11, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Items
Federal Deposit Insurance Corporation 1
Federal Energy Regulatory Commission 2
Federal Maritime Commission 3
International Trade Commission 4, 5
Nuclear Regulatory Commission 6

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 12:00 Noon on Wednesday, May 6, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania.

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Director John G. Heimann (Comptroller of the Currency), concurred in by Director William M. Isaac (Appointive), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(4), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(8), and (c)(9)(A)(ii)).

Dated: May 6, 1981.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S-725-81 Filed 5-8-81; 11:52 am]

BILLING CODE 6714-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION.

May 7, 1981.

TIME AND DATE: May 14, 1981, 10:00 a.m.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

The consent agendas and the gas agenda will be considered on Thursday, May 14, 1981. The power and miscellaneous agendas will be considered on Friday, May 15, 1981.

Consent Power Agenda—488th Meeting, May 14, 1981, Regular Meeting (10:00 a.m.)

CAP-1. Project No. 3797, City of La Habra.
CAP-2. Project Nos. 2929, 2969, 2996 and 3004, Pennsylvania Hydroelectric Development Corp., et al.
CAP-3. Project No. 906, Virginia electric and Power Co.
CAP-4. Project Nos. 233 and 2735, Pacific Gas and Electric Co.
CAP-5. Project No. 4064, Baker Valley Irrigation District; Project No. 3450, Cascade Waterpower Development Corp.
CAP-6. Project No. 2913, Alabama Electric Cooperative, Inc. Project No. 2918, Municipal Electric Authority of Georgia. Project No. 3016, City of Dothan, Ala.
CAP-7. Docket No. ER81-5-000, Edison Electric Institute.
CAP-8. Docket Nos. ER81-355-000, ER81-356-000, and ER81-357-000, Kansas Gas and Electric Co.
CAP-9. Docket Nos. ER81-46-000, ER81-47-000 ER81-48-000 and ER81-105-000, Indiana & Michigan Electric Co.
CAP-10. Docket No. ER81-31-000, Green Mountain Power Corp.
CAP-11. Docket No. ER80-326, New England Power co.
CAP-12. Docket No. ER80-236, Public Service Co. of Oklahoma.
CAP-13. Docket No. ER81-38-000, The Detroit Edison Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM81-3, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B): Filings by Federal Entities pursuant to § 141.1
CAM-2. Docket No. RM79-15, Amendment to the Regulation for the Implementation of Section 401 of the Natural Gas Policy Act
CAM-3 Docket No. GP81- , Oil and Gas Division, West Virginia Department of Mines, Charleston, W. Va. Section 102 NGPA Determination and Union Drilling, Inc., William F. Osburn #2-1488-UC, WV File No. 791107-102-097-1948, FERC Control No. JD80-37951
CAM-4. Docket No. RO80-6, Triangle J. Oil Co.

Consent Gas Agenda

CAG-1. Docket Nos. RP73-65 and TA80-1-21, Columbia Gas Transmission Corp., Docket Nos. G-5258, G-8467, G-18763, RP61-13, RP65-31 and RP67-3, Transcontinental Gas Pipe Line Corp.
CAG-2. Docket No. RP78-63, Southwest Gas Corp.
CAG-3. Docket No. RP81-1-000, Michigan Wisconsin Pipe Line Co.
CAG-4. Docket No. RP80-131-001, Natural Gas Pipeline Co. of America
CAG-5. Docket No RP80-3, Michigan Wisconsin Pipe Line Co.
CAG-6. Docket No. RP72-133 (PGA75-1, PGA75-3, PGA76-1, PGA77-1, PGA77-1a, PGA77-2, PGA78-1, PGA78-2, PGA79-1, PGA79-2, PGA80-1, PGA80-2), United Gas Pipe Line Co.
CAG-7. Docket Nos. AR61-2, AR67-1 and AR69-1, et al., G-13258, G-18512, G-20509 & RP60-15, RP64-31, RP70-5 & RP70-16, RP70-36, et al., RP79-21, et al., Southern Natural Gas Co.
CAG-8. Docket No. CI81-183-000, Mobile Oil Exploration and Producing Southeast Inc.; Docket No. CI81-132-000, Getty Oil Co.; Docket No. CI81-101-000, General American Oil, Co. of Texas; Docket No. CI81-182-000, Natresco, Inc.; Docket No. CI81-188-000, The Superior Oil Co.; Docket No. CI75-480, Mobil Producting Texas and New Mexico, Inc.; Docket Nos. CI81-111-000, and CI81-117-000, American Petrofina Company of Texas; Docket No. CI81-116-000, The B & A Pipe Line Co.; Docket No. CI81-174-000, Felmont Oil Corp.; Docket No. CI81-175-000, Case-Pomeroy Oil Corp.; Docket No. CI81-178-000, Exxon Corp.; Docket Nos. CI81-218-000 and CI81-219-000, Ocean Production Co.; Docket No. CI67-820-000, El Grande Pipeline Corp.; Docket No. CI73-3-000, Belco Petroleum Corp.; Docket No. CI81-206-000, Mesa Petroleum Co.; Docket No. CI81-3-001, Texoma Production Co.; Docket No. CI76-53-000, Mobil Oil Exploration & Producing Southeast Inc.
CAG-9. Docket No. TC81-9-000, Texas Gas Transmission Corp.
CAG-10. Docket Nos. CP80-250 and CP80-271, United Gas Pipe Line Co.
CAG-11. Docket No. CP78-495, Michigan Wisconsin Pipe Line Co.

CAG–12. Docket No. CP76–344, Southern Natural Gas Co.
CAG–13. Docket No. CP80–399, Michigan Wisconsin Pipe Line Co.
CAG–14. Docket No. DP80–449, El Paso Natural Gas Co. Docket No. CI80–460, Amoco Production Co.; ICAG–15. Docket No. CP66–110–010, Great Lakes Gas Transmission Co.
CAG–16. Docket No. CP79–282, Transcontinental Gas Pipeline Corp.
CAG–17. Docket No. CP79–327–002, Natural Gas Pipeline Co. of America, United Gas Pipe Line Co., Michigan Wisconsin Pipe Line Co. and Transcontinental Gas Pipe Line Corp.

Regular Power Agenda

I. Licensed Project Matters

P–1. Reserved.

II. Electric Rate Matters

ER–1. Docket No. ER81–183–000, Consolidated Edison Co. of New York, Inc.
ER–2. Docket No. ER81–282–000, Montana Power Co.
ER–3. Docket Nos. ER81–353–000, ER81–354–000 and ER81–361–000, Dayton Power and Light Co.
ER–4. Docket No. ER81–316–000, Southwestern Electric Power Co.
ER–5. Docket No. EF79–4011, Southwestern Power Administration (System Rates).

Regular Miscellaneous Agenda

M–1. Reserved.
M–2. Reserved.
M–3. Docket No. RM81–30, Delegation of the Commission's Authority to the Directors of Office of Electric Power Regulation, Office of the Chief Accountant, and Office of Pipeline and Producer Regulation.
M–4. (A) Docket No. RM79–76, High-Cost Gas Produced from Tight Formations.
(B) Docket No. RM79–76 (Colorado–5), High-Cost Gas Produced From Tight Formations.
M–5. Docket No. RM81– , Clarification of Regulations Regarding New Onshore Production Wells

Regular Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket No. RP80–101, Texas Gas Transmission Corp.

II. Producer Matters

CI–1. Reserved.

III. Pipeline Certificate Matters

CP–1. (A) Docket Nos. CP80–65, CP77–560, CP77–570 and CP77–571, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (B) Docket No. CP76–492, National Fuel Gas Supply Corp. and Penn-York Energy Corp.
CP–2. Docket No. CP74–35, Pacific Offshore Pipeline Co., Docket No. CI79–533, Exxon Corp.
CP–3. Docket No. CP80–485, Transcontinental Gas Pipeline Corp.
CP–4. Docket Nos. CP79–332 and CP79–332–001, Natural Gas Pipeline Co. of America, Michigan Wisconsin Pipe Line Co. and Tennessee Gas Pipeline Co., a Division of Tenneco Inc. and Texas Eastern Transmission Corp.; Docket Nos. CP79–462, CP66–110, et al., CP79–462–001, CP66–110–020, CP–70–19–007, CP70–100–002, CP–71–222–006, CP71–299–001 and CP71–223–003, Great Lakes Gas Transmission Co.; Docket Nos. CP79–467 and CP79–467–001, Michigan Wisconsin Pipe Line Co.
CP–5. Docket Nos. CP79–532, RP80–67, CP76–492, CP77–569, CP77–570, CP77–571, CP78–490, CP78–499, CP78–523, CP78–543, CP79–67, CP79–81, and CP79–311, Tennessee Gas Pipeline Co. a Division of Tenneco Inc.
CP–6. Docket No. CP75–87, Kansas-Nebraska Natural Gas Co., Inc.; Docket No. CP75–154, Montana-Dakota Utilities Co.; Docket No. CP75–227, Montana-Dakota Utilities Co.; Docket No. CP80–348, Northern Utilities, Inc.
CP–7. Docket No. TC81–23, Alabama-Tennessee Natural Gas Co.; Docket No. TC81–24, Algonquin Gas Transmission Co.; Docket No. TC81–25, Arkansas-Louisiana Gas Co.; Docket No. TC81–26, Cities Service Gas Co; Docket No. TC81–27, Colorado Interstate Gas Co.; Docket No. TC81–28, Columbia Gas Transmission Corp.; Docket No. TC81–29, Consolidated Gas Supply Corp.; Docket No. TC81–30, East Tennessee Natural Gas Co.; Docket No. TC81–31, Eastern Shore Natural Gas Co.; Docket No. TC81–32, El Paso Natural Gas Co.; Docket No. TC81–33, Florida Gas Transmission Co.; Docket No. TC81–34, Michigan-Wisconsin Pipe Line Co.; Docket No. TC81–35, Midwestern Gas Transmission Co.; Docket No. TC81–36, Mississippi River Transmission Corp.; Docket No. TC81–37, National Fuel Gas Supply Corp.; Docket No. TC81–38, Natural Gas Pipeline Co. of America; Docket No. TC81–39, Northern Natural Gas Co.; Docket No. TC81–40, Northwest Pipeline Corp.; Docket No. TC81–41, Panhandle Eastern Pipeline Co.; Docket No. TC81–42, Southern Natural Gas Co.; Docket No. TC81–43, Tennessee Gas Pipeline Co.; Docket No. TC81–44, Tennessee Natural Gas Lines, Inc.; Docket No. TC81–45, Texas Eastern Transmission Corp.; Docket No. TC81–46, Texas Gas Transmission Corp.; Docket No. TC81–47, Transcontinental Gas Pipe Line Corp.; Docket No. TC81–48, Transwestern Pipeline Co.; Docket No. TC81–49, Trunkline Gas Co.; Docket No. TC81–50, United Gas Pipeline Co.

Kenneth F. Plumb,
Secretary.

[S–730–81 Filed 5–7–81; 1:40 pm]
BILLING CODE 6450–01–M

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 9:00 a.m., May 13, 1981.

PLACE: Hearing Room 1, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreements Nos. 10041–8 and 10044–6: Modification and Extension of U.S. Atlantic/Peru and U.S. Gulf/Peru Pooling Agreements.
2. Nigeria-United States Discussion Agreement No. 10407.
3. Agreement No. 8080–17 and Agreement No. 8240–15: Modifications of the Atlantic and Gulf-Indonesia Conference and the Atlantic and Gulf-Singapore, Malaya and Thailand Conference to Provide for Substituted Service.
4. Proposed Rulemaking—Petition of Sea-Land for Rulemaking to Promulgate Filing Requirements for Publication of Per-Container Rates in the U.S. Foreign Commerce.
5. Proposed Amendment to General Order 43: Procedures for Environmental Policy Analysis to Expand the List of Categorical Exclusions.
6. Proposed Amendment to Procedures for Closing Meetings to Public Observation.
7. Docket No. 80–56—Temporary Tariff Filing Regulations Applicable to Carriers and Conferences of Such Carriers in the Foreign Commerce of the United States—Consideration of comments.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary, (202) 523–5725.

[S–731–81 Filed 5–8–81; 4:46 pm]
BILLING CODE 6730–01–M

4

INTERNATIONAL TRADE COMMISSION.

[USITC SE–81–11]

TIME AND DATE: 10:00 a.m., Tuesday, May 19, 1981.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731–TA–41 [Final] (Tubeless Tire Valves from the Federal Republic of Germany)—briefing and vote.
6. Investigation 337–TA–83 (Window Shades)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S–732–81 Filed 5–8–81; 4:26 pm]
BILLING CODE 7020–02–M

5

INTERNATIONAL TRADE COMMISSION.
[USITC ERB–81–12], Executive Resources Board (ERB).

TIME AND DATE: 9:00 a.m., Friday, May 8, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:
1. Manpower Planning.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S-733-81 Filed 5-8-81; 4:35 am]

BILLING CODE 7020-02-M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Week of May 11, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Tuesday, May 12, 2:00 p.m.

1. Discussion of Revised Licensing Procedures (Tentative, Approximate 1½ hours.)
2. Affirmation/Discussion Session, Affirmation and/or Discussion and Vote:
   a. Indian Point Cooling Towers—Response to Settlement Proposed by the Parties
   b. Reappointment of ACRS Members.

Automatic telephone answering service for schedule update: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,
Office of the Secretary.

[S-731-81 Filed 5-8-81; 4:01 pm]

BILLING CODE 7590-01-M

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federal register

Monday
May 11, 1981

Part II

Department of the Interior

Bureau of Land Management

Outer Continental Shelf; Lower Cook Inlet/Shelikof Strait; Proposed Oil and Gas Lease Sale No. 60

4310-84

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf
Lower Cook Inlet/Shelikof Strait
Proposed Oil and Gas Lease Sale No. 60

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Sec. 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed sale notice. The following is a proposed sale notice for Sale No. 60 in the offshore waters of the lower Cook Inlet/Shelikof Strait area. This notice is hereby published as a matter of information to the public.

Arnold E. Petty
Acting Associate Director, Bureau of Land Management
Arnold E. Petty

Dated: May 5, 1981

Approved:

Donald Paul Hodel
Under Secretary of the Interior
Donald Paul Hodel

Proposed Sale Notice

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, Alaska Outer Continental Shelf (OCS) Office, Bureau of Land Management, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510. Bids may be delivered, either by mail or in person, to the above address until 4:30 p.m., September __, 1981; or by personal delivery to the sale site in Anchorage, Alaska (to be announced) between the hours of 8:30 a.m., a.h.s.t. and 9:30 a.m., a.h.s.t., September __, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., a.h.s.t., September __, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. This list of restricted joint bidders which applies to this sale was published in _____ FR _____, April __, 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., a.h.s.t., September __, 1981" must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A, for bonus bid tracts. An example of the form for tracts offered under the Net Profit Share Bid with a fixed cash bonus is provided in Attachment A hereto. The net profit share bid should be expressed in percent, to a maximum of 3 decimal places after the decimal point, e.g., 50.123%. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating

of Appeals for the District of Columbia Circuit in Energy Action Educational Foundation v. Andrus, Civil No. 79-1633. Tracts are proposed to be offered

to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of $8 per hectare or fraction thereof. The following systems will be utilized.

(a) Bonus Bidding with a Fixed Net Profit Share. Bids on tracts 60-74, 60-75, 60-76, 60-77, 60-79, 60-81, 60-83, 60-84, 60-118, 60-120, 60-122, 60-124, 60-126, 60-128, 60-130, 60-132, 60-135, 60-137, 60-140, 60-144, 60-146, 60-148, 60-149, and 60-151 are to be submitted on a cash bonus basis with a fixed net profit share rate of 40 percent and a 0.75 capital recovery factor. The net profit share payment shall be calculated according to Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980).

(b) Net Profit Share Bidding with a Fixed Cash Bonus. Bids on tracts 60-73, 60-78, 60-80, 60-82, 60-85, 60-117, 60-119, 60-121, 60-123, 60-125, 60-127, 60-129, 60-131, 60-133, 60-134, 60-136, 60-138, 60-139, 60-141, 60-142, 60-143, 60-145, 60-147, 60-150, and 60-152 must be submitted on a variable profit share basis with a capital recovery factor of 0.75 and a fixed cash bonus of $2 million.

The Department of Energy is under court order to publish final regulations for this system by May 25, 1981. Proposed regulations for this system (10 CFR 376 and 390) appeared in the Federal Register on March 5, 1981, at 46 FR 15484. The Supreme Court has granted certiorari to review the decision of the U.S. Court of Appeals for the District of Columbia Circuit in Energy Action Educational Foundation v. Andrus, Civil No. 79-1633. Tracts are proposed to be offered under the variable net profit share bid system to facilitate their inclusion in Sale No. 60, subject to implementation of the court's order. A final decision on the offering of tracts under this system will be announced in the Notice of Sale to be published in August 1981.

(c) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum annual royalty payment of $8 per hectare or fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., a.h.s.t., September __, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971). See Item 14, "Information to Lessees."

6. Bid Opening. Bids will be opened on September __, 1981, beginning at 10 a.m., a.h.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, September __, 1981, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

a. The bidder has complied with all requirements of this notice and applicable regulations;

b. The bid is the highest valid bid; and

c. The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $62 or more per hectare or fraction thereof. No profit share bid will be considered for acceptance unless it provides for a profit share rate of at least 30 percent.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3318 within the time provided in 43 CFR 3316.5.

11. Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510, at $2 each.

a. Outer Continental Shelf Official Protraction Diagram NO 5-1, Iliamna (approved 3/20/75).

b. Outer Continental Shelf Official Protraction Diagram NO 5-2, Seldovia (approved 3/20/75).

c. Outer Continental Shelf Official Protraction Diagram NO 5-3, Mt. Katmai (approved 7/3/75).

d. Outer Continental Shelf Official Protraction Diagram NO 5-4, Afognak (approved 7/3/75).

12. Tract Descriptions. The tracts offered for bid are as follows: Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice.

OCS OFFICIAL PROTRACTION DIAGRAM, Iliamna NO 5-1
(Approved 3/20/75)

OCS OFFICIAL PROTRACTION DIAGRAM, Seldovia NO 5-2
(Approved 3/20/75)

OCS OFFICIAL PROTRACTION DIAGRAM, Iliamna NO 5-1
(Approved 3/20/75)

Tract No.	Block No.	Designation	Hectares
60-1	484	All	2304
60-2	527	All	2304
60-3	615	All	2304
60-4	659	All	2304
60-5	703	All	2304
60-6	748	All	2304
60-7	836	All	2304
60-8	880	All	2304
60-9	923	All	2304
60-10	924	All	2304
60-11	968	All	2304
60-12	1011	All	2304
60-13	1012	All	2304
60-14	1055	All	2304
60-15	1056	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, Seldovia NO 5-2
(Approved 3/20/75)

Tract No.	Block No.	Designation	Hectares
60-16	93	All	1037 (est.)
60-17	94	All	2304
60-18	137	All	2028 (est.)
60-19	138	All	2304
60-20	181	All	2304
60-21	182	All	2304
60-22	186	All	2304
60-23	224	All	2304
60-24	225	All	2304
60-25	226	All	2304
60-26	228	All	2304
60-27	229	All	2304
60-28	230	All	2304
60-29	268	All	2304
60-30	269	All	2304
60-31	270	All	2304
60-32	271	All	2304
60-33	272	All	2304
60-34	273	All	2304
60-35	312	All	2304
60-36	313	All	2304
60-37	314	All	2304
60-38	315	All	2304
60-39	316	All	2304
60-40	317	All	2304
60-41	359	All	2304
60-42	360	All	2304
60-43	361	All	2304
60-44	404	All	2304
60-45	405	All	2304
60-46	487	All	2304
60-47	533	All	2304
60-48	580	All	2304
60-49	621	All	2304
60-50	625	All	2304
60-51	661	All	2304
60-52	662	All	2304
60-53	663	All	2304
60-54	664	All	2304
60-55	665	All	2304
60-56	666	All	2304
60-57	669	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, Seldovia NO 5-2, continued

Tract No.	Block No.	Designation	Hectares
60-58	705	All	2304
60-59	706	All	2304
60-60	707	All	2304
60-61	713	All	2304
60-62	751	All	2304
60-63	756	All	2304
60-64	757	All	2304
60-65	793	All	2304
60-66	795	All	2304
60-67	800	All	2304
60-68	837	All	2304
60-69	838	All	2304
60-70	881	All	2304
60-71	882	All	2304
60-72	925	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, Mt. Katmai NO 5-3
(Approved 7/3/75)

Tract No.	Block No.	Designation	Hectares
60-73	43	All	2304
60-74	44	All	2304
60-75	88	All	2304
60-76	131	E1/2E1/2	576
60-77	132	All	2304
60-78	176	All	2304
60-79	219	NE1/4,SE1/4ex1/4, E1/2	1872
60-80	220	All	2304
60-81	263	All	2292 (est.)
60-82	264	All	2304
60-83	306	All	2028 (est.)
60-84	307	All	2304
60-85	308	All	2304
60-86	350	All	2304
60-87	351	All	2304
60-88	352	All	2304
60-89	394	All	2304
60-90	395	All	2304
60-91	396	All	2304
60-92	438	All	2304
60-93	439	All	2304
60-94	479	All	2304
60-95	480	All	2304
60-96	481	All	2304
60-97	482	All	2304
60-98	483	All	2304
60-99	522	All	2304
60-100	523	All	2304
60-101	524	All	2304
60-102	525	All	2304
60-103	526	All	2304
60-104	565	All	2304
60-105	566	All	2304
60-106	567	All	2304
60-107	568	All	2304
60-108	569	All	2304
60-109	570	All	2304
60-110	607	All	2304
60-111	608	All	2304
60-112	609	All	2304
60-113	610	All	2304
60-114	611	All	2304
60-115	612	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, Mt. Katmai NO 5-3, continued

Tract No.	Block No.	Designation	Hectares

OCS OFFICIAL PROTRACTION DIAGRAM, Afognak NO 5-4
(Approved 7/3/75)

OCS OFFICIAL PROTRACTION DIAGRAM, Mt. Katmai NO 5-3, continued

Tract No.	Block No.	Designation	Hectares
60-116	613	All	2304
60-117	651	All	2304
60-118	652	All	2304
60-119	653	All	2304
60-120	654	All	2304
60-121	655	All	2304
60-122	656	All	2304
60-123	695	All	2304
60-124	696	All	2304
60-125	697	All	2304
60-126	698	All	2304
60-127	699	All	2304
60-128	737	E1/2,E1/2W1/2	1728
60-129	738	All	2304
60-130	739	All	2304
60-131	740	All	2304
60-132	741	All	2304
60-133	742	All	2304
60-134	781	All	2304
60-135	782	All	2304
60-136	783	All	2304
60-137	784	All	2304
60-138	785	All	2304
60-139	825	All	2304
60-140	826	All	2304
60-141	827	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, Afognak NO 5-4
(Approved 7/3/75)

Tract No.	Block No.	Designation	Hectares
60-142	48	All	2304
60-143	90	All	2304
60-144	91	All	2304
60-145	92	All	2304
60-146	133	All	2304
60-147	134	All	2304
60-148	135	All	2304
60-149	177	All	2304
60-150	178	All	2304
60-151	221	All	2304
60-152	265	All	2304
60-153	309	All	2304

13. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, Alaska Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on (1) a cash bonus basis with a fixed net profit share, listed in paragraph 4 (a); and (2) a net profit share basis with a fixed cash bonus, listed in paragraph 4 (b), Form 3300-1 will be amended as follows:

Sec. 4. Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of _____ percent with a _____ capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this proposed sale. In the following stipulations the term DCM refers to the the Deputy Conservation Manager for Field Operations, Alaska Region, U.S. Geological Survey and the term Manager refers to the Manager of the Alaska OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the DCM has reason to believe that a site, structure or object of historical or archaeological significance (hereinafter referred to as "cultural resource") may exist in the lease area and gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements.

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement (hereinafter in this stipulation referred to as "operation"), the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys, as well as other pertinent natural and cultural environmental data, shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to affect adversely the identified location; or (2) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and the Manager for review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given direction as to its

significant biological populations or habitats deserving protection; or (3) establish to the satisfaction of the DCM that such operations will not adversely affect the significant biological populations or habitats deserving protection.

adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DOM has given directions as to its preservation.

The lessee agrees that if any site, structure or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DOM and make every reasonable effort to preserve and protect the cultural resource from damage until the DOM has given directions as to its preservation.

Stipulation No. 2

If the DOM, having reason to believe that significant biological populations or habitats requiring additional protection may exist within the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall, upon receipt of such notice, comply with the following requirements:

Prior to the commencement of any drilling activity, or construction or placement of any structure for exploration or development activity, the lessee shall conduct site-specific environmental surveys or studies, including sampling as approved by the DOM, to characterize existing environmental conditions in an identified zone prior to oil and gas operations, and to determine the extent and composition of biological populations or habitats, and the effects of proposed operations on the populations or habitats which might require additional protective measures. The nature and extent of any such surveys or studies will be determined by the DOM on a case-by-case basis.

Based on any surveys or studies which the DOM may require of the lessee, the DOM may require the lessee to: (1) relocate the site of operations so as not to affect adversely the significant biological populations or habitats deserving protection; (2) modify operations in such a way as not to affect adversely the significant biological populations or habitats deserving protection; or (3) establish to the satisfaction of the DOM that such operations will not adversely affect the significant biological populations or habitats deserving protection. Based on any surveys or studies which the DOM may also require of the lessee, the DOM may require the lessee to provide for periodic sampling of environmental conditions during operations.

The lessee shall submit all data obtained in the course of such surveys or studies to the DOM, with the locational information for drilling or other activity. The lessee may take no action that might result in any effect on the biological populations or habitats surveyed, until the DOM provides written directions to the lessee with regard to permissible actions.

In the event that important biological populations or habitats are identified subsequent to commencement of operations, the lessee shall make every reasonable effort to preserve and protect all biological populations and habitats within the lease area, until the DOM provides written instructions to the lessee with regard to the biological populations or habitats identified.

Stipulation No. 3

The lessee shall include in any exploration and development plans submitted under 30 CFR 250.34 a proposed environmental training program for all personnel involved in exploration or development activities (including personnel of the lessee's contractors and subcontractors) for review and approval by the DOM. The program shall be designed to inform each person working on the project of specific types of environmental, social, and cultural concerns which relate to the individual's job. The program shall be formulated by qualified instructors experienced in each pertinent field of study, and shall employ effective methods to insure that personnel are informed of archaeological, geological, and biological resources, to include bird and sea mammal rookeries, to identify the importance of avoidance and non-harassment of wildlife resources.

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The program shall also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating and shall include information concerning avoidance of conflicts with commercial fishing operations and with commercial fishing gear.

The lessee shall also provide for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

Stipulation No. 4

Pipelines will be required: (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the intergovernmental planning program for assessment and management of transportation of Outer Continental Shelf oil and gas with participation of Federal, State, and local governments and industry.

All pipelines, including both flow lines and gathering lines for oil and gas, shall be designed and constructed to provide for adequate protection from water currents, storms, geohazards, fisheries trawling gear, and other hazards as determined on a case-by-case basis.

Following the development of sufficient pipeline capacity, no crude oil will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the DCM.

Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act (46 U.S.C. 391a) and the Port and Tanker Safety Act of 1978 (33 U.S.C. 1221).

Stipulation No. 5

(To be included only in the leases resulting from this sale as specified in 4(a) Bonus Bidding with a Fixed Net Profit Share and 4(b) Net Profit Share Bidding with a Fixed Cash Bonus).

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production saved, removed or sold from the lease area may be taken as a net profit share payment in amount, except as provided in Sec. 15(d); additional net profit share payments shall be calculated to include the value of such production in excess of 16-2/3 percent.

14. Information to Lessees. Bidders are advised that during the conduct of all activities related to leases issued as a result of this proposed lease sale, the lessee and its agents, contractors and subcontractors will be subject to the provisions of the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, as amended, and International Treaties. Violations of these Acts and Treaties may be reported to the National Marine Fisheries Service or U.S. Fish and Wildlife Service, as appropriate.

The lessee or his contractors should be aware that disturbance of wildlife could be determined to constitute harassment, and thereby be in violation of existing laws. Behavioral disturbance of most birds and mammals found in or near the sale 60 area would be unlikely if ocean vessels and aircraft maintained at least a 1-mile distance from observed wildlife or known wildlife concentration areas such as bird colonies or marine mammal rookeries. Therefore, in concurrence with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, it is recommended that aircraft or vessels operated by lessees maintain at least a 1-mile distance from observed wildlife or known wildlife concentration areas. Human safety will

Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been assigned a deferred effective date of April 29, 1981, pending review of these regulations

Marine Fisheries Service and the U.S. Fish and Wildlife Service, it is recommended that aircraft or vessels operated by lessees maintain at least a 1-mile distance from observed wildlife or known wildlife concentration areas. Human safety will take precedence at all times over distances recommended herein for avoidance or disturbance of wildlife. Maps locating major wildlife concentration areas are available through the DCN and appropriate resource agencies.

Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes which might be established, among other reasons, for the purpose of protecting commercial fisheries. Bidders are advised that the United States reserves the right to designate necessary fairways through leased tracts pursuant to the Port and Tanker Safety Act of 1978 (33 U.S.C. 1221).

Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a royalty rate based on a sliding scale.

Bidders for these tracts should recognize that the Department of Energy is authorized under section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal Oil and Gas Leases.

Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been assigned a deferred effective date of April 29, 1981, pending review of those regulations (see Federal Register of January 28, 1981, at 46 F.R. 9084). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in section 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1) regarding the aggregate value of contracts over a 12-month period (see the Federal Register of December 30, 1980, at 45 F.R. 86231-86232).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Alaska Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Attachment A
Suggested Bid Form
for Net Profit Share Bidding with a Fixed Cash Bonus

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No.	Percent Net Profit Share Bid (1)	Amount of fixed Cash Bonus Submitted with Bid
_____	_____	_____

Proportionate Interest of
Company(s) Submitting Bid

Qualification No._____ Company _____

Percent Interest_____ Address _____

_____

_____

_____
Signature

(Please type signer's name under signature)

(1) Express in percent to a maximum of 3 decimal places after the decimal point, for example: 50.123%.

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federal register

Monday
May 11, 1981

Part III

Federal Communications Commission

Radio Broadcast Services; Revision of Applications for Renewal of License of Commercial and Noncommercial AM, FM, and Television Licensees

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-253; RM-2898; FCC 81-146]

Radio Broadcast Services; Revision of Applications for Renewal of License of Commercial and Noncommercial AM, FM, and Television Licensees

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this Report and Order, the Commission determines the issues raised on its own motion in a Notice of Proposed Rule Making, adopted on June 4, 1980. Those issues concern proposed changes in the FCC's renewal process and related filings. The Commission is adopting a simplified renewal application containing five questions and is revising its renewal enforcement techniques shifting from review of all licensees at renewal time, to a random sampling approach selecting a portion of all television and noncommercial radio licensees for audits and field inspections. The FCC also simplifies licensee public notice requirements, and eliminates certain filing requirements associated with the renewal process. The FCC determines that these modifications will result in savings to the industry and the FCC and also more efficient use of the FCC's resources.

DATE: The rule changes set out in Appendix B are effective June 10, 1981. The forms adopted in this report and order (Appendices C, D, and E) will be effective after approval by the Office of Management and Budget.

FOR FURTHER INFORMATION CONTACT: Israel Teitelbaum, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of revision of applications for renewal of license of commercial and noncommercial AM, FM, and Television Licensees, BC Docket No. 80-253, RM-2898.

Report and Order—Proceeding Terminated

Adopted: March 20, 1981.

Released: May 11, 1981.

By the Commission: Chairman Ferris not participating; Commissioner Fogarty concurring in the result.

1. On June 4, 1980, we adopted a *Notice of Proposed Rule Making* in this proceeding proposing a dramatic shift in our renewal procedures for broadcast licensees. FCC 80-327. We proposed to eliminate our detailed review of lengthy renewal filings and to adopt a procedure which uses a five-question simplified renewal application (SRA). We have considered the comments and reply comments filed in this proceeding and have determined that adoption of this proposal is warranted.

Summary of Action Taken

2. In the *Notice* we observed that our proposal would result in significant savings to the Commission and the industry without any diminution in the substance of licensee service to the public. Congress had fashioned a broad standard for licensing broadcast entities. The Communications Act provides that "* * * the Commission shall determine, in the case of each application filed with it * * *, whether the public interest, convenience and necessity will be served by the granting of such application," 47 U.S.C. 309(a). In order to acquire the data necessary to comply with the public interest standard for renewal of license, Congress provided that applications.

> * * * shall set forth such facts as the Commission by regulation may prescribe as to citizenship, character, and financial, technical and other qualifications of the applicant to operate the station.
> 47 U.S.C. 308(b).

3. We believe that we can discharge our obligations by adopting a simplified renewal application (SRA) as the standard application for renewal of license for all commercial and noncommercial licensees. We are implementing new enforcement measures to be used in conjunction with the SRA. At least five percent of all commercial TV and noncommercial licensees will be selected at random to complete audit forms which are similar to the applications they currently file for renewal of license. A second sample of all licensees, including commercial radio, will receive on-site inspections by Field Operations Bureau (FOB) personnel. In those inspections FOB will continue its current practice of monitoring the technical compliance of broadcast licensees and will also review public inspection files to assure that licensees are complying with our requirements for making particular data concerning their operations available to the public. As a third measure, the Broadcast Bureau may conduct on-site inspections of a number of licensees who submit problem applications. Also, some Broadcast Bureau field inspections may be undertaken to verify the data provided to us by licensees. As a separate matter, we have considered a request filed by the National Radio Broadcasters Association to simplify our requirements related to the regular and pre- and post-filing announcements made by broadcast licensees to apprise the public that they are licensed every three years to serve the public interest. Some relief in this area has been provided.

4. We are confident that this new process will prove cost-effective for the Commission. Yet, we have not adopted any changes in our technical, programming, or other substantive requirements that licensees serve the public interest. Only procedural requirements have been altered.

Background

5. Over the years, as the Commission refined its regulation of the broadcast industry, questions reflecting the implementation of new or modified rules have made their way into license renewal applications. For example, advancement from the generalized requirement that licensees know the needs of their communities set out in the 1960 *En Banc Programming Inquiry*, 44 F.C.C. 3303, to the implementation of fixed procedures for ascertaining these needs as adopted in the *Ascertainment Primer* [1] in 1970, resulted in the addition of questions on the renewal applications of commercial licensees. Our interest in the presentation of public service announcements caused questions on them to be added to the renewal applications. Our concern with television programming to meet the needs of children and to assure that television licensees exercised restraint in the quantity of commercial matter presented in conjunction with children's programming was reflected in questions added to the television renewal application. And the Commission attempt to develop information concerning the presentation of nonentertainment television programming gave rise to the Annual Programming Report (FCC Form 303-A) for use in conjunction with the renewal application.

6. The Commission established firm processing criteria for review of some of these matters. Thus, licensees who presented or promised to present nonentertainment programming falling below specific percentages set out in § 0.281 of our rules (see Appendix G) had their applications brought before the entire Commission for review. Those applications could not be routinely processed and granted under authority granted to the Chief of the Broadcast Bureau. Section 0.281 (see Appendix G) thresholds were established for the quantities of commercial matter

[1] *Ascertainment of Community Problems*, 27 F.C.C. 2d 650 (1971).

presented, with specific thresholds for commercials presented in conjunction with children's programming. Guidelines were included to require Commission consideration of applicants whose presentation of nonentertainment programming varied sharply from what was proposed in the last renewal application, even if the amount presented was greater than the threshold percentages set out in Section 0.281.

7. This has led to the use of renewal applications requiring the filing of extensive documentation by licensees. Until the recent adoption of the *Radio Deregulation* decision (see para. 30, *infra*), even the Radio Renewal Form, FCC 303–R, printed on two sides of a page and containing 24 questions, became a substantial filing once all the exhibits called for by the application were attached. Our renewal form for commercial TV licensees, FCC Form 303, with its instructions is 21 pages long; the noncommercial renewal application, 15 pages.

8. A large staff was accumulated for review and assessment of these materials. Additional clerical and support staff were required to separate portions of the application; transmit those sections to various Branches within the Broadcast Bureau; and to tabulate some of that information. To the public, the industry, and the Commission this process evolved as the basis for this agency's compliance with our requirement to obtain the necessary information from licensees upon which to determine whether a grant of renewal of license was in the public interest.

9. In 1976, the Commission concluded the most recent in a series of reviews of the renewal application process. *Revision of FCC Form 303*, 37 RR 2d 1, *recon. denied*, 38 RR 2d 755 (1976). In that proceeding we eliminated several questions which yielded information of marginal utility and revised certain other questions to elicit only that information needed by the Commission to discharge its responsibilities. The direct outgrowth of that proceeding was adoption of a new and separate renewal application for commercial radio licensees, FCC Form 303–R. However, that proceeding gave no consideration to the nature of the renewal process, only to the efficacy of specific questions. Thus, the renewal applications adopted therein continued to elicit information on legal, technical, engineering, programming and equal employment opportunity performance of each licensee. The Commission did eliminate the required filing of balance sheets for commercial radio licensees, but not for commercial TV.

10. Even with the changes adopted in 1976, the renewal process remains costly and time consuming for both licensees and the Commission. Broadcasters must reduce their records to the form demanded by the application. Once the application reaches the Commission, it must be checked in, routed to the various reviewing offices, reviewed and ultimately stored. Realizing the costs imposed on licensees by the triennial filings and faced by competing demands for our own scarce resources, the Commission commenced a review of the renewal process itself, to ascertain what reductions in the burdens to both licensees and the government could be accomplished in a manner consistent with our regulatory obligations under the Communications Act. That review culminated in proposals to trim the renewal application process to its essential elements. The proposals adopted represented no change in substantive policies for service in the public interest.

11. What we proposed to change were the procedures by which we intend to monitor licensee compliance with our rules and policies. We observed that over the years most licensees have met or exceeded our operating guidelines and a renewal process which has consumed substantial Commission resources has resulted in few applications designated for hearing for failure to comply with our rules and policies. We therefore proposed that our processes be reduced to a level consistent with our obligations under the Act. We proposed to eliminate certain filing requirements which resulted in the submission of materials that were not reviewed by the Commission, and to adopt procedures which would assure that licensees continued to carry out their duties to serve the public interest consistent with our rules.

Proposals

12. As set out in the *Notice*, we proposed new processes that would require less direct review by the Commission's staff yet insure licensee compliance with our substantive requirements. Those processes would include implementation of a simplified renewal application in conjunction with audits and field inspections of randomly selected licensees to assure their compliance with our rules. The questions contained on the SRA would provide the Commission with adequate information to make its public interest finding consistent with the Communications Act. It would insure that all licensees comply with the Act's alien ownership requirements, have filed necessary equal employment opportunity and ownership information with the Commission, and are maintaining the additional data required by our rules in their public inspection files.

13. In addition, we proposed that 5 percent of all affected licensees be audited by filing a more detailed long form. Our selection was to be drawn randomly so that no licensee would know if it would be audited. Since the SRA questions are integrated into the audit form, licensees which received an audit form would not receive the SRA. The audit forms proposed are similar to the current renewal applications used by the Commission. However, a number of questions of marginal utility on existing forms were proposed for elimination. The audit form requires a licensee to demonstrate how it has ascertained community needs and interest, the programming service it has provided, including the amounts of nonentertainment programming, commercial matter, PSA's, and for television licensees information concerning its programming to the child audience. Finally, it requires the licensee to make promises concerning its operation in the future in these areas. These promises are to remain in effect until the Commission is notified of a proposed change.

14. We also proposed that a sample of 10 percent of all licensees be selected at random for visits by personnel from our Field Operations Bureau to determine whether those licensees are in compliance with our technical requirements and to review the contents of the public inspection file for completeness. This measure was proposed to assure that licensees develop a record by which we can review compliance with substantive Commission requirements and that this material remains available to members of the public. The public inspection file will contain promises concerning the levels of nonentertainment programming to be offered in the future, the amount of commercial time that will be aired, and documentation of a licensee's compliance with our ascertainment requirements and equal employment opportunity policies. All of this and other material currently forming the basis for review of a licensee's past and proposed operations would remain available for public and Commission scrutiny. In this fashion, the integrity of our petition to deny process is preserved and adequate data made available to members of the public wishing to verify

their concerns regarding a licensee's service to the public. Finally, we proposed that our Broadcast Bureau staff would conduct on-site inspections of some licensees submitting problem SRA's and audit form applications. If few such Broadcast Bureau inspections are necessary we proposed to select at random an indefinite number of licensees for on-site inspections to check the data filed in their renewal applications and other forms for reliability.

15. Additionally, the *Notice* merged into this proceeding a proposal to simplify licensee public notice obligations. This proposal was filed by the National Radio Broadcasters Association, which contends that the process by which licensees apprise the public of a licensee's obligation to the public is too cumbersome and complicated. It therefore proposed simplified announcements and timing for the presentation of these announcements. A detailed review of these matters and of the comments submitted in this proceeding follows. The *Notice* also proposed significant other reductions in the burdens associated with the renewal applications filed by all licensees. We suggested that commercial television licensees be relieved of the burden of submitting balance sheets at renewal time and of some of the obligations associated with the Annual Programming Report, FCC Form 303–A. Licensees would submit their EEO Model Programs to the Commission only if our review of their employment profiles and other pertinent data revealed a need for us to delve further into this area. Other proposals were made and are discussed below.

The Simplified Renewal Application

16. Having discussed, in general, the proposals before us, we turn our attention to the specific elements of the proceeding. The Commission proposed to adopt a simplified renewal application (SRA) which would elicit basic information concerning each licensee from which we could determine whether there were any impediments to a grant of renewal. The sample SRA attached to the *Notice* (Appendix A, therein), contained five questions.

—*Question 1* identifies the licensee and its location.

—*Question 2(a)* asks whether the licensee has complied with its obligation to file its Annual Employment Reports (FCC Form 395). This question assures that our Equal Employment Opportunity Branch has the information needed to review all licensees' compliance with our nondiscrimination and affirmative action requirements. With this information in hand, that Branch can act to defer an application for renewal of license if an adequate concern regarding a licensee's compliance is raised by those annual filings.

—*Question 2(b)* verifies that a current ownership report is on file at the Commission for every licensee.

—*Question 3*, demonstrated that a licensee remains in compliance with Section 310 of the Act relating to interests of aliens and foreign governments in broadcast licenses. The Commission currently gathers information concerning the citizenship of those who hold interests in a licensee through the ownership reports they must file with the Commission (FCC Forms 323 and 323–E). These forms would adequately apprise the Commission of compliance with Section 310 of the Act for most licensees. However, licensee corporations having more than 50 stockholders submit information only for stockholders who are officers and directors or who hold more than one percent of the stock of the corporation. The same is true for a party that has more than a one percent ownership interest in a noncommercial licensee and is not an officer or member of the licensee's governing board. The Act permits some alien ownership of shares of a broadcast facility. However, it is possible that one of a number of those holding such interests could place a licensee out of compliance with Section 310 of the Act by aggregation of these small interests. That fact would not be disclosed by the licensee's ownership reports. In the *Notice*, we stated our view that the burden of assuring compliance with Section 310 should be placed upon the licensee.

—*Question 4* confirms the applicant's continued good character, asking whether since the filing of the applicant's last renewal application an adverse finding was made, a consent decree entered, or a final action approved by a court or administrative body concerning particular conduct bearing on a licensee's character. These include actions concerning felonies, lotteries, unlawful restraints or monopolies, unlawful combinations, contracts or agreements in restraint of trade or the use of unfair methods of competition. An affirmative answer to this question would require a full description of that matter and would result in scrutiny of that information at the Commission.

—*Question 5* protects the integrity of the petition to deny process and the Commission's own ability to review for each licensee the full range of its compliance with our rules. That question asks whether the applicant has placed in its public inspection file at the appropriate times the documentation required by §§ 73.3526 and 73.3527 of the Commission's rules. Those sections require licensees to retain and place in their public inspection files recent applications and associated exhibits filed with the Commission. Under those sections, other significant information must also be kept on file and made available to the public including: *The Public and Broadcasting—A Procedure Manual*, which sets out licensee obligations to the public and the avenues available to the public for consideration of complaints; Annual Employment Reports (FCC Form 395) for the last seven years; the licensee's Equal Employment Opportunity Model Program; composite week logs for verification of a licensee's programming performance; and a full range of ascertainment documentation.

Comments[1]

17. The proposed adoption of the simplified renewal application generated a wide range of comments. Action for Children's Television (ACT), the Office of Communication—United Church of Christ (UCC), Citizens Communication Center (CCC), National Citizens Committee for Broadcasting and Public Media Center (NCCB–PMC) argued that the questions on the SRA do not provide an adequate basis from which the Commission can reach the statutory finding that a grant of renewal serves the "public interest, convenience and necessity." 47 U.S.C. 307(d) and 309. In this vein NCCB–PMC argued that "at the heart of this rule making is a switch from a renewal form capable of measuring licensee performance and capabilities to one whose only concern is whether a licensee is a law violator * * *." Citing *Office of Communication of the United Church of Christ* v. *FCC*, 425 F.2d 543, 548 (D.C. Cir. 1969), NCCB–PMC argued that by adoption of the proposed SRA the Commission would be abdicating its responsibility to develop a meaningful record on which to renew a license. CCC echoes this view and adds that "the Commission itself has stated that renewal application must normally provide the Commission with sufficient information to make its public interest determination. *Renewal of Broadcast License*, 44 F.C.C. 2d 403, 406 (1973)." These comments posit that the Commission cannot renew a broadcast license without a detailed review of each licensee's performance.

18. UCC and others add that adoption of the SRA would result in grants of licenses beyond the three years permitted under the Act. This view is based upon the contention that the Commission would be discharging its statutory obligations only in connection with licensees who complete the audit form application. Thus, the actual license term would be between the times that a licensee completed the proposed audit forms. Since the statute provides only for 3-year license terms

[1] Where comment on a particular matter was light, the comments may be integrated into the discussion of our resolution of that matter. We have not set out every particular suggestion or comment, but all comments have been considered. Finally, some minor or technical suggestions which were unopposed are reflected in form or rule changes without discussion in this *Report and Order*.

this course of action would be prohibited.

19. National Black Media Coalition (NBMC) and NCCB–PMC raise concerns regarding the statement in our *Notice* that, "* * * we have found that the best vehicle for bringing violations to our attention has been public participation in our processes through petitions to deny, informal objections, and complaints." From this language, they conclude that the Commission has shifted primary regulatory responsibility for broadcasting to the public and citizen's groups. NCCB–PMC argued that we should consider the fairness to licensees of having their renewals depend heavily on the existence or absence of concerned citizens in their communities. NBMC maintains that:

> The *entire* annual budgets of all the media reform organizations, local and national, in the country would not purchase a single sixty second commercial on the Superbowl. It is fundamental that costs should be borne by those capable of bearing them. No licensee has suffered by bearing these costs thus far.

NBMC also contends that the SRA will deprive citizens groups of easy access to licensee records, and that requiring citizens to inspect station files locally to obtain information will have a chilling effect on public participation. In this regard, it states:

> Even more serious is the problem faced by those, including but not limited to, many of our affiliates who desire to read licensee files without either the licensee's awareness that they are being read, or the licensee's awareness of which specific documents are being perused. A station employee with a grievance, a union, a political candidate, and a potential future job applicant are only some of the many types of people with an interest in what might be in a public file and a legitimate fear of reading the file itself. Often, these individuals rely on those of us in Washington to go to the FCC and find the relevant information for them. More often they do without.

The Committee for Community Access (CCA) suggests that if the SRA is adopted renewal information be sent to the Commission but not looked at by Commission staffers unless it is necessary to do so. NCCB–PMC urges us to require licensees to ship documentation to Washington at the licensee's expense on request by a member of the public.

20. ABC, General Electric Broadcasting Co. (GEBCO), WNET and Joint Comments (see Appendix A), disagree with these comments concerning our authority. They argue that the Commission has very substantial discretion to reconsider, and review, from time to time, the appropriateness of regulations affecting broadcasting, including the continued need for particular information in connection with renewal applications. The NAB supports this view citing *FCC* v. *Pottsville Broadcasting Co.*, 309 U.S. 134, 138 (1940). These commenters go on to say that many of the Commission's regulatory "tools," such as ascertainment, minimum programming percentages, commercial standards and program log requirements were not derived from specific statutory requirements, and that the Commission carried out its mission for many years with either no requirements in this area or with different less burdensome ones. Thus, these licensees comment that contrary to the assertions of these opposing parties, it is fully within the power of the Commission to revise and eliminate regulations when, in light of accumulated experience, it finds them burdensome and of little or no value in making the public interest judgments called for by the Act.

21. Support for our SRA proposal was received from the law firm of Smith & Pepper and from KEZY Radio, Inc. A number of comments from noncommercial broadcasters and their associations also supported these proposals. Illinois Eastern Community College believes that, "coupled with the proposed random audit and field inspections, the new renewal application process will adequately assure compliance with Commission rules and the Communications Act while, at the same time, providing the Commission, public and industry substantial savings in costs, effort and paperwork * * *." These sentiments were supported in reply comments filed by the National Federation of Community Broadcasters and the West Virginia Board of Regents. National Public Radio (NPR) "heartily" endorsed our proposal indicating that an NPR informal survey of a small number of its member stations revealed that an average of 48 hours of station staff time is required for preparation of the current renewal application, time which it contends could be better directed to programming.

22. The *Notice* asked whether any other questions should be added to the SRA. Aside from comments which argued that all of the questions currently asked should be put back, the United States Catholic Conference and ACT urged that we include a programming question on the SRA. The West Virginia Board of Regents urged that we include a question which would ask whether the licensee has complied with all Commission rules.

Discussion

23. The Commission's mandate to regulate the broadcast industry was broadly conceived to afford this Commission the flexibility it would need to meet new technology and changes in the public's needs. See *Philadelphia Television Broadcasting Co.* v. *FCC*, 350 F. 2d 282 (D.C. Cir. 1966). Indeed, the courts have determined that the language of Section 308(b) of the Act setting forth areas such as citizenship, character, financial, and technical qualifications, upon which the Commission shall make its public interest determination, merely provides examples of the types of areas concerning which the Commission may require licensees to submit information. *National Association of Regulatory Utility Commissioners* v. *FCC*, 525 F. 2d 630 (D.C. Cir. 1976) (*NARUC*). Concerning Section 308(b), in *NARUC* the Court held:

> That section leaves it within the discretion of the Commission to decide which facts relating to such factors it wishes to have set forth in applications. Since this leaves the Commission free to have no facts set forth on any of these matters, if it finds such action appropriate, if follows necessarily that the Commission is not required to consider financial fitness if it deems it irrelevant to its regulatory scheme. *Id.* at 645.

The Commission therefore has substantial discretion to reconsider and review the appropriateness of our regulations including the continued need for particular information in connection with renewal applications.

24. Historically, the Commission has used the renewal process to enforce its rules and policies. For example, our review of renewal applications has allowed the Commission to ferret out applicants who transgress processing guidelines for too many commercials, not enough nonentertainment programming, problems-programs lists that do not correlate, or licensees who have fallen significantly short of prior programming promises. Those who cross the established thresholds have their applications referred to the full Commission for review. Those who do not transgress those processing criteria are ordinarily granted renewal pursuant to delegated authority.

25. In essence the Commission grants applications that meet its processing criteria unless specific concerns are brought to its attention which lead it to conclude that the public interest would not be served thereby. In such cases, we have an obligation to create a full and complete record concerning pertinent conduct on the part of the licensee being considered. The thrust of the *United*

Church of Christ case, cited above, supports this view. In that case complaints were made to the Commission alleging that a licensee had engaged in discriminatory conduct. An adequate showing had been made raising a question of whether a grant of renewal would be in the public interest. Under such circumstances the "Commission and the Examiners have an affirmative duty to assist in the development of a meaningful record which can serve as the basis for the evaluation of the licensee's performance of his duty to serve the public interest." 425 F. 2d at 548.

26. Under the rules and policies adopted herein, the information necessary to conduct an in-depth review of a licensee's performance will be available at the station in the public inspection file. Interested citizens need only visit that file to avail themselves of the information necessary to support a complaint or petition to deny, should one be appropriate. We have weighed the concerns over confidentiality and do not believe them insurmountable. These concerns do not justify the added burdens on licensees and the Commission of requiring the filing of public file materials in Washington. Regarding the unavailability of data here in Washington, the purpose of broadcast regulation is to assure licensee operation in the public interest. Our concerns for assuring the ability of local citizens to monitor the operations of licensees who serve them are fulfilled by maintenance of local public files. Indeed, local record keeping should serve the ends of promoting dialogue between a licensee and interested members of its community. Therefore, we will not require the submission of such information to us in a blanket fashion.

27. We believe that our regulations and policies have guided the industry in the provision of adequate levels of nonentertainment programming. As stated in our *Notice*, our experience has shown that most licensees meet or exceed our processing guidelines. This is an important consideration in balancing Commission priorities. The Commission currently devotes enormous energies and space to the renewal process during a time when we carry a significant backlog of applications for new facilities and major changes. Currently awaiting resolution are approximately 250 petitions for rule making to assign new FM or television frequencies to particular communities; 850 applications for new AM, FM or television facilities; 650 applications for major changes in AM, FM or television licenses; 2,500 applications for low power television authorizations; 900 applications for new translator authorizations; and 100 applications for major changes in translator authorizations. The Commission is faced with budget reductions and it is, therefore, incumbent upon us to pursue the most efficient uses of our staff. Often this requires that we balance needs, emphasizing those which are most important. We believe that adoption of the SRA will free up scarce resources for use in other areas.

28. Our ability to make our public interest finding is preserved through the SRA. Our § 0.281 criteria are unaffected by the actions taken in this proceeding (see Appendix G). Nor have we altered the requirements for ascertainment or the presentation of programming to meet community needs and interests. Programming performance in the public interest can be monitored in this fashion as readily as other Commission requirements. We will retain an investigative staff ready and able to inquire into serious violations. FOB will continue to report on serious technical violations. The Renewal Branch will continue to review petitions to deny and informal objections. No change in the current petition to deny process embodied in Section 309 of the Act was proposed and we make no such change herein. Any facts adduced through this process which adequately raise questions of whether a renewal of license would be in the public interest will serve to defer renewal pending full consideration of those facts. These tools will act as a complement to the audit and inspection processes as they do to our current methodology. For licensees which are not audited or inspected we will assume continued compliance with our rules as we have done for so many rules that have never been part of the renewal application process. The audit and inspection process will reveal whether the premises upon which we act are ill-founded.[3]

29. Unlike radio deregulation, this proceeding was never intended to change our current substantive requirements for the broadcast industry, and it does not alter the substance of licensee obligations to serve the public interest. Rather, we are modifying the procedures for review of compliance with the Communications Act as well as our regulations and policies. In this regard, the SRA provides us with adequate information to make a determination that a licensee is not in violation of statutory requirements, has filed certain required reports with the Commission and has provided for the local public availability of certain required information. In the absence of any indications to the contrary, the information supplied by the SRA is thereby sufficient to make the statutory finding that grant of the subject renewal application would serve the public interest. However, the presumption of service in the public interest may be rebutted by SRA responses which indicate violations of statutory requirements, or Commission regulations. It would also be rebutted by substantial complaints or petitions to deny alleging violations of statute, the Commission's rules or policies.[4] Moreover, in order to insure the continued viability of this presumption, we will institute random long form audits of television and noncommercial radio licensees. The audit procedure will provide independent assurances of the conclusions which support the presumption.[5]

30. In this respect, we note that in the recently concluded radio deregulation proceeding [6] we determined that significant changes in the radio marketplace had occurred over the past 45 years so that detailed regulation of nonentertainment programming, ascertainment, commercial limits and logging practices were no longer required by this Commission. Therefore, for radio we eliminated the programming percentage guidelines, ascertainment requirements, commercial guidelines and program logging requirements maintaining a generalized obligation for stations to offer programming responsive to issues facing their communities. All renewal application questions relating to these areas were either eliminated or changed to reflect these changes in policy.[7] Since

[3] A number of commenters have urged that a change this significant should first be implemented on an experimental basis. We are confident that our methodology will work and do not believe that an experiment is needed. Should our confidence prove to be misguided we will certainly be in a position to institute a proceeding to consider this matter and to fashion adequate remedies.

[4] Situations in which the SRA, complaints or petitions to deny, indicate a problem in the operation of a broadcast station will be resolved in the same manner as under present procedures.

[5] Field inspections by the Field Operations Bureau, complaint procedures and the petition to deny process will provide additional assurances of the validity of the process.

[6] *Deregulation of Radio*, 46 FR 13888, published February 24, 1981.

[7] Question 12 of the current commercial radio renewal form was modified to ask "Has the applicant placed in its public inspection file at the appropriate times its annual list of issues which, in the applicant's judgment, warranted treatment by the station and typical and illustrative programming

Continued

we have eliminated the guidelines in these areas, a long form audit would serve no purpose. Indeed, we have essentially adopted an SRA for these licensees in our deregulation proceeding. Any shift to meaningful audit procedures for radio, therefore, would require us to undo the philosophy and impact of that proceeding. We will, therefore, with some modifications discussed below, adopt the simplified renewal application for commercial radio as its sole application and consider our proposed random long form audit procedure only for television and noncommercial licensees.[8] We will, however, conduct random FOB technical inspections and check the public inspection files of commercial radio licensees for completeness. Should our determination concerning radio deregulation be reversed on appeal, we will implement the long form audit discussed herein and in the *Notice* for commercial radio licensees.

The Long Form Audit

31. The *Notice* proposed three measures that would act as the enforcement tools in the suggested renewal procedure. Among them we proposed to randomly select 5 percent of all licensees and to send them an audit form instead of the SRA. The audit forms are similar to the renewal applications currently in use, and, when completed, will supply the Commission with all of the legal and programming information supplied in current renewal applications. To develop this information and for our enforcement purposes it was proposed that licensees would be required to retain in their public inspection files much of the same documentation as is required for completion of the existing applications. As noted above, no audit forms are being adopted for commercial radio licensees. The form adopted for commercial television licensees is found in Appendix D, the form for noncommercial licensees, in Appendix E.

Comments

32. Citizens groups and members of the public who disagreed with the proposed renewal process directed their concerns mainly to the inadequacy of the SRA as a basis for concluding that renewal of a particular license was in the public interest, or submitted the unsupported view that the proposed audit percentages are insufficient. Industry groups disagreeing with these proposals, including ABC, GEBCO, WNET and Joint Comments, attacked the Commission's premise that this process entailed any savings to the industry since it will have to compile all data currently prepared for completion of existing renewal applications. Very little comment was directed solely to the proposed audit forms. However, many licensees objected to what they perceived as mistrust on the part of the Commission. Thus, CBS took issue with the "hard look" we suggested for audited licensees. It believes that implicit in such a statement is the notion that many serious rule violations are not detected by either the Commission or the public and will be found by more effective searching.

33. A number of those commenting expressed opinions concerning the methods to be used for random selection should the proposals in the *Notice* be adopted. Comments on this topic were provided by parties favoring and opposing the proposed renewal procedures. NBC, Smith & Pepper and Cox Broadcasting Corp. (Cox) urged that the Commission employ a truly random sample. Smith and Pepper suggested that a computer programmed to generate numbers randomly might be used. Cox maintains that weighting the sample in favor of minorities, a proposal for which we requested comment, is unnecessary to achieve review of licensee compliance with our rules. It notes that in markets with statistically significant minority populations, station performance is already monitored by those minorities. Storer urges that the past ten years' history of citizen participation in the renewal process underscores the validity of this position. NBMC differs with this view and urges that samples be weighted to assure review in communities with significant Black American populations. Absent such weighting, NBMC is concerned that licensees will not have adequate incentive to program to this element of the community. Similarly, it urges that licensees found to have fallen short in the past be plugged in for a second audit. CCA recommends that the Commission separately draw complete random samples of radio and television licensees with no other weighting required. The Ohio Association of Broadcasters urges that audited licensees be assured that they will not be selected repeatedly.

Discussion

34. We have considered the comments of those who argue that audits of 5 percent of the industry are inadequate for enforcement purposes. We believe that a minimum of 5 percent would be adequate for enforcement purposes. Each station stands at least a 5 percent chance of being audited. The possibility of further Commission scrutiny is sufficient inducement to comply with our rules. Moreover, as indicated, this is the minimum number of audits we will do and flexibility is preserved to increase the number of audits we will do should it be demonstrated that an increase is warranted. Indeed, we may vary this percentage from license period to license period. We will never do less than 5 percent.

35. We have considered comments concerning weighting the random samples. We will draw our samples based on renewal filing periods. These samples will be drawn using a computer or manual random number generator. No personal choice will be exercised in the random selection process. A bi-monthly sample will be made for commercial television and noncommercial licensees from among the states that file together.[9] Drawing a sample for every renewal filing date will assure that samples are drawn widely across the country. This procedure will assure that all of these licensees, wherever located, stand at least a 5 percent probability of an audit. This is sufficient inducement to comply with Commission requirements. We believe that weighting for minority concentration is not necessary as all of these licensees will be equally prone to audit or inspection and there is no reason to assume that a licensee serving an area densely populated by minorities would be any less responsive to their needs than would a licensee located in an area with a sparse minority density. Similarly, since the thrust of our audits and inspections is enforcement, this goal is better served by drawing from pools of all television and noncommercial licensees each time the selection is made. It is conceivable that a licensee might escape selection time after time, but it is equally likely that a licensee will be selected time after time. It is the latter concern we wish to highlight. Similarly, since we will draw separate samples for the audit forms and FOB

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in response thereto?" SRA Question No. 5 would verify compliance with this requirement. (Appendix C.) Appendix J of the decision in the deregulation proceeding contains the changes made in FCC Form 303R. Those changes are effective for all commercial radio renewal groups filing on or after April 3, 1981.

[8] The *Notice* explained that we may have to conform this proceeding to any decisions made in our Children's Programming proceeding. See *Notice of Proposed Rule Making*, Docket No. 19142, 75 F.C.C. 2d 138 (1979). No action has been taken in that proceeding since adoption of the *Notice* in this proceeding.

[9] A separate sample of commercial radio licensees will be drawn for the Field Operations Bureau's on-site inspection of the public file.

inspections, a licensee may receive one, none or both of these inquiries.[10]

36. In its discussion of the audit forms, the *Notice* proposed not to continue the Commission's practice of requiring TV licensees to furnish balance sheets and to explain how they dispose of complaints from the public. Concerning the former, the *Notice* explained that balance sheets are no longer reviewed by our processing staff. We no longer perceive any need for this information. No opposition to the proposal was received and the requirement that these balance sheets be filed is therefore eliminated. Concerning the latter, we expressed the view that no meaningful response other than self-serving statements could be made in response to this question. NCCB–PMC argued that requiring the licensee to respond to this question will make licensees develop such methodology; that the answer will point out blatant unresponsive licensees; and that the public will identify blatant discrepancies between what licensees state in response to this question and the truth. We do not believe that this question is necessary to assure a dialogue between the licensee and the public. It is clearly in the licensee's own interest to maintain good relations will all sectors of its community. To the extent that a licensee might resist these reasons for maintaining good relations with members of it community, it is not likely that this question on the renewal form could effectively change that attitude. In other respects we find this question unusable for data or enforcement purposes. Therefore, this question is not included in the audit form.

The FOB Field Audit and Engineering Information

37. The Commission's Field Operations Bureau currently has local and regional offices around the country. Among its other functions, FOB monitors licensee compliance with our technical requirements. At the time our *Notice* was adopted, FOB monitoring of broadcast facilities was devoted largely to checks of the directional arrays of AM licensees. Approximately 500 such inspections were conducted annually. Recently, upon conclusion of its monitoring of AM directional arrays, FOB instituted a random selection process for review of the technical operations of all commercial and noncommercial licensees.

38. In the *Notice*, we stated that applicants for initial licensing for a commercial or noncommercial AM, FM or television facility or for modifications of existing facilities must submit substantial detailed engineering data to the Commission. See FCC Forms 340 and 341 (noncommercial facilities); and 301 and 302 (commercial facilities). We expect licensees to maintain their technical facilities and operations at the levels required by our rules and the licensees' authorizations. In this regard, we have stated:

> One of the most essential duties incumbent upon the licensee of a broadcast station is that of insuring the continuous operation of the transmitting equipment. In fact, this is an indispensable condition of the good service of any station. Failure of this equipment, due to causes reasonably within human control, whereby the public is deprived of service, denotes a state of carelessness and mismanagement which this Commission, in the exercise of its regulatory authority, will not condone.

Brooklyn Broadcasting Corp., 4 F.C.C. 521, 531 (1937), cited in *The Heart of the Black Hills Stations*, 32 F.C.C. 2d 196, 199 (1971), *recon. denied*, 25 R.R. 2d 10, *aff'd per curiam*, (D.C. Cir. 1973), *cert. denied*, 414 U.S. 1002. The Commission has denied revewal of license for continuous and repeated failure to comply with the technical requirements of our rules and the licensee's authorization. *The Heart of the Black Hills Stations, supra; United Television Co., Inc.*, 55 F.C.C. 2d 416 (1975), *recon. denied*, 37 R.R. 2d 503 (1976); *Charles C. Carlson (WJBW)*, 12 F.C.C. 902 (1948), *aff'd per curiam*, 172 F. 2d 766 (D.C. Cir.), *cert. den.*, 337 U.S. 930 (1949).

39. There was no opposition to the proposal to eliminate the engineering component of our renewal applications and substitute FOB monitoring. We continue to believe that checks for compliance with these rules are suited to random field inspections as will be undertaken by FOB and that violations in this area are particularly suited to assessments of forfeitures until compliance is attained.[11] Moreover, serious infractions of our technical rules are likely to be brought to our attention by the public or other affected licensees. This proposal will, therefore, be adopted. FOB has developed a random methodology for engineering review of licensees and has already implemented this procedure. Through this methodology it is currently inspecting the technical operations of a random selection of all licensees. Therefore, elimination of the engineering portion of all renewal applications can be implemented at the earliest permissible time.

40. We proposed that FOB personnel undertake, in addition to their technical duties, to review the public inspection files of approximately sixteen percent of all licensees. No specific comment pertaining only to this aspect of our proposal was made. Related comments are covered elsewhere in this *Report and Order*.

41. We conclude that these FOB inspections provide an effective means to assure that licensees retain the documentation that we require. We have prepared a checklist of particular public file documents (Appendix F) that FOB personnel will check for. While the list does not include every document for which we require retention, it does list those documents integral to the public and the Commission for most of their needs.

42. Recent cutbacks in our budget have eliminated a number of planned new FOB field offices and a number of existing field offices will be closed. Given this fact, we are reducing the number of planned field inspections to 10%. Further reductions may be necessary. If budget constraints require further reductions, we will continue to do a sufficient number of these audits to assure their utility as an enforcement tool. We believe that a review of the technical operations of a random selection of all licensees is adequate to assure licensee compliance. Moreover, as noted above, the FOB inspections of the public files will assure that information necessary for further review by the Commission and the public is available. All commercial television and noncommercial licensees will continue to place ascertainment documentation and composite week logs in their public inspection files. Radio licensees will file their issues-programs lists as well as other pertinent information.

The Broadcast Bureau Onsite Inspections

43. The final element of our proposed procedure is the Broadcast Bureau audit. We suggested that Broadcast Bureau personnel could be used to conduct on-site investigations of licensees submitting problem SRA's and audit forms. In addition, we proposed that if

[10] Virtually all of the information now available in renewal applications will be retained by licensees. Should we desire information for use in connection with policy considerations, we can request that information from all or some licensees. This strikes us as being more reasonable than routinely requiring the filing of information we may never use.

[11] We requested comment on use of alternate sanctions for noncompliance with our rules. No comments favoring such an approach were submitted. Many comments argued that we are without statutory authority to impose sanctions other than those provided by Section 503 of the Act. We do not reach the issue of authority to impose alternate sanctions, and have concluded that the monetary forfeitures currently allowed are adequate.

few such investigations were needed, we could select licensees at random for on-site inspections by the Broadcast Bureau personnel to check the data filed in license renewal applications and other forms for reliability.

44. The Broadcast Bureau's proposed field audits raised considerable concern. Many of those who might have otherwise supported use of the short form renewal application found the Broadcast Bureau audit to be too great a price to pay. As stated by the Maryland-D.C.-Delaware Broadcasters Association (MDCD), while some relief in the form could be helpful "... MDCD is extremely concerned about the catch to the SRA—the random field audit." It contends that now a licensee can have counsel active in the prosecution of a renewal application. It believes that it will not be practical to have counsel present for field audits, thereby abridging broadcasters' rights.

45. Weighing the benefits against the detriments, National Radio Broadcasters Association (NRBA) concluded that the industry would be trading decreased filing requirements for increased exposure to potential Commission sanctions for violations that might be discovered during field audits. NRBA and Ohio Association of Broadcasters interpreted the Broadcast Bureau's audit as all inclusive—exposing all facets of a licensee's operation to Commission scrutiny. ABC felt that the Broadcast Bureau field audit may well represent a "fishing expedition." CBS comments that such searches would have a chilling effect upon the exercise of licensee First Amendment rights Cox, which generally supports the Commission's proposal, concludes that the suggested Broadcast Bureau on-site inspection implies that the Commission has an unsubstantiated suspicion that licensees are not trustworthy.

46. Our proposal to check applications for reliability were perceived by many broadcasters to resemble illegal searches and seizures or random frolics through licensee operations. We did not intend such on-site visits to be in the nature of investigations. We did not propose to conduct interviews with staff members or to conduct a "fishing expedition" to elicit undisclosed violations. What we did intend was to verify the information supplied on SRA's or audit forms through use of information ordinarily generated for that purpose. Licensee public files will contain information which will permit us to review past programming and commercialization, promises and performance in those areas, completeness of the materials in the public file, ascertainment compliance, and programming to children, to name some of those areas. We consider the potential for this review as an important element of this proposed enforcement technique. We have not proposed to do any particular number of these inspections and will be free to structure these in a manner consistent with our perception of their need and our budgetary constraints. We will continue to "investigate" serious, adequately documented allegations of licensee misconduct. These will continue as the traditional investigation currently conducted by our Complaints and Compliance staff. These investigations would involve concerns such as misrepresentation or unauthorized transfers of control. However, under the new process adopted herein, we may also conduct on site "inspections" at stations that submit problem SRA's or audit forms that cannot be brought up to snuff through correspondence or telephone inquiries from our staff. Depending upon budgetary constraints, we may also conduct on site "inspections" of a number of stations selected at random to verify the accuracy of information submitted to us. This latter "inspection" will involve a review of only the types of information routinely reviewed by the Commission, such as program logs and public file materials. It will not include such investigative conduct as interviews with station employees or reviews of confidential financial information. As with the long form audit procedure, any on-site random audits will include only commercial television licensees and noncommercial television and radio licensees.

Equal Employment Opportunity

47. The *Notice* proposed that an updated EEO program would be deposited annually in the station's public file, and that the Commission would develop a method that, by review of Form 395 filings for conformance with our EEO percentage guidelines or such other factors as previous conditional renewals, would identify those renewal applicants whose EEO programs need in-depth reviews. These licensees would be informed, prior to the due date for their renewal applications, that their most recent annual EEO programs should be filed before we will consider a grant of their renewal applications. Unless called for, Model Programs would not be routinely filed with the Commission. Upon reflection, we conclude that all of these decisions are more appropriately made in the overall context of our pending EEO proceedings, Docket No. 21474. We are not, therefore, adopting our proposed deletion of this filing requirement. All licensees will continue to submit their Model Programs on the date that their renewal applications are due to be filed with the Commission. One final matter concerning EEO must be resolved. While we did not propose any methodology for licensees to continue to apprise us of complaints filed against them, we believe that this information should still be filed. Therefore, pending the final resolution of Docket 21474, we will require licensees to submit this information as a part of Element 10 of their Model Programs.

Ownership Reports

48. The Commission currently requires licensees with 50 or more stockholders to file a new ownership report every year. All other licensees submit a new ownership report every three years. Section 73.3615 permits a licensee to incorporate by reference an ownership report that was filed within three years of the application being submitted. We proposed to relieve licensees with current and unamended ownership reports on file at the Commission of the obligation to refile. We believe that approximately one-third of our licensees would benefit from this relaxation of our rules. Virtually all licensees benefitted by this proposal would be in the group of licensees with less than 50 stockholders. There were no comments opposing this proposal. Some licensees, such as Cox argued that current and amended reports should be sufficient to relieve licensees of this filing requirement. We would prefer to follow the course suggested by Cox. However, accurate ownership information is essential to our regulatory process. We have found that amendments have generated significant changes to the initial ownership reports on file. When it is necessary for us to reconstruct a licensee's ownership from these amendments we have the ability to do so. Nevertheless, on a current basis this reconstruction requires an inordinate amount of time and we are benefitted by completly updated ownership forms. We hope, in the future, to place this information into our computers in a manner which would allow us to accurately update our files through amendments. Until that time we will relieve only those licensees with current and unamended ownership reports from this filing requirement.

Annual Programming Reports—Form 303–A

49. The Commission requires that all commercial television licensees file

Annual Programming Reports—Form 303–A. The reports provide the Commission with nonentertainment and local programming data for a composite week drawn over a year. We proposed to merge this form into our television audit form or to require that it be placed in the public file. In either event we proposed to discontinue the requirement that all licensees annually file this form with the Commission.

50. Action for Children's Television, providing the only significant comment on this proposal, opposed it strenuously. It contends that this form provides important information concerning licensee performance and broadcast trends. Indeed, ACT contends that even more reporting is required if broadcasters are to recognize their obligation to the child audience.

51. The Commission adopted Form 303–A in 1973, citing a number of benefits it would provide. *Renewal of Broadcast Licenses*, 43 F.C.C. 2d 1. The form was to provide the Commission with yearly statistics regarding nationwide television programming on commercial stations during a given composite week. These statistics were expected to be valuable to the Commission in shaping any new policies in this area and in making the Commission, Congress and any interested parties better informed. The form was also to permit the Commission to make a more complete evaluation of the programming performance of the licensee during the past renewal period. The Commission also anticipated that information compiled through Form 303–A could be valuable in a comparative proceeding. Finally, the Commission expected that it could set up a ranking of licensees by their performance and the staff could closely scrutinize the renewal applications of licensees whose ranking falls below a specified level and prepare a summary report of those applicants. We concluded that for statistical purposes we would not acquire an adequate data base if we used only one composite week over a three-year period. Three annual composite weeks were, therefore, used.

52. Our review discloses that use of the information on Form 303–A for policy formulation has been very limited. Only the Cable Bureau has used this information in connection with consideration of policy matters regarding specialty channels and for economic impact studies. Indeed, when our staff attempted to use this information for policy formation in the Children's Television proceeding we found it impossible to use for that purpose. Therefore, to the extent that we perceived a need for annual filing and composite weeks for the purposes of a statistically sound data base, that data base has been rarely used and its utility is questionable. Our rating scheme was not adopted with the annual report and has not been resurrected.

53. Additionally, there is the concern over the costs associated with processing 303–A data when such data are infrequently utilized by the Commission staff. Licensees submit to the Commission two copies of the 303–A form plus accompanying program descriptions pertaining to news, public affairs and other nonentertainment/non-sports programming. The amount of time devoted to various program categories and other licensee information, are prepared for computer analyses as a preliminary step in compiling the data on the Annual Programming Reports. Subsequent computer analyses, printing, mailings, staff resources and miscellaneous expenses, *e.g.*, telephone inquiries, are all calculated as Commission expense items. The dollar costs for processing these data are substantial. Commission estimates place the dollar cost of processing 303–A data for each filing at approximately $160 to $250 per license renewal period. Since the inception of the 303–A form (1973), the total cost to the Commission of analyzing the data is estimated to be between $300,000 and $500,000. We believe that a triennial composite week reflected in a form made part of our audit procedures will permit us to monitor the promise vs. performance compliance of our licensees at a reduction in cost to the Commission. All licensees will be bound to promises made in their latest renewal application or Audit Form unless the Commission is notified of a change in that proposal. Additional information for the renewal or comparative proceedings can be generated from the station programming logs as needed.[12] We do not believe that in other respects the burden on licensees in compiling this data and on the Commission in tabulating it is warranted. The 303–A form will therefore be merged into the television audit form and will tabulate data drawn over a triennial composite week.

[12] In our *Notice*, we asked how competing applicants would be treated in light of our proposals. This process for competing applications for commercial radio licenses was disposed of in our radio deregulation proceeding. We have retained the requirement that TV licensees make promises concerning their nonentertainment programming. We will continue to process competing television applications consistent with current practices.

Radio

54. In the *Radio Deregulation* proceeding we modified our renewal form deleting numerous questions and modifying one. The remaining questions concerning ownership (FCC Form 303–R, question 4); alien ownership (question 5); violations of law (question 7); placement of the issues-programs list in the public file (question 13 as modified); and identification of the applicant are covered by the proposed SRA. We have concluded that no specific engineering or EEO information will be sought in renewal applications. EEO filing requirements will be verified on the SRA. Question 6 asks "Is the applicant or any officer, director, or principal stockholder (any person owning 25% or more of applicant's stock) an officer, director, or 25% or more stockholder in a newspaper publishing company, a CATV company, or a company engaged in broadcasting related activities?" This question has been used in the past for data collection but has seldom been used. Since our multiple ownership rules are adequate to assure that abuses in this area will not occur, this question will no longer be required. Also, as a result of the U.S. Supreme Court's action in *FCC* v. *WNCN*, Case No. 79–824, issued March 24, 1981, we are also deleting the format question from the audit forms. Licensees filing renewal applications 30 days after this *Order* is printed in the **Federal Register** will not have to supply format information.[13]

55. The Commission's regulations adequately govern program duplication, 47 CFR § 73.242. Unless a waiver of this rule has been obtained licensees must comply. This question will, therefore, no longer be asked of commercial radio renewal applicants. Finally, question 22 asks licensees to "attach as Exhibit 22, any additional information which, in the applicant's judgment, is necessary to adequately describe or to present fairly its services and operations in relating to the public interest." We are confident that radio licensees who feel compelled to submit additional information will do so, and therefore this question need not be included. Therefore with the other actions taken above, the SRA will serve as the complete renewal application for commercial radio licensees.

Licensee Public Notice Requirements

56. The National Radio Broadcasters Association (NRBA) filed a petition for

[13] Similarly, effective 30 days from publication of this *Order* in the **Federal Register**, applicants filing FCC Forms 301, 314 and 315 are not required to answer questions on those applications concerning program format.

rule making which has been merged into this docket. It asks that the Commission amend § 1.580(d) (now §§ 73.3580) and 73.1202 of its rules to:

a. Substitute a single "Regular Announcement" regarding the obligation of licensees to operate their stations in the public interest for the two public announcements presently required by § 73.1202 (d) and (e) (currently subsection (c) and (d)).

b. Substitute a single "Renewal Announcement" for the separate "pre-filing" and "post-filing" renewal announcements presently required pursuant to § 1.580(d).

c. Establish unchanging "Schedules of Announcements" for radio and television which will be applicable to both "Renewal Announcements" and "Regular Announcements."

d. Indicate during what specified time periods the announcements required to be given pursuant to § 1.580(d) in connection with applications for modification, assignment or transfer of operating stations should be broadcast.

57. The announcements covered by § 73.1202 (c) and (d) are announcements by commercial licensees to inform the public of the licensee's obligation to the people and of the appropriate method for individuals to express their opinions of the station's operation. These are aired on the first and sixteenth day of each calendar month throughout the license period. The timing of these announcements is rotated to reach listeners with various listening habits. The language of this announcement is modified, under subparagraph (d) of the rules beginning with the first day of the last month of the license term and ending with that license term. Upon grant of renewal the modified announcement is abandoned and the regular announcement is made again.

58. Section 73.3580 provides two substitute announcements for the regular announcements. These are commonly referred to as pre- and post-filing announcements and are also imposed upon noncommercial licensees. The pre-filing announcement alerts the licensee's audience to the fact that the licensee will soon file a renewal application. These begin on the 1st day of the 6th full calendar month prior to expiration of license and are made on the 1st and 16th day of the calendar month. At least two of the four such announcements must be made during hours when audience levels are expected to be their highest.

59. Beginning with the 1st day of the fourth full month prior to expiration of license (that is, beginning on the date that licensees must file their renewal applications), licensees must make the post-filing announcements. These alert the citizens to the fact that a licensee's application has been filed, and continue up to the last day on which a petition to deny can be filed (that is, the first day of the last calendar month prior to expiration of license). Three of these announcements are made on a rotating schedule and three during the hours of prime listenership.

60. This is a rather general rendition of these requirements. As was shown in the *Notice*, effectuating this process is unnecessarily complex. Therefore, NRBA asks that we implement one regular and one renewal announcement and a standardized schedule for all such announcements. Also, NRBA asks that we specify times for the announcement required in connection with applications for modification, assignment or transfer of an operating station. Section 73.3580 requires four such announcements once each of four days of a particular week. The time of day of the announcement is not specified. NRBA provides sample texts of the announcements it proposes. Concerning the timing, it would permit one-half of the announcements to be made during any time between 6 a.m. and midnight. The other half would be made during peak listening time as set out in the rules.

61. Oppositions to the NRBA proposal were submitted by National Citizens Committee for Broadcasting prior to issuance of our *Notice* and by CCC in response to our *Notice*. They contend that compliance with these rules is not as difficult as it is made out to be and that any change in the timing of these announcements will limit their reach and frustrate the purposes of this link between the licensee and the public. CBS, on the other hand contends that these announcements are useless and should all be eliminated. ABC and NAB urge that all but the post-filing notices be eliminated. ABC and NAB believe that these announcements can be justified only in connection with the time that citizens have formal vehicles for the filing and consideration of complaints through the petition to deny process. During other periods they produce little, if any, response. ABC further believes that the timing of the post-filing announcements is satisfactory. NBC suggests that a single announcement be broadcast year-round on a uniform schedule. The Maryland-D.C.-Delaware Broadcasters Association supports the NRBA proposal.

62. While we do not full agree with the ABC and NAB proposals, there is merit to their logic for making these announcements coincide with the license renewal process. Commission scrutiny of all but egregious licensee conduct occurs in connection with a licensee's application for renewal of license. To the extent that the listening public should be educated concerning the Commission's oversight functions and the availability of public recourse at the Commission, this can be accomplished every two and one-half years in connection with the pre- and post-filing announcements made by all licensees. There is no overriding need to require these year-round regular announcements. We, therefore, believe that there is adequate justification for elimination these regular announcements and do so herein.

63. However, we view both the pre- and post-filing announcements as elements in alerting the public to this ability to participate in the renewal process. Standing alone, compliance with the textual and timing requirements of the pre- and post-filing announcements do not appear overly burdensome and will be retained.[14] Finally, we have established times for the announcements made by applicants for modification, assignment or transfer of an operating station. These will be made during hours of peak audience participation as set out in our amendment to § 73.3580 of our rules (Appendix B).

Summary of Action

64. Having discussed, in detail, our new renewal forms and procedures and the reasons for these new procedures, the new requirements may be summarized as follows:

I. *Commercial Radio*—All commercial radio licensees filing for renewal of license will file the SRA (Appendix C).[15] Radio licensees will file for renewal according to the existing filing dates. Radio licensees will not be subject to the long form random audit or on-site Broadcast Bureau audit. Radio licensees will, however, be subject to random FOB inspections of their technical operations and public files. In addition, as in the past, should serious compliance problems be brought to the Commission's attention, radio licensees will be subject to field investigations by Commission personnel.

---

[14] The text of the announcements will, however, be changed for commercial radio licensees to conform with actions taken in our *Radio Deregulation* proceeding. Since commercial radio licensees no longer make proposals concerning future programming, the language in the announcement dealing with those proposals will be eliminated for these licensees.

[15] The SRA will be mailed with a copy of the required Privacy Act notification. 5 U.S.C. 552a(e)(3).

II. *Commercial Television*—Most television licensees will file the SRA at renewal time. In addition, at least 5 percent of television licensees will file the long form audit instead of the SRA. *Television licensees will not be required to file both forms* unless the Commission determines that the long form is required to elicit further information from the licensee. Promises made to the Commission concerning programming and commercial time will remain in effect until amended by filing with the Commission. Television licensees will also be subject to FOB inspections of their technical operations and public files as well as random Broadcast Bureau field audits. As with radio, serious compliance problems may result in field investigations. Television licensees will no longer be required to file a balance sheet at renewal time or FCC Form 303–A (the Annual Programming Report).

III. *Noncommercial Radio and Television*—Noncommercial radio and television renewal applicants will file the SRA. At least 5 percent will file the long form audit instead of the SRA. They will also be subject to FOB inspections of their technical operations and public files as well as random Broadcast Bureau field audits. Promises made to the Commission concerning programming will remain in effect until amended by filing with the Commission.

IV. *All Licensees*—All licensees will continue to file a model EEO program and list any complaints filed against the licensee relating to discrimination. All licensees will continue to make pre- and post-filing announcements as presently set forth in the Commission's rules.[16] The interim announcements required by § 73.1202 of the rules have been eliminated for commercial licensees. The Ownership Reports for commercial and noncommercial licensees need not be filed every three years at renewal time provided the report on file with the Commission has not been amended. Questions relating to technical performance have been eliminated from commercial and noncommercial renewal applications. The Commission will rely upon FOB inspections and complaints to monitor technical compliance. We will presume for audited and unaudited applicants that renewal without modification is requested for currently authorized auxiliary antennas and transmitters, alternate transmitters requiring authorization, subsidiary communications authorization, remote pickup broadcast stations (automatic mobile relay, base or mobile), low power broadcast auxiliary, aural broadcast STV and intercity relay and TV auxiliary broadcast stations (TV pickup, TV STL, TV intercity and TV translator relay stations). Questions on renewal applications and on FCC Form 313R concerning these services will be eliminated. If there has been a change in the information shown on the previously filed license application for one of these services, the appropriate FCC form must be filed. When an application for modification of such an authorization is pending, any renewals which are granted shall be considered a renewal of the currently authorized services. Also, if a licensee authorized to use one of these services no longer needs such a service, the licensee should notify the Commission and return the authorization to us.

[16] All licensees will certify that these announcements were made by placing a statement to that effect in their public files. For applicants for renewal of license this will be done in lieu of the requirements of § 73.3580(h) of the rules. Renewal applicants will not file these certifications with the Commission.

Effective Dates

65. The modifications adopted herein concerning public notice requirements, and the filing of ownership reports, engineering information, classification of radio program formats, and balance sheets are effective June 10, 1981. Phasing in the audit and inspection procedures adopted herein would be unnecessarily complex. We will, therefore, mail the SRA and audit forms to licensees as soon as possible after the Office of Management and Budget approval of these forms is obtained. Public Notice of that date will be released by the Broadcast Bureau. The review process for FOB public file inspections will begin after June 1, 1981. This will provide adequate time for all licensees to be apprised of these new procedures.

66. Accordingly, it is ordered, that the rule changes set out in Appendix B of this *Report and Order*, are adopted, effective June 10, 1981.

67. It is further ordered, that subject to approval by the Office of Management and Budget, the forms set out in Appendices C, D, and E are adopted. After adoption of these new forms and implementation of these new renewal methods, FCC forms 303, 303A, 303R, 313R and 342 are eliminated.

68. It is further ordered, that the petition filed by the National Radio Broadcasters Association, is granted, to the extent indicated above.

69. It is further ordered, that this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended 1066, 1082, 1083 (47 U.S.C. 154, 303, 307))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Parties Filing Comments in BC Docket No. 80-283

Illinois Eastern Community Colleges
Action for Children's Television
National Citizens Committee for Broadcasting and Public Media Center
Smith & Pepper
West Virginia Board of Regents
Storer Broadcasting Company
Department of Communication, U.S. Catholic Conference
National Public Radio
Ohio Association of Broadcasters, Inc.
Broadcast Licensees:
Advance Broadcasting Corporation
Argonaut Broadcasting Company
Bahia de San Francisco Television Company
Broadcasting Associates of America, Inc.
Buford Television, Inc.
Central Broadcasting Corporation
James Porter Clark
Collinsville Broadcasters, Inc.
Enterprise Publishing Company
Entertainment Enterprises, Inc.
Forward Communications Corporation
Futura Communications Corporation
GCC Communications of Houston, Inc.
Golden Plains, Inc.
Greater Ocala Broadcasting Corporation
Group One Broadcasting Company
Guaranty Broadcasting Corporation
Hennepin Broadcasting Associates, Inc.
Hudson Broadcasting Corporation
Huntsville Broadcasting Company, Inc.
Infinity Communications Corporation
Interurban Broadcasting Corporation
K-Six Television, Inc.
KFAB Broadcasting Company
KMAP, Inc.
KOMW, Inc.
KRLA, Inc.
Kula Broadcasting Company
Lake Broadcasting Co., Inc.
Lake Huron Broadcasting Corporation
Lakeland Broadcasting Company
Laurens County Broadcasting Co., Inc.
M & S Broadcasting Group, Inc.
Mark/Way, Inc.
May Broadcasting Company
Jack Mayer d/b/a Radio Station WDXN
Mini Cassia Broadcasting, Inc.
Oyate, Inc.
John H. Phipps Broadcasting Stations, Inc.
Plains Television Corporation
Powell Broadcasting Co., Inc.
Prime Time Alaska, Inc.
R & R Broadcasting
Radio Marshall, Inc.
Radio Rock Mid-Ocean Broadcasting Corporation
Retlaw Enterprises, Inc.
E. O. Roden & Associates, Inc.
Sam, Inc.
San Juan Radio, Inc.—Bellingham Buyer, Inc.
Sel Thom Communications, Inc.
Service Broadcasters, Inc.
Seven Hills Television Company

Shamrock Broadcasting Company, Inc.
Silberman-Morrow Broadcasting Group, Inc.
Slater Broadcasting Company
Southern Television Corporation
Spanish International Communications Corporation
Studio Broadcasting System, Division of Highwood Service, Inc.
Summit Radio Corporation
Suncoast Stereo Corporation
Tacoma School District #10
Telerad, Inc.
Tri-Cities Broadcasting Company
Tri-Cities Broadcasting, Inc.
WBIP Broadcasting Corporation
Weigel Broadcasting Co.
Ralph C. Wilson Industries, Inc.
WFDF Corporation
WICS-TV, Inc.
Wilson Communications, Inc.
WIXT Television, Inc.
WKRG-TV, Inc.
WTRF Broadcasting, Inc.
Ziff-Davis Broadcasting Company
Citizens Communications Center, *et al.*
National Association for the Advancement of Colored People
National Media Task Force of the National Organization for Women
National Black Programming Consortium
Black Citizens for a Fair Media
Chinese for Affirmative Action
National Council of La Raza
National Broadcasting Company
Joint Comments:
Cox Broadcasting Corporation
Fetzer Broadcasting Corporation
Fetzer Television Corporation
Kent State University
Lancaster Palmdale Broadcasting Corporation
Lehigh Valley Public Television
McClatchy Newspapers
Newhouse Broadcasting Corporation
Radio House, Inc.
Southwestern Sales Corporation
State Telecasting Company, Inc.
University of Washington
WBML, Inc.
American Broadcasting Companies
CBS, Inc.
Maryland-District of Columbia-Delaware Broadcasters Association, Inc.
KEZY Radio, Inc.
Office of Communications of the United Church of Christ
National Radio Broadcasters Association
National Association of Broadcasters
General Electric Broadcasting Company, Inc.
Committee for Community Access
Educational Broadcasting Corporation

Parties Filing Reply Comments

American Broadcasting Companies, Inc.
Broadcast Licensees (same as above)
Citizens Communications Center, et al. (same as above)
General Electric Broadcasting Company, Inc.
National Association of Broadcasters
National Black Media Coalition
National Federation of Community Broadcasters
Department of Communication, United States Catholic Conference

Comments and Reply Comments on the NRBA Proposal (RM-3586) Filed Prior to Issuance of the Notice in this Proceeding

Comments

American Broadcasting Companies, Inc.
Joint Statement:
Forward Communications Corporation
Fredric A. Danz
General Electric Broadcasting Company, Inc.
Group One Broadcasting Co.
Kale, Inc.
Keedo, Inc.
Sterling Recreation Organization Co.
Summit Radio Corporation
Vision Corporation
Whatcom Management Co.
WKRG-TV, Inc.
National Citizens Committee for Broadcasting

Reply Comments

National Radio Broadcasters Association

Appendix B

Rule Changes

§ 73.1202 [Amended]

1. 47 CFR Part 73 is amended by removing §§ 73.1202 (a), (b), (c), and (d).

2. 47 CFR Part 73 is amended by revising the heading of § 73.1202 to read as follows:

§ 73.1202 Retention of letters received from the public.

* * * * *

3. 47 CFR Part 73, is amended by renumbering § 73.1202(e) as § 73.1202(a) (subparagraphs (1) and (2) of new § 73.1202(a) remain unchanged).

4. 47 CFR Part 73 is amended by revising the introductory text of § 73.3615(a) to read as follows:

§ 73.3615 Ownership reports.

(a) Each licensee of a commercial AM, FM or TV broadcast station shall file an ownership report on FCC Form 323 at the time the application for renewal of station license is required to be filed. Licensees owning more than one AM, FM or TV station need file only one Ownership Report at 3-year intervals. Licensees with current and unamended Ownership Reports on file at the FCC may so indicate on their renewal applications and be relieved of the obligation to file a new Ownership Report. Ownership Reports shall give the following information as of a date not more than 30 days prior to the filing of the Ownership Report:

(1) * * *
(2) * * *

* * * * *

5. 47 CFR Part 73 is amended by revising § 73.3526 (a)(8), (a)(9), the introductory text of (a)(11), and the flush paragraph following (a)(11)(v) to read as follows:

§ 73.3526 Local public inspection file of commercial stations.

(a) * * *

* * * * *

(8) For TV stations, the licensee's or permittee's program logs for the composite week and a Statement of TV Program Service placed in the public file on the date that the licensee's renewal application is due to be filed at the FCC.

(9) To be placed in the public inspection file every year, on the anniversary date on which the station's renewal application would be due for filing with the FCC, a listing of no more than ten significant problems and needs of the area served by the station during the preceding twelve months. In relation to each problem or need cited, licensees and permittees shall indicate typical and illustrative programs or program series, excluding ordinary news inserts of breaking events (the daily or ordinary news coverage of breaking newsworthy events), which were broadcast during the preceding twelve months in response to those problems and needs. Such a listing shall include the title of the program or program series, its source, type, brief description, time broadcast and duration. The third annual listing shall be placed in the station's public inspection file on the due date of the filing of the station's application for renewal of license. Additionally, if called for by the application for renewal of license, the three annual problems-programs listings shall be forwarded to the FCC as part of that application. The annual listings are not to exceed five pages, but may be supplemented at any time by additional material placed in the public inspection file and identified as a continuation of the information submitted to the FCC.

(10) * * *

(11) Each licensee or permittee of a commercially operated TV station (except as provided in Note 2, below) shall place in the station's public inspection file appropriate documentation relating to its efforts to interview a representative cross-section of community leaders within its service area to ascertain community problems and needs. Such documentation shall be placed in the station's public inspection file within a reasonable time after the date of completion of each interview, but in no event later than the due date for filing the station's application for renewal of licensee and shall include:

(i) * * *
(ii) * * *
(iii) * * *
(iv) * * *
(v) * * *

Additonally, on the due date of the filing of the station's application for renewal of license each commercial TV licensee shall deposit in its public file, and forward to the FCC if called for by the application, a checklist indicating the number of community leaders interviewed during the current license term representing the several elements found on the form, provided that, if a community lacks one of the enumerated institutions or elements, the licensee or permittee shall so indicate by providing a brief explanation on its checklist.

* * * * *

6. 47 CFR Part 73, § 73.3527 is amended by revising the introductory text of (a)(7), (a)(7)(i), (b), the flush paragraph following (c)(1)(v), the introductory text of (c)(2)(ii) and (c)(2)(iii) to read as follows:

§ 73.3527 Local public inspection file of noncommercial educational stations.

(a) * * *

* * * * *

(7) Problems-programs lists as follows:

(i) Every year, on the anniversary date on which the station's renewal application would be due for filing with the FCC, each nonexempt renewal applicant shall place in its public inspection file a listing of no more than ten significant problems and needs of the area served by the station during the preceding twelve months. In relation to each problem or need cited, licensees and permittees shall indicate typical and illustrative programs or program series, excluding ordinary news inserts of breaking events, which were broadcast during the preceding twelve months in response to those problems and needs. Such a listing shall include the title of the program or program series, its source, type, brief description, time broadcast and duration. Renewal applicants shall place the third annual listing in the station's public inspection file on the due date of the filing of the station's application for renewal of license. If called for by the renewal application, the three annual problems-programs lists shall be forwarded to the FCC as part of the application for renewal of license. The annual listings are not to exceed five pages each, but may be supplemented at any time by additional material placed in the public inspection file and identified as a continuation of the information submitted to the FCC.

* * * * *

(b) *Records to be maintained by non-exempt applicants, permittees, and licensees in the noncommercial educational radio service.* In addition to the requirements set out in paragraph (a) of this section, each radio applicant, permittee and licensee in the noncommercial educational radio service shall place in its public inspection file at such time as its renewal application would ordinarily be filed with the FCC—or in the case of applicants other than for renewal of license, at the time the application is filed—a narrative statement detailing the sources consulted and the methods followed in conducting its ascertainment of community needs and interests and summarizing principal needs and interests discovered through that survey. If called for by the application, these items shall also be filed with the FCC.

(c) * * *
(1) * * *
(i) * * *
(ii) * * *
(iii) * * *
(iv) * * *
(v) * * *

Additionally, each licensee and permittee shall place in the station's public inspection file and if called for in the renewal application each licensee shall forward to the FCC as part of the application for renewal of license, a checklist indicating the number of community leaders interviewed during the current license term representing elements found on the sample community leader checklist (see *Ascertainment of Community Problems by Broadcast Renewal Applicants*, 41 FR 1372, 1384 (1976): *Provided*, That, if a community lacks one of the enumerated institutions or elements, the licensee and permittee shall so indicate by providing a brief explanation on its checklist. The same rules apply to applicants for other than renewal of license except that the checklist for an ascertainment of community leaders shall reflect information obtained within six months prior to filing and shall be placed in the public file no later than the time the application is filed.

(2) * * *
(i) * * *

(ii) *Information regarding the public survey.* An applicant for other than renewal of license shall conduct a random survey of the general public in its community of license within six months prior to filing its application, and shall file the information requested in paragraph (c)(2)(ii)(A), of this section. Applicants for renewal of license may, at their option, conduct a random general public survey, periodic call-in program, periodic public meetings or a combination of the latter two methods. If called for in the renewal application, licensees shall file information describing the methods used as set out in paragraphs (c)(2)(ii) (A), (B), and (C) of this section as a part of their renewal applications:

(A) * * *
(B) * * *
(C) * * *

(iii) The information requested in paragraphs (c)(2)(ii) (A), (B), and (C) of this section shall be placed in the public inspection file within a reasonable time after completion of the public ascertainment—or severable portion thereof, such as each call-in program or public meeting—but in no event later than the due date for filing the application, and if called for in the application it shall be filed with the FCC as a part of the renewal application. The demographic information requested in paragraph (c)(2)(i) of this section shall be deposited in the public file no later than the time at which the information called for by (c)(2)(ii) of this section, or some portion thereof, is deposited.

* * * * *

7. 47 CFR Part 73 is amended by revising Section 73.3580(d)(3)(i) to read as follows:

§ 73.3580 Local public notice of filing of broadcast applications.

* * * * *

(d) * * *
(1) * * *
(2) * * *
(3) * * *

(i) At least once daily on four days in the second week immediately following either the tendering for filing of the application or immediately following notification to the applicant by the FCC that Public Notice is required pursuant to §§ 73.3571, 73.3572, 73.3573 or § 73. 3578. For commercial radio stations these announcements shall be made between 7 a.m. and 9 a.m. and/or 4 p.m. and 6 p.m. For stations which neither operate between 7 a.m. and 9 a.m. nor between 4 p.m. and 6 p.m., these announcements shall be made during the first two hours of broadcast operation. For commercial TV stations, these announcements shall be made between 6 p.m. and 11 p.m. (5 p.m. and 10 p.m. Central and Mountain time).

§ 73.3580 [Amended]

8. 47 CFR Part 73 is amended by revising the introductory text of § 73.3580 (d)(4)(i) and (d)(4)(ii) to read as follows:

* * * * *

(d) * * *
(4) * * *

(i) *Pre-filing announcements.* During the period and beginning on the first day of the sixth full calendar month prior to the expiration of the license, and

continuing to the date on which the application is filed, the following announcement shall be broadcast on the 1st and 16th day of each calendar month. Stations broadcasting primarily in a foreign language should broadcast the announcements in that language.

On *(date of last renewal grant) (Station's call letters)* was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until *(expiration date)*.

Our license will expire on *(date)*. We must file an application for license renewal with the FCC *(date four calendar months prior to expiration date)*. When filed, a copy of this application will be available for public inspection during our regular business hours. It contains information concerning this station's performance during the last *(period of time covered by the application)*, (only TV and noncommercial radio say the remainder of this paragraph) and projections of our programming during the next three years.

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by (date first day of last full calendar month prior to the month of expiration).

Further information concerning the FCC's broadcast license renewal process is available at (address of location of the station's public inspection file) or may be obtained from the FCC, Washington, D.C. 20554.

(A) * * *
(*1*) * * *
(*2*) * * *
(*3*) * * *

(ii) *Post-filing announcements.* During the period beginning on the date on which the renewal application is filed to the sixteenth day of the next to last full calendar month prior to the expiration of the license, all applicants for the renewal of broadcast station licenses shall broadcast the following announcement on the 1st and 16th day of each calendar month. Stations broadcasting primarily in a foreign language should broadcast the announcements in that language.

On *(date of last renewal grant) (Station's call letters)* was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until *(expiration date)*.

Our license will expire on *(date)*. We have filed an application for renewal with the FCC.

A copy of this application is available for public inspection during our regular business hours. It contains information concerning this station's performance during the last *(period of time covered by application)*, (only TV and noncommercial radio say the remainder of this paragraph) and projections of our programming during the next three years.

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the FCC by *(date first day of last full calendar month prior to the month of expiration)*.

Further information concerning the FCC's broadcast license renewal process is available at *(address of location of the station's public inspection file)* or may be obtained from the FCC, Washington, D.C. 20554.

(A) * * *

* * * * *

BILLING CODE 6712-01-M

Appendix C

FCC Form 303-S
March 1980

United States of America
Federal Communications Commission
Washington, D.C. 20554

Approved by GAO
B-180227(R0)

Application for Renewal of License for Commercial and Non-Commercial AM, FM or TV Broadcast Station

1 Name of Applicant	Call Letters	Street Address	City	State	Zip Code

2. Are the following reports on file at the Commission:

(a) The three most recent Annual Employment Reports (FCC Form 395)
☐ Yes ☐ No
If No, attach as Exhibit No.__ an explanation

(b) The applicant's Ownership report (FCC Form 323 or 323-E)
☐ Yes ☐ No
If No, give the following information
Date last ownership report was filed
Call letters of the renewal application with which it was filed

3. Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments?

☐ Yes ☐ No If No, attach as Exhibit No. an explanation.

4 Since the filing of the applicant's last renewal application for this station or other major application, has an adverse finding been made, a consent decree been entered, or final action been approved by any court or administrative body with respect to the applicant or parties to the application concerning any civil or criminal suit, action, or proceeding, brought under the provisions of any federal, state, territorial or local law relating to the following: any felony, lotteries, unlawful restraints or monopolies, unlawful combinations, contracts or agreements in restraint of trade; the use of unfair methods of competition; fraud, unfair labor practices, or discrimination?

☐ Yes ☐ No If Yes, attach as Exhibit No ___ a full description, including identification of the court or administrative body, proceeding by file number, the person and matters involved, and the disposition of litigation

5 Has the applicant placed in its public inspection file at the appropriate times the documentation required by Section 73.3526 and 73.3527 of the Commission's rules?

☐ Yes ☐ No If No, attach as Exhibit No ___ a complete statement of explanation

THE APPLICANT hereby waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States, because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act.)
THE APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated the _____ day of _____ 19____

Name of Applicant _____

By Signature _____

Title _____

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001

BILLING CODE 6712-01-C

Appendix D

Federal Communications Commission, Washington, D.C. 20554

Renewal Application Audit Form for Commercial TV Broadcast Stations

Instructions

A. Your television station has been randomly selected to complete this Renewal Application Audit Form 303–L instead of the Federal Communications Commission's ordinary Renewal Application. This Renewal Application consists of the following sections:

I. General Information
II. Legal
III. Statement of Program Service
IV. Certification

B. Prepare and file two copies of this form and all exhibits with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

C. File this application no later than the first day of the fourth full calendar month prior to expiration of your license. An application is "filed" upon actual receipt in the Secretary's office.

D. In responding to the questions set forth in this form, the applicant may incorporate by reference information already on file with the FCC, provided that:

(1) The information is now on file in another application or FCC form filed by or on behalf of the applicant;

(2) The information is identified fully by reference to the file number, if any, the FCC form number and the filing date of the application or other form containing the information and the page or paragraph referred to; and

(3) After making the appropriate references, the applicant states "No changes since date of filing."

Any such reference will be considered to incorporate into this application all information, confidential or otherwise, contained in the application or other forms referred to. The incorporated application or other form, thereafter, in its entirety, must be placed in the applicant's public inspection file.

E. Each exhibit submitted by the applicant must be numbered to match the number of the question the exhibit is responsive to on the form. Date each exhibit. The date must be the same or preceding the date of the applicant's certification (Section IV) of this form. Each exhibit shall set forth the name and official title, if any, of the officer or employee by whom or under whose direction the exhibit was prepared.

F. The name of the applicant must be stated exactly as it appears on the current license.

G. The "composite week" is seven different days of the week during the license term designated by the FCC and is used as the basis for responding to questions in this application. If the station was not operating during any one or more days of the composite week, the applicant should notify the Broadcast Bureau's Renewal and Transfer Division, which will specify substitute dates.

H. A "typical week" is a week which an applicant projects as typical of its proposed weekly operation.

I. A legible copy of this renewal application and all exhibits submitted herewith shall be kept on file, available for public inspection. It shall be maintained at the station's main studio or other accessible place such as a public registry for documents or attorney's office in the community in which the station is licensed. See Instruction D, above.

J. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall, in the event he signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

K. Replies to questions contained in this form constitute representations on which the FCC will rely in considering an application for renewal. Thus, time and care should be devoted to the replies so that they will reflect accurately the applicant's responsible consideration of the questions asked. Be sure all necessary information is furnished and all paragraphs are fully answered. Defective or incomplete applications can result in deferral of renewal.

Section I

General Information

1. Name of Applicant ————————————
Street ————————————
City———— State———— Zip Code——

Send notices and communications to the following named person at the address indicated below:

Name ————————————
Street Address ————————————
City———— State———— Zip Code——

2. Renewal requested for following existing facilities:
Call Letters———— Channel No. ——
Sharing with (specify stations)————————

Section II

Legal

1. Is applicant's Ownership Report (FCC Form 323) filed with this application?

☐ Yes ☐ No If no, give the date of filing of the last Ownership Report ———— and the station's call letters —— of the renewal application with which it was filed.

2. Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to the interest of aliens and foreign governments?

☐ Yes ☐ No If no, attach as Exhibit No. II–2, a full explanation.

3. Since the filing of the applicant's last renewal application for this station or other major application, has an adverse finding been made, a consent decree been entered, or final action been approved by any court or administrative body with respect to the applicant or parties to the application concerning any civil or criminal suit, action, or proceeding, brought under the provisions of any federal, state, territorial or local law relating to the following: Any felony; lotteries; unlawful restraints and monopolies; unlawful combinations, contracts or agreements in restraint of trade; the use of unfair methods of competition; fraud; unfair labor practices; or discrimination?

☐ Yes ☐ No If yes, attach as Exhibit No. II–4, a full description, including identification of the court or administrative body, the proceeding by file number, the persons and matters involved, and the disposition of the litigation.

Section III

Programming

Definitions

The definitions set out below are to be followed in furnishing the information called for by the questions in this Section. The inclusion of various types and sources of programs in the paragraphs which follow is not intended to establish a formula for station operation, but is a method for analyzing and reporting station operation.

1. A. *Sources* of programs are defined as follows:

(i) A *Local Program* is any program originated or produced by the station, or for the production of which the station is substantially responsible, and which also employs live talent more than 50 percent of the time. Such a program, taped, recorded or filmed for later broadcast shall be classified as local. A local program fed to a network shall be classified by the originating station as local. All non-network and non-syndicated news programs may be classified as local. Programs primarily featuring syndicated or feature films, or other than non-locally recorded programs shall not be classified as local, even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (*e.g.*, if during the course of a feature film program a non-network 2-minute news report is given and logged as a news program, the report may be classified as local.

(ii) A *Network Program* is any program furnished to the station by a network (national, regional or special). Delayed broadcasts of programs originated by networks are classified as network.

(iii) A *Recorded Program* is any program not defined in (i) and (ii) above, including without limitation, syndicated programs, taped or transcribed programs, and feature films.

B. *Types* of programs are defined as follows:

(i) *News Programs* include reports dealing with current local, national and international events, including weather and stock market reports; and commentary, analysis or sports news when it is an integral part of a news program.

(ii) *Public Affairs Programs* are programs dealing with local, state, regional, national or international issues or problems, including, but not limited to, talks, commentaries, discussions, speeches, editorials, political programs, documentaries, minidocumentaries, panels, round-table and vignettes and extended coverage (whether live or recorded) of public events or proceedings, such as local council meetings, congressional hearings and the like.

(iii) *All Others* (excluding entertainment and sports) include all other programs which are not intended primarily as entertainment (*e.g.*, music, drama, variety, comedy, quiz, etc.). This category does not include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news, or information (*e.g.*, fishing opportunities, golfing instructions, etc.).

(iv) *Programs Designed for Children* include programs originally produced and broadcast primarily for an audience of children twelve years old and under. This does not include programs originally produced for a general or adult audience which may nevertheless be significantly viewed by children. (The definition of "Programs Designed for Children" is not applicable for the purpose of logging, but is applicable only to Questions 6, 14, and 17.

Note.—If a program contains two or more identifiable units of program material which constitute different program types as herein defined, each such unit may be separately classified.

C. *Commercial Matter* includes commercial continuity (network and non-network) and commercial announcements (network and non-network) as follows:

(i) *Commercial Continuity* is the advertising message of a program sponsor.

(ii) A *Commercial Announcement* is any other advertising message for which a charge is made, or other consideration is received.

(1) Included are:

(i) "bonus spots"

(ii) "trade-out spots"

(iii) Promotional announcements by a commercial broadcast station for or on behalf of another commonly owned or controlled broadcast station serving the same community. See *Report and Order* in Docket No. 20680, 59 F.C.C. 2d 594, 41 FR 22065 (1976)

(iv) Promotional announcements of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of the future program beyond mention of the sponsor's name as an integral part of the title of the program (*e.g.*, where the agreement for the sale of the time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as TOMORROW SEE—(NAME OF PROGRAM)—BROUGHT TO YOU BY—(SPONSOR'S NAME)).

(2) Other announcements including but not limited to the following are *not* commercial announcements:

(i) Promotional announcements, except as defined above.

(ii) Station identification announcements for which no charge is made.

(iii) Announcements of taped, filmed or recorded material.

(iv) Public service announcements.

(v) Announcements made pursuant to § 73.1212(d) of the FCC Rules that materials or services have been furnished as an inducement to broadcast a political program involving the discussion of controversial public issues.

(vi) Announcements made pursuant to the local notice requirements of § 73.3580 ("Local Notice of Filing of Applications"), § 73.3594 ("Local Notice of Designation for Hearing") and § 73.1202 ("Public Notice of Licensee Obligations") of the FCC Rules.

2. A *Public Service Announcement* is any announcement (including network) for which no charge is made and which promotes programs, activities or services of federal, state or local governments (*e.g.*, recruiting, sales of bonds, etc.) or the programs, activities or services of nonprofit organizations (*e.g.*, UGF, Red Cross blood donations, etc.) and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

3. A *Program* is an identifiable unit of program material, logged as such, which is not an announcement as defined above (*e.g.*, if, within a 30 minute entertainment program, a station broadcasts a one-minute news and weather report, this news and/or weather report may be separately logged and classified as a one-minute news program and the entertainment portion as a 29 minute program).

4. *Network Programs.* Where information for the composite week is called for herein with respect to commercial matter or program type classification in connection with network programs, the applicant may rely on information furnished by the network.

5. Replies relating to future operation constitute representations against which subsequent operation of the station will be measured. Accordingly, beginning with this upcoming license term and *until the filing of the station's next Renewal Application Audit Form*, if the station substantially alters its programming or commercial practice, the applicant should notify the Commission of such changes at that time; otherwise it is presumed that the station is being operated substantially as proposed. Since the filing of the audit form is determined by random selection, the next time that your station will be audited is not predetermined.

Section III

Programming

Call letters _____

1. Has the applicant placed in its public inspection file at the appropriate times the required documentation relating to its efforts to ascertain community problems, needs and interests?

( ) Yes ( ) No ( ) Does not apply

If No, attach as Exhibit III–1 a complete statement of explanation.

2. Attach as Exhibit III–2 applicant's community leader checklist for the preceding license term.

( ) Does not apply

3. Has the applicant placed in its public inspection file at the appropriate times its annual list of those problems, needs and interests which, in the applicant's judgment, warranted treatment by its station and typical and illustrative programming in response thereto?

( ) Yes ( ) No

If Yes, attach those listings as Exhibit III–3.

If No, attach as Exhibit III–3 a complete statement of explanation.

4. A. State, for the composite week:

(a) The total number of public service announcements broadcast ;

(b) The number broadcast between 8 a.m. and 11 p.m. .

B. Of the total number of public service announcements broadcast during the composite week state:

(a) the number, which in the licensee's judgment were primarily designed to promote programs, activities or service of organizations or organizational units located in the service area ;

Section III

Programming

Commercial TV

Call letters _____

(b) the number, which in the licensee's judgment, were primarily designed to promote programs, activities or services of organizations or organizational units located outside the service area ;

(c) the number which, in the licensee's judgment, do not readily fall into either (a) or (b) and/or are a combination of both .

C. Attach as Exhibit III–4 one exact copy of the program logs for the composite week used as a basis for responding to questions 4, 13 and 14 herein. Applicants using automatic program logging devices must comply with the provisions of § 73.1810(k)(3) of the FCC Rules.

5. A. Was the applicant affiliated with one or more national television networks during the past license period?

( ) Yes ( ) No

If Yes, give the name(s) of the Net- work(s); ; ; .

B. If the applicant had more than one such affiliation, which network was its principal source of network programs .

C. If a network affiliate, did the applicant regularly carry (*i.e.*, carry more than 50%) the available news and public affairs programs offered by the network during the current license period?

News ( ) Yes ( ) No

Public Affairs ( ) Yes ( ) No

6. In Exhibit III–5, give a brief description of programs, program segments or program series broadcast during the license period which were designed for children 12 years old and under. Indicate the source, time and day of broadcast, the frequency of broadcast and program type.

7. A. In the applicant's judgment, does the information supplied in the annual listings of typical and illustrative programs and program segments broadcast to help meet the significant problems and needs of the service area for the current period, and the information supplied in questions 4, 5 and 6

above, adequately reflect its programming during the current license period?

( ) Yes ( ) No

B. If the answer is No, the applicant may attach, as Exhibit III–7B such additional information, including the listing of entertainment programs the applicant considers to be of special merit, as may be necessary to describe accurately and present fairly its program service.

BILLING CODE 6712-01-M

Section III

PROGRAMMING

COMMERCIAL TV

Call letters_____

8. Indicate the minimum amount of time the applicant has devoted to the categories below during the composite week of the past license term. Commercial time should be excluded in all computations except for the entries in columns 2, 6 and 10 of the "TOTAL TIME OPERATING" line (line a).

WEEK DATA	FROM 6AM TO MIDNIGHT				FROM 6PM TO 11PM (5PM to 10PM CENTRAL AND MOUNTAIN TIME)				FROM MIDNIGHT TO 6AM			
	ALL PROGRAMS		LOCAL PROGRAMS ONLY		ALL PROGRAMS		LOCAL PROGRAMS ONLY		ALL PROGRAMS		LOCAL PROGRAMS ONLY	
	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING
(1)	(2)	(3) 2/	(4) 1/	(5) 2/	(6)	(7) 3/	(8) 1/	(9) 3/	(10)	(11) 4/	(12) 1/	(13) 4/
a. TOTAL TIME OPERATING		100%				100%				100%		
b. NEWS 1/												
c. PUBLIC AFFAIRS 1/												
d. ALL OTHERS (*Exclusive of entertainment and sports*) 1/												

1/ Excluding Commercials
2/ Percentages are of the total minutes of operation reported at the top of column 2.
3/ Percentages are of the total minutes of operation reported at the top of column 6.
4/ Percentages are of the total minutes of operation reported at the top of column 10.

8b. If the applicant's composite week programming varied substantially from the relevant programming representations made to the Commission, attach as Exhibit III-8b a statement explaining the variation(s) and reasons therefor.

Section III — STATEMENT OF TV PROGRAM SERVICE

representations made to the Commission, attach as Exhibit III-6b a statement explaining the variation(s) and reasons therefor.

Section III — STATEMENT OF TV PROGRAM SERVICE

9. Indicate the minimum amount of time the applicant proposes to devote normally each week to the categories below. Commercial time should be *excluded* in all computations except for the entries in columns 2, 6 and 10 of the total time operating line (line a).

ANTICIPATED TYPICAL WEEK DATA	FROM 6AM TO MIDNIGHT				FROM 6PM TO 11PM (5PM to 10PM CENTRAL AND MOUNTAIN TIME)				FROM MIDNIGHT TO 6AM			
	ALL PROGRAMS		LOCAL PROGRAMS ONLY		ALL PROGRAMS		LOCAL PROGRAMS ONLY		ALL PROGRAMS		LOCAL PROGRAMS ONLY	
	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING	MINUTES OF OPERATION	PERCENTAGE OF TOTAL TIME OPERATING
(1)	(2)	(3) 2/	(4) 1/	(5) 2/	(6)	(7) 2/	(8) 1/	(9) 2/	(10)	(11) 4/	(12) 1/	(13) 4/
a. TOTAL TIME OPERATING		100%				100%				100%		
b. NEWS 1/												
c. PUBLIC AFFAIRS 1/												
d. ALL OTHERS (*Exclusive of entertainment and sports*) 1/												

1/ Excluding Commercials
2/ Percentages are of the total minutes of operation reported at the top of column 2.
3/ Percentages are of the total minutes of operation reported at the top of column 6.
4/ Percentages are of the total minutes of operation reported at the top of column 10.

BILLING CODE 6712-01-C

Section III

Call letters _____

COMMERCIAL TV

10. A. Provide the applicant's proposals for a typical week of:

(a) the minimum number of public service announcements that the applicant proposes to broadcast

(b) the number to be broadcast between 8 a.m.–11 p.m.

B. Of the total number of public service announcements which the applicant proposes to broadcast in a typical week provide the number which will be primarily designed to promote programs, activities or services of organizations or organizational units located in the service area ; and outside the service area

11. State the number of 60 minute segments during the composite week, beginning with the first full clock-hour and ending with the last full clock-hour of each broadcast day, containing the following amounts of commercial matter:

A. Up to and including 8 minutes: ;

B. Over 8 and up to and including 12 minutes: ;

C. Over 12 and up to and including 16 minutes: ;

D. Over 16 minutes:

In Exhibit III–11, list each segment in category D above, specifying the amount of commercial time in the segments and the day and time of broadcast.

12. State the number of 60 minute segments in the 6 p.m.–11 p.m. (5 p.m.–10 p.m. Central and Mountain Time) period during the composite week containing the following amounts of commercial matter.

A. Up to and including 8 minutes: ;

B. Over 8 and up to and including 12 minutes: ;

C. Over 12 and up to and including 16 minutes: ;

D. Over 16 minutes:

In Exhibit III–12, list each segment in category D above, specifying the amount of commercial time in the segment, and the day and time of broadcast.

13. A. In the applicant's judgment does the information supplied in questions 11 and 12 adequately reflect its commercial practices? ( ) Yes ( ) No

Section III

Programming

Commercial TV

B. If the answer is No, the applicant may attach as Exhibit III–13 additional material to adequately describe its commercial practices.

C. If the applicant's commercial practices for the period covered by Questions 11 and 12 varied from the representations made to the Commission, attach as Exhibit III–13C a statement explaining the variations and reasons therefor.

14. In Exhibit III–14, submit each 1 hour or ½ hour segment of programming designed for children 12 years old and under broadcast during the license period which contained commercial matter in excess of:

(a) 12 minutes per hour or 6 minutes per ½ hour, Monday through Friday; or

(b) 9½ minutes per hour or 4¾ minutes per hour Saturday and Sunday.

For each programming segment so listed, indicate the length of the segment (*i.e.*, one hour or ½ hour) and the amount of commercial matter contained therein.

15. What is the maximum amount of commercial matter in any 60-minute segment which the applicant proposes normally to allow?

If the applicant proposes to permit this amount to be exceeded at times, state in Exhibit No. III–15 under what circumstance and how often this is expected to occur, and the limits that would then apply.

16. What is the maximum amount of commercial matter in any 60-minute segment between the hours of 6 PM–11 PM (5 PM–10 PM Central and Mountain Time) which the applicant proposes normally to allow?

If the applicant proposes to permit this amount to be exceeded at times, state in Exhibit No. III–16 under what circumstances and how often this is expected to occur, and the limits that would then apply.

17. A. What is the maximum amount of commercial matter per hour the applicant proposes to allow in programs broadcast on weekdays (Monday through Friday) which are designed for children twelve years old and under?

If the applicant proposes to permit this amount to exceed 12 minutes, state in Exhibit No. III–17A under what circumstances and how often this is expected to occur, and the limits that would then apply.

B. What is the maximum amount of commercial matter per hour the applicant proposes to allow in programs broadcast on weekends (Saturday and Sunday) which are designed for children twelve years old and under?

If the applicant proposes to permit this amount to exceed 9½ minutes, state in Exhibit III–17B under what circumstances and how often this is expected to occur, and the limit that would then apply.

Note.—Unless otherwise indicated, it is assumed that proportional commercial time limits apply to ½ hour segments for the purposes of this question.

Section IV

Certification

Call letters _____

The Applicant hereby waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934.)

The Applicant acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and are incorporated herein.

This application must be signed in accordance with the requirements of § 73.3513, "Signing of Applications."

Willful False Statements Made on this Form Are Punishable by Fine and Imprisonment. U.S. Code, Title 18, Section 1001.

Certification

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this day of , 19 .

Name of Applicant _____

Signature _____

Title _____

FCC Notice to Individuals Required by the Privacy Act

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, accountants, engineers, and application examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information.

The Foregoing Notice is Required by the Privacy Act of 1974, Pub. L. 93–579, December 31, 1974, 5 U.S.C. 552(e)(3).

Appendix E

Federal Communications Commission
Washington, D.C. 20554
Renewal Application Audit Form
For Noncommercial Educational
AM, FM and TV Broadcast Stations

A. Your noncommercial station has been randomly selected to complete this Renewal Application Audit Form 303–NL instead of the Federal Communications Commission's ordinary Renewal Application. This renewal application consists of the following sections:

I. General Information
II. Legal
III. Statement of Program Service
IV. Certification

B. Prepare and file two copies of this form and all exhibits with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

C. File this application no later than the first day of the fourth full calendar month prior to expiration of your license. An application is "filed" upon actual receipt in the Secretary's office.

D. In responding to the questions set forth in this form, the applicant may incorporate by reference information already on file with the FCC, provided that:

(1) The information is now on file in another application or FCC form filed by or on behalf of the applicant;

(2) The information is identified fully by reference to the file number, if any, the FCC form number and the filing date of the application or other form containing the information and the page or paragraph referred to; and

(3) After making the appropriate reference, the applicant states "No changes since date of filing."

Any such reference will be considered to incorporate into this application all information, confidential or otherwise, contained in the application or other forms referred to. The incorporated application or other form, thereafter, in its entirety, must be placed in the applicant's public inspection file.

E. Each exhibit submitted by applicant must be numbered to match the number of the question the exhibit is responsive to on the form. Date each exhibit. The date must be the same or preceding the date of the applicant's certification (Section IV) of this form. Each exhibit shall set forth the name and official title, if any, of the officer or employee by whom or under whose direction the exhibit was prepared.

F. The name of the applicant must be stated exactly as it appears on the current license.

G. A "typical week" is a week which an applicant projects as typical of its proposed weekly operation.

H. A legible copy of this completed application and all exhibits submitted herewith shall be kept on file, available for public inspection. It shall be maintained at the station's main studio or other accessible place such as a public registry for documents or attorney's office in the community in which the station is licensed. See Instruction D, above.

I. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall, in the event he signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

J. Replies to questions contained in this form constitute representations on which the FCC will rely in considering an application for renewal. Thus, time and care should be devoted to the replies so that they will reflect accurately the applicant's responsible consideration of the questions asked. Be sure all necessary information is furnished and all paragraphs are fully answered. Defective or incomplete applications can result in deferral of renewal.

Section I

General Information

1. Name of Applicant _____
Street Address _____
City _____
State _____
Zip Code _____

2. Renewal requested for the following facilities:

AM

Call Letters _____
Frequency _____
Power in kilowatts: Night Day
Hours of operation ( ) Unlimited ( )
Daytime only ( ) Limited
Sharing with (specify stations) _____
Other (specify) _____
Station Location:
City _____
State _____

FM–TV

Call Letters Frequency (FM)
Channel No.
(TV) _____
Power in kilowatts FM TV Visual
TV
Aural _____
Hours of operation per week _____
Sharing with (specify stations) _____

Section II

Legal

1. Since the filing of the applicant's last renewal application for this station or other major application, has an adverse finding been made, a consent decree been entered, or final action been approved by any court or administrative body with respect to the applicant or parties to the application concerning any civil or criminal suit, action, or proceeding, brought under the provisions of any federal, state, territorial or local law relating to the following: any felony; lotteries; unlawful restraints and monopolies; unlawful combinations, contracts or agreements in restraint of trade; the use of unfair methods of competition; fraud; unfair labor practices; or discrimination?

( ) Yes ( ) No If Yes, attach as exhibit II–1 a full description, including identification of the court or administrative body, proceeding by file number, the person and matters involved, and the disposition of the litigation.

2. Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to the interests of aliens and foreign governments?

( ) Yes ( ) No If No, attach as Exhibit II–2, full explanation.

3. Are there any documents, instruments, contracts or understandings relating to ownership, use of control of the station facilities, or any right or interest therein?

( ) Yes ( ) No If Yes, attach as Exhibit No. II–3 copies of all such documents, instruments or contracts and state the substance of oral contracts or understandings.

4. Is the applicant's Ownership Report (FCC Form 323E) filed with this application? (See § 73.3615 of the Commission's rules.)

( ) Yes ( ) No If No, give date of filing of the last Ownership Report and the station's call sign of the renewal application with which it was filed.

5. How is the operation of the station financed?

Section III

Programming

Definitions

The definitions set out below are to be followed in furnishing the information called for by the questions in this Section. The inclusion of various types and sources of programs in the paragraphs which follow is not intended to establish a formula for station operation, but is a method for analyzing and reporting station operation.

1. A. *Sources* of programs are defined as follows:

(i) A *Local Program* is any program originated or produced by the station, or for the production of which the station is substantially responsible, and which also employs live talent more than 50% of the time. Such a program, taped, recorded or filmed for later broadcast shall be classified as local. A local program fed to a network shall be classified by the originating station as local. All non-network and non-syndicated news programs may be classified as local. Programs primarily featuring syndicated or feature films, or other than non-locally recorded programs shall not be classified as local, even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (*e.g.*, if during the course of a feature film program a non-network 2-minute news report is given and logged as a news program, the report may be classified as local).

(ii) *A Network Program* is any program furnished to the station by a network (national, regional or special). Delayed broadcasts of programs originated by networks are classified as network.

(iii) *A Record Program* (Radio Only) is any program not falling within the definition of "local" above, which utilizes phonograph records, electrical transcriptions of taped music, with or without commentary by a local announcer or other station personnel.

(iv) *Other Programs* are any programs not defined above, including without limitation, syndicated film, taped or transcribed programs, and feature films.

B. *Types* of programs are defined as follows:

(i) *News Programs* include reports dealing with current local, national and international events, including weather and stock market reports; and commentary, analysis or sports news when it is an integral part of a news program.

(ii) *Public Affairs Programs* are programs dealing with local, state, regional, national or international issues or problems, including, but not limited to, talks, commentaries, discussions, speeches, political programs, documentaries, mini-documentaries, panels, round-tables and vignettes and extended coverage (whether live or recorded) of public events or proceedings, such as local council meetings, congressional hearings and the like.

(iii) *Instructional* includes all programs designed to be utilized by any level of educational institution in the regular instructional program of the institution. In-school, in-service for teachers and college

credit courses are examples of instructional programs.

(iv) *General Educational* is an educational program for which no formal credit is given.

(v) *Performing Arts* is a program in which the performing aspect predominates such as drama, concert, opera or dance.

(vi) *Light Entertainment* includes programs consisting of popular music or other light entertainment.

(vii) *All Others* includes all programs not falling within the definitions of types of programs defined above.

2. *A Program* is an identifiable unit of program material, logged as such, which is not an announcement as defined above (*e.g.*, if, within a 30-minute entertainment program, a station broadcasts a 1-minute news and/or weather report, this news and weather report may be separately logged and classified as a 1-minute news program and the entertainment portion as a 29-minute program).

3. *Network Programs.* Where information is called for herein with respect to program type classification in connection with network programs, the applicant may rely on information furnished by the network.

Section III

Programming

Call letters _____

1. Attach as Exhibit III–1 one exact copy of the program logs for a typical week used as a basis for responding to the questions herein. The typical week must be selected from the school term during which the application is filed, or if such term began less than 90 days before the date of filing the application, from the school term immediately preceding the school term during which the application is filed. Applicants using automatic program logging devices must comply with the provisions of § 73.1810(k)(3) of the Rules.

2. State, for the typical week, the sign-on and sign-off time and total time for weekdays, Saturday and Sunday.

	Weekdays	Saturday	Sunday
Sign-on			
Sign-off			
Total hours on air			
Total week			

3. State, for the typical week, the portion of the schedule obtained from the following sources (totals to equal 100%):

	Hours	Percentage
Local program		
Record program (radio only)		
Network program		
Other		

4. State, for the typical week, the amount of time devoted to the following types of programs (totals to equal 100%).

	Hours	Percentage
Instructional		
General educational		
Performing arts		
Public affairs		
Light entertainment		
News		
All other		

5. Does the applicant contemplate any material changes in future program service?
( ) Yes ( ) No
If Yes, submit as Exhibit III–5 a statement describing those changes.

6. Will the applicant present programs of one or more networks during the next license period?
( ) Yes ( ) No
If Yes, give the name(s) of the network(s) _____.

7. Is the station either:
(a) a Class "D" FM facility (10 watt) as defined in § 73.506(a)(2) of the Rules?
( ) Yes ( ) No
(b) a station whose programming is entirely instructional?
( ) Yes ( ) No
If Yes to either question, the applicant may omit questions 8 through 12, following.

8. Has the applicant placed in the public inspection file at the appropriate times the required documentation relating to its efforts to ascertain community problems, needs and interests?
( ) Yes ( ) No
If No, attach as Exhibit III–8 a complete statement of explanation.

9. Radio station applicants, attach as Exhibit III–9 the narrative description of these ascertainment efforts as required by § 73.3527 of the Rules.

10. TV station applicants, attach as Exhibit III–10 the narrative description of the public survey as required by § 73.3527 of the Rules.

11. TV station applicants, attach as Exhibit III–11 the community leader checklist for the preceding license term.

12. Has the applicant placed in its public inspection file at the appropriate times the annual lists of those problems, needs and interests which, in the applicant's judgment, warranted treatment by its station, and illustrative programs broadcast in response thereto?
( ) Yes ( ) No
A. If Yes, attach those lists as exhibit III–12A.
B. If No, attach as Exhibit III–12B a complete statement of explanation.

Section IV

Certification

Call letters _____

The applicant hereby waives any claim to the use of any particular frequency or of the either as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934.)

The applicant acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and are incorporated herein.

This application must be signed in accordance with the requirements of § 73.3513, "Signing of Applications."

Willful false statements made on this form are punishable by fine and imprisonment. U.S. Code, Title 18, Section 1001.

Certification

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.
Signed and dated this
_____ day of
_____, 19—.
Name of Applicant _____
Signature _____
Title _____

FCC Notice to Individuals Required by the Privacy Act

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934 as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, accountants, engineers, and application examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information.

The foregoing notice is required by the Privacy Act of 1974, P.L. 93–579, December 31, 1974, 5 U.S.C. 552(e)(3).

Appendix F

Public Inspection File Inventory—Noncommercial AM, FM and TV

This inventory list is to be used by Field Operations Bureau personnel to verify the contents of the public inspection files of noncommercial AM, FM or TV licensees.
Licensee: _____
City: _____
State: _____
Call letters: _____

The following documents were in the public inspection file:

	Yes	No
1. Application for construction permit or program test authority if such application was filed within the last 7 yr		
2. Ownership reports covering last 7 yr		
3. Annual employment reports for the last 7 yr		
4. 2 latest equal employment opportunity model programs		
5. The Public and Broadcasting—A Procedure Manual		
6. 2 latest renewal applications		
7. A file for requests for time by candidates for public office (may be empty)		
Ascertainment Documentation		
8. Annual problems programs lists for the last 7 yr		
9. Statement of sources consulted and ascertainment methology		
10. Leader interview documentation for the last 7 yrs		
11. 2 most recent community leader checklist		

	Yes	No
12. General public survey documentation for the last 7 yrs		
13. Community composition documentation		

Public Inspection File Inventory—Commercial TV

This inventory list is to be used by Field Operations Bureau personnel to verify the contents of the public inspection file of commercial television licensees.

Licensee: _____

City: _____

State: _____

Call letters: _____

The following documents were in the public inspection file:

	Yes	No
1. Application for construction permit or program test authority if such application was filed within the last 7 yr		
2. 2 latest renewal applications		
3. Ownership reports covering last 7 yr		
4. Annual Employment reports for the last 7 yr		
5. 2 latest equal employment opportunity model programs		
6. The Public and Broadcasting—A Procedure Manual		
7. Letters received from members of the public for the last 3 yr		
8. Composite week logs for the last 7 yr		
9. Statement of TV program service		
10. A file for requests for time by candidates for public office (may be empty)		
Ascertainment Documentation		
11. Annual problems-programs lists for the last 7 yr		
12. Leader interview documentation for the last 7 yr		
13. 2 most recent community leader checklists		
14. General public survey		

Public Inspection File Inventory—Commercial Radio

This inventory list is to be used by Field Operations Bureau personnel to verify the contents of the public inspection files of noncommercial AM, FM or TV licensees.

Licensee: _____

City: _____

State: _____

Call letters: _____

The following documents were in the public inspection file:

	Yes	No
1. Application for construction permit or program test authority if such application was filed within the last 7 yr		
2. 2 latest renewal applications		
3. Ownership reports covering last 7 yr		
4. Annual employment reports for the last 7 yr		
5. 2 latest equal employment opportunity model programs		
6. The Public and Broadcasting—A Procedure Manual		
7. Letters received from members of the public for the last 3 yr		
8. A file for requests for time by candidates for public office (may be empty)		
9. Issues-programs lists		

Appendix G

Section 0.281 was amended in the Radio Deregulation proceeding (46 FR 13888; February 24, 1981). As amended it provides that the following applications for renewal be taken before the full Commission for consideration. The current text of § 0.281(a)(7)–(10) is not being changed and is reprinted below for the information of the reader.

§ 0.281 Authority delegated

(a)(7) Programming: Commercial matter.

(a)(7)(i) Commercial TV applicants for a new station, or assignment or transfer, or renewal of license, proposing to exceed 16 minutes of commercial matter per hour, or during periods of high demand for political advertising, providing for exceptions permitting in excess of 20 minutes of commercial matter per hour during 10% or more of the station's total weekly hours of operation.

(8) Programming: Program content and ascertainment of community needs.

(8)(i) Applications for new stations or assignments and transfers.

(8)(i)(A) Commercial AM and FM proposals of applicants for new stations and of assignees and transferees that have not submitted a narrative statement of their proposed programming, commercial TV proposals of applicants for new stations and of assignees and transferees (except those made by UHF stations not affiliated with major networks) which project for the hours 6:00 a.m. to 12:00 midnight less than the indicated percentages in one or more of the following categories: 5% total local programming; 5% information (news plus public affairs) programming; and 10% total nonentertainment programming.

(8)(i)(B) Commercial TV proposals of applicants for new stations and of assignees or transferees which contain substantial ascertainment defects which, for any reason, cannot be resolved by further staff inquiry or action. (See 1971 Ascertainment Primer: 27 F.C.C. 2d 650 (1971), 36 FR 4092).

(8)(ii) Applications for renewal.

(8)(ii)(A) Commercial TV proposals (except those made by UHF stations not affiliated with major networks) which project for the hours 6:00 a.m. to 12:00 midnight less than the indicated percentages in one or more of the following categories: 5% total local programming; 5% informational (news plus public affairs) programming; and 10% total nonentertainment programming.

(8)(ii)(B) Commercial TV proposals containing substantial ascertainment defects which, for any reason, cannot be resolved by further staff inquiry or action. (See 1976 Ascertainment Primer: 57 F.C.C. 2d 418 (1975), *recon. granted in part*, 61 F.C.C. 2d 1 (1976)).

(9) Programming: Substantial shifts in format. Commercial AM, FM, and TV applications disclosing substantial changes affecting either the entertainment or nonentertainment portions of existing formats which raise significant public interest questions, or which are opposed by the listening or viewing public.

(10) Programming: Promise versus performance.

(10)(i) Applications for assignments and transfers. TV applications for assignment or transfer which vary substantially from the assignor's or transferor's prior representations with respect to commercial practices (as set forth in paragraph (a)(7) of this section), or from the programming categories (as set forth in paragraph (a)(8) of this section), and for which variation there is lacking, in the judgment of Broadcast Bureau, adequate justification in the public interest.

(10)(ii) Applications for renewal. Commercial TV applications which vary substantially from prior representations with respect to commercial practices (as set forth in paragraph (a)(7) of this section), or from the programming categories set forth in paragraph (a)(8) of this Section, and for which variation there is lacking, in the judgment of the Broadcast Bureau, adequate justification in the public interest.

[FR Doc. 81-14085 Filed 5-8-81; 8:45 am]

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Monday
May 11, 1981

Part IV

Consumer Product Safety Commission

Chain Saws and Their Components and Replacement Parts; Proceeding To Develop a Consumer Product Safety Standard

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Chain Saws and Their Components and Replacement Parts; Proceeding To Develop a Consumer Product Safety Standard

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proceeding to develop a proposed consumer product safety standard.

SUMMARY: The Commission begins the development of a proposed consumer product safety standard for chain saws, and their components and replacement parts, that would reduce the risk of injury to consumers caused by kickback. Kickback occurs when the moving chain at the tip of the guide bar contacts an object or when the moving chain is pinched in the cut. The Commission has determined that it is more expeditious for the Commission to develop this proposed standard itself than for interested parties outside the Commission to develop the proposed standard and solicits comment on this issue for a second time. The Commission also solicits participation in the standard development proceeding by interested persons outside the Commission, and will contribute to the costs of participation for some persons who qualify for funding.

DATES: Persons who wish to comment on the Commission's determination to develop the standard itself should submit their comments by June 10, 1981.

Any person who wishes to submit an existing standard or part of an existing standard to the Commission for consideration for proposal as the consumer product safety standard should submit the existing standard by June 10, 1981.

Persons interested in participating in the development of the standard should notify the Commission's Office of the Secretary, preferably by June 30, 1981. Persons who wish to request funding to enable them to participate are requested to submit the information to support their request by June 3, 1981, so that the requests may be considered before the first meeting of the public participants. Although requests for funding may be submitted at any time during the development process, will not be approved for participation that takes place before the Commission considers the funding request.

Persons who have information that would be helpful to the Commission in the development of the standard are also requested to submit the information to the Commission by June 30, 1981. Information that is submitted after that time will also be considered if practicable.

The Commission has specified that the development period, which is the period of time that the Commission allots to develop the provisons of a proposed standard and to prepare the standard for publication as a proposed standard, shall be until July 31, 1982. The Commission may extend the development period by publishing a notice in the **Federal Register** providing reasons for the extension. If the Commission does not publish a proposed standard within 45 days after the end of the development period, it will publish a notice in the **Federal Register** specifying the time period within which either (1) the proposed standard will be published or (2) the proceeding will be terminated.

ADDRESSES: Submissions should be addressed to the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street, N.W., Washington, D.C. 20207. Copies of all materials which the Commission has concerning this proceeding may be obtained from the Office of the Secretary.

FOR FURTHER INFORMATION CONTACT: For information on the standard development proceeding, contact Carl Blechschmidt, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207 phone (301) 492–6557. For information on funding, contact Barbara Rosenfeld, Office of Public Participation, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C., 20207 phone (202) 634–7700.

SUPPLEMENTARY INFORMATION:

A. The Risk of Injury

In 1978, approximately 100,000 persons required medical attention after they were injured by chain saws. An estimated 23,000 of these injuries occurred when the user experienced a phenomenon known as "kickback", which is a sudden and potentially violent rearward and/or upward movement of the chain saw that can be caused by interference with the movement of the chain. This sudden and often unexpected kickback can propel the moving saw chain into contact with the operator, often with serious results.

The Commission estimates that the actual cost of kickback injuries in 1979, not including any value of pain and suffering, was $24 million.

A chain saw is a familiar tool in which a number of cutting elements are linked into a chain that is driven around the outer edge of a guide bar by a powerhead that incorporates a gasoline engine or electric motor.

The Commission staff estimates that of the chain saws in use, 15 percent are electrically powered, and the remainder are gasoline powered. Forty-five percent of all chain saws have engine displacements of 2.5 cubic inches or less, 25 percent have displacements over 2.5 but not over 3.5 cubic inches, 10 percent have displacements over 3.5 but not over 4.2 cubic inches, and the remaining 5 percent of saws have displacements over 4.2 cubic inches.

The number of saws in use is estimated to have been about 15 million in 1978, and it is estimated that the number of saws in use will expand to about 18 million in 1982. The Commission's staff estimates the chain saw market is approaching saturation and that increases after 1982 will be perhaps 2 to 4 percent each year. The average life of chain saws in consumer use is believed to be about 6 years, and 10 to 15 percent of the saws sold may be used for commercial purposes. However, at least for saws under 3.8 cubic inch displacement, consumer use predominates in any particular category of saws. A major saw chain manufacturer estimates that one in every 5.5 U.S. households owns a chain saw.

The staff's data indicate that 3.7 million chain saws were shipped by manufacturers in the United States in 1979, compared to 2.3 million in 1970.

The Commission's staff estimates that there are about a dozen chain saw manufacturers with manufacturing facilities in the United States and a similar number of manufacturers who import saws manufactured outside the U.S. The 5 largest manufacturers of gasoline powered saws account for over 80 percent of the gasoline saws sold, while the top 3 manufacturers of electric saws in 1977 accounted for over 80 percent of unit sales.

As noted above, kickback is the sudden and potentially violent rearward and/or upward movement of the chain saw that can be caused by sudden interference with the movement of the chain. This interference can be caused by the chain striking the wood or other object on the top quadrant of the tip of the chain guide bar (nose tip kickback) or by the chain on the top of the bar binding in the cut or hitting an unusually hard portion of the wood or other obstruction (pinch kickback). This interference with the movement of the chain transfers the energy that is driving the chain into a movement of the entire saw, causing the bar tip to move back

and/or up so fast that the operator may be struck by the moving chain, frequently in the face, neck, or throat area. The great majority of kickback accidents are believed to be caused by the chain striking the wood or another object in the upper quadrant at the tip of the bar. This type of kickback is caused by a tendency for parts of the chain to catch or dig into the wood as the links travel around the radius at the end of the bar.

The Commission conducted a special survey of chain saw kickback injuries reported through the National Electronic Injury Surveillance System (NEISS) during 1977 and 1978. The survey revealed that approximately 5 percent of the kickback injuries were associated with electric-powered chain saws, 85 percent were associated with gasoline-powered chain saws having displacements of 4.2 cubic inches or less, and 10 percent were associated with other chain saws.

From investigations of a sample of injuries from chain saws, the Commission's staff estimates that 39 percent of kickback injuries are caused by gasoline powered saws having a cubic inch displacement (CID) of 2.5 or less, 31 percent by saws having a CID of 2.6 to 3.5, 15 percent by saws having a CID of 3.6 to 4.2, and 3 percent by saws having a CID over 4.2. Bow-type saws account for 7 percent of the reported kickback injuries.

B. What Can Be Done About Kickback

A number of devices have been developed in attempts to reduce the risk of kickback occurring or to reduce the likelihood of injury if it occurs. For example, one way to help prevent nose tip kickback is to provide a guard to cover the chain at the upper quadrant of the tip of the blade, thereby protecting the chain from contact in this area. The Commission's staff estimates that providing a nose tip guard would add about $1.00 to the retail price of a saw.

Another mechanism that the data indicate may provide protection is a chain brake intended to stop the chain when kickback occurs. The chain brake is generally actuated by contact of the operator's hand with a hand guard as the saw moves back, although some types of chain brakes are actuated automatically by an inertial sensing device. Some chain brakes are designed to stop the chain in 0.1 seconds or less. In addition, operation of the chain brake is believed to reduce the effect on the saw of the energy developed during kickback. Providing a chain brake could add $8.00 to the retail price of a saw.

A hand guard alone can also provide significant protection against hand injuries associated with kickback and other types of accidents. A hand guard could add $1 to $2 to the retail price of a saw.

There are also features that can be provided in the design of the saw chain or guide bar that will reduce the energy developed during kickback if it occurs.

There are a number of chain designs intended to reduce the degree of kickback that can occur when contact takes place at the tip of the bar. The cutting link usually includes a "depth gauge" which partially shields the cutting element so it will not dig in too deeply. Chain designs used to minimize kickback include (1) guard links to partially shield the depth gauge and cutting element, (2) modification of the shape or contour of the depth gauge, (3) modification of the overall shape and dimensioning of the cutter, and (4) combinations of the above. Use of these low-kick chain designs should add little, if anything, to the price of a saw.

It has also been found that reducing the radius of curvature at the end of the guide bar will reduce the energy developed during kickback as the chain travels around the nose of the guide bar. Two basic approaches can be used to produce a low kick guide bar by reducing the radius of curvature at the nose. One is to reduce the total width of the guide bar, at least as it approaches the nose. This produces either a narrower overall guide bar or a tapered guide bar. In either case, both symmetry and a smaller nose radius are obtained. Symmetry is significant since guide bar service life can be extended by turning the guide bar when the guide bar rails show uneven wear. A second approach is to reduce the radius of the upper half of the guide bar nose. This creates an asymmetrical or "banana nose" guide bar. Asymmetrical guide bars are currently available and/or supplied as original equipment with some chain saws. Use of these low-kick reduced radius bar designs could add $1 to the price of a saw.

Preliminary data show that combinations of low-kick chains and low-kick guide bars provide greater reductions in the amount of kickback energy produced than either feature alone.

C. Background to the Proceeding

By a letter dated March 21, 1977, John Purtle, Esq., of Batesville, Arkansas, petitioned the Commission (Petition CP 77–10) to begin proceedings under section 7 of the Consumer Product Safety Act (CPSA) to develop a mandatory consumer product safety standard to "minimize and prevent chain saw kickback." Mr. Purtle suggested that every chain saw incorporate "a chain saw brake, a nose-tip guard, a kill switch or other safety device."

While the Commission's staff was evaluating this petition, the Chain Saw Manufacturers Association (CSMA) recommended that the petition be denied on the ground that a mandatory standard was not needed because the industry was taking significant voluntary steps to address the chain saw kickback hazard. CSMA estimated that 50 to 60 percent of the saws being sold at that time already contained some type of kickback protection. The industry expected the American National Standards Institute (ANSI) to approve an interim design standard by February, 1978. The interim voluntary standard (ANSI B 175.1), which was published in April, 1980, would require gasoline chain saws to incorporate such protection as a nose-tip guard, a chain brake, a low-kick chain, or a low-kick guide bar. CSMA said that the technology to define kickback in terms of a performance standard did not exist, but CSMA estimated that a test method could be developed and performance requirements drafted in approximately 2½ years.

In December, 1977, CSMA proposed a joint 18 month effort with the Commission to develop a voluntary performance standard. The Commission directed the staff to study the proposal to determine whether it appeared to provide the most expeditious and cost effective strategy for reducing chain saw kickback injuries.

Subsequently, the Commission denied the petition (43 FR 26103, June 16, 1978) and, later the same month, formally agreed to participate with CSMA in a joint effort to develop a voluntary performance standard to reduce chain saw kickback injuries. The joint process involved the active participation of consumer, industry, and government representatives in the development of testing equipment and procedures, study of operator interaction with the saw, and analysis of injury data. As part of the process, a Standards Review Board was charged with supervising the effort and formulating a standard. The written agreement specified that work on the standard was to be completed by December 31, 1979.

Much sound engineering and analytical work was accomplished prior to the December 31, 1979, expiration date of the process. However, no requirements were drafted by any of the committees operating under the terms of the agreement. On December 11, 1979, at the final Standards Review Board

meeting, CSMA presented the Standards Review Board with a document CSMA characterized as a "discussion draft" consisting of performance requirements for chain saws and backup documentation. The Board did not consider the draft because it did not believe that sufficient information to write a standard had been developed. The Board recommended that CSMA ask the Commission for an extension of the project. In a letter to the Commission, CSMA declined to request an extension because CSMA believed that sufficient information was available to write a standard and supporting rationale.

On December 21, 1979, CSMA submitted the same draft to the Commission. The accompanying correspondence from CSMA represented the draft as being both "a final standard and rationale" and a draft with sufficient information to write a supportable proposal, although "additional work on correlation would be desirable."

The draft standard submitted by CSMA calls for using a specified test apparatus to measure the maximum energy generated at the tip of the chain bar at the initial moment of kickback. A computer model then translates the maximum energy measurement into the angle that the saw would rotate toward an operator. In making this translation, the model uses (1) the energy measurement, (2) information describing key characteristics of the saw being tested, (3) an equation for converting the measured total energy into horizontal, vertical, and rotational energy, and (4) formulas intended to describe the influence of the operator's hands on the handle during kickback. The result is a "Derived Angle of Rotation," which is compared to acceptance criteria to determine whether the saw meets or fails the requirements.

The acceptance criteria provided that a saw was acceptable (1) if the Derived Angle of Rotation (DAR) is 20 degrees or less, (2) if a hand guard is provided and the DAR is less than 50 degrees, or (3) if the chain stops before the DAR reaches 50 degrees and the ultimate DAR is 60 degrees or less.

The Commission's evaluation of CSMA's draft standard and rationale has left serious doubts that the standard as submitted would adequately reduce injuries associated with chain saws. The following specific deficiencies were identified.

1. The portion of the computer model that attempts to account for the action of the operator's hands on the saw is based on an unproven assumption. CSMA attempted to prove the assumption by correlating the results from the computer model to actual tests of hand-held saws during kickback situations. However, at the time CSMA submitted their draft standard to the Commission, the data intended to show correlation consisted of tests with only 3 test operators and 2 chain saws, and this is not sufficient to show that the computer model is applicable to all saws. Furthermore, it was not established that the hand-held tests that were performed related to the situation where kickback occurs with an unsuspecting user.

2. The lack of a method to determine the angle at which the chain would stop, and the inability of the model to predict the angle at which the chain stops, prevent use of the acceptance criteria applicable to chain brakes.

3. There was no analysis of the sensitivity of the computer model to variations in input data. The model cannot be considered valid without investigating the effect on the derived angle of rotation of variations in the data used to compute this angle.

4. The draft standard would apply only to electric saws rated at 12 amperes or less and gasoline saws of 3 cubic inch displacement (CID) and less, whereas the Commission has data indicating that saws up to at least 4.2 CID are used regularly by consumers and are involved in kickback injuries.

These deficiencies caused the Commission to conclude preliminarily that the Commission cannot rely solely on the voluntary process being conducted by CSMA to offer adequate protection for the public from the risk of injury associated with the kickback of chain saws. Furthermore, since numerous serious injuries continue to occur from kickback, and since it appears that the technology to substantially reduce these injuries can be incorporated in chain saws at a reasonable cost, the Commission preliminarily concluded that the risk of kickback injuries associated with chain saws is unreasonable and that a consumer product safety standard is necessary to reduce or eliminate this unreasonable risk. (See 45 FR 62392; September 19, 1980.) However, if a valid voluntary standard applicable to a sufficient number of consumer saws is developed and implemented in the future, the need to complete the development of a mandatory standard could be reconsidered at that time.

A packet of information concerning (1) the specific nature of the risk of injury associated with chain saw kickbacks, (2) the basis for the Commission's determination concerning the need for a mandatory standard, and (3) additional information relating to the development of the proposed standard by the Commission which may be helpful to potential participants or other interested persons may be obtained from the Office of the Secretary.

D. Development of the Proposed Standard by the Commission

Under section 7 of the Consumer Product Safety Act, 15 U.S.C. 2056, a proposed consumer product safety standard may generally be developed in the following ways:

1. The Commission may solicit offers from persons or organizations outside the Commission to develop a recommended standard. Persons submitting such offers are referred to as "offerors," and the development of recommended standards in this manner is called the "offeror process."

2. The Commission may invite persons or organizations outside the Commission to submit to the Commission an existing standard which could be proposed as a consumer product safety standard.

3. The Commission may publish an existing standard or combination of existing standards as a proposed consumer product safety standard.

4. The Commission may develop the proposed standard itself if the Commission determines that it is "more expeditious" than development by the offeror process.

In the case of the kickback hazard associated with chain saws, the Commission is not aware of any standard issued, adopted, or proposed by any Federal department or agency or by any other qualified agency, organization, or institution that would adequately reduce the risk and could be published as a proposed standard by the Commission. However, any person (including any standards-writing organization, trade association, consumer organization, technical or professional society, testing laboratory, university or college department, wholesale or retail organization, Federal, State, or local government, engineering or research and development establishment, ad hoc association, or any company or person) is invited to submit to the Commission by June 10, 1981, an existing standard or combination of existing standards for consideration as the proposed consumer product safety standard. The existing standards the Commission knows about are discussed in more detail in section G of this notice.

In determining whether a standard should be developed by the Commission itself rather than through the offeror process, the Commission is required by section 7(b)(2) of the Consumer Product

Safety Act, 15 U.S.C. 2056(b)(2), to consider the following factors.

1. The nature of the risk of injury associated with the product.

2. The expertise of the Commission with respect to the risk of injury.

3. The expertise of the Commission in developing consumer product safety standards.

4. The resources available to the Commission and the priorities established by the Commission.

After considering these factors, the Commission determined that it would be more expeditious for the Commission to develop this standard itself rather than by the offeror process. A notice of this determination was published in the Federal Register on September 18, 1980 (45 FR 62392). How the Commission determined that each of these factors applies to the development of a mandatory safety standard for chain saw kickback is discussed separately below:

1. *The nature of the risk of injury associated with the product.* As discussed above, the risk of injury to be addressed by the standard is contact between the saw and the user resulting from the rapid upward and/or backward movement of the chain saw when there is sufficient interference with the movement of the chain. This risk of injury was studied by the Commission's staff during the development effort that was conducted in conjunction with CSMA. The staff has analyzed the incidents that have been reported to the Commission and is fully familiar with the details of these incidents. Therefore, the Commission's staff is at least as qualified as any offeror to analyze and identify the nature of the risk of injury associated with kickback from chain saws.

2. *The expertise of the Commission with respect to the risk of injury.* As a result of its previous analysis of this hazard and its participation in the previous voluntary effort to develop a standard, the Commission's staff is fully aware of all aspects of the risk of injury and of the techniques which are likely to be successful in reducing the risk. Many of the groups that could be considered potential offerors would have to duplicate much of what the Commission's staff has already done before they could proceed with the development of a standard. Accordingly, the Commission believes that the fact that the Commission already has a high degree of expertise with respect to the risk of injury would tend to make it more expeditious for the standard to be developed by the Commission rather than by the offeror.

3. *The expertise of the Commission in developing consumer product safety standards.* The Commission has issued four consumer product safety standards that were developed under section 7 of the act. As a result of developing mandatory safety standards under the CPSA, as well as developing standards under the other statutes administered by the Commission, the Commission's staff has acquired considerable expertise in the development of safety standards.

Furthermore, in relation to the development of this particular standard, the Commission already has a CSMA test device for measuring kickback energy installed in its laboratory and is installing another device that has been developed to measure chain saw kickback angles. These devices are needed to perform testing to obtain data for the development of a standard.

In addition to the development of the standard itself, before a standard can be promulgated by the Commission, the Commission must make the extensive findings required by section 9 of the act relating to the need for, and impact of, the standard and must provide substantial evidence showing why the requirements of the standard are reasonably necessary to reduce or eliminate an unreasonable risk of injury associated with the products. Although an offeror could draw on the experience of the Commission in formulating section 9 findings, an offeror cannot be expected to be as familiar with this aspect of the development of mandatory safety standards as is the Commission's staff.

In view of the fact that an offeror would have to become familiar with the existing information relevant to development of a standard addressing chain saw kickback and to the formulation of section 9 findings, and because an offeror would also have to obtain and calibrate test devices for measuring kickback energy and/or angles, the Commission estimates that it would take an offeror 12 to 18 months longer than the Commission to develop a recommended standard. This estimate is based on the assumption that it will not be necessary to do extensive rewriting or technical work on any standard developed by an offeror.

Because of the severe risk associated with this product, the Commission believes that it is essential that a standard be developed in the shortest possible time and with the maximum likelihood that the standard that is developed will be suitable for promulgation as a consumer product safety standard. In view of the expertise of the staff in the development of such standards and on the issue of chain saw kickback, the Commission concludes that the best way to ensure that these goals are achieved is for the Commission to develop the standard itself rather than by using the offeror process.

4. *The resources available to the Commission and the priorities established by the Commission.* In the case of a chain saw standard development proceeding, it is likely that an offeror would require compensation from the Commission for performing the work needed to develop a standard. Therefore, the Commission cannot conclude that the offeror process would be less burdensome to Commission resources than would development by the Commission. This is especially true since an offeror would have to perform extra work in becoming familiar with background materials and in acquiring suitable test equipment.

In addition, as explained above, an offeror is likely to take 12 to 18 months longer to develop a standard than would the Commission.

After considering the factors discussed above, the Commission determined that it will be more expeditious for the Commission to develop a consumer product safety standard for chain saws itself than for it to develop the standard by an offeror process.

The decision for the Commission to develop this standard itself does not mean that the Commission will not use the offeror process when appropriate in the development of future consumer product safety standards. The offeror process can be a useful way to develop standards with the expenditure of a minimum of staff time. In this case, however, the need to have a standard in place as soon as possible must take precedence.

The Commission's regulations governing the development of consumer product safety standards by the Commission are found at 16 CFR Part 1105, Subpart C.

E. Response to Comments

In the Federal Register of September 18, 1980 (45 FR 62392), the Commission published a notice announcing its determination to develop a standard itself and requesting public comment on the determination. In response to this Federal Register notice, the Commission received 36 comments. Although the Commission is not required by the Consumer Product Safety Act to reply to these comments, an explanation of the comments and the Commission's response to them are give below.

Two of these comments specifically supported the Commission's determination to develop the standard itself. Consumers Union (CU), publisher of *Consumer Reports*, agreed with the Commission's determination, citing the Commission's expertise regarding the hazard of chain saw kickback and the Commission's experience with the development of consumer product safety standards. CU also stated that, in view of the high priority that should be placed on the development of this standard, it was appropriate to use Commission staff resources to develop this standard.

A consumer who had been a participant in the Chain Saw Manufacturers Association's and CPSC's effort to develop a voluntary standard addressing chain saw kickback also supported the Commission's determination that it would be more expeditious for the Commission to develop the standard itself.

The most lengthy comments were supplied by CSMA. In the portion of its comments related to the Commission's determination to develop a standard itself, CSMA states that the fact that the Commission has the most experience in developing mandatory standards under the Consumer Product Safety Act and has the only experience in formulating the findings required by section 9 of the Act should "carry no weight in the determination of whether the agency should develop consumer product safety standards without resort to the offeror process." CSMA contends that these factors would apply to any proceeding and their "ritual invocation" would violate an alleged Congressional intent that the offeror process should normally be preferred.

This argument by CSMA overlooks the fact that in the statute Congress specifically provided that the Commission must consider its expertise in developing consumer product safety standards in deciding whether a standard should be developed by the Commission itself or through the offeror process. 15 U.S.C. 2056(b)(2). However, this is only one of the factors that must be considered. In this case, the Commission's considerable expertise concerning this risk of injury and the very high priority it has given to the development of a chain saw standard combine with the general expertise of the Commission concerning mandatory standards to lead to the conclusion that the Commission should develop this standard itself.

CSMA also argues that the Commission's development effort will duplicate work already done by the industry during the "joint" development effort that was unsuccessfully concluded. CSMA suggests that the Commission should seek offers from other parties in the hope that such offers may "suggest some other fruitful approach to the problem than simply to parallel the industry's effort." However, the Commission cannot justify adding to the delay in developing a standard that has already been occasioned by reliance on the industry's assurances concerning the development of a voluntary standard. The unspecified and speculative possibility of approaches that have not occurred either to the industry or the Commission can hardly warrant the time-consuming process of soliciting offers and evaluating them before the Commission begins to develop a standard itself. As noted below, the public is invited to participate with the Commission in developing the standard, and any suggestions that such participants make on how to approach the hazard of kickback will be fully considered.

CSMA's other comments did not address the merits of whether a standard should be developed by the Commission rather than by the offeror process. However, the additional CSMA comments are discussed briefly later.

Two CSMA members filed separate comments endorsing the CSMA comments that were submitted.

One individual commenter questioned whether the Commission had sufficient expertise to develop a standard that would not unduly restrict consumer choice of chain saw features. However, as explained above, the Commission believes its staff is as qualified as any likely offeror to make these determinations. Furthermore, the expertise of industry, consumer groups, and other interested persons will be solicated during the development of the standard.

Another individual commented, disagreeing with the "presumption" that the staff had greater expertise than "others who have dealt with this problem." However, the previous notice did not state that there were not persons more knowledgeable than the Commission's staff about various aspects of the kickback problem. What the earlier notice concluded was that it would be more expeditious for the Commission to develop a standard itself than for an offeror to do so. The expertise of interested persons outside the Commission can be drawn on through the public participation procedures outlined in section I of this notice.

The other comments that were received did not address the merits of the Commission's determination to develop a standard itself rather than to rely on the offeror process.

These comments need not be specifically addressed at this time since these issues will be considered in the future during the development of the standard. These comments included the following:

1. One commenter wrote to inform the Commission that he had developed certain unspecified inventions addressing kickback and possibly other hazards.

2. Another commenter noted that only about 25 percent of accidents associated with chain saws are reported to involve kickback and suggested that other areas also be addressed, such as fuel, engine exhaust, ventilation, flammable and inhaled dust, flying particles, falling objects, working at elevated positions, and noise. (The Commission notes, however, that kickback is the largest single identified cause of chain saw injuries.)

3. One commenter suggested that use of a particular newly developed chain would help to solve the kickback problem.

4. Another commenter expressed the fear that a standard would increase the weight and cost of chain saws and expressed the belief that people will continue to hurt themselves regardless of whether safety features to protect them are incorporated into the product.

5. CSMA urged the Commission to ensure that any standard it might issue shall be a performance standard if feasible, and to avoid design requirements.

6. CSMA noted several alleged procedural deficiencies with the **Federal Register** notice published on September 18, 1980. CSMA implies that the Commission has not consulted "with such interested parties as the Commission shall deem necessary" before developing a standard itself. However, the Commission's ongoing communications with representatives of CSMA, chain saw and saw chain manufacturers, and other interested parties have provided the Commission with the diversity of opinion that it needed to consider in deciding whether to develop the standard itself.

CSMA also notes that the **Federal Register** notice of September 18, 1980, did not state the time by which the Commission expected to develop a standard. That notice was intended to give interested parties as much notice as possible of the Commission's determination to develop a standard. At the time that notice was issued, the staff had not formulated a detailed estimate of the work needed for the development.

The staff now estimates that a standard can be developed and a proposal prepared by July 31, 1982. The Commission agrees that this information could affect the comments interested persons might like to submit concerning the Commission's determination to develop a standard. Therefore, until June 10, 1981, the Commission will accept comments on this or any other aspect of the Commission's determination to develop a standard itself. However, there is no need for previous commenters to repeat their earlier comments.

7. Several comments were received that were either generally in favor of the standard or in favor of a standard for saws of less than 3 cubic inch displacement.

8. Several comments were received either opposing a standard or opposing a standard applicable to "larger saws" or to saws over 3, 3.5, or 3.7 cubic inch displacement or that would affect the saws used by professional saw users.

9. One comment suggested that chain saw injuries were related to the consumption of alcohol.

10. Several commenters, including the Managing Editor of *Chain Saw Age Magazine*, suggested that kickback injuries should be addressed primarily by the education and training of users.

11. One commenter stated that users of chain saws should be licensed.

12. One commenter advocated the use of ballistic nylon pads and steel-toed shoes worn by chain saw users to protect against contact with the saw chain.

13. Several commenters stated that use of underpowered saws or saws with bars that are too short contributes to kickback injuries.

14. Several commenters stated that industry was already working on the kickback problem and that safety features are being voluntarily adopted as soon as they become available. One commenter contends that because of this, injury reduction estimates based on data gathered during 1977 and 1978 would be invalid.

15. One commenter implies that the number of hospitals reporting to the National Electronic Injury Surveillance System is insufficient to provide reliable statistical sample.

16. One commenter opposed a requirement for an interlock to require two-handed operation as being expensive, requiring a nonessential maintenance burden, and being capable of being intentionally disabled by consumers who find it inconvenient.

17. CSMA also filed extensive comments contending that it was not appropriate to initiate a mandatory standard development at this time. The Commission's response to these arguments is given below.

CSMA expressed its disagreement with the Commission's conclusion that the results from the earlier joint effort to develop a voluntary standard had been unsatisfactory. Although CSMA admits that additional work is still needed on a standard that was originally scheduled to have been developed over a year ago, and that will not be ready to propose as a voluntary standard until later this year, CSMA contends that it fulfilled its agreement with the Commission to develop a voluntary standard. Although the Commission would agree that the joint development effort was only intended to develop a standard that could then be formally introduced into the voluntary ANSI adoption process, CSMA has yet to reach this stage in the standard's development. (The Commission staff's specific criticisms of the standard developed by CSMA are explained in section C of this notice.)

CSMA states that it has performed additional testing and that an individual "has begun" analyzing data from 100 of these tests to confirm the validity of the standard developed by CSMA. CSMA implies that it is close to completing this project and that it is duplicative and wasteful for the Commission to begin to develop its own standard. *Chain Saw Age Magazine* and the National Arborist Association also advanced this contention. The Commission disagrees.

First, the description provided by CSMA of the additional work it has performed is general and of little use in attempting to evaluate the present status of their project. Additionally, much of the work which the Commission will do in the early stages of its standard development proceeding would also be necessary to obtain the data needed to determine the adequacy of the standard being developed by CSMA. Therefore, the work to be done by the Commission will be needed regardless of whether CSMA develops and implements its own standard.

CSMA also contends that the hand-held tests of chain saw kickback that it has conducted can be related to use of the saws by an unsuspecting user because a kickback takes place before the operator can react to the motion of the saw. This contention ignores the ability of an operator who is expecting a kickback to occur to brace himself in anticipation of the impending kickback. Only be careful controls on the test operators and by using low energy kickbacks that do not unduly threaten the operator can reliable results be obtained from hand-held tests. CSMA has not shown that its tests are sufficient in these regards.

After considering the comments received on the determination to develop a standard itself, the Commission reaffirms that determination, for the reasons given previously.

F. Technical Issues

As explained above, the injuries associated with kickback occur primarily when the saw chain and guide bar are propelled upward and/or backward and contact the operator. If the magnitude of the angle through which the saw moves when kickback occurs can be limited sufficiently, these injuries can be reduced. Another possible approach is to provide a chain brake that will stop will stop the movement of the saw chain before the chain contacts the user.

With regard to limiting the angle of kickback, the Commission has conducted 89 in-depth investigations of chain saw kickback accidents, and in 82 of these it was possible to estimate the angular position that the saw had achieved during kickback when it made contact with the operator. Therefore, if a performance requirement is feasible that would result in limiting the angle that a saw would travel if kickback occurs when the operator is not expecting it, the percentage of presently occurring injuries that take place outside that limit would be eliminated and the severity of some of the injuries that occur within that limit may be reduced. The way in which the Commission staff believes it is feasible to develop a standard limiting kickback angles is explained below.

In a nose tip kickback situation, a particular chain saw (including the particular powerhead, saw chain, and guide bar combination) is capable of developing a certain maximum energy at the tip of the guide bar under "worst case" conditions that depend on such factors as speed of the saw chain, the particular portion of the tip of the bar that is contacted, and the velocity at which contact occurs. CSMA has developed a kickback machine (KBM) that can measure the energy produced in kickback tests under controlled conditions. This machine can be used to determine the worst case conditions for a particular saw and the maximum kickback energy that the saw will produce.

In the development of the proposed standard, the Commission staff will use the KBM to test a number of chain saws and a newly developed low kickback energy chain to determine the kickback energies that can be achieved with

existing technology under a variety of conditions, including "worst case" conditions. These saws will also be tested while being held by hand under similar conditions. By analyzing the results of these tests, the staff expects to be able to establish categories of saws so that by establishing a maximum allowable kickback energy under specified conditions for each category, the saws will not exceed a predetermined angle in a kickback situation. Some of the factors that may be considered in devising the appropriate categories for the saws are engine displacement, weight, handle spacing, and guide bar length.

Other areas that will be investigated during the standard's development will be the extent to which actuation of a chain brake during kickback may affect the amount of kickback produced and the degree to which it is feasible to establish criteria to insure that a chain brake will actuate and stop the chain in time to prevent contact between the operator and a moving chain. Also, the severity potential for injury from kickback when the chain stops moving but still contacts the operator will be examined.

If the Commission learns that for some categories of saws the achievable kickback energy levels produce angles of kickback in hand-held tests that are too high, it may be necessary to require specific additional safety devices, such as chain brakes or nose tip guards, either with or without a limitation on maximum kickback energy, to protect consumers.

Data available to the Commission also indicate that a hand guard is a valuable safety feature in reducing injuries to the hands and fingers occuring during both nose and pinch type kickback and other chain saw accidents. Thus, any draft proposed standard that is developed could contain a requirement for a hand guard.

Furthermore, one-handed use of saws was reported in one-fourth of the kickback incidents, the majority of which involved gasoline saws with a displacement of 2.5 cubic inches or less. Thus, a requirement for an interlock or other feature to prevent one-handed operation will be considered for at least some categories of saws.

The Commission will also consider other approaches to reducing this unreasonable risk of injury that may be suggested during the development period. Persons who believe that other performance-oriented approaches are preferable, or who wish to suggest specific design-oriented alternatives for a standard, should either participate with the Commission in developing the standard as explained in section I of this notice or submit their ideas to the Commission's staff for its consideration during the development.

Chain saws are used in both consumer and professional applications. As defined in section 3(a)(1) of the Consumer Product Safety Act, 15 U.S.C. 2052(a)(1), "consumer products" subject to the act do not include products that are not used more than occasionally by consumers. The Commission does not intend to regulate saws that are used rarely by consumers but are intended for use in logging operations or other professional applications. Thus, consideration will be given during development of the standard to whether it is feasible to define the chain saws subject to the standard in terms of characteristics that are found in consumer saws but are not found in saws intended for professional use. Such characteristics might include engine displacement, guide bar length, weight, provision of consumer-oriented features, or combinations of these features. Alternatively, the standard could apply only to those chain saws that are "consumer products" as defined in the act, in which case the manufacturer would have to evaluate their sales and distribution patterns to determine if a particular model was sold more than occasionally to consumers and was thus subject to the standard.

It may also be possible to identify certain marketing channels available to professional users but rarely used by consumers. If so, it may be feasible to exempt chain saws that are sold in these channels from the scope of the standard, in order to reduce any unintended impact of the standard on professional users.

Another issue that will be addressed during the development proceeding is whether the standard should apply only to the assembled chain saw, only to components of the saw such as saw chain, or both, or whether replacement parts such as saw chain should also be subject to requirements of the standard. As to component parts, it may be that a particular requirement should apply to the manufacturer of a particular component, such as saw chain or guide bars, rather than only to the manufacturer of the assembled chain saw. Furthermore, if a manufacturer decided to meet a performance standard by providing certain features in a component such as the saw chain supplied with the saw, the replacement of that chain, after it became worn, with a different chain could mean that the protection intended by the performance standard would no longer be provided. For these reasons, therefore, where the term "chain saw" is used in this notice, it also refers to the components and replacement parts of chain saws so that the initial scope of the proceeding is defined broadly enough that components and replacement parts may be addressed in the final standard, if appropriate.

Other technical and factual issues that will be addressed during the development of the proposed standard are listed below.

1. The degree and nature of the risk of injury the standard is designed to eliminate or reduce.

2. The appropriate number of consumer products, or types of classes thereof, subject to the standard.

3. The need of the public for the consumer products subject to the standard, and the probable effect of the standard upon the utility, cost, or availability of the products to meet such need.

4. The special needs of elderly and handicapped persons and the extent to which such persons may be adversely affected by the standard.

5. The proper period of time between the issuance of a standard and the time that manufacturers would be required to comply with it.

6. Whether a standard written in performance terms is feasible, or whether the standard should specify design requirements such as chain brakes and/or saw chain or guide bar designs.

7. The potential environmental effects of a standard.

8. An estimation of the injury reduction that will be provided by the standard.

9. Appropriate requirements in connection with the possible need for a mandatory testing program and the certificates of compliance required by section 14 of the CPSA.

10. Other means of achieving the objective of the standard while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with public health and safety.

11. A description of and, if feasible, an estimate of the number of small businesses and other small entities to which a proposed standard will apply, together with a description of the compliance burden on these entities, as required by the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (Pub. L. 96-354, Sept. 19, 1980; 94 Stat. 1164). In addition, that act requires consideration of alternatives to accomplish the rule's objectives while minimizing any

significant economic impact of the proposed rule on small entities.

12. Whether a "stockpiling" rule is needed to prevent excessive production of chain saws that do not comply with the final standard between the issuance of the standard and its effective date.

Persons who may have information relating to these and any other issues involved in the development of a standard to address the kickback hazard associated with chains saws are requested to submit such information at any time during the development, preferably by June 30, 1981, so that the Commission may consider the information during the development of the standard. Persons aware of any existing standards that may be relevant to this proceeding to develop a standard to address the kickback hazard associated with chain saws are also requested to notify the Commission.

The Commission's staff estimates that testing to obtain the data needed to write a recommended proposed standard and supporting rationale will be completed within a year. Additional time will be needed to thoroughly evaluate alternative requirements for a standard and to write the standard and supporting documents. The staff estimates that a recommended proposed standard can be presented for a Commission decision by July, 1982.

G. Existing Standards

The standards containing requirements addressing kickback that are known to the Commission to be in existence or under development are described below.

1. *United States standards.* The American National Standards Institute (ANSI) Safety Specification for Gasoline Powered Chain Saws, ANSI B–175.1, a voluntary standard, contains provisions addressing kickback and states that all gasoline chain saws "shall be equipped with a device intended to reduce the hazards associated with kickback." It also contains requirements for chain tensioning, since it is thought that a chain with a loose tension has a greater kickback tendency. Also, if a chain brake is provided, the standard has requirements for chain brake actuation devices and for chain stopping times. A similar standard is being developed for electic chain saws.

The Chain Saw Manufacturers Association standard, begun jointly with CPSC and still under development by CSMA, is described above in section C of this notice.

In addition, at least one state has proposed requirements that would be applicable to chain saws used commercially within that state. Washington State's proposed standard would essentially require chain brakes or tip guards or establish maximum allowable energy levels of kickback for different categories of saws. These categories are based on engine displacement, guide bar length, guide bar profile, and/or chain design. It is entirely possible that there would be major similarities between this standard and the standard that will be developed by the Commission. However, no rationale sufficient to support issuance of these requirements as a consumer product safety standard is known to exist.

2. *Foreign standards.* The information available to the Commission indicates that anti-kickback requirements have been issued or are being developed in Sweden, Finland, France, the Canadian Provinces, England, Australia, Germany, and Japan. In addition to requirements similar to those contained in the United States standards described above, these standards contain or are considering requirements or recommendations for chain brake actuation force, limitations on the kickback angle of a chain and bar combination (tested separately from the powerhead), and specific chain designs. Some countries require hand guards, chain brakes, and/or low kick chains. Several Canadian provinces also require hand guards and chain brakes.

The International Standards Organization is developing a standard for chain saws. A draft of this standard that was circulated for comment by the member nations contains requirements for chain brake performance, hand guards, and saw chain. To date, the Commission has not been provided with a detailed rationale for these draft requirements. The Commission will monitor the progress of the development of this standard in order to evaluate whether any of its kickback requirements are suitable for incorporation in a consumer product safety standard.

3. *Suitability of existing standards.* Although some of the requirements contained in existing standards show merit or promise, there are insufficient data available at this time to warrant adoption of any of these standards as a consumer product safety standard. In the first place, these standards generally do not provide any rationale to support the particular requirements. For example, there are no explanations of why chain brake actuation requirements are sufficient to ensure that, in use, a chain brake would actuate in time to prevent or reduce injury from kickback. Also, requirements for chain brake stopping times are not accompanied with data showing that these times will ensure that the chain stops before it contacts an operator in a kickback situation. Also, even a stopped chain that is propelled into an operator with some force may present an unreasonable risk of injury. These questions remain unresolved. Although injury data available to the Commission indicate that chain brakes can be helpful in reducing injuries, the Commission has not yet determined the extent to which chain brakes alone can provide protection or should be replaced by, or combined with, other protective features such as low kick chains and bars. Also, even where it might be appropriate to mandate a chain brake, the rationale for the particular requirements chosen must be developed.

Injury data from Sweden indicate that a hand guard can reduce the number of injuries to the hand and forearm. Therefore, the Commission may include requirements for a hand guard in any standard it develops.

As noted above, some foreign standards include performance requirements to limit the amount of kickback that a chain and guide bar will produce. The Swedish standard recommends as a goal a 120-degree limit on the angle produced by the chain and bar, when tested without the powerhead. This 120-degree goal is an indicator of kickback energy, but it does not predict the path of the saw during kickback. A French standard under development is also considering an angle limitation; however, the test method is not specified. Both of these would establish limitations on the energy which a particular saw could produce in kickback. However, as noted above in the explanation of how the Commission intends to develop a standard, kickback energy is only one of the factors that determine the degree of movement that will occur with different saws in a kickback situation. If it is feasible to do so, the Commission believes that it is desirable to develop requirements that are more closely related to the desired performance of the entire saw.

On the other hand, the approach to developing a standard being used by CSMA has not been sufficiently supported to serve as the approach to developing a mandatory standard. For example, the equations developed by CSMA to represent the forces applied to the saw by the operator's hands are based on assumptions that can only be validated by extensive testing with a variety of saws. If this testing does not confirm the original assumptions, different assumptions must then be

checked by further testing, or an entirely new approach would be necessary. The Commission has no assurance that it is possible to develop a standard along the lines being pursued by CSMA with a reasonable expenditure of resources within a reasonable time.

For these reasons, the Commission preliminarily concludes that the known existing standards are not suitable for proposal as a consumer product safety standard.

However, the Commission invites any standards-writing organization, trade association, consumer organization, technical or professional society, testing laboratory, university or college department, wholesale or retail organization, Federal, State, or local government agency, engineering or research and development establishment, ad hoc association, or any company or person to submit to the Commission an existing standard as the proposed consumer product safety standard by June 10, 1981.

H. Organization of the Development Effort

The Commission itself will ultimately approve the form and content of any standard for chain saw kickback that may be proposed. The staff will develop the data necessary to support the proposed standard and will prepare a draft proposed standard. The staff will forward the supporting data, the draft proposed standard, and the staff's recommendations and analysis to the Commission for its consideration.

The Commission's Program Manager for the Powered Equipment Hazard Program, Carl Blechschmidt, will be responsible for the compilation of data and development of the draft proposed standard as well as a draft proposed certification rule and possible testing program under section 14 of the CPSA, 15 U.S.C. 2063. He is also responsible for maintaining liaison with the public participants. (Unless otherwise noted, a reference in this notice to the "standard" also refers to the certification rule and possible testing program.) He will be assisted by the Powered Equipment Team Assistant Program Manager, Melvin Spencer, the Powered Equipment Team, which is composed of representatives from various Commission Directorates, and other staff of the Commission needed to develop and support the standard. (The Powered Equipment Team is a permanently established group in the Commission whose function is to investigate and make recommendations concerning regulatory and other actions relating to hazards associated with powered equipment.)

Within the legal guidelines furnished by the Office of General Counsel (OGC), and subject to the instructions of the Executive Director, the Powered Equipment Program Manager will make the final determinations of the substance of the staff recommendations for requirements of the standard, the test procedures, any mandatory testing program, and any certification rule and will make the other determinations required for the development of these items. Where development of the standard requires a balancing of competing interests (such as degree of protection vs. economic impact), he will make such determinations as are necessary to the expeditious development of the draft proposed standard, and will provide the Commission with an analysis of the pros and cons of the major alternatives encountered during the development of the standard. He will ensure that the technical and economic data required for the technical rationale and findings required by section 9 of the CPSA are developed by the staff. He will direct the scope of the staff's effort and, where appropriate, will determine which of various alternative approaches to risk reduction shall be investigated further. He will use his judgment in obtaining guidance on these determinations from the Commission's Associate Executive Directors, Director of the Office of Program Management, the Commission's Executive Director, or the Office of General Counsel. Where appropriate, the Executive Director may seek additional guidance from the Commissioners. The Program Manager will be responsible for presenting to the Commission the staff's recommendations, with a full discussion of the alternatives in major areas of controversy and reasons for and against selecting each alternative.

One or more persons from the Commission's staff will be assigned to assist the Program Manager in each of the following areas:

1. *Standard requirements.* A staff member will direct the group that will do the engineering work necessary for the development of the requirements of the recommended standard.

2. *Certification and Compliance strategy.* Staff members will work with the Office of General Counsel in preparing the draft proposed and final testing program, certification rule, and compliance strategy.

3. *Human factors.* A staff member will provide information on all aspects of human behavior associated with use and testing of chain saws.

4. *Economic impact.* A staff member will be responsible for analyzing the potential economic impact of the draft recommended standards and certification rules. This person will investigate the potential cost and other effects associated with testing and modifying saws to meet a variety of alternatives.

5. *Hazard analysis.* A staff member will provide the hazard analyses required to evaluate various standard provisions under consideration and to support the findings required by section 9 of the CPSA.

The development effort will also be aided by interested persons from outside the Commission (participants) in the manner described in section I below.

The Office of Public Participation (OPP) will handle the administrative responsibilities associated with recruitment of the participants, the selection of participants who may receive funding, and the payment of any Commission contribution to the cost of participants. If requests for contribution to the cost of participants are received, a Financial Compensation Selection Committee consisting of the General Counsel, Executive Director, and Secretary of the Commission, or their designees, will decide which requests for compensation will be granted. The Commission's procedures applicable to requests for funding are governed by the Commission's regulations at 16 CFR 1105.19 and are explained in section I of this notice.

The Directorate for Engineering Science (ES) will be responsible for the technical engineering aspects of the development of the standard, including:

a. Providing the staff members to do the engineering work needed to develop the requirements of the recommended proposed standard.

b. Coordinating engineering research and developing test methodology and analysis required for the standard.

c. Developing the criteria for the possible testing program and certification rule, in cooperation with the Office of General Counsel and the Powered Equipment Team member from the Directorate for Compliance and Administrative Litigation.

d. Informing participants of the technical engineering issues involved in the development of the standard.

The Division of Economic Program Analysis will analyze the economic aspects of the various alternatives offered and prepare economic impact statements. The Directorate for Hazard Identification and Analysis will be responsible for the collection and analysis of data to demonstrate the need for and effectiveness of various provisions of the standard, especially as

required by section 9(c) of the CPSA; and will provide information on all aspects of human behavior associated with the use and testing of chain saws.

The Directorate for Compliance and Administrative Litigation will develop the compliance strategy for enforcing the standard and, in cooperation with ES, will work with the Office of General Counsel in the development of a certification rule and possible testing program under section 14 of the CPSA. It is expected that a draft proposed and final certification rule and testing program, if appropriate, will be prepared along with a draft proposed and final standard. The staff believes that the simultaneous development of the draft certification rule and draft standard will reduce the total development time.

The Office of General Counsel (OGC) will provide guidance to the staff concerning the legal sufficiency of the information needed to support the issuance of a standard, including technical and economic supporting data. This shall include guidance at the stage when the need for contracts is being considered or questionnaires or surveys are being formulated, as well as review of draft documents. OGC shall ensure that the criteria in section 9 of the CPSA and the requirements of the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act, and all other applicable statutes are considered and addressed during the development effort. OGC shall prepare the required **Federal Register** documents, including format and editorial aspects of the standard and certification rule, in consultation with the staff. An OGC representative shall attend team meetings as necessary. OGC shall assist in resolving official comments, **Federal Register** notices and determine the legal sufficiency of the responses to comments.

The Directorate for Communications will be responsible for:

a. Coordinating and disseminating information materials for the general public concerning the standard development proceeding.

b. Providing recommendations for any section of the standard dealing with instructions to the consumer.

The Commission shall maintain complete written records of the development of the proposed standard as provided in 16 CFR 1105.18(f). The Commission will make these records available for public inspection and will supply copies upon request, subject to the provisions of its statutes and regulations relating to the availability of Commission records, including 16 CFR Part 1015. Participants who request a financial contribution for the costs of their participation must keep complete records of the costs incurred (see section I below).

The Office of the Comptroller General of the United States or any of its duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records relevant to the development of the proposed standard or to the expenditure of any contribution of the Commission for the development of such proposed standard.

I. Public Participation

The Commission invites interested persons (including individual consumers, consumer organizations, manufacturers, distributors, retailers, importers, trade associations, professional and technical societies, testing laboratories, Federal and State agencies, and educational institutions) to participate with the Commission in the development of the standard in the manner described below.

Section 7(d)(4) of the Act requires that the Commission issue regulations governing the Commission's development of proposed consumer product safety rules by the Commission.

These regulations must include requirements for notice and opportunity for interested persons (including representatives of consumers and consumer organizations) to participate in the development of such standard. The Commission has issued regulations for the Commission development of proposed standards (16 CFR Part 1105, Subpart C; 44 FR 48618; August 17, 1979), and these regulations will be followed in this proceeding.

Public participation is provided in this proceeding by a series of public meetings, by individual task assignments, by written comments on the final draft, and by participation by phone and by mail during the development process. Funding is available for a limited number of participants, as described below. Participants may begin or end their participation in the proceeding at any time and may participate in any or all of the ways discussed below.

1. *Public meetings.* There will be 3 public meetings to be scheduled in Washington, D.C. at appropriate times during the development of the standard. The first meeting will be scheduled after selection of the funded participants. Prior to each scheduled meeting, the public participants will be provided with the material they will need to keep abreast of the progress of the development of the standard.

These public meeting will be for the purpose of briefing the public on major milestones in the development of the standard, and for receiving data and comments from the public participants.

At the public meetings, the participants may submit such information and make such comments as they see fit. However, the presiding officer of the meeting may require the participants to limit or combine their presentations if time limitations must be imposed. Participants may, however, make written comments to the Powered Equipment Hazard Program Manager at any time.

The public meetings will be announced in advance in the Commission's Public Calendar, which is a weekly publication distributed without charge. Any interested person may be placed on the mailing list for the Public Calendar by contacting the Office of the Secretary. In addition, persons who have notified the Office of the Secretary that they wish to participate in this proceeding will be directly notified of the time, place, and agenda of these meetings. These meetings will be open to any interested member of the public, space permitting. The Commission expects that any person who wishes to contribute information or comments at these meetings will have an opportunity to do so. However, if an exceptionally large number of persons desire to participate, space or time limitations may make it necessary to restrict the number of participants.

The first public meeting will be for the purpose of familiarizing the public participants with the information possessed by the Commission and obtaining initial input from the participants. If necessary, the meeting may extend for a second day.

Those persons who wish to participate in the development of the standard by attending meetings should notify the Commission's Office of Public Participation so that they may be provided with the appropriate background materials prior to each meeting.

In addition to participation by attendance at the public meetings described above, individual public participants may be given an opportunity to work on particular tasks during the standard development in conjunction with the appropriate staff team members. Such assignments must be approved by the Powered Equipment Program Manager and agreed to by the public participant involved. It is anticipated that these assignments would primarily involve participants with an applicable technical background. Participants who would be interested in participating in a task

assignment are encouraged to notify the Powered Equipment Program Manager. Among the technical backgrounds that would be relevant to this proceeding are expertise in the following areas:

a. Analyzing technical data from various types of high speed data gathering techniques.

b. Computer analysis techniques applied to the transfer of mechanical energy or force between a machine and its operator.

c. Testing and analysis of high speed portable equipment.

2. *Comment on final draft.* When the final staff draft of the recommended proposed standard has been prepared, a copy will be sent to all persons who have notified the Office of the Secretary of their interest in participating in the development of the recommended proposed standard as well as to other interested persons. These persons may submit written comments concerning the draft, which could include agreeing or disagreeing with any aspect of the draft. Where applicable, statements of disagreement should include alternate language suggested for the standard and the reasons, as specific and detailed as possible, for the alternate position. After making any changes to the draft resulting from consideration of the comments and statements of disagreement, the staff shall prepare a briefing package for the Commission, which will include an analysis of the comments and statements. Any statements of disagreement that are still applicable will be forwarded to the Commission with the briefing package and recommended proposed standard.

The actual decisions required for the development of the draft proposed standard will be made by the Commission's staff in the manner described in Section I above, and consensus or majority vote procedures will not be used in the development of the standard.

The staff shall keep minutes of all public meetings. These minutes will discuss the issues deliberated, the various positions discussed, alternatives offered, and assignments made. The will also highlight the advantages and disadvantages of various test procedures and the agenda of the next scheduled meeting. The minutes will discuss specific technical differences encountered during the meeting. Copies of the minutes will be sent to all persons who have contacted the Commission indicating that they wish to participate. In addition, the staff will forward to the Commission and the participants periodic reports on the progress of the development of the standard.

3. *Mail and/or phone.* For participants who wish to participate in ways in addition to those described above, or who cannot attend the public meetings, provision has been made for participation by mail or phone.

Participants periodically will be sent copies of meeting minutes, documents, drafts, etc., relating to the development of the standard. These persons may submit any comments or information by mail or phone to Carl Blechschmidt, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, phone (301) 492-6557.

In addition, interested members of the public may submit oral or written comments to the Commission during a designated comment period after a standard has been proposed. In issuing any final standard, the Commission will publish its responses to all such comments in the **Federal Register**.

Funding for public participants. The Commission's regulations provide that the Commission may agree to contribute to the cost of persons who participate with the Commission in developing a proposed standard if the Commission determines:

(1) That a contribution is likely to result in a more satisfactory standard that would be developed without a contribution; and

(2) That the participant to whom a contribution is made is financially responsible.

The Commission has only limited funds available for contribution to public participants. In this proceeding the Commission initially has allocated $27,000 for this purpose and estimates that this could provide funding for up to 6 public participants for attendance at the public meetings and for limited task assignments. After considering the requests for funding, however, the Commission may decide to provide a different amount of funding for public participation.

The Commission expects that at least half of the funded participants would have an applicable area of technical expertise. However, funding for persons whose interests are those of general consumers will also be fully considered.

The Commission expects that persons applying for funding in response to this notice would be willing to participate during the entire development period. However, participants may apply for a contribution at any time and for all or part of the remaining development proceeding.

The Commission may compensate participants for any or all of the following costs:

(1) Salaries for participants, or employees of participants;

(2) Fees for consultants, experts, contractual services, and attorneys that are incurred by participants;

(3) Transportation costs;

(4) Travel-related costs such as lodging, meals, tipping, telephone calls; and

(5) All other reasonable costs incurred, such as document reproduction, postage, baby-sitting, and the like.

(6) Long-distance telephone calls to Commission staff.

Examples of the types of funding that would be considered by the Commission would include (1) transportation costs to the public meeting, (2) expenses of up to $75 per day for meals, lodging, and miscellaneous expenses for participants from outside the Washington, D.C. area and (3) compensation for time spent attending public meetings or in preparing for the meetings.

In considering whether a contribution is likely to result in a more satisfactory standard, the Financial Compensation Selection Committee shall consider (i) the need for representation of one or more particular interests, areas of expertise, or points of view in the development proceeding and (ii) the extent to which particular interests, points of view, or expertise can reasonably be expected to be represented if the Commission does not provide any financial contribution.

In order to be eligible to receive a financial contribution, a participant must request in advance a specific type of contribution with an explanation as to why the contribution is likely to result in a more satisfactory standard than would be developed without a contribution (see the preceding paragraph). The request for a contribution shall contain, to the fullest extent possible and appropriate, the following information:

(1) A description of the point of view, interest and/or expertise that the participant intends to bring to the proceeding;

(2) The reason(s) that representation of the participant's interest, point of view, or expertise can reasonably be expected to contribute substantially to a full and fair determination for the issues involved in the proceeding;

(3) An explanation of the economic interest, if any, that the participant has (or individuals or groups comprising the participant have) in any Commission determination related to the proceeding;

(4) A discussion, with supporting documentation, of the reason(s) a participant is unable to participate

effectively in the proceeding without a financial contribution;

(5) A description of the participant's employment or organization, as appropriate; and

(6) A specific and itemized estimate of the costs for which the contribution is sought.

Application forms or requests for contributions may be obtained from the Office of Public Participation, Office of the Secretary, 1111 18th Street, N.W., Washington, D.C. 20207. Requests should be submitted by June 30, 1981, or if later, at least 45 days before the person wishes to begin participation.

The Commission may authorize a financial contribution only for participants who meet all of the following criteria:

(1) The participant represents a particular interest, expertise, or point of view that can reasonably be expected to contribute substantially to a full and fair determination of the issues involved in the proceeding;

(2) The economic interest of the participant in any Commission determination related to the proceeding is small in comparison to the participant's costs of effective participation in the proceeding (if the participant consists of more than one individual or group, the economic interest of each of the individuals or groups comprising the participant shall also be considered, if practicable and appropriate); and

(3) The participant does not have sufficient financial resources available for effective participation in the proceeding in the absence of a financial contribution.

The Commission shall compensate participants only for costs that have been previously authorized and only for such costs actually incurred for participation in a proceeding.

The participant shall be paid upon submission of an itemized voucher listing each item of expense. Each item of expense exceeding $15 must be substantiated by a copy of a receipt invoice, or appropriate document evidencing the fact that the cost was incurred.

The Commission shall compensate participants only for costs that it determines are reasonable. As guidelines in these determinations, the Commission shall consider market rates and rates normally paid by the Commission for camparable goods and services, as appropriate.

Except for the provision of expenses such as airline, train, or bus tickets for authorized travel, compensation is usually reimbursed to participants and not paid in advance. However, the Commission may make any contribution in advance upon specific request, and the contribution may be made without regard to 31 U.S.C. 529, which prohibits advance payments in cases of contracts for the performance of services.

The items of cost toward which the Commission will not contribute include:

(1) Costs for the acquisition of any interest in land or buildings;

(2) Costs for the payment of items in excess of the participant's actual costs; and

(3) Costs determined not to be allowable under generally accepted accounting principles and practices or Part 1–15, Federal Procurement Regiulations (41 CFR Part 1–15).

J. Public Information of Chain Saw Safety

As noted above, the Commission expects that it will be over a year from now before a proposed safety standard for chain saw kickback can be published. In the meantime, the Commission has considered how it could best give information to consumers concerning available chain saw features that could reduce the hazard of kickback. The Commission's staff has developed the following statement that could be used in Commission materials on chain saw safety and in response to consumer inquiries. Persons who wish to comment on this statement may do so during the 30-day comment period provided in this notice.

Kickback: is the sudden movement of the saw toward the operator and is usually caused when the upper part of the tip of the guide bar touches wood or some other object. Reduce the chance that you will suffer a serious kickback injury from chain saws. Before you buy, rent, or borrow a saw, consider safety features such as these:

Hand guard: provides a protective barrier between your hand and the moving chain.

Nose guard: when in place, covers the chain where it passes around the tip of the guide bar, thus preventing kickback.

Low-kick chain: reduces the energy of the most common type of kickback.

Low-kick bar: reduces the energy of the most common type of kickback.

Chain brake: can stop the chain after kickback starts.

K. Public Comment on the Determination for the Commission To Develop the Standard

As noted above, the Commission has already received comment on its determination to develop the standard itself. However, interested persons who wish to submit additional coments on this issue may submit written comments by June 10, 1981, to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207

L. Conclusion

Therefore, under section 7 of the Consumer Product Safety Act, 15 U.S.C. 2056, and after considering the factors specifed in section 7(b)(2) of the act, by publication of this notice in the **Federal Register** the Commission begins the development of a proposed consumer product safety standard addressing chain saw kickback.

Dated: May 5, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-14137 Filed 5-6-81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing April 17, 1981

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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
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4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: May 15 and June 12, 1981, at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202-523-5235.

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26403 **Juvenile Justice Grant Programs** Justice/JJDPO publishes proposed funding policy for the balance of FY 1981.

26275 **Federal Credit Unions** NCUA issues rule to provide greater flexibility to credit union share accounts. This rule permits members to make additions to a share certificate without the requirement to specify in advance.

26297 **Human Prescription Drugs in Oral Dosage Forms** CPSC exempts pancrelipase preparation in tablet, capsule, or powder form from child-protection packaging requirements.

26358 **Washington National Airport** DOT/FAA proposes rule on nonstop operation practices for turbojet air carrier aircraft.

26378 **Railroads** ICC approve updated car-hire charges.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Rules and Regulations

Federal Register
Vol. 46, No. 91
Tuesday, May 12, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions; Share, Share Draft, and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The National Credit Union Administration Board is issuing a final rule to provide greater flexibility to credit union share accounts. Under this revision a Federal credit union may permit its members to make additions to a share certificate without the requirement to specify in advance. There will be no restrictions on when a share deposit can be made or the amount of an addition. The original amount in the account, as well as all additions, will remain subject to premature withdrawal penalties. Therefore, a shareholder withdrawing either the original amount or additions to the account prior to the original maturity date will continue to be required to pay a premature withdrawal penalty.

ADDRESS: National Credit Union Administration, 1776 G St., NW, Washington DC, 20456.

DATE: Effective date, May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel Gordon, Senior Financial Economist, at (202) 357–1090.

SUPPLEMENTARY INFORMATION:

Regulation 701.35(a)(3) now reads as follows:

(a) * * *

(3) Share Certificate Account means:

(i) An account that will earn dividends at a particular rate if held to maturity and on which a penalty may be assessed for any premature withdrawal. Additions shall reset the maturity of the entire account for a term equal to the original qualifying period; or

(ii) An account that will earn dividends at a particular rate provided:

(A) A notice of a minimum of 90 days of intent to withdraw on a specified date is required;

(B) A penalty is assessed for failure to provide a minimum of 90 days notice; and

(C) Regular additions are made to the account for the duration of the qualifying period pursuant to a written contract or savings plan. Additions to this type of account shall not reset the maturity of the entire account for a term equal to the original qualifying period.

This revised rule permits Federal credit unions to offer share certificates to which their members may add funds during the term of the certificate, either according to a prearranged plan of regular additions or at random, without such additions having the effect of extending the maturity of the certificate. It should be noted, however, that § 701.3(e) of NCUA's regulations continues to prescribe minimum penalties for premature withdrawal from share certificates.

Because the revised rule represents a deregulation and provides the opportunity for credit unions to reduce their administrative costs and provide increased benefits to their membership, a delay in the adoption of this final rule may be harmful to the public interest in that it would reduce the ability of credit unions to participate effectively in current financial markets. The NCUA Board for good cause finds, in accordance with 5 U.S.C. 553(b)(B), that notice and public procedure on this rule are unnecessary and contrary to the public interest.

Since NCUA is, therefore, not required by 5 U.S.C. 553 to publish a proposed rule, neither an initial flexibility analysis nor a certification required by the Regulatory Flexibility Act have been done, 5 U.S.C. 603(a).

This final rule is made effective in less than 30 days, in accordance with 5 U.S.C. 553(d)(1), because it is a substantive rule and relieves a restriction.

(Pub. L. 95–22, 91 Stat. 40 (12 U.S.C. 1757(6)))

12 CFR 701.35(a)(3) is revised as set forth below:

§ 701.35 Share accounts and share certificate accounts.

(a) * * *

(3) Share Certificate Account means:

(i) An account that will earn dividends at a particular rate if held to maturity and on which a penalty may be assessed for any premature withdrawal. Additions need not reset the maturity of the entire account; or

(ii) An account that will earn dividends at a particular rate where:

(A) A notice of a minimum of 90 days of intent to withdraw on a specified date is required;

(B) A penalty is assessed for failure to provide a minimum of 90 days notice; and

(C) Additions may be made to the account for the duration of the qualifying period. Additions to this type of account shall not reset the maturity of the entire account.

* * * * *

Rosemary Brady,
Secretary of the National Credit Union Administration Board.

May 6, 1981.

[FR Doc. 81-14255 Filed 5-11-81; 8:45 am]
BILLING CODE 7535-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 373, 379, 385, and 399

Commodities Excluded From Certain License Procedures

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: In the matter of revision of commodities excluded from certain special license procedures, the advisory notes and the Commodity Control List (CCL) (Supp. No. 1 to Part 373, Supp. No. 1 to Part 385 and Supp. No. 1 to § 399.1) and written assurance requirements for CCL entry 1572. This revision is undertaken to: conform the export controls imposed by the U.S. Government with the controls established during multilateral negotiations with our COCOM partners (International Coordinating Committee); correct errors in previous listings of unilaterally and multilaterally controlled commodities; modify controls applicable to selected unilaterally and multilaterally controlled commodities; and insert new entries in the Advisory

Notes for Selected CCL (Commodity Control List) Entries which identify commodities more likely to be approved for export than others. In addition, a new paragraph is added to Part 379 of the Export Administration Regulations to describe written assurance requirements for a particular entry on the CCL.

DATES: The changes announced in this document are effective May 12, 1981. This rule may be further revised in light of any comments received. Comments must be received by the Department before noon, July 13, 1981.

ADDRESS: Written comments (five copies when possible) should be sent to: Richard J. Isadore, CCL–1, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Telephone: (202) 377–5247 or 377–4811.

SUPPLEMENTARY INFORMATION: Revisions of the Advisory Notes (Supplement Number 1 to Part 385) and the Commodity Control List (Supplement Number 1 to § 399.1) of the Export Administration Regulations have been made following unilateral and multilateral reviews of the export of strategic items. These changes relate to national security controls imposed under the authority of section 5 of the Export Administration Act of 1979. In some cases, this revision clarifies the conditions requiring applications for specific export licenses, and will reduce the number of exporters' inquiries and license submissions. In other cases, certain items in the CCL are redefined because of multilateral review which determined that tighter export controls are necessary for national security or foreign policy purposes. Other changes to the CCL add clarifying footnotes and correct errors in a previous CCL revision published in the **Federal Register** on June 25, 1980. In addition, a new paragraph is added to Section 379(f) "Written Assurance Requirements" of the Export Administration Regulations. This paragraph is necessary because current regulations on written assurances cover both technical data and the resultant product. Written assurances for the "exceptions" of CCL entry 1572 are different, however, because *only* the technical data is to be controlled under a letter of assurance; therefore, a special paragraph for that entry is needed.

Rulemaking Requirements

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. App. 2401 *et seq.*) ("the Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule will not have a significant economic impact on a substantial number of small business entities because it does not impose any additional costs or other regulatory burdens on them. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* This regulation is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981).

However, because of the importance of the issues raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations.

The period for submission of comments will close July 13, 1981. All comments received before the close of the comment period will be considered by the Department in the development of final regulations. While comments received after the end of the comment period will be considered if possible, their consideration cannot be assured. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 3102, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the *Code of Federal Regulations*. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

Accordingly, the Export Administration Regulations are amended by amending Supplement Number 1 to Part 373, Supplement Number 1 to Part 385 and the Commodity Control List (Supplement Number 1 to § 399.1), and amending Part 379, as follows:

PART 373—SPECIAL LICENSING PROCEDURES

Part 373, Supp. No. 1 [Amended]

1. Supplement No. 1 to Part 373 is amended by revising Entry No. 1505 to read as follows: 1505[1] Television cameras incorporating electron tubes defined in Entry No. 1555. (Entire entry.)

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

Part 385, Supp. No. 1 [Amended]

2. The Advisory Notes for Selected CCL Entries (Supp. No. 1 to Part 385) are amended by revising Entry No. 1572A to read as follows:

Export Control Commodity Number and Commodity Description

1572A Recording and/or reproducing equipment, as follows (for equipment that may be exported in conjuction with computer shipments, see entry No. 1565):

(a) Using magnetic techniques;

(b) Using electron beam(s) operating in a vacuum, and/or laser-produced light beams (see also Entry No. 1522) that produce patterns or images directly on the recording surface, and specialized equipment for image development;

(c) Graphic instruments capable of continuous direct recording of sinusoidal waves at frequencies exceeding 20 kHz; and

(d) Specialized parts and components for the above and recording media used in equipment covered by sub-entries (a) and (b). (The term "recording media" is intended to include all types and forms of specialized recording media used in such recording techniques, including but not limited to tapes, drums, discs and matrices.);

[1] Distribution license is available for shipments to Australia, Belgium, Canada, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey, and the United kingdom.

(e) Exceptions to (a), (b) and (d) above are as follows:

Exception 1. Sub-entries (a) and (b) do not control the following: Equipment using magnetic techniques:

(i) *Specifically designed for voice or music and not employing digital techniques;*

(ii) *Specifically designed to use magnetic card, tag, label or bank check recording media with a magnetic surface area not exceeding 13 sq. in. (85 sq. cm.);*

Equipment using electron beam(s) operating in a vacuum, and/or laser-produced light beams:

(i) *Specifically designed for television recording and/or reproducing on discs;*

(ii) *Facsimile equipment incorporating lasers such as used for commercial weather imagery and commercial wire photos and text;*

Note.—No technical data relating to the commodities described in the following Exceptions may be exported under General License GTDR until a written assurance against reexport of the data has been obtained by the exporter in accordance with 379.4(f)(3).

Exception 2. Sub-entries (a) or (b) also do not control the following recording and/or reproducing equipment and sub-entry (d) does not control the specialized parts and components therefor (recording media used in this equipment are still covered by sub-entry (d), see Exception 3 and Note 2 below), provided that:

(a) The equipment has been designed for identifiable civil use and by nature of design or performance is substantially restricted to the particular application for which it has been designed;

(b) The equipment has all of the following characteristics:

(1) Not ruggedized;

(2) Not rated for continuous operation in ambient temperatures from below −20° C to above +55° C;

(3) Not specifically designed for underwater use;

(c) The equipment is limited as follows:

(1) Video magnetic tape and disc recorders specially designed for television recording, using a signal registered with the CCIR, or specially designed or adapted for use with medical equipment, and having all of the following characteristics:

(i) 3 dB recording bandwidth not exceeding 6 MHz;

(ii) A signal-to-noise ratio not exceeding 48 dB, unless the equipment is a cassette-type recorder, in which case the signal-to-noise ratio does not exceed 52 dB;

(iii) Maximum length of time of a single scan not exceeding 20 milliseconds;

(iv) Portable or transportable and having a net weight not exceeding 50 kg;

(2) Analog magnetic tape recorders specifically designed for use with medical equipment, *i.e.*, for recording physiological signals, and having all of the following characteristics:

(i) Bandwidth capability at maximum design speed not exceeding 300 kHz per track;

(ii) Recording density not exceeding 5,000 magnetic flux sine waves per linear inch (25.4mm) per track;

Technical Note.—Recording density is, for direct recorders, the recording bandwidth divided by the tape speed; and, for FM recorders, the sum of the carrier frequency and the deviation divided by the tape speed.

(iii) Not including recording and/or reproducing heads of rotary or floating types or heads designed for use in equipment with characteristics superior to those defined in sub-paragraphs (i) or (ii) above;

(iv) Tape speed not exceeding 60 inches (152.4 cm) per second;

(v) Number of recording tracks (excluding audio voice track) not exceeding 20;

(vi) Start-stop time not less than 25 milliseconds;

(vii) Equipped with tape-derived (off-tape) servo speed control and with a time displacement (base) error of not less than ±5 microseconds at a tape speed of 60 inches (152.4 cm) per second and not less than ±10 microseconds at any lower tape speed measured in accordance with applicable IRIG and EIA documents;

(3) Digital tape recorders specially designed for the collection of medical data obtained from nuclear or other ionizing radiation measurements and having all of the following characteristics:

(i) Mean packing density, with less than 5 percent loss of pulses, not exceeding 800 pulses per inch per track;

(ii) Characteristics not superior to those defined in sub-paragraphs (c)(2)(iii), (vi) and (vii) above;

(iii) Tape speed not exceeding 37.5 inches (95 cm) per second;

(iv) Number of recording tracks not exceeding 8;

(v) Packing density not exceeding 800 bits per inch of track;

(4) Equipment using electron beam(s) operating in a vacuum specially designed for television recording on film, using a signal registered with the CCIR and having all of the following characteristics:

(i) Pattern or image frame size not exceeding 3 mm x 2.3 mm;

(ii) Pattern or image not exceeding 312.5 lines per frame;

(iii) Beam spot position stability not better than 0.3 percent;

(iv) 3 dB recording bandwidth not exceeding 4 MHz;

(5) Digital recording and reproducing equipment operating serially with a packing density not exceeding 800 bits per inch per track specially designed for use with, and incorporated in, typewriter systems used for preparing, correcting and/or composing text.

Exception 3. Sub-entry (d) does not control the following magnetic tape and flexible disc cartridge recording media, provided that:

(a) The magnetic tape is a standard commercial product that has been in use in quantity for at least two years and is not designed for use in satellite applications or in applications requiring a tape life exceeding 3,000 passes;

(b) The base material consists only of polyester or cellulose acetate;

(c) The magnetic tape recording media with a magnetic coating material consisting only of undoped gamma-ferric (iron) oxide with a rated intrinsic coercitivity not exceeding 350 oersteds is limited to the following types and characteristics:

(1) Video tape designed for television recording and reproduction or instrumentation tape designed for analog recording and reproduction, and having all of the following characteristics:

(i) Not designed for use in video recorders having a 3 dB recording bandwidth exceeding 6 MHz or in analog recorders having a recording density exceeding 5,000 magnetic flux sine waves per linear inch (25.4 mm) per track;

(ii) A tape width not exceeding 1 inch (25.4 mm);

(iii) A magnetic coating thickness not less than 0.40 mil (10.2 micrometers);

(iv) A tape length not exceeding 4,600 feet (1,402 meters);

(2) Computer tape designed for digital longitudinal recording and reproduction and having all of the following characteristics:

(i) A magnetic coating certified for a maximum packing density of 6,250 bits per inch (9,042 flux changes per inch) along the length of the tape;

(ii) A magnetic coating thickness not less than 6.13 micrometers (0.32 mil);

(iii) A tape width not exceeding 1 inch (25.4 mm);

(iv) A tape length not exceeding 3,600 feet (1,097 meters);

(3) Computer tape in cassettes/cartridges designed for digital longitudinal recording and reproduction

and having all of the following characteristics:

(i) A magnetic coating certified for a maximum packing density of 1,600 bits per inch (3,200 flux changes per inch) along the length of the tape;

(ii) A magnetic coating thickness not less than 0.17 mils (4.32 micrometers);

(iii) a tape width not exceeding ¼ inch (6.35 mm);

(iv) A tape length not exceeding 900 feet (274.3 meters);

(4) Computer flexible disc cartridges designed for digital recording and reproduction and having all of the following characteristics:

(i) A magnetic coating certified for a maximum packing density of 13,262 flux changes per radian (3,268 bits per inch, at a radius of 2.029 (51.536 mm) around the disc;

(ii) A magnetic coating thickness not less than 2.54 micrometers (0.1 mil);

(iii) A disc thickness not exceeding 80 micrometers (0.003 inch);

(iv) A disc outer diameter not exceeding 7.88 inches (201 mm);

(v) A disc inner diameter of 1.5 inch (38.1 mm);

(d) The magnetic tape recording media with a magnetic coating material consisting only of chromium dioxide with a rated intrinsic coercitivity not exceeding 650 oersteds are limited to video tape specially designed for the video recorders defined in Note 2(c)(1) and having both of the following characteristics:

(1) A tape width not exceeding 1 inch (25.4 mm);

(2) A tape length not exceeding 1,800 feet (548.6 meters);

(e) The magnetic tape recording media in video tape cassettes are specially designed for the video recorders defined in Note 2(c)(1) and have all of the following characteristics:

(1) A rated intrinsic coercitivity not exceeding 750 oersteds;

(2) A magnetic coating thickness not less than 2.54 micrometers (0.1 mil);

(3) A tape length not exceeding 1,800 feet (548.6 meters);

(4) A tape width not exceeding ¾ inch (19.05 mm);

Exception 4. Sub-entry (a) also does not control normal civil use digital recording and reproducing equipment specially designed for recording and/or reproducing voice or music on tape or disc.

Notes

1. Licenses are likely to be approved for export to satisfactory end-users of reasonable quantities of equipment covered by sub-entry (a) above, and specialized parts, components and recording media therefor covered by sub-entry (d), for use with the exported equipment as follows:

(a) Video magnetic tape recorders specially designed for television recording, using a signal registered with the CCIR, or specifically designed or adapted for use with medical equipment, and having all of the following characteristics:

(1) 3 dB recording bandwidth not exceeding 6 MHz;

(2) Maximum length of time of a single scan not exceeding 20 milliseconds;

(3) Not ruggedized;

(b) Analog magnetic tape recorders having all of the following characteristics:

(1) Bandwidth capability at maximum design speed not exceeding 300 kHz per track;

(2) Recording density not exceeding 5,000 magnetic flux sine waves per linear inch (25.4 mm) per track;

Technical Note.— Recording density is, for direct recorders, the recording bandwidth divided by the tape speed; and, for FM recorders, the sum of the carrier frequency and the deviation divided by the tape speed.

(3) Not ruggedized;

(4) Not rated for continuous operation in ambient temperatures ranging from less than −20° C to greater than +55° C;

(5) Not specifically designed for underwater use;

(6) Not including recording and/or reproducing heads of the rotary or floating types or designed for use in equipment with characteristics superior to those defined in sub-paragraphs (b)(1) and (b)(2) above;

(7) Tape speed not exceeding 60 inches (152.4 cm) per second;

(8) Number of recording tracks (excluding audio voice track) not exceeding 16 channels for direct recording and 28 channels for FM recording;

(9) Start-stop time not less than 25 milliseconds;

(10) Equipped with tape-derived (off-tape) servo speed control and with a time displacement (base) error of not less then ±5 microseconds at a tape speed of 60 inches (152.4 cm) per second and not less than ±10 microseconds at any lower tape speed measured in accordance with applicable IRIG and EIA documents;

(c) Systems for use in civil aircraft or helicopters to record flight data for safety and/or maintenance purposes, and having all of the following charateristics:

(i) In normal civil use for more than one year;

(ii) Not exceeding 100 input channels;

(iii) Sum of the individual channel recording bandwidths not exceeding 500 Hz;

(d) Recording equipment not intended for use in conjunction with equipment or material covered by other entries, provided that the capability of the recorder is limited to both:

(1) A tape width not exceeding ½ inch (6.35 mm);

(2) Digital recording techniques in serial form with a packing density not exceeding 800 bits per inch.

Technical Note:—Packing density is, for digital recorders, the number of bits per second per track divided by the tape speed.

(e) Incremental recorders and/or reproducers (*i.e.*, equipment designed for discountinuous sampling and/or collection of data in an incremental manner) having all of the following characteristics:

(1) The maximum tape speed, at the maximum stepping rate, does not exceed 2 inches (50.8 mm) per second;

(2) The equipment has all the characteristics specified in sub-paragraphs (b)(3) to (6) of this Note;

(f) Digital magnetic recorders specially designed for seismic/geophysical applications and operating in the frequency range of 5 to 800 Hz.

(g) Digital recording and reproducing equipment operating serially with a packing density not exceeding 1,600 bits per inch per track, specially designed for use with, and incorporated in, typewriter systems used for preparing, correcting and/or composing text.

2. Licenses are likely to be approved for export to satifactory end-users for use in civil television recording and reproducing applications, of reasonable quantities of the following types of magnetic tape recording media covered by sub-entry 1572(d) whose base material consists only of polyester or cellulose acetate:

(a) With a magnetic coating material consisting only of undoped gamma-ferric (iron) oxide with a rated intrinsic coercitivity not exceeding 350 oersteds and limited to video tape designed for television recording and reproduction with a tape width not exceeding 2 inches (50.8 mm);

(b) With a magnetic coating material consisting only of chromium dioxide with a rated intrinsic coercitivity not exceeding 750 oersteds and limited to video tape designed for television recording and reproduction with a tape width not exceeding 1 inch (25.4 mm);

(c) With a magnetic coating material consisting only of doped or undoped gamma-ferric (iron) oxide with a rated instrinsic coercitivity not exceeding 650 oersteds, hand limited to video tape designed for television recording and reproduction and having all of the following characteristics:

(1) Not designed for use in video recorders having a 3 dB recording bandwidth exceeding 6 MHz;

(2) A magnetic coating thickness not less than 5.1 micrometers (0.2 mil);

(3) A tape length not exceeding 2,400 feet (732 meters);

(4) A tape width not exceeding 1 inch (25.4 mm);

3. Licenses are likely to be approved for export to satisfactory end-users for the shipment of reasonable quantities of computer magnetic disc recording media covered by sub-entry (d) above for use in civil digital computer applications, provided that:

(a) The magnetic disc recording media are a standard commercial product, have not been designed as ruggedized equipment and are neither capable of meeting military specifications for ruggedized equipment nor modified for military use;

(b) The magnetic disc recording media are limited to the following types and charateristics:

(1) Unrecorded single-disc cartridges (front loading, 2,200 b.p.i.) (2315-type) designed to meet ANSI X3.82–1976;

(2) Unrecorded single-disc cartridges (top loading, 2,200 b.p.i.) (5440-type) designed to meet International Standard ISO 3562–1976;

(3) Unrecorded magnetic six-disc packs (2311-type) designed to meet ANSI X3.46–1974 or International Standard ISO 2864–1974(E);

(4) Unrecorded eleven-disc packs (single-density or double density 2314-type) designed to meet ANSI X3.56–1977 or International Standard ISO 3564–1976.

4. Licenses are likely to be approved for export to satisfactory end-users for the shipment of reasonable quantities of analog magnetic tape recorders covered by sub-entry (a) above, and specialized parts, components and recording media therefor covered by sub-entry 1572(d), for use with those recorders, provided that:

(a) The equipment is for a legitimate civil end-use and is reasonable for that use;

(b) Details of such equipment have previously been submitted to the Department of Commerce and a determination has been made that the equipment is eligible for special treatment.

3. The Advisory Notes for Selected CCL Entries (Supp. No. 1 to Part 385) is amended by revising Entry No. 1588A to read as follows:

1588 Materials composed of crystals having spinel, hexagonal, orthorhombic or garnet crystall structures; thin film devices; assemblies of the foregoing; and devices containing them as follows (for equipment which may be exported in conjunction with computer shipments, see Entry No. 1565):

(a) * * *

(b) Single aperture forms possessing any of the following characteristics:

(1) Switching speed of .3 microsecond or faster at the minimum field strength required for switching at 104° F (40° C); or

(2) A maximum dimension less than 0.45 mm (18 mils);

Note.—For machinery and equipment associated with forms having a maximum dimension less than 0.76 mm (30 mils), see Entry No. 1358.

(c) * * *
(d) * * *
(e) * * *
(f) * * *
(g) * * *

Note.—Licenses are likely to be approved for export to satisfactory end-users of shipment of single aperture forms embargoed by sub-entry (b) above, provided they have a switching rate equal to or slower then 0.24 microsecond and a maximum dimension of 0.30 mm (12 mils) or more.

4. A new Entry No. 1757A is added in numerical order (disregarding the first digit) to the Advisory Notes for Selected CCL Entries (Supp. No. 1 to Part 385) reading as follows:

1757 Compounds and materials as follows:

(a) Monocrystalline silicon having any of the following characteristics:

(1) Containing bismuth, indium, gallium, selenium, or thallium at an average carrier concentration of greater than $10^{16}/cm^3$;

(2) Containing arsenic at an average carrier concentration of greater than $10^{16}/cm^3$ and less than $10^{18}/cm^3$;

(3) Having P-type conductivity and a resistivity of 5,000 ohm/cm or greater;

(4) In the form of wafers (slices) or ingots (boules) having a resistivity of 50 ohm/cm or less for all N type and for P type 1–1–1, or 100 ohm/cm or less for P type 1–0–0.

(b) Monocrystalline gallium compounds, *except gallium phosphide, and except gallium arsenide, gallium arsenide phosphide, and gallium nitride having all of the following characteristics:*

(1) *Diffusion processed wafers;*

(2) *Selenium tellurium, silicon, sulphur, tin or zinc doped;*

(3) *Dislocation density (EPD) greater than 10,000 per sq. cm.;*

(4) Carrier concentration greater than 1×10^{16} per cu. *cm.; and*

(5) *Carrier mobility less than 2,000 sq. cm. per volt second;*

(c) Monocrystalline indium compounds in any form, *except electronic grades of monocrystalline materials containing less than 1 percent of indium;*

(d) Composites (hetero-epitaxial materials) consisting of a monocrystalline insulating substrate epitaxially layered with silicon, compounds of gallium or compounds of indium; and

(e) Mercury cadmium telluride compounds in any form.

Note.—Licenses are likely to be approved for export to satisfactory end-users of wafers (slices) embargoed by sub-entry (a)(4) above having any of the following characteristics:

(1) 1–1–1 crystal orientation for N type.

(2) 1–1–1 crystal orientation and having a resistivity less than 2 ohm/cm for P type.

(3) 1–0–0 crystal orientation and having a resistivity between 0.5 and 2 ohm/cm for N type.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Part 399, Supp. No. 1 [Amended]

5. Footnote 2 of Entry No. 1355A of the Commodity Control List (Supplement No. 1 to § 399.1) is revised to read as follows:

[2] The GLV $ value limit for sub-entry (b)(2) is $100.

6. Entry No. 1356A of the Commodity Control List (Supplement No. 1 to § 399.1) is revised to read as follows:

1356A Machinery for the working of synthetic film used as magnetic recording tape, as follows:	-------	PQSTVWY[2]	500	MC	1

Equipment, components, and parts specially designed for the continuous coating of polyester base magnetic tape subject to embargo under sub-entry 1572(d) or free from embargo under Exception 3 to Entry No. 1572.

7. Entry No. 1358A of the Commodity Control List (Supplement No. 1 to § 399.1) is revised to read as follows:

1358A Machinery and equipment specially designed for the manufacture of devices and assemblies thereof embargoed by sub-entries 1588 (b), (c), (d), or (e) and for magnetic recording media, other than tape, embargoed by sub-entry 1572(d) or free from embargo under Exception 3(c)(4) to Entry No. 1572 (for magnetic tape production equipment, see Entry No. 1356), as follows:	-------	PQSTVWY[2]	500	MC	1

(a) Equipment for the manufacture of single and multi-aperture forms described in Entry No. 1588 sub-entries (b), (c), and (d), as follows:

(1) Automatic presses to produce types described in (a) above;

(2) Press dies to produce types described in (a) above; and

(3) Automatic equipment for monitoring, grading, sorting, exercising and/or testing of types described in (a) above;

(b) Equipment for the manufacture of thin film memory storage or switching devices having square hysteresis loops and automatic equipment for monitoring, grading, sorting, exercising, and/or testing of devices described in Entry No. 1588 sub-entry (e);

(c) Automatic equipment for monitoring, exercising, and/or testing assemblies of devices described in Entry No. 1588 sub-entries (b), (c), (d), and (e);

(d) Equipment for the application of magnetic coatings to recording media embargoed by sub-entry 1572 or free from embargo under Exception 3(c)(4) to Entry No. 1572;

(e) Automatic and semi-automatic equipment for monitoring, grading, exercising, and/or testing recording media embargoed by sub-entry 1572(d) or free from embargo under Exception 3(c)(4) to Entry No. 1572.

(f) Specialized test equipment, parts, and controls for the above.

(The term "automatic" refers to machinery not requiring the assistance of a human operator to complete its function or functions during each complete cycle of operations. The term "semi-automatic" refers to machinery requiring the assistance of a human operator to complete part but not all of its functions during each complete cycle of operations. The term "functions" does not include the initial loading or final unloading of material from the machine.)

Technical Note.—For this item, single aperture forms described in Entry No. 1588(b) with a maximum dimension less than 0.76 mm (30 mils) are considered embargoed types.

8. The initial paragraph of the commodity description of Entry No. 1519A of the Commodity Control List (Supplement No. 1 to § 399.1) is revised to read as follows:

Single- and multi-channel communications transmission equipment, including terminal, intermediate amplifier or repeater equipment and multiplex busses and multiplex equipment used for communications within or between communications or other equipment and systems by line, cable, optical fiber or radio means, and associated modems and multiplex equipment, *except telemetering, telecommand and telesignalling equipment designed for industrial purposes, together with data transmission equipment not intended for the transmission of written or printed text and specialized parts, accessories and test equipment therefor (by telemetering, telecommand and telesignalling equipment is meant: sensing heads for the conversion of information into electrical information, the systems used for its long-distance transmission, the processes used to translate electrical information into coded data (telemetering), into control signals (telecommand), and into display signals (telesignalling)); facsimile equipment other than that employing cipher, cryptographic and/or coding devices and equipment that are designed to ensure the secrecy of communications and thus prevent clear reception by anyone other than the intended receiver (see Supplement No. 2 to Part 370); equipment employing exclusively the direct current transmission technique, and electronic measuring equipment, suitable for use with PCM transmission equipment defined in CCITT recommendation series G 700 (ITU Geneva),* as follows:

* * * * *

9. Entry No. 1572A of the Commodity Control List (Supplement No. 1 to § 399.1) is revised to read as follows:

Export Control Commodity Number	and Commodity Description				
1572A	Recording and/or reproducing equipment, as follows (For equipment that may be exported in conjunction with computer shipments, see Entry No. 1565):	-----[1]	PQSTVWYZ	1,000	EE 1

(a) Using magnetic techniques;

(b) Using electron beam(s) operating in a vacuum, and/or laser-produced light beams (see also Entry No. 1522) that produce patterns or images directly on the recording surface, and specialized equipment for image development;

(c) Graphic instruments capable of continuous direct recording of sinusoidal waves at frequencies exceeding 20 kHz; and

(d) Specialized parts and components for the above and recording media used in equipment covered by sub-entries (a) and (b). (The term "recording media" is intended to include all types and forms of specialized recording media used in such recording techniques, including but not limited to tapes, drums, discs and matrices.);

(e) Exceptions to (a), (b) and (d) above are as follows:

Exception 1. Sub-entries (a) and (b) do not control the following: Equipment using magnetic techniques:

(i) *Specifically designed for voice or music and not employing digital techniques;*

(ii) *Specifically designed to use magnetic card, tag, label or bank check recording media with a magnetic surface area not exceeding 13 sq. in. (85 sq. cm.);*

Equipment using electron beam(s) operating in a vacuum, and/or laser-produced light beams:

(i) *Specifically designed for television recording and/or reproducing on discs;*

(ii) *Facsimile equipment incorporating lasers such as used for commercial weather imagery and commercial wire photos and text;*

Note.—No technical data relating to the commodities described in the following Exceptions may be exported under General License GTDR until a written assurance against reexport of the data has been obtained by the exporter in accordance with 379.4(f)(3).

Exception 2. Sub-entries (a) or (b) also do not control the following recording and/or reproducing equipment and sub-entry (d) does not control the specialized parts and components therefor (recording media used in this equipment are still covered by sub-entry (d), see Exception 3 and Note 2 below), provided that:

(a) The equipment has been designed for identifiable civil use and by nature of design or performance is substantially

restricted to the particular application for which it has been designed;

(b) The equipment has all of the following characteristics:

(1) Not ruggedized;

(2) Not rated for continuous operation in ambient temperaturers from below −20° C to above +55° C;

(3) Not specifically designed for underwater use;

(c) The equipment is limited as follows:

(1) Video magnetic tape and disc recorders specially designed for television recording, using a signal registered with the CCIR, or specially designed or adapted for use with medical equipment, and having all of the following characteristics:

(i) 3 dB recording bandwidth not exceeding 6 MHz;

(ii) A signal-to-noise ratio not exceeding 48 dB, unless the equipment is a cassette-type recorder, in which case the signal-to-noise ratio does not exceed 52 dB;

(iii) Maximum length of time of a single scan not exceeding 20 milliseconds;

(iv) Portable or transportable and having a net weight not exceeding 50 kg;

(2) Analog magnetic tape recorders specifically designed for use with medical equipment, *i.e.*, for recording physiological signals, and having all of the following characteristics:

(i) Bandwidth capability at maximum design speed not exceeding 300 kHz per track;

(ii) Recording density not exceeding 5,000 magnetic flux sine waves per linear inch (25.4 mm) per track;

Technical Note.—Recording density is, for direct recorders, the recording bandwidth divided by the tape speed; and, for FM recorders, the sum of the carrier frequency and the deviation divided by the tape speed.

(iii) Not including recording and/or reproducing heads of the rotary or floating types or heads designed for use in equipment with characteristics superior to those defined in sub-paragraphs (i) or (ii) above;

(iv) Tape speed not exceeding 60 inches (152.4 cm) per second;

(v) Number of recording tracks (excluding audio voice track) not exceeding 20;

(vi) Start-stop time not less than 25 milliseconds;

(vii) Equipped with tape-derived (off-tape) servo speed control and with a time displacement (base) error of not less than ±5 microseconds at a tape speed of 60 inches (152.4 cm) per second and not less than ±10 microseconds at any lower tape speed measured in accordance with applicable IRIG and EIA documents;

(3) Digital tape recorders specially designed for the collection of medical data obtained from nuclear or other ionizing radiation measurements and having all of the following characteristics:

(i) Mean packing density, with less than 5 percent loss of pulses, not exceeding 800 pulses per inch per track;

(ii) Characteristics not superior to those defined in sub-paragraphs (c)(2)(iii), (vi) and (vii) above;

(iii) Tape speed not exceeding 37.5 inches (95 cm) per second;

(iv) Number of recording tracks not exceeding 8;

(v) Packing density not exceeding 800 bits per inch per track;

(4) Equipment using electron beam(s) operating in a vacuum specially designed for television recording on film, using a signal registered with the CCIR and having all of the following characteristics:

(i) Pattern or image frame size not exceeding 3 mm x 2.3 mm;

(ii) Pattern or image not exceeding 312.5 lines per frame;

(iii) Beam spot position stability not better than 0.3 percent;

(iv) 3 dB recording bandwidth not exceeding 4 MHz;

(5) Digital recording and reproducing equipment operating serially with a packing density not exceeding 800 bits per inch per track specially designed for use with, and incorporated in, typewriter systems used for preparing, correcting and/or composing text.

Exception 3. Sub-entry (d) does not control the following magnetic tape and flexible disc cartridge recording media, provided that:

(a) The magnetic tape is a standard commercial product that has been in use in quantity for at least two years and is not designed for use in satellite applications or in applications requiring a tape life exceeding 3,000 passes;

(b) The base material consists only of polyester of cellulose acetate;

(c) The magnetic tape recording media with a magnetic coating material consisting only of undoped gamma-ferric (iron) oxide with a rated intrinsic coercitivity not exceeding 350 oersteds is limited to the following types and characteristics:

(1) Video tape designed for television recording and reproduction or instrumentation tape designed for analog recording and reproduction, and having all of the following characteristics:

(i) Not designed for use in video recorders having a 3 dB recording bandwidth exceeding 6 MHz or in analog recorders having a recording density exceeding 5,000 magnetic flux sine waves per linear inch (25.4 mm) per track;

(ii) A tape width not exceeding 1 inch (25.4 mm);

(iii) A magnetic coating thickness not less than 0.40 mil (10.2 microns);

(iv) A tape length not exceeding 4,800 feet (1,402 meters);

(2) Computer tape designed for digital longitudinal recording and reproduction and having all of the following characteristics:

(i) A magnetic coating certified for a maximum packing density of 6,250 bits per inch (9,042 flux changes per inch) along the length of the tape;

(ii) A magnetic coating thickness not less than 8.13 micrometers (0.32 mil);

(iii) A tape width not exceeding 1 inch (25.4 mm);

(iv) A tape length not exceeding 3,600 feet (1,097 meters);

(3) Computer tape in cassettes/cartridges designed for digital longitudinal recording and reproduction and having all of the following characteristics:

(i) A magnetic coating certified for a maximum packing density of 1,600 bits per inch (3,200 flux changes per inch) along the length of the tape;

(ii) A magnetic coating thickness not less than 0.17 mils (4.32 microns);

(iii) A tape width not exceeding ¼ inch (6.35 MM);

(iv) A tape length not exceeding 900 feet (274.3 meters);

(4) Computer flexible disc cartridges designed for digital recording and reproduction and having all of the following characteristics:

(i) A magnetic coating certified for a maximum packing density of 13,262 flux changes per radian (3,268 bits per inch, at a radius of 2.029 inches (51.536 mm)) around the disc;

(ii) A magnetic coating thickness not less than 2.54 micrometers (0.1 mil);

(iii) A disc thickness not exceeding 80 micrometers (0.003 inch);

(iv) A disc outer diameter not exceeding 7.88 inches (201 mm);

(v) A disc inner diameter of 1.5 inch (38.1 mm);

(d) The magnetic tape recording media with a magnetic coating material consisting only of chromium dioxide with a rated intrinsic coercitivity not exceeding 650 oersteds are limited to video tape specially designed for the video recorders defined in Note 2(c)(1) and having both of the following characteristics:

(1) A tape width not exceeding 1 inch (25.4 mm);

(2) A tape length not exceeding 1,800 feet (548.6 meters);

(e) The magnetic tape recording media in video tape cassettes are specially designed for the video recorders defined in Note 2(c)(1) and have all of the following characteristics:

(1) A rated intrinsic coercitivity not exceeding 750 oersteds;

(2) A magnetic coating thickness not less than 2.54 micrometers (0.1 mil);

(3) A tape length not exceeding 1,000 feet (548.6 meters);

(4) A tape width not exceeding ¾ inch (19.05 mm);

Exception 4. Sub-entry (a)(1) also does not control normal civil use digital recording and reproducing equipment specially designed for recording and/or reproducing voice or music on tape or disc.

10. Entry No. 5585D of the Commodity Control List (Supplement No. 1 to § 399.1) is revised to read as follows:

5585D[1]	Photographic equipment as follows:	——[2]	PQSWYZ[1]	--[4]	MS	—
				and Afghanistan		

1/A validated license also is required for export to the Republic of South Africa and Namibia if intended for delivery to or for use by or for military or police entities in these destinations or for use in servicing equipment owned, controlled or used by or for these entities. See §§371.2(c)(11) and 385.4(a).

2/Report cameras in "number" and film in "sq. ft."

3/A validated license is not required for export of these commodities to the countries listed in Supp. No. 2 or Supp. No. 3 to Part 373.

4/The GLV $ value limit for Country Group Q is $100.

(a) Other high-speed continuous writing, rotating drum cameras capable of recording at rates in excess of 2,000 frames per second, and parts and accessories, n.e.s.; and (4)

(b) Other 16 mm high-speed motion picture cameras capable of recording at rates in excess of 2,000 frames per second, and parts and accessories, n.e.s. (1)

11. Entry No. 1568A of the Commodity Control List (Supplement No. 1 to § 399.1) is revised to read as follows:

1568A	Materials composed of crystals having spinel, hexagonal, orthorhombic or garnet crystal structures; thin film devices; assemblies of the foregoing; and devices containing them as follows (for equipment which may be exported in conjunction with computer shipments, see Entry No. 1565):	No.	PQSTVWYZ	500	--	1

(a) Monocrystals of ferrites and garnets, synthetic only; MG

(b) Single aperture forms possessing any of the following characteristics: EE

(1) Switching speed of 0.3 microsecond or faster at the minimum field strength required for switching at 104° F (40° C); or

(2) A maximum dimension less than 0.45 mm (18 mils);

Note.—For machinery and equipment associated with forms having a maximum dimension less than 0.76 mm (30 mils), see Entry No. 1350.

(c) Multi-aperture forms with fewer than 10 apertures possessing any of the following characteristics: EE

(1) Switching speed of 1 microsecond or faster at the minimum field strength required for switching at 104° F (40° C); or

(2) A maximum dimension less than 100 mils (2.54 mm);

(d) Multi-aperture forms having 10 or more apertures; EE

(e) Memory storage or switching devices, as follows: EE

(1) Thin film (including plated wire and plated rods);

(2) Single crystal or amorphous film magnetic bubble;

(3) Moving domain;

(4) Crosstie;

(f) Magnetic ferrite materials having square loop characteristics, suitable for operations above 1 GHz and having all of the following characteristics: EE

(1) A saturation magnetization of greater than 0.3 tesla (3,000 gauss);

(2) A dielectric loss tangent of less than 0.001 measured at a frequency of 1 GHz or greater;

(3) A ratio of the remanent magnetization (B_r) to the saturation magnetization ($4\pi M_s$) equal to or greater than 0.7; and

(g) Rod forms possessing either of the following characteristics: EE

1757A Compounds and materials, as follows:

No. PQSTVWYZ 500 MG 1

(a) Monocrystalline silicon having any of the following characteristics:

(1) Containing bismuth, indium, gallium, selenium, or thallium at an average carrier concentration of greater than $10^{14}/cm^3$;

(2) Containing arsenic at an average carrier concentration of greater than $10^{16}/cm^3$ and less than $10^{18}/cm^3$;

(3) Having P-type conductivity and a resistivity of 5,000 ohm/cm or greater;

(4) In the form of wafers (slices) or ingots (boules) having a resistivity of 50 ohm/cm or less for all N type and for P type 1-1-1, or 100 ohm/cm or less for P type 1-0-0.

13. Entry No. 5998B of the Commodity Control List (Supplement No. 1 to § 399.1) is revised to read as follows:

5998B[6] Shotguns, barrel length 18 inches or over; and arms, discharge type (for example, stun-guns, shock batons, immobilization guns and projectiles, etc., except equipment used exclusively to treat or tranquilize animals), and except arms designed solely for signal, flare, or saluting use; and parts, n.e.s., including optical sighting devices for firearms. ---- PQSTVWYZ[6] 0 MG 3,5

6/A validated license is not required for export of these commodities to Australia, Belgium, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom. No commodities in this entry may be shipped to the Republic of South Africa, Namibia, Botswana, Lesotho, and Swaziland without a validated license. However, a validated license is not required for export of shotguns with barrel length 24 inches or over and parts n.e.s., to other destinations in Country Groups T and V if for consignment or resale to other than police or law enforcement agencies.

14. Part 379 of the Export Administration Regulations is amended by adding a new paragraph (f)(3) to § 379.4 reading as follows:

§ 379.4 General license GTDR: Technical data under restriction.

* * * * *

(f) * * *

(3) *Requirement of written assurances for entry No. 1572 on the Commodity Control List (CCL).* No technical data related to CCL entry 1572A, Exception 2 through 4, may be exported under the provisions of this General License GTDR until the exporter has received written assurance from the importer that the technical data will not be shipped, either directly or indirectly, to Country Groups P, Q, W, Y or Z, or Afghanistan. The letter of assurance requirements are stated in § 379.4(f)(1).

Secs. 4(e), 5, 6, 7, 13, 15, 17(d) Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. § 2401 *et seq.*; Section 309(c), Pub. L. 95–242, 92 Stat. 141, to be codified at 42 U.S.C. § 2139a; Section 103, Pub. L. 94–163, 89 Stat. 877, 42 U.S.C. § 6212; Section 101, Pub. L. 93–153, 87 Stat. 576, amending 30 U.S.C. § 185; Section 201(11), Pub. L. 94–258, 90 Stat. 309, amending 10 U.S.C. § 7430; Executive Order 12214 (45 F.R. 29783, May 6, 1980); Department Organization Order 10–3 (45 F.R. 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 F.R. 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980).)

Dated: May 6, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

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FEDERAL TRADE COMMISSION

16 CFR Parts 0, 1, 2, 4, and 5

Organization Changes in the Commission's Rulemaking and Investigatory Procedures

AGENCY: Federal Trade Commission.

ACTION: Final rules.

SUMMARY: These rules reflect adoption of and amendments to the Commission's interim rules published May 29, 1980 (45 Fed. Reg. 36337), implementing the Federal Trade Commission Improvements Act of 1980 and respond to comments submitted on those rules. They are designed to implement changes made by that Act in the Commission's rulemaking and investigatory procedures.

EFFECTIVE DATE: May 12, 1981.

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SUPPLEMENTARY INFORMATION: The Commission's interim rules implementing the Federal Trade Commission Improvements Act of 1980 were the subject of 60 days' public comment. In light of the comments received and of the Commission's experience with the interim rules, several changes are made. In addition, other technical corrections are made in the Commission's Rules of Practice, such as substitution of "Office of Personnel Management" for "Civil Service Commission" wherever it appears in the rules.

The Comments

Eight comments were received on the interim rules. The following is a discussion of the principal issues raised in the comments and the Commission's responses thereto. Specific changes in the rules are described in the next section.

1. The Grocery Manufacturers of America (GMA) objects to the Commission's assertion that documents submitted to it in response to compulsory process ("custodial documents") may be disclosed to Commission contractors or consultants who have signed a nondisclosure agreement, arguing that disclosure should be limited to Commission employees. The legislative history of the Improvements Act supports the Commission's interpretation. In debating the conference report on the bill that would become the Improvements Act, Senator Ford, Chairman of the Subcommittee on Consumer of the Senate Commerce Committee, said that section 21(b)(3)(B) of the FTC Act "does not preclude use of custodial documents by consultants retained by the Commission, provided that they will be using the documents for official business and have signed a written agreement not to disclose information without the Commission's consent." 126 Cong. Rec. S5678 (May 21, 1980).

GMA also urges that the amendments to section 6(f) of the FTC Act limiting public disclosure of certain confidential commercial or financial information should be read to preclude disclosure even in Commission administrative proceedings. However, section 21 (d)(2) of the FTC Act specifically provides that disclosure in such proceedings should be

governed by the Commission's rules for adjudicative proceedings. In explaining the confidentiality provisions of the statute to the House, Congressman Preyer, a member of the Conference Committee, stated that

> The Commission may disclose trade secrets and confidential commercial and financial information in the following circumstances; * * * relevant and material information may be disclosed in Commission administrative proceedings or in judicial proceedings, but it may be made subject to appropriate protective orders * * *. 126 Cong. Rec. H3870 (May 29, 1980).

This corresponds to the Commission's longstanding interpretation of its statute (prior to the Improvements Act) that even trade secrets may be disclosed *in camera* in Commission adjudication. *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1186 n.1 (1961). The Senate Report confirms this reading and specifically refers to the Commission's Rules of Practice regarding *in camera* submissions, 16 CFR §§ 1.18d(b) and 3.45. S. Rep. No. 96–500, 96th Cong., 1st Sess. 27–28 (1979) ("Senate Report"). As discussed below, rule 4.10(g) has been amended to provide submitters an opportunity to seek a protective or *in camera* order prior to the material being disclosed.

2. The Manufactured Housing Institute (MHI) comments that the Commission has not adequately insulated the presiding officers in rulemaking from the Commission staff. However, the only link that remains is with the Commission's Executive Director (who has agencywide budgetary and administrative responsibility) for the limited purpose of conducting periodic evaluations of the performance of presiding officers. See Senate Report at 20.

MHI also objects to allowing the staff in rulemaking to make a report which is then considered by the presiding officer in formulating his recommended decision. The staff report itself is not "evidence," but is merely a summary of the record including recommendations for a final rule if appropriate. All interested persons have an opportunity to comment both on the staff report and on the presiding officer's recommended decision. Accordingly, the Commission believes this procedure is entirely consistent with the Improvements Act. Rule 1.13(c)(6), which MHI argues is inadequate to effectuate the congressional intent in preventing *ex parte* communications with the presiding officer, is simply a restatement of the statutory requirement. Similarly, MHI argues that rule 2.6 should spell out in detail the way the subject of an investigation is to be notified of its nature and purpose. The Commission believes the rule, which incorporates the statutory language, is adequate.

MHI objects that although the legislative history requires a staff memorandum justifying issuance of compulsory process, no such requirement is contained in the rules. As an internal requirement, the Commission believes it is unnecessary to address this requirement in its rules of practice.

MHI requested a minor clarification in rule 2.9, which describes the rights of witnesses in investigations, to make it clear that both the interviewer and his or her counsel can raise objections. The rule has been amended accordingly. MHI also requested a clarification of rule 2.51 to make explicit the 120-day time limit for responding to petitions to reopen orders. An appropriate change has been made.

MHI objected to the requirement that a request for return of documents submitted to the Commission can come only at the end of a proceeding since a third-party witness may have no way of knowing when that occurs. Additionally, MHI requested clarification of the term "original" document in rule 4.12. As discussed more fully below, the Commission has amended rule 4.12 to address these concerns. Other clarifying changes in rules 4.10 and 4.11 regarding the confidentiality and disclosure of documents submitted to the Commission (described below) respond to concerns raised by MHI and others.

The Commission declines, however, to attempt to define "confidential" in rule 4.10(a)(2) in greater detail. Examples in rule 4.10(a)(2) are intended only to be illustrative since, as provided in the rule, the prohibition on disclosure contained in FTC Act § 6(f) governs in any event. Further guidance on the meaning of the term "confidential commercial or financial information" can be gained by reference to the case law under exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4). See Senate Report at 10–11.

3. The Chamber of Commerce of the United States (in a comment that raised the same issues as one filed by the law firm of Lovejoy, Wasson, Lundgren and Ashton) urged the Commission to broaden rule 2.6 to provide that in all instances where information is requested by the Commission—not just CID's—the person be advised of the nature and purpose of the investigation. Rule 2.6 currently provides two slightly different requirements for notice, one for CID's (tracking the new statute) and one for all other requests for information. The Commission agrees that the notice requirements of the Improvements Act should be applied to all requests for information.

The Chamber objects to the Commission's procedures for sharing information with state and federal law enforcement agencies, arguing that such agencies should be required to adopt detailed custodial arrangements for the documents. Commission rule 4.11 requires, as does the statute, a detailed certification including an agreement by the other agency to maintain the documents in confidence. The Commission believes these restrictions on disclosure are adequate to protect the rights of the submitter.

Further, the Chamber contends that the statute does not permit sharing information with states bringing antitrust treble damage suits. The Commission disagrees with this interpretation of the statute and notes that the Commission's view has been upheld in *Fleming* v. *FTC*, CCH 1980–1 Trade Cas. ¶ 63642 (D.D.C. Nov. 24, 1980). See also 126 Cong. Rec. H3158 (May 1, 1980). Finally, the Chamber asks that submitters of documents be notified of their release to other law enforcement agencies and be given a description of each document released. The Commission agrees that a submitter should be notified of the fact that documents have been released in most cases and has amended rule 4.11 as discussed below. On the other hand, the Commission believes that routine provision of a list of each document released would be inordinately burdensome; the office of the General Counsel, through which documents are released, is available to provide a general description of that information in most cases.

4. Sears, Roebuck & Co. suggests minor clarifying changes in the rules regarding compulsory process and motions to quash certain Commission orders. As described below, changes have been made in those sections to conform the CID and other compulsory process procedures in many respects.

5. The law firm of Howrey & Simon, on behalf of Exxon, addresses the issue of return of documents submitted, arguing that the Commission must return all documents submitted, including all Commission-made copies and notes. The Commission disagrees and notes that the Improvements Act specifically recognizes the authority of the Commission to retain such copies and notes. See FTC Act section 21(b)(5)(B). Unlike a grand jury, which has a limited existence and no ongoing policy or law enforcement functions, the Commission often uses information submitted in one investigation in a subsequent

investigation. The decision to retain or destroy Commission-made copies of documents or notes depends on whether they are records appropriate for preservation by the government within the meaning of the Federal Records Act, 44 U.S.C. § 3301 *et seq.* That determination, including the question of whether the documents should be preserved because of the information value to the government therein, is peculiarly within the purview of the Commission, not the submitter.

6. The Food Marketing Institute (FMI) suggests that the Commission establish a "pre-submission procedure for determining confidentiality." However, the Commission believes that the confidentiality provisions of the Improvements Act obviate the need for any such procedure except in extraordinary circumstances. Specifically, section 21(b)(3)(B) protects the confidentiality of all documents submitted in response to compulsory process in a law enforcement investigation and section 21(c) protects all other documents marked confidential from public disclosure without 10 days' notice. Further, FMI asks the Commission to establish detailed procedures for identifying which copies should be retained by the Commission. The Commission believes that the determination of whether copies are "appropriate for preservation" under the Federal Records Act will depend on many factors not susceptible to codification such as potential investigatory interest in an industry or a certain practice.

7. On August 29, 1980, the Section of Antitrust Law, American Bar Association, submitted comments which, for the most part, raised issues mentioned in the other comments. In addition, the Section urged that the Commission consider several changes in rulemaking procedures described in its study on FTC Rulemaking. These include fundamental changes such as the use of administrative law judges in place of presiding officers and stricter *ex parte* prohibitions which are beyond the scope of these rule changes. The Commission believes that the statutory provisions for separation of presiding officers from the staff of the Commission and for a limited *ex parte* prohibition adequately meet the Section's concerns. The Section also urged clarifying changes in the Commission's confidentiality rules, many of which are included in these amended rules. The Section questioned whether the FOIA exemption in section 21(f) of the FTC Act is applicable to documents produced in postcomplaint proceedings. The Commission believes the exemption in section 21(f), as well as the exemption in section 21(b), is equally applicable in precomplaint and postcomplaint proceedings.

Rules Changes

After considering the foregoing comments and the Commission's experience under its interim rules during the past several months, it has amended the interim rules as described below. In addition, these rules implement the rulemaking changes made by sections 8 and 15 of the Improvements Act. Finally, they include many technical changes in the Commission's rules.

1. Section 15 of the Improvements Act adds a new section 22 to the FTC Act requiring the publication of preliminary and final regulatory analyses and other requirements. In addition, the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, requires the preparation of initial and final regulatory flexibility analyses. The statute also provides that in the interest of avoiding duplicative or unnecessary analyses, those analyses may be made a part of any other analyses. The Commission believes that rather than preparing separate documents under the Regulatory Flexibility Act, it will be more efficient to incorporate those analyses into the analyses required by the Improvements Act. The Commission's rules, like the Regulatory Flexibility Act, are intended to require regulatory flexibility analyses for rules for which a notice of proposed rulemaking is issued on or after January 1, 1981.

Section 8 of the Improvements Act amends section 18 of the FTC Act by requiring the publication of an advance notice of proposed rulemaking prior to the commencement of a rulemaking proceeding. Amendments to rules 1.9, 1.10, 1.11 and 1.14 implement those sections.

2. Section 1.13 is amended to clarify several rulemaking procedures. First, the deadline for submission of written comments will no longer be set in the Rules of Practice (formerly set at 45 days before the commencement of the oral hearings) but now will be set by the Commission in the initial notice. Interested persons will than have an additional period of 30 days to submit proposals to the presiding officer for designated issues. The Commission anticipates that interested persons will then be able to use the written comments in framing proposals for disputed issues.

Second, the rules now explicity require all motions to be filed with the presiding officer until the close of the postrecord comment period and authorize him or her to rule on all motions (including motions to extend time periods). Similarly, the presiding officer is given the explicit duty to maintain the rulemaking record.

Third, rule 1.13(c)(3)(i) concerning the procedures for appealing rulings of the presiding officer to the Commission has been clarified. The rule eliminates the requirement of the filing of an "application for review" with the Commission after certification of the appeal; the presiding officer's certification serves the purpose of the application.

3. Section 1.13(d)(6) is amended to clarify the fact that compulsory process in trade regulation rulemaking must take the form of a civil investigative demand and is available to the Commission staff as well as other rulemaking participants. Rule 1.15 is amended to allow the Commission to make nonsubstantive amendments to trade regulation rules without additional comment periods.

4. Section 1.17 is amended to incorporate the requirements of section 10 of the Improvements Act regarding compensation of participants in rulemaking proceedings. These include the establishment of a small business outreach program and limitations on the amount a person can receive in any one proceeding or in any fiscal year. In accordance with the legislative history of section 10, these limitations are prospective only, and money received prior to the effective date of the Improvements Act is not counted in arriving at these limitations. See 126 Cong. Rec. H3859 (May 20, 1980) (Remarks of Chairman Scheuer). Further, the Commission deleted the $50 per hour limit on attorneys' fees in rule 1.17 (e)(2) since that arbitrary figure may restrict the ability of small businesses and others to obtain effective representation. The Commission (through its General Counsel) will, of course, continue to assure that all costs incurred are reasonable.

5. Section 2.6 is amended to apply to all recipients of requests for information who are under investigation the requirement that they be notified of the purpose of the investigation. The Commission believes this accurately reflects the intention of Congress when it adopted the Improvements Act, although this requirement is limited by the statute to CID's. Similarly, the Commission has amended rules 2.11 and 2.12 to provide that petitions to limit or quash *any* form of investigatory compulsory process be submitted within 20 days.

6. Section 2.7(a) is amended to clarify the provision allowing the recipient of a CID to make documents available at its principal place of business. Section 2.9(b)(2) is amended to provide that in an investigational hearing the witness or his counsel may object to questions on the record.

7. Section 2.51(d) implements section 2 of the Improvements Act requiring the Commission to make a determination on a request to reopen an order within 120 days. It is amended to make explicit the 120-day limit.

8. In response to the comments, the Commission has made several important changes in part 4 of its rules regarding the confidential treatment of information submitted to the Commission. First, rule 4.10 is amended to delete the reference to staff assurances of confidentiality since documents submitted to the Commission are now adequately protected by the procedures of section 21 of the FTC Act and by the amendment to section 6(f) of the FTC Act made by section 3 of the Improvements Act. Second, section 4.10(a) now describes only the classes of documents that can be withheld under the Freedom of Information Act; the Commission's authority to disclose information is now contained in sections 4.10(d), (e) and (f) and 4.11.

Section 4.10(d), as amended, limits the Commission's authority to disclose material submitted to it. Thus, although the Commission is empowered pursuant to sections 6(f) and 21(c) of the FTC Act to disclose noncustodial material which the Commission determines does not constitute confidential commercial or financial information, the Commission has determined that it will not disclose under the FOIA information that it can withhold if the information is marked confidential. In adopting this rule which waives its discretion to release certain documents, the Commission is seeking to encourage voluntary compliance with requests for information. Since persons who submit documents to the Commission in a law-enforcement investigation voluntarily in lieu of compulsory process will now be assured that their documents will receive the same confidentiality treatment as documents provided under compulsory process, there should be no disincentive to providing information to the Commission voluntarily. This is particularly true since the Commission has established an internal procedure for logging and controlling all documents received by it. (This of course does not restrict information-sharing with other agencies.)

Special restrictions on disclosure of information submitted to the Commission as in the line of business reporting program are effective according to their terms.

Third, the Commission amended rule 4.10(f) to provide that information obtained by it may be disclosed to persons other than the submitter in connection with the taking of oral testimony only if the Commission is not prohibited from disclosing it under section 6(f) of the FTC Act. If the material is marked confidential, the submitter will be provided 10 days' notice of the intended disclosure. Similarly, under amended rule 4.10(g) information will not be disclosed in administrative or adjudicatory proceedings without affording the submitter an opportunity to obtain a protective or *in camera* order.

Fourth, the Commission amended section 4.11(c) to clarify the contents of the certificate required from state and federal law enforcement agencies as a condition to sharing information. A copy of the certificate will be forwarded to the submitter of the information at the time the agency request is granted unless the agency requests that the submitter not be notified.

9. Section 4.12, which deals with the disposition of documents submitted to the Commission, has been amended to allow requests for return of documents to be filed at any time. The documents will still be returned only at the close of the proceeding but this provision removes the burden of knowing when an investigation is concluded from the submitter. The section also makes clear that Commission-made copies of documents will not be returned to the submitter except upon a showing of extraordinary circumstances.

Accordingly, the Commission amends its Rules of Practice as follows:

PART 0—ORGANIZATION

1. Section 0.10 is revised to read as follows:

§ 0.10 Office of the Executive Director.

(a) The Executive Director, under the direction of the Chairman, is the chief operating official. He exercises executive and administrative supervision over all the offices, bureaus, and staff of the Commission, and, in coordination with the Office of Policy Planning, resolves problems concerning priorities in case handling. Immediately under his direction is the Deputy Executive Director.

(b) The Deputy Executive Director functions as staff advisor to the Executive Director in all aspects of administrative management; provides administrative policy guidance to agency management and provides general supervision to the programs of data processing and information systems, personnel, budget and finance, and administrative service activities; initiates and develops long-range plans to assure that the Commission acquires and effectively utilizes the manpower, financial resources, physical facilities, and management tools necessary to accomplish its mission.

§ 0.12 [Amended]

2. Section 0.12 is amended by changing the title of the publication "Statutes and Court Decisions involving the Commission" to read "Court Decisions—Federal Trade Commission."

3. The title of Section 0.13 is revised to read as follows:

§ 0.13 Office of Policy Planning.

* * * * *

§ 0.14 [Amended]

4. Section 0.14 is amended by changing "Civil Service Commission" to read "Office of Personnel Management."

5. Section 0.17 is revised to read as follows:

§ 0.17 Bureau of Consumer Protection.

The Bureau investigates unfair or deceptive acts or practices under section 5 of the Federal Trade Commission Act as well as potential violations of numerous special statutes which the Commission is charged with enforcing. It prosecutes before the agency's administrative law judges alleged violations of law after issuance of a complaint by the Commission or obtains through negotiation consented-to orders, which must be accepted and issued by the Commission. The bureau participates in trade regulation rulemaking proceedings under section 18(a)(1)(B) of the Federal Trade Commission Act and other rulemaking proceedings under other statutory authority. It investigates compliance with final orders and trade regulation rules and seeks civil penalties or consumer redress for their violation. In addition, the bureau seeks to educate both consumers and the business community about the laws it enforces.

PART 1—GENERAL PROCEDURES

Subpart B [Amended]

6. The title of Subpart B is revised to read as follows: Subpart B—Rules and Rulemaking Under Section 18(a)(1)(B) of the FTC Act.

7. Section 1.7 is revised to read as follows:

§ 1.7 Scope of rules in this subpart.

The rules in this subpart apply to and govern proceedings for the promulgation of rules as provided in section 18(a)(1)(B) of the Federal Trade Commission Act. Such rules shall be known as trade regulation rules. All other rulemaking proceedings shall be governed by the rules in the remainder of this part.

8. Section 1.8 is revised to read as follows:

§ 1.8 Nature, authority and use of trade regulation rules.

(a) For the purpose of carrying out the provisions of the Federal Trade Commission Act, the Commission is empowered to promulgate trade regulation rules which define with specificity acts or practices which are unfair or deceptive acts or practices in or affecting commerce. Such rules may include requirements prescribed for the purpose of preventing such acts or practices. A violation of a rule shall constitute an unfair or deceptive act or practice in violation of section 5(a)(1) of that Act, unless the Commission otherwise expressly provides in its rule. However, the respondent in an adjudicative proceeding may show that his conduct does not violate the rule or assert any other defense to which he is legally entitled.

(b) The Commission at any time may conduct such investigations, make such studies and hold such conferences as it may deem necessary. All or any part of any such investigation may be conducted under the provisions of Subpart A of Part 2 of this Chapter.

9. Section 1.9 is revised to read as follows:

§ 1.9 Initiation of a trade regulation rule proceeding.

Trade regulation rule proceedings may be commenced by the Commission upon its own initiative or pursuant to written petition filed with the Secretary by any interested person stating reasonable grounds therefor. If the Commission determines to commence a trade regulation rule proceeding pursuant to the petition, the petitioner shall be mailed a copy of the public notices issued under §§ 1.10, 1.11 and 1.12. Any person whose petition is not deemed by the Commission sufficient to warrant commencement of a rulemaking proceeding shall be notified of that determination and may be given an opportunity to submit additional data.

10. Section 1.10 is revised to read as follows:

§ 1.10 Advance notice of proposed rulemaking.

(a) Prior to the initiation of any trade regulation rule proceeding, the Commission shall publish in the **Federal Register** an advance notice of such proposed proceeding.

(b) The advance notice shall: (1) contain a brief description of the area of inquiry under consideration, the objectives which the Commission seeks to achieve, and possible regulatory alternatives under consideration by the Commission; and (2) invite the response of interested persons with respect to such proposed rulemaking, including any suggestions or alternative methods for achieving such objectives.

(c) The advance notice shall be submitted to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Interstate and Foreign Commerce of the House of Representatives.

(d) The Commission may, in addition to publication of the advance notice, use such additional mechanisms as it considers useful to obtain suggestions regarding the content of the area of inquiry before publication of an initial notice of proposed rulemaking pursuant to § 1.11.

11. Section 1.11 is revised to read as follows:

1.11 Commencement of a rulemaking proceeding.

(a) *Initial notice.*—A trade regulation rule proceeding shall commence with an initial notice of proposed rulemaking. Such notice shall be published in the **Federal Register** not sooner than 30 days after it has been submitted to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Interstate and Foreign Commerce of the House of Representatives. The initial notice shall include: (1) the text of the proposed rule including any alternatives which the Commission proposes to promulgate; (2) reference to the legal authority under which the rule is proposed; (3) a statement describing with particularity the reason for the proposed rule; (4) an invitation to all interested persons to propose issues which meet the criteria of § 1.13(d)(1)(i) for consideration in accordance with § 1.13(d)(5) and (d)(6); (5) an invitation to all interested persons to comment on the proposed rule; and (6) a statement of the manner in which the public may obtain copies of the preliminary regulatory analysis.

(b) *Preliminary regulatory analysis.*—Except as otherwise provided by statute, the Commission shall, when commencing a rulemaking proceeding, issue a preliminary regulatory analysis which shall contain:

(1) a concise statement of the need for, and the objectives of, the proposed rule;

(2) a description of any reasonable alternatives to the proposed rule which may accomplish the stated objective of the rule in a manner consistent with applicable law;

(3) for the proposed rule, and for each of the alternatives described in the analysis, a preliminary analysis of the projected benefits and any adverse economic effects and any other effects, and of the effectiveness of the proposed rule and each alternative in meeting the stated objectives of the proposed rule; and

(4) the information required by section 603 of the Regulatory Flexibility Act, Pub. L. 96–354.

12. Section 1.13 is amended by revising paragraphs (a), (b), (c)(1) and (2), and (c)(3), and by removing the word "and" at the end of paragraph (c)(2)(vii), changing the period at the end of paragraph (c)(2)(viii) to "; and" by adding a new paragraph (c)(2)(ix) and revising paragraph (d)(6) to read as follows:

§ 1.13 Rulemaking proceeding.

(a) *Written comments.* After commencement of a trade regulation rule proceeding, the Commission shall accept written submissions of data, views, and arguments on all issues of fact, law, and policy. The initial notice shall specify the deadline for filing written comments under this subsection.

(b) *Comments proposing issues subject to the procedures of § 1.13(d)(5) and (d)(6).*—Interested persons may propose issues for consideration in accordance with § 1.13(d)(5) and (d)(6) until thirty (30) days after the close of the written comment period or such other period as the Commission may establish in the initial notice.

(c) *Presiding officer.*—(1) *Assignment.*—Upon commencement of a proposed trade regulation rule proceeding, a presiding officer shall be appointed by the Chief Presiding Officer or, when the Commission or one or more of its members serves as presiding officer, by the Commission.

(2) *Powers of the presiding officer.*—The presiding officer shall be responsible for the orderly conduct of the rulemaking proceeding and the maintenance of the rulemaking and public records until the close of the postrecord comment period. He shall have all powers necessary to that end including the following: * * *; and (ix) to rule upon all motions or petitions of

interested persons, which motions or petitions must be filed with the presiding officer until the close of the postrecord comment period.

(3) *Review of rulings by the presiding officer.* (i) *Review after certification by the presiding officer.*—Except as otherwise provided in subsection (ii), applications for review of a ruling will not be entertained by the Commission prior to its review of the record pursuant to § 1.14, unless the presiding officer certifies in writing to the Commission that a ruling involves a controlling question of law or policy as to which there is substantial ground for difference of opinion and that an immediate review of the ruling may materially advance the ultimate termination of the proceeding or subsequent review will be an inadequate remedy. Within five (5) days after a ruling by the presiding officer, any interested person may petition the presiding officer for certification of that ruling to the Commission. Certification of a ruling shall not stay the rulemaking proceeding unless the presiding officer or the Commission shall so order. Submissions to the Commission not to exceed fifteen (15) pages may be made within ten (10) days of the presiding officer's certification. All such filings shall be a part of the rulemaking record. The Commission may thereupon, in its discretion, permit the appeal. Commission review, if permitted, will be based on the application for review and any additional submissions, without oral argument or further briefs, unless otherwise ordered by the Commission.

* * * * *

(d) * * *

(6) *Requests to compel the attendance of persons or the production of documents or to obtain responses to written questions.*—During the course of the rulemaking proceeding, the presiding officer shall entertain requests from the Commission's staff or any interested person to compel the attendance of persons or the production of documents or to obtain responses to written questions. Requests to compel the attendance of persons or the production of documents or to obtain responses to written questions shall contain a statement showing the general relevancy of the material, information or presentation, and the reasonableness of the scope of the request, together with a showing that such material, information or presentation is not available by voluntary methods and cannot be obtained through examination, including cross-examination, of oral presentations or the presentation of rebuttal submissions, and is appropriate and required for a full and true disclosure with respect to the issues designated for consideration in accordance with paragraphs (d)(5) and (d)(6) of this section. If the presiding officer determines that a request should be granted, he shall transmit his determination to the Commission which shall determine whether to issue a civil investigative demand under § 2.7(b). Information received in response to such a demand may be disclosed in the rulemaking proceeding subject to an *in camera* order under § 1.18(b).

* * * * *

13. Section 1.14 is amended by revising paragraphs (a), (a) (1) and (2), and (c) and (d) to read as follows:

§ 1.14 Promulgation.

(a) The Commission, after review of the rulemaking record, may issue, modify, or decline to issue any rule. Where it believes that it should have further information or additional views of interested persons, it may withhold final action pending the receipt of such additional information or views. If it determines not to issue a rule, it may adopt and publish an explanation for not doing so.

(1) *Statement of Basis and Purpose.*—If the Commission determines to promulgate a rule, it shall adopt a Statement of Basis and Purpose to accompany the rule which shall include: (i) a statement as to the prevalence of the acts or practices treated by the rule; (ii) a statement as to the manner and context in which such acts or practices are unfair or deceptive; (iii) a statement as to the economic effect of the rule, taking into account the effect on small businesses and consumers; (iv) a statement as to the effect of the rule on State and local laws; and (v) a statement of the manner in which the public may obtain copies of the final regulatory analysis.

(2) *Final Regulatory Analysis.*—Except as otherwise provided by statute, if the Commission determines to promulgate a final rule, it shall issue a final regulatory analysis relating to the final rule. Each final regulatory analysis shall contain—

(i) a concise statement of the need for, and the objectives of, the final rule;

(ii) a description of any alternatives to the final rule which were considered by the Commission;

(iii) an analysis of the projected benefits and any adverse economic effects and any other effects of the final rule;

(iv) an explanation of the reasons for the determination of the Commission that the final rule will attain its objectives in a manner consistent with applicable law and the reasons the particular alternative was chosen;

(v) a summary of any significant issues raised by the comments submitted during the public comment period in response to the preliminary regulatory analysis, and a summary of the assessment by the Commission of such issues; and

(vi) the information required by section 604 of the Regulatory Flexibility Act.

* * * * *

(c) The final rule and Statement of Basis and Purpose shall be published in the Federal Register. A rule issued under this subpart shall be deemed promulgated at 3:00 PM Eastern Standard Time on the fourth day after the date on which the final rule and Statement of Basis and Purpose are published in the Federal Register. In the event such day is a Saturday, Sunday or national holiday, then the rule is deemed promulgated at 3:00 PM Eastern Standard Time on the following business day.

(d) After promulgating a final rule, the Commission shall submit such rule to the Congress for review in accordance with section 21 of the Federal Trade Commission Improvements Act of 1980. After the conclusion of the legislative review process, the Commission shall publish a notice in the Federal Register announcing the effective date of the rule which shall be at least 30 days thereafter unless the Commission, for good cause found and published, sets an earlier effective date.

14. Section 1.15 is revised to read as follows:

§ 1.15 Amendment or repeal of a rule.

(a) *Substantive amendment or repeal of a rule.* The procedures for substantive amendment to or repeal of a rule are the same as for the issuance thereof.

(b) *Nonsubstantive amendment of a rule.* The Commission may make a nonsubstantive amendment to a rule by announcing the amendment in the Federal Register.

15. Section 1.17 is amended by revising paragraph (e)(2) and by adding paragraph (f) and (g) to read as follows:

§ 1.17 Compensation for representation in rulemaking proceedings.

* * * * *

(e) *Payment of compensation.*—(1)

* * *

(2) Effective until the end of fiscal year 1982, the amount of compensation which may be paid to any applicant approved for reimbursement of participation costs may not exceed $75,000 per rulemaking proceeding; the

aggregate amount of compensation paid in any fiscal year for all rulemaking proceedings to any such person may not exceed $50,000. Computation of these limits shall begin with funds approved May 28, 1980, after the effective date of the FTC Improvements Act of 1980.

(f) *Participation of small businesses.*—To ensure a fair determination in rulemaking proceedings, the Commission solicits public comment from small businesses whose views otherwise would not be adequately represented. The Commission encourages small business participation in the compensation program by disseminating to small businesses information which explains the procedures and requirements applicable to the receipt of compensation.

(g) *Funds set aside for persons who would be regulated by proposed rules.*—The Commission reserves an amount equal to 25 percent of the annual fiscal appropriations for participation costs under this program. This reserved amount is available for reimbursement only to persons who (1) would be regulated by the proposed rule involved or (2) represent persons who would be so regulated.

§ 1.32 [Amended]

16. Section 1.32 is amended by changing "Division of Special Statutes" to read "Division of Energy and Product Information."

§ 1.71 [Amended]

17. Section 1.71 is amended by changing "Division of Special Statutes" to read "Division of Credit Practices."

§ 1.72 [Amended]

18. Section 1.72 is amended by changing "Division of Special Statutes" to read "Division of Credit Practices."

§ 1.83 [Amended]

19. Section 1.83(b)(2) is amended by changing "Office of the Assistant Secretary for Legal and Public Records" to read "Public Reference Branch."

PART 2—NONADJUDICATIVE PROCEDURES

20. Section 2.6 is revised to read as follows:

§ 2.6 Notification of purpose.

Any person under investigation compelled or requested to furnish information or documentary evidence shall be advised of the purpose and scope of the investigation and of the nature of the conduct constituting the alleged violation which is under investigation and the provisions law applicable to such violation.

21. Section 2.7(a) is revised to read as follows:

§ 2.7 Compulsory process in investigations.

(a) *In general.*—The Commission or any member thereof may, pursuant to a Commission resolution, issue a subpoena or a civil investigative demand directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence, or both, or, in the case of a civil investigative demand, to provide a written report or answers to questions relating to any matter under investigation by the Commission. Material for which a civil investigative demand has been issued shall be made available for inspection and copying at the principal place of business of the person or at such other place or in such other manner as the person and the custodian designated pursuant to § 2.16 agree.

* * * * *

22. Section 2.9(b)(2) is revised to read as follows:

§ 2.9 Rights of witnesses in investigations.

* * * * *

(b) * * *

(2) Where it is claimed that the testimony or other evidence sought from a witness is outside the scope of the investigation, or that the witness is privileged to refuse to answer a question or to produce other evidence, the witness or counsel for the witness may object on the record to the question or requirement and may state briefly and precisely the ground therefor. The witness and his counsel shall not otherwise object to or refuse to answer any question, and they shall not otherwise interrupt the oral examination.

* * * * *

23. Section 2.11(b), (c) and (d) is revised to read as follows:

§ 2.11 Orders requiring access.

* * * * *

(b) Any petition to limit or quash an order requiring access shall be filed with the Secretary of the Commission within twenty (20) days after service of the order, or, if the date for compliance is less than twenty (20) days after service of the order, then before the return date. Such petition shall set forth all assertions of privilege or other factual and legal objections to the order requiring access, including all appropriate argument, affidavits and other supporting documentation. All petitions to limit or quash orders requiring access shall be ruled upon by the Commission itself, but the above-designated Directors, Deputy Directors, Assistant Directors, Regional Directors and Assistant Regional Directors are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file petitions to limit or quash orders requiring access.

(c) The timely filing of any petition to limit or quash such an order shall stay the requirement of compliance if the Commission has not ruled upon the motion by the date of compliance. If it rules on or subsequent to the date required for compliance and its ruling denies the petition in whole or in part, the Commission shall specify a new date of compliance.

(d) All petitions to limit or quash orders requiring access, and the Commission's responses thereto, are part of the public records of the Commission, except for information exempt from disclosure under § 4.10(a) of this chapter.

24. Section 2.12(d), (e) and (f) is revised to read as follows:

§ 2.12 Reports.

* * * * *

(d) Any petition to limit or quash an order requiring a report or answer to specific questions shall be filed with the Secretary of the Commission within twenty (20) days after service of the order, or, if the date for compliance is less than twenty (20) days after service of the order, then before the return date. Such petition shall set forth all assertions of privilege or other factual and legal objections to the order requiring a report or answer to specific questions, including all appropriate arguments, affidavits and other supporting documentation. All petitions to limit or quash orders requiring reports or answers to questions shall be ruled upon by the Commission itself, but the above-designated Directors, Deputy Directors, Assistant Directors, Regional Directors and Assistant Regional Directors are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file petitions to limit or quash orders requiring reports or answers to questions.

(e) Except as otherwise provided by the Commission, the timely filing of any petition to limit or quash such an order shall stay the requirement of return on the portion challenged if the Commission has not ruled upon the petition by the return date. If it rules on or subsequent to the return date and its

ruling denies the petition in whole or in part, the Commission shall specify a new return date.

(f) All petitions to limit or quash orders requiring a report or answers to specific questions, and the Commission's responses thereto, are part of the public records of the Commission, except for information exempt from disclosure under § 4.10(a) of this chapter.

25. Section 2.18(a) and (c) is revised to read as follows:

§ 2.18 Custodians.

(a) *Designation.*—The Commission shall designate a custodian and one or more deputy custodians for material to be delivered pursuant to compulsory process in an investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission. The custodian shall have the powers and duties prescribed by section 21 of the FTC Act. Deputy custodians may perform all of the duties assigned to custodians. The appropriate Bureau Directors, Deputy Directors, Assistant Directors, Regional Directors or Assistant Regional Directors shall take the actions required by section 21(b)(7) of the FTC Act if it is necessary to replace a custodian or deputy custodian.

* * * * *

(c) Material produced pursuant to the Federal Trade Commission Act, while in the custody of the custodian, shall be for the official use of the Commission in accordance with the Act; but such material shall upon reasonable notice to the custodian be made available for examination by the person who produced such material, or his duly authorized representative, during regular office hours established for the Commission.

26. Section 2.51(d) is revised to read as follows:

§ 2.51 Requests to reopen.

* * * * *

(d) Determination.—After the period for public comments on a request under this section has expired and no later than one hundred and twenty (120) days after the date of the filing of the request, the Commission shall determine whether the request complies with subsection (b) and whether the proceeding shall be reopened and the rule or order should be altered, modified, or set aside as requested. In doing so, the Commission may, in its discretion, issue an order reopening the proceeding and modifying the rule or order as requested, issue an order to show cause pursuant to § 3.72, or take such other action as is appropriate: *Provided, however,* That any action under § 3.72 or otherwise shall be concluded within the specified 120-day period.

PART 4—MISCELLANEOUS RULES

27. Section 4.10 is amended by revising the introductory text of paragraph (a), revising paragraph (a)(2), (a)(8) and (9), and paragraph (d), paragraphs (a)(10) and (e), (f) and (g) are added to read as follows:

§ 4.10 Nonpublic information.

(a) The following records of the Commission are exempt from availability for public inspection and copying pursuant to 5 U.S.C. 552.

* * * * *

(2) Trade secrets and commercial or financial information obtained from a person and privileged or confidential. As provided in section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), this exemption applies to competitively sensitive information, such as costs or various types of sales statistics and inventories. It includes trade secrets in the nature of formulas, patterns, devices, and processes of manufacture, as well as names of customers in which there is a proprietary or highly competitive interest.

* * * * *

(8) Material (including transcripts of oral testimony) which is received by the Commission (i) in an investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission, and (ii) which is provided pursuant to any compulsory process under the Federal Trade Commission Act, 15 U.S.C. 41, *et seq.*, or which is provided voluntarily in place of compulsory process in such an investigation. This material is exempt from disclosure under the Freedom of Information Act, by virtue of section 21(f) of the Federal Trade Commission Act.

(9) Material (including transcripts of oral testimony) which is received by the Commission pursuant to compulsory process in an investigation, a purpose of which is to determine whether any person may have violated any provision of the laws administered by the Commission. This material is exempt from disclosure under the Freedom of Information Act by virtue of section 21(b)(3)(C) of the Federal Trade Commission Act.

(10) Such other records of the Commission as may from time to time by designated by the Commission as confidential pursuant to statute or Executive Order. This exempts from disclosure any information which has been designated nonpublic pursuant to criteria and procedures prescribed by Executive Order and which has not been subsequently declassified in accordance with applicable procedures. The exemption also preserves the full force and effect of statutes which restrict public access to specific government records.

* * * * *

(d) Except as provided in paragraphs (f) and (g) and in § 4.11 (b), (c), and (d), no material (including transcripts of oral testimony) which is marked or otherwise identified as confidential and which is within the scope of subsection 4.10(a)(8) and no material (including transcripts of oral testimony) which is within the scope of subsection 4.10(a)(9) which is not otherwise public shall be made available to any individual other than a duly authorized officer or employee of the Commission or a consultant or contractor retained by the Commission who has agreed in writing not to disclose the information without the consent of the person who produced the material. All other Commission records may be made available to a requester under the procedures set forth in § 4.11 or may be disclosed by the Commission except where prohibited by law.

(e) Except as provided in paragraphs (f) and (g) and in § 4.11 (b), (c), and (d), material (including transcripts of oral testimony) not within the scope of § 4.10(a)(8) or 4.10(a)(9) which is received by the Commission and is marked or otherwise identified as confidential may be disclosed only if it is determined that the material is not within the scope of § 4.10(a)(2), and only if the submitter is provided at least 10 days' notice of the intent to disclose the material involved.

(f) Nonpublic material (including transcripts of oral testimony) obtained by the Commission may be disclosed to persons other than the submitter in connection with the taking of oral testimony without the consent of the submitter only if the material or transcript is not within the scope of § 4.10(a)(2). If the material is marked confidential, the submitter will be provided 10 days' notice of the intended disclosure or will be afforded an opportunity to seek an appropriate protective order.

(g) Material (including transcripts of oral testimony) obtained by the Commission may be disclosed in Commission administrative or court proceedings subject to appropriate

Commission or court protective or *in camera* orders. See §§ 1.18(b) and 3.45 of this chapter. Prior to disclosing material or transcripts under this subsection the submitter will be afforded an opportunity to seek an appropriate protective or *in camera* order.

28. Section 4.11 (b), (c), (d) and (e) is revised to read as follows:

§ 4.11 Requests for disclosure of records.

* * * * *

(b) *Requests from congressional committees and subcommittees.*—Requests from congressional committees and subcommittees shall be referred to the General Counsel for presentation to the Commission, subject to the provisions in 5 U.S.C. 552(c) and FTC Act 21(b) that neither the Freedom of Information Act, 5 U.S.C. 552, nor the Federal Trade Commission Act, 15 U.S.C. 41, et seq., is authority to withhold information from Congress. Upon receipt of a request from a congressional committee or subcommittee, the General Counsel will notify the submitter of any material marked confidential, or any material within the scope of § 4.10(a)(9), that is responsive to the request that the request has been received. No other notice need be provided prior to granting the request. The Commission will inform the committee or subcommittee that the submitter considers such information confidential.

* * * * *

(c) *Requests from Federal and State law enforcement agencies.*—Requests from law enforcement agencies of the Federal Government should be addressed to the liaison officer for the requesting agency, or if there is none, to the General Counsel. Requests from state agencies should be addressed to the General Counsel. The appropriate liaison officer or the General Counsel may grant the request or where appropriate may authorize the custodian to grant the request, or refer it to the Commission for determination. Prior to granting access under this section to any material submitted to the Commission, the General Counsel or liaison officer will obtain from the requester a certification that such information will be maintained in confidence and will be used only for official law enforcement purposes. The certificate will also describe the nature of the law enforcement activity and the anticipated relevance of the information to that activity.

A copy of the certificate will be forwarded to the submitter of the information at the time the request is granted unless the agency requests that the submitter not be notified.

(d) *Requests from Federal and State agencies for purposes other than law enforcement.*—Requests from Federal and State agencies for access not related to law enforcement should be addressed to the General Counsel. Disclosure of nonpublic information will be made consistent with sections 6(f) and 21 of the FTC Act.

(e) *Information requested by subpoena.*—Any employee of the Commission who is served with a subpoena or other compulsory process, except a subpoena issued within the scope of § 3.36 of this chapter, requiring the production of any document or record or the disclosure of any information which, under § 4.10, is exempt from availability for public inspection and copying, shall promptly advise the General Counsel of the service of such subpoena or other compulsory process, the nature of the documents or information sought, and all relevant facts and circumstances. If the employee so served has not received instructions from the General Counsel prior to the return date of the subpoena or other compulsory process, he shall appear in response thereto and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal upon this paragraph. The General Counsel will consider and act upon compulsory process under this section with due regard for statutory restrictions, the Commission's rules and the public interest, and the established legal standards for determining whether justification exists for the disclosure of confidential information and records.

29. Section 4.12 is revised to read as follows:

§ 4.12 Disposition of documents submitted to the Commission.

(a) *Documents submitted to the Commission.*—Any person who has submitted documentary material to the Commission (including transcripts of oral testimony) may obtain, on request, the return of material submitted to the Commission which has not been received into evidence (1) after the close of the proceeding in connection with which the documents were submitted or (2) when no proceeding in which the material may be used has been commenced within a reasonable time after completion of the examination and analysis of all such material and other information assembled in the course of the investigation. Such request shall be in writing, addressed to the custodian designated pursuant to § 2.16 or the Secretary of the Commission in all other circumstances, and shall reasonably describe the documents requested. A request for return of documents may be filed at any time, but documents will not be returned nor will commitments to return documents be undertaken prior to the time described in this subsection.

(b) *Commission-made copies of documents submitted to the Commission.*—The Commission will not return to the submitter copies of documents made by the Commission unless, upon a showing of extraordinary circumstances, the Commission determines that return would be required in the public interest.

(c) *Disposition of documents not returned.*—Subsequent to the time prescribed in subsection (a), the staff will examine all submitted documents and Commission-made copies located in a reasonable search of the Commission's files and will determine, pursuant to the Federal Records Act, 44 U.S.C. 3301, which documents are appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Commission or because of the information value of data in them. The Commission will dispose of all documents determined not to be appropriate for preservation in accordance with applicable regulations of the General Services Administration.

§ 4.13 [Amended]

30. Section 4.13 is amended by changing each reference to "Civil Service Commission" to read "Office of Personnel Management."

PART 5—STANDARDS OF CONDUCT

§ 5.2 [Amended]

Section 5.2 is amended by changing "Civil Service Commission" to read "Office of Personnel Management."

§ 5.9 [Amended]

31. Section 5.9 is amended by changing "Civil Service Commission" to read "Office of Personnel Management."

§ 5.12 [Amended]

32. Section 5.12(c) is amended by changing "Civil Service Commission" to read "Office of Personnel Management."

33. Section 5.31 is revised to read as follows:

§ 5.31 Form and contents of statements.

Financial disclosure reports filed by Commissioners and employees subject to the requirements of Title II of the Ethics in Government Act of 1978 shall be placed on the public record. Employees in the positions described in § 5.32 who are not required to file

reports by that Act shall submit nonpublic statements of employment and financial interests containing the information required by the formats prescribed by the Office of Personnel Management.

34. In § 5.32 paragraphs (a), (c), and (d) are revised, paragraphs (f), (g), (h), and (i) are redesignated as (g), (h), (i), and (j) and a new paragraph (f) is added to read as follows:

§ 5.32 Employees required to submit statements.

(a) The following employees, whether or not serving in an acting capacity, shall submit statements to the Executive Director:

(1) The Secretary of the Commission;
(2) The Director of the Office of Policy Planning;
(3) The Director and Deputy Director of the Office of Public Information;
(4) The General Counsel;
(5) The Director of the Bureau of Competition;
(6) The Director of the Bureau of Consumer Protection;
(7) The Director of the Bureau of Economics;
(8) The Chief Administrative Law Judge;
(9) The Chief Presiding Officer;
(10) The Deputy Executive Director;
(11) The Director of Equal Employment Opportunity;
(12) The Director, Office of Congressional Relations;
(13) The Assistant to the Executive Director;
(14) Directors of the Regional Offices;
(15) Advisors to the Commissioners and the Assistant to the Chairman, except that each Commissioner in the Commissioner's discretion may direct otherwise.

* * * * *

(c) The following employees of the Bureaus of Competition, Consumer Protection and Economics, whether or not serving in an acting capacity, shall submit statements to their Bureau Director:

(1) Deputy Directors;
(2) Assistant Directors;
(3) Deputy Assistant Directors;
(4) Associate Directors;
(5) Executive Assistants to the Director and Assistants to the Director;
(6) Assistants to the Deputy Director.

(d) The following employees, whether or not serving in an acting capacity, shall submit statements to the Deputy Executive Director:

(1) The Director of the Division of Administrative Services;
(2) The Director of the Division of Budget and Finance;
(3) The Director of the Data Processing and Information Systems Division;
(4) The Director of the Division of Personnel;
(5) The Director of the Library; and
(6) The Director of the Office of Procurement and Contracts.

* * * * *

(f) Presiding Officers designated under § 1.13(c) of Part 1 shall submit statements to the Chief Presiding Officer.

§ 5.32 [Amended]

35. Section 5.32(i), redesignated from paragraph (h), is amended by changing "Civil Service Commission" to read "Office of Personnel Management."

§ 5.39 [Amended]

36. Section 5.39(b) is amended by changing "Assistant Executive Director for Management" to read "Deputy Executive Director," and by inserting after "Chief Administrative Law Judge," the phrase "the Chief Presiding Officer."

§ 5.40 [Amended]

37. Section 5.40 is amended by changing "Civil Service Commission" to read "Office of Personnel Management."

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 81-14220 Filed 5-11-81; 8:45 am]
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16 CFR Part 4

Participation in Commission Proceedings; Former Commission Members and Employees

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission is revising its rule governing participation in Commission proceedings by former Commission members and employees. The wording of the prior rule produced uncertainty about when the rule applied and what the standards for decisionmaking were. The revised rule clarifies the circumstances under which former members and employees must file an application for clearance to participate, specifies in greater detail the restrictions on postemployment participation, establishes deadlines for the processing of clearance applications, and establishes a new procedure for firms to participate in Commission proceedings through screening of disqualified former employees.

DATE: These amendments are effective on June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Barry R. Rubin, Assistant General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3520.

SUPPLEMENTARY INFORMATION: On August 4, 1978, the Commission published for comment (43 FR 35947) proposed revisions to § 4.1(b) of its Rules of Practice, 16 CFR 4.1(b), governing postemployment participation in Commission proceedings by former Commission members and employees. Subsequently, the Commission announced (44 FR 45178, Aug. 1, 1979) that it was deferring final action on this proposal until Congress decided whether further to amend the Ethics in Government Act and until the D.C. Court of Appeals acted on proposed "revolving door" amendments to Canon 9 of the Code of Professional Responsibility. The Ethics Act has been amended, and though the D.C. Court of Appeals has not taken final action, the Commission's final rule is compatible with the Court's previously announced proposed rule and further delay by the Commission appears to be unwarranted. The Commission is, therefore, now adopting a final rule. The Commission will reexamine its rule, as need be, after final action by the D.C. Court of Appeals.

The major elements of the revised rule are as follows: (1) The revised rule retains the basic procedure of its predecessor: If a former Commission member or employee (hereinafter "former employee") wishes to participate in a professional capacity in a Commission proceeding or investigation described in the rule, he or she must apply for permission to do so. However, the final rule differs from both the previous rule and the proposed rule in the details of this "clearance" mechanism. The old rule required filing if the proceeding or investigation was "pending in any manner," which commenters generally agreed was too vague a criterion. The proposed rule would have substituted a requirement for filing in all cases for a term of years after the end of an employee's tenure. However, the Commission believes that this approach is insufficiently linked to the substantive concerns that underlie the rule. Accordingly, the revised rule specifies the circumstances under which filing is required. These are the types of professional representation which, because of possible connections to the former employee's activities at the Commission, ought not to be undertaken without an agency determination that there is in fact no impropriety.

Advance permission must be obtained if the particular proceeding or investigation in which the former

employee wishes to participate was pending during the former employee's tenure, or if a directly antecedent investigation was pending. For example, if a former employee wishes to participate in an adjudication, he or she must seek clearance to do so if, during the former employee's tenure, an initial phase or formal investigation that directly led to the adjudication was pending. Filing is not required under this provision simply because some attenuated connection may be traced between a matter pending during the former employee's tenure and the current matter. Only if the very investigation or proceeding itself or a directly linked, earlier phase of the matter was pending must the former employee file.

A former employee who wishes to represent a party in an investigation of compliance with an order, to obtain reopening of an order, or to participate in an ongoing reopening proceeding, must also file for clearance if the former employee participated personally and substantially in the adjudicatory proceeding or its antecedent investigation (or, in the case of consent orders negotiated prior to complaint, the investigation) that resulted in the order in question.

These are situations in which there is sufficient potential for misuse of nonpublic information to warrant a clearance process. A last element of the new filing requirement touches another such situation. If a former employee "gained personal knowledge of nonpublic documents or information containing specific criteria for the initiation of future investigations or cases pertaining to a practice involved in the proceeding or investigation" in which the former employee wishes to participate, and if the participation is to occur within three years of the former employee's departure from the Commission, he or she must apply for clearance. This residual category is intended to reach instances in which knowledge of concrete enforcement plans may give rise to a present advantage. For example, while at the Commission, an attorney in the Bureau of Competition works on an enforcement protocol for vertical restraint cases in a particular market. This document suggests the kinds of cases to be emphasized and how they should be structured. After the attorney leaves the Commission, the Bureau opens an investigation into allegedly unlawful vertical restraints imposed by a company in that market. The attorney must apply for clearance to participate in that investigation.

Other examples, however, will suggest the limited scope of this residual requirement: An attorney works on a merger case involving a particular product market. After leaving the Commission, the attorney wishes to represent a company involved in a new Commission investigation of another merger in that market. Even though the attorney has been privy to nonpublic information about the Commission's view of the market, he or she need not file for clearance. Similarly, a former employee who attended a Commission budget meeting need not file under this provision, though such meetings often entail a general discussion of the types of investigations to be emphasized. A former employee who read memoranda reflecting the decisionmaking of a bureau's evaluation committee also need not file, though these decisions sometimes turn on whether a particular proposal fits within current enforcement priorities. None of these situations involves knowledge of "specific criteria for the initiation of future investigations or cases," within the meaning of the rule. The knowledge thus gained is too generalized to pose a risk of unfair advantage great enough to warrant the much broader filing requirement that would be necessary to capture all such cases for scrutiny. The three-year time limit for filing in situations covered by this provision is based upon a comparable recognition that, in reality, knowledge of even the most specific enforcement plan loses its special value rather rapidly. Of course, in any situation not covered by the rule, an attorney remains obliged under the Code of Professional Responsibility not to reveal the Commission's confidences and secrets or to use them to advantage of a private client. DR 4–101(B)(1), (3).

The Commission believes that this approach to the filing requirement provides greater clarity and predictability than the old rule. Former employees may seek the advice of the General Counsel if they are uncertain whether a clearance application is required in any given situation.

The phrase "appear as attorney or counsel or otherwise participate through any form of professional consultation or assistance" is meant to cover not only personal contacts with the agency but also office counseling and similar behind-the-scenes work. However, the requirement applies only to the kinds of proceedings or investigations delineated in the rule. That is, the rule does not apply to counseling or the like, unless the client is seeking advice about its involvement in a specific Commission proceeding or investigation. Commission employees quite naturally develop an expertise about the agency and its practice. The Commission would not wish to prohibit the diffusion of this knowledge (which is certainly shared by many who have never worked at the agency) even if it could. Its objective is simply to prevent lawyers and other professionals from gaining an unfair representational advantage from, and so trading on, nonpublic information. The filing of a clearance request prior to participating in a specific, ongoing matter permits this objective to be sought without hindrance to "preventive" lawyering and similar counseling.

(2) A former employee who seeks clearance must supply enough information to permit an informed decision on the request. This provision is largely unchanged from the prior rule.

(3) There are three bases on which a request for clearance would be denied. Two of them reflect prohibitions in the Ethics in Government Act. First, the former employee will be denied clearance if he or she participated personally and substantially in the proceeding or investigation for which clearance is sought. A request for clearance will also be denied if the clearance request is filed within two years after the former employee leaves the Commission and if, within one year prior to the termination of the former employee's service, he or she was officially responsible for the proceeding for which clearance to participate is sought. Finally, augmenting the statute with a restriction designed to eliminate the main potential cause of impropriety or the appearance of impropriety, the Commission will deny clearance if nonpublic documents or information, as denominated in § 4.10 of the Commission's rules, pertaining to the proceeding or investigation for which clearance is sought came to the attention, or would likely have come to the attention, of the former employee, unless the Commission finds that the nature of the documents or information is such that no present advantage could be derived from such "inside" information.

This standard is somewhat more specific than the test in the superseded rule, "actual or apparent impropriety." Still, the rule will gain practical meaning only in case-by-case application. That is inevitable. The Commission intends to examine, in each situation, the nature of the nonpublic information and its relation to the particular proceeding. Clearance would quite probably be denied, for example, to a lawyer who, a few months before, had read a

nonpublic enforcement strategy memo concerning a particular practice and now wants to represent a respondent in a proceeding where that strategy is being implemented. However, clearance might well be granted if the lawyer were applying two years after leaving the Commission, because intervening events might have rendered the information in the memo valueless in the intended representation. If information that once was nonpublic has been disclosed, or if information that remains nonpublic is nevertheless of little value in the particular matter, then clearance will not be denied on this basis.

(4) The rule also corporates the Ethics Act's restriction on postemployment appearances or communications, based not upon a former employee's contact with any particular matter, but rather derived from the kind of position held by the former employee. See 18 U.S.C. 207(c), (d). In order to allay public concern about the reappearance of former high-ranking public officials as private advocates, Congress and, by delegation, the Office of Government Ethics have identified the Commissioners and certain of the most senior staff members as appropriately subject to a flat ban against direct, personal efforts to influence the course of Commission decisionmaking during the year after their departure from the Commission.

(5) The General Counsel is delegated the authority to approve clearance requests. The Commission itself will issue any denial of a clearance request.

(6) In response to several comments, the Commission is establishing 15-day deadlines for the processing of clearance requests. One commenter proposed that the underlying proceeding or investigation be suspended during the pendency of a clearance request. While the Commission declines to adopt a rule provision to this effect, the Commission does expect its staff to accommodate, to the extent possible in light of particular law enforcement needs, any delay caused by processing of a clearance request.

(7) The rule itemizes several exceptions to which the various restrictions will not apply.

The exceptions listed in § 4.1(b)(7)(i) apply to all of the restrictions in the rule, while those listed in § 4.1(b)(7)(ii) apply to all but the one-year flat ban on appearances by former senior officials. Practitioners should note that the exception for Hart-Scott-Rodino filings, second requests, and related enforcement proceedings in § 4.1(b)(7)(ii)(C) does not extend to other activities that may be going on simultaneously. For example, if the Commission issues an investigational subpoena *ad testificandum* following a Hart-Scott-Rodino filing, clearance would be required for representational activity in connection with the subpoena. As a practical matter, therefore, the exception is meant to allow a former Commission attorney to represent a client in the initial phases of Hart-Scott-Rodino compliance without awaiting a clearance decision, but the attorney ought to file for clearance promptly, in case matters apart from Hart-Scott-Rodino compliance arise.

An exception applies to public record comments in a rulemaking, but other forms of participation in an ongoing rulemaking proceeding require clearance. The substantive tests of the rule likewise apply, though if the former employee had neither personally and substantially participated in the proceeding nor (during the prescribed period prior to departure) had been officially responsible for it, authorization will generally be given. Nonpublic information having some potential for conferring a present advantage is unlikely to arise frequently in rulemaking proceedings.

(8) A new procedure treats the question of participation by a firm when one of its members or associates is disqualified under the rule. For the reasons stated in Part II of our Order Denying Motion to Disqualify Counsel in *Brunswick Corporation*, Docket No. 9028 (Feb. 22, 1980), we adopt a procedure whereby a firm may participate in a matter, notwithstanding that one or more of the firm's members are disqualified on the basis of personal and substantial participation in the matter, if the firm establishes a satisfactory means of screening those who are disqualified from any involvement in the substance of the representation and from any of the fees resulting from it. The revised rule will require the filing of an affidavit attesting to these matters before the firm begins its participation. However, advance approval is not required and the firm may undertake its participation once it files the affidavit. The Commission reserves the right to terminate a firm's participation if it determines that the screening measures are inadequate or that improper solicitation by a disqualified former member or employee has occurred.

An affidavit is not a prerequisite to firm participation when one of the firm's members is unable to participate personally because of some reason *other* than personal and substantial prior participation. Requiring affidavits in these other circumstances would impose an undue burden on practitioners and the agency itself.

(9) In order to provide uniform treatment for all practitioners before this agency, regardless of the jurisdiction in which they are licensed, this rule is intended to apply in lieu of procedures imposed by other rules, such as disciplinary rules adopted by a jurisdiction's court of appeals, to the extent that such other procedures regulate when former Commission employees may participate in FTC proceedings or impose procedural requirements prior to such participation. Of course, all other ethical obligations required by the bars of which attorneys practicing before the Commission are members remain unaffected by this rule, and indeed they are incorporated by reference in paragraph (e)(1) of this section.

The Commission's intention with respect to ongoing representation is as follows:

(1) A former Commission member or employee who is properly participating in a Commission proceeding or investigation—that is, who obtained clearance under the prior rule or who was not required to obtain clearance under that rule—need *not* obtain clearance under the revised rule.

(2) Members or associates of a firm who are properly participating, notwithstanding the personal disqualification of a former Commission member or employee, pursuant to the restriction in prior § 4.1(b)(4) that the services of the former Commission member or employee not be utilized in any way, need *not* file the affidavit required by revised § 4.1(b)(8)(ii).

(3) However, if a former Commission member or employee joins a firm *after* the effective date of these amendments, and if that former member or employee is disqualified because of personal and substantial prior participation in a proceeding or investigation in which the firm is then participating, the firm must promptly file an affidavit in accordance with § 4.1(b)(8)(ii), to establish that the newly arrived member or associate of the firm is properly screened.

Accordingly, 16 CFR Part IV is amended by revising § 4.1(b) to read as follows:

§ 4.1 Appearances.

* * * * *

(b) *Restrictions as to former members and employees.* (1) Except as provided in this section or otherwise specifically authorized by the Commission, no former member or employee of the Commission shall appear as attorney or counsel or otherwise participate through

any form of professional consultation or assistance:

(i) in any proceeding or investigation, formal or informal, (A) if such proceeding or investigation was itself pending in the Commission while the former member or employee served with the Commission; (B) if an investigation from which such proceeding or investigation directly resulted was pending during such service; or (C) if such former member or employee, during the course of his service with the Commission, gained personal knowledge of nonpublic documents or information containing specific criteria for the initiation of future investigations or cases pertaining to a practice involved in the proceeding or investigation, and if the participation by the former member or employee would occur within three (3) years of the termination of his service with the Commission; or

(ii) in an investigation of compliance with an order, submission of a request to reopen an order, or a proceeding with respect to reopening of an order, if the former member or employee participated personally and substantially in the adjudicative proceeding or investigation that resulted in such order.

(2) In cases to which paragraph (b)(1) of this section is applicable, a former member or employee of the Commission may request authorization to appear or participate in a proceeding or investigation by filing with the Secretary of the Commission a written application therefor, disclosing the following information, to the extent known: (i) the nature and extent of the former member's or employee's participation in, knowledge of, and connection with the proceeding or investigation during his service with the Commission; (ii) in the case of applications filed pursuant to Paragraphs (b)(1)(i)(B), (b)(1)(ii), or (b)(1)(iii) of this section, the nature and extent of the former member's or employee's participation in, knowledge of, and connection with the predecessor investigation, adjudication or investigation, or rulemaking proceeding, respectively, during his service with the Commission; (iii) whether documents or information concerning the proceeding or investigation came to his attention and, if so, the nature of such documents or information; (iv) whether he was employed in the same bureau, office, division, or other administrative unit in which the proceeding or investigation is or has been pending; (v) whether he worked directly or in close association with Commission personnel assigned to the proceeding or investigation; and (vi) whether during his service with the commission he was engaged in any matter concerning the individual, company, industry, or any member of the industry involved in the proceeding or investigation.

(3) The requested authorization will not be given in any case (i) where it appears that the former member or employee during his service with the Commission participated personally and substantially in the proceeding or investigation; (ii) where the application is filed within two (2) years after termination of the former member's or employee's service with the Commission and it appears that within a period of one (1) year prior to the termination of his service the former member or employee was officially responsible for the proceeding or investigation; or (iii) where documents or information of the kind delineated in § 4.10(a) pertaining to the proceeding or investigation for which authorization is sought came to the attention of the former member or employee or would be likely to have come to his attention in the course of his duties, unless the Commission finds that the nature of the documents or information is such that no present advantage could thereby be derived.

(4) Notwithstanding any other provision of this section, no former member of the Commission and no former senior employee in a position designated by the Office of Government Ethics pursuant to 18 U.S.C. § 207(d) shall, for a period of one (1) year after termination of the former member's or employee's service in that position, appear as attorney or counsel or otherwise represent anyone (other than the United States) in any formal or informal appearance before the Commission in any proceeding or investigation or, with the intent to influence, make any oral or written communication on behalf of anyone in any proceeding or investigation which is before the Commission or in which the Commission has a direct and substantial interest.

(5) The General Counsel shall have the authority (i) to determine whether, under Paragraph (b)(1) of this section, a request for authorization to appear or participate need be filed and (ii) to grant any such request. In any case in which the General Counsel proposes that a request be denied, he shall refer the request to the Commission for determination, and in other unusual or difficult cases he may, in his sole discretion, refer a request to the Commission for determination.

(6) (i) The General Counsel shall (A) within three (3) working days of receipt of an oral or written request for a determination whether, under Paragraph (b)(1) of this section, a request for authorization to appear or participate need be filed, render such determination and (B) within fifteen (15) working days of the receipt of a request for authorization to appear or participate, either grant such request or refer it to the Commission.

(ii) The Commission shall, within fifteen (15) working days of the receipt of a request referred by the General Counsel pursuant to Paragraph (b)(5) of this section either grant or deny such request.

(iii)(A) The Commission or the General Counsel may, by written notice to the requester, and for good cause, extend the time limit for a determination by not more than fifteen (15) working days.

(B) Any time limit specified in this paragraph shall be tolled during such time as may elapse between a request by the Commission or General Counsel to the former member or employee for additional information and the receipt of such information by the Commission or General Counsel.

(7) (i) Paragraphs (b)(1), (b)(2), (b)(3) and (b)(4) of this section shall not apply to (A) pro se filings of any kind; (B) submissions of requests or appeals under the Freedom of Information Act, Privacy Act, or Government in the Sunshine Act; (C) testimony under oath; (D) submissions of statements required to be made under penalty of perjury; (E) submissions of statements based on the former member's or employee's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received, other than that regularly provided by law or by § 4.5 for witnesses; and (F) appearances on behalf of the United States.

(ii) Paragraphs (b)(1), (b)(2), and (b)(3) shall not apply to (A) submissions of comments on a matter on which the Commission has invited public comment; and (B) filings of premerger notification forms or participation in subsequent events concerning compliance or noncompliance with Section 7A of the Clayton Act, 15 U.S.C. 18a, or any regulations issued pursuant to that section.

(8) (i) In any case in which a former member or employee of the Commission is prohibited under Paragraph (b)(3)(i) of this section from appearing or participating in a Commission proceeding or investigation, no partner or legal or business associate of such former member or employee shall appear or participate in such proceeding

or investigation, except as provided in this paragraph.

(ii) If a partner or legal or business associate of a former member or employee of the Commission prohibited under Paragraph (b)(3)(i) of this section from appearing or participating in a Commission proceeding or investigation wishes to appear or participate in such proceeding or investigation, he shall file with the Secretary of the Commission, not later than the time such appearance or participation begins, an affidavit attesting: (A) that the former member or employee will not participate in the proceeding or investigation in any way, directly or indirectly; (B) that he will not share, directly or indirectly, in any fees in the proceeding or investigation; (C) that all persons who intend to appear or participate are aware of the requirement that the former member or employee be screened from participating in or discussing the proceeding or investigation, or the firm's representation, and describing the procedures being taken to screen the personally disqualified former member or employee; (D) that the client or clients have been so informed; and (E) that the matter was not brought to such partner or legal or business associate through the active solicitation of the former member or employee.

(iii) Upon the filing of the affidavit, such partner or legal or business associate may begin such appearance or participation, *Provided, however,* That if the Commission finds (A) that the screening measures being taken are unsatisfactory or (B) that the matter was brought to such partner or legal or business associate through the active solicitation of the former member or employee, and so notifies such partner or legal or business associate, such appearance or representation shall cease immediately.

(9) (i) The restrictions and procedures in this subsection are intended to apply in lieu of restrictions and procedures as may be adopted by the appropriate authority in any state or jurisdiction, insofar as such restrictions and procedures apply to appearances or participation in Commission proceedings or investigations, *Provided, however,* That nothing in this section supersedes other standards of ethical conduct required under paragraph (e) of this section.

(ii) In the event that Commission approval is sought for an appearance or participation by a former member or employee in a proceeding in court or before another agency, the General Counsel shall have the authority to respond to such a request, applying as appropriate the standards of this subsection.

(15 U.S.C. 46(g))

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-14291 Filed 5-11-81; 8:45 am]

BILLING CODE 6355-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Human Prescription Drugs in Oral Dosage Forms; Exemption of Pancrelipase Preparations in Tablet, Capsule, or Powder Form From Child-Protection Packaging Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission exempts pancrelipase preparations in tablet, capsule, or powder form from child-protection packaging requirements. Pancrelipase provides additional pancreatic enzymes, and is particularly used in the treatment of children with cystic fibrosis. The information available to the Commission indicates that child-protection packaging for this drug is not needed to protect children from serious illness or injury, because of the low toxicity of pancrelipase and lack of adverse human experience associated with the drug. This exemption is in response to a petition from Johnson & Johnson Baby Products Company, a manufacturer of a capsule form of pancrelipase.

DATE: This exemption is effective May 12, 1981.

FOR FURTHER INFORMATION CONTACT: Charles Jacobson, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C., 20207, telephone (301) 492-6400.

SUPPLEMENTARY INFORMATION:

Background

On April 26, 1979, the Commission received a petition (PP 79-3) from Johnson & Johnson Baby Products Company, of Raritan, N.J., requesting an exemption from child-protection (special) packaging requirements for pancrelipase in 100 and 250 capsule containers. A large amount of the drug is regularly used as replacement therapy for pancreatic enzyme insufficiency in children with cystic fibrosis. Such children may be taught to self-administer the drug at an early age (5-8 years) because the medication must be taken at all meals and snacks.

Grounds for Exemption

The petitioner stated that an exemption for pancrelipase is justified based upon the low toxicity of the drug as shown by the lack of adverse human experience data. Data from the National Clearinghouse for Poison Control Centers (NCPCC) indicate that only two ingestions of pancrelipase products were reported during the period from 1969 through 1978. These two ingestions occurred in 1974, and no symptoms or hospitalization were involved in either case. In addition, a medical literature search back to 1950 does not reveal any articles on the accidental ingestion of pancrelipase. Physicians' reports included in the petitioner's supporting material reveal that no adverse reactions occurred in patients taking the petitioner's pancrelipase preparation during clinical studies. Also, animal toxicity studies could not determine the Median Lethal Dosage of pancrelipase in rats and mice, as doses up to 9.336 grams per kilogram did not produce death in any of the animals tested. Another study cited by the petitioner demonstrates that the single dose ingestion of an entire container of 250 capsules by each of four beagle dogs did not produce any toxic effects.

An examination of the most current data sources available to the Commission staff reveals no reports of pancrelipase ingestion other than the two reports in 1974 (neither involving symptoms or hospitalization) which are cited in the petition and referenced above. The staff examined the data supplied by the petitioner, statistics from the National Clearinghouse for Poison Control Centers for the period 1969 through 1978, data from the National Electronic Injury Surveillance System for 1978, 1979, and 1980, accident investigation reports, and the Commission's consumer complaint, injury and potential injury, and death certificate files.

Johnson & Johnson also argued that an exemption for pancrelipase is justified because special packaging could adversely affect the utility and stability of the drug. According to the petitioner, because the cystic fibrotic children who need access to the drug care not physically strong, opening the child-resistant closure is especially difficult, and special packaging could interfere with self-administration of the medication. In addition, the petitioner argued that if such difficulty causes the children to leave the closure loosened, then the capsules would be exposed to

moisture in the air which could result in a loss of product potency.

The Commission solicited the opinion of its Technical Advisory Committee (TAC) on Poison Prevention Packaging. Of the 14 members who commented on the petition, 10 members recommended granting the petition and 4 members recommended denial. The recommendations that the TAC members gave at that time are explained in the proposal (44 FR 67438; November 26, 1979).

The Commission also solicited the opinion of the Food and Drug Administration (FDA) on the exemption request. Based upon the low toxicity of pancrelipase and upon the absence of reported adverse symptoms from ingestions of the drug, FDA concluded that the exemption should be granted.

Based on the available information showing the low toxicity of pancrelipase and the lack of adverse human experience reported from ingesting pancrelipase, the Commission preliminarily found that pancrelipase preparations in tablet, capsule, or powder form do not pose a risk of serious personal illness or serious injury to children. Accordingly, the Commission proposed to exempt pancrelipase preparations from the child-resistant packaging requirements (44 FR 67438; November 26, 1979). This action constituted the granting of petition PP 79–3.

The exemption was specifically requested for containers of 100 and 250 capsules. However, pancrelipase is also prescribed in powder and tablet form and may be enteric coated to prevent destruction of a portion of the pancrelipase in the stomach. Regardless of the form of the product, it appears unlikely that a child would ingest a quantity of the drug sufficient to cause serious personal injury or serious illness. Therefore, based upon the low toxicity of pancrelipase preparations, the Commission proposed the exemption for pancrelipase on a generic basis for all dosage forms (tablets, capsules, and powders).

Response to the Proposal

In response to the proposal to exempt pancrelipase from the child-resistant packaging requirements applicable to oral prescription drugs, the Commission received 2 comments from members of the public. In addition, the Commission asked the members of the Technical Advisory Committee (TAC) to submit their views on the proposal. The comments that were received are explained below.

Seven members of the TAC submitted comments on the proposal. All of these members supported the issuance of the proposed exemption from child-resistant packaging requirements for pancrelipase. All of the members cited the low toxicity of this drug as a basis for granting an exemption, and one member also stated that it was desirable for cystic fibrotic children, who constitute a majority of the product's users, to be able to self-administer the drug. Another commented that since 5 to 8 year old cystic fibrotic children are taught to self-administer this drug, any difficulty they experience could cause them to either transfer the drug to another container or leave the child-resistant container unsecured. This member argued that the net effect of this would be to make access to the drug by younger siblings easier rather than more difficult.

One of the comments from members of the public also supported the exemption on the basis that child-resistant packaging was difficult for older persons with arthritis to open and that it would be desirable to supply pancrelipase in easily-opened packages for the benefit of the children who use it.

The other public comment was from the Chairman of the Medical Advisory Council for the Cystic Fibrosis Foundation. She opposed an exemption for pancrelipase and in particular the powder form of the product.

This commenter stated that allowing pancrelipase to be sold in containers that are not child-resistant would result in misuse of the drug that "would lead to exacerbation of the underlying physical problem that use of the drug is intended to alleviate" and that "too much or too little can be harmful to the patient." For this reason, she disagreed with the petition's suggestion that it is proper medical practice for small children with cystic fibrosis to self-administer pancrelipase.

With regard to the issue of adverse effects due to improper dosages of pancrelipase taken by children with cystic fibrosis, it does not seem likely that allowing this product to be sold in containers that are not child-resistant would result in too little of the drug being taken. If too much were taken because the child had uncontrolled access to a container that was not child-resistant, a child could develop hyperuricosuria (high levels of uric acid in the urine) if excessive doses are taken at each meal over a period of several days or weeks. However, this condition would ordinarily be completely reversed once normal doses of medication are resumed. Even if the hyperuricosuria resulted in the formation of kidney stones, which would occur only if the uric acid level were quite high for a long time, the stones would be medically treatable either through drug therapy or, if larger, by minor surgery.

The taking of excessive amounts of pancrelipase should not worsen an existing cystic fibrosis condition or have other adverse effects other than the hyperuricosuria described above.

Therefore, in view of the relatively minor effects that can occur from excessive doses of pancrelipase, the long period of time such doses must continue before these effects are caused, and the likelihood that such intentional abuses would be relatively rare, the Commission concludes that special packaging is not required to protect children from serious personal injury or serious illness from ingesting pancrelipase.

The commenter from the Cystic Fibrosis Foundation also alluded to "many cases of severe adverse reactions when the powder form of pancrelipase is inhaled inadvertently." The materials submitted with this comment indicate that this concern is based on "the problem of inhalant allergy common in *mothers* who *administer* the powdered pancreatic preparations." Since these cases involve an adult administering the medicine, their incidence would not be affected by the presence or absence of child-resistant packaging. As to unathorized access by the child patient, it is unlikely both that the child would be allergic to the medication that is prescribed and that this condition would not be detected as a result of the reaction to the normal dosage. Although there is some possibility that respiratory discomfort or complications might result from the accidental inhalation of powdered pancrelipase preparations, this possible risk also applies to a variety of powdered household products, such as talcum powder or powdered detergents. Thus, this factor alone would not warrant the continuation of a special packaging requirement.

The question of whether a particular child should be encouraged to self-administer this drug is a matter that should be decided on an individual basis by the treating physician. Therefore, the petitioner's contentions that it is desirable for children to self-administer this drug and that child-resistant packaging would be a hindrance in this regard, have not been adopted by the Commission in granting the exemption. However, as noted above, if a child were to self-administer the drug, a lack of child-resistant packaging would not cause a child to take too little of the medicine, compared to the amount the child would take from

child-resistant packaging. Although a child might self-administer larger than prescribed amounts, or take amounts in addition to those administered to the child by an adult, the risk to the child from these overdosages would be relatively small, for the reasons discussed above.

Accordingly, the Commission concludes that special packaging for pancrelipase preparations is not required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances.

The Commission emphasizes that this exemption is limited to pancrelipase preparations containing no other substances subject to the requirements for special packaging under 16 CFR 1700.14(a)(10).

Conclusion

Having considered the petition, the human experience data and the animal toxicity studies submitted by the petitioner, the poison control statistics of the National Clearinghouse for Poison Control Centers from 1969 through 1978, the comments received on the proposed exemption, medical and scientific literature, and other Commission data sources, and having consulted, pursuant to section 3 of the Poison Prevention Packaging Act of 1970 (PPPA), with the Technical Advisory Committee on Poison Prevention Packaging established in accordance with section 6 of the PPPA, the Commission concludes that pancrelipase preparations in tablet, capsule, or powder form should be exempted from the special packaging requirements of § 1700.14(a)(10).

Since this rule grants an exemption, the delayed effective date provision of 5 U.S.C. 553(d) is not applicable, and the exemption is effective May 12, 1981.

Accordingly, pursuant to the provisions of the PPPA (Pub. L. 91–601, sections 2, 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471, 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–572, sec. 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends 16 CFR 1700.14(a)(10) by adding a new subdivision (ix), reading as follows (the introductory language of § 1700.14(a)(10), although unchanged, is included for context):

§ 1700.14 Substances requiring special packaging.

(a) * * *

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except for the following:

* * * * *

(ix) Pancrelipase preparations in tablet, capsule, or powder form and containing no other substances subject to this § 1700.14(a)(10).

(Secs. 2, 3, 5, Pub. L. 91–601, 84 Stat. 1670, 1671 (15 U.S.C. 1471, 1472, 1474))

Effective date: May 12, 1981.

Dated: May 7, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-14248 Filed 5-11-81; 8:45 am]

BILLING CODE 6355-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 3, 145, and 147

[Forms 8–R, 8–S, and 8–T]

Registration Forms and Rules; Deferral of Effective Date

Correction

In FR Doc. 81–13476, published at page 24940, on May 4, 1981 make the following corrections:

(1) On page 24943, in the first column, in the section heading for § 3.30, in the second line "service or service to be filed with the" should be corrected to read "service to be filed with the."

(2) In the third column, the last line, "3 CFR 3.10" should be corrected to read "17 CFR 3.10".

(3) On page 24944, in the first column, in paragraphs b., c., d., and e. "3 CFR" should be corrected to read "17 CFR".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

21 CFR Part 5

Raising the Level of Rulemaking Authority of the Food and Drug Administration in Matters Involving Significant Public Policy; Response to Executive Order 12291

Note.—This document originally appeared in the Federal Register for Monday, May 11, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday-Friday schedule assigned to the Food and Drug Administration, Health and Human Services Department.

AGENCY: Office of the Secretary, HHS.

ACTION: Rule (Notice of Reservation of Authority).

SUMMARY: The President's Executive Order on Federal Regulation, Executive Order 12291, requires each Federal agency to minimize regulatory burdens on the public. This notice, raising the level of the rulemaking authority of the Food and Drug Administration in matters involving significant public policy to the Secretary, is part of HHS' response to the Executive Order.

EFFECTIVE DATE: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Robert Brady, Executive Assistant to the Commissioner, Office of the Commissioner (HF–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301–443–4124.

SUPPLEMENTARY INFORMATION:

Overview and Purpose

On February 17, 1981, President Reagan issued Executive Order 12291. The Executive Order establishes a government-wide framework for carrying out the President's policy of providing regulatory relief to the public. HHS is fully committed to this objective and will soon be establishing a number of Department-wide policies to assure its successful implementation.

Among the actions HHS will take are revisions to the Department's regulations development processes to assure consistency with the objectives of the President's regulatory relief program in all of the Department's regulatory actions. Included in the revisions will be steps to maximize coordination and consultation with the President's Task Force on Regulatory Relief and the Director of the Office of Management and Budget, as required by the Executive Order.

Under the terms of the Order, all regulations, except several categories specifically exempted, must be reviewed by the Director of the Office of Management and Budget, subject to the direction of the President's Task Force on Regulatory Relief, chaired by the Vice President, and composed of a number of Cabinet members.

Under existing practice, all regulations issued by operating components of HHS, with the exception of the Food and Drug Administration, are approved by the Secretary prior to review by the Director of OMB. In order to effectively carry out HHS' substantive responsibilities under the Executive Order, as well as the procedural requirements pertaining to review by the Director of OMB, FDA regulations involving significant public policy must

receive similar Secretarial consideration and approval.

Therefore, this document amends previous delegations of authority to issue regulations of the Food and Drug Administration by providing that the Secretary reserves the authority vested in him by applicable statutes to approve FDA regulations involving significant public policy, except regulations to which the formal rulemaking procedures of the Administrative Procedure Act apply.

More specifically, regulations which establish procedural rules applicable to a general class of foods, drugs, cosmetics, medical devices, or other subjects of regulation, or which present highly significant public issues involving the quality, availability, marketability or cost of one or more foods, drugs, cosmetics, medical devices, or other subjects of regulation, shall be reserved for Secretarial approval.

This reservation of authority is designed to continue previous delegations of authority to the Commissioner of Food and Drugs with respect to all other activities of the agency, including the approximately 1,000 regulatory actions taken annually by FDA regarding specific foods, drugs, cosmetics, medical devices, and other subjects of regulation not involving significant public policy. This reservation of authority is intended only to improve the internal management of the Department, and is not intended to create any legal right or benefit. Regulations issued by FDA without approval of the Secretary are to be conclusively viewed as falling outside the scope of this reservation of authority. Moreover, it is the policy of the Secretary that with respect to those FDA regulations for which the Secretary hereby reserves approval authority, the Commissioner of Food and Drugs will be the Secretary's principal advisor.

This reservation of authority, set forth below, is effective this date.

Dated: May 6, 1981.

Richard S. Schweiker,

Secretary.

Title 21, Part 5 of the Code of Federal Regulations, is amended as follows:

§ 5.1 [Redesignated as § 5.10]

1. By redesignating § 5.1 as § 5.10;

2. By adding after § 5.10 the following new § 5.11:

§ 5.11 Reservation of authority.

(a) Notwithstanding provisions of § 5.10 or any previous delegations of authority to the contrary, the Secretary reserves the authority to approve regulations of the Food and Drug Administration, except regulations to which sections 556 and 557 of Title 5 of the United States Code apply, which:

(1) establish procedural rules applicable to a general class of foods, drugs, cosmetics, medical devices, or other subjects of regulation; or

(2) present highly significant public issues involving the quality, availability, marketability or cost of one or more foods, drugs, cosmetics, medical devices, or other subjects of regulation.

(b) This reservation of authority is intended only to improve the internal management of the Department of Health and Human Services, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, the Department of Health and Human Services, the Food and Drug Administration, and agency, officer, or employee of the United States, or any person. Regulations issued by the Food and Drug Administration without the approval of the Secretary are to be conclusively viewed as falling outside the scope of this reservation of authority.

§ 5.10 [Amended]

3. By inserting in redesignated section § 5.10(a)(15), after the word "Administration," a comma and the following: "except as provided in § 5.11."

[FR Doc. 81-14153 Filed 5-6-81; 8:45 am]

BILLING CODE 4110-03-M

Food and Drug Administration

21 CFR Part 146

[Docket No. 78N-0236]

Grapefruit Juice; Standards of Identity and Fill of Container

Correction

In FR Doc. 81-10518 appearing on page 21359 in the issue of Friday, April 10, 1981, correcting FR Doc. 81-2919 appearing at page 8462, in the issue of Tuesday, January 27, 1981, make the following change:

In § 146.132(a)(3)(ii) the second word now reading "no" should be changed to read "any".

BILLING CODE 1505-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Oxfendazole Powder and Pellets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of two supplemental new animal drug applications (NADA's) filed by Syntex Agribusiness, Inc., providing for use of the equine powder and pellet for the treatment of *Strongylus equinus* infections.

EFFECTIVE DATE: May 12, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, filed supplemental NADA's 110-776 and 110-777 providing for use of oxfendazole powder and pellets in horses for treatment of *S. equinus* infections in addition to its existing approved use for treatment of certain other helminth infections. The powder is reconstituted to form a suspension and then administered by either stomach tube or dose syringe. The pellets are sprinkled on the grain portion of the ration.

Approval of this supplement is based on results of critical anthelmintic tests demonstrating the drug is effective against the additional infecting helminth. The existing indications and other conditions of use are not changed. The supplement is approved and the regulations amended to reflect the approval. Under the Bureau of Veterinary Medicine's supplemental approval policy, proposed 21 CFR 514.106(b)(2)(vii) (December 23, 1977; 42 FR 64367), this is a Category II approval which does not require reevaluation of the safety and effectiveness data in the original application.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an

environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)1 of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 520.1626 is amended by revising paragraph (c)(2) to read as follows:

§ 520.1626 Oxfendazole powder and pellets.

* * * * *

(c) * * *

(2) *Indications for use.* The drug is used in horses for removal of the following gastrointestinal worms: Large roundworms *(Parascaris equorum)*, mature and immature pinworms *(Oxyuris equi)*, large strongyles *(Strongylus edentatus, Strongylus vulgaris,* and *Strongylus equinus)*, and small strongyles.

* * * * *

Effective date. This amendment is effective May 12, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: May 5, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-14253 Filed 5-11-81; 8:45 am]

BILLING CODE 4110-83-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[WH-FRL 1821-7]

State and Local Assistance; Program Grants; Class Deviation

AGENCY: Environmental Protection Agency.

ACTION: Deviation to rule.

SUMMARY: EPA is issuing a class deviation from a provision of its program grant regulations to extend the FY 1981 budget period from September 30, 1981, to December 31, 1981, for the State Underground Water Source Protection Program. Recently, EPA's Office of Drinking Water made a change in the pattern of program funding. As a result of this action, the allotment and expenditure of FY 1981 and FY 1982 funds must be coordinated. To accomplish this, EPA is extending the budget period.

DATE: The class deviation became effective on April 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey Pippen, Jr., Director, Grants Administration Division, (PM-216), 401 M Street, S.W., Washington, D.C. 20460, (202) 755-0660.

Dated: April 30, 1981.

Roy N. Gamse,

Acting Assistant Administrator for Planning and Management (PM-208).

Dated: April 27, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management (WH-556).

United States Environmental Protection Agency

Date: May 4, 1981.

Subject: Class Deviation from 40 CFR 35.664 of the Underground Water Source Protection Program Grant Regulations.

From: Belle N. Davis for Harvey Pippen, Jr., Director, Grants Administration Division (PM-216).

To: Regional Administrators.

Action

I am approving a class deviation from 40 CFR 35.664 of the Underground Water Source Protection Program Grant Regulations to extend the FY 1981 budget period from September 30, 1981, to December 31, 1981. This deviation will allow for more stable funding levels between FY 1981 and FY 1982.

Background

To better manage Underground Injection Control (UIC) Program resources, the Office of Drinking Water recently ended the practice of awarding funds appropriated in one fiscal year to cover eligible State program activities in the subsequent fiscal year. As a result of this action, the FY 1981 and FY 1982 funds must be closely coordinated to insure a smooth transition. To accomplish this, the Office of Drinking Water requested a class deviation extending the FY 1981 budget period from September 30, 1981, to December 31, 1981.

Section 35.664 establishes the budget period as the Federal fiscal year. Therefore, to extend the budget period for FY 1981 awards to December 31, 1981, a class deviation is necessary.

Dated: April 30, 1981.

Roy N. Gamse,

Acting Assistant Administrator for Planning and Management (PM-208).

Dated: April 27, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management (WH-556).

[FR Doc. 81-14260 Filed 5-11-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A6 FRL 1812-1]

Approval and Promulgation of State Implementation Plans; Nonattainment Area Plans for Colorado

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to modify the conditional approval for the Pueblo total suspended particulate (TSP) portion of the Colorado State Implementation Plan (SIP). While EPA's initial conditional approval (44 FR 57401 and 45 FR 7801) required a submittal of a 24-hour TSP standard attainment demonstration by February 1, 1980, additional deficiencies in the Pueblo plan have been discovered. Today, EPA is modifying that conditional approval to require submission of a TSP standard demonstration based on allowable emissions and a complete inventory by December 31, 1981, provisions for enforceable reasonably available control technology (RACT) on all existing sources, and enforceable compliance schedules for all affected sources by July 1, 1981.

EPA proposed to modify its conditional approval on December 12, 1980 (45 FR 81789) and requested public comments. The comments received are addressed in this notice.

DATE: Effective date: June 11, 1981.

ADDRESSES: Copies of the SIP and comments received are available at the following addresses for inspection:

Environmental Protection Agency, Air Programs Branch, Region VIII, Suite 200, 1860 Lincoln Street, Denver, Colorado 80295.

Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), Mail Code PM-213, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Eliot Cooper, Air Programs Branch, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3711.

SUPPLEMENTARY INFORMATION:

Background

In the October 5, 1979, final rulemaking on the Colorado SIP (44 FR 54701), EPA approved the Pueblo nonattainment area plan on the condition that a 24-hour TSP standard attainment demonstration be submitted to EPA by January 1, 1980. Although EPA did not cite this deficiency in the Pueblo plan in its initial May 11, 1979, Federal Register proposal (44 FR 27691),

public comment on the Pueblo plan brought this inadequacy in the plan to EPA's attention. EPA solicited comments (44 FR 57427) on the acceptability of the January 1, 1980, deadline. In the February 5, 1980, final rulemaking (45 FR 7801), EPA extended the January 1, 1980, deadline to February 1, 1980, due to unforeseen delays in the State's modeling analysis.

In the October 5, 1979, rulemaking, EPA also stated that if attainment could not be demonstrated with existing controls, EPA would require that additional controls be applied to sources at CF&I Steel to demonstrate attainment and maintenance of standards as expeditiously as practicable. EPA is now requiring these additional controls.

EPA had set the February 1, 1980, deadline and considered it reasonable for completing the 24-hour TSP standard analysis. The initial conditional approval deadline was not intended to provide sufficient time to prepare a control strategy, should the modeling analysis indicate violations of the 24-hour standard. On June 2, 1980, the Colorado Air Pollution Control Division submitted a 24-hour TSP standard analysis showing violations of the standard.

EPA has been working with the State for several months to determine the most efficient and effective method for remedying the deficiencies which were discovered as a result of the State's analysis. On October 7, 1980, EPA received a commitment and schedule from the Colorado Air Quality Control Commission to develop the necessary control strategy by July 1, 1981.

The Commission's October 7, 1980, commitment has satisfied EPA that the State will take necessary action to promulgate RACT for Pueblo by July 1, 1981. In addition, the 1981 Colorado State EPA Agreement commits the Colorado Air Pollution Control Division to submit the revised attainment demonstration for Pueblo.

Comments

On December 12, 1980, (45 FR 81789) EPA proposed to modify its conditional approval of the Pueblo TSP SIP and solicited comments on the deficiencies in existing control requirements identified in the notice and on the appropriateness of the conditions and deadlines. The Colorado Air Pollution Control Division commented on the attainment demonstration deadline. The State wanted this date amended to December 31, 1981, and in support of this comment, offered the following considerations:

1. During its discussion with EPA about these matters, it has been the State's understanding that re-evaluation of RACT was the highest priority concern and that an attainment demonstration would be deferred until some later date. At this time, the State's resources are heavily committed to these RACT determinations and to preparation of technical procedures to support the 1982 SIP revision process. No resources are available to commence to prepare such a demonstration for Pueblo at this time.

2. The State, with EPA's assistance, is currently preparing procedures for the preparation of area source inventories. However, due to unavoidable contractual delays, this project is not due to be completed until May or June of 1981. Only at that time can construction of revised area source inventories begin.

3. The State wishes to consider the possibility of including particle-size information in this demonstration. This will require significant investigation and possible revision of modeling and inventory procedures.

4. The State would coordinate the performance of such a demonstration with all concerned parties. This is felt to be necessary in order to avoid controversy about the validity of the demonstration. Further, the State feels such a demonstration should be submitted as an official SIP revision. There is not adequate time to accomplish the demonstration and to meet all procedural requirements for such a submission by July 1, 1981.

5. Finally, the State would like to perform such a demonstration with information that is as correct as possible. Since the RACT determination will not be submitted until July, official EPA ruling upon its adequacy will not be available until after July. The State feels that the adequacy ruling on this determination is critical to the demonstration.

EPA agrees with these considerations and is changing this deadline to December 31, 1981.

EPA Action

Because of the additional deficiencies discovered after February 1, 1980, and based on the State's commitment to submit the necessary SIP revisions, EPA is modifying the conditional approval and establishing a July 1, 1981, deadline. By this deadline the State must submit provisions for enforceable RACT including compliance schedules for all existing sources. EPA has also set a December 31, 1981, deadline for submission of the TSP attainment demonstration. This date was based on considerations raised by the State during the comment period. Since the public has had an opportunity to comment generally on what deadlines should apply for these conditions (and no comments other than those from the State were received) and since the State is the party responsible for meeting the deadlines and has committed to comply with those deadlines, EPA finds that further opportunity for comment on the deadlines is unnecessary and therefore good cause exists for publishing the revised deadlines as final.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it imposes no regulatory requirements, but rather calls for the development of control technology requirements. Any regulatory requirements which may be developed by the State under this proposed rule will be dealt with in a separate action.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Section 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: May 7, 1981.

Walter C. Barber,

Acting Administrator.

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart G—Colorado

1. Section 52.330 is revised as follows:

§ 52.330 Control strategy: Total suspended particulates.

(a) *Part D—Conditional Approval:* The Pueblo plan is approved assuming the State demonstrates by December 31, 1981, through air quality modeling, attainment of the 24-hour and annual standards, while considering emissions from all sources in the nonattainment area. In addition, the State must repromulgate Regulation No. 1 to satisfy reasonably available control technology requirements in accordance with the following schedule:

(1) The Commission will consider and adopt for public hearing any changes or additions to Regulation No. 1 by February 15, 1981.

(2) The proposed regulations will be published in the Colorado Register by March 10, 1981.

(3) Public hearing will be held by May 14, 1981.

(4) Regulations will be approved with an effective date no later than July 1,

1981, and submitted to EPA by the same date.

[FR Doc. 81-14321 Filed 5-11-81; 8:45 am]
BILLING CODE 6560-30-M

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40 CFR Part 52

[A-9-FRL 1797-7]

Approval and Promulgation of Implementation Plans; Guam Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on revisions to the Guam Implementation Plan submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the State Implementation Plan.

EFFECTIVE DATE: June 11, 1981.

ADDRESS: A copy of the revisions is located at: The Office of the Federal Register, 1100 "L" Street, N.W., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, Attn: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION: On October 31, 1980, EPA published a Notice of Proposed Rulemaking for revisions to the Guam Air Pollution Control Standards and Regulations submitted on October 12, 1979, and April 1, 1980, by the Governor's designee for inclusion in the Guam Implementation Plan.

The changes contained in those submittals that are being acted upon by this notice include the following:

(A) Amended rules for Air Pollution Emergencies and Episode Criteria;

(B) Amended rules for controlling open burning; visible emissions, fugitive dust and sulfur dioxide; and

(C) Changes in the effective date for new and existing source compliance.

A list of the affected rules was published as part of the October 31, 1980, Notice of Proposed Rulemaking. As described in that notice, all the rules were evaluated, found to be in conformance with the requirements of 40 CFR Part 51, and proposed to be approved, with certain exceptions. The Notice of Proposed Rulemaking provided a 60 day public comment period. No comments were received. Thus, it is the purpose of this notice to approve the revisions under Section 110 of the Clean Air Act and to incorporate them into the Guam Implementation Plan except as discussed below.

Rule 8.7, "Roads and Parking Lots," is disapproved because it could allow an emissions increase, and a control strategy demonstration has not been submitted showing that any increased emissions would not interfere with the attainment or maintenance of the National Ambient Air Quality Standards (NAAQS).

Rule 13.1, "Control of Sulfur Dioxide Emissions," is approved for all applicable sources except the Tanguisson Power Plant. Approval of the old Rule 13.2, submitted January 25, 1972, is retained for this source until Guam can demonstrate that a less stringent emission limitation is sufficient for attainment of the national standards.

Rule 13.2, "Control of Sulfur Dioxide Emissions," is inconsistent with Section 123(a)(2) of the Clean Air Act which requires continuous control strategies and is therefore disapproved.

In addition, no action has been taken on Rule 1.18, "Nuisance," Rule 1.19, "Odor," and Chapter 11, *Control of Odor in Ambient Air*, since they are not specifically directed at the NAAQS.

No action has been taken on Chapter 15, *Standards of Performance for New Stationary Sources*, and Chapter 16, *National Emission Standards for Hazardous Air Pollutants*, as revisions to the Guam Implementation Plan because New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) rules implement § 111 and § 112 of the Clean Air Act and thus are not appropriate for inclusion in the State Implementation Plan under Section 110 of the Act.

The public hearing requirements of 40 CFR 51.4 have been satisfied.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The miscellaneous SIP approvals announced today are not Major because they only approve State actions. They impose no new regulatory requirements. The disapprovals are also not Major because they preserve the status quo. Sources will remain subject to existing requirements that were previously approved by EPA. In addition, each of these disapprovals involves only a minor change to the SIP which is not expected to have a major economic effect.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rules will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements. Moreover, due to the nature of the Federal-State relationship, Federal inquiry into the economic reasonableness of the State actions would serve no practical purpose and could well be improper.

Note.—Incorporation by reference of the State Implementation Plan for the State of Guam was approved by the Director of the Federal Register on July 1, 1980.

(Secs. 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a))

Dated: April 14, 1981.

Walter C. Barber, Jr.,
Acting Administrator.

Subpart AAA of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart AAA—Guam

1. Section 52.2670 is amended by adding paragraphs (c)(2)(iii) and (c)(3) as follows:

§ 52.2670 Identification of plan.

* * * * *

(c) * * *

(2) * * *

(iii) Chapters 1 (except 1.18 and 1.19), 4, 10, 12 and 14; Rules 3.1–3.9, 5.3, 6.2, 7.1, 7.4, 7.5, 8.3–8.7, 13.1, 13.2 and 18.1–18.4; and deletion of Rules 3.12, 3.17 and 12.3.

* * * * *

(3) Amendments to the Guam Air Pollution Control Standards and Regulations submitted on April 1, 1980 by the Governor's designee.

(i) Addendum to 13.1—Compliance Order for the Guam Power Authority's Power Barge "Inductance".

* * * * *

2. Section 52.2672 is amended as follows:

§ 52.2672 Approval status.

With the exceptions set forth in this Subpart, the Administrator approves Guam's plan for the attainment and maintenance of the National Standards.

3. Section 52.2678 is amended by adding paragraph (c) as follows:

§ 52.2678 Control strategy and regulations: Particulate matter.

* * * * *

(c) The following rules are disapproved because they could allow an emissions increase, and a control

strategy demonstration has not been submitted showing that any increased emissions would not interfere with the attainment or maintenance of the NAAQS.

(1) Rule 8.7, submitted on October 12, 1979.

* * * * *

4. Section 52.2679 is added as follows:

§ 52.2679 Control strategy and regulations: Sulfur dioxide.

(a) Approvals of the following rules are limited to specific sources, since a control strategy demonstration has not been submitted showing that any increased emissions would not interfere with the attainment or maintenance of the NAAQS.

(1) Rule 13.1, submitted on October 12, 1979, for all applicable sources except the Tanguisson Power Plant.

(2) Rule 13.2, submitted on January 25, 1972, for the Tanguisson Power Plant.

(b) The following rules are disapproved because they are inconsistent with Section 123(a)(2) of the Clean Air Act which requires continuous control strategies.

(1) Rule 13.2, submitted on October 12, 1979.

* * * * *

[FR Doc. 81-14288 Filed 5-11-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-2-FRL 1811-7]

Approval and Promulgation of Implementation Plans; Revision to the New Jersey State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces approval by the Environmental Protection Agency of a revision to the New Jersey State Implementation Plan (SIP). This revision incorporates into the SIP an Amended Consent Judgment that requires the Atlantic City Electric Company's unit 1 and unit 2 at its B.L. England Generating Station to comply with applicable particulate emission requirements by March 31, 1982 and June 1, 1982, respectively. Current requirements promulgated at 40 CFR 52.1604(b) require compliance by June 1, 1981.

EFFECTIVE DATE: This action becomes effective on May 12, 1981.

ADDRESSES: Copies of the SIP revision are available for public inspection during business hours at:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

New Jersey Department of Environmental Protection, Bureau of Air Pollution Control, Room 1108, Labor and Industry Building, John Fitch Plaza, Trenton, New Jersey 08625.

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: On December 15, 1978, at 43 FR 58567, the Environmental Protection Agency (EPA) approved a State implementation Plan (SIP) revision request from the New Jersey Department of Environmental Protection (NJDEP) to allow the Atlantic City Electric Company to use bituminous coal with a sulfur content not to exceed 3.5 percent, by weight, at units 1 and 2 of its B.L. England Generating Station in Beesley's Point, Cape May County.

This action also dealt with a State request to relax temporarily the particulate matter emission limitation applicable to these two units in order to provide the time necessary to install on them more efficient particulate matter control equipment. As a part of a Consent Judgment between the utility and NJDEP, the applicable emission limitation of 0.1 lbs/million BTU was relaxed to 0.5 lbs/million BTU until June 1, 1981. EPA's December 15, 1978 approval promulgated a federal requirement to this effect at 40 CFR 52.1604(b). [This promulgation underwent minor correction on March 12, 1979 at 44 FR 13478.]

On June 30, 1980, the State of New Jersey submitted to EPA as a proposed revision to its SIP, an Amended Consent Judgment, which extended from June 1, 1981, until March 31, 1982, and June 1, 1982, the dates by which units 1 and 2, respectively, must comply with the 0.1 lbs/million BTU particulate matter emission limitation. This proposal is described in detail in a January 5, 1981 Federal Register notice of proposed rulemaking (46 FR 953). Today's notice provides EPA approval of the State's SIP revision request, incorporates the Amended Consent Judgment into the New Jersey SIP and revises 40 CFR 52.1604(b). No comments were received by EPA on its proposal.

Based on EPA's review of the Amended Consent Judgment and the conclusion that the SIP revision discussed in this rulemaking will not interfere with the attainment of air quality standards in the area, EPA finds this revision to the New Jersey SIP consistent with the requirements of Section 110 of the Clean Air Act and EPA regulations at 40 CFR Part 51, and accordingly, approves it. Furthermore, this action is being made effective immediately because it imposes no regulatory burden on the affected source.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). The attached rule constitutes a SIP approval under section 110 and is within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper. In addition this action only applies to one facility.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it imposes no increase in costs to consumers, industry or State government. It serves to provide more time for complying with an existing federal regulation.

(Section 110, 301, Clean Air Act, as amended (42 U.S.C. 7410, 7601))

Dated: May 4, 1981.

Walter C. Barber, Jr.,

Acting Administrator, Environmental Protection Agency.

Note.—Incorporation by reference of the State Implementation Plan for the State of New Jersey was approved by the Director of the Federal Register on July 1, 1980.

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations, is amended as follows:

Subpart FF—New Jersey

1. Section 52.1570 is amended by adding new paragraph (c)(29) as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(29) A June 30, 1980 submittal by the New Jersey Department of Environmental Protection (NJDEP) consisting of an Amended Consent Order entered into by NJDEP and the Atlantic City Electric Company. This revision to the New Jersey State Implementation Plan establishes a construction and testing schedule designed to bring units 1 and 2 at Atlantic City Electric Company's B.L. England Generating Station at Beesley's Point, New Jersey, into compliance with New Jersey Administrative Code (N.J.A.C.) 7:27–3.1 *et seq.*, Control and Prohibition of Smoke from Combustion of Fuel; N.J.A.C. 7:27–4.1 *et seq.*, Control and Prohibition of Particulates from Combustion of Fuel; and N.J.A.C. 7:27–10.1 *et seq.*, Sulfur in Coal, by March 31, 1982 and June 1, 1982, respectively.

2. Section 52.1604, paragraph (b) is revised to read as follows:

§ 52.1604 Control strategy and regulations: Total suspended particulates.

* * * * *

(b) Particulates emissions from units 1 and 2 of the Atlantic City Electric Company's B.L. England Generating Station are limited to an emission rate of 0.5 lbs/million BTU until March 31, 1982 and June 1, 1982, respectively. The opacity associated with such emissions from these units during this period shall not exceed 40 percent. On and after March 31, 1982 for unit 1, and June 1, 1982 for unit 2, these units shall be limited to an emission rate of 0.1 lbs/million BTU, and the associated opacity shall not exceed 20 percent.

[FR Doc. 81-14303 Filed 5-11-81; 8:45 am]
BILLING CODE 6560-26-M

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40 CFR Part 162

[PH-FRL-1824-8; OPP-30003C]

State Registration of Pesticides To Meet Special Local Needs; Expiration of Congressional Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule related notice.

SUMMARY: As required by section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act, EPA submitted final rules relating to State registration of pesticides (40 CFR 162.150–162.156) to both Houses of Congress for review prior to the rules taking effect. These rules were submitted to Congress on January 7, 1981, the same day on which they were published in the Federal Register (46 FR 2006), and the minimum 60-day period for Congressional review ended on March 18, 1981. Congress did not act to either extend the review period or to disapprove the rules. Also, the Office of Management and Budget received these rules for 15-day review on April 9, 1981, and did not comment on them.

DATE: The rules published on January 7, 1981 will become effective on May 19, 1981.

FOR FURTHER INFORMATION CONTACT: Phillip H. Gray, Jr., Office of Pesticide Programs (TS–766C), Environmental Protection Agency, Rm. 915, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–0825).

SUPPLEMENTARY INFORMATION: On January 7, 1981, EPA promulgated final regulations (46 FR 2006) under sec. 24(c) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended [FIFRA] (Pub. L. 95–396, 92 Stat. 819, 7 U.S.C. 136 et seq.). These rules (40 CFR 162.150–162.156) relate to procedures for state registration of pesticides to meet special local needs. However, as required by sec. 25(a)(4) of FIFRA, those final rules could not take effect until after they had been submitted to both Houses of Congress for review and possible disapproval. This review period was to last for a minimum of 60 days of continuous Congressional session, as defined by sec. 25(a)(4), with a possibility of being extended by Congress for an additional 30 days. Since it was not possible to predict an exact date on which the Congressional review period would end, the preamble to the final sec. 24(c) rules stated that EPA would publish a separate Federal Register notice after the review period was over announcing the effective date of the rules.

On March 18, 1981, 60 days of continuous Congressional session elapsed. Since neither House of Congress took any action in that period to either disapprove the rules or to extend the review period, Congressional review under sec. 25(a)(4) of FIFRA ended on that date.

The section 24(c) rules were also subject to the Executive Office directive of January 29, 1981, freezing Federal regulations for 60 days. That freeze ended on March 30, 1981.

In addition, on April 9, 1981, EPA submitted the final sec. 24(c) rules to the Office of Management and Budget (OMB) for review, as required by Executive Order 12291 of February 17, 1981. Under the Executive Order, OMB had 15 days to review those rules. The 15 day OMB review period ended on April 24, 1981. No comments were received from OMB.

Accordingly, the final regulations promulgated as 40 CFR 162.150–162.156 on January 7, 1981, will take effect on [insert 7 days after date of publication].

Finally, EPA has been requested to point out—as was done briefly in the preamble to both the proposed and final sec. 24(c) rules—that under sec. 24(c) and the final rules, valid State registrations become Federal registrations for all purposes. Therefore, all valid sec. 24(c) registrations will be subject to the same provisions for maintaining their effectiveness as registrations issued by EPA (i.e., holders of State registration will not need to take any action to maintain the registration under Federal law until EPA notifies the registrant to do so under the Registration Standards system).

Dated: April 30, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-14298 Filed 5-11-81; 8:45 am]
BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6048]

Arkansas, et al.; List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone (800) 638-8620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585 or EDS Toll Free Line 800-638-8620 for Continental U.S., (except Maryland); 800-638-8631 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-8605 for Maryland. Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Arkansas:				
Crawford	Alma, city of	050029	740925, emergency, 810401, regular	760909
Jackson	Grubbs, town of	050101	750419, emergency, 810401, regular	740909
Union	Strong, city of	050210	750211, emergency, 810401, regular	740929
Connecticut: New London	Ledyard, town of	090157	750922, emergency, 810401, regular	770927
Indiana: Johnson	Franklin, city of	180114	750120, emergency, 810401, regular	731229
Maine:				
Kennebec	Augusta, city of	230067	740918, emergency, 810401, regular	740929
Oxford	Brownfield, town of	230088	750905, emergency, 810401, regular	740913
Cumberland	Sebago, town of	230208	770922, emergency, 810401, regular	780117
Michigan:				
Lenawee	Deerfield, village of	260436	760920, emergency, 810401, regular	760913
Monroe	Whiteford, township of	260157	750930, emergency, 810401, regular	740929
Minnesota:				
Dakota	Dakota County[2]	270101	740904, emergency, 810401, regular	741018
Ramsey	Shoreview, city of	270364	750902, emergency, 810401, regular	740914
Missouri: St. Louis	Town and Country, city of	290389	750707, emergency, 810401, regular	731228
Montana: Lewis and Clark	Lewis and Clark County[2]	300038	750826, emergency, 810401, regular	741227
New Hampshire:				
Hillborough	Antrim, township of	330082	750527, emergency, 810401, regular	740412
Coos	Gorham, town of	330032	750794, emergency, 810401, regular	740901
New Jersey:				
Hunterdon	Alexandria, township of	340220	750628, emergency, 810401, regular	740501
Hunterdon	Lambertville, city of	340227	730804, emergency, 810401, regular	740123
Hunterdon	West Amwell, township of	340243	721117, emergency, 810401, regular	730511
New York:				
Ontario	Canandaigua, city of	360507	740912, emergency, 810401, regular	761126
Schuyler	Montour Falls, village of	361018	741018, emergency, 810401, regular	740503
Orange	Washingtonville, village of	360638	720811, emergency, 810401, regular	731228
North Carolina:				
Alamance	Burlington, city of	370002	750418, emergency, 810401, regular	740821
Halifax	Weldon, town of	370119	740418, emergency, 810401, regular	740301
Ohio:				
Greene	Greene County [1]	390193	740703, emergency, 810401, regular	760707
Oklahoma:				
Garfield	North Enid, town of	400425	750918, emergency, 810401, regular	750124
Oregon:				
Morrow	Heppner, city of	410175	740821, emergency, 810401, regular	731123
Morrow	Ione, city of	410176	751117, emergency, 810401, regular	741122
Morrow	Lexington, city of	410178	740115, emergency, 810401, regular	740606
Morrow	Morrow County [1]	410175	740606, emergency, 810401, regular	750124
Pennsylvania:				
Berks	Alsace, township of	421376	750527, emergency, 810401, regular	750124
Lancaster	Brecknock, township of	421782	750708, emergency, 810401, regular	740510
Lancaster	Ephrata, borough of	420551	730417, emergency, 810401, regular	740322
Luzerne	Fairmount, township of	421827	760209, emergency, 810401, regular	760117
York	Fawn, township of	422219	760310, emergency, 810401, regular	741227
York	Felton, borough of	420822	731217, emergency, 810401, regular	770304
York	North Hopewell, township of	422228	750825, emergency, 810401, regular	741220
Bradford	North Towanda, township of	421057	750909, emergency, 810401, regular	740729
Allegheny	North Versailles, township of	421231	741122, emergency, 810401, regular	740606
York	Springfield, township of	422231	751113, emergency, 810401, regular	741227
South Carolina:				
Charleston	Ravenel, town of	450043	750825, emergency, 810401, regular	740914
York	Rock Hill, city of	450186	751227, emergency, 810401, regular	740502

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Tennessee:				
Cheatham	Ashland, town of	470027	790310, emergency, 810401, regular	740816
Williamson	Williamson County[1]	470204	780527, emergency, 810401, regular	741206
Texas:				
Dallas	Cedar Hill, city of	480186	740821, emergency, 810401, regular	740901
Coleman	Coleman, city of	480129	741006, emergency, 810401, regular	740815
Tarrant	North Richland Hills, city of	480607	720331, emergency, 810401, regular	740828
Atascosa	Pleasanton, city of	480015	750221, emergency, 810401, regular	740821
Vermont:				
Chittenden	Bolton, town of	500308	780308, emergency, 810401, regular	750221
Franklin	Sheldon, town of	500059	750812, emergency, 810401, regular	740412
Virginia: Independent city	Martinsville, city of	510085	750823, emergency, 810401, regular	740531
Washington: King	Kent, city of	530080	741102, emergency, 810401, regular	740807
Wisconsin:				
Sheboygan	Random Lake, village of	550429	750730, emergency, 810401, regular	740828
Dodge	Watertown, city of	550107	750523, emergency, 810401, regular	740531
New York: Greene	Ashland, town of	360284	751119, emergency, 810410, regular	741101
Arizona: Santa Cruz	Nogales, city of	040091	750414, emergency, 810415, regular	740524
Arkansas:				
Clark	Arkadelphia, city of	050029	740618, emergency, 810415, regular	731012
Sebastian	Greenwood, city of	050188	741028, emergency, 810415, regular	740814
Crawford	Mountainburg, city of	050051	810415, emergency, 810415, regular	740809
California: Alameda	Alameda County[1]	060001	711203, emergency, 810415, regular	741101
Illinois:				
Du Page	Bloomingdale, village of	170201	740806, emergency, 810415, regular	740301
Cook	Cook County[1]	170054	730808, emergency, 810415, regular	770527
Du Page	Downers Grove, Village of	170804	730801, emergency, 810415, regular	740315
Indiana: St. Joseph	Walkerton, town of	180232	750715, emergency, 810415, regular	731123
Louisiana:				
Jefferson Davis Parish	Jennings, city of	220099	741021, emergency, 810415, regular	740501
Jefferson Davis Parish	Lake Arthur, town of	220099	750321, emergency, 810415, regular	740109
Acadia Parish	Morse, village of	220007	761208, emergency, 810415, regular	731123
Bossier Parish	Plain Dealing, town of	220036	750312, emergency, 810415, regular	771128
St. Landry Parish	Port Barre, town of	220176	740228, emergency, 810415, regular	740531
Minnesota: Hennepin	Greenfield, city of	270573	741226, emergency, 810415, regular	731207
Missouri: Barry	Monett, city of	290023	740823, emergency, 810415, regular	740524
Montana:				
Powell	Deer Lodge, city of	300050	750702, emergency, 810415, regular	740109
Lewis & Clark	Helena, city of	300040	750508, emergency, 810415, regular	740412
Nebraska: Lancaster	Firth, village of	310136	750722, emergency, 810415, regular	741109
New Hampshire:				
Rockingham	Brentwood, town of	330125	750610, emergency, 810415, regular	740828
Cheshire	Charlestown, town of	330153	751103, emergency, 810415, regular	740531
Rockingham	Derry, town of	330128	750612, emergency, 810415, regular	740913
Cheshire	Gilsum, town of	330021	750722, emergency, 810415, regular	740531
Cheshire	Hinsdale, town of	330022	750613, emergency, 810415, regular	740306
Grafton	Holderness, town of	330069	750723, emergency, 810415, regular	740322
Rockingham	Plaistow, town of	330136	760504, emergency, 810415, regular	741018
Cheshire	Walpole, town of	330027	750609, emergency, 810415, regular	0
Cheshire	Winchester, town of	330028	750630, emergency, 810415, regular	750315
New Jersey: Bergen	Harrington Park, borough of	340040	760416, emergency, 810415, regular	740828
Ohio:				
Clermont	Clermont County[1]	390095	760414, emergency, 810415, regular	771202
Preble	Eaton, city of	390402	750214, emergency, 810415, regular	740531
Preble	New Paris, village of	390403	750303, emergency, 810415, regular	740208
Summit	Summit County[1]	390781	751121, emergency, 810415, regular	780407
Summit	Tallmadge, city of	390533	750808, emergency, 810415, regular	750815
Warren	Warren County[1]	390757	750103, emergency, 810415, regular	780108
Oklahoma: Oklahoma	Choctaw, city of	400357	760225, emergency, 810415, regular	770121
Oregon:				
Josephine	Grants Pass, city of	410108	740424, emergency, 810415, regular	740322
Jackson	Medford, city of	410096	740807, emergency, 810415, regular	740821
Pennsylvania:				
Chester	Birmingham, township of	421474	741114, emergency, 810415, regular	741122
Luzerne	Buck, township of	421624	760217, emergency, 810415, regular	741220
Lancaster	Christiana, borough of	420542	750730, emergency, 810415, regular	740828
Luzerne	Dennison, township of	422271	750428, emergency, 810415, regular	741129
Lancaster	Drumore, township of	421766	750707, emergency, 810415, regular	741018
Lancaster	East Drumore, township of	421768	750827, emergency, 810415, regular	740920
Luzerne	Huntington, township of	421832	740702, emergency, 810415, regular	750103
Lancaster	Little Britain, township of	421775	750818, emergency, 810415, regular	740920
Dauphin	Lower Paxton, township of	420364	721103, emergency, 810415, regular	740109
Perry	Miller, township	421954	770321, emergency, 810415, regular	780117
Fayette	Newell, Borough of	420495	750220, emergency, 810415, regular	740828
Beaver	Patterson Heights, borough of	422325	780828, emergency, 810415, regular	780117
Luzerne	Ross, township of	421835	780208, emergency, 810415, regular	780124
Lancaster	Salisbury, township of	421783	750520, emergency, 810415, regular	740920
Lehigh	Washington, township of	421618	740821, emergency, 810415, regular	741115
Tioga	Wellsboro, borough of	420529	731225, emergency, 810415, regular	740322
Tennessee:				
Smith	Smith County[1]	470283	780205, emergency, 810415, regular	771021
Texas:				
Nueces	Bishp, city of	480505	750421, emergency, 810415, regular	740501
Brown	Brownwood, city of	480067	750820, emergency, 810415, regular	740524
Tarrant	Crowley, city of	480591	750220, emergency, 810415, regular	740828
Dallas	Duncanville, city of	480173	740416, emergency, 810415, regular	740209
San Patricio	Gregory, city of	480555	750516 emergency, 810415 regular	740807
Virginia:				
Wise	Wise, town of	510179	750303 emergency, 810415 regular	740519
Washington:				
Clark	Battle Ground, town of	530025	750802 emergency, 810415 regular	740524

State and county	Location	Commu-nity No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Wisconsin:				
Milwaukee	West Allis, city of	550285	740417 emergency, 810415 regular	740412
Total-118				

[1] Unincorporated Areas.

(44 CFR § 64.6)
(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 28, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-14093 Filed 5-11-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

Alabama, et al.; National Flood Insurance Program Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, 202–755–5585 Washington, D.C. 20475.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Baldwin County, Unincorporated Areas, FEMA-5817	Mobile Bay	Approximately 1300 feet downstream from the confluence of Conway Creek on Tensaw River.	*14
			Approximately 1000 feet downstream from the confluence of Shay Branch on the cutoff.	12
			Approximately 3800 feet west of the intersection of County Route 9 and U.S. Route 98.	13
		Perdido Bay	Approximately 3500 feet east of the intersection of County Routes 99 and 91.	*9
			Approximately 60 feet downstream of the County Route 99 bridge over Manuel Bayou.	*8
		Gulf of Mexico	Approximately 1700 feet south of Sheephead Point	*14
			At State Route 182, approximately 5000 feet south of the intersection of State Route 180 and County Route 6.	*14
Maps available for inspection at Commissioner's Office, P.O. Box 148, Bay Minette, Alabama.				
Alabama	Bayou La Batre (City), Mobile County, FEMA-5817	Mississippi Sound	Intersection of Little River Street and western corporate limits.	*13
			Southwestern end of Powell Avenue	*14
Maps available for inspection at City Hall, City of Bayou La Batre, P.O. Box 517, Bayou La Batre, Alabama.				
Alabama	Mobile (City), Mobile County, FEMA-5817	Mobile Bay	Approximately 1700 feet south of the southeastern tip of Blakely Island.	*14
			Approximately 4400 feet east from the intersection of Marvin Street and Parham Street.	*16
Maps available for inspection at City Hall, City of Mobile, P.O. Box 1827, Mobile, Alabama.				
Alabama	Mobile County, Unincorporated Areas, FEMA-5817	Mobile Bay	Approximately 2500 feet east of the intersection of Riverview Drive and Dauphin Island Parkway.	*16
			Approximately 200 feet downstream of the Dauphin Island Parkway bridge over South Fork Deer River.	*12
		Mississippi Sound	Approximately 3200 feet north of Point Caddy	*15

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 2300 feet south of the intersection of State Route 188 and Zirkoff Road.	*17
		Gulf of Mexico	At Ore Point	*15
Maps available for inspection at Mobile County Courthouse, Mobile, Alabama.				
Tennessee	City of Collierville, Shelby County, FEMA-6813	Lateral I	Just upstream of Shelton Road	*302
			Approximately 340 feet upstream of Southcrest Avenue.	*309
		Lateral J	Approximately 600 feet upstream of Peterson Lake Road.	*298
			Approximately 350 feet upstream of Powell Road	*315
		Lateral K	Just downstream of Collierville Arlington Road	*324
		Lateral KA	Just upstream of Collierville Arlington Road	*308
		Lateral L	Approximately 150 feet downstream of State Highway 57.	*323
			Approximately 250 feet upstream of Southern Railroad	*329
		Nonconnah Creek	Approximately 250 feet upstream of Byhalia Road	*341
		Lateral C	Just upstream of U.S. Highway 72	*363
			Approximately 150 feet downstream of Sycamore View Road.	*366
Maps available for inspection at City Hall, 101 Walnut Street, Collierville, Tennessee 38017.				
Washington	West Richland (Town), Benton County, FI-6657	Yakima River	West Van Giesen Street—50 feet upstream of centerline.	*374
			Upstream corporate limits	*377
		Yakima River Right Overbank	At convergence with Yakima River Main Channel	*375
			Upstream corporate limits	*378
Maps available for inspection at Town Hall, 3305 W. Van Giesen Street, West Richland, Washington.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 29, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: April 23, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-14039 Filed 5-11-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

Alabama et al.; National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Creola (Town) Mobile County FEMA-6966	Mobile Bay (Gunnison Creek)	At intersection of Guthrie Lane and Theophilus Road	*11
Maps available for inspection at Town Hall, Dead Lake Road, Creola, Alabama.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Fairhope (City) Baldwin County FEMA-5617	Mobile Bay	Approximately 1,500 feet South along Devil's Hole (Fly Creek) from the northern corporate limits.	*11
Maps available for inspection at City Hall, City of Fairhope, P.O. Box 429, Fairhope, Alabama.				
Alabama	Gulf Shores (Town) Baldwin County FEMA-5617	Gulf of Mexico	Approximately 1,000 feet east of the intersection of West Gulf Shores Boulevard and the western most corporate limits.	*14
			Intersection of East 1st Avenue and East Third Street	*13
			Intersection of West 1st Street and East Gulf Shores Boulevard.	*14
		Mobile Bay	Approximately 2,000 feet west of the intersection of Rose Lane and Wedgewood Drive.	*11
Maps available for inspection at Town Hall, Town of Gulf Shores, P.O. Box 299, Gulf Shores, Alabama.				
California	Millbrae (City) San Mateo County FEMA-5958	Shallow Flooding	Approximately 500 feet northeast of intersection of Lerida Avenue and Cuerdo Avenue.	*4
			Intersection of San Anselmo Avenue and Landing Lane.	*8
Maps available for inspection at City Hall, 621 Magnolia Avenue, Millbrae, California.				
Connecticut	Bozrah, Town New London County (Docket No. FEMA-5966).	Yantic River	Downstream Corporate Limits	*119
			3,080' downstream of State Route 608	*128
			160' downstream of State Route 608	*143
			Upstream of dam just upstream of State Route 608	*155
			60' upstream of Haughton Road	*160
			110' upstream of Upstream crossing of State Route 608.	*165
		Gardner Brook	Confluence with Yantic River	*159
			60' upstream of Geger Road	*164
			600' downstream of Bear Hill Road	*175
			60' upstream of Bear Hill Road	*185
			Upstream of Dam at Bozrah Street (State Route 163)	*197
			60' downstream of Access Road, 2,300' upstream of Bozrah Street (State Route 163).	*207
			60' upstream of Access Road, 2,460' upstream of Bozrah Street (State Route 163).	*212
Maps available for inspection at the First Selectman's Office, Bozrah Town Hall, RFD #1, Fitchville, Connecticut.				
Connecticut	Morris, Town Litchfield County (Docket No. FMEA-5973)	Bantam Lake	Entire shoreline within the Town of Morris	*904
Maps available for inspection at the Town Clerk's Office, Morris Town Hall, Morris, Connecticut.				
Florida	City of Winter Haven, Polk County (FEMA-5966)	Winter Haven Chain of Lakes: Including:	Entire Shoreline	*128
		Lake Jessie		
		Lake Idylwild		
		Lake Hartridge		
		Lake Cannon		
		Lake Mirror		
		Spring Lake		
		Lake Howard		
		Lake May		
		Lake Shipp		
		Lake Lulu		
		Lake Deer	Entire Shoreline	*142
		Lake Pansy	Entire Shoreline	*131
		Lake Alfred		
		Chain of Lakes Including:	Entire Shoreline	*131
		Lake Conine		
		Lake Smart		
		Lake Fannie	Entire Shoreline	*128
		Lake Henry	Entire Shoreline	*128
		Lake Hamilton	Entire Shoreline	*123
		Lake Citrus	Entire Shoreline	*146
		Lake Ida	Entire Shoreline	*136
		Lake Lucerne	Entire Shoreline	*134
		Lake Silver	Entire Shoreline	*147
		Lake Martha	Entire Shoreline	*144
		Lake Maude	Entire Shoreline	*143
		Lake Idyl	Entire Shoreline	*134
		Lake Buckeye	Entire Shoreline	*132
		Lake Gem	Entire Shoreline	*143
		Lake Pond	Entire Shoreline	*137
		Lake Elbert	Entire Shoreline	*137
		Lake Otis	Entire Shoreline	*130
		Lake Link	Entire Shoreline	*130
		Lake Mariam	Entire Shoreline	*128
Maps available for inspection at City Hall, 451 3rd Street, N.W., Winter Haven, Florida 33880.				
Georgia	City of Midway, Liberty County (FEMA-5966)	Cay Creek	Just downstream of U.S. Highway 82 (State Road 38)	*8
			Just upstream of U.S. Highway 82 (State Road 38)	*8
			Just upstream of U.S. Highway 17 (State Road 25)	*8
Maps available for inspection at City Hall, Midway, Georgia 31320.				
Georgia	Town of Pooler, Chatham County (FEMA-5966)	Pipemakers Canal	Just downstream of Cemetery Road	*17
Maps available for inspection at City Hall, 103 South Rogers Street, Pooler, Georgia 31322.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	McHenry County (Unincorporated Areas) FEMA-6973	Fox River	Intersection of Byrne Drive and Beach Drive	*736
			Intersection of Waterview Avenue and Jones Street	*739
		Nippersink Creek	Intersection of Rosette Street and Maude Place	*747
		North Branch Nippersink Creek	50 feet downstream from center of West Solon Road	*776
		Elizabeth Lake Drain	500 feet upstream from center of State Highway 173	*793
		Dutch Creek	700 feet upstream from center of Riverside Drive	*742
		Dutch Creek-North Branch	50 feet upstream from center of Johnsburg Road	*748
		Dutch Creek-Branch to Northwest	At confluence with Dutch Creek	*754
		Dutch Creek-North Fork of Branch to Northwest.	50 feet upstream from center of State Highway 31	*825
		Dutch Creek-West Fork of North Fork of Branch to Northwest.	Intersection of Creek and center of Chicago and North Western Railway.	*823
		Slough Creek	50 feet upstream from center of Jankowski Road	*855
		South Branch Slough Creek	600 feet upstream from confluence with Slough Creek	*872
		Silver Creek	50 feet upstream from center of Charles Road	*838
		Silver Creek Tributary No.1	At confluence with Silver Creek	*838
		Silver Creek Tributary No.2	At confluence with Silver Creek	*838
		Cary Creek	25 feet upstream from center of Spring Street	*746
Maps available for inspection at Planning Commission Office, 2200 North Seminary, Woodstock, Illinois				
Kentucky	Campbell County Unincorporated Areas (Docket No. FI-6968).	Ohio River	At confluence with Woodlawn Creek	*489
			At confluence with Four Mile Creek	*502
			Stevens Yard, north of the City of Silver Grove	*503
			At confluence with Ten Mile Creek	*504
			Most upstream County Limits at centerline	*508
		Licking River	At confluence with Pooles Creek	*505
			At confluence with Scaffold Creek	*514
			At confluence with Pond Creek	*517
			Most upstream County Limits at centerline	*532
		Four Mile Creek	Confluence with Owl Creek	*503
			Lower Tug Fork Road 200 feet upstream from centerline.	*505
			Kentucky Highway 547 (first crossing) 50 feet downstream from centerline.	*512
			Kentucky Highway 547 (second crossing) 50 feet downstream from centerline.	*525
			Upstream limit of Detailed Study at centerline of road	*534
		Tug Creek	Confluence with Four Mile Creek	503
			Hill Road at centerline	*504
			Second Private Drive upstream of Hill Road at centerline.	*511
			Lower Tug Fork Road 50 feet upstream from centerline.	*548
			Upstream limit of Detailed Study at centerline	*569
		Pond Creek	Pond Creek Road 50 feet downstream from centerline	*518
			Miller Road 50 feet downstream from centerline	*544
			Larvin Road at centerline	*566
			Upstream limit of Detailed Study 50 feet downstream from centerline.	*662
		Woodlawn Creek	Kentucky Highway 8 in backwater area from Ohio River at centerline.	*489
Maps available at Campbell County Courthouse, 20 West 4th Street, Newport, Kentucky.				
Kentucky	Unincorporated Areas of Franklin County (FEMA-6973)	Elkhorn Creek	Just upstream of Louisville and Nashville Railroad	*841
			Approximately 400 feet at downstream of County Road 1262.	*815
			Just downstream of Peaks Mill Road	*858
			Approximately 60 feet upstream of Old Grand Dad Distillery Road.	*864
		North Elkhorn Creek	Approximately 600 feet upstream of South Trimble Memorial Road.	*869
		South Elkhorn Creek	Just upstream of the Dam	*864
		Kentucky River (Near Elkhorn Creek).	At the confluence of Elkhorn Creek	*489
		Kentucky River (at downstream of the City of Frankfort).	At Lock and Dam No. 4	*507
			At the confluence of Benson Creek	*508
		Kentucky River (At upstream of the City of Frankfort).	Just downstream of the east-west connector	*509
			Just downstream of I-64 (west bound)	*510
		Benson Creek	Approximately 250 feet upstream of Louisville Road (U.S. 460).	*715
			Just upstream of Kentucky 151	*728
		South Benson Creek	Just upstream of Pea Ridge Road	*617
			Just upstream of Midland Trail (U.S. 60 and 460)	*688
			Just upstream of I-64 east bound	*708
			Approximately 300 feet at upstream of Bridgeport Road.	*684
			Approximately 150 feet at downstream of South Benson Road.	*728
		Cedar Run	Just upstream of I-64 west bound	894
			Just upstream of Interstate Highway 64 east bound	*578
Maps available for inspection at Franklin County Courthouse, Judge's Office, 224 St. Clair Street, Frankfort, Kentucky 40601.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Kentucky	Unincorporated Areas of Scott County (FEMA-5973)	North Elkhorn Creek	Just upstream of U.S. Highway 227	*776
			Just upstream of Crumbaugh Road	*817
		Cane Run	Just upstream of U.S. Highway 460	*778
			Just upstream of U.S. Highway 62	*805
			Just upstream of Elder Road	*819
			Just upstream of U.S. Highway 25 (Lexington Road)	*826
			Just upstream of Kentucky Highway 1963 (Lisle Road)	*839
		Cane Run Tributary	Just upstream of confluence with Cane Run	*828
		Dry Run Creek	Just upstream of confluence with North Elkhorn Creek	*800
			Just upstream of Southern Railway	*815
		Locust Fork	Just upstream of Kentucky Highway 1969	*743
			Just upstream of confluence of Lecompton Run, Kentucky Highway 1969.	*747
		Eagle Creek	Just upstream of Southern Railway	*780
	Maps available for inspection at Scott County Courthouse, Main Street, Georgetown, Kentucky 40324.			
Kentucky	City of Worthington, Greenup County (FEMA-5973)	Ohio River	At downstream corporate limits	*544
			At upstream corporate limits	*545
	Maps available for inspection at City Hall, Ferry Street, Worthington, Kentucky 41183.			
Kentucky	City of Wurtland, Greenup County (FEMA-5973)	Ohio River	Entire area within the City of Wurtland	*544
	Maps available for inspection at City Hall, 500 Wurtland Avenue, Wurtland, Kentucky 41144.			
Louisiana	Town of Duson, Lafayette Parish (FEMA-5973)	Bayon Que de Tortue	Just upstream of Louisiana Highway 95	*32
			Just downstream of Louisiana Highway 343	*34
		Duson Branch	Just upstream of Southern Pacific Railroad	*34
	Maps available for inspection at Town Hall, 802 First Street, Duson, Louisiana 70529.			
Louisiana	Town of Haughton, Bossier Parish (FEMA-5973)	Fowskin Bayou	Just upstream of southern corporate limits	*218
	Maps available for inspection at Town Hall, 114 West McKinely Street, Haughton, Louisiana 71037.			
Massachusetts	Fall River, City Bristol County (Docket No. FEMA-5912)	Mount Hope Bay	Tiverton/Fall River Corporate Limits to U.S. Route 6 Bridge.	*15
		Taunton River	U.S. Route 6 Bridge to Fall River Corporate Limits	*15
	Maps available for inspection at the City Clerk's Office, City Hall, 1 Government Center, Fall River, Massachusetts.			
New Jersey	Corbin City, city, Atlantic County (Docket No. FEMA-5966)	Tuckahoe River	Entire Shoreline	*9
	Maps available for inspection at the City Municipal Building, Route 50, Corbin City, New Jersey.			
New Jersey	Demarest, borough, Bergen County (Docket No. FEMA-5966).	Teneklil Brook	Downstream Corporate Limits	*32
			Upstream Hardenburgh Avenue	*37
			Upstream Corporate Limits	*38
		Demarest Brook	Downstream Corporate Limits	*40
			Upstream Meadow Road	*42
			Downstream County Road	*45
		Creskill Brook	Downstream Corporate Limits	*43
			530' Downstream County Road	*45
			Downstream County Road	*50
	Maps available for inspection at the Demarest Borough Hall, 118 Serpentine Road, Demarest, New Jersey.			
New Jersey	High Bridge, borough, Hunterdon County (Docket No. FEMA-5966).	Raritan River	Downstream Corporate Limits	*219
			Upstream Arch Street Bridge	*233
			Upstream Conrail	*242
			Upstream Taylor-Wharton Railroad Bridge	*257
			Downstream Lake Solitude Dam	*283
			Upstream Lake Solitude Dam	*290
			Upstream Corporate Limits	*290
		Willoughby Brook	Downstream Corporate Limits	*294
			Approximately 600' upstream of Corporate Limits	*304
			Upstream Conrail	*322
			Upstream Corporate Limits	*330
	Maps available for inspection at the Office of the Borough Clerk, Municipal Building, 71 Main Street, High Bridge, New Jersey.			
New Jersey	Matawan, borough, Monmouth County (Docket No. FEMA-5947).	Matawan Creek	Downstream Corporate Limits	*12
			Upstream Corporate Limits at New Brunswick Avenue	*18
		Gravelly Run	Upstream Main Street	*22
			Upstream Conrail at Upstream Corporate Limits	*23
	Maps available for inspection at the Matawan Borough Clerk's Office, 180 Main Street, Matawan, New Jersey.			
New Jersey	Plumsted, township, Ocean County (Docket No. FEMA-5973).	Crosswicks Creek	Downstream Corporate Limits (State Route 537)	*68
			Upstream Conrail	*72
			Upstream Corporate Limits	*74
		Stonyford Brook	Confluence with Crosswicks Creek	*72
			Moorehouse Road	*77
	Maps available for inspection at the office of the Township Clerk, 31 Main Street, New Egypt, New Jersey.			
New Jersey	Township of Pohatcong, Warren County (Docket No. FEMA-5953).	Delaware River	At Riegelsville Bridge	*160

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 5,000 feet downstream of confluence of Pohatcong Creek.	*166
			At confluence of Pohatcong Creek	*171
			Approximately 7,600 feet upstream of confluence of Pohatcong Creek.	*173
			Approximately 2,000 feet downstream of Corporate Limits.	*179
			At upstream Corporate Limits	*180
		Musconetcong River	At Conrail Bridge	*159
			At Mount Joy Road	*163
			Approximately 4,100 feet downstream of Willow Lane	*169
			Upstream of Willow Lane	*176
			Approximately 3,000 feet downstream of Milford-Warren Glen Road.	*186
			Approximately 1,100 feet downstream of Milford-Warren Glen Road.	*194
			Upstream of Milford-Warren Glen Road	*204
			Approximately 1,700 feet upstream of Milford-Warren Glen Road.	*212
			Approximately 2,000 feet downstream of Riegel Paper Company Dam.	*210
			Approximately 1,100 feet downstream of Riegel Paper Company Dam.	*225
			Approximately 100 feet downstream of Riegel Paper Company Dam.	*231
			Upstream of Riegel Paper Company Dam	*255
			At upstream Corporate Limits	*260
		Pohatcong Creek	At Conrail Bridge	*171
			At Creek Road	*179
			At Winters Road	*185
			Approximately 400 feet downstream of State Route 519.	*193
			At State Route 519	*196
			Approximately 400 feet downstream of Conrail Bridge	*205
			At Conrail Bridge	*206
			At Municipal Drive Bridge	*209
			At Still Valley Road	*210
			At Conrail Bridge	*223
			Approximately 1,700 feet upstream of Conrail Bridge	*227
		Tributary #1 to Pohatcong Creek	At Still Valley Road	*212
			Approximately 300 feet upstream of Still Valley Road	*218
			At downstream side of Conrail Bridge	*224
			At upstream side of Conrail Bridge	*239
			Approximately 900 feet upstream of Conrail Bridge	*244
		Lopatcong Creek	At downstream side of Corporate Limits	*210
			Upstream side of Chestnut Street	*215
			Upstream Corporate Limits	*217
Maps available for inspection at the Town Hall, Municipal Drive, Pohatcong, New Jersey.				
New York	Big Flats, town, Chemung County (Docket No. FEMA-6944).	Chemung River	Downstream Corporate Limits	*969
			Approximately 18,000 feet above downstream Corporate Limits.	*982
			Upstream of South Corning Road	*995
			Upstream Corporate Limits	*996
		Sing Sing Creek	Confluence with Chemung River	*982
			Approximately 500 feet upstream of confluence with Cuthrie Run.	*992
			Upstream of Suburban Drive	*992
			Downstream of Main Street	*914
			Upstream of Conrail	*920
			Upstream of Farm Road	*931
			Upstream of Haul Road Bridge	*937
			Approximately 300 feet upstream of Schweitzer Road	*949
			Downstream of Sing Sing Road	*986
			Downstream of Bears Hill Road	*1,006
			Upstream Corporate Limits	*1,024
		Cuthrie Run	Confluence with Sing Sing Creek	*991
			Downstream of Conrail	*900
			Approximately 1,700 feet upstream of State Route 17	*928
			Approximately 3,600 feet upstream of State Route 17	*943
			Approximately 600 feet downstream of Sing Sing Road	*960
			Upstream of Sing Sing Road	*978
			Approximately 1,360 feet downstream of Hubbard Road.	*993
			Downstream of Hubbard Road	*1,008
			Upstream of Hubbard Road	*1,015
		Gardner Creek	Confluence with Chemung River	*991
			State Route 17	*995
		Marble Hollow	Approximately 1,800 feet downstream of Corporate Limits.	*915
			Approximately 1,200 feet downstream of Corporate Limits.	*930
			Approximately 660 feet downstream of Corporate Limits.	*948
			Approximately 60 feet downstream of Corporate Limits	*992
			Corporate Limits	*995

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Owen Hollow Creek	Confluence with Gardner Creek	*960
			Upstream of State Route 17	*969
			Approximately 400 feet upstream of Hillview Drive	*905
			Approximately 2,725 feet upstream of Hillview Drive	*919
			Approximately 950 feet downstream of Chestnut Street	*930
			Downstream of Chestnut Street	*941
			Approximately 550 feet upstream of Chestnut Street	*959
			Approximately 950 feet upstream of Chestnut Street	*970
			Approximately 1,400 feet upstream of Chestnut Street	*983
Maps available for inspection at the Town Clerk's Office, Big Flats Town Hall, 476 Maple Street, Big Flats, New York.				
New York	Boston, Town Erie County (Docket No. FEMA–5970)	Eighteen Mile Creek	Downstream Corporate Limits	*901
			Upstream of Spillway Dam	*912
			Upstream of Zimmerman Road	*917
			Approximately 4,600' upstream of Zimmerman Road	*925
			Approximately 8,500' upstream of Zimmerman Road	*935
			Approximately 12,500' upstream of Zimmerman Road	*945
			Approximately 16,600' upstream of Zimmerman Road	*955
			Sharo Road	*960
			Approximately 3,200' upstream of Sharo Road	*970
			Upstream of Polish Hill Road	*984
			Approximately 2,700' upstream of Polish Hill Road	*995
			Approximately 4,900' upstream of Polish Hill Road	*905
			Approximately 7,200' upstream of Polish Hill Road	*915
			Upstream of Mill Street	*924
			Spillway Dam 1,800' downstream of Trawett Road	*937
			Upstream of Trawett Road	*950
			Upstream of Corporate Limits	*976
Maps available for inspection at the Boston Town Hall, 6930 Boston State Road, Boston, New York.				
New York	Ithaca, City Tompkins County Lake (Docket No. FEMA–5947).	Cayuga Lake	Entire Shoreline within City of Ithaca	*366
		Cayuga Inlet	Confluence with Cayuga Lake	*366
			Confluence of Cascadilla Creek	*367
			Downstream confluence of Old Inlet	*367
			State Routes 79, 96, and 96	*368
			Upstream confluence of Old Inlet	*368
			Upstream Corporate Limits	*400
		Cascadilla Creek	Confluence with Cayuga Inlet	*367
			Upstream North Cayuga Street	*368
			Upstream North Tioga Street	*403
			350' upstream Linn Street	*416
		Fall Creek	Confluence with Cayuga Lake	*366
			110' downstream Lake Street	*368
		Old Inlet	Downstream confluence with Cayuga Inlet	*367
			Confluence with Stamile Creek and Relief Channel	*368
			Upstream confluence with Cayuga Inlet	*368
		Relief Channel	Confluence with Old Inlet	*368
			Approximately 4,000' upstream of confluence with Old Inlet.	*368
		Stamile Creek	Confluence with Old Inlet	*368
			100' downstream West Clinton Street	*368
			Approximately 60' upstream North Aurora Street	*408
			900' upstream North Aurora Street	*418
			80' downstream Footbridge	*429
			960' upstream Footbridge	*439
			1,320' upstream Footbridge	*442
Maps available for inspection at the City Clerk's Office, 108 E. Green Street, Ithaca, New York.				
New York	Minetto, Town Oswego County (Docket No. FEMA–5973)	Oswego River	Downstream Corporate Limits	*297
			Downstream Dam	*298
			Upstream Dam	*314
			Upstream Corporate Limits	*316
		Beeson Creek	Upstream Conrail First downstream crossing	*304
			Upstream Worden Road	*313
			Approximately 280' downstream of Minetto-Lysander Road.	*320
Maps available for inspection at the Minetto Town Hall, Route 48, Minetto, New York.				
New York	Oswego, Town Oswego County (Docket No. FEMA–5973)	Lake Ontario	Entire Shoreline	*249
		Camp Creek	Confluence with Lake Ontario	*249
			550' upstream from confluence with Lake Ontario	*259
			Upstream from West Lake Road	*269
			Upstream of confluence of Camp Creek Tributary	*270
		Camp Creek Tributary	Confluence with Camp Creek	*270
			2,350' upstream from confluence of Camp Creek	*281
			Downstream from California Road	*286
			Upstream from California Road	*297
			Upstream from U.S. Route 104A	*301
Maps available for inspection at the Oswego Town Hall, Johnson Road, Oswego, New York.				
New York	Stony Point, Town Rockland County (Docket No. FEMA–5966).	Hudson River	Entire shoreline within community	*8
		Tributary No. 1 to Hudson River	Confluence with Hudson River	*8
			Downstream of Stony Point State Park	*12
			Upstream of Stony Point State Park	*15
			Approximately 200' upstream of culvert	*25

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 25' downstream of most upstream crossing of Park Road.	*49
			Approximately 200' upstream of most upstream crossing of Park Road.	*90
			Approximately 400' upstream of most upstream crossing of Park Road.	*92
			Downstream of Lighthouse Court Culvert	*96
			Upstream of Lighthouse Court Culvert	*102
			Downstream of Maryann Court	*113
			Upstream of Maryann Court	*116
			Downstream of Adams Drive	*125
			Upstream of Adams Drive	*130
			Approximately 330' upstream of Adams Drive	*160
			Approximately 640' upstream of Adams Drive	*190
			Approximately 1,025' upstream of Adams Drive	*220
			Wayne Avenue	*224
		Cedar Pond Brook	Confluence with Hudson River	*9
			Upstream of Lowland Hill Road	*14
			Upstream of U.S. Routes 9W and 202	*25
			Approximately 700' upstream of U.S. Routes 9W and 202.	*35
			Confluence of Tributary to Cedar Pond Brook	*51
		Tributary to Cedar Pond Brook	Confluence with Cedar Pond Brook	*51
			Approximately 350' upstream of confluence with Cedar Pond Brook.	*60
			Downstream of State Route 210	*72
			Downstream of Private Drive	*86
			Upstream of Private Drive	*94
			Upstream of Washburns Lane	*101
			Downstream of Sengstacken Road Culvert	*112
			Upstream of Sengstacken Road Culvert	*116
			Upstream of Central Highway and Filors Lane	*132
			Upstream Corporate Limits	*141
Maps available for inspection at the Stony Point Town Hall, 74 East Main Street, Stony Point, New York.				
New York	West Haverstraw, Village Rockland County (Docket No. FEMA-5972).	Hudson River	Backwater affecting northeast corner of community adjacent to Grassy Point Road.	*9
		Mini-aseongo Creek	Downstream Corporate Limits	*13
			Approximately 650' upstream of Samsondale Avenue	*23
			Approximately 1,460' upstream of Samsondale Avenue	*33
			Upstream Conrail	*42
			Approximately 240' downstream of U.S. Route 9W and 202.	*59
			Upstream U.S. Routes 9W & 202	*69
			Approximately 780' upstream of U.S. Routes 9W & 202.	*79
			Approximately 1,220' upstream of U.S. Routes 9W & 202.	*89
			Approximately 1,740' upstream of U.S. Routes 9W & 202.	*99
			Approximately 2,090' upstream of U.S. Routes 9W & 202.	*109
			Approximately 2,420' upstream of U.S. Routes 9W & 202.	*119
			Downstream of 1st Dam	*123
			Upstream of 1st Dam	*140
			Upstream of Main Street	*153
			Downstream of 2nd Dam	*166
			Upstream of 2nd Dam	*179
			Upstream Corporate Limits	*179
Maps available for inspection at the West Haverstraw Village Hall, 15 Bridge Street, Garnerville, New York.				
Oklahoma	Town of Mayoville, Garvin County (FEMA-5968)	Beef Creek	Just upstream of Williams Street	*939
			Just downstream of Mays Street	*941
Maps available for inspection at City Hall, 510 West Main Street, Mayoville, Oklahoma 73057.				
Oklahoma	Town of Valley Brook, Oklahoma County (FEMA-5757)	Crooked Oak Creek	Just upstream of S.E. 59th Street	*1,236
Maps available for inspection at City Hall, 6315 Camillo Avenue, Valley Brook, Oklahoma 73149.				
Pennsylvania	Abington, Township Lackawanna County (Docket No. FEMA-5973).	Ackerly Creek	Upstream of Ackerly Road	*1,066
			Downstream of Conrail culvert	*1,075
			Upstream of conrail crossing approximately 750' upstream of downstream Corporate Limits.	*1,087
			400' upstream of Conrail culvert	*1,100
			Downstream of Oakford Glen Dam	*1,113
			Upstream of Oakford Glen Dam	*1,134
			Downstream of Oakford Glen Road	*1,144
			Upstream of Second Golf Course Bridge	*1,155
			Approximately 40' downstream of Abington Road	*1,169
Maps available for inspection at the Township Offices, Abington, Pennsylvania.				
Pennsylvania	Bethel, Township Lebanon County (Docket No. FEMA-5973.	Little Swatara Creek	Approximately 1,500' upstream of Legislative Route 38002.	*447
			Upstream Corporate limits	*463
		Monroe Creek	Downstream Corporate Limits	*452

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Township Route 740	*458
			Downstream Legislative Route 38049	*469
			Downstream Lake Wese Dam	*474
			Upstream Lake Wese Dam	*482
			Downstream Lake Strause Dam	*493
			Approximately 2,770' upstream Lake Strause Dam	*503
		Beach Run	Confluence with Deep Run	*437
			Upstream Pennsylvania Route 343	*448
			Upstream U.S. Route 22	*456
			Upstream Main Street	*461
			Upstream Legislative Route 38050	*470
			Upstream Township Route 504	*477
			Approximately 420' upstream Township Route 504	*479
		Deep Run	Confluence with Beach Run	*437
			Upstream U. S. Route 22	*442
			Upstream Township Route 601	*459
			Upstream Main Street	*464
			Downstream First Private Road	*476
			Downstream Second Private Road	*482
			Approximately 280' upstream of Second Private Road	*484
Maps available for inspection at the Township Building, Bethel, Pennsylvania.				
Pennsylvania	Caln, Township Chester County Docket No. FEMA-5973)	East Branch Brandywine Creek	Downstream Corporate Limits	*242
			State Route 282	*245
			U. S. Route 30 (Downington Coatesville by-pass) (Upstream side).	*249
			Upstream Corporate Limits	*252
		Beaver Creek	Downstream Lloyd Avenue (Upstream side)	*250
			Confluence of Valley Run	*256
			Approximately 1,500' upstream confluence of Valley Run.	*266
			Approximately 1,000' downstream U.S. Route 30 (Downington-Coatesville by-pass).	*274
			Approximately 240'downstream U. S. Route 30 (Downington-Coatesville by-pass).	*282
		Valley Run	Confluence with Beaver Creek	*259
			Bondeville Road (Downstream side)	*277
			Private Road (Upstream side)	*284
			Municipal Drive (Upstream side)	*297
			Bailey Road (Upstream side)	*303
			Bailey Sheaf Road (Downstream side)	*318
			Loomis Avenue (Upstream side)	*322
			Seltzer Avenue (Upstream side)	*330
			Approximately 950' upstream of Seltzer Avenue	*336
Maps available for inspection at the Township Building, Municipal Drive, Caln, Pennsylvania.				
Pennsylvania	Carbondale, Township Lackawanna County (Docket No. FEMA-5973.	Lackawanna River	Downstream Corporate Limits	*980
			Meredith Street (Upstream side)	*987
			Approximately 1,400' upstream Meredith Street	*997
			Upstream Corporate Limits	*1,006
Maps available for inspection by contacting Mr. Cavage, Carbondale Township Supervisor at (717) 282-4808				
Pennsylvania	Coal Center, Borough Washington County (Docket No. FEMA-5866).	Monongahela River	Downstream Corporate Limits	*767
			Upstream Corporate Limits	*767
Maps available for inspection at the Borough Building, Water Street, Coal Center, Pennsylvania.				
Pennsylvania	Cumberland, Township Adams County (Docket No. FEMA-5973).	Rock Creek	Approximately 100' supstream of U.S. Route 15	*422
			Approximately 200' upstream of U. S. Route 140	*432
			Approximately 1,400' upstream of U. S. Route 140	*443
			Approximately 2,000' downstream of State Route 116	*473
			Downstream U. S. Business Route 15	*482
			Confluence with Rock Creek Tributary 3	*490
		Rock Creek Tributary 3	Upstream Miller Road (T 508)	*492
			Upstream Put Road	*506
		Marsh Creek	Downstream Dam	*439
			Upstream U. S. Business Route 15	*446
			Downstream Red Rock Road	*456
			Downstream Legislative Route 01026	*467
Maps available for inspection at the Township Municipal Building, Cumberland, Pennsylvania.				
Pennsylvania	Delaware, Township Juniata County (Docket No. FEMA-5955).	Juniata River	Downstream Corporate Limits	*409
			Approximately 1.0 mile upstream from downstream corporte limits.	*412
			Approximately 2.0 miles upstream from downstream corporate limits.	*414
			Confluence of Delaware Creek	*417
			Upstream of Thompsontown Bridge	*418
			Confluence of Locust Run	*419
			Upstream Corporate Limits	*422
		Delaware Creek	Confluence with Juniata River	*417
			Thompsontown downstream Corporate Limits	*423
			Thompsontown upstream Corporate Limits	*451

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of U.S. Routes 22-322 East Bound Lane	*463
			Upstream of Access Ramp	*462
			Upstream of Legislative Route 275	*472
			Approximately 150 feet downstream of Evans Hollow Road.	*490
			Approximately 460 feed upstream of Evans Hollow Road.	*497
			Approximately 2,440 feet upstream of Evans Hollow road opposite Legislative Route 275 and Township route 422 intersection.	*526
			Approximately 990 feet downstream of Private Road crossing.	*536
			Downstream of Private Road	*543
			Upstream of Legislative Route 275	*550
			Confluence of White Oak Hollow Run	*567
			Downstream of Legislative Route 34017 (extended)	*565
			Confluence of Kurtz Valley Run	*569
			Downstream of Legislative Route 637	*575
			Upstream of Legislative Route 637	*579
			Downstream of Township Route 471	*589
			Approximately 600 feet upstream of Township Route 471.	*597
			Upstream of Legislative Route 275	*906
			Upstream of 2nd crossing of Township Route 436	*912
			Downstream of Township Route 461	*918
			Downstream of Private Driveway	*921
			Downstream of Township Route 34021 (extended)	*937
			Upstream of Private Driveway	*955
			Downstream of State Route 235	*962
		Tributary 9	Confluence with Delaware Creek	*919
			Upstream of Private Driveway	*921
			Downstream of Private Driveway (extended)	*930
			Approximately 1,920 feet upstream of Private Driveway Crossing.	*939
		Locust Run	Confluence with Juniata River	*419
			Downstream of Township Route 393	*424
			Approximately 1,100 feet upstream of Township Route 393.	*434
			Upstream Corporate Limits	*449
	Maps available for inspection at the residence of the Township Secretary, Ms. Kay Lukens, R. D. 1, Thompsontown, Pennsylvania.			
Pennsylvania	Fell, Township Lackawanna County (Docket No. FEMA-5973).	Lackawanna River	Downstream Corporate Limits	*1,096
			Upstream of Morse Avenue	*1,130
			Upstream of Main Street (State Route 171)	*1,136
			Approximately .43 mile upstream of Main Street (State Route 171).	*1,161
		Wilson Creek	Confluence with Lackawanna River	*1,136
			Upstream of Conrail	*1,142
			Upstream of Delaware and Hudson Railroad	*1,149
			Upstream of Midland Street	*1,169
			Approximately .15 mile upstream of Midland Street	*1,177
			Approximately .3 mile upstream of Midland Street	*1,201
			Downstream of Main Street (State Route 171)	*1,221
	Maps available for inspection at the Fell Township Building, Fell, Pennsylvania.			
Pennsylvania	Heidelberg, Township York County (Docket No. FEMA-5973).	Codorus Creek	Downstream Corporate Limits	*464
			York Road (downstream side)	*477
			Township Route 374 (upstream side)	*492
			Legislative Route 66007 (upstream side)	*501
			township Route 377 (upstream side)	*509
		Oil Creek	Confluence with Codorus Creek	*464
			Private Drive approximately 4,800' upstream of Corporate Limits (upstream side).	
			Moulstown Road (upstream side)	*475
			Legislative Route 66009 (upstream side)	*496
			Maryland and Pennsylvania Railroad bridge (downstream side).	*508
			Legislative Route 66007 (upstream side)	*516
			Township Route 341 (downstream side)	*531
			Upstream Corporate Limits	*536
		Glatts Run	Approximately 380 feet downstream of Maryland and Pennsylvania Railroad bridge.	*546
			Maryland and Pennsylvania Railroad Bridge (upstream)	*557
	Maps available for inspection at the Heidelberg Township Municipal Building (Porter Fire Hall).			
Pennsylvania	Hermitage, Municipality Mercer County (Docket No. FEMA-5966).	Shenango River	Downstream Corporate Limits	*833
			Conrail (upstream of Corporate Limits extended)	*834
		Hogback	Semple Road (Upstream)	*1,080
			Approximately 350' upstream of Private Drive	*1080
			Approximately 1,980' downstream Pleakley Lane	*1,102
			Pleakley Lane (Upstream)	*1,116
			Sonoff Lane (Upstream)	*1,124
			South Keel Ridge Road (Upstream)	*1,129
			Virginia Road (Downstream)	*1,132
		Bobby Run	Longview Road (Upstream)	*924

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 1,500' upstream Longview Road	*948
			Approximately 2,450' upstream Longview Road	*957
			Approximately 3,600' upstream Longview Road	*968
			Approximately 1,800' downstream Rombold Road	*974
			Approximately 450' downstream Rombold Road	*985
		Golden Run	Private Drive approximately 0.5 mile upstream Cassady Road (Upstream).	*1,006
			Robertson Road (Upstream)	*1,105
			Lamor Road (Upstream)	*1,109
			Approximately 2,500' upstream Lamor Road	*1,122
			Scott Drive (extended)	*1,132
		Baker Run	Approximately 400' upstream East State Street	*1,092
			Woodside Drive (Upstream)	*1,102
			Highland Road (Downstream)	*1,113
			Richmond Drive (Upstream)	*1,118
			Cohasset Drive (Upstream)	*1,121
			North Buhl Farm Drive (Downstream)	*1,132
		West Branch Pine Hollow Run	U.S. Route 62 Bypass (Upstream)	*1,072
			Approximately Upstream 180' upstream Sunset Boulevard.	*1,082
			Easton Road (Upstream)	*1,094
			Morefield Road (Downstream side)	*1,109
Maps available for inspection at the Municipal Building, Hermitage, Pennsylvania.				
Pennsylvania	Jackson, Township York County (Docket No. FEMA-5973)	Codorus Creek	Hershey Road (Upstream)	*444
			Dam (Upstream)	*456
			Confluence with Oil Creek	*464
		Oil Creek	Confluence with Codorus Creek	*464
			Moulstown Road (Upstream)	*468
		Little Conewago	Downstream Corporate Limits	*411
			Confluence with Paradise Creek	*417
			Pine Road (Upstream)	*443
			U.S. Route 30 (Upstream)	*459
			Grant Road (Upstream)	*460
			Airport Road (Upstream)	*469
			LaBott Road (Downstream)	*479
			Approximately 2,000' upstream of LaBott Road	*489
			Approximately 3,150' upstream of LaBott Road	*499
			Approximately 3,900' upstream of LaBott Road	*509
			Roths Church Road (Upstream)	*521
		Paradise Creek	Lefever Road (Upstream)Upstream	*427
			East Berlin Road (Upstream)	*487
			Shady Dell Road (Upstream)	*446
		Tributary	Confluence with Little Conewago Creek	*459
			Airport Road (Upstream)	*466
			Main Street (Upstream)	*473
Maps available for inspection at the Township Building, Roth Church Road, Jackson, Pennsylvania.				
Pennsylvania	Jackson, Township Lebanon County (Docket No. FEMA-5973).	Tulpehocken Creek	Legislative Route 38015 (Upstream)	*417
			Township Route 618 (Upstream)	*428
			Township Route 576 (Upstream)	*440
			Township Route 614 (upstream)	*450
			Township Route 572 (Upstream)	*459
			Township Route 560 (Upstream)	*467
			Approximately 120' upstream U.S. Route 422	*482
			Upstream Corporate Limits	*495
		Owl Creek	Confluence with Tulpehocken Creek	
			*427 Township Route 500 (Upstream)	*439
			Approximately 3,000' upstream Township Route 500	*451
		Tributary A	Confluence with Tulpehocken Creek	*426
			Conrail (Upstream)	*432
			Approximately 1,080' upstream Township Route 405	*439
		Tributary B	Confluence with Tulpehocken Creek	*451
			Township Route 500 (Upstream)	*461
			U.S. Route 422 (Upstream)	*470
			Jackson Avenue (Upstream)	*478
			Approximately 2,300' upstream Jackson Avenue	*509
		Tributary C	Confluence with Tulpehocken Creek	*467
			U.S. Route 422 (Upstream)	*472
			Township Route 499 (Upstream)	*485
			Approximately 3,950' upstream Township Route 499	*499
		Tributary D	Confluence with Owl Creek	*444
			Approximately 1,150' upstream of confluence with Owl Creek.	*447
Maps available for inspection at the Jackson West Elementary School, Jackson, Pennsylvania.				
Pennsylvania	Mayfield, Borough Lackawanna County (Docket No. FEMA-5973).	Lackawanna River	Downstream Corporate Limits	*948
			Poplar Street (Downstream)	*952
			Approximately 450' upstream of Poplar street	*961
			Confluence of Powderly Creek	*968
			600' downstream of upstream	*978
			Upstream Corporate Limits	*980
Maps available for inspection at the Borough Building, Mayfield, Pennsylvania.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	North Whitehall, Township Lehigh County (Docket No. FEMA-5973).	Lehigh River	Downstream Corporate Limits	*309
			Old Laury Dam (Downstream)	*314
			Old Laury Dam (Upstream)	*318
			State Route 145 (Upstream)	*331
			Treichlers Dam (Downstream)	*334
			Treichlers Dam (Upstream)	*346
			Confluence of Rockdale Creek	*347
			Upstream Corporate Limits	*351
		Jordan Creek	Downstream Corporate Limits	*356
			Kernsville Road (Upstream)	*362
			Approximately 1,500' upstream of Kernsville Road	*366
			Township Route 593 (Upstream)	*371
		Coplay Creek	Downstream Corporate Limits	*372
			Driveway approximately 470' downstream of Township Route 695 (Upstream).	*379
			Township Route 695 (Upstream)	*383
			Hill Street (Upstream)	*388
			Upstream Abandoned Bridge approximately 1,940' upstream of Hill Street (Downstream).	*392
			Walnut Street (Upstream)	*396
			Willow Street (Upstream)	*402
			Driveway approximately 5,000' Upstream of Willow Street (Upstream).	*410
			Driveway approximately 1,800' downstream of Golf Course Road (Upstream).	*414
			Golf Course Road (Upstream)	*426
			Coffeetown Road (L.R. 39012) (Downstream)	*437
			Approximately 1,500' upstream of Coffeetown Road (L.R. 39012).	*447
			Approximately 2,100' upstream of Coffeetown Road (L.R. 39012).	*452
			Levans Road (Downstream)	*460
			Levans Road (Upstream)	*465
			Approximately 1,230' upstream of Levans Road	*474
			Approximately 1,480' downstream of Township Route 691	*484
			Township Route 691 (Upstream)	*496
			Approximately 660' upstream of Township Route 691	*504
			Sand Springs Road (Downstream)	*514
			Township Route 674 (Downstream)	*521
			Township Route 674 (Upstream)	*525
			Approximately 950' downstream of upstream crossing of Township Route 674.	*535
			Upstream crossing of Township Route 674 (Downstream).	*542
			Upstream crossing of Township Route 674 (Upstream)	*546
			Excelsior Road (Upstream)	*556
			State Route 329 (Upstream)	*569
	Maps available for inspection at the North Whitehall Township Building, R.D. 1, Coplay, Pennsylvania.			
Pennsylvania	Peach Bottom, Township York County (Docket No. FEMA-5956).	Susquehanna River	Approximately 6,500 feet downstream of upstream corporate limits.	*115
			Upstream corporate limits	*117
		Muddy Creek	Confluence of Scott Creek	*222
			Upstream side of Maryland and Pennsylvania Railroad	*227
			Upstream side of Dam	*237
			Approximately 8,100 feet downstream of upstream corporate limits.	*277
			Approximately 5,400 feet downstream of upstream corporate limits.	*287
			Approximately 2,100 feet downstream of upstream corporate limits.	*297
			Upstream corporate limits	*302
		Fishing Creek	Confluence with Muddy Creek	*228
			Approximately 1,080 feet upstream of confluence with Muddy Creek.	*237
			Approximately 1,660 feet upstream of confluence with Muddy Creek.	*247
			Approximately 920 feet downstream of Woodbine road	*257
			Upstream side of Woodbine Road	*266
			Upstream side of Private Drive	*286
			Upstream side of Rock Dam	*301
			Upstream side of Bair Road Bridge	*310
			Upstream side of Bryansville Road	*366
			Upstream side of Kilgore Road	*367
			Approximately 1,400 feet upstream of Kilgore Road	*377
			Approximately 1,750 feet downstream of Whiteford Road.	*387
			Approximately 650 feet downstream of Whiteford road	*397
			Downstream of Whiteford Road	*406
			Upstream side of Whiteford Road	*412
			Upstream side of (first) Hollow Road Bridge	*425
			Upstream side of (second) Hollow Road Bridge	*434
			Approximately 2,140 feet downstream of (third) Hollow Road Bridge.	*454

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 900 feet downstream of (third) Hollow Road Bridge.	*474
			Upstream side of (third) Hollow Road Bridge	*493
		Bald Eagle Creek	Upstream corporate limits	*301
		Nelli Run	Confluence with Fishing Creek	*286
			Approximately 5,100 feet upstream of confluence with Fishing Creek.	*355
			Approximately 5,460 feet downstream of Gemmell Road.	*380
			Approximately 1,970 feet downstream of Gemmell Road.	*420
			Upstream side of Gemmell Road	*446
			Approximately 2,400 feet upstream of Gemmell Road	*460
			Approximately 540 feet downstream of Whitsford Road.	*460
			Upstream of Whitsford Road	*460
		Scott Creek	Confluence with Muddy Creek	*222
			Upstream side of (first) Maryland-Pennsylvania Railroad Bridge.	*228
			Upstream side of Private Drive	*230
			Upstream side of Bryansville Road	*236
			Approximately 1,250 feet upstream of Bryansville Road.	*246
			Approximately 350 feet downstream of (second) Maryland-Pennsylvania Railroad bridge.	*256
			Upstream side of (second) Maryland-Pennsylvania Railroad bridge.	*265
			Upstream side of (third) Maryland-Pennsylvania Railroad bridge.	*294
			Approximately 1,200 feet upstream of (third) Maryland-Pennsylvania Railroad bridge.	*304
			Upstream side of State Route 74	*323
			Upstream side of Watson Road	*330
			Upstream side of (fourth) Maryland-Pennsylvania Railroad bridge.	*345
			First upstream corporate limits	*362
			Upstream side of (fifth) Maryland-Pennsylvania Railroad bridge.	*368
			Upstream side of Township Route 798	*378
			2nd downstream corporate limits	*380
			Approximately 2,000 feet upstream of third downstream corporate limits.	*400
			Approximately 380' downstream of 3rd upstream corporate limits.	*408
			Third upstream corporate limits	*410
			Approximately 380 feet upstream of third upstream corporate (State Boundary, Extended).	*415
		Michael Run	Approximately 125 feet downstream of Cooper Road	*269
			Upstream side of Cooper Road	*273
			Approximately 2,200 feet upstream of Cooper Road	*293
			Approximately 1,010 feet downstream of Flintville Road.	*313
			Upstream of Flintville Road	*328
	Maps available for inspection at the Peach Bottom Township Building, R. D. 2, Delta, Pennsylvania.			
Pennsylvania	Providence, Township Lancaster County (Docket No. FEMA-5845).	Pequea Creek	Upstream of Radcliff Road	*267
			Approximately 0.8 mile upstream of Radcliff Road	*293
			Approximately 900 feet downstream of Byerland Church Road.	*296
			Downstream confluence of Huber Run	*296
			Upstream of State Route 272	*297
			Approximately 0.3 mile upstream of Township Route 493 (Herrville Road) and corporate limits.	*298
		Big Beaver Creek	Approximately 660 feet downstream of private lane	*353
			Upstream of private lane	*355
			Approximately 0.3 mile upstream of private lane	*361
			Approximately 0.3 mile downstream of Main Street	*366
			Downstream of Main Street	*373
			Downstream of confluence of Tributary B	*378
			Downstream of confluence of South Fork	*389
		South Fork	Upstream of confluence with Big Beaver Creek	*391
			Camargo Road (extended)	*395
			Approximately 0.4 mile upstream of Main Street	*400
			Approximately 0.63 mile upstream of Main Street	*405
			Downstream of confluence of Tributary C	*408
			Approximately 1600 feet upstream of confluence of Tributary C.	*420
			Upstream of Farm Lane	*426
			Approximately 1600 feet upstream of Farm Lane	*434
			Upstream of L.R. 36172	*441
			Downstream of Conrail	*443
			Upstream of Conrail	*445
			Approximately 900 feet downstream of upstream corporate limits.	*455
			Upstream corporate limits	*460
	Maps available for inspection at the Providence Township Building, New Providence, Pennsylvania.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Schwenksville, Borough Montgomery County (Docket No. FEMA-6978).	Perkiomen Creek	Downstream Corporate Limits	*141
			Confluence of Mine Run	*144
			Upstream Park Avenue	*146
			Upstream Corporate Limits	*146
	Maps available for inspection at the residence of Ms. Patricia Kistore, Borough Secretary, 606 Mountain Avenue, Schwenksville, Pennsylvania.			
Pennsylvania	Upper Mount Bethel, Township Northampton County (Docket No. FEMA-6966).	Delaware River	Downstream Corporate Limits	*255
			Confluence of Allegheny Creek	*264
			Confluence of Delawanna Creek (in New Jersey)	*289
			Downstream Corporate Limits (Portland Borough)	*292
			Upstream Corporate Limits (Portland Borough)	*298
			Upstream side of Conrail Bridge	*309
			Confluence of Stateford Creek	*307
			Upstream corporate limits	*315
		Jacoby Creek	Downstream Corporate Limits	*346
			Upstream side of Private Drive	*354
			Upstream side of Jacoby Creek Road	*358
			Approximately 130' upstream of Jacoby Road	*359
			Approximately 600' upstream of Jacoby Creek Road	*372
		Martins Creek	Downstream Corporate Limits	*811
			Confluence of Tributary to Martins Creek	*830
			Approximately 3,420 feet upstream of downstream corporate limits.	*860
			Approximately 5,800 feet upstream of downstream corporate limits.	*870
	Maps available for inspection at the residence of the Township Secretary, Mrs. Lillian Lohman, R.D. 1, Bangor, Pennsylvania.			
Texas	City of Big Spring, Howard County (FEMA-6969)	Beale Creek	Just upstream of FM 700 (Marcy Drive)	*2,391
			Just upstream of Birdwell Lane	*2,406
			Just downstream of U.S. Highway 87 (Gregg Street)	*2,411
		Big Springs Draw	Just upstream of Baylor Boulevard	*2,412
			Just upstream of Goliad Street	*2,506
			Just upstream of U.S. Highway 87 (upstream most crossing).	*2,603
		Stream BSP 1	Just upstream of Parkway Road	*2,602
		Stream BSP 2	At the southern corporate limits	*2,643
		Big Sandy Draw	Just upstream of North Service Road to Interstate Highway 20 (U.S. Highway 80).	*2,403
		Reeds Draw	Just upstream of North Service Road to Interstate Highway 20 (U.S. Highway 80).	*2,408
		Stream BSP 3	Just upstream of North 8th Street	*2,443
		Stream BSP 4	Just upstream of North Service Road to Interstate Highway 20 (U.S. Highway 80).	*2,495
		Stream BSP 5	Just upstream of Missouri Pacific Railroad (Spur Track).	*2,439
	Maps available for inspection at Housing and Community Development, Building 625, Big Spring, Texas 79720.			
Pennsylvania	Venango, Township Erie County (Docket No. FEMA-6966)	West Branch French Creek	Approximately 0.1 mile downstream of Corporate Limits	*1,286
			Upstream of State Route 8 & 89 at Corporate Limits	*1,290
			Upstream State Route 89	*1,295
			Approximately 1 mile upstream of State Route 89	*1,300
			Approximately 2 miles upstream of State Route 89	*1,306
			Upstream Page Road	*1,314
			Upstream Corporate Limits	*1,318
	Maps available for inspection at the Venango Township Building.			
Texas	Bellaire City Harris County (Docket No. FEMA-6966)	Brays Bayou	Southeast corner of community Corporate Limits	*52
	Maps available for inspection at the City Hall, 7008 South Rice Avenue, Bellaire, Texas.			
Texas	City of Breckenridge, Stephens County (FEMA-6966)	Gonzales Creek	Just upstream of Farm Market Road 287	*1,178
			Just upstream of Dryer Street	*1,184
			Just upstream of Hullum Street	*1,190
		Stream BK-1	Just upstream of Lindsey Street and Court Avenue	*1,195
			Just upstream of McAmis Avenue	*1,199
			Just upstream of Shelton Avenue	*1,201
		Stream BK-2	Just upstream of Miller Avenue	*1,192
			Approximately 200 feet upstream of Live Oak Avenue	*1,202
	Maps available for inspection at the City Hall, 120 West Elm Street, Breckenridge, Texas.			
Texas	City of Brownfield, Terry County (FEMA-6966)	Lost Draw	Just upstream of Webb Street	*3,275
			Just upstream of U.S. Highways 62 and 385	*3,281
			Just downstream of Bridges Street	*3,296
		Playa No. 4	East of intersection of Main and Sage Streets	*3,297
		Playa No. 3	Approximately 700 feet northeast of intersection of Tahoka Road and Cedar Street.	*3,300
		Playa No. 2	Approximately 700 feet northwest of intersection of Tahoka Road and Cedar Street.	*3,301
	Maps available for inspection at the City Hall, 218 West Main Street, Brownfield, Texas 79316.			
Texas	Unincorporated areas of Coryell County (FEMA-6978)	Leon River	Just downstream of State Highway 36	*722
			Just upstream of State Highway 36	*723

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Straw's Mill Road	*727
			Just upstream of Straw's Mill Road	*728
			Just downstream of U.S. Highway 84	*759
			Just upstream of U.S. Highway 84	*760
		Stream CG–1	Just downstream of the County Dirt Road	*744
			Just upstream of the County Dirt Road	*748
			Just downstream of FM 107	*779
			Just upstream of FM 107	*804
		Stream CG–2	At the corporate limits (Fort Gates)	*746
			Downstream of Highway 36	*804
			Upstream of Highway 36	*810
		Stillhouse Branch	At the confluence with the Leon River	*761
			Just downstream of Highway 36	*766
			Just upstream of Highway 36	*772
			At the confluence of Stream CG–4	*786
		Stream CG–4	Just downstream of Coryell City Road (FM 929)	*809
			Just upstream of Coryell City Road (FM 929)	*811
		Clear Creek	Just downstream of Echo Springs Road	*953
			Just upstream of Echo Springs Road	*956
			Just downstream of (Brinegar Road) Farm Market 3046.	*1,005
			Just upstream of (Brinegar Road) Farm Market 3046	*1,010
		Stream CG–2	Just downstream of the Abandoned Road	*1,007
			Just upstream of the Abandoned Road	*1,008
		House Creek	Just downstream of FM 116	*958
			Just upstream of FM 116	*980
			Just downstream of the Atchison Topeka and Santa Fe Railway.	*1,031
			Just upstream of the Atchison Topeka and Santa Fe Railway crossing.	*1,042
		Stream CG–1	At a point 1550 feet above mouth	*966
		Turkey Run	Just downstream of Copperas Cove Road	*972
			Just upstream of Copperas Cove Road	*977
			Just downstream of the Atchison Topeka and Santa Fe Railway.	*1,029
			Just upstream of the Atchison Topeka and Santa Fe Railway.	*1,049
		Clark Creek	Just downstream of Cache Creek Drive	*967
			Just upstream of Cache Creek Drive	*968
			Just downstream of FM 3046	*978
			Just upstream of FM 3046	*981
	Maps available for inspection at Coryell County Courthouse, Judge's Office, Gatesville, Texas 76528.			
Texas	City of Gatesville, Coryell County (FEMA–5973)	Leon River	Just downstream of Leon Street	*758
			Just upstream of U.S. Highway 84	*760
		Stream CG–2	Just downstream of State Highway 36	*810
		Stillhouse Branch	Just downstream of State Highway 36	*767
			Just upstream of State Highway 36	*772
		Stream CG–4	Just downstream of (FM 926) Coryell City Road	*810
	Maps available for inspection at City Hall, 110 North Eighth Street, Gatesville, Texas 76528.			
Texas	City of Rogers, Bell County (FEMA–5973)	South Elm Creek Tributary 1	Just upstream of northern corporate limits	*510
	Maps available for inspection at City Hall, Mesquite and Market Streets, Rogers, Texas 76569.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: April 20, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–14038 Filed 5–11–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

California et al.; National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of

1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided.

No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	King City (City), Monterey County FEMA-5978	San Lorenzo Creek	50 feet upstream of the intersection of Southern Pacific Railroad and San Lorenzo Creek.	*322
		Salinas River	30 feet downstream of the intersection of U.S. Highway 101 (Southbound Lane) and Salinas River.	*291
	Maps available for inspection at City Hall, 212 S. Vander Hurst, King City, California.			
Illinois	(V) Burr Ridge, Du Page County (Docket No. FEMA-5748)	63rd Street Ditch	Eastern corporate limits	*641
			Just upstream of pond outlet	*647
			Just upstream of pond inlet	*653
			Just downstream of County Line Road	*663
			Just upstream of County Line Road	*670
			Downstream side of Elm Avenue	*672
			About 150 feet downstream of Garfield Avenue	*681
			About 150 feet upstream of Garfield Avenue	*685
			About 150 feet upstream of Grant Street	*691
			About 700 feet upstream of Grant Street	*694
			About 200 feet downstream of Madison Street	*702
			Just downstream of Madison Street	*708
		79th Street Ditch	At downstream corporate limits	*673
			Just downstream of private drive	*680
			Just upstream of private drive	*686
			Just upstream of County Line Road	*690
			Just upstream of Hamilton Avenue	*694
			About 1,000 feet upstream of Hamilton Avenue	*695
		Plainfield Road Ditch	Eastern corporate limits	*638
			About 1,100 feet downstream of Hillcrest Circle	*644
			Just downstream of Hillcrest Circle	*652
			Just downstream of Shady Lane Road	*657
			About 75 feet upstream of Shady Lane Road	*661
			Just downstream of County Line Road	*675
			Just upstream of County Line Road	*680
			About 300 feet upstream of County Line Road	*686
			Just downstream of International Harvester entrance road.	*688
			Just upstream of International Harvester entrance road	*703
			About 3,950 feet upstream of International Harvester entrance road.	*708
		Flagg Creek	At southern corporate limits	*621
			Just upstream of Wolf Road	*623
			Just upstream of U.S. Route 66	*635
			Just downstream of Interstate 294	*636
		Tributary A	Just upstream of Wolf Road	*633
			Just upstream of Forest Hill Road	*648
			At the upstream corporate limits	*663
		Tributary B	Just upstream of Wolf Road	*629
			About 100 feet upstream of 77th Street (downstream crossing).	*630
			About 300 feet upstream of 77th Street (downstream crossing).	*636
			Just downstream of 77th Street (upstream crossing)	*645
			Just downstream of Forest Hill Road	*647
			About 1,570 feet upstream of Forest Hill Road	*656
		Tributary C	Southern corporate limits	*672
			Just downstream of County Line Road	*677
	Maps available for inspection at the Village Hall, 220 West 75th Street, Burr Ridge, Illinois.			
Illinois	(C) Park City, Lake County (Docket No. FEMA-5976)	South Fork Gurnee Tributary	At downstream corporate limit	*691
			Just downstream of Cornell Avenue	*697
			About 800 feet upstream of Cornell Avenue	*709
		Shallow Flooding (ponding from rainfall).	About 400 feet south of intersection of Eighth Street and Sharon Avenue.	*695
			About 1,000 feet east of intersection of Mary Avenue and Teske Boulevard.	*696
			About 700 feet northeast of intersection of Howard Avenue and Teske Boulevard.	*697
	Maps available for inspection at the Clerk's Office, Park City Municipal Building, 3420 Kehm Boulevard, Waukegan, Illinois.			
Illinois	(V) Rockton, Winnebago County (Docket No. FEMA-5969)	Rock River	Just upstream State Route 2	*725
			About 1,800 feet upstream Rockton Dam	*739
	Maps available for inspection at the Village Hall, 215 West Main Street, Rockton, Illinois.			
Indiana	(T) Bremen, Marshall County (Docket No. FEMA-5973)	Yellow River	East 4th Road	*806
			About 300 feet downstream East 1st Road	*804
			about 1,000 feet upstream A Road	*807
		Arney Ditch	Confluence with Yellow River	*803

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream North Center Street	*807
			About 0.7 mile upstream North Dogwood Road	812
		Albert Zeiger Ditch	Confluence with Amey Ditch	*808
			About 300 feet upstream U.S. Route 6 (easternmost crossing).	*812
			About 1,400 feet upstream North Dogwood Road	*824
	Maps available for inspection at the President's Office, Town Hall, 123 South Center Street, Bremen, Indiana.			
Indiana	(T) Cambridge City, Wayne County (Docket No. FEMA-5978).	West Fork Whitewater River	About 450 feet downstream of Conrail (main tracks)	*928
			Just upstream of Conrail (spur track)	*932
			Just upstream of Delaware Street	*935
		Cretz Creek	Just upstream of Front Street	*935
			About 300 feet upstream of Conrail	*951
	Maps available for inspection at the Town Hall, 127 North Foote Street, Cambridge City, Indiana.			
Indiana	(T) Hagerstown, Wayne County (Docket No. FEMA-5978)	West Fork Whitewater River	At downstream extraterritorial jurisdiction	*966
			Just upstream of South Street	*978
			Just upstream of Conrail	*988
			Just upstream of Jones Road	*991
			About 160 feet downstream of Hoover Road	*1,014
		Nettle Creek	At mouth	*978
			About 250 feet upstream of Washington Street	*987
			Just upstream of Five Point Road	*998
			About 120 feet downstream of Leavell Road	*1,013
			Just downstream of North Road	*1,032
	Maps available for inspection at the Town Hall, 49 East College Avenue, Hagerstown, Indiana.			
Indiana	Merrillville, Town, Lake County (Docket No. FI-5047)	Deep River	Downstream Corporate Limits	*647
			Upstream side of Randolph Street	*654
			Upstream side of Grand Boulevard	*661
			Upstream side of Cheesie System	*664
			Upstream side of Clay Street	*668
			Upstream side of Colorado Street	*672
			101st Avenue	*675
		Turkey Creek	Interstate Route 65	*613
			Upstream side 61st Avenue	*614
			Upstream side of State Route 53	*616
			Upstream side of Grand Trunk Western Railroad	*620
			Upstream Corporate Limits	*625
		Meadowdale Lateral	Confluence with Turkey Creek	*620
			Upstream side of Grand Trunk Western Railroad	*625
			61st Avenue	*625
		Chapel Manor Lateral	Confluence with Turkey Creek	*618
			Upstream side of 66th Place	*625
			Upstream side of Cheesie System	*633
			Upstream side of State Route 53	*640
			Upstream side of Highland Road	*649
			Downstream side of Delaware Place	*654
			Upstream side of 80th Place	*654
			750' upstream of 80th Place	*666
		Kaiser Ditch	Confluence with Turkey Creek	*621
			Upstream side of 73rd Avenue	*626
			1,450' upstream of 73rd Avenue	*630
	Maps available for inspection at the Planning and Building Department, Town Hall, 13 West 73rd Street, Merrillville, Indiana.			
Indiana	(T) Milton, Wayne County (Docket No. FEMA-5978)	West Fork Whitewater River	At downstream corporate limits	*906
			Just downstream of Main Street	*908
			Just upstream of Main Street	*912
			At the northeast corporate limits	*912
	Maps available for inspection at the Town Hall, West Walnut Street, Milton, Indiana.			
Kansas	(C) Ogden, Riley County (Docket No. FEMA-5978	Kansas River	Flooding within corporate limits	*1,045
		Dry Branch	Just downstream of Walnut Street	*1,049
			About 350 feet upstream of Fourteenth Street	*1,056
		Sevenmile Creek and Dry Branch Overflow.	Just downstream of Walnut Street	*1,045
			Just upstream of Union Pacific Railroad	*1,052
	Maps available for inspection at the City Hall, 224 Riley Avenue, Ogden, Kansas.			
Kentucky	City of Cynthiana, Harrison County (FEMA-5973)	South Fork Licking River	Just upstream of Pearl Street extended	*712
			Just upstream of Pleasant Road	*713
		Flat Run	Just upstream of U.S. Highway 62	*730
			Just upstream of Meadow Lane	*742
	Maps available for inspection at City Hall, East Pleasant Street, Cynthiana, Kentucky 41031.			
Maine	Gorham, Town, Cumberland County (Docket No. FEMA-5947).	Presumpscot River	Downstream Corporate Limits	*77
			Downstream of South Windham Dam	*82
			Upstream of Mallison Street	*95
			Downstream of Little Falls Dam	*97
			Upstream of State Route 4	*115
			Downstream of Newhall Dam	*119
			Upstream of Newhall Bridge	*140
			Downstream of Dundee Dam	*144
			Upstream of Dundee Dam	*190
			Downstream of Great Falls Bridge	*193

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Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of North Gorham Dam	*225
			Upstream Corporate Limits	*226
Maps available for inspection at the Gorham Town Office, 270 Main Street, Gorham, Maine.				
Maryland	Chesapeake City, Town, Cecil County (Docket No. FEMA-5973).	Chesapeake and Delaware Canal	Upstream Corporate Limits	*12
			U.S. Route 213	*12
			Downstream Corporate Limits	*12
Maps available for inspection at the Town Hall, Chesapeake City, Maryland.				
Maryland	Dorchester County (Docket No. FEMA-5917)	Higgins Creek	Higgins Millpond Dam	*6
			Linkwood Road	*9
			U.S. Route 50	*12
		Chesapeake Bay	Hunting Creek Shoreline	*6
			Shoreline of Choptank River	*6
			Mouth of Choptank River South to middle of Taylors Island.	*6
			Slaughter Creek and Blackwater River	*6
			Maples Dam Road east to Guinea Marsh and Crab Neck south to Fishing Bay.	*6
			Shoreline of Nanticoke River	*6
			State Route 335 at Key Wallace Road	*6
			East side of Bloodsworth Island	*6
			Shoreline of Honga River	*6
			Shoreline of Cabin Creek from mouth to State Route 16.	*6
			Little Choptank River	*6
			Riggins Corner	*6
			Cokeland	*6
			Toddville	*6
			Bishops Head	*6
			Chesapeake Bay from middle of Taylors Island south to west side of Bloodsworth Island.	*6
			Crapo Road from Wingate to Church Creek Golden Hill Road south to Honga River.	*6
Maps available for inspection at the Dorchester County Courthouse, 510 Court Lane and at the City Library, Cambridge, Maryland				
Maryland	North East, Town, Cecil County (Docket No. FEMA-5973)	Chesapeake Bay (Tidal flooding affecting Northeast Creek).	Downstream Corporate Limits	*12
			Approximately 200' downstream of State Route 272 southbound (Main Street).	*12
		Northeast Creek	Downstream of State Route 272 northbound (Mauldin Avenue).	*16
			Approximately 625' upstream of State Route 272 northbound (Mauldin Avenue).	*16
			Just upstream of Conrail tracks	*26
Maps available for inspection at the Town Hall, North East, Maryland.				
Massachusetts	Southborough, Town, Worcester County (Docket No. FEMA-5973.	Sudbury River	Downstream Corporate Limits	*226
			Approximately 500' downstream of Cordaville Road	*236
			Approximately 160' downstream of Cordaville Dam	*249
			Upstream of Cordaville Dam	*256
			Upstream Corporate Limits	*265
		Tributary to Sudbury River	Confluence with Sudbury River	*236
			Just upstream of Conrail	*241
			Just upstream of Cordaville Road	*253
		Stony Brook	Downstream Corporate Limits	*187
			Just downstream of Fayville Dam	*194
		Sudbury Reservoir	Just upstream of Fayville Dam	*256
			Just downstream of Deerfoot Road	*262
		Tributary to Sudbury Reservoir	Confluence with Sudbury Reservoir	*262
			Approximately 400' downstream of Mearly School Footbridge.	*272
			Approximately 320' upstream of Mearly School Footbridge.	*281
			Approximately 80' upstream of Deerfoot Road	*289
			Approximately 350' upstream of Deerfoot Road	*300
			Approximately 800' upstream of Deerfoot Road	*312
Maps available for inspection at the Office of the First Selectman, Town Hall, 17 Commons Street, Southborough, Massachusetts.				
Missouri	(C) Pierce City, Lawrence County (Docket No. FEMA-5955).	Clear Creek	At western corporate limit	*1,189
			Just upstream of South Walnut Street	*1,201
			At eastern corporate limit	*1,205
		Larkins Branch	Just upstream of St. Louis-San Francisco Railroad	*1,206
			About 800 feet upstream of Commercial Street	*1,213
Maps available for inspection at the City Hall, Pierce City, Missouri.				
Missouri	(C) Qulin, Butler County (Docket No. FEMA-5966)	Menorkenut Slough	About 150 feet downstream State Highway 53	*313
			About 1,150 feet upstream State Highway 53	*313
		Ditch No. 31	About 1,130 feet downstream County Road 659	*314
			Just downstream County Road 663	*314
Maps available for inspection at the City Hall, P.O. Box 65, Qulin, Missouri.				
New Jersey	Gibbsboro, Borough, Camden County (Docket No. FEMA-5973.	Cooper River	Confluence with Millard Creek	*66
			Downstream of Norcross Road and Dam No. 6	69
			Upstream Corporate Limits	*70
		Nicholson Branch	Confluence with Millard Creek	*66

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of Kirkwood Road	*67
			Approximately 900' upstream of Kirkwood Road	*72
Maps available for inspection at the Borough Hall, Kirkwood Road, Gibbsboro, New Jersey.				
New Jersey	Haworth (Borough) Bergen County (FEMA–6823)	Steinels Ditch	Intersection of Steinels Ditch and center of Content Avenue.	*29
			40 feet upstream from center of Haworth Avenue	*42
			40 feet upstream from center of Sunset Avenue	*54
		Kops Brook	40 feet upstream from center of Lake Shore Drive	*29
			50 feet upstream from center of Conrail	*48
			150 feet northeast of intersection at Seneca Trace and Owatonna Street.	*73
		Charles Creek	Intersection of Charles Creek and the downstream corporate limit.	*78
			Intersection of Charles Creek and center of Delaware Avenue.	*87
		Oradell Reservoir	200 feet northwest of intersection of Lake Shore Drive and Sunset Avenue.	*25
Maps available for inspection at Municipal Center, 300 Haworth Avenue, Haworth, New Jersey.				
New Jersey	River Vale (Township), Bergen County (FEMA–6823)	Oradell Reservoir	200 feet east of the intersection of Marshall Road and Cambridge Road.	*25
		Hackensack River	100 feet upstream from center of Westwood Avenue	*30
			50 feet upstream from center of Old Tappan Road	*40
			Intersection of Hackensack River (Lake Tappan Reservoir) and center of Poplar Road.	*56
		Peacock Brook	100 feet upstream from center of Brookside Avenue	*32
			100 feet downstream from center of Demarest Avenue	*42
		Holdrum Brook	50 feet upstream from center of Piermont Avenue	*43
			150 feet upstream from center of Prospect Avenue	*76
			75 feet upstream from center of Rolling Hills Drive	*139
		Cherry Brook	25 feet upstream from center of Poplar Road	*48
			Intersection of Cherry Brook and center of Orangeburgh Road.	*107
			50 feet downstream from center of Blue Hill Road	*198
		River Vale Brook	100 feet upstream from center of River Vale Road	*47
			50 feet upstream from center of Ridge Road	*87
Maps available for inspection at Town Hall, 629 River Vale Road, River Vale, New Jersey.				
New York	Afton, Village Chenango County (Docket No. FEMA–6978)	Kelsey Brook	Confluence with Susquehanna River	*970
			560' upstream of Main Street (S. R. 7)	*978
			1,675' upstream of Main Street (S. R. 7)	*975
			2,465' upstream of Main Street (S. R. 7)	*980
			3,135' upstream of Main Street (S. R. 7)	*985
			3,500' upstream of Main Street (S. R. 7)	*987
		Susquehanna River	1,200' downstream of Evelyn Avenue	*968
			Maple Street (S. R. 41)	*969
			1,800' upstream of Maple Street (S. R. 41)	*970
			4,000' upstream of Maple Street (S. R. 41)	*971
Maps available for inspection at Village Office, Main Street, Afton, New York.				
New York	Afton, Town Chenango County (Docket No. FEMA–6978)	Kelsey Brook	Village of Afton Corporate Limits	*987
			100' upstream of Algerine Street	*992
			900' upstream of Algerine Street	*998
			1,370' upstream of Algerine Street	*1,000
			1,980' upstream of Algerine Street	*1,004
			2,600' upstream of Algerine Street	*1,008
		Susquehanna River	Downstream Corporate Limits	*963
			2,800' upstream of Ives Hill Road (extended)	*968
			200' upstream of confluence with Landers Creek	*973
			Upstream Corporate Limits	*976
Maps available for inspection at the Afton Town Hall, Main Street, Afton, New York.				
New York	Grand View-On-Hudson, Rockland County (Docket No. FEMA–6973).	Village Hudson River	Entire Shoreline	*8
Maps available for inspection at Village Hall, 118 River Road, Grand View-On-Hudson, New York.				
New York	Mexico, Village, Oswego County (Docket No. FEMA–6973)	Little Salmon River	Downstream Corporate Limits	*347
			Confluence with Black Creek	*349
			Downstream of Dam	*357
			Upstream of Dam	*365
			Downstream of Dam at U.S. Route 104	*374
			Upstream of U.S. Route 104	*389
			Upstream Corporate Limits	*389
		Little Salmon River Tributary 1	Confluence with Little Salmon River	*349
			Downstream of U.S. Route 104	*358
			Downstream of Footbridge	*363
			Upstream Corporate Limits	*370
		Black Creek	Confluence with Little Salmon River	*349
			Downstream of Cemetery Road	*350
			Upstream of Academy Street	*354
			Upstream of High School Road	*365
			Upstream of U.S. Route 104	*374
			Upstream of Spring Street	*376
			Upstream Corporate Limits	*377
Maps available for inspection at the Village Offices, 526 Main Street, Village of Mexico, New York.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Mexico, Town, Oswego County (Docket No. FEMA-5973)	Black Creek	40' upstream of Munger Hill Road	*377
			2,200' upstream of Munger Hill Road	*377
			2,600' upstream of Munger Hill Road	*380
			3,525' upstream of Munger Hill Road	*390
			1,530' downstream of confluence with Black Creek Tributary 1.	*397
			Confluence with Black Creek Tributary 1	*400
			40' upstream of Pumphouse Road	*401
			3,760' upstream of Pumphouse Road	*402
			200' downstream of State Route 3 (Downstream crossing).	*403
			60' upstream of State Route 3 (Downstream crossing)	*406
			2,600' upstream of State Route 3 (Downstream crossing).	*411
			50' downstream of State Route 3 (Upstream crossing)	*418
			100' upstream of State Route 3 (Upstream crossing)	*427
			1,370' upstream of State Route 3 (Upstream crossing)	*428
			40' downstream of Gillette Road	*429
			50' upstream of Gillette Road	*436
			50' downstream of Pople Ridge Road	*436
			50' upstream of Pople Ridge Road	*443
			3,330' upstream of Pople Ridge Road	*443
			3,420' upstream of Pople Ridge Road	*453
		Black Creek Tributary 1	Confluence with Black Creek	*400
			30' downstream of Larson Road	*401
			30' upstream of Larson Road	*404
			30' upstream of Pumphouse Road (Downstream crossing).	*406
			30' downstream of Pumphouse Road (Upstream crossing).	*406
			30' upstream of Pumphouse Road (Upstream crossing).	*412
			1,490' upstream of Pumphouse Road (Upstream crossing).	*417
			2,580' upstream of Pumphouse Road (Upstream crossing).	*423
		Little Salmon River	Confluence with Lake Ontario	*249
			800' upstream of confluence with Lake Ontario	*251
			30' downstream of State Route 104B	*252
			1,100' upstream of State Route 104B	*253
			30' upstream of State Route 16	*254
			1,200' upstream of State Route 16	*260
			3,500' upstream of State Route 16	*270
			4,600' upstream of State Route 16	*280
			5,680' upstream of State Route 16	*290
			6,350' upstream of State Route 16	*300
			700' downstream of George Road	*310
			100' upstream of George Road	*319
			1,750' upstream of George Road	*325
			4,170' upstream of George Road	*335
			6,520' upstream of George Road	*345
			8,150' upstream of George Road	*347
		Little Salmon River Tributary 1	4,000' downstream of the Dam	*369
			2,440' downstream of the Dam	*370
			1,125' downstream of the Dam	*375
			600' downstream of the Dam	*380
			130' downstream of the Dam	*385
			30' upstream of the Dam	*392
			570' upstream of the Dam	*392
			850' upstream of the Dam	*395
			1,410' upstream of the Dam	*400
			30' downstream of Hurlbut Road	*409
			30' upstream of Hurlbut Road	*412
			460' upstream of Hurlbut Road	*412
Maps available for inspection at the Town Offices, South Jefferson Street, Mexico, New York 13114.				
New York	Sandy Creek, Town, Oswego County (Docket No. FEMA-5973).	South Pond Tributary	Wallels Drive	*249
			450' downstream of Tryon Road	*251
			50' downstream of Tryon Road	*254
			30' upstream of Tryon Road	258
Maps available for inspection at the Town Clerk's residence, 9126 East First Street, Sandy Creek, New York.				
Ohio	(V) Brookville, Montgomery County (Docket No. FEMA-5978).	Wolf Creek	At southern corporate limit	*966
			Just downstream Conrail	*1019
Maps available for inspection at the Village Clerk's Office, P.O. Box 8, 130 Main Street, Brookville, Ohio.				
Ohio	(V) Moraine, Montgomery County (Docket No. FEMA-5978).	Great Miami River	About 1400 feet downstream of Sellers Road	*722
			About 1.6 miles downstream of Broadway	*727
			Just upstream of dam	*734
		Holes Creek	Mouth at Great Miami River	*722
			Just downstream of Springboro Pike	*727
			About 800 feet upstream of Springboro Pike	*729
Maps available for inspection at the City Clerk's Office, City Hall, 4200 Dryden Road, Moraine, Ohio.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(C) West Carrollton, Montgomery County (Docket No. FEMA-5978).	Owl Creek	At confluence with Great Miami River	*709
			About 100 feet downstream Conrail	*712
			Just upstream Conrail	*718
			Just upstream Alexandersville Road	*722
		Holes Creek	Just downstream of Conrail	*722
			Just upstream Conrail	*725
			About 100 feet downstream Springboro Pike Road	*726
		Great Miami River	About 1500 feet downstream of West Carrollton-Farmersville Road.	*709
			At the confluence of Holes Creek	*722
		Shallow Flooding (Overflow from Holes Creek and Owl Creek).	Area bounded by Conrail, Interstate 75, Redbuff Drive, Alexandersville Bellbrook Pike, and Varnell Drive.	*723
Maps available for inspection at the City Clerk's Office, 41 East Central Avenue, West Carrollton, Ohio.				
Pennsylvania	Chanceford, Township, York County (Docket No. FEMA-5973).	Susquehanna River	Downstream Corporate Limits	*190
			Safe Harbor Dam (Upstream)	*227
			Upstream Corporate Limits	*230
		North Branch Muddy Creek	Confluence of Tributary 1	*412
			L. R. 66012 (downstream)	*422
			Maryland and Pennsylvania Railroad bridge, approximately 380' upstream of L. R. 66012 (Upstream).	*430
			Maryland and Pennsylvania Railroad bridge, approximately 1,850' upstream of L. R. 66012 (Upstream).	*439
			Maryland and Pennsylvania Railroad bridge, approximately 3,900' upstream of L. R. 66012 (Downstream).	*446
			T.R. 573 (Upstream)	*470
			Confluence of Carter Creek	*475
			L. R. 66057 (Upstream)	*482
			Private Drive approximately 3,300' upstream of L. R. 66057 (Upstream).	*491
			Approximately 4,250' downstream of Corporate Limits	*501
			Approximately 2,250' downstream of Corporate Limits	*512
			Upstream Corporate Limits	*530
		Otter Creek	Kline Road (Upstream)	*309
			Legislative Route 66059 (Downstream)	*327
			Mill Road, approximately 2,200' upstream from L. R. 66059.	*344
			L. R. 66013 (Upstream)	*351
			Approximately 1,350' upstream of L. R. 66013	*360
		Pine Run	Downstream Corporate Limits	*552
			Private Drive (Upstream)	*558
			Maryland and Pennsylvania Railroad (Upstream)	*572
			L. R. 66055 (Upstream)	*587
		Carter Creek	Confluence with North Branch Muddy Creek	*475
			L. R. 66057 (Upstream)	*483
			T. R. 659 (Upstream) approximately 1,850' upstream of L. R. 66057.	*507
			T.R. 664 approximately 4,150' upstream of L. R. 66057 (Upstream).	*535
			T. R. 664 approximately 5,950' upstream of L. R. 66057 (Upstream).	*562
			T. R. 664 approximately 7,880' upstream of L. R. 66057 (Upstream).	*584
			T. R. 664 approximately 9,100' upstream of L. R. 66057 (Upstream).	*602
			Private Drive (Upstream)	*609
			L. R. 66116 (Upstream)	*616
			Approximately 90' upstream L. R. 66116	*620
		Tributary 1	Confluence with North Branch Muddy Creek	*412
			Private Drive approximately 480' upstream of confluence with North Branch Muddy Creek (Upstream).	*417
			Private Drive approximately 1,400' upstream of confluence with North Branch Muddy Creek.	*435
			L. R. 66058 (Downstream)	*452
			L. R. 66058 (Upstream)	*461
			Duff Road approximately 1,300' upstream of L. R. 66053 (Upstream).	*478
			Duff Road approximately 3,200' upstream of L. R. 66058 (Upstream).	*512
			Private Road approximately 4,700' upstream of L. R. 66058 (Upstream).	*542
			Approximately 1,925' downstream of T. R. 669	*568
			T. R. 669 (Upstream)	*615
		Mill Branch	Confluence with Otter Creek	*399
			Pickle Road (Upstream)	*403
			Approximately 4,250 feet upstream of Pickle Road	*463
			Shaw School Road (Downstream)	*484
			Footbridge 60 feet upstream of Shaw School Road (Upstream).	*487
			Approximately 3,610 feet upstream of Shaw School Road.	*527
			Pamaning Road (Upstream)	*567
			Dettingers Road (Upstream)	*592
Maps available for inspection at the Township Building, Chanceford, Pennsylvania.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Hughesville, Borough, Lycoming County (Docket No. FEMA-6873).	Muncy Creek	Downstream Corporate Limits	*662
			Upstream Corporate Limits	*663
Maps available for inspection at the Borough Building, 59 West Water Street, Hughesville, Pennsylvania.				
Pennsylvania	North Codorus, Township, York County (Docket No. FEMA-6873).	Codorus Creek	Hershey Road (Upstream)	*444
			State Route 116 approximately 5,000 feet upstream of Hershey Road (Upstream).	*452
			Chessie System approximately 7,300 feet upstream of Hershey Road (Upstream).	*461
			L. R. 66046 (Upstream)	*465
			State Route 116 approximately 6,400 feet upstream of L. R. 66046 (Upstream).	*480
			T. R. 374 (Upstream)	*482
			Chessie System approximately 100 feet upstream of L. R. 66007 (Upstream).	*501
			T. R. 377 (Upstream)	*509
		South Branch Codorus Creek	Downstream Corporate Limits	*365
			Commonwealth of Pennsylvania Railroad (Upstream)	*368
			Approximately 1,900 feet upstream of Commonwealth of Pennsylvania Railroad.	*390
		Tributary No. 1	Confluence with Codorus Creek	*439
			State Route 116 (Upstream)	*465
			Dam (Downstream)	*496
			Dam (Upstream)	*529
			Private Road (Downstream)	*532
			Private Road (Upstream)	*546
			Approximately 1,200 feet upstream of Private Road	*559
			Approximately 1,700 feet upstream of Private Road	*568
			Approximately 2,500 feet upstream of Private Road	*578
			Approximately 3,100 feet upstream of Private Road	*588
			L. R. 66007 (Upstream)	*595
		Tributary No. 2	Confluence with South Branch Codorus Creek	*467
			Junction Road (Upstream)	*476
			Approximately 2,550 feet upstream of Junction Road	*486
			T. R. 444 (Upstream)	*495
			Spanglers Road (Downstream)	*511
			Spanglers Road (Upstream)	*514
			Strickhousers Road (Upstream)	*523
			Brush Valley Road (Upstream)	*534
			Approximately 1,700 feet upstream of Brush Valley Road.	*544
			Approximately 3,000 feet upstream of Brush Valley Road.	*554
			Approximately 4,600 feet upstream of Brush Valley Road.	*564
			T. R. 412 (Upstream)	*575
			Buffalo Valley Road (Upstream)	*585
Maps available for inspection at the Township Building, Stoverstown Road, North Codorus, Pennsylvania.				
Pennsylvania	Penn, Township, Westmoreland County (Docket No. FEMA-6865).	Tributary 1 to Bushy Run	Downstream Corporate Limits	*958
			Upstream of Oak Lane	*984
			Upstream of State Route 130	*1,006
			Upstream of Ridge Avenue	*1,016
			Downstream of Martha Avenue	*1,031
		Tributary 2 to Bushy Run	Confluence with Bushy Run	*962
			Upstream of Walnut Street	*986
			Approximately 1,000 feet upstream of Walnut Street	*996
			Approximately 2,000 feet upstream of Walnut Street	*1,007
			Approximately 1,600 feet downstream of L.R. 64091	*1,019
			Approximately 800 feet downstream of L.R. 64091	*1,027
			Approximately 300 feet upstream of L.R. 64091	*1,040
		Tributary 3 to Bushy Run	Confluence with Bushy Run	*1,039
			Upstream of L.R. 64085	*1,046
			Approximately 900 feet upstream of L.R. 64085	*1,060
		Brush Creek	Downstream Corporate Limits	*1,027
			Approximately 2,000 feet upstream of downstream corporate limits.	*1,046
			Upstream of downstream Oakford Park Road	*1,070
			Approximately 2,000 feet upstream of downstream Oakford Park Road.	*1,086
			Downstream of upstream Oakford Park Road	*1,099
		Bushy Run	Upstream of Wood Deck Road/downstream corporate limits.	*936
			Approximately 2,000 feet upstream of corporate limits	*943
			Confluence with Tributary 1	*959
			Upstream of downstream Conrail bridge	*971
			Downstream of State Route 130	*980
			Approximately 1,800 feet downstream of Watt Road	*998
			Koter Drive (extended)	*995
			Upstream of Gumbatch Road	*1,008
			Approximately 800 feet downstream of Riverside Drive	*1,012
			1,000 feet upstream Riverside Drive	*1,023
			1,000 feet downstream Tributary 3	*1,034
			Upstream crossing of Dutch Hollow Road	*1,044

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 900 feet upstream of upstream Dutch Hollow Road.	*1,045
Maps available for inspection at the Penn Township Building, Jeannette, Pennsylvania.				
Pennsylvania	Penn, Township, York County (Docket No. FEMA-5973)	Oil Creek	Downstream Corporate Limits	*536
			Upstream side of Dam	*543
			Approximately 60 feet downstream of Wilson Avenue	*550
			Upstream side of Wilson Avenue	*556
			Upstream side of Ridge Avenue	*563
			Upstream side of Chessie System	*568
			Approximately 440 feet downstream of York Road	*578
			Upstream side of York Road	*584
			Upstream side of Park Street	*586
			Approximately 50 feet upstream of Breezewood Drive	*592
		Plum Creek	Downstream Corporate Limits	*556
			Upstream side of Frederick Street	*562
			Approximately 650 feet downstream of confluence of Tributary 1.	*572
			Approximately 175 feet upstream of confluence of Tributary 1.	*576
		Gitts Run	Confluence with Oil Creek	*537
			Upstream side of Karen Lane	*545
			Downstream side of Maryland and Pennsylvania Railroad Bridge.	*547
			Upstream side of Maryland and Pennsylvania Railroad Bridge.	*557
			Upstream side of Township Route 336	*560
			Upstream side of Fame Avenue	*568
			Approximately 340 feet downstream of Moulstown Road.	*575
			Upstream side of Moulstown Road	*579
		Tributary 1	Confluence with Plum Creek	*575
			Upstream side of Westminster Avenue	*582
			Upstream side of Sherman Street	*588
			Upstream side of Earl Street	*592
			Upstream side of Baugher Drive	*597
			Upstream side of Park Heights Boulevard	*609
			Approximately 480 feet upstream of Park Heights Boulevard.	*618
			Approximately 970 feet upstream of Park Heights Boulevard.	*629
			Approximately 310 feet downstream of Beck Mill Road	*639
			Downstream Beck Mill Road	*646
			Upstream side Beck Mill Road	*651
		Slagle Run	Downstream Corporate Limits	*537
			Upstream side of Carlisle Street	*543
			Approximately 2,000 feet upstream of Carlisle Street	*549
			Third downstream Corporate Limits	*565
			Upstream side Flickinger Road	*573
Maps available for inspection at the Penn Township Municipal Building, 1016 York Street, Hanover, Pennsylvania.				
Pennsylvania	Willistown, Township, Chester County (Docket No. FEMA-5841).	Crum Creek	Downstream Corporate Limits	*235
			Downstream of Bartram Covered Bridge	*242
			Upstream of Goshen Road	*244
			Upstream of Private Road	*258
			Upstream of Old Covered Bridge Road (Extended)	*262
			Upstream of Private Road (Extended)	*286
			Downstream of confluence of West Tributary to Crum Creek.	*304
			Confluence of West Tributary to Crum Creek	*307
			Approximately 1,840' upstream of Confluence with West Tributary.	*325
			560' upstream of Whitehorse Road	*338
			Upstream Foxchase Road (Extended)	*356
			Downstream of Whitehorse Road	*367
			Upstream of Whitehorse Road	*371
			Upstream of Davis Road	*375
			Downstream of Jaffery Road	*378
			Downstream of Private Drive	*389
			Evergreen Lane (Extended)	*407
			Downstream of Footbridge	*416
			Upstream of Footbridge	*417
			Downstream of Warren Avenue	*433
			Downstream of Vernon Lane	*441
			Upstream of Eisenhower Drive	*443
			Upstream of Martin Drive	*446
			Upstream of Long Lane	*453
			Downstream of Paoli Pike	*461
		Tributary A	Confluence with Crum Creek	*437
			Upstream Corporate Limits	*448
		West Tributary to Crum Creek	Confluence with Crum Creek	*307
			Approximately 1,200' upstream of confluence	*320
			Approximately 1,600' upstream of confluence	*332
			Upstream of Hillview Road	*354
			Upstream of 1st Footbridge	*360
			Downstream of Warren Avenue	*383
			Downstream of Private Drive	*391

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of Spring Road	*412
			Upstream of Laurel Circle (1st crossing)	*419
			Upstream of Laurel Circle (2nd crossing)	*424
			Downstream of Andrews Avenue	*436
			Upstream of Harvey Lane	*442
			Downstream of Sugartown Road	*466
			Downstream of Paoli Pike	*480
		Northeast Branch Ridley Creek	Upstream of Line Road	*450
			Upstream of Dam	*454
			Upstream of Forest Lane	*472
			Upstream of Monument Road	*486
			Approximately 2,000' upstream of Monument Avenue	*523
		East Tributary to Crum Creek	Confluence with Crum Creek	*392
			Upstream of Dam	*405
			Upstream of Grubb Road	*409
			Downstream of Private Drive	*426
			Downstream of Devon Road	*454
			Upstream of Devon Road	*458
			Upstream Corporate Limits	*467
		Tributary B	Confluence with East Tributary to Crum Creek	*405
			Downstream of Grubb Road	*410
			Downstream of Colonial Lane	*424
			Upstream of Colonial Lane	*428
			Downstream of Devon Road	*451
			Upstream of Devon Road	*461
			Spruce Lane (Extended)	*478
			Lynnbrook Road (Extended)	*492
			Fairview Road (Extended)	*496
		Ridley Creek	Downstream Corporate Limits	*224
			Upstream of Delchester Road	*226
			Upstream Corporate Limits	*228
	Maps available for inspection at the Willistown Township Municipal Building, Malvern Pennsylvania.			
Texas	City of Brady, McCulloch County (FEMA-5966)	Brady Creek	Just downstream of Atchison Topeka & Santa Fe Railway.	*1662
			Just upstream of Main Street	*1663
			Just upstream of Bridge Street	*1667
			Just upstream of U.S. Highway 283	*1673
		Stream Brady 1	Just downstream of State Highway 2309	*1663
			Just upstream of State Highway 2309	*1667
		Post Oak Creek	Approximately 300 feet upstream of 11th Street	*1660
		Live Oak Creek	Approximately 600 feet upstream of White Street	*1676
	Maps available for inspection at City Hall, Brady, Texas 76825.			
Vermont	Cavendish, Town, Windsor County (Docket No. FEMA-5973).	North Branch Black River	Downstream Corporate Limits	*650
			Approximately 580' upstream of Corporate Limits (downstream boundary).	*660
			Approximately 1,070' upstream of Corporate Limits (downstream boundary).	*670
			Downstream of Private Drive	*679
			Upstream Corporate Limits	*686
		Twentymile Stream	Upstream of confluence with Black River	*760
			Just upstream of State Route 131	*770
			Approximately 625' upstream of State Route 131	*778
			Approximately 1,090' upstream of State Route 131	*790
			Approximately 1,630' upstream of State Route 131	*802
		Black River	Downstream of Howard Hill Road	*720
			Approximately 1,800' upstream of Howard Hill Road	*730
			Approximately 3,400' upstream of Howard Hill Road	*740
			Approximately 2,300' downstream of confluence of Twentymile Stream.	*750
			Just downstream of Carleton Road	*765
			Just upstream of Carleton Road	*773
			Approximately 3,000' upstream of Carleton Road	*777
			Approximately 1,220' downstream of CVPS Power Dam.	*790
			Approximately 1,050' downstream of CVPS Power Dam.	*800
			Approximately 885' downstream of CVPS Power Dam	*810
			Approximately 730' downstream of CVPS Power Dam	*820
			Approximately 560' downstream of CVPS Power Dam	*830
			Approximately 400' downstream of CVPS Power Dam	*840
			Approximately 230' downstream of CVPS Power Dam	*850
			Just downstream of CVPS Power Dam	*862
			Approximately 680' upstream of Williams Hill Road	*898
			Approximately 3,600' upstream of Williams Hill Road	*910
			Approximately 1,580' downstream of Green Mountain Railroad (downstream crossing).	*920
			Approximately 250' upstream of State Highway Number 1.	*930
			Upstream of Green Mountain Railroad (upstream crossing).	*942
			Upstream Corporate Limits	*954
	Maps available for inspection at Cavendish Town Clerk's Office, Cavendish Town Hall, Cavendish, Vermont.			
Wisconsin	(V) Cascade, Sheboygan County (Docket No. FEMA-5978)	North Branch Milwaukee River	Downstream corporate limit	*846

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 300 feet downstream Milwaukee Avenue	*806
			Just upstream Milwaukee Avenue	*862
			Just upstream State Highway 28	*867
			Just upstream Francis Street	*878
			Just downstream North Avenue culvert	*884
			Just upstream Cascade Dam	*888
			Upstream corporate limit	*890
Maps available for inspection at the Village Clerk's Office, Village Hall, 515 Clark Street, Cascade, Wisconsin.				
		Chippewa River	At southern county boundary	*725
			About 2.8 miles upstream County Highway "H"	*762
		Eau Galle River	Just upstream of the Eau Galle Dam	*778
			About 2.4 miles upstream from the Eau Galle Dam	*780
		Red Cedar River	At confluence with Chippewa River	*730
			About 200 feet upstream County Highway "D"	*775
			At the downstream City of Menomonie corporate limits	*787
			At the upstream City of Menomonie corporate limits	*816
			Just downstream Cedar Falls Dam	*830
			Just upstream Cedar Falls Dam	*879
			Just upstream Soo Line Railroad	*908
			About 6.0 miles of Colfax corporate limits at the downstream side of Town Road.	*941
			About 6.0 miles upstream Village of Colfax corporate limits at upstream side of Town Road.	*946
			Just upstream State Highway 64	*982
			At northern county boundary	*1004
		Wilson Creek	Just upstream of City of Menomonie corporate limits	*828
			Just upstream of County Highway "K"	*861
			About 1,700 feet upstream County Highway "O"	*911
		Hay River	At confluence with Red Cedar River	*860
			Just upstream Soo Line Railroad	*900
			Just upstream County Highway "FF"	*944
			Just upstream County Highway "F"	*984
			At northern county boundary	*1,011
		South Fork Hay River	At confluence with Hay River	*914
			About 600 feet downstream of confluence of Johns Creek.	*962
			Just downstream of Town Road (about 2.1 miles upstream of State Highway 64).	*984
		Tiffany Creek	At confluence with South Fork Hay River	*933
			About 4,000 feet upstream confluence with South Fork Hay River.	*939
		Eighteen Mile Creek	Just upstream County Highway "M"	*930
			Just downstream County Highway "A"	*968
		Elk Creek	Just upstream Elk Lake Dam	*914
			Just downstream County Highway "EE"	*962
Maps available for inspection at the Office of the Zoning Administrator, Dunn County Courthouse, 800 Wilson Avenue, Menomonie, Wisconsin.				
Wisconsin	(C) Port Washington, Ozaukee County (Docket No. FEMA-5078).	Sauk Creek	At mouth of stream	*584
			Approximately 100 feet upstream of South Wisconsin Street.	*591
			Just upstream of footbridge, located approximately 1,400 feet downstream of Pierre Lane.	*618
			Approximately 400 feet upstream of Pierre Lane	*636
			Approximately 0.55 mile upstream of Pierre Lane	*671
			Approximately 0.73 mile upstream of Pierre Lane	*675
		Sucker Brook	At mouth of stream	*586
			Approximately 275 feet upstream of Lake Street	*594
			Just downstream of Hales Trail	*644
			Just upstream of Hales Trail	*661
			Just downstream of Norport Drive	*672
			Just upstream of Norport Drive	*678
			At northern corporate limits	*690
		Sauk Creek Tributary	At mouth of stream	*589
			Just upstream of private road	*593
			Just upstream of Division Street	*610
			Approximately 50 feet upstream of West Oakland Avenue.	*616
			Just downstream of abandoned dam	*636
			Just upstream of abandoned dam	*643
			Just upstream of South Ravine Street	*650
			About 75 feet downstream of South Park Street	*657
			Approximately 100 feet upstream of South Park Street	*664
			Just downstream of Sunset Road	*666
		Lake Michigan	Shoreline	*584
Maps available for inspection at the City Engineer's Office/Building Inspector, City Hall, 100 West Grand Avenue, Port Washington, Wisconsin.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: April 28, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-14036 Filed 5-11-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5944]

Illinois; National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of final rule for the Village of Browning, Schuyler County, Illinois.

SUMMARY: The Federal Insurance Administration has erroneously published the final flood elevation determination for the Village of Browning, Schuyler County, Illinois. This notice will serve to delete that publication. Following an engineering analysis and review, a new notice of final flood elevation determination will be issued.

EFFECTIVE DATE: May 12, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administration has determined that the notice of final flood elevation determination for the Village of Browning, published at 45 FR 73705, on November 6, 1980, should be deleted. After a technical evaluation, a revised preliminary will be issued with a subsequent 21-day review period. A new final flood elevation determination will be instituted for the conversion of this community into the Regular Program of Flood Insurance.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 28, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-14094 Filed 5-11-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

Illinois et al.; National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(C), Quincy, Adams County (Docket No. FI-4997)	Cedar Creek	At downstream corporate limits	*487
			Just upstream U.S. Route 24	*508
			Just downstream Sunset Cemetery Road	*529
			At upstream corporate limits	*553
		Curtis Creek	At downstream corporate limits	*491
			About 150 feet upstream of 8th Street	*508
			About 275 feet upstream of 12th Street	*541
			Just downstream of Harrison Street	*581
			Just downstream of Ridgewood Drive	*605
			Just upstream of Ridgewood Drive	*615
			About 0.9 mile upstream State Route 96	*660
		Emery Creek	At confluence with Curtis Creek	*583
			Just upstream of Monroe Street	*588
			About 100 feet upstream of State Street	*599
			About 100 feet upstream of 30th Street	*618
			About 1,375 feet upstream of 33rd Street	*628
		Tributary 2	At southern corporate limit	*563
			Downstream side of Woodside Drive	*585
			Upstream side of Woodside Drive	*590
			Upstream side of Fox Run West	*616
			275 feet upstream of Fox Run West	*620
			At eastern corporate limits	*638
		Tributary 3	1,400 feet upstream of Burlington Northern Railroad	*606
			At corporate limit 2,120 feet upstream of 30th Street	*631
		Mississippi River	1.2 miles downstream of Memorial Bridge	*486
			Confluence with Cedar Creek	*487
			1.7 miles upstream of confluence with Cedar Creek	*488

Maps available for inspection at the City Clerk's Office and City Engineer's Office, City Hall, Quincy, Illinois.

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	Evansville, City, Vanderburgh County (Docket No. FI-3056)	Ohio River	Downstream Corporate Limit	*378
			Cherry Street Extended	*378
			Upstream Corporate Limit	*378
		Pigeon Creek	Franklin Street	*378
			Maryland Street	*378
			Fifth Avenue	*378
			North First Avenue	*379
			Diamond Avenue	*379
			Stringtown Road	*379
			U.S. Highway 41	*380
			Oak Hill Road	*381
			Upstream Corporate Limit	*382
	Maps available for inspection at the City-County Building, Evansville Commission Office, Room 302, Evansville, Indiana.			
Kansas	(C), Derby, Sedgwick County (Docket No. FEMA-5843)	Arkansas River	About 900 Feet downstream of Washington Street	*1,248
			About 500 feet upstream of Washington Street	*1,248
		Spring Creek	About 900 feet downstream of State Highway 15	*1,248
			Just upstream of State Highway 15	*1,251
			At the confluence of Trail Creek	*1,255
			Just upstream of Woodland Boulevard	*1,259
			About 0.45 mile upstream of confluence of Dry Creek	*1,260
		Trail Creek	About 400 feet downstream of English Street	*1,256
			About 200 feet downstream of Kay Street	*1,264
			Just upstream of Kay Street	*1,270
			Just upstream of Market Street	*1,276
			Just upstream of Madison Street	*1,285
		Dry Creek	Just upstream Madison Street	*1,288
			Just upstream James Street	*1,290
			About 2,100 feet upstream Meadowlark Road	*1,293
		Dry Creek Tributary	At confluence with Dry Creek	*1,272
			Just upstream Brook Forest Road	*1,279
			Just downstream Pond Dam	*1,294
			Just upstream Pond Dam	*1,298
			About 1,300 feet upstream Pond Dam	*1,309
	Maps available for inspection at the City Offices, 229 North Baltimore, Derby, Kansas.			
Louisiana	City of Denham Springs, Livingston Parish (FEMA-5835)	Amite River	Just upstream of U.S. Highway 190	*42
			Just upstream of Illinois Central Gulf Railroad	*45
		Long Stash Branch (Backwater flooding from Amite River).	Just upstream of River Road (Louisiana State Highway 1028).	*45
		Cotton Creek (Backwater flooding from Amite River).	Just upstream of UNA Street	*46
		Gray's Creek	Just upstream of Wax Road	*33
			Just downstream of Florida Avenue (U.S. Highway 190).	*42
			Just upstream of Westfield Drive	*45
		Wax Ditch (Backwater Flooding from Gray's Creek).	Just downstream of Pete's Highway (Louisiana State Highway 16).	*40
		Folders Ditch (Backwater flooding from Gray's Creek).	Just downstream of Pete's Highway (Louisiana State Highway 16).	*39
		Millers Canal (Backwater flooding from Gray's Creek).	Just upstream of Wax Road	*32
	Maps available for inspection at the City Engineers Office, 114 North Range Avenue, Denham Springs, Louisiana 70726.			
Texas	City of Gainesville, Cooke County (FEMA-5853)	Pecan Creek	Approximately 100 feet upstream of Old Denton Road	*710
			Just upstream of Moss Street	*721
			Just upstream of Garnett Street	*730
			Just upstream of Belcher Street	*741
			Just upstream of U.S. Highway 82	*750
			Just upstream of Weaver Street	*769
			Just upstream of Interstate Highway 35 West Frontage Road.	*762
		Wheeler Creek	Just upstream of Woodbine Street	*733
		Elm Fork Trinity River	Just upstream of State Highway 35	*712
			Just upstream of FM Higway 51	*724
	Maps available at City Hall, 200 South Rusk Street, Gainesville, Texas 76240.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 28, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-14037 Filed 5-11-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

New Jersey, et al.; National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, 202–755–5585, Federal Emergency, Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Trenton City, Mercer County (Docket No. FEMA–5065)	Assunpink Creek	Confluence with Delaware River	*24
			Upstream Stockton Street Culvert	*32
			Upstream Wall Street	*36
			Upstream Oak Street	*41
			Upstream Corporate Limits	47
		Delaware River	Downstream Corporate Limits	*10
			Confluence with Assunpink Creek	*24
			Upstream Corporate Limits	*36
Maps available for inspection at the Trenton City Planning Office, 10 Capitol Street, Trenton, New Jersey.				
Pennsylvania	Wilkes-Barre, City, Luzerne County (Docket No. FEMA–5065).	Laurel Run	Downstream of Conrail (1st crossing)	*859
			Downstream of Parkin Street (Extended)	*862
			Upstream of Mill Street	*878
			Upstream of Trethaway Street (Extended)	*887
			Downstream of Scott Street	*894
		Mill Creek	Upstream of Chilwick Street (Extended)	*856
			Downstream of Sidney Street	*860
			Downstream of Mill Street	*887
Maps available for inspection at Wilkes-Barre City Hall, 40 East Market Street, Wilkes-Barre, Pennsylvania.				
Texas	City of Copperas Cove, Coryell County (FEMA–5068)	Clear Creek	Just upstream of Farm Market 3046	*1,010
		Stream CC–2	Just upstream of Farm Market 116	*1,013
			Just upstream of Lynn Lane	*1,046
			At Deorsam Drive	*1,070
			Just upstream of Georgetown Road	*1,074
			At 21st Street	*1,133
		House Creek	At Spillway Park Dam	*1,021
			Approximately 60 feet downstream of Farm Market 1113.	*1,025
		Turkey Run	Just upstream of Atchison Topeka & Santa Fe Railroad.	*1,049
			At Robertson Avenue	*1,077
			At Anthor Avenue	*1,086
			At Bowen Avenue	*1,103
Maps available for inspection at City Hall, 507 South Main Street, Copperas Cove, Texas 79522.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: April 20, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–14068 Filed 5–11–81; 8:45 am]

BILLING CODE 6718–03–M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 355]

Cost Standards for Railroads Rates

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Decision Interpreting Statutory Provisions.

SUMMARY: Upon review of responses to our request for comments and the Staggers Rail Act of 1980, Public Law 96–448, minimum rate provisions are interpreted. No changes in the Code of Federal Regulations are proposed.

DATES: This decision is effective on May 12, 1981.

ADDRESS: Office of Proceedings, Room 5356, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The purpose of this proceeding is to determine the standards for rail minimum rates. By decision served July 9, 1980 and found at 362 I.C.C. 800, the Commission invited comments regarding its interpretation of the minimum rate provisions found at 49 U.S.C. 10701 (45 FR 44351; 45 FR 48676). Subsequently, the minimum rate provisions were amended by Section 201 of the Staggers Rail Act of 1980, Public Law 96–448 and recodified at 49 U.S.C. 10701a.

The Commission analyzed the minimum rate provisions in light of comments and the new statutory language it concluded:

1. The objective of the minimum rate provisions at 49 U.S.C. 10701a is to accord rail carriers maximum flexibility lower rates in order to meet competition or otherwise attract traffic.

2. Under 49 USC 10701a, a rate that does not contribute to the going concern value of the proponent carrier is presumed not to be reasonable while a rate that does contribute to the going concern value is conclusively presumed reasonable.

3. The presumptive cost floor is defined as the sum of the line-haul cost of lading, applicable switching costs, and station clerical costs. A rate that does not equal or exceed the presumptive cost floor shall be presumed unreasonable.

4. The sum of the presumptive cost floor and any other costs that are proven by a protestant to vary directly with the particular movement to which a challenged rate is applicable is defined as directly variable cost.

5. A rate that equals or exceeds the directly variable cost of providing the service is conclusively presumed to contribute to the going concern value and is thus reasonable.

6. A party wishing to challenge the minimum reasonableness of a rate must prove either that it is not at least equal to the presumptive cost floor or that it is equal to the presumptive cost floor but that there are other specific expenses that vary directly with the level of the particular movement. In either case available cost data from Rail Form A or other acceptable costing systems may be used to show that the challenged rate is unlikely to cover either PCF of DVC. This showing can be rebutted through the use of actual movement cost data.

7. This decision will not significantly affect either the quality of the human environment or the conservation of energy resources, or have an adverse economic effect on any small business.

The complete decision is available from the Secretary of the Commission, I.C.C., Washington, D.C. 20423.

(49 U.S.C. 10321, 10701a, and 5 U.S.C. 553)

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Decided: April 28, 1981.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14070 Filed 5-11-81; 8:45 am]

BILLING CODE 7035-01

Proposed Rules

Federal Register
Vol. 46, No. 91
Tuesday, May 12, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1076

[Docket No. AO-280-A24]

Milk in the Eastern South Dakota Marketing Area; Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This final decision provides changes in the present Eastern South Dakota milk order provisions based on industry proposals which were considered at a public hearing held March 11, 1980. The changes provide plant operators and cooperative associations greater flexibility in handling and accounting for milk under the order. Also, the late-payment charge on overdue payments by handlers is increased and a marketing services payment by producers is instituted. The changes are necessary to reflect current marketing conditions and to insure orderly marketing in the area.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued February 21, 1980; published February 27, 1980 (45 FR 12823).

Recommended Decision: Issued February 17, 1981; published February 20, 1981 (46 FR 13222).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Eastern South Dakota marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Sioux Falls, South Dakota, on March 11, 1980. Notice of such hearing was issued on February 21, 1980 (45 FR 12823).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, on February 17, 1981, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

Index of Changes

1. Issue No. 1. *The definition of a plant*—a new paragraph is inserted after paragraph 9.
2. Issue No. 2. *Pooling standards for supply plants*—a new paragraph is inserted after paragraph 15.
3. Issue No. 3. *Diversion of producer milk*—a new paragraph is inserted after paragraph 8.
4. Issue No. 5. *Application of location adjustments*—a new paragraph is added at the end.
5. Issue No. 9. *Base pricing points*—a new paragraph is added at the end.

The material issues on the record of the hearing relate to:

1. The definition of a plant.
2. Pooling standards for supply plants.
3. Diversion of producer milk.
4. Cooperative association as a handler.
5. Application of location adjustments.
6. Charges on overdue accounts.
7. Deductions for marketing services.
8. Reporting and payment dates.
9. Base pricing points.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The definition of a plant.* A "plant" definition should be included in the order for the purpose of designating the type of handling facilities to which the order provisions would apply. As defined a plant would be the land, buildings, facilities, and equipment that constitute a single operating unit at which milk or milk products are received, processed, or packaged. Separate facilities used solely as intermediary distribution points in the disposition of packaged fluid milk products would not be plants. Similarly, separate facilities at which milk is only reloaded from one tank truck to another would not be a plant as defined herein.

Under the present provisions of the order the term plant is used in describing the types of facilities involved in the handling of the milk supply for the market. The two principal types of plant operations subject to regulation under the order are distributing plants and supply plants. A distributing plant is defined as a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which there is route disposition during the month in the marketing area. A supply plant is defined as a plant from which milk or skim milk acceptable to an appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a pool distributing plant.

Distributing plant operators in the market use facilities separate from their plants in the disposition of milk on routes to retail or wholesale outlets. Packaged fluid milk products processed at a distributing plant are in some cases moved to and stored in a distribution point en route to retail or wholesale outlets. In the case of milk assembly operations milk picked up at farms in tank trucks is sometimes reloaded into another tank truck at a reload point en route to a distributing plant or supply plant.

A cooperative association that operates both a distributing plant and a supply plant regulated under the order proposed the adoption of a "plant" definition in the order to specify that milk must be received, processed, or packaged at a plant and that separate facilities used as distribution points or reload points not be considered plants. Proponent operates reload points in its milk assembly and distribution points and distribution/operations in the market. These separate facilities are not considered plants under the current application of the order and proponent

desires that the terms of the order be made more specific in this regard. Otherwise, these types of handling facilities could conceivably be considered plants with respect to the application of the accounting, pricing, and pooling provisions of the order.

In accounting for disposition of fluid milk products on routes from a plant, it is not necessary to provide any different treatment under the order for milk that is distributed through distribution points than for milk delivered directly from the plant to retail or wholesale outlets. Handlers maintain fluid milk product disposition records for each distributing plant on the basis of retail or wholesale sales accounts served by the plant irrespective of whether the product is moved through distribution points or not. In the case of records of sales accounts served through a distribution point, the handler merely needs to assemble those records along with all other records of sales originating from the plant to conform with the plant accounting system provided in the order.

If a distribution point were to be treated under the order as a plant, it could unduly complicate the accounting and administrative procedures under the order. This would especially be so in the application of plant inventory and shrinkage provisions of the order. It is much simpler to account for inventory and shrinkage on the basis of each processing plant as opposed to extending inventory and shrinkage accounting to the several individual distribution points that may be associated with the processing plant. To separately account for inventory and shrinkage at distribution points would place an increase recordkeeping burden on handlers as well as an increased administrative burden on the market administrator in carrying out his duties of verifying the disposition of milk by handlers.

Similarly, if the accounting provisions of the order were to be made applicable at reload points, it could increase the recordkeeping burden on handlers and the verification work to be undertaken by the market administrator.

The proponent cooperative operates reload points in the assembly of milk at its supply plant as well as in moving milk from farms to pool distributing plants. Milk is picked up at farms by several tank trucks and moved to a reload point where the milk is transferred directly to a large over-the-road tank truck for movement to the processing plant. In this circumstance, the identity of the producer milk that is transshipped in the over-the-road tank truck is ascertainable. Thus, it is not necessary to consider milk received at a reload point as being received at a plant for purposes of accounting for an individual producer's milk. Accordingly, any facility at which milk from farms is only reloaded onto another tank truck need not be considered a plant for purposes of proper application of the order's accounting provisions.

Under the present terms of the order, that portion of a plant that is physically apart from the Grade A portion of such plant, is operated separately and is not approved for the receiving, processing, or packaging of any fluid milk product for Grade A dispositor, is not considered a part of a pool plant. The two pool supply plants in this market are operated in plants that have non-Grade A manufacturing facilities. This application of the order should be continued, as requested by the proponent of the previously described plant definition. It is customary for health authorities having jurisdiction in the order area to permit the operation of both Grade A and non-Grade A facilities in the same plant.

In connection with the proposal to adopt a plant definition there was a proposal in the notice of hearing to delete the word "physically" from the phrase "That portion of a plant that is physically apart from the Grade A portion of such plant. . ." in the provisions that describe the conditions under which a portion of a plant would not be considered a part of a pool plant. In its brief and in comments on the recommended decision the proponent cooperative urged that the word "physically" be deleted from such provision of the order. The hearing record, however, does not reveal any problem with respect to the present administrative application of the term "physically" in such provision of the order. Accordingly, there is no need indicated on the record to change the order language with respect to the conditions under which a portion of a plant would not be considered a pool plant.

Cooperative association spokesmen testified to the desirability of recognizing the transfer of milk through a pipeline connecting a pool plant to an adjoining facility which is not approved for the handling of Grade A milk in lieu of transfer in a tank truck. The cooperative witnesses held that recognition of pipeline transfers would promote efficient handling of milk.

It is essential to the proper operation of the order that movements of milk from a pool plant be fully and accurately reported to the market administrator and that reported movements be readily verifiable. Thus, the flexibility to be accorded handlers with respect to the manner of movements of milk is necessarily an administrative matter that must be left to the discretion of the market administrator. Accordingly, no specific changes in the order provisions are made in this regard.

2. *Pooling standards for supply plants.* Several modifications should be made in the pooling standards for supply plants.

First, producer milk that is delivered by the operator of a supply plant directly from producers' farms to pool distributing plants should count as qualifying shipments from the supply plant for purpose of determining the supply plant's pooling status. However, such direct deliveries should count as qualifying shipments only from plants located in the marketing area or any county adjacent to the marketing area.

Second, the months of automatic pooling on the basis of shipment of 50 percent or more of a supply plant's receipts during each of the prior months of September through November should be extended from March through June to March through July.

Third, an optional shipping standard of 35 percent of a supply plant's receipts during the 12-month period immediately preceding the current month should be adopted.

Presently, a supply plant must transfer 35 percent of its receipts of milk to pool distributing plants during the month to qualify as a pool plant. However, if a supply plant transfers 50 percent of its milk receipts to pool distributing plants in each of the months of September through November, it need only make one or more shipments in each of the months during the next March through June period.

Several proposals dealing with supply plant performance standards were considered at the hearing. All such proposals were made by a cooperative association representing most of the producers supplying the market. One proposal would count that milk moved directly from farms to pool distributing plants by a supply plant operator as qualifying shipments in meeting the supply plant shipping performance standards. In support of this proposal, the witness for the cooperative stated that its adoption could result in more efficient milk handling practices because in certain cases milk associated with supply plants could be moved most efficiently directly from farms to distributing plants.

Another proposal by the cooperative would add the month of July to the present March through June period during which a supply plant is automatically qualified as a pool plant on the basis of shipments of 50 percent

or more during the prior months of September through November. Additionally, the proposal would modify this pooling standard to include a minimum shipping percentage of 15 percent during each of the months of March through July. The cooperative's witness stated that July should be included as a month of lower shipping requirements because the market's Class I utilization in July is significantly lower than during the months of August through February. However, the witness contended that at least 15 percent of supply plant's milk receipts should be shipped during March through July to meet pool distributing plant requirements for milk.

The operator of a proprietary pool supply plant opposed the adoption of a 15 percent shipping requirement during March through July. He contended that this would require increased shipments from his supply plant at a time when milk produced on farms located nearer to pool distributing plants normally is used to meet the needs of the distributing plants.

An additional proposal by the cooperative would include a 12-month moving average pooling standard for a plant operated by a cooperative association. Specifically, a cooperative would have the alternative of meeting the pooling performance requirement for a plant that it operates on either the basis of shipments during the current month or shipments made during the prior 12-month period. The cooperative's witness stated that this modification to the pooling standards would facilitate the pooling of milk of its member producers in the event of a sudden change in supply-customer relationships, since it would allow the cooperative time to make any necessary changes in market outlets for its milk supplies.

The hearing evidence supports the adoption of the cooperative's pooling performance proposals with certain modifications. The proposal to count direct movements of milk from farms to pool distributing plants as qualifying shipments, in meeting pooling standards for supply plants, should be adopted. However, it should be limited to those supply plants located in the present production area for the market.

Presently, there are two supply plants pooled under the order. One is located at Lake Norden, South Dakota, in the northern segment of the marketing area and is operated by a cooperative association. The other supply plant is located at Mitchell, South Dakota, in the western edge of the marketing area and is operated by a proprietary handler. The pool disributing plants served by the two supply plants are located at Sioux Fall, South Dakota, in the southern portion of the marketing area. The production area for the market encompasses that territory within the marketing area plus the counties bordering on the marketing area. A major proportion of the production area is located closer to the pool distributing plants at Sioux Falls than are the supply plants at Lake Norden and Mitchell. Thus, a majority of the farms of producers on the market are either located closer to the pool distributing plants that the pool supply plants or are located between the pool supply plants and the pool distributing plants.

The majority of the farm bulk tank truck routes serving the market are located either between the pool distributing plants at Sioux Falls and the pool supply plants or closer to the distributing plants. Thus, in this circumstance, milk transportation mileage can be minimized by moving milk directly from farms to pool distributing plants. For example, the milk assemble route for the supply plant at Mitchell operates primarily in the area between Mitchell and Sioux Falls. Thus, as stated by the plant operator, transportation savings can be realized by moving the milk on this route to Sioux Falls directly from the farms rather than through the supply plant at Mitchell.

The proponent cooperative association has followed the practice of serving pool distributing plants primarily on a direct-shipped basis. Under the present terms of the order, a cooperative may pool a plant, other than a distributing plant, on the basis of counting direct shipments of member producer milk to pool distributing plants as qualifying shipments. This type of plant is commonly referred to in the industry as a cooperative association balancing plant. Thus, the proposal to count direct shipments as qualifying shipments for supply plants will enable a proprietary supply plant operator to pool its plant by the same shipment method permitted for a cooperative association balancing plant.

Adoption of the proposal, however, would make the separate cooperative association balancing plant pooling provision redudant. This provision calls for a shipping percentage of 50 percent while the proposal would be applicable to the regular supply plant pooling provision which has a 35 percent shipping requirement. Thus any cooperative association balancing plant pooling under the 50 percent shipping requirement would also be qualified for pool status under the regular supply plant pooling standard. Accordingly, the cooperative association balancing plant provision is no longer needed.

The adoption of the direct-shipment method of qualifying a supply plant for pool plant status should be accompanied by a geographical plant location limit to insure that the milk pooled at the plant is reasonably associated with the market. Presently, the production area for the market encompasses that territory within the marketing area plus the counties located adjacent thereto. Moreover, all of the plants (both pool and nonpool plants) to which producer milk is delivered are located within the production area. However, a milk manufacturing plant located in territory remote from the production area could be pooled primarily on the basis of direct shipments of milk from within the production area. Thus, without some appropriate limitation on the area within which a plant can pool on the basis of direct shipments from the farm, there would be a possibility of milk being pooled that is produced in an area remote from the market which is not a practicable source of milk supply for pool distributing plants. This could in turn detract from the basic purpose of the pooling provisions, which is to aid in insuring that adequate milk supplies will be made available to pool distributing plants. Accordingly, the option of pooling a plant on the basis of direct shipments should be limited to those plants located within the normal production area, which is the marketing area or those countries adjacent to the marketing area. This limitation would not preclude, however, a supply plant located outside the current production area from being able to qualify as a pool plant on the basis of shipments of milk from the plant to pool distributing plants.

The cooperative association that proposed pooling a plant on the basis of direct shipments urged in its exceptions to the recommended decision that this method of pooling be limited to plants located within the marketing area rather than the production area. The cooperative's exceptions raised no new points not already considered in determining the appropriate geographic location of plants that may pool on the basis of direct shipments. No departure from the recommended decision should be made with respect to this matter.

The cooperative's proposal to add July to the March through June period of reduced shipping requirements for a pool supply plant that shipped at least 50 percent of its receipts to pool distributing plants in the prior months of September through November should be

adopted. However, the cooperative's companion proposal to require at least a 15 percent monthly shipping requirement during March through July for a plant qualifying for pool status under this pooling option should not be adopted.

There is a wide seasonal variation in the Class I utilization percentage in this order market. For example, during 1979 the market's Class I utilization percentage varied from a seasonal low of 38 percent in June to a seasonal high of 58 percent in October. With a Class I utilization percentage pattern of this seasonal nature in the market, it can be expected that there would be a wide seasonal variation in the need for shipments of milk from supply plants to distributing plants. This is particularly the case when distributing plants obtain a large proportion of their milk supplies from producers that deliver their milk to the distributing plants on a year-round basis.

Supply plants tend to serve the function of balancing the milk requirements of distributing plants. Typically, distributing plants in the market obtain a major proportion of their milk requirements directly from farms. During the months of seasonally high production, receipts of producer milk supplies associated will the distributing plants fulfill a much larger proportion of the milk requirements of the distributing plants than is the case during the months of seasonally low milk production. Consequently, the seasonal variation in the amount of milk needed from supply plants as supplemental supplies is much more pronounced than the seasonal variation in Class I utilization in the market. The supply plant pooling option of virtually automatic pool plant status during the flush production months for a plant that shipped 50 percent or more of its receipts during the prior short production months of September through November is intended to accommodate this type of milk procurement situation.

To adopt increased shipping requirements, as proposed, for supply plants in the flush production months could tend to encourage displacement of direct-delivered nearby milk supplies with distant supply plant milk. This would tend to increase total milk transport costs in supplying distributing plants, as was contended by a proprietary pool supply plant operator.

Witnesses for the supply plant operators in the markets stated that it is a practice in the market for suply plant operators to make milk shipping agreements with distributing plant operators on a yearly basis. In this circumstance, it is not necessary nor desirable to adopt additional shipping requirements under the order. Supply plant and distributing plant operators can negotiate on the level of supply plant shipments to be made during the flush production months. The adoption of additional shipping requirements under the order could detract from the flexibility in shipping performance that plant operators may desire to arrange between themselves to best serve their particular marketing situation.

In this regard, the addition of July to the period of no specified shipping percentage under the order would afford greater flexibility in milk shipping arrangements between supply plant and distributing plant operators. Moreover, reduced shipping requirements for July would be desirable since, as pointed out by proponent, it is one of the months of seasonally lower Class I utilization in the market. For example, in 1979 Class I utilization in the market was lower in July than in all other months except May and June.

The cooperative's proposal to adopt an additional alternative supply plant pooling performance standard of a 12-month moving average shipping percentage will provide an increased degree of flexibility in the shipping arrangements that can be negotiated between supply plant and distributing plant operators. In addition, it will afford the supply plant operator an opportunity to retain pool plant status for a month or more in the event of an unexpected change in supply-sales arrangements. As noted by proponent, there is always a possibility that a distributing plant operator could lose a major sales account that would significantly reduce his milk requirements from a supply plant. In such an event the supply plant operator may need time to arrange for an alternative pooling outlet for its milk supply that has been associated with the market on a regular basis. Appropriately, produceers who have been regularly supplying the market should be afforded the opportunity to retain pooling status during the time it takes to make necessary adjustments in outlets for milk supplies.

3. *Diversion of producer milk.* Rules concerning the diversion of producer milk from a pool plant to another plant should be modified. The order should provide that a handler may divert milk from any pool plant to any other plant except a producer handler plant. The order should also provide that at least one day's production of a producer must be physically received at a pool plant during each month in order to be eligible for diverson. A handler's diversons of milk to nonpool plants should be limited during the months of August through February to 35 percent of the handler's producer milk supplies. Also, the provisons with respect to the identification of milk diverted in excess of the 35 percent limit (commonly referred to in the industry as "overdiverted" milk) should be modified to account for such milk on the basis of that milk last diverted during the month, if the handler fails to designate those producers whose milk constitutes excess diversions.

Presently, the order provides that milk may be diverted only from pool distributing plants to nonpool plants. To be eligible for diversion, the order now requires that a producer's milk must be delivered to a pool plant on at least 3 days during the month. Diversions to nonpool plants are now limited during the months of July through February to 35 percent of the volume of milk received at pool plants.

Several changes in the order's diversion provisions were proposed by a cooperative association and were supported by another cooperative association at the hearing. The proposals would (1) permit the diversion of producer milk from pool supply plants to nonpool plants and between pool plants in addition to the present allowable diversions of milk from pool distributing plants to nonpool plants, (2) provide that only one day's production of a producer must be received at a pool plant during the month in order for the milk of such producer to be eligible for diversion, and (3) limit the proportion of a handler's total producer milk supply that may be diverted to nonpool plants to 50 percent during each month in the March through July period and to 35 percent in any other month of the year.

The cooperatives' witnesses supported these modifications to the order primarily on the basis that they would facilitate greater efficiency in milk handling and hauling. With respect to permitting diversions from supply plants, one witness stated that his cooperative operates a pool supply plant in conjunction with a nonpool manufacturing plant at which reserve pool milk supplies transferred from the supply plant are processed. He reasoned that it would be a more efficient handling practice for the cooperative to divert the reserve milk supplies directly from farms to the nonpool manufacturing plant rather than first receiving such milk at the pool supply plant. In addition, he stated that the same milk handling situation exists for the proprietary pool supply plant operator in the market. Moreover, he

pointed out that the proprietary supply plant operator could realize transportation savings by diverting milk from his supply plant to pool distributing plants, as was mentioned previously in this decision.

In connection with the proposal that only one day's production of a producer be required to be received at a pool plant each month, instead of three deliveries per month, a witness stated that his cooperative could reduce its farm bulk tank truck mileage by about 400 miles per month if the proposal were adopted. This, he said, would be accomplished by making increased deliveries to pool distributing plants from its bulk tank truck route that is located closest to the distributing plants and less frequent deliveries from its more distant bulk tank truck route. The other cooperative witness stated that the proposal would permit his cooperative to reduce milk assembly mileage since milk of its Grade A producers that is not needed for fluid use could be transported to manufacturing plants more frequently on the same bulk tank trucks hauling milk of its Grade B dairy farmers.

The proposal to change the percentage limit on a handler's diversion from pool plants to nonpool plants to 35 percent of his total producer milk supplies rather than 35 percent of that volume received at pool plants would increase total allowable diversions during the months of August through February. This is because 35 pounds of milk could be diverted for each 65 pounds received at pool plants compared to the present 35 pounds for each 100 pounds received. Proponents contended that this relaxation of diversion limits could also facilitate reductions in hauling mileage in milk assembly operations.

The proponent cooperative supported the adoption of a 50 percent diversion limit in the months of March through July on the basis that it would encourage handlers on the market to serve the fluid milk needs of distributing plants as opposed to making one delivery per month and diverting the remainder for manufacturing use.

Except for this proposal to adopt diversion limits during the flush production months, the cooperatives proposed changes in diversion provisions should be adopted. As pointed out by the witnesses for the cooperatives, and proposals would allow for more flexibility in milk assembly operations and, thus, better enable handlers to effect increased efficiency in handling milk, particularly in the disposition of the market's reserve milk supplies. Pool supply plant operators will be able to avoid moving reserve milk supplies through their pool plants en route to manufacturing plants. Also, they will be able to divert milk directly from farms to pool distributing plants and avoid reloading it at the supply plant (except for one occasion per month).

In its exceptions to the recommended decision the proponent cooperative pointed out that under the order language contained in the recommended decision it was not clear that in the case of diversions between pool plants that milk of each producer had to be received once each month at the pool plant from which it is being diverted. Accordingly, the order language is revised to be more specific in this regard.

The requirement that each producer's milk be received at a pool plant each month will tend to insure that milk pooled on the market can be relied on as a source of milk to meet the needs of fluid milk processors. Also, it will encourage the use of quality control measures with respect to all producer milk, since it must be marketed in fluid milk channels each month.

Increased diversion allowance in the months of August through February will more closely reflect that proportion of the market's reserve milk supplies that must be disposed of in manufacturing use, which takes place at nonpool plants. For example, Class III utilization in the market during such months of 1979 ranged between 29 and 40 percent of producer milk on the market. The 35 percent diversion limit will enable handlers to move virtually all of the milk for Class III use directly from farms to nonpool manufacturing plants.

A further modification of the diversion provisions concerning any overdiverted milk of a handler was suggested by cooperatives and should be adopted. Under the present terms of the order, a handler who overdiverts milk may designate those producers whose milk is overdiverted. If he fails to do so, all of the milk that the handler diverts to nonpool plants is disqualified from being producer milk. It was proposed that only that milk last diverted during the month, starting with the last day of the month, then the second to last day, until all the overdiverted milk is accounted for, be disqualified as producer milk. This proposal would have less severe impact on handlers who may mistakenly overdivert milk and, therefore, is a much preferable provision.

The proposal to adopt diversion limits during the flush production months would tend to detract from the efficient handling of reserve milk supplies on the market. This would especially be the case with respect to a supply plant that pools under the option of making shipments of 50 percent or more during the months of September through November and is thereby entitled to pool plant status the following March through July by meeting the supply plant definition, which simply requires that a milk shipment be made to a pool distributing plant each month. If diversion limits were to be made applicable to such a plant it would require that milk be received at the supply plant before being transferred to a nonpool manufacturing plant. This is directly opposite to the intent of the cooperatives' proposal to allow diversions from supply plants. In view of these circumstances, the proposal is not adopted.

At the hearing, a proprietary distributing plant operator proposed a modification to the cooperatives' proposed limit on diversions of milk to nonpool plants. The modification would permit a handler to divert to nonpool plants a quantity of producer milk equivalent to 35 percent of his producer milk supply and milk purchased from a cooperative supply plant located in the marketing area. In support of this modification the handler stated that it would enable him to divert the milk of the nonmember producers associated with his plant to a nonpool plant closer to the producers' farms and thereby reduce the hauling cost paid by such producers. The handler stated that he could increase his milk purchases from the cooperative to replace the increased diversions of his producer milk.

The cooperative supplying this handler opposed the proposal, in its brief, on the basis that its supply plant is located more distant from the handler's pool distributing plant than the location of the farms from which the handler purchases nonmember milk. Consequently, the cooperative contended, the proposed modification could result in increased trucking costs in supplying milk to the market.

The handler's proposed modifications to the method of computing diversion limits should not be adopted. The proposal would increase a pool distributing plant operator's allowable diversions during August through February by an amount equivalent to 35 percent of the volume of milk purchased from a supply plant operated by a cooperative. In a situation where the distributing plant purchases a large proportion of its milk supply from a cooperative association supply plant, the proposal would tend to permit the distributing plant operator to divert its supply of producer milk on a year-round

basis, except for one day's production of each producer each month. Consequently, the proposal could be used to circumvent the diversion limits with respect to certain handlers' supplies of producer milk. Such nonuniform application of diversion limits among handlers would not be appropriate.

4. *Cooperative association as a handler.* The order should be modified with respect to the treatment of milk which a cooperative moves from the farm to a pool plant in a tank truck owned and operated by, or under the control of, such cooperative. Specifically, a cooperative should be permitted to act as a bulk tank handler with respect to milk of a producer who is not a member of the cooperative and with respect to milk that it delivers to a pool plant operated by the cooperative. In addition, cooperative association bulk tank handler milk should be transferred between pool handlers on the basis of the uniform price.

Presently, the order provides that a cooperative may be a bulk tank handler only with respect to milk of member producers and only on that milk transferred to the plant of another handler. Such transfers of milk between handlers are accounted for on a classified use basis.

The largest cooperative in the market proposed that a cooperative be permitted to be a bulk tank handler for milk on routes under its control that is produced by nonmember as well as member producers. Also, it proposed that the cooperative be permitted to report in its capacity as a bulk tank handler rather than a plant operator on milk that it delivers to its own pool plant, in addition to being a bulk tank handler on milk delivered to a pool plant of another handler. Another proposal by the cooperative would provide that cooperative bulk tank handler milk transfers be accounted for on the basis of the uniform price.

In support of its proposals, the cooperative stated that on occasion it picks up the milk of a nonmember producer on a bulk tank truck route that it operates. Also, milk from its bulk tank truck routes is delivered to its own pool plants as well as to pool plants operated by other handlers. The cooperative's witness indicated that its plant operations and its milk procurement operation are separate divisions within the association and separate milk accounting systems are maintained with respect to each division. In this circumstance, the cooperative would prefer to account for bulk tank milk delivered to its own pool plants on the same basis as that delivered to pool plants of other handlers. One benefit pointed out by the cooperative's witness is that the cooperative would be able to maintain one payroll for all its milk deliveries to pool plants as opposed to maintaining a separate payroll for those producers whose milk is received at its own pool plants. With respect to the payment procedure for cooperative bulk tank handler milk, proponent witness contended that accounting for such interhandler transfers at the uniform price rather than class prices would facilitate administration of the order with respect to the matter of financial responsibility and audit adjustments.

A cooperative should be the handler with respect to any milk which it receives for its account from the farm of a producer for delivery to a pool plant in a tank truck owned and operated by, or under the control of, such cooperative. When the milk of any producer is commingled in a tank truck with that of other producers, the identity of the individual producer's milk is lost. The amount of the producer's milk in the truck and the butterfat content thereof can be determined only from measurement of the milk at the farm and from milk samples taken from the farm tank. After the milk has been pumped from the individual producer's farm tank into the tank truck of the handler and commingled with the milk of other producers, there is no opportunity to measure, sample, or reject the milk of an individual producer.

Much of the milk received at pool plants in the market is picked up at the farm in trucks owned or operated by, or under the control of, cooperative associations. In this case, it is only the association that has the opportunity to measure and sample the milk of individual producers that is received at the pool plant. In the absence of any agreement by the plant operator to be the handler for the milk, the association necessarily must be the responsible handler for the milk as it leaves the farm. However, if there is a mutual arrangement between the cooperative and the plant operator, noticed to the market administrator, whereby the plant operator agrees to purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, either the cooperative or the pool plant operator may be the reporting handler for such milk, according to the agreement reached between them. The order should afford all cooperatives in the market flexibility in the arrangements under which they sell milk to pool plants.

If it so chooses, a cooperative should be able to pick up the milk of nonmember producers along with the milk of its member producers for delivery to a pool plant. This procedure will enable the cooperative to act as the marketing agent for a nonmember producer who, although he has not become a member of the cooperative, has contracted with the cooperative to act as the marketing agent for his milk. In the event a cooperative does market the milk of a producer who is not a member of the association, a question arises about the appropriate method of paying such producer. If the nonmember producer has signed a contract with the cooperative whereby he authorizes the cooperative to market his milk and collect payments therefor, the cooperative may pay the nonmember in accordance with the contract. If such marketing functions occur in the absence of a written contract, the cooperative would be required to pay the nonmember producer not less than the prices prescribed by the order.

Transfers of bulk tank milk by a cooperative handler to a pool plant operator should be made at the uniform price rather than at class prices as is now the case. The purchase of such milk by the pool plant operator should be treated as an interhandler transfer but would be classified pro rata with producer milk that the pool plant operator may receive. The pool plant operator would be obligated to the producer-settlement fund for the milk received by transfer from bulk tank cooperative handlers at its classified use value. The cooperative in turn would be reimbursed by the handler at the uniform price. Under the present procedure where the plant operator settles with the cooperative at class prices and the cooperative settles with the producer-stettlement fund, an unnecessary third party is involved in the transaction. Also, the adopted procedure will facilitate the handling of audit adjustments that might result from verification of a plant's utilization of milk. An error in the reported classification of milk at the pool plant, for example, would not require a related adjustment in the cooperative's classification of milk and, thus, its obligation to the pool for such milk.

5. *Application of location adjustments.* The order should be modified with respect to the application of location adjustments on bulk milk transferred between pool plants. The present provision that assigns to a distributing plant's Class I use 95 percent of any direct receipts from producer farms before any assignment

of receipts from supply plants for location adjustment purposes should be changed to a 10 percent "set-aside" for unavoidable Class II and Class III utilization at pool distributing plants. Also, the assignment of Class I location adjustment credits among supply plants should be on a pro rata basis rather than in sequence beginning with the plant at which the least location adjustment would apply.

The major cooperative in the market proposed that transportation credits from the pool be provided under the order with respect to all movements of milk from supply plants to pool distributing plants. Specifically, the proposal would accomplish this by pricing all bulk milk transfers at the uniform price applicable at the location of the transferee plant. Proponent contended that the order should provide the same location pricing incentive to move milk to pool distributing plants irrespective of whether it is received directly from producers' farms or from another pool plant.

To encourage the efficient movement of milk between plants under Federal orders, it is generally necessary, either through the allocation procedure in the assignment of milk receipts to classes of utilization or in the application of location adjustment credits, to protect the pool from bearing the costs of unnecessarily moving milk to the central market for other than Class I use. Otherwise, the net return to producers is reduced by the amount of any location adjustment credit assigned to other than Class I milk, since no location adjustments apply to Class II or Class III use. This principle is reflected under the present time of the order and it should not be completely abandoned by allowing unlimited transfers of milk between plants for which location adjustment credits from the pool would be provided.

As an alternative to the proposal to provide location adjustment credits with respect to all transfer of milk from supply plants to pool distributing plants, proponent proposed that a 15 percent "set-aside" be adopted under the order to cover unavoidable Class II and Class III use at pool distributing plants. In addition, the proposal would prorate a pool distributing plant's Class I use plus a 15 percent "set-aside" to all sources of fluid milk receipts in computing location adjustment credits to be given to pool supply plant operators.

In support of its proposed 15 percent "set-aside" to cover unavoidable Class II and Class III use, proponent related that there are several types of non-Class I uses that are unavoidable at distributing plants, namely, cream from standardization, shrinkage, route returns, milk disposed of for animal feed or dumped, and inventory at the end of the month. He stated that such uses could represent as much as 14 percent of a plant's utilization of milk receipts.

In further support of the proposed increase in the "set-aside" provision of the order, a proprietary pool distributing plant operator offered into evidence certain figures with respect to non-Class I use at his plant. He stated that for the four-month period preceding the hearing he averaged 1.25 percent shrinkage and 0.5 percent dumped milk. In addition, he sold significant quantities of cream from standardization of his milk receipts and had variation in inventories of fluid milk products at the end of each month. Consequently, his Class I utilization averaged 92 percent for the four-month period.

It is concluded on the basis of the evidence presented that a "set-aside" allowance of 10 percent should be provided under the order. A 10 percent allowance should accommodate the necessary Class II and Class III use experienced by pool distributing plants in most months. An allowance above 10 percent, as proposed, is clearly excessive and should not be adopted.

The aggregate amount of Class I milk assigned to transferor pool plants for location adjustment credit purposes should be prorated to each transferor pool plant based on the proportion of receipts from each plant. This will assure that each transferor pool plant gets a proportionate share of the Class I location adjustment credit, instead of, as is presently being done, giving preference first to the closest plant and then to successively more distant plants.

The latter procedure was adopted to encourage milk to come from the closest source of production, thereby eliminating unnecessary transportation. However, changes in milk marketing have made this procedure impractical in this market.

Whereas, in the past, a handler would bottle a fairly even amount of milk six or seven days a week, now handlers bottle on only 4 or 5 days a week, and there is a wide variation in the amount bottled from one day to the next. Accordingly, on certain days handlers may require more milk than can be supplied from the nearest supply plant. However, if a handler purchases milk from more than one supply plant, the more distant supply plant may not be allocated its proportionate share of Class I location adjustment credits. To avoid this problem, a handler would have the incentive to purchase all his milk from a larger, but more distant, supply plant, thereby being assured that all of the milk purchased from the supply plant would get the maximum amount of Class I location adjustment credits available. Under these circumstances, the provision now in the order would result in greater transportation costs from the pool, which is the opposite of what it is intended to do.

The proposed pro rata assignment of Class I use at a pool distributing plant to all sources of fluid milk product receipts for the purpose of computing location adjustment credits should not be adopted. Such procedure would result in granting some location adjustment credits to supply plants irrespective of the Class I utilization percentage at the transferee plant. It was argued by proponent cooperative, that Class II products are a part of a distributing plant operator's regular product line and such operators expect to receive a regular supply of milk for Class II use as well as Class I.

It would not be appropriate under the order to encourage the movement of milk for Class II use unless handlers paid for such transportation under the order. Otherwise, the handlers would get free transportation of this milk at the expense of all producers in the market. If handlers want milk at deficit production locations for Class II use, they should be willing to pay the transportation costs involved. Under the order, this could be accomplished by increasing the Class II price. Location adjustments could then be incorporated in the order to accommodate the movement of milk for this use. It appears that any accommodation for the movement of milk for Class II used should be accompanied by some restructuring of the classification and pricing provisions for such milk under the order, which is beyond the scope of this hearing.

In its exceptions to the recommended decision the proponent cooperative urged reconsideration of this issue. The cooperative contended that, since location adjustments to the uniform price enable distributing plants to obtain direct shipped milk for Class II use, the order should provide an equivalent transportation incentive for a distributing plant to obtain milk from other plants for Class II use. The cooperative reasoned that this would tend to insure greater equity among handlers in the costs of milk procurement. Even though greater equity among handlers could possibly be achieved, it still remains that it would be uneconomic to provide a transportation credit under the order to move milk that has already been received at a plant where it could be

processed, to another plant for manufacturing use. In such circumstance, if it should become necessary to insure greater equity among handlers with respect to the cost of procuring milk for Class II use it could well be that the more appropriate approach may be to consider removing the impact that the location adjustments to the uniform price has on the assembly of milk for manufacturing use. This, however, would go beyond the scope of the proposals considered at the hearing. Under these circumstances it is concluded that no departure from the revisions contained in the recommended decision should be made on the basis of this hearing.

6. *Charges on overdue accounts.* The order should be revised to extend the application of the charge on overdue accounts to all handler obligations to the market administrator. Also, the rate of the charge should be increased to 1 percent per month.

Presently, under the order a late payment charge of 0.5 percent per month is applicable to any overdue obligation of a handler to the producer-settlement fund.

The application of the late-payment charge to all handler obligations to the market administrator and the increase in the rate charged was proposed by a cooperative. In support of such amendments the cooperative's witness stated that they are needed to better assure equity among handlers. There was no opposition to these proposed amendments.

The charge on overdue payments to the producer-settlement fund is intended to encourage handlers to make such payments on time. If the charge is to have any impact on handlers in terms of encouraging prompt payments, it must be an amount that is reasonably comparable to what a delinquent handler would be charged by commercial banks for money borrowed for short-term purposes. If this is not so, handlers who may have financial problems would be encouraged to delay their payments, knowing that the charge under the order is cheaper than borrowing money commercially at a higher loan rate. The record testimony indicates that a monthly charge of 1 percent more nearly reflects the current cost of borrowed money. Thus, the rate charged under the order should be increased to 1 percent to provide more reasonable assurance that order obligations do not represent a cheap source of money.

With respect to handler obligations to the market administrator, the amounts owed to the producer-settlement fund account for the major portion of such obligations. However, handlers are also obligated to make payments to the market administrator for his costs of administration of the order and for any adjustments to a handler's obligation based on audit of handler's reports. In addition, provision is made in this decision to adopt a marketing service program under the order whereby handlers will be obligated to make deductions from payments to producers who are not members of a cooperative and remit such money to the market administrator. Such other handler obligations to the market administrator also should be made subject to the late-payment charge, as proposed, to better insure compliance with the payment provisions of the order.

The present order language with respect to the late-payment charge is redrafted to make it more specific that the full charge is to be assessed on the first day an obligation is overdue and on the same day of each succeeding month until the obligation is paid. There was discussion on the record concerning whether the charge of 1 percent per month should be apportioned on a daily basis, such as 1/30 of 1 percent if the obligation is paid one day late. This latter procedure should not be adopted. If late-payment charges were treated strictly on a money market basis, the order would merely represent a banking service for handlers who desire to use order obligations as a source of borrowed funds. This is not the intended purpose of the late-payment charge. Rather, it is to be an inducement for handlers to pay their obligations under the order on time.

7. *Deductions for marketing services.* Provision should be made under the order to conduct a marketing services program for producers supplying the market. Such services should include providing marketing information to producers and providing for the verification of the weights, samples, and tests of milk of producers. The program should be financed by handlers' deductions from payments to producers. In the case of producers for whom a cooperative association is actually performing the services set forth above, each handler should make deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between the cooperative and such producers. In the case of other producers, the market administrator performs the specified marketing services. The order should provide for a maximum deduction of 6 cents per hundredweight for marketing services furnished by the market administrator. Handlers should remit marketing service deductions to the market administrator and cooperatives by the 15th day after the end of the month.

This marketing service program was proposed by a cooperative association representing most of the producers supplying the market. A witness for the cooperative stated that cooperative associations in the market are providing marketing services for member producers and the member producers pay the cooperatives to provide the service. In the case of nonmember producers, he stated that the market administrator is performing the specified services; however, administrative expense funds are being used for this purpose rather than deductions from producers. Proponent stated that nonmember producers should be charged for the services performed for their benefit.

It is essential to the proper application of the order that weights and butterfat tests of all producer milk be accurate. Otherwise, a handler could gain a competitive advantage at the expense of producers if reported producer milk weights and butterfat tests are understated.

The Agricultural Marketing Agreement Act, as amended, under which milk orders are issued, expressly provides that a marketing service program may be included in an order. Most Federal milk orders now in effect contain marketing service provisions. The neighboring order markets of Nebraska-Western Iowa, Upper Midwest, and Iowa have marketing service provisions.

Until recent years a marketing service provision was not needed in the Eastern South Dakota order, since all of the producers on the market were members of cooperative associations that provided the services for their members. A few years ago the order area was expanded to include Brookings, South Dakota, at which a plant supplied by nonmembers producers was located. The plant has since closed, but the producers are still marketing their milk under the order to proprietary pool distributing plant in Sioux Falls. More recently a proprietary pool supply plant at Mitchell became associated with the order market. This handler's supply of milk is from nonmembers producers.

Since these nonmember milk supplies became associated with the market, the market administrator has performed milk weight and butterfat test verification services with respect to the milk pool handlers buy from the nonmembers. Such activities are necessary to insure that the handlers are

accouting properly for the milk received from the producers. Appropriately, the nonmembers producers should be assessed for the performance of these services as is done under the neighboring orders.

The market administrator for the Eastern South Dakota order is also the market administrator for the neighboring Nebraska-Western Iowa and Iowa orders, as well as the Great Kansas City order. Each of these other orders has a marketing service program with a maximum producer assessment rate of 6 cents per hundredweight. In the administration of the several orders under a single agency, a joint marketing services budget is maintained. This is because there are agency employees engaged in performing marketing services activities for the several markets being administered by the one agency. In this circumstance, it is appropriate that the marketing service assessment be maintained at the same rate under the several orders administered by the same market administrator. Accordingly, the maximum rate of assessment should be set at 6 cents, the same as the other orders administered by the market administrator.

8. *Reporting and payment dates.* Several of the reporting and payment dates provided in the order should be set at a later date. Handler's reports of milk receipts and utilization should be changed from the 7th day to the 8th day after the end of the month. Handler obligations to the producer-settlement fund should be made due on the 15th rather than the 13th day after the end of the month. Payments from the producer-settlement fund should be set back two days also.

With respect to handler payments to cooperatives for milk received from the cooperative during the first 15 days of the month, payment should be made by the 28th day rather than the 26th day of the month. Final payment to cooperatives by handlers should be moved from the 13th to the 15th day after the end of the month. Final payments to individual producers should be on or before the 16th day after the end of the month rather than the 15th.

These changes in the order's reporting and payment dates were proposed by a cooperative association which represents most of the producers supplying the market. The cooperative is the reporting handler with respect to most of the producer milk on the market. It also operates two of the five pool plants regulated under the order. The basic reason given by the cooperative in support of the proposed later dates was that the cooperative is experiencing delays in delivery through the mail of its milk receipts and sales reports from its several reload points, distribution points, and plants to its central bookkeeping office located in Minneapolis. Such mail delays have made it extremely difficult for the cooperative to file its report of receipts and utilization by the 7th day after the end of the month.

The date by which the market administrator is required to announce a uniform price based on handler reports is not until the 12th day after the end of the month. Consequently, an allowance of an extra day, to the 8th, for handlers to file reports should not cause any undue burden for the market administrator in processing reports and announcing the uniform price on time. In this circumstance, and since a reporting date of the 8th would provide some relief for handlers in their bookkeeping operations, the proposal should be adopted.

With respect to setting back the due dates for handler's payments, proponent stated that the proposed dates would better align such payment dates among orders in the region. Proponent is a regional cooperative that markets milk under neighboring orders as well as the Eastern South Dakota order. Its payments to all member producers throughout the order areas in the region are coordinated on the same date. The cooperative's witness stated that it is the cooperative's policy to pay its members by the 20th day after the end of the month.

Under the neighboring orders the final date for payments to individual producers by handlers is the 18th day after the end of the month. Thus, the proposal to change the final payment date under the Eastern South Dakota order from the 15th to the 18th day after the end of the month would coordinate the producer payment dates throughout the region. There is a significant degree of overlapping of milk procurement areas for the Eastern South Dakota market and neighboring order markets. For example, there is nearly as much milk produced in South Dakota pooled on the Nebraska-Western Iowa market as is pooled on the Eastern South Dakota market. In addition to intermarket procurement competition, there is a significant amount of intermarket sales competition among handlers regulated under the orders in the region. Consequently, adoption of the proposed producer payment date will provide a more uniform intermarket competitive situation among both producers and handlers in the region.

Adoption of a later payment date for payments to producers will enable setting later dates for payments into and out of the producer-settlement fund. This should tend to benefit handlers with respect to their cash flow position and, thus, should be adopted.

9. *Base pricing points.* The proposal to delete Mitchell, South Dakota, as a base pricing point under the order should not be adopted.

Presently, the order provides a plant location adjustment for milk received from producers at a plant located in Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90. At a plant located in such territory Class I and uniform prices are reduced 1.5 cents for each 10 miles or fraction thereof that such plant is located from the nearer of the Post Offices in Mitchell or Sioux Falls, South Dakota. Mitchell and Sioux Falls are located on U.S. Highway 90 that crosses the southern portion of the marketing area in an east-west direction.

The major cooperative association in the market proposed that Mitchell should be deleted as a base pricing point for the purpose of plant location adjustment and that all plant location adjustments be based on the distance that the plant is located from Sioux Falls. Proponent stated that the proposal would reduce Class I and uniform prices at plants in Mitchell, which is 70 miles west of Sioux Falls, by 10.5 cents per hundredweight. In support of the proposal, the witness for proponent stated that his cooperative operates a reload point at Mitchell through which milk produced on farms located north of Mitchell is moved to pool distributing plants at Mitchell and Sioux Falls. The witness indicated that the majority of this milk supply is moved to Sioux Falls, which is the primary milk processing and consumption center in the market. He argued that a reduction in the order prices at Mitchell would better encourage milk to be moved from the market's production areas to the primary processing and consumption center of the market.

The operator of a pool supply plant and a nonpool manufacturing plant, both located at Mitchell, opposed the proposal. He stated that the proposal would reduce the order price to his producers below the price that the proponent cooperative would be able to pay its producers in his procurement area and, thus, he would be forced to pay a premium to his producers to stay competitive in obtaining his milk supply.

The proposed 10.5-cent reduction in the order's Class I and uniform prices at Mitchell relative to Sioux Falls raises

the question of whether the pool distributing plant located at Mitchell would be adversely affected with respect to its ability to attract a supply of milk under the order's price structure. The adoption of a single base pricing point at Sioux Falls would tend to attract all the market's milk supplies to such location relative to any other plant location unless the other plant were located at or near a point through which milk would be transported en route from the farm to Sioux Falls. Mitchell is located on the western edge of the milk production area for the market. On the basis of December 1979 data, less than 20 of the market's 449 producers are located in Davison County, where Mitchell is located, and the nearby counties of Aurora, Jerauld, Douglass and Charles Mix. In this circumstance, there is serious question whether the order price structure would attract adequate supplies of milk to the pool distributing plant at Mitchell if the order prices at such plant were reduced 10.5 cents relative to plants in Sioux Falls.

Intermarket procurement competition could be disrupted if the order prices were reduced at the Mitchell location. The Nebraska-Western Iowa market is supplied in part by milk produced on farms in the general vicinity of Mitchell. Thus, the pool plants at Mitchell are in procurement competition with Nebraska-Western Iowa handlers.

Presently, there is close alignment of Class I prices at Mitchell and Sioux Falls under both orders. The Eastern South Dakota Class I differential is $1.40 at Mitchell and Sioux Falls. The Nebraska-Western Iowa Class I differential adjusted for location is $1.39 at Sioux Falls and $1.375 at Mitchell. The proposal would provide a differential of $1.295 at Mitchell, or 8 cents under the Class I differential at such location under the Nebraska-Western Iowa order.

A 10.5-cent reduction in the location adjustment at Mitchell would reduce the uniform price by the same amount relative to Sioux Falls. With an overlapping of procurement areas under the Eastern South Dakota and Nebraska-Western Iowa orders, it could be expected that, until the uniform prices under the two orders at the Sioux Falls location become essentially equal through changes in market utilization, producers would be attracted to the market with the higher uniform price. In such circumstance, the uniform price under the Nebraska-Western Iowa order would be 9 cents higher than the Eastern South Dakota uniform price at a plant in Mitchell. Thus, it could be expected that producers in the vicinity of Mitchell would be attracted to the Nebraska-Western Iowa market before alignment of the respective order prices is realized at the Sioux Falls location.

In view of the above considerations, it is concluded that the proposed elimination of Mitchell as a base point could threaten the availability of milk supplies for the pool distributing plant at Mitchell on the basis of both intramarket and intermarket procurement competition. Accordingly, it should not be adopted.

The cooperative association that proposed the elimination of Mitchell as a base point filed an exception to the denial of the proposal. In its exceptions the cooperative reiterated its reasons stated at the hearing in support of the proposal. Moreover, the cooperative states that it is desirable to have intermarket alignment as a first priority in determining location adjustments. In this regard the exceptions fail to refute the above reasoning that continuation of both Mitchell and Sioux Falls as base points provides better intermarket price alignment than would the use of Sioux Falls alone as a base point. Accordingly, the exception is denied.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a MARKETING AGREEMENT regulating the handling of milk, and an ORDER amending the order regulating the handling of milk in the Eastern South Dakota marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

February 1981 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Eastern South Dakota marketing area is

approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on May 8, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

Order [1] Amending the Order, Regulating the Handling of Milk in the Eastern South Dakota Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern South Dakota marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant ot section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Eastern South Dakota marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Acting Administrator, of February 17, 1981, and published in the Federal Register on February 20, 1981 (46 FR 13222) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to the following modification: § 1076.13(c)(1) is revised.

1. Add a new § 1076.4 to read as follows:

§ 1076.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed or packaged. Separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition or separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a "plant" under this definition.

2. In § 1076.7 paragraphs (b), (c) and (d) are revised to read as follows:

§ 1076.7 Pool plant.

* * * * *

(b) A supply plant from which the volume of fluid milk products, except filled milk, transferred to pool distributing plants is not less than the applicable percentage, specified in paragraph (b)(1)(i), (ii) or (iii) of this section, of Grade A milk received at such supply plant from dairy farmers (including milk diverted therefrom by the plant operator) and handlers described in § 1076.9(c).

(1) The applicable percentage for the purpose of this paragraph shall be:

(i) 35 percent for the current month;

(ii) 35 percent for the 12-month period immediately preceding the current month; or

(iii) One or more shipments in each of the months of March through July if shipments were not less than 50 percent during each of the immediately preceding months of September through November.

(c) Any plant located in the marketing area or in any county adjacent to the marketing area that meets an applicable shipping standard described in paragraph (b) of this section, subject to the following conditions:

(1) A cooperative association that operates a supply plant may include as qualifying shipments its deliveries to pool distributing plants directly from farms of producers pursuant to § 1076.9(c).

(2) A proprietary handler may include as qualifying shipments milk diverted pursuant to § 1076.13 to pool distributing plants.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A plant qualified as a pool plant pursuant to this section:

(i) From which a lesser volume of fluid milk products, except filled milk, is disposed of in the Eastern South Dakota marketing area either as route disposition or to pool plants qualified on the basis of route disposition than in the marketing area of another order issued pursuant to the Act or to other order plants qualified on the basis of route disposition; and

(ii) Such milk would be subject to the class price and producer payment provisions of the other order upon being made exempt from this part;

(3) For the period of March through July, inclusive, if the operator of a plant qualified pursuant to paragraph (b)(1)(iii) of this section submits a request to the market administrator in writing that such plant not be a pool plant, such nonpool status will be effective the first month following such notice and such plant shall thereafter be a nonpool plant until it again qualifies as a pool plant on the basis of the shipping requirements of 35 percent or more as set forth in this section;

(4) That portion of a plant that is physically apart from the Grade A portion of such plant, is operated separately and is not approved by any health authority for receiving, processing, or packaging of any fluid milk product for Grade A disposition; and

(5) A governmental agency plant.

3. In § 1076.9 paragraph (c) is revised to read as follows:

§ 1076.9 Handler.

* * * * *

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer which is delivered to a pool plant in a tank truck owned and operated by, or under the control of, such cooperative

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

association. If the milk is delivered to the pool plant of another handler, the plant operator may be the handler for such milk if both the cooperative association and the operator of the pool plant notify the market administrator prior to the time that such milk is delivered to the pool plant that the plant operator will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received by the cooperative association at the location of the pool plant to which such milk is delivered;

* * * * *

4. Section 1076.13 is revised to read as follows:

§ 1076.13 Producer milk.

"Producer milk" of each handler means the skim milk and butterfat in milk of a producer that is:

(a) Received at a pool plant directly from such producer by the operator of the plant;

(b) Received by a handler described in § 1076.9(c); or

(c) Diverted from a pool plant, for the account of the handler operating such plant or for the account of a handler described in § 1076.(b), to another plant (other than a producer-handler plant) subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion under this section unless during the month at least one day's production of milk of such dairy farmer is physically received at the pool plant from which diverted;

(2) The total quantity of milk diverted by a cooperative association during the months of August through February may not exceed 35 percent of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month;

(3) The total quantity of milk diverted by a proprietary operator of a pool plant during the months of August through February to a nonpool plant may not exceed 35 percent of the milk received at or diverted from such pool plant (excluding any milk under control of a cooperative association that diverted milk during the month pursuant to paragraph (c)(2) of this section);

(4) Any milk diverted in excess of the limits prescribed in paragraph (c)(2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk. Otherwise, the total milk diverted on the last day of the month, then the second-to-last day, and so on in daily allotments will be excluded until all of the milk diverted in excess of the limit is accounted for; and

(5) Diverted milk shall be priced at the location of the plant to which diverted.

§ 1076.30 [Amended]

5. In the preamble of § 1076.30 the number "7th" is changed to "8th".

6. In § 1076.41 paragraph (b)(2) is revised to read as follows:

§ 1076.41 Shrinkage.

* * * * *

(b) * * *

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1076.9(c) and in milk diverted to such plant from another pool plant, except that, in either case, if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be 2 percent;

* * * * *

7. In § 1076.42 paragraph (a) is revised and a new paragraph (e) is added to read as follows:

§ 1076.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers or diversions shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant or divertee-plant after the computations pursuant to § 1076.44(a)(12) and the corresponding step of § 1076.44(b);

(2) If the transferor-plant or divertor-plant received during the month other source milk to be allocated pursuant to § 1076.44(a)(7) or the corresponding step of § 1076.44(b), the skim milk or butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler or divertor-handler received during the month other source milk to be allocated pursuant to § 1076.44(a) (11) or (12) or the corresponding step of § 1076.44(b), the skim milk or butterfat so transferred or diverted, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee plant or divertee plant.

* * * * *

(e) *Transfers by a handler described in § 1076.9(c) to pool plants.* Skim milk and butterfat transferred in the form of bulk milk by a handler described in § 1076.9(c) to a pool plant shall be classified pursuant to § 1076.44 pro rata with producer milk received at the transferee-handler's plant.

8. In § 1076.43 the preamble and paragraph (a) are revised to read as follows:

§ 1076.43 General classification rules.

In determining the classification of producer milk, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1076.30 and shall compute separately for each pool plant, and for each cooperative association with respect to milk for which it is the handler pursuant to § 1076.9 (b) or (c) that was not received at a pool plant, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1076.40, 1076.41 and 1076.42. The combined pounds of skim milk and butterfat so determined in each class for a handler described in § 1076.9 (b) or (c) shall be the classification of producer milk for such handler;

* * * * *

9. In § 1076.44 the preamble, paragraph (a) (13) and (14), and paragraph (c) are revised to read as follows:

§ 1076.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in § 1076.9(a) for each of its separate pool plants the classification of producer milk and milk received from a handler described in § 1076.9(c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) * * *

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1076.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceeds the

pounds of skim milk in producer milk and milk received from a handler described in § 1076.9(c), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

* * * * *

(c) The quantity of producer milk and milk received from a handler described in § 1076.9(c) in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

10. In § 1076.52 paragraphs (a) and (b) are revised to read as follows:

§ 1076.52 Plant location adjustments for handlers.

(a) For milk received at a plant from producers or from a handler described in § 1076.9(c) at a plant located in Minnesota, North Dakota, or that portion of South Dakota north of U.S. Highway 90, and which is classified as Class I milk without movement in bulk form to a pool plant at which a higher Class I price applies, the price specified in § 1076.50(a) shall be reduced 1.5 cents for each 10 miles or fraction thereof (by shortest hard-surfaced highway distance as measured by the market administrator) that such plant is located from the nearer of the Post Offices of Mitchell or Sioux Falls, South Dakota.

(b) For fluid milk products transferred in bulk from a pool plant to another pool plant at which a higher Class I price applies and which is classified as Class I, the price shall be the Class I price applicable at the location of the transferee-plant subject to a location adjustment credit for the transferor-plant determined by the market administrator as follows:

(1) Subtract from the pounds of Class I milk remaining at the transferee-plant after the computations pursuant to § 1076.44 (a)(12) and (b) the pounds of packaged fluid milk products from other pool plants;

(2) Multiply the remaining pounds of milk by 110 percent;

(3) Subtract the pounds of bulk fluid milk products physically received at the transferee-plant from the following sources:

(i) Producers;

(ii) Handlers described in § 1076.9(c);

(iii) Pool plants at which the same or a higher Class I price applies; and

(iv) Receipts of diverted milk from pool plants;

(4) Assign any pounds remaining pro rata to bulk receipts of fluid milk products from each transferor-plant at which a lower Class I price applies; and

(5) Multiply the pounds computed for each transferor-plant in paragraph (b)(4) of this section by the difference in the Class I prices applicable at the transferee-plant and transferor-plant.

* * * * *

11. In § 1076.60 the preamble and paragraph (a) are revised to read as follows:

§ 1076.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1076.9 (b) and (c) with respect to milk that was not received at a pool plant as follows:

(a) Multiply the pounds of producer milk and milk received from a handler described in § 1076.9(c) in each class as determined pursuant to § 1076.43(a) and § 1076.44(c) by the applicable class prices and add the resulting amounts.

* * * * *

12. In § 1076.71 paragraph (a) is revised to read as follows:

§ 1076.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1076.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1076.75, of such handler's receipts of producer milk and milk received from a handler described in § 1076.9(c) for which a value is computed pursuant to § 1076.60(a); and

(ii) The value at the uniform price applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1076.60(f).

* * * * *

§ 1076.72 [Amended]

13. In § 1076.72 the number "14th" is changed to "16th".

14. Section 1076.73 is revised to read as follows:

§ 1076.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay for milk received from producers for whom payment is not made to a cooperative association pursuant to paragraph (b) or (c) of this section as follows:

(1) On or before the last day of each month, for producer milk received during the first 15 days of the month, at not less than the Class III price for the preceding month; and

(2) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight, as adjusted pursuant to §§ 1076.74 and 1076.75, plus or minus adjustment for errors made in previous payments to such producer, less the following amounts:

(i) Payments made pursuant to paragraph (a)(1) of this section;

(ii) Location adjustment deductions pursuant to § 1076.75;

(iii) Proper deductions authorized by such producer; and

(iv) Deductions for marketing services pursuant to § 1076.86.

(b) Except as provided in paragraph (c) of this section each handler shall make payment to a cooperative association for producer milk which it caused to be delivered to such handler, if such cooperative association is authorized to collect such payments for its members and exercises such authority, an amount equal to the sum of the individual payments otherwise payable for such producer milk, as follows:

(1) On or before the 28th day of each month an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(1) of this section; and

(2) On or before the 15th day after the end of each month, an amount equal to not less than the sum of the individual payments otherwise payable to producers pursuant to paragraph (a)(2) of this section.

(c) Each handler shall pay a cooperative association for receipts of milk for which such cooperative association is the handler pursuant to § 1076.9(c) as follows:

(1) On or before the 28th day of the month, for milk received during the first 15 days of the month an amount per hundredweight equal to not less than the uniform price for the preceding month; and

(2) On or before the 15th day after the end of each month not less than the value of such milk at the uniform price, as adjusted by the butterfat differential specified in § 1076.74, applicable at the location of the receiving handler's plant, less the amount paid pursuant to paragraph (c)(1) of this section.

(d) Each handler shall pay a cooperative association for fluid milk products received by transfer from a pool plant operated by the cooperative association as follows:

(1) On or before the 28th day of the month, the handler shall pay for each hundredweight of fluid milk products received during the first 15 days of the month not less than the uniform price for the preceding month, adjusted by the butterfat differential pursuant to § 1076.74 for the preceding month; and

(2) On or before the 15th day after the end of the month not less than the value of such milk at the class prices, as adjusted by the butterfat differential specified in § 1076, that are applicable at the location of the transferee plant, less payment made pursuant to paragraph (d)(1) of this section.

(e) In making payments for producer milk pursuant to paragraphs (a) and (b) of this section, each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the recipient, which shall show:

(1) The month and identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds and the average butterfat content of milk received from the producer;

(3) The minimum rate or rates at which payment to the producer is required pursuant to the order;

(4) The rate that is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or rate per hundredweight and nature of each deduction claimed by the handler, including any deduction claimed pursuant to § 1076.86; and

(6) The net amount of payment to such producer or cooperative association.

15. In § 1076.75 paragraph (a) is revised to read as follows:

§ 1076.75 Plant location adjustments for producers and on nonpool milk.

(a) The uniform price pursuant to § 1076.61 for producer milk shall be adjusted according to the location of the plant of actual receipt at the rates set forth in § 1076.52; and

* * * * *

16. Section 1076.78 is revised to read as follows:

§ 1076.78 Charges on overdue accounts.

Any unpaid obligation of a handler pursuant to § 1076.71(a), 1076.77(a), 1076.85 or 1076.86 shall be increased 1 percent beginning on the day after the due date, and on the same day of each succeeding month until such obligation is paid.

PART 1076 [AMENDED]

17. The centerheading immediately preceding § 1076.85 is revised to read:

"Administrative Assessment and Marketing Service Deduction"

18. A new § 1076.86 is added to read as follows:

§ 1076.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer (other than himself) pursuant to § 1076.73, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from the producer's farm during the month, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be expended by the market administrator to provide for market information and to verify the weights, samples, and tests of milk of producers who are not receiving such services from a cooperative association.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month shall pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which a deduction was computed for each producer.

[FR Doc. 81-14274 Filed 5-11-81; 8:45 am]
BILLING CODE 3410-02-M

Food Safety and Quality Service

9 CFR Part 381

[Docket No. 81-017P]

Young Chicken Slaughter Inspection Rate Maximums; Modified Traditional Poultry Inspection

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice for comments on interim rules.

SUMMARY: On April 13, 1979, the Food Safety and Quality Service (FSQS) published immediately effective emergency rules establishing maximum inspection rates for young chickens and establishing an alternate method of post mortem inspection of young chickens known as "modified traditional inspection." The Agency's action was required by a court injunction directing the Department to establish uniform inspection rate standards for young chickens and to apply and enforce the rates uniformly in all federally inspected poultry slaughtering plants in the United States. On March 16, 1981, the U.S. Court of Appeals for the District of Columbia Circuit upheld the aforementioned rules as final interim rules, but ordered the Department to institute rulemaking procedures for the promulgation of permanent rules. Therefore, this document solicits comments on the interim rules for the purpose of determining whether they should be made permanent regulations.

DATE: Comments must be received on or before July 13, 1981.

ADDRESSES: Written comments to: Regulations Coordination Division, Attn: Annie Johnson, FSQS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Quality Service, Compliance Program, U.S. Department of Agriculture, Washington, DC 20250. Oral comments to: Dr. John C. Prucha (202) 447-3219. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Dr. John C. Prucha, Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Meat and Poultry Inspection Program, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-3219.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This action is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Comments

Interested persons are invited to submit comments concerning this notice. Written comments must be submitted in duplicate to the Regulations Coordination Division. Comments

should reference the docket number located in the heading of this document. Any person desiring opportunity for oral presentation of views must make such request to Dr. Prucha so that arrangements may be made for such views to be presented. A transcript shall be made of all views orally presented. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Coordination Division between 8 a.m. and 4:30 p.m., Monday through Friday.

Background

On April 13, 1979, to comply with a court order, FSQS published in the **Federal Register** a final rule, effective immediately, establishing national uniform maximum inspection rates for young chickens under the traditional inspection procedure (44 FR 22047–22049). At the same time, FSQS published accompanying final rules, also effective immediately, establishing an alternate method of post mortem inspection of young chickens known as "modified traditional inspection" (44 FR 22049–22051).

Although the Federal poultry products inspection regulations were amended by the emergency final rules without waiting for public comment, comments concerning the amendments were requested at the time of their publication. The comment period closed July 12, 1979. On February 15, 1980, and April 25, 1980, FSQS published in the **Federal Register** notices responding to the comments received on the final rules (Young Chicken Slaughter Inspection Rate Maximums, 45 FR 10319–10321; Modified Traditional Poultry Inspection, 45 FR 27917–27919).

On March 18, 1981, the United States Court of Appeals for the District of Columbia Circuit ruled, in the case of *American Federation of Government Employees, AFL–CIO et al.* v. *John R. Block, Secretary of Agriculture, et al.*, C.A. No. 79–1724 (D.C. Cir., March 18, 1981), that although the Department possessed good cause to publish the aforementioned regulations, justification did not exist for their promulgation as "permanent" regulations without the public procedures required under the Administrative Procedures Act. The Court further determined these final regulations were effective as interim regulations, but directed the Department to institute rulemaking proceedings forthwith.

The operations conducted under the regulations promulgated for young chicken inspection rates and modified traditional inspection have resulted in efficient and uniform inspection procedures. Therefore, it appears that these "interim" regulations, as originally issued in the April 13, 1979, **Federal Register** (44 FR 22047–22051), should be made "permanent" final regulations.

In addition to the comments received as a result of this notice, FSQS will also consider all comments previously received in response to the rules published on April 13, 1979.

Therefore, for these reasons and for the reasons outlined in the preamble to the previously published rules, FSQS is soliciting public comments on the interim amendments to §§ 381.36, 381.67, and 381.76 (9 CFR 381.36, 381.67, and 381.76) of the Federal poultry products inspection regulations as set forth below.

Done at Washington, DC, on May 6, 1981.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

1. A new paragraph (c) is added to § 381.36 (9 CFR 381.36) to read as follows:

§ 381.36 Facilities required.

* * * * *

(c) Facilities for modified traditional inspection. The following requirements for lines operating under the modified traditional inspection procedures are in addition to the normal requirements to obtain a grant of inspection. The requirements for modified traditional inspection in § 381.76(b) also apply.

(1) The following provisions shall apply to every inspection station:

(i) It shall consist of 4 feet of horizontal line space for each inspector and 4 feet for each inspector's helper.

(ii) The conveyor shall be level for the entire length of the inspection station.

(iii) A minimum of 150 footcandles of shadow-free lighting shall be available at the inspection surfaces of the bird to facilitate inspection, notwithstanding the requirement of § 381.52(b).

(iv) A trough complying with § 381.53(g)(4) of this Part shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the viscera have been completely removed, provided, however, that is those cases in which outside inspection is conducted before the opening cut is performed, such a trough shall also be placed at the outside carcass inspection station.

(v) On-line handwashing facilities shall be provided for the inspector and for the inspector's helper.

(vi) Hangback racks shall be provided for the inspector's helpers.

(vii) Each inspection station shall be provided with receptacles for condemned carcasses and parts. Such receptacles shall conform to the requirements of § 381.53(m).

(viii) Each inspector's station shall have a platform which covers the entire floor area of the station and is adjustable so that it can be raised to the proper inspection position.

(2) The following provisions, in addition to the requirements in § 381.36(c)(1) above, also apply to the outside carcass inspection station:

(i) A glass, distortion-free mirror, at least 3 feet wide and 2 feet high shall be mounted so that it can be adjusted between 5 and 15 inches behind the shackles, tilt up and down, tilt from side to side, and be raised and lowered. The mirror shall be positioned in relation to the inspection platform so that the inspector can position himself opposite it from 8 to 12 inches from the downstream edge.

(ii) To steady the birds for inspection, a horizontal shackle guide bar shall be located 7 inches above the bottom of the shackle and approximately 1 inch toward the inspector from the vertical plane of the moving line, extending the full length of the inspection station.

(iii) The bottom of the shackle shall be at least 52 inches higher than the inspector's adjustable platform in its lowest position.

(3) The following provisions, in addition to the requirements in § 381.36(c)(1) above, also apply to the inside carcass/viscera inspection station:

(i) A guide bar to steady the shackle shall be provided. It shall run the entire length of the inside carcass/viscera inspection station and shall maintain the lower edge of the shackle above the trough or water rail and approximately 8 inches from the edge.

(ii) The line shall be equipped with selection devices so that each inspector has the birds he is to inspect presented to him for inspection 12 inches apart and physically isolated from other birds.

(iii) The bottom of the shackle shall be at least 48 inches higher than the inspector's adjustable platform in its lowest position.

2. The Table of Contents is changed accordingly, and the title and text of § 381.76 is revised to read as follows:

§ 381.76 Post-mortem inspection, when required; extent; traditional and modified traditional post-mortem inspection; rate of inspection.

(a) A post-mortem inspection shall be made on a bird-by-bird basis on all poultry eviscerated in an official establishment. No viscera or any part thereof shall be removed from any poultry processed in any official

establishment, except at the time of post-mortem inspection, unless their identity with the rest of the carcass is maintained in a manner satisfactory to the inspector until such inspection is made. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook poultry. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector, except for parts that are not needed for inspection purposes and are not intended for human food and are condemned.

(b)(1) There are two systems of post-mortem inspection: traditional inspection and modified traditional inspection. Modified traditional inspection shall be used only for young chickens [1] and in the following circumstances:

(i) if the operator requests it and the Administrator determines that the system will result in no loss of inspection efficiency; or

(ii) if the Administrator determines that modified traditional inspection will increase inspector efficiency.

(2) The requirements of paragraph (a) of this section are applicable to both traditional and modified traditional inspection.

(3) The following requirements are also applicable to modified traditional inspection:

(i) The facility must meet the requirements for modified traditional inspection in § 381.36(c).

(ii) The inspection stations shall consist of one outside carcass inspection station, at which one inspector inspects the outside of all birds and two inside carcass/viscera inspection stations at which each of two inspectors inspects the inside and viscera of half the birds processed. The outside carcass inspector shall be presented each bird with the breast side toward the inspector. The inside carcass/viscera inspector shall be presented each bird he is to inspect with the back side toward the inspector.

(iii) The maximum inspection rate for modified traditional inspection shall be 70 birds per minute per 3 inspector team.

[1] The standards in § 381.170(a) of the regulations (9 CFR 381.170(a)) specify which classes of chickens constitute young chickens.

(Sec. 14.71 Stat. 447, as amended 21 U.S.C. 463; 42 FR 35625, 35628, 35631)

3. The Table of Contents is amended to reflect the following change, and the heading and text of a new § 381.67 are added to Subpart I to read as follows:

§ 381.67 Young chicken slaughter inspection rate maximums under traditional inspection procedure.

The maximum birds to be inspected by each inspector per minute under the traditional inspection procedure for the different young chicken slaughter line configurations are specified in the following table. These maximum rates shall not be exceeded. The inspector in charge shall be responsible for reducing production line rates where in the inspector's judgment the prescribed inspection procedure cannot be adequately performed within the time available, either because the birds are not presented by the official establishment in such a manner that the carcasses, including both internal and external surfaces and all organs, are readily accessible for inspection, or because the health conditions of a particular flock dictate a need for a more extended inspection procedure. The standards in § 381.170(a) of this Part specify which classes of birds constitute young chickens. Section 381.76(b) specifies when either the traditional inspection procedure or the modified traditional inspection procedure can or must be used.

Maximum Production Line Rates—Young Chickens—Traditional Inspection Procedures

Line configuration [1]	Number of inspection stations	Birds per inspector per minute
0-1	1	25
12-1	2	23
12-2	2	21
18-1	3	19
18-2	3	19
18-3	3	19
24-1	4	18½
24-2	4	18
24-4	4	18½

[1] Birds are suspended on the slaughter line at 9-inch intervals. The first number indicates the interval in inches between the birds that each inspector examines. The second number indicates how many of the birds presented the inspector is to inspect; i.e., "1" means inspect every bird, "4" means inspect every fourth bird, etc.

(Sec. 14.71 Stat. 447, as amended, 21 U.S.C. 463; 42 FR 35625, 35628, 35631)

[FR Doc. 81-14339 Filed 5-11-81; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM 81-27]

Incremental Pricing: Adoption of Single-Tier Alternative Fuel Price Ceiling; Notice of Public Hearing

Issued May 8, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Public Hearing.

SUMMARY: On April 22, 1981, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking (46 *Fed. Reg.* 23947) in Docket No. RM81-27 proposing to amend §§ 282.402 and 282.403 to permanently establish a single-tier, high-sulfur No. 6 alternative fuel price ceiling under the Natural Gas Policy Act of 1978. The Commission has received a request for a public hearing wherein interested persons would have the opportunity to make oral presentations of their views on the proposed rule. Pursuant to this request, the Commission has scheduled a public hearing to be held on May 28, 1981, at 10:00 a.m. at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 [Room to be announced].

DATES: The public hearing will be held on May 28, 1981 at 10:00 a.m.

ADDRESSES: The public hearing will be held at: (Room to be announded), Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Sandra Delude, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-5522.

Ronald L. Leach, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-5417.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14428 Filed 5-11-81; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 292

[Docket No. RM 79-55]

Regulations Under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 With Regard to Small Power Production and Cogeneration; Request for a Declaratory Order

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Request for a Declaratory Order.

SUMMARY: On January 9, 1981, the Commonwealth of Massachusetts Department of Public Utilities filed with the Federal Energy Regulatory Commission a request for a declaratory order pursuant to § 1.7(c) of the Commission's rules. The Commonwealth of Massachusetts requests the Commission to issue a declaratory order clarifying the method of calculation of avoided cost which is currently set out in 18 CFR 292.303(d).

DATE: Written comments are due June 11, 1981.

ADDRESS: File Comments with: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, Reference: Docket No. RM79-55.

FOR FURTHER INFORMATION CONTACT: Glenn Berger, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8033.

SUPPLEMENTARY INFORMATION:

May 6, 1981.

In the matter of Commonwealth of Massachusetts Department of Public Utilities, Docket No. RM79-55.

On January 9, 1981, the Commonwealth of Massachusetts, Department of Public Utilities (Department) filed with the Federal Energy Regulatory Commission (Commission) a request for a declaratory order pursuant to § 1.7(c) of the Commission's rules.

The Department requests the Commission to issue a declaratory order clarifying the method of calculation of avoided cost which is currently set out in § 292.303(d) of the Commission's rules.

The Department states:

That the avoided costs of an all-requirements utility are at least the wholesale rate energy charge for energy and the wholesale demand charge for capacity, regardless of whether the supplying utility plans additions to capacity or not.

Further, if the all-requirements utility is an affiliate of the supplying utility, the state regulatory commissions should be allowed by base the avoided costs of the all-requirements utility on the avoided costs of the affiliate supplying utility.

Any person desiring to be heard on this matter should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 of the Commission's Rules of Practice and Procedure. All such petitions must be filed on or before June 11, 1981, and must be served on the Applicant. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14254 Filed 5-11-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1817-2]

Rule Revisions for Two Air Pollution Control Districts in the State of California; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Rule revisions for the South Coast Air Quality Management District (AQMD) and the San Diego County Air Pollution Control District (APCD) have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for incorporation into the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. These rules have been evaluated and found to be in conformance with the requirements of 40 CFR Part 51 and EPA policy. Therefore, this notice proposes to approve the rule revisions and incorporate them into the SIP. The EPA invites public comments on this action.

DATES: Comments may be submitted up to July 13, 1981.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Programs Branch State Implementation Plan Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions and evaluation reports are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

California Air Resources Board, 1102 "O" Street, Sacramento, CA 95814;
South Coast Air Quality Management District, 9150 Flair Drive, El Monte, CA 91731;
San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123;
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Environmental Protection Agency, Region, IX, 215 Fremont Street, San Francisco, CA 94105 (415) 556-2938.

SUPPLEMENTARY INFORMATION: The California Air Resources Board, as the Governor's designee, submitted the following rules and regulations on the indicated dates, as revisions to the California SIP.

South Coast AQMD

July 25, 1979

Rule 218 Stack Monitoring
Rule 219 Equipment Not Requiring a Permit
Rule 401(b) and (c) Visible Emissions
Rule 431 Sulfur Content of Fuels (Deletion)
Rule 431.1 Sulfur Content of Gaseous Fuels
Rule 431.2 Sulfur Content of Liquid Fuels
Rule 431.3 Sulfur Content of Fossil Fuels
Rule 1120 Asphalt Pavement Heaters
Rule 1206 Appearances
Rule 1207 Service and Filing
Rule 1208 Rejection of Documents
Rule 1212 Continuances
Rule 1213 Requests for Continuances or Time Extensions
Rule 1215 Conduct of Hearing
Rule 1216 Presiding Officer
Rule 1218 Ex Parte Communications
Rule 1219 Evidence
Rule 1222 Order of Procedures
Rule 1225 Conduct of Cross-examination
Rule 1226 Oral Argument
Rule 1227 Briefs
Rule 1228 Motions
Rule 1229 Decisions
Rule 1230 Proposed Decision and Exception

December 17, 1979

Rule 404 Particulate Matter Concentration
Rule 442 Usage of Solvent
Rule 501.1 Assistance to Small Business
Rule 502 Filing Petitions
Rule 504.1(b), (c) and (d) Rules from Which Variances Are Not Allowed
Rule 1124 Aerospace Assembly and Component Coating Operations

February 7, 1980

Rule 466 Pumps and Compressors

April 2, 1980

Rule 107 Determination of Volatile Organic Compounds in Coating Material

Rule 401(d) Visible Emissions
Rule 709(c) First Stage Episode Actions
Rule 1111 NO_x Emissions From Natural Gas-Fired Fan Type Central Furnaces
Rule 1121 Control of Nitrogen Oxides From Residential Type Natural Gas-Fired Water Heaters
Rule 1140 Abrasive Blasting

April 23, 1980

Rule 301 Permit Fees
Rule 405 Solid Particulate Matter—Weight
Rule 431.2(c)(5) Sulfur Content of Liquid Fuels
Rule 701 General
Rule 702 (a), (d), (e), (f), (h) and (i) Definitions
Rule 703 Episode Criteria
Rule 704 Episode Declaration
Rule 705 Termination of Episodes
Rule 706 Episode Notification
Rule 708.3 (a), (b)(8)–(b)(10) Traffic Abatement Plans
Rule 708.4 (g) and (h) Procedural Requirements for Plans
Rule 709(a) First Stage Episode Actions
Rule 710 (a) and (b)(4) Second Stage Episode Actions
Rule 711 (a)(1), (a)(4), (b)(1) and (b)(4) Third Stage Episodes
Rule 713 Interdistrict Coordination
Rule 714 Source Inspections
Rule 715 Burning of Fossil Fuel on Episode Days

June 2, 1980

Rule 471 Asphalt and Coal Tar Equipment (Deletion)

July 25, 1980

Rule 1119 Petroleum Coke Calcining Operations—Oxides of Sulfur

August 15, 1980

Rule 401(e) Visible Emissions
Rule 702(b) Definition
Rule 707 Radio Communication System
Rule 708 Plans
Rule 708.3 (a)(2) and (c) Traffic Abatement Plans
Rule 708.4 (a) and (b) Procedural Requirements for Plans
Rule 709(e) First Stage Episode Actions
Rule 710 (b)(1)(D), (b)(2)(D), (b)(3)(B) and (c)(3)(B) Second Stage Episode Actions
Rule 711 (a)(1)(E), (a)(2)(D), (a)(3)(B), (a)(4)(F), (b)(3)(B) and (b)(4)(F) Third Stage Episode Actions
Rule 712 Sulfate Episode Actions
Rule 1102 Petroleum Solvent Dry Cleaners

November 3, 1980

Rule 1113 Architectural Coatings

San Diego County APCD

October 13, 1977

Rule 2(u) Definition—Southeast Desert Air Basin (Deletion)

May 7, 1979

Rule 10(h) Permits Required
Rule 43 Orchard or Citrus Grove Heaters (Deletion)

May 23, 1979

Rule 19.2(d)(4) Continuous Emission Monitoring Requirements
Rule 50 Visible Emissions
Rule 62(a) Sulfur Content of Fuels
Rule 66 (P) and (W) Organic Solvents
Rule 96 Requirement for Hearing
Rule 98 Breakdown Conditions: Emergency Variance

June 2, 1980

Rule 1 Title
Rule 2 (a), (b), (t), (v), (u), (x) and (y) Definitions
Rule 14 Applications
Rule 17 Cancellation of Applications
Rule 18 Action on Applications
Rule 67.0 Architectural Coatings
Rule 67.1 Purchase and Use of Architectural Coatings by Government Agencies and Public Districts

August 15, 1980

Rule 2 (z) and (aa) Definitions
Rule 40 Permit Fees (including Fee Schedules 1 to 103)

September 5, 1980

Rule 19 Provision of Sampling and Testing Facilities and Emission Information

September 15, 1980

Rule 10 (f) and (i) Permit to Sell or Rent and Change of Location

All the rules listed above have been evaluated and determined to be in accordance with the Clean Air Act, 40 CFR Part 51 and EPA policy. Therefore, it is the purpose of this notice to propose to approve all the rule revisions listed above and to incorporate them into the California SIP.

No action is proposed to be taken on Rule 712, *Sulfate Episode Action* of the South Coast AQMD, because sulfate is a non-criteria pollutant. Thus, the rule is not appropriate for inclusion in the SIP under Section 110 of the Clean Air Act.

No action is proposed to be taken at this time on the following rules: South Coast AQMD's Rules 219, 401, and 466; and San Diego County APCD's Rule 18. Those rules are being evaluated in accordance with the requirements of the Clean Air Act and will be addressed in the future **Federal Register** notice.

The State also submitted regulations concerning New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) on December 17, 1979 for the South Coast AQMD and January 2, 1979, for the San Diego County APCD. These NSPS and NESHAPS regulations implement Sections 111 and 112 of the Clean Air Act, and are not appropriate for inclusion in a State Implementation Plan under Section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They will, however, be reviewed in determining whether to delegate authority to implement and enforce the NSPS and NESHAPS regulations in the APCD under the appropriate provisions of Sections 111 and 112. Announcement of such delegation would appear in a separate **Federal Register** notice.

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove rules submitted as SIP revisions. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before 60 days after publication of this notice will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

The Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been met.

The Administrator's decision to approve or disapprove the proposed revisions will be based on the comments received and on a determination whether the amendments meet the requirements of the Clean Air Act and 40 CFR Part 51.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator Certified (46 FR 8709) that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions and imposes no new requirements. In addition, due to the nature of the Federal-state relationship, Federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions. It imposes no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Sections 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)))

Dated: February 25, 1981.

Louise P. Gierach,

Acting Regional Administrator.

[FR Doc. 81-14280 Filed 5-11-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Part 81

[A-3-FRL-1816-6]

Designations of Areas for Air Quality Planning Purposes—Massachusetts; Proposed Rulemaking: Redesignation of Attainment Areas—Primary and Secondary Sulfur Dioxide Standards

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On November 6, 1980, the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) submitted for EPA approval, its request that each of the 351 cities and towns in Massachusetts be designated as separate Section 107 attainment areas with respect to primary and secondary sulfur dioxide (SO_2) National Ambient Air Quality Standards (NAAQS). The entire state was originally designated as one attainment area on March 3, 1978 (43 FR 9037).

The purpose of this proposed redesignation is to minimize the analysis of changes in ambient air levels of SO_2 resulting from construction of new sources or from relaxations of sulfur-in-fuel limits, required by the August 7, 1980 Prevention of Significant Deterioration of Air Quality (PSD) regulations. Since data submitted to EPA show that no violations of the standards have been recorded at any of the Massachusetts Department's SO_2 air quality monitors (data are available through June 30, 1980), EPA is proposing to approve this request to designate each city and town as a separate Section 107 attainment area. However, some cities and towns will be grouped together as one attainment area for reasons explained below.

DATES: Comments must be received on or before June 11, 1981.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460 and the Department of Environmental Quality Engineering, 1 Winter Street Boston, Massachusetts 02110.

Comments should be submitted to Harley Laing, Chief, Air Branch, Region I, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–4448.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 9037) EPA designated the entire state of Massachusetts as attainment with respect to primary and secondary sulfur dioxide (SO_2) NAAQS as required by Section 107(d)(2) of the Clean Air Act Amendments of 1977. Section 107(d)(5) allows states to revise and resubmit the list of designated attainment areas subject to EPA approval. In view of EPA's new Prevention of Significant Deterioration of Air Quality (PSD) regulations published on August 7, 1980 (45 FR 52676) the Massachusetts Department proposes to revise its list of designated attainment areas such that each city and town, separately, is treated as a Section 107 attainment area with respect to the primary and secondary SO_2 NAAQS. This redesignation will not change the attainment *status* of any portion of the state with respect to SO_2. It will simply change the geographic boundaries of the State's attainment areas for purposes of SO_2 PSD calculations. It will also minimize the analysis of changes in ambient air pollutant concentrations required by the new PSD regulations as explained below.

EPA's PSD regulations limit the increases in ambient pollutant concentrations over baseline levels. The baseline level, as defined by the August 7, 1980 PSD regulations (40 CFR 52.21(b)(13), (14), (15)), is the ambient concentration of a pollutant existing in a Section 107 designated attainment area on the date after August 7, 1977, on which the first PSD permit application in that area was filed with EPA by a source subject to the PSD regulations as amended on August 7, 1980, and includes emission increases and decreases at major stationary sources (see definition of "major", 45 FR 52735, August 7, 1980) resulting from construction that began after January 6, 1975. The increase in ambient SO_2 levels allowed over the baseline level in Class II areas (there are no Class I or Class III areas in Massachusetts) are limited to increments of 20 $\mu g/m^3$ based on an annual average; 91 $\mu g/m^3$ based on a 24-hour average; and 512 $\mu g/m^3$ based on a 3-hour average. After the baseline date has been set, each new major source and each sulfur-in-fuel relaxation consumes a portion of these increments.

According to the attainment area designations promulgated by EPA on March 3, 1978, the baseline date for SO_2 has now been set for the entire state of Massachusetts by the PSD permit application filed by the Massachusetts Municipal Wholesale Electric Company located in Ludlow, Massachusetts, on August 4, 1978. However, if each city and town were designated as a separate Section 107 attainment area, the baseline date would be set only in cities or towns in which is constructed a source or modification which is subject to PSD review and which emits significant amounts of sulfur dioxide (40 tons per year; see 40 CFR 52.21(b)(14)(ii)(b), 52.21(b)(23)), or in cities or towns on which such a source would have an impact greater than or equal to 1 $\mu g/m^3$ on an annual basis. (Mathematical modeling performed by EPA was used to determine where a source would have an impact greater than or equal to 1 $\mu g/m^3$ on an annual basis.)

If the baseline date is set in more than one city or town by a source, then these two or more cities or towns must be designated as one attainment area. Therefore, EPA is proposing to redesignate as separate Section 107 attainment areas with respect to the SO_2 NAAQS, the cities and towns (or groups of cities and towns) listed below in which a baseline date would be set under this proposal by sources which have been issued PSD permits and are subject to PSD review under the new regulations. The date in parentheses is the baseline date.

1. West Groton (June 15, 1979)
2. Lawrence (December 21, 1979)
3. Boston and Milton (July 13, 1979)
4. Ludlow, So. Hadley, Granby, Belchertown, Palmer and Wilbraham (August 4, 1978)

As of April 1, 1981, EPA had received complete applications from three additional sources. However, as of April 1st, permits had not yet been issued to these sources, and modeling to determine the baseline area has thus not been completed. As a minimum, the baseline date will be established in the city or town in which the source is located. These three sources and their locations are listed below. The date in parentheses is the date the PSD application was submitted (the baseline date).

1. Natick Paperboard, Natick (February 5, 1980)
2. Medical Area Total Energy Plant, Boston (August 7, 1978)
3. Rochester Resource Recovery Facility, Rochester (August 4, 1980)

EPA is also proposing to designate all the other cities and towns in Massachusetts (where no baseline dates have been set) as separate Section 107

attainment areas. Baseline dates will be established in additional cities and towns as new complete PSD applications are submitted.

Ambient air quality monitoring data collected through June 30, 1980 show no violations of the SO_2 NAAQS throughout the entire state. SO_2 levels cannot be measured in every city and town due to the resources required; however, air quality monitors have been placed in areas of expected maximum SO_2 concentrations. Under the August 7, 1980 PSD regulations, ambient air quality monitoring data requirements for new PSD sources are the same for attainment and unclassifiable areas. Therefore, it is not necessary to distinguish between these two classifications.

This proposed redesignation will minimize the number of cities and towns in which a PSD baseline date is established. Sources seeking a relaxation of sulfur in fuel regulations will be required to comply with PSD increment consumption regulations only if they are located in an area where a baseline date has been established.

Pursuant to the provision of 5 U.S.C. Section 605(b) the Administrator has certified that attainment area redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes an attainment area redesignation under section 107(d) within the terms of the January 27 certification. This action imposes no regulatory requirement but only redesignates attainment area boundary lines.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action imposes no regulatory requirement but only redesignates attainment area boundary lines.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The Administrator's decision to approve or disapprove the redesignation will be based on whether it meets the requirements of section 107(d)(5) of the Clean Air Act, as amended.

Dated: April 23, 1981.

Leslie A. Carothers,

Acting Regional Administrator.

[FR Doc. 81-14232 Filed 5-11-81; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 192

[RH-FRL-1824-8]

Proposed Remedial Action Standards for Inactive Uranium Processing Sites; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: EPA has proposed remedial action standards (40 CFR Part 192) for inactive uranium processing sites (45 FR 27370, April 22, 1980, and 46 FR 2556, January 9, 1981), and announced public hearings on the proposals (46 FR 16278, March 12, 1981). These notices stated that written comments on the proposals should be received by May 11, 1981, and that the period for submitting comments related to material presented at the hearings would be set by the presiding officer. We announce here the termination date of the post-hearing comment period and an extension of the written comment period.

DATE: Written comments on proposed 40 CFR Part 192 and post-hearing comments should be received on or before June 15, 1981. Persons wishing to testify at the hearings to be held on May 14 and 15, 1981, in Washington, D.C., should follow instructions given in 46 FR 16278 or contact Dr. Stanley Lichtman as indicated below.

ADDRESS: Comments should be submitted to Docket No. A-79-25, which is located at the Environmental Protection Agency, Central Docket Section (A-130), West Tower Lobby, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Dr. Stanley Lichtman, Criteria and Standards Division (ANR-460), Office of Radiation Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460; telephone number (703) 557-8927.

Dated: May 6, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-14272 Filed 5-11-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 31, 33, 34, and 35

[CC Docket No. 81-273; RM-3806; FCC 81-169]

Amendment of the Uniform System of Accounts To Increase the Dollar Limit for Expensing Minor Items

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing to amend its accounting rules for all carriers subject to Parts 31, 33, 34 and 35 of the Rules and Regulations to increase the dollar limit for expensing minor items from the current limit of $50. This action is taken in response to a petition filed by GTE Service Corporation.

DATE: Comments are due on or before June 10, 1981 and replies on or before June 25, 1981.

ADDRESS: Submit comments and replies to Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Gary Oddi, Common Carrier Bureau, (202) 632-3863

SUPPLEMENTARY INFORMATION:

In the matter amendment of the Uniform System of Accounts to increase the dollar limit for expensing minor items.

Adopted: April 23, 1981.

Released: May 1, 1981.

By the Commission:

1. On November 7, 1980, the GTE Service Corporation (GTE) on behalf of itself and its affiliated domestic telephone companies filed a Petition for Rulemaking (RM-3806).[1] GTE requested that the Commission amend its system of Accounts for Class A and Class B telephone companies (Section 31.2-20(d)), and for wire-telegraph and ocean-cable carriers (Section 35.1-1(d), to increase from $50 to not less than $200 the cost of individual items of equipment that shall be charged to an appropriate operating expense or clearing account rather than to a plant account.[2] GTE proposed that the changes be implemented on a going-forward-basis. Such a change, it was stated, would increase 1981 expenses, in total interstate and intrastate revenue requirements for all the GTE domestic telephone companies, by about $4,000,000 or about $.35 per subscriber.

2. In support of its request, GTE referred to the accelerated inflationary trends since 1974, when the monetary limit was raised from $25 to $50 in Docket 20110, 49 FCC 2d 1153. GTE further stated that the effect of such an increase would be to allow telephone companies to expense a broader range of relatively low-cost items, thereby

[1] In Report No. 1283, dated December 17, 1980, Public Notice of the Petition's filing was given.

[2] GTE suggested that the Commission might consider making the same change in Section 33.31(d) for Class C telephone companies and Section 34.1-1(c) for radiotelegraph carriers.

avoiding the more detailed recordkeeping requirement associated with capitalization and reducing the cost to the consumer by minimizing carrying charges associated with unnecessary rate base. GTE stated that the Cost Accounting Standards Board raised its minimum amount for capitalization of tangible assets from $500, established in 1973, to $1000. *See* 4 CFR § 4.04.40(b)(1) and 43 FR 13723 (March 3, 1980). Similarly, the Canadian Radio-television and Telecommunication Commission increased its capitalization minimum to $1500. *See* TELECOM. DECISION CRTC 78–1 (January 13, 1978).

3. Timely comments were submitted by the American Telephone and Telegraph Company (AT&T), the Rochester Telephone Corporation (Rochester) and the United States Independent Telephone Association (USITA). Continental Telephone Company (Continental) filed a "Concurring Petition for Rulemaking" beyond the deadline established for such comments. While all respondents expressed basic agreement with respect to raising the monetary limits for tools and office equipment having a short life, they were in disagreement with respect to the level at which the limit should be set. USITA urged prompt and affirmative action on the GTE petition. Rochester, however, used the $1,000 limit set by the Cost Accounting Standards Board as a basis to raise the limit to at least $500. AT&T, on the other hand, found that the $200 limit requested by GTE to be too large a step to be taken at this time. AT&T asserted that this increase is not supported by the increase in the general price level that has occured since the last expense limit change in 1974. It therefore proposed that the present limit of $50 be raised to $100.

4. AT&T also stated that the GTE proposal to implement the rule change on a "going-forward basis only" would require time consuming and costly inventory procedures to maintain a dual system whereby some items of equipment are capitalized while other identical items are expensed. AT&T suggested that a five year period be employed to amortize the embedded investment between the $50 and the $100 limit. AT&T maintains that amortization over five years would spread the resulting additional revenue requirements and therefore smooth the impact on the ratepayers. AT&T estimated that the revenue requirement would increase under a $100 limit on a going-forward only basis, by $14 million or 16 cents per subscriber line in 1982. If recovery of the embedded investment were accomplished in one year, the estimated additional revenue requirements would be $106 million or $1.24 per subscriber line in 1982. If a 5 year amortization period were used, the revenue requirements due to both new and and embedded plant is estimated to be $30 million or 35 cents subscriber line, decreasing ratably to the final year revenue requirement of $11 million or less than 13 cents per subscriber line.

5. The insufficiency of the $50 limit on the expensing of minor items is undisputed by the parties. The real question is the level at which the expense limit should be set. In setting a new limit, the Commission believes it appropriate to consider the effect that inflation has had on general price levels since the $50 limit was established in 1974. We likewise believe we should consider the recordkeeping and inventory burdens carriers sustain under the present rules prescribing capitalization of items of minor value. However, we also intend to carefully weigh the impact any change will have on rates charged to consumers.

6. Two alternative approaches appear to accomplish these objectives. The first method, and the tentatively preferred one, is to select a fixed dollar limit which would continue to apply until changed by further order of the Commission. The rate of inflation since the last increase in the expense limit would not appear to be the sole criterion by which to judge the reasonableness of the new limit.

7. Under this method, the principle effects on the ratemaking process will occur in the year of implementation. To evaluate this method, the Commission needs data reflecting the impact on rates if the expense limit were set at the following alternative levels: $100, $150, $200, and $250. We request AT&T and GTE and other interested carriers to provide in their comments 1982 incremental revenue requirement impact estimates (both on a system-wide aggregate basis and per subscriber line) at each of these levels.

Commenting parties are requested to evaluate the relative merits of setting the expense limit at one of these levels, or any other level they believe to be appropriate.

8. The second method involves the use of a moving expense limit. The expense limit would rise from a predetermined level in one of two ways: by predetermined steps at given time intervals (e.g., 1982–$100, 1983–$150, 1984–$200, 1985–$250), or at a rate determined by an inflation index. The first alternative could be used to phase in a significant increase in the expense limit, while the second would more appropriately be used to retain relative price level consistency for items that are to be expensed. We recognize that the use of a moving expense limit may result in additional pressures on the ratemaking process, or may create additional recordkeeping burdens. Parties are requested to comment on whether a moving expense limit would provide benefits to the Commission or the carriers commensurate with any additional burdens that may result with respect to the recordkeeping or the ratemaking process. Any commenting party favoring this approach should deleneate the benefits and the burdens of this approach. Commenting parties favoring this approach should also discuss the appropriate steps and the appropriate inflation index that should be used in implementing the method.

9. In its comments, AT&T suggested that carriers be allowed to amortize the embedded investment between the current $50 limit and the new limit over a reasonable period. No other party commented on this issue. We ask parties to comment on the following questions. How significant are the recordkeeping burdens if prospective application of a new expense limit were selected? Could these recordkeeping burdens, if any, be eliminated or reduced by using a first-in first-out inventory method? If a moving expense limit is selected, is the amortization of embedded investment feasible, and if so, at what cost? What amounts of embedded investment would be amortized at each expense limit noted in paragraph 7 above? Finally, is there a possible trade-off between the expense limit and the amortization of embedded investment?

10. The Commission proposes to make any amendments to Parts 31, 33, 34, and 35 of our Rules adopted as a result of this proceeding effective not less than six months after issuance of a final order with respect to this rulemaking as required by Section 220(g) of the Communications Act.

11. In compliance with the provisions of Section 603(b) of the Regulatory Flexibility Act, 5 U.S.C. 603(b), we believe the above discussion sets forth the purpose of the proposed amendment. We believe the accounting change can be readily implemented by all carriers' subject to Parts 31, 33, 34 and 35 without significant economic impact and, in fact, will ease the recordkeeping requirements of these carriers, both large and small.

12. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission

adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 CFR § 1.1231.

13. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and providing that the fact of the Commission's reliance on such information is noted in the Report and Order.

14. Accordingly it is ordered, That pursuant to the provisions of Sections 4(i) and 220(a) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 220(a), there is hereby instituted a notice of proposed rulemaking into the foregoing matters in response to the Petition for Rulemaking (RM–3606) filed by GTE Service Corporation.

15. It is further ordered, That all interested person MAY FILE comments on the specific proposals discussed in this Notice on or before June 10, 1981. Reply comments shall be filed on or before June 25, 1981. In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, 47 CFR § 1.419, an original and five (5) copies of all comments shall be furnished to the Commission. Copies of the comments will be available for public inspection in the Commission's Docket Reference Room, 1919 M Street, N.W., Washington, D.C.

16. It is further ordered, That the Secretary shall cause this Notice of Proposed Rulemaking to be published in the Federal Register.

17. It is further ordered, Pursuant to Section 220(i) of the Communications Act, 47 U.S.C. § 220(i), that the Secretary shall cause a copy of this Notice to be served on each state commission.

(Secs. 1, 2, 4, 201–205, 208, 215, 218, 220, 313, 314, 403, 404, 410, 602; 48 Stat. as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-14366 Filed 5-11-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 159

[Docket No. 21725; Notice No. 81-7]

Metropolitan Washington Airports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice sets forth a proposed rule which would codify current practice that turbojet air carrier aircraft may not be operated into or out of Washington National Airport on a scheduled flight segment of more than 650 statute miles except for nonstop flights of less than 1,000 miles operating to or from certain cities historically excepted from the 650-mile limitation. This proposal is necessary in order to maintain operational restrictions that have been in existence for approximately 15 years at National Airport while the Metropolitan Washington Airport's Policy and implementing regulations are reviewed by the Secretary of Transportation in accordance with Executive Order 12291 as announced in a previous rulemaking action.

DATES: Comments must be received on or before May 19, 1981.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC–204), Docket No. 21725, 800 Independence Avenue, S.W., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, S.W., Washington, D.C.

Comments delivered must be marked: Docket No. 21725. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Assistant Chief Counsel (AGC–200), Regulations and Enforcement Division, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 426–3073.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the marking of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the date specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each substantive public contact with DOT/FAA personnel concerned with this rulemaking will be filed in the docket. The DOT/FAA requests that interested persons, when submitting comments, refer to the proposal by the sections to which they relate.

Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments on Docket No. 21725." The postcard will be dated, time stamped, and returned to the commenter.

Availability of This Notice

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this

NPRM. Persons should request a copy of Advisory Circular No. 11–2 which describes the application procedures.

Background

On May 5, 1981, R. L. Crandell, President of American Airlines, advised the Federal Aviation Administration (copy of the letter is in the docket) that on June 11, 1981, American Airlines will commence nonstop service between Dallas/Fort Worth and Washington National Airport (DCA). Since receiving that letter, the FAA has been advised that other air carriers are considering new long distance nonstop service between DCA and other cities. In fact, Braniff Airlines has announced it will begin similar service on June 1. In the letter to the FAA, Mr. Crandell states the following:

> There are no rules, regulations or operational considerations that preclude a nonstop operation of Boeing 727–200 aircraft between Washington National and Dallas/Fort Worth Airport. Perimeter rules, such as the one that was briefly adopted by carrier agreement in the mid-1960's and the one more recently proposed by the FAA during the Carter Administration, would serve to preclude such a service, but would at the same time exacerbate the competitive inequities already noted.

Although there is no Federal Aviation Regulation setting forth a mileage limitation for operations into and out of National Airport, such a restriction has existed by agreement and understanding for approximately 15 years. No air carrier has, during that period of time, attempted to or conducted flights that were not consistent with the accepted limitation. Since October 1974, the Notices to Airmen issued by the FAA have stated the following:

> Turbojet aircraft described in paragraph B (9–13), may not be operated into or out of airport on flight segments of more than 650 statute miles except for nonstop flights of less than 1,000 miles operating to or from the following cities:
>
> Miami, Florida; Memphis, Tennessee; Minneapolis, Minnesota; Orlando, Florida; St. Louis, Missouri; Tampa, Florida; and West Palm Beach, Florida.

Notices to Airmen (NOTAM's) are distributed by the FAA to notify airmen of current changes in navigational or procedural rules, or other information vital to flight safety. Class Two NOTAM's, such as the one used to state the 650-mile limitation at Washington National, are distributed on a biweekly basis to all FAA facilities, and to a large number of interested private subscribers, including air carriers. As part of their preflight planning, pilots are trained to check the NOTAM publications for information relating to their planned flight.

Because the Washington National perimeter was expected to remain in effect for a long period of time and since it had been in effect and known to all for a number of years, its publication was transferred from the NOTAM system to another FAA publication, *Graphic Notices and Supplemental Data*. This publication receives the same dissemination as the NOTAM's, but is published only on a quarterly basis.

Since 1966, there have been numerous regulatory and policy documents (including several in which the public has been given ample opportunity to comment) which have made it clear that the 650-mile nonstop limitation at Washington National Airport was in existence and adhered to by all parties.

On May 25, 1966, the Civil Aeronautics Board approved an agreement submitted by the Air Transportation Association (ATA) on behalf of 12 air carriers, including American Airlines, in which the air carriers agreed that they would not operate turbojets into and out of National on nonstop segments of more than 650 statute miles, except on those nonstop route segments of more than 650 statute miles and less than 1,000 statute miles being operated by any parties thereto on a nonstop basis by schedules in effect December 1, 1965 (the seven "grandfathered" cities listed above in the NOTAM).

On July 27, 1966, the Director of the Bureau of National Capital Airports issued Notice of Proposed Rulemaking 66–29 (31 FR 10199; July 28, 1966) in which it was stated that the FAA is considering methods of affecting limitations on the number of air carrier operations at Washington National Airport as part of the general policy to provide the maximum service to the flying public. Included in the NPRM was a 650-mile limitation.

On February 2, 1972, the Acting Manager of National Capital Airports withdrew Notice 66–29 (31 FR 3059; 21172) stating that the agency had determined that the proposed rulemaking action was no longer appropriate since the objective of that notice had been accomplished by air carrier agreement and the high-density air traffic rules.

The Metropolitan Washington Airport Policy draft Environmental Impact Statement issued in March 1978, reiterated the understanding that Washington National Airport was designated as the area's short-haul airport with nonstop flights limited to a radius of 650 miles (except for seven cities). These cities had nonstop services with propeller aircraft prior to 1966 and are still provided nonstop services under

the provisions of a "grandfather" clause.

On January 21, 1980, the FAA issued an NPRM (45 FR 4314; January 21, 1980) which proposed to adopt rules to implement the DOT/FAA policies to guide the future operations and development of Washington National and Dulles International Airports. One of the proposals contained in the NPRM dealt with nonstop service restrictions to and from Washington National Airport. The NPRM contained the following paragraph:

> The FAA believes that for the time being a perimeter restriction is necessary to preserve National Airport's "medium" and "short haul" and local service role and keep it distinct from the "long haul" and international role of Dulles Airport. FAA views the perimeter restriction on National as an important element to an effective managed growth policy at National.

The preamble further discussed the effects of limitation of the perimeter rule and, in fact, specifically talked about nonstop service from Washington to Dallas. The NPRM proposed extension of the perimeter rule to 1,000 miles. Although numerous comments were submitted concerning the proper extent of any perimeter requirement, all comments recognized the existence of the current 650-mile limitation. On September 15, 1980, a final rule was issued by the Administrator which established the nonstop perimeter at National at 1,000 statute miles.

This rule was to become effective on January 5, 1981. As a result of language in the DOT and Related Agency's Appropriation Acts of 1981, Pub. L. 96–400, the effective date was postponed until April 26, 1981.

On February 27, 1981, the Secretary of Transportation proposed a new effective date of October 25, 1981, for the Metropolitan Washington Airports Policy and implementing regulations. The proposed change in the effective date was necessary to ensure compliance with Executive Order 12291 (46 FR 13193; February 19, 1981), which provided new government-wide standards for the promulgation of rules. In addition, the change in the effective date was necessary to complete the Department's permanent rulemaking on slot allocations at Washington National Airport, and was consistent with both a request by the Senate Commerce Committee to the Secretary that the policy be reviewed and with Congressional concerns expressed in the action that led to the initial delay of the policy until April 26.

On March 24, 1981, in order to provide adequate time to review the Metropolitan Washington Airports Policy, the effective date of the regulation was postponed. The Secretary further stated that after the policy was reviewed, any changes to it that might be developed would be published in July.

The perimeter limitation has been discussed in detail in rulemaking actions taken within the Department of Transportation during the past several years. In each case, the public has been given extensive opportunity to comment on the subject of proposed changes to the perimeter restrictions. A major element of the policy delayed by the Secretary of Transportation was the establishment of a 1,000 statute mile perimeter rule for National Airport. It should also be noted that the nonstop service planned by American Airlines from Dallas to DCA would violate this 1,000-mile restriction which is currently being reviewed. Therefore, the proposed actions by American Airlines and others to commence nonstop service between Dallas and Washington National Airport would not only overturn practices of 15 years duration relating to the character of service available at National Airport, but would also interfere with the orderly review process announced by the Secretary.

Therefore, the FAA is proposing to insert into the Federal Aviation Regulations this longstanding 650-mile limitation with specific exceptions pending review of the entire Metropolitan Washington Airports Policy.

This proposal is not intended to be an ultimate solution for the type of service to be provided to National Airport nor does it reflect a final Departmental decision on whether there should be a perimeter or the extent of any decided upon restriction. Rather, it is merely intended as an interim measure to preserve the status quo at National Airport while permitting the Department of Transportation the opportunity to consider fully all aspects of a potential policy for the Metropolitan Washington Airports.

The FAA is seeking the input of interested persons concerning the desirability of maintaining the status quo at National Airport until a final decision is reached on a new Policy for National and Dulles Airports.

Comments are not solicited on whether there should be a perimeter or what the length should be for any perimeter. Those questions have been thoroughly discussed in previous rulemakings.

Comment Period

Since this proposal simply codifies the existing method of operations at Washington National Airport, a 7-day

comment period from date of publication is determined to be sufficient. Any longer comment period would create unnecessary uncertainty.

The Proposed Amendment

Accordingly, the FAA proposes to amend Part 159 of the Federal Aviation Regulations (14 CFR 93) as follows:

By adding to Part 159 a new § 159.60 to read as follows:

§ 159.60 Nonstop operations.

No person may operate an air carrier aircraft nonstop between Washington National Airport and any airport that is more than 650 statute miles away from Washington National Airport, except for nonstop flights to or from the following cities: Miami, Florida; Memphis, Tennessee; Minneapolis, Minnesota; Orlando, Florida; St. Louis, Missouri; Tampa, Florida; or West Palm Beach, Florida.

(Secs. 103, 307 (a), (b), and (c), 313(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1303, 1348, and 1354); secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688, as amended by 61 Stat. 94; sec. 4 of the Second Washington Airport Act, 64 Stat. 94; sec. 4 of the Second Washington Airport Act, 64 Stat. 770; sec. 6 of the Department of Transportation Act (49 U.S.C. 1655))

Note.—Since this document does not affect any operations currently in existence, the FAA has determined that: (1) It is not a major regulation under Executive Order 12291; (2) It is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) It does not warrant a preparation of a regulatory evaluation as the impact is so minimal; and (4) It will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 8, 1981.

James A. Wilding,

Director, Metropolitan Washington Airports.

[FR Doc. 81-14463 Filed 5-11-81; 10:00 am]

BILLING CODE 4910-13-M

Notices

Federal Register
Vol. 46, No. 91
Tuesday, May 12, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Request for Comments on Applicants for Designation in the Area Currently Serviced by the Idaho Department of Agriculture

AGENCY: Federal Grain Inspection Serviced, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency in the area currently serviced by the Idaho Department of Agriculture.

DATE: Comments to be postmarked on or before May 27, 1981.

ADDRESS: Comments should be submitted to USDA, FGIS, Issuance and Coordination Staff, Room 1127, Auditors Building, 1400 Independence Avenue, S.W. Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service; (202) 447–8262.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore, the Executive Order does not apply to this action.

The April 8, 1981, issue of the **Federal Register** (46 FR 21044) contained a notice from the Federal Grain Inspection Service (FGIS) requesting applications for designation to provide official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), for the area currently serviced by the Idaho Department of Agriculture (Idaho), Boise, Idaho. Idaho requested voluntary cancellation of its designation effective 12 p.m., May 31, 1981. Applications were to be postmarked by April 23, 1981. Two qualified applications were received.

The names of the applicants for designation are as follows: Mr. Edwin T. Matchey, Owner and Chief Inspector, Lewiston Grain Inspection Service, Inc., 1450 3rd Avenue North, Lewiston, Idaho 83501; and Mr. T. Edward Buttars, Owner, Idaho Grain Inspection (a proposed agency), 4647 South 2475 West, Roy, Utah 84067.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants. All comments must be submitted to the Issuance and Coordination Staff, specified in the address section of this notice, and postmarked not later than May 27, 1981.

The Administrator of FGIS has determined that a 15-day comment period would not impose any undue obligations on others and, under the circumstances, provides a sufficient period of time for comments while expediting the designation process.

Consideration will be given to all comments filed and to all other information available to the Administrator of FGIS before a final decision is made with respect to this matter. Notice of the final decision will be published in the Federal Register and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2870 (7 U.S.C. 79))

Done in Washington, D.C. on May 7, 1981.

J. T. Abshier,
Director, Compliance Division.

[FR Doc. 81–14242 Filed 5–11–81; 8:45 am]
BILLING CODE 3410–03–M

Forest Service

Forest Land and Resource Management Plan; Salmon National Forest, Idaho, Lemhi, and Valley Counties, Idaho; Revised Notice of Intent To Prepare an Environmental Impact Statement

A Notice of Intent to Prepare an Environmental Impact Statement for the Salmon National Forest Land and Resource Management Plan was published in the **Federal Register**, Volume 45, No. 198, p. 67115, October 9, 1980.

The estimated dates for filing the Draft and Final Environmental Impact Statements with the Environmental Protection Agency and release to the public have been postponed. The Draft Environmental Impact Statement is now expected in January 1983, and the Final Environmental Impact Statement is proposed for release in July 1983.

All other conditions of the original Notice of Intent remain the same.

Dated: May 4, 1981.

Jeff M. Sirmon,
Regional Forester.

[FR Doc. 81–14215 Filed 5–11–81; 8:45 am]
BILLING CODE 3410–11–M

Rural Electrification Administration

South Mississippi Electric Power Association, Alabama Electric Cooperative, Inc.; Draft Environmental Impact Statement Notice

Notice is hereby given that the Rural Electrification Administration (REA) as lead Federal agency has prepared a Draft Environmental Impact Statement (DEIS) in accordance with Section (102)(2)(c) of the National Environmental Policy Act of 1969 (NEPA), in connection with potential financial assistance to South Mississippi Electric Power Association (SMEPA), P.O. Box 1589, Hattiesburg, Mississippi 39401, and Alabama Electric Cooperative, Inc., P.O. Box 550, Andalusia, Alabama 36420. The U.S. Department of Interior (U.S. Fish and Wildlife Service) has acted as cooperating agency during the NEPA process.

The anticipated financial assistance would allow SMEPA and AEC to secure funds required for the construction of a proposed project consisting of a 52.8 km (32.8 mile) 230 kV transmission intertie connecting the two grid systems between Chatom, Alabama, and Waynesboro, Mississippi.

Additional information on the proposed project may be secured from Mr. Frank W. Bennett, Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–6183.

Persons wishing to comment upon the environmental impact of the proposed project are invited to respond in writing within 45 days of this notice or EPA's notice of availability of the DEIS, whichever is later. Comments are invited from the public, from State and local agencies which are authorized to

develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the Federal Draft Environmental Impact Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality regulations. Limited supplies of the DEIS are available upon request to Mr. Bennett at the address given above. The DEIS may be examined during regular business hours at the following locations:

Rural Electrification Administration, 14th and Independence Avenue SW., Room 5168, Washington, D.C. 20250

South Mississippi Electric Power Association, Highway 49 North, P.O. Box 1589, Hattiesburg, Mississippi 39401

Alabama Electric Cooperative, Inc., Highway 29 North, P.O. Box 550, Andalusia, Alabama 36420.

Libraries

Waynesboro Memorial Library, 710 Wayne Street, Waynesboro, Mississippi 39367

Chatom Public Library, Chatom, Alabama 36518.

Persons, organizations and agencies wishing to comment should do so in writing within the 45-day period indicated above and address their correspondence to Mr. Bennett of REA at the address given above. All comments received within the 45-day period will be considered in the formulation of final determinations regarding the approval of REA financial assistance for the project, and the Final Environmental Impact Statement.

Final REA action, with respect to this matter (including any release of funds), will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 and requirements of other environmentally related statutes, regulations, and Executive Orders have been met. This Federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 4th day of May, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-14343 Filed 5-11-81; 8:45 am]

BILLING CODE 3410-15-M

Northeast Missouri Electric Power Cooperative, Palmyra, Mo.; Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65), and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $14,300,000 to Northeast Missouri Electric Power Cooperative (Northeast), of Palmyra, Missouri. This loan guarantee will be used to finance the construction of approximately 95 miles of 69 kV transmission line, substations, other transmission system improvements and an addition to the existing headquarters facility in Palmyra, Missouri.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Ralph E. Shaw, Manager, Northeast Missouri Electric Power Cooperative, P.O. Box 191, Palmyra, Missouri 63461.

In order to be considered, proposals must be submitted on or before June 11, 1981 to Mr. Shaw. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as Northeast and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 7th day of May 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-14344 Filed 5-11-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

[Order 81-5-20]

Agreements Proscribing Agent Commissions on Sales of Official Government Travel

AGENCY: Civil Aeronautics Board.

ACTION: Final order disapproving the agreements order 81-5-20, May 6, 1981.

SUMMARY: The Board has decided to make final the tentative findings and conclusions set out in Order 80-12-91 and disapprove the Air Traffic Conference of America (ATC) and International Air Transport Association (IATA) agreements which proscribe the payment of agency commissions for the sale of official government travel. It has concluded that the objections filed in response to the show cause order have not raised arguments that would justify continued approval of the agreements.

ATC and IATA argued that their agreements only proscribe agents from earning commissions on government air transportation sales where air carriers extend their credit to the government. Specifically, they stated that air carriers extend their credit to the government every time carriers accept Government Travel Requests and then must wait prolonged periods for actual payment. After examining the evidence, the Board concluded that any credit cost incurred is not significantly different than those incurred in other types of commissionable sales involving credit cards and that even if the costs were different that that would not be a sufficient reason to continue the provisions. Moreover, regardless of the purpose of the provisions, their effect is essentially to foreclose travel agents from dealing with the government, particularly official travel, but non-official as well.

All other arguments raised dealt, in one way or another, with the prospect that permitting air carriers to commission travel agents for official government sales will raises government travel costs. The Board found that argument to be fundamentally flawed. First, it found that to the extent that the carriers provide interest free credit to the government other system users must bear those costs which is not in the

public interest. Second, the Board concluded that the argument ignores the fact that both the government and air carriers have a vested interest in purchasing and selling air transportation in the most cost efficient way possible. The Board concluded that its action will not result in immediate freedom for travel agents to earn commissions. Instead, its action will only open the door to experimentation. If, in fact, SATOs are the most cost efficient means of handling DOD transportation they will be continued. Finally, the Board found that it should not continue to approve a joint carrier agreement that binds air carriers, the government and travel agents to that judgment.

The complete text of the order is available as noted below.

DATE: Adopted May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George S. Baranko, Office of the General Counsel, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–6011.

SUPPLEMENTARY INFORMATION: The complete text of Order 81–5–20, is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81–5–20 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–14247 Filed 5–11–81; 8:45 am]

BILLING CODE 6320–01–M

[Order 81–5–26; Docket 39183]

Air New England, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 81–5–26.

SUMMARY: The Board proposed to issue a certificate to Air New England, Inc., Docket 39183.

Authority Sought: Authority to engage in the foreign air transportation of persons, property and mail between the coterminal points Hartford, Connecticut and Portland, Maine, and the terminal point Toronto, Canada; Authority to engage in the foreign air transportation of property and mail between the terminal point Boston, Massachusetts, and the terminal point Montreal, Canada.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than June 2, 1981 file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 39183, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to the applicant, the Department of Transportation and the Department of State. Copies of the objections should also be sent to the Ambassador of Canada and US Air, Inc. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no obligations are filed, the Board will issue an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed certificate.

Addresses for objections: Docket 39183, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Air New England, Inc., c/o Mr. Charles F. Butler, Nix & Wendell, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

To get a copy of the complete order, request it from C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Glenn M. Datnoff (202–673–5203), Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 6, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–14248 Filed 5–11–81; 8:45 am]

BILLING CODE 6320–01–M

[Order 81–4–186]

Braniff Airways, et al.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 81–4–186.

SUMMARY: The Board proposes to issue an order asking interested parties to show cause why the applications of Braniff Airways, Pan American World Airways, Transamerica Airlines and Trans World Airlines for scheduled authority to the Middle Eastern points of Bahrain, Egypt, Greece, Kuwait, Oman, Qatar, and the United Arab Emirates should not be granted.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions granting this authority, as described in the order cited above, shall, NO LATER THAN June 12, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 39610, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to the applicants, the Departments of State and Transportation and the Attorney General.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed certificate.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Ira Leibowitz, (202) 673–50325, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: April 30, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81–14249 Filed 5–11–81; 8:45 am]

BILLING CODE 6320–01–M

[Dockets 33362, 39083, and 39084]

Former Large Irregular Air Service Investigation; Applications of Michigan Peninsula Airways, Ltd., d.b.a. MPA International Airways; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on May 11, 1981 at 10:00 a.m. (46 FR 21214 April 9, 1981), is postponed until further notice.

Dated at Washington, D.C., May 6, 1981.

William A. Pope, II,

Administrative Law Judge.

[FR Doc. 81–14250 Filed 5–11–81; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Computer Systems Technical Advisory Committee; Notice of Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Computer Systems Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: May 27, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C. The meeting will conclude on May 28, in Room 6802, Main Commerce Building.

AGENDA:

General Session

(1) Open remarks by the Chairman.
(2) Presentation of papers or comments by the public.
(3) Report on the current work program of the subcommittees:
(a) Foreign Availability;
(b) Hardware; and
(c) Licensing Procedures.
(4) Nomination and election of a new chairman.

Executive Session

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: May 7, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-14230 Filed 5-11-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Navy

Application Technologies, Inc.; Limited Exclusive Patent License Granted

Pursuant to the provision of Part 746 of Title 32, Code of Federal Regulations (41 FR 55711–55714, December 22, 1976), the Department of the Navy announces that on April 14, 1981, it granted to Application Technologies, Inc., a corporation of the State of Maryland, a revocable, nonassignable, limited exclusive license until August 31, 1983, under Government-owned United States Patent Number 3, 273, 376 issued September 20, 1966, entitled "Static and Dynamic Calibration Vessel for Pressure Gages," inventors, Philip M. Aronson and Robert H. Waser.

Copies of the patent may be obtained for fifty cents ($.50) from the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

For further information concerning this notice, contact: Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 305), Ballston Tower No. 1, 800 North Quincy Street, Arlington, Virginia 22217, Telephone number (202) 696–4005.

Dated: May 6, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-14230 Filed 5-11-81; 8:45 am]

BILLING CODE 3810-71-M

Office of the Secretary

Privacy Act of 1974; Notice of System of Records: Amendment

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of amendment to system of record notice.

SUMMARY: The Office of the Secretary of Defense proposes to amend a system notice for one system of records subject to the Privacy Act of 1974. The specific amendments and the complete system notice as amended are set forth below.

DATES: This notice shall be amended as proposed without further notice on June 8, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Send any comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C–315, Pentagon, Washington, D.C. 20301. Telephone: 202/695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense systems or records notices as prescribed by the Privacy Act have been published in the Federal Register at:

FR Doc. 81–807 (46 FR 6427) January 21, 1981
FR Doc. 81–6491 (46 FR 14154) February 26, 1981
FR Doc. 81–7597 (46 FR 16114) March 11, 1981
FR Doc. 81–7936 (46 FR 16926) March 16, 1981
FR Doc. 81–8127 (46 FR 17074) March 17, 1981
FR Doc. 81–8282 (46 FR 17243) March 18, 1981
FR Doc. 81–10201 (46 FR 20280) April 3, 1981
FR Doc. 81–10722 (46 FR 21228) April 9, 1981
FR Doc. 81–12882 (46 FR 23987) April 29, 1981

The Office of Secretary of Defense has submitted a new system report dated April 10, 1981, for this system

under the provisions of 5 U.S.C. 552a(o) of the Privacy Act.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

May 6, 1981.

DHA 04

System Name:

Variable Incentive Pay for Medical Officers-Data Management System (46 FR 6427, January 21, 1981).

Changes:

System Name:

Delete the above system name, and insert: "Special Pay for Military Health Professionals—Data Management System".

Categories of Individuals Covered by the System:

Delete the entry under the above heading, and insert: "Selective extracts of master personnel records such as SSN, grade, etc., plus information concerning professional education and special pay status".

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

Delete the entry under the above heading and insert:

Internal Users, Uses, and Purposes:

Used by Office of Planning and Policy Analysis, Office of the Assistant Secretary of Defense (Health Affairs), to meet statutory reporting requirements of section 303a of, Title 37 the United States Code.

External Users, Uses, and Purposes:

Employees of Research, Inc., 2361 S. Jefferson Davis Highway, Arlington, VA under DoD contract to assist in meeting reporting requirements."

Safeguards:

Delete the entry under the above heading, and insert: "Access only by authorized user number.".

Retention and Disposal:

Delete the entry under the above heading, and insert: "Maintained until expiration of reporting requirement in section 303a of Title 37, United States Code.

System Manager(s) and Address:

Delete the entry under the above heading, and insert: "Director, OPPA, OASD(HA), Pentagon, Washington, D.C. 20301.".

Notification Procedure:

Delete the entry under the above heading, and insert: "Information may be obtained from the Executive Assistant, Office of the Assistant Secretary of Defense (Health Affairs), Room 3E–346, Pentagon, Washington, D.C. 20301; telephone 202/694–2115.".

DHA 04

SYSTEM NAME:

Special Pay for Military Health Professionals-Data Management System.

SYSTEM LOCATION:

Air Force Data Services Center, Headquarters, United States Air Force, Pentagon, Washington, D.C. 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military physicians and dentists on active duty during the reporting period.

CATEGORIES OF RECORDS IN THE SYSTEM:

Selective extracts of master personnel records such as SSN, grade, etc., plus information concerning professional education and special pay status.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 37, United States Code, Section 303a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Internal Users, Uses, and Purposes:

Used by Office of Planning and Policy Analysis, Office of the Assistant Secretary of Defense (Health Affairs), to meet reporting requirements of Title 37, U.S.C. Section 303a(c).

External Users, Uses, and Purposes:

Employees of Research, Inc., 2361 S. Jefferson Davis Highway, Arlington, VA., under contract to assist in reporting requirements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes in Air Force Data Services Center Tape Library.

RETRIEVABILITY:

By Social Security Number.

SAFEGUARDS:

Access only by authorized user number.

RETENTION AND DISPOSAL:

Maintained until expiration of reporting requirements in 37 U.S.C. 303a.

SYSTEM MANAGER(S) AND ADDRESS:

Director, OPPA, OASD(HA), Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Executive Assistant, Office of the Assistant Secretary of Defense (Health Affairs), Room 3E–346, Pentagon, Washington, D.C. 20301, Telephone number: 202–697–2115.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Office of the Assistant Secretary of Defense (Health Affairs), Room 3E–346, Pentagon, Washington, D.C. 20301, Telephone number: 202–697–2115.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Central personnel files of the Military Services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81–14226 Filed 5–11–81; 8:45 am]
BILLING CODE 3810–70–M

DELAWARE RIVER BASIN COMMISSION

Comprehensive Plan; Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, May 26, 1981, commencing at 2 p.m., in the Goddard Conference Room at the Commission's offices, 25 State Police Drive, West Trenton, New Jersey. The subject of the hearing will be the application for approval of the following project as an amendment to the Comprehensive Plan and pursuant to Section 3.8 of the Compact:

Warrington Township Municipal Authority (D–80–50 CP). A well water supply project to provide replacement service in Warrington, Bucks County, Pennsylvania. Designated as Well No. 5, the new facility is expected to yield 216,000 gallons per day, and partially replace water from two wells which have been taken out of service because of contamination.

Documents relating to the above-listed project may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to

register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

May 6, 1981.

[FR Doc. 81-14309 Filed 5-11-81; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

TRW, Inc.; Proposed Subcontract Awards

AGENCY: Department of Energy.

ACTION: Notice of proposed subcontract awards.

SUMMARY: In accordance with the Department of Energy (DOE) Procurement Regulations, DOE gives Public Notice that it intends to approve the subcontract awards by a DOE prime contractor (TRW, Inc.), after taking into account the existence of potential organizational conflicts of interest, because the exercise of this option is determined to be in the best interest of the United States.

FOR FURTHER INFORMATION CONTACT: Mr. Lee Brennan, Office of Naval Petroleum and Oil Shale Reserves, Room 6448, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, (202) 633-8667.

Determination and Findings

Upon the basis of the following findings and determination, the proposed approval of the subcontracts described below is being given after taking into account the existence of potential organizational conflicts of interest, because this action is determined to be in the best interest of the United States, pursuant to the authority of Department of Energy Procurement Regulations 41 CFR 9-1.5409(a)(3).

Findings

(1) The Department of Energy (DOE), Office of Environmental Protection, Safety, and Emergency Preparedness has completed two years of a five year pre-development program for Naval Oil Shale Reserves (NOSR) Nos. 1 and 3 located in Garfield County, Colorado. This pre-development program is undertaken pursuant to the authority contained in 10 U.S.C. Chapter 641. 10 U.S.C. 7422 provides the Secretary of Energy with the authority to explore, prospect, conserve, develop, use and operate the Naval Oil Shale Reserves in his discretion, subject to other provisions of the law. As now constituted, the pre-development program provides for the preparation of all necessary environmental, preliminary engineering, and economic analysis required to support the leasing of NOSRs 1 and 3, should the Government determine that such action is desirable.

(2) In connection with the completion of the pre-development program, it is necessary for Environmental Protection, Safety, and Emergency Preparedness to retain skilled and experienced professionals to manage and analyze the information and data obtained regarding, among other things, a complete oil shale resource definition of NOSRs 1 and 3, a programmatic environmental impact statement, and assessment of various technologies which are applicable to the NOSRs. For the past two years, TRW Inc. (TRW) has served as a management support and systems engineering contractor to Environmental Protection for this pre-development program.

Tosco Foundation previously performed the gathering of socioeconomic impact data under a subcontract to the TRW Contract. This subcontract to the Tosco Corporation, under which Tosco Foundation performed its fact gathering tasks, has been discontinued and Tosco Foundation will become a subcontractor under the TRW contract.

WH Engineering will provide engineering services to aid TRW in setting the boundaries of potential lease tract options for the NOSR.

(3) In accordance with 41 CFR 9-1.5405, Tosco Foundation and WH Engineering provided a statement disclosing relevant information concerning their interests related to the work performed for DOE and bearing on whether they have possible organizational conflicts of interest (1) with respect to being able to render impartial, technically sound and objective assistance or advice, or (2) which may give it an unfair competitive advantage. Numerous questions were asked of Tosco Foundation and WH Engineering regarding the relationship of their clients and business activities to the scope of the work to be performed under the contract.

(4) Based on an evaluation of the facts contained in the disclosure statement, it has been determined that Tosco Foundation and WH Engineering have potential organizational conflicts of interest with regard to the work required by Environmental Protection, Safety, and Emergency Preparedness regarding the pre-development program of NOSRs 1 and 3.

(5) Due to the substantial socioeconomic work Tosco Foundation has previously performed on this project since its inception, only Tosco Foundation has the capability and staff to perform the work for Environmental Protection, Safety, and Emergency Preparedness within the time constraints allowed.

WH Engineering has the relatively minor but important subtask to aid TRW in setting the boundaries of potential lease tract options for the NOSRs. WH Engineering was selected by TRW for their expertise in this field and their ability to perform this work within the time constraints allowed.

Accordingly, it is not feasible to disqualify these contractors pursuant to 41 CFR 9-1.5409(a)(1). Furthermore, it is not possible to avoid the potential organizational conflicts of interest by the inclusion of appropriate conditions in the resulting subcontracts, in accordance with 41 CFR 9-1.5409(a)(2).

(6) The completion, in a timely manner, of the pre-development program for NOSRs 1 and 3 will have far reaching benefits in terms of the necessary data available for DOE to determine whether or not to proceed with development and production of the hydrocarbon resources of NOSRs 1 and 3 through the leasing mechanism. The work performed by Tosco Foundation and WH Engineering is critical to the timely completion of the pre-development program.

Mitigation

Mitigation, to the extent feasible, under 41 CFR 9-1.5409(a)(3) will be obtained by independent staff review by DOE Officials of contractor reports, as well as through administrative procedures through which the reception of public comment will allow mitigation of potential conflicts in the data and analysis. Additionally, the Organizational Conflicts of Interest special clause entitled "Organizational Conflicts of Interest", 41 CFR 9-1.5409(2)(b), contained in the Government's prime contract with TRW will be included in the subcontracts, modified as necessary to meet the specific circumstances involved.

Determination

In light of the above Findings and Mitigation, and in accordance with 41 CFR 9-1.5409(a)(3), I hereby find that the approval of these subcontracts would be in the best interest of the United States.

Dated: May 4, 1981.

Barton R. House,

Acting Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81-14288 Filed 5-11-81; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Procedure for Public Participation in Major Regional Power Policy Formulation

AGENCY: Bonneville Power Administration, Department of Energy (BPA).

ACTION: Revision of procedure for public participation in major regional power policy formulation.

SUMMARY: The Bonneville Power Administration is revising its procedure to comply with the public participation requirements of Pub. L. 96-501, the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) enacted on December 5, 1980. The revision expands the scope of the procedure to include major regional power policies as stated in Section 4(g)(1) of Pub. L. 96-501.

EFFECTIVE DATE: The procedure will be effective May 12, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503-234-3361, extension 4261. Oregon callers may use the toll-free number 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800-547-6048.

SUPPLEMENTARY INFORMATION: Since enactment of Pub. L. 96-501, the Pacific Northwest Electric Energy Power Planning and Conservation Act (Regional Act), BPA has greatly enlarged its public participation activities. This expansion is in recognition of the Regional Act's directive that in the interest of insuring widespread public involvement in the formulation of major regional power policies, the Administrator maintain comprehensive programs to inform the public in the Northwest of major regional power issues, to obtain public views, and to secure the advice and consultation of the Administrator's customers and others. These procedures are one means by which the Administrator will seek to comply with this directive.

BPA is revising its existing Procedure for Public Participation in Marketing Policy Formulation as published November 5, 1980. The new procedure follows and more accurately depicts the Regional Act's requirements in the public involvement area. The scope of activities covered by the procedure is broadened from Major Power Marketing Policy Formulation to development of Major Regional Power Policies. Policies may include BPA activities in addition to the power marketing activities covered by the earlier procedure. In addition, the revised procedure recognizes that public meetings and other activities may be appropriate means for achieving public consultation where public comment is important but in which no major regional power policy is involved.

The direction of the revision provides flexibility for time periods, transcription of Information Forums, and the content of Notices. BPA believes that the revised procedure comports with the public participation directives of the Regional Act while preserving BPA's ability to plan public participation activities for major regional power policies. In addition, the revised procedure makes clear the policies for which this procedure would be required. Other policies or matters may involve a simplified public meeting process where appropriate and where circumstances permit. BPA will make use of other procedures as required and provided by law.

The text of the revised procedure is as follows: *Procedure for Public Participation in Major Regional Power Policy Formulation.*

1. *Purpose and Scope.* The purpose of this procedure is to permit interested persons to participate in the development of BPA Major Regional Power Policies, as required by section 4(g)(1) of Pub. L. 96-501, the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). This procedure is limited to such major regional power issues as identified by BPA. This procedure shall not apply to:

a. policies for which any other procedure is provided by law;

b. interpretive rulemaking and general statements of policy which do not involve major regional power issues; or

c. rules of agency organization, procedure, or practice; or

d. policies which are appropriate for the public meeting procedures described in Section 5.

2. *Definitions.*

a. *Administrator.* The Bonneville Power Administrator.

b. *Area Managers/District Managers.* BPA line officials responsible for BPA activities in designated geographical areas, including but not limited to Power Management, Engineering and Construction, Operation and Maintenance, and policy implementation and administration. The Area and District Managers are local contact points for persons interested in BPA matters.

c. *Bonneville Power Administration.* A power marketing administration of the Department of Energy referred to in the Bonneville Project Act of 1937, the Federal Columbia River Transmission System Act of 1974, the Department of Energy Organization Act of 1977, and the Pacific Northwest Electric Power Planning and Conservation Act of 1980.

d. *Customer.* A person or entity having a direct relationship with BPA as the result of contractual arrangements for the purchase, exchange, transfer, assignment, or sale of electric power and energy, related services, or transmission capability to, with, or from BPA.

e. *Evaluation of the Record.* A written evaluation by the Responsible Official which includes (1) a summary of the major comments, criticisms, support, and alternatives offered to the Proposed Policy, (2) a summary of available information discussing the need for and anticipated effect of such Policy and the alternatives offered; and (3) an analysis and recommendation regarding the Proposed Policy, the alternatives offered, and the reasons therefor.

f. *Interested Person.* Any person, group, or entity with an interest in the Proposed Policy.

g. *Major Regional Power Policy (Policy).* An agency statement of future effect and general applicability designed to implement or prescribe policy which the Administrator identifies as involving major regional power issues. Major Regional Power Policy does not include the development and execution of particular agreements, contracts, or other instruments between BPA and its customers.

h. *Notice.* A notification required by this procedure and published in the **Federal Register** or elsewhere where actual and timely notice of the proposed Policy can be assured. Most Notices will be published in the **Federal Register.** However, Notices of a restricted nature or Notices of a limited or local applicability may be published elsewhere if (1) directed by the Administrator, and (2) if reasonably calculated to give actual and timely notice. By **Federal Register** Notice, or as otherwise herein provided, BPA will (1) give notice of its intent to develop a new Policy; (2) present a Proposed Policy; (3) announce opportunities for interested persons to comment on the Proposed Policy; and (4) promulgate the Policy as adopted by the Administrator.

Notices shall be effective on date of publication unless otherwise stated. Wherever a time period is provided, the date of publication shall determine the commencement of the time period unless otherwise stated.

i. *Official Record.* Except as otherwise may be expressly provided by law, the compiled and indexed records which document the development of the Proposed Policy. The Official Record is the responsibility of the Public Involvement Coordinator and shall contain the following: (1) all **Federal Register** or other Notices provided for by these procedures; (2) a transcript of oral comments taken at public comment forums, including documents and exhibits; (3) written comments, data, and questions from interested persons, and BPA's replies; (4) Evaluation of the Official Record; (5) the Record of Decision; and (6) any other information the Responsible Official determines is relevant. The Official Record shall be available for inspection or copying.

j. *Proposed Policy.* A new Major Regional Power Policy which is under consideration for adoption.

k. *Public Involvement Coordinator.* The BPA employee responsible for monitoring the development of new Policies to assure the opportunity for and documenting the involvement of interested persons in Policy development. The Public Involvement Coordinator receives public comment, maintains the Official Record, and supplies pertinent information to interested persons.

l. *Record of Decision.* A concise summary of the decision stating the Proposed Policy, including any revisions thereto, and the reasons for the Administrator's decision. It may include the principal objections to and support for the Proposed Policy, findings of fact, statements of applicable policy, major areas of controversy, and alternatives considered with their respective evaluations.

m. *Responsible Official.* The BPA employee designated by the Administrator as responsible for the development of a Proposed Policy.

3. *Procedure for Establishing a Policy.*

a. *Decision to Formulate a Policy and Notice of Intent.* When the Administrator determines the need for a new Policy, BPA shall publish in the **Federal Register**, or elsewhere if so decided by the Administrator, a Notice of its intent to formulate the Policy. The purpose of the Notice of Intent is to offer to interested persons the opportunity to make recommendations on the Policy to be developed. Notice shall include the following: (1) the subject of the Proposed Policy; (2) a statement of the available information discussing the need for and the probable effect of the Policy; (3) an indication of the extent to which other existing policies might be affected by the development of a new Policy; (4) a request for written recommendations for BPA's use in formulating or revising the Policy, and the time limit for the receipt of such recommendations; and (5) the name, address, and telephone number of the BPA official who will receive them.

The Administrator or the designated Responsible Official may send a written announcement to persons who have previously expressed an interest in the general subject area of consideration, or to persons who, in the opinion of the Responsible Official, could reasonably be expected to have such an interest. The Responsible Official may also direct that an announcement be made in one or more general circulation newspapers in the BPA marketing area or through other effective means of publicity, as necessary or desirable.

b. *Notice of Proposed Policy.* After the period for receipt of recommendations stated in the Notice of Intent, BPA shall publish in the **Federal Register**, or elsewhere if so decided by the Administrator, a Notice of the Proposed Policy. The Notice shall include (1) the text of the Proposed Policy; (2) an indication of the probable extent to which other existing policies will be affected by the Proposed Policy; (3) the dates, times, and locations of scheduled Public Information Forums or Public Comment Forums; (4) information on procedures by which interested persons may participate in the Forums; (5) a request for written comments on the Policy and the time limit for the receipt of such comments; (6) the name, address, and telephone number of the BPA official(s) to contact for further information; and (7) any other information considered necessary by the Responsible Official.

Announcement may also be made by mail to those persons who have requested in writing that they receive written material on the Proposed Policy. Further announcement may also be made in one or more general circulation newspapers in the BPA marketing area or through other effective means of publicity, as necessary or desirable.

c. *Combination of Notices.* The Administrator or the Responsible Official may combine the above Notices.

d. *Public Information Forum.* Public Information Forums are optional. The Responsible Official will determine the need for and scope of such meetings based on factors such as an assessment of actual or expected public interest in the Policy, the complexity of the subject, or the anticipated degree of impact.

The purpose of a Public Information Forum is to present information about a Proposed Policy to persons interested in that Policy. BPA will consider the use of two types of meetings: (1) Technical meetings for customers and other persons who would like the benefit of detailed staff briefings, and (2) more general meetings for other interested persons. One or more of both types of Public Information Forums may be scheduled based on the criteria stated above.

Meeting dates, times, and locations shall be announced in the **Federal Register** or elsewhere if so decided by the Administrator and may be announced in one or more general circulation newspapers in the BPA marketing area or through other effective means of publicity, as necessary or desirable. Meeting notices shall include a statement of the subject and purpose, dates, times, and places, for the forum. A 15-day notice will be provided whenever practicable.

The Responsible Official shall act as or appoint the Forum chairperson. A transcribed account may be kept of each Forum, and, if kept, the transcript shall be part of the Official Record. Questions raised at the Forum may be responded to at the Forum or later, but not later than the publication of the final Policy, either by letter or as a part of the Official Record. If kept, transcripts of Public Information Forums shall be available for review at the Area or District office in the locality where the Forum is held. Copies of the transcript of all transcribed Public Information Forums shall be available for review in the office of the Public Involvement Coordinator.

e. *Public Comment Forum.* One or more Public Comment Forums shall be scheduled on the Proposed Policy for the purpose of enabling interested persons to present their views on the Proposed Policy. The Responsible Official shall determine the number, dates, locations, and time of day of such Forums. Announcement of the Forums shall be published in the **Federal Register** or elsewhere, as the Administrator so directs, either in the Notice of Proposed Policy or in a separate Notice. The announcement shall include the name, subject, and purpose of the Policy; the dates; times, and places for the Forum, and an indication of the available information discussing the need for, in support of, or illustrating the probable effect of the Policy. The announcement shall also indicate the time period for receipt of comments, and the names, addresses, and telephone numbers of BPA officials from whom additional

information can be obtained. The Notice may contain additional material considered necessary by the Responsible Official. Additional Notice may be given in one or more general circulation newspapers in the BPA marketing area or through other effective means of publicity, as necessary or desirable.

The Responsible Official shall act as or appoint a chairperson of the Forum. At the beginning of a Forum, the chairman shall explain the procedures governing the proceedings.

BPA shall offer interested persons the opportunity for oral presentation of views, data, and arguments. Persons wishing to speak should notify the BPA Public Involvement Coordinator or the Area or District Manager of the locality in which the Forum will be held at least 3 days before a Forum to permit preparation of a tentative schedule of participants. The chairperson may establish time limitations for oral presentations to assure that all interested persons who desire to speak shall have an opportunity to do so. The chairperon may require that interested persons with similar views, data, and arguments consolidate their presentations. Forum proceedings shall be transcribed. Transcripts of Public Comment Forums shall be available for review at the Area or District office in the locality where the forum is held. Copies of the transcripts of all Public Comment Forums shall be available for review in the office of the Public Involvement Coordinator.

f. *Additional Opportunity for Comment.* Opportunity for interested persons to participate in Policy formulation through submission of written data, views, or arguments shall be provided. Written comments on the Proposed Policy will be received from the date of publication of the Notice of Proposed Policy or combined Notice for the period stated in the Notice.

g. *Evaluation of the Official Record.* Following the comment period, the Responsible Official shall prepare an Evaluation of the Offical Record, which shall be submitted to the Administrator.

4. *Promulgation of the Policy.* After the submission of the Evaluation of the Official Record, the Administrator shall decide whether to adopt, modify and adopt, or reject the Proposed Policy.

The decision shall be documented in a Record of Decision which shall be signed by the Administrator and which will be a part of the Official Record.

BPA shall publish, in the **Federal Register** or elsewhere if so decided by the Administrator, a Notice of a final Policy. The Policy shall become effective on the date of publication of the Notice unless otherwise specified.

5. *Public Meeting Procedures.* For policies other than those identified by BPA as major regional power policies, the Administrator may make use of a **Federal Register** Notice or other appropriate notice for announcement of a public meeting to obtain the views of interested persons. The Administrator may set the procedures for such meetings ad the procedures may be made a part of the Notice.

6. *Emergency Policy Implementation.* The requirements of publication of Notice, comment period, opportunity for presentation of views, and promulgation of a Policy, as established by this procedure may be waived where those policies are (a) adopted on an interim basis, and (b) after a finding by the Administrator that strict compliance is likely to cause serious harm or injury to the public health, safety, or welfare, or for good cause shown, that such procedure is impractical, unnecessary, or contrary to the public interest. Such finding will be set out in detail in the interim policy. In the event that the procedure is waived, the requirements shall be satisfied within a reasonable period of time subsequent to the promulgation of the interim Policy by utilization of the procedure then in effect.

7. *Relationship to National Environmental Policy Act (NEPA) Requirements.* In those instances in which a Proposed Policy under consideration requires an environmental impact statement, the public participation procedure will be coordinated to the fullest extent possible with those required under NEPA. Joint Notices will be issued and meetings combined when possible.

Dated: May 6, 1981.

Earl E. Gjelde,

Acting Administrator.

[FR Doc. 81-14311 Filed 5-11-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Marion Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of a final Consent Order.

EFFECTIVE DATE: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley S. Mills, Program Manager for Entitlements, Department of Energy, Office of Enforcement, Economic Regulatory Administration, 2000 M Street, NW., Room 5114, Washington, D.C. 20461.

SUPPLEMENTARY INFORMATION: On October 28, 1980, 45 FR 71644 (1980), the Office of Enforcement of the ERA published notification in the **Federal Register** that it had modified a proposed Consent Order with Marion Corporation and that the modified proposed Consent Order would not become effective sooner than thirty days after publication. Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order.

Five comments were received. All commentors recommended that the refund should be effectuated through adjustment to the Entitlements Program. One of the commentors recommended that special refund procedures be implemented as an alternative remedy. Neither of these remedies is precluded by the modified Consent Order and DOE has thus determined to finalize the modified Consent Order and make it effective as of May 6, 1981.

Issued in Washington, D.C., on the 6th day of May 1981.

James J. Fenton,

Acting Director of Program Operations.

[FR Doc. 81-14307 Filed 5-11-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Proposed Subsequent Arrangement; European Atomic Energy Community (EURATOM)

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the following transfer of special nuclear materials of United States origin, or of special nuclear materials produced through the use of materials of United States origin, as follows: From

Switzerland to France (the COGEMA facility) for the purpose of reprocessing 95 irradiated fuel assemblies containing 29,291 kilograms of uranium, enriched to 1.05% U–235, and 250 kilograms of plutonium from the Beznau Power Plants No. I and No. II, owned by the Nordostschweizerische Kraftwerke. This subsequent arrangement is designated as RTD/EU(SD)–34.

The Department of Energy has received letters of assurance from the Government of Switzerland that the recovered uranium and plutonium will be stored at the reprocessing facility and will not be transferred from that facility, nor put to any use, without the prior consent of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: May 7, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–14284 Filed 5–11–81; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement; Government of Switzerland

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the following transfer of special nuclear materials of United States origin, or of special nuclear materials produced through the use of materials of United States origin, as follows: From Switzerland to France (the COGEMA facility) for the purpose of reprocessing 71 irradiated fuel assemblies containing 12,635 kilograms of uranium, enriched to 0.99% U–235, and 100 kilograms of plutonium from the Muhleberg Power Plant, owned by the Bernische Kraftwerke AG. This subsequent arrangement is designated as RTD/EU(SD)–33.

The Department of Energy has received letters of assurance from the Government of Switzerland that the recovered uranium and plutonium will be stored at the reprocessing facility and will not be transferred from that facility, nor put to any use, without the prior consent of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: May 7, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–14285 Filed 5–11–81; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[EN–FRL 1814–7]

California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Waiver of Federal preemption.

SUMMARY: This decision grants California a waiver of Federal preemption pursuant to section 209(b) of the Clean Air Act to enforce amendments to its 1982 and subsequent model year exhaust emission standards and test procedures for heavy-duty engines limiting adjustability of the idle air/fuel mixture mechanism, and to its 1981 and later model year evaporative emission standards and test procedures for gasoline-powered motor vehicles eliminating the 1.0 gram per test background allowance for non-fuel hydrocarbon emissions.

ADDRESS: Information relevant to this decision is available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at: U.S. Environmental Protection Agency, Central Docket Section, Gallery I, 401 M St., SW., Washington, D.C. 20460 (Docket EN–80–22).[1]

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Waivers Section, Manufacturers Operations Division (EN–340), U.S. Environmental Protection Agency, Washington, D.C. 20460 (202) 472–9421.

SUPPLEMENTARY INFORMATION:

I. Introduction

By this decision, issued under section 209(b) of the Clean Air Act, as amended (hereinafter "Act"),[2] I am granting the State of California a waiver of Federal preemption to enforce the following:

(1) Amendments to exhaust emission standards and test procedures for 1982 and later model year heavy-duty engines and vehicles, as set forth in section 1956.7 of Title 13 of the California Administrative Code and in "California Exhaust Emission Standards and Test Procedures for 1981 and Subsequent Model Heavy-Duty Engines and Vehicles" adopted October 5, 1978, as amended April 23, 1980.[3]

(2) Amendments to evaporative emission regulations as set forth in section 1976(c) of Title 13, California Administrative Code and in "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Year Gasoline-Powered Motor Vehicles" adopted April 16, 1975, as amended April 23, 1980.[4]

Under section 209(b) of the Act when California requests a waiver of Federal preemption as to accompanying enforcement procedures which relate to

[1] The Docket number was previously listed erroneously as EN–80–16 in the hearing notice EPA published at 46 FR 57171 (August 27, 1980).

[2] 42 U.S.C. 7543(b)(1977), as amended.

[3] These amended regulations are applicable to 1982 and subsequent model year heavy-duty gasoline-powered engines and vehicles.

[4] These amended regulations apply to all 1981 and subsequent model year gasoline-powered vehicles, except motorcycles.

standards for which a waiver has already been granted and is still in effect, I must grant the requested waiver unless I find that (1) the procedures may cause the California standards, in the aggregate, to be less protective of public health and welfare than the applicable Federal standards or (2) the accompanying enforcement procedures are not consistent with section 202(a) of the Act.[5] With regard to the first finding, if the public record of the proceedings before me contains plausible evidence that the California enforcement procedures may cause the California standards, in the aggregate, to be less protective than the corresponding Federal standards, then I must deny the waiver if: (1) California did not make a positive determination as to the relative protectiveness of the standards when coupled with the new enforcement procedures or (2) California did make such a determination, and the record contains clear and compelling evidence that its determination is arbitrary and capricious.[6] With regard to the second finding, State enforcement procedures are deemed not to be consistent with section 202(a) if there is inadequate lead time to permit the development of the technology necessary to implement the new procedures, giving appropriate consideration to the cost of compliance within the time frame, or if the Federal and California test procedures impose inconsistent certification requirements.[7]

On the basis of the record before me, I have concluded that I cannot make the findings required for the denial of the waivers under section 209(b) for these California regulations. Accordingly, I am granting the requested waivers of Federal preemption.

II. Background

A. Amendments To Exhaust Emission Standards and Test Procedures for 1982 and Subsequent Model Heavy-Duty Engines

On April 23, 1980, the California Air Resources Board (CARB) adopted regulations limiting idle air/fuel mixture adjustability for 1982 and subsequent model year heavy-duty gasoline-powered engines. The regulations provide that the mixture adjustment mechanism must not be visible, even with the air cleaner removed, and must require special tools and/or procedures to make adjustments. Alternatively, CARB may require that the certification test of an engine family or vehicle be conducted with the idle air/fuel mixture adjusted to any setting which CARB finds corresponds to settings likely to be encountered in actual use. The manufacturer must choose between these methods of compliance at the time of preliminary application for certification.

These regulations are nearly identical to CARB's parameter adjustment regulations applicable to 1980 and subsequent model year passenger cars and 1981 and subsequent model year light-duty trucks and medium-duty vehicles for which EPA granted a waiver of Federal preemption on July 10, 1978.[8] CARB anticipated that these regulations would present little technical difficulty to manufacturers of heavy-duty gasoline engines because of the adaptability of the design for tamper-resistant carburetors currently used in passenger cars, light-duty trucks, and medium-duty vehicles to the carburetors that manufacturers will use in heavy-duty trucks.[9] For those heavy-duty engines which use carburetors substantially different in design from those used in light-/or medium-duty vehicles, the regulations for which California has requested the present waiver provide that a one-year exemption may be granted by the Executive Officer of CARB, on a case-by-case basis, for the 1982 model year only. The exemption may be granted only if the Executive Officer finds the manufacturer has not had sufficient lead time to comply with the regulation by model year 1982.

B. Amendments to Evaporative Emission Standards and Test Procedures for 1981 and Subsequent Model Year Gasoline-Powered Motor Vehicles

On April 23, 1980, CARB amended its evaporative emission enforcement procedures as they apply to 1981 and subsequent model year gasoline-powered vehicles. The amendments eliminate the 1.0 gram per test background allowance which CARB was required to subtract from individual test results in determining compliance with its evaporative emission standard. CARB initially intended this procedure to account for non-fuel hydrocarbon (HC) emission sources such as paints, plastics, and rubber components.[10] The 2.0 gram per test evaporative emission standard remains in place for all motor vehicle classes except motorcycles.

On June 13, 1980, California requested a waiver of Federal preemption to enforce these two sets of amended regulations. EPA held a public hearing in San Francisco on September 16, 1980, pursuant to a notice published by EPA in the Federal Register.[11]

III. Discussion

The following discussion will evaluate separately each of the two sets of regulations for which California is seeking a waiver of Federal preemption pursuant to section 209(b) of the Act.

A. Amendments to Exhaust Emission Standards and Test Procedures for 1982 and Subsequent Model Heavy-Duty Engines

1. *Public Health and Welfare.* California's regulations limiting idle air/fuel mixture adjustability constitute "accompanying enforcement procedures" under section 209(b)(1) of the Act.[12] The criteria for my review of the public health and welfare issue as it pertains to accompanying enforcement procedures have been set forth in the introduction.

All exhaust emission standards to be enforced by the new test procedures under consideration here have received waivers of Federal preemption which are still in effect.[13] The public record does not contain evidence that this adjustment limitation regulation would cause the California exhaust emission standards, in the aggregate, to be less protective of public health and welfare than the applicable Federal standards. If anything, these regulations most likely would cause the California standards to be more protective because requiring manufacturers to restrict adjustability of the mixture mechanism should reduce incidents of misadjustment, thereby reducing emissions.

This regulation is the equivalent of Federal regulations covering the same subject matter but which regulations are not scheduled to take effect until the 1984 model year.[14] The California regulation which is the subject of this waiver decision will affect 1982 and subsequent model year heavy-duty engines. Thus, manufacturers would have to comply with requirements in California two years before substantially the same requirements would be enforced nationally. Further, similar requirements are already in

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[5] *See*, e.g., 43 FR 29615 (July 10, 1978).
[6] 43 FR 9344, 9345, 9346 (March 7, 1977).
[7] 43 FR 29615 (July 10, 1978).
[8] 42 FR 29615 (July 10, 1978). The only difference between the two regulations is the class of vehicles covered.
[9] Transcript of Waiver Hearing on Amendments to California Evaporative Emissions Standards and Test Procedures and California Exhaust Emission Standards and Test Procedures for Heavy-Duty Engines, September 16, 1980, pp. 22–23, 25–28 (hereinafter referred to as "Tr.").
[10] Tr. at p. 8.
[11] 45 FR 57171 (August 27, 1980).
[12] *See* 42 FR 3192, 3194 (January 17, 1977). *See also* 43 FR 29615 (July 10, 1978).
[13] 42 FR 31537 (June 22, 1977).
[14] Tr. at p. 22; 46 FR 4136 (January 21, 1980).

effect, and I have previously granted a waiver under section 209(b) of the Act, for the enforcement of those requirements in conjunction with emission standards for light- and medium-duty vehicles.[15] Therefore, I can find no basis for denying the waiver for these amended enforcement procedures on this issue.

2. *Consistency.* Once I have determined that enforcement procedures covered by a California waiver request do not cause California's standards to be, in the aggregate, less protective than Federal standards, I must grant the waiver request covering the enforcement procedures unless, under section 209(b)(1)(C), I find that the California enforcement procedures in question are not consistent with section 202(a) of the Act.[16]

a. *Lead Time and Technology.* CARB testified that the amended regulation is clearly technologically feasible; passenger cars currently are equipped with the technology needed to comply, and 1981 light- and medium-duty vehicles will employ that technology as well.[17] CARB maintains that manufacturers will only have to make minor carburetor casting modifications in order to comply and that manufacturers will have approximately 20 months of lead time from the time it adopted the amendment to transfer existing technology to heavy-duty engines.[18] This time period, according to CARB, is adequate lead time to comply.[19] To further ensure that there is adequate lead time to comply, the CARB regulation provides for one-year only exemptions, to be decided on a case-by-case basis, for those heavy-duty engines that currently use carburetors which are substantially different in design from carburetors currently in use on light- or medium-duty vehicles and which the manufacturer demonstrates cannot be made to comply within the available lead time.[20]

Comments submitted to EPA by General Motors Corporation (GM)[21] and Ford Motor Company (Ford)[22] state that compliance within the available lead time is possible. In addition, CARB indicated at the September 16, 1980 hearing which EPA held on this matter that Ford currently does not require any adjustment of the idle mixture on carburetors for their light-duty engines; adjustments made on the carburetor are made on the flowbench prior to being installed in the vehicle.[23] CARB anticipates that this same approach would be carried over on heavy-duty vehicles. This, according to CARB, would place Ford in automatic compliance with the regulation.[24] GM testified at the CARB hearing held on April 23, 1980, that it expects to have some compliance problems only with carburetors other than the Rochester Products Division quadrajet. However, GM installs the quadrajet model in 92 percent of all GM heavy-duty vehicles sold in California, leading CARB to contend that GM is presently in almost complete compliance.[25] GM's subsequent comments[26] to EPA suggest that it does not foresee any substantial compliance problem with its four other carburetor models which comprise the remaining 8 percent of California sales, especially if the one-year exemption is available to engines using these models. Comments submitted to CARB by International Harvester (IH) indicate the IH also does not foresee substantial technological problems in order to comply with the regulation, especially if it can take advantage of the one-year exemption.[27]

Because the record contains no significant evidence tending to controvert CARB's showing of technological feasibility for this enforcement procedure in question, I cannot conclude that manufacturers cannot develop and apply the requisite technology within available lead time in order to achieve compliance with the amendment limiting the adjustability of the idle air/fuel mixture for heavy-duty engines.

b. *Cost of Compliance.* With regard to cost of compliance, CARB testified that the total amortized cost of compliance would amount to only $7.00 additional cost per carburetor.[28] The only indication by manufacturers that cost would be a problem in achieving compliance came from IH in its testimony before CARB. In that testimony, IH stated that new carburetors and the associated new certication program that would ensue for the 1982 and 1983 model years would be difficult to justify for IH, since all new heavy-duty carburetors would again be required for 1984 and later model years.[29] IH has not, however, submitted any information as to specific costs and modifications required. Thus, it has not met its burden of persuasion to establish that the costs of compliance will create a significant problem. I, therefore, cannot find that the cost of compliance with this amendment is so excessive as to warrant a denial of the waiver on this ground.

c. *Consistency of Certification Procedures.* As previously noted, EPA promulgated final regulations concerning the adjustability of certain parameters including idle mixture adjustability, during certification testing for 1984 and later model heavy-duty engines on January 21, 1980.[30] At this time there can be no inconsistency between Federal and California certification requirements for 1981 through 1983 model years as the Federal requirements are not yet in effect. Also, no one identified for the record any inconsistencies between these requirements, even for model years beyond 1983. Therefore, I cannot deny the waiver on this basis. However, in the event that an interested party finds an inconsistency to exist when the Federal requirements become enforceable, that party may file a petition with me, setting forth the grounds on which it requests a reconsideration of the waiver granted herein.

No other issues were raised in opposition to California's waiver request.

B. Amendments to the Evaporative Emission Standards and Test Procedures for 1981 and Subsequent Model Year Gasoline-Powered Motor Vehicles

1. *Public Health and Welfare.* California's regulations eliminating the 1.0 gram per test background allowance constitute "accompanying enforcement procedures" under section 209(b)(1) of the Act.[31] The criteria for my review of

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[15] 43 FR 29615 (July 10, 1978).

[16] *See* Introduction, *supra*, for discussion of section 202(a).

[17] Tr. at p. 22.

[18] *Id.* The amendment was adopted by CARB on April 13, 1980, and applies to 1982 and later model year vehicles.

[19] *Id.*

[20] Tr. at p. 23.

[21] Statement of General Motors at the Environmental Protection Agency Waiver Hearing on Amendments to the California Evaporative Emission Standard and Test Procedures and the 1982 and Later Model Year Heavy-Duty Engine Test Procedures, San Francisco, California, September 16, 1980.

[22] Letter from H. O. Petreuskas, Ford Motor Company, to Jerry Schwartz, EPA, September 10, 1980.

[23] Tr. at pp. 26–27.

[24] Tr. at p. 26.

[25] Tr. at p. 30. See also Statement of GM referred to at note 21 *supra*.

[26] *Supra* note 21 and accompanying text.

[27] Statement of International Harvester in Response to CARB Proposed Amendments to Title 13 California Administrative Code Regarding Parameter Adjustment of Idle/Fuel Mixtures on Heavy-Duty Engines, April 14, 1980.

[28] Tr. at p. 30.

[29] *Id.*

[30] 45 FR 4136 (January 21, 1980).

[31] I have characterized this regulation for which California is seeking a waiver as an enforcement

Continued

the public health and welfare issue as it pertains to accompanying enforcement procedures has been set forth in the introduction of this decision.

California's evaporative emission standards to be enforced by the amended procedures which are the subject of this waiver request have received waivers of Federal preemption which are currently in effect.[32] CARB has made a determination that this amendment will result in its evaporative emission standard for gasoline-powered engines being at least as protective, in the aggregate, of public health as comparable Federal regulations.[33] CARB based this determination on the fact that its evaporative emission standard, without the previously allowed background allowance, is still numerically identical to the Federal standard for the motor vehicle and engine classes at issue.[34] However, the CARB regulations provide for a one-year extension in eliminating the background allowance at issue for which the comparable Federal regulations do not similarly provide. CARB will grant this extension, on a case-by-case basis, only if the Executive Officer finds that a manufacturer has had insufficient lead time to comply with this amendment. CARB does not believe that the allowance for a one-year delay makes its evaporative emission standard less stringent than the Federal standard because CARB believes that its method of testing the durability of evaporative control systems is more stringent than the Federal method, and thus CARB compensates for any one-year delays which it may allow.[35]

The record fails to show, by clear and compelling evidence, that California's determination that its amendment to its enforcement procedures does not reduce the protectiveness to the public health and welfare of the standards was arbitrary and capricious. Therefore, I cannot find a basis for denying the waiver on this issue.

2. *Consistency.* The determination I must make in order to deny a waiver of Federal preemption, on grounds of inconsistency under section 209(b)(1)(c), for an enforcement procedure such as the regulation before me has previously been described in the discussion herein of the amendment to the exhaust emission standards and test procedures for heavy-duty engines.[36]

a. *Lead Time and Technology.* CARB contends that the technology to comply with this regulation is available and feasible and anticipates that no redesign or new hardware will be required.[37] CARB bases this contention on the fact that 96 percent of the 1980 California certification fleet did not need the background allowance in order to meet the evaporative emission standard.[38] CARB further notes, that in order to ensure that adequate lead time is available to all manufacturers, the regulation includes a provision for a one-year extension of the imposition of the amended regulation, on a case-by-case basis, if a manufacturer can demonstrate that it has not had sufficient lead time to comply by the 1981 model year.[39] There were no contrary claims asserting infeasibility by any other party.

Based on this record, I cannot conclude that manufacturers cannot develop and apply the requisite technology within the available lead time in order to achieve compliance with the standards and test procedures which have been amended in order to eliminate the use of the 1.0 gram per test evaporative emission background allowance.

b. *Cost of Compliance.* CARB testified that it does not anticipate manufacturers will need to redesign or install new hardware in order to achieve compliance with the standard even without the background allowance.[40] Therefore, it does not anticipate any additional costs. CARB, however, did state that some heavy-duty engines may require an inexpensive piece of hardware which it claims would have no real impact on cost.[41] There were no contrary claims by any other party that costs would be so excessive as to warrant a denial of the waiver on these grounds. Therefore, based on the record before me, I cannot deny the waiver on this ground.

No other issues were raised in opposition to this request.

IV. Finding and Decision

Having given due consideration to the public hearing of September 16, 1980, and all other material included in the record for these waiver proceedings, I find that I cannot make the determinations required under section 209(b) of the Act for a denial of the waiver California has requested, and therefore I am waiving application of section 209(a) of the Act with respect to the following enforcement procedures adopted by California:

(1) Amendments to exhaust emission standards and test procedures for 1982 and later model year heavy-duty engines and vehicles, as set forth in section 1956.7 of Title 13 of the California Administrative Code and in "California Exhaust Emission Standards and Test Procedures for 1981 and Subsequent Model Heavy-Duty Engines and Vehicles" adopted October 5, 1978, as amended April 23, 1980;

(2) Amendments to evaporative emission regulations as set forth in section 1976(c) of Title 13, California Administrative Code and in "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Year Gasoline-Powered Motor Vehicles" adopted April 16, 1975, as amended April 23, 1980.

Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981) requires EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare Regulatory Impact Analyses for all major rules. Section 1(b) of the Order defines "major rule" as any regulation (as defined in the Executive Order) that is likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-

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procedure as opposed to a standard. This regulation does not attempt to establish a new maximum numerical limitation for evaporative emissions—the California standard is, and remains, 2.0 grams per test. Rather, this regulation amends the enforcement procedures used by California to determine whether or not the manufacturer can be said to be in compliance with the 2.0 gram per test standard.

[32] 43 FR 1533 (January 10, 1978).

[33] State of California Air Resources Board Resolution 80-6, April 23, 1980.

[34] Tr. at pp. 10-11.

[35] Tr. at p. 11. CARB testified that Federal regulations allow usage of a system deterioration factor derived either from bench testing or durability vehicle testing, while California requires that the deterioration factor be determined by combining the results of both bench testing and durability vehicle testing. Tr. at p. 11.

[36] *See also*, Introduction, *supra*.

[37] Tr. at pp. 9-10.

[38] Tr. at p. 9. These findings were based on a sampling of 161 vehicles—111 passenger cars, 24 light-duty trucks, and 26 medium-duty vehicles. Of these, only seven vehicles failed—two passenger cars, one light-duty truck, and four medium-duty vehicles. CARB contends that of the seven vehicles that failed, four failed for reasons other than background emissions, and CARB concludes that it is not certain that these emissions, were a factor in the failure of the other vehicles. Tr. at pp. 16-18. See also CARB *Staff Report* on Public Hearing to Consider Changes to Evaporative Emission Regulations for 1981 and Subsequent Model Year Vehicles, March 7, 1980.

[39] Tr. at p. 10.

[40] Tr. at pp. 9-10.

[41] Tr. at pp. 14-15. The piece of hardware CARB referred to is a solenoid valve. Tr. at p. 14.

based enterprises in domestic or export markets.

EPA has determined that these waiver determinations are not major rules. As determined in the discussions on costs herein, this action will result in only minor, if any, increase in costs or prices for consumers, individual industries, governmental agencies or geographic regions, will not have significant adverse effects on competition (domestic and foreign), employment, investment, productivity, or innovation, and will not have a net annual effect on the economy of $100 million or more.

Accordingly, a Regulatory Impact Analysis is not being prepared for these waiver determinations.

My decision will affect not only persons in California but also the manufacturers located outside the State who must comply with California's standards in order to produce motor vehicles for sale in California. For this reason I hereby determine and find that this decision is of nationwide scope and effect.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this action under section 209(b) of the Clean Air Act will not have a significant impact on a substantial number of small entities. The attached waiver decision only constitutes an approval under section 209(b) of the Clean Air Act of State action. It imposes no new requirements. Moreover, due to the nature of the Federal-State relationship, Federal inquiry into the economic reasonableness of the State's action would serve no practical purpose and could well be improper.

Dated: May 7, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-14200 Filed 5-11-81; 8:45 am]

BILLING CODE 6560-33-M

[PF-196A; PH-FRL 1824-7]

E. I. du Pont de Nemours and Co.; Filing of Pesticide Petition; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The notice amends a notice of filing that published in the Federal Register of August 19, 1980 (45 FR 55268) proposing tolerances for the combined residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-methyl-1,3,5-triazine-2,4 (1*H*,3*H*)-dione and its metabolites (calculated as hexazinone).

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of August 19, 1981 (45 FR 55268) announcing that E. I. du Pont de Nemours and Co., Inc., Wilmington, DE 19898, had submitted a petition (PP OF2382) proposing that 40 CFR Part 180 be amended by establishing tolerances for the combined residues of the herbicide hexazinone (3-cyclohexyl-6-(dimethylamino)-methyl-1,3,5-triazine-2,4 (1*H*, 3*H*)-dione and its metabolites (calculated as hexazinone) in or on certain raw agricultural commodities.

E. I. du Pont de Nemours and Co., Inc., has submitted an amendment to the petition proposing the following:

Commodities	Previously proposed tolerances	Proposed tolerances
Alfalfa, forage	5	2
Alfalfa, hay	5	8
Meat, fat, and meat byproducts (except liver) of cattle, goats, horses, hogs, and sheep	0.05	0.1
Milk	0.05	0.1
Liver of cattle, goats, horses, hogs, and sheep	0.01	0.1
Eggs	—	0.1

The proposed analytical method for determining residues is by nitrogen selective gas chromatography.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 135)

Dated: May 4, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-14199 Filed 5-11-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 1, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 8240-17.

Filing Party: Wade S. Hooker, Esquire Burlingham, Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Agreement No. 8240-17 modifies the basic agreement of the Atlantic and Gulf-Singapore, Malaya and Thailand Conference by empowering the conference to authorize its agents to collect freight or other charges at destination ports. Present collection authority is limited to demurrage charges.

Agreement No.: 10270-2.

Filing Party: Mr. Howard A. Levy, Attorney for Agreement No. 10270, 17 Battery Place, Suite 727, New York, New York 10004.

Summary: Agreement No. 10270-2, among the members of the Gulf European Freight Association Agreement, would extend the term of the basic agreement, as amended, for an indefinite period beyond its present termination date of September 8, 1981.

Agreement No.: 10418.

Filing Party: Mr. R. J. Finnan, Chief Tariff Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Summary: Agreement No. 10418, between Lykes Bros. Steamship Co., Inc. (Lykes) and Caldwell Shipping Company (Caldwell), provides that Lykes will appoint Caldwell as its agent in respect to services provided by and controlled by Lykes for intermodal traffic destined to or originating from Savannah, Jacksonville, Port Everglades and Miami. Compensation and fees will be as agreed upon from time to time by the parties.

By Order of the Federal Maritime Commission.

Dated: May 7, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-14214 Filed 5-11-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C., 20573.

A & A International Freight, Forwarders, Inc., 4200 N. 29th Terrace, Hollywood, FL 33020; Officers: Alexander Kruga, Secretary/Treasurer, Julio P. Diaz, President;

Worldwide Freight Forwarders, Inc., 925 Market Street, Paterson, NJ; Officers: Gerald Delaurentis, President, Martin Zager, Secretary, John Delaurentis, Vice President;

Robert Gage Marshall, d.b.a. Robert G. Marshall, CHB, 1600 Talleyrand Avenue, Port Services Bldg., P.O. Box 40082, Jacksonville, FL 32203;

National Cargo Services, Inc., 4741 N.W. 72nd Avenue, Miami, FL 33166; Officers: Arcadio Hernandez, President, Piedad Ygualada, Secretary/Treasurer.

By the Federal Maritime Commission.
Dated: May 7, 1981.

Joseph Polking,
Acting Secretary.

[FR Doc. 81-14213 Filed 5-11-81; 8:45 am]
BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2055-R]

Anthony Transportation Service, Inc.; Vacating Revocation

By Order served April 24, 1981, Anthony Transportation Service, Inc. (ATS) was notified that its Independent Ocean Freight Forwarder License No. 2055-R was automatically revoked pursuant to section 44(c) of the Shipping Act, 1916, as amended (46 U.S.C. 841(b)), and section 510.9 of Federal Maritime Commission General Order 4 (46 CFR 510) because ATS had failed to maintain a valid surety bond on file with the Federal Maritime Commission.

ATS has now come forth with evidence that it had, in fact, maintained a valid surety bond.

Therefore by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 9 dated August 8, 1977;

Notice is hereby given, that the Order of Revocation served April 24, 1981, revoking Anthony Transportation Service, Inc. Independent Ocean Freight Forwarder License No. 2055-R, is hereby vacated.

It is ordered, that a copy of this Notice be published in the **Federal Register** and served upon Anthony Transportation Service, Inc.

Francis C. Hurney,
Acting Managing Director.

[FR Doc. 81-14237 Filed 5-11-81; 8:45 am]
BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Gerald L. Roach, Laboratory Director, and Lois M. Meyer, Consumer Affairs Officer, Buffalo District Office, Buffalo, NY.

DATE: The meeting will be held 10 a.m., Wednesday, May 27, 1981.

ADDRESS: The meeting will be held at the U.S. Federal Bldg., Rm. 1440, W. Huron St. and Delaware Ave., Buffalo, NY 14202.

FOR FURTHER INFORMATION CONTACT: Lois M. Meyer, Consumer Affairs Officer, Food and Drug Administration, 599 Delaware Ave., Buffalo, NY 14202, 716-846-4483.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Buffalo District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 6, 1981.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-14218 Filed 5-11-81; 8:45 am]
BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by George D. Tilroe, Supervisory Consumer Safety Officer, Albany Resident Post, and Lois M. Meyer, Consumer Affairs Officer, Buffalo District Office, Buffalo, N.Y.

DATE: The meeting will be held 10 a.m., Friday, May 15, 1981.

ADDRESS: The meeting will be held at the Leo W. O'Brien Federal Bldg., Rm. 38 (Lower Level), Clinton Ave. and N. Pearl St., Albany, N.Y. 12207.

FOR FURTHER INFORMATION CONTACT: Lois M. Meyer, Consumer Affairs Officer, Food and Drug Administration, 599 Delaware Ave., Buffalo, N.Y. 14202, 716-846-4483.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Buffalo District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 6, 1981.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-14220 Filed 5-11-81; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 81-N-0038]

Brandenfels Scalp and Hair Applications and Massage; Denial of Hearing and Withdrawal of Approval of New Drug Application

Correction

In FR Doc. 81-12621, appearing at page 23811, in the issue of Tuesday, April 28, 1981, on page 23814, make the following corrections:

(1) In the first column, the first paragraph, first line, correct "estimonials" to read "testimonials";

(2) In the first column, the first paragraph, line thirteen, "412 U.S." is corrected to read "472 F. 2d.";

(3) In the first column, the first paragraph, line nineteen is corrected by changing "1961" to "1962";

(4) In the last column, the last paragraph, the next to the last line, under the heading of References" correct "Rook" to read "Rock".

BILLING CODE 1505-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Robert L. Hart, Supervisory Consumer Safety Officer, Albany Resident Post, and Lois M. Meyer, Consumer Affairs Officer, Buffalo District Office, Buffalo, NY.

DATE: The meeting will be held 10 a.m., Wednesday, May 13, 1981.

ADDRESS: The meeting will be held at the State University of New York College at New Paltz, Lecture Center, Rm. 112, New Paltz, NY 12562.

FOR FURTHER INFORMATION CONTACT: Lois M. Meyer, Consumer Affairs Officer, Food and Drug Administration, 599 Delaware Ave., Buffalo, NY 14202, 716-846-4483.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Buffalo District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 6, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-14222 Filed 5-11-81; 8:45 am]

BILLING CODE 4110-03-M

Social Security Administration

Iceland; Finding Regarding Foreign Social Insurance or Pension System

AGENCY: Social Security Administration, HHS.

ACTION: Notice of Finding Regarding Foreign Social Insurance or Pension System—Iceland.

FINDING: Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly social security benefits to any individual who is not a U.S. citizen or national for any month after he or she has been outside the United States for six consecutive months. This prohibition does not apply to such an individual where one of the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402 (t)(2) through (t)(5)) affects his or her case.

Section 202(t)(2) of the Social Security Act provides that the prohibition against payment shall not apply to any individual who is a citizen of a country which the Secretary of Health and Human Services finds has in effect a social insurance or pension system which is of general application in such country and which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old-age, retirement, or death; and

(b) Permits individuals who are U.S. citizens but not citizens of that country and who qualify for such benefits to receive those benefits, or the actuarial equivalent thereof, while outside the foreign country regardless of the duration of the absence.

The Secretary of Health and Human Services has delegated the authority to make such a finding to the Commissioner of Social Security. The Commissioner has redelegated that authority to the Director, Office of International Policy. Under that authority the Director, Office of International Policy, has approved a finding that Iceland, beginning December 1, 1960, has a social insurance system of general application which:

(a) Pays periodic benefits, or the actuarial equivalent thereof, on account of old-age, retirement, or death; and

(b) Permits U.S. citizens who are not citizens of Iceland to receive such benefits, or their actuarial equivalent, at the full rate without qualification or restriction while outside Iceland.

Accordingly, it is hereby determined and found that Iceland has in effect, beginning December 1, 1960, a social insurance system which meets the requirements of Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

FOR FURTHER INFORMATION CONTACT: Duane Heaton, Room 4234, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-5551.

(Catalog of Federal Domestic Assistance Programs No. 13.802 Social Security—Disability Insurance; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors Insurance)

Dated: May 6, 1981.

Ronald L. Davis,

Director, Office of International Policy.

[FR Doc. 81-14211 Filed 5-11-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before May 1, 1981.

Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 27, 1981.

Carol Shull,

Chief, Registration Branch.

ALABAMA

Mobile County

Mobile, *Carlen House*, 54 S. Carlen St.

CONNECTICUT

New Haven County

Waterbury, *Benedict-Miller House*, 32 Hillside Ave.

GEORGIA

Cherokee County

Canton, *Georgia County Courthouses Thematic Resources (Cherokee County Courthouse)* (Addition) 100 North St.

INDIANA

Boone County

Whitestown, *Neese, Ambrose, House*, 7 S. Barnes St.

Marion County

Indianapolis, *McCormick Cabin Site*, Off U.S. 40

Indianapolis, *Whittier, John Greenleaf, School, No. 33*, 1119 N. Sterling St.

LOUISIANA

East Baton Rouge Parish

Scotlandville, *Southern University Archives Building*, Southern University campus

Rapides Parish

Alexandria, *Rapides Opera House*, 1125 3rd St.

NEW HAMPSHIRE

Merrimack County

Boscawen, *Boscawen Public Library*, King St.

NEW YORK

Livingston County

North Bloomfield, *North Bloomfield School*, 7840 Martin Rd.

TEXAS

Hays County

Kyle vicinity, *Kyle, Claiborne, Log House*, SW of Kyle

Hill County

Hillsboro, *Hill County Jail*, N. Waco St.

Travis County

Austin, *Fischer House*, 1008 West Ave.

[FR Doc. 81-13894 Filed 5-11-81; 8:45 am]

BILLING CODE 4310-03-M

Bureau of Land Management

New Orleans Outer Continental Shelf Office; Availability of Outer Continental Shelf Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams, last approved or revised on the dates indicated, are on file and available, for information only, in the New Orleans Outer Continental Shelf Office, Bureau of Land Management, New Orleans, Louisiana. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic areas they represent.

Outer Continental Shelf Official Protraction Diagrams

Description		Latest approval or revision date
South Atlantic Area		
NI 18-6		March 3, 1981.
NI 18-9		March 3, 1981.
NI 18-11		March 3, 1981.
Gulf of Mexico Area		
NG 16-12		April 8, 1981.
NG 17-10	Dry Tortugas	April 8, 1981.

2. Copies of these protraction diagrams may be purchased for $2.00 each from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 841, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130. Checks or money orders should be made payable to the Bureau of Land Management.

Dated: May 4, 1981.

John L. Rankin,

Manager, New Orleans Outer Continental Shelf Office.

[FR Doc. 81-14180 Filed 5-11-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 17390]

Oregon; Termination of Proposed Withdrawal and Reservation of Land

Notice of application, OR 17390, filed by the Bureau of Land Management, U.S. Department of the Interior, for withdrawal and reservation of land was published as FR Doc. 79-4273 on Page 8028 of the issue of February 8, 1979. The withdrawal was proposed for protection of the Rock Corral Historic Site. The applicant agency has cancelled its application in its entirety. The land involved is described as follows:

Willamette Meridian

Revested Oregon and California Railroad Grant Land

T. 2 S., R. 6 E.,
Sec. 21, E½SE¼NE¼ and SW¼SE¼NE¼.

The area described contains 30 acres in Clackamas County, Oregon.

Therefore, pursuant to the regulations contained in 43 CFR 2310.2-1(c), such land will be at 10 a.m. on June 15, 1981, relieved of the segregative effect of the above-mentioned application.

Dated: May 1, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-14206 Filed 5-11-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 11327]

Oregon; Termination of Exchange Classification

1. By Order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on August 16, 1974 (39 FR 29605), the following described public land was classified for disposal through exchange pursuant to Section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U.S.C. 315g):

Willamette Meridian

T. 3 N., R. 21 E.,
Sec. 12, SE¼.
T. 2 N., R. 22 E.,
Sec. 2, Lots 1, 2, 3, and 4, S½N½ and S½;
Sec. 3, Lots 1, 2, 3, and 4, S½N½ and S½;
Sec. 8, SE¼;
Sec. 10, All;
Sec. 11, All;
Sec. 12, All;
Sec. 14, N½;
Sec. 15, N½N½.
T. 3 N., R. 22 E.,
Sec. 4, S½;
Sec. 14, W½;
Sec. 22, NE¼NE¼, W½E½, and W½;
Sec. 26, SW¼SW¼;
Sec. 27, S½SW¼;
Sec. 34, All.

The areas described aggregate 5,921.44 acres in Gilliam County, Oregon.

2. The above-described public land has been eliminated from any exchange proposal; accordingly, pursuant to 43 CFR 2470.1, the classification is terminated May 12, 1981.

3. At 10:00 a.m., on June 15, 1981, the above-described public land will be relieved of the segregative effect of the above-mentioned classification order.

Dated: May 1, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-14207 Filed 5-11-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 334]

Car Service Compensation—Basic Per Diem Charges—Formula Revision in Accordance With the Railroad Revitalization and Regulatory Reform Act of 1976

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Approval of Updated Car-Hire Charges for Railroads.

SUMMARY: The Interstate Commerce Commission requires the U.S. railroads to update car-hire charges in accordance with the Commission formula and with the Commission approval, no less than once a year. This notice approves the railroads' petition requesting an update of car-hire charges. This notice also approves minor modifications to the Commission's formula as recommended by the U.S. railroads.

DATE: The approved car-hire rates will be made effective June 1, 1981.

FOR FURTHER INFORMATION CONTACT: William T. Bono, (202) 275-7354.

SUPPLEMENTARY INFORMATION: A petition was filed by the Association of American Railroads (AAR) on January 31, 1981, and subsequently modified by petition on March 13, 1981. The petition requested the Commission to approve updated car-hire charges for the U.S. railroads. Car-hire charges are those payments made between railroads for the use of another railroad's cars. The railroads are required by the Commission to update car-hire charges in accordance with the Commission formula and with Commission approval no less than once a year. See 358 I.C.C. 716 (1977) and decision on reconsideration served April 3, 1978.

The AAR's petition also requested that the Commission make minor modifications in Rail Form H, as indicated in Appendix A.

We have reviewed the table of car-hire charges and supporting data submitted by the AAR with its petition, and find that the table is properly calculated in accordance with the methodology set forth in prior decisions in this proceeding. We also find that these car-hire charges will provide a just

and reasonable level of compensation for the nation's railroads.

The AAR data used is based on the most current expenses and statistics available at this time. The modifications proposed in the AAR petition are minor in nature and will be included as permanent changes to the formula.

This proceeding shall remain open so that refinements and modifications of adopted procedures may be made where warranted.

This decision does not significantly affect the quality of the human environment or the conservation of energy resources.

Decided: May 5, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

Appendix A—Refinements and Modifications to Rail Form H

1. *Summary 2—Statistical and Repair Summary*

The problem that existed for the study year 1978 in reconciling the Average Number of Cars (Worksheet 4, Line 9) with the Total Line-Haul Car Miles (Summary 2, Sheet 1 of 1, Line 9) reported for mechanical refrigerator cars has been corrected. For the study year 1979, the total mileage accrued by mechanical refrigerator cars with SPFE and UPFE markings was reported to the AAR as 356,801,389 miles. These miles were deducted from the Total Line-Haul Car Miles because the SPFE and UPFE ownerships of this car type are not reflected in Worksheet 4, Line 9. Furthermore, the repair costs for such cars are not included on Summary 1, Sheet 1 of 1, Line 9. The Total Line-Haul Car Miles for this type of car are shown in Summary 2 as 156,467,000 miles, representing the actual mileage accrued by the average number of mechanical refrigerator cars reported on Worksheet 4, Line 9.

2. *Summary 3—Computation of Three-Year Averages for Use in Car Hire Rate Tables*

a. On each Summary 3 table for 15 car types the labor and material proportions of Line 1 have been revised from the current 50–50 percent split to reflect the actual material and labor split as calculated from the material and labor figures reported on Line 221, Schedule 410 of Annual Report, R–1. The percentage which have been applied as follows:

Line 2, Labor Proportion of Line 1
Source: Line 1×49.25%

Line 3, Material Proportion of Line 1
Source: Line 1×50.75%

b. In addition the format for indexing car repairs has been modified. The car repairs for years 1978 and 1979 have been indexed for labor and material individually, following which the total indexed repair costs per car were averaged for the two years. This is a more correct method of indexing car repair costs than the present methodology because each year is weighted individually.

c. Another modification made to Summary 3 is the use of the AAR's annual index (Series Q–MPW) for the most recent study year rather than the AAR's latest available quarterly index as shown in Summary 3 of the Commission's format. This modification was deemed appropriate because all other factors of the formula are based upon annual studies used to develop ultimately a three-year moving average. Since actual cost and operating data are available only for the most recent study year (i.e., currently 1979), it would be inconsistent to use a current quarterly index for indexing beyond the study year level without providing for comparable adjustments in the remaining factors of the formula. Using the latest available quarterly index would cause a significant overstatement of the repair monies which would actually be expensed subsequent to the study year 1979.

3. *Worksheet 1—Computation of Percentages Used to Distribute Way and Structures Expenses, Equipment Expenses (Other than Freight Train Cars) and General and Administrative Expenses in Schedule 1, Sheet 1*

Worksheet 1 was updated to reflect the latest available five years (1974–1978) of Rail Form H source data. The latest available five years of source data should be used in each update of the car hire charges.

4. *Footnote 1 to Worksheet 1, Sheet 2 of 2, Computation of Percentages for Use to Apportion Shop Buildings—Freight Cars Between Ownership Costs, Other Expenses and General Overhead*

This footnote was also updated to reflect the latest five years (1974–1978) of Rail Form H source data. For the year 1978 Rail Form H (8–78) no longer has footnote 9 to identify the Total Amount for Account 235-Shop and Enginehouse Repairs. In the previous years (1974–1977), this figure was reported and then proportioned based on a percentage factor developed in the 1980 Per Diem Cost Study. This is no longer necessary as the information required on Line 2 of footnote 1 is now available in the Annual Report (R–1), Schedule 410, Line 33, Column F. Again the latest five years of source data should be used.

5. *Worksheet—Computation of Percentages to Use to Distribute Transportation Expenses Between Ownership Costs, Other Expenses and General Overhead in Schedule 1, Sheet 1*

Worksheet 2 was updated to reflect the latest four years (1975–1978) of Rail Form H source data. For the year 1978, none of the sources shown on Worksheet 2 are available from the Annual Report (R–1), Schedule 410, Line 520, Column F. Total Transportation Expenses, Worksheet 2, line 8, is available from Rail Form H, Schedule 1, Sheet 1, Line 15. The Total Transportation Expenses were prorated to Lines 2 through 6 based on the three-year average for the years 1975, 1976 and 1977. Line 7 is the result of Line 8 minus the sum of Lines 1 through 6.

6. *Worksheet 3—Computation of Percentage of Expenses Not Applicable to Non-Revenue freight*

Worksheet 3 was updated to reflect the latest five years (1974–1978) of Rail Form H source data.

7. *Worksheet 4—Computation of Active Per Diem Dar Days and Per Diem Days Payable*

The figures shown on Worksheet 4, Column 2, Time Mileage Cars, for December 31, 1978 were adjusted to remove cars of Rock Island ownership, since that railroad no longer exists and filed no Annual Report (R–1) for the study year 1979. The inclusion of such cars in the study would have overstated the average number of time-mileage cars shown in Column 4 of Worksheet 4.

[FR Doc. 81-14199 Filed 5-11-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: May 6, 1981.

In our decisions of April 21, and 28, 1981, an 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.5-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.2-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 2.1-percent surcharge for United Parcel Service, or the 6.9-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. May 8, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

May 4, 1981.

Appendix—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

May 4, 1981 ..... 122.9¢

	Transportation performed by—			
	Owner-operators [1]	Other [2]	Bus carriers	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	16.5	3.2	6.9	[3] 2.9
Percent surcharge allowed	16.5	3.2	6.9	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 87 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-14191 Filed 5-11-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Finance Applications Decision Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: May 4, 1981.

By the Commission, Krock, Joyce and Dowell.

MC-F-14313, filed January 26, 1980. (supplemental publication) (previously published in the **Federal Register** issue of April 20, 1981). SUNFLOWER CARRIERS, INC. (Sunflower) (14th and Division, P.O. Box 583, York, NE 68467)—Purchased—UNIVERSAL DEVELOPMENT, INC. (Universal) (Rural Route 1, York, NE 68467). Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam Street, Omaha, NE 68102. The purpose of this supplemental publication is to show the change in ownership and control of Sunflower. On April 3, 1980, the transaction authorized in MC-F-14308F was consummated, and the Commission was notified April 20, 1981. As a result of that transaction, Sunflower is now controlled by LRC, Inc., a non-carrier which in turn, is controlled through majority stock ownership by Duane W. Acklie. LRC, Inc., owns all of the stock of Crete Carrier Corporation, a motor carrier operating pursuant to authority issued in MC-128375 and MC-126118. Duane W. Acklie also controls Trans Corp., a non-carrier which owns all of the stock of Shaffer Trucking, Inc., a motor carrier operating pursuant to authority issued in MC-114569.

Note.—Because of the change of control of Sunflower, the condition in the **Federal Register** publication of April 20, 1981, is null and void.

MC-F-14620, filed April 10, 1981. 2-G TRANSPORTATION, INC. (2-G) (12515 Pennsylvania Avenue, Savage, MN 55378)—purchase (portion)—CHIPPEWA MOTOR FREIGHT, INC. (Chippewa) (P.O. Box 850, Sioux Falls, SD 57101). Representatives: Wayne W. Wilson, 150 E. Gilman Street, Madison, WI 53703; and Carl L. Steiner, 39 S. LaSalle Street, Chicago, IL 60603. 2-G seeks authority to purchase a portion of the interstate operating rights of Chippewa. David J. Gilligan, the sole stockholder of 2-G, seeks authority to acquire control of said rights through the transaction. 2-G is purchasing Chippewa's rights as follows:

MC-109538 (Portion): *General commodities* (with usual exceptions) between Minneapolis, MN, and Chicago, IL, over U.S. Hwy 12 via St. Paul, serving the intermediate and off-route points of Chemolite Siding (formerly Scotch-lite), MN, Chicago Heights, IL, those in the Minneapolis-St. Paul, MN, Commercial Zone, as defined by the Commission in Commercial Zones and Terminal Areas, 48 M.C.C. 95, South St. Paul, Inver Grove Heights (formerly Inver Grove), West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, Roseville (formerly McCarron Lake), Fort Snelling, and State Fair Grounds, MN, and those in the Chicago, IL, commercial zone, as defined by the Commission in 1 M.C.C. 673,

unrestricted; and to and from the off-route point of Rusk, WI, restricted to the transportation of dairy products; and MC 109538 (Sub-8), *General commodities* (with usual exceptions) over an alternate route for operating convenience only in connection with carrier's otherwise authorized regular route operations, between Madison, WI, on the one hand, and, on the other, Chicago, IL, with service at Madison authorized solely for the purpose of joining this route with authorized regular routes held by carrier of on February 4, 1952: from Madison over U.S. Hwy 14 to junction IL Hwy 53, then over IL Hwy 53 to junction IL Hwy 72, then over IL Hwy 72, to junction IL Hwy 83, then over IL Hwy 83 to junction IL Hwy 55, then over IL Hwy 55 to Chicago, and return over the same route. 2–G holds authority to operate as a motor common carrier under MC–139023 and as a motor contract carrier under MC–134469.

Note.—Application for TA has been filed.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–14195 Filed 5–11–81; 8:45 am]
BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. OP1–138]

Motor Carriers; Permanent Authority Decision-Notice

Decided: May 5, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 59150 (Sub-192), filed April 24, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202 (904) 353–0707. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lowe's Companies, Inc., of North Wilkesboro, NC.

MC 145791 (Sub-3), filed April 2, 1981, previously noticed in **Federal Register** issue of April 24, 1981. Applicant: J. B. MILLER ENTERPRISES, 405 Hansen Ave., Butler, PA 16001. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281–9494. Transporting (1) *such commodities* as are dealt in or used by homeproducts manufacturers and distributors of cosmetics, toilet preparations and jewelry, and (2) *such commodities* as are distributed by hardware stores, between points in PA, OH, IN, IL, WV, MD, DE, NJ, NY, MA, VA, NC, SC, and DC. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation at applicant's written request, of its permits in MC–145791, MC–145791 (Sub-No. 1), and MC–145791 (Sub-No. 2F).

Note.—The purpose of this republication is to reflect DC in the territorial description of authority sought.

MC 146051 (Sub-5), filed April 24, 1981. Applicant: WITTENBURG TRUCK LINE, INC., Box 99, Readlyn, IA 50668. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309 (515) 245–4300. Transporting (1) *chemicals and related products*, between points in Bremer County, IA, on the one hand, and, on the other, points in CA, IL, MN, MO, NE, SD, WI, and WY, (2) *metal products*, between points in Kane County, IL, and Lake County, IN, on the one hand, and, on the other, points in the U.S., and (3) *machinery*, between points in Bremer County, IA, on the one hand, and, on the other, points in the U.S.

MC 146820 (Sub-15), filed April 27, 1981. Applicant: B & G TRUCKING, INC., 579 High St., P.O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St. Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with International Paper Company of New York, NY.

MC 154121 (Sub-3), filed April 27, 1981. Applicant: TRAILNER CORP., P.O. Box 357, Old Chester Rd., Gladstone, NJ 07934. Representative: George A. Olsen (same address as applicant), (201) 234–0301. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Union Camp Corporation, its subsidiaries, divisions, and vendors, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154121 (Sub-5), filed April 27, 1981. Applicant: TRAILINER CORP., P.O. Box 357, Old Chester Rd.,

Gladstone, NJ 07934. Representative: George A. Olsen (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers of automotive care products, between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 155040, filed April 27, 1981. Applicant: FRANK A. KAISER, III AND LENA KAISER, a Partnership, d.b.a. L & D TRANSPORT, 10383 Avenue 408, Dinuba, CA 93618. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830, (814) 765–9611. Transporting *metal products*, between points in Santa Clara County, CA, on the one hand, and, on the other, points in the U.S.

MC 155471, filed April 24, 1981. Applicant: L & B TRUCKING, INC., 950 Washington Ave., Croyden, PA 19020. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411–D Backlick Road, Springfield, VA 22151 (703) 941–8200. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of scaffolding, shoring, trusses and related products, between points in the U.S., under continuing contract(s) with Anthes Incorporated, of Bensalem, PA.

[FR Doc. 81–14199 Filed 5–11–81; 8:45 am]
BILLING CODE 7035–01–M

[Decision Volume No. 422]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broaden grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 1334 (Sub-22) (Republication) filed September 15, 1978, published in the **Federal Register** issue of November 2, 1978 and republished this issue. Applicant: RITEWAY TRANSPORT, INC., 2131 W. Roosevelt, Phoenix, AZ 85005. Representative: William H. Shawn, Suite 501, 1730 M St., NW., Washington, D.C. 20036. A Decision of the Commission, Joint Board No. 374, dated August 3, 1979, and served August 22, 1979 finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, transporting (1) over irregular routes, *general commodities* (except liquid acids, in bulk, in tank vehicles) (a) between all points within the territory bounded by a line commencing at the junction of Colorado Highway 141 and U.S. Highway 50, thence over U.S. Highway 50 to junction Colorado Highway 149, thence over Colorado Highway 149 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction U.S. Highway 666, thence over U.S. Highway 666 to junction Colorado Highway 141, thence over Colorado Highway 141 to the point of beginning at junction U.S. Highway 50; and (b) between all points in the above-described area, on the one hand, and, on the other, points in Colorado; (2) *general commodities*, over regular routes, (a) between Grand Junction, CO, and Rico, Co, serving all intermediate points, from Grand Junction over U.S. Highway 50 to junction Colorado Highway 141, thence over Colorado Highway 141 to junction U.S. Highway 141 to junction U.S. Highway 666, thence over U.S. Highway 666 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction Colorado Highway 145, thence over Colorado Highway 145 to Rico, and return over the same route; between Delta, CO, and Rico, CO, serving all intermediate points, from Delta over U.S. Highway 50 to junction U.S. Highway 550, thence over U.S. Highway 550 to junction U.S. Highway 666, at or near Shiprock, NM, thence north over U.S. Highway 666 to intersection U.S. Highway 160 and continuing north over combined U.S. Highways 666 and 160 to Cortez, CO, thence east over U.S. Highway 160 to intersection Colorado Highway 145, thence over Colorado Highway 145 to Rico, and return over the same route; (c) between Grand Junction, CO, and Rico, CO, serving all intermediate points and the off-route point of Telluride, CO, from Grand Junction over U.S. Highway 50 to intersection U.S. Highway 550, thence over U.S. Highway 550 to junction Colorado Highway 62, thence over Colorado Highway 62 to junction Colorado Highway 145, thence over Colorado Highway 145 to Rico, and return over the same route. RESTRICTION: The authority granted herein is restricted against any service between points in Colorado located in and east of the Counties of Larimer, Boulder, Jefferson, Douglas, Teller, El Paso, Pueblo, Huerfano, and Las Animas, on the one hand, and, the other, points in San Juan County NM, located on the following routes: U.S. Highway 550 from the Colorado-New Mexico State line, via Aztec and Farmington to Shiprock; and New Mexico Highway 504 from Shiprock to the New Mexico-Arizona State line. To the exent the authority granted herein authorizes the transportation of classes A and B explosives, it will expire 5 years from the date its is issued; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to indicate that the applicant seeks conversion of the Certificate of Registration to a Certificate of Public Convenience and Necessity and certain restrictions now contained in the Certificate of Registration have been removed which were unacceptable under Commission's policy in a Certificate of Public Convenience and Necessity. The proceeding is directly related to MC–F–13545.

MC 117685 (Sub-4) (Republication) filed February 1, 1980 published in the **Federal Register** issue of April 22, 1980. Applicant: CONSOLIDATED TRUCK SERVICE, INC., 1 Scout Ave., South Kearny, NJ 07032. Representative: George A Olsen, P.O. Box 357, Gladstone, NJ 07934. A Decision of the Commission, Review Board Number 4, decided February 3, 1981 and a Decision of the Division 2, Acting as an Appellate Division finds on reconsideration that the performance by applicant of the service described will be a useful public purpose, responsive to a public demand or need to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives) between New York NY, and Baltimore, MD, on the one hand, and, on the other, points in the United States; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this

republication is to reflect applicant's actual grant of authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14182 Filed 5-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 76]

Motor Carriers; Restriction Removals; Decision-Notice

Decided: May 6, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980. at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 647 (Sub-18)X, filed April 20, 1981. Applicant: EXHIBITORS SERVICE COMPANY, 85 Helen St., McKees Rocks, PA 15136. Representative: Samuel P. Delisi, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 6, 7, 8, 12 and 14 certificates to: (1) remove all exceptions other than classes A and B explosives and household goods from its general commodities authority in the lead; (2) broaden the commodity description (a) from motion picture film and accessories, magazines, milk cream, dry ice, gas cylinders or containers and yeast to "instruments and photographic goods, printed matter, food and related products, and metal products" in Sub-No. 3; (b) from frozen foods and foodstuffs and frozen fish and agricultural commodities in Sub-Nos. 6, 12 and 14, frozen foods in Sub-No. 7 and food and foodstuffs in Sub-No. 8 to "food and related products"; (3) delete the restriction requiring use of vehicles equipped with mechanical refrigeration in Sub-Nos. 6, 8, 12 and 14; (4) remove a restriction against the transportation of commodities in bulk in Sub-No. 12; (5) remove facilities limitations, expand city to county-wide service and broaden one-way to radial authority: between Moultrie County (Mottoon) IL and points in MD, NJ, NY, OH, PA, WV and DC in Sub-No. 7; between Lehigh County (Fogelsville) PA and points in MD, OH and WV in Sub-No. 8; (6) remove "originating at and destined to" restrictions in Sub-Nos. 6, 7, 8 and 12; and (7) authorize service at all intermediate points in connection with regular-route operations between Pittsburgh, PA and Weston, WV; Pittsburgh, PA and Sisterville, WV; Pittsburgh, PA and Wellsburg, WV; Pittsburgh, PA and Chester, WV; Pittsburgh, PA and Bellaire, OH; Pittsburgh, PA and Warren, OH; Pittsburgh, PA and Youngstown, OH; between specified points in PA, and in WV; and between East Palestine, OH and East Liverpool, OH in the lead; between Morgantown, WV and Valley Head, WV; Morgantown and Belington, WV; Morgantown and Grafton, WV; Clarksburg, WV, and Fellowsville, WV; Fairmont, WV and Wheeling, WV; Clarksburg, WV, and Weston, WV; and Sisterville, WV, and Parkersburg, WV, in Sub-No. 3.

MC 647 (Sub-18)X, filed April 20, 1981. Applicant: EXHIBITORS SERVICE COMPANY, 85 Helen St., McKees Rocks, PA 15136. Representative: Samuel P. Delisi, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 6, 7, 8, 12, and 14 certificates to: (1) remove all exceptions other than classes A and B explosives and household goods from its general commodities authority in the lead; (2) broaden the commodity description (a) from motion picture film and accessories, magazines, milk cream, dry ice, gas cylinders or containers and yeast to "instruments and photographic goods, printed matter, food and related products, and metal products" in Sub-No. 3; (b) from frozen foods and foodstuffs and frozen fish and agricultural commodities in Sub-Nos. 6, 12 and 14, frozen foods in Sub-No. 7 and food and foodstuffs in Sub-No. 8 to "food and related products"; (3) delete the restriction requiring use of vehicles equipped with mechanical refrigeration in Sub-Nos. 6, 8, 12, and 14; (4) remove a restriction against the transportation of commodities in bulk in Sub-No. 12; (5) remove facilities limitations, expand city to county-wide service and broaden one-way to radial authority: between Moultrie County (Mottoon) IL and points in MD, NJ, NY, OH, PA, WV and DC in Sub-No. 7; between Lehigh County (Fogelsville) PA and points in MD, OH and WV in Sub-No. 8; (6) remove "originating at and destined to" restrictions in Sub-Nos. 6, 7, 8 and 12; and (7) authorize service at all intermediate points in connection with regular-route operations between Pittsburgh, PA and Weston, WV; Pittsburgh, PA and Sisterville, WV; Pittsburgh, PA and Wellsburg, WV; Pittsburgh, PA and Chester, WV; Pittsburgh, PA and Bellaire, OH; Pittsburgh, PA and Warren, OH; Pittsburgh, PA and Youngstown, OH; between specified points in PA, and in WV; and between East Palestine, OH, and East Liverpool, OH, in the lead; between Morgantown, WV, and Valley Head, WV; Morgantown and Bellington, WV; Morgantown and Grafton, WV; Clarksburg, WV, and Fellowsville, WV; Fairmont, WV and Wheeling, WV; Clarksburg, WV, and Weston, WV; and Sistersville, WV, and Parkersburg, WV in, Sub-No. 3.

MC 1475 (Sub-2)X, filed April 14, 1981. Applicant: PETER DEL GRANDE, INC., d.b.a. JAMES GALLAGHER TRUCKING, 301 Jackson St., Camden, NJ 08104. Representative: Richard Rueda, 133 N. 4th St., Philadelphia, PA 19106. Applicant seeks to remove restrictions from its Certificate Nos. MC–1475 and Sub–No. 1, and MC-35706, issued pursuant to Nos. MC–FC–77554 and 78688 to delete all exceptions to its general commodity authority (except classes A and B explosives) in No. MC–1475 and Sub-No. 1; (2) authorize radial authority between (a) Philadelphia, PA, and specified points in PA, DE and NJ in No. MC-1475 (part 2); (b) specified counties in PA and Philadelphia, PA, in No. MC-1475 (Sub-No. 1); and (c) specified points in PA and NJ, and, points in NY, DE, MD, PA, and DC in No. MC-35706; and (3) change Pennauken, NJ, to Camden County, NJ, in No. MC–35706.

MC 2202 (Sub-670)X, filed May 1, 1981. Applicant: ROADWAY EXPRESS, INC.,

P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Avenue, Suite 1010, Washington, DC 20014. Applicant seeks to remove restrictions fom a portion of its Sub-No. 535 certificate which authorizes the transportation of general commodities, with exceptions, over irregular routes, between Roanoke, VA, and points in VA within 150 miles of Roanoke to expand its territorial authority from points in VA within 150 miles of Roanoke to points in VA in, west, and south of Southampton, Sussex, Prince George, Charles City, New Kent, King William, Caroline, Stafford, Fauquier, Warren, and Frederick Counties, VA in place of the 150 mile radius.

MC 8768 (Sub-38)X, filed April 28, 1981. Applicant: SECURITY VAN LINES, INC., P.O. Box 830, Kenner, LA 70063. Representative: Marshall Kragen, 1919 Pennsylvania Avenue, NW., Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 37F certificate to broaden the commodity description from household goods to "household goods and furniture and fixtures" and remove the exception of AK and HI in its authority between points in the U.S. (except ND).

MC 38461 (Sub-24)X, filed April 23, 1981. Applicant: FARRUGGIO'S BRISTOL & PHILA., AUTO EXPRESS, INC., P.O. Box 362, Bristol, PA 19007. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. Applicant seeks to remove restrictions in its Sub-No. 21F certificate to (1) broaden the commodity description from general commodities (with the usual exceptions to *general commodities* (except Classes A and B explosives); and (2) eliminate the restriction requiring a prior or subsequent movement by rail, water or motor vehicle from its authority (a) between points in CT, DE, MD, NJ, NY, PA, and DC and (b) between points in VA, on the one hand, and, on the other, points, the States named in (a).

MC 39973 (Sub-5)X, filed April 30, 1981. Applicant: STANDARD TRUCKING COMPANY, 225 East Sixteenth Street, Charlotte, NC 28230. Representative: Harry J. Jordan, John D. Quinn, Suite 502, Solar Building, 1000 Sixteenth Street, NW., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description from general commodities, with the usual exceptions, to "general commodities (except classes A and B explosives)"; and (2) broaden the territorial scope by removing the restriction limiting service at points in NC and SC against service at those portions of the commercial zones of such points which lie outside the States of NC and SC.

MC 48221 (Sub-32)X, filed April 30, 1981. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue, Omaha, NE 68107. Representative: Gerald C. Morehouse, Jr. (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 28F certificate to broaden the commodity description to "food and related products" from meats, meat products, meat byproducts and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the *Descriptions* case.

MC 48807 (Sub-4)X, filed April 24, 1981. Applicant: STONEHILL EXPRESS CO., 3800 Orange Avenue, #44 Up, Cleveland, OH 41115. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Applicant seeks to remove restrictions in its lead and Sub-No. 1 permits to (1) broaden the commodity description from butter, eggs, and food products to "food and related products" in its lead and Sub-No. 1; and from rubber products and such accessories as are dealt in by manufacturers of rubber goods to "rubber and plastic products, chemicals and related products, and such commodities as are dealt in by producers of rubber plastic products" in the lead, and (2) broaden the territorial description to between points in the U.S. under continuing contract(s).

MC 82861 (Sub-22)X, filed April 21, 1981. Applicant: BROOKS TRUCK LINE, INC., 609 14th St. SE (P.O. Box 40), Puyallup, WA 98371. Representative: Kenneth R. Mitchell, 2205 Pacific Hwy E, Tacoma, WA 98371. Applicant seeks to remove restrictions in its Sub-1, 8, 19 and 21 certificates to (1) broaden the commodity descriptions of (a) brick, tile and flue lining to "clay, concrete, glass or stone products" in Sub-1, 8 and 19; (b) dampers and fireplaces to "fabricated metal products" in Sub-19; and (c) lumber, lumber products and particle board to "lumber or wood products" in Sub-21; (2) expand Clay City, and Eatonville to Pierce County, WA; Newcastle to King County, WA; named ports of entry on the International boundary line between the US and CD located in WA to "ports of entry on the International boundary line between the US and CD in WA"; (3) remove the originating at and destined to restriction in Sub-19; (4) authorize radial service between specified points in WA, OR, MT, ID, and CA.

MC 95612 (Sub-7)X, filed March 23, 1981, previously noticed in the Federal Register of April 3, 1981, republished as corrected in this issue. Applicant: M. W. LEAHY CO., INC., P.O. Box 187, Ayer, MA 01432. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109. Applicant seeks to remove restrictions in its Sub-5 and 6 permits to: (1) broaden the commodity description in each from prestressed and precast concrete products to "clay, concrete, glass or stone products and commodities used in the manufacture and distribution of clay, concrete, glass or stone products"; (2) expand the territorial authority to "between points in the US" under continuing contract(s) with a named shipper. The purpose of this republication is to reflect the commodity broadening requested by applicant.

MC 97244 (Sub-5)X, filed March 30, 1981, previously noticed in the FR of April 16, 1981, republished as corrected this issue. Applicant: MASS. TRANSPORTATION, INC., 187 Sidney Street, Cambridge, MA 02139. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its Sub-3F certificate (parts 2, 3, 4, 5 and 6) to (1) broaden the commodity descriptions to "food and related products" from liquid chocolate, corn syrup, liquid sugar, corn sweetners, and vegetable oils and corn syrup; (2) remove the in bulk restrictions; (3) to replace (a) Mansfield, MA, with county-wide authority to serve Bristol County, MA, (b) Boston, MA with county-wide authority to serve Suffolk, Norfork, Plymouth, Middlesex, and Essex Counties, MA, and (c) Cambridge, MA, with county-wide authority to serve points in Middlesex, Essex, and Suffolk Counties, MA; (4) change its one way authorities to radial authorities between points in the Northeastern part of the U.S. The purpose of this republication is to add to part (3), sections (b) and (c) to broaden Boston and Cambridge to county-wide authority as originally requested.

MC 98776 (Sub-9)X, filed April 20, 1981. Applicant: ELDRIDGE TRUCK LINE, INCORPORATED, P.O. Box 659, Somerset, KY 42501. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602. Applicant seeks to remove restrictions in its Sub-1, 5, 6F, 7F, and 8 certificates to (1) remove all exceptions to its general commodity authority except "classes A and B explosives" in each certificate, (2) in Sub-1 authorize intermediate point service between Louisville, KY and Somerset, KY, and remove restriction against service at Indiana points in the Louisville

commerical zone, (3) in sub-1 broaden commodity description from meat, meat products, etc. to "food and related products and empty containers used in the transportation thereof", (4) in Sub-1 substitute Pulaski County, KY for Somerset, KY, in its irregular route authority; (5) in Sub-1 authorize round trip service in place of one-way authority between specified KY counties; (6) in Sub-5, authorize service at all intermediate points between Lexington and Morehead, KY, and remove "serving Morehead, KY for purpose of joinder only" restriction; and (7) in Sub-6, authorize service at all intermediate points on service route between Cincinnati, OH and Morehead, KY and remove the restriction against service at Maysville, KY.

MC 105007 (Sub-78)X, filed April 22, 1981. Applicant: MATSON TRUCK LINES, INC., P.O. Box 328, 1407 St. John Ave., Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions from its Sub-30, 33, 34, 52F, 61F, 62F, 63F, 64F, 69F, 70F, and unnumbered certificates resulting from consummated purchases in MC–F–13079, MC–F–13389 and MC–F–14292 to (1) broaden the commodity descriptions from (a) malt beverages to "food and related products" in Sub-30, (b) liquid fertilizer and materials used in the manufacture of liquid fertilizer to "chemicals and related products" in Sub-34, (c) paper and paper products to "pulp, paper and related products" in Sub-52F, (d) laminated beams and arches and wood decking to "building materials" in Sub-61F, (e) animal lard and grease to "food and related products" in Sub-62F, (f) frozen foods to "food and related products" in Sub-63F, (g) molded rubber inflations to "rubber and plastic products" in Sub-64F, (h) animal fat, grease and tallow to "food and related products" in Sub-69F, (i) iron and steel articles to "metal products" in Sub-70F, (j) steel sheets, steel coils and steel blanks to "metal products" and butter and cheese (except in bulk) to "food and related products" in MC–F–13079, (k) meat, meat products and meat by-products and articles distributed by meat packinghouses to "food and related products" in MC–F–13389 and (l) medicines, chemicals, toilet preparations, diet preparations, sweetening compounds, bandages and surgical dressings, except in bulk to "chemicals and related products, food and related products and instruments and photographic goods" and confectionary and cough drops to "food and related products" in MC–F–14292; (2) by replacing authority to serve plant sites and points with county-wide city-wide authority as follows: Mankato with Nicollet and Blue Earth Counties, MN and Albert Lea with Freeborn County, MN in Sub-30, Alden, Armstrong, Hartland, Hollendale and Mansfield with Freeborn County, in Sub-34, Madisonville with Hopkins County, KY, Cresco with Howard County, IA and Lake Mills with Winnebago County, IA in Sub-52F, El Dorado Springs with Cedar County, MO in Sub-61F, Fort Dodge with Webster County, IA in Sub-62F, Plover with Portage County, WI in Sub-63F, Johnson Creek with Jefferson County, WI and Albert Lea with Freeborn County, MN in Sub-64F, Middletown with Butler County, OH, Pittsburgh with Allegeny County, PA, Grinnell with Powashie County, IA, Nicholasville with Jessamine County, KY, Chillicothe with Livingston County, MO, Dixon with Lee County, IL, Frankfort with Clinton County, IN, Cresco with Howard County, IA, Oelwein with Fayette County, IA and Kirksville with Adair County, MO in Sub-70F, facilities at Cresco and Oelwein, IA with Howard and Fayette Counties, IA, Decorah and Schley with Winneshiek County, IA in MC–F–13079, facilities at Albert Lea, MN and Cedar Rapids, IA with Freeborn County, MN and Linn County, IA in MC–F–13389, and facilities at Norwich and North Norwich, NY with Chenango County, NY in MC–F–14292; (3) by replacing all one-way authority with roundtrip authority between points throughout the U.S. or numerous specified states in Sub-30, 33, 34, 52F, 61F, 62F, 63F, 70F and authority purchased in MC–F–13079, MC–F–13389 and MC–F–14292; (4) by eliminating restrictions in Sub-69F requiring the use of tank vehicles; and in the authority purchased in MC–F–14292 requiring the use of vehicles equipped with mechanical refrigeration; (5) by eliminating the restrictions in Sub-33 and the authority purchased in MC–F–13079 limiting the service to traffic originating at the origin territory and destined to the destination territory; and (6) eliminating the restriction in Sub-61F against service to AK and HI.

MC 106884 (Sub-5)X, filed April 27, 1981. Applicant: FUCCY HAULING & EXCAVATING, INC., P.O. Box 687, New Cumberland, WV. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Applicant seeks to remove restrictions from its MC 20981 and Sub-4 and 5 permits, and its MC 106884 certificate to: (1) broaden the commodity description from ladle brick and ladle brick on pallets to "clay, concrete, glass or stone products" in MC 20981 and Sub-4 and 5; and from empty pallets to "lumber or wood products, containers, carriers or devices shipping returned empty" in MC 20981; from concrete blocks to "clay, concrete, glass or stone products"; from road building equipment to "such commodities as are dealt in or used by manufacturers and distributors of road building equipment" in certificate MC 106884; (2) expand the territorial descriptions to between points in the United States under continuing contract(s) with named shippers in MC 20981 and Sub-4 and 5; (3) expand the specific points of Martins Ferry, OH, to Belmont County, OH; Benwood, WV, to Marshall County, WV; Weirton, WV, to Hancock County, WV, in certificate MC 106884; and (4) expand its one-way authority to radial authority, in certificate MC 106884, between Ohio County, WV, and, Greene and Washington Counties, PA; between Ohio County, WV, and Marshall County, WV, and, Greene and Washington Counties, PA; between Belmont County, OH, and Hancock and Marshall Counties, WV, and, Greene and Washington Counties, PA; and between Hancock and Marshall Counties, WV, and Columbiana County, OH.

MC 106920 (Sub-130)X, filed April 27, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 104, 105 and 109 certificates to (1) broaden the commodity description in Sub-No. 104 parts (1) and (2) from carpet strip and adhesives and nails to "metal products and chemicals and related products", in Sub-No. 105 from adhesives; cleaning, preserving and sealing compounds and products; solvents, stains, plastic carpeting, carpet strip and moldings to "chemicals and related products, textile mill products, and metal products"; and, in Sub-No. 109 from slit coiled metal to "metal products"; (2) broaden Asheville, NC to Buncombe County, NC, in Sub-No. 104 (part 2 will be subsumed in part 1) broaden Kalamazoo, MI and Dayton, OH to Kalamazoo County, MI, and Green and Montgomery Counties, OH respectively in Sub-No. 105; and broaden Minster, OH to Auglaize County, OH in Sub-No. 109; (3) broaden one-way authority to radial authority between the counties named in (2) above, and, points in eastern part of the U.S. and (4) remove the "except commodities in bulk" restriction in Sub-No. 105.

MC 111307 (Sub-17)X, filed April 24, 1981. Applicant: TNT CANADA INC., 2 Robert Speck Parkway, P.O. Box 3030, Station 'A' Mississauga, Ontario, Canada L5A 3S3. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 13 and 14 certificates to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)" in each certificate; (2) authorize service at all intermediate points and remove any joinder only restrictions between Tacoma, WA, and the port of entry on the US-CN boundary line at Blaine, WA; and junction Interstate Hwy. 5 and Washington Hwy. 539 at Bellingham, WA, and port of entry on the US-CN boundary line at Sumas, WA, in Sub-No. 13; and Detroit, MI, and the port of entry at Port Huron, MI, in Sub-No. 14, the regular route portion; (4) expand ports of entry at Port Huron, MI, Buffalo and Niagara Falls, NY, Windsor, CN-Detroit, MI, and Detroit and St. Clair Rivers in MI, to allow service at all ports of entry in NY or MI, in all irregular route portion of Sub-No. 14; (5) eliminate the facilities limitation at Plymouth Township and Romeo, MI, and change to county-wide authority of Wayne and Macomb Counties, MI, respectively, in Sub-No. 14; and (5) remove the restrictions limiting service to shipments moving to or from points in Canada or having a prior or subsequent movement by air.

MC 112588 (Sub-37)X, filed April 29, 1981. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, OH 44870. Representative: David A. Turano, 100 E Broad St. Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 5, 6, 7, 9, 11, 13, 14, 15, 17, 18, 20, 22, 24, 26, 27, 30F, 31F, 32F, 35F, and 36F certificates to (1) broaden the commodity description to (a) "clay, concrete, glass or stone products" from cement in lead and Sub-Nos. 4, 5, 6, 7, 9, 14, and 18, plaster in Sub-No. 3, gypsum and gypsum products in Sub-Nos. 11, 13, 24, and 26, insulating materials in Sub-No. 22, mineral fiber products in Sub-No. 26, and cement and mortar in Sub-No. 27; (b) "building materials" from plasterboard, plasterboard joint system and gypsum block plank in Sub-No. 3, roofing materials in Sub-Nos. 15, 17, and 22, composition board and gypsum board paper in Sub-No. 26, prefabricated metal building products, ventilators, ventilator parts, air louvers, and prefabricated building metal work in Sub-No. 36F; (c) "metal products" from fabricated metal products and iron and steel coils and sheets in Sub-No. 20, steel pipe in Sub-No. 32F, pipe in Sub-No. 35F, iron and steel articles in Sub-Nos. 30F and 31F, (d) "chemicals and related products" from adhesives and paint and paint products in Sub-No. 26; (2) replace facilities limitations and specific point authority with city-wide or county-wide authority to (a) Erie County, OH, from Baybridge, OH in lead, facilities at Avery, OH in Sub-Nos. 15 and 17, (b) Ottawa County, OH from facilities at Gypsum, OH in Sub-Nos. 3, 13, and 26, (c) Lawrence County, PA, from Wampum, PA, in Sub-Nos. 4, 5, 7, 9, 14, and 18, (d) Martin County, IN for facilities at Shoals, IN in Sub-No. 11, (e) Trumbull County, OH for facilities at Warren, OH in Sub-No. 20, (f) Granville County, NC for facilities at Granville County, NC in Sub-No. 22, (g) River Rouge, MI for facilities at River Rouge, MI in Sub-No. 24, (h) Muskingum County, OH for East Fultonham, OH, in Sub-No. 27, (i) Putnam County, WV for Nitro, WV in Sub-No. 27, (j) Allegheny County, PA for McKeesport, PA in Sub-No. 32F, (k) Lorain County, OH for Lorain, OH in Sub-No. 32F, (l) Mahoning County, OH for Youngstown, OH in Sub-No 32F, (m) Beaver County, PA for Ambridge, PA in Sub-No. 36F, (n) Fayette County, IN for Connersville, IN in Sub-No. 36F, (o) Clermont County, OH for Batavia, OH in Sub-No. 36F, (p) Beaver County, PA for facilities at Aliquippa, PA in Sub-No. 30F, (q) Allegheny County, PA for facilities at Pittsburgh, PA in Sub-No. 30F, (r) Warren, MI for facilities at Warren, MI in Sub-No. 30F, (s) Louisville, KY for facilities at Louisville, KY in Sub-No. 31F, (t) Cleveland, OH for facilities at Cleveland, OH in Sub-No. 31F, (u) Mahoning County, OH for facilities at Youngstown, OH in Sub-No. 31F, (v) Trumbull County, OH for facilities at Warren, OH in Sub-No. 31F; (3) replace existing one-way authority with radial authority between cities and counties named in (2) above and points in several States throughout the U.S.; (4) delete restrictions (a) prior movement by rail in Sub-No. 6, (b) in bags or in bulk, in tank vehicles, in Sub-Nos. 5 and 7, (c) commodities in bulk, cement in packages and stone in Sub-No. 11, (d) iron and steel, portland cement and commodities in bulk in Sub-Nos. 15 and 17, (e) originating at and destined to facilities in Sub-No. 20, (f) iron and steel articles in Sub-No. 22, and (g) commodities in bulk in Sub-Nos. 22, 24, and 26.

MC 113106 (Sub-107)X, filed April 20, 1981. Applicant: THE BLUE DIAMOND COMPANY, 4401 East Fairmount Avenue, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-Nos. 2, 14, 15, 16, 24, 26, 29, 30, 33, 35, 37, 45, 50, 55F and 87F certificates to (1) broaden the commodity descriptions from (a) fertilizer, fertilizer materials, sulphur, silica flourides, insecticides, herbicides, fungicides, applicators and parts thereof, for applying fertilizer, insecticides, herbicides, and fungicides, and advertising paraphernalia to be used in promoting the sale of the aforesaid commodities, when transported at the same time and in the same vehicles with fertilizer or fertilizer materials, monoammonium phosphate, salt, dry salt compounds, urea, dry fertilizer, pesticides, salt products, calcium chloride, and mixtures, agricultural chemicals and seed to "chemicals and related products" in Sub-Nos. 2 (pages 1, 2, and 3), 15, 16, 24, 26, 29, 30, 33, 37, 50, 55F, and 87F; (b) wire cloth, bronze and copper wire, and steel wire to "metal products" in Sub-No. 2 (page 2); (c) rock salt and rock salt compounds intended for use in the furtherance of the melting of ice and snow to "non-metallic minerals" in Sub-No. 2 (page 3); (d) pepper, in packages, in mixed shipments with salt to "food and related products" in Sub-Nos. 2 (page 4) and 14; (e) salt and pepper, and articles distributed by or used in agriculture, water treatment, food processing, wholesale groceries, and institutional supply firms, when shipped in mixed loads with salt and pepper to "chemicals and related products and articles distributed or used by agriculture, water treatment, food processing, wholesale groceries, and institutional supply firms" in Sub-No. 35 and "chemicals and related products and food and related products" in Sub-No. 45; and (f) articles distributed by or used in agriculture, water treatment, food processing, wholesale groceries, and institutional supply firms, when shipped in mixed loads with salt and pepper to "articles distributed by or used in agricultural supply firms" in Sub-No. 30; (2) remove the following restrictions: in bulk and in tank vehicles in Sub-No. 2; in bulk, in dump vehicles in Sub-Nos. 2 and 16; in containers in Sub-Nos. 2, 35, and 37; except feed ingredients, in bulk, in Sub-No. 15; in bags, in mixed loads with urea (feed grade) in Sub-No. 24; liquid or dry, in containers in Sub-No. 26; in bags in Sub-No. 29; in bulk, in tank or hopper-type vehicles in Sub-No. 30; and in packages in Sub-Nos. 50 and 55F; (3) eliminate the facilities limitations in Sub-Nos. 26, 29, 30, 35, 37, 50, and 55F; (4) expand city to

county-wide authority from York to York County, PA, Kearny to Hudson County, NJ, Whiteford to Harford County, MD, and Ludlowville to Tompkins County, NY, in Sub-No. 2; Perth Amboy to Middlesex County, NJ, in Sub-Nos. 2 and 87F; Claymont and North Claymont to New Castle County, DE, in Sub-Nos. 2, 16, 24, and 29; Silver Springs to Wyoming County, NY, in Sub-Nos. 2, 30, 35, 45, and 87F; Watkins Glen to Schuyler County, NY, in Sub-Nos. 2, 14, 35, 45, and 50; Glyndon and White Marsh to Baltimore County, MD, in Sub-Nos. 15 and 50; Lebanon to Lebanon County, PA, in Sub-No. 26; Milo to Yates County, NY, in Sub-Nos. 33; Retsof to Livingston County, NY, in Sub-Nos. 35 and 45; East Hempfield Township to Lancaster County, PA, in Sub-No. 37; and Horseheads to Chemung County, NY, in Sub-No. 45; (5) authorize radial authority for one-way authority between 12 specified States.

MC 115242 (Sub-21)X, filed April 27, 1981. Applicant: DONALD MOORE, 601 North Prairie Street, Prairie Du Chien, WI 53821. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 3, 4, 6, 8, 10, 12, 14, 16F, 18F, and 19F certificates to (1) broaden the commodity descriptions from (a) rough lumber, rough sawn cooperage stock, and headings, and lumber, posts, and ties to "lumber and wood products" in the lead and Sub-Nos. 1, 2, 10, and 16F; (b) malt beverages to "food and related products" in Sub-Nos. 3, 4, 14, and 18F; (c) wood chips to "forest products" in Sub-Nos. 6, 8, and 12; and (d) lumber, construction board, and insulation to "construction materials" in Sub-No. 19F; (2) remove the restrictions "when transported on flat-bed trailers" in Sub-Nos. 1 and 2; "in bulk" in Sub-Nos. 6 and 8; and "originating at and destined to" in Sub-No. 16F; (3) eliminate the facilities limitation in Sub-No. 3; (4) expand city to county-wide authority from: (a) Dubuque, IA to Dubuque County, IA, Jo Daviess County, IL, and Grant County, WI, in the lead, and Sub-Nos. 4, 6, 8, 12, 14, and 18F; (b) Prairie du Chien to Crawford and Grant Counties, WI, and Clayton County, IA, in the lead, and Sub-Nos. 1, 2, 3, 6, 10 and 14; (c) Muscoda, WI to Grant and Richland Counties, WI, in the lead and Sub-Nos. 1 and 2; (d) Guttenberg and New Albin to Clayton and Allamakee Counties, IA; Waukon to Houston County, MN; and Jasper and Goshen to Dubois and Elkhart County, IN, in Sub-No. 1; (e) Onalaska to LaCrosse County, WI, and Omaha to Washington, Douglas, and Sarpy Counties, NE; (f) Belleville to St. Clair County, IL, and Milwaukee to Milwaukee, Ozaukee, Racine, Washington, and Waukesha Counties, WI, in Sub-No. 4; (g) Fort Madison to Lee County, IA, Keokuk to Hancock County, IL, and Minneapolis to Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, MN, in Sub-No. 6; (h) Peoria to Peoria, Woodford and Tazewell Counties, IL, in Sub-Nos. 8 and 14; (i) Hamilton, Peoria, Tremont, and Murphysboro to Hancock, Peoria, Woodford, Tazewell, and Jackson Counties, IL; Jackson to Madison County, TN; and Louisville to Bullit, Jefferson, Oldham and Shelby Counties, KY, and Clark and Floyd Counties, IN; and Lebanon to Marion County, KY, in Sub-No. 10; (j) Fulton to Clinton County, IA, and Whiteside County, IL in Sub-No. 12; and (k) La Crosse to La Crosse County, WI and Houston County, MN, in Sub-No. 18F; and (5) change one-way to radial authority between specified points throughout the U.S. or combinations of specified States.

MC 115311 (Sub-405)X, filed April 27, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O.Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-224, 304F, 396F and 397F certificates to (A) broaden the commodity descriptions as follows: in Sub-224 and 304F, from lumber, and particleboard, crossties, composition board, poles, piling, pallets, and timbers, to "lumber and wood products"; in Sub-396F, part (1) from paper and paper products, and plastic and plastic articles, to "pulp, paper and related products and rubber and plastic products"; in Sub-397F, parts (1), (2) and (3), from malt beverages and beverages (except malt beverages), to "food and related products"; (B) broaden the territorial scope by replacing one-way with radial authority in Sub-224 and 304F to serve between named southern states and points in the U.S. in and east of named mid-western states; (C) remove the restrictions: (a) except in bulk, in tank vehicles, in Sub-396F; and (b) except AK and HI in Sub-396F and 397F.

MC 116133 (Sub-20)X, filed April 29, 1981. Applicant: POLLARD DELIVERY SERVICE, INC., Washington National Airport, Washington, D.C. 20001. Representative: Peter A. Greene, 1920 N Street, N.W., Suite 700, Washington, D.C. 20036. Applicant seeks to remove restrictions from its Sub-18 certificate to: (1) eliminate the restriction to traffic moving on bills of lading of freight forwarders; and (2) eliminate the restriction against the transportation of articles weighing more than 100 pounds and shipments weighing more than 500 pounds from one consignor to one consignee on any one day.

MC 117883 (Sub-277)X, filed March 3, 1981, previously noticed in the Federal Register of March 23, 1981, published as corrected this issue. MC 117883 (Sub-277)X, filed March 3, 1981. Applicant: SUBLER TRANSFER, INC., 1 Vista Drive, P.O. Box 62, Versailles, OH 45380. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 93 and 247 certificates to: (1) broaden the commodity descriptions (a) to "food and related products" from groceries in Paragraph 3, and meats in Paragraphs 22 and 24, of Sub-93; (b) "pulp, paper and related products" from paper products in Paragraph 1, paper, paper products, and plupboard, in Paragraph 2, paper and paper products in Paragraph 13, and paper, paper products, pulpboard, and pulpboard products in Paragraphs 15 and 16, of Sub-99; (c) "clay, concrete, glass or stone products" from tile and refractory products in Paragraph 20 and brick, tile, and other refactory products in Paragraph 21 of Sub-93; (d) "metal product" from "steel strapping" in Paragraph 1 of Sub-93; (e) "such commodities as are dealt in by food business houses" from cleaning compounds washing compounds, soap, soap products, concentrated lye, chlorinated lime, shortening oleomargarine, and glycerine, in Paragraph 17 of Sub-93; (f) "metal products, transportation equipment, machinery, clay, concrete, glass or stone products, and pulp, paper and related products, "from wire, iron, brass, and steel products, automobile parts and appliances, electrical automobile equipment, electrical household appliances, refrigerators, cooling machinery supplies, and equipment, pottery insulators, and printing paper, paper products, in Paragraph 6 of Sub-93; and (g) "general commodities (except class A and B explosives)" for general commodities (with certain exceptions) in Sub-247; (2) expand authority to serve specified points or plant sites with authority to serve city or county-wide authority as follows: (a) Champaign, Hamilton, and Montgomery Counties, OH, for Dayton, Lockland, and Urbana, OH, in Paragraph 2 of Sub-93; (b) Hancock, Richland, and Seneca Counties, OH, for Findlay, Fostoria, Mansfield, and Tiffin, OH, in Paragraph 3 of Sub-93; (c) Bulter, Montgomery, Seneca, Warren, and Wayndot

Counties, OH, for Carey, Fostoria, Franklin, Middletown, and Moraine, OH, in Paragraph 6 of Sub-93; (d) Bulter County, OH, for Hamilton, OH, in Paragraph 13 of Sub-93; (e) Clark County, OH, for Springfield, OH, in Paragraph 15 of Sub-93; (f) Champaign County, OH, for Urbana, OH in Paragraph 16 of Sub-93; (g) Carroll County, OH, for Minerva, OH and Perry County, OH for Shawnee, OH, in Paragraph 20 of Sub-93; (h) Beaver County, PA for Beaver Falls, Darlington, West Darlington, and Eastvale, PA, in Paragraph 21 of Sub-93; (i) Nobles County, MN for a facility near Worthington, Minnesota, in Paragraph 22 of Sub-93; (j) Cherokee County, IA for facility at Cherokee, IA in Paragraph 24 of Sub-93; and (k) Louisville, KY for a facility at Louisville, KY, in Sub-247; (3) expand its "from and to" regular route authority to two-way authority and authorize service to all intermediate points between Hamilton, OH and Chicago, IL, in Paragraph 1, Sub-93; (4) in Sub-No.93, broaden its one-way authority to radial authority between Hamilton, Montgomery and Champaign Counties, OH, and, Chicago, IL, in Paragraph 2; between Chicago, IL, and, Hancock, Seneca, and Richland Counties, OH, in Paragraph 3; between Wyandot, Seneca, Warren, Butler, and Montgomery Counties, OH and Toledo, OH, and Chicago, IL, in Paragraph 6; between Butler County, OH, and, St. Louis, MO, and a part of IN (except Hammond, Muncie, and Richmond, IN), part of IL (except Chicago, De Kalb, La Salle, and Peoria, IL, and points within 30 miles of Chicago), in Paragraph 13; between Chicago, IL, and, points in a described portion of OH, in Paragraph 17; between Carroll, Perry, Hocking and Wyandot Counties, OH and that part of Franklin County, OH east of US Hwy 23 (except Columbus, OH), and, point in IL, in Paragraph 20; between Beaver and Lawrence Counties, PA, and points in IL, in Paragraph 21; between Nobles County, MN, and, points in IL, IN, and OH, in Paragraph 22; between Cherokee County, IA, and, points in IN and OH, in Paragraph 24; (5) remove the "originating at or destined to" restriction in Paragraphs 22 and 24, and in Sub-No. 247; (6) remove the tacking restriction in Sub-No. 93, Paragraph 17; and (7) remove the interlining restriction in Paragraph 22. The purpose of this republication is to add parts (6) and (7) in order to indicate the removal of a tacking and interlining restriction in Sub-No. 93.

MC 123797 (Sub-7)X, filed April 16, 1981. Applicant: ATLANTIC INTERSTATE MESSENGERS, INC., 200 Richmond Hill Avenue, Stamford, CT 06904. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 1, 2, and 5 certificates to (A) remove the "size and weight" limitations and all other restrictions in its general commodities authorities "except classes A and B explosives", and (B) remove restrictions prohibiting service at specified airports in Sub-No. 1, and against service at Old Saybrook, CT, in Sub-No. 5.

MC 124652 (Sub-3)X, filed April 28, 1981. Applicant: DUNCAN TRANSPORTATION CO., Box 1, Riverton, VA 22651. Representative: Daniel B. Johnson 4304 East-West Highway, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-No. 1 permit to (1) broaden the commodity description to "clay, concrete, glass or stone products" from masonry and mortar cement, and materials, equipment and supplies; and (2) expand the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 125423 (Sub-6)X, filed April 27, 1981. Applicant: J. FRED SMITH, d.b.a. J. FRED SMITH TRUCKING COMPANY, 112 Nichols Street, Danville, KY 40422. Representative: Robert H. Kinker, 314 West Maine Street, P.O. Box 464, Frankfort, KY 40602. Applicant seeks to remove restrictions from its Sub-Nos. 1, 2, and 4 certificates to (1) broaden the commodity descriptions in Sub-Nos. 2 and 4 from general commodities, with exceptions, to "general commodities (except classes A and B explosives)", (2) in Sub-No. 1 substitute Clark County, KY for Winchester, KY; in Sub-No. 2 Boyle County, KY for Danville, KY, Franklin County, KY for Frankfort, KY, Pulaski County, KY for Somerset, KY, Lincoln County, KY for Stanford, KY, and Madison County, KY for Richmond, Ky; and in Sub-No. 4 Boyle County, Ky for Danville, KY, in Sub-No. 1, expand its one-way authority to radial authority between Clark County, KY, and, points in 8 southern States and OH; between London, OH, and, points in 8 southern States and KY (except 6 named counties); and between Columbus, OH, and, points in Clark County, KY; and (4) in Sub-Nos. 2 and 4 remove restrictions which limit service to traffic having a prior or subsequent movement by rail.

MC 129124 (Sub-34)X, filed April 22, 1981. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: John C. Fudesco, 1333 New Hampshire Avenue, N.W., Suite 960, Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-Nos. 1, 13, 15, 16F, 22F, 23F, 24, 28F, 29F, 31F, and 32F certificates to (1) broaden the commodity descriptions to (a) "clay, concrete, glass or stone products" from clay, in Sub-No. 1; (b) "clay, concrete, glass or stone products and related equipment materials and supplies" from clay and refractory products materials used in the manufacture of refractory products in Sub-No. 24; (c) "ores and minerals" from gannister rock in Sub-No. 1; from sand in Sub-Nos. 23F and 31F; (d) "commodities in bulk" from coal in Sub-Nos. 1, and 15, coal and fly ash in Sub-No. 28F and cullet in Sub-no. 30F; (e) "coal and related products" from coal in Sub-Nos. 13, 22F, and 32F; (f) "chemicals and related products" from salt in Sub-No. 16F, and salt and salt products in Sub-No. 29F; (2) remove "in bulk" or "in bulk, in tank vehicle" or "in dump vehicle" restrictions in Sub-Nos. 1, 16F, 22F, 24, 28F, and 30F; (3) broaden city to county-wide authorization, remove facilities limitations and replace one-way with radial service where applicable; between Clearfield County (Bradford Township) PA and points in MD and DC, between Clearfield County and Trumbull County (Champion Heights Borough) OH, between Geauga County (Thompson) OH and Blair County (Sproul and Claysburg) PA, between Clearfield County, PA and points in DE, MD, NJ (except named points), and NY (except named points), between points in Centre, Clearfield and Clinton Counties, PA and points in CT, ME, MA, NH, NJ (except named counties), RI and VT in Sub-No. 1; between Centre County (facilities) PA and points in NY in Sub-No. 13; between Clearfield and Jefferson Counties, PA and points in VA in Sub-No. 15; between points in NY and points in Kanawah County, WV in Sub-No. 16F; between Elk, Jefferson and McKean Counties, PA and points in NY in Sub-No. 22F; between. Huntingdon County, PA and points in NY in Sub-No. 23F; between points in MD and points in Centre, Clearfield and Jefferson Counties, PA in Sub-No. 28f; between Livingston County (facilities near Retsof) NY and points in PA in Sub-No. 29F; between Geauga County, OH and points in NY and PA in Sub-No. 31F; and between Northumberland County, PA and points in NJ in Sub-No. 32F; and (4) remove "originating at" restriction in Sub-No. 13.

MC 134645 (Sub-47)X, filed April 30, 1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, MN 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to

remove restrictions in its Sub-No. 29F certificate to (1) broaden the commodity description from materials, equipment and supplies used in the manufacture and distribution of refrigerators, freezers, and cooling units (except commodities in bulk), to "electrical machinery or equipment"; and (2) broaden the territorial scope by (a) replacing the facility at St. Cloud, MN with county-wide authority; and (b) replacing one-way with radial authority to serve between points in Stearns County, MN, and, points in the U.S.; and (c) removing the exceptions of AK and HI.

MC 134783 (Sub-73)X, filed March 17, 1981 and noticed in the Federal Register of April 10, 1981, republished as corrected this issue. Applicant: DIRECT SERVICE, INC., P.O. Box 2491, 940 East 66th Street, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6, 7, 11, 12, 13, 14, 15, 16F, 18, 21, 23, 24, 27, 29, 30, 33, 37, 38, 40, 41, 42F, 46F, 47F, 49F, 51F, 54F, 55F, 59F, 61F, 62F, 63F, 65F, 66F, 68F, and 70 certificates to (1) broaden its commodity descriptions (a) to "food and related products, and materials, equipment and supplies used in the manufacture or distribution thereof," from meat, meat products, and meat by-products, and articles distributed by meat packinghouses, unfrozen bakery products and snack foods, inedible meats and inedible meat products and by-products, canned and preserved apple products and apple by-products, hides, liquid brown sugar, in containers, frozen foods, and citrus concentrates, animal feed and animal feed ingredients, additives, and supplements, foodstuffs, canned goods, in each of the above sub-numbers except Sub-Nos. 15, 27, 29, 33, 40, 41, 42F, 47F, and 70, (b) to "ores and minerals, and material, equipment and supplies used in the manufacture or distribution thereof," from refined copper and commodities of unusual value, in Sub-No. 15, (c) to "chemicals and related products, from toilet preparations, beauty aids, hair grooming, conditioning aids, cosmetics, shaving cream, washing compounds, and drugs (except commodities in bulk), in Sub-No. 27, (d) to "food and related products, and tannery products, and materials, equipment and supplies used in the manufacture or distribution thereof," from hides, chromes, and tannery products, in Sub-Nos. 29 and 40, (e) to "food and related products, and vending machines, and materials, equipment and supplies used in the manufacture or distribution thereof," in Sub-No. 33, (f) to "metal products, and building materials, and materials, equipment and supplies used in the manufacture or distribution thereof," from baling wire, wire, steel strapping, paper clips, and fencing materials, in Sub-No. 41, (g) to "such commodities as are dealt in by manufacturers and distributors of building and insulation materials," from building, wall and insulating boards, and materials and supplies used in the installation of the foregoing, and insulating materials, in Sub-No. 42F, (h) in Sub-No. 47F, to "chemicals and related products, rubber and plastic products, and food and related products," from drugs, cosmetics, plastic boxes, weed killing compounds, and animal and poultry feed supplements, and (i) to "chemicals and related products, and such commodities as are dealt in by manufacturers and distributors of toilet preparations," from toilet preparations, in Sub-No. 70; (2) replace its cities and facilities with county-wide or commercial zone authority: in the lead certificate, Plainview, TX, with Hale County, TX; in Sub-No. 6, facilities at or near El Paso, TX, with El Paso County, TX; in Sub-No. 7, facilities at or near Burlington, IA, with Des Moines County, IA; in Sub-No. 11, facilities at or near Hereford, Tulia, Friona, Stratford, Spearman, Muleshoe, and Amarillo, TX, with Deaf Smith, Swisher, Parmer, Sherman, Hansford, Bailey, Potter, and Randall Counties, TX; in Sub-No. 12, facilities at or near Clovis, NM, Plainview, Midland, and Albany, TX, Boise, ID, and Billings and Dillon, MT, with Curry County, NM, Hale, Midland, and Shackelford, Counties, TX, Ada County, ID, and Yellowstone and Beaverhead Counties, MT in Sub-No. 13, Gulfport, MS, with Harrison County, MS; in Sub-No. 14 facilitiers at or near Lubbock, TX, with Lubbock County, TX; in Sub-Nos. 15, 16, and 23, facilities at or near Amarillo, TX, with Potter and Randall Counties, TX; in Sub-No. 16, Martinsburg, WV, Lincolnton, NC, and Kent City, MI, with Berkeley County, WV, Lincoln County, NC, and Kent County, MI; in Sub-No. 21, facilities at or near Cactus, TX, with Moore County, TX; in Sub-No. 24, (a) Friona, Plainview, Lubbock, Abernathy, Pampa, and Amarillo, TX, with Parmer, Hale, Lubbock, Gray, Potter, and Randall Counties, TX, (b) facilities at or near Friona, TX, with Parmer County, TX, (c) facilities at or near Cactus, TX, with Moore County, TX, (d) facilities at or near Abernathy, TX, with Hale County, TX, (e) Guymon, OK and Clovis, NM, with Texas County, OK, and Curry County, NM, and (f) Clovis, NM, Houston and Laredo, TX, with Curry County, NM, Houston, TX, and Webb County, TX; in Sub-No. 27, facilities at or near Cockeysville, MD and Holyoke, MA, with Cockeysville, MD, and Hampden and Hampshire Counties, MA; in Sub-No. 30, facilities at or near Friona and Plainview, TX, with Parmer and Hale Counties, TX; in Sub-No. 33, facilities at or near Akron, NY, with Erie County, NY, in Sub-No. 37, Timberville, VA, with Rockingham County, VA; in Sub-No. 38, Plainview, TX with Hale County, TX; in Sub-No. 41, facilities at Uniontown, PA, Lansing, IL, and Pittsburgh, PA, with Fayette County, PA, Cook County, IL, and Pittsburgh, PA; in Sub-No. 42F, facilities at or near Pensacola, FL, and Beaver Falls and Marietta, PA, with Escambia County, FL, and Beaver and Lancaster Counties, PA; in Sub-No. 46F, facilities at Corpus Christi, TX, with Neuces County, TX; in Sub-No. 47F, facilities at or near Clinton, Lafayette, and Indianapolis, IN, with Vermillion, Parke, and Tippecanoe Counties, IN, and Indianapolis, IN; in Sub-No. 49F, facilities at or near Columbus, OH, Mattoon, IL, and Terre Haute, IN, with Columbus, OH, Coles County, IL, and Vigo County, IN; in Sub-No. 51F, facilities at or near Wapakoneta, OH, with Auglaize County, OH; in Sub-No. 54F, facilities at or near Peach Glen, Orrtanna, and Chambersburg, PA, with Adams and Franklin Counties, PA; in Sub-No. 55F, facilities at or near Gonzales, TX, and Athens, AL, with Gonzales County, TX, and Limestone County, AL; in Sub-No. 59F, facilities at or near Montgomery, AL, with Montgomery County, AL; in Sub-No. 61F, facilities at or near Lakeland, FL, with Polk County, FL; in Sub-No. 62F, facilities at or near Shreveport, LA, with Shreveport, LA; in Sub-No. 63F, facilities at or near Plainview and Friona, TX, with Hale and Parmer Counties, TX; in Sub-No. 65F, facilities at or near Lubbock and El Paso, TX, with Lubbock and El Paso Counties, TX; in Sub-No. 66F, facilities at Winchester and Timberville, VA, Martinsburg, WV, Lincolnton, NC, and Delta, CO, with Winchester, VA, Rockingham County, VA, Berkeley County, WV, Lincoln County, NC, and Delta County, CO; in Sub-No. 68F, facilities at or near Holcomb, KS, with Finney County, KS; and in Sub-No. 70, facilities at or near Jacksonville, FL, with Jacksonville, FL; (3) change its one-way authority to radial authority between the above named cities and counties, and several States through the U.S.; (4) eliminate (a) the originating at and destined to restrictions in Sub-Nos.

6, 7, 11, 12, 14, 18, 21, 23, 30, 33, 37, 51F, 59F, 61F, 62F, 65F, and 70, and (b) the AK and HI exceptions in Sub-Nos. 15 and 49F; (5) remove equipment restrictions in Sub-Nos. 27 and 61F and (6) remove the limitation to the transportation of traffic in foreign commerce only in Sub-No. 29. The purpose of republication is to clarify that item lc involves Sub-No. 27; that Dillon is expanded to Beaverhead County, MT in Sub-No. 12, that Shreveport is in LA in Sub-No. 62F; and to add items 5 and 6.

MC 136509 (Sub-3)X, filed April 14, 1981, previously noticed in the Federal Register of April 28, 1981, republished as corrected in this issue. Applicant: JAMES R. COLELLO, INC., 174 Plain St., Millis, MA 02054. Representative: William P. Sullivan, 818 Connecticut Ave. NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1 and 2 permits to (1) broaden the commodity descriptions from Stone dust, in bulk, in the lead, and talc, in bulk, in Sub-No. 1 to "ores and minerals", and from insulating materials, asbestos, asphalt, cement, roofing and building materials, (except in bulk) and materials, equipment, and supplies in Sub-No. 2, to "insulating materials, building materials, and petroleum products and materials, equipment, and supplies used in the manufacture, distribution, and installation of the above commodities"; and (2) broaden the territorial description in all permits to between points in the U.S. under continuning contract(s) with named Shippers.

Note.—This notice, originally published April 28, 1981, is being republished to add petroleum products which was inadvertently omitted.

MC 139649 (Sub-2)X, filed April 24, 1981. Applicant: ARLINGTON SALVAGE AND WRECKER COMPANY, 1203 Bernita Street, Jacksonville, FL 32211. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from wrecked and disabled vehicles and trailers and replacement vehicles for wrecked and disabled vehicles and trailers (except trailers designed to be drawn by passenger automobiles) to "transportation equipment," and (2) broaden its territorial description from city-wide service to county-wide authority: Duval County, FL, for Jacksonville, FL.

MC 143209 (Sub-14)X, filed April 13, 1981. Applicant: HOUSTON FREIGHTWAYS, INC., 10010 Clinton Drive, Galena Park, TX. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Suite 230, Houston, TX 77024. Applicant seeks to remove restrictions from portions of its lead certificate, Sub-No. 10F, and from No. MC-63792 Sub-Nos. 13, 14, 15, 20, 25, 26, 30F, and letter notice E-11 Acquired in MC-F-14320F to (1) broaden the commodity descriptions from iron and steel articles, pipe (except oil field and pipeline commodities as defined in Mercer Extension-Oilfield Commodities, 74, M.C.C. 459), iron and steel articles (except oilfield pipe or tubing), steel billets, bars and rods, slab zinc spelter, and iron and steel articles, which because of size and weight require the use of special equipment to "metal products" in all of the above-mentioned authorities; (2) to replace cities and plantsites with county-wide authority, and change one-way service to radial service: lead certificate, between Houston, TX and TX; Sub-No. 10; between Montgomery County, TX (for facilities at Conroe, TX) and the U.S.; Sub-No. 13 between Cook County, TX (for Gainesville, TX) and LA, MO, OK, and TX; Sub-No. 14 between Baytown, TX and AR, KS, LA, MS, NM, and OK; Sub-No. 15, between Fort Bend County, TX (for facilities at Rosenberg, TX) and TX, LA, MS, AR, OK and NM; Sub-No. 20, between Jefferson and Orange Counties, TX and LA; Sub-No. 25, between New Orleans, LA (for facilities at that point) and AR, LA, MS, NM, TX (except described portions), OK (except described portions), and KS (except described portions); Sub-No. 26, between Jefferson County, TX (for facilities at Beaumont, TX) and AL, AR, FL, and TN; Sub-No. 30F, between Washington and Osage Counties (for facilities at Bartlesville, OK) and AL, LA, MS, TX, KY, and TN; E-11, between Jefferson and Orange Counties, TX and AR and MS; and (3) remove restrictions limiting service to traffic originating at named plantsites in Sub-Nos. 13, 15, and 26; and (4) remove the AK and HI exception in Sub-No. 10.

MC 143501 (Sub-10)X, filed April 29, 1981. Applicant: R.G.C. CARGO CARRIERS, INC., 16651 South Vincennes Rd., P.O. Box 523, South Holland, IL 60473. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 4F, 5F, and 6F permits to (1) broaden the commodity description from (a) in the lead, fire fighting equipment and parts for fire fighting equipment and materials and supplies used in the manufacture, installation and repair of the commodities thereof (except commodities in bulk) to "such commodities as are dealt in or used by manufacturers, installers or distributors of fire fighting equipment and parts for fire fighting equipment, and materials and supplies used in the manufacture, installation or repair of such fire fighting equipment"; (b) in Sub-Nos. 1F and 4F, foodstuffs to "food and related products"; (c) in Sub-No. 5F, plastic materials and chemicals in containers to "rubber and plastic products and chemicals and related products"; and (d) in Sub-No. 6F, paint, paint products, paintmaterials, painting supplies, and painting equipment to "textile mill products, lumber and wood products, chemicals and related products, machinery, miscellaneous products of manufacturing, waste or scrap materials not identified by industry producing"; (2) expand the territorial description to between points in the U.S., under continuing contract(s) with named shippers, in the lead, and Sub-No. 1F, 4F and 5F; and (3) eliminate the restriction prohibiting service to AK and HI, in the lead certificate.

MC 145408 (Sub-4)X, filed April 30, 1981. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. BOX 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, 1000 Potomac Street, NW., Washington, DC 20007. Applicant seeks to remove restrictions in its MC-144026F permit to (1) broaden the commodity description from prefabricated metal buildings, knocked down, iron and steel articles and prefabricated metal buildings, knocked-down, and parts, and iron and steel articles to "metal products" and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 145701 (Sub-18)X, filed April 16, 1981. Applicant: D.C. TRANSPORT, INC., 916 South Riverside Avenue, St. Clair, MI 48079. Representative: James J. Sheehan, (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 14F and 16F certificates to (A) broaden the commodity description in Sub-No. 14 to "metal products, waste or scrap materials not identified by industry producing, machinery, clay, concrete, glass or stone products, rubber and plastic products, chemicals and related products, lumber and wood products, and pulp, paper and related products," from wire and wire products, clay, rubber and plastic articles, chemicals, silicones, spools, electrical assemblies, and materials, equipment and supplies, in its authority between points in the U.S., restricted to traffic originating at or destined to facilities of

a named shipper; and remove all restrictions in the general commodities authority "except classes A and B explosives" in Sub-No. 16; and (B) in Sub-No. 16 remove the restriction limiting service to traffic having a prior or subsequent movement by rail, and replace the named railroad facilities and towns with county-wide authority, between Ferndale, MI (facilities near Ferndale, MI), and Wayne County, MI (facilities near Dearborn, MI), and, points in MI.

MC 145997 (Sub-37)X, filed April 17, 1981. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its MC-148220 Sub-No. 2F permit and MC-145997 Sub-Nos. 2F, 3F, 7F, 10F, 11F, 17F, 18F, 24F, 27F, 28F, 29F, 30F, and 31F, certificates to (1) broaden the commodity description in (a) MC-145997 Sub-No. 2F, from finished lumber, pallets, wooden boxes, and building materials to "Building materials", (b) Sub-No. 3F, from glass and blown glass components and parts for light fixtures, to "clay, concrete glass or stone products," (c) Sub-No. 10F, from fencing, fencing materials, and wire and wire products, and steel wire carriers, to "lumber and wood products and metal products," (d) Sub-No. 28F from new furniture, in cartons, and materials, equipment and supplies used in the manufacture thereof, to "furniture and fixtures and materials, equipment and supplies used in the manufacture thereof," (e) Sub-No. 7F, from heating and air conditioning equipment and parts to "metal products and machinery," (f) Sub-No. 17F, from iron and steel products to "metal products," (g) Sub-Nos. 18F and 24F, from alcoholic liquors and materials and supplies used in the manufacturing of beverage products to "food and related products and materials equipment and supplies used in the manufacture thereof" and Sub-No. 31F, from liquor and malt beverages to "food and related products," and (h) Sub-No. 30F, from household furniture in cartons, to "furniture of fixtures;" (2) remove the restriction limiting service to the transportation of traffic originating at or destined to named points, in MC-145997 Sub-Nos. 2F, 3F, 24F, 29F; (3) remove the restriction prohibiting the transportation of specified commodities in bulk in tank vehicles, in Sub-No. 2F and 24F; (4) replace facilities or city-wide authority with county-wide authority: (a) facilities at Charleston and Ozark, AR to Franklin County, AR and Brownsfield, TX, Mason city, IA, Columbia, MS, Arcadia, LA, and Athens, AL, to Terry County, TX Cerro Gordo County, IA, Marion County, MS, Bienville County, LA, and Limestone County, AL, in Sub-No. 2F; (b) facilities at Van Buren, AR, Mayfield, KY, and Tyler, TX, to Crawford County, AR, Graves County, KY, and Smith County, TX, in Sub-No. 3F; (c) Milledgville, GA, to Baldwin County, GA, in Sub-No. 7F; (d) facilities at or near Van Buren, AR, to Crawford County, AR, in Sub-No. 10F; (e) facilities at or near Bentonville and Scarcy, AR, to Benton and White Counties, AR, in Sub-No. 11F; (f) facilities at Reno, NV, in Sub-No. 17F; (7) Bardstown, Clermont, and Cox's Creek, KY, to Nelson and Bullitt Counties, KY, in Sub-No. 18F; (g) facilities at Bardstown, KY, and Plainfield, IL to Nelson County, KY and Will County, IL, in Sub-No. 24F; (h) facilities at or near Louisville, KY, to Louisville, KY, in Sub-No. 27F; (i) facilities at or near Ft. Smith, AR, to Ft. Smith, AR in Sub-No. 28F; (j) facilities at Van Buren, AR, to Crawford County, AR, in Sub-No. 29F; (k) facilities at or near Waldron, AR, to Scott County, AR, in Sub-No. 30F; and, (l) facilities at or near Perrysburg, OH, to Wood County, OH, and from Dublin, LaGrange, and Rome, GA, and Aiken, SC to Laurens, Troup, and Floyd Counties, GA, and Aiken County, SC, in Sub-No. 31F; (5) eliminate the restriction prohibiting service to (1) AK and HI, in Sub-No. 10F, 17F, 24F, 27F, 28F and 29F, and (2) HI, in Sub-No. 7F; (6) authorize radial authority to replace existing one-way service between points in various combinations of States throughout the U.S., in Sub-Nos. 3F, 11F, 17F and 30F; and (7) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper, in MC-148220 Sub-No. 2F.

MC 146078 (Sub-41)X, filed April 17, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box "A", Prairie Grove, AR 72753. Applicant seeks to remove restrictions in its Sub-No. 34F certificate, which authorizes transportation of general commodities (with exceptions), to remove the exception excluding service in AK and HI, and to substitute county-wide authority in place of the named facilities: between Clinton and Scott Counties, IA (facilities at Clinton and Davenport, IA), Washoe County, NV (Sparks, NV), Coconino County, AZ (Flagstaff, AZ), Denver County, CO (Denver, CO), Oklahoma County, OK (Oklahoma City, OK), Hennepin County, MN (Minneapolis, MN), Fairfield and Hamilton Counties, OH (Lancaster and Sharonville, OH), Fulton County, GA (Union City, GA), Chautauqua County, NY (Dunkirk, NY), Hudson County, NJ (Jersey City NJ), Beaver County, PA (Mechanicsburg, PA), San Diego County, CA (San Diego, CA), Jefferson County, KY (Louisville, KY), and Calhoun County, MI (Battle Creek, MI), and, points in the U.S.

MC 148653F (Sub-3)X, filed April 27, 1981. Applicant: MILTON WOODARD, d.b.a. WOODARD TRUCKING COMPANY, P.O. Box 308, Ripley, TN 38063. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. Applicant seeks to remove restrictions from its lead and Sub-No. 1 certificates: to (1) broaden the commodity descriptions from anhydrous ammonia urea and derivatives of anhydrous ammonia to "chemicals and related products"; (2) broaden the territorial authority in its lead to Beaver and Woodward Counties, OK for Mocane and Woodward, OK; and in its Sub-No. 1, to Mississippi County, AR, Colbert County, AL, and Shelby County, TN, for Amorel, AR, Vertagreen, AL, and Memphis, TN; and (3) expand its one-way authority to radial authority between the counties named in (2) above, and, several states throughout the U.S.

MC 148985 (Sub-3)X, filed April 27, 1981. Applicant: LUNDIN'S DRIVEBACK, LIMITED, R.R. #1, Trenton, Ontario, Canada K8V 5P4. Representative: Alex J. Miller, 555 S. Woodward Ave., Ste. 512, Birmingham, MI 48011. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) substitute all ports of entry of the U.S.-Canada international boundary line in NY, MI, ND, and WA, in lieu of ports of entry in Chamberlain and Thousand Island, NY, Detroit, MI, Pembina, ND, and Blaine, WA; and (2) remove the AK and HI exception.

[FR Doc. 81-14186 Filed 5-11-81; 8:45 am]
BILLING CODE 7035-01-M

Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We Find

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a

major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following serve of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number, Members Krock, Taylor, and Williams.

MC–FC–78966. By decision of February 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to ELDRED TRUCKING, INC. of Eldred, PA of Certificate No. MC–76416 issued March 5, 1941 to HERMAN SWANSON of Bradford, PA, authorizing the transportation of machinery, materials, supplies, and equipment, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, over irregular routes, between Bradford, PA; and points and places in Pennsylvania and New York within forty miles of Bradford, PA. TA has not been filed. Transferee presently holds authority as granted in Docket No. MC–12441. Representative: Authur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–14256 Filed 5–11–81; 8:45 am]

BILLING CODE 7035–01–M

Finance Applications; Decision Notice

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Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satify the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, The Motor Carrier Board, Members Krock, Joyce and Dowell.

MC–FC–78911. By Decision of March 24, 1981: issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to BROKERS TRANSPORT, INC., of Richmond, CA of Certificate No. MC–146735 (Sub-No. 3)F issued November 4, 1980 to R. J. ANDERSON, INC., of San Francisco, CA, authorizing the transportation of general commodities (with the usual exceptions), between points in San Francisco, Alamedo, Santa Clara, Marin, San Mateo, Solano, Sacramento, San Joaquin, Montery, Fresno, Sonoma, Contra Costa, and Santa Cruz Counties, CA. Representative is: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. TA lease is not sought. Transferee is not a carrier.

MC–FC–78922. By Decision of March 26, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to ANDINCO TRANSPORTATION, INC., of DUNKIRK, NY of Certificate No. MC–139357 issued October 3, 1975 to A. SAM & SONS PRODUCE CO., INC. authorizing the transportation of commodities as are used by grower of horticultural products and commodities, the transportation of which is exempt under Section 203(b)(6) of the Interstate Commerce Act, when moving on the same vehicle at the Acme with commodities as are used by grower of horticultural products from and/or to points in the United States on and east of U.S. Highway 85. Representative: not shown.

MC–FC–78972. By decision of March 23, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to ARNOLD BERG, JR. d.b.a. BERG GRAIN AND PRODUCE of Moorhead, MN of Permit No. MC–129486 (Subs 2, 7 and 12) issued to PAGE TRUCKING COMPANY, INC. of Hines, MN. Sub. 2 authorizes generally the transportation of such merchandise as is dealt in by retail and wholesale food and grocery business houses (except in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to Thief River Falls, MN, under contract with L. B. Hartz Wholesale, Inc., of Thief River Falls, MN, and uncanned, unfrozen, processed fruits and vegetables, in packages, from Ortonville, MN, to points in the United States (except Alaska and Hawaii), under contract with Continental "NU" Process, Inc., of Crookston, MN. Sub. 7 authorizes the transportation of ground, mixed, and blended spices, from Grand Forks, ND, to points in the United States (except Alaska and Hawaii); and equipment, materials, and supplies used in the production of ground, mixed and blended spices, from points in the United States (except Alaska and Hawaii) to Grand Forks, ND, restricted against the transportation of liquid commodities, in bulk, under contract with Baltimore Spice Company, Grand Forks, ND. Sub. 12F authorizes the transportation of canned and preserved foodstuffs from the facilities of Heinz USA at or near Muscatine and Iowa

City, IA, to points in Minnesota, North Dakota, and South Dakota, under contract with Heinz USA of Pittsburg, PA. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. TA lease is sought. Transferee is not a carrier.

MC–FC–78992. By decision of February 24, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 5 approved the transfer to SOUTHEAST LEASING CORPORATION d.b.a. HALE DISTRIBUTING COMPANY of Certificate No. MC–118127, and sub numbered proceedings thereunder issued to Hale Distributing Company Inc. authorizing the transportation of Irregular routes: Frozen fruits, frozen berries, and frozen vegetables, and when transported in the same vehicle therewith, frozen fish and frozen poultry, from points in CA, to points in TX, with no transportation for compensation on return except as otherwise authorized. Frozen berries, and frozen vegetables, and, when transported in the same vehicle therewith, frozen poultry and frozen fish. From Providence, RI, New York, NY, and those points in MA, east of Worchester County, to Phoenix, AZ, El Paso, TX, Albuquerque, NM, and points in CA, with no transportation for compensation on return except as otherwise authorized. Frozen fruits, and frozen berries, and, when transported in the same vehicle therewith, frozen fish, from Chicago, IL, Green Bay, WI, and points in the lower Peninsula of MI, to points in CA, with no transportation for compensation on return except as authorized. Frozen fruits and frozen avocado dip, from points in Los Angeles, Riverside, San Diego, and Ventura Counties, CA, to Baltimore, MD, Boston, MA, Hartford, CT, Philadelphia, PA, New York, NY, Providence, RI, and Washington, DC, points in Bergen, Hudson, Essex, Union, Middlesex and Passaic Counties, NJ, and Rockland, Nassau, and Westchester Counties, NY, with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is restricted to originating at plant sites and warehouses utilized by Calavo Growers of California and destined to the above-named destination points. Frozen foods, from Bridgeport, Monroe, and New Haven, CT, Gloucester, MA, Newark, NJ, and New York, NY, to Phoenix, AZ, Denver, CO, and Las Vegas, and Reno, NV, and points in CA, ID, MT, OR, UT, and WA, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to shipments originating at the above-named origins. Frozen poultry products, when moving in the same vehicle and at the same time with commodities, the transportation of which is otherwise exempt from economic regulations under section 203(b)(6) of the Interstate Commerce Act, as amended, and COMMODITIES, the Transportation of which is otherwise exempt from economic regulations under section 203(b)(6) of the act, when moving in the same vehicle and at the same time with the commodities authorized in (1) above, from Moorefield, WV, to points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, and WY. Restriction: The authority granted in (1) above is restricted to the transportation of traffic originating at Moorefield, WV. Frozen poultry products, and commodities, the transportation of which is otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with frozen poultry products, from Moorefield, WV, to points in OK, and TX. Frozen foods, from Blue Anchor and Garfield, NJ, Boston and Southboro, MA, and Philadelphia, PA, to Los Angeles County, CA. Frozen bakery products, from Hagerstown and Smithsburg, MD, and Ephrata Marysville, PA, to points in AZ, CA, CO, NV, NM, OR, WA, with no transportation for compensation on return except as otherwise authorized. Pretzel ovens, from Smithsburg, MD, and Ephrata, PA, to points in AZ, CA, CO, NV, NM, OR, and WA, with no transportation for compensation on return except as otherwise authorized. Frozen fruits and frozen rhubarb, from points in CA, to points in CT, MA, NJ, and NY. Frozen meat and frozen meat products, from Lawrence, MA, and Manchester, NH, to Alamed CA, Seattle, WA. Frozen seafood and frozen poultry, the transportation of which is otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act moving in the same vehicle and at the same time meat and frozen meat products, from Lawrence, MA, and Manchester, NH, to Alamed CA, Seattle, WA. Frozen meats and frozen meat products, and frozen commodities, the transportation of which is otherwise exempt from regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with frozen meat and meat products, from Manchester, NH, to Ft. Carson and Denver, CO, Chicago, IL, Ft. Leonard Wood and Kansas City, MO, Ft. Riley, KS, El Paso, Ft. Worth and San Antonio, TX, Ft. Campbell, Ft. Knox, KY, and Nashville, TN. From Lawrence, MA, to El Paso, Ft. Worth and San Antonio TX. Frozen bakery products, from points in Los Angeles and Orange Counties, CA, to points in MD, NJ, NY, PA, VA, and the District of Columbia. Frozen foods, from points in Los Angeles and Orange Counties, CA, to points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and the District of Columbia (except (a) frozen fruit and avocado dip from points in Los Angeles County, CA, to Baltimore, MD, Boston, MA, Hartford, CT, Philadelphia, PA, New York, NY, Providence, RI, and the District of Columbia; (b) frozen fruits and rhubarb from points in Los Angeles and Orange Counties, CA, to points in CT, MA, NY, and (c) frozen bakery products from points in Los Angeles and Orange Counties, CA, to points in MD, NJ, NY, PA, VA, and the District of Columbia), and commodities, the transportation of which is partially exempt pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle and at the same time with frozen foods, from points in CA, to points in CT, DE, MD, MA, NJ, NY, PA, RI, VA and the District of Columbia. Frozen foods, from Pomfret Center, Suffield, and South Windsor, CT, Syracuse, Livingston Manor, S. Fallsburg, and Monticello, NY, and points in MA, to points in WA, OR, CA, AZ, NV, UT, CO, restricted to traffic originating at the above-named origins and destined to the above-named destination States. Frozen foods (except in bulk, in tank vehicles), equipped with mechanical refrigeration, from points in VA to points in CA, CO, IL, IN, MO, OH and TX. Representative is: William J. Augello, Esq., Augello, Petold & Hirschmann, 120 Main Street, Huntington, NY 11743. Application has been filed for temporary authority under section 11349.

MC–FC–79014. By decision of March 27, 1981 issued under 49 U.S.C. 10924 and the transfer rules at 49 CFR 1133, Review Board Number 3 approved the transfer to BIG COUNTRY, INC. d.b.a. BIG COUNTRY TRAVEL of Pierre, SD, of License No. MC–130385 issued to BAD RIVER INDUSTRIES INC., d.b.a. BIG COUNTRY TRAVEL, of Pierre, SD, authorizing: Passengers and their baggage, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in North Dakota and South Dakota and extending to points in the United States (including Arkansas; but excluding Hawaii). The above specified operations as a broker are authorized at

Pierre, SD. Review Board 3 also modified the license to include the State of Wyoming in its territorial scope. Representative: Patricia Clarke, P.O. Box 901, Pierre, SD 57501. Transferree is not a carrier.

MC–FC–79029. By decision of March 5, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to KLEYSEN TRANSPORT LTD. of Certificate No. MC–14093 and subs thereunder issued between August 25, 1977, and November 7, 1980, to CHEYENNE ROAD TRANSPORT LTD, a carrier whose shares are wholly owned by KTS TRANSPORT, LTD, authorizing the transportation generally of *fertilizer, feed, feed ingredients, lumber and lumber mill products, and soy bean meal,* to and from named ports of entry on the international boundary line between the United States and Canada to and from named points in the United States, subject to the following conditions: Representative is: Grant of Merritt, 444 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402.

MC–FC–79066. By decision of April 9, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to TEXAS-VERMONT TRANSPORT, INC. of Permit No. MC–117187 and (Sub-Nos. 2 and 3), issued to TEXAS-VERMONT TRANSPORT, INC. authorizing the transportation of (1) *granite monuments, markers, bases, mausoleums, materials and surface plates,* from Barre, VT, (a) to points in TX, LA, OK, AR, and MS, under continuing contract(s) with Rock of Ages Corporation, (b) to points in TN, AL, and GA, under continuing contract(s) with Rock of Ages Corporation, and (2) *granite and granite products,* from Barre, VT, to points in AL, AR, GA, LA, MS, OK, TN, and TX, under continuing contract(s) with Rock of Ages Corporation and the Barre Granite Association. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767.

Note.—(1) Transferee is a noncarrier. (2) application for temporary authority has been filed.

MC–FC–79091. By decision of April 9, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to JOHN E. KENNEY and BARBARA KENNEY, of Biddeford, ME, of Certificate No. MC–30489 issued October 27, 1952 to PETER J. FARLEY and JOHN R. FARLEY, a partnership, doing busines as P. J. FARLEY EXPRESS, of Biddeford, ME, authorizing the transportation of household goods, as defined by the Commission over irregular routes, between points in Maine, on the one hand, and, on the other, points in Massachusetts and New Hampshire. Representative is: Ms. Barbara Kenney, 172 Elm Street, Biddeford, ME 04005.

MC–FC–79099. By decision of April 16, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1141, Review Board Number 3 approved the transfer to CONAGRA TRANSPORTATION, INC. of Certificate No. W–1164 (Sub-No. 2) issued October 30, 1969, to A & O BARGE LINE, INC. authorizing the transporation as a common carrier by water, in interstate or foreign commerce, by non-self propelled vessels with the use of separate towing vessels, of *general commodities* (1) between ports and points on the Arkansas River from Dam No. 2 to its confluence with the Mississippi River; (2) between ports and points on the White River from the construction site of the Arkansas Post Canal and of Lock and Dam No. 1, to its confluence with the Mississippi River; (3) between ports and points in (1) and (2) above, on the one hand, and, on the other, ports and points on the Mississippi River from the mouth of the White River to Greenville, MS; (4) between ports and points along the Arkansas-Verdigris Waterway and (5) between ports and points along the Arkansas-Verdigris Waterway, on the one hand, and, on the other, ports and points along the Mississippi River from the mouth of the Arkansas-Verdigris Waterway to Greenville, MS, restricted to the transportation of traffic of which the water carrier portion originates at, or is destined to points on the Arkansas-Verdigris Water. Applicants' representative: Peter A. Greene, 1920 N Street, NW., Washington, D.C. 20036.

Notes.—(1) Transferee holds motor common carrier authority pursuant to docket No. MC–150422. (2) This application was originally docketed No. MC–F–14594.

MC–FC–79105. By decision of April 9, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to HUSKER TRANSPORT, INC. of Omaha, NE, Certificate No. MC–142849 (Sub-No. 2) issued to R.F. DEA TRANSPORT, INC. of Omaha, NE authorizing: the transportation of *meats, meat products, meat by-products,* and *articles distributed by meat packinghouses* from the facilities of Columbia Goods, Inc. at or near Wallula, WA to points in CT, DE, MD, MA, NJ, NY, OH, PA, RI, VA, WV, and DC. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102. TA lease is not sought. Transferee is not a carrier.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14229 Filed 5-11-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 12]

Petitions, Applications, Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

Republications of Grants of Operating Rights Authority Prior to Certification—Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 112801 (Sub-223F) (republication), filed January 30, 1979, previously noticed in the Federal Register issue of August 28, 1979. Applicant: TRANSPORT SERVICE CO., a corporation, 2 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh St. NW, Washington, DC 20001. A Decision by the Commission, Division 1, acting as an Appellate Division, decided February 19, 1981, and served February 26, 1981, finds on reopening and further consideration that applicant is authorized to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting commodities in bulk between points in the United States (except AK and HI). The purpose of this republication is to delete the restriction (in tank vehicles).

MC 127303 (Sub-63) (republication), filed May 25, 1979, published October

23, 1979, in the Federal Register and republished, this issue. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th St. NW., Washington, DC 20011. A Decision of the Commission, *Review Board No. 2*, Decided July 23, 1979, and served August 19, 1980, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting glass containers from Chicago, IL, to points in Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin and Nevada; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49 Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

Motor Carrier Alternate Route Deviations—Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 1515 (Deviation No. 759), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077, filed March 20, 1981. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From San Antonio, TX, over Interstate Hwy 37 (using portions of US Hwy 281 and TX Hwy 9 where Interstate Hwy 37 is incomplete) to Corpus Christi, TX and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From San Antonio, TX over US Hwy 181 to Corpus Christi, TX and return over the same route.

MC 2906 (Deviation No. 5), CAPITAL MOTOR LINES, 520 N. Court St., P.O. Box 1427, Montgomery, AL 36102, filed April 8, 1981. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Alabaster, AL over Interstate Hwy 65 to Birmingham, AL, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Alabaster, AL over US Hwy 31 to Birmingham, AL, and return over the same route.

Motor Carrier Intrastate Application(s)—Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 92831, filed April 16, 1981. Applicant: JOHN O. MILLS, d.b.a. BIG VALLEY EXPRESS, P.O. Box 47, Lookout, CA 96054. Representative: Patrica M. Schneg, 1800 United California Bank Bldg., 707 Wilshire Blvd., Los Angles, CA 90017. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: * * * General Commodities Between Redding and Alturas, California; from Redding to Alturas over State Highway 299 to Alturas and return over the same route serving all intermediate points and off route points within fifteen (15) statute miles of State Highway 299. Except that pursuant to the authority herein granted, carrier shall not transport any shipments of: (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salemen's hand sample cases, suitcases, overnight or boston bags, briefcases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags, (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting). (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobiles chassis, trucks, trucks chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or combination of such highway vehicles. (5) Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle. (8) Logs. (9) Articles of extraordinary value. (10) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. (11) Explosives subject to U.S. Department of Transportation Regulations governing the Transportation of Hazardous Materials. In performing the service herein authorized, carrier may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the Public Utilities Commission State of California, 107 South Broadway, Los Angeles, CA 90012, and should be directed to the Interstate Commerce Commission.

Montana Docket No. T-5565, filed March 24, 1981. Applicant: MERGENTHALER TRANSFER & STORAGE CO., 1414 North Montana Ave., Helena, MT 59601. Representative: David L. Jackson, 203 North Ewing, Helena, MT 59601. Certificate of Public Convenience and Necessity sought to operate a freight service, as Follows: Transportation of: * * * General

Commodities, Class B, between the cities and towns of Helena, Winston, Townsend, Toston and White Sulphur Springs, Montana in interstate, intrastate and foreign commerce. Limitations: Transportation of the following is prohibited: (1) Heavy equipment and oilfield equipment, materials and supplies (Mercer Description Commodities); (2) Class A & B explosives; (3) Items of unusual value; (4) Commodities in bulk, in tank vehicles; (5) Household goods; and (6) Ashes, trash, waste, refuse, rubbish and garbage. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the Public Service Commission of The State of Montana, 1227 11th Avenue, Helena, MT 59601, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-320, filed February 2, 1981. Applicant: WATROUS MOTOR EXPRESS, INC., 300 East Molloy Road, Mattydale, NY 13211. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities—Between all points in the Counties of Madison, Oneida, Onondaga and Oswego. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14197 Filed 5-11-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 77]

Restriction Removals; Decision-Notice

Decided: May 6, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 10397 (Sub-6)X, filed April 29, 1981. Applicant: FRED STOCK, INC., P.O. Box 367, Jersey City, NJ 07303. Representative: Robert B. Pepper, 168-Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity descriptions from (a) meat and packinghouse products, and (b) meat, meat products, meat by products, dairy products, and articles distributed by meat packinghouses as described in Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 to "food and related products" and (2) broaden the territorial descriptions to between points in the U.S. under continuing contract(s) with named shippers.

MC 47171 (Sub-215)X, filed April 30, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrew (same address as applicant). Applicant seeks to remove all exceptions in its general commodity authority except classes A and B explosives from its lead and Sub-Nos. 85, 87, 89, 90, 99, 108, 110, 114, 118, 128, 139F, 146F, 149F, 161F, 162F, 163F, 167F, 168F, 169F, 170F, 171F, 172F, 173F, 175F, 178F, 181F, 182F, 183F, 184F, 185F, 186F, 190F, and 192F certificates.

MC 66140 (Sub-8)X, filed April 17, 1981. Applicant: FYOCK MOTOR LINES, INC., 2700 E. Main St., Columbus, OH 43209. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 6F, and 7F certificates to (1) broaden the commodity descriptions as follows: (a) in its lead, from brick and tile to "clay, concrete, glass or stone products", from petroleum and petroleum products to "petroleum, natural gas and their products", from empty containers for petroleum and petroleum products to "containers", from fertilizer to "chemicals and related products", from grain to "farm products", from coal to "coal and coal products", from canned foods, sugar and canned fruits and vegetables to "food and related products", from machinery for canneries to "machinery", from lumber to "lumber and wood products"; (b) in Sub-No. 4, from canned fruit and vegetable juices, except flowing syrup or fruit syrup to "food and related products"; (c) in Sub-No. 6F, from sugar (except liquid sugar) to "food and related products"; and (d) in Sub-No. 7F, from sugar (except in bulk), sugar and sugar products (except in bulk), and individual servings of condiments, dressings, spices, sauces, food flavoring, and individual servings of packaged food items to "food and related products"; (2) remove the container restriction in the lead and except in bulk restrictions in Sub-No. 7F; (3) replace authority to serve named points with country-wide authority as follows: (a) in the lead, Thornton, WV to Taylor County, WV; Mount Savage, MD to Allegany County, MD; Mountain Lake Park, MD, to Garrett County, MD; Friendsville, MD, to Garrett County, MD; Elkins, WV to Randolph County, WV; Frederick, MD to Frederick County, MD; Front Royal, VA, to Warren County, VA; Warrenton, VA, to Fauquier County, VA; Martinsburg, WV, to Berkeley County, WV; Mt. Airy, MD to Carroll County, MD; York, PA, to York County, PA; Reading, PA to Berks County, PA; Clarksburg, WV to Harrison County, WV; Bellaire, OH to Belmont County, OH; Butler, PA, to Butler County, PA; Chambersburg, PA, to Franklin County, PA; Uniontown, PA, to Fayette County, PA; (4) remove the facilities restrictions: at Baltimore, MD in Sub-No. 6F; and at Brooklyn, NY, Philadelphia, PA, and Pitman, NJ, in Sub-No. 7F; (5) remove the originating at and destined to restriction in Sub-No. 7F; and (6) authorize two-way service in place of one-way service in all the above certificates between various combinations of points in MD, WV, PA, OH, VA, MI, IN, IL, KY, NY, NJ, and DC.

MC 71652 (Sub-52)X, filed April 21, 1981. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Highway, P.O. Box 280, Medford, OR 97501. Representative: James Hardy (same as applicant). Applicant seeks to remove restrictions from its Sub-Nos. 9, 10, 11,

12, 13, 14, 15, 19F, 20F, 21F, 22F, 25F, 27F, 28F, 29F, 30F, 31F, 32F, 35F, 36F, 37F, 38F, 40F, 43F, 44F, 46F, 48F, 49F, and 50F certificates to (1) broaden the commodity to (a) "clay, concrete, glass or stone products" from gypsum wallboard and materials used in the installation of gypsum wallboard in Sub-No. 9, flat glass in Sub-No. 12, fiberglass materials, fiberglass products, fibrous glass mineral wool products, fibrous glass textile materials, fibrous glass textile products in Sub-No. 21F, and buildings, complete, knocked down, or in sections, building sections and building panels, parts and accessories used in the completion of those commodities in Sub-No. 37F; (b) "metal products" from chain link fencing in Sub-No. 10, steel wire rope in Sub-No. 13, fencing, poultry, netting, wire and wire products in Sub-No. 19, iron and steel articles in Sub-Nos. 25F and 31F, aluminum and aluminum articles in Sub-No. 30F, metal prefabricated strctural components in Sub-No. 37F, aluminum and aluminum products in Sub-No. 40F, iron and steel pipe, fence posts, and conduits in Sub-No. 46; and steel articles in Sub-No. 50F; (c) "building materials" from roofing and roofing materials in Sub-Nos. 15, and 22F; roofing materials in Sub-Nos. 21F and 36F, and building board in Sub-Nos. 27F and 43F; (d) "lumber and wood products" from compressed wood fiberboard in Sub-No. 20F, and composition board and wood fibre products in Sub-No. 38F; (e) "pulp, paper and related products" from building, roofing and sheathing paper in Sub-No. 19F; (f) "rubber and plastic products" from plastic pipe in Sub-No. 26F, and plastic sheet in Sub-Nos. 35F and 44F; (g) "construction materials and supplies" from structural building components in Sub-No. 28F; and (h) "lumber and wood products" from building, complete, knocked down, or in section in Sub-No. 37F; (2) replace authority to serve plantsites or cities with county-wide authority as follows: in Sub-No. 9, Contra Costa County, CA for facilities in Antioch, CA, in Sub-No. 10, Los Angeles County, CA for facilities at Whittier, CA; in Sub-No. 12, Fresno County, CA for facilities at Kingsburg, CA; in Sub-No. 14, San Joaquin County, CA for facilities at Stockton, CA; in Sub-No. 15, Constra Costa County, CA for facilities at Richmond, CA; in Sub-No. 19F, Los Angeles County, CA for facilities City of Commerce, CA, and City of Industry, CA, Alameda County, CA for facilities at Hayward, CA, and Riverside County, CA for facilities at Riverside, CA; and King County, WA for facilities at Kent, WA; in Sub-No. 20F, Columbia County, OR for facilities at St. Helens, OR; in Sub-No. 21F, Santa Clara County, CA for facilities of Santa Clara, CA; in Sub-No. 22F, Contra Costa County, CA for facilities at Pittsburg, CA, and Los Angeles County, CA for facilities at Los Angeles, CA; in Sub-No. 25F, Yamhill County, OR for facilities at McMinnville, OR; in Sub-No. 26F; Umatilla County, OR for McNary, OR; in Sub-No. 27F, Mendocino County, CA for facilities at Ukiah, CA; in Sub-No. 28F, Santa Clara County, CA for facilities at San Jose, CA; in Sub-No. 29F, Kenn County, CA for facilities at Bakersfield, CA; in Sub-No. 30F, Spokane County, WA for facilities at Spokane, WA; in Sub-No. 32F, Yakima County, WA for Yakima, WA; in Sub-No. 35F, San Diego County, CA for facilities at San Diego, CA, and King County, WA for facilities at Seattle, WA; in Sub-No. 36F, Thruston County, WA for facilities at Tumwater, WA; in Sub-No. 37F, Kings County, CA for facilities at Tumwater, WA; in Sub-No. 37F, Kings County, CA for facilities at Hanford, CA; in Sub-No. 38F, Umatilla County, OK for facilities at Pilot Rock, OR; in Sub-No. 40F, Multnomah County, OR for facilities at Troutdale, OR and Cowlitz County, WA for facilities at Longview, WA; in Sub-No. 43F, Mendocino County, CA for facilities at Ukiah, CA; in Sub-No. 44F, San Diego County, CA for facilities at San Diego, CA; in Sub-No. 48F, Fresno County, CA for facilities at Kingsburg, CA; and, in Sub-No. 49F, Ada County, ID for Boise, ID; (3) remove plantsite restrictions in Sub-Nos. 9, 10, 12, 13, 14, 15, 19F, 20F, 21F, 22F, 25F, 26F, 27F, 28F, 29F, 30F, 31F, 32F, 35F, 36F, 37F, 38F, 40F, 43F, 44F and 48F; and (4) authorize radial service in place of existing one-way authority in Sub-Nos. 9, 10, 11, 12, 13, 14, 15, 19F, 20F, 21F, 22F, 25F, 27F, 28F, 29F, 30F, 31F, 32F, 35F, 36F, 37F, 38F, 40F, 43F, 44F, 48F, and 49F, generally between points in (2) above and points in the U.S.

MC 104421 (Sub-36)X, filed April 17, 1981. Applicant: ECONOLINES, INC., P.O. Box 623 DTS, Omaha, NE 68101. Representative: Roger W. Norris (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 15, 16, 18M1F, 19, 23, 24F and 25F certificates to (1) broaden the commodity descriptions from (a) general commodities with exceptions, to "general commodities (except classes A and B explosives)" in Sub-Nos. 15 and 25F; (b) livestock, agricultural commodities, machinery, feed, household goods, and immigrant movables to "household goods, immigrant movables, and such commodities as are dealt in or used by manufacturers or distributors of farm products or machinery, and materials, equipment and supplies used in the manufacture, distribution and sale of those commodities named above" in Sub-No. 16; (c) commodities used in the manufacture, operation, maintenance, and repair of motor vehicles to "such commodities as are used in the manufacture, operation, maintenance, and repair of motor vehicles, materials, equipment and supplies used in the manufacture, distribution and sale of the commodities named above" in Sub-No. 18M1F; (d) such commodities as are dealt in or used by banking and financial institutions, to "such commodities as are dealt in or used by banking and financial institutions, and materials, equipment and supplies used in the manufacture, distribution and sale of the commodities named above" in Sub-No. 19; (e) such commodities as are dealt in and used by manufacturers and distributors of irrigation systems to "such commodities as are dealt in and used by manufacturers and distributors of irrigation systems, and materials, equipment and supplies used in the manufacture, distribution and sale of the commodities named above" in Sub-No. 23; and (f) such commodities as are dealt in and used by manufacturers and distributors of motor vehicle parts, supplies, and accessories, to "such commodities as are dealt in and used by manufacturers and distributors of motor vehicle parts, supplies, and accessories, and, materials, equipment and supplies used in the manufacture, distribution and sale of the commodities named above" in Sub-No. 24F; (2) expand one-way to radial authority between (a) Denver, CO, and points within 25 miles thereof, and, points in Lincoln County, NE, in Sub-No. 16, page 2; and (b) points in OK and TX, and points in Mills, Montgomery, and Pottawattamie Counties, IA, in Sub-No. 19, page 2; (3) remove the restrictions: (a) except lumber and commodities in bulk in Sub-No. 18M1F; (b) except paper, paper products, plastic articles, and commodities in bulk in Sub-No. 19; (c) except commodities in bulk, in tank or hopper vehicles in Sub-No. 23; (d) except chemicals, paper, and commodities in bulk, in Sub-No. 24F; and (e) except AK and HI in Sub-Nos. 19 and 23.

MC 113459 (Sub-145)X, filed April 16, 1981. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. BOX 94850, Oklahoma City, OK 73143. Representative: Thomas L. Cook, 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237. Applicant seeks to remove restrictions in its Sub-Nos. 9, 10, 11, 20, 24, 32, 39, 40, 43, 44, 53, 54, 55, 57, 58, 61, 62, 67, 68, 78, 79, 80, 82, 83, 85G, 86, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 102, 107, 109, 110, 111, 113, 118, 120,

121, 122, 123, 124, 125, 126, 128, 129, 130, 133, 134, 135 and E2 letter notice to (1) broaden the commodity description to "metal products" from various commodities such as pipe in Sub-No. 9, iron and steel articles in Sub-Nos. 40, 53, 54, 124, 130, tubing, other than oilfield tubing in Sub-No. 57; metal tubing and pipe in Sub-No. 58; steel tubing, other than oilfield tubing in Sub-No. 61; iron and steel articles (except pipe used in, incidental to, or in connection with, the preservation, etc of natural gas and petroleum and their products and by-products) in Sub-No. 62; refined copper in Sub-No. 89; rough castings in Sub-No. 92; iron and steel articles, aluminum articles, iron and steel tanks, and aluminum tanks in Sub-No. 97; metal tubing, other than oil field in Sub-No. 98; metal castings and pulleys in Sub-No. 111; iron and steel forgings (except those requiring the use of special equipment) in Sub-No. 129; to "machinery, Mercer commodities, and those commodities which because of their size or weight require special equipment "from machinery, equipment, materials and supplies used in, or in connection with the construction, etc. of natural gas and petroleum and their products and by-products; machinery, equipment, materials and supplies used, or in connection with construction, etc. of pipe lines and such commodities which because of size or weight require special equipment in Sub-No. 10; to "Mercer commodities and commodities which because of size or weight require special equipment" from machinery, equipment, materials and supplies used in, or in connection with the discovery, etc. of natural gas and petroleum and commodities which because of size or weight require special equipment in part 1 of Sub-No. 11; to "Mercer commodities" from machinery, equipment, materials and supplies used in or in connection with the discovery, etc. of natural gas and petroleum in part (2) of Sub-No. 11; to "machinery and metal products" from machinery, equipment, materials and supplies used in or in connection with the construction, etc. of pipe lines in Sub-No. 20; from refined copper and equipment, materials and supplies used in its mining and manufacture in Sub-No. 134; from structural poles and parts, attachments, and accessories and materials, equipment and supplies in Sub-No. 83; to "machinery and transportation equipment" from self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools and supplies in Sub-No. 24; from tractors (except tractors used in pulling commercial highway trailer), scrapers, motor graders, wagons, engines (except aircraft and missile engines), generators, engines and generators combined, welders, road rollers, and off-highway trucks and/or lift trucks, excavators, pipelayers and dump trucks designed for off-highway use in Sub-Nos. 39, 126, 107 and 95 from material handling equipment, winches, compaction and roadmaking equipment, rollers, mobile cranes, and highway freight trailers in Sub-Nos. 43, 80 and 128; from lift and hoist trucks and tractors (other than truck tractors) and attachments and accessories in Sub-No. 44; from road construction machinery and equipment and parts, attachments and accessories in Sub-No. 66; to "chemicals and related products" from chemicals in Sub-No. 122; and from chemicals (except in bulk) in Sub-No. 135; to "chemicals and related products and rubber and plastic products" from plastic pipe, plastic tubing, plastic conduit, valves, fittings, compounds, joint sealers, bonding, cement, primer, coating, thinner, and accessories in Sub-No. 32; to "lumber and wood products" from particleboard in Sub-No. 55; from pre-cut, unassembled, log and wood buildings in Sub-No. 102; from prefabricated wood buildings in Sub-No. 120; to "machinery" from agricultural tractors and implements in Sub-No. 67, from agricutural implements, industrial mowers, scrapers, post hole diggers, and rakes in Sub-No. 78; and, from metal working machinery in Sub-No. 123; to "transportation equipment" from trailers and trailer chassis (other than those designed to be drawn by passenger automobiles) in Sub-No. 79; to "machinery and commodities because of size or weight require special equipment" from self-propelled articles, each weighing 15,000 pounds or more, and related machines, tools, parts and supplies when moving in connection therewith the transportation of which because of size or weight require the use of special equipment in Sub-No. 85 G and E letter notice E2; from dust collection systems and parts for dust collecting systems, grain handling equipment, and equipment, materials and supplies in Sub-No. 125; from mining machinery and equipment because of size or weight require special equipment in Sub-No. 91; to "building materials" from building panels in Sub-No. 82; to "metal products and building materials" from buildings, building sections and building panels, and metal prefabricated structural component in Sub-No. 88; to "machinery, metal products, transportation equipment, and commodities which because of size or weight require special equipment" from contractor's, construction and mining machinery in Sub-No. 93; to "metal products and commodities which because of size or weight require special equipment" from buildings complete, knocked down or in sections, building sections and building panels and metal prefabricated structural components in Sub-No. 94; to "ores and minerals, metal products and waste or scrap materials not identified by industry producing" from aluminum ingots, alloys and slag, and zinc ingots and alloys and nonferrous metal scrap in Sub-No. 96; to "metal products and commodities which because of size or weight require special handling" from prefabricated buildings in Sub-No. 110; to "machinery, metal products and lumber and wood products" from cooling towers and cooling tower parts and accessories in Sub-No. 113; to "rubber and plastic products" from rubber and plastic railroad ties, flooring and decking in Sub-No. 118; and to "machinery, metal products, transportation equipment, and commodities which because of size or weight require special equipment "from metal buildings, complete, knock down or in sections and parts and accessories for metal buildings, off-highway vehicles, and parts and accessories, power plant components and accessories, fabricated steel structures, and materials, equipment and supplies for all the above listed commodities in Sub-No. 133; (2) remove facilities limitations (a) in Sub-No. 43 and replace Danville and Kenawee, IL with Vermilion and Henry Counties, IL, (b) in Sub-No. 44 and replace Mentor, OH with Lake County, OH (c) in Sub-Nos. 54, 79, 80, 82, 88, 94, 107, 109, 113, 120, 133, (d) in Sub-No. 57 and replace Rosenberg, TX with Fort Bend County, TX, (e) in Sub-No. 98 and replace Checotah, OK with McIntosh County, OK (f) in Sub-No. 102 and replace Missoula, MT with Missoula County, MT, (g) In Sub-No. 110 and replace Fort Collins, CO with Larimer County, CO, (h) in Sub-No. 111 and replace Blackwell, OK with Kay County, OK, (i) in Sub-No. 118 and replace Irving, TX with Dallas County, TX, (j) in Sub-No. 128 and replace Danville and Kenawee, IL with Vermilion and Henry Counties, IL, (3) change city to county-wide authority (a) from Corpus Christi and Galveston, TX to Nueces and Galveston Counties, TX in Sub-No. 40 (b) Mannford, and Sand Springs, OK to Creek and Tulsa Counties, OK in Sub-No. 98, (c) Columbia Falls, MT to Flathead County, MT in Sub-No. 121, (d) Moundridge, KS to McPherson County, KS in Sub-No. 123, (e) Hutchinson, KS to Reno County, KS in Sub-Nos. 124 and 125, (f) Claremore, OK to Rogers County,

OK in Sub-No. 129, (g) Springfield, MO to Greene County, MO in Sub-No. 130, (h) Garfield, UT and Hurley, NM to Salt Lake County, UT and Grant County, NM in Sub-No. 134, (4) remove the "originating at and/or destined to "restriction in Sub-Nos. 39, 43, 44, 61, 62, 66, 80, 83, 89, 93, 94, 95, 97, 98, 120, and 133, (5) remove the "in bulk" restriction in Sub-Nos. 83, 89, 93, 96, 98, 102, 122, 133, 134 and 135, (6) remove the restriction against interchange at named points in Sub-No. 9, (7) remove the restriction against service to the stringing and picking up of pipe in connection with main or trunk pipelines or commodities moving to main or trunk pipelines in Sub-Nos. 10, 11, 20, and 62, (8) remove restriction against transportation to AK in Sub-Nos. 57, 61, 62, 82, 88, 89, 92, 113, 118, 124, 126, 129, and 130, (9) remove restriction to traffic moving in interstate commerce or having a prior movement by water in Sub-No. 95 (10) remove the restrictions to transportation of traffic transported on trailers in Sub-Nos. 24 and 85G, and (11) change one-way to radial authority between various combinations of points throughout the U.S. in Sub-Nos. 9, 10, 11, 20, 24, 32, 39, 40, 44, 53, 54, 55, 57, 58, 61, 62, 67, 78, 79, 82, 86, 88, 89, 92, 93, 94, 95, 96, 97, 98, 102, 107, 109, 110, 111, 113, 118, 120, 121, 123, 124, 129, 130, and 135.

MC 114019 (Sub-266)X, filed April 13, 1981. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 5501 West 79th Street, Burbank, IL 60459. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions from its Sub-Nos. 62, 80, 97, 117, 170, 190, and 200 certificates, and letter-notices E64, E82, E178, E258, E385, and E429 to (1) broaden commodity descriptions (a) from frozen foods, chewing gum, food products, foodstuffs, edible oils, and animal fats, etc., to "such commodities as are dealt in by food business houses" in Sub-Nos. 62, 80, 117, 170, 190, 200, E64, E82, E178, E258, E385, and E429; (b) from petroleum products to "petroleum or coal products" in Sub-No. 97; (c) by removing all exceptions other than classes A and B explosives from general commodity authority in Sub-Nos. 173, and 200; (d) from liquid hog mucus to "commodities in bulk" in Sub-No. 190; and (e) in Sub-No. 200 as follows: from specific items such as drugs, toilet articles, and preparations, to "chemicals and related products and instruments, photographic goods, optical goods, watches or clocks", from printing paper, wallpaper, etc to "pulp, paper and related products," from iron and steel articles, wire, etc to "metal products," from rolling mill machinery, rigid conduit, electric cable, armored cable, lanterns, lamp burners, and boat davits to "machinery," from rubber sheeting and equipment, materials, supplies, and advertising matter used or useful in the manufacture, processing or sale of rubber products; and scrap rubber to "rubber and plastic products" from office supplies, ink, typewriter ribbons, carbon paper, stamp pads, mucilage, adhesive paste, glue, paste, liquid cement, and metal polish destrine, to "office supplies and chemicals and related products," and "miscellaneous products of manufacturing" from petroleum products to "petroleum or coal products" (2) delete equipment restrictions such as "in mechanically refrigerated vehicles", and "in containers", etc., in Sub-Nos. 62, 97, 117, 170, 190, and E178; (3) remove restrictions against the transportation of bulk commodities and in tank vehicles, in Sub-Nos. 117, E64, and E82; (4) eliminate facilities limitations in Sub-No. 173; (5) replace one-way authority with two-way authority between points located throughout the United States; (6) allow service at all intermediate points in connection with the regular-route portions of the certificate in Sub-No. 200 between specified points located mainly in the eastern portion of the U.S.; (7) delete restrictions which prohibit (a) transportation of specified commodities between specified points or; (b) less than county-wide service; (8) eliminate the "originating at or destined to" restrictions in each certificate and (9) replace city-wide authority with county-wide authority wherever the following appear in each certificate: Rouseville, Oil City, Reno, Emlenton, Franklin, and Farmers Valley to Venago, County, PA; Bradford with McKean County, PA; St. Marys with Pleasants County, WV; Rochester with Monroe County, NY; Milan with Rock Island County, IL; Champaign with Champaign County, IL; Burns Harbor with Porter County, IN; Brocton, Westfield and Silver Creek with Chautauqua County, NY; Lawton and Mattawan with Van Buren County, MI; North East and Buffalo with Erie County, PA; Bay City with Bay County, MI; Syracuse with Onondago County, NY; Rochester and Fairport with Monroe County, NY; Utica with Oneida County, NY; Amsterdam with Montgomery County, NY; Schenectady with Schenectady County, NY; Albany with Albany County, NY; Troy with Rensselaer County, NY; Binghanton with Broome County, NY; Fulton and Oswego with Oswego County, NY; Blue Island with Cook County, IL; Effingham with Effingham County, IL; Eureka with Woodford County, IL; Morrision with Whiteside County, IL; Morton and Washington with Tazewell County, IL; Nappanee with Elkhart County, IN; Mishawaka with St. Joseph County, IN; Wilmington with New Castle County, DE; Boothbay Harbor with Lincoln County, ME; Portland with Cumberland County, ME; Rockland with Knox County, ME; Springdale with Washington County, AR; Coffeyville with Montgomery County, KS; Fort Dodge with Webster County, IA; Estherville with Emmet County, IA; Prairie du Chien with Crawford County, WI; Madison with Dane County, WI; Austin with Mower County, MN; Albert Lea with Freeborn County, MN; Owatonna with Steele County, MN; Faribault with Rice County, MN; Newport with Washington County, MN; South St. Paul with Dakota County, MN; Brockport and Webster with Monroe County, NY; Geneva with Ontario County, NY; Le Roy with Genesee County, NY; Medina and Morton with Orleans County, NY; Ontario, Ontario Center, and Sodus with Wayne County, NY; Ottumwa with Wapello County, IA; Lincoln with Lancaster County, NE; Marshall with Saline County, MO; Macon and Decatur with Macon County, MO; Milan with Sullivan County, MO; Carrollton with Carroll County, MO; Moberly with Randolph County, MO; Sharon and Farrell with Mercer County, PA; Pittsfield with Berkshire County, MA; Kankakee, Bradley, and Momence with Kankakee County, IL; Storm Lake with Buena Vista County, IA; Rochelle with Ogle County, IL; West Point with Cuming County, NE; Worthington with Nobles County, MN; Mansfield with Bristol County, MA; Darien with Walworth County, WI; Eagle Grove with Wright County, IA; Cedar Rapids with Linn County, IA; Monmouth with Warren County, IL; Spencer with Clay County, IA; Phelps City with Atchison County, MO; Cherokee with Cherokee County, IA; Grand Island with Hall County, NE; Fort Atkinson with Jefferson County, WI; Denison with Crawford County, IA; Fort Dodge with Webster County, IA; South Bend and Mishawaka with St. Joseph County, IN; Elkhart and Goshen with Elkhart County, IN; Holland with Dubois County, IN; Peru with Miami County, IN; Richmond with Wanye County, IN; Fort Wayne with Allen County, IN; Logansport with Cass County, IN; Indianapolis with Marion County, IN; La Porte with La Porte County, IN; Lafayette with Tippecanoe County, IN; Berne with Adams County, IN; Evansville with Vanderburgh County, IN; Carbondale with Jackson County, IL; Champaign with Champaign County, IL;

Danville with Vermillion County, IL; Joliet with Will County, IL; Streator with La Salle County, IL; Rockford with Winnebago County, IL; Peoria with Peoria County, IL; Springfield with Sangamon County, IL; Rock Island, Milan and Moline with Rock Island County, IL; Salem with Columbiana County, OH; Youngstown with Mahoning County, OH; Warren with Trumbull County, OH; West Richfield with Summit County, OH; Kimberton with Chester County, PA; Scranton with Lackawanna County, PA; Pittston with Luzerne County, PA; Schuyler with Colfax County, NE; Garden City with Finney County, KS; Sterling with Whiteside County, IL; Lafayette with Tippecanoe County, IN; Duryea with Luzerne County, PA; Mason City with Cerrto Gordo County, IA; Green Bay with Brown County, WI; Perry with Dallas County, IA; Worthington with Nobles County, MN; Mankato with Blue Earth County, MN; Albert Lea with Freeborn County, MN; Fairmont with Martin County, MN; Winnebago with Fairbault County, MN; Brockton with Plymouth County, MA; Beardstown with Cass County, IL; Bureau with Bureau County, IL; Sterling with Logan County, CO; Fort Morgan with Morgan County, CO; Fulton and Oswego with Oswego County, NY; Burlington with Racine County, WI; Springfield with Hampden County, MA; Logansport with Cass County, IN; Green Bay with Brown County, WI; Parkersburg with Wood County, WV; Orma with Calhoun County, WV; Barnsville with Belmont County, OH; Altoona with Blair County, PA; Harrisburg with Dauphin County, PA; Easton with Northampton County, PA; Barnesboro with Cambria County, PA; Waterford with Washington County, OH; Stamford with Fairfield County, CT; Clinton with Middlesex County, CT; Monticello with White County, IN; Ambler with Montgomery County, PA; Fieldsboro with Burlington County, NJ; Perth Amboy and New Brunswick with Middlesex County, NJ; Bloomington with Hennepin County, MN; Delaware City with New Castle County, DE; Port Newark with Essex County, NJ; Oakville with Litchfield County, CT; Waterloo with De Kalb County, IN; Northfield with Rice County, MN; South Bound Brook and Raritan with Somerset County, NJ; Bonner Springs and Loring with Wyandotte County, KS; Marcus Hook with Delaware County, PA; Glens Falls with Warren County, NY; Angola with Steuben County, IN; Sycamore with De Kalb County, IL; Sturgis with St. Joseph County, MI; Kalamazoo with Kalamazoo County, MI; Spring Grove with York County, PA; Troy with Miami County, OH; Passaic with Passaic County, NJ; Neenah with Winnebago County, WI; Cambridge with Middlesex County, MA.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.10(b).

MC 123061 (Sub-140)X, filed April 20, 1981. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, P.O. Box 16026, Salt Lake City, UT 84116. Representative: Harry D. Pugsley, 940 Donner Way No. 370, Salt Lake City, UT 84108. Applicant seeks to remove restrictions in its Sub-Nos. 17 (part), 25, 34, 36, 37, 49, 52, 61, 69, 92, 94, 105F, 119F, and 135F certificates and E-1 letter notice, to (A) broaden the commodity description in each to "building materials and supplies" from lumber, lumber and mill products (except shingles and shakes), shingles, lime and lime products (in bulk or in bags), aggregate, brick and clay tile, and masonry products; (B) remove restrictions against the transportation of shipments originating at the names origins and destined to the named destinations in Sub-Nos. 36, 49, and 61; and (C) broaden the territorial descriptions from one-way service to radial service in all certificates.

MC 125687 (Sub-25)X, filed April 24, 1981. Applicant: EASTERN STATES TRANSPORTATION PA., INC., 1060 Lafayette Street, York, PA 17405. Representative: Jeremy Kahn, Suite 733 Investment Building, 1511 K Street, NW., Washington, DC 20005. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 9, 10, 14, 19F, 20F and 21F certificates to (1) broaden the commodity descriptions as follows: in the lead and Sub-Nos. 2, 10, 14, and 19F, from malt beverages (some in containers), to "food and related products"; in the lead and Sub-Nos. 9, 20F and 21F, from paper and paper products, paperboard, printed or otherwise, and materials, equipment and supplies used in the manufacture and distribution of paper and paper products (except in bulk, in tank vehicles), to "pulp, paper and related products"; (2) broaden the territorial scope by replacing one-way radial authority in the lead and Sub-Nos. 2, 10, 14, 19F, 20F and 21F, and replacing named plantsite or city-wide authority with county-wide authority as follows: in the lead, Newark and points within 30 miles thereof with Essex, Hudson, Bergen, Union, Monmouth, Middlesex, Somerset, Morris, Sussex and Passaic Counties, NJ, New York, NY, and Nassau, Westchester, and Rockland Counties, NY, and Bordentown with Burlington County, NJ; in Sub-No. 2, Natick with Middlesex County, MA; in Sub-No. 9, Lock Haven with Clinton County, PA; in Sub-No. 10, Williamsburg with James City County, VA, and Easton, Elkton, Frostburg and Berlin with, respectively, Talbot, Cecil, Allegany and Worcester Counties, MD; in Sub-No. 14, Lysander with Onondaga County, NY; in Sub-No. 19F, Rochester with Monroe County, NY; in Sub-No. 20F, Riegelsville with Bucks County, PA; and in Sub-No. 21F, Erie and Lock Haven with Erie and Clinton Counties, PA, and Oswego with Oswego County, NY.

MC 129526 (Sub-16)X, filed April 30, 1981. Applicant: FACTOR TRUCK SERVICE, INC., 2607 Old Rodgers Road, Bristol, PA 19007. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 7, 10, 11, 12, 13, 14, 15, and 16 permits to (1) broaden the commodity descriptions from (a) in its lead and Sub-Nos. 2 and 3 from fluorescent lighting fixtures, electric transformers, plastic sheets and extrusions, and parts and accessories for fluorescent lighting fixtures to "machinery and rubber and plastic products"; (b) in Sub-No. 7, (1) from toys, bicycles, sporting goods and infant furniture to "furniture and fixtures, transportation equipment and miscellaneous products of manufacturing" and (2) from corrugated containers and materials used in the construction of corrugated containers to "pulp, paper and related products" and (3) from fluorescent lighting fixtures and parts and accessories thereof, plastic sheets and extrusions, fluorescent lamps, glass and electrical transformers to "machinery, rubber and plastic products and clay, concrete, glass or stone products"; (c) in Sub-Nos. 11 and 12, from electric lighting fixtures and parts for electric lighting fixtures and glass used in the manufacture of lighting fixtures to "machinery and clay, concrete, glass or stone products"; (d) in Sub-No. 13, from grinding wheels and materials used in the manufacture of grinding wheels to "machinery"; (e) in Sub-No. 14, from printed matter and catalogs to "printed matter"; (f) in Sub-No. 15, from bakery products (except commodities in bulk), seasoning powders and corn meal, in bags, to "food and related products"; (g) in Sub-No. 16, from footwear to "rubber and plastic products and leather and leather products"; and, (2) to broaden its territorial descriptions to between points in the U.S. under continuing contract(s) with named shippers.

MC 133666 (Sub-32)X, filed April 28, 1981. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Ave.

So., Wheaton, MN 56296. Representative: Thomas J. Burke, Jr., 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, 4, 13, 15, 20, 23F, 26F, 27, and 29F certificates to (1) broaden the commodities descriptions to "commodities in bulk" from: anhydrous ammonia, in bulk in the lead and Sub-Nos. 1, 13, and 15; liquefied petroleum gas, in bulk in Sub-No. 2; asphalt and road oils, in bulk in Sub-No. 4; liquid fertilizer, in bulk in Sub-No. 20; road asphalt and fuel oils in Sub-No. 23F; road asphalt, road oil, and fuel oils, in bulk in Sub-Nos. 26F and 27; and petroleum products, in bulk in Sub-No. 29F; (2) eliminate the in tank vehicle restriction wherever it appears in the above named certificates; (3) change its one-way authorities to radial authorities between points in central U.S.; (4) remove named-point authority and replace with county wide authority as follows: Whiting, Early and Garner with Monona, Sac and Hancock Counties, IA, and, Borger, with Hutchinson County, TX, in the lead; Spencer with Clay County, IA, in Sub-No. 1; Glenwood with Pope County, MN, in Sub-Nos. 2 and 13; Barnesville and Benson with Clay and Swift Counties, MN, in Sub-No. 15; Alexandria with Douglas County, MN, in Sub-No. 20; Casper and Cody with Natrona and Park Counties, WY; and Billings and Laurel with Yellowstone County, MT, in Sub-No. 27; and (5) remove the facilities limitations in the lead and Sub-Nos. 1, 13, and 15.

MC 136051 (Sub-5)X, filed April 29, 1981. Applicant: RPD, INC., 3600 N.W. 82nd Ave., Miami, FL 33166. Representative: Warren A. Goff, 2006 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions from its Sub-No. 1 permit to: (1) broaden the commodity description from motor vehicle parts, materials and supplies, and equipment, materials, and supplies utilized in the manufacture thereof (except commodities in bulk) to "transportation equipment and equipment materials, and supplies used in the manufacture thereof; and (2) expand its territorial description to "between points in the U.S. under continuing contract(s) with a named shipper.

MC 143209 (Sub-11)X, filed March 9, 1981; previously noticed in the Federal Register of March 23, 1981, republished as corrected this issue. Applicant: HOUSTON FREIGHTWAYS, INC., 10010 Clinton Drive, Galena Park, TX. Representative: C. W. Ferebee, 720 N. Post Oak, Suite 230, Houston, TX 77024. Applicant seeks to remove restrictions in its Sub-Nos. 3, 7F and 9F certificates to (1) broaden the commodity descriptions to "petroleum or coal products", from coal tar and coal tar products, rust preventive pipeline coating and petroleum pitch in Sub-Nos. 3, 7, and 9F; (2) remove the commodity restrictions in Sub-Nos. 3, 7, 9; (3) authorize county-wide service for city-wide authority; Morris County for Lone Star, TX; Larimer County for Fort Collins, CO; and Jefferson County for Birmingham, AL, in Sub-No. 7; Larimer County for Fort Collins, CO, and Canadian County for El Reno, OK, in Sub-No. 9; (4) authorize radial service in lieu of existing one-way authority between the above counties and points in CO, AL, OK, LA, AR, in all three Sub-Nos. The purpose of this republication is correct the commodity description to read to "petroleum or coal products" in all Sub-Nos.

MC 147647 (Sub-4)X, filed April 22, 1981. Applicant: LOUIE R. PARRISH, AND ALICE R. PARRISH, d.b.a. PARRISH TRUCK LINE, P.O. Box 782, Monticello, AR 71655. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)," (2) authorize service at all intermediate points in its regular route authority on its regular routes in TN and AR and (3) to replace authority to serve a named facility as are off-route point with county-wide authority: facilities at or near Rohwer, AR and Hermitage, AR with off-route points in Desha County, AR and Bradley County, AR, respectively.

MC 148655 (Sub-14)X, filed April 22, 1981. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, Cleveland, OH 44101. Representative: R. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 5, 6, and 7 certificates to (1) broaden the commodity descriptions (a) from animal food, animal food ingredients, animal food supplements and additives and materials, and supplies used in their manufacture and distribution to "food and related products" in Sub-No. 5; (b) from carpet strip and carpet adhesives to "metal products, and chemicals and related products" in paragraph (1) of Sub-No. 6, and from nails to "metal products" in paragraph (2) of Sub-No. 6; (c) from adhesives, cleaning, preserving and sealing products, solvents, stains, plastic carpet, carpet strips and mouldings and equipment and supplies used in their manufacture to "chemicals and related products, rubber and plastic products, metal products, and lumber and wood products", in Sub-No. 7; (2) replace authority to serve cities or shippers facilities at named points with county designations (a) Coles County, IL (Mattoon), in Sub-No. 5; (b) Buncombe County, NC (Asheville), Chatham and Bryan Counties, GA (Savannah) in Sub-No. 6; (c) Kalamazoo County, MI (Kalamazoo) and Montgomery and Greene Counties, OH (Dayton), in Sub-No. 7; (3) change its one-way authority to radial authority between points in the U.S. in and East of MT, WY, CO, and NM in Sub-Nos. 6 and 7; (4) eliminate except commodities in bulk restrictions in Sub-Nos. 5 and 7; (5) eliminate the except AK and HI restrictions in Sub-No. 5; and (6) eliminate the originating at or destined to restriction in Sub-No. 5.

MC 149306 (Sub-14)X, filed April 15, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box "P", Sellersburg, IN 47172. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in the lead, and Sub-Nos. 2F, 6F, and 7F certificates, and No. MC-142062 Sub-Nos. 1, 3, 4, 8, 14F, 21F, 23F, 29F, 35F, and 38F permits to (A) broaden the commodity descriptions: to "food and related products" from bananas and sugar in Sub-Nos. 6 and 7 certificates; to "building and construction materials" from interior ceiling systems, and parts and accessories in Sub-No. 1 permit, to "clay, concrete, glass and stone products" from mineral wool and mineral wool products in Sub-No. 4 permit; to "metal products" from aluminum and aluminum products, and custom wheels and parts, in Sub-Nos. 8 and 23 permits; and to "Chemicals and related products" from cleaning and buffing compounds in Sub-No. 14 permit; and remove exceptions of "commodities in bulk" in Sub-Nos. 1, 3, 4, 14, 21, 29, 35, and 38 permits, and also frozen commodities and fresh meats in Sub-No. 3 permit; (B) broaden the territorial description in all permits to authorize service between points in the U.S., under continuing contract(s) with named shippers; and (C) remove the exception excluding service in AK and HI in the lead certificate, change one-way operations to radial service in all certificates, and substitute county-wide authority in place of the named facilities and cities, as follows: lead certificate, between Pima County, AZ (facilities near Tucson, AZ), and, points in the U.S.; and Sub-No. 6, between Charleston, SC, Mobile County, AL

(Mobile, AL), Tampa, FL, Harrison County, MS (Gulfport, MS), New Orleans, LA, Houston, TX, Galveston County, TX (Galveston, TX), and, Cincinnati, OH, and Louisville, KY.

[FR Doc. 81-14281 Filed 5-11-81; 8:45 am]
BILLING CODE 7025-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a),(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the Forty-Third meeting of the Board for International Food and Agricultural Development (BIFAD) on May 28, 1981.

The purpose of the meeting is to receive and discuss reports on: Title XII in the 1980's; Public Education Efforts in A.I.D.; and activities of the Internal Work Group on University Relations and subsequent A.I.D. follow-up. A presentation also will be given on A.I.D. and the Challenge of World Hunger; and the BIFAD will meet with its support staff to discuss staff actions and operational procedures.

The meeting will begin at 9:00 a.m. and adjourn at 12:30 p.m., and will be held in Room 1105, New State Department Building, 22nd and C Street, N.W., Washington, D.C. The meeting with the BIFAD Support Staff will begin at 1:30 p.m. and adjourn at 3:00 p.m. This meeting will be held in Room 5941, New State Department Building, 22nd and C Street, N.W., Washington, D.C. The meetings are open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with the procedures established by the Board, and to the extent the time available for the meetings permit. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting room.

Dr. Erven J. Long, Coordinator Title XII Strengthening Grants and University Relations, Development Support, Agency for International Development (A.I.D.), is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency of International Development, State Department, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: May 7, 1981.

Curtis H. Barker,

Deputy Coordinator for Title XII Strengthening Grants and University Relations, Bureau for Development Support.

[FR Doc. 81-14282 Filed 5-11-81; 8:45 am]
BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enjoin Emission of Air Pollutants

In accordance with Departmental Policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Watervliet Paper Company*, Civil Action No. K81-102 CA8, has been lodged with the United States District Court for the Western District of Michigan. The proposed consent decree would establish a compliance program for Watervliet Paper Company's pulp and paper plant at Watervliet, Michigan, to bring that facility into compliance with the Clean Air Act, 42 U.S.C. 7401 *et seq.*

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *Watervliet Paper Company*, D.J. Ref. No. 90-5-2-1-375.

The proposed consent decree may be examined at the office of the United States Attorney, Western District of Michigan, 544 Federal Building and U.S. Courthouse, 110 Michigan Street N.W., Grand Rapids, Michigan 49503; at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 2644, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-14204 Filed 5-11-81; 8:45 am]
BILLING CODE 4410-01-M

Proposed Consent Judgments in an Action To Require Control of Air Pollutants at ASARCO Copper Smelter in Arizona

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *ASARCO Incorporated*, Civil Action No. CIV-81-110-TUC-ACM has been lodged with the District Court of Arizona. The proposed decree requires the defendant to comply with the Clean Air Act at its smelter in Hayden, Arizona. In particular the decree requires ASARCO to install innovative technology to modify existing process equipment in order to comply with sulfur dioxide and particulate regulations applicable to the smelter.

The Department of Justice will receive written comments relating to the proposed judgment until June 11, 1981. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C., 20530, and refer to *United States* v. *ASARCO Incorporated* (D.J. Ref. No. 90-5-2-1-469.)

The proposed decree may be examined at the Office of the United States Attorney, 3rd Floor, Acapulco Building, La Placida Village, 120 West Broadway, Tucson, Arizona, at the Region IX Office of the Environmental Protection Agency, Enforcement Division, 215 Fremont Street, San Francisco, California 94105, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In order to cover the reproduction costs, all requests for copies must be accompanied by a check or a money order made out for $12.00 to the Treasurer of the United States.

The Department of Justice will receive written comments on the proposed settlements for thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-14205 Filed 5-11-81; 8:45 am]
BILLING CODE 4110-01-M

Office of Juvenile Justice and Delinquency Prevention

Publication of Proposed Office of Juvenile Justice and Delinquency Prevention Funding Policy for the Balance of Fiscal Year 1981

AGENCY: Office of Juvenile and Delinquency Prevention, Justice.

ACTION: Publication of Proposed Office of Juvenile Justice and Delinquency Prevention Funding Policy for the Balance of Fiscal Year 1981.

SUMMARY: Notice is given that the Office of Juvenile Justice and Delinquency Prevention (OJJDP), in carrying out the continuation policy set out at 46 FR 7109 (January 22, 1981), and planning for implementation of the Administration's proposed phaseout of programs funded under Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 in Fiscal Year 1982, proposes to utilize remaining unobligated Fiscal Year 1981 categorical grant funds primarily to fulfill binding Fiscal Year 1981 grant continuation commitments. The Office will fund no new categorical programs or projects unless they are determined by the Administrator to be priorities consistent with the Administration's future plans or constitute an exceptional circumstance. The Catalog of Federal Domestic Assistance reference for Special Emphasis and Technical Assistance programs is 16.541, and for the National Institute for Juvenile Justice and Delinquency Prevention is 16.542.

This announcement does not require a Regulatory Impact Analysis under section 3d of Executive Order 12291, or a regulatory flexibility analysis under the Regulatory Flexibility Act, Pub. L. 354.

DATES: Comments must be submitted on or before June 11, 1981. An expedited comment period is required in light of the short time remaining in the fiscal year.

FOR FURTHER INFORMATION CONTACT: Charles A. Lauer, Acting Administrator, Office of Juvenile Justice and Delinquency Prevention, Telephone: 202/724-7751.

SUPPLEMENTARY INFORMATION: The Office of Juvenile Justice and Delinquency Prevention was established by Title II of the Juvenile Justice and Delinqency Prevention Act of 1974. The Title II grant program consists of formula grants to the States and categorical grants made directly by the Office. The Administration's budget proposal for Fiscal Year 1982 provides no additional funds for new or continuation grants or other Title II program activities administered by the Office of Juvenile Justice and Delinquency Prevention. States may have authority to fund juvenile justice grants for the types of activities currently funded under the grant portion of the program through the Department of Health and Human Services' social service consolidated block grant program. If enacted, requests or competitive applications for funds would be directed to the State agency responsible for administration of the Social Services Block Grant Act. No continuations of the Office's categorical grant programs and projects, which would otherwise be eligible for continuation consideration in Fiscal Year 1982 or 1983, can be anticipated from direct Federal fund sources.

It is the intention of the Office to fulfill the public interest and to act in a manner consistent with the Administration's proposed budget with those Title II funds that remain available for the balance of Fiscal Year 1981. Of primary concern to the Office is the need to assure responsible financial accountability and administration of Fiscal Years 1979-81 funds which will continue to be available for obligation or expenditure in Fiscal Years 1982-83. Even without new appropriations for categorical programs on or after October 1, 1981, the Office will avoid premature grant termination actions (except for cause) and will attempt to make the best possible use of available funds. It is not in the best interest of the government to begin or continue projects which cannot be completed. To this end, the general funding plan will be to forego funding of new activities and to complete or bring to a useable stage as many ongoing activities as possible. This plan will be carried out as specified in this policy except to the extent that formal rescissions or deferrals of current spending authority are approved by Congress.

Policy

Continuation Grants.—The policy proposed below is consistent with the Office of Juvenile Justice and Delinquency Prevention continuation funding policy announced at 46 FR 7109 (January 22, 1981). The proposed fund allocations are based largely on OJJDP's interests in completing recent major successful programs and facilitating the orderly phaseout of the OJJDP program consistent with the Administration's budget proposal which is pending before the Congress. The proposed selection of programs for continuation reflects criterion 6 of the previously published policy, "circumstances indicate that continued funding would be in the best interests of the government." The remaining criteria, which focus on which particular projects should be continued within an eligible program, will be applied to continuation decisions made during the balance of Fiscal Year 1981.

The categorical grant programs of the Office generally provide for a fixed term of activity under the "project period" system of award. Under this system, grant activities are approved for a fixed "project period" constituting the entire activity of the grant and are funded by separate awards under shorter "budget periods." The major Special Emphasis program slated for refunding of an additional budget period within an existing project period in Fiscal Year 1981 is the Restitution program. The final budget period for Restitution projects will be funded to the maximum extent funds have been allocated and are available for these commitments.

Miscellaneous Special Emphasis grant projects awarded outside of or prior to the adoption of the project system will not be considered for continuation funding unless there is a written commitment incorporated in the grant award to provide continuation funding beyond the current expiration date of the grant, or if the project meets the criteria set forth below for funding of new grant applications. This restriction is necessary because project period continuations have a higher funding priority under established agency policy and adequate Fiscal Year 1981 continuation funds are not available to be set aside for the refunding of all projects which were not awarded under the project period system.

Research and training programs of the National Institute for Juvenile Justice and Delinquency Prevention are undergoing review to determine those activities which are currently due for refunding and can be completed or brought to a useful stage with the remaining Fiscal Year 1981 funds available. No new activities will be started except as required by law or in accordance with competitive research grant programs announced in prior fiscal years. No training projects that have met their current objectives or completed their project period will be considered for refunding except those which

provide direct training of juvenile justice system personnel or law related education. Long range research or training efforts with no reasonable expection of successful implementation without multi-year funding will not be refunded. These restrictions on eligibility for refunding of Institute categorical grants are necessary for the reasons set forth above.

"No Cost" Extensions.—No categorical grantee has a right to a "no cost" extension beyond the initial scheduled termination date of a grant. With the expected phaseout of Office staff and avialable support activities, it is the policy of the Office that "no cost" extensions will not normally be granted. However, for good cause, the Office will consider "no cost" extensions on a case-by-case basis. Good cause will include the potential for cost assumption by other fund sources or the completion of activities so that cost assumption can be given consideration by State budget offices, State legislatures, or other potential continuation fund sources.

New Grant Applications.—The Office does not anticipate the award of new categorical grants for the balance of this fiscal year. No program announcements for new grants are being issued. Exception will only be considered where the Administrator determines that there is a public safety emergency, a pre-existing legal commitment, or where significant program models or activities near completion should be completed. Grant or contract activities which are consistent with the Administration's budget proposal or which otherwise constitute a high priority of the Administration will also be considered for funding as a partial exception. Examples include programs relating to juvenile victims of crime, serious or violent criminal activity, and programs that were previously started and require completion or refinement so that the Administration can make decisions which may affect future activity in these areas. Activities requiring reprogrammed funds to phaseout State, Office of Juvenile Justice and Delinquency Prevention and Department of Justice responsibilities in the Title II formula grant program may also require funding and will be considered to the extent funds can be made available.

Dated: May 5, 1981.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 81-14189 Filed 5-11-81; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

[Application Nos. D-2414 and 2415]

Proposed Exemption for Certain Transactions Involving the Hancock Manufacturing Co., Inc., Salaried Employees Retirement Plan, and the Hancock Manufacturing Co., Inc.; Pension Plan Covering Employees in Local No. 3703, U.S.W., Located in Toronto, Ohio

AGENCY: Office of Pension and Welfare Benefit Programs (P&WBP), Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt (1) a loan of $160,000 and a loan of $340,000 (the Loans) from, respectively, the Hancock Manufacturing Co., Inc. salaried Employees Retirement Plan (Salaried Plan) and the Hancock Manufacturing Co., Inc. Pension Plan Covering Employees in Local No. 3703, U.S.W. (Union Plan), (collectively, the Plans) to the Hancock Manufacturing Co., Inc. (the Employer), a party in interest with respect to the Plan; and (2) the personal guarantee of the Employer's obligations pursuant to each Loan by Messrs. David L. Brennan (Brennan), Richard M. Hamlin (Hamlin), and James F. McCready (McCready), parties in interest with respect to the Plans. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plans, the Employer, and any other persons participating in the proposed transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before July 1, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application Nos. D-2414, and 2415. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Salaried Plan and the Union Plan are defined benefit plans with, respectively, approximately 38 and 177 participants. Messrs. Brennan, Hamlin and L. L. Seese are the trustees (the Trustees) of each Plan and jointly maintain sole responsibility for the investment decisions of the Plans. Each Trustee is an officer and director of the Employer. As of December 31, 1980, the Salaried Plan and the Union Plan had assets having a market value of $529,641 and $1,157,641, respectively.

2. The Employer engages in metal stamping and the fabrication of steel products and assemblies. For the fiscal year ending October 31, 1980, the Employer's sales totalled approximately $11.2 million. The Employer's net worth is approximately one-half million dollars.

3. The applicant is requesting an exemption for the Loans by the Plans to the Employer. The Loans from the Plans represent approximately 30 percent of each Plan's assets as valued on December 31, 1980. The proceeds from the Loans would be used as working capital by the Employer.

4. Each proposed Loan will be evidenced by a cognovit promissory note bearing interest payable quarterly

at the greater of 1 percent over the BancOhio National Bank's prime rate in effect as of the first day of each quarter, or 11 percent per annum. Each Loan will be repaid in five years with the original principal amount of each Loan to be repaid in twenty (20) equal quarterly installments.

5. The Loans will be secured by all of the Employer's raw material inventory, which consists of raw steel, presently owned or hereafter to be owned by the Employer (the Collateral). The Plans will maintain perfected first security interests in the Collateral through the execution and filing by the Employer of security agreements on behalf of the Plans. The Employer will incur all costs necessary to obtain and preserve the Collateral, including, but not limited to, paying all taxes, assessments, insurance premiums, repairs, rent and storage costs. The Employer will warrant to own throughout the terms of the Loans all Collateral free from any adverse claims, security interests (other than security interests granted to the Plans) or encumbrances. The Collateral will be kept fully insured throughout the terms of the Loans and the Plans will be the named insureds.

6. A complete appraisal by an independent appraiser, Joseph L. Connell (Connell) of Metals Co., McKees Rocks, Pennsylvania, determined that, as of December 31, 1980, the Collateral had a market value, based on the mill price of the Collateral to companies utilizing the Collateral for the same purpose as the Employer, of $918,675. This value represents approximately 183% of the Loans. Connell represents that the current mill price of the Collateral is not expected to decrease appreciably over the next five (5) years, and that the Collateral would be marketable if it is to be resold.

7. The security agreements provide that the value of the Collateral shall be not less than 175 percent of the outstanding principal balance of the Loans during the first year of the Loans' terms and not less than 200 percent of the outstanding principal balance of the Loans during the remaining four years of the Loans' terms. The three shareholders of Hanco, Inc. (the parent company of the Employer), Brennan, Hamlin, and McCready, (the Guarantors) will personally guarantee to cure any default by the Employer which is not cured within thirty days from the receipt by the Employer of such notice of default. As of June 1980, the combined net worth of the Guarantors was in excess of ten million dollars.

8. The Harter Bank and Trust Company (the Bank) will enter into an agreement with the Employer to serve as the fiduciary of each Plan with respect to the Loans. The applicant represents that the Bank is completely independent of the Employer and does not maintain any banking relationship with the Employer. The Bank has reviewed and examined all of the relevant documents pertaining to the proposed Loans, including the promissory notes, security agreements, the contracts of personal guarantee by the Guarantors as well as the financial statements of the Guarantors, the Employer, and Hanco, Inc. and has determined that the proposed Loans are appropriate and are in the best interests of the Plans and their participants and beneficiaries. The Bank will collect the required principal and interest payments pursuant to the Loans and will completely monitor the terms and conditions of the Loans. The Bank will take a physical inventory of the Collateral at least four times a year to ensure that the value of said Collateral is not less than 175 percent of the outstanding principal balance of the Loans during the first year of the Loans' terms, and not less than 200 percent of the outstanding principal balance of the Loans during the remaining four years of the Loans' terms. If the Bank resigns or is removed, there shall be appointed in its stead another corporate trust company, bank, or banking association which maintains no banking relationship with the Employer.

9. In summary, the applicant represents that the Loans will satisfy the criteria of section 408(a) of the Act because (a) the Plans' Trustees represent that the proposed Loans are in the best interests of the Plans; (b) the proposed Loans will enable the Plans to realize a high rate of return; (c) the Plans will have a perfected first security interest in insured Collateral having a value substantially in excess of the outstanding principal balances of the Loans; (d) the Guarantors will personally guarantee the repayment of the Loans; and (e) an independent party, the Bank, will serve as the fiduciary of the Plans with respect to the Loans and will completely monitor the terms and conditions of the Loans.

Notice to Interested Persons

Within twenty days after its publication in the Federal Register (June 1, 1981), a copy of this notice of pendency will be posted on bulletin boards at the Employer's place of business. Beneficiaries currently receiving benefits and former employees in a deferred, vested benefit status will receive such notice by ordinary mail. Such notice shall inform these persons of their right to comment on or request a hearing regarding the requested exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of secton 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in an prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and Code, including statutory or administrative exemptions and transitional rules. Furthermore the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application

for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to (1) the Loans by the Plans to the Employer as described above provided that the terms and conditions of the Loans are not less favorable to the Plans than those obtainable in similar transactions with an unrelated third party; and (2) the personal guarantee of the Employer's obligations pursuant to the Loans by the Guarantors.

The proposed exemption, if granted, will be subject ot the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 6th day of May 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–14300 Filed 5–11–81; 8:45]

BILLING CODE 4510–29–M

[Application No. D–2273]

Proposed Exemption for a Certain Transaction Involving the Pipe Fitters; Local 533 Pension Fund, Located in Kansas City, Mo.

AGENCY: Office of Pension and Welfare Benefit Programs (P&WBP), Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (The Code). The proposed exemption would exempt a loan of $1,200,000 by the Pipe Fitters Local 533 Pension Fund (the Plan) to the Pipe Fitters Association Local Union No. 533 (Pipe Fitters Union) and the Plumbers Local Union No. 8 (Plumbers Union) to provide permanent financing for a joint union office building and meeting hall. The proposed exemption, if granted, would affect the Pipe Fitters Union, the Plumbers Union, participants and beneficiaries of the Plan, and other persons participating in the transaction.

DATE: Written comments and requests for a public hearing must be received by the Department of Labor on or before June 30, 1981.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2273. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department of Labor, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit plan for the benefit of the members of the Pipe Fitters Union. The Plan has approximately 850 participants. As of December 31, 1979, the Plan has assets of approximately $16 million.

2. The Pipe Fitters Union was organized in 1913 and has jurisdiction over the Greater Kansas City area. It currently has 1,343 members. The Plumbers Union was organized in 1890. Its jurisdiction is also over the Greater Kansas City area, and it currently has 986 members.

3. The Pipefitters Union and the Plumbers Union (together, the Unions) have concluded that their current administrative offices and meeting facilities are totally inadequate given the fact that the current offices are located in less than desirable parts of the Kansas City area. Also, the office building occupied by the Plumbers Union has been sold, forcing it to move.

4. In 1971, the Unions jointly purchased land for the purpose of constructing joint union facilities in the future. Construction was commenced in September of 1979, and the building has now been completed. Construction financing for the project was obtained from Traders Bank of Kansas City, Missouri. Traders Bank, as construction lender, has monitored construction of the project in conjunction with Chicago Title Insurance Company, which will provide title insurance on the completed project.

5. The Plan proposes to loan not more than $1,200,000 to the Unions in order to pay off the construction lender. The duration of the loan is to be 10 years. The initial rate of the loan will be ¼ percent above the prevailing rate for equivalent loans in the Kansas City Metropolitan Area for the first five years. At the end of five years, the interest rate shall be the higher of the initial rate or the prevailing rate in the Kansas City area as determined by Financial Counselors, Inc., the Plan's independent fiduciary.

6. The loan is to be collateralized by the subject property, which includes the land and the completed building. The property has been appraised by Rogers M. McCrae & Co., an independent appraiser. Mr. McCrae is a senior member in the American Society of Appraisers. Mr. McCrae updated his appraisal of the property after the completion of the building, and as of February 2, 1981, he estimates the total market value of the property to be $1,822,924. This is in excess of 150 percent of the requested loan amount. The appraiser has also represented that the cost to adapt the building from the

current modified special use (office space with meeting hall) to a more common business use (general office space) would not be substantial. In addition to the collateral provided by the property, the Plan will receive the guarantees of the Unions.

7. Traders Bank of Kansas City has represented that it is prepared to extend permanent financing to the Unions on the same terms as the loan from the Plan, except that the interest rate would be at the prevailing interest rate for the Kansas City area. The Plan will be receiving ¼ percent more as an initial interest rate.

8. Financial Counselors, Inc., is a wholly owned subsidiary of Kidder, Peabody Co., Inc., and is a registered investment adviser under the Investment Adviser's Act of 1940. Financial Counselors, Inc., as independent fiduciary for the Plan, has made a determination that the proposed loan would be appropriate for the Plan for the following reasons: (1) the rate of interest would be very attractive to the Plan; (2) repayment of the loan would be favorable to the Plan because of its cash flow potential since the loan provides for both interest and principal payments to be made on a regular monthly basis; and (3) the proposed loan would only constitute about 7 percent of the total assets of the Plan at market. Financial Counselors, Inc. will monitor the loan transaction throughout its duration and take whatever action is necessary to enforce the rights of the Plan and its participants and beneficiaries.

9. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because (1) the Plan will receive ¼ percent greater interest than the prevailing rate for equivalent loans in the Kansas City Metropolitan Area; (2) the loan is secured by a parcel of improved real property with an appraised value that is more than 1½ times the amount of the loan, as well as the guarantees of the Unions; (3) the loan will be administered by an independent fiduciary investment adviser; and (4) the independent investment adviser has determined that the transaction is appropriate for the Plan and is in the best interests of its participants and beneficaries.

Notice to Interested Persons

All members of the Pipe Fitters Union and the Plumbers Union will be notified in writing within 10 days of the publication of this proposed exemption in the **Federal Register**. The notice will be provided by the publication in *The Labor Beacon*, a union newsletter that is regularly mailed to all current and retired union members, as well as by posting a copy at the current meeting halls of both unions. The notice will contain a copy of the notice of pendency of exemption and will specify the right of interested parties to comment and request a hearing with respect to the proposed exemption

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to a loan by the Plan to the Unions of not more than $1,200,000, based on the terms and conditions set forth above, provided that the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party at the time of consummation of the transaction.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 6th day of May 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–14281 Filed 5–11–81; 8:45 am]

BILLING CODE 4510–29–M.

Office of the Secretary

[TA–W–8409]

Eltra Corp., Prestolite Electronics Division, Decatur, Ala.; Negative Determination Regarding Application for Reconsideration, Correction

In FR Doc. 81–6210 appearing at page 13,862 in the **Federal Register** of February 24, 1981, the heading shown as "Notice of Affirmative Determination Regarding Application for Reconsideration" for the Eltra Corporation, Prestolite Electronics

Division, Decatur, Alabama (TA-W-8409), was inaccurate due to an editorial error. Therefore, the following change should be made:

1. On page 13,862, column 3, the heading is corrected to read, "Notice of Negative Determination Regarding Application for Reconsideration."

Signed at Washington, D.C., this 29th day of April 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-14236 Filed 5-11-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,950-1 and 12,506-8]

Ford Motor Co.; Ford Tractor Operations; Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of General Office, Troy, MI; Northwestern District Sales Office, Bloomington, MN; Southwestern District Sales Office, Dallas, TX; Northeastern District Sales Office, Cohoes, NY; South Central District Sales Office, Memphis, TN.

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of investigations regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigations were initiated on December 22, 1980 and March 23, 1981 in response to petitions which were filed on behalf of workers at the General Office, Troy, Michigan (TA-W-11,950); the Northwestern District Sales Office, Bloomington, MN (TA-11,951); the Southwestern District Sales Office, Dallas, TX (TA-W-12,506); the Northeastern District Sales Office, Cohoes, NY (TA-W-12,507); and the South Central District Sales Office, Memphis, TN (TA-W-12,508). Workers at these facilities provide administrative and support functions to Ford Motor Company's production of primarily farm tractors and tractor-loader-backhoes.

Since workers at these facilities did not produce an article within the meaning of section 222(3) of the Trade Act, they may be certified only if their separation was importantly caused by a reduced demand for their services from either the parent firm or from a firm related to Ford Motor Company by ownership or control. In either case, the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly and substantially relate to the product or products adversely impacted by imports.

The Department determined that increased imports contributed importantly to the decline in sales or production and to total or partial separations of workers at the Romeo, Michigan plant of Ford Tractor Operations of Ford Motor Company. Workers at this plant are engaged in the production of primarily farm tractors and tractor-loader-backhoes.

In 1979 Ford Motor Company began instituting cost efficiency programs throughout its corporate structure. In an effort to adjust production and inventory to demand, the number of shifts at assembly and component parts plants was reduced and many positions eliminated. Curtailed production operations have led to reductions in the need for support services and the elimination of many support positions. These support services are directly and substantially related to the production of import-impacted farm tractors and tractor-loader-backhoe.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with farm tractors and tractor-loader-backhoes produced by Ford Tractor Operations of Ford Motor Company contributed importantly to the decline in sales or production and to the total or partial separation of workers at the facilities of Ford Tractor Operations of Ford Motor Company listed in the appendix. In accordance with the provisions of the Act, I make the following certification:

All workers of the facilities of Ford Tractor Operations of Ford Motor Company listed in the appendix who became totally or partially separated from employment on or after the impact dates and before the termination dates listed in the appendix are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 5th day of May 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

Appendix

TA-W-	Office	Location	Impact date	Termination date
11,950	General Office	Troy, MI	12-11-79	None
11,951	Northwestern District Sales Office	Bloomington, MN	02-01-80	10-01-80
12,506	Southwestern District Sales Office	Dallas, TX	11-01-80	03-01-81
12,507	Northeastern District Sales Office	Cohoes, NY	11-01-80	03-01-81
12,508	South Central District Sales Office	Memphis, TN	11-01-80	03-01-81

[FR Doc. 81-14237 Filed 5-11-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9841-9842, 9844, 9846-9849, 9851-9858, 9862, 9866, 9869, 9872]

General Motors Corp.; Detroit, Mich.; Revised Determination on Reconsideration

On March 17, 1981, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers for the instant truck centers and zone sales offices of the GMC Truck and Coach Division of General Motors Corporation, Detroit, Michigan. This determination was published in the **Federal Register** on March 27, 1981 (46 FR 19116).

A company official claims that the significant employment decline criterion of the Trade Act of 1974 was met for the 19 truck centers and zone sales offices of the GMC Truck and Coach Division of the General Motors Corporation which was the basis for their denial.

The Department found in its reconsideration investigation that the significant employment decline criterion of the Act was met for all of the instant truck centers and zone sales offices of GMC Truck and Coach Division of General Motors except for the truck centers in Los Angeles, California; Miami, Florida; Chicago, Illinois; and Baltimore, Maryland, TA-W-9841, 9846, 9849 and 9851, respectively.

The Department has determined that increased imports contributed importantly to the decline in sales or production and to total or partial separations of workers at 20 of General Motors Corporation's car and truck assembly plants producing mid-size, standard and luxury/specialty cars, pick-up trucks, vans and general utility vehicles. The Department also certified workers at 70 GM component parts plants. The Department combined the worker certifications at the assembly

and component plants and published them in the Federal Register under one notice on September 9, 1980 (45 FR 59452).

On reconsideration, the Department found that the facilities listed in the appendix perform activities which primarily support the sales and production of GM vehicles which have been subject to import injury and that each of these facilities is substantially integrated into the production of import-impacted GM truck lines. Further, since U.S. auto manufacturers redesigned most of their vehicles and/or introduced completely new models from MY 1979 to MY 1981, the composition and distinguishable features of each market class of vehicles has changed substantially. As a result, the continuation of the recent impact of import competition that existed in MY 1979 and MY 1980 may not continue in MY 1981.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with vehicles and pick-up trucks produced at final assembly plants of General Motors Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers and former workers at the truck centers and zone sales offices of General Motors listed in the appendix. In accordance with the provisions of the Trade Act of 1974, I make the following revised determinations:

All workers of the support facilities of General Motors Corporation listed in the appendix who became totally or partially separated from employment on or after the impact date listed in the appendix and before November 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Further, I reaffirm after reconsideration, the original denial of eligibility to apply for adjustment assistance for all workers at GMC Truck and Coach Division's truck centers at Los Angeles, California, TA-W-9841; Miami, Florida, TA-W-9846; Chicago, Illinois, TA-W-9849 and Baltimore, Maryland, TA-W-9851.

Signed at Washington, D.C. this 30th day of April 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-14234 Filed 5-11-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9792, 9793, 9800, 9806, 9809, 9822-9826, 9830, 9839, 9843, 9805-9808, 9802-9900, 9802, 9805-9809, 9815, 9818-9820, 9822, 9824-9830, 9832-9834, 9836, 9838-9840]

General Motors Corp.; Detroit, Mich.; Revised Determination on Reconsideration

On March 24, 1981, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers for the instant regional and/or zone sales offices of the General Motors Corporation, Detroit, Michigan. This determination was published in the Federal Register on April 3, 1981 (46 FR 20325).

A company official claims that the significant employment decline criterion of the Trade Act of 1974 was met for the 62 instant regional and/or zone sales offices of the General Motors Corporation which was the basis for their denial.

The Department found in its reconsideration investigation that the significant employment decline criterion of the Act was met for all of the instant zone and regional sales offices of General Motors except for the Pacific Regional and Los Angeles, California zone sales office at Woodland Hills, California, TA-W-9863.

The Department has determined that increased imports contributed importantly to the decline in sales or production and to total or partial separations of workers at 20 of General Motors Corporation's car and truck assembly plants producing mid-size, standard and luxury/specialty cars, pick-up trucks, vans and general utility vehicles. The Department also certified workers at 70 GM component parts plants as eligible for trade adjustment assistance. The Department combined the worker certifications at the assembly and component plants and published them in the Federal Register under one notice on September 9, 1980 (45 FR 59452).

On reconsideration, the Department found that the facilities listed in the appendix perform activities which primarily support the sales and production of GM vehicles which have been subject to import injury and that each of these facilities is substantially integrated into the production of import-impacted GM car and truck lines. Further, since U.S. auto manufacturers redesigned most of their automobiles and/or introduced completely new models from MY 1979 to MY 1981, the composition and distinguishable features of each market class of vehicles has changed substantially. As a result, the continuation of the recent impact of import competition that existed in MY 1979 and MY 1980 may not continue in MY 1981.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with mid-size, standard and luxury/specialty automobiles, vans, utility vehicles and pick-up trucks produced at final assembly plants of General Motors Corporation contributed importantly to the decline in sales or production and to the total or partial separation of workers and former workers at the zone and regional sales offices of General Motors listed in the appendix. In accordance with the provisions of the Trade Act of 1974, I make the following revised determinations:

All workers of the support facilities of General Motors Corporation listed in the appendix who became totally or partially separated from employment on or after the impact date listed in the appendix and before November 1, 1980, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Further, I reaffirm after reconsideration, the original denial of eligibility to apply for adjustment assistance for all workers of General Motors' Pacific Regional and Los Angeles, California zone sales office at Woodland Hills, California, TA-W-9863.

Signed at Washington, D.C. this 30th day of April 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

TA-W	Facility	Impact date
	Buick Motor Division	
9792	Zone Sales Office, Atlanta, Georgia	Aug. 1, 1980.
9793	Chicago Zone Sales Office, Oak Brook, Illinois	Sept. 1, 1980.
9800	New York Zone Sales Office, White Plains, New York	Aug. 1, 1980.
9806	Zone Sales Office, Pittsburgh, Pennsylvania	Jan. 1, 1980.
9809	Dallas Zone Sales Office, Irving, Texas	Aug. 1, 1980.
	Cadillac Motor Car Division	
9822	Los Angeles Zone Sales Office, Westlake Village, California	May 1, 1980.
9823	San Francisco Zone Sales Office, Fremont, California	May 1, 1980.
9824	Zone Sales Office, Denver, Colorado	May 1, 1980.
9825	Zone Sales Office, Jacksonville, Florida	June 1, 1980.

TA-W	Facility	Impact date
9826	Zone Sales Office, Atlanta, Georgia	June 1, 1980.
9827	Chicago Zone Sales Office, Oak Brook, Illinois	Aug. 1, 1980.
9828	Kansas City Zone Sales Office, Overland Park, Kansas	May 1, 1980.
9829	Washington, D.C. Zone Sales Office, Rockville, Maryland	June 1, 1980.
9830	Boston Zone Sales Office, Wellesley, Massachusetts	June 1, 1980.
9831	Detroit Zone Sales Office, Southfield, Michigan	June 1, 1980.
9832	Minneapolis Zone Sales Office, Edina, Minnesota	May 1, 1980.
9833	New York Zone Sales Office, Paramus, New Jersey	May 1, 1980.
9834	Philadelphia Zone Sales Office, Cherry Hill, New Jersey	May 1, 1980.
9835	Cleveland Zone Sales Office, Beachwood, Ohio	May 1, 1980.
9836	Zone Sales Office, Cincinnati, Ohio	May 1, 1980.
9838	Zone Sales Office, Memphis, Tennessee	May 1, 1980.
9839	Dallas Zone Sales Office, Irving, Texas	June 1, 1980.
	Oldsmobile Division	
9885	Denver Zone Sales Office, Aurora, Colorado	June 1, 1980.
9886	Zone Sales Office, Jacksonville, Florida	July 1, 1980.
9887	Southeast Regional & Zone Sales Office, Atlanta, Georgia	June 1, 1980.
9888	Midwest Regional & Chicago Zone Sales Office, Oak Brook, Illinois	June 1, 1980.
9889	Zone Sales Office, Indianapolis, Indiana	June 1, 1980.
9890	Kansas City Zone Sales Office, Overland Park, Kansas	June 1, 1980.
9893	Central Regional & Detroit Zone Sales Office, Southfield, Michigan	June 1, 1980.
9894	Zone Sales Office, Minneapolis, Minnesota	July 1, 1980.
9895	St. Louis Zone Sales Office, Chesterfield, Missouri	June 1, 1980.
9896	Zone Sales Office, Omaha, Nebraska	July 1, 1980.
9897	Philadelphia Zone Sales Office, Moorestown, New Jersey	Dec. 1, 1979.
9898	Atlantic Regional & Zone Sales Office, Tarrytown, New York	July 1, 1980.
9899	Buffalo Zone Sales Office, Williamsville, New York	June 1, 1980.
9900	Zone Sales Office, Charlotte, North Carolina	June 1, 1980.
9902	Zone Sales Office, Cincinnati, Ohio	July 1, 1980.
9905	Zone Sales Office, Pittsburgh, Pennsylvania	July 1, 1980.
9906	Zone Sales Office, Memphis, Tennessee	June 1, 1980.
9907	Southwest Regional & Dallas Zone Sales Office, Irving, Texas	June 1, 1980.
9908	Zone Sales Office, Houston, Texas	June 1, 1980.
9909	Zone Sales Office, Milwaukee, Wisconsin	July 1, 1980.
	Pontiac Motor Division	
9915	Pacific Regional & Los Angles Zone Sales Office, Westlake Village, California	June 1, 1980.
9918	Zone Sales Office, Jacksonville, Florida	May 1, 1980.
9919	Zone Sales Office, Atlanta, Georgia	May 1, 1980.
9920	Chicago Zone Sales Office, Oak Brook, Illinois	May 1, 1980.
9922	Washington, D.C. Zone Sales Office, Rockville, Maryland	May 1, 1980.
9924	Detroit Zone Sales Office, Southfield, Michigan	July 1, 1980.
9925	Zone Sales Office, Minneapolis, Minnesota	May 1, 1980.
9926	Zone Sales Office, St. Louis, Missouri	May 1, 1980.
9927	Zone Sales Office, Omaha, Nebraska	June 1, 1980.
9928	Newark Zone Sales Office, Saddle Brook, New Jersey	May 1, 1980.
9929	Philadelphia Zone Sales Office, Cherry Hill, New Jersey	May 1, 1980.
9930	New York Zone Sales Office, Tarrytown, New York	May 1, 1980.
9932	Zone Sales Office, Charlotte, North Carolina	May 1, 1980.
9933	Zone Sales Office, Cleveland, Ohio	May 1, 1980.
9934	Zone Sales Office, Cincinnati, Ohio	May 1, 1980.
9936	Northwest Zone Sales Office, Portland, Oregon	June 1, 1980.
9938	Zone Sales Office, Memphis, Tennessee	April 1, 1980.
9939	Dallas Zone Sales Office, Irving, Texas	June 1, 1980.
9940	Zone Sales Office, Houston, Texas	May 1, 1980.

[FR Doc. 81-14235 Filed 5-11-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-5216]

ITT Thompson Industries, Division; Plant No. 4, Lake City, Fla., Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 7, 1980 in response to a petition which was filed on behalf of workers at Plant #4, Lake City, Florida of ITT Thompson Industries, Division. Workers at Plant #4 produce exterior moldings for the auto industry.

U.S. imports of exterior moldings (trim) increased absolutely and relative to domestic production in MY 1979 compared to MY 1978 and in MY 1980 compared to MY 1979.

A Department survey revealed that some of the customers of ITT Thompson which decreased puchases of exterior moldings from the subject firm increased purchases of imported exterior moldings during the period under investigation.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with exterior moldings produced at Plant #4 of ITT Thompson Industries, Division contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Plant #4, Lake City, Florida of ITT Thompson Industries, Division who became totally or partially separated from employment on or after June 12, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 5th day of May 1981.

James F. Taylor,
Director, Office of Management Administration and Planning.

[FR Doc. 81-14236 Filed 5-11-81; 8:45 am]
BILLING CODE 4510-28-M

[TA-W-10,687]

L & S Fashions, Inc., Amityville, N.Y.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on September 8, 1980 in response to a petition which was filed on behalf of workers at L & S Fashions, Inc., Amityville, New York. The workers produce women's coats.

U.S. imports of women's, misses' and children's coats and jackets increased in 1980 compared to 1979.

The Department conducted a survey of all the manufacturers from whom L & S Fashions received contracts. The survey revealed that these manufacturers substantially increased their imports of women's coats in 1979 compared to 1978 and in the January–November 1980 period compared to the same period of 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's coats produced at L & S Fashions, Inc., Amityville, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of L & S Fashions, Inc., Amityville, New York who became totally or partially separated from employment on or after August 18, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of May, 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-14229 Filed 5-11-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[81-45]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Subcommittee on Materials and Structures.

DATE AND TIME: June 8, 1981, 8:15 a.m. to 5 p.m.; June 9, 1981, 8:30 a.m. to 4 p.m.

ADDRESS: NASA Langley Research Center, Building 1229, Room 223, Langley Field, VA.

FOR FURTHER INFORMATION CONTACT: Dr. Leonard A. Harris, National Aeronautics and Space Administration, Code RTM-6, Washington, DC 20546 (202/755-2364).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Materials and Structures was established to review programs for the development of advanced materials and structures technology for space systems application. It is to recommend program modifications, deletions, or changes in scope or emphases to support over all NASA future spacecraft systems technology objectives. The Subcommittee, chaired by Dr. Bernard Budiansky, is currently comprised of seven members. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including the Subcommittee members and participants).

TYPE OF MEETING: Open.

Agenda

June 8, 1981

8:15 a.m.—Introductory Remarks.

8:30 a.m.—Office of Aeronautics and Space Technology

Long Range Overview.

10 a.m.—Review of Materials and Structures Space Long Range Plan.

12:45 p.m.—Presentation of Proposed New Activities FY 82 and FY 83.

3 p.m.—Subcommittee Discussion of Plans.

5 p.m.—Adjourn.

June 9, 1981

8:30 a.m.—Review of Ongoing Programs.

1 p.m.—Subcommittee Discussion.

4 p.m.—Adjourn.

Dated: May 5, 1981.

Frank J. Simokaitis,

Acting Associate Administrator for External Relations.

[FR Doc. 81-14182 Filed 5-11-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Notice of Meeting

AGENCY: National Commission for Employment Policy.

ACTION: Notice of Meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is given of a conference on vocational education issues and research held in Room 428, Marvin Center, George Washington University Campus, 800 21st Street, NW, Washington, DC.

DATE: May 28, 1981, 8:30 a.m. to 4:45 p.m. Matters to be considered: Participants will examine and evaluate the contribution of vocational education to the employment and training needs of the disadvantaged. The conference is intended to provide a forum for the discussion of research funded by the Commission together with other related research, with particular reference to their policy implications.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel Saks, Director, National Commission for Employment Policy, 1522 K Street, NW, Suite 300, Washington, DC 20005 (202-724-1545).

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established as Title V of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95-524). The Act gives the Commission the broad responsibility of advising the President and the Congress on national employment issues. This meeting is open to the public.

Signed in Washington, D.C., this 6th day of May, 1981.

Daniel H. Saks,

Director, National Commission for Employment Policy.

[FR Doc. 81-14228 Filed 5-11-81; 8:45 am]

BILLING CODE 4510-30-M

Notice of Meeting

AGENCY: National Commission for Employment Policy.

ACTION: Notice of Meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is given of the twenty-second meeting of the National Commission for Employment Policy at the Hay-Adams Hotel, 800 16th Street, NW., Washington, DC.

DATE: May 29, 1981, 9:00 a.m. to 4:00 p.m. Status: This meeting will be open to the public. Matters to be considered: Commission members will begin discussion of recommendations on vocational education. CETA reauthorization issues will be considered.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel Saks, Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washington, DC 20005 (202-724-1545).

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established as Title V of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95-524). The Act gives the Commission the broad responsibility of advising the President and the Congress on national employment issues. Business meetings are open to the public. People wishing to submit written statements to the Commission that are germane to the agenda may do so, provided that such statements are in reproducible form and are submitted to the Director at least two days before the meeting and not more than seven days after the meeting.

In addition, members of the general public may request to make oral presentations to the Commission, time permitting. Such statements must be applicable to the announced agenda and written application must be submitted to the Director at least three days before the meeting. This application should

include: name and address of applicant, subject of presentation, relation to agenda, amount of time needed, individual's qualifications to speak on the subject and a statement justifying the need for an oral rather than written presentation.

The Commission Chairman has the right to decide to what extent public oral presentations may be permitted at the meeting. Oral presentations will be limited to statements of facts and views and shall not include any questioning of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting and materials prepared for it will be available for public inspection at the Commission's headquarter's, 1522 K Street, NW., Suite 300, Washington, D.C.

Signed in Washington, D.C., this 6th day of May 1981.

Daniel H. Saks,

Director, National Commission for Employment Policy.

[FR Doc. 81-14230 Filed 5-11-81; 8:45 am]

BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Electrical Power Systems; Meeting

The ACRS Subcommittee on Electrical Power Systems will hold a meeting at 8:30 a.m. on May 28, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC to discuss inadequate core cooling instrumentation with the emphasis on core water-level instrumentation. Notice of this meeting was published April 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, May 28, 1981, 8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, members of industry, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: May 7, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-14229 Filed 5-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of the date of issuance.

The amendment adds a flow test requirement to verify the normal Auxiliary Feedwater Flow System flow path and adds monthly inspections to verify that manual valves in the AFWs are locked in their proper positions to ensure flow from the demineralized water storage tanks to the steam generators.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 22, 1980, (2) Amendment No. 55 to License No. DPR-36 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of April 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-14228 Filed 5-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee), which revised Environmental Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) located in Buchanan, Westchester

County, New York. The amendment is effective as of the date of issuance.

The amendment revises the Appendix B Environmental Technical Specifications to delete non-radiological environmental requirements, and to add a non-radiological environmental protection plan. The NRC will rely on the requirements of the State Pollutant Discharge Elimination System (SPDES) Permit issued by the State of New York for the protection of the aquatic environment.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 27, 1981, and (2) Amendment No. 35 to License No. DPR–64 and (3) the Commission's related letter dated April 24, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Maritine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of April 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-14270 Filed 5-11-81; 8:45 am]

BILLING CODE 7590-01-M

Privacy Act of 1974; Systems of Records, Minor Amendments

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Minor amendments of systems of records.

SUMMARY: The Nuclear Regulatory Commission has issued minor amendments to the NRC Notices of Systems of Records, NRC–24. The amendments clarify and update the information contained in the NRC Systems of Records, in order to facilitate planned direct interface with the NRC Accounting, Payroll and Personnel Systems. For control purposes, these systems must maintain the same key fields. The Social Security Account Number is the key for individual person identifiers.

EFFECTIVE DATE: The amendments to the NRC Notices of Systems of Records become effective on June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Sarah N. Wigginton, FOI/PA Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–8133.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission published a notice of proposed minor amendments to the NRC Notices of Systems of Records in the **Federal Register** on March 19, 1981 (46 FR 17691). The notice invited public comment on the proposed minor amendments by April 20, 1981. No comments were received on the proposed amendments.

The proposed amendments clarify and update the information contained in the Systems of Records, including "Categories of records in the system" and "Retrievability."

Notice is hereby given that the Commission has adopted the proposed amendments of the NRC Systems of Records. The text of the amendments is identical with the text of the amendments which were published on March 19, 1981 for public comment.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552, 552a and 553 of Title 5 of the United States Code, the following amendments to the NRC Systems of Records, NRC–24, are published as a document subject to publication in the annual compilation of Privacy Act Documents.

Dated at Bethesda, Maryland this 4th day of May 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

NRC–24

SYSTEM NAME: PROPERTY AND SUPPLY SYSTEM (PASS)—NRC.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information about the equipment (type, make, model, serial number, etc.), and information about the custodians of the equipment (social security account number, office, and office location).

* * * * *

RETRIEVABILITY:

Accessed by social security account number, office, and office location.

* * * * *

[FR Doc. 81-14273 Filed 5-11-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR–24, and Amendment No. 54 to Facility Operating License No. DPR–27 issued to Wisconsin Electric Power Company (the licensee), which revised the licenses for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance and are to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b).

The amendments revise License Condition 3.F. to include the NRC approved Safeguards Contingency Plan as the revised Chapter 8 to the Point Beach Nuclear Plant Physical Security Plan.

The licensee's filing, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant

environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensee's filing dated March 6, 1981, is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment Nos. 48 and 54 to License Nos. DPR–24 and DPR–27 and (2) the Commission's related letter dated April 30, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of these items may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of April 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-14271 Filed 5-11-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 17778; SR-Amex-81-4]

American Stock Exchange Inc.; Order Approving Proposed Rule Change

May 6, 1981.

On March 16, 1981, the American Stock Exchange Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change which revises certain exchange procedures with respect to options opening rotations. Among other things the rule (1) standardizes in certain instances the use of a modifed trading rotation wherein free trading is allowed in an options series once that series is opened; (2) requires specialists to announce to the trading crowd (i) prior to opening the first options series, any material imbalances of buy and sell orders in any series to be opened, and (ii) prior to opening each option series, any material imbalance in each such series; (3) grants precedence to market orders of Registered Options Traders ("ROTs") left with the specialist prior to the opening over bids and offers of ROTs in the crowd; and (4) prohibits ROTs, after an opening indication has been announced in the first option series to be opened from leaving with the specialist any market or limit orders in any option series of the same underlying security or from modifying any orders previously left with the specialist, until the commencement of free trading in that series.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17653, March 24, 1981) and by publication in the **Federal Register** (46 FR 19636, March 31, 1981). No written statements with respect to the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14224 Filed 5-11-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22038; 70-6586]

Northeast Utilities, et al.; Proposal To Issue and Sell Short-Term Notes and Commercial Paper

May 5, 1981.

In the matter of Northeast Utilities, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089; The Connecticut Light and Power Company, Selden Street, Berlin, Connecticut 06037; The Hartford Electric Light Company, Selden Street, Berlin, Connecticut 06037; Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089; Holyoke Water Power Company, One Canal Street, Holyoke, Massachusetts 01040; and Northeast Nuclear Energy Company, Selden Street, Berlin, Connecticut 06037, (70–6586). Notice of proposal to issue and sell short-term notes and commercial paper; proposal by parent to make capital contributions to subsidiaries; request for exemption from competitive bidding as to commercial paper.

The Connecticut Light and Power Company ("CL&P"), The Hartford Electric Light Company ("HELOC"), Western Massachusetts Electric Company ("WMECO"), Holyoke Water Power Company ("HWP") and Northeast Nuclear Energy Company ("NNECO"), wholly-owned subsidiaries of Northeast Utilities ("NU") have filed an application-declaration and an amendment thereto with this Commission pursuant to Sections 6, 7 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45, 50(a)(2) and 50(a)(5)(B) thereunder.

This application-declaration relates to (1) proposed short-term borrowings by applicants-declarants through the issuance of notes to banks and, with the exception of HWP and NNECO, the issuance of commercial paper to a dealer in commercial paper from time to time on or before June 30, 1982 and (2) proposed capital contributions and open account advances by NU to its subsidiary companies. The aggregate amount of all such notes at any time outstanding, whether issued to banks or to a dealer in commercial paper would not exceed $80,000,000 in the case of NU, $255,000,000 in the case of CL&P, $160,000,000 in the case of HELCO, $60,000,000 in the case of WMECO, $20,000,000 in the case of HWP and $80,000,000 in the case of NNECO. The aggregate amount of bank notes and commercial paper that will be outstanding at any time will, in the cases of CL&P, HELCO and WMECO, be reduced by the amount of loans which such company or companies may have outstanding on a revolving basis under the Revolving Credit/Term Loan Agreement dated August 25, 1980 to which such companies are parties (HCAR No. 21684). CL&P, HELCO and WMECO each have authorization from the holders of their respective preferred stocks to issue sercurities representing unsecured indebtedness up to a maximum of 20% of their respective capitalizations not later than March 31, 1984 in the case of CL&P and HELCO and February 10, 1984 in the case of WMECO.

The applicants propose to renew and extend any outstanding notes or to refund them with other similar notes issued to banks or to a dealer in commercial paper and to issue and sell

additional short-term notes (and to renew such notes) from time to time to meet portions of their capital requirements, subject to the applicable maximum limitations.

The bank notes will each be dated the date of issue, will have maximum dates of nine months with right of renewal, will bear interest at the prime rate or at the prime rate plus a fraction thereof (not, as of April 30, 1981, exceeding 110% of the prime rate for any of the applicants), will be issued no later than June 30, 1982 and will be subject to prepayment without premium at any time at the applicants' option.

With respect to the issuance of bank notes, the applicants have credit lines with a number of banks subject in some cases to commitment fees and/or compensating balance requirements. The effective cost of borrowings under such credit lines, based on a prime rate of 18%, ranges from 19.08% to 23.04%. The bank credit lines expire at various times in 1981 and 1982 and their continued availability is subject to continuing review by the banks involved. Bank credit lines of the applicants may be changed and additional lines may be obtained from other banks. As of April 30, 1981, the credit lines permitted maximum borrowings of $176,655,000 at the prime rate; $30,000,000 at 106% of the prime rate; $30,000,000 at 107% of the prime rate; $6,000,000 at 109% of the prime rate; and $12,000,000 at 110% of the prime rate.

From time to time conditions in the capital markets are such that, in lieu of borrowing under their credit lines at interest rates based on the prime rate or the prime rate plus a fraction thereof, the applicants will find it advantageous to issue bank notes with interest rates determined with reference to other financial indices (such as the Federal Funds rates, bank certificate of deposit rates, Eurodollar rates or any combinations of these rates). In such cases, there may be prepayment penalties associated with the bank notes. The applicants will avail themselves of the option of issuing bank notes on this basis in circumstances in which they anticipate that their effective borrowing costs will be lower than for borrowings under their conventional credit lines. Of the banks with which the applicants had credit lines on April 30, 1981, banks having commitments aggregating $225,500,000 have offered such terms to the applicants at varying times.

Commercial paper will be issued in the form of short-term promissory notes in denominations of not less than $50,000 and not more than $1,000,000, of varying maturities, with no maturity more than 270 days after the date of issue and will not be repayable prior to maturity. The commercial paper will be sold directly to a dealer in commercial paper, Lehman Commercial Paper, Incorporated, at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public utility issuers thereof to commercial paper dealers. No commercial paper shall be issued having a maturity of more than 90 days at an effective interest cost to the applicant in excess of the effective bank interest rate at which the applicant could obtain loans from banks in an amount at least equal to the principal amount of such commercial paper. No commission or fee will be payable in connection with the issuance and sale of the commercial paper. The purchasing dealer, as principal, will reoffer the commercial paper to institutional investors at the discount of not more than ⅛ of 1% per annum less than the prevailing discount rate to the applicant in such manner as not to constitute a public offering.

The commercial paper will be reoffered to not more than 200 identified and designated customers in a list (nonpublic) prepared for each applicant in advance by the purchasing dealer. No additions will be made to this customer list which includes commercial banks, insurance companies, corporate pension funds, investment trusts, foundations, colleges and universities, municipal and state benefit funds, eleemosynary institutions, finance companies and nonfinancial corporations purchasing such paper for the purpose of investing their funds on a short-term basis. It is anticipated that the commercial paper will be held by customers to maturity, but if such customers desire to resell prior to maturity, the purchasing dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others in the group of 200 customers.

NU expects to apply the new funds derived from the issuance and sale of the bank notes and the commercial paper during the period from June 1, 1981 to June 30, 1982 (1) to make capital contributions of $30,000,000 to CL&P, (2) to make open account advances to HWP in amounts not to exceed in the aggregate $6,000,000, to Rocky River Realty Company and The Quinnehtuk Company, both wholly-owned real estate subsidiaries of NU, in amounts not to exceed in the aggregate $2,500,000 and $500,000, respectively, and (3) to supply funds as needed to other subsidiary companies as heretofore or hereafter authorized by the Commission. All capital contributions to subsidiaries will be credited to their capital surplus accounts. NU may make additional capital contributions of up to $10,000,000 to CL&P (or up to $40,000,000 in the aggregate), up to $30,000,000 to HELCO, and up to $20,000,000 to WMECO, and it may elect to convert all or any portion of the estimated $6,000,000 of planned open account advances to HWP to capital contributions. Such determinations will be made in light of such factors as the results of rate cases, the ability of such companies to complete planned long-term financings, the performance of nuclear units (in the cases of CL&P, HELCO and WMECO) and the financial condition of the subsidiary.

The funds to be derived by CL&P, HELCO and WMECO from their proposed transactions will be applied, together with other funds available to these companies, to provide working capital and to finance their respective construction expenditures (including Allowance for Funds Used During Construction but excluding nuclear fuel) in 1981 and 1982, which are estimated to be $414,000,000, $207,000,000 and $118,000,000, respectively. Funds derived by HWP from their proposed transactions will be applied to the installation of a second hydro unit as its facility at Hadley Falls on the Connecticut River, to the Conversion of its Mt. Tom station from oil to coal (to the extent that funds from the other sources described below are insufficient) and to provide working capital. NNECO will apply funds derived from the sale of bank notes and other funds available to it, for nuclear fuel financing during 1981 and 1982 and for operating and maintenance expenses for the Millstone plants. NNECO's established total nuclear fuel expenditures and 1981 and 1982 total $131,000,000.

HWP expects that it will finance most of the cost of conversion of its Mt. Tom station through an "oil conservation adjustment" rate mechanism that will be collected from customers once the plan begins to burn coal. The initial costs of conversion and any excess of costs over the rates so collected are expected to be financed through the sale of bank notes and capital contributions and/or open account advances from NU until a proposed revolving credit agreement between HWP and a group of banks is executed and receives necessary approvals. The proposed revolving credit agreement will be the subject of a separate application-declaration to this Commission.

Except as otherwise described herein and unless otherwise authorized by the Commission, any bank notes or commercial paper of NU, CL&P, HELCO, WMECO HWP and NNECO outstanding at June 30, 1982, will be repaid from internal cash resources or from the proceeds of long-term debt or equity financing.

The applicants-declarants request an exemption from the competitive bidding requirements of Rule 50 pursuant to paragraph (a)(5)(B) as to the issuance and sale of the commercial paper on the grounds that it is not practical to invite competitive bids for commercial paper and that current rates for commercial paper of borrowers such as applicants-declarants are published daily in financial publications.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 29, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on this applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14223 Filed 5-11-81; 8:45]

BILLING CODE 8010-01-M

[Release No. 34-17777; File No. SR-PSE-81-08]

The Pacific Stock Exchange Inc.; Proposed Rule Change Relating to Options Allocation Plan; Self-Regulatory Organizations

Comments requested on or before June 2, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 4, 1981, The Pacific Stock Exchange Incorporated ("self-regulatory organization" or "PSE") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated proposes to amend the agreement previously entered into by the options exchanges and approved by the Securities and Exchange Commission on May 30, 1980 (see SEC Release 34-16663), concerning selection and replacement of underlying securities for options trading. This agreement is also referred to as the "Allocation Plan." The American Stock Exchange Inc. ("AMEX"), the Chicago Board Options Exchange ("CBOE"), PSE and the Philadelphia Stock Exchange ("PHLX") have entered into an agreement to adopt the following amendments respecting the replacement of involuntarily delisted options.[1]

The text of the proposed amendments to the Allocation Plan (previously noted in SR-PSE-80-09) is set forth below. Italics indicate new material; brackets indicate material to be deleted.

A. No change.
B. No change.
C. No change.
D. No change.
E. No change.
F. No change.

G. Until this plan has been approved by the Commission and the initial allocation has been carried out, any options exchange which delists an option because the underlying stock no longer qualifies for options trading shall be eligible to select another underlying stock in accordance with the plan submitted to and approved by the Commission in its Release 14878, of June 22, 1978, as was done by the AMEX and PSE in April of 1980. After the initial allocation described above, such procedure for selecting substitute underlying stocks will be [terminated.] *as follows:*

1. Involuntarily delisted options, delisted either because of failure to meet the maintenance standards and/or because of changes in the corporate structure of the issuer of the underlying securities, may be replaced by an exchange outside of the normal allocation procedure if the exchange observes the following procedure. The exchange must select a replacement option within ten business days of the replacement priority date, must promptly notify the other parties to this agreement of the selection and must admit the selection to trading within 90 calendar days from the date of selection. Failure of an exchange to observe this procedure shall result in that exchange's forfeiting its right to replacement outside the normal allocation procedure unless all parties to this amendment waive the forfeiture.

2. Unless all parties to this amendment agree otherwise, the replacement priority date for involuntarily delisted options shall be the last day of trading of the involuntarily delisted options; provided however, that, when the involuntary delisting occurs as the result of a change in the corporate structure of the issuer of the underlying security, the replacement priority date shall be the effective date of the corporate action which causes the involuntary delisting. Excepting the determination based on volume that is described below in connection with options currently listed on more than one exchange, should a replacement priority date be the same for two or more exchanges, the exchanges shall use a random method to determine the order in which they select replacement options.

3. An exchange on which options are currently listed shall have the first right to select for options listing one of the following: a surviving entity or a new entity, including any spinoff, resulting from an involuntary delisting. Any selection must qualify for options listing. In the case of options currently listed on more than one exchange, the exchange having the greater public contract volume in the past calendar year with respect to those options (as per OCC statistics) shall have the first right described above. The exchange having the lesser public contract volume shall have the second such right.

4. This amendment is effective as of June 30, 1980, for the purpose of determining the replacement priority date for any exchange which involuntarily delisted an option class in the time period between June 30, 1980, and the date the Commission approves this amendment. Notwithstanding the time limits set forth in paragraph number one above, any exchange which involuntarily delisted an option within this time period for any reason shall be entitled to select, in the order of the replacement priority dates determined in accordance with this amendment, a replacement option for each delisted option provided the selection (a) is

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[1] Notice of the proposed rule changes submitted by Amex, CBOE, and Phlx was given by publication of Securities Exchange Act Release No. 17757 (April 27, 1981) and by publication in the Federal Register (46 FR 24352 (April 30, 1981)).

made within 20 business days following Commission approval of this amendment and (b) is admitted to trading within 90 calendar days from the date of selection. Under this exception, an exchange having an earlier replacement priority date shall not be able to select as a replacement an option on which another exchange has a first right of selection, unless that other exchange has expressed in writing its intent not to exercise that right.

H. No change.

I. No change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PSE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the Allocation Plan amendments is to provide a replacement plan, outside the normal allocation procedure, to replace involuntarily delisted options. At the present time, there is no plan in effect which covers the replacement of involuntarily delisted options. The amendments set forth in this filing are intended to fill the void in the current Allocation Plan.

This agreement sets forth replacement priority dates for involuntarily delisted options, the first right to select for options whose underlying security leaves a surviving entity or new entity and parameters for replacing involuntarily delisted options.

All the proposed changes are in furtherance of the Commission's request that the option exchanges create a plan that is agreed to by all option exchanges which provides for the equitable allocation of new options among the existing options exchanges. In addition, the changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that they facilitate and standardize the method and procedure for replacing involuntarily delisted options in a fair and equitable manner. Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed changes will not have any impact on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The proposed rule changes were considered and approved by the Exchange's Options Listing Committee which is comprised of PSE members and representatives of PSE member organizations.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before June 16, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change; or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C 552, will be available for inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before June 2, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

May 6, 1981.

[FR Doc. 81-14225 Filed 5-11-81; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/07-0029]

Adams Street Capital, Inc.; License Surrender

Notice is hereby given that Adams Capital, Inc., 1866 Sheridan Road, Highland Park, Illinois 60035, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Adams Street Capital, Inc. was licensed by the Small Business Administration on March 28, 1961.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on April 15, 1981, and accordingly, all rights, privileges, and franchises dervied therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 4, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-14198 Filed 5-11-81; 8:45 am]
BILLING CODE 8025-01-M

[Delegation of Authority No. 15; Revision 1]

Delegation of Authority to the Associate Administrator for Data and Management Services

Delegation of Authority No. 15 (37 FR 20753) as amended, (39 FR 1897; 40 FR 18054; 42 FR 18320; and 43 FR 17434) is hereby revised to reflect internal organization changes.

Accordingly, Delegation of Authority No. 15, Revision 1 reads as follows:

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended, and the Small Business Investment Act of 1958, 72 Stat. 689, as amended, there is hereby delegated to the Associate Administrator for Data and Management Services the following authority:

A. Administrative Services

1. To contract for supplies and services for the Agency pursuant to Chapter 4 of Title 41, U.S.C., subject to limitations contained in Section 257 (a) and (b) of that chapter.

2. To contract for printing services for the Agency pursuant to Capter 4 of Title 41, U.S.C., as amended, subject to the limitations contained in Section 257 (a) and (b) of that Chapter and pursuant to Title 44, U.S.C.

3. To execute grants or cooperative agreements authorized by Federal statute except Section 7(j) of the Small Business Act subject to the limitations contained in Pub. L. 95–224, OMB Circular A–110 and OMB Circular A–102.

B. Claims under the Federal Tort Claims Act

To give final approval on actions resulting from any claims subject to the provisions of 28 U.S.C. 2672.

C. Use of Seal of the Small Business Administration

To certify true copies of any books, records, papers, or other documents on file with the Small Business Administration; to certify extracts from such material; to certify the non-existence of records on file; and to cause the Seal of the Small Business Administration to be affixed to all such certifications.

II. This delegation is not derogation of any authority residing in the Deputy Administrator.

III. The authority herein may be redelegated with the exception of I.B.

IV. All authority delegated herein may be exercised by an SBA employee designated as Acting Associate Administrator for Data and Management Services.

Effective date: May 12, 1981.

Dated: March 20, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81–14188 Filed 5–11–81; 8:45 am]

BILLING CODE 8025–01–M

[Delegation of Authority No. 3A]

Rescission of Delegation of Authority; Associate Deputy Administrator for Support Services

Organizational changes within the SBA Central Office have resulted in the reassignment of printing contract authority, and the related graphics functions, to the Office of Administrative Services. Accordingly, Delegation of Authority No. 3A, (44 FR 50125) and subsequent Delegations of Authority Nos. 19, (45 FR 71032) and 19–A, (45 FR 81349) are hereby rescinded without prejudice to actions taken prior to the date hereof.

Effective Date: May 12, 1981.

Dated: March 20, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81–14187 Filed 5–11–81; 8:45 am]

BILLING CODE 8025–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Nonmember Import Quotas Under the International Sugar Agreement; Correction

On April 23, 1981, a letter appeared on page 23186 of the **Federal Register**. The letter was to the Acting Commissioner of Customs from the Deputy U.S. Trade Representative Designate. The letter instructed the U.S. Customs Service to implement non-member import quotas under the International Sugar Agreement. The letter stated that the non-member import limitation was 74,384 tons as established by the International Sugar Organization. Subsequently, the International Sugar Organization informed the Office of the U.S. Trade Representative that the U.S. non-member import quota is 5,987 metric tons and not 74,384 tons as previously reported.

Donald M. Nelson,

Assistant U.S. Trade Representative for Agricultural Affairs and Commodity Policy.

[FR Doc. 81–14212 Filed 5–11–81; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81–127]

American Manufacturer's Petition; Decision Denying American Manufacturer's Petition Requesting the Reclassification of Speedometers and Odometers Used on "Exercisers": Petitioner's Desire To Contest This Decision

AGENCY: Customs Service, Treasury.

ACTION: Notice of (1) decision on American manufacturer's petition, and (2) receipt of notice of petitioner's desire to contest the decision.

SUMMARY: In response to an American manufacturer's petition requesting that speedometers and odometers used on "exercisers" (stationary exercise cycles) be reclassified under the provision for bicycle speedometers and parts thereof in item 711.93, Tariff Schedules of the United States (TSUS), rather than under the provision of parts of bicycles in item 732.42, TSUS, or under the provision for revolution counters or other speedometers in item 711.98, TSUS, or under the provision for sport, gymnastic, athletic, or playground equipment and parts thereof in item 735.20, TSUS, Customs advised the petitioner that for purposes of the tariff schedules, double-gear speedometers and odometers of a type chiefly used on "exercisers," would continue to be classified as speedometers other than bicycle speedometers in item 711.98, TSUS. Customs further advised the petitioner that standard single-gear speedometers of a type chiefly used on bicycles would continue to be classified under the provision for bicycle speedometers in item 711.93, TSUS. Upon being informed that its petition had been denied, the petitioner filed notice of its desire to contest the decision in accordance with section 516 of the Tariff Act of 1930, as amended.

FOR FURTHER INFORMATION CONTACT:

Simon Cain, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–5727).

SUPPLEMENTARY INFORMATION.

Background

A petition was filed under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), by Stewart-Warner Corporation of Chicago, Illinois, an American manufacturer, requesting that imported speedometers or odometers used on exercisers be reclassified under the provision for bicycle speedometers and parts thereof in item 711.93, Tariff Schedules of the United States (TSUS), (19 U.S.C. 1202), rather than under the provision for parts of bicycles in item 732.42, TSUS, or under the provision for revolution counters or other speedometers in item 711.98, TSUS, or under the provision for sport, gymnastic, athletic, or playground equipment and parts thereof in item 735.20, TSUS.

In support of its contention that speedometers or odometers used on "exercisers" are properly classifiable as bicycle speedometers under item 711.93, TSUS, the petitioner made the following arguments:

(1) Imported speedometers for use by original equipment manufacturers on so-called "exercisers" are indistinguishable for Customs purposes from bicycle speedometers in commerce, and, therefore, all such speedometers are properly classified under item 711.93, TSUS.

(2) Speedometers with double-gear hubs are not properly classified under item 711.96, TSUS.

(3) Current item 711.93, TSUS, covering "Bicycle speedometers and parts thereof" is not a use provision within the meaning of headnote 10(e)(i), TSUS, and

(4) "Bicycle speedometers" in item 711.93, TSUS, is an *eo nomine* designation.

In response to the notice of the petition which was published in the Federal Register on August 26, 1980 (45 FR 56961), two comments were received.

Decision of Petition and Receipt of Petitioner's Notice of Desire To Contest

After consideration of the comments and further review of this matter, it is Customs position that double-gear speedometers and odometers of a type chiefly used on exercisers are classifiable under item 711.96, TSUS, and that standard single-gear speedometers of a type chiefly used on bicycles are classifiable under item 711.93, TSUS.

Further, it is Customs position that double-gear speedometers chiefly used on exercisers are not of the same class or kind as standard single-gear speedometers chiefly used on bicycles, and that the channels of trade in which the merchandise moves also recognize the different uses of the two types of speedometers.

By letters dated January 8, 1981, file No. 063419, and January 19, 1981, file No. 067053, the petitioner was advised that Customs had recently ruled that speedometers and odometers of a type chiefly used on exercisers were classifiable as speedometers other than bicycle speedometers in item 711.96, TSUS, and that standard single-gear speedometers chiefly used on bicycles were classifiable under the provision for bicycle speedometers in item 711.93, TSUS, and, therefore, that its petition was denied.

In response, by letter dated January 23, 1981, the petitioner filed notice of its desire to contest this decision in accordance with section 516(c), Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and section 175.23, Customs Regulations (19 CFR 175.23). However, under section 516(d), Tariff Act of 1930, as amended (19 U.S.C. 1516(d)), the current Customs practice of classifying speedometers and odometers of a type chiefly used on exercisers as speedometers other than bicycle speedometers in item 711.96, TSUS, and standard single-gear speedometers chiefly used on bicycles under the provision for bicycle speedometers in item 711.93, TSUS, will continue so long as no decision of the United States Court of International Trade or the United States Court of Customs and Patent Appeals not in harmony with this practice is published.

Authority

This notice is being published in accordance with section 516(c), Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.24, Customs Regulations (19 CFR 175.24).

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: May 6, 1981.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 81-14217 Filed 5-11-81; 8:45 am]

BILLING CODE 4810-22-M

Performance Review Boards; Appointment of Members

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This notice announces the appointment of the members of the U.S. Customs Service Performance Review Boards (PRB's) in accordance with 5 U.S.C. 4313(c)(4). The purpose of the PRB's is to review senior executive employees' performance and make recommendations regarding performance and performance awards.

DATE: The Performance Review Boards become effective on May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Alexander Faison, Director, Office of Human Resources, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 3417, Washington, D.C., (202) 566-5563.

SUPPLEMENTARY INFORMATION: There are two Performance Review Boards in the U.S. Customs Service as follows:

1. The Performance Review Board to review Senior Executives rated by the Commissioner and Deputy Commissioner (i.e., the Assistant to the Commissioner, the Special Assistants to the Commissioner, the Assistant Commissioners, and Regional Commissioners) is composed of the following members:

John Mangels—Director, Office of Operations, Department of the Treasury
William Rhodes—Director, Office of Management and Organization, Department of the Treasury
Myron Weinstein—Deputy Director, U.S. Secret Service
Stephen Higgins—Deputy Director, Bureau of Alcohol, Tobacco and Firearms

2. The Performance Review Board to review all other Senior Executive is composed of the following members:

Charles C. Hackett—Assistant Commissioner, Office of Management Integrity, U.S. Customs Service
George C. Corcoran, Jr.—Assistant Commissioner, Office of Border Operations, U.S. Customs Service
Alfred R. DeAngelus—Assistant Commissioner, Office of Commercial Operations, U.S. Customs Service
Jack T. Lacy—Comptroller, U.S. Customs Service
William J. Griffin—Regional Commissioner, U.S. Customs Service, 100 Summer Street, Boston, Massachusetts 02110
Dennis T. Snyder—Regional Commissioner, U.S. Customs Service, 6 World Trade Center, New York, New York 10048
John A. Hurley—Regional Commissioner, U.S. Customs Service, 40 S. Gay Street, Baltimore, Maryland 21202
Robert N. Battard—Regional Commissioner, U.S. Customs Service, 99 S.E. 5th Street, Miami, Florida 33131
Peter J. Dispenzirie—Regional Commissioner, U.S. Customs Service, 423 Canal Street, New Orleans, Louisiana 70130
Donald Kelly—Regional Commissioner, U.S. Customs Service, 500 Dallas Street, Houston, Texas 77002
Albert G. Bergesen—Regional Commissioner, U.S. Customs Service, 300 N. Los Angeles Street, Los Angeles, California 90053
Edward M. Ellis—Regional Commissioner, U.S. Customs Service, 211 Main Street, San Francisco, California 94105
Eugene H. Mach—Regional Commissioner, U.S. Customs Service, 55 E. Monroe Street, Chicago, Illinois 60603.

Dated: May 7, 1981.

William T. Archey,

Acting Commissioner of Customs.

[FR Doc. 81-14218 Filed 5-11-81; 8:45 am]

BILLING CODE 4810-22-M

FEDERAL RESERVE SYSTEM

Continental Illinois Corp.; Proposed Acquisition of Certain Assets of Drillamex, Inc.

Correction

In FR Doc. 81-12639, appearing on page 23808, in the issue of April 28, 1981, make the following correction:

On page 23808, third column, the last line reading: "Nebraska, New Mexico, Oklahoma," should read "Nebraska, Nevada, New Mexico, Oklahoma,".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-689]

Application for Section 804 Waiver; Moore McCormack Marine Enterprises, Inc.

Notice is hereby given that Moore McCormack Marine Enterprises, Inc. (Moore McCormack), a subsidiary of Moore McCormack Resources, Inc., and an affiliate of Moore McCormack Bulk Transport, Inc., and Moore McCormack Lines, Inc., by letters dated January 30, 1981, and April 8, 1981, has applied for a waiver pursuant to section 804(b) of the Merchant Marine Act, 1936, as amended (the Act), to permit the acquisition of up to eight foreign-flag dry bulk carriers of Panamax size—50,000 DWT or larger.

Alternatively, Moore McCormack has requested a determination that the vessels will not compete with any existing American-flag services determined to be essential as provided in section 211 of the Act. Even if a determination is made that the proposed vessels are competitive with essential American-flag services pursuant to section 211 of the Act, Moore McCormack believes that special circumstances and good cause exist for the grant of a waiver.

The vessels would be acquired within a five-year period and would be used primarily in the coal trade worldwide, but would not be restricted to the trade. It is Moore McCormack's intention to employ the vessels pursuant to long-term commitments with international companies. While it is possible that the vessels will, from time to time, be offered on-the-spot market, this use of the vessels would be incidental to the primary purpose of the vessels. The proposed waiver would extend until the expiration of the vessels' economic lives. The dry bulk vessels to be acquired would be contained in a separate entity from the subsidized operations of Moore McCormack Bulk Transport, Inc. and Moore McCormack Lines, Inc. and would operate in separate and distinct trades.

Interested parties may inspect the application in the Office of the Secretary, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230.

Any person, firm, or corporation having an interest in such section 804 waiver application, and who desires to offer views and comments thereon for consideration by the Maritime Administration, should submit such views and comments in writing, in triplicate, to the Secretary, Maritime Administration, by the close of business on May 22, 1981. This notice of application is published as a matter of discretion. The Maritime Administration will consider such views and comments and take such actions with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Assistant Secretary for Maritime Affairs.

Dated: May 8, 1981.

Georgia Pournaras Stamas,

Assistant Secretary.

[FR Doc. 81-14490 Filed 5-11-81; 10:45 am]

BILLING CODE 3510-15-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 91
Tuesday, May 12, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-315, Amdt. 2; May 5, 1981]

CIVIL AERONAUTICS BOARD.

Notice of addition and closure of item to the May 6, 1981, board meeting.

TIME AND DATE: 10:30 a.m., May 6, 1981 (closed meeting).

PLACE: Room 1012, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 14. Recommended Negotiating Position for U.S.—Argentina talks scheduled to begin May 11 in Washington (Memo 489, BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-736-81 Filed 5-7-81; 4:18 pm]

BILLING CODE 6320-01-M

2

[M-315, Amdt. 1; May 4, 1981]

CIVIL AERONAUTICS BOARD.

Notice of addition of Item to the May 6, 1981, Board Meeting.

TIME AND DATE: 10:00 a.m., May 6, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 11a.Docket 38970, Application of Thomson Vacations, Inc, Arthurs Travel, Inc. and Unitours Inc., foreign-owned charter operator, for exemption authority to organize domestic and overseas tours. (BIA, OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-737-81 Filed 5-7-81; 4:18 pm]

BILLING CODE 6320-01-M

3

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-81-17]

TIME AND DATE: 9 a.m., Wednesday, May 20, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTER TO BE CONSIDERED: *Briefing* by Motor Vehicle Manufacturers Association on Activities in Truck Safety.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

May 8, 1981.

[S-739-81 Filed 5-8-81; 3:21 pm]

BILLING CODE 4910-58-M

4

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 23868, April 28, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. on May 14, 1981.

CHANGES IN THE MEETING: This meeting has been *rescheduled for 1 p.m. on May 12, 1981.*

Dated: May 8, 1981.

[S-740-81 Filed 5-8-81; 3:21 pm]

BILLING CODE 7600-01-M

5

POSTAL SERVICE (BOARD OF GOVERNORS).

Notice of Vote To Close Meeting

At its meeting of May 4 and 5, 1981, the Board of Governors of the United States Postal Service voted to close to public observation two portions of its next meeting, currently scheduled for June 2, 1981. Each of the members of the Board voted in favor of closing these portions of the meeting, except that Mr. Sullivan voted against closing the second portion (concerning Red-Tag mail). The meeting is expected to be attended by the following persons: Governors Babcock, Camp, Ching, Hardesty, Hughes, Hyde, Jenkins, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary of the Board Cox; and Counsel to the Governors Califano.

The first portion of the meeting to be closed will consist of a continuation of the discussion of the Postal Service's possible strategies and positions in connection with anticipated collective bargaining negotiations involving parties to the 1978 National Agreements between the Postal Service and four labor organizations representing certain postal employees, which are scheduled to expire in July of 1981.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of Title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552(c)(9)(B) of title 5, United States Code, and § 7.3(i) of Title 39, Code of Federal Regulations, the

discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and position be open to the public.

The second portion of the meeting to be closed is to involve a discussion concerning Red-Tag mail. At the May 4, 1981, meeting, the members agreed that management should be directed to prepare a new Rate Commission filing on Red-Tag mail. The discussion is likely to include consideration of such a filing and of the administrative litigation that probably would ensue, as well as consideration of pending and potential judicial litigation, including appeals and petitions for review now before the U.S. Court of Appeals for the Second Circuit.

The Board has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of Title 39, Code of Federal Regulations, the second portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), in that it is likely to disclose information prepared for use in connection with proceedings under chapter 36 of Title 39 (having to do with postal ratemaking, mail classification, and postal service), which is specifically exempted from disclosure by section 410(c)(4) of Title 39. The Board determined further that, pursuant to section 552b(c)(10) of title 5 and § 7.3(j) of Title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and the initiation of a particular case involving a determination on the record after opportunity for a hearing. Finally, the Board of Governors has determined that the public interest does not require that the Board's discussion of its possible chapter 36 strategies and positions be open to the public.

In accordance with section 552b(f) of title 5, United States Code, and § 7.6(a) of Title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portions of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3), (9)(B), and (10) of title 5 and section 410(c)(3) and (4) of title 39, United States Code, and § 7.3(c) and § 7.3(i) and (j) of Title 39, Code of Federal Regulations.

Louis A. Cox,

Secretary.

[S-711-81 Filed 5-8-81; 3:55 pm]

BILLING CODE 7710-12-M

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federal register

Tuesday
May 12, 1981

Part II

Department of Energy

Privacy Act of 1974; Proposal of New Systems

DEPARTMENT OF ENERGY

Privacy Act of 1974; Proposal of New Systems

AGENCY: Department of Energy.

ACTION: Proposal of three new systems of records.

SUMMARY: The Department of Energy is proposing three new systems of records subject to the Privacy Act of 1974 (Pub. L. 93–579; 5 U.S.C. 552a(o)).

DATES: Written comments on or before June 8, 1981.

ADDRESSES: Written comments should be directed to the following address: U.S. Department of Energy, Phillip M. Kannan, Attorney, Office of Chief Counsel, P.O. Box E, Oak Ridge, Tennessee 37830 (615) 576–1204.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Milton Jordan, Director, Division of FOI and Privacy Acts Activities, Forrestal Building, Room 1G–051, Washington, DC 20585, (202) 252–5922.

A. Supplementary Information

I. Report on three New Systems of Records.

II. Comments Procedure.

III. System Notice DOE—The Radiation Accident Registry.

VI. System Notice DOE—The Department of Energy Radiation Study Registry.

V. System Notice DOE—The US–DTPA Registry.

1. *Background:* This Report of New Systems, consisting of three separate parts, is submitted by the Department of Energy as required by the Privacy Act of 1974, 5 U.S.C. 552a(o). The Office of Management and Budget requires a Report on New Systems by a Government agency whenever a new system of records is proposed or certain significant changes occur to previously established systems. The Department of Energy is submitting the Reports on New System required by OMB Circular A–108 concurrently with the publication of this **Federal Register** notice. At this time, the Department of Energy is proposing to establish three systems of records for which no notice has yet been published. Their proposed designations are as follows:

(a) The Radiation Accident Registry

(b) The Department of Energy Radiation Study Registry

(c) The US–DTPA Registry

2. DOE–*71*, the Radiation Accident Registry: (a) *Purpose:* This system will serve primarily to provide complete clinical and accident histories as basis for clinical and epidemiological studies of the life-time morbidity of individuals accidentally exposed to acute dose of ionizing radiation, to provide data for comparative studies of the efficacies of the methods and regimens used in the diagnosis and therapy of acute radiation-induced injuries, and to serve as a resource of technical and medical data for the eduction of physicians, health physicists and allied health care personnel.

(b) *Authority:* This system is established under the authority vested in the Secretary contained in 5 U.S.C. 301 and Section 644 of the Department of Energy Organization Act, Pub. L. 95–91, to prescribe such procedural and administrative rules as he may deem necessary or appropriate to manage functions vested in him.

(c) Potential consequence on individual privacy, and;

(d) Safeguards against unauthorized access.

The data in the system of records will be available only to scientists and supporting staff. Any reports generated will not identify the individuals to whom the data pertains. Thus, there will be a minimal effect on the privacy of the individuals. There will be no other effect on any other personal or property right of the individuals. Thus, it is the evaluation of the Department that the proposed system will have no detrimental effect on federalism or separation of power.

The records will be maintained in locked file cabinets or on computer storage devices in locked security areas. These areas are not accessible to members of the public. Only scientists approved by the Department of Energy will have access to this information. Reports published based on this information will not identify the individuals. It is the Department's evaluation that the risk of unauthorized disclosure is minimal.

3. DOE–*72*, The Department of Energy Radiation Study Registry:

(a) *Purpose:* This system will provide complete clinical histories as a basis for life-time morbidity studies of civilians in a defined population whose exposure to ionizing radiation at one of DOE's (or its predecessor's) plant sites, laboratories, test stations, or nuclear naval bases was at least 5 REM in any calendar year.

(b) *Authority:* This system is established under the authority vested in the Secretary contained in 5 U.S.C. 301 and Section 644 of the Department of Energy Organization Act, Pub. L. 95–91, to prescribe such procedural and administrative rules as he may deem necessary or appropriate to manage functions vested in him.

(c) Potential consequences on individual privacy.

4. DOE–*73*, The US–DTPA Registry: (a) *Purpose:* This system will provide complete clinical histories of individuals treated with diethylenetriaminepentaacetic acid (DTPA) in either the calcium or zinc form and administered intravenously, intramuscularly, orally, or by inhalation of the aerosol preparation of the drug. Such histories will be the basis of studies by epidemiological methods to identify any long-term, adverse or side effects of DTPA.

(b) *Authority:* This system is established under the authority vested in the Secretary contained in 5 U.S.C. 301 and Section 644 of the Department of Energy Organization Act, Pub. L. 95–91, to prescribe such procedural and administrative rules as he may deem necessary or appropriate to manage functions vested in him.

B. Comments Pocedure

As provided by Section 3(e)(11) of the Privacy Act of 1974 (5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views or arguments related to these proposal to: Phillip M. Kannan, Attorney, U.S. Department of Energy, Office of Chief Counsel, P.O. Box E, Oak Ridge, Tennessee 37830, (615) 576–1204.

Comments should be identified on the outside of the envelope and on the documents submitted to the Department of Energy with the designation *"Department of Energy Privacy Act Systems Proposals."* These comments and all other relevant information will be considered by the Department of Energy before the various proposals are adopted in their final form.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writting, one copy only. The Department of Energy reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

If no comments to the contrary are received with respect to a particular proposed system, it is the intent of the Department of Energy to operate any such system as proposed at the expiration of the 60-day advance notice period for informing Congress and the Office of Management and Budget of proposed new systems, as defined in OMB Circular A–108.

The Department of Energy has determined that this document does not contain a proposal requiring preparation of a regulatory analysis under Executive Order 12044.

(Privacy Act of 1974, Pub. L. 93-579; Department of Energy Organization Act, Pub. L. 95-91; Executive Order 12009, 42 FR 46267; and those authorities vested in the Department's predecessor agencies which are incorporated by reference in Title III of the Department of Energy Organization Act)

In consideration of the foregoing, the measures described above are proposed. Set forth below as Sections III–V of SUPPLEMENTARY INFORMATION, respectively, is a listing of the three Department of Energy Systems as proposed.

Issued in Washington, D.C., April 23, 1981.

William S. Heffelfinger,

Director of Administration.

DOE 71

System name: The Radiation Accident Registry.

Security classification: Unclassified.

System location: Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830.

Categories of Individuals Covered by the System:

1. Those persons accidentally exposed to acute doses of ionizing radiation as defined by exposure dose criteria agreed to by the Department of Energy and the Nuclear Regulatory Commission by an interagency agreement. The dose criteria established by this agreement include one or more of the following: (a) Greater than or equal to 25 REM (Roentgen Equivalent Man) to the whole body, active blood-forming organs or gonads; (b) greater than or equal to 600 REM to skin of whole body or extremities; (c) greater than or equal to 75 REM to other tissues or organs from an external source; (d) greater than or equal to ½ NCRP maximum permissible organ burden internally; all those medical misadministrations of radioisotopes that result in a dose or organ burden equal to or greater than those given above.

2. Those individuals known to have been involved in an event in which one or more other persons received a dose equal to or in excess of the DOE/NRC criteria but whose personal dose was less than these criteria. The histories of these individuals contribute control population data.

Categories of Records in the System:

1. Official accident reports including reports of those accidents that ahve occurred within the jurisdiction of the Nuclear Regulatory Commission and which have been transferred to the Department of Energy for the Accident Registry according to the Department of Energy/Nuclear Regulatory Commission agreement.

2. Names, addresses, social security numbers or other identifiers, and vital status information such as age, sex, race, etc.

3. Original or copied medical records compiled at the time of the accident. Such records include physician and hospital records, diagnostic and laboratory test reports, radiographs, EKGs, etc., and radiation exposure reports.

4. Original or copies of medical records of illnesses, examinations, including routine follow-up exams, investigations, etc., that have occurred since the radiation exposure.

5. Photographs or facsimiles of radiation-induced injuries.

6. Search and contact information for registrants as yet not identified and/or located.

7. Consent to release information forms completed by registrants.

8. Death certificates (copies).

9. Anecdotal information.

10. Correspondence relating to the accident and/or the individuals involved; originals and copies.

Authority for Maintenance of the System:

5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

1. To provide a current record of radiation accidents for use by the Department of Energy, and its contractors and consultants.

2. To identify specific populations for use in epidemiological and clinical studies.

3. To conduct medical surveillance during the lifetime of the registrants.

4. Additional uses 4, 8, 9, 10, as listed in Appendix B to the Department of Energy publication of systems of records, 45 FR 51125, 8/30/79.[1]

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

Storage: Paper records, computer tapes, computer printouts, punched cards, discs, magnetic tape and microfilm.

Retrievability: By name and social security number.

Safeguards: Records are maintained in locked security areas in locked file cabinets. Access is limited to individuals whose official duties require access.

Retention and Disposal:

Records retention and disposal authorities are contained in the DOE Order 1324.1, "Records Disposition." Records within the Department of Energy are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System Manager(s) and Address:

The Manager of the Oak Ridge Operations Office is the System Manager.

Notification Procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Privacy Act Officer, Department of Energy, P.O. Box E, Oak Ridge, Tennessee 37830 in accordance with the Department of Energy's Privacy Act regulations (10 CFR Part 1008, 45 FR 61576, September 16, 1980).

b. Required identifying information: Name, social security number, and time period.

Record Access Procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Privacy Act Officer, Department of Energy, P.O. Box E, Oak Ridge, Tennessee 37830 in accordance with the Department of Energy's Privacy Act regulations (10 CFR Part 1008, 45 FR 61576, September 16, 1980).

b. Required identifying information: Name, social security number, and time period.

Record Source Categories:

The individual, medical records, physicians, medical institutions, and reports of incident/accident investigations from private and public sources, radiation dosimetry records, security clearance records and employment records.

Systems Exempted from Certain Provisions of the Act: None.

DOE 72

System name: The Department of Energy Radiation Study Registry.

Security classification: Unclassified.

System location: Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830

[1] These routine uses are reprinted below.

Categories of Individuals Covered by the System:

Registrants are those present and former employees of contractors of the Department of Energy and its predecessor organizations including the Manhattan District, USAEC, and ERDA, and present and former civilian employees in the Department of Energy Naval Reactor Program who received a whole body exposure of ionizing radiation equal to or in excess of 5 REM in any one calendar year.

Categories of Records in the System:

1. Rosters of names of individuals meeting the above criteria for inclusion in the Registry submitted through the Department of Energy field operation offices from Department of Energy-owned and operated facilities and sites. In addition to names of such individuals, these rosters include social security number or other identifying information, sex, race, date of birth, date and/or place of death, first date of hire, last date of termination, continuity of hire, year in which they received first dose, greater than or equal to 5 REM, actual radiation dose in excess of 5 REM, total career radiation esposure dose.

2. Original or copied lifetime medical records from plant and private physicians and hospitals including routing physical examinations, reports of diagnostic and laboratory tests, radiographs, EKGS, etc., or abstracted portions of such records as are required for the purposes of the study.

3. Search and contact information for registrants who are no longer employed at qualified sites or who are deceased.

4. Death Certificates.

Authority for Maintenance of the System:

5 U.S.C. 301: Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

1. To provide a current record of registrants for use by Department of Energy, and its contractors and consultants.

2. To identify specific populations for use in epidemiological and clinical studies.

3. To conduct medical surveillance during the lifetime of the registrants.

4. Additional uses 4, 6, 9, 10, as listed in Appendix B to the Department of Energy publication of systems of records, 45 FR 51125, 8/30/79. [1]

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

Storage: Paper records, computer tapes, computer printouts, punched cards, dics, magnetic tape and microfilm.

Retrievability: By name and social security number.

Safeguards: Records are maintained in locked security areas in locked file cabinets. Access is limited to individuals whose official duties require access.

Retention and Disposal: Records retention and disposal authorities are contained in the DOE Order 1324.1, "Records Disposition." Records within the Department of Energy are destroyed by shredding, buring, or burial in a sanitary landfill, as appropriate.

System Manager(s) and Address: The Manager of the Oak Ridge Operations Office is the System Manager.

Notification Procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Privacy Act Officer, Department of Energy, P.O. Box E, Oak Ridge, Tennessee 37830 in accordance with the Department of Energy's Privacy Act regulations (10 CFR Part 1008, 45 FR 61576, September 16, 1980).

b. Required identifying information: Name, social security number, and time period.

Record Access Procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Privacy Act Officer, Department of Energy, P.O. Box E, Oak Ridge, Tennessee 37830 in accordance with the Department of Energy's Privacy Act regulations (10 CFR Part 1008, 45 FR 61576, September 16, 1980).

b. Required identifying information: Name, social security number, and time period.

Record Source Categories:

The individual, medical records, physicians, medical institutions, and reports of incident/accident investigations from private and public sources, radiation dosimetry records, security clearance records and employment records

Systems Exempted from Certain Provisions of the Act: None.

DOE 73

System name: The US-DTPA Registry.

Security classification: Unclassified.

System location: Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830.

Categories of Individuals Covered by the System:

Registrants are those individuals who, because of real or suspected internal contamination with transuranic elements, have received diethyl-enetriaminepentaacetic acid (DTPA), in the calcium or zinc form during the course of chelation therapy. Administration of the agent DTPA is limited to physicians who are co-investigators with the Department of Energy contractor staff on the Investigative New Drug License of the Food and Drug Administration.

Categories of Records in the System:

1. The records compiled by the physician administering DTPA in the event of an exposure that was known to have or was suspected of having caused transuranic contamination internally requiring chelation therapy with DTPA. These records include a description of the exposure, the results of serial bioassays and investigations conducted to evaluate the level of internal contamination and the efficacy of subsequent chelation by DTPA. The form of DTPA and the route and frequency of administration are recorded together with an untoward effects of the therapy.

2. Names, social security numbers or other identifiers and vital status of treated persons. The last known addresses and the names of the private physicians of individuals who have relocated or who are no longer within the practice of the administering physician(s) are included in the DTPA Registry to facilitate the search and contact of these individuals.

3. Original or copies of medical records of illnesses, examinations, including routine followup examinations, investigations, etc., that have occurred since the initial administration of DTPA.

4. Death certification.

Authority for Maintenance of the System:

5 U.S.C. 301: Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009.

[1] These routine uses are reprinted below.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:

1. To provide a current record of individuals treated with DTPA for use by the Department of Energy and its contractors and consultants.

2. To identify by epidemiological methods any long-term untoward effects associated with DTPA therapy.

3. To provide information to FDA in accord with the I.N.D. license and issuances.

4. Additional uses 4, 8, 9, 10, as listed in Appendix B.[1]

Policies and Practices for Storing, Retrieving Accessing, Retaining, and Disposing of Records in the System:

Storage: Paper records, computer tapes, computer printouts, punched cards, discs, magnetic tape and microfilm.

Retrievability: By name and social security number.

Safeguards: Records are maintained in locked security areas in locked file cabinets. Access is limited to individuals whose official duties require access.

Retention and Disposal: Records retention and disposal authorities are contained in the DOE Order 1324.1, "Records Disposition." Records within the Department of Energy are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

System Manager(s) and Address:

The Manager of the Oak Ridge Operations Office is the System Manager.

Notification Procedure:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Privacy Act Officer, Department of Energy, P.O. Box E, Oak Ridge, Tennessee 37830 in accordance with the Department of Energy's Privacy Act regulations (10 CFR Part 1008, 45 FR 61576, September 16, 1980).

b. Required identifying information: Name, social security number, and time period.

Record Access Procedures:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Privacy Act Officer, Department of Energy, P.O. Box E, Oak Ridge, Tennessee 37830 in accordance with the Department of Energy's Privacy Act regulations (10 CFR Part 1008, 45 FR 61576, September 16, 1980).

b. Required identifying information: Name, social security number, and time period.

Contesting Record Procedures:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Privacy Act Officer, Department of Energy, P.O. Box E, Oak Ridge, Tennessee 37830 in accordance with the Department of Energy's Privacy Act regulations (10 CFR Part 1008, 45 FR 61576, September 16, 1980).

Record source Categories:

The individual, medical records, physicians, medical institutions, and reports of incident/accident investigations from private and public sources, radiation dosimetry records, security clearance records and employment records.

Systems Exempted from Certain Provisions of the Act: None.

Appendix B—Additional Routine Uses

The following routine uses apply to and are incorporated by reference into each system of records as stated therein:

1. In the event that a record within this system of records maintained by this agency indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred as a routine use to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use (a) to appropriate parties engaged in litigation or in preparation of possible litigation, such as potential witnesses, for the purpose of securing their testimony when necessary; (b) to courts, magistrates or administrative tribunals; (c) to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes; and (d) to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

5. A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in Department of Justice regulations 28 CFR 50.2.

6. A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with treaty obligations.

7. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. A record from this system of records may be disclosed, as a routine use, to DOE contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties subject to the same limitations applicable to DOE officers and employees under the Privacy Act.

[1] These routine uses are reprinted below.

9. A record in this system of records may be disclosed, as a routine use, to a member of Congress submitting a request involving the individual when the individual is a constitutent of the member and has requested assistance from the member with respect to the subject matter of the record.

10. A record in this system of records which contains medical and/or psychological information may be disclosed, as a routine use, to the physician or mental health professional of any individual submitting a request for access to the record under the Privacy Act of 1974 and DOE's Privacy Act regulations if, in its sole judgment and good faith, DOE believes that disclosure of the medical and/or psychological information directly to the individual who is the subject of the record could have an adverse effect upon that individual, in accordance with the provisions of 5 U.S.C. 552a(f)(3) and applicable DOE regulations.

[FR Doc. 81-14227 Filed 5-11-81; 8:45 am]
BILLING CODE 6450-01-M

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federal register

Tuesday
May 12, 1981

Part III

Department of the Interior

Fish and Wildlife Service

List of 77 Birds as Endangered or Threatened

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice petition acceptance and status review.

SUMMARY: Notice is given that a petition submitted by the International Council for Bird Preservation, U.S. Section, Inc., to list 77 birds as Endangered or Threatened under the Endangered Species Act of 1973 has been accepted. Under provisions of Section 4(c)(2) of the Endangered Species Act and 50 CFR Part 424, the Director has determined that substantial evidence has been presented to support the petition. Data on these species are still required before the Service can consider proposing rules to list them. A status review has been conducted for each species and a brief summary is included in this notice as required by 50 CFR 424.14(c). Public comment is hereby requested. The Service is requesting information on environmental and economic impacts and effects on small entities that would result from listing these birds and information on possible alternatives to the listing of any of these 77 species.

DATES: Persons wishing to comment on this notice should submit their data or other relevant information to the Director by September 9, 1981.

ADDRESSES: Director (OES), U.S. Fish and Wildlife Service, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION: On November 28, 1980, a petition was received from Dr. Warren B. King, Chairman, United States Section, International Council for Bird Preservation, to add 77 foreign and native species of birds to the List of Endangered and Threatened Wildlife (50 CFR 17.11). This request is authorized under the provisions of Section (c)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and 50 CFR Part 424. A detailed analysis of most of the existing scientific literature was provided in the petition for each species. Dr. King was the compiler for the Red Data Book, Volume 2 (AVES), published in 1978 and 1979 by the International Union for Conservation of Nature and Natural Resources (IUCN, 1110 Morges, Switzerland). Citations to the relevant literature on the status of each of these 77 birds may be found in that publication.

The status has been reviewed and is summarized below for each of the 77 birds in this petition. The information summarized in these status reviews is based on information provided by the petitioner and other scientific data contained in the Service files. The Service will make independent evaluation of the status of the species after reviewing full public comment. Specific data requests for a particular species are identified in that summary.

The petition list has been divided into two groupings of 19 and 58 species: native (including Pacific Trust Territories) and foreign, respectively. Approximate historic distributional limits are indicated in brackets. The entries in each of the two groups are arranged in taxonomic sequence.

Status Review—Native Species

Tule White-fronted Goose *(Answer albifrons elgasi)* [Nests in south-central Alaska, winters in central California]. Until the summer of 1979 the precise nesting grounds of this goose were not known, but suspected to be in Alaska. The total population was previously estimated (1973–1974) at 1200–1500 birds wintering on various refuges in the Sacramento River valley approximately 30–75 miles north of Sacramento, California. In the summer of 1980 intensive field work was conducted on the Tule white-fronted geese nesting in Redoubt Bay, Cook Inlet, Alaska, by representatives of Alaska Department of Fish and Game, U.S. Fish and Wildlife Service, and the University of Alaska. The present population estimate of the Tule white-fronted goose is 2,000–3,000 birds. Accurate population trends and mortality/survivorship rates will not be available for several years (banding studies were only intensively started in Alaska in 1980). A more complete survey for other nesting colonies is planned around Cook Inlet in 1981. For the present, the Service does not believe the Tule white-fronted goose should be proposed to be listed under the Endangered Species Act of 1973. We do intend to monitor closely this bird's status on a continuing basis.

Puerto Rican Sharp-shinned Hawk *(Accipiter striatus venator)* [Puerto Rico]. Petitioner suggests that loss of habitat and bot fly infestations of nestlings have reduced the population of this hawk to approximately 100–200 birds (est. 1975). The montane forests in which it occurs are only partially protected. The hawk is still found over most of its historical range, but in limited numbers. The Service needs more recent survey data on numbers and current threats to see if this hawk should be listed under the Endangered Species Act.

Puerto Rican Broad-winged Hawk *(Buteo platypterus brunnescens)* [Puerto Rico]. This non-migratory population of the common (sometimes abundant) broad-winged hawk is restricted to two montane forested areas of Puerto Rico. This hawk was thought to be extinct or very rare in 1927; it had been widespread in the inland forests of Puerto Rico in the last century. The precise causes of its present low numbers are poorly understood. A maximum of 75 individuals was estimated in 1974.

Marianas Gallinule *(Gallinula chloropus guami)* [Mariana Islands, western Pacific]. In serious trouble on Guam Tinian, and Saipan where it was quite common up until 1945. The present status on Pagan is unknown. This gallinule was the subject of a previous notice of review (44 FR 29128).

Guam Rail *(Rallus owstoni)* [Guam, Mariana Islands, western Pacific]. A flightles bird which suffered an apparent major decline approximately 10 years ago. This species is also the subject of the same review as the previous species (44 FR 29128).

Palau Nicobar Pigeon *(Caloenas nicobarica pelewensis)* [Pacific Trust Territories, Palau Island group, southwest Pacific]. This bird was not recorded between 1880 and 1945. Illegal hunting during the legal hunting season for the common Micronesian pigeon (*Ducula oceanica*) seem to be the present threat to this confiding bird. This species is presently protected under the Trust Territories Endangered Species Act of 1975 but not by any U.S. Federal law.

Radak Micronesian Pigeon *(Ducula oceanica ratakensis)* [Marshall Islands, central Pacific]. Rats seem to have reduced the number of islands occupied by this pigeon to two atolls (total 8 square miles) in the Marshall Islands. This subspecies may not be distinct from the nominate race, *D. o. oceanica*. The Service needs more data on the current status and subspecific verification of this population before this pigeon can be proposed for inclusion on the list.

Truk Micronesian Pigeon *(Ducula oceanica teraoki)* [Caroline Islands, western Pacific]. This pigeon was last reported in 1957 on Tol, the largest island in the Truk Group. The bird was

very common until World War II when the blockade by Allied Forces forced the Japanese to utilize all food resources on the islands. Intensive hunting pressures continued after the war. This subspecies may not be distinct from *D. o. monacha* of Palau and Yap. More information on this point is needed by the Service.

Marianas Fruit Dove *(Ptilinopus roseicapillus)* [Mariana Islands, western Pacific]. This bird was the subject of a previous notice of review (44 FR 29128).

Ponape Short-eared Owl *(Asio flameus ponapensis)* [Ponape, Caroline Islands, western Pacific]. The estimated total population in 1966 was 50 individual owls. Although only one owl was seen in 1975 during a week of surveying birds, knowledgeable ornithologists do not think the size of this small population has changed from past levels. Present data suggests that the loss of its habitat might quickly cause its extinction.

Virgin Islands Screech Owl *(Otus nudipes newtoni)* [St. Croix, St. Thomas, St. Johns (American Virgin Islands), and Vieques Islands (Puerto Rico), Caribbean]. This owl was last recorded in 1966 on St. Croix. A calling owl on Tortola, British Virgin Islands, in 1966 was probably this species. This subspecies was never known to be common and current population levels are thought to be low: estimated in 1973 at 25 birds, maximum. This owl requires dry forests with cavities in older trees for roosing and nesting. Forests of the Caribbean Islands are being rapidly cut to provide fuel and farm land. Only a few forested preserves now seem available to the owl.

Guam Micronesian Kingfisher *(Halcyon cinnamomina cinnamomina)* [Guam, Mariana Islands, western Pacific]. This species was the subject of a previous notice of review (44 FR 29128.).

Truk Monarch *(Metabolus rugensis)* [Truk group Caroline Islands, western Pacific]. Until World War II this small, but conspicuous, bird was found on most of the major islands of the Truk group. In 1945 it could not be found on several islands. By 1957 it had recovered slightly. It was still rare in 1975 and has now been placed on the U.S. Trust Territories list of endangered species. The original forest is now much reduced and other forests have been altered in species composition (*e.g.*, by the planting of breadfruit and coconuts). Total population is unknown but possibly low.

Rota Bridled White-eye *(Zosterops conspicillata rotensis)* [Rota, Mariana Islands, western Pacific]. The nominate subspecies, *Z. c. conspicillata*, was part of the above notice of May 18, 1979 (44 FR 29128). The present status of the Rota population is unclear. This white-eye was reported as very common on Rota in 1946, but in 1976 a brief survey seemed to indicate a drastic decline (total population now on the order of only several hundred). Extensive clearing of the forests and the introduction of the songbird black drongo (*Dicrurus macrocercus*), which is now particularly common in the lowlands, may be the causes for serious concern over the continued existence of the Rota bridled white-eye.

Truk Greater White-eye *(Rukia ruki)* [Tol, Truk Islands, western Pacific]. This white-eye is reported from only the top 30 acres of Mt. Winfbot on the 14 square mile Tol Island. This bird has been rarely seen, but was last reported (3 indiviudals) in 1975. All previous reports were prior to World War II.

Amak Song Sparrow *(Melospiza melodia amaka)* [Amak Island, Aleutians, Alaska]. This song sparrow may be extinct on the small island off the western tip of the Alaska Peninsula. Brief visits by Service biologists in July and August 1973 failed to demonstrate the presence of any song sparrows. The introduction of Arctic foxes onto Amak seems to have caused the sparrow's extinction. A more thorough and successful search is needed of the entire beach-front around the island, before the Service could start processing a proposal to list this subspecies.

Palau Blue-faced Parrotfinch *(Erythrura trichora pelewensis)* [Palau group, western Pacific.] This small bird is known only from the type specimen (described in 1922) collected on Babelthaup and two recent sightings in 1976: Ngermeaus (4 birds) and Arekabesang (1 bird). The causes for its apparent rarity are unknown. Expeditions in 1931 and 1945 did not find any blue-faced parrotfinches.

Palau white-breasted wood-swallow *(Artamus leucorhynchus pelewensis)* [Palau group, western Pacific]. A conspicuous bird now reported rarely and locally on several islands in the Palau group. This bird seems to prefer the open savannahs of the more remote sections of Babelthaup, in particular. Present information suggests that the loss of this limited habitat might cause the bird's immediate extinction.

Marianas crow *(Corvus kubaryi)* [Guam and Rota, Mariana Islands, western Pacific]. This species was part of the notice of May 18, 1979 (44 FR 29128).

Status Review—Foreign Species

Columbian Grebe *(Podiceps andinus)* [Colombia]. Formerly this grebe was found in several temperate lakes in Colombia. Since the 1950's it has been found only on Lake Tota where 300 were observed in 1968, but less than 5 birds were seen in 1977. The introduction of trout in these lakes over the past 40 years is thought to be the principal cause for the decline. The trout reportedly may out-compete the grebes for food, *i. e.*, small bait fish. Disturbance of the nesting sites could also be a problem. Loss of habitat or hunting are not concerns at the present.

Black Petrel *(Procellaria parkinsoni)* [New Zealand]. This seabird is found in small colonies on two small islands off the north-east coast of North Island, New Zealand. The total population is estimated at less than 2,000 birds, including non-breeders. Present information indicates that the introducton of cats on the nesting islands, including North Island itself (no recent active colonies known there), has been the greatest cause of the decline. Between 1971 and 1975 there was a 42 percent decline in one study area and productivity was zero for 1974 and 1975. The former population size is unknown, but the petrel is thought to have been fairly common.

Reunion Petrel *(Pterodroma aterrima)* [Reunion Island, Indian Ocean]. This species was thought to be extinct before 1900, but in 1970 two specimens were collected on Reunion. Although there have been no other observations in this century, there could be a small population in some deep ravine or cliff in the higher elevations of Reunion. Introduced mammalian predators (rats, cats, and dogs) are common on the island. A closely related species (with probably a similar diet and also found in the Indian Ocean) is known to lay thin-shelled eggs with high organochlorine contamination. Other potential causes for the reported rarity of the Reunion petrel may include the past practice of human consumption of eggs, young, and adults.

New Zealand Cook's Petrel *(Pterodroma cookii cookii)* [New Zealand]. Predation on the few remaining colony islands has been reported to have reduced this populaton to a few thousand individuals. Rats take up to 30 percent of the eggs or chicks annually, while cats and other predators take an unknown, but sizeable, number of adults. Attempts to rid the islands of rats and cats have thus far (1978) failed. Subfossil evidence indicates this petrel once bred on North and South Islands of New Zealand. One small island had an estimated 20,000 active burrows in 1935 and has virtually none today.

Chatham Island Petrel *(Pterodroma hypoleuca axillaris)* [Chatham Islands,

southern Pacific]. This petrel is known only from one island in the Chatham Island group. This island was heavily grazed until 1961 by sheep and a few cattle. The reduced vegetation may have restricted the population and subjected it to more predation from avian predators. On the higher mountains there has recently been discovered nesting an apparent conspecific, the black-winged petrel (*P. h. nigripennis*). Competition and other interactions between these two populations need further study. The island is presently a reserve with no introduced or exotic animals. The total population of the Chatham Island petrel is apparently very small and restricted to one small low area.

Magenta Petrel *(Pterodroma magentae)* [Chatham Island, southern Pacific]. Prior to 1978 this bird was known to science only from a single specimen collected at sea in the South Pacific in 1867. In 1978 two birds were trapped, photographed, and released on a high brush-covered ridge of Chatham Island, near New Zealand. Local natives reported a petrel to be fairly common on this island until the end of the last century but the identity of the bird reported by the natives remained a mystery until 1978. The population is now thought by some observers to be quite small and severely threatened by introduced predators and herbivores. Nesting burrows have not been found. This petrel is also known as the Chatham Island Taiko.

Galapagos Dark-rumped Petrel *(Pterodroma phaeopygia phaeopygia)* [Galapagos Islands, eastern Pacific]. Reproductive failures caused by introduced mammalian predators have been reported to severely threaten this bird's continued existence. It is known to nest on four islands, possibly a fifth, and less likely on two more. In 1971, for example, 4,000 occupied burrows contained only 1,600 eggs with only 160 young being estimated to have fledged from this one colony. Also reported are some habitat loss or damage due to agricultural practices. A conspecifc, the Hawaiian dark-rumped petrel (*P. p. sandwichensis*), has been listed as Endangered by the Department of the Interior since March 1967.

Hermit Ibis *(Geronticus eremita)* [eastern Europe to central Africa]. This bird is also known as the Waldrapp and is one of the few birds with recorded extirpations from Europe in historical times. Some 16 small colonies still remain: Turkey (1) and Morocco (15). Although never reported as common, it was recorded as breeding in the Italian Alps and Swiss Juras, as well as on the upper Rhone and Danube until the 1600's. Last recorded in Syria, Iraq, and Algeria in the first third of this century. Of 33 historical colonies in Morocco only 15 remain. The colony on the upper Euphrates in Turkey was established in the mid-1800's and reached 3,000 pairs in 1890. This colony presently numbers less than 50 pairs. Less than 250 pairs remain in Morocco. The use of persistent pesticides apparently took heavy tolls in the 1950's when more than 600 dead ibises were reported found around the Turkish colony. Human disturbances at the various colonies are also reported to have contributed to poor production. Conservation measures have been taken by Turkey, Morocco, and private conservationists in the past 10 years.

Madagascar Serpent Eagle *(Eutriorchis astur)* [Madagascar]. This serpent eagle is known from only a few specimens and there have been no reports since 1930. It may be extinct. Loss of its forest habitat to clearing is cited by the petitioner as the probable cause. The bird was known only from the forests of eastern Madagascar.

Madagascar Sea Eagle *(Haliaeetus vociferoides)* [Madagascar]. Severe and constant persecution is reported to have reduced this sea eagle to only a few (perhaps a dozen) pairs. The bird was formerly widespread in all coastal regions and inland waterways. Little habitat destruction seems to have occurred. This sea eagle is now recorded from one small unprotected area in the central western part of the island.

Utila Chachalaca *(Ortalis vetula deschauenseei)* [Honduras]. The petition indicates that this bird has been hunted excessively on the single island from which it is known off the north coast of Honduras. Although some reports suggest the species may be extinct, it was thought to number as many as 75 individuals as recently as 1962. Utila Island is mostly covered by mangroves, the chachalaca's preferred habitat.

White-winged Guan *(Penelope albipennis)* [Peru]. The bird is reported only from the northwest coastal forests of Peru. Until September 1977 this species was known only by two specimens collected prior to 1877. A few hundred birds are now suspected to remain in scattered patches of forest. Deforestation and some hunting were given to be the principal causes of its current rarity. Further studies and possible conservation measures have been started since the rediscovery in 1977.

Cauca Guan *(Penelope perspicax)* [Colombia]. Formerly, this guan was recorded in reasonable numbers in the Cauca Valley region of Colombia. The subtropical forests of this region have been largely removed and only a few guans are suspected of surviving in the Bosque de Yotoco. This latter forest is administered by a local college. Hunting and habitat losses are expected by the petitioner to continue. The total population size is unknown.

Cantabrian Capercaillie *(Tetrao urogallus cantabricus)* [Spain and Portugal]. This grouse is now recorded from small isolated pockets of undisturbed forest in a narrow strip in northern Spain. It was formerly observed from northern Portugal to Santander in northern Spain. In 1972 there were an estimated 300–400 males on their spring display grounds. The petitioner reports that severe habitat losses and past hunting practices have greatly reduced their numbers.

Cheer Pheasant *(Catreus wallichii)* [Pakistan to Nepal]. Except perhaps in Nepal, this pheasant has reportedly undergone severe reductions and local extirpations throughout most of its range. No estimate of the total wild population can be made. Birds are highly sedentary in family groups which make them very vulnerable to hunting pressures. At least 800 birds were thought to be in captivity in various collections around the world.

Gorgeted Wood-quail *(Odontophorus strophium)* [Colombia]. Except for a possible record in 1972, there have been no positive records since approximately 1915. This secretive species may still occur in isolated patches of remnant forest. The size of the present population is unknown; in fact, this species could be extinct.

Italian Grey Partridge *(Perdix perdix italica)* [Italy]. This partridge formerly occurred throughout most of the central mountains of Italy. Beginning about 1900 there has been a continuous decline to the point at which only a few coveys of pure wild birds are still being reported in central Italy.

Habitat losses and excessive hunting pressure have contributed to this decline according to the data provided by the petitioner. Grey partridges from captive stocks and from northern and eastern Europe have been released in large numbers. Interbreeding has reportedly eliminated the pure Italian grey partridge in nearly all areas. Competition with introduced pheasants may have also contributed to the species' problems.

Takahe *(Notornis mantelli)* [New Zealand]. Prior to the arrival of Europeans this rail became extirpated from North Island, New Zealand. In the late 1800's the bird was restricted to about 1,600 square miles of Fiordland, South Island, New Zealand. It is now

recorded from about 250 square miles within Fiordland National Park. Present (1970's) population estimates are about 250 birds. The population is reported to be barely stable in most areas. Data from the petitioner suggest past habitat destruction by introduced herbivores and current predation by introduced weasels pose a serious threat to its continued existence. Alpine grasslands and subalpine forests are reported to be used during the summer and winter, respectively. The long-term prognosis by the petitioner for the survival of this species is uncertain, but hopeful. The New Zealand Wildlife Service has been trying to conserve this species (as well as many other depleted endemics).

Barred-wing Rail *(Rallus poecilopterus)* [Fiji, south-central Pacific]. This rail was though extinct for some 83 years. A single bird was seen in June 1973 in an old taro patch surrounded by secondary forest on the Nadrau Plateau, Viti Levu, Fiji. Estimates of its former abundance (or rarity) cannot be made because of its secretive nature. The introduction of the mongoose and cat coupled with possible habitat losses are reported in this literature to be the causes of this rail's precarious status.

Chatham Island Oystercatcher *(Haematopus chathamensis)* [Chatham Islands, southern Pacific]. See also the Chatham Island Petrel and Magenta Petrel summarized above. This large shorebird is now reported to be starting to recover slowly from near extinction. With the removal of the sheep from two islands in the Chatham Islands group in 1961, the bird is reported on the increase. Total population in 1973 was estimated at 50 birds. Status on other islands in the group is apparently still tenuous according to the data provided by the petitioner.

Canarian black Oystercatcher *(Haematopus moquini meadewaldoi)* [Canary Islands, eastern Atlantic]. There were no reports in the Canarys from 1940 until a single bird was observed in 1968 on Tenerife. A very tiny population may exist somewhere on these islands. This subspecies has always been reported to be rare and no nest has ever been reported.

Black Stilt *(Himantopus novaezelandiae)* [New Zealand]. This shorebird was widely distributed on both North and South Islands, New Zealand, but is now recorded from a single large valley on South Island. Water projects planned for this valley may further threaten this species' continued existence. The present (1975) population was estimated at 50–100 birds. Hybridization with a sympatric species of stilt (*H. himantopus leucocephalus*) may further endanger the black stilt as the latter species finds it more difficult to find appropriate mates. The black stilt was never abundant but has shown a decrease from all reports.

Laurel Pigeon *(Columba junoniae)* [Canary Islands, eastern Atlantic]. This pigeon was formerly found to be quite common on two of the Canary Islands. The petitioner reports that excessive hunting and loss of its forest habitat have greatly decreased the total population. Only a handful of observations have been made in the past 40 years. The laurel forests are virtually gone and hunting is still occurring in the pigeon's range.

Marquesas Pigeon *(Ducula galeata)* [Marquesas Islands, Polynesia]. This pigeon has been found only on the western end of Nukuhiva. Hunting and habitat losses have been reported to have contributed to its decline. A 1972 estimate was only 75–105 birds, while a more recent estimate was 200–400 birds. An international jetport was planned less than a mile from the remaining habitat. Cattle, goats, and pigs may represent a continuing threat to the habitat according to the petitioner's data.

Pink Pigeon *(Nesoenas mayeri)* [Mauritius, Indian Ocean]. This pigeon is now recorded from the southwest corner of the island of Mauritius in the indigenous montane evergreen forest. The pink pigeon is thought by the petitioner to be one of the rarest birds in the world now with a population of less than 20 individuals in the wild. Rats and Macaque monkeys are suggested to be serious introduced predators.

Seychelles Turtle Dove *(Streptopelia picturata rostrata)* [Seychelles Islands, Indian Ocean]. This well marked subspecies may be extinct. As early as 1867 the introduction of the nominate subspecies, *S. p. picturata,* was causing massive interbreeding with the endemic subspecies on one of the islands. By 1975 none of the distinctive Seychelles turtle doves were found on any islands. All turtle doves seen were recorded as either intermediate "hybrids" or seemingly pure *S. p. picturata.* Habitat loss does not seem to have been a problem; only the competition with and the genetic swamping by the introduced relative have been suggested as the causes of this dove's present status.

Red-tailed Parrot *(Amazona brasiliensis)* [Brazil]. This parrot is reported only from the forests of southeastern Brazil. Deforestation in this region may pose a threat to the bird. Trade, although banned by Brazilian law, may also pose a problem. No current population estimate is available, but a decline has been reported by the petitioner in the past twenty years. The species is no longer seen over most of its limited former range.

Seychelles Lesser Vasa Parrot *(Coracopsis nigra barklyi)* [Seychelles Islands, Indian Ocean]. This parrot is known only from Praslin Island, Seychelles, where it was a pest and common as recently as 1939. It is now largely restricted to a single valley where the population in 1965 was at least 17 birds. By 1976 the population was estimated at 70–110 birds concentrated in the remaining native fruit palm forest. A shortage of nesting holes in dead trees has been thought to be the most recent limitation for the parrot. Loss of the native forest was reported to be the principal cause leading to the current status of this species.

Orange-fronted Parakeet *(Cyanoramphus malherbi)* [New Zealand]. This parakeet is known only from South Island, New Zealand, and recent records are only from the north end of that island. The population was never large and reported to have declined dramatically around the end of the last century. Since 1900 it has been reported from only six localities. This parakeet might only be a color morph of the yellow-crowned parakeet (*C. a. auriceps)* with which it was nearly always seen. This latter parakeet has no known difference in morphology or behavior from the orange-fronted, except for the simple crown coloration which has separated them. The reported rarity of the orange-fronted may preclude ever determining its relationship with the yellow-crowned.

Norfolk Island Parakeet *(Cyanoramphus novaezelandiae cookii)* [Norfolk Island, southwest Pacific]. This once common parakeet is now known only from a single patch of 1,000 acres of native forest on Norfolk Island. No more than 20 individuals were thought to exist in 1969 and its was considered very rare as early as 1908. The petitioner suggests that the loss of the forest habitat and competition with an introduced parrot (Rosella, *Platycercus elegans*) for nest sites and food have apparently contributed to this bird's problem. Future lumbering and hunting may eliminate the few remaining birds based upon the petition.

Uvea Horned Parakeet *(Eunymphicus cornutus uvaeensis)* [Loyalty Islands, southwestern Pacific]. As recently as 1939 this parakeet was reported throughout Uvea Atoll, Loyalty Islands, and estimated to number about 1,000 birds. The most recent (1974) estimate is less than 200 birds in a small remnant

forest patch. Attempts to transplant it to a nearby atoll were unsuccessful. There is a reported continuing loss of the native forest on Uvea Atoll.

Southeastern Rufous-vented Ground Cuckoo *(Neomorphus geoffroyi dulcis)* [Brazil]. This bird quickly vacates the native forests with any disturbance. Never common, this subspecies was found at several localities in southeastern Brazil, usually following army ant swarms. No birds of this species have been reported in the recent past. It may still survive in the few large patches of remaining forest.

Soumagne's Owl *(Tyto soumagnei)* [Madagascar]. This owl is known only from the eastern humid forest zone of Madagascar. The last positive record was in 1930, although an unconfirmed report was made in 1973. This owl was always considered rare. The reasons for its reported scarcity are not known; however, the decline in available native humid forests is a factor suggested by the petitioner.

Lanyu Scops Owl *(Otus elegans botelensis)* [Taiwan]. This small owl is known only from a small island off the coast of southeastern Taiwan. Almost the entire native forest has been lost and the few remaining owls are found in isolated clumps of remaining trees. This owl was observed to be fairly common throughout this small island as recently as 1969. By 1973 only 10 males could be heard calling.

Chilean Woodstar *(Eulidia yarrellii)* [Chile]. This hummingbird is known from only the northernmost province of Chile. It was considered common to abundant in this restricted range between 1935 and 1948. By 1971 it was reported to be scarce. An ornithologist residing in one of its former strongholds from April 1972 to July 1973 only saw this species three times. The species was formerly common in the gardens and towns of the fertile valleys of the region. The causes for this apparent decline are presently unkown.

Klabin Farm Long-tailed Hermit *(Phaethornis margarettae)* [Brazil]. This hummingbird was only recently discovered in a 10,000-acre area of forest in Espirito Santo, Brazil. A hermit of probably this same species was seen nearby in 1977. The primary rain forest that this bird may have originally occupied has been reduced to two tracts in Espirito Santo after decades of cutting. Eight other species or subspecies of birds occur on the same 10,000-acre tract and are also under reported threat of extinction. These remaining tracts of native forests appear to be very important to the continued existence of these birds (and other biota) as suggested by the petitioner.

Black Barbthroat *(Threnetes grzimeki)* [Brazil]. This hummingbird was also recently discovered (1972) in southeastern Brazil in two areas (one tract is the same forest to which the preceding species is also apparently restricted). Of the millions of acres of original forest only two uncut tracts totaling about 74,000 acres are left in the state of Espirito Santo, Brazil. Only four specimens are known.

Okinawa Woodpecker *(Sapheopipo noguchii)* [Okinawa, south of Japan]. This species was known only from the forested hills of the northern area of about 3,700 acres and is now (1973) estimated to be reduced to 20–60 pairs. Since 1920 this species has been reported to be rare. The primary forest habitat has been greatly reduced and fragmented. This woodpecker prefers undisturbed forest, but has been seen foraging in nearby second-growth woodland.

Black-headed Antwren *(Myrmotherula erythronotos)* [Brazil]. This secretive species may be extinct. It has been reported in the past from only two areas in southeastern Brazil. Severe destruction of much of the primary forests in this region may have caused this species' reported decline.

Fringe-backed Fire-eye *(Pyriglena atra)* [Brazil]. This antbird is known only from a small area in southern Bahia, eastern Brazil. The total population is unknown but is suggested to be quite small by the petitioner. Most of the habitat of primary forest has been either totally removed or highly fragmented. Protection of the few remaining tracts of habitat is reported to be unlikely.

Black-capped Bush Shrike *(Malaconotus alius)* [Tanzania]. This shrike is said to be shy and difficult to find in the Ulugutu Mountain forests of Tanzania, the only known area where it has been recorded. The last report was in 1952 and subsequent visits have not produced any sightings. Habitat loss in some areas may have caused some of the reported decline.

Van Dam's Vanga *(Xenopirostris damii)* [Madagascar]. This species is now known only from Ankarafantsika Nature Reserve, but was known some 250 miles farther north on the northwestern tip of the island prior to 1900. It has always been considered very rare by past observers. Sightings were made in 1929, 1960, and 1971. Loss of the forests seems to have been the principal cause for the vanga's apparent decline.

Pollen's Vanga *(Xenopirostris polleni)* [Madagascar]. This vanga was locally distibuted and reported to be more numerous in the past in the forests of eastern Madagascar. Loss of forests may have caused the apparent decline. Two were seen in 1971 and another possibly in 1972.

St. Lucia Forest Thrush *(Cichlherminia lherminieri santaeluciae)* [St. Lucia, West Indies]. This thrush was formerly quite common in the forests of St. Lucia. With the great reduction in the forests the bird is now reported to be restricted to a few small forested ravines. The introduced mongoose had not as yet reached these locations by 1974. Rats and mongooses could easily prey upon the nests of the few remaining birds.

Southern Ryukyu Robin *(Erithacus komadori subrufa)* [Ryukyu Isalnds, south of Japan]. This bird has not been reported in recent years, but it was formerly noted on the three southernost islands in the Ryukyu group. The native forests on these islands have been nearly eliminated and this appears to be the cause of the bird's apparent decline.

Dappled Mountain-robin *(Modulatrix o. orostruthus* and *M. o. amani)* [Mozambique and Tanzania, east Africa]. There have been no records of the nominate subspecies since 1932 (first and last specimens collected) in the montane forests of northern Mozambique. The subspecies *amani* was thought to number between 85 and 200 in 1977 in the small montane forests of the east Usanbara Mountains of northeastern Tanzania. It has always been considered rare by ornithologists since first collected in 1935. The total possible forest habitat was estimated not to exceed 20 square miles in 1977.

Grey-bearded Blackbird *(Turdus poliocephalus poliocephalus)* [Norfolk Island, southwest Pacific]. This thrush was formerly found over the entire 14 square miles of Norfolk Island. It is now restricted to about 1,000 acres of the remaining indigenous forest habitat. In 1962, the thrush population was estimated at about 100 birds; by 1969 less than half were estimated to survive. Competition with an introudced relative (European blackbird, *Turdu merula*), loss of forest, and predation by rats have apparently caused the reported decline.

Eiao Polynesian Warbler *(Acrocephalus caffer aquilonis)* [Eiao, Marqueses Islands, Polynesia]. This Old World warbler is restricted to Eiao Island where it was common until 1952. Small numbers still existed in 1968. Intensive French military operations began in 1971. Grazing over the past many years has reduced the formerly forested island to a near barren desert with only a few remnant forest patches.

Moorea Polynesian Warbler *(Acrocephalus caffer longirostris)* [Society Islands, south Pacific]. This old world warbler is only found on Moorea in the Society Islands. It was formerly quite common but only a few individuals have been reported recently. The introduction of avian malaria seems to have been the principal cause for this apparent decline. It has been recorded only in the montane forests above 2,500 feet elevation, where mosquitos may not be present. Individuals of related subspecies are found at lower elevations on other islands in a greater variety of habitats, including non-native vegetation.

Long-legged Warbler *(Trichocichla rufa)* [Fiji, south Pacific]. Since first discovered in 1890, this bird has been reported only a few times from Fiji: 1894, 1967, 1973. This species has never been reported by ornithologists as common, yet the natives of Fiji have a specific name for it (Manu Kalo). This warbler was probably more widespread and common prior to its discovery by biologists. Cats and mongooses may pose a serious threat to this species.

Codfish Island Fernbird *(Bowdleria punctata wilsoni)* [New Zealand]. This bird is restricted to one small (3,700 acres) island off Stewart Island, New Zealand. The low scrub vegetation is rapidly being altered by introduced herbivores. The bird was quite common as recently as 1966, but in 1975 its population was thought to be only about 100 individuals. Introduced predators also pose a threat.

Uapou Flycatcher *(Pomarea mendozae mira)* [Marquesas Islands, south Pacific]. This subspecies is restricted to Uapou Island in the Marquesas. The woodlands that once covered 90 percent of Uapou now only cover 15 percent. Much of what remains has been severely degraded by introduced mammalian herbivores. This bird was reported to be common over the island, but by 1975 the total population was estimated at 100–200 pairs.

Kabylian Nuthatch *(Sitta ledanti)* [Algeria]. This nuthatch was discovered in 1975 on a small mountain ridge in Algeria. The total population was estimated at about 20 pairs in the forests on this one mountain (about 3,000 acres total habitat). The relict forest is isolated and has other endemic flora and fauna. Grazing by goats and cattle is reported to be preventing the regeneration of this small forest.

Gizo White-eye *(Zosterops luteirostris luteirostris)* [Solomon Islands, southwest Pacific]. This bird is known only from Gizo Island in the central Solomons. It was formerly thought to be common. In 1974 only a few birds could be seen in what remained of the once extensive native forest. Most of the forest has been either cleared or killed by poisoning. A review of the taxonomy of this population and others in the area is needed.

Cherry-throated Tanager *(Nemosia rourei)* [Brazil]. Petitioner indicates this species may be extinct in southeastern Brazil. No reports have been made in over 100 years. The State of Rio de Janeiro, Brazil, has been well explored and is the only known locality for this bird. Loss of the primary forest is thought by the petitioner to have caused the apparent loss of this species.

Rodrigues Fody *(Foudia flavicans)* [Mascarene Islands, Indian Ocean]. This species is restricted to Rodrigues Island in the Mascarene group. In the last century this species was reported to be common and widespread on this one island. By 1930 it was found only in the forested areas at the higher elevations. Surveys in 1974 resulted in population estimates of 45–70 birds. In 1978 the estimated population was about 200 birds, but a February 1979 cyclone apparently caused a 40 percent reduction. Loss of the native scrub woodland and some competition by another fody that has been introduced seem to be the major causes for the reported decline.

Mauritius Fody *(Foudia rubra)* [Mauritius, Indian Ocean]. This species was once observed to be common on Mauritius, but the loss of the major portion of the native forests has seemingly reduced its numbers. By 1974 the total population was estimated at less than 300 birds. Introduced predators may also pose a problem.

Lord Howe Currawong *(Stephanomaria graculina crissalis)* [Lord Howe Island, southwest Pacific]. This bird is restricted to Lord Howe Island where it has always been reported in the scientific literature to be very rare. This bird was once observed to be common but by 1974 was estimated at only 30–50 birds. The causes for the apparent decline are undetermined. The bird is usually seen in the higher subtropical rainforest.

Information Requested

Any person, group, governmental unit, or other entity may submit any relevant information on the above species. In particular, the Service requests the most recent data on the status of any of these species and the degree and types of threats to their continued existence. Also, the Service is requesting information on environmental and economic impacts and effects on small entities (including small businesses, small organizations and small governmental jurisdictions) that would result from the listing of these birds as Endangered or Threatened species, and information on possible alternatives to listing. This information will aid the Service in complying with the requirements of the National Environmental Policy Act, Executive Order 12291 on Federal Regulation, and the Regulatory Flexibility Act, and in preparing any required analyses of effect.

The primary author of this notice is Jay M. Sheppard, Office of Endangered Species, Washington, D.C. 20240, (703/235–1975).

Dated: April 20, 1981.

F. Eugene Hester,

Acting Deputy Director, Fish and Wildlife Service.

[FR Doc. 81-14282 Filed 5-11-81; 8:45 am]

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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26482 **Interest Rates** VA is increasing maximum interest rates on guaranteed, insured and direct loans for homes and condominiums and for energy conservation and other home improvement loans.

26591 **Grant Programs—Justice** Justice/NIJ announces competitive research grant to examine types of policies governing and payments made for correctional officers' disabilities and organizational/administrative factors.

26491 **Power Reactor Safety** NRC proposes to add to its power reactor safety regulations a set of licensing requirements applicable to operating license applications.

26478 **Iran** Treasury/FACO amends regulations reporting on close relatives of former Shah of Iran served as defendants in litigation.

26476 **Iran** Treasury/FACO amends Iranian Assets Control Regulations.

26471 **Radiation** NRC publishes final rule amending exemption for ionizing radiation measuring instruments.

26562 **School Construction** Interior/BIA revises school construction priority list for fiscal year 1982.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

26501 **Performance Standards** EPA proposes revising priority list of major source categories for which new source performance standards (NSPS) are being developed.

26484 **Wage and Price Standards** GSA publishes temporary regulation intending to rescind all policies pertaining to wage and price standards for Federal contractors.

26499 **Veterans** VA proposes regulations permitting advance payment of educational assistance allowance to veterans and eligible persons following breaks in enrollment of more than 30 days.

26507 **Television** FCC proposes to amend certain frequency band available for television pickup on a secondary basis to the local television transmission service.

26498 **Regulatory Agenda** SSS

26593 **Securities** Treasury/Sec'y announces interest rate on notes of Series A–1991.

26593 **Securities** Treasury/Sec'y announces interest rate on notes of Series K–1984.

26600 **Privacy Act Document** DOE

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Rules and Regulations

Federal Register
Vol. 46, No. 92
Wednesday, May 13, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 30

Amendment of Exemption for Ionizing Radiation Measuring Instruments

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its rules of general applicability to domestic licensing of byproduct material so that persons exempt from licensing and regulatory requirements may receive, use, and transfer ionizing radiation measuring instruments containing multiple internal calibration or standardization sources of byproduct material. The amendment is being adopted in response to a petition for rulemaking filed by General Atomic Company to permit distribution to exempt persons of multiple function instruments important to monitoring radiation and radioactive materials in and around major nuclear facilities. The action relieves all persons from the requirement to obtain a specific license to the extent that they receive, use, and transfer ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, sources of byproduct material each not exceeding the pertinent exempt quantity. An instrument may contain a total of 10 exempt quantities of byproduct material. The amendment should be of interest to manufacturers and users of ionizing radiation measuring instruments.

EFFECTIVE DATE: May 12, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. D. A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: 301/443–5946.

SUPPLEMENTARY INFORMATION: On February 25, 1981, the Nuclear Regulatory Commission published in the Federal Register (46 FR 14019) a notice of proposed amendments to 10 CFR Part 30 to permit the exempt use of multiple calibration sources in a radiation measuring instrument. Part 30 presently allows the exempt use of only a single calibration source in an instrument. The proposed change to permit use of multiple sources would enable users to obtain instruments with several internal sources so that calibration can be performed on a spectrum of radiation energies and more reliable measurements can be performed. Also, the proposed change would enable the use of multiple detectors with a single instrument and thus increase the number of samples measured in a given time period and reduce the cost per measurement.

The proposed amendments provided a period of 45 days for public comment. Two comments were received. Both comments were from manufacturers of radiation instruments and urged prompt adoption of final amendments. One of the manufacturers also suggested a minor change in the proposed amendments in order to allow greater flexibility in the design of instruments that may be used under the exemption. That suggestion concerned the number of radionuclides that could be contained in a single source or instrument. As indicated by the manufacturer, from the standpoint of health and safety the limitation of significance is the number of exempt quantities in a single source or a single instrument and the number of different radionuclides is not significant. The Commission agrees that the proposed amendments were unnecessarily restrictive with respect to the number of radionuclides that may be used in an instrument and the final rule does not limit an instrument to one exempt quantity of a particular radionuclide. Except for this change to allow greater flexibility in choice of radionuclides, the final amendment is substantially the same as the proposed amendments.

In the preamble to the final rule published in the Federal Register on April 22, 1970 (35 FR 6427), the Commission found that the exemption from licensing of ionizing radiation measuring instruments containing certain internal calibration or standardization sources under the conditions set forth in 10 CFR 30.15(a)(9) would not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

The Commission has found that the amendments set forth below are of a minor or nonpolicy nature, do not substantially modify existing regulations, and will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

Regulatory Flexibility Certification

Since this amendment relieves persons from present regulatory restrictions, the Commission, in accordance with sec. 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities. Persons with a need for instruments with multiple internal calibration sources will be able to obtain those instruments without incurring the costs of a specific license.

Since the following amendment relieves rather than imposes restrictions under regulations currently in effect, it will become effective immediately upon publication pursuant to 5 U.S.C. 553(d).

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 30, is published as a document subject to codification.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. In § 30.15, paragraph (a)(9) is revised to read as follows:

§ 30.15 Certain items containing byproduct material.

(a) * * *

(9) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of byproduct material: *Provided,* That;

(i) Each source contains no more than one exempt quantity set forth in § 30.71, Schedule B, and

(ii) Each instrument contains no more than 10 exempt quantities. For purposes of this paragraph (a)(9), an instrument's source(s) may contain either one type or different types of radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in § 30.71, Schedule B, provided that the sum of such fractions shall not exceed unity.

* * * * *

(Secs. 81, 161b, Pub. L. 83-703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201b); sec. 201, Pub. L. 93-438, 88 Stat. 1242, Pub. L. 94-79, 89 Stat. 413 (42 U.S.C. 5841)

Dated at Bethesda, Md. this 30th day of April, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-14305 Filed 5-12-81; 8:45 am]

BILLING CODE 7590-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 15, 16, 17, 18, and 21

Deliveries and Exchanges of Futures for Physicals; Reporting Open Positions

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule; deferral of effective date.

SUMMARY: On March 25, 1981, the Commission published in the **Federal Register** amendments to Parts 15 through 21 of its reporting regulations which, among other things, would require futures commission merchants ("FCMs") to report delivery notices and exchanges of futures for physicals to the Commission. (46 FR 18528, March 25, 1981). These revisions were to have been effective May 15, 1981. However, several FCMs have encountered problems in making computer programming changes by May 15, 1981, that are necessary in order for them to comply with the new requirements.

The Commission has determined that a deferral of the effective date would allow compliance with the new requirements while causing no significant loss of surveillance information.

DATE: Accordingly, notice is hereby given that the effective date of the above changes has been postponed to June 12, 1981.

FOR FURTHER INFORMATION CONTACT:

Lamont L. Reese, Associate Director, Market Surveillance Section, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone 202-254-3310.

Issued in Washington, D.C., on May 8, 1981.

Jean A. Webb,

Deputy Secretary of the Commodity Futures Trading Commission

[FR Doc. 81-14434 Filed 5-12-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 355

Butter From Denmark; Final Results of Administrative Review and Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review and of Revocation of Countervailing Duty Order.

SUMMARY: On March 20, 1981, the Department of Commerce published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination to Revoke" with respect to butter from Denmark. Reasons for the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral comments. The Department received written comments from one party objecting to the revocation, but these were subsequently withdrawn. Therefore, the Department is revoking the order on the grounds that the Government of Denmark has eliminated the subsidy and that this product remains covered by the order on dairy products from the European Communities.

EFFECTIVE DATE: May 13, 1981.

FOR FURTHER INFORMATION CONTACT:

Paul J. McGarr, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On September 28, 1935, in T.D. 47896, the Department of the Treasury imposed countervailing duties on butter imported directly or indirectly from Denmark. On December 29, 1936, T.D. 48734 modified this prior order, restricting its application to butter exported indirectly from Denmark on or after November 10, 1935. On May 19, 1975, a "Final Countervailing Duty Determination" on dairy products from the European Communities ("the EC"), including butter from Denmark, T.D. 75-113, was published in the **Federal Register** (40 FR 21719). On March 20, 1981, the Department of Commerce ("the Department") published the preliminary results of its administrative review and a tentative determination to revoke the countervailing duty order (46 FR 17819).

Scope of the Review

Imports covered by this review are butter imported indirectly from Denmark. Such imports are currently classifiable under items 116.00-116.25, Tariff Schedules of the United States. The review covers the period January 1, 1973 to the present.

In the preliminary results of the review we concluded that the imported merchandise no longer benefits from subsidies from the Government of Denmark and that entries of this merchandise remained covered by the 1975 countervailing duty order on dairy products from the EC. Interested parties were afforded an opportunity to furnish oral or written comments. We received comments from one party objecting to both of these conclusions, but they were subsequently withdrawn.

Final Results of the Review

As a result of the review, we conclude that the imported merchandise no longer benefits from net subsidies from the Government of Denmark. Therefore, in accordance with § 355.42(c)(2) of the Commerce Regulations, the Department revokes the countervailing duty order concerning butter from Denmark (T.D. 47896, as modified by T.D. 48734) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after March 20, 1981.

There are no known unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption prior to May 19, 1975, the date of publication of the countervailing duty order on dairy products from the EC. Entries on or after May 19, 1975 are subject to the waiver of that order, T.D. 75-114 (40 FR 21720). The Customs Service shall continue to liquidate all entries without regard to countervailing duties.

PART 355—COUNTERVAILING DUTIES

Annex III [Amended]

Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended under the country heading "Denmark" by removing from the column headed "Commodity" the word "Butter"; from the column headed "Treasury Decision," the numbers "47896" and "48734"; and from the column headed "Action," the words "Bounties declared-rate" and "Discontinued as to direct shipments," respectively.

This revocation, administrative review, and notice are in accordance with sections 751(a)(1), (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41, 355.42).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-14418 Filed 5-13-81; 8:45 am]

BILLING CODE 3510-25-M

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19 CFR Part 355

Cheese From Finland; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of revocation of countervailing duty order.

SUMMARY: The Department of Commerce is revoking the countervailing duty order on cheese from Finland. Under the Trade Agreements Act of 1979, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. Because there is an agreement in effect between Finland and the United States, the Department is revoking this order and liquidation shall continue on all entries of this merchandise without regard to countervailing duties.

EFFECTIVE DATE: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1167).

SUPPLEMENTARY INFORMATION: On June 18, 1976, a notice of "Final Countervailing Duty Determination" on cheese from Finland, T.D. 76–173, was published in the **Federal Register** (41 FR 24702). The notice stated that the Department of the Treasury had determined that exports of such cheese were subject to bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act").

In conjunction with the notice, the Treasury Department published T.D. 76–174 waiving imposition of countervailing duties under the authority of section 303(d) of the Tariff Act (41 FR 24703).

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department").

Under section 702(f) of the TAA, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. The Governments of Finland and the United States entered into such an agreement on April 12, 1979.

By creating a fast-track process under section 702 of the TAA for review of price undercutting, Congress legislated a complete substitute for countervailing duty proceedings for a nation party to a bilateral cheese agreement. Because there is an agreement in effect, the Department is revoking T.D. 76–173 and T.D. 76–174 with respect to all entries, or withdrawals from warehouse, for consumption of cheese from Finland. In addition, the Department will instruct the Customs Service to continue to liquidate all such entries without regard to countervailing duties.

The revocation of the countervailing duty order is based upon the existence of the agreement between Finland and the United States.

Should the Government of Finland terminate this agreement and the attendant commitment, the Department will consider self-initiation of a new investigation on this merchandise.

PART 355—COUNTERVAILING DUTIES

Annex III [Amended]

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended by removing from the column headed "Country," the word "Finland"; from the column headed "Commodity", the word "Cheese"; from the column headed "Treasure Decision," the numbers "76–173" and "76–174"; and from the column headed "Action," the words "Bounty Declared—rate" and "Imposition of countervailing duties waived," respectively.

This revocation and notice are in accordance with section 702(f) of the Trade Agreements Act of 1979 (19 U.S.C. 1202, note).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

May 1, 1981.

[FR Doc. 81-14419 Filed 5-13-81; 8:45 am]

BILLING CODE 3510-25-M

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19 CFR Part 355

Cheese From Sweden; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: The Department of Commerce is revoking the countervailing duty order on cheese from Sweden. Under the Trade Agreements Act of 1979, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. Because there is an agreement in effect between Sweden and the United States, the Department is revoking this order and liquidation shall continue on all entries of this merchandise without regard to countervailing duties.

EFFECTIVE DATE: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202–377–1167).

SUPPLEMENTARY INFORMATION: On July 1, 1976, a notice of "Final Countervailing Duty Determination" on cheese from Sweden, T.D. 76–188, was published in the **Federal Register** (41 FR 27032). The notice stated that the Department of the Treasury had determined that exports of such cheese were subject to bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). In conjunction with the notice, the Treasury Department

published T.D. 76-189 waiving imposition of countervailing duties under the authority of section 303(d) of the Tariff Act (41 FR 27032).

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department").

Under section 702(f) of the TAA, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. The Governments of Sweden and the United States entered into such an agreement on June 13, 1979.

By creating a fast-track process under section 702 of the TAA for review of price undercutting, Congress legislated a complete substitute for countervailing duty proceedings for a nation party to a bilateral cheese agreement. Because there is an agreement in effect, the Department is revoking T.D. 76-188 and T.D. 76-189 with respect to all entries, or withdrawals from warehouse, for consumption of cheese from Sweden. In addition, the Department will instruct the Customs Service to continue to liquidate all such entries without regard to countervailing duties.

The revocation of the countervailing duty order is based upon the existence of the agreement between Sweden and the United States.

Should the Government of Sweden terminate this agreement and the attendant commitment, the Department will consider self-initiation of a new investigation on this merchandise.

PART 355—COUNTERVAILING DUTIES

Annex III [Amended]

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended under the country heading "Sweden" by removing from the column headed "Commodity", the word "Cheese"; from the column headed "Treasury Decision," the numbers "76-188" and "76-189"; and from the column headed "Action," the words "Bounty Declared—rate" and "Imposition of countervailing duties waived," respectively.

This revocation and notice are in accordance with section 702(f) of the Trade Agreements Act of 1979 (19 U.S.C. 1202, note).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

May 1, 1981.

[FR Doc. 81-14420 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

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19 CFR Part 355

Cheese, Other Than Jarlsberg, From Norway; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: The Department of Commerce is revoking the countervailing duty order on cheese, other than Jarlsberg, from Norway. Under the Trade Agreements Act of 1979, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. Because there is an agreement in effect between Norway and the United States, the Department is revoking this order and liquidation shall continue on all entries of this merchandise without regard to countervailing duties.

EFFECTIVE DATE: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-1167).

SUPPLEMENTARY INFORMATION: On May 28, 1976, a notice of "Final Countervailing Duty Determination" on cheese, other than Jarlsberg, from Norway, T.D. 76-152, was published in the **Federal Register** (41 FR 21767). The notice stated that the Department of the Treasury had determined that exports of such cheese were subject to bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). In conjunction with the notice, the Treasury Department published T.D. 76-153 waiving imposition of coutervailing duties under the authority of section 303(d) of the Tariff Act (41 FR 21767).

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department").

Under section 702(f) of the TAA, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. The Governments of Norway and the United States entered into such an agreement on May 17, 1979.

By creating a fast-track process under section 702 of the TAA for review of price undercutting, Congress legislated a complete substitute for countervailing duty proceedings for a nation party to a bilateral cheese agreement. Because there is an agreement in effect, the Department is revoking T.D. 76-152 and T.D. 76-153 with respect to all entries, or withdrawals from warehouse, for consumption of cheese, other than Jarlsberg, from Norway. In addition, the Department will instruct the Customs Service to continue to liquidate all such entries without regard to countervailing duties.

The revocation of the countervailing duty order is based upon the existence of the agreement between Norway and the United States. Should the Government of Norway terminate this agreement and the attendant commitment, the Department will consider self-initiation of a new investigation on this merchandise.

PART 355—COUNTERVAILING DUTIES

Annex III [Amended]

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended by removing from the column headed "Country," the word "Norway"; from the column headed "Commodity", the words "Cheese, Other than Jarlsberg"; from the column headed "Treasury Decision," the numbers "76-152" and "76-153"; and from the column headed "Action," the words "Bounty Declared—rate" and "Imposition of countervailing duties waived," respectively.

This revocation and notice are in accordance with section 702(f) of the Trade Agreements Act of 1979 (19 U.S.C. 1202, note).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

May 1, 1981.

[FR Doc. 81-14421 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

19 CFR Part 355

Emmenthaler and Gruyere Cheese From Switzerland; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: The Department of Commerce is revoking the countervailing duty order on Emmenthaler and Gruyere cheese from Switzerland. Under the Trade Agreements Act of 1979, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. Because there is an agreement in effect between Switzerland and the United States, the Department is revoking this order and liquidation shall continue on all entries of this merchandise without regard to countervailing duties.

EFFECTIVE DATE: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2803, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1167).

SUPPLEMENTARY INFORMATION: On January 8, 1976, a notice of "Final Countervailing Duty Determination" on Emmenthaler and Gruyere cheese from Switzerland, T.D. 76–5, was published in the Federal Register (41 FR 1467). The notice stated that the Department of the Treasury had determined that exports of such cheese were subject to bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303)("the Tariff Act"). In conjunction with the notice, the Treasury Department published T.D. 76–6 waiving imposition of countervailing duties under the authority of section 303(d) of the Tariff Act (41 FR 1466).

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department").

Under section 702(f) of the TAA, no countervailing duty shall be imposed upon an article of quota cheese from a country which has an agreement in effect with the United States that contains a commitment by the government of that country with respect to price undercutting. The Governments of Switzerland and the United States entered into such an agreement on April 12, 1979.

By creating a fast-track process under section 702 of the TAA for review of price undercutting, Congress legislated a complete substitute for countervailing duty proceedings for a nation party to a bilateral cheese agreement. Because there is an agreement in effect, the Department is revoking T.D. 76–5 and T.D. 76–6 with respect to all entries, or withdrawals from warehouse, for consumption of Emmenthaler and Gruyere cheese from Switzerland. In addition, the Department will instruct the Customs Service to continue to liquidate all such entries without regard to countervailing duties.

The revocation of the countervailing duty order is based upon the existence of the agreement between Switzerland and the United States. Should the Government of Switzerland terminate this agreement and the attendant commitment, the Department will consider self-initiation of a new investigation on this merchandise.

PART 355—COUNTERVAILING DUTIES

Annex III [Amended]

The table in Part 355, Annex III of the Commerce Regulations (19 CFR Part 355, Annex III) is amended by removing from the column headed Country," the word "Switzerland"; from the column headed "Commodity", the words "Emmenthaler and Gruyere cheese"; from the column headed "Treasury Decision," the numbers "76–5" and "76–6"; and from the column headed "Action," the words "Bounty Declared—rate" and "Imposition of countervailing duties waived," respectively.

This revocation and notice are in accordance with section 702(f) of the Trade Agreements Act of 1979 (19 U.S.C. 1202, note).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

April 23, 1981.

[FR Doc. 81–14417 Filed 5–12–81; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 105

Deposit of Indian Funds in Banks

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Rescission of rule.

SUMMARY: The Bureau of Indian Affairs is rescinding the regulations governing the deposit of Indian funds in banks. The Bureau of Indian Affairs now maintains its own accounts for trust funds instead of depositing them in banks. For that reason these regulations are no longer needed.

EFFECTIVE DATE: This action takes effect May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Barton Wright, Chief, Division of Accounting Management, Bureau of Indian Affairs, P.O. Box 127, Albuquerque, New Mexico 87103, telephone (505) 766–3498.

SUPPLEMENTARY INFORMATION: The authority of the Secretary of the Interior to rescind these regulations is contained in 43 U.S.C. 1457, 25 U.S.C. 2, 9 and 372, 5 U.S.C. 301 and Reorganization Plan No. 3 of 1950 (64 Stat. 1262). The authority of the Secretary has been delegated to the Assistant Secretary—Indian Affairs in 209 DM 8.

The primary author of this document is David Etheridge, Office of the Solicitor, Division of Indian Affairs, Department of the Interior.

It has been determined that rescission of this Part is not a major rule as that term is defined in Executive Order 12291 of February 17, 1981, 46 FR 13193, becuase it will have no economic impact on the pubic.

It has been determined that rescission of this Part will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96–354 and 43 CFR Part 14, 45 FR 85376.

The rule that is being rescinded has no impact on the public since deposits subject to the regulations are no longer being made. For that reason an opportunity for public comment on this action is unnecessary. Because there is no impact on the public there is also no need to publish this document 30 days before its effective date. Accordingly, good cause exists to make this action effective May 13, 1981.

PART 105—DEPOSIT OF INDIAN FUNDS IN BANK [REMOVED]

Part 105 of Title 25 of the Code of Federal Regulations is removed.

Date: April 17, 1981.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81–14411 Filed 5–12–81; 8:45 am]

BILLING CODE 4310–02–M

25 CFR Part 173

Leasing of Lands on Crow Indian Reservation, Montana, for Mining

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Rescission of rule.

SUMMARY: The Bureau of Indian Affairs is rescinding the special regulations governing mineral leasing on the Crow Indian Reservation. Mineral leasing on that reservation is already governed by the same regulations that apply to other Indian reservations, 25 CFR Part 171.

EFFECTIVE DATE: This action takes effect June 12, 1981.

FOR FURTHER INFORMATION CONTACT: Tim Vollmann, Office of the Solicitor, (202) 343-9331 or Tom Riggs, Bureau of Indian Affairs, (202) 343-3722.

SUPPLEMENTARY INFORMATION: The authority of the Secretary of the Interior to rescind these regulations is contained in 43 U.S.C. 1457, 25 U.S.C. 2, 9, and 396a–f, 5 U.S.C. 301, the Act of May 17, 1968, 82 Stat. 123, and the Reorganization Plan No. 3 of 1950 (64 Stat. 1262). The authority of the Secretary has been delegated to the Assistant Secretary—Indian Affairs in 209 DM 8. Special regulations had been promulgated for leasing on the Crow Reservation because Congress had provided specific statutory authority for mineral leasing on that reservation in Section 6 of the Act of June 4, 1920, 41 Stat. 751, as amended by the Act of May 26, 1926, 44 Stat. 658. Those statutes authorized leasing for a maximum of ten years with a right of renewal for another ten years. However, as a result of two later amendments, the Act of September 16, 1959, 73 Stat. 565, and the Act of May 17, 1968, 82 Stat. 123, Congress authorized leasing under the provisions of the Act of May 11, 1938, 52 Stat. 347, 25 U.S.C. 396a–f. Under those amendments, Crow lands, like those on other reservations, may be leased for as long "as minerals are produced in paying quantities."

The only substantive difference between the Part 173 regulations governing leasing on the Crow Reservation and the Part 171 regulations governing leasing on other reservations is the permissible term of the lease. Since Congress removed that difference from the statutes, there is no longer any need to maintain separate regulations for the Crow Reservation.

Rescission of Part 173 was proposed as part of a complete revision of the regulations governing mineral leasing on Indian lands. 45 FR 53165 (August 11, 1980). Although other aspects of the proposed revision of the regulations are still under review, the Department has decided to proceed now with the rescission of Part 173 since those regulations are no longer operational.

The primary author of this document is David Etheridge, Office of the Solicitor, Division of Indian Affairs, Department of the Interior.

It has been determined that rescission of this Part is not a major rule as that term is defined in Executive Order 12291 of February 17, 1981, 46 FR 13193, because it will have no economic impact on the public.

It has been determined that rescission of this Part will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354 and 43 CFR Part 14, 45 FR 85370.

PART 173—LEASING OF LANDS ON CROW INDIAN RESERVATION, MONTANA, FOR MINING [REMOVED]

Part 173 of Title 25 of the Code of Federal Regulations is removed.

Dated: April 17, 1981.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-14404 Filed 5-12-81; 8:45 am]

BILLING CODE 4310-02-M

25 CFR Part 242

California Rancherias and Reservations—Distribution of Assets

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Rescission of rule.

SUMMARY: The Bureau of Indian Affairs is rescinding the regulations governing the distribution of assets of rancherias and reservations that were subject to termination in California. No further assets of the affected reservations and rancherias remain to be distributed. Consequently, these regulations are no longer necessary.

EFFECTIVE DATE: This action takes effect on May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Norman Sahmaunt, Assistant to the Area Director, Sacramento Area Office, Bureau of Indian Affairs, Federal Building, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484-4506.

SUPPLEMENTARY INFORMATION: The authority of the Secretary of the Interior to rescind these regulations is contained in 43 U.S.C. 1147, 25 U.S.C. 2 and 9, 5 U.S.C. 301, Section 12 of the Act of August 18, 1958 (72 Stat. 619), as amended by the Act of August 11, 1964 (78 Stat. 390) and Reorganization Plan No. 3 of 1950 (64 Stat. 1262). The authority of the Secretary has been delegated to the Assistant Secretary—Indian Affairs in 209 DM 8.

The primary author of this document is David Etheridge, Office of the Solicitor, Division of Indian Affairs, Department of the Interior.

It has been determined that rescission of this Part is not a major rule as that term is defined in Executive Order 12291 of February 17, 1981, 46 FR 13193, because it will have no economic impact on the public.

It has been determined that rescission of this Part will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354 and 43 CFR Part 14, 45 FR 85370.

Since the distributions of assets that were governed by these regulations no longer take place, rescission of these regulations has no impact on the public. For that reason an opportunity for public comment on this action is unnecessary. Because there is no impact on the public there is also no need to publish this document 30 days before its effective date.

Accordingly, good cause exists to make this action effective May 13, 1981.

PART 242—CALIFORNIA RANCHERIAS AND RESERVATIONS—DISTRIBUTION OF ASSETS [REMOVED]

Part 242 of Title 25 of the Code of Federal Regulations is removed.

Date: April 17, 1981.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 81-14403 Filed 5-12-81; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations; Clarification and Corrections

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purposes of the amendments are to make the substance of paragraph (c) of section 535.214, as published in the **Federal Register** on February 26, 1981, apply equally to

§§ 535.213, 535.214 and 535.215; to amend §§ 535.218 and 535.504 by adding an extension of certain licenses and clarifying provisions; to amend §§ 535.218 and 535.504 to nullify existing attachments and bar future attachments on standby letters of credit, performance bonds and similar obligations; and to correct a typographical error in item 25 of the amendments to the Regulations which appeared in the Federal Register on February 26, 1981.

The need for paragraph (c) in §§ 535.213 and 535.214 and a similar new paragraph (b) for § 535.215 is to exempt property or properties from the transfer requirements if they are subject to a pre-freeze attachment, injunction or other like proceeding or process. The need for the amendments of §§ 535.218 and 535.504 is to make clear that these sections apply to specified types of property and to nullify existing attachments and prohibit future attachments on standby letters of credit, performance bonds and similar obligations. The effects of the amendments are that the meaning of the sections is clarified, new controls are imposed, an extension of certain licenses for the operation of blocked accounts is given and certain errors in the text of the Regulations are corrected.

EFFECTIVE DATE: May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond W. Konan, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. (202) 376-0236.

SUPPLEMENTARY INFORMATION: Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

Similarly, because the amendment is issued with respect to a foreign affairs function of the United States, it is not subject to Executive Order 12291 of February 17, 1981, dealing with federal regulations.

31 CFR Part 535 is amended as follows:

1. With an identical paragraph (c), §§ 535.213 and 535.214 are revised to read as follows:

§ 535.213 Direction involving property held by offices of banks in the United States in which Iran or an Iranian entity has an interest.

(a) Any branch or office of a bank, which branch or office is located within the United States and is, on the effective date of this section, either (1) in possession of funds or securities legally or beneficially owned by the Government of Iran or its agencies, instrumentalities or controlled entities, or (2) carrying on its books deposits standing to the credit of or beneficially owned by such government or its agencies, instrumentalities or controlled entities, is licensed, authorized, directed and compelled to transfer such funds, securities and deposits, held on January 19, 1981, including interest from November 14, 1979, at commercially reasonable rates, to the Federal Reserve Bank of New York, as fiscal agent of the U.S., to be held or transferred as directed by the Secretary of the Treasury.

(b) Transfers of funds, securities or deposits under paragraph (a) of this section shall be in accordance with the provisions of § 535.221 of this part.

(c) Any funds, securities or deposits subject to a valid attachment, injunction or other like proceeding or process not affected by § 535.218 need not be transferred as otherwise required by this section.

§ 535.214 Direction involving other financial assets in which Iran or an Iranian entity has an interest held by any person subject to the jurisdiction of the United States.

(a) Any person subject to the jurisdiction of the United States which is not a banking institution and is on January 19, 1981, in possession or control of funds or securities of Iran or its agencies, instrumentalities or controlled entities is licensed, authorized, directed and compelled to transfer such funds or securities to the Federal Reserve Bank of New York, as fiscal agent of the U.S. to be held or transferred as directed by the Secretary of the Treasury. However, such funds and securities need not be transferred until any disputes (not relating to any attachment, injunction or similar order) as to the entitlement of Iran and its entities to them are resolved.

(b) Transfers of funds, securities or deposits under paragraph (a) of this section shall be in accordance with the provisions of § 535.221 of this part.

(c) Any funds, securities or deposits subject to a valid attachment, injunction or other like proceeding or process not affected by § 535.218 need not be transferred as otherwise required by this section.

2. Section 535.215 is amended by designating the existing paragraph as (a) and by adding paragraph (b) to read as follows:

§ 535.215 Direction involving other properties in which Iran or an Iranian entity has an interest held by any person subject to the jurisdiction of the United States.

* * * * *

(b) Any properties subject to a valid attachment, injunction or other like proceeding or process not affected by § 535.218 need not be transferred as otherwise required by this section.

3. Section 535.218 is amended by the revision of the section title and of paragraph (e) and the addition of new paragraphs (f) and (g) to read as follows:

§ 535.218 Prohibitions and nullifications with respect to property described in §§ 535.211, 535.212, 535.213, 535.214 and 535.215 and standby letters of credit.

* * * * *

(e) Paragraph (a) of this section does not revoke or withdraw specific licenses authorizing the operation of blocked accounts which were issued prior to January 19, 1981, and which do not relate to litigation. Such licenses shall be deemed to be revoked as of May 31, 1981, unless extended by general or specific license issued subsequent to February 26, 1981.

(f) The provisions of paragraphs (a), (b) and (c) of this section shall apply to contested and contingent liabilities and property interests of the Government of Iran, its agencies, instrumentalities or controlled entities, including debts.

(g) All existing attachments on standby letters of credit, performance bonds and similar obligations and on substitute blocked accounts established under § 535.568 relating to standby letters of credit, performance bonds and similar obligations are nullified and all future attachments on them are hereafter prohibited. All rights, powers and privileges relating to such attachments are nullified and all persons hereafter are barred from asserting or exercising any rights, powers or privileges derived therefrom.

4. Section 535.504 is amended by relettering existing paragraph (c) as (d); and by adding new paragraphs (c) and (e) to read as follows:

§ 535.504 Certain judicial proceedings with respect to property of Iran or Iranian entities.

* * * * *

(c) For purposes of this section, contested and contingent liabilities and property interests of the Government of Iran, its agencies, instrumentalities, or controlled entities, including debts, shall be deemed to be subject to § 535.215.

* * * * *

(e) Judicial proceedings to obtain attachments on standby letters of credit,

performance bonds or similar obligations and on substitute blocked accounts established under § 535.566 relating to standby letters of credit, performance bonds and similar obligations are not authorized or licensed.

5. Amendment No. 25 of the amendments to the Regulations published at 46 FR 14337 on February 26, 1981, is corrected by deleting § 535.332 in the list of revoked sections. There has never been a § 535.332.

(Sec. 201–207, 91 Stat. 1626, 50 U.S.C. 1701–1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 26605; E.O. No. 12276, 46 FR 7913; E.O. No. 12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7925; E.O. No. 12283, 46 FR 7927, and E.O. No. 12294, 46 FR 14111.)

Dated: May 8, 1981.

Dennis M. O'Connell,

Director.

Approved:

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-14309 Filed 5-11-81; 3:40 pm]

BILLING CODE 4810-25-M

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31 CFR Part 535

Iranian Assets Control Regulations; Reports on Close Relatives of Former Shah of Iran Served as Defendants in Litigation

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending § 535.217 of the Iranian Assets Control Regulations and is adding a new § 535.619. The purpose of the amendment of § 535.217 is to identify Ashraf Pahlavi, sister of the former Shah of Iran, as a person who has been served as a defendant in litigation in a court within the United States brought by Iran seeking the return of property alleged to belong to Iran. The need for this amendment is to identify Ashraf Pahlavi as a person whose assets are subject to the blocking provisions of Executive Order 12284 of January 19, 1981 and § 535.217(a) of this part. The purpose of new § 535.619 is to impose a requirement that all persons having knowledge about the property of persons named in § 535.217(b) of this part must complete and file reports on Form TFR–619. Section 535.619 is needed to fulfill the obligation of the United States, pursuant to the agreements between the United States and Iran, to report such information to the Government of Iran.

EFFECTIVE DATE: May 11, 1981.

FOR FURTHER INFORMATION CONTACT: Raymond W. Konan, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. (202) 376–0236.

SUPPLEMENTARY INFORMATION: Since the regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date, are inapplicable.

Similarly, because the amendment is issued with respect to a foreign affairs function of the United States, it is not subject to Executive Order 12291 of February 17, 1981, dealing with federal regulations.

31 CFR Part 535 is amended as follows:

1. Section 535.217 is amended by the addition of a paragraph (b) and the revision of paragraph (c). As amended, § 535.217 reads:

§ 535.217 Blocking of property of the former Shah of Iran and of certain other Iranian nationals.

(a) For the purpose of protecting the rights of litigants in courts within the United States, all property and assets located in the United States in the control of the estate of Mohammad Reza Pahlavi, the former Shah of Iran, or any close relative of the former Shah served as a defendant in litigation in such courts brought by Iran seeking the return of property alleged to belong to Iran, is blocked as to each such estate or person, until all such litigation against such estate or person is finally terminated. This provision shall apply only to such estate or persons as to which Iran has furnished proof of service to the Office of Foreign Assets Control and which the Office has identified in paragraph (b) of this section.

(b) Ashraf Pahlavi, sister of Mohammad Reza Pahlavi, the former Shah of Iran May 11, 1981.

(c) The effective date of this section is January 19, 1981, except as otherwise specified after the name of a person identified in paragraph (b) of this section.

2. Section 535.619 is added to read as follows:

§ 535.619 Reports on Form TFR–619.

(a) *Reporting requirements.* Within 30 days after publication in the **Federal Register** of the name of any person or estate in § 535.217(b), the following persons who are subject to the jurisdiction of the United States shall file reports on Form TFR–619 with respect to their knowledge of the property of such person or estate at any time between November 3, 1979 and the date designated after the name of any person in § 535.217(b):

(1) Any person whose name is published for inclusion in § 535.217(b);

(2) Any person who has or had, from November 3, 1979 to the date of designation of the relevant person in § 535.217(b), actual or constructive possession or control, directly or indirectly, in trust or otherwise, of property in which there was any direct or indirect interest of any person listed in § 535.217(b) of the Regulations;

(3) Any business or non-business entity in the United States in which any person listed in § 535.217(b) of the Regulations held any financial interest at any time between November 3, 1979 and the date of designation of the relevant person in § 535.217(b);

(4) Any person having knowledge of property or assets of a person listed in § 535.217(b) of the Regulations, by reason of a business relationship with such property;

(5) Any person having actual knowledge of property of a person named in § 535.217(b) because of a personal relationship with the named person; and

(6) Any agency of the United States Government which has in any of its official financial books and records any information which serves to identify any property or assets of a person listed in § 535.217(b) of the Regulations.

(b) *What must be reported.* Form TFR–619 reports shall include the information specified in the form with respect to any interest of any nature whatsoever that a person named in § 535.217(b) had in any property subject to the jurisdiction of the United States between November 3, 1979, and the date of any designation of the relevant person in § 535.217(b). The term "property" is defined in § 535.311 of this part.

(c) *Filing Form TFR–619.* Reports on Forms TFR–619 shall be prepared in triplicate, two copies of which shall be sent in a set to Unit 619, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. The third copy is to be retained for the reporter's records.

(d) *Certification.* Every reporter is required to complete the certification portion of Form TFR–619. Failure to complete the certification shall render the report ineffective and the

submission shall not constitute compliance with this section.

(Authority: Sec. 201–207, 91 Stat. 1626, 50 U.S.C. 1701–1706; E.O. No. 12170, 44 FR 65729; E.O. 12211, 45 FR 29805; E.O. 12284, 46 FR 7929.)

Dated: May 8, 1981.

Dennis M. O'Connell,

Director.

Approved:

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

Note.—Form TFR–619 will not appear in the Code of Federal Regulations.

Census of Property of Persons Served as Defendants in Litigation Brought by Iran Seeking Return of Property Alleged to Belong to Iran; Instructions for Reporting on Form TFR–619

Introduction

The Office of Foreign Assets Control, Department of the Treasury, under § 535.619 of the Iranian Assets Control Regulations, 31 CFR Part 535 ("the Regulations"), is conducting a census on Form TFR–619 of all property and assets in the United States of persons served as defendants in litigation in courts within the United States brought by Iran seeking the return of property alleged to belong to Iran and whose names are listed in § 535.217(b) of the Regulations.

Reports are required to be filed by all persons subject to U.S. jurisdiction who have actual or constructive possession of any such property or who have a business relationship with such property or a personal relationship with such listed person by reason of which such persons have knowledge concerning the property. The information to be reported is needed by the United States Government to implement the agreements between the United States and Iran. Pursuant to the agreements, such information will be reported to the Government of Iran.

Each question on the form must be answered and all the specific information called for must be given. When there is nothing to report under any question, or if information is lacking, state "No," "None," or "Unknown," as the case may be. If the space provided on the form for answers is not adequate, the answer may be made or continued on a blank sheet of paper securely attached to the form.

Deadline: Reports are required to be filed within 30 days of the publication in § 535.217(b) of the Regulations of the name of the estate of the former Shah of Iran or of any close relative of the former Shah. No extensions will be granted.

This form is to be completed in triplicate and two copies must be returned in a set to Unit 619, Office of Foreign Assets Control, Washington, D.C. 20220 by the deadline.

FOR FURTHER INFORMATION CONTACT: Unit 619, phone (202) 376–0988.

Part I—General Instructions

A. Reporting Requirements

1. *Who must report.* Reports on Form TFR–619 must be filed by each of the following persons who are subject to the jurisdiction of the United States:

a. Any person whose name is published for inclusion in §535.217(b);

b. Any person who has or had, from November 3, 1979 to the date of any designation of the relevant person in § 535.217(b), actual or constructive possession or control, directly or indirectly, in trust or otherwise, of property in which there was any direct or indirect interest of any person listed in § 535.217(b) of the Regulations;

c. Any business or non-business entity in the United States in which any person listed in § 535.217(b) of the Regulations held any financial interest at any time between November 3, 1979 and the date of designation of the relevant person in § 535.217(b);

d. Any person having knowledge of property or assets of a person listed in § 535.217(b) of the Regulations, by reason of a business relationship with such property;

e. Any person having actual knowledge of property of a person named in § 535.217(b) because of a personal relationship with the named person; and

f. Any agency of the United States Government which has in any of its official financial books and records any information which serves to identify any property of a person listed in § 535.217(b) of the Regulations.

2. *What must be reported.* Property within the United States within the control of or in which there was any direct or indirect interest, at any time from November 3, 1979 to the date of designation of the relevant person in § 535.217(b), of a person whose name is listed in § 535.217(b) of the Regulations.

3. *Primary responsibility for reporting.* Primary responsibility for reporting rests on the actual holder of the property or, in the case of a trustee, with the trustee. A report may be filed on behalf of a holder by an attorney, agent or other person. However, the pertinent information regarding the person holding the property must be included in Part A. No person is excused from filing Form TFR–619 by reason of the fact that another person has submitted a report with regard to the same property, unless he has actual knowledge that the other person has filed a report as full and complete as he would otherwise be required to file.

4. *Obtaining Form TFR–619.* Copies of Form TFR–619 with reporting instructions are available at each of the regional Federal Reserve Banks. Copies of Form TFR–619 and the reporting instructions may also be obtained from the Office of Foreign Assets Control, Unit 619, Department of the Treasury, Washington, D.C. 20220 (202) 376–0988.

5. *Filing Form TFR–619.* Reports on Form TFR–619 shall be prepared in triplicate. Two copies shall be sent in a set to Unit 619, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. A copy shall be retained for the reporter's records.

6. *Certification.* Every report filed on Form TFR–619 must be certified in Part F of the form. Failure to complete the certification shall render the report ineffective, and the submission of such a report shall not constitute compliance with the reporting requirements of § 535.619 of the Regulations.

7. *Penalties.* Reporting on Form TFR–619 is mandatory under section 535.619 of the Iranian Assets Control Regulations for persons who are subject to the reporting requirements. In this regard, section 206 of the International Emergency Economic Powers Act provides as follows:

Penalties

Sec. 206. (a) A civil penalty of not to exceed $10,000 may be imposed on any person who violates any license, order, or regulation issued under this title.

(b) Whoever willfully violates any license, order, or regulation issued under this title shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

B. Definitions

The definitions below shall be used for the purpose of reporting on Form TFR–619. Any reference to "the Regulations" in these instructions or in Form TFR–619 shall refer to the Iranian Assets Control Regulations (31 CFR Part 535), and any term not defined in these instructions shall have the meaning ascribed to it in the Regulations.

1. *Person.* Any individual, partnership, association, corporation or other organization.

2. *Person subject to the jurisdiction of the United States.*

The term "person subject to the jurisdiction of the United States" includes:

(a) Any person wheresoever located who is a citizen or resident of the United States;

(b) Any person actually within the United States;

(c) Any corporation organized under the laws of the United States or of any state, territory, possession or district of the United States; and

(d) Any partnership, association, corporation or other organization wheresoever organized or doing business which is owned or controlled by persons specified in (a), (b), or (c) above.

3. *Financial interest.*

Any right or claim to ownership or control, or participation in ownership or control, or other financial interest including:

(a) Any shares or stock of any business or non-business entity;

(b) Any profits or income derived from shares of stock;

(c) Any bonds, debentures, notes or other funded obligations of any business or non-business entity;

(d) Any other outstanding securities of any business or non-business entity; and

(e) Any other right or claim with respect to any trust or similar obligation.

4. *Property; property interest.* The terms "property" and "property interest" shall, for purposes of reporting on Form TFR–619, include, but not be limited to, money, checks, drafts, bullion, bank deposits, savings accounts, any debts, indebtedness obligations, notes, debentures, stocks, bonds, coupons, and other financial securities, bankers' acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidence of title, ownership or indebtedness, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, real estate and interest therein, leaseholds, ground rents, options, negotiable instruments, letters of credit, trade acceptances, royalties, book accounts, judgments, patents, trademarks, copyrights, contracts or licenses affecting or involving patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, and any other property, real, personal or mixed, tangible or intangible, or interest or interests therein, present, future or contingent.

5. *Interest.* Any interest of any nature whatsoever, direct or indirect.

C. Valuation Principles

1. Where valuation is called for, the following table may be used as a guide.

Examples of property types—Principal

Checks, drafts, acceptances and notes—Face or estimated value.
Commodities, including gold and other metals—Market value.
Currency and coin—Face value.
Debts, claims and demands—Balance of the account.
Foreign exchange futures—Difference between market price of currency and price specified in contract.
Franchises and concessions—Market value.
Goods, merchandise or other personal property—Market value.
Land, buildings and mortgages on real estate—Market value.
Letters of credit—Available amount.
Royalties, gas and oil—Capitalized value.
Securities—Market value.

All amounts reported should be given in dollars to the nearest dollar.

2. *Valuation date.* Values shall be given as of the close of business on the relevant reporting date.

3. *Market or estimated value.* Where market value is required, enter the market price at the close of business on the date of designation of the relevant person in section 535.217(b), or if such price is not available, the estimated value on that date. In estimating value, the last sale price or bid, if reasonably close to the relevant reporting date, may be used as a basis.

4. *Value expressed in foreign currency.* Property valued in a foreign currency, or which is to be paid or liquidated in a foreign currency, shall be valued in dollars. If dollar market value does not exist, the foreign currency value thereof shall be converted into a dollar value in accordance with the latest rate before the relevant reporting date, as generally quoted by foreign exchange dealers or other recognized sources of information. In no case shall a value expressed in a foreign currency be entered in the report, but the fact that property was originally valued in a foreign currency should be indicated in Part D.

5. *Property of indeterminable value.* In reporting property of indeterminable value, enter "IN" in the space opposite the appropriate property type and describe the property briefly in Part D. When both property of determinable value and property of indeterminable value are to be reported under any one property type, only the determinable value should be reported. However, in response to Part D, both kinds of property should be described and the property of indeterminable value should be so described.

Part II—Specific Instructions

Part A—Person Reporting Property

Line 1. Give the reporter's name.
Line 2. Give the reporter's address.
Line 3. State whether reporter has actual or constructive possession of property reported. If not, state relationship to property reported.
Line 4. Check the appropriate description of reporter.

Part B—Information Concerning Person Whose Property is Reported

Line 1. Report the name(s) as it appears on your records. Include any variant name(s), if known.
Line 2. Address.

Part C—Schedule of Property Required to be Reported

Be sure the same property is not reported on more than one line. Holders must report the amount held on November 3, 1979, in column (1) and the amount held as of the date designated after the name of the relevant person in § 535.217(b) in column (2). If property to be reported was acquired subsequent to November 3, 1979 or knowledge of said property was acquired subsequent to November 3, 1979, report the amount in column (1) and specify the acquisition date. IMPORTANT: Be certain to report in column (1) of Part C the *full* amount of any property held on November 3, 1979, regardless of any subsequent transfer of the property in whole or in part and regardless of whether any property is held currently. Be certain to report in column (2) the full amount of any property held on the date of the designation of the relevant person indicated in § 535.217(b), notwithstanding any adverse claim against the property described in Part E.

Line 11. Explain the disposition of any property held on November 3, 1979 which was no longer held, on the date of the designation of the relevant person in section 535.217(b), e.g. "Telex transfer by order of X Bank to Account No. 123456789 at Y Bank, dated December 14, 1979.

Part D—Additional Description of Property Items

Line 1. Briefly describe the property the value of which has been set forth in Part C. Breakdowns in specific property items and detailed descriptions are unnecessary. Property may be described in some general but reasonable manner. Tangible property should be more

thoroughly described than financial items, which are more self-explanatory. Enter in the "Type" column the appropriate line number from Part C indicating the type of property.

Line 2. State location of the reported asset if different than the address of the reporter.

Line 3. State your knowledge of safes, safe-deposit boxes, or other receptacles for property in which the person described in Part B has any interest or right of access.

Part E—Claims Against Property Reported

Line 1. (a through c). Give description and amount of claim as well as name, address and citizenship of the adverse claimant.

Line 2. (a through c). If any person other than the person reported in Part B has an interest in the property being reported (such as those of heirs of blocked decedent's estates, or beneficiaries of blocked insurance policies), state nature and extent or amount of such interest. Also give name and citizenship of such person or persons.

Part F—Certification

Be certain not to omit the required certification. The report is not valid without certification.

Form TFR–619

Census of Properties of Persons Served as Defendants in Litigation Brought by Iran Seeking Return of Property Alleged to Belong to Iran

Office of Foreign Assets Control, Unit 619, Department of the Treasury, Washington, D.C. 20220

Deadline: This form is to be completed and returned to the above address by _____.

Form TFR–619 is to be used by all persons required to file reports pursuant to section 535.619 of Title 31 of the Code of Federal Regulations. Before preparing this report read the instructions carefully. Information reported will be used by the United States Government to implement agreements between the United States and Iran, and certain identifying information derived from the results will be provided to the Government of Iran.

To the Secretary of the Treasury:

The undersigned, pursuant to section 535.619 of Title 31 of the Code of Federal Regulations, hereby makes the following report:

Part A—Person Reporting Property (see instructions)

1. Name _____
2. Address—Street _____
City and State _____
Foreign country _____

3. State whether reporter has actual or constructive possession of property reported. If not, state relationship to property reported. —

(Check one)

4. Type of reporter:
Bank ( ) B
Broker or securities dealer ( ) S
Trustee/Fiduciary Agent ( ) T
Other business firm ( ) O
Individual ( ) I
U.S. Government agency ( ) G
Other (explain) ( ) U

Part B—Information Concerning Person Whose Property Is Reported (see specific instructions)

1. Name _____
Any variant name _____
2. Address _____

Part C—Schedule of Property Required To Be Reported (see specific instructions)

Type of property	(Enter value in whole dollars) (1) Amount As of 11/3/79 or —/—/— (Specify)	(2) Amount As of date of designation in section 535.217(b)
1. Deposits:		
a. Time		
b. Demand		
2. Bullion, currency and coin		
3. Notes, checks, drafts, acceptances, commercial paper, etc.		
4. Debts		
5. Financial securities payable in dollars		
6. Financial securities payable in other currencies		
7. Direct investment in U.S. businesses		
8. Real estate		
9. Personal property		
10. Miscellaneous		
Total (1 through 10)		

11. If amount in column (2) differs from amount in column (1) for any line above, explain increase or decrease including identifying information (i.e., name, address, account number) regarding person or account to which property was transferred.

_____

_____

Part D—Additional Description of Property Items

Type (see part C)	Brief description of property
1.	

2. If the property described in this report is located at a place other than the address of the reporter, specify name and address of custodian of the property and location of the property.

_____

_____

3. To your knowledge does the estate or person whose property is being reported have, or have use of, or access to, any safe, safe deposit box, or other receptacle for the property? [ ] Yes [ ] No

If the answer is "Yes" and the contents of such safe, box, etc., have not been included in this report, explain why not.

_____

_____

Part E—Claims Against Property Reported

1. Describe any adverse claims, including any legal actions or proceedings whatsoever, asserted or existing against, or with respect to, any property reported. With respect to such claims give the following information:
a. Description of the claim _____

b. Amount of the adverse claim $ _____

c. Name, address and citizenship of the adverse claimant _____

2. If any other person has an interest in the property being reported, state the following information:
a. Nature of the interest _____

b. Extent or amount of such interest _____

c. Name and citizenship of such person _____

Part F—Certification

I, (type or print name) _____, certify that to the best of my knowledge and belief, the statements set forth in this report, including any papers attached hereto or filed herewith, are true and accurate, and that all material facts in connection with said report have been set forth herein.
Date _____
Signature _____
Address—Street _____
City _____
State _____
Person to contact regarding this report:
Name _____
Telephone Number _____

[FR Doc. 81-14910 Filed 5-11-81; 3:40 pm]
BILLING CODE 4810-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 299

National Security Agency; Public Access to Records

AGENCY: National Security Agency.

ACTION: Final rule.

SUMMARY: The National Security Agency is amending its rules regarding public access to records (32 CFR Part 299) to:

(1) Reflect the new titles for two offices within the agency,

(2) Expand the time limit for submission of fee waiver appeals from 30 to 45 days following receipt of a denial of waiver, and

(3) Require payment of one-half of the estimated fees prior to initiation of the search by the agency.

EFFECTIVE DATE: June 12, 1981.

FOR FURTHER INFORMATION CONTACT: LCDMR M. E. Bowman, JACG, USN, Office of the General Counsel, National Security Agency, Fort George C. Meade, MD 20755, Telephone: (301) 688–6054.

SUPPLEMENTARY INFORMATION: In FR Doc. 81–6031 appearing at 46 FR 13526, February 23, 1981, these changes to 32 CFR Part 299 were published as proposed rule changes. As no public comments were received, these changes are adopted as proposed.

Accordingly Part 299 of Title 32, Code of Federal Regulations is amended as follows:

§§ 299.2 and 299.4 [Nomenclature change]

32 CFR Part 299 is amended by removing the words "Information Officer" and inserting in their place, the words "Chief, Office of Policy" in the following places:

(a) 32 CFR 299.2.

(b) 32 CFR 299.4(a), (b) and (c).

§ 299.4 [Amended]

32 CFR 299.4(d) is revised to read as follows:

* * * * *

(d) *Fees.* The Chief, Office of Policy, will inform the requester of the estimated search and duplication fee, and will normally initiate the search upon receipt of one-half of this estimated fee. Upon completion of the search, the requester will be notified of the actual costs and will be requested to submit the balance due prior to further Agency action. Fees will be computed in accordance with the Uniform Schedule of Fees promulgated by the Department of Defense. Fees paid in accordance with this paragraph will be paid by certified check or postal money order forwarded to the Chief, Office of Policy, and made payable to the Treasurer of the United States.

§ 299.5 [Nomenclature change]

32 CFR 299.5 is amended by removing the words "within 30 days" and inserting, in their place, the words "within 45 days"; removing the words "Executive for Staff Services" and inserting, in their place throughout the section, the words "Freedom of Information Act Appeals Authority"; removing the phrase" * * * of access issued by the Agency to the requester * * *".

32 CFR 299.6 is revised to read as follows:

§ 299.6 Effective date.

"This notice shall become effective upon (date of final rule publication in the **Federal Register**)."

M. S. Healy,

Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

May 8, 1981.

[FR Doc. 81–14406 Filed 5–12–81; 8:45 am]

BILLING CODE 3810–70–M

VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Interest Rate on New Guaranteed, Insured and Direct Loans for Homes and Condominiums, and for Home Improvement Purposes

AGENCY: Veterans Administration.

ACTION: Final Regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rates on guaranteed, insured and direct loans for homes and condominiums and for energy conservation and other home improvements loans. The maximum interest rates are increased because the former interest rates were not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rates will assure a continuing supply of funds for home mortgages and improvement purposes.

EFFECTIVE DATE: May 8, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW., Washington, D.C. 20420 (202–389–3042).

SUPPLEMENTARY INFORMATION: The Administrator is required to establish a maximum interest rate for home and condominium loans and energy conservation and home improvement loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage money market has become more restrictive. The maximum rates in effect for VA guaranteed home and condominium loans and those for energy conservation and home improvement purposes have not been sufficiently competitive to induce private sector lenders to make these types of VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rates applicable to home and improvement loans is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

Regulatory Flexibility Act/Executive Order 12291 Certifications

The Administrator of Veterans Affairs hereby certifies that these final regulations, which will change the maximum interest rates for VA guaranteed, insured, and direct loans for homes and condominiums and for energy conservation and home improvement loans, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612. The Regulatory Flexibility Act provides that for purposes of the Act, "* * * the term 'rule' means any rule for which the agency publishes a general notice of proposed rulemaking pursuant to section 553(b) of this title, or any other law, * * *" 5 U.S.C. 601(2). Similarly, the Act provides that "When an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, the agency shall prepare a final regulatory flexibility analysis." 5 U.S.C. 604(a). Two provisions in section 553 of title 5, United States Code gives a legal basis for exempting these regulatory amendments from the requirement that they be published for general notice in the **Federal Register**. Additionally, there is no other law requiring that the regulations be so published. Consequently, the regulations are exempt from the provisions of the Regulatory Flexibility Act.

Subsection (a)(2) of section 553 provides that

(a) This section applies according to the provisions thereof, except to the extent that there is involved—

(2) A matter relating to agency management or personnel or to public property, loans, grants, benefits, or

contracts." These regulations, which change interest rates, are matters relating to VA benefits and are, thus, exempt from provisions of section 553.

Subsection (b)(3)(B) of section 553 provides that unless required by statute, notice is not required "(B) when the agency for good cause finds (and incorporates the findings and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." The publication of notice of a regulatory change in the maximum interest rates for VA guaranteed, insured, and direct home and condominium loans and loans for energy conservation and other home improvement purposes would create an acute shortage of mortgage funds pending the final date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has long been the position of the Veterans Administration that notice and public procedure prior to final adoption of the regulation would be contrary to public interest. For the foregoing reasons, these regulatory amendments are also exempt from 38 CFR 1.12. Finally, 38 U.S.C. 1803(c)(1), the section which mandates that the Administrator of Veterans Affairs shall establish the rate of interest, does not require that any change in the rate be published for notice in the Federal Register.

Even though the Regulatory Flexibility Act does not apply to these particular regulations, I further certify that the regulations will not have significant economic impact on a substantial number of small entities, as those terms are defined in that Act. Therefore, these regulations are exempt from the regulatory analysis requirements of the Act.

The reasons for this certification are that changes in the VA interest rates are mandated by 38 U.S.C. 1803(c)(1) to assure veterans available funding for VA guaranteed loans while assuring the lowest reasonable cost to veterans for their loans. Interest rate changes do not impact upon small Government jurisdictions or upon small organizations. Small businesses, including small lending companies, small real estate firms, small developers, and small contractors, participate in the VA home loan program. Interest rate amendments require no additional recordkeeping on loans closed at the new effective rate. On guaranteed loans on which a commitment has been previously issued but the loan has not closed, the lender must obtain the veteran's written authorization to close at the higher rate. This one time reporting requirement does not have a significant economic impact upon small businesses.

Interest rate amendments are necessary because of fluctuations in the cost of mortgage funds in the secondary market. These fluctuations affect all lenders regardless of size. When mortgage funds become more restrictive, investors in the secondary market demand a greater return on their investment. Since the VA interest rate is set at a maximum, investors purchase loans at a discount from lenders originating loans, thereby increasing the effective yield on their investment. This discounting of loans on the secondary market means that the lender must pass this cost on home and condominium loans through to the home seller or builder in the form of a charge generally termed points or discount points. As the money market becomes more restrictive, the cost of funds or the discount charged the home seller or home developer increases to high levels. By increasing the interest rate, investors may lower the discount points charged to sellers or developers and still maintain the necessary yield for secondary market investors. The interest rate increases should thereby aid developers, particularly small developers, who may be unable to absorb excessive discount points. Lenders may also find it easier to obtain funding for VA guaranteed loans which should benefit the small lender. The increase in the rate for home improvement loans should likewise have a beneficial impact upon small contractors participating in the program by increasing the availability of loan funds. It should be noted that the increased VA maximum rates are optional, not mandatory; lenders are free to close at any rate up to the new maximum. We therefore believe that these amendments to the VA regulations will have no compliance costs and minimal reporting burdens upon small businesses. Not only should the amendments cause no disproportionate adverse impacts upon small entities, but they should not cause a significant economic impact on any entities, large or small. For all the foregoing reasons, we have concluded that the amendments increasing the guaranteed home, condominium and home improvement interest rates are nonsignificant regulations with respect to the Act, and no final regulatory flexibility analysis is required.

Concerning direct loans, increases in the interest rates charged on direct loans are mandated by 38 U.S.C. 1811(d)(1) which requires that the rate for VA direct loans must be set at a rate not to exceed the guaranteed loan rate. Since the VA is the lender on direct loans, and the VA charges no discount points to sellers or developers participating in the program, the increase in the interest rate for VA direct loans should have no economic impact upon any small entity. The increase in the direct loan interest rate therefore is a nonsignificant regulation with respect to the Act, and no final regulatory flexibility analysis is required.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they do not come within the definition of a "major rule" as defined in that Order. Also, the existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process will still permit timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market. These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1) and 1811(d)(1) of title 38, United States Code. The regulations are clearly within that statutory authority and are consistent with Congressional intent.

The increases in the maximum interest rates are accomplished by amending §§ 36.4311 and 36.4503(a), Title 38, Code of Federal Regulations.

Approved: May 6, 1981.

Rufus H. Wilson,

Acting Administrator.

1. In § 36.4311, paragraphs (a) and (b) are revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 15½ per centum per annum, effective May 6, 1981, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 15½ per

centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Effective May 8, 1981, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs which is guaranteed or insured wholly or in part on or after such date may not exceed 17 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

* * * * *

2. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1978, shall not exceed an amount which bears the same ration to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $25,000 This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans administration shall bear interest at the rate of 15½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 17 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

(38 U.S.C. 210(c), 1803(c), 1811(d))

[FR Doc. 81-14358 Filed 5-12-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-1816-6]

Approval and Promulgation of Implementation Plans; Connecticut: Receipt of Revisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of receipt of submittal to satisfy conditions of plan approval.

SUMMARY: This notice is to announce the receipt of a State Implementation Plan (SIP) revision for Connecticut, concerning the attainment portion of the SIP as required under Part D of the Clean Air Act and in response to the notice of final rulemaking published in the **Federal Register** on December 23, 1980 (45 FR 84769). This material is available for public review and comment.

ADDRESSES: Copies of the Connecticut SIP revision are available for inspection during normal business hours at the following locations: Environmental Protection Agency, Region I, Air Branch, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and the Air Compliance Unit, Department of Environmental Protection, State Office Building, Hartford, CT 06115.

FOR FURTHER INFORMATION CONTACT: Harley Laing, Chief, Air Branch, Environmental Protection Agency, Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: In the Approval and Promulgation of the Connecticut SIP revisions published on December 23, 1980 (45 FR 84769), EPA conditionally approved the plans for Stationary Source Control of Volatile Organic Compounds (VOCs), provided the State would submit additional regulations concerning cutback asphalt and degreasers, in order to bring controls for these categories in line with EPA-recommended controls. These revisions had been submitted to comply with the plan requirements for nonattainment areas specified in Part D of the Clean Air Act.

EPA received a revision package in response to these conditions on January 9, 1981. This submittal also contained revisions affecting the New Source Review Program and the ambient air quality standards. The conditional approval of the Connecticut SIP will be continued until EPA reviews the State's submittal and final action is published in the **Federal Register**.

(Section 110(a) of the Clean Air Act (42 U.S.C. 7410(a)))

Dated: April 10, 1981.

Leslie Carothers,

Acting Regional Administrator.

[FR Doc. 81-14356 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-38-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 60]

Wage and Price Standards for Federal Contractors

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation cancels Temporary Regulation 56, which deals with the application of a program of voluntary wage and price standards to Federal contracts. The basis for the cancellation is an Office of Federal Procurement Policy (OFPP) memorandum dated February 5, 1981, rescinding OFPP Policy Letter 78-6, which had established policies implementing the program. The intended effect is to rescind all policies pertaining the wage and price standards for Federal contractors.

DATES: Effective date: May 6, 1981. Expiration date: This regulation will continue in effect until September 30, 1981. However, its expiration does not revive Temporary Regulation 56.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

FPR Temporary Regulation 56 (45 FR 49282, July 24, 1980) is cancelled and removed from the appendix at the end of 41 CFR Chapter 1. In 41 CFR Chapter 1, the following temporary regulation is added to the appendix at the end of the chapter to read as follows:

General Services Administration,
Washington, D.C., May 6, 1981.

Federal Procurement Regulations—Temporary Regulation 60

To: Heads of Federal agencies.
Subject: Wage and price standards for Federal contractors.

1. *Purpose.* This regulation cancels Temporary Regulation 56 which deals with the application of a program of voluntary wage and price standards to Federal contracts.

2. *Effective date.* This regulation is effective May 6, 1981.

3. *Expiration date.* This regulation expires on September 30, 1981.

4. *Background.*

a. Temporary Regulation 56 required agencies to comply with Office of Federal Procurement Policy (OFPP) Letter 78-6. The letter implemented the President's anti-inflation program by requiring that Federal contractors comply with the voluntary wage and price standards. OFPP Policy Letter 78-6 was issued under the authority of Executive Order 12092, dated November 1, 1978.

b. Policy Letter 78-6 required contractors and first-tier subcontractors to certify their compliance with the wage and price standards in connection with any prime contract or first-tier subcontract expected to exceed $5 million. It also provided that any companies listed by the Council on Wage and Price Stability (CWPS) as noncompliant would not be eligible for prime contract or first-tier subcontract awards over $5 million.

c. Executive Order 12268, dated January 29, 1981, revoked Executive Order 12092. On February 5, 1981, OFPP rescinded Policy Letter 78-6.

5. *Agency action.*

a. When awards have not been made, the wage and price standards certification and contract clause should be deleted.

b. In the case of uncompleted contracts that contain the certification clause, the practical effect of the revocation of Executive Order 12092 and Policy Letter 78-6 is to make the clauses meaningless. However, agencies may delete the clause from existing contracts or inform prime contractors that compliance with the provisions of the clause is no longer required.

6. *Effect on other directives.* Temporary Regulation 56 is canceled.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-14412 Filed 5-12-81; 8:45 am]

BILLING CODE 6820-61-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 81, and 83

[Gen. Docket No. 80-1; RM-3101; RM-3128; RM-3129]

Inland Waterways Communications System, Automated VHF Common Carrier Systems, and VHF Frequency Assignments to the Maritime Radio Services; Correction

AGENCY: Federal Comunications Commission.

ACTION: Final rule, correction and clarifying amendments.

SUMMARY: This document amends the Commission's rules and corrects a final rule published March 9, 1981 (46 FR 15690) providing a frequency allocation in the 216–220 MHz band for automated, interconnected riverwide maritime communications systems on the Mississippi River and connecting waterways. This action is necessary to clarify the new rules and correct editorial errors.

EFFECTIVE DATE: April 29, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert McNamara or Robert DeYoung, Private Radio Bureau, (202) 632-7175.

Robert Eckert, Office of Science and Technology, (202) 653-8109.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 2, 81, and 83 of the Commission's rules to allocate spectrum for an Automated Inland Waterways Communications System (IWCS) along the Mississippi River and connecting waterways and, Maritime Mobile Radio Services: improvement in service through provision for automated VHF common carrier systems and, VHF frequency assignments to the Maritime Radio Services in the New Orleans and Lower Mississippi Rivers Areas and on the coastlines of the contiguous states.

Released: April 29, 1981.

1. In the Report and Order in the above-captioned proceeding released March 11, 1981, and published in the **Federal Register** March 9, 1981 (46 FR 15690) several corrections and amendments to the Commission's rules are needed for purposes of clarification.

§ 81.3 [Amended]

2. In 47 CFR 81.3, paragraph (j) is amended by adding the words "or in the band 216–220 MHz" to the end of the paragraph.

3. In 47 CFR 83.315 a new paragraph (f) is added to read as follow:

§ 83.315 Authorized frequencies.

* * * * *

(f) Section 83.1105 sets forth the frequencies available to ship stations authorized to participate in an Inland Waterways Communications System.

4. In 47 CFR 83.351 the table in paragraph (a) is amended and new subparagraph (b)(11) is added to read as follows:

§ 83.351 Frequencies available.

(a) * * *

Carrier frequency (kHz)	Conditions of use	
	Section	Limitations
* * *	*	*
216–220MHz	83.1105	11

(b) * * *

(11) Available for use by ship stations authorized to participate in an Inland Waterways Communications System.

* * * * *

§§ 83.900, 83.903, and 83.905 [Renumbered §§ 83.1100, 83.1103, and 83.1105]

5. On page 46 FR 15703 (March 9, 1981), 47 CFR 83.900, 83.903 and 83.905 are renumbered 83.1100, 83.1103 and 83.1105, respectively.

§ 83.900 (New 83.1100) [Amended]

6. On page 15703, in 47 CFR 83.900 (new 83.1100) the word "middle" in the second sentence is removed.

7. On page 15700, a new US footnote protecting an existing Government system was inadvertently removed from the Table of Frequency Allocations. Therefore, in 47 CFR 2.106 the footnote designator "US229" is added in Column 6 in the band 216–220 MHz, and new US footnote 229 is added to read as follows:

§ 2.106 Table of frequency allocations.

* * * * *

US229 Assignments to stations in the Maritime Mobile Service may be made on the condition that no harmful interference is caused to the Navy SPASUR system currently operating in the southern United States in the frequency band 216.88–217.08 MHz.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-14472 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-521; RM-521]

FM Broadcast Stations in Tucson and Nogales, Ariz.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns noncommercial educational Channel 219A to Tucson, Arizona, as that community's second noncommercial FM assignment, and substitutes Channel 217A at Nogales, Arizona, for Channel 217C. This action is taken in response to a petition filed by the Foundation for Creative Broadcasting, Inc.

EFFECTIVE DATE: June 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of § 73.504(a), Table of Assignments, FM Broadcast Stations (Tucson and Nogales, Arizona). BC Docket No. 80-521, RM-3585. Report and order (Proceeding Terminated).

Adopted: May 1, 1981.

Released: May 7, 1981.

By the Chief, Policy and Rules Division:

1. Before the Commission is the *Notice of Proposed Rule Making*, 45 FR 58610, published September 4, 1980, proposing the assignment of noncommercial educational Channel 219A to Tucson, Arizona, and to amend the assignment of unused Channel 217C in Nogales,

Arizona, to Channel 217A.[1] The petition was filed by the Foundation for Creative Broadcasting, Inc. ("petitioner"). Petitioner filed comments in which it reaffirmed its interest in the assignment to Tucson, and stated that it would apply for the channel if assigned. Comments in support of the assignment were also filed by Jim Anderson, a resident of Tucson. No oppositions were received.

2. Tucson (pop. 290,661),[2] in Pima County (pop. 351,667), is located in southeastern Arizona, approximately 100 kilometers (60 miles) north of the Mexican border. Station KUAT-FM (Channel 213), licensed to the University of Arizona Board of Regents, is the only noncommercial educational station presently serving Tucson.

3. Petitioner has submitted persuasive information with respect to Tucson and its need for a second noncommercial educational assignment. Therefore, the Commission believes it would be in the public interest to assign FM Channel 219A to Tucson, and substitute Channel 217A for unoccupied Channel 217C at Nogales.[3] No interest in the Nogales Class C channel was expressed.

4. Mexican concurrence in the assignments has been obtained.

5. Accordingly, it is ordered, That effective June 30, 1981, the FM Table of Assignments, Section 73.504(a) of the Commission's Rules, is amended with respect to the listed communities as follows:

City	Channel No.
Nogales, Arizona	217A
Tucson, Arizona	213, 219A

[1] Generally, noncommercial educational FM channels are not assigned to communities in the Table of Assignments. Rather, Channels 201 through 220 are reserved for use by noncommercial educational stations and may be applied for on a demand basis. However, within 320 kilometers (199 miles) of the Mexico-United States border, only noncommercial FM channels assigned to communities in the Noncommercial Educational Table of Assignments may be applied for. See Section 73.504 of the Commission's Rules.

[2] Population figures are taken from the 1970 U.S. Census.

[3] The Nogales change is necessary to comply with the mileage separation requirements.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-14480 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-504; RM-3578]

FM Broadcast Station in Wray, Colo.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 252A to Wray, Colorado, as that community's first FM assignment, at the request of KRDZ Broadcasters, Inc.

EFFECTIVE DATE: June 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Wray, Colorado), BC Docket No. 80-504, RM-3578. Report and order (Proceeding Terminated).

Adopted: May 1, 1981.

Released: May 8, 1981.

By the Chief, Policy and Rules Division:

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 45 FR 55237, published August 19, 1980, proposing the assignment of FM Channel 252A to Wray, Colorado, as that community's first FM assignment, at the request of KRDZ Broadcasters, Inc. ("petitioner"). Petitioner filed comments in which it restated its intent to apply for the channel if assigned. Petitioner also included in its comments economic data about the community as requested in the Commission's *Notice*. No oppositions to the proposal were received.

2. Wray (pop. 1,953),[1] the seat of Yuma County (pop. 8,544), is located in northeastern Colorado, approximately 240 kilometers (190 miles) east-northeast of Denver. Wray is currently served locally by daytime-only AM Station KRDZ, which is licensed to petitioner.

3. Petitioner has submitted persuasive information with regard to Wray and its need for a first FM assignment.

4. The Commission believes it would be in the public interest to assign FM Channel 252A to Wray, Colorado. Interest has been shown for its use and the assignment would provide the community with its first FM and local aural nighttime service.

5. Accordingly, it is ordered, That effective June 30, 1981, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended with respect to Wray, Colorado, as follows:

City	Channel No.
Wray, Colorado	252A

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding contact, Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Henery L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-14279 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1970 U.S. Census.

Proposed Rules

Federal Register
Vol. 46, No. 92
Wednesday, May 13, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Part 305

Separation of Functions in Agency Proceedings; Draft Recommendations

AGENCY: Administrative Conference of the United States.

ACTION: Request for public comment on draft recommendation.

SUMMARY: The Administrative Conference's Committee on Agency Decisional Processes has under consideration draft recommendations on separation of functions in agency proceedings, based on a report prepared by Professor Michael Asimow of the University of California of School of Law (Los Angeles).

Separation of functions is a principle of administrative law which seeks to protect the independence and the objectivity of the adjudicative function by restricting its combination with inconsistent functions, such as prosecution, investigation, or advocacy. The draft recommendations attempt to provide guidance as to the kinds of activities which should be deemed inconsistent with subsequent participation in the decision making process and as to the kinds of contacts between agency decision makers and staff adversaries which should be permissible under agency practice.

The draft recommendations are subject to comment by affected agencies and other interested persons and organizations, and then to further consideration by the Committee on Agency Decisional Processes and the Assembly of the Conference at its Plenary Session. Interested persons are invited to comment on the draft recommendations.

DATE: Written comments are due by June 12, 1981.

ADDRESS: Send comments to Charles R. Pouncy, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: Charles R. Pouncy (202/254–7065).

Draft Recommendation—Separation of Functions and Staff Communications With Decisionmakers in Agency Proceedings

Preamble

Separation of functions is a principle of administrative law which seeks to protect the independence and the objectivity of the adjudicative function by restricting its combination with inconsistent functions, such as prosecution, investigation, or advocacy.

This principle is implemented in the Administrative Procedure Act by section 554(d), which precludes agency prosecutors or investigators in a case from participating in the decision in that case, either as decisionmaker or as off-the-record adviser.[1] Although section 554(b) is applicable only to certain formal adjudications, agencies observe its principles in virtually all proceedings where the record is developed through formal hearing procedures.

In formal proceedings, separation of functions serves to insulate decisionmakers from off-the-record communications from agency staff members whose personal involvement in the proceeding is likely to impair their ability to give objective advice. This insulation of the decisionmaker also serves to enhance the parties' confidence in the impartiality of the decisionmaker and the overall fairness of the proceeding. However, separation of functions is not free of costs. It precludes agency decisionmakers from obtaining advice from the best qualified staff adviser if that expert is considered to have been involved as an adversary in the proceeding, and it can interfere with the ability of agency heads to set the general policy of the agency and to become aware of emerging problems. It also has the potential to cause serious delays, costly duplication of staff, and confusion about what communications are permissible, and to interfere with other collateral agency functions.

The principle of separation of functions need not be applied on an all-or-nothing basis in formal proceedings. Distinctions can be drawn between the different roles of staff members and the types and stages of proceedings for the purpose of establishing a framework for decision which provides basic fairness to the participants without imposing unnecessary costs on the regulatory process. This recommendation provides guidance as to the kinds of activities which should be deemed inconsistent with later participation in the decisionmaking process and as to the kinds of contacts between agency decisionmakers and staff adversaries which should be permissible under agency practice.

In informal rulemaking proceedings different considerations apply. In such proceedings the purpose of requiring public notice and opportunity to comment is to guarantee to the public at large an opportunity to submit views for agency consideration. The agency has an affirmative obligation to consider all relevant matter presented in the proceeding. This obligation can be especially weighty when the proposed rule has occasioned widespread interest since this usually results in a large record, with complex facts and policy issues and many affected participants. In this context the value of according to each participant the procedural protections common to formal proceedings is outweighed by the nature of the proceedings and the agency's need to avail itself fully of staff expertise. The Conference therefore recommends that agencies ordinarily not employ separation of functions in informal rulemaking proceedings.

However, the opportunity for the public to comment in informal rulemaking requires that information considered to be significant by the agency in the proceeding be made public, including information introduced by staff.[2]

Recommendation

A. The principle of separation of functions should be applied in any case set by an agency for disposition as a formal proceeding [3] whether or not the

[1] Section 554(d) also requires that officers who preside over adjudications subject to that section not be responsible to or subject to the supervision or direction of the prosecuting or investigative staff of the agency. Analytically this requirement is also an implementation of the principle of separation of functions. However, we are not aware of any dissatisfaction with the present institutional arrangements for carrying out this requirement, and it is beyond the scope of this recommendation.

[2] See ACUS Recommendations 76–3, 77–3.

[3] The Administrative Conference has recommended that the APA be amended to extend the principles of section 554(d) to all formal

Continued

case is governed by section 554(d) of the Administrative Procedure Act.

B. The following principles should govern the application of separation of functions in proceedings covered by paragraph A:

1. A staff member who is an "adversary" in such a proceeding should not participate or advise in the decision, except through an on-the-record presentation.

(a) An "adversary" in a case for purposes of separation of functions is a staff member whose role in that case or a factually related case is likely to cause him to identify with the interest of one of the parties.

(b) The term "adversary" includes a staff member who at any time participates personally as an investigator or in planning, developing or presenting evidence in that case or a factually related case (but not one who as presiding officer or assistant to the presiding officer helps to develop the record in a case).

(c) The term "adversary" may also include staff members whose participation or association with the case is less direct, but in deciding whether to disqualify such staff members agencies should be free to take into account the nature of the proceeding and the issues in dispute as well as the nature and the degree of participation by the staff members in question. The guidelines in the following paragraphs are intended to assist agencies in applying this paragraph (c).

2. In non-accusatory cases, including rulemaking, ratemaking, licensing, and other like proceedings which do not involve the imposition of sanctions or allegations of conduct bearing on a party's fitness to retain or acquire a valuable privilege, a staff member ordinarily should not be disqualified from advising agency heads solely by reason of:

(a) Organizational relationship, as a supervisor, colleague or subordinate, of an adversary;

(b) Furnishing technical information or technical advice to an adversary;

(c) Participating as a witness, except that a witness should be considered an adversary as to any issues addressed in his or her testimony;

(d) Participating on behalf of the agency in the same or a related judicial proceeding;

(e) Assisting the agency in deciding whether to investigate a matter, start a proceeding, or set a case for formal hearing, or in framing the issues to be considered at the hearing;

(f) Assisting the agency in preparing for or conducting collateral matters such as informal public meetings, budget planning, informal rulemaking, or Congressional testimony.

3. In accusatory cases or other like proceedings which involve the imposition of sanctions or allegations of conduct bearing on a party's fitness to acquire or retain a valuable privilege, agencies should expand the category of staff members who are disqualified from advising agency heads. In particular, the following staff members should ordinarily be disqualified:

(a) The subordinates and the immediate supervisors of those who are considered adversaries by reason of their having actively engaged in planning, developing or presenting the case;

(b) A staff member who participates on behalf of the agency in a related judicial proceeding other than a proceeding to review agency action on the basis of the administrative record;

(c) A staff member who provides technical information or technical advice to an adversary, and

(d) A staff member who participates as a witness.

4. A staff member who is an adversary should be available to advise the agency on predesignation matters (such as those mentioned in 2(e)) and collateral matters (such as those mentioned in 2(f)).

C. Separation of functions should not prevent agency heads from informing themselves of problems related to agency management and policy which arise in or affect particular proceedings.

D. An agency should not ordinarily apply separation of functions in rulemaking unless the proceeding is governed by sections 556 and 557 of the APA or set by the agency for disposition as a formal proceeding. An agency, however, should provide the public adequate opportunity to respond to significant information introduced by the staff.

Richard K. Berg,

Executive Secretary.

May 5, 1981.

[FR Doc. 81-14413 Filed 5-12-81; 8:45 am]

BILLING CODE 6110-01-M

proceedings. Resolution No. 3, 1 CFR 310.2 (1973). The Conference believes the guidelines set forth in this recommendation to be consistent with the requirements of the APA. The term "formal proceeding", as used in this recommendation, means any proceeding governed by sections 556 and 557 of the APA, as well as any proceeding, either rulemaking or adjudication, which the agency, by regulation or order, requires to be conducted in conformity with those sections. This recommendation does not address the question of the desirability of formal proceedings for any particular category of agency determination. For example, see ACUS Recommendation 73-5.

FEDERAL LABOR RELATIONS AUTHORITY; GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY; AND FEDERAL SERVICE IMPASSES PANEL

5 CFR Parts 2422, 2423, 2424, and 2429.

Processing of Cases; Proposed Amendment to Rules

AGENCY: Federal Labor Relations Authority and General Counsel of the Federal Labor Relations Authority.

ACTION: Proposed amendment of rules and regulations.

SUMMARY: These proposed amendments would, in pertinent part: (1) provide that in unfair labor practice cases where exceptions to an Administrative Law Judge's decision are not filed with the Authority within the time limit provided and as otherwise prescribed, the findings, conclusions and recommendations of the Administrative Law Judge shall become, without precedential significance, those of the Authority, and all objections and exceptions thereto shall be deemed to have been waived; (2) expressly provide for the filing of requests for reconsideration of decisions and orders of the Authority; and (3) otherwise clarify provisions related to the filing of documents in various proceedings, particularly provisions related to time limits, requests for extensions of those time limits, and the numbers of copies of documents required to be filed.

DATE: Written comments will be considered if received by June 12, 1981.

ADDRESS: Send written comments to James J. Shepard, Executive Director, Federal Labor Relations Authority, 1900 E. Street, NW., Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: Jerome P. Hardiman, Director, Office of Operations and Technical Assistance, (202) 254-7382.

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority, the General Counsel of the Authority and the Federal Service Impasses Panel published, beginning at 45 FR 3482, final rules and regulations principally to govern the processing of cases by the Authority, General Counsel and Panel under chapter 71 of title 5 of the United States Code. The rules and regulations are required by 5 U.S.C. 7134.

The parts of the final rules and regulations affected by the amendments here proposed are: Parts 2433, 2324, 2424 and 2425, which, respectively, govern the processing of representation, unfair labor practice, negotiability and arbitration cases; and Part 2429, which

establishes the miscellaneous and general procedural requirements for parties in cases before the Authority.

As to the processing of unfair labor practice cases under Part 2423, experience indicates that a significant percentage of the Authority's case processing time and effort is expended in reviewing decisions and orders of Administrative Law Judges. The experience further indicates that the expenditure of such time and effort is unwarranted in cases where no exceptions are filed with the Authority. In such cases, findings of fact and conclusions of law sufficient to resolve the case have already been made by an Administrative Law Judge of the Authority and the parties do not dispute the Judge's decision and order. The situation described has come into sharper focus in light of the Authority's total and growing caseload, budgetary constraints and the concomitant need to steamline procedures, process cases as expeditiously as possible, and concentrate time and efforts on cases where disputes clearly exist and require Authority resolution.

In all types of cases mentioned, experience since January 1980 has also indicated a need for the establishment of a formal procedure for the filing of requests for reconsideration of decisions and orders of the Authority.

Further, prompted by questions from practitioners in cases before the Authority and problems that have arisen since January 1980 with respect to a number of provisions in the rules and regulations concerning document filing requirements, particularly those related to time limits and requests for extensions of time, the Authority has concluded that revisions which reflect current established practice and interpretations, and which otherwise clarify the provisions involved, should be proposed.

Accordingly, it is proposed that the final rules and regulations of the Authority and the General Counsel of the Authority be amended as follows:

PART 2422—REPRESENTATION PROCEEDINGS

1. It is proposed to amend § 2422.6 by revising paragraph (d) to read as follows:

§ 2422.6 Withdrawal, dismissal or deferral of petitions; consolidation of cases; denial of intervention; review of action by Regional Director.

* * * * *

(d) The petitioner or party requesting intervention may obtain a review of such dismissal and/or denial by filing a request for review with the Authority within twenty-five (25) days after service of the notice of such action. Copies of the request for review shall be served on the Regional Director and the other parties, and a statement of service shall be filed with the request for review. Requests for extensions of time pursuant to § 2429.23(a) shall be in writing and received by the Authority not later than five (5) days before the date the request for review is due. The request for review shall contain a complete statement setting forth facts and reasons upon which the request is based. Any party may file an opposition to a request for review with the Authority within ten (10) days after service of the request for review. Copies of the opposition to the request for review shall be served on the Regional Director and the other parties, and a statement of service shall be filed with the opposition to the request for review. The Authority may issue a decision or ruling affirming or reversing the Regional Director in whole or in part or making any other disposition of the matter as it deems appropriate.

* * * * *

2. It is proposed to revise § 2422.14 to read as follows:

§ 2422.14 Filing of briefs.

A party desiring to file a brief with the Authority shall file the original and four (4) copies within thirty (30) days from the close of the hearing. Copies thereof shall be served on all other parties to the proceeding. Requests for extensions of time pursuant to § 2429.23(a) to file briefs shall be submitted to the Regional Director, in writing, and copies thereof shall be served on the other parties and a statement of such service shall be filed with the Regional Director. Requests for extensions of time shall be in writing and received by the Regional Director not later than five (5) days before the date such briefs are due. No reply brief may be filed in any proceeding except by special permission of the Authority.

* * * * *

PART 2423—UNFAIR LABOR PRACTICE PROCEEDINGS

3. It is proposed to amend § 2423.22 by revising paragraph (a)(1) to read as follows:

§ 2423.22 Motions.

(a) *Filing of Motions.* (1) Motions made prior to a hearing and any response thereto shall be made in writing and filed with the Regional Director: *Provided, however,* That after the issuance of a complaint by the Regional Director any motion to change the date of the hearing shall be filed with the Chief Administrative Law Judge immediately upon discovery of the circumstance which in the judgment of the moving party warrants a change in the date of the hearing. The moving party shall attempt to contact the other parties and shall inform the Chief Administrative Law Judge of the positions of the other parties on the motion. Only in extraordinary circumstances will such a motion be granted where filed less than ten (10) days prior to the scheduled hearing. Motions made after the hearing opens and prior to the transmittal of the case to the Authority shall be made in writing to the Administrative Law Judge or orally on the record. After the transmittal of the case to the Authority, motions and any response thereto shall be filed in writing with the Authority: *Provided, however,* That a motion to correct the transcript shall be filed with the Administrative Law Judge.

* * * * *

4. It is proposed to revise § 2423.25 to read as follows:

§ 2423.25 Filing of briefs.

Any party desiring to submit a brief to the Administrative Law Judge shall file the original and four (4) copies within a reasonable time fixed by the Administrative Law Judge, but not in excess of thirty (30) days from the close of the hearing. Copies of any brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the Administrative Law Judge. Requests for extensions of time pursuant to § 2429.23(a) to file briefs shall be made to the Chief Administrative Law Judge, in writing, and copies thereof shall be served on the other parties. A statement of such service shall be furnished. Requests for extensions of time must be received not later than five (5) days before the date such briefs are due. No reply brief may be filed except by special permission of the Administrative Law Judge.

5. It is proposed to amend § 2423.26 by revising paragraphs (a) and (c) to read as follows:

§ 2423.26 Transmittal of the administrative law judge's decision to the Authority; exceptions.

(a) After the close of the hearing, and the receipt of briefs, if any, the Administrative Law Judge shall prepare the decision expeditiously. The Administrative Law Judge shall prepare a decision even when the parties enter into a stipulation of fact at the hearing. The decision shall contain findings of fact, conclusions of law, and the reasons

or basis therefore, including any necessary credibility determinations, and conclusions as to the disposition of the case including, where appropriate, the remedial action to be taken and notices to be posted.

* * * * *

(c) An original and four (4) copies of any exception to the Administrative Law Judge's decision and briefs in support of exceptions may be filed by any party with the Authority within twenty-five (25) days after service of the decision: *Provided, however,* That the Authority may for good cause shown extend the time for filing such exceptions. Requests for extensions of time pursuant to § 2429.23(a) to file exceptions must be received by the Authority not later than five (5) days before the date the exceptions are due. Copies of such exceptions and any supporting briefs shall be served on all other parties, and a statement of such service shall be furnished to the Authority.

* * * * *

6. It is proposed to amend § 2423.28 by revising paragraph (b) to read as follows:

§ 2423.28 Briefs in support of exceptions; oppositions to exceptions; cross-exceptions.

* * * * *

(b) Any party may file an opposition to exceptions, and/or cross-exceptions, and a supporting brief with the Authority within ten (10) days after service of any exceptions to an Administrative Law Judge's decision. Copies of any opposition and/or cross-exceptions and of any supporting briefs shall be served on all other parties, and a statement of such service shall be submitted with the documents filed with the Authority.

* * * * *

7. It is proposed to amend § 2423.29 by revising paragraph (a) to read as follows:

§ 2423.29 Action by the Authority.

(a) After considering the Administrative Law Judge's decision, the record, and any exceptions and related submissions filed, the Authority shall issue its decision affirming or reversing the Administrative Law Judge, in whole, or in part, or making such other disposition of the matter as it deems appropriate: *Provided, however,* That in the absence of exceptions filed timely and in accordance with § 2423.27, the findings, conclusions, and recommendations in the decision of the Administrative Law Judge shall, without precedential significance, become the findings, conclusions, decision and order of the Authority, and all objections and exceptions thereto shall be deemed waived for all purposes.

* * * * *

PART 2424—EXPEDITED REVIEW OF NEGOTIABILITY ISSUES

8. It is proposed to amend § 2424.4 by revising paragraph (a) to read as follows:

§ 2424.4 Content of petition; service.

(a) A petition for review shall be dated and shall contain the following:

(1) A statement setting forth the express language of the proposal sought to be negotiated as submitted to the agency;

(2) An explicit statement of the exclusive representative's intent in making the proposal;

(3) A copy of all pertinent material, including the agency's allegation in writing that the matter, as proposed, is not within the duty to bargain in good faith, and other relevant documentary material; and

(4) Notification by the petitioning labor organization whether the negotiability issue is also involved in an unfair labor practice charge filed by such labor organization under Part 2423 of this subchapter and pending before the General Counsel.

* * * * *

PART 2425—REVIEW OF ARBITRATION AWARDS

9. It is proposed to amend § 2425.1 by revising paragraph (b) to read as follows:

§ 2425.1 Who may file an exception; time limits for filing; opposition; service.

* * * * *

(b) The limit for filing an exception to an arbitration award is thirty (30) days beginning on and including the date of the award.

* * * * *

PART 2429—MISCELLANEOUS AND GENERAL REQUIREMENTS

10. It is proposed to amend § 2429.1 by revising paragraph (a) to read as follows:

§ 2429.1 Transfer of cases to the Authority.

(a) In any representation case under Part 2422 of this subchapter in which the Regional Director determines, based upon a stipulation by the parties, that no material issue of fact exists, the Regional Director may transfer the case to the Authority; and the Authority may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Authority within thirty (30) days from the date of the Regional Director's order transferring the case to the Authority. In any unfair labor practice case under Part 2423 of this subchapter in which, after the issuance of a complaint, the Regional Director determines, based upon a stipulation by the parties, that no material issue of fact exists, the Regional Director may upon agreement of all parties transfer the case to the Authority; and the Authority may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Authority within thirty (30) days from the date of the Regional Director's order transferring the case to the Authority. The Authority may also remand any such case to the Regional Director for further processing. Orders of transfer and remand shall be served on all parties.

* * * * *

11. It is proposed to amend Part 2429 by adding a new § 2429.17 to read as follows:

§ 2429.17 Reconsideration.

After a final decision or order of the Authority has been issued, a party to the proceeding before the Authority who can establish in its moving papers extraordinary circumstances for so doing, may move for reconsideration of such final decision or order. The motion shall be filed within ten (10) days after service of the Authority's decision or order. A motion for reconsideration shall state with particularity the extraordinary circumstances claimed and shall be supported by appropriate citations. The filing and pendency of a motion under this provision shall not operate to stay the effectiveness of the action of the Authority, unless so ordered by the Authority. A motion for reconsideration need not be filed in order to exhaust administrative remedies.

12. It is proposed to revise § 2429.22 to read as follows:

§ 2429.22 Additional time after service by mail.

Whenever a party has the right or is required to do some act pursuant to this subchapter within a prescribed period after service of a notice or other paper upon such party, and the notice or paper is served on such party by mail, five (5) days shall be added to the prescribed period: *Provided, however,* That five (5) days shall not be added in any instance where an extension of time has been granted.

13. It is proposed to amend § 2429.23 by revising paragraph (d) to read as follows:

§ 2429.23 Extension; waiver.

* * * * *

(d) Time limits established in 5 U.S.C. 7117(c)(2) and 7122(b) may not be extended or waived under this section.

* * * * *

14. It is proposed to revise § 2429.25 to read as follows:

§ 2429.25 Number of copies.

Unless otherwise provided by the Authority or the General Counsel, or their designated representatives, as appropriate, or under this subchapter, any document or paper filed with the Authority, General Counsel, Administrative Law Judge, Regional Director, or Hearing Officer, as appropriate, under this subchapter, together with any enclosure filed therewith, shall be submitted in an original and four (4) copies. A clean copy capable of being used as an original for purposes such as further reproduction may be substituted for the original.

* * * * *

Note.—In accordance with section 605(b) of the Regulatory Flexibility Act of 1980, the Federal Labor Relations Authority and the General Counsel of the Federal Labor Relations Authority have determined that this document does not require preparation of a Regulatory Flexibility Analysis.

Dated: May 8, 1981.

Ronald W. Haughton,
Chairman.

Henry B. Frazier III,
Member.

Leon B. Applewhaite,
Member.

H. Stephan Gordon,
General Counsel.

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BILLING CODE 6727-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Licensing Requirements for Pending Operating License Applications

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to add to its power reactor safety regulations a set of licensing requirements applicable to operating license applications. The requirements stem from the Commission's ongoing effort to apply the lessons learned from the accident at Three Mile Island to power plant licensing. Each applicant covered by the rule would have to meet these requirements, together with the existing regulations, in order to obtain an operating license.

DATE: Comments must be received on or before August 12, 1981.

ADDRESSES: Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: John A. Olshinski, Chief, Operating Reactors Assessment Branch, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone 301-492-8069.

SUPPLEMENTARY INFORMATION: On March 28, 1979, the Three Mile Island Unit 2 (TMI-2) nuclear power plant experienced a loss of feedwater transient, complicated by a set of circumstances and events, culminating in the equivalent of a smallbreak loss-of-coolant accident with substantial core damage. The circumstances and events that caused the feedwater transient to develop into an accident include design deficiencies, equipment failures, and human errors.

In April 1979, the Commission established the Bulletin and Orders Task Force as the focal point for those TMI-2 related staff activities necessary to assure the immediate safety of all other operating power reactors. During May 1979, the efforts of this group resulted in the issuance of several IE Bulletins and Commission Orders covering a wide range of topics.

In May 1979, the Commission established the TMI-2 Lessons Learned Task Force to identify and evaluate safety concerns requiring prompt licensing actions for operating reactors (beyond the immediate actions taken as a result of the Bulletins and Orders Task Force effort) and for pending operating license applications. A set of short-term recommendations offered by this task force was published as NUREG-0578 in July 1979.

In addition to these special NRC task forces, several other official groups have investigated the accident at TMI-2 and developed recommendations. These groups include the Congress, the General Accounting Office, the President's Commission on the Accident at Three Mile Island, the NRC Special Inquiry Group, the NRC Advisory Committee on Reactor Safeguards, the Special Review Group of the NRC Office of Inspection and Enforcement, the NRC's staff's Task Force on Emergency Planning, and the NRC Office of Standards Development and Nuclear Regulatory Research. Each of the investigating groups, acting independently, organized their recommendations in a different way. A steering group was appointed to organize and assess the many recommendations and to develop the "TMI-2 Action Plan", which would provide a comprehensive and integrated plan for all actions necessary to correct or improve the regulation and operation of nuclear facilities. The items identified by the Lessons Learned Task Force and many longer term generic items identified by the Bulletins and Orders Task Force were included in the Action Plan program. This Action Plan was published as NUREG-0660 in May 1980.

In reviewing the technical, schedular and cost aspects of the numerous items of the TMI Action Plan, the Commission has approved a number of actions that provide substantial additional protection which is required for public health and safety. The Commission asked the staff to obtain industry comments on the approved Action Plan items and to make appropriate revisions prior to finalizing the requirements.

Actions to improve the safety of nuclear power plants now operating were judged to be necessary immediately after the accident and could not be delayed until the Action Plan was developed, although they were subsequently included in the Action Plan. Before these immediate actions were applied to operating plants, they were approved by the Commission. Many of the required immediate actions have already been taken by licensees and most are scheduled to be completed in the near future.

On May 15, 1980, after review of the last version of the Action Plan, the Commission approved a list of "Requirements for New Operating Licenses", contained in NUREG-0694. On October 28, 1980, the Commission approved a "Clarification of TMI Action Plan Requirements", now contained in NUREG-0737, which supersedes NUREG-0694. On December 16, 1980, the Commission issued a statement of policy, "Further Commission Guidance for Power Reactor Operating Licenses", which replaced a previous policy statement issued on June 16, 1980.

On September 5, 1980, the NRC sent letters regarding the new requirements approved by the Commission in its consideration of the TMI Action Plan to all licensees of operating reactors, applicants for operating licenses, and

holders of construction permits. During the week of September 22, 1980 regional meetings were held to provide more detailed explanation of the new requirements and to obtain industry comments. Based upon these discussions, the finalized Action Plan requirements were issued on October 31, 1980, as NUREG–0737, which included a summarizing letter. The letter noted that NUREG–0737 includes in tabular form and with technical clarification all the post-TMI–2 requirements that had been approved at that time by the Commission, but does not constitute the totality of the TMI–2 Action Plan.

Since NUREG–0737 was issued, the Commission has determined that the new requirements should be codified into the Commission's regulations. While there is no intent to change the technical content of these requirements, the NUREG–0737 items have been re-written in language appropriate for the Commission's regulations.

Substance of the Rule

This rule, which addresses the same set of items contained in NUREG–0737, imposes new safety requirements for operating license applications. The Commission has determined that these requirements must be met by all applicants for operating licenses. It should be noted, however, that there are many elements in the TMI Action Plan (NUREG–0660) not included in NUREG–0737, that have not yet been developed by the staff or acted upon by the Commission. There are also items that the Commission has directed to be the subject of further study. This rule will be augmented in the future to add new requirements as they are approved. Opportunity for public comment will be provided when such additional requirements are contemplated.

For the sake of completeness, all of the basis requirements of NUREG–0737 are incorporated in this proposed rule. It is recognized that some of the items individually are or may be the subject of other rulemakings (e.g., shift manning, operator qualification, and interim degraded core cooling). The Commission does not intend to issue duplicative rules. Consolidation or other appropriate action will be taken before final rulemaking to be sure that each subject is addressed in only one place in the rules.

While this rule contains the basic requirements set out in NUREG–0737, it does not incorporate the entirety of the document. In particular, the rule does not contain the detailed criteria, staff positions, and guidance contained in NUREG–0737 for satisfying many of the requirements. To have included such detail would have resulted in an excessively detailed and restrictive rule. However, the Commission has reviewed NUREG–0737 and has concluded that the positions contained therein provide a basis for responding to the experience of the TMI–2 accident. Applicants may, of course, propose to satisfy the rule's requirements by a method other than that detailed in NUREG–0737, but in such cases must provide a basis for determining that the requirements of the rule have been met.

In developing this proposed rule, the Commission has recognized that there are a number of items from NUREG–0737 that merit additional consideration prior to being included in a final rule. For example, there are several items for which the ongoing Commission review, based on submittals by operating reactors, may resolve the concern such that no additional information on these items would be needed for operating license applications. Some items may be redundant with existing regulations. Some items are presently under Commission review with preliminary indications that either the requirement may not be needed or the specific criteria in NUREG–0737 for meeting the requirement may be revised. Finally, some items are so specific and of limited applicability that their inclusion in the regulations may not be warranted. Accordingly, while the proposed rule presently contains all items from NUREG–0737 applicable to operating license applications, comment is specifically solicited on items that may not need to be included for the reasons discussed above. The following are examples of items that have been identified as candidates for such reconsideration.

a. Generic items for which sufficient information may have already been received and no additional information may be needed from OL applicants:

II.K.2.15 Effects of Slug Flow on OTSG Tubes.
II.K.2.17 Voiding in RCS (complete for B&W only).
II.K.2.19 Benchmark analysis in Sequential AFW Flow to the OTSG.

b. Items that may already be sufficiently codified in the regulations:

II.K.3.30 Upgrade of SBLOCA Model.
II.K.2.31 Plant Specific Analysis to Show Conformance with 10 CFR 50.46.
III.A.1.2 Upgraded Emergency Support Facilities.
III.A.2 Emergency Preparedness—Long Term.
III.D.3.4 Control Room Habitability.

c. Items for which the Commission position on acceptability in NUREG–0737 may be revised:

I.A.1.3 Overtime Limitations.
I.C.8 Verify correct performance of Operating Activities.

d. Items that are presently under Commission staff review and reconsideration as to whether the modifications are needed:

II.K.3.5 Automatic RCP Trip for PWRs.
II.K.1.21 Anticipatory Trip on LOFW, Turbine Trip and Low S/G level (B&W).
II.K.2.10 Same as II.K.1.21.
II.K.1.20 Procedures for Manual Trip on Specific Events (B&W).

e. Items that may be too detailed or of limited applicability to merit codifying in the regulations:

II.K.2.2 Initiation and Control of AFW Independent of ICS (B&W)
II.K.2.9 FMEA of the ICS (B&W)
II.K.3.9 Modifications to the PID Controller for W-designed Plants
II.K.3.10 Anticipatory Reactor Trip Bypass Setpoint
II.K.3.11 PORVs Manufactured by CCI, Inc.

The proposed rule includes a provision that the Commission may, for good cause shown, grant relief from the required implementation schedules on a case-by-case basis. The Commission recognizes that this rule may affect operating license proceedings now pending before the adjudicatory boards. While this may often be true when a new rule is promulgated, the broad scope and relative detail of this rule could cause a greater than usual impact on pending proceedings. This impact might be particularly severe on proceedings where the record has been closed. The Commission solicits comments on the potential impact of this rule, and its implementation schedule, on pending operating license proceedings.

Based upon its extensive review and reconsideration of the issues arising as a result of the Three Mile Island accident, the Commission has decided that applications for an operating license should be measured by the NRC staff and Presiding Officers in adjudicatory proceedings against the existing regulations, as augmented by this rule. It is the Commission's view that this new rule, together with the existing regulations, form a set of regulations, conformance with which meets the requirements of the Commission for issuance of an operating license. The Commission seeks public comment on the requirements contained in this rule. It should be noted that the Commission intends to augment its regulations with a similar rule for operating reactors. The proposed Operating Reactor Rule will be published for comment within two to three weeks of the publication of this

proposed rule for Operating License Applications.

Paperwork Reduction Act

The proposed rule will be submitted to the Office of Management and Budget for clearance of the application requirements that may be appropriate under the Paperwork Reduction Act (Pub. L. 96–511). The SF–83 "Request for Clearance," Supporting Statement, and related documentation submitted to OMB will be placed in the NRC Public Document Room at 1717 H Street, NW., Washington, D.C. 20555. The material will be available for inspection and copying for a fee. No license may be issued unless a completed application form has been received that meets the requirements of 10 CFR 50.34(f), (42 U.S.C. 2201, 5841, 5844).

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definition of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121. Since these companies are dominant in their service areas, this proposed rule does not fall within the purview of the Act.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 552 and 553 of Title 5 of the United States Code, the Commission proposes to amend Part 50 of Chapter I, Title 10 of the Code of Federal Regulations as follows:

The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 68 Stat. 936, 937, 948, 953, 954, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846), unless otherwise noted. Section 50.78** also issued under sec. 122, 68 Stat. 939, 42 U.S.C. 2152. Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended; 42 U.S.C. 2234. Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955; 42 U.S.C. 2236. For the purposes of sec. 223, 68 Stat. 958, as amended; 42 U.S.C. 2273, § 50.54(i) issued under sec. 161i, 68 Stat. 949; 42 U.S.C. 2201(i), and §§ 50.70–50.71 and § 50.78** issued under sec. 161o, 68 Stat. 950, as amended; 42 U.S.C. 2201(o) and the Laws referred to in Appendices.

1. A new paragraph (f) is added to § 50.34 to read as follows:

§ 50.34 Contents of application, technical information.

* * * * *

(f) *Additional TMI-related requirements for applications for an operating license.* In addition to the requirements of paragraph (b) of this section, each application for an operating license that is to be issued after (* * * insert effective date of this rule * * *) shall meet the requirements in paragraphs (f) (1) and (2) of this section. If the applicant contends that implementation of an item on the schedule set forth in this rule is impractical for its facility, the applicant may provide information to support this contention. The Commission will evaluate this information and, based on its determination of earnest effort and good cause shown, may grant relief from the implementation schedule, on a case-by-case basis. In such cases, the Commission will impose alternative schedule requirements suitable for that facility.

(1) For the following requirements, the application shall describe how each requirement will be implemented or satisfied prior to issuance of an operating license.

(i) The minimum shift staffing for operators, licensed and non-licensed, shall be as shown in Table 1. In addition to the staffing requirements stated in the Table, each operating shift, except during periods of cold shutdown, shall include a qualified Shift Technical Advisor (STA). In addition to the staffing requirements stated above, shift crew assignments shall include a licensed senior reactor operator to directly supervise core alterations. This licensed senior reactor operator may have fuel handling duties but shall not have other concurrent operational duties. The amount of overtime worked by plant staff members performing safety-related functions shall be limited. Other onshift staffing and emergency response capabilities shall be as shown in Table 2. The capability for augmentation of resources for emergency response functions shall be equivalent to that shown in Table 2. (I.A.1.1;[1] I.A.1.3; III.A.1.2)

(ii) The operator initial training and requalification programs shall include: heat transfer, fluid flow, and thermodynamics; and emphasis on reactor and plant transients.

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[1] Alphanumeric designations correspond to the related action plan items in NUREG–0737, "Clarification of the TMI Action Plan Requirements" and NUREG–0660, "NRC Action Plan Developed as a Result of the TMI–2 Accident. They are provided herein for information only.

Table 1.—*Required Shift Manning*

Operating status	One unit, one control room	Two units, one control room	Two units, two control rooms	Three units, two control rooms
One Unit Operating*	1 SS (SRO)	1 SS (SRO)	1 SS (SRO)	1 SS (SRO)
	1 SRO	1 SRO	1 SRO	1 SRO
	2 RO	3 RO	3 RO	4 RO
	2 AO	3 AO	3 AO	4 AO
Two Units Operating*	NA	1 SS (SRO)	1 SS (SRO)	1 SS (SRO)
		1 SRO	2 SRO	[1] 2 SRO
		3 RO	4 RO	[1] 5 RO
		3 AO	4 AO	
				5 AO
All Units Operating*	NA	1 SS (SRO)	1 SS (SRO)	1 SS (SRO)
		1 SRO	2 SRO	2 SRO
		3 RO	4 RO	5 RO
		3 AO	4 AO	5 AO
All Units Shut Down	1 SS (SRO)	1 SS (SRO)	1 SS (SRO)	1 SS (SRO)
	1 RO	2 RO	2 RO	3 RO
	1 AO	3 AO	3 AO	5 AO

SS—shift supervisor.
SRO—licensed senior reactor operator.
RO—licensed reactor operator.
AO—auxiliary operator.
[1] Only 1 SRO and 4 ROs required if both units are operated from one control room.
NOTE.—(1) In order to operate or supervise the operation of more than one unit, an operator (SRO or RO) must hold an appropriate, current license for each such unit.
(2) In addition to the staffing requirements indicated in the table, a licensed senior operator will be required to direct supervise any core alteration activity.
(3) See item I.A.1.1 for shift technical advisor requirements.
*Modes 1 through 4 for PWRs.
Modes 1 through 3 for BWRs.

Table 2.—Minimum Staffing Requirements for NRC Licensees for Nuclear Power Plant Emergencies

Major functional area and location	Major tasks	Position title or expertise	On shift*	Capability for additions: 30 min	Capability for additions: 60 min
Plant Operations and Assessment of Operational Aspects.		Shift Supervisor (SRO)	1	—	—
		Shift Foreman (SRO)	1	—	—
		Control Room Operators	2	—	—
		Auxiliary Operators	2	—	—
Emergency Direction and Control (Emergency Coordination)***.		Shift Technical Advisor, Shift Supervisor or designated facility manager.	1**	—	—
Notification/Communication****	Notify licensee, State, local and Federal personnel and maintain communication.		1	1	2
Radiological Accident Assessment and Support of Operational Accident Assessment.	Emergency Operations	Senior Manager	—	—	1
	Facility (EOF) Director		—	—	—
	Offsite Dose	Senior Health Physics	—	—	—
	Assessment	(HP) Expertise	—	1	—
	Offsite Surveys		—	2	2
	Onsite (out-of-plant)		—	1	1
	In-plant surveys	HP Technicians	1	1	1
	Chemistry/Radio chemistry	Rad/Chem Technicians	1	—	1
Plant System Engineering, Repair and Corrective Actions.	Technical Support	Shift Technical Advisor	1	—	—
	Core/Thermal Hydraulics		—	1	—
	Electrical		—	—	1
	Mechanical		—	—	1
	Repair and Corrective Actions	Mechanical Maintenance/Rad Waster Operator	1**	—	1
		Electrical Maintenance/Instrument and Control (I&C) Technician	1**	1	1
			—	1	—
Protective Actions (In-Plant)	Radiation Protection:	HP Technicians	2**	2	2
	a. Access Control		—	—	—
	b. HP Coverage for repair, corrective actions, search and rescue first-aid and firefighting.		—	—	—
	c. Personnel monitoring		—	—	—
	d. Dosimetry		—	—	—
Firefighting			1	0	0
Rescue Operations and First-Aid			2**	0	0
Site Access Control and Personnel Accountability	Security, firefighting communications, personnel accountability.	Security Personnel	0	—	—
		Total	10	11	15

[1] Fire Brigade per Technical Specifications.
[2] All per security plan.
[3] Local support.

NOTES:

*For each unaffected nuclear unit in operation, maintain at least one shift foreman, one control room operator and one auxiliary operator except that units sharing a control room may share a shift foreman if all functions are covered.

**May be provided by shift personnel assigned other functions.

***Overall direction of facility response to be assumed by EOF director when all centers are fully manned. Director of minute-to-minute facility operations remains with senior manager in technical support center or control room.

****May be performed by engineering aide to shift supervisor.

The training program for all operating personnel shall include training to recognize, control and mitigate the consequences of accidents in which the core is severely damaged. In addition, each applicant shall support the development of its training program, emergency procedures and control room hardware, with applicable human engineering data. Additionally, intensive and comprehensive training exercises are to be conducted during low-power testing programs to provide experience for each operating shift. The principal instructors shall be qualified at the senior reactor operator level and shall periodically thereafter demonstrate their continued competency. An applicant for a senior reactor operator license shall have had experience as an operator and shall participate in an NRC approved training program. In addition to the written examination and the oral examination administered in the plant, and operational examinations on an appropriate simulator will be administered by the NRC. The minimum passing grade shall be 80% overall with a minimum in each technical category of 70%. (I.A.2.1; I.A.2.3; I.A.3.1.; I.G.1; II.B.4)

(iii) Corporate management directives shall be issued that emphasize the shift supervisor's role in the control room as the primary onsite manager responsible for safe operation of the plant under all conditions. Such directives shall clearly define his responsibilities and authority including his command decision authority, relative to other plant management personnel, over plant operations personnel. The shift supervisor's responsibilities shall include limiting personnel access to the control room during emergencies; his administration duties shall be such that they do not detract from or are subordinate to the management responsibility for assuring the safety operation of the plant. Training programs for shift supervisors shall strengthen both management and operational capabilities (I.A.1.2; I.C.3; I.C.4)

(iv) An onsite independent safety engineering group of technically qualified personnel shall be provided to perform continuing systematic reviews of plant activities, including operating experience information that may indicate areas for improving plant safety. This group shall also provide recommendations and advice to an offsite high level corporate technical officer, not in the management chain for power production. (I.B.1.2)

(v) Analyses of small-break loss-of-coolant accidents and of transients and accidents that involve postulated multiple failures, consequential failures, and operator errors, which if unmitigated could lead to inadequate core cooling, shall be provided. The analyses shall be carried sufficiently into the event to identify all significant thermal/hydraulic/neutronic phenomena and to address possible failures and operator errors during the long-term cooling phase. Emergency procedure guidelines to mitigate these

transients and accidents shall be provided. (I.C.1)

(vi) Administrative controls shall be provided to ensure adequate exchange of plant status information between control room operations personnel during shift and relief turnover. As a minimum, the exchanged information shall include: Values of key plant parameters, availability and alignment of systems important to safety, identification of systems and components in an acceptable degraded mode of operation, and identification of systems out of service for maintenance or test. (I.C.2)

(vii) A management system shall be provided to perform the following functions: (A) Review operating experience information originating both within and outside the facility; (B) Promptly supply information pertinent to plant safety, including proposed procedural changes and plant modifications, to operators and other appropriate plant personnel; and (C) Assure that such information is incorporated into training and requalification programs. (I.C.5)

(viii) A management system shall be provided to independently verify the proper performance of operational and maintenance activities, as a means of reducing errors that could result in or contribute to accidents. The system shall include automatic status monitoring or verification by two qualified individuals (I.C.6)

(ix) Reviews of the proposed procedures for low-power test, power ascension tests, and emergency procedures to verify the adequacy of procedures shall be obtained from the nuclear steam system supplier. (I.C.7)

(x) Detailed reviews of the final design shall be performed to ensure that the design of the control room and control boards are in conformance with good human factors engineering principles and that information for the control room operators is presented in a manner that facilitates recognition of developing off-normal conditions, and mitigation of accidents. (I.D.1)

(xi) A plan for collection of data shall be provided that will establish for ECCS systems and equipment: (A) Outage dates and durations, (B) cause of the outage, (C) systems or components involved, (D) specific corrective actions taken, and (E) changes that may improve ECCS equipment availability. (II.K.3.17)

(xii) Direct position indications (open or closed) for the relief and safety valves shall be provided in the control room. (II.D.3)

(xiii) The auxiliary feedwater system (AFW) shall be evaluated including: (A) A simplified AFW reliability analysis using event-free and fault-free logic techniques; (B) A design review of AFW; and (C) An evaluation of AFW flow design bases and criteria. (Applicable to PWRs only). (II.E.1.1)

(xiv) The protection system shall include automatic and manual initiation of the auxiliary feedwater system and control room indication of system flow. (Applicable to PWRs only). (II.E.1.2)

(xv) The design shall include the capability to promptly connect onsite electric power to: (A) Pressurizer heater and associated controls sufficient to establish and maintain natural circulation in hot standby conditions, (B) pressurizer power-operated relief valves, (C) the block valves for the pressurizer power-operated relief valves, and (D) pressurizer water level instrumentation. (Applicable to PWRs only). (II.E.3.1 & II.G.1)

(xvi) Each power reactor that relies upon external recombiners or purge repressurization systems to satisfy the requirements of § 50.44 of this part shall be provided with containment penetrations for the external recombiners or purge/repressurization systems that either: (A) Are dedicated to that service only, conform to the requirements of Criteria 54 and 56 of Appendix A of this part, are designed against postulated single failures and are sized to satisfy the flow requirements of the external recombiners or purge/repressurization systems, or (B) are of a combined design for use by either external recombiners or purge/repressurization systems and other systems, conform to the requirements of Criteria 54 and 56 of Appendix A of this part, are designed against postulated single failures both for containment isolation purposes and for operation of the external recombiners or purge/pressurization systems, and are sized to satisfy the flow requirements of the external recombiners or purge/pressurization systems. (II.E4.1)

(xvii) The containment isolation system design shall provide that: (A) All non-essential systems are isolated automatically, (B) each non-essential penetration (except instrument lines), has two isolation barriers in series, (C) the overriding (resetting) of the isolation signal shall require deliberate operator actions of at least two steps and no single sequence of operator override actions shall cause the reopening of the containment penetrations associated with more than one system or more than one purge or vent isolation valve, (D) the containment high pressure set point for initiating containment isolation is as low as is compatible with normal operation, and (E) all containment purge and vent isolation valves will receive an automatic closure signal on containment high radiation. (II.E.4.2)

(xviii) A review shall be provided of all valve positions and positioning requirements and positive controls and all related test and maintenance procedures to assure proper Engineered Safety Features (ESF) functioning. (II.K.1.5)

(xix) Procedures for removing safety-related systems from service (and restoring to service) shall be provided that ensure that operability status will always be known by the control room operators. (II.K.1.10)

(xx) Safety injection shall be initiated when the pressurizer low pressure setpoint is reached regardless of the pressurizer level. (Applicable to Westinghouse-designed reactors only.) (II.K.1.17)

(xxi) The reactor protection system shall include anticipatory reactor trip for loss of main feedwater, turbine trip, and significant decrease in steam generator level. Procedures and associated operator training shall be provided to ensure prompt manual reactor trip for main steamline isolation valve closure, loss of offsite power, and low pressurizer level. (Applicable to Babcock & Wilcox-designed reactors only.) (II.K.1.20, II.K.1.21, and II.K.2.10)

(xxii) An analysis shall be provided to verify that the power-operated relief valves on the pressurizer will open during less than five percent of all anticipated overpressure transients for the range of plant conditions which might occur during a fuel cycle. (Applicable to Babcock-Wilcox-designed reactors only.) (II.K.2.14 and II.K.3.7)

(xxiii) The design of the auxiliary heat removal systems shall be such that necessary automatic actions will occur, and manual actions can be taken, when the main feedwater system is not operable. (Applicable to BWRs only.) (II.K.1.22)

(xxiv) A description shall be provided of all reactor vessel level indications used for automatic or manual initiation of safety systems. Other instrumentation that might give the operator the same information on plant status shall also be described. (Applicable to BWRs only.) (II.K.1.23)

(xxv) Procedures and training shall be provided for operating personnel relative to initiation and control of auxiliary feedwater independent of the Integrated Control System. (Applicable to Babcock & Wilcox-designed reactors only) (II.K.2.2)

(xxvi) A failure modes and effects analysis of the integrated control system (ICS) shall be provided. (Applicable to Babcock and Wilcox-designed reactors only.) (II.K.2.9)

(xxvii) A detailed analysis of thermal-hydraulics conditions in the reactor vessel during recovery from a small-break LOCA, with an extended loss of all feedwater, requiring the use of the cooler high-pressure injection system water, shall be provided to confirm that vessel integrity is not jeopardized. (Applicable to PWRs only.) (II.K.2.13)

(xxviii) An analysis shall be provided of the effects of slug flow on the once-through steam generator tubes after primary system voiding. (Applicable to Babcock & Wilcox-designed plants only.) (II.k.2.15)

(xxix) An evaluation shall be provided of the potential for and impact of reactor coolant pump seal damage and leakage upon loss of offsite power. If such damage is indicated, an analysis shall be provided of the limiting small-break loss-of-coolant accident complicated by subsequent reactor coolant pump seal damage. (II.k.2.16 and II.k.3.25)

(xxx) For Westinghouse-designed facilities where the reactor trip is to be bypassed when operating below 50 percent power, an evaluation shall be provided to verify that the probability of a small break LOCA resulting from a stuck-open PORV is not significantly greater than the case where this trip is bypassed only when operating below 10 percent power. (II.k.3.10)

(xxxi) An analysis shall be provided that defines the probability of a small-break LOCA caused by a stuck-open power operated relief valve (PORV). If this probability is a significant contributor to small-break LOCAs from all causes, provide a design description for an automatic PORV isolation system that would operate when the reactor coolant system pressure falls after the PORV has opened. (Applicable to PWRs only.) (II.k.3.2 and II.k.3.1)

(xxxii) Any failure of a safety or relief valve shall be reported promptly to the NRC and all challenges to such valves shall be reported annually. (Applicable to PWRs only.) (II.k.3.3)

(xxxiii) An evaluation shall be provided of the automatic tripping of the reactor coolant pumps in the case of a small-break loss-of-coolant accident. (Applicable to PWRs only.) (II.k.3.5)

(xxxiv) If a proportional integeral-derivative controller is installed in the power operated relief valve (PORV) control system, the control system shall be operated so as to preclude opening the PORV due to derivate action. (Applicable to Westinghouse-designed reactors only.) (II.k.3.9)

(xxxv) Complete justification shall be provided for the use of any type of pressure-operated relief valve that has failed during testing (such as those supplied by Control Components, Inc., that failed during hot functional testing at a plant). (Applicable to PWRs only.) (II.k.3.11)

(xxxvi) An anticipatory reactor-trip on turbine-trip shall be provided. (Applicable to Westinghouse-designed reactors only.) (II.k.3.12)

(xxxvii) An evaluation shall be provided of the safety effectiveness of initiating the reactor core isolation cooling system at a higher water level than that for the high pressure coolant injection system and of restarting both systems on low water level. (Applicant to BWRs only.) (II.k.3.13)

(xxxviii) The design of the HPCI/RCIC steam line pipe-break-detection circuitry shall be such that pressure spikes resulting from HPCI and RCIC system initiation will not cause inadvertent isolation of these systems. (Applicable to BWRs only.) (II.k.3.15)

(xxxix) An analysis shall be provided to identify practicable system modifications that would reduce challenges and failures of relief valves, without compromising the performance of the valves or other systems, shall be provided. (Applicable to BWRs only.) (II.k.3.16)

(xl) Pending the implementation of automatic transfer features, clear and cogent procedures shall exist for manual transfer of RCIC system suction to the suppression pool when the condensate storage tank level is low. (Applicable to BWRs only) (II.k.3.22)

(xli) The HPCI and RCIC systems shall be designed to withstand and operate satisfactorily following a complete loss of offsite power for at least two hours. (Applicable to BWRs only.) (II.K.3.24)

(xlii) The scales of the various reactor vessel water level instruments shall be referenced to the same point. (Applicable to BWRs only.) (II.K.3.27)

(xliii) Small-break loss-of-coolant accident analysis methods used to comply with Appendix K to 10 CFR Part 50 shall be revised and provided that account for experimental data, including data from the Loss-of-fluid-test (LOFT) and Semiscale Test facilities. This evaluation shall consider the LOFT test, (L3–6). (II.K.3.30)

(xliv) Analysis shall be provided to demonstrate that for anticipated transients complicated by the worst single failure, and assuming proper operator actions, the core remains covered or no significant fuel damage results from core uncovery. (Applicable to BWRs only). (II.K.3.44)

(xlv) Analysis shall be provided to support depressurization methods, other than by full actuation of the automatic depressurization system, that would reduce the possibility of exceeding vessel integrity limits during rapid cooldown. (Applicable to BWRs only.) (II.K.3.45)

(xlvi) Each boiling and pressurized light-water nuclear power reactor applicant shall implement leak reduction measures to that leakage, from systems outside containment (systems that would or could contain highly radioactive fluids during and following a serious transient or accident), is eliminated or minimized to the maximum extent practicable to prevent the release of significant amounts of radioactive material during and following an accident. Consideration shall be given to reductions of potential release paths that could result from design or operator deficiencies.

(xlvii) Each boiling and pressurized light-water nuclear power-reactor licensee shall establish and implement a program of preventive maintenance to eliminate or minimize, to the maximum extent practicable, leakage from systems outside containment. This program shall include periodic (integrated) leak tests of these systems at intervals not to exceed each refueling cycle and also include (as-well-as) the reduction of potential release paths by appropriate operator training. (III.D.1.1)

(xlviii) Each boiling and pressurized light-water power reactor shall be provided with instrumentation, equipment and associated training and procedures for determining, under accident conditions, the airborne radioiodine concentration in areas within the facility where plant personnel may be present during and following an accident. (III.D.3.3)

(xlix) The control room and associated habitability systems shall be designed to adequately protect the reactor operations staff against the effects of accidental release of toxic or radioactive gases such that the nuclear plant can be operated or safety shutdown under accident conditions. Analysis based upon the final as-built conditions shall be provided to demonstrate that airborne concentrations of such hazardous fumes will permit control room operators to remain in the control room to take appropriate safety actions. (III.D.3.4)

(l) Dedicated emergency response facilities shall be established and maintained for command and control, support, and coordination of onsite and

offsite functions during reactor accident conditions. The Technical Support Center is to provide an appropriate near-the-control-room location for those individuals who are knowledgable of and responsible for engineering and management support of reactor operations, to diagnose and evaluate plant conditions and for more orderly conduct of plant activities during emergency conditions. The Operational Support Center is to provide an area separate from the control room for shift and other support personnel (e.g., auxiliary operator, technicians, health physics personnel) to report for instructions from the control room staff. The near-site Emergency Operations facility is to provide (A) a center for analysis of plant effluents, meteorological conditions, offsite radiation measurements and for offsite dose projections, and (B) a center for coordination of all licensee onsite and offsite activities and coordination with Federal, State, and local authorities for implementation of offsite emergency plans.

(Ii) Plans and facilities for coping with emergencies shall be in accordance with the requirements set forth in other sections of 10 CFR Part 50. (III.A.1.1; III.A.1.2; III.A.2)

(Iii) The design shall ensure the capability of natural circulation in the event that depressurization of the reactor vessel, during a small break LOCA, is required (II.K.3.46)

(Iiii) A feasibility study and risk assessment shall be submitted that defines the optimal approach for eliminating the need for manual actuation of the automatic depressurization system to assure adequate core cooling. (Applicable to BWRs only) (II.K.3.18)

(2) These requirements shall be implemented either by the date indicated or before the issuance of an Operating License, whichever is later. The application shall describe how each requirement will be implemented or satisfied.

(i) Emergency procedures shall be provided to mitigate small-break loss-of-coolant accidents, and transients and accidents that involve postulated multiple failures, consequential failures, and an operator errors, which, if unmitigated, could lead to inadequate core cooling. (January 1, 1982) (I.C.1)

(ii) Each boiling and pressurized light-water nuclear power reactor shall be provided with high point vents for the reactor coolant system and reactor vessel head and other systems required to maintain adequate core cooling if the accumulation of noncondensible gases would cause their loss of function, remotely operated from the control room, to provide improved operational capability to maintain adequate core cooling following an accident. High point vents are not required, however, for the tubes in U-tube steam generators. Since these vents form a part of the reactor coolant pressure boundary, the design of the vents and associated controls, instruments and power sources must conform to the requirements of Appendix A and Appendix B to this Part 50. In particular, the vent system shall be designed to ensure a low probability that (A) the vents will not perform their safety functions and (B) there would be inadvertent or irreversible actuation of a vent. Furthermore, the use of these vents during and following an accident must not aggravate the challenge to the containment or the course of the accident. (July 1, 1982) (II.B.1)

(iii) Each boiling and pressurized light-water nuclear power reactor shall be provided with both adequate access to areas that may be used during and following an accident and protection of safety equipment so that an accident that results in the release of large amounts of radioactive material will not limit personnel occupancy or degrade safety equipment by the radioaction fields that may exist during and following the accident to the extent that required safety functions cannot be accomplished.

(A) The facility design must be based on a release of radioactive material from the fuel to the primary coolant system that is not less than 100% of the core equilibrium noble gas inventory, 50% of the core equilibrium halogen inventory, and 1% of the remaining core fission products. For equipment and areas affected by the reactor coolant, it shall be assumed that the above distribution of radioactive material is intimately mixed with the coolant water except that recirculated, depressurized coolant water may be assumed to contain no noble gases. For equipment and areas affected by the containment atmosphere, it shall be assumed that not less than 100% of the core equilibrium noble gas inventory and 25% of the core equilibrium halogen inventory are uniformly dispersed in the containment atmosphere and an additional 25% of the core equilibrium halogen inventory and 1% of the remaining core fission products are uniformly distributed on surfaces exposed to the containment atmosphere.

(B) The facility design basis must be such that an individual operator will not receive more than a 5 rem whole body dose, or its equivalent to any part of the body, while performing a necessary safety function during and following an accident. (January 1, 1982) (II.B.2)

(iv) Each boiling and pressurized light-water nuclear power reactor shall be provided with the capability for personnel to obtain and quantitatively analyze a reactor coolant or containment atmosphere sample during and following an accident.

(A) The facility design must be based on the radioactive material release terms described in paragraph (f)(1)(iii) of this section.

(B) The design basis for the plant equipment that provides the capability to obtain and analyze a sample must be based on the assumption that it will be done promptly, and without incurring a radiation exposure to any individual in excess of 5 rem to the whole body, or its equivalent to any part of the body.

(C) The capability to quantitatively analyze a sample must be based on the use of either in-line monitoring or an onsite radiological and chemical analysis facility. If in-line monitoring is chosen, a capability must be provided for backup sampling using grab samples, and must include the capability for analyzing the samples at either an onsite or offsite facility. The analysis capability must provide, as needed, quantification of the following:

(*1*) Those radioisotopes necessary to indicate the extent of core damage;

(*2*) Hydrogen in the containment atmosphere;

(*3*) Total dissolved gases or dissolved hydrogen gas in the reactor coolant;

(*4*) Boron in the reactor coolant; and

(*5*) Chloride in the reactor coolant. Chloride analyses may be performed offsite and are not required to be done promptly. (January 1, 1982) (II.B.3)

(v) Qualification tests shall be conducted on the reactor coolant system relief and safety valves and, for PWRs, block valves, for all fluid conditions under operating conditions, transients and accidents. Block valves for each relief valve shall be qualified to isolate not only a leaking relief valve under normal conditions, but also any fluid flow conditions generated by a stuck-open relief valve under normal operating or accident conditions. The results of the qualification tests shall be submitted. (Applicable to PWRs only) (July 1, 1982) (II.D.1)

(vi) Accident Monitoring Instrumentation shall be provided for each boiling and pressurized light-water nuclear power reactor and shall have the capability during and following an accident for:

(A) Providing and recording in the control room a continuous indication of:

(*1*) Containment pressure;

(2) Hydrogen concentration in the containment atmosphere;

(3) Containment water level;

(4) Containment radiation level; and

(5) Radioactive noble gas concentrations in the plant gaseous effluents at all potential accident release paths effective.

(B) Quantifying the concentration of radioiodines and radioactive particulates in plant gaseous effluents at all potential accident release paths.

(C) Performing their function following an accident characterized by the radioactive material release terms described in paragraph (f)(2)(iii) of this section. (January 1, 1982) (II.F.1)

(vii) (A) Each boiling and pressurized light-water nuclear power reactor licensee shall develop and implement procedures and training to be used by the operators to recognize the existence of inadequate core cooling and low coolant level in the reactor core using available instrumentation.

(B) Each pressurized light-water nuclear power reactor shall be provided with a primary coolant saturation meter (subcooling meter) that provides in the control room a continuous, recorded, on-line indication of the primary coolant saturation condition.

(C) Each boiling and pressurized light-water nuclear power reactor shall be provided with an instrumentation system, for example, reactor vessel water level indicators for pressurized water reactors that augment the incore thermocouples; and incore thermocouples for boiling water reactors that augment the reactor vessel water level indicators. The instrumentation system must supply to the control room a recorded, unambiguous, easy-to-interpret, indication of inadequate core cooling. The indication must cover the complete range from normal operation to complete core uncovery and give advance warning of the approach of inadequate core cooling. (January 1, 1982.)

(D) All instruments used to detect the existence of inadequate core cooling shall be designed and qualified to perform their function following an accident characterized by the radioactive material release terms described in paragraph (f)(2)(iii) of this section. (January 1, 1982) (II.F.2)

(viii) An analysis shall be provided that defines the potential for voiding in the reactor coolant system during anticipated transients. (Applicable to PWRs only) (January 1, 1982) (II.K.2.17)

(ix) An analysis shall be provided of sequential auxiliary feedwater flow to the steam generators following a loss of main feedwater. (Applicable to PWRs only) (January 1, 1982) (II.K.2.19)

(x) If determined necessary as a result of the analysis required by paragraph f(1)(XLi) of this section, an automatic power-operated relief valve isolation system shall be installed that will automatically cause the block valve to close when the reactor coolant system pressure falls after the PORV has opened (Applicable to PWRs only). (This requirement shall be implemented, if found to be necessary, by the end of the first refueling 6 months after staff approval of the design.) (II.K.3.1)

(xi) The automatic depressurization system, valves, accumulators and associated equipment instrumentation shall show to be capable of performing their intended safety functions during and following exposure to the hostile environment of an accident situation, taking no credit for non-safety related equipment or instrumentation, and taking account for air (or nitrogen) leakage through valves. (Applicable to BWRs only.) (January 1, 1982) (II.K.3.28)

(xii) Plant-specific calculations for small break loss of coolant accidents shall be provided consistent with the revised models development pursuant to item f(1)(xLiii) of this section. (January 1, 1983) (II.K.3.31)

(xiii) The RCIC system shall automatically transfer its suction to the suppression pool when the condensate storage tank level is low. (Applicable to BWRs only). (January 1, 1982) (II.K.3.22)

(xiv) The design of the automatic depressurization system shall be such that any operation of this system needed to assure adequate core cooling will be initiated automatically. The design description shall be submitted to the NRC for approval by April 1, 1982, or as part of the FSAR, whichever is later. For operating licenses issued prior to April 1, 1983, the design shall be installed not later than the first refueling outage that is at least six months subsequent to staff approval of the design. For operating licenses issued on or after April 1, 1983, the design shall be installed not later than the start of power operation (i.e., greater than 5% of rated power). (Applicable to BWRs only) (II.K.3.18)

(xv) The core spray and the LPCI systems shall automatically restart upon low water level, if an initiation signal is still present, to assure adequate core cooling. The design description shall be submitted to the NRC for approval. For operating licenses issued prior to January 1, 1982 the design shall be installed not later than the first refueling outage that is at least six months subsequent to staff approval of the design. For operating licenses issued on or after January 1, 1982, the design shall be installed not later than the start of power operations (i.e., greater than 5% rated power). (Applicable to BWRs only) (II.K.3.21)

Dated at Washington, D.C., this 7th day of May 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

Note.—Commissioner Bradford's dissenting views are attached.

10 CFR Part 50

Licensing Requirements for Pending Operating License Applications

Commissioner Bradford dissented from the publication of the proposed rule on the grounds that the subject matter was too broad to be dealt with coherently and effectively in a single rulemaking.

[FR Doc. 81-14366 Filed 5-12-81; 8:45 am]

BILLING CODE 7590-01-M

SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Improving Government Regulations; Semiannual Agenda

AGENCY: Selective Service System.

ACTION: Semiannual agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service system that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 et seq.). This information will allow the public to participate in the System's decisionmaking at an early stage.

FOR FURTHER INFORMATION CONTACT: Edward A. Frankle, Associate Director, Policy Development Directorate, Selective System, Washington, D.C. 20435. Telephone (202) 724-0844.

SUPPLEMENTARY INFORMATION: This agenda is published in accord with the requirements of E.O. 12291. Selective Service Regulations appear in 32 CFR Chapter XVI.

Subjects of Proposed Rulemaking

Consideration will be given to a comprehensive revision of Selective Service Regulations that deal with the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 et seq.). Regulations for the administration by the System of the Freedom of Information Act (5 U.S.C.

552) and the Privacy Act of 1974 (5 U.S.C. 552a) may also be revised.

Bernard Rostker,
Director of Selective Service.
May 8, 1981.

[FR Doc. 81-14488 Filed 5-12-81; 8:45 am]
BILLING CODE 8015-01-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Advance Payment of Educational Assistance Allowance

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The proposed regulations permit the advance payment of educational assistance allowance to veterans and eligible persons following breaks in enrollement of more than 30 days. Currently, a break must be more than a calendar month before the Veterans Administration may make an advance payment. This has resulted in some instances where a veteran or eligible person could not be paid for the interval between terms and could not receive an advance payment for the next term. This proposal eliminates this inequity.

DATES: Comments must be received on or before June 12, 1981. It is proposed to make this proposal effective the date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until June 22, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202-389-2092).

SUPPLEMENTARY INFORMATION: Sections 21.4136 and 21.4137 are amended to permit the Veterans Administration to make an advance payment of educational assistance allowance to a veteran or eligible person when there are breaks in enrollment of more than 30 days.

The agency has determined that these proposed amendments to these regulations are nonmajor in accordance with the requirements of Executive Order 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am to 4:30 pm Monday throught Friday (except holidays) until June 22, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office, and furnished the address and the above room number.

Approved: April 28, 1981.
Rufus H. Wilson,
Acting Administrator.

Therefore, the Veterans Administration proposes to amend 38 CFR Part 21 as set forth below:

§ 21.4136 [Amended]

1. Section 21.4236 is amended as follows:

(a) By removing "38 U.S.C. 1780(d)(5)(B) and (C) and (6)" and inserting "38 U.S.C. 1780(d)(4) (B) and (C) and (5)" in the first sentence of paragraph (j)(2)(iii).

(b) By revising § 21.4136 paragraph (j)(2)(iv) as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

* * * * *

(j) *Advance payment.* * * *

(2) *Payment.* * * *

(iv) *Time of payment.* The Veterans Administration will authorize advance payment only at the beginning—

(A) Of an ordinary school year, or

(B) Of any other enrollment period which begins after a break of 30 days or more, provided the veteran is not eligible for payment for the break. See §.21.4138(d) for payments made after advance payments. (38 U.S.C. 1780(d))

* * * * *

§ 21.4137 [Amended]

2. Section 21.4137 is amended as follows:

(a) By removing "38 U.S.C. 1780(d)(5)(B) and (C) and (6)" and inserting "38 U.S.C. 1780(d)(4)(B) and (C) and (5)" in the first sentence of paragraph (g)(4).

(b) By revising § 21.4137 paragraph (g)(5) as follows:

§ 21.4137 Rates; education assistance allowance; 38 U.S.C. Ch. 35.

* * * * *

(g) *Advance payment.* * * *

(5) *Time of payment.* The Veterans Administration will authorize advance payment only at the beginning—

(i) Of an ordinary school year, or

(ii) Of any other enrollment period which begins after a break of 30 days or more, provided the eligible person is not eligible for payment for the break. See § 21.4138(d) for payments made after advance payments. (38 U.S.C. 1780(d))

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[FR Doc. 81-14317 Filed 5-12-81; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1818-5]

Commonwealth of Pennsylvania; Proposed Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Pennsylvania has submitted a proposed revision of its State Implementation Plan (SIP) for Philadelphia. The changes involve a restructuring of sulfur dioxide (SO_2) and particulate (TSP) emission limitations to provide for limited resumption of industrial coal burning. This proposal would affect Philadelphia Air Management Regulation II, "Air Contaminant and Particulate Matter Emissions," and Regulation III, "Control of Emissions of Oxides of Sulfur Compounds," and would apply only to sources in Philadelphia County which petition Air Management Services (AMS) for application of these regulations. AMS has submitted, through the Commonwealth, a demonstration intended to show that the Prevention of Significant Deterioration (PSD) increments will not be violated, that the status of any designated National Ambient Air Quality Standards (NAAQS) attainment area will not change, and that reasonable further progress in any designated nonattainment area will not be impeded

as a result of the coal conversions at the two facilities proposed herein.

DATE: Comments must be submitted on or before June 12, 1981.

ADDRESSES: Copies of the proposed SIP revision and the accompanying support documents are available for inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Air Media & Energy Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA. 19106, ATTN: Patricia Sheridan (3AH10);
Air Management Services, 801 Arch Street, 6th Floor, Philadelphia, PA. 19107, ATTN: Mr. William Reilly;
Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA. 17120, ATTN: Mr. James Hambright;
Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, DC 20460.

All comments on the proposed revision should be directed to: Mr. W. Ray Cunningham, Chief, Air Media & Energy Branch (3AH10), Air, Toxics and Hazardous Materials Division, U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA 19106, ATTN: (AH021PA).

FOR FURTHER INFORMATION CONTACT: Mr. Gregory D. Ham (3AH12), U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA. 19106, Telephone 215–597–2745.

SUPPLEMENTARY INFORMATION:

Introduction

The proposed changes to the Pennsylvania SIP were submitted by Secretary Clifford L. Jones on June 5, 1980. The amendments were approved by the Philadelphia Air Pollution Control Board on December 11, 1979, a public hearing was held on February 19, 1980, and the amendments were reapproved by the Board with revisions on March 11, 1980. The Secretary stated in his submittal letter that procedures for notification and advertisement followed requirements listed under 40 CFR 51.4. The proposed amendments would allow a resumption of coal burning at a limited number of existing industrial boiler facilities that had previously burned and are still capable of burning coal in Philadelphia. Existing sulfur-in-fuel regulations, without provision for emission equivalency, have effectively precluded the burning of coal. The two-phased emission limitations have been structured to accommodate combination fuel burning (low sulfur coal with low-sulfur oil and/or gas) as an interim approach to full coal burning with application of state-of-the-art control for both particulate matter and sulfur dioxide. This second phase would begin no later than July 1, 1984, and allowable emission limits at the affected facilities would be less than or equivalent to present fuel oil requirements.

Description of the Changes

The following section contains a description of the proposed changes to Air Management Regulations II and III.

In Regulation II, Section V (Particulate Matter Emissions From The Burning of Fuels), Subsections 1 and 2, the units of the regulation were changed from lbs. of particulate matter/1000 lbs. of stack gas to lbs. of particulate matter/million Btu gross heat input. In Subsection 3, an interim emission limit for particulate matter of 0.12 lbs./million Btu gross heat input is applied to sources approved for this limitation for the period ending July 1, 1984. The standard regulation limits particulate emissions to 0.20 of a lb./1000 lbs. of stack gas for sources existing prior to the date of adoption of the original regulation, and 0.10 of a lb./1000 lbs. stack gas for units constructed after this date.

Regulation III, Section II (Control of Emissions of Sulfur Compounds), Subsection C establishes methods for compliance determinations for limitations set forth in the proposed revision. These methods are to be standard methods established by AMS, and may include requirements for continuous emission monitoring and minimum data availability for specific sources.

In Section III (Control of Sulfur in Fuels) of Regulation III, Subsection (A)(3) has been rewritten to allow for any existing oil-fired and/or gas-fired industrial boiler installation containing combustion units with individual rated capacities of less than 250 million Btu per hour gross heat input which were originally designed for an capable of burning coal to convert to coal as an alternative or supplemental fuel by petitioning AMS for approval. In such cases, the following limitations would apply:

a. Effective July 1, 1980 SO_2 emissions can not exceed:

(1) An annual average of 0.6 lbs./million Btu gross heat input.

(2) A daily average of 1.0 lbs./million Btu gross heat input more than 2 days in any running 30-day period, and

(3) A daily average maximum of 1.2 lbs./million Btu gross heat input from any combustion unit at any time.

b. Effective July 1, 1984, SO_2 emissions shall not exceed a daily average maximum of 0.5 lbs./million Btu gross heat input from any combustion unit at any time.

Also in Subsection (A)(3), the term "industrial boiler installation" is defined as any stationary steam-generating installation, comprised of one or more fuel combustion units, located within a manufacturing or chemical processing facility and operated to supply heat, process steam and/or power to such facility.

In Subsection (A)(4), the sources who have petitioned AMS approval to convert to coal are listed as:

1. Container Corporation of America, 500 Flat Rock Road, Philadelphia, PA. (Manayunk Industrial District);
2. Publicker Industries, Inc., Delaware Ave. & Bigler Streets, Philadelphia, PA. (South Philadelphia Riverfront Industrial District)

In a review of information accompanying the petitions of these companies, AMS has found that these proposed coal conversions would not jeopardize the attainment or maintenance of any National Ambient Air Quality Standards. Any additional sources requesting to be added to this list will be considered on a case-by-case basis, and would have to be submitted as individual revisions to the Pennsylvania State Implementation Plan.

This request must be accompanied by a demonstration that no standard or air quality increment will be violated as a result of these conversions, and other related information.

Subsection B has been rewritten to include the burning of low-sulfur fuels to reduce emissions as an equivalency method at sources where this method is approved by AMS. Previously, only control equipment or processes to reduce SO_2 emissions were acceptable. In addition, a continuous emission monitoring system must be installed and records maintained of this data at sources which are approved for this equivalency provision. Reports of this data, and of fuel-use data, are to be submitted to AMS to determine compliance with this Section. An alternative fuel supply which would comply with the emission limits set forth in this regulation is also required in the event of equipment breakdown or other emergency conditions.

Minor wording and citation changes have been made throughout these regulations. These changes are not specifically discussed in this notice due

to their insignificant affect on the intent of the regulations.

EPA Comments

Based on the review to date, EPA has found no major deficiencies with the proposed revision and considers the demonstration adequate. One clarification in the regulations involved the time period to be used in calculating the "daily average maximum" as required in Regulation III, Section III, Subsection (a)(3). AMS has indicated that the intended time period is consistent with that in the Pennsylvania Air Resources Regulations (§ 121.1), which define "daily" as "the discrete 24-hour period from 12 midnight to the next 12 midnight."

The modeling used in this SIP revision in accordance with EPA's Modeling Guideline shows that these emission limits would not cause or contribute to a violation of the NAAQS for sulfur dioxide or particulates, and would not cause significant degradation of air quality in any other State. These emission limits therefore meet the requirements of Section 110(a)(2)(E) of the Clean Air Act, 42 U.S.C. 7410(a)(2)(E).

The public is invited to submit, to the address stated above, comments on whether the proposed changes to the regulations should be approved as a revision to the Pennsylvania State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed revision will be based on the comments received and on a determination of whether the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, would constitute a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This rule is not "major" for the same reasons it would not have significant economic impact: This action would approve State actions, and would impose no new requirements of its own. Morever, under the Clean Air Act, federal inquiry into the economic reasonableness of State SIP changes would serve no practical purpose and could well be improper.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7401–642)

Dated: April 21, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-14374 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 60

[AD–FRL 1749–3]

Standards of Performance for New Stationary Sources; Revisions to the Priority List of Categories

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action would revise the priority list of major source categories for which new source performance standards (NSPS) are being developed. The list was originally promulgated on August 21, 1979. The proposed revisions include the deletion of 12 categories and a title change for one of the categories. These revisions are based on the results of source category screening studies which have been completed since the list was promulgated.

DATE: *Comments.* Comments must be received on or before July 13, 1981.

ADDRESSES: *Comments.* Comments should be submitted to Central Docket Section (A–130), Attention: Docket No. A–80–23, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Docket. The Docket, number A–80–23, containing all the information that EPA considered in revising the priority list, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

Source Category Survey Reports.

The reports listed below may be obtained from the Library Services Office, MD–35, Environmental Protection Agency, Research Triangle Park, North Carloina 27711, telephone (919) 541–2777.

A screening study is available for the potash industry which is also proposed for deletion. This study may be obtained from the contact listed below.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Chief, Standards Preparation Section, Development Branch (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–5624.

SUPPLEMENTARY INFORMATION:

Source Category Survey Report. Source category survey reports are available for the following source categories proposed for deletion:

Borax and Boric Acid Industry—EPA–450/3–80–004
Refractory Industry—EPA–450/3–80–006
Secondary Copper Smelting and Refining Industry—EPA–450/3–80–011
Secondary Zinc Smelting and Refining Industry—EPA–450/3–80–012
Industrial Incinerators—EPA–450/3–80–013
Ammonia Manufacturing Industry—EPA–450/3–80–014
Animal Feed Defluorination Industry—EPA–450/3–80–015
Mineral Wool Manufacturing Industry—EPA–450/3–80–016
Ceramic Clay Industry—EPA–450/3–80–017
Thermal Process Phosphoric Acid Manufacturing Industry—EPA–450/3–80–018
Detergent Industry—EPA–450/3–80–030

Background

Section 111(b)(1)(A) of the Clean Air Act requires the Administrator to list those categories of stationary sources that "* * * in his judgment * * * cause[s], or contribute[s] significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare." A category of sources that meets this criterion is referred to as a "significant contributor." *See, National Asphalt Pavement Association* v. *Train,* 539 F.2d 775 (D.C. Cir., 1976).

In 1977, Congress amended the Act to require, under Section 111(f), that the Administrator promulgate regulations listing every category of "major" stationary sources which met the significant contributor test of Section 111(b)(1)(A) and which had not already been listed. A "major" source under the Act is one that has the potential to emit 100 tons per year of any air pollutant. Section 302(j). On August 21, 1979, the Administrator promulgated the list of significant contributors required by Section 111(f) (44 FR 49222, 40 CFR 60.16).

Section 111(f) requires the Administrator to promulgate NSPS's for these additional source categories by 1982, and to determine priorities for doing so. Therefore, the August 21, 1979 regulations were promulgated as a "Priority List."

The purpose of this rulemaking is to amend the Priority List to take account of new information developed by the Agency. In particular, further study has shown that there is little or no new plant

growth projected in several source categories. In the Administrator's judgment, Congress did not intend that source categories showing insignificant growth should be listed under the significant contributor test of Section 111(b)(1)(A). The Administrator therefore proposes to delete these categories from the Priority List, as discussed below.

Source Category Survey Results

The information used to establish the priority list was obtained from a number of literature sources including EPA screening studies. However, screening studies were not available for many of the source categories at the time the list was initially published. Since promulgation of the priority list, a source category survey has been completed for all 59 listed categories. The source category survey is the initial phase of EPA's NSPS and National Emission Standards for Hazardous Air Pollutants (NESHAP) development process and is a study conducted to characterize the source category and document growth trends, emissions, emission control technology, and other information pertinent to standards development.

Based on information obtained from these studies EPA has concluded that a number of listed categories will have little or no new plant growth, and therefore should not be listed as significant contributors. Since this conclusion is based on current predictions of growth through 1985, EPA plans to review these categories when warranted by new information. If new information shows these or other unlisted categories to be significant contributors, EPA will add them to the list.

Consequently, EPA is proposing the deletion of 12 categories from the priority list. Since the Agency's determination that standards should not be developed for these categories is based on existing conditions in the industry and on predicted growth through 1985, EPA plans to review these categories when warranted by new information and to reassess the need for standards. The source categories proposed for deletion are listed in the following section along with a brief summary of the basis for the decision not to develop standards for each.

Source Categories Proposed For Deletion

Mineral Wool

The potential growth in the mineral wool industry is small. As fibrous glass has penetrated the insulation market, the number of mineral wool plants in the U.S. has declined from between 80–90 in the 1950's to 26 operating plants today. In expectation of an increased demand for insulation due to the income tax credit for energy conservation expenditures and the Department of Housing and Urban Development's Minimum Property Standards for new housing, the mineral insulation (fibrous glass and mineral wool) industry expanded about 35 percent during the late 1970's. Present market conditions indicate that the anticipated increase in demand has not developed, and the mineral wool industry is currently operating at 60 percent of capacity. Even though current production capacity far exceeds demand, it is possible that a new mineral wool plant could be built before 1985 in an area of the country where regional competition is not great. However, the Agency considers this growth potential too small to warrant NSPS development for mineral wool.

Incineration: Non-Municipal

The non-municipal incineration source category has been subdivided into commercial and industrial incineration. The principal pollutant from incinerators is particulate matter. All segments of the commercial incineration subcategory showed negative growth with the exception of the nursing home/hospital segment. The average commercial incinerator is a very small source, which emits about one ton per year of particulate uncontrolled. The only segment of the industrial incineration subcategory where growth is projected is the motor incineration segment. A typical motor incinerator is also a small source of particulate emissions, emitting about 3.5 tons per year uncontrolled.

Secondary Copper

No new plant construction or expansions in the secondary copper industry are projected through 1985. Growth projections indicate that negligible growth will occur at least through 1985 and officials within the industry have stated they have no plans to build new plants or expand existing plants.

Potash

No new potash plants, expansions or significant modifications are projected through 1985. Since 1966, domestic potash production has declined by 25 percent and an additional 10 to 15 percent decline in domestic production is expected by 1985.

Secondary Zinc

No expansion in the secondary zinc industry's production capacity is projected through 1985. Typically, existing plants are operating at 50 to 60 percent of capacity and there is additional idle capacity in plants which have ceased zinc production but are still active in related secondary metals. Industry personnel who were contacted were very pessimistic about the prospects for growth and indicated they have no plans for construction. Due to the degree of unutilized capacity and the lack of plans for new construction, it is considered unlikely that there will be any new plants or expansions through 1985.

Ammonia

No new ammonia plant construction is expected through 1985. Demand for fertilizer, which has historically required 75 percent of the ammonia production, is expected to grow at an annual rate of 2.5 to 3.0 percent; but, reserve capacity plus an increase in ammonia imports is expected to meet this demand. In addition, continued improvements in technology will allow plants to expand capacity by making only minor process changes. These changes, however, would not be considered modifications under 40 CFR 60.14 as they are not expected to result in an increase in emissions.

Ceramic Clay Manufacturing

According to the U.S. Department of Commerce, the ceramic clay industry is expected to have negative growth through 1985. The real annual growth rates are predicted to be −0.5 to −1.0 percent. These projections are based in part on the displacement of ceramics in the U.S. market due to ceramic imports and plastic products and the projected decline in U.S. housing construction. Based on this negative growth and the existence of unutilized production capacity, it is considered unlikely that any new construction will occur through 1985.

Castable Refractories

The source category survey revealed that the overall growth potential for the refractory industry is small. Only one company indicated that they were considering construction of a new plant. Based on this fact and the facts that production of refractories is presently at 85 percent of the industry's peak capacity and demand for refractories is not expected to increase, EPA does not believe that an NSPS for the refractory industry is warranted.

Borax and Boric Acid

In 1977 the borax and boric acid industry began an expansion and modification program in response to an

18 percent increase in demand. These new production facilities, which are scheduled to be operational in 1980, are adequate to meet the increasing demand for borax and boric acid through 1985. Industry officials have confirmed that no new plant construction or expansion is expected through 1985.

Phosphoric Acid

Thermal Process—There are 20 plants in the U.S. which currently produce thermal process phosphoric acid. Since 1968, nine plants have closed, and two plants have opened. The decline in production since 1968 has largely resulted from a decreased demand by the detergent market, which utilizes nearly 50 percent of thermal process acid. The utilization of production capacity in the industry is currently below 50 percent and is expected to deteriorate further by 1982. Manufacturers indicate that no new activities, significant process changes, or reconstructions are anticipated through 1990.

Based on this negligible growth, the Agency believes that an NSPS for the thermal process phosphoric acid manufacturing industry is not warranted.

Animal Feed Defluorination

The potential for growth in the animal feed defluorination industry is small. Only three domestic plants exist and all are located in Florida. Any new construction through 1985 would probably be in the form of an expansion at one of these existing plants. The best demonstrated control (a fabric filter or wet scrubber) is already used at each plant and the Florida State regulations will continue to make this control a practical necessity.

Detergent

No new facilities or reconstructions are expected in the detergent industry through 1985. The spray drying operation is the principal emission source in the detergent industry. Since the industry is currently operating at 60 percent of capacity, no new spray dryers are expected to be installed for at least the next ten years. In addition, because the life of spray dryers is considered indefinite, no spray dryer reconstructions are expected.

Other Revisions to Priority List

In addition to the deletions described in the preceding section, EPA proposes to change the title of the source category currently listed as "Sintering: Clay and Fly Ash" (No. 32 on the priority list). Information obtained from the source category survey indicated that no fly ash sintering facilities are currently operational and that no plant openings are expected through 1985. Therefore, fly ash sintering will not be included in the source category to be investigated. However, shale and slate, materials similar to clay, are sintered, calcinated, or roasted by the same processes as clay and for the same end uses. Therefore, these materials will be included in the source category. Materials such as vermiculite, perlite, slag, and natural pumice are not processed in the same manner as clay, shale, and slate and will not be included in the source category. Consequently, to more accurately represent the actual scope of the "Sintering: Clay and Fly Ash" source category, the category is being retitled "Lightweight Aggregate Industry: Clay, Shale, and Slate."

Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major beause it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. The rule will not impose burdens on any person.

Dated: April 30, 1981.

Walter C. Barber,

Acting Administrator.

It is proposed to amend 40 CFR Part 60 by revising § 60.16 of Subpart A as follows:

§ 60.16 Priority list.

Prioritized Major Source Categories
Priority Number[1]
Source Category
1. Synthetic Organic Chemical Manufacturing
(a) Unit processes
(b) Storage and handling equipment
(c) Fugitive emissions sources
(d) Secondary sources
2. Industrial Surface Coating: Cans
3. Petroleum Refineries: Fugitive Sources
4. Industrial Surface Coating: Paper
5. Dry Cleaning
(a) Perchloroethylene
(b) Petroleum solvent
6. Graphic Arts
7. Polymers and Resins: Acrylic Resins
8. Mineral Wool (Deleted)
9. Stationary Internal Combustion Engines
10. Industrial Surface Coating: Fabric
11. Fossil-Fuel-Fired Steam Generators: Industrial Boilers
12. Incineration: Non-Municipal (Deleted)
13. Non-Metallic Mineral Processing
14. Metallic Mineral Processing
15. Secondary Copper (Deleted)
16. Phosphate Rock Preparation
17. Foundries: Steel and Gray Iron
18. Polymers and Resins: Polyethylene
19. Charcoal Production
20. Synthetic Rubber
(a) Tire manufacture
(b) SBR production
21. Vegetable Oil
22. Industrial Surface Coating: Metal Coil
23. Petroleum Transportation and Marketing
24. By-Product Coke Ovens
25. Synthetic Fibers
26. Plywood Manufacture
27. Industrial Surface Coating: Automobiles
28. Industrial Surface Coating: Large Appliances
29. Crude Oil and Natural Gas Production
30. Secondary Aluminum
31. Potash (Deleted)
32. Lightweight Aggregate Industry: Clay, Shale, and Slate[2]
33. Glass
34. Gypsum
35. Sodium Carbonate
36. Secondary Zinc (Deleted)
37. Polymers and Resins: Phenolic
38. Polymers and Resins: Urea-Melamine
39. Ammonia (Deleted)
40. Polymers and Resins: Polystyrene
41. Polymers and Resins: ABS–SAN Resins
42. Fiberglass
43. Polymers and Resins: Polypropylene
44. Textile Processing
45. Asphalt Roofing Plants
46. Brick and Related Clay Products
47. Ceramic Clay Manufacturing (Deleted)
48. Ammonium Nitrate Fertilizer
49. Castable Refractories (Deleted)
50. Borax and Boric Acid (Deleted)
51. Polymers and Resins: Polyester Resins
52. Ammonium Sulfate
53. Starch
54. Perlite
55. Phosphoric Acid: Thermal Process (Deleted)
56. Uranium Refining
57. Animal Feed (Defluorination) (Deleted)
58. Urea (for fertilizer and polymers)
59. Detergent (Deleted)
Other Source Categories
Lead acid battery manufacture[3]
Organic Solvent Cleaning[3]
Industrial surface coating: metal furniture[3]
Stationary gas turbines[4]

[1] Low numbers have highest priority, e.g., No. 1 is high priority, No. 59 is low priority.

[2] Formerly titled "Sintering: Clay and Fly Ash."

[3] Minor source category, but included on list since an NSPS is being developed for that source category.

[4] Not prioritized, since an NSPS for this major source category has already been promulgated.

Section 111, 301(a), Clean Air Act as amended (42 U.S.C. 7411, 7601)

[FR Doc. 81-14194 Filed 5-12-81; 8:45 am]
BILLING CODE 6560-26-M

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40 CFR Part 62

[A-10-FRL 1794-2]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; State of Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is today giving notice of its intention to approve a certification submitted by the State of Idaho Department of Health and Welfare for a negative declaration for a certain source category under Section 111(d) of the Clean Air Act, as amended. Section 111(d) requires EPA to establish procedures under which States submit plans to control certain existing sources of certain pollutants. The public is invited to comment on the proposed negative declaration.

DATE: Comments will be accepted up to June 12, 1981.

ADDRESSES: The relative material in support of this revision may be examined during normal business hours at the following locations:

Central Docket Section (10A-79-10), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Streets, S.W., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101

Comments should be forwarded to: Laurie M. Kral, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

FOR FURTHER INFORMATION CONTACT: George C. Hofer, Air Programs Branch, M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-1125; FTS: 399-1125.

SUPPLEMENTARY INFORMATION: Section 111(d) of the Clean Air Act, as amended, requires EPA to establish procedures under which States submit plans to control certain existing sources of certain pollutants. On November 17, 1975 (40 FR 53340), EPA began to implement Section 111(d) by promulgating Subpart B of 40 CFR Part 60, establishing procedures and requirements for adoption and submittal of State plans for control of "designated pollutants" from "designated facilities." Designated pollutants are those not already listed under Section 108(a) of the Act (National Ambient Air Quality Standards) or Section 112(b)(1)(A) (Hazardous Air Pollutants), but for which standards of performance for new source have been established under Section 111(b) (Standards of Performance for New Stationary Sources).

If a State does not have a designated facility within its borders, a State may submit a certification of negative declaration in lieu of a control plan. The State of Idaho has submitted such certification for a designated pollutant.

Interested parties are invited to comment on all aspects of this proposed negative declaration. Comments should be submitted to the addresses listed above. Public comments postmarked by (30 days after publication) will be considered in any final action EPA takes on this proposal.

Under Executive Order 112291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of regulatory impact analysis. This regulation is not major because it identifies that a State plan is not needed. Thereby, reducing further regulatory requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. A copy of this certification is available in the docket for this rulemaking.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Part 62 of Chapter I, Title 40 Code of Federal Regulations is proposed to be amended by adding § 62.3100 as follows:

Subpart N—Idaho

Fluoride Emissions From Existing Primary Aluminum Plants

§ 62.3100 Identification of plan—negative declaration.

The Idaho Department of Health and Welfare submitted on February 23, 1981, certification that there are no existing primary aluminum plants in the State subject to Part 60, Subpart B of this Chapter.

(Section 111 and 301(a), Clean Air Act, as amended (42 U.S.C. 7413 and 7601)

Dated: March 20, 1981.

Donald P. Dubois,

Regional Administrator.

Certification of no Significant Impact on a Substantial Number of Small Entities

Regulation: Proposed Approval of Idaho Negative Declaration for Existing Primary Aluminum Plants (Clean Air Act Section 111(d)).

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This action will impose no new regulatory requirements, but instead will exempt the State of Idaho from the requirements of Subpart B of 40 CFR Part 60 for this particular designated pollutant.

Dated: May 7, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-14200 Filed 5-12-81; 8:45 am]
BILLING CODE 6560-26-M

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40 CFR Part 81

[A-5-FRL 1814-5]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On November 7, 1980, the State of Minnesota, pursuant to section 107(d)(5) of the Clean Air Act (Act), requested that EPA change the total suspended particulate (TSP) designation for the Cities of Duluth and International Falls, Minnesota. The State has requested EPA to change the designation of the City of International Falls from nonattainment for the primary TSP standard to nonattainment for the secondary TSP standard. The State has requested EPA to reduce the size of the Duluth primary nonattainment area and to designate those portions of Duluth not within the primary nonattainment area as either attainment or nonattainment for the secondary TSP standard as described below. EPA has reviewed the redesignaton requests and the data submitted by the State to support the requests and proposes to redesignate the Cities of Duluth and International Falls, Minnesota.

The purpose of today's notice is to announce receipt of the redesignation request, to discuss the results of EPA's review, to propose rulemaking action on the redesignation request, and to invite public comment either on the

redesignation request and on EPA's proposed rulemaking.

DATE: Comments on these redesignations and on EPA's rulemaking action are due June 12, 1981.

ADDRESS: Send comments to Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the redesignation request, technical support documents, and the supporting air quality data are available at the address given above and at:

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Minnesota Pollution Control Agency, 1935 West County Road B–2, Roseville, Minnesota 55113.

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, telephone 312–886–6029.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (Act) which directed each state to submit to the Administrator of the EPA a list of those areas within the state which had ambient air concentrations of the pollutants sulfur dioxide (SO_2), total suspended particulates (TSP), nitrogen oxides (NO_2), carbon monoxide (CO) and ozone (O_3) which exceeded the EPA established primary and secondary National Ambient Air Quality Standards (NAAQS) for each of these pollutants. These areas were to be designated as nonattainment areas. The areas within each state which had ambient air concentrations below the NAAQS level were to be designated as attainment areas. Those areas which lacked sufficient monitoring data to accurately determine their status were to be designated as unclassified areas.

The purpose of making these designations was to determine which areas within the state required additional measures to control and reduce the emissions of these five air pollutants. For those areas designated as nonattainment, the Clean Air Act Amendments of 1977 required the state to submit a revised State Implementation Plan (SIP) by January 1, 1979. The revised SIP for TSP was to provide for sufficient reductions in the ambient air concentations of TSP to ensure attainment of the TSP NAAQS by December 31, 1982.

In the March 3, 1978 **Federal Register** (43 FR 8962) and in the October 5, 1978 **Federal Register** (43 FR 45993), the Administrator of EPA promulgated lists of the nonattainment areas for each pollutant in each state. These lists also contained classifications for the attainment and unclassified areas within the state. In Minnesota, the Cities of Duluth and International Falls, among others, were designated in the October 5, 1978 **Federal Register** as nonattainment for the primary TSP standard.

A violation of the primary TSP NAAQS occurs when, in a calendar year, the monitored concentration of TSP violates either the annual or the 24-hour allowable levels. A violation of the annual primary standard occurs when the geometric mean value of monitored TSP concentrations is in excess of 75 micrograms per cubic meter of air (75$\mu g/m^3$). A violation of the 24-hour primary standard occurs when the maximum 24-hour concentration of TSP exceeds 260 $\mu g/m^3$ more than once in a calendar year. A violation of the secondary TSP NAAQS occurs when the maximum 24-hour concentration exceeds 150 μ/m^3 more than once in a calendar year.

Pursuant to Section 107(d) of the Act, the designation for an area may be changed whenever sufficient data exist to warrant a redesignation. In the June 12, 1979 memo entitled "Section 107 Redesignation Criteria," Richard G. Rhoads, then Director of EPA's Control Program Development Division, described EPA's requirements for approval of a change in an area's designation. A change in an area's designation from primary nonattainment to either secondary nonattainment or attainment may be approved if there are either (1) eight consecutive quarters of recent ambient air quality data which show no violation of the appropriate NAAQS; or (2) four consecutive quarters of the most recent ambient air quality data which show no violation of the appropriate NAAQS and which show air quality improvement. The demonstration of air quality improvement must be a result of legally enforceable emission reductions.

The State of Minnesota on November 7, 1980 requested EPA to change the primary TSP nonattainment designation for the Cities of Duluth and International Falls, Minnesota. A synopsis of EPA's review of the proposed changes and EPA's rulemaking action is presented below.

International Falls

The State of Minnesota has requested EPA to change its designation for the City of International Falls, from primary nonattainment to secondary nonattainment for TSP. This request is based on monitoring data which shows that during the years 1978, 1979, and the first half of 1980, the air quality of International Falls improved to the point where there were no violations of the primary TSP NAAQS for either the 24-hour or annual periods. There were, however, numerous violations of the secondary TSP NAAQS. EPA has determined that the data collected at the monitors in International Falls are representative of the air quality in the area and are acceptable for the purposes of redesignating the area. Thus, EPA proposes to redesignate the City of International Falls, Minnesota, as a secondary nonattainment area for TSP.

Duluth

The entire City of Duluth is presently designated as a primary TSP nonattainment area. The State has requested EPA to reduce the area of primary TSP nonattainment to include only the following area within the City:

Starting point is the south corner of the Duluth Arena. Go northwest on Commerce Street to I–35 corridor. Continue northeast on proposed I–35 corridor to Second Avenue East. Continue northwest on Second Avenue East to Superior Street (Minnesota U.S. 61). Go southwest on Superior Street to I–35 corridor. Follow I–35 corridor to 41st Avenue West. Continue southeast on 41st Avenue West to dock line. Follow dock line and harbor lines to the south corner of the Duluth Arena.

The State has requested that the area within the City encompassed by the following boundaries be designated as a secondary TSP nonattainment area:

Starting point is Superior Street and Second Avenue East. Go northwest on Second Avenue East to Second Street (Minnesota 281). Continue southwest on Second Street to Fourth Avenue West. On Fourth Avenue West go northwest to Third Street. Continue southwest to Mesaba Avenue. On Mesaba Avenue go south to Second Street. Go southwest on Second Street to Eighth Avenue West.

On Eighth Avenue West continue southeast to First Street. Follow First Street southwest to Tenth Avenue West. On Tenth Avenue West go northwest to Second Street. Continue southwest on Second Street to 14th Avenue West. On 14th Avenue West go southeast to First Street. Follow First Street southwest to 17th Avenue West. Go northwest on 17th Avenue West to Second Street. On Second Street continue southwest to 30th Avenue West. Follow 30th Avenue West to Vernon Street. Continue west on Vernon Street to Grand Avenue. On Grand Avenue go southwest to 34th Avenue West. On 34th Avenue West continue southeast to Second Street. From Second Street go southwest to the Northern Pacific Railway

Line. Follow the Northern Pacific Railway Line to 61st Avenue West. From 61st Avenue West go to the dock line. Follow the dock line to 41st Avenue West. On 41st Avenue West continue northwest to the I–35 corridor. Go northeast along the I–35 corridor to Superior Street (Minnesota—U.S. 61). On Superior Street go northeast to Second Avenue East.

The State has requested that the remaining portions of the City be designated as attainment.

To support these changes in the area's designation the State submitted monitored air quality data from the years 1978, 1979 and the first half of 1980. The last eight quarters of the monitored data show that there were no recorded violations of the primary TSP NAAQS in the proposed secondary nonattainment area. The last eight quarters of monitoring data for the proposed attainment area indicate that there were no violations of either the primary or the secondary TSP NAAQS.

After reviewing the monitoring data submitted for the area, EPA has determined that the redesignation is appropriate. Therefore, EPA proposes to reduce the area within the City of Duluth which is an area designated as primary nonattainment to that area described above. Furthermore, EPA proposes to designate the remainder of Duluth as either attainment or secondary nonattainment according to the boundaries specified above.

A thirty-day comment period is being provided to enable publication of final action on these redesignations as soon as possible. Expeditious final action is desired since it may alleviate some of the statutory growth restrictions imposed by Section 110(a)(2)(I) of the Clean Air Act.

Pursuant to Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and therefore subject to the requirement of preparing a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes an area's air quality designation and imposes no regulatory requirements. Any regulatory requirement which may occur as a result of the redesignation from primary to secondary nonattainment will be dealt with in a separate notice. This action was submitted to the Office of Management Budget (OMB) for review as required by the Order.

The Administrator has certified that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes an attainment status redesignation under Section 107(d) within the terms of the January 27 certification. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

This Notice of Proposed Rulemaking is issued under the authority of Section 107 of the Clean Air Act, as amended.

Dated: April 7, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-14501 Filed 5-12-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 81

[A-5-FRL-1817-7]

Air Quality Control Regions, Criteria and Control Techniques; Attainment Status Designations: Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On November 26, 1980 the State of Ohio, pursuant to section 107(d)(5) of the Clean Air Act (Act), requested that the U.S. Environmental Protection Agency (EPA) change the total suspended particulate (TSP) designation for Henry County from primary nonattainment to attainment. EPA has reviewed the redesignation request and the data submitted by the State to support the request and proposes to redesignate Henry County as attainment.

The purpose of today's notice is to announce receipt of the redesignation request, to discuss the results of EPA's review, to propose rulemaking action on the redesignation request and to invite public comment on the redesignation request and EPA's proposed rulemaking.

DATE: Comments on the redesignation and on U.S. EPA's rulemaking action are due June 12, 1981.

ADDRESS: Send comments to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the redesignation request, technical support documents, and the supporting air quality data are available at the address given above and at:

Public Information Reference Unit, Room 2922 (Library), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Copies of the submission are also available at:

Ohio Environmental Protection Agency, P.O. Box 1049, 361 East Broad Street, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT: Sharon Kraft, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6036.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (Act) directing each State to submit to the Administrator of EPA a list of those areas within the State which had ambient air concentrations of the pollutants sulfur dioxide (SO_2), total suspended particulates (TSP), nitrogen oxides (NO_2), carbon monoxide (CO) and ozone (O_3) which exceeded the EPA established primary and secondary National Ambient Air Quality Standards (NAAQS) for each each of these pollutants. These areas were to be designated as nonattainment areas. The areas within each State which had ambient air concentrations below the NAAQS level were to be designated as attainment. Those areas which lacked sufficient monitoring data to accurately determine their status were to be designated as unclassified. The purpose of making these designations was to determine which areas within the State required additional air pollution control measures to ensure attainment of the appropriate NAAQS by December 31, 1982.

In the March 3, 1978 **Federal Register** (43 FR 8962) and in the October 5, 1978 **Federal Register** (43 FR 45993) the Administrator of EPA promulgated lists of the nonattainment areas for each pollutant in each State. These lists also contained classifications for the attainment and unclassified areas within the State. Henry County, Ohio was designated as nonattainment for the TSP NAAQS.

Section 107(d) of the Act permits EPA to change the designation for an area whenever sufficient data exist to warrant such a change. In the June 12, 1979 memo entitled "Section 107 Redesignation Criteria", Richard G. Rhoads, then Director of EPA's Control Program Development Division, described EPA's requirements for approval of a change in an area's designation. A change from primary nonattainment to either secondary nonattainment or attainment may be approved if there are eight consecutive quarters of recent ambient air quality data which show no violations of the appropriate NAAQS.

On November 26, 1980 the State of Ohio requested EPA to revise the TSP nonattainment designation for Henry County to attainment. To support its request, Ohio submitted TSP monitoring data from the most recent available ten calendar quarters collected during the period January, 1978 through June 1980. These quality assured data were collected at a monitor located near the only major sources of TSP in the County. These data are representative of TSP concentrations in Henry County since the monitor was correctly located relative to these sources. The data showed no violation of either the primary or secondary TSP NAAQS. Therefore, EPA has determined that the redesignation is appropriate and is proposing to redesignate Henry County as attainment for TSP. It should be noted that, if this area is redesignated as attainment, the State would no longer be required to implement the additional air pollution control measures required in nonattainment areas.

All interested persons are invited to submit written comments on the proposed redesignation. Comments should be submitted to the address listed in the front of this notice. Comments received on or before (30 days from date of publication) will be considered in EPA's final rulemaking.

Pursuant to the provisions of 5 U.S.C. section 605(b), the Administrator certified (46 FR 8709), that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes an air quality designation. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, U.S. EPA must determine whether a proposed regulation is a major rule and therefore subject to the requirement of a regulatory impact analysis. I have reviewed this proposed rulemaking and determined that it is not a major rule because U.S. EPA is revising an air quality designation at the request of the State of Ohio and not imposing new requirements. Moreover, this action may alleviate some of the statutory growth restrictions imposed by section 110(a)(2)(I) of the Clean Air Act. This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Sec. 107 of the Clean Air Act, as amended.)

Dated: April 22, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-14488 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 21, and 74

[Gen. Docket No. 81-272; RM-2667; FCC 81-184]

Amendment of the Commission's Rules To Make a Certain Frequency Band Available for Television Pickup on a Secondary Basis to the Local Television Transmission Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In response to a petition from the National Association of Broadcasters, this item proposes that the Broadcast Auxiliary Service's television pickup share on a secondary basis the 6425–6525 MHz frequency band with Common Carrier's Local Television Transmission Service. The Commission is taking the action to help eliminate some of the congestion existing in the major markets.

DATES: Comments are due on or before June 19, 1981 and reply comments are due on or before July 6, 1981.

ADDRESS: Federal Communications Commission, 2025 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Thomas/Mr. George Sarver, Office of Science and Technology, 1919 M Street NW., Washington, D.C. 20554, (202) 653–8171.

SUPPLEMENTARY INFORMATION:

Adopted: April 23, 1981.

Released: May 5, 1981.

In the Matter of Amendment of Parts 2, 21 and 74 of the Commission's Rules and Regulations to make the 6425–6525 MHz band available for Television Pickup on a secondary basis to the Local Television Transmission Service. Gen. Docket No. 81–272, RM–2667.

By the Commission:

1. The Commission has before it a petition from the National Association of Broadcasters (NAB) requesting the Commission to amend its Rules to allocate the frequency band 6425–6525 MHz to the Broadcast Auxiliary Service (BAS), for TV pickup use, on a coequal basis with common carrier Local Television Transmission Service (LTTS) to which the band is presently allocated on an exclusive basis.

2. Petitioner claims that the additional spectrum is needed because the current allocations for TV pickup are becoming congested in the major markets; the advent and growing interest in electronic newsgathering (ENG) has greatly increased the TV pickup growth rate and this is putting additional pressure on the bands allocated for TV pickup; and because of the growing cost and inconvenience of hiring a common carrier to provide TV pickup service. The petitioner also argues that the 6425–6525 MHz band can be effectively shared with the LTTS operators with minimal impact since they are basically the same type of service, the band is presently lightly loaded, and the LTTS operators have other bands allocated for their use and may also use any frequency allocated to the BAS to provide TV pickup service for broadcasters.

3. Comments were filed by American Broadcasting Companies, Inc. (ABC), CBS, Inc. (CBS), National Broadcasting Company, Inc. (NBC), American Telephone and Telegraph Company (AT&T), and a joint statement from the Corporation for Public Broadcasting (CPB) and the Public Broadcasting Service (PBS).

4. ABC, CBS, and NBC support the petition and urge quick Commission action to help eliminate some of the congestion they claim now exists in the major markets. The joint comments from CPB and PBS also support the petition but request the Commission go a step further and make the band available not only for TV pickup use but for all broadcast auxiliary services.

5. AT&T is opposed to the Petition on the grounds that the 6425–6525 MHz band is needed on an exclusive basis by the common carriers. It argues that common carriers have the responsibility of providing TV pickup service for non-broadcast TV pickup users as well as broadcast users and that this is the only band exclusively allocated for LTTS use. AT&T also argued that neither the petition nor the statements of support have made an adequate showing of need.

6. We agree with AT&T that the petitioner has failed to make an adequate showing of need since the claims of congestion and increased growth rate are largely unsupported in the petition. Our own analysis of the four BAS bands reveals that the 6875–7125 MHz and 12.7–12.95 GHz bands have an average of 244 and 278 [1]

[1] The 12.7–13.25 GHz band is shared with cable television relay operations to which the majority of assignments in this band are made.

assignments per channel respectively, compared to an average loading of 180 and 41 assignments per channel in the 1990–2110 MHz and 12.95–13.25 GHz bands respectively. This analysis provides only the average per channel loading, but indicates that there is still room for growth in two of the bands on a nationwide basis.[3] It does not reveal, however, the conditions in the top major television markets. Therefore, we attempted to analyze the top markets with the limited data available. This analysis indicates that there may be congestion in the larger metropolitan areas. Further, our analysis confirms the petitioner's claim of a high growth rate in the BAS bands in the last few years (the overall number of TV pickup assignments has increased by about 21% per year for the past two years).

7. With regard to the LTTS band (6425–6525 MHz), we also find that nationwide there is a total of about 1200 transmitters authorized for an average of about 300 per channel. Our study indicates light use of this band even with the large number of authorized transmitters. Further our study indicates that over 60 percent of the operations in this band are for broadcast purposes.

8. The petitioner has noted that allowing broadcasters to share the band would give them the option of using their own equipment to provide remote pickup service, thereby avoiding the cost and inconvenience associated with the use of common carrier service. Further, as the petitioner noted, it will give the broadcasters greater flexibility in achieving improved service by reducing the lead time that would be required by a common carrier to respond to a request for service. We believe this to be a valid argument and we agree with the petitioner that as long as the same type of service is being provided, and as long as there are no other conflicting reasons, broadcasters should have the option of using their own equipment when they use the band.

9. Since we share AT&T's concern regarding the need for adequate spectrum for common carrier use to provide remote pickup service for non-broadcast operations we are proposing to allow BAS remote pickup operations to share the 6425 to 6525 MHz band on a secondary basis to the LTTS.[4] This would allow broadcasters to use their own equipment in this band without preempting common carrier usage of the band. We feel that sharing the band in this manner would be in the public interest and in keeping with the Commission's policy of promoting more efficient spectrum utilization.

10. We are proposing to deny CPB and PBS's requests to allow BAS fixed operations in this band. This is due to the limited number of channels in this band combined with the basic technical incompatibility between fixed and mobile operations. It would take only a few fixed operations in any one area to greatly restrict mobile operation which would be a detriment to both the LTTS and BAS remote pickup services.

11. In summary, it appears that the BAS bands may be congested in the larger cities. Additionally, there appears to be no valid reason for requiring broadcasters who use the 6425–6525 MHz LTTS band to do so only through a common carrier. Based on the Petition and comments thereto and the staff's investigation, we believe it is in the public interest to grant the petition to the degree stated above and amend the Rules as proposed in the attached Appendix.

12. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (Other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules.

13. Pursuant to Section 605 of the Regulatory Flexibility Act of 1980, Public Law 96–354, we find that the proposed action herein would not have, if adopted, a significant economic impact on a substantial number of small businesses. The spectrum reallocation proposed herein would only provide broadcast stations of whatever size the option to operate their remote pickup stations in the 6425–6525 MHz band. As noted elsewhere, this option already exists in other BAS bands. Moreover, because the broadcast use of the spectrum will be on a secondary basis, the effect on exisiting users will be negligible.

14. Authority for issuance of this Notice is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Pursuant to procedures set out in § 1.415 of the Rules, interested persons may file comments on or before May 29, 1981, and reply comments on or before June 15, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

15. In accordance with the provisions of § 1.419 of the Rules, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting 1 copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, Room 239, 1919 M Street N.W. in Washington, D.C.

16. For further information concerning this document, contact Fred Thomas (202) 653–8171 or George Sarver (202) 653–7434.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[3] It should be noted, however, that the Commission had adopted a Report and Order in Docket No. 21505 (FCC 79–809) (45 FR 76689) granting cable television relay operations the right to be licensed in the 12.95–13.25 GHz band on a coequal basis with the BAS.

[4] Two examples of possible non-Broadcast remote pickup operations are (1) closed circuit transmission of a boxing match, and (2) a medical conference between two hospitals.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Attachment: Appendix.

Appendix

Proposed changes to the Rules are as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

A. Section 2.106 is amended by adding a new footnote NG122 in the band 6425–6525 in Column 7, as follows:

§ 2.106 Table of Frequency Allocations.

7	8	9
•	•	•
6425–6525 (NG122)	MOBILE	Common carrier land mobile.
•	•	•

B. In the list of footnotes immediately following the table in § 2.106, a new footnote NG122 is added to read as follows: NG122 Television Pickup stations may be authorized in the 6425–6525 MHz band on a secondary basis to stations operating in accordance with the Table of Frequency Allocations.

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES

2. Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

A. Section 21.801 is amended in paragraph (a) by adding footnote 6 as follows:

§ 21.801 Frequencies.

(a) Frequencies in the following bands are available for assignment to television pickup and television non-broadcast pickup stations in this service:

6,425–6,525 MHz [6]
11,700–12,200 MHz [6]
13,200–13,250 MHz [1]
21,200–22,000 MHz [1][6]
22,000–23,600 MHz [1][6]
• • • • •

This frequency band is shared with television pickup stations licensed under Part 74 of the Commission's Rules.

• • • • •

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

3. Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

A. Section 74.602 is amended in paragraph (a) by adding to the authorized frequencies of Band B and adding footnote 2 as follows:

§ 74.602 Frequency assignments.

• • • • •

Band B

MH/z

[2]6425–6450
[2]6450–6475
[2]6475–6500
[2]6500–6525
6875–6900
6900–6925
6925–6950
6950–6975
6975–7000
7000–7025
7025–7050
7050–7075
7075–7100
7100–7125

• • • • •

[FR Doc. 81-14615 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-154; RM-3692]

FM Broadcast Station in Ansley, Ala.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding involving the proposed assignment of an FM channel to Ansley, Alabama, in response to a request filed by Talton Broadcasting Company, licensee of FM Station WTUN, Selma, Alabama. Additional time is requested to review and evaluate technical details of the proposal.

DATES: Comments must be filed on or before June 3, 1981, and reply comments on or before June 24, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

[2]This frequency band may be assigned to television pickup stations only and on a secondary basis to the Local Television Transmission Service licensed under Part 21 of the Commission's Rules.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Ansley, Alabama); order extending time for filing comments and reply comments.

Adopted: May 1, 1981.

Released: May 8, 1981.

By the Chief, Policy and Rules Division:

1. On March 6, 1981, the Commission adopted a *Notice of Proposed Rule Making*, 46 FR 17609 (published March 20, 1981), in the above-entitled proceeding. The dates for filing comments and reply comments are May 4, and May 25, 1981, respectively.

2. On April 28, 1981, counsel for Talton Broadcasting Company, licensee of FM broadcast Station WTUN, Selma, Alabama, filed a request seeking an extension of time for filing comments to and including June 3, 1981. Counsel states that the extension is necessary to complete its review and evaluation of the technical details of the proposed allocation since Ansley's precise location is unclear to Talton, and based upon the coordinates of the proposed transmitter site, a co-channel separation problem may exist. Counsel also states that the request is necessitated by other commitments of counsel in several on-going proceedings.

3. We are of the view that under these circumstances additional time is warranted. Such extension will assure development of a sound and comprehensive record on which to base a decision in this proceeding.

4. Accordingly, it is ordered, that the dates for filing comments and reply comments in BC Docket No. 81-154 (RM-3692) are extended to and including June 3, and June 24, 1981, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-14466 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-226; RM-3711]

FM Broadcast Station in Delta, Colo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C FM Channel 236 for Channel 237A in Delta, Colorado, and the modification of the permit for Station KDTA–FM in Delta, to specify operation on Channel 236. The rule making is initiated in response to a petition filed by Jimmie D. and Ruth M. Gober d/b/a Delta Radio Company.

DATES: Comments must be filed on or before June 30, 1981, and reply comments on or before July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Station, (Delta, Colorado), BC Docket No. 81–325, RM–3711.

Adopted: May 1, 1981.

Released: May 12, 1981.

1. *Petitioner, Proposal, Comments.* (a) A petition for rulemaking [1] was filed by Jimmie D. and Ruth M. Gober, d/b/a Delta Radio Company ("petitioner"), requesting the substitution of Class C FM Channel 236 for Channel 237A at Delta, Colorado. Petitioner, the permittee of Station KDTA–FM, Delta, also requests that its permit be modified to specify operation on Channel 236. No comments on the petition were received.

(b) Channel 236 can be assigned to Delta in compliance with the minimum distance separation requirements with a site restriction of at least 16.2 kilometers (11.3 miles) northwest of the community.

2. *Demographic Data*—(a) *Location.* Delta, seat of Delta County, is located in western Colorado, approximately 280 kilometers (180 miles) southwest of Denver, Colorado.

(b) *Population.* Delta—3,964; [2] Delta County—15,300.

(c) *Local aural broadcast service.* Delta is currently served by one AM station, licensed to petitioner, and a construction permit has been issued to petitioner for a Class A FM station on Channel 237A.

3. *Economic Considerations.* According to the Department of Planning and Survey for the State of Colorado, as restated in the petition, the population of Delta County is expected to increase by 41.1 percent from 1970 to 1980, and by 63 percent from 1980 to 1990. Most of this growth is expected to occur outside of the current city limits of Delta, however. Petitioner concludes, therefore, that there is a great need for a Class C channel to serve the outlying areas of Delta County. Petitioner states that as the county seat, Delta hosts most of the government activities and shopping in Delta County. A new synthetic fuels plant is also scheduled to begin operations in Delta in the near future.

4. *Preclusion Study.* The substitution of Channel 236 for Channel 237A will cause preclusion on Channels 233, 234, 235, 236, 237A, 238, and 239. Petitioner's study included the assignment of Channel 237A at Delta. Petitioner picked three communities from the precluded areas and demonstrated that several alternate channels were available for assignment to those communities. Inductive reasoning leads petitioner to conclude that additional channels are available throughout the area of preclusion. In its comments in response to this *Notice*, petitioner should present further engineering information concerning the availability of additional channels in other precluded communities, without the inclusion of Channel 237A which would be deleted under the proposal.

5. *Additional Considerations.* The Commission as a general matter does not assign high-power Class C channels to communities as small as Delta without a determination that the channel would provide first or second service to surrounding unserved or underserved areas. In this regard, a staff study indicates that at least four FM stations place a 60 dBu or better signal over Delta.[3] Petitioner should present further justification for the requested assignment by providing *Roanoke Rapids/Anamosa* data in its supporting comments.[4] Petitioner did refer to the existence of some second nighttime aural service but no showing to this effect was provided.

6. At the present time, no other person has expressed an interest in the proposed Class C channel at Delta. Therefore, we are proposing to modify the permit of Station KDTA–FM to specify operation on Channel 236. However, in accordance with Commission policy as expressed in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), should another interest in the assignment become apparent, the proposed modification could not be made and the channel, if assigned, would be open for competing applications.

7. An Order to Show Cause to the petitioner is not necessary since consent to the modification of its permit is indicated by its request for the Class C channel.

8. In light of the above, the Commission proposes, to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, for the community listed below as follows:

City	Channel No.	
	Present	Proposed
Delta, Colorado	237A	236

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before June 30, 1981, and reply comments on or before July 20, 1981.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

12. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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[1] Public Notice of the petition was given August 6, 1980, Report No. 1242.

[2] Population figures are taken from the 1970 U.S. Census.

[3] The four stations providing such coverage are: KQIX, Grand Junction, Colorado; KUBC and KWDE, Montrose, Colorado; and KDTA–FM, Delta, Colorado.

[4] *Roanoke Rapids, North Caroline*, 9 F.C.C. 2d 673 (1967); *Anamosa, Iowa*, 46 F.C.C. 2d 520 (1974).

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-323, RM-3711]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-14448 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR PART 73

[BC Docket No. 81-323; RM-3757]

FM Broadcast Station in Sandpoint, Idaho; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes the assignment of FM Channel 221A to Sandpoint, Idaho, as that community's second FM assignment at the request of Gerald E. Carpenter, Eric E. Carpenter, and Louis Musso d.b.a. Tri-County Broadcasting.

DATES: Comments must be filed on or before June 30, 1981, and reply comments on or before July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Sandpoint, Idaho), BC Docket No. 81-323, RM-3757.

Adopted: May 1, 1981.

Released: May 11, 1981.

1. *Petitioner, proposal, comments.* (a) A petition for rulemaking[1] was filed by Gerald E. Carpenter, Eric E. Carpenter, and Louis Musso d.b.a. Tri-County Broadcasting ("petitioner"), requesting the assignment of FM Channel 221A to Sandpoint, Idaho, as that community's second FM assignment.

(b) Channel 221A can be assigned to Sandpoint in accordance with the Commission's minimum distance separation requirements. However, the channel requires site restriction of approximately 8.7 kilometers (5.4 miles) south of the community in order to avoid short-spacing with Channel 221A in Moyie, British Columbia, Canada.

(c) Petitioner states that if Channel 221A is assigned to Sandpoint, it will apply for authority to build and operate a station. No other comments on the petition were received.

2. *Demographic Data*—(a) *Location.* Sandpoint, the seat of Bonner County, is located at the northern tip of Idaho, approximately 545 kilometers (340 miles) north of Boise, Idaho.

(b) *Population.* Sandpoint—4,144;[2] Bonner County—15,500.

(c) *Present Aural Service.* Sandpoint is currently served by fulltime AM Station KSPT and FM Station KPND (Channel 237A).

3. *Economic Considerations.* Petitioner states that the major industries supporting the local economy are lumbering, cattle ranching, and dairy farming. Because Sandpoint is located at the intersection of a railway and four intercontinental highways, petitioner asserts that the city is an unusually large trading area. Tourism and recreation are also cited by petitioner as contributing to the local economy. Petitioner asserts that the official population figures for the community are misleading because the area supports a sizeable transient tourist population.

4. *Preclusion Study.* The assignment of Channel 221A to Sandpoint will cause preclusion only on the co-channel within 65 miles. Petitioner states that only one community with a population over 1,000, Bonners Ferry, Idaho, lies within the area of preclusion. Petitioner should state whether alternative channel assignments are available for Bonners Ferry.

5. Because Sandpoint is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed amendment to the Table of Assignments requires coordination with the Canadian government.

6. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with respect to Sandpoint, Idaho, as follows:

City	Channel No.	
	Present	Proposed
Sandpoint, Idaho	237A	221A, 237A

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

[1] Public Notice of the petition was given October 2, 1980, Report No. 1251.

[2] Population figures are taken from the 1970 U.S. Census.

8. Interested parties may file comments on or before June 30, 1981, and reply comments on or before July 20, 1981.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-323 RM-3757]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceedings.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 81-14447 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-159; RM-3326]

FM Broadcast Station in Falmouth, Massachusetts; Petition for Reconsideration; Order Extending Time for Filing Replies to Oppositions

AGENCY: Federal Communications Commission.

ACTION: Petition for Reconsideration of action in Rulemaking proceeding; Extension of time for filing replies to oppositions.

SUMMARY: Action taken herein extends the time for filing replies to an opposition to a petition for reconsideration of the Commission's action assigning an FM channel to Falmouth, Massachusetts. Additional time is given in response to a request filed by GCC Communications of Boston, Inc., licensee of FM broadcast Station WHUE, Boston, Massachusetts, so that counsel can confer with an engineer who is temporarily out of the country.

DATE: Replies must be filed on or before May 18, 1981.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Falmouth, Massachusetts); Order extending time for filing replies to opposition to petition for reconsideration.

Adopted: May 1, 1981.

Released: May 5, 1981.

By the Chief, Policy and Rules Division.

1. On March 31, 1981, a petition for reconsideration was filed by GCC Communications of Boston, Inc. ("GCC"), licensee of FM broadcast Station WHUE, Boston, Massachusetts, in the above-captioned matter (46 FR 22988; April 22, 1981).[1] A timely opposition was filed by Marshfield Broadcasting Company, and replies thereto are presently due to be filed by May 4, 1981.

2. On April 30, 1981, GCC filed a request for extension of time to and including May 18, 1981, in which to file a reply to the opposition. Counsel states that GCC's consulting engineer is presently out of the country until May 5, 1981, and that it wishes to consult with him before determining whether to file a response. Counsel further states that all parties to this proceeding have indicated no objection to the requested extension of time.

3. We are therefore of the view that the public interest would be served by granting the additional time to file further information which might be helpful to the Commission in reaching a decision in this proceeding.

4. Accordingly, it is ordered, that the time for filing replies to the opposition to the petition for reconsideration in BC Docket No. 80-159 (RM-3326) is extended to and including May 18, 1981.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

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[1] Editorial note: The petition for reconsideration was submitted for publication in the Notices section of the Federal Register.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-14446 Filed 5-13-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-322; RM-3722]

FM Broadcast Station in Coxsackie, N.Y., Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 252A to Coxsackie, New York, in response to a petition filed by Catskill Communications, Inc. The assignment would provide Coxsackie with a first local aural service.

DATES: Comments must be filed on or before June 30, 1981, and reply comments must be filed on or before July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Coxsackie, New York), BC Docket No. 81-322, RM-3722. Notice of proposed rulemaking.

Adopted: May 1, 1981.

Released: May 11, 1981.

By the Chief, Policy and Rules Division:

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making[1] was filed by Catskill Communications, Inc. (hereinafter "CCI" or "Petitioner"), proposing the assignment of FM Channel 252A to Coxsackie, New York, as that community's first FM radio station.

(b) Petitioner states that he will apply for that channel, if assigned.

2. *Demographic Data:*

(a) *Location:* Coxsackie, located in Greene County, is approximately 32 kilometers (20 miles) south of Albany, New York.

(b) *Population:* Coxsackie—2,399; Greene County—33,136.[2]

(c) *Local Aural Broadcast Service:* None.

3. *Economic Considerations:* Petitioner states that Coxsackie is essentially residental in nature, and that industry is limited to one major plant and several small industrial plants. While there is some dairy and agricultural farming, the major employer is a State correctional facility. It also states that the community has its own cultural and/or service organizations, churches and clubs. There is only one county-wide weekly newspaper available to residents, and, although located adjacent to the New York State Thruway, the town does not have regular transportation services. Petitioner has submitted sufficient demographic data to demonstrate the need for a first FM assignment to Coxsackie.

4. *Technical Data:* CCI has submitted a study indicating that the proposed assignment of Channel 252A to Coxsackie, New York, would create no unacceptable preclusion. However, we need not consider the preclusive impact for a request for a first Class A channel allocation. See *Policy Statement to Govern Requests for Additional Assignments*, 8 FCC 2d 79 (1967). The transmitter site must be located approximately 5.1 kilometers (3.2 miles) northwest of Coxsackie to avoid short-spacing to an existing station. Also, since the proposed assignment is within 402 kilometers (250 miles) of the U.S.-Canada border, Canadian concurrence must be obtained.

5. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Coxsackie, New York	----	252A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the Attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before June 30, 1981, and reply comments on or before July 20, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communcations Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-322, RM-3722]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel

[1] *Public Notice* of the petition was given on August 13, 1980, Report No. 1244.

[2] Population figures are taken from the 1970 U.S. Census.

than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules).

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-14449 Filed 5-12-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-324; RM-3735]

FM Broadcast Station in Minot, North Dakota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes the assignment of Class C FM Channel 260 to Minot, North Dakota, as that community's third FM assignment, in response to a petition filed by Kitten Radio, Inc.

DATES: Comments must be filed on or before June 30, 1981, and reply comments on or before July 20, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations. (Minot, North Dakota). DC Docket No. 81-324 RM-3735. Notice of proposed rulemaking.

Adopted: May 1, 1981.

Released: May 11, 1981.

By the Chief, Policy and Rules Division.

1. A petition for rule making [1] has been filed by Kitten Radio, Inc. ("petitioner"), licensee of AM broadcast Station KTYN, Minot, North Dakota, requesting the assignment of Class C FM Channel 260 to Minot, as its third FM channel. Petitioner states that if the channel is assigned, it will apply for authority to build and operate a station. No comments on the petition were received. The channel can be assigned in accordance with minimum distance separation requirements.

2. Minot (population 32,290),[2] the seat of Ward County (population 58,560), is located approximately 160 kilometers (100 miles) north of Bismarck, North Dakota. Minot is currently served by two daytime-only AM stations, two full-time AM stations, and two FM stations.

3. Petitioner states that Minot is the fourth largest city in North Dakota and is a major focus of commerce in the northwestern region of the State. According to petitioner, the population of Minot has remained stable through the past decade, while bank deposits and housing starts have increased during the same period. Petitioner asserts that because Minot is a source of information and a center of commerce for a large and otherwise unserved rural population, the city deserves an additional FM assignment.

4. *Preclusion study:* According to the preclusion study submitted by petitioner, assigning Channel 260 to Minot would cause preclusion on Channels 257A, 259, 260, 261A, 262, and 263. The study indicates that twenty-two communities with a population over 1,000 fall within the precluded areas. Twelve of these communities currently have no FM assignment.[3] Petitioner states that in its channel search for Minot, it found that Channels 222, 260, 261A, 263, 264, 265A and 294 met all the distance separation requirements. furthermore, petitioner states that Channels 282, 283, 290 and 300 are also available for assignment outside the immediate Minot area. Petitioner concludes that a large number of channels are available for assignment to the precluded communities.

[1] Public Notice of the petition was given September 2, 1980, Report No. 1246.

[2] Population figures are taken from the 1970 U.S. Census.

[3] According to petitioner, the precluded communities without an assignment in North Dakota are: Beach (population 1,408), Belfield (population 1,130), Cando (population 1,512), Garrison (population 1,014), Hazen (population 1,240), Kenmare (population 1,815), New Town (population 1,428), Parshall (population 1,240), Stanley (population 1,561), Velva (population 1,241), and Watford City (population 1,768).

5. *Additional considerations:* Petitioner states that the proposed assignment would provide a second FM service to an area of 642 square kilometers (251 square miles) with a population of 1,000 persons. According to the Commission's population guidelines, cities the size of Minot (under 50,000 population) are allotted two FM assignments. Therefore, the assignment of the third channel, as proposed in this *Notice*, exceeds the guidelines. However, as the Commission has stated on many occasions, the population guidelines are not applied inflexibly, and assignments in excess of the guidelines have been made when the preclusive impact of the assignment is considered insignificant. As noted in the preceding paragraph, there appear to be several channels available for assignment to the precluded communities. Therefore, the population guidelines do not appear to be an obstacle to the present assignment.

6. Because Minot is located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed assignment of Channel 260 to Minot requires coordination with the Canadian government.

7. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

Community	Channel No.	
	Present	Proposed
Minot, North Dakota	229, 246	229, 246, 260

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein *NOTE:* A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before June 30 1981, and reply comments on or before July 20, 1981.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.*

11. For further information concerning this proceeding, contact Michael A.

McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-14280 Filed 5-12-81; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1201 and 1241

[No. 37203]

Cost Center Accounting and Reporting System for Class I Railroads

AGENCY: Interstate Commerce Commission.

ACTION: Termination of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission is terminating the rulemaking proceeding to consider adopting a cost center accounting and reporting system for Class I railroads. This action is necessary because of the enactment of the Staggers Rail Act of 1980 (49 U.S.C. 10101) which limits the Commission's jurisdiction to determine rate reasonableness and mandates that Commission railroad accounting and cost data requirements serve a regulatory purpose. The Commission's current uniform revenue and cost systems are intended to provide essential financial and cost information within the ratemaking constraints of the Staggers Rail Act. Therefore, this proceeding is no longer necessary.

EFFECTIVE DATE: May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Commission revised the Uniform System of Accounts for Railroads (USOA) (49 CFR 1201, Subpart A) under Docket No. 36367, served on June 24, 1977. This Report and Order, published in the Federal Register on July 7, 1977 (42 FR 35016), prescribed a uniform cost and revenue accounting system for all railroads subject to the Commission's jurisdication. This revised USOA was the result of independent efforts by the Bureau of Accounts and the Congressional mandate of the Railroad Revitalization and Regulatory Reform Act of 1976 (4-R Act) (49 U.S.C. 11142).

Several respondents petitioned the Commission to reconsider certain areas of the revised USOA. Particularly, the U.S. Department of Trnasportation requested that the Commission amend the USOA to include cost center accounting. In our Report and Order, however, we had already recognized the potential improvement that cost center data could provide.

On August 31, 1978, the Commission engaged the accounting and consulting firm of Deloitte Haskins & Sells and its subcontractor, Reebie Associates, (contractor) to develop a cost center accounting and reporting system for Class I railroads. This project was funded by both the Commission and the U.S. Department of Transportation. On October 26, 1979, the Commission served a Notice of Proposed Rulemaking on a Cost Center Accounting and Reporting System for Class I Railroads (Docket No. 37203) (44 FR 92312) that detailed a specific cost center accounting system. This proposal disaggregated system-wide accounting and statistical data by prescribing lower-level data capture.

The Commission suspended this rulemaking proceeding on November 20, 1980, because of certain technical problems experienced in the implementation of a revised costing methodology and current railroad legislation. This suspension notice was published in the Federal Register on November 25, 1980 (45 FR 78191).

The Staggers Rail Act of 1980 (the Act) limits the Commisson's jurisdiction over railroad ratemaking. This includes those areas where a particular rail carrier has market dominance or proposes a rate below a reasonable minimum (49 U.S.C. 10701a). This narrowed ratemaking concept precludes the need for the specific cost center accounting and reporting system proposed in this proceeding. The Commission's Uniform System of Accounts for Railroads (49 CFR 1201, Subpart A) and its development of a revised costing methodology, the Uniform Rail Costing System, have the flexibility to meet the Commission's financial and cost information

requirements within the Act's provisions.

This decision does not significantly affect the quality of the human environment, conservation of energy resources, or small businesses.

This termination is made under the authority of 49 U.S.C. 553 and 49 U.S.C. 10321.

Decided: May 7, 1981.

By the Commission, Acting Chairman Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14429 Filed 5-12-81; 8:45 am]

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Notices

Federal Register
Vol. 46, No. 92
Wednesday, May 13, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMISSION ON CIVIL RIGHTS

New Hampshire Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on May 27, 1981, at the Federal Building, 275 Chestnut Street, Manchester, New Hampshire. The purpose of this meeting is program planning for fiscal year 1981.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Sylvia F. Chaplain, 7 Wendover Way, Bedford, New Hampshire 03102, (603) 625–5335; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston MA 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 8, 1981.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 81–14414 Filed 5–12–81; 8:45 am]
BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Economic Development Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Old Virginia, Inc., One Preserve Place, Front Royal, Virginia 22630, producer of jams, jellies and preserves; and apple sauce and juice (accepted April 17, 1981); (2) Joseph Hirsch Sportswear Company, Inc., 70 Washington Street, Brooklyn, New York 11201, producer of men's and women's coats, jackets, vests, coveralls and underwear (accepted April 20, 1981); (3) Modern Coat Company, 711 Sip Street, Union City, New Jersey 07087, producer of women's coats, jackets and skirts (accepted April 20, 1981); (4) Mike Malone Overall Company, Inc., 642 North Broad Street, Philadelphia, Pennsylvania 19130, producer of jeans and skirts for men, women and children (accepted April 21, 1981); (5) Punch Press products, Inc., 1911 E. 51st Street, Los Angeles, California 90058, producer of automotive and other metal stampings (accepted April 21, 1981); (6) K–W Manufacturing Company, P.O. Box 508, Prague, Oklahoma 74864, producer of quartz crystals (accepted April 21, 1981); (7) Automation Components, Inc., One Short Avenue, Peckville, Pennsylvania 18452, producer of electronic capacitors (accepted April 22, 1981); (8) Savoy electronics, Inc., 1175 N.E. 24th Street, Fort Lauderdale, Florida 33310, producer of quartz crystals (accepted April 28, 1981); (9) Addmaster Corporation, 416 Junipero Serra Drive, San Gabriel, California 91776, producer of calculators, cash registers and other business machines (accepted April 29, 1981); (10) Tennessee Textiles, Inc., P.O. Box 67, Jackson, Tennessee 38314, a producer of unfinished woven fabrics (accepted May 1, 1981); (11) Federal Casters Corporation, 785 Harrison Avenue, Harrison, New Jersey 07029, producer of metal casters, wheels and fabricated steel (accepted May 4, 1981); (12) Phoenix Manufacturing Company, 1109 Chandler Avenue, Roselle, New Jersey 07203, producer of men's and boy's jackets and coats (accepted May 5, 1981); and (13) Lakeland Manufacturing Corporation, 1120 Maryland Avenue, Sheboygan, Wisconsin 53081, producer of mea's leather coats and jackets (accepted May 6, 1981).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of buisness of the tenth calendar day following the publication of this notice.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,
Chief, Trade Act Certification Division, Office of Eligibility and Industry Studies.

[FR Doc. 81–14388 Filed 5–12–81; 8:45 am]
BILLING CODE 3510–24–M

INTERNATIONAL TRADE ADMINISTRATION

Columbia University in the City of N.Y.; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80–00489. Applicant: Columbia University in the City of N.Y., Box 610 Havemeyer Hall, Chemistry Department, New York, N.Y. 10027. Article: Excimer Laser, EMG 101. Manufacturer: Lambda Physik, West Germany. Intended Use of Article: See

Notice on page 2664 in the Federal Register of January 12, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a 140 millijoule pulse at 193 nanometers using argon flouride gas. The National Bureau of Standards advises in its memorandum dated March 25, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14307 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

Department of Commerce; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00467. Applicant: U.S. Department of Commerce, National Bureau of Standards, Washington, D.C. 20034. Article: Lamma 500 Laser Microprobe Mass Analyzer and Accessories. Manufacturer: Leybold-Heraeus GmbH, West German. Intended Use of Article: See Notice on page 82983 in the Federal Register of December 17, 1980. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a small size pulsed beam which analyzes particles as small as 0.5 micrometers. The Department of Health and Human Services advises in its memorandum dated April 1, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14308 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

Geophysical Institute; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in room 3109 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket Number 80-00429. Applicant: Geophysical Institute, Fairbanks, AK 99701. Article: EM-16 VLF Electromagnetic Instrument and EM-16R Attachment for Electrical Resistivity. Manufacturer: Geonics, Ltd., Canada. Intended Use of Article: See Notice on page 76721 in the Federal Register of November 20, 1980.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides measurements of apparent resistivity, phase angle between Ex and Hy in degrees, tilt angle, and ellipticity. The National Bureau of Standards advises in its memorandum dated April 17, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14309 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00468. Applicant: University of California, San Francisco, 612 Forbes Blvd., So. San Francisco, California 94080. Article: High Purity Germanium Well Counter. Manufacturer: Enertec, France. Intended Use of Article: See Notice on page 2663 in the Federal Register of January 12, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a maximum active counter volume of 230 cubic centimeters. The Department of Health and Human Services advises in its memorandum dated April 1, 1981 that (1) the capability

of the foreign article described above is pertinant to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14370 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00432. Applicant: University of California, Radiologic Imaging Laboratory, 400 Grandview Drive, South San Francisco, CA 94080. Article: Superconducting Magnet System. Manufacturer: Oxford Instruments, England. Intended Use of Article: See Notice on page 76721 in the Federal Register of November 20, 1980.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides (1) a large clear space in an elliptical cylinder with a major axis of 60 centimeters (cm) and a minor axis of 50cm, (2) a highly uniform field with maximum variation rates of 100 milligauss (mG) or 10mG over a 30cm diameter sphere or disc, and (3) a maximum field strength of 2000 to 3530 gauss. The Department of health and Human Services advises in its memorandum dated February 19, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14371 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

University of Washington; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 80-00460. Applicant: University of Washington, School of Pharmacy, BG-20, Seattle, WA 98195. Article: MM 70-70H Mass Spectrometer/VG Data System. Manufacturer: VG Micromass, VG Organic Limited, United Kingdom. Intended Use of Article: See Notice on page 82982 in the Federal Register of December 17, 1980.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 26, 1979). Reasons: This application is a resubmission of Docket Number 80-00068 which was denied without prejudice to resubmission on July 12, 1980 for informational deficiencies. The foreign article provides computer controlled combined electron impact/chemical ionization source switching. The Department of Health and Human Services advises in its memorandum dated April 1, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-14372 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Intent To Prepare an Environmental Impact Statement on the Proposed Tijuana River Estuarine Sanctuary, Calif.

AGENCY: National Ocean and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: In accordance with the provisions of the National Environmental Policy Act and Section 315 of the Federal Coastal Zone Management Act, the Office of Coastal Zone Management in the National Oceanic and Atmospheric Administration intends to prepare and distribute a draft environmental impact statement (DEIS) on a proposed estuarine sanctuary site on the southern coast of California adjacent to the California-Mexican border. Designation of the sanctuary would serve to provide additional management and protection of approximately 2,400 acres of important estuarine habitat in San Diego County.

Discussion

The Tijuana sanctuary proposal has been developed after extensive consultation between State and Federal agencies, local government officials, private land owners, research and public interest groups since the fall of 1980. Under the auspices of the California Coastal Commission, a Site Selection Committee was convened and after consultation with environmental

groups, marine scientists, and Regional Commission offices, the Committee studied seven possible sanctuary sites and ranked the top four. The Coastal Commission held two public hearings in January and February 1981, in northern and southern California. The Tijuana site was eventually selected as the best site given the many evaluation factors for that particular geographic region. A twelve-person Sanctuary Advisory Committee with broadbased representation was organized by the Coastal Commission. Input from this group has been central in identifying environmental, social, and economic concerns over the selection of this site and has been instrumental in determining an appropriate boundary and management authority. News coverage describing the sanctuary program and resource values of Tijuana River has appeared in local and regional newspapers and on radio broadcasts. The Office of Coastal Zone Management has recently received a formal request from the State of California to designate a portion of the Tijuana River and surrounding lands as a National Estuarine Sanctuary and to provide a grant to assist the State in purchasing about 832 acres within the sanctuary boundary.

No further scoping meetings are contemplated at this time because of the extensive meetings (including public hearings) which have transpired. However, interested parties who wish to submit inquiries, suggestions, comments or substantive information are invited to write or call Mr. Milt Martin, Estuarine Sanctuary Project Officer, Office of Coastal Zone Management, 3300 Whitehaven St., N.W., Washington, D.C. 20235, (202/653–7301).

Federal Domestic Assistance Catalog No. 11–420 Coastal Zone Management-Estuarine Sanctuaries)

Dated: May 8, 1981.

William Matuszeski,

Acting Deputy Assistant Administrator for Coastal Zone.

[FR Doc. 81–14332 Filed 5–12–81; 8:45 am]

BILLING CODE 3510-08-M

National Oceanic and Atmospheric Administration

Snapper and Grouper; Permit Availability

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice of fishing permit availability.

SUMMARY: NOAA issues notice of availability of applications for permits authorizing U.S. vessels to fish snapper/grouper in the Mexican Economic Zone (12 to 200 miles off the Mexican coast) from August 1, 1981, through December 29, 1981. Permit fees and charges per vessel for the fishing season are as follows:

Permit fee	Catch charge	Performance bond or deposit
$80.00	$184.00	Up to $1,600.00.

DATES: Completed application forms must be received by the National Marine Fisheries Service or the Southeastern Fisheries Association *no later than May 29, 1981,* for transmittal to the Mexican Government.

ADDRESSES: Applications may be obtained by contacting either the Fisheries Management Division, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702 or the Southeastern Fisheries Association, 124 West Jefferson Street, Tallahassee, Florida 32301, 904–224–0812.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan (Fisheries Management Division), 813–893–3722.

Signed at Washington, D.C. this 7th day of May, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–14424 Filed 5–12–81; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit

On March 30, 1981, notice was published in the **Federal Register** (46 FR 192931) that an application has been filed with the National Marine Fisheries Service by 454802 Ontario Limited, Panasonic Tower Center, 6732 Oakes Drive, Niagara Falls, Ontario, Canada for a permit to display two (2) Atlantic bottlenose dolphins (*Tursiops truncatus*) and three (3) California sea lions (*Zalophus californianus*), owned by Louis Scarpuzzi Enterprises of the United States for public display.

Notice is hereby given that on May 5, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a public display Permit to 454802 Ontario Limited, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Services, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: May 5, 1981.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81–14425 Filed 5–12–81; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), will meet to review actions on the Billfish Fishery Management Plan (FMP); update on Snapper-Grouper Complex FMP review; status update of Calico Scallop FMP; status reports on Shrimp, King and Spanish Mackeral, Spiny Lobster and Coral FMP's, as well as other management and administrative matters.

DATES: These public meetings will convene on Tuesday, May 26, 1981, at approximately 1:30 p.m., and will adjourn on Thursday, May 28, 1981, at approximately noon.

ADDRESS: The meetings will take place at the Casa Marina Resort, Reynolds Street, Key West, Florida 33040.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: May 8, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–14426 Filed 5–12–81; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended in 1976 by Pub. L. 94–409, notice is hereby given of a partially closed session of public meetings of the Western Pacific Fishery Management Council, established by Section 302 of

the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265). The closed session of the meetings are being held to discuss personnel matters regarding vacancies on the Scientific and Statistical Committee (SSC) and the Advisory Panel (AP). The sessions of the meetings which will be open to the public will involve review of progress on the Billfish Fishery Management Plan (FMP); review of fiscal year 1982 administrative and programmatic budgets; review of the draft statement of organization, practices and procedures; review status of other fishery management plans and conduct other fishery management business.

DATES: The closed session of the meetings will be held on June 9, 1981—8:30 a.m., to 9:30 a.m. The open sessions of the meetings will be held on June 9, 1981—10 a.m., to 5 p.m., and on June 10, 1981—9 a.m. to 3 p.m.

ADDRESS: The meetings will take place at the Royal Lahaina Hotel, Lahaina, Maui, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, Room 1608, 1164 Bishop Street, Honolulu, Hawaii 96813, Telephone: (808) 523–1368.

SUPPLEMENTARY INFORMATION: The Assistant Secretary of Administration of the Department of Commerce, with the concurrence of its General Counsel, formally determined on January 15, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(6). These portions of the closed meetings are likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.) All other portions of the meetings are open to the public.

Dated: May 8, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-14427 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Two Foreign Government Standards Pertaining to Farm Tractors

AGENCY: Assistant Secretary of Commerce for Productivity, Technology, and Innovation, Commerce.

In accordance with Title IV (on standards) of the Trade Agreements Act of 1979, a Technical Office has been established in the U.S. Department of Commerce (45 FR 74532, November 10, 1980) to assist U.S. business to take advantage of the trade opportunities inherent in the International Standards Code which was part of the recently concluded multilateral Trade Negotiations.

Recently the Technical Office was able to obtain copies of two new foreign regulations (with unofficial English translations) pertaining to health and safety requirements affecting farm tractors that have been promulgated by Spain and France, respectively. The Spanish regulation pertains to roll-over protection standards for tractor cabs (effective dates of the various provisions range from December 1980 to December 1982) while the French regulation pertains to permissible sound levels and roll-over protection requirements (effective date, February 1982).

Copies of these two foreign mandatory regulations can be obtained on request from: Director, Technical Office, Office of Product Standards Policy, Office of Assistant Secretary for Productivity, Technology, and Innovation, U.S. Department of Commerce, Washington, D.C. 20230, Telephone 202/377–4563.

If upon review, U.S. exporters believe that such regulations unjustifiably inhibit their exports, they should communicate their concerns as soon as possible to the Technical Office at the above address. The Technical Office, in cooperation with the Department's Office of Trade Policy, will assist such exporters to clarify their options regarding possible bilateral action with the foreign country concerned.

Issued: May 8, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology, and Innovation.

[FR Doc. 81-14373 Filed 5-12-81; 8:45 am]

BILLING CODE 3510-19-M

DEPARTMENT OF DEFENSE

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session on July 15, 1981, at the Palisades Institute for Research Services, Inc., 201 Varick Street, New York, New York, 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. 1 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

May 8, 1981.

[FR Doc. 81-14223 Filed 5-12-81; 8:45 am]

BILLING CODE 3810-70-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session June 25, 1981, at the Santa Barbara Research Center, 75 Coromar Drive, Toteta, CA 93017.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)

(1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

May 8, 1981.

[FR Doc. 81-14334 Filed 5-12-81; 8:45 am]

BILLING CODE 3810-70-M

DELAWARE RIVER BASIN COMMISSION

[Civil Action 77-2668]

Delaware River Basin Commission v. Bucks County Water & Sewer Authority, et al.

AGENCY: Delaware River Basin Commission.

ACTION: Notice to Interested Parties Concerning Intervention.

This notice is given pursuant to an Order entered by the Honorable Louis H. Pollak on April 29, 1981, directing the Delaware River Basin Commission (DRBC) to notify all persons and entities having an interest in DRBC Resolution No. 74-6 (imposing water charges for use or withdrawal of basin waters) concerning the status of this matter and their right to seek to intervene herein.

The United States Court of Appeals for the Third Circuit in *Delaware River Basin Commission* v. *Bucks County Water & Sewer Authority*, No. 80-1662, in a decision filed February 18, 1981, remanded this case to the U.S. District Court for further proceedings. The Court of Appeals has questioned the constitutionality of Section 15.1(b) of DRBC's Compact and DRBC Resolution N. 74-6, which exempt from water charges pre-1961 water users. The Opinion of this Court states in part:

* * * we believe it more prudent to remand the present controversy than to grant final disposition by this Court. The difficulties attending any effort to divine legislative intent no doubt are greatly magnified when the legislature acted two decades past and left no clear trace of its designs. But as we earlier concluded, it is doubtful whether the actual purpose of the Congress need be established. So long as the Commission can proffer some purpose that the court may reasonably presume to have motivated the Congress that added Section 15.1(b) to the Compact, there will be available a standard against which to test the rationality of Resolution 74-6. We believe the Commission should have an opportunity to attempt this type of explanation.

In addition, remand may prompt pre-1961 users to intervene in the lawsuit. Modification of the Resolution 74-6 exemption would adversely affect users, such as the City of Philadelphia, who currently enjoy immunity from water use charges. We believe it would be helpful, before final decision on the constitutionality of the Resolution is made, if representatives of these parties were provided an opportunity to appear before the court to advance their arguments for maintaining the current system of exemptions.

The Order of Judge Pollak authorizes persons and entities desiring to intervene in this matter and to participate therein to file an appropriate Motion of Intervention on or before June 15, 1981. All parties seeking leave to intervene in this matter are also directed to appear at a conference in Judge Pollak's Courtroom in the U.S. District Court, Sixth and Market Streets, Philadelpha, Pennsylvania, at 9:30 a.m. on Thursday, June 18, 1981.

Counsel for the defendant, Bucks County Water and Sewer Atuhority, is Jaczun & Grabowski, One South Fifth Street, Perkasie, Bucks County, Pennsylvania 18944. Counsel for the plaintiff, Delaware River Basin Commission, is David J. Goldberg, 112 Nassau Street, Post Office Box 645, Princeton, New Jersey 08540. Anyone desiring further information concerning this matter may contact counsel for either party.

W. Brinton Whitall,

Secretary.

May 1, 1981.

[FR Doc. 81-14361 Filed 5-12-81; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Program Opportunity Notice—Solar Dish-Stirling Engine Module

Program Opportunity Notice No. DE-PNO4-81AL16333: Solar Dish-Stirling Module. The U.S. Department of Energy, Solar Thermal Power System Program, Albuquerque Operations Office (ALO) intends to issue an unrestricted Program Opportunity Notice (PON) which will solicit proposals for development of a solar dish-Stirling engine module. Specifically, the following efforts are desired: market identification and assessment of commercial potential; conceptual design and implementation plan for early sales; system design, hardware integration and fabrication of a prototype module; and prototype test to demonstrate that performance and life are suitable for early commercial market. The solar dish-Stirling engine module consists of a two-axis tracking, point focusing, parabolic dish solar concentrator with a receiver at focal point to convert the concentrated solar energy into high temperature thermal energy. Coupled to the receiver will be a Stirling engine and appropriate components to produce electrical energy.

Substantial cost sharing and commitment to commercial product development are expected and the negotiated instrument(s) will most likely be a cooperative agreement(s). Deliverables will include detailed design reviews and comprehensive reports on all phases of work performed. It is anticipated that the work will commence in the latter part of 1981 and be completed in 1983. The laboratory that will be monitoring the efforts initiated by this PON has performed much of the R&D work on solar dish-Stirling systems.

It is requested that all interested parties provide written notification of their interest to the below listed point of contact not later than twenty (20) days from the date of publication of this notice. Telephone inquiries will not be accepted. The written requests for a copy of the PON should reference the applicable PON number and should be addressed to: U.S. Department of Energy, Albuquerque Operations Office, Contracts and Procurement Division, ATTN: J. L. Robbins, P.O. Box 5400, Albuquerque, N.M. 87115.

Issued in Washington, D.C., May 8, 1981.

Berton J. Roth,

Deputy Director, Procurement and Assistance Management.

[FR Doc. 81-14416 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Intent to Prepare a Draft Environmental Impact Statement for Badger Canyon-Grandview Area Reinforcement; Meeting

The Bonneville Power Administration (BPA) hereby gives public notice of its intent to prepare and circulate a draft environmental impact statement (EIS).

BPA's EIS will address the construction, location, and operation of approximately 15 miles of transmission lines with alternatives consisting of various combinations of 500-kV and 230-kV lines, and includes associated facilities to provide support for the existing transmission system in the Benton City/Tri-Cities area of Washington State. This project is based on forecasted peakloads which indicate potential outages of certain facilities which will create subsequent line overloads and low-voltage conditions as early as 1985.

In addition to improve electrical transmission, the alternatives of

conservation and no action will be considered.

Scoping for the EIS on this project will include consultation with: (1) Benton Rural Electrification Administration, Benton County Public Utility District, Franklin County Public Utility District, Big Bend Electric Cooperative, Columbia Rural Electrification Administration, and Pacific Power & Light Company; and (2) involved Federal, State, regional, and local agencies, as well as appropriate environmental organizations and landowners. Two public meetings have been scheduled to receive input on the scope of the EIS and to solicit comments and suggestions for consideration in the preparation of the EIS.

Those wishing to participate in the scoping process may attend public meeting to be held in the following locations:

Tuesday, June 9, 1981, at the Benton City Elementary School in the Multi-Purpose Room, Benton City, Washington, from 7–10 p.m.

Wednesday, June 10, 1981, at the Jason Lee Elementary School in the Auditorium, Richland, Washington, from 7–10 p.m.

Those desiring further information or wishing to submit written comments on the scope of the environmental impact statement should address their correspondence to John E. Kiley, Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland, Oregon, 97208.

Dated: April 30, 1981.

Earl Gjelde,

Acting Administrator.

[FR Doc. 81–14327 Filed 5–12–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP 81–283–000]

Alabama-Tennessee Natural Gas Co.; Application

May 8, 1981.

Take notice that on April 10, 1981, Alabama-Tennessee Natural Gas Company (Applicant), P.O. Box 918, Florence, Alabama 35631, filed in Docket No. CP 81–283–000 an application pursuant to Section7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of limited quantities of natural gas to Public Service Electric and Gas Company (Public Service) during the summer months of 1981, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell on an interruptible basis to Public Service up to a maximum quantity of 20,000 Mcf of natural gas per day in order to avoid substantial minimun take-or-pay charges which Applicant would incur under its gas purchase contract with its supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). It is stated that Applicant purchases natural gas from Tennessee in accordance with Tennessee's Rate Schedule CD–1 which contains a minimum bill provision requiring Applicant to pay an amount equal to 66⅔ percent of its contract demand irrespective of whether it takes such volumes of gas each month. Applicant states that during the months of April through October it would be unable to sell these minimum volumes of gas to its existing customers and would be obligated to take an estimated $1,000,000 worth of gas per month that it could not sell on-system. Applicant asserts that pursuant to a March 16, 1981, agreement with Public Service, Applicant would sell such gas to Public Service on a best-efforts basis during the summer months of June through October 1981.

It is stated that Public Service is currently purchasing equivalent volumes of gas from Applicant by displacement under an Order 30 authorization replacing No. 2 oil as fuel for electric generation and that transportation of the gas is being provided by Texas Eastern Transmission Company (Texas Eastern). Applicant states that the proposed sale of natural gas to Public Service would be accomplished by delivering equivalent volumes to USS Agri-Chemicals, Inc. (USS Ag) located in Colbert County, Alabama. It is stated that such deliveries would displace Texas Eastern's deliveries to North Alabama Gas District which sells and delivers gas to USS Ag making the gas available for transportation and delivery to Public Service less agreed upon volumes for fuel and shrinkage.

It is asserted that Public Service expects to use the natural gas purchased from Applicant to displace middle-distillate oil and low-sulphur residual oil in the generation of electricity. It is asserted that the deliveries of gas by Texas Eastern on a displacement basis would be on a strictly interruptible basis and when Texas Eastern has capacity available to provide the transportation service.

Applicant asserts that no additional facilities would be required and that it would make gas available to Public Service only at such times as its existing customers have no need for the gas. Therefore, Applicant maintains that the proposed service would not displace capacity for service or sales to high priority customers but would avoid its being assessed with increased costs of gas resulting from the take-or-pay requirements of Applicant's gas purchase contract with Tennessee.

Applicant states that it would charge Public Service a commodity rate of $2.6594 per Mcf which is based on Tennessee's CD–1 commodity rate charged to Applicant of $2.4494 per Mcf and that any increase or decrease in Tennessee's rate would result in an equal increase or decrease in the price to be paid.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in the subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advises, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–14328 Filed 5–12–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81-286-000]

Algonquin Gas Transmission Co.; Application

May 7, 1981.

Take notice that on April 15, 1981, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP81-286-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of natural gas service to its customer, Commonwealth Gas Company (Commonwealth), in lieu of its existing service to Commonwealth and its affiliate New Bedford Gas and Edison Light Company (New Bedford), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it was previously authorized to serve both Commonwealth and New Bedford which are corporate affiliates wholly owned by New England Gas and Electric Association. It is stated that effective December 31, 1980, the Department of Public Utilities of the Commonwealth of Massachusetts approved the sale to Commonwealth of New Bedford's gas business and properties.

Applicant states that there would be no change in authorized sales quantity, delivery obligations, rates or charges to Commonwealth and that no new facilities are proposed. Applicant asserts that it proposes only to render the same service to one customer, Commonwealth, that it previously rendered to Commonwealth and New Bedford with all rights and obligations remaining the same under the superseding service agreement as those being superseded. It is stated that service to these customers is currently rendered pursuant to Applicant's Rate Schedules F-1, WS-1, and SNG-1 and that while New Bedford has sold its distribution properties to its affiliate and is no longer the named party-Buyer this has no effect upon Applicant's legal obligation to continue service to such markets through New Bedford's successor in interest.

Applicant notes that its application and amendments are being made in compliance with a February 27, 1981, letter of the Commission staff.

Applicant further requests acceptance of revised F-1, WS-1, and SNG-1 service agreements for filing.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must vile a petition to intervene in accordance with the Commissions's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14511 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP78-286-001]

Bear Creek Storage Co., Southern Natural Gas Co., and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

May 8, 1981.

Take notice that on April 7, 1981, Bear Creek Storage Company (Bear Creek), P.O. Box 62, Bienville, Louisiana 71008, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP 78-286-001 a joint petition to amend the order issued April 3, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize certain modifications in the storage service agreement and to conform the certificate to actual construction undertaken at the Bear Creek Storage facility, all as more fully set forth in the petition to amend.

Applicants state that Southern and Tennessee formed a partnership under the name Bear Creek Storage Company which was to own and operate a storage facility. It is stated that Bear Creek obtained interim construction financing and long-term financing commitments from the Prudential Insurance Company of America (Prudential) for approximately 75 percent of the funds estimated to be required to construct the storage project and acquire base storage gas. Applicants assert that Prudential has recently agreed to loan additional funds in order to finance an estimated cost increase in the storage project and that the loan would be the sole obligation of Bear Creek. It is stated that in the course of negotiating the specific terms of the long-term financing documents Prudential and Bear Creek agreed to make various changes to the storage service agreements between Bear Creek and its prospective customers.

Applicants herein propose that the term of the storage service agreements be extended from a period of ten years to a period of twenty years. Applicants also propose to modify the agreement to reflect that Bear Creek would be the ultimate beneficiary of long-term project financing and to emphasize that in order to facilitate the financing of the customer's obligation to pay the monthly service charge is absolute and unconditioned.

Applicants further state that as construction of the project has progressed certain technical and engineering changes were found to be necessary in order to increase the operating efficiency and herein propose that the certificate authorization reflect the modifications. It is stated that instead of drilling, constructing and operating a total of 52 injection-withdrawal wells as originally planned in actuality only 50 injection-withdrawal wells are necessary. In addition, it is asserted, only one observation well was necessary in the Bear Creek Field instead of the originally proposed three observation wells.

Applicants state that in their original application they requested the conversion into observation wells of four existing wells in the Bear Creek Field. Applicants state that the certificate should instead reflect the

conversion into injection-withdrawal and observation wells of depleted wells and dry holes in the Bear Creek Field and the subsequent operation of the same. Currently there are one newly constructed observation well, four existing wells and three dry holes being used as observation wells in the field.

Applicants also propose that the April 3, 1979, order be amended to reflect that the total number of wells re-worked to insure the pressure integrity of the Pettit Reservoir was increased from 15 to 26 when it was determined that certain wells on which a cement bond log had not previously been run should be re-entered for the purpose of performing such a cement bond log. To date Applicants state that 2 injection-withdrawal wells, 7 observation wells, and 26 pressure integrity wells have been re-worked.

Applicants state that after the detailed design of the system was completed, it was found that a redistribution of flow changes in certain pipe diameters would improve maximum flow velocities. It is stated that to connect the central plant to various injection-withdrawal wells the field lines actually constructed consisted of approximately 1.7 miles of 16-inch O.D. pipeline, 1.3 miles of 16-inch O.D. pipeline, 4.6 miles of 14-inch O.D. pipeline, 3.8 miles of 12¾-inch O.D. pipeline, 1.1 miles of 10¾-inch O.D. pipeline, 2.3 miles of 8⅝-inch O.D. pipeline and 9.2 miles of 6⅝-inch O.D. pipeline.

Applicants state that they also determined that downhole pressure safety valves should be installed in the injection-withdrawal wells in the Bear Creek Field in order to prevent loss of gas in the event of damage to the wells. Applicants estimate the cost of the valves to be $2,115,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14313 Filed 5-13-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-306-000]

Columbia Gas Transmission Corp.; Application

May 8, 1981.

Take notice that on April 27, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-306-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 90 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc.: 2 taps for residential service, 1 tap for commercial service, 2 taps for industrial service—Estimated annual usage of 85,780 Mcf.

(2) Columbia Gas of Ohio, Inc.: 49 taps for residential service, 2 taps for commercial service, 2 taps for industrial service, 1 tap for combined residential, commercial and industrial service—Estimated annual usage of 218,295 Mcf.

(3) Columbia Gas of Pennsylvania, Inc.: 3 taps for residential service—Estimated annual usage of 450 Mcf.

(4) Columbia Gas of Virginia, Inc.: 3 taps for residential service, 1 tap for commercial service—Estimated annual usage of 866 Mcf.

(5) Columbia Gas of West Virginia, Inc.: 19 taps for residential service—Estimated annual usage of 3,000 Mcf.

(6) The Dayton Power and Light Company: 2 taps for residential service, 1 tap for commercial service—Estimated annual usage of 3,105 Mcf.

(7) Union Light, Heat and Power Company: 2 taps for residential service—Estimated annual usage of 500 Mcf.

It is stated that the total cost of the interconnections is estimated to be $45,539 which would be financed by internally generated funds. It is further stated that the average cost of 89 taps is estimated to be $300 while one tap would be installed at a cost of $18,700.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14314 Filed 5-13-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-277-000]

Consolidated Gas Supply Corp., and Columbia Gas Transmission Corp.; Application

May 8, 1981.

Take notice that on April 8, 1981, Consolidated Gas Supply Corporation (Consolidated), 445 Main Street, Clarksburg, West Virginia 26301, and Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP 81-277-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between the two companies, all as more fully set forth in the application which is

on file with the Commission and open to public inspection.

Applicants state that Consolidated is now in the process of exploring developing natural gas reserves and production on lease acreage near Columbia's pipeline facilities in Indiana and Clearfield Counties, Pennsylvania, while Columbia is in the process of exploring and developing natural gas reserves and production on lease acreage near Consolidated's pipeline system in Crawford County, Pennsylvania. Applicants state that they have entered into a March 3, 1981, exchange agreement in order to deliver their respective natural gas reserves and production into the pipeline facilities of the other for subsequant redelivery on their pipeline systems.

It is stated that Consolidated proposes to deliver up to 15,000 dekatherms (dt) equivalent of natural gas per day to Columbia at new points of delivery to be established in Clearfield and Indiana Counties, Pennsylvania, while Columbia proposes to deliver up to 15,000 dt equivalent of natural gas per day to Consolidated at a new point of delivery to be established in Crawford County, Pennsylvania.

Applicants assert that any excess quantities delivered by Consolidated would be returned by Columbia at the interconnection between the facilities of Consolidated and Columbia at or near Columbia's Rockport Compressor Station in Wood County, West Virginia, or other mutually agreeable points of interconnection. It is stated that Consolidated would return any excess quantities delivered by Columbia at the existing interconnection between the facilities of Columbia and Consolidated in Beaver County, Pennsylvania, or other mutually agreeable points of interconnection.

Applicants state that the exchange proposed herein is to be gas for gas with neither party retaining any fuel retention charge. It is further asserted that Consolidated would construct and operate the gas supply facilities necessary to establish the delivery points under its gas supply budget-type authorization and that Columbia would reimburse Consolidated for the costs of the Crawford County delivery point.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14315 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-289-000]

Consolidated Gas Supply Corp.; Application

May 8, 1981.

Take notice that on April 20, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-289-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the modification of an existing engine at its Davis compressor station, Harrison County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to upgrade its existing compressor engine at its Davis compressor station in order to improve its fuel effiency by 12 percent. Applicant states that it would install a packaged Cooper-Bessemer centrifugal blower kit using a belt-driven blower which would eliminate the scavenger pistons on the existing engine. The horsepower would also be increased from 1,100 to 1,350, it is stated.

Applicant estimates the cost of the proposed project to be $133,000 to be financed by either funds on hand or by funds supplied by its parent, Consolidated Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14316 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-297-000]

Eastern Shore Natural Gas Co.; Application

May 8, 1981.

Take notice that on April 22, 1981, Eastern Shore Natural Gas Company (Applicant), P.O. Box 615, Dover, Delaware 19901, filed in Docket No. CP81-297-000 an application pursuant to

Section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to its customers under its Rate Schedule PS–1, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon, contingent upon whether or not Transcontinental Gas Pipe Line Corporation (Transco) receives authorization in Docket No. CP81–84–000 to abandon its peaking service to Applicant, Applicant's natural gas service to several of its coustomers under its Rate Schedule PS–1, as set out in Applicant's FERC Gas Tariff Original Volume No. 1, Original Sheet Nos. 130–133. Applicant states that Transco was authorized in Docket No. CP70–193 to offer peaking service to Applicant and others. In turn, it is stated, Applicant was authorized on August 31, 1970, in docket No. CP70–277 to sell peaking service to five customers under Applicant's Rate Schedule PS–1. It is further stated that Transco has been supplying peak service gas to Applicant since November 9, 1970, pursuant to a contract effective until October 31, 1975, and from year-to-year thereafter.

It is stated that on December 5, 1980, Transco filed an application in Docket No. CP81–84–000 requesting either a determination that the continuation of peaking service to customers whose contracts have terminated is in the public interest or in the alternative for permission and approval to abandon such service.

Applicant submits that its customers to be affected by the proposed contingent abandonment are Elkton Gas Service Division of Pennsylvania and Southern Gas Company, Cambridge Gas Company, Citizens Gas Division of Chesapeak Utilities Corporation, and Delaware Division of Chesapeake Utilities Corporation.

Applicant asserts that it would like to continue providing peaking service to its customers but because it depends on the gas received from Transco to provide this service, any abandonment received by Transco would have a grave adverse effect on Applicant's ability to provide such service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless other wise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–14201 Filed 5–12–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. GP81–20–000]

Getty Oil Co.; Petition for Declaratory Order

May 8, 1981.

Take notice that on April 27, 1981, Getty Oil Company (Getty), P.O. Box 1404, Houston Texas 77001, filed a petition for a declaratory order under § 1.7(c) of the Commission's Rules of Practice and Prodcure, (18 CFR 1.7(c)). Getty requests that the Commission issue a declaratory order stating that under section 101(b)(5) of the Natural Gas Policy Act of 1978 (NGPA), (15 U.S.C. 3301–3342), the maximum lawful price for certain gas sold by Getty from the Old Ocean Field in Brazoria and Matagorda Counties, Texas, is the higher of the two NGPA section 106(b) rollover prices which apply to the gas. Getty asserts that all sales involving the subject gas are in the intrastate market.

Getty states that the subject gas was covered by two contracts in effect prior to the enactment of the NGPA. A contract with Texas Electric Service Company (TESCO) dated May 1, 1959, was a requirements contract under which Getty supplied natural gas to meet TESCO's fuel requirements for certain steam electric generating stations.[1] On November 8, 1978, the day before date of enactment of the NGPA, the price for the natural gas sold under the TESCO contract was 29.5¢ per MMBtu at 14.65 psia. The TESCO contract expired on January 1, 1981. The second contract which was entered into on December 29, 1975, and which was in effect on November 8, 1978, was between Getty and Phillips Petroleum Company (Phillips). The contract was a gas surplus contract, and under it Getty sold to Phillips supplies of natural gas in excess of those required by TESCO and other purchasers. The price per MMBtu sold on November 8, 1978 was $1.85 at 14.65 psia. The contract expired on July 30, 1980.

On June 30, 1980, Getty entered into a contract with Esperanza Transmission Company (Esperanza). Getty contends that the Esperanza contract is a rollover contract under section 106(b) of the NGPA as to both the TESCO and Phillips contracts. It covers all gas produced from the Old Ocean Field which is in excess of Getty's prior commitments, including the volumes which become available upon the respective expiration of the TESCO and Phillips contracts. Accordingly, Getty maintains that under NGPA section 101(b)(5), which provides that where more than one applicable maximum lawful price applies, the higher one controls, the maximum lawful price for sales of all natural gas volumes under the Esperanza contract shall be $1.85 per MMBtu, plus the inflation adjustment, the section 106(b) rollover price based on the price found in the earlier Phillips contract.

Copies of this application and the applicable contracts are on file with the Commission and are available for public inspection in the Office of Public Information, Room 1000.

Any person desiring to be heard or to make any protest to this petition should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will

[1] Getty's predecessor in interest in this contract was Tidewater Oil Company (Tidewater). Tidewater's obligation to supply TESCO's requirements was expressly subject to a reservation of sufficient volumes to enable Tidewater to supply other purchasers with gas produced from its share of the Old Ocean Field.

be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14308 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-100-001]

Houston Pipe Line Co.; Filing of Extension Report

May 8, 1981.

Take notice that on March 30, 1981, Houston Pipe Line Company (Houston Pipe), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. ST79-100-001 an extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of Houston Pipe's intention to extend a transportation service for an additional two-year period for Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Houston Pipe states that it has entered into a transportation agreement with Texas Eastern which provides for Houston Pipe to transport gas from a point or points located on its pipeline facilities near Blessing, Matagorda County, Texas, and Sheridan, Colorado County, Texas, to a point or points located on Texas Eastern's pipeline facilities in Angelina County, Texas, and the Texas Gulf Coast area.

Houston Pipe asserts that it commenced the two-year transportation of gas for Texas Eastern on June 29, 1979, and now proposes to extend and continue such transportation service for two more years. Houston Pipe estimates that the daily and total volumes of natural gas to be transported during the two-year extension period would be 2 billion Btu and 1.46 trillion Btu, respectively. It is further stated that no rate would be charged Texas Eastern for the service and the extended period would commence June 29, 1981.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14309 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-42-001]

Lone Star Gas Co., a Division of Enserch Corp.; Filing of Extension Report

May 8, 1981.

Take notice that on April 3, 1981, Lone Star Gas Company, a Division of Enserch Corporation (Lone Star), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. ST79-42-001 an extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of Lone Star's intention to continue the sale of natural gas to El Paso Natural Gas Company (El Paso), for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Lone Star proposes to extend for two years its ongoing sale of natural gas to El Paso. It is stated that the sale would be continued under the same term as its current existing sale. Lone Star states that the currently effective rate to be charged El Paso is $0.3536 per Mcf which as been duly determined by the Railroad Commission of Texas.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14317 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-299-000]

MIGC, Inc.; Application

May 8, 1981.

Take notice that on April 23, 1981, MIGC, Inc. (Applicant), 10880 Wilshire Boulevard, Suite 1600, Los Angeles, California 90024, filed in Docket No. CP81-299-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states that it would comply with Section 284.221(d) of the Commission's Regulations under the NGPA.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the

matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14304 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-288-000]

MIGC, Inc.; Application

May 8, 1981.

Take notice that on April 16, 1981, MIGC, Inc. (Applicant), 10880 Wilshire Boulevard, Suite 1600, Los Angeles, California 90024, filed in Docket No. CP81-288-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during an indefinite period commencing the date of the order herein, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas supplies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generaly coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant, and supplies of natural gas from Applicant's own production or acquired for system supply under Sections 311 or 312 of the Natural Gas Policy Act of 1978.

Applicant requests waiver of the single project and total cost limitations prescribed by Section 157.7(b) in order to compete more efficiently with larger natural gas companies for new gas supplies in the Powder River Basin in Wyoming. Applicant proposes a total cost limitation of $1,000,000 and a single project limitation of $500,000 during any calendar year. Such costs, it is stated, would be financed from working funds supplemented as necessary by short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14310 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-281-000]

Michigan Wisconsin Pipe Line Co.; Application

May 8, 1981.

Take notice that on April 10, 1981, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP81-281-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline, compressor and measurement facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under an agreement with ARCO Oil and Gas Company (ARCO) dated April 27, 1979, it has the right to purchase all of the gas reserves underlying West Cameron Block 601, South Addition, offshore Louisiana (Block 601). Applicant asserts that Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), has pipeline transmission facilities traversing Block 601 and that by letter dated March 16, 1981, has indicated its willingness to provide transportation for Applicant's Block 601 gas supplies.

Applicant proposes to construct and operate the following facilities necessary to connect the gas reserves underlying Block 601 to the pipeline facilities of Tennessee:

(1) 1.8 miles of 8⅝-inch O.D. lateral pipeline;

(2) 750 housepower of compression which would be located on ARCO's offshore production platform; and

(3) gas measurement facilities also located on ARCO's platform.

Applicant estimates the total cost of the above-described facilities to be $4,114,640 which would be financed with funds on hand.

Applicant asserts that the gas reserves proposed to be attached hereunder would assist it in offsetting declining production from other sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this

application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14306 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-304-000]

Natural Gas Pipeline Company of America; Application

May 8, 1981.

Take notice that on April 24, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-304-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term sale of natural gas on an interruptible basis to United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement dated April 9, 1981, Applicant proposes herein to sell on an interruptible basis up to 37,000,000 Mcf of natural gas to United over a 363 day period from the date deliveries commence. Applicant states that it would make deliveries to United at six existing delivery points in Texas and Louisiana and at any other mutually agreeable points. Applicant submits that the subject gas represents excess volumes not required by its current customers; therefore, service to existing customers would not be impaired.

Applicant states that the proposed sale would alleviate the costly problems it has experienced concerning its take-or-pay obligations. Applicant states that reduced demand for gas because of economic and seasonal factors in addition to Applicant's lack of minimum commodity charge has reduced purchases from Applicant.

Applicant proposes to charge United for each million Btu of gas sold a rate equal to the average of the rates effective under Applicant's currently effective Rate Schedules E-1 and G-1 minus the GRI surcharge. Applicant estimates the current composite rate to be $2.72 per million Btu. It is further submitted that Applicant's average cost of gas is approximately $1.92 per million Btu as of March 1, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14308 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-302-000]

Natural Gas Pipeline Company of America; Application

May 8, 1981.

Take notice that on April 24, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-302-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term transportation for a direct sale of natural gas on a best-efforts and interruptible basis to Dow Chemical Company (Dow), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement dated March 30, 1981, Applicant has agreed to sell to Dow on an interruptible and best-effort basis up to 15,000,000 Mcf of natural gas over a 363-day period from the date deliveries commence. Applicant states that it would cause the gas to be delivered to Dow at the interconnection point between the facilities of Dow and Dow Intrastate Gas Company (Dow Intrastate) at Dow's plant located near Plaquemine in Iberville Parish, Louisiana.

It is asserted that in order to transport the gas to Dow's plant, Applicant has executed a transportation agreement with Texas Gas Transmission Corporation (Texas Gas) dated April 24, 1981, and a transportation agreement with Dow Intrastate dated April 23, 1981. It is stated that the gas would be transported by Texas Gas from an existing interconnection with Applicant at the Texaco Henry Plant in Vermilion Parish, Louisiana, to the interconnection of Texas Gas and Dow Intrastate located in Lafayette Parish, Louisiana. From such point it is stated that Dow Intrastate would transport the gas to Dow's Plaquemine Plant.

Applicant proposes to charge Dow a rate equal to the sum of (1) for each million Btu of gas, the average of the rates currently effective under Applicant's Rate Schedules E-1, G-1 and WS-1 each minus the GRI surcharge; and (2) a transportation charge reflective of all current or future costs that Texas Gas and Dow Intrastate charge Applicant for such transportation plus the value of the fuel gas consumed. The current transportation charge is 15.0 cents per Mcf of gas transported by Dow Intrastate for Applicant plus 7.64 cents per Mcf of gas transported by Texas Gas plus the current value of any fuel gas consumed.

Applicant states that its supply is sufficient to make this sale to Dow without impairing or reducing service to its present customers. Applicant further states that it has experienced a significant reduction in the demand for gas because of current economic conditions, seasonal variations and a

continuing conservation by end-users. It is further stated that this sale would aid Applicant in dealing with extreme take-or-pay problems.

Dow, it is stated, would utilize the gas in the operation of its chemical and petrochemical facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14307 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-303-000]

Natural Gas Pipeline Company of America; Application

May 6, 1981.

Take notice that on April 24, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-303-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term sale of natural gas on an interruptible basis to Faustina Pipe Line Company (Faustina), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement dated March 30, 1981, Applicant proposes herein to sell to Faustina on a best-efforts and interruptible basis up to 37,000,000 Mcf of natural gas to Faustina over a 363-day period from the date deliveries commence. Applicant submits that the subject gas represents excess volumes not required by its current customers; therefore, service to its existing customers would not be impaired.

Applicant states that it would make deliveries to Faustina at the proposed interconnection of the facilities of Louisiana Resources Company (LRC) and Stingray Pipeline Company's tap and valve assembly located near Cameron Parish, Louisiana. Applicant further asserts that deliveries could also be made at any other mutually agreeable point. It is asserted that LRC would transport the gas for Faustina to a delivery point in St. James Parish, Louisiana, pursuant to Section 311 of the Natural Gas Policy Act of 1978, and pursuant to a transportation and exchange agreement dated April 15, 1981.

Applicant states that the proposed sale would alleviate the costly problems associated with its take-or-pay obligations. Applicant states that the reduced demand for gas because of economic and seasonal factors in addition to Applicant's lack of a minimum commodity charge has reduced purchases from Applicant.

Applicant proposes to charge Faustina a rate equal to the average of the rates currently effective under Applicant's Rate Schedules E-1, G-1, and WS-1 each minus the GRI surcharge. Applicant estimates the current composite rate to be $2.84 per million Btu. It is further submitted that Applicant's average cost of gas is approximately $1.92 per million Btu as of March 1, 1981.

Faustina, it is asserted, proposes to add the gas to its system supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14310 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-294-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

May 6, 1981.

Take notice that on April 21, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-294-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities to provide for the delivery of gas to Inland Steel Mining Company's (Inland) Minorca Plant located in St. Louis County, Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 5.9 miles of 6-inch pipeline and a new delivery point,

the Minorca Town Border Station, for delivery of gas to Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples). Applicant states that the proposed facilities would be used by Peoples in order to deliver gas sold by Peoples to Inland pursuant to a gas sales contract dated April 10, 1981. It would be delivered to Inland and Inland would purchase a minimum volume of 8,000,000 Mcf of gas over the primary term of the contract ending October 26, 1991, it is asserted. Applicant explains that the subject gas would be within Peoples' present entitlement from Applicant from volumes made available by a reduction in contract demand by Peoples' existing customer, Reserve Mining Company.

Applicant further submits that the Minorca plant presently uses distillate fuel oil and western coal in the production of taconite pellets. The use of natural gas, it is asserted, would allow the plant to operate at a more efficient and economic level.

Applicant estimates the cost of the proposed facilities to be $1,220,500 for which Peoples would reimburse Applicant.

Applicant further avers that it has sufficient capacity on its system to accommodate the proposed service and that service to its existing customers would not be impaired.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14320 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-293-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

May 8, 1981.

Take notice that on April 21, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-293-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas to Marathon Oil Company (Marathon), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas sales agreement dated February 2, 1981, Applicant proposes to sell to Marathon on a best-efforts basis up to 5,000 Mcf of natural gas per day for a maximum period of 45 days commencing no earlier than July 1, 1981, and terminating no later than July 1, 1982. Applicant asserts that the subject gas represents volumes in excess of the demands of its existing customers. Since the volumes proposed for sale would be contingent upon Applicant's ability to meet its existing general system volume requirements, Applicant's existing customers would not be impaired by the proposed sale, it is explained. Applicant further states that when it could not provide the total requested deliveries to its off-system sales customers due to the volume demand of its general system requirements, it would apply any excess volumes in a pro rata manner to its off-system customers.

It is asserted that the gas would be delivered to Marathon at a mutually agreeable point of delivery at or near the existing Yates Plant located in Pecos County, Texas. It is stated that Marathon would reimburse Applicant's estimated cost of $581 for minor modifications to its existing delivery point. The rate charged to Marathon would be the currently effective Section 102 price of the Natural Gas Policy Act of 1978, it is stated.

Applicant proposes that it also receive specific authorization for its proposed treatment of revenues received from such off-system sale. It is asserted that this revenue treatment generally provides that Northern would refund all off-system sales revenues received that are in excess of the sum of (a) any incremental costs incurred in making the sales, (b) the variable costs reflected in Applicant's rates, and (c) certain offsets for Applicant's actual cost of service not recovered through the Sales Refund Obligation provisions in Docket No. RP80-88 Stipulation and Agreement approved by the Commission on February 20, 1981.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal-Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14321 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-61-001]

ONG Western, Inc.; Filing of Extension Report

May 8, 1981.

Take notice that on April 9, 1981, ONG Western, Inc. (ONG), 624 South Boston Avenue, Tulsa, Oklahoma 74119, filed in Docket No. ST80-61-001 an application pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of ONG's intention to continue the sale of natural gas to Arkansas Louisiana Gas Company (Arkla) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

ONG states that it is currently selling natural gas to Arkla under an arrangement which began November 26, 1979, and which would terminate November 25, 1981. ONG proposes to extend the sale for an additional two-year period.

It is stated that the daily quantities of natural gas estimated to be sold during the extended period would be 70 billion Btu and the total quantity to be sold would be approximately 50 trillion Btu. ONG states that the rate to be charged for gas sold to Arkla would be equal to (a) ONG's weighted average acquisition cost of natural gas per million Btu for the month during which gas is delivered, plus (b) a fee of 10.0 cents per million Btu as compensation for expenses incurred by ONG and associated with the gathering, treatment, processing, transportation, and delivery of natural gas, plus (c) an adjustment to reflect any difference between the weighted average acquisition cost of natural gas used for billing purposes for the most recent billing period and the actual weighted average acquisition cost experienced during the same billing period for which actual data are presently available and for which the actual weighted average acquisition costs of natural gas have not yet been recovered.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14320 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-20-001]

ONG Western, Inc.; Filing of Extension Report

May 8, 1981.

Take notice that on April 9, 1981, ONG Western, Inc. (ONG), 624 South Boston Avenue, Tulsa, Oklahoma 74119, filed in Docket No. ST79-20-001 an extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of ONG's intention to continue the sale of natural gas to Natural Gas Pipeline Company of America (Natural) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

ONG states that it is currently selling natural gas to Natural under an arrangement which began August 29, 1979, and which is expected to terminate August 28, 1981. ONG proposes to extend the sale for an additional two-year period.

It is estimated that the daily quantities of natural gas to be sold during the extended period would be 100 billion Btu and the total quantity to be sold over the two years would be 62.5 trillion Btu.

ONG states that the rate to be charged for gas sold to Natural would be equal to (a) ONG's weighted average acquisition cost of natural gas per million Btu for the month during which gas is delivered, plus (b) a fee of 10.0 cents per million Btu as compensation for expenses incurred by Applicant and associated with the gathering, treatment, processing, transportation, and delivery of natural gas along with a reasonable profit on such services, plus (c) an adjustment to reflect any differences between the weighted average acquisition cost of natural gas used for billing purposes for the most recent billing period and the actual weighted average acquisition cost experienced during the same billing period for which actual data are presently available and for which the actual weighted average acquisition costs of natural gas have not yet been recovered.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14309 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-276-001]

Texas Eastern Transmission Corp.; Amendment to Application

May 7, 1981.

Take notice that on April 10, 1981, Sabine Production Company (Applicant), 1200 Mercantile Bank Building, Dallas, Texas 75201, filed in Docket No. CP81-276-001 an amendment to the pending application of Texas Eastern Transmission Corporation (Texas Eastern) in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to reflect the addition of Applicant as joint applicant and to correct the identifying status of certain named gas reserves, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant state that in the application filed April 8, 1981, Texas Eastern requested authorization for the exchange and delivery of gas to Applicant for gas-lift operation purposes. It is stated that Applicant originally filed a petition for leave to intervene in support of Texas Eastern's application and requested expedited consideration in order to insure timely restoration of oil production and to prevent a loss of Applicant's lease. Applicant states that on April 10, 1981, it

requested to be made a joint applicant in this docket.

It is further stated that gas reserves attributable to Applicant's interests in Panola County, Texas, have not been dedicated to interstate commerce by Applicant and further to the best of Applicant's knowedge and belief such gas had not been previously dedicated to interstate commerce.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14322 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-291-000]

Texas Eastern Transmission Corp.; Application

May 7, 1981.

Take notice that on April 16, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-291-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to provide a firm storage withdrawal service for certain of its Rate Schedule SS-II customers and to construct and operate additional pipeline facilities required to render such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by order issued June 16, 1980, in Docket No. CP80-170 it was authorized to render a long-term storage service under a new Rate Schedule SS-II for twelve of its existing resale customers. It is further stated that Applicant obtained storage capacity from Consolidated Gas Supply Corporation (Consolidated) and presently delivers gas tendered to it by its customers to Consolidated for storage for the SS-II customers' accounts. It is submitted that upon request Applicant withdraws and redelivers on an interruptible basis up to 34,000 dekatherms (dt) equivalent of gas per day, less six percent for gas used by Applicant in providing service.

Applicant further states that by order issued March 20, 1981, it was authorized to install and operate facilities (Phase I) on its Penn-Jersey system providing 87,620 Mcf per day increased capacity to render 89,172 dt equivalent per day firm daily withdrawal service. It is submitted that pre-construction activities have begun on the Phase I facilities.

Applicant proposes to provide a firm storage withdrawal service (Phase II) for certain of its Rate Schedule SS-II customers at the following Firm Daily Withdrawal Quantities (FDWQ):

	Firm daily withdrawal quantities (dekatherms per day)
Algonquin Gas Transmission Company	30,107
New Jersey Natural Gas Company	5,174
Philadelphia Electric Company	13,270
Philadelphia Gas Works	4,276
Public Service Electric and Gas Company	17,173
United Cities Gas Company	3,177
Total	83,177

Applicant further proposes to construct and operate the following facilities required to render such service:

(1) 25.5 miles of 30-inch pipeline looping its existing 24-inch Line No. 12 and 30-inch Line No. 19 (Penn-Jersey System) at six locations between Delmont and Bechtelsville, Compressor Stations;

(2) 2.75 miles of 36-inch pipeline looping its existing 24-inch Line No. 12 and 30-inch Line No. 19 between Bechtelsville and Lambertville (No. 26) Compressor Stations:

(3) Expansion of three measuring and regulating stations.

Applicant asserts that the installation of the proposed facilities on its Penn-Jersey system downstream of the Consolidated delivery point at Oakford (west of Delmont station) would provide 58,956 Mcf per day of increased capacity.

Applicant estimates the total cost of the proosed facilities to be $30,195,000 which would be financed initially from funds on hand and/or from borrowings under Applicant's revolving credit agreements.

Applicant also estimates a firm demand charge of $8.30 per dt equivalent of FDWQ per month. It is submitted that precedent agreements have been executed with the six SS-II customers which have requested FDWQ and that the annual costs associated with all facilities which must be added to Applicant's system to render the firm withdrawal deliveries would be borne by the SS-II customers which requested such service by means of the firm demand charge.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this appication if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14323 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-224-000]

Valero Transmission Co.; Filing of Extension Report

May 8, 1981.

Take notice that on April 7, 1981, Valero Transmission Company (Petitioner), P.O. Box 500, San Antonio,

Texas 78292, filed in Docket No. ST81–224–000 an extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of Applicant's intention to continue the sale of natural gas to El Paso Natural Gas Company (El Paso) for an additional two-year term and requesting approval of rates for the subject sale, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Petitioner states that the date of commencement of the sale to El Paso is June 8, 1979, and the anticipated termination is June 8, 1983. It is further stated that the estimated total and daily quantities of natural gas are 365 trillion Btu and 250 billion Btu, respectively.

Pusuant to its amended gas sale contract dated January 1, 1981, Petitioner proposes to sell gas to El Paso at a rate of the sum of the weighted average acquisition cost of gas plus 19.92 cents per Mcf.

Petitioner explains that the computation for determining the weighted average acquisition cost of natural gas would be to divide the total price of the gas by the total volume of gas purchased.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14324 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-222-000]

Valero Transmission Co.; Filing of Extension Report

May 8, 1981.

Take notice that on April 7, 1981, Valero Transmission Company (Petitioner), P.O. Box 500, San Antonio,Texas 78292, filed in Docket No. ST81–222–000 and extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of Petitioner's intention to continue the sale of natural gas to Texas Eastern Transmission Corporation (Texas Eastern) for an additional two-year term and requesting approval of rates for the subject sale, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Petitioner states that the date of commencement of the sale to Texas Eastern is July 18, 1979, and the anticipated termination is July 18, 1983. It is further stated that the estimated total and daily quantities of natural gas are 73 trillion Btu and 50 billion Btu, respectively.

Pursuant to its amended gas sale contract dated January 1, 1981, Petitioner proposes to sell gas to Texas Eastern at a rate of the sum of the weighted average acquisition cost of gas plus 19.92 cents per Mcf.

Petitioner explains that the computation for determining the weighted average acquisition cost of natural gas would be to divide the total price of the gas by the total volume of gas purchased.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14325 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-223-000]

Valero Transmission Co.; Filing of Extension Report

May 8, 1981.

Take notice that on April 7, 1981, Valero Transmission Company (Petitioner), P.O. Box 500, San Antonio, Texas 78292, filed in Docket No. ST81–223–000 an extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the Regulations thereunder giving notice of Petitioner's intention to continue the sale of natural gas to Transwestern Pipeline Company (Transwestern) for an additional two year term and requesting approval of rates for the subject sale, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Petitioner states that the date of commencement of the sale to Transwestern is June 13, 1979, and the anticipated termination is June 13, 1983. It is further stated that the estimated total and daily quantities of natural gas are 73 trillion Btu and 50 billion Btu, respectively.

Pursuant to its amended gas sale contract dated January 1, 1981, Petitioner proposes to sell gas to Transwestern at a rate of the sum of the weighted average acquisition cost of gas plus 19.92 cents per Mcf.

Petitioner explains that the computation for determining the weighted average acquisition cost of natural gas would be to divide the total price of the gas by the total volume of gas purchased.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14326 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-301-000]

American Natural Rocky Mountain Co.; Application

May 11, 1981.

Take notice that on April 24, 1981, American Natural Rocky Mountain Company (Applicant), 100 West Tenth Street, Wilmington, Delaware 19801, filed in Docket No. CP81–301–000 an applicant pursuant to Section 7(c) of the Natural Gas Act for a certificate of

public convenience and necessity authorizing the construction and operation of certain pipeline and compressor facilities to provide transportation of natural gas for Michigan Wisconsin Pipe Line Company (Mich Wis), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 375 miles of 24-inch O.D. pipeline to extend from Colorado Interstate Gas Company's (CIG) Cheyenne Compressor Station in Weld County, Colorado, to a point near Greensburg, Kansas, to connect with Mich Wis' transmission system in Kiowa County, Kansas. Applicant also proposes to construct and operate a compressor station of approximately 3,500 horsepower and appurtenant facilities in Weld County, Colorado, including gas measurement facilities necessary to meter deliveries from CIG to Applicant for the account of Mich Wis.

Applicant states that the proposed facilities would facilitate delivery of gas supplies which Mich Wis is attempting to acquire as part of its gas exploration program in the Overthrust Region and other areas of the Rocky Mountain area. Mich Wis, it is stated, has previously utilized the facilities of CIG to move gas acquired in the Rocky Mountain area but CIG has informed Mich Wis of present and future constraints on this part of its system.

It is stated that the proposed facilities would have an initial capacity of 175,000 Mcf of natural gas per day which Applicant would make available to Mich Wis pursuant to a transportation agreement between the parties dated April 22, 1981. The transportation agreement would also provide for a monthly payment by Mich Wis at a level calculated to enable Applicant to reduce its costs including a reasonable return on its investment.

Applicant estimates the total cost of the proposed facilities to be $138,820,190 to be initially financed by an equity contribution of $35,300,000, and the remainder by bank loans. It is stated that repayment of such loans would be made from the proceeds of the sale of long-term debt securities the provisions for which depend on prevailing market conditions at the time of such sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14436 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. G-1440-000]

Louisiana-Nevada Transit Co.; Petition To Amend

May 11, 1981.

Take notice that on April 23, 1981, Louisiana-Nevada Transit Company (Petitioner), P.O. Box 8789, Denver, Colorado 80201, filed in Docket No. G-1440-000 a petition to amend the order issued September 19, 1950,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the sale and delivery of natural gas to Arkansas Louisiana Gas Company (Arkla) as successor-in-interest to the City of DeQueen, Arkansas (DeQueen), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000), it was transferred to the Commission.

Petitioner states that by order issued September 19, 1950, it was authorized to sell up to 3,000 Mcf of natural gas per day to DeQueen. On September 6, 1951, Petitioner was authorized to sell an additional 2,000 Mcf to DeQueen for resale to Mena, Arkansas and certain other Arkansas communities.

It is stated that Arkla has entered into an agreement for the acquisition of the gas systems of DeQueen, Mena, and other Arkansas communities receiving gas from DeQueen and to operate those systems as part of its Arkansas intrastate distribution system. The subject acquisition, it is asserted, is subject to certain as yet unfulfilled conditions including Commission authorization.

Petitioner has entered into agreements with Arkla dated October 30, 1980, whereby Petitioner agrees to recognize Arkla as DeQueen's successor-in-interest. Arkla, it is submitted, would purchase gas from Petitioner in volumes not to exceed 1,013,185 Mcf annually which is the volume purchased by DeQueen during the recent 12-month period ending August 31, 1980. It is asserted gas would be delivered to Arkla at the existing delivery point for sales to DeQueen near Okay, Arkansas. Petitioner states that its maximum daily delivery obligation to Arkla would not exceed 5,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14437 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-300-000]

Northern Illinois Gas Co., Application

May 11, 1981.

Take notice that on April 23, 1981, Northern Illinois Gas Company

(Applicant), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. CP81-300-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.222 of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) for a certificate of public convenience and necessity for blanket authorization to transport, sell, or assign natural gas in interstate commerce as if Applicant were an intrastate pipeline as defined in Subparts C, D, and E of Part 284 of the Commission's Regulations under the NGPA, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it received approximately 490,000,000 Mcf of natural gas from its interstate pipeline suppliers during 1980. It is stated that such gas was exempt from the Commission's jurisdiction under Section 1(c) of the Natural Gas Act. It is asserted that during the same period Applicant received approximately 521,000,000 Mcf of natural gas from all sources of supply including its noninterstate manufactured gas sources. It is stated that all of Applicant's existing facilities and operations conducted thereby are exempt pursuant to Section 1(c) of the Natural Gas Act.

Applicant submits that it is willing and able to comply with the conditions set forth in paragraph (e) of Section 284.222 of the Commission's Regulations. Applicant elects to submit to the Commission for its approval a transportation rate of $.2185 per million Btu which is computed by using that portion of Applicant's weighted average annual unit revenue generated by rates approved by the Illinois Commerce Commission which is attributable to the cost of gathering, treatment, processing, transportation, delivery or similar service, including storge.

Applicant understands that the volumes of natural gas sold or assigned during calendar year 1981 or any year thereafter under the blanket certificate may not exceed the volumes, including manufactured volumes, obtained from sources other than interstate gas suppliers during that calendar year. It is Applicant's further understanding that it may in 1981, or in any year thereafter, sell or assign the additional volumes of gas it holds in storage attributable to noninterstate supplies which is no less that 30,000,000 Mcf.

Applicant requests that the Commission declare that the proposed sales or assignments would not impair the continued validity of Applicant's exclusion from the applicability of the Natural Gas Act under Section 1(c) thereof and would not subject it to the jurisdiction of the Commission except to the extent necessary to enforce the terms and conditions of the certificate.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14429 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-337]

Southwestern Electric Power Co.; Filing of Refund Reports

May 8, 1981.

Take notice that on April 28, 1981 Southwestern Electric Power Company submitted to the Commission for filing in this docket proposed refund reports. These reports are filed pursuant to the Commission's letter order in this docket dated March 27, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 27, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the refund reports are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14430 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-298-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

May 11, 1981.

Take notice that on April 22, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-298-000 an application pursuant to Section 3 of the Natural Gas Act for authorization to import Canadian natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to import from Canada a total volume of up to 300,000 Mcf per day of natural gas purchased from TransCanada PipeLines Limited (TransCanada) on a firm basis commencing not later than November 1, 1982.

Applicant states that it has entered into two precedent agreements and pro forma gas purchase contracts with TransCanada. It is submitted that the first, dated November 5, 1980, provides for the sale and purchase of a daily contract quantity of up to 100,000 Mcf per day; and the second, dated January 9, 1981, provides for the sale and purchase of a daily contract quantity of up to 200,000 Mcf per day. It is also submited that such agreements provide for the importation, on any day, such volumes of gas in excess of 300,000 Mcf which TransCanada is authorized to export for sale to Applicant on a best-efforts basis. It is further stated that sales under each agreement would extend for a period of ten years from the date of initial deliveries, plus an additional period of up to one year if necessary to enable applicant to make up gas previously undelivered by TransCanada including any gas paid for but not taken during the initial ten-year period.

Applicant states that pursuant to such agreements, Applicant would be

obligated each year to take or pay for a minimum annual quantity of gas equal to 75 percent of the product of the daily contract quantity of 100,000 Mcf and 200,000 Mcf, respectively, and the number of days in the contract year, less any volumes requested by Applicant but not delivered by TransCanada.

Applicant submits that the subject gas would be delivered to Applicant at the existing point of interconnection between the pipeline facilities of Applicant and TransCanada of the international border near Niagara Falls, New York.

Applicant states that the price of the imported gas would be the international border price as established from time to time by the National Energy Board of Canada which price effective April 1, 1981, is $4.94 (U.S.) per million Btu.

Applicant asserts that the importation of such Canadian natural gas is necessary in order to reduce the anticipated level of curtailment on Applicant's system which would otherwise be expected to occur, and to enhance Applicant's ability to meet the winter peak day and seasonal demands of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14440 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-321-000]

Transcontinental Gas Pipe Line Corp.; Application

May 6, 1981.

Take notice that on May 5, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP81-321-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities offshore Texas and onshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon approximately 74,372 feet of 10-inch lateral line which extends from a production platform in Block 10L, High Island area, offshore Texas, to onshore Texas and across the Sabine River to onshore Louisiana to Applicant's Mile Post 13.84 in Cameron Parish. Applicant states that the subject line was used to take gas purchased from Mobil Oil Corporation from the High Island 10L platform and that deliveries ceased in September 1970 due to depletion of reserves. Applicant also proposes to abandon approximately 500 feet of 8-inch line which connects, on the Texas side of the Sabine River, with the 10-inch lateral and Applicant's nearby 24-inch North High Island lateral. The 8-inch line was used occasionally to divert gas from the 10-inch lateral to the 24-inch lateral during periods when such was necessary for operational reasons. Applicant states that now that the portion of the 10-inch line for which abandonment is sought no longer has gas flowing through it, there is no longer any need for the 8-inch line.

Applicant indicates that portions of the subject lines would be removed and other portions would be abandoned in place.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 14, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14441 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-24-001]

United Gas Pipe Line Co.; Amendment to Application

May 11, 1981.

Take notice that on April 27, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-24-001 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect deletion of the Vinton, Louisiana, delivery point, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its pending application in the instant docket it proposes, *inter alia*, to transport up to 7,000 Mcf of natural gas per day for Tenneco Oil Company, a Division of Tenneco Inc. (Tenneco) pursuant to a gas transportation agreement between the parties dated September 26, 1980. It is stated that deliveries to Tenneco were to be made at four redelivery points including Vinton, Cameron Parish, Louisiana, which Applicant now proposes to delete.

Pursuant to a letter agreement between Applicant and Tenneco dated March 30, 1981, Applicant hereby amends its application to show the redelivery points as (i) Cocodrei, Terrebonne Parish, Louisiana; (ii) Bayou Sale, St. Mary Parish, Louisiana; and/or (iii) any other mutually agreeable existing points of interconnection between facilities of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. and Applicant.

Applicant avers that all other terms of the September 26, 1980, agreement remain the same.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 2,

1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14442 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-25-001]

United Gas Pipe Line Co.; Amendment to Application

May 11, 1981.

Take notice that on April 27, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-25-001 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect the deletion of Vinton, Louisiana, as a redelivery point, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its pending application in the instant docket it proposes, *inter alia*, to transport up to 20,000 Mcf of natural gas per day for Tenneco Oil Company, a Division of Tenneco Inc. (Tenneco) pursuant to a gas transportation agreement between the parties dated September 26, 1980. It is stated that deliveries to Tenneco were to be made at four delivery points including Vinton, Cameron Parish, Louisiana, which Applicant now proposes to delete.

Pursuant to a letter agreement between Applicant and Tenneco dated March 30, 1981, Applicant hereby amends its application to show the redelivery points as (i) Cocodrie, Terrebonne Parish, Louisiana; (ii) Bayou Sale, St. Mary Parish, Louisiana; and/or (iii) any other mutually agreeable existing points of interconnection between facilities of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. and Applicant.

Applicant avers that all other terms of the September 26, 1980, agreement remain the same.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 2, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14443 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-435-000]

Virginia Electric & Power Co.; Filing

May 8, 1981.

Take notice that on April 30, 1981, Virginia Electric and Power Company (VEPCO) tendered for filing a revised Supplement B to its FERC Electric Tariff, Revised Volume No. 1, for the City of Harrisonburg, Virginia (Harrisonburg). VEPCO requests that the revised Supplement B become effective on September 29, 1980. VEPCO states that the revised Supplement B reflects the fact that due to construction and shipping delays Harrisonburg did not begin taking all of its electricity from VEPCO at 69 kV until September 29, 1980, instead of the originally projected date of September 1, 1978.

VEPCO further states that there will be no significant increase in the unit cost of electricity to Harrisonburg as a result of receiving all of its electricity at 69 kV, and therefore VEPCO requests waiver of the required billing data.

Any person wishing to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14444 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3409-000]

Boyne USA, Inc.; Application for Short-Form License (Minor)

May 8, 1981.

Take notice that Boyne USA, Inc. (Applicant) filed on August 27, 1980, an application of license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as Boyne River Dam Project No. 3409. The project would be located on Boyne River in Charlevoix County, Michigan. Correspondence with the Applicant should be directed to: Mr. Everett F. Kircher, President, Boyne USA, Inc., Boyne Mountain Lodge, Boyne Falls, Michigan 49713.

Project Description—The proposed project would consist of: (1) an existing reservoir with a storage capacity of 1,360 acre-feet and an area of 80 acres at normal power pool elevation of 56.0 feet m.s.l.; (2) an existing concrete and brick powerhouse. The powerhouse is to contain one generating unit rated at 250 kW; (3) an existing dam whose crest length is 950 feet long and 25 feet high. The north embankment section of the dam is 300 feet long, and the left embankment section is 600 feet long. The spillway section of the dam is made of concrete, and the embankment sections are earth constructed; (4) proposed 7,200-volt transmission lines; and (5) appurtenant facilities. The estimated average annual energy output of the proposed project would be 1,260,000 kWh.

Purpose of Project—Power produced at the project would be delivered to a substation adjacent to the left abutment and sold to Consumer Power Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the

National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 13, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14264 Filed 5-12-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4475-000 and Project No. 4485-000]

City of Ashland, K. A. Case; Application for Preliminary Permit

May 8, 1981

Take notice that the City of Ashland, Oregon and K. A. Case (Applicants) filed on April 3, and April 6, 1981, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Projects Nos. 4475 and 4485 respectively to be known as the Applegate Project located on the Applegate River in Jackson County, Oregon. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Brian L. Almquist, City Administrator, City of Ashland, Ashland, Oregon 97520, and K. A. Case, 625 S. Highland, Arlington, Virginia 22204. Any person who wishes to file a response to this notice should read the entire notice, must comply with the requirements specified for the particular kind of response that person wishes to file, and must indicate which application is being addressed.

Project Description—Project No. 4475 would consist of: (1) a tunnel connecting to the existing outlet tunnel to the U.S. Army Corps of Engineers' Applegate Dam; (2) a powerhouse having a capacity of 10 MW; (3) a tailrace discharging into the existing outlet channel; and (4) a 9-mile long transmission line. Project No. 4485 would consist of: (1) a penstock through the right abutment of the Applegate Dam; (2) a powerhouse located immediately downstream of the dam containing two generating units rated at 6 MW and 3 MW; (3) a tailrace discharging into the existing outlet channel; and (4) associated electrical and transmission equipment. The Applicants estimate that the average annual energy output of Projects Nos. 4475 and 4485 would be 42,000 MWh and 38,000 MWh respectively.

Purpose of Project—Energy from Project No. 4475 would be used by the City of Ashland or sold. Energy from Project No. 4485 would be sold.

Proposed Scope and Cost of Studies under Permit—Applicants would conduct detailed studies to determine the technical, economic, financial, and environmental feasibility of the project. The costs of the proposed studies and preparation of an application for license is estimated to be $60,000 for Project No. 4475 and $65,000 for Project No. 4485.

Purpose of Preliminary Permit—A preliminry permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (Copies of the applications may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—These applications were filed as competing applications to Cascade Waterpower Development Corporation's Project No. 3379 filed on August 25, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specifed in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 10, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Projects Nos. 4475 and 4485. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent

to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14285 Filed 5-12-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4419-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

May 8, 1981

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4419 to be known as Grouse Creek, Humboldt located on Grouse Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 696 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of two facilities. The Upper Facility would consist of: (1) two natural rock diversion structures; (2) a 13-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 31-foot long, 5-foot high, 8-foot wide concrete diversion structure; (4) two diversion conduits or channels with a total length of 8,400 feet; (5) a 1,300-foot long, 36-inch diameter penstock; (6) a powerhouse containing generating equipment with a combined capacity of 1,000 kW; and (7) a 1.5-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the Upper Facility would be 3.7 million kWh.

The Lower Facility would consist of: (1) a natural rock diversion structure; (2) a 96-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 10,200-foot long diversion conduit or channel; (4) an 800-foot long, 36-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 2,400 kW; and (6) a 0.5-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output from the Lower Facility would be 9.6 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4419. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14286 Filed 5-12-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3551-000, Project No. 3636-000 and Project No. 3954-000]

Continental Hydro Corp., Gregory Wilcox, Energenics Systems, Inc.; Applications for Preliminary Permits

May 11, 1981.

Take notice that Continental Hydro Corporation (CHC) Gregory Wilcox (Wilcox), and ENERGENICS SYSTEMS, INC. (Applicants) filed on October 9,

1980 (amended December 9, 1980), November 3, 1980 (amended February 4, 1981), and January 12, 1981, respectively, competing applications for preliminary permits [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Projects Nos. 3551, 3636, and 3954, respectively, to be known as Pilot Butte Power Project located at the U.S. Water and Power Resource's Service's Pilot Butte Reservoir on the Wind River in Fremont County, Wyoming. The applications are on file with the Commission and are available for public inspection. Correspondence with CHC should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109. Correspondence with Wilcox should be directed to Appropriate Technologies, Inc., Attention: Mr. George L. Smith, P.O. Box 1016, 255 "B" Street, Idaho Falls, Idaho 83401. Correspondence with ENERGENICS SYSTEMS, INC. should be directed to: Mr. Thomas M. Clarke, Jr., President, ENERGENICS SYSTEMS, INC., 1727 Q Street NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the U.S. Water and Power Resource Service (WPRS) existing Pilot Butte Dam and Reservoir.

CHC proposes to study the installation of hydroelectric generating capacity at the existing Pilot Butte Dam. The existing headworks at the site would be modified to accomodate the proposed project, consisting of: (1) a proposed powerhouse with approximately 3.5 MW installed capacity, located below the dam on the northeastern bank of the existing outlet channel; (2) a proposed penstock, approximately 250 feet long; (3) proposed appropriate 115-kV transmission facilities; and (4) appurtenant facilities. CHC also proposes to study the installation of a hydroelectric powerplant to replace the existing non-operating Pilot Butte Powerplant. A new powerplant would utilize the existing gate structure in the Wyoming Canal for water diversion, and would consist of: (1) a proposed powerhouse, with an installed capacity of approximately 3.5 MW, and located adjacent to the existing powerhouse structure; (2) a proposed penstock, approximately 900 feet long; (3) proposed appropriate 115-kV transmission facilities; and (4) appurtenant facilities. The average annual generation is estimated to be approximately 11.0 GWh for each of the two facilities.

Wilcox proposes to study the installation of additional hydroelectric capacity at the existing Pilot Butte Powerplant. The proposed facilities would include: (1) a proposed powerhouse adjacent to the existing powerhouse structure with an installed capacity of either 1.8 MW or 3.4 MW, depending on whether or not the WPRS reactivates the existing powerplant; (2) proposed penstock, approximately 950 feet long; (3) proposed appropriate 115-kV transmission facilities; and (4) appurtenant facilities. Wilcox also proposes to study the installation of generating facilities at the Pilot Butte Dam outlet works. The proposed facilities would include: (1) a proposed powerhouse located at the dam outlet conduit, with a minimum installed capacity of 1.3 MW; (2) a proposed switchyard; (3) proposed appropriate 115-kV transmission facilities; and (4) appurtenant facilities. Wilcox estimates an annual energy production of up to 17.7 GWh for the proposed facility adjacent to the existing powerplant.

Energenics Systems, Inc. proposes to study the installation of hydroelectric generating capacity at the non-operating Pilot Butte Powerplant. The proposed facilities would include: (1) a proposed powerhouse with a 4.4 MW generating unit located adjacent to the existing powerhouse; (2) a proposed penstock, approximately 950 feet long; (3) proposed appropriate 115-kV transmission facilities; and (4) appurtenant facilities. The estimated average annual generation is approximately 9.0 GWh.

Purpose of Project—CHC proposes to sell project energy to the U.S. Water and Power Resources Service or to nearby public institutions or industrial users. Wilcox indicates that the market for the power from the proposed project would include the City of Riverton and other communities and irrigation districts of Fremont County through interconnection with existing transmission facilities. Energenics Systems, Inc. states that the most likely market for the power is the Western Area Power Administration and Riverton Valley Electric Association, and that other appropriate alternatives, such as possible sale to nearby public institutions or industrial users, will be investigated.

Proposed Scope and Cost of Studies under Permit—CHC and Energenics Systems, Inc. seek issuance of a preliminary permit for a period of 36 months, while Wilcox seeks a preliminary permit for a period of 24 months. Each Applicant proposes to perform technical, economic and environmental studies of the project to determine its feasibility, and to prepare an application for license if the project is determined to be feasible. CHC and Wilcox estimate the cost of studies under the permit to be $50,000, while Energenics Systems, Inc. estimates its costs to be $40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the applications may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 20, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 18, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a

party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 20, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO-FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 3551, 3636 and 3954. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14287 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2232]

Duke Power Co.; Application for Approval of Change in Land Rights

May 8, 1981

Take notice that an application was filed on January 19, 1981, under the Federal Power Act, 16 U.S.C. 791(a)–825(r) by Duke Power Company, Licensee for the Catawba–Wateree Project No. 2232, for approval of a change in land rights at Lake Rhodhiss, the project reservoir. The project is located in Burke County, North Carolina. The Licensee proposes to grant a 2.47-acre easement to North Carolina Department of Transportation for the purpose of replacing the existing SR 1501 bridge. The new bridge would be located approximately 1,300 feet downstream of the existing structure, and would provide increased vertical clearance above project water.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirement of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 22, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14288 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4138–000]

Energenics Systems, Inc.; Application for Preliminary Permit

May 11, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on February 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4138, to be known as Kentucky River Lock and Dam No. 6 located on the Kentucky River in Mercer County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, NW, Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and would consist of: (1) a proposed penstock located upstream from the left bank to the powerhouse; (2) a proposed powerhouse located on the east bank of the river; (3) a proposed tailrace; (4) transmission lines; and (5) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 5.0 MW, and the annual energy output to be 23.2 GWh. The proposed project is located on Federal lands.

Purpose of Project—Energy produced at the proposed project would be sold to Kentucky Utilities Company or other appropriate alternative. Possible sale to nearby public institutions or industrial users will also be investigated.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including, but not limited to, hydrological studies, performance characteristics, environmental and social impacts, marketing, investment and annual operation and maintenance costs, investigation of availability and suitability of turbines and generators and development plans for putting the power on-line. The Applicant estimates that a total of $40,000 shall be expended for the above work.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 15, 1981, either the competing application itself or a notice of intent to file a competing application. Submission

of a timely notice of intent allows an interested person to file the competing application no later than September 14, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4138. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14288 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4226-001]

Fort Miller Pulp and Paper, Inc.; Application for Preliminary Permit

May 8, 1981.

Take notice that the Fort Miller Pulp and Paper, Inc. (Applicant) filed on April 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)]for proposed Project No. 4226 to be known as the Fort Miller Project located on the Hudson River in Washington County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James L. Cottrell, President; Fort Miller Pulp and Paper Company, Inc.; Fort Edward, New York 12828. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The Applicant proposes two alternatives. Both alternatives would utilize: (1) an existing 9-foot high timber crib dam having a crest length of 750 feet; and (2) an existing reservoir with a surface area of 24 square miles at a mean surface elevation of 114.7 feet (USGS datum).

Alternative 1 would consist of: (1) an existing intake structure; (2) an existing powerhouse with new generating units having an installed capacity of 3,350 kW; (3) an existing tailrace; (4) a new transmission line, and switchyard equipment; and (5) appurtenant works. The Applicant estimates that the average annual energy output under Alternative 1 would be 22,185,309 kWh.

Alternative 2 would consist of:' (1) a new powerhouse with generating units having an installed capacity of 3,370 kW; (2) a new tailrace (3) a new transmission line and switchyard equipment; and (4) appurtenant works. The new powerhouse would replace a short section of the dam. The Applicant estimates that the average annual energy output under Alternative 2 would be 22,212,503 kWh. The existing dam and reservoir are owned by the Applicant.

Purpose of Project—Project energy generated would be utilized by the Applicant for paper manufacturing. Surplus power generated would be sold to the Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Dependent upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $65,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 11, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene

in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 13, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4226. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 206, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14290 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3267]

Greater Malone Community Council, Inc.; Application for Short-Form License (Minor)

May 8, 1981.

Take notice that the Greater Malone Community Council, Inc. (Applicant) filed on July 24, 1980, and amended on December 18, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for redevelopment and operation of a waiver power project to be known as the Ballard Mill Project No. 3267. The project would be located on the Salmon River in the Town of Malone, Franklin County, New York. Correspondence with the Applicant should be directed to: Mr. James Calnon, Chairman, Greater Malone Community Council, Inc., South Williams Street, Malone, New York 12953.

Project Description—The proposed project would consist of: (1) a reinforced concrete gravity overflow-type dam about 200 feet long and about 10 feet high extending across the main channel with a crest elevation of 696 feet U.S.G.S. and a sluice control structure at each abutment; (2) a reservoir having a surface area of 10 acres and a storage capacity of 50 acre-feet; (3) a powerhouse extending across the east (right) channel containing two generating units having a combined total rated capacity of 250 kW; (4) a tailrace channel; and (5) appurtenant facilities.

Purpose of Project—Applicant would improve and re-activate the existing facility to provide energy for Applicant's use and to sell surplus energy to the local power company. Applicant estimates the annual generation would average about 1,000,000 kWh.

Agency Comments—Federal, State and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal request for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 13, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before July 13, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14291 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3878-001]

Gregory Wilcox; Application for Preliminary Permit

May 11, 1981.

Take notice that Gregory Wilcox (Applicant) filed on April 6, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 3878 to be known as Mesa Falls located near the Town of Ashton on Henry's Fork of the Snake River in Fremont County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Gregory Wilcox, 506 15th Street, 6th Floor, Oakland, California 94612, and to George L. Smith, P.O. Box 1016, 255 "B" Street, Idaho Falls, Idaho 83401. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would be located upon lands of the United States within the Targhee National Forest and would consist of two Developments:

A. The Upper Development comprising: (1) a 350-foot long and 6-foot high concrete diversion structure with crest elevation 5,806 m.s.l.; (2) a reservoir extending less than 800 feet upstream; (3) an intake structure; (4) two underground 8-foot diameter 230-foot long penstocks; (5) a powerhouse containing two generating units having a total rated capacity of 8,000 kW; (6) a 3,000-foot long 115-kV transmission line; and (7) appurtenant facilities. Applicant

estimates that the average annual energy output would be 63,100,000 kWh.

B. The Lower Development comprising: (1) a 280-foot long and 6-foot high concrete diversion structure with crest elevation 5,426 m.s.l.; (2) a reservoir extending less than 800 feet upstream; (3) an intake structure; (4) two underground 8-foot diameter 400-foot long penstocks; (5) a powerhouse containing two generating units having a total rated capacity of 4,500 kW; (6) a 1,500-foot long 115-kV transmission line; and (7) appurtenant facilities. Applicant estimates that the average annual energy output would be 35,500,000 kWh.

Purpose of Project—Project energy would be sold to local cities and communities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare technical, economic, financial, and environmental studies, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $75,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 15, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 14, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3870. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14282 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4498]

Placer County Water Agency; Application for Preliminary Permit

May 11, 1981.

Take notice that Placer County Water Agency (Applicant) filed on April 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4498 to be known as the American River North Fork Dam Power Project located on the North Fork of the American River in Placer County, near Auburn, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Elmer G. Pretzer, Power Systems Manager, Placer County Water Agency, P.O. Box 667, Foresthill, California 95631, with a copy to Mr. Edward J. Tiedemann, 555 Capitol Mall, Suite 900, Sacramento, California 95814. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project, to be located at the base of the existing U.S. Army Corps of Engineers' North Fork Dam, would consist of: (1) a 300-foot long, 6-foot diameter penstock serving; (2) a powerhouse with a rated capacity of 12 MW; and (3) 1.5 miles of 60-kV transmission line to connect to the existing Pacific Gas and Electric Company's Mt. Quarries substation.

The Applicant estimates that the average annual energy output would be 46.6 million kWhs.

Purpose of Project—The power generated at the project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would prepare a definitive project report that would include engineering, economic, and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application are estimated to be about $70,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and

environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the City of McFarland and Western Renewable Resources' Project No. 3256, the City of Redding's Project No. 3704, and the City of Santa Clara's Project No. 4240, filed on July 17, 1980, November 12, 1980, and February 23, 1981, respectively, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 11, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4496. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14289 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4518-000]

Mr. Stephen J. Gaber; Application for Preliminary Permit

April 8, 1981.

Take notice that Mr. Stephen J. Gaber (Applicant) filed on April 10, 1981, an application for prelminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4518 to be known as Racehorse Creek Hydroelectric Project located on the Racehorse Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen J. Gaber, 2551 Mt. Baker Highway, Bellingham, Washington 98225. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a new 10-foot high by 35-foot long diversion dam; (2) a 36-inch, 4,000-foot long penstock leading to; (3) a powerhouse to contain one pelton-type, turbine-generating unit with a rated capacity of 1.5 MW; (4) a tailrace channel; and (5) a 5.5-mile long transmission line to connect to an existing Puget Sount Power & Light Company transmission line. The Applicant estimates that the average annual energy output would be 6 GWhs.

Purpose of Project—Applicant proposes to sell the project energy to the Puget Sound Power & Light Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would prepare a definitive project report that would include engineering, economic, and environmental data. The applicant has filed a detailed work plan for new dam construction. No new road would be required to conduct the proposed studies. The Applicant states that no test pits, borings, or other foundation exploration would be required during the permit period. The cost of the activities under the permit, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about $61,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, eocnomic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to The Racehorse Company's application for Project No. 4238 filed on February 23, 1981, and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests of other comments filed, but a person who merely files a

protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 10, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a repsonse to this notice of application for preliminary permit for Project No. 4518. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. an additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14294 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4445-000]

Timothy R. Fallon; Application for Preliminary Permit

May 8, 1981.

Take notice that Timothy R. Fallon (Applicant) filed on March 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4445 to be known as the Fallon Water Power Project located on the Indian River in Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Philip J. Movish; Project Engineer; Daverman and Associates, P.C.; 500 South Salina Street; Syracuse, New York 13202. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing concrete gravity dam, 22 feet high with a crest length of 189 feet; (2) an existing reservoir with a storage capacity of 101 acre-feet and a mean surface elevation of 392.0 feet [USGS datum]; (3) an existing intake structure with control gates; (4) an existing powerhouse with new generators having an installed capacity of 650 kW; (5) an existing tailrace; (6) a new transmission line, 150 feet long; and (7) appurtenant facilities. The existing facilities are owned by Mr. Robert Abarno. The Applicant estimates that the average annual energy output would be 2,400,000 kWh.

Purpose of Project—Project energy would be sold to the Village of Theresa and/or the Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies under Pramit—Applicant seeks issuance of a preliminary permit for a period of three years during which time the Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $25,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 16, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 14, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 16, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4445. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14295 Filed 5-12-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4104-000]

Town of Canton, Conn., The Collinsville Co.; Application for Preliminary Permit

May 8, 1981.

Take notice that the Town of Canton, Connecticut and the Collinsville Company (Applicant) filed on February 3, 1981, an application for preliminary permit [pursuant to the Federl Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4104 to be known as the Collins Dams Project located on the Farmington River in Litchfield and Hartford Counties, Connecticut. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas M. Perry, President, The Collinsville Company, P.O. Box 2, Collinsville, Connecticut 06022. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements that person wishes to file.

Project Description—The proposed project would consist of:

(1) The existing Collings Company Upper Dam, having a height of 32 feet and a length of 660 feet. The Applicant owns five existing hydroelectric power stations with penstocks drawing water from the Upper Dam, which have a total installed generating capacity of 1,250 kW. The Applicant proposes to recondition and refurbish the above power stations as part of Project No. 4104, construct a new 500-kW power station, and increase the total generating capacity at the dam to 2,100 kW. The turbine at the new 500-kW power station would be capable of passing fish without killing them;

(2) the existing Collins Company Upper Dam reservoir, with an elevation of 292.2 feet msl and negligible storage capacity;

(3) the existing Collins Company Lower Dam, having a height of 33 feet and a length 400 feet. The Applicant proposes to install 1,100 kW of generating capacity at the Lower Dam site. One 600-kW turbine at the site would be capable of passing fish without killing them;

(4) the Collins Company Lower Dam reservoir, having a normal pond surface elevation of 269.7 feet msl and negligible storage capacity;

(5) the proposed Breezy Hill pumped storage dam and reservoir. The dam would have a height of ten feet and a length of up to 1,000 feet. It would retain a reservoir to be located on Breezy Hill on land owned by the Applicant;

(6) a penstock leading from the Breezy Hill dam and having a length of up to 6,000 feet, leading to;

(7) a powerhouse to be located at a site to be determined, having total a installed capacity of 15,000 kW; and

(8) appurtenant works.

The project would have a total installed capacity of 18,200 kW, and an approximate average annual generation of 10,000,000 kWh.

Purpose of Project—Power generated at the project would be used by the Applicants for industrial and municipal purposes or sold to a local public utility.

Purpose of Preliminary Permit—A perliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consisent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Collins Company Dams Project No. 3271 filed on July 29, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 10, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4104. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's Regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14296 Filed 5-12-81; 8:45]
BILLING CODE 6450-85-M

[Project No. 2854-001]

Town of Vidalia, Louisiana; Application for Major License

May 11, 1981.

Take notice that an application was filed on April 7, 1981, under the Federal Power Act, 16 U.S.C. 791(a)–825(r), by the Town of Vidalia, Louisiana (Applicant) for a license for the Old River Hydroelectric Project, FERC No. 2854. The project would be located on the Mississippi River approximately 3,000 feet downstream of the existing U.S. Army Corps of Engineers (Corps) Old River Control Structure, on lands under the control of the Corps, and would discharge into the existing Old River Channel. The project would be

located in Concordia Parish, Louisiana. Correspondence with the Applicant should be directed to: Sidney A. Murray, Jr., Mayor, Town of Vidalia, Vidalia, Louisiana 71373.

Project Description—The Old River Project, an entirely new facility, would consist of: (1) a 350-foot wide, 15-foot deep, 2,400-foot long intake canal; (2) 250-foot long, 600-foot wide powerhouse containing 8 bulb-type turbine-generator units with a total rated capacity of 86 MW; (3) a 600-foot wide, 2,200-foot long, 15-foot deep tailrace canal; (4) 13.8/115-kV step-up transformers located in an outdoor switchyard adjacent to the north side of the powerhouse; (5) a 115-kV, 40-mile long transmission line to be overbuilt on existing local distribution transmission line towers owned by Concordia Electric Cooperative, Inc.; and (6) appurtenant facilities. The project will not change the way in which flows are regulated into the Old River Channel as mandated by the Flood Control Act of 1954 (Pub. L. 83–780). The project would generate, on the average, 575,290,000 kWh annually saving the equivalent of 944,600 barrels of oil or 266,360 tons of coal.

Applicant proposes to construct a parking area and tourist overlook of the powerhouse and canals. Fishing access to the canals will be maintained. Louisiana Highway No. 15 will be relocated so as to pass over the new powerhouse upon completion of construction.

The application was filed during the term of the preliminary permit issued to the Applicant on February 28, 1979.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 27, 1981. Since this application was filed during the term of a preliminarty permit, any party intending to file a competing application should review 18 CFR 4.33(h). A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 29, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14287 Filed 5-12-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4148-000]

Van Buren Township; Application for Exemption of Small Hydroelectric Project of 5 mW or Less

May 8, 1981.

Take notice that on February 9, 1981, Van Buren Township (Applicant) filed an application under Section 408(b) of the Energy Security Act of 1980 [1] for exemption of a proposed hydroelectric project of less than 5 MW from all or part of Part I of the Federal Power Act (Act) pursuant to 18 CFR Part 4 Subpart K (1980). The proposed French Landing Dam Project, FERC No. 4148, would be located on the Huron River in Wayne County, Michigan. Correspondence with the Applicant should be directed to: Mr. Donald W. Lystra, Ayres, Lewis, Norris, and May, Inc., 3983 Research Park Drive, Ann Arbor, Michigan 48104.

Project Description—The French Landing Project would consist of: (1) an existing reservoir with a storage capacity of 17,780 acre-feet at normal power pool elevation of 651.5 feet m.s.l., and a surface area of 1,270 acres; (2) an existing concrete dam approximately 38 feet high and 181 feet long attached to the west embankment which is approximately 388 feet long; (3) an existing powerhouse approximately 50 feet high and 68 feet long, which consists of a concrete structure and a brick superstructure. The powerhouse would contain two proposed generating units, each rated at 750 kW, for a total installed capacity of 1,500 kW; and (4) appurtenant facilities. The estimated average annual energy output of the proposed project would be 7,400,000 kWh.

Purpose of Project—Project energy would be sold to Detroit Edison Company.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than October 20, 1981. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Agency Comments—The U.S. Fish and Wildlife Service and the Michigan Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. (A copy of the application may be obtained directly from the Applicant.) No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days of the date of issuance of this notice, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for

[1] Pub. L. 96-294, 94 Stat. 611 Section 408 of ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before June 22, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption of small hydroelectric project for Project No. 4148. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14289 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Week of April 20 Through April 24, 1981

During the week of April 20 through April 24, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

May 7, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Atlantic Richfield Co., Dallas, Texas, BEE-1258; Crude Oil

Atlantic Richfield Company (ARCO) filed an Application for Exception from the provisions of 10 CFR 212.59. The exception request, if granted, would permit ARCO to classify a certain property as a heavy crude oil property retroactively to December 21, 1979, and, therefore, to receive market prices for the crude oil produced and sold from that property from December 21, 1979 to January 27, 1981. On April 20, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Beacon Oil Co., Hanford, California, BEE-1647; Crude Oil

Beacon Oil Company filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Beacon Oil Company of its obligation to purchase entitlements to account for its crude oil receipts and runs a stills for January 1981.

Cedar Springs Marina, Inc., Vernal, Vermont, BEE-1419; Motor Gasoline

Cedar Springs Marina, Inc., Buckboard Marina, Inc., and Lucerne Valley Marina, Inc., jointly filed an Application for Exception from the provisions of 10 CFR 212.93. The exception request, if granted, would permit the Applicants to charge prices for motor gasoline in excess of maximum prices permitted under the provisions of § 212.93. On April 23, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Oklahoma Refining Co., Oklahoma City, Oklahoma, BEE-0020; Crude Oil

Oklahoma Refining Company filed an Application for Exception from the provisions of the Entitlements Program. The exception request, if granted, would require the DOE to issue Oklahoma Refining Company additional entitlements. On April 22, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Cases Filed; Week of April 17 Through April 24, 1981

During the week of April 17 through April 24, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

May 7, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

Week of April 17, 1981 through April 24, 1981

April 17, 1981

Caulkins Oil Company, Santa Fe, New Mexico, BRH-1405, Request for Evidentiary Hearing.

If granted: An Evidentiary Hearing would be convened in connection with the Statement of Objection submitted by Caulkins Oil Company in response to the Proposed Remedial Order (Case No. BRO-1405) issued to the firm.

April 20, 1981

Southland Oil Company, Jackson, Mississippi, BYX-0199, Supplemental Order.

If granted: The DOE would review the entitlements exception relief granted to Southland Oil Company during January 1981, to determine whether the level of relief accorded the firm was appropriate.

April 22, 1981

City of Clinton, Clinton, Iowa, BEE-1658, Allocation Exception.

If granted: The City of Clinton would receive an exception from the provisions of 10 CFR 211.67 modifying its entitlements sales obligations.

April 22, 1981

Ernest E. Allerkamp, Denver, Colorado, BRD-0115, Motion for Discovery.

If granted: Discovery would be granted to Ernest Allerkamp in commection with the Statement of Objections submitted in response to The Proposed Remedial Order (Case No. BRO-0020) issued to firm by the Office of Enforcement.

April 22, 1981

Ernest E. Allerkamp, Denver, Colorado, BRS-0151, Request for Stay.

If granted: Ernest E. Allerkamp would receive a stay of the proceedings involved in the September 21, 1979, Proposed Remedial Order issued to the firm by the Economic Regulatory Administration.

April 22, 1981

The Somerset Refinery, Inc., Washington, D.C., BED-1500, Motion for Discovery.

If granted: Discovery would be granted to the Somerset Refinery Inc. in connection with the Statement of Objections submitted in response to the Proposed Decision and Order (Case No. BEE-1500), issued by the Office of Hearings and Appeals.

April 23, 1981

Exxon Co., U.S.A./Miller & Chevalier, Washington, D.C., BEX-0202, Supplemental Order.

If granted: The April 1, 1981 Decision and Order (Case No. BFA-0609 and 0614), issued to Exxon Co., U.S.A. and Miller & Chevalier would be modified.

April 23, 1981

Winston Refining Company, Washington, D.C., BED-1284, Motion for Discovery.

If granted: Discovery would be granted to Winston Refining Company in connection with the Statement of Objections submitted in response to the Proposed Decision and Order (Case No. BEE-1284), issued to the firm by the Office of Hearings and Appeals.

Notices of Objection Received

Week of April 17, 1981 to April 24, 1981

April 20, 1981

Texaco, Inc., Los Angeles, California, DEE-1777

April 22, 1981

Continental Gas Transmission Company, Denver, Colorado, BEE-1578

[FR Doc. 81-14631 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of April 24 Through May 1, 1981

During the week of April 24 through May 1, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occure first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: May 7, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

Submission of Cases Received by the Office of Hearings and Appeals

[Week of April 24 through May 1, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 24, 1981	Office of Special Counsel for Compliance, Washington, D.C.	BRZ-0096	Request for Interlocutory Order. If granted: Certain factual findings in the Proposed Remedial Order issued to Texaco, Inc. (Case No. DRO-0156) would be deemed established.
Apr. 24, 1981	Industrial Fuel and Asphalt, Washington, D.C	BEG-0054	Request for Special Redress. If granted: Entitlements Notice would be adjusted with respect to Industrial Fuel and Asphalt's entitlements purchase obligations.
Apr. 27, 1981	Cray Research, Inc., Washington, D.C	BFA-0602	Appeal of an Information Request Denial. If granted: The April 16, 1981 Information Request Denial issued by The Office of Nuclear Reactors would be rescinded, and Cray Research, Inc., would receive access to certain DOE information.
Apr. 27, 1981	Herbert C. Bridges, Donalsonville, GA	BEE-1659	Exception from reporting requirements. If granted: Herbert C. Bridges would not be required to file Form EIA-8A. ("No. 2 Distillate Price Monitoring Report").
Apr. 27, 1981	Office of Enforcement/Ozona Gas Processing Plant, Washington, D.C.	BEF-0048	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, Subpart V, in connection with the November 28, 1979 Consent Order with the Ozona Gas Processing Plant.
Apr. 28, 1981	First Valley Petroleum Company, Washington, D.C	BFA-0603	Appeal of an Information Request Denial. If granted: The March 26, 1981 Information Request Denial issued by Rocky Mountain District, Office of Enforcement would be rescinded and First Valley Petroleum Company would receive access to certain DOE materials.
Apr. 28, 1981	Husky Oil Company of Delaware, Washington, D.C	BEX-0603	Request for Supplemental Order. If granted: The January, 1981 Entitlements Notice would be stayed with respect to Husky Oil Company of Delaware's entitlements purchase obligations.
Apr. 28, 1981	Texaco, Inc., Harrison, New York	BET-0018	Request for Temporary Stay. If granted: Texaco, Inc., would receive a temporary stay of the Decision and Order BED-0110 issued to Asamera Oil (U.S.) Inc. on April 27, 1981.
Apr. 29, 1981	Boston Technologies, Inc., Cambridge, MA	BFA-0604	Appeal of an Information Request Denial. If granted: The April 9, 1981 Information Request Denial issued by the Deputy Regional Representative, Region I would be rescinded, and Boston Technologies, Inc., would receive access to certain DOE materials.
Apr. 29, 1981	Chevron U.S.A., Inc., Washington, D.C	BET-0020	Request for Temporary Stay. If granted: Chevron U.S.A., Inc., would receive a temporary stay of the Decision and Order (Case No. BED-0110) issued to Asamera Oil (U.S.) Inc., on April 27, 1981.
Apr. 29, 1981	Elm City Filling Stations, Inc./Office of Enforcement, New Haven, Conn.	BRZ-0097	Request for Interlocutory Order. If granted: The Office of Enforcement would be permitted to modify the Proposed Remedial Order (Case No. DRO-0172) issued to Elm City Filling Stations, Inc.

Submission of Cases Received by the Office of Hearings and Appeals—Continued

[Week of April 24 through May 1, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 30, 1981	Baseman, Mitchell & Levy (Foster), Washington, D.C.	BFA-0668	Appeal of an Information Request Denial. If granted: The March 18, 1981 Information Request Denial issued by the District Manager of Region IV would be rescinded and Baseman, Mitchell & Levy (Foster) would receive access to certain DOE information.
Apr. 30, 1981	Exxon Company, U.S.A., Washington, D.C.	BER-0123	Request for Modification. If granted: The April 1, 1981, Decision and Order (Case No. BFA-0609) issued to Exxon Company, U.S.A. would be modified.
Apr. 30, 1981	Interstate Nuclear Services, Pleasanton, CA.	BFA-0665	Appeal of Information Request Denial. If granted: The March 18, 1981 Information Request Denial issued by the Office of the Inspector General would be rescinded, and Interstate Nuclear Services would receive access to certain DOE information.
Apr. 30, 1981	Oil Transport Company, Inc., Washington, D.C.	BEE-1660	Price Exception. If granted: Oil Transport Company, Inc. would receive an exception to the provisions of 10 CFR Part 212, which would allow the firm to pass through its non-product costs.

Notices of Objection Received

[Week of April 24, 1981 to May 1, 1981]

Date	Name and location of applicant	Case No.
Apr. 27, 1981	Citco Petroleum Products, Inc., Washington, D.C.	DPI-0036
Apr. 28, 1981	Atlantic Richfield Co., Washington, D.C.	BEE-1259
Apr. 29, 1981	Oklahoma Refining Co., Washington, D.C.	BEE-0926

Dismissed Cases Reopened

[Week of April 20, 1981 to May 1, 1981]

Date	Case Name	Case No.	Location City/State
Apr. 29, 1981	Downtown Standard	DEE-6415	Louisville, Mississippi

[FR Doc. 81-14432 Filed 5-12-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-3-FRL-1826-1]

Adolph Coors Co.; Approval of PSD Permit

Notice is hereby given that on March 19, 1981, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Adolph Coors Company for approval to construct a ten-million-barrel per year brewery located near Elkton, Rockingham County, Virginia.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the construction of the brewery, the operation of which is subject to certain conditions, including:

1. Restriction of the boiler operations to 442 MMBtu total heat imput per hour.

2. Total emissions from the three (3) coal-fired boilers shall not exceed the following limitations:

	Pounds per million Btu	Pound per hour
Particulate Matter	.05	22.1
Sulfur Dioxide	.24	106.0
Oxides of Nitrogen	.60	265.0
Carbon Monoxide	.04	17.8
Hydrocarbons	.02 lb	8.9

Visible emissions shall not exceed 5% opacity except as noted in item No. 6.

3. Particulate matter and sulfur dioxide emissions from the boilers will be controlled by the installation of a baghouse and flue-gas desulfurization (FGD) system for each boiler. The type of FGD system must be determined and final design plans submitted to EPA at least sixty (60) days prior to start of construction of the FGD system.

4. Particulate matter emissions from the various low level sources must be controlled by baghouses, cyclones, or wet suppression systems.

5. Hydrocarbon emissions from the can plant must be incinerated.

6. Excess opacity emissions are defined as any six-minute period during which the average opacity of emissions exceeds 5% opacity. During the bag-cleaning cycle, excess emissions are defined as any period during which the opacity of emissions exceeds 8% opacity. The bag-cleaning cycle shall not exceed 25% of the operating time of the boilers.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attention: Mr. Robert J. Blaszczak (215-597-8186).

Dated: April 30, 1981.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 81-14345 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-38-M

Ashland Chemical Co.; Approval of PSD Permit

Notice is hereby is hereby given that on October 7, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Ashland Chemical Company for approval to construct and operate a phthalic anhydride plant located at Neal, West Virginia.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the phthalic anhydride plant subject to certain conditions, including:

1. Emissions shall not exceed the limitations specified below:

Emission point		Maximum allowable emission rate, Lbs./Hr.				
		Part	SO_2	CO	HC	NO_x
1-78	O-Xylene Tank (W)				2.35	
2-78	O-Xylene Tank (E)				2.35	
3-78	O-Xylene Day Tank				.40	
4-78	Crude PAA Tank & Cond'r				.00015	
5-78	Catalytic Incinerator			99.7	49.3	
6-78	Dist'n PAA Condensers				(.001)	
7-78	PAA Day Tank & Cond'r				0	
8-78	PAA Tank & Cond'r (W)				0	
9-78	PAA Tank & Cond'r (E)				0	
10-78	Liquid Waste Incinerator	1.99	5.30	0.35	0.35	3.46
11-78	No. 6 F.O. Tank				.35	
12-78	Dowtherm Tank				.02	
13-78	Dowtherm Heater	1.8	10.74	.27	.27	2.70

2. Within 60 days after achieving the maximum production rate, but in no event later than 180 days after startup, stack emission testing of the following sources shall be conducted in accordance with EPA approved methods as described in 40 CFR Part 60, Appendix A.

Source	Pollutant(s)	Test method
5-78	Carbon Monoxide	10.
10-78	Particulates and Sulfur Dioxide.	5 and 6.
13-78	Particulates and Sulfur Dioxide.	5 and 6.

The stack emission tests shall be conducted with the sources operating at maximum design capacity. Testing for carbon monoxide shall be conducted in accordance with 40 CFR 60.106(b). Testing for particulate matter and sulfur dioxide shall be conducted in accordance with 40 CFR 60.46(b), (c), and (d).

3. The Ashland Chemical Company shall continuously monitor the operating temperature of the catalytic incinerator (5-78) to ensure its proper operation and design efficiency. The operating temperature shall be determined at the time of compliance testing.

4. The auxiliary fuel oil used in the liquid waste incinerator (10-78) shall be limited to a maximum sulfur content of 1% by weight.

5. The fuel oil used in the Dowtherm Heater (13-78) shall be limited to a maximum sulfur content of 1% by weight.

6. The weight percent sulfur of the fuel oil for sources 10-78 and 13-78 shall be determined from grab samples taken from each fuel oil shipment. Records of these analyses shall be retained for a period of two years.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attention: Mr. Robert J. Blaszczak (215-597-8186).

Dated: April 30, 1981.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 81-14346 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-38-M

[A-3-FRL-1825-4]

Chesapeake Corporation of Virginia; Approval of PSD Permit

Notice is hereby given that on October 7, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Chesapeake Corporation of Virginia for approval to construct and operate a power boiler No. 10 (wood and oil fired) at the existing kraft pulp mill located at West Point, King Williams County, Virginia.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the boiler subject to certain conditions, including:

1. Total emissions from Power Boiler No. 10 (two stacks) shall not exceed the limitations specified below:

	Pounds per million Btu
Particulate Matter	0.10
Sulfur Dioxide	0.80
Oxides of Nitrogen	0.30
Carbon Monoxide	0.23
Hydrocarbons	0.23

2. The operator shall comply with all the requirements of 40 CFR Part 60, Subpart D—Standards of Performance for Fossil-Fuel Fired Steam Generators.

3. At the time of compliance testing, the operator will establish a minimum excess oxygen level in the flue gas at which all emission limitations under No. 1 are met. The operator shall install, calibrate, maintain, and operate a continuous monitoring system for oxygen and will not operate at an oxygen level below that established in the compliance testing.

4. The permittee may burn No. 6 fuel oil containing not more than 2.4% sulfur by weight during any bonafide period of startup, shutdown or malfunction, as defined in 40 CFR 60.2 (o), (p) and (q). During these periods, the permittee may burn any combination of wood waste and fuel oil. Predictable events such as a lack of sufficient quantities of wood waste cannot be considered as malfunctions. The permittee shall maintain and operate boiler No. 10 in a manner consistent with good air pollution control practices for minimizing emissions at all times (including periods of startup, shutdown, and malfunction). The permittee shall minimize, to the extent practicable, the frequency and durations of all startups, shutdowns, and malfunctions.

5. A sample shall be taken from each shipment of fuel oil received by the permittee for use in boiler No. 10 and shall be analyzed for sulfur content by the permittee or his designee. The permittee shall maintain records of the analysis. In addition, the permittee shall record the time, duration, and amount of fuel oil used for all periods of startup, shutdown, and malfunction.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attention: Mr. Robert J. Blaszczak (215-597-8186).

Dated: April 30, 1981.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 81-14347 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-38-M

PSD Nonapplicability Determinations—Region III

Notice is hereby given that between the period of October 3, 1980 to February 18, 1981, the U.S. Environmental Protection Agency, Region III, made PSD nonapplicability determinations for the following sources. These determinations were reviewed under the PSD regulations as amended, August 7, 1980:

Applicant	Source	Location	Date of final action
Columbia Gas Transmission Corp.	Additional Horsepower, 8 Compressor Stations.	Bedford, Clinton and Northampton Counties, PA.	10/3/80
Caterpillar Tractor Co.	Boiler No. 4	York, PA	10/16/80
Virginia Fibre Corp.	Papermill Modification.	Riverville, VA	10/17/80
Island Creek Coal Co.	Thermal Dryer	Skegge, VA	10/22/80
Massey Coal Terminal Corp.	Coal Export Terminal.	Newport News, VA.	10/30/80
Stanley Furniture Co.	Boiler No. 4	Waynesboro, VA.	12/31/80
North American Refractories Co.	Research Center.	Curwensville, PA.	1/26/81
Rohm & Haas Co.	Boiler Conversions (3).	Philadelphia, PA.	2/18/81

These nonapplicability determinations do not relieve the reviewed sources of the responsibility for complying with all local, State, and Federal regulations which are part of the State Implementation Plan. A determination will be void if the information submitted and used as a basis for the PSD nonapplicability decision proves to be incorrect or is modified.

Under Section 307(b)(1) of the Clean Air Act, judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before July 13, 1981.

Copies of these determinations are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attention: Mr. Robert J. Blaszczak (215–597–8186).

Dated: April 30, 1981.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 81-14348 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-38-M

[A-3-FRL-1825-7]

Getty Methanol Corp.; Approval of PSD Permit

Notice is hereby given that on October 10, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Getty Methanol Corporation for approval to construct and operate a 980 ton/day (100 x 10^6 gal/yr) methanol production plant located at the existing Getty Refinery in Delaware City, New Castle County, Delaware.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the methanol production plant subject to certain conditions, including:

1. Emissions shall not exceed the limitations specified below:

Source	Nitrogen (pounds)	Oxides (Btu)
Tabular Reformer	0.13	10^6

2. A stack emission test for *nitrogen oxides* shall be conducted at the tabular reformer stack in accordance with approved EPA methods as described in 40 CFR Part 60, Section 60.46. The stack emission test shall be conducted with the tabular reformer operating at maximum capacity. The test shall be conducted while combusting fuels representative of that to be used during normal operation.

3. The company shall install, operate, and maintain, within the manufacturers' specifications, Coen Low NO_x burners on the tubular reformer.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Third Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attention: Mr. Robert J. Blaszczak (215–597–8186).

Dated: April 30, 1981.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 81-14349 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-38-M

[A-3-FRL-1825-8]

Philadelphia Electric Co.; Approval of PSD Permit

Notice is hereby given that on November 18, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Philadelphia Electric Company to construct and operate a magnesium oxide regeneration facility. This facility is a modification to Allied Chemical Corporation's Delaware Valley Works—South Plant, in Claymont, Delaware.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the magnesium oxide regeneration facility subject to certain conditions, including:

1. The process air heaters, calciner startup burners, and the calciner burners shall not be vented to the atmosphere unless the sulfur content of the fuel used to fire the vented unit(s) does not exceed 0.5 percent by weight.

2. An oil sample shall be taken from each shipment of fuel oil received by the permittee for use in the units noted in 1 above and shall be analyzed for sulfur content by the permittee or his designee. The analysis shall be done in accordance with ASTM standards contained in Part 23 and/or Part 24.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Third Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, Attention: Mr. Robert J. Blaszczak (215–597–8186).

Dated: April 30, 1981.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 81-14350 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-38-M

[A-3-FRL-1825-6]

PPG Industries, Inc., Approval of PSD Permit

Notice is hereby given that on October 6, 1980, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to PPG Industries, Inc. for approval to modify and operate boiler No. 3 at the Natrium facility in West Virginia.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the boiler subject to certain conditions, including:

1. Sulfur dioxide emissions shall not exceed the limitations specified below:

Facility	Maximum design heat input (million Btu per hour)	SO_2 (pounds per hr)
Boiler No. 1	316	Not operating.
Boiler No. 2	316	Not operating.
Boiler No. 3	243	750.
Boiler No. 4	486	1,538.
Boiler No. 5	878	2,722.

Boiler Nos. 1 and 2 are under federally approved compliance schedules requiring shutdown by July 1, 1975 (40 CFR 52.2524(c)). Boiler Nos. 3 and 4 exhaust to stack No. 1. Boiler No. 5 exhausts to stack No. 2. Total SO_2 emissions from boilers 1, 2, 3, 4, and 5 shall not exceed 4259 pounds per hour. Total SO_2 emissions from boiler Nos. 3 and 4 shall not exceed 2288 pounds per hour.

2. The excess air from boiler No. 3 shall be limited so as to minimize the emissions of oxides of nitrogen by operation of this boiler such that the amount of excess oxygen shall not exceed 4.5%. This limitation shall apply whenever boiler No. 3 is operating at greater than 60% of its design load capacity. PPG Industries shall operate and maintain an in-stack oxygen monitor to record the excess oxygen level of boiler No. 3 in accordance with 40 CFR Part 60, Appendix B. Records of these operating parameters shall be retained for a period of six months. PPG Industries shall report all occurrences and their causes when the 4.5% limitation has been exceeded for a period of 8 hours.

3. Within 60 days after achieving the maximum production rate, but in no event later than 180 days after startup, stack emission tests shall be conducted for the following: Sulfur dioxide and nitrogen oxides (NO_x) at a point between the discharge from the boiler No. 3 baghouse and boiler No. 3 induced draft fan; SO_2 from boiler No. 4 at a point located between the electrostatic precipitator and the air preheater. The sum of the two tests on No. 3 and 4 boilers would constitute the test on stack No. 1; SO_2 from stack No. 2 at the discharge end of the precipitator in a duct between the precipitator and the air preheater. Said tests for boilers 3, 4, and 5 shall be conducted on separate and successive days. The boiler emission tests shall be conducted with the respective boilers operating at maximum capacity. The test shall be conducted while combusting coal representative of that to be used during normal operation. Stack emission tests shall be conducted in accordance with approved EPA methods as described in 40 CFR Part 60, § 60.46.

4. *Fuel Sampling and Analysis.* Grab samples of coal shall be taken from each barge of coal received at the plant. These samples shall be collected in accordance with ASTM sampling procedures and analyzed in accordance with the requirements of ASTM–D3177 (sulfur content).

5. Prior to operating the boiler, PPG Industries shall submit to EPA for approval a procedure for collecting the samples. The procedure shall list all pertinent information regarding sample size, where sample is taken, etc.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the following location: Air Media and Energy Branch (3AH10), Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106. Attention: Mr. Robert J. Blaszczak (215–597–8186).

Dated: April 30, 1981.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 81-14351 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-38-M

[A-3-FRL-1826-2]

Swann Oil Co.; Approval of PSD Permit

Notice is hereby given that on March 30, 1981, the Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Swann Oil Company for approval to construct a 26,000 BPSD refinery in Chesapeake, Virginia.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations applicable to the construction of the refinery, the operation of which is subject to certain conditions, including:

1. Pollutant Emission Limitations (lbs./hr.)

Point source designation	Source name	Particulate matter	Sulfur dioxide	Nitrogen dioxide	Carbon monoxide
II–a	Crude unit atmospheric heater	9	[1]15	36	3
II–b	Crude unit vacuum heater	2	[1]3	7	1
II–c	Visbreaker heater	4	[1]6	17	1
II–d	Naphtha reformer heater	1	.2	11	1
II–e	Naphtha hydrodesulfurizer heater	.2	.1	4	.2
II–f	Distillate hydrodesulfurizer heater	.2	.1	4	.2
II–g	Steam boiler	.5	.2	7	.6
IV–l	Emergency flare system		.01	.2	
IV–m	Tanker powerplant	14	211	64	1
V–a	Claus sulfur recovery unit		14		

[1] Sulfur dioxide emissions from these sources shall not exceed the specified emission rates on a 24-hour rolling average basis.

2. Point sources designated II–a, II–b, and II–c shall burn fuel containing no more than 0.3% sulfur by weight.

3. Point sources designated II–d thru II–g shall burn sweetened refinery gas containing no more than .0063% sulfur by weight.

4. All crude carriers serving the refinery, when docked, shall burn fuel oil with a sulfur content not to exceed 2.5% by weight.

5. On or before the commencement of operation of the refinery, the permittee shall install continuous monitoring and recording instruments on the stacks serving the units specified in condition 1 above for measurement of sulfur dioxide, opacity and velocity. The permittee shall operate these continuous monitors during all periods of operation of the refinery. The installation and operation of all such continuous monitoring instruments shall conform to EPA requirements as specified in 40 CFR Part 60, Appendix B, or where not specified, as approved in advance in writing by EPA.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Fourth Circuit Court of Appeals. A petition for review must be filed on or before July 13, 1981.

Copies of the permit are available for public inspection upon request at the following location: Air Media & Energy Branch (3AH10), Environmental Protection Agency—Region III, 6th and Walnut Streets, Philadelphia, PA 19106. Attention: Mr. Robert J. Blaszczak (215–597–8186).

Dated: April 30, 1981.

Jack J. Schramm,

Regional Administrator, EPA—Region III.

[FR Doc. 81-14352 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-38-M

[RH-FRL-1625-3]

Proposed Federal Radiation Protection Guidance for Occupational Exposures; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of Comment Period.

SUMMARY: In the Federal Register of January 23, 1981 [46 FR 7836], EPA published proposed new guidance for Federal agencies on the protection of workers exposed to ionizing radiation. That notice stated that all written comments must be received by EPA by April 24, 1981, in order to be used, and that the period for submitting post-hearing comments would be set by the presiding officer. We announce here the termination date of the post-hearing comment period and an extension of the written comment period.

DATE: Both the written comment period and the post-hearing 60-day comment period will end on July 6, 1981.

ADDRESS: Comments on the Proposed Federal Radiation Protection Guidance for Occupational Exposures should be submitted to Docket No. A-79-46, which is located at the Environmental Protection Agency, Central Docket Section (A-130), West Tower Lobby, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Luis F. Garcia, U.S. Environmental Protection Agency (ANR-460), Washington, D.C. 20460; telephone number (703) 557-8224.

Dated: May 6, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-14339 Filed 5-12-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81-184; File No. ENF-81-3]

Petition of Heritage Church and Missionary Fellowship, Inc.; Emergency Relief With Respect to PBX Interconnection to Telephone Service of Southern Bell Telephone & Telegraph Company; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order; extension of reply comment period.

SUMMARY: Time for filing reply comments in CC Docket No. 81-184 extended from May 12, 1981, to May 26, 1981. Additional time had been requested by the Heritage Village Church and Missionary Fellowship, Inc. which denied allegations in comments filed on April 27, 1981 that the factual considerations are not in dispute. Because it wants an accurate, up to date factual record on which to make its decision, the Commission extended the reply filing date by two weeks.

DATE: Replies now due May 26, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Adrien Auger, Enforcement Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202-632-4887).

SUPPLEMENTARY INFORMATION:

In the matter of Petition of Heritage Church and Missionary Fellowship, Inc., CC Docket No. 81-184; for emergency relief with respect to PBX interconnection to telephone service of Southern Bell Telephone and Telegraph Company, File No. ENF-81-3; see also 46 FR 19319, March 30, 1981.

Adopted: May 5, 1981.

Released: May 5, 1981.

1. On April 30, 1981, the Heritage Village Church and Missionary Fellowship, Inc. (Heritage) filed a motion for an extension of time to May 26, 1981 within which to file a reply to the comments filed in the above-captioned proceeding on April 27, 1981 in response to the Commission's *Memorandum Opinion and Order*, FCC 81-117, released March 26, 1981. 85 FCC 2d ——, 46 FR 19319 (March 30, 1981).

2. In support of its request, Heritage noted that the comments filed by USITA and Fort Mill Telephone Company make substantial reference to the hearing record in the South Carolina Public Service Commission proceeding and assert that the factual considerations are not in dispute. Denying that the facts are not in dispute, Heritage anticipates that it will have to refer to the transcript to refute or substantiate various factual misrepresentations or issues. It states that additional time is needed, among other reasons, to locate the transcript volumes which have been dispersed to one or more possible storage areas or within the law offices of its local Charlotte, North Carolina law firm, and have them shipped to its FCC counsel. Heritage further states that its FCC counsel has had a longstanding previous commitment on the West Coast for the May 6 through May 9, 1981 period during which he will be unable to give adequate time to the preparation of a responsive reply for the date currently contemplated by the Commission's March 26, 1981 *Memorandum Opinion and Order.*

3. Because of the apparent unprecedented issue to be determined in this proceeding, and because of the Commission's desire to have a definitive, accurate, and up to date factual record upon which to make its decision in this important proceeding, an additional two weeks for filing reply comments is considered to be in the public interest. Accordingly, it is ordered, pursuant to § 0.291 of the Commission's rules and regulations, that the date for filing reply comments in this proceeding is extended from May 12, 1981, to May 26, 1981.

Theodore D. Kramer,

Acting Chief, Enforcement Division, Common Carrier Bureau.

[FR Doc. 81-14281 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meeting

AGENCY: Federal Communications Commission.

TIME AND PLACE: May 12, 1981 at 9:30 a.m. in the 1st Floor Auditorium, Comsat Building, 940 L'Enfant Plaza, SW, Washington, D.C.

SUMMARY: Special Committee No. 78, "Maritime Advisory Committee in Preparation for the 1982 Mobile Services World Administrative Radio Conference" will meet to prepare comments on recent FCC actions related to the 1982 Mobile Services WARC. The public may attend and participate.

This meeting has been scheduled with less than the 15-day notice required by 41 CFR 101-6.10, "Federal Advisory Committee Management," due to the urgent need to submit responses to the FCC within the time allotted. The FCC Advisory Committee Management Officer has reviewed and approved this action.

FOR FURTHER INFORMATION CONTACT: Robert Mickley, Executive Secretary, RTCM, Federal Communications Commission, Washington, D.C. 20554, (202) 632-6490.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-14283 Filed 5-12-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 28, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement Nos. T-3576-2 and T-3576-A.

Filing Party: C. Michael Winters, Esquire, 317 Magazine Street, New Orleans, Louisiana 70130.

Summary: Agreement No. T-3576-2 modifies the basic agreement between the Board of Commissioners of the Port of New Orleans (Board) and the Puerto Rico Maritime Shipping Authority (PRMSA), which provides for the Board's 25-year renewable term lease to PRMSA of France Road Berth No. 4, Container Terminal at the Port of New Orleans. The purpose of the modification is to grant PRMSA the authority to sublease the joint usage of the Berth No. 4 Wharf to New Orleans Stevedoring Company (NOSC), on the condition that NOSC shall use the premises exclusively for handling vessels owned, operated or chartered by The Bank Line, Ltd. PRMSA shall pay to Board additional rent according to the formula as set forth in the agreement.

Agreement No. T-3576-A modifies the basic agreement between the Board of Commissioners of the Port of New Orleans (Board) and the Puerto Rico Martime Shipping Authority (PRMSA), which provides for the Board's 25-year renewal term lease to PRMSA. The modification is a sublease by PRMSA to New Orleans Stevedoring Company (NOSC) of the usage of Berth No. 4 Wharf, exclusively for the purpose of handling vessels owned, operated or chartered by The Bank Line, Ltd. NOSC will compensate PRMSA for the use of the premises according to a formula set forth in the agreement. The term of the sublease is month-to-month, with provision for cancellation by either party upon 30 days written notice.

Agreement Nos. T-3069, T-3069-1 and T-3069-2.

Filing Party: James A. Rossi, Esquire, Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

Summary: Agreement No. T-3069, between the South Louisiana Port Commission (Port) and Hooker Chemical Properties Corp. (Hooker), provides for the lease by Port to Hooker of certain dock, wharf and related storage facilities for the loading, unloading and storage of ammonia and other compatible products near Taft, Louisiana. Hooker agrees to acquire, construct and install the facilities, which Port then agrees to purchase by means of the sale of revenue bonds. Hooker will lease back the facilities from Port, for a term not to exceed thirty years. As compensation, Hooker will pay Port a semi-annual rental sufficient to pay the total amount of principal, interest and redemption premium required at that time by the bond obligation. Fifty percent of dockage fees received by Hooker, subject to an annual minimum of $50,000, will be credited against rental payments.

Agreement No. T-3069-1 amends the basic agreement to provide that the facilities will not service common carrier vessels in foreign or interstate commerce. Agreement No. T-3069-2 cancels Agreement No. T-3069-1 and provides that effective upon final approval of the agreement by the Federal Maritime Commission, the facilities will service common carrier vessels, as set forth in the basic agreement.

Agreement Nos. T-3072.

Filing Party: Joseph H. Reynolds, Esquire, Dixon, Hargrave, Devans & Doyle, Lincoln First Tower, P.O. Box 1061, Rochester, New York 14603.

Summary: Agreement No. T-3072, between the Port of Oswego Authority (Port) and Lakespan Marine, Inc. (LMI), provides for the ten-year lease (with renewal options) of certain premises located on the east side of the Oswego River, Port of Oswego, New York. The premises will consist of approximately 70,000 sq. ft. of open area, 3,600 sq. ft. of maintenance and storage space, 180 sq. ft. of office space and space for one trailer. LMI shall have the option to expand the open area by an additional 70,000 sq. ft. within the first 6 months of the lease term. The premises will be used for the loading, unloading, docking, storage and other operations incidental thereto of LMI's vessels. As compensation, LMI will pay a monthly rental based on square footage leased, plus applicable dockage and wharfage fees. Such rental payments will accrue only upon the areas under exclusive possession by LMI. The parties further agree to reasonable easements to and from the demised premises, construction and maintenance improvements, exclusive use of berthing areas and other terms and conditions provided for in the agreement.

By Order of the Federal Maritime Commission.

Dated: May 7, 1981.

Joseph C. Polking,

Secretary.

[FR Doc. 81-14375 Filed 5-12-81; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de Novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than June 5, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Citicorp, New York, New York (consumer finance and insurance activities; Montana): to expand the

service area of an existing office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., located in Boise, Idaho, engaged in the following previously approved activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit-related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissible under applicable state insurance laws and regulations; the making of loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans; and the servicing, for any person, of loans and other extensions of credit. The previously approved service area of the office, comprised of the entire state of Idaho, would the expanded to include the entire state of Montana; except that this application would not expand the service area for the sale of credit-related property and casualty insurance. Credit-related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

2. Citicorp, New York, New York (consumer finance and insurance activities; South Carolina): to establish a *de novo* office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., at Dutch Plaza, 800 Dutch Square Boulevard, Suite 100, Columbia, South Carolina, and to engage in the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed brokers, as required; the making of loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans; and the servicing, for any person, of loans and other extensions of credit. The proposed service area of the office would be comprised of the entire state of South Carolina. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

3. Citicorp, New York, New York (consumer finance and insurance activities; Wyoming): to expand the service area of an existing office of its indirect subsidiary, Citicorp Person-to-Person Financial Center, located in Salt Lake City, Utah. The previously approved activities of that office are as follows: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, to the extent permissible under applicable state insurance laws and regulations; the making of loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans; and the servicing, for any person, of loans and other extensions of credit. The previously approved service area of the office, comprised of the entire state of Utah, would be expanded to include the entire state of Wyoming; except that this application would not expand the service area for the sale of credit related property and casualty insurance. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center.

Correction

This notice corrects a previous Federal Register notice (FR Doc. 81–13328) at page 24995 of the issue for Monday, May 4, 1981. The previous notice did not contain all of applicants' proposed activities.

4. The Chase Manhattan Corporation, New York, New York (consumer finance and servicing and insurance activities; Arizona): to make or acquire, for its own account and for the account of others, loans and other extensions of credit, including but not limited to, consumer and business lines of credit and mortgage loans secured by real and personal property; to service loans and other extensions of credit; to act as insurance agent or broker for credit life insurance and credit accident and disability insurance and credit property insurance directly related to such lending and servicing activities. These activities will be conducted from an office in Phoenix, Arizona, serving the State of Arizona. Comments on this notice must be received not later than May 26, 1981.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

BankAmerica Corporation, San Francisco, California (financing, servicing, and insurance activities; Maryland): to continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, a Maryland corporation, in making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, making loans secured by real and personal property, and offering credit-related life and credit-related accident, and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation.

These activities will be conducted from an office in Columbia, Maryland, serving the entire state of Maryland. This application is for the relocation of an office presently located in Arbutus, Maryland.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 5, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14333 Filed 5-12-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than June 7, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Citicorp, New York, New York (lending activities; London, England): to engage through a *de novo* office of its indirect subsidiary, Citicorp Capital Investors Ltd., in the making of loans to foreign companies with growth potential. The office will be located in London, England.

2. Citicorp, New York, New York (consumer finance, insurance and industrial loan company activities; Washington): to engage through a *de novo* office of its indirect subsidiary, Citicorp Washington Industrial Loan Company, to be located in Everett, Washington, in the following activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Washington Industrial Loan Company, to the extent permissible under applicable state insurance laws and regulation; the originating, for its own account or for the account of others, of first mortgage loans secured by residential or commercial properties; the sale at retail of money orders, travelers checks, U.S. savings bonds and consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The service area of the *de novo* office would be comprised of the entire State of Washington. Citicorp also wishes to expand the previously approved service area of the existing office of Citicorp Washington Financial Center, Inc., at the same location in Everett, Washington, to include the entire State of Washington. The previously approved activities of that office include all the aforementioned activities. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Washington Financial Center, Inc., and Citicorp Washington Industrial Loan Company.

3. Manufacturers Hanover Corporation, New York, New York (relocation of office; Missouri): to engage, through its subsidiary, Termplan Incorporated of Missiouri, in consumer finance, sales finance and home equity lending activities and in the sale of single and joint credit life insurance and credit accident, health and property insurance at 13926 Noland Court, Independence, Missouri, 64055. Manufacturers Hanover Corporation has received the approval of the Federal Reserve to engage in these activities at 304 East 23rd Street, Independence, Missouri, 64050. The application is to engage in the activities at a different location; the application does not involve the commencement of any new activities at the new location that have not been approved by the Federal Reserve for the old location. The new office will serve customers in Jackson County, Clay County, northern Cass County, western Lafayette County, and southwest Ray County.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (financing activities; California): to engage through its subsidiary, Security Pacific Finance Business Center Inc., in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and making other extensions of credit such as would be made by a factoring company or a consumer finance company. These activities would be conducted from offices of Security Pacific Finance Business Center Inc. located in Irvine, San Diego and San Francisco, California, serving the State of California.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14355 Filed 5-12-81; 8:45 am]

BILLING CODE 6210-01-M

Metropolitan Bancorp, Inc.; Formation of Bank Holding Company

Metropolitan Bancorp, Inc., Lima, Ohio, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Metropolitan Bank of Lima, Ohio, Lima, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 6, 1981. Any comment on an application that requests a hearing must include a

statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 6, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14326 Filed 5-12-81; 8:45 am]

BILLING CODE 6210-01-M

One Valley Bancorp of West Virginia, Inc.; Formation of Bank Holding Company

One Valley Bancorp of West Virginia, Inc., Charleston, West Virginia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 100 percent of the voting shares of Kanawha Valley Bank, N.A., Charleston, West Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 6, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14330 Filed 5-12-81; 8:45 am]

BILLING CODE 6210-01-M

Pagosa Springs Holding Company; Formation of Bank Holding Company

Pagosa Springs Holding Company, Pagosa Springs, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90.33 percent of the voting shares of Citizens Bank of Pagosa Springs, Pagosa Springs, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 6, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14337 Filed 5-13-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancshares, Inc.; Acquisition of Bank

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares of Copperfield National Bank, Harris County, Texas (a proposed new bank). The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 6, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14338 Filed 5-12-81; 8:45 am]

BILLING CODE 6210-01-M

Texas Commerce Bancshares, Inc.; Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent less directors' qualifying shares of the voting shares of the successor by merger to Friendswood Bank, Friendswood, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 5, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 5, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14364 Filed 5-12-81; 8:45 am]

BILLING CODE 6210-01-M

Flora Financial Corp; Proposed Credit Insurance Activities

Corrections

In FR Doc. 81-13635 appearing on page 25348 in the issue of Wednesday, May 6, 1981, third column, the heading should have appeared as set forth above; and the first line should have read as set forth below:

"Flora Financial Corporation, Flora,"

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Treatment and Rehabilitation Work Group of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of June 1981:

The Treatment and Rehabilitation Work Group of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

June 2; 9:00 a.m.—Open
Conference Room L, Parklawn Building
5600 Fishers Lane, Rockville, Maryland 20857

Contact: Mr. David Clough, Room 11–19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–2070

Purpose. The functions of the Work Group are to evaluate all Federal efforts in the areas of alcohol abuse and acloholism treatment and rehabilitation, provide for the communication and exchange of information necessary, and seek any reports of recommendations to the Interagency Committee as necessary in order to perform the above functions.

Agenda. Tentative agenda items include updated reports from work group members, and a review of other treatment issues.

Substantive program information may be obtained from the contract person listed above. Summary of the meeting and roster of Committee members may be obtained from Mrs. Helen Garrett, Committee Management Officer, Room 16C–21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. (301) 443–2860.

Dated: May 7, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81–14376 Filed 5–12–81; 8:45 am]

BILLING CODE 4110–88–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D–81–647]

Area Manager and Deputy Area Manager; Redelegation of Authority

AGENCY: Department of Housing and Urban Development, Area Manager and Deputy Area Manager, Seattle.

ACTION: Redelegation of authority with respect to surplus real property.

SUMMARY: The Area Manager and Deputy Area Manager, Seattle Area Office, each is authorized to exercise the authority of the Secretary of Housing and Urban Development, pursuant to section 414 of the Housing and Urban Development Act of 1969, 40 U.S.C. 484(b), as amended, with respect to the below described property, together with any improvements and related personal property located thereon.

(a) Blaine Air Force Station Housing and Property, Alderson Road, Whatcom County, GSA Control No. GS–Wash–749B—Parcel Z and D–Wash, 749C—Parcel 3.

(b) Blaine Air Force Station Family Housing Annex, 3400 McAlpine Road, near Bellingham, WA GSA Control No. B–Wash–749D.

EFFECTIVE DATE: May 13, 1981.

(Section 414 of the Housing and Urban Development act of 1969, 40 U.S.C. 484(b).)

Issued at Washington, D.C., May 4, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81–14299 Filed 5–12–81; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

School Construction Priorities List—Fiscal Year 1982

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The school construction priority list has been revised for Fiscal Year 1982 as required by Pub. L. 95–561; 92 Stat. 2319, Section 1125(c) which requires that: "At the time any budget request for school construction is presented, the Secretary shall publish in the **Federal Register** and submit with the budget request the current list of all school construction priorities."

On Wednesday, May 7, 1980, a notice was published in Vol. 45, No. 90 of the **Federal Register**, to inform all concerned parties that for Fiscal Year 1982 the list of all school construction priorities would be published as one inclusive list. This combines the BIA schools and schools operated under contracts with the Bureau into one list.

This notice for Fiscal Year 1982 provides the current revised list of proposed construction projects.

Construction of these projects is subject to the availability of funds and/or the status of currently committed construction projects approved by Congress. These proposed projects are also subject to futher review in terms of either replacement or rehabilitation.

This current list of school construction projects applies to Fiscal Year 1982. A revised list is developed and published for each succeeding fiscal year.

Further information regarding this list or the ranking process may be obtained from the Chief, School Facilities Staff, Bureau of Indian Affairs, P.O. Box 2147, Albuquerque, N.M. 87103, Telephone: (505) 766–2985.

James F. Canan,

Acting Deputy Assistant Secretary—Indian Affairs.

BIA and Contract School Construction Ranking—Fiscal Year 1982

	Ranking and school name	State
1	Laguen Middle School	NM.
2	Black Mesa Day School	AZ.
3	Little Eagle Day School	SD.
4	Nenahnezad Boarding School	NM.
5	San Simon Day School	AZ.
6	Alamo	NM.
7	Fort Wingate Elementary School	NM.
8	Tase Day School	NM.
9	Canoncito Day School	NM.
10	Ramah Middle School	NM.
11	Nazlini Boarding School	AZ.
12	Kinlichee Boarding School	AZ.
13	Chi-Chil-Tah Boarding School	NM.
14	Paschal Sherman Indian School	WA.
15	Low Mountain Boarding School	AZ.
16	Bullhead Day School	SD.
17	St. Francis Boarding School	SD.
18	Coeur d'Alene Day School	ID.
19	Pinon Boarding School	AZ.
20	Albuquerque Indian School	NM.
21	San Juan Day School	NM.
22	Spring Creek Elementary School	SD.
23	Santa Clara Day School	NM.
24	Standing Pine Day School	MS.
25	O'Kreek Elementary School	SD.
26	Marty Indian School	SD.
27	Ojibwa Indian School	ND.
28	Tucker Elementary School	MS.
29	Tuba City Elementary School	AZ.
30	Red Lake Day School	AZ.
31	Ahfachkee Day School	FL.
32	Lake Valley Boarding School	AZ.
33	Huerfano Dormitory	NM.
34	Jones Academy	OK.
35	Carter Seminary	OK.
36	Wahpeton Boarding School	ND.
37	Cove Day School	AZ.
38	Rocky Ridge Boarding School	AZ.
39	Kayenta Boarding School	AZ.
40	Rosebud Elementary School	SD.
41	Fort Thompson Community School	SD.
42	Many Farms High School	AZ.

[FR Doc. 81–14300 Filed 5–12–81; 8:45 am]

BILLING CODE 4310–02–M

Pueblo of Acoma, New Mexico; Proclaiming Certain Lands as Part of Pueblo of Acoma

May 1, 1981.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.1.

On May 1, 1981, pursuant to authority contained in Section 7 of the Act of June 18, 1934 (34 Stat. 986; 25 U.S.C. 467), the following described land, known locally as the Berryhill Ranch and the Kow-Ina Cultural Research Foundation, located in Valencia County, New Mexico, is hereby added to and made a part of the Pueblo of Acoma.

New Mexico Principal Meridian

T. 7 N., R. 9 W.,
Sec. 6, Lot 1, S½SE¼, NW¼SE¼, SE¼NW¼, and SW¼;
Sec. 7, N½N½;
Sec. 8, S½, S½NE¼, S½NW¼, and NW¼NW¼;
T. 8 N., R. 9 W.,

Sec. 7, S½NW¼ and N½SW¼;
T. 7 N., R. 10 W.,
Sec. 12, N½;
T. 8 N., R. 10 W.,
Sec. 12, SE¼NE¼;
Sec. 13, W½ and SW¼NE¼;
Sec. 23, SE¼SE¼, NE¼SE¼ and E½NE¼;
Sec. 24, E½NE¼, NW¼NE¼, W½NW¼, NW¼SW¼, S½SW¼, NE¼SW¼, W½SE¼, E½NW¼, and SW¼NE¼;
Sec. 25, inclusive;
Sec. 26, SE¼, E½NE¼, SW¼NE¼ and E½SW¼;
Except 6 acres conveyed in Book D 32, Pages 152 and 154, Records of Valencia County, New Mexico.
Sec. 34, NE¼SE¼, SW¼SE¼, SE¼SW¼, and NW¼SE¼;
Sec. 35, N½NE¼, NE¼NW¼, S½NW¼, and N½SW¼;

Except and Reserving unto Arthur Bibo, as his sole and separate estate, a certain tract of land comprising 36.966 acres, which is more particularly described in Exception No. 4, which is attached to the Warranty Deed executed on August 23, 1976.

Subject to easements and rights-of-way of record and as they exist on the premises and restrictions and reservations of oil, gas and mineral rights of record.

James F. Canan,

Acting Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 81-14360 Filed 5-12-81; 8:45 am]
BILLING CODE 4310-02-M

Bureau of Land Management

[M 45059-A(SD)]

Conveyance of Public Lands; Union County, South Dakota

May 4, 1981

Pursuant to paragraph 2711.5-3 of Title 43 of the Code of Federal Regulations, notice is hereby given that Anna M. Wood and Willard Wood have, by noncompetitive sale under Sec. 203 of the Act of October 21, 1976; 43 U.S.C. 1713 (1976), purchased public lands in Union County, South Dakota, described as follows:

Fifth Principal Meridian

T. 90 N., R. 49 W.,
Sec. 32, Lots 4 and 5.
Containing 79.91 acres.

These lands, then unsurveyed, were conveyed to Anna M. Wood and Willard Wood by a decision of November 20, 1980, in order to close a mortgage transaction involving Anna M. Wood and Willard Wood and the Farmers Home Administration. The lands have now been surveyed and a patent for these lands was issued on April 24, 1981. All minerals in these lands were reserved in the United States.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-14362 Filed 5-12-81; 8:45 am]
BILLING CODE 4310-84-M

[ORE 016183-A]

Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, proposes that the existing land withdrawal made by Public Land Order No. 3869 of November 12, 1965, be continued in part as to the following described lands for a 20-year period, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714:

Willamette Meridian

Turner Creek Recreation Site

T. 18 S., R. 9 W.,
Sec. 14, NE¼SW¼.
Revested Oregon and California Railroad Grant Land

Sharps Crek Recreation Site

T. 22 S., R. 1 W.,
Sec. 15, Lots 3 and 4.

Lake Creek Recreation Site

T. 16 S., R. 7 W.,
Sec. 19, E½SE¼SW¼ and S½SE¼.

Clay Creek Recreation Site

T. 19 S., R. 7 W.,
Sec. 19, S½SE¼NE¼ and NE¼SE¼.

Haight Creek Recreation Site

T. 19 S., R. 7 W.,
Sec. 35, Lot 5.

Whittaker Creek Recreation Site

T. 18 S., R. 8 W.,
Sec. 21, SE¼SW¼ and SW¼SE¼.

The areas described aggregated 400.12 acres in Lane County, Oregon.

The purpose of the withdrawal is to protect existing recreational sites. The lands are currently segregated from location and entry under the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before June 19, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register given the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before June 19, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustifiction to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepared a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long.

The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: May 4, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-14362 Filed 5-12-81; 8:45 am]
BILLING CODE 4310-02-M

[U-910-4310-84]

Utah; Decisions on State Director's November 14, 1980; Statewide Wilderness Inventory Become Final on Units Not Appealed

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The State Director's final decisions on the Statewide Wilderness Intensive Inventory in Utah was published in the Federal Register on

November 14, 1980. As a result of those decisions 69 protests were received affecting 61 individual inventory units. The decisions on the protests were published in the **Federal Register** on March 5, 1981, which subsequently began a 30 day appeal period on those units which were protested. The decisions on the following inventory units became final as of 4:30 April 6, 1981 (end of 30 day appeal period) as no appeals on the decisions were filed:

Unit No., Unit name and SD Final decision

UT-040-080, Fifty Mile Mtn., 146,143 acres identified as WSA
UT-040-082, Scorpion, 35,884 acres identified as WSA
UT-040-132, Red Mtn., 18,500 acres identified as WSA
UT-040-216, White Rock Range, 2,600 acres identified as WSA
UT-040-217, Moquith Mountain, 14,830 acres identified as WSA
UT-050-061, Swasey Mtn., 49,500 acres identified as WSA
UT-050-237, Horseshoe Canyon, 38,800 acres identified as WSA
UT-050-257, Notom Bench, unit dropped from further Wilderness review
UT-060-023, Sids Mtn., 80,970 acres identified as WSA
UT-060-054, Mexican Mtn., 60,360 acres identified as WSA
UT-060-116/117, Wrigley Mesa/Jones Canyon, 5,100 acres identified as WSA
UT-060-165, Sixshooter Peak, unit dropped from further Wilderness review
ISA, Grand Gulch ISA, 34, 928 with wilderness characteristics
UT-080-103, West Cold Springs, 3,300 acres identified as WSA
UT-080-110, Holy Mountain, unit dropped from further Wilderness review
UT-080-113, Diamond Breaks, 3,900 acres identified as WSA
UT-080-114, Pot Creek, unit dropped from further Wilderness review
UT-080-419, Bull Canyon, 520 acres identified as WSA

The following unit decisions are not final since an appeal to the Interior Board of Land Appeals (IBLA) has been filed:

Unit No. and Unit name

UT-020-037, New Foundland Mtns.
UT-020-129/050-130A, Dugway Mtns.
UT-040-075, Horse Spring Canyon
UT-040-076, Carcass Canyon
UT-040-077, Mud Spring Canyon
UT-040-078, Death Ridge
UT-040-079, Burning Hills
UT-040-104, Mountain Home Range
UT-040-143, Canaan Mtn.,
UT-040-204B, Central Wah Wah Range
UT-040-230, Parunuweap Canyon
UT-040-247, Paria-Hackberry
UT-040-248, Wahweap
UT-040-255, Upper Kanab Creek
UT-040-266, East of Bryce
UT-050-221B, Fremont Gorge
UT-050-238, Blue Hills-Mt. Ellen
UT-050-241, Fiddler Butte
UT-050-248, Mt. Pennell
UT-060-068A, Desolation Canyon
UT-060-068B, Floy Canyon
UT-060-100B, Diamond Canyon
UT-060-100C, Cottonwood Canyon
UT-060-122, Granite Creek
UT-060-138, Negro Bill Canyon
UT-060-139A, Mill Creek
UT-060-171, Sweet Alice Canyon
UT-060-175, Middle Point
UT-060-181, Mancos Mesa
UT-060-188, Pine Canyon
UT-060-196, Bullet Canyon
UT-060-197/198, Slickhorn Canyon
UT-060-204, Fish Creek Canyon
UT-060-191, Cheese Box Canyon
UT-060-194, Harmony Flat
UT-060-201, Road Canyon
UT-060-205A, Arch Canyon
UT-060-205B, Mule Canyon
UT-060-224, Sheiks Flat
UT-060-227, Squaw & Papoose Can.
UT-060-229, Cross Canyon
UT-060-104, Wild Mountain
UT-060-730, Winter Ridge

That portion of the inventory unit(s) listed above as specified in the appeal will remain under management restrictions imposed by Section 603 of the Federal Land Policy and Management Act pending disposition of the appeal by IBLA.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah BLM State Office, (801) 524-5328.

Dated: May 1, 1981.

Dean Stepanek,

Acting State Director.

[FR Doc. 81-14361 Filed 5-12-81; 8:45 am]

BILLING CODE 4310-02-M

[OR 28124 (WASH)]

Washington; Termination of Small Tract Classification

1. By Small Tract Classification Order No. 4 of the Assistant Regional Administrator, Bureau of Land Management, which was published in the **Federal Register** on September 10, 1952 (17 FR 8161), the following described land was classified for lease and sale for homesite purposes pursuant to the Small Tract Act of June 1, 1938 (43 U.S.C. 682a):

Willamette Meridian

T. 9 N., R. 28 E.,

Sec. 22, Lot 4 and Lot 5 (formerly part of Lot 4), SW¼NE¼, and NW¼.

The area described contains 237.80 acres in Benton County, Washington.

2. The Small Tract Act has been repealed by Section 702 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1701). Accordingly, the classification is no longer applicable and is terminated upon publication of this notice in the **Federal Register.**

3. At 10:00 a.m., on June 19, 1981 the above described land will be relieved of the segregative effect of the above-mentioned classification order.

Dated: May 4, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-14363 Filed 5-12-81; 8:45 am]

BILLING CODE 4310-02-M

Resource Management Planning; Commencement of Wilderness Studies in Lewistown and Miles City Districts, Montana

May 5, 1981.

In accordance with 43 CFR 1601.3(g) notice is hereby given of resource planning activity now underway.

The proposed action is the preparation of a Wilderness Planning Amendment/Environmental Impact Statement (WPA/EIS) for seven wilderness study areas (WSAs) in the Lewistown District and three WSAs in the Miles City District. The WPA/EIS will fulfill the requirements of the Federal Land Policy and Management Act (FLPMA), of October 1976, and will amend the Fergus, South Bearpaw, Phillips, and Valley Managment Framework Plans (MFP) in the Lewistown District and the Musselshell MFP in the Miles City District. The five MFPs were completed in 1978.

The purpose of the amendment is to determine the suitability or unsuitability for wilderness designation of ten WSAs in planning areas where land use planning updates are not scheduled prior to the Bureau's 1987 date for completion of wilderness studies.

The amendment process will result in preliminary suitability recommendations which will be forwarded to the Secretary of the Interior. The secretary will make final recommendations to the President who will send them to Congress. Congress will make the final decision on which units or portions of units will be designated as wilderness.

The amendment process will not detemine how the study areas will be managed. Those areas not designated as wilderness will be managed according to land use decisions already present in the appropriate MFP. A Wilderness Management Plan will be prepared for each wilderness area after designation by Congress.

The WPA/EIS is scheduled for completion by September 30, 1982.

The ten wilderness study areas to be analyzed in this WPA/EIS are:

(1) Dog Creek South, MT-066-244, 5,230 Acres
(2) Woodhawk, MT-066-246, 7,855 Acres
(3) Stafford, MT-066-250, 4,700 Acres
(4) Ervin Ridge, MT-066-253, 12,000 Acres
(5) Cow Creek, MT-066-256, 36,200 Acres
(6) Antelope Creek, MT-065-266, 12,340 Acres
(7) Burnt Lodge, MT-065-278, 15,000 Acres
(8) Billy Creek, MT-024-633, 3,480 Acres
(9) Seven Blackfoot, MT-024-657, 19,677 Acres
(10) Bridge Coulee, MT-024-675, 5,650 Acres.

The study areas are located in the Lewistown and Miles City Districts in central/east-central Montana. The areas are in Fergus, Phillips, Valley, Baline (Lewistown District), and Garfield (Miles City District) Counties. All units are within what is locally called the "Missouri Breaks."

A number of issues have been identified during the inventory stage of the Bureau's wilderness review.

Major issues include a fear that wilderness designation will interfere with or eliminate grazing on public lands. There is also the concern that wilderness designation will eliminate or heavily restrict the use of motor vehicles for grazing management, recreational use, oil and gas explorations, etc.

Economic issues include the concern that wilderness will decrease local private land values as well as the value of Federal grazing leases for loan purposes. The potential for interference with oil and gas exploration and production is also of economic concern.

Throughout the study process, the public will be asked to provide their concerns on the best use of the public resources. These concerns will be considered in the environmental analysis.

In order to properly analyze and consider the issues, a multi-disciplinary team will be used. Resource skills represented on the team include wildlife biology, outdoor recreation planning, soil science, hydrology, range management, minerals and geology, wilderness, lands, economics, and sociology.

The following planning criteria published in the December 19, 1980, Federal Register, Vol. 45, No. 246 (Draft Wilderness Study Policy), will be used in the study process.

a. Requirements for Areas Recommended as Suitable for Wilderness Designation
b. Public Comment
c. Local and Regional Socioeconomic Effects
d. Energy and Critical Mineral Resource Values
e. Consistency with Other Plans
f. Impacts on Other Resources
g. Impacts on Wilderness
h. Evaluation of Wilderness Values
i. Diversity in the National Wilderness Preservation System.

These criteria will be used to determine the level of analysis required for each issue, assist in formulating alternatives, identifying the preferred alternative, and in estimating the effects of the alternatives.

During the study, various sectors of the public will be requested to provide data needed for the analysis. As the planning process proceeds, the pubic will be asked to become more formally involved through open houses and public meetings. The initial open house sessions to obtain public comment on the planning criteria and the issues which should be considered in the study will be held at the following locations and times:

Date, Time, and Location

May 27—2:00 p.m. to 7:00 p.m.—Lewistown District Office, Airport Road, Lewistown, Montana.
May 28—6:30 p.m.—to 9:00 p.m.—Jordan VFW Club, Jordan, Montana.

Future meeting dates, times, and locations will be announced in the Federal Register and media.

For future information contact: Glenn L. Freeman, Distict Manager, Lewistown Distict Office, Airport Road, Lewistown, Montana 59457, (406) 538-7461.

Documents will be available for public review at the Lewistown Distict Office.

Michael J. Penfold,
State Director.

[FR Doc. 81-14332 Filed 5-12-81; 8:45 am]
BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Shell Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4125, Blocks 37 and 56, portions, Main Pass and Breton Sound Areas, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 4, 1981.

Lowell G. Hammons,
Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-14333 Filed 5-12-81; 8:45 am]
BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Zapata Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2552, Block 538, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North

Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 5, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-14304 Filed 5-12-81; 8:45 am]

BILLING CODE 4310-31-M

Office of Surface Mining Reclamation and Enforcement

Availability of Finding of No Significant Impact (FONSI)

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

PURPOSE: The Regional Director, Region II, has determined that reclamation activities proposed for the Osborne Slide Abandoned Mine Land Reclamation Project will not result in significant impacts on the quality of the human environment. Therefore, a more detailed and comprehensive analysis of the possible effects of the proposed reclamation, in the form of an environmental impact statement, will not be necessary. The Regional Director's FONSI, along with the Environmental Assessment (EA) from which this decision was made, will be made available for public inspection and review by contacting: Ralph H. Cox, Assistant Regional Director, AML, Office of Surface Mining, Region II, 530 Gay Street SW., Suite 500, Knoxville, Tennessee 37902, Telephone: (615) 971–5287.

REVIEW PERIOD: No official review period has been designated. Persons wishing to comment on the FONSI or the EA may, however, forward their views to the Regional Director at the above address.

Dated: May 4, 1981

W. Hord Tipton,

Deputy Regional Director, Region II.

[FR Doc. 81-14310 Filed 5-12-81; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29617]

Atlantic & East Carolina Railway Co. and North Carolina Ports Railway Commission—Exemption; Correction: Notice

The document published on April 23, 1981, in FR Doc. 81–12214, at page 23138 was inadvertently designated as F.D. No. 29565. Please correct to read F.D. No. 29617.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14307 Filed 5-12-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication on applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–139

Decided: May 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor. (Parker not participating.)

MC 37490 (Sub-9), filed April 29, 1981. Applicant: DUNCAN TRUCK SERVICE, INC., 100 Park Ave., Flandreau, SD 57028. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227–7731. Transporting *chemicals and related products,* between points in IL, IA, MI, MN, NE, ND, SD, and WI.

MC 150521 (Sub-2), filed April 28, 1981. Applicant: HUMISTON FARMS, Route 1, Box 144, Muleshoe, TX 79347. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting *metal products,* between points in Douglas County, NE, on the one hand, and, on the other, points in KS, OK, NM, and TX.

MC 155231, filed April 9, 1981, and previously noticed in **Federal Register** issue of April 24, 1981. Applicant:

MAXAM TRUCKING, INC., R.D. #1, Interlaken, NY 14847. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472–8845. Transporting *farm and construction machinery and equipment*, between those points in NY north of Rockland and Westchester Counties, on the one hand, and, on the other, Philadelphia, PA, and points in IA, IL, KS, and WI, and those ports of entry on the international boundary line between the U.S. and Canada in NY.

Note.—This republication clarifies the territorial description.

MC 155530, filed April 28, 1981. Applicant: B & M TRUCKING, INC., 7116 Ponderosa Drive, Salt Lake City, UT 84121. Representative: Thomas M. Zarr, 455 South Third East, Suite 301, Salt Lake City, UT 84111. Transporting *building materials, and clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Buehner Block Company, of Salt Lake City, UT.

MC 155601, filed April 29, 1981. Applicant: AIR TRANSIT, INC., 6 Claflin Street, Boston, MA 02210. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Eagle Can Company, of Peabody, MA.

Volume No. OPY–3–060

Decided: May 6, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 3104 (Sub-6), filed April 24, 1981. Applicant: Z & M MOTOR LINE, INC., P.O. Box 2345, 205 Bowen St., Cumberland, MD 21502. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *rubber products*, between points in IL, IN, KY, MI, OH, NY, MN, NJ, PA, DE, WV, KS, TN, IA, MD, VA, WI, MO, and DC.

MC 4484 (Sub-22), filed April 24, 1981. Applicant: CROWN TRANSPORT, INC., Route 2, Wampum, PA 16157. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 6th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston-Purina Company, at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 51004 (Sub-10), filed April 24, 1981. Applicant: PAUL H. LISKEY, Route 1, Box 67–H, Kearneysville, WV 25430. Representative: Daniel B. Johnson, 4304 East-West Hwy, Washington, DC 20014, (301) 654–2240. Transporting *agricultural chemicals*, and *fertilizer*, between points in DE, MD, OH, PA, VA, WV, and DC.

MC 61294 (Sub-3), filed April 24, 1981. Applicant: PEOPLE'S FUEL AND TRUCKING, INC., 73 City Hall Ave., Gardner, MA 01440. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *commodities in bulk*, between points in ME, MA, NH, RI, and VT.

MC 69145 (Sub-2), filed February 9, 1981. Applicant: C. M. MITCHELL & SONS TRANSFER COMPANY, P.O. Box 1808, Meridan, MS 39301. Representative: Donald B. Sweeney, Jr., 512 Massey Building, Birmingham, AL 35203, (205) 251–2881. Transporting *pulp, paper and related products*, between points in Meringo, Choctaw and Sumter Counties, AL, and Lauderdale County, MS, on the one hand, and, on the other, points in AL, MS, and LA.

MC 113594 (Sub-5), filed April 27, 1981. Applicant: ASPHALT PRODUCTS TRANSPORT CO., INC., 635 West 18 Street, Tucson, AZ 85703 Representative: Andrew V. Baylor, 337 West Elm Street, Phoenix, AZ 85012. Transporting *liquid asphalt, road oil*, and *residual fuel oil*, between points in the U.S., under continuing contract(s) with Chevron U.S.A. Inc., of San Francisco, CA.

MC 117304 (Sub-44), filed April 24, 1981. Applicant: DON PAFFILE, d.b.a. PAFFILE TRUCK LINE, 5735 N & S Highway, Lewiston, ID 83501. Representative: Michael J. O'Neill (same address as applicant), (208) 746–9851. Transporting *general commodities* (except classes A and B explosives), between points in OR, WA, ID, and MT.

MC 124904 (Sub-6), filed April 27, 1981. Applicant: GIBNEY DISTRIBUTORS, INC., 300 Old Indian Head Rd., Kings Parks, NY 11754. Representative: Arthur J. Piken, 95–25 Queens Blvd., Rego Park, NY 11374, (212)–275–1000. Transporting *Food and related products*, between those points in the U.S. in and east of WI, IL, KY, TN and MS.

MC 140484 (Sub-93), filed April 24, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant), (813) 334–4517. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in U.S., under continuing contract(s) with Giant Eagle Markets, Inc., of Pittsburgh, PA.

MC 144115 (Sub-19), filed April 24, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 903 6th Street NW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677–2586. Transporting (1) *pulp, paper and related products*, (2) *printed matter*, (3) *chemicals and related products*, (4) *equipment and supplies* used in educational institutions, and (5) *rubber and plastic products*, between Du Page and Cook Counties, IL, Lake and Marion Counties, IN, Fayette and Woodfore Counties, KY Muscatine County, IA, Bristol County, MA, and West Chester County, NY, on the one hand, and, on the other, points in the U.S.

MC 145054 (Sub-46), filed April 24, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver CO 80264, (303) 861–4028. Transporting *pulp, paper and related products*, between points in the U.S. under continuing contract(s) with Nekoosa Papers Inc., and its wholly owned subsidiaries, of Port Edwards, WI.

MC 149114 (Sub-7), filed April 28, 1981. Applicant: NATIONAL TRANSPORT SERVICES COMPANY, INC., 100 Industrial Ave., Edison, NJ 08837. Representative: Brian H. Siegel, 1101 Connecticut Avenue NW., Suite 1000, Washington, DC 20036, (202) 857–0141. Transporting *confectionary*, between points in the U.S., under continuing contract(s) with M&M Mars, Inc., of Hackettstown, NJ.

MC 152444 (Sub-3), filed April 27, 1981. Applicant: SHARP'S TRUCK & TRACTOR, INC., Business Hwy #36 & 69 West, Cameron, MO 64429. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105, (816) 221–1464. Transporting *chemicals and related products*, between points in Jackson County, MO, Washington, Cass, Gage, and Richardson Counties, NE, on the one hand, and, on the other, points in IA and MO.

MC 153385, filed April 27, 1981. Applicant: AUTOMOBILE TRANSPORT SPECIALISTS, INC., 6576 S. Andes Place, Aurora, CO 80016. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203, (303) 861–4273. Transporting *transportation equipment*, between points in AZ, CA, CO, IL, IN, MI, MO, MT, NE, NV, NM, ND, KS, OH, OK, SD, TX, UT and WY.

MC 153714, filed April 27, 1981. Applicant: FRADDY'S TRUCKING, 2200

S.E. 45th #40, Hillsboro, OR 97123. Representative: William A. Murray (same address as applicant), (503) 640-8308. Transporting *malt beverages and wine*, between San Antonio, TX, and points in Los Angeles, Kern, and Santa Clara Counties, CA, on the one hand, and, on the other, points in Washington Counties, OR.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14328 Filed 5-12-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI-140

Decided: May 6, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler, and Taylor. (Parker, Chandler and Taylor.)

MC 154430 (Sub-2), filed April 29, 1981. Applicant: COAST TO COAST TRANSPORT, INC., P.O. Box 35507, 7411 S. Atlanta, Tulsa, OK 74135. Representative: Paul Capps (same address as applicant), (918) 494-4016. Transporting *general commodities*, between Mintz, NC, Primrose and Luthersville, GA, Cardwell, Arbyard and Hornersville, MO, McHenry, ND, Narcisso, Russellville and Roaring Springs, TX, Raymond, Oakley, Adams, and Myles, MS, Winfield, Riverdale and Belle Plaine, KS, and Snyder and Hamburg, AR, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 155641, filed April 28, 1981. Applicant: PAUL EDWARD BROWN, d.b.a. SECURED ARMORED CAR SERVICE, P.O. Box 855, Medford, OR 97501. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, (503) 228-6491. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY-3-061

Decided: May 6, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 154305, filed April 28, 1981. Applicant: CENTRAL VALLEY MOVING & STORAGE, 415 S. Soderquist Rd., P.O. Box 2340, Turlock, CA 95380. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111. Transporting, for or on behalf of the United States Government, (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.; and (2) transportation for the United States Government of *used household goods* which transportation is incidental to a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 147724 (Sub-3), filed April 27, 1981. Applicant: TYRONE SCHULZ, d.b.a. TY SCHULZ TRUCKING, Route 1, Box 221, Ione, CA 95640. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882-5649. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-3-062

Decided: May 7, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher and Williams.

MC 154464 (Sub-3), filed April 30, 1981. Applicant: BOB HIMES, INC., 8611 New Benton Highway, Little Rock, AR 72209. Representative: Robert H. Himes (same address as applicant), (501) 224-0153. Transporting *general commodities*, between Holly Springs and Stokedale, NC, Radcliffe, Aurora, Ellsworth and Lawn Hill, IA, Henery and Clark, SD, Esmond, IL, Shell Lake, Cumberland, Gillette and Green Valley, WI, Elgin, NE, Benton, Barlow, LaCenter, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville and Edgeten, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia and Riverside, TN, Edna, Lewistown, Hurdland and Ewing, MO, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe and Allison, TX,

Reydon, Cheyenne, Strong City, Hammon and Butler, OK, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 155614 (Sub-1), filed April 29, 1981. Applicant: ALL CARGO TRANSPORTATION, INC., P.O. Box 100301, Nashville, TN 37210. Representative: Francis J. Orscheln, 1736 Parkwood Drive, Moberly, MO 65270, (816) 263–1066. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155644, filed April 29, 1981. Applicant: MICHAEL J. WRIGHT, DAVID C. WRIGHT and HAROLD J. WRIGHT, JR., d.b.a. KITTY HAWK EXPRESS SYSTEMS, Hevelyn Rd., Elmsford, NY 10523. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 155684, filed May 1, 1981. Applicant: E. L. MOBLEY, INC., P.O. Box 1666, 21 East Bay St., Savannah, GA 31402. Representative: Richard E. Mobley (same address as applicant), (912) 234–0686. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–14239 Filed 5–12–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier; Temporary Authority Application

Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–119

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 147076 (Sub-II–1TA), filed April 30, 1981. Applicant: COMMERCIAL ZONE CARTAGE, INC., 9940 Cincinnati-Dayton Rd., West Chester, OH 45069. Representative: James M. Durham (same address as applicant). *Contract Irregular: Clothing and any related articles used in the manufacture and distribution* thereof, between Florence, KY, Neunan, GA, Chicago, IL, Denver, CO, Baltimore, MD, Brockton, MA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Levi Strauss & Co., 7950 Dixie Highway, Florence, KY 41042.

MC 50069TA (Sub-II–11TA), filed April 30, 1981. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: William P. Fromm (same address as applicant). Corrosive cleaning and rust preventive chemicals, in bulk, in tank vehicles from Redford Township, MI to points in AR. Supporting shipper: Detrex Chemical Industries, Inc., 28000 Capitol Ave., Redford, MI 48239.

MC 151706 (Sub-II–3TA), filed April 30, 1981. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601. *General commodities* having a prior or subsequent movement in rail piggyback service between railroad piggyback facilities located in Chicago, IL on the one hand, and, on the other, points in IL, IN, KY, MI and OH for the account of White Motor Corporation for 270 days. Supporting shipper: White Motor Corporation, 34500 Grand River Ave., Farmington Hills, MI 48025.

MC 146820 (Sub-II–9TA), filed April 30, 1981. Applicant: B & G TRUCKING, INC., 579 High St., P.O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Contract—Irregular: General commodities* (except Classes A and B explosives) between points in the United States, under a continuing contract(s) with International Paper Company of New York, NY, for 270 days. Supporting shipper: International Paper Company, 77 W. 45th St., New York, NY 10036.

MC 155635 (Sub-II–1TA), filed April 30, 1981. Applicant: EURO TRUCKING, 225 South Scioto St., Circleville, OH 43113. Representative: Robert L. Norpoth, 225 South Scioto St., Circleville, OH 43113. *Contract Irregular: Commodities as dealt in by agricultural feed business houses* from Circleville, OH to points in PA, WV, NY and MD for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188.

MC 154713 (Sub-II–10TA), filed April 30, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Metal products, construction equipment, welders, generators, compressors and tool houses,* between points in Allegheny, Bucks and Warren Counties, PA; Jefferson County, AL; LaSalle County, IL; Polk County, IA and Baltimore, MD, on the one hand, and, on the other, points in and east of ND, SD, NE, CO, OK and TX, for 270 days. Supporting shipper: Pittsburgh Des Moines Corporation, 3400 Grand Avenue, Pittsburgh, PA 15225.

MC 155575 (Sub-II–1TA), filed April 30, 1981. Applicant: K & L TRUCKING, INC., 511 Wood St., Delta, OH 43515. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Such commodities* as are dealt in or used by manufacturers of brass and brass products, between the facilities of Chase Brass & Copper Unit of Kennecott Corporation at or near Montpelier, OH on the one hand, and, on the other,

points in the U.S. in and east of ND, SD, NE, KS, OK and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kennecott Engineering Systems Co., Div. of Kennecott Corp., 20600 Chagrin Blvd., Cleveland, OH 44122.

MC 67646 (Sub-II–6TA), filed April 30, 1981. Applicant: HALL'S MOTOR TRANSIT CO., 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Edward W. Kelliher (same as applicant). (1) *such commodities as are dealt in by construction and home improvement centers (except in bulk and except articles requiring the use of special equipment), and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above,* between the facilities of Therma-Tru Division of LST Corp. at points in the US in and east of ND, SD, NE, CO, OK and TX, on the one hand, and, on the other, points in the US in and east of ND, SD, NE, CO, OK and TX, for 270 days. Supporting shipper: Therma-Tru, Division of LST Corp., 2806 Reynolds Rd., Toledo, OH 43615.

MC 2368 (Sub-II–TA), filed April 30, 1981. Applicant: BRALLEY-WILLETT TANK LINES, INC., P.O.B. 495, Richmond, VA 23204. Representative: William T. Marshburn (same address as applicant). *Chemicals, in bulk, in tank vehicles,* between points in NC, on the one hand, and, on the other, points in the US in and east of ND, SD, NE, KS, OK, and TX. An underlying ETA seeks 270 days authority. Supporting shipper(s): Ace Chemical Corp., P.O.B. 7031, Charlotte, NC 28217; Chem-Way Corp., P.O.B 8129, Charlotte, NC 28208.

MC 155637 (Sub-II–1TA), filed April 30, 1981. Applicant: DAVID STEIN, d.b.a. DISTRIBUTION SERVICES, INC., Armstrong Terminal, 1st St. and 7th Ave., Huntington, WV 25701. Representative: David Stein, 2002 Weberwood Rd., Charleston, WV 25314. Contract, irregular, *Office supplies,* between Huntington, WV and pts. in WV, on the one hand, and, on the other, pts. in Washington, Athens, Meigs, Gallia, Lawrence and Scioto Counties, OH, and pts. in Greenup and Boyd Counties, KY, for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to interline with existing carrier. Supporting shipper: Boise Cascade Office Products Div., 800 W. Byrn Mawr Ave., Itasca, IL 60143.

MC 155086 (Sub-II–2TA), filed April 30, 1981. Applicant: RICHMOND TRUCKING, INC., Rte. 1, Box 255, Glen Morgan, WV 24847. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Contract, irregular—*Mine Roof and Tunneling Support Systems, Machinery, and Materials, Supplies and Equipment used in their manufacture, production and sale* between points in Raleigh County, WV and points in the US except HI, under continuing contract(s) with Dosco Corporation., for 270 days. Supporting shipper(s): The Dosco Corporation, 1020 N. Eisenhower Dr., Beckley, WV 25801.

MC 155633 (Sub-II–1TA), filed April 30, 1981. Applicant: WILLIAM J. VENDETTI, d.b.a. VENDETTI TRUCKING COMPANY, 616 Camelot Drive, Bel Air, MD 21014. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *Contract* irregular (1) empty bottles from Havre de Grace, MD to Alexandria, VA and (2) beverages from Alexandria, VA to Baltimore, MD, under continuing contract with Mid-Atlantic Coca Cola Co., Baltimore, MD, for 270 days. Supporting shipper: Mid-Atlantic Coca Cola Company, 701 North Kresson St., Baltimore, MD 21205.

MC 143300 (Sub-II–4TA), filed April 27, 1981. Applicant: J. C. WOOLDRIDGE, INC., Route 7, Box 43, Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Fertilizer and Fertilizer Materials,* (1) from Chesapeake and Danville, VA to points in NC, and, (2) from Kinston and Wilmington, NC to points in VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Borden Inc.-Smith Douglas Division, P.O. Box 111, Danville, VA 24541.

MC 61825 (Sub-II–16TA), filed April 27, 1981. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). *Paint or paint materials,* from Baltimore, MD to points in IN and OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dutch Boy, Consumer Div., The Sherwin-Williams Co., 2325 Hollins Ferry Rd., Baltimore, MD 21230.

MC 61825 (Sub-II–15TA), filed April 27, 1981. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). *Roofing and roofing related products,* from Tuscaloosa, AL and Knoxville, TN, to points in MD, NJ, NY, NC, PA, SC, VA and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Tamko Asphalt Products, Inc., 220 West 4th Street, Joplin, MO 64801.

MC 142823 (Sub-II–2TA), filed April 27, 1981. Applicant: CROSBY TRUCKING SERVICE, INC., P.O. Box 125, New Hope Rd., Staunton, VA 24401. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411–D Backlick Rd., Springfield, VA 22151. *Such commodities as are dealt in or used by manufacturers and distributors of building and roofing insulation and insulation materials,* between Woodstock, VA, on the one hand, and, on the other, points in MD, PA, OH, NY, VA, WV, DE, and DC, for 270 days. Supporting shipper: Johns-Manville Corp., 200 N. Main St., Manville, NJ 08835.

MC 154713 (Sub-II–6TA), filed April 27, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. *Refractories, refractory products,* materials and supplies used in the manufacture and distribution thereof, between points in Lawrence and Scioto Counties, OH; Lake County, IN; Monroe County, MI and Allegheny County, PA, on the one hand, and, on the other, points in and east of ND, SD, NE, CO, OK and TX, for 270 days. Supporting shipper: BMI, Inc., 700 Bingham St., Pittsburgh, PA 15203.

MC 154713 (Sub-II–9TA), filed April 27, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Refractories and refractory materials,* between points in Greenup County, KY and Hamilton County, OH, on the one hand, and, on the other, points in AR, CO, IN, IL, GA, KY, LA, MD, NY, OH, PA, SC, TN and TX for 270 days. Supporting shipper: Didier-Taylor Refractories Corp., P.O. Box 457, South Shore, KY 41175.

MC 148525 (Sub-II–1TA), filed April 27, 1981. Applicant: THE PEERLESS TRANSPORTATION COMPANY, 214 S. Perry St., P.O. Box 638, Dayton, OH 45402. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *General commodities* (except Classes A and B explosives), (1) between Dayton, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, OH and WV and (2) between Cincinnati and Columbus, OH, on the one hand, and, on the other, points in OH for 270 days. Supporting shippers: Dayton Bag & Burlap Co., P.O. Drawer 8, Dayton, OH 45401; Millwork Sales Company, 23 Walbrook Ave., Dayton, OH 45405; Maddox Company, 102 Forestview Dr., Dayton, OH 45459; Monarch Marking Company, Byers Rd., Miamisburg, OH 45401; Sunwise

Products, Inc., 2296 South Linda Dr., Bellbrook, OH 45305.

MC 107012 (Sub-II-163TA), filed April 27, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *Contract irregular: General commodities (except class A & B explosives and household goods as defined by the Commission)* between points in the U.S. under continuing contracts with North American Philips Corp., of New York, NY, and its Subsidiaries for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: North American Philips Corp., 100 East 42nd St., New York, NY 10017.

Note.—Common control may be involved.

MC 107012 (Sub-II-162TA), filed April 27, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Urethane foam products* from the facilities of Cushion Products of America, Inc. at or near Americus, GA to points in AL, AR, FL, KY, LA, NC, SC, SD, TN, VA, and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Cushion Products of America, Inc., Route 4, Brady Road, Americus, GA 31709.

Note.—Common control may be involved.

MC 107012 (Sub-II-161TA), filed April 27, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same as applicant). *Contract irregular: General commodities (except class A & B explosives and household goods as defined by the Commission)* between points in the U.S. under continuing contract with Xerox Corp., Rochester, NY for 270 days. Supporting Shipper: Xerox Corp., Xerox Square, Rochester, NY 14644.

Note.—Common control may be involved.

MC 155529 (Sub-II-1TA), filed April 27, 1981. Applicant: G & D TRANSPORT, INC., 33 Spring Hollow Lane, Westerville, OH 43081. Representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of oil well drilling equipment* between the facilities of Morgan Engineering at or near Alliance, OH, on the one hand, and, on the other, points in CA, NV, UT, ID, WY, CO, NE, KS, OK, TX, NM, LA, AR, MO, IA, IL, IN, OH, KY, TN, MA, AL, PA, AZ, and MI for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper(s): Morgan Engineering, Oil Products Division, A Unit of AMCA Internation Corporation, 947 E. Broadway, Alliance, OH 44601.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 153578 (Sub-6-4TA), filed April 27, 1981. Applicant: ALPINE TRANSPORT, INC., 225 Commerce St., Missoula, MT 59801. Representative: William E. Seliski, P.O. Box 8255, Missoula, MT 59807. (1) *Lumber;* (2) *Wood Products;* (3) *Building Materials* from OR, WA, MT, ID to MT, WY, ND, SD, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Great Northern Timber Co., P.O. Box 25362, Portland, OR 97225.

MC 155530 (Sub-6-1TA), filed April 27, 1981. Applicant: B & M TRUCKING, INC., 7116 Ponderosa, Salt Lake City, UT 84121. Representative: Thomas M. Zarr, 455 South Third East, Suite 301, Salt Lake City, UT 84111. *Contract Carrier;* Irregular. *Building materials, clay and concrete products (except commodities in bulk in tank vehicles)* from Salt Lake County, UT to points in ID, WY, MT, CO, NM, AZ and NV (for 270 days). ETA seeks 120 days authority. Supporting shipper: Buehner Block Company, 2800 South West Temple, Salt Lake City, UT 84115.

MC 133589 (Sub-6-1TA), filed April 27, 1981. Applicant: BCT, INC., One Jefferson Sq., Boise, ID 83728. Representative: Irene Warr, Suite 280, Western Home Bank Bldg., 311 S. State St., Salt Lake City, UT 84111. *Contract Carrier,* irregular routes: *buildings, portable or fabricated, NOIBN, wood with heating, air conditioning, stoves or cabinets installed, setup or in set-up sections,* from Lafayette, CO, Meridian and Pocatello, ID, Laurel, MT, and Bingham (West Jordan) UT, to points in and West of ND, SD, NE, KS, OK, & TX, under a continuing contract with KRR, Inc., Boise, ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: KRR, Inc., P.O. Box 8358, Boise, ID 83707.

MC 155375 (Sub-6-1TA), filed April 27, 1981. Applicant: C. BOND COMPANIES, INC., P.O. Box 1969, Fontana, CA 92335. Representative: William J. Blohm (same address as applicant). *General Commodities (except used household goods and Classes A and B explosives)* between points in AZ, CA, NV, for 270 days. Underlying ETAs seeks 120 days. Supporting shippers: Industrial Mineral Ventures, Inc., P.O. Box 237, Lathrop Wells, NV 89020; United Distribution Service, Inc., 2242 E. 49th St., Vernon, CA 90058.

MC 71652 (Sub-6-11TA), filed April 23, 1981. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Hwy., Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Flat Glass,* between the plant of PPG Industries, Inc. at or near Crystal City, MO on the one hand, and, on the other, all points in CA for 270 days. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 155449 (Sub-6-1TA), filed April 27, 1981. Applicant: CHARLES LITTLE, d.b.a. CALIFORNIA FREIGHT LINES, 12424 Orr and Day Rd., Norwalk, CA 90650. Representative: Charles Little (same as applicant). *Coiled bed springs; water heaters, solar heaters and steel pipe and tubing,* between points in CA and points in AZ, NV and OR for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper(s): American Appliance, 2425 Michigan Ave., Santa Monica, CA 90406, Sealy Springs Corporation, 1183 Hensley St., Richmond, CA 94801, Western Tube and Conduit, 2001 E. Dominguez St., Long Beach, CA 90710.

MC 143660 (Sub-6-1TA), filed April 27, 1981. Applicant: CENTURY SERVICES, INC., P.O. Box 30647, Honolulu, HA 96819. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. *Contract Carrier;* Irregular Routes: *Such Commodities as are Dealt In or Used By Retail Catalogue Merchandise Stores and Department Stores,* from St. Louis, MO and its commercial zone to points in IL on and So. of U.S. Hwy. 36 and on or west of U.S. Hwy. 51 and No. of the So. line of Jackson County, IL for the account of J. C. Penney Company, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: J. C. Penney Company, Inc., 2258 Scheutz Road, St. Louis, MO 63141.

MC 155534 (Sub-6-TA), filed April 24, 1981. Applicant: KING ARTHUR MONTGOMERY and RANDALL WHITNEY, a partnership, d.b.a. CONTACT STAGE COMPANY, P.O. Box 137, Jackpot, NV 89825. Representative: Carol Hutchison, 1347 144th Ave #4, San Leandro, CA 94578. *Passengers, Express, Newspapers, Baggage, and Mail* between points in Twin Falls County ID and Elko County NV, for 180 days. Supporting Shippers: City of Wells, 279 Clover, Wells, NV 89835; City of Twin Falls, 321 2nd Avenue East, Twin Falls, ID 83301.

MC 124679 (Sub-6-43TA), filed April 28, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 W 2100 S, Salt Lake City, UT. 84119. Representative: Michael L. Bunnell (same as applicant).

Building materials and materials, equipment, and supplies used in the manufacture and distribution thereof (except in bulk) between the facilities used by Donn Corporation at or near Westlake and Medina, OH, on the one hand, and, on the other points west of the eastern boundaries of KS, NE, ND, OK, SD, and TX for 270 days. Supporting Shipper: Donn Corporation, 1000 Crocker Rd., Westlake, OH.

Note.—Applicant holds motor contract carrier authority in number MC–128813 and sub numbers thereunder, therefore dual operations may be involved. An underlying ETA seeks 120 days authority.

MC 125998 (Sub-6–6TA), filed April 27, 1981. Applicant: GOLDEN TRANSPPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Pulp, paper and related products,* between Waterloo, IA and Ogden, UT, for 270 days. Supporting Shipper: Professional Office Service, Inc., P.O. Box 450, Waterloo, IA 50704.

MC 145471 (Sub-6–2TA), filed April 28, 1981. Applicant: JOHN K. GRAY TRUCKING, 30 G st, Arcata, CA 95521. Representative: Phyllis Gray (same as applicant). (1) *Lumber, lumber mill products and wood products; and (2) equipment, materials and supplies used in the manufacture, sale and distribution of commodities listed in (1) above,* between Smith River, CA on the one hand, and, on the other, points in AZ, NV, OR and WA; Restricted to shipments moving for the acount of Arcata Lumber Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Arcata Lumber Co., P.O.B. 250, Smith River, CA, 95567.

MC 155428 (Sub-6–2TA), filed April 28, 1981. Applicant: K–C & COMPANY TRUCKING, P.O.B. 141, Lima, MT 59739. Representative: David E. Wishney, P.O. B. 837, Boise, ID 83701. *Contract Carrier,* irregular routes: *(1) oil drilling mud compounds and (2) portable storage sheds* from points in CO, ID, ND, NV, SD, UT and WY to points in MT under continuing contract(s) with IMCO Services, for 270 days. Supporting shipper: IMCO Services, P.O. Box 309, Rock Springs, WY 82901.

MC 155447 (Sub-6–1TA), filed April 27, 1981. Applicant: INTERCHANGE TRANSPORT SERVICES, 2300 Candelaria N.E., Suite 103, Albuquerque, NM 87107. Representative: David Lienau (same address as applicant). *General commodities, (except commodities in bulk, in tank vehicles and household goods),* (1) between points in NM, on the one hand, and on the other, points in NM, AZ, TX, OK, CO, CA and UT; (2) between all points in NM for freight having a prior or subsequent movement, for 270 days. Supporting shipper(s): There are six (6) supporting shippers. There statements may be examined at the Regional office listed.

MC 155548 (Sub-6–1TA), filed April 27, 1981. Applicant: MAYFIELD TRUCKING INC., 10506 Plunkett St., Bellflower, CA 90706. Representative: Leonard Mayfield (same as above). *Construction machinery, outfits and supplies,* between facilities in CA on the one hand and points in AZ and NV on the other, for 270 days. Supporting shipper(s): Raymond International, 21136 S. Wilmington Ave., Carson, CA; Hyster Corporation, 2425 S. Garfield, Commerce, CA; Trautwein Bros., 2410 Newport Blvd., Newport Beach, CA; Paramount Pacific Inc., 14400 Paramount Blvd., Paramount, CA.

MC 144572 (Sub-6–13TA), filed April 27, 1982. Applicant: MONFORT TRANSPORTATION COMPANY, POB G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. *Carbonated beverages,* from Denver, CO to Lincoln, Kearney and Grand Island, NE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Denver Coca-Cola Bottling Company, 3825 York St., Denver, CO 80205.

MC 144572 (Sub-6–14TA), filed April 24, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O.B. G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. (1) *Appliances, hydrotherapy equipment, sink and shower fixtures, smoke alarms, and filters,* and (2) *materials, supplies and equipment used in the manufacture and distribution of the commodities named in part (1) above,* from points in CA, IL, IN, NY, OH, PA and TX to Larimer County, CO, for 270 days. Supporting shipper: Teledyne Water Pik, 1730 Prospect, Ft. Collins, CO 80524.

MC 144572 (Sub-6–15TA), filed April 27, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Malt beverages,* from Buffalo, NY; Detroit, MI; Galveston, TX; Omaha, NE; Phoenix, AZ; St. Louis, MO; and St. Paul, MN to Greeley, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: H & S Distributing, Inc., 2123 2nd Avenue, Greeley, CO 80631.

MC 144053 (Sub-6–1TA), filed April 28, 1981. Applicant: DON MUMMA TRUCKING, INC., Rt. 2, Box 143M, Spokane, WA 99207. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier:* irregular routes: *trailer components and parts used in the construction or building of trailers* from points in AL, MI, KY, OH, IN, IL, PA, CA, WI, CO, GA, MO and MN to points in Spokane County, WA, under continuing contracts with Comet Corp., of Spokane, WA; Leland Trailers, Inc., of Spokane, WA; and Alloy Trailers, Inc., of Spokane, WA, for 270 days. Supporting shippers: Alloy Trailers, Inc., 3025 Geiger Blvd., Spokane, WA 99204; Comet Corp., N. 3808 Sullivan Rd., Spokane, WA 99216; Leland Trailers, Inc., P.O. Box 11217, Spokane, WA 99211.

MC 152808 (Sub-6–2TA), filed April 28, 1981. Applicant: NICHOLSON TRUCKING, INC., 1532 S. E. 3rd Ave., Portland, OR 97214. Representative: Paul C. Nicholson (same as applicant). *Contract carrier,* irregular route: *Lumber and wood products; pulp, paper, and related products; metal products, building materials, and commodities used in the manufacture of the above,* between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, for 270 days. Restricted to shipments moving for the account of Louisiana-Pacific Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: James A. McArthur, Division TM, Louisiana-Pacific Corporation, P.O.B. 158, Samoa, CA 95564.

MC 155536 (Sub-6–1TA), filed April 27, 1981. Applicant: R. D. NICKELL, d.b.a. R. D. NICKELL TRUCKING COMPANY, 4650 Arrow Hy., Su. A–10, Montclair, CA 91763. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Foodstuffs requiring refrigeration* from points in CA to points in AZ, AR, CO, ID, IL, IN, IA, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY, for 270 days. Supporting shipper: Packers Cold Storage, 1415 S. Raymond Ave., Fullerton, CA 92631.

MC 119555 (Sub-6–2TA), filed April 28, 1981. Applicant: OIL & INDUSTRY SUPPLIERS LTD., P.O. Box 3500, Calgary, Alberta, CD T2P 2P9. Representative: D. S. Vincent (same as applicant). *Cement additive,* from Dighton, MA to ports of entry on the US/CD International Boundary line located at Queenston, NY, for 270 days. Supporting shipper: Atkemix Inc., P.O. Box 1085, Brantford, Ontario, CD.

MC 140163 (Sub-6–4TA), filed April 27, 1981. Applicant: POST & SONS TRANSFER, INC., 2326 Milwaukee Rd., Tacoma, WA 98421. Representative: George R. LaBissoniere, 15 S. Grady

Way, Suite 233, Renton, WA 98055. *Metal and metal products* between points in the Seattle, WA. commercial zone, on the one hand, and points in OR, CA and UT, on the other hand, for 270 days. Supporting shippers: National Blower and Sheet Metal Co., 1129 St. Paul Ave., Tacoma, WA 98421; ASC Pacific, 2141 Milwaukee Way, Tacoma, WA 98421; and Traffic Control Sign Co., P.O. Box 11305, Tacoma, WA 98411.

MC 155546 (Sub-6–1TA), filed April 27, 1981. Applicant: SNOWBIRD, INC., 244 Kelly Road, Bellingham, WA 98225. Representative: Bruce A. Wolf, 2120 Pacific Bldg., Seattle WA 98104. *Contract carrier,* Irregular routes: *Building materials,* between points in WA, CA, OR, ID, and international points of entry between WA and B.C., CD, for 270 days. Supporting shipper: Duke Lumber, Ltd., 201–20316 56th Ave., Langley, B.C. V3A 3Y7.

MC 141867 (Sub-6–11TA), filed April 27, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Michael E. Southards (same as applicant). *Commodities dealt in or used by the manufacturers of foodstuff,* between points in the Seattle, WA commercial zone on the one hand, and, on the othe hand, points in OR, CA, ID, NV, MT, UT, WY, AR, TX, NM, and LA for 270 days. Supporting shipper: Alaska Group of Companies, Inc., 614 First Ave., P.O. B. 4152, Seattle, WA 98104.

MC 155532 (Sub-6–1TA), filed April 24, 1981. Applicant: WAYNE ALLEN WHITE, SR., d.b.a. WHITE & SON'S TRUCKING, 1036 73rd Avenue SE., Tumwater, WA 98502. Representative: Wayne Allan White, Sr., 5225 80th Avenue NW., Olympia, WA 98502. *Building Matrials; Lumber; Wall Board; Wall Board Mud and Supplies; Trusses; Laminated Beams; Nails; Roofing Materials (asphalt or steel); Posts and Poles (treated or untreated); Insulation; Glass; Steel; Shakes.* Between points in WA, OR, ID, CA, and NV, excluding service between points within a single state for 270 days. Supporting shippers: Tri-City Roofing Supply Co., d.b.a. Suburban Roofing, 5613 Elvas Ave., Sacramento, CA 95810; Lucas Plywood & Lumber, 2085 Vista SE., Salem, OR 97302; U.S. Lumber Sales, 2085 Vista SE., Salem, OR 97302.

MC 59412 (Sub-6–1TA), filed April 27, 1981. Applicant: JACK L. MASSENDER, d.b.a. ZILLAH HAULING SERVICE, 6502 N. Pittsburg St., Spokane, WA 99207. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Lumber and wood products* between points in WA and ID, on the one hand, and points in ID, MT, OR, CA, NV, UT, CO and AZ, on the other hand, for 270 days. Supporting shippers: There are seven supporting shippers. Their statements may be examined at the Regional office listed.

MC 152671 (Sub-6–8TA), filed April 29, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O.B. 6699, Boise, ID 83707. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Brick and masonry supplies,* from ports of entry on the international boundary line between the U.S. and CD located in ND, MN, ID, MT, and WA to Boise, ID, for 270 days. Supporting shipper: Masonry Center, Inc., 1424 North Orchard, Boise, ID 83705.

MC 134387 (Sub-6–13TA), filed May 1, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., #1800, Los Angeles, CA 90017. *Canned or preserved foodstuffs, and materials, supplies and equipment used in the manufacture, sale and distribution of same* between points in CA, OR, WA, UT, ID, MT and WY for 270 days. Supporting shipper: Del Monte Corporation, 1425 NE. Irving, Portland, OR 97214.

MC 134387 (Sub-6–14TA), filed May 1, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., #1800, Los Angeles, CA 90017. *Appliances* and *machinery* from Davis County, UT to all points in CA, NV and OR, for 270 days. Supporting shipper: General Electric Company, 1051 S. Freeport Industrial Parkway, Clearfield, UT 84051.

MC 149138 (Sub-6–4TA), filed May 1, 1981. Applicant: CKM EXPRESS CO., INC., 4250 Oneida, Suite 130, Denver, CO 80239. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. *Beer,* from St. Paul, MN and Omaha, NE to Greeley, CO for 270 days. Supporting shipper: H & S Distributing, 2123 Second Avenue, Greeley, CO 80631.

MC 149138 (Sub-6–5TA), filed May 1, 1981. Applicant: CKM EXPRESS CO., INC., 4250 Oneida, Suite 130, Denver, CO 80239. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. *Malt beverages,* from St. Paul, MN, Peoria, IL, Milwaukee, WI, Memphis, TN and San Antonio, TX to Denver, CO, for 270 days. Supporting shipper: Murray Bros. Distributing Co., 1505 West 3rd Avenue, Denver, CO 80223.

MC 113282 (Sub-6–1TA), filed April 30, 1981. Applicant: CEMENT DISTRIBUTORS, INC., 1442 Richmond Beach Rd., Seattle, WA 98177. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055. *Cement,* in bulk and packages, between points in WA and OR and points in OR and WA and ports of entry on the U.S.-Canadian Boundary Line in WA for 270 days. Supporting shippers: Oregon Portland Cement Co., 111 S.E. Madison St., Portland, OR 97214; Valley Rite Mix, Box 387, Abbotsford, B.C. V2S–4N9; Rempel Brothers Concrete, Ltd., 2866 Immel Road, Box 187, Abbotsford, B.C. V2S 4N8.

MC 42487 (Sub-6–60TA), filed April 29, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier,* regular routes: *General commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (Hazardous wastes are not involved), serving points in Carbon and Emery Counties, UT as off-route points in connection with carrier's existing regular-route operations, for 270 days. Supporting shipper(s): There are twelve (12) shippers. Their Statements may be examined at the Regional Office listed.

Note.—Applicant intends to tack to its existing authority to permit service to and from points throughout the U.S. Applicant proposes to interline traffic with its present connecting carriers.

MC 136605 (Sub-6–41TA), filed April 29, 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Scrap Metal,* from the facilities of Pacific Hide & Fur Depot located at or near Glasgow, Sidney, Miles City, Billings, Bozeman, Butte, Missoula, Kalispell, Great Falls, Havre, Lewistown, Helena, MT; Gillette, Casper, Rock Springs, Worland, Douglas, WY; Pocatello, Burley, Twin Falls, Idaho Falls, Nampa, Boise, Salmon, Lewiston, ID; to the facilties of Nucor Corporation at or near Plymouth, UT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Pacific Hide & Fur Depot, 1401 34d St. N.W., Great Falls, MT 59107.

MC 136605 (Sub-6–42TA), filed April 29, 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B 8129,

Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Lumber, Lumber Mill Products and Wood Products,* from points in AZ, CO, NM, and UT to points in AR, IA, IL, IN, KS, LA, MI, MO, NE, OH, OK, TX, WI and MN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Sagebrush Sales Company, P.O.B. 25606, Albuquerque, NM 87125; Navajo Forest Products, Navajo, NM 87157; Kennedy Lumber, Inc., P.O.B. 14000, Albuquerque, NM 87111; Snow Mountain Lumber Company, P.O.B. 2406, Durango, CO 81301.

MC 136605 (Sub-6-43TA), filed May 4, 1981. Applicant: DAVIS TRANSPORT, INC., P.O.B 8129, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Drilling mud and mud additives (except in bulk),* (1) between points in the U.S. in and west of ND, SD, NE, KS, OK and TX (2) between points named in (1) above and points in the U.S./CN Border in ND, MT, ID, WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Milchem, Inc., 3920 Essex Lane, Houston, TX 77027.

MC 155189 (Sub-6-1TA), filed April 30, 1981. Applicant: EXPRESSLY LTL., P.O. Box 3-245, Anchorage, AK 99501. Representative: Russell A. Evans, 410 Maynard Bldg., 119 First Ave. So., Seattle, WA 98104. *General commodities (except classes A and B explosives),* between Anchorage, AK on the one hand, and, on the other, points within the Third Judicial District of AK for 270 days. Supporting shippers: Washington-Oregon Shippers Cooperative Association/Pacific Northwest Shippers Cooperative Association, 200 West Thomas, Seattle, WA 98119; Alltrans Arctic Container, 650 South Othello, Seattle, WA 98108; Pioneer Auto & Truck Parts, Inc., P.O. Box 2543, Homer, AK 99603.

MC 139906 (Sub-6-70TA), filed May 1, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Such commodities as are used or dealt in by manufacturers and distributors of rubber, plastic and chemical products* (except in bulk) between the facilities of Fleetway Rubber, Inc., at or near Conyers, GA on the one hand, and, on the other, points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Fleetway Rubber Co., 1961 Industrial Blvd., Conyers, GA 30207.

MC 152109 (Sub-6-14TA); filed May 4, 1981. Applicant: KAIBAB TRANSPORTATION, INC., P.O. Box 20506, Phoenix, AZ 85036. Representative: Michael F. Morrone, 1150 17th Street, N.W., Suite 1000, Washington, D.C. 20036. *Contract carrier,* Irregular routes: *General Commodities* (except classes A and B explosives and hazardous waste materials) (a) from points in Clark County, NV to points in Ventura County, Los Angeles County, Orange County, Riverside County, San Bernardino County, and San Diego County, CA; Salt Lake City and St. George, UT; and Flagstaff, Kingman, Phoenix, and Tucson, AZ; and (b) from Los Angeles and Riverside, CA to points in Clark County, NV; Phoenix, Flagstaff, Tucson, Sun City, and Chandler, AZ for the account of the Flintkote Company, Los Angeles, CA for 270 days. Supporting shipper: The Flintkote Company, 5500 S. Alameda St., Los Angeles, CA 90058.

MC 144135 (Sub-6-1TA), filed April 30, 1981. Applicant: L & V TRUCKING, INC., 32650 Almaden Blvd., Union City, CA 94587. Representative: Gene Carmody, 15523 Sedgeman St., San Leandro, CA 94579. *Contract Carrier,* Irregular routes: *Steel roofing and beams* in truckload lots from Fremont, CA to Las Vegas, NV and *contractors materials and supplies,* in lots of 10,000 pounds or more, from Las Vegas, NV to Fremont, CA for 270 days. Supporting shipper: Inryco, Inc., P.O. Box 393, Milwaukee, WI 53201.

MC 138505 (Sub-6-4TA), filed April 29, 1981. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 6000 So. Ulster St., Suite 206, Englewood, CO 80111. Representative: Ralph Fox (same as applicant). *Contract Carrier:* Irregular routes: *Such commodities as are dealt in by retail department stores,* from Hartford, CT. to points in RI nd MA., for the account of G. Fox & Co., for 270 days. Supporting shipper: G. Fox & Co., 960 Main St., Hartford, CT 06115, an underlying ETA seeks 120 days authority.

MC 144572 (Sub-6-16TA), filed May 1, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Malt Beverages,* from Memphis, TN and Los Angeles, CA to Greeley and Niwot, CO, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Twin City Distributing, Inc., 611 8th St., Greeley, CO 80631.

MC 155692 (Sub-6-1TA), filed April 29, 1981. Applicant: DON PASCUZZO TRUCKING, 7153 Nada Street, Downey, CA 90242. Representaitve: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Metal products* from Los Angeles County, CA, to Phoenix, Tucson, Yuma and Flagstaff, AZ, Grand Junction, CO, Pocatello, ID, Las Vegas, Carson City and Reno, NV, Salt Lake City, Provo, St. George, Spanish Fork and Vernel, UT, for 270 days. Supporting shippers: Viking Steel Corporation, 1010 North Main Street, Suite 515, Santa Ana, CA 92701; Parcel Steel Company, 417 East 44th Way, Long Beach, CA 90807.

MC 150937 (Sub-6-5TA), filed April 29, 1981. Applicant: R & R DISTRIBUTING, INC., 1355 Abbott St., Salinas, CA 93901. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Such commodities as are dealt in by wholesale foodstuffs distributors,* from points in CA, ID, KS, MO, NJ, OR, SD, TX, UT, and WA, to Newport News, Norfolk, Richmond, and Virginia Beach, VA, for 270 days. Supporting shipper: Sandler Foods, 1224 Diamond Springs Rd., Virginia Beach, VA 23455.

MC 146965 (Sub-6-2TA), filed May 4, 1981. Applicant: REDDING LUMBER TRANSPORT, P.O. Box 3306, Redding, CA 96001. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Salt, Mineral Products and Salt Products* from UT to points in CA, OR, NV and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Utah Salt Company, Inc., 1935 South Main #307, Salt Lake City, UT 84115; Bucke's Feed & Grain, Inc., P.O. Box 518, Orland, CA 95963.

MC 147042 (Sub-6-1TA), filed April 30, 1981. Applicant: SEARS TRUCKING, INC., 1760 S. Anaheim Blvd., Anaheim, CA 92805. Representative: Robert Evans (same address as applicant). (1) *Paper cups and other paper articles;* (2) *Plastic cups and other plastic articles;* (3) *Bakery goods;* from Los Angeles County, CA to Las Vegas, and Sparks, NV, and within 10 miles of both destination points, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sweetheart Cup Corporation, 2155 E. 7th St., Los Angeles, CA.

MC 146436 (Sub-6-2TA), filed May 1, 1981. Applicant: SIERRA HIGHLANDS, BUS CO., INC., 2015 E. Hammond, Fresno, CA 93703. Representative: O. L. "Bud" Johansen (same as above). *Passengers, and baggage of passengers, in the same vehicle in charters and special operations.* Between Fresno, Kings, Merced, Madera, and Mariposa Counties, CA., On the one hand, and, on the other hand, points in the U.S. including AK but excluding HI. For 180

days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There ar twenty-eight shippers. Their statements may be examined at the regional office listed.

MC 155533 (Sub-6–1TA), filed May 4, 1981. Applicant: SOUTHWEST BEEF EXPRESS, INC., 641 S. 91st Ave., Tolleson, AZ 85353. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Meat and meat byproducts,* from the facilities of Southwest Beef, Inc. at Tolleson, AZ to points in CA, and commodities dealt in by retail and wholesale grocery stores from points in CA to points in Maricopa County, AZ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Southwest Beef, Inc., 641 S. 91st Ave., Tolleson, AZ 85353, and Associated Grocers, P.O. Box 20511, Phoenix, AZ 85036.

MC 136818 (Sub-6–30TA), filed April 30, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Rd., Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008. (1) *Containers, containers closures, container components and packaging products,* (2) *scrap materials* (except in bulk, in tank vehicles and those requiring special equipment), and (3) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities in (1), (except in bulk, in tank vehicles and those requiring special equipment), between points in the US, restricted to the transportation of traffic originating at or destined to the facilities of Lily Division of Owens-Illinois, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Lily Division of Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666.

MC 155048 (Sub-6–1TA), filed May 1, 1981. Applicant: CARL A. PRATT, SR., d.b.a. SUN DEVIL EXPRESS, 10628 S. Dobson, Chandler, AZ 85224. Representative: (Same address as applicant). *Contract Carrier,* irregular routes: *Sun screens for vehicles, mirror film for windows, raw material to process the above and related items,* between points in the States of AZ, CA, FL, IA, NY, NC, and VA for the account of Gila River Products for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gila River Products, 6615 W. Boston St., Chandler, AZ 85224.

MC 144956 (Sub-6–2TA), filed April 29, 1981. Applicant: TRANS-MUTUAL TRUCK LINES, INC., 4427A 72nd Ave. S.E., Calgary, Alberta, CD T2C 2C1. Representative: James M. Christenson, 4444 IDS Center, 80 So. Eighth St., Minneapolis, MN 55402. (1) *Brick* from ports of entry on the International Bounday line between the U.S. and CD located in WA, ID and MT to points in AZ, CA, ID, MT, NV, OR, UT and WY for 270 days. An underlying ETA for 120 days (R6–3) was granted on April 17, 1981. Supporting shippers: 1–XL Industries, Ltd., 5440 Hollybridge Way Richmond, BC, CD, V7C 4N4; Westland Masonry Supply, Inc., 1650 Linda Vista Dr., San Marcos, CA 92069.

MC 119755 (Sub-6–4TA), filed May 4, 1981. Applicant: WEST-TRADE TRANSPORT, LTD., P.O. Box 2058, Vancouver, BC, CD, V6B 3S3. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. *Contract carrier,* irregular routes: *General commodities* (except Class A and B explosives and hazardous wastes) originating at or destined to the facilities of American President Lines Ltd. and American President Lines Canada Ltd. between points on the US/Canada international boundary line located in WA, ID and MT on the one hand, and, on the other, points in WA, OR, CA, ID, MT, WY, CO, UT, NV and AZ for 270 days. Supporting shippers: American President Lines Ltd., 3225 E. Marginal Way S., Seattle, WA 98134 and American President Lines Canada Ltd., 1818–355 Burrard St., Vancouver, BC, CD V6C 2J1.

MC 153628 (Sub-6–2TA), filed April 29, 1981. Applicant: JIM LARSEN, d.b.a. WIND RIVER TRUCKING, 215 First Ave., S.W., Park City, MT 59063. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Contract carrier,* irregular routes; *Lumber, lumber products and wood products* from the facilities of St. Regis Paper Company at or near Libby, MT to points in AL, AZ, AR, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MO, MA, MI, MN, MS, MD, MT, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, UT, VA, WV, WI, WY and DC, for 270 days, restricted to traffic moving under a continuing contract or contracts with St. Regis Paper Company. Supporting shipper: St. Regis Paper Company, 1019 Pacific Ave., Tacoma, WA 98401.

MC 151661 (Sub-6–2TA), filed April 30, 1981. Applicant: WREDCO, INC., Country Club Rd., Gillette, WY 82716. Representative: William R. Wright II (same address as applicant). (1) *Petroleum and Petroleum Products,* in containers and advertising materials and articles distributed by wholesale or retail suppliers, marketers or distributors of Petroleum Products. From Tulsa, OK, to points in Big Horn, Campbell, Johnson, Natrona, Sheridan and Washakie Counties, WY for 270 days. Supporting shipper: Northeastern Oil Company, Inc., Box 964, Gillette, WY 82716.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14330 Filed 5-12-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Volume No. OPI-142

Decided: May 7, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 12801 (Sub-2), filed April 28, 1981. Applicant: CARL L. FRYE, 2101 Ross Ave., Cincinnati, OH 45212. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017, (614) 351.6227. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155570, filed April 29, 1981. Applicant: GRAND ENTERPRISES, INC., P.O. Box 10036, Springfield, MO 65808. Representative: H. J. Anderson, Rt. 4, Box 320, Rogersville, MO 65742, (417) 883-2055. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155660, filed April 29, 1981. Applicant: LABAY/SUMMERS INTERNATIONAL, INC., 1314 Texas Ave., 706 Great Southwest Bldg., Houston, TX 77002. Representative: Allen Labay (same address as applicant), (713) 237-9431. as a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY-2-067

Decided: May 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 155362, filed April 17, 1981. Applicant: TIM W. THUDIUM, Rte. 2, Box 77A, Bucklin, MO 64631. Representative: Tim W. Thudium (same address as applicant). Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-4-122

Decided: May 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 155576, filed April 29, 1981. Applicant: CONWELL CORPORATION, d.b.a. AM-CAN TRANSPORTATION BROKERAGE COMPANY, 3400 Stonewall Dr., Lancaster, TX 75751. Representative: Ralph W. Pulley, Jr., 4555 First National Bank Bldg., Dallas, TX 75202, (214) 741-6283. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY-4-125

Decided: May 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 155567, filed April 29, 1981. Applicant: KENNETH E. BENNETT, P.O. Box 267, Skyline Dr., New Albany, IN 47150. Representative: Harold C. Jolliff, 3242 Beech Dr., Columbus, IN 47201, (812) 379-2556. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14400 Filed 5-12-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI-141

Decided: May 7, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 33641 (Sub-165), filed April 30, 1981. Applicant: IML FREIGHT, INC.,

P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Breese (same address as applicant), (801) 972–7263. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (1) *outdoor recreational equipment*, and (2) *heating and air conditioning equipment*, between the facilities of Coleman Co., Inc., and its suppliers and dealers in the U.S., on the one hand, and, on the other, points in the U.S.

MC 75471 (Sub-5), filed April 29, 1981. Applicant: ELSTON RICHARDS STORAGE COMPANY, a Corporation, 3739 Patterson SE., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *furniture and fixtures, clocks, and appliances*, between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 110060 (Sub-6), filed April 29, 1981. Applicant: LENZ BROS., Box 278, Lansing, IA 52151. Representative: Roger C. Lenz (same address as applicant), (319) 538–4533. Transporting *construction materials, equipment, and supplies*, between points in the U.S., under continuing contract(s) with Brennan Construction Company of Lansing, IA.

MC 112391 (Sub-42), filed April 28, 1981. Applicant: HADLEY AUTO TRANSPORT, a corporation, P.O. Box 98, Pico Rivera, CA 90660. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264, (301) 861–4028. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Volvo of America Corporation, of Rockleigh, NJ.

MC 116371 (Sub-16), filed May 1, 1981. Applicant: LIQUID CARGO LINES LIMITED, 452 Southdown Rd., Clarkson, Ontario, Canada L5J 2Y4. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226, (313) 962–6492. Transporting *liquid fabric softener*, between points in Brown and Rock Counties, WI, on the one hand, and, on the other, those ports of entry on the international boundary line between the U.S. and Canada in MI on the Detroit and St. Clair Rivers.

MC 118370 (Sub-10), filed April 30, 1981. Applicant: BANANA TRANSPORT, INC., 12712 North Oregon Ave., Tampa, FL 33612. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–6100. Transporting *such commodities* as are dealt in by distributors of bananas, between points in Charleston County, SC, on the one hand, and, on the other, points in AL, FL, GA, KY, NC, MS, MO, IA, WI, MN, WV, IL, IN, OH, MI, PA, and TN.

MC 120061 (Sub-36), filed May 1, 1981. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, TN 37210. Representative: George M. Catlett, Suite 706, McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *such commodities* as are dealt in by publishing houses, between Nashville, TN, on the one hand, and, on the other, points in Rapides Parish, LA.

MC 138960 (Sub-21), filed May 1, 1981. Applicant: ROKO EXPRESS, INC., P.O. Box 169, 819 West Fifth Ave., Columbus, OH 43212. Representative: Thomas M. O'Brien, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *food and related products* (1) between points in IL, IN, LA, MI, MO, OH, and TX, on the one hand, and, on the other, points in FL and GA, and (2) between points in LA, on the one hand, and, on the other, points in AL, AR, FL, GA, IA, IL, IN, KS, KY, MN, MO, MS, NC, NE, OH, OK, SC, TN, TX, VA, WI, and WV.

MC 143061 (Sub-14), filed April 27, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant), (919) 623–9106. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with filtrator Coffee Apparatus Company of Clifton, NJ.

MC 144121 (Sub-9), filed April 28, 1981. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Schott Distributing Co., Inc., of Rochester, MN.

MC 144740 (Sub-36), filed April 28, 1981. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Fred Daughtery (same address as applicant), (919) 652–2611. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Ore-Ida Foods, Inc., of Boise, ID.

MC 145150 (Sub-20), filed May 1, 1981. Applicant: HAYNES TRANSPORT CO., INC., R.R. 2, Box 9, Salina, KS 67401. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–0629. Transporting *chemicals and related products*, between points in OK, KS, MO, IA, NE, TX, CO, and LA.

MC 147811 (Sub-8), filed April 30, 1981. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME. 04918. Representative: Karl A. Johnson (same address as applicant), (207) 397–2757. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with W. H. Shurtleff Co., of Portland, ME.

MC 149170 (Sub-23), filed April 30, 1981. Applicant: ACTION CARRIER, INC., P.O. Box 850, 1000 East 41st St., Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312) 236–0375. Transporting *food and related products*, between points in Seward County, KS, on the one hand, and, on the other, points in the U.S.

MC 150241, filed April 29, 1981. Applicant: JOHN E. BANCHICH, d.b.a. FULL HOUSE TAXI CO., 239 Lake Shore Drive, Port Clinton, OH 43452. Representative: John E. Banchich (same address as applicant), (419) 734–1314. Transporting *passengers*, in vehicles having a seating capcaity of not more than 10 passengers, in special operations, beginning and ending at points in OH, and extending to points in MI, IN, and PA, under continuing contract(s) with Consolidated Rail Corporation, of Philadelphia, PA.

MC 151570 (Sub-2), filed April 29, 1981. Applicant: CLEARWATER TRUCKING, INC., P.O. Box 87, Salt Lake City, UT 84110. Representative: Robert L. Cope, Suite 501, 1730 M Street NW., Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between points in UT and CO, on the one hand, and, on the other, points in AZ, NM, TX, CA, NV, UT, CO, OR, WA, WY, ID, and MT.

MC 152620 (Sub-4), filed April 28, 1981. Applicant: CUSTOMIZED TRANSPORTATION, INC., 999 North Main St., Glen Ellyn, IL 60137. Representative: Dennis J. Kupchik, 1105 N. Market St., 15th Floor, Wilmington, DE 19801, (215) 985–6853. Transporting *general commodities* (except classes A and B explosives), beteeen points in the U.S., under continuing contract(s) with American Cyanamid Company of Wayne, NJ.

MC 152840, filed April 28, 1981. Applicant: PATRICIA AND JAMES

KEELER, d.b.a. P & J TRANSPORTATION CO., Route 295, Berkey, OH 43504. Representative: Donald G. Hichman, R.D. #1, Box 7, Union Springs, NY 13160, (315) 889–7252. Transporting *food and related products*, between points in OH, on the one hand, and, on the other, points in CT, DE, IL, IN, MD, MI, NJ, NY, PA, VA, WV, and DC.

MC 153971 (Sub-2), filed April 28, 1981. Applicant: E–Z TRANS, INC., P.O. Box 641, Woodbury, CT 06798. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kaiser aluminum & Chemical Corporation of Oakland, CA.

MC 154121 (Sub-7), filed April 28, 1981. Applicant: TRAILINER CORP., P.O. Box 357, Old Chester Rd., Gladstone, NJ 07934. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Warner-Lambert Company, its subsidiaries, divisions, or vendors, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154221, filed April 28, 1981. Applicant: FISCHER OIL CO., a Corporation, 300 West 5th St., Washington, MO 63090. Representative: Joseph E. Rebman, 314 North Broadway, 13th Floor, St. Louis, Mo 63102, (314) 421–0845. Transporting *petroleum, natural gas and their products*, between points in Madison County, IL, on the one hand, and, on the other, points in Jefferson, Franklin, Warren and St. Charles Counties, MO.

MC 154780 (Sub-2), filed April 28, 1981. Applicant: ATLANTIC TRANSPORT SERVICE, INC., 1300 South French Ave., Box 257, Sanford, FL 32771. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (301) 986–1410. Transporting *general commodities* (except classes A and B explosives), between points in NC, on the one hand, and, on the other, points in the U.S.

MC 155141, filed April 30, 1981. Applicant: JAMES A. RUDOLPH, d.b.a. RUDOLPH EXPRESS, Route 1, St. Joseph, MN 56374. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products*, between points in Stearns County, MN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 155550, filed April 24, 1981. Applicant: CENTRAL TRUCKING, INC., P.O. Box 168, Columbus, IN 47201. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *ores and minerals*, between points in the U.S., under continuing contract(s) with Oxide & Chemical Corp., of Indianapolis, IN.

MC 155650, filed April 30, 1981. Applicant: SHELTON TRUCK & TRAILER SERVICE, INC., 1029 Channel Ave., Memphis, TN 38113. Representative: Michael F. Shelton (same address as applicant), (901) 774–4060. Transporting *forest products, lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery, and transportation equipment*, between points in Shelby County, TN, on the one hand, and, on the other, points in the U.S.

MC 155690, filed April 30, 1981. Applicant: JACK COCHRAN TRUCKING, 1302 W. Broadway, Mt. Pleasant, MI 48858. Representative: Jack Cochran (same address as applicant), (517) 772–0839. Transporting *Mercer commodities*, between points in MI, on the one hand, and, on the other, points in IL, KY, OH, PA, and WV.

Volume No. OPY–2–068

Decided: May 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 32122 (Sub-4), filed April 28, 1981. Applicant: PAZEN TRANSFER LINES, INC., P.O. Box 243, Waukau, WI 54980. Representative: Edward J. Gerrity, P.O. Box 914, Appleton, WI 54912, 1–(414) 734–5608. Transporting *pulp, paper, and related products*, between points in Chester County, PA, on the one hand, and, on the other, points in IL, IN, IA, MN, OH, WI, and those in the Lower Peninsula of MI.

MC 52793 (Sub-69F), filed April 17, 1981. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017, (213) 627–8471. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Note.—Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of all duplicating authority, including all Subs and dates of issuance.

MC 96992 (Sub-31), filed April 27, 1981. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. Transporting (1) *petroleum, natural gas and their products*, and (2) *chemicals and related products*, between points in CA, NV, UT, AZ, CO, NM, KS, OK, TX, MO, IL, IN, KY, MI, OH, AR, LA, MS, AL, FL, GA, SC, NC, VA, WV, MD, TN, and DE. Condition: Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of MC–96992 Subs 13, 17, and 20, now pending certificates.

MC 104683 (Sub-54), filed April 23, 1981. Applicant: TRANSPORT, INC., P.O. Box 1524, Hattiesburg, MS 39401. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205. Transporting *commodities in bulk*, (1) between points in AL, FL, GA, LA, MS, SC, and TX, (2) between points in Escambia County, FL and points in TN, (3) between points in Jackson County, MS, on the one hand, and, on the other, points in NJ, OH, and PA, (4) between points in Forrest County, MS, on the one hand, and, on the other, Chicago, IL, Memphis, TN and points in Bergen County, NJ.

MC 116132 (Sub-8), filed April 28, 1981. Applicant: NATIONAL TANK TRUCK DELIVERY, INC., 85 East Gay St., Columbus, OH 43215. Representative: Earl N. Merwin (same address as applicant), (614) 224–3161. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with General Electric Company, of Louisville, KY.

MC 146402 (Sub-31), filed April 17, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant), (901) 423–2406. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of doors, between Little Rock, AR, on the one hand, and, on the other, points in the U.S.

MC 146782 (Sub-50), filed April 27, 1981. Applicant: ROBERTS CARRIER CORPORATION, 300 First Ave., South, Nashville, TN 37201. Representative: James Rex Raines, 300 First Ave., South, Nashville, TN 37201. Transporting *knocked down steel storage racks and stainless steel Nuclear storage racks* between points in Greenville County, SC on the one hand, and, on the other points in the U.S. in and East of ND, SD, NE, KS, OK, and TX.

MC 150093 (Sub-2), filed April 20, 1981. Applicant: THE TOM DAVIS CORP., d.b.a. DAVIS LINES, 5335 N.W 111th Drive, Grimes, IA 50111. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309,

515–244–2329. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Crawford Sales Co., of Des Moines, IA.

MC 150093 (Sub-3), filed April 20, 1981. Applicant: THE TOM DAVIS CORP., d.b.a. DAVIS LINES, 5335 N.W. 111th Drive, Grimes, IA 50111. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515–244–2329. Transporting *metal products*, between points in the U.S., under continuing contract(s) with The Waldinger Corporation, of Des Moines, IA.

MC 150103 (Sub-14), filed April 20, 1981. Applicant: SCHWEIGER INDUSTRIES, INC., 116 West Washington St., Jefferson, WI 53549. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting *pulp, paper and related products and rubber and plastic products*, between points in the U.S., under continuing contract(s) with Astro Packaging, Inc., of South Holland, IL.

MC 150163 (Sub-7), filed April 24, 1981. Applicant: HORWITH TRUCKS, INC., R.D. #1, Coplay, PA 18037. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, 215–357–7220. Transporting *coal and coal products*, between points in Berks, Chester, and Northumberland Counties, PA, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, PA, NY, NJ, DE, MD, VA, RI, and DC.

MC 151012 (Sub-1), filed April 28, 1981. Applicant: O.W.L. TRANSPORT, INC., 157 Carolyn Lane, Nicholasville, KY 40356. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfurt, KY 40602, (502) 223–8244. Transporting *general commodities* (except classes A and B explosives) between the facilities used by (a) Foremost-McKesson, (b) Gulf States Paper Corporation, (c) Fansteel, Inc., (d) Popeye Sign Company, (e) Metro Tool & Manufacturing Co., Inc., (f) Hospital Specialty Co., (g) Star Tool & Die Co., Inc., (h) American Can Co., (i) Marti Division Rauch Industries, Inc., (j) Rand McNally & Co., (k) Armco, Inc., and (l) Ajax-Magna Thermic, and their subsidiaries, at points in the U.S. in and east of MN, IA, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 152013 (Sub-2), filed April 27, 1981. Applicant: DISTRIBUTION CARRIER, INC., 2310 Grant Building, Pittsburgh, PA 15219. Representative: Donald J. Balsley, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. in and east of MN, IA, MO, AR, LA and TX.

MC 155342, filed April 20, 1981. Applicant: G.W.D. EXPRESS, INC., P.O. Box 396, Pioneer, OH 43554. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *metal products*, between points in Williams County, OH, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 155442, filed April 22, 1981. Applicant: LARRY LOMAX, d.b.a. LOMAX LEASING COMPANY, Rte. 2, Palmyra, MO 63461. Representative: Richard S. Brownlee III, 235 East High St., Jefferson City, MO 65102, 314–636–8135. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of fertilizer, between points in Lee County, IA and Marion County, MO, on the one hand, and, on the other, points in IA, IL, and MO.

Volume No. OPY–4–121

Decided: May 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 91306 (Sub-41), filed April 30, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Ave. NE., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave. NW., Washington, DC 20005, (202) 347–9332. Transporting *food and related products*, between points in NY and PA, on the one hand, and, on the other, points in NC, SC, and GA.

MC 117956 (Sub-21), filed April 28, 1981. Applicant: SCOTT TRANSFER CO., INC., 1134 Sylvan Road SW., Atlanta, GA 30310. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) The Verlite Co., of Tampa, FL, (2) SK Products Corporation, of Atlanta, GA, (3) U.S. Solar Corporation, of Hampton, FL, (4) Distribution Services of America, Inc., of Boston, MA, and (5) United Freight, Inc., of Morrow, GA.

MC 124306 (Sub-90), filed April 28, 1981. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729 Chapel Hill, NC 27514. Representative: Francis W. McInerny, Suite #502, 1000 16th Street NW., Washington, DC 20036, (202) 783–8131. Transporting *commodities in bulk*, between points in TN, on the one hand, and, on the other, points in the U.S.

MC 142126 (Sub-13), filed May 1, 1981. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale St., Wilmington, MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting (1) *pulp, paper and related products*, and (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Jiffy Packaging Corporation, of Somerset, NJ.

MC 143776 (Sub-23), filed April 29, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding SE., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933 (517) 489–5724. Transporting *food and related products*, between points in Kenosha County, WI, Berrien County, MI, and Lake and Cook Counties, IL, on the one hand, and, on the other, points in AR, KS, MS, MO, NM, OK, TN, TX, MN, ND, and SD.

MC 146646 (Sub-144), filed April 29, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209, (205) 942–9116. Transporting *such commodities* as are dealt in or used by retail, department, catalogue sales, hardware, appliance, home improvement, drug and variety stores, between points in the U.S.

MC 146646 (Sub-145), filed April 29, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355–A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant), (205) 849–5403. Transporting (1) *pulp, paper and related products*, (2) *rubber and plastic products*, (3) *textile mill products*, and (4) *metal products*, between points in the U.S.

MC 147636 (Sub-22), filed April 28, 1981. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5466. Transporting *pet foods*, between points in Franklin County, OH and Coles County, IL, on the one hand, and, on the other, points in the U.S.

MC 147906 (Sub-5), filed April 28, 1981. Applicant: KOHN TRANSPORT INC., 4850 Southway SW., Canton, OH 44706. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of alcoholic beverages, between points in Cook County, IL, on the one hand, and, on the other, points in MI, MD, NJ, NY, and PA.

Volume No. OPY–4–123

Decided: May 7, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 143778 (Sub-22), filed April 28, 1981. Applicant: C.D.B., INCORPORATED, 155 Spaulding Avenue SE., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253–9527. Transporting *paper and plastic products,* between the facilities of James River Corporation of Virginia and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144606 (Sub-19), filed April 28, 1981. Applicant: DUNCAN & SON LINES, INC., 714 East Baseline Rd., Buckeye, AZ 85326. Representative: Donald W. Powell, 4150 North 12th St., Phoenix, AZ 85014, (602) 241–0777. Transporting *pulp, paper and related products,* (1) between Denver, CO and Salt Lake City, UT and points in AZ and NM, and (2) between Albuquerque, NM and points in AZ.

MC 146486 (Sub-2), filed April 30, 1981. Applicant: GARY HARTMANN, d.b.a. FOREST PRODUCTS TRANSPORTATION, Plant & Taylor Rds., P.O. Box 857, Ukiah, CA 95482. Representative: Thomas M. Loughran, 100 Bush St., 21st Fl., San Francisco, CA 94104, (415) 986–5778. Transporting (1) *building materials,* (2) *forest products,* (3) *lumber and wood products,* and (4) *metal products,* between points in CA, WA, OR, NV, and ID.

MC 146616 (Sub-17), filed April 29, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 West 21st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth St., Tulsa, OK 74103, (918) 583–9000. Transporting *oilfield production equipment,* between points in the U.S., under continuing contract(s) with Mustang Mfg. Company, Inc., of Tulsa, OK.

MC 146636 (Sub-7), filed May 1, 1981. Applicant: J. K. SMITH, P. SMITH AND M. R. SMITH, a partnership, d.b.a. SMITH TRUCKING, Route 1, Box 43, Round Lake, MN 56167. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402 475–6761). Transporting *food and related products,* between the facilities of Armour Food Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 149216 (Sub-3), filed April 28, 1981. Applicant: WELLINGTON TRANSPORTATION, INC., 67 Andrew St., Newton Highland, MA 02161. Representative: James E. Mahoney, 148 State Street, Boston, MA 02109, (617) 523–2660. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Colonial Provision Co., Inc., and Agar Supply Co., Inc., both of Boston, MA, Parklane Foods, Inc., of Mt. Prospect, IL, and HRM Provisions, Inc., of Deerfield, IL.

MC 150596 (Sub-3), filed May 1, 1981. Applicant: ROBERT JAY SPENCER d.b.a. SPENCER BROS. TRUCKING, 212 Lincoln St., Lake Crystal, MN 56068. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Ste. 307, Edina, MN 55424, (612) 927–8855. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of soaps, lotions, and cleansing agents, between points in Blue County, MN, on the one hand, and, on the other, points in the U.S.

MC 152406 (Sub-2), filed April 30, 1981. Applicant: TEXAS WESTERN EXPRESS, INC., 5713 Azle Ave., Fort Worth, TX 76114. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76106, (817) 332–4718. Transporting *food and related products,* between points in Tarrant County, TX, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries, of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 153756, filed April 29, 1981. Applicant: JAMES R. MURPHY, d.b.a. JAMCO, Hwy 34 and Reed St., Sheffield, IL 61361. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001. Transporting *hazardous materials,* between the facilities of Waste Research and Reclamation Co., Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154646 (Sub-5), filed May 1, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *such commodities* as are dealt in or used by building materials and home improvement dealers, between points in the U.S., under continuing contract(s) with Payless Cashways, Inc., of Kansas City, MO.

MC 155046 (Sub-1), filed May 1, 1981. Applicant: CARL A. PRATT, SR., d.b.a. SUN DEVIL EXPRESS, 10628 S. Dobson, Chandler, AZ 85224. Representative: Carl A. Pratt, Sr. (same address as applicant), (602) 899–1202. Transporting (1) *rubber and plastic products* and (2) *transportation equipment,* between points in the U.S., under continuing contract(s) with Gila River Products of Chandler, AZ.

MC 155106, filed April 3, 1981, previously noticed in the Federal Register of April 20, 1981. Applicant: OLYMPIC VAN LINES, INC., 7214C Lockport Pl., Lorton, VA 22079. Representative: Stanley I. Goldman, 1700 K Street NW., Washington, DC 20006, (202) 833–8884. Transporting *household goods,* between Alexandria, Fairfax City, Falls Church, Fredericksburg, Harrisonburg, Manassas, and Winchester, VA, and points in Arlington, Fairfax, Prince William, Clarke, Culpeper, Fauquier, Frederick, Greene, Loudoun, Madison, Orange, Page, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, and Warren Counties, VA, Anne Arundel, Calvert, Charles, Howard, Montgomery, Prince Georges, and St. Marys Counties, MD, Grant, Hampshire, Hardy, Mineral, Pendleton, Pochahontas, Randolph, Tucker, and Webster Counties, WV, and DC, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, OH, PA, RI, SC, TN, VT, NC, VA, WV, WI, and DC.

Note.—The purpose of this republication is to correctly reflect the territorial description.

Volume No. OPY–5–55

Decided: May 4, 1981.

By The Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 2428 (Sub-36), filed April 22, 1981. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Ave., Hopelawn (Perth Amboy), NJ 08861. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting general *commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Austin Company, of Roselle, NJ.

MC 74609 (Sub-3), filed April 13, 1981. Applicant: JOHN E. MURRAY MOVING & STORAGE CO., INC., 88 Middle St., Geneva, NY 14456. Representative: Roy D. Pinsky, Suite 1020, State Tower Bldg., Syracuse, NY 13202, (315) 422–2384. Transporting (1) *food and related products,* between points in Ontario County, NY, on the one hand, and, on the other, points in NJ, NY, PA, CT, MA, MO, and VA; and (2) *household goods,* between points in Wayne, Ontario, Seneca, Yates, Cayuga, and Monroe Counties, NY, on the one hand, and, on

the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC.

MC 101619 (Sub-11), filed April 22, 1981. Applicant: HOVER TRUCKING CO., P.O. Box 758, 1431 So. 11th St., Niles, MI 49120. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So. Second St., Elkhart, IN 46516, (219) 293–3597. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, points in Elkhart, Kosciusko, LaGrange, Marshall, Noble, La Porte, St. Joseph, and Starke counties, IN, and points in MI.

MC 126899 (Sub-140), filed April 16, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *such commodities* as are dealt in or used by wholesalers and distributors of malt beverages, (1) between Louisville, KY, on the one hand, and, on the other, points in Allegheny County, PA, Allen County, IN, Cuyahoga County, OH, and Bexar County, TX, (2) between Toledo, OH, on the one hand, and, on the other, St. Paul, MN, points in Allen County, IN, and (3) between points on Obion County, TN, on the one hand, and, on the other, Milwaukee, WI, Fort Worth, TX, Evansville, IN, and Newport, KY, points in Rockingham County, NC, and St. Clair County, IL.

MC 129219 (Sub-30), filed April 22, 1981. Applicant: CMD TRANSPORTATION, INC., 12340 S.E. Dumolt Rd., Clackamas, OR 97015. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232, (503) 288–6141. Transporting (1) *pulp, paper and related products*, (2) *rubber and plastic products*, (3) *metal products*, (4) *lumber and wood products*, (5) *machinery*, (6) *chemicals and related products*, and (7) *textile mill products*, between points in the U.S., under continuing contract with Blake Moffitt & Towne, division of Saxon Industries, Inc., of New York, NY.

MC 134978 (Sub-24), filed April 17, 1981. Applicant: C. P. BELUE, d.b.a. BELUE'S TRUCKING, Route 3, Campobello, SC 29322. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602, (803) 288–6300. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of fertilizer, between points in GA, NC, and SC.

MC 141668 (Sub-3), filed April 16, 1981. Applicant: LONGMONT TRANSPORTATION COMPANY, INC., 149 Kimbark St., Longmont, CO 80501. Representative: Jack B. Wolfe, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839–5856. Transporting (1) *chemicals and related products*, and (2) *such commodities* as are used by laundry and dry cleaning businesses (except those described in (1) above), between points in the U.S., under continuing contract(s) with Katzson Brothers, Inc., of Denver, CO.

MC 142059 (Sub-169), filed April 17, 1981. Applicant: CARDINAL TRANSPORT, INC., 1803 Mound Road, Joliet, IL 60436. Representative: Fred H. Daly, 2550 M St., NW., Suite 475, Washington, DC 20037, (202) 293–3204. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of metal products, between points in Queens and Nassau Counties, NY, and Morgan County, AL, on the one hand, and, on the other, points in the U.S.

MC 150698 (Sub-52), filed April 24, 1981. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Ave., Kearney, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, 212–466–0220. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Marubeni America Corp., of New York, NY.

MC 150999 (Sub-3), filed April 23, 1981. Applicant: GENE F. LACAEYSE, d.b.a. G. F. LACAEYSE TRANSPORT, R.R. #2, Box 110, Montazuma, IA 50171. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, 515-244–2329. Transporting *food and related products*, between points in Tama County, IA, on the one hand, and, on the other, points in the U.S.

MC 151069, filed April 22, 1981. Applicant: AWC, INC., 3664 S. Highland Drive, Las Vegas, NV 89103. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882–5849. Transporting *radioactive materials* between points in the U.S.

MC 151329 (Sub-2), filed April 23, 1981. Applicant: MID WEST STORAGE & TRANSPORTATION, INC., 20950 MacArthur Rd., Warren, MI 48089. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613, (419) 474–6883. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Raritan River Steel Company, of Perth Amboy, NJ.

MC 153628, filed April 24, 1981. Applicant: JIM LARSEN, d.b.a. WIND RIVER TRUCKING, 215 First Ave., SW., Park City, MT 59063. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, 303–839–5856. Transporting (1) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Prentice Lumber Co., Inc., and Louisiana-Pacific Corporation, both of Portland, OR, and St. Regis Paper Company, of Tacoma, WA; and (2) *pulp, paper, and related products*, and (3) *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation, of Portland, OR.

MC 153889, filed April 22, 1981. Applicant: ST FREIGHT SYSTEMS, INC., One California St., San Francisco, CA 94111. Representative: Charles A. Webb, Suite 1111, 1828 L Street, N.W., Washington, DC 20036, 202–296–2929. Transporting *general commodities* (except used household goods and classes A and B explosives), between points in the U.S. under continuing contract(s) with Cost-Plus, Inc., of San Francisco, CA.

MC 153929, filed April 24, 1981. Applicant: MONROE LEASING, INC., 3434 Akron-Cleveland Rd. Cuyahoga Falls, OH 44223. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215, 614–228–8575. Transporting *chemicals* between points in the U.S., under continuing contract(s) with Go-Jo Industries, Inc., of Akron, OH.

MC 154518, filed April 23, 1981. Applicant: STEVE LUEHRS, d.b.a. TRIPLE J TRUCKING, Route 2, Norfolk, NE 68701. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, 402–488–4841. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Norfolk Iron & Metal Company, of Norfolk, NE.

MC 154628, filed April 22, 1981. Applicant: R & R, INC., 2882 W. Lk. Sammamish Pkwy. NE., Redmond, WA 98052. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, 206–453–0312. Transporting *general commodities*, between points in the U.S. under continuing contract(s) with Bostrum-Warren, Inc. of Seattle, WA.

MC 155469, filed April 23, 1981. Applicant: WILES TRANSPORT COMPANY, LIMITED, 42 Bond St., Orillia, Ontario, CN L3V 1J5. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, 212–466–0220. Transporting *transportation equipment*, between ports of entry on the international boundary line between the United

States and Canada on the one hand, and, on the other, points in WI, IL, IN, MI, OH, PA, NJ, and MA.

Volume No. OPY–5–56

Decided: May 6, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 1239 (Sub-12), filed April 24, 1981. Applicant: PONY TRUCKING, INC., 501 State Route 7, Steubenville, OH 43952. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, 202–783–7900. Transporting (1) *metal products*, (2) *clay, concrete, glass and stone products*, (3) *building materials*, between points in the U.S. under continuing contract(s) with Harbison-Walker Refractories Division of Dresser Industries, Inc., of Pittsburgh, PA and Kaiser Aluminum & Chemical Corporation of Oakland, CA.

MC 31389 (Sub-328), filed April 28, 1981. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213, Winston-Salem, NC 27154. Representative: Daniel R. Simmons (same address as applicant), 919–721–2000. Over regular routes, transporting *general commodities* (except classes A and B explosives), serving Crockett, TX, as an off-route point in connection with applicants existing regular-route authority.

MC 89369 (Sub-24), filed April 24, 1981. Applicant: JOART TRUCKING COMPANY, P.O. Box 332, New Brunswick, NJ 08903. Representative: Edward F. Bowes, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, 201–575–7700. Transporting *commodities in bulk*, between points in NJ, Onondaga County, NY and New Castle County, DE on the one hand, and, on the other, points in VT, ME, NH, WV, OH, and NC.

MC 112539 (Sub-22), filed April 24, 1981. Applicant: PERCHAK TRUCKING, INC., P.O. Box 811, Hazelton, PA 18201. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *metal products, machinery*, between points in Luzerne County, PA on the one hand, and, on the other, points in the U.S.

MC 112989 (Sub-140), filed April 28, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99S, Eugene, OR 97405. Representative: John T. Morgans (same address as applicant), 503–747–1283. Transporting *metal products*, between the facilities of A & K Railroad Materials, Inc. at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 113528 (Sub-56), filed April 16, 1981. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36633. Representative: Joy Stephenson (same address as applicant), (205) 476–4890. Over *regular* routes, transporting *general commodities* (except classes A and B explosives), (1) between Asheville, NC, and Dallas, TX, serving the off-route points of Tyler, Evadale, Jacksonville, and Nacogdoches, TX, from Asheville over Interstate Hwy 40 to Little Rock, AR, then over Interstate Hwy 30 to Dallas, and return over the same route; (2) between Lebanon, TN, and Nashville, TN, from Lebanon over U.S. Hwy 231 to junction U.S. Hwy 31E near Bethpage, TN, then over U.S. Hwy 31E to Nashville, and return over the same route; (3) between New Orleans, LA, and Memphis, TN, from New Orleans over Interstate Hwy 10 to junction Interstate Hwy 55 at or near La Place, LA, then over Interstate Hwy 55 to Memphis, and return over the same route; (4) between Birmingham, AL, and Memphis, TN, over U.S. Hwy 78; (5) between Birmingham, AL, and Nashville, TN, over Interstate Hwy 65; (6) between Atlanta, GA, and Nashville, TN, from Atlanta over Interstate Hwy 75 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Nashville, and return over the same route; (7) between Charlotte, NC, and Gainesville, FL, from Charlotte over U.S. Hwy 21 to junction U.S. Hwy 321 at Columbia, SC, then over U.S. Hwy 321 to junction U.S. Hwy 17, then over U.S. Hwy 17 to junction Interstate Hwy 95 at or near Brunswick, GA, then over Interstate Hwy 95 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction U.S. Hwy 301, then over U.S. Hwy 301 to junction FL Hwy 24, then over FL Hwy 24 to Gainesville, and return over the same route; (8) between Atlanta, GA, and Jacksonville, FL, from Atlanta over Interstate Hwy 75 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Jacksonville, and return over the same route; (9) between Charleston, SC, and Selma, AL, from Charleston over U.S. Hwy 17 to junction Interstate Hwy 95 at or near Pocataligo, SC, then over Interstate Hwy 95 to junction U.S. Hwy 17 at or near Hardeeville, SC, then over U.S. Hwy 17 to junction Interstate Hwy 16, then over Interstate Hwy 16 to junction U.S. Hwy 80 at or near Macon, GA, then over U.S. Hwy 80 to Selma, and return over the same route; (10) serving in routes (1) through (9) above points in MS, TN, and GA, and points in AL on and north of U.S. Hwy 278 as off-route points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 113658 (Sub-52), filed April 27, 1981. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave. NW., Washington, D.C. 20036, (202) 223–5900. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of toilet preparations and health and beauty care products, between points in Will County, IL, on the one hand, and, on the other, points in Polk County, IA, Sarpy and Douglas Counties, NE, and Jefferson, Arapohoe, Adams, Elbert, and Denver Counties, CO.

MC 120900 (Sub-5), filed April 22, 1981. Applicant: MIDDLE AMERICAN EXPRESS, INC., 11 Indianapolis Blvd., Schererville, IN 46375. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521, (312) 629–2900. Transporting *general commodities* (except classes A and B explosives), between points in McHenry, Lake, Kane, Cook, DuPage, Kendall, Will, Grundy and Kankakee Counties, IL, and Lake, LaPorte and Porter Counties, IN, on the one hand, and, on the other, points in Madison, St. Clair and Monroe Counties, IL, and St. Charles and St. Louis Counties, MO and St. Louis, MO.

MC 124679 (Sub-135), filed April 27, 1981. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same address as applicant), (801) 972–2712. Transporting *lumber and wood products* between points in the U.S.

MC 139858 (Sub-35), filed April 28, 1981. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Ave., Hamilton, OH 45015. Representative: Chandler L. van Orman, 1729 H St. NW., Washington, D.C. 20006, (202) 337–6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dunlop Tire and Rubber Corporation, of Buffalo, NY.

MC 143209 (Sub-17), filed April 27, 1981. Applicant: HOUSTON FREIGHTWAYS, INC., 10010 Clinton Drive, Galena Park, TX 77546. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Houston, TX 77024, (713) 688–6110. Transporting *metal products*, between points in Cass County, TX, on the one hand, and, on the other, points in the U.S.

MC 143209 (Sub-18), filed April 28, 1981. Applicant: HOUSTON FREIGHTWAYS, INC., 10010 Clinton Drive, Galena Park, TX 77546. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Houston, TX 77024, (713) 688–6110. Transporting (1) *"Mercer"* and (2) *earth drilling commodities*, between points in the U.S.

MC 144189 (Sub-15), filed April 28, 1981. Applicant: CORPORATE TRANSPORT, INC., 107 7th North St., Liverpool, NY 13088. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, 914–835–4411. Transporting *printed matter* between points in the U.S., under continuing contract(s) with Dayton Press, Inc., of Dayton, OH.

MC 144969 (Sub-32), filed April 24, 1981. Applicant: WHEATON CARTAGE COMPANY, Wheaton Ave., Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr. (same address as applicant), 609–825–1400, ext. 2414. Transporting (1) *farm products* and (2) *food and related products* between the facilities used by McCormick & Company, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146148 (Sub-17), filed April 23, 1981. Applicant: B-RIGHT TRUCKING CO., 7087 West Blvd., Suite 8, Youngstown, OH 44512. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *general commodities*, between those points in the U.S. in and east of MN, WI, IL, KY, TN, MS and LA on the one hand, and, on the other, points in the U.S.

MC 147259 (Sub-14), filed April 20, 1981. Applicant: CHURCHILL TRANSPORTATION, INC., 2455 24th St., Detroit, MI 48216. Representative: Richard E. VanWinkle, 16901 VanDam Rd., South Holland, IL 60473, (312) 596–9200. Transporting *pulp, paper and related products*, between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 147669 (Sub-3), filed April 21, 1981. Applicant: McNITT PRODUCE, INC., 8236 Amelia Drive, Jenison, MI 49428. Representative: J. Michael Smith, 800 Calder Plaza Bldg., Grand Rapids, MI 49503, 616–459–8311. Transporting *farm products* between points in the U.S., under continuing contract(s) with Top Distributing Company, of Grand Rapids, MI.

MC 150509 (Sub-3), filed April 28, 1981. Applicant: BULLET EXPRESS, INC., 5800 First Ave., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren (same address as applicant), 212–492–7332. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Hancor, Inc., of Hallettsville, TX.

MC 150578 (Sub-17), filed April 20, 1981. Applicant: STEVENS TRANSPORT, a division of Stevens Foods, Inc., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same address as applicant), 214–681–0454. Transporting *food and relarted products* between Philadelphia, PA points in Montgomery, Lehigh, and Wyoming Counties, PA, Portland, OR, Points in Yamhill County, OR, San Jose, San Francisco, and Los Angeles, CA, points in Shelby County, TN, Atlanta, GA, points in Camden County, NJ, points in Ottawa County, MI, Syracuse, NY, Tampa, FL, Dallas, TX, points in Cook County, IL, and points in Jefferson, Boulder, Adams, Arapahoe, Douglas, and Elbert Counties, CO, on the one hand, and, on the other, points in the U.S.

MC 151098 (Sub-2), filed April 27, 1981. Applicant: JEN-CHARTER, INC., 4 Gravin St., Coram, NY 11727. Representative: Deborah Laper (same address as applicant), 516–928–2000. Transporting *Coal and coal products*, between points in the U.S., under continuing contract(s) with Falk Coal & Oil, Inc., of St. James, NY.

MC 153479, filed April 28, 1981. Applicant: KAYE TRUCKING AND LEASING COMPANY, INC., Box 1868, Route 2, Wheelersburg, OH 45694. Representative: Stephen C. Fitch, 155 East Broad St., Columbus OH 43215, 614–461–1337. Transporting *coal and coal products* between points in the U.S., under continuing contract(s) with Island Creek Coal Sales Company of Lexington, KY.

MC 153748, filed April 24, 1981. Applicant: DANDY TRUCKING, INC., 1035 Donnelly Ave. SW., Atlanta, GA 30310. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501, 402–753–4101. Transporting *food and related products*, between points in AL, FL, GA, NC and SC, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 155438, filed April 22, 1981. Applicant: PAUL D. CHURCH & IRENE A. CHURCH, a corporation d.b.a. CHURCH TRUCKING, INC., 10993 SE. McLoughlin Blvd. Milwaukie, OR 97222. Representative: Paul D. Church, 3126 SE. Washington St., Milwaukie, OR 97222, 503–654–1821. Transporting *machinery*, between points in Multnomah and Washington Counties, OR on the one hand, and, on the other, points in WA.

MC 155468, filed April 23, 1981. Applicant: M AND M TRUCKING, INC., P.O. Box 9109, Stockton, CA 95206. Representative: Arden Riess, 4509 Pacific Ave., Suite "A", Stockton, CA 95207, 209–957–6128. Transporting (1) *food and related products*, between points in AZ, CA, NV, OR and WA. (2) *chemicals and related products*, between points in CA on the one hand, and on the other, points in OR and WA.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14401 Filed 5-12-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application: Notice Republication; Correction

The purpose of this republication is to show the commodity which was omitted in the first publication and the corrected MC number.

The following application was filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

Agatha L. Mergenovich,
Secretary.

Originally Published in Federal Register of February 18, 1981

MC 153344 (Sub-II–1TA), filed January 27, 1981. Applicant: ZEIGLER'S LIQUID WASTE MANAGEMENT, INC., P.O. Box 1943, 700 N. Hartley St., York, PA 17405. Representative: Jon Yinger (same address as applicant). *Hazardous wastes and sludges*, from York, PA to Glen Burnie and Essex, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Liquacon, 1600 Pennsylvania Ave., York, PA 17404; AMF, Eden Rd., York, PA; GTE Products Corp., 1128 Roosevelt Ave., York, PA.

[FR Doc. 81-14398 Filed 5-12-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 78]

Motor Carriers; Restriction Removals; Decision-Notice

Decided: May 6, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 1756 (Sub-33)X, filed April 23, 1981. Applicant: PEOPLES EXPRESS CO., 497 Raymond Blvd., Newark, NJ 07105. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 1, 4, 10, 11, 18, 21, 23, 27, 29, 30 and 32, to (A) broaden the commodity descriptions to (1) "food and related products" from wine, in Sub-No. 4, (2) "lumber and wood products, rubber and plastic products, metal products, clay, concrete, glass or stone products, and pulp, paper and related products" from (a) empty containers in Sub-No. 10, (b) containers in Sub-No. 11, (c) empty containers and container ends in Sub-No. 18, (d) containers and container closures in Sub-No. 30, and (e) containers in Sub.No. 32, (B) broaden the commodity description to "general commodities (except classes A and B explosives)" from general commodities with the usual exceptions in lead and Sub-No. 27, (C) broaden the commodity description to "general commodities" from general commodities moving on commercial air line or air express bills of lading and having either an immediately prior or immediately subsequent movement by air, in Sub-No. 1, (D) broaden the commodity description to "clay, concrete, glass or stone products" from glass bottles, in Sub-No. 11, (E) broaden the commodity description tin cans and enclosures in Sub-No. 21, metal containers and enclosures in Sub-No. 23, empty metal containers and container ends in Sub-No. 29 to "metal products," (F) eliminate the restriction, "in containers," in Sub-No. 4, "except in bulk," in Sub-Nos. 18, 30 and 32 and "against the transportation of glass containers from Elmira, NY and Wharton, NJ and their commercial zones to Fogelsville, PA" in Sub-No. 30, "except in bulk and steel in coil form," in Sub-No. 32, and the restriction limiting service to transportation "originating at or destined to" points in the involved states in Sub-No. 32, (G) change one-way authority to two-way radial authority between various points located primarily in eastern States in Sub-Nos. 11, 18, 21, 23, 27 and 29, (H) eliminate references to named airport facilities in Sub-No. 1 and change to named cities at Newark and Teterboro, NJ, remove facilities limitations in Sub-No. 4, 11, 18, 23, and 29, (I) authorize county wide service in lieu of city wide service in Sub-Nos. 10, 11, 18, 21, 27 and 30: Fairfield County, CT for Danbury, CT; Passaic County, NJ for Paterson, NJ in Sub-No. 11 only; Cumberland County, NJ for Millville, NJ; Westerchester, Orange, Suffolk, Schenectady and Oneida Counties, NY for Elmsfords, Newsburgh, Patchogue, Scotia and Utica, NY; Union and Middlesex Counties, NJ for Hillside and Edison, NJ; Providence County, RI for Cranston, RI, Orange County, NY for Tuxedo, NY, Monmouth and Ocean Counties, NJ for Eastontown and Lakewood, NJ; Middlesex County, NJ for New Brunswick, NJ and Edison Township, NJ, Lehigh County, PA for Fogelsville, PA and (K) eliminate restriction against transportation from Oil City, PA; and against service from Edison, NJ to points in Johnstown Commercial Zone and from Points in Harisburg, PA Commercial Zone to Hillside, NJ.

MC 46219 (Sub-22)X, filed April 23, 1981. Applicant: STERNBERGER MOTOR CORP., 45-55 Pearson Street, Long Island City, NY 11101. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 6, 8, 13 and 20 and E-13, E-17, E-18, E-20, E-21, E-23, E-27, E-31, E-32, E-46, E-51, and E-52 letter notices (retained in MC-F-13080) to (1) broaden the commodity descriptions from (a) in the lead, Sub-Nos. 6 and 20 and E-13, E-17, E-18, E-21 and E-23, new furniture crated and uncrated and new household furnishings, new furniture, uncrated, furniture, new household furnishings, uncrated or crated (when moving in the same vehicle as crated) to "furniture and fixtures"; (b) in Sub-No. 5, uncrated household goods to "household goods"; (c) in Sub-No. 8, curtain wallpanels, uncrated, rough pine blocks and veneer, millwork, hardware and mechanics hand tools, veneer and plywood, loose, particle board, plywood, plywood specialties and doors to "lumber and wood products and metal products," and from wood finishing supplies and materials to "chemicals and related products"; (2) in Sub-No. 8, remove all exceptions in the general commodities description except classes A and B explosives; (3) in Sub-No. 13, remove the "except commodities in bulk" restriction; (4) in Sub-No. 6, remove the restriction limiting service to the transportation of specified commodities in the same vehicle and at the same time, (5) authorize service at all intermediate points on its regular route between Jamestown, NY and New York, NY, in Sub-No. 8; (6) delete the restriction prohibiting service to points in the Washington, DC commercial zone, in Sub-No. 13 part (b); (7) authorize county-wide authority to replace existing facilities and/or city-wide services: Essex County, NJ, for Newark, NJ, in the lead certificate and E-23; Passaic County, NJ, for Paterson, NJ, Camben and Mercer Counties, NJ, for Camden and Trenton, NJ, and New Castle County, DE for Wilmington, DE, in Sub-No. 6; Chautauqua, Erie, and Cattaraugus Counties, NY, for Jamestown, Falconer, Buffalo, Salamanca, Randolph, Frewsburg, Celoron, Lakewood, Mayville and Brockton, NY, Lackawanna and North Hampton Counties, PA, for Scranton and Easton, PA, and Hudson County, NJ, for Jersey City, NJ, in Sub-No. 8; Fairfax, VA, for Tyson's Corner, VA, in Sub-No. 13; and (8) authorize radial authority to replace existing one-way service between points in various combinations of primarily eastern and southern States, in the lead and Sub-Nos. 6, 8, 13, E-13, E-17, E-18, E-20, E-21, E-23, E-46, E-51, and E-52.

MC 75840 (Sub-161)X, filed April 16, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. Applicant seeks to remove restrictions from its lead certificate which authorizes the transportation, over both regular and irregular routes, of general and specified commodities between points in AL, AR, CT, DE, GA, LA, MD, MA, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC to: (1) under its regular route authority (part A) remove all exceptions from its general commodities authority except classes A and B explosives and classes A and B explosives (other than those moving on government bills of lading) (2) expand its one-way to two-way authority between Nashville, TN and Florence, AL; between Tuscaloosa, AL and Atlanta, GA; between Atlanta, GA and Tuscaloosa, AL; between

Florence, AL and Lawrenceburg, TN: (3) authorize service at all intermediate points on the following regular routes: between Anniston, AL and Opelika, AL; between Roanoke, AL and Rock Mills, AL; between Nashville, TN and Florence, AL; between Huntsville, AL and Oneonta, AL; between Chattanooga, TN and Chickamanga, GA and Tuscaloosa, AL; between Florence, AL and Lawrenceburg, TN; between Sheffield, AL and the site of Reynolds Aluminum Plant near Lister, AL; (4) eliminate weight restrictions against service at intermediate points on its regular routes between Anniston, AL and Opelika, AL; between Chattanooga, TN and Chickamanga, GA; (5) eliminate restrictions against service at specified points on its regular routes; (6) eliminate directional restrictions on its regular-routes such as pick-up and delivery of northbound traffic moving to Huntsville; (7) broaden the commodity description from cotton piece goods to "textile mill products"; paper mill products to "pulp, paper and related products"; sulphate of alumina to "chemicals and related products"; groceries to "food and related products"; under its irregular-route portion (part B) broaden the specified commodity descriptions as follows: from lumber and agricultural commodities to "lumber and wood products and agricultural commodities"; from finished and unfinished textile, textile-mill machinery and parts thereof, and textile-mill supplies to "textile mill products, machinery, and textile mill supplies"; from twine, machinery, plumbing supplies, building materials, cottonseed, and cotton linters to "textile mill products, machinery, metal products, building materials, farm products, and, food and related products"; from bags and bagging to "pulp, paper and related products and textile mill products"; from steel, seeds, soap, and shortening compounds to "metal products, farm products, chemicals and related products and food and related products"; from cotton, linters, and livestock to "farm products and textile mill products"; from steel tanks to "metal products"; from linters, tire fabrics, tire cord, hose cord, belt fabric, cotton yarn, cotton yarn or yarn of cotton and celanese mixed, and cotton piece goods and cotton yarn to "textile mill products"; from tires to "rubber and plastic products"; from machinery and castings to "machinery and metal products"; from iron and steel articles to "metal products"; from stores to "metal products"; from new furniture to "furniture and fixtures"; from floor coverings to "miscellaneous products of manufacturing"; from flavoring syrup, in barrels to "food and related products"; from marble to "clay, concrete, glass or stone products"; from aluminum and aluminum products to "metal products"; and remove all exceptions from its general commodities authority "except classes A and B explosives" and "except classes A and B explosives (other than those moving on government bills of lading)"; under its irregular-route portion (part c) broaden the commodity description from general commodities (with the usual exceptions) to "general commodities except classes A and B explosives"; from lumber, twine, machinery, plumbing supplies, building materials, bags, bagging, steel, seeds, soap, shortening compounds, cotton linters, and steel tanks to "lumber and wood products, textile mill products, machinery, metal products, building materials, pulp, paper and related products, metal products, farm products, chemicals and related products, and food and related products"; from iron and steel articles to "metal products"; from aluminum and aluminum products to "metal products" (8) under its irregular route portion (part B), expand specific point authority to county-wide authority as follows: Decatur to Morgan County, AL; Camp Joseph T. Robinson and Pine Bluff Municipal Airport to Pulaski County, AR; Picayune, Natchez, Crystal Springs, Okolona, and McComb to Pearl River, Adams, Copiah, Chickasaw, and Pike Counties, MS; Thomaston to Upson County, GA, Boylston to Montgomery County, AL and Conshohocken to Montgomery County, PA; Hudson, Lenoir, and Valmead to Caldwell County, NC, Highstown, Mount Holly and Riverside to Mercer and Burlington Counties, NJ, Chester, Philadelphia, Lebanon, and Reading, to Delaware, Philadelphia, Lebanon and Berks Counties, PA, Rome to Oneida County, NY; Valdese to Burk County, NC, Auburn, Beyertown, Hanburg, Kutztown, Landingville, Macungie, Mohnton, Nazareth, Orwigsburg, Pottsville, Reading, and Stow, to Montgomery, Berks, Schuylkill, Lehigh, and North Hampton Counties, PA; Birmingham, Sylacauga, and Sycamore to Jefferson and Talladega Counties, AL; Conshohocken to Montgomery County, PA; Birmingham to Jefferson County, PA; Bassett and Martinsville to Henry County, VA and Birmingham to Jefferson County, AL; Kearny and Somerville to Hudson and Somerset Counties, NJ and Lancaster and Marcus Hook to Lancaster and Delaware Counties, PA, Birmingham to Jefferson County, AL; Birmingham to Jefferson County, AL; Gantts Quarry to Talladega County, AL; Listerhill and Sheffield to Colbert County, AL; (9) under its irregular route portions (part B and C) expand its one-way authority to radial authority between named counties or specified points and States in the eastern US.

MC 76706 (Sub-94)X, filed April 24, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: Donald C. Horne (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 3F, 7F, 12F, 21F, 24F, 36F, 39F, 42F, 62F, 63F, 71F, 72F, 75F, 76F, 77F, 79F, 81F, and 86F certificates to (1) broaden the commodity descriptions from (a) rubber articles, plastic articles, and rubber products, and plastic products, laminiated sheet plastic, and tires to "rubber and plastic products" in Sub-Nos. 3F, 7F, and 62F; (b) chemicals, plastics, and plastic articles to "chemicals and related products and rubber and plastic products" in Sub-No. 12F; (c) copper chemicals, chemicals and proprietary antifreeze, in containers, liquid plastic, synthetic lubricating oils and cleaning compounds, and titanium and titanium materials to "chemicals and related products," in Sub-Nos. 21F, 36F, 39F, 63F, 75F, 77F and 86F; (d) glass products and clay and clay products to "clay, concrete, glass or stone products", metal products to "metal products", plastic products to "rubber and plastic products", feldspar and talc to "ores and minerals", and molds and machinery used in the manufacture of glass products, and bottle coating systems to "machinery" in Sub-Nos. 24F and 71F; (e) plastic articles and burlap articles to "rubber and plastic products and textile mill products" in Sub-No. 42F; (f) wheels and tires to "transportation equipment and rubber and plastic products" in Sub-No. 79F; and (g) feldspar and talc products to "ores and minerals" in Sub-No. 81F (part E); (2) remove the in bulk commodity description restrictions in Sub-Nos. 3F, 12F, 21F, 24F, 36F, 63F, 71F, 72F, 75F, 76F, and 77F; and in tank vehicles in Sub-No. 72F; (3) eliminate the facilities limitations in Sub-Nos. 3F, 7F, 12F, 21F, 24F, 36F, 39F, 42F, 62F, 63F, 71F, 72F, 75F, 76F, 79F, and 81F; (4) expand city to county-wide authority from (a) Irving to Dallas County, TX in Sub-No. 3F; (b) Temple to Bell County, TX, in Sub-No. 7F; (c) Mankato to Blue Earth County, MN, Newark to Licking County, OH, Clinton to Worcester County, MA, Morris to Grundy County, IL, and Mapleton to Peoria County, IL, in Sub-No. 12F; (d) Flat River to St. Francois County, MO, in Sub-No. 24F; (e) Austin to Travis County, TX, in Sub-Nos. 36F, 39F, and 63F; (f) Youens and Port

Neches to Montgomery and Jefferson County, TX, in Sub-No. 39F; (g) Waco to McLennan County, TX, in Sub-No. 62F; (h) Centralia to Marion County, IL, in Sub-No. 71F; (i) Des Plaines to Cook County, IL, in Sub-No. 72F; (j) Bayonne and Bayway to Hudson and Union Counties, NJ, Baton Rouge to East Baton Rouge Parish, LA, Baytown to Harris County, TX, and Pittsburgh to Allegheny County, PA, in Sub-No. 75F; (k) Union City to Alameda County, CA, in Sub-No. 77F; (l) Glendale to Los Angeles County, CA, in Sub-No. 79F; and (m) Springfield to Washington County, KY, in Sub-No. 81F; (5) change one-way authority to radial authority between points throughout the U.S.; (6) remove the restrictions "AK and HI" in Sub-Nos. 3F, 12F, 21F, 24F, 39F, 42F, 71F, 72F, 75F, 76F, and 81F; and "originating at or destined to" in Sub-Nos. 21F and 75F.

MC 100439 (Sub-12)X, filed April 24, 1981. Applicant: DAVID W. HASSLER, INC., R.D. 8, York, PA 17403. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street NW., Washington, DC 20005. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7, 8F and 10F certificates to (A) broaden the commodity descriptions to (1) "commodities in bulk" from (a) industrial asphalt in the irregular route portion of the lead certificate, and (b) materials and supplies used in the treatment of waste, in bulk, in Sub-No. 10F, and (2) "clay, concrete, glass, or stone products" from (a) limestone, limestone products and agricultural limestone, in bulk, in Sub-No. 7, and (b) lime, limestone and limestone products, in Sub-No. 8F; (B) eliminate the plantsite restriction at Thomasville, PA, in Sub-No. 7 part (3); (C) eliminate the "in tank trucks" restriction, in the regular route portion of the lead certificate; (D) authorize county-wide authority to replace existing city-wide service: York County, PA, for (1) York, PA, in irregular route portion of the lead certificate, (2) West Manchester, PA, in Sub-No. 8F; and (E) replace existing one-way service with (a) radial authority between York County, PA, and points in 5 northeastern States, in the irregular route portion of the lead and Sub-Nos. 7 and 8F, and (b) two-way authority between Baltimore, MD, and York, PA, in the regular route portion of the lead certificate.

MC 107162 (Sub-81)X, filed April 22, 1981. Applicant: NOBLEE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. Applicant seeks to remove restrictions in Certificate No. MC–107162 Sub-Nos. 1, 34, 37, 41, 42, 46, 47, 49, 51F, 55, 62F, 63F, 66F, 67, 68, 69, 70, 71, 72, 73, 74F, 77, and E8, and E9 letter notices to (1) broaden the commodity description in Sub-No. 1, from lumber, rough lumber, lumber (except flooring, plywood, veneer, paneling, dimension stock, furniture stock, or built-up wood), hardwood flooring systems, hardwood flooring, and accessories and supplies, wood fencing, post, accessories used in the installation thereof, cinder blocks, concrete block, and brick to "construction materials," from logs, evergreens, pulp wood, and wooden posts, pilings and spars, to "forest products," from lumber, lumber products, and treated wood products, to "lumber and wood products," from dry asphalt and black topping material, in bulk, to "commodities in bulk," from agricultural lime and lime products, mineral feed, and animal poultry feed and feed ingredients to "such commodities as are dealt in-by feed and agricultural products distributors," from fertilizer, fertilizer ingredients, and chemicals used in the manufacture of fertilizer to "chemicals and related products," from malt beverages to "food and related products," from mined rock to "ores and minerals;" in Sub-No. 34, from plywood, veneer sheets or board, wood paneling, hardboard, construction board, and wood particleboard to "construction materials;" in Sub-No. 37, from salt and salt products to "ores and minerals;" in Sub-No. 41, from malt beverages to "food and related products" and from salt to "ores and minerals;" in Sub-No. 42, from hardwood flooring and systems to "construction materials;" in Sub-No. 46, from lumber to "construction materials;" in Sub-No. 47, from wood chips to "forest products;" in Sub-No. 49, from construction board to "construction materials;" in Sub-No. 51F, from iron and steel articles and steel casings and pipe to "metal products;" in Sub-No. 55, from lumber, and lumber products to "lumber and wood products," and from building and insulating materials (except iron and steel articles and commodities in bulk) to "construction materials;" in Sub-No. 62F, from lumber to "lumber and wood products," from fabricated metal products to "metal products," and from fertilizer and chemicals used in the manufacture of fertilizer to "chemicals and related products;" in Sub-No. 63F, from non-alcoholic beverages to "food and related products;" in Sub-No. 67F, from lumber and lumber products to "lumber and wood products;" in Sub-No. 68F, from lumber and lumber products, wood products, and waferboard to "lumber and wood products" and "construction materials;" in Sub-No 69F, from lumber to "lumber and wood products;" in Sub-No. 70F from dry-mixed concrete and tar emulsion sealer to "construction materials;" in Sub-No. 71F, from steel tube to "metal products;" in Sub-No. 72F, from iron and steel article to "metal products;" in Sub-No. 73F, from building and insulating materials (except iron and steel articles) to "construction materials;" in Sub-No. 74F, from compressed sawdust logs to "lumber and wood products;" and in letter notices E8 and E9 from lumber to "lumber and wood products;" (2) remove the "in bulk" restriction in Sub-Nos. 1, 37, 41, 55, 62F, 63F, and 70F; (3) remove plantsite limitations (a) in Sub-No. 1 and replace Ishpeming, MI and White Lake, WI with Marquette County, MI and Oakland County, WI; Dollar Bay, MI with Houghton County, MI; Alpena, MI with Alpena County, MI; and Green Bay, WI with Brown County, WI, (b) in Sub-No. 34, part (2) and replace Oshkosh, WI with Winnebago County, WI, (c) in Sub-No. 42 and replace Amasa, MI with Iron County, MI, (d) in Sub-No. 51F and replace Dafter, MI with Chippewa County, MI, (e) in Sub-No. 55, and (f) in Sub-No. 71F and replace Union, MO with Franklin County, MO, (4) replace city with county-wide authority (a) in Sub-No. 1, from Laramie, WY to Albany County, WY; from Mayville, Rockwood, Jackson, Antigo, Cameron, Green Bay, Prairie du Chien, Whitewater, Madison, Hillsboro, and Stevens Point, WI and Dubuque, IA, to Dodge, Manitowoc, Washington, Langlade, Barron, Brown, Crawford, Walworth, Dane, Vernon, and Portage Counties, WI and Dubuque County, IA; from South Bend, IN and Sault Ste. Marie and Hessel, Engadine, MI to St. Joseph County, IN and Chippewa and Mackinac Counties, MI, (b) in Sub-No. 37 from Manistee, MI to Manistee County, MI, (c) in Sub-No. 41 from Green Bay, Hurley, Aurora, and Marinette, WI to Brown, Iron, Florence, and Marinette Counties, WI, (d) in Sub-No. 55 from Bangor, WI, Camden, NJ, and Charleston, SC to LaCrosse County, WI, Camden County, NJ and Charleston County, SC, (e) in Sub-No 62F from Kincheloe, Lansing and Grand Ledge, MI and Hazel Green, WI to Chipppewa, Eaton, and Ingham Counties, MI and Grant County, WI, (f) in Sub-No. 63F from Lakeland, FL to Polk County, FL, (g) in Sub-No. 70F from Menomee Falls, WI to Waukesha County, WI, (h) in Sub-No. 72F from Rockdale, IL to Will County, IL, (i) in Sub-Nos. 73F and 74F from Minneapolis, MN to Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties, MN, (j) in Sub-No. 74F from Shawano, WI to

Shawano County, WI, (k) in Sub-No. 77 from Canton and Washington Court House, OH to Stark and Fayette Counties, OH from Green Bay, WI to Brown County, WI and from Milwaukee, WI to Ozaukee, Washington, Waukesha, Milwaukee and Racine Counties, WI; (5) replace the named ports of entry in named states with all ports of entry in named states in Sub-Nos. 1, 28, 34, 37, 41, 47, 49 and 51, (6) remove the restriction to transportation in foreign commerce only in Sub-No. 1 (7) remove the restriction to the transportation of traffic having a subsequent movement to Ontario, Canada, (8) remove the "originating at and/or destined to named points" restrictions in Sub-Nos. 1, 34, 66, 71 (9) remove the restriction against transportation to AK and HI in Sub-No. 51, (10) remove the restrictions in Sub-Nos. 1, E3 and E9 against traffic that originates in Canada (11) remove the restriction in Sub-No. 1 requiring that shipments originating in Canada move through, the port of entry at or near Sault Ste. Marie, MI, and (12) Change one-way to radial authority between various points throughout the U.S. in all Subs and E letter notices except part of Sub-No. 69F.

MC 106341 (Sub-205)X, filed April 13, 1981, previously noticed in the Federal Register of April 20, 1981, republished as corrected this issue. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 3, 7F, 62, 120F and 150F certificates to (1) broaden the commodity description (a) from self-propelled articles, each weighing 15,000 pounds or more in part of Sub-No. 3 and from tractors (except truck tractors) in Sub-No. 7F to "machinery, metal products, transportation equipment, ordnance and accessories, and textile mill products", (b) from yard tractors in Sub-No. 62, from tractors (except truck tractors and tractors weighing 15,000 pounds or more) in Sub-No. 120F, and, from tractors (except truck tractors) in Sub-No. 150F to "machinery and transportation equipment and ordnance and accessories", (2) replace the facilities limitations in (a) Sub-No. 62 at Lyons, IL with Cook County, IL and, (b) in Sub-No. 150F at Romeo, MI with Macomb County, MI, (3) remove the ex-water restriction in Sub-No. 120F, (4) remove the "originating at and/or destined to named points or facilities restriction in Sub-Nos. 120F and 150F, (5) remove the restrictions to commodities transported on trailers in Sub-No. 3, and (6) change one-way to radial authority between (a) Portsmouth, VA, and the facilities used by International Harvester Company or its dealers in 5 states, in Sub-No. 120F and (b) Macomb County, MI, and, points in 6 states in Sub-No. 150F. The purpose of this republication is to include the requested change in the commodity description.

MC 116227 (Sub-17)X, filed April 27, 1981. Applicant: POLMAN TRANSFER, INC., Route 3, Box 470, Wadena, MN 56482. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity descriptions from general commodities (with exceptions), to "general commodities (except classes A and B explosives)"; from dicalcium phosphate, in bags, and crushed, ground, or pulverized limestone, in bags, to "chemicals and related products, clay, concrete, glass or stone products, and ores and minerals"; and from wood shavings, in bales, bags, and by-products thereof, in bundles, bales, and bags, to "lumber and wood products"; (2) replace cities with county-wide authority: in the irregular route portion, Alden, IA, with Hardin County, IA; (3) change its one-way to radial authority in the irregular route portion, between Hardin County, IA, and points in MN; and between 5 specified counties in MN, and points in IL, IN, IA, KS, MI, MO, NE, ND, SD, and WI; and (4) eliminate the restriction against service to or from specified plantsites at Wadena, MN.

MC 119160 (Sub-13)X, filed May 1, 1981. Applicant: H. E. SPANN AND COMPANY, INC., P.O. Box 1111, Highway 67 East, Mt. Pleasant, TX 75455. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Applicant seeks to remove restrictions in its lead and Sub-No. 4 certificate to (1) broaden the commodity description from gravel, sand, rock, caliche, shell, iron ore, readymix asphalt, rip rap, aggregate, dirt, bulk cement mixed with sand, crushed limestone, flexible base, and sand mixed with stone, gravel and crushed stone or rock to "commodities in bulk" in each certificate; (2) remove the "in dump trucks or trailers with dump bodies" restriction in each certificate; (3) change city to county-wide authority from Little Rock to Pulaski County, AR, and Sulphur Springs to Hopkins County, TX, in the lead (page 2); and (4) expand one-way to radial authority between Miller, LaFayette and Ouachita Counties, AR, and, points in AR, LA, OK and TX (with exceptions), in Sub-No. 4 and between Pulaski County, AR, and, Hopkins County, TX in the lead.

MC 127303 (Sub-88)X, filed March 13, 1981, previously noticed in the Federal Register of April 10, 1981, published as corrected this issue. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 18, 19, 23, 26, 29, 32, 37, 39, 40, 47, 50, 53, 56, 67, 71, 74, 78, 79, and 82 certificates to (1) broaden the commodity descriptions to (a) "food and related products" from malt beverages, inedible grease and tallow, animal feed, foodstuffs, non-alcoholic beverages, carbonated beverages, and beverages, in Paragraphs 3–5, 15, 16, and 19 of its lead certificate and Subs 23, 26, 29, 32, 37, 39, 40, 47, 50, 56, 67, 71, 74, 78, 79, and 82; (b) "machinery and transportation equipment" from storage cribs, mechanical loaders, and truck hoists, in Paragraph 10 of the lead certificate; (c) "machinery" from farm implements in Paragraphs 11 and 12 of the lead certificate; (d) "clay, concrete, glass or stone products; and pulp, paper and related products" from glass containers and empty corrugated boxes in Paragraph 17 of the lead certificate; (e) "clay, concrete, glass or stone products; pulp, paper and related products; and metal products" from glass containers, closures for glass containers, and fiberboard boxes, in Paragraph 18 of the lead certificate; (f) "food and related products; clay, concrete, glass or stone products; and metal products" from malt beverages, empty containers, and brewery supplies in Sub-No. 18; (g) "food and related products; and chemicals and related products" from canned goods and soap in Sub-No. 19; and (h) "food and related products; ores and minerals; and machinery" from feed, feed ingredients, minerals, premixes, animal health products, livestock feeders, and livestock equipment in Sub 53; (2) replace authority to serve named points or plant sites with authority to serve the county or city: (a) Minneapolis-St. Paul, MN for a facility at Minneapolis, and Kenosha County, WI for Kenosha, WI, in Paragraph 3 of the lead certificate; (b) Omaha, NE, for a facility at Omaha, in Paragraph 4; (c) Minneapolis-St. Paul, MN for a facility at Minneapolis in Paragraph 5; (d) La Salle County, IL, for Streator, IL, in Paragraph 10; (e) Jasper and Jones Counties, IA, for Newton and Monticello, IA, in Paragraph 11; (f) Black Hawk County, IA, for Waterloo, IA, in Paragraph 12; (g) Mason County, IL, for Mason City, IL, in Paragraph 15; (h) La Salle, Livingston, McLean, Macon, Piatt, St. Clair, Sangamon and Vermilion

Counties, IL, for Belleville, Decatur, Springfield, Danville, Galesville, Bloomington, and Streator, IL, in Paragraph 16; (i) Grant County, IN, for Gas City, IN, and Chicago, IL, for Argo, IL, in Paragraph 17; (j) La Salle, IL, for Seneca, IL, in Paragraph 18; (k) Johnson and Muscatine Counties for plant sites at Iowa City and Muscatine, IA, in Paragraph 19; (l) Des Moines, IA, for a plant site at Des Moines, IA, in Sub 19; (m) La Crosse and Sheboygan Counties, WI for La Crosse and Sheboygan, WI, and Freeborn, Mower, Steele, and Olmsted Counties, MN, for Albert Lee, Austin, Owatonna, and Rochester, MN, in Sub 23; (n) Pottawattamie County, IA for Council Bluffs, IA, in Sub 28; (o) McCracken County, KY for Paducah, KY, in Sub 29; (p) Houston County, GA for Pabst, GA, in Sub 39; (q) Coles County, IL, for a plant site at Mattoon, IL, in Sub-No. 40; (r) Milwaukee, WI, for a plant site at Milwaukee, WI, in Sub 47; (s) Columbus, OH and Reno County, KS, for plant sites at Columbus, OH and Hutchinson, KS, in Sub-No. 50; (t) Ogle County, IL, for a plant site at Rochelle, IL, in Sub-No. 56; (u) St. Clair County, IL and Ray County, MO for Belleville, IL and Richmond, MO, in Sub-No. 71; (v) Johnson County, KS, for Lenexa, KS, in Sub-No. 78; (w) La Crosse County, WI, for La Crosse, WI, in Sub-No. 79; and (x) Allen County, IN and Pottawattamie County, IA, for Fort Wayne, IN and Council Bluffs, IA, in Sub-No. 82; (3) broaden the territorial description from one-way authority to radial authority between: (a) Minneapolis-St. Paul, MN and Kenosha County, WI, in Paragraph 3 of the lead certificate; (b) Omaha, NE and IL, IN, and the lower peninsula of MI, in Paragraph 4; (c) Minneapolis-St. Paul, MN, and points in the lower peninsula of Michigan, in Paragraph 5; (d) La Salle County, IL, and points in sixteen States, in Paragraph 10; (e) Jasper and Jones Counties, IA and points in the part of Illinois on and north of U.S. Highway 36, in Paragraph 11; (f) Black Hawk County, IA, and points in that part of Illinois on and north of U.S. Highway 36 (except six specified counties), in Paragraph 12; (g) Mason County, IL, and points in IN, MO, and IA, in Paragraph 15; (h) eight Illinois counties and Hammond, IN, St. Louis, MO, and Cincinnati, OH, in Paragraph 16; (i) Grant County, IN, and Chicago, IL, in Paragraph 17; (j) La Salle County, IL, and points in IA, MN, NE, SD, WI, and MO; (k) Johnson and Muscatine Counties, IA, and points in Illinois and points in that part of Missouri on and east of U.S. Highway 63, in Paragraph 19; (l) Minneapolis-St Paul, MN, and MO and IL, in Sub-No. 18; (m) Des Moines, IA and points in ND, SD, WI, IL, IN, MI, OH, and MO, in Sub-No. 19; (n) Sheboygan County, WI and Freeborn, Mower, Steele, and Olmsted Counties, MN; La Crosse County, WI and Freeborn, Mower, Steele, and Olmsted Counties, MN and North Mankato, MN; and Minneapolis-St. Paul, MN, and points in Nebraska and those in that part of Iowa on and west of U.S. Highway 65, in Sub-No. 23; (o) Milwaukee, WI and Peoria, IL and Omaha, NE and Pottawattamie County, IA, in Sub-No. 28; (p) Minneapolis-St. Paul, MN and McCracken County, KY, in Sub-No. 29; (q) Minneapolis-St. Paul, MN and Kansas City, KS, in Sub-No. 32; (r) Milwaukee, WI and points in NE and MO, in Sub-No. 37; (s) Houston County, GA and points in OH, IL, IN, and MI, in Sub-No. 39; (t) Milwaukee, WI and points in fifteen States in the lower peninsula of Michigan, In Sub-No. 47; (u) Columbus, OH and Reno County, KS and points in the U.S., in Sub-No. 50; (v) Cedar Rapids, IA and points in MO, MN, and WI, in Sub-No. 53; (w) Ogle County, IL and points in IN, MN, and WI, in Sub-No. 56; (x) Omaha, NE and Granite City, IL and points in MN, WI, ND, and SD, in Sub-No. 67; (y) St. Clair County and Peoria, IL and Evansville, IN, on the one hand, and, on the other, Ray County and Independence, MO, in Sub-No. 71; (z) Peoria, IL and points in NE and MO, in Sub-No. 74; (aa) Johnson County, KS and points in IA, IL, MO, ND, SD, and WI, in Sub-No. 78; and (bb) La Crosse County, WI and Chicago, IL, in Sub-No. 79; and (4) remove the restrictions: (a) requiring transportation to be performed in bulk, in tank vehicles, in Paragraphs 15 and 16 of the lead certificate; (b) prohibiting transportation in bulk, in Paragraph 19 of the lead certificate, and Sub-Nos. 19, 29, 40, 50, 53, and 79; (c) prohibiting transportation in tank vehicles, in Sub-No. 79; (d) limiting transportation to traffic originating at named origins (Sub-Nos. 50 and 56) or transportation of traffic originating at the named origins and destined to the indicated destinations in Paragraph 19 of the lead certificate, and Sub-Nos. 26, 37, 40, and 47; (e) prohibiting serving AK and HI, in Sub-No. 50; and (f) requiring that transportation of fiberboard boxes and closures for glass containers take place in mixed loads with glass containers, in Paragraph 16 of the lead certificate. The purpose of this republication is to replace in part (2)(i) Argo, IL with Chicago, IL, previously noticed as Cook County, IL.

MC 138420 (Sub-52)X, filed April 27, 1981. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53063. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions from its Sub-No. 41F certificate to (1) substitute radial service for existing one-way service between specified WI points, and points in MI, MO, and OH; (2) remove restriction against transportation of commodities in bulk; (3) delete restriction limiting service to the facilities of a named shipper; and (4) substitute Wood County for Wisconsin Rapids and Biron, WI; and Portage County for Stevens Point, WI.

[FR Doc. 81-14389 Filed 5-12-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL JOINT COMMISSION

Application of the State of Washington To Construct New Works for Regulating the Levels of Osoyoos Lake in the Province of British Columbia and the State of Washington

Notice is hereby given that the International Joint Commission has received an Application from the State of Washington for an Order of Approval for construction of new control works for regulating the levels of Osoyoos Lake in the Province of British Columbia and the State of Washington. It is stated that the existing Zosel Dam, which has received temporary repairs from time to time, is ineffective in conserving water during drought periods because of apparent seepage losses. Furthermore, it is stated that the dam is overstressed at water level of 911 feet. The Applicant also states that the proposed control works would have the capacity to pass 2,500 cubic feet per second with Osoyoos Lake level not greater than the 913 feet; such elevation equivalent to or lower than the 911 feet elevation at Zosel Dam required in the Commission's 1946 Order of Approval.

Governments and interested persons, including municipalities, corporations, partnerships, associations and individuals may present Statements in Response to the Commission prior to June 15, 1981, at either of the addresses noted below; such Statements in Response should set forth facts and arguments bearing on the subject matter of the Application and tending to oppose or support the Application in whole or in part. Where possible, 30 copies should be provided.

Copies of the Application and related drawings are being distributed to persons who appeared before the Commission at its hearings in Oroville, Washington, and Osoyoos, British Columbia, in 1978, and are available, for

review, at the Municipal Office of the Village of Oscoyoos and at the City Hall of Oroville. Copies of the application also may be obtained from the Secretaries of the Commission.

The Commission will hold hearings at which all persons who wish to make oral presentation regarding this Application will be heard. Times and places of such hearings will be announced later.

D. G. Chance,

Secretary, Canadian Section, International Joint Commission.

D. A. LaRoche,

Secretary, United States Section, International Joint Commission.

May 8, 1981.

[FR Doc. 81-14369 Filed 5-12-81; 8:45 am]
BILLING CODE 4710-14-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-87]

Certain Coin-Operated Audio-Visual Games and Components Thereof; Request for Further Briefing

AGENCY: International Trade Commission.

ACTION: Commission request for further briefing by the parties and other interested persons.

SUMMARY: The Commission is requesting further briefing on certain copyright issues in this case.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain coin-operated audio-visual games and components thereof. The Commission is requesting further briefing by the parties and other interested persons on the issue of whether the complainant, Midway Manufacturing Co., has an enforceable copyright in its Galaxian game or in any of the components thereof. The parties and other interested persons are requested to file written briefs on the issue no later than May 18, 1981.

Copies of all non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0155.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, telephone 202-523-0148.

By order of the Commission.

Issued: May 1, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-14409 Filed 5-12-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-99]

Certain Molded-In Sandwich Panel Inserts and Methods for Their Installation

ORDER NO. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: May 6, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81-14610 Filed 5-12-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 731-TA-42 (Preliminary)]

Motorcycle Batteries From Taiwan

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary antidumping investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-42 (Preliminary) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Taiwan of motorcycle batteries which are allegedly sold or likely to be sold in the United States at less than fair value (LTFV). For purposes of this investigation, motorcycle batteries are defined as lead-acid-storage batteries principally dedicated for use in motorcycles, having a nominal output of either 6 or 12 volts and rated between 2 and 28 ampere hours (10 hour rate), as provided for in item 683.10 of the Tariff Schedules of the United States.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, U.S. International Trade Commission, Room 346, 701 E Street, NW., Washington, D.C. 20436; telephone 202-523-0242.

SUPPLEMENTARY INFORMATION: On May 1, 1981, petitions were simultaneously filed with the U.S. Department of Commerce and the U.S. International Trade Commission by Yuasa General Battery alleging that motorcycle batteries from Taiwan are being sold in the United States at LTFV and that an industry in the United States is being materially injured or threatened with material injury by reason of such imports. Accordingly, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), the Commission is instituting preliminary antidumping investigation No. 731-TA-42 (Preliminary) to determine whether a reasonable indication of such injury exists. The Commission must make its determination within 45 days after the date on which the petition was received, or in this case by June 15, 1981. The investigation will be conducted according to the provisions of part 207, subpart B, of the Commission's Rules of Practice and Procedure (19 CFR 207).

WRITTEN SUBMISSIONS: Any person may submit to the Commission a written statement of information pertinent to the subject of the investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, on or before June 1, 1981. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

For further information concerning the conduct of the investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR 207), and part 201, subpart A through E (19 CFR 201).

CONFERENCE: The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10 a.m., e.d.t., on Wednesday, May 27, 1981, at the U.S. International Trade Commission Building. Parties wishing to participate

in the conference should contact the supervisory investigator for this investigation, Mr. Lynn Featherstone (202–523–0242). It is anticipated that parties in support of the petition for the imposition of antidumping duties and parties opposed to such petition will each be collectively allocated one (1) hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

INSPECTION OF THE PETITION: The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

By order of the Commission.

Issued: May 8, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-14407 Filed 5-12-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-88]

Certain Spring Assemblies and Components Thereof, and Methods for Their Manufacture

AGENCY: U.S. International Trade Commission.

ACTION: The scheduling of oral arguments and briefing in investigation No. 337–TA–88, Certain Spring Assemblies and Components Thereof, and Methods for Their Manufacture.

In the Matter of certain spring assemblies and componement thereof, and methods for their manufacture; commission hearing on the presiding officer's recommendation and on relief, bonding, and the public interest, and the schedule for filing written submissions.

Notice is hereby given that the presiding officer has issued a recommended determination that there is a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, in the unauthorized importation into the United States and sale of certain spring assemblies that are the subject of the Commission's investigation. Accordingly, the recommended determination and the record of the hearing have been certified to the Commission for review and a Commission determination. Interested persons may obtain copies of the nonconfidential version of the presiding officer's recommendation (and all other public documents on the record of the investigation) by contacting the Officer of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 161, Washington, D.C. 20436, telephone 202–523–0161.

COMMISSION HEARING: The Commission will hold a public hearing on June 10, 1981, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officer's recommended determination that a violation of section 337 of the Tariff Act of 1930 exists. Second, the Commission will hear presentations concerning appropriate relief, the effect that such relief would have upon the public interest, and the proper amount of the bond during the Presidential review period, in the event that the Commission determines that there is a violation of section 337 and that relief should be granted. These matters will be heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties.

ORAL ARGUMENTS: Any party to the Commission's investigation or any interested Government agency may present an oral argument concerning the presiding officer's recommended determination. Such arguments will be limited to 20 minutes (exlusive of time consumed by questions from the Commission or its advisory staff), unless the parties make a timely request for additional time for making their arguments based on a showing of need. This time may be used in any way the party or agency making argument sees fit, i.e., a portion of the time may be reserved for rebuttal or devoted to summation. The oral arguments will be held in the following order: complainant, respondents, Government agencies, and the Commission investigative attorney. Any rebuttals will be held in this order: respondents, complainant, Government agencies, and the Commission investigative attorney. Persons making oral argument are reminded that such argument must be based upon the evidentiary record certified to the Commission by the presiding officer.

ORAL PRESENTATIONS ON RELIEF, BONDING, AND THE PUBLIC INTEREST: If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) an order which could result in one or more respondents being required to cease and desist from engaging in unfair methods of competition or unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in hearing presentations which address the form of relief, if any, which should be ordered.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in hearing presentations concerning the amount of the bond, if any, which should be imposed.

If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

Following the oral arguments on the presiding officer's recommendation, parties to the investigation, Government agencies, public-interest groups, and interested members of the public may make oral presentations on the issues of relief, bonding, and the public interest. Such presentations will be limited to 10 minutes (exclusive of time consumed by questions from the Commission and its advisory staff) and may include the testimony of witnesses. This portion of the hearing is legislative in nature; presentations need not be confined to the evidentiary record certified to the Commission by the presiding officer. Oral presentations on relief, bonding, and the public interest will be heard in the same order as oral arguments on the recommended determination.

WRITTEN SUBMISSIONS: In order to give greater focus to the hearing, the parties to the investigation, Government agencies, and the Commission investigative attorney are encouraged to file briefs on the issues of violation (to the extent they have not already briefed that issue in their written exceptions to the presiding officer's recommended determination), remedy, bonding, and the public interest. Briefs must be filed not later than the close of business on May 27, 1981. During the course of the

hearing, the parties may be asked to file posthearing briefs.

NOTICE OF APPEARANCE: Written requests to appear at the Commission hearing must be filed with the Office of the Secretary by May 27, 1981.

ADDITIONAL INFORMATION: The original copy and 11 true copies of all briefs must be filed with the Office of the Secretary not later than May 27, 1981. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request in camera treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments containing confidential information approved by the Commission for in camera treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the Federal Register of August 8, 1980.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1627.

By order of the Commission.

Issued: May 7, 1981.

Kenneth R. Mason,

Secretary

[FR Doc. 81-14406 Filed 5-12-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

National Institute of Justice

Correctional Officers; Disabilities and Organizational/Administrative Factors; Competitive Research Grant Solicitation

The National Institute of Justice announces a competitive research grant solicitation for proposals to examine the types of policies governing and actual payments made for correctional officers' disabilities and organizational/administrative factors that may contribute to differntial policies and practices among the states. The aim of this research is to provide information to assist states in developing more cost effective policies for handling disability claims in a fair, consistent and equitable manner.

The solicitation requests submission of proposals which will then be reviewed by a peer review panel. In order to be considered, proposals must be postmarked no later than July 3, 1981. This announcement will result in an award of $50,000 for a 12 months effort.

Additional information and copies of the solicitation may be obtained by sending a self-addressed mailing label to:

Solicitation Request, Payment Policies for Correctional Officer Disabilities, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: April 28, 1981.

Harry M. Bratt,

Acting Director, National Institutes of Justice.

[FR Doc. 81-14394 Filed 5-12-81; 8:45 am]

BILLING CODE 4410-18-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Joint Subcommittee on Reactor Radiological Effects and Site Evaluation; Meeting

The ACRS Joint Subcommittee on Reactor Radiological Effects and Site Evaluation will hold a meeting with the Canadian Advisory Committee on Radiological Protection on May 26 and 27, 1981 at the Ontario Hydro Office, 700 University Avenue, Toronto, Canada. Matters related to radiation safety will be discussed including siting, waste management and disposal, and emergency procedures. Notice of this meeting was published April 21.

The meeting will be closed to public attendance to ensure the security of information identified and supplied by a foreign government in confidence (Sunshine Act Exemption 4). In order to receive and consider this information, the ACRS must be able to engage in frank discussion with members of the Canadian Advisory Committee on Radiological Protection. For the reason just stated, such a discussion would not be possible if held in public session.

I have determined, therefore, that it is necessary to close this meeting to permit the ACRS to obtain information necessary in carrying out its statutory responsibilities. The authority for such closure is Exemption (4) of the Sunshine Act, 5 U.S.C. 552b(c)(4).

Further information can be obtained by a prepaid telephone call to the cognizant Federal Employee, Mr. Garry Young (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: May 8, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-14396 Filed 5-12-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission has issued Amendment No. 69 to Facility Operating License No. DPR–26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment, in response to the April 25, 1980 application, revises the Technical Specifications to reduce the minimum reactor coolant flow to 95% of thermal design flow and accommodate plant operation with up to 12% of the steam generator tubes plugged. As a separate item, in response to the March 26, 1981 application, the amendment adds to the Technical Specifications limiting conditions for operation and surveillance requirements for leakage detection and removal systems to reduce the likelihood of a recurrence of the October 17, 1980 flooding event.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated April 25, 1980 and March 26, 1981, (2) Amendment No. 69 to License No. DPR–26, and (3) the Commission's related Safety Evaluation. All of these items are available for

public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martime Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22 day of April, 1981.

For The Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1. Division of Licensing.

[FR Doc. 81-14387 Filed 5-12-81; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to the provide guidance to applicants concerning certain of the information needed by the staff in its reveiw of applications for permits and licenses.

Regulatory Guide 1.149, "Nuclear Power Plant Simulators for Use in Operating Training," describes a method acceptable to the NRC staff for specifying the functional requirements of a nuclear power plant simulator to be used for operator training. It endorses, with certain exceptions, ANSI/ANS 3.5–1981, "Nuclear Power Plant Simulators for Use in Operator Training." Need for the guide was highlighted as a result of operator errors noted in investigations of the accident at the Three Mile Island Nuclear Station.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 6th day of May 1981.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-14388 Filed 5-12-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[(Release No. 34-17771); File Nos. SR-BSE-81-5 and SR-BSE-81-6]

Boston Stock Exchange, Inc., Proposed Rule Changes; Self-Regulatory Organizations

Relating to a temporary increase on all Exchange billings to members and a revision to the Boston Stock Exchange "Value Charge Assessment."

Comments requested within 21 days after the date of this publication.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 30, 1981, the Boston Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed changes as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

The exchange is proposing to impose a temporary 15 percent increase on all Exchange billings to members effective for the period May 1 through September 30, 1981. In addition, the Exchange is revising the schedule of "Value Charge Assessment" used to compute members' transactions fees, as follows.

(Brackets indicate deletions, italics indicate additions.)

A maximum charge of [$20] *$100* per side on any transaction, regardless of the contract amount.

Monthly contract values	Rate
$0–[$2,000,000] *$7.5 million*	$.20 per $1,000 valuation.
[$2,000,000–5,000,000] *Over $7.5 million.*	$.10 per $1,000 valuation.
[5,000,000–10,000,000]	[$.5 per $1,000 valuation.]
[Over 10,000,000]	[$.25 per $1,000 valuation.]

II Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In its filings with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

(a) The purpose of the proposed rule changes is to attempt to meet increased inflation and operational costs while insuring an efficient system for trading of securities and the safekeeping of assets.

(b) The basis under the Act for the proposed rule changes is Section 6(b)(4) which requires the rules of an exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

(B) Self-Regulatory Organization's Statement on Burden on Competition

No burden on competition is perceived by adoption of the proposed rule changes.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

The foregoing rule changes have become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph(e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule changes, the Commission may summarily abrogate such rule changes if it appears to the

Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D. C. 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed changes that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C.

Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file numbers in the caption above and should be submitted on or before June 3, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 5, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-14435 Filed 5-12-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/405]

Advisory Committee on Private International Law; International Business Transactions Study Group; Meeting

There will be a meeting of the International Business Transactions Study Group, a study group of the subject Advisory Committee, at 10:00 a.m. on Thursday, May 28, 1981 in Room 2722A of the Department of State. Members of the general public may attend up to the capacity of the meeting room.

The purpose of the meeting will be to develop recommendations concerning work being undertaken by the United Nations Commission on International Trade Law related to contracts for supply and construction of large industrial works and for industrial cooperation, in preparation for UNCITRAL working group and plenary sessions scheduled in June 1981.

Entry to the Department of State Building is controlled and members of the general public should use the "C" Street entrance. As entry will be facilitated by advance arrangements and the meeting room may have to be changed, members of the general public planning to attend should, prior to May 27, notify Ms. Rochelle Renna, Office of the Assistant Legal Adviser for Private International Law, Department of State, (telephone: (202) 632-8134) of their name, affiliation and address.

Dated: May 8, 1981.

Peter H. Pfund,
Assistant Legal Adviser for Private International Law and Vice-Chairman, Advisory Committee on Private International Law.

[FR Doc. 81-14430 Filed 5-12-81; 8:45 am]
BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

[Number: 107-1]

Appointment of Designated Agency Official Under the Ethics in Government Act of 1978

Pursuant to the authority vested in me and in implementation of the Ethics in Government Act of 1978 (Pub. L. 95-521) and 5 CFR 738.202, the Deputy General Counsel is appointed "Designated Agency Ethics Official," and the Senior Counsel for Ethics is appointed "Alternate Designated Agency Ethics Official," for the Department of the Treasury within the meaning of that law and regulation.

This Order supersedes Treasury Department Order 107-1 dated February 5, 1979.

Dated: April 27, 1981.

Donald T. Regan,
Secretary of the Treasury.

[FR Doc. 81-14279 Filed 5-12-81; 8:45 am]
BILLING CODE 4810-25-M

[Supplement to Department Circular Public Debt Series—No. 13-81]

Series A-1991 Notes; Interest Rate

May 7, 1981.

The Secretary announced on May 6, 1981, that the interest rate on the notes designated Series A-1991, described in Department Circular—Public Debt Series—No. 13-81 dated April 30, 1981, will be 14⅛ percent. Interest on the notes will be payable at the rate of 14⅛ percent per annum.

Paul H. Taylor,
Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-14429 Filed 5-12-81; 8:45 am]
BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 12-81]

Services K-1984 Notes; Interest Rate

May 6, 1981.

The Secretary announced on May 5, 1981, that the interest rate on the notes designated Series K-1984 described in Department Circular—Public Debt Series—No. 12-81 dated April 30, 1981, will be 15¾ percent. Interest on the notes will be payable at the rate of 15¾ percent per annum.

Paul H. Taylor,
Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-14394 Filed 5-12-81; 8:45 am]
BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Scientific Review and Evaluation Board for Health Services Research and Development; Meeting

In accordance with Pub. L. 92-463, the Veterans Administration gives notice of a meeting of the Scientific Review and Evaluation Board for health Services Research and Development. This meeting will convene in Room 119 of the Veterans Administration Central Office Building, 810 Vermont Avenue, NW, Washington, DC, June 18 and 19, 1981, beginning at 3 p.m. on June 18, 1981, and 8:30 a.m. on June 19, 1981. The purpose of the meeting is to review health services research and development applications for scientific and technical merit and to make recommendations to the Acting Director, Health Services Research and Development Service (HSR&DS) regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) at the start of the June 18th session for approximately one hour to cover administrative matters and to discuss the general status of the program. During the closed session, the Board will be reviewing research and development applications relating to the delivery and organization of health services. This review involves oral review and discussion of site visits, staff and consultant critiques of research protocols, and similar documents that necessitate the consideration of personnel qualifications and the performance and competence of individual investigators.

Proprietary data from contractors and private firms will also be presented and this information should not be disclosed in a public session. Premature disclosure of Board recommendations would be likely to significantly frustrate implementation of final proposed actions. Thus, the closing is in accordance with section 552b, subsections (c)(4), (c)(6), and (c)(9)(B), Title 5, United States Code, and the determination of the Administrator of Veterans Affairs under section 10(d) of Pub. L. 92-463, as amended by section 5(c) of Pub. L. 94-409.

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Mrs. Dolores Zupan, Program Assistant (152), Health Services Research and Development Service, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, 20420, (Phone: (202) 389-5414) at least 5 days before the meeting.

Dated: May 5, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-14340 Filed 5-13-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 92,
Wednesday, May 13, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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[M–315, Amdt. 3; May 7, 1981]

CIVIL AERONAUTICS BOARD.

Status of item 10 is being changed from open to closed and will be held at 9 a.m.

TIME AND DATE: 9 a.m., May 6, 1981..

PLACE: Room 1012, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Closed. 10. Docket 32851, Agreement 1175, as amended; The IATA Review (Show-Cause) Proceeding (Memo 447–A, 447–B, BDA, BCP).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

[S–713–81 Filed 5–11–81; 3:40 pm]

BILLING CODE 6320–01–M

2

[M–316; May 7, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 1:30 p.m., May 14, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 29044, Proposals to Amend 14 CFR Part 252 Smoking Aboard Aircraft. Instructions to staff. (OGC)
3. Dockets 33682 and 32812, *Michael F. Jacobson* v. *United Air Lines, Inc.*, and *Arthur Rock* v. *United Air Lines, Inc.*, respectively, review on Board initiative of ALJ's granting motions to withdraw complaints in enforcements proceedings. (Memo 494, OGC)
4. Dockets 33363, 38666, 38667—Former Irregular Air Service Investigation—Phase III, Applications of Imperial Enterprises Corporation d.b.a. Imperial International Airlines, Inc. (OGC)
5. H.R. 3—the Sunset Act of 1981. (OGC)
6. Proposed changes in notice requirements for terminations and reductions of service in domestic and foreign air transportation. (Memo 490, OGC, BDA, BIA)
7. Dockets 38585 and 34138, Joint Fares. (OGC, BDA)
8. Docket 38975, Extension of fare flexibility to Micronesia and American Samoa. (OGC, BDA)
9. Trans-Panama S.A. compliance disposition. (BCCP)
10. Docket 34774, Petition of Metroflight, Inc., for compensation for losses at Paris, Texas. (BDA, OCCR, OC)
11. Commuter carrier fitness determination of Scenic Airlines, Inc. (BDA)
12. Docket 35307—Notice of Intent of Ozark Air Lines, Inc., to suspend service at Clarksville, Tennessee-Ft. Campbell-Hopkinsville, Kentucky. (BDA, OCCR)
13. Docket 39373, Notice of USAir to terminate service at Akron-Canton, Ohio. (Memo 487, BDA, OCCR)
14. Docket 39154, International Air Cargo, Inc.—Application for a section 418 All-Cargo Air Service Certificate. (Memo 493, BDA, OGC)
15. Commuter Carrier fitness determination of Vee Neal, Inc. d.b.a. Vee Neal Airlines. (Memo 486, BDA)
16. Dockets 39427, 39434, Lone Star Airways Additional Points Subpart Q Proceeding. (BDA)
17. Dockets 38885, 38979, 38418, 38570, 39115, 38978, 38720, 38816, 39524, 38586, 34562, 34711, 38883, 38184, 38193, 38196, 38884, 39013, 39032, 38571, 38882, and 39525—Employee Protection Program: Applications on Behalf of Employees of Aeroamerica; Airlift International; American, Braniff, Continental, Eastern, Overseas National, Pan AM, TWA, and United for Determination of Qualifying Dislocation. (BDA, OGC, OEA)
18. Docket 39355, Application of Air North for exemption from Part 252 (smoking) of the Board's regulations. (Memo 488, BDA, BCCP)
19. Docket 39285—Texas International—Continental Acquisition Case; petitions for reconsideration of Order 81–3–100 submitted by Air Florida and American Airlines. (Memo 305–E, OGC, BDA, BALJ)
20. Institution of the U.S.-London Case (1982) to select a U.S. gateway and carrier for U.S.-U.K. service for 1982. (BIA, OGC, BALJ)
21. Docket 39347—Application of Air Florida, Inc. for Chicago/New York/Newark/White Plains-Bermuda authority. (BIA, OGC, BALJ)
22. Establishment of Standard Foreign Fare Level Methodology. (BIA, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

[S–712–81 Filed 5–11–81; 3:40 pm]

BILLING CODE 6320–01–M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m. Friday, May 22, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6374.

[S–748–81 Filed 5–11–81; 1:40 pm]

BILLING CODE 6351–05–M

4

FEDERAL COMMUNICATIONS COMMISSION.

Additional item to be considered at Commission open meeting, Thursday, May 7, 1981

The Federal Communications Commission will consider this additional item on the subject listed below at the Open Meeting scheduled for Thursday, May 7, 1981, starting at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Common Carrier—14—American Telephone and Telegraph Co. Manual and Procedures for the Allocation of Costs. Order on reconsideration.

The prompt and orderly conduct of Commission business requires that less than 7 days notice be given consideration of this additional item.

Action by the Commission May 5, 1981. Commissioners Lee, Chairman; Quello, Washburn, Fogarty and Jones voting to consider this additional item.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: May 7, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S–742–81 Filed 5–11–81; 8:30 am]

BILLING CODE 6712–01–M

5

FEDERAL COMMUNICATIONS COMMISSION.

Clarification of Deletion Notice (No. 000731) released May 5, 1981, concerning item 10 common carrier.

Due to an administrative error, Common Carrier Item No. 10 was deleted at the request of the Office of Commissioner Washburn. The notice should read deleted at the request of the Office of Commissioner Jones.

Additional information concerning this notice may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: May 8, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-744-81 Filed 5-11-81; 8:30 am]

BILLING CODE 6712-01-M

6

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item from May 7, 1981 open meeting.

The following item has been deleted at the request ofthe Office of Commissioner Washburn from the list of agenda items scheduled for consideration at the May 7, 1981 Open Meeting, and previously listed in the Commission's Notice of April 30, 1981.

This item has been rescheduled for consideration at the May 18, 1981 Open Meeting.

Agenda, Item No. and Subject

Common Carrier—12—Title: Notice of Inquiry into the policies to be followed in the future licensing of telecommunications facilities in the Pacific Region for the 1981–1995 time period. Summary: This item considers the initiation of a comprehensive facilities planning process for the Pacific Region during the 1981–1995 time period. The issue is whether a comprehensive review of the Pacific Region during the specified time period is more desirable than the Commission's current ad hoc application review process.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: May 7, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-745-81 Filed 5-11-81; 8:30 am]

BILLING CODE 6712-01-M

7

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item from May 7, 1981, open meeting.

The following item has been deleted at the request of the Office of Commissioner Fogarty from the list of agenda items scheduled for consideration at the May 7, 1981, Open Meeting, and previously listed in the Commission's Notice of April 30, 1981.

Agenda, Item No. and Subject

Private Radio—1—Title: Tentative Decision and Further Notice of Proposed Rule Making, Docket No. 18921. Summary: The Commission will consider whether to adopt a Tentative Decision and Further Notice of Proposed Rule Making dealing with the cooperative sharing and multiple licensing of facilities in the private land mobile radio service.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: May 6, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-746-81 Filed 5-11-81; 8:30 am]

BILLING CODE 6712-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:00 p.m. on Monday, May 18, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

First American Bank, a proposed new bank, to be located at 237 Johnston Street, S.E., Decatur, Alabama.

Brentwood Bank, a proposed new bank, to be located at 11812 San Vicente Boulevard, Los Angeles, California.

Peninsula Bank of Commerce, a proposed new bank, to be located at the northwest corner of the intersection of Broadway and Meadow Glen, Millbrae, California.

Bank of Paradise, a proposed new bank, to be located at the northeast corner of the intersection of Clark and Nunnely Roads, Paradise, California.

Peoples State Bank, a proposed new bank, to be located at 2420 Highway 79 South, Henderson, Texas.

Application for consent to establish a branch:

Rochester Savings Bank, Rochester, New York, for consent to establish a branch in Wegman's Food Market, Ridgemont Shopping Plaza, 2633 Ridge Road West, Town of Greece, New York.

Application for consent to merge and establish four branches:

Manufacturers Bank, Los Angeles, California, for consent to merge, under its charter and with the title "Mitsui Manufacturers Bank," with The Mitsui Bank of California, Los Angeles, California, and for consent to establish the four existing offices of The Mitsui Bank of California as branches of the resultant bank.

Request for relief from adjustment for violations of Regulation Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Request pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of persons convicted of offenses involving dishonesty or a breach of trust as directors, officers, or employees of insured banks:

Names of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendation regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,778-L—Northern Ohio Bank, Cleveland, Ohio.

Case No. 44,784-L—City & County Bank of Campbell County Jellico, Tennessee.

Case No. 44,785-L—Franklin National Bank New York, New York.

Memorandum and Resolution re: Toney Brothers bank, Doerun, Georgia.

Memorandum and Resolution re: Franklin National Bank, New York, New York.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Reports of committees and officers:

Reports of the Director, Office of Corporate Audits:

Audit Report re: Investigation of Travel Irregularities, Richmond Region—Washington, D.C. Area.

Audit Report re: Investigation of Travel Irregularities, Richmond region—Raleigh Field Office.

Audit report re: Office of Corporate Audits Travel reimbursement Claims.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550, 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: May 11, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-749-81 Filed 5-11-81; 3:29 pm]

BILLING CODE 6714-01-M

9

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 3:30 p.m. on Monday, May 18, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Memorandum and Resolution re: Memorandum of Agreement under the National Historic Preservation Act regarding an application of Bank of Brunswick, Brunswick, Maryland, to establish a branch at the site of the Jefferson Primary School in Jefferson, Maryland, a property eligible for the National Register of Historic Places.

Memorandum and Resolution re: Proposed amendments to Part 328 of the Corporation's rules and regulations, entitled "Advertisement of Membership".

Memorandum and Resolution re: Proposed interpretation of 12 CFR Part 329 which would clarify the eligibility requirements for NOW accounts.

Memorandum and Resolution re: Amendments to Delegations of Authority—Liquidation Activities.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: May 11, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-750-81 Filed 5-11-81; 3:29 pm]

BILLING CODE 6714-01-M

10

(May 11, 1981)

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: May 18, 1981, 10:00 a.m.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Docket No. RI76–66.
(2) Docket No. IN80–5.
(3) Docket No. IN80–6.
(4) Docket No. IN80–14.
(5) Docket No. E–9206.
(6) Docket No. CP80–435.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357–8400.

[S-747-81 Filed 5-11-81; 11:26 am]

BILLING CODE 6450-85-M

11

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Monday, May 11, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed expenditure by the Federal Reserve Bank of New York for a renovation project.

2. Proposed Federal Reserve Bank employee salary structure adjustment policy.

3. Personnel actions (appointments, promotions, assignments, reassignments and salary actions) involving individual Federal Reserve System employees.

4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: May 1, 1981.

James McAfee,

Assistant Secretary of the Board.

Editorial Note.—This notice was submitted to the office of the Federal Register on May 1, 1981 and scheduled for publication in the May 6, 1981 issue. It was inadvertently omitted from the May 6, issue.

[S-706-81 Filed 5-11-81; 3:28 pm]

BILLING CODE 6210-01-M

12

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10:00 a.m., Tuesday, May 19, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: May 8, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-742-81 Filed 5-8-81; 4:15 pm]

BILLING CODE 6210-01-M

13

NUCLEAR REGULATORY COMMISSION.

DATE: Week of May 11, 1981 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Tuesday, May 12, 10 a.m.

1. Briefing on 10 CFR 60, Disposal of High-Level Radioactive Wastes in Geologic Repositories: Technical Criteria (Continued from May 5).

Tuesday, May 12, 2 p.m.

1. Discussion of Revised Licensing Procedures (Approximately 1½ hours) (as announced).

2. Affirmation/Discussion Session (as announced).

Affirmation and/or Discussion and Vote:

a. Indian Point Cooling Towers—Response to Settlement Proposed by the Parties.

b. Reappointment of ACRS Member (Tentative).

ADDITIONAL INFORMATION: Affirmations of Amendements to 10 CFR 19 to establish NRC Staff Authority to Call Meetings with Licensees, Proposed Reponse to Honicker Petition, Commission Review of ALAB-603—St Lucie Nuclear Power Plant, Proposed Amendement to 10 CFR 71 to Restrict Air Transport of Plutonium, and Requests for Hearings in the Matter of Proposed Decontamination of Dresden Unit 1, scheduled for 5/7 were cancelled.

By a vote of 4–0 on May 7, 1981, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that Commission business required that affirmation of Response to Reynolds FOIA Appeal, held that day, be held on less than one week's notice to the public.

Automatic telephone answering service for schedule update: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Dated: May 8, 1981.

Walter Magee,

Office of the Secretary.

[S-751-81 Filed 5-11-81; 3:40 pm]

BILLING CODE 7590-01-M

federal register

Wednesday
May 13, 1981

Part II

Department of Energy

Privacy Act of 1974; Proposed Establishment of a New System of Records

DEPARTMENT OF ENERGY

Privacy Act of 1974; Proposed Establishment of a New System of Records

AGENCY: Department of Energy.

ACTION: Proposed establishment of a new system of records subject to the Privacy Act of 1974 (Pub. L. 93–579; 5 U.S.C. 552a).

SUMMARY: The Department of Energy proposes to establish a revised system of records. The system, entitled "DOE Integrated Payroll/Personnel System (PAY/PERS)," will serve as the automated personnel system for all of the Department of Energy and will initially payroll approximately 12,000 DOE employees. The key changes from our present payroll and personnel systems are:

Integrated data base controlled by logon code and user password protection systems.

Remote input and output from/to the location where records are required.

DATES: Written comments must be received June 12, 1981.

ADDRESSES: Comments should be directed to: Mr. C. H. Tseronis, U.S. Department of Energy, Office of Management Information Systems, CR–20, Mail Stop CA–411, Washington, DC 20545.

FOR FURTHER INFORMATION CONTACT: Mr. C. H. Tseronis, U.S. Department of Energy, Office of Management Information Systems, CR–20, Mail Stop CA–411, Washington, DC 20545.

SUPPLEMENTARY INFORMATION: The Department of Energy proposes to establish a revised system of records. The system, entitled "DOE Integrated Payroll/Personnel System (PAY/PERS)," will serve as the automated Personnel system for all of the Department of Energy and will initially payroll approximately 12,000 DOE employees.

Categories of individuals covered by the system: current and former employees, consultants, board members, applicants (only to the extent they are considered for competitive selection), specifically including all such personnel of the Federal Energy Regulatory Commission.

Categories of records in the system: name, social security number, sex, grade level, occupational code, Official Personnel Folders (SF–66), Service Record Cards (SF–7) records on suggestions and awards, training request and authorization data, training course evaluation statements, appraisals resulting from annual supervisor-employee review, pay requests and dispositions, reduction-in-force registers (including associated records of competitive levels and competitive areas), reemployment and repromotion priority lists, retirement-associated eligibility and calculations, records on competitive selections (Form 178, Standard Form 39, and supporting documents), central copy of approved position descriptions, correspondence related to and copies of employee appeals, grievances, and complaints, including records of hearings or examiner's reports, lists of separated employees, correspondence from employees requesting transfer or reassignment, average grade data, minority group code, data related to and derived from the DOE Integrated Payroll/Personnel System (PAY/PERS).

Authority for maintenance of the system: 5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009, 5 U.S.C. et seq.; Office of Personnel Management regulations.

The following routine uses apply to and are incorporated by reference into each system of records as stated therein:

1. In the event that a record within this system of records maintained by this agency indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred as a routine use to the appropriate agency, whether Federal, State, local, or foreign, charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system of records may be disclosed, as a routine use to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use (a) to appropriate parties engaged in litigation or in preparation of possible litigation, such as potential witnesses, for the purpose of securing their testimony when necessary; (b) to courts, magistrates or administrative tribunals; (c) to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes; and (d) to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

5. A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in Department of Justice regulations 28 CFR 50.2

6. A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with treaty obligations.

7. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. A record from this system of records may be disclosed, as contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties subject to the same limitations applicable to DOE officers and employees under the Privacy Act.

9. A record in this system of records may be disclosed, as a routine use, to a member of Congress submitting a request involving the individual when the individual is a constituent of the member and has requested assistance from the member with respect to the subject matter of the record.

10. A record in this system of records which contains medical and/or psychological information may be disclosed, as a routine use, to the physician or mental health professional of any individual submitting a request for access to the record under the Privacy Act of 1974 and DOE's Privacy Act regulations if, in its sole judgment and good faith, DOE believes that disclosure of the medical and/or psychological information directly to the individual who is the subject of the record could have an adverse effect upon that individual, in accordance with

the provisions of 5 U.S.C. 552a(f)(3) and applicable DOE regulations.

Safeguards: Records are maintained in locked file cabinets in controlled accessed rooms. Computerized records are maintained by DOE time-share computer contractor. The time-share contractor is required to comply with the Privacy Act of 1974, Public Law 93-579, December 31, 1974 (5 U.S.C. 522a), and applicable agency regulations. PAY/PERS System access is controlled by logon code and user password protection systems. The PAY/PERS System will be moved to DOE hardware when it becomes available. System access is limited to those with a need to know.

Retention and disposal: Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

In accordance with OMB Circular A-108, as amended, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Director of the Office of Management and Budget were provided with at least 60 days advanced notice of the change in systems of records subject to the Privacy Act of 1974 (PL 93-579). These notices were prepared on May 6, 1980. No comments have been received to date.

Issued in Washington, D.C., May 6, 1981.

William S. Heffelfinger,

Director of Administration.

SYSTEM NAME:

DOE Integrated Payroll/Personnel Records (PAY/PERS) (The payroll system contains the payroll and leave records for persons payrolled by PAY/PERS.)

SYSTEM LOCATION:

The locations listed as Items 1-39 in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOE personnel and consultants, specifically including personnel and consultants of the Federal Energy Regulatory Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

Time and attendance records, earning records, payroll actions and deduction information requests and authorizations for overtime/night differential, and Office of Personnel Management retirement records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; Executive Order 12009; Sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 66(a)); 5 U.S.C. 5101-5115; T. 766 General Accounting Office Policy and Procedures Manual; Federal Personnel Manual Supplement 296-31/293-31.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Treasury Department—Collection of withheld taxes, printing payroll checks, and issuing savings bonds.

Internal Revenue Service—Federal income tax processing.

State and Local Governments—State and local income tax processing.

Office of Personnel Management—Retirement records and benefits.

Social Security Administration—Social Security records and benefits.

Department of Labor—Processing Workmen's Compensation claims.

DOD-Military Retired Pay Offices—Adjusting of Military Retirement.

Savings Institutions—Crediting accounts for savings made through payroll deductions.

Health Insurance Carriers—To process insurance claims.

GAO-Audit—Verification of accuracy and legality of disbursement.

Veterans' Administration—For evaluation of veteran's benefits to which the individual may be entitled.

States' Departments of Employment Security—For determining entitlement to unemployment compensation or other State benefits.

Additional routine uses as listed in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records, punched cards, magnetic tape and disk, and microfiche.

RETRIEVABILITY:

By name, social security number, and payroll number.

SAFEGUARDS:

Records are maintained in locked file cabinets in controlled access rooms. Computerized records are maintained by DOE time-share computer contractor. The time-share contractor is required to comply with the Privacy Act of 1974, Public Law 93-579, December 31, 1974 (5 U.S.C. 552a) and applicable agency regulations. PAY/PERS System access is controlled by logon code and user password protection systems. The PAY/PERS System will be moved to DOE hardware when it becomes available. System access is limited to those with a need to know.

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records within the DOE are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters (location 8 in Appendix A):

Controller

U.S. Department of Energy

Washington, D.C. 20585

Field offices:

The managers and directors of field location 1-7, 9-35, and 36-39 in Appendix A are the system managers for their respective portions of this system.

NOTIFICATION PROCEDURE:

a. Requests by an individual to determine if a system of records contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those listed in Items 1-39 of Appendix A, in accordance with DOE's Privacy Act regulation (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 706.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 706 should apply.

b. Required identifying information: Full name, social security number, location(s) of employment, and time period.

RECORD ACCESS PROCEDURES:

a. Requests by an individual for access to a system of records that contains information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those listed in Items 1-39 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975) or 10 CFR 706.6, 40 FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 706 should apply.

b. Required identifying information: Full name, social security number, location(s) of employment, and time period.

CONTESTING RECORD PROCEDURES:

a. Requests by an individual to correct or amend the content of a record containing information about him or her should be directed to the Director, FOI and Privacy Acts Activities, Department of Energy, at the appropriate address from among those listed in Items 1–39 of Appendix A, in accordance with DOE's Privacy Act regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975) or 10 CFR 706.6 and 708.7, FR 7320 (February 19, 1975)). DOE will determine whether 10 CFR Part 206 or Part 708 should apply.

b. Required identifying information: Full name, social security number, location(s) of employment, and time period.

RECORD SOURCE CATEGORIES:

The subject individual, supervisors, timekeepers, official personnel records, and the IRS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A

(1) Alaska Power Administration, P.O. Box 50, Juneau, Alaska 99802
(2) Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico 87115
(3) Bartlesville Energy Technology Center, P.O. Box 1398, Bartlesville, Oklahoma 74003
(4) Bonneville Power Administration, 1002 N.W. Holladay Street, P.O. Box 3621, Portland, Oregon 97208
(5) Central District, Office of Enforcement (Kansas City (HQ), Chicago, Cleveland, Detroit, St. Louis, Wichita), Twelve Grand Building, 1150 Grand Avenue, Kansas City, Missouri 64106
(6) Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439
(7) Grand Forks Energy Technology Center, P.O. Box 8213, University Station, Grand Forks, North Dakota 58201
(8) Headquarters, Department of Energy, Washington, D.C. 20585
(9) Idaho Operations Office, 550 2nd Street, Idaho Falls, Idaho 83401
(10) Laramie Energy Technology Center P.O. Box 3395, University Station Laramie, Wyoming 82070
(11) Morgantown Energy Technology Center, P.O. Box 880, Morgantown, West Virginia 26505
(12) Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114
(13) Northeast District Office of Enforcement (Philadelphia (HQ), Boston, New York, Pittsburgh), 1421 Cherry Street, 10th Floor, Philadelphia, Pennsylvania 19102
(14) Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tennessee 37830
(15) Pittsburgh Energy Technology Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213
(16) Region I, Analex Building, Room 700, 150 Causeway Street, Boston, Massachusetts 02114
(17) Region II, 26 Federal Plaza, Room 3206, New York, New York 10007
(18) Region III, 10th Floor, 1421 Cherry Street, Philadelphia, Pennsylvania 19102
(19) Region IV, 8th Floor, 1655 Peachtree Street NE., Atlanta, Georgia 30309
(20) Region V, Room A–333, 175 West Jackson Boulevard, Chicago, Illinois 60604
(21) Department of Energy, Region VI, P.O. Box 35228, Dallas, Texas 75235
(22) Region VII, Twelve Grand Building, 1150 Grand Avenue, Kansas City, Missouri 64106
(23) Region VIII, P.O. Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226
(24) Region IX, Third Floor, 111 Pine Street, San Francisco, California 94111
(25) Region X, 1992 Federal Building, 915 Second Avenue, Seattle, Washington 98174
(26) Richland Operations Office, P.O. Box 550, Richland, Washington 99352
(27) Rocky Mountain District Office of Enforcement (Denver (HQ), Casper), P.O. Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226
(28) San Francisco Operations Office, 1333 Broadway, Wells Fargo Building, Oakland, California 94616
(29) Savannah River Operations Office, P.O. Box "A", Aiken, South Carolina 29801
(30) Southeast District Office of Enforcement (Atlanta (HQ), Birmingham, Louisville, Richmond), 8th Floor, 1655 Peachtree Street NE., Atlanta, Georgia 30309
(31) Southeastern Power Administration, Samuel Elbert Building, P.O. Box 3521, Portland, Oregon 97208
(32) Southwest District Office of Enforcement (Dallas (HQ), Houston, New Orleans, San Antonio, Midland, Tulsa, Oklahoma City), P.O. Box 35228, 2626 West Mockingbird Lane, Dallas, Texas 75235
(33) Southwestern Power Administration, P.O. Box Drawer 1619, Tulsa, Oklahoma 74101
(34) Western District Office of Enforcement (San Francisco (HQ), Los Angeles, Seattle), 111 Pine Street, Third Floor, San Francisco, California 94111
(35) Western Area Power Administration, P.O. Box 3402, Golden, Colorado 80401
(36) Environmental Measurement Labs, 376 Hudson Street, New York, New York 10014
(37) Grand Junction Office, P.O. Box 2567, Grand Junction, Colorado 18501
(38) Pittsburgh Naval Reactors Office, P.O. Box 109, West Mifflin, Pennsylvania 15122
(39) Schnectady Naval Reactors Office, P.O. Box 1069, Schnectady, New York 12301

Appendix B

The following routine uses apply to and are incorporated by reference into each system of records as stated therein:

1. In the event that a record within this system of records maintained by this agency indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred as a routine use to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. A record from this system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use (a) to appropriate parties engaged in litigation or in preparation of possible litigation, such as potential witnesses, for the purpose of securing their testimony when necessary; (b) to courts, magistrates or administrative tribunals; (c) to parties and their attorneys for the purpose of proceeding with litigation or settlement of disputes; and (d) to individuals seeking information by using established discovery procedures, whether in connection with civil, criminal, or regulatory proceedings.

5. A record maintained by this agency to carry out its functions which relates to civil and criminal proceedings may be disclosed to the news media in accordance with guidelines contained in Department of Justice regulations 28 CFR 50.2.

6. A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with treaty obligations.

7. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

8. A record from this system of records may be disclosed, as contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties subject to the same litigations applicable to DOE officers and employees under the Privacy Act.

9. A record in this system of records may be disclosed, as a routine use, to a member of Congress submitting a request involving the individual when the individual is a constituent of the member and has requested assistance from the member with respect to the subject matter of the record.

10. A record in this system of records which contains medical and/or psychological information may be disclosed, as a routine use, to the physician or mental health professional of any individual submitting a request for access to the record under the Privacy Act of 1974 and DOE's Privacy Act regulations if, in its sole judgment and good faith, DOE believes that disclosure of the medical and/or psychological information directly to the individual who is the subject of the record could have an adverse effect upon that individual, in accordance with the provisions of 5 U.S.C. 552a(f)(3) and applicable DOE regulations.

[FR Doc. 81-14331 Filed 5-12-81; 8:45 am]
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of May 17 through May 23, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

2565 5-6-81 / Irish potatoes grown in designated counties of Virginia and North Carolina; inspection and minimum grade and size requirements; comments by 5-23-81

22557 4-17-81 / Valencia oranges grown in Arizona and designated part of California; minimum size requirement; comments by 5-18-81

Animal and Plant Health Inspection Service—

17753 3-20-81 / Plant pest regulations; Mediterranean fruit fly; methyl bromide treatment for bell peppers; comments by 5-19-81

COMMERCE DEPARTMENT

International Trade Administration—

17218 3-18-81 / Export licensing for petroleum naphtha; quantitative restrictions; comments by 5-18-81

National Oceanic and Atmospheric Administration—

22011 4-15-81 / Atlantic sea scallops; comments by 5-22-81

22913 4-22-81 / Fish and Wildlife Coordination Act, uniform procedures for Federal agency compliance; comments by 5-22-81

[*See also* 45 FR 83412, 12-18-80 and 46 FR 15188, 5-4-81]

19418 3-30-81 / Licensing of ocean thermal energy conversion facilities and plantships; comments by 5-18-81

CONSUMER PRODUCT SAFETY COMMISSION

17788 3-20-81 / Miniature Christmas tree lights; withdrawal of proposed standard; comments by 5-19-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

23947 4-29-81 / Incremental pricing; adoption of single-tier alternative fuel price ceiling; comments by 5-22-81

23950 4-29-81 / Incremental pricing; elimination of 31 metropolitan regions; comments by 5-22-81

ENVIRONMENTAL PROTECTION AGENCY

22613, 22615 4-20-81 / Certain inert ingredients; exemption from the requirement of a tolerance; comments by 5-20-81

20567 4-6-81 / Clean water; grants for construction of treatment works; comments by 5-21-81

22612 4-20-81 / Establishment of a tolerance for the herbicide bentazone and its metabolites; comments by 5-20-81

17196 3-18-81 / Hazardous waste management system; identification and listing of hazardous waste; comments by 5-17-81

22768 4-21-81 / Organic solvent cleaners (degreasers); standards of performance; comments by 5-21-81

22907 4-22-81 / Titanium dioxide; proposed exemption from the requirement of a tolerance; comments by 5-22-81

FARM CREDIT ADMINISTRATION

17022 3-17-81 / Disposition of obsolete records; authorization; comments by 5-18-81

FEDERAL COMMUNICATIONS COMMISSION

15754 3-9-81 / FM broadcast stations in Eagle River and Anchorage, Alaska; proposed changes in table of assignments; reply comments by 5-18-81

22910 4-22-81 / FM broadcast stations in Mountain Home and Marshall, Ark., and Thayer, Mo.; comments extended to 5-20-81

[*See also* 46 FR 15296, 3-5-81]

15757 3-9-81 / FM broadcast station in Newberry, South Carolina; proposed changes in table of assignments; reply comments by 5-18-81

15756 3-9-81 / FM broadcast station in Selmer, Tenn.; proposed changes in table of assignments; reply comments by 5-18-81

9684 1–29–81 / Overseas Communications Services; comment period extended to 5–22–81
[*See also* 45 FR 76496, 11–19–80; 45 FR 82280, 12–15–80]

22911 4–22–84 / Petition to reallocate VHF–TV Channel 9 from New York, N.Y. to a city within the city grade contour of Station WOR–TV; comments by 5–21–81

GENERAL SERVICES ADMINISTRATION

Transportation and Public Utilities Services—

17791 3–20–81 / Federal travel regulation; updating and improving relocation allowances for Federal employees transferred in the interest of the Government; comments by 5–19–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

14355 3–27–81 / Erythromycin estolate; certification of adult dosage forms, revocation of provisions; reopening of comment period; comments by 5–18–81
[Corrected at 46 FR 16692, 3–13–81]

17063 3–17–81 / Reclassification procedures to determine that licensed biological products are safe, effective, and not misbranded under prescribed, recommended, or suggested conditions of use; extends comment period to 5–18–81
[*See also* 46 FR 4634, 1–16–81]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Fair Housing and Equal Opportunity Office—

22204 4–16–81 / Amendment of provisions for recognition of substantially equivalent laws; comments by 5–18–81

INTERIOR DEPARTMENT

Geological Survey—

22901 4–22–81 / Geothermal resources operations on public, acquired, and withdrawn lands; comments by 5–22–81

Indian Affairs Bureau—

22205 4–16–81 / Intent to rescind portions of regulations involving granting of rights-of-way over Indian lands; comments by 5–18–81

National Park Service—

22905 4–22–81 / Big Cypress National Preserve, Fla.; intent to propose rulemaking; comments by 5–22–81

22905 4–22–81 / Everglades National Park, Fla., petition for rulemaking; comments by 5–22–81

Office of the Secretary—

22913 4–22–81 / Fish and Wildlife Coordination Act, uniform procedures for Federal agency compliance; comments by 5–22–81
[*See also* 45 FR 83412, 12–18–80 and 46 FR 15188, 5–4–81]

Surface Mining Reclamation and Enforcement Office—

24963 5–4–81/Permanent Regulatory Program for Surface Coal Mining and Reclamation Operations; availability of draft rules; comments by 5–22–81

LABOR DEPARTMENT

Wage and Hour Division, Employment Standards Administration—

11672 2–10–81 / Projects assisted by grants from Arts and Humanities, National Foundation; labor standards for professional performers and technical personnel; comments extended to 5–22–81
[*See also* 45 FR 83914, 12–19–80]

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

16918 3–16–81 / Federal Acquisition Regulation (FAR); contracts with State and local governments; cost principles and procedures; comments by 5–19–81

SECURITIES AND EXCHANGE COMMISSION

19251 3–30–81 / Reporting and regulatory requirements; definitions of terms "small business" and "small organization"; comments by 5–19–81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

5506 1–19–81 / FAA access to flight data recorder and cockpit voice recorder tapes; comments by 5–18–81

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7015 1–22–81 / Federal motor vehicle safety standards, pedestrian impact protection; comments by 5–22–81

Urban Mass Transportation Administration—

23501 4–27–81 / Buy America requirements; subcomponents manufactured in U.S.; comments extended from 4–20–81 to 5–20–81
[*See also* 46 FR 5815, 1–19–81]

TREASURY DEPARTMENT

Internal Revenue Service—

17566 3–19–81 / Temporary employment tax regulations relating to submission of certain withholding certificates; comments by 5–18–81

22395 4–17–81 / Withholding exemption certificates; comments by 5–19–81

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AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

23263 4–24–81/Tobacco, U.S. Type 32, Maryland Broadleaf in untied form; comments by 5–29–81
[*See also* 46 FR 22002, 4–15–81]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

21793 4–14–81/Atlantic Mackerel Fishery of the Northwest Atlantic Ocean , initial approval and availability of a plan; comments by 5–29–81

23070 4–23–81/Deep seabed mining preliminary regulatory impact analysis and initial regulatory flexibility analysis; availability; comments by 5–30–81

18448 3–24–81/Deep seabed mining regulations for exploration licenses; comments by 5–29–81

CONSUMER PRODUCT SAFETY COMMISSION

19247 3–30–81/Refuse bins, unstable, front-loading, small capacity, and straight-sided; proposed ban; comments by 5–26–81
[*See also* 46 FR 23469, 4–27–81, and 46 FR 25638, 5–8–81]

COPYRIGHT ROYALTY TRIBUNAL

2566 4–6–81/Copyright owner access to phonorecord players (jukeboxes) and certain establishments; reply comments by 5–26–81

DEFENSE DEPARTMENT

Defense Logistics Agency—

23070 4–23–81/Environmental protection policy, proposed implementation; comments by 5–30–81

EDUCATION DEPARTMENT

2308 4–23–81/Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance; comments by 5–26–81

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

9004 1–27–81/Residential Conservation Service program; comments by 5–27–81

Federal Energy Regulatory Commission—

23487 4–27–81/Expansion of list of agricultural uses of natural gas; exemption from incremental pricing by adding certain stages in the manufacture of gelatin, glue and carboxy methyl cellulose (CMC); comments by 5–29–81

ENVIRONMENTAL PROTECTION AGENCY

23768 4-28-81/Air quality; Massachusetts State Implementation Plan; approval and promulgation; comments by 5-28-81

23770 4-28-81/Air quality; Oregon State Implementation Plan; comments by 5-28-81

23772 4-28-81/Air quality; Oregon State Implementation Plan; volatile organic compound emissions; comments by 5-28-81

26076 5-11-81/Application from Subaru of America, Inc. (Subaru) for waiver of effective date of 1981 and 1982 model year carbon monoxide emission standard for light-duty motor vehicles; comments by 5-26-81

18322 3-24-81/Biological control agents; certain proposed exemptions from regulations; comments by 5-26-81

14125 2-26-81/Hazardous Waste Guidelines and Regulations; reopening of comment period on delisting petition of Stablex Corp.; comments by 5-27-81

23228 4-24-81/Herbicide, oxyfluorfen in foods; soybean oil; comments by 5-26-81

23238 4-24-81/Herbicide oxyfluorfen in or on raw agricultural commodities; soybeans and corn, grain; comments by 5-26-81

23053 4-23-81/High-altitude emission standards for 1982 and 1983 model year light-duty motor vehicles (final regulations); compliance procedures; comments by 5-26-81

23237 4-24-81/Plant growth regulator chemicals; 1-naphthaleneacetic acid in or on raw agricultural commodities apples, pears, olives, pineapples and quinces; comments by 5-26-81

25114 5-5-81/Porcelain enameling; Point source category; effluent limitations guidelines pretreatment standards and new source performance standards; comments by 5-27-81

23955 4-29-81/Washington State; Primary nonferrous smelter Orders; maintenance of pay provisions; comments by 5-29-81

FEDERAL COMMUNICATIONS COMMISSION

85125 12-24-80/Direct broadcast satellites for the period following the 1983 Regional Administrative Radio Conference, development of regulatory policy (permanent regulatory issues); reply comments by 5-29-81

17809 3-20-81/FM broadcast station in Ansley, Ala.; changes in table of assignments; reply comments by 5-25-81

20708 4-7-81/FM broadcast stations in Arroyo Grande and Pismo Beach, Calif.; changes in table of assignments; comments by 5-25-81

17811 3-20-81/FM broadcast station in Bend, Oreg.; changes in table of assignments; reply comments by 5-25-81

17810 3-20-81/FM broadcast stations in Fort Bragg and Mendocino, Calif.; changes in table of assignments; reply comments by 5-25-81

20709 4-7-81/FM broadcast stations in Powell, Wyo.; changes in table of assignments; comments by 5-25-81

20711 4-7-81/FM broadcast stations in San Manuel, Miami, Claypool, and Summerhaven, Ariz.; changes in table of assignments; comments by 5-25-81

FEDERAL HOME LOAN BANK BOARD

24579 5-1-81/Futures transactions; interest rate futures markets by insured institutions; comments by 5-29-81

22626 4-20-81/Interservice sharing of frequencies in the private land mobile service below 470 MHz; reply comments by 5-29-81.

17813 3-20-81/Land mobile radio stations; additional technologies which can improve efficiency of radio spectrum use; comment period extended to 5-26-81

[*See also* 45 FR 63305, 9-24-80]

21397 4-10-81/Radio service-sharing of certain frequencies by the Forest Products Radio Service in Washington, Oregon and California; comments by 5-29-81

19599 3-31-81/Privacy Act of 1974; establishment of records system for Office of Internal Evaluation and Compliance; comments by 5-30-81

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Food and Drug Administration—

23765 4-28-81/General biological product standards for aluminum in biological products; comments by 5-28-81

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21618 4-13-81/Classification of carriers in the uniform system of accounts for motor carriers of passengers; revision final rule; comments by 5-28-81

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Occupational Safety and Health Administration—

16999 3-27-81/Enforcement inspection; walkaround compensation for employee representatives; comments by 5-30-81

[*See also* 46 FR 3852, 1-16-81, and 46 FR 11253, 3-30-81]

PERSONNEL MANAGEMENT OFFICE

23262 4-24-81/Retired Federal employees health benefits program; transfer of enrollment from Uniform Plan to Indemnity Benefit Plan; comments by 5-26-81

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Federal Aviation Administration—

21184 4-9-81/New York Air petition for clarification of interpretation of the High Density Rule; summary; comments by 5-26-81

19245 3-30-81/Petitions for rule making; summary of petitions received and dispositions of petitions denied; comments by 5-29-81

Office of the Secretary—

21205 4-9-81/Federal motor vehicle safety standards; alternative amendments to automatic restraint requirements of occupant crash protection standard; comments by 5-26-81

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23085 4-23-81/Schedule for Rating Disabilities; proposed amendment of portion that deals with the endocume of the system; comments by 5-26-81

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24332 4-30-81/Museum Panel, Washington, D.C. (closed), 5-18 through 5-20-81

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24978 5-4-81/Massachusetts Advisory Committee, Boston, Mass. (open), 5-21-81

24978 5-4-81/Missouri Advisory Committee, Columbia, Mo. (open), 5-18 and 5-19-81

24221, 24222 4-30-81/Pennsylvania Advisory Committee, Philadelphia, Pa. (open), 5-21-81

[Location change at 46 FR 25677, 5-8-81]

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23963 4-29-81/Numerically Controlled Machine Tool Technical Advisory Committee, Washington, D.C. (partially open), 5-20-81

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23279 4-24-81/Caribbean Fishery Management Council, Education and Information Subcommittee and Administrative Subcommittee, St. Croix, U.S. Virgin Islands (open), 5-19 through 5-21-81

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24225 4-30-81/Military Personal Property Symposium, Arlington, Va. (open), 5-21-81

22254 4-16-81/United States Army Medical Research and Development Advisory Panel Subcommittee on Parasitic Diseases, Washington, D.C. (open), 5-20-81

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24620 5-1-81/Chief of Naval Operations Executive Panel Advisory Committee, Alexandria, Va. (closed); 5-20 and 5-21-81

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23968 4-29-81/Defense Science Board Task Force on Water in Southwest Asia, Arlington, Va. (closed), 5-20 and 5-21-81

22790 4-21-81/DOD Advisory Group on Electron Devices, (AGED), Working Group A (Mainly Microwave Devices), Arlington, Va. (closed), 5-19-81

19970 4-2-81/DOD Advisory Group on Electron Devices (AGED), Working Group D (Mainly Laser Devices), Arlington, Va. (closed), 5-20 and 5-21-81

17826 3-20-81/Wage Committee, Washington, D.C. (closed), 5-19-81

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19971 4-2-81/National Petroleum Council, Environmental Conservation Committee, Water Quality Task Group, New York City, N.Y. (open), 5-21-81

23785 4-28-81/National Petroleum Council, Oil and Gas Resources Arctic Committee, Environmental Protection Task Group, Los Angeles, Cal. (open), 5-18-81

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24712 5-1-81/Research Grants Division, Clinical Sciences A Study Section, Washington, D.C. (partially open), 5-18 through 5-20-81

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23354 4-24-81/NASA Advisory Council, Space Systems and Technology Advisory Committee, Energy Technology Informal Advisory Subcommittees, Washington, D.C. (open), 5-18 and 5-19-81

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20645 4-6-81/Certification of "new generation" commercial airlines, Washington, D.C., 5-17 and 5-18-81

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23089 4-23-81/Hamilton County River Port and Industrial Park Facility, Tenn., (proposed), Chattanooga, Tenn., 5-19-81

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23501 4-27-81/Atlantic Herring Fishery, operation and continued implementation of the Fishery Management Plan, Danvers, Mass, 5-22-81

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23058 4-29-81/Mid-Atlantic Fishery Management Council, Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries (Amendment No. 3), Cape Charles, Va., 5-18-81; Salisbury, Md., 5-19-81; Wakefield, R.I., 5-20-81; Wildwood Crest, N.J. 5-21-81

22011 4-15-81/New England Fishery Management Council, Ellsworth, Maine, 5-18-81; Portland, Maine, 5-19-81; New Bedford, Mass., 5-19-81

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19969 4-3-81/Naval Discharge Review Board, Helena, Mont., Portland, Ore.; Salt Lake City, Utah, Denver, Colo., 5-17 through 5-22-81

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24965 5-4-81/State FIFRA Issues Research and Evaluation Group Working Committee, St. Louis, Mo., (open) 5-19 and 5-20-81

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17023 3-17-81/Procedures to expedite trial-type hearings, Washington, D.C., 5/19/81

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16159 3-11-81/Precipitated barium carbonate from the Federal Republic of Germany and strontium nitrate from Italy, Washington, D.C., 5-18-81

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15893 3-10-81/Generation-skipping transfers, definitions and special rules; Washington, D.C., 5-20-81

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

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25680 5-6-81/HHS/Child Support Enforcement Office—Child support enforcement program; incentive payment to States which collect child support on their behalf; comments by 7-7-81

25645 5-6-81/Labor/ETA—Comprehensive Employment and Training Act (CETA) regulations; private sector inactive programs and increases on base average annual wage for public service employment; comments by 6-6-81

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25332 5-6-81/Commerce/MBDA—General Business Services program, financial assistance application for Indiana Standard Metropolitan Area; apply by 6-6-81

25333 5-6-81/Commerce/MBDA—General Business Services program, financial assistance application for Milwaukee Standard Metropolitan Area; apply by 6-6-81

25333 5-6-81/Commerce/MBDA—General Business Services program, financial assistance application for St. Louis Standard Metropolitan Statistical Area; apply by 6-6-81

25677 5-6-81/Commerce/NOAA—Federal and State cooperative climate activities, development; extension of period for application; applications must be received by 6-15-81, or postmarked by 6-12-81

24997 5-4-81/HHS/HDSO—Native American Programs; Program Announcement 13612-817; apply by 7-6-81

25145 5-5-81/HHS/HSA—Community Health Center Projects in the Magic Valley, Payette, Twin Falls, and Blackfoot, Idaho areas; jointly funded grants; apply by 7-1-81

25377 5-6-81/Justice/NIJ—Role of private counsel in indigent defense; competitive research; apply by 6-26-81

25161 5-5-81/Labor/ETA—Migrant and seasonal farmworker programs; fiscal year 1982 State planning estimates; apply by 6-15-81

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25701 5-6-81/HHS/NIH—National Advisory Research Resources Council, Bethesda, Md. (partially open), 5-28 and 5-29-81

25701 5-6-81/HHS/NIH—National Cancer Advisory Board and its Planning and Budget, and Special Action for Grants Subcommittees, Bethesda, Md. (partially open), 5-17 through 5-20-81

25701 5-6-81/HHS/NIH—National Cancer Institute Clinical Trials Review Committee, Bethesda, Md. (partially open, 5-20- through 5-22-81

25379 5-6-81/NFAH—Music Panel (Composers Section), Washington, D.C. (partially open), 5-19 through 5-22-81

25379 5-6-81/NFAH—Music Panel (Solo Recitalists Section), Washington, D.C. (closed), 5-27-81

25733 5-6-81/NSF—Mathematical and Computer Science Advisory Committee, Mathematical Sciences Subcommittee, Washington, D.C. (partially open), 5-28 through 5-30-81

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25614 5-6-81/ED—Handicapped children; assistance to States for education and nondiscrimination in programs and activities receiving or benefiting from Federal financial assistance; postponement of interpretation

25774 5-6-81/HHS/PHS/HRA—Health Manpower Shortage areas; updated list

25107 5-5-81/HUD/Office of the Secretary—Loans for housing for the elderly or handicapped

NEW PUBLICATION NOW AVAILABLE

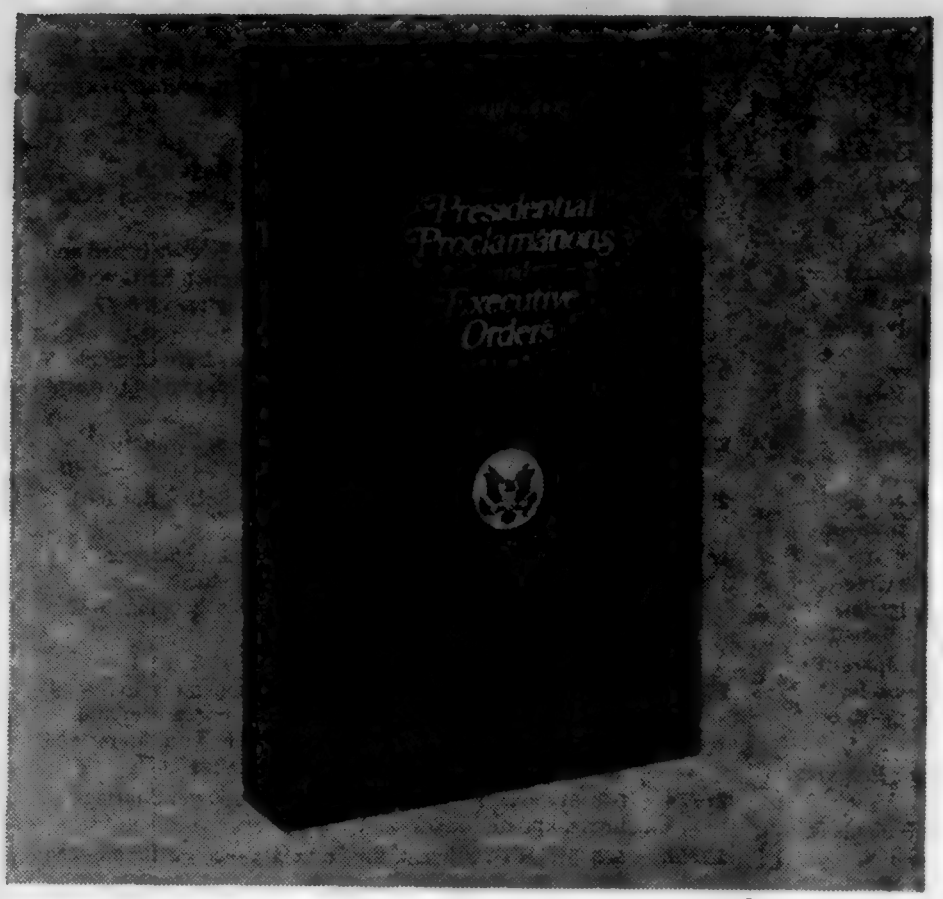

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5-14-81
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federal register

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May 14, 1981

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26700 **Grant Programs—Health** HHS/HRA provides the population figures it will use when it determines the amount of grants to State Health Planning and Development Agencies.

26661 **Oil and Gas** Interior/GS proposes to revise and modernize regulations governing the formation and operation of Federal oil and gas units.

26677 **Radioactive Materials** DOE prepares a record of decision on the selection of a strategy for the disposal of commercially-generated radioactive wastes and the supporting program of research and development.

26613 **Energy—Income Tax** DOE/FERC finalizes regulations implementing tax normalization for certain items reflecting timing differences in the recognition of expenses or revenues for ratemaking and income tax purposes.

26605 **Energy** DOE clarifies the criteria for determining the commercial unmarketability of liquid, solid, or gaseous waste byproducts under the Powerplant and Industrial Fuel Use Act.

26681 **Energy** DOE/OHA publishes procedures and solicits comments on method to be followed in refunding over $21 million in consent order funds.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

26728 **Energy** TVA develops policy to encourage dispersed power production in the Tennessee Valley region.

26656 **Washington National Airport** DOT/FAA proposes rule on nonstop operation practices for turbojet air carrier aircraft.

26644 **Loan Programs—Veterans** VA raises the dollar limit for repair of properties under certain conditions.

26658 **Coastal Zone** Commerce/NOAA defines federal activities "directly affecting the coastal zone".

26664 **Government Procurement** OMB/FPPO makes available for comment a segment of the draft Federal Acquisition Regulation (FAR) regarding source selection and transportation.

26667 **Wilderness Areas** USDA/FS releases its final policy regarding oil and gas and mineral leasing on designated wildernesses, Congressionally Mandated Wilderness Study Areas, and Carter-Administration Endorsed Wilderness Proposals.

26654 **Regulatory Agenda** FDIC

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26676 DOD/Sec'y

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Rules and Regulations

Federal Register
Vol. 46, No. 93
Thursday, May 14, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 522; Navel Orange Reg. 521, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period May 15, 1981 through May 21, 1981, and increases the quantity of such oranges that may be so shipped during the period May 8, 1981 through May 14, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective May 15, 1981, and the amendment is effective for the period May 8, 1981–May 14, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant", and is not a major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on May 12, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

1. § 907.822 is added as follows:

§ 907.822 Navel Orange Regulation 522.

The quantities of navel oranges grown in Arizona and California which may be handled during the period May 15, 1981, through May 21, 1981, are established as follows:

(1) District 1: 1,400,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

2. § 907.821 Navel Orange Regulation 521 (46 FR 25423), is hereby amended by revising paragraphs (1)–(4) to read:

§ 907.821 Navel Orange Regulation 521.

* * * * *

(1) District 1: 1,650,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated:

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-14771 Filed 5-13-81; 11:31 am]

BILLING CODE 3410-01-M

DEPARTMENT OF ENERGY

10 CFR Part 501

Administrative Procedures and Sanctions; Determination of Commercial Unmarketability

AGENCY: Department of Energy.

ACTION: Rule.

SUMMARY: The Department of Energy (DOE) Office of General Counsel is issuing the appended Ruling pursuant to 10 CFR 501.140 to clarify the criteria for determining the commercial unmarketability of liquid, solid, or gaseous waste by-products, and in certain cases natural gas, under the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, Pub. L. No. 95–620 (November 9, 1978). A written comment of objection to the appended Ruling may be filed at any time with the DOE Office of General Counsel pursuant to the provisions of 10 CFR 501.143.

FOR FURTHER INFORMATION CONTACT: Dennis M. Moore, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 5E052, Forrestal Building, Washington, D.C. 20585, (202) 252–2931.

Issued in Washington, D.C.

Dated: May 8, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

10 CFR is amended by adding to the Rulings appearing at the end of Chapter II, the following Ruling 1981–2 to read as follows:

[Ruling 1981–2]

The Department of Energy (DOE) seeks to clarify the criteria for determining whether liquid, solid, or gaseous waste by-products, and in certain cases natural gas, are commercially unmarketable under the Powerplant and Industrial Fuel Use Act of 1978 (FUA), Pub. L. 95–620 (November 9, 1978).[1] The expression "commercially unmarketable" is used in § 103(a) of the FUA to describe certain substances that qualify as alternate fuels and to describe substances that do not qualify as natural gas or as petroleum. Thus, it aids in distinguishing between fuels the use of which is prohibited under the FUA and fuels the use of which is permitted under the FUA.

Pursuant to Title II of the FUA, new electric powerplants and major fuel-burning installations (MFBIs) are subject to certain prohibitions against the use of natural gas or petroleum. Title III of the FUA subjects existing electric powerplants and MFBIs to prohibitions against the use of natural gas or petroleum. However, the use of fuels that are not defined as "natural gas" or "petroleum" is not prohibited. To determine whether or not the use of a certain fuel is prohibited, one distinguishing criterion is a determination of commercial unmarketability.

The FUA uses the criterion of commercial unmarketability to exclude certain fuels from the definitions of "natural gas" and "petroleum" and to include other fuels in the definition of "alternate fuels." This is accomplished in § 103(a) of the FUA, which defines these terms in pertinent part as follows:

(3)(A) Except as provided in subparagraph (B), the term "natural gas" means any fuel consisting in whole or in part of—

(i) natural gas;

(ii) liquid petroleum gas;

(iii) synthetic gas derived from petroleum or natural gas liquids; or

(iv) any mixture of natural gas and synthetic gas.

(B) The term *"natural gas" does not include*—

(i) *natural gas which is commercially unmarketable (either by reason of quality or quantity), as determined under rules prescribed by the Secretary*

* * *

* * * * *

(4) The term *"petroleum" means* crude oil and products derived from crude oil, *other than*—

(A) synthetic gas derived from crude oil;

(B) liquid petroleum gas;

(C) *liquid, solid, or gaseous waste byproducts* [sic] *of refinery operations which are commercially unmarketable, either by reason of quality or quantity, as determined under rules prescribed by the Secretary;* or

(D) petroleum coke or waste gases from industrial operations * * *.

* * * * *

(6) The term *"alternate fuel"* means electricity or any fuel, other than natural gas or petroleum, and *includes*—

* * * * *

(B) *liquid, solid, or gaseous waste byproducts* [sic] *of refinery or industrial operations which are commercially unmarketable, either by reason of quality or quantity, as determined under rules prescribed by the Secretary* . . . . [Emphasis added.]

Each of the definitions designates two ways in which a by-product or natural gas may be commercially unmarketable. One is by reason of quality; the other is by reason for quantity.

As authorized by the FUA, the Secretary of Energy prescribed rules specifying further the qualitative and quantitative criteria under which a fuel may be deemed commercially unmarketable. On May 8, 1979, the DOE issued interim regulations that included criteria for determining commercial unmarketability in 10 CFR Part 507 of the interim regulations. 44 FR 28950 (May 17, 1979). The preamble to the interim regulations discussed costs that were considered appropriate to the interim evaluation of commercial unmarketability. 44 FR at 28971–74.

However, after receiving numerous comments in response to an extended comment period and after reviewing the interim rule in light of its implementation, the DOE revoked Part 507 and issued final regulations on May 30, 1980. 45 FR 38276 (June 6, 1980), effective August 5, 1980. The final regulations revised the provisions applicable to commercial unmarketability. The definitions of "alternate fuels," "natural gas," and "petroleum" in 10 CFR 500.2 set forth the concept of commercial unmarketability in pertinent part as follows:

"Alternate fuel" means electricity or any fuel, other than natural gas or petroleum. The term includes, but is not limited to:

* * * * *

(4) Liquid, solid, or gaseous waste by-products of refinery or industrial operations which are commercially unmarketable, either by reason of quality or quantity. (For purposes of this subparagraph (4), the term "waste by-product" is defined as an unavoidable by-product of the industrial or refinery operation.)

(i) A waste by-product of a refinery operation is commercially unmarketable if it meets the criteria listed in the definition of petroleum set forth below.

(ii) A waste by-product of an industrial operation is commercially unmarketable either by reason of:

(A) Quality, where the *cost* of processing (limited to upgrading the product to commercial quality), storing and distributing the by-product would not be covered by reasonably expected revenues from its sale; or

(B) Quantity, where the *cost* of aggregating the by-product into commercial quantities through storing and distributing the by-product would not be covered by reasonably expected revenues from its sale. . . .

* * * * *

"Natural gas" . . . does not include:

* * * * *

(2) Natural gas which is commercially unmarketable by reason of:

(i) Quality, where the *cost* of producing, upgrading to commercial quality, storing, and distributing the gas would not be covered by reasonably expected revenues from its sale; or

(ii) Quantity, where the quantities of natural gas are so small that the revenues to be reasonably expected from the sale of the gas would not cover the *cost* of its production, distribution, or storage. . . .

* * * * *

"Petroleum" means crude oil and products derived from crude oil, other than:

(1) Petroleum products specifically designated as alternate fuels pursuant to these regulations . . .

* * * * *

(5) A liquid, solid, or gaseous waste by-product of refinery operations which is commercially unmarketable by reason of:

(i) Quality, where the *cost* of processing (limited to upgrading the

[1] 42 U.S.C. 8301 *et seq.* (November 9, 1978).

product to commercial quality), storing, and distributing the by-product would not be covered by reasonably expected revenues from its sale; or

(ii) Quantity, where the *cost* of aggregating the product into commercial quantities through storage and distributing the by-product would not be covered by reasonably expected revenues from its sale. [Emphasis added.]

Thus, the DOE has determined that the inability to cover by reasonably expected sales revenues the costs associated with handling the quality or quantity of a certain by-product or natural gas would make that fuel commercially unmarketable. Consequently, the use of such a fuel would not be prohibited by the FUA since the fuel would not be "natural gas" or "petroleum."

As the DOE indicated in the preamble to the final regulations, the issue of unmarketability must be examined on a case-by-case basis because the unmarketability of a specific waste by-product depends on the factual circumstances surrounding its production. 45 FR at 38276. The DOE also recognized "the difficulties" that exist with respect to the issue of commercial unmarketability and stated in the preamble that it is "prepared to respond to requests for guidance or clarification concerning commercial unmarketability." 45 FR at 38279. Accordingly, this Ruling is issued to clarify these final regulations set forth in § 500.2.

In any analysis of commercial unmarketability, a firm must use its own commercial standards to assess the costs associated with a particular fuel on a case-by-case basis, depending upon the fuel concerned. In each case, the ultimate determination is whether a by-product or natural gas is commercially unmarketable because the costs of overcoming problems posed by its quality or quantity would not be covered by reasonably expected revenues from its sale. However, a determination of commercial unmarketability applies only to a specific fuel and only when the fuel is burned by its producer.

The final regulations indicate that costs associated with upgrading, storing, distributing, and aggregating a by-product or natural gas may be included to assess the commercial unmarketability of any fuel. The DOE also recognizes that such cost computations may properly include a reasonable rate of return on any capital investment required to overcome the problems posed by the quality or quantity of a fuel because the return on investment is a normal aspect of any investment decision. A firm may account for this reasonable rate of return by using its customary discount rate for an investment of similar risk.

For example, a firm may base its cost calculations on a net present value methodology (similar to the methodology set forth in §§ 503.6 and 504.12).[2] This calculation may employ (1) either the estimated life of the venture which would generate the fuel or the estimated physical life of any capital equipment which would be purchased for handling the fuel and (2) the discount rate which is the firm's customary rate for an investment of similar risk.

The DOE recognizes that as part of any consideration of the rate of return on investment a firm would also assess the cost of replacing the Btu's lost if the by-product or natural gas were upgraded and sold instead of used as a fuel by the firm. Accordingly, a firm may account for the actual expense that would result from burning a replacement fuel in lieu of the by-product or natural gas in question.[3] The costs associated with using a replacement fuel are indirect costs that result from upgrading and selling the fuel, instead of burning it. These indirect costs as well as the direct costs associated with upgrading, storing, distributing, and aggregating of by-products or natural gas are necessarily implied by the provisions of the final regulations and may be considered by a firm in any assessment of commercial unmarketability.

Thus, the analysis described herein may be used by a firm to determine that a particular fuel is commercially unmarketable by reason of the costs associated with remedying problems posed by its quality or quantity. Once a fuel is determined to be commercially unmarketable, a firm may use it without being subject to the prohibitions of the FUA.

Issued in Washington, D.C., on May 8, 1981.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 81-14467 Filed 5-13-81; 8:45 am]

BILLING CODE 6450-01-M

[2] It is important to note, however, that in any determination regarding the approval of an exemption to enable the use of petroleum or natural gas, a cost test that is specifically set forth in § 503.6 and § 504.12, and that is different from the cost analysis outlined in this Ruling, is used.

[3] This Ruling does not apply to residual fuel oil, which DOE does not consider a by-product subject to a determination of its commercial unmarketability.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 760

Revocation of Statement of Interpretation and Policy—Flood Insurance; Use of Map Information Facility (IRPS 80-9)

AGENCY: National Credit Union Administration.

ACTION: Revocation of Statement of Interpretation and Policy.

SUMMARY: IRPS 80-9 stated that a federally insured credit union could make the determinations required by NCUA's Flood Insurance regulations by using the Map Information Facility. Because the Map Information Facility was terminated effective April 14, 1981, NCUA is revoking IRPS 80-9.

EFFECTIVE DATE: May 14, 1981.

ADDRESS: National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: John L. Culhane, Jr., Senior Attorney or Barbara A. Burrows, Attorney-Advisor, Office of General Counsel, at the above address. Telephone number: (202) 357-1030.

SUPPLEMENTARY INFORMATION: Sections 102 and 202 of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4012a, 4106) and the Flood Insurance regulations of the National Credit Union Administration (12 CFR Part 760) require a federally insured credit union making a loan secured by improved real property or a mobile home to determine if the property securing the loan is located in a special flood hazard area. If it is, the credit union must also determine if the property is in a community participating in the National Flood Insurance Program. Depending on the location of the property, flood insurance in an appropriate amount may have to be obtained and certain notices may have to be given before the loan is granted.

Beginning in August of 1980 certain credit unions in selected states could use the Map Information Facility (MIF) both to determine if improved real property or a mobile home is located within an identified special flood hazard area and to determine if the property or mobile home is in a community participating in the National Flood Insurance Program. NCUA in its Interpretive Ruling 80-9 (August 25, 1980) stated that a credit union using the MIF would be complying with NCUA Flood Insurance Regulations (12 CFR

760.2(c)) if it maintained proper documentation.

However, the MIF is no longer operational. FIA terminated service effective April 14, 1981. Therefore, NCUA's statement of Interpretation and Policy Flood Insurance—Use of Map Information Facility (IRPS 80-9) is hereby revoked.

Rosemary Brady,

Secretary, National Credit Union Administration Board.

May 8, 1981.

[FR Doc. 81-14513 Filed 5-13-81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-SO-28; Amdt. No. 39-4111]

Airworthiness Directives; Piper Models PA-28R-200, PA-28R-201, and PA-28RT-201 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires inspection of the oil quick drain valve to ensure the use of the correct part and the installation of warning placards which caution against using the incorrect oil quick drain valve on certain Piper Models PA-28R-200, PA-28R-201, and PA-28RT-201 airplanes. This AD is needed to prevent the installation of an incorrect oil quick drain valve during maintenance. This could result in the loss of oil during flight resulting in engine seizure and loss of power.

DATES: Effective May 18, 1981. Compliance as prescribed in body of AD.

ADDRESSES: The applicable service letter may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lockhaven, Pennsylvania 17745.

A copy of the service letter is also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: R. C. Padgett, ASO-214, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: The FAA has determined that, as a result of improper maintenance, incorrect oil quick drain valves have been installed in certain Piper Models PA-28R-200, PA-28R-201, and PA-28RT-201 airplanes. Incorrect valves have been actuated by contact with the nose landing gear drag link when the gear is retracted. This can result in the oil being drained out in flight, causing engine seizure and total power loss. Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection of the oil quick drain valve to insure that Piper Part Number 492-172V is installed, replacement with the correct part if necessary, and the installation of warning placards which caution that the use of incorrect parts may result in loss of oil. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Piper Aircraft Corporation. Applies to Model PA-28R-200, Serial Numbers 28R-35001 through 28R-7635545; Model PA-28R-201, Serial numbers 28R-7737001 through 28R-7837317; and Model PA-28RT-201, Serial Numbers 28R-7918001 through 28R-8118047, airplanes certificated in all categories.

Compliance is required within the next 50 hours time in service or at the next oil change, whichever comes first, after the effective date of this AD unless already accomplished. To prevent possible loss of oil due to installation of an incorrect engine oil quick drain valve, accomplish the following:

(a) Install two warning placards, one on each side, on the lower engine mount beneath the intake and exhaust tubes, in accordance with Figure 1. Use Piper Part No. 87369-26V which reads:

"CAUTION

Unapproved Oil Drain Valves Can Cause Inadvertent Draining When the Gear Is Retracted—Use Only Piper Approved Part"

(b) For those airplanes equipped with an engine oil quick drain valve, perform the following:

(1) Inspect the oil quick drain valve and ensure that Piper Part No. 492-172V (identified with 1H50-1 stamped on the hex) is installed and correctly safety wired.

(2) If an incorrect valve is installed, replace with Piper Part No. 492-172V, and safety wire, using .032 safety wire.

(c) Make an appropriate maintenance record entry.

Note.—Piper Service Letter No. 910, dated December 29, 1980, pertains to this subject.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in East Point, Georgia, on April 30, 1981.

George R. LaCaille,

Acting Director, Southern Region.

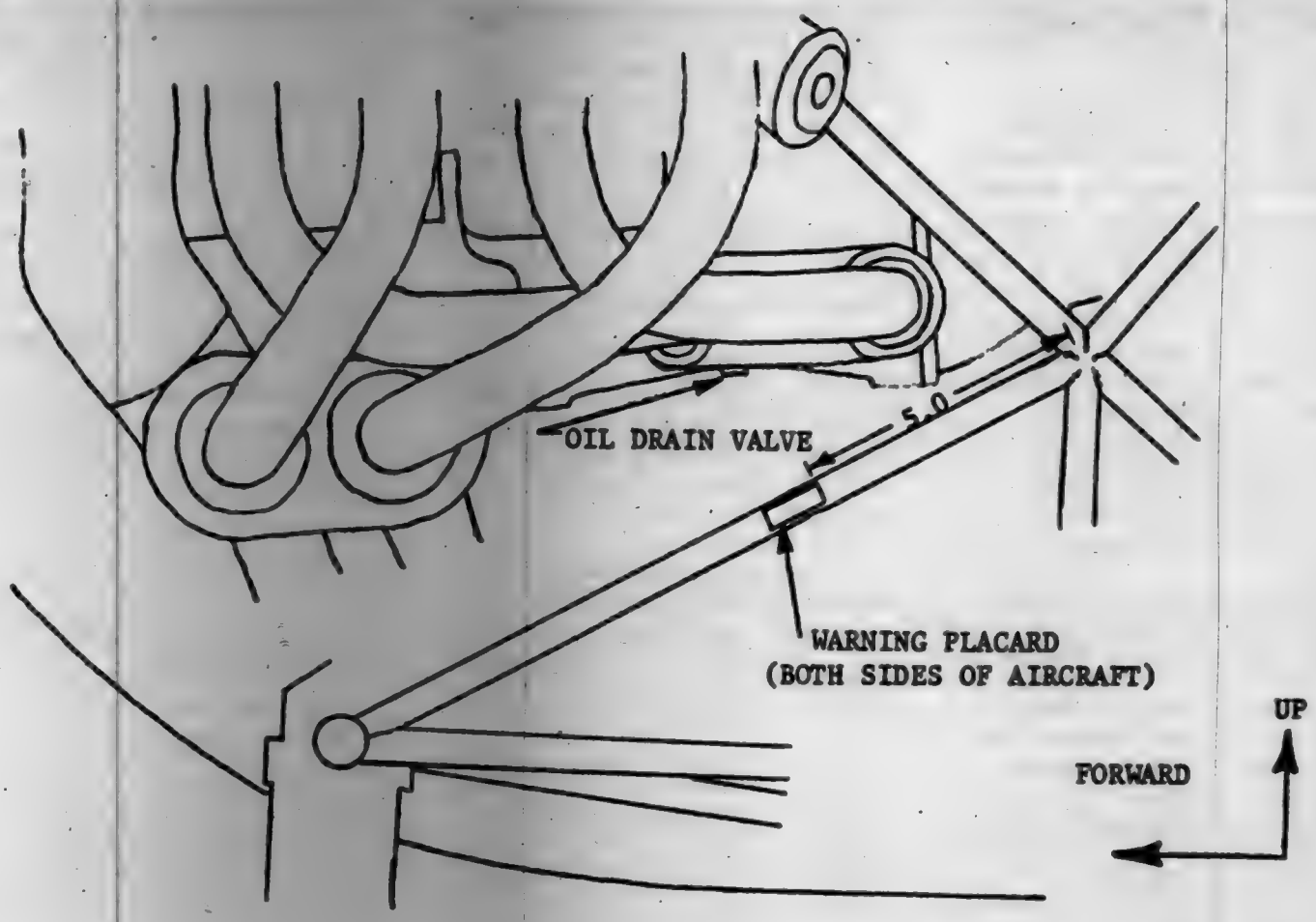

FIGURE 1

[FR Doc. 81-14277 Filed 5-13-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 21719; Amdt. No. 1190]

Air Traffic and General Operating; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is $135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation

Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

. . . Effective June 25, 1981

Homerville, GA—Homerville, VOR/DME–A, Amdt. 1
Kansas City, KS—Fairfax Muni, VOR Rwy 17, Amdt. 12
New Bern, NC—Simmons Nott, VOR Rwy 4, Amdt. 2
Abilene, TX—Abilene Muni, VOR Rwy 22, Original
Alice, TX—Alice International, VOR Rwy 31, Amdt. 7
Bowie, TX—Bowie Muni, VOR/DME Rwy 17, Amdt. 2
Dallas, TX—Addison, VOR–A, Original

. . . Effective June 14, 1981

Bellingham, WA—Bellingham International, VOR Rwy 16, Amdt. 5, cancelled

. . . Effective April 30, 1981

Minneapolis, MN—Flying Cloud, VOR Rwy 9R, Amdt. 3

. . . Effective April 27, 1981

Santa Rosa, CA—Sonoma County, VOR Rwy 32, Amdt. 13

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

. . . Effective June 25, 1981

Minneapolis, MN—Minneapolis-St. Paul Intl (Wold-Chamberlain), LOC BC Rwy 11L, Amdt. 5
Merced, CA—Merced Muni, LOC BC Rwy 12, Amdt. 6

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

. . . Effective July 9, 1981

Houston, TX—David Wayne Hooks Memorial, NDB Rwy 17R, Amdt. 7

. . . Effective June 25, 1981

Harrisburg, IL—Harrisburg-Raleigh, NDB Rwy 24, Amdt. 6
Bowie, TX—Bowie Muni, NDB Rwy 17, Original
Bowie, TX—Bowie Muni, NDB Rwy 35, Original

. . . Effective April 30, 1981

Parsons, KS—Tri-City, NDB Rwy 17, Amdt. 5

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

. . . Effective July 9, 1981

State College, PA—University Park, ILS Rwy 24, Amdt. 2

. . . Effective June 25, 1981

Savannah, GA—Savannah Muni, ILS Rwy 9, Amdt. 19
Chattanooga, TN—Lovell Field, ILS Rwy 20, Amdt. 30
Dallas, TX—Addison, ILS Rwy 15, Amdt. 3

. . . Effective April 30, 1981

Minneapolis, MN—Flying Cloud, MLS Rwy 9R (Interim), Amdt. 2

. . . Effective April 27, 1981

Santa Rosa, CA—Sonoma County, ILS Rwy 32, Amdt. 8

5. By amending § 97.33 RNAV SIAPs identified as follows:

. . . Effective June 25, 1981

Richmond, KY—Madison, RNAV Rwy 36, Original
Houston, TX—David Wayne Hooks Memorial, RNAV Rwy 17R, Original
Houston, TX—David Wayne Hooks Memorial, RNAV Rwy 35L, Original
Bremerton, WA—Kitsap County, RNAV Rwy 1, Amdt. 4, cancelled

. . . Effective April 30, 1981

Dubuque, IA—Dubuque Muni, RNAV Rwy 36, Amdt. 4

[Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3).]

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C. on May 8, 1981.

John S. Kern,
Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

[FR Doc. 81-14477 Filed 5-13-81; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9117]

Montgomery Ward & Co., Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order requires, among other things, a Chicago, Illinois operator of retail stores and catalog houses to make the text of written warranties readily available to prospective buyers prior to sale, and to prominently display signs advising consumers of such availability. Further, for a period of three years respondents are required to conduct semiannual audits to ensure continuing compliance with the provisions of the order.

DATES: Complaint issued Sept. 14, 1978. Final order issued April 29, 1981.*

FOR FURTHER INFORMATION CONTACT: Paul W. Turley, Director, 3R, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, Ill. 60603. (312) 353-4423.

SUPPLEMENTARY INFORMATION: In the Matter of Montgomery Ward & Co., Inc., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533-20 Disclosures, 13.533-25 Displays—in house, 13.533-37 Formal regulatory and/or statutory requirements, 13.533-45 Maintain records, 13.533-75 Warranties. Subpart—Failing To Comply with Affirmative Statutory Requirements; § 13.1048 Failing to comply with affirmative statutory requirements, 13.1048-35, Magnuson-Moss Warranty Act. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosures: § 13.1852 Formal regulatory and statutory requirements, 13.1852-55 Magnuson-Moss Warranty Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46; interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 110(b), 88 Stat. 2190; 15 U.S.C. 2310)

The final Order, including further order requiring report of compliance therewith, is as follows:

This matter has been heard by the Commission upon the appeal of counsel for respondent and the appeal of counsel supporting the complaint, and upon briefs and oral agreement in support of and in opposition to the appeals. The Commission, for the reasons stated in the accompanying opinion, has granted the appeals in part, and denied the appeals in part. Therefore,

It is ordered that the initial decision of the administrative law jugde, pages 1-46, be adopted as the Findings of Fact and Conclusions of Law of the Commission, except as is inconsistent with the attached opinion.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying opinion.

It is further ordered that the following Order to Cease and Desist be entered:

Order

I

It is ordered that the definitions of terms contained in Section 101 of the Magnuson-Moss Warranty Act, 15 U.S.C. 2301 (1976), and in Rule 702, 16 CFR 702.1, promulgated thereunder, shall apply to the terms in this order.

II

It is further ordered that respondent Montgomery Ward & Co., Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with its business as a seller and warrantor of consumer products distributed in commerce, do forthwith cease and desist from failing, in its course of business as a seller of consumer products, to make the terms of written warranties on consumer products actually costing more than $15.00 and manufactured on or after January 1, 1977, available to the consumer prior to sale through utilization of one or more means specified in 16 CFR 702.3(a)(1).

III

It is further ordered that for those retail establishments in which respondent chooses to use a binder system to comply with the seller's duties under 16 CFR 702.3(a), respondent shall:

1. Maintain a permanently affixed binder system on each selling floor of each retail establishment; and

2. Label and display such binders, or place permanently affixed signs, in a prominent location in each department of each retail establishment where warranted products are sold, in a manner reasonably calculated to elicit the prospective buyer's attention. If two adjacent departments share a wall, one sign may be placed on that wall.

IV

It is further ordered that:

1. Respondent shall, for a period of three (3) years from the effective date of this order, maintain business records which show the form and manner of respondent's continuing compliance with the terms and provisions of this Order; conduct semi-annual audits and maintain records of these audits concerning each store's continuing compliance; grant any duly authorized representative of the Federal Trade Commission access to all such business records; and furnish to the Federal Trade Commission copies of such records which are requested by any of its duly authorized representatives.

2. Respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondent which may affect compliance obligations arising out of this Order.

3. Respondent shall within sixty (60) days after the effective date of this Order, file with the Commission a report, in writing, setting for the in detail the manner and form in which it has complied with this Order and shall submit yearly reports detailing the manner and form of its compliance on the anniversary of the effective date of this Order for a period of three (3) years.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-14467 Filed 5-13-81; 8:45 am]

BILLING CODE 6750-01-M

*Copies of the Complaint, Initial Decision, Opinion, Appendices and Final Order filed with the original document.

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16 CFR Part 13

[Docket No. 8847]

American General Insurance Co., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Dismissal order.

SUMMARY: On remand from the Ninth Circuit Court of Appeals, 589 F.2d 462, the Commission has determined to dismiss the June 17, 1971 complaint which alleged that the effect of American General Insurance Co.'s 1969 acquisition of Fidelity & Deposit Co. of Maryland would be to decrease competition in the fidelity and surety bond markets. The Commission, in dismissing the complaint, held that it would not be in the public interest to impose an order, at this late date, on a

respondent no longer doing business in the relevant market.

DATES: Complaint issued June 17, 1971.* Final order issued April 21, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580, (202) 523-3601.

SUPPLEMENTARY INFORMATION: In the Matter of American General Insurance Co., a corporation, respondent, and Fidelity & Deposit Co. of Maryland, a corporation, intervenor.

The Final Order is as follows:

This matter has been heard by the Commission on remand from the Court of Appeals upon the appeals of complaint counsel and respondent from the initial decision and upon briefs and oral argument in support of and in opposition to the appeals. For the reasons stated in the accompanying Opinion, the Commission has determined to sustain respondent's appeal. Complaint counsel's appeal is denied. The motion to supplement the record filed by complaint counsel is granted. The motion to dismiss filed by respondent is granted. Accordingly,

It is ordered that the complaint is dismissed.

By the Commission.

Carol M. Thomas,

Secretary.

Opinion of the Commission

By Pitofsky, Commissioner.

This case is before us on remand from the Ninth Circuit after an appeal of a cease and desist order issued by the Commission on June 28, 1977. For the reasons set forth in this opinion, the Commission has determined to dismiss the complaint.

The history of this proceeding is long and tortuous. The complaint was issued on June 17, 1971, challenging the July 1, 1969 acquisition by American General Insurance Company of Fidelity & Deposit Company of Maryland (F&D). Various interlocutory proceedings followed, including an unsuccessful district court action filed by respondent to enjoin the Commission from proceeding with the case. *American General Insurance Co.* v. *FTC*, 359 F. Supp. 887 (S.D. Tex. 1973), *aff'd*, 496 F.2d 197 (5th Cir. 1974). The initial decision was issued in August of 1975, and respondent was ordered by the Administrative Law Judge to divest F&D.

Both sides appealed from the findings of the ALJ, and the Commission affirmed the initial decision in 1977. Because of the participation of Commissioner Collier in both the earlier interlocutory action (as General Counsel) and the Commission decision, the Ninth Circuit reversed and remanded the case to the Commission. *American General Insurance Co.* v. *FTC*, 589 F.2d 462 (9th Cir. 1979). After the remand, the Commission reopened the proceeding and invited briefs from the parties on how to proceed. We now have before us, in addition to the original briefs filed with the Commission in connection with the appeal from the initial decision,[a] supplemental appeal brief from complaint counsel, an opposition thereto, a motion to dismiss from respondent and complaint counsel's opposition to that motion.

The Commission's 1977 decision found American General's acquisition of F&D to be an unlawful horizontal acquisition that substantially lessened competition in the fidelity and surety bond markets. *American General Insurance Co.*, 89 F.T.C. 545 (1977). After the close of the record in the Commission proceeding, respondent significantly altered the nature of its presence in the relevant product markets. In 1978, respondent terminated most of its own bonding business, other than that conducted by F&D.[1] Subsequently, in 1979, American General ended the rest of its business in the bond markets, except for the bonds written by F&D.[2] Finally, in December of 1980, American General sold F&D to two Swiss companies, and thereby withdrew entirely from the relevant product markets.[3]

Respondent has now moved to dismiss the complaint on the ground that the case has become moot because divestiture of F&D, as ordered by the Commission in 1977, has been accomplished. Alternatively, respondent contends that it would not be in the public interest for the Commission to enter an order against it. Complaint counsel oppose dismissal of the case, arguing that it is not moot because they believe that further relief, beyond the divestiture of F&D, is warranted.

We agree with complaint counsel that the case is not moot. Under the case law cited by both parties, a case is not moot if a controversy remains to be resolved, even if the controversy involves only the question of appropriate relief.[4] Here, there obviously remains such a controversy.

Further, as reiterated by the Supreme Court in the case relied upon by respondent, the mere voluntary cessation of illegal conduct (*i.e.* divestiture of an unlawfully acquired company) "does not deprive the tribunal of power to hear and determine the case . . . ."[5] Indeed, there may be a public interest in having the legality of the abandoned practices settled.[6] We do not believe that a company should be permitted to escape the imposition of a Commission cease and desist order, once it has reaped the fruits of an illegal acquisition, by selling off the acquired company.

We are much more sympathetic to respondent's argument that it is not in the public interest to enter an order against American General. Complaint counsel would have us impose further relief, arguing that such relief is necessary to restore the market to the competitive conditions prevailing before the acquisition of F&D. To this end, they argue that the Commission should impose a ten-year ban on acquisitions by respondent of any fidelity or surety underwriter without prior Commission approval (Supplemental Appeal Brief at 7). Such a ban was contained in the Commission's previous order, and they argue it is necessary because it is likely that American General will make future anticompetitive acquisitions.[7]

Complaint counsel's second request is more complicated. They have asked the Commission to require American General to divest to F&D the earnings and capital it took from it after the acquisition (Supplemental Appeal Brief at 8). According to complaint counsel, American General has taken approximately $41 million from F&D in the form of a special dividend from capital and surplus ($20 million), and quarterly dividends equal to F&D's earnings ($21 million). Complaint counsel assert that since a bond company needs liquid assets, it is necessary to return this money so that F&D can be an effective competitor. The

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* See 42 FR 30198, August 3, 1977.

[1] Affidavit of H. J. Bremermann, Jr., May 2, 1980 at 1. This affidavit was entered into the record by order of October 6, 1980.

[2] *Id.* at 2.

[3] Affidavit of J. F. Flack, January 30, 1981. We hereby reopen the record and receive this affidavit into evidence.

[4] United States v. Concentrated Phosphate Export Ass'n, 393 U.S. 199, 203 (1968); Walling v. Helmerich & Payne, Inc., 323 U.S. 37, 43 (1944).

[5] United States v. W. T. Grant Co., 345 U.S. 629, 632 (1953).

[6] *Id.* at 632.

[7] Complaint counsel have moved to supplement the record with an SEC filing submitted by American General, indicating its intention to purchase some shares of The St. Paul Companies, Inc., a competitor of American General in the relevant product markets. We hereby grant the motion to reopen the record, and receive the Schedule 13D into evidence.

same relief was requested by complaint counsel when this case was before the Commission in 1977, and it was denied.

We do not believe that it is in the public interest to enter an order against American General. We are not convinced that there is a reasonable likelihood that American General will reenter the relevant market, nor do we have reason to believe that if they do the reentry would be anticompetitive. With regard to the divestiture of the earnings, we do not believe that any relevant circumstances have changed since our first denial of the request for the earnings divestiture. Complaint counsel have not shown that F&D's competitive viability has been impaired because it lacks sufficient liquid assets.

Because we do not believe it is in the public interest to impose an order at this late date on a respondent no longer doing business in the relevant markets, respondent's motion to dismiss is granted.

Dated: April 21, 1981.

[FR Doc. 81-[illegible] Filed 5-12-81; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

[Docket Nos. RM80-42, R-424 and R-446]

Regulations Implementing Tax Normalization for Certain Items Reflecting Timing Differences in the Recognition of Expenses or Revenues for Ratemaking and Income Tax Purposes

Issued: May 8, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final Rule Requiring Tax Normalization and Order Removing Refund Contingencies.

SUMMARY: The Commission amends Part 2 of its regulations to require a public utility making a rate filing under the Federal Power Act or an interstate pipeline making a rate filing under the Natural Gas Act to use tax normalization for miscellaneous timing differences to compute the income tax component of its cost of service. The rule requires a rate applicant to use tax normalization for all timing difference transactions except those addressed in prior Commission orders. The rule also codifies the existing Commission practice of adjusting rate base for accumulated deferred income taxes. Finally, the rule requires a rate applicant to make provision in the income tax component of its cost of service for any excess or deficiency in the deferred tax accounts due to tax rate changes and to timing difference transactions within the scope of the rulemaking that had previously been given flow-through treatment.

In addition to this final rule, the Commission orders that refund contingencies imposed in certain cases prior to the issuance of the final rule and relating to tax normalization be removed. The removal is to be effective on the date the final rule becomes effective.

EFFECTIVE DATE: The rule is to be effective July 6, 1981. The removal of refund contingencies imposed in all cases decided subject to the Order Establishing Interim Procedures, issued June 6, 1979 under Docket Nos. R-424 and R-446 is to be effectve July 6, 1981.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Rattey, Office of Regulatory Analysis, Federal Energy Regulatory Commission, Room 3000F, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8186;

Robert F. Shapiro, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8000, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8455;

Fredrick L. Jaffe, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8100J, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8363;

Russell E. Faudree, Jr., Office of the Chief Accountant, Federal Energy Regulatory Commission, Room 3410, North Building, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-9188.

SUPPLEMENTARY INFORMATION:

In the matter of tax normalization for certain items reflecting timing differences in the recognition of expenses or revenues for ratemaking and income tax purposes (Docket No. RM80-42), accounting for premium, discount and expense of issue, gains and losses on refunding and reacquisition of long-term debt, and interperiod allocation of income taxes (Docket No. R-424), amendments of the uniform systems of accounts for classes A, B and C public utilities and licensees and natural gas companies: deferred income taxes (Docket No. R-446); Order No. 144.

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Appendix A—List of Commenters in Docket No. RM80-42

I. Introduction

A. Background

The Federal Energy Regulatory Commission (Commission)[1] amends Part 2 of its regulations to require tax normalization for the tax effects of certain (hereinafter "certain" or "miscellaneous") timing difference transactions (other than those specifically excluded as discussed below) in rates of electric utilities and interstate natural gas pipelines (hereinafter "utilities and pipelines" or "utilities"). The final rule also codifies the existing Commission ratemaking practice of adjusting rate base for accumulated deferred income taxes. Finally, the final rule requires adjustments in the deferred taxes for utilities' and pipelines' cost of service for two types of circumstances: (1) when inadequate or excessive provision for deferred taxes has been made for the tax effects of timing difference transactions within the scope of this rulemaking that had previously been given flow-through treatment; and (2) when inadequate or excessive provision for deferred taxes has been made as a result of changes in tax rates. These latter cost of service adjustments to deferred taxes are required to be made by the applicant either by following a Commission-approved ratemaking method made specifically applicable to the utility or pipeline or by developing in its next rate case a method for handling any excesses or deficiencies that might exist in the deferred tax reserves because of prior flow-through treatment of timing difference transactions or because of tax rate changes.

The final rule differs from the proposed rule in several respects. The proposed rule would have allowed utilities to elect to use tax normalization for the timing difference transactions covered by the rule; but once the election was made, all miscellaneous timing difference transactions covered would have to be normalized. This provision was intended to prevent an applicant's picking and choosing among timing difference transactions in such a way that tax normalization of a transaction would only be used if it immediately benefited the utility or pipeline. As explained in more detail below (Section III), the final rule responds to the objections of many parties to the election provision and instead requires tax normalization of all timing difference transactions covered by the rule. Companies may, however, combine the timing difference transactions for purposes of tax normalization to prevent unnecessary and costly bookkeeping for insignificant individual timing difference transactions.

The final rule also differs from the proposed rule by giving more specificity to the ratemaking treatment of the tax effects of timing difference transactions that had previously been flowed through and of the effects of tax rate changes. The proposed rule would not have permitted any adjustments to deferred taxes for deficiencies or excesses caused by reversals of past flow-through transactions or tax rate changes unless the applicant had adopted a Commission approved method for making such adjustments. The final rule requires an adjustment to be made in the applicant's next rate case following the applicability of the rule. Other minor, conforming changes were made in the final rule. These changes are discussed in detail, below, in Section III.

The rule, of course, leaves undisturbed the ability of the parties to reach a settlement on any of the issues covered by the rule.

This final rule culminates a long procedural history that was detailed in the Notice of Proposed Rulemaking [2] and is summarized here. In 1975, the Commission issued Order No. 530.[3] The order dealt with the tax effects of certain timing differences that had not been covered by previous Commission orders and opinions.

Timing differences that were excluded from Order No. 530,[4] and similarily are excluded from coverage under the final rule, are:

(1) Differences that result from the use of accelerated depreciation.

(2) Differences that result from the use of Class Life Asset Depreciation Range (ADR) tax provisions.

(3) Differences that result from the use of accelerated amortization provisions on certified defense and pollution control facilities.

(4) Differences that arise from recognition of extraordinary property losses as a current expense for tax purposes but as a deferred and amortized expense for book purposes.

(5) Differences that arise from recognition of research, development, and demonstration expenditures as a current expense for tax purposes but as a deferred and amortized expense for book purposes.

(6) Differences that result from different tax and book reporting of deferred gains or losses from disposition of utility plant.

(7) Differences that result from the use of the Asset Guideline Class "Repair Allowance" provision of the Internal Revenue Code.

(8) Differences that result from recognition of purchased gas costs as a current expense for tax purposes but as a deferred expense for book purposes.

In Order 530, the Commission expressed a general ratemaking policy in favor of tax normalization but contemplated that the decision to apply tax normalization would be made in individual cases.

On rehearing, the Commission in Order 530–A [5] stated that in each rate case a "tax deferral" rather than a "tax savings" would have to be proved by the rate applicant before tax normalization for a particular class of items could be allowed. The Commission found that this requirement was imposed by previous court opinions.

In Order No. 530–B,[6] the Commission, in a reassessment, found that the only legal bar to the adoption of tax normalization was the identification of a transaction as a permanent difference rather than as a timing difference. In this last order of the 530 series, the Commission adopted a ratemaking policy permitting normalization of the tax effects of all miscellaneous timing differences.

The instant proceeding was initiated in response to the remand of Order No. 530–B by the United States Court of Appeals for the District of Columbia Circuit.[7] The specific points raised by the court on remand and the Commission's final response are contained in Section I–B, below. The Notice of Proposed Rulemaking in the instant docket attempted to resolve what the Commission understood to be the difficulties raised by the court on remand. Both initial comments and reply comments on the proposed rule were requested.

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[1] The term "Commission" refers to the Federal Power Commission (FPC) with respect to actions taken prior to October 1, 1977, and to the Federal Energy Regulatory Commission (FERC) with respect to any actions on or after that date.

[2] "Tax Normalization for Certain Items Reflecting Timing Differences in the Recognition of Expenses or Revenues for Ratemaking and Income Tax Purposes," Docket No. RM80–42, 45 F.R. 22063 (April 3, 1980) (hereafter cited as Notice).

[3] "Order Implementing that Portion of Docket No. R–424 Relating to Interperiod Allocation of Income Taxes and Docket No. R–446, to Achieve Interperiod Allocation of Income Taxes," Docket Nos. R–424 and R–446 (issued June 18, 1975).

[4] Item number seven listed below was not specifically excluded in Order No. 530, but is excluded in this final rule.

[5] "Order Denying application for Rehearing and Clarifying Prior Order" (issued January 19, 1976).

[6] "Order Revising Prior Orders" and "Order Denying Rehearing of Order No. 530–B" (issued July 9, 1979 and September 3, 1976).

[7] *Public Systems, et al.* v. *FERC*, 600 F.2d 973 (D.C. Cir. 1979), *reh. den.* March 30, 1979.

Pursuant to issuance of the Notice, the Commission has received and reviewed numerous comments (initial and reply) both favoring and opposing the proposed tax normalization policy. The list of commenters is attached as Appendix A. Together with the staff study that accompanied the Notice, the comments provide a substantial basis upon which the Commission may reach a reasoned determination of the appropriate policy to best carry out its statutory goal of establishing "just and reasonable" rates. After careful evaluation of this material, the Commission adopts this final rule requiring tax normalization for the tax effects of miscellaneous timing difference transactions.

In general, the Commission is pleased with the quality of the comments submitted and appreciates the time and effort devoted by the parties to this proceeding. The debate over tax normalization versus flow-through treatment of timing difference transactions has continued for more than two decades. This proceeding was first initiated in proposed Commission rulemakings issued almost ten years ago. It is probably unrealistic to believe that this debate will end with the issuance of this final rule. Nevertheless, the Commission feels confident that it has afforded all parties ample opportunity to present their views, that these views and the arguments and evidence supporting them have been fully presented in this proceeding, and that, on balance, the scale tips very persuasively toward requiring tax normalization for miscellaneous timing difference transactions as a general rule for utilities and pipelines under the Commission's jurisdiction.

The following Section II reviews the comments and responses to the issues raised. Except as otherwise described, the Commission adopts and incorporates by reference in this final rule the discussion in the Notice concerning the relative merits of tax normalization and flow-through.

In addition to issuing the final rule in Docket No. RM80–42, the Commission in this order makes another finding concerning tax normalization of the tax effects of these miscellaneous timing difference transactions. After Order No. 530–B was remanded, the Commission issued an Order Establishing Interim Procedures in Docket Nos. R–424 and R–446 [8] to alleviate the procedural uncertainty among presiding law judges and litigants about the timing difference transactions covered under Order No. 530–B. In that order, the Commission declared that:

> any final decision which requires a refund of amounts otherwise in excess of the just and reasonable rate level shall not require a refund of that portion of the rate related to interperiod tax allocation [tax normalization]. That portion shall continue in effect, subject to refund, pending a final order in these dockets.

Since the Commission finds in this proceeding that tax normalization is the preferred ratemaking policy for the tax effects of the timing difference transactions covered in this proceeding, the Commission determines that tax normalization under the Order No. 530–B policy is found to produce rates that are just and reasonable. Dockets Nos. R–424 and R–446 are therefore consolidated with the instant Docket No. RM80–42. In addition to the final rule for Docket No. RM80–42, the Commission orders that for rates directed to be collected subject to refund pending the outcome of a final order in Docket Nos. R–424 and R–446 the refund contingency shall be removed as of the date that the final rule issued in this proceeding becomes effective.

B. Compliance With the Remand of Order No. 530–B

The court in *Public Systems* [9] remanded Order No. 530–B and related orders to the Commission for further action. The court found that the Commission had failed to "assess the consequences of its action for the industry," and to "indicate 'fully and carefully' the purposes behind the order." [10]

This section is intended to show how the Commission has responded to the concerns of the *Public Systems* court. The Commission believes it has fully considered and responded to the court's concerns.

1. Purpose and Goals of the Rule. The *Public Systems* court noted that Order No. 530–B rested on general policy considerations and stated that the Commission had failed to adequately explain the purposes and goals underlying its decision. The court stated that the only policy goals mentioned in the order would apply to a generic flow-through policy as well as to a tax normalization policy.[11]

The Commission considered a wide variety of factors in its evaluation of the tax normalization and flow-through policies.[12] We find that the record in this proceeding overwhelmingly supports a tax normalization policy. We find that tax normalization more appropriately comports with sound regulatory principles and with the public interest than flow-through.

As reiterated throughout this rule, tax normalization better achieves the goals of equity and fairness in rates than does flow-through. The primary rationale for tax normalization is matching: the recognition in rates of the tax effects of expenses and revenues with the expenses and revenues themselves. In terms of expenses only, this means that tax normalization matches tax benefits with cost responsibility. Tax normalization allocates the tax benefits of an expense to the same time periods that the expense itself is allocated. The Commission finds (in Section II–B) that this matching results in a more equitable interperiod allocation of tax costs to customers than does flow-through. Flow-through, through its inequitable allocation of tax costs over time, is found to distort the Commission's pricing policies.[13]

The Commission also finds that its tax normalization policy balances its obligations to ensure reasonable rates to ratepayers and to maintain the financial integrity of the public utilities and natural gas pipelines it regulates. In Section II–C, the Commission finds tax normalization to be more properly cost-based than flow-through. The Commission finds (in Section II–C and II–D) that tax normalization meets the "actual taxes paid" principle from both policy and legal standpoints. Overall, tax normalization is found to meet the just and reasonable rate standards of the Federal Power Act (FPA) and Natural Gas Act (NGA). (*See* Section II–H).

The Commission also finds that tax normalization is likely to result in rates and revenues that are more stable over time than flow-through (Section II–J.4.); and the Commission finds (Section II–J.5) that no adverse efficiency incentives are given to companies by the use of tax normalization.

Finally, the Commission finds that the issuance of this final generic rule requiring tax normalization will eliminate the ongoing controversy and attendant uncertainty regarding the appropriate treatment of miscellaneous timing difference transactions in Commission rate proceedings. The

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[8] Issued June 8, 1979.

[9] 606 F.2d at 983.

[10] *Id.* at 980.

[11] *Id.* at 980–981.

[12] This consideration is demonstrated in the staff study attached to the Notice and in the Commission's review and evaluation of the comments contained herein. Except to the extent specifically described, the Commission adopts the staff study as part of this final rule.

[13] *See* Section II–B, below, and Notice at 31, 45 F.R. at 22088.

resulting administrative efficiency and clarity should benefit consumers, regulated utilities and the Commission.

2. Items Covered by the Rule. The court in *Public Systems* criticized the Commission for not specifying all of the transactions that would be covered by the tax normalization policy and for inadequately discussing the seven examples that were given.[14]

The Commission's rule requires tax normalization of the tax effects of "miscellaneous" timing difference transactions. The Notice referred to the list of examples of timing differences identified in Order No. 530.[15] An appendix to the Notice listed nineteen additional examples of timing differences that would be covered by the rule.[16] Commenters were also asked to identify any additional timing differences that would be covered by the rule.[17] Commenters brought no additional timing differences to the Commission's attention. We believe that we have identified the major timing differences covered by this rule.

The Commission believes, in addition, that the definition of timing differences in the rule is clear and specific enough so that parties to rate proceedings can readily identify those revenue and expense transactions that qualify for tax normalization treatment. Accordingly, the Commission believes it is not necessary to specify every single type of revenue and expense transaction that might give rise to timing difference covered by the rule.

As to the court's concern that the Commission discuss, in some detail, each of the types of transactions covered by the rule, the Commission believes it has fully responded. The Commission explained in the Notice that there are four basic types of transactions that give rise to a timing differences:

(1) *expenses* that are recognized for tax filings in periods *prior to* when they are recognized in rates;

(2) *expenses* that are recognized for tax filings in periods *later than* when they are recognized in rates;

(3) *revenues* that are recognized for tax filings in periods *prior to* when they are recognized in rates; and

(4) *revenues* that are recognized for tax filings in periods *later than* when they are recognized in rates.

The first and fourth types reduce tax liability currently and raise it later. The second and third types raise tax liability currently and reduce it later.

The Commission also explained that there is no difference in the principles underlying the application of tax normalization to the different types of transactions.[18]

3. Impacts of the Rule on Industry and Consumers. The *Public Systems* court criticized the Commission for failing to indicate the impact on consumers and industry of adopting tax normalization and for providing no statement as to the financial resources at issue. The Commission believes it has throughly assessed the impacts of its rule on industry and consumers in this proceeding. Upon review of the staff study's impact analyses and the comments received thereon, the Commission finds that the staff study provides reliable data and analyses in this regard and adopts its findings.

Based on the Commission's review of staff's impact analyses and of the comments received on the rule's impacts (Section II–I), the Commission finds:

(1) Staff's rate impact estimates are reliable. These data show that tax normalization may, at least initially, result in higher rates than flow-through. However, these impacts are not substantial. Since rates under tax normalization more equitably allocate tax costs over time, these impacts show the extent to which the continued use of flow-through causes current ratepayers to be subsidized by future ratepayers.

(2) Tax normalization acts as a stabilizing force on utility cash flows. Tax normalization tends to improve a utility's internal cash flow when the need is greatest and to decrease it when the need is less. As a result, the rule would lessen a utility's reliance on capital markets.

(3) Tax normalization does not inherently give utilities (or, more importantly, their stockholders) an opportunity to earn a rate of return in excess of that nominally allowed by the Commission.

(4) Tax normalization may have a favorable impact on the cost of capital to utilities vis-a-vis flow-through.

With respect to the rate impacts, the Commission believes it is worthwhile repeating the summary of the staff study estimates provided in the Notice. It should be noted that while the final rule is different from the proposed rule in that tax normalization is made a requirement rather than an election, the staff rate impact estimates are still applicable since they assumed that all utilities would elect tax normalization.

The Commission also notes that despite a specific request for data on the impacts of timing differences not quantified in the staff study, only one substantive comment was received on this issue—relating to intangible drilling costs.[19] The data upon which to evaluate the thoroughness of staff's analysis are publicly available, and no commenter has shown any significant deficiency in staff's analysis.

Staff quantified the rate impacts of the following types of timing differences:[20]

1. Differences that result from recognition of the following items as current expenses for tax purposes and as capitalized and amortized expenses for ratemaking purposes:

(a) the interest component of the Allowance for Funds Used During Construction (AFUDC);

(b) construction-related pensions; and

(c) construction-related taxes.

2. Differences that result from the use of different depreciation lives for taxes and ratemaking.

3. Differences that result from recognition of regulatory commission cost as a current expense for tax purposes and as an expense amortized over a number of years for ratemaking.

In the Notice, the Commission summarized staff's rate impact analyses as follows:

> With respect to the items listed above for which the staff study did quantify impacts, assuming no difference in the cost of capital for flow-through and normalization, the results indicate that electric utility rates, on average, would have risen 3.3 percent and gas pipeline rates 0.2 percent over flow-through rates in 1979 had a utility switched from a flow-through policy to a normalization policy. For 1980, the maximum impacts are estimated to be about 2.2 percent for electric utilities and 0.1 percent for gas pipelines. These impacts are generally projected to diminish over the next 20 years, with normalized gas pipeline rates falling below flow-through rates during this time span. In the year 2000, normalized rates are projected to be less than flow-through rates in the natural gas pipeline industry and to be a maximum of about 0.9 percent above flow-through rates in the electric utility industry. This differential for electric utilities continues past the year 2000.
>
> The actual dollar impacts (in constant 1980 dollars) of normalization versus flow-through also are set forth in the staff analysis for the base and life depreciation timing differences (items 1 and 2 listed above). In 1979, jurisdictional required revenues for the gas pipeline industry would have been $26 to $32 million higher (depending on the assumed growth rate) under normalization than under flow-through if all pipelines had switched to

[14] 606 F.2d at 961.

[15] Notice at 35, 45 FR 22060.

[16] Notice at Appendix C, 45 FR at 22110.

[17] Notice at 54, 45 FR at 22063.

[18] Notice at 11–13, 45 FR at 22055

[19] *See* Section II–I, below.

[20] In addition, the study discussed the impact on rates of applying tax normalization to plant removal costs, especially with respect to nuclear generating plants and offshore pipeline facilities. The Commission believes that while these impacts are likely to be significant they are still uncertain.

normalization of the base and life differences. By 1980, the jurisdictional required revenues are estimated to be $18 to $20 million higher under normalization and to be $4 to $6 million higher by 1990. By the year 2000, jurisdictional required revenues for gas pipelines are projected to be $5 to $10 million *less* under normalization than under flow-through. After the year 2000, the trend of lower revenues under normalization increases.

For electric utilities, jurisdictional required revenues would have been $163 to $234 million higher (depending on the growth rates and still in constant 1980 dollars) in 1976 if utilities had switched to normalization from flow-through for the base and life differences. In 1980, the jurisdictional required revenues would be $149 to $183 million higher under normalization than under flow-through, and by the year 2000, normalization rates would be $56 to $146 million higher than flow-through rates. While the highest estimated dollar impact of $234 million in 1976 appears large, as noted earlier it represents only a little over 3 percent differential between normalized and flow-through rates. For the high growth case of 14 percent, the staff analysis projects total (jurisdictional and non-jurisdictional) electric utility revenues to be $85 billion in 1980, of which approximately 10 percent represents jurisdictional revenues.[21]

The Notice goes on to qualify these results on impacts since they do not reflect any cost of capital differential between tax normalization and flow-through. The staff study estimated the effects of a range of cost of capital differentials.[22] Finally, the Commission does not believe that quantification of any other timing differences covered by this rule would substantially affect the overall impacts.

4. Tax Savings versus Tax Deferral.

The court in *Public Systems* stated that as to the examples of timing differences listed in Order No. 530, there was nothing to support the Commission's implicit conclusion that there would be no "tax savings."[23]

This issue was discussed extensively in the Notice[24] and staff study.[25] The Commission's analysis of the comments on both the legal and policy aspects of this issue is contained in Section II–E below. The Commission finds that a tax normalization policy will not cause utilities or their investors to realize a permanent or pure tax savings. Under some circumstances, however, tax normalization may create continual tax deferrals which we find are not permanent tax savings since they do not confer a permanent tax benefit on utilities or their investors. We further conclude that a finding of evanescent versus continual tax deferral should not be the determinative factor in a decision to adopt a policy of tax normalization or flow-through.

5. Price Squeeze.

The *Public Systems* court faulted the Commission in Order No. 530–B for giving no reason or rationale for the Commission's statement that it would decide the price squeeze implication for tax normalization on a case-by-case basis.[26] As explained more fully in Section II–G.2 below, and as stated in the Notice,[27] we continue to believe that we cannot conclude, as a generic matter, that the tax normalization rule will occasion any undue disparity between relevant wholesale and retail rate, even in instances where state commissions proscribe the use of tax normalization.

Certainly, where the Commission finds that a price squeeze has been demonstrated, the impact, if any, of tax normalization must be considered. If undue discrimination is found to exist, the Commission may consider the denial of tax normalization as one of the available remedies for reducing or eliminating the undue discrimination, just as other costs of service elements initially required by Commission regulations could be adjusted to remedy undue discrimination. In contrast to the policy expressed in the Notice, the Commission retains the option of denying tax normalization even if the undue discrimination is not directly caused by differing state/federal treatment of tax normalization of miscellaneous timing differences.

II. Analysis of Comments: Legal and Policy Considerations

A. Summary of Conclusions

In this section, the Commission reviews the comments and reply comments and discusses the legal and policy issues involved in requiring tax normalization of the tax effects of miscellaneous timing difference transactions as a general rule. The answer to the central question of this rulemaking proceeding—whether tax normalization or flow-through provides the most appropriate way to handle timing differences in ratemaking—is complex. Much confusion and controversy surround the discussion of this issue.

The central rationale for tax normalization is that tax normalization matches the recognition in rates of the tax effects of the costs and revenues of utilities to the recovery in rates of the associated costs and revenues themselves. In terms of expenses only, tax normalization matches tax benefits with cost responsibility. The Commission finds that this matching concept leads to fair and equitable results both to the regulated entities and to their customers. Equity is also achieved over time by the use of tax normalization. None of the comments to the Notice have dissuaded the Commission from continuing to accept the matching and equity principles as the underlying policy reasons for tax normalization. Section II–B discusses these concepts more fully.

A major controversy—both in policy and in the law—revolves around the so-called "actual taxes paid" doctrine. Several commenters who opposed the proposed rule interpreted "actual taxes paid" as requiring the tax allowance in rates charged during each period to equal the taxes actually paid in each period. Application of this interpretation would treat tax costs differently from other costs incurred by utilities.

The Commission believes that there is no rational basis for this interpretation. All costs should be allocated among customers and over time in a manner that matches the burdens of costs with the benefits received. While no system has been designed that does this precisely for all costs, at least with respect to tax costs, normalization rather than flow-through better achieves this proper end result. Also, as long as rates recover only the total tax cost incurred over time, and no more, then the "actual taxes paid" principle is met. Section II–C discusses the cost basis for tax normalization that the Commission believes is appropriate, and Section II–D reviews the legal basis for finding tax normalization consistent with the "actual taxes paid" doctrine.

Another source of confusion is the rhetoric that has developed over the years in the tax normalization versus flow-through debate. Phrases like "phantom taxes" and "permanent tax savings" raise concern that the issue is one of cost determination rather than cost allocation. Tax normalization is said to place "phantom taxes" in electric and gas bills. The Commission recognizes that "deferred taxes" are no more or no less "phantom" than are the costs which generated them. These costs are approximately twice the size of the deferred taxes and cannot be recovered

[21] Notice at 36–38, 45 F.R. at 22080 (cites and footnotes omitted).

[22] Appendix A of Notice at 107–111, 45 F.R. at 22099–22103.

[23] 606 F. 2d at 981. (The court apparently equated "tax savings" with constant or growing balances in accumulated deferred taxes.)

[24] Notice at 15–16, 41–44, 45 F.R. at 22060, 22081.

[25] Appendix A of Notice at 22–24, 47–59, 112, 45 F.R. at 22089–70, 22078–81, 22108.

[26] 606 F. 2d at 980–81.

[27] Notice at 45–48, 45 F.R. at 22082.

in rates without the concomitant recovery of so-called "phantom" taxes.

In addition, tax normalization of timing differences is argued to result in "permanent tax savings" to utilities that are growing. Yet, utilities cannot achieve such "permanent savings" without at the same time incurring a "permanent loss" through the non-recovery of associated costs which are approximately twice as large. This issue is discussed at length in Section II–E, wherein both the legal and policy perspectives on "permanent tax savings" are sorted out. Past treatment of this issue by the Commission and the courts is reviewed and distinguished from the Commission's current policy as expressed in the current rulemaking.

A final source of confusion in the comments arose from the staff report that was appended to the Notice. In that report, the effects of normalization were analogized to a customer loan. The problems with this "analogy" are discussed below in Section II–F. The Commission finds no reasonable basis for concluding that customers actually provide a loan to their utility under tax normalization.

Two legal issues have been central to the current controversy and were raised by the commenters in this rulemaking. One issue is whether the Commission should treat tax normalization of the tax effects of miscellaneous timing differences as a general rule or whether individual circumstances of the firms and their customers are so unique that the decision should be determined on a case-by-case basis. A second legal issue raised is whether a tax normalization rule is consistent with the just and reasonable standards in the Federal Power and Natural Gas Acts. This latter question is closely linked with the contentions that tax normalization creates "permanent tax savings" and violates the "actual taxes paid" doctrine.

The Commission concludes, in Section II–G, that it has discretion to require tax normalization of the tax effects of miscellaneous timing differences by general rule rather than by case-by-case adjudication. The regulatory principle of matching tax effects of costs and revenues to their associated costs and revenues is an equitable principle that does not vary under an individual firm's circumstances. The Commission does not, however, believe that tax normalization must be applied in cases where the Commission has found price squeeze to be present. The tax normalization requirement may be removed to remedy undue discrimination between wholesale and retail customers.

In Section II–H, the Commission finds that tax normalization is just and reasonable under the Federal Power and Natural Gas Acts.

In the Notice, the Commission addressed the impacts its proposed tax normalization policy would have on rates, cash flow, rates of return and costs of capital as analyzed in the staff study attached to the Notice. The comments to these estimated impacts are reviewed in Section II–I; the Commission finds its staff's original analyses to be reasonable and equally applicable to the final rule.

The terms "phantom taxes" and "permanent tax savings" have often been employed to advance the argument that utilities and, more important, their stockholders are earning excess profits under tax normalization. Since deferred tax accounting does not permit utilities to transfer accumulated deferred taxes to common equity accounts for the benefit of stockholders, the Commission reiterates its earlier statement in the Notice that tax normalization does not create excess profits. This is discussed more fully in Section II–I.3.

The remaining section of this part, Section II–J, discusses other comments raised to the Notice and presents the Commission's response to these comments. Specifically, this section addresses: normalization of the tax-on-tax effect; rate base levelization; contributions in aid of construction; revenue and rate stability; efficiency incentives; tax rate changes; and depreciation of plant financed by deferred taxes.

B. Matching and Equity

The Commission stated in the Notice that the rationale underlying tax normalization is different from that underlying flow-through. Tax normalization is based on the matching principle. According to the matching principle, the tax reducing effect of an expense [30] is allocated to the same customers who pay the expense during the same period. When rates are set so as to permit a utility to recover an expense, the tax reducing effect of that expense is also recognized. When recovery of an expense is deferred or prepaid, so too is the tax reducing effect of that expense. In this way, normalization achieves an equitable allocation of costs between time periods. [30]

Flow-through is based primarily on the so-called "actual taxes paid" principle. [30] This principle, as interpreted by flow-through proponents, states that customers should be charged, in each period, only the income taxes actually paid by the utility in that period. The matching here is between the cost of service tax allowance and the IRS-determined tax liability. The problem with this approach is that it causes the interperiod allocation of taxes in rates to be solely dependent upon tax regulations rather than upon the regulatory principle of matching costs with benefits. The result is an inequitable allocation of costs between time periods. This inequity is illustrated in the Commission's example in the Notice of how flow-through distorts prices over time:

> [I]f the Commission has determined that a reasonable allocation for the recovery of a $100 expense incurred in year 1 is $50 in each of years 2 and 3, then rates in year 1 should be unchanged and rates in years 2 and 3 should be increased by $50. This is essentially what occurs under a normalization policy. A flow-through policy, however, produces a very different result. Because income received in the form of a tax allowance represents additional taxable revenues, rates under a flow-through policy actually would be reduced in year 1 by $100 and increased by $100 in each of years 2 and 3. [31]

While this example is for a single timing difference transaction, it also applies to many transactions occurring simultaneously and over successive periods since the effects of more than one transaction is simply the sum of the effects of the individual transactions.

None of the parties in this proceeding have persuaded the Commission that the above reasoning is wrong. While many comments discussed the comparative equity in the effects on rates of tax normalization and flow-through, none of the arguments raised were without flaws. These arguments and their flaws are discussed immediately below. The commenters also implicitly or explicitly

[30] As explained in the Notice, timing differences can arise from expense or revenue transactions that are either prepaid or deferred in rates. For discussion purposes, the differences between the two policies can be most easily understood with reference to an expense transaction that creates a tax deferral in rates.

[30] As the Commission, in the Notice, notes: "[U]nderlying the equity argument is the concept of 'used and useful' property. . . . If current customers are paying the expenses associated with a given piece of equipment or property, because they are receiving service from it, they also should be receiving the benefits of the tax deductions arising from the associated expenses." Notice at 28–29, 45 F.R. at 22058.

[30] *See* Section II–C for a discussion of alternative interpretations of this principle. In that section, we explain why tax normalization results in rates that are cost-based. In Section II–D we explain that tax normalization is also consistent with the "actual taxes paid" principle.

[31] Notice at 31, 45 FR at 22060 (footnote omitted).

argued that other factors, such as an immediate adverse impact on rates, should be given more weight. We continue to believe, however, that, from a policy perspective, substantial weight should be given to the long term equity considerations that overwhelmingly favor tax normalization over flow-through.

Three general types of equity issues were raised in the comments:

(1) Equity between present and future ratepayers or interperiod equity;

(2) Equity between different classes of ratepayers; and

(3) Equity between ratepayers and stockholders.

The commenters raised the first type of equity issue (interperiod equity) in several ways. It was argued that since all other costs associated with a given plant are not spread evenly over its life, there is no need to spread tax costs evenly. Indeed, it was argued that flow-through would counteract the declining rates caused by the declining rate base and tend to even out the cost burden on ratepayers over a plant's life. This rate base levelization issue is addressed in Section II–J.2, below. There the Commission finds that rate levelization is not a goal of the proposed tax normalization rule and that, even if it were, flow-through of the significant items covered by the rule would not achieve this result.

A second interperiod equity criticism of tax normalization is based on the allegation that the normalization is incomplete since it does not require normalization of the tax-on-tax effect. This criticism is addressed in Section II–J.1 where it is concluded that such a proposal errs in its attempt to treat the deferred tax expense, a non-deductible expense, as a timing difference transaction.

Another interperiod equity criticism of tax normalization is based on the assumption that it requires customer-contributed capital. Commenters argued first that under conditions of growth the utility completely eludes repaying the customer loan and, second, that there is no coincidence between the customers who provide the loan and those who receive the return of the principal and interest on such loan. The Commission addresses this issue in Section II–F, below, where the concept of a customer loan under tax normalization is rejected.

Several commenters recognized the interperiod inequity generated by flow-through that the Commission noted in its proposed rulemaking. Commenters pointed out that flow-through generally involves putting off the recovery of current tax costs to the future and that there is no more justification for this than there is for putting off the recovery of current depreciation costs. Another commenter argued that, because of this cost postponement, flow-through benefits (or subsidizes) current customers at the expense of future customers.

The Commission agrees with the commenters who contended that flow-through benefits wholesale customers who intend to build their own generating facilities or who otherwise intend to shift suppliers in the near future. This results when flow-through recognizes the tax benefits of expenses in rates prior to the recognition of the expenses themselves. Further, as several reply commenters emphasized, each dollar of tax benefits flowed through to customers prior to the cost of service recognition of the associated expense will require two dollars in additional revenue requirements when the expense is recognized. Future customers must pay both the expense and an additional amount equal to the expense to defray taxes on the resultant higher revenue requirements.

The second type of equity issue raised in the comments dealt with the treatment of different classes of ratepayers at any point in time. Tax normalization is criticized as having a disproportionate impact on low income consumers who tend to spend a greater portion of their income on energy. This criticism is aptly rebutted in the reply comments. The allegedly adverse income redistribution effects of tax normalization arise from the implicit assumption that the policy is not a conceptually valid and equitable method for computing cost of service. The Commission finds no support for this assumption.

Virtually all changes in Commission policies have income redistribution effects. The Commission is not inclined to decide policy *solely* on whether or not income is redistributed. However, to the extent that the change from a flow-through to a tax normalization policy affects the distribution of the burdens on consumers of utility tax costs and thus the income distribution of consumers, the Commission finds it justifiable. This is because tax normalization is more properly cost-based than flow-through and because it more equitably allocates tax costs to consumers over time than does flow-through.

The third equity issue involves allegations that tax normalization causes ratepayers to subsidize investors. Since investors are not permitted, under the Commission's ratemaking policies, to appropriate any of the benefits arising from timing difference transactions, this allegation is rejected. The Commission addresses this concern in detail in Section II–I.3, below.

C. Cost Basis for Tax Normalization

Several of the commenters criticized tax normalization as not being cost-based. Others expressed the opposing view that tax normalization is cost-based and flow-through is not. These divergent views arise solely from differences in the definition the parties attach to the term "cost-based".

If "cost-based" merely means that the allowance in rates for a particular cost over the life of the utility should cover only the outlays made by the utility for that cost and no more, then both tax normalization and flow-through are cost-based. Neither policy inherently permits a utility to recover over its life more than its actual tax outlays.

For those who argue that "cost-based" means that the cost of service allowance for a particular cost should cover only the actual cash outlay made by the utility in *each* period, then flow-through is cost-based and tax normalization is not. Flow-through allocates taxes on an "as paid" basis while tax normalization does not. Flow-through, for example, would allocate to one period the tax reducing effects of certain construction-related costs (that are not included in current rates), thereby lowering the tax allowance below what it would be absent the construction activity.

On the other hand, for those who believe that "cost-based" means that the allowance for a particular cost should equal, in each period, the cost associated with the goods and services provided in that period, then tax normalization is cost-based. The Commission adopts this latter definition.

The basic difference between tax normalization and flow-through is in the timing of recognition of revenues and expenses in computing the cost of service tax allowance. Flow-through recognizes timing difference transactions for the purpose of computing the tax allowance in time periods other than when those transactions are themselves recognized in the cost of service. In so doing, it arbitrarily changes the tax allowance from that which is associated with the allowance for return on equity even though it is the equity return over time that gives rise to tax liabilities.

Tax normalization, however, reflects as income tax deductions or additions only those expenses and revenues that are themselves reflected in the cost of service. The tax cost associated with the goods and services provided in a particular period, *i.e.*, what the Commission considers the "current tax

cost" of that period, should be related to the equity return allowed since it is the equity return over time that gives rise to tax liabilities. The tax allowance under tax normalization is related to the equity return allowance. The tax allowance under flow-through is not.

As the Commission stated in its Notice, the basic issue in this proceeding involves the interperiod allocation in rates of a cost, specifically, the income taxes paid by utilities. Taxes, like other costs, may be more properly chargeable to periods other than when they are actually paid.[32] Tax normalization achieves what the Commission finds is the more proper allocation of taxes over time by using the provision for deferred taxes as a mechanism for setting the tax allowance at the level of current tax cost.

This view of how tax normalization is cost-based (and flow-through is not) may be made clearer by reference to the numerical illustrations in the staff study.[33] In Case I (the Base Case with no timing differences), the cost of service in each of the three years shows an after-tax equity return allowance of $200 and an associated tax allowance of $200. A pretax equity return allowance of $400 multiplied by a 50 percent tax rate results in associated taxes of $200. Tax normalization (Case IV) results in the same annual tax allowance of $200 coinciding with the same after-tax equity return allowance of $200. The equity return allowance is intended to cover the cost of the equity capital used to finance rate base, a direct cost in providing services. The tax liability arises from this cost and, in both of the above cases, the tax allowance is directly proportional to the equity return.

In contrast, under flow-through (Case V), the tax allowance is totally unrelated to the equity return allowances. The after-tax equity return allowance in each of the three years remains at $200. However, the tax allowances in years 0, 1, and 2 are $100, $250, and $250, respectively. Thus, under flow-through, the tax allowance diverges from the equity return allowance and, by implication, from the tax costs associated with the goods and services being provided.

The comments contained essentially three arguments as to why tax normalization should not be considered cost-based. First, it was argued that tax normalization violates the so-called "actual taxes paid" doctrine since tax deductions which immediately reduce taxes payable are not immediately recognized in rates. Or, as another commenter stated, tax normalization forces customers to reimburse utilities for costs (taxes) not yet paid.

There are both legal and policy questions involved in these comments, which relate to the so-called "actual taxes paid" controversy. The legal questions are dealt with in the following Section II–D, while the policy questions are handled here.

From one perspective, the disagreement over the "actual taxes paid" doctrine has to do with the meaning of the term "paid". Several commenters opposing tax normalization interpret "actual taxes paid" to mean actual cash outlays to the Treasury. This appears to be the basis for flow-through. In our view, however, "actual taxes paid" refers to the incurrence of a cost in the providing of goods and services to utility customers. As explained above, over the life of any corporation, income taxes are ultimately assessed upon pre-tax earnings to stockholders,[34] and the earnings allowed stockholders in any period depend upon the amount of funds they have invested in the utility's rate base. Thus, income taxes are "actually paid" over time by utilities in a manner proportional to the equity return allowed on rate base. In this way we view tax normalization as meeting the "actual taxes paid" doctrine.

Both of the above-cited comments appear to relate solely to expense-type timing difference transactions that are recognized for tax purposes *prior* to their recognition in rates. If one instead considers the expense-type of timing difference transactions that are recognized for taxes *after* their recognition for rates, such as plant removal costs, the results are opposite to those claimed by the commenters. These tax deductions are recognized in rates before a company can use them for taxes. All other things being equal, tax normalization applied to such items as removal costs reduces the tax allowance during the operating life of the plant below the actual tax outlays of the utility and raises the tax allowance above actual outlays during the year or years of plant removal.

The above comments also neglect the costs that created the reduced tax liability. Tax normalization synchronizes the recognition in rates of the tax deductibility of an expense with the recognition in rates of the expense itself.

The second argument on the cost basis of tax normalization states that tax normalization requires the collection of revenues to meet future taxes which may, in fact, never be paid. This argument involves the concern that a "permanent tax savings" accruing to the benefit of utility stockholders will result from applying tax normalization. As is discussed more fully below (in Section II–I), whether stockholders earn returns in excess of those allowed is not related to adoption of a tax normalization or flow-through policy. The essential difference between the two policies is solely one of allocating tax expenses over time. By constraining the applicability of tax normalization to timing differences and requiring that proper ratemaking and accounting procedures be followed at all times, a utility is precluded from increasing profits from tax normalization.

The third argument raised is that tax normalization treats tax expenses as capital costs, which they are not, and therefore mixes apples and oranges. This criticism misses the mark since the result of tax normalization is to set the tax allowance at the level of current tax cost. Flow-through, on the other hand, involves the allocation of current tax costs to periods other than to those periods in which the expense creating the tax cost is allocated. This policy option is not related to the question of whether an item is a capital cost or an expense, but instead is related to determining the proper timing for the recognition of the tax effects of an expense in a utility's rates.

All three of the above criticisms of the cost basis of tax normalization imply a cost of service treatment for tax costs different from all other costs. The Commission finds no rational basis for this different treatment. Tax normalization treats taxes in a manner consistent with the treatment of other cost of service elements. Flow-through does not. Like the Commission's treatment of other costs, it is sometimes more appropriate to allocate taxes to periods other than when they are "paid" by the utility. Tax normalization reflects the tax effects of timing difference transactions when those transactions are themselves recognized in the cost of service. For example, the reduction in tax liability resulting from the deductibility of Allowance for Funds Used During Construction (AFUDC) interest expenses is reflected in the cost of service tax allowance when those AFUDC interest expenses are recognized in the cost of service

[32] For instance, the Commission allocates plant-related costs to the service life of the plant, rather than to the construction period when the costs may have actually been paid by the utility.

[33] Appendix A of the Notice at 11–24, 45 FR at 22067–8.

[34] This assumes all differences between pre-tax earnings and taxable income arise from timing differences.

depreciation allowance. This occurs when the plant is placed in service. When the AFUDC interest expenses are fully reflected in rates, the tax deductibility of those expenses is also fully reflected in rates. A similar result occurs for all other timing difference transactions. Thus, when all timing difference transactions have been fully reflected in rates, the tax effects of those transactions will have been fully reflected in rates. Taxes allowed will have been sufficient to cover the tax costs *and no more.*

D. The "Actual Taxes Paid" Principle

Some commenters contend that the Commission cannot legally require tax normalization because it violates the "actual taxes paid" principle. The "actual taxes paid" principle provides that a regulated entity cannot collect through the tax component of its cost of service an amount greater than the taxes it will actually pay. The key case cited in support of this principle is *El Paso Natural Gas Co. v. F.P.C.*[25]

Several commenters contend that a tax normalization policy violates the "actual taxes paid" principle because such a policy does not, over the short term, reflect in rates the amount of taxes paid by most regulated entities. Others argue that, to the extent a continual tax deferral is created, the tax component of rates will never reflect the amount of taxes actually paid. In other words, they allege that there will be a permanent tax savings. (*See* Section II–E, below).

The Commission disagrees with these commenters and finds that its approval of a normalization policy is consistent with the "actual taxes paid" principle. Several commenters agree and support the Commission's finding.

The relevant cases make clear that the Commission can legally require tax normalization without violating the "actual taxes paid" principle. In the context of deciding what is the proper regulatory treatment for deferred taxes, the courts have not mandated any particular rate treatment under the "actual taxes paid" principle. Rather, the courts have held that the Commission has wide discretion in choosing between flow-through or normalization, and that that discretion is not inhibited by the "actual taxes paid" principle.[26] The courts have indicated that the key issue for the Commission to decide is whether present ratepayers should receive immediately the full benefit of any IRS tax deduction under flow-through or whether such benefit should be spread out over a period of time under normalization.

In *El Paso Natural Gas Co. v. F.P.C.*, 281 F.2d 561 (5th Cir. 1960), the court described tax normalization as "[t]he one exception, if it be an exception" to the doctrine of "actual taxes paid". The court stated that the doctrine was inapplicable to tax normalization since tax normalization involved the deferral of a tax deduction rather than a permanent denial of one. The tax benefits arising from such deduction would be returned to ratepayers through the use of a reserve account.

In *Alabama-Tennessee Natural Gas Co. v. F.P.C.*, 359 F. 2d 318 (5th Cir. 1966), the court upheld the Commission's conversion from normalization to flow-through as a proper exercise of its administrative discretion to choose between competing ratemaking theories. The court stated that if any Congressional intent were relevant to the making of that choice it was—

> * * * A congressional intent that each federal regulatory agency should continue to exercise an informed discretionary authority in accordance with the agency's usual standards in light of the needs peculiar to the particular industry subject to rate regulation.[27]

In *City of Chicago v. F.P.C.*, 385 F. 2d 629 (D.C. Cir. 1967) the D.C. Circuit followed the Fifth Circuit's *Alabama-Tennessee* decision and upheld the Commission's decision to flow through tax benefits related to liberalized depreciation as a proper exercise of the Commission's discretion. The Court recognized that the general rule followed by the Commission that "consumers should be charged only the actual liability for Federal income taxes"[28] would not be inconsistent with a tax normalization policy. Indeed, the court noted that tax normalization might be required for reasons of intergenerational equity. The court stated:

> * * * As the Commission pointed out, in some cases normalization of tax deferrals *is required* lest future consumers be compelled to subsidize present consumers being served by the operations accruing tax liabilities. (Emphasis added.)[29]

In *Memphis Light, Gas and Water Division v. F.P.C.*,[30] the D.C. Circuit approved the Commission's adoption of a tax normalization policy and *expressly* held that it did not violate the actual expenditure theory which it equated with the "actual taxes paid" principle. The court noted:[31]

> We find no conflict between the rate increase allowed Texas Gas and the "actual expenditures theory," by which rates of utilities are supposed to reflect actual payments. For while Texas Gas is not currently paying taxes at straight-line rates, it is incurring the liability now to pay increased taxes in the future. Such a method as normalization, whereby current consumers are prevented from forcing future consumers to pay their deferred taxes, does not amount to causing an increase of rates based on fictitious taxes.[32] And the Supreme Court specifically noted in its opinion in this case that normalization was permissible even though it might result in an increase in rates.
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> [32] If normalization were interpreted to have such an effect as suggested by petitioners, it would always violate the actual taxes paid principle.

Thus, the courts have recognized that the Commission has the discretion to permit tax normalization consistent with the "actual taxes paid" principle.

E. Continual Cost and Tax Deferrals: "Permanent Tax Savings"

1. Comments and Responses on Policy Grounds.

The concern that a "permanent tax savings" will accrue to utilities and/or their investors under a tax normalization policy pervades some comments. It is argued that the Commission is attempting to define away the issue by asserting that timing differences "reverse or turn around", and that what the Commission's proposal actually suggests is a "continual deferral of tax savings". It is asserted that as long as a utility is experiencing stable or growing *dollar* investment, the phenomenon of permanent tax savings will occur.

In response to this concern, other comments included analogies with other costs to show that the "pancaking", over time, of a group of transactions may create the appearance that a utility is continually putting off the payment of a cost. However, this is an illusion caused by the fact that a growing utility will

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[25] 281 F.2d 567 (5th Cir. 1960), *cert. denied sub nom. California v. F.P.C.*, 366 U.S. 912 (1961). The Court of Appeals stated at 572:

> We think, in short, that there is no statutory authority for the Commission to treat actual savings in taxes to which natural gas companies are entitled any differently than savings in any other cost of service. It is the obligation of all regulated public utilities to operate with all reasonable economies. This applies to tax savings as well as economies of management. The net result of this, of course, is that such savings as are effected are passed on to the consuming public. This we consider to be the natural and necessary consequence of rate regulation.

[26] *See El Paso Natural Gas Co. v. F.P.C., supra; Alabama-Tennessee Natural Gas Co. v. F.P.C.*, 359 F.2d 318 (5th Cir. 1966); *City of Chicago v. F.P.C.*, 385 F.2d 629 (D.C. Cir. 1967); *Memphis Light, Gas and Water Division v. F.P.C.*, 500 F.2d 796 (D.C. Cir. 1974).

[27] 359 F.2d at 335 (footnote omitted).

[28] 385 F.2d at 633, *quoting United Fuel Gas Co.*, 12 FPC 251, 285 (1953).

[29] *Id.*

[30] 500 F.2d 796 (D.C. Cir. 1974).

[31] *Id.* at 807 (other footnote omitted).

necessarily have greater expenses each year corresponding to greater sales. Each transaction is completed but new higher value transactions replace the old ones. The Commission finds that the analysis given by Appalachian Power Company, *et al.*, with an analogy to "accounts payable", helps make these points clearer:

> * * * The opponents of normalization have confused the accounting of specific individual costs with their prediction of long-range historical patterns. They would lump together all deferrals, regardless of timing differences among them and their application to different service periods; and, if the lump grows, they would maintain that there is no reversal as to any deferral. But determining costs for purposes of ratemaking requires a calculation of pertinent individual costs. The issue is whether *individual* deferrals really do "turn around." The Commission's definition of "timing differences" applies normalization only to true deferrals—to those transactions which really do reverse. As such, there can be no "permanent tax savings" under the proposed rules; and, there can be no continual deferral of any individual "timing difference."
>
> An analogy can be made to the "accounts payable" of a growing firm. Such a firm will have an ever-increasing total of "accounts payable" because it must buy more if it is to sell more. However, since each individual account is paid when due, the fact that the total grows does not mean that there is a "permanent" deferral of any individual debt or that the firm is receiving a "permanent subsidy" from its creditors.[42]

Under the Commission's final regulations, only timing difference transactions qualify for tax normalization treatment and, by definition, every individual timing difference transaction "reverses or turns around." The effect on rates of more than one timing difference transaction is simply the sum of the effects of the individual transactions. It is only when new timing difference transactions of greater value arise that the accumulated deferred tax account grows. The growth of the deferred tax account, however, does not create a permanent savings.

It was also pointed out in the Notice that there cannot be a continual deferral of tax payments by the utility to the IRS unless there is concomitantly a continual deferral in the collection of the associated non-tax costs by the utility from its customers. Assuming a 50 percent tax rate, for every dollar of cost of service tax allowance in excess of "actual taxes paid", the utility has two dollars of "actual non-tax costs paid" in excess of the non-tax cost allowance in rates. For example, the utility must pay out two dollars for AFUDC interest expenses to get one dollar of deferred taxes in rates. From the standpoint of investment, for every dollar of accumulated deferred taxes recorded in a company's books there must concomitantly be recorded two dollars of unrecovered investment in assets. When the utility has recovered in rates all investment dollars associated with timing differences, there will be no deferred tax benefits that have not been reflected in lower rates to customers.

One commenter argued that the associated continual cost deferrals were of no significance in evaluating continual tax deferrals and gave several reasons. The first argument stated that continual cost deferrals are different from continual tax deferrals because the former is part of the capital formation process while the latter involves an expense. The second argument was that investors earn a cash return on the continual cost deferrals while ratepayers are promised only the possibility of lower rates if there is an overall turn around. The third argument was that investors have a substantive assurance that they will be made whole while ratepayers have no such assurance. The commenter argued that investors enjoy increased returns when new plants go into rate base, and if the investor sells his/her shares, the price he/she gets will reflect the buyer's discounting of the higher future earnings. However, ratepayers must remain customers of their utility to obtain the benefits of deferred taxes. The fourth argument alleged that the Commission assumed that the cost deferrals are financed by equity investors, rather than lenders, and contended that equity investors do not actually finance the deferrals until the plant is placed in service.

The first argument rests on the idea that taxes are not capital costs and should therefore not be treated as such. As we explained above (Section II–C), however, the tax allowance under tax normalization represents the current tax costs of the utility. Further, as one of the reply commenters stated, the attempt to make a distinction between capital costs and expenses misses "the central point that recovery of the (investor) dollars is [also] continually deferred."[43]

The second and third arguments are based on the view that deferred taxes represent customer-contributed capital, a view that the Commission explicitly rejects (*See* Section II–F). Further, the very fact that ratepayer population changes over time supports tax normalization rather than flow-through, since it is the former policy that treats ratepayers more equitably over time.

The fourth argument concerning the significance of continual cost deferrals is also flawed since it makes a meaningless distinction between equity investors and lenders in funding continual cost deferrals. Both equity investors and lenders are equivalent in that they give the utility the use of their money for a period of time in exchange for a return (or interest) commensurate with risks and both have recovery of their investment (the utility's cost) deferred.

Another criticism expressed in the comments to the proposed policy was that depreciation "base differences" (e.g., AFUDC interest expenses and intangible drilling expenses) were unlike liberalized depreciation timing differences ("method differences"). One commenter stated that this is because base differences involve single period tax deductions which at no time overlap with the ratemaking recognition of the expenses. The commenter concluded from this that there is no crossover point, and therefore, "the construction-related tax benefits at issue in this proceeding are permanent tax savings and not tax deferrals."[44] Another commenter stated that "base differences are items which are capitalized for rate purposes and taken as an expense in a single year for tax return purposes * * * [T]here is *no payback ever and only a pure tax savings is involved.*"[45]

As a number of reply commenters explained, certain expenses may be recognized in separate non-overlapping time periods for ratemaking and tax purposes, but this does not preclude a "turn-around or reversal". The reversal of base differences commences when the plant goes into rate base and the amount of the expense recognized for rate purposes is greater than the amount recognized for tax purposes. The reversal is complete when the plant is fully depreciated and the associated deferred taxes have been fully amortized in rates. Base differences like method differences are timing differences that simply involve the timing of when expenses are recognized as tax deductions for ratemaking and tax purposes. For these reasons, we do not agree with those comments that distinguished "base differences" from "method differences."[46]

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[42] Reply Comments of Appalachian Power Company, *et al.* at 13 (emphasis in original). *See also* Reply Comments of El Paso Natural Gas Company at 25–27.

[43] Reply Comments of Edison Electric Institute at 14.

[44] Comments of Public Systems at 44.

[45] Comments of East Tennessee Group, *et al.* at 18 (emphasis in original).

[46] *Cf. El Paso Natural Gas Company*, 22 F.P.C. 280 (1959), *affirmed, El Paso Natural Gas Co. v. FPC*, 281 F.2d 587 (5th Cir. 1960).

2. Comments and Responses on Legal Grounds.

Some commenters contended that the Commission lacks the legal authority to adopt tax normalization for the items covered by this rulemaking unless the Commission first finds that no tax savings will result. Public Systems, which developed this contention, argued that Commission and judicial precedent require that any continual tax deferrals created by stable or growing plant—such as the ones the Commission recognized in this rulemaking—must be treated as a tax savings and flowed through to the consumer in rates.[47] According to Public Systems, the only exceptions to the flow-through requirement are: (a) a Congressional mandate that tax normalization be adopted, or (b) individual cases in which the Commission explicitly finds that a utility will experience a tax deferral.

The Commission rejects these arguments. We find that, under the applicable legal precedent, we have wide discretion in determining the appropriate treatment of deferred taxes. Indeed, in determining the justness and reasonableness of rates, the Commission may use a variety of ratemaking approaches. *F.P.C.* v. *Natural Gas Pipeline Company*, 315 U.S. 575, 586 (1942); *Alabama-Tennessee Natural Gas Company* v. *F.P.C.*, 359 F.2d 318, 331 (1966). The courts have indicated they will broadly defer to the Commission's decisions as long as such decisions are not arbitrary and capricious or are based on substantial evidence.[48] Several commenters agreed with this interpretation of our authority.

As discussed below, various courts, including the United States Supreme Court, have recognized the Commission's broad discretion to allow either flow-through or tax normalization. We are unaware of any court decision expressly requiring the Commission to adopt either flow-through or tax normalization on the basis of any particular factor.

In *City of Lexington v. F.P.C.*,[49] the court upheld a Commission decision approving tax normalization despite petitioner's argument that a permanent tax savings would result.[50] The Commission based its decision on several factors including its view that Congress, in bestowing a tax benefit on utilities, intended to assist in the expansion of facilities and did not intend to benefit consumers.[51] The Commission also found that "by the use of deferral accounting, the consumers are to be saved from injury."[52] In addition, the Commission declined to assume that "expansion and price inflation will continue indefinitely * * *"[53].

The court on review deferred to the Commission's expertise in the field:

> It is obvious that we are confronted in this case with a problem in a special field which requires the exercise of expert skill that has been generally entrusted by state and Federal legislation to administrative regulatory tribunals whose decisions, in the absence of abuse of discretion, should be followed by the courts. We adopt that course in this case.[54]

In *Alabama-Tennessee*,[55] a subsequent Commission (in a three-to-two vote) decided to require the use of flow-through with accelerated depreciation instead of permitting normalization as a previous Commission had done. In explaining its overruling of prior cases which had allowed tax normalization, the Commission stated that prior Commissions had erroneously concluded that the Congressionally intended benefits of liberalized depreciation could only be achieved through tax normalization. Indeed, the Commission stated that Congress left the matter to "the sound discretion of the Commission."[56]

Since there was no Congressional policy dictating a required ratemaking treatment of the tax benefits of accelerated depreciation, the Commission did not find that its discretion was constrained.[57] The Commission found that it could analyze the facts before it and reach a result different from that reached in earlier decisions.[58]

The Commission primarily based its decision to allow flow-through on a finding that tax normalization would produce a "tax savings" for a company's composite plant assuming the plant would remain stable or grow.[59] The Commission considered several factors in reaching its decision including probable future developments in such areas as demand for gas, plant capacity, the adequacy of gas reserves, the level of plant construction costs, and the likelihood and impact of declining plant situations.[60] The Commission also based its decision on a finding that pipelines had the financial strength to expand plant capacity without tax normalization, and that flow-through, by reducing rates, would stimulate investment more effectively than would tax normalization.[61]

On appeal, the court deferred to the Commission's ruling since it was based "on substantial evidence of present conditions and a fair guess as to future conditions in the pipeline industry."[62] The court stated that the key issue under the Natural Gas Act was not the mechanics used to arrive at a rate structure, but the reasonableness of the entire rate structure itself.[63]

The *Alabama-Tennessee* court then quoted, with approval, from the brief filed by the Solicitor General opposing Supreme Court review of the earlier 5th Circuit *El Paso* decision, *supra*, on the ground that the case presented only a matter of administrative discretion:

> * * * [W]hatever merit there may be in either method, the least that can be said is that a regulatory Commission's choice between the two (normalization or flow-through) is assuredly within its discretion, depending on the particular agency. *No general issue of law is involved*, only a discretionary choice among competing accounting systems. Such a choice is not one which warrants review by this Court. *Under the same principle, the choice is one which can be changed by the Commission should it befome convinced that the other method is preferable.*[64]

The *Alabama-Tennessee* court found that the Commission's adoption of flow-through did not limit the Commission's discretion in the future on that issue:

> The Commission must, of course, concern itself with the possibility of having misread the future and with the future's taking a turn without benefit of advice from the Commission. All things change. But we should expect agency policy to be sufficiently flexible to attempt to change with changing times.[65]

In *Texas Gas Transmission Corporation*,[66] a later Commission voted to permit tax normalization of the tax effects of accelerated depreciation for pre-1970 property and post-1969 replacement property, again reversing the position of a prior Commission. The

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[47] Comments of Public Systems at 11–21.

[48] *See, e.g., Alabama-Tennessee Natural Gas, supra*, at 341; *Memphis Light, Gas and Water Division v. F.P.C.*, 500 F.2d 708 at 802; *Superior Oil Co. v. FERC*, 563 F.2d 191, 201 (5th Cir. 1977).

[49] 295 F.2d 109 (4th Cir. 1961).

[50] *Id.* at 112–113.

[51] *Id.* at 113.

[52] *Id.*

[53] *Id.*

[54] *Id.* at 114.

[55] Opinion No. 417, 31 FPC 208 (Feb. 3, 1964); Opinion No. 417–A, 31 FPC 928 (April 15, 1964).

[56] 31 FPC at 212.

[57] *Id.* at 210–215.

[58] *Id.* at 216.

[59] *Id.* at 215–16.

[60] *Id.* at 216–17.

[61] *Id.* at 218–19.

[62] *Alabama-Tennessee Natural Gas Company v. F.P.C.*, 359 F.2d 318, 339 (5th Cir. 1966), *cert. denied*, 385 U.S. 847 (1966).

[63] *Id.* at 331.

[64] *Id.* at 335, note 34 (emphasis in original).

[65] *Id.* at 338.

[66] Opinion No. 578, 43 F.P.C. 834 (June 3, 1970); *reh. den.*, Opinion No. 578–A, 44 F.P.C. 140 (July 21, 1970).

Commission noted that while the courts had upheld prior Commission decisions approving flow-through, the courts had never indicated that such a policy was required.[67]

The Commission recognized that different considerations were present in *Texas Gas* than in the prior flow-through cases. In *Texas Gas*, the Commission primarily based its tax normalization decision on the ground that "there is little chance with respect to this plant that there will be any permanent tax savings."[68] The Commission also considered several other reasons for approving tax normalization including:

(1) Before-tax coverage of interest expense would be improved;

(2) The quality of the utility's securities would be enhanced;

(3) Current cash shortages would be alleviated; and

(4) More stable tax costs would result and thus more stable rates.[69]

The United States Court of Appeals for the District of Columbia Circuit reversed the Commission's opinion in *Texas Gas*.[70] The Supreme Court reversed *in toto* and remanded the decision of the D.C. Circuit.[71] The Supreme Court recognized the Commission's wide discretion in setting rates.

Upon remand, after analyzing the Commission's reasons for concluding that a normalization policy should apply,[72] the D.C. Circuit affirmed the Commission's approval of tax normalization of the tax effects of accelerated depreciation for ratemaking purposes as based on substantial evidence.[73] In reaching its decision, the court specifically noted the Supreme Court's finding in *Memphis* that tax normalization was permissible even though it might increase rates.[74]

The courts have explicitly indicated that those decisions adopting tax normalization or flow-through are policy decisions and are within the special competence of the Commission. Prior Commissions based their decisions in those cases primarily on whether tax normalization would or would not likely create a tax deferral or a "tax savings" although they also considered other factors. In these cases, the courts have always dealt with the normalization/flow-through issue in terms of the Commission's own analysis of tax savings versus tax deferral. The courts have never held that the Commission was required to disallow normalization if there were a possibility of a constant or growing balance in the accumulated deferred tax account.

3. Conclusion: Tax Savings versus Tax Deferrals.

The Commission finds that the tax normalization policy, as set out in the final rule, will not cause utilities or their investors to realize a permanent tax savings. Firms that are continuously growing may have continual tax deferrals measured by the total amount in the deferral accounts. Continual tax deferrals are not permanent tax savings since they do not confer a permanent tax benefit on utilities or their investors. When viewed in the aggregate, tax deferrals arising from timing differences can continue into the indefinite future. But the aggregate of all timing difference transactions is simply the sum of the individual timing difference transactions and the individual transactions reverse as do their associated tax effects.

Permanent tax savings can arise from permanent differences as contrasted to timing differences. Permanent differences (in ratemaking) are differences between the amounts of expenses or revenues recognized in one period for income tax purposes and for ratemaking which do not reverse or turn around in one or more other periods. The final rule is not applicable to permanent difference transactions. It requires tax normalization only for timing difference transactions.

To the extent that prior Commissions found that permanent tax savings arose from permanent difference transactions and denied tax normalization on that basis, we agree with and confirm that finding. However, prior Commissions appear to have used the term "permanent tax savings" to apply to "continual tax deferrals". Leaving aside this semantic distinction, the Commission does not believe a finding of evanescent versus continual tax deferrals should be the determinative factor in a decision to adopt a policy of tax normalization or flow-through.

F. Deferred Taxes as Customer-Contributed Capital; the "Loan" Analogy

To illustrate certain aspects of the difference between tax normalization and flow-through in revenue requirements over time, the Notice and the attached Staff Study used an analogy of a customer loan. It is apparent from the comments, however, that this "analogy" increased rather than reduced confusion. Indeed, the source of many of the criticisms of tax normalization can be traced to the erroneous premise that a loan is being made by ratepayers to the utilities.[75] To the extent that the Notice conveyed or supported this notion as fact rather than as an illustrative analogy, the Commission now finds it in error.

The example given in the Notice was misleading, at the least, when it hypothesized that customers make a loan to their utility equal to the tax normalization/flow-through revenue requirement difference. As pointed out by one reply commenter, utilities do not receive this amount. They only receive an amount equal to the deferred tax component of the cost of service. The rest goes to the U.S. Treasury in the form of current taxes.

Second, the example assumed a Type I timing difference. If a Type II of III timing difference had been used, the loan would have appeared to be from the utility to customers.

The analysis also assumed flow-through as the base and evaluated the incremental effects of tax normalization on required revenues as the "loan". If tax normalization had been assumed as the base for the analysis of the Type I timing difference, the loan would have again appeared to be from the utility to customers. Thus, the frame of reference and type of timing difference used in the analysis determined the source and beneficiary of the "loan".

The "loan" analogy is clearly wrong to the extent that it implies that ratepayers have an ownership claim or equitable entitlement to the "loaned monies". Tax normalization does not impose any burden upon ratepayers to pay in excess of the costs associated with the services they receive. Under tax normalization, ratepayers are charged the same rates as they would have been charged had there been no timing differences, *i.e.*, if the IRS allocated expense and revenue transactions to the same time periods as the regulatory agency.

At the most, the "loan" analogy can be viewed as illustrative. It shows that the "return" obtained by ratepayers on the "loan" is equal to the utility's after-tax cost of capital. The important point here, however, is that customers receive in lower rates the full amount of the savings achieved by companies by virtue of their having use of the deferred

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[67] 43 F.P.C. at 829.

[68] *Id.*

[69] *Id.* at 829–30. .

[70] *Memphis Light, Gas and Water Division v. F.P.C.*, 462 F.2d 853 (D.C. Cir. 1972).

[71] *F.P.C. v. Memphis Light, Gas and Water Division*, 411 U.S. 458 (1973).

[72] *Memphis Light, Gas and Water Division v. F.P.C.*, 500 F.2d at 790, 801–806 (1979).

[73] *Id.* 802, 807.

[74] *Id.* at 807.

[75] This is not to say that customers do not pay rates that recover deferred taxes. They do. But paying deferred taxes in rates does not convey an ownership or a creditor's right.

tax funds. The deferred taxes represent a cost-free form of financial capital to the utilities. The deduction of accumulated deferred taxes from rate base is not intended to provide customers with a return on funds loaned to utilities. Rather, as a number of parties have correctly pointed out, it is simply a way of reflecting the fact that a certain portion of rate base is not financed by investor funds so that there is no "interest" cost to the utility on a portion of its rate base. There is no "interest" cost that requires collection in rates.

The staff study proceeded from here to discuss the implications of the notion that the "return" ratepayers receive is in the form of lower rates and is thus tax-free. This analysis seems to elevate the importance of the fictitious "return" to an unwarranted level. It raises questions about the adequacy of the "return" when, from a policy perspective, this is irrelevant. Utilities employing tax normalization do not increase their earned rates of return above those they are allowed because of normalizing taxes. All the benefits achieved from having the use of deferred taxes are passed to consumers. In order to give ratepayers any higher "return" on the "deferred tax loan", the Commission would have to raise utility rates, not lower them.

The evaluation of the flow-through and tax normalization options from the point of view of whether ratepayer discount rates are below, equal to, or above the utility's after-tax cost of capital presupposes that the two policies are equally attractive from a just and reasonable ratemaking perspective. They are not equal. There are clear-cut differences between the rates set under a tax normalization policy and those set under a flow-through policy. The Commission's evaluation of these differences is that tax normalization achieves rates that are more cost-related and equitable to ratepayers over time.

Since the Commission finds the analysis of tax normalization from the perspective of a customer loan to have little merit, it also finds little merit in the criticisms of the tax normalization policy that are based on the presumption a customer loan.[76]

G. Rulemaking Versus Case-by-Case Treatment of Tax Normalization

1. Authority for Rulemaking. Several commenters argued that to the extent the Commission can adopt tax normalization it must do so through individual rate proceedings. In such proceedings, according to one commenter, the Commission can approve tax normalization only if the utility demonstrated that a tax deferral rather than a permanent tax savings is involved. Another commenter stated that a generic tax normalization rule is a *per se* violation of the just and reasonable rate standard because it permits recognition of tax expenses beyond those "actually paid" without the scrutiny of individual case consideration. As discussed above, the Commission finds that neither the "permanent tax savings" test nor the "actual taxes paid" principle is determinative of the Commission's authority to grant tax normalization. (*See* Sections II–D and II–E.)

As for the argument that the Commission must resolve the tax normalization/flow-through policy issue by adjudication rather than rulemaking, the law is directly to the contrary. Courts have frequently upheld the Commission's discretion to set rates through rulemaking.[77] This has been specifically recognized in *Alabama-Tennessee*.[78] The court held that in deciding whether to adopt flow-through or tax normalization the Commission may proceed by rulemaking or adjudication. The Commission severed the tax normalization issue from a rate case involving Alabama-Tennessee Natural Gas Company and severed the same issue from numerous other rate cases involving natural gas companies.[79] its opinion to determine the just and reasonable rate for Alabama-Tennessee and to apply the general principle as to all other parties.[80]

On review, the court recognized the Commission's wide discretion in choosing the appropriate procedure, including rulemaking, to decide the tax normalization issue:

> The Commission was not obligated to decide the rapid depreciation issue in a rulemaking rather than a ratemaking proceeding. The choice between proceeding by general rule or by individual, ad hoc litigation is one that lies in the informed discretion of the administrative agency.[81]

The court further stated that:

> • • • As long, however, as the Commission stays within constitutional and statutory limits, it is competent to determine whether to deal with a policy problem in an adjudicatory proceeding, a rulemaking proceeding, or a special proceeding of the type employed in this case.[82]

The court concluded that:

> • • • the Commission was within its power in adopting flow-through for Alabama-Tennessee in a proceeding under Section 4 of the Natural Gas Act, even though the findings and order with respect to the petitioner establish a policy that may also affect other interstate pipeline companies.[83]

The Commission notes one commenter's discussion of the cases addressing the Commission's ability to proceed by rulemaking on tax normalization as follows:

> If anything, the courts have approved the Commission's past preference to resolve the tax normalization issue in individual rate proceedings with some misgivings, and have clearly inclined toward the view that adoption of such an industry-wide policy could best be considered in a rulemaking proceeding where all potentially affected parties could participate.[84]

Moreover, the Supreme Court has made it clear that an administrative agency

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[76] Examples of this type of criticism include the arguments suggesting that tax normalization discourages self-generation projects or is inequitable to customers who switch dealers because departing customers lose part of the "loan" they have made. *See* Section II–B, above.

[77] *See, e.g., Permian Basin Area Rate Cases*, 390 U.S. 747 (1968) (approving the Commission's authority to set area-wide producer rates through rulemaking). The *Permian* court established that the Commission's determinations in the area of natural gas ratemaking will withstand judicial scrutiny if (1) the Commission has acted within the scope of its authority, (2) its rate order is based upon substantial evidence and (3) the "end result" is just and reasonable. 390 U.S. at 791. There is presently a conflict between the United States Circuit Courts of Appeal over the specific question of whether the "substantial evidence" test or the "arbitrary and capricious" standard applies to judicial review of rulemakings under the Natural Gas Act. However, several courts have indicated that the "arbitrary and capricious" test and the "substantial evidence" test may not, in practical effect, impose a different standard of review for informal rulemakings. *See ECEE* v. *FERC*, 611 F. 2d 554 (5th Cir. 1980), at 3019–20, n. 22; *American Public Gas Association* v. *FPC*, 567 F. 2d 1016, 1028–29 (D.C. Cir. 1977); *Associated Industries of N.Y. State, Inc.* v. *U.S. Department of Labor*, 487 F. 2d 342, 349–50 (2d Cir. 1973); *National Small Shipment Traffic Conference Inc.* v. *CAB*, 618 F. 2d 819 (D.C. Cir. 1980). In any event, the Commission believes that this rule satisfies either test.

[78] *Alabama-Tennessee Natural Gas Co.* v. *FPC*, 359 F. 2d 318 (5th Cir. 1966).

[79] *Alabama-Tennessee Natural Gas Company*, 31 FPC 208 (February 3, 1964), *reh. den.* 31 FPC 928 (April 15, 1964).

[80] *Id.* at 929.

[81] 359 F. 2d at 343 (citation and footnote omitted).

[82] *Id.* (citation omitted).

[83] *Id.* at 344.

[84] Reply Comments of El Paso Natural Gas Company at 7–8. The footnote to the above quoted language provided:

"*See City of Chicago* v. *FPC*, 385 F. 2d 629, 643 (D.C. Cir. 1967) (FPC free to utilize adjudication of pipeline rates 'notwithstanding the efforts of courts and scholars to encourage greater use of regulations for broad policy declaration'); *Alabama-Tennessee Natural Gas Co.* v. *FPC*, *supra*, note 11, at 341 ('singularly eccentric that a matter as important to the natural gas industry as the Commission's about-face on liberalized depreciation' is resolved in a single pipeline rate proceeding but approves choice of procedure). *See also San Antonio* v. *United States*, — F. 2d —, No. 79–3061 (D.C. Cir. June 6, 1980) (*Slip Op.* at 23) (application of rule specifying tax normalization to individual rate proceeding upheld)."

possesses the flexibility to employ any procedure that it believes is best suited to effective resolution of the issue.[86]

In addition to the above-cited judicial authority for the Commission's authority to proceed by rulemaking, section 403(c) of the Department of Energy Organization Act (DOE Act) specifically provides for ratemaking by rulemaking:

> Any function described in section 402 of this Act which relates to the establishment of rates and charges under the Federal Power Act or the Natural Gas Act, may be conducted by rulemaking procedures.

The functions described in section 402, referred to above, include "the establishment, review and enforcement of rates and charges for the transmission and sale of electric energy * * * under Part II of the Federal Power Act * * *" (section 402(a)(1)(B)) and "the establishment review, and enforcement of rates and charges for the transportation and sale of natural gas by a producer or gatherer or by a natural gas pipeline or natural gas company under sections 1, 4, 5, and 6 of the Natural Gas Act * * *" (section 402(a)(1)(C)).

Tax normalization clearly relates to establishment of rates and charges under the FPA and the NGA. Therefore, under section 403(c) of the DOE Act, the Commission may adopt a tax normalization policy by rulemaking.

2. Price Squeeze. In the Notice, the Commission stated that if differing state commission/federal commission treatment of tax normalization, in whole or in part, were found to cause undue discrimination between wholesale and retail rates, then the Commission might consider the denial of tax normalization as one of the possible remedies to the undue discrimination. The Commission also stated that its inquiry into price squeeze and undue discrimination on a case-by-case basis did not prohibit it from instituting tax normalization as a general rule, since many factors, not just normalization, could cause a non-cost justified disparity between wholesale and retail rates with a resulting anticompetitive effect.

One commenter, in agreeing with the Commission that the rate effect of tax normalization is but one of the factors to be considered in analyzing the price squeeze issue, requested that the Commission give the utilities the latitude to be consistent with the state commission tax treatment of timing difference transactions. While one commenter did not believe that denial of tax normalization was an appropriate means of treating price squeeze problems, another commenter believed such denial was appropriate. This latter commenter requested that the Commission limit the denial of tax normalization, as a remedy for undue discrimination, to those items that the state commission allowed to be flowed through so that the Commission would not force a utility to flow through items that state commissions normalized. Finally, one commenter urged flexibility on the Commission's part and suggested that denial of tax normalization could be used to remedy undue discrimination between wholesale and retail rates even if the state commission allowed tax normalization.

The Commission reiterates its position as stated in the Notice that we are not prevented from instituting tax normalization as a general rule although the use of tax normalization may be a contributing factor to undue discrimination in a particular case. Many factors can contribute to a Commission finding of price squeeze and undue discrimination, including differences between federal and state commission policies, and these factors will be explored by the Commission in each case in which the price squeeze issue is raised. The Commission does intend to retain the flexibility to deny tax normalization or modify other cost of service methods as possible remedies after a finding of undue discrimination. Moreover, the Commission, in departure from the Notice, will not declare at this time that it will limit the denial of tax normalization to those circumstances in which the state commission allows flow-through and this conflict between state and federal policies is a contributing factor to the undue discrimination. Except for this change, we fully support the discussion contained in the Notice [86] on the question of the impact of the price squeeze issue on this rulemaking.

H. Tax Normalization and the Just and Reasonable Standard of the Federal Power Act and the Natural Gas Act

Several commenters argued that the tax normalization rule violates the just and reasonable rate standards of the FPA and NGA on the ground that it adversely affects consumers. Public Systems in its comments claimed that the Commission failed to address the finding in *Public Systems* v. *FERC* [87] that any policy favoring normalization "must comport with the spirit of federal utility regulation that consumers at least will suffer no detriment under CITA [comprehensive interperiod tax allocation]".[88] Public Systems claims that the *Public Systems* case prohibits normalization to the extent that such a policy acts to the detriment of consumers by preserving the benefits of continual tax deferrals (tax savings) to utilities. As discussed in Section II–E, above, the Commission finds that it can adopt a normalization policy based upon a variety of factors and is not constrained under the "permanent tax savings" (continual tax deferral) theory.

The Commission also finds that its tax normalization policy meets the applicable legal tests under the just and reasonable rate standard, including the consumer protection test. As Public Systems' comments correctly observed, the *Public Systems* court based the "no detriment" to consumers language upon the traditional consumer protection test under long-standing judicial interpretations of the NGA and the FPA.[89] However, the court also recognized that tax normalization must at the same time meet the traditional financial integrity test under judicial interpretations of the NGA and FPA.[90] The Commission's decision to adopt tax normalization in this rulemaking has been guided by the same standard, which amounts to a balancing test of supplier and consumer interests.

The Supreme Court in *F.P.C.* v. *Memphis Light, Gas and Water Division*, 411 U.S. 458 (1973), reviewed the authority of the Commission to use tax normalization in the ratemaking treatment of depreciation. In upholding the Commission's authority to adopt tax normalization, the Court made clear that there were "two aspects of the power of the Commission to fix 'just and reasonable rates'".[91] One aspect was the desire to protect consumers against exploitation; the other aspect was to insure that the utility's revenues were adequate to ensure its financial integrity.[92] The Court further stated that the depreciation practices affect rates and that there was no indication that Congress in the Tax Reform Act of 1969

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[86] *See Vermont Yankee Nuclear Power Corporation* v. *Natural Resources Defense Council*, 435 U.S. 519 (1978).

[86] Notice at 45–46, 45 FR at 22001–2.

[87] 600 F.2d 973 (D.C. Cir. 1979).

[88] *Id.* at 979 (footnote omitted).

[89] 600 F.2d 979. The footnote to the "no detriment" language provides in pertinent part:

> Both the Natural Gas Act and the Federal Power Act aim to protect consumers from exorbitant prices and unfair business practices. This purpose can be seen in the statutory requirement that rates be just, reasonable, and nondiscriminatory. 16 U.S.C. 824d(a), (b) (1976); 15 U.S.C. 717c(a), (b) (1976). *See FPC* v. *Hope Natural Gas Co.*, *supra*, 320 U.S. at 611–12 (other citations omitted.).

[90] The case footnote cited in footnote [89] above further provides:

> Of course, protection of the consumer includes maintaining the financial integrity of the regulated firm * * *

[91] 411 U.S. at 465–6.

[92] *Id.* at 465–6; 474.

desired to modify "the broad discretion of the Commission delineated in *Hope Natural Gas* and in other rate cases."[90]

The Court also made clear that the just and reasonable standard could be satisfied even if it increased rates:

> We find no trace of a suggestion that the Federal Power Commission was denied authority to determine whether on particular facts the abandonment of flow-through by a utility within the parameter of the Tax Reform Act of 1969 would be in the public interest as envisaged by the Natural Gas Act, even thought it might increase rates.[91]

The Court, in reversing the decision of the D.C. Circuit that had vacated the FPC's approval of tax normalization for accelerated depreciation, emphasized the meaning of the just and reasonable standard:

> As already noted, under *Hope Natural Gas* rates are "just and reasonable" only if consumer interests are protected and if the financial health of the pipeline in our economic system remains strong.[92]

On remand,[93] the D.C. Circuit reviewed the Commission's use of normalization on the basis of whether that use comported with the Supreme Court's articulation of the just and reasonable standard.[94] In holding that it did, the court noted the Supreme Court's language sanctioning tax normalization even though it might increase rates and recognized that consumers would be protected under normalization even if rates increased:

> For while Texas Gas is not currently paying taxes at straight-line rates, it is incurring the liability to pay increased taxes in the future. Such a method as normalization, whereby current consumers are prevented from forcing future consumers to pay their deferred taxes, does not amount to causing an increase of rates based on fictitious taxes.[95]

The key point is that the court left to the Commission's discretion the ability to approve tax normalization on the basis that rates will be just and reasonable over the *long term*, even though rates might increase over the *short term*.

The Commission, in adopting the tax normalization policy in the instant rulemaking, has considered both the industry and consumer aspects of the just and reasonable rate standard.[96] Moreover, the Commission has demonstrated that tax normalization will protect all consumers against exploitation by providing equitable treatment for both present and future ratepayers. In the long run, consumers will suffer no detriment under normalization because they will receive the full tax benefit of expenses they have paid.

I. Comments on the Impact Analyses

In the Notice, the Commission included a staff analysis of the impacts that the proposed tax normalization rule would have on four items:

1. Rates
2. Cash flow
3. Rate of return
4. Cost of capital

This section discusses the comments received on the rule's impacts in these areas and concludes that the initial impact estimates were reasonable and can be relied upon to guide the Commission's decision on whether a general rule to apply tax normalization should be adopted.

1. Rate Impact

a. Staff impact analysis

Few substantive comments were submitted criticizing the overall reasonableness of staff's estimates of the impact of the proposed policy on electric utility and natural gas pipeline rates. Some commenters noted that staff's impact analysis showed that consumers would pay higher rates for the foreseeable future under tax normalization. One commenter claimed that tax normalization has a "substantial adverse effect on rates."

The Commission has reviewed staff's study and is aware that under certain circumstances the rates under tax normalization will be higher than under flow-through for some period of time. The Commission does not believe that the rate effects can be accurately characterized as "substantial". Since tax normalization more equitably allocates tax costs over time and is thus the more rational policy, it seems more reasonable to view the rate impact as showing the extent to which flow-through, for most timing differences, forces future customers to subsidize current customers. Thus, the lower the flow-through rates are in comparison to normalization rates, the greater the potential inequity to customers over time.

Further, the Commission believes that those commenters who view tax normalization as imposing higher rates are overlooking or underestimating the potential impact of tax normalization on the cost of capital. They also seem to overlook the fact that tax normalization applied to timing differences like plant removal costs tends to produce lower rates initially than flow-through. Tax normalization of plant removal costs (expecially nuclear decommissioning expenses) is likely to begin having significant and widespread impacts on wholesale rates over the next few years.

A few commenters suggested that the Commission should place more emphasis on the high ends of the ranges in staff's projected industry growth rates. None, however, provided any real basis for a finding that there was any downward bias in staff's projected impacts.[100]

One commenter criticized the staff study for relying on a model based upon industry-wide averages that could not accurately reflect the rate impact on individual companies. The assumed capitalized expense ratio for natural gas pipelines was cited as an example of how the impact estimates could be in error. It was alleged that the projected 1979 through 1994 capitalized expense ratio for El Paso Natural Gas Company is 78.1 percent—well above staff's 4 percent assumed ratio for natural gas pipelines. However, this high ratio is due primarily to intangible drilling costs and the ratio based only on construction-related taxes, pensions and interest—the only items quantified by staff—is 4.9 percent. Thus, El Paso's capitalized expense ratio for those items considered is not that different from staff's assumed ratio.

The timing differences arising from intangible drilling costs affect only a few natural gas pipelines. These are pipelines that have natural gas production operations that continue to receive cost of service treatment. In view of the isolated instances in which this timing difference would apply, it was reasonable for the staff's analysis to ignore intangible drilling costs.

In evaluating the rate impacts of the proposed policy, the Commission finds staff's approach in estimating the average industry-wide impacts a

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[90] *Id.* at 466.

[91] *Id.* at 472–3.

[92] *Id.* at 1474.

[93] *Memphis Light, Gas and Water Division v. FPC*, 500 F.2d 798 (1974).

[94] *Id.* at 807.

[95] *Id.* at 807 (footnote omitted).

[96] These considerations are summarized in Section I–B above.

[100] One initial comment (Public Systems at p. 47), cited a recent Edison Electric Institute (EEI) study entitled "Economic Growth in the Future—II" to suggest that staff's projected 2–4 percent range of real growth rates in electric utility "capacity" was too low. That study projected a "Preferred Scenario" growth rate in electricity "generation" of 4.3 percent between 1978 and 2000. Public Systems' citation is misleading. First, the study looks at various scenarios for the future and projects what growth rates may occur under a variety of assumptions. The "Preferred Scenario" is only one of five scenarios examined. Second, the growth rate cited by Public Systems is for electricity generation, not capacity, which is the basis for staff's real growth rates. The EEI "Preferred Scenario" growth rate in "capacity" is 3.8 percent, within the 2–4 percent range considered reasonable in staff's analysis. Growth in capacity was used in the staff study because the study was measuring the effects of the alternative policies on capacity-related timing differences.

reasonable one. The impracticality of doing individual company forecasts together with the fact that the rate impact is only one of a number of factors in the Commission's evaluation of the proposed policy makes the industry-wide approach desirable.

A few of the commenters criticized staff's analysis for assuming income tax rates will remain constant. The implication in their comments was that the utilities and their stockholders will profit from tax rate reductions. As explained below (Section II–J.6), no such result is likely to occur under the Commission's ratemaking and accounting policies. In terms of the impact analysis, projecting reductions in tax rates would result in reductions in rates under both normalization and flow-through policies, leaving the revenue requirement differentials relatively unaffected. Thus, little purpose would have been served in assuming that tax rates will fall in the future.

Finally, one commenter criticized the Commission for not providing support for the claim that "staff's quantitative evaluation covers the types of timing differences at issue that, for the majority of individual utilities, can be expected to have the largest impact on rates." The commenter further criticized the Commission for not providing any quantitative data on the aggregate impact of the items excluded from the staff study.

The Commission relies on the expertise and experience it gains through participation in rate cases and in conducting company audits for evaluating the comprehensiveness of its impact analysis. Furthermore, the Commission explicitly asked commenters to provide data on additional timing difference transactions that may have been excluded from staff's analysis. Only one substantial comment was received on this issue—that related to intangible drilling costs—which we addressed above.

Appendix C of the Notice which listed additional timing differences covered by the proposed rule was based on an informal review by staff of electric utility and natural gas pipeline Annual Reports. These Annual Reports are publicly available, and so the thoroughness of staff's analysis could have been evaluated. No commenter has shown any significant deficiency in staff's rate impact analysis.

b. Other impact analyses. Public Systems presented a 30-year simulation analysis of the impact on the electric utility industry of normalizing certain timing differences (accelerated depreciation and capitalized interest) and investment tax credits. The principal conclusion was that normalizing these items "will produce phantom taxes of at least $800 billion and a stockholder windfall of $1.2 trillion on new plant additions over the next thirty years."[101]

The deficiencies of Public Systems' study are numerous. First, the Commission notes that the study is largely irrelevant in that it deals with investment tax credits and accelerated depreciation. Public Systems stated that only about one-third of the estimated impact (that due to normalizing capitalized interest) can be attributed to the proposed rule. Second, even this is an overstatement. As two reply commenters remarked, the study overstated capitalized interest by assuming that there are no equity portions in AFUDC. According to one reply commenter, capitalized interest accounted for only 40 percent of AFUDC in 1978. Third, the study uses interest expenses as a tax deduction twice: Once during the construction period and again during the operating life by computing tax depreciation on total plant.

A fourth deficiency was that the Public Systems study never explained the basis for alleging that "phantom taxes" are windfall gains to stockholders. The Commission notes that the study also does not provide any explanation of how stockholders actually receive returns in excess of those allowed. The study simply defined the actual return to stockholders as composed of the "allowed return plus phantom taxes and that portion of the depreciation expense allowance that is attributable to plant additions that were purchased with customer-contributed capital (i.e., plant which was financed by the deferred tax and JDIC [sic] reserves)."[102] As explained in various other sections of this order, [103] the Commission finds no basis for concluding that stockholders benefit in any direct monetary way from the proposed policy.

One other comment contained a forecast, through 2014, of the rate impact of tax normalization compared to flow-through for a particular company. This analysis, presented by East Tennessee Group, *et al.*, showed that for El Paso Natural Gas Company, rates calculated under tax normalization would fall and remain below rates calculated under flow-through after 1986. This analysis is wholly consistent with staff's impact analysis which showed that, for natural gas pipelines, normalization rates would, over the next decade or so, fall below flow-through rates.[104]

2. Cash Flow Impact. In the Notice, the Commission pointed out that "normalization tends to improve a utility's internal cash flow when the need is greatest and to decrease it when the need is less" (45 FR at 22069). More specifically, with a 50 percent composite federal/state tax rate, "normalization provides additional cash in the amount of 50 percent of any incremental cash need arising from timing difference transactions and, similarly, reduces any incremental cash 'excess' by 50 percent" (45 FR at 22077). This conclusion is based upon the analysis, provided in the staff study attached to the Notice, of the matching in rates of timing difference transactions with their associated tax effects under tax normalization.

One commenter found this reasoning to be circular, arguing that it was grossly unfair of the Commission to support higher rates solely on the ground that rates are thereby higher, and was a "pernicious" justification for tax normalization. The commenter further hypothesized a situation it believed was a logical outgrowth of an illogical premise: if cash flow were really going to decrease in the future, as suggested in the Notice, at a time when a utility's rate base is substantially lessened by high deferred tax accounts and when expenditures for construction were growing, then the potential impact on a utility's ability to meet its cash obligations—including dividends—could be devastating and could be used to justify future rate increases based on adverse cash flow *despite* adequate earnings.

We agree with a reply commenter who countered this argument by explaining that the central point is that cash flow under tax normalization coincides better with cash needs than under flow-through, since tax normalization matches the cash flow benefits with the associated cost. The reply commenter faulted the initial commenter for basing its hypothesized situation upon two incorrect assumptions: that a utility's capital investment will grow and that it will grow steadily. Only steady growth can mask the adverse cash flow consequences arising from the rate

[101] Comments of Public Systems, Exhibit B at 9.
[102] Comments of Public Systems, Exhibit B at 8.
[103] See especially Section II–L4 below.
[104] See Comments of East Tennessee Group, *et al.*, App. B, MJM–3 at Schedules 1 and 2. The East Tennessee Group, *et al.*, uses its rate impact analysis to show how ratepayers are, in some way, harmed by not being given an adequate "return" on their "loan". For reasons discussed in Section II–F, we reject the latter analysis since it assumes that tax normalization involves capital contributions from ratepayers.

recognition of costs at a different time from the rate recognition of associated tax benefits under flow-through. Furthermore, the reply commenter recognized that, while the level of investment in some utilities may grow at a moderate or rapid rate, it is reasonable to expect that other utilities' investments will not grow and may decline, based on current trends in prices and usage rates for energy.

Another reply commenter substantiated the view that growth in the electric utility industry is not likely to be steady. According to this reply commenter, economies of scale dictate that even a utility experiencing rapid growth will build one or two large plants instead of six or seven smaller ones. Further, new plant costs are never spread evenly over the construction period, but rather tend to bunch in certain years. An example was given of a five-year construction period in which 10 percent of the costs were expended in each of the first, second and fifth years but 35 percent of the costs were expended in each of the third and fourth years.

Several commenters faulted the Commission for relying on normalization as a means to improve the current cash flow position of utilities. They argued that there are other, more equitable ways by which cash flow can be improved, such as through the use of contributions in aid of construction. They further argued that current growth forecasts, particularly when viewed with current tax laws, eliminate the across-the-board need for increased cash flow; that utility capacity and supply positions today are considerably improved over what they were six years ago; and that many utilities have cut back their construction budgets not because of an inability to finance but because they had overbuilt.

These comments are misplaced. The Commission did not propose the instant tax normalization rule for the purpose of improving the cash flow or financial position of utilities. Instead, the Commission, in the Notice, merely attempted to show the impact of tax normalization on utilities' cash flow positions.

This is not to say that the impact on cash flow is not an important policy consideration in the Commission's evaluation of the tax normalization and flow-through policies. It is. Timing differences are a source of cash flow difficulties for utilities. This is because the most significant timing differences are created by ratemaking deferrals of utility costs. For example, utilities are required to make cash outlays for construction-related interest, taxes, and pension costs prior to their recovery of those costs in rates charged customers. This has been an important factor in the cash flow problems faced by electric utilities over the last decade. Tax normalization, by permitting utilities to retain the tax effects (benefits) of those expenses when the cash outlays have to be made, provides utilities with some cash (deferred taxes) to meet these financing needs.

The starting point in the Commission's cash flow analysis is the assumption that, in large part, the recognition of expenses for tax purposes is more closely coincident in time with the actual utility outlays of funds for those expenses than is their recognition for ratemaking. This is true for construction-related interest, taxes, and pension costs, regulatory commission expenses, and plant removal costs—the major items subject to the instant rule. With a 50 percent tax rate, tax normalization reduces the net cash outlays by a utility for these expenses by 50 percent. Conversely, when these expenses are recognized in ratemaking and the utility has no cash outlay requirement for them, tax normalization reduces the utility's cash inflow by 50 percent of the amount recognized in rates. Further, as with the other impacts, these conclusions hold whether one is looking at a single transaction or many transactions.

These results are significant in their showing that tax normalization acts as a stabilizing force on utility cash flows. The Commission finds this an attractive feature of the tax normalization policy, but it is not the reason the Commission is adopting such a policy. The Commission has not been swayed from the logic and value of this result by the comments.

3. Rate of Return Impact. None of the commenters gave substantive reasons for opposing the finding of the Commission contained in the Notice that deferred taxes do not accrue to the benefit of utility stockholders. No party raised any objections to the portion of the staff study, attached to the Notice, discussing this impact. At most, the comments of the opponents to tax normalization simply asserted that utility stockholders benefited from the proposed policy.

One commenter claimed to estimate that tax normalization of liberalized depreciation, Asset Depreciation Range life differences and AFUDC interest along with the investment tax credit would result in windfall earnings of about $1.2 trillion dollars during the next 30 years.[105] As explained above (Section II–I.1.b), the analysis of this commenter is fatally flawed. With respect to the commenter's assertions of windfall earnings, it bears reiterating that deferred taxes cannot be paid out as dividends or placed in retained earnings under the Commission's tax normalization accounting rules. Tax normalization does not inherently give utilities (or their stockholders) an opportunity to earn returns in excess of those nominally allowed.

The idea of a shareholders' windfall under tax normalization was also debunked by one reply commenter on the basis that the stock market has not reflected any such supposed windfall. It was pointed out that if tax normalization effectively doubles or triples the return to stockholders, then that should be reflected in a doubling or tripling of stock prices of utilities using tax normalization policies. Since this has not been observed and, in fact, one finds utility stocks selling below book value, it cannot be claimed that stockholders are receiving or anticipating a windfall.

Another reply commenter used an analogy with "accounts payable" to show how no windfall results from tax normalization even when the firm is growing. While a growing firm will have a growing amount of accounts payable, that fact does not have any implication for the firm's profitability. The firm cannot use funds from its accounts payable to pay dividends or increase retained earnings. Even though the total of accounts payable may grow, the firm is not "permanently" deferring payments to its creditors; it is not receiving a permanent subsidy from its creditors since each individual account is paid when it is due. Similarly, while the total of accumulated deferred taxes may grow, that "continual" deferral does not imply a permanent subsidy since, over the life of each timing difference transaction, the effects of the associated deferred tax debits and credits net out to zero. Certainly, no subsidy accrues to the benefit of utility shareholders under tax normalization.

The Commission reaffirms its earlier statement that deferred taxes arising under tax normalization do not benefit utility stockholders. Earned rates of return are unaffected by the existence of deferred taxes; thus, the rate of return impact between tax normalization and flow-through is neutral. To the extent that capital costs are lower under tax normalization than under flow-through, allowed rates of return would be adjusted to reflect these lower capital costs. Finally, deferred taxes do not accure to stockholders any more than the associated deferred costs accrue to

[105] Comments of Public Systems, Exhibit B at 8.

ratepayers, given the Commission's ratemaking and accounting policies.

4. Cost of Capital Impact. The Commission in the Notice concluded that the weight of the evidence supported the view that the cost of capital to utilities tended to be lower when they used tax normalization rather than flow-through. This evidence, presented in the staff study attached to the Notice, included economic logic, recent available data and a number of statistical studies completed between 1965 and 1979.

The comments contained no criticisms of staff's list of four theoretical arguments used to support the existence of a lower cost of capital under normalization. However, four other arguments that were presented in the comments attempted to support the opposing view; that is, the use of flow-through resulted in a lower cost of capital than the use of tax normalization. The Commission finds none of these arguments persuasive.

First, it was contended that the accumulated deferred taxes arising from tax normalization constitute a senior liability to utilities. These taxes were alleged to increase a utility's leverage and thus the financial risks faced by investors (presumably both lenders and stockholders).

There are a number of problems with this argument. Assuming no change in business risk and assuming investors place some constraints upon a utility's use of leverage, one would expect the higher financial risk due to accumulated deferred taxes to be offset by a reduction in the use of conventional types of senior liability. The evidence, however, does not support this. The staff study showed that, if anything, utilities that normalize tended to have a higher debt ratio than flow-through utilities. The debt ratio of utilities that normalized average 54.2 percent for the period 1974 through 1978. The comparable statistic for flow-through utilities was 53.4 percent. These rates were based upon capital structures that excluded deferred taxes. If accumulated deferred taxes were seen as a senior liability, the debt ratios of utilities that normalize (calculated to include the deferred taxes) would be higher still. Thus, the empirical evidence appears to contradict the notion that investors place a higher risk on utilities that normalize.

Another problem with this theory is the fact that whether utilities use tax normalization or flow-through they face the same future tax liabilities. The difference is that utilities that normalize accumulate funds to pay that liability (the accumulated deferred taxes) while flow-through utilities must await allowances in future rates to pay those taxes. It seems more logical to expect investors to view utilities that collect now in rates for taxes they will have to pay in the future as less risky than those utilities that have to wait until the taxes are actually due to be paid before collecting them in rates. Thus, the existence of accumulated deferred taxes should more reasonably be viewed as reducing risk and capital costs, not increasing risk and raising costs.

Finally, when the contention that investors view accumulated deferred taxes as a senior liability is set in the context of a growing utility, it is inconsistent with another, often-made argument favoring a flow-through over a tax normalization policy. One cannot with consistency argue that the deferred taxes arising under tax normalization are "permanent tax savings" never to be paid to the Treasury and at the same time argue that deferred taxes are viewed by investors as a senior debt obligation that makes the return of their investment funds more risky. In order for deferred taxes to be viewed as a liability, there must be some significant probability that they will, in fact, have to be paid. Thus, flow-through proponents who argue that these taxes are permanently saved, not deferred, cannot logically also contend that investors view the taxes as a liability that increases the risks they face.

A second argument put forth by the commenters that flow-through produces lower capital costs is also related to accumulated deferred taxes. It was argued that the deduction of accumulated deferred taxes from rate base subjects the earnings available to investors to increasingly greater volatility as the level of accumulated deferred taxes increases. This volatility is alleged to translate into greater risk and higher capital costs under tax normalization.

This argument also is unpersuasive. The deduction of accumulated deferred taxes from rate base reflects the lower cash return requirements a utility has under tax normalization. The deferred tax funds reduce a utility's need for outside debt and equity funds in financing investment which, in turn, reduces its cash outlays for interest and dividend payments. Thus, any volatility in earnings arising from accumulated deferred taxes would seem to logically track the underlying need for earnings. Said differently, normalization stabilizes earnings rather than creates volatility in earnings to investors.

Instability in earnings to investors under normalization is the theme of a third argument that could be interpreted as supporting the lower flow-through capital cost thesis. One commenter attempted to illustrate this instability by an example showing the effects of a 10 percent reduction in sales on earnings available to common equity under the alternative policies of tax normalization and flow-through.[196] This analysis is also flawed. The commenter presented a single period analysis where that period is the initiating year of a Type I expense timing difference. No analysis was made of the turnaround periods for the timing difference. Furthermore, the values of the parameters are inconsistent.[197]

The final argument raised in the comments to support the view that the flow-through cost of capital is lower than the cost of capital under tax normalization is based on the total return dollars allowed under the alternative policies. The argument is simply that, because more return dollars are earned or allowed under the flow-through policy than under the tax normalization policy over the life of a plant, the cost of capital under flow-through tends to be lower. This argument ignores, however, that the utility has greater cash return requirements to meet under flow-through, since it does not obtain deferred tax dollars to assist its financing of deferred expenses, such as AFUDC interest. Thus, this argument is also unpersuasive.

The comments contained no substantive criticisms of the empirical studies cited in the staff study as supporting the lower cost of capital for utilities using normalization. Some commenters suggested, however, that these studies, as well as the statistical comparisons made by staff, should be ignored since the results are related primarily to the use of normalization for accelerated depreciation by the instant rule.

The Commission does not agree. In the absence of any convincing evidence to the contrary, the Commission believes

[196] Comments of Cities at 9–10.

[197] The commenter showed, under tax normalization, an operating income of $50 together with a tax allowance of $100. Under flow-through, an operating income of $50 was combined with a tax allowance of $50 in the example. Assuming that "operating income" means equity income, the equity income of $50 corresponds to a $50 total tax allowance under normalization, not $100. Under normalization, a timing difference has no effect on the relationship between the equity return and income tax allowances. A $50 expense recognized for tax purposes but not for ratemaking has current and deferred tax effects of ($25) and $25, respectively, which cancel each other out in their effects on the tax allowance. Under flow-through, however, the effect of a $50 expense timing difference is a reduction in the income tax allowance of $50 so that in the example there should have been no income tax allowance.

it a reasonable presumption that if normalization of accelerated depreciation lowers the cost of capital to utilities, then normalization of other timing differences will give like results. The referenced studies do not give reliable evidence on the magnitude of the cost of capital impact of the Final Rule, but they do provide substantive support as to the direction of such impact.

Finally, the Commission does not find the criticisms of staff's supplemental statistical comparisons persuasive. Some commenters referred to these statistical comparisons as crude and lacking statistical controls to ensure that the results are causally and not coincidentally related to the tax normalization policy. The Commission's finding with respect to the impact of tax normalization on the cost of capital does not rest solely on staff's analyses. The comparisons made by staff were intended to update and supplement the numerous studies cited in the staff study. The conclusions derived from Staff's data are in accord with those studies.

One commenter [105] performed some trend analyses on certain of staff's comparison data to show that the difference between the cost of equity capital under the two policies was decreasing over time. The analyses used staff's market-to-book and price-earnings ratio data for the years 1974 through 1978. The statistically-derived trend lines indicated that while the cost of equity capital to utilities using tax normalization was below the cost to utilities using flow-through in each of the years through 1978, the differential was decreasing so that by 1979 the cost to utilities using tax normalization would exceed the cost to flow-through utilities. The commenter presented data for 1979 to verify this statistical result.

The Commission finds these trend analyses flawed. If the use of tax normalization lowers *or raises* the cost of equity capital relative to the use of flow-through, that result should be independent of time. The commenter provided no rationale for that relationship to change over time. As a reply commenter stated in reference to these trend analyses, statistical correlations cannot establish causality; causation must be justified on theoretical grounds. Further, the Commission also agrees with the criticisms, in the reply comments, that (1) no justification was given for the nonlinear equation used in the trend analyses, and (2) the statistical results are unreasonable since they indicated that the cost of equity under normalization would continually increase relative to the cost under flow-through.

In summary, the Commission finds no evidence in the comments that contradicts or otherwise negates the conclusions reached in the staff study as to the cost of capital impact of the proposed rule. The final rule is found to have beneficial effects on the cost of capital to utilities.

J. Other Issues

This final part of the analysis of comments covers several other issues raised by various parties. These issues are:

1. Normalization of the Tax-on-Tax Effect
2. Rate Base Levelization
3. Contributions in Aid of Construction
4. Revenue/Rate Stability
5. Efficiency Incentives
6. Tax Rate Changes
7. Depreciation of Plant Financed by Deferred Taxes

Each of these issues and the comments on them are discussed in turn below.

1. Normalization of the Tax-on-Tax Effect. One commenter argued that application of the Commission's proposed rules will not result in a matching of all costs with all associated tax benefits. The commenter argued that the rulemaking has gone only part of the way toward achieving a true matching since it does not provide for normalization of the tax-on-tax effect. The thrust of this argument is that tax normalization increases revenue requirements, thereby increasing current income tax expense. Since the increase in current tax expense is caused by normalizing timing differences, the commenter believes that proper matching requires that the additional current income tax expense be deferred until the timing difference which created the tax expense reverses and is used to reduce revenue requirements.

Several commenters responded to the above argument by pointing out that, if such a proposal were adopted, it would completely defeat the matching principle on which tax normalization is based. Indeed, the reply commenters stated that, if the "illogical tax-on-tax argument" were carried to its illogical conclusion, the amount of normalized revenue would asymptotically approach zero. We agree with these statements.

The reply commenters additionally point out that the Commission has already dealt with the tax-on-tax issue in *Southern California Edison Company.* [106] In that case, the Initial Decision, affirmed by the Commission, found the same argument that is made by the comments in this rulemaking technically invalid. The error is that it treats as an interperiod timing difference an item that is not an expense deduction for income tax purposes, but instead is the resultant effect of such timing differences—that is, the deferred income tax itself.

The Commission finds that the proposed rule should not be modified to provide for the "normalization" of the tax-on-tax effect for the reasons stated above.

2. Rate Base Levelization. Comments were made that flow-through produces annual revenue requirements that are more level than those produced under tax normalization. According to the commenters, customers pay a high proportion of total return dollars in the early years of a plant's life and such return decreases over time as the plant is depreciated. It is alleged that, under flow-through, the tax component of a cost of service is low in the early years and increases over time as the tax benefits are used up. The effects of the combination of the high return and the low tax component in the early years and the low return and the high tax component in the later years, the argument runs, is to levelize rates over time. Comments were also made that the rationale underlying the even spreading of tax benefits that results from normalization would logically require rate base levelization.

Reply commenters argued that the major fallacy of the levelization suggestion is that it applies a principle to rate base and return that is not essential to the normalization of deferred taxes. Although the result of tax normalization is frequently to reflect tax costs and benefits in rates in equal amounts, the principal objective of normalization is not one of levelizing taxes but, instead, of matching tax benefits with cost responsibility. They also argued that the levelization proposal is really nothing more than an attack on current concepts of depreciation as a proper costing principle and that these concepts are not at issue in the proposed rulemaking.

The Commission agrees with the reply comments that our rate base and depreciation methods are not at issue in the proposed rulemaking. The rate base levelization suggestion need not be considered herein as it is outside the

[105] Comments of Cities at 13–19.

[106] Docket No. ER78–205, Opinion No. 62, issued August 22, 1979; Opinion No. 62–A, issued March 20, 1980.

scope of this rulemaking. The levelization of revenue requirements is not a regulatory goal that the Commission is seeking to achieve by its tax normalization policy.

Further, it should be noted that flowing through the tax effects of the predominant types of transactions considered in this proceeding (construction-related interest, tax and pension costs) would not generate a more level structure of rates over the life of a plant. This is because flow-through would reduce rates only during the plant's construction period and increase rates over existing levels in an even fashion over the plant's life.

3. Contributions in Aid of Construction. Some commenters proposed, as an alternative to tax normalization, the use of contributions in aid of construction to provide additional cash flow if rates under flow-through do not otherwise provide adequate cash flow. They argued that contributions in aid of construction have less adverse impact on ratepayers while providing the same cash flow to utilities as would tax normalization. The gist of their argument is that contributions in aid of construction are non-taxable to the recipient; therefore, such contributions avoid the tax-on-tax increase that results from tax normalization.

In response to the contribution suggestion, reply commenters convincingly argued that contributions in aid of construction are not a viable alternative to tax normalization. They stated that contributions in aid of construction would not produce intergenerational equity among ratepayers because the construction would be paid by ratepayers during the construction period of a plant, but would benefit ratepayers in later years. Commenters further pointed out that the contributions in aid of construction proposal assumes a tax result which, in fact, may be unobtainable under current tax laws, since such contributions are not necessarily non-taxable.

The Commission agrees with the reply comments and will not adopt the suggestion concerning contributions in aid of construction.

4. Revenue/Rate Stability. Several commenters argued that the Commission, because of its reliance on the single transaction case in its rulemaking, has failed to demonstrate in any real-world situation that rates are more stable under tax normalization than under flow-through. They argued that whether tax normalization or flow-through would produce more stable rates depends on many considerations such as the number of construction projects undertaken over time, the length of construction of such projects, the magnitude of the deferrals during each year of construction, and the service life of the plants constructed.

The Commission agrees that the factors mentioned have an effect on rate stability. As pointed out in the reply comments, however, it is an uncontestable arithmetic truth that a policy that matches the rate recognition of tax benefits with the rate recognition of the costs which produced those benefits results in a "netting-out" effect that stabilizes swings in revenue requirements. Under flow-through, the benefits and costs are accounted for in different periods. We agree with the reply comments.

Utility growth, as suggested by some commenters, may ameliorate the swings in revenue needs associated with flow-through. However, the Commission believes that it would be incorrect to assume that each utility affected by this rulemaking will grow relatively rapidly and that the growth rates of the individual utilities will be steady. As pointed out in the reply comments, these are conditions that would be required in order for flow-through to produce stable rates.

5. Efficiency Incentives. A few commenters alleged that tax normalization tended to promote "overcapitalization" or the excessive and imprudent reliance on capital intensive technology. In essence, all the arguments presented to support this thesis are based on the view that the use of tax normalization results in utilities' and their stockholders' having the ability to earn "effective" rates of return in excess of their incremental cost of capital.

As one of the reply commenters explained, "no firm has an incentive to make additional investments unless it believes that the return it will earn on those additional investments is greater than the cost of capital." [110] But the Commission's practice of deducting accumulated deferred taxes from rate base does not allow utilities to earn a return on those investments financed with deferred tax funds. No excess profits accrue to the utilities and their stockholders from the use of tax normalization. This statement echoes throughout this order and the Commission finds it fully supported by the record. The Commission finds no basis in the record to conclude that tax normalization will lead to an inefficient allocation of resources.

[110] Reply Comments of Edison Electric Institute at 12.

6. Tax Rate Changes. Some commenters argued that normalization does not and cannot allocate tax effects over time because, unlike other costs that are known and measurable, the tax consequences of timing difference transactions are unknown. The tax regulations that may exist in the future may not be known at the time the timing difference originates. They contended that since tax laws change, one cannot say that the determinants of tax liability during one period will necessarily reflect the tax liability in a subsequent period—sometimes as far as 30 years in the future.

The Commission agrees that tax laws and, particularly, tax rates may change, but we also agree with the reply comments that this possibility is not a basis for failing to provide for deferred taxes. If income taxes are computed on a normalized basis for cost or service purposes, items of expense and revenue entering into the cost of service determination are also used in determining the income tax allowance portion of the cost of service. The tax effects, determined at the current tax rate, of the difference between the amounts so used and the amounts claimed in the tax return are placed in a deferred tax account to be used in later periods when the differences reverse. The balance in the deferred tax reserve is therefore a residual of past tax costs over past tax payments and may or may not be sufficient to cover future excess tax payments over future tax costs, depending on the statutory tax rates in the future. Any excess or deficiency in the deferred tax reserve does not, however, result in a windfall to either shareholders or ratepayers since the balances will systematically be subject to a reconciliation in future rates.

As stated in the reply comments, any disparity between the actual tax effect in the year the timing difference originates and in the year the timing difference reverses is a normal and inherent part of the accounting process. This variation is no more than that involved in assigning the original cost of properties used in providing customer service to the periods of use. Simply because the deferred tax accounting process may not assign the "perfect" amount to each respective period is no reason to reject the practice.

In addition, while the Commission recognizes the potential for tax regulations to change, it believes that it is more reasonable and equitable to consumers over time to base rates on the assumption of permanence in current tax regulations than to base them on the assumption that there will

necessarily be changes in any future tax liability associated with current timing difference transactions. As discussed more fully in the Section-by-Section analysis of the final rule (Section III below), the Commission has made sufficient provision for ratemaking treatment of tax rate changes.

7. Depreciation of Plant Financed by Deferred Taxes. One respondent commented that if normalization is adopted by the Commission there is a need to reduce gross plant investment by the resultant accumulated deferred income taxes so that a cost of service will not include amounts for depreciation expense on plant financed by ratepayers.

The Commission does not believe that this argument has merit. As the reply comments pointed out, the above proposal views deferred taxes as customer-contributed capital, which it is not. (*See* Section II–F above.) The benefit of accelerated tax deductions is only the time value of money which benefit is given to ratepayers through the deduction of accumulated deferred taxes from rate base. The deferred taxes are only available temporarily and are dissipated as lower tax deductions are available in later years.

III. Section-by-Section Analysis of Comments and Final Rule

The previous section explains the bases for the Commission's adoption of tax normalization as the preferred ratemaking method for handling timing differences. The Commission now turns to a discussion of the comments on the provisions in the proposed rule, the suggested modifications to the proposal and a section-by-section analysis of the final rule adopted by the Commission.

A. *Applicability*—§ 2.202(a). Section 2.202(a)(1), as proposed, stated that this section applies to treatment for ratemaking purposes of all timing differences except those specifically covered by other Commission orders and opinions. The final rule leaves the proposed § 2.202(a)(1) substantively unchanged. Proposed § 2.202(a)(2) listed the excluded timing differences that qualify for tax normalization treatment under one or more prior Commission orders or opinions.

One of the commenters in this proceeding disputed the Commission's description of the present policy regarding the Class Life Asset Depreciation Range (ADR) tax provisions. Through error, the proposed rule did not specifically state that ADR provisions creating a timing difference would be excluded under the proposal. An identification of ADR provisions as items not covered in this rulemaking was made in the preamble and a general reference was made to timing differences arising from accelerated methods of depreciation in proposed § 2.202(a)(2)(iv), relating to Order No. 504. The ADR provisions were covered under the Order No. 504.

The commenter stated that Order No. 504 was an accounting order that did not specify ratemaking treatment for ADR provisions. The commenter further stated that Commission Opinion Nos. 739 and 739–A had provided that timing differences arising from ADR life differences were to be covered by the 530 series of orders. Thus, the commenter concluded that the Commission had erred in the preamble of the proposed rule by excluding ADR life differences from applicability under the rule.

The Commission does not agree. There is a distinction between life differences affected by the ADR provisions and other life differences. An example from the electric utility industry would be helpful to understand this distinction. Book depreciation allowed for utility generating plant is based on an average asset life of approximately 31 years for the industry, whereas tax depreciation, prior to the 1971 Revenue Act, permitted a 28-year life. The tax effects of the differences between these tax and book lives would be covered under the final rule.[111] As a result of the 1971 Revenue Act amendments to the Internal Revenue Code the ADR provision allows an asset's life to be shortened, for tax purposes, up to 20% of what its tax life otherwise would have been. The condition placed upon this allowance was that the utility could use the shortened life under the ADR provision only if the resulting tax effects were normalized.[112]

In Order No. 504, the Commission set up the accounting that would be required for the normalization of tax effects of life differences arising from the use of the ADR provisions. In several subsequent rate orders,[113] the Commission approved the normalization treatment of the tax effects of this life difference adopted by utilities so as to take advantage of the 20% shorter tax life of the asset. Thus, the ADR provisions do not fall under the applicability of the instant rule, since prior Commission opinions and orders have already specified (at least implicitly) the ratemaking treatment for these timing differences.

The final rule includes in § 2.202(a)(2) reference to "differences that result from the use of Class Life Asset Depreciation Range (ADR) tax provisions of the Internal Revenue Code" in the list of excluded items, in addition to the ones in the proposed rule. This paragraph of the final rule makes no other substantive changes to the proposed rule.

The life differences that would be covered under the final rule are the other life differences as described and measured in the staff study attached to the Notice, *e.g.*, the difference between 31 years for book depreciation and 28 years for tax depreciation in the above illustration. These are the life differences that the Commission indicated in Opinion Nos. 739 and 739–A as being covered under the Order No. 530 series.

B. *General Rules*—§ *2.202(b).* The proposed § 2.202(b)(1) stated that rate applicants may elect to employ tax normalization in computing the tax component of their cost of service for all transactions covered by the rule. It also stated, in subparagraph (2), that the rate base must reflect the deduction and addition of specific accumulated deferred tax accounts resulting from the use of tax normalization.

As discussed below, the option that rate applicants be permitted to elect normalization has been revised. The final rule in § 2.202(b)(1) requires the applicant to apply tax normalization for all "miscellaneous" timing differences. Because the Commission finds that its policy rationale supporting tax normalization is correct for the utility and pipeline industries as a whole, and because the arguments for exceptions are unpersuasive, the Commission finds no basis for granting exceptions within the general rule itself. The final rule also provides that use of tax normalization will not be subject to challenge on a case-by-case basis. It should be emphasized, however, that the actual

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[111] The revenue impacts of the life differences measured in the staff study attached to the Notice refer to the tax effects of the differences between a book life of 31 years and a tax life of 28 years (Notice at 90, 45 F.R. at 22092).

[112] The Commission disagrees with the commenter's statement that ADR benefits "are not required to be normalized" (*Public Systems* at 24.) The Commission's position is the same as with accelerated depreciation—IRS permits the use of the faster tax write-off and shorter asset life only if normalization of the resulting tax effects is permitted by the regulatory commission. *See* Reg. § 1.167(a)–11(b)(6).

[113] In subsequent rate cases, the Commission approved the rates of utilities and pipelines, that included the normalization of timing differences associated with their use of ADR provisions for tax purposes. *See, e.g., Texas Gas Transmission* Docket No. RP74–23, Opinion Nos. 801 (May 31, 1977) and 801–A (July 29, 1977); *Transcontinental Gas Pipeline Co.*, Docket Nos. RP74–46 and RP75–3, Opinion No. 812 (July 20, 1977).

calculations under tax normalization are subject to scrutiny in individual cases.

Several commenters objected to the proposed provision that gave rate applicants the unilateral right to make the initial election to employ normalization. Concern was expressed for the due process rights of intervenors to object to the policies proposed by rate applicants. The commenters pointed out that the proposed rule would deny intervenors the opportunity to present evidence on the tax deferral versus permanent tax savings issue. It would also deny intervenors the opportunity to propose normalization where the rate applicant has proposed flow-through treatment.

The Commission believes that normalization is the correct ratemaking policy for the reasons discussed in detail in the preceding Section II of the preamble. Since it is the preferred rate policy, the final rule requires the use of tax normalization by rate applicants. The Commission has afforded all interested persons an opportunity to comment on the tax normalization proposal. The Commission is unpersuaded by those objections. Finally, by requiring that tax normalization of these miscellaneous timing difference transactions be followed by rate applicants, the objection that intervenors would have no opportunity to propose tax normalization when the utility or pipeline elects flow-through is eliminated.

Arguments for case-by-case adjudication of tax normalization versus flow-through were also expressed by several commenters. Some of these commenters appeared to presume that the primary rationale for normalization was improved cash flow. Thus, the view was expressed that the desirability of a utility to employ tax normalization was dependent upon the factual circumstances relating to that utility or pipeline, primarily related to its cash flow needs. It was argued that many utilities and pipelines now are in healthy cash flow situations and that tax normalization should only be allowed on a case-by-case basis when improvements in cash flow were shown to be needed.

The Commission does not base its rationale for requiring tax normalization in this final rulemaking on utilities' or pipelines' need for cash flow improvement. (See detailed discussion in Section II–I.2, above.) Whether or not utilities are in a healthy cash flow position has not influenced the Commission's decision for or against requiring tax normalization. The Commission's determination to require tax normalization is based on many considerations, all of which are independent of the particular circumstances of a utility at a single point in time. Therefore, a general rule is more appropriate than a case-by-case determination.

Others argued that because of the inherent complexities of implementing tax normalization, normalization issues will be raised in many or most rate cases even if the Commission adopted the proposed normalization rule. Thus, there would be little savings in administrative convenience by adopting a general rule. The Commission disagrees. No issues have been raised in this proceeding that portend continued debate in rate proceedings after the institution of the final generic rule. Raising the specter of implementation or other problems without specific examples does not persuade the Commission against the generic approach.

The Commission does, however, make provision in § 2.202(c), discussed below for: (1) case-by-case determination of a proper way of handling these "miscellaneous" timing difference transactions that originated prior to this rule and were given flow-through treatment, and (2) handling the effects of tax rate changes. The case-by-case approach is used because the Commission has not yet adopted a cost of service method of uniform applicability for the utility and pipeline industries.

With respect to the rate base adjustments in § 2.202(b)(2) of the proposed rule, a number of commenters said that accumulated deferred taxes should be separated between those associated with plant in service and those associated with construction activities. It was argued that it is inconsistent with the interperiod equity rationale used to support normalization to require that the deferred taxes associated with construction activities be deducted from rate base. Rather, it was argued, these taxes should be deducted from the balance that is utilized for the calculation of the Allowance for Funds Used During Construction (AFUDC).

The Commission agrees with the underlying rationale of these comments. Deferred taxes arising from construction-related taxes and pensions, for example, reduce the financing requirements to be met from other sources during the construction period of a plant. Having the use of these interest-free funds results in benefits that the Commission has traditionally passed immediately through to customers by deducting the associated accumulated deferred taxes from rate base. But since these benefits arise from costs associated with the new plant, it is more equitable to allocate them over the service life of that plant. By using the construction-related accumulated deferred taxes as an offset to the balance used in the calculation of AFUDC (rather than rate base), the net plant value going into rate base when the new plant goes on line is reduced. In this way the benefits a company receives from having the use of deferred tax funds during the plant construction period would be reflected in lower costs to be allocated over the plant's operating life.

In order to accomplish such a change in the current procedures for deducting accumulated deferred taxes from rate base, however, several existing regulations of the Commission that were not subject to the Notice in this proceeding would have to be revised—*e.g.*, the formula for calculating AFUDC, the § 35.13 filing requirements for electric utilities and the § 154.63 filing requirements for natural gas pipelines. The Commission believes that these changes in its regulations should be a product of a separate proceeding. The final rule, in § 2.202(b)(2)(ii), requires that rate base be adjusted for all accumulated deferred taxes, including accumulated deferred taxes arising from construction-related timing differences and from other jurisdictional activities. By jurisdictional activities we mean all revenue and expense items that affect the jurisdictional cost of service (*e.g.*, regulatory commission expenses). It should be noted that accumulated deferred taxes arising from the types of timing differences excluded from this section (*e.g.*, accelerated depreciation) are also subject to § 202(b)(2) provisions. The rate adjustments in the final rule are mandatory.

The Commission notes that there may be situations in which newly created enterprises are in the process of constructing facilities for future service and do not currently have on file rates for an existing service. In such circumstances, the enterprise would have no rate base in which the deferred tax for construction-related timing differences may be reflected. Although not provided for in the final rule, the Commission believes in such circumstances that it would be appropriate to reduce the balance that is utilized for the calculation of AFUDC by the construction-related deferred taxes in order that future customers will properly receive the benefit of the time value of deferred taxes generated during the construction period.

A number of commenters responded to the Commission's request for comments on the gross-of-tax versus net-of-tax AFUDC rate methods, and substantial controversy has been engendered. The problems raised are difficult and do not lend themselves to easy, clear-cut decisions. The Commission has thus decided to sever this issue from the instant proceeding and combine any action taken on the gross-of-tax versus net-of-tax question with future revisions of the AFUDC formula.

One commenter requested that utilities be permitted the option of including accumulated deferred taxes in its capitalization at zero cost rather than using it as an offset to rate base. The commenter argued that this would allow consistency with some state commission policies.

The Commission does not believe that such consistency is necessary since there are many ratemaking approaches at this Commission which differ from state ratemaking policies. Nor would inclusion of deferred taxes in the capital structure be desirable. Under the special circumstances where rate base equals total capitalization, there is no difference in the effects on revenue requirements of the two methods. However, rate base is typically less than total capitalization. Under this circumstance, the effect of including accumulated deferred taxes in the capital structure at zero cost is to set revenue requirements at a higher level than if rate base deduction were used, and thus the full benefits realized by the utility in having the use of the deferred tax funds are not passed through to its customers.

C. *Special Rules—§ 2.202(c).* The proposed § 2.202(c) set forth the "Conditions" that rate applicants must follow to conform to the proposed rule. Subparagraph (1) stated the "all or none" condition with respect to the miscellaneous timing differences. Either the rate applicant could choose to normalize all of these timing differences or it could not normalize any. Subparagraph (2) explained the ratemaking treatment to be accorded the miscellaneous timing differences that arose prior to the institution of this rulemaking. Subparagraph (3) explained the conditions applicable to future rate filings by the applicant and how an election might be changed.

In the final rule, paragraph (c) is revised and renamed "Special rules." As the final rule (in § 2.202(b)) requires tax normalization of all miscellaneous timing differences, no provision is made for electing an option or for changing that election. There are two questions that the Commission addresses in § 2.202(c) of the final rule. One question is how to treat the effects of deferred taxes when there are tax rate changes. A related question (in terms of the ratemaking solution) is how to treat timing differences that had previously been flowed through.

The tax rate change problem arises when, for example, the tax rate is cut from 48 percent to 46 percent and the amounts provided for in rates and accumulated at a 48 percent tax rate for deferred taxes is in excess of that needed to provide for future tax liabilities to be determined at the 46 percent tax rate. The question is how to return these excess deferred taxes to consumers.

Some parties to this proceeding suggest that the proper way is to require that the reversal of the tax effects of each timing difference transaction be made at the same tax rate at which it was initiated. This is one of the approaches permitted under Accounting Principles Board Opinion No. 11 or generally accepted accounting practices. The Commission believes that this is a viable approach. However, the Commission believes that other approaches could also achieve reasonable and equitable results.

The second problem addressed in this paragraph is the ratemaking treatment to be accorded the tax effects of timing difference transactions that originated prior to this final rule and had been given flow-through treatment. To the extent that certain timing difference transactions were given flow-through treatment in the past, the deferred tax reserves may be in excess of or deficient from that required to provide for the associated future tax liabilities as they arise. Several comments expressed concern that the proposed rule was unclear on the treatment to be accorded prior flow-through timing differences.

Because of the equity considerations underlying the Commission's decision to require tax normalization, the Commission finds that it is appropriate to require all companies to make some provision in their deferred taxes for the tax effects of timing difference transactions that had previously been flowed through. As long as there are any timing difference transactions for which deferred tax provisions have not been made, there is some interperiod inequity in the rates to consumers. Similarly, when tax rates change and cause deferred tax reserves to become excessive or insufficient for the funding of future tax liabilities at current tax rates, there is an interperiod inequity in rates that can be lessened by some policy that would adjust the deferred tax reserves over a reasonably short period of time.

As revised, the final rule requires rate applicants to begin the process of making up deficiencies in or eliminating excesses in their deferred tax reserves so that, within a reasonable period of time to be determined on a case-by-case basis, they will be operating under a full normalization policy. The final rule in § 2.202(c)(2) requires a rate applicant to compute the income tax component in its cost of service by making provision for any excess or deficiency in its deferred tax reserves resulting both from the prior flow through treatment of timing differences and from tax rate changes.[114]

The final rule also states that this provision must be consistent with a Commission-approved ratemaking method made specifically applicable to the rate applicant. If no Commission-approved ratemaking method has been made specifically applicable to the rate applicant, the Commission requires, in § 2.202(c)(3), that the rate applicant advance some method that would accomplish the same purpose. The appropriateness of the method will be adjudicated in the next rate proceeding.

Since the appropriateness of any method to accomplish the objective of full normalization at current tax rates has not been analyzed by the Commission on a generic basis, the Commission is, at this time, requiring resolution of this problem on a case-by-case basis. As the issue is resolved in a number of cases, one or more specific methods (*e.g.*, the "South Georgia Method")[115] that would have wide applicability may be adopted.

We are reluctant to incorporate in § 2.202(c) of the rule reference to the treatment to be accorded timing difference transactions excluded from this section (by § 2.202(a)) but which were flowed through in the past since they may be considered beyond the scope of the instant rule. However, since the Commission finds tax normalization to be the proper method for handling timing differences in general, we encourage applicants to include those transactions as part of their cost of service calculations pursuant to § 2.202(c).

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[114] One commenter was concerned that *any* previously accumulated deferred taxes could be used in this calculation. This concern is unfounded because only previously accumulated deferred taxes that would have been allocated to wholesale customers for the specific timing difference would be relevant here.

[115] *South Georgia Natural Gas Co.*, Docket No. RP77-32, order issued May 5, 1978.

About half of the utility commenters expressed concern about the "all or none" condition contained in paragraph (c) of the proposed rule. The utilities alleged that elaborate and expensive accounting procedures would have to be implemented to identify timing differences that may have insignificant effects on the cost of service. They also stated that the costs of keeping track of immaterial timing differences and those having short-term turnarounds exceeded any benefits that may be realized. It was recommended that a materiality standard be made part of the rule.

Many of the commenters also expressed concern about the costs of maintaining different treatment for state and federal accounting and ratemaking. This problem relates primarily to electric utilities where the proportion of business regulated by FERC is small in many instances. It was recommended that the normalization requirement should apply only to those timing differences normalized by the predominant regulatory authorities.

The Commission does not agree with the utilities' claims of excessive costs in normalizing immaterial and short-term turnaround timing differences. Companies keep track of the timing differences for their IRS tax filings. Therefore, they can readily track and normalize these timing differences for ratemaking purposes. Many utilities did not complain about the lack of a materiality standard, and those that did complain relied on simple assertions of administrative burden without any quantification of costs. We are not persuaded that such burdens are excessive as a general matter.

One utility proposed the use of pooling for timing differences that do not involve major amounts of dollars. The Commission finds this an acceptable method for reducing the costs of compliance.

Subparagraph (3) in § 2.202(c) in the proposed rule provided that a rate applicant had to make the election to normalize at the time of its next filing. Since the election provision has been deleted in the final rule, this subparagraph has been eliminated. A rate applicant must now adopt tax normalization for miscellaneous timing differences at the time it makes its next rate filing, following the effectiveness of this rule.

D. *Definitions*—§ 2.202(d). Section 2.202(d) in the proposed rule contained the definitions used in the rule. Only one comment was received on the definition section, and that comment was on the definition of "tax normalization." The commenter stated that the definition was inconsistent with the use of the terms in subparagraphs (b)(1) and (c)(1) of the proposed rule, in that "tax normalization" was used as a concept to be applied to a transaction in (b)(1) and (c)(1), but the (d)(1) definition implied an overall procedure to be applied to revenues and expenses taken together.

The Commission agrees that there was an inconsistency between the definition of "tax normalization" in the proposed rule and the way the concept was used. In the final rule, the Commission revises the definition of tax normalization to refer to individual timing difference transactions rather than amounts of expenses and revenues, thus assuring consistency with the use of the term "tax normalization" in the other parts of the rule.

The Commission has, on its own motion, modified the definition of "rate applicant" to refer simply to the Federal Power and Natural Gas Acts rather than to specific sections of those Acts.

Finally, two definitions have been added. First, "tax effect" is defined as "the tax reduction or addition associated with a specific expense or revenue transaction." This was done to clarify the rule.

Second, the term "Commission-approved ratemaking method", used under paragraph (c), is defined as "a ratemaking method approved by the Commission in a final decision, including approval of a settlement agreement containing a ratemaking method only if such settlement agreement applies that method beyond the effective term of the settlement agreement." This definition specifically excludes approval of settlement agreements that contain a ratemaking method whose term is coextensive with the term of the settlement agreement.

As a general matter, Commission approval of a settlement does not mean an approval of the methods used to arrive at the settlement rates. However, by including, for purposes of this rule, settlement-approved methods that extend beyond the period of the settlement, agreement by the parties not to litigate the issue in future rate cases is preserved and encouraged.

Commission Findings

For the reasons set forth above, and in addition to the findings made above, *the Commission further finds that:*

(1) The rates fixed by the Commission in all cases subject to the Order Establishing Interim Procedures issued June 8, 1979 under Docket Nos. R–424 and R–446, which use tax normalization principles, need no longer be subject to the refund contingency established by that Order;

(2) Tax normalization is the preferred ratemaking policy for the tax effects of timing difference transactions covered under Docket Nos. RM80–42, R–424, R–446.

(3) Good cause has been show to incorporate this preferred policy into a general rule; and

(4) These findings are necessary and proper for implementing the Natural Gas Act and the Federal Power Act.

Orders

Based on the findings and the reasons set forth above, *the Commission orders that:*

(A) The refund contingencies relating to tax normalization imposed in all cases subject to the Order Establishing Interim Procedures issued June 8, 1979 under Docket Nos. R–424 and R–446 shall be removed as of the date a final rule issued in this proceeding becomes effective.

(B) The Commission further orders that Part 2 of Chapter I, Title 18, Code of Federal Regulations is amended, as set forth below, that amendment to be effective sixty days after issuance of this order.

(Federal Power Act, 16 U.S.C. 792, *et seq.*; Natural Gas Act, 15 U.S.C. 717 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 1701 *et seq.*; Administrative Procedure Act, 5 U.S.C. 553 *et seq.*)

By the Commission.

Lois D. Cashell,

Acting Secretary.

1. Part 2 is amended in the table of contents by adding a new subpart to follow Appendix C to read as follows:

Rules of General Applicability

§ 2.201 [Reserved]
§ 2.202 *Tax normalization for public utilities and interstate pipelines.*

2. Part 2 is further amended at the end of the text of the regulations in Part 2 by adding a new subpart to read as follows:

Rules of General Applicability

§ 2.201 [Reserved]

§ 2.202 Tax normalization for public utilities and interstate pipelines.

(a) *Applicability.* (1) Except as provided in subparagraph (2) of this paragraph, this section applies to the ratemaking treatment of the tax effects of all transactions for which there are timing differences.

(2) This section does not apply to the following timing differences:

(i) Differences that result from the use of accelerated depreciation;

(ii) Differences that result from the use of Class Life Asset Depreciation Range

(ADR) provisions of the Internal Revenue Code;

(iii) Differences that result from the use of accelerated amortization provisions on certified defense and pollution control facilities;

(iv) Differences that arise from recognition of extraordinary property losses as a current expense for tax purposes but as a deferred and amortized expense for book purposes;

(v) Differences that arise from recognition of research, development, and demonstration expenditures as a current expense for tax purposes but as a deferred and amortized expense for book purposes;

(vi) Differences that result from different tax and book reporting of deferred gains or losses from disposition of utility plant;

(vii) Differences that result from the use of the Asset Guideline Class "Repair Allowance" provision of the Internal Revenue Code;

(viii) Differences that result from recognition of purchased gas costs as a current expense for tax purposes but as a deferred expense for book purposes.

(*See* Order No. 13, issued October 18, 1978; Order No. 208, issued May 29, 1956; Order No. 204, issued May 29, 1956; Order No. 404, issued May 15, 1970; Order No. 408, issued August 26, 1970; Order No. 432, issued April 23, 1971; Order No. 504, issued February 11, 1974; Order No. 506, issued February 11, 1974; Order No. 566, issued June 3, 1977; Opinion No. 578, issued June 3, 1970; and Opinion No. 801, issued May 31, 1977.)

(b) *General rules.* (1) *Tax normalization required.*—(i) A rate applicant must compute the income tax component of its cost of service by using tax normalization for all transactions to which this section applies.

(ii) Except as provided in paragraph (c) of this section, application of tax normalization by a rate applicant under this section to compute the income tax component will not be subject to case-by-case adjudication.

(2) *Reduction of, and addition to, rate base.* (i) The rate base of a rate applicant using tax normalization under this section must be reduced by the balances that are properly recordable in Account 281, "Accumulated deferred income taxes-accelerated amortization property;" Account 282, "Accumulated deferred income taxes—other property;" and Account 283, "Accumulated deferred income taxes—other." Balances that are properly recordable in Account 190, "Accumulated deferred income taxes," must be treated as an addition to rate base.

(ii) Such rate base reductions or additions must be limited to deferred taxes related to rate base, construction or other jurisdictional activities.

(iii) If an applicant uses an approved purchased gas adjustment clause or a research, development and demonstration tracking clause, the rate base reductions or additions required under this subparagraph must apply only to the extent that the balances in Account 190 and Accounts 281 through 283 are not used, for proposes of calculating carrying charges, as an offset to balances properly recordable in Account 188, "Research development and demonstration expenditures," or Account 191, "Unrecovered purchased gas costs."

(c) *Special rules.* (1) This paragraph applies:

(i) If the rate applicant has not provided deferred taxes in the same amount that would have accrued had tax normalization been applied for the tax effects of timing difference transactions originating at any time prior to the test period; or

(ii) If, as a result of changes in tax rates, the accumulated provision for deferred taxes becomes deficient in or in excess of amounts necessary to meet future tax liabilities as determined by application of the current tax rate to all timing difference transactions originating in the test period and prior to the test period.

(2) The rate applicant must compute the income tax component in its cost of service by making provision for any excess or deficiency in deferred taxes described in subparagraphs (1)(i) or (1)(ii) of this paragraph.

(3) The rate applicant must apply a Commission-approved ratemaking method made specifically applicable to the rate applicant for determining the cost of service provision described in subparagraph (2) of this paragraph. If no Commission-approved ratemaking method has been made specifically applicable to the rate applicant, then the rate applicant must use some ratemaking method for making such provision, and the appropriateness of this method will be subject to case-by-case determination.

(d) *Definitions.* For purposes of this section, the term:

(1) "Tax normalization" means computing the income tax component as if the amounts of timing difference transactions recognized in each period for ratemaking purposes were also recognized in the same amount in each such period for income tax purposes.

(2) "Timing differences" means differences between amounts of expenses or revenues recognized for income tax purposes and amounts of expenses or revenues recognized for ratemaking purposes, which differences arise in one time period and reverse in one or more other time periods so that the total amounts of expenses or revenues recognized for income tax purposes and for ratemaking purposes are equal.

(3) "Commission-approved ratemaking method" means a ratemaking method approved by the Commission in a final decision including approval of a settlement agreement containing a ratemaking method only if such settlement agreement applies that method beyond the effective term of the settlement agreement.

(4) "Income tax purposes" means for the purpose of computing income tax under the provisions of the Internal Revenue Code or the income tax provisions of the laws of a State or political subdivision of a State (including franchise taxes).

(5) "Income tax component" means that part of the cost of service that covers income tax expenses allowable by the Commission.

(6) "Ratemaking purposes" means for the purpose of fixing, modifying, approving, disapproving or rejecting rates under the Federal Power Act or the Natural Gas Act.

(7) "Rate applicant" means a public utility or interstate pipeline that makes a rate filing under the Federal Power Act or under the Natural Gas Act. For purposes of this definition, "interstate pipeline" means a natural gas company engaged in natural gas transportation subject to the jurisdiction of the Commission under the Natural Gas Act.

(8) "Tax effect" means the tax reduction or addition associated with a specific expense or revenue transaction.

(9) "Transaction" means an activity or event that gives rise to an accounting entry that is used in determining revenues or expenses.

Note.—This Appendix will not appear in the CFR.

Appendix A—List of Commenters in Docket No. RM80-42

Electric Utilities

Alabama Power Co.
American Electric Power Service Corp.
Arkansas Power and Light Co.
Atlantic City Electric Co.
Boston Edison
Carolina Power and Light Co.
Central and South West Corp.
Central Illinois Public Service Co.
Central Power and Light Co.
Cincinnati Gas and Electric Co.
Commonwealth Edison Co.
Consumers Power Co.

Detroit Edison Co.
Duke Power Co.
Georgia Power Co.
Gulf Power Co.
Iowa Electric Light and Power Co.
Iowa-Illinois Gas and Electric Co.
New England Electric System
Niagara Mohawk Power Corp.
Northeast Utilities
Northern States Power Co.
Oklahoma Gas and Electric Co.
Pacific Gas and Electric Co.
Pennsylvania Power and Light Co.
Portland General Electric Co.
Potomac Electric Power Co.
Public Service Co. of Colorado
Public Service Co. of Indiana, Inc.
Public Service Co. of Oklahoma
South Carolina Electric and Gas Co.
Southern California Edison Co.
Southwestern Electric Power Co.
Union Electric Co.
Utah Power and Light Co.
West Texas Utilities Co.
Wisconsin Electric Power Co.
Wisconsin Public Service Corp.

Electric Utility Groups and Assns.

Appalachian Power Co., *et al.*
Boston Edison Co. *et al.*
Edison Electric Institute
"Electric Utilities" (representing six utilities)
Northwest Electric Light and Power Assn.

Natural Gas Pipelines

El Paso Natural Gas Co.
Natural Gas Pipeline Co. of America
Northern Natural Gas Co.
Texas Gas Transmission Corp.

Natural Gas Pipeline Groups and Assns.

Interstate Natural Gas Assn. of America

State Public Utility Commissions

Public Utility Commission of the State of California
Pennsylvania Public Utility Commission
State of Wisconsin Public Service Commission

Accounting Firms

Arthur Anderson and Co.
Coopers and Lybrand
Deloitte, Haskins, and Sells

Customer/Consumer Groups and Assns.

Alliance for Consumer Protection
American Public Power Assn.
"Cities" (representing 23 cities from four states)
East Tennessee Group, *et al.*
Municipal Electric Authority of Georgia
Oglethorpe Power Corp. *et al.*
Plains Electric Gen. and Trans. Corp. Inc.
"Public Systems" (representing 204 public systems)

Other Parties

Roman Weil

[FR Doc. 81-14512 Filed 5-13-81; 8:45 am]
BILLING CODE 6450-85-M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 401

Environmental Impact Statements: Suspension of Certain Provisions

AGENCY: Delaware River Basin Commission.

ACTION: Notice of suspension of rules.

SUMMARY: The Commission announces that it has taken final action suspending application of those sections of its Rules of Practice and Procedure that apply to the environmental review process to the extent provided in Delaware River Basin Commission Resolution Number 80-11. This suspension results from budget cuts imposed upon the Commission over the past two years.

EFFECTIVE DATE: July 23, 1980.

ADDRESS: Delaware River Basin Commission, 25 State Police Drive, Post Office Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: W. Brinton Whitall, Secretary, Delaware River Basin Commission, Post Office Box 7360, West Trenton, New Jersey 08628, 609-883-9500.

SUPPLEMENTARY INFORMATION: The Commission, early in 1980, announced a proposal to suspend certain sections of its rules relating to environmental assessments and reviews. A draft resolution was disseminated and was the subject of a public hearing held on February 28, 1980. Notice of the hearing and the text of the draft resolution were published at 45 FR 8665 (February 8, 1980). Testimony was received and considered by the Commission, but no substantial changes in the draft resolution were made as a result of the hearing. It was adopted on July 23, 1980 as Resolution 80-11. Copies of Resolution 80-11 may be obtained from the Delaware River Basin Commission upon written request.

Therefore, the Commission's Rules of Practice and Procedure, 18 CFR Part 401, are suspended as follows:

§§ 401.35 and 401.41 [Suspended in part] Subpart D (§§ 401.51-401.67) [Suspended in part]

1. Except to the extent provided in paragraph 2, subpart D of part 401 (§§ 401.51-401.67) and the provisions of § 401.35 and § 401.41 of subpart C of part 401 of the Commission's Rules of Practice and Procedure relating to environmental assessments are suspended until further action of the Commission.

2. The provisions of subpart C and subpart D of part 401 which would otherwise be suspended by paragraph 1, shall remain in full force and effect in connection with the Level B study, and the Merrill Creek and Point Pleasant projects and shall be applicable to the environmental assessments which are now in process and any environmental impact statements which such assessments may require or which are now being prepared.

W. Brinton Whitall,

Secretary.

May 5, 1981.

[FR Doc. 81-12290 Filed 5-13-81; 8:45 am]
BILLING CODE 6360-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 5-81-02R]

Regatta; Safety of Life on Navigable Waters; Elizabeth River, Norfolk and Portsmouth, Va.

AGENCY: Coast Guard, DOT

ACTION: Final rule.

SUMMARY: This final rule establishes special local regulations which for the City of Norfolk Harborfest regatta limit access to and control vessel traffic within the immediate vicinity of the regatta due to the confined nature of the waterway and the expected congestion at the time of the regatta. The area subject to these regulations will be certain waters of the Elizabeth River described below.

EFFECTIVE DATES: From 10:00 AM EDST until 11:30 PM EDST on May 23, 1981; from 10:00 AM EDST until 7:00 PM EDST May 24, 1981 and from 11:30 AM EDST until 4:30 PM EDST May 25, 1981.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Ronald T. Via, Chief, Boating Affairs Branch, Fifth Coast Guard District (b), 431 Crawford Street, Portsmouth, Virginia 23705 (804-398-6202).

SUPPLEMENTARY INFORMATION: This special local regulation is issued pursuant to 46 U.S.C. 454 and 33 CFR 100.35, for the purpose of promoting the safety of life and property on the Elizabeth River during City of Norfolk Harborfest 1981. It is anticipated that there will be considerable vessel congestion at the time of the regatta due to large numbers of participating and spectator vessels and the confined nature of the waterway. Therefore these special local regulations are deemed necessary in the area during the event.

The regulations are published less than 30 days before their effective date and as a final rule since the application from the event's sponsor was not received until April 9, 1981, leaving insufficient time to publish a notice of proposed rule making or to comply with the 30 day publication requirement prior to the date of the event and the regulations are needed in order to protect life and property. The final rule is not considered to be a major rule under the terms of Executive Order 12291 since it involves negligible cost and will not have significant impact on recreational vessels, commercial vessels and other marine interests. For this reason, the District Commander has determined this rule will not have significant economic impact on a substantial number of small entities. Also, in accordance with DOT Order 2100.5 economic impact is so minimal that it does not require an evaluation. Further, the rule is necessary for the protection of life and property in the area during the marine event.

Drafting Information

The principal persons involved in drafting this final rule are LCDR Ronald T. Via, Project Manager, Fifth Coast Guard District, Boating Affairs Branch and LT Robert W. Kelly, Project Attorney, Assistant Legal Officer, Fifth Coast Guard District.

Accordingly, Part 100 of Title 33, of the Code of Federal Regulations is amended by adding the following section:

§ 100.35–501 City of Norfolk Harborfest.

(a) The following area is designated a "regulated area" during the regatta: Those waters of the Elizabeth River and its branches from shore to shore and bounded by the Midtown tunnel on the north, the Downtown tunnel on the south, and the Berkley Bridge on the east.

(b) Regulation:

(1) Except for participants in the Norfolk Harborfest or persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop his vessel immediately upon being directed to do so by any Coast Guard officer or petty officer on board a vessel displaying a Coast Guard ensign, and

(ii) Proceed as directed by any Coast Guard officer or petty officer.

(3) Any spectator vessel may anchor outside of the area specified in paragraph (a) of this section;

(4) The Coast Guard Patrol Commander is a commissioned officer of the Coast Guard who has been designated by the Commander, Fifth Coast Guard District. The Patrol Commander will be stationed at the reviewing platform at Town Point; and

(5) These regulations and other applicable laws and regulations shall be enforced by Coast Guard officers and petty officers on board Coast Guard and private vessels displaying the Coast Guard ensign.

(Sec. 1, Pub. L. 80–102, 35 Stat. 80, (46 U.S.C. 454); sec. 6(b)(1), Pub. L. 89–670, 80 Stat. 937, (49 U.S.C. 1655(b)(1); 33 CFR 100.35, 49 CFR 1.46(b))

April 24, 1981.

T. T. Wetmore III,

Rear Admiral, U.S. Coast Guard, Fifth Coast Guard District.

[FR Doc. 81–14588 Filed 5–13–81; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 601

Procurement of Property and Services; Amendments to Postal Contracting Manual

AGENCY: Postal Service.

ACTION: Amendments to the Postal Contracting Manual.

SUMMARY: The Postal Service hereby announces numerous revisions of section 19 of the Postal Contracting Manual, dealing with mail transportation contracts. The Service also adds to, revises, or replaces a number of forms included in this section.

EFFECTIVE DATE: May 4, 1981.

FOR FURTHER INFORMATION CONTACT: Eugene A. Keller, (202) 245–4618.

SUPPLEMENTARY INFORMATION: The Postal Contracting Manual, which has been incorporated by reference in the Federal Register (See 39 CFR 601.100) has been amended by the issuance of PCM Circular No. 81–2, dated May 4, 1981.

In accordance with 39 CFR 601.105, notice of these changes is hereby published in the Federal Register and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the Basic Manual will received these amendments from the Postal Service. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Explanation of these amendments to the Postal Contracting Manual follows:

Explanation

- Section 19–118.1 eliminates performance bond requirements for highway transportation service beginning on July 1, 1980.
- 19–118.11 and 19–118.12 are deleted because of the discontinuance of performance bond requirements.
- 19–122 provides a standard procedure for contracting officers to use in gathering pre-award data.
- 19–125.5(b) extends the expiration date of Form 5139, Contractor Employee Temporary Identification card, from 60 calendar days to 90 calendar days.
- 19–130.6 provides for amendments to solicitations.
- 19–13.73 and 19–130.832 delete references to surety.
- 19–130.881 deletes references to a surety or bond.
- 19–305 deletes distribution to surety companies.
- 19–306.1(b) changes Form 7405 to 7468.
- 19–306.1(c) includes Form 7468-B.
- 19–307.1 deletes any references to bonds or sureties.
- 19–308 changes Form 7405 to 7468.
- 19–317.1(a) corrects the reference.
- 19–319 Death or Incompetence of a Contractor, adds standard procedures for contracting officers and administrative officials to follow when a contractor dies or is declared incompetent.
- 19–606.1(a) deletes references to bonds or sureties.
- 19–606.2 deletes reference to Form 7468 and sureties.
- 19–903(a) incorporates Form 7430, Solicitation Record—Emergency Highway Contract.
- 19–906.21 requires quarterly reviews of existing emergency contracts.
- Use the following new, revised, or replacement forms included in section 19 immediately when applicable.

1. Form 7405, Transportation Services Bid or Proposal and Contract, June 1980.
2. Form 7435, Solicitation for Transportation Services Contract, April, 1980.
3. Form 7439, Solicitation Record—Emergency Highway Contract, April 1980.
4. Form 7451, Air Taxi Contract General Provisions, February 1981.
5. Form 7451–A, Air Taxi Commuter Contract General Provisions, August 1980.
6. Form 7455, Air Taxi Service—Aircraft Requirements and Flight Personnel Qualifications, January 1981.
7. Form 7464, Cost Statement (Short Form)—Highway Transportation Contracts, October 1979.
8. Form 7467, Proposal and Contract for Emergency Service, March 1980.
9. Form 7469, Highway or Domestic Water Transportation Contract Information and Instructions, April 1980.

- In Addition, minor editorial or technical changes are included.

(5 U.S.C. 522(a). 39 U.S.C. 401. 404. 410. 411. 2008)

W. Allen Sanders,

Associate General Counsel. General Law and Administration.

[FR Doc 81-14369 Filed 5-13-81. 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 1814-2]

Connecticut; Revision to the State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Revisions to the State Implementation Plan (SIP) for the State of Connecticut were submitted to EPA on June 9, 1980 and November 17, 1980 by the Commissioner of the Department of Environmental Protection. Those revisions included a comprehensive air quality monitoring plan intended to meet the requirements of 40 CFR 58 entitled Ambient Air Quality Surveillance.

On January 16, 1981 the Regional Administrator published in the **Federal Register** (46 FR 3923) a Notice of Proposed Rulemaking for this revision to the Connecticut SIP, to approve the comprehensive air quality monitoring plan. No comments were received during the 30-day comment period. EPA is taking this action because the revision fulfills the requirements of the Ambient Air Quality Surveillance Regulations. The intended effect of this action is to approve Connecticut's comprehensive air quality monitoring plan.

EFFECTIVE DATE: These regulations take effect on June 15, 1981.

FOR FURTHER INFORMATION CONTACT: Donald P. Porteous, Air Section, EPA, Region I, 60 Westview Street, Lexington, Massachusetts 02173, (617) 861-6700.

SUPPLEMENTARY INFORMATION: On May 10, 1979 (44 FR 27558) pursuant to the requirements of Sections 110(a)(2)(C), 319, 313, and 127 of the Clean Air Act, EPA promulgated ambient air quality monitoring, data reporting, and surveillance provisions, establishing a new Part 58 in 40 CFR, entitled Ambient Air Quality Surveillance.

Connecticut has submitted a Comprehensive Air Quality Monitoring Plan designed to meet the requirements of Part 58. EPA has found that the Connecticut submittal meets the applicable regulations. EPA proposed approval of the Comprehensive Air Quality Monitoring Plan in a notice of proposed rulemaking (46 FR 3923). No comments were received during the 30-day comment period. EPA is now granting final approval of the Connecticut plan.

After evaluation of the state's submittal, the Administrator has determined that the Connecticut revision meets the requirements of the Clean Air Act and 40 CFR Part 58. Accordingly, this revision is approved as a revision to the Connecticut State Implementation Plan.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this SIP revision is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it only approves state actions and imposes no new requirements.

This rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. This action relates only to air quality surveillance to be carried out by the State of Connecticut and will not cause any significant economic impacts. Furthermore, this action comes within the terms of the certification issued on January 27, 1981 (46 FR 8709).

(Sections 110(a) and 301 of the Clean Air Act, as amended, 42 U.S.C. 7401 and 7601)

Dated: May 7, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1980.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart H—Connecticut

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Under Section 52.370, Identification of Plan, add Paragraph (c)(13) as shown below:

§ 52.370 Identification Plan.

* * * * *

(c) * * *

(13) A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR 58, was submitted by the Connecticut Department of Environmental Protection Commission on June 9, 1980 and November 17, 1980.

[FR Doc 81-14368 Filed 5-13-81 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1811-2]

Florida: Approval of 1979 Ozone Revisions; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces approval of the implementation plan revisions which the Florida Department of Environmental Regulation (DER) submitted pursuant to the requirements of Part D of Title I of the Clean Air Act for ozone nonattainment areas. Conditional approval was given to these revisions on March 18, 1980 (45 FR 17140). Under the terms of the conditional approval, the State was to submit testing methods, revised regulation for volatile organic compounds (VOC) and signed Section 174 agreements for EPA's approval. This has been done and the supplemental submittals are the basis for this approval of the ozone plan.

DATE: This action is effective on June 15, 1981.

ADDRESSES: Copies of the materials submitted by the Florida Department of Environmental Regulation (DER) may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street N.W., Room 8401, Washington, D.C. 20460

Library, Environmental Protection Agency, 345 Courtland Street N.E., Atlanta, Georgia 30365

FOR FURTHER INFORMATION CONTACT: Archie Lee of the EPA Region IV, Air Programs Branch at 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On March 18, 1980 (45 FR 17140), EPA gave

conditional approval to the implementation plan revisions which Florida had submitted for their ozone (O_3) nonattainment areas. Under the terms of the conditional approval, the State was to submit supplemental materials by May 30, 1980. These were adopted on May 14, 1980, by the Florida Environmental Regulation Commission, and were submitted to EPA on May 28, 1980.

The corrective submittal required consists of: commitments and schedules for the Transportation Control Measures (TCMs) developed by the nonattainment counties' metropolitan planning organizations; a demonstration that positive long-term as well as short-term air quality benefits will be realized for those reasonably available TCMs which are contained in the Annual Element of the Transportation Improvement Plan and are included in the state implementation plan (SIP); signed Section 174 agreements for Pinellas and Dade Counties; commitment to report annually to EPA the Reasonable Further Progress for the ozone nonattainment areas; a certification that no auto and light duty truck coating operations exist in the ozone nonattainment areas; for petroleum liquid storage, an applicable tank size of 40,000 gallons and larger recommended in the EPA's Control Techniques Guidelines (CTGs) instead of 42,000 gallons; procedures to be used to monitor the application of cutback asphalt; and specific testing methods or procedures for determining whether VOC sources are complying with the emission limitations.

The proposal notice of July 16, 1979 (44 FR 41254) and the notice of conditional approval on March 18, 1980 (45 FR 17140) may be referred to for detailed information on the Florida ozone nonattainment plan and the basis for EPA's finding that it satisfies the requirements of Part D of Title 1 of the Clean Air Act. In brief, the plan provides for the attainment by December, 1982, of the national ambient air quality standards for ozone through reductions in hydrocarbon emissions resulting from the application of reasonably available control technology (RACT) on stationary sources, including all those covered by EPA's, CTGs, and from the Federal Motor Vehicle Control Program. The plan contains a commitment to adopt RACT regulations based on the CTGs issued subsequently. During the time Florida was adopting their VOC test methods, EPA had not yet promulgated methods 24 and 25 for measuring VOC emissions. On October 3, 1980 (45 FR 65956) EPA promulgated test methods 24 and 25 but Florida has not yet had time to incorporate these into the State's plan. Therefore, until the State of Florida adopts EPA test methods 24 and 25 and/or equivalent testing procedures, Methods 24 and 25 will be used for Federal enforcement purposes.

Since the State has met the conditions and deadline set in the notice of conditional approval, Florida's 1979 revisions for ozone nonattainment areas are given full approval. This action is effective June 15, 1981.

EPA is making these changes effective without providing a separate opportunity for notice and comment because the conditions for approval of these regulations were discussed in detail in the Federal Register notice proposing approval of the Florida SIP (44 FR 41254).

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the retirement for a Regulatory Impact Analysis. These regulations are not Major because they only approve State actions. They impose no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Secs. 110 and 172 Clean Air Act (42 U.S.C. 7410, 7502))

Dated: May 7, 1981.

Walter C. Barber,

Acting Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Florida was approved by the Director of the Federal Register on July 1, 1980.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart K—Florida

1. In § 52.520 paragraph (c) is amended by adding subparagraph (27) as follows:

§ 52.520 Identification of plan.

* * * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(27) Corrections in 1979 revisions for ozone nonattainment areas (Broward, Dade, Duval, Hillsborough, Orange, Palm Beach, and Pinellas Counties) submitted on May 28, 1980, by the Florida Department of Environmental Regulation to meet conditions of the conditional approval of March 18, 1980 (45 FR 17140).

§ 52.527 [Removed]

2. Section 52.527, "Control strategy: Ozone", is removed.

[FR Doc. 81-14503 Filed 5-13-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5 FRL 1814-1]

Michigan: Revising State Implementation Plan; State and Federal Administrative Orders

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The U.S. Environmental Protection Agency (USEPA) is today approving a revision to the Michigan State Implementation Plan (SIP). The revision consists of a Final Order (Order) requested of the Michigan Air Pollution Control Commission (Commission) by the Union Camp Corporation (Company). This SIP revision permits the Company to burn 2.5% sulfur(S) fuel until July 1, 1982; 2.2% S fuel between July 1, 1982 to January 1, 1985; and 1.5% S fuel after January 1, 1985.

On November 26, 1980 (45 FR 78734) USEPA proposed approval of this revision. USEPA received one comment which supported USEPA's proposed action. This notice takes final action to approve the SO_2 emission limitations contained in the Order.

EFFECTIVE DATE: This final rulemaking becomes effective on June 15, 1981.

ADDRESSES. Copies of the SIP revision, public comment on the Notice of Proposed Rulemaking (45 FR 78734), and USEPA's evaluation and response to comments are available for inspection during normal business at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Copies of the submission are also available at:

Michigan Department of Natural Resources, Air Quality Division, State Secondary Complex, General Office Building, 7150 Harris Drive, P.O. Box 30028, Lansing, Michigan 48909
The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn, Chicago, Illinois 60604, (312) 886-6037.

SUPPLEMENTARY INFORMATION: Union Camp Corporation is a paper mill located in Monroe County, Michigan. This area was designated in the October 5, 1978 Federal Register (43 FR 46010) as attainment for sulfur dioxide (SO_2) National Ambient Air Quality Standards (NAAQS). On November 26, 1980 (45 FR 78734), USEPA published a Notice of Proposed Rulemaking which contained emission limitations and compliance schedules for the Union Camp Corporation as stipulated in Final Order APC No. 14-1979 issued January 3, 1980, by the Michigan Air Pollution Control Commission (Commission). Prior to January 1, 1980, the Company had been operating under Performance Contract for Air Pollution Abatement No. 06-1974 which had been approved by the Commission. This contract exempted the Company from Rule 336.49 (recodified as 336.1401) until January 1, 1980.

Under the Order, between January 1, 1980 and July 1, 1980 the source was permitted to continue to burn 2.7% sulfur(S) fuel on an annual average and 4.0% S fuel on a daily average. Beginning July 1, 1980 until July 1, 1982, Union Camp may burn fuel with a sulfur content of 2.5% on an annual average and 4.0% daily average. Beginning July 1, 1982 until January 1, 1985, Union Camp is allowed to burn fuel with a sulfur content of 2.2% on an annual average and 3.5% daily average. After January 1, 1985, unless an order granting an additional extension of time or setting a new limitation has been submitted to an approved by USEPA as a SIP revision, Union Camp must comply with the existing SIP limitations in Rule 336.49 (recodified as 336.1401) of 1.5% S. Since Union Camp is located in an area designated attainment for the SO_2 NAAQS the Prevention of Significant Deterioration (PSD) regulations (August 7, 1980, 45 FR 52676) are applicable. This SIP revision does not consume any of the PSD increment since the SO_2 emissions from Union Camp allowed during the period of the variance are based on status quo fuel and do not represent an increase over Union Camp's emissions included in the baseline concentration. An air quality analysis was performed to demonstrate that the National Ambient Air Quality Standards (NAAQS) and Prevention of Significant Deterioration (PSD) increments will be protected throughout the delayed compliance period (January 1, 1980 to January 1, 1985). The modeling analysis demonstrated that the Union Camp SIP revision will not cause or contribute to a violation of the applicable SO_2 NAAQS nor will it consume any of the applicable PSD increment.

USEPA reviewed the Order as a SIP revision and proposed approval on November 26, 1980 (45 FR 78734) for the Union Camp Corporation. A 30 day public comment period was provided at the time of the proposal. USEPA received one public comment supporting its proposed action.

USEPA has determined that approval of this SO_2 emissions limitation schedule for the Union Camp Corporation from January 1, 1980 until January 1, 1985 will not threaten or prevent the attainment and maintenance of the SO_2 NAAQS and PSD increments. In addition, the State has indicated that it is relying on fuel analysis to determine the Company's compliance with the Order. This is acceptable to USEPA. Therefore, USEPA, in this final rulemaking action approves as a revision to the Michigan SIP, the Consent Order requiring the source to comply with the existing SIP limitations of 1.5% sulfur fuel in Rule 336.49 (recodified as 336.1401) by January 1, 1985.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of (date of publication) under Section 307(b)(2) of the Clean Air Act. The requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by USEPA to enforce these requirements.

Under Executive Order 12291 (46 FR 13193), USEPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis.

This approved regulation is not a major rule as defined by the Order, because the Company requested and is in compliance with the present interim reduction schedule of 2.5% sulfur fuel. It is unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy. This regulation was sent to the Office of Management and Budget for review as required by Executive Order 12291.

Note.—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register July 1, 1980.

This Notice of Final Rulemaking is issued under the authority of Section 110 of the Clean Air Act (42 U.S.C. 7410), as amended.

Dated: May 8, 1981.

Walter C. Barber,
Acting Administrator.

Part 52 of Chapter 1, Title 40 Code of Federal Regulations is amended as follows:

Subpart X—Michigan

1. Section 52.1170 is amended adding paragraph (c) 34 as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(34) On January 8, 1980, the State of Michigan submitted to USEPA a Final Order (APC No. 14-1979) requested of the Michigan Air Pollution Control Commission (MAPCC) by the Union Camp Corporation in Monroe County, Michigan. The Order permitted the Union Camp Corporation to burn 2.7% sulfur fuel on an annual average and 4.0% sulfur fuel on a daily average between January 1, 1980 and July 1, 1980. Beginning July 1, 1980 until July 1, 1982 the Company is permitted to burn 2.5% sulfur fuel on an annual average and 4.0% sulfur fuel daily average. Beginning July 1, 1982 until January 1, 1985, the Company is allowed to burn 2.2% sulfur fuel annual average and 3.5% sulfur fuel daily average. After January 1, 1985; the Company has agreed to comply with the SO_2 emission limitations of 1.5% sulfur fuel required in Michigan Rule 336.1401.

2. Section 52.1175(e) is amended by adding a new line to the table as follows:

§ 52.1175 Compliance schedules.

* * * * *

(e) * * *

* * * * *

Michigan

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
•	•	•	•	•
Monroe County				
Union Camp	Monroe County	336.1401 (336.49)	Jan. 3, 1980	Jan. 1, 1986.
•	•	•	•	•

[FR Doc. 81-14564 Filed 5-13-81; 8:45 am]
BILLING CODE 6560-30-M

VETERANS ADMINISTRATION

41 CFR Part 8-1.4

Procurement Responsibility and Authority; Correction

AGENCY: Veterans Administration.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on technical review of procurement contracts (41 CFR 8-1.403-60) (FR Doc. 81-12028) that appeared on page 22897 of the Federal Register of Wednesday, April 22, 1981, (46 FR 22897). This action is necessary to add information that was erroneously deleted from the regulation during the revision.

EFFECTIVE DATE: This regulation is effective April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Chris Figg, Policy and Interagency Service, Office of Supply Services, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, Telephone (202) 389-2334.

Dated: May 8, 1981.

Rufus H. Wilson,

Acting Administrator.

Accordingly, the Veterans Administration is correcting the introductory paragraph of 41 CFR 8-1.403-60 to read as follows:

PART 8-1.4—PROCUREMENT RESPONSIBILITY AND AUTHORITY

§ 8-1.403-60 Technical review.

Certain contracts not subject to the legal review requirements of § 8-1.403-51 are subject to a prior technical review for compliance with procurement regulations as provided in this section. Negotiated contracts, including 8(a) set-asides, expected to exceed $50,000 and formally advertised contracts (including Step One of two-step procurements) expected to exceed $100,000 will be reviewed by the Assistant Administrator for Supply Services, prior to award, except that the requirement for review is not applicable to contracts related to the Loan Guaranty Program, formally advertised construction contracts, architect-engineer contracts or to contracts awarded by the Office of Construction.

• • • • •

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 81-14611 Filed 5-13-81; 8:45 am]
BILLING CODE 3320-01-M

41 CFR Part 8-8.2

General Principles Applicable to the Termination for Convenience and Settlement of Fixed-Price and Cost-Reimbursement Type Contracts

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This revision to the Veterans Administration Procurement Regulations changes the requirements for submission of settlement proposals to the Office of the Inspector General for review and audit, and provides for the establishment of a settlement review board by the Assistant Administrator for Supply Services.

EFFECTIVE DATE: This rule is effective May 13, 1981.

FOR FURTHER INFORMATION CONTACT: David S. Derr, Policy and Interagency Service, Office of Supply Services, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 389-2334.

SUPPLEMENTARY INFORMATION: Section 8-8.207 of the current VA Procurement Regulations requires that all settlement proposals, even no-cost settlement proposals, must be submitted for review by the Assistant Inspector General for Audit. This revision aligns the requirement to conform to the claim limitation as set forth in FPR 1-8.207 requiring the submittal of claims in excess of $2,500 for review.

The establishment of the Office of Supply Services leads to the establishment of a settlement review board within that organization. Section 8-8.211-1 is revised accordingly.

Section 8-8.211-2 is revised to provide for the submission of proposed settlements to the settlement review board through the Assistant Administrator for Supply Services.

This proposed regulation has been reviewed pursuant to the requirements of Executive Order 12291 and the Regulatory Flexibility Act and it is determined that the regulation is nonmajor and has no impact upon business or state and local governments.

It is the general policy of the VA to allow time for interested parties to participate in the rulemaking process (38 CFR 1.12). Since this amendment only affects internal review procedures, the public rulemaking process is deemed unnecessary in this instance.

Approved: May 5, 1981

Rufus H. Wilson,

Acting Administrator.

41 CFR 8-8.2 is revised as follows:

PART 8-8.2—GENERAL PRINCIPLES APPLICABLE TO THE TERMINATION FOR CONVENIENCE AND SETTLEMENT OF FIXED-PRICE AND COST-REIMBURSEMENT TYPE CONTRACTS

1. Section 8-8.206 is amended by updating the title "Director, Supply Services" to "Assistant Administrator for Supply Services" so that the section reads as follows:

§ 8-8.206 Fraud or other criminal conduct.

When the circumstances set forth in FPR 1-8.206 are encountered, the contracting officer will immediately discontinue all negotiations. He/she will submit to the Assistant Administrator for Supply Services, all of the pertinent facts necessary to support his/her reasoning. The Assistant Administrator for Supply Services will review the submission and fully develop the facts. If he/she concurs that the evidence indicates fraud or other criminal conduct, he/she will forward the submission with his/her recommendations, through channels, to the General Counsel for a determination as to whether submission to the Department of Justice for criminal or civil action is indicated. The contracting officer will be advised by the Assistant Administrator for Supply Services as to any further action to be taken by him/her. Pending receipt of this advice, the matter will not be discussed with the contractor. If inquiry is made by the contractor, he/she will be advised only that his/her proposal has been forwarded to higher authority.

2. Section 8-8.207 is completely revised to read as follows:

§ 8-8.207 Accounting review of prime contract settlement proposals and of subcontract settlements.

Contracting officers will submit settlement proposals to the Assistant Inspector General for Audit (52C), for review and audit prior to taking any further action, in accordance with the provisions and claim limitations applicable to prime and subcontractors as set forth in FPR 1-8.207.

3. Section 8-8.211-1 is amended by deleting the title "Chief Medical Director" and inserting "Assistant Administrator for Supply Services" so that the section reads as follows:

§ 8-8.211-1 Settlement review boards.

The Assistant Administrator for Supply Services and the Assistant Administrator for Construction will each establish within his/her own organization a settlement review board. These boards will be established in accordance with the provisions for FPR 1-8.211-1 for the purpose of reviewing proposed settlements of contracts that have been terminated for the convenience of the Veterans Administration.

4. In Section 8-8.211-2, paragraph (a) is amended by deleting the words "Chief Medical Director (134)" and inserting the words "Assistant Administrator for Supply Services (93)" so that the paragraph reads as follows:

§ 8-8.211-2 Required review and approval.

(a) When a review of a proposed settlement is required by FPR 1-8.211-2 and the contract covers supplies, equipment or services, other than construction chargeable to Construction Appropriations, the contracting officer will submit the proposed settlement or determination to the settlement review board through the Assistant Administrator for Supply Services (93).

* * * * *

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 81-14616 Filed 5-13-81; 8:45 am]

BILLING CODE 6320-01-M

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41 CFR Part 8-95

Loan Guaranty Program

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: This revision amends the Veterans Administration Procurement regulations by raising the dollar limit for repair of properties in the custody of the VA but prior to conveyance of title; and by increasing blanket authority of management brokers to incur expenses for the Government on repair and miscellaneous recurring items associated with VA-owned properties. The authority to incur expenses has been increased to account for the effects of inflation.

EFFECTIVE DATE: This rule is effective May 13, 1981.

FOR FURTHER INFORMATION CONTACT: Tim Ganous, Policy and Interagency Service, Office of Supply Services, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, Telephone (202) 389-2334.

SUPPLEMENTARY INFORMATION: The pretitle authority (38 CFR 36.4320) allows the VA to make properties ready for sale at the earliest practicable date. The dollar limit for repair of properties is increased from $750 to $2,000. The management broker's blanket advance authority to repair VA properties is also increased from $75 to $200.

This proposed regulation has been reviewed pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354) and it is determined that the regulation has no impact upon small business or state and local governments.

It is the general policy of the VA to allow time for interested parties to participate in the rule making process (38 CFR 1.12). Since this amendment only affects internal review procedures, the public rule making process is deemed unnecessary in this instance.

Approved: May 7, 1981.

Rufus H. Wilson,

Acting Administrator.

41 CFR 8-95 is revised as follows:

1. Section 8-95.102 is amended by revising paragraphs (c) and (e) to read as follows:

§ 8-95.102 Authorization for repairs to properties.

* * * * *

(c) During the period when the Veterans Administration has assumed custody of the property from a holder and prior to its conveyance to the Veterans Administration pursuant to Veterans Administration Regulation 4320 (38 CFR 36.4320), repairs are authorized not in excess of $2,000 when appropriate to make the property ready for sale at an earlier date than would otherwise be possible if the repair program was delayed until such time as the Veterans Administration acquired absolute title.

* * * * *

(e) An approved management broker may be authorized, at the time a property is listed with him/her to incur expenses for fuel and utilities or other recurring items which are required to be furnished by the Veterans Administration to its tenants or are required in the maintenance of the property. Advance blanket authorizations to management brokers will be limited to repairs not in excess of $200 in any transaction. Repair jobs may not be split to circumvent this restriction. Expenditures in excess of $200 require prior approval of the Director, Regional Office, having jurisdiction of the property.

2. Section 8-95.106 is amended by revising paragraphs (b) and (d) to read as follows:

§ 8-95.106 Lien waivers.

* * * * *

(b) Contractors will be requird to notify the Director, Regional Office, of any subcontracts for services or materials in excess of $1,000. Such subcontractors or material men will be required to sign the release or waiver jointly with the prime contractor or to execute release or waiver in his/her own name.

* * * * *

(d) Due to the variations of local law, no standard release or waiver is prescribed. Each release or waiver will be prepared in accordance with local law and will be in form acceptable by the District Counsel.

3. Section 8-95.107(b) is revised as follows:

§ 8-95.107 Stipulations against liens.

* * * * *

(b) Contracts in the amount of $1,000 or more or where there is doubt as to the financial responsibility of the contractor will provide maximum protection to the Government by including such requirements as are available under local law. Advice and approval of any contract stipulation or legal stipulations against liens will be obtained from the District Counsel.

(38 U.S.C 210(c); 40 U.S.C. 486(c))

[FR Doc 81-14617 Filed 5-13-81; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA-6712]

44 CFR Part 70

Letter of Map Amendment for the County of Hillsborough, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of

communities for which maps identifying Special Flood Hazard Areas have been published. This list included the County of Hillsborough, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Hillsborough, Florida that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b): Map Number H & I 120112, Panel 0205B, published on October 6, 1980, in 45 FR 66059 indicates that 1017 Wildrose Drive, also known as Lot 9, Block 2 of the Wildwood Subdivision and recorded in Official Record 3324, Page 1996 of the Public Records of Hillsborough County, Florida is within the Special Flood Hazard Area.

Map Number H & I 120112, Panel 0205B is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on June 18, 1980. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator.)

Issued: April 21, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14584 Filed 5-13-81; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA–5712]

44 CFR Part 70

Letter of Map Amendment for the City of Tarpon Springs, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tarpon Springs, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tarpon Springs, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b): Map No. H & I 120259A, Panel 02, published on October 6, 1980 in 45 FR 66061 indicates that Lots 1 and 4 less the most easterly 50 feet and all of Lots 2 and 3, Block 22, on the Official Map of Tarpon Springs, Florida, as recorded in the Deed, O.R. 5071, Page 2154, in the Office of the Clerk of Circuit Court of Pinellas County, Florida, is within the Special Flood Hazard Area.

Map No. H & I 120259A, Panel 02, is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on January 7, 1977. This property is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator.)

Issued: April 21, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14585 Filed 5-13-81; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA–5708]

44 CFR Part 70

Letter of Map Amendment for the City and County of Honolulu, Hawaii, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City and County of Honolulu, Hawaii. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City and County of Honolulu, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related

financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with S 70.7(b):

Map No. H & I 150001 Panels 0090A and 0115A, published on October 7, 1980, in 45 FR 66485, indicates that Lots 244 through 252 and 276 through 287, Land Court Application 966, City and County of Honolulu, Hawaii, as recorded on Map 141, in the Office of the Registrar of the Land Court, State of Hawaii, are within the Special Flood Hazard Area.

Map No. H & I 150001 Panels 0090A and 0115A is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on September 3, 1980. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator.)

Issued: April 21, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–14586 Filed 5–13–81; 8:45 am]

BILLING CODE 6718–03–M

[Docket No. FEMA 6002]

44 CFR Part 70

Letter of Map Amendment for the City of Elmhurst, Ill., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Elmhurst, Illinois. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Elmhurst, Illinois, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT:
Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with S70.7(b):

Map No. 170205, Panel No. 0004B; published on March 5, 1981, in 46 FR 15269, indicates that Lot No. 1, Macdougall's Butterfield-Euclid Resubdivision, City of Elmhurst, DuPage County, Illinois, recorded as Instrument No. R66–44093, in the Office of the Recorder of DuPage County, Illinois, is partially located within the Special Flood Hazard Area.

Map No. 170205, Panel No. 0004B, is hereby corrected to reflect that the existing Condominium Buildings Nos. 100 and 110 West Butterfield Road, the Pool and Recreation Building and Garage Units 1S through 11S, 12S through 33S, and 35S through 44S, located on the above-mentioned property are not within the Special Flood Hazard Area identified on February 4, 1981. The structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: April 21, 1981.

Robert G. Chappell,

Acting Assistant Administrator.

[FR Doc. 81–14587 Filed 5–13–81; 8:45 am]

BILLING CODE 6718–03–M

[Docket No. FEMA–5909]

44 CFR Part 70

Letter of Map Amendment for the City of Stillwater, Okla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Stillwater, Oklahoma. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Stillwater, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office,

National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 405380A Panel 06, published on October 6, 1980, in 45 FR 66095, indicates that Lot 2, Block 8, West Sunset Heights Addition, Stillwater, Oklahoma, as recorded in Miscellaneous Book 94, Pages 345 and 346, in the Office of the Clerk, Payne County, Oklahoma, is within the Special Flood Hazard Area.

Map No. H & I 405380A Panel 06 is hereby corrected to reflect that the existing structure on the above mentioned property is not within the Special Flood Hazard Area identified on January 9, 1976. This structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator.)

Issued: April 21, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administraton.

[FR Doc. 81-14498 Filed 5-13-81; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA–5809]

44 CFR Part 70

Letter of Map Amendment for the City of Tulsa, Okla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Oklahoma. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 405361D Panel 73, published on October 6, 1980, in 45 FR 66095, indicates that Lot 40, Block 7, Dollie-Mac Addition, Tulsa, Oklahoma, recorded as Document No. 733203 in Book 4373, Page 580, in the Office of the Clerk, Tulsa County, Oklahoma, is within the Special Flood Hazard Area.

Map No. H & I 405361D Panel 73 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on August 14, 1979. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator.)

Issued: April 21, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14499 Filed 5-13-81; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA–5809]

44 CFR Part 70

Letter of Map Amendment for Polk County, Oreg., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Polk County, Oregon. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Polk County, Oregon, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or

broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 410186A Panel 02, published on October 6, 1980, in 45 FR 66124, indicates that a portion of Lot 6, located in Section 18, Township 6 South, Range 7 West, Willamette Meridian, Polk County, Oregon, recorded as Filing No. 204921 in Book 60, Page 494, in the Office of the Clerk, Polk County, Oregon, is within the Special Flood Hazard Area.

Map No. H & I 410186A Panel 02 is hereby corrected to reflect that the site for the proposed Mobile Home, which is at or above the base flood elevation of 312.5 feet mean sea level is not within the Special Flood Hazard Area identified on February 15, 1978. This site at or above 312.5 feet mean sea level is located in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator.)

Issued: April 21, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–14560 Filed 5–13–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5923]

Letter of Map Amendment for the Township of Falls, Bucks County, Pa., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Township of Falls, Bucks County, Pennsylvania. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Township of Falls, Bucks County, Pennsylvania, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. 420188, Panels Nos. 0002A and 0005A, published on October 21, 1980, in 45 FR 69451, indicates that a parcel of land, containing approximately 254 acres, being designated as Tracts Nos. 19 through 22, Township of Falls, Bucks County, Pennsylvania, as recorded in Deed Book 573, Pages 21 through 23, in the Office of the Recorder of Deeds of Bucks County, Pennsylvania, is partially located within the Special Flood Hazard Area.

Map No. 420188, Panels Nos. 0002A and 0005A are hereby corrected to reflect that the existing Office, Scale House, Blocktop Plant, Crusher and Sheds located on the above-mentioned property are not within the Special Flood Hazard Area identified on September 30, 1980. The structures are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator).

Issued: April 21, 1981.

Robert G. Chappell,

Acting Assistant Administrator.

[FR Doc. 81–14561 Filed 5–13–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for Harris County, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program

(NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–8620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287 Panels 0275C and 0300C, published on October 6, 1980, in 45 FR 66096, indicates that proposed Lots 51 through 55, Block 16; and Lots 8 through 13 and 19 through 22, Block 17, Settlers Village, Section Three; proposed Lots 10 through 24, Block 28; Lots 1 and 2, Block 33; Lots 21 through 37, Block 34; and Lots 6 and 7, Block 35, Settlers Village, Section Four; and proposed Lots 52 through 57, Block 37; Lots 3 through 10 and 46 through 54, Block 38; Lots 21 through 27 and 31 through 37, Block 39; Lots 23 through 26, Block 42; Lots 1 through 15 and 35 through 39, Block 43; Lots 24 through 28, Block 44; and Lots 18 through 23, Block 47, Settlers Village, Section Five, being a portion of a 235.2353 acre tract of land out of Section 33, Block 2 of the H.&T.C.R.R. Co. Survey, Abstract 447; a 219.85 acre tract of land in the H.&T.C.R.R. Survey, Abstract No. 1341; a 26.9 acre tract of land in the H.&T.C.R.R. Surveys, Abstract Nos. 436 and 988; a 161.66 acre tract of land out of Section 34 of the H.&T.C.R.R. Survey, Abstract No. 1341; and a 641.8522 acre tract of land partially in the H.&T.C.R.R. Survey 37, Abstract 435, the H.&T.C.R.R. Survey 19, Abstract 423, and the H.&T.C.R.R. Survey 34, Abstract 1341, Harris County, Texas, as recorded in Film Code Numbers 154–21–0301 through 154–21–0307; Film Code Numbers 155–30–1269 through 155–30–1274; Film Code Numbers 159–33–1019 through 159–33–1023; and Film Code Numbers 143–22–1736 through 143–22–1741, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287 Panels 0275C and 0300C are hereby corrected to reflect that the abovementioned lots are not within the Special Flood Hazard Area identified on February 24, 1981. These lots are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator.)

Issued: April 21, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–14492 Filed 5–13–81; 8:45 am]

BILLING CODE 6718–03–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Gen. Docket No. 79–188; RM–3247]

Amendment of the Commission's Rules To Allocate Spectrum for, and To Establish Other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems for the Provision of Common Carrier Digital Telecommunications Services; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission publishes a correction to an error made in the First Report and Order in Docket No. 79–188, on the amendment of the Commission's rules to allocate spectrum for, and to establish other rules and policies pertaining to, the use of radio in Digital Termination Systems for the provision of Common Carrier Digital Telecommunications Services, released on April 17, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: J. Bertron Withers, Jr., Policy & Management Staff, Office of Science and Technology, 2025 M Street NW., Washington, D.C. 20554, (202) 653–8100—Room 7002.

Released: May 7, 1981.

The Commission released on April 17, 1981, the First Report and Order, FCC Number 81–16, (45 FR 23428, published April 27, 1981) in the above-captioned proceeding. We have detected an error in the Table of Frequency Allocations as shown below:

1. In Appendix B, the portion of the Table of Frequency Allocations in rule § 2.106 on page B–2 (46 FR at 23449) should be revised to read:

§ 2.106 Table of frequency allocations.

Federal Communications Commission

7 Band (GHz)	8 Service	9 Class of station	10 Frequency (GHz)	11 Nature of services of stations
•	•	•	•	•
10.5–10.55	• • •			
10.55–10.565	FIXED	Fixed		DOMESTIC PUBLIC.
10.565–10.615	FIXED	Fixed		DOMESTIC PUBLIC. Digital termination nodal stations.
10.615–10.63	FIXED	Fixed		DOMESTIC PUBLIC.
10.63–10.68	FIXED	Fixed		DOMESTIC PUBLIC. Digital termination user stations.
•	•	•	•	•

(Secs. 1, 2, 4, 301–305, 206, 215, 218, 313, 314, 403, 404, 410, 602; 48 Stat. as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201–205, 206, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81–14488 Filed 5–13–81; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[FCC 81–159]

Emergency Broadcast Test Procedures

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Amendment of the Commission's Rules to Revise the Weekly Transmission Test Announcement in the Emergency Broadcast System (EBS) Checklist and to permit an Activation of the EBS to be substituted for the Weekly Transmission

Test. The Commission has amended the weekly Emergency Broadcast System (EBS) test announcement and its rules to provide that activation of the EBS can substitute for the required weekly transmission test. Both changes were recommended by the Broadcast Services Subcommittee of the National Industry Advisory Committee, a voluntary organization which advises and assists the FCC on emergency communications matters. The Commission reminded stations that they must continue to record test transmissions, EBS activations and State and local test transmissions in their transmitter or operating logs. Those logs are not affected by the Commission's recent action to eliminate the requirement that stations maintain program logs.

DATE: The changes will take effect August 1, 1981. Appropriate change material will be sent to all broadcast licensees before that date.

FOR FURTHER INFORMATION CONTACT: Frank Lucia, FCC Emergency Communications Division, (202) 632-7232.

Order

Adopted: April 9, 1981.

Released: April 28, 1981.

By the Commission: Chairman Ferris not participating.

In the Matter of Amendment of Part 73, Subpart G, Emergency Broadcast System (EBS): (1) to Revise the Weekly Transmission Test Announcement in the EBS Checklist, and (2) to permit an Activation of the EBS to be substituted for the Weekly Transmission Test.

1. The Broadcast Services Subcommittee of the National Industry Advisory Committee (NIAC) met on September 7, 1979, and September 11, 1980, and recommended Revisions to the Commission Rules and procedures governing the Emergency Broadcast System.

The NIAC advises and assists the FCC by studying and submitting recommendations for emergency communications policies, plans, systems, and procedures. In this regard, the Broadcast Services Subcommittee of NIAC has recommended that two changes be reflected in the EBS Rules and EBS Checklist to enhance the effectiveness of the EBS in saving life and property. NIAC members are industry representatives who voluntarily contribute their time and expertise to emergency communications planning.

2. The first recommendation is to amend the second announcement under the EBS Checklist procedures for the Weekly Transmission Tests of the Attention Signal and Test Script so that the sentences "The broadcasters of your area in voluntary cooperation with the FCC and other authorities have developed this system to keep you informed in the event of an emergency. If this had been an actual emergency, you would have been instructed where to tune in your area for news and official information.", would be replaced with the sentences "The broadcasters of your area in voluntary cooperation with Federal, State and local authorities have developed this system to keep you informed in the event of an emergency. If this had been an actual emergency, the Attention Signal you just heard would have been followed by official information, news or instructions". This change will alert the public to the fact that the EBS two-tone attention signal may be used prior to the broadcast of emergency information.

The EBS is increasingly being used to disseminate emergency information concerning tornadoes, flash floods, toxic chemical spills, etc. The FCC has received over 1,400 reports in the past four years from broadcast stations who have activated the EBS for State or local emergencies. Also, recognition of the role of State and local authorities is important.

The phrase . . ."where to tune in your area" . . . is not appropriate for present day use of the EBS because almost all of the broadcast stations in the country would stay on the air during a national emergency.

3. The second recommendation is to amend the FCC EBS Rules so that activation of the EBS at the State or Local level by a broadcast station is an acceptable substitute for conducting the Weekly Transmission Tests of the Attention Signal and Test Script as required in Section 73.961(c). This will eliminate the redundancy of requiring a station to broadcast the Weekly Test when they may have just activated the EBS for an emergency. Also, this change is in consonance with the present rules which allow a coordinated State or Operational (Local) Area test to be substituted for the Weekly Transmission Test.

Since an EBS activation or a coordinated State or Local EBS test may occur at any time of the day or night, stations should insure that each week their operating logs show at least *one* of the following:

1. Receipt of the Weekly Transmission Test;
2. Receipt of an EBS Activation;
3. Receipt of a coordinated State or Local Test;
4. An appropriate explanation if none of the above occurred during on-the-air hours.

The present FCC Rules already require that a station log any EBS tests or EBS activations that the station transmits.

4. After careful review, the Commission concurs in the NIAC recommendation to amend the verbal portion of the Weekly Transmission Tests of the Attention Signal and Test Script and we see considerable merit in allowing stations to substitute an activation of the EBS for the weekly EBS Test as required in Section 73.961(c).

5. The implementation of these amendments require changes to the EBS Checklist. The changes will be prepared and distributed to all AM, FM, and TV broadcast station personnel for appropriate inclusion in their EBS Checklists. All stations will also be sent a copy of this order.

6. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4(i), 4(o), 303(g) and 303(r) of the Communications Act of 1934, as amended. Because the amendments herein ordered impose no new substantive requirements and are basically procedural or interpretive in nature, the prior notice provisions of the Administrative Procedure Act (5 U.S.C. 553) are inapplicable.

7. Accordingly, It Is Ordered, that effective August 1, 1981, the EBS Checklist is amended to revise the Weekly Transmission Test Announcement, and the Commission's Rules are amended as shown in the Appendix.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

The Commission's Rules and Regulations are amended as follows:

In Section 73.961, paragraph (d) is revised as follows:

§ 73.961 Tests of the Emergency Broadcast System Procedures.

* * * * *

(d) Activation of the EBS at the State or local level by a broadcast station, or coordinated tests of EBS operational procedures for an entire State or

Operational (Local) Area may be conducted in lieu of the Weekly Transmission Tests of the Attention Signal and Test Script required in paragraph (c) of this section. Tests of implementing procedures developed at the State and local levels may be conducted on a day-to-day basis as indicated in State EBS Operational Plans.

[FR Doc. 81-14307 Filed 5-13-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-161]

Organization and Delegation of Powers and Duties; Ocean Thermal Energy Conversion Act

AGENCY: Department of Transportation (DOT)

ACTION: Final rule.

SUMMARY: DOT delegates to the Commandant of the Coast Guard all functions vested in the Secretary of Transportation by the Ocean Thermal Energy Conversion Act of 1980.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures, and practices, it is excepted from notice and public procedure requirements as unnecessary, and it may be made effective in fewer than 30 days after publication in the Federal Register.

In consideration of the foregoing, § 1.46 of Title 49, Code of Federal Regulations, is amended by adding at the end thereof a new paragraph (ee), to read as follows:

§ 1.46 Delegations to the Commandant of the Coast Guard.

The Commandant of the Coast Guard is delegated authority to—

* * * * *

(ee) Carry out all functions vested in the Secretary in any capacity by the Ocean Thermal Energy Conversion Act of 1980 (Pub. L. 96-320, August 3, 1980).

(Sec. 9(e), Department of Transportation Act (49 USC 1657(e)))

Issued in Washington, D.C., on April 17, 1981.

Drew Lewis,

Secretary of Transportation.

[FR Doc. 81-14342 Filed 5-13-81; 8:45 am]

BILLING CODE 4910-62-M

Urban Mass Transportation Administration

49 CFR Parts 639 and 640

[Docket Nos. 80-A and 80-B]

Withdrawal of Regulations

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Withdrawal of Regulations.

SUMMARY: This document withdraws the Urban Mass Transportation Administration's (UMTA's) regulations for the Stockpiling of Buses and Bus Rehabilitation programs. On March 30, 1981, UMTA proposed to withdraw these regulations and to issue non-regulatory policy guidances for each. UMTA has reviewed the comments received on this proposed action and has decided to finalize the proposal. UMTA will publish the non-regulatory policy guidances on both subjects in the near future in the Notice section of the Federal Register.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Charlotte Adams, UTA-30, Urban Mass Transportation Administration, 400 7th Street SW., Washington, D.C. 20590, Telephone: (202) 472-6997; or John Collins, UCC-10, Urban Mass Transportation Administration, 400 7th Street SW., Washington D.C. 20590, Telephone: (202) 426-1906.

SUPPLEMENTARY INFORMATION: UMTA issued regulations describing the requirements for the Stockpiling of Buses and Bus Rehabilitation programs on January 13, 1981, and January 19, 1981, respectively (46 FR 5480; 46 FR 9862). Pursuant to President Reagan's January 29, 1981 memorandum on postponement of pending regulations, the Department of Transportation postponed the effective dates for these regulations until March 31, 1981 (46 FR 10706).

During the postponement period, UMTA reviewed the need for, and burden of, each regulation. UMTA completed its review and on March 30, 1981, proposed to withdraw both regulations and to issue non-regulatory policy guidances for each (46 FR 19270). UMTA sought the advice of the public on the proposed action and provided a 15-day comment period. UMTA believed that regulations were not necessary to accomplish the purpose of either program. In addition, UMTA believed that policy guidances would not only inform the public about the programs but would also allow for greater flexibility in dealing with special circumstances on a case-by-case basis. In order to allow for the submission of comments and the development of program guidances, the effective dates for the pending regulations were postponed for an additional 45 days (46 FR 19235).

UMTA received four comments on the proposed action. All four supported the proposal; none provided convincing new information justifying a different course of action. UMTA has decided, therefore, to finalize the proposed withdrawal of the Bus Stockpiling and Bus Rehabilitation regulations. UMTA will publish the non-regulatory policy guidances on both subjects in the near future in the Notices section of the Federal Register. UMTA will, however, continue to fund projects under both programs on a case-by-case basis.

The withdrawal of these regulations is effective immediately. If this were not so, the pending final rules would become effective on May 15, 1981. UMTA believes that, in accordance with 5 U.S.C. 553(d)(3), good cause exists for making this withdrawal effective immediately.

Neither of these regulations is a "major rule" as that term is defined in Executive Order 12291. In addition, this action will not have a significant economic impact on a substantial number of small entities, within the meaning of the Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354). This action does not signal a termination of UMTA's programs on Bus Stockpiling or Bus Rehabilitation. Instead, it states that the material for these programs will be published as non-regulatory policy guidances. The ability of small entities to secure UMTA funds for either program is not affected at all.

The provisions of OMB Circular A-95 apply to this final rule. It covers the following programs as listed in the Catalog of Federal Domestic Assistance (CFDA):

20.205—Highway Research, Planning and Construction (only funds used for mass transportation under 23 U.S.C 103(e) and 142);
20.500—Urban Mass Transportation Capital Grants; and
20.507—Urban Mass Transportation Capital and Operating Assistance Formula Grants.

Accordingly, the following regulations are withdrawn:

Title, citation, and previously scheduled effective date
Stockpiling of Buses (UMTA) Docket 80–B) 49 CFR Pt. 639; 46 FR 5480 (1/19/81); and, 46 FR 19235 and 19270 (3/30/81); May 15, 1981
Bus Rehabilitation Program (UMTA Docket 80–A) 49 CFR Pt. 640; 46 FR 5662 (1/19/81); and 46 FR 19235 and 19270 (3/30/81); May 15, 1981

Authority: 49 U.S.C. §§ 1602 and 1604; 23 U.S.C. §§ 103 and 142; 49 CFR 1.51.

Issued in Washington, D.C. on May 11, 1981.

Arthur E. Teele, Jr.,

Administrator, Urban Mass Transportation Administration.

[FR Doc. 81–14479 Filed 5–13–81; 8:45 am]

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DEPART

Immigra

8 CFR P

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Proposed Rules

Federal Register
Vol. 46, No. 93
Thursday, May 14, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 235 and 251

Inspection of Persons Applying for Admission, Arrival Manifest and Lists: Supporting Documents

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of proposed rule making.

SUMMARY: These proposed amendments to the regulations of the Immigration and Naturalization Service introduce minor changes in wording, and subdivide a paragraph relating to qualifications for aliens into seven parts for more comprehensive reading. Additionally, they reflect a significant change in the Service's interpretation relating to the inspection of vessels en route to the United States for bunkering purposes only, and for aircraft en route to the United States only to refuel. The proposed regulations will permit such vessels or aircraft which seek only to bunker or refuel to be regarded as not arriving for inspection purposes. Also, if the vessel or aircraft is seeking to enter the United States, the inspection of such craft may be postponed to an onward port of arrival after refueling only at the first port of call.

DATE: Written comments must be received on or before: July 13, 1981.

ADDRESS: Please submit written comments, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 I Street NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

For specific information: Alvin Braunstein, Immigration Inspector, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–2725.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The rule is not a major rule within the definition of section 1(b) of E.O. 12291. It is estimated that the Service will save about $224,000 annually in overtime pay to its inspectors by implementing the rule because inspections will no longer be required for vessels and aircraft arriving at U.S. ports for the sole purpose of bunkering or refueling, without disembarking passengers or crews.

Two issues continue to arise relating to the inspection of vessels entering United States waters only for bunkering, and aircraft landing in the United States only to refuel:

One issue is whether or not a ship or aircraft coming to the United States only for bunkering or refueling is required to be inspected. The Commissioner of Immigration has the authority to prescribe by regulations the circumstances under which a vessel or aircraft shall be deemed to be arriving in, or departing from the United States. For immigration purposes, to inspect persons aboard such vessels or aircraft will serve no useful purpose, since no one will disembark during the bunkering or refueling operations.

The other issue relates to the legality of deferring the inspection of vessels and aircraft until the first U.S. port of call following the bunkering of a vessel or the refueling of an aircraft. Such action by the Immigration and Naturalization Service would not adversely affect the enforcement of immigration laws, nor does it present a serious threat through unauthorized landing of crew members. Section 271 of the Immigration and Nationality Act imposes a $1,000 fine against the responsible party who does not prevent the unauthorized landing of an alien. This serves as a safeguard against any impropriety. This proposed amendment would also reduce the number of inspectional hours expended. Additionally, in the case of bunkering vessels, it would contribute to the safety of immigration officers who presently may be required to travel under hazardous conditions from shore to the vessel.

Accordingly, it is proposed to revise paragraphs (c) and (d) of 8 CFR 235.1 to read as follows:

§ 235.1 Scope of examination.

* * * * *

(c) *Alien members of United States Armed Forces and members of a force of a NATO country.* Any alien member of the United States Armed Forces who is in the uniform of, or bear documents identifying him/her as a member of, such Armed Forces, and who is coming to or departing from the United States under official orders or permit of such Armed Forces is not subject to the exclusion provisions of the Act and a member of the Force of a NATO country signatory to Article III of the Status of Forces Agreement seeking to enter the United States under official orders is exempt from the control provision of the Act. Any alien who is a member of either of the foregoing classes may, upon request, be inspected under the provisions of the Act, and his/her entry as an alien may be recorded. If the alien does not appear to the examining immigration officer to be clearly and beyond a doubt entitled to enter the United States under the provisions of the Act, the alien shall be so informed and his/her entry shall not be recorded.

(d) *Qualifications for aliens.* The following general qualifications and requirements shall be met by each alien seeking to enter the United States for permanent, indefinite, or temporary stay, and regardless of the purpose for which he/she seeks to enter:

(1) He/she shall present whatever documents are required and shall establish to the satisfaction of the immigration officer that he/she is not subject to exclusion under the immigration laws, Executive Orders, or Presidential Proclamations and is entitled under all of the applicable provisions of the immigration laws and this chapter to enter the United States.

(2) For the purpose of this part, any alien coming to a United States port from a foreign port, from an outlying possession of the United States, from Guam, Puerto Rico, or the Virgin Islands of the United States or from another port of the United States at which examination under this part was not completed shall be regarded as an arrival.

(3) Any person, including an alien crewman, passing through the Canal Zone on board a vessel which enters and clears at the Canal Zone port only to transit the Zone, to refuel, or to land passengers or crewmen for medical treatment, shall not be regarded as coming from a foreign port solely by reason of such passage.

(4) Any person, including an alien crewman, on board a vessel which after arrival at a United States port of entry passes the Great Lakes seaway en route to another United States port and which enters and clears at points in Canada only to transit the seaway, to refuel, or to land passengers or crewmen for medical treatment, shall not be regarded as coming from a foreign port solely by reason of such passage.

(5) Any person seeking to enter the United States, including an alien crewman, on board a vessel en route from one United States port to another United States port shall not be regarded as coming from a foreign port solely by reason of the vessel's stop at Freeport, Bahamas, for bunkering only.

(6) Any person, including an alien crewman on board a vessel en route to the United States solely for bunkering purposes or an aircraft en route to the United States solely for refueling purposes, who does not seek to enter the United States, shall be regarded as not arriving for purposes of immigration.

(7) The immigration inspection of any person, including an alien crewman, on board a vessel or aircraft, may be postponed to an onward port of arrival, if the vessel or aircraft will only bunker or refuel at the first port of call.

* * * * *

(Secs. 101, 103, 212, 213, 221, 234, 235, 236, 237, 238, 242; 8 U.S.C. 1101, 1103, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252)

Additionally, it is proposed to revise paragraphs (a) and (b) of 8 CFR 251.1 to read as set forth below:

§ 251.1 Arrival manifests and lists.

(a) *Vessels.* The master or agent of every vessel arriving in the United States from a foreign place or from an outlying possession of the United States shall present to the immigration officer at the port where the immigration inspection is performed a manifest of all crewmembers on board on Form I–418 in accordance with the instructions contained thereon. A manifest shall not be required for crewmen aboard a vessel of United States, Canadian, or British registry engaged solely in traffic on the Great Lakes, or the St. Lawrence River, and connecting waterways herewith designated as a Great Lakes vessel, except crewmen of other than United States, Canadian, or British citizenship and, after submission of a manifest on the first voyage of a calendar year, a manifest shall not be required on subsequent arrivals unless there is employed on the vessel at the time of such arrival an alien crewman of other than United States, British, or Canadian citizenship who was not aboard and listed on the occasion of the submission of the last prior manifest. The master or agent of a vessel that only bunkers at a United States port pursuant to paragraph 235.1(d)(7) of this part must annotate Form I–418 to indicate the time, date and place of bunkering.

(b) *Aircraft.* The captain or agent of every aircraft arriving in the United States from a foreign place or from an outlying possession of the United States, except an aircraft arriving in the United States directly from Canada on a flight originating in that country, shall present to the immigration officer at the port where the inspection is performed a manifest on the Bureau of Customs Form 7507 or on the International Civil Aviation Organization's General Declaration of all the alien crewmembers on board, including alien crewmembers who are returning to the United States after taking an aircraft of the same line from the United States to a foreign place or alien crewmembers who are entering the United States as passengers solely for the purpose of taking an aircraft of the same line from the United States to a foreign port. The captain or agent of an aircraft that only refuels at the United States port pursuant to paragraph 235.1(d)(7) of this part must annotate the manifest to indicate the time, date and place of refueling. The surname, given name, and middle initial of each alien crewman listed also shall be shown on the manifest. In addition, the captain or agent of the aircraft shall indicate in writing immediately below the name of the last alien listed on the Form or Declaration, the number of United States citizen crewmen on board, if any. If there are no alien crewmen aboard, the captain or agent shall indicate in writing on the Form or Declaration the number of United States citizen crewmen, followed by a statement that there are no alien crewmen.

* * * * *

(Secs. 101, 103, 212, 251, 252; 8 U.S.C. 1103, 1182, 1221, 1281, 1282)

Dated: April 22, 1981.

David Crosland,

Commissioner of Immigration and Naturalization.

[FR Doc. 81-14602 Filed 5-13-81; 8:45 am]
BILLING CODE 4410-10-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to notify the public of regulatory actions the FDIC is currently considering. The agenda provides information on (1) proposed regulations that have not been finally adopted, (2) certain regulations under development, and (3) existing regulations that are being reviewed. None of the proposed regulations is likely to have a significant economic impact on a substantial number of small entities. The agenda also contains a list of regulations on which final action has been taken since publication of the last semiannual agenda (September 26, 1980).

ADDRESS: Interested persons are invited to submit comments on the semiannual agenda to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. Comments on a specific regulation included in the agenda should be addressed to the official whose name accompanies the information about the regulation.

FOR FURTHER INFORMATION CONTACT: Carol Galbraith, Attorney, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429, 202–389–4422.

Regulations That are Proposed, Under Development, or Being Reviewed

International Banking Act Amendments

[12 CFR Parts 303, 326, 331–333, 337, 338, 341–343]

The International Banking Act of 1978 authorizes Federal deposit insurance coverage for U.S. branches of foreign banks and, in some cases, requires insurance. The Act also establishes special requirements for branches which are insured. To bring foreign banks and branches within the coverage of its present regulatory scheme, FDIC will make technical amendments to its existing regulations as those regulations are reviewed in the normal course. Because these amendments are procedural in nature and are required by statute, FDIC may adopt them in final form without a comment period.

For further information, contact Margaret M. Olsen, Senior Attorney, Legal Division, 202–389–4433.

Rules of Practice and Procedures

[12 CFR Part 308]

The Equal Access to Justice Act, which will become effective on October 1, 1981, will allow small banks and individuals of moderate means who are respondents in FDIC-conducted adversarial proceedings to recover many of their litigation expenses if they prevail and if the FDIC's position is not substantially justified. The Act requires the FDIC to adopt rules that establish procedures for the submission and consideration of applications for awards to be made under the Act. In order to comply with this Congressional directive, the FDIC will add a subpart to its Rules of Practice and Procedures. The FDIC expects to have adopted this new subpart by October 1, 1981.

For further information, contact Brian D. Alprin, Attorney, Legal Division, 202–389–4637.

Disclosure of Information

[12 CFR Part 309]

The FDIC is considering an amendment to its regulations to authorize an insured nonmember bank to release its report of examination to its parent holding company or a controlling shareholder if certain conditions are met.

For further information, contact Pamela E. F. LeCren, Attorney, Legal Division, 202–389–4433.

Advertisement of Membership

[12 CFR Part 328]

The FDIC is preparing proposed amendments to Part 328 which would (1) eliminate the requirement for banks to use the official sign on automatic service facilities which receive deposits and are a part of a larger banking facility, and (2) eliminate the requirement that insured banks use the official FDIC statement in advertisement that does not relate to deposits and is not specifically exempted from the advertisement requirement in the regulation.

For further information, contact Jerry L. Langley, Senior Attorney, Legal Division, 202–389–4237.

Interest on Deposits

[12 CFR Part 329]

The FDIC is preparing amendments to Part 329 to make it conform to recent Depository Institutions Deregulation Committee (DIDC) regulations on interest rates and to revise and simplify the regulation.

For further information, contact F. Douglas Birdzell, Counsel, Legal Division, 202–389–4281.

Powers Inconsistent with Purposes of Federal Deposit Insurance Law and Unsafe and Unsound Banking Practices

[12 CFR Parts 332 and 337]

The FDIC is considering an amendment to its regulations which is deregulatory and which is designed to legitimize employer- or customer-sponsored credit card accounts and check-guarantee card programs. The proposed amendment would allow banks to undertake these arrangements provided that they meet certain minimum standards. The FDIC expects to publish a proposed amendment before June 1981.

For further information, contact W. Randolph Torres, Attorney, Legal Division, 202–389–4384.

Registration of Transfer Agents

[12 CFR Part 341]

The FDIC may be amending Part 341 to reflect changes which may be made to the Transfer Agent Registration and Amendment Form, TA–1, in conjunction with the Office of the Comptroller of the Currency, the Federal Reserve Board, and the Securities and Exchange Commission.

For further information, contact John F. Harvey, Trust Section Chief, Division of Bank Supervision, 202–389–4295.

Final Actions Since Last Semiannual Agenda

The FDIC has taken the following final regulatory actions since publication of the last semiannual agenda in the Federal Register [45 FR 64867 (September 26, 1980)]

1. The FDIC amended Part 303 (Applications, Requests, Submittals, and Notices of Acquisition) to authorize the FDIC General Counsel, or designee, to enforce in United States District Court any effective and outstanding order to cease-and-desist issued by the Board of Directors of the FDIC. 46 FR 17756 (March 20, 1981).

2. The FDIC amended Part 303 (Applications, Requests, Submittals, and Notices of Acquisition) to authorize the Director of the Division of Bank Supervision to terminate administrative proceedings against banks that are closed while proceedings are pending. 46 FR 17755 (March 20, 1981).

3. The FDIC amended Parts 303 and 309 (Applications, Requests, Submittals, and Notices of Acquisition and Disclosue of Information) to eliminate the separate public files as such. Instead, the information previously kept in a public file will be retained as a part of the application file and, up to 180 days after a final decision is made on an application, the nonconfidential portions of the application will be made available within one day after a request to see the file is made. 45 FR 79410 (December 1, 1980).

4. The FDIC eliminated § 326.5(c) ("Reports on Security Devices") of its regulations, thereby eliminating the requirement that institutions file reports on security devices with their regulators. Banks continue to be required to maintain written security procedures. 46 FR 15864 (March 10, 1981).

5. The FDIC amended Part 327 (Assessments) to simplify the regulation by restructuring it for easier reading and by eliminating unnecessary and outdated provisions. In addition, minor technical amendments have been made to conform to the requirements of the International Banking Act. 45 FR 67310 (October 10, 1980).

6. The FDIC amended Part 329 (Interest on Deposits) to redefine the term "time deposit" so that all time deposits will have a minimum maturity of 14 days. Appropriate conforming amendments were made to other sections of Part 329. 45 FR 72108 (October 31, 1980).

7. The FDIC amended Part 335 (Securities of Insured State Nonmember Banks) in compliance with section 12(i) of the Securities Exchange Act of 1934. The FDIC also reformatted Part 335 to simplify its use by banks and others. 46 FR 25204 (May 5, 1981).

8. The FDIC amended Part 336 (Employee Responsibilities and Conduct) to allow FDIC bank examiners to maintain credit cards with banks affiliated with banks that are supervised by the FDIC. 45 FR 77411 (November 24, 1980).

9. The FDIC amended Part 341 (Registration of Transfer Agents) to eliminate the requirement that transfer agents registered with the FDIC file annual amendments to Item 7 of their registration form, Form TA–1. 46 FR 2974 (January 13, 1981).

By Order of the Board of Directors, May 4, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-14818 Filed 5-14-81; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 159

[Docket No. 21725; Notice No. 81-7]

Metropolitan Washington Airports

Note.—This document originally appeared in the Federal Register for Tuesday, May 12, 1981. It is reprinted in this issue to meet requirements for publication on the Monday–Thursday schedule assigned to the Federal Aviation Administration.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice sets forth a proposed rule which would codify current practice that turbojet air carrier aircraft may not be operated into or out of Washington National Airport on a scheduled flight segment of more than 650 statute miles except for nonstop flights of less than 1,000 miles operating to or from certain cities historically excepted from the 650-mile limitation. This proposal is necessary in order to maintain operational restrictions that have been in existence for approximately 15 years at National Airport while the Metropolitan Washington Airport's Policy and implementing regulations are reviewed by the Secretary of Transportation in accordance with Executive Order 12291 as announced in a previous rulemaking action.

DATES: Comments must be received on or before May 19, 1981.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC–204), Docket No. 21725, 800 Independence Avenue, S.W., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, S.W., Washington, D.C.

Comments delivered must be marked: Docket No. 21725. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Edward P. Faberman, Assistant Chief Counsel (AGC–200), Regulations and Enforcement Division, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 426–3073.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the marking of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the date specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each substantive public contact with DOT/FAA personnel concerned with this rulemaking will be filed in the docket. The DOT/FAA requests that interested persons, when submitting comments, refer to the proposal by the sections to which they relate.

Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments on Docket No. 21725." The postcard will be dated, time stamped, and returned to the commenter.

Availability of This Notice

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons should request a copy of Advisory Circular No. 11–2 which describes the application procedures.

Background

On May 5, 1981, R. L. Crandell, President of American Airlines, advised the Federal Aviation Administration (copy of the letter is in the docket) that on June 11, 1981, American Airlines will commence nonstop service between Dallas/Fort Worth and Washington National Airport (DCA). Since receiving that letter, the FAA has been advised that other air carriers are considering new long distance nonstop service between DCA and other cities. In fact, Braniff Airlines has announced it will begin similar service on June 1. In the letter to the FAA, Mr. Crandell states the following:

> There are no rules, regulations or operational considerations that preclude a nonstop operation of Boeing 727–200 aircraft between Washington National and Dallas/Fort Worth Airport. Perimeter rules, such as the one that was briefly adopted by carrier agreement in the mid-1960's and the one more recently proposed by the FAA during the Carter Administration, would serve to preclude such a service, but would at the same time exacerbate the competitive inequities already noted.

Although there is no Federal Aviation Regulation setting forth a mileage limitation for operations into and out of National Airport, such a restriction has existed by agreement and understanding for approximately 15 years. No air carrier has, during that period of time, attempted to or conducted flights that were not consistent with the accepted limitation. Since October 1974, the Notices to Airmen issued by the FAA have stated the following:

> Turbojet aircraft described in paragraph B (9–13), may not be operated into or out of airport on flight segments of more than 650 statute miles except for nonstop flights of less than 1,000 miles operating to or from the following cities:
>
> Miami, Florida; Memphis, Tennessee; Minneapolis, Minnesota; Orlando, Florida; St. Louis, Missouri; Tampa, Florida; and West Palm Beach, Florida.

Notices to Airmen (NOTAM's) are distributed by the FAA to notify airmen of current changes in navigational or procedural rules, or other information vital to flight safety. Class Two NOTAM's, such as the one used to state the 650-mile limitation at Washington National, are distributed on a biweekly basis to all FAA facilities, and to a large number of interested private subscribers, including air carriers. As part of their preflight planning, pilots are trained to check the NOTAM publications for information relating to their planned flight.

Because the Washington National perimeter was expected to remain in effect for a long period of time and since it had been in effect and known to all for a number of years, its publication was transferred from the NOTAM system to another FAA publication, *Graphic Notices and Supplemental Data.* This publication receives the same dissemination as the NOTAM's, but is published only on a quarterly basis.

Since 1966, there have been numerous regulatory and policy documents (including several in which the public has been given ample opportunity to comment) which have made it clear that the 650-mile nonstop limitation at

Washington National Airport was in existence and adhered to by all parties.

On May 25, 1966, the Civil Aeronautics Board approved an agreement submitted by the Air Transportation Association (ATA) on behalf of 12 air carriers, including American Airlines, in which the air carriers agreed that they would not operate turbojets into and out of National on nonstop segments of more than 650 statute miles, except on those nonstop route segments of more than 650 statute miles and less than 1,000 statute miles being operated by any parties thereto on a nonstop basis by schedules in effect December 1, 1965 (the seven "grandfathered" cities listed above in the NOTAM).

On July 27, 1966, the Director of the Bureau of National Capital Airports issued Notice of Proposed Rulemaking 66-29 (31 FR 10199; July 28, 1966) in which it was stated that the FAA is considering methods of affecting limitations on the number of air carrier operations at Washington National Airport as part of the general policy to provide the maximum service to the flying public. Included in the NPRM was a 650-mile limitation.

On February 2, 1972, the Acting Manager of National Capital Airports withdrew Notice 66-29 (31 FR 3059; 21172) stating that the agency had determined that the proposed rulemaking action was no longer appropriate since the objective of that notice had been accomplished by air carrier agreement and the high density air traffic rules.

The Metropolitan Washington Airport Policy draft Environmental Impact Statement issued in March 1978, reiterated the understanding that Washington National Airport was designated as the area's short-haul airport with nonstop flights limited to a radius of 650 miles (except for seven cities). These cities had nonstop services with propeller aircraft prior to 1966 and are still provided nonstop services under the provisions of a "grandfather" clause.

On January 21, 1980, the FAA issued an NPRM (45 FR 4314; January 21, 1980) which proposed to adopt rules to implement the DOT/FAA policies to guide the future operations and development of Washington National and Dulles International Airports. One of the proposals contained in the NPRM dealt with nonstop service restrictions to and from Washington National Airport. The NPRM contained the following paragraph:

> The FAA believes that for the time being a perimeter restriction is necessary to preserve National Airport's "medium" and "short haul" and local service role and keep it distinct from the "long haul" and international role of Dulles Airport. FAA views the perimeter restriction on National as an important element to an effective managed growth policy at National.

The preamble further discussed the effects of limitation of the perimeter rule and, in fact, specifically talked about nonstop service from Washington to Dallas. The NPRM proposed extension of the perimeter rule to 1,000 miles. Although numerous comments were submitted concerning the proper extent of any perimeter requirement, all comments recognized the existence of the current 650-mile limitation. On September 15, 1980, a final rule was issued by the Administrator which established the nonstop perimeter at National at 1,000 statute miles.

This rule was to become effective on January 5, 1981. As a result of language in the DOT and Related Agency's Appropriation Acts of 1981, Pub. L. 96-400, the effective date was postponed until April 26, 1981.

On February 27, 1981, the Secretary of Transportation proposed a new effective date of October 25, 1981, for the Metropolitan Washington Airports Policy and implementing regulations. The proposed change in the effective date was necessary to ensure compliance with Executive Order 12291 (46 FR 13193; February 19, 1981), which provided new government-wide standards for the promulgation of rules. In addition, the change in the efective date was necessary to complete the Department's permanent rulemaking on slot allocations at Washington National Airport, and was consistent with both a request by the Senate Commerce Committee to the Secretary that the policy be reviewed and with Congressional concerns expressed in the action that led to the initial delay of the policy until April 26.

On March 24, 1981, in order to provide adequate time to review the Metropolitan Washington Airports Policy, the effective date of the regulation was postponed. The Secretary further stated that after the policy was reviewed, any changes to it that might be developed would be published in July.

The perimeter limitation has been discussed in detail in rulemaking actions taken within the Department of Transportation during the past several years. In each case, the public has been given extensive opportunity to comment on the subject of proposed changes to the perimeter restrictions. A major element of the policy delayed by the Secretary of Transportation was the establishment of a 1,000 statute mile perimeter rule for National Airport. It should also be noted that the nonstop service planned by American Airlines from Dallas to DCA would violate this 1,000-mile restriction which is currently being reviewed. Therefore, the proposed actions by American Airlines and others to commence nonstop service between Dallas and Washington National Airport would not only overturn practices of 15 years duration relating to the character of service available at National Airport, but would also interfere with the orderly review process announced by the Secretary.

Therefore, the FAA is proposing to insert into the Federal Aviation Regulations this longstanding 650-mile limitation with specific exceptions pending review of the entire Metropolitan Washington Airports Policy.

This proposal is not intended to be an ultimate solution for the type of service to be provided to National Airport nor does it reflect a final Departmental decision on whether there should be a perimeter or the extent of any decided upon restriction. Rather, it is merely intended as an interim measure to preserve the status quo at National Airport while permitting the Department of Transportation the opportunity to consider fully all aspects of a potential policy for the Metropolitan Washington Airports.

The FAA is seeking the input of interested persons concerning the desirability of maintaining the status quo at National Airport until a final decision is reached on a new Policy for National and Dulles Airports.

Comments are not solicited on whether there should be a perimeter or what the length should be for any perimeter. Those questions have been thoroughly discussed in previous rulemakings.

Comment Period

Since this proposal simply codifies the existing method of operations at Washington National Airport, a 7-day comment period from date of publication is determined to be sufficient. Any longer comment period would create unnecessary uncertainty.

The Proposed Amendment

Accordingly, the FAA proposes to amend Part 159 of the Federal Aviation Regulations (14 CFR 93) as follows:

By adding to Part 159 a new § 159.60 to read as follows:

§ 159.60 Nonstop operations.

No person may operate an air carrier aircraft nonstop between Washington National Airport and any airport that is

more than 650 statute miles away from Washington National Airport, except for nonstop flights to or from the following cities: Miami, Florida; Memphis, Tennessee; Minneapolis, Minnesota; Orlando, Florida; St. Louis, Missouri; Tampa, Florida; or West Palm Beach, Florida.

(Secs. 103, 307 (a), (b), and (c), 313(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1303, 1348, and 1354); secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688, as amended by 61 Stat. 94; sec. 4 of the Second Washington Airport Act, 64 Stat. 94; sec. 4 of the Second Washington Airport Act, 64 Stat. 770; sec. 6 of the Department of Transportation Act (49 U.S.C. 1655).)

Note.—Since this document does not affect any operations currently in existence, the FAA has determined that: (1) It is not a major regulation under Executive Order 12291; (2) It is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) It does not warrant preparation of a regulatory evaluation as the impact is so minimal; and (4) It will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 8, 1981.

James A. Wilding,

Director, Metropolitan Washington Airports.

[FR Doc. 81-14403 Filed 5-11-81; 10:00 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 930

Interpretation of the Federal Consistency Term; "Directly Affecting the Coastal Zone"

AGENCY: National Ocean and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Proposed Rulemaking (NPR).

SUMMARY: This proposed rule would amend existing regulations to clarify the meaning of the phrase "directly affecting the coastal zone" in Section 307(c)(1) of the Coastal Zone Management Act of 1972, as amended, Pub. L. 92–583 (CZMA). This amendment conforms to the results of an extensive analysis and interagency process initiated in January 1980 to arrive at an appropriate definition of the specific requirements of Section 307(c)(1) of the CZMA. This amendment provides a definition of federal activities "directly affecting the coastal zone" and includes minor editorial conforming modifications and corrections.

Interested persons are invited to review the NPR and to contribute to the development of final regulations by submitting comments.

DATES: Comments on the NPR must be received by NOAA on or before June 15, 1981.

ADDRESSES: Send written comments on the NPR to JoAnn Chandler, Director, Office of Policy, Evaluation and External Relations, Office of Coastal Zone Management, Department of Commerce, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Dan Hoydysh, Office of Policy, Evaluation and External Relations, Office of Coastal Zone Management, Room 310, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235. Telephone (202) 634–4245.

SUPPLEMENTARY INFORMATION:

I. Prior Actions in This Rulemaking

A. Final Rule

The existing regulations published in the Federal Register on June 25, 1979, discussed the term "directly affecting the coastal zone" in light of the U.S. Justice Department opinion, dated April 20, 1979, on that subject, and deleted a previous definition of "directly affecting" in 15 CFR Part 930 in accordance with that opinion. However, a definition of the term "directly affecting" was not included in the final rule published on June 25, 1979.

B. Issue Paper on "Directly Affecting"

To provide an opportunity for interested persons to suggest definitions of the term "directly affecting the coastal zone" and to contribute to the proposed regulations contained in this NPR, NOAA distributed on February 27, 1981, a document entitled "ISSUE PAPER: Section 307 (c)(1), Defining the term 'directly affecting' found in Section 307 (c)(1) of the Coastal Zone Management Act" to an extensive mailing list, comprised of several hundred interested persons, maintained by the Office of Coastal Zone Management.

II. Availability of Comments

All comments received in response to the Issue Paper and this NPR will be available for public examination and copying during normal business hours in Room 310, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C.

III. Final Rules

NOAA will issue final rules pertinent to Section 307(c) of the CZMA after comments received in response to this NPR have been evaluated. NOAA plans to issue final rules in June or July, 1981.

IV. Background

Section 307 (c)(1) of the CZMA states that "each federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state coastal managment programs."

The existing regulations define all the key terms of Section 307 (c)(1) except "directly affecting." Differing opinions as to the meaning of the term "directly affecting the coastal zone" have existed since the CZMA was enacted in October, 1972. The legislative history of the relevant provisions of the CZMA do not provide clear guidance as to the intended meaning of the term. Questions as to the meaning of the term have been raised by a number of federal and state agencies and by a number of private and public interest groups and members of the public on numerous occasions since October, 1972. NOAA undertook extensive consultations during the development of the previous versions of the regulations. Based on these consultations, NOAA performed an analysis of possible interpretations of the term prior to publication of the proposed regulations and again prior to the publication of the final regulations on March 13, 1978. Also, prior to March 1978, OMB provided oversight of an extensive analysis by affected federal agencies of the term. Then, prior to the June 25, 1979, revision to the regulations, possible interpretations were again considered by NOAA and an analysis of the April 20, 1979, opinion of the Justice Department was completed. However, the term was left undefined in the June 1979 revision.

In October 1979, the term "directly affecting" was the subject of mediation by the Secretary of Commerce conducted under the provisions of the CZMA. A public hearing on September 7, 1979, and a mediation conference on October 19, 1979, were conducted by the Commerce Department in an attempt to resolve a disagreement which the State of California raised concerning an Interior Department interpretation of the term. In addition to the views presented at the hearing and at the mediation conference, other interested persons, including representatives of several coastal states, submitted comments to the Commerce Department on the subject prior to the conference.

In January 1980, an interagency agreement regarding the term "directly

affecting" resulted from a meeting of federal agencies which were participating in the development of an Administration bill to amend the CZMA. The agreement was that in light of the numerous different views expressed by the participating agencies, no changes to Section 307 (c)(1) would be included in the bill. Instead, it was further agreed that NOAA would issue proposed regulations in the Federal Register after thoroughly reviewing the CZMA, its legislative history, and the Department of Justice Opinion of April 20, 1979, considering fully the views of interested federal agencies, and resolving any differences as best possible. In addition, the Secretary of Commerce, on February 27, 1980, issued his report on the October 1979, mediation conference indicating that no resolution was reached regarding the disagreement over the term "directly affecting" and that consequently he had requested NOAA to clarify the term by issuing requisite regulations. On March 27, 1980, OMB confirmed the above mentioned conditions of the interagency agreement in a letter to the Secretary of Commerce.

On February 27, 1981, NOAA distributed an issue paper to a large number of interested parties soliciting comments on the need for formal rulemaking to define "directly affecting," on the economic impact of such rulemaking, in order to conform to the requirements of Executive Order 12291, and on the content of any proposed regulations. The comment period on the issue paper closed April 30, 1981.

The 17 comments received, with few exceptions, supported the need for regulations to clarify the definition and the application of "directly affect." Several commentators noted the potential economic impacts of any proposed rulemaking. Five states specifically referred to the need for an analysis of these economic and financial impacts before rulemaking proceeded. Most of the other comments did not refer to the need for such analysis except one federal agency indicated these impacts would not be major and one comment from the oil and gas industry suggested that no such analysis could be undertaken because the effects of such rulemaking would be impossible to predict.

Most of the comments received which discussed the content of possible regulations focused on whether prelease activities of the Department of Interior's offshore oil and gas leasing program "directly affect" the coastal zone. Six states urged that, if regulations were issued, prelease activities should be found to have such direct effects. Three states did not specifically comment on this issue. Five comments were received from representatives of the oil and gas industry and these reviewers uniformly agreed that prelease activities do not "directly affect" the coastal zone and should be excluded from the application of this provision. Two federal agencies commented and both urged that the definition of directly affecting should limit the application of the provision to federal activities which affect the coastal zone without any intervening cause. Both agencies indicated that, in general, regulation writing undertaken in preparation for issuance of licenses, permits or grants would not directly affect the coastal zone and the revised rules should reflect this.

In late April and early May 1981, a series of federal interagency meetings was conducted, including one in which 12 agencies participated, to implement the January 1980, interagency agreement and to clarify the term "directly affecting the coastal zone" by deriving a plain meaning, in keeping with the statutory language and legislative history, which would apply to all Federal activities subject to section 307 (c)(1). In early May 1981, agreement was reached on the content of a proposed revision to 15 CFR 930 and that proposed revision is included in this NPR.

V. Interpretation of the Term "directly affecting the coastal zone"

This NPR interprets the term "directly affecting the coastal zone" by clarifying that a federal activity directly affects the coastal zone if the Federal agency finds that the conduct of the activity itself produces a measurable physical alteration in the coastal zone or that the activity initiates a chain of events reasonably certain to result in such alteration, without further required agency approval. "Direct effects" of Federal planning decisions, or of decisions made in stages based upon developing information gathered by the agency in the normal course of decisionmaking, do not include those effects of the activity being planned which are identified by the Federal agency as uncertain, speculative, remote, or subject to further required agency approval.

VI. Regulatory Analysis

As indicated under IV above, extensive review, analysis and consultation have been undertaken by NOAA considering all aspects of the interpretation of the term directly affecting the coastal zone. The interpretation in these regulations evolved from this review, analysis and consultation and is believed to be correct, appropriate and definitive. However, out of an abundance of caution and to comply fully with the Administrative Procedures Act, these regulations are being published as proposed rules to provide opportunity for further public comments. While NOAA does not expect to receive any suggestions or interpretations that have not already been made during the course of the extensive consideration of this matter, and consequently does not foresee the likelihood of a need to modify the proposed interpretation in any way which is significant, NOAA will review and fully consider any comments submitted. Until final rules are published, this NPR will be used as guidance for federal agency compliance with section 307(c)(1). NOAA has determined that this NPR is a "major rule" as defined in Section 1 of Executive Order 12291. However, due to the extensive review, analysis and consultation which has already been conducted, the consideration of comments received from the states and other interested parties in response to the issue paper distributed by NOAA on February 27, 1981, and the judgment by NOAA and OMB that these proposed regulations adhere to the General Requirements of Executive Order 12291, the Director of the Office of Management and Budget, under the authority of Section 6(a)(4), has waived the requirements of Section 3 of Executive Order 12291. For these same reasons NOAA has concluded that a 30-day comment period will provide a sufficient opportunity to solicit any remaining public comments.

Dated: May 10, 1981.

Samuel A. Lawrence,

Assistant Administrator for Management and Budget, NOAA.

Accordingly, 15 CFR Part 930, subparts C, D and E are revised as follows:

§§ 930.32 and 930.33 [Redesignated as §§ 930.34 and 930.35]

Renumber §§ 930.32 and 930.33 as §§ 930.34 and 930.35 respectively and add the following new sections:

§ 930.32 Directly affecting the coastal zone.

The term "federal activity directly affecting the coastal zone" means that the conduct of the federal activity itself produces a measurable physical alteration in the coastal zone or that the federal activity initiates a chain of events reasonably certain to result in

such alteration without further required agency approval.

§ 930.33 Direct effect and direct coastal zone effect.

The terms "direct effect" and "direct coastal zone effect" of a federal activity both mean a measurable physical alteration in the coastal zone produced by the conduct of the federal activity itself or by a chain of events, initiated by the federal activity, which is reasonably certain to result in such alterations without further required agency approval. Direct effects of federal planning decisions or decisions made in stages based upon developing information gathered by the agency in the normal course of decisionmaking, do not include those effects of the activity being planned which are identified by the federal agency as uncertain, speculative, remove or subject to further required agency approval.

(Comment. Examples of federal activities directly affecting the coastal zone include: (i) construction of a facility on Federal land which causes turbidity in the coastal zone; (ii) a Corps of Engineers maintenance dredging program in the coastal zone; (iii) acquisition of land which is part of the coastal zone or enlargement of the coastal zone by disposal of federal lands when the acquisition or disposal action includes a condition requiring a measurable physical alteration of the land; and (iv) a development project within the coastal zone. Examples of activities which are not federal activities directly affecting the coastal zone include: (i) the issuance of programmatic regulations which govern the application for and the award of licenses, permits or financial assistance; (ii) the relinquishment of land by a federal agency to the General Services Administration (GSA) for disposition as surplus, or the disposal of such land when the disposal action itself has no condition which would require a measurable physical alteration of the land; (iii) Outer Continental Shelf oil and gas planning and leasing undertaken by the Department of the Interior in the normal course of decisionmaking and lease award; and, (iv) promulgation of a general, long term management plan for a national park or national forest to the extent that the plan contains no specific final details of construction, operational activities or facilities which would produce a measurable physical alteration in the coastal zone.)

§§ 930.34–930.44 [Redesignated as §§ 930.36–930.46]

Renumber §§ 930.34 through 930.44 as §§ 930.36 through 930.46, respectively. All references below are to the renumbered sections.

§ 930.36 [Amended]

Replace the first two sentences of § 930.36(b) with the following:

(b) Federal agencies shall make findings as to whether or not their activities directly affect the coastal zone. Federal agencies shall provide state agencies with a consistency determination for each activity found by the Federal agency to be a Federal activity directly affecting the coastal zone. A consistency determination should be prepared following development of sufficient information to determine reasonably the consistency of the activity with the state's management program.

§ 930.37 [Amended]

Add the following at end of § 930.37:

(e) Federal agencies may find that some of their planning decisions or decisions made in stages based upon developing information gathered by the agency in the normal course of decisionmaking do not have direct effects in the coastal zone and thus are not required to be consistent with the state management programs. Yet, such activities may influence or structure subsequent Federal activities, or subsequent activities subject to Federal licenses, permits or assistance, which are likely to be required to be consistent. In such cases, federal agencies may provide the state agency with information concerning such subsequent activities, their associated facilities and the coastal zone effects of the subsequent activities and their associated facilities, and may seek the views of the state agency as to the consistency of such subsequent activities. This consultation may take place in a manner and at such stage(s) in the planning of such activities as the Federal agency chooses.

§ 930.39 [Amended]

Remove the word "cumulatively" in § 930.39(b).

Insert the words "the federal agency finds that" after the words "may only be used in situations where" in § 930.39(b).

Replace the words "do not directly effect" in § 930.39(b) with the words "individually have insignificant effects on".

§ 930.40 [Amended]

Insert the words "which directly effect the coastal zone and" before the words "which are governed" in § 930.40(a).

§ 930.41 [Amended]

Replace the words "and their coastal zone effects" in § 930.41(a) with the words "the direct coastal zone effects of the activity and its associated facilities."

Replace the words "wetlands, beach access impacts" in § 930.41(b) with the words "filling wetlands, increasing turbidity, etc."

Replace the word "within" in § 930.41(b) with the words "along with".

§ 930.51 [Amended]

Remove the comment following § 930.51(a).

§ 930.71 [Amended]

Remove the comment in § 930.71.

[FR Doc. 81-14588 Filed 5-13-81; 8:45 am]
BILLING CODE 3510-08-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 51

[LR-48-80 and LR-64-80]

Proposed Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed excise tax regulations relating to the windfall profit tax imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. The subjects of the public hearing are proposed regulations relating to tax deposits and refunds based on the net income limitation, the definition of the term "producer", the net income limitation on windfall profit, and various administrative provisions.

DATE: The public hearing will be held on June 18, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by June 8, 1981.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–48–80 and/or LR–64–80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. 202–566–3935.

SUPPLEMENTARY INFORMATION: Several commentators on the proposed windfall profit tax regulations have submitted comments and requested the opportunity to testify on more than one notice of proposed rulemaking. Therefore, one public hearing will be held on the following five subjects:

1. Proposed regulations relating to tax deposits and refunds based on the

application of the net income limitation on windfall profit provided in section 4988(b). The proposed regulations were published in the Federal Register for Wednesday, November 5, 1980 (45 FR 73467, 73512).

2. Proposed regulations clarifying the definition of the term "producer". The proposed regulations appeared in the Federal Register for Thursday, December 11, 1980 (45 FR 81561, 81606).

3. Proposed regulations relating to the net income limitation on windfall profit. These proposed regulations appeared in the Federal Register for Wednesday, January 7, 1981 (46 FR 1754).

4. Proposed regulations relating to various administrative aspects of the Crude Oil Windfall Profit Tax Act of 1980. The proposed regulations appeared in the Federal Register for Monday, January 19, 1981 (46 FR 4873, 4950).

5. Proposed regulations relating to the requirements that must be met for disbursers to undertake the responsibilities of the purchaser. The proposed regulations appeared in the Federal Register for Monday, February 23, 1981 (46 FR 13509, 13525).

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the respective notices of proposed rulemaking and who desire to present oral comments at the hearing on such proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by June 8, 1981. Each speaker's oral presentation will be limited to 10 minutes for each of the above listed proposed regulations for which timely comments have been submitted, exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the Federal Register for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue:

David R. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-14603 Filed 5-11-81; 2:13 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 226

Unit or Cooperative Agreements

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of intent to propose rulemaking.

SUMMARY: The Geological Survey proposes to develop rulemaking to revise and modernize the regulations in 30 CFR Part 226 governing the formation and operation of Federal oil and gas units. A particular effort will be made to include a new model form of unit agreement (30 CFR 226.12) which meets the needs of the Government, the unit operators, and the lessees. Comments and suggestions are hereby invited to assist in the development of the proposed rulemaking. The intended effect is for the Department to receive the maximum benefit possible from the participation of the petroleum industry, State governments, the general public and other Federal Government Agencies in the rulemaking process.

DATES: Comments and recommendations must be received by June 29, 1981.

ADDRESS: Comments and recommendations should be submitted to the Deputy Division Chief, Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Mr. Charles L. Sours, Chief, Branch of Rules and Procedures, or Mr. Gerald R. Daniels, Chief, Branch of Fluid Minerals Management, Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092 (703-860-7535).

SUPPLEMENTARY INFORMATION: It is the intent of the Geological Survey to develop a proposed rule and Model Form Unit Agreement which addresses complaints raised by critics from both outside and within the Federal Government. The intent is to strengthen and support the basic concept of unitization as an effective tool in promoting orderly oil and gas development.

Comments are specifically requests on elimination of potential abuses of orderly development under current rules and procedures, such as the use of unitization procedures merely to obtain lease extention rather than to promote orderly development.

All comments and suggestions received will be considered in drafting a proposed rulemaking. The proposed rulemaking will be published in the Federal Register for further comments before final rulemaking is adopted.

Dated: May 8, 1981.

John J. Dragonetti,

Deputy Division Chief for Onshore Minerals Regulation, Conservation Division.

[FR Doc. 81-14671 Filed 5-13-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 89

[CGD 80-157]

Inland Navigation Rules Certificates of Alternative Compliance

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing procedures concerning Certificates of Alternative Compliance for vessels of special construction or purpose which cannot fully comply with the technical navigation light and sound signal appliance requirements of the new Inland Navigation Rules. This proposed rule is needed to implement Rule 1(e) contained in the Inland Navigational Rules Act of 1980.

DATES: Comments must be received on or before June 29, 1981.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/24) (CGD 80-157), U.S. Coast Guard, Washington, DC 20593. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council, Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, between the hours of 7 a.m. and 5 p.m. Monday through Thursday.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, (202) 426-4958.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his or her name and address, identify this notice as CGD–80–157, give the specific section of the proposal to which the comment applies, and give the reason for the comment. Persons desiring acknowledgment that their comment has been received should enclose a stamped, self-addressed postcard or envelope.

The proposal may be changed in view of the comments received. All comments received before expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a subsequent notice if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial to this rulemaking.

Drafting Information

The principal persons involved in drafting this rulemaking are Mr. Chris Llana, Project Manager, Office of Marine Environment and Systems, and Lieutenant Michael Tagg, Project Attorney, Office of Chief Counsel.

Discussion of the Proposed Regulations

The Inland Navigational Rules Act of 1980 (Pub. L. 96–591) became law on December 24, 1980, and goes into effect one year from that date. The effective date for the Great Lakes will be set after consultation with the Canadian government. The Inland Rules in this new law unify and consolidate the several sets of navigation rules now used on United States inland waters.

The new Inland Navigation Rules and its technical annexes contain requirements for navigation lights and sound signal appliances which, if followed exactly, might interfere with the special function of certain vessels of special construction or purpose. Rule 1(e) of the new Rules permits vessels with this problem to comply as closely as possible without interference with their special function (alternative compliance). The International Navigation Rules, which these new Inland Rules closely parallel, contain a similar provision.

When the International Navigation Rules (72 COLREGS) became effective in 1977, procedures for applying for and granting Certificates of Alternative Compliance were published. Based on the three years of experience with alternative compliance, changes were recently proposed to the 72 COLREGS alternative compliance procedures to make them more efficient and less burdensome (see 46 FR 8030, 26 January 1981). The Inland Navigation Rules Alternative Compliance procedures proposed in this announcement are essentially the same as the revised 72 COLREGS procedures.

Two almost identical alternative compliance procedures are being published in two separate subchapters for the convenience of the user. Some users are concerned only with the Inland Rules while others deal with the International Rules. Placement of the appropriate procedure in the respective subchapter should facilitate their use and prevent some confusion. After gaining further experience with alternative compliance under the two sets of rules, we will reconsider merging the procedures.

Rule 1(e) of the Inland Navigation Rules states—Whenever the Secretary determines that a vessel or class of vessels of special construction or purpose cannot fully comply with the provisions of any of these Rules with respect to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signalling appliances, without interfering with the special function of the vessel, the vessel shall comply with such other provisions in regard to the number, position, range, or arc of visibility of lights or shapes, as well as to the disposition and characteristics of sound-signaling appliances, as the Secretary shall have determined to be the closest possible with these Rules. The Secretary may issue a certificate of alternative compliance for a vessel or class of vessels specifying the closest possible compliance with these Rules. The Secretary of the Navy shall make these determinations and issue certificates of alternative compliance for vessels of the Navy.

The proposed procedures would set out the steps a vessel owner, operator, agent, or builder would take to avail the vessel of the alternative compliance provision. He or she would send to the appropriate Coast Guard District Office basic information on the identity of the vessel and applicant, the requirements which would interfere with the vessel's special function and how these requirements would interfere with the function, and the alternative compliance sought.

A Certificate of Alternative Compliance for the Inland Navigation Rules would be good only for operation on United States inland waters. If a vessel intends to operate in 72 COLREGS waters it must comply with 72 COLREGS requirements or obtain a 72 COLREGS Certificate of Alternative Compliance if it cannot comply fully. On the other hand, a 72 COLREGS Certificate of Alternative Compliance is good in inland as well as international waters, and all vessels complying with the construction and equipment requirements of the *International* Navigation Rules are considered to be in compliance with the *Inland* Navigation Rules (Rule 1(b)ii, Inland Navigational Rules Act of 1980).

Regulatory Evaluation. This proposed regulation is considered to be a non-major regulation in accordance with the guidelines set out in Executive Order 12291 and is also considered to be a nonsignificant regulation under the "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (DOT Order 2100.5 of May 22, 1980). An economic evaluation of the proposal has not been conducted since its impact is expected to be minimal. Applicants for Certificates of Alternative Compliance need only send a letter and simple plans showing the appropriate navigation fixtures. This proposed regulation would set out a simple administrative procedure and impose no energy, environmental or economic impact.

Regulatory Flexibility Act. The Regulatory Flexibility Act (94 Stat. 1164 Pub. L. 96–354, September 19, 1980) requires an analysis of the impact of proposed regulations on small businesses, organizations and small governmental jurisdictions. The proposed regulation would impact on a few shipyards which build the highly specialized vessels needing certification. The paperwork burden on these yards would be minimal because the procedure for applying for a Certificate of Alternative Compliance would be very inexpensive—sending a letter and plans. The proposed regulations are needed to implement Rule 1(e) in section 2 of the Inland Navigational Rules Act of 1980, and would not overlap, duplicate or conflict with any other rules. For these reasons, pursuant to § 605(b) of the Regulatory Flexibility Act, it is certified that the proposed regulation would not have a significant impact on a substantial number of small entities.

For the reasons established in the preamble, the Coast Guard proposes to add a new Part 89 of Title 33, Code of Federal Regulations, to read as follows:

PART 89—INLAND NAVIGATION RULES: IMPLEMENTING RULES

Sec.

89.1 Definitions.
89.3 General.
89.5 Application for a certificate of alternative compliance.
89.9 Certificate of alternative compliance: Contents.

Sec.
89.17 Certificate of alternative compliance: Termination.
89.18 Record of certification of vessels of special construction or purpose.

Authority: Sec. 3, Pub. L. 96–591; 49 CFR 1.46(n)(14).

§ 89.1 Definitions.

As used in this part:

"Inland Rules" refers to the Inland Navigation Rules contained in the Inland Navigational Rules Act of 1980 (Pub. L. 96–591) and the technical annexes established under that act.

"A vessel of special construction or purpose" means a vessel designed or modified to perform a special function and whose arrangement is thereby made relatively inflexible.

"Interference with the special function of the vessel" occurs when installation or use of lights, shapes, or sound-signaling appliances under the Inland Rules prevents or significantly hinders the operation in which the vessel is usually engaged.

§ 89.3 General.

Vessels of special construction or purpose which cannot fully comply with the light, shape, and sound signal provisions of the Inland Rules without interfering with their special function may instead meet alternative requirements. The Chief of the Marine Safety Division in each Coast Guard District Office makes this determination and requires that alternative compliance be as close as possible with the Inland Rules. These regulations set out the procedure by which a vessel may be certified for alternative compliance.

§ 89.5 Application for a Certificate of Alternative Compliance.

(a) The owner, builder, operator, or agent of a vessel of special construction or purpose who believes the vessel cannot fully comply with the Inland Rules light, shape, or sound signal provisions without interference with its special function may apply for a determination that alternative compliance is justified. The application must be in writing, submitted to the Chief of the Marine Safety Division of the Coast Guard District in which the vessel is being built or operated, and include the following informaton:

(1) The name, address, and telephone number of the applicant.

(2) The identification of the vessel by its—

(i) official number;

(ii) shipyard hull number;

(iii) hull identification number; or

(iv) state number, if the vessel does not have an official number or hull identification number.

(3) Vessel name and home port, if known.

(4) A description of the vessel's area of operation.

(5) A description of the provision for which the Certificate of Alternative Compliance is sought, including:

(i) The Inland Rules Rule of Annex section number for which the Certificate of Alternative Compliance is sought;

(ii) A description of the special function of the vessel that would be interfered with by full compliance with the provision of that Rule or Annex section; and

(iii) any obstructions that may interfere with the equipment when installed in—

(A) the required location; and

(B) the proposed location.

(b) The Coast Guard may request from the applicant additional information concerning the application.

§ 89.9 Certificate of Alternative Compliance: Contents.

The Chief of the Marine Safety Division issues the Certificate of Alternative Compliance to the vessel based on a determination that it cannot comply fully with Inland Rules light, and shape, and sound signal provisions without interference with its special function. This Certificate includes—

(a) Identification of the vessel as supplied in the application under § 89.5(a)(2);

(b) The provision of the Inland Rules for which the Certificate authorizes alternative compliance;

(c) A certification that the vessel is unable to comply fully with the Inland Rules light, shape, and sound signal requirements with out interference with its special function;

(d) A statement of why full compliance would interfere with the special function of the vessel;

(e) The required alternative installation;

(f) A statement that the required alternative installation is in the closest possible compliance with the Inland Rules without interfering with the special function of the vessel.

(g) The date of issuance;

(h) A statement that the Certificate of Alternative Compliance terminates when the vessel ceases to be usually engaged in the operation for which the certificate is issued.

§ 89.17 Certificate of Alternative Compliance: Termination.

The Certificate of Alternative Compliance terminates if the information supplied under § 89.5(a) or the Certificate issued under § 89.9 is no longer applicable to the vessel.

§ 89.18 Record of certification of vessels of special construction or purpose.

(a) Copies of Certificates of Alternative Compliance and documentations concerning Coast Guard vessels are available for inspection at Coast Guard Headquarters, Office of Marine Environment and Systems, Washington, D.C.

(b) The owner or operator of a vessel issued a Certificate shall ensure that the vessel does not operate unless the Certificate of Alternative Compliance or a certified copy of that Certificate is on board the vessel and available for inspection by the Coast Guard personnel.

Dated: February 5, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and System.

[FR Doc. 81–14585 Filed 5–13–81; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP OF2386/R312; PH–FRL 1769–3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; N-Methylpyrrolidone

Correction

In FR Doc. 81–6925 in the issue of Tuesday, March 3, 1981, appearing at page 15123, make the following change: On page 15124, in § 180.1047, the line now reading "with the fungicide triforine (N,N–1,4" Should read:

"With the fungicide triforine (N,N–[1,4"

BILLING CODE 1505–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80–157; RM–3363]

TV Broadcast Station in Santa Barbara, California; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of reply comment period.

SUMMARY: Action taken herein extends the time for filing reply comments in BC Docket No. 80–157, concerning a proposal to assign and reserve for noncommercial use VHF–TV Channel* 10 to Santa Barbara, California. KCPB,

Inc. requests an extension to permit it to complete evaluation of data submitted on behalf of McGraw-Hill Broadcasting Company concerning propagation characteristics along the southern California coast.

DATE: Reply comments must be filed on or before June 5, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Reply Comments

Adopted: May 4, 1981.

Released: May 5, 1981.

By the Chief, Policy and Rules Division:

In the Matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Santa Barbara, California) [BC Docket No. 80-157 RM-3363 (45 FR 28770)]

1. On April 11, 1980, the Commission adopted a *Notice of Proposed Rule Making* herein, 45 FR 28770.[1] Comments were filed December 29, 1980, and reply comments are presently due May 6, 1981.

2. On April 29, 1981, counsel for KCPB, Inc. filed a request for an extension of time to and including June 5, 1981, within which to file reply comments in the above-captioned proceeding. Counsel states that the additional time is necessary to permit KCPB, Inc.'s consulting engineer to complete an evaluation of the data submitted on behalf of McGraw-Hill Broadcasting Co., concerning its study of the unusual propagation characteristics of television signals along the southern coast of California.

3. Since we previously have expressed a willingness to await the results of the pending signal propagation study being undertaken by the Commission and ITS before reaching a determination herein, a grant of the requested extension will not delay that determination. The awaited study was scheduled for completion by the end of this year.

4. Accordingly, it is ordered, That the above request for an extension of time filed by KCPB, Inc. is granted, and the date for filing reply comments is extended to and including June 5, 1981.

5. This action is taken pursuant to § 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-14506 Filed 5-13-81; 8:45 am]

BILLING CODE 6712-01-M

[1] The *Notice* invited studies of the propagation characteristics of this area for the purpose of determining if a standard other than the mileage separations should be utilized in considering the assignment of VHF-TV Channel 10 to Santa Barbara, California.

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 15 and 47

Source Selection and Transportation

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulations.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR) regarding source selection and transportation.[1] Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before July 15, 1981.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, N.W., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see **Federal Register**, Vol. 46, No. 50, March 16, 1981, p. 16918 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist, (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

[1] A copy of the draft Federal Acquisition Regulation is filed with the original document.

The following parts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

PART 15—NEGOTIATION

Subpart 15.6—Source Selection

This subpart consolidates policies and procedures dealing with source selection, and applies both when price competition is controlling and when competition involves evaluating and comparing price and other factors.

It contains comprehensive coverage of evaluation factors, proposal evaluation, competitive range, written or oral discussion, and best and final offers. Emphasis is placed on the proper use of evaluation factors. The FAR recognizes that numerical weights may be employed in evaluating proposals but that they need not be disclosed in solicitations.

FAR 15.612 provides general coverage of formal source selection and FAR 15.613 recognizes the NASA Source Evaluation Board procedures and the DOD "Four-Step" Source Selection procedures. However, the FAR allows agencies to structure their evaluation groups and detailed methodologies in a manner appropriate to their needs.

PART 47—TRANSPORTATION

Subpart 47.1 and 47.5

Part 47 prescribes policies and procedures for (1) applying transportation and traffic management considerations in the acquisition of supplies, and (2) acquiring transportation and related services by contract methods other than bills of lading, transportation requests, transportation warrants, and similar transportation forms. The Part will consist of six subparts. Two of the subparts are included in this segment and are described below. The others, which will be available at a later date, are:

47.2 Contracts for transportation and transportation-related services.
47.3 Transportation in supply contracts.
47.4 Air transportation by U.S.-Flag Carriers.
47.6 Contract administration.

Subpart 47.1—General

This subpart prescribes policies and procedures regarding transporting supplies for the Government. It includes specific coverage on transportation insurance and Government rate tenders under section 10721 of the Interstate

Commerce Act. This subpart is based on Federal Procurement Regulation (FPR) Part 1–19 and Defense Acquisition Regulation (DAR) Section XIX, but the coverage has been substantially rewritten and some new material has been added. However, there are no policy changes.

Subpart 47.5—Ocean Transportation by U.S.-Flag Vessels

This subpart prescribes policy and procedures for giving preference to privately owned U.S.-flag commercial vessels when transportation of supplies by ocean vessel is required. It is based primarily on FPR 1–19.106 and DAR 1–14, and though that coverage has been substantially rewritten, the FAR contains no policy changes.

Dated: May 11, 1981.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 81-14577 Filed 5-13-81; 8:45 am]

BILLING CODE 3110-01-M

Notices

Federal Register
Vol. 46, No. 93
Thursday, May 14, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Supplement to the Final Programmatic Environmental Impact Statement on the Cooperative Gypsy Moth Suppression and Regulatory Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of supplement to the final Programmatic Environmental Impact Statement (PEIS) for the USDA Cooperative Gypsy Moth Regulatory Program (USDA–FS–PEIS–81–01).

SUMMARY: This gives notice of a document which supplements the final PEIS for the USDA Cooperative Gypsy Moth Regulatory Program to reflect a change in policy on agency involvement in the regulatory treatment of campgrounds and to present changes in the final PEIS to reflect this change. Implementation of this policy will not change the environmental impact of the program.

ADDRESS: Requests for a copy of this supplement should be addressed to: Pest Programs Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Room 630, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Moorehead, Staff Officer, Pest Program Development Staff, Plant Protection and Quarantine, APHIS, USDA, Federal Building, Room 630, Hyattsville, MD 20782, (301) 436–8745.

SUPPLEMENTARY INFORMATION: The USDA draft PEIS for Cooperative Gypsy Moth Suppression and Regulatory Program was submitted to the Environmental Protection Agency (EPA) on November 28, 1980. The public comment period for this document closed January 25, 1981. The final PEIS was filed with the EPA on March 6, 1981, and a notice of availability of this document was published in the Federal Register on April 28, 1981. Regulatory treatment of campgrounds as part of the preferred alternative was covered in the draft statement; however, it was administratively determined to discontinue Animal and Plant Health Inspection Service (APHIS) involvement in this aspect of the program prior to the printing of the final PEIS. Based on this determination, a statement was placed in the final PEIS indicating there would be no APHIS regulatory treatment of campgrounds.

Comments received from representatives of several States since this change was made public have caused APHIS to reevaluate its position on this aspect of the program. The States requested that APHIS cooperate with each State when requested by providing technical advice and supervision to the State in its treatment of campgrounds to assure that regulatory requirements are achieved.

As noted above, the draft PEIS did include campground treatments as an aspect of the program and the public had an opportunity to comment on this aspect. Only one comment was received specifically concerning this aspect. The comment stated that remote infestations of gypsy moth have spread, in spite of the APHIS campground treatment program. Additionally, the commentor stated that since no recent study has been published by APHIS to support this program, it should be reevaluated until evidence points to its benefits. Although APHIS is finding remote infestations of gypsy moths in spite of the campground treatment program, data from seven untreated campgrounds in New Jersey in 1980 indicated an average of 33 percent of the recreational vehicles contained various life stages of the gypsy moth. This data reconfirms the position of APHIS on the threat of long distance artificial spread of gypsy moth by recreational vehicles.

In view of these circumstances and the requests of the various States, APHIS concludes that the PEIS should be supplemented to include as a program option APHIS cooperation with the States, when requested, by providing technical advice and supervision in the States' regulatory treatment of campgrounds.

The draft PEIS stated that the treatment criteria for use in campgrounds were being finalized and would be included in the final PEIS. The Department's rationale for the concern with treatment of campgrounds is to prevent interstate spread of the gypsy moth by recreational vehicles. Any situation that places recreational vehicles from outside the regulated area in campgrounds, and more specifically in campsites where gypsy moth life stages are present, presents a regulatory risk. Treatments are recommended in situations where campers from outside the regulated area use campsites having gypsy moth host trees or shrubs during periods when the moths are in their late larval stages through adult egg laying. Therefore, the treatment criteria for use in campgrounds are:

(a) Use of campgrounds by persons who may travel to a "nonregulated area."

(b) Presence of gypsy moth in the campgrounds during the critical period from late larval instar through egg mass deposition.

(c) Presence of gypsy moth host trees or shrubs in the campsites.

A review of the final PEIS has been made, and it has been determined that only the following changes need to be made in the final PEIS to reflect the policy change referred to above:

1. Page iii—Under I. *Proposed Actions*, second paragraph, add "by APHIS." after the word campgrounds and continue with "APHIS will, however, provide technical assistance and supervision for treatment of campgrounds in States where requested to do so."

2. Page 1—In the next to last sentence of the first paragraph, add "areas by APHIS." after the word campground, and continue with "APHIS will, however, provide technical assistance and supervision for treatment of campgrounds in States where requested to do so."

3. Page 11—In the last sentence, insert "regulatory treatments," after the word "quarantine."

4. Page 13—Under C., in the second sentence, add "or regulatory treatments" after the word "inspections."

5. Page 15—Under Treatment Area Selection, insert the following between paragraphs 3 and 4:

"Treatments are recommended in situations where campers from outside

the regulated area use campsites having gypsy moth host trees and shrubs during periods when the moths are in their late larval stages through adult egg laying. Therefore, the treatment criteria for use in campgrounds are:

(a) Use of campgrounds by persons who may travel to a "nonregulated area."

(b) Presence of gypsy moth in the campgrounds during the critical period from late larval instar through egg mass deposition.

(c) Presence of gypsy moth host trees or shrubs in the campsites."

Done at Washington, D.C., this 11th day of May 1981.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-14542 Filed 5-13-81; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Oil and Gas and Mineral Leasing on Designated Wildernesses, Congressionally Mandated Wilderness Study Areas, and Carter Administration-Endorsed Wilderness Proposals

AGENCY: Forest Service, USDA.

ACTION: Final policy.

Notice of issuance of standards, criteria, and guidelines (SCG), and response to public comment on the proposed standards, criteria, and guidelines.

SUMMARY: The Forest Service is issuing special directions regarding consideration of oil and gas and other mineral lease applications in designated wilderness, proposed wilderness, and congressionally mandated wilderness study areas. The direction will be incorporated into the Forest Service Manual.

EFFECTIVE DATE: Upon publication in the Forest Service Manual. For the exact effective date contact John P. McArdle, (703) 235-8886.

ADDRESSES: A copy of these SCG's may be obtained from: Chief, Forest Service, USDA (Rm. 803 RPE), P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: John P. McArdle, Forest Service, USDA, Minerals and Geology Management, P.O. Box 2417, Washington, D.C. 20013 (703) 235-8886.

SUPPLEMENTARY INFORMATION: The Forest Service published proposed direction in 45 FR 82010 of December 12, 1980.

Summary of Public Comment analysis

A total of 105 comments were submitted. These comments were received from 44 individual citizens, 39 organizations, one Federal agency, one local government, and 20 Department of Agriculture employees, including Forest Service. The majority of the comments received were in letter form. Most comments were specific and succinct, and addressed only a few concerns, but several were, by comparison, lengthy, detailed, and complex. All suggestions have been reviewed, analyzed, and considered in preparation of these directions.

Comments are available for review in Room 1208, 1621 North Kent Street, Rosslyn Plaza Building E, Arlington, Virginia, during regular business hours.

Section comments follow.

Section-by-Section Comments

Background

This section received much public comment. Most comments were concerned with the interpretation of Section 4(d)(3) of the Wilderness Act and Congressional intent for mineral exploration and development in Wilderness. Some contended that mineral exploration and development is not legal in Wilderness, except where it can be done without surface disturbance or damage to wilderness characteristics. Section 4(d)(3) of the Wilderness Act of 1964 provides for mineral location and leasing, exploration, prospecting, development, drilling, mining, production, and processing operations. Subject to valid rights then existing, effective January 1, 1984, the minerals in wildernesses are withdrawn from all forms of appropriation under the mining laws and from disposition under mineral leasing laws unless otherwise provided by Congress. The Wilderness Act of 1964 provides statutory authority for the Forest Service to require:

> * * * reasonable stipulations * * * for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased * * *

The standards, criteria, and guidelines and the forthcoming Manual revisions will provide guidance on the meaning of "reasonable" relative to stipluation development.

The Forest Service Manual, Chapters 2320 and 2820, will be revised accordingly (ID 5 to FSM 1230).

Other commenters expressed concern about the complexity of the direction and that it would further delay action on lease applications. The direction has been simplified and procedures streamlined where possible.

Some commenters recommended that Regional Foresters should be delegated authority for leasing recommendations or decisions (to the extent that the Forest Service has authority) for areas covered in this notice. This was recommended to reduce delays and to maintain closer relationships with the various publics. This authority has been delegated and the Forest Service Manual revised accordingly.

A few commenters recommended that RARE II Further Planning Areas be included in these SCG's. They contend that these areas should be subject to the same criteria used for wilderness study areas in order to preserve the alternative of wilderness designation. This recommendation was not accepted because adequate direction has been provided in the Forest Service Manual.

Several commenters asked if the SCG's apply to all leasable minerals. The SCG's do apply to all leasable minerals. A number of people pointed out that the Forest Service does not make the final decision for mineral leasing on National Forest System lands. The proposed SCG's in the Federal Register notice of December 12, 1980, clearly stated Forest Service authority in leasing decisions.

Schedule

Many commenters questioned using the date of January 1983 as a target for the Forest Service to process all pending applications. They questioned the need to take an additional two years to process applications where some have been pending since 1977. They asked what will happen to pending applications that cannot be processed by the Forest Service by December 31, 1983, when according to the Wilderness Act, Wildernesses will be closed for further mineral leasing. Some commenters believed that the lessee's right to operate on a lease would expire on January 1, 1984. Finally, the argued that since the Forest Service has delayed action on these applications and many wildernesses have not been adequately explored for minerals, the Forest Service should request Congress to extend the December 31, 1983, date.

From these comments the direction being proposed in the SCG's was reconsidered and the decision is to maintain existing policy. The existing policy is to make recommendations or decisions on lease applications including those in wilderness and proposed wilderness, as soon as possible.

Requesting Congress to extend the December 31, 1983, cutoff date is a matter outside the scope of the SCG's

and will require formulation of Administration policy relative to the suggestion.

Many groups and individuals stated that leasing recommndations or decisions should be integrated with forest management planning as much as possible, specifically in the analysis of the management situation section of the Forest Land and Resource Management Plans. They contend that to coordinate mineral leasing with other resources requires integration with forest management planning and is of such importance to even require delaying leasing recommendations or decisions to accomplish it. Section 6(c) of the National Forest Management Act allows continuation of activities according to existing plans prior to completion of new Forest Land and Resource Management Plans.

Moreover, Congress gave the Forest Service direction (in Sec. 282 of the Energy Security Act)

> to process applications for leases of National Forest System lands and for permits to explore, drill, and develop resources on land leased from the Forest Service, notwithstanding the current status of any plan being prepared under Sec. 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

Any information available from forest management planning will be utilized in making mineral leasing recommendations or decisions, but they will not be delayed pending completion of the new land management plans.

Unit of Analysis

The proposed SCG's stated that the basic unit of analysis will be an individual wilderness, or congressionally designated wilderness study area where leasing is being proposed. Also, the proposed SCG's provided for the combination of wilderness and adjacent or surrounding nonwilderness land. Many commenters stated that including adjacent nonwilderness land complicates and delays action on the leases and can have the effect of adding a buffer around the wilderness. With Regional Foresters being delegated authority for leasing decisions (to the extent that the Forest Service has authority), this section has been deleted with direction to follow Forest Service environmental analysis procedures.

Type of Documentation

Comments were divided on whether an environmental impact statement (EIS) or an environmental assessment (EA) should be sufficient as a basis for leasing decisions in wilderness and proposed wilderness. Many commenters recommended that an EIS be required because they contend the leasing decision would significantly affect the quality of human environment by giving a "vested right" to develop leases without adequate controls to protect wilderness characteristics. They contend that there is more opportunity for public involvement and a more thorough analysis with an EIS than with an EA.

Many other commenters contend there is no need for an EIS at the leasing stage. They point out that (1) the activities to be conducted when a lease is applied for are not usually known in sufficient detail to intelligently assess their impacts and (2) the responsible agencies have the opportunity to prepare an EA or an EIS subsequent to lease issuance at the time when development is of known dimensions, e.g., when approval of a plan of operations is sought by the lessee. Additionally, they argued that only a small percentage of mineral leases ever reach the exploration or development stage.

We have considered these comments and have determined that Forest Service environmental analysis procedures will continue to be followed.

Public Participation Issues, Concerns and Opportunities Analysis Standards

The comments received on these three sections pointed out some confusion, overlapping, and the need to integrate with other phases of the NEPA process. In the light of these comments, and with the delegation of authority to Regional Foresters, the SCG's have been revised to delete these sections. Forest Service environmental analysis procedures will be followed.

Formulation of Alternatives

Many commenters questioned the legality of the proposed alternative two, specifically: "no leasing on grounds other than wilderness designation or allocation * * *" The intent of alternative two was to point out that wilderness designation is not a basis, in and of itself, for denial of a lease application, but the lease application may be denied on other grounds. The SCG's have been revised to clarify alternative two.

Many commenters pointed out that no surface occupancy for all of the lease effectively denies the lessee the right to develop the lease and is not lawful. The SCG's have been revised to clarify the intent.

A few commenters suggested that the Forest Service use exploration drilling permits as an alternative to leasing, to provide greater control over prospecting operations, and avoid granting a "vested right" through a lease. This suggestion was not accepted because it is inconsistent with the intent of the mineral leasing acts and the mineral industry will not generally make large investments for prospecting by drilling without the long-term protection of a lease.

Evaluation Criteria

The few substantive comments concerning this section pointed out the need to clarify terms and procedures. The SCG's have been revised to clarify the evaluation criteria.

The final policy, therefore, will be incorporated into the Forest Service Manual (FSM 2820) to read as follows:

Final Standards, Criteria, and Guidelines for Oil and Gas and Mineral Leasing on Designated Wilderness, Congressionally Mandated Wilderness Study Areas, and Carter Administration-Endorsed Wilderness Proposals

The basic leasing alternatives are:

1. Make leasing recommendations or decision (to the extent that the Forest Service has authority) with reasonable stipulations to protect wilderness character consistent with the use of the land for the purposes for which they are leased. This can include recommending revocation or modification of existing withdrawals, if appropriate.

2. Make recommendations or decisions to deny leasing (to the extent that the Forest Service has authority) based on grounds of site-specific concerns and proceed with formal withdrawal procedures if appropriate.

3. For congressionally mandated wilderness study areas, make recommendations or decisions to deny leasing on grounds that leasing is incompatible with preservation of existing wilderness character, where such is required by the authorizing legislation.

Section 4(d)(3) of the Wilderness Act of 1964 prescribes that mineral exploration and development will continue in designated wilderness areas by stating "Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of the Act, extend to those national forest lands designated by this Act as 'wilderness area.'" designation of an area as wilderness may not be the basis for denying a mineral lease, permit, or license. In addition, the Act states that

> mineral leases, permits and licenses * * * shall contain such reasonable stipulations as

may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted or licensed.

Stipulations must be reasonable so as not to impact the proposed mineral activity to such a degree that it is no longer feasible.

The no surface occupancy stipulation can be used only for limited areas with specific justification, provided that the opportunity to explore and develop the mineral resources is not unreasonably hindered.

Alternatives should be evaluated by the following criteria:

1. Complies with law and regulations.
2. Provides for exploration and development of mineral resource.
3. Provides for protection of the wilderness character of the land.
4. Effective in meeting other significant concerns (econcomic, social, environmental) not necessarily related to wilderness.
5. Provides for recognition of tradeoffs between mineral and non-mineral resources that may be in conflict.

R. Max Peterson,

Chief.

May 6, 1981.

[FR Doc. 81-14550 Filed 5-13-81; 8:45 am]
BILLING CODE 3410-11-M

Soil Conservation Service

Lake Claiborne Outfall Channel Critical Area Treatment R.C. & D. Measure, Louisiana; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318-473-7751.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lake Claiborne Outfall Channel Critical Area Treatment R.C. & D. Measure, Claiborne Parish, Louisiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the stabilization of approximately 6 acres along the outfall channel for Lake Claiborne. Planned measures include sloping, shaping, and revegetation of 1,500 feet along this channel and the installation of water diversion.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 15, 1981.

Dated: May 6, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-14551 Filed 5-13-81; 8:45 am]
BILLING CODE 3410-16-M

Reorganization Angostura Laterals, Proposal No. 354, R.C. & D. Measure, South Dakota; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert D. Swenson, State Conservationist, Soil Conservation Service, 200 Fourth Street SW., Huron, South Dakota 57350, telephone 605-352-8651, extension 333.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Reorganization Angostura Laterals, Proposal No. 354, R.C. & D. Measure, Fall River County, South Dakota.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert D. Swenson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for farm irrigation. The planned works of improvement include installing 12,396 feet of buried asbestos cement pipeline, and 24,597 feet of concrete ditch lining.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert D. Swenson. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 15, 1981.

Dated: May 4, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-14550 Filed 5-13-81; 8:45 am]
BILLING CODE 3410-16-M

Turkey Ridge Creek Watershed, South Dakota; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Robert D. Swenson, State Conservationist, Soil Conservation Service, 200 Fourth Street, SW., Huron, South Dakota 57350, telephone (605) 352-8651.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and Soil Conservation Service

Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Turkey Ridge Creek Watershed, Turner, Hutchinson, and Yankton Counties, South Dakota.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert D. Swenson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The watershed project concerns a plan for watershed protection, flood prevention, and recreation development. The planned works of improvement include four single purpose floodwater retarding structures, two multipurpose structures for flood reduction and recreation development, and 20 miles of channel improvement for flood prevention. No structural measures have been installed based on a plan developed in 1964.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert D. Swenson. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 13, 1981.

Dated: May 1, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-14082 Filed 5-13-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket No. 37554; Order 81-5-45]

Establishment of the Standard Foreign Fare Level; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of May 1981.

The International Air Transportation Competition Act (IATCA), Pub. L. 96-192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base [1] periodically by percentage changes in actual operating costs per available seat-mile (ASM). The SFFL thus computed becomes the benchmark for measuring the statutory no-suspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in section 1002(d) of the Federal Aviation Act of 1958 (the Act). Order 80-2-69 established the first interim SFFL and Order 81-2-108 established the currently effective SFFL effective through May 31, 1981.

The SFFL for travel commencing June 1, 1981, will be established for a two-month period, and, alternatively, for a four-month period—June through September. The two-month SFFL is required by statute. The four-month SFFL represents a continuation of our policy to provide carriers an additional option recognizing that a longer effectiveness period may be better suited to the sometimes complex procedures involved in international fare-setting.

In establishing the SFFL for the period commencing June 1, we have projected nonfuel costs, based on the year ended December 31, 1980, and we have adjusted fuel prices to reflect the experienced rate of fuel cost escalation. The four-month average of December 1980–March 1981, fuel cost increases produce the following rates of escalation: 2.47 cents per gallon for the Atlantic entity; 2.85 cents per gallon in the Latin American entity; and 1.83 cents per gallon in the Pacific. However, weekly fuel prices reported to us indicate that the recent substantial fuel cost escalation has abated, and that an adjustment to our usual methodology is required to achieve realistic results. We have thus projected the four-month average forward for a six-week period (March 15, to May 1, 1981) and assumed a one-cent per gallon per month increase thereafter to the midpoint of our two or four month fare effectiveness period, respectively.[2] In the absence of compelling reasons to do otherwise we are continuing our policy of relying on annual data in the computation of nonfuel cost escalation rates. As we have stated before, twelve-month data are usually more reliable because quarterly results can be completely distorted, and in the absence of unusual circumstances annual data provide a preferable base.

Four-Month SFFL

In establishing the SFFL for the four month period commencing June 1, 1981, we have projected nonfuel costs, based on the year ended December 31, 1980, and we have adjusted fuel prices to reflect the experienced rate of fuel cost escalation. Our calculations measure inflation from July 1, 1980, to August 1, 1981, the midpoint of the June–September projection period, for the three rate-making entities: Atlantic, Latin America, and Pacific. The resulting projections for fuel prices of 128.13 cents in the Atlantic; 114.89 cents in Latin America; and 123.52 cents in the Pacific at August 1, 1981.

Consequently, based on our calculations, we find the projected cost adjustment factor to be 34.70 percent in the Atlantic, 38.00 percent in Latin America, and 24.76 percent in the Pacific over the October 1, 1979, level. (See Appendix B.) [3] This results in an increase over the February 1, 1981, fares of 11.00 percent in the Atlantic, 10.15 percent in Latin America, and 9.41 percent in the Pacific.

Two-Month SFFL

As above, our calculations, based on the year ended December 31, 1980, measure inflation from July 1, 1980 to July 1, 1981, the midpoint of the June–July projection period, for the three rate-making entities. The rates of escalation for fuel are the same and result in fuel price projections of 125.13 cents in the Atlantic; 113.89 cents in Latin America; and 122.52 cents in the Pacific at July 1, 1981. Based on our calculations, we find the projected cost adjustment factor to be 33.46 percent in the Atlantic; 36.48 percent in Latin America; and 23.87 percent in the Pacific, resulting in an increase over April 1, 1981, of 6.00 percent in the Atlantic, 3.51 percent in Latin America, and 4.21 percent in the Pacific.

Carriers should note that we will issue a revised two-month SFFL effective August 1, but those implementing the four-month projection may not take the August 1 revision.

Accordingly, pursuant to sections 102, 204(a), 403, 801, and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. Effective June 1, 1981, fares may be increased by the following adjustment factors over the October 1, 1979, level:

[1] As defined in section 1002(j)(7) of the Federal Aviation Act of 1958.

[2] It should be noted that in previous orders similar adjustments have been made when fuel prices were rapidly escalating. See Orders 80-2-69 and 81-2-108.

[3] Appendix A and B to Order 81-5-45 filed as part of the original document.

	4-mo	8-mo
Atlantic	1.3476	1.3346
Latin America	1.3800	1.3648
Pacific	1.2476	1.2367

2. We shall serve a copy of this order upon all U.S. certificated air carriers and all foreign air carriers; and

3. We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[4]

Secretary.

[FR Doc. 81-14551 Filed 5-13-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket Nos. 33363, 32606, 32607]

Former Large Irregular Air Service Investigation and Applications of Worldwide Airlines, Inc.; Postponement of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above entitled proceeding on May 12, 1981 (46 FR page 19285, March 30, 1981) is postponed. It will be rescheduled in the near future.

Dated at Washington, D.C., May 8, 1981.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 81-14553 Filed 5-13-81; 8:45 am]

BILLING CODE 6320-01-M

Great Northern Airlines; Orders Concerning Mail Rates

Order 81-4-142, April 23, 1981, Dockets 37818 and 37976, fixing intra-Hawaii mail rates for the periods March 7, 1980, and April 3, 1980, through June 30, 1981. The order modifies the rates for priority and nonpriority mail set by Order 81-3-133 (46 FR 19286, March 30, 1981) to reflect elimination of accounts which were not mail-related costs and correction of a mathematical error.

Order 81-4-190, April 30, 1981, Docket 37165, fixing final intra-Alaska service mail rates for Great Northern Airlines:

(a) For the period December 1, through December 31, 1979, per great-circle mail ton-mile, $2.2949 for priority mail and $0.9512 for nonpriority mail;

(b) For the period January 1 through June 30, 1980, per great-circle mail ton-mile, $2.5494 for priority mail and $1.0567 for nonpriority mail;

(c) For the period July 1 through October 14, 1980, per great-circle mail ton-mile, $2.6148 for priority mail and $1.0836 for nonpriority mail.

[4] All Members concurred.

Copies of the orders are available from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

By the Civil Aeronautics Board: May 1, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-14552 Filed 5-13-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Die Presses From Italy; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on die presses from Italy. The review covers the period January 1, 1980, through December 31, 1980. As a result of this review, the Department has preliminarily determined the net amount of the subsidy to be the full value of the rebate for this product under Italian Law 639. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 10, 1974, a final countervailing duty determination on die presses from Italy, T.D. 74-165, was published in the Federal Register (39 FR 20369). The notice stated that the Department of the Treasury had determined that exports of die presses from Italy benefited from bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports of this merchandise were subject to countervailing duties.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). On April 3, 1980, the International Trade Commission ("the ITC") notified the Department that an injury determination for this order had been requested under section 104(b) of the TAA. Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980, on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after that date. The Department published in the Federal Register of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the order on die presses from Italy.

Scope of the Review

Imports covered by this review are die presses imported directly or indirectly from Italy. These imports are currently classifiable under item 678.5085, Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1980, through December 31, 1980, and is limited to rebates granted under Italian Law 639 of July 5, 1964, which was the only program found countervailable in the Final Determination.

Preliminary Results of the Review

Under Italian Law 639, exporters receive rebates of customs duties and certain indirect taxes on the export of specified products containing iron and steel. The rates differ for particular types of products. For die presses the rebate is 20 lire per kilogram.

The Government of Italy provided no substantive response to our questionnaire of August 11, 1980, nor were our follow-up requests for information answered. Our independent investigation has confirmed that the rate legislated in Law 639 still applies in full for exports of this merchandise to the United States.

Because we have received no information to indicate that any part of the rebate is not countervailable, we preliminarily determine that the rate of net subsidy conferred upon producers exporting to the United States is 20 lire per kilogram.

The Department intends to instruct the Customs Service to assess countervailing duties of 20 lire per kilogram on all unliquidated entries of

this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and prior to April 3, 1980. The provisions of section 303(a)(5) of the Tariff Act, prior to the enactment of the TAA, apply to all entries prior to January 1, 1980. Accordingly, the Department also intends to instruct the Customs Service to assess countervailing duties of 15.74 lire per kilogram, the amount set forth in T.D. 74-165, on all unliquidated entries of this merchandise which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980. (The lower rate is due to allowable offsets reported on during the initial investigation but not reported during this review.) In addition, should the ITC find that there is injury or likelihood of injury to an industry in the United States, the Department intends to instruct the Customs Service to assess countervailing duties of 20 lire per kilogram on all unliquidated entries of die presses entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, and exported on or before December 31, 1980.

Further, as required by section 355.36(c) of the Commerce Regulations, a cash deposit of estimated countervailing duties of 20 lire per kilogram shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, the existing deposit of estimated duties of 15.74 lire per kilogram shall continue to be required on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended on entries made on or after April 3, 1980 until the Department is notified of a determination by the ITC.

Interested parties may submit written comments on these preliminary results on or before June 15, 1981 and may request disclosure and/or a hearing on or before June 1, 1981. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.41 of the Commerce Regulations (19 CFR 355.41).

B. Waring Partridge III,

Acting Deputy Assistant Secretary for Import Administration.

May 8, 1981.

[FR Doc. 81-14422 Filed 5-13-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Deep Seabed Mining Program; Notice of Public Workshop

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public workshop.

SUMMARY: NOA gives notice of a public workshop on a technical guidance document on information an applicant for a seabed mining license may submit for preparation of site specific environmental impact statements and for environmental monitoring after a license is issued. The workshop will be held in Room 416 of Page Building 1, 2001 Wisconsin Ave. N.W., Washington, D.C. on June 17, 1981 at 10 a.m.

ADDRESS: A draft of the guidance document will be available about June 5, 1981 from: Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Room 410, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Laurence J. Aurbach, Office of Ocean Minerals and Energy, NOAA, Page Building 1, Room 410, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235. Telephone: (202) 653-8257.

SUPPLEMENTARY INFORMATION: On March 24, 1981, (46 FR 18448) NOAA Published proposed rules, in accordance with Pub. L. 96-283, the Deep Seabed Hard Mineral Resources Act, on the procedures and substantive requirements pursuant to which United States citizens may apply for and NOAA will issue deep seabed mining exploration licenses. Section 970.204 and 970.702 of the Regulations stated that NOAA would prepare a technical guidance document concerning information that an applicant may submit for preparation of site specific environmental impact statements and concerning environmental monitoring after a license is issued. This notice is of a public workshop pertaining to the proposed technical guidance document.

Dated: May 5, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 81-14423 Filed 5-13-81; 8:45 am]

BILLING CODE 3510-12-M

National Climate Program Advisory Committee; Meeting

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Climate Program Advisory Committee. The purpose of the meeting, which will be held jointly with the Climate Board of the National Academy of Sciences, is to review recommendations of the ad hoc Committee for revision of the National Climate Program Act (Pub. L. 95-367), and to review organization, management, budgetary, and scientific aspects of the program.

DATE: The announced meeting is scheduled for two days, June 4 and 5, 1981 as follows: June 4, 1981, 8:45 a.m. to 5:00 p.m.; June 5, 1981, 9:00 a.m. to 3:00 p.m.

ADDRESS: The meeting will be held in the Lecture Room of the National Academy of Sciences, 2101 Constitution Avenue NW., Washington, D.C. 20418.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Etkins, National Climate Program Office, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852 (301) 443-8981.

SUPPLEMENTARY INFORMATION: The Committee, which consists of balanced representation from agriculture, energy, industrial climatology, business and consumer groups and from several academic disciplines, was established in accordance with the National Climate Program Act (Pub. L. 95-367) which requires the Secretary of Commerce to establish and maintain an advisory committee of users and producers of climate data, information, and services to advise the Secretary and the Congress on the conduct of the Program.

The agenda for the meeting is:

Thursday, June 4, 1981:

8:45 a.m. to 12:00 noon—Briefings on organization and management changes, impact of FY 81-82 budget revisions and OMB review procedure, and a briefing on the Experimental Climate Forecasting Center.

1:15 p.m. to 5:00 p.m.—Review of the recommendations of the ad hoc committee

for revising the National Climate Program Act.

Friday, June 5, 1981:

9:00 a.m. to 12:00 noon—Continuation of any unfinished business from the previous day's session, and briefings by Committee Chairman on National Academy of Sciences' Climate Board activities, including: the World Climate Research Program, World Climate Impacts Program, International Council of Scientific Unions, and the Committee on Climate Change in the Oceans.

1:15 p.m. to 3:00 p.m.—Discussion of matters relating to Committee business, future meetings and assignments.

The meeting will open to the public and a period will be set aside at the discretion of the Chairman for oral comments or questions by the public. Each participant will be limited to 10 minutes. More extensive questions or comments should be submitted in writing to Mr. Robert Etkins, the NOAA contact listed above, before May 28th. Other public statements regarding Committee affairs may be submitted to the NOAA contact at any time before the meeting. Seating will be available for the public on a first-come, first-served basis in the Lecture Room of the National Academy of Sciences building. Copies of the minutes will be available 30 days after the meeting. Interested persons should submit their requests for copies to the NOAA contact listed above.

Dated: May 8, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 81-14457 Filed 5-13-81; 8:45 am]

BILLING CODE 3510-12-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.119]

Principal AID Officer, Naples, Italy; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Principal AID Officer, Italy, the Authority to sign:

1. U.S. Government contracts, grants, or amendments thereto provided that the aggregate amount of each individual contract or grant does not exceed $50,000 or local currency equivalent;

2. Contracts with individual for the services of the individuals alone provided that the aggregate amount of each individual contract does not exceed $100,000 or local currency equivalent; and

3. Approvals authorizing the making of advance payments to other than profit-making organizations not collecting a fee.

The authority herein delegated may be redelegated in writing, in whole or in part, by the Principal AID Officer at his discretion to the person or persons designated by the Principal AID Officer as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons cease to hold the office of Contracting Officer or until the redelegation is revoked by the Principal AID Officer whichever shall first occur. The authority so redelegated by the Principal AID Officer may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within AID and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein redelegated may be exercised by only authorized persons who are performing the functions of the Principal AID Officer in an acting capacity.

Actions within the scope of this redelegation heretofore taken by officials designated in any previous delegation or redelegation are hereby ratified and confirmed.

This redelegation of authority is effective on April 24, 1981.

Dated: May 4, 1981.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 81-14466 Filed 5-13-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet to discuss amendment #3 to the Surf Clam and Ocean Quahog Fishery Management Plan (FMP); the amendments to the Squid, Mackerel and Butterfish FMP's; status of other FMP's; discussion of foreign fishing applications, as well as other fishery management and administrative matters. The meetings may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

DATES: The public meetings will convene on Wednesday, June 10, 1981, at approximately noon and will adjourn on Friday, June 12, 1981, at approximately noon.

ADDRESS: The meetings will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: May 11, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-14570 Filed 5-13-81; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit

On April 3, 1981, notice was published in the **Federal Register** (46 FR 20255), that an application had been filed with the National Marine Fisheries Service by Ocean World Inc., 17th Street Causeway, Ft. Lauderdale, Florida 33316, for a permit to take two (2) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on May 8, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Ocean World Inc., subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

Dated: May 8, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-14571 Filed 5-13-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Grant of Limited Exclusive Patent License

Notice is hereby given that the National Technical Information Service (NTIS), U.S. Department of Commerce, granted to Marion Scientific, a division of Marion Laboratories, Kansas City, Missouri, 64114, a limited exclusive right in the United States for the manufacture, use and sale of the products embodied in U.S. Patent No. 4,081,358 (dated March 28, 1978), "Fecalator, an Apparatus and Method for Concentration of Parasite Eggs and Larvae."

The limited exclusive license granted is a royalty-bearing license for a term of five years from the effective date of the license agreement. The license may be revoked by NTIS in accordance with 41 CFR 101–4.104.

Dated: May 8, 1981.

Joseph F. Caponio,

Deputy Director, National Technical Information Service.

[FR Doc. 81-14532 Filed 5-13-81; 8:45 am]

BILLING CODE 3510-04-M

Grant of Limited Exclusive Patent License

Notice is hereby given that the National Technical Information Service (NTIS), U.S. Department of Commerce, granted to Neurobiological Systems Inc. a limited exclusive right in the United States and in certain foreign countries for the manufacture, use and sale of the products embodied in U.S. Patent 4,239,744 (dated December 16, 1980), "Radioreceptor Assay for Benzodiazepines in Plasma and Other Biological Specimens."

The limited exclusive license granted by NTIS is a royalty-bearing license for a term of five years from the effective date of the license agreement. The license may be revoked in accordance with 41 CFR 101–4.104.5.

Dated: May 8, 1981.

Joseph F. Caponio,

Deputy Director, National Technical Information Service.

[FR Doc. 81-14533 Filed 5-13-81; 8:45 am]

BILLING CODE 3510-04-M

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, D.C. 20310

Patent application 6-140,040: Preparation of Calcium Cyanamide; filed April 14, 1980.

Patent application 6-142,198: Wear Reducer; filed April 21, 1980.

Patent application 6-148,800: Electromagnetic Detection Apparatus; filed May 12, 1980.

Patent application 6-153,467: Automatic Range Containment System; filed May 27, 1980.

Patent application 6-153,469: Dye Marker Assembly for Rocket Practice Round; filed May 27, 1980.

Patent application 6-207,487: Phase Linear Interferometer System and Method; filed November 17, 1980.

Patent 4,028,135: Method of Cleaning Surfaces by Irradiation with Ultraviolet Light; filed April 22, 1976; patented June 7, 1977; not available NTIS.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street SW., Washington, D.C. 20324

Patent application 6-065,662: Ram Wing Aircraft Launch Platform System; filed October 17, 1979.

Patent application 6-191,044: Method of Implementing Uniform Background Charge Subtraction in a Radiation Sensing Array; filed September 25, 1980.

Patent application 6-192,163: Small Gas Turbofan Engine with Regenerating Diffuser; filed September 30, 1980.

Patent 4,236,819: Imagery with Constant Range Lines; filed July 29, 1974; patented December 2, 1980; not available NTIS.

Patent 4,239,366: Time Domain Laser Reconnaissance Technique; filed July 29, 1974; patented December 16, 1980; not available NTIS.

Patent 4,240,745: Imagery with Constant Range Lines; filed July 29, 1974, patented December 23, 1980; not available NTIS.

Patent 4,242,635: Apparatus and Method for Integrated Circuit Test Analysis; filed January 26, 1979; patented December 30, 1980; not available NTIS.

U.S. Department of Agriculture, Program Agreements and Patent Branch, Admin. Sec. Div., Federal Building, Science and Education Administration, Hyattsville, Md. 20782

Patent application 6-212,298: Process for the Preparation of Tris(Aminomethyl)Phosphine Oxide and Its Ternary Salts; filed December 3, 1980.

Patent 4,230,390: Method of Obtaining High Resolution Light Scattering Spectra; filed May 4, 1979; patented December 16, 1980; not available NTIS.

Patent 4,248,899: Protected Feeds for Ruminants; filed February 26, 1979; patented February 3, 1981; not available NTIS.

U.S. Department of Commerce, National Technical Information Service, Office of Government Inventions and Patents, Springfield, Va. 22161

Patent 4,245,160: Sampling Circuit and Method Therefor; filed March 14, 1979; patented January 13, 1981; not available NTIS.

Patent 4,249,131: Method and Apparatus for Measuring Electrostatic Charge Density; filed April 11, 1979; patented February 3, 1981; not available NTIS.

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20205

Patent application 6-202,727: Instrument for Measurement of Exposure from Laser Radiation; filed October 31, 1980.

Patent application 6-210,584: Broadband Isotropic Probe for Simultaneous Measurement of Complex E- and H-Fields; filed November 26, 1980.

Patent 4,239,755: Steroidal Cyclotriphosphazenes; filed January 26, 1979; patented December 16, 1980; not available NTIS.

Patent 4,247,774: Simultaneous Dual-Energy Computer Assisted Tomography; filed June 26, 1978; patented January 27, 1981; not available NTIS.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, Va. 22217

Patent application 6-127,014: Integrated Weapon Control System; filed March 4, 1980.

Patent application 6-163,001: Conjugate-Phase, Remote-Clock Synchronizer; filed July 16, 1980.

Patent application 6-166,854: Remote Lens Focusing System for an Aerial Camera; filed July 23, 1980.

Patent application 6-183, 997: Scanning Radar System; filed September 3, 1980.

Patent application 6-186,354: A Directly Modulated Sonobuoy Transmitter Using Surface Acoustic Wave Sensor; filed September 10, 1980.

Patent application 6-195,444: System and Method for Measurement of Dynamic Angular or Linear Displacement; filed October 7, 1980.

Patent application 6-196,893: Gas Generant Propellants; filed October 14, 1980.

Patent application 6-197,736: Anti-Slosh Baffle Compartment Assembly; filed October 17, 1980.

Patent application 6-203,938: Angular Accelerometer; filed November 4, 1980.

Patent application 6-214,601: Monolithic Fully Integrated Class B Push-Pull Microwave FET; filed December 9, 1980.

Patent application 6-408,970: Site Occupancy Detector, filed September 25, 1980.

Patent 4, 230,088: Noise Abating Sleeve; filed February 28, 1979; patented October 28, 1980; not available NTIS.

Patent 4,232,314: FM Autocorrelation Fuze System; filed October 28, 1958; patented November 4, 1980; not available NTIS.

Patent 4,239,155: Core-Flow Rotary Jet; filed May 30, 1979; patented December 16, 1980; not available NTIS.

National Aeronautics and Space Administration, Assist. Gen. Couns. for Patent Matters, NASA Code GP-4, Washington, D.C. 20546

Patent 4,119,581: Membrane Consisting of Polyquaternary Amine Ion Exchange Polymer Network Interpenetrating the Chains of Thermoplastic Matrix Polymer; filed February 23, 1977; patented October 10, 1978; not available NTIS.

Patent 4,219,171: Device for Coupling a First Vehicle to a Second Vehicle; filed February 6, 1979; patented August 26, 1980; not available NTIS.

Patent 4,233,258: Method for Preparing Addition Type Polyimide Prepregs; filed February 13, 1979; patented November 11, 1980; not available NTIS.

Patent 4,234,258: Stark Cell Optoacoustic Detection of Constituent Gases in Sample; filed August 31, 1978; patented November 18, 1980; not available NTIS.

Patent 4,234,715: Perfluoroalkyl Polytriazines Containing Pendent Iododifluoromethyl Groups; filed May 8, 1979; patented November 18, 1980; not available NTIS.

Tennessee Valley Authority, Division of Law, Muscle Shoals, Ala. 35660

Patent 4,239,730: Manufacture of Purified Diammonium Phosphate; filed November 8, 1979; patented December 16, 1980; not available NTIS.

U.S. Department of Energy, Assist. Gen. Couns. for Patents, Washington, D.C. 20545

Patent application 6-060,725: Method for Forming Low-Resistance Ohmic Contacts on Semiconducting Oxides; filed October 1, 1979.

Patent application 6-063,494: Light Modulated Electron Beam Driven Radiofrequency Emitter; filed October 10, 1979.

Patent application 6-063,506: XeCl Avalanche Discharge Laser Employing Ar as a Diluent; filed October 10, 1979.

Patent application 6-066,223: Electron Energy Recovery System for Negative Ion Sources; filed October 25, 1979.

Patent application 6-100,664: Corneal-Shaping Electrode; filed December 5, 1979.

Patent application 6-100,665: Tissue Implantation Method and Apparatus; filed December 5, 1979.

Patent application 6-101,339: Ac Resonant Charger with Charge Rate Unrelated to Primary Power Frequency; filed December 7, 1979.

Patent application 6-101,365: Energy Absorption Circuit Using a Triggered Spark Gap; filed December 11, 1979.

Patent application 6-101,367: Reflective Insulating Blinds for Windows and the Like; filed December 7, 1979.

Patent application 6-102,470: Electron Beam-Switched Discharge for Rapidly Pulsed Lasers; filed December 11, 1979.

Patent application 6-106,130: Sequenced Drive for Rotary Valves; filed December 21, 1979.

Patent application 6-106,131: Method and Apparatus for Forming Flues on Tubular Stock; filed December 21, 1979.

Patent application 6-114,446: Lanthanum-Hexaboride Carbon Composition for Use in Corrosive Hydrogen-Fluorine Environments; filed January 22, 1980.

Patent application 6-115,866: Resistive Coating for Current Conductors in Cryogenic Applications; filed January 28, 1980.

Patent application 6-119,740: Hydrogen Permeation Resistant Barrier; filed February 8, 1980.

Patent application 6-123,605: Low Pressure Pneumatic Lifter; filed February 22, 1980.

Patent application 6-123,861: Laser Cutting Apparatus for Nuclear Core Fuel Subassembly; filed February 22, 1980.

Patent 4,195,664: Surge-Damping Vacuum Valve; filed January 25, 1978; patented April 1, 1980; not available NTIS.

Patent 4,196,176: Method and Apparatus for Controlling Accidental Releases of Tritium; filed August 3, 1978; patented April 1, 1980; not available NTIS.

Patent 4,199,620: Method for Providing Mirror Surfaces with Protective Strippable Polymeric Film; filed March 27, 1979; patented April 22, 1980; not available NTIS.

Patent 4,202,700: Glassy Composition for Hermetic Seals; filed May 2, 1979; patented May 13, 1980; not available NTIS.

Patent 4,202,739: Electrochemical Removal of Material from Metallic Work; filed April 25, 1977; patented May 13, 1980; not available NTIS.

Patent 4,204,558: Valve Assembly Having Remotely Replaceable Bearings; filed January 16, 1978; patented May 27, 1980; not available NTIS.

[FR Doc. 81-14382 Filed 5-13-81; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Draft Environmental Impact Statement for a Flood Control Study in the Snohomish River Basin in Western Washington

AGENCY: U.S. Army Corps of Engineers, Seattle District.

ACTION: Notice of intent to prepare a draft environmental impact statement (EIS) for a flood control study in the Snohomish River Basin in western Washington. The project is known as the Snohomish Mediated Agreement (SMA).

SUMMARY: a. *Proposed Action.* The Corps of Engineers began this feasibility-level flood control study in late 1978. At the beginning of the study, the SMA involved the following major proposed project elements: (1) a multi-purpose dam and reservoir on the North Fork Snoqualmie River; (2) levees and floodwalls to protect the towns of North Bend and Snoqualmie, (3) modification of an existing dam on the South Fork of the Tolt River to provide flood control storage, (4) development of a major park at the confluence of the three forks of the Snoqualmie River, (5) preservation of areas known as the Skykomish Braided Channel and Snohomish Delta Lobes, and (6) purchase of development rights and/or floodway easements along the Snoqualmie, Skykomish, and Snohomish Rivers. After 2 years of study, the first three elements were found to be infeasible, and the Corps of Engineers will not be recommending Federal involvement in these elements. Our studies are now concentrating on what is considered nonstructural, or nontraditional flood control measures, such as flood-plain relocation, raising structures above the flood hazard, and maintaining natural valley storage areas within the Snohomish River Basin. The last three elements of the original SMA are also still being investigated.

b. *Alternatives.* At this time, it is too early to tell exactly what the Corps of Engineers' tentatively selected plan of action will be; however, it will probably contain some nonstructural elements and some (or possibly all) of the still-feasible SMA elements described in the previous paragraph. Other alternatives that will be described in the draft EIS will be different combinations of these elements and the "no-action" alternative.

c. *Public Involvement and Review.* Since 1950, Federal, state, and local agencies and the public have been

participating in flood damage reduction studies for the Snohomish River Basin. After a major flood in 1959, the State of Washington requested Federal assistance in reducing the flood hazard within the Snohomish River Basin. In 1969, the Corps of Engineers completed a feasibility study which recommended a multi-purpose dam (flood control, recreation, fishery enhancement) on the Middle Fork of the Snoqualmie River; however, Governor Evans in 1970 objected to the proposal and asked for further studies with his Department of Ecology. From 1970 to 1973 Washington Department of Ecology and the Corps of Engineers conducted a joint study to resolve environmental concerns expressed by the Governor, but no plan was identified which solved all concerns. In 1974, Governor Evans sanctioned mediation of the disputed flood damage reduction plan, resulting in the SMA. This agreement consisted of the six elements described in paragraph "a". A Corps of Engineers' reconnaissance report issued in November 1976 came to the preliminary conclusion, based on limited information, that the SMA was feasible. In 1977 Governor Ray endorsed proceeding with detailed feasibility studies for the Snohomish River Basin, and in late 1978 detailed feasibility studies began. Numerous public meetings have been held since 1959. Most recently, a public workshop was held in Snoqualmie on 12 November 1980 and in Snohomish on 13 November 1980. The next public workshop is scheduled for the fall of 1981.

d. *Significant Issues.* The following issues have surfaced during the Corps feasibility study:

(1) Are there any feasible *structural* flood control measures within the Snohomish River Basin that warrant Federal participation?

(2) Are there any feasible *nonstructural* flood control measures that warrant Federal participation or participation by others?

(3) Is purchase and development of the park, and purchase and very limited development of the preservation areas warranted? These and other concerns will be addressed in the draft EIS.

e. *Other Environmental Review and Consultation Requirements.* The study is being coordinated with the U.S. Fish and Wildlife Service and will satisfy requirements of Section 7(c) of the Endangered Species Act of 1973.

f. *Availability of Draft EIS.* The draft EIS is presently scheduled to become available to the public in May 1982.

g. *Address.* Information about the proposed action and draft EIS can be obtained by contacting: Mr. Paul Cooke, Environmental Resources Section, Department of the Army, Seattle District, Corps of Engineers, Post Office Box C-3755, Seattle, Washington 98124, Telephone (206) 764-3624 (FTS 399-3624).

Dated: May 5, 1981.

Leon K. Moreski,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81-14621 Filed 5-13-81; 8:45 am]

BILLING CODE 3710-GB-M

Office of the Secretary

Privacy Act of 1974; Deletion of a System Notice

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletion of a system notice.

SUMMARY: The Office of the Secretary of Defense proposes to delete the system notice for system of records: DLA 01, "Security Clearance File," subject to the Privacy Act of 1974. DLA 01 duplicates one system being maintained by OSD/WHS Personnel and Security, DWHS P28, "The Office of the Secretary of Defense Clearance File."

DATES: These deletions shall be effective June 15, 1981.

ADDRESS: Send any comments to the System Manager identified in the system notice (44 FR 74088) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Public Law 93-579 were published in the **Federal Register.**

FR Doc. 81-697 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 10, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16920) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20200) April 3, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11705 (46 FR 22632) April 20, 1981
FR Doc. 81-12882 (46 FR 23907) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

May 8, 1981.

[FR Doc. 81-14626 Filed 5-13-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

National Petroleum Council, Production Engineering Task Group of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Production Engineering Task Group of the Committee on Arctic Oil and Gas Resources will meet in May 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Production Engineering Task Group meeting follows:

The fifth meeting of the Production Engineering Task Group will be held on Thursday, May 28, 1981, starting at 9:00 a.m., in the South Conference Room, 40th Floor, Chevron U.S.A. Inc., 575 Market Street, San Francisco, California.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review drafts of individual assignments.
3. Review and discuss the overall timetable of the Task Group.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Production Engineering Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Production Engineering Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633-8363, prior to the meeting and reasonable provision will

be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on May 4, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

May 4, 1981.

[FR Doc. 81-14488 Filed 5-13-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Air Quality Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Air Quality Task Group of the Committee on Environmental Conservation has rescheduled its meeting for May 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Air Quality Task Group meeting follows:

The Air Quality Task Group meeting has rescheduled its fourth meeting from May 20, 1981, to Wednesday, May 27, 1981, at 10:00 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street, NW., Washington, D.C.

The tentative agenda for the meeting follows:

1. Discuss Task Group assignments.
2. Review preliminary draft sections of the Task Group report.
3. Discuss any other matters pertinent to the overall assignment of the Air Quality Task Group.

The meeting is open to the public. The Chairman of the Air Quality Task Group is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Air Quality Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE–190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on May 4, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

May 4, 1981.

[FR Doc. 81-14489 Filed 5-13-81; 8:45 am]

BILLING CODE 6450-01-M

Program of Research and Development for Management and Disposal of Commercially Generated Radioactive Wastes; Record of Decision

This Record of Decision has been prepared pursuant to the Regulations of the Council on Environmental Quality, 40 CFR Part 1505, on the selection of a strategy for the disposal of commercially-generated radioactive wastes and the supporting program of research and development.

Decision

The United States Department of Energy has decided to (1) adopt a strategy to develop mined geologic repositories for disposal of commercially-generated high-level and transuranic radioactive wastes (while continuing to examine subseabed and very deep hole disposal as potential backup technologies) and (2) conduct a research and development program to develop repositories and the necessary technology to ensure the safe long-term containment and isolation of these wastes.

Description of Alternatives

Three alternatives were considered:

(1) *Emphasize Mined Repositories.* The research and development program for waste management would emphasize use of mined repositories in geologic formations in the continental United States capable of accepting radioactive wastes from either the once-through or reprocessing cycles (while continuing to examine subseabed and very deep hole disposal as potential backup technologies). The program would concentrate on identifying specific locations for the construction of mined repositories. This action would not preclude further study of other disposal methods as possible supplementary methods for handling of specific isotopes.

(2) *Parallel Technology Development.* The research and development program would emphasize the parallel development of several disposal methods. The research and development program would be structured to bring the knowledge and development status of two or three disposal concepts to an approximately equal level. Based upon the Department's current evaluation, the likely candidate technologies for this parallel development strategy would be:

a. Geologic disposal using conventional mining techniques,

b. Placement in sediment beneath the deep ocean (subseabed),

c. Disposal in very deep holes.

Other disposal methods which were analyzed as candidates for consideration included:

a. Disposal by injection of liquid waste into underground cavities resulting in melting of surrounding rocks,

b. Geologic disposal on islands,

c. Disposal by melting into continental ice sheets,

d. Injection into porous or fractured strata beneath the earth's surface,

e. Transmutation of waste actinides in reactors to change to stable or short-lived isotopes, and

f. disposal by rocket transport into space.

(3) *No-Action.* Under this alternative, the Department's research and development programs for radioactive waste disposal would be eliminated or significantly reduced and a decision on a plan to dispose of commercially-generated wastes would be deferred indefinitely.

Basis for Decision

The Department has decided to proceed with a programmatic strategy favoring the disposal of commercially-generated radioactive wastes in mined geologic repositories. This decision is based on the Department's commitment to the early and successful solution of the Nation's nuclear waste disposal problem so that the viability of nuclear energy as a future energy source for America can be maintained. The decision also will save money by focusing Federal funds on the further development of the most advanced disposal technique.

Environmental effects considered for each of the three programmatic alternatives—mined repositories, parallel technology and no-action—included regional and world-wide

radiological impacts, commitment of natural resources and cost. Environmental effects were considered for five nuclear power growth scenarios and for both the once-through and reprocessing fuel cycles. Comparison of 70-year whole-body dose accumulations from normal operations revealed somewhat higher doses for the parallel technology than for the mined repository alternative, but the differences were not large enough to be significant and doses were only a small fraction of the naturally occurring dose even for the highest nuclear growth cases examined. Dose accumulations for the no-action alternative were somewhat lower. The analysis of the no-action alternative did not, however, consider the need for, and environmental effects of, additional facilities when those in use have exceeded their design lifetime, since it was assumed that no Federal funds would be used.

In reaching its decision to emphasize mined geologic repositories, the Department considered the requirements for economic resources. Required resources considered for each of the three programmatic alternatives included steel, cement, diesel fuel, gasoline, propane, electricity, and manpower. Requirements for the parallel technology generally ranged two-to-three times higher than those for the mined repository alternative. In no case was the quantity of a required resource more than a small fraction of the current United States rate of production of the resource.

The Department's decision also included a consideration of total system cost, i.e., the cost of waste treatment, storage, transport and disposal. The Department's research and development and repository site qualification costs, which are to be recovered through fees charged to the utilities for storage and disposal, were also considered. Based on cost information summarized in its Final Environmental Impact Statement, the Department concludes that the parallel technology alternative is generally more costly than the mined repository alternative. This cost of waste management and disposal is expected to add about two-to-six percent to the consumer's cost of electricity.

The no-action alternative could be construed as contrary to the mandate given the Department of Energy by law, and in any event would be undesirable because of the temporary nature of the present storage of wastes and the need to construct additional facilities for extended storage as present facilities reach their design lifetime. The Department also feels the no-action alternative is unacceptable because of the long-term radiological risk posed by the lack of effective containment of the wastes. The Department has, for these reasons, rejected the no-action alternative.

A number of waste disposal methods other than mined repositories were evaluated in the Department's Final Environmental Impact Statement. Factors which were considered in evaluating each of these disposal methods included: (1) Radiological effects during the operational period, (2) non-radiological effects, (3) compliance with existing National and international law, (4) independence from future development of the nuclear industry, and (5) potential for corrective or mitigating actions. The analysis of each of these factors showed a clear preference for the mined geologic alternative.

From a consideration of technical feasibility, only two of the alternative waste disposal methods appeared promising enough to warrant further study: subseabed and very deep hole. For subseabed, the Department has decided to continue studies of the environmental technical, legal, and institutional feasibility of isolating wastes within the sedimentary geologic formations of the deep seabed. This concept is considered a longer-term supplementary disposal method to mined repositories. The Department also feels that very deep hole disposal warrants some additional study as a possible backup for high-level waste disposal. Further development of the very deep hole concept will emphasize the capability to take corrective or mitigating actions.

While not a viable alternative for the disposal of all high-level wastes, the Department has concluded that space disposal may be profitably studied for its application to special disposal concerns, e.g., more remote isolation of long lived and environmentally mobile radionuclides such as ^{99}Tc and ^{129}I.

The other disposal methods considered by the Department (island, transmutation, rock melt, ice sheet, and well-injection) were found to have no clear advantage over mined geologic disposal and to provide no additional complementary function. In some cases these other technologies appeared clearly less desirable (for instance, in the rock melt disposal concept the waste is expected to be liquid for the first 1000 years and thus is most mobile during the period of greatest fission product hazard).

Although the level of knowledge of alternative technologies to mined geologic disposal is not comparable, sufficient evidence exists to support the Department's finding that there is little likelihood that any of these technologies would be superior, from an environmental perspective, to the geologic alternative.

Discussion of Environmentally Preferable Alternative(s)

Based on the information presented in the Final Environmental Impact Statement, the Department concludes that the environmental impacts of the program to emphasize mined repositories are similar to those of the parallel technology development program. The evaluation of long-term effects presented in the Final Environmental Impact Statement indicates that mined geologic disposal, and those other technologies which justify further consideration, would have similar environmental impact. The Department has concluded that the no-action alternative is environmentally unacceptable from a long-term perspective and that neither of the two remaining programmatic alternatives can be identified as clearly preferred from an environmental viewpoint.

Mitigation

Given the programmatic nature of the proposal, it is difficult to address specific measures that will be taken to minimize adverse environmental impacts resulting from this decision. However, the Department will evaluate the adverse impacts of specific site characterization activities and repository construction at each candidate site in site specific environmental impact statements and will undertake mitigation activities where appropriate. Mitigation activities which may be needed were considered in Section 5.4 of the Final Environmental Impact Statement. Conditions which may require mitigation include fugitive dust depositions from surface handling of mined material and runoff to nearby surface waters.

Conclusion

The Department has considered the benefits, impacts, and costs of reasonable alternatives and has concluded that the research and development program on disposal of commercially-generated radioactive wastes should focus on mined geologic repositories, while continuing to examine subseabed and very deep hole disposal as potential backup technologies.

Dated: April 16, 1981.

Mahlon E. Gates,

Acting Assistant Secretary for Nuclear Energy.

[FR Doc. 81-14486 Filed 5-13-81; 8:45 am]

BILLING CODE 6450-01-M

Civil Uses of Atomic Energy; Proposed Subsequent Arrangement Between the United States and Republic of Turkey

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Turkey Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the shipment of enriched uranium/aluminum alloy fuel containing approximately 15 kilograms of uranium from Turkey to the DOE Savannah River facility for reprocessing and storage of recovered uranium.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. This arrangement for returning U.S. origin highly enriched uranium (HEU) to the U.S. is consistent with U.S. non-proliferation policy in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than May 29, 1981.

Dated: May 8, 1981.

For the Department of Energy.

Fred McGoldrick,

Deputy Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-14486 Filed 5-13-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Greenwood Utilities; Notice and Issuance of an Order Granting a Permanent Exemption Pursuant to Section 312 of the Powerplant and Industrial Fuel Use Act

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of its issuance of an Order granting a permanent exemption, pursuant to the authority granted it by section 312(h) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), and the implementing regulations thereunder (10 CFR 501.66 and 10 CFR Part 504), from the natural gas use prohibitions of section 301(a) of the Act to the following powerplant:

Docket No.	Petitioner	Generating station	Powerplant identification
81-106-2063-02-42	Greenwood Utilities.	Wright	No. 2

The Order is set forth following this Notice and has been sent by certified mail to the Petitioner.

The petitioner filed for this permanent exemption pursuant to 10 CFR 504.60 (Exemption for Use of Natural Gas by Powerplant with Capacity of Less Than 250 Million Btu's per hour, August 12, 1980, 45 FR 53709). Notices of the acceptance of this petition and the availability of a Tentative Staff Analysis were published in the Federal Register on December 19, 1980 (45 FR 83652) and April 2, 1981 (46 FR 20268), respectively, presenting an opportunity for public comments and for interested persons to request a hearing relating to the petition and the Tentative Staff Analysis. No comments were received.

The existing electric powerplant listed above, Wright unit No. 2 (Unit W-2), is a 5.0 MW electric powerplant that uses natural gas and is prohibited by section 301(a)(1) of FUA from using natural gas as a primary energy source on or after January 1, 1990. Section 301(a) (2) and (3) of FUA prohibits this powerplant from using natural gas as a primary energy source unless such powerplant burned natural gas as a primary energy source in 1977, and then in no proportion greater than the average yearly proportion which the powerplant used in calendar years 1974 through 1976, unless an exemption has been granted by ERA.

Statement of Reasons

Eligibility and evidentiary requirements governing the permanent exemption for use of natural gas by a powerplant with capacity of less than 250 million Btu's per hour are set forth at 10 CFR 504.60. Under 10 CFR 504.60(a), a petitioner may show eligibility for this exemption by making certain certifications. Greenwood has made the following certifications in its petition:

(1) Unit W-2 has a design capability of consuming fuel at a fuel heat input rate of less than 250 million Btu's per hour;

(2) Unit W-2 was a baseload powerplant on April 20, 1977;

(3) Unit W-2 is not capable of burning solid coal, and no suitable coal derivative is available; and

(4) Use of a mixture of an alternate fuel and natural gas or petroleum for which an exemption would be available is not technically or economically feasible in Unit W-2.

The ERA staff has examined the foregoing certifications made by Greenwood and has determined that they fulfill the requirements of 10 CFR 504.60(a). Accordingly, ERA is granting Greenwood the requested exemption for Wright Unit No. 2. This exemption will be subject to the terms and conditions specified in the Decision and Order.

Any questions regarding this permanent exemption should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3002F, 2000 M Street NW., Washington, D.C. 20461, (202) 653-4268.

Decision and Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting a permanent exemption from the prohibitions of section 301(a) (1), (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act). This Decision and Order is issued pursuant to section 312(h) of FUA, 10 CFR 501.66 and 10 CFR 504.60 to the petitioner who owns or operates the powerplant listed in the table below.

Docket No.	Petitioner	Generating station	Powerplant identification
81-106-2063-02-42	Greenwood Utilities.	Wright	No. 2

Effective Date of Decision and Order

Wright Unit No. 2 is currently allowed to burn natural gas until October 31, 1981, under a special temporary public interest exemption which ERA granted to Greenwood Utilities pursuant to 10 CFR Part 508. This Decision and Order shall become effective upon the expiration of the present special temporary public interest exemption on October 31, 1981.

Terms and Conditions

Pursuant to section 314 of FUA, and 10 CFR 504.60(b), the permanent exemption granted under this Decision and Order is conditioned upon, and shall remain in effect, so long as the petitioner, its successors and assigns, complies with the following terms and conditions:

(1) All steam pipes on Unit W–2 must be insulated, and all steam traps on Unit W–2 must be properly maintained.

(2) This exemption for Unit W–2 may only apply to prohibitions under section 301 of FUA and prohibitions established by final rules or orders issued before January 1, 1990.

ERA's grant of this permanent exemption does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C., on May 1, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–14493 Filed 5–13–81; 8:45 am]

BILLING CODE 6450–01–M

Lyons Petroleum, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

EFFECTIVE DATE: May 4, 1981.

COMMENTS BY: June 15, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone: 214/767–7745.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone: 214/767–7745.

SUPPLEMENTARY INFORMATION: On May 4, 1981, the Office of Enforcement of the ERA executed a Consent Order with Lyons Petroleum, Inc. of Shreveport, Louisiana. Under 10 CFR 205.199J(b) a Consent Order which involves a sum of less than $500,000 in the aggregate excluding penalties and interest, becomes effective upon its execution. Because the DOE and Lyons Petroleum, Inc. wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Lyons Petroleum, Inc. effective as of the date of its execution by the DOE and Lyons.

I. The Consent Order

Lyons Petroleum, Inc. (Lyons) is a firm engaged in the production of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Lyons the Office of Enforcement, ERA and Lyons entered into a Consent Order, the significant terms of which are as follows:

1. During the period March 1, 1973 through December 31, 1980, Lyons allegedly sold crude oil above the allowable prices specified at 10 CFR Part 212, Subpart D.

2. Lyons and the DOE have agreed to a settlement of $192,619.56. The payment shall be made on or before April 30, 1981 by certified check made payable to the United States Department of Energy. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Lyons.

3. This Consent Order constitutes neither an admission by Lyons that ERA regulations have been violated nor a finding by the ERA that Lyons has violated ERA regulations.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Lyons agrees to refund in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA arising out of the transactions specified in I.1. above, the sum of $192,619.56 in the manner specified in I.2. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. The funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocaton (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants.* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification of the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notifications of a claim to Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas, 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation "Comments on the Lyons Petroleum, Inc. Consent Order". We will consider all comments we received by 4:30 p.m., local time June 15, 1981. You should identify any information or data which, in your opinion, is confidential

and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Tex., on the 4th day of May 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-14682 Filed 5-13-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Energy.

ACTION: Notice of implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to members of the public over $21 million in consent order funds. These funds were established by 25 different firms in settlement of or pursuant to enforcement proceedings brought by the Office of Enforcement of the Department of Energy.

DATES AND ADDRESSES: Comments should be submitted no later than June 15, 1981, and should be addressed to the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Acting Deputy Director, Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order relates to consent orders entered into by Alfred B. Alkek and 23 other firms and individuals and a remedial order issued to James M. Forgotson. The names of the parties and amounts and dates of publication of each consent order are listed in the decision. All 25 parties are either producers or resellers of crude oil. Pursuant to the consent orders, these parties have agreed to make refunds totalling over $21 million with respect to violations of DOE crude oil pricing regulations alleged to have occurred at various times between 1973 and 1978.

The Proposed Decision and Order sets forth procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow accounts funded by the consent orders. The DOE has tentatively decided that it will accept Applications for Refund from consumers of refined products who can prove that they were injured by the alleged overcharges. The Proposed Decision and Order states that in order to establish entitlement to some portion of the funds, a purchaser should provide all relevant information pertaining to a claim, including information concerning identification of the party from whom the product was purchased, the date and place of purchase, the retention of increased costs, and information reflecting the extent of any injury incurred, including the price and volume of product purchased.

The Proposed Decision and Order further provides a mechanism for distributing the funds remaining after all valid claims by purchasers of the crude oil and refined products are paid. The Proposed Decision and Order states DOE's views that the remainder of the funds should be apportioned among the states based on each state's proportionate usage of crude oil products between 1973 and 1978, the period when the alleged violations occurred. The Proposed Decision and Order further proposes to divide this money apportioned to each state into three segments or "pools": the amount of money placed in the first pool is intended to reflect motor gasoline usage in the transportation sector in that state, the second pool reflects usage of other refined products in the transportation sector, and the third pool reflects all other consumption of refined products.

Within each pool, the DOE has tentatively determined that the refund proceeds should be allocated to the organizations within each state that are best suited to passing through the proceeds to the parties injured by the overcharges—that is, the class of consumers of the refined product for which each pool is established. Specifically, the Proposed Decision and Order concludes that money from the first and second pools should be allocated directly to state governments. The states will be required to use the money they receive from the first pool to reduce automobile licensing fees or other comparable fees. States will be required to use money they receive from the second pool to reduce such fees as truckers' licensing fees or aircraft, ship, barge, or boat registration fees. The states will be required to account to the DOE for the use of the money they receive from the first two pools. The Proposed Decision and Order tentatively concludes that money from the third pool should be allocated to electric utilities in each state which have fuel adjustment clauses or other mechanisms requiring a passthrough of the refunds to their ultimate customers. The DOE finally invites comments on the propriety of the distribution schemes.

It should be pointed out that until final procedures are adopted, no claims for refunds can be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the Federal Register, will be given when the processing of claims is begun. No less than 90 days from publication of such notice in the Federal Register will be provided for the filing of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted on or before June 15, 1981, and should be addressed to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, located in Room B-120, 2000 M Street, NW., Washington, D.C., between the hours of 1:00 and 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on May 8, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 8, 1981.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Names of Petitioners: Office of Enforcement, Economic Regulatory Administration: In the Matters of Alfred B. Alkek and others listed in Appendix A.

Dates of Filing: April 19, 1979 and others listed Appendix A.

Case Numbers: DFT-0002 and others listed in Appendix A.

Under the procedural regulations of the Department of Energy, the Economic Regulatory Administration's Office of Enforcement (OE) may request the Office of Hearings and Appeals (OHA) to formulate and implement a specially-designed process to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of an alleged violation of DOE regulations. 10 CFR Part 205, Subpart V. In accordance with these regulatory provisions, OE has filed Petitions for the Implementation of Special Refund Procedures in connection with Consent Orders entered into by Alfred B. Alkek and the other 23 firms and individuals listed in Appendix A, and a Remedial Order issued to James M. Forgotson. (1) Pursuant to the Consent Orders, these parties have agreed to make refunds totalling over $21 million for alleged

violations of DOE pricing regulations. Those funds which have already been paid are now being held in escrow accounts under the jurisdiction of the DOE pending receipt of instructions from the OHA regarding final distribution. As will be discussed in greater detail below, each violation of the DOE pricing regulations alleged in the Consent Orders is similar and the parties injured by each of the alleged violations are identical. Therefore these cases have been consolidated for purposes of this Decision.

I. Background

The Consent Orders in this proceeding resulted from audits or investigations conducted by the DOE and its predecessor agencies. As a result of these audits, the DOE alleged that the parties in each of these cases were involved in the sales of crude oil at prices in excess of those established in the DOE Mandatory Petroleum Price Regulations set forth in 6 CFR Part 150 and 10 CFR Part 212.

These regulations generally required crude oil producers to determine the first sale price of crude oil on the basis of production from a property during a specified base period, *i.e.*, the base production control level (BPCL). *See* 6 CFR 150.354, 10 CFR 212.72–74. Crude oil production that did not exceed the BPCL for the particular property was generally subject to the lower tier ("old oil") ceiling price rule. 6 CFR 150.354, 10 CFR 212.73. Crude oil production that exceeded the BPCL ("new oil") could generally be sold without regard to the ceiling price rule prior to February 1, 1976 and at the upper tier ceiling price level after that date. 6 CFR 150.354(c)(2); 10 CFR 212.74(a). Additionally, prior to February 1, 1976, in months in which new oil could be sold from a property, additional volumes of crude oil could be sold as "released" oil at prices in excess of the applicable lower tier ceiling price level. 6 CFR 150.354(c)(3); 10 CFR 212.74(b). The term "property" was defined as the right to produce crude oil which arises from a lease or fee interest. 6 CFR 150.354(b)(2); 10 CFR 212.72. Producers and resellers of crude oil were both required to certify in writing to each purchaser in the distribution chain the respective volumes of lower tier and upper tier oil in each purchase. 10 CFR 212.131 (a)(4), (b)(1).

The types of violations allegedly committed by the parties who entered into the Consent Orders involved in this proceeding fall into three major categories. Most of these alleged violations concern firms which were "producers" of crude oil as defined in 10 CFR 212.31. These firms were alleged to have sold controlled oil at uncontrolled prices. Specifically they were alleged to have incorrectly certified "old" price-controlled crude oil they produced as "new" or "stripper well" oil subject to less stringent controls. The firms were therefore alleged to have overcharged purchasers by the amount per barrel which represents the difference between the "new" or "stripper well" prices and the maximum price permitted for "old" oil. (2)

The second type of violation alleged concerns four producers who were alleged to have miscertified "old" oil. These producers also allegedly computed their "base" or May 15, 1973 prices for crude oil incorrectly and thus sold crude oil at a price higher than that permitted by the regulations. (3)

The third type of violation alleged concerns parties which were not producers of crude oil. These parties were alleged either to have been resellers of crude oil which miscertified "old" crude oil in their possession and sold it at the higher "new" or imported oil prices or to have been parties which received illegal commissions for their participation in schemes in which they arranged for others to miscertify crude oil. (4)

In all but one case, these parties have entered into Consent Orders with either the DOE or the Department of Justice. (5) In these Consent Orders, the Government agreed to terminate the pending investigations and administrative or judicial proceedings and the parties agreed to refund a stipulated sum of money to the DOE. Notices of most of the Consent Orders were published in the **Federal Register**. (6) Interested parties were provided an opportunity to comment on the terms of the Consent Orders and to submit written notices to ERA of potential claims against the settlement funds. In a number of cases the DOE also issued press releases concerning the Consent Orders. Comments were received in only one case. (7) In sixteen cases, however, parties submitted claims for a portion of the Consent Order fund. (8)

In four previous decisions, the Office of Hearings and Appeals has accepted jurisdiction to adjudicate the refund amounts involved in this proceeding. *See Office of Enforcement*, 8 DOE ¶ , Nos. BER–0112, 0116, 0117 (April 9, 1981) (consolidated decision) (Forgotson, Delta, and Enserch cases); *Office of Enforcement*, 8 DOE ¶ , No. BRZ–0091 (April 6, 1981) (all cases except Alkek, Delta, Enserch, Forgotson, and Guenther); *Office of Enforcement*, 8 DOE ¶ 82,571 (1980) (Guenther case); *Office of Enforcement*, 4 DOE ¶ 82,574 (1979) (Alkek case). Our determinations to accept jurisdiction over these cases was based on the amount of money involved, the complexity of disbursing this sum, and the importance of providing adequate notice to persons who may have an interest in the funds.

II. Proposed Refund Procedures

A. Authority to Fashion Refund Procedures

In several recent decisions, we have examined the Office of Hearings and Appeals' authority to conduct special refund procedures under Subpart V. *Office of Special Counsel for Compliance*, 46 FR 17643 (1981) (proposed decision) (hereinafter *Conoco*); *Office of Enforcement*, 46 FR 17639 (1981) (proposed decision) (hereinafter *Alcoa*); *Office of Enforcement*, 46 FR 15320 (1981) (proposed decision) (hereinafter *Vickers*). Subpart V authorizes the Office of Hearings and Appeals upon request by an enforcement office to fashion special procedures to distribute refunds obtained as part of settlement agreements. The special refund procedures are part of an overall regulatory scheme which is intended to implement several different statutes. Congress provided for the mandatory allocation and pricing of crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. 751 et seq. (1976). The enforcement mechanisms for regulations issued under the EPAA were specified in the Economic Stabilization Act (ESA), 12 U.S.C. 1904 note (1976). EPAA, section 5(a), 15 U.S.C. 754(a).

The authority to enforce the regulations governing petroleum allocation and pricing was delegated to the Administrator of the Federal Energy Administration and subsequently to the Secretary of Energy. Federal Energy Administration Act (FEAA), section 5, 15 U.S.C. 765 (1974); Department of Energy Organization Act (DOE Act), section 201(a), 42 U.S.C. 7151(a) (1979). To carry out the statutory mandates the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR 155.81(b) (1973); 10 CFR 205.2 (1974) (defining "remedial order").

In order to implement these statutory and regulatory goals the DOE's enforcement process is designed to accomplish two independent ends: disgorgement of the fruits of a regulatory violation from the wrongdoers, and restitution to persons injured by the regulatory violation. *See Vickers*, 46 FR at 15322; *see also Sauder* v. *DOE*, F. 2d , No. 77–1117 (Temp. Emer. Ct. App. April 24, 1981). The latter objective—restitution to overcharged persons—furthers the specific EPAA goal of "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users." 15 U.S.C. 753(b)(1)(F).

B. Identifiable Parties Entitled to Refunds

In our previous cases, we said first claim to the refund money should rest with identifiable purchasers who could show they purchased petroleum products sold by the party which entered into the Consent Order and who could demonstrate that they did not pass on any alleged overcharges to subsequent customers. *See Conoco*, 46 FR at 17646–47; *Alcoa*, 46 FR at 17642; *Vickers*, 46 FR at 15322–23. These cases all involved refined petroleum products (natural gas liquid products in *Alcoa*, motor gasoline and home heating oil in the other two cases) for which the direct or subsequent purchasers of the product collectively incurred the effects of the overcharge.

In this proceeding, however, a fundamental difference exists. Neither of the two types of entities who are most directly connected with the miscertifications involved in this proceeding—the refiners who purchased the crude oil which was the subject of the Consent Orders, and the other refiners who participated in the Entitlements Program—are appropriate recipients of these funds. As mentioned above, each of the Consent Orders in this proceeding involves overcharges resulting from the alleged miscertification of "old" oil as "new" or "stripper well" oil. This crude oil was sold to domestic refiners for refining, either directly or through a chain of crude oil distribution. Beginning in November

1974, this oil was subject to the Entitlements Program, administered first by the Federal Energy Administration and then by DOE. *See* 10 CFR 211.67. Under the provisions of the Entitlements Program, every eligible refiner was issued a number of entitlements that was equal to the national domestic crude oil supply ratio (DOSR) (as defined in 10 CFR 211.62) multiplied by the volume of the crude oil runs to stills reported by the refiner for a given month. 10 CFR 211.67(a)(1). If the number of entitlements issued to the refiner in a month was less than the number of barrels of deemed old oil included in the refiner's adjusted crude oil receipts (as defined in 10 CFR 211.62), the refiner was required to purchase entitlements. Conversely, if the number of entitlements issued was greater than the number of barrels of deemed old oil included in a refiner's crude oil receipts, the refiner was required to sell entitlements. 10 CFR 211.67(b)(1), (c). The volume of deemed old oil attributed to a refiner in a month was equal to the number of barrels of lower-tier crude oil receipts plus a fraction (as specified in each monthly Entitlements Notice) of the number of barrels of upper-tier crude oil included in its crude oil receipts. 10 CFR 211.67(b)(2). The adjusted deemed old oil receipts, the number of entitlements issued, and the entitlement purchase or sale obligation of each refiner were specified in the monthly Entitlements Notices issued by the DOE.

Simply stated, the Entitlements Program was designed to reduce the adverse effects on domestic refiners of the unequal distribution among refiners of price-controlled crude oil. In the absence of such a program refiners that received and processed a greater percentage of price-controlled domestic crude oil would have a considerable cost advantage over competing refiners which received predominantly uncontrolled domestic or imported crude oil. The program operated to generally equalize all domestic refiners' crude oil costs by allocating the economic benefits of price controls among them.

Because of the manner in which the Entitlements Program operated, the effects of the miscertifications were spread among all domestic refiners. Miscertifications caused price-controlled crude oil to disappear. This disappearance caused the volume of old oil to be distributed through the Entitlement Program to decline and caused the DOSR to be reduced. Thus, refiners who included more than the national average percentage of price-controlled oil in their crude oil receipts and runs to stills had to purchase a *greater* number of entitlements. Similarly, refiners with less than the national average percentage of price-controlled crude oil had *fewer* entitlements to sell. As a result, every refiner's cost of crude oil was increased. Thus, all refiners were affected by the alleged miscertification violations involved in the Consent Orders. To the extent the refiners passed through these increased costs to customers, the customers who purchased refined products were harmed by the miscertifications. *See Getty Oil Co.*, 1 DOE ¶ 80,102 (1977).

Because all refiners in the United States were potentially affected, we must presume that those refiners who purchased crude oil from the parties that miscertified crude oil would find it very difficult to prove they were injured by the alleged violations. In effect, these transactions did not result in any injury to those refiners as distinct from all other refiners. The amount the individual refiners paid in excess of the controlled price for the crude oil which was miscertified was balanced by the extra benefits they received from the Entitlements Program. (*9*) For these reasons, refiners which purchased crude oil from the firms which entered into Consent Orders would not, as a general matter, be able to demonstrate that they are eligible to receive refunds.

Nor do we think that the refund proceeds should be directed to the other refiners that participated in the Entitlements Program. Because miscertification of crude oil caused the DOSR to decline, fewer entitlements were issued to all refiners, who were consequently required to purchase more (or sell fewer) entitlements than they would have if the oil were properly certified. Thus these refiners lost benefits by the miscertifications. As a practical matter, though, the refiners presumably reflected increased costs in the prices they charged to subsequent purchasers. Moreover, even if the refiners did absorb these increased costs, because of such factors as the accumulation of refiners' banks of unrecovered costs, changes in supplier/purchaser relationships, and the fluctuation of prevailing crude oil costs and price levels during the periods covered by the Consent Orders, it would be extremely burdensome or even impossible for either the refiners or DOE to attempt to make an exact computation of how the miscertifications were translated into effects upon each refiner by the Entitlements Program during these periods. *See Getty Oil Co.*, 1 DOE at 80,530. We thus do not believe that these refiners would be appropriate refund recipients.

The recent removal of price controls on crude oil and refined petroleum products is another important factor which weighs against making refunds directly to the refiners which purchased the crude oil involved in these cases or to the class of all refiners through the mechanism of the Entitlements Program. During the periods of time covered by the Consent Orders involved in the present Subpart V petitions, the DOE had a comprehensive price regulation scheme in effect which could facilitate the channeling of refunds through price reductions by refiners and resellers to ultimate consumers. *See Alcoa*, 46 FR at 17641. However, as a result of decontrol, there is uncertainty regarding the effectiveness of price rollbacks as a method of making restitution to purchasers who were overcharged in the past. Consequently there is no assurance that refunding the monies involved in this proceeding to refiners or crude oil resellers would produce any benefits for resellers and consumers of refined products. Therefore, we do not think it would be appropriate to make refunds to any of the refiners that have the most direct connection with the alleged violations involved here.

There are exceptions to this general principle. In certain cases, there exist identifiable parties that may be able to show a demonstrable injury from the alleged violations. To satisfy such legitimate claims, this Office is prepared to accept Applications for Refund made pursuant to 10 CFR 205.283 when made by the following parties:

(1) Direct purchasers or refiners that obtained crude oil from the parties which entered into Consent Orders in which an improper computation of the base price for crude oil was alleged. For violations in this category, oil was properly certified, and the overcharges were not passed through the mechanism of the Entitlements Program. Thus, direct purchasers and refiners may have borne the effects of the overcharges and may be eligible for refunds to the extent they can prove the overcharges were not passed through to subsequent purchasers. (*10*)

(2) Refiners who before the commencement of the Entitlements Program on November 1, 1974 obtained crude oil from parties who entered into Consent Orders involved in this proceeding which concern violations alleged to have been committed during the period August 19, 1973 through October 31, 1974. Because these transactions occurred before the inception of the Entitlements Program, the effects of overcharges resulting from miscertification may have been borne solely by refiners who obtained the miscertified crude oil. These refiners may be eligible for refunds to the extent they can prove they did not pass these increased costs on to subsequent purchasers. (*11*)

(3) Refiners and subsequent purchasers who obtained crude oil or refined products originally produced or sold by the parties which entered into the Consent Orders involved in this proceeding and which can show that they are entitled to receive refunds, notwithstanding the difficulties discussed above. These parties must prove that any extra costs they incurred by the acquisition of miscertified oil were not fully compensated by the Entitlements Program and were not passed on to subsequent purchasers. *(12)*

(4) Ultimate consumers of refined petroleum products. As we have indicated, the actual effects of the alleged overcharges were first spread among all refiners by the Entitlements Program, then presumably passed on to subsequent purchasers, and finally incurred by all ultimate consumers of these products. We do not anticipate that the typical ultimate consumer would have sufficient documentation to sustain an overcharge claim, though. Moreover, many overcharge claims would likely be so small (less than a dollar, for example) that the administrative expenses involved in processing them would exceed the benefits involved. On the other hand, it could well be administratively efficient to channel refunds to large ultimate consumers, such as various departments of the federal government like the Department of Defense (which purchases large quantities of petroleum products), or groups acting on behalf of a number of ultimate consumers, such as trade associations, if such parties can prove sufficiently large amounts of overcharges. *(13)* We believe it would be appropriate for such parties to file refund claims. Groups which represent a number of

ultimate consumers should indicate how they plan to apportion refund proceeds among their individual members. Ultimate consumers receiving refunds which are members of industries whose rates are regulated by governmental bodies will be required to pass on the refund benefits to their customers through their rate mechanisms whenever feasible.

All applications submitted should provide all relevant information including the identification of the party from which the crude oil was purchased, the date and place of purchase, a showing as to the retention by the applicant of increased costs, and information reflecting the extent of any injury incurred, including the price and volume of product purchased. Detailed procedures to be followed for the filing of applications will be published in a Final Decision and Order.

C. Distribution of the Remainder of the Refund Amount

For the reasons articulated in the previous section, we believe that only a small portion of the $21 million refund pool involved in this proceeding can be refunded to identifiable parties who were overcharged. The fact that claims to specific refunds may not have been proven does not mean that injury has not occurred. Rather, the absence of claims for the full amount of the settlement would tend to reflect the difficulty inherent in filing a valid claim. Thus, an attempt should be made to identify the classes of ultimate consumers which are entitled to receive portions of the refunds. This will accomplish the objective of distributing the bulk of the fund remaining to those injured parties for whom the filing or processing of individual claims is not possible,or is not administratively efficient.

In our several recent decisions concerning special refund procedures, we have sought to identify the class of ultimate consumers of the products which were the subject of Consent Orders. This facilitates the process of distributing the remainder of the refund amount. In *Vickers*, for example, we found the effect of the alleged overcharges was limited to an eight state area and consequently proposed that funds be distributed only in that area. 46 FR at 15,323. On the other hand, in *Alcoa* we stated that we could not delineate the geographical area in which the impact of the alleged overcharges occurred, and we thus sought additional information about the distribution and marketing systems of the three identifiable initial purchasers in developing a remedy. *Alcoa*, 46 FR at 17,642–43.

As we have already stated, it is likely that the effects of the alleged overcharges covered by the Consent Orders in this proceeding have been spread among all refiners of crude oil, and ultimately among all consumers of refined products nationwide by the Entitlements Program. It would thus be impracticable if not impossible on a cost-efficient basis for us to apportion the refund amounts among every single consumer in the United States; we must therefore devise a remedy which entails giving the refund money to organizations which are required to pass on the benefits of the refunds to consumers. This remedy must also satisfy the following objectives: the refunds should benefit all consumers of refined products nationwide; the refunds should be made to parties in rough proportion to their usage of petroleum products; the method of identifying recipients and apportioning proceeds must be administratively efficient and cost-effective.

We believe that it is equitable and clearly efficient to apportion the funds among the fifty states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands *(14)* based on their proportionate consumption of crude oil products between 1973 and 1978, a period corresponding to the period when the alleged violations occurred. This apportionment will ensure distribution that is both nationwide and proportionate to each area's level of petroleum consumption. In Appendix B we have presented statistics concerning crude oil consumption in each of the 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. These figures, based on statistics published by the Energy Information Administration of DOE, show each state's percentage share of total United States consumption of refined petroleum products. We have also indicated how much of the $21 million refund pool available in this proceeding will flow to each state. Because we anticipate that the pool amount can be substantially increased through the addition of funds from future Consent Orders and Remedial Orders alleging or finding crude oil certification violations, the actual amount of money each state will ultimately receive could be greater. Additionally, we have broken down consumption of refined products into three major categories—motor gasoline usage in the transportation sector, usage of other refined products in the transportation sector, and all other consumption of refined products. The appendix lists each state's percentage of total United States consumption in each category. While we could have divided each state's share of the proceeds even further by producing breakdowns of proportionate usage of each refined product in each of five sectors of the economy, our preliminary determination is that a more detailed breakdown would not generally serve the end of administrative efficiency. Were each state's funds to be allocated among the maximum 28 product and usage categories possible, the amount of money in some of the pools would be so small as to make further distribution impractical. *(15)*

After balancing the goals of administrative efficiency and cost-effectiveness against the goal of the specificity in designating recipients of the refunds, it is our judgment that the issues of how to identify the proper recipients of the refunds is best resolved by dividing each state's portion of the refund proceeds among three product categories or "pools" described above. For states which are scheduled to receive less than $100,000, however, we will assign the entire state's share of the refunds to the largest of the three pools, the "all other consumption" pool. *(16)* Within each of the three pools, refund proceeds will be allocated to organizations within each state which are best suited to passing through the proceeds to the ultimate consumers of that type of product. For example, the funds in each state's "motor gasoline usage" pool will be distributed to entities which can best pass through the funds to the motor gasoline consuming public.

The first pool will be allocated according to each state's proportion of total motor gasoline usage in the transportation sector of the economy. Usage of gasoline in the transportation sector accounts for 39 percent of usage of all refined products. *See* Energy Information Administration, U.S. Dep't of Energy, State Energy Data Report 13 (1980). Consequently, 39 percent of the refund money will be apportioned to this pool. The persons injured by the overcharges of this type of product were the users of gasoline-powered vehicles within each state. Having considered what possible ways of distributing the proceeds would serve the goal of compensating these injured parties in an administratively efficient matter, we have concluded that giving each state's share of this pool directly to the state government, with the restriction that the state governments will be required to use the refund proceeds to reduce automobile licensing fees or other comparable fees, would be a desirable method of serving the interests of the injured parties. *(17)* Additionally, in order to ensure that the proceeds are actually distributed to the injured parties, we have determined that each state will be required to account to DOE for its use of the money.

The second pool will be allocated according to each state's proportionate usage of all refined products other than gasoline consumed in the transportation sector. As such usage accounts for 15 percent of the national usage for all refined products, this proportion of the refund proceeds will be placed in this pool. The persons injured by alleged overcharges in this category of usage are users of non-gasoline powered vehicles (such as heavy trucks, airplanes, ships, barges, and boats). Again, we have determined that the procedure most likely to compensate these parties in an efficient manner is one that allocates this money to state governments. With this pool's proceeds, the state governments will be required to defray fees charged to persons within this injured class, such as truckers' licensing fees or aircraft, ship, barge, or boat registration fees. Each state will be required to account to DOE for its use of the money, so we can ascertain that this pool is also properly distributed.

The third pool will be allocated according to each state's proportion of total nationwide usage of all refined products in all sectors of the economy excluding the transportation sector. This pool will comprise the 46 percent of the total proceeds not apportioned to the first two pools. Unlike the first two pools, no discrete classes of ultimate consumers can be identified who were injured by the alleged overcharges. This is the case because there are many different refined products and uses involved and it is therefore difficult for us to identify particular uses and consumers of products in this category. Moreover, many of the refined products in this category were not actually consumed as fuel, but rather were transformed into other items in the manufacturing process. Additionally, because many users of these products were industrial

or commercial enterprises, those entities are likely to have been in a position to pass on any cost increases incurred in the prices of the products or services they sold. Therefore the injured parties in this third category are not easily identified, and to the extent they are identifiable, the degree of their injury is uncertain.

As we have determined that we are unable to identify the particular classes of consumers injured by this category of overcharges, we conclude that the proceeds in this pool should be allocated to the parties injured by all overcharges. As we stated above, this includes all consumers of refined products within each state. We must ensure that the money each state receives from this pool is distributed to all energy consumers within that state. The class of energy consumers is of course an extremely large one, because virtually every individual in the United States consumes refined petroleum products in some form. Consequently, we cannot conclude that distributing money directly to the state governments, as we did with the first two pools, would be satisfactory. We cannot find a sufficient nexus between usage of refined products in general and any single state-funded activity to ensure that funds given to the state from this pool would actually benefit injured parties. This does not, however, mean alternative mechanisms do not exist. For example, virtually every individual in this country consumes electricity. Therefore, a mechanism that would mandate the use of money from this pool to lower electricity rates would compensate those people in the injured class. Such a mechanism would also be far more effecient from an administrative standpoint than devising separate refund mechanisms to compensate each user for each distinct use of refined products. For these reasons, we conclude that it would be appropriate to distribute the money in this pool to electric utilities in each state which have fuel adjustment clauses or other mechanisms requiring the passthrough of a refund to these ultimate consumers. This is the technique we have proposed to utilize in the *Vickers* and *Conoco* cases. Generally, a fuel adjustment clause of the desired type would require the benefit of a refund to be treated as a reduction in the cost of purchased fuels that can be passed through to the public in the form of lower electricity rates.

We believe that the preceding scheme of distribution will satisfy the objectives we articulated above. First, the distribution scheme we have proposed should best effect the goal of restitution by spreading out the benefits of the refund proceeds among all ultimate consumers of crude oil in rough proportion to the amount and type of usage of each customer. Second, this scheme should also serve the end of administrative efficiency, since it may be implemented quickly and efficiently and can be easily monitored.

Alternative distribution schemes might also satisfy our objectives. One such alternative would be to distribute all the refund monies to the United States Treasury. Such an alternative would involve virtually no administrative expenses. Also, if the Treasury were to receive the money, the refund proceeds would be added to general Treasury revenues, or reduce the need for borrowing to some extent, thereby benefitting the public at large. As the class of people injured by the alleged overcharges is also essentially the public at large, such a system would serve the purpose of benefitting those injured parties. Nonetheless, we believe the alternative we are proposing in this Decision is preferable for two reasons. First, the nature of the benefits we propose to confer would be more closely correlated with the nature of the injuries incurred than it would be in the case of a Treasury refund. The injuries caused by the alleged overcharges resulted from increased energy costs. This decision therefore proposes to provide restitution in the form of lower energy or energy-related costs, rather than in the form of decreased taxes or government services. Second, the amount of the benefits we propose to confer from this pool to each consumer of refined products would be more closely correlated with the amount of injury that consumer incurred than it would in the case of a Treasury refund. Consumers were actually injured by the alleged overcharges in proportion to their usage of refined products, and this decision proposes a form of restitution which would operate in proportion to their consumption of energy. In contrast, a Treasury refund may unduly benefit certain classes of people, since the benefits each individual receives from government expenditures has no discernible correlation with his or her relative energy consumption.

Notwithstanding our initial preference for the scheme we have proposed, we solicit comments from parties who desire to provide us with alternative suggestions as to how the refund money should be allocated, to whom the money should be distributed, and the manner in which governmental and organizational recipients should expend the refund proceeds. We particularly seek comments on the latter issue. Additionally, we seek comments from the state governments to which distribution of the refund money is proposed evaluating the merits of our proposed distribution scheme or suggesting alternative methods for distribution and utilization of the refund proceeds which would better serve the two goals of restitution and administrative efficiency.

Finally, we believe the refund procedure outlined above will maintain a close relationship or nexus between the class of purchasers injured and the class of persons receiving the restitution proposed. The procedures selected reflect the agency's determination to fulfill its Congressional mandate to, inter alia, assure "equitable prices" for " refined petroleum products" in the United States. 15 U.S.C. 753(b)(1). As we stated in *Vickers*, we are unable to accept the proposition, advanced by some commenters in previous cases (*18*), that the DOE lacks the authority to order refunds to an entity because the consumer's specific identity or degree of injury may not be ascertained. That position would be contrary to the intention of Congress in enacting the EPAA and related statutes, and contrary to the public interest. *See Vickers*, 46 FR at 15324 and cases cited therein.

It is therefore ordered That: The refund amounts provided in conjunction with the Consent Orders listed in Appendix A, plus interest earned, will be distributed in the manner set forth in the foregoing decision.

References

(*1*) For purposes of convenience, the term "Consent Order" will be used below to encompass the Remedial Order issued to James Forgotson.

(*2*) This type of violation was alleged in the following cases: Beta Development Co., PGP Gas Products, Inc., J.R. Parten, Vaughn Petroleum, Inc., Lundell's Inc., Graner Oil Co., Hixon Development Co., Newmont Oil Co., Tipperary Oil and Gas Corp., Crystal Oil Co., Frank W. Michaux, McFarland Energy, Inc., Quintin Little Co., Union Texas Petroleum Corp., McCulloch Oil and Gas Corp., Gladys O'Donnell Co., Natomas North America, Inc., Shawnee Oil and Gas Corp., John H. Hendrix Corp., Delta Drilling Company, Enserch Exploration, Inc., and James M. Forgotson. These violations were alleged to have resulted from the producers' Miscalculation of the "base production control level," misapplication of the definition of "property," or incorrect certification of a well as a "stripper well," as these terms are defined in the DOE regulations.

(*3*) This type of violation was alleged in the Crystal Oil Co., Vaughn Petroleum, Inc., Hixon Development Co. and McFarland Energy, Inc. cases.

(*4*) This type of violation was alleged in the Albert Alkek, Jack Guenther, and Coral Petroleum, Inc. cases.

(*5*) In the one case not involving a Consent Order, James M. Forgotson, a crude oil producer, paid DOE $76,201 pursuant to a Remedial Order which found that Forgotson charged prices for crude oil in excess of those permitted by the DOE regulations. *See* James M. Forgotson, Case No. DRW-0031 (August 9, 1979) (unpublished decision).

(*6*) The following indicates, where applicable, the date the Consent Order was published in the Federal Register and the amount to be paid to DOE pursuant to the Consent Order:

Case	Date consent order published	Refund amount
Albert B. Alkek	Apr. 27, 1979; 44 FR 24913.	$3,240,000
Jack Guenther		841,528
Beta Development Co.	Mar. 7, 1980; 45 FR 14917.	*126,000
PGP Gas Products, Inc.	Oct. 24, 1979; 44 FR 61242.	*25,494
J. R. Parten	July 25, 1979; 44 FR 43510.	275,000
Vaughn Petroleum, Inc.	Mar. 25, 1980; 45 FR 81818.	1,250,000
Lundell's Inc	Aug. 22, 1979; 44 FR 49291.	71,083
Graner Oil Co	Nov. 23, 1979; 44 FR 67208.	*77,536
Hixon Development Corp.	July 11, 1979; 44 FR 40648.	46,000
Newmont Oil Co	July 31, 1979; 44 FR 44928.	60,000
Tipperary Oil and Gas Corp.	Oct. 19, 1979; 44 FR 60369.	213,533
Crystal Oil Co	Apr. 28, 1980; 45 FR 28169.	203,586
Frank W. Michaux	Jan. 7, 1980; 45 FR 1442.	147,492

Case	Date consent order published	Refund amount
McFarland Energy Inc.	Aug. 13, 1979; 44 FR 47387.	363,132
Quintin Little Co.	Apr. 8, 1980; 45 FR 23718.	1,700,000
Union Texas Petroleum Corp.	Apr. 1, 1980; 45 FR 21340.	2,100,000.
McCulloch Oil & Gas Corp.	Aug. 14, 1979; 44 FR 47585.	497,806
Coral Petroleum Inc.	Oct. 17, 1980; 45 FR 69002.	*9,000,000
Gladys O'Donnell	Nov. 28, 1979; 44 FR 67469.	81,580
Natomas North America, Inc.	Aug. 8, 1980; 45 FR 52665.	93,000
Shawnee Oil and Gas Corp.	Oct. 4, 1979; 44 FR 57147.	660,000
John H. Hendrix Corp.	Jan. 14, 1980; 45 FR 2733.	*42,000
Delta Drilling Company.	Nov. 5, 1979; 44 FR 63565.	275,000
Enserch Exploration, Inc.	Aug. 17, 1979; 44 FR 48320.	486,000
James M. Forgotson.	Aug. 9, 1979†	76,201

* Plus interest.
† Date Remedial Order issued by DOE.

(7) A comment was received on the Shawnee Oil and Gas Corp. case.

(8) Claims were filed in the following cases: Beta Development Co., PGP Gas Products, Inc., Vaughn Petroleum, Inc., Lundell's Inc., Hixon Development Co., Crystal Oil Co., Frank W. Michaux, McFarland Energy, Inc., Quintin Little Co., Union Texas Petroleum Corp., McCulloch Oil and Gas Corp., Gladys O'Donnell, Natomas North America, Inc., Shawnee Oil and Gas Corp., Delta Drilling Co., and Enserch Exploration, Inc.

(9) A refiner which purchased miscertified oil was injured to the extent that the price it paid for the miscertified oil exceeded the controlled price for "old" oil. If the oil had not been miscertified, however, the amount of old oil in the refiner's crude oil receipts would have increased. Because there would have been more old oil and less new oil nationally, the DOSR would also rise, though this increase would be proportionately less than the refiner's increase in its old oil receipts. Thus the refiner would be issued more entitlements. Because its increase in crude oil receipts would be greater, however, the refiner would be required to buy more (or sell less) entitlements than it would have were the oil miscertified. In this way the refiner which purchases miscertified crude oil also receives a marginal benefit from the miscertification.

(10) For cases involving this type of violation, see note 3 *supra*. Only the portion of the funds from each Consent Order attributable to this type of violation will be available to claimants of this type.

(11) The following cases allege violations in the period before November 1974: Beta Development Co., PGP Gas Products, Inc., J. R. Parten, Vaughn Petroleum, Inc., Lundell's Inc., Hixon Development Co., Tipperary Oil and Gas Corp., Crystal Oil Co., Frank W. Michaux, McFarland Energy Inc., Quintin Little Co., Union Texas Petroleum Co., McCulloch Oil and Gas Corp., Shawnee Oil and Gas Corp., John H. Hendrix Corp., Delta Drilling Co., Enserch Exploration, Inc. and James M. Forgotson. Only the portion of the funds from each Consent Order attributable to violations during this time period will be available to claimants of this type.

(12) Refiners which did not purchase crude oil produced by the parties which entered into the Consent Orders but who claim they were injured through the effects of the Entitlements Program may also be eligible for refunds. Each refiner that makes a claim, however, must calculate the precise amount of its injury attributable to the effects of the Entitlements Program. Additionally, it must show that these effects were not passed through to subsequent purchasers.

(13) It is not possible for us to state at this time the minimum which would constitute a "sufficiently large" amount of overcharges. Such a determination could be made only after we have had the opportunity to inspect the various claims filed.

(14) In the EPAA, "the term 'United States' used in the geographic sense means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States." EPAA § 3(7). For purposes of simplicity, this decision will use the term "states" to comprise all entities covered by the EPAA.

(15) Were the pools to be substantially increased by the addition of funds from other Consent Orders or court judgments, we may find it appropriate to create additional pools. Such additional pools would enable us to refine the distribution scheme so that we could more closely correlate ultimate fund recipients with the users of each type of refined product.

(16) For Guam, Puerto Rico and the Virgin Islands, all refund proceeds will also be assigned to the third pool, because data showing how consumption was divided among different sectors of the economy is not available.

(17) The parties that receive proceeds from the refund pool will be current consumers of refined products. These parties may not be identical to the injured class, because the overcharges allegedly occurred in 1973 through 1978. We have concluded, however, that the benefitted class is sufficiently similar to the injured class to satisfy the aim of restitution. Moreover, we have found no administratively feasible technique for ensuring that pool proceeds go only to those parties who consumed refined products in the 1973–78 period, as opposed to present consumers.

(18) *See generally* comments submitted in response to Notice of Solicitation of Comments, 45 FR 57627 (September 10, 1980), concerning proper disposition of consent order funds.

In other contexts as well, interested parties have discussed the scope of DOE's authority to distribute Consent Order funds. For example, at the request of the Honorable John D. Dingell, Chairman of the U.S. House of Representatives Committee on Energy and Commerce, the Comptroller General of the United States has issued on opinion, dated October 10, 1980, concerning the terms of a Consent Order entered into by the DOE and Getty Oil Company (Getty) on December 3, 1979. *See* Notice of Proposed Consent Order, 44 FR 71453 (December 11, 1979); Notice of Action on Consent Order, 45 FR 9002 (February 14, 1980). The Getty Consent Order was intended to settle, with certain exceptions, all disputes between Getty and DOE concerning the firm's compliance with price and allocation regulations in effect during the period August 19, 1973 through December 31, 1978. By its terms, the Consent Order required Getty to deposit $25,000,000 into an escrow account.

The Comptroller General commented on the proposal for distributing the $25,000,000 refund amount announced by the DOE on July 11, 1980. Under that plan, $21,000,000 was to be distributed to twenty state governments in proportion to Getty's home heating oil sales in those states, and $4,000,000 was to be distributed to lower pay grade military servicemen in states where heating oil was sold by the firm. The State governments would be required to distribute the settlement funds granted to them to low income residents for the purpose of defraying home heating oil costs.

The Comptroller General concluded that the Getty refund plan failed to meet certain requirements specified in DOE's enabling legislation and implementing regulations. The Comptroller General observed, moreover, that "distribution of the Getty funds must be made in approximate proportion to the injury actually sustained to Getty customers and to ultimate consumers of Getty products who were the victims of the overcharges." Opinion of the Comptroller General at 7.

Because the July 11, 1980 plan was designed to effectuate restitution to low income consumers only, the plan was found not to satisfy these requirements. In the words of the Comptroller General, "all ultimate consumers of Getty heating oil, regardless of income, were injured by the violations and should be entitled to a portion of the refunds." *Id.* at 9. As a result of these and other deficiencies, the Comptroller General concluded that the Getty funds should have been designated for distribution pursuant to the Subpart V process.

The disposition proposed concerning the refund amounts involved in the Consent Orders in this proceeding are not subject to the deficiencies referred to in the Comptroller General's Opinion. In the first place, these funds are, as recommended, being distributed pursuant to the Subpart V process. Moreover, the method of distribution proposed in this decision would distribute refund proceeds to a group of ultimate consumers bearing a close relationship to the consumers on whose behalf the settlement amount was negotiated. As a result, this method of distribution is consistent with the views of the Comptroller General, who in the October 10 opinion specifically recognized that "it is frequently not possible to identify each individual customer or consumer who has been overcharged nor is it always possible to make a precise determination of the amounts each individual has been overcharged. So long as a good faith effort was made to identify overcharged individuals, we would not view a distribution scheme which lacked dollar for dollar precision as unauthorized." *Id.* at 10.

Appendix A

Name of petitioner	Date of filing	Case No.
Office of Enforcement, Economic Regulatory Administration: In the Matters of		
Alfred S. Allen	Apr. 19, 1979	DFF-0002.
Jack Guenther	May 14, 1979	DFF-0004.
Beta Development Co.	Nov. 17, 1980	BEF-0008.
PGP Gas Products, Inc.	Dec. 3, 1980	BEF-0010.
J. R. Parten	Dec. 3, 1980	BEF-0011.
Vaughn Petroleum, Inc.	Dec. 5, 1980	BEF-0012.
Lundell's Inc.	Dec. 5, 1980	BEF-0013.
Graner Oil Co.	Dec. 5, 1980	BEF-0015.
Hixon Development Co.	Dec. 5, 1980	BEF-0016.
Newmont Oil Co.	Dec. 5, 1980	BEF-0017.
Tipperary Oil and Gas Corp.	Dec. 5, 1980	BEF-0018.
Crystal Oil Co.	Dec. 5, 1980	BEF-0019.
Frank W. Micheux	Dec. 11, 1980	BEF-0020.
McFarland Energy, Inc.	Dec. 16, 1980	BEF-0022.
Quintin Little Co.	Dec. 22, 1980	BEF-0024.
Union Texas Petroleum Corp.	Dec. 23, 1980	BEF-0025.
McCulloch Oil and Gas Corp., McCulloch Oil Corp. of Texas.	Jan. 29, 1981	BEF-0028.
Coral Petroleum Inc.	Feb. 3, 1981	BEF-0031.
Gladys O'Donnell d.b.a. Gladys O'Donnell Co.	Feb. 24, 1981	BEF-0036.
Natomas North America Inc.	Mar. 16, 1981	BEF-0037.
Shawnee Oil and Gas Corp.	Mar. 20, 1981	BEF-0039.
John H. Hendrix Corp.	Mar. 20, 1981	BEF-0040.
James M. Forgotson	Apr. 8, 1981	BEF-0043.
Delta Drilling Company	Apr. 8, 1981	BEF-0044.
Enserch Exploration, Inc.	Apr. 8, 1981	BEF-0045.

Appendix B.—*Percentage Shares of National Consumption*

State	Transportation sector		Other sector [1] all products	Total refined products	Allotment of $21 million refund pool [2]
	Motor gasoline [1]	Other products [1]			
Alabama	1.87	2.02	1.28	1.47	$308,700
Alaska	0.15	1.22	0.24	0.39	81,900
Arizona	1.16	1.44	0.80	1.01	212,100
Arkansas	1.15	1.08	1.51	1.28	268,800
California	10.11	13.66	7.12	9.10	1,911,000
Colorado	1.30	1.38	0.90	1.10	231,000
Connecticut	1.30	0.98	2.36	1.67	350,700
Delaware	0.29	0.26	0.67	0.47	98,700
District of Columbia	0.22	0.15	0.33	0.26	54,600
Florida	4.17	4.53	4.71	4.40	924,000
Georgia	2.74	2.72	1.75	2.24	470,400
Hawaii	0.28	1.93	0.58	0.66	138,600
Idaho	0.44	0.41	0.40	0.41	86,100
Illinois	4.74	5.00	5.01	4.83	1,014,300
Indiana	2.65	1.70	3.14	2.69	564,900
Iowa	1.48	0.91	1.82	1.43	300,300
Kansas	1.21	0.96	1.28	1.19	249,900
Kentucky	1.08	1.08	1.03	1.27	266,700
Louisiana	1.80	3.99	2.12	2.23	468,300
Maine	0.52	0.58	1.04	0.76	159,600
Maryland	1.81	1.22	2.15	1.87	392,700
Massachusetts	2.26	1.54	5.18	3.46	724,500
Michigan	4.43	1.96	3.25	3.46	726,600
Minnesota	1.89	1.42	2.03	1.85	388,500
Mississippi	1.17	0.98	1.54	1.29	270,900
Missouri	2.50	1.96	1.59	1.96	411,600
Montana	0.42	0.55	0.43	0.44	92,400
Nebraska	0.80	0.85	0.77	0.78	163,800
Nevada	0.40	0.81	0.22	0.37	77,700
New Hampshire	0.39	0.16	0.64	0.47	98,700
New Jersey	3.12	2.55	4.83	3.76	789,600
New Mexico	0.68	0.86	0.51	0.62	130,200
New York	5.58	6.41	10.81	7.90	1,659,000
North Carolina	2.77	1.54	2.06	2.22	466,200
North Dakota	0.32	0.47	0.39	0.37	77,700
Ohio	4.85	2.76	3.10	3.66	768,600
Oklahoma	1.58	1.17	1.25	1.35	283,500
Oregon	1.20	1.16	0.77	0.96	205,800
Pennsylvania	4.58	3.57	5.16	4.62	970,200
Rhode Island	0.26	0.16	0.56	0.42	88,200
South Carolina	1.47	0.96	1.11	1.21	254,100
South Dakota	0.27	0.22	0.43	0.30	61,900
Tennessee	2.22	1.73	1.14	1.62	340,200
Texas	7.34	10.62	5.03	6.63	1,392,300
Utah	0.62	0.84	0.54	0.59	121,800
Vermont	0.24	0.08	0.30	0.24	50,400
Virginia	2.47	3.04	2.58	2.56	537,600
Washington	1.70	2.43	1.10	1.51	317,100
West Virginia	0.80	0.46	0.41	0.56	117,600
Wisconsin	2.08	1.01	1.96	1.84	386,400
Wyoming	0.28	0.52	0.44	0.39	81,900
Guam [1]				0.13	27,300
Puerto Rico [1]				1.09	228,900

Appendix B.—*Percentage Shares of National Consumption*—Continued

State	Transportation sector		Other sector [1] all products	Total refined products	Allotment of $21 million refund pool [2]
	Motor gasoline [1]	Other products [1]			
Virgin Islands [1]				0.55	115,500

[1] For Guam, Puerto Rico and the Virgin Islands, data dividing consumption among different sectors of the economy was not available.
[2] The actual amount to be apportioned to each state will depend on the exact amount of the refund pool at the time a Final Decision and Order is issued.

Sources: *State Energy Data Report: Statistical Tables and Technical Documentation, 1960 through 1978*, Energy Information Administration, DOE (April 1980) (50 states and District of Columbia); and *International Petroleum Annual: 1978*, Energy Information Administration, DOE (April 1980) (Guam, Virgin Islands, and Puerto Rico).

[FR Doc. 81-14484 Filed 5-13-81: 8:45 am]
BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket Nos. 81-310-81-312; File Nos. BPCT-800310KF etc.]

Buena Vista Telecasters of Texas, Inc.; Consolidated Hearing on Stated Issues

In re applications of Buena Vista Telecasters of Texas, Inc., Richardson, Texas, BC Docket No. 81-310, File No. BPCT-800310KF; International American Broadcasting Co., Inc., Garland, Texas, BC Docket No. 81-311, File No. BPCT-800516KK; Richardson Family Television, Inc., Richardson, Texas, BC Docket No. 81-312, File No. BPCT-800814KE; for a construction permit.

Adopted: April 23, 1981.

Released: May 12, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Buena Vista Telecasters of Texas, Inc. (Buena Vista), International American Broadcasting Co., Inc. (International American) and Richardson Family Television [1] for a new commercial television station to operate on channel 23, Richardson, Texas.[2]

Buena Vista Telecasters of Texas, Inc.

2. Buena Vista indicates that $988,200 would be required to construct and operate its proposed facility for three months:

Equipment	$737,950
Buildings	60,000
Land	80,000
Legal fees	10,000
Engineering, installation and miscellaneous costs	51,000
Operating costs (three months)	59,250
Total	$988,200

To meet these expenses, Buena Vista relies on $5,000 of capital stock [3] and a loan of $2,000,000 from Mr. Leon Crosby, a Director, President and 25% shareholder of Buena Vista. The applicant has not submitted any documentation evidencing Mr. Crosby's agreement to loan funds to Buena Vista. In addition, the individual balance sheet submitted for Mr. Crosby does not show sufficient current and liquid assets to meet his financial commitment to Buena Vista.[4] An appropriate financial issue will be specified to determine whether the $988,200 is available to Buena Vista.

3. Buena Vista has apparently failed to comply with certain threshold requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 F.C.C. 2d 650 (1971) (Primer). Buena Vista has not submitted a determination of the composition of the community of license and the demographic data necessary to indicate the minority, ethnic or racial breakdown of the community, its economic activities, governmental activities, public service organizations and similar information. *See* questions and answers 9 and 10 of the *Primer*. The applicant has submitted a brief description of each of the thirty-five members of the general public that were surveyed. Of these thirty-five persons, seventeen were students at the University of Texas and two were employed there. In addition, Buena Vista has not provided a description of the methodology used in its survey of the general public. Therefore, it cannot be determined whether the applicant's survey of the general public was random as required by question and answer 13(b) of the *Primer*. An appropriate ascertainment issue will be specified.

International American Broadcasting Co., Inc.

4. International American indicates that $223,466 would be required to construct and operate its proposed facility for three months:

Equipment (total lease cost through third month of operation)	$147,893
Buildings	3,000
Legal fees	20,000
Installation and other miscellaneous costs	4,000
Operating costs (three months)	48,573
Total	$223,466

To meet its operating costs of $48,573, International American can rely on the following advertising revenues which will be prepaid each month during the first three months of operation: $5,460 from the International Christian Center Church, Inc. and $84,350 from the Trinity Broadcasting Network. To meet its construction and other costs which total $174,893, International American can rely on a $100,000 bank loan. An appropriate financial issue will be specified to determine whether the additional $74,893 required is available to International American.

5. International American has apparently failed to comply with certain threshold requirements of the *Primer*.

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[1] On November 20, 1980, Buena Vista amended its application to comply with the requirement that applications be verified and to provide a complete engineering proposal incorporating revisions contained in a timely amendment. On January 19, 1981, Buena Vista amended its application to include the other broadcast interests of two principals and a balance sheet for one principal. Since the applicant has shown good cause for the filing of these untimely amendments, they are accepted pursuant to § 73.3522(a)(2) of the Commission's rules. On February 13 and March 2, 1981, International American submitted two petitions for leave to amend and amendments which update information contained in its application. These petitions are granted and the amendments are accepted pursuant to § 1.65 of the Commission's rules. On February 24, 1981, Richardson Family Television filed an amendment updating information contained in its application. This amendment is accepted pursuant to § 1.65 of the Commission's rules.

[2] International American filed its application for Channel 23 in Garland, Texas. Channel 23 is allocated to Richardson, Texas. Since Garland is within fifteen miles of Richardson, this application complies with § 73.607(b) of the Commission's rules.

[3] Buena Vista has not submitted its own current balance sheet as required by Section III, page 2, question 2 of FCC Form 301. Accordingly, Buena Vista cannot be given credit for the $5,000.

[4] Mr. Crosby's balance sheet includes as current assets $1,000,000 in "cash on deposit with James Hodge, Trustee of the Crosby/KEMO-TV, Inc. Irrevocable Trust, Union Bank, Los Angeles, California." It cannot be determined whether these funds are actually available to Mr. Crosby to meet his commitment to Buena Vista. In addition, Mr. Crosby includes in his current assets $2,800,000 in "equity in licensee of KBSA-TV, Guasti, California." These funds are not a liquid asset on which Mr. Crosby can rely.

Mr. Crosby has an interest in another pending application before the Commission. He is President, Treasurer, a Director and 85% shareholder of Crosby Family Telecasters, Inc., applicant for a construction permit for a new television station on Channel 51 in Portland, Maine (File No. BPCT-781219KG). That application stated that Mr. Crosby's funds would first be used to construct and operate the Portland, Maine station if the application is granted.

The applicant provides demographic data for Dallas County, in which Garland, the city of license, is located. This data indicates that 17% of the population of Dallas County is Black and 7% is Hispanic. Since International American has not provided the race or ethnic background of each community leader interviewed, it cannot be determined whether the individuals interviewed represent the significant minority and ethnic groups in the city of license as required by questions and answers 13(a) and 16 of the *Primer*. In addition, the applicant does not provide a showing of the broadcast matter it proposes to meet the ascertained problems, needs and interests of the community as required by question and answer 29 of the *Primer*. An appropriate ascertainment issue will be specified.

Richardson Family Television, Inc.

6. Although Richardson Family Television provides data on the economic activities, governmental activities and public service organizations of Richardson, Texas, the applicant has not submitted any information about the minority, racial or ethnic breakdown of the community, as required by question and answer 9 of the *Primer*. The applicant's list of the community leaders that were interviewed does not indicate whether any leaders of minority and ethnic groups in the community were consulted. See questions and answers 13(a) and 16 of the *Primer*. An appropriate ascertainment issue will be specified.

Section 307(b) Issue

7. These applications propose to serve different communities. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of broadcast service. Since these proposals do serve substantial common areas, however, in addition to the Section 307(b) issue, a contingent comparative issue will also be specified.

Conclusion and Order

8. Except as indicated by the issues specified below, the Commission finds the applicants legally, financially, technically and otherwise qualified. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that a grant of the applications will serve the public interest, convenience and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

9. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Buena Vista Telecasters of Texas, Inc.:

(a) Whether it has the $968,200, needed to meet the costs of construction and operation of its proposed facility;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified;

(c) Whether the applicant has determined the composition of its city of license;

(d) Whether the methodology used by the applicant in conducting its general public survey was random;

(e) Whether, in light of the evidence adduced pursuant to (c) through (d) above, the applicant is qualified to construct and operate its facility as proposed.

2. To determine, with respect to International American Broadcasting Co., Inc.:

(a) Whether it has the additional $74,893 needed to meet the costs of construction of its proposed facility;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified;

(c) Whether the applicant has interviewed leaders of the Black and Hispanic population within the communities it proposes to serve;

(d) Whether the applicant proposes broadcast matter designed to meet the problems, needs and interests of the community as ascertained by the applicant;

(e) Whether, in light of the evidence adduced pursuant to (c) through (d) above, the applicant is qualified to construct and operate its facility as proposed.

3. To determine, with respect to Richardson Family Television, Inc.:

(a) Whether the applicant has determined the minority, racial or ethnic breakdown of the community of license;

(b) Whether the applicant interviewed leaders of minority and ethnic groups in the community in connection with its ascertainment efforts;

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is qualified to construct and operate its facility as proposed.

4. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of broadcast service.

5. To determine, if it is concluded that a choice among the applicants should not be based on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-14481 Filed 5-13-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-306—81-309; File Nos. BPH-800714AK, etc.]

Cannon's Point Broadcasting Co.; Consolidated Hearing on Stated Issues

In re applications of Cannon's Point Broadcasting Company, St. Simons Island, Georgia, BC Docket No. 81-306, File No. BPH-800714AK, Req. 92.7 MHz, Channel 224A 3.0 kW (H&V), 300 feet; James U. Steele, St. Simons Island, Georgia, BC Docket No. 81-307, File No. BPH-800930AE, Req: 92.7 MHz, Channel 224A 3.0 Kw (H&V), 300 feet; Burrows Broadcasting Company, St. Simons Island, Georgia, BC Docket No. 81-308, File No. BPH-801001AA, Req: 92.7 MHz, Channel 224A 3.0 kW (H&V), 300 feet; Dale Bell, St. Simons Island, Georgia, BC Docket No. 81-309, File No. BPH-801003AF, Req: 92.7 MHz, Channel 224A 3.0 kW (H&V), 147 feet, for a construction permit.

Adopted: April 3, 1981.

Released: May 6, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Cannon's Point Broadcasting Company, Inc. (Cannon's), James U. Steele, Burrows Broadcasting Company (Burrows), and Dale Bell, for a construction permit for a new FM Station at St. Simons Island, Georgia.

2. *Cannon's* The financial data submitted by Cannon's indicates that $64,363.36 will be required to construct and operate the proposed station for three months, itemized as follows:

Equipment down payment	$13,770.00
Equipment payments (three months)	3,993.36
Land	20,000.00
Buildings	3,600.00
Miscellaneous	[1] 7,700.00
Operating costs (3 months)	15,300.00
Total	$64,363.36

[1] Cannon's filed an amendment to its application indicating that legal, engineering and other miscellaneous costs were prepaid. However, the applicant failed to reflect those changes in its financial status in its most recently filed balance sheet. Consequently, the figures provided in the original application were utilized in the analysis above.

To meet these costs, Cannon's intends to rely on $30,722 existing capital, $25,000 new capital and a bank loan of $9,102.

3. The $25,000 new capital is based on a stock subscription by Mrs. J. J. Baell, one of the applicants' principals. Mrs. J. J. Baell is depending upon a loan from her daughter, Miss Betty Baell, to purchase the $25,000 worth of stock. Neither of these persons has submitted a balance sheet to the Commission, indicating the availability of these funds. Accordingly, a financial issue will be specified.

4. *Burrows.* Section 73.1125 of the Commission's rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause the main studio may be located outside that community. Burrows proposes to locate its main studio on the causeway linking Brunswick and St. Simons Island.[1] The applicant alleges that the proposed location is three miles outside St. Simons Island and is easily accessible from there. We believe that adequate justification has been provided for the proposed studio location.

5. The other three applicants propose independent programming while Burrows proposes to duplicate some of the programming of its commonly-owned station, WMOG. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inefficiency. *Jones T. Sudbury,* 8 FCC 2d 380, 10 RR 2d 114 (1967).

6. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applicants are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Cannon's Point Broadcasting Company: (a) the source and availability of additional funds over and above the $39,824 indicated; and

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

9. It is further ordered, that the Motion for Leave to Accept the February 20, 1981 amendment to the application of Dale Bell is granted and the amendment is accepted.

10. It is further ordered, that in the event the application of Burrows Broadcasting Company is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, the applicant will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

11. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It if further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-14488 Filed 5-13-81; 8:45 am]

BILLING CODE 6712-01-M

[1] This location is presently the site of Station WMOG-AM, owned by Burrows and licensed to Brunswick, Georgia.

[BC Docket Nos. 81-313—81-314; File Nos. BPCT-791231KE, BPCT 800521KO]

Channel 26 Inc. and Alabama Management Co.; Consolidated Hearing on Stated Issues

In re applications of Channel 26, Inc., Florence, Alabama, BC Docket No. 81-313, File No. BPCT-791231KE; Alabama Management Company, Florence Alabama, BC Docket No. 81-314, File No. BPCT-800521KO; for construction permit.

Adopted: April 30, 1981.

Released: May 11, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 26, Florence, Alabama.

2. *Channel 26, Inc. (Channel 26).* Review of Channel 26's financial data reveals that applicant will require $417,500 to construct its proposed facility and to operate for three months, itemized as follows:

Equipment	$295,000
Land	5,000
Building	10,000
Legal costs	5,000
Engineering costs	5,000
Installation costs	25,000
Miscellaneous costs	5,000
Operating costs (3 mos)	67,500
Total	417,500

To meet these costs, Channel 26 relies upon the following:

Existing capital	$3,000
Loan (less interest)	225,000
Profits from existing operations	300,000
Total	528,000

Since Channel 26 has not provided a balance sheet, as required by Section III, page 2, item 2(a), FCC Form 301, the availability of $3,000 in existing capital cannot be determined. South Central Broadcasting Corporation (SCBC), the 100 percent owner of the applicant, allegedly had profits in 1978 and 1979 from existing operations presumably from the operation of stations WTVK(TV) and WEZK(FM), Knoxville, Tennessee and WIKY AM and FM, Evansville, Indiana. It is unclear, however, whether this means that SCBC had net profits of $300,000 for the two years combined or whether it had profits of $300,000 for each of the two years. The application does not indicate the significance of these profits, i.e., whether it is to be assumed that there will continue to be similar profits generated which will be available for the use of the applicant or whether these funds actually exist now as cash in the bank. If the latter, the existence of the funds must appear on a balance sheet; if the former, there must be a showing of the availability of such profits prior to the commencement of construction. Financial issues will, therefore, be specified to determine the availability of at least an additional $192,500.

3. Channel 26 has estimated its legal costs at $5,000. Since Channel 26 is herein designated for a comparative hearing, an appropriate issue will be specified to determine whether $5,000 is a realistic estimate of legal fees.

Alabama Management Company (AMC)

4. AMC has 31 stockholders, only one of which (Big Fifty Corporation) owns 5% or more of AMC's stock. Big Fifty owns 29.9 percent of AMC's stock. The Secretary of Big Fifty, however, is not a United States citizen. If Big Fifty controls AMC, directly or indirectly, grant of AMC's application would be precluded by Section 310(b)(4) of the Communications Act. Since it is not possible to determine whether Big Fifty controls AMC on the basis of the information presently available, an issue will be necessary.[1]

5. Analysis of AMC's financial data indicates that it will require $1,400,039 to construct its proposed station and operate for three months. AMC will finance its proposed facility through a bank loan for $500,000 and a public stock offering.

The stock offering is expected to generate capital as follows:

Gross proceeds from offering	$2,000,000
Less cost of offering	260,000
Net to AMC	1,740,000
Less commitment to another business venture	500,000
Net available for proposed facility	1,240,000

AMC has not documented its application with an underwriting or brokerage contract or with agreements from proposed purchasers of the stock when it is offered. Financial issues to determine the availability of an additional $900,039 will be specified.

6. No determination has been reached that the antenna structure proposed by AMC would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Channel 26, Inc.:

(a) Whether $5,000 will be adequate to meet applicant's legal costs;

(b) Whether applicant has an additional $192,500 plus any additional legal costs;

(c) Whether, in light of the evidence adduced pursuant to issues (a) and (b) applicant is financially qualified.

2. To determine with respect to Alabama Management Company:

(a) Whether it is controlled by Big Fifty Corporation, and if so, whether the applicant is in compliance with Section 310(b)(4) of the Communications Act of 1934, as amended;

(b) Whether, in light of the evidence adduced pursuant to issue (a), the applicant is qualified to be a Commission licensee;

(c) Whether the applicant has an additional $900,039 available to meet its construction and operational expenses;

(d) Whether, in light of the evidence adduced pursuant to issue (c), the applicant is financially qualified;

(e) Whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation;

(f) Whether, in light of the evidence adduced pursuant to issue (e), the applicant is qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, that the Federal Aviation administration is made a party to this proceeding.

10. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

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BILLING CODE 6712-01-M

[1] AMC's application indicates that, within 120 days of the filing of the application, Big Fifty is to be dissolved and its stock ownership in AMC distributed pro rata to Big Fifty's stockholders. Since the application has not been amended to advise the Commission that Big Fifty has been dissolved, it must be presumed that there have been no changes from what appears in the application.

[BC Docket Nos. 81-318—81-321; File Nos. BPH-790814AA, etc.]

Johnson & Laidlaw Broadcasting Ltd., et al.; Consolidated Hearing on Stated Issues

In re applications of Johnson & Laidlaw Broadcasting Ltd., Crookston, Minnesota, BC Docket No. 81-318, File No. BPH-790814AA, Req: 98.1 MHz, Channel 241C 100 kW (H&V); 455 feet; Agassiz Broadcast Group, Inc., Crookston, Minnesota, BC Docket No.

81-319, File No. BPH-800829AN, Req: 96.1 MHz, Channel 241C 100 kW (H&V); 455 feet; Joyce L. Hagen, Crookston, Minnesota, BC Docket No. 81-320, File No. BPH-800829AR, Req: 96.1 MHz, Channel 241C 100 kW (H&V); 422 feet; Tex-Linc Media, Inc., Crookston, Minnesota, BC Docket No. 81-321, File No. BPH-80029AU, Req: 96.1 MHz, Channel 241C 100 kW (H&V); 446 feet.

Adopted: April 30, 1981.

Released: May 11, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Johnson & Laidlaw Broadcasting Ltd. (Johnson), Agassiz Broadcast Group, Inc. (Agassiz), Joyce L. Hagan (Hagan), and Tex-Linc Media, Inc. (Tex-Linc) for a construction permit for a new FM station.

2. *Johnson.* An analysis of the financial data submitted by Johnson reveals that $195,316 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$117,866
Land	6,000
Buildings	10,000
Miscellaneous	14,350
Operating costs (three months)	47,100
Total	195,316

To meet these expenditures, Johnson intends to rely on $117,866 deferred credit from FBS Financial, Inc., existing capital of $3,000, a $50,000 loan from the First Bank of Langdon and a $30,000 pledge from the applicant's principals, T. L. Laidlaw, Bert Johnson and Lyle Johnson.

3. The applicant has not submitted a balance sheet demonstrating that $3,000 existing capital is available and it has not received reasonable assurance from its equipment supplier that deferred credit is available. The letter from FBS Financial, Inc., indicates that it is unable to offer a firm commitment on transactions where equipment delivery is over 180 days away and that it will not consider the lease application until six months prior to delivery. Further, the Bank's commitment letter for $50,000 does not contain the terms of the loan and it is not supported by personal guarantees of Johnson's principals, as it expressly requires. In light of these deficiencies a financial issue will be specified.

4. Johnson has not provided us with a current FAA clearance. Accordingly, an appropriate issue will be specified.

5. *Hagen.* Hagen has not provided us with a current FAA clearance. Accordingly, an appropriate issue will be specified.

6. *Tex-Linc.* Applicant has submitted a balance sheet of Paul C. Shorr III, signed and dated September 1, 1980. However, the application was certified that all statements were true and correct to the best of the applicant's knowledge, on August 27, 1980. It is clear, therefore, that Tex-Linc has erred in the certification of its application. To remedy this deficiency, Tex-Linc will be required to file an amended Section I, page 2 with the presiding Administrative Law Judge.

7. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and population which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issues, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Johnson & Laidlaw Broadcasting Ltd:

(a) The source and availability of additional funds over and above the $30,000 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Johnson would constitute a hazard to air navigation.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by Joyce L. Hagen would constitute a hazard to air navigation.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

10. It is further ordered, that the motion for leave to amend filed by Johnson & Laidlaw Broadcasting Ltd. is granted, and the corresponding amendment filed by Johnson is accepted.

11. It is further ordered, that the motion for leave to amend filed by Agassiz Broadcast Group, Inc., is granted, and the corresponding amendment filed by Agassiz is accepted.

12. It is further ordered, that the motion for leave to amend filed by Tex-Linc Media, Inc., is granted, and the corresponding amendment filed by Tex-Linc is accepted.

13. It is further ordered, that Tex-Linc, will file a new certification of its application with the presiding Administrative Law Judge.

14. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

15. It is further ordered, that in the event the application of Tex-Linc Media, Inc. is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, the applicant will divest itself of either its AM station or FM station in accordance with the requirements established in such rule making proceeding.

16. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the isues specified in this Order.

17. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Commissions Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasibile and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-14491 Filed 5-13-81; 8:45 am]

BILLING CODE 6712-01-M

Plan for Reporting Interim Expenses Submitted by American Telephone and Telegraph Company Pursuant to the Second Computer Inquiry; Order Extending Time for Filing Replies

AGENCY: Federal Communications Commission.

ACTION: Public Notice regarding plan for reporting interim expenses submitted by AT&T pursuant to the second computer inquiry; order extending time for filing comments.

SUMMARY: The Commission, through the Acting Chief, Common Carrier Bureau, has enlarged the time period for filing reply comments in the Matter of Plan for Reporting Interim Expenses Submitted by American Telephone and Telegraph Company pursuant to the Second Computer Inquiry. This action is taken because of the importance of the issues raised by the plan and comments already filed in this proceeding.

DATES: Replies must be filed on or before May 22, 1981.

ADDRESS: Replies should be submitted to the Secretary, Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen B. Levitz, Common Carrier Bureau, Federal Communications Commission, Washington, DC, Telephone No. (202) 653-5187.

SUPPLEMENTARY INFORMATION:

In the matter of plan for reporting interim expenses submitted by American Telephone and Telegraph Company pursuant to the Second Computer Inquiry, 46 FR 19852, April 1, 1981.

Order

Adopted May 6, 1981.

Released May 7, 1981.

1. American Telephone and Telegraph Company (AT&T) has filed with this Commission a motion to extend the time for submitting replies to comments addressing the adequacy of the plan, proposed by AT&T in a preliminary report filed on January 19, 1981, to account for interim expenses relating to the provision of enhanced services.[1] AT&T requests that the time by which replies must be filed, now set as May 12, 1981, be extended to May 26, 1981.

2. In support of its motion AT&T states that in addition to its proposed accounting plan the comments filed on April 28, 1981, addressed several other aspects of its January 29 filing. AT&T also cites a three-day delay in its receiving copies of all these comments.

3. Because of the importance of the issues raised in the proceeding and because the proposed extension would neither prejudice any of the parties nor unduly delay Commission action in this proceeding, the limited extension of time requested appears to be reasonable and in the public interest. In order to afford interested parties ample time to file replies which adequately address these issues, the time by which such replies must be filed shall be May 22, 1981.

4. Accordingly, it is ordered, pursuant to § 0.291 of the Commission's rules, 47 CFR 0.291, that the motion for extension of time for all interested parties to file replies in this proceeding is granted. Replies shall be filed on or before May 22, 1981.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-14544 Filed 5-13-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Paragraph 105 of the Memorandum Opinion and Order in Docket 20828, 84 FCC 2d 50 (1980), required AT&T to submit a plan describing accounting methodology for reporting expenses relating to development of enhanced services in the interim preceding the establishment of its separate subsidiary. 84 FCC 2d at 95-98.

[Report No. 1284]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

May 8, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before May 29, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of the General Mobile Radio Service (Part 95) and Amateur Radio Service (Part 97) Rules to establish procedures to minimize potential interference to Radio Astronomy Operations. (SS Docket No. 79-352, RM-2857).

Filed by: Robert M. Booth, Jr., Attorneys for American Radio Relay League, Incorporated on 5-4-81.

Subject: Amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies of the Commission's Rules and Regulations with respect to accounting for station connection, optional payment plan revenues and related capital costs, customer provided equipment and sale of terminal equipment. (CC Docket No. 79-105, RM-3017)

Filed by: Janice E. Kerr, J. Calvin Simpson & Gretchem Dumas, Attorneys for the People of the State of California and the Public Utilities Commission of the State of California on 4-30-81.

Subject: Amendment of Part 15 (Computing Devices Rules) to Clarify Which Electronic Games are Exempted from Commission Certification. (Gen Docket No. 80-428, RM-3673)

Filed by: Richard E. Wiley, John L. Bartlett & David E. Hilliard, Attorneys for Texas Instruments Incorporated on 4-30-81.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-14486 Filed 5-13-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-315—81-317; File Nos. BPH-800129AG, etc.]

West Wind Broadcasting, Inc., et al.; Consolidated Hearing on Stated Issues

In re applications of West Wind Broadcasting, Inc., Homosassa Springs, Florida, BC Docket No. 81-315, File No. BPH-800129AG, REQ: 96.3 MHz, Channel 237, 3.0 kW (H&V), 300 feet, Oz Broadcasting Company, Homosassa Springs, Florida, BC Docket No. 81-316, File No. BPH-800828AI, REQ: 96.3 MHz, Channel 237, 3.0 kW (H&V), 300 feet; Seven Rivers Broadcasting, Inc., Homosassa Springs, Florida, BC Docket No. 81-317, File No. BPH-800829BB, REQ: 96.3 MHz, Channel 237, 3.0 kW (H&V), 300 feet; for construction permit for a new FM station.

Adopted: April 30, 1981.

Released: May 8, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by West Wind Broadcasting, Inc., Oz Broadcasting Company (Oz), and Seven Rivers Broadcasting, Inc.

2. *Oz.* Analysis of the financial data submitted by Oz reveals that $47,100 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment lease	$2,700
Equipment payments with interest	5,200
Building	3,000
Loan interest	3,400
Miscellaneous	7,000
3 months operating costs	20,825
Total	$47,100

Oz plans to finance construction and operation with $16,030 in existing capital and a bank loan of $30,000. However, Oz has not adequately established the availability of the bank loan to meet the costs of construction and operation for the proposed FM station. Notwithstanding Oz's claim that the Bank of Inverness will loan money for a new FM station, the bank letter appears to be earmarked for WYSE, Oz's

presently owned station. In addition, Oz has failed to comply with the requirements of Section III, Paragraph 4(e) of Form 301 that requires the terms of payment, collateral or security required, and rate of interest to be charged for all loans be documented by the applicant. Therefore, Oz has demonstrated only $16,030 available to meet the $47,106 required to operate and construct the proposed station. A limited financial issue will be specified.

3. Data submitted by the applicants indicates that there would be a significant difference in the size of the areas and populations which receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accure to any of the applicants.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to Oz Broadcasting Company:

(a) The source and availability of funds over and above the $16,030 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine which of the proposals would on a comparative basis best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-14485 Filed 5-13-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-10]

Sea-Land Service, Inc., Trailer Marine Transport Corporation, Gulf Caribbean Marine Lines, Inc., and Puerto Rico Maritime Shipping Authority, Proposed General Rate Increases in the Puerto Rico and Virgin Islands Trade; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the environmental issues related to the referenced docket do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Docket No. 81-10 is an investigation to determine the justness and reasonableness of proposed general rate increases of Sea-Land Services, Inc., Trailer Marine Transport Corporation, Gulf Marine Lines, Inc., and Puerto Rico Maritime Shipping Authority in the Puerto Rico and Virgin Islands trade, under sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933.

The Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-14581 Filed 5-13-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Esmark Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Borden Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Esmark. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-14480 Filed 5-13-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: The General Electric Company is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Envirotech Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Envirotech. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-14500 Filed 5-13-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: NICOR Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Arthur Levy Enterprises Inc. and Offshore Island Boats Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by NICOR. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 14, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-14501 Filed 5-13-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: AMP Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Chomerics Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: April 27, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, request persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-14502 Filed 5-13-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of June 1981.

Epidemiologic and Services Research Review Committee

June 1-4; 9:00 a.m.
Holiday Inn-Georgetown, Riviera Room, 2101 Wisconsin Avenue NW., Washington, D.C. 20007
Open—June 2; 9:00-10:00 a.m.
Closed—Otherwise
Contact: Ms. Carolyn N. Snowden, Room 9C-24, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-6470.
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities in the fields of mental health epidemiology, mental health systems research, and mental health services development, evaluation methodology and knowledge transfer, and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00-10:00 a.m., June 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

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Alcohol Abuse Prevention Review Committee

June 8-9; 9:00 a.m.

Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20014
Open—June 9; 9:00 a.m.–Adjournment
Closed—June 8; 9:00 a.m.–5:00 p.m.
Contact: Mr. Robert E. Davis, Room 16C–20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6470.
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, relating to prevention activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.
Agenda: From 9:00 a.m.–5:00 p.m., June 8, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I). From 9:00–adjournment, June 9, the meeting will be open for discussion of administrative reports, announcements, and program developments.

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Cognition, Emotion, and Personality Research Review Committee

June 8–10; 9:00 a.m.
Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20014
Open—June 8; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Ms. Jean Pierce, Room 9C–20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–3936.
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal Assistance of activities in the fields of personality, cognition, emotion and higher mental process, and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00–10:00 a.m., June 8, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of the Pub. L. 92–463 (5 U.S.C. Appendix I).

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Psychopathology and Clinical Biology Research Review Committee

June 8–10; 9:00 a.m.
Anthony House, 1823 L Street NW., Washington, D.C. 20036
Open—June 8; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Ms. Mary M. Martin, Room 9C–24, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6470.
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities in the fields of clinical psychopathology and clinical biology, and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00–10:00 a.m., June 8, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Criminal and Violent Behavior Review Committee

June 10–12; 9:00 a.m.
Gramercy Inn, 1616 Rhode Island Avenue, N.W., Washington, D.C.
Open—June 10; 9:00–10:30 a.m.
Closed—Otherwise
Contact: Mrs. Ruby Vaughan, Room 9C–14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4868
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities in the fields of crime and deliquency, related law and mental health interactions, individual violent behavior, and sexual assault, and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00–10:30 a.m., June 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Life Course Review Committee

June 10.12; 9:00 a.m.
Shoreham Americana Hotel, Cabinet and Club B Rooms, 2500 Calvert Street, N.W., Washington, D.C. 20008
OPEN—June 10; 9:00–10:00 a.m.
CLOSED—Otherwise
Contact; Ms. Dee Herman, Room 9C–18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–1367
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities in the fields of child, family and aging, and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00–10:00 a.m., June 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

Mental Health Research Education Review Committee

June 10–12; 9:00 a.m.
The Sheraton Inn Washington-Northwest, 8727 Colesville Road, Silver Spring, Maryland 20910
Open—June 10; 9:00–10:30 a.m.
Closed—Otherwise
Contact: Ms. Lu McNay, Room 9–101, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–3857
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of research training activities in the fields of biological sciences, the psychological sciences, and the social problems and social sciences areas, and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00–10:30 a.m., June 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Basic Sociocultural Research Review Committee

June 15–17; 9:00 a.m.
Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20015
Open—June 15; 9:00–9:30 a.m.
Closed—Otherwise
Contact: Ms. Marilyn Andersen, Room 9C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–3936
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities in the fields of social psychology, sociology, anthropology, and other social sciences focusing on social and cultural

behaviors, processes, and institutions, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–9:30 a.m., June 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Research Scientist Development Review Committee

June 15–17; 9:00 a.m.
Coolfront, Berkeley Springs, West Virginia 25411
Open—June 15; 9:00–9:30 a.m.
Closed—Otherwise
Contact: Ms. Diane Souder, Room 9–97, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–4844
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities to develop and execute a program of Research Scientist and Research Scientist Development Awards to appropriate institutions for the support of individuals engaged full time in research and related activities relevant to mental health, and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00–9:30 a.m., June 15, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Community Processes and Social Policy Review Committee

June 17–19; 9:00 a.m.
Shoreham Americana Hotel, 2500 Calvert Street, N.W., Washington, D.C. 20008
Open—June 17; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Mrs. Emilie Embrey, Room 9C–06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–1177
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities in the field of institutional and organizational environments, and community social relationships and processes, as these relate to social problems, social policy, individual and family mental health, and work in mental health, and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00–10:00 a.m., June 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Basic Psychopharmacology and Neuropsychology Research Review Committee

June 18–19; 9:00 a.m.
Holiday Inn, 8777 Georgia Avenue, Silver Spring, Maryland 20910
Open—June 18; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Ms. Shirley Maltz, Room 9C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3944.
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities in the fields of basic psychopharmacology and neurophychology, and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00–10:00 a.m., June 18, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Mental Health Services Manpower Development Review Committee

June 18–19; 2:00 p.m.
Shoreham Americana Hotel, 2500 Calvert Street, NW., Washington, D.C. 20008
Open—June 18; 2:00–3:00 p.m.
Closed—Otherwise
Contact: Mrs. Barbara McCracken, Room 9C–02, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1220.
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities for State mental health manpower development projects, and research and demonstration projects concerning mental health services manpower, and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 2:00–3:00 p.m., June 18, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Mental Health Small Grant Review Committee

June 18–20; 1:30 p.m.
Shoreham Americana Hotel, Rooms E–230 and E–330, 2500 Calvert Street, NW., Washington, D.C. 20008
Open—June 18; 1:30–2:30 p.m.
Closed—Otherwise
Contact: Ms. LaVerl P. Klein, Room 9–104, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4843.
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities for research in all disciplines pertaining to alcohol, drug abuse, and mental health, including psychology, sociology, anthropology, psychiatry, and the biological sciences, and makes recommendations to the National Advisory Councils of the respective Institutes for final review.
Agenda: From 1:30–2:30 p.m., June 18, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Treatment Development and Assessment Research Review Committee

June 22–24; 9:00 a.m.
Holiday Inn, 8777 Georgia Avenue, Silver Spring, Maryland 20910
Open—June 22; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Ms. Pamela J. Mitchell, Room 9C–24, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6470.
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities in the fields of treatment development and assessment, and makes

recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00–10:00 a.m., June 22, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Drug Abuse Biomedical Research Review Committee

June 22–26; 9:00 a.m.
Dupont Plaza Hotel, 1500 New Hampshire Avenue, NW., Washington, D.C. 20036
Open—June 22; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Alan A. Schreier, Ph.D., Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2620
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to research and research training activities, and makes recommendations to the National Advisory Council on Drug Abuse for final review.
Agenda: From 9:00–10:00 a.m., June 22, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Drug Abuse Clinical and Behavioral Research Subcommittee of the Drug Abuse Clinical, Behavioral, and Psychosocial Research Review Committee

June 22–26; 9:00 a.m.
Dupont Plaza Hotel, 1500 New Hampshire Avenue, NW., Washington, D.C. 20036
Open—June 22; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Mr. Daniel L. Mintz, Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2660
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to research and research training activities, and makes recommendations to the National Advisory Council on Drug Abuse for final review.
Agenda: From 9:00 a.m.–10:00 a.m., June 22, the meeting will be open for discussion of administrative announcements and program developments. Thereafter, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Drug Abuse Psychosocial Research Subcommittee of the Drug Abuse Clinical, Behavioral, and Psychosocial Research Review Committee

June 22–26; 9:00 a.m.
Conference Room K, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Open—June 22; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Mr. Ron Gold, Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2620
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to research and research training activities, and makes recommendations to the National Advisory Council on Drug Abuse for final review.
Agenda: From 9:00–10:00 a.m., June 22, the meeting will be open for discussion of administrative announcements and program developments. Thereafter, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Drug Abuse Resource Development Review Committee

June 22–26; 9:00 a.m.
Conference Room A, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Open—June 22; 9:00–10:00 a.m.
Closed—Otherwise
Contact: Mary C. Knipmeyer, Ph.D., Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6664
Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to research and research training activities, and makes recommendations to the National Advisory Council on Drug Abuse for final review.
Agenda: From 9:00–10:00 a.m., June 22, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Alcohol Biomedical Research Review Committe

June 24–26; 9:00 a.m.
Gramercy Inn, 1616 Rhode Island Avenue, N.W., Washington, D.C. 20036
Open—June 24; 9:00–11:00 a.m.
Closed—Otherwise
Contact: Harvey P. Stein, Ph.D., Room 16C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–0106
Purpose: The Committe is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, relating to research activities, and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.
Agenda: From 9:00–11:00 a.m., June 24, the meeting will be open for discussion of administrative reports, announcements, and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Alcohol Psychosocial Research Review Committee

June 24–26; 9:00 a.m.
Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20014
Open—June 24; 9:00–11:00 a.m.
Closed—Otherwise
Contact: James C. Teegarden, Ph.D., Room 16C–20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–6106
Purpose: The Committe is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, relating to research activities, and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.
Agenda: From 9:00–11:00 a.m., June 24, the meeting will be open for discussion of administrative reports, announcements, and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section

10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

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Minority Group Mental Health Review Committee

June 24-26; 9:00 a.m.
Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20015
Open—June 24; 9:00-10:30 a.m.
Closed—Otherwise
Contact: Ms. Edna M. Hardy Hill, Room 9C-08, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-1177
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities in the fields of minority mental health, and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00-10:30 a.m., June 24, the meeting will be open for discussion of administrative announcements, and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

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Paraprofessional Education Review Committee

June 23-27; 9:00 a.m.
Holiday Inn-Georgetown, Monte Carlo Room, 2101 Wisconsin Avenue, N.W., Washington, D C. 20007
Open—June 25; 9:00-10:00 a.m.
Closed—Otherwise
Contact: Ms. Gloria Yockelson, Room 9C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-1737
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities for paraprofessional education, the primary focus of which is on the development, production, and integration of paraprofessional mental health workers into service systems to meet the NIMH service priorities such as providing services to unserved and underserved population, increasing the supply of trained minority mental service manpower, and providing mental illness prevention services, and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00-10:00 a.m., June 25, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

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Basic Behavioral Processes Research Review Committee

June 29-July 1; 9:00 a.m.
Shoreham Americana Hotel, 2500 Calvert Street, N.W., Washington, D.C. 20008
Open—June 29; 9:00-10:00 a.m.
Closed—Otherwise
Contact: Ms. Anita Lipkin, Room 9C-26, Parklawn Building 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-3636
Purpose: The Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the NIMH for Federal assistance of activities in the fields of experimental and physiological psychology and comparative behavior, and makes recommendations to the National Advisory Mental Health Council for final review.
Agenda: From 9:00-10:00 a.m., June 29, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

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Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members may be obtained as follows: NIAAA: Mrs. Helen Garrett, Committee Management Officer, Room 16C-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-2861. NIDA: Mrs. Lucy Stevens, Committee Management Officer, Room 10-42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-2620. NIMH: Mrs. Ruth Gorin, Committee Management Office, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-4333.

Dated: May 8, 1981.
Elizabeth A. Connolly,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-14470 Filed 5-13-81; 8:45 am]
BILLING CODE 4110-88-M

National Advisory Council on Alcohol Abuse and Alcoholism; Changed Meeting

In Federal Register Document 81-12206, appearing on Page 23118, in the issue of Thursday, April 23, 1981, the meeting place for the May 27 meeting of the National Advisory Council on Alcohol Abuse and Alcoholism has been changed from Conference Room 8, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland, to The Hubert H. Humphrey Building, Room 703-A, 200 Independence Avenue, S.W., Washington, D.C. All other arrangements remain the same as announced April 23, 1981.

Dated: May 8, 1981.
Elizabeth A. Connolly,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-14475 Filed 5-13-81; 8:45 am]
BILLING CODE 4110-88-M

Public Health Service

Health Maintenance Organizations; Manhattan Health Plan

AGENCY: Public Health Service, HHS.

ACTION: Notice, Continued Regulation of Health Maintenance Organizations: Determination of Noncompliance and Revocation of Federal Qualification.

SUMMARY: On September 25, 1979, the Office of Health Maintenance Organizations (OHMO) determined that Manhattan Health Plan (MHP), 425 East 61st Street, New York, New York 10021, a federally qualified health maintenance organization (HMO), was not in compliance with the assurance it had provided to the Secretary that it would maintain a fiscally sound operation. On February 25, 1981, the Director of OHMO notified MHP that he was revoking MHP's Federal qualification. The revocation became effective on April 28, 1981. Accordingly, MHP is no longer a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: John O'Rourke, Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurances it

provided to the Secretary under section 1310(d)(1).

The OHMO notice of September 25, 1979, stated the Secretary's determination that MHP was not in compliance with the assurance that it would maintain a fiscally sound operation. On February 27, 1980, and again on January 19, 1981, OHMO directed MHP to take specified corrective action to return to compliance. On February 25, 1981, OHMO sent MHP a letter revoking MHP's Federal qualification. The basis for the revocation of Federal qualification was OHMO's determination that MHP had not carried out and would not carry out the corrective action necessary to return to compliance. The revocation of qualification was to become effective five working days after MHP received the February 25 letter; however, this effective date was delayed due to judicial action initiated by MHP. OHMO reinstated the revocation on April 1, 1981, and after further judicial proceedings, MHP's revocation of qualification became effective on April 28, 1981.

The effect of the revocation of MHP's Federal qualification is as follows: (1) MHP may not seek inclusion in employees' health benefits plans under section 1310 of the Act; (2) with respect to employers including MHP in the health benefits plan offered their employees, MHP is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of MHP in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute compliance with the requirements of that subpart; and (4) MHP is not a qualified HMO for purposes of the financial assistance programs under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that a notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the **Federal Register.**

Dated: May 6, 1981.

John O'Rourke,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-14454 Filed 5-13-81; 8:45 am]

BILLING CODE 4110-85-M

Health Resources Administration

Grants to State Health Planning and Development Agencies; Determination of Population of the States

This notice provides the population figures the Department will use when it determines the amount of grants to State Health Planning and Development Agencies (State Agencies).

Section 1525 of the Public Health Service Act authorizes the Secretary of Health and Human Services to make grants ("planning grants") to State Agencies to assist them to meet their operating costs. The amount of the planning grant is determined by a formula and is based in part on the determination by the Secretary of the population of the States. The formula is provided in the regulations governing grants to State Agencies (42 CFR Part 123, Subpart C). Section 123.204(b) of these regulations provides that the Secretary will determine the population of each State based upon the latest available estimate from the Department of Commerce, and will publish annually in the **Federal Register** a list of all States and their populations.

This list is based on the 1980 Census of Population and Housing, preliminary report of the Bureau of Census, Publication PHC 80-P-1. However, the population figures for the Trust Territories of the Pacific Islands are not part of the PHC 80-P series and are based on the July 1, 1978 estimates, the latest available for that jurisdiction. Section 1536 of the Act precludes certain States and Territories from establishing health service areas and designating health systems agencies (HSAs) and authorizes these States to receive a planning grant to perform HSA functions. For purposes of computing the planning grant under Section 1516 to these States their population must be determined on the same basis it is determined for HSAs (42 CFR 122.205). Consequently the population figures for Hawaii, Rhode Island, District of Columbia, American Samoa, Guam, Puerto Rico, and the Virgin Islands that appear in this notice come from the 1980 preliminary population counts while the figures for those States in the February 19, 1981 publication of HSA populations (46 FR 13043) came from the July 1, 1978 revenue-sharing estimates.

Accordingly, the Secretary has made the following determination of populations of the States.

Dated: May 8, 1981.

Robert Graham,

Acting Administrator.

Population of the States for Purposes of Determination of Planning and Development Grants, Fiscal Year 1981

Alabama	3,870,251
Alaska	400,142
American Samoa (Sec. 1536)	32,396
Arizona	2,719,225
Arkansas	2,284,037
California	23,545,061
Colorado	2,882,081
Connecticut	3,098,454
Delaware	594,779
District of Columbia (Sec. 1536)	635,233
Florida	9,579,983
Georgia	5,404,384
Guam (Sec. 1536)	105,816
Hawaii (Sec. 1536)	964,690
Idaho	943,629
Illinois	11,395,082
Indiana	5,461,103
Iowa	2,909,463
Kansas	2,366,032
Kentucky	3,642,796
Louisiana	4,199,542
Maine	1,123,670
Maryland	4,198,113
Massachusetts	5,728,296
Michigan	9,238,634
Minnesota	4,069,356
Mississippi	2,511,491
Missouri	4,906,480
Montana	789,699
Nebraska	1,964,801
Nevada	800,312
New Hampshire	918,114
New Jersey	7,342,164
New Mexico	1,299,474
New York	17,907,541
North Carolina	5,847,788
North Dakota	652,437
Northern Marianna Islands (Sec. 1536)	16,758
Ohio	10,772,342
Oklahoma	3,001,252
Oregon	2,618,126
Pennsylvania	11,828,095
Puerto Rico (Sec. 1536)	3,187,570
Rhode Island (Sec. 1536)	945,535
South Carolina	3,099,525
South Dakota	699,217
Tennessee	4,545,590
Texas	14,173,676
Trust Territory (Sec. 1536)	128,000
Utah	1,459,010
Vermont	511,299
Virginia	5,323,412
Virgin Islands (Sec. 1536)	95,214
Washington	4,114,736
West Virginia	1,930,787
Wisconsin	4,693,941
Wyoming	468,954
Total	228,044,409

[FR Doc. 81-14517 Filed 5-13-81; 8:45 am]

BILLING CODE 4110-83-M

Health Systems Agency Application Information; Withdrawal of Application Announcement for Arizona HSA 1

Federal Register Notice, Volume 46, No. 8, Tuesday, January 13, 1981, page 3070, which announced that application materials are available in DHHS Regional Office IX for entities interested in applying for designation as the health systems agency (HSA) for Arizona Health Service Area 1 is hereby rescinded.

The present fully designated health systems agency for this health service area has been recertified by Arizona law as capable of complying with the provisions of the designation agreement and will continue to be designated as the agency for the Area.

Dated: May 8, 1981.

Robert Graham,

Acting Administrator.

[FR Doc. 81-14518 Filed 5-13-81; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 2689 and 3244, Blocks A-469 and A-494, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 6, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-14464 Filed 5-13-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Texoma Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2626, Block 38, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 6, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region

[FR Doc. 81-14465 Filed 5-13-81; 8:45 am]

BILLING CODE 4310-31-M

General Mining Order, Intention Not To Develop an Order for Environmental and Reclamation Standards for Exploration and Mining Operations on Federal and Indian Lands in the Western Phosphate Field

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice not to proceed with General Mining Order for the Western Phosphate Field—Environmental and Reclamation Procedures.

SUMMARY: The January 26, 1981 (46 FR 8123), notice in the **Federal Register** concerning this Order solicited suggestions by interested parties regarding standard environmental and reclamation procedures to be used throughout the Western Phosphate Field. In view of the comments received, we have determined that site-specific procedures on a case-by-case basis considering the existing environment will provide better environmental and reclamation procedures. Consequently, we have decided not to proceed with the Order.

ADDRESS: Any comments or inquiries should be addressed to: Charles L. Sours, Chief, Branch of Rules and Procedures, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Robert Cracknell, (703) 860-7506, (FTS) 928-7506.

Dated: May 8, 1981.

John J. Dragonetti,

Deputy Division Chief for Onshore Minerals Regulation, Conservation Division.

[FR Doc. 81-14479 Filed 5-13-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[SAC-054898]

California; Partial Termination of Proposed Withdrawal and Reservation of Land

Notice of Water and Power Resources Service (formerly Bureau of Reclamation), application S-054898 for withdrawal and reservation of the following described land from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2), was published as FR Doc. 59-114 on page 173 of the issue of January 7, 1959, and republished as FR Doc. 77-27667 on page 47883 of the issue of September 22, 1977. The applicant has cancelled its application as to the following described lands:

Mount Diablo Meridian

T. 32 N., R. 6 W.,
- Sec. 16, NE¼NW¼;
- Sec. 28, S½NW¼ and SW¼ (excepting that portion lying with boundaries of M.S. 3163);
- Sec. 29, E½NE¼NE¼;
- Sec. 34, S½SW¼NW¼.

T. 34 N., R. 7 W.,
- Sec. 16, SE¼SW¼ and W½W½ SW¼SE¼.

T. 36 N., R. 7 W.,
- Sec. 1, SW¼SW¼NE¼ and SE¼SE¼ NW¼;
- Sec. 24, E½;
- Sec. 26, W½W½NW¼SE¼.

T. 37 N., R. 7 W.,
- Sec. 26, SW¼NW¼NW¼.

T. 32 N., R. 7 W.,
- Sec. 10, NE¼SE¼.

T. 33 N., R. 8 W.,
- Sec. 30, Lots 3 and 4, E½SW¼ and S½SE¼.

T. 34 N., R. 8 W.,
- Sec. 21, E½W½NE¼.

The area described aggregates approximately 1,013.20 acres in Shasta and Trinity Counties, California.

Therefore, pursuant to the regulations contained in 43 CFR 2019.2–5(b)(1), these lands shall at 10:00 a.m. on June 15, 1981, be relieved of the segregative effect of the aforementioned application.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81–14459 Filed 5–13–81; 8:45 am]

BILLING CODE 4310–84–M

[I–4835]

Idaho; Classification Revoked

1. Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 FR 10526), I hereby revoke the classification initiated for Exchange under the authority of the Taylor Grazing Act of June 28, 1934, for the following described lands:

Boise Meridian, Idaho

T. 15 N., R. 25 E.,
Sec. 15, N½N½NE¼NE¼.
Containing 10 acres.

2. The application for the above-described lands has been relinquished by the applicant, so the classification serves no purpose.

3. The proposed exchange started out as an exchange of 10 acres of public land for two corners of private road that would provide access to other public lands. The Salmon National Forest has recently acquired the needed access in the form of an easement. The private exchange, therefore, is no longer feasible.

Dated: May 5, 1981.

T. G. Bingham,

Acting State Director.

[FR Doc. 81–14462 Filed 5–13–81; 8:45 am]

BILLING CODE 4310–84–M

[SAC 072929]

California; Termination of Proposed Withdrawal and Reservation of Land

Notice of Water and Power Resources Service (formerly Bureau of Reclamation) application SAC 072929 for withdrawal and reservation of the following described land from all forms of appropriation under the public land laws including the mining laws (30 U.S.C. Ch. 2), was published as FR Doc. 62–11819 on pages 11821 and 11822 of the issue of November 30, 1962, and republished as FR Doc. 77–22292 on pages 39279 ans 39280 of the issue of August 3, 1977. The applicant has cancelled its application in its entirety.

Mount Diablo Meridian

T. 32 N., R. 6 W.,
Sec. 27, Lots 77, 78, 79, 80, 81, 82, 83, 84, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 117, 118, 119, 120, 121, 122, 123, and 124.

The area aggregates 72.43 acres in Shasta County, California.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2–5(b)(1), these lands shall at 10:00 a.m. on June 15, 1981, be relieved of the segregative effect of the above mentioned application.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81–14460 Filed 5–13–81; 8:45 am]

BILLING CODE 4310–84–M

[Survey Group 699]

Colorado; Filing of Plat of Survey

May 8, 1981.

Plat of survey of the following described lands accepted April 8, 1981 will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado effective June 30, 1981.

Sixth Principal Meridian,

T. 3 S., R. 75 W.

This plat represents a dependent resurvey of the Only Hope and Dailey King Lodes of Mineral Survey No. 17434 and the survey of tract 37.

This survey was executed to meet certain administrative needs of the Bureau.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

George C. Hinton,

Chief, Public Affairs.

[FR Doc. 81–14461 Filed 5–13–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 1294 (WASH)]

Washington; Partial Termination of Proposed Withdrawal and Reservation of Land

Notice of a Forest Service, Department of Agriculture, application OR 1294 (WASH) for withdrawal and reservation of lands to protect the Billy Goat Recreation Area in the Okanogan National Forest was published as FR Doc. 67–2661 on page 3949 of the issue for March 10, 1967 and as FR Doc. 79–29936 on page 55666 of the issue for September 27, 1979. The applicant agency has cancelled its application insofar as it affects the following described lands:

Willamette Meridian

Okanogan National Forest

Billy Goat Recreation Area

T. 36 N., R. 20 E., unsurveyed. A tract of land within Sections 15, 22, and 23, and which is more particularly described as:

Beginning at the forks of Eightmile Creek and an unnamed tributary in Sec. 23, thence northwesterly along unnamed tributary 4,260', thence 396' on a bearing of S. 72° W., thence 330' on a bearing of S. 38° W., to Larch Creek Trail and continuing on same bearing 330' to Hidden Lakes Trail, thence on Hidden Lakes Trail a distance of 363' on a bearing of S. 38° E., thence 330' on a bearing of S. 40° W., thence 132' on a bearing of S. 29° E., thence 264' on a bearing of S. 58° W., thence 1,354' on a bearing of S. 2° E. toward Eightmile Creek, thence along Eightmile Creek 2,850' to point of beginning, except the following described parcels which remain in the application:

Parcel No. 1

Beginning at land monument identified as "U.S. Forest Service, Department of Agriculture LM 1980"; thence N. 57°20'30" E., 392.20 feet; thence N. 33°34'40" E., 496.98 feet, which is the true point of beginning, which is Corner No. 1 of Parcel No. 1; thence S. 32°22'41" E. 748.22 feet to Corner No. 2; thence N. 89°03'13" W. 202.28 feet to Corner No. 3; thence No. 04°57'07" W. 522.43 feet to Corner No. 4; thence N. 33°34'40" E., 496.98 feet which is the point of beginning containing approximately 4.4 acres.

Parcel No. 2

Beginning at U.S. Forest Service land monument identified as "U.S. Forest Service, Department of Agriculture LM 1980"; thence S. 62°06'51" E., 2,223.40 feet, which is Corner 3 of Billy Goat No. 3 and Corner No. 4 of Billy Goat No. 4 and also known as Corner No. 1 of Parcel No. 2, and the true point of beginning; thence S. 51°56'13" E., 425.37 feet to Corner No. 2; thence N. 03°09'47" E. 347.81 feet to Corner No. 3; which is also Corner No. 2 of Billy Goat No. 16; thence S. 76°27'54" W. 364.17 feet to Corner No. 1, which is the point of beginning, containing approximately 1.4 acres.

The area described contains, after making the aforesaid exceptions, approximately 96.2 acres in Okanogan County, Washington.

Therefore, pursuant to the regulations contained in 43 CFR Part 2310.2–1(c) such land at 10 a.m. on June 17, 1981, will be relieved of the segregative effect of the above-mentioned application.

Dated: May 6, 1981.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81–14483 Filed 5–13–81; 8:45 am]

BILLING CODE 4310–84–M

Battle Mountain District Advisory Council Meeting

The Battle Mountain District of the Bureau of Land Management, in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 (FLPMA), will convene a multiple use Advisory Council meeting on June 12, 1981 at 9:00 a.m. at the Tonopah Convention Center's Blue Room in Tonopah, Nevada. The agenda is scheduled as follows:

Friday, June 12, 1981 Tonopah, Nevada, Tonopah Convention Center, Blue Room

9:00 a.m. to 9:30 a.m.—District Manager's opening remarks.

9:30 a.m. to 9:45 a.m.—Chairperson's opening remarks.

9:45 a.m. to 10:00 a.m.—Secretary calls roll and reads minutes of previous meeting.

10:15 a.m. to 11:30 a.m.—Wilderness Amendment (Joe Joseph).

11:30 a.m. to 1:00 p.m.—Lunch.

1:00 p.m. to 3:00 p.m.—Panel Discussion of Coordinated Resource Management and Planning (CRMP) (DM, Les Monroe, and Ken Hill).

3:15 p.m. to 3:45 p.m.—Public comment.

3.45 p.m. to 4:30 p.m.—Discussion of Mining Reclamation (Dave Eddy).

4:30 p.m. to 4:45 p.m.—District Manager's closing remarks.

4:45 p.m. to 5:00 p.m.—Chairperson's closing remarks.

Members of the public are welcome to make oral comments at 3:15 p.m. Persons wishing to do so should contact Michael C. Mitchel.

For more information, please contact the responsible officer, Michael C. Mitchel, Acting District Manager at the following address: Bureau of Land Mangaement, Battle Mountain District Office, P.O. Box 194, 2nd and Scott Streets, Battle Mountain, Nevade 89820, Telephone: (702) 635–5181.

Michael C. Mitchel,

Acting District Manager, Battle Mountain District, Nevada.

[FR Doc. 81–14644 Filed 5–13–81; 8:45 am]

BILLING CODE 4310–84–M

New Mexico; New Mexico Redelegation of Authority

May 7, 1981.

SUMMARY: Section 1.1(a)(2) of the Bureau Order No. 701 dated July 23, 1964, as amended by notice published at 45 FR 6177 on Friday, January 25, 1980 (FR Doc. 80–2428 filed 1–24–80; 8:35 a.m.), authorizes the Bureau of Land Management State Directors the opportunity to redelegate the authority to grant, renew, reassign or revoke rights-of-way under Title I, Section 28 of the Mineral Leasing Act of 1920, as amended, and under the Federal Land Policy and Management Act of 1976 to Bureau of Land Management District and Area Managers.

That authority is hereby redelegated to the Las Cruces and Socorro District Managers. The above was delegated to the Roswell District Manager by notice published at 45 FR 27997 on Friday, April 25, 1980.

Further, delegation of authority as to all other land use casework except title transfer actions and special project rights-of-way is redelegated to the Roswell, Las Cruces and Cocorro District Managers.

This notice has no other effect on the provisions of FR Doc. 80–2428.

EFFECTIVE DATE: This redelegation will become effective June 1, 1981.

FOR FURTHER INFORMATION CONTACT: New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Larry L. Woodard,

Acting State Director.

[FR Doc. 81–14527 Filed 5–13–81; 8:45 am]

BILLING CODE 4310–84–M

[Notice of Realty Action-Sale CA 9417]

Public Lands in Nevada County, Calif.

The following described land has been identified as suitable for disposal by sale under the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1713) at no less than the fair market value shown:

Legal description: Lot 2 in Sec. 26, T. 16 N., R. 8 E., Mount Diablo Meridian
Acreage: .03
Value: $750

The land is being sold noncompetitively to the Cedar Ridge Building Materials Company, owner of 26.60 acres of land known as Wolf Creek Industrial Park which completely surrounds the small, isolated parcel of land described above. The purpose of this sale is to allow development and relocation of a retail home building center by the Cedar Ridge Building Materials Company. The City of Grass Valley Planning Commission has given tentative approval to the development pending acquisition of the sale land by the Cedar Ridge Building Materials Company. This action will remove any future title conflicts which may be created by this small parcel of public land. The sale has been discussed with the City of Grass Valley, California, Planning Commission. The sale land is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency. The sale is consistent with the Bureau of Land Management's planning for the land, and the public interest would be served by offering this land for sale.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U,S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719).

Detailed information concerning the sale is available for review at the Folsom Resource Area Office, 63 Natoma Street, Folsom, California 95630.

For a period of 45 days from the date of this notice (on or before June 29, 1981), interested parties may submit comments to the State Director, Bureau of Land Management, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

Dated: May 6, 1981.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81–14526 Filed 5–13–81; 8:45 am]

BILLING CODE 4310–84–M

Regional Coal Team; Meeting

Notice is hereby given of the initial meeting of the Denver-Raton Mesa Regional Coal Team composed of representatives of the Governors of the States of Colorado and New Mexico, and the respective Bureau of Land Management (BLM) offices in those states. Mr. Ronald Hofman, Associate State Director, California State Office,

BLM, is the Chairman of the Regional Coal Team.

The meeting will be held at 10:00 a.m., Thursday, June 11, 1981, in the 2/3 Room, Sangre De Christo Fine Arts Center, 210 N. Santa Fe Avenue, Pueblo, Colorado. The team will meet to review Bureau Planning efforts and the status of existing leasing in the region. The team requests that interested members of industry and the general public be prepared to discuss existing activities, development plans, and the need for additional Federal coal leasing in the region over the next 10 year period. The team also requests public comment on any other aspects of coal development in the Denver-Raton Mesa coal region.

The Regional Coal Team will consider information obtained from the public at this meeting to identify priorities for land use planning and coal activity planning in the region.

The Denver-Raton Mesa coal production region consists of the counties of Adams, Arapaho, Boulder, Denver, Douglas, Elbert, El Paso, Fremont, Huerfano, Jefferson, Las Animas, Morgan, Park, Pueblo, Teller, and Weld in Colorado and Colfax in New Mexico.

Dated: May 8, 1981.

Ron Hofman,

Chairman, Regional Coal Team.

[FR Doc. 81-14820 Filed 5-13-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 6079 (Wash)]

Washington; Termination of Disposal Classification

1. By Order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on September 24, 1970 (35 FR 14861), the following described lands were classified for disposal through exchange pursuant to Section 2 of the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1412):

Willamette Meridian

T. 23 N., R. 24 E.,
Sec. 32, N½NW¼.
T. 23 N., R. 25 E.,
Sec. 4, Lots 1, 2, and 3.
T. 24 N., R. 25 E.,
Sec. 33, E½SW¼ and SW¼SE¼.
T. 25 N., R. 25 E.,
Sec. 22, NE¼NW¼ and SW¼NW¼.

The areas described aggregate 395.72 acres in Douglas County, Washington.

2. The above-described public lands have been eliminated from any exchange proposal; accordingly, pursuant to 43 CFR 2461.5(c)(2), the classification is terminated upon publication of this notice in the **Federal Register**.

3. At 10:00 a.m., on June 17, 1981, the above-described public lands will be relieved of the segregative effect of the above-mentioned classification order.

Dated: May 6, 1981.

William G. Leavell,

State Director.

[FR Doc. 81-14819 Filed 5-13-81; 8:45 am]

BILLING CODE 4310-84-M

[W-74730]

Wyoming; Proposed Withdrawal and Reservation of Lands

May 6, 1981.

By virtue of the authority contained in Section 204 of the Act of October 21, 1976 (43 U.S.C. 1714), the Bureau of Land Management proposes to withdraw the following described lands from location and entry under the general mining laws (30 U.S.C. Ch. 2), subject to the valid existing rights:

Sixth Principal Meridian, Wyoming

T. 58 N., R. 94 W.,
Sec. 20, lots 1, 2, 7, 8, and S½N½;
Sec. 21, lots 4, 5, and SW¼NW¼.

The area described contains 349.48 acres of public lands in Big Horn County, Wyoming.

The purpose of this withdrawal is to afford the above-described lands the same protection presently assigned to the other public lands within the Horsethief Cave area to insure protection of the recreational, scientific, and educational values.

On or before June 22, 1981, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing in connection with the withdrawal is afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below by June 22, 1981. Upon determination by the State Director that a public hearing will be held, the time and place will be announced.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to: (1) determine the existing and potential demands for the lands and their resources; and (2) provide for the maximum utilization of the lands.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested. The determination of the Secretary on the application will be published in the **Federal Register**. A separate notice will be sent to each interested party of record.

For a period of two (2) years from the date of publication of this notice in the **Federal Register**, the lands will be segregated from entry as specified above, unless the application is rejected or the withdrawal is approved prior to that date.

All communications in connection with this withdrawal should be addressed to the Bureau of Land Management, Department of the Interior, Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82001.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-14820 Filed 5-13-81; 8:45 am]

BILLING CODE 4310-84-M

Water and Power Resources Service

Contract Negotiations for the Orchard Mesa Division, Grand Valley Project, Colo.; Intent To Negotiate a Rehabilitation and Betterment Repayment Contract

The Department of the Interior, through the Water and Power Resources Service (Water and Power), intends to initiate negotiations with the Orchard Mesa Irrigation District (OMID), a division of the Grand Valley Project in Mesa County, near Grand Junction, Colorado, for repayment of a rehabilitation and betterment loan.

The Grand Valley Project was examined and reported upon in accordance with the Act of June 25, 1910 (36 Stat. 835), and approved by the President on January 5, 1911. On February 18, 1922, the OMID contracted with the United States and the Grand Valley Water Users Association for the reconstruction of its irrigation facilities and for provision of water through the Grand Valley Project facilities.

A loan of $2,751,000 is being sought under the authority of the Rehabilitation and Betterment Act of October 7, 1949 (63 Stat. 724), as amended. The purpose of the loan is to provide funding for rehabilitation of a tunnel, a siphon, and pumping facilities to reduce the risk of

failure and improve utilization of the district water supply.

The terms and conditions of the proposed contract are ultimately dependent upon approval of the loan report, the Secretary of the Interior's approval of the proposed contract, and a maximum 60-day congressional review period of the terms of repayment.

All meetings scheduled by Water and Power with the OMID for the purpose of discussing terms and conditions for the proposed contract will be open to the general public as observers. Advance notice of meetings will be furnished only to those parties who have submitted a written request for notification. Requests should be addressed to the Projects Manager, Water and Power Resources Service, attention: GJ–400, P.O. Box 1728, Grand Junction, Colorado 81501. All written correspondence concerning the proposed contract will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed contract for a 30-day period after the completed contract draft is made available to the public. However, in the event that little or no public interest in the negotiations is generated in response to this notice and local news releases, the availability of the proposed form of contract for public review and comment may not be formally published through the **Federal Register** or other media.

For further information on the contract negotiations, contact Mr. Boyd Holt, Chief, Operations Branch, at the above address, or telephone (303) 243–4992, extension 344.

Dated: May 8, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner of Water and Power Resources.

[FR Doc. 81–14530 Filed 5–13–81; 8:45 am]

BILLING CODE 4310–09–M

Contract Negotiations With the Carson-Truckee Water Conservancy District, Sierra Pacific Power Co., and the United States, Washoe Project, California-Nevada; Intent To Negotiate a Temporary Water Service Contract

The Department of the Interior, through the Water and Power Resources Service, intends to begin negotiating wih the Carson-Truckee Water conservancy District, Nevada, for a temporary contract for a water supply from Stampede Reservoir. The purpose of the proposed temporary contract is to provide a water supply for the Reno-Sparks area because of the current drought conditions in northern Nevada. The proposed contract will accomplish this by either of two methods, (1) providing federally stored water if available in Stampeded Reservoir for this use and/or (2) providing excess space in Stampede Reservoir for storage of Sierra Pacific Power Company's water rights water. A water supply for the Reno-Sparks area pursuant to this contract would be made available through a combination of both methods. Carson-Truckee Water Conservancy District would be the contracting entity; however, the actual water purveyor would be Sierra Pacific Power Company which is the public utility serving the Reno-Sparks area. Sierra Pacific Power Company would also have to be a party to the proposed temporary contract.

The proposed temporary contract will be prepared pursuant to the authority of the Acts of August 1, 1956 (70 Stat. 775), February 25, 1920 (41 Stat. 451), and July 3, 1958 (72 Stat. 320). The proposed contract is for interim purposes only. Operations of Stampede Reservoir are currently involved in the litigation *Carson-Truckee Water Conservancy District, et al.*, vs. *Secretary of the Interior, et al.*, Civil No. 76–152 BRT.

Therefore, the proposed contract will provide that nothing in the proposed contract will affect the rights of the district or the United States or any other party in any of the pending or future lawsuits except claims arising pursuant to the proposed contract. The proposed contract would further provide that the final decision in the above litigation may require modification or termination of the proposed contract.

The current drought conditions in northern Nevada are evident. The 1981 runoff in the Sierra Nevada Mountains is projected at only 50 percent of normal and the inflow into Stampede is only 40 percent of normal. If the current water year is the start of a long dry cycle, there is the possibility that Sierra Pacific Power Company may not have a sufficient water supply to meet its municipal and industrial water demands. Because of the possibility of an extended dry cycle, additional contracts may be needed.

Approximately 90,000 acre-feet of water have been reserved for fishery releases for 1981, with 40,000 to 50,000 acre-feet remaining in the reservoir.

We have been requested to negotiate a temporary contract to provide Federal water, if available, from Stampeded Reservoir. Because of the possibility there may not be sufficient Federal water available in Stampede Reservoir for marketing to Carson-Truckee Water Conservancy District, we are also proposing to provide available excess storage space in Stampede Reservoir for storage of Sierra Pacific Power Company's water rights water. The storage space made available would be space in excess of that required to meet established flood control criteria and that required for storage of Federal water. Also, this would be storage space in excess of that currently reserved for storage of flow augmentation water for the city of Reno pursuant to contract No. 0–07–20–W0211. If it is determined that excess storage space is not available in Stampede Reservoir because it is needed for the above uses, Sierra Pacific Power Company's water stored pursuant to the proposed contract would be the first water spilled. Depending upon the water availability and the best management of the inbasin reservoirs, the amount of available storage space in Stampede Reservoir varies.

All meetings scheduled by the Water and Power Resources Service with the Carson-Truckee Water Conservancy District and Sierra Pacific Power Company for the purpose of discussing terms and conditions of the proposed temporary contract shall be open to the general public as observers. Advance notice of all meetings shall be furnished only to those parties having furnished a written request for such notice to the office identified below at least 1 week prior to any meetings. All written correspondence concerning the proposed temporary contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declared to be available to the public. The Commissioner of Water and Power Resources Service will review comments submitted. Based on the number, source, and nature of the comments, the Commissioner will decide whether a public hearing will be held.

For further information on scheduled negotiating sessions and the proposed contract, please contact Mrs. Betty Riley, Repayment Specialist, Division of Water and Power Resources Management, Water and Power Resources Service, 2800 Cottage Way, Sacramento, California 95825, telephone number (916) 484–4620.

Dated: May 8, 1981.

Alden D. Nielsen,

Acting Assistant Commissioner, Water and Power Resources

[FR Doc. 81-14489 Filed 5-13-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29620]

South Brooklyn Railway Co.; Abandonment of a 5-Mile Segment of Its Railroad Line Located in the Borough of Brooklyn, City of New York, NY; Exemption; Decision-Notice

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment of a 5-mile segment of the 6.5-mile railroad line of South Brooklyn Railway Company (SB) from the requirement of prior approval under 49 U.S.C. § 10903.

DATES: This exemption will be effective 30 days after the date of this publication in the **Federal Register**. Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: Send pleadings to: (1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioner's representative: Martin B. Schnabel, 370 Jay Street, Brooklyn, NY 11201. Pleadings should refer to Finance Docket No. 29620.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

The Proposed Transaction

SB has filed a petition to exempt the abandonment of a 5-mile segment of its 6.5-mile line of railroad located in the Borough of Brooklyn, City of New York, NY, from the requirements of 49 U.S.C. § 10903. The segment extends from Fort Hamilton Parkway south to Coney Island.

SB has not used this 5-mile segment during the past four years. An independent study conducted in 1978 by Wilbur Smith Associates concluded that the area south of Fort Hamilton Parkway was unlikely to prove a source of further business for SB. All of SB's customers, totalling three, are located on the remaining 1.5 miles of its track north of the segment proposed for abandonment, extending from 1st Avenue and 36th Street to Fort Hamilton Parkway. Service on this lesser segment will continue.

SB is wholly-owned by the City of New York. SB states that the maintenance and renovation of the roadbed and roadway intersections of this 5-mile segment of uproductive trackage results in a significant and unwarranted expense to the City. Because the segment is not used, abandonment of the segment will not affect any shippers or receivers of freight.

The Statute

Rail abandonment require the prior approval of this Commission under 49 U.S.C. § 10903, and to obtain approval an application must be filed in compliance with the *Abandonment of Railroad Lines and Discontinuance of Service*, 49 C.F.R. Part 1121 (1978) (abandonment regulations).

Under 49 U.S.C. § 10505, as modified by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96-448), the Commission is authorized to exempt a transaction when it finds that (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. § 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

Our detailed scrutiny of this abandonment is not necessary to carry out the goals of the rail transportation policy of section 10101a since no vital interest of shippers, carriers or the community are affected.

The transaction is very limited in scope, because it will affect only a relatively short track segment which for four years has not been and is not now used in any rail operations. Service to shippers will continue to be conducted in the same manner as in the past. Since no changes in operations are involved, shippers, employees and competitors should be unaffected by our authorization.

Because the proposed transaction is of limited scope, it is not necessary to consider whether our regulation is needed to protect shippers from the abuse of market power.

Public Use Condition and Offers of Financial Assistance. In abandonment procedures the Commission is specifically required to consider two matters that have not been considered in this exemption proceeding. First, 49 U.S.C. § 10906 requires us to determine if the property to be abandoned is suitable for other public uses. If the property is suitable, we impose certain conditions to allow interested persons an opportunity to obtain the property. Similarly, 49 U.S.C. § 10905 (as modified by section 402 of the Staggers Act), allows interested persons to make offers of financial assistance to assure the continuation of operations over the line. Under this procedure financial offers may lead to continued subsidized operation of the line or sale of the line for continued operations by others.

Since sections 10905 and 10906 apply only to proceedings conducted under section 10903, we are not required to allow offers of financial assistance or impose any public use conditions when an exemption is given because no application need to filed. We note, however, that these matters may be raised in petitions for reopening of this proceeding.

Labor Protection. In granting an exemption under section 10505, we may not relieve a carrier of its statutory obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. (See 49 U.S.C. § 10505(g)(2)). Therefore, this exemption will be conditioned upon the same level of protection as is usually required in abandonment transactions. We have determined that the employee protective conditions developed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), satisfy the statutory requirements for protection of employees involved in an abandonment transaction.

Energy and Environmental Consideration. Our initial review of the proposal indicates that the exemption will not significantly affect energy consumption or the quality of the human environment. However, in line with our recent decision in Finance Docket No. 29352, *Central of Georgia Railroad Company—Petition for Exemption from the Filing of an Abandonment Petition, 49 U.S.C. 10903-10906*, (not printed), served December 16, 1980, we shall require SB to notify the following New York agencies of this proceeding and of their opportunity to file a petition to reopen this proceeding on environmental grounds:

Mr. Frederick Rath, Deputy Commissioner for Historic Preservation—Board of Historic Preservation—Parks and Recreation, South Swan Street Building, Albany, NY 12223

Jane Magee, CEQRA Coordinator, N.Y. State Department of Environmental Conservation, 50 Wolf Road, Albany, NY

Iven Vamos, Deputy Commissioner for Planning and Development, N.Y. State

Parks and Recreation, Empire State Plaza, Albany, NY 12238
John Lussi, Director, N.Y. State Department of Transportation—Building 7A, Room 305, State Office Campus, Albany, NY 12232
Larry Brown, N.Y. State Dept. of Environmental Conservation, Significant Habitat Unit, Delmar, NY 12054
Robert Hansen, Coastal Management Unit, Department of State, 162 Washington Street, Albany, NY 12231
Darwin Field, Director, Planning and Federal Program, 99 Washington Avenue, Department of State, Albany, NY 12231
Peter Nye, Wildlife Resources Center, N.Y. State Department of Environmental Conservation, Delmar, NY 12054
Louis Rossi, Director, Department of Transportation, Rail Division, Building No. 5, State Campus, Albany, NY 12232
Ms. Elizabeth Wald, Land Use Specialist, New York State Dept. of Environmental Conservation, Bureau of Forest Resource Mgt., 50 Wolf Road, Room 414, Albany, NY 12233.

SB must notify these agencies within 5 days of the publication of this decision in the Federal Register. Copies of correspondence and/or memoranda of communications with these agencies should be submitted as evidence of compliance with this condition.

This exemption will become effective 30 days from the date this decision is published in the Federal Register. Any party may file a petition to reopen this proceeding for reconsideration in accordance with 49 CFR 1100.96(d). This petition must be filed no later than 20 days following the date of publication. The filing of a petition will not automatically stay the effect of this action; we may, on our own motion or on petition, stay the effective date. A petition to stay must be filed no later than 10 days following the date of publication.

We find:

(1) The application of the requirements of 49 U.S.C. § 10903 to the abandonment by South Brooklyn Railway Company of the described 5-mile segment of its line of railroad in the Borough of Brooklyn, City of New York, NY, is not necessary to carry out the transportation policy of 49 U.S.C. § 10101a.

(2) This transaction is of limited scope.

(3) This decision will not relieve any rail carrier from an obligation either (a) to provide contractual terms for liability and claims which are consistent with 49 U.S.C. § 11707, or (b) to protect the interests of its employees.

(4) In light of the condition imposed in the first ordering paragraph below, this decision will not significantly affect energy consumption or the quality of the human environment.

It is ordered:

(1) We exempt from the requirements of 49 U.S.C. § 10903 the abandonment by South Brooklyn Railway Company of the 5-mile segment of its line in the borough of Brooklyn, City of New York, NY, described in its petition, subject to the conditions for the protection of employees as embodied in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), and subject to the further condition that, within 5 days of publication in the Federal Register, it notifies the state agencies named in the body of this decision. Copies of correspondence and/or memoranda of communications with these agencies should be submitted for the record and will serve as evidence of compliance with this condition.

(2) Notice of our action shall be given to the general public by delivery of the copy of this decision to the Director, Federal Register for publication.

(3) This exemption will continue in effect for one year from the effective date of this decision. The abandonment of the line segment must occur during that time in order to use this exemption.

(5) This decision shall be effective 30 days following the date of its publication in the Federal Register.

(6) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the Federal Register.

(7) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publication in the Federal Register.

Decided: May 8, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14540 Filed 5-13-81; 8:45 am]
BILLING CODE 7035-01-M

Finance Applications; Operating Rights Application(s) Directly Related to Finance Proceedings

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

On applications filed before March 1, 1979, an original and one copy of *protests* to the granting of authorities must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protests shall conform with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities.

Applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *General Rules of Practice* also but are subject to petitions to intervene either with or without leave. An original and one copy of the petition must be filed with the Commission with 30 days after date of publication. A petition for intervention must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has peformed service within the scope of the application either (a) for those supporting the application, or,(b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points. Persons unable to intervene under Rule 247(k) may file a petition for leave to intervent under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Verified statements in opposition should not be tendered at this time. A copy of the protest or petition to intervene shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 99261 (Sub-4), filed April 7, 1977. Published in the Federal Register issue of April 28, 1977 and republished May 12, 1977. Applicant: ROOT'S EXPRESS,

INC., 11 Karlada Drive, Binghamton, NY 13902, (607) 723–5471. Representative: Martin Werner, 888 Seventh Avenue, New York, NY 10106, (212) 697–6969. Applicant seeks to reopen and modify Decision of the Commission, Division 1, dated March 16, 1979 in MC–99261 (Sub-No. 4) so as to include additional irregular-route operating authority now contained in underlying Certificate of Registration No. MC–99261 (Sub-No. 7) of March 12, 1981 which superseded and cancelled applicant's prior authority in Certificate of Registration No. MC–99261 (Sub-No. 2) of November 25, 1968 and Certificate of Registration No. MC–99261 (Sub-No. 6) of December 6, 1979. As modified, the authority sought shall read as follows: As a common carrier, in interstate and foreign commerce, over irregular routes, transporting: General Commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Erie, Genesee, Livingston, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Otsego, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Wayne, and Yates.

Notes.—1. The Commission in its Decision of March 16, 1979 in the MC–99261 (Sub-No. 4) proceeding approved the grant of both regular- and irregular-routes authority in lieu of Certificate of Registration. Modification is sought only as to irregular route authority. Applicant is to retain the regular-route authority as previously granted in the March 16, 1979 Decision.

2. This application is directly related to a Section 11343 finance proceeding—MC–13173 published in the Federal Register issue of April 28, 1977 and was approved by Division 1 Decision of March 16, 1979.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–14547 Filed 5–13–81; 8:45 am]

BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. 79]

Restriction Removals; Decision-Notice

Decided: May 8, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 682 (Sub-26)X, filed May 4, 1981. Applicant: BURNHAM VAN SERVICE, INC., P.O. Box 7966, Columbus, GA 31908. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20423. Applicant seeks to remove restrictions in its Sub-Nos. 11 and 12F certificates to (1) broaden its commodity description in Sub-No. 12F, from new furniture, to "furniture and fixtures"; (2) replace Athens, TN, with county-wide authority in McMinn County, TN, and authorize radial authority between the above-named county, and points in the U.S. (except OH, IL, IN, MO, IA, and WI); and (3) eliminate the AK and HI exceptions in both certificates.

MC 3104 (Sub-5)X, filed April 6, 1981, previously noticed in the Federal Register of April 15, 1981, republished as corrected this issue. Applicant: Z & M MOTOR LINE, INC., 205 Bowen Street, Cumberland, MD 21502. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity descriptions from general commodities (with exceptions), to "general commodities (except classes A and B explosives)", and from foodstuffs, in cans and in glass containers, to "food and related products"; (2) replace city with county-wide authority: in part (3), Cumberland, MD, with Allegany County, MD, and in part (4), Swedesboro, and Bridgeton, NJ, and Cumberland, MD, with Gloucester and Cumberland Counties, NJ, and Allegheny County, MD; and (3) change its one-way authority to radial authority: in part (3), between New York, NY, Philadelphia, PA, and Allegany County, MD, and in part (4), between the above named counties in NJ, and Allegany County, MD. The purpose of this republication is to correct part (3) by adding Allegany County, MD, and by changing Cumberland, MD, to Allegany County, MD.

MC 19945 (Sub-73)X, filed April 28, 1981. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IA 62264. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 6, 7, 8, 9, 10, 11, 15, 16, 19, 25, 27, 29, 31, 33, 36, 38, 39, 40, 45, 47, 48, 51, 53, 54, 57, 60, 61, 62, 64, 66, 68F, 70F, and 72F certificates to (1) broaden the commodity descriptions to (a) "commodities in bulk" from: (all in bulk) sand in the lead; coal, in the lead and Sub-Nos. 5, 9, and 10; Haydite aggregate, in Sub-No. 6; sand and gravel, in Sub-No. 7; slag, in Sub-Nos. 8 and 16; dry bulk commodities (except cement and fertilizer), in Sub-No. 11; dry fertilizer, in Sub-Nos. 15, 60, and 68F, blasting sand and decorative gravel, and coal and slate, in Sub-No. 16; ammonium nitrate, in Sub-Nos. 31, 33, 47, and 53; graphite scrap, in Sub-No. 36; flue dust, in Sub-Nos. 38, 45, 51, and 57; fertilizer and fertilizer materials, dry, in Sub-No. 39; fertilizer materials, in Sub-No. 40; expanded shale and silico manganese ore, in Sub-No. 48; dry fertilizer and dry fertilizer ingredients, in Sub-Nos. 64 and 66; and coke, in Sub-No. 72F; (b) "machinery" from mining machinery, "general commodities (except classes A and B explosives)" from general commodities (with the usual exceptions), "agricultural implements and machinery, farm products, and food and related products" from agricultural implements and machinery and parts therefor, seeds and animal and poultry feed, "farm products and food and related products" from seeds, grain, soybeans, and animal and poultry feed, in the lead; (c) "metal products, clay, concrete, glass or stone products, pulp, paper and related products, rubber and plastic products, and lumber and wood products" from pipe, in Sub-No. 19; (d) "chemicals and related products" from dry fertilizer and fertilizer materials, in Sub-No. 25 and anhydrous ammonia, in bulk, and fertilizer and fertilizer materials (except such liquid fertilizer and fertilizer materials as may be derived from petroleum), in Sub-No. 29; (e) "metal products and machinery"

from stove castings, in Sub-No. 27 and heat exchangers and equalizers, and parts, materials, equipment, and supplies, in Sub-No. 54; and (f) "ores and minerals, chemicals and related products" and food and related products" from inedible salt in Sub-No. 61 and salt in Sub-Nos. 62 and 70F; (2) allow service to all intermediate points in regular route authority between St. Louis, MO and Lenzburg, IL, New Athens, IL and St. Louis, MO, Freeburg, IL, and St. Louis, MO, Pinckneyville, IL, and St. Louis, MO, and Pinckneyville, IL and Freeburg, IL, in the lead; (3) change its one-way regular route authorities to two-way authorities between points in IL and MO; in the lead; (4) change its one-way irregular route authorities to radial authorities between points in the eastern and central parts in the U.S.; (4) eliminate plantsite limitations and originating at and destined to restrictions and replace cities with county-wide authority as follows: Humboldt with Humboldt County, IA, in Sub-No. 51; Fort Madison with Lee County, IA, in Sub-No. 29; Selma and Palmyra with Jefferson and Marion Counties, MO, in Sub-No. 31 and 53; Clinton with Clinton County, IA, in Sub-Nos. 31 and 47; Terre Haute with Vigo County, IN, in Sub-No. 31; Louisiana with Pike County, MO, in Sub-No. 33; Russellville with Pope County, AR, in Sub-No. 36; Mason City and Burlington with Cerro Gordo and Des Moines Counties, IA in Sub-No. 39; Murray with Calloway County, KY, in Sub-No. 40; Sandoval with Marion County, IL, in Sub-No. 57; Marseilles, Pekin, and Tolono with La Salle, Trazewell and Champaign Counties, IL, in Sub-No. 60; Springfield with Sangamon County, IL, in Sub-Nos. 60 and 64; Mt. Vernon with Posey County, IN, in Sub-No. 66; Chester, Sparta, Centralia, Irvington, Flora, and Carlinville with Randolph, Marion, Washington, Clay, and Macoupin Counties, IL, in Sub-No. 19; Henry with Marshall County, IL, in Sub-No. 25; Athens with Menard County, IL and Bristol with Kenosha County, WI, in Sub-No. 27; Cahokia with St. Claire County, IL, in Sub-No. 62; Walnut Ridge with Lawrence County, AR, in Sub-Nos. 38 and 57; Alton with Madison County, IL, in Sub-Nos. 45 and 51; Dupo, Columbia, Ullin, and Valmeyer with St. Claire, Monroe, and Pulaski Counties, IL, in Sub-No. 15; Fenton, Belleville, and Granite City with St. Louis, St. Claire, and Madison Counties, IL in Sub-No. 18; and Atchison with Atchison County, KS, in Sub-No. 48; (5) remove "except AK and HI" and "except in bulk" restrictions in Sub-No. 54 and the "in tank vehicle restriction" in Sub-No. 47; (6) eliminate the "ex-water restriction" in Sub-No. 19 and the in dump vehicle restrictions in Sub-Nos. 6, 7, 8, 18, 36, 38, 45, 48, 51, 57, 60, and 66.

MC 33641 (Sub-162)X, filed March 10, 1981, previously noticed in the Federal Register of April 1, 1981, published as corrected this issue. Applicant: IML FREIGHT, INC., 10 Exchange Place, Suite 622 Salt Lake City, UT 84111. Representative: Eldon E. Bresee (same as applicant). Applicant seeks to remove restrictions (A) in its regular-route certificates to (1) remove all exceptions from its general commodity authority "except classes A and B explosives" in its lead certificate No. MC–33641 and Sub-Nos. 20, 24, 25, 27, 29, 30, 34, 35, 36, 37, 38, 41, 43, 45, 46, 47, 49, 52, 57, 58, 60, 63, 64, 65, 67, 69, 71, 74, 75, 81, 83, 84, 93, 95, 97, 98, 99, 102, 103, 104, 105, 109, 116, 121 (portion), 123, 124 (portion), 126, 128, 129, 132, 136, 140, 141, 143, 144, and 148; (2) authorize service at all intermediate points on its regular routes (except its alternative routes) between named points in 34 States and remove restrictions limiting such service to specified intermediate points in lead certificate No. MC–33641 and Sub-Nos. 24, 27, 35, 37, 47, 65, 67, 84, 103, 116, 124, 128, 129, 140 and 144; (3) remove "originating at, destined to" restrictions in its regular-route certificates, Sub-Nos. 20, 35, sheet 3, 49, 52, sheet 2, 60, 67, 116, sheet 5, and 132; (4) remove specified service restrictions at named points or within defined areas, in lead certificate, Sub-Nos. 24, 35, 37, 46, 49, 52, 58, 60, 63, 64, 65, 71, 103, 116, 129, and 140; for example, in: lead certificate No. MC–33641, against the transportation of shipments moving radially between Elko, NV and points in CA; Sub-No. 24, sheet 2, limited to traffic moving to a form points other than those in CA, sheet 6, against shipments moving to from, or through Pocatello, ID, except as otherwise provided in respect of operations when ID Hwy 34 is impassable due to weather conditions; Sub-No. 35, sheet 1, limited to traffic moving to or from points east of Arlington; sheet 2, limiting transportation of specified commodities, but not excepting livestock, and limited to traffic moving to or from points south of Pilot Rock; sheet 3, condition that no service shall be performed in connection with any shipment whose entire movement over carrier's line is between Val and Ontario, OR, sheet 5 limited to traffic moving to or from points in Grant and Hanney Counties, OR; Sub-No. 37, limitations against service at North Las Vegas and on U.S. Hwys 91 and 93, and interchange restrictions; Sub-No. 46, limited to shipments moving radially between Los Angeles, CA and Denver, CO; Sub-No. 52, sheet 3, restrictions on traffic moving from, to, or through points in the St. Louis, MO commercial zone, Centralia, IL, and limitations on radial movements between the Louisville, KY commercial zone, and the Cincinnati, OH commercial zone; Sub-No. 58, limited to traffic moving between Los Angeles, CA and Kansas City, MO; Sub-No. 60, "in bulk" limitation; Sub-No. 63, limited to traffic moving radially between MT, WY, CO, NM and States west thereof, and Lima, OH; Sub-No. 64, limited to traffic moving between Cheyenne, WY, and Topeka, KS, and limited to traffic moving between Cheyenne, WY and junction KS, Hwy 8 and U.S. Hwy 36, near Athol, KS; Sub-No. 65, sheet 2, limited to traffic moving to or from points in OH, and against traffic moving to or from points in IN and MI; sheet 7, against traffic moving to or from points in OH; Sub-No. 71, limited to traffic moving to or from Denver, CO or Cheyenne, WY, or points west thereof; Sub-No. 116, sheet 5 and 6, all service restrictions; Sub-No. 129, sheet 3, limited to traffic moving to, from, or through Wooster, OH, and tacking restrictions on routes (1) through (8); Sub-No. 140, against the transportation of shipments by carriers where carrier's origin and destination are both within TX, or within LA, or within TX and LA; (B) in its irregular-route certificates to (1) remove all exceptions from its general commodity authority "except classes A and B explosives" in Sub-Nos. 61, 72, 94, 96, 121 (portion), 122, and 124 (portion); (2) remove a prior or subsequent movement by water restriction in Sub-No. 96; (3) remove "originating at, destined to" restrictions in Sub-Nos. 94, 100, 106, 133, and 138; (4) broaden its territorial description from one-way to radial authority broadening county-wide in Sub-Nos. 59, 87, 106, 125, 133, and 138, (a) Sub-No. 59, between points in WA (except Kennewick), OR, and ID and points in IL, IN, IA, KS, KY, MO, and OH; (b) Sub-No. 87, between Burlington, WI and Chicago, IL, (c) Sub-No. 106, between Salt Lake County, UT and points in LA, KS, NE; (d) Sub-No. 125, between Davis County, UT and points in IL, IN, IA, KS, KY, MO, and OH; (e) Sub-No. 133, between points in Portage County, WI and points in AZ, CA, CO, CT, DE, ID, IL, IN, KS, MD, MA, MO, NV, NJ, NY, OH, OR, PA, RI, UT, VA, WA, WV, WY, and DC; (f) Sub-No. 138, between Malheur County, OR and Cassia County, ID and points in Portage County, WI, Moncalm County, MI, and Broome, Chemung, Erie, Jefferson, Monroe, Niagara, Oneida, and Onondaga Counties, NY; (5) broaden the

territorial description in Sub-No. 100 from a plantsite to Salt Lake City, UT and authorize radial operations; and (6) expand off-route points to county-wide or city territories, as follows: Sub-No. 95, from a facility in Elmore County, ID to Elmore County, ID; Sub-No. 98, from a facility at Mt. Holly Springs, PA to Cumberland County, PA; Sub-No. 99, from a facility at Louisville, ID to Jefferson County, ID; Sub-No. 102, from a facility in Tooele County, UT to Tooele County, UT; in Sub-No. 109, from a facility near White Horse Pass, NV, to Elko County, NV; Sub-No. 116, from the plantsites of Ford Motor Co. at Plymouth Township, MI, Sterling Township, MI, Romulus Township, MI, Novi Township, MI, and Rawsonville, MI; Buchanan, MI, facility near Kalamazoo, MI, points near Jackson, MI; and Ft. Sheridan, IL to Macomb, Oakland, Washtenaw, Wayne, Berrien, Kalamazoo, Van Buren Counties, MI and Lake County, IL; Sub-No. 125, from a facility at Tooele County, UT to Tooele County, UT; Sub-No. 132, from Celina, OH (restricted traffic of the Huffy Corp.) to Celina, OH; Sub-No. 141, from a facility at Valmy, NV to Humboldt County, NV, and Sub-No. 148, from a facility at Wilmington, IL, to Will County, IL. The purpose of this republication is (1) to correct a typographical error in part (A)(4) and the omission of Sub-Nos. 59 and 67 in the introductory sentence in part (B)(4); (2) to add Sub-No. 100 in part (B)(5) which was inadvertently omitted in the original publication; (3) to add Sub-No. 132 to part (A)(3); and to add part (B)(6) to notice the territorial expansion of off-route points.

MC 57315 (Sub-31)X, filed April 30, 1981. Applicant: TRI-STATE TRANSPORT, INC., 140 Wales Avenue, Avon, MA 02322. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its Sub-No. 27F certificate to (1) remove all exceptions from its general commodities authority except classes A and B explosives, and (2) remove the restriction "having value for salvage and reclamation purposes only."

MC 59367 (Sub-148)X, filed April 20, 1981. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Ft. Dodge, IA 50501. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in numerous certificates to broaden the commodity descriptions from: (1) general commodities (with usual exceptions) to "general commodities (except classes A and B explosives)", plumbing fixtures and cast-iron boilers and radiators to "building materials", farm pumping equipment and windmills to "machinery", canned goods "food and related products", and farm implements to "machinery", in the lead; (2) meats, meat products, and meat by-products, and articles distributed by meat packinghouses, (except hides) to "food and related products" in Sub-Nos. 11, 14, 16, 18, 20, 23, 26, 31, 34, 41, 47, 49, 57, 58, 65, 70, 76, 83, 87, 95, 101, 104, 108, 112, 113, 114, 129F, 130F, 136F and 130F; (3) canned goods to "food and related products" in Sub-No. 12; (4) frozen foods to "food and related products" in Sub-No. 13; (5) frozen meats to "food and related products" in Sub-No. 27; (6) canned vegetables to "food and related products" in Sub-No. 37; (7) canned vegetables to "food and related products" in Sub-No. 38; (8) solid fiber shipping containers, paper and paper products to "pulp, paper and related products" in Sub-No. 53; (9) foodstuffs, except meats and packinghouse products, to "food and related products" in Sub-No. 54; (10) foodstuffs to "food and related products" in Sub-No. 62; (11) building materials (except gypsum products), to "building materials" in Sub-No. 63; (12) solid fiber shipping containers, paper and paper products to "pulp, paper and related products" in Sub-No. 66; (13) frozen foods to "food and related products" in Sub-No. 84; (14) foodstuffs and nonedible food products, in vehicles equipped with mechanical refrigeration to "food and related products" in Sub-No. 85; (15) foodstuffs to "food and related products" in Sub-No. 87; (16) foodstuffs (except meats, meat products, dairy products, and frozen foods) to "food and related products" in Sub-No. 89; (17) frozen prepared foods to "food and related products" in Sub-No. 90; (18) potato products to "food and related products" in Sub-No. 92; (19) water heaters to "machinery" in Sub-No. 102; (20) recreational vehicles, campers, trailers and aluminum extrusions, and parts, accessories, materials and supplies to "transportation equipment and metal products" in Sub-No. 116F; (21) ingredients used in the production of pet foods to "food and related products" in Sub-No. 117F; (22) iron and steel articles to "metal products" in Sub-No. 118F; (23) foodstuffs and nonedible food products to "food and related products" in Sub-No. 119F; (24) iron and steel articles to "metal products" in Sub-No. 122F; (25) frozen foodstuffs (except in bulk) to "food and related products" in Sub-No. 124F; (26) lignin powder to "pulp, paper and related products" in Sub-No. 126F; (27) building materials and gypsum products to "building materials" in Sub-No. 64; (28) frozen foodstuffs and inedible frozen meats and meat byproducts to "food and related products" in Sub-No. 127F; and (29) foodstuffs (except frozen foodstuffs) to "food and related products" in Sub-No. 140. Applicant also seeks to remove restrictions where service is limited to the transportation of traffic originating at or destined to a named shipper facility, and expand the territorial descriptions to authorize county-wide authority in place of plantsite or city-wide authority, as follows: lead, Sheboygan County, WI (Kohler, WI), Minnehaha County, SD (Sioux Falls, SD), Rock County, WI (Evansville, WI), Webster County, IA (Ft. Dodge, IA), Rock County, WI (Evansville, WI), Chickasaw County, IA (Fredericksburg, IA), Woodford, Winnebago, Peoria and Tazewell Counties, IL (Eureka, Pecatonica and Peoria, IL), Webster and Woodbury Counties, IA (Ft. Dodge and Sioux City, IA), Blue Earth and Martin Counties, MN (Mankato and Fairmont, MN), Woodbury County, IA (Sioux City, IA), and Webster County, IA (Ft. Dodge, IA); Sub-No. 11, Cuming County, NE (plantsite at West Point); Sub-No. 12, Woodford and Tazewell Counties, IL (Eureka and Morton, IL); in Sub-No. 13, Walworth County, WI (Darien, WI); Sub-No. 14, Nobles County, MN (plantsite near Worthington, MN); Sub-No. 16, Cherokee County, IA (plantsite near Cherokee, IA); Sub-No. 18, Cerro Gordo County, IA (Mason City, IA); Sub-No. 23, Atchinson County, MO (plantsite near Phelps City, MO); Sub-No. 26, Hardin County, IA (Iowa Falls, IA); Sub-No. 27, Nobles and Blue Earth Counties, MN (plantsite near Worthington and Mankato, MN); Sub-No. 31, Colfax County, NE (plantsite at Schuyler, NE); Sub-No. 34, Bureau County, IL (plantsite near Bureau, IL); Sub-No. 37, Dodge and Fond du Lac Counties, WI (Beaver Dam, Fox Lake, Ripon and Rosendale, WI); Sub-No. 38, Blue Earth, Le Sueur and McLeod Counties, MN (plantsites at Le Sueur, Blue Earth, Glencoe and Montgomery, MN); Sub-No. 41, York County, NE (York, NE); Sub-No. 47, Clay County, IA (plantsite at Spencer, IA); Sub-No. 49, Pottawattamie County, IA (plantsite in Pottawattamie County, IA); Sub-No. 53, Winnebago County, WI (plantsite at Menasha, WI) Webster County, IA (Ft. Dodge, IA) and Dakota County, NE (Dakota City, NE); Sub-No. 54, Webster County, IA (plantsite at Ft. Dodge, IA); Sub-No. 57, Plymouth County, IA (plantsite near LeMars, IA); Sub-No. 58, Cass County, IN (plantsite at Logansport, IN); Sub-No. 62, Boone County, IL (plantsite at Belvidere County, IL); Sub-No. 63, Webster County, IA (Ft. Dodge, IA); Sub-No. 64,

Webster County, IA (Ft. Dodge, IA); Sub-No. 65, Emmet and Wapello Counties, IA (plantsite at Estherville and Ottumwa, IA), Wapello County, IA (plantsite at Ottumwa, IA) and Lake and Minnehaha Counties, SD (Madison and Sioux Falls, SD); Sub-No. 68, Winnebago County, WI (plantsite at Menasha, WI), and Crawford and Pottawattamie Counties, IA (Denison and Oakland, IA); Sub-No. 70, Sioux County, IA (plantsite at Sioux Center, IA); Sub-No. 76, Lee County, IA (plantsite at Ft. Madison, IA); Sub-No. 77, Tama County, IA (plantsite at Tama, IA); Sub-No. 82, Knox County, IL (plantsite at Galesburg, IL); Sub-No. 83, Carroll, Crawford and Hardin Counties, IA (plantsite at Carroll, Denison, and Iowa Falls, IA); Sub-No. 84, Chickasaw County, IA (plantsite at New Hampton, IA); Sub-No. 85, Scott County, IA (plantsite at Bettendorf, IA); Sub-No. 87, Rock County, WI (plantsite at Beloit, WI); Sub-No. 88, Webster County, IA, (plantsite at Ft. Dodge, IA); Sub-No. 90, Chicago, IL (plantsite at Deerfield and Chicago, IL); Sub-No. 92, Portage County, WI (plantsite at Plover, WI); Sub-No. 95, Saline County, NE (plantsite at Crete, NE); Sub-No. 101, Buena Vista County, IA (plantsite at Storm Lake, IA); Sub-No. 102, Chicago, IL (plantsite at Chicago); Sub-No. 104, Kossuth County, IA (Algona, IA); Sub-No. 105, Hamilton, County, IA (Webster City, IA); Sub-No. 106 Dodge County, NE (plantsite at Fremont, NE), O'Brien County, IA (plantsite at Hartley, IA), Clay County, IA (plantsite at Spencer, IA), and Webster County, IA (plantsite at Ft. Dodge, IA); Sub-No. 109, Racine County, WI (Racine, WI) and Sac County, IA (Lake View, IA); Sub-No. 110, Warren County, OH (Franklin, OH); Sub-No. 112, Freeborn County, MN (plantsite at Albert Lea, MN); Sub-No. 113, Freeborn County, MN (plantsite at Albert Lea, MN); Sub-No. 114, Pottawattamie County, (plantsite at Oakland, IA); Sub-No. 116F, between Winnebago County, IA (Forest City, IA) Sub-No. 117F, Ft. Dodge, Des Moines, IA, and Jefferson, WI; (eliminates plantsites at named cities); Sub-No. 119F, Scott County, IA (plantsite at Bettendorf, IA); Sub-No. 122F, Whiteside County, IL (Rock Falls and Sterling, IL); Sub-No. 124F, Portage County, WI (plantsite at Plover, WI); Sub-No. 125F, Stark County, OH (Massillon, OH), Kenosha County, WI (Kenosha, WI), and Kossuth County, IA (Algona, IA); Sub-No. 126F, Webster County, IA (Ft. Dodge, IA); Sub-No. 127F, Dodge County, WI (Beaver Dam, WI); Sub-No. 128F, Chicago, IL (plantsite at Chicago, IL); Sub-No. 129F, Jefferson County, WI (plantsite at at Ft. Atkinson and Jefferson, WI) and Outagamie and Waupaca Counties, WI (plantsite at New London, WI); Sub-No. 130F, Estherville, IA (plantsite at Estherville), Sioux Falls, SD (plantsite at Sioux Falls, SD), Worthington, MN (plantsite at Worthington), and Sioux City, IA (plantsite at Sioux City); Sub-No. 133F, Boone County, IA (plantsite at Boone, IA); Sub-No. 136F, Cherokee and Buena Vista Counties, IA (plantsite at Cherokee and Storm Lake, IA) Sub-No. 139, Omaha and Dodge and Colfax Counties, NE (Omaha, Schuyler and Fremont, NE), Kossuth and Webster Counties, IA (plantsites at Algona and Ft. Dodge, IA), and Wapello County, IA (plantsite at Ottumwa, IA); Sub-No. 140, La Salle, De Kalb and Ogle Counties, IL (plantsite at De Kalb, Mendota and Rochelle, IL); and Sub-No. 143F, Chicago, IL (plantsite at Chicago). Applicant further seeks to (1) change its one-way authorities to radial authorities between points throughout the U.S. in the above named certificates (except on its regular route authority); (2) eliminate the joinder restriction in Sub-No. 11, the interlining restriction in Sub-Nos. 13 and 14 and the drive-away restriction in Sub-No. 116F; (3) remove the except in bulk, in tank vehicles, and the originating at and or destined to restrictions wherever they appear in the above named certificates; (4) eliminate the AK and HI exception in Sub-No. 133, and (5) eliminate tacking or interlining restrictions wherever they appear in the above certificates.

MC 76780 (Sub-2)X, filed April 24, 1981. Applicant: DENNIS STORAGE CO., INC., 604 Railroad Avenue, Salisbury, MD 21801. Representative: William P. Sullivan, 818 Connecticut Avenue, NW., Washington, D.C. 20006. Applicant seeks to remove restrictions (1) in its lead certificate to (a) broaden the commodity description from household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467 to "household goods, furniture and fixtures" and (b) replace that part of NJ south of a line beginning at Trenton, NJ, and extending through Hightown, NJ to Sea Bright, NJ, including Hightstown with points in NJ in and south of Mercer, Middlesex and Monmouth Counties; (2) in its MC-111984 Sub-Nos. 1, 4 and 5 permits to (a) broaden the commodity description from such commodities are as dealt in by chain, retail and mail order department stores to "such commodities as are dealt in by department stores" in Sub-Nos. 1 and 4, and in Sub-No. 5 from such machinery, materials, equipment and supplies, as are used in the installation, repair and maintenance of public utility facilities to "machinery"; and (b) expand the territory description to between points in the United States under contract(s) with unnamed shippers in Sub-Nos. 1 and 4 and a named shipper in Sub-No. 5.

MC 94842 (Sub-8)X, filed April 27, 1981. Applicant: ROBERT CROCKET, INC., 102 Crescent Avenue, Chelsea, MA 02150. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove the restrictions in its Sub-No. 5 certificate and part (B) of its Sub-No. E1 letter-notice to: (1) broaden the commodity descriptions from "weldments, the transportation of which requires because of their size or weight the use of special equipment," to "commodities which because of their size or weight require the use of special handling or equipment"; (2) replace Fitchburg, MA, with Worcester County, MA in Sub-No. 5 (3) remove the exception of HI and the origin State in all authorities, (4) replace one-way with radial authority (a) between Worcester County, MA and points in the U.S. in Sub-No. 5, (b) between ME and U.S. (with exceptions) in Sub-No. E1 (B) (1), (c) between NH and the U.S. (with exceptions) in Sub-No. E1(B)(2), and (d) between a portion of MA and the U.S. (with exceptions) in Sub-No. E1(B)(3).

MC 99567 (Sub-7)X, filed April 7, 1981, previously noticed in the Federal Register of April 21, 1981, republished as corrected this issue. Applicant: KANE FREIGHT LINES, INC., 229 Maple Street, P.O. Box 931, Scranton, PA 18501. Representative: Willian F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Applicant seeks to remove restrictions in its Sub-No. 5F certificate to (1) remove all exceptions from its general commodities authority except classes A and B explosives; (2) replace the facilities at or near Scranton and Taylor, PA with authority to serve Lackawanna County, PA, in part (a); and (3) replace authority to serve named cities with county-wide authority: Ashley, Avoca, Croops Glen, Dallas, Dupont, Duryea, Edwardsville, Exeter, Forty-Fort, Georgetown, Glen Lyon, Kingston, Larksville, Luzerne, Miners Mills, Nanticoke, Old Forge, Parsons, Pittston, Plains, Plymouth, Scranton, Swoyersville, Taylor, West Naticoke, West Pittston, Wilkes-Barre, and Wyoming, PA, with Luzerne, Lackawanna, Wyoming, and Beaver, Counties, PA, in part (b). The purpose of this republication is to include Wyoming County, PA in Part (3).

MC 111401 (Sub-616)X, filed April 27, 1981. Applicant: GROENDYKE

TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Alvin J. Meiklejohn, Jr., 1600 Lincoln Center, 1600 Lincoln St., Denver, CO 80264. Applicant seeks to remove restrictions in its lead and Sub-Nos. 53, 56, 74, 104, 137, 140, 166, 169, 171, 173, 175, 179, 186, 188, and 189 certificates to (1) broaden its commodity descriptions (a) in the lead and all of the above sub-numbers except Sub-Nos. 173, 186, and 189, to "commodities in bulk", from petroleum and petroleum products, liquefied petroleum gases, casing head gasoline, lubricating oils, liquid chemicals, anti-freeze preparations, insecticides, anhydrous ammonia, nitrogen fertilizer solutions, sulphuric acid, muriatic acid, acrylonitrile, methanol, coal tar products, fumigants, herbicides, residual molasses, animal fats and oils, flour, lubricating oil, petroleum treating coumpounds, dry fertilizer, rock, ore and ore concentrates, dry urea, ammonium nitrate, nitric acid, and chemicals, (all of the above commodities are in bulk and/or in tank vehicles), (b) in the lead, part (2), remove the petroleum and petroleum products, in bulk, in tank vehicles exception, (c) in Sub-No. 173, to "food and related products", from meats, meat products and meat by-products, and articles distributed by meat packinghouses (except commodities in bulk, in tank vehicles), (d) in Sub-No. 186, to "rubber and plastic products, and chemicals and related products", from plastic pipe, plastic tubing, plastic conduit, valves, fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, and accessories used in the installation thereof, and (e) in Sub-No. 189, to "metal products", from truck bodies; (2) replace its facilities and cities with county-wide authority (a) in the lead and Sub-No. 53, Enid, OK, with Garfield County, OK (b) in the lead and Sub-No. 53, Ponca City, OK, with Kay County, OK, (c) in the lead, Grandfield and Wynnewood, OK, with Tillman and Garvin Counties, OK, (d) in Sub-No. 56, Freeport, TX, with Brazoria County, TX; Avondale, LA, with Jefferson Parish, LA; El Dorado, AR, with Union County, AR; Lawrence, KS, with Douglas County, KS; Military, KS, with Cherokee County, KS; Pryor, OK, with Mayes County, OK; Sterlington, LA, with Ouachita Parish, LA; Etter, TX, with Moore County, TX; Bartlesville, OK, with Washington and Osage Counties, OK; Borger, TX, with Hutchinson County, TX; Tulsa, OK, with Tulsa and Osage Counties, OK; Carlsbad, NM, with Eddy County, NM; and Kings Mill, TX, with Gray County, TX, (e) in Sub-No. 137, facilities at or near Blytheville, AR, with Mississippi County, AR, (f) in Sub-No. 140, Oklahoma City and Tulsa, OK, with Oklahoma, Tulsa, and Osage Counties, OK, (g) in Sub-No. 166, facilities near Beatrice, NE, with Gage County, NE, (h) in Sub-No. 171, facilities at Avondale, LA, with Jefferson Parish, LA, (i) in Sub-No. 173, facilities near Garden City, KS, with Finney County, KS, (j) in Sub-No. 175, facilities at South River, MO, with Marion County, MO, (k) in Sub-No. 186, facilities in Mayes County, OK, with Mayes County, OK, and (l) in Sub-No. 198, facilities at or near Liberal, KS, with Seward County, KS; (3) change its one-way to radial authority in the lead and all of the above sub-numbers, between several specified counties and States, and points in specified States throughout the U.S.; and (4) eliminate the restrictions (a) in Sub-No. 173, limiting the transportation to traffic originating at named facilities near Garden City, KS, and (b) in Sub-No. 189, the originating at or destined to facilities at Liberal, KS restriction.

MC 115841 (Sub-783)X, filed April 20, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, Knoxville, TN 37922. Representative: Chester G. Groebel (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 544, 611F, 621F, 637F, 665F, 666F, 715F, 752F, and 755F certificates to (1) broaden the commodity descriptions from foodstuffs, non-frozen (except in bulk), in Sub-No. 544, foodstuffs (except in bulk) in Sub-No. 665F, 666F, 715F, and 755F, and foodstuffs (with exceptions) and meat, meat products, meat by-products, and articles distributed by meat packinghouses, in Sub-No. 752F, to "food and related products"; from household appliances to "machinery" in Sub-No. 611F; and from drugs, toilet preparations, health care products, magnesium hydroxide, and alumina calcined (except commodities in bulk) to "chemicals and related products" in Sub-No. 637; (2) replace facilities limitations or the named points (a) at Dalton, GA with Whitefield County, GA, Murray, KY, with Calloway County, KY, and Anaheim, CA, with Orange County, CA, in Sub-No. 611; (b) at Garland, TX, with Dallas County, TX, in Sub-No. 621, (c) Philadelphia, PA, with Philadelphia, PA, Lakewood, NJ, with Ocean County, NJ, and Lewes, DE, with Sussex County, DE, in Sub-No. 637F; (d) Charlotte, NC, with Mecklenburg County, NC in Sub-Nos. 665F and 755F; (e) Savannah, GA, with Chatham County, GA in Sub-Nos. 666F and 755F; (3) remove (a) originating at or destined to restrictions in Sub-Nos. 554, 637F, and 665F, (b) mixed loads restrictions in Sub-Nos. 666F and 755F, and (c) a vehicle restriction in Sub-No. 637F; and (4) replace one-way with radial authority between various combinations of points throughout the U.S.

MC 116227 (Sub-19)X, filed May 4, 1981. Applicant: POLMAN TRANSFER, INC., Rt. 3, Box 470, Wadena, MN 56482. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its MC-106523 (Sub-No. 9) permit to (1) broaden the commodity description to "lumber and wood products, chemicals and related products, fabricated metal products, and non-metallic minerals" from cut lumber, treated or untreated, wooden posts, poles, pilings, snow fence, and culverts, wooden bridges, bridge parts, bridge accessories, wood treating compounds, and salt; (2) eliminate the "except commodities in bulk" restriction; and (3) broaden the territorial authority to between points in the U.S., under continuing contract(s) with a named carrier.

MC 117119 (Sub-841), filed May 4, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 632F certificate to broaden its territorial authority by changing its one-way to radial authority (a) between 12 specified States, and, points in IL, AZ, MO, KS, CO, MT, ID, OR, WA, WY, and UT, and (b) between Chicago and Rockford, IL, and IN and OH, and, points in 8 specified western States.

MC 124692 (Sub-386)X, filed April 27, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-No. 338F certificate to (1) broaden the commodity description such commodities as are dealt in or used by farm cooperatives by removing the exceptions of household goods, feed ingredients, commodities which, because of size or weight require the use of special equipment, agricultural machinery and implements, other than hand, and agricultural tractors; and (2) remove the exception of AK and HI.

MC 128073 (Sub-8)X, filed April 27, 1981. Applicant: BANANA SHIPPING SERVICE, INC., 220 North Court Street, Montgomery, AL 36102. Representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200-A, Park Ridge, IL.

60068. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4, 5, 6F and 7F certificates to (1) broaden the commodity descriptions in those authorities from bananas and/or exempt agricultural commodities, when transported in mixed loads with bananas, to "food and related products"; (2) broaden the territorial scope by (a) replacing one way with radial authority in all of those authorities; (b) replacing named plantsites with city-wide authority as follows: Charleston, SC in Sub-No. 6F and Gulfport, MS in Sub-No. 7F; (c) removing the restrictions in Sub-No. 5 limiting service to the transportation of traffic in shipper-owned containers equipped with mechanical refrigeration and to the transportation of traffic originating at named facilities and having an immediately prior movement by water; and (d) removing the restrictions in Sub-Nos. 2, 4 and 6F against the transportation of traffic having an immediately prior movement by water.

MC 129032 (Sub-133)X, filed April 27, 1981. Applicant: TOM INMAN TRUCKING, INC., P.O. Box 3728, 5656 So. 129th Avenue, Tulsa, OK 74121. Representative: John Paul Fischer, 256 Montgomery Street, San Francisco, CA 94104. Applicant seeks to remove restrictions in numerous certificates to (1) broaden the commodity descriptions to (a) "food and related products" from specified commodities such as, fruit juice, in containers, canned and preserved foodstuffs, meats, meat products, meat byproducts, and articles distributed by meat-packing houses, in Sub-Nos. 11, 18, 19, 28, 29, 32, 34, 41, 44F, 45F, 49F, 50F, 51F, 55F, 56F, 62F, 63F, 65F, 66F, 67F, 70F, 75F, 78F, 81F, 83F, 84F, 87F, 89F, 99F, 104F, 105F, 117F, 121F, 123F, 124F, 127F, 128F, and 129: (b) "rubber and plastic products" from plastic pellets, in Sub-No. 95F and plastic articles, in part (1) of Sub-No. 116F; (c) "pulp, paper and related products" from paper and paper products, in Sub-Nos. 3 and 35, paper and paper products, and commodities produced or distributed by manufactures and converters of paper and paper products, in Sub-No. 14, newsprint paper and groundwood paper, in Sub-No. 23, and paper and paper products in part (1) of Sub-No. 77F; (d) "clay, concrete, glass or stone products" from glass containers, in Sub-Nos. 4 and 26, glass containers and pallets, in Sub-No. 94F, glass (except glass bottle), in Sub-No. 12, chicoite, in containers, in Sub-No. 36, flat glass, in Sub-Nos. 48F and 118F, and hi-temperature bonding cement, and refractory products, in Sub-No. 125F; (e) "petroleum natural gas and their products" from lubricating oil, in containers, in Sub-No. 8, and packaged petroleum, lubricating oil and grease, in Sub-No. 30; (f) "lumber and wood products" from lumber in Sub-No. 39; (g) "metal products" from K.D. aluminum extrusions, and glazed windows in Sub-No. 96F; (h) "machinery" from wheels, brakes, axles and axle assemblies in part (1) of Sub-No. 103F, and pump and pump parts in Sub-No. 126F; (i) "transportation equipment and materials and supplies used in the manufacure thereof" from automotive parts and materials and supplies used in the manufacture of automotive parts in Sub-No. 68F; (j) "rubber and plastic products, and metal products" from plastic and metal containers in Sub-No. 131; (k) "miscellaneous products of manufacturing, and transportation equipment" from bicycles, and tricycles, accessories and parts for bicycles and tricycles, in parts (1) and (2) of Sub-No. 76F; (l) "miscellaneous freight shipments" "containers, carriers or devices, shipping returned empty" from transport racks in Sub-No. 120; and (m) "miscellaneous mixed shipments" from plumbing fixtures, and equipment, materials, and supplies in Sub-No. 130; (2) eliminate the originating at and/or destined to and plantsite restrictions in 18, 62F, 45F, 51F, 66F, 67F, 70F, 75F, 78F, 99F, 117F, 127F, 124F, 105F, 104F, 89F, 41, 44F, 49F, 63F, 65F, 81F, 56F, 55F, 50F, 53F, 35, 77F, 94F, 30, 96F, 103F, 120F, 76F, 28, 32, 84F, 128F, 95F, 23, 26, 36, 48F, 118F, 125F, and 126F; (3) remove the "except commodities in bulk", "in tank vehicles", "in vehicles equipped with mechanical refrigeration" "except AK and HI", and the "size and weight" retrictions wherever they appear in the above named sub-numbers. Applicant also seeks to (1) replace cities with county-wide authority as follows: Owensboro and Frankfort with Daviess and Franklin Counties, KY, Lawrenceburg with Dearborn County, IN, Pekin and Lemont with Trazewell and Cook Counties, IL, and Lynchburg with Moore County, TN, in Sub-Nos. 11 and 89F; Bradstown with Nelson County, KY, and Plainfield with Will County, IL, in Sub-Nos. 11, 89F, and 124F; Peoria with Peoria County, IL, in Sub-Nos 11, 89F, and 30; Tulsa with Tulsa County, OK, in Sub-Nos. 11, 32, 89F, 95F, 12, and 8; Dallas with Dallas County, TX, in Sub-Nos. 18, 28, 125F, and 96F; Fort Worth with Tarrant County, TX, in Sub-Nos. 18, and 28; Bellingham with Whatcom County, WA, Lubbock, San Angelo, Amarillo, and San Antonio with Lubbock, Tom Green, Potter, and Bexar Counties, TX, Little Rock with Pulaski County, AR, Pauline with Shawnee County, KS, in Sub-No. 28; Shreveport with Caddo Parish, LA, in Sub-Nos. 28 and 75F; Davenport with Scott County, IA, in Sub-Nos. 28 and 65F; San Diego with San Diego County, CA, in Sub-Nos. 29 and 89F; Plymouth with Sheboygan County, WI, in Sub-No. 34; Springfield with Greene County, MO, in Sub-No. 41; Garland with Dallas County, TX, in Sub-No. 44F; New Ulm with Brown County, MN, in Sub-Nos. 45F and 63F; Pocatello with Bannock County, ID, in Sub-No. 49F; Mattoon with Coles County, IL in Sub-No. 50F; Eau Claire and Chippewa Falls with Eau Clarie and Chippewa County, WI, in Sub-Nos. 51F and 75F; Green Bay with Brown County, WI, in Sub-Nos. 51F, 75F and 77F; Hutchinson with Reno County, KS, in Sub-No. 55F; Terre Haute with Vigo County, IN, in Sub-Nos. 55F and 94F; Ogden with Weber County, UT, in Sub-No. 56F; Champaign with Champaign County, IL and Wausau with Marathon County, WI, in Sub-No. 63F; Clinton with Clinton County, IA, in Sub-No. 65F; Joplin and Carthage with Jasper County, MO, in Sub-No. 66F; Norman with Cleveland County, OK, in Sub-No. 67F; Albert Lea with Freeborn County, MN, Cedar Rapids and Des Moines with Linn and Polk Counties, IA, and Marshall with Saline County, MO, in Sub-No. 70F; Austin and Owatonna with Mower and Steele Counties, MN, in Sub-No. 81F; Van Wert with Van Wert County, OH, in Sub-No. 84F; Flagstaff with Coconino County, AZ, in Sub-No. 81F, Sugar Land with Fort Bend County, TX, in Sub-No. 99F; Evansville with Vanderburgh County, IN and Belleville with St. Claire County, IL in Sub-No. 104F; Paducah with McCraken County, KY, in Sub-No. 105F; Iowa City and Muscatine with Johnson and Muscatine Counties, IA, in Sub-Nos. 117F and 127F; Stockton and Tracy with San Joaquin County, CA, in Sub-No. 117F; Fort Smith with Sebastian County, AR, in Sub-No. 124F; Newport with Campbell County, KY, in Sub-No. 128F; Shawnee with Pottawatomie County, OK, in Sub-No. 95F; Houston with Harris County, TX, in Sub-Nos. 95F and 128F; Muskogee with Muskogee County, OK, in Sub-Nos. 116F and 35; Lawton with Comanche County, OK in Sub-No. 53F; Calhoun with McMinn County, TN, in Sub-No. 23; Sapulpa with Creek County, OK, in Sub-No. 4; Henryetta with Okmulgee County, OK, in Sub-Nos. 26 and 94F; Warner Robins with Houston County, GA, Shakopee with Scott County, MN, and Cliffwood with Monmouth County, NJ, in Sub-No. 94F; Corsicana with Navarro County, TX, in Sub-No. 118F; Texarkana with Miller County, AR, in Sub-No. 125F; Snowflake, Fredonia, and Payson with Navajo, Coconino, and Gila Counties,

AZ, in Sub-No. 39; Seminole and Dayton with Seminole and Montgomery Counties, OH; Jackson with Jackson County, MI, Chattanooga with Hamilton County, TN, Logansport with Cass County, IN, Montezuma with Macon County, GA, Elkhart with Elkhart County, IN, McMinnville with Yamhill County, OR, and Chino with San Bernardino County, CA, in Sub-No. 103F; Dearborn with Wayne, Washtenaw and McComb Counties, MI, in Sub-Nos. 103F and 48F; Winfield with Cowley County, KS, in Sub-No. 131; Ponca City with Kay County, OK in Sub-No. 76F; and Broken Arrow with Tulsa County, OK in Sub-No. 120F; (2) Change its one-way authorities to radial authority between a combination of points throughout the U.S. and (3) remove the retriction against transportation moving to or from points in Mexico through ports of entry in Texas on the U.S. Mexico international boundary and from the Albany, NY commercial zone, CT, MA (Except Springfield), NH, and RI.

MC 135328 (Sub-30)X, filed April 7, 1981, previously noticed in the **Federal Register** of April 23, 1981, republished as corrected this issue. Applicant: SOUTHERN GULF TRANSPORT, INC., Box 7959, Shreveport, LA 71107. Representative: Doug Wood, 2500 McClain Boulevard, Suite 103, North Little Rock, AR 72116. Applicant seeks to remove restrictions from its Sub-Nos. 3, 8, 10F, 13F, 15F, 16F, 17F, 19F, 21F, 24F, 25F, 26F, 27F, 28F, and 29F certificates to (A) broaden the commodity descriptions: (a) in Sub-No. 3, from (1) dry roofing granules, in bulk, (2) dry roofing granules, in bulk, and dry stone dust, in bulk, to "clay, concrete, glass or stone products and ores and minerals" (b) in Sub-No. 8, part (1), from lumber, particleboard and wood paneling to "lumber and wood products" (c) in Sub-Nos. 10F and 28F, from fertilizer to "chemicals and related products" (d) in Sub-No. 13F, from roofing granules to "clay, concrete, glass, or stone products and ores and minerals" (e) in Sub-No. 15F, from aluminum sulphate liquid to "chemicals and related products" (f) in Sub-No. 19F, from posts, poles, and pilings to "lumber and wood products" (g) in Sub-No. 26F, from limestone chalk to "ores and minerals" (h) in Sub-No. 27F, from roof granules, ground limestone, and materials, equipment and supplies used in the manufacture of those commodities to "clay, concrete, glass or stone products, ores and minerals, and materials, equipment and supplies used in the manufacture thereof (i) in Sub-No. 29F, hardboard and plywood to "lumber and wood products"; (2) delete the in bulk restriction in Sub-Nos. 3, 13F, 16F, 17F, 24F, 25F, 27F, and 28F; (3) delete the restriction against size and weight commodities in Sub-No. 24F; (4) remove the restrictions limiting service to the transportation of traffic originating at or destined to named facilities and facilities limitations in Sub-Nos. 3, 8, 10F, 13F, 19F, 21F, 25F, and 26F; (5) replace authority to serve named points with county-wide authority: in Sub-No. 3, Caddo Parish, LA (for Shreveport, LA); Montgomery County, AR (for Glenwood, AR); in Sub-No. 8, Ashley County, AR (for Crossett, AR), Union County, AR (for El Dorado, AR), Dallas County, AR (for Fordyce, AR), Lafayette County, AR (for Stamps, AR), Montgomery County, AR (for Glenwood, AR), and De Soto Parish, LA (for Logansport, LA); in Sub-No. 10F, Caddo Parish, LA (for Shreveport, LA); in Sub-No. 13F, Pulaski County, AR (for Little Rock, AR) and Dallas County, TX (for Dallas, TX); in Sub-No. 15F Caddo Parish, LA (for Shreveport, LA); in Sub-No. 16, Caddo Parish, LA (for Shreveport, LA); in Sub-No. 19F, Beauregard Parish, LA (for DeRidder, LA); in Sub-No. 21F, Henry County, GA (for Hampton, GA); in Sub-No. 25F, Jefferson County, AL (for Birmingham, AL), Ouachita County, AR (for Camden, AR), Miller County, AR (for Texarkana, AR), Harris County, TX (for Houston, TX), Bexar County, TX (for San Antonio, TX), Shelby County, TN (for Memphis, TN), Henry County, TN (for Paris, TN), and Jefferson County, LA (for Marrero, LA); in Sub-No. 26F, Hempstead County, AR (for Washington, AR); in Sub-No. 28F, Smith County, TX (for Tyler, TX); in Sub-No. 29F, Galveston County, TX (for Galveston, TX), and Harris County, TX (for Houston, TX); (6) replace existing one-way authority with radial authority in Sub-Nos. 3, 10F, 13F, 15F, 17F, 19F, 26F, 28F and 29F. The purpose of this republication is to include the territorial broadening in part (5).

MC 136782 (Sub-34)X, filed April 23, 1981. Applicant: R.A.N. TRUCKING COMPANY, P.O. Box 128, Eau Claire, PA 16030. Representative: Thomas M. O'Brien, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 17F, 20F and 27F certificates to (1) broaden the commodity descriptions from (a) meats, meat products and meat by-products, and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 to "food and related products" in Sub-Nos. 17F and 27F; (b) meats, meat products, meat by-products, dairy products and articles distributed by meat-packing houses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 to "food and related products" in Sub-No. 20F; (2) remove the restrictions (a) "except commodities in bulk" in Sub-No. 20F; (b) "except hides and commodities in bulk" in Sub-No. 27F; (3) eliminate the facilities limitation at Pittsburgh, PA, and an originating at or destined to restriction in Sub-No. 20F; (4) replace (a) Defiance, OH with Defiance County, OH; Archbold, OH with Fulton County, OH; Troy, OH with Miami County, OH; and Logansport, IN, with Cass County, IN in Sub-No. 17F; (b) Worcester, MA, with Worcester County, MA; Mt. Airy, MD, with Carroll County, MD; New Haven, CT, with New Haven County, CT; and Wilmington, DE with New Castle County, DE in Sub-No. 27F; and (5) replace one-way with radial authority (a) between Cleveland, OH, and Defiance, Fulton and Miami Counties, OH, and, CT, DE, GA, MD, MA, NJ, NY, NC, PA, RI, VT, WV and DC in part (a) of Sub-No. 17F; (b) between Cass County, IN, and, Cleveland, OH in part (b) of Sub-No. 17F; and (c) between Albany and New York, NY, Boston, MA and Worcester County, MA, Baltimore, MD and Carroll County, MD, Philadelphia, PA, New Haven County, CT and New Castle County, DE, and, IN, IL, MI, PA, OH, WV and WI in Sub-No. 27F.

MC 140025 (Sub-7)X, filed April 27, 1981. Applicant: L & T, INC., 2650 West Beaver Street, Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to (1) broaden the commodity descriptions from bakery goods to "food and related Products"; from general commodities with exceptions to "general commodities (except classes A and B explosives)"; (2) replace Jacksonville, FL, with Duval County, FL; and (3) replace one-way with radial authority between Duval County, FL, and MD, NJ, NY, and PA.

MC 144331 (Sub-8)X, filed April 14, 1981. Applicant: EDWARD F. MADEIRA, INC., 514 Island Street, Hamburg, PA 19526. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F and 4F permits to (1) broaden the commodity descriptions in Sub-Nos. 1F and 4F from foundry sand additives and foundry sand, and in Sub-No. 1F from

foundry core, compounds, clay and clay products, high temperature bonding mortor and sand mixed with clay, to "such commodities as are used by the steel and foundry industries"; remove the in bulk restriction in Sub-No. 4F; (3) broaden the territorial scope in all permits to between points in the U.S. under continuing contract(s) with the named shipper(s).

MC 146942 (Sub-2)X, filed May 1, 1981. Applicant: CARROLL TRUCKING, INC., 7444 Major Avenue, Norfolk, VA 23505. Representative: Blair P. Wakefield, Suite 1001, First and Merchants, National Bank Bldg., Norfolk, VA 23510. Applicant seeks to remove a restriction which limits service to the transportation of traffic having an immediately prior or subsequent movement by air from its lead certificate which authorizes general commodities (with certain exceptions), between Norfolk, VA, Dahlgren, VA, Indian Head, MD, Patuxent River, MD, and DC.

MC 148380 (Sub-15)X, filed May 1, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL, 60445. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its MC-128543 Sub-Nos. 13F, 14F, 15F, 17F, 21F, and 24F permits to (1) broaden the commodity descriptions from (a) fire sprinkler systems, pipe, valves, sprinkler heads, pipe hangers, and wire and fencing, parts and accessories, and materials, equipment, and supplies to "metal products and rubber and plastic products and materials, equipment and supplies used in the manufacture thereof" in Sub-Nos. 13F and 24F; and (b) zinc, zinc alloys, zinc products, and iron and steel articles to "metal products" in Sub-Nos. 14F, 15F, 17F, and 21F; (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper, in each permit; (3) remove the "in bulk" and "AK and HI" restrictions in Sub-Nos. 13F and 24F; and (4) remove the originating at or destined to facilities restriction in Sub-No. 24F.

MC 149417 (Sub-2)X, filed April 29, 1981. Applicant: SPARK, INC., 10 East Oregon Avenue, Philadelphia, PA 19148. Representative: Richard Rueda, 133 North 4th Street, Philadelphia, PA 19106. Applicant seeks to remove restrictions in MC-70083 (Sub-No. 12), acquired in MC-FC-78252 and MC-70996, acquired in MC-FC-78368 to (1) remove all restrictions from its general commodities authority except classes A and B explosives, dangerous chemicals and livestock, in MC-70083 (Sub-No. 12); and (2) broaden authority to serve parts of Passaic and Union counties, NJ to authority to serve the entire counties in MC-70083 (Sub-No. 12)

MC 149565 (Sub-2)X, filed May 4, 1981. Applicant: GARY L. DUNPHY, Embden, ME 04958. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Post Office Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-No. 8 certificate to broaden the territorial scope by replacing city-wide authority (Cheviot, Bridgetown and Miamitown) with county-wide authority (Hamilton County, OH) in the transportation of General commodities between those points and points in the U.S.

MC 151132 (Sub-9)X, filed April 27, 1981. Applicant: AMERICAN WESTERN TRANSPORT, INC., 815 West 2400 South, Salt Lake City, UT 84119. Representative: Charles McIntyre (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 6 certificate to broaden the territorial scope by removing the facilities limitations at Clearfield, UT and Cleveland, OH, and substituting Davis and Weber Counties, UT and Cleveland, OH, as base points in connection with its service between those points and points in the U.S.

[FR Doc. 81-14545 Filed 5-13-81; 8:45 am]
BILLING CODE 7035-01-M

Section 5a Application No. 61; National Classification Committee—Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

SUMMARY: The Commission has included as an issue for review in this proceeding whether establishment of charges for particular services (e.g., order—notify service) is a proper function of the bureau and a proper subject of its agreement under 49 U.S.C. 10706.

DATES: Evidence and argument on this issue will be submitted by the respondent bureau in conjunction with the filing of its amended agreement. Comments from interested parties should be filed under the timetable already established for review of the agreement (i.e., 45 days from the filing of the agreement).

ADDRESS: An original and 15 copies of comments should be sent to Room 5340, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: In a decision issued May 14, 1981, in I&S No. M-29788, *Charge for Shipments Moving on Order—Notify Bills of Lading, N.M.F.T.A.*, we have decided to resolve the issue remanded in *National Classification Committee and National Motor Freight Traffic Association, Inc.*, v. *Interstate Commerce Commission and United States of America* No. 79-2561 (D.C. Cir., decided December 16, 1980) in the context of our upcoming review of the governing rate bureau agreement. The court remanded that decision to the extent we had found, without adequate explanation, that a proposed $2.00 order—notify charge was beyond the scope of the bureau's 5a agreement (See 49 U.S.C. 10706).

In Ex Parte No. 297 (Sub-No. 5), *Motor Carrier Rate Bureau-Implementation of PL 96-296*, 364 ICC 464 (served December 30, 1980), 45 FR 86736, 12-31-80, we directed all bureaus (including respondent here) desiring to retain antitrust immunity for collective ratemaking to file new or amended agreements consistent with our findings in that decision. As those agreements, along with evidence and argument supporting them, are not yet due, we decided to review the remanded issue in the 5a proceeding rather than resolving it in a separate proceeding.

This notice is intended to advise the public of the fact that this issue will be resolved in the 5a proceeding. Comments are invited on the basic question of whether the scope of respondent's agreement should include collective establishment of charges for specific transportation-related services.

This decision does not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. §§ 10321 and 10706.

Dated: May 7, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14546 Filed 5-13-81; 8:45 am]
BILLING CODE 7035-01-M

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

May 11, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform

nonmember, non-exempt, interstate transportation must file the Notice, form BOP–102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC–75 (Sub No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

1. Arico Lines, Inc.

Complete Legal Name of Cooperative Association or Federation of Cooperative Associations.
1300 Market S., Wilmington, Delaware 19801

Principal Mailing Address (Street No., City, State, and Zip Code).
449 East Pierce St., Tempe, AZ 85281

Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code)
Sally A. Mitchell 449 East Pierce St., Tempe, AZ 85281

Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address)
2. Rockingham Poultry Marketing Cooperative, Inc.

Complete Legal name of Cooperative Association of Federation of Cooperative Associations.
Rt. 1, Broadway, Virginia 22815

Principal Mailing Address (Street No., City, State, and Zip Code).
Rt. 1, Broadway, VA 22815

Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code)
June M. Fahrney, Rt. 1, Broadway, VA 22815

Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address)
3. Sawyer Fruit and Vegetable Cooperative Corporation

Complete Legal Name of Cooperative Association of Federation of Cooperative Associations.
P.O. Box 268, Bear Lake, MI 49614

Prinicpal Mailing Address (Street No., City, State, and Zip Code).
502 Connie, Fremont, MI 49412

Where Are Records of your Motor Transportation Maintained (Street No., City, State and Zip Code)
Carl Gregg, P.O. Box 268, Bear Lake, MI 49614

Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address)
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–14296 Filed 5–13–81; 8:45 am]
BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. OPY4–120]

Motor Carriers; Permanent Authority Decision-Notice

Decided: May 4, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's repesentative of $10.00.

Amendments to the request for authority are not allowed. Some of applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, Williams.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate of foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

MC 155507, filed April 24, 1981. Applicant: MID-SOUTH TRUCKING, INC., P.O. Box 191, Searcy, AR 72143. Representative: Gary Landis (same address as appliant), (501) 268–7195. Transporting *general commodities,* between Primrose and Luthersville, GA, Cardwell, Arbyard and Honersville, MO, McHenery, ND, Narcisso, Russellville and Roaring Springs, TX, Raymond, Oakley, Adams, and Myles, MS, Snyder and Hamburg, AR, Holly

Springs and Stockdale, NC, Radcliff, Aurora, Ellsworth and Lawn Hill, IA, Henery and Clark, SD, Esmond, IL, Shell Lake, Cumberland, Gillett and Green Valley, WI, Elgin, NE, Benton, Barlow, La, Center, Oak Ridge, Philpot, Deansfield, Thompsonville, Masonville and Edgoten, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia and Riverside, TN, Edna, Lewistown, Hurdland and Ewing, MO, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe and Allison, TX, Reydon, Cheyenne, Strong City, Hammon and Butler, OK, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

[FR Doc. 81-14504 Filed 5-13-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 67]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Correction

In FR Doc. 81-12562, published at page 23543, on Monday, April 27, 1981, make the following corrections:

(1) On page 23548, in the first column, in the first paragraph, in the first line, "MC 127484 (Sub-11)X" should be corrected to read "MC 127487 (Sub-11)X".

(2) And on page 23550, in the first column, in the first paragraph, "MC 427151" should be corrected to read "MC 142715".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants; "United States v. Texas Instruments, Inc."

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on April 23, 1981, a proposed consent decree in *United States of America* v. *Texas Instruments, Inc.*, was lodged with the United States District Court for the District of Massachusetts. The proposed decree requires certain affirmative measures be taken to assure compliance with the NPDES permit issued by the U.S. EPA for Texas Instruments' Attleboro, Massachusetts facility.

The proposed consent decree may be examined at the office of the United States Attorney, Room 1107, John W. McCormack Post Ofice and Courthouse, Congress Street, Boston, Massachusetts 02109; at the Region I office of the Environmental Protection Agency, Enforcement Division, J.F.K. Federal Building, Boston, Massachusetts 02203; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. The Department of Justice will receive comments relating to the proposed consent decree for a period of fourteen (14) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer to *United States of America* v. *Texas Instruments, Inc.*, DOJ Reference #90-5-1-4-296.

Carol E. Dinkins,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-14452 Filed 5-13-81; 8:45 am]
BILLING CODE 4410-01-M

Proposed Consent Decree in Action to Enjoin Discharge of Air Pollutants; United States v. J. D. Streett & Co.

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on April 28, 1981, a proposed consent decree in *United States of America* v. *J.D. Streett & Co., Inc.*, was lodged with the United States District Court for the Southern District of Illinois. The proposed decree requires the company to take certain affirmative measures to comply with the volatile organic material emissions limitations of the Illinois Implementation Plan at the company's Cairo, Illinois, gasoline storing and loading facility.

The proposed consent decree may be examined at the office of the United States Attorney, Room 330, 750 Missouri Avenue, East Saint Louis, Illinois 62202; at the Region V office of the Environmental Protection Agency, Air Enforcement Branch, 230 South Dearborn Street, Chicago, Illinois 60604; and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.00 (10 cent per page reproduction charge) payable to the Treasurer of the United States. The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue NW., Washington, D.C. 20530 and should refer to *United States of America* v. *J.D. Streett & Co., Inc.*, DOJ Reference #90-5-2-1-428.

Carol E. Dinkins,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-14453 Filed 5-13-81; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 80-23]

William M. Moody; Revocation of Registration

On August 11, 1980, the Administrator of the Drug Enforcement Administration (DEA) issued an Order to Show Cause to William M. Moody, M.D. (Respondent) why the Drug Enforcement Administration should not revoke the DEA Certificate of Registration, AM3381833, issued to him pursuant to 21 U.S.C. 823, for the reason that on March 4, 1980, Respondent was convicted in the Nineteenth Judicial Court for the Parish of East Baton Rouge in the State of Louisiana, of six (6) counts of distributing a controlled dangerous sustance in violation of Title 40, Article 967A, Louisiana Revised Statutes. The above violations are controlled substance-related felonies. In a letter dated September 2, 1980, counsel for Respondent requested a hearing on the issues raised in the Order to Show Cause. The Administrative Law Judge thereupon issued an order for Prehearing Statements, which were to be filed on or before September 30, 1980. At the conclusion of the time period prescribed in the Order for Prehearing Statements, the sole document submitted in timely fashion was the Prehearing Statement submitted by counsel for the Government. On October 20, 1980, counsel for Respondent finally did file a Prehearing Statement in this matter. The Prehearing Statement, albeit

twenty days late, merely advised that Resondent admitted his conviction and sentence as stated in the Prehearing Statement submitted by the Government, that he would not have any witnesses to present at a hearing, and that he had no objection to any of the documents proposed for submission by counsel for the Government. In response to Respondent's clear indication that he had nothing to present at a hearing, the Administrative Law Judge ruled that Respondent had, in effect, waived his right to a hearing. Thereafter, on February 18, 1981, the Administrative Law Judge submitted his opinion and recommendations and certified the record in this matter to the Administrator, pursuant to 21 CFR 1361.65. Pursuant to 21 CFR 1316.67, the Administrator of the Drug Enforcement Administration hereby publishes his Final Order in this proceeding based upon the findings of fact and conclusions of law as set forth below.

The Administrator finds that Respondent was charged by the East Baton Rouge Parish District Attorney, in a Bill of Information filed June 29, 1979, with eight (8) counts of knowingly and intentionally distributing a controlled substance (to wit, phentermine) in violation of Louisiana Revise Statutes, title 40, Section 967A. Following a trial before the Honorable Judge Carl A. Guidry in the Nineteenth Judicial District Court for the State of Louisiana, Respondent was found to be guilty of six (6) counts of knowingly and intentionally distributing a controlled substance (phentermine). Dr. Moody was sentenced to five (5) years imprisonement, which was suspended, and there upon placed on five (5) years active supervised probation. The Administrator further finds that, in the course of a criminal investigation conducted jointly by the Baton Rouge City Police Department and the United States Department of Justice, Drug Enforcement Administration, on eight (8) dates in September, 1977 and May and June, 1978, four (4) police department officers, ununiformed and identifying themselves with fictitious names, visited Dr. Moody at his medical office in an acknowledged attempt to obtain prescriptions for controlled substances. During each of the eight (8) separate visits to Dr. Moody's office, none of the undercover law enforcement officers was given a physical examination, nor was a medical history requested or taken. In consideration of the very limited information available to Dr. Moody, the Administrator further finds that there was no medical indication, nor medical justification, for the prescriptions for controlled substances as written for the undercover officers. The Administrator finds that the precriptions written by Dr. Moody to the undercover officers were issued without regard to possible contraindications and the drug's potential for abuse.

Having reviewed the investigative file and the entire record in this matter, the Administrator concludes that there is a lawful basis for the revocation of Respondent's DEA Certificate of Registration, number AM3381833, pursuant to 21 U.S.C. 824(a). Accordingly, the Administrator hereby adopts the opinion and recommendation of the Administrative Law Judge that Respondent's registration be revoked. Therefore, pursuant to the authority vested in the Attorney General by Section 824 of Title 21, United States Code, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the Certificate of Registration, AM3381833, previously issued to William M. Moody, M.D. be, and is hereby revoked, effective May 14, 1981.

Dated: May 7, 1981.

Peter B. Bensinger,

Administrator.

[FR Doc. 81-14480 Filed 5-13-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

Advisory Corrections Council; Meeting

Notice is hereby given that the Advisory Corrections Council in accordance with section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on May 28, 1981, in Washington, D.C.

The purpose of the meeting is to discuss eight agenda items related to the role of the Federal Government in Corrections.

Signed at Washington, D.C., this 8th day of May 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 81-14481 Filed 5-13-81; 8:45 am]

BILLING CODE 4410-05-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Expansion Arts Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Panel to the National Council on the Arts will be held on June 3-5, 1981, from 9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on June 4-5, 1981, from 9:00 a.m.-5:30 p.m., to discuss policy.

The remaining sessions of this meeting on June 3, 1981, from 9:00 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81-14524 Filed 5-13-81; 8:45 am]

BILLING CODE 7537-01-M

Theater Panel (Intermediate Companies Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theater Panel (Intermediate Companies Section) to the National Council on the Arts will be held on June 4-5, 1981, from 10:00 a.m.-5:30 p.m., in room 1340 of the Columbia Plaza Office Complex, 2401 E St., NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on June 4, 1981, from 9:00 a.m.-5:30 p.m. to discuss policy.

The remaining sessions of this meeting on June 4, 1981, from 10:00 a.m. to 5:30 p.m. and June 5, 1981, from 9:00 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the

determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 81–14525 Filed 5–13–81; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 81–20]

Reports, Recommendations, Responses; Availability

• *Marine Accident Report—Commercial Fishing Vessel ARLON Capsized in the Pacific Ocean While Being Towed by a Coast Guard Motor Lifeboat near Grays Harbor, Westport, Washington, July 3, 1980 (NTSB–MAR–81–2).*—As a result of this accident investigation, the National Transportation Safety Board on March 26 recommended that the U.S. Coast Guard:

Emphasize in its coxswain training curriculum the importance of using towing bridles, the effect on the directional stability of a towed vessel of wind and seas acting on the vessel's hull and superstructure, the need to supervise less experienced seamen assisting in towing operations, and the situations where the towline should be immediately cut. (M–81–1)

Reexamine all aspects of its towing assistance operations to find ways to better assure that coxswains and rescue coordinators adhere to the Coast Guard's doctrine which urges that persons aboard towed vessels wear personal flotation devices. (M–81–2)

Encourage the use of seasickness medication to improve boat crew performance during search and rescue operations. (M–81–3)

Establish a program to advise commercial fishing vessel operators of the importance of carrying basic spare parts necessary to effect routine minor repairs at sea to minimize the need for emergency assistance and towing. (M–81–4)

• *Marine Accident Report—Collision of U.S. Towboat BRAZOS with Bermudan Bulk Carrier FORT CALGARY, Houston Ship Channel, August 7, 1980 (NTSB–MAR–81–1).*—The Safety Board on April 9 as a result of investigation issued recommendations to:

U.S. Coast Guard—Amend 46 CFR Part 151 to require the certification of inhibition by the shipper of butadiene when it is transported by an unmanned barge just as 46 CFR Part 154 requires this to be done now when it is shipped on a self-propelled vessel. (M–81–5)

Whenever U.S. Army Corps of Engineers hydrographic data indicate that the full width of the Houston Ship Channel is not available for the safe passage of deep-draft vessels, take traffic management action to promote the safe movement of such vessels on this waterway. (M–81–6)

Take action to manage the movements of vessels carrying dangerous cargoes in the Houston Ship Channel through the use of the Houston-Galveston VTS system. (M–81–7) (The Safety Board has previously recommended that participation in this VTS system be mandatory.)

Rio Towing Company—Establish a company policy whereby, in the interest of safe navigation, routine position reports of underway towboats are not to interfere with bridge-to-bridge radio communications. (M–81–8)

Require company towboard operators and relief operators to inform themselves concerning the identity of cargoes in the barges in their tows. (M–81–9)

Review company management policies and procedures to insure compliance with Coast Guard vessel operating regulations regarding the certification of company tankermen (46 CFR Part 31). (M–81–10)

• *Aviation Safety Recommendations Letter to the Federal Aviation Administration, May 5, 1981:*

Include in a future revision of the Airman Information Manual, Basic Flight Information and ATC Procedures, Chapter 7, Medical Facts for Pilots, a brief discussion of the physiology of aerobatic G forecs as explained in FAA–AM–72–28. (A–81–48)

• *Responses from the Federal Aviation Administration:*

A–78–13 (May 1).—Supplements response of Apr. 14, 1978 (43 FR 22467, May 25, 1978) and responds to Board inquiry of Mar. 20, 1981. Work competed on expanded FAA Form 5280–3, Airport Certification Safety Inspection, for evaluating bird hazard potential at an airport.

A–78–136 and –137 (May 1).—Responds to Board inquiry of Mar. 4, 1981, and provides copy of FAA–AAS–80–1, National Runway Friction Measurement Program. On Jan. 28, 1980, the Board commented on FAA's response of Sept. 11, 1979 (44 FR 55675, Sept. 27, 1979).

A–79–68 through –70 (April 29). Supplements response of Aug. 20, 1980 (45 FR 56736, Sept. 4, 1980) which addressed A–79–68 and –69, subsequently closed by the Board on Sept. 12, 1980. A–79–70: FAA refers to its response of Mar. 11, 1980 (45 FR 20256, Mar. 27, 1980) and list of air taxi operators granted extensions of June 1, 1979, installation compliance date for shoulder harnesses, per 14 CFR 135.10. Responding to Board inquiry of Mar. 20, 1981, FAA reports operators granted extensions are now in compliance.

A–81–9 through –11 (May 1).—Responds to recommendations reported at 46 FR 13053, Feb. 19, 1981. An advisory circular will address delivery of aviation fuel to airports, storage, handling and dispensing of fuel to aircraft, and fuel contamination (14 CFR Part 139 will be rewritten to incorporate changes) and will give guidance to all airport operators. Statutory authority is needed for safety requirements on all public-use airports.

• *Responses from U.S. Coast Guard:*

M–79–78 through –79 (April 27).—Responds to Board comments of Dec. 17, 1980, concerning Oct. 7, 1980, response (45 FR 73830, Nov. 6, 1980). M–79–70: USCG records VHF–FM navigational messages in all Vessel Traffic Service (VTS) areas. M–79–77: USCG is withdrawing proposal CGD 80–096 (45 FR 63267) and will not relocate demarcation line at entrance to Chesapeake Bay. M–79–79: Study of manned VTS as Chesapeake Bay entrance to be completed Aug. 1, 1981 (see also, Board letters of Jan. 25, 1980, and Oct. 16, 1980). M–79–78 was closed by Board, Dec. 17, 1980.

M–80–90 through –92 (April 27).—Responds to recommendations reported at 45 FR 75028, Nov. 13, 1980. M–80–90: USCG is commencing a program of upgrading and standardizing port contingency plans. USCG does not concur in M–80–91 (gangways between vessel accommodations and terminal facility), nor in M–80–92 (correction of design limitations of 32-foot boats' firefighting equipment).

• *Responses from the Association of American Railroads:*

R–79–5 (April 28).—Responds to Board inquiry of Mar. 25, 1981, concerning R–7–5 (44 FR 12785, Mar. 8, 1979). AAR expects to contract soon with Federal Railroad Administration to develop and document safety procedures for identifying dangers and coordinating wreckage-clearance operations.

R–79–74 (April 29).—Responds to Board inquiry of Mar. 25, 1981, concerning R–79–74 (44 FR 65828, Nov. 15, 1979). AAR contends that radio has value in improving safety, but only as an adjunct to basic system governing movement of trains and other on-track equipment.

Note.—Single copies of Board reports are available without charge as long as limited supplies last. Copies of recommendation letters, responses and related correspondence are also free of charge. All requests must be in writing, identified by recommendation or report number. Address request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

May 8, 1981.

[FR Doc. 81–14390 Filed 5–13–81; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-454, STN 50-455; DD-81-5]

Commonwealth Edison Co. (Byron Station, Units 1 and 2); Issuance of Director's Decision

By petition dated November 21, 1980, the Rockford League of Women Voters requested that the Director of Nuclear Reactor Regulation take several actions with respect to the Commonwealth Edison Company's Byron Station. Upon consideration of the petition, I have determined, in accordance with 10 CFR 2.206, to deny the petition.

Copies of the "Director's Decision Under 10 CFR 2.206" which fully discusses the reasons for this decision are available for inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, and in the local public document room at the Bryon Public Library, Third and Washington Streets, Byron, Illinois 61010.

A copy of this decision will also be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland, this 7th day of May 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-14534 Filed 5-13-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-321]

Georgia Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 84 to Facility Operating License No. DPR-57, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Association of Georgia, and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1 (the facility) located in Appling County, Georgia. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications as they relate to the inservice inspection of the welds in the reactor vessel bottom head during the first 5-year inspection interval.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 28, 1981, (2) Amendment No. 84 to License No. DPR-57, and (3) the Commission's letter to Georgia Power Company dated May 7, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of May 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-14533 Filed 5-13-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Metropolitan Edison Co., Jersey Central Power and Light Co., Pennsylvania Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-73, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company which changed Appendix B Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit 2 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment deletes references to radioactive iodine, corrects the specified location for collecting tritium samples from the EPICOR-II ventilation system, deletes the requirement for analysis of short half-life gamma emitters in gaseous effluents from the EPICOR-II system, and deletes the requirement for annual Aerial Remote Sensing of cooling tower drift dispersions.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated February 23, 1981, and amended March 18, 1981, (2) Amendment No. 15 to License No. DPR-73, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, TMI Program Office.

Dated at Bethesda, Maryland this 6th day of May, 1981.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, TMI Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 81-14536 Filed 5-13-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-65 issued to the Northeast Nuclear Energy Company, the Connecticut Light and Power Company, the Hartford Electric Light Company, and the Western Massachusetts Electric Company (the licensee), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit

No. 2 (the facility) located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specification to incorporate certain minor modifications to the changes previously issued by Amendment 66 (TMI Lesson Learned Technical Specifications) issued April 7, 1981. Specifically, the amendment eliminates unnecessary requirements and allows reactor startup when a power operated relief valve is inoperable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 5, 1981, (2) Amendment No. 66 to License No. DPR-65, and (3) the Commission's letter dated May 6, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 6th day of May 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-14537 Filed 5-13-81; 8:45 am]
BILLING CODE 7590-01-M

Postponement of Public Meetings on Safety Goal

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Postponement of Public Meetings on Safety Goal.

In light of a provision in the report of the House of Representatives Committee on Appropriations (Report No. 97-29) accompanying the pending Supplemental Appropriations and Rescission Bill for 1981 (H.R. 3400), the NRC has decided to postpone the four public meetings on the Safety Goal Project previously announced in the Federal Register (46 FR 24336, April 30, 1981). The relevant provision reads, "Funds in the FY 1981 appropriation bill for public hearings on the 'safety goal' project are rescinded." Congress has not yet taken final action on the bill, which includes NRC funding. The Commission will make a decision on whether and when meetings will be held when Congressional intent becomes clear and will notify the public and interested parties of its action through a Federal Register Notice and other means.

Dated at Washington, D.C. this 8th day of May 1981.

Dennis Rathbun,

Acting Director, Office of Policy Evaluation.

[FR Doc. 81-14538 Filed 5-13-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the facility), located in San Diego County, California. This amendment is effective as of its date of issuance.

The amendment revised certain provisions in Section 6 and 5 (Administrative Controls) of Appendices A and B, respectively, to reflect changes in the corporate and facility organizational structure and changes in the Nuclear Audit and Review Committee (NARC) and in the Onsite Review Committee (OSRC).

The applications for amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated August 27, 1980, and February 2, 1981, and (2) Amendment No. 54 to License No. DPR-13, including the evaluation contained in the Commission's related transmittal letter. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California. A single copy of item (2) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this seventh day of May, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-14539 Filed 5-13-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating (License No. DPR-24, and Amendment No. 55 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments remove rod bow penalties and requirements related to control rod misalignment and position indication. They also make administrative changes to various parts

of section 15.3.10 of the Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 19, 1979 as revised by letter dated February 3, 1981, (2) Amendment Nos. 49 and 55 to License Nos. DPR–24 and DPR–27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of May, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-14340 Filed 5-13-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-305]

Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR–43, issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensees), which revised the license for operation of the Kewaunee Nuclear Plant (the facility) located in Kewaunee, Wisconsin. The amendment is effective as of the date of issuance and is to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b).

The amendment adds a license condition to include the Commission-approved Kewaunee Nuclear Power Plant Safeguards Contingency Plan as part of the license.

The licensee's filings, which have been handled by the Commission as an application, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

The licensees filings dated March 27, 1979, and February 20, 1981 are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 34 to License No. DPR–43 and (2) the Commission's related letter to the licensee dated May 1, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of May 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-14341 Filed 5-13-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost of the public;

The number of forms in the request for approval; an indication of whether Section 3504(h) of Pub. L. 96–511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

- Animal and Plant Health Inspection Service

9 CFR 11—Horse Protection Regulations (Recordkeeping)
On occasion
Businesses or other institutions
Horse industry organizations or associations
Sic: 799
Small businesses or organizations
Agricultural research and services, 450 responses, 562 hours; 1 form; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Provides needed information for compliance officer to document alleged violations.

Revisions

•Animal and Plant Health Inspection Service
Animal Welfare Recordkeeping
VS 18-5 and 18-19
On occasion
Businesses or other institutions
Animal dealers, exhibitors and research facilities
SIC: 027, 599, 799
Small businesses or organizations
Agricultural research and services, 71,768 responses, 15,990 hours; 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Recordkeeping requirements relative to the purchase, sale, transportation, identification and previous ownership of animals regulated under the Animal Welfare Act (7 U.S.C. 2131-2156) and Regulations 9 CFR, Subchapter A, Animal Welfare, Parts 1, 2 and 3.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

Revisions

•Maritime Administration
Market Strategy Model Survey
Other—see SF83
Businesses or other institutions
Export or import shippers of oceanborne cargo
SIC: Multiple
Small businesses or organizations
Water transportation, 800 responses, 600 hours; $101,820 Federal cost, 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

This survey is conducted to collect information which will form the basis of a decision model that predicts shipper response to alternative changes in carrier service levels. This will lead to sound marketing strategies that will assist U.S. carriers in competing with foreign flag carriers.

•Economic Development Administration
Application for development finance assistance—ED 201
ED-210
On occasion
Businesses or other institutions
Businesses that will have projects in EDA designated areas
SIC: multiple
Small businesses or organizations
Area and regional development, 300 responses, 51,000 hours; $2,828,500 Federal cost, 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

Purpose is to make Federal economic development programs work better by linking them with employment and training programs. The addendum will produce an employment plan that assures EDA-created jobs are made available to the long-term unemployed.

Extensions (Burden Change)

•Bureau of the Census
Cotton and Raw Linters in Public Storage and at Compresses
M22N
Monthly
Businesses or other institutions
Cotton and linter warehouses
SIC: 422
Small businesses or organizations
Other advancement and regulation of commerce, 5,500 responses, 1,375 hours; $3,315,000 Federal cost, 1 form; not applicable under 3504(h)
Off. of Federal Statistical Policy & Standard, 202-673-7974

This survey began in 1912 to measure stocks of cotton and raw linters. It is used by the Department of Agriculture in monitoring the supply and distribution of cotton and by analysts of the cotton commodity market.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

•Office of Educational Research and Improvement
Application for Grant Under the High School Equivalency Program (HEP)
ED 819
Annually
Businesses or other institutions
Institutions of higher education
SIC: 822
Elementary, secondary, and vocational education, 100 responses, 2,000 hours; $29,700 Federal cost, 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Title IV of the Higher Education Act of 1965 as amended, authorizes the Secretary to maintain and expand secondary and postsecondary high school equivalency programs and college assistance migrant program projects. In order to meet the responsibility of determining those grantees who will most effectively provide services to the target population. The Secretary must gather data regarding proposed activities. Data will be used to select program grantees.

• Office of Educational Research and Improvement
Application for grant under the college assistance migrant program (CAMP)
ED 819–1
Annually
Businesses or other institutions
Institutions of higher education
SIC: 822
Elementary, secondary, and vocational education, 100 responses, 2,000 hours; $29,700 Federal cost; 1 form, not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Title IV of the Higher Education Act of 1965 as amended, authorizes the secretary to maintain and expand secondary and postsecondary high school equivalency programs and college assistance migrant programs projects. in order to meet the responsibility of determining those grantees who will most effectively provide services to the target population. The secretary must gather data regarding proposed services. Data will be used to select program grantees.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montio—202–633–9454

New

• Federal Energy Regulatory Commission
Omnibus report—Impact of 19——19— Winter gas supply for twenty-eight pipeline companies
FERC–16A
Annually
Businesses or other institutions
Natural Gas Pipeline Companies
SIC: 131
Energy information, policy, and regulation 28 responses, 1,120 hours; $41,908 Federal cost, 1 form, not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Collection of information is needed to ensure that the FERC has timely information available on the natural gas supply outlook for the 19——19— winter period and to identify potential areas where shortages may exist or develop.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• National Institutes of Health
Establishment of populations for epidemiologic studies
On occasion annually
Individuals or households
Iowa & Wash. cts., Iowa, N.H., Conn. & E. Boston, Mass. Res.
Health $5,727,335 Federal cost, 1 form, not applicable under 3504(h)
Gwendolyn Pia, 202–395–6880

This project will conduct epidemiologic investigations in a community in order to develop new knowledge concerning the medical and social factors in health and diseases of the aged. The community setting from which the population is to be drawn is representative of real conditions encountered by the elderly.

• Human Development Services
Personal profile information on nominees for delegates and observers, White House conference
Nonrecurring
Individuals or households/Businesses or other institutions governors
SIC: Multiple
Small businesses or organizations
Multiple functions, 11,749 responses, 321 hours; $20,000 Federal cost, 7 forms, not applicable under 3504(h)
Gwendolyn Pia, 202–395–6880

Beginning 1/81 thru 7/81 the conference set forth guidelines for the delegation to assure certain minimum representation. Thus in reviewing nomination from gubernatorial and congressional allocation, the conference needed to know about sex, age, urban/rural and minority representation. Other information such as phone numbers, addresses and special needs are necessary to facilitate logistics arrangement.

• National Institutes of Health
Protection of human subjects—certification and recordkeeping requiremnts
HHS–596
On occasion
Businesses or other institutions
Institutions applying for HHS research funds
SIC: 806 822
Health, 45,000 responses, 0 hours; $118,463 Federal cost, 1 form, not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Section 474(A) of the Public Health Service Act mandates reporting to the secretary review by IRB at institutions requesting support for research involving human subjects in accordance with 45 CFR 46. Records are minutes of the review.

• National Institutes of Health
Questionnaire for an epidemiologic case/control study of cancer in New Hampshire and Vermont
Nonrecurring
Individuals or households
Next-of-kin of deceased bladder cancer cases, etc.
Health 1,850 responses, 675 hours; $150,000 Federal cost, 1 form, not applicable under 3504(n)
Gwendolyn Pia, 202–395–6880

During 1950–1969, in the United States, New Hampshire and Vermont had the second highest bladder cancer mortality rates for white males and the highest rates for females. An epidemiologic study of persons who died of bladder cancer and control subjects from New Hampshire and Vermont, 1975–1979, is proposed. Information from 1350 next-of-kin interviews will be used to evaluate associations between bladder cancer and environmental factors.

Extensions (No Change)

• Health Resources Administration
Survey instrument for health planning performance
Evaluation program
On occasion
Businesses or other institutions
Staff of State and local health planning agencies
SIC: 809 943
Health, 40 responses, 120 hours; $10,000 Federal cost, 1 form, not applicable under 3504(n)
Gwendolyn Pia, 202–395–6880

Survey will collect information on the strategies and methods employed by health planning agencies in achieving desired changes in the health care system. Information gained will be used to improve program management and policy development and provide technical assistance to planning agencies.

Reinstatements

• Health Services Administration
National Health Service Corps application for placement of personnel
On occasion
Businesses or other institutions
Outpatient care facilities
SIC: 806
Health care services, 150 responses, 525 hours; 1 form, not applicable under 3504(h)
Gwendolyn Pia, 202–395–6880

This application is submitted to the Federal Government by an entity in a health manpower shortage area which seeks assignment of NHSC personnel. Information in the application helps the Government to determine whether to assign NHSC personnel.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–6181

Extensions (No Change)

• Bureau of Land Management

Grazing application—preference summary and transfer
4130–1a
Annually
Individuals or households/farms
Livestock operators in sixteen western states
Conservation and land management, 5,000 responses, 1,250 hours; $15,625 Federal Cost, 1 form, not applicable under 2504(h)
Constance Buckley, 202–395–7340

Form is used to allocate grazing use, adjudicate conflicting requests for grazing use, also basis for a permit or to transfer a grazing preference from currently recognized base property to new lands which are offered.

• Bureau of Land Management
Grazing application—supplemental information
4130–1B
Annually
Individuals or households/farms
Livestock operators in sixteen western states
Conservation and land management, 5,000 responses, 1,250 hours; $15,625 Federal cost, 1 form, not applicable under 3504(h)
Constance Buckley, 202–395–7340

Provides an opportunity to identify unfenced lands controlled by the applicant which are intermingled with the public lands to be grazed and information necessary to coordinate grazing use.

• Bureau of Land Management
Grazing application—authorized representative
4130–1C
Annually
Individals or households/farms
Livestock operators in sixteen western states
Conservation and land management, 2,000 responses, 333 hours; $12,625 Federal cost, 1 form, not applicable under 3504(h)
Constance Buckley, 202–395–7340

To designate a single individual who will represent the association or corporation in all grazing matters with the Bureau of Land Management.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windsor—202–426–1887

New

• Office of the Secretary
Follow-up study of trucking service to small communities
Nonrecurring
Businesses or other institutions
Retailers and manufacturers in small communities
SIC:531 541 596 554 553 200
Small businesses or organizations
Other transportation, 300 responses, 150 hours, $10,000 Federal cost, 1 form, not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

This survey is part of DOT's research to assess the initial impacts of the Motor Carrier Act of 1980. The results will be used in DOT testimony at congressional oversight hearings on the act to provide information on current truck service to small communities, an issue considered crucial by congress.

• Federal Aviation Administration
Application and agreement for physiological training
AC 3150–7
On occasion
Individuals or households
Airmen with various type ratings
Air transportation, 5,500 responses, 458 hours; $6,000 Federal cost, 1 form, not applicable under 3504(h)
Corrinne Hayward 202–395–7340

Physiological training is a voluntary program available to airmen. Selected applicants learn about the use of oxygen and the effects of alcohol, tobacco, drugs, and vertigo in flying. Information collected is used to determine applicant eligibility.

• National Highway Traffic Safety Administration
Vehicle identification number standard 115 report
On occasion
Businesses or other institutions
Manufacturers of mothor vehicles
SIC: 371
Small businesses or organizations
Ground transportation, 1,000 responses, 4,000 hours; $40,000 Federal cost, 1 form, not applicable under 3504(h)
Corrinne Hayward, 202–395–7340

The purpose of this requirement is to individually identify each motor vehicle so that it can be recalled in the event of noncompliance of 49 CFR 571.115.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—632–7413

Revisions

Application for exemption from ship radio station requirements
820
On occasion
Businesses or other instituions
Vessel owners, operating agncs., or masters desiring exempt.
SIC: 481 482
Other advancement and regulation of commerce, 100 responses, 300 hours; $12,000 Federal cost, 1 form, not applicable under 3504(h)
William T. Adams, 202–395–4814

Submitted by licensee to apply for exemption from radio provisions of statute, treaty or international agreement. Data is used to determine qualifications for exemption.

• Employment Inquiry
65
On occasion
Individuals or households
Persons given as reference on SF–171 of prospective employee
Other advancement and regulation of commerce, 500 responses, 125 hours; $10,000 Federal cost, 1 form, not applicable under 3504(h)
William T. Adams, 202–395–4814

FCC Form 65 is used by the personnel division to gather data regarding prospective employees from present/former supervisors, co-workers or friends. Data is necessary in order to make some relative determinations as to the qualifications of candidates for employment, as well as to assist in making preliminary suitability determinations.

Extensions (Burdens Change)

• Certificate of special temporary authorization for operation of radio station on board new aircraft or aircraft with an initial radio installation
453–B
On occasion
Businesses or other institutions
Aircraft & avionics manufacturers, dealers, and distributors
SIC: 481 489
Small businesses or organizations
Other advancement and regulation of commerce, 2,000 responses, 660 hours; $3,500 Federal cost, 1 form, not applicable under 3504(h)
William T. Adams, 202–395–4814

Provided by manufacturers, dealers and distributors of new aircraft and aircraft avionics to provide a special termporary authority to owners of new aircraft or aircraft with an initial radio installation. Form is posted in aircraft and used as the authority to operate the aircraft radio station while FCC Form 494, application for aircraft radio station license, is being processed routinely.

Extensions (No Change)

• Notice of frequency assignment to Earth station—Receiving Earth station
FCC 130–A
Nonrecurring
State or local governments/businesses or other institutions operators of satellite systems
SIC: 489
Other Advancement and regulation of commerce, 125 responses, 125 hours;

$50,000 Federal cost, 1 form not applicable under 3504(h)
William T. Adams, 202–395–4814

Required by treaty to provide necessary information to the international frequency registration board of the International Telecommunication Union to project U.S. Government and non-Government frequency assignments.

- Notice of frequency assignment to space station—Receiving space station

130–B
On occasion
State or local governments/businesses or other institutions operators of satellite systems
SIC: 489
Other advancement and regulation of commerce, 125 responses, 125 hours; $50,000 Federal cost, 4 forms, not applicable under 3504(h)
William T. Adams, 202–395–4814

Required by treaty to provide necesary information to the international frequency registration board of the International Telecommunication Union to protect U.S. Government and non-Government frequency assignments.

- Notice of frequency assignment to earth station—Transmitting Earth station

130–E
On occasion
State or local governments/businesses or other institutions operators of satellite systems
SIC: 489
Other advancement and regulation of commerce; 125 responses, 125 hours; $50,000 Federal cost, 4 forms, not applicable under 3504(h)
William T. Adams, 202–395–4814

Required by treaty to provide necessary information to the international frequency registration board of the International Telecommunication Union to protect U.S. Government and non-Government frequency assignments.

- Notice of Frequency Assignment to Space Station—Transmitting Space Station

130–S
On occasion
State or local governments/businesses or other institutions
Operators of satellite systems
SIC: 489
Other advancement and regulation of commerce, 125 responses, 125 hours; $50,000 Federal cost, 4 forms; not applicable under 3504(h)
William T. Adams, 202–395–4814

Required by treaty to provide necessary information to the International Frequency Registration Board of the International Telecommunication Union to protect U.S. Government and non-Government Frequency assignments.

NATIONAL FOUNDATION ON THE HUMANITIES

Agency Clearance Officer—Victor Loughnan—202–724–0306

Revisions

- NEH Application Cover Sheet

Nonrecurring
Individuals or households/businesses or other institutions
Grant applicants—Indiv. not for profit organizations
SIC: 821, 822, 823, 829, 841, 892, 863
Research and general education aids, 20,000 responses, 10,000 hours; $1,000 Federal cost, 1 form; not applicable under 3504(h)
Diane Wimberly, 202–395–6880

Standardized application cover sheet providing data necessary to the grant application review and grant administration process. This form enables the endowment to use automated systems to process the data, ensure response and compliance with requesting requirements.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—492–8585

New

- Document Request

NRC 171, 171A and 171B
On occasion
Individuals or households
Methods of the public wishing to obtain NRC documents
Energy information, policy, and regulation, 11,000 responses, 752 hours; 3 forms; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

These forms are used by the public in requesting documents through the public document room in Washington, D.C. NRC has a private contractor providing reproduction services and these forms provide the necessary controls.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl

New

- Proposed Amendments to Instruction 5 to Item 5 of Regulation S–K Regarding Disclosure of Certain Environmental Proceedings (and Instruction 5 to Item 8 of Form S–18).

Sec. 1982 (Regulation S–K)
Quarterly, other—see SF83
Businesses or other institutions issr. with sec. regis. under, or subj. to the periodic, etc.
SIC: multiple
Small businesses or organizations
Other advancement and regulation of commerce, 40,000 responses, 20,000 hours; $7,177 Federal cost, 1 form; NPRM under 3504(h)
Robert Veeder, 202–395–4814

Legal proceedings arising under environmental laws may have a significant impact on a company's business and financial condition, information about such proceedings is necessary for investors and shareholders to make informed investment and voting decisions. The Commission is proposing to amend the current disclosure requirements, which were adopted in 1973, to improve the quality of disclosure and reduce compl. burd. by allow. omiss. of infor. about less import. proc.

SMALL BUSINESS ADMINISTRATION

Agency Clearance Officer—Betty Osborne—202–653–7738

New

- Small Business National Training Network Survey

On occasion
Individuals or households/businesses or other institutions
Pres. and future. small business owner-managers who have attention training
SIC: multiple
Small businesses or organizations
Other advancement and regulations of commerce, 1,500 responses, 500 hours; $12,500 Federal cost, 1 form; not applicable under 3504(h)
Edward C. Springer, 202–395–4814

The Small Business National Training Network is a joint training activity of the Small Business Administration and the American Association of Community and Junior Colleges. This is a first time venture and it is important to ascertain its value.

VETERANS ADMINISTRATION

Agency Clearance Office—R. C. Whitt—202–389–2146

New

- Veterans Dependency Questionnaire and Instructions for Completing Veteran's Dependency Questionnaire

21–4151 & 21–4151A
Other—see SF83
Individuals or households
Veterans in receipt of additional compensation income security for veterans, 12,000 responses, 4,000

hours; $3,090 Federal cost, 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880. This form is used to obtain dependency evidence for continued entitlement from veterans (receiving compensation for disablitilites rated at 30 percent or more) being paid additional compensation for dependent parents.
• Parent's Dependency Questionnaire and Instructions for Completing Parent's Dependency Questionnaire
21–4139 & 21–4139A
Other—see SF83
Individuals or households
Parents in receipt of death compensation income security for veterans, 61,000 responses, 20,333 hours; $5,090 Federal cost, 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880. This form is used to obtain dependency evidence for continued entitlement from dependent parents of deceased veterans who are in receipt of death compensation.
• Request for Determination of Loan Guaranty Eligibility Unmarried Surviving Spouses
VA26–1817
On occasion
Individuals or households
Unmarried widows/widowers
Veterans housing, 400 responses, 100 hours; $3,224 Federal cost, 1 form; not applicable under 3504(H)
Robert Neal, 202–395–6880
Application submitted by unmarried surviving spouses of veterans for determination of eligibility for VA home loan benefits as authorized under 38 U.S.C. 1801(A)(2).

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81–14827 Filed 5–13–81; 8:45 am]
BILLING CODE 3110–01–M

POSTAL RATE COMMISSION

[Docket No. MC81–1]

Mail Classification Schedule—Second-Class Mail Eligibility Requirements, 1981; Hearing Postponed

May 11, 1981.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Postponing Prehearing Conference", dated May 11, 1981, the initial prehearing conference in this docket scheduled to be held on May 13, 1981, is postponed indefinitely.

David F. Harris,
Secretary.

[FR Doc. 81–14885 Filed 5–13–81; 8:45 am]
BILLING CODE 7715–01–M

[Docket No. MC76–5]

Mail Classification Schedule, 1976; Rescheduled Hearing

May 11, 1981.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Delaying Hearing", dated May 11, 1981, the conference previously scheduled to be held on May 14, 1981, in this docket is rescheduled to be held on June 17, 1981, at 9:30 a.m., Hearing Room, Postal Rate Commission, 2000 L Street NW., Suite 500, Washington, D.C.

David F. Harris,
Secretary.

[FR Doc. 81–14886 Filed 5–13–81; 8:45 am]
BILLING CODE 7715–01–M

SELECTIVE SERVICE SYSTEM

Privacy Act of 1974; Notice of Systems of Records, Proposed Revision of System of Records

AGENCY: Selective Service System.

ACTION: Proposed Revision of System of Records.

SUMMARY: The Selective Service System proposes to revise its system of records SSS–8 necessitated by the resumption of registration under the Military Selective Service Act (50 U.S.C. App. 453). The system that will be revised pertains to suspected violators of the Military Selective Service Act.

COMMENT DATE: Comments are due on or before June 15, 1981.

ADDRESS: Selective Service System, ATTN: Records Manager, Washington, D.C. 20435.

FOR FURTHER INFORMATION CONTACT: C. E. Boston, Records Manager, Selective Service System, Washington, D.C. 20435. Phone (202) 724–0939.

SUPPLEMENTARY INFORMATION: The system of records, SSS–8, that will be revised appears at 41 FR 53965. An earlier proposed but not implemented revision appears at 45 FR 30537.

Bernard Rostker,
Director of Selective Service.

May 8, 1981.

SSS–8

SYSTEM NAME:

Suspected Violator Inventory System (SVIS)—SSS.

SYSTEM LOCATION:

National Headquarters, Selective Service System, Washington, D.C. 20435.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Alleged violators of the Military Selective Service Act (50 U.S.C. App. 451 *et. seq.*) who are identified by unsolicited communications (primarily letters) from the public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, Selective Service Number (if any), Social Security Account Number (if any), report, status, and disposition data relating to alleged violations of the Military Selective Service Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 10(b)(3) of the Military Selective Service Act (50 U.S.C. App. 460(b)(3)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The names of individuals identified as alleged violators of the Military Selective Service Act will be checked against the SSS registrant file. If the individual has registered the incoming communication will be destroyed an no further action will be taken. If the individual is not listed in the registrant file, or cannot be identified therein, the incoming communication will be forwarded to the Department of Justice for investigation and, if applicable, prosecution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

See Storage, Retrievability, Safeguards, Access, Retention and Disposal below.

STORAGE:

Upon receipt of unsolicited communications regarding alleged violators of the Military Selective Service Act who are not listed in the SSS registrant file, two files will be created. One will be a paper file, maintained in file folders, containing the original correspondence. This correspondence will be maintained only until sent to the Department of Justice. The second will be an automated tracking system which contains the name of the alleged violator, social security number if available, date sent to the Department of Justice, final disposition when received and case number.

RETRIEVABILITY:

Indexed by Selective Service Number, Social Security Account Number, Name and Case Number (If any).

SAFEGUARDS:

(a) Records are available to authorized SSS personnel only. Authorized personnel include the Director, Deputy Director, Associate Director for Policy Development and Administrative Legal Systems, Associate Director for Mangement Information Systems, the General Counsel, computer operators involved in the processing the information and other personnel specifically authorized by the Director, Deputy Director, Associate Directors or the General Counsel to have access to the information.

(b) Paper records and file folders are kept in a locked file cabinet accessible only to authorized personnel.

(c) Building is secured and patrolled after normal business hours.

(d) With respect to computer files, they will be maintained at the Joint Computer Center in Great Lakes Illinois.

(i) Security guards for the building will allow access to authorized personnel only.

(ii) Computer room will be secured with cypher locks.

(iii) Terminal access to the computer system will be restricted to those with valid user ID and password.

(iv) Customer Information Control System will require additional password for interactive access to data base information.

(v) A software security package will protect access to data on the system.

(vi) Access to the violator section of the data base will not be possible without specific authorization by the Data Base Administrator.

RETENTION AND DISPOSAL:

Upon receipt of information regarding an alleged violation of the Military Selective Service Act, SSS will check the registrant file for the individual's name. If the individual has registered the incoming correspondence will be destroyed and no record will be made or retained by SSS. If the individual is not listed in the registrant file, the individual will be entered in the automated tracking system and the incoming correspondence will be sent to the Department of Justice. SSS will not retain copies of the incoming correspondence or any record identifying the source of the information regarding an alleged violation. Once Justice has disposed of the case as appropriate, they will notify SSS and the individual will be deleted from the tracking system.

All paper forms and corespondence will be destroyed by maceration, shredding or burning after the appropriate information has been recorded. Computer printouts distributed to National Headquarters, SSS are destroyed when they have served their temporary purpose by maceration, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Selective Service, National Headquarters, Selective Service System, Washington, D.C. 20435.

NOTIFICATION PROCEDURE:

Same as the above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.

b. Date of birth.

c. Selective Service Number or Social Security Account Number.

d. Mailing address to which the reply should be mailed.

RECORD ACCESS PROCEDURES:

An individual can obtain information on the procedures for gaining access to and contesting records through: Director Selective Service, National Headquarters, Selective Service System, Washington, D.C. 20435, Attn.: Records Manager.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

The information in this system of records regarding alleged violators of the Military Selective Service Act is received via unsolicited correspondence and telephone calls from the public.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Selective Service System will not reveal to the suspected violator the informant's name or other identifying information relating to the informant.

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TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Act of 1933 and Public Utility Regulatory Policies Act of 1978; Policy on Dispersed Power Production and Interim Program and Guidelines for Implementation

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of TVA's policy on dispersed power production and interim program and guidelines for implementation.

SUMMARY: TVA has developed a policy to encourage dispersed power production in the Tennessee Valley region and an interim program and guidelines to assist TVA and the distributors of TVA power in implementation of the policy. The policy, program, and guidelines encompass cogeneration and small power production facilities included under sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95-617) (PURPA). TVA has taken this action on behalf of itself and the distributors of TVA power in accord with the provisions of PURPA and the Federal Energy Regulatory Commission's (FERC) regulations implementing said statutory provisions.

EFFECTIVE DATE: The policy, interim program, and guidelines are effective as of April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Dawn S. Ford, Tennessee Valley Authority, 400 Commerce Avenue, EPB20, Knoxville, Tennessee 37902, (615) 632-4100.

SUPPLEMENTARY INFORMATION: Information on a proposed policy, an interim program, and guidelines to assist in implementing the policy was printed in the **Federal Register** on December 3, 1980, and also sent to some 1,500 individuals and organizations believed to have an interest in the matter. The public was invited to comment in writing as well as to participate in an oral comment session held in Chattanooga, Tennessee, on January 19, 1981.

The policy, interim program, and guidelines are intended to encourage the development of cogeneration and small power production facilities in the Tennessee Valley region.

Cogeneration facilities simultaneously produce two forms of useful energy, such as electric power and steam. Cogeneration facilities use significantly less fuel to produce electricity and steam (or other forms of energy) than would be needed to produce the two separately. Thus, by using fuels more efficiently, cogeneration facilities can make a significant contribution to the Nation's effort to conserve its energy resources.

Small power production facilities rely mainly on biomass, waste, or renewable resources, including wind, solar, and water, to produce electric power. Reliance on these sources of energy can reduce the need to consume fossil fuels to generate electric power.

TVA's policy and the program and guidelines implementing that policy are intended to foster the development of cost-effective dispersed power production facilities and to provide the means by which such facilities may be integrated with TVA's generation and

construction activities and conservation programs. In general this involves:

A policy that commits TVA to the support of cost-effective dispersed power production developments in the region.

Interim guidelines and experimental purchase/resale schedules for purchase from and service to qualified producers by TVA and the distributors as required by FERC's rules under PURPA.

Additional interim guidelines for purchase from the service to certain small power production and cogeneration facilities that may be acquired by the distributors of TVA power.

The policy and the implementing program and guidelines are generally the same as originally proposed. However, there have been certain minor modifications and clarifications in response to comments that were received. In addition, Saturday has been excluded from being an onpeak day under the price schedule. The effect is to reduce to 60 the number of currently designated onpeak hours in a week.

Criteria under FERC's rules for determining the eligibility of production facilities for the benefits prescribed by PURPA are followed in TVA's program. In addition to such things as producer qualifications, the guidelines include uniform arrangements for the region with respect to responsibilities for interconnection facilities, metering equipment, and safety and system protection requirements.

In adopting the interim guidelines and pricing schedules it was recognized that subsequent changes may need to be made on the basis of early experience of TVA and the distributors in this rapidly developing area. It did not appear that it would be feasible to adopt a final pricing schedule at this time since there may be significant pricing modifications to accommodate changes in the wholesale rate that may result from pending rate change proceedings between TVA and the distributors. Accordingly, the price schedule applicable under the subject policy will serve as an interim measure. It is generally the same as that being used in TVA's Experimental Cogeneration Program.

Although dispersed power production facilities owned and operated by distributors would not be qualified facilities under PURPA, distributors of TVA power may be able to contribute significantly to the development of dispersed power production in the TVA region. Accordingly, TVA's program includes distributor-owned facilities.

To accommodate full distributor participation in the dispersed power production program, TVA is prepared to make changes in the present contractual arrangements with the distributors that require them to purchase all their power requirements from TVA.

Contract provisions limiting the use of power revenues have been used by TVA to help ensure that power is made available to consumers at the lowest possible cost, while at the same time ensuring the viable financial operation of distributor electric systems. In light of the broadening of the scope of the distributors' activities contemplated by the dispersed power production program, TVA believes the present provisions should be modified to permit limited use of revenues for the evaluation and funding of cost-effective projects.

TVA as necessary will monitor and take appropriate measures to ensure that implementation of the interim dispersed power production program by the distributors is carried out in a manner consistent with these program guidelines. Included in this oversight activity would be the review and approval before initial application by the distributors of any additional specifications they may wish to adopt to supplement these guidelines. Also, during the period that the interim guidelines are in effect, the TVA staff would work with representatives of the distributors, the general public, and other interested parties to explore various modifications and changes in the price schedules and guidelines that might enhance their effectiveness in achieving policy objectives.

The TVA policy, interim guidelines, and experimental price and rate schedules for dispersed power production are printed below.

Dated: May 7, 1981.

W. F. Willis,

General Manager.

Interim Program for Dispersed Power Production; TVA Policy Statement

Consistent with the provisions of the TVA Act and the national goals of energy conservation, efficient use of resources, and fair rates to all electric consumers, TVA encourages the use of cost-effective dispersed power production projects by the region's power distributors and electric consumers and will make such changes in its wholesale and resale contract provisions and rate schedules, develop programs for dispersed power production, and take such other actions, all as TVA deems necessary to permit optimum development of such projects in an environmentally acceptable manner.

Interim Guidelines

The guidelines are intended to assist TVA and its distributors in developing arrangements for the effective utilization of dispersed power production in the Tennessee Valley. The guidelines are of a general nature and are intended to encompass a wide range of possibilities in this new area. As experience is obtained modifications to the guidelines may be necessary and may be made by TVA from time to time as it deems appropriate.

A. Facilities Owned by All Entities Except Distributors of TVA Power.

1. Criteria for Qualified Facilities

Critieria for qualification of small power production facilities and cogeneration facilities are the same as set out in FERC's rules (18 CFR Part 292).

2. Purchase of Output from Qualified Facilities

a. Owners of qualified facilities (qualified producers) will be allowed the option of either (1) using the output of their production facilities to supply their own requirement or (2) selling their surplus or entire output to the connecting electric system, either the local distributor of TVA power or TVA.

b. Until October 1, 1982, owners of qualified cogeneration facilities may make arrangements to sell their output under the provisions of TVA's Experimental Cogeneration Program which was initiated on August 30, 1979.

c. The qualified producer's right to sell power to the distributor or TVA may be subject to temporary curtailments during system emergencies and when, as a result of operational circumstances, the delivery of such power would interfere with the safe operation of TVA's and/or distributor's respective power systems.

d. All qualified producers that desire to sell power to the distributors of TVA power or TVA will be required to execute contractual agreements.

3. Purchase Price for Power from Qualified Facilities

a. Until October 1, 1982, qualified producers will have the option of (1) receiving payments for the output of their facilities billed under the experimental pricing schedules (see attached Experimental Price Schedule DPP–X) or (2) any alternative pricing schedule that TVA may publish for use by itself and the distributors of TVA power prior to that date.

b. Qualified producers that enter into contracts prior to October 1, 1982, for the sale of power will be entitled to continue to be paid on the basis of the contracted pricing schedule for the term

of the contract but not in excess of 10 years.

c. Payments under the pricing schedule to qualified producers that elect to sell their output to other than the connecting electric system will be subject to adjustments for line losses on and reasonable wheeling charges by the connecting electric system.

4. Availability of Standby Power to Qualified Facilities for Scheduled Maintenance and Emergency Backup

a. The purchase of standby power by qualified producers will be optional.

b. Qualified producers contracting for the purchase of standby power requirements will have the option of (1) paying for such service under the experimental pricing schedule (see attached Experimental Standby Power Rate Schedule SP–X) or (2) any alternate standby rate schedule that TVA may publish for use by itself and the distributors of TVA power.

c. When the purchase of standby power requires the distributors or TVA to provide additional interconnection or metering facilities, qualified producers will pay for the additional costs of such facilities in accordance with subsections A.6.a. and c. of the guidelines.

5. Sale of Power to Qualified Facilities

a. Qualified producers located with the area served with TVA power may purchase their firm, supplemental, or interruptible power requirements under the standard rates for their customer classifications currently in effect for the portion of the area in which a particular producer is located.

b. Qualified producers will contract for their expected maximum supply requirements including, as appropriate, amounts that may be needed to compensate for scheduled or unscheduled loss of output from their own production facilities when a particular qualified producer elects not to purchase standby power.

c. Neither TVA nor the distributors of TVA power will contract or otherwise become obligated to sell power to any qualified producers that are not located within the area in which TVA power can be made available under the provisions of the TVA Act.

6. Responsibility for Interconnection and Metering Costs

a. Owners of qualified facilities will be required to pay for any additional transmission or distribution costs (including the costs of metering, system protection, and safety equipment) to the extent that such costs are in excess of those that the distributors of TVA power and TVA would have incurred if the qualified producer's output had not been purchased. For the duration of the Experimental Cogeneration Program, TVA will continue to pay the cost of cogeneration metering installations for facilities qualifying thereunder.

b. Existing customers of the distributors or TVA that subsequently install qualified facilities may also be required to compensate the distributor or TVA for the unamortized costs less salvage value of any existing transmission or distribution facilities that are rendered surplus by changes in the customer's supply requirements. When such surplus facilities are serverable from distributor's or TVA's system, the qualified producer will have the option of taking possession of such facilities in lieu of receiving any credit for salvage value and/or the amortized costs of the facilities.

c. When electric systems are required to furnish the transmission and distribution facilities specified in a. and b. above, the qualified producer will be allowed to reimburse the electric system by either making a lump-sum payment at the beginning of the contract term or making equivalent monthly payments over the term of the contract. When the monthly payment option is elected, the electric system may include a finance charge based on the electric system's cost of money at the time that the facility investment was made.

When the electric system continues to operate and maintain the facilities for the benefit of the qualified producer, it may charge for such services either by billing the producer for the periodic costs as incurred or in equivalent uniform monthly amounts.

7. Compliance with Safety, System Protection, and System Operating Guidelines—For Qualified Producers Operating in Parallel (see also section C for supplemental details and requirements for nonparallel operation)

a. Qualified producers will be required to provide and maintain suitable apparatus to prevent operation of their production facilities from causing unusual fluctuations or disturbances on the distributors' or TVA's systems.

b. Qualified producers will cooperate with the distributors and TVA in developing mutually acceptable operating procedures for delivery of the ouptput of the qualified producers' facilities.

c. Qualified producers will be responsible for providing and maintaining all equipment they deem necessary for the protection of their own property and operations.

d. All protection, safety, and interconnecting equipment installed by qualified producers must meet standards of good utility practices and be capable of continuous parallel operation with TVA's and distributors' systems.

B. Facilities Owned by Distributors of TVA Power.

1. Criteria for Authorized Facilities

a. Distributors will be permitted to develop, own, and operate facilities that meet the qualifying criteria referred to in section A.1. with the exception of criteria in FERC's rules limiting electric system participation in facility ownership; provided the distributors comply with the following additional requirements.

b. Without prior approval from TVA, distributors will not undertake the construction or acquisition of production facilities with design production capacities in excess of (1) 80 MW for any individual facility or (2) any amount that would cause the aggregate production capacity of all production facilities owned by the distributor to exceed 10 percent of the distributor's peak capacity requirements projected for the year in which the facilities become operational.

c. Without prior approval from TVA, distributors will not undertake the construction or acquisition of production facilities for which the ongoing annual revenue requirements in the event of facility failure will cause the projected ongoing annual revenue requirements for all production facilities of the distributor to exceed 10 percent of the distributor's projected annual net revenues from its electric operations (resale electric revenues less total power supply costs) during any year after the facilities become operational.

d. In seeking TVA's prior approval of projects that exceed the limitations in subsections b. and c. above, it will be the responsibility of the distributor to notify TVA in writing of the proposed undertaking and to provide TVA with such data and information as TVA might reasonably request for the purpose of evaluating the technical and financial feasibility of the proposed project. If the distributor has received no response from TVA within 90 days from the date that the distributor submitted such notice and information to TVA, the distributor may proceed with the proposed project.

2. Purchase of Output from Distributor-Owned Facilities.

a. Distributors owning authorized facilities will be allowed the option of either (1) using the output to partially supply their own power requirements or (2) selling their surplus or entire output to TVA.

b. Distributors' right to sell power to TVA may be subject to temporary

curtailments during system emergencies and when, as a result of operational circumstances, the delivery of such power will interfere with the safe operation of TVA's bulk power supply system.

3. Purchase of Output from Distributor-Owned Facilities.

a. Until October 1, 1982, distributor producers will have the option of (1) receiving payments for the output of authorized facilities billed under the pricing schedule (see attached Experimental Price Schedule DPP–X) or (2) any alternative pricing schedule that TVA may publish for use by itself and the distributors of TVA power prior to that date.

b. Distributor producers that enter into contracts prior to October 1, 1982, for the sale of their output will be entitled to continue to be paid on the basis of the contracted pricing schedule for the term of the contract not to exceed 10 years.

c. Payments under the pricing schedule to distributor producers will be increased as appropriate to reflect any savings in TVA's transmission losses resulting from TVA's purchases from the distributor.

4. Availability of Standby Power to Distributors for Scheduled Maintenance and Emergency Backup.

a. TVA will make arrangements for the supply of standby power to distributors for resale to qualified producers interconnected with their systems. Qualified producers contracting for the purchase of standby power requirements will do so in accordance with section A.4.

b. When distributors own production facilities and elect to use the output of their facilities to reduce their supply requirements from TVA or when distributors contract with qualified producers for the same purpose and the aggregate supply of a particular distributor from other than TVA sources exceeds 10 percent of the distributor's total peak supply requirements, TVA reserves the right to require the distributor to purchase reasonable amounts of standby power from TVA. In the event this level of supply is achieved through dependence upon facilities operated by customers of the distributor, TVA will work with distributor to develop an appropriate method for allocating the charges for said supply of standby power among those customers.

c. When the purchase of standby power requires TVA to provide additional interconnections or metering facilities, distributors will pay for the additional costs of such facilities in accordance with subsection B.6.a. of the guidelines.

5. Sale of Power to Distributors Owning Authorized Production Facilities or Purchasing Partial Requirements from Qualified Producers.

a. Distributors obtaining part of their total supply requirements from their authorized facilities or their customers' qualified facilities may purchase the balance of their supply requirements from TVA at the then-current wholesale rate for municipal and cooperative distributors of TVA power; provided, however, as indicated in 4.b. above, distributors that purchase less than 90 percent of their peak capacity requirements from TVA may be required to purchase reasonable amounts of standby power from TVA.

b. For planning purposes, distributors should anticipate that the structure of TVA's wholesale rate may be changed to track TVA production costs from time of use—peak responsibility standpoints—and that these changes could affect the economics of distributor-owned facilities. Such modifications should have little or no effects on the economics of distributor purchases from qualified facilities owned by their customers since it is contemplated that their output will be purchased under price schedules that reflect the wholesale rate.

6. Responsibility for Transmission and Metering Costs.

a. Distributors that acquire production facilities for partial supply of their own requirements or for sale to TVA will be required to pay TVA for any additional transmission or distribution costs (including the costs of metering, system protection, and safety equipment) to the extent that any such additional costs are in excess of those that TVA would have incurred if the distributor did not acquire production facilities.

b. Distributors that purchase output for their own use from qualifying facilities owned by their customers will be required to pay TVA for any additional transmission or delivery costs (including the costs of metering, system protection, and safety equipment) imposed on TVA to the extent that any such additional costs are in excess of those that TVA would have incurred if the distributors did not purchase part of their requirements from qualified producers. Likewise, distributors shall require qualified producers to bear the additional distribution costs resulting from their purchase commitments to qualified producers.

c. Distributors that accept delivery of the output purchased by TVA from qualifying facilities owned by the distributor's customers will be repaid by TVA for any additional transmission, distribution, and administration costs that the distributor incurs to the extent that such additional costs are in excess of those the distributor would have incurred if TVA had not purchased output from the distributor's customers. For the duration of the present Experimental Cogeneration Program, this will take the form of 1½ percent of the sum of (1) all standby power charges (reservation, demand use, and energy use) billed to cogenerators plus (2) the total amount paid by TVA for cogenerated energy purchased from cogenerators connected to the distributor's system.

d. Distributors that operate production facilities or purchase output from their customers for their own requirements may be required to compensate TVA for the unamortized costs of any existing transmission or distribution facilities owned by TVA that are rendered surplus by any reduction in the customer's supply requirements from TVA.

7. Compliance with Safety, System Protection, and System Operating Guidelines (see also section C for supplemental details).

a. Distributor producers will be required to provide and maintain suitable apparatus to prevent operation of their production facilities from causing unusual fluctuations or disturbances on TVA's system.

b. Distributor producers will cooperate with TVA in developing mutually acceptable operating procedures for integrating the output of their production facilities with the output from TVA's production facilities.

c. Distributor producers will be reasonable for providing and maintaining all equipment they deem necessary for the protection of their own property and operations.

d. All protection, safety, and interconnection equipment installed by distributor producers must meet standards of good utility practices and be capable of continuous parallel operation with TVA's system.

8. Contract Amendments and Arrangements for Distributors TVA will enter into contract amendments and arrangements that:

a. Recognize that there may be limited distributor ownership and operation of production facilities meeting the criteria set forth in section B.1. and that distributors may purchase power from qualifying cogeneration facilities and qualifying small power production facilities as referred to in section A.

b. Permit distributors to use up to 2 percent of their annual net revenues (resale electric revenue less wholesale power cost) for research and

demonstration activities including the evaluation of proposed dispersed power production projects. Activities requiring aggregate expenditures above this amount would be subject to prior review and approval by TVA.

c. Provide that in seeking TVA's prior approval of research and development expenditures that exceed the limitations in subsection b. above, it will be the responsibility of the distributor to notify TVA in writing of the proposed expenditure and to provide TVA with such data and information as TVA might reasonably request for the purpose of evaluating the proposed research and development activity. If the distributor has received no response from TVA within 90 days from the date the distributor submitted such notice and information to TVA, the distributor may proceed with the proposed expenditure.

d. Provide that TVA be given reasonable advance notice of all power production facilities that either the distributors or their customers plan to acquire, and to coordinate with TVA the development of any necessary power supply and operating arrangements.

e. Provide, at the distributor's option, for TVA to compensate the distributor for any net difference in the distributor's total power supply costs as determined by TVA that may result from the distributor's entering into one or more contracts to purchase the output from qualified producers whose individual production capacity is in excess of 100 kW. This approach will be applicable for all other qualified producers that exceed this production capacity level on the distributor's system.

C. Supplemental Safety and System Protection Requirements Applicable to Owners of Qualified Production Facilities.

These requirements shall be applicable to assure system safety and reliability of interconnected operations. The adequacy of safety and system protection facilities for interconnection with qualified producers will be determined by TVA and, as appropriate, by the distributors but only insofar as necessary to determine the compatibility of such facilities with the connecting electric system.

It is recommended that the connecting electric system, TVA or distributor, emphasize to prospective qualified producers the importance of discussing plans with the connecting electric system before purchasing or installing equipment.

1. Fault Protection.

a. Adequate protection facilities shall be provided by the owner to protect the line(s) connecting the production facility to the electric system from fault currents originating from the production facility. The owner will provide adequate fault current interruption capability with secondary relaying and control circuits.

b. It shall be the responsibility of the owner to provide adequate protection for its production facility from fault currents originating in the electric system because of a fault in the production facility.

2. Overvoltage and Undervoltage.

a. It shall be the responsibility of the owner to provide adequate protection or safeguards to prevent damage to the connecting electric system caused by overvoltage originating from the operation of the production facility.

b. It shall be the responsibility of the owner to provide adequate protection of its production facility from inadvertent overvoltages originating on the connecting electric system.

c. It shall be the responsibility of the owner to provide facilities adequate to prevent the production facility from being damaged by undervoltage conditions on the connection electric system.

3. Synchronization and Isolation.

a. The owner shall provide adequate facilities for the proper synchronization of its production facility with the connecting electric system such that synchronism is accomplished without causing undesirable currents, surges, or voltage dips on the connecting electric system.

b. The owner shall provide means for properly disconnecting the production facility from the connecting electric system for system line interruptions, for occasions when the connecting electric system becomes isolated from its source of generation, and for the proper resynchronization of the production facility after such interruptions or isolation.

c. In order to provide safety for the connecting electric system's employees performing emergency repairs or routine maintenance to its lines, the owner must provide equipment for disconnecting and isolating the production facility. Such equipment must be capable of preventing the production facility from energizing the system's lines during such interruptions and must include a device (or devices) which the electric system's employees can operate and lock so as to isolate the production facility and prevent all means of backfeed into the connecting electric system.

d. The owner may install generating facilities to supply a portion of its load without operating its generating facilities in parallel with the electric system. In these instances, the owner must verify to the electric system that the switches used for transferring the load from the electric system lines to the onsite generation facilities will meet the electric system's requirements for nonparallel operation. Also, the owner must verify there is no possibility of backfeed to the electric system's lines. If it is found that the generating facilities can backfeed, the facilities must meet the requirements for parallel operation.

4. Grounding.

The facilities (generator, connecting transformer, etc.) that connect to the electric system must be grounded in such a way that coordination is maintained with the relay protection system in use by the connecting electric system and the connected facilities will be protected from deleterious voltages during fault conditions.

5. Harmonics.

a. Adequate design precautions must be taken by the owner to prevent excessive and deleterious harmonic voltages or currents caused by the production facility from occurring on the connecting electric system.

b. The production facility must be designed to operate with normal harmonic voltages and currents that originate from the connecting electric system.

6. Power Factor.

Owners of production facilities operated in parallel with the connecting electric system will be required to meet the following requirements:

a. Production facilities with a maximum output of less than 100 kW shall be operated to maintain a power factor of no less than 0.85 lagging (consuming vars) at the times of the connected electric system's onpeak load conditions and a power factor of no less than 0.95 leading (sending vars) at the times of the connected electric system's offpeak load conditions.

b. Production facilities with a maximum output of 100 kW to 1,000 kW shall be operated to maintain a power factor of no less than 0.90 lagging (consuming vars) at the times of the connected electric system's onpeak load conditions and a power factor of no less than 0.99 leading (sending vars) during the connected electric system's offpeak load conditions.

c. Production facilities with a maximum output of over 1,000 kW shall be operated to maintain a power factor of no less than 0.90 lagging (consuming vars) at the times of the connected electric system's onpeak load conditions. Such production facilities shall be operated to avoid a leading power factor (sending vars) during the

connected electric system's offpeak load conditions.

The electric system reserves the right to make periodic tests to determine the power factor of the owner's production facilities and to depart from the above requirements by mutual agreement with the owner of the production facilities.

7. Voltage Regulation.

The owner shall provide necessary voltage regulation equipment to prevent the production facility from causing excessive voltage variation on the connecting electric system. The voltage variation caused by the production facility must be within ranges capable of being handled by the voltage regulation facilities used by the connecting electric system.

8. Voltage Flicker.

The voltage surges caused by the operation, synchronization, or isolation of the production facility shall be within the standards of frequency of occurrence and magnitude established by the connecting electric system to prevent undue voltage flicker on the connecting electric system.

9. Voltage Balance.

a. The voltage produced by the production facility must be balanced if it is a three-phase installation. The waveform must be sinusoidal and compatible with the operation of the connecting electric system.

b. The owner will be responsible for protecting its production facility from the inadvertent phase unbalance in electric system's voltage.

10. Operational Oversight.

a. The owner will be responsible for operating its production facility in a manner that will not cause undesirable or harmful effects to the connecting electric system or its other customers.

b. The owner will not begin initial operation of the production facility until it has received written approval from the connecting electric system.

c. The owner shall supply the connecting electric system with technical specifications and drawings relating to the production facilities and related interconnection, operation, and protective equipment and any proposed changes to the aforesaid facilities.

d. The connecting electric system shall have the right at any time to inspect and test the operation of any control and protective equipment owned and maintained by the owner.

e. If, subsequent to initial operation, a production facility is unable to comply with the Safety, System Protection, and System Operating Guidelines as provided herein, or is otherwise operated in an unsafe manner, the facility may be disconnected from the electric system until the problem has been corrected.

11. Metering.

The type of metering and associated equipment shall be determined by the electric system. Selection of metering arrangements will be based upon the lowest cost for equipment and arrangements that will also meet the electric system's reasonable data requirements. Operation, maintenance, and testing of the metering equipment may be required from time to time by the electric system. When tests are requested by the owner of a production facility, such tests shall be at the owner's expense.

Experimental Price Schedule DPP–X

Availability

The output of small power production and cogeneration facilities that qualify under TVA's Dispersed Power Production Program will be purchased by TVA or distributors of TVA power in accordance with the current guidelines for this program.

Character of Purchasee Power

Unless otherwise provided by contract, the character of purchased power will be alternating current, single or three-phase, 60 hertz. Voltage shall be determined by the voltage of TVA's or Distributor's electric lines in the vicinity of the facilities to be connected unless otherwise agreed.

Purchase Prices

Energy from qualifying dispersed power production facilities will be paid for on the following basis:

A. For small power producers with production capacity of less than 100 kW, without time-of-day metering capability, payment on a monthly basis of an amount per kWh at 1.00 times the base price for all energy purchased.

B. For small power producers with production capacity of less than 100 kW with time-of-day metering capability; all small power producers with production capacity of 100 kW or greater; and all cogenerators, payment on a monthly basis of an amount per kWh determined as follows:

(1) 1.35 times the base price for energy purchased during onpeak hours, and

(2) 0.85 times the base rpice for energy purchased during offpeak hours.

The base price shall equal the sum of the following: (1) the demand charge of the Wholesale Power Rate (Wholesale Power Rate—Schedule WS) expressed in cents per kW, divided by 730 hours, and (2) the energy charge of said Wholesale Power Rate—Schedule WS (exclusive of any exempt or special energy charges). The demand charge and energy charge under items (1) and (2) above shall both reflect any changes in or modifications to Wholesale Power Rate—Schedule WS, including any replacement thereof, and shall both be adjusted by TVA from time to time in accordance with the adjustment provisions of TVA's wholesale power contracts.

Onpeak hours shall be:

During months of January–April and October–December from 6 a.m. to 12 noon and from 4 p.m. to 10 p.m., excluding Saturdays, Sundays and designated Federal holidays. During months of May–September from 10 a.m. to 10 p.m., excluding Saturdays, Sundays and designated Federal holidays.

Offpeak hours shall be:

All hours not onpeak hours.

All hours on Saturdays, Sundays and designated Federal holidays.

Designated Federal holidays are January 1, Memorial Day, July 4, Labor Day, Thanksgiving, and Christmas Day. The above times shall be the applicable local standard times prescribed under the Uniform Time Act of 1966, as amended. The time periods are subject to change by published notice from TVA but the total number of onpeak hours will not be less than 45 per week.

EXPERIMENTAL STANDBY POWER RATE SCHEDULE SP–X

Availability

Available for small power producers and cogenerators that qualify under TVA's Dispersed Power Production Program and that elect to purchase standby service for scheduled maintenance and emergency backup power supply.

Character of Standby Service

Alternating current, single or multiphase, 60 hertz. Voltage supplied shall be at the discretion of Distributor and shall be determined by the voltage available from distribution lines in the vicinity or as otherwise agreed upon.

Standby Power Charges

Reservation charges:

30 percent of the Demand Charge per month per kilowatt of the customer's standby contract demand, plus 4 percent of the Demand Charge per month per kilowatt of the aggregate production capacity of customer's facilities

Demand use charges*:

20 percent of the Demand Charge per week per kilowatt of maintenance power prescheduled by the customer, plus 40 percent of the Demand Charge per week per kilowatt of emergency backup power used by the customer

Energy use charge*:

3 percent of the Demand Charge per day per kilowatt of maintenance power prescheduled by the customer and emergency backup power used by the customer

Demand Charge as used above refers to the demand charge set out in Part B of the TVA General Power Rate Schedule, as adjusted pursuant to any then effective Adjustment Addendum, that is applicable for service to customer.

*Standby demand use charges will be prorated for periods of less than one week. The energy use charge is in addition to the energy charge under the applicable resale rate schedule which is applicable to all energy furnished to the customer.

Contract Requirement

Customers to whom this rate schedule is applicable shall be required to execute contracts, and such contracts shall be for a term not to exceed 10 years.

Payment

Bills under this rate schedule will be rendered monthly. Any amount of bill unpaid after due date specified on bill may be subject to additional charges under Distributor's standard policy.

Single-Point Delivery

The charges under this rate schedule are based upon the supply of standby service through a single delivery and metering point, and at a single voltage. If service is supplied to the same customer through more than one point of delivery or at different voltages, the supply of service at each delivery and metering point and at each different voltage shall be separately metered and billed under this rate schedule.

Service is subject to Rules and Regulations of the Distributor and guidelines in TVA's Dispersed Power Production Program.

Currently Effective Prices and Charges for the Purchase of Power From and the Supply of Standby Power to Small Power Production and Cogeneration Facilities

April 2, 1981.[1]

Purchase of Power by TVA or Distributor—Schedule DPP-X

A. For small power producers with production capacity of less than 100 kW, without time-of-day metering capability.

Energy price:

All kilowatthours per month at 3.062 cents per kilowatthour.

B. For small power producers with production capacity of less than 100 kW with time-of-day metering; all small producers with production capacity of 100 kW or greater; and all cogenerators.

Energy price:

All onpeak kilowatthours per month at 4.120 cents per kilowatthour.

All offpeak kilowatthours per month at 2.594 cents per kilowatthour.

Purchase of Standby Power by Customer—Schedule SP-X

Reservation charges:

$1.82 per month per kilowatt of customer's standby contract demand, plus

$0.24 per month per kilowatt of customer's aggregate production capacity.

Demand use charges:

$1.22 per week per kilowatt of maintenance power prescheduled by customer, plus

$2.43 per week per kilowatt of emergency backup power used by customer.

Energy use charge:

$0.18 per day per kilowatt of maintenance power prescheduled by customer and emergency backup power used by customer.

[FR Doc. 81-14497 Filed 5-13-81; 8:45 am]

BILLING CODE 8120-97-M

[1] All prices and charges are subject to subsequent adjustments, changes, and other provisions as set forth in the price and rate schedules.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-035]

Towing Safety Advisory Committee; Meeting

Pursuant to section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Towing Safety Advisory Committee. The meeting will be held on Wednesday and Thursday, May 27 and 28, 1981 in Room 8336, 8th floor, of the NASSIF Building, 400 7th Street SW., Washington, D.C. On both days the meeting is scheduled to begin at 9:00 a.m. and recess at 4:00 p.m. The agenda for the meeting is as follows:

1. Qualifications of the Person in Charge of Oil Transfer Operations
2. Oil Tank Barge Construction Standards
3. Integrated Tug Barge Combinations
4. Plan Review and Vessel Inspections by the American Bureau of Shipping (ABS)
5. Performance Standards for Pilots
6. Coast Guard Plans for Noise Level Standards
7. Fixed Fire Extinguishing Systems—Portable Extinguishers
8. Vessel Casualty Reporting
9. Port and Tanker Safety Act Delegations
10. Inspection of Tank Barges (Advance Change to MSM)
11. Roles and Missions for the U.S. Coast Guard
12. Vessel Traffic Services, In General
13. Changes to Subchapter "O" Tables
14. Navigation Safety Regulations Revision
15. Navigation Lights for Small Vessels
16. Hazardous Substance Pollution Prevention Regulation
17. Aluminum Hatch Covers Aboard Tank Vessels
18. Steering Gear Drills and Tests
19. Aligning Subchapter "D" and Title 33 CFR Requirements
20. Marine Personnel Safety Standards
21. Permanently Moored Tank Barges
22. Carriage of Liquified Gases

Attendance is open to the public. Additional information may be obtained from Commander A. D. Utara, Executive Secretary, Towing Safety Advisory Committee, U.S. Coast Guard (G-CMC), Washington, D.C. 20593, (202) 426-1477.

Dated: May 11, 1981.

A. D. Utara,

Commander, Coast Guard Executive Secretary, Marine Safety Council.

[FR Doc. 81-14504 Filed 5-13-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement; Anoka County, Minn.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in the cities of Ramsey, Anoka, and Andover, in Anoka County, Minnesota.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. Bahler, Area Engineer, Federal Highway Administration, Metro Square Building, St. Paul, MN 55101, telephone: (612) 725-5956; Mr. C. E. Weichselbaum, District 5, State Aid Engineer, 2055 North Lilac Drive, Golden Valley, MN 55422, telephone: (612) 545-3781; and Mr. Paul K. Ruud, County Engineer, County of Anoka, Department of Highways, Court House, Anoka, MN 55303, telephone: (612) 421-4780.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the

Minnesota Department of Transportation (MN/DOT) and Anoka County intend to develop an environmental impact statement for the proposed extension of Anoka County Road =118 from Minnesota Trunk Highway =47, in the city of Ramsey, to Anoka County State Aid Highway =7 (7th Avenue) in the city of Anoka. The proposed project would include slightly over 1 mile of new controlled access roadway consisting of four traffic lanes, a bridge over the Rum River, traffic signal installation at the termini, and (depending upon which alternative alignment is chosen) a pedestrian bridge and Rum River backwater bridge. The location of the proposed bridge is approximately 1.5 miles north of the U.S. Highway 10 bridge over the Rum River. It is anticipated that a Department of the Army Section 404 permit will also be requested based on this EIS.

The proposed project is a central link in the transportation corridor between the cities of Ramsey and Andover. The area's needs which would be met by the proposed project include reduction of existing and future traffic congestion on U.S., State, and County highways; shortening of the current circuitous route between Andover and Ramsey and provision of a route free of railroad grade crossings, thus reducing the potential for grade-crossing accidents and emergency vehicle delays.

A Project Development Report for the proposed project was prepared in accordance with the State of Minnesota Action Plan Guidelines and distributed in 1979. Five alternatives have been identified. The first alternative considered is to do nothing. The remaining four alternatives consist of roadway and bridge construction on varying alignments. The first alternative (do nothing) has less adverse environmental impacts than the action alternatives, but does not meet the area's transportation needs. The four action alternatives meet the objectives of reducing future traffic congestion, reducing trip length, and reducing potential railroad grade crossing accidents and delays, but involve varying adverse impacts on wetlands, open spaces, and existing development. Three alternatives would impact the Anoka Open Space which falls under the protection of Section 4(f) of the Department of Transportation Act.

No formal scoping meeting will be scheduled. A draft environmental assessment was prepared for the proposed project and was reviewed by a number of interested agencies. Their comments have been received and represent the major issues raised by the proposed project. Therefore, it is anticipated that the scope of the environmental impact statement will be based largely on the draft environmental assessment and the comments received in response to the draft. The draft EIS will continue to be coordinated with appropriate Federal, State, County and City agencies, the Metropolitan Council and public citizens.

The Project Development Schedule indicates that the Draft Environmental Impact Statement will be distributed in the fall of 1981.

To assure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed project and the EIS should be directed to FHWA, MN/DOT or Anoka County at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205 (Highway Research, Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program).

Issued on April 28, 1981.

James E. St. John,

Staff Specialist for Environment, St. Paul, Minnesota.

[FR Doc. 81-14461 Filed 5-13-81; 8:45 am]

BILLING CODE 4910-22-M

Nonapplicability of 23 U.S.C. 113 to Resurfacing, Restoration, and Rehabilitation (3R) Projects

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This notice provides information indicating that title 23, United States Code, does not require the application of a prevailing rate of wage to Federal-aid highway contracts for resurfacing, restoration, and rehabilitation projects.

FOR FURTHER INFORMATION CONTACT: Mr. Sanford P. LaHue, Office of Highway Operations, 202-426-0340; or Mr. T. Bradley Foote, Office of the Chief Counsel, 202-426-0786, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 113, title 23, United States Code, requires that contracts for "initial construction" on the Federal-aid highway systems require that laborers and mechanics be paid wages at rates not less than those prevailing on similar construction in the immediate locality. The wage rates are to be determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a). Certain Federal-aid highway projects are for the resurfacing, restoration, and rehabilitation (3R) of roadways on Federal-aid systems and are carried out according to the provisions of title 23, United States Code. These specific projects are by their very nature, work performed sometime after the previously performed "initial construction." Section 113 specifically limits its application of prevailing wage rates to "initial construction."

Thus this Notice transmits information assuring the non-application of a prevailing rate of wage to Federal-aid highway 3R construction contracts. It also provides that existing 3R contracts which may contain a prevailing rate of wage provision be enforced.

1. *Purpose.* To transmit the following information pertaining to resurfacing, restoration, and rehabilitation (3R) projects contracts.

2. *Action.* a. Wage rates established by the United States Department of Labor in accordance with the Davis-Bacon Act and required by 23 U.S.C. § 113 to be used for initial construction porjects on the Federal-aid highway systems shall not be incorporated in 3R project contracts.

b. The provisions of 23 U.S.C. § 113 do not apply to 3R projects as such projects are not included within the term "initial construction."

c. Provisions of existing contracts for 3R projects requiring the payment of wages at rates not less than those established by the United States Department of Labor shall be fully enforced.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on May 5, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81-14460 Filed 5-13-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP81-12; Notice 1]

Mohawk Rubber Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

Mohawk Rubber Co. of Roanoke, Virginia, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraphs S4.3 (b) and (c) of Standard No. 109 require that the sidewalls of each passenger car tire be labeled with the maximum permissible inflation pressure and maximum load rating. Mohawk has manufactured over 2,600 P 205/70R14 Avanti Steel Belted Radial tires incorrectly marked on both sidewalls as "MAX. LOAD 615 kg (1356 lbs.) AT MAX. INFLATION 240 kPa (35 P.S.I.)". The correct marking should read "MAX. LOAD 650 kg (1433 lbs.) AT MAX. INFLATION 240 kPa (35 P.S.I.)". Mohawk argues that the noncompliance is inconsequential because the incorrect maximum load figure is less than the maximum load specification of the tire.

Interested persons are invited to submit written data, views and arguments on the petition of Mohawk Rubber Co. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

Comment closing date: June 15, 1981.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on May 8, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-14343 Filed 5-13-81; 8:45 am]

BILLING CODE 4910-59-M

National Highway Safety Advisory Committee; Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App. I), notice is hereby given of a meeting of the National Highway Safety Advisory Committee to be held June 16-17, 1981.

The meetings will start at 9:00 a.m. on both days. On the first day the Committee will meet to review and vote on several reports. They are: Support for Highway Safety Programs; Emergency Medical Services; Alcohol, Drugs and Traffic Safety; and Public Information and Education. On June 17 the full Committee will present the reports that have been approved to Departmental officials.

All meetings will be held in the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C. in Room 2230. Attendance is open to the interested public, but limited to the space available. Members of the public may present a written statement to the Committee at any time.

This meeting is subject to the approval of the appropriate DOT officials. Additional information may be obtained from the NHTSA Executive Secretary, Room 5221, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on May 7, 1981.

Robert E. Doherty,

Executive Secretary.

[FR Doc. 81-14236 Filed 5-13-81; 8:45 am]

BILLING CODE 4910-59-M

Urban Mass Transportation Administration

Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act (83 Stat. 852) and the Council on Environmental Quality's implementing regulations (40 CFR Parts 1500-1508), the Urban Mass Transportation Administration gives notice that an Environmental Impact Statement (EIS) is being prepared for alternatives for a J-Line Connection proposed by the San Francisco Municipal Railway. The EIS will incorporate all requirements for an Environmental Impact Report in accordance with the California Environmental Quality Act and applicable guidelines.

The San Francisco Municipal Railway proposes, with Federal capital grant assistance, to connect the J-Line from its present terminal at 30th and Church Streets to its vehicle storage facility at San Jose and Ocean Avenues over a surface route. The proposed connection will reduce the amount of non-revenue miles each vehicle must travel each day between the vehicle storage facility and the starting point of revenue service on its route.

Three alternative routes plus a no-build alternative will be analyzed in the environmental impact statement. The three alternative routes between the present J-Line and the storage facility at San Jose and Ocean Avenues are:

1. From 30th and Church Streets via 30th Street and San Jose Avenue to Ocean and San Jose Avenues. A route along Dolores Street between 30th Street and San Jose Avenue is also being considered.

2. From 30th and Church Street via 30th Street, San Jose Avenue, Circular Avenue, Judson Avenue, Phelan Avenue, and Ocean Avenue to San Jose and Ocean Avenues.

3. From Army and Church Streets on the J-Line via Army Street, Valencia Street, Mission Street, and Ocean Avenue to San Jose and Ocean Avenues.

A scoping meeting will be held in San Francisco, California on Wednesday, May 27, 1981. To achieve maximum participation, two (2) sessions will be held: 10:00 a.m. and 7:00 p.m. The 10:00 a.m. meeting will be held at the Utilities Engineering Bureau, Rm. 19 (1st floor conference room), 693 Vermont Street. The 7:00 p.m. meeting will be held at St. Paul's Elementary School, 1660 Church Street. The Urban Mass Transportation Administration invites the participation of agencies and individuals with expertise or interest to comment on the scope of this environmental impact statement.

Comments and questions regarding the proposed action and environmental impact statement should be referred to: Sue C. Kaminsky, Environmental Protection Specialist, Planning and Analysis Division, Office of Program Analysis, Urban Mass Transportation Administration, Washington, D.C., Telephone Number (202) 472-7100.

Dated: May 6, 1981.

Robert W. Steul,

Acting Associate Administrator for Transit Assistance.

[FR Doc. 81-14364 Filed 5-13-81; 8:45 am]

BILLING CODE 4910-57-M

VETERANS ADMINISTRATION

New Regional Office Building, Veterans Administration Medical and Regional Office Center, Sioux Falls, S. Dak.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of a New Regional Office Building at the VA Medical and Regional Office Center, Sioux Falls, South Dakota.

This project proposes to construct a new freestanding office building to house the Regional Office functions at the VA's Sioux Falls facility. The proposed building is a one story structure of approximately 16,000 net square feet. In addition, there may be a future connecting tunnel to a proposed hospital addition to the main building.

All Regional Office functions will be housed at the VAMROC eliminating the small contingent currently located in the downtown area.

Several locations at the VAMROC were considered, but due to constraints imposed by the site and the budget, were determined not to be viable. No locations were considered offsite and the existing offsite contingent of the Regional Office will be consolidated onsite in the New Regional Office Building.

It has been determined that the only potential long term impact is related to cultural resources and aesthetics as the VA facility is designated as architecturally significant. This impact will be mitigated through compliance with National Historic Preservation Act requirements for design and design oversight by the appropriate historic preservation officers (Federal, State, and local).

Temporary impacts associated with construction include but are not limited to noise, dust, fumes, and visual impacts. These impacts are short-term in nature and will be mitigated by the application of VA environmental protection specifications. Mitigative actions will include but are not limited to measures to reduce noise levels, control fugitive dust, control construction equipment emissions, reduce erosion, and provide proper sedimentation traps. The project will comply with the appropriate Federal, State, and local codes and permits.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessement is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202-389-2526). Questions or requests for single copies of the Envoronmental Assessment may be addressed to: Director, Envoronmental Affairs Office (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: May 5, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-14505 Filed 5-13-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 93
Thursday, May 14, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Items
Federal Communications Commission	1, 2
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1

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold a Special Open Meeting on the Subjects listed below on Friday, May 15, 1981 at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Common Carrier—1—Title: Docket No. 80-765—Revisions to AT&T's Tariff F.C.C. No. 259, WATS (Transmittal No. 13555); Docket No. 80-54—Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services. Summary: The Commission will consider results of its investigation of AT&T's September, 1980, WATS proposal concerning incorporation of a time-of-day sensitive rate structure element into that tariff. Additionally, petition for reconsideration and motion for expedited relief filed with regard to Commission action ordering removal of resale and sharing restrictions in AT&T's MTS and WATS tariffs will be considered.
Formerly Item 10, 5-7-81.

Common Carrier—2—Title: Notice of Inquiry into the policies to be followed in the future licensing of telecommunications facilities in the Pacific Region for the 1981-1995 time period. Summary: This item considers the initiation of a comprehensive facilities planning process for the Pacific Region during the 1981-1995 time period. The issue is whether a comprehensive review of the Pacific Region during the specified time period is more desirable than the Commission's current ad hoc application review process.
Formerly Item 12, 5-7-81.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: May 8, 1981.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[S-787-81 Filed 5-13-81; 3:29 pm]
BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

The Commission will hold a Special Closed Meeting on the subjects listed below on Friday, May 15, 1981, following the Special Open Meeting, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Broadcast—1—Report for the Commission's Information on Preparation of the 5-Year AM Station Planning List for Submission to I.T.U. International Frequency Registration Board by May 31, 1981.
General—1—D.C. Circuit's Opinion in Gottfried v. FCC, decided April 17, 1981 which remanded to the Commission for further proceedings the renewal application of public television station KCET-TV.
General—2—Procedure for Disposition on a Primary Jurisdiction Referral of Plaintiff's claims against the government defendents in the actions challenging the so-called "family viewing policy."
General—3—Review of Proposed Personnel Action.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Addition information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: May 8, 1981.

Federal Communications Commission.

William J. Tricarico,
Secretary.

[S-786-81 Filed 5-12-81; 2:25 pm]
BILLING CODE 6712-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, May 11, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Mr. Charles E. Lord, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Request by a State nonmember bank for an opportunity to make an oral presentation before the Board of Directors in connection with its application to establish a branch.

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: May 11, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-788-81 Filed 5-12-81; 11:34 am]
BILLING CODE 6714-01-M

4

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, May 14, 1981 at 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C., Fifth Floor.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Mississippi Special Election(s).
Budget Execution Report.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-785-81 Filed 5-13-81; 9:00 am]
BILLING CODE 6715-01-M

5

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: May 11, 1981, 46 FR 26214.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:00 a.m., May 13, 1981.

CHANGES IN THE MEETING: The time of the meeting changed from 9:00 a.m. to 2:00 p.m. on May 13, 1981.

Withdrawal of the following items from the open session:

2. Nigeria-United States Discussion Agreement No. 10407.

4. Proposed Rulemaking—Petition of Sea-Land for Rulemaking to Promulgate Filing Requirements for Publication of Per-Container Rates in the U.S. Foreign Commerce.

Addition of the following item to the closed session:

1. Intermodal Legislation.

[S-739-81 Filed 5-13-81; 3:32 pm]

BILLING CODE 6730-01-M

6

NATIONAL SCIENCE BOARD.

DATE AND TIME:

May 21, 1981; 8:30 a.m.; open session: 11:15 a.m.; closed session.

May 22, 1981; 9:00 a.m.; open session: 10:30 a.m.; closed session.

PLACE: 1800 G Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS:

Thursday, May 21, 8:30 a.m.

1. Minutes–Open Session—225th Meeting.
2. Chairman's Items.
3. Director's Report.
a. Report on Grant and Contract Activity—4/15–5/20/81.
b. Organizational and Staff Changes.
c. Congressional and Legislative Matters.
d. NSF Budgets for Fiscal Years 1981 and 1982.
e. Other Items.
4. NSF Advisory Groups and Other Events.
5. Program Review—International Programs.
6. Discussion of NSF's Role in International Scientific Activities—Reports of NSF Advisory Committee on International Programs.
7. Grants, Contracts, and Programs.

Friday, May 22, 9:00 A.M.

8. Discussion of International Scientific Cooperative Activities with Dr. Philip Handler, President, National Academy of Sciences.
9. Reports on Meetings of Board Committees.
10. Annual Business.
11. Other Business.
12. Next Meeting National Science Board, June 17–19, National Academy of Sciences Study Center, Woods Hole, Massachusetts.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

Thursday, May 21, 11:15 a.m.

A. Minutes—Closed Session—225th Meeting.
B. Annual Business.
C. NSB and NSF Staff Nominees.
D. Appointments to Alan T. Waterman Award Committee.
E. NSB Annual Reports.
F. NSF Budgets for Fiscal Year 1983 and Subsequent Years.

Friday, May 22, 10:30 a.m.

G. Grants, Contracts, and Programs.
H. Export of Technological Data.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 357–9582.

[S-754-81 Filed 5-12-81; 9:05 am]

BILLING CODE 7555-01-M

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federal register

Thursday
May 14, 1981

Part II

Office of Management and Budget

Rescissions and Deferrals; Cumulative Report

OFFICE OF MANAGEMENT AND BUDGET

Rescissions and Deferrals; Cumulative Report

May 1, 1981.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of May 1, 1981 of 155 rescissions and 106 deferrals contained in the first nine special messages for fiscal year 1981. These messages were transmitted to the Congress on October 1 and December 2, 1980, January 15 and 29, February 13, March 10, 17, and 19, and April 27, 1981.

Rescissions (Table A and Attachment A)

Rescission proposals totalling $14,753.9 million are currently pending before the Congress. This includes $1.5 million transmitted in the fourth special message and released for obligation on March 26, 1981, and $2,769.5 million transmitted in the eighth special message and released for obligation on April 28. Rescission of these funds is still under active consideration by the Congress. Table A summarizes the status of rescissions proposed by the President as of May 1, 1981, while Attachment A shows the history and status of each rescission proposed during fiscal year 1981.

Deferrals (Table B and Attachment B)

As of May 1, 1981, $4,740.9 million in 1981 budget authority was being deferred from obligation and another $10.8 million in 1981 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during fiscal year 1981.

Information from special messages

The special messages containing information on the deferrals covered by the cumulative report are printed in the **Federal Registers** of:

Monday, October 6, 1980 (Part VIII, Vol. 45, No. 195)
Friday, December 5, 1980 (Part VII, Vol. 45, No. 236)
Wednesday, January 21, 1981 (Part XII, Vol. 46, No. 13)
Tuesday, February 3, 1981 (Part III, Vol. 46, No. 22)
Thursday, February 19, 1981 (Part II, Vol. 46, No. 33)
Friday, March 13, 1981 (Part VI, Vol. 46, No. 49)
Monday, March 23, 1981 (Part III, Vol. 46, No. 55)
Tuesday, March 24, 1981 (Part III, Vol. 46, No. 56)
Friday, May 1, 1981 (Part IV, Vol. 46, No. 84)

David A. Stockman,
Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1981 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$ 15,896.3
Rescission proposals withdrawn	-1,142.4
Accepted by the Congress	-0-
Rejected by the Congress	-0-
Pending before the Congress	$ 14,753.9

* *

TABLE A

STATUS OF 1981 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$ 8,608.0
Routine Executive releases (-3,874.7 million) and adjustments (+18.4 million) through May 1, 1981	-3,856.3
Overturned by the Congress	-0-
Currently before the Congress	$ 4,751.7 a.

a. This amount includes $10.8 million in outlays for a Department of the Treasury deferral (D81-19B).

Attachments

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 — AS OF 05/06/81 17:29

AS OF MAY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
EXECUTIVE OFFICE OF THE PRESIDENT							
Council on Env Quality and Office of Env Quality							
Council on Env. Quality and Office of Env Quality							
BA	R81- 38		708	3 17 81			
Council on Wage and Price Stability							
Salaries and expenses							
BA	R81- 34		1,900	1 29 81		1,900	3 29 81
Office of Science and Technology Policy							
Salaries and expenses							
BA	R81- 39		995	3 17 81			
EXECUTIVE OFFICE OF THE PRESIDENT TOTAL BA			3,603			1,900	
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Development Programs							
Appalachian Regional Development programs							
BA	R81- 40		110,000	3 17 81			
Disaster Relief							
Disaster relief							
BA	R81- 41		8,000	3 17 81			
International Development Assistance							
Sahel development program							
BA	R81- 42		3,000	3 17 81			
Inter-American Foundation							
Inter-American Foundation							
BA	R81- 43		138	3 17 81			
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA			120,138				
DEPARTMENT OF AGRICULTURE							
Agricultural Stabilization Conservation Service							
Dairy and beekeeper indemnity programs							
BA	R81- 44		1,900	3 17 81			
Rural Electrification Administration							
Rural communication development fund							
BA	R81- 45		16,341	3 17 81			
BA	R81- 45A		-341	4 27 81			
Farmers Home Administration							
Rural development planning grants							
BA	R81- 46		2,000	3 17 81			
Rural community fire protection grants							
BA	R81- 47		1,900	3 17 81			
Rural housing supervisory assistance grants							
BA	R81- 48		500	3 17 81			
Rural housing insurance fund							
BA	R81-119		316,000a	3 17 81			
Agricultural credit insurance fund							
BA	R81-120		88,850a	3 17 81			
Rural development insurance fund							
BA	R81-121		160,000a	3 17 81			
DEPARTMENT OF AGRICULTURE TOTAL BA			598,380				

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981

AS OF MAY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF COMMERCE							
Economic Development Administration							
Economic development assistance programs							
BA	R81- 49		342,350	3 17 81			
Regional Development Programs							
Regional development programs							
BA	R81- 50		21,000	3 17 81			
United States Travel Service							
Salaries and expenses							
BA	R81- 51		41	3 17 81			
National Oceanic and Atmospheric Administration							
Operations, research, and facilities							
BA	R81- 1	30,493b		1 15 81		30,493	2 13 81
BA	R81-123		36,493	3 19 81		36,493	4 28 81
Construction							
BA	R81- 52		9,000	3 17 81			
Coastal energy impact fund							
BA	R81- 53		40,000	3 17 81			
Science and Technical Research							
Scientific and technical research and services							
BA	R81- 54		3,370	3 17 81			
National Telecommun. and Info Administration							
Salaries and expenses							
BA	R81- 55		313	3 17 81			
Public telecommun facil., plan. and construction							
BA	R81- 2	4,000b		1 15 81		4,000	2 13 81
BA	R81-124		25,717	3 19 81		25,717	4 28 81
Maritime Administration							
Research and development							
BA	R81- 56		2,500	3 17 81			
DEPARTMENT OF COMMERCE TOTAL BA		34,493	480,784			96,703	
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Elementary and secondary education							
BA	R81- 4	52,150b		1 15 81		52,150	2 13 81
BA	R81-126		982,385	3 19 81		982,385	4 28 81
School assistance in federally affected areas							
BA	R81- 3	148,000b		1 15 81		148,000	2 13 81
BA	R81-125		66,500	3 19 81		66,500	4 28 81
Equal educational opportunities							
BA	R81- 57		73,253	3 17 81			
Office of Special Education and Rehab. Services							
Education for the handicapped, gifted and talented							
BA	R81- 58		267,938	3 17 81			
Rehabilitation services and handicapped research							
BA	R81- 59		22,323	3 17 81			
Office of Vocational and Adult Education							
Vocational and adult education							
BA	R81- 5	11,862b		1 15 81		11,862	2 13 81
BA	R81-127		238,777	3 19 81		238,777	4 28 81

ATTACHMENT A.- STATUS OF RESCISSIONS - FISCAL YEAR 1981 — AS OF 05/06/81 17.20

AS OF MAY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Office of Postsecondary Education							
Student loan insurance							
BA	R81- 6	78,726b		1 15 81		78,726	2 13 81
BA	R81-120		103,270	3 19 81		103,270	4 28 81
Higher and continuing education							
BA	R81- 7	30,989b		1 15 81		30,989	2 13 81
BA	R81-125		49,239	3 19 81		49,239	4 28 81
College housing loans							
BA	R81- 60		14,980	3 17 81			
Office of Educational Research and Improvement							
Libraries and learning technologies							
BA	R81- 61		42,780	3 17 81			
Institute of museum services							
BA	R81- 62		12,287	3 17 81			
School improvement programs							
BA	R81- 63		38,606	3 17 81			
DEPARTMENT OF EDUCATION TOTAL BA		321,729	1,908,848			1,761,900	
DEPARTMENT OF ENERGY							
Energy Programs							
Energy supply R&D- operating expenses							
BA	R81- 8	25,026b		1 15 81		26,026	2 13 81
BA	R81-130		126,808	3 19 81		126,382	4 28 81
BA	R81-130A		-337	4 27 81			
Energy supply R&D- plant and capital equip.							
BA	R81- 9	3,650b		1 15 81		3,650	2 13 81
BA	R81-131		7,967	3 19 81		7,967	4 28 81
Fossil energy research and development							
BA	R81- 10	25,450b		1 15 81		25,450	2 13 81
BA	R81-132		65,932	3 19 81		65,932	4 28 81
Fossil energy construction							
BA	R81- 64		246,900	3 17 81			
Energy production demo. and distribution							
BA	R81- 65		12,649	3 17 81			
Energy conservation							
BA	R81- 11	47,800b		1 15 81		47,800	2 13 81
BA	R81-133		306,045	3 19 81		306,045	4 28 81
Energy information administration							
BA	R81- 66		13,443	3 17 81			
Economic regulation							
BA	R81- 67		33,198	3 17 81			
Geothermal resources development fund							
BA	R81- 68		22,066	3 17 81			
Alternative fuels production							
BA	R81- 69		300,000	3 17 81			
Departmental Administration							
Departmental administration							
BA	R81- 70		11,900	3 17 81			
DEPARTMENT OF ENERGY TOTAL BA		101,926	1,145,939			608,152	

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 05/08/81 17:28

AS OF MAY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Health Services Administration								
Health services								
	BA	R81- 12	8,057b		1 15 81		8,057	2 13 81
	BA	R81-134		11,616	3 19 81		11,616	4 28 81
Indian health facilities								
	BA	R81- 17		8,871	3 17 81			
Centers for Disease Control								
Preventive health services								
	BA	R81- 13	27,000b		1 15 81		27,000	2 13 81
	BA	R81-135		38,520	3 19 81		38,520	4 28 81
National Institutes of Health								
National Cancer Institute								
	BA	R81- 14	13,965b		1 15 81		13,965	2 13 81
	BA	R81-136		17,996	3 19 81		17,996	4 28 81
National Heart, Lung, and Blood Institute								
	BA	R81- 15	10,324b		1 15 81		10,324	2 13 81
	BA	R81-137		11,120	3 19 81		11,120	4 28 81
National Institute of Dental Research								
	BA	R81- 16	302b		1 15 81		302	2 13 81
	BA	R81-138		700	3 19 81		700	4 28 81
Nat. Inst. of Arth., Metab. and Diges. Diseases								
	BA	R81- 17	3,232b		1 15 81		3,232	2 13 81
	BA	R81-139		3,843	3 19 81		3,843	4 28 81
Nat. Inst. of Neurol. and Comm. Disord. and Stroke								
	BA	R81- 18	2,031b		1 15 81		2,031	2 13 81
	BA	R81-140		4,388	3 19 81		4,388	4 28 81
Nat. Inst. of Allergy and Infectious Diseases								
	BA	R81- 72		1,088	3 17 81			
Nat. Inst. of General Medical Sciences								
	BA	R81- 73		18,882	3 17 81			
Nat. Inst. of Child Health and Human Develop.								
	BA	R81- 19	3,285b		1 15 81		3,285	2 13 81
	BA	R81-141		4,119	3 19 81		4,119	4 28 81
National Eye Institute								
	BA	R81- 20	2,353b		1 15 81		2,353	2 13 81
	BA	R81-142		3,896	3 19 81		3,896	4 28 81
Nat. Inst. of Environmental Health Sciences								
	BA	R81- 21	2,258b		1 15 81		2,258	2 13 81
	BA	R81-143		2,179	3 19 81		2,179	4 28 81
National Institute of Aging								
	BA	R81- 22	966b		1 15 81		966	2 13 81
	BA	R81-144		1,983	3 19 81		1,983	4 28 81
Research resources								
	BA	R81- 23	10,561b		1 15 81		10,561	2 13 81
	BA	R81-145		3,714	3 19 81		3,714	4 28 81
National Library of Medicine								
	BA	R81- 24	341b		1 15 81		341	2 13 81
	BA	R81-146		341	3 19 81		341	4 28 81
Office of the Director								
	BA	R81- 25	360b		1 15 81		360	2 13 81
	BA	R81-147		360	3 19 81		360	4 28 81

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 — AS OF 05/06/81 17:29

AS OF MAY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Alcohol, Drug Abuse, and Mental Health Admin.								
Const. and renovation, St. Elizabeths Hospital								
	BA	R81- 74		1,020	3 17 81			
Alcohol, drug abuse, and mental health								
	BA	R81- 26	67,140a		1 15 81		67,140	2 13 81
	BA	R81-148		98,370	3 19 81		98,370	4 28 81
Health Resources Administration								
Health resources								
	BA	R81- 27	78,883a		1 15 81		78,883	2 13 81
	BA	R81-149		131,751	3 19 81		131,751	4 28 81
Office of Assistant Secretary for Health								
Salaries and expenses								
	BA	R81- 75		30,724	3 17 81			
Health Care Financing Administration								
Payments to health care trust funds								
	BA	R81- 76		8,883	3 17 81			
Program management								
	BA	R81- 77		6,863	3 17 81			
Social Security Administration								
Refugee assistance								
	BA	R81- 78		35,100	3 17 81			
Human Development Services								
Human development services								
	BA	R81- 28	10,000a		1 15 81		10,000	2 13 81
	BA	R81-150		10,100	3 19 81		10,100	4 28 81
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA			241,080	448,826			986,736	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing progrms								
	BA	R81- 79		5,099,900	3 17 81			
Congregate services progrm								
	BA	R81- 29	10,000a		1 15 81		10,000	2 13 81
	BA	R81-151		10,000	3 19 81		10,000	4 28 81
Solar Energy and Energy Conservation Bank								
Assistance for solar and conserv. improvements								
	BA	R81- 80		127,000	3 17 81			
Community Planning and Development								
Planning assistance								
	BA	R81- 81		34,976	3 17 81			
Rehabilitation loan fund								
	BA	R81- 82		110,857	3 17 81			
Neighborhoods, Vol. Assoc. and Consumer Prot.								
Housing counseling assistance								
	BA	R81- 83		6,000	3 17 81			
Neighborhood self-help devel. program								
	BA	R81- 84		8,119	3 17 81			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA			10,000	5,390,086			20,000	

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 05/08/81 17:39

AS OF MAY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF THE INTERIOR							
Office of Water Research and Technology							
Salaries and expenses BA	R81- 85		11,000	3 17 81			
United States Fish and Wildlife Service							
Construction and anadromous fish BA	R81- 86		2,500	3 17 81			
National Park Service							
Urban park and recreation grants BA	R81- 87		35,000	3 17 81			
Land and water conservation fund BA	R81- 88		250,000	3 17 81			
Historic preservation fund BA	R81- 89		8,000	3 17 81			
Construction (trust fund) BA	R81- 90		15,900	3 17 81			
Office of Surface Mining Reclam. and Enforcement							
Regulation and technology BA	R81- 91		1,954	3 17 81			
Office of the Solicitor & Office of the Secretary							
Youth conservation corps BA	R81- 25		38,194	3 10 81			
DEPARTMENT OF THE INTERIOR TOTAL BA			362,948				
DEPARTMENT OF LABOR							
Employment and Training Administration							
Temporary employment assistance BA	R81- 82		234,475c	3 17 81			
DEPARTMENT OF STATE							
Bureau of Refugee Programs							
Migration and refugee assistance BA	R81- 83		22,500	3 17 81			
Bureau for International Narcotics Matters							
International narcotics control BA	R81- 84		3,100	3 17 81			
DEPARTMENT OF STATE TOTAL BA			25,600				
DEPARTMENT OF TRANSPORTATION							
Urban Mass Transportation Administration							
Urban mass transportation fund BA	R81- 95		24,700	3 17 81			
Research and Special Programs Administration							
Cooperative automotive research BA	R81- 96		11,500	3 17 81			
DEPARTMENT OF TRANSPORTATION TOTAL BA			36,200				

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 — AS OF 05/06/81 17:20

AS OF MAY 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF THE TREASURY							
Bureau of Government Financial Operations							
Biomass energy development							
BA	R81- 97		1,346,900	3 17 81			
BA	0000						
DEPARTMENT OF THE TREASURY TOTAL BA			1,346,900				
ENVIRONMENTAL PROTECTION AGENCY							
Res. and dev. (pollution and abatement)							
BA	R81- 98		148	3 17 81			
Abatement control and compliance							
BA	R81- 99		1,253	3 17 81			
Construction grants							
BA	R81-100		1,700,000	3 17 81			
BA	0000						
ENVIRONMENTAL PROTECTION AGENCY TOTAL BA			1,701,402				
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
Research and development							
BA	R81-101		4,900	3 17 81			
BA	0000						
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TOTAL BA			4,900				
VETERANS ADMINISTRATION							
Construction, major projects							
BA	R81-102		162,160	3 17 81			
BA	0000						
VETERANS ADMINISTRATION TOTAL BA			162,160				
OTHER INDEPENDENT AGENCIES							
Action							
Operating expenses, domestic programs							
BA	R81-103		3,307	3 17 81			
BA	R81-103A		-3,007	4 23 81			
Arms Control and Disarmament Agency							
Arms control and disarmament activities							
BA	R81-104		1,900	3 17 81			
Community Services Administration							
Community services program							
BA	R81- 30	6,000b		1 16 81	6,000	2 13 81	
BA	R81-152		6,000	3 18 81	6,000	4 28 81	
Corporation for Public Broadcasting							
Salaries and expenses							
BA	R81-105		88,000	3 17 81			

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Federal Mediation and Conciliation Service								
Salaries and expenses								
	BA	R81-106		687	3 17 81			
Federal Mine Safety and Health Review Commission								
Salaries and expenses								
	BA	R81- 31	163b		1 15 81		163	2 13 81
	BA	R81-153		186	3 19 81		186	4 28 81
Federal Trade Commission								
Salaries and expenses								
	BA	R81-107		226	3 17 81			
Marine Mammal Commission								
Salaries and expenses								
	BA	R81-108		4	3 17 81			
Merit Systems Protection Board								
Office of the special counsel								
	BA	R81-109		210	3 17 81			
National Consumer Cooperative Bank								
Investment in Nat. Consumer Cooperative Bank								
	BA	R81- 36		59,849	3 10 81			
Self-help development and technical assistance								
	BA	R81- 37		29,990	3 10 81			
National Science Foundation								
Research and related activities								
	BA	R81-110		66,000	3 17 81			
	BA	R81-110A		6	4 27 81			
Science and engineering activities								
	BA	R81-111		16,000	3 17 81			
	BA	R81-111A		4	4 27 81			
Occupational, Safety, and Health Review Comm.								
Salaries and expenses								
	BA	R81-112		38	3 17 81			
Office of Fed. Insp. for the Alaska Nat. Gas Sys.								
Salaries and expenses								
	BA	R81-113		445	3 17 81			
Pennsylvania Avenue Development Corporation								
Salaries and expenses								
	BA	R81-114		60	3 17 81			
Postal Service								
Payment to the Postal Service Fund								
	BA	R81- 32	250,000b		1 15 81		250,000	2 13 81
	BA	R81-154		250,000	3 19 81		250,000	4 28 81
Selective Service System								
Salaries and expenses								
	BA	R81-115		1,940	3 17 81			
Small Business Administration								
Salaries and expenses								
	BA	R81-116		1,405	3 17 81			
Tennessee Valley Authority								
Tennessee Valley Authority fund								
	BA	R81- 33	177,000b		1 15 81		177,000	2 13 81
	BA	R81-117		900	3 17 81			
	BA	R81-155		177,000	3 19 81		177,000	4 28 81

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Water Resources Council								
Water resources planning	BA	R81-116		5,000	3 17 81			
OTHER INDEPENDENT AGENCIES TOTAL	BA		433,163	712,241			866,340	
OFF-BUDGET FEDERAL ENTITIES								
Department of Agriculture								
Rural electr. and telephone revolving fund	BA	R81-122		187,000a	3 17 81			
	BA	R81-122A		d	4 27 81			
TOTAL	BA		1,142,381	14,783,870			3,840,340	

FOOTNOTES

a. This amount represents a proposed reduction in authority to incur obligations for direct loans.

b. This rescission proposal was withdrawn on February 13, 1981.

c. The amount withheld totals $45,000,000, which is $180,475,000 less than the amount proposed for rescission.

d. This supplementary report was transmitted solely to report a technical correction to the appropriation language accompanying the original report. This change did not affect amounts proposed for rescission.

END OF REPORT

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 05/04/81 12:05

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 5-01-81
FUNDS APPROPRIATED TO THE PRESIDENT									
Appalachian Regional Development Programs									
Appalachian regional development programs	BA	D81- 79	10,000		3 10 81				10,000
International Security Assistance									
Foreign military credit sales	BA	D81- 33	650,250		12 2 80	-650,250			
Economic support fund	BA	D81- 24	1,964,500		12 2 80	-1,019,380			945,120
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL	BA		2,653,750			-1,678,630			975,120
DEPARTMENT OF AGRICULTURE									
Forest Service									
Timber salvage sales	BA	D81- 1	16,481		10 1 80				16,481
Expenses, brush disposal	BA	D81- 2	37,342		10 1 80				
	BA	D81- 2A		3,228	4 27 81				40,570
	BA	0000							
DEPARTMENT OF AGRICULTURE TOTAL	BA		53,823	3,228					57,051
DEPARTMENT OF COMMERCE									
General Administration									
Participation in U.S. expositions	BA	D81- 3	2,867		10 1 80				
	BA	D81- 3A		184	1 15 81				3,051
Minority Business Development Agency									
Minority business development	BA	D81-103	3,400		3 17 81				3,400
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	BA	D81- 42	30,493a		2 13 81	-30,493			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 05/04/81 12:06

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 5-01-81
Construction									
	BA	D81- 4	10,230		10 1 80	-5,239			4,991
Promote and develop fishery products and research									
	BA	D81-106	5,000		4 27 81				5,000
National Telecom and Information Admin.									
Public telecom facilities, plan. & constr.									
	BA	D81- 43	4,000a		2 13 81	-4,000			
Maritime Administration									
Ship construction									
	BA	D81- 80	92,000		3 10 81				92,000
DEPARTMENT OF COMMERCE									
TOTAL	BA		147,980	184		-39,732			108,442
DEPARTMENT OF DEFENSE-MILITARY									
Procurement									
Shipbuilding and conversion, Navy									
	BA	D81- 27	1,135,000		1 15 81				1,135,000
Procurement activities									
	BA	D81- 5	138,700		10 1 80	-138,700			
Research, Development, Test, and Evaluation									
RDT&E Activities									
	BA	D81- 6	46,500		10 1 80	-46,500			
Military Construction									
Military construction (medical) facilities									
	BA	D81- 25	111,300		12 2 80	-111,300			
Military construction, all services									
	BA	D81- 7	6,983		10 1 80				
	BA	D81- 7A		600,344	12 2 80	-457,541		800	150,986
Family Housing, Defense									
Family housing, Defense									
	BA	D81- 8	18,651		10 1 80	-18,651			
	BA	D81- 28	1,992		1 15 81				1,992
DEPARTMENT OF DEFENSE-MILITARY									
TOTAL	BA		1,450,126	600,344		-773,692		800	1,277,578
DEPARTMENT OF DEFENSE-CIVIL									
Corps of Engineers									
Construction, general									
	BA	D81- 81	10,000		3 10 81				10,000
Wildlife Conservation, Military Reservations									
Wildlife conservation, all services									
	BA	D81- 9	667		10 1 80	-136			
	BA	D81- 9A		147	1 15 81	-18		136	796
DEPARTMENT OF DEFENSE-CIVIL									
TOTAL	BA		10,667	147		-154		136	10,796
DEPARTMENT OF EDUCATION									
Office of Elem. and Secondary Education									
Elementary and secondary education									
	BA	D81- 45	52,150a		2 13 81	-52,150			
School assist. in federally affected areas									
	BA	D81- 44	148,000a		2 13 81	-148,000			
Office of Vocational and Adult Education									
Vocational and adult education									
	BA	D81- 46	11,862a		2 13 81	-11,862			
Office of Postsecondary Education									
Student loan insurance									
	BA	D81- 47	78,728a		2 13 81	-78,728			
Higher and continuing education									
	BA	D81- 48	30,989a		2 13 81	-30,989			
Higher education facilities loan and ins.									
	BA	D81- 82	25,000		3 10 81				25,000
DEPARTMENT OF EDUCATION									
TOTAL	BA		346,729			-321,729			25,000

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 05/04/81 12:06

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 5-01-81
DEPARTMENT OF ENERGY									
Atomic Energy Defense Activities									
Operating expenses	BA	D81- 29	5,000		1 15 81	-5,000			
	BA	D81- 29A		5,000	3 10 81			5,000	10,000
Plant and capital equipment	BA	D81- 30	12,000		1 15 81	-12,000			
Energy Programs									
Fossil energy R&D	BA	D81- 31	28,450a		2 13 81	-28,450			
Fossil energy construction	BA	D81- 33	43,000		1 15 81				
	BA	D81- 33A		163,000	3 10 81				
	BA	D81- 33B		d	4 27 81	-105,000			100,000
Energy supply R&D-operating expenses	BA	D81- 31	23,960		1 15 81				
	BA	D81- 49	25,026a		2 13 81	-48,986			
Energy supply R&D-plant and capital equip.	BA	D81- 32	3,690		1 15 81				
	BA	D81- 50	3,650a		2 13 81	-7,340			
Energy conservation	BA	D81- 34	10,450		1 15 81				
	BA	D81- 52	47,800a		2 13 81	-58,250			
Strategic Petroleum Reserve	BA	D81- 53	8,000		3 10 81				8,000
DEPARTMENT OF ENERGY TOTAL BA			306,926	168,000		-261,926		5,000	118,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Services Administration									
Health Services	BA	D81- 53	8,057a		2 13 81	-8,057			
Centers for Disease Control									
Preventive Health Services	BA	D81- 54	27,000a		2 13 81	-27,000			
National Institutes of Health									
National Cancer Institute	BA	D81- 55	13,966a		2 13 81	-13,966			
Nat. Heart, Lung, and Blood Institute	BA	D81- 56	10,324a		2 13 81	-10,324			
Nat. Institute of Dental Research	BA	D81- 57	302a		2 13 81	-302			
Nat. Inst. of Arth., Metab., and Digest. Dis.	BA	D81- 58	3,222a		2 13 81	-3,222			
Nat. Inst of Neuro. and Commun. Dis. and Stroke	BA	D81- 59	2,031a		2 13 81	-2,031			
Nat. Inst. of Child Health and Human Development	BA	D81- 60	3,286a		2 13 81	-3,286			
National Eye Institute	BA	D81- 61	2,353a		2 13 81	-2,353			
Nat. Inst. of Environ. Health Sciences	BA	D81- 62	3,258a		2 13 81	-3,258			
National Institute of Aging	BA	D81- 63	688a		2 13 81	-688			
Research Resources	BA	D81- 64	10,961a		2 13 81	-10,961			
National Library of Medicine	BA	D81- 65	341a		2 13 81	-341			
Office of the Director	BA	D81- 66	360a		2 13 81	-360			
Alcohol, Drug Abuse & Mental Health Administration									
Alcohol, drug abuse & mental health	BA	D81- 67	67,140a		2 13 81	-67,140			
Construction & renovation, St. Elizabeths Hospital	BA	D81- 10	10,000		10 1 80			10,000	
Health Resources Administration									
Health resources	BA	D81- 68	78,683a		2 13 81	-78,683			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 05/04/81 12:05

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 5-01-81
Office of Assistant Secretary for Health								
Special foreign currency program								
BA	D81- 11	8,000		10 1 80				
BA	D81- 11A		1,118	4 27 81				9,118
Social Security Administration								
Limitation on administrative expenses								
BA	D81-104	8,004		3 19 81				8,004
Human Development Services								
Human development services								
BA	D81- 09	10,000a		2 13 81	-10,000			
White House Conference on Children and Youth								
BA	D81- 12	562		10 1 80				562
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		268,344	1,118		-241,080			28,382
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Congregate services program								
BA	D81- 70	10,000a		2 13 81	-10,000			
Policy Development and Research								
Research and technology								
BA	D81- 84	5,000		3 10 81				5,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		15,000			-10,000			5,000
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Oregon and California grant lands								
BA	D81- 71	1,849		2 13 81				1,849
Heritage Conservation and Recreation Service								
Land and water conservation fund								
BA	D81- 13	30,000		10 1 80				30,000
Geological Survey								
Exploration of National Petroleum Res. in Alaska								
BA	D81- 35	10,710		1 16 81				10,710
Payments from proceeds, sale of water								
BA	D81- 14	41		10 1 80				41
Bureau of Mines								
Drainage of anthracite mines								
BA	D81- 15	768		10 1 80				768
DEPARTMENT OF THE INTERIOR TOTAL BA		43,368						43,368
DEPARTMENT OF JUSTICE								
General Administration								
Salaries and expenses								
BA	D81- 85	7,485		3 10 81				7,485
Federal Prison System								
Buildings and facilities								
BA	D81- 16	15,750		10 1 80				
BA	D81- 16A		4,050	1 16 81				19,800
Salaries and expenses								
BA	D81- 86	4,365		3 10 81				4,365
Office of Justice Assist., Res., and Statistics								
Law enforcement assistance								
BA	D81- 87	670		3 10 81				670
DEPARTMENT OF JUSTICE TOTAL BA		28,290	4,050					32,340
DEPARTMENT OF LABOR								
Employment and Training Administration								
Employment and training assistance								
BA	D81- 36	76,699		1 15 81				
BA	D81- 36A		652,488	3 10 81				729,187
BA	0009							

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 — AS OF 05/04/81 12:08

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 5-01-81
DEPARTMENT OF LABOR									
TOTAL	BA		76,699	652,486					729,185
DEPARTMENT OF STATE									
Other									
Emergency refugee and migration assistance fund	BA	D81- 37	15,000		1 15 81				15,000
	BA	0000							
DEPARTMENT OF STATE									
TOTAL	BA		15,000						15,000
DEPARTMENT OF TRANSPORTATION									
Office of the Secretary									
Transportation planning, res. and dev.	BA	D81- 88	1,040		3 10 81				1,040
Federal Aviation Administration									
Various activities	BA	D81- 72	3,403		2 13 81				3,403
Facilities & equip. (Airport & airway trust fund)	BA	D81- 17	133,823		10 1 80				
	BA	D81- 17A		240,603	12 2 80	-14,883			
	BA	D81- 17B		c	3 10 81			6,260	365,783
Federal Highway Administration									
Trust fund share of other highway programs	BA	D81- 89	31,500		3 10 81				
	BA	D81- 89A		d	4 27 81	-3,765			17,735
Federal Railroad Administration									
Railroad research and development	BA	D81- 90	383		3 10 81				383
Rail service assistance	BA	D81- 91	80,341		3 10 81				80,341
Northeast corridor improvement program	BA	D81- 92	126,000		3 10 81				126,000
Urban Mass Transportation Administration									
Urban mass transportation fund	BA	D81- 93	210,000		3 10 81				210,000
Research and Special Programs Administration									
Research and special programs	BA	D81- 94	3,100		3 10 81				3,100
DEPARTMENT OF TRANSPORTATION									
TOTAL	BA		579,990	240,603		-18,658		6,250	806,785
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
State and local government fiscal assistance fund	BA	D81- 16	111,773		10 1 80	-2,160		161	109,774
	O	D81- 19	5,485		10 1 80				
	O	D81- 19A		5,209	12 2 80	-3,958			
	O	D81- 19B		51,062	2 13 81	-53,061		6,022	10,768
Bureau of the Mint									
Construction of mint facilities	BA	D81- 20	5,730		10 1 80	-5,730			
DEPARTMENT OF THE TREASURY									
TOTAL	BA		117,503			-7,890		161	109,774
TOTAL	O		5,485	56,271		-57,019		6,022	10,768
Veterans Administration									
Medical care	BA	D81- 95	29,369		3 10 81				29,369
Medical and prosthetic research	BA	D81- 96	1,690		3 10 81				1,690
Medical admin. and misc. operating expenses	BA	D81- 97	515		3 10 81				515

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ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 05/04/81 12:05

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 5-01-81
Construction, major projects	BA	D81- 88	183,493		3 10 81				183,493
	BA	0000							
Veterans Administration TOTAL	BA		215,087						215,087
OTHER INDEPENDENT AGENCIES									
Board for International Broadcasting									
Grants and expenses	BA	D81-106	1,370		4 27 81				1,370
Community Services Administration									
Community services programs	BA	D81- 73	6,000a		2 13 81	-6,000			
Federal Emergency Management Agency									
Emergency planning, preparedness, and mobilization	BA	D81- 21	80		10 1 80	-80			
Federal Mine Safety & Health Review Commission									
Salaries and expenses	BA	D81- 74	163a		2 13 81	-163			
General Services Administration									
Office of Inspector General	BA	D81- 90	444		3 10 81				444
Allowances and office staff for former Presidents	BA	D81-100	8		3 10 81				8
Consumer information center	BA	D81-101	50		3 10 81				50
Intelligence Community Staff									
Intelligence Community Staff	BA	D81- 38	2,000		1 15 81	-800			1,200
International Communication Agency									
Salaries & expenses	BA	D81- 75	1,500		2 13 81				1,500
Acquisition & construction of radio facilities	BA	D81- 76	1,252>		2 13 81				
	BA	D81- 76A		12,074	4 27 81				13,326
National Consumer Cooperative Bank									
Self-help development fund	BA	D81- 39	13,133		1 15 81	-13,133			
Pennsylvania Avenue Development Corporation									
Land acquisition and development	BA	D81- 40	30,896		1 15 81				30,896
Postal Service									
Payment to the Postal Service fund	BA	D81- 77	250,000a		2 13 81	-250,000			
Small Business Administration									
Business loan and investment fund	BA	D81- 41	57,500		1 15 81				
	BA	D81- 41A		55,900	3 10 81				113,400
Surety bond guarantees revolving fund	BA	D81-102	6,000		3 10 81				6,000
Tennessee Valley Authority									
Tennessee Valley Authority fund	BA	D81- 22	17,000		10 1 80	-17,000			
	BA	D81- 26	15,800		12 2 80				15,800
	BA	D81- 78	177,000a		2 13 81	-177,000			
OTHER INDEPENDENT AGENCIES TOTAL	BA		580,196	67,974		-464,176			183,994
TOTAL	BA		6,808,085	1,728,136		-3,817,667	12,347	4,740,901	
TOTAL	O		5,485	56,271		-57,010	6,022	10,768	

FOOTNOTES

a. These funds were proposed for rescission from January 15, 1981 until February 13, 1981. The former rescission proposal related to these funds is listed in Attachment A.

b. This amount was released before the special message containing the deferral was transmitted to the Congress.

c. This report was transmitted solely to reflect a change in justification for $30 million of the deferred funds.

d. This report was transmitted solely to reflect technical adjustments to the previous report.

END OF REPORT

[FR Doc. 81-14614 Filed 5-13-81; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
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National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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Friday
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Highlights

26789 **Aliens** Labor/ETA extends comment period on proposed labor certification process for the permanent employment of aliens in the United States.

27070 **Grain Inspection** USDA/FGIS reduces fees for original inspection, official weighing, and supervision of weighing services. (Part IV of this issue)

27056 **Fishing** Commerce/NOAA establishes regulations to govern the taking of marine mammals incidental to Japanese high seas salmon fishing in the North Pacific Ocean, and in the U.S. Fishery Conservation Zone. (Part III of this issue)

26790 **Foods** HHS/FDA proposes to exempt unit containers of foods in multiunit or multicomponent retail package when inner units are properly labeled and do not constitute separate units for retail sale.

26765 **Pensions** PBGC amends regulations on valuation of Plan Benefits in Non-Multiemployer Plans.

26760 **Meat and Poultry Products** USDA/FSQS announces annual dollar limitations currently in effect for sales of meat and poultry products by retail stores, exempt from routine Federal inspection.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

26789 **Securities** SEC extends comment period on proposed amendments to proxy rules and provisions relating to shareholder communications generally.

27014 **Minimum Wage** Labor/ESA specifies the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for described classes of labors and mechanics employed on construction projects. (Part II of this issue)

27074 **Social Security** HHS/Sec'y announces cost-of-living increase of 11.2 percent in benefits under Title II and XVI of the Social Security Act and in income limitations for beneficiaries under the Supplemental Security Income Program (Part V of this issue)

27074 **Veterans** VA amends regulations regarding increase in pension rates and income limitations. Need for this action results from Social Security cost-of-living increase. (Part V of this issue)

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26980 **Sunshine Act Meetings**

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Food Distribution Program; Amendment 1 to Part 250; Correction

AGENCY: Food and Nutrition Service, USDA.

ACTION: Emergency final rule; correction and amendment.

SUMMARY: This docket corrects an emergency final rule on the food distribution program that appeared in the Federal Register of Friday, January 9, 1981 (46 CFR 2331–2332). This action is necessary to correct a typographical error in a date given in the rule, and to add an amendment inadvertently omitted.

FOR FURTHER INFORMATION CONTACT: Gwena Kay Tibbits, Chief, Program Monitoring and Policy Development Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–8386.

The following correction and amendment are made in FR Doc. 81–402 appearing on pages 2331–2332 in the issue of January 9, 1981:

1. On page 2332 in the second column, in § 250.8(a), "January 1, 1980" is corrected to read "January 1, 1981".

2. On page 2332 in the second column, after amendment 3, which starts 5 lines down from the top of the page, a new amendment 4 is added, as follows:

* * * * *

4. In § 250.6(h), the phrase "the School Breakfast Program under Part 250 of this chapter," is removed.

Dated: April 30, 1981.
G. William Hoagland,
Administrator, Food and Nutrition Service.
[FR Doc. 81-14605 Filed 5-14-81; 8:45 am]
BILLING CODE 3410-30-M

7 CFR Part 250

Food Distribution Program; Revision of Regulations; Correction

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on the food distribution program that appeared in the Federal Register of Tuesday, December 16, 1980 (45 CFR 82894–82908). The action is necessary to correct typographical errors in citations and spelling.

FOR FURTHER INFORMATION CONTACT: Gwena Kay Tibbits, Chief, Program Monitoring and Policy Development Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–8386.

The following corrections are made in FR Doc. 80–38086 appearing on pages 82894–82908 in the issue of December 16, 1980:

1. On page 82896 in § 250.1(b)(6) in the third column, twentieth line from the bottom of the page, the word "weighed" is corrected to read "weighted".

2. On page 82897 in column one, the second line of § 250.1(b)(10), the date "1874" is corrected to read "1974".

3. On page 82897 in the second column, in § 250.1(b)(11), "U.S.C. 612c" is corrected to read "7 U.S.C. 612c".

4. On page 82899 in § 250.3, first column, in the definition of "Distributing agencies", the word "distrubuting" is corrected to read "distributing".

5. On page 82900, in § 250.4(b)(4) in the third column, "reportrs" is corrected to read "reports".

6. On page 82904 in the third column, § 250.6(r), the fifth line from the botton, the word "fund" is corrected to read "food".

7. On page 82905 in column three, in § 250.8(b)(1), "section 4(a)" is corrected to read "section 416, section 32, section 709 and section 4(a)".

8. On page 82906 in column one, in § 250.13(g)(3)(iii)(B), "paragraph(f)(3)(i)" is corrected to read "paragraph (g)(3)(i)".

Dated: April 30, 1981.
G. William Hoagland,
Administrator, Food and Nutrition Service.
[FR Doc. 81-14606 Filed 5-14-81; 8:45 am]
BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 306; Lemon Reg. 304, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period May 17–23, 1981, and increases the quantity of lemons that may be shipped during the period May 10–16, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective May 17, 1981, and the amendment is effective for the period May 10–16, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and not a major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact anaylsis on the

marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975

The committee met again publicly on May 12, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

1. Section 910.605 is added as follows:

§ 910.605 Lemon Regulation 305.

The quantity of lemons grown in California and Arizona which may be handled during the period May 17, 1981, through May 23, 1981, is established at 320,000 cartons.

2. Section 910.604 Lemon Regulation 304 (45 FR 25596) is revised to read as follows:

§ 910.604 Lemon Regulation 304.

The quantity of lemons grown in California and Arizona which may be handled during the period May 10, 1981, through May 16, 1981, is established at 335,000 cartons.

(Secs. 1–19, 48 Stat. 31 as amended; (7 U.S.C. 601–674))

Dated: May 14, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–14900 Filed 5–14–81; 11:09 am]

BILLING CODE 7–7–M

Food Safety and Quality Service

9 CFR Parts 303 and 381

[Docket No. 81–014]

Federal Meat and Poultry Products Inspection; Exemptions for Retail Stores

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice of adjustment of dollar limitations.

SUMMARY: This notice announces that the annual dollar limitations currently in effect for sales of meat and poultry products by retail stores, exempt from routine Federal inspection, to nonhousehold consumers such as hotels, restaurants, and similar institutions have been adjusted upwards to conform with price increases for meat and poultry products as indicated by the Consumer Price Index. The adjustments raise the present dollar limitations to $27,800 per calendar year for meat products and to $22,200 per calendar year for poultry products.

EFFECTIVE DATE: May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. John Prucha, Director, Slaughter Inspection Standards and Procedures Division, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3219.

SUPPLEMENTARY INFORMATION:

Background

Federal inspection of meat and poultry products prepared for sale and distribution in commerce and in certain designated States is required by law and administered by the Food Safety and Quality Service (FSQS). However, section 301(c)(2) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the Poultry Products Inspection Act (21 U.S.C. 454(c)(2)) state that the general requirement of routine Federal inspection ". . . shall not apply to operations of types traditionally and usually conducted at retail stores . . . when conducted at any retail store . . . for sale in normal retail quantities . . . to consumers. . . ."

The Department has enacted extensive regulations to determine whether retail stores qualify for exemption from routine Federal inspection under these Acts (9 CFR 303.1(d) and 381.10(d)). Whether or not an establishment is deemed by the Agency to be an exempt retail establishment depends, in part, upon the level of its trade with nonhousehold consumers, such as hotels, restaurants and similar institutions. Accordingly, Federal meat and poultry products inspection regulations state in terms of dollars the maximum amount of meat and poultry products which may be sold to nonhousehold consumers if the establishment is to remain an exempt retail establishment. For meat products, the maximum amount has been set at $27,000 per calendar year. For poultry products, the amount has been set at $21,100 per calendar year.

The Federal meat and poultry products inspection regulations further provide that the dollar limitations on the sales of meat and poultry products by exempt retail stores to nonhousehold consumers will be automatically adjusted during the first quarter of each calendar year, whenever the Consumer Price Index, published by the Bureau of Labor Statistics, Department of Labor, indicates a change of at least $500, upward or downward (9 CFR 303.1(d)(2)(iii), and 381.10(d)(2)(iii), as amended on April 25, 1980 (45 FR 27919–27922)).

The Consumer Price Indexes for 1980 have been published by the Bureau of Labor Statistics, and, for that year, they indicate a price increase in meat products of 3 percent and in poultry products of 5 percent. As a percentage of the existing dollar limitations, a change in excess of $500 is indicated for both meat and poultry products. When rounded off to the nearest hundred, the price increases amount to $800 for meat products and $1,100 for poultry products.

§§ 303.1 and 381.10 [Amended]

Accordingly, pursuant to the regulations, FSQS has automatically raised the dollar amount of permitted sales of meat and poultry products to nonhousehold consumers by establishments desiring status as retail establishments exempt from Federal inspection requirements. The adjustments raise the dollar limitations on meat products specified in § 303.1(d)(2)(iii)(*b*) from $27,000 to $27,800 and on poultry products specified in § 381.10(d)(2)(iii)(b) from $21,100 to $22,200. These higher limitations are effective for the calendar year 1981.

Done at Washington, D.C., on May 8, 1981.

L. L. Gast,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 81-14709 Filed 5-14-81; 8:45 am]

BILLING CODE 3410-DM-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 4 and 140

Revisions of Commodity Pool Operator and Commodity Trading Advisor Regulations; Delegation of Authority

Correction

In FR Doc 81-13985, published at page 26004, on Friday, May 8, 1981, make the following corrections:

(1) On page 26004, in the second column, in footnote 1, in the second line, "markets" should be corrected to read "Markets".

(2) In the third column, in the fourteenth line from the top "Advisors" should be corrected to read "Advisers".

(3) On page 26005, in the first column, in the first paragraph, in the third line "disclosure" should be corrected to read "Disclosure".

(4) In the first column, in paragraph "*A. General Provisions.*", in the fifth line "reports." should be corrected to read "Reports.".

(5) In the second column, in the fifth line "specified" should be corrected to read "specifies".

(6) On page 26006, in the second column, in the thirteenth line "is not" should be corrected to read "is no".

(7) Also in the second column, in the twenty-eighth line "principlas" should be corrected to read "principals".

(8) On page 26015, in the first column, in § 4.14(a), in the first line "person in" should be corrected to read "person is".

(9) In the second column, in § 4.21(a), in the eighth line, "before that" should be corrected to read "before the".

(10) On page 26018, in § 4.21(a)(17)(i) the Risk Disclosure Statement should read as follows:

RISK DISCLOSURE STATEMENT

YOU SHOULD CAREFULLY CONSIDER WHETHER YOUR FINANCIAL CONDITION PERMITS YOU TO PARTICIPATE IN A COMMODITY POOL. YOU MAY LOSE A SUBSTANTIAL PORTION OR EVEN ALL OF THE MONEY YOU PLACE IN THE POOL.

IN CONSIDERING WHETHER TO PARTICIPATE IN A COMMODITY POOL, YOU SHOULD BE AWARE THAT TRADING COMMODITY CONTRACTS CAN QUICKLY LEAD TO LARGE LOSSES AS WELL AS GAINS. SUCH TRADING LOSSES CAN SHARPLY REDUCE THE NET ASSET VALUE OF THE POOL AND CONSEQUENTLY THE VALUE OF YOUR INTEREST IN THE POOL. ALSO, MARKET CONDITIONS MAY MAKE IT DIFFICULT OR IMPOSSIBLE FOR THE POOL TO LIQUIDATE A POSITION.

IN SOME CASES, COMMODITY POOLS ARE SUBJECT TO SUBSTANTIAL CHARGES FOR MANAGEMENT, ADVISORY AND BROKERAGE FEES. IT MAY BE NECESSARY FOR THOSE POOLS THAT ARE SUBJECT TO THESE CHARGES TO MAKE SUBSTANTIAL TRADING PROFITS TO AVOID DEPLETION OR EXHAUSTION OF THEIR ASSETS. THIS DISCLOSURE DOCUMENT CONTAINS A COMPLETE DESCRIPTION OF EACH EXPENSE TO BE CHARGED THIS POOL.

THIS BRIEF STATEMENT CANNOT DISCLOSE ALL THE RISKS AND OTHER SIGNIFICANT ASPECTS OF PARTICIPATING IN A COMMODITY POOL. YOU SHOULD THEREFORE CAREFULLY STUDY THIS DISCLOSURE DOCUMENT AND COMMODITY TRADING BEFORE YOU DECIDE TO PARTICIPATE IN A COMMODITY POOL.

(11) On page 26018, in § 4.21(a)(17)(ii) the Risk Disclosure Statement should read as follows:

ALSO, BEFORE YOU DECIDE TO PARTICIPATE IN THIS POOL, YOU SHOULD NOTE THAT YOUR POTENTIAL LIABILITY AS A PARTICIPANT IN THIS POOL FOR TRADING LOSSES AND OTHER EXPENSES OF THE POOL IS NOT LIMITED TO THE AMOUNT OF YOUR CONTRIBUTION FOR THE PURCHASE OF AN INTEREST IN THE POOL AND ANY PROFITS EARNED THEREON. A COMPLETE DESCRIPTION OF THE LIABILITY OF A PARTICIPANT IN THIS POOL IS EXPLAINED MORE FULLY IN THIS DISCLOSURE DOCUMENT.

(12) On page 26018, in § 4.21(a)(18) the Cautionary Statement should read as follows:

"THE COMMODITY FUTURES TRADING COMMISSION HAS NOT PASSED UPON THE MERITS OF PARTICIPATING IN THIS POOL NOR HAS THE COMMISSION PASSED ON THE ADEQUACY OR ACCURACY OF THIS DISCLOSURE DOCUMENT."

(13) On page 26022, in § 4.31(a)(8)(i) the Risk Disclosure Statement should read as follows:

RISK DISCLOSURE STATEMENT

THE RISK OF LOSS IN TRADING COMMODITY CONTRACTS CAN BE SUBSTANTIAL. YOU SHOULD THEREFORE CAREFULLY CONSIDER WHETHER SUCH TRADING IS SUITABLE FOR YOU IN LIGHT OF YOUR FINANCIAL CONDITION. IN CONSIDERING WHETHER TO TRADE OR TO AUTHORIZE SOMEONE ELSE TO TRADE FOR YOU, YOU SHOULD BE AWARE OF THE FOLLOWING:

(1) YOU MAY SUSTAIN A TOTAL LOSS OF THE INITIAL MARGIN FUNDS AND ANY ADDITIONAL FUNDS THAT YOU DEPOSIT WITH YOUR BROKER TO ESTABLISH OR MAINTAIN A POSITION IN THE COMMODITY FUTURES MARKET. IF THE MARKET MOVES AGAINST YOUR POSITION, YOU MAY BE CALLED UPON BY YOUR BROKER TO DEPOSIT A SUBSTANTIAL AMOUNT OF ADDITIONAL MARGIN FUNDS, ON SHORT NOTICE, IN ORDER TO MAINTAIN YOUR POSITION. IF YOU DO NOT PROVIDE THE REQUIRED FUNDS WITHIN THE PRESCRIBED TIME, YOUR POSITION MAY BE LIQUIDATED AT A LOSS, AND YOU WILL BE LIABLE FOR ANY RESULTING DEFICIT IN YOUR ACCOUNT.

(2) UNDER CERTAIN MARKET CONDITIONS, YOU MAY FIND IT DIFFICULT OR IMPOSSIBLE TO LIQUIDATE A POSITION. THIS CAN OCCUR, FOR EXAMPLE, WHEN THE MARKET MAKES A "LIMIT MOVE."

(3) THE PLACEMENT OF CONTINGENT ORDERS BY YOU OR YOUR TRADING ADVISOR, SUCH AS A "STOP-LOSS" OR "STOP-LIMIT" ORDER, WILL NOT NECESSARILY LIMIT YOUR LOSSES TO THE INTENDED AMOUNTS, SINCE MARKET CONDITIONS MAY MAKE IT IMPOSSIBLE TO EXECUTE SUCH ORDERS.

(4) A "SPREAD" POSITION MAY NOT BE LESS RISKY THAN A SIMPLE "LONG" OR "SHORT" POSITION.

(5) THE HIGH DEGREE OF LEVERAGE THAT IS OFTEN OBTAINABLE IN FUTURES TRADING BECAUSE OF THE SMALL MARGIN REQUIREMENTS CAN WORK AGAINST YOU AS WELL AS FOR YOU. THE USE OF LEVERAGE CAN LEAD TO LARGE LOSSES AS WELL AS GAINS.

IN SOME CASES, MANAGED COMMODITY ACCOUNTS ARE SUBJECT TO SUBSTANTIAL CHARGES FOR MANAGEMENT AND ADVISORY FEES. IT MAY BE NECESSARY FOR THOSE ACCOUNTS

THAT ARE SUBJECT TO THESE CHARGES TO MAKE SUBSTANTIAL TRADING PROFITS TO AVOID DEPLETION OR EXHAUSTION OF THEIR ASSETS. THIS DISCLOSURE DOCUMENT CONTAINS A COMPLETE DESCRIPTION OF EACH FEE TO BE CHARGED TO YOUR ACCOUNT BY THE COMMODITY TRADING ADVISOR.

THIS BRIEF STATEMENT CANNOT DISCLOSE ALL THE RISKS AND OTHER SIGNIFICANT ASPECTS OF THE COMMODITY FUTURES MARKETS. YOU SHOULD THEREFORE CAREFULLY STUDY THIS DISCLOSURE DOCUMENT AND FUTURES TRADING BEFORE YOU TRADE.

(14) On page 28022, in § 4.31(a)(8)(ii) the Risk Disclosure Statement should read as follows:

THIS COMMODITY TRADING ADVISOR IS PROHIBITED BY LAW FROM ACCEPTING FUNDS IN THE TRADING ADVISOR'S NAME FROM A CLIENT FOR TRADING COMMODITY INTERESTS. YOU MUST PLACE ALL FUNDS FOR TRADING IN THIS TRADING PROGRAM DIRECTLY WITH A FUTURES COMMISSION MERCHANT.

(15) On page 28022, in § 4.31(a)(9) the Cautionary Statement should read as follows:

"THE COMMODITY FUTURES TRADING COMMISSION HAS NOT PASSED UPON THE MERITS OF PARTICIPATING IN THIS TRADING PROGRAM NOR HAS THE COMMISSION PASSED ON THE ADEQUACY OR ACCURACY OF THIS DISCLOSURE DOCUMENT."

BILLING CODE 1505-01-M

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21 CFR Part 193

[FAP 9H5197/T65; PH-FRL-1827-8]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Bendiocarb

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule renews a food additive regulation related to the experimental use of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate) and its metabolites 2,2-dimethyl-1,3-benzodioxol-4-ol and *N*-hydroxymethyl bendiocarb in or on corn. The regulation was requested by Fisons Corp. This rule will permit the marketing of corn oil while further data is collected on the subject pesticide.

EFFECTIVE DATE: Effective on May 15, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of July 25, 1980 (45 FR 49542) that a temporary food additive regulation had been established for residues of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate) and its metabolites 2,2-dimethyl-1,3-benzodioxol-4-ol and *N*-hydroxymethyl bendiocarb in or on corn oil.

The metabolism of bendiocarb is adequately understood and an adequate analytical method (GLC system equipped with electron capture detector) is available for enforcement purposes. No actions are currently pending against the continued registration of bendiocarb nor are there any other relevant considerations involved in renewing this tolerance. The pesticide is considered useful for the purpose for which the tolerance is sought and it is concluded that the tolerance will protect the public health.

Any person adversely affected by this regulation may, on or before June 1, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic region; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In general, tolerance regulations have beneficial impacts on affected industries and the public.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Effective on: May 15, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, 21 U.S.C. 348(c)(1))

Dated: April 22, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart A of 21 CFR Part 193 is amended by revising § 193.152(c) to read as follows:

§ 193.152 2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate.

* * * * *

(c) A tolerance of 0.1 part per million (ppm) is established for residues of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate) and its metabolites 2,2-dimethyl-1,3-benzodioxol-4-ol and *N*-hydroxymethyl bendiocarb in corn oil intended for food use resulting from the application of the insecticide to the raw agricultural commodity growing corn. Such residues may be present therein only as a result of the application of the insecticide to growing corn under an experimental use permit which expires January 27, 1982.

[FR Doc. 81-14717 Filed 5-14-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification

Hexylcaine Hydrochloride Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is removing that portion of the animal drug regulations which reflects approval of a new animal drug application (NADA) providing for use of 1 and 5 percent hexylcaine hydrochloride injections as local anesthetics in cattle, horses, and dogs. The sponsor, Merck Sharp & Dohme

Research Laboratories, requested the withdrawal of approval.

EFFECTIVE DATE: Effective on May 25, 1981.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1846.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the Federal Register, approval of NADA 8-018 is withdrawn. This document amends the regulations by removing that section which reflects approval of this NADA.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), Part 522 is amended by removing § 522.1143 *Hexylcaine hydrochloride injection.*

Effective date. Effective on May 25, 1981.

(Sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e)).)

Dated: May 7, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-14366 Filed 5-14-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 522

Naproxen for Solution; New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Syntex Corp., providing for use of a lyophilized naproxen powder to prepare a sterile aqueous injectable used for horses for relief of inflammation and associated pain and lameness exhibited with myositis and other soft tissue diseases of the musculoskeletal system.

EFFECTIVE DATE: March 15, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Syntex Corp., 3401 Hillview Ave., Palo Alto, CA 94304, filed a supplemental NADA (96-675) providing for use of a lyophilized naproxen powder to prepare a 10 percent sterile aqueous injectable solution for administration to horses for relief of inflammation and associated pain and lameness exhibited with myositis and other soft tissue diseases of the musculoskeletal system. Use of the product is identical to that of Syntex's approved injectable naproxen solution and naproxen oral granules (see 21 CFR 520.1468 and 522.1468). Bioequivalence between the approved injectable solution, the oral granules, and the new reconstituted injectable solution is established by a plasma blood level cross-over study. Approval of this reconstituted injectable does not change current use of the drug. The supplement is approved and the regulations amended to reflect the approval. Under the Bureau of Veterinary Medicine's supplemental approval policy (proposed 21 CFR 514.106(b)(2)) (see 42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original application.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by redesignating existing § 522.1468 as § 522.1468a, and by adding new §§ 522.1468 and 522.1468b, to read as follows:

§ 522.1468 Naproxen injectable dosage forms.

§ 522.1468a Naproxen solution.

* * * * *

§ 522.1468b Naproxen for solution.

(a) *Specifications.* The drug is a lyophilized powder which is reconstituted with sterile water for injection to form a 10 percent sterile aqueous solution (100 milligrams per milliliter).

(b) *Sponsor.* See 000033 in § 510.600(c) of this chapter.

(c) *Conditions of use in horses.* (1) *Dosage.* Five milligrams per kilogram of body weight intravenously followed by maintenance oral therapy of 10 milligrams per kilogram of body weight twice daily for up to 14 consecutive days.

(2) *Indications for use.* For relief of inflammation and associated pain and lameness found with myositis and other soft tissue diseases of the musculoskeletal system.

(3) *Limitations.* Not for use in horses intended for food. Federal Law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. May 15, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: May 6, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-14718 Filed 5-14-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 558

Oxytetracycline; New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pfizer, Inc., providing for safe and effective use of a 100-gram-per-pound oxytetracycline premix for the manufacture of a 500-gram-per-ton medicated broiler feed used as an aid in the reduction of mortality due to air sacculitis caused by sensitive strains of *E. coli.*

EFFECTIVE DATE: May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV–149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42d St., New York, NY 10017, filed a supplemental NADA (103–758) providing for safe and effective use of a 100-gram-per-pound oxytetracycline premix for the manufacture of a complete broiler feed containing 500 grams of oxytetracycline per ton to be used as an aid in the reduction of mortality due to air sacculitis caused by *E. coli* sensitive to oxytetracycline. Pfizer currently holds approval for use of 10- and 50-gram-per-pound oxytetracycline premixes for the manufacture of medicated feeds, also to be used for the treatment of this disease in broilers. This supplemental NADA provides for a new premix concentration and does not change the currently approved use of this drug. Accordingly, this approval will not result in an increased risk of exposure to levels of the drug in food. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original approval. This supplemental NADA is approved, and the regulations are amended to reflect this approval.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.450 by revising paragraph (a) to read as follows:

§ 558.450 Oxytetracycline.

(a) *Approvals.* Premix levels equivalent to 10 and 50 grams per pound of oxytetracycline hydrochloride for use as in paragraph (e) of this section, and a premix level equivalent to 100 grams per pound of oxytetracycline hydrochloride for use as in paragraph (e)(1), table 1, item (v) of this section, granted to No. 000069 in § 510.600(c) of this chapter.

* * * * *

Effective date. May 15, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: May 8, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-14718 Filed 5-14-81; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 6H5145/T74; PH-FRL-1816-8]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Ethyl 3-Methyl-4-(Methylthio)Phenyl (1-Methylethyl) Phosphoramidate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation renews a feed additive regulation permitting the experimental use of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)phosphoramidate and its cholinesterase-inhibiting metabolites in pineapple bran. This regulation was requested by the Pineapple Growers' Assoc. of Hawaii. This rule will permit the marketing of pineapple bran while further data are collected on the subject nematocide.

EFFECTIVE DATE: Effective on May 15, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of September 9, 1977 (42 FR 45304) that a regulation had been established permitting the experimental use of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate in pineapple bran resulting from the application of the nematocide to growing pineapples with a tolerance limitation of 10 parts per million (ppm). This regulation was requested by the Pineapple Growers' Association, 1902 Financial Plaza of the Pacific, Honolulu, HI 96813. The petition was submitted in conjunction with two experimental use permits that were issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (82 Stat. 619; 7 U.S.C. 136).

The Pineapple Growers' Association has requested a renewal of the temporary feed additive to permit the continued marketing of pineapple bran while additional data are being obtained.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permits which are being renewed under FIFRA. Accordingly, the feed additive regulation is renewed as set forth below.

Any person adversely affected by this regulation may, on or before June 15, 1981, file written objections with the Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In general, tolerance regulations have beneficial impacts on affected industries and the public.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

For information on the Regulatory Flexibility Act requirements, see the Appendix to this rule.

Effective date: May 15, 1981.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: April 17, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR Part 561 is amended by revising § 561.232(a) as follows:

§ 561.232 Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate.

(a) A tolerance of 10 parts per million is established for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenly (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in pineapple bran resulting from application of the nematocide in accordance with the provisions of an experimental use permit that expires August 31, 1985.

* * * * *

Appendix

[FAP 0H5145/T76]

Feed Additive Regulation

Certification under Regulatory Flexibility Act: Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612). The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice and comment" rulemaking both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under Sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under Sec. 409 of the same Act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This rule amends 21 CFR Part 561 by revising § 561.232(a) to extend the expiration date of the temporary tolerance to August 31, 1985. Without this extension, it would be illegal for Pineapple Growers' Association of Hawaii to market pineapple bran from pineapple treated with the nematocide, ethyl-3-methyl-4-(methylthio)phenyl(1-methylethyl) phosphoramidate. This rule removes the need to destroy rather than utilize the pineapple bran in channels of commerce.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: April 3, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-14722 Filed 5-14-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 5

Reservation Acceleration Program

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Rescission of rule.

SUMMARY: The Bureau of Indian Affairs is rescinding the regulations governing the Reservation Acceleration Program, which established procedures by which Indian or Native Alaska communities could negotiate with the Bureau of Indian Affairs to restructure the Bureau's programs. The program was not successful in achieving its goals and was terminated in 1973.

EFFECTIVE DATE: This action takes effect on May 15, 1981.

FOR FURTHER INFORMATION CONTACT: David Etheridge, Attorney-Adviser, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-8526.

SUPPLEMENTARY INFORMATION: The authority of the Secretary of the Interior to rescind these regulations is contained in 43 U.S.C. 1457, 25 U.S.C. 2 and 9, 5 U.S.C. 301 and Reorganization Plan No. 3 of 1950 (64 Stat. 1262). The authority of the Secretary has been delegated to the Assistant Secretary—Indian Affairs in 209 DM 8.

The Reservation Acceleration Program was established in 1972 as a pilot project to give tribal leaders more involvement in deciding how BIA services are delivered to tribal members. The program was not successful in achieving its goals and was terminated in 1973. A number of legislative actions beginning with the Indian Self-Determination and Education Assistance Act of 1975, Pub. L. 93-638, have been more effective in achieving the goals of the Reservation Acceleration Program. Current proposals to provide block funding to tribes will also be much more effective in achieving those goals.

The primary author of this document is David Etheridge, Office of the Solicitor, Division of Indian Affairs, Department of the Interior.

It has been determined that rescission of this Part is not a major rule as that term is defined in Executive Order 12291 of February 17, 1981, 46 FR 13193, because it will have no economic impact on the public.

It has been determined that rescission of this Part will not have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354 and 43 CFR Part 14, 45 FR 85376.

The rule that is being rescinded has no impact on the public. For that reason an opportunity for public comment on this action is unnecessary. Because there is no impact on the public there is also no need to publish this document 30 days before its effective date. Accordingly, good cause exists to make this action effective immediately on May 15, 1981.

PART 5—RESERVATION ACCELERATION PROGRAM (RAP) [REMOVED]

Part 5 of Title 25 of the Code of Federal Regulations is removed.

Dated: April 23, 1981.

James F. Canan,

Acting Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 81-14672 Filed 5-14-81; 8:45 am]

BILLING CODE 4310-02-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Valuation of Plan Benefits in Nonmultiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Non-Multiemployer Plans contains the increase rates and factors for the period beginning June 1, 1981. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension

plans covered by Title IV of the Employee Retirement Income Security Act of 1974, *as amended by* the Multiemployer Pension Plan Amendments Act of 1980 (the "Act").

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in Appendix B to Part 2610 are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after June 1, 1981, and enables the PBGC and plan administrators to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes a notice revising them.

This rule also changes the format of Appendix B to Part 2610 from narrative to tabular form. The change is intended to assist the public by presenting the interest rates and factors in a clearer, more graphic manner.

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, (46 FR 9492) the Pension Benefit Guaranty Corporation (the "PBGC") issued a final regulation establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96–364, 94 Stat. 1208. That regulation contains a number of formulas for valuing different types of benefits. In addition, Appendix B to the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before April 1, 1981. (29 CFR 2610 (1980), 45 FR 64907, 45 FR 75658, 45 FR 75209, 45 FR 82172, 46 FR 3510).

On March 13 and March 24, 1981, the PBGC published rates for plans that terminate on or after April 1, 1981 (46 FR 16685 and 46 FR 18312). Changes in the financial and annuity markets have necessitated a corresponding change in the rates used by the PBGC to value benefits. Accordingly, this notice changes the rates in Appendix B to add a set of interest rates and factors for plans that terminate on or after June 1, 1981. These rates and factors will remain in effect until such time as PBGC publishes another notice which changes the rates.

As a rule, the rates will be in effect for at least one month. If the rates are to be changed, PBGC will publish a notice in the **Federal Register**, normally by the 15th of the month prior to the month for which the new rates will be effective. If no change is to be made, no notice will be published, and the current rates will remain in effect until further notice.

The format of Appendix B is also changed by this document from a narrative form to a tabular form. The table displays all the previously-published sets of interest rates and factors with the time period for which each is effective. This will increase the readability of the rates and reduce the size of the Appendix.

Because the Multiemployer Pension Plan Amendments Act of 1980 established a new insurance program for multiemployer plans, we note that the rates and factors contained in Appendix B to Part 2610 are applicable to non-multiemployer plans only.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly, so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after June 1, 1981, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on employment, investment, productivity, innovation or competition.

In consideration of the foregoing, Part 2610 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended by revising Appendix B to read as follows:

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "G_i," for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1, and n_2 are defined in § 2610.45.

Rate set	For plans with a valuation date		Immediate annuity rate	Deferred annuities				
	On or after	Before		k_1	k_2	k_3	n_1	n_2
1	9-2-74	10-1-75	[1]8.00	1.0725	1.0575	1.0425	7	8
2	10-1-75	1-1-76	7.75	1.0725	1.0575	1.0425	7	7
3	1-1-76	3-1-76	8.00	1.0725	1.0525	1.0400	7	10
4	3-1-76	6-1-76	7.25	1.0700	1.0500	1.0400	7	10
5	6-1-76	9-1-76	7.25	1.0675	1.0475	1.0350	7	10
6	9-1-76	12-1-76	7.00	1.0600	1.0475	1.0350	8	10
7	12-1-76	3-1-77	7.00	1.0625	1.0475	1.0375	7	10
8	3-1-77	6-1-77	7.00	1.0600	1.0475	1.0350	8	10
9	6-1-77	12-1-77	6.75	1.0625	1.0450	1.0375	8	10
10	12-1-77	3-1-78	6.75	1.0625	1.0450	1.0375	8	10
11	3-1-78	6-1-78	7.00	1.0625	1.0475	1.0375	7	10
12	6-1-78	9-1-78	7.25	1.0675	1.0475	1.0350	7	10
13	9-1-78	3-1-79	7.25	1.0675	1.0475	1.0350	7	10

Rate set	For plans with a valuation date		Immediate annuity rate	Deferred annuities				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
14	3-1-79	6-1-79	7.50	1.0675	1.0550	1.0400	7	8
15	6-1-79	9-1-79	7.50	1.0675	1.0550	1.0400	7	8
16	9-1-79	12-1-79	7.75	1.0700	1.0575	1.0400	7	8
17	12-1-79	3-1-80	8.00	1.0775	1.0650	1.0400	7	8
18	3-1-80	6-1-80	8.75	1.0800	1.0675	1.0400	7	8
19	6-1-80	9-1-80	8.75	1.0800	1.0675	1.0400	7	8
20	9-1-80	12-1-80	9.00	1.0825	1.0700	1.0400	7	8
21	12-1-80	1-1-81	9.25	1.0850	1.0725	1.0400	7	8
22	1-1-81	2-1-81	9.50	1.0875	1.0750	1.0400	7	8
23	2-1-81	4-1-81	9.75	1.0900	1.0775	1.0400	7	8
24	4-1-81	6-1-81	10.00	1.0925	1.0800	1.0400	7	8
25	6-1-81		10.25	1.0950	1.0825	1.0400	7	8

[1] Percent.

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974) (29 U.S.C. 1302, 1341, 1344, 1362), as amended by Secs. 403(1), 403(d) and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299 (1980).)

Issued at Washington, D.C., on this 30th day of April.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-14041 Filed 5-14-81; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 1813-6]

Approval and Promulgation of Implementation Plans; Approval of Revision; Delaware

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision to the State of Delaware's State Implementation Plan (SIP) which is intended to establish an Ambient Air Quality Monitoring Network under 40 CFR, Part 58 (State & Local Air Monitoring System or SLAMS).

The data will be used, for determining the status of attainment of National Ambient Air Quality Standards (NAAQS), as a basis for requiring control of source emissions of criteria pollutants, for determining and tracking air pollution episodes, for growth planning in urban areas, for determining the impact of area sources, and for reporting to the public the status of Delaware's air quality.

EFFECTIVE DATE: This action is effective on June 15, 1981.

ADDRESSES: Copies of the revision and associated support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Patricia Sheridan

Delaware Department of Natural Resources, Tatnall Building, Dover, DE 19901, Attn: Robert French, Manager, of Air Resources

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street SW. (Waterside Mall), Washington, D.C. 20460

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Patricia Sheridan, Air Programs Branch (3AH10), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, telephone (215) 597-8176.

SUPPLEMENTARY INFORMATION:

I. Background

On March 19, 1980, the State of Delaware submitted to the Regional Administrator, EPA Region III, a revision of the Delaware State Implementation Plan (SIP). This section of the SIP consists of provisions which meet the new requirements for monitoring air quality which are in 40 CFR 58.20 (Air Quality Surveillance: Plan Content). The air quality surveillance network which will be established, as provided in this SIP revision, will consist of the present network with certain modifications and additions. The provisions of this submittal are intended as a supplement to existing provisions and are not intended to revoke or suspend any previous submittals.

The network will measure ambient levels of "criteria pollutants" or those pollutants for which National Ambient Air Quality Standards (NAAQS) have been established by EPA. The process of network design was carried out as required by Appendix D of 40 CFR Part 58.

The network description will include the following for each station in the air quality surveillance network:

a. The SAROAD site identification form.

b. The identity of the monitoring method or analyzer.

c. The identity of any necessary method of sample analysis.

d. The sampling schedule.

e. The monitoring objective.

f. The spatial scale of representativeness.

Also, on file for public inspection will be the schedule for the following:

a. Locating and/or placing into operation any station which was not operating or located correctly on January 1, 1980.

b. Implementing quality assurance procedures for any station for which those procedures are not implemented by January 1, 1980.

c. Re-locating each station not sited according to the siting parameters of Appendix E to 40 CFR Part 58 by January 1, 1980.

Each station in the air quality surveillance network provided for by this SIP revision and described in the network description will be termed a State and Local Air Monitoring Station or a SLAMS. All stations in the State of Delaware's SLAMS network will be operated in accordance with the criteria established by Subpart B of 40 CFR Part 58.

Each SLAMS will be sited in accordance with the siting parameters contained in Appendix E to 40 CFR Part 58.

Each continuous analyzer in a SLAMS will be operated on a continuous basis and data gathered as hourly averages. Each manual method will be operated for a full 24-hour period at six-day intervals.

Reference or equivalent methods will be used in SLAMS as defined by EPA in 40 CFR Section 50.1, or will be a particulate sampler for which a site-specific relationship to the Hi-vol has been established at the site of the SLAMS.

The quality assurance procedures of Appendix A to 40 CFR Part 58 will be followed when operating the SLAMS network and processing air quality data.

The concept of episode monitoring involves daily monitoring in order to detect when ambient pollution levels reach concentrations corresponding to an air quality episode, and monitoring during episodes to maintain surveillance of the situation. The State of Delaware

will operate SLAMS for monitoring and declaring episodes for the criteria pollutants in the City of Wilmington. At least one episode station for each of the criteria pollutants will be operated in this location.

Each SLAMS that is designated as an episode monitoring station will be identified in the description of SLAMS network which is on file as described in the network description.

Data from all SLAMS for an entire calendar year will be summarized and submitted to EPA by July 1 of the following year. The values determined and reported will be those values indicated in Appendix F to 40 CFR Part 58. Other information as required by Appendix F will also be reported in the annual report.

The State of Delaware will operate monitoring stations other than those in the SLAMS Network. These other stations will be termed Special Purpose Monitoring Stations (SPM) and will be used to supplement the SLAMS monitoring. The SPM stations will be used for purposes such as determining areas where permanent SLAMS need to be located, determining the effect of point sources, research, and determining acceptable growth patterns.

Data from SPM stations may be used for SIP purposes such as support for control strategies, determination of attainment/nonattainment, or model validation. Such data will have been collected in accordance with the criteria established by Subpart B of 40 CFR Part 58.

Beginning March 1 of each year, the State of Delaware will review the air quality surveillance network to determine if there is a SLAMS in every location where there is a need for ambient air quality data or if all the stations in the SLAMS network are necessary. A report of the findings will be submitted to the EPA Regional Office by July 1 of each year along with a schedule to add stations to the SLAMS network, to relocate stations, or to eliminate stations as the case may be. The determination of the need to add, relocate or delete stations will be based on the network design criteria in Appendix D to 40 CFR Part 58 or references therein.

The site-specific SLAMS monitoring network description is not included in the SIP revision to allow for annual review and revision of the network without repeating the full SIP revision procedure.

II. Control Strategy Demonstration

This revision is an administrative change rather than a substantive change. Because the revision has no adverse impact on air quality, a modeling demonstration of attainment and maintenance of standards is not required.

III. Public Comments

No comments were received during the 30-day public comment period.

IV. EPA Evaluation

There are no policy issues involved with this revision other than the basis for the Administrator's approval; i.e., whether the revision submitted by the State of Delaware meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR 51.4, Public Hearings; 51.5, Submittal of Plans; preliminary review of plans; 51.6, Revisions; and 51.11, Legal Authority.

The revision submitted by the State of Delaware meets the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR Parts 51.4, 51.5, 51.6, and 51.11.

V. EPA Actions

In view of this evaluation, the Administrator approves the above-described revision to the State of Delaware's SIP, which is intended to establish an Ambient Air Quality Monitoring Network as required under 40 CFR, Part 58 (State & Local Air Monitoring System or SLAMS).

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. § 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 Fed. Reg. 8709 (January 27, 1981)). The attached rule constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. Under Executive Order 12291, EPA also must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This rule is not "major" for the same reasons it would not have significant economic impact. This action only approves State actions, and imposes no new requirements of its own. Moreover, under the Clean Air Act, federal inquiry into the economic reasonableness of State SIP changes would serve no practical purpose and could well be improper.

This document has been sent to the Office of Management and Budget for review as required by Executive Order 12291.

(42 U.S.C. 7401–642)

Dated: May 7, 1981.

Walter C. Barber,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Delaware was approved by the Director of the Federal Register on July 1, 1980.

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart I—Delaware

In section 52.420 Identification of Plan, a new paragraph (c)(15) is added to read as follows:

§ 52.420 Identification of plan.

* * * * *

(c) The plan revision listed below was submitted on the date specified. * * *

(15) A revision submitted by the State of Delaware on March 19, 1980 which is intended to establish an Ambient Air Quality Monitoring Network.

[FR Doc. 81-14645 Filed 5-14-81; 8:45 am]
BILLING CODE 6560-38-M

[A-7-1828-4]

Approval and Promulgation of Iowa State Implementation Plan for Lead

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking; correction.

SUMMARY: This notice corrects a legal citation contained in a final rulemaking which approved the Iowa State Implementation Plan for lead. The approval notice was published March 20, 1981 [46 FR 17778].

DATE: This correction is effective May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Ken Greer at (816) 374–3791 or (FTS) 758–3791.

SUPPLEMENTARY INFORMATION: At the end of the March 20 rulemaking, statutory provisions were cited which allowed for the actions taken. The statement read: (Secs. 110 and 301(a) of the Clean Air Act as amended (45 U.S.C. 7410 and 7601(a))). The "45 U.S.C." should read "42 U.S.C."; this action corrects the statement to read: (Secs. 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a))).

Dated: May 6, 1981.

William W. Rice.

Acting Regional Administrator.

[FR Doc. 81-14719 Filed 5-14-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL-1823-5]

Approval and Promulgation of Missouri State Implementation Plan for Lead

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking; correction.

SUMMARY: This notice corrects two dates contained in the Compliance Schedule table contained in a final rulemaking concerning the Missouri State Implementation Plan for Lead. The notice was published April 27, 1981 (46 FR 23412).

DATE: This correction is effective May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Ken Greer at (816) 374-3791 or (FTS) 758-3791.

SUPPLEMENTARY INFORMATION: On page 23416 of the April 27, 1981 rulemaking, a Compliance Schedule table was published which outlined the final compliance dates for three sources of lead in Missouri. Two of those dates read: "42 months from final rulemaking date," and "48 months from final rulemaking date." Since the final rulemaking date is April 27, 1981, those dates should read: "October 27, 1984" for the St. Joe Lead Co., and "April 27, 1985" for the AMAX Lead Co. The date of December 31, 1980 for ASARCO, Inc. was printed correctly.

Dated: May 6, 1981.

William Rice,

Acting Regional Administrator.

Accordingly, the Environmental Protection Agency is correcting Title 40, Part 52, Subpart AA, section 52.1335(a) to read as follows:

§ 52.1335 Compliance schedules.

(a) * * *

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
St. Joe Lead Co.	Herculaneum, MO.	§ 203.050.1(5) RSMO1978.	Aug. 13, 1980	Immediately	Oct. 27, 1984.
AMAX Lead Co.	Boss, MO	do	do	do	Apr. 27, 1985.
ASARCO, Inc.	Glover, MO	do	do	do	Dec. 31, 1980.

[FR Doc. 81-14718 Filed 5-14-81; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[A-4-FRL 1813-8]

Approval and Promulgation of Implementation Plans; North Carolina: Approval of Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA withdraws its approval, as announced in the Federal Register of September 29, 1978 (43 FR 44842), of that portion of North Carolina regulation 2D.0527 relating to emissions of sulfuric acid mist. The Agency also approves revised opacity limits for existing kraft pulp mill recovery furnaces, relaxed opacity limits for new sources, and relaxed opacity limits for existing sources other than kraft pulp mill recovery furnaces.

DATE: These actions are effective June 15, 1981.

ADDRESSES: Copies of relevant materials may be examined during normal business hours at the following locations.

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Air Programs Branch, Air and Hazardous Materials Division, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

Air Planning and Environmental Standards Branch, Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, Archdale Building, 512 North Salisbury Street, Raleigh, North Carolina 27604.

FOR FURTHER INFORMATION CONTACT: Walter Bishop, EPA Region IV Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30308, 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: A. Sulfuric Acid Mist from Spodumene Ore Roasting. On September 29, 1978 (43 FR 44842), EPA announced its approval of new regulations which North Carolina had developed to limit emissions of sulfur dioxide and sulfuric acid mist from the roasting of spodumene ore, a process for extracting lithium. Since sulfuric acid mist is not regulated under Section 110 of the Clean Air Act (CAA), it was inappropriate for EPA to approve emission limits for this pollutant as part of the State implementation plan for the criteria pollutants. On January 29, 1979, EPA Region IV wrote the State to that effect, asking that consideration be given to the feasibility of rewriting the acid mist limit as a particulate limit. In a letter dated November 14, 1979, the State declined to revise the regulation. Accordingly, EPA proposed on August 28, 1980 (45 FR 57458) to withdraw its approval of North Carolina regulation 2D.0527, as set forth at 40 CFR § 52.1770(c) (19), as it applies to sulfuric acid mist. No comments were received in response to the proposal, which today is made final. This action in no way affects the enforceability of the acid mist limit by the State, nor does it imply any deficiency in the particulate control strategy for sources which process spodumene ore.

B. *Visible Emissions Limitations.* As originally written, Regulation 2D.0521, Control of Visible Emissions, provided that existing sources were to meet a 40% opacity limit immediately and achieve 20% by July 1, 1976; new sources were to meet a limit of 20% upon starting operation. In July 1976 the State submitted a revision deferring until April 1, 1977, the date by which existing sources were to meet the 20% limit; this change was approved by EPA on April 18, 1977 (42 FR 20132).

On March 22, 1977, the State submitted a revision eliminating the 20% limit for existing sources; this change was not announced in the Federal Register at the time because of problems with other revisions in the submittal. In response to concerns expressed by EPA, the State on June 2, 1980, submitted additional information in support of this revision. In EPA's view, it is important to consider that if a blanket 40% opacity limit was adequate to assure compliance by all types of existing sources regulated by mass emission limits before April 1, 1977, it is still adequate unless particulate mass emission limits have been made more stringent in the interim, and in fact, they have not. Accordingly, this revision is approved. One comment was received in response to the proposal notice of August 28, 1980 (45 FR 57458). In support of EPA's proposed action, Carolina Power and Light Company submitted preliminary opacity mass emission correlation data issuing from the current testing program required under a three-year variance from the particulate limits of the North

Carolina plan (See FR of August 20, 1980, at page 55422).

On April 19, 1978, the State submitted a revision in regulation 2D .0521 such that new (post-July 1, 1971) sources could obtain an exemption from the 20% limit, and emit at up to 40%, by making certain demonstrations; at the same time the State submitted a revision setting an opacity limit of 35%, with excess emissions exempted for five minutes of any hour or twenty minutes of any 24-hour period, for existing kraft pulp mill recovery furnaces. EPA approves the latter revision, which is basically consistent with 40 CFR 60.282, governing particulate emissions from new kraft pulp mills, and the opacity exemption for new sources. The revision for new sources is deficient in that it is inconsistent with the provisions of 40 CFR § 60.11(e)(3) concerning opacity testing, and limits source testing required of applicants for an exemption to a single test of three runs. However, North Carolina regulation .0524 provides that in the case of a new source subject to 40 CFR Part 60, the Federal regulations apply when there is a conflict with State regulations. No comments were submitted on these two revisions, which were also proposed for approval on August 28, 1980.

These actions are effective June 15, 1981.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before July 14, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of North Carolina was approved by the Director of the Federal Register on July 1, 1980.

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: May 7, 1981.

Walter C. Barber,

Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart II—North Carolina

In § 52.1770, paragraph (c) is amended by revising subparagraph (19) and by adding subparagraph (27), as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(19) Regulations governing emissions of sulfur dioxide from the roasting of spodumene ore, submitted on February 14, 1978, by the North Carolina Department of Natural Resources and Community Development.

* * * * *

(27) Opacity limits for existing kraft pulp mill recovery furnaces (regulation 2D .0506(b)) and revised opacity limitations for other sources (revised regulation 2D .0521), submitted on March 22, 1977, and on April 19, 1978, by the North Carolina Department of Natural Resources and Community Development.

[FR Doc. 81-14671 Filed 5-14-81; 8:45 am]

BILLING CODE 6560-30-M

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40 CFR Part 180

[PP OF2315/R290; PH-FRL-1819-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; (E,Z)-3,13-Octadecadien-1-ol Acetate and (Z,Z)-3,13-Octadecadien-1-ol Acetate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of (*E,Z*)-3,13-octadecadien-1-ol acetate and (*Z,Z*)-3,13-octadecadien-1-ol acetate on almond, apricot, cherry, nectarine, peach, plum, and prune trees. This regulation was requested by Conrel. This regulation eliminates the need to establish a maximum permissible level for residues of the peachtree borer pheromone containing the active ingredients (*E,Z*)-3,13-octadecadien-1-ol acetate and (*Z,Z*)-3,13-octadecadien-1-ol acetate.

EFFECTIVE DATE: Effective on May 15, 1981.

ADDRESS: Written objections may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7028).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of March 28, 1980 (45 FR 20544) that Conrel, an Albany International Co., 110 A St., Needham Heights, MA 02194, had filed a pesticide petition (OF2315) with EPA. This petition proposed that an exemption from a tolerance be established for residues of the biological insecticide (pheromone) (*E,Z*)-3,13-octadecadien-1-ol acetate and (*Z,Z*)-3,13-octadecadien-1-ol acetate when applied to almond, apricot, cherry, nectarine, and plum trees after harvest to disrupt the mating of the peachtree borer and the lesser peachtree borer. The petitioner subsequently amended the petition by adding prune and peach trees and deleting the pest lesser peachtree borer. No comments were received in response to this notice of filing.

The combination of active ingredients (*E,Z*)-3,13-octadecadien-1-ol acetate and (*Z,Z*)-3,13-octadecadien-1-ol acetate in this product is a sex-attractant pheromone which disrupts mating of the peachtree borer. The application rate is approximately 120 lures per acre, hung from trees. According to the applicant, the total amount of the active ingredient to be used per acre is about 2 grams.

The principle behind the control of peachtree borers is that this pheromone acts as a mating disruptant between the sexes of adult moths, thus interfering with the communication of the natural mating process. Fertile egg laying and subsequent larval infestations can be suppressed, thereby reducing borer damage to trees. Due to the small quantity of product being used, and its rather rapid dissipation into the environment, the acceptable daily intake (ADI) and maximum permissible intake (MPI) considerations are not relevent to this petition.

The agency is currently in the process of promulgating proposed guidelines for the registration of biorational pesticides (i.e., Biochemical and Microbial Pest Control Agents). These guidelines would establish the standards for testing and the requirements for data submission to

support the registration of biorational pesticides. The agency expects that the proposed guidelines will be published in the Federal Register in late summer of 1981.

The data submitted or referenced in the petition and other relevant material have been evaluated. The toxicological data considered in support of the exemption from the requirement of a tolerance included an acute oral toxicity study in rats, an acute dermal toxicity study in rabbits, an acute inhalation study in rats, a primary eye irritation study in rabbits, and a primary dermal irritation study in rabbits. No apparent adverse effects were observed in any of these studies. the toxicity data reviewed support the exemption of Nomate™ Borer-Gard from the requirement of a tolerance (OF2315). Therefore, it is concluded that the exemption from a requirement of a tolerance will protect the public health, and 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before June 15, 1981, file written objections with the Hearing Clerk, EPA, M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In general, tolerance regulations have beneficial impacts on affected industries and the public.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Effective date: May 15, 1981.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2)))

Dated: April 24, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by adding § 180.1055 to read as follows:

§ 180.1055 (E,Z)-3,13-octadecadien-1-ol acetate and (Z,Z)-3,13-octadecadien-1-ol acetate; exemption from the requirement of a tolerance.

(*E,Z*)-3,13-octadecadien-1-ol acetate and (*Z,Z*)-3,13-octadecadien acetate are exempted from the requirement of a tolerance when applied to the growing crops or to the raw agricultural commodities almond, apricot, cherry, nectarine, peach, plum, and prune trees after harvest to disrupt mating of the peachtree borer.

[FR Doc. 81-14721 Filed 5-14-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[PP OF2355/R311; PH-FRL-1828-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Sodium Diacetate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the fungicide sodium diacetate when used in postharvest application to certain raw agricultural commodities.

EFFECTIVE DATE: Effective on May 15, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of May 30, 1980 (45 FR 36519) that Domain, Inc., P.O. Box 248, New Richmond, WI 54017 had filed a pesticide petition (PP OF2355) with the EPA. The petition proposed that 40 CFR Part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of the fungicide sodium diacetate in or on alfalfa hay, barley grain, Bermuda grass hay, blue grass hay, brome grass hay, clover hay, corn grain, cowpea hay, fescue hay, lespedeza hay, lupines, oat grain, orchard grass hay, peanut hay, peavine hay, rye grass hay, sorghum grain, soybean hay, sudan grass hay, timothy hay, vetch hay, and wheat grain.

The intended use associated with this regulation was for postharvest application to high moisture hay and grains.

Sodium diacetate is a hydrated molecular complex composed of acetate and acetic acid; in aqueous solutions. This complex partially dissociates to form sodium, hydrogen, and acetate ions.

Acetic acid and acetates are present in plant and animal tissues in small but detectable amounts. They are normal metabolic intermediates that are produced by a number of microorganisms. A common and natural source is from fermentation of fruit juices by *Acetobacter*. The toxicity of sodium diacetate is low (oral LD_{50} of 5.6 g/kg) and its metabolism *in vitro* is well understood.

Sodium acetate has been identified as generally recognized as safe (GRAS) for human consumption (21 CFR 184.1754) when used as an antimicrobial agent, flavoring agent, or pH control agent. A corresponding animal feed regulation (21 CFR 582.6754) recognizes sodium diacetate as GRAS when used as a sequestrant (that regulation does not differentiate sequestrants that may also have antimicrobial properties). Existing regulations do not list sodium diacetate as GRAS specifically as a fungicide. However, sodium diacetate as well as acetic acid, have been used safely and without major adverse health effects in both human and animal foods.

On the basis of the data and information summarized above, the agency has determined that establishing an exemption from the requirement of a tolerance for residues of the fungicide sodium diacetate in postharvest application to high moisture alfalfa hay, barley grain, Bermuda grass hay, blue grass hay, brome grass hay, clover hay, corn grain, cowpea hay, fescue hay, lespedeza hay, lupines, oat grain, orchard grass hay, peanut hay, peavine hay, rye grass hay, sorghum grain, soybean hay, sudan grass hay, timothy hay, vetch hay, and wheat grain, will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before June 15, 1981, file written objections with the

Hearing Clerk, EPA, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumer, individual industries, Federal, State or local government agencies or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In general, tolerance regulations have beneficial impacts on affected industries and the public.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Effective date: May 15, 1981.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: March 26, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by adding § 180.1058 to read as follows:

§ 180.1058 Sodium diacetate; exemption from the requirement of a tolerance.

Sodium diacetate, when used postharvest as a fungicide, is exempt from the requirement of a tolerance for residues in or on alfalfa hay, barley grain, Bermuda grass hay, blue grass hay, brome grass hay, clover hay, corn grain, cowpea hay, fescue hay, lespedeza hay, lupines, oat grain, orchard grass hay, peanut hay, peavine hay, sorghum grain, soybean hay, sudan grass hay, rye grass hay, timothy hay, vetch hay, and wheat grain.

[FR Doc. 81-14720 Filed 5-14-81; 8:45 am]

BILLING CODE 6560-20-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6035]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program (202) 755–5581 or EDS Toll Free Line 800–638–8620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Illinois:					
Calhoun	Brussels, village of	1707478	June 30, 1980, emergency, Feb. 4, 1981, regular, May 18, 1981, suspended.	July 21, 1978	May 18, 1981.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Cook	Hoffman Estates, village of	170187B	Nov. 16, 1972, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Sept. 20, 1974 and Aug. 27, 1976.	Do.
Do	Justice, village of	170112B	Mar. 20, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Mar. 22, 1974 and Feb. 20, 1976.	Do.
Lake	Long Grove, village of	170360B	Feb. 3, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Apr. 5, 1974 and Aug. 27, 1976.	Do.
Cook and Du Page.	Roselle, village of	170216B	Mar. 2, 1973, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Sept. 7, 1973 and Aug. 6, 1975.	Do.
Indiana:					
Hamilton	Carmel, city of	180081C	Aug. 7, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Aug. 9, 1974, Mar. 5, 1976 and Mar. 10, 1978.	Do.
Tipton and Madison.	Elwood, city of	180162C	Mar. 19, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Dec. 28, 1973, Oct. 24, 1975 and Mar. 16, 1979.	Do.
Iowa:					
Humboldt	Humboldt, city of	190158B	Jan. 28, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Apr. 5, 1974 and Feb. 20 1976.	Do.
Louisiana:					
Assumption Parish.	Unincorporated areas	220017A	Apr. 20 1973, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Apr. 6, 1977	Do.
Terrebone Parish.	Houma, city of	220220C	Apr. 30, 1973, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Nov. 28, 1973, Apr. 9, 1976 and Oct. 31, 1978.	Do.
Maine:					
Cumberland	Cumberland, town of	230162B	May 17, 1978, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Aug. 30, 1977	Do.
Oxford	Otisfield, town of	230209B	Jan. 28, 1976, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Jan. 31, 1975 and Apr. 2, 1976.	Do.
Cumberland	Standish, town of	230207B	Oct. 1, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Apr. 18, 1975 and Nov. 19, 1976.	Do.
Minnesota:					
Clay	Dilworth, city of	270080B	Mar. 20, 1974, emergency, May 19, 1981, regular, May 19, 1981, suspended.	May 17, 1974 and June 4, 1976.	Do.
Isanti	Unincorporated areas	270197A	Apr. 4, 1972, emergency, May 19, 1981, regular, May 19, 1981, suspended.		Do.
Hennepin	Minnetonka, city of	270173B	Apr. 9, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Aug. 23, 1974 and July 23, 1976.	Do.
Olmsted	Unincorporated areas	270626A	Apr. 17, 1974, emergency, May 19, 1981, regular, May 19, 1981, suspended.		Do.
Stearns	Sauk Centre, city of	270468B	Apr. 16, 1974, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Mar. 8, 1974 and Oct. 31, 1975.	Do.
Sherburne	Unincorporated areas	270435C	May 16, 1974, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Nov. 29, 1974, Sept. 16, 1977 and July 20, 1978.	Do.
Missouri:					
St. Louis	Moline Acres, city of	290370B	Sept. 17, 1974, emergency, May 19, 1981, regular, May 19, 1981, suspended.	June 14, 1974 and Jan. 2, 1976.	Do.
Do	Wellston, city of	290095B	May 2, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Dec. 17, 1973 and June 16, 1976.	Do.
Do	Times Beach, city of	290368A	Sept. 13, 1973, emergency, Sept. 15, 1977, regular, May 19, 1981, suspended.		Do.
Montana:					
Carbon	Red Lodge, city of	300007B	June 30, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	May 24, 1974 and Nov. 14, 1975.	Do.
New Jersey:					
Monte	Boonton, town of	340335B	Apr. 7, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	May 28, 1974 and June 4, 1976.	Do.
Ocean	Berkeley, township of	340369B	July 2, 1971, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Aug. 2, 1974 and Aug. 13, 1976.	Do.
Morris	Morristown, town of	340352C	June 27, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Feb. 1, 1974, June 18, 1976 and Nov. 26, 1976.	Do.
Ocean	Ocean Gate, borough of	340384B	May 16, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	May 31, 1974 and June 2, 1977.	Do.
Monmouth	Red Bank, borough of	340321B	July 24, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Mar. 8, 1974 and Mar. 19, 1976.	Do.
Ohio:					
Lucas	White House, village of	390639B	Aug. 27, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Mar. 29, 1974 and Aug. 6, 1976.	Do.
Oklahoma:					
Oklahoma	Midwest City, city of	400405C	Jan. 16, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	June 3, 1977 and Mar. 7, 1978.	Do.
Pennsylvania:					
Northampton	Allen, township of	421928A	Mar. 1, 1977, emergency, May 19, 1981, regular, May 19, 1981, suspended.	May 21, 1976	Do.
Lancaster	Caernarvon, township of	421769A	Apr. 29, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Oct. 29, 1976	Do.
Do	Ephrata, township of	421206B	May 20, 1974, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Sept. 20, 1974 and July 23, 1976.	Do.
Erie	Mill Village, borough of	422417A	Feb. 18, 1976, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Apr. 11, 1975	Do.
Do	North East, township of	421366B	Oct. 29, 1974, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Sept. 20, 1974 and Sept. 24, 1976.	Do.
Allegheny	Roselyn Farms, borough of	420069B	Feb. 7, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Jan. 10, 1974 and May 21, 1976.	Do.
Juniata	Thompsontown, borough of	420521B	July 7, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Apr. 12, 1974 and Mar. 5, 1976.	Do.
Lehigh	Upper Milford, township of	421615B	Oct. 10, 1974, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Nov. 1, 1974 and Nov. 14, 1975.	Do.
Erie	Washington, township of	421372C	June 5, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	Oct. 18, 1974, Oct. 3, 1975 and June 2, 1978.	Do.
Lancaster	Wind Gap, borough of	420734B	Nov. 14, 1975, emergency, May 19, 1981, regular, May 19, 1981, suspended.	June 28, 1974 and June 4, 1976.	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Erie	Wattsburg, borough of	420458B	Nov. 11, 1975, emergency, May 18, 1981, regular, May 18, 1981, suspended.	Aug. 18, 1974 and Mar. 19, 1976.	Do.
Lancaster	West Earl, township of	4208568	Nov. 2, 1973, emergency, May 18, 1981, regular, May 18, 1981, suspended.	Apr. 12, 1974 and Jan. 14, 1977.	Do.
Tennessee:					
Chesthem	Unincorporated areas	4700268	Sept. 27, 1974, emergency, May 18, 1981, regular, May 18, 1981, suspended.	Sept. 9, 1977	Do.
Texas:					
Cass	Atlanta, city of	480117B	June 20, 1974, emergency, May 18, 1981, regular, May 18, 1981, suspended.	June 28, 1974 and June 4, 1976.	Do.
Brazos	Bryan, city of	480082B	May 2, 1974, emergency, May 18, 1981, regular, May 18, 1981, suspended.	Mar. 15, 1974 and July 18, 1975.	Do.
Guadalupe	Cibolo, city of	480267B	Nov. 1, 1974, emergency, May 18, 1981, regular, May 18, 1981, suspended.	Feb. 1, 1974 and Apr. 2, 1976.	Do.
Gillespie	Fredericksburg, city of	480252B	June 22, 1974, emergency, May 18, 1981, regular, May 18, 1981, suspended.	Apr. 12, 1974 and Dec. 26, 1975.	Do.
Utah:					
Weber	Plain City, city of	490217B	Feb. 7, 1975, emergency, May 18, 1981, regular, May 18, 1981, suspended.	June 3, 1977	Do.
Davis	South Weber, city of	490049C	Nov. 8, 1974, emergency, May 18, 1981, regular, May 18, 1981, suspended.	July 26, 1974, Apr. 2, 1976 and Sept. 12, 1978.	Do.
Weber	Uintah, city of	490182A	Apr. 30, 1974, emergency, May 18, 1981, regular, May 18, 1981, suspended.	Oct. 29, 1976	Do.
Virginia:					
Franklin	Unincorporated areas	510061A	May 23, 1974, emergency, May 18, 1981, regular, May 18, 1981, suspended.	Apr. 25, 1975	Do.
Washington:					
Clark	Ridgefield, city of	530056B	Jan. 21, 1975, emergency, May 18, 1981, regular, May 18, 1981, suspended.	Dec. 24, 1976	Do.
Wisconsin:					
Pierce and St. Croix.	River Falls, city of	550030A	Mar. 30, 1972, emergency, May 18, 1981, regular, May 18, 1981, suspended.	Oct. 12, 1973	Do.
Brown	Wrightstown, village of	550035A	Sept. 28, 1976, emergency, May 18, 1981, regular, May 18, 1981, suspended.	Aug. 22, 1975	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: April 24, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-14672 Filed 5-14-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6058]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fifth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–8620.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program (202) 755–5581 or EDS Toll Free Line 800–638–8620 for Continental U.S. (except Maryland); 800–638–8831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or constructon of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100

"Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Maine:				
Sagadahoc	Bowdoinham, town of	230119A	Apr. 16, 1981, emergency	Mar. 15, 1974 and Dec. 3, 1976.
Pennsylvania:				
York	East Hopewell, township of	422218A	Apr. 16, 1981, emergency, Apr. 16, 1981, regular	Dec. 27, 1974.
New York:				
Lewis	Constableville, village of	360899A	Apr. 22, 1981, emergency	Aug. 9, 1974 and May 28, 1976.
Pennsylvania:				
Luzerne	Foster, township of	421699A	Aug. 14, 1974, emergency; Apr. 1, 1981, regular; Apr. 1, 1981, suspended; Apr. 23, 1981, reinstated.	Nov. 15, 1974.
Arkansas:				
Phillips	Unincorporated areas	050169B	Apr. 28, 1981, emergency	Aug. 9, 1977 and Oct. 28, 1978.
New Jersey:				
Morris	Mine Hill, township of	340666A	do	Jan. 7, 1977.
Pennsylvania:				
Chester	East Pikeland, township of	421469B	Sept. 6, 1974, emergency; Mar. 16, 1981, regular; Mar. 16, 1981, suspended; Apr. 27, 1981, reinstated.	Sept. 6, 1974 and May 21, 1976.
Lancaster	West Cocalico, township of	421787B	Aug. 5, 1974, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended; Apr. 27, 1981, reinstated.	Sept. 13, 1974 and Aug. 6, 1976.
Missouri:				
Pike	Unincorporated areas	290696	Apr. 29, 1981, emergency	
New York:				
St. Lawrence	Hopkinton, town of	361179	do	Nov. 15, 1974.
Lewis	Lewis, city of	360900A	do	June 28, 1974 and July 9, 1976.
Michigan:				
Allegan	Laketown, township of	260253A	Nov. 27, 1973, emergency; June 4, 1980, regular; June 4, 1980, suspended; Apr. 28, 1981, reinstated.	Jan. 3, 1975.
Pennsylvania:				
Lancaster	Denver, borough of	420546B	Aug. 22, 1973, emergency; Apr. 15, 1981, regular; Apr. 15, 1981, suspended; Apr. 30, 1981, reinstated.	July 26, 1974 and Apr. 9, 1976.
Oregon:				
Marion	St. Paul, city of	410168	Apr. 30, 1981, emergency	Nov. 22, 1974.
Pennsylvania:				
Greene	Jackson, township of	421671A	do	June 4, 1976 and Dec. 20, 1974

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: May 8, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–14874 Filed 5–14–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 65

[Docket No. FEMA 6056]

Communities With No Special Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administration, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by the 100-year flood. Therefore, the Administrator is converting the communities listed below to Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with no Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1–4 family dwelling is $.25 per $100 per coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of $185,000 coverage for the structure and $60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property

insurance agent or broker serving the eligible community.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§ 65.8 List of communities with no special flood hazard areas.

State and county	Community name	Date of conversion to regular program
California, Stanislaus	City of Turlock	May 14, 1981.
Idaho, Jerome	City of Jerome	May 14, 1981.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 1, 1981.

Richard W. Krimm,

Acting Administrator Federal Insurance Administration.

[FR Doc. 81-14563 Filed 5-14-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 65

[Docket No. FEMA 6057]

List of Withdrawal of Flood Insurance Maps Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Federal Insurance Administration, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is supended.

EFFECTIVE DATE: The date listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 755–5585 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5150, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, requires, at Section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

(1) for acquisition and construction of buildings, and

(2) for buildings located in a special flood hazard area identified by the Director of Federal Emergency Management Agency.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction of buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FEMA) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number and a FIRM by the letter "R" following the community number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 44 CFR Part 59 et. seq.).

As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication. Accordingly, Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations is amended as follows:

1. Present § 65.6 is revised to read as follows:

§ 65.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's).*

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 5149
40 FR 17015
40 FR 20798
40 FR 46102
40 FR 53579
40 FR 56672
41 FR 1478
41 FR 50990
41 FR 13352
41 FR 17726
42 FR 8895
42 FR 29433
42 FR 46226
42 FR 64076
43 FR 24019
44 FR 815
44 FR 6383
44 FR 18485
44 FR 25636
44 FR 34120
44 FR 52835
44 FR 57094
44 FR 12421
44 FR 28051
44 FR 31318
44 FR 34120
45 FR 49570
45 FR 52385
46 FR 13695
46 FR 20176
46 FR 26776

(b) *Flood Insurance Rate Maps (FIRM's)*

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 17015
41 FR 1478
42 FR 49811
42 FR 64076
43 FR 24019
44 FR 25636
44 FR 12421
45 FR 49570
45 FR 20176

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made Pursuant to § 65.6:

FIA Map Rescissions

State, community name and No.	County	Hazard identification date	Rescission date	Reason
California:				
City of Turlock, 060382A (E)	Stanislaus	May 14, 1976	May 14, 1981	2
Idaho:				
City of Jerome, 160074A (E)	Jerome	Apr. 16, 1976	do	2
Michigan:				
City of Harbor Beach, 260670	Huron	Jan. 30, 1976	do	1
Huron Township, 260418	Huron	Nov. 5, 1976	do	1
Village of Port Austin, 260618	Huron	Jan. 30, 1976	do	1
City of Omer, 260622	Arenac	Oct. 28, 1977	do	1
Village of Ubly, 260334	Huron	Apr. 11, 1975	do	1
Virginia:				
City of Bloxom, 510258	Accomack	Feb. 11, 1977	do	1
City of Painter, 510295	Accomack	Feb 4, 1977	do	1
Texas:				
City of Lomax, 480303A	Harris	Jan. 13, 1981	do	4

KEY TO SYMBOLS:
E The community is participating in the Emergency Program. It will remain in the Emergency Program without a FHBM.
R The community is participating in the Regular Program.
1. The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
2. FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
3. The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
4. The community lacked land-use authority over the special flood hazard area.
5. The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.
6. The Flood Insurance Rate Map was rescinded because of inaccurate flood elevations contained on the map.
7. The Flood Insurance Rate Map was rescinded in order to re-evaluate the mudslide hazard in this Community.
8. The T&E or H&F Map was rescinded.
9. A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.
10. Miscellaneous.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 26, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: May 8, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-14575 Filed 5-14-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 65

[Docket No. FEMA 6055]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The effective date shown at the top right of the table or June 15, 1981, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5150, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 or Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128)

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

BILLING CODE 6718-03-M

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

EFFECTIVE DATE: June 5, 1981

1 State	2 Ident. Number	3 Community Name County Name	4 Panels Printed (0 and Suffix)	5 Inland/ Coastal	6 Hazard	7 60.3 Code	8 Progress Status	9 Status of		10 Previous Map Dates		11 Revision Code (8)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
								FHBM	FIRM	FHBM	FIRM				
MN	270652	Big Stone County (Uninc. Area)	Index 0001A 0004A 0005A 0006A 0007A 0008A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Mr. E. W. Trebil County Auditor County Auditor's Office Courthouse Ortonville, MN 56278 Phone: 612-839-2185
EFFECTIVE DATE: June 9, 1981															
ND	380100	City of Wahpeton Richland Co.	0001B	I	FL	B	1	3	1	1/16/76	N/A	8 9 10	N/A	N/A	Hon. Warren E. Shuett Mayor City Hall Wahpeton, ND 58075 (701) 642-8460
EFFECTIVE DATE: June 12, 1981															
OH	390443	Village of New Lexington (Perry Co.)	0001B	I	FL	B	1	3	1	5/17/74 4/ 9/76	N/A	9 10 16	N/A.	N/A	Douglas Shupe Village Administrator Municipal Building 125 South Main Street New Lexington, OH 43764 Phone: 614-342-1633
PA	421884	Township of Barrett (Monroe Co.)	Index 0001A 0002A 0003A 0004A	I	FL	B	1	3	1	11/15/74	N/A	8 10 16	N/A	N/A	Edward Price, Chairman Twp. Board of Supervisors Town of Barrett Cresco, PA 18326 Phone: 717-595-7926
WI	550162	City of Monroe (Green Co.)	0001B	I	FL	B	1	3	1	5/31/74 5/28/76	N/A	9 10 16	N/A	N/A	Clifford Reese, Mayor Box 200 City Hall Monroe, WI 53566 Phone: 608-325-4101

EFFECTIVE DATE: June 19, 1981

EFFECTIVE DATE: June 19, 1981

1 State	2 Identc. Number	3 Community Name County Name	4 Panels Printed (If any) Suffix	5 Inland/ Coastal	6 Hazard	7 50.3 Code	8 Program Status	9 Status of FHBM	9 Status of FIRM	10 Previous Map Dates FHBM	10 Previous Map Dates FIRM	11 Revision Code(S)	12 Rescission	13 Floodways Panels Printed	14 Location of Map Repository
MI	260342	Twp. of Au Train (Alger Co.)	Index 0001B 0002B 0003B	I	FL	B	4	3	1	3/25/77	N/A	9 10	N/A	N/A	Mr. Patrick Greg, Chairman Twp. Supervisors Route 1, Box 215 Chistmas, MI 49862 Phone: 906-387-3409
VA	510009	Alleghany Co. (Uninc. Area)	Index 0001A thru 0008A	I	FL	B	1	3	1	7/18/75	N/A	9 10 16	N/A	N/A	Randy Arno County Administrator P.O. Box 670 Covington, VA 24426 Phone: 703-962-4918
SC	450142	City of Marion Marion County	0005C	I	FL	B	1	3	1	6/21/74 12/10/76 6/27/80	N/A	9	N/A	N/A	Hon. T. Carroll Atkinson, Jr., Mayor City Hall 107 South Main St. Marion, SC 29571

EFFECTIVE DATE: June 23, 1981

TX	480703	Jourdanton, City Atascosa Co.	0001A	I	FL	B	1	3	1	8/13/76	N/A	8 10	N/A	N/A	Hon. Thomas A. Lang Mayor 1220 Simmons Ave. Jourdanton, TX 78026 (512) 769-3026

EFFECEIVE DATE: June 26, 1981.

NY	360178	City of Cortland Courtland Co.	0005B	I	FL	B	1	3	1	3/29/74 2/21/75	N/A	9	N/A	N/A	City Hall City of Cortland Court Street Cortland, N. Y. 13045

BILLING CODE 6718-03-C

COMMUNITY MAP ACTIONS

(Codes: Where no entry is necessary use N/A)

Column Code:

1. Two letter state designator.
2. FIA Community 6-digit identity number.
3. Community name; County(ies) name.
4. Four digit number and suffix of each FIRM or FHBM panel printed.
5. INL/Coast:
   I=Inland
   C=Coastal
6. Hazard:
   FL=Flood
   MS=Mudslide
   ER=Erosion
   NF=Non flood prone
   MF=Minimally flood prone
7. 60.3 Code:
   A=Special Hazard not defined, no elevation data (No FHBM)
   B=Special Hazard Designated, no elevation data (FHBM)
   C=Firm, No Floodway or Coastal High Hazard
   *D=Firm, Regulatory Floodway Designated
   *E=Firm, Coastal High Hazard
   *Dual entry is available.
8. Program Status:
   1=Emergency
   2=Regular
   3=Not participating, no map
   4=Not participating, with map
   5=Withdrew
   6=Suspended
9. FHBM Status:
   1=Never mapped
   2=Original
   3=Revised
   4=Rescinded
   5=Superceded by firm
9. FIRM Status:
   1=Never mapped
   2=Original
   3=Revised
   4=Rescinded
   5=All Zone C—No published firm
   6=All Zone A and C—No elevations determined
10. Dates of all previous Maps
11. Revision Codes:
   1. 1916 BFE (Base Flood Elevation) Decrease
   2. 1916 BFE Increase
   3. 1916 SFHA (Special Flood Hazard Area) Change
   4. Change of Zone Designation; revised FIRM
   5. Curvilinear
   6. 1914 Incorporation
   7. 1914 Discorporation
   8. 1914 Annexation
   9. SFHA Reduction
   10. Non-1916 SFHA Increase Without Numbered Zones
   11. Non-1916 SFHA Increase with Numbered Zones
   12. Drafting Correction; Printing Errors
   13. Suffix Change ONLY
   14. Change to Uniform Zone Designations (7/1/74)
   15. Revisions Withdrawn
   16. Refunds Possible
   17. Letter of Map Amendment (1916)
   18. Letter of Map Amendment (1916 without **Federal Register** publication)
   19. **Federal Register** Omission
   20. Attention. A previous may (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.
   21. Miscellaneous
13. List of Numbered Floodway Panels Printed
14. Address of Community Map Repository

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 4, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-14576 Filed 5-14-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 95

Amendment of the Commission's Rules Concerning General Mobile Radio Service System Licensing

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission by this Order is editorially amending its General Mobile Radio Service system licensing procedures which, through oversight, placed an unnecessary burden on control stations.

EFFECTIVE DATE: June 4, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Terry C. Sutter, Private Radio Bureau, (202) 632–4964—Room 5218.

SUPPLEMENTARY INFORMATION:

In the matter of amending Part 95, concerning General Mobile Radio Service (GMRS System Licensing).

Order

Adopted: April 21, 1981.

Released: April 21, 1981.

1. On June 11, 1980 (45 FR 42623; June 25, 1980) the Commission adopted rules introducing system licensing procedures in GMRS. System licensing simplifies station identification and application filing by licensing a system of several inter-communicating stations under a single authorization.

2. Through an editorial oversight, the rules as adopted place an unnecessary requirement upon those control stations eligible for system licensing. Section 95.15(a)(8) limits such stations to only those transmitting with less than 5 watts ERP. This limitation should only apply in the area related to the Canadian Coordination Agreement.

3. This editorial oversight has been brought to our attention. Therefore, we are adopting this order to correct the oversight. Accordingly the Executive Director, acting under authority delegated to him by § 0.231(d) of the Commission's rules, orders that, effective June 4, 1981, Part 95 is amended as revised and set forth in the attached Appendix below.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; (47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317))

Federal Communications Commission.

Richard D. Lichtwardt,

Executive Director.

Appendix

I. Part 95 of the Commission's rules is amended as follows:

§ 95.15 [Amended]

1. Section 95.15 is amended by revising paragraph (a)(8) to read as follows:

(a) * * *

(8) Application is made for a land mobile radio system (see § 95.17(e)). The application must:

(i) Be submitted on a single Form where the system includes no more than two land stations whose antenna heights exceed 6.1 meters (20 feet—§ 95.37(b)(2)). The system may include a mobile station. It may also include any number of fixed stations for control which:

(A) Transmit on the same frequency as the mobile station;

(B) Do not have antennas exceeding 6.1 meters in height; *and*

(C) Are located:

(*1*) South of Line A and West of Line C; *or*

(*2*) North of Line A and East of Line C and do not transmit with more than 5 watts ERP;

(ii) Include the following information:

(A) Number of fixed stations for control;

(B) Their transmitting frequency;

(C) Their emission type;

(D) Their highest power output;

(E) Each street address;

(F) Each control point street address;

(G) Geographical coordinates for:

(*1*) The one or two land stations, if any, whose antenna heights exceed 6.1 meters;

(2) fixed stations for control which will:

(i) Be located North of Line A or East of Line C; *and*

(ii) Transmit with more than 5 watts ERP.

* * * * *

[FR Doc. 81-14702 Filed 5-14-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR 1244

[Ex Parte No. 386]

Waybill Analysis of Transportation of Property-Railroads

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission has modified its order requiring certain railroads to submit waybills used for the continuous study of rail carload terminations, previously known as the "One-Percent Waybill Sample." The Commission had proposed revision of this order at 45 FR 69973 (10-17-80). Certain suggestions from the interested public have been adopted. The revisions are minor but important. The sample required in the final rule shall be known as the "ICC Waybill Sample." The primary purpose of the modifications is to give railroads the option of reporting minimum essential traffic information by means of computer tapes in lieu of hard copy waybills. Rules governing the submission of hard copy waybills are also changed to clarify the procedures, to improve the reliability and timeliness of the study results, and to reduce some of the reporting requirements.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Sidney Fine, Telephone: 202-275-0783.

SUPPLEMENTARY INFORMATION: Since 1946, the Interstate Commerce Commission has collected a continuous sample of carload waybills from railroads terminating shipments. The sample was designed to yield approximately one-percent of the total carloads terminated by railroads subject to the reporting rules. The sample is the only known source from which reasonably reliable and comprehensive information can be obtained on rail carload freight traffic flow and its characteristics. It is intended primarily to serve the needs of the Commission and the Department of Transportation, but it is also widely used to serve the traffic data needs of other Federal, State and local governments, the transportation industry, shippers, research organizations, universities and others. Under a Memorandum of Agreement, FR Doc. 70-9634, published July 25, 1970, the sample waybills submitted in response to the Commission's order are processed by the Department of Transportation.

The technical design of the waybill sample has remained essentially the same throughout its history. After considerable study, the Commission believes the time has come to revise the sampling process, taking advantage of improved statistical theory and the widespread usage of computers by railroads in their business processes, and to recognize that much railroad traffic moves in multiple car lots. The modifications should raise the quality of the sample study results and, at the same time, reduce the railroads' reporting costs and the Government's processing costs. The final rule sets forth two options for railroads subject to the order for selecting and submitting the waybill information: a respondent railroad may either furnish a computer tape which is acceptable to the Commission containing specified information from a sample of waybill records (computerized system) or submit authenticated copies of the front only of audited waybills (manual system).

The revised design will be a stratified sample with higher sampling rates for waybills from shipments with larger numbers of carloads. The decision to use stratified sampling for collecting the waybill data is based on the frequency distribution of the number of carloads per waybill for the year 1977. In 1977, only three percent of the waybills had more than two carloads per waybill, but these waybills represented thirty percent of the total carloads. The largest shipment in the sample had close to 400 carloads. In the past, these shipments have been under-represented in the sample. Since the largest shipments in the sample have a disproportionately large effect on estimates based on that sample, it is important that the large shipments be properly represented in the sample. Stratifying by carloads and sampling a higher percentage of the large shipments will ensure that these large shipments are properly represented in the waybill sample. This stratified sample design will result in improved (i.e., lower variance) estimates of traffic characteristics of the rail industry such as total freight tonnage, total revenue, and average revenue per car. The sample rates that will be used are shown in Table 1. A more detailed explanation of the sample design will be found in the documentation of the waybill sample which is in preparation and will be available to the public by June 1, 1981.

The Commission plans to evaluate the revised waybill sample to determine whether further improvements can be achieved through the use of different stratification schemes. We will also determine after further study if any minor revisions in the data collected are necessary.

Table 1.—*Sample Design*

For railroads using the manual system	
Carloads	Sampling rate
1 to 5	1 out of 100.
6 to 25	1 out of 10.
26 and over	1 out of 5.

For railroads using the computerized system	
Carloads	Sampling rate
1 to 2	1 out of 40.
3 to 15	1 out of 12.
16 to 60	1 out of 4.
61 to 100	1 out of 3.
101 and over	1 out of 2.

Railroads choosing to use the computerized system for reporting purposes will be required to conform to the standards developed and agreed to informally by staff of the Department of Transportation and the Interstate Commerce Commission and representatives of the Association of American Railroads' Revenue and Statistics Committees and the Cost Analysis Organization. These standards are contained in the *Procedures for Sampling Waybill Records by Computer* [Statement 81-1] which is available on request from: Office of Policy and Analysis, Interstate Commerce Commission, Washington, D.C. 20423, Attention: Sidney Fine.

Before using the computerized system of reporting, a railroad will be required to satisfy two tests designed to show that its sampling procedures are technically adequate and that the waybill information in its data file is valid. These tests are described in Statement 81-1. If accepted, the railroad may start participating in the computerized system at the beginning of any quarter of the year. Waybill tape input must be sent in a form which is compatible with the Commission's designated electronic data system. Railroads using the computerized system will be required to maintain the corresponding files of hard copy waybills for at least four years.

Railroads choosing the manual system shall submit copies of all waybills with

less than 6 carloads covering shipments terminating on its lines whose serial numbers are 1 or end in 01, all terminating waybills with 6 to 25 carloads whose serial numbers end in 1, and all terminating waybills with 26 or more carloads per waybill whose serial numbers end in 1 or 7.

The current requirement for submitting supplemental information on the type of rate in the Supplemental Statement is eliminated, as in the EM–5 system of reporting multiple car shipments. Also eliminated are the miscellaneous reports for certain multiple car traffic for origin to destination pairs generally called multiple car statements which are monthly or quarterly abstracts voluntarily used by several railroads.

The final rule changes the criterion for requiring railroads to report waybill data. In the past, railroads with annual revenue greater than $3,000,000 have been required to report. In the future, railroads will have to submit waybill information for a year if, in any of the three preceding years, it has terminated at least 4500 carloads or it has terminated at least 5% of the carloads in any one state. In order to determine the number of carloads terminated in each state, the Commission will require railroads not submitting waybill information to report annually the number of carloads terminated by state.

These rules define railroad subject to these reporting requirements as including railroads and terminal companies that handle terminating waybills for revenue billing or interline settlement for another railroad. Subject railroads shall submit the required waybill information for all of their rail subsidiaries. A reporting railroad may be an individual railroad or collectively a railroad and its operating rail subsidiaries reporting to the Commission on a consolidated basis.

The final rule, for the first time, defines a waybill so as to make clear that all documents or instruments used by railroads for disposition of freight, as the authority for moving shipments, as a basis for determining and setting freight charges, or for resolving interline settlements are included in this sample.

Sampled waybill information must be filed within 60 days from the end of the audit month (quarter, optional for certain railroads) with the Commission. Study waybills or waybill records returned to the railroads for correction or clarification shall be returned corrected to the specified contractor within 60 days of receipt.

A Notice of the Proposed Rulemaking (NPR) including the set of proposed regulations was served on all railroad carriers on October 7, 1980 and was published in the Federal Register on October 17, 1980. Although comments were received from only a small number of parties, significant views of both suppliers and users of the waybill data are represented.

The Association of American Railroads (AAR), on behalf of the railroad industry, endorses the improvement in sampling procedures for the waybill sample. The proposal permits a flexible transition period during which railroads may adopt the computerized system of reporting. The major railroads have made commitments which account for 65 percent of the freight revenue (1979). A benefit of the proposed manual sampling procedures, as compared to the existing EM–5 procedures for sampling multiple carload movements, is that less reporting effort will be expended for the majority of the multiple carload block sizes. Moreover, the AAR states that the planned use of the hardcopy waybill without a separately completed EM–5 document will reduce the reporting burden.

The AAR urges the Commission to safeguard the confidentiality of the submitted waybill data. The AAR states that the ICC has released waybill information at a very detailed level—a level which it feels is potentially damaging to its interests. The AAR urges the Commission to adopt and follow the confidentiality guidelines suggested in Ex Parte No. 358, *Confidentiality of Financial Data*, and Ex Parte No. 360, *Regulations for the Processing of FOIA Requests*. We do not feel that this is a proper place to address the issue of confidentiality since it is a subject of those other proceedings.

The Chicago and North Western Transportation Company (CNW) wishes to continue submitting data for iron ore handled at the Escanabe docks on special train reports on a quarterly basis. The CNW claims that there are no serialized documents accompanying these iron ore movements and thus it was given approval to report in summary form.

One of the main purposes of the new rule is to eliminate all the various forms of reporting multiple car movements that were permitted in the past, including multiple car statements covering monthly or quarterly abstracts such as the CNW special train reports and the multiple car reporting under the EM–5 sample plan. The new procedure eliminates the supplementary statement. It does require a standard sampling unit, the waybill as defined in the final rule. In light of the Commission's need for standard sampling units, we cannot grant CNW's request. It should be noted that the final rule requires all subject waybills to be serialized if not already containing a waybill number or a serial number.

CNW also requests that the proposed regulation be changed to set 90 days as a time limit for reporting on the manual system instead of the proposed 45 day limit. The prior waybill order, although having no formal deadline, required submission of waybills as soon as audit was completed. We have interpreted this to mean that the submission of waybills was to be within 60 days of the audit month. We have presented this interpretation on the transmittal forms to the reporting railroads for years and the railroads have generally conformed to this standard. Since the railroads are able to report waybill information within 60 days, a 90 day limit seems excessive. We will, however, extend the reporting deadline from the proposed 45 days after the end of the reporting period to 60 days.

Occasionally, waybill data may need correction. If these waybill data are returned to the submitting railroad for such correction, it is important that the waybill data should be corrected and resubmitted expeditiously. Accordingly, we have required in 49 CFR § 1244.4 that resubmittals must occur promptly but no later than 60 days after the railroad's receipt of the incorrect data.

The Atchison, Topeka, and Santa Fe Railway Company (Santa Fe) feels that the sample "sizes" are too high for the strata with the higher numbers of carloads per waybill. Santa Fe argues that as one advances into strata with the higher number of carloads per waybill the possibilities of different commodities, routes and other variables become more restricted. For example, Santa Fe states that its records representing over 60 carloads per waybill contain only 8 different commodities. The Santa Fe also argues that the sample is highly biased in favor of waybill data containing a higher number of carloads. Santa Fe asserts that under the computerized system over 50% of Santa Fe's carload traffic data contained in the sample would be drawn from waybills containing over 60 carloads.

The Santa Fe has confused the term "sample size" with "sample rate" when referring to the fraction of waybills drawn from a particular stratum. Sample size refers to the amount or number of sample units selected and sample rate refers to the percentage of waybills selected. The sample rates are high for the strata with larger numbers of carloads per waybill but the sample

sizes are relatively small. Applying the strata breakpoints for the manual system to the data from the 1977 ICC waybill sample, the stratum with 26 carloads per waybill and over had 0.4% (less than 1%) of the waybills and a sample rate of 1 out of 5. See table below:

Strata (carloads/waybill)	Percent of total (No. of waybills)	Sample rate
1-5	98.2	1 out of 100.
6-25	1.4	1 out of 10.
26 and over	.4	1 out of 5.

The sample rate is higher in the two strata with the higher number of carloads per waybill. There is a need for precision for important commodities such as coal and wheat which tend to move in large shipments. Compared to the EM-5 sample, which most of the Class I railroads including the Santa Fe presently use to report multiple car traffic (6 cars and over), the new manual system plan draws fewer waybills for the strata with the higher number of carloads per waybill. Similarly, there are fewer waybill records received under the computerized system for the strata with the higher number of carloads per waybill. For the computerized system, there would actually be no greater burden for railroads to report 100% of their traffic for their entire waybill file.

The Santa Fe has a specific concern about whether the manual sample can be treated as a random sample. The procedure is similar to the systematic sampling procedure that was instituted in 1947. There has been no evidence since that time of any significant bias due to the use of this procedure. When railroads have selected the waybill sample properly covering all their traffic, the comparisons between totals from the waybill sample data and similar data reported on the railroads' Quarterly Commodity Statistics have shown no bias.

However, we have added a statement to 49 CFR § 1244.3 maintaining the Commission's option to assign random starts for railroads on the manual system in case of any evidence of significant bias. In the absence of such evidence, we will continue to use the basic serial selection procedure as shown in § 1244.3 because of its simplicity.

The Santa Fe asserts that accurate estimates cannot be obtained from the manual plan unless the actual sampling rate (number of waybills sampled divided by total number of waybills) for each stratum is supplied by each railroad. The actual sampling rate within each stratum will not be 1%, 10% and 20% but will be a random quantity which may be somewhat above or below the intended rate. We agree that we could improve the accuracy of study by obtaining the total counts for each stratum for the manual sample railroad. The final rule includes a requirement for railroads on the manual system to provide total waybill counts for each stratum for each reporting period.

The Commission rejects Santa Fe's plea "to defer implementation of the rules pending resolution of the usage and confidentiality questions and testing of the 1980 data being submitted by volunteer railroads." We have answered Santa Fe's objections and because of the present need of the Commission to obtain a more accurate and better controlled sample we shall not defer its implementation.

The Apalachicola Northern Railroad requests that it be exempt from having to furnish "01" terminated waybills on its line. This railroad states that its number of terminations, which was 10,212 carloads in 1979, is extremely small.

We deny the Apalachicola Northern Railroad's request. If we release one railroad because of its small contribution to the waybill sample we would have to release all others with the same claim. However, in total this loss in traffic would be significant. We have established in this rule a minimum size for independent railroads that are required to report for the waybill sample: railroads terminating 4,500 or more, or 5% of the line-haul cars terminating for any state in a year.

There were two comments received from federal agencies: the U.S. Department of Transportation (DOT) and the Bureau of Labor Statistics (BLS), U.S. Department of Labor.

DOT generally supports the methods for selecting and submitting waybill information and believes the proposed changes will improve the reliability of the data and reduce the administrative burden on the carriers. However, DOT recommends two changes in the final rule.

Under the prior rule (49 CFR 1244) a railroad must file the required waybill data if it has annual operating revenues of $3 million or more. Instead of relying on revenues, the final rule uses the number of terminating carloads as a reporting threshold: a railroad must submit sample waybills if, in any of the past three years, that railroad terminated 4,500 carloads or 5% of the carloads in a particular state. This change will relieve the burden for the very small independent railroads. DOT feels the 4,500 carload minimum may not provide sufficient information for DOT to adequately carry out its statutory functions involving rail restructuring, safety, and financial assistance.

DOT recommends that the minimum terminating carloads threshold for reporting be reduced from 4,500 to 3,000 annually. DOT claims it needs waybill data showing relevant movements at the county level. DOT's analysis of 1979 waybill data shows that the reduced threshold would include four more railroads. DOT lists a total of seven railroads it feels should be included. Our records show that at least four of these railroads would be included as part of the expanded definition of railroads (sec. 1244.2(c)), since they are subsidiaries of other reporting carriers. We believe the threshold in the final rule together with the revised definition of a subject railroad should be sufficient for ICC and DOT use.

BLS uses the waybill data for producing the Railroad Freight Rate Index (Index) which we have used in certain decisions. BLS requires ICC's waybill sample to be resampled and needs to have the hard copies to obtain supplementary information. Specifically, the BLS requested the following information or items:

1) For transit waybills, identification of inbound and outbound waybills and assurance that all the inbound billing references are retained.

2) Identification of all accessorial charges as to type and quantity.

3) Total revenue by two and four digit STCC.

4) Requirement that railroads maintain hard copy waybills for a sufficient period to allow special studies such as the one required for the Index.

5) Access to hard copy waybills and any applicable inbound billing references during the periodic resampling of the pricing frame for the Index.

We support the BLS data needs in regard to the Index. We will order special studies when such studies will produce data needed by the Commission, providing it is neither an unreasonable burden to the railroads nor a near impossible task to perform. For example, representatives of railroads claim that they cannot identify inbound transit waybills. We therefore cannot, at this time, grant the BLS request for identification of inbound transit waybills because the reporting burden would be too large. However, we have added the requirement that the transit (outbound) waybills shall include the inbound reference (§ 1244.5(a)). Also, the identification of the transit (outbound) waybill which was available for the prior study will be obtained for

the revised waybill sample. This meets BLS's other needs expressed in Item 1. The third item on the BLS list is available from the Quarterly Commodity Statistics reports filed by the railroads.

In response to the needs of the BLS indicated in Item 4, as well as those of others users, we have included (sec. 1244.5) a requirement that the subject railroads retain the hard copy waybills for four years. Also, we have included a notice to the public (sec. 1244.6) that the subject railroads may be required to prepare hard copy waybills for special studies. We will call for special studies to provide the data for the first (partial), second, and fifth items (above) as requested by BLS for the updating of the index. We understand that the number of waybills required for updating the index is but several hundred. The updating is performed about every five years and is unlikely to pose an unreasonable burden on the railroads.

There were replies from three non-government users: the Fertilizer Institute, the Western Coal Traffic League, and the Southern Electric System which includes Alabama Power Company, Georgia Power Company, Gulf Power Company and Southern Company Services, Inc.

The Fertilizer Institute believes that two provisions should be added to the final rule. Any railroad submitting computer tapes instead of hard copy waybills should be required to preserve the underlying hard copy waybills for a period of five years from the date of submission. Additionally the Commission should guarantee public access to the waybill sample under fixed procedures and provide for access by the public to the underlying hard copies where necessary to test the accuracy of the sample.

We are requiring the railroads using the computerized system to maintain the underlying hard copies for a period of four years instead of five as requested.

At present, we have a formal procedure for release of data providing the confidentiality of shipper data is protected. For analyses of the waybill data, the individual waybill records may be released to the care of an agent who pledges to protect the confidentiality of the data. The final user may only receive the agreed upon aggregate data. Shipper data is legally protected under Title 49 U.S.C. 11910.

The Southern Electric System (SES) and the Western Coal Traffic League (WCTL) urge the Commission to further refine the waybill sample with respect to coal movements. SES and WCTL request that the final rules include a procedure which delineates the movements separately into single-car, multiple-car, trainload and unit train movements. This would create a more accurate traffic base. SES and WCTL argue that such a delineation of the traffic base would assist the Commission, the railroads, and the shippers in developing the cost data required under the Staggers Rail Act of 1980.

We believe such data would be valuable and useful. However, the railroads claim it is not possible at this time to obtain such data. For the present, we suggest that the railroads supply lists of such movements and we (ICC/DOT) will attempt to match up such lists with the comparable sample waybill moves. The future derivation of the suggested delineations is a matter of high priority which will aid fulfillment of our statutory obligations.

SES further urges the Commission to issue a notice to the public that the Commission may require hard copy waybills for special studies. Such a notice has been included in this decision.

It does not appear that these regulations will significantly affect either the quality of the human environment or conservation of energy resources or that it will adversely affect small businesses.

Accordingly, we adopt the final rules 49 CFR Part 1244 Waybill Analysis of the Transportation of Property Railroads as set forth in the Appendix to this notice.

Authority: 49 U.S.C. 11144, 49 U.S.C. 10709

Dated: April 29, 1981.

By the Commission, Acting Chairman Alexis, Commissioner Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

PART 1244—WAYBILL ANALYSIS OF TRANSPORTATION OF PROPERTY—RAILROADS, IS REVISED TO READ AS FOLLOWS:

Sec.

1244.1 Definitions
1244.2 Applicability
1244.3 Sampling of Waybills
1244.4 Date of Filing
1244.5 Retention of Files
1244.6 Special Studies
1244.7 Analysis of Waybill Data

Authority: 49 U.S.C. 11144, 49 U.S.C. 10709

§ 1244.1 Definitions.

(a) Railroad—an individual railroad or terminal company subject to the Interstate Commerce Act and every receiver, trustee, executor, administrator or assignee of any such railroad. If a railroad and its railroad subsidiaries report to the Commission on a consolidated basis, they would collectively be considered as a "railroad".

(b) A railroad subsidiary—a railroad owned or controlled by another railroad.

(c) A waybill, which may be referred to by other names such as mine tickets, is the document or instrument prepared from the bill of lading contract or shipper's instructions as to the disposition of the freight, and used by the railroad(s) involved as the authority to move the shipment and as the basis for determining the freight charges and interline settlements.

§ 1244.2 Applicability.

(a) Effective July 1, 1981 and thereafter, unless otherwise ordered, each railroad as defined in Sec. 1244.1 above is required to file waybill sample information for all line-haul revenue waybills terminated on its lines if it terminates at least 4,500 revenue carloads in any of the three preceding years, or if it terminates at least 5% of the revenue carloads terminating in any state in any of the three preceding years. A railroad required to file waybill sample information under this section shall herein be referred to as "subject railroad."

(b) Waybill terminations shall include all line-haul revenue movements terminating for waybilling purposes on the subject railroad's line whether the lading is destined for the terminating station as denoted on the waybill or the shipment is being rebilled or forwarded to the ultimate destination by another railroad or another mode of transportation (e.g., lake cargo, inbound transit, or other rebilled movements).

(c) Each subject railroad shall also file the required waybill sample information for all of its railroad subsidiaries.

(d) Each subject railroad shall also file the required waybill sample information for any other railroad for which it performs revenue billing and/or interline settlements under special agreement.

(e) The surviving corporate entity of railroads (subject to the Interstate Commerce Act) who have merged or reorganized shall be required to report waybill sample information if its predecessor railroad or any of its predecessor railroads were required to report under this section.

(f) In order to determine the number of carloads terminated in each state, railroads not otherwise submitting waybill information must report annually the number of carloads terminated by state for the last calendar year. These reports shall be submitted by March 1 of the year following the report year.

(g) *Transition*—This final rule will apply to all subject waybills which are in the subject railroad's audit month of July 1981 and all audit months thereafter. The former rule will continue to apply to all subject waybills for the prior audit months up to and including June 1981.

§ 1244.3 Sampling of waybills.

(a) Subject railroads shall file waybill sample information in one of the following two ways.

(1) Authenticated copies of the front only of a sample of audited revenue waybills—the manual system [§ 1244.3(b)].

(2) A computer tape containing specified information from a sample of waybills—the computerized system [§ 1244.3(c)].

(b) *The Manual System.*

(1) The sample of subject waybills shall be as follows:

(i) All waybills with less than 6 carloads per waybill whose serial numbers are 1 or end in 01,

(ii) All waybills with 6 to 25 carloads per waybill whose serial numbers end in 1; and,

(iii) All waybills with 26 or more carloads per waybill whose serial numbers end in 1 or 7.

(2) The expected sampling rates for the manual system are as follows:

Numbers of carloads on waybill	Expected sample rate
1 to 5	1/100
6 to 25	1/10
26 and over	1/5

(3) Upon giving the subject roads 60 days notice, the Commission may require random serial number endings in lieu of the respective endings shown in § 1244.3(b). These random serial number endings would have the expected sample rates shown in § 1244.3(b)(2).

(4) If the subject waybills have no waybill numbers or serial numbers, or have seriously flawed waybill or serial numbers, then the subject railroad should serialize those documents in blocks of 1,000 or blocks of multiples of 1,000 (e.g., 1, 2, . . . 1,000; 1, 2, . . .) and use these constructed serial numbers for selection purposes.

(c) *The Computerized System*

(1) The tape shall be required to conform to the standards and format specified in Statement No. 81–1, *Procedure for Sampling Waybill Records by Computer,* issued by the Interstate Commerce Commission, which may be revised from time to time.

(2) The sampling rates for the computerized system are as follows:

Number of carloads on waybill	Sample rate
1 to 2	1/40
3 to 15	1/12
16 to 60	1/4
61 to 100	1/3
101 and over	1/2

(d) *Controls and Annual Counts*

(1) Each subject railroad shall maintain a control procedure to ensure complete and accurate reporting for the waybill sampling. All pertinent waybill data shall be included on hard copy waybill submissions including inbound references for transit waybills. All such pertinent waybill data shall be legible.

(2) All subject railroads shall maintain a record of the number of line-haul revenue carloads that terminated on their line in a calendar year and shall furnish this number when requested by the Commission.

(3) All subject railroads using the manual system of reporting shall furnish the Commission annually, in accordance with the instructions on the Transmittal Form OPAD–2, the total counts of line-haul revenue waybills terminated in each reporting period for the following three categories:

(i) Waybills with less than 6 carloads per waybill;

(ii) Waybills with 6 to 25 carloads per waybill; and,

(iii) Waybills with 26 or more carloads per waybill.

(4) All subject railroads on the computerized system of reporting shall furnish the Commission the control counts and tape specification information as required by the Statement No. 81–1.

(5) Certification by a responsible officer of the subject railroad as to the completeness and accuracy of sample shall be made once a year in accordance with the instructions on the Transmittal Forms OPAD–1 or OPAD–2.

§ 1244.4 Date of filing.

(a) The reporting period for which subject railroads submit waybill sample information shall be the audit (accounting) month except as specified below:

(1) Subject railroads using the computerized system may submit waybill sample information quarterly as specified in Statement 81–1.

(2) Subject railroad using the manual system may submit waybill sample information quarterly if it submits fewer than 1,000 waybills per year.

(b) Waybill sample information shall be forwarded no later than 60 days from the end of the reporting period to the Commission.

(c) When the submitted waybill sample information is returned to the submitting railroad for correction, that railroad shall resubmit corrected data to the Commission promptly but no later than 60 days after its receipt.

(d) Transmittal Forms

(1) Subject railroads using the manual system of reporting shall complete the Transmittal Form OPAD–2, to accompany each waybill sample submission.

(2) Subject railroads using the computerized system of reporting shall complete the Transmittal Form OPAD–1, to accompany each waybill tape submission.

§ 1244.5 Retention of files.

(a) Subject railroads which submit waybill sample data by the computerized system instead of the manual system shall retain the underlying hard copy waybills or facsimilies capable of producing legible copies, which shall be complete including inbound references for transit waybills, for a minimum period of four years.

(b) This file of retained waybills shall be maintained in such a manner that the railroads on the computerized system may readily retrieve waybill copies using the waybill identifier code as shown on the submitted computerized waybill record.

§ 1244.6 Special studies.

(a) Although routine submission of hard copy waybills is eliminated when a railroad reports under the computerized system, the Commission may order that railroad to submit hard copies of the underlying waybills for special studies.

(b) The Commission may order the subject railroads to supply additional data for submitted waybill copies or records for special studies.

§ 1244.7 Analysis of waybill data.

Users of the waybill sample when presenting waybill analysis before the Commission shall ensure that the appropriate weighting factors are applied to account for the stratified sampling. See Statement 81–1 for guidelines for weighting waybill data and for computing sampling errors.

(49 U.S.C. 11144 and 10709)

[FR Doc. 81–13767 Filed 5–14–81; 8:45 am]
BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 46, No. 94
Friday, May 15, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

Dried Prunes Produced in California; Proposed Changes in Certain Specifications

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the size range for Extra large, Large, and Medium nomenclature size categories shown on consumer packages of dried prunes. It would also eliminate the nomenclature size category: Small, Breakfast, or Petite, although handlers could continue to use that designation so long as the label also contains a numerical size category falling within the size range of 85 to 100 prunes per pound. The proposal is intended to provide prune handlers more flexibility in packing the wide range of prune sizes produced each year, and is authorized by the Federal marketing order regulating the handling of California dried prunes.

DATE: Written comments to this proposal must be received by June 15, 1981. Proposed effective date: August 1, 1981.

ADDRESSES: Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, Washington, D.C. (202) 477–5697.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA Procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 12 handlers.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

The proposal under consideration pertains to changes in §§ 993.515 (b) and (c) and 993.517 of Subpart—Pack Specification as to Size (7 CFR 993.501–993.518). This subpart is issued under the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of California dried prunes. The marketing agreement and order are collectively referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a unanimous recommendation of the Prune Administrative Committee and is authorized by § 993.50 of the order.

The pack specification prescribes commercially recognized size categories for the packing of prunes in consumer packages, including nomenclature size categories. These nomenclature size categories are listed in § 993.515(b) as follows: (1) Extra large; (2) Large; (3) Medium; and (4) Small, Breakfast, or Petite. These size categories are defined in § 993.515(c) in terms of the count of prunes per pound as follows:

(1) "Extra large" means any size count which falls within the range of 36 to 43 prunes, inclusive, per pound;

(2) "Large" means any size count which falls within the range of 43 to 53 prunes, inclusive, per pound;

(3) "Medium" means any size count which falls within the range of 53 to 67 prunes, inclusive, per pound; and

(4) "Small", "Breakfast" or "Petite" means any size count which falls within the range of 67 to 85 prunes, inclusive, per pound;

Under the proposal, the nomenclature designation Small, Breakfast, or Petite and its definition would be deleted and size ranges for the remaining three nomenclature designations would be changed as follows:

(1) "Extra large" means any size count which falls within the range of 25 to 40 prunes, inclusive, per pound;

(2) "Large" means any size count which falls within the range of 40 to 60 prunes, inclusive, per pound; and

(3) "Medium" means any size count which falls within the range of 60 to 85 prunes, inclusive, per pound.

The Committee considers the current pack specifications too restrictive and believes that the proposed size ranges will afford handlers greater flexibility in packaging, marketing, and utilizing the wide range of sizes produced each year. The proposed changes would benefit the prune industry while having no adverse effect on the quality or size of prunes the consumer receives.

Under the proposal, handlers could continue to use the Small, Breakfast, or Petite nomenclature designation on their consumer packages so long as the label also contains a numerical size category falling within the size range of 85 to 100 prunes per pound.

Section 993.517 specifies labeling and identification requirements for consumer packages of prunes and requires, among other things, that prunes in a lot where the maximum size count is less than 36 be marked clearly by the handler in terms of applicable numerical designation prescribed in § 993.515(a). The size count of 36 is currently at the lower end of the range of the Extra large size category. Since the proposal would change that limit to 25, the size count of 36 in § 993.517 should be changed to 25 as a conforming change.

Therefore, the proposal is to amend the Subpart—Pack Specification as to Size (7 CFR 993.501–993.518) as follows:

1. Paragraphs (b) and (c) of § 993.515 should be revised to read as follows:

Subpart—Pack Specification as to Size

§ 993.515 Size categories.

* * * * *

(b) *Nomenclature designations.* Each of the following is a nomenclature size category:

(1) Extra large;

(2) Large; and

(3) Medium.

(c) *Nomenclature designations defined.* As used in paragraph (b) of this section:

(1) "Extra large" means any size count which falls within the range of 25 to 40 prunes, inclusive, per pound;

(2) "Large" means any size count which falls within the range of 40 to 60 prunes, inclusive, per pound; and

(3) "Medium" means any size count which falls within the range of 60 to 85 prunes, inclusive, per pound.

* * * * *

§ 993.517 [Amended]

2. The last sentence of § 993.517 is amended by changing the number "36" to "25". As amended, that sentence reads, in part: "Prunes in any lot of which the maximum size count is less than 25 shall be clearly marked by the handler in terms of the applicable numerical designation prescribed in § 993.515(a);".

Dated: May 12, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-14741 Filed 5-14-81; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Quality Service

7 CFR Part 2851

[Docket No. 79-752P]

United States Standards for Grades of Gladiolus Corms (Bulbs)[1]

Corrections

In FR Doc. 81-12733 appearing on page 23751 in the issue of Tuesday, April 28, 1981, make the following changes:

(1) On page 23752, third column, § 2851.4240, fifth line, delete "the" and insert "a".

(2) On page 23753, in table I at the top, in the second column opposite "Jumbo", "1 13/16" should have read "1 1 3/16"; in Table II, the first line of the first column should read:

"A. Total defects

included in "A"

(3) On page 23753, second column, § 2851.4246, paragraph (j), third line, "any" should read "an".

BILLING CODE 1505-01-M

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7 CFR Part 2851

[Docket No. 81-619P]

U.S. Standards for Grades of Mixed Nuts in the Shell [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the voluntary U.S. Standards for Grades of Mixed Nuts in the Shell. This action is being taken at the request of the major mixed nut packaging firms, users of USDA's voluntary continuous inspection program. The proposed revision would provide grade standards in line with current industry practices and provide consumers with an improved product.

DATE: Comments must be received on or before June 15, 1981.

ADDRESS: Written comments should be sent to: Regulations Coordination Division, Attn: Annie Johnson, Food Safety and Quality Service, U.S. Department of Agriculture, Room 2637, South Building, Washington, DC 20250. (For additional information on "Comments," see Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Michael A. Canon, Fresh Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2083.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

L. L. Gast, Acting Administrator, Food Safety and Quality Service, has made an initial determination that this proposed rule is not a major rule under Executive Order 12291. No substantial new costs are being imposed on the affected industry. The proposal represents an adjustment of a single nut size requirement to enhance current industry marketing capabilities. Consequently, it will not result in an annual effect on the economy of $100 million or more; a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

L. L. Gast, Acting Administrator, Food Safety and Quality Service, has determined this proposed rule would not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, P.L. 96-354 (5 U.S.C. 601), because this reflects current marketing practices.

Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Regulations Coordination Division and should bear a reference to the date and page number of this issue of the Federal Register. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Coordination Division during regular business hours (7 CFR 1.27 [b]).

Background

These standards establish size, quality, and mix requirements for in-shell pecans, filberts, walnuts, almonds, and Brazil nuts. The size and quality requirements listed in the standards for mixed nuts are explained in the U.S. standards for each type of nut.

The three major mixed nut packaging firms, packaging approximately 70 percent of the mixed nuts marketed domestically, have formally requested that the U.S. Standards for Grades of Mixed Nuts in the Shell be revised to change the minimum size requirement of Brazil nuts from Large (7/64 inches in diameter) to Medium (5/64 inch in diameter) in the U.S. Extra Fancy grade.

According to representatives of the major mixed nut packers, larger size Brazil nuts are less consistent in quality than medium size and are generally in short supply. The Manaus area of Brazil produces most of the larger size Brazil nuts. Quality in the larger nuts varies widely and incidences of aflatoxin contamination from Aspergillus mold have been more frequent than in the same size nuts produced in the Belen area of Brazil. The Belen area does not produce the volume of large size Brazil nuts that mixed nut packers require.

The three firms requesting revision of the U.S. standards are under contract to use USDA continuous inspection during product packaging. Users of the voluntary continuous inspection program may legally label consumer-size film bags of mixed nuts with a USDA grade shield and/or the statement "Packed under continuous USDA inspection." Inspectors are present during packaging, and quality is continously monitored. Users of the service pay a fee covering the cost of inspection. Advertising by these firms highlights the quality assurance of a grade labeled product.

Tree nuts in the shell are difficult for consumers to select with an assurance of wholesomeness. The nut shell effectively conceals the kernel quality in practically all cases.

The Agricultural Marketing Act of 1946 requires that the Department, in cooperation with industry, keep the requirements of the voluntary grade standards in-line with current industry

[1] Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

cultural and marketing practices. Although this proposed revision would provide consumers with a smaller size nut, the consistently higher quality of the medium size nuts would benefit consumers.

Revision of these U.S. standards would bring about changes in grade nomenclature that would conform with the Uniform Grade Nomenclature Policy effective 1976. The policy states that upon revision, amendment, or development the uniform grade names (U.S. Fancy, U.S. No. 1, U.S. No. 2, and U.S. No. 3) will be used in U.S. standards for fresh fruits, vegetables, and tree nuts. Consumer packages of mixed nuts are often labeled with the grade, particularly by firms packaging under the USDA continuous inspection program.

The present and proposed grades for mixed nuts are:

Present nomenclature	Proposed nomenclature
U.S. Extra Fancy	U.S. Fancy.
U.S. Fancy	U.S. No. 1.
U.S. Commercial/U.S. Select	U.S. No. 2.

In addition to these changes, the quality requirements for pecans in the shell in the U.S. Commercial/U.S. Select grades of mixed nuts would be updated to reflect the revision of the U.S. Standards for Grades of Pecans in the Shell, effective in 1976. The present and proposed tolerances for internal quality are as follows:

Present	Proposed
75 percent U.S. No. 1 quality with not more than 10 percent seriously damaged kernels, including therein not more than 6 percent which are rancid, moldy, decayed, or injured by insects.	75 percent U.S. No. 1 quality with not more than 10 percent seriously damaged kernels, including therein not more than 7 percent which are rancid, moldy, decayed, or injured by insects, including not more than one-half of 1 percent live insects inside the shell.

Therefore it is proposed to amend Subpart—United States Standards for Grades of Mixed Nuts in the Shell (7 CFR 2851.3520–2851.3523) to read as follows:

General

Sec.
2851.3520 General.

Grades

2851.3521 U.S. Fancy.
2851.3522 U.S. No. 1.
2851.3523 U.S. No. 2.

General

§ 2851.3520 General.

Any lot of mixed nuts in the shell which is classified as meeting the requirements of a U.S. grade for mixed nuts in the shell is required to conform to the applicable mixture, sizes, and grades set forth in one of the following grades. Each species of nut shall be graded individually in accordance with U.S. standards currently in effect for that species. The percentages in the mixture shall be determined on the basis of weight, and each species must conform to the minimum and maximum percentages specified in the mixture as set forth in § 2851.3521–2851.3523. A composite sample shall be drawn to determine mixture, size, and grade. When any species in a lot fails to meet the applicable requirements as to mixture, size, or grade prescribed for a particular U.S. grade for mixed nuts in the shell, the entire lot fails to meet the requirements of such U.S. grade.

Grades

§ 2851.3521 U.S. Fancy.

Nut species	Allowable mixture: Minimum per-cent	Allowable mixture: Maximum per-cent	Minimum size	Minimum grade
Almonds	10	40	28/64 inch (11.1 mm)	U.S. No. 1.
Brazils	10	40	Medium	U.S. No. 1.
Filberts	10	40	Long type varieties 44/64 inch (17.5 mm)—Round type varieties 48/64 inch (19.4 mm).	U.S. No. 1.
Pecans	10	40	Extra Large	U.S. No. 1.
Walnuts	10	40	Large	U.S. No. 1.

§ 2851.3522 U.S. No. 1.

Nut species	Allowable mixture: Minimum per-cent	Allowable mixture: Maximum per-cent	Minimum size	Minimum grade
Almonds	10	40	28/64 inch (11.1 mm)	U.S. No. 1.
Brazils	10	40	Medium	U.S. No. 1.
Filberts	10	40	Long type varieties 44/64 inch (17.5 mm)—Round type varieties 48/64 inch (19.4 mm).	U.S. No. 1.
Pecans	10	40	Large	U.S. No. 1.
Walnuts	10	40	Medium	U.S. No. 1.

§ 2851.3523 U.S. No. 2

Nut species	Allowable mixture: Minimum per-cent	Allowable mixture: Maximum per-cent	Minimum size	Minimum grade
Almonds	5	40	28/64 inch (11.1 mm)	U.S. No. 1.
Brazils	5	40	Medium	U.S. No. 1.
Filberts	5	40	Long type varieties 34/64 inch (13.5 mm)—Round type varieties 45/64 inch (17.9 mm).	U.S. No. 1.
Pecans	5	40	Medium	(a) External quality: U.S. No. 1. (b) Internal quality: 75 percent U.S. No. 1 quality with not more than 10 percent seriously damaged kernels, including therein not not more than 7 percent which are rancid, moldy, decayed, or injured by insects, including not more than one-half of one percent live insects inside the shell.
Walnuts	5	40	Baby	(a) External quality: 85 percent U.S. No. 1 quality.

Nut species	Allowable mixture: Minimum percent	Allowable mixture: Maximum percent	Minimum size	Minimum grade
				(b) Internal quality: 95 percent U.S. No. 1 quality, except that the lot need only meet the requirements for U.S. No. 2 grade for kernel color; with not more than 8 percent seriously damaged kernels, including therein not more than 5 percent which are damaged by insects.

(Agricultural Marketing Act of 1946, secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624).

Done at Washington, D.C., on: April 30, 1981.

L. L. Gast,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 81-14725 Filed 5-14-81; 8:45 am]

BILLING CODE 3410-DM-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229 and 240

[Release No. 34-17780, File No. S7-871]

Proposed Amendments to Proxy Rules and Provisions Relating to Shareholder Communications Generally

AGENCY: Securities and Exchange Commission.

ACTION: Prososed rule; extension of time for comment.

SUMMARY: The Securities and Exchange Commission announced today that it has extended the date by which comments must be submitted on the release entitled "Proposed Amendments to Proxy Rules and Provisions Relating to Shareholder Communications Generally," which was issued on February 5, 1981 (46 FR 12011, February 12, 1981). Originally, the comment period for this release was scheduled to end on May 15, 1981. The Commission has received requests that the comment period be extended and believes that an extension will be beneficial because it will result in the receipt of additional useful comments.

DATE: Comments must be received on or before September 1, 1981.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters should refer to File No. S7-871. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Stephen W. Hamilton (202) 272-2589, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In Release No. 34-17517 [46 FR 12011], issued on February 5, 1981, the Commission requested comments on proposed amendments to certain proxy rules and provisions relating to shareholder communications generally. In order to receive the benefit of the comments of the greatest number of interested persons, and in view of the requests received by the Commission for additional time in which to comment, the Commission has extended the comment period for the release by 109 days, until September 1, 1981. In this regard, the attention of interested parties is directed to the Commission's "Rules of Practice" (17 CFR 201.27, 201.28) and "Informal and Other Procedures" (17 CFR 202.6), which provide that the Commission may, in its discretion, accept and include in the public record written comments filed with the Commission after the closing date.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14713 Filed 5-14-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 656

Labor Certification Process for the Permanent Employment of Aliens in the United States; Certification of Canadian Railway Workers

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: This notice extends the time for filing comments on proposed rulemaking to amend the regulations relating to certification of immigrant aliens for permanent employment in the United States (46 FR 3910). The proposed amendment would add to the Schedule A precertification list certain Canadian railway workers who have qualified for employment through seniority rights under a collective bargaining agreement. As a result of the publication of this proposed amendment, several commenters have questioned whether or not the incident of the proposed rule will affect Canadian railway workers more than American railway workers, and have indicated that an extension of the comment period is in order. The comment period is being extended in order to provide sufficient time for all interested parties to prepare and submit comments on the proposed rulemaking.

DATE: Comments may be submitted by July 14, 1981.

ADDRESS: Send written comments to: Mr. David O. Williams, Administrator, United States Employment Service, Employment and Training Administration, United States Department of Labor, Suite 8000, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Bodin, Chief, Division of Labor Certifications, Telephone: 202-376-6295.

SUPPLEMENTARY INFORMATION: On January 16, 1981, a notice of proposed rulemaking was published in the Federal Register (46 FR 3910) to amend the regulations at 20 CFR 656 to add to the Schedule A precertification list certain Canadian railway workers who will be employed with the same international corporation or organization with which they were employed in the United States or Canada for one continuous year. Canadian immigration authorities may issue an employment authorization

(similar to a labor certification) to a non-Canadian if the employment of that person would result in reciprocal treatment of Canadian citizens in other countries. Thus, the issuance of Schedule A United States permanent alien labor certifications to Canadian workers in such an occupational category would result in reciprocal employment opportunities for similar situations for U.S. workers in Canada.

The proposed amendment to add Canadian railway workers to 20 CFR Part 656 has generated considerably more controversy than anticipated. The vast majority of the comments object to the proposed rule. These comments originate largely in Maine and stem from the fact that in 1974 the Canadian Pacific Railroad purchased several miles of track in New England. Therefore, the Department has decided to extend the comment period to allow more time for other interested parties to be heard and to learn more about local situations further west along the border.

Signed at Washington, D.C. this 6th day of May, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-14714 Filed 5-14-81; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

20 CFR Ch. I

Semiannual Regulatory Agenda; Correction

AGENCY: Department of Labor.

ACTION: Semiannual agenda of regulations selected for review or development; correction.

SUMMARY: This document makes a correction in the Department of Labor's Semiannual Regulatory Agenda which appeared at page 23684 in the **Federal Register** of Tuesday, April 28, 1981 (46 FR 23684). This action is necessary to delete an entry which was erroneously included in that agenda.

FOR FURTHER INFORMATION CONTACT: Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, N.W., Room N2428, Washington, D.C. 20210, 202-523-8201.

The following correction is made in FR Doc. 81-12802 appearing on page 23684 in the issue of April 28, 1981:

1. On page 23686, column three, the index listing for entry "29. ESA—Claims for Compensation under the Federal Employees Compensation Act, as amended." in category V of the agenda is removed.

2. On page 23698, column two, entry number 29, entitled "29. ESA—20 CFR 10 et seq.—Claims for Compensation under the Federal Employees' Compensation Act, as amended" is removed from the agenda.

Signed this 12th day of May 1981 at Washington, D.C.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-14715 Filed 5-14-81; 8:45 am]

BILLING CODE 4510-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 1, 166

[Docket No. 79F-0402]

Multiunit and Multicomponent Food Packages; Proposed Exemption From Required Label Statements

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) proposes to exempt wrappers on subdivisions of oleomargarine and margarine in a multiunit retail food package from the requirement that the name and place of business of the manufacturer, packer, or distributor be declared on the label. FDA also proposes to exempt unit containers of other foods in a multiunit or multicomponent retail package when the inner units are otherwise properly labeled and they do not constitute separate units for retail sale.

DATES: Written comments on or before July 14, 1981. Proposed effective date of the final regulation based on this proposal is the date of publication of the final regulation in the **Federal Register**.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St., SW., Washington, D.C. 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: The National Association of Margarine Manufacturers (NAMM) submitted to FDA a petition, dated October 15, 1979, in which it requested that wrappers on subdivisions of margarine be exempted from the requirement of declaring the name and place of business of the manufacturer, packer, or distributor on the label, when the subdivisions contained within the retail package do not constitute separate units for retail sale and the wrappers are otherwise properly labeled. The petitioner asserts that it is inappropriate to consider the wrappers on subdivisions of margarine as "labels" because the word "margarine" or "oleomargarine" appearing on the wrapper is mandated by the Margarine Act of 1950. Therefore, the petitioner contends, FDA should require only the name of the food to appear on the wrapper in accordance with the requirements mandated by section 407(b)(4) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 347(b)(4)).

Section 407 of the act states that "The requirement of this subsection shall be in addition to and not in lieu of any of the other requirements of this Act." Therefore, it was not Congress' intention that FDA be restricted to the labeling requirements of section 407(b)(4) of the act. FDA interprets section 407(b)(4) of the act to mean that the wrappers in which each part of the contents of the package is contained and on which bears the word "oleomargarine" or "margarine" are "labels" within the meaning of section 201(k) of the act (21 U.S.C. 321(k)). Thus, FDA can require the same information required to appear on the label of a retail package to be declared on the wrappers of subdivisions within the package. However, FDA has established certain exemptions from these labeling requirements for margarine. Section 166.40(i) (21 CFR 166.40(i)) provides that the wrappers on the subdivisions of margarine contained within the package sold at retail may be exempted from the requirement of section 403(g)(2), (i)(2), and (k) of the act regarding label declaration of ingredients when the subdivisions are securely enclosed within and are not intended to be separated from the retail package under conditions of retail sale and are labeled with the following statements: the word "oleomargarine" or "margarine", a statement of the quantity of contents, the name and place of business of the manufacturer, packer, or distributor and the specific statement "This Unit Not Labeled for Retail Sale".

In support of its petition, NAMM argues that the requirement to label both the wrapper of the subdivision and the retail package, with the name and place of business of the manufacturer, packer, or distributor, results in costly duplication of information, and the removal of this requirement will be

consistent with Executive Order 12044, "Improving Government Regulations". This order was issued in an effort to ensure that regulations do not impose unnecessary burdens. NAMM also argues that the removal of the subject requirement will be consistent with FDA's stated goal under "Operation Common Sense" to remove burdensome, nonproductive requirements.

FDA has considered the petition and agrees that an exemption from the label requirement for a declaration of the name and place of business of the manufacturer, packer, or distributor is appropriate when the wrappers are otherwise properly labeled, the subdivision does not constitute a separate unit for retail sale, and the outside of the retail package is properly labeled. However, certain language contained in § 166.40(i), which clearly states the labeling requirements for the wrappers, was omitted from the text of the exemption requested by the petitioner. The text of the exemption as requested by the petitioner might be construed as having the effect of exempting the wrappers from all labeling requirements, except the word "oleomargarine" or "margarine", and the statement, "This Unit Not Labeled For Retail Sale". The petitioner did not submit evidence to support such a blanket exemption. FDA has therefore modified the petitioner's suggested language to provide an exemption from the requirement to declare the name and place of business of the manufacturer, packer, or distributor, but to maintain the existing lanuage in § 166.40(i), which clearly states the labeling requirements for the wrappers.

This proposed exemption should also apply to other foods packaged in a like manner, including foods in multicomponent retail packages and other multiunit retail packages. Accordingly, FDA proposes in § 1.24 (21 CFR 1.24) to exempt unit containers in multiunit or multicomponent retail food packages from the requirement for a label declaration of the name and place of business of the manufacturer, package, or distributor, when the outside of the retail package is properly labeled and the unit containers do not constitute separate units for retail sale.

In accordance with advice given by FDA previously (40 FR 57452; December 10, 1975), the term wrapper as it is used in section 407(b)(4) of the act means the usual paper or foil wrapper in use at the time section 407(b)(4) was enacted, and not a tub or other container. Accordingly, an individual inner-unit tub of margarine, not sold individually, may be devoid of any written, printed, or graphic matter since it is not a "wrapper." However, written, printed, or graphic matter on such a tub would be label within the meaning of section 201(k) of the act, and thus, the presence of any written, printed, or graphic matter would require the tub to bear all mandatory labeling under the act, subject to the exemption of this proposal and any existing applicable regulations. In accordance with this advice and the intent of this proposal, individual inner-unit tubs of margarine as well as other products would be entitled to the exemption of the proposed § 1.24(a)(14); whereas margarine wrappers would be entitled to the exemption proposed in § 166.40.

The agency has determined pursuant to 21 CFR 25.24(d)(13) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with Executive Order 12291, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rule is not a major rule as defined by that order. The basis for this determination is that, for foods packaged in multi-unit containers that do not constitute separate units for retail sale, this rulemaking removes an existing mandatory requirement that the name and address of the manufacturers be declared on the unit package label. Manufacturers will therefore be able to use up existing labels, and they will be able to omit the existing mandatory information from new labels. No increase in manufacturers' labeling costs in therefore expected.

In accordance with the Regulatory Flexibility Act 1980 (Pub. L. 96–354), this certifies that the proposed rulemaking would not adversely impact on small entities, including small businesses. The agency has determined that because the effect of this proposed regulation is to exempt unit containers in multi-unit or multi-component retail food packages from certain labeling requirements, thus reducing labeling costs, no adverse small business economic impact will result from this action.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 407, and 701, 52 Stat. 1040–1042 as amended 1047–1048, 1055–1056 as amended, 64 Stat. 20 (21 U.S.C. 321, 343, 347, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended as follows:

1. In Part 1 by revising § 1.24(a)(14) to read as follows:

§ 1.24 Exemption from required label statements.

* * * * * *

(a) * * *

(14) The unit containers in a multiunit or multicomponent retail food package shall be exempt from compliance with the requirements of section 403(e)(1), (g)(2), (i) (2), and (k) of the act with respect to the requirements for label declaration of the name and place of business of the manufacturer, packer, or distributor and label declaration of ingredients when (i) the multiunit or multicomponent retail food package labeling meets all the requirements of this part; (ii) the unit containers are securely enclosed within and not intended to be separated from the retail package under conditions of retail sale; and (iii) each unit container is labeled with the statement "This Unit Not Labeled For Retail Sale" in type size not less than one-sixteenth inch in height, and each multiunit or multicomponent package principal display panel is labeled with the statement "Inner Units Not Labeled For Retail Sale" in type size not smaller than the minimum type size required for the declaration of net quantity of contents by § 101.105 of the chapter.

* * * * *

2. In Part 166 by revising § 166.40(i) to read as follows:

§ 166.40 Labeling of margarine.

* * * * *

(i) The wrappers on the subdivisions of oleomargarine or margarine contained within the package sold at retail are labels within the meaning of section 201(k) and shall contain all of the label information required by sections 403 and 407 of the Federal Food, Drug, and Cosmetic Act, just as in the case of 1–pound cartons, except that wrappers on the subdivisions contained within the retail package shall be exempt from compliance with the requirements of section 403(e)(1), (g)(2), (i)(2), and (k) of the act with respect to the requirements for label declaration of the name and place of business of the manufacturer, packer, or distributor and label declaration of ingredients when (1) the subdivisions are securely enclosed within and are not intended to be separated from the retail package under conditions of retail sale; (2) the wrappers on the subdivisions are labeled with the statement "This Unit Not Labeled For Retail Sale" in type size

not less than one-sixteenth inch in height; and (3) each multiunit package principal display panel is labeled with the statement "Inner Units Not Labeled For Retail Sale" in type size not smaller than the minimum size required for the declaration of net quantity of contents by § 101.105 of this chapter.

* * * * *

Interested persons may, on or before July 14, 1981, submit to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-14478 Filed 05-14-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Parts 320 through 330

Proposed Nationwide Permits for Certain Water Activities; Hearing

AGENCY: Corps of Engineers, Department of the Army, DOD.

ACTION: Notice of public hearings.

SUMMARY: On September 19, 1980, (45 FR 62732) the Corps of Engineers published proposed rulemaking to amend permit regulations for controlling certain activities in waters of the United States (33 CFR Parts 320–330). As a result of comments received on the proposed rules, public hearings will be held on the nationwide permits contained in that proposal (33 CFR Part 330). The hearings will be held in Washington, D.C., and St. Paul, Minnesota, and are open to the public. Comments may be submitted in person at the hearings or in writing to the Office of the Chief of Engineers at the address given below. The hearing record will remain open until June 30, 1981. The legal authority for these hearings is Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).

DATE: The hearing in Washington, D.C., will be held from 1:00 p.m. to 4:30 p.m. on June 15, 1981. The hearing in St. Paul, Minnesota, will be held from 2:00 p.m. to 5:00 p.m. and from 7:00 p.m. to 10:00 p.m. on June 17, 1981.

ADDRESS: The hearing in Washington, D.C., will be held at the National Guard Auditorium, 1 Massachusetts Avenue, NW. The meeting in St. Paul, Minnesota, will be held in the Minnesota West Ballroom, Lower Level, Radisson Hotel, 11 E. Kellogg Boulevard.

FOR FURTHER INFORMATION CONTACT: Mr. Barnard Goode or Mr. Morgan Rees, Regulatory Functions Branch, Construction-Operations Division, Directorate of Civil Works, Office of the Chief of Engineers, ATTN: DAEN–CWO–N, Washington, D.C. 20314, (202) 272–0200.

SUPPLEMENTARY INFORMATION: Procedures. The hearings will be transcribed. Persons desiring to testify at the hearings are requested to limit their statements to 15 minutes. Filing of a written statement at the time of giving the oral statement would be helpful and facilitate the job of the court reporter. Persons wishing to speak at the hearings need only fill out a card that will be available at the entrance to the hearing rooms. Advance requests to speak may be mailed to the address given under "For further information contact."

When we published the proposed rules in September 1980, we solicited comments on existing and proposed nationwide permits and asked for suggestions for potential additional nationwide permits. The Corps believes one of the suggested new nationwide permits is worthy of further consideration. This would be a permit for placement of concrete into tightly sealed forms or cells within waters of the United States. This would address the circumstances where poured concrete used as a structural member would require a Section 404 permit whereas a structural member made of steel or wood but serving the same purpose as the concrete does not require a 404 permit. The concrete structure itself would continue to require a permit under Section 10 of the River and Harbor Act of 1899 if in navigable waters of the United States.

A number of other additional nationwide permits were suggested, but the Corps believes the interest in these would be sufficient to justify separate rulemaking procedures in the future.

We received many comments requesting an increase in the 5 cu. yds. of discharge and dredging allowed under proposed nationwide permits 18 and 19. Most commenters urged that we increase the volume limitation well beyond these limits, but others urged deletion of these permits altogether. We are considering increasing the volume limitation from 5 cu. yds. to 10 cu. yds. We believe that even this doubling of the volume limitation combined with the conditions of 33 CFR 330.5(b) truly represent minor activities. We would rely on the discretionary authority provisions of 33 CFR 330.7 to cover unusual circumstances where the discharge or dredging may have more than minor impacts.

The Corps requests any comments on the suggested additional nationwide permit for concrete and on the suggested change to permit nos. 18 and 19. Comments may be presented at the hearings or submitted in writing by June 30, 1981.

Dated: May 8, 1981.

John J. Quinn, Jr.,

Deputy Executive Director, Engineer Staff.

[FR Doc. 81-14480 Filed 5-14-81; 8:45 am]

BILLING CODE 3710-08-M

POSTAL SERVICE

39 CFR Part 111

Unpaid and Part-Paid Mail Addressed to U.S. Government Offices

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would change postal regulations governing the handling of unpaid and part-paid mail addressed to U.S. Government offices. At the present time, such mail is delivered without payment of postage due at the time of delivery. The agency that received the mail should reimburse the Postal Service through the Official Mail reimbursement procedures. Under this proposal, U.S. Government addressees would be given the same option that is available to other mailers, *i.e.*, either to pay any postage due on part-paid mail at the time of delivery, or to refuse acceptance of such mail. Unpaid mail would be returned to the sender for postage. We believe that this proposal will provide the most accurate and effective procedure to reimburse the Postal Service for part-paid and unpaid mail sent to Government agencies.

DATE: Comments must be received on or before June 15, 1981.

ADDRESS: Written comments should be mailed or delivered to the Director, Office of Mail Classification, Rates and Classification Department, Room 1640, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260. Copies of all

written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, in Room 1640 at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. George E. Thomas, (202) 245–4512.

SUPPLEMENTARY INFORMATION: In the past, it has been Postal Service policy to deliver unpaid and part-paid mail when addressed to Federal Government agencies and to rely on the agency for reimbursement for the postage due on all such mail.

The Postal Service now believes that this policy should be changed. The statutory provisions which govern reimbursement to the Postal Service for matter sent as penalty and franked mail (39 U.S.C. 3206 and 3216) do not cover ordinary, non-penalty and non-franked mail sent by the general public to a federal government addressee. Nor do they recognize and address the problem of identifying and collecting postage on short-paid official metered mail. Furthermore, since unpaid and part-paid mail is intermingled with the large volumes of fully paid incoming mail that many agencies receive, inaccurate postage due computations and revenue loss for the Postal Service are unavoidable.

This proposed change would simply delete the special provisions in section 146.4 of the Domestic Mail Manual dealing with postage due mail for government agencies. Proposed section 146.4 would retain only the unrelated provisions dealing with situations where stamps are lost off mail and with registered mail. The deletions would have the effect of placing postage due mail to government agencies under the standard rules of Part 146 for the handling of postage due mail. These are, with certain exceptions; (1) postage must be fully prepaid on all mail at the time of mailing; (2) mail deposited without prepayment of sufficient postage will be delivered to the addressee subject to payment of deficient postage, or if refused, returned to the sender or otherwise disposed of; and (3) mail deposited without any postage affixed will be returned to the sender without any attempt to deliver.

The proposal secures greater uniformity of administration. It also furthers the Postal Service's revenue protection program by eliminating a situation in which some mailers might avoid payment for mail services received, and where the Postal Service might not be otherwise paid.

In conjunction with this proposal, the Postal Service also intends to (1) revise the language of section 146.41 to more accurately explain that mail which appears to have had an adhesive stamp affixed will be handled as if postage had been paid at the lowest applicable rate increment and (2) delete the special provisions that relate to postage due mail addressed to postmasters, regional offices of the Postal Service and postal inspectors.

As a result of these proposed changes, present section 146.45 will be renumbered as 146.42.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1

PART 146—PREPAYMENT AND POSTAGE DUE

Revise 146.4 to read as follows:

146.4 When Not Collected

.41 Stamps Lost Off Mail. When it is apparent from the impression of a canceling stamp that a postage stamp has been wholly or partially lost, the piece will be handled as if postage had been paid at the lowest applicable rate increment.

.42 Registered Mail. Registered mail, except that endorsed to show that it was registered in transit, will be delivered without collection of postage due. Postage due will be collected on matter registered at other than the mailing office.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if this proposal is adopted.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-14723 Filed 5-14-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-2-FRL-1820-2]

Approval and Promulgation of Implementation Plans; Identification of State Regulatory Provisions, New Jersey, Puerto Rico, and the Virgin Islands

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this notice is to propose promulgation of three new sections in that part of the Code of Federal Regulations dealing with the State Implementation Plans for New Jersey, Puerto Rico and the Virgin Islands. These sections are intended to serve the purpose of identifying state regulatory provisions which have been approved by the Environmental Protection Agency as part of the State Implementation Plans for these three areas.

DATES: comments must be submitted by June 15, 1981.

ADDRESS: All comments should be addressed to: Richard T. Dewling, Acting Regional Administrator, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION: Under the provisions of the Clean Air Act states are required to develop plans for the attainment and maintenance of national ambient air quality standards. Such plans, called State Implementation Plans (SIPs), are submitted to the Environmental Protection Agency (EPA) for approval and, once approved through federal rulemaking, become federally enforceable. The Clean Air Act also provides for the revision of SIPs as necessary. Revisions must also be submitted to and approved by EPA.

Originally SIPs were submitted by the State of New Jersey, the Commonwealth of Puerto Rico and the Territory of the Virgin Islands on January 26, 1972, January 31, 1972 and January 31, 1972, respectively. Since that time, these plans have undergone numerous revisions.

Each SIP and SIP revision submitted by these states is identified in an "Identification of plan" section of Title 40, *Code of Federal Regulations*, Part 52 (40 CFR 52).[1] However, this section contains only a general description of the material submitted and does not provide detailed information on specific SIP provisions. Neither does this section indicate whether a particular state submittal has been approved, partially approved or disapproved by EPA, although this fact is generally indicated in other sections of 40 CFR 52. In other words, the "Identification of plan" sections provide a chronological listing

[1] Subpart FF, § 52.1570 for New Jersey; Subpart BBB, § 52.2720 for Puerto Rico; Subpart CCC, § 52.2770 for the Virgin Islands.

of SIPs and SIP revisions submitted to EPA, but do not indicate the current requirements of the applicable SIPs.

Moreover, this general problem is compounded with regard to those parts of the SIPs dealing with state regulatory provisions. This is because modifications or revocations of state regulations carried out as a matter of state law are not reflected as a part of the applicable SIP until EPA has approved the change as a SIP revision. The fact that "old" state regulatory provisions may survive as applicable SIP requirements, even after the state has acted to amend or revoke such provisions, can be a potential source of confusion. Differing state and SIP requirements can also result when EPA approves a portion of a "new" regulatory provision, but disapproves another portion. EPA disapproval can lead to EPA promulgation of a substitute SIP provision or it can lead to the prior version of the state regulatory provision remaining as a part of the applicable SIP. The existence within an applicable plan of "old" and "new" portions of a state regulation may also occur if a new state regulatory provision submitted as a SIP revision only partially replaces an "old" provision. All of these factors have led to some uncertainty and confusion on the part of the regulated community and even the states.

In order to ameliorate this situation, EPA is proposing to add a new section to Subparts FF, BBB and CCC of 40 CFR 52. These sections are intended to provide a clear identification of the state regulatory provisions in New Jersey, Puerto Rico and the Virgin Islands which have been approved by EPA as a part of each applicable SIP. If today's proposal is ultimately promulgated, these sections will be updated as necessary so as to always provide an accurate, complete listing of the specific state regulation, or part thereof, which is a part of the SIP.

The listings which EPA proposes to promulgate are as follows:

Subpart FF—New Jersey

Applicable regulation and title	State effective date	Comments
Subchapter 1, "General Provisions"	5/1/68	
Subchapter 2, "Control and Prohibition of Open Burning"	12/29/75	
Subchapter 3, "Control and Prohibition of Smoke From Combustion of Fuel"	1/18/72	
Subchapter 4, "Control and Prohibition of Solid Particles From Combustion of Fuel".	3/27/72	
Subchapter 5, "Prohibition of Air Pollution"	1/1/81	
Subchapter 6, "Control and Prohibition of Particles From Manufacturing Processes" (except 6.6).	5/23/77	Section 6.5, "Variances" is not approved (40 CFR 52.1570(c)(20) and 52.1604(a)). Any State-issued variances must be formally incorporated as SIP revisions if EPA is to be bound to their provisions (40 CFR 52.1604(a)).
Subchapter 7, "Sulfur"	3/1/67	
Subchapter 8, "Permits and Certificates"	6/1/76	
Subchapter 9, "Sulfur in Fuels"	6/4/79	
Subchapter 10, "Sulfur in Coal"	9/5/78	Notification of "coal conversions" must be provided to EPA (40 CFR 52.1601(b)).
Subchapter 11, "Incinerators"	6/15/68	
Subchapter 12, "Prevention and Control of Air Pollution Emergencies"	3/27/72	
Subchapter 13, "Ambient Air Quality Standards"	3/5/73	
Subchapter 14, "Control and Prohibition of Smoke From Diesel-Powered Motor Vehicles".	1/18/71	
Subchapter 15, "Control and Prohibition of Air Pollution From Light-Duty Gasoline-Fueled Motor Vehicles".	7/5/72	
Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Substances" (with provisions as noted).	12/17/79	Emission limitations adopted by the State under and complying with §§ 16.6(c)(4) and 16.6(c)(5) become applicable if transmitted to EPA. Variances adopted by the State pursuant to §§ 16.9 and 16.10 become applicable only if approved by EPA as SIP revisions (40 CFR 52.1582(a), published at 46 FR 20551 on April 6, 1981).
Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Substances"/Section 16.3 (except as noted).	3/1/76	Section 16.3 disapproved insofar as it relates to gasoline transfer in the New Jersey-New York-Connecticut and Metropolitan Philadelphia Air Quality Control Regions (40 CFR 52.1582(c)). Provisions of federally promulgated regulations (40 CFR 52.1585 and 52.1586) are applicable to these areas, while provisions of the 3/1/76 version of § 16.3 are applicable to the other areas (Northeast Pennsylvania-Upper Delaware Valley and New Jersey Intrastate Air Quality Control Regions). These provisions remain applicable as interim requirements insofar as they are not inconsistent with provisions of the 12/17/79 version of Subchapter 16.
Subchapter 18, "Control and Prohibition of Air Pollution From New or Altered Sources Affecting Ambient Air Quality in Nonattainment Areas (Emission Offset Rule)" (except as noted regarding §§ 18.1 and 18.2(a)(1)).	9/6/80	The definitions of "significant emission increase," in § 18.1, and § 18.2(a)(1) are disapproved. Federally promulgated regulations (40 CFR 52.1578(c), published at 46 FR 21684 on April 15, 1981) are applicable.

Subpart BBB—Puerto Rico

Applicable regulation and title[1]	State adoption date	Comments
Rule 101, "Title"	6/27/80	
Rule 102, "Definitions"	6/27/80	
Rule 103, "Source Monitoring, Record Keeping, Reporting, Sampling and Testing Methods".	6/27/80	
Rule 104, "Emission Data Available to Public Presentation" (except as noted)	6/27/80	A previously identified version of this regulation (Section 2.4 of the 1972 version of the "Puerto Rico Regulation for the Control of Atmospheric Pollution") was disapproved insofar as it could, under some circumstances, prohibit disclosure of emission data to the public (40 CFR 52.2725(a)). A federally promulgated regulation (40 CFR 52.2725(b)) remains applicable.
Rule 105, "Malfunctions"	6/27/80	
Rule 106, "Test Methods"	6/27/80	
Rule 107, "Air Pollution Emergencies"	6/27/80	
Rule 108, "Air Pollution Control Equipment"	6/27/80	
Rule 110, "Revision of Applicable Rules and Regulations"	6/27/80	
Rule 111, "Applications, Hearings, Public Notice"	6/27/80	
Rule 112, "Notice of Violation"	6/27/80	
Rule 113, "Closure of a Source"	6/27/80	
Rule 114, "Compulsory and Optional Hearing"	6/27/80	
Rule 115, "Punishment"	6/27/80	
Rule 116, "Public Nuisance"	6/27/80	
Rule 117, "Overlapping or Contradictory Provisions."	6/27/80	

Subpart BBB—Puerto Rico—Continued

Applicable regulation and title[1]	State adoption date	Comments
Rule 118, "Segregation and Combination of Emissions"	6/27/80	
Rule 119, "Derogation"	6/27/80	
Rule 120, "Separability Clause"	6/27/80	
Rule 121, "Effectiveness"	6/27/80	
Rule 201, "Location Approval"	6/27/80	
Rule 202, "Air Quality Impact Analysis"	6/27/80	
Rule 203, "Permit to Construct a Source"	6/27/80	
Rule 204, "Permit to Operate"	6/27/80	
Rule 205, "Compliance Plan for Existing Sources"	6/27/80	
Rule 206, "Exemptions"	6/27/80	
Rule 207, "Continuing Responsibility for Compliance"	6/27/80	
Rule 208, "Agricultural Burning Authorized"	6/27/80	
Rule 209, "Modification of Allowed Percentage of Sulfur in Fuels"	6/27/80	
Rule 301, "Variances Authorized"	6/27/80	
Rule 302, "Emergency Variances"	6/27/80	
Rule 401, "Generic Prohibitions"	6/27/80	
Rule 402, "Open Burning"	6/27/80	
Rule 403, "Visible Emissions"	6/27/80	
Rule 404, "Fugitive Dust"	6/27/80	
Rule 405, "Incineration"	6/27/80	
Rule 406, "Fuel Burning Equipment"	6/27/80	
Rule 407, "Process Sources"	6/27/80	
Rule 408, "Asphaltic Concrete Batching Plants"	6/27/80	
Rule 409, "Non-Process Sources"	6/27/80	
Article 6, "Control of Sulfur Compound Emissions"/Appendices A and B (except as noted).	12/30/74	Section H of Appendix A is disapproved insofar as it permits increases in stack heights (40 CFR 52.2731(d)). Applicable sulfur content limitations are set out in Appendix B, as submitted on January 3, 1975, except for the Puerto Rico Water Resources Authority (now named Puerto Rico Electric Power Authority) Aguirre Complex, Bristol Meyers (Barceloneta), Abbott (Barceloneta), Pfizer (Barceloneta), Merck and Company (Barceloneta), Union Carbide (Barceloneta), Upjohn (Barceloneta), and Central Guanica (Aguada), for which Appendix B sulfur limitations are disapproved (40 CFR 52.2731(b)). The sulfur content limitation for PREPA Aguirre Complex is Federally promulgated at 40 CFR 52.2731(c). The other disapproved sulfur content limitations are replaced by the limitations contained in the 1972 version of the "Puerto Rico Regulation for Control of Atmospheric Pollution," Article 6 as submitted to EPA on January 31, 1972 (see below) 40 CFR 52.2731(b)).
Article 6, "Control of Sulfur Compound Emissions"/Section 6.1	1/72	Applicable to Abbott (Barceloneta), Bristol Meyers (Barceloneta), Pfizer (Barceloneta), Union Carbide (Barceloneta), Upjohn (Barceloneta), Central Guanica (Aguada), Merck and Company (Barceloneta).
Rule 410, "Maximum Sulfur Content of Fuels"	6/27/80	
Rule 411, "Hydrogen Sulfide"	6/27/80	
Rule 412, "Sulfur Dioxide Emissions"	6/27/80	
Rule 413, "Sulfuric Acid Plants"	6/27/80	
Rule 414, "Sulfur Recovery Plants"	6/27/80	
Rule 415, "Non-Ferrous Smelters"	6/27/80	
Rule 416, "Sulfite Pulp Mills"	6/27/80	
Rule 417, "Storage of Volatile Organic Compounds"	6/27/80	
Rule 418, "Waste Gas Disposal"	6/27/80	
Rule 419, "Organic Solvents"	6/27/80	
Rule 420, "Objectionable Odors"	6/27/80	
Rule 421, "Increments of Progress"	6/27/80	
Rule 422, "Air Pollution Control Equipment"	6/27/80	
Rule 501, "Permit Fees"	6/27/80	
Rule 502, "Excess Emission Fees"	6/27/80	
Rule 503, "Test Fees"	6/27/80	
Rule 504, "Modification"	6/27/80	

[1] To the extent that any regulatory provision includes "discretionary authority," its implementation does not bind EPA unless formally submitted as a SIP revision (40 CFR 52.2732, published at 45 FR 72626 on November 3, 1980). EPA has proposed deleting this statement (46 FR 12761, February 18, 1981).

Subpart CCC—Virgin Islands

Applicable regulation and title	Submission date	Comments
Section 204-20, "Definition of Terms"	1/31/72	
Section 204-21, "Regulation to Control Open Burning"	1/31/72	
Section 204-22, "Regulations to Control Emissions of Visible Air Contaminants".	1/31/72	
Section 204-23, "Regulations Governing Emissions of Particulate Matter"	1/31/72	
Section 204-24, "Storage of Petroleum of Other Volatile Products"	1/31/72	
Section 204-25, "Preventing Particulate Matter from Becoming Air-Borne"	1/31/72	
Section 204-26, "Sulfur Compounds Emissions Control" (except as noted for St. Croix regarding Subsection (a)(2)).	6/3/76	Subsection 204-26(a)(2) is not approved as it applies to sources on St. Croix; with the exception of the Virgin Islands Water and Power Authority's Christiansted Power Plant. Applicable sulfur content limitations for sources on St. Croix, except the Christiansted Power Plant, are set out in the version of Subsection 204-26(a)(2) submitted to EPA on January 31, 1972 (See below) (40 CFR 52.2760(b)).
Section 204-26, "Sulfur Compounds Emissions Control"/Subsection (a)(2)	1/31/72	Applicable to sources on St. Croix, with the exception of the Virgin Islands Water and Power Authority's Christiansted Power Plant.
Section 204-27, "Air Pollution Nuisances Prohibited"	1/31/72	
Section 204-28, "Internal Combustion Engine Limits"	1/31/72	
Section 204-29, "Upset, Breakdown or Scheduled Maintenance"	1/31/72	
Section 204-30, "Circumvention"	1/31/72	
Section 204-31, "Duty to Report Discontinuance or Dismantlement"	1/31/72	
Section 204-32, "Variance Clauses"	1/31/72	
Section 206-20, "Permits Required"	1/31/71	
Section 206-21, "Transfer"	1/31/72	
Section 206-22, "Applications"	1,31/72	
Section 206-23, "Cancellation of Applications"	1/31/72	
Section 206-24, "Provision of Sampling and Testing Facilities"	1/31/72	

Subpart CCC—Virgin Islands—Continued

Applicable regulation and title	Submission date	Comments
Section 209-25, "Standards for Granting Applications"	1/31/72	
Section 209-26, "Conditional Approval"	5/17/72	
Section 209-27, "Denial of Applications"	1/31/72	
Section 209-28, "Further Information"	1/31/72	
Section 209-29, "Appeals"	1/31/72	
Section 209-30, "Review of New Sources and Modifications" (excluding Subsection 209-30(f)(6)).	2/12/74	Subsection 209-30(f)(6) is disapproved since sources of minor significance are not identified in Section 209-30. A federally promulgated regulation (40 CFR 52.2778(g)), correcting this deficiency and a public participation deficiency, is applicable.
Section 209-31, "Review of New or Modified Indirect Sources"	2/12/74	

This notice is issued pursuant to requirements of Section 110 of the Clean Air Act, as amended, to advise the public that comments on this action may be submited. The comments should address whether or not this action should be undertaken and the contents of the potential promulgation.

Comments received by June 15, 1981, will be considered in EPA's final decision. All comments received will be available for inspection at the Region II Office of EPA at 26 Federal Plaza, Room 1005, New York, New York 10278.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities, since it imposes no requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it merely serves to clearly identify state regulations which have been approved by EPA as part of the SIPs for New Jersey, Puerto Rico and the Virgin Islands. This proposed action by EPA does not entail any change to the approval status of any SIP provision nor a promulgation of any substantive SIP provision. The listing is merely a compilation, in a more clearly identifiable and easily referenced form, of state regulatory provisions which are part of the applicable SIPs as a result of prior EPA rulemaking action. This listing should assist the public, the regulated community, the states, and EPA in identifying applicable plan requirements. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 110, 172 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601))

Herbert Barreck,

Acting Regional Administrator, Environmental Protection Agency.

[FR Doc. 81-14772 Filed 5-14-81; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 86

[EW-FRL-1787-1]

Motor Vehicle Pollution Control; Waiver of Oxides of Nitrogen Emission Standards; Cancellation of Public Hearing

Correction

FR Doc. 81-8966 was published on page 18348 in the issue of Tuesday, March 24, 1981. It cancelled a public hearing. It was incorrectly classified as a notice document and should have appeared in the Proposed Rules section of the Federal Register.

BILLING CODE 1505-01-M

40 CFR Part 180

[OPP 200039A; PH-FRL-1823-1]

Isophorone; Proposed Exemption From the Requirement of a Tolerance; Correction

In FR Doc. 81-13932, published on page 25659, on Friday, May 8, 1981, in the third column in the second line "OPP 200039A" should be corrected to read "OPP 300039A".

BILLING CODE 1505-01-M

40 CFR Part 123

[W-6-FRL 1827-5]

Oklahoma Corporation Commission, Underground Injection Control, Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of public hearing.

SUMMARY: The purpose of this notice is to announce that: (1) the Environmental Protection Agency has received a complete application from the Oklahoma Corporation Commission requesting Primary Enforcement Responsibility for the Underground Injection Control program; (2) the application is available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

This notice is required by the Safe Drinking Water Act as a part of the response to the States complying with the statutory requirement that there be an Underground Injection Control program in designated States.

The proposed comment period and public hearing will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part the application from the Oklahoma Corporation Commission to regulate oil and gas related injection wells.

DATES: Requests to present oral testimony should be filed by June 8, 1981; Public Hearing will be held on June 15, 1981, 10:00 a.m.–5:30 p.m. and 7:00 p.m.–10:00 p.m. Comments must be received by June 22, 1981.

ADDRESSES: Comments and requests to testify may be mailed to Julie Coston, Ground Water Protection Section, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas, 75270. Copies of the application and pertinent material are available between 8:30 a.m. and 4:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region 6, Library, 28th Floor, 1201 Elm Street, Dallas, Texas 75270, (212) 767-7341.

Oklahoma Corporation Commission, Underground Injection Control Unit, Jim Thorpe Office Building, Oklahoma City, Oklahoma 73105, (405) 521-2500.

The Hearing will be held in the Sequoyah Auditorium, State Capitol Complex, Oklahoma City, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Julie Coston, Ground Water Protection Section, Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2774. Comments should also be sent to this address.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-14747 Filed 5-14-81; 8:45 am]

BILLING CODE 6560-30-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6060]

National Flood Insurance Program, Proposed Stream Channel Relabeling and Relocation and Flood Boundary Modifications for the Town of Southbury, Conn.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed stream channel relabeling and relocation and flood boundary modifications described below.

The proposed stream channel relabeling and relocation and flood boundary modifications will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed stream channel relabeling and relocation and flood boundary modifications are available for review at the Town Office.

Send comments to: Mr. Michael J. Kenney, First Selectman, Town of Southbury, 501 Main Street, Southbury, Connecticut 06488.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570 or toll free line, (800) 424–8872 or (800) 424–8873.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed stream channel relabeling and relocation and flood boundary modifications (100-year flood) for the Town of Southbury, Connecticut in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Developing Act of 1968) (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed stream channel relabeling and relocation and flood boundary modifications together with the floodplain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed stream channel relabeling and relocation and flood boundary modifications will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing building and their contents.

The proposed zone designation for the selected location is:

Source of flooding	Location	Zone
Bullet Hill Brook	East of Cedar Lane Road; west of Interstate 84; south of Old Waterbury Road and north of Poverty Road.	A.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 23, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration,

[FR Doc. 81-14675 Filed 5-14-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6061]

National Flood Insurance Program Proposed Base Flood Elevations and Zone Designations for the City of Hazen, Mercer County, N. Dak.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the City Auditor, 201 Second Avenue, N.E., Hazen, North Dakota.

Send comments to: The Honorable Melvin P. Beckler, Mayor, City of Hazen, P.O. Box 717, Hazen, North Dakota 58545.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570, (in Alaska and Hawaii toll free (800) 424–8080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations and zone designations for the City of Hazen, North Dakota, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, Public Law 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Due to the completion of the Hazen Dike/Highway Bypass Project, the

proposed base flood elevations and zone designations are as follows:

Source of flooding	Location	Elevation in feet (NGVD)	Zone designation
Antelope Creek.	At Easternmost extraterritorial limits.	1,722	Zone A7.
	Just downstream of Fourth Avenue East.	1,741	Zone A8.
	Just upstream of Third Avenue West.	1,747	Zone A8.
	Just upstream of the Burlington Northern Railroad.	1,755	Zone A8.

Also, the proposed change in zone designation of the area protected by the Hazen Dike/Highway Bypass Project is from Zone A99 to Zone C.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 28, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14379 Filed 5-14-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6054]

National Flood Insurance Program, Proposed Changes to the Boundaries of the Zones of the Base Flood for the Township of Rochelle Park, N.J.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed changes to the boundaries of the zones of the flood having a one-percent chance of occurrence in any given year (base flood) described below.

The proposed changes in zone boundaries will be the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESS: Map and other information showing the detailed outlines of the floodprone areas and the proposed changes in zone boundaries are available for review at the Mayor's Office.

Send comments to: The Honorable William Schneider, Mayor, Township of Rochelle Park, 24 Chestnut Avenue, Rochelle Park, New Jersey 07660.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed changes in zone boundaries (100-year flood) for the Township of Rochelle Park, New Jersey in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed changes in zone boundaries together with the floodplain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed changes in zone boundaries will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood boundary changes for selected locations are:

Source of flooding	Location
Saddle River	Vicinity of Howard Avenue.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 1, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-14380 Filed 5-14-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[Docket No. 19770]

Communications Satellite Corp.; Issuance of Securities, Borrowing of Money, Assumption of Obligations

Correction

FR Doc. 81–9250 was published on page 18720 in the issue of Thursday, March 26, 1981. It terminated a rulemaking proceeding in Docket No. 19770. It was incorrectly classified as a rule document and should have appeared in the Proposed Rules section of the Federal Register.

BILLING CODE 1505-01-M

47 CFR Part 73

[BC Docket No. 81–153; RM–3720]

FM Broadcast Stations in Fort Bragg and Mendocino, California; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: Action taken herein extends the time for filing comments in BC Docket No. 81–153 (RM–3720), concerning a proposal to assign FM Channel 249A to Fort Bragg, California, in response to an extension request filed by Stephen M. Ryan. Ryan states that additional time is necessary to enable him to evaluate his position, to confer with consulting engineers regarding the technical aspects of the proposal, and to give consideration to submitting a counterproposal.

DATES: Comments must be filed on or before May 20, 1981, and reply comments on or before June 5, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM

Broadcast Stations. (Fort Bragg and Mendocino, California); Order extending time for filing comments and reply comments (see also 46 FR 17610, March 20, 1981).

Adopted: May 6, 1981.

Released: May 8, 1981.

By the Chief, Policy and Rules Division:

1. On March 16, 1981, The Commission issued a *Notice of Proposed Rule Making* proposing to assign Channel 249A to Fort Bragg, and to reassign Channel 224A from that community to Mendocino, California, to reflect its actual usage there, in response to a petition filed by Fort Bragg Broadcasting Co. The date for filing comments expired on May 4, 1981, and the date for filing reply comments is presently May 25, 1981.

2. On May 1, 1981,[1] counsel for Stephen M. Ryan ("Ryan"), licensee of FM Station KMFB–FM (Channel 224A), operating at Mendocino, California, filed a request for an extension of time to and including May 20, 1981, in which to file comments herein. Counsel states that the petition was not served on Ryan, and after such proposal was noted, sufficient time to properly respond had lapsed. Therefore, Ryan requests an extension to enable him to evaluate his position, to confer with consulting engineers regarding the technical aspects of the proposal, and to give consideration to submitting a counterproposal.

3. Section 1.46(b) of the Commission's Rules states that extension requests must be filed seven days in advance of the filing deadline. However, since the Commission feels it would be in the public interest to have this material available to it in arriving at a decision in this proceeding, and petitioner will have the opportunity to respond in reply comments, we will grant the additional time.

4. Accordingly, it is ordered, that the dates for filing comments and reply comments in BC Docket No. 81–153 (RM–3720) are extended to and including May 20, and June 5, 1981, respectively.

5. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

[1] The motion for extension was received by the Commission May 4, 1981, and because of the late-filing, we were unable to act on this request before the expiration of the date for filing comments.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-14702 Filed 5-14-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1132 and 1134

[Ex Parte No. MC–152]

Policy Statement Regarding Duplicate Operating Rights

AGENCY: Interstate Commerce Commission.

ACTION: Proposed policy statement.

SUMMARY: In light of the regulatory changes brought about by the Motor Carrier Act of 1980, the Commission proposes to change its policy of denying property motor carrier operating rights applications merely because they would result in commonly controlled carriers holding duplicating authority. For the same reason, *a fortiori*, the Commission also intends to permit individual carriers to hold duplicating operating authority. The past policy would continue to apply to motor carriers of passengers.

DATE: Comments are due June 15, 1981.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Ex Parte No. MC–152, Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Karl Morell, (202) 275–7953; Edward E. Guthrie, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Duplicate operating rights have been a matter of concern to the Commission since the beginning of motor carrier regulation. The Commission has often found that the creation, preservation, or extension of duplicate operations by separate motor carriers under common control, which operations, except for the fact of common control, would be competitive, is not consistent with the public interest. See *Greyhound Lines, Inc., Ext.—Special Operations*, 115 M.C.C. 82 (1972); *Ocean Drive Tours—Purchase—Carll*, 97 M.C.C. 20 (1964); and *Brown—Purchase—Brown*, 39 M.C.C. 373 (1943).

In *Control or Consolidation of Motor Carriers*, 109 M.C.C. 448 (1970), the Commission adopted specific rules for control applications filed under 49 U.S.C. 11343, which essentially codified the substantial body of case precedent that had been accumulated over the years on the issue of commonly controlled carriers holding duplicate operating rights. See 49 CFR 1134.51. These regulations, however, by their very terms, apply only to control applications and, therefore, do not technically govern motor carrier licensing applications. Nevertheless, the Commission, as a matter of policy, has generally not granted licensing applications where they would result in commonly controlled carriers holding duplicative operating rights. The reasons advanced by the Commission over the years for the policy have frequently been similar to those underlying the control regulations.

This general policy, however, has never been applied as a rigid rule barring all duplications. Rather, in a number of cases the Commission has granted duplicating authority to commonly controlled carriers where minor duplications existed or where special circumstances, such as where authorizing duplicating authority helped balance the commonly controlled carriers' operations, appeared to warrant waiving the policy.[1]

In the past, the issue of duplicate operating rights held by carriers under common control arose primarily in the context of control application proceedings. With the advent of eased entry and the attendant grants of broader motor carrier operating authority, however, this issue is arising more frequently in property, motor carrier licensing proceedings. Therefore, we believe it is time to reexamine our longstanding policy of generally not granting duplicating authority to commonly controlled carriers in motor carrier licensing proceedings in light of the regulatory changes brought about by the Motor Carrier Act of 1980. Since the Motor Carrier Act of 1980 does not appreciably apply to passenger carriers, and since passenger legislation is still in its formative stage, our proposed action will be limited to property carriers.

The policy of not granting duplicating authority to commonly controlled carriers in licensing proceedings was developed in adjudicative proceedings and the issue has been handled on a case-by-case basis. Therefore, it would be proper for the Commission to reexamine this matter in an appropiate adjudication. However, because of our decision to reexamine the control regulations in Ex Parte No. MC–79 (Sub-No. 1), *Control of Duplicate Operating Rights*, and because of the similarity of

[1] Even under the control regulations the Commission can approve duplicate operating rights under common control where "cogent and acceptable" reasons exist. See 49 CFR 1134.51(f).

the issues, we are issuing this notice of proposed policy statement so that we can consider these related matters simultaneously.

The policy of not granting duplicating authority to commonly controlled carriers has its origins in the Commission's early policy pronouncements dealing with the problem of corporate simplification. During the early period of motor carrier regulation, the Commission developed the so-called corporate simplification policy to discourage the creation or maintenance of separate carriers under common control. Although occasionally applications for common control were denied in the interest of corporate simplification, usually the Commission would approve such applications but admonish the parties to seek corporate simplification by merger of the commonly controlled companies. Similarly, where duplicate operating rights would result from proposed acquisitions of control, the Commission advanced the same reasons for their merger as for corporate simplification; namely, that such practices were uneconomical, wasteful, undesirable, and that they unnecessarily complicate regulation. See *Temple—Control—Bluebird Coach Lines, Inc.*, 36 M.C.C. 583 (1941); *Younger Bros., Inc.—Purchase—Commercial Bonded*, 25 M.C.C. 137 (1939); and *Buffalo & Erie Coach Corp.—Merger*, 15 M.C.C. 797 (1939).

In *Roush—Control—Southern California Freight Lines*, 80 M.C.C. 573 (1959), the Commission decided that the requirement respecting corporate simplification was ineffective and, for practical reasons, essentially abandoned it. An examination of the structure of today's motor carrier industry indicates the existence of innumerable holding companies controlling one or more motor carriers. While there are various reasons for the practice of creating or maintaining separate corporate entities, the argument often advanced in support of the practice is that such arrangements provide certain tax advantages. Clearly, the Commission is not prepared to restructure the corporate organization of the motor carrier industry, and we believe there no longer are any persuasive policy reasons for prohibiting motor carriers from structuring their corporate arrangements in, what they perceive to be, the most efficient manner.

Beginning with *Florman—Control—Automobile Convoy Co.*, 35 M.C.C. 521 (1940), the Commission advanced a new rationale for not granting duplicating authority to commonly controlled carriers. There the Commission found that the maintenance of such duplicate operations affords opportunity for unfair competition and for unjust discrimination and preferences between shippers and consignees as to rates and practices. It was reasoned that the two commonly controlled carriers could presumably have two sets of rates for the same service, thus arguably permitting discriminatory treatment of similarly situated shippers. It was believed that the evils inherent in such a situation differ only in degree from those which would be present if a single carrier were authorized to conduct dual operations as a common and contract carrier.

The objective of the 1935 Act was to promote orderly growth through regulated entry controls and price stability mechanisms. Each regulated carrier was, more or less, the "chosen instrument" for the provision of service in its authorized area. Uniform prices were perceived as a virtue. In such circumstances, there was justification for refusing to confer duplicating authority in order to ensure that a carrier offer its service to all shippers on an equal basis.

The Motor Carrier Act of 1980, however, has significantly changed the historic regulatory framework to place greater emphasis on market competition as the principal regulatory device. Where the 1935 Act fostered uniform rates and service, carriers are now encouraged to offer a variety of price and service options to meet the differing shipping needs. See section 4 of the Motor Carrier Act of 1980, setting forth a new National Transportation Policy for motor carrier regulation. Differences in price—which historically have been the main target of the duplicating authority policy—are no longer viewed as an evil. Indeed, the contrary is true. The Commission's regulatory approach under the Motor Carrier Act of 1980 is no longer to ensure uniform prices.

There is also far less need for concern about possible discrimination in a more competitive environment. When only one, or a handful of carriers, was available to serve the public in a given area, it could exercise considerable power and prefer one customer over another. Discrimination is far less likely in a more competitive environment where the failure to offer the proper blend of price and service by one carrier can easily be remedied through the prompt entry of a second carrier and the offer of more competitive rates.

Also, Congress has recognized that the maintenance of separate categories of authority for individual carriers is no longer necessary to ensure against discrimination. As a result of Section 10(b)(1) of the Motor Carrier Act of 1980, carriers are now permitted to offer different types of services and rates to the same shipper by the removal of the prohibition against dual operations. In truth, Congress merely codified that which the Commission had already accomplished administratively. In Ex Parte No. 55 (Sub-No. 27), *Dual Operations* (not printed), decided March 24, 1978, the Commission rejected the arguments that the holding of common and contract carrier authority by the same carrier would result in widespread abuses and unfair practices, such as soliciting or granting preferential rate treatment. Similarly, the Commission recently overturned a line of past decisions which denied operating authority to a carrier because of common control between the carrier and a shipper. See *Atlantic Coast Exp., Inc., Ext.—East Coast Ports*, 132 M.C.C. 184 (1980). Accordingly, if a single carrier (or a carrier and shipper) is permitted to act in such a dual capacity, then we see no justifiable reason for continuing a policy which prevents two separately operated, but commonly controlled, carriers from engaging in duplicate operations merely because of the potential for certain discriminatory practices. Mere possibilities or opportunities for discriminatory practices should not preclude carriers from providing needed service to the shipping public. If abuses should develop in the future, they could be addressed with other regulatory tools. But in the absence of a realistic demonstration of harm to the public, we believe that such denials of authority are unwarranted. Cf. *Atlantic Coast Exp., supra; Dual Operations, supra; Toto Purchasing & Supply Co., Inc.*, 128 M.C.C. 873 (1978); and *Delaware Express Co. v. Milford Express, Inc.*, 126 M.C.C. 462 (1977).

A final rationale advanced by the Commission for not granting duplicating authority to commonly controlled carriers was the concern that grants of valuable motor carrier rights can be used improperly for personal gain through their sale rather than for their true purpose, which is to enable the holder of such rights to provide necessary services for the shipping public. See *Hawaiian Packing & Crating Co., Ltd., Com. Car. Appl.*, 120 M.C.C. 404 (1974). It was determined, in this regard, that a person controlling two or more carriers holding duplicate rights would be in a position to reap benefits from the sale of one carrier without sacrificing an essential portion of his authority (which he retains through the

other carrier). It was found that such a situation also could have a substantial adverse impact on other carriers by creating additional competitors in the market served by the commonly controlled carriers.

We believe that the concern over "trafficking" in operating rights is largely a thing of the past. There are various factors that influence a carrier's decision to purchase rather than apply for operating authority, not the least important of which is the perceived difficulty in obtaining direct authority from the Commission. The Motor Carrier Act of 1980 has made it significantly easier for new trucking companies to enter the regulated motor carrier industry and for existing companies to expand their operations. Accordingly, the value of operating rights has diminished substantially. Congress is obviously aware of this situation, since two identical bills have been introduced in the House and Senate (H.R. 1964 and S. 702, respectively), which would allow motor carriers to write off for tax purposes the value of their operating authority lost as a result of the Motor Carrier Act of 1980. In introducing the legislation, Senator Baucus explained that:

> [t]here virtually is no dispute that the operating rights of motor carriers have lost nearly all their value * * * [because of] the relaxed federal procedure for entry and motor carrier service. 127 CONG. REC. S2141 (daily ed. March 12, 1981).

In these circumstances, we can find no remaining incentive for carriers reaping large profits from the sale of duplicating rights. Therefore, we believe that this concern generally is no longer a valid impediment to the granting of duplicating authority to commonly controlled carriers. If it should develop that certain commonly controlled carriers are attempting to abuse the licensing process by trafficking in their duplicating rights, this problem could be redressed on an individual basis through various means, including the imposition of a nonseverability clause.

In view of these considerations, we find that the various rationales supporting the Commission's past policy against commonly controlled carriers holding duplicating authority simply are no longer valid with respect to motor carriers of property in light of the recent changes in the regulation of the motor carrier industry and the competitive atmosphere in which motor carriers operate today. Commonly controlled carriers may perform different services and a public need may well exist for the services of both carriers in a particular market. We do not believe that the public should be deprived of needed transportation services because of theoretical possibilities for discriminatory or other objectionable practices, particularly when the risks of such potential abuses appear to be exceedingly small. Also, carriers should be able to arrange their corporate structures in a manner management deems to be the most efficient, economical, and productive. Accordingly, we are proposing to change our general past practice of denying applications for property motor carrier operating authority merely because they would result in commonly controlled carriers holding duplicating authority.

In this same regard, *a fortiori*, we no longer believe it to be objectionable for individual motor carriers property to hold duplicating authority. Therefore, we see no need to continue the policy of requiring carriers, that are granted authority which duplicates one or more of their outstanding authorities, to submit for cancellation the outstanding duplicated authorities as a condition to the issuances of the new authority. We do not intend to address here, however, the issue of whether carriers will be permitted to sell such duplicative authority. That issue may be resolved in individual adjudications or in another rulemaking proceeding.

This action does not appear to affect significantly either the quality of the human environment or conservation of energy resources.

Comments, however, are invited on all issues in this notice.

This notice is issued pursuant to 49 U.S.C. 10101, 10922, and 10923, and 5 U.S.C. 553.

Decided: April 28, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14770 Filed 5-14-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1132 and 1134

[Ex Parte MC 79 (Sub-1)][1]

Control of Duplicate Operating Rights

Decided: April 28, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In light of changes caused by the Motor Carrier Act of 1980 (Pub. L. No. 96-296, 94 Stat. 793) the Commission proposes to amend the regulations at 49 CFR 1132.2(c) and 1134.51 to remove the prohibition against motor property carriers holding duplicate operating rights under common control. The regulations would continue to apply to motor carriers of passengers. Simultaneously with this notice, the Commission is issuing a policy statement in Ex Parte No. MC-152, *Policy Statement Regarding Duplicate Operating Rights Under Common Control*, that it no longer will follow the past general practice of denying motor property carriers operating rights applications merely because they would result in commonly controlled carriers holding duplicate operating rights.

DATE: Comments should be filed on or before June 15, 1981.

ADDRESS: Send an original and 6 copies, if possible, of comments to: Section of Finance, Room 5417, Office of Proceedings, Interstate Commerce Commission, 12th Street and Constitution Ave. NW., Washington, DC 20423.

Comments should refer to Ex Parte No. MC-79 (Sub-No. 1).

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275-7245 or J. Carol Brooks (202) 275-7866.

SUPPLEMENTARY INFORMATION:

Background

Common control of two motor carriers whose combined annual gross operating revenues exceed $2 million requires our approval under 49 U.S.C. 11343. Under our regulations at 49 CFR 1134.51 we will approve a transaction under section 11343 which would result in the control or management in a common interest of two or more such motor carriers holding duplicate operating rights only if the applicants: (1) request cancellation of the duplicate rights; (2) submit a plan and timetable to eliminate the duplications at the earliest practicable date, so that only one of the commonly controlled motor carriers will hold the duplicating authority; or (3) show "cogent and acceptable" reasons why duplicate rights under common control should be permitted to continue. If the duplications are allowed to continue, the certificates involved are conditioned against severance from common ownership by sale or otherwise. 49 CFR 1134.51(a)(3).

Under 49 U.S.C. 10926, and the regulations at 49 CFR Part 1132, transfers of operating authority also require our approval. The regulations in

[1] This proceeding incorporates proposed changes in the regulations promulgated in Ex Parte No. MC-79, *Control of Consolidation of Motor Carriers*, 109 M.C.C. 449 (1970) and Ex Parte No. MC-111, *Transfer of Motor Carrier Operating Rights*, 127 M.C.C. 528 (1978).

49 CFR 1132 state that we will not approve a transfer or lease of operating rights to a person who controls, is controlled by, or is under common control with, another person who holds operating rights which materially duplicate those to be transferred.

In certain cases, we have allowed commonly controlled motor carriers to hold duplicate rights where the duplications were viewed as *de minimis*, where the carriers could show that they would perform different services, or where special circumstances, such as tax advantages, warranted it. Where these special circumstances justified the holding of duplicate rights, our approval permitted the duplications to continue temporarily.

In light of the changes brought about by the Motor Carrier Act of 1980 (Pub. L. No. 96–296, 94 Stat. 793), we believe our historic policy concerning duplicating authority under common control must be reexamined. Since the 1980 Act applies to motor property carriers and not to motor carriers of passengers, our discussion and proposed action is limited to motor property carriers.

Historic Reasons for the Present Policy

Historically, four reasons have been advanced for prohibiting the control of duplicate operating rights. First, was the perceived possibility of unfair competition and unjust discrimination and preferences between shippers and consignees as to rates and practices. Because commonly controlled carriers could have varying rates for the same service, they arguably would be in a position to discriminate in their treatment of similarly situated shippers. It was believed that the possible evils inherent in such a situation differ only in degree from those which would be present if a single carrier were authorized to conduct dual operations as a common and contract carrier. See *Florman-Control-Automobile Convoy Co.*, 35 M.C.C. 521, 524 (1940).

A second concern was the possible adverse effect on competition which might arise if commonly controlled carriers were able to sell one right while retaining another to perform identical operations. This was based on the belief that commonly controlled carriers holding duplicate rights compete in theory only. Therefore, if they were permitted to sell duplicating rights, an additional competitor could be created without regard to the public convenience and necessity. See *Hawaiian Packing & Crating Co., Ltd., Com. Car. Appl.*, 120 M.C.C. 404, 409 (1974); *Cooper-Jarrett, Inc.-Pur-Pac. Intermountain Exp.*, 116 M.C.C. 894, 899 (1975).

Third, we have often viewed with concern the fact that grants of "valuable" motor carrier operating rights could be improperly used for personal gain through their sale as a commodity rather than for their true purpose of providing necessary services to the shipping public. See the *Hawaiian Case, supra*, at 406–409, and cases cited therein. The duplicating rights prohibition was intended to curtail such "trafficking" in rights.

Lastly, in the early days of regulation, we were greatly concerned about the promotion of corporate simplification. The maintenance of duplicative rights under common control, like the maintenance of separate entities under common control, was viewed as undesirable, because it was deemed inefficient, uneconomical, confusing to the public, and inimical to efficient regulation. See for example, *Hoover M. Exp. Co., Inc.-Purchase-Hoover Truck Co., Inc.*, 25 M.C.C. 719, 721 (1939); *Potashnick Truck Serv., Inc.-Control-Bryant Truck Lines*, 5 M.C.C. 723, 732–33 (1938).

Discussion of Historic Reasons

Opportunity for Price Discrimination. The Motor Carrier Act of 1935 brought under rate and entry regulation a relatively infant industry of many small firms. The objective of the 1935 Act was to promote orderly growth through entry controls and enforced price stability. Each regulated carrier was, more or less, a "chosen instrument" for the provision of service in its authorized area. Uniform prices were perceived as a virtue. In such circumstances, the refusal to confer duplicating authority was to ensure that a carrier offered its service to all shippers on an equal basis.

The Motor Carrier Act of 1980, however, reflects a significantly changed regulatory perspective placing greater emphasis on competition and potential competition. The 1980 Act makes it easier for new trucking companies to enter the market and existing companies to expand their operations; it requires us to frame grants of authority in broader terms and to eliminate unduly narrow commodity and geographic descriptions. See Section 6 of the Act, 49 U.S.C. 10922(h)(1); H.R. Rep. No. 96–1069, 96th Cong. 2d Sess., 12–18; *Art Paper Transfer, Inc., Ext-Commod., In End-Dump Vehicles*, 132 M.C.C. 84, 92–95 (1980).

Furthermore, our regulatory approach under the 1980 Act is no longer to ensure uniform prices. In a more competitive environment, differences in price are no longer viewed as an evil. Indeed, the contrary is true. Where the 1935 Act fostered uniform rates and service, the 1980 Act encourages carriers to offer a variety of price and service options to meet differing shipping needs. See 49 U.S.C. 10101(a)(7).

In the current regulatory environment, there is far less need for concern about possible undesirable discrimination in price. When only one, or a handful of carriers, was available to serve the public in a given area, an individual carrier was likely to possess considerable market power, allowing it to prefer one customer over another. Discrimination is far less likely in a more competitive environment where the failure to offer the proper blend of price and service options by one carrier can easily be remedied through the prompt entry of another carrier offering more competitive rates and services.

In recognition of this, Congress has eliminated the prohibition against motor carriers of property holding dual (both common and contract) authority, a practice formerly condemned as having the same potential for discriminatory conduct alleged to exist when duplicate rights are commonly controlled. See Section 10 of the 1980 Act.

Congress essentially codified what we had already accomplished administratively. In *Ex Parte No. 55 (Sub-No. 27) Dual Operations* (not printed), decided March 24, 1978, we discussed and rejected the arguments that holding of common and contract authority by the same carrier or commonly controlled carriers would result in widespread abuses and unfair practices, such as soliciting or granting preferential rate treatment. We concluded that dual operations would no longer be an obstacle to approval of an application for operating rights unless a specific showing was made in a particular case that rate or service discrimination was likely. This policy shift was made applicable to motor acquisition applications as well. See *Southwest Equipment Rental, Inc.-Pur.-Interstate*, 127 M.C.C. 223 (1978). In No. MC–151873, *Pride Cargo Carriers, Inc., Common Carrier Application* (not printed), decided February 20, 1981, we stated:

> As a result of the passage of the Motor Carrier Act of 1980, carriers are now permitted to offer different types of services and rates to the same shipper by the removal of the prohibition against dual operations. 49 U.S.C. 10930(a). If a single carrier is permitted to act in such a dual capacity without regard to the possible discriminatory results, then we cannot find that the allegations of the mere discriminatory potential of two separate, but commonly controlled, carriers, which appear to be offering differing types of services and rates, would constitute reason enough to deny the application outright.

Similarly, we recently overturned a line of past decisions which denied operating authority to carriers because of common control between the carrier and a shipper. See *Atlantic Coast Exp., Inc., Ext.-East Coast Ports*, 132 M.C.C. 184 (1980). In so doing, we concluded that our past policy of denying applications for operating authority because of "theoretical possibilities or opportunities" for discriminatory practices erected artificial barriers to shippers obtaining service from carriers when the risks of potential abuses were exceedingly small. If a single carrier is permitted to act in such a dual capacity, then we do not believe that the mere holding of duplicate operating rights by commonly controlled carriers should be prohibited.

We need not prohibit the holding of duplicating authorities under common control to prevent abuses in this area. Our statutory powers under 49 U.S.C. 10741 enable us to protect the public and carriers from unreasonable price and service discrimination and other unfair or destructive competitive practices.

Potential Competitive Effects. In the Motor Carrier Act of 1980, Congress plainly stated its intention to promote competition and efficient transportation in order to meet the needs of shippers and allow the most productive use of equipment and energy resources. See 49 U.S.C. 10101(a). Congress specifically rejected the historic approach of emphasizing the protection of existing carriers and approved our more recent emphasis on the benefits of competition between carriers. 49 U.S.C. 10922(b) and H.R. Rep., *supra*, at 13–15. The interests of the public in having more competitive and efficient transportation service are now paramount.

In granting the separate operating authorities, we have already found that the operations would serve a useful public purpose, responsive to a public demand or need. See 49 U.S.C. 10922(b)(1)(B).[2] The fact of common control between carriers does not necessarily mean that there is no longer a public need for each separate operation. To the contrary, there may well be a need for continuation of the two services. Carriers under common control often operate completely independently of their affiliates, provide different types of services, and compete independently for business. In a more competitive environment, we need be less concerned about inefficient operations since marketplace forces will generally assure that carriers structure their operations in the most efficient manner. Prohibiting motor property carriers from holding duplicate operating rights simply to avoid the possibility of creating "new" competitive service, if and when those carriers sell their authorities, conflicts with the objectives of the Motor Carrier Act to promote efficient and competitive motor carrier operations.[3]

Trafficking. The concern over "trafficking" in certificates is also no longer a persuasive reason for retaining the present restrictions on motor property carriers holding duplicate authorities. The concept emerged in an era when operating rights were franchises with considerably more economic value than they have in the current regulatory environment. The ability to reap large profits from the sale of duplicate rights has diminished substantially, if not vanished. In fact, the motor carrier industry has asked Congress to grant substantial tax write-offs for losses caused by operating rights becoming "virtually worthless" through enactment of the 1980 Act.

Despite the relaxed statutory standards for obtaining operating authority under our application procedures, carriers may in some situations perfer to purchase operating authority. A purchase may be a quicker way of obtaining authority, particularly for "small carrier" transfers handled under the procedures at 49 CFR Part 1132. In addition, the purchase of existing facilities, equipment, customer lists and general goodwill of an ongoing operation, allows the buyers to avoid many of the risks and problems of penetrating a new market. We see no reason to discourage trucking companies from selecting this method of entering new markets.

The last two concerns "competitive effects" and "trafficking" arise when commonly controlled carriers holding duplicate rights attempt to sell them. Even if we eliminate the prohibitions of our present regulations at 49 CFR 1132.3(c) and 1134.51 as to motor property carriers, we still retain statutory authority to review a sale of duplicate operating rights and to disapprove it if we find it would be contrary to the public interest.

Corporate Simplification. The issue of corporate simplification in this context has ceased to be a serious concern. For example, in No. MC–F–13996, *U.S. Truck Lines, Inc. of Delaware—Control—Mercury Freight*, (not printed), decided April 8, 1980, in allowing the involved carriers to retain duplicate rights under common control, we stated:

> An examination of the structure of the motor carrier industry indicates the existence of innumberable holding companies controlling one or more motor carriers. This phenomenon occurs for various reasons, not the least important of which are tax considerations. We are not prepared to restructure the corporate organization of the motor carrier industry on an *ad hoc* basis.

Although we still favor corporate simplification, we no longer, as a rule, require the merger of the separate entities nor deny applications on that basis. See, for example, *Ryder System, Inc.—Control—Complete Auto Transit*, 109 M.C.C. 275 (1969); *Lease Plan International Corp.—Control—National*, 93 M.C.C. 203 (1963); No. MC–F–14370, *ANR Freight System, Inc.—Control—Neuendorf Transportation Company* (not printed), decided December 30, 1980.

Related Proceeding. The regulations at 49 CFR 1132.3(c) and 1134.51 do not apply to motor carrier licensing applications. However, as a matter of policy, we have generally not granted licensing applications where they would result in commonly controlled carriers holding duplicative operating rights. In accordance with the conclusions reached here, we are issuing a policy statement in Ex Parte No. MC–152, *Policy Statement Regarding Duplicate Operating Rights Under Common Control*, that we will no longer deny motor porperty carriers operating rights applications merely because they would result in the common holding of duplicate authorities.

Conclusion

We have concluded that the rationale supporting the Commission's policy against commonly controlled carriers holding duplicating authority is no longer valid in light of the recent changes in the regulation of the motor carrier industry and the competitive atmosphere in which motor carriers operate today. Therefore, we propose to amend the regulations at 49 CFR 1134.51 and 49 CFR 1132.3(c) so that they no longer apply to motor carriers of property. They will continue to apply to motor carriers of passengers as they have in the past.

We believe that our proposed action would be consistent with the policy of the 1980 Act to rely more on marketplace forces rather than government regulation to achieve the

[2] Under the statutory criteria in effect before the Motor Carrier Act of 1980 was enacted, a motor property carrier was required to show that its proposed operation "is or will be required by the present or future public convenience and necessity." This still applies as to motor passenger carriers. See 49 U.S.C. 10922(a).

[3] Generally, the sale of duplicating rights held under common control has been viewed as "an objectionable split" of authority. We are now reexamining this and other types of "splits" which we have found undesirable in the past and will address these issues in a later proceeding.

goals of the national transportation policy. It would also speed up the processing of cases involving the holding of duplicative rights under common control, and eliminate paperwork and artificial regulatory barriers to the motor carrier industry.

Energy, Environmental, and Other Considerations

This decision does not appear to affect significantly the quality of the human environment or energy consumption, and would have a positive impact on small businesses.

Comments, however, are invited on all issues in this notice.

Proposed Revision

We propose to revise the regulations at 49 CFR 1132.3(c) and 49 CFR 1134.51, to make them applicable only to motor carriers of passengers. They would no longer apply to motor property carriers.

This notice of proposed rulemaking is issued under the authority contained in 49 U.S.C. 10321, 10926, 11343–11344, and 5 U.S.C. 553 and 559.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14709 Filed 5-14-81; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 94
Friday, May 15, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Richland Creek Wilderness Study Area and Rare II Addition Hearing Announcement; Public Hearing

Notice is hereby given that a public hearing will be held on a proposal for the future management of the Richland Creek Wilderness Study Area and RARE II Addition which is comprised of approximately 12,175 acres within the Ozark National Forest, Newton and Searcy Counties in the State of Arkansas. The hearing will begin at 10:00 a.m. on June 20, 1981, in the W. O. Young Student Union Building at Arkansas Tech University.

A brochure containing a map and information about the proposal may be obtained from the Forest Supervisor, Ozark National Forest, P.O. Box 1008, Main & Fargo Streets, Russellville, Arkansas 72801.

Individuals and organizations may express their views by appearing at this hearing or by submitting written comments to the Forest Supervisor at the above address for inclusion in the official record. Comments must be received by July 20 in order to be included in the official record.

Dated: May 8, 1981.

R. Max Peterson,

Chief, Forest Service.

[FR Doc. 81-14681 Filed 5-14-81; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Colorado-Ute Electric Association, Inc.; Intent To Prepare a Draft Environmental Impact Statement and Hold Public Scoping Meetings

Notice is hereby given that the Rural Electrification Administration (REA), if lead agency, intends to prepare a Draft Environmental Impact Statement (EIS) in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), in connection with financing assistance to Colorado-Ute Electric Association, Inc., (Colorado-Ute) P.O. Box 1149, Montrose, Colorado 81401. Notice is also given that public scoping meetings will be held concerning the proposed project.

The EIS will address a proposed 230 or 345 kV transmission line and associated facilities in southern Colorado from Pueblo, Colorado, to Walsenburg, Colorado. Interested persons are invited to submit comments which may be helpful to REA in the preparation of a Draft EIS. Comments should be sent to the Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Public scoping meetings will also be held on June 16, 1981, at the Two-thirds Conference Room, Sangre de Cristo Arts and Conference Center, 210 North Santa Fe, Pueblo, Colorado, at 8:00 p.m., and on June 17, 1981, at the District Court Room, Huerfano County Court House, 401 Main Street, Walsenburg, Colorado, at 8:00 p.m. These public scoping meetings, to be chaired by representatives of REA, will be held in order to receive public input and comments. Issues to be discussed include, but are not limited to: (a) need for the project, (b) determination of project scope and identification of significant environmental issues, (c) elimination of issues which are not significant from detailed study, and (d) identification of environmentally sensitive areas and/or other potential transmission corridor alternatives. The public will be invited to critique specific alternative transmission corridors identified by Colorado-Ute, as well as propose potential non-site specific alternatives, including no action. A record will be made of the meetings and comments made will be addressed in the Draft EIS.

REA encourages the general public to attend these public information meetings and provide their input. Any person or group which desires to place its comments, questions or recommendations in writing, may do so either at the meetings or by submitting them to REA. Comments may be sent to the Rural Electrification Administration, at the address given above. Requests for additional information or questions concerning the meetings may also be directed to Colorado-Ute at its address given above.

Financing assistance to Colorado-Ute will be subject to REA's arrival at a satisfactory conclusion with respect to environmental effects. Final action will be taken only after compliance with EIS procedures required by NEPA.

This Federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 11th day of May 1981.

Joe S. Zeller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-14682 Filed 5-14-81; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Number of Employees, Payrolls, Geographic Location, Current Status, and Kind of Business for the Establishments of Multiestablishment Companies; Determination for Surveys

In conformity with Title 13, United States Code, sections 182, 224, and 225 and due notice of consideration having been published on March 13, 1981 (46 FR 16697), I have determined that a 1981 Company Organization Survey is needed to update company and establishment changes to the multiestablishment companies in the Standard Statistical Establishment List. The survey, which has been conducted for many years, is designed to collect information on the number of employees, payrolls, geographic location, current status, and kind of business for the establishments of multiestablishment companies. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

Report forms will be furnished to firms included in the survey and additional copies of the form are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

Dated: May 11, 1981.

Daniel B. Levine,

Acting Director, Bureau of the Census.

[FR Doc. 81-14813 Filed 5-14-81; 8:45 am]

BILLING CODE 3510-07-M

National Oceanic and Atmospheric Administration, Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Scientific and Statistical Committee which will meet to discuss the Bluefish Fishery Management Plan as well as other fishery related matters. The agenda may be rearranged or changed depending upon progress of the same.

DATES: The public meeting will convene on Wednesday, July 1, 1981, at approximately 10 a.m., and will adjourn at approximately 3:30 p.m.

ADDRESS: The meeting will take place at the Best Western Airport Inn, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115—Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: May 12, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-14736 Filed 5-14-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1981 a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: May 15, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: On February 13, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (46 FR 12225) of proposed addition to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 14 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following service hereby added to Procurement List 1981:

SIC 7349

Commissary Shelf Stocking and Custodial Service
Mountain Home Air Force Base, Idaho

C. W. Fletcher,

Executive Director.

[FR Doc. 81-14813 Filed 5-14-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Correction of Deletion

In FR Doc. 81-13895, published on April 8, 1981 (46 FR 25678), the name of the military resale commodity, Item No. 969, is corrected to read Cover, Ironing Board, Teflon-Coated.

C. W. Fletcher,

Executive Director.

[FR Doc. 81-14819 Filed 5-14-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 17, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1981, November 12, 1980 (45 FR 74836):

CLASS 8415

Pad, Helmet, Flight Deck, Crewman's
8415-00-178-8871
8415-00-178-8890

SIC 7349

Janitorial/Custodial
Secnet Office (Building 2001B)
Air Recovery and Rescue Squadron (Building 2038)
Fairchild Air Force Base
Spokane, Washington

Janitorial Services

Air Traffic Control Tower Building and Adjacent TRACON Building including connecting enclosed walkway, Spokane International Airport,
Felts Field, Spokane, Washington for the following Buildings:
Air Traffic Control Tower, Flight Service Station, General Aviation District Office.

SIC 7349

Commissary Shelf Stocking and Custodial Service, Lackland Air Force Base, San Antonio, Texas.

C. W. Fletcher,

Executive Director.

[FR Doc. 81-14820 Filed 5-14-81; 8:45 am]

BILLING CODE 6820-33-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 81-3]

John R. Lyman Company, Inc., and Edward S. Wright, an Officer of the Corporation; Prehearing Conference

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Prehearing Conference.

DATE: This notice announces a prehearing conference in the matter of John R. Lyman Co., Inc., and Edward S. Wright, an officer of the corporation, on May 26, 1981, at 9:30 a.m.

ADDRESS: The prehearing conference will be held in the third floor hearing room, 1111 18th St. NW., Washington, DC.

FOR ADDITIONAL INFORMATION CONTACT: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Consumer

Product Safety Commission, Suite 300, 1111 18th St. NW., Washington, DC 20207, telephone (202) 634–7700.

Dated: May 13, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

In the matter of John R. Lyman Company, Inc., a Corporation, and Edward S. Wright, as an Officer of the Corporation; prehearing conference.

On March 20, 1981, the Commission issued a Complaint, with attached list and summary of documentary evidence, charging that the respondents in the above-entitled proceeding purchased approximately 21,183 pounds of children's sleepwear garments, being approximately 75,000 individual garments, which had been treated with 2,3-dibromopropyl phosphate, known as "TRIS", a flame-retardant chemical considered toxic within the meaning of 15 U.S.C. Section 1267(g), under an agreement to process the goods by washing and cutting them and to sell them only as industrial wiping rags; that approximately 5,442 pounds of these garments were cut, some of which had been washed and some not; that respondents informed the Commission in writing that it had cut up all of said garments; that respondents destroyed about 7,606 pounds of said garments under the supervision of the Commission; that respondents sold approximately 8,143 pounds of said garments, being approximately 25,000 individual garments or more, in interstate commerce; and, that respondents knowingly failed to inform the Commission upon obtaining information that a consumer product distributed in commerce contained a defect which could create a substantial product hazard, in violation of Section 15 (a) and (b) of the CPSA, 15 U.S.C. Section 2068(a) (3) and (4). The following relief is sought: To determine that a civil penalty, not to exceed $2,000 for each violation up to a maximum of $500,000 for each related series of violations, should be assessed against the respondents or either of them, pursuant to Section 20 of the CPSA, 15 U.S.C. Section 2069, with such other additional relief as the interests of justice might require, together with costs and disbursements.

Respondents filed a Motion for Extension of Time, dated April 10, 1981, and an Answer, dated April 24, 1981, admitting, denying, averring and reserving as to the various allegations of the Complaint, and specifying ten affirmative defenses.

Issue having been joined, a prehearing conference, pursuant to Section 1025.21 of the Commission's Rules of Practice for Adjudicative Proceedings, 16 CFR, Section 1025.21 will be held on the 26th day of May, 1981, at 9:30 a.m. local time at the Consumer Product Safety Commission, 1111 18th Street, N.W., Third Floor Hearing Room, Washington, D.C.

Any person desiring to participate in the forthcoming hearing should file a petition for leave to intervene in accordance with Section 1025.17 of the Commission's Rules of Practice for Adjudicative Proceedings, 16 CFR, § 1025.17.

Walter J. Alprin,

Administrative Law Judge.

[FR Doc. 81-14797 Filed 5-14-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of Army

Draft Environmental Impact Statement

SUBJECT: Intent to Prepare a Draft Environmental Document for the Reacquisition or Use of Land Formerly Owned by the Government Adjoining Parks Reserve Training Area (PRFTA), Alameda County, California, by the US Army.

SUMMARY: Headquarters, Sixth US Army, requires acquisition of additional land which essentially consists of a parcel that was formerly a part of Camp Parks and was transferred in an excessing action to the East Bay Regional Park District in 1973. The additional area would be used for training military personnel in plotting a course through unmarked territory, advancing in groups by foot to designated areas, and operating military vehicles up to 5-tons trucks over various terrains. Increased military readiness requirements for the Reserve components can be achieved only by the most effective use of Reserve components training time. The proposed action is necessary of provide San Francisco Bay area Reserve components with the adequate close-in training area needed to achieve the level of readiness required for national defense.

Alternatives:

No action.

Reacquire less than 445 acres.

Joint use of the land by the East Bay Regional Park District and the US Army

Scoping Process:

The environmental document will be prepared by the Sixth US Army. To allow identification of the significant issues and to facilitate communications between the project proponent and interested agencies and other parties during the preliminary phase, the Army will coordinate the environmental review process with the affected Government agencies and the general public. All interested parties are invited to participate in the scoping process by contacting the address indicated in the paragraph below.

Significant Issues: To date, the significant issues which have been identified and which will be analyzed in the environmental document include: (1) Loss of recreational opportunities; (2) Acquisition of additional 4.6 acres by East Bay Regional Park District for access to the 445 acre parcel; and (3) Potential effects on siltation and water quality, noise levels, waste, hazardous and toxic substances, energy resources, wildlife, and wildlife habitat.

The Army will hold a scoping meeting on 5 June 1981, beginning at 1:00 p.m. The location is Camp Parks, Building 332, Pleasanton, California. The scoping meeting is not intended to be a formal public hearing but rather a working session when information relating to potential environmental impacts can be gathered and evaluated.

Questions concerning the proposed action can be answered by Alex Maciejewicz, Facilities Engineering, Presidio of San Francisco, San Francisco, California 94129, (415) 561–3159.

Dated: May 11, 1981.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA (IL&FM).

[FR Doc. 81-14692 Filed 5-14-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Inactive Uranium Mill Tailings Site and Vicinity Properties in and Near Canonsburg, Pa.; Compliance With the National Environmental Policy Act; Intent To Prepare an Environmental Impact Statement and Conduct Public Scoping Meetings for Remedial Actions

AGENCY: Department of Energy.

ACTION: Notice is hereby given that the Department of Energy intends to prepare an environmental impact statement (EIS) to assess the environmental implications of remedial action to be performed on the inactive uranium mill tailings site and vicinity properties in and near Canonsburg, Pennsylvania.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an EIS, in accordance with Section 102(2)(c) of the National Environmental

Policy Act (NEPA), to provide environmental input into the selection of an appropriate strategy for the permanent disposal of the uranium mill tailings located at the Canonsburg Industrial Park site and vicinity properties (including the Burrell Township site) in and near Canonsburg, Pennsylvania. The DOE is currently considering as its proposed action the removal of the tailings to a specially prepared remote site for permanent disposal. In accordance with the Council on Environmental Quality regulations for compliance with NEPA (40 CFR Part 1501), the DOE is serving as the lead agency for preparation of the EIS; the Nuclear Regulatory Commission will participate as a cooperating agency.

The DOE invites interested agencies, organizations, and members of the general public to submit comments or suggestions for consideration in connection with the preparation of the draft EIS. Comments may be submitted by mail or presented at scoping meetings which will be held in Canonsburg, Pennsylvania, and Blairsville, Pennsylvania, on June 3, 1981, and in the Hanover Township area, Pennsylvania, on June 4, 1981. On completion of the draft EIS, notice of its availability will be announced in the **Federal Register**, and comments will be solicited. Comments received on the draft EIS will be considered in preparing the final EIS.

ADDRESS: Written comments or suggestions on the scope of the EIS and requests to speak at the scoping meetings may be submitted to: Mr. R. H. Campbell, Uranium Mill Tailings Project Office, Albuquerque Operations Office, Department of Energy, P.O. Box 5400, Albuquerque, NM 87115.

Envelopes should be marked "DEIS for Canonsburg site."

General information on the process followed by the DOE in preparing environmental impact statements may be obtained from: NEPA Affairs Division, Office of environmental Compliance and Overview, Office of the Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness, U.S. Department of Energy, ATTN: Ms. Carol Borgstrom, Room 4G–064, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–4600.

DATES: Written comments postmarked by June 18, 1981, will be considered in the preparation of the DEIS. Comments postmarked after that date will be considered to the maximum extent practicable. Scoping meetings will be held in Canonsburg and Blairsville, Pennsylvania, on June 3, 1981 and in the Hanover Township area, Pennsylvania, on June 4, 1981. Requests to speak at these meetings should be received by Mr. R. H. Campbell at the address above by May 28, 1981.

Background Information:

The Canonsburg site is approximately 20 miles southwest of Pittsburgh, Pennsylvania, and is located in the Borough of Canonsburg, Washington County, Pennsylvania. The site was originally operated as a radium extraction plant by the Standard Chemical Company from 1911 to 1922. Later, the Vitro Corporation of America acquired the property and processed the onsite tailings to extract radium and uranium salts. From 1942 until 1957, the Vitro Corporation of America was under contract to the Federal Government to recover uranium from ore and scrap. For the next nine years, the site was used only for storage under an Atomic Energy Commission contract. Since 1967, the property has been owned by the Canon Development Company and is called the Canonsburg Industrial Park. The various buildings on the 19-acre site are leased to tenant companies for light industries.

Processing of radioactive residues, scrap, and other material at the Canonsburg site by the Vitro Corporation of America, and later storage of radioactive materials at the site eventually led to contamination of the soil. The buildings at the Canonsburg site were either built over or adjacent to contaminated soil, and as a consequence also are contaminated. In addition, some contaminated soil was carried offsite and used locally as fill on properties in the vicinity of the Canonsburg site. During the period of October 1956 through January 1957, 12,000 tons of radioactive material was shipped by rail from the Canonsburg site to the Burrell Township site (also called the Pennsylvania Railroad Landfill site). This site is located about a mile east of the town of Blairsville in Indiana County, Pennsylvania, north of the Conemaugh River and south of the mainline tracks of ConRail.

In 1978, the U.S. Congress passed the Uranium Mill Tailings Radiation Control Act, Public Law 95–604. In this Act, the Congress found that uranium mill tailings may pose a significant radiation health hazard to the public and directed the DOE to designate processing sites for remedial action to remove this potential hazard. It required the DOE to carry out remedial action at each site in cooperation with other Federal agencies and with the states and Indian tribes affected by the action. It gave to the Nuclear Regulatory Commission (NRC) responsibility for consulting with the DOE over a range of subjects concerning the conduct of remedial action, for concurring with the selected remedial action and with any cooperative agreement with a state or Indian tribe, and for licensing the maintenance of each tailings disposal site after the remedial action is completed.

To most expeditiously fulfill its remedial action oversight role, as delineated in Public Law 95–604, the NRC decided to participate as "cooperating agency" as defined by the Council on Environmental Quality regulations implementing NEPA (40 CFR 1508.5). By participating in this manner the need for NRC to duplicate the DOE efforts in a separate NRC prepared EIS for the licensing of the permanent disposal site for the residual radioactive material removed from the Canonsburg site will thus be eliminated. In addition, the Environmental Protection Agency (EPA) was given the responsibility to set standards to protect public health, safety, and the environment at the tailings sites and the disposal sites. The EPA has issued proposed standards governing the cleanup and disposal of inactive uranium processing sites, including the Canonsburg site, and intends to issue final standards by late 1981.

In accordance with Public Law 95–604, the DOE has designated 25 sites for remedial action. One of them is the Canonsburg Industrial Park at Canonsburg, Pennsylvania. The DOE has made preliminary engineering assessments of the site and of possible remedial actions. The Commonwealth of Pennsylvania has investigated several locations in which the tailings might safely be disposed of permanently and has recommended two of them for analysis by the DOE in the draft EIS.

A document describing the preliminary assessments of the Canonsburg site is the "Remedial Action Concept Paper for the Uranium Mill Tailings site at Canonsburg, Pennsylvania," issued in draft form by the Uranium Mill Tailings Remedial Action Project Office of the DOE Albuquerque Operations Office, Albuquerque, New Mexico 87115.

In order to proceed with the selection of an appropriate remedial action, the DOE will prepare an EIS that will analyze the effects of the proposed action and alternatives. After the completion of a final EIS based on the draft EIS and comments on the draft EIS, the plan for remedial action on the Canonsburg site will be selected, probably in 1982. The remedial action could then begin in early 1983 and be completed during 1985, subject to the

appropriation of sufficient funds by the Congress and by the Commonwealth of Pennsylvania to cover the remedial action costs.

Preliminary Identification of Environmental Issues

Those issues to be analyzed during the preparation of the EIS will include:

1. Exposures to radiation that the public and the workers on the project will receive from routine operations.
2. Exposures to radiation from hypothetical accidents that release radioactive material.
3. Changes in air quality caused by dust and other pollutants.
4. Effects on soils and mineral resources.
5. Effects on surface and ground waters.
6. Effects on plants and animals.
7. Changes in land use.
8. Changes in noise levels during the actions.
9. Effects on scenic, historic, and cultural resources.
10. Changes in population and effects on housing, social structure, services, and economic structure in the communities near the affected places.
11. Effects on transportation networks, including changes in traffic patterns and volumes.
12. Expected use of energy and other resources.
13. Effects of accidents other than effects arising from release of radioactive material.

The list is not intended to be all-inclusive nor to be a predetermination of impacts.

Analyses of the listed effects will be made for the mill tailings site, the disposal sites, the transportation routes, and the sites where cover material is obtained. The analyses, made for all the alternative actions, will cover both the time when the remedial action is in progress and the time after it has been completed.

Preliminary Definition of Alternatives

The DOE will consider all reasonable alternatives to the proposed action and their environmental impacts. The alternative actions presently proposed for analysis in the draft EIS are briefly listed below. This list may be longer or shorter in the draft EIS itself.

Alternative 1: No Action

This option consists of performing no remedial action, i.e., allowing the present situation to continue with no corrective action.

Alternative 2: Stabilization in Place

This alternative consists of decontaminating vicinity properties contaminated with tailings by consolidating all offsite contaminated materials at the Canon Development Company property after that property is acquired by the Commonwealth of Pennsylvania. The contaminated material at the Burrell Township site also would be accumulated at the Canonsburg site. All tailings and contaminated materials would then be stabilized at the site, including the emplacement of cover material to reduce the radon flux to the prescribed EPA limit.

Alternative 3: Decontamination of the Canonsburg Site and Transfer of the Tailings to a New Disposal Site

This alternative involves selecting a disposal site other than Canonsburg. All contaminated materials, soils, and building materials at vicinity properties (including the Burrell Township site) and at the Canonsburg site would be transported to a new disposal site that could be one of the locations discussed in options 3A or 3B below.

In 1980 the Commonwealth of Pennsylvania conducted an extensive study of the investigated potential disposal sites in Washington County for the tailings at Canonsburg. The Commonwealth nominated seven specific areas to be considered by the DOE as potential tailings-disposal sites. In giving these nominations to the DOE, the Pennsylvania staff said that two of the sites appeared to be better than the other five. A subsequent evaluation by a DOE contractor has confirmed this opinion; therefore, only these two sites appear as suboptions below. Nevertheless, all seven sites will be discussed in the EIS to the extent that final evaluation warrants. The Burrell Township site will also be evaluated as a potential disposal site in the EIS since it already has received a great deal of contaminated material from the Canonsburg site.

Option 3A: Disposal Site at Dinsmore

This option would involve the acquisition of the Dinsmore site by the Commonwealth of Pennsylvania as well as the removal to that site of all tailings and contaminated material from the Canonsburg site, the Burrell Township site, and other vicinity properties. A pit would be excavated and a liner system installed in it, if necessary. The tailings would be placed on the liner, and a soil cover would be placed on top of them to reduce the radon flux to the prescribed EPA limit.

The Dinsmore site is about 18 miles northwest of Canonsburg and 65 miles west of Burrell Township.

Option 3B: Disposal at Ash Dump Site

This option would involve the acquisition of the Ash Dump site by the Commonwealth of Pennsylvania as well as the removal to that site of all the tailings and contaminated materials from Canonsburg, Burrell Township, and other vicinity properties. A pit would be excavated and a liner system installed in it, if necessary. The tailings would be placed on the liner, and a soil cover would be placed on top of them to reduce the radon flux to the prescribed EPA limit.

The Ash Dump site is about 18 northwest of Canonsburg and 65 miles west of Burrell Township.

Comments and Scoping Meetings

The DOE invites all interested parties to submit written comments or suggestions on the draft EIS and to attend the scoping meetings. The purposes of the meetings and of the request for written comments are to provide the DOE and the NRC with as much information from as many viewpoints as possible and to provide interested persons with opportunities to express their views. The DOE will then determine, in consultation with the NRC, the scope of the issues to be addressed in the draft EIS and will identify the significant issues related to the remedial action.

The public scoping meetings will be held in Canonsburg and Blairsville, Pennsylvania, on June 3, 1981, and in the Hanover Township area, Pennsylvania, on June 4, 1981. The times and places will be announced in local news publications; they may also be obtained from R. H. Campbell at the address given above.

Persons desiring to make oral comments at the meetings should mail their requests to R. H. Campbell at the above address and should write "Canonsburg scoping meeting", "Blairsville scoping meeting", or "Hanover Township scoping meeting" on the envelopes. They should notify the DOE of their desire to speak before May 28, 1981, so that the DOE may arrange a schedule for the presentations.

The DOE will establish procedures governing the conduct of the meetings. The meetings will not be conducted as evidentiary hearings, and those who choose to make statements may not be cross-examined by other speakers. To ensure that everyone who wishes to speak has a chance to do so, five minutes will be allotted to each speaker.

Depending on the number of persons requesting to be heard, the DOE may allow longer times for representatives of organizations; persons wishing to speak on behalf of an organization should identify the organization in their request. Persons who have not submitted a request to speak in advance may register to speak at the scoping meetings; they will be called on to present their comments if time permits.

Written comments and suggestions for issues to be addressed in the draft EIS should be sent to R. H. Campbell at the address given above by June 18, 1981. Written comments will be considered and given equal weight with oral comments in the preparation of the EIS.

On the completion of the draft EIS, its availability will be announced in the **Federal Register**, and the Department of Energy will again solicit comments. Persons who do not desire to submit comments or suggestions during the scoping period may wish to receive a copy of the draft EIS for review and comment when it is issued; they should notify R. H. Campbell at the above address. Persons seeking further information may inquire at either of the addresses given above.

Transcripts of the scoping meetings will be prepared by DOE and made available at the Freedom of Information Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. In addition, members of the public may inspect the transcripts of the scoping meetings and other documents now planned for use in preparing the draft EIS at the following locations:

Freedom of Information Reading Room, Room 1E-190, Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585.
Canonsburg Library, 68 East Pike Street, Canonsburg, Pennsylvania 15317.
Chartiers-Houston Community Library, 730 West Grant Street, Houston, Pennsylvania 15317.
Albuquerque Operations Office, National Atomic Museum, Kirtland Air Force Base East, Albuquerque, New Mexico 87115.
Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho 83401.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada 89114.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee 37830.
Richland Operations Office, Federal Building, Richland, Washington 99352.
Energy Information Center, 215 Fremont Street, San Francisco, California 94105.
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina 29801.
Regional Energy/Environment Information Center, Denver Public Library, 1357 Broadway, Denver, Colorado 80210.

Dated at Washington, D.C., this 11th day of May 1981.

For the United States Department of Energy.

Barton R. House,

Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81-14708 Filed 5-14-81; 8:45 am]
BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement Between United States and Japan

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the United States and Japan (Atomic Energy, Cooperation for Civil Uses).

The subsequent arrangement to be carried out under the above mentioned agreement involves the extension of an agreement executed between the United States and Japan for the reprocessing of up to 99 tons of U.S.-supplied fuel at the Tokai reprocessing facility. The original agreement which was signed on September 12, 1977, was to cover a two-year period, i.e., until September 12, 1979. Since that time, both Government agreed to extend the period three times to June 1, 1981 and to increase the amount of spent fuel to be reprocessed by 50 tonnes over and above the original 99 tonnes.

The proposed subsequent arrangement would extend the agreement through October 31, 1981, on the shared understanding that both Government will endeavor to reach a long-term resolution of the subject matters of the subsequent arrangement by that date.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take place effective no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: May 12, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-14707 Filed 5-14-81; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-81-008; OFC Case No. 55027-3085-01, 02, 03-12]

Powerplant and Industrial Fuel Uses; Philadelphia Refinery

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Acceptance of Petition for Exemption Pursuant to the Final Rule Implementing the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On March 18, 1981, ARCO Petroleum Products (ARCO) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting three major fuel burning installations (MFBI's) from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in new MFBI's. The procedure for petitioning, and criteria for exemptions from the prohibitions of FUA are contained in 10 CFR Parts 501 and 503.

The MFBI's for which the petition is filed are three new field-erected boilers (identified as Boiler House Units Nos. 1, 2, and 3), to be installed at the Philadelphia Refinery, Philadelphia, Pennsylvania. Each boiler has a design heat input rate of 320 million BTU's per hour with a steam generating capacity of 225,000 pounds per hour. The ratio of primary energy sources proposed to be used in the new boilers is 75 percent on-site produced refinery waste gas and 25 percent refinery fuel oil. ARCO has requested a permanent exemption under 10 CFR 503.32 based upon a lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum as a primary energy source in the unit. Subsequent to the filing of the petition, ARCO on March 20, 1981, filed a request for an alternate fuels determination pursuant to 10 CFR 500.2, seeking to have ERA determine the refinery waste gas produced at ARCO's Philadelphia Refinery to be an alternate fuel.

FUA section 202(a) imposes statutory prohibitions against the use of natural gas and petroleum as a primary energy source in new MFBI's which consist of a boiler. ERA's decision in this matter will determine whether ARCO will be granted a permanent exemption from these prohibitions for Boiler House Unit Nos. 1, 2, and 3.

ARCO initially filed its petition for permanent exemption with ERA on December 29, 1980. ERA determined that the petition was incomplete and, pursuant to 10 CFR 501.3(f), notified ARCO of the deficiencies by letter dated January 19, 1981, allowing the company 90 days from that date to cure the defects in the petition. On March 18, 1981, ARCO submitted a revised petition which has been determined to be complete in accordance with 10 CFR 501.3(d). A summary of the petition is provided in the SUPPLEMENTARY INFORMATION section below.

On March 20, 1981, ARCO formally requested ERA to make an alternate fuel determination pursuant to 10 CFR 500.2 (Definitions of "alternate fuel", "petroleum" with regard to the refinery waste gas produced at the Philadelphia Refinery and planned to be used as a fuel in Boiler House Units Nos. 1, 2, and 3. A fuel is an alternate fuel if shown to be commercially unmarketable by reason of either quality or quantity. If ERA determines that the refinery waste gas produced by ARCO at the Philadelphia Refinery is an alternate fuel under the criteria set forth in 10 CFR 500.2, ARCO's planned use of the refinery waste gas in a mixture with 25 percent fuel oil in Boiler House Units Nos. 1, 2, and 3, would appear to qualify each of the units for the permanent fuels mixture exemption provided in 10 CFR 503.38(d). In the event such a determination is made ERA, with the petitioner's approval, will redesignate ARCO's petition as a petition for a fuels mixture exemtpion in accorance with 10 CFR 501.67. If redesignation occurs, a notice of such action will be published in the Federal Register.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before June 29, 1981. A request for public hearing must also be made within this same 45 day period.

ADDRESS: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Economic Regulatory Administration, Case Control Unit, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

Docket Number ERA–FC–81–009, should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room B–110, Washington, D.C. 20461, Phone: (202) 653–4055

Edward J. Peters, Acting Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone: (202) 653–4226

Douglas F. Mitchell, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B–178, Washington, D.C. 20585, Phone: (202) 252–2967

Terri L. Hamrick, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone: (202) 653–4478

SUPPLEMENTARY INFORMATION: ERA published in the Federal Register a final rule implementing the provisions of Title II of FUA on June 6, 1980 (45 FR 38276). The procedure for petitioning and criteria for exemptions from FUA's prohibitions also were published on that date (45 FR 38302). A final rule implementing the methodology for calculating the cost of using alternate fuels under FUA was published on December 24, 1980, and became effective January 23, 1981 (45 FR 84967). The Act prohibits the use of natural gas and petroleum as a primary energy source in certain new MFBI's unless an exemption for such use has been granted by ERA.

The three new MFBI's for which the permanent cost exemptions are requested are field-erected boilers, each having a design heat input rate of 320 million Btu's per hour and a steam generating capacity of 225,000 pounds per hour. The proposed primary energy source for the new boilers is an on-site produced refinery waste gas (75%) and refinery fuel oil (25%). Such fuels are considered petroleum products under the definition of "petroleum" contained in 10 CFR 500.2 unless an alternate fuel determination is made by ERA pursuant to 10 CFR 500.2 (definitions of "alternate fuel" and "petroleum").

In addressing the eligibility and evidentiary requirements for this exemption, which are contained in 10 CFR 503.32, ARCO states that it has investigated the cost of using the following alternate fuels:

—A slurry of coal suspended in a liquid fuel (commercial coal-oil mixture)
—Coal, with 10 percent petroleum needed for operational reliability
—Petroleum coke, with 15 percent petroleum needed for operational reliability
—Municipal solid waste, with 15 percent petroleum needed for operational reliability

In accordance with 10 CFR 503.4 *et seq.*, ARCO addressed the remaining general requirements for this exemption by including in its petition information pertaining to present and future conservation measures taken at the site, petroleum and natural gas consumption at the site, and an environmental impact analysis of each fuel scenario proposed in the detailed cost test calculations.

ERA hereby gives notice that ARCO's revised petition for a permanent exemption for each of its Boiler House Units No. 1, 2 and 3 has been determined to be complete as filed and is accepted. ERA retains the right to request additional information from ARCO at any time during the pendency of these proceedings where necessitated by circumstances or procedural requirements. As set forth in 10 CFR 501.3(d), the acceptance of the petition by ERA does not constitute a determination that ARCO is entitled to the exemptions requested.

The public file, containing documents on these proceedings and supporting materials, is available for inspection upon request at:

ERA, Room B–110, 2000 M Street, NW., Washington, D.C., Monday–Friday, 8:00 am–4:30 pm

Issued in Washington, D.C. on May 7, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-14700 Filed 5-14-81; 8:45 am]
BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-007]

Long Island Lighting Co.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On March 30, 1981, Long Island Lighting Company (LILCO), 250 Old Country Road, Mineola, New York 11501, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of up to 50,000 dekatherms (approximately

50,000 Mcf) of natural gas per day to displace approximately 105,000 barrels of residual fuel oil (1.5 percent sulfur) and 1,000 barrels of No. 2 fuel oil (0.3 percent sulfur) at the E. F. Barrett Plant and 25,000 barrels of residual fuel oil (1.0 percent sulfur) at the Glenwood Plant during the period May 13, 1981, to May 31, 1981. The eligible seller of the natural gas is Equitable Gas Company (Equitable) and the gas will be transported by Texas Eastern Transmission Corporation. Notice of that application was published in the **Federal Register** (46 FR 23526, April 27, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On May 13, 1980, LILCO received the original certification (ERA Docket No. 80-CERT-016) of an eligible use of natural gas purchased from Equitable for a period of one year expiring on May 12, 1981. The gas was to be used at three of its electric generating plants in New York: the E. F. Barrett Electric Plant in Island Park; the Glenwood Electric Plant in Glenwood Landing; and the Far Rockaway Plant in Far Rockaway. The Far Rockaway Plant has since been placed in a standby status by LILCO and was not included in LILCO's application for recertification.

The ERA has carefully reviewed LILCO's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined the LILCO's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the Division of Natural Gas Docket Room, Room 7108, RG-55, 2000 M Street NW., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., May 8, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-14710 Filed 5-14-81; 8:45 am]

BILLING CODE 6450-01-M

Varn Petroleum Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: April 23, 1981.

COMMENTS BY: June 15, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, (214) 767-7745.

SUPPLEMENTARY INFORMATION: On April 23, 1981, the Office of Enforcement of the ERA executed a Consent Order with Varn Petroleum Company (VARN) of Corpus Christi, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, may be made effective upon its execution. Because the DOE and VARN, wish to expeditiously resolve this matter as agreed, the DOE has determined that it is in the public interest to make the Consent Order effective as of the date of its execution by the DOE and VARN.

I. The Consent Order

VARN, with its office located in Corpus Christi, Texas, is a firm engaged in crude oil production, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of audit of crude oil sales, the Office of Enforcement, ERA, and VARN, entered into a Consent Order, the significant terms of which are as follows:

1. The initial audit period was from September 1, 1973 through December 31, 1977. This period was extended through January 27, 1981, in order to resolve any additional overcharges that might have occurred subsequent to the original audit period.

2. In this Consent Order, VARN agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified above, the sum of $150,000.00 on or before June 7, 1981.

3. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

4. The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on June 15, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 8th day of May 1981.

Wayne I. Tucker,

District Manager for Enforcement, Southwest District, Economic Regulatory Administration.

[FR Doc. 81-14711 Filed 5-14-81; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Volume 421]

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 8, 1981.

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KANSAS CORPORATION COMMISSION							
-HINKLE OIL COMPANY			RECEIVED: 04/17/81 JA: KS				
-126383	K-/8-5006	1-15-20317 108	MORTON #1	MORTON SE SE SE NW SEC 1	9.9	CITIES SERVICE GAS C	
NORTH DAKOTA GEOLOGICAL SURVEY							
-PETROLEUM CORP OF AMERICA			RECEIVED: 04/17/81 JA: ND				
-126200	3-0	33011000A7 103	2-28 LOAF	LITTLE MISSOURI	0.0	MONTANA DAKOTA UTILI	
-126203	2-9	33011002A7 103	3-33 CHAPMAN	LITTLE MISSOURI	0.0	MONTANA DAKOTA UTILI	
-126202	3-7	33011002A6 103	3-32 CARPENTER	LITTLE MISSOURI	0.0	MONTANA DAKOTA UTILI	
-126199	3-0	33011000314 103	4-16 STATE	LITTLE MISSOURI	0.0	MONTANA DAKOTA UTILI	
-126201	3-1	33011002A6 103	4-33 OSTROW	LITTLE MISSOURI	0.0	MONTANA DAKOTA UTILI	
OKLAHOMA CORPORATION COMMISSION							
-ANDOVER OIL COMPANY			RECEIVED: 04/17/81 JA: OK				
-126173	8-1	35017215A0 103	ADAMS RANK #7-1		185.0	DELHI GAS PIPELINE C	
-ANDOVER OIL COMPANY			RECEIVED: 04/20/81 JA: OK				
-126237	0-383	35017216A3 102	CLOUSE #5-4		185.0	DELHI GAS PIPELINE C	
-126257	0-383	35017216A3 103	CLOUSE #5-4		185.0	DELHI GAS PIPELINE C	
-ARAPAHO PETROLEUM INCORPORATED			RECEIVED: 04/20/81 JA: OK				
-126250	CA3-1	35047J0C30 103	HOGGERS 1-31	SOONER TRENO	0.0	GRACE PETROLEUM CORP	
-126219	0-346	35047221A7 103	LITSCHKY 1-40	SOONER TRENO	0.0	PANHANDLE EASTERN PI	
-ARCO OIL AND GAS COMPANY			RECEIVED: 04/17/81 JA: OK				
-126189	0-312	35045210A4 103	A M COX #3	PUTNAM	73.0	MOBIL OIL CORP	
-126166	0-317	35059200A5 103	FOUTS UNIT #2	MCCLANE-LAVERNE	36.5	MICHIGAN WISCONSIN P	
-126188	0-311	35121207A7 103	E L MULLEN UNIT #2	BREWER SOUTH	365.0	ARKANSAS LOUISIANA G	
-B & H EXPLORATION CO			RECEIVED: 04/20/81 JA: OK				
-126223	A-3	35105218A1 103	DANIEL A		5.0	A G SYSTEMS INC	
-126251	0-360	35105210A6 103	MATHIS #1		10.0	A G SYSTEMS INC	
-HARUCH-FOSTER CORP			RECEIVED: 04/20/81 JA: OK				
-126240	A-3-4	35011221A2 103	MCCLOSKEY #1	RAVENDALE	180.0	CITIES SERVICE GAS C	
-126238	0-386	35011221A0 103	SOLOMON #1	RAVENDALE	180.0	CITIES SERVICE GAS C	
-126239	0-387	35011221A4 103	STATE OF OKLAHOMA C-1	RAVENDALE	180.0	CITIES SERVICE GAS C	
-ROB L LOFTIS			RECEIVED: 04/20/81 JA: OK				
-126246	0-362	35065211A2 103	LOFTIS & LOFTIS NO 1	GREASY CREEK	87.6	WELLHEAD ENTERPRISES	
-CHASE EXPLORATION CORP			RECEIVED: 04/17/81 JA: OK				
-126174	0-301	35071216A8 103	CAMPSCHROEDER #2-22		5.1	CITIES SERVICE GAS C	
-126177	0-302	35071211A0 103	CRAWELL/FEE2 #1-19		5.0	CITIES SERVICE GAS C	
-126178	0-303	35071212A6 103	VOGELE/FEE1 #1-21		5.6	CITIES SERVICE GAS C	
-126179	0-304	35071215A7 103	VOGELE/HALE 16 #2-21		17.0	CITIES SERVICE GAS C	

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-CHASE EXPLORATION CORP			RECEIVED: 04/20/81 JA: OK				
-126236	0-305	35071216A9 103	CAMPSCHROEDER #2-22		5.1	CITIES SERVICE GAS C	
-126235	0-306	35071211A1 103	CRAWELL/FEE2 #1-19		5.0	CITIES SERVICE GAS C	
-126234	0-307	35071212A7 103	VOGELE/FEE1 #1-21		5.6	CITIES SERVICE GAS C	
-126233	0-308	35071215A8 103	VOGELE/HALE 16 #2-21		17.0	CITIES SERVICE GAS C	

-CHASE EXPLORATION CORP				RECEIVED: 04/20/81 JA: OK
*8126218	08300	3507121201	103	LESEMAN #2-4
-DEMINEX US OIL COMPANY				RECEIVED: 04/17/81 JA: OK
8126169	08291	3511921154	103	VAN HUSKIRK NO 1
-DON D MONTGOMERY JR				RECEIVED: 04/20/81 JA: OK
8126232	8405	3500721540	103	NIELSON #1-16
-DOUBLE DIAMOND INC				RECEIVED: 04/20/81 JA: OK
8126243	8260	3502720389	103	BLACKWOOD TRUSTEES
-ECC OIL CO				RECEIVED: 04/17/81 JA: OK
8126195	07947	3514721584	103	LORIAUX #2 NW NW NE 29-25N-14E
-ENNEX PRODUCTION COMPANY				RECEIVED: 04/20/81 JA: OK
8126249	08390	3513722231	102	BAPTIST FOUNDATION NO 2
8126249	08390	3513722231	103	BAPTIST FOUNDATION NO 2
-EXCO OIL INC				RECEIVED: 04/17/81 JA: OK
8126192	8376	3507121951	103	DELMAR TIEMANN #1
8126193	08377	3507121948	103	STATE SCHOOL LAND #1
-GALLO INC				RECEIVED: 04/17/81 JA: OK
8126162	8170	3510720695	103	CARSON #1 107-62161
8126161	8169	3510720746	103	CARSON 2 107-62162
8126160	8168	3510720806	103	CRAWLEY #1 107-58178
8126191	08173	3510720696	103	CRAWLEY #2 107-59255
8126164	8172	3506321089	103	CRAWLEY #3 063-60865
8126163	8171	3506321022	103	CRAWLEY B 063-60869
-GETTY OIL COMPANY				RECEIVED: 04/20/81 JA: OK
8126233	8397	3513921312	103	TEXAS FEED LOT #1
-GRAY OPERATING COMPANY				RECEIVED: 04/20/81 JA: OK
8126246	8393	3501900000	108	CASEY #1
8126245	8394	3501900000	108	CASEY #2
-HADSON OHIO OIL COMPANY				RECEIVED: 04/17/81 JA: OK
8126158	8096	3506120396	102	HALLAND 1-6
8126159	8141	3501620356	102	HALLAND 1-6
8126175	8262	3506120376	102	POWELL 1-1
8126175	8262	3506120376	103	POWELL 1-1
-HANOVER MANAGEMENT CO				RECEIVED: 04/20/81 JA: OK
8126235	8399	3504520796	103	GUY NO 1-18
8126230	08400	3504520829	103	MILLER #1-17
-HARPER OIL COMPANY				RECEIVED: 04/20/81 JA: OK
8126206	7952	3504721429	103	ARROLL #1
-HILL RESOURCES INC				RECEIVED: 04/20/81 JA: OK
8126234	08398	3507329603	102	ONEEN 25-2
-HOLLY ENERGY INC				RECEIVED: 04/20/81 JA: OK
8126216	08328	3501121038	103	FOX NO 1
-J L THOMAS ENGINEERING INC				RECEIVED: 04/20/81 JA: OK
8126222	08351	3509221360	103	ACTON #1
-KETAL OIL PRODUCING CO				RECEIVED: 04/20/81 JA: OK
8126217	08327	3504722336	103	RANCH NO 2
-L & T OIL & GAS INC				RECEIVED: 04/20/81 JA: OK
8126227	8365	3507322719	103	BLARLEY 17 NO 1
8126224	8364	3507322695	103	SPAHN 18 NO 4
-LADD PETROLEUM CORPORATION				RECEIVED: 04/20/81 JA: OK
8126244	08295	3504700000	108	HEMPING NO 1
8126212	08293	3504710660	108	EVERET MAYS # NO 1

FIELD NAME	PAGE	PURCHASER
	VOLUME 421	PAGE 002
	3.3	CITIES SERVICE GAS C
ORLANDO SE	188.0	AMINOIL U S A INC
MOCANE	8.0	
N B NORMAN	188.0	SUN GAS CO
OGLESBY GAS FIELD	38.9	OKAN GAS CO
SOUTH BRAY	128.0	NATURAL GAS PIPELINE
SOUTH BRAY	128.0	NATURAL GAS PIPELINE
S PECKHAM	30.0	CITIES SERVICE CO
S PECKHAM	30.0	CITIES SERVICE CO
S E WELEETKA	42.0	TRANSOK PIPELINE CO
S E WELEETKA	56.0	TRANSOKE PIPELINE CO
SOUTH EAST WELEETKA	154.0	TRANSOK PIPELINE CO
S E WELEETKA	140.0	TRANSOK PIPELINE CO
S E WELEETKA	86.0	TRANSOK PIPELINE CO
S E WELEETKA	56.0	TRANSOK PIPELINE CO
NORTHEAST GUYMON	8.7	CITIES SERVICE P L C
TATUMS FIELD	794.0	MOBIL OIL CORP
TATUMS	794.0	MOBIL OIL CORP
KINTA	167.0	ARKANSAS LOUISIANA G
KINTA	167.0	ARKANSAS LOUISIANA G
KINTA	75.0	ARKANSAS LOUISIANA G
KINTA	75.0	ARKANSAS LOUISIANA G
	65.4	PRODUCERS GAS CO
	365.0	PRODUCERS GAS CO
NE ENID	44.0	CHAMPLIN PETROLEUM C
SOONER TREND	84.0	OKLAHOMA GAS & ELECT
	288.0	ARKANSAS LOUISIANA G
WEST MULHALL	158.0	EASON OIL CO
WEST BARNES	198.0	
SOONER TREND	110.0	CITIES SERVICE CO
SOONER TREND	110.0	CONTINENTAL OIL CO
ENID NORTHEAST	7.1	CITIES SERVICE GAS C
ENID NORTHEAST	11.5	CITIES SERVICE GAS C

JOB NO	API NO	FIELD NAME	PROD	PURCHASER
8126207	0883	3509300000 109 LAW #2 (MISS)	RINGWOOD	10.0 OKLAHOMA NATURAL GAS
8126210	8242	3504700000 108 ROGERS NO 1	ENID NORTHEAST	12.2 CITIES SERVICE GAS C
8126208	08241	3507900000 108 SATTERFIELD NO 1	CEDARS	0.0 ARKANSAS LOUISIANA G
8126209	8238	3504700000 108 SEMRAD NO 1	ENID NORTHEAST	0.0 CITIES SERVICE GAS C
8126204	8237	3504700000 108 TEMPLEY NO 1	ENID NORTHEAST	12.2 CITIES SERVICE GAS C
8126211	8244	3504700000 108 WILSON A NO 1	ENID NORTHEAST	0.3 CITIES SERVICE GAS C
-LAGUNA PETROLEUM CO		RECEIVED: 04/17/81 JA: OK		
8126170	08287	3500320754 103 HAWKINS NO 1-25A		43.0 AMINOIL USA INC
8126150	8347	3501721489 102 LAFLORE NO 1		91.0 PHILLIPS PETROLEUM C
8126171	08207	3501721562 103 WITTROCK NO 1		82.0 PHILLIPS PETROLEUM C
-MAY PETROLEUM INC		RECEIVED: 04/17/81 JA: OK		
8126182	08325	3500721806 103 NEILEN #5 (OTC UNASSIGNED)	S W COMO	73.0 PHILLIPS PETROLEUM C
-MAY PETROLEUM INC		RECEIVED: 04/20/81 JA: OK		
8126242	08314	3500721828 103 BARRY #1	MOCANE-LAVERNE	109.0 PANHANDLE EASTERN PI
-MORGAN & STEINERT INC		RECEIVED: 04/20/81 JA: OK		
*8126254	8373	3504722314 103 EAST FORA #1	SOONER TREND	110.0 EXXON CO USA
-MUSTANG PRODUCTION CO.		RECEIVED: 04/20/81 JA: OK		
8126220	08357	3503926329 103 MOSS #1-33	CUSTER CITY	200.0 TRANSOK PIPELINE CO
8126252	08356	3501721590 103 PETTIGREW #1-32	SOUTH GEARY	300.0 ONG WESTERN INC
-NATIONAL OIL COMPANY		RECEIVED: 04/20/81 JA: OK		
8126205	7797	3507920332 103 DUGAN #079-60597	WILDCAT	365.0 ARKANSAS LOUISIANA G
8126231	08402	3502720414 103 JENKINS #027-63205	NW NORMAN	1332.3 SUN-GAS CO
-NRM PETROLEUM CORPORATION		RECEIVED: 04/20/81 JA: OK		
8126236	8379	3500721867 103 NELLIE #1	UNALLOCATED	0.0 KANSAS NEBRASKA NATU
-PORTS OF CALL OIL CO		RECEIVED: 04/17/81 JA: OK		
8126168	8306	3501721560 103 SHEPHERD 2-1	RICHLAND	33.0 DELHI GAS PIPELINE C
-PORTS OF CALL OIL CO		RECEIVED: 04/20/81 JA: OK		
8126215	8329	3501721615 103 WOODS BROTHERS 4-6	S W YUKON	297.0 DORIC PETROLEUM INC
-RALPH E PLOTNER OIL & GAS INVEST IN		RECEIVED: 04/20/81 JA: OK		
8126221	8354	3501721690 103 BAUSTERT NO 1	SOUTH OKARCHE	72.0 PHILLIPS PETROLEUM C
8126241	08355	3501721655 103 CHARLOTTE ANN NO 1	YUKON	540.0 PHILLIPS PETROLEUM C
-RED EAGLE OIL CO		RECEIVED: 04/17/81 JA: OK		
*8126180	08348	3509321310 103 HAROLD NO 1	NW FAIRVIEW	73.0 OKLAHOMA NATURAL GAS
-RED EAGLE OIL CO		RECEIVED: 04/20/81 JA: OK		
*8126213	8346	3509321833 103 DAVID NO 1	NW FAIRVIEW	75.0 PANHANDLE EASTERN PI
8126214	8347	3509321853 103 ELLSWORTH NO 1	NW FAIRVIEW	75.0 OKLAHOMA NATURAL GAS
-RICKS EXPLORATION CO		RECEIVED: 04/17/81 JA: OK		
8126194	7194	3509321884 103 COMMS 31A	CEDAR SPRINGS	48.0 DELHI GAS PIPELINE C
-RICKS EXPLORATION CO		RECEIVED: 04/20/81 JA: OK		
8126247	8372	3501520923 102 FRANK #1-25	WATONGA TREND	800.0 DELHI GAS PIPELINE C
8126247	8372	3501520923 103 FRANK #1-25	WATONGA TREND	800.0 DELHI GAS PIPELINE C
-SAKET PETROLEUM CORP		RECEIVED: 04/20/81 JA: OK		
8126229	08411	3511123344 103 LEE #2	WEST MORRIS	0.0 PHILLIPS PETROLEUM C
8126228	08412	3511122265 103 LEE #3	WEST MORRIS	0.0 PHILLIPS PETROLEUM C
-SAMSON RESOURCES COMPANY		RECEIVED: 04/20/81 JA: OK		
8126226	08296	3513520073 102 TAYLOR NO 2-21-SPIRO	KINTA	210.0 ARKANSAS LOUISIANA G
8126226	08296	3513520073 103 TAYLOR NO 2-21-SPIRO	KINTA	210.0 ARKANSAS LOUISIANA G
-SULLIVAN AND CO		RECEIVED: 04/17/81 JA: OK		
8126197	08368	3508121014 103 J INGRAM #3	SOUTHWEST PRAIRIE GEM	18.0 SUN OIL CO
-TEXACO INC		RECEIVED: 04/17/81 JA: OK		
8126196	8376	3501721749 103 ANNA MOUSER EST WELL NO 2	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		

JOB NO	API NO	FIELD NAME	PROD	PURCHASER
8126225	08371	3508520402 103 TIPPIT TRUST WELL NO 1	ENVILLE SW	12.0 CIMARRON TRANSMISSIO
8126227	08370	3508520403 103 TIPPIT TRUST WELL NO 2	ENVILLE SW	12.0 CIMARRON TRANSMISSIO
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126193	7193	3509321884 103 COMMS 31A	CEDAR SPRINGS	48.0 DELHI GAS PIPELINE C
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126195	8375	3501721748 103 ANNA MOUSER EST WELL NO 1	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126199	8377	3501721750 103 ANNA MOUSER EST WELL NO 3	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126200	8378	3501721751 103 ANNA MOUSER EST WELL NO 4	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126201	8380	3501721752 103 ANNA MOUSER EST WELL NO 5	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126202	8381	3501721753 103 ANNA MOUSER EST WELL NO 6	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126203	8382	3501721754 103 ANNA MOUSER EST WELL NO 7	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126206	8383	3501721755 103 ANNA MOUSER EST WELL NO 8	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126222	08384	3501721756 103 ANNA MOUSER EST WELL NO 9	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126223	08385	3501721757 103 ANNA MOUSER EST WELL NO 10	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126224	08386	3501721758 103 ANNA MOUSER EST WELL NO 11	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126232	08387	3501721759 103 ANNA MOUSER EST WELL NO 12	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126233	08388	3501721760 103 ANNA MOUSER EST WELL NO 13	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126234	08389	3501721761 103 ANNA MOUSER EST WELL NO 14	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126235	08390	3501721762 103 ANNA MOUSER EST WELL NO 15	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126237	08391	3501721763 103 ANNA MOUSER EST WELL NO 16	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126238	08392	3501721764 103 ANNA MOUSER EST WELL NO 17	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126239	08393	3501721765 103 ANNA MOUSER EST WELL NO 18	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126240	08394	3501721766 103 ANNA MOUSER EST WELL NO 19	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126243	08395	3501721767 103 ANNA MOUSER EST WELL NO 20	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126244	08396	3501721768 103 ANNA MOUSER EST WELL NO 21	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126245	08397	3501721769 103 ANNA MOUSER EST WELL NO 22	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126246	08398	3501721770 103 ANNA MOUSER EST WELL NO 23	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126248	08399	3501721771 103 ANNA MOUSER EST WELL NO 24	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126249	08400	3501721772 103 ANNA MOUSER EST WELL NO 25	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126250	08401	3501721773 103 ANNA MOUSER EST WELL NO 26	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126251	08403	3501721774 103 ANNA MOUSER EST WELL NO 27	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126253	08404	3501721775 103 ANNA MOUSER EST WELL NO 28	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126255	08405	3501721776 103 ANNA MOUSER EST WELL NO 29	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126256	08406	3501721777 103 ANNA MOUSER EST WELL NO 30	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126257	08407	3501721778 103 ANNA MOUSER EST WELL NO 31	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126258	08408	3501721779 103 ANNA MOUSER EST WELL NO 32	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126259	08409	3501721780 103 ANNA MOUSER EST WELL NO 33	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126260	08410	3501721781 103 ANNA MOUSER EST WELL NO 34	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126261	08413	3501721782 103 ANNA MOUSER EST WELL NO 35	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126262	08414	3501721783 103 ANNA MOUSER EST WELL NO 36	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126263	08415	3501721784 103 ANNA MOUSER EST WELL NO 37	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126264	08416	3501721785 103 ANNA MOUSER EST WELL NO 38	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126265	08417	3501721786 103 ANNA MOUSER EST WELL NO 39	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126266	08418	3501721787 103 ANNA MOUSER EST WELL NO 40	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126267	08419	3501721788 103 ANNA MOUSER EST WELL NO 41	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126268	08420	3501721789 103 ANNA MOUSER EST WELL NO 42	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126269	08421	3501721790 103 ANNA MOUSER EST WELL NO 43	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126270	08422	3501721791 103 ANNA MOUSER EST WELL NO 44	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126271	08423	3501721792 103 ANNA MOUSER EST WELL NO 45	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126272	08424	3501721793 103 ANNA MOUSER EST WELL NO 46	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126273	08425	3501721794 103 ANNA MOUSER EST WELL NO 47	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126274	08426	3501721795 103 ANNA MOUSER EST WELL NO 48	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126275	08427	3501721796 103 ANNA MOUSER EST WELL NO 49	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126276	08428	3501721797 103 ANNA MOUSER EST WELL NO 50	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126277	08429	3501721798 103 ANNA MOUSER EST WELL NO 51	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126278	08430	3501721799 103 ANNA MOUSER EST WELL NO 52	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126279	08431	3501721800 103 ANNA MOUSER EST WELL NO 53	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126280	08432	3501721801 103 ANNA MOUSER EST WELL NO 54	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126281	08433	3501721802 103 ANNA MOUSER EST WELL NO 55	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126282	08434	3501721803 103 ANNA MOUSER EST WELL NO 56	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126283	08435	3501721804 103 ANNA MOUSER EST WELL NO 57	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126284	08436	3501721805 103 ANNA MOUSER EST WELL NO 58	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126285	08437	3501721806 103 ANNA MOUSER EST WELL NO 59	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126286	08438	3501721807 103 ANNA MOUSER EST WELL NO 60	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126287	08439	3501721808 103 ANNA MOUSER EST WELL NO 61	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126288	08440	3501721809 103 ANNA MOUSER EST WELL NO 62	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126289	08441	3501721810 103 ANNA MOUSER EST WELL NO 63	YUKON N	50.0 CONOCO INC
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8126290	08442	3501721811 103 ANNA MOUSER EST WELL NO 64	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126291	08443	3501721812 103 ANNA MOUSER EST WELL NO 65	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126292	08444	3501721813 103 ANNA MOUSER EST WELL NO 66	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126293	08445	3501721814 103 ANNA MOUSER EST WELL NO 67	YUKON N	50.0 CONOCO INC
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8126294	08446	3501721815 103 ANNA MOUSER EST WELL NO 68	YUKON N	50.0 CONOCO INC
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8126295	08447	3501721816 103 ANNA MOUSER EST WELL NO 69	YUKON N	50.0 CONOCO INC
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8126296	08448	3501721817 103 ANNA MOUSER EST WELL NO 70	YUKON N	50.0 CONOCO INC
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8126297	08449	3501721818 103 ANNA MOUSER EST WELL NO 71	YUKON N	50.0 CONOCO INC
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8126298	08450	3501721819 103 ANNA MOUSER EST WELL NO 72	YUKON N	50.0 CONOCO INC
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8126299	08451	3501721820 103 ANNA MOUSER EST WELL NO 73	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126300	08452	3501721821 103 ANNA MOUSER EST WELL NO 74	YUKON N	50.0 CONOCO INC
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8126301	08453	3501721822 103 ANNA MOUSER EST WELL NO 75	YUKON N	50.0 CONOCO INC
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8126302	08454	3501721823 103 ANNA MOUSER EST WELL NO 76	YUKON N	50.0 CONOCO INC
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8126303	08455	3501721824 103 ANNA MOUSER EST WELL NO 77	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126304	08456	3501721825 103 ANNA MOUSER EST WELL NO 78	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126305	08457	3501721826 103 ANNA MOUSER EST WELL NO 79	YUKON N	50.0 CONOCO INC
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8126306	08458	3501721827 103 ANNA MOUSER EST WELL NO 80	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126307	08459	3501721828 103 ANNA MOUSER EST WELL NO 81	YUKON N	50.0 CONOCO INC
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8126308	08460	3501721829 103 ANNA MOUSER EST WELL NO 82	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
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-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
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8126316	08468	3501721837 103 ANNA MOUSER EST WELL NO 90	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126317	08469	3501721838 103 ANNA MOUSER EST WELL NO 91	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
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-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
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-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126321	08473	3501721842 103 ANNA MOUSER EST WELL NO 95	YUKON N	50.0 CONOCO INC
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8126322	08474	3501721843 103 ANNA MOUSER EST WELL NO 96	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126323	08475	3501721844 103 ANNA MOUSER EST WELL NO 97	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126324	08476	3501721845 103 ANNA MOUSER EST WELL NO 98	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126325	08477	3501721846 103 ANNA MOUSER EST WELL NO 99	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126326	08478	3501721847 103 ANNA MOUSER EST WELL NO 100	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126327	08479	3501721848 103 ANNA MOUSER EST WELL NO 101	YUKON N	50.0 CONOCO INC
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8126328	08480	3501721849 103 ANNA MOUSER EST WELL NO 102	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126329	08481	3501721850 103 ANNA MOUSER EST WELL NO 103	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126330	08482	3501721851 103 ANNA MOUSER EST WELL NO 104	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
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8126332	08484	3501721853 103 ANNA MOUSER EST WELL NO 106	YUKON N	50.0 CONOCO INC
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8126333	08485	3501721854 103 ANNA MOUSER EST WELL NO 107	YUKON N	50.0 CONOCO INC
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8126334	08486	3501721855 103 ANNA MOUSER EST WELL NO 108	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126335	08487	3501721856 103 ANNA MOUSER EST WELL NO 109	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126336	08488	3501721857 103 ANNA MOUSER EST WELL NO 110	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126337	08489	3501721858 103 ANNA MOUSER EST WELL NO 111	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126338	08490	3501721859 103 ANNA MOUSER EST WELL NO 112	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126339	08491	3501721860 103 ANNA MOUSER EST WELL NO 113	YUKON N	50.0 CONOCO INC
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8126340	08492	3501721861 103 ANNA MOUSER EST WELL NO 114	YUKON N	50.0 CONOCO INC
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8126341	08493	3501721862 103 ANNA MOUSER EST WELL NO 115	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126342	08494	3501721863 103 ANNA MOUSER EST WELL NO 116	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126343	08495	3501721864 103 ANNA MOUSER EST WELL NO 117	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126344	08496	3501721865 103 ANNA MOUSER EST WELL NO 118	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126345	08497	3501721866 103 ANNA MOUSER EST WELL NO 119	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126346	08498	3501721867 103 ANNA MOUSER EST WELL NO 120	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126347	08499	3501721868 103 ANNA MOUSER EST WELL NO 121	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126348	08500	3501721869 103 ANNA MOUSER EST WELL NO 122	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126349	08501	3501721870 103 ANNA MOUSER EST WELL NO 123	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126350	08502	3501721871 103 ANNA MOUSER EST WELL NO 124	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126351	08503	3501721872 103 ANNA MOUSER EST WELL NO 125	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126352	08504	3501721873 103 ANNA MOUSER EST WELL NO 126	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126353	08505	3501721874 103 ANNA MOUSER EST WELL NO 127	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126354	08506	3501721875 103 ANNA MOUSER EST WELL NO 128	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126355	08507	3501721876 103 ANNA MOUSER EST WELL NO 129	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126356	08508	3501721877 103 ANNA MOUSER EST WELL NO 130	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126357	08509	3501721878 103 ANNA MOUSER EST WELL NO 131	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126358	08510	3501721879 103 ANNA MOUSER EST WELL NO 132	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126359	08511	3501721880 103 ANNA MOUSER EST WELL NO 133	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126360	08512	3501721881 103 ANNA MOUSER EST WELL NO 134	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126361	08513	3501721882 103 ANNA MOUSER EST WELL NO 135	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126362	08514	3501721883 103 ANNA MOUSER EST WELL NO 136	YUKON N	50.0 CONOCO INC
-TEXACO INC		RECEIVED: 04/20/81 JA: OK		
8126363	08515	3501721884 103 ANNA M

JD NO	JD INT	API NO	SVC	D WELL NAME	FIELD NAME	PROD	PURCHASER
M126225	OK371	3508520402	103	TIPPIT TRUST WELL NO 1	ENVILLE SW	12.0	CIMARRON TRANSMISSIO
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 04/17/81 JA: OK			
8126198	08345	3509321254	103	GORDON DIERKSON #1	AMES AREA	126.0	PHILLIPS PETROLEUM C
-TEXAS OIL & GAS CORP				RECEIVED: 04/17/81 JA: OK			
8126172	06117	3512120736	103	WOODY #1	S E BLOCKER	168.0	
-TOWER OIL AND GAS COMPANY INC				RECEIVED: 04/17/81 JA: OK			
8126167	8344	3507322338	103	JANZEN #1	SOONER TREND	84.0	PHILLIPS PETROLEUM C
-UNIT OPERATIONS				RECEIVED: 04/20/81 JA: OK			
P126253	A375	3504722139	103	CRANE #2-1	N E ENID	110.0	CHAMPLIN PETROLEUM C
-W C PAYNE				RECEIVED: 04/17/81 JA: OK			
8126184	OK333	3508300000	108	RATCHELOR NO 1	SOONER TREND	0.0	CONOCO INC
P126183	OK335	3508300000	108	CORNFORTH NO 1	SOONER TREND	0.0	CONOCO INC
8126185	08336	3508300000	108	CROOK NO 1	SOONER TREND	0.0	CONOCO INC
8126186	A337	3508300000	108	DESMOND NO 1	SOONER TREND	0.0	CONOCO INC
8126165	A340	3508300000	108	EATON NO 1	SOONER TREND	0.0	CONOCO INC
M126181	OK332	3508300000	108	ENDECOTT NO 1	SOONER TREND	0.0	CONOCO INC
8126187	A339	3508300000	108	ESTELLE NO 1	SOONER TREND	0.0	CONOCO INC
8126174	08341	3507300000	108	HOFFMAN NO 1	SOONER TREND	0.0	CONOCO INC
-W C PAYNE				RECEIVED: 04/20/81 JA: OK			
8126255	OK331	3508300000	108	JAMES NO 1	SOONER TREND	0.0	CONOCO INC

WEST VIRGINIA DEPARTMENT OF MINES

-ASHLAND EXPLORATION INC				RECEIVED: 04/20/81 JA: WV			
8126261		4708100342	108	KANAWHA VALLEY BANK #3	PAINT CREEK	7.0	COLUMBIA GAS TRANSMI
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 04/20/81 JA: WV			
8126269		4704102179	108	BENNETT-HALL 12447	WEST VIRGINIA OTHER A857	18.0	GENERAL SYSTEM PURCH
8126263		4700501266	102	BOONE CO-COAL CORP 12369	W VA OTHER A85772	6.0	GENERAL SYSTEM PURCH
8126264		4701701896	102	D C STOUT 12477	W VA OTHER A85772	28.0	GENERAL SYSTEM PURCH
8126266		4704900325	102	ERNEST E MOORE 12409	W VA OTHER A85772	24.0	GENERAL SYSTEM PURCH
8126262		4700100854	102	GEORGE E MARTIN 12357	W VA OTHER A85772	10.0	GENERAL SYSTEM PURCH
8126294		4704102181	108	JOHN A SUTTON 12449	WEST VIRGINIA OTHER A857	19.0	GENERAL SYSTEM PURCH
8126268		4710900786	102	LASH LITZ BEASLEY 12362	PINEVILLE FIELD AREA A59	143.0	GENERAL SYSTEM PURCH
8126267		4710900772	102	LOUP CREEK COLLIERY CO 12329	PINEVILLE FIELD AREA A59	51.0	GENERAL SYSTEM PURCH
8126265		4703702089	102	MAE GASTON 12602	W VA OTHER A85772	24.0	GENERAL SYSTEM PURCH
-JAMES F SCOTT				RECEIVED: 04/20/81 JA: WV			
8126256		4703302209	108	A S LONG (S- 285)	UNION DISTRICT	12.0	CONSOLIDATED GAS SUP
8126259		4704102684	108	AMANDA BUTCHER S-274	HACKERS CREEK	6.0	CONSOLIDATED GAS SUP
8126257		4704102562	108	HUNTER PENNETT #2 (S-271)	HACKERS CREEK	16.0	CONSOLIDATED GAS SUP
8126258		4704102566	108	J M BAILEY (S-272)	HACKERS CREEK DISTRICT	7.0	CONSOLIDATED GAS SUP
8126260		4704102729	106	J J PARKS (S-275)	HACKERS CREEK DISTRICT	12.0	CONSOLIDATED GAS SUP
8126295		4703302192	106	TERRY-HAGGERTY S-281	EAGLE DISTRICT	6.0	CONSOLIDATED GAS SUP
-PENNZOIL COMPANY				RECEIVED: 04/20/81 JA: WV			
8126311		4708701794	108	A W SUMMERS #21	WALTON	2.1	
8126309		4708701840	108	A W SUMMERS #22	WALTON	2.1	
8126335		4706100516	108	ALBERT TENNANT #1	CLAY	2.4	
8126334		4706100517	108	ALBERT TENNANT #3	CLAY	2.4	
8126333		4706100518	108	ALPHA TENNANT #1	CLAY	2.4	
8126332		4706100520	108	AMANDA TENNANT #1	CLAY	0.0	
8126249		4708701230	108	C C HIVELY #31	WALTON	2.1	
8126307		4708701903	108	CORA M PARKS #8	HARPER	2.1	
P126319		4708700550	108	DAVID LARCH #14	WALTON	2.1	

				WALTON	2.1
				HARPER	2.1
				REEDY	0.1
				WALTON	2.0
				WALTON	2.0
				WALTON	2.0
				WALTON	2.0
				WALTON	2.0
				WALTON	2.0
				WALTON	2.0
				REEDY	0.1
				CLAY	2.4
				BATTELLE	2.4
				WALTON	2.0
				WALTON	2.0
				WALTON	2.0
				WALTON	2.0
				REEDY	0.1
				BATTELLE	2.4
					2.4
				WALTON	2.1
				WALTON	2.1
				WALTON	2.1
				WALTON	2.0
				WALTON	2.0
				WALTON	2.1
				WALTON	2.0
				WALTON	2.1
				WALTON	2.0
				WALTON	2.0
				WALTON	2.0
				WALTON	2.1
				WALTON	2.1
				WALTON	2.1
				CLAY	2.4
				CLAY	2.4
				CLAY	2.4
				CLAY	2.4
				WALTON	3.4
				WALTON	2.1
				BATTELLA	2.4
				HARPER	2.1
				WALTON	2.1
				CLAY	2.1
				HARPER	2.1
				CLAY	2.4
				CLAY	2.4
				CLAY	2.4
				WALTON	0.3
				WALTON	0.3
				WALTON	0.3

				FIELD NAME	PROD	PURCHASER	
M126314		4708701410	10M	NANNIE SUMMERS #4	WALTON	0.3	
M126316		4708701411	10M	NANNIE SUMMERS #5	WALTON	0.3	
M126315		4708701412	10M	NANNIE SUMMERS #6	WALTON	0.3	
M126304		4708701400	10M	A W SWINEY #8	WALTON	0.3	
M126337		4706100800	10M	REBECCA LEMLEY #3	BATTELLE	2.1	
M126313		4708701570	10M	S P SHAVER #3	WALTON	0.0	
						2.1	
M126295		4708702830	10M	LM FIELDS #1	HARPER	0.0	

** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM

-SUPERIOR OIL CO RECEIVED: 04/20/81 JAS NM 4

E126208	NM-0036-A1	7004500000	10M	O HUERFANITO #6-11	BASIN DAKOTA	2.8	NORTHWEST PIPELINE C

** DEPARTMENT OF ENERGY

-NAVAL PETROLEUM RESERVES IN CALIFOR RECEIVED: 04/17/81 JAS CA 9

M126342	0402M00000	10Z	3PB - 8316	NAVAL PETROLEUM RESERVES	164.0	CHEVRON USA INC
M126341	0402M38000	10S	7R - 8357	NAVAL PETROLEUM RESERVES	110.0	CHEVRON USA INC

OTHER PURCHASERS

M126176	CHASE GATHERING SYSTEMS INC
M126177	CHASE GATHERING SYSTEMS INC
M126178	CHASE GATHERING SYSTEMS INC
M126179	CHASE GATHERING SYSTEMS INC
M126180	PIONEER GAS PRODUCTS COMPANY
M126215	UNION TEXAS PETROLEUM CORPORATION
M126216	CHASE GATHERING SYSTEMS INC
M126254	ONG WESTERN INC TULSA OKLA

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days after the date of publication of this notice in the Federal Register.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14603 Filed 5-14-81; 8:45 am]

BILLING CODE 6450-01-M

[Volume 423]
Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978
Issued: May 8, 1981.

V. 46 / 94 / MAY 15 81 / UMI

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978
Issued: May 8, 1981.

JD NO	JA DET	API NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION						
-EXXON CORPORATION			RECEIVED: 04/22/81 JA: LA			
8126567	80-4151	1705721703 102	S L 1480 NO 26	LAKE RACCOURCI	188.0	COLUMBIA GAS TRANS C
8126566	80-4152	1705721703 102	S L 1480 NO 26-D	LAKE RACCOURCI	1400.0	COLUMBIA GAS TRANS C
-RIO BRAVO OIL CO INC			RECEIVED: 04/22/81 JA: LA			
8126565	80-4867	1701920813 102	MARY P LAVOI ET AL #1	SOUTH BELL CITY	365.0	TEXAS GAS TRANSMISSI
-WESTALL OIL & GAS CO			RECEIVED: 04/22/81 JA: LA			
8126560	86-4827	1705108804 102	S/L 2914 WELL NO 4	W LAKE PONTCHARTRAIN BLK	300.0	SHELL OIL CO
OKLAHOMA CORPORATION COMMISSION						
-BERRY PETROLEUM CORP			RECEIVED: 04/22/81 JA: OK			
8126573	06726	3507322380 103	STATE #36-16-6-1	SOONER TREND	0.0	CONOCO INC
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 04/22/81 JA: OK			
8126587	07184	3508300000 108	R W TYNER NO 1	E CHANEY DELL	6.0	CHAMPLIN PETROLEUM C
8126585	07421	3508320723 103	V J MILACEK NO 7	EAST CHANEY DELL	42.9	CHAMPLIN PETROLEUM C
-ENSERCH EXPLORATION INC			RECEIVED: 04/22/81 JA: OK			
8126570	07104	3512920070 108	LEAH WYLIE NO 1	N CRAWFORD	6.0	DELMI GAS PIPELINE C
8126569	07121	3512920088 108	LEAH WYLIE NO 2	N CRAWFORD	3.0	DELMI GAS PIPELINE C
-GRAY OPERATING COMPANY			RECEIVED: 04/22/81 JA: OK			
8126579	8395	3501900000 108	CASEY #3	TATUMS FIELD	7.9	MOBIL OIL CORP
8126574	8396	3501900000 108	CASEY #4	TATUMS FIELD	7.9	MOBIL OIL CORP
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 04/22/81 JA: OK			
8126577	07789	3513900000 108	CARB #1	GUYMON HUGOTON	18.0	PANHANDLE EASTERN PI
8126576	07643	3513908800 108	HITCH A NO 1	GUYMON HUGOTON	14.0	PANHANDLE EASTERN PI
8126578	07790	3513900000 108	HITCH J #2	GUYMON HUGOTON	18.0	PANHANDLE EASTERN PI
8126581	07638	3513900000 108	HITCHLAND #1	GUYMON HUGOTON	20.0	PANHANDLE EASTERN PI
8126580	07637	3513900000 108	JAKE #1	GUYMON HUGOTON	21.0	PANHANDLE EASTERN PI
8126582	07639	3513900000 108	NAVE NO 1	GUYMON HUGOTON	21.0	PANHANDLE EASTERN PI
8126584	07640	3513900000 108	OLLIE #1	GUYMON HUGOTON	21.5	PANHANDLE EASTERN PI
8126586	07642	3513900000 108	PAL #1	GUYMON HUGOTON	19.2	MICHIGAN WISCONSIN P
8126583	07620	3513900000 108	RUDER #1	GUYMON HUGOTON-DOLOMITE	21.5	PANHANDLE EASTERN PI
-SAKET PETROLEUM CORP			RECEIVED: 04/22/81 JA: OK			
8126575	08413	3511121934 103	LEE #1	WEST MORRIS	0.0	PHILLIPS PETROLEUM C
-SAMEDAN OIL CORPORATION			RECEIVED: 04/22/81 JA: OK			
8126572	8454	3501721488 102	M MEYER #1-13		360.0	DELMI GAS PIPELINE C
-SOUTHPORT EXPLORATION INC			RECEIVED: 04/22/81 JA: OK			
8126571	08414	3508121004 103	NICHOLS ROYALTY NO 1		730.0	
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES						
-APPALACHIAN EXPLORATION & DEVEL INC			RECEIVED: 04/24/81 JA: PA			

JOB NO	JOB CAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
R126850	6677	3703920856	102		ALLAN HART #4	FAIRFIELD	50.0	TENNESSEE GAS PIPELI
R126852	6679	3703920831	102		DONALD HOLSTEN #2	FAIRFIELD	50.0	TENNESSEE GAS PIPELI
R126851	6678	3703920832	102		DONALD L HOLSTEN #1	FAIRFIELD	50.0	TENNESSEE GAS PIPELI
R126853	6680	3703920820	102		FRANK AND MARIE LAUSH #1	FAIRFIELD	50.0	TENNESSEE GAS PIPELI
R126854	6681	3703920859	102		JOHN & ROSE PODUSZLO #2	FAIRFIELD	50.0	TENNESSEE GAS PIPELI
R126855	6682	3703920828	102		MARILYN RAINEY #1	FAIRFIELD	50.0	TENNESSEE GAS PIPELI
R126848	6675	3703920835	102		P & C CORTELYOU #1	FAIRFIELD	50.0	TENNESSEE GAS PIPELI
R126849	6676	3703920836	102		WILLIAM CUMMINGS #1	FAIRFIELD	50.0	TENNESSEE GAS PIPELI
-ARROWHEAD GAS PRODUCERS INC					RECEIVED: 04/24/81 JA: PA			
R126843	6704	3712328445	102		M YODER #2	SUGAR GROVE	60.0	COLUMBIA GAS TRANSMI
-BISSETT CONSTRUCTION OIL & GAS					RECEIVED: 04/24/81 JA: PA			
R126844	6683	3705920065	108		J M COOPER WELL L-2421	SPRINGHILL TOWNSHIP	2.7	COLUMBIA GAS TRANSMI
R126845	6684	3705900000	108		JACOB ISIMINGER L-3170	SPRINGHILL TOWNSHIP	2.4	COLUMBIA GAS TRANSMI
R126846	6687	3705920063	108		JACOB ISIMINGER WELL L-1818	SPRINGHILL TOWNSHIP	3.0	COLUMBIA GAS TRANSMI
R126847	6688	3705920068	108		JOHN & MARY ISIMINGER L-3173	SPRINGHILL TOWNSHIP	2.0	COLUMBIA GAS TRANSMI
-CONSOLIDATED GAS SUPPLY CORPORATION					RECEIVED: 04/24/81 JA: PA			
R126861	5151	3703320840	108		JAMES M MITCHELL ESTATE WN-1718	IRISH RUN 348275	7.0	GENERAL SYSTEM PURCH
R126859	4811	3706521436	108		JOSEPH MALONE WN-1599	SOLDIER RUN 664915	20.0	GENERAL SYSTEM PURCH
R126860	4814	3706521560	108		KURT ROBBINS WN-1674	BIG RUN 063423	19.0	GENERAL SYSTEM PURCH
R126856	4797	3706322027	108		LINDSEY COAL CO #2 WN-1278	BIG RUN 063423	20.0	GENERAL SYSTEM PURCH
R126858	4802	3706521278	108		ROBERT M MANAK WN-1511	BIG RUN 063423	21.0	GENERAL SYSTEM PURCH
R126857	4799	3703320529	108		WILLIAM BARR WN-1315	SALEM 625030	18.0	GENERAL SYSTEM PURCH
-DORAN & ASSOCIATES INC					RECEIVED: 04/24/81 JA: PA			
R126863	5268	3706521773	108		M E KNABB #2 K-L-161	UPPER DEVONIAN SANDS	20.0	CONSOLIDATED GAS SUP
R126862	6669	3706324967	103		R & P COAL CO #2 K-R-8	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
-KALTSAS OIL CO					RECEIVED: 04/24/81 JA: PA			
R126864	6692	3704920810	103		LLOYD SCHWAB #1 SN E-1	GREENFIELD	18.3	COLUMBIA GAS TRANSMI
R126865	6695	3704920812	103		WEBSTER HALLORAN SN E3	VENANGO	25.6	COLUMBIA GAS TRANSMI
-MITCHELL ENERGY CORPORATION					RECEIVED: 04/24/81 JA: PA			
R126867	6701	3703920864	103		EGLI #1-69	UNNAMED-MEDINA AND WHIRL	45.0	
R126866	6700	3703920905	103		WESTFALL #1-67	UNNAMED-MEDINA & WHIRLPO	45.0	COLUMBIA GAS TRANSMI
-PETROLEUM DEVELOPMENT CORP					RECEIVED: 04/24/81 JA: PA			
R126870	6708	3712521189	103		CHARLOTTE MURRAY #2	CANONSBURG	8.0	COLUMBIA GAS TRANSMI
R126871	6709	3712521191	103		ELMER DUNN #1	CANONSBURG	8.0	COLUMBIA GAS TRANSMI
R126872	6710	3712521274	1034	)	GEORGE FLEEMER #1	CANONSBURG	8.0	COLUMBIA GAS TRANSMI
-QUAKER STATE OIL REFINING CORP					RECEIVED: 04/24/81 JA: PA			
R126874	6517	3705322887	103		MCCOY - SMALLWOOD #40	QUEEN POOL	2.5	QUAKER STATE OIL REF
R126875	6518	3705322888	103		MCCOY - SMALLWOOD #50	QUEEN POOL	2.5	QUAKER STATE OIL REF
R126877	6520	3705322889	103		MCCOY - SMALLWOOD #60	QUEEN POOL	2.5	QUAKER STATE OIL REF
R126876	6519	3705322890	103		MCCOY - SMALLWOOD #70	QUEEN POOL	2.5	QUAKER STATE OIL REF
R126873	6516	3705322665	103		POSEY FIELD (LITTLE HICKORY) #10	QUEEN POOL	2.5	QUAKER STATE OIL REF
-THE MUTUAL OIL & GAS COMPANY					RECEIVED: 04/24/81 JA: PA			
R126869	6672	3704921187	102		ROSIENSKI #3-A	MCKEAN	50.0	COLUMBIA GAS TRANSMI
R126868	6636	3704921093	102		PAVKOV #2	MCKEAN	35.0	COLUMBIA GAS TRANSMI
-UNION DRILLING INC					RECEIVED: 04/24/81 JA: PA			
R126879	6671	3704921175	102		FERDINAND C RILEY #1 8649	WATERFORD TOWNSHIP	8.0	COLUMBIA GAS TRANSMI
R126878	6651	3704921253	102		GEORGE & WANDA BALLOG #1 8697	UNION TOWNSHIP	8.0	COLUMBIA GAS TRANSMI
TEXAS RAILROAD COMMISSION								
-ADOBE OIL & GAS CORPORATION					RECEIVED: 04/24/81 JA: TX			
R126836	32723	4244530891	103		RULOFOW NO 1 WELL	PRENTICE (6700)	20.0	AMOCO PRODUCTION CO

JOB NO	JOB CAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

JOB NO	JA DAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-AKERS AND FULTZ INC					RECEIVED: 04/24/81 JA: TX			
8126671	30104	4223700000	103		ROY CHERRYHOMES F 10 #18694	MARINA NAG (CONGLOMERATE	61.0	CITIES SERVICE GAS C
-ALLIED PRODUCTION CORP					RECEIVED: 04/24/81 JA: TX			
8126616	21007	4220100000	103		IVON LEE III NO 2	TOMBALL (950) FIELD	73.0	COLTEXO CORP
8126617	21008	4220100000	103		IVON LEE III NO 3	TOMBALL (950) FIELD	0.0	COLTEXO CORP
8126618	21010	4220100000	103		TINERELLA GAS UNIT NO 1-A	TOMBALL (MIOCENE 2700) F	0.0	COLTEXO CORP
-AMERICAN QUASAR PETROLEUM CO					RECEIVED: 04/24/81 JA: TX			
8126667	29110	4243532227	107		SHURLEY RANCH WELL #1-4	SEC 4 RUSK TRANSP CO SUR	18.0	EL PASO NATURAL GAS
8126668	29111	4243532291	107		SHURLEY RANCH WELL 1-3	SEC 3 RUSK TRANSP CO SUR	73.0	EL PASO NATURAL GAS
8126666	29109	4243532264	107		SHURLEY RANCH WELL 1-35	SEC 35 A-757 TT RR CO SU	48.0	EL PASO NATURAL GAS
-ANNEX PETROLEUM CORP					RECEIVED: 04/24/81 JA: TX			
8126602	19332	4205100000	102		HARVEY W SMITH NO 1 - RRC #12337	GIDDINGS (AUSTIN CHALK)	48.0	CLAJON GAS CO
8126602	19332	4205100000	103		HARVEY W SMITH NO 1 - RRC #12337	GIDDINGS (AUSTIN CHALK)	48.0	CLAJON GAS CO
8126603	19333	4205100000	102		HARVEY W SMITH NO 2 - RRC #12337	GIDDINGS (AUSTIN CHALK)	253.0	CLAJON GAS CO
8126603	19333	4205100000	103		HARVEY W SMITH NO 2 - RRC #12337	GIDDINGS (AUSTIN CHALK)	253.0	CLAJON GAS CO
-AMOCO PRODUCTION CO					RECEIVED: 04/24/81 JA: TX			
8126794	32560	4216730793	103		E KER CADE A R/A A #285	HIGH ISLAND	5.0	JOHN W RECOM
8126793	32559	4216730789	103		E KER CADE A R/A A WELL NO 284	HIGH ISLAND	2.0	WINNIE PIPELINE CO
8126796	32562	4213533414	103		ELLIOTT F COWDEN A #142	COWDEN SOUTH (CANYON 879	20.1	PIONEER NATURAL GAS
8126679	31822	4200332426	103		FULLERTON SAN ANDRES UNIT #50	FULLERTON SAN ANDRES	11.3	AMOCO PRODUCTION CO
8126680	31823	4200332440	103		FULLERTON SAN ANDRES UNIT #51	FULLERTON SAN ANDRES	11.0	AMOCO PRODUCTION CO
8126681	31831	4200332428	103		FULLERTON SAN ANDRES UNIT #53	FULLERTON SAN ANDRES	12.4	AMOCO PRODUCTION CO
8126682	31833	4200332444	103		FULLERTON SAN ANDRES UNIT #64	FULLERTON SAN ANDRES	9.9	AMOCO PRODUCTION CO
8126789	32549	4239330760	103		LIPS RANCH B NO 24	HANSFORD/LOWER MORROW	328.0	TRANSWESTERN PIPELIN
8126797	32563	4200332406	103		MIDLAND FARMS AW #2	FASKEN (PENN)	47.5	PIONEER NATURAL GAS
8126795	32561	4221933034	103		MONTGOMERY DAVIES B #2	LEVELLAND	15.3	AMOCO PRODUCTION CO
8126632	22751	4213533231	103		NORTH COWDEN UNIT #1062	COWDEN NORTH	1.1	PIONEER NATURAL GAS
8126792	32558	4232131017	103		OLD OCEAN UNIT WELL NO 231	OLD OCEAN/ARMSTRONG/	10.7	AMOCO GAS CO
8126694	32286	4235730996	103		R P ROBERTS NO 13	HORIZON (CLEVELAND)	7.3	PHILLIPS PETROLEUM C
-ARCO OIL AND GAS COMPANY					RECEIVED: 04/24/81 JA: TX			
8126812	32646	4200332499	103		EMMA COWDEN (24739) #89	EMMA	10.0	EL PASO NATURAL GAS
-ARDEN OIL CORP					RECEIVED: 04/24/81 JA: TX			
8126653	25817	4238300000	108		HUGHES ESTATE NO 1	SPRABERRY TREND AREA	2.4	EL PASO NATURAL GAS
-ART MACHIN & ASSOCIATES INC					RECEIVED: 04/24/81 JA: TX			
8126670	29262	4240130867	107		L PIPES NO 1 WELL	POD (COTTON VALLEY)	365.0	UNITED GAS PIPE LINE
-BENNETT PRODUCTION CORP					RECEIVED: 04/24/81 JA: TX			
*8126662	27132	4223700000	108		ED FOREMAN	DEWEBER (CONGL)	0.0	CITIES SERVICE OIL C
-BRIDWELL OIL CO					RECEIVED: 04/24/81 JA: TX			
8126611	20819	4223732473	103		JOE P SHOWN NO 1	LUNA-MAG	188.0	LONE STAR GAS CO
-CHAMPLIN EXPLORATION INC					RECEIVED: 04/24/81 JA: TX			
8126788	32538	4205131035	103		BARNETT #4	GIDDINGS (AUSTIN CHALK)	208.0	CLAJON GAS CO
8126787	32537	4205309400	103		BARNETT #5	GIDDINGS (AUSTIN CHALK)	180.0	CLAJON GAS CO
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 04/24/81 JA: TX			
8126627	21333	4236530927	103		CARTHAGE GAS UNIT NO 18-4	CARTHAGE (COTTON VALLEY)	17.0	TENNESSEE GAS PIPELI
8126627	21333	4236530927	107		CARTHAGE GAS UNIT NO 18-4	CARTHAGE (COTTON VALLEY)	17.0	TENNESSEE GAS PIPELI
8126641	24095	4217331051	102		I W TERRY A NO 1	CONGER SW	460.6	NORTHERN NATURAL GAS
8126641	24095	4217331051	103		I W TERRY A NO 1	CONGER SW	460.6	NORTHERN NATURAL GAS
8126631	22711	4217331043	102		I W TERRY A NO 2	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
8126631	22711	4217331043	103		I W TERRY A NO 2	CONGER SW (PENN)	60.0	NORTHERN NATURAL GAS
-CHARLES A BIRD					RECEIVED: 04/24/81 JA: TX			
8126734	32444	4238331727	103		F A PIRL ESTATE D NO 1 WELL -#88694	CALVIN (DEAN)	73.0	EL PASO NATURAL GAS
-CHARLES L WALKER					RECEIVED: 04/24/81 JA: TX			

JD NO	JA ENT	API NO	SEC D	WELL NAME
*8126786	32533	4200332392	102	FISHER 3 #5
*8126786	32533	4200332392	103	FISHER 3 #5
*8126785	32532	4200332477	102	UNDERWOOD A #2
*8126785	32532	4200332477	103	UNDERWOOD A #2
-CHEVRON U S A INC				RECEIVED: 04/24/81 JA: TX
8126696	32289	4200331939	103	COLUMBUS GRAY 15 #20
8126695	32288	4200331937	103	COLUMBUS GRAY 21 NO 17
8126703	32369	4249531178	103	LOVETT-SINCLAIR A NO 3
8126707	32394	4249531109	103	W E BAIRD 13-71C
8126708	32395	4249531150	103	W E BAIRD 13-72C
8126709	32396	4249531151	103	W E BAIRD 13-73C
8126710	32397	4249531152	103	W E BAIRD 13-74C
8126704	32390	4233531655	103	W L FOSTER NO 1-61
8126705	32391	4222732101	103	W L FOSTER NO 1-62
8126706	32392	4233531654	103	W L FOSTER NO 1-63
-CHRISTIE ENERGY CO INC				RECEIVED: 04/24/81 JA: TX
8126626	21076	4213332139	102	JAMES M TARPLEY NO 1 86635
-COLUMBIA GAS DEVELOPMENT CORP				RECEIVED: 04/24/81 JA: TX
8126834	32705	4285131257	102	MARION J FILIPPONE FEE NO 4
-CONOCO INC				RECEIVED: 04/24/81 JA: TX
8126594	05440	4217900000	108	CARRIE WRIGHT NO 2
8126719	032419	4210900000	103	RAMSEY-22-#8 ID #24217
-COQUINA OIL CORPORATION				RECEIVED: 04/24/81 JA: TX
8126673	31612	4246131580	103	HALFF #1-X
-CORPUS CHRISTI OIL AND GAS CO				RECEIVED: 04/24/81 JA: TX
8126669	29142	4270330054	102	NO 1 STATE TRACT 485-L SW/4
8126687	32002	4260330124	102	STATE TRACT 830-S WELL # 1 UPPER
-DELTA DRILLING CO				RECEIVED: 04/24/81 JA: TX
8126640	24034	4241300000	103	JACKSON #3
8126652	25794	4241300000	103	KEENEY #2
8126652	25794	4241300000	107	KEENEY #2
-DINERO OIL CO				RECEIVED: 04/24/81 JA: TX
8126693	32262	4235500000	108	PURL A #1
-E BRUCE STREET JR				RECEIVED: 04/24/81 JA: TX
8126691	32171	4223700000	108	H C GILMORE A 1 51125
8126692	32172	4250300000	108	J H NANTZ 1-C 22858
-E G DURRETT				RECEIVED: 04/24/81 JA: TX
8126639	23711	4238331212	103	UNIVERSITY 13 NO 1-E
-ENSERCH EXPLORATION INC				RECEIVED: 04/24/81 JA: TX
8126779	32516	4221300000	108	E S LEWIS NO 1
*8126650	25561	4216130576	103	FRED R EPPES NO 1
8126780	32517	4221300000	108	J H LEWIS B NO 2-T
8126784	32521	4221300000	108	LACO OIL CO NO 1
8126783	32520	4221300000	108	LACO OIL COMPANY NO 2
8126782	32519	4221300000	108	MAUD SAYLORS D NO 5
8126778	32515	4221300000	108	MAUD SAYLORS E NO 6
8126781	32518	4221300000	108	MAYFIELD COMPANY NO 3
8126775	32512	4221300000	108	T WILSON NO 2
8126777	32514	4221300000	108	W O VENABLE NO 2
8126776	32513	4221300000	108	W O VENABLE NO 3
-EXXON CORPORATION				RECEIVED: 04/24/81 JA: TX
8126840	32757	4237133257	103	FORT STOCKTON UNIT #217

FIELD NAME	PROD	PURCHASER
BLOCK A-34 (SAN ANDRES)	0.6	PHILLIPS PETROLEUM C
BLOCK A-34 (SAN ANDRES)	8.6	PHILLIPS PETROLEUM C
BLOCK A-34 (SAN ANDRES)	18.7	PHILLIPS PETROLEUM C
BLOCK A-34 (SAN ANDRES)	18.7	PHILLIPS PETROLEUM C
FUHRMAN-MASCHO	9.7	PHILLIPS PETROLEUM C
FUHRMAN-MASCHO	11.3	PHILLIPS PETROLEUM C
KEYSTONE (HOLT)	324.0	TRANSWESTERN PIPELIN
KEYSTONE (CLEARFORK)	61.0	TRANSWESTERN PIPELIN
KEYSTONE (CLEARFORK)	96.7	TRANSWESTERN PIPELIN
KEYSTONE (CLEARFORK)	89.8	TRANSWESTERN PIPELIN
KEYSTONE (CLEARFORK)	21.5	TRANSWESTERN PIPELIN
IATAN EAST (HOWARD)	2.2	GETTY OIL CO
IATAN EAST (HOWARD)	2.6	GETTY OIL CO
IATAN EAST (HOWARD)	4.4	GETTY OIL CO
ALBERTA (CONGLOMERATE UP	290.0	CHRISTIE GAS TRANSMI
GIDDINGS (AUSTIN CHALK)	187.0	FERGUSON CROSSING PI
GRAY WHEELER	1.2	PHILLIPS PETROLEUM C
FORD WEST	17.2	EL PASO NATURAL GAS
SPRAYBERRY (TREND AREA)	22.0	UNION OF TEXAS PETRO
EL GORDO (MIOCENE)	0.0	HOUSTON PIPE LINE CO
CLEAR (PIOCENE 6200) FIE	0.0	CHANNEL INDUSTRIES G
ELDORADO (CANYON)	48.0	NORTHERN NATURAL GAS
ELDORADO (CANYON)	164.0	NORTHERN NATURAL GAS
ELDORADO (CANYON)	164.0	NORTHERN NATURAL GAS
AGUA DULCE (6020)	0.0	VALERO TRANSMISSION
FINIS SOUTHWEST (CONGL 4	18.0	SOUTHWESTERN GAS PIP
FINIS SOUTHWEST (CONGL 4	18.0	SOUTHWESTERN GAS PIP
DARNHART	6.4	NORTHERN NATURAL GAS
OPELIKA	11.0	LONE STAR GAS CO
FREESTONE	320.0	TEXAS UTILITIES FUEL
OPELIKA	6.0	LONE STAR GAS CO
OPELIKA	3.0	LONE STAR GAS CO
OPELIKA	4.0	LONE STAR GAS CO
OPELIKA	2.0	LONE STAR GAS CO
OPELIKA	3.0	LONE STAR GAS CO
OPELIKA	9.0	LONE STAR GAS CO
OPELIKA	5.0	LONE STAR GAS CO
OPELIKA	6.0	LONE STAR GAS CO
OPELIKA	14.0	LONE STAR GAS CO
FT STOCKTON (YATES LOWER	27.0	NUECES CO

JD NO	JA ENT	API NO	SEC D	WELL NAME
8126839	32756	4237133255	103	FT STOCKTON UNIT #1318

FIELD NAME	PROD	PURCHASER
FT STOCKTON (YATES LOWER	7.0	NUECES CO

JD NO	JA DAT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8126839	32756	4237133255	103		FT STOCKTON UNIT #1318	FT STOCKTON (YATES LOWER	7.0	NUECES CO
8126841	32758	4200332394	103		FULLERTON CLEARFORK UNIT #2325	FULLERTON	11.0	PHILLIPS PETROLEUM C
8126842	32759	4200332325	103		FULLERTON CLEARFORK UNIT #2611	FULLERTON	12.0	PHILLIPS PETROLEUM C
8126838	32755	4200332522	103		FULLERTON CLEARFORK UNIT #425	FULLERTON	9.0	PHILLIPS PETROLEUM C
8126837	32754	4200332353	103		FULLERTON CLEARFORK UNIT #525	FULLERTON	21.0	PHILLIPS PETROLEUM C
*8126684	19722	4224531239	105		LOVELL LAKE FRIO 1 GAS UNIT #35	LOVELL LAKE (FRIO 1)	855.0	ARMCO STEEL CORP
8126686	31937	4246100000	108		MCELROY RANCH 135 #42	WILSHIRE (DEVONIAN)	14.0	EL PASO NATURAL GAS
8126716	32414	4200332352	103		MEANS/SAN ANDRES/UNIT #6410	MEANS	23.0	PHILLIPS PETROLEUM C
8126717	32415	4200332524	103		MEANS/SAN ANDRES/UNIT #970	MEANS	5.0	PHILLIPS PETROLEUM C
*8126633	22898	4242330357	103		OVERTON GAS UNIT 20 #1	OVERTON (HAYNESVILLE)	498.0	ARMCO STEEL CORP
8126715	32412	4216531628	103		ROBERTSON/CLEARFORK/UNIT #116	ROBERTSON N (CLEARFORK 7	26.0	PHILLIPS PETROLEUM C
8126714	32411	4216531733	103		ROBERTSON/CLEARFORK/UNIT #3702	ROBERTSON N (CLEARFORK 7	8.0	PHILLIPS PETROLEUM C
-FRANK CASS					RECEIVED: 04/24/81 JA: TX			
8126722	32426	4238300000	108		O F ROYD 42 RRC NO 86033			
*8126721	32425	4238300000	108		SADIE WEDDELL 19 NO 1 RRC NO 85989	CALVIN (DEAN)	15.5	EL PASO NATURAL GAS
-GEODYNAMICS OIL & GAS					RECEIVED: 04/24/81 JA: TX	CALVIN (DEAN)	13.0	EL PASO NATURAL GAS
8126741	32459	4205130687	102		PATTERSON B #2	STONE CITY (AUSTIN CHALK	58.0	CLAJON GAS CO
-GEORGE D WEATHERSTON					RECEIVED: 04/24/81 JA: TX			
8126798	32548	4204700000	108		MESTENA OIL & GAS SC-2 70390	ALTA MESA 1100 ALTA MESA	12.0	TENNESSEE GAS PIPELI
-GETTY OIL COMPANY					RECEIVED: 04/24/81 JA: TX			
8126605	19870	4250131767	102		J M BESHEARS #1-D	BRAHANEY DEVONIAN	8.0	SHELL OIL CO
8126612	20850	4217330980	102		L S MCDOWELL ESTATE #1	DEADWOOD WEST (STRAWN)	110.0	EL PASO NATURAL GAS
-GULF OIL CORPORATION					RECEIVED: 04/24/81 JA: TX			
8126713	32410	4238931155	103		C M STRAIN NO 17	WAHA NORTH (DELAWARE SAN	53.0	TRANSWESTERN PIPELIN
8126718	32417	4247532107	103		HUTCHINGS STOCK ASSN WELL NO 1100	WAGON WHEEL (PENN)	28.0	CABOT CORP
-GULFSTREAM PETROLEUM CORP					RECEIVED: 04/24/81 JA: TX			
8126661	27109	4217531363	102		DESMOND R PEREIRA NO 3	DIAL (PETTUS 4240)	0.0	UNITED GAS PIPE LINE
-HNG OIL COMPANY					RECEIVED: 04/24/81 JA: TX			
8126803	32586	4241330857	103		BACON 68-1 (86405)	SAWYER/CANYON/	13.1	INTRATEX GAS CO
8126803	32586	4241330857	107		BACON 68-1 (86405)	SAWYER/CANYON/	13.1	INTRATEX GAS CO
8126826	32693	4243532243	103		ESPY 57-4 (85654)	SAWYER/CANYON/	86.9	INTRATEX GAS CO
8126826	32693	4243532243	107		ESPY 57-4 (85654)	SAWYER/CANYON/	86.9	INTRATEX GAS CO
8126805	32588	4243532299	103		FAWCETT 130-4 (88372)	SAWYER/CANYON/	84.0	INTRATEX GAS CO
8126805	32588	4243532299	107		FAWCETT 130-4 (88372)	SAWYER/CANYON/	84.0	INTRATEX GAS CO
8126833	32702	4243532292	103		FIELDS 52-3 (89063)	SAWYER/CANYON/	219.0	INTRATEX GAS CO
8126833	32702	4243532292	107		FIELDS 52-3 (89063)	SAWYER/CANYON/	219.0	INTRATEX GAS CO
8126828	32696	4243532383	103		KELLY 102-3 (90304)	SAWYER/CANYON/	36.5	INTRATEX GAS CO
8126828	32696	4243532383	107		KELLY 102-3 (90304)	SAWYER/CANYON/	36.5	INTRATEX GAS CO
8126830	32698	4243532395	103		KELLY 35-2 (90305)	SAWYER/CANYON/	164.3	INTRATEX GAS CO
8126830	32698	4243532395	107		KELLY 35-2 (90305)	SAWYER/CANYON/	164.3	INTRATEX GAS CO
8126827	32694	4241330843	103		MEADOR 65-4 (86172)	SAWYER/CANYON/	22.3	INTRATEX GAS CO
8126827	32694	4241330843	107		MEADOR 65-4 (86172)	SAWYER/CANYON/	22.3	INTRATEX GAS CO
8126804	32587	4241330858	103		MITTEL 64-4 (86406)	SAWYER/CANYON/	16.4	INTRATEX GAS CO
8126804	32587	4241330858	107		MITTEL 64-4 (86406)	SAWYER/CANYON/	16.4	INTRATEX GAS CO
8126801	32583	4243532279	103		SHURLEY 111-4 (86364)	SAWYER/CANYON/	146.0	INTRATEX GAS CO
8126801	32583	4243532279	107		SHURLEY 111-4 (86364)	SAWYER/CANYON/	146.0	INTRATEX GAS CO
8126832	32700	4243532394	103		SHURLEY 148-2 (90820)	SAWYER/CANYON/	273.8	INTRATEX GAS CO
8126832	32700	4243532394	107		SHURLEY 148-2 (90820)	SAWYER/CANYON/	273.8	INTRATEX GAS CO
8126806	32589	4243532404	103		SHURLEY 166-2 (91033)	SAWYER/CANYON/	91.3	INTRATEX GAS CO
8126806	32589	4243532404	107		SHURLEY 166-2 (91033)	SAWYER/CANYON/	91.3	INTRATEX GAS CO
8126802	32584	4243532265	103		SHURLEY 95-4 (86173)	SAWYER/CANYON/	28.5	INTRATEX GAS CO
8126802	32584	4243532265	107		SHURLEY 95-4 (86173)	SAWYER/CANYON/	28.5	INTRATEX GAS CO

JD NO	JA UNIT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8126825	32691	4243532273	103		SHURLEY 96-4 (87571)	SAWYER/CANYON/	42.7	INTRATEX GAS CO
8126825	32691	4243532273	107		SHURLEY 96-4 (87571)	SAWYER/CANYON/	42.7	INTRATEX GAS CO
8126609	20060	4249531070	103		UNIVERSITY 21-3 #3	APOLLO (FUSSELMAN)	754.0	INTRATEX GAS CO
8126609	20060	4249531070	107		UNIVERSITY 21-3 #3	APOLLO (FUSSELMAN)	754.0	INTRATEX GAS CO
8126829	32697	4243532380	103		VANDERSTUCKEN 53-3 (90824)	SAWYER/CANYON/	262.8	INTRATEX GAS CO
8126829	32697	4243532380	107		VANDERSTUCKEN 53-3 (90824)	SAWYER/CANYON/	262.8	INTRATEX GAS CO
8126831	32699	4243532388	103		VANDERSTUCKEN 53-4 (90819)	SAWYER/CANYON/	29.2	INTRATEX GAS CO
8126831	32699	4243532388	107		VANDERSTUCKEN 53-4 (90819)	SAWYER/CANYON/	29.2	INTRATEX GAS CO
-HUMBLE EXPLORATION CO INC					RECEIVED: 04/24/81 JA: TX			
8126687	19918	4228700000	102		ARNOLD KOCUREK #1 -11831	GIDDINGS	118.0	PHILLIPS PETROLEUM
8126687	19918	4228700000	103		ARNOLD KOCUREK #1 -11831	GIDDINGS	118.0	PHILLIPS PETROLEUM
8126688	19919	4228730362	102		JEAN #1 - 12304	GIDDINGS	7.3	PHILLIPS PETROLEUM
8126688	19919	4228730362	103		JEAN #1 - 12304	GIDDINGS	7.3	PHILLIPS PETROLEUM
8126606	19914	4228700000	102		PAT HOLLOWAY #1 - 11848	GIDDINGS	554.0	PHILLIPS PETROLEUM
8126606	19914	4228700000	103		PAT HOLLOWAY #1 - 11848	GIDDINGS	554.0	PHILLIPS PETROLEUM
8126629	22295	4228730375	102		SYLVIA #1 WELL - 12019	GIDDINGS	48.9	PHILLIPS PETROLEUM
8126629	22295	4228730375	103		SYLVIA #1 WELL - 12019	GIDDINGS	48.9	PHILLIPS PETROLEUM
-HUNT OIL COMPANY					RECEIVED: 04/24/81 JA: TX			
8126648	25155	4246131505	102		V T AMACKER 77 #1	AMACKER-TIPPETT SW (9100	100.0	EL PASO NATURAL GAS
-INDEPENDENT EXPLORATION CO					RECEIVED: 04/24/81 JA: TX			
8126615	21002	4236731614	102		HARRISON #2 83573	BUCKNER (STRAWN)	54.8	JAMES P DUNIGAN INC
8126614	21001	4236731623	102		WHITEHEAD #3 83620	BUCKNER (STRAWN)	36.5	JAMES P DUNIGAN INC
-J M HUBER CORPORATION					RECEIVED: 04/24/81 JA: TX			
8126743	32461	4234100000	108		FULLER NO 1	PANHANDLE	85.8	COLORADO INTERSTATE
8126747	32467	4234100000	108		FULLER NO 10	PANHANDLE	85.8	COLORADO INTERSTATE
8126744	32462	4234100000	108		FULLER NO 2	PANHANDLE	85.8	COLORADO INTERSTATE
8126745	32463	4234100000	108		FULLER NO 5	PANHANDLE	85.8	COLORADO INTERSTATE
8126746	32464	4234100000	108		FULLER NO 6	PANHANDLE	85.8	COLORADO INTERSTATE
8126749	32470	4223330942	103		PERRY MC 15	PANHANDLE	32.9	COLORADO INTERSTATE
8126750	32471	4223330941	103		READ NO 19	PANHANDLE	43.8	COLORADO INTERSTATE
8126720	32424	4223330940	103		READ NO 20	PANHANDLE	32.9	COLORADO INTERSTATE
8126752	32474	4234100000	108		RUSSELL NO 1	PANHANDLE	135.8	COLORADO INTERSTATE
8126758	32480	4234100000	108		RUSSELL NO 10	PANHANDLE	135.8	COLORADO INTERSTATE
8126759	32481	4234100000	108		RUSSELL NO 11	PANHANDLE	135.8	COLORADO INTERSTATE
8126760	32482	4234100000	108		RUSSELL NO 12	PANHANDLE	135.8	COLORADO INTERSTATE
8126761	32483	4234100000	108		RUSSELL NO 13	PANHANDLE	135.8	COLORADO INTERSTATE
8126762	32484	4234100000	108		RUSSELL NO 15	PANHANDLE	135.8	COLORADO INTERSTATE
8126763	32485	4234100000	108		RUSSELL NO 16	PANHANDLE	135.8	COLORADO INTERSTATE
8126764	32486	4234100000	108		RUSSELL NO 17	PANHANDLE	135.8	COLORADO INTERSTATE
8126765	32487	4234100000	108		RUSSELL NO 18	PANHANDLE	135.8	COLORADO INTERSTATE
8126766	32488	4234100000	108		RUSSELL NO 19	PANHANDLE	135.8	COLORADO INTERSTATE
8126753	32475	4234100000	108		RUSSELL NO 2	PANHANDLE	135.8	COLORADO INTERSTATE
8126754	32476	4234100000	108		RUSSELL NO 4	PANHANDLE	135.8	COLORADO INTERSTATE
8126755	32477	4234100000	108		RUSSELL NO 7	PANHANDLE	135.8	COLORADO INTERSTATE
8126756	32478	4234100000	108		RUSSELL NO 8	PANHANDLE	135.8	COLORADO INTERSTATE
8126757	32479	4234100000	108		RUSSELL NO 9	PANHANDLE	135.8	COLORADO INTERSTATE
8126748	32469	4223330943	103		SOUTH HERRING NO 156	PANHANDLE	42.7	COLORADO INTERSTATE
8126751	32472	4223330946	103		SOUTH HERRING NO 157	PANHANDLE	43.8	COLORADO INTERSTATE
8126593	05244	4223300000	108		STATE A NO 12	PANHANDLE	8.7	PHILLIPS PETROLEUM C
-JOE D DAVIS					RECEIVED: 04/24/81 JA: TX			
8126656	26526	4216100000	108		GAGGETT UNIT 15711	TEAGUE WEST - RODESSA	1.5	LONE STAR GAS CO
-JONES CO					RECEIVED: 04/24/81 JA: TX			
8126683	31851	4242932622	102		ROY CORBETT #2 (16666)	CORBETT (CONGL) FIELD	19.0	SOUTHWESTERN GAS PIP

JD NO	JA UNIT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

JOB NO.	DATE	API NO.	DIST	WELL NAME	FIELD NAME	PROD	PURCHASER
-KERR-MCGEE CORPORATION				RECEIVED: 04/24/81 JA: TX			
R126732	32442	4223330803	103	COCKRELL NO 25	PANHANDLE (HUTCHINSON)	15.0	GETTY OIL CO
R126731	32441	4223330814	103	COCKRELL NO 27	PANHANDLE (HUTCHINSON)	13.0	GETTY OIL CO
R126723	32432	4223330815	103	COCKRELL NO 28	PANHANDLE (HUTCHINSON)	14.0	GETTY OIL CO
R126643	26795	4221131173	102	L L JONES WELL NO 1	ALLISON PARKS	702.0	EL PASO NATURAL GAS
R126725	32434	4223330776	103	PITTS NO 104	PANHANDLE (HUTCHINSON)	11.0	GETTY OIL CO
R126724	32433	4223330805	103	PITTS NO 106	PANHANDLE (HUTCHINSON)	51.0	GETTY OIL CO
R126726	32435	4223330806	103	PITTS NO 107	PANHANDLE (HUTCHINSON)	23.0	GETTY OIL CO
R126736	32449	4223330845	103	PITTS NO 108	PANHANDLE (HUTCHINSON)	32.0	GETTY OIL CO
R126727	32436	4223330832	103	PITTS NO 109	PANHANDLE (HUTCHINSON)	22.0	GETTY OIL CO
R126735	32446	4223330833	103	PITTS NO 110	PANHANDLE (HUTCHINSON)	19.0	GETTY OIL CO
R126729	32438	4223330834	103	PITTS NO 111	PANHANDLE (HUTCHINSON)	23.0	GETTY OIL CO
R126728	32437	4223330835	103	PITTS NO 112	PANHANDLE (HUTCHINSON)	18.0	GETTY OIL CO
R126734	32451	4223330844	103	PITTS NO 114	PANHANDLE (HUTCHINSON)	11.0	GETTY OIL CO
R126730	32439	4223330837	103	PITTS NO 115	PANHANDLE (HUTCHINSON)	20.0	GETTY OIL CO
R126737	32450	4223330839	103	PITTS NO 117	PANHANDLE (HUTCHINSON)	43.0	GETTY OIL CO
R126739	32452	4223330840	103	PITTS NO 118	PANHANDLE (HUTCHINSON)	41.0	GETTY OIL CO
-LEWIS ENERGY CORP				RECEIVED: 04/24/81 JA: TX			
R126650	26046	4224731180	102	JORDAN NO 1-T	LA GLORIA FIELD	1000.0	TRANSCONTINENTAL GAS
-MARSHALL EXPLORATION INC				RECEIVED: 04/24/81 JA: TX			
R126657	26617	4220330715	103	STROUD #1	ELYSIAN N (COTTON VALLEY	700.0	UNITED GAS PIPELINE
R126657	26617	4220330715	107	STROUD #1	ELYSIAN N (COTTON VALLEY	700.0	UNITED GAS PIPELINE
R126658	26618	4220330688	103	WILL CRAWFORD #1	ELYSIAN N (COTTON VALLEY	360.0	UNITED GAS PIPELINE
R126658	26618	4220330688	107	WILL CRAWFORD #1	ELYSIAN N (COTTON VALLEY	360.0	UNITED GAS PIPELINE
-MARSHALL R YOUNG OIL CO				RECEIVED: 04/24/81 JA: TX			
R126598	16703	4243532191	102	SCHWIENING NO 1	WILDCAT	365.0	
-MCGOLDRICK OIL COMPANY				RECEIVED: 04/24/81 JA: TX			
R126659	26783	4240130941	102	HUDSON GAS UNIT #1	CYRIL(COTTON VALLEY)	1500.0	UNITED GAS PIPE LINE
R126659	26783	4240130941	107	HUDSON GAS UNIT #1	CYRIL(COTTON VALLEY)	1500.0	UNITED GAS PIPE LINE
-MCMAHON-BULLINGTON DRLG CO				RECEIVED: 04/24/81 JA: TX			
R126678	31722	4236300000	108	CLAYTON #6 59458	PALO PINTO COUNTY (GAS)	10.0	TEXAS UTILITIES FUEL
R126677	31724	4236300000	108	RHODES H - 3 59208	J V T (CONGL 4250)	8.0	TEXAS UTILITIES FUEL
R126676	31723	4236300000	108	RHODES H - 5 64785	PALO PINTO CO (GAS)	14.0	TEXAS UTILITIES FUEL
-MEUDOURNE OIL COMPANY				RECEIVED: 04/24/81 JA: TX			
R126636	32722	4235731067	103	HARDY #6 RRD ID NO 04617	BULER NORTH	13.0	TRANSWESTERN PIPELIN
-MILTON CARPENTER				RECEIVED: 04/24/81 JA: TX			
R126642	24607	4217900000	108	CARPENTER (84546) 8A-1	PANHANDLE GRAY COUNTY	8.0	TRANSWESTERN PIPELIN
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED: 04/24/81 JA: TX			
R126767	32802	4235330875	102	J D MADDOX NO 1	WHITE HAT NW (ELLENBURGE	87.6	UNION TEXAS PETROLEU
R126697	32382	4221933110	103	MAPLE WILSON NO 92	SLAUGHTER	73.0	AMOCO PRODUCTION CO
R126698	32383	4221933111	103	MAPLE WILSON NO 93	SLAUGHTER	158.4	AMOCO PRODUCTION CO
R126699	32384	4221933112	103	MAPLE WILSON NO 98	SLAUGHTER	18.6	AMOCO PRODUCTION CO
R126700	32385	4221933113	103	MAPLE WILSON NO 99	SLAUGHTER	51.8	AMOCO PRODUCTION CO
R126742	32460	4237100000	108	MITCHELL NO 1	HOKIT/ELLENBURGER	15.3	INTRATEX GAS CO
-MOODY ENERGY CO				RECEIVED: 04/24/81 JA: TX			
R126670	32148	4221131281	103	GRACIE-121 NO 1 WELL ID NO 91480	HUMPHREYS (DOUGLAS)	0.0	DIAMOND SHAMROCK COR
-NATURAL ENERGY PRODUCTION CO				RECEIVED: 04/24/81 JA: TX			
R126638	22455	4249730000	103	MCNEELY #1 (83233)	BOONSVILLE (BEND CONGL G	477.0	NATURAL GAS PIPELINE
-NICHOLAS PETROLEUM				RECEIVED: 04/24/81 JA: TX			
R126600	17460	4208932267	103	BRASHEAR WELL #3B-IDA3017	NICHOLAS (DUFFER)	76.0	ODESSA NATURAL CORP
-PANHANDLE PRODUCING COMPANY				RECEIVED: 04/24/81 JA: TX			
R126748	32455	4233300897	108	ALAMOSA-SANFORD #1 (23772)	PANHANDLE WEST	29.0	COLORADO INTERSTATE

JD NO	JA DAT	API NO	SEC	D	WELL NAME
8126711	32398	4223300000	108		ALAMOSA-SANFORD #4 (23775)
8126712	32399	4223300000	108		GREAT PLAINS SANFORD 1-RC (27109)
-PETROLEUM TECHNICAL SERVICES CO					RECEIVED: 04/24/81 JA: TX
8126733	32443	4246131555	103		DORA ROBERTS NO 1
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 04/24/81 JA: TX
8126807	32620	4219700000	108		CONLEY A #5
8126809	32071	4246103064	108		N PEMBROOK S #38-03
-PHOENIX RESOURCES COMPANY					RECEIVED: 04/24/81 JA: TX
8126701	32387	4223500000	103		SUGGS 57 #3
-PLACID OIL COMPANY					RECEIVED: 04/24/81 JA: TX
8126675	31678	4236531035	107		PAUL P ROGERS WELL NO 2
-R L BURNS CORP					RECEIVED: 04/24/81 JA: TX
8126800	32569	4243531159	108		MAYER 17 NO 2-A
8126799	32567	4243530781	108		MAYER 19 NO 1
8126798	32566	4247931957	108		PIDDLETON 25 NO 2
-R LACY INC					RECEIVED: 04/24/81 JA: TX
8126685	31928	4236531171	102		BURNETT UNIT 7 WELL NO 16 91273
8126684	31927	4230531157	102		FROST-GILLASPY WELL NO 2 RRC# 90843
-RENUDA OIL & GAS CO					RECEIVED: 04/24/81 JA: TX
8126808	32625	4241330801	103		TISDALE A NO 1 08239
-SAGE ENERGY CO					RECEIVED: 04/24/81 JA: TX
8126809	32648	4214930737	102		MARTINEZ #1 RRC 13495
8126810	32642	4214930716	102		PLUM D RRC #13642
-SAXON OIL COMPANY					RECEIVED: 04/24/81 JA: TX
8126601	17464	4238331392	103		TURNER B #4
8126660	27056	4238331624	103		WATKINS NO 1
-SIGMOR CORP					RECEIVED: 04/24/81 JA: TX
8126791	32553	4208300000	103		LAMAR TURNER #6
-SIMS OIL CO INC					RECEIVED: 04/24/81 JA: TX
8126644	24814	4219500094	108		ANNIE GROVES WELL #1
-SOUTHWESTERN GAS EXPLORATION					RECEIVED: 04/24/81 JA: TX
8126635	23240	4236331939	103		C C MCCLURE #7
8126636	23267	4223732506	103		FERRELL-RICHARDS #3
8126634	23141	4223732140	103		M C FERRELL #1
-SPINDLETOP OIL & GAS CO					RECEIVED: 04/24/81 JA: TX
8126619	21026	4236731767	103		HUGHES #1-C
8126618	20490	4236731438	103		MIDDLETON #2-C (813552)
8126620	21043	4236731636	103		NOLA #1-C
8126621	21044	4236731636	103		NOLA #1-T
8126624	21047	4236731829	103		ROSE #1-C
8126625	21048	4236731829	103		ROSE #1-T
8126622	21045	4236731537	103		STEVENS #1-C
8126623	21046	4236731537	103		STEVENS #1-T
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 04/24/81 JA: TX
8126814	32658	4249500000	108		A E WHEELER -A- #1
8126819	32665	4242700008	108		AGUSTIN OLIVARES NO 5
8126822	32670	4242700000	108		DEE DAVENPORT STATE NO 2T
8126597	11168	4223700000	108		DURHAM GAS UNIT C #1
8126818	32664	4242700000	108		GEORGE H SPEER STATE B NO 11
8126820	32667	4208100000	108		JAMESON REEF UNIT #10-1
8126817	32663	4208100000	108		JAMESON REEF UNIT #10-9
8126647	25136	4208100000	108		JAMESON STRAWN SAND UNIT NO 11-22

FIELD NAME	PROD	PURCHASER
PANHANDLE WEST	20.0	COLORADO INTERSTATE
PANHANDLE WEST (RED CAVE	13.0	COLORADO INTERSTATE
SPRABERRY (TREND AREA)	18.4	PHILLIPS PETROLEUM C
CONLEY	0.5	SHELL OIL CO
PEMBROOK (NORTH)	1.9	NORTHERN NATURAL GAS
HONDA (CLEAR FORK)	0.0	NORTHERN NATURAL GAS
CARTHAGE (C V)	112.0	UNITED GAS PIPE LINE
SAWYER (CANYON) FIELD	19.2	VALERO TRANSMISSION
SAWYER (CANYON) FIELD	0.0	VALERO TRANSMISSION
SEGUNDO (OLMOS) FIELD	14.0	LONE STAR GAS CO
CARTHAGE (TRAVIS PEAK LO	288.0	ARKANSAS LOUISIANA G
CARTHAGE (TRAVIS PEAK LO	384.0	DELHI GAS PIPELINE C
TILLERY (UPPER CANYON)	14.4	PRODUCERS GAS CO
GIDDINGS (AUSTIN CHALK)	60.0	FALCON GAS CO
GIDDINGS (AUSTIN CHALK)	66.0	FALCON GAS CO
SPRABERRY (TREND AREA)	18.0	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	28.5	PHILLIPS PETROLEUM C
BETLIN (FRY)	154.0	BRADY TEXAS MUNICIPA
HANSFORD (LOWER MORROW)	11.0	NORTHERN NATURAL GAS
PALO PINTO CO REGULAR (6	92.6	SOUTHWESTERN GAS PIP
JACKSBORO SOUTHEAST (520	211.3	SOUTHWESTERN GAS PIP
JACKSBORO S E (5720)	83.3	SOUTHWESTERN GAS PIP
RENO (CONGL)	40.0	LONE STAR GAS CO
COLEEN (MARBLE FALLS)	51.0	LONE STAR GAS CO
RENO (CONGL)	10.0	LONE STAR GAS CO
RENO (CONGL)	40.0	LONE STAR GAS CO
SPRINGTOWN (5500)	10.0	LONE STAR GAS CO
SPRINGTOWN (5700)	125.0	LONE STAR GAS CO
MALES (4650)	10.0	LONE STAR GAS CO
DOSS (4900)	10.0	LONE STAR GAS CO
WHEELER	1.0	SHELL OIL CO
SUN (D-I-A)	2.0	TRANSCONTINENTAL GAS
RINCON NORTH (4240)	4.0	
BOONSVILLE BEND CONGLOME	4.0	LONE STAR GAS CO
SUN (D-I-B)	21.0	
JAMESON	0.1	LONE STAR GAS CO
JAMESON	0.1	LONE STAR GAS CO
JAMESON (STRAWN)	7.0	LONE STAR GAS CO

JD NO	JA DAT	API NO	SEC	D	WELL NAME

FIELD NAME	PROD	PURCHASER

JOB NO	GAS ID	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8126821	32668	4213500000	108		PAUL MOSS UNIT NO 40	COWDEN SOUTH	0.7	ODESSA NATURAL CORP
8126595	06478	4249730560	103		PETE ERWIN UNIT NO 2	BOONSVILLE	288.0	NATURAL GAS PIPELINE
8126816	32660	4249500000	108		R A WHEELER #1	WHEELER	8.4	SHELL OIL CO
8126823	32671	4219931456	108		SUN FEE LOT 13 NO 1	SARATOGA (WEST)	21.0	UNITED TEXAS TRANSMI
8126674	31658	4213500000	108		TXL -C- NO 3	LAWSON (SAN ANDRES)	1.7	PHILLIPS PETROLEUM C
8126815	32659	4230100000	108		W D JOHNSON -38- #2	GRICE	4.0	PHILLIPS PETROLEUM C
-TAURUS OIL CORP					RECEIVED: 04/24/81 JA: TX			
8126663	27368	4214330404	108		FOSS #1 RRC #82149	MORGAN MILLS (MARBLE FAL	6.6	NORTHERN GAS PRODUCT
-TENNECO OIL COMPANY					RECEIVED: 04/24/81 JA: TX			
8126664	27890	4217930702	103		COMBS 21A	PANHANDLE GRAY COUNTY	1.2	PHILLIPS PETROLEUM C
-TEXACO INC					RECEIVED: 04/24/81 JA: TX			
8126651	25698	4213131473	102		DCRC NCT-29 WELL #7	DRELUN (CHERNOSKY W)	348.0	TENNESSEE GAS PIPELI
-TEXAS INTERNATIONAL PET CORP					RECEIVED: 04/24/81 JA: TX			
8126811	32645	4205131038	102		HAMBLEN #1	GIDDINGS	0.0	CLAJON GAS CO
8126646	24961	4205130784	102		JOHN L HUGG #2	GIDDINGS	144.0	CLAJON GAS CO
8126637	23554	4205130602	102		LAMB #1	GIDDINGS	144.0	CLAJON GAS CO
8126645	24960	4205130711	102		LAMB #2	GIDDINGS FIELD	144.0	CLAJON GAS CO
8126638	23555	4205130577	102		WEICHERT UNIT NO 1	GIDDINGS	144.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP					RECEIVED: 04/24/81 JA: TX			
8126655	26468	4208903112	102		MATTHEWS F #1	LISSIE (3900)	75.0	UNITED GAS PIPELINE
*8126665	28408	4216130563	107		THOMAS #1	PERSONVILLE NE (COTTON V	500.0	LONE STAR GAS CO
-THOMAS D COFFMAN INC					RECEIVED: 04/24/81 JA: TX			
8126824	32684	4214930823	102		SCHAFFER UNIT NO 1 101181	GIDDINGS (AUSTIN CHALK)	131.0	SOUTH CEN-TEX GAS CO
-TODD & SANDERS INC					RECEIVED: 04/24/81 JA: TX			
8126599	16936	4249500000	108		MCCUTCHEN LS WELL #16-U RRC #20156	KERMIT (YATES)	14.0	CABOT CORP
-TOM F MARSH INC					RECEIVED: 04/24/81 JA: TX			
8126672	31469	4237132823	107		GOMEZ-EATON GAS UNIT WELL #1	GOMEZ (FUSSELMAN)	1050.0	LONE STAR GAS CO
-TRAVELERS OIL CO					RECEIVED: 04/24/81 JA: TX			
8126773	32508	4217900000	108		CARPENTER B #1 84089	EAST PANHANDLE	11.0	TRANSWESTERN PIPELIN
8126772	32507	4217900000	108		CARPENTER C #1 84088	EAST PANHANDLE	8.0	TRANSWESTERN PIPELIN
8126769	32504	4217900000	108		CARPENTER D #1 87330	EAST PANHANDLE	4.0	TRANSWESTERN PIPELIN
8126774	32510	4217900000	108		CHAPMAN #1 84213	PANHANDLE GRAY COUNTY	2.0	TRANSWESTERN PIPELIN
8126768	32503	4217900000	108		CHAPMAN #5 84213	PANHANDLE GRAY COUNTY	2.0	TRANSWESTERN PIPELIN
8126770	32505	4217900000	108		JEFFRIES #1 84301	PANHANDLE GRAY COUNTY	1.0	TRANSWESTERN PIPELIN
8126771	32506	4217900000	108		NORTHFORK #2 84007	EAST PANHANDLE	3.0	TRANSWESTERN PIPELIN
-U E THORNE					RECEIVED: 04/24/81 JA: TX			
8126702	32388	4244700000	108		L C ATKINSON B #1 ID NO 10431	PARROTT-ATKINSON (CANYON	7.4	ALLIANCE GAS CORP
-UNION TEXAS PETROLEUM					RECEIVED: 04/24/81 JA: TX			
8126613	20877	4207931132	103		NW SLAUGHTER UNIT NO 88	SLAUGHTER LEAGUE 58	1.0	AMOCO PRODUCTION CO
-W L BRUCE OPERATOR					RECEIVED: 04/24/81 JA: TX			
8126649	25374	4234100000	108		RESER #6 RRC#03709	PANHANDLE FIELD	0.0	PHILLIPS PET CO
-WALLACE OIL & GAS INC					RECEIVED: 04/24/81 JA: TX			
8126628	22034	4219530711	103		COLLARD #1	COLLARD (4080)	720.0	PANHANDLE EASTERN
-WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 04/24/81 JA: TX			
8126589	04760	4210331526	103		W N WADDELL ET AL #1092	SAND HILLS (MCKNIGHT)	24.0	EL PASO NATURAL GAS
8126591	04764	4210331527	103		W N WADDELL ET AL #1093	SAND HILLS (MCKNIGHT)	9.0	EL PASO NATURAL GAS
8126590	04762	4210331528	103		W N WADDELL ET AL #1094	SAND HILLS (MCKNIGHT)	18.0	EL PASO NATURAL GAS
8126596	89287	4210329807	103		W N WADDELL ET AL #1111	SAND HILLS (MCKNIGHT)	51.0	EL PASO NATURAL GAS
8126592	04800	4210331525	103		W N WADDELL ET AL NO 1089	SAND HILLS (MCKNIGHT)	9.0	EL PASO NATURAL GAS
-WESSELY ENERGY CORPORATION					RECEIVED: 04/24/81 JA: TX			
8126688	32037	4216130629	103		FREEMAN NO 1	NORTH REED (COTTON VALLE	365.0	LONE STAR GAS CO
8126688	32037	4216130629	107		FREEMAN NO 1	NORTH REED (COTTON VALLE	365.0	LONE STAR GAS CO

JD PC	JA PAT	API NO	SEC T R WELL NAME	FIELD NAME	PROD	PURCHASER
-WILLIAMS PETROLEUM CO			RECEIVED: 04/20/81 JA: TX			
8126813	32648	4236300000 103	NO 3 LANDAR	B R A (CONGLOMERATE)	280.0	TEXAS UTILITIES FUEL
**********						
WEST VIRGINIA DEPARTMENT OF MINES						
**********						
-SPARTAN GAS COMPANY			RECEIVED: 03/24/80 JA: WV			
8126588		4710900804 108	POCAHONTAS LAND CORPORATION 1-S-186	BARKERS RIDGE	18.0	CONSOLIDATED GAS SUP

OTHER PURCHASERS

8126604 HOUSTON LIGHTING & POWER CO
8126633 HOUSTON LIGHTING & POWER CO
8126650 DELHI GAS P L CORP
8126654 NATURAL GAS P L CO OF AMER
8126662 TEXAS UTILITIES FUEL CO
8126665 DELHI GAS PL CORP
8126721 UNION TEXAS PETROLEUM CO
8126785 EL PASO NATURAL GAS CO
8126786 EL PASO NATURAL GAS CO

BILLING CODE 6450-01-C

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days after the date of publication of this notice in the Federal Register.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14694 Filed 5-14-81; 8:45 am]
BILLING CODE 6450-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 8, 1981.

JD NO	DETERM	WELL NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD						
-FLORIDA GAS EXPLORATION COMPANY			RECEIVED: 04/22/81 JA: MS			
8126564	76-80-217	2313120000 102	INTERNATIONAL PAPER COMPANY 5-6	BLACK CREEK FIELD	0.0	FLORIDA GAS TRANSMIS
-INEXCO OIL COMPANY			RECEIVED: 04/22/81 JA: MS			
8126560	14-81-434	2307720036 107	JAMES GEORGE NO 3	MONTICELLO	240.0	SOUTHERN NATURAL GAS
8126561	15-81-434	2307720041 107	WHITE GEORGE NO 1 WELL	MONTICELLO	419.0	SOUTHERN NATURAL GAS
-JONES-O'BRIEN INCORPORATED			RECEIVED: 04/22/81 JA: MS			
8126563	12-81-440	2306520157 107	AMOCO-SABINE 26-16 WELL NO 1	OAKVALE FIELD	1100.0	TRANSCONTINENTAL GAS
-MARATHON OIL COMPANY			RECEIVED: 04/22/81 JA: MS			
8126562	13-81-53	2303500000 108	UNIT SE-31 #2-T	MAXIE	0.0	UNITED GAS PIPE LINE
WEST VIRGINIA DEPARTMENT OF MINES						
-DENNIS D BLAUSER			RECEIVED: 04/21/81 JA: WV			
8126456		4702122386 108	MARY DAVIDSON #2	DEKALB	4.0	CONSOLIDATED GAS COR
-EARL STEWART			RECEIVED: 04/21/81 JA: WV			
8126455		4708503544 108	FLANAGAN #1A	HUGHES RIVER	1.0	CONSOLIDATED GAS SUP
8126453		4708503525 108	IRELAND #7 B	TURTLE RUN	0.5	COLUMBIA GAS TRANSMI
8126454		4708503534 108	SNODGRASS #2	TURTLE RUN	1.5	COLUMBIA GAS TRANSMI
8126452		4708503523 108	W P IRELAND 7 A	TURTLE RUN	0.5	COLUMBIA GAS TRANSMI
-M C OIL & GAS CO INC			RECEIVED: 04/21/81 JA: WV			
8126351		4708523754 108	J WILLIS H-549	MURPHY DISTRICT	21.1	CONSOLIDATED GAS SUP
8126352		4708523755 108	J WILLIS H-550	MURPHY DISTRICT	21.1	CONSOLIDATED GAS SUP
8126353		4708523764 108	J WILLIS H-555	MURPHY DISTRICT	21.1	CONSOLIDATED GAS SUP
8126354		4708523765 108	J WILLIS H-556	MURPHY DISTRICT	21.1	CONSOLIDATED GAS SUP
8126355		4708524127 108	J WILLIS H-656	MURPHY DISTRICT	40.0	CONSOLIDATED GAS SUP
8126356		4708524128 108	J WILLIS H-657	MURPHY DISTRICT	12.0	CONSOLIDATED GAS SUP
-PENNZOIL COMPANY			RECEIVED: 04/21/81 JA: WV			
8126392		4710500766 108	A P WILSON #10	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126393		4710500767 108	A B WILSON #11	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126450		4710500768 108	A B WILSON #12	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126394		4710500769 108	A B WILSON #13	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126449		4710500771 108	A B WILSON #15	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126378		4710500772 108	A B WILSON #16	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126379		4710500773 108	A B WILSON #18	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126391		4710500765 108	A B WILSON #9	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126389		4708703090 108	A W SUMMERS #10	WALTON	2.1	
8126419		4709500573 108	AGNES GORRELL #2	ELLSWORTH	0.1	
8126406		4709500516 108	ANDREW SECKMAN #12	MCELROY	0.0	
8126408		4709500514 108	ANDREW SECKMAN #5	MCELROY	0.0	
8126407		4709500515 108	ANDREW SECKMAN #9	MCELROY	0.0	
8126402		4709500530 108	B F HAWKINS 100A #3	ELLSWORTH	0.1	

JD NO	DETERM	WELL NO	SEC D WELL NAME	FIELD NAME	PROD	PURCHASER
8126457		4702122387 108	MARY DAVIDSON #3	DEKALB	4.0	CONSOLIDATED GAS COR
8126458		4702122388 108	MARY DAVIDSON #4	DEKALB	4.0	CONSOLIDATED GAS COR
8126459		4702122389 108	MARY DAVIDSON #5	DEKALB	4.0	CONSOLIDATED GAS COR
8126460		4702122390 108	MARY DAVIDSON #6	DEKALB	4.0	CONSOLIDATED GAS COR
8126461		4702122391 108	MARY DAVIDSON #7	DEKALB	4.0	CONSOLIDATED GAS COR
8126462		4702122392 108	MARY DAVIDSON #8	DEKALB	4.0	CONSOLIDATED GAS COR
8126463		4702122393 108	MARY DAVIDSON #9	DEKALB	4.0	CONSOLIDATED GAS COR
8126464		4702122394 108	MARY DAVIDSON #10	DEKALB	4.0	CONSOLIDATED GAS COR
8126465		4702122395 108	MARY DAVIDSON #11	DEKALB	4.0	CONSOLIDATED GAS COR
8126466		4702122396 108	MARY DAVIDSON #12	DEKALB	4.0	CONSOLIDATED GAS COR
8126467		4702122397 108	MARY DAVIDSON #13	DEKALB	4.0	CONSOLIDATED GAS COR
8126468		4702122398 108	MARY DAVIDSON #14	DEKALB	4.0	CONSOLIDATED GAS COR
8126469		4702122399 108	MARY DAVIDSON #15	DEKALB	4.0	CONSOLIDATED GAS COR
8126470		4702122400 108	MARY DAVIDSON #16	DEKALB	4.0	CONSOLIDATED GAS COR
8126471		4702122401 108	MARY DAVIDSON #17	DEKALB	4.0	CONSOLIDATED GAS COR
8126472		4702122402 108	MARY DAVIDSON #18	DEKALB	4.0	CONSOLIDATED GAS COR
8126473		4702122403 108	MARY DAVIDSON #19	DEKALB	4.0	CONSOLIDATED GAS COR
8126474		4702122404 108	MARY DAVIDSON #20	DEKALB	4.0	CONSOLIDATED GAS COR
8126475		4702122405 108	MARY DAVIDSON #21	DEKALB	4.0	CONSOLIDATED GAS COR
8126476		4702122406 108	MARY DAVIDSON #22	DEKALB	4.0	CONSOLIDATED GAS COR
8126477		4702122407 108	MARY DAVIDSON #23	DEKALB	4.0	CONSOLIDATED GAS COR
8126478		4702122408 108	MARY DAVIDSON #24	DEKALB	4.0	CONSOLIDATED GAS COR
8126479		4702122409 108	MARY DAVIDSON #25	DEKALB	4.0	CONSOLIDATED GAS COR
8126480		4702122410 108	MARY DAVIDSON #26	DEKALB	4.0	CONSOLIDATED GAS COR
8126481		4702122411 108	MARY DAVIDSON #27	DEKALB	4.0	CONSOLIDATED GAS COR
8126482		4702122412 108	MARY DAVIDSON #28	DEKALB	4.0	CONSOLIDATED GAS COR
8126483		4702122413 108	MARY DAVIDSON #29	DEKALB	4.0	CONSOLIDATED GAS COR
8126484		4702122414 108	MARY DAVIDSON #30	DEKALB	4.0	CONSOLIDATED GAS COR
8126485		4702122415 108	MARY DAVIDSON #31	DEKALB	4.0	CONSOLIDATED GAS COR
8126486		4702122416 108	MARY DAVIDSON #32	DEKALB	4.0	CONSOLIDATED GAS COR
8126487		4702122417 108	MARY DAVIDSON #33	DEKALB	4.0	CONSOLIDATED GAS COR
8126488		4702122418 108	MARY DAVIDSON #34	DEKALB	4.0	CONSOLIDATED GAS COR
8126489		4702122419 108	MARY DAVIDSON #35	DEKALB	4.0	CONSOLIDATED GAS COR
8126490		4702122420 108	MARY DAVIDSON #36	DEKALB	4.0	CONSOLIDATED GAS COR
8126491		4702122421 108	MARY DAVIDSON #37	DEKALB	4.0	CONSOLIDATED GAS COR
8126492		4702122422 108	MARY DAVIDSON #38	DEKALB	4.0	CONSOLIDATED GAS COR
8126493		4702122423 108	MARY DAVIDSON #39	DEKALB	4.0	CONSOLIDATED GAS COR
8126494		4702122424 108	MARY DAVIDSON #40	DEKALB	4.0	CONSOLIDATED GAS COR
8126495		4702122425 108	MARY DAVIDSON #41	DEKALB	4.0	CONSOLIDATED GAS COR
8126496		4702122426 108	MARY DAVIDSON #42	DEKALB	4.0	CONSOLIDATED GAS COR
8126497		4702122427 108	MARY DAVIDSON #43	DEKALB	4.0	CONSOLIDATED GAS COR
8126498		4702122428 108	MARY DAVIDSON #44	DEKALB	4.0	CONSOLIDATED GAS COR
8126499		4702122429 108	MARY DAVIDSON #45	DEKALB	4.0	CONSOLIDATED GAS COR
8126500		4702122430 108	MARY DAVIDSON #46	DEKALB	4.0	CONSOLIDATED GAS COR
8126501		4702122431 108	MARY DAVIDSON #47	DEKALB	4.0	CONSOLIDATED GAS COR
8126502		4702122432 108	MARY DAVIDSON #48	DEKALB	4.0	CONSOLIDATED GAS COR
8126503		4702122433 108	MARY DAVIDSON #49	DEKALB	4.0	CONSOLIDATED GAS COR
8126504		4702122434 108	MARY DAVIDSON #50	DEKALB	4.0	CONSOLIDATED GAS COR
8126505		4702122435 108	MARY DAVIDSON #51	DEKALB	4.0	CONSOLIDATED GAS COR
8126506		4702122436 108	MARY DAVIDSON #52	DEKALB	4.0	CONSOLIDATED GAS COR
8126507		4702122437 108	MARY DAVIDSON #53	DEKALB	4.0	CONSOLIDATED GAS COR
8126508		4702122438 108	MARY DAVIDSON #54	DEKALB	4.0	CONSOLIDATED GAS COR
8126509		4702122439 108	MARY DAVIDSON #55	DEKALB	4.0	CONSOLIDATED GAS COR
8126510		4702122440 108	MARY DAVIDSON #56	DEKALB	4.0	CONSOLIDATED GAS COR
8126511		4702122441 108	MARY DAVIDSON #57	DEKALB	4.0	CONSOLIDATED GAS COR
8126512		4702122442 108	MARY DAVIDSON #58	DEKALB	4.0	CONSOLIDATED GAS COR
8126513		4702122443 108	MARY DAVIDSON #59	DEKALB	4.0	CONSOLIDATED GAS COR
8126514		4702122444 108	MARY DAVIDSON #60	DEKALB	4.0	CONSOLIDATED GAS COR
8126515		4702122445 108	MARY DAVIDSON #61	DEKALB	4.0	CONSOLIDATED GAS COR
8126516		4702122446 108	MARY DAVIDSON #62	DEKALB	4.0	CONSOLIDATED GAS COR
8126517		4702122447 108	MARY DAVIDSON #63	DEKALB	4.0	CONSOLIDATED GAS COR
8126518		4702122448 108	MARY DAVIDSON #64	DEKALB	4.0	CONSOLIDATED GAS COR
8126519		4702122449 108	MARY DAVIDSON #65	DEKALB	4.0	CONSOLIDATED GAS COR
8126520		4702122450 108	MARY DAVIDSON #66	DEKALB	4.0	CONSOLIDATED GAS COR
8126521		4702122451 108	MARY DAVIDSON #67	DEKALB	4.0	CONSOLIDATED GAS COR
8126522		4702122452 108	MARY DAVIDSON #68	DEKALB	4.0	CONSOLIDATED GAS COR
8126523		4702122453 108	MARY DAVIDSON #69	DEKALB	4.0	CONSOLIDATED GAS COR
8126524		4702122454 108	MARY DAVIDSON #70	DEKALB	4.0	CONSOLIDATED GAS COR
8126525		4702122455 108	MARY DAVIDSON #71	DEKALB	4.0	CONSOLIDATED GAS COR
8126526		4702122456 108	MARY DAVIDSON #72	DEKALB	4.0	CONSOLIDATED GAS COR
8126527		4702122457 108	MARY DAVIDSON #73	DEKALB	4.0	CONSOLIDATED GAS COR
8126528		4702122458 108	MARY DAVIDSON #74	DEKALB	4.0	CONSOLIDATED GAS COR
8126529		4702122459 108	MARY DAVIDSON #75	DEKALB	4.0	CONSOLIDATED GAS COR
8126530		4702122460 108	MARY DAVIDSON #76	DEKALB	4.0	CONSOLIDATED GAS COR
8126531		4702122461 108	MARY DAVIDSON #77	DEKALB	4.0	CONSOLIDATED GAS COR
8126532		4702122462 108	MARY DAVIDSON #78	DEKALB	4.0	CONSOLIDATED GAS COR
8126533		4702122463 108	MARY DAVIDSON #79	DEKALB	4.0	CONSOLIDATED GAS COR
8126534		4702122464 108	MARY DAVIDSON #80	DEKALB	4.0	CONSOLIDATED GAS COR
8126535		4702122465 108	MARY DAVIDSON #81	DEKALB	4.0	CONSOLIDATED GAS COR
8126536		4702122466 108	MARY DAVIDSON #82	DEKALB	4.0	CONSOLIDATED GAS COR
8126537		4702122467 108	MARY DAVIDSON #83	DEKALB	4.0	CONSOLIDATED GAS COR
8126538		4702122468 108	MARY DAVIDSON #84	DEKALB	4.0	CONSOLIDATED GAS COR
8126539		4702122469 108	MARY DAVIDSON #85	DEKALB	4.0	CONSOLIDATED GAS COR
8126540		4702122470 108	MARY DAVIDSON #86	DEKALB	4.0	CONSOLIDATED GAS COR
8126541		4702122471 108	MARY DAVIDSON #87	DEKALB	4.0	CONSOLIDATED GAS COR
8126542		4702122472 108	MARY DAVIDSON #88	DEKALB	4.0	CONSOLIDATED GAS COR
8126543		4702122473 108	MARY DAVIDSON #89	DEKALB	4.0	CONSOLIDATED GAS COR
8126544		4702122474 108	MARY DAVIDSON #90	DEKALB	4.0	CONSOLIDATED GAS COR
8126545		4702122475 108	MARY DAVIDSON #91	DEKALB	4.0	CONSOLIDATED GAS COR
8126546		4702122476 108	MARY DAVIDSON #92	DEKALB	4.0	CONSOLIDATED GAS COR
8126547		4702122477 108	MARY DAVIDSON #93	DEKALB	4.0	CONSOLIDATED GAS COR
8126548		4702122478 108	MARY DAVIDSON #94	DEKALB	4.0	CONSOLIDATED GAS COR
8126549		4702122479 108	MARY DAVIDSON #95	DEKALB	4.0	CONSOLIDATED GAS COR
8126550		4702122480 108	MARY DAVIDSON #96	DEKALB	4.0	CONSOLIDATED GAS COR
8126551		4702122481 108	MARY DAVIDSON #97	DEKALB	4.0	CONSOLIDATED GAS COR
8126552		4702122482 108	MARY DAVIDSON #98	DEKALB	4.0	CONSOLIDATED GAS COR
8126553		4702122483 108	MARY DAVIDSON #99	DEKALB	4.0	CONSOLIDATED GAS COR
8126554		4702122484 108	MARY DAVIDSON #100	DEKALB	4.0	CONSOLIDATED GAS COR
8126555		4702122485 108	MARY DAVIDSON #101	DEKALB	4.0	CONSOLIDATED GAS COR
8126556		4702122486 108	MARY DAVIDSON #102	DEKALB	4.0	CONSOLIDATED GAS COR
8126557		4702122487 108	MARY DAVIDSON #103	DEKALB	4.0	CONSOLIDATED GAS COR
8126558		4702122488 108	MARY DAVIDSON #104	DEKALB	4.0	CONSOLIDATED GAS COR
8126559		4702122489 108	MARY DAVIDSON #105	DEKALB	4.0	CONSOLIDATED GAS COR

[illegible]	[illegible]	API NO.	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8126401		4709500531	108		B F HAWKINS 108A #4	ELLSWORTH	0.1	
8126404		4709500527	108		B F HAWKINS 108A #7	ELLSWORTH	0.1	
8126403		4709500529	108		B F HAWKINS 50A #11	ELLSWORTH	0.1	
8126437		4702103162	108		B F WEAVER #2	DEKALB	0.0	CONSOLIDATED GAS SUP
8126377		4709500542	108		B J ASH #1	MCELROY	0.0	
8126451		4708703108	108		C C HIVELY #1	WALTON	2.1	
8126445		4708703099	108		C C HIVELY #22	WALTON	2.1	
8126447		4708703106	108		C C HIVELY #3	WALTON	2.1	
8126433		4702103349	108		C W GOFF #2	DEKALB	0.0	CONSOLIDATED GAS SUP
8126435		4702100509	108		C W GOFF #9	DEKALB	0.0	CONSOLIDATED GAS SUP
8126376		4709500550	108		CONAWAY HEIRS #1	MCELROY	0.0	
8126395		4708703099	108		CORA MARKS #6	HARPER	2.1	
8126467		4708703147	108		D T CUMMINS #2	WALTON	2.1	
8126398		4708703082	108		D T CUMMINS #3	WALTON	2.1	
8126417		4708703158	108		DAVID LARCH #11	HARPER	2.1	
8126464		4708703133	108		DAVID LARCH #13	HARPER	2.1	
8126416		4708703159	108		DAVID LARCH #6	HARPER	0.0	
8126411		4708703363	108		E LEWIS #1	WALTON	2.0	
8126414		4708703168	108		E LEWIS #14	WALTON	2.0	
8126385		4710500780	108		E M WILSON #10	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126386		4710500781	108		E M WILSON #11	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126387		4710500783	108		E M WILSON #13	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126380		4710500775	108		E M WILSON #4	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126381		4710500776	108		E M WILSON #5	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126382		4710500777	108		E M WILSON #6	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126383		4710500778	108		E M WILSON #8	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126384		4710500779	108		E M WILSON #9	BURNING SPRINGS	0.0	CONSOLIDATED GAS SUP
8126438		4702103191	108		EUGUEN WEAVER #2	DEKALB	0.0	CONSOLIDATED GAS SUP
8126424		4702103265	108		F E AMOS #7	DEKALB	0.0	CONSOLIDATED GAS SUP
8126426		4702103309	108		FRENCH HARDMAN #7	DEKALB	0.0	CONSOLIDATED GAS SUP
8126448		4708703107	108		HUBBARD SUMMERS #4	WALTON	2.1	
8126427		4702103314	108		I N HARDMAN #4	DEKALB	0.0	CONSOLIDATED GAS SUP
8126428		4702103315	108		IN HARDMAN #5	DEKALB	0.0	CONSOLIDATED GAS SUP
8126413		4708703189	108		ISAAC DONOMOE #14	WALTON	2.1	
8126446		4708703103	108		ISAAC DONOMOE #4	WALTON	2.1	
8126396		4708703069	108		J H HIVELY #3	WALTON	2.1	
8126415		4708703161	108		J H HIVELY #9	WALTON	2.1	
8126461		4708703151	108		J H RIVELY #7	WALTON	2.1	
8126420		4709500579	108		J K HILL #4	ELLSWORTH	0.1	
8126423		4709500580	108		J K HILL #5	ELLSWORTH	0.1	
8126459		4708702702	108		J M ROBINSON #5	WALTON	2.1	
8126400		4709500540	108		J T A HAWKINS #12	ELLSWORTH	0.1	
8126399		4709500537	108		J T A HAWKINS #3	ELLSWORTH	0.1	
8126460		4708702658	108		J W LYNCH #9	WALTON	2.1	
8126375		4709500555	108		JAMES EDDY #2	ELLSWORTH	0.1	
8126374		4709500557	108		JAMES EDDY #5	ELLSWORTH	0.1	
8126466		4708703139	108		JAMES HARLESS #2	WALTON	2.5	
8126418		4708703197	108		JAMES SUMMERS #1	HARPER	2.1	
8126405		4709500522	108		JAMES WOOD (HARRIS) #4	ELLSWORTH	0.1	
8126421		4709500612	108		JOEL TUTTLE #7	ELLSWORTH	0.1	
8126463		4708703126	108		JOHN H SUMMERS #6	WALTON	2.1	
8126425		4702103294	108		LAFAYETTE HARDEN #5	DEKALB	0.0	CONSOLIDATED GAS SUP

JD NO	JA CAT	API NO	SEC	T	WELL NAME	FIELD NAME	PROD	PURCHASER
8126444		4708703094	108		LAURA HUNT #1	HARPER	2.1	
8126432		4702103348	108		LEE GAINER #3	DEKALB	8.0	CONSOLIDATED GAS SUP
8126457		4708702740	108		LUCINDA SHAFFER #5	WALTON	2.1	
8126410		4708703365	108		LUCINDA SHAFFER #6	WALTON	2.1	
8126397		4708703074	108		MARSHALL LARCH #4	WALTON	2.1	
8126458		4708702708	108		MR SINNETT #3	WALTON	2.1	
8126388		4710500788	108		N J DAWSON #4	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126378		4710500789	108		N J DAWSON #5	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126364		4710500812	108		N W HAUGHT #10	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126365		4710500813	108		N W HAUGHT #13	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126366		4710500814	108		N W HAUGHT #14	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126367		4710500815	108		N W HAUGHT #15	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126368		4710500816	108		N W HAUGHT #16	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126369		4710500817	108		N W HAUGHT #17	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126345		4710500818	108		N W HAUGHT #18	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126346		4710500819	108		N W HAUGHT #20	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126347		4710500820	108		N W HAUGHT #22	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126348		4710500821	108		N W HAUGHT #23	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126350		4710500823	108		N W HAUGHT #26	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126363		4710500808	108		N W HAUGHT #4	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126349		4710500822	108		N W HAUGHT #24	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126412		4708703308	108		NANNIE HUNT #1	ELK	2.1	
8126440		4702103246	108		R L WEAVER #10	DEKALB	8.0	CONSOLIDATED GAS SUP
8126439		4702103243	108		R L WEAVER #7	DEKALB	8.0	CONSOLIDATED GAS SUP
8126441		4702103254	108		ROBERT WEBB #1	DEKALB	8.0	CONSOLIDATED GAS SUP
8126442		4702103255	108		ROBERT WEBB #2	DEKALB	8.0	CONSOLIDATED GAS SUP
8126434		4702103256	108		ROBERT WEBB #3	DEKALB	8.0	CONSOLIDATED GAS SUP
8126422		4709500506	108		S A JOY #2	ELLSWORTH	8.1	
8126429		4702103318	108		S M HARDMAN #1	DEKALB	8.0	CONSOLIDATED GAS SUP
8126430		4702103320	108		S M HARDMAN #4	DEKALB	8.0	CONSOLIDATED GAS SUP
8126436		4702100569	108		S M HARDMAN #6	DEKALB	8.0	CONSOLIDATED GAS SUP
8126431		4702103321	108		S M HARDMANE #5	DEKALB	8.0	CONSOLIDATED GAS SUP
8126409		4709500512	108		SCHOOL LOT #1	ELLSWORTH	8.0	
8126398		4708703086	108		W H SLEATH #10	HARPER	2.1	
8126465		4708703137	108		W H SLEATH #2	HARPER	2.1	
8126463		4708703093	108		W H SLEATH #5	HARPER	2.1	
8126462		4708703158	108		W L TAYLOR #4	WALTON	2.1	
8126373		4709500567	108		WILLIAM FERRELL #5	ELLSWORTH	8.1	
8126361		4710500796	108		WM DAWSON #10	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126362		4710500797	108		WM DAWSON #11	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126371		4710500791	108		WM DAWSON #5	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126372		4710500792	108		WM DAWSON #6	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126359		4710500793	108		WM DAWSON #7	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8126360		4710500795	108		WM DAWSON #9	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
-RALPH KIRTLEY					RECEIVED: 04/21/81 JA: WV			
8126358		4701100271	106		ALESHIRE #1	CITY OF HUNTINGTON	13.3	DEVON CORP
8126357		4701100261	108		SHAWKEY #1	CITY OF HUNTINGTON	15.2	DEVON CORP
** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
-ALAN J ANTWEIL					RECEIVED: 04/21/81 JA: NM 4			
8126473	NM-1134-80	3003522179	102		RIO COM #1	MORROW	8.0	EL PASO NATURAL GAS

JD NO	JA CAT	API NO	SEC	T	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA JNT	API NO	SEC	D	WELL NAM	FIELD NAME	PROD	PURCHASER
-AMOCO PRODUCTION CO					RECEIVED: 04/21/81 JA: NM 4			
8126539	NM-0212-81	3004524113	103		DAVIDSON GAS COM F NO 1E	BASIN DAKOTA	59.0	SOUTHERN UNION GATHE
8126512	NM-0171-81	3004524383	103		ELLIOTT GAS COM K NO 1E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8126535	NM 0203-81	3004524485	103		FRED FEASEL J NO 1E	BASIN DAKOTA	59.0	SOUTHERN UNION GATHE
8126511	NM-0170-81	3004524290	103		GALLEGOS CANYON UNIT NO 151E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8126542	NM-0215-81	3003922307	103		JICARILLA TRIBAL 363 NO 1	LINDRITH - GALLUP	29.0	EL PASO NATURAL GAS
8126544	NM-0217-81	3003922307	103		JICARILLA TRIBAL 363 NO 1	LINDRITH-DAKOTA WEST	29.0	EL PASO NATURAL GAS
8126513	NM-0172-81	3004524166	103		JOHNSON GAS COM B NO 1E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8126536	NM 0206-81	3004524235	103		MARTIN GAS COM E NO 1E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8126518	NM-0179-81	3004524817	103		PAN AM FEDERAL C NO 1E	BASIN DAKOTA	59.0	EL PASO NATURAL GAS
8126537	NM 0207-81	3004524359	103		SHANE GAS COM A NO 1	BLANCO PICTURED CLIFFS	58.0	EL PASO NATURAL GAS
8126543	NM-0216-81	3004924442	103		VALENCIA CANYON UT NO 45	BLANCO MESA VERDE	78.0	EL PASO NATURAL GAS
-ANADARKO PRODUCTION COMPANY					RECEIVED: 04/21/81 JA: NM 4			
8126531	NM 0196-81	3001522685	103		TRAVIS FEDERAL D NO 18	LOCO HILLS	6.0	PHILLIPS PETROLEUM C
-BTA OIL PRODUCERS					RECEIVED: 04/21/81 JA: NM 4			
8126521	NM 0183-81	3002527207	103		7406 JV-S LEA 21 84-Y	TANSILL-YATES (COMANCHE	36.7	EL PASO NATURAL GAS
8126499	NM-0156-81	3002527043	103		7406 JV-S LEA 21 88	TANSILL-YATES (COMANCHE-	36.7	EL PASO NATURAL GAS
-CAULKINS OIL COMPANY					RECEIVED: 04/21/81 JA: NM 4			
8126477	NM-1739-80-A	3003922326	103		BREECH C 248 E	OTERO CHACRA	38.0	GAS CO OF NEW MEXICO
8126478	NM-1739-80-B	3003922326	103		BREECH C 248 E	BLANCO MESA VERDE	38.0	GAS CO OF NEW MEXICO
8126479	NM-1743-80-A	3003921534	103		BREECH D 346	OTERO CHACRA-BLANCO MESA	13.0	GAS CO OF NEW MEXICO
8126480	NM-1743-80-B	3003921534	103		BREECH D 346	OTERO CHACRA-BLANCO MESA	13.0	GAS CO OF NEW MEXICO
8126481	NM-1743-80-C	3003921534	103		BREECH D 346	BASIN DAKOTA	13.0	GAS CO OF NEW MEXICO
-CONOCO INC					RECEIVED: 04/21/81 JA: NM 4			
8126505	NM-0163-81	3002526941	103		BRITT B NO 27	NMFU - WEIR DRINKARD	22.6	WARREN PETROLEUM CO
8126468	NM-4691-79	3003920648	108		CONOCO 29-4 NO 4	EAST SAN JUAN - CHOZA RE	14.5	NORTHWEST PIPELINE C
8126471	NM-0935-80	3002526670	103		HAWK B-3 NO 24	NEW MEXICO FEDERAL UNIT	80.8	GETTY OIL CO
8126506	NM-0164-81	3002526841	103		WARREN UNIT NO 70	NMFU - BLINEBRY OIL & GA	8.8	WARREN PETROLEUM CO
8126476	NM-1595-80-F	3002526842	103		WARREN UNIT NO 81	NMFU - BLINEBRY OIL & GA	8.4	WARREN PETROLEUM CO
-COQUINA OIL CORPORATION					RECEIVED: 04/21/81 JA: NM 4			
8126538	NM-0209-81	3001523472	102		NATHAN COMM FEDERAL #1	(DUBLIN RANCH MORROW)	0.0	EL PASO NATURAL GAS
-DEPCO INC					RECEIVED: 04/21/81 JA: NM 4			
8126472	NM-1121-80	3004524268	103		MUDGE A #11	WEST KUTZ P C	1.7	GAS CO OF NEW MEXICO
-DOME PETROLEUM CORP					RECEIVED: 04/21/81 JA: NM 4			
8126522	NM-0184-81	3004330464	102		DOME FEDERAL 19-22-6 #1	RUSTY CHACRA	131.0	SOUTHWEST GAS CORP
8126525	NM-0188-81	3004320482	102		DOME FEDERAL 20-22-6 #2	RUSTY CHACRA	383.1	SOUTHWEST GAS CORP
8126523	NM-0186-81	3004320486	102		DOME FEDERAL 20-22-6 #3	RUSTY CHACRA	251.1	SOUTHWEST GAS CORP
8126524	NM-0187-81	3004320408	102		DOPE NAVAJO 20-22-7 #1	RUSTY CHACRA	57.7	SOUTHWEST GAS CORP
-DUGAN PRODUCTION CORP					RECEIVED: 04/21/81 JA: NM 4			
8126540	NM-0213-81	3003922283	103		A NEW DAWN #2	BASIN DAKOTA	100.0	NORTHWEST PIPELINE C
8126541	NM-0214-81	3003922282	103		A NEW DAWN #3	BASIN DAKOTA	75.0	NORTHWEST PIPELINE C
8126526	NM 0190-81	3004524346	103		HORACE SMITH #1-R	BASIN DAKOTA	98.0	NORTHWEST PIPELINE C
-EL PASO NATURAL GAS COMPANY					RECEIVED: 04/21/81 JA: NM 4			
8126489	NM-1799-80	3003920309	108		CANYON LARGO UNIT #163	OTERO - CHACRA	14.8	EL PASO NATURAL GAS
8126475	NM-1417-80	3002511458	108		E J WELLS #13	JALMAT YATES	21.0	EL PASO NATURAL GAS
8126491	NM-0016-81	3002511992	108		ELLIOTT FEDERAL #3	JALMAT YATES	22.0	EL PASO NATURAL GAS
8126490	NM-1820-80	3004508008	108		MOORE #1	BLANCO MESAVERDE	13.0	EL PASO NATURAL GAS
8126533	NM 0198-81	3003921084	108		SAN JUAN 28-7 UNIT #243	BASIN-DAKOTA GAS	22.0	EL PASO NATURAL GAS
-GETTY OIL COMPANY					RECEIVED: 04/21/81 JA: NM 4			
8126496	NM-0124-81	3003905918	108		JICARILLA C NO 26	BASIN DAKOTA FIELD	7.3	EL PASO NATURAL GAS
8126527	NM 0193B1(A)	3004523628	103		JOHN CHARLES NO 7E	BASIN DAKOTA	91.0	EL PASO NATURAL GAS
8126528	NM 0195-80	3004523628	103		JOHN CHARLES NO 7E	HARRIS MESA CHACRA	128.0	EL PASO NATURAL GAS

JD No.	Agent	API No.	Sec	Well Name
8126529	NM 0194-81-A	3004524021	103	MEXICO FEDERAL R NO 1M
8126530	NM 0194-81-B	3004524021	103	MEXICO FEDERAL R NO 1M
-GULF OIL CORPORATION				RECEIVED: 04/21/81 JA: NM 4
8126514	NM-0173-81	3001570369	103	CALLAWAY FEDERAL WELL NO 2
-HNG OIL COMPANY				RECEIVED: 04/21/81 JA: NM 4
8126474	NM1264R0102	3002526137	102	WILSON 21 FEDERAL #7 NM23199
-HUSKY OIL COMPANY				RECEIVED: 04/21/81 JA: NM 4
8126470	NM-0798-80	3004524237	103	HOLACK D #1-E
8126469	NM-0797-80	3004524253	103	HOLACK D #3-R
-J GREGORY MERRION&ROBERT L BAYLESS				RECEIVED: 04/21/81 JA: NM 4
8126557	NM-0237-81	3003922426	103	CANYON LARGO UNIT #298
8126558	NM-0238-81	3003922439	103	CANYON LARGO UNIT #299
8126501	NM-0159-81-A	3004524612	103	CHACO LTD #3
8126502	NM-0159-81-B	3004524612	103	CHACO LTD #3
8126503	NM 0160-81 A	3004524611	103	CHACO LTD #3-J
8126504	NM 0160-81-B	3004524611	103	CHACO LTD #3-J
8126500	NM-0158-81	3004320508	103	PONCA #1
-JEROME P MCHUGH				RECEIVED: 04/21/81 JA: NM 4
8126520	NM-0182-81	3003921351	108	CHRIS #3
8126519	NM-0181-81	3003921765	108	CHRIS #4
-MARATHON OIL COMPANY				RECEIVED: 04/21/81 JA: NM 4
8126488	NM 1785-80	3003922453	103	JICARILLA APACHE #10-E
8126487	NM-1784-80	3003922460	103	JICARILLA APACHE #11-E
-MESA PETROLEUM				RECEIVED: 04/21/81 JA: NM 4
8126534	NM-0199-81	3000560759	102	COYOTE FEDERAL #1
-NORTHWEST PIPELINE CORPORATION				RECEIVED: 04/21/81 JA: NM 4
8126559	NM-0250-81	3003907754	108	SAN JUAN 30-5 #7
-OKLAHOMA OIL COMPANY				RECEIVED: 04/21/81 JA: NM 4
8126516	NM-0176-81	3004522774	108	NAVAHO 4-1 WELL E-4-25N-12W
-PERRY R BASS				RECEIVED: 04/21/81 JA: NM 4
8126515	NM0175-81103	3001523236	103	BIG EDDY UNIT NO 88
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED: 04/21/81 JA: NM 4
8126551	NM-0227-81	3004524328	103	HODGES #16
8126550	NM-0225-81	3004524441	103	HODGES #17
8126552	NM-0229-81-A	3003922052	103	JICARILLA A 23
8126553	NM-0233-81	3003922038	103	JICARILLA C #6
8126554	NM-0234-81	3003922049	103	JICARILLA D #17
8126555	NM-0235-81	3003922050	103	JICARILLA D #18
8126556	NM-0236-81	3003922037	103	JICARILLA K #21
-SOUTHLAND ROYALTY CO				RECEIVED: 04/21/81 JA: NM 4
8126483	NM 129-79	3003905756	108	ARIZONA JICARILLA #4
8126485	NM 162-79	3003905785	108	ARIZONA JICARILLA #5
8126484	NM-4318-79	3003905804	108	ARIZONA JICARILLA #7
8126545	NM-0218-81	3004507794	108	CAIN #16
8126546	NM-0219-81	3004507728	108	CAIN #17
8126547	NM-0220-81	3004521808	108	CAIN #21
8126508	NM 0167-81	3004523973	103	CAIN #9E
8126509	NM-0168-81	3004524018	103	DAVIS #13E
8126482	NM 67-79	3004511770	108	J HUDSON #3
8126548	NM-0221-81	3004507312	108	NEWMAN A #6
8126510	NM-0169-81	3004524115	103	NEWMAN C #1E
8126549	NM-0222-81	3004509611	108	NYE #1

BILLING CODE 6450-01-C

Field Name	Prod	Purchaser
BASIN DAKOTA	25.0	EL PASO NATURAL GAS
BLANCO MESAVERDE	208.0	EL PASO NATURAL GAS
UNDESIGNATED DIAMOND MOU	9.0	EL PASO NATURAL GAS
COMANCHE STATELINE TANSI	5.4	EL PASO NATURAL GAS
BASIN DAKOTA	104.0	EL PASO NATURAL GAS
BASIN DAKOTA	104.0	EL PASO NATURAL GAS
DEVILS FORK GALLUP	27.0	EL PASO NATURAL GAS
DEVILS FORK GALLUP	33.0	EL PASO NATURAL GAS
WAW FRUITLAND/PIC CLIFFS	7.0	EL PASO NATURAL GAS
WAW FRUITLAND PIC CLIFFS	7.0	EL PASO NATURAL GAS
WAW FRUITLAND/PICTURED C	7.5	EL PASO NATURAL GAS
WAW FRUITLAND/PICTURED C	7.5	EL PASO NATURAL GAS
BALLARD PIC CLIFFS	10.0	GAS CO OF NEW MEXICO
BLANCO MESAVERDE	7.0	NORTHWEST PIPELINE C
BLANCO MESAVERDE	1.0	NORTHWEST PIPELINE C
JICARILLA APACHE	185.0	NORTHWEST PIPELINE C
JICARILLA APACHE	185.0	NORTHWEST PIPELINE C
ABO	208.0	TRANSWESTERN PIPELIN
BLANCO MESAVERDE	25.0	EL PASO NATURAL GAS
NIPP PICTURED CLIFF	15.0	EL PASO NATURAL GAS
BIG EDDY MORROW	300.0	NATURAL GAS PIPELINE
BALLARD	321.0	GAS CO OF NEW MEXICO
BALLARD	523.0	GAS CO OF NEW MEXICO
BLANCO	102.0	GAS CO OF NEW MEXICO
TAPACITO	41.0	GAS CO OF NEW MEXICO
BLANCO	46.0	GAS CO OF NEW MEXICO
BLANCO	131.0	GAS CO OF NEW MEXICO
SOUTH BLANCO	28.0	GAS CO OF NEW MEXICO
BLANCO PICTURED CLIFFS	9.0	GAS CO OF NEW MEXICO
BLANCO PICTURED CLIFFS	18.0	GAS CO OF NEW MEXICO
SOUTH BLANCO PICTURED CL	14.6	GAS CO OF NEW MEXICO
BASIN	18.0	SOUTHERN UNION GATHE
AZTEC	20.0	SOUTHERN UNION GATHE
AZTEC	19.0	SOUTHERN UNION GATHE
BASIN	75.0	SOUTHERN UNION GATHE
BASIN	90.0	SOUTHERN UNION GATHE
BASIN DAKOTA	18.0	SOUTHERN UNION GATHE
FULCHER KUTZ	18.0	SOUTHERN UNION GATHE
BASIN	71.0	SOUTHERN UNION GATHE
BLANCO	18.0	SOUTHERN UNION GATHE

JD No.	Date Rcvd	API No.	Sec	D	Well Name	Field Name	Prod	Purchaser
8126507	NM-0166-81	3001523085	103		ROBINSON JACKSON UNIT TR 4 832	GRAYBURG JACKSON	7.6	PHILLIPS PETROLEUM C
-SUPERIOR OIL CO			RECEIVED: 04/21/81 JA: NM 4					
8126493	NM0039-81	3004506809	108		CANDELARIO #1	BASIN DAKOTA	19.8	NORTHWEST PIPELINE C
8126494	NM0040-81	3004506623	108		CHARLES #1	BASIN DAKOTA	19.8	NORTHWEST PIPELINE C
8126495	NM-0041-81	3004506552	108		MARSHALL #4	BLANCO	12.8	NORTHWEST PIPELINE C
8126492	NM-0038-81	3004506000	108		RAMENTA #1	BASIN DAKOTA	15.8	NORTHWEST PIPELINE C
8126486	NM-1771-80	3002526952	103		WEST LYNCH DEEP UNIT NO 1	WILDCAT	1884.8	
-SUPRON ENERGY CORPORATION			RECEIVED: 04/21/81 JA: NM 4					
8126497	NM-0155-81-A	3004523730	103		WILSON NO 2	AZTEC CHACRA	788.8	SOUTHERN UNION GATHE
8126498	NM-0155-81-F	3004523730	103		WILSON NO 2	UNDESIGNATED FRUITLAND E	52.8	SOUTHERN UNION GATHE
-TENNECO OIL COMPANY			RECEIVED: 04/21/81 JA: NM 4					
8126517	NM-0177-81	3004524279	103		FIELDS COM #4	BASIN DAKOTA	588.8	EL PASO NATURAL GAS
8126532	NM 0197-81-A	3004524207	103		OMLER A #1-E	CHACRA/BASIN DAKOTA	250.8	EL PASO NATURAL GAS

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days after the date of publication of this notice in the Federal Register.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14666 Filed 5-14-81; 8:45 am]
BILLING CODE 6450-01-M

UMI 1 8 5 1 M Y 4 9 1 6 4 V

JD NO	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES						
-AMTEX OIL AND GAS INC			RECEIVED: 04/23/81 JA: OH			
8127125	3415123126	107	FEICHTER-VASCO WELL NO 1	TUSCARAWAS	300.0	COLUMBIA GAS TRANSMI
8127125	3415123126	103	FEICHTER-VASCO WELL NO 1	TUSCARAWAS	300.0	COLUMBIA GAS TRANSMI
8127124	3415123120	107	JESSUP UNIT NO 1 ET AL	TUSCARAWAS	300.0	COLUMBIA GAS TRANSMI
8127124	3415123120	103	JESSUP UNIT NO 1 ET AL	TUSCARAWAS	300.0	COLUMBIA GAS TRANSMI
8127117	3415123044	107	MYERS WELL NO 1	TUSCARAWAS	250.0	COLUMBIA GAS TRANSMI
8127117	3415123044	103	MYERS WELL NO 1	TUSCARAWAS	250.0	COLUMBIA GAS TRANSMI
8127119	3415123053	107	POLAND WELL NO 1	TUSCARAWAS	300.0	COLUMBIA GAS TRANSMI
8127119	3415123053	103	POLAND WELL NO 1	TUSCARAWAS	300.0	COLUMBIA GAS TRANSMI
8127120	3415123058	107	SOEHNLEN WELL NO 3	SUGARCREEK	250.0	COLUMBIA GAS TRANSMI
8127120	3415123058	103	SOEHNLEN WELL NO 3	SUGARCREEK	250.0	COLUMBIA GAS TRANSMI
8127121	3415123059	107	SOEHNLEN WELL NO 4	SUGARCREEK	300.0	COLUMBIA GAS TRANSMI
8127121	3415123059	103	SOEHNLEN WELL NO 4	SUGARCREEK	300.0	COLUMBIA GAS TRANSMI
8127115	3415123038	107	STAHR WELL NO 1	TUSCARAWAS	250.0	COLUMBIA GAS TRANSMI
8127115	3415123038	103	STAHR WELL NO 1	TUSCARAWAS	250.0	COLUMBIA GAS TRANSMI
8127114	3415123037	107	STAHR WELL NO 2	TUSCARAWAS	250.0	COLUMBIA GAS TRANSMI
8127114	3415123037	103	STAHR WELL NO 2	TUSCARAWAS	250.0	COLUMBIA GAS TRANSMI
-ATLAS ENERGY GROUP INC			RECEIVED: 04/23/81 JA: OH			
8127180	3415521592	107	BIBBY DETELICH UNIT NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
8127180	3415521592	103	BIBBY DETELICH UNIT NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
8127179	3415521574	107	GIBSON UNIT NO 1	BAZETTA	40.0	COLUMBIA GAS TRANSMI
8127179	3415521574	103	GIBSON UNIT NO 1	BAZETTA	40.0	COLUMBIA GAS TRANSMI
8127164	3415521351	107	JENNINGS NO 2	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8127164	3415521351	103	JENNINGS NO 2	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8127163	3415521349	107	JENNINGS NO 3	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8127163	3415521349	103	JENNINGS NO 3	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8127171	3415521405	107	LENYO NO 1	JOHNSTON	28.0	COLUMBIA GAS TRANSMI
8127171	3415521405	103	LENYO NO 1	JOHNSTON	28.0	COLUMBIA GAS TRANSMI
8127178	3415521556	107	MCMILLAN NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
8127178	3415521556	103	MCMILLAN NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
8127177	3415521552	107	MEDERER NO 1	HOWLAND	0.0	COLUMBIA GAS TRANSMI
8127177	3415521552	103	MEDERER NO 1	HOWLAND	0.0	COLUMBIA GAS TRANSMI
8127165	3415521352	107	MICHALEC NO 1	FOWLER	12.0	COLUMBIA GAS TRANSMI
8127165	3415521352	103	MICHALEC NO 1	FOWLER	12.0	COLUMBIA GAS TRANSMI
8127170	3415521384	107	MORGAN-PARMION NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
8127170	3415521384	103	MORGAN-PARMION NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
8127182	3415515950	107	PAULLY UNIT NO 1	JOHNSTON	0.0	COLUMBIA GAS TRANSMI
8127182	3415515950	103	PAULLY UNIT NO 1	JOHNSTON	0.0	COLUMBIA GAS TRANSMI
8127176	3415521542	107	POLLOCK NO 1	BAZETTA	35.0	COLUMBIA GAS TRANSMI
8127176	3415521542	103	POLLOCK NO 1	BAZETTA	35.0	COLUMBIA GAS TRANSMI
8127185	3415521614	103	SANTUCCI NO 1	HARTFORD	0.0	
8127185	3415521614	107	SANTUCCI NO 1	HARTFORD	0.0	

JD NO	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
-BARTLO OIL AND GAS COMPANY			RECEIVED: 04/23/81 JA: OH			
8127181	3415521593	107	BIBBY DETELICH UNIT NO 2	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
8127181	3415521593	103	BIBBY DETELICH UNIT NO 2	BROOKFIELD	0.0	COLUMBIA GAS TRANSMI
8127166	3415521353	107	JENNINGS NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8127166	3415521353	103	JENNINGS NO 1	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8127167	3415521354	107	JENNINGS NO 4	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8127167	3415521354	103	JENNINGS NO 4	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8127168	3415521355	107	JENNINGS NO 5	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8127168	3415521355	103	JENNINGS NO 5	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8127169	3415521356	107	JENNINGS NO 6	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8127169	3415521356	103	JENNINGS NO 6	BROOKFIELD	0.0	COLUMBIA GAS TRANS C
8127172	3415521406	107	LENYO NO 2	JOHNSTON	28.0	COLUMBIA GAS TRANSMI
8127172	3415521406	103	LENYO NO 2	JOHNSTON	28.0	COLUMBIA GAS TRANSMI
8127173	3415521407	107	LENYO NO 3	JOHNSTON	28.0	COLUMBIA GAS TRANSMI
8127173	3415521407	103	LENYO NO 3	JOHNSTON	28.0	COLUMBIA GAS TRANSMI
8127174	3415521408	107	LENYO NO 4	JOHNSTON	28.0	COLUMBIA GAS TRANSMI
8127174	3415521408	103	LENYO NO 4	JOHNSTON	28.0	COLUMBIA GAS TRANSMI
8127175	3415521409	107	LENYO NO 5	JOHNSTON	28.0	COLUMBIA GAS TRANSMI
8127175	3415521409	103	LENYO NO 5	JOHNSTON	28.0	COLUMBIA GAS TRANSMI
8127183	3415521615	107	SANTUCCI NO 2	HARTFORD	0.0	
8127183	3415521615	103	SANTUCCI NO 2	HARTFORD	0.0	
8127184	3415521616	107	SANTUCCI NO 3	HARTFORD	0.0	
8127184	3415521616	103	SANTUCCI NO 3	HARTFORD	0.0	
8127186	3415521617	107	SANTUCCI NO 4	HARTFORD	0.0	
8127186	3415521617	103	SANTUCCI NO 4	HARTFORD	0.0	
8127187	3415521618	107	SANTUCCI NO 5	HARTFORD	0.0	
8127187	3415521618	103	SANTUCCI NO 5	HARTFORD	0.0	
8127188	3415521619	107	SANTUCCI NO 6	HARTFORD	0.0	
8127188	3415521619	103	SANTUCCI NO 6	HARTFORD	0.0	
8127189	3415521620	107	SANTUCCI NO 7	HARTFORD	0.0	
8127189	3415521620	103	SANTUCCI NO 7	HARTFORD	0.0	
8127190	3415521621	107	SANTUCCI NO 8	HARTFORD	0.0	
8127190	3415521621	103	SANTUCCI NO 8	HARTFORD	0.0	
8127191	3415521622	107	SANTUCCI NO 9	HARTFORD	0.0	
8127191	3415521622	103	SANTUCCI NO 9	HARTFORD	0.0	
8127192	3415521623	107	SANTUCCI NO 10	HARTFORD	0.0	
8127192	3415521623	103	SANTUCCI NO 10	HARTFORD	0.0	
8127193	3415521624	107	SANTUCCI NO 11	HARTFORD	0.0	
8127193	3415521624	103	SANTUCCI NO 11	HARTFORD	0.0	
8127194	3415521625	107	SANTUCCI NO 12	HARTFORD	0.0	
8127194	3415521625	103	SANTUCCI NO 12	HARTFORD	0.0	
8127195	3415521626	107	SANTUCCI NO 13	HARTFORD	0.0	
8127195	3415521626	103	SANTUCCI NO 13	HARTFORD	0.0	
8127196	3415521627	107	SANTUCCI NO 14	HARTFORD	0.0	
8127196	3415521627	103	SANTUCCI NO 14	HARTFORD	0.0	
8127197	3415521628	107	SANTUCCI NO 15	HARTFORD	0.0	
8127197	3415521628	103	SANTUCCI NO 15	HARTFORD	0.0	
8127198	3415521629	107	SANTUCCI NO 16	HARTFORD	0.0	
8127198	3415521629	103	SANTUCCI NO 16	HARTFORD	0.0	
8127199	3415521630	107	SANTUCCI NO 17	HARTFORD	0.0	
8127199	3415521630	103	SANTUCCI NO 17	HARTFORD	0.0	
8127200	3415521631	107	SANTUCCI NO 18	HARTFORD	0.0	
8127200	3415521631	103	SANTUCCI NO 18	HARTFORD	0.0	
8127201	3415521632	107	SANTUCCI NO 19	HARTFORD	0.0	
8127201	3415521632	103	SANTUCCI NO 19	HARTFORD	0.0	
8127202	3415521633	107	SANTUCCI NO 20	HARTFORD	0.0	
8127202	3415521633	103	SANTUCCI NO 20	HARTFORD	0.0	

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FILL NAME	PROD	PURCHASER
COPELY	30.0	LIBBEY-OWENS-FORD CO
COPELY	30.0	LIBBEY-OWENS-FORD CO
COPELY	30.0	LIBBEY-OWENS-FORD CO
COPLEY	30.0	LIBBEY-OWENS-FORD CO
COPLEY	30.0	LIBBEY-OWENS-FORD CO
COPLEY	30.0	LIBBEY-OWENS-FORD CO
SHARON	30.0	
SHARON	30.0	LIBBEY-OWENS-FORD CO
COPLEY	20.0	LIBBEY-OWENS-FORD CO
COPLEY	30.0	LIBBEY-OWENS-FORD CO
SHARON	30.0	LIBBEY-OWENS-FORD CO
SHARON	30.0	LIBBEY-OWENS-FORD CO
SHARON	30.0	LIBBEY-OWENS-FORD CO
SHARON	30.0	
COPLEY	30.0	EAST OHIO GAS CO
COPLEY	30.0	EAST OHIO GAS CO
TALLMADGE	30.0	LIBBEY-OWENS-FORD CO
TALLMADGE	30.0	LIBBEY-OWENS-FORD CO
TALLMADGE	30.0	LIBBEY-OWENS-FORD CO
TALLMADGE	30.0	LIBBEY-OWENS-FORD CO
WADSWORTH	30.0	
WADSWORTH	30.0	
SHARON	30.0	
SHARON	30.0	
SHARON	30.0	
SHARON	30.0	
SHARON	30.0	
SHARON	30.0	LIBBEY-OWENS-FORD CO
SHARON	30.0	LIBBEY-OWENS-FORD CO
SHARON	30.0	
SHARON	30.0	
COPELY	30.0	EAST OHIO GAS CO
COPELY	30.0	EAST OHIO GAS CO
COPELY	30.0	EAST OHIO GAS CO
SHARON	30.0	
SHARON	30.0	
SHARON	30.0	
SHARON	30.0	LIBBEY-OWENS-FORD CO
SHARON	30.0	LIBBEY-OWENS-FORD CO
SHARON	30.0	
SHARON	30.0	
SHARON	30.0	
SHARON	30.0	
COPELY	20.0	LIBBEY-OWENS-FORD CO
COPELY	20.0	LIBBEY-OWENS-FORD CO
SHARON	30.0	LIBBEY-OWENS-FORD CO
SHARON	30.0	LIBBEY-OWENS-FORD CO

-RANTLO OIL AND GAS COMPANY — RECEIVED: 04/23/81 JAS ON

8127152	3415320843	107	A J BROOKS #1	
8127152	3415320843	103	A J BROOKS #1	
8127153	3415320844	107	A J BROOKS #2	
8127153	3415320844	103	A J BROOKS #2	
8127144	3415320710	107	A P LAFATCH #1	
8127144	3415320710	103	A P LAFATCH #1	
8126982	3410322344	107	A SMITH #1	
8126982	3410322344	103	A SMITH #1	
8127151	3415320788	107	AL SPALDING #1	
8127151	3415320788	103	AL SPALDING #1	
8126975	3410322306	107	BRYAN UNIT #1	
8126975	3410322306	103	BRYAN UNIT #1	
8126970	3410322225	107	CRABTREE UNIT #2	
8126970	3410322225	103	CRABTREE UNIT #2	
8126974	3410322304	107	GERALD GRINDLE #1	
8126974	3410322304	103	GERALD GRINDLE #1	
8127150	3415320779	107	GREGORY UNIT #1	
8127150	3415320779	103	GREGORY UNIT #1	
8127147	3415320728	107	MESLOP INC #1	
8127147	3415320728	103	MESLOP INC #1	
8127148	3415320729	107	MESLOP INC #2	
8127148	3415320729	103	MESLOP INC #2	
8126972	3410322256	107	JESSEE TUCKER #2	
8126972	3410322256	103	JESSEE TUCKER #2	
8126980	3410322301	107	JOSEPH MARRONE #1	
8126980	3410322301	103	JOSEPH MARRONE #1	
8126981	3410322342	107	JOSEPH MARRONE #2	
8126981	3410322342	103	JOSEPH MARRONE #2	
8126983	3410322347	107	M NAGY #1	
8126983	3410322347	103	M NAGY #1	
8126966	3410322199	107	MEEKER UNIT #1	
8126966	3410322199	103	MEEKER UNIT #1	
8126984	3410322463	107	N OLSEN UNIT #1	
8126984	3410322463	103	N OLSEN UNIT #1	
8127145	3415320721	107	R COX #1	
8127145	3415320721	103	R COX #1	
8127149	3415320746	107	R COX #2	
8127149	3415320746	103	R COX #2	
8126977	3410322316	107	REX STEIN #1	
8126977	3410322316	103	REX STEIN #1	
8126976	3410322333	107	RICHARD LAVERY #1	
8126976	3410322333	103	RICHARD LAVERY #1	
8126971	3410322233	107	RINGER UNIT #1	
8126971	3410322233	103	RINGER UNIT #1	
8126978	3410322319	107	SLABAUGH UNIT #1	
8126978	3410322319	103	SLABAUGH UNIT #1	
8126974	3410322315	107	SNYDER UNIT #1	
8126974	3410322315	103	SNYDER UNIT #1	
8127146	3415320722	107	WILLIAM WESCHE #1	
8127146	3415320722	103	WILLIAM WESCHE #1	
8126969	3410322217	107	WRENCH UNIT #1	
8126969	3410322217	103	WRENCH UNIT #1	

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FIELD NAME	PROD	PURCHASER		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	36.0	COLUMBIA GAS TRANSMI		
RICH HILL	36.0	COLUMBIA GAS TRANSMI		
RICH HILL	15.0	COLUMBIA GAS TRANSMI		
RICH HILL	15.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	120.0	COLUMBIA GAS TRANSMI		
RICH HILL	120.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	8.0	COLUMBIA GAS TRANSMI		
RICH HILL	8.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	21.6	COLUMBIA GAS TRANSMI		
RICH HILL	21.6	COLUMBIA GAS TRANSMI		
RICH HILL	7.2	COLUMBIA GAS TRANSMI		
RICH HILL	7.2	COLUMBIA GAS TRANSMI		
RICH HILL	18.3	COLUMBIA GAS TRANSMI		
RICH HILL	18.3	COLUMBIA GAS TRANSMI		
RICH HILL	14.4	COLUMBIA GAS TRANSMI		
RICH HILL	14.4	COLUMBIA GAS TRANSMI		
RICH HILL	8.0	COLUMBIA GAS TRANSMI		
RICH HILL	8.0	COLUMBIA GAS TRANSMI		
RICH HILL	36.0	COLUMBIA GAS TRANSMI		
RICH HILL	36.0	COLUMBIA GAS TRANSMI		
RICH HILL	24.0	COLUMBIA GAS TRANSMI		
RICH HILL	24.0	COLUMBIA GAS TRANSMI		
BROOKFIELD	10.0	COLUMBIA GAS TRANSMI		
BROOKFIELD	10.0	COLUMBIA GAS TRANSMI		
BROOKFIELD	2.0	COLUMBIA GAS TRANSMI		
BROOKFIELD	2.0	COLUMBIA GAS TRANSMI		
BROOKFIELD	1.0	COLUMBIA GAS TRANSMI		
BROOKFIELD	1.0	COLUMBIA GAS TRANSMI		
BROOKFIELD	1.0	COLUMBIA GAS TRANSMI		
BROOKFIELD	1.0	COLUMBIA GAS TRANSMI		
BROOKFIELD	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		
RICH HILL	1.0	COLUMBIA GAS TRANSMI		

[illegible]	[illegible]	[illegible]	SEC D WELL NAME	RECEIVED: 04/23/81	JAI OH
-BEREA OIL AND GAS CORPORATION					
0127060		3411925432	107	ALEXANDER #1	
0127060		3411925432	103	ALEXANDER #1	
0127012		3411924958	107	BALL #2	
0127012		3411924958	103	BALL #2	
0126998		3411924810	103	BARNES #2	
0126998		3411924816	107	BARNES #2	
0127054		3411925411	107	BARNES #3	
0127054		3411925411	103	BARNES #3	
0127055		3411925412	107	BARNES #4	
0127055		3411925412	103	BARNES #4	
0127062		3411925437	107	BRILL #3	
0127062		3411925437	103	BRILL #3	
0127063		3411925440	107	BRILL #4	
0127063		3411925440	103	BRILL #4	
0127011		3411924957	107	CAIN #1	
0127011		3411924957	103	CAIN #1	
0127010		3411924956	107	CAIN #2	
0127010		3411924956	103	CAIN #2	
0127009		3411924955	107	CAIN #3	
0127009		3411924955	103	CAIN #3	
0127033		3411925063	107	CAIN #4	
0127033		3411925063	103	CAIN #4	
0127061		3411925436	107	FRICK #1	
0127061		3411925436	103	FRICK #1	
0127000		3411924820	107	HERRON #1	
0127000		3411924820	103	HERRON #1	
0127001		3411924825	107	HERRON UNIT #2	
0127001		3411924825	103	HERRON UNIT #2	
0126997		3411924817	107	MCCONAMA #1	
0126997		3411924817	103	MCCONAMA #1	
0126999		3411924819	107	MCCONAMA UNIT #2	
0126999		3411924819	103	MCCONAMA UNIT #2	
0127065		3411925456	107	MENZIE #1	
0127065		3411925456	103	MENZIE #1	
0127014		3411924960	107	MILLER ET AL #2	
0127014		3411924960	103	MILLER ET AL #2	
0127013		3411924959	107	MILLER ET AL #4	
0127013		3411924959	103	MILLER ET AL #4	
0127167		3415521356	107	MURCKO #1	
0127167		3415521356	103	MURCKO #1	
0127166		3415521354	107	MURCKO #3	
0127166		3415521354	103	MURCKO #3	
0127168		3415521376	107	PUGH #1	
0127168		3415521376	103	PUGH #1	
0127169		3415521377	107	PUGH #2	
0127169		3415521377	103	PUGH #2	
0127173		3415521442	107	PUGH #3	
0127173		3415521442	103	PUGH #3	
0127035		3411925214	107	ST CLAIR - CREEL UNIT #1A	
0127035		3411925214	103	ST CLAIR - CREEL UNIT #1A	
0127056		3411925414	107	WOLFF #1	
0127056		3411925414	103	WOLFF #1	

JOB NO	JOB NBR	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-BUCKEYE OIL PRODUCING CO			RECEIVED: 04/23/81 JA: DM					
8127123		3415123103	107		BOWERS #2	LAKE	20.0	EAST OHIO GAS CO
8127123		3415123103	103		BOWERS #2	LAKE	20.0	EAST OHIO GAS CO
8126958		3409921231	107		E DALE COOK #1	BERLIN	18.0	COLUMBIA GAS TRANSMI
8126958		3409921231	103		E DALE COOK #1	BERLIN	18.0	COLUMBIA GAS TRANSMI
8127098		3413322035	107		LAYNE #1	DEERFIELD	21.0	EAST OHIO GAS CO
8127098		3413322035	103		LAYNE #1	DEERFIELD	21.0	EAST OHIO GAS CO
8127108		3413322219	107		LAYNE #2	DEERFIELD	15.0	EAST OHIO GAS CO
8127108		3413322219	103		LAYNE #2	DEERFIELD	15.0	EAST OHIO GAS CO
8127156		3416922313	107		RALPH HOSTETLER #1	GREEN	12.0	EAST OHIO GAS CO
8127156		3416922313	103		RALPH HOSTETLER #1	GREEN	12.0	EAST OHIO GAS CO
8126959		3409921232	107		RICHARD B MARSHALL #1	BERLIN	20.0	COLUMBIA GAS TRANSMI
8126959		3409921232	103		RICHARD B MARSHALL #1	BERLIN	20.0	COLUMBIA GAS TRANSMI
8127130		3415123280	107		ROBERT EAVER #1	LAKE	16.0	EAST OHIO GAS CO
8127130		3415123280	103		ROBERT EAVER #1	LAKE	16.0	EAST OHIO GAS CO
8127160		3416922447	107		S & F BEERY #1	MILTON	16.0	COLUMBIA GAS TRANSMI
8127160		3416922447	103		S & K BEERY #1	MILTON	16.0	COLUMBIA GAS TRANSMI
8127159		3416922428	107		W & V NEUENSCHWANDER #2	SUGARCREEK	25.0	COLUMBIA GAS TRANSMI
8127159		3416922428	103		W & V NEUENSCHWANDER #2	SUGARCREEK	25.0	COLUMBIA GAS TRANSMI
8126961		3409921242	107		WILLIAM FRANCIS #1	GOSHEN	16.0	COLUMBIA GAS TRANSMI
8126961		3409921242	103		WILLIAM FRANCIS #1	GOSHEN	16.0	COLUMBIA GAS TRANSMI
-CHARLES L WOOD			RECEIVED: 04/23/81 JA: DM					
8126933		3405922632	107		WOOD #1	MONROE	12.0	COLUMBIA GAS TRANSMI
8126933		3405922632	103		WOOD #1	MONROE	12.0	COLUMBIA GAS TRANSMI
-DISCOVERY OIL LTD			RECEIVED: 04/23/81 JA: DM					
8127162		3416922477	107		#1 JENNIE MCCLELLAND	CHIPPEWA	300.0	EAST OHIO GAS CO
8127162		3416922477	103		#1 JENNIE MCCLELLAND	CHIPPEWA	300.0	EAST OHIO GAS CO
8127161		3416922463	107		#1 JOHN MISURA	CHIPPEWA	775.0	EAST OHIO GAS CO
8127161		3416922463	103		#1 JOHN MISURA	CHIPPEWA	775.0	EAST OHIO GAS CO
-ENERGY DEVELOPMENT CORP			RECEIVED: 04/23/81 JA: DM					
8127158		3416922367	103		CANANKAMP WELL #1	PLAIN	16.0	COLUMBIA GAS TRANSMI
8127158		3416922367	107		CANANKAMP WELL #1	PLAIN	16.0	COLUMBIA GAS TRANSMI
8126895		3400721507	107		CHAMBERS WELL #1	NEW LYME	22.0	EAST OHIO GAS CO
8126895		3400721507	103		CHAMBERS WELL #1	NEW LYME	22.0	EAST OHIO GAS CO
8126888		3400721381	107		DEAN WELL #1	NEW LYME	20.0	EAST OHIO GAS CO
8126888		3400721381	103		DEAN WELL #1	NEW LYME	20.0	EAST OHIO GAS CO
8126889		3400721386	107		FORRISTAL WELL #1	NEW LYME	20.0	EAST OHIO GAS CO
8126889		3400721386	103		FORRISTAL WELL #1	NEW LYME	20.0	EAST OHIO GAS CO
8126883		3400721362	107		M L BEER WELL #1	ORWELL	20.0	EAST OHIO GAS CO
8126883		3400721362	103		M L BEER WELL #1	ORWELL	20.0	EAST OHIO GAS CO
8126884		3400721363	107		M L BEER WELL #2	ORWELL	20.0	EAST OHIO GAS CO
8126884		3400721363	103		M L BEER WELL #2	ORWELL	20.0	EAST OHIO GAS CO
8126880		3400721359	107		MORRISON WELL #1	NEW LYME	20.0	EAST OHIO GAS CO
8126880		3400721359	103		MORRISON WELL #1	NEW LYME	20.0	EAST OHIO GAS CO
8126891		3400721414	107		MORRISON WELL #2	NEW LYME	20.0	EAST OHIO GAS CO
8126891		3400721414	103		MORRISON WELL #2	NEW LYME	20.0	EAST OHIO GAS CO
8126881		3400721360	103		SAWICKI WELL #1	NEW LYME	20.0	EAST OHIO GAS CO
8126881		3400721360	107		SAWICKI WELL #1	NEW LYME	20.0	EAST OHIO GAS CO
8126882		3400721361	107		SAWICKI WELL #2	NEW LYME	25.0	EAST OHIO GAS CO
8126882		3400721361	103		SAWICKI WELL #2	NEW LYME	25.0	EAST OHIO GAS CO
8126890		3400721413	107		SAWICKI WELL #3	NEW LYME	25.0	EAST OHIO GAS CO
8126890		3400721413	103		SAWICKI WELL #3	NEW LYME	25.0	EAST OHIO GAS CO

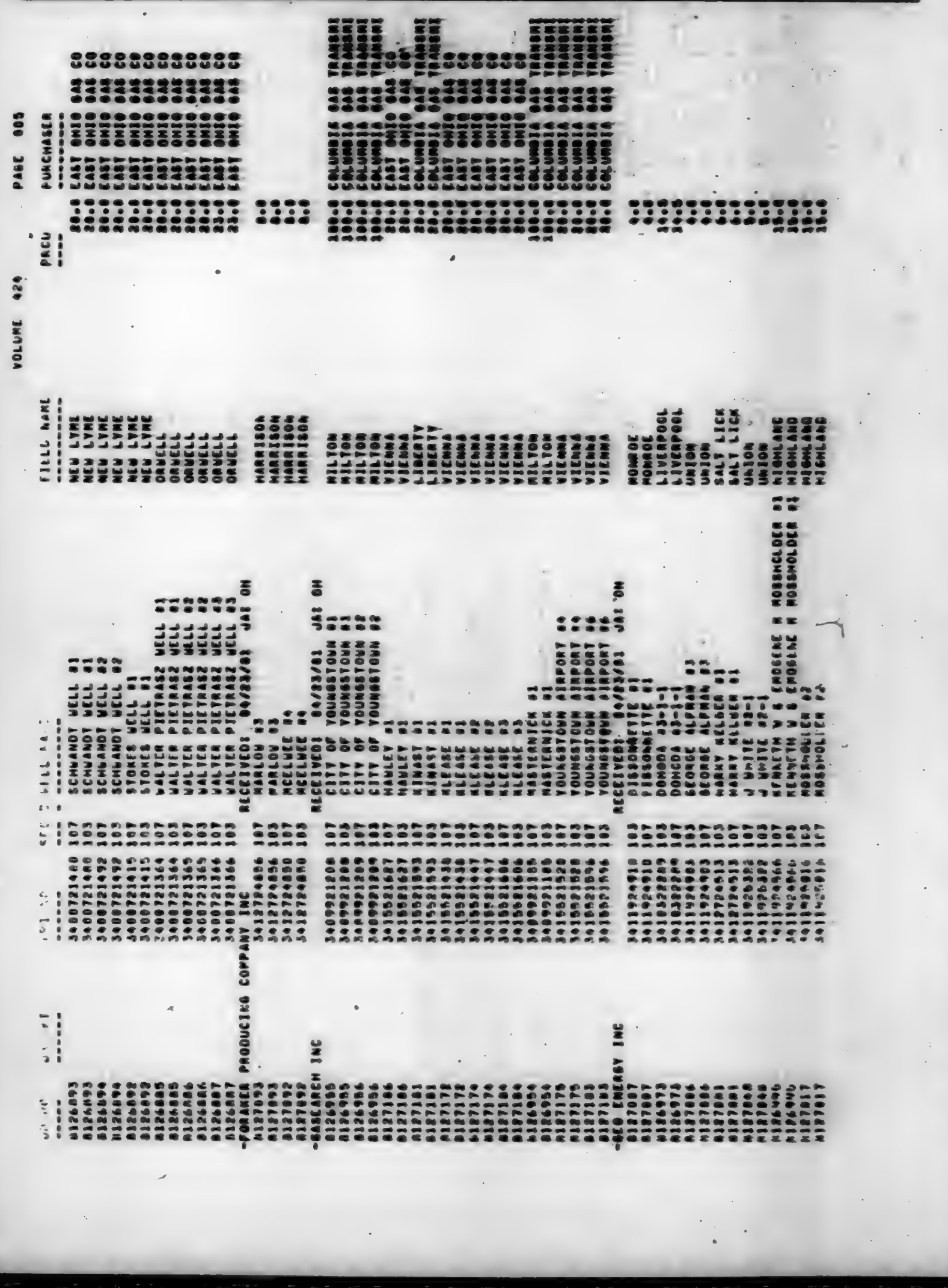

JD NO	JA INT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8126991		3411924174	107	MYER #1	HIGHLAND	16.0	
8126991		3411924174	103	MYER #1	HIGHLAND	16.0	
8127016		3411925014	103	STOOPS #1	HIGHLAND	4.0	
8127016		3411925014	107	STOOPS #1	HIGHLAND	4.0	
8127029		3411950380	103	THEODORE P KING #1-6	HIGHLAND	14.0	
8127029		3411950380	107	THEODORE P KING #1-6	HIGHLAND	14.0	
8127028		3411925035	103	WALTER CHESS JR #2	UNION	18.0	
8127028		3411925035	107	WALTER CHESS JR #2	UNION	18.0	
-GUERNSEY PETROLEUM CORPORATION				RECEIVED: 04/23/81 JA: ON			
8127069		3412122185	103	DUDLEY-BROWN #1MH	NOBLE	5.0	EAST OHIO GAS CO
8127069		3412122185	107	DUDLEY-BROWN #1MH	NOBLE	5.0	EAST OHIO GAS CO
8127068		3412122180	103	KUNTZ 2MH	SHARON	11.0	EAST OHIO GAS CO
8127068		3412122180	107	KUNTZ 2MH	SHARON	11.0	EAST OHIO GAS CO
8127088		3411924920	103	OHIO POWER 49MH	MEIGS	19.0	EAST OHIO GAS CO
8127088		3411924920	107	OHIO POWER 49MH	MEIGS	19.0	EAST OHIO GAS CO
8127077		3412122218	103	OHIO POWER 51MH	BROOKFIELD	10.0	EAST OHIO GAS CO
8127077		3412122218	107	OHIO POWER 51MH	BROOKFIELD	10.0	EAST OHIO GAS CO
8127076		3412122215	103	OHIO POWER 53MH	BROOKFIELD	28.0	EAST OHIO GAS CO
8127076		3412122215	107	OHIO POWER 53MH	BROOKFIELD	28.0	EAST OHIO GAS CO
8127027		3411925039	103	OHIO POWER 54MH	MEIGS	75.0	EAST OHIO GAS CO
8127027		3411925039	107	OHIO POWER 54MH	MEIGS	75.0	EAST OHIO GAS CO
-IRVIN PRODUCING COMPANY				RECEIVED: 04/23/81 JA: ON			
8127086		3412724518	103	ANNA HAYNAL #1	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127086		3412724518	107	ANNA HAYNAL #1	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127088		3412724521	103	ANNA HAYNAL #2	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127088		3412724521	107	ANNA HAYNAL #2	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127087		3412724519	103	ANNA HAYNAL #3	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127087		3412724519	107	ANNA HAYNAL #3	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127042		3411925300	103	BERNICE BAIRD #1	HOPEWELL	8.0	NATIONAL GAS & OIL C
8127042		3411925300	107	BERNICE BAIRD #1	HOPEWELL	8.0	NATIONAL GAS & OIL C
8127041		3411925299	103	BERNICE BAIRD #2	HOPEWELL	10.0	NATIONAL GAS & OIL C
8127041		3411925299	107	BERNICE BAIRD #2	HOPEWELL	10.0	NATIONAL GAS & OIL C
8127050		3411925350	103	BOYSE & EPPLEY #1	WAYNE	10.0	NATIONAL GAS & OIL C
8127050		3411925350	107	BOYSE & EPPLEY #1	WAYNE	10.0	NATIONAL GAS & OIL C
8127053		3411925403	103	BRYCE W WATT #1	NEWTON	10.0	COLUMBIA GAS TRANSMI
8127053		3411925403	107	BRYCE W WATT #1	NEWTON	10.0	COLUMBIA GAS TRANSMI
8127015		3411924978	103	CHARLES FRICK #1	WAYNE	8.0	NATIONAL GAS & OIL C
8127015		3411924978	107	CHARLES FRICK #1	WAYNE	8.0	NATIONAL GAS & OIL C
8127044		3411925302	103	CHRISTAIN HECKEL #1	NEWTON	10.0	COLUMBIA GAS TRANSMI
8127044		3411925302	107	CHRISTAIN HECKEL #1	NEWTON	10.0	COLUMBIA GAS TRANSMI
8127043		3411925301	103	CHRISTAIN HECKEL #2	NEWTON	10.0	COLUMBIA GAS TRANSMI
8127043		3411925301	107	CHRISTAIN HECKEL #2	NEWTON	10.0	COLUMBIA GAS TRANSMI
8127031		3411925056	103	EARL WINN #1	BRUSH CREEK	12.0	NATIONAL GAS & OIL C
8127031		3411925056	107	EARL WINN #1	BRUSH CREEK	12.0	NATIONAL GAS & OIL C
8127030		3411925055	103	EARL WINN #2	BRUSH CREEK	12.0	NATIONAL GAS & OIL C
8127030		3411925055	107	EARL WINN #2	BRUSH CREEK	12.0	NATIONAL GAS & OIL C
8127064		3411925452	103	FRED GUTRIDGE #1	HOPEWELL	10.0	NATIONAL GAS & OIL C
8127064		3411925452	107	FRED GUTRIDGE #1	HOPEWELL	10.0	NATIONAL GAS & OIL C
8126996		3411924804	103	FRED LENHART #1	HOPEWELL	8.0	NATIONAL GAS & OIL C
8126996		3411924804	107	FRED LENHART #1	HOPEWELL	8.0	NATIONAL GAS & OIL C
8127094		3412724860	103	GAZEL TOKIE #2	SALT LICK	10.0	COLUMBIA GAS TRANSMI
8127094		3412724860	107	GAZEL TOKIE #2	SALT LICK	10.0	COLUMBIA GAS TRANSMI

JOB NO	JA KT	API NO	SEC &	WELL NAME	FIELD NAME	PROD	PURCHASER
8127095		3412724861	103	GAZEL TOKIE #3	SALT LICK	10.0	COLUMBIA GAS TRANSMI
8127095		3412724861	107	GAZEL TOKIE #3	SALT LICK	10.0	COLUMBIA GAS TRANSMI
8127057		3411925422	103	HAROLD BLAKE #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127057		3411925422	107	HAROLD BLAKE #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127024		3411925028	103	HENRY JAMES #1	SPRINGFIELD	12.0	NATIONAL GAS & OIL C
8127024		3411925028	107	HENRY JAMES #1	SPRINGFIELD	12.0	NATIONAL GAS & OIL C
8127018		3411925022	103	HERMAN SOLLER #1	WAYNE	12.0	NATIONAL GAS & OIL C
8127018		3411925022	107	HERMAN SOLLER #1	WAYNE	12.0	NATIONAL GAS & OIL C
8127045		3411925303	103	JAMES ECK #3	SALT CREEK	10.0	NATIONAL GAS & OIL C
8127045		3411925303	107	JAMES ECK #3	SALT CREEK	10.0	NATIONAL GAS & OIL C
8127090		3412724524	103	KERMIT HOPE #1	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127090		3412724524	107	KERMIT HOPE #1	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127026		3411925030	103	LEO ROBERTS #1	HOPEWELL	10.0	NATIONAL GAS & OIL C
8127026		3411925030	107	LEO ROBERTS #1	HOPEWELL	10.0	NATIONAL GAS & OIL C
8127025		3411925029	103	LEO ROBERTS #2	HOPEWELL	10.0	NATIONAL GAS & OIL C
8127025		3411925029	107	LEO ROBERTS #2	HOPEWELL	10.0	NATIONAL GAS & OIL C
8127019		3411925023	103	LOREN CAMP #1	WASHINGTON	12.0	COLUMBIA GAS TRANSMI
8127019		3411925023	107	LOREN CAMP #1	WASHINGTON	12.0	COLUMBIA GAS TRANSMI
8127020		3411925024	103	LOREN CAMP #2	WASHINGTON	12.0	COLUMBIA GAS TRANSMI
8127020		3411925024	107	LOREN CAMP #2	WASHINGTON	12.0	COLUMBIA GAS TRANSMI
8127049		3411925349	103	MARY AND RICHARD LEASURE #2	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127049		3411925349	107	MARY AND RICHARD LEASURE #2	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127058		3411925423	103	MCHUGH #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127058		3411925423	107	MCHUGH #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127059		3411925425	103	MCHUGH #3	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127059		3411925425	107	MCHUGH #3	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127078		3412724470	103	MYRTLE SPERGIN #1	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127078		3412724470	107	MYRTLE SPERGIN #1	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127079		3412724471	103	MYRTLE SPERGIN #2	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127079		3412724471	107	MYRTLE SPERGIN #2	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127080		3412724472	103	MYRTLE SPERGIN #3	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127080		3412724472	107	MYRTLE SPERGIN #3	SALT LICK	12.0	COLUMBIA GAS TRANSMI
8127047		3411925306	103	ORVILLE MILLER #1	WAYNE	10.0	NATIONAL GAS & OIL C
8127047		3411925306	107	ORVILLE MILLER #1	WAYNE	10.0	NATIONAL GAS & OIL C
8127089		3412724522	103	RICHARD HOUK #1	MONROE	12.0	COLUMBIA GAS TRANSMI
8127089		3412724522	107	RICHARD HOUK #1	MONROE	12.0	COLUMBIA GAS TRANSMI
8127096		3412724864	103	RICHARD HOUK #2	MONROE	10.0	COLUMBIA GAS TRANSMI
8127096		3412724864	107	RICHARD HOUK #2	MONROE	10.0	COLUMBIA GAS TRANSMI
8127022		3411925026	103	TIMOTHY KIMPLE #1	NEWTON	10.0	COLUMBIA GAS TRANSMI
8127022		3411925026	107	TIMOTHY KIMPLE #1	NEWTON	10.0	COLUMBIA GAS TRANSMI
8127021		3411925025	103	TIMOTHY KIMPLE #2	NEWTON	10.0	COLUMBIA GAS TRANSMI
8127021		3411925025	107	TIMOTHY KIMPLE #2	NEWTON	10.0	COLUMBIA GAS TRANSMI
8127023		3411925027	103	TIMOTHY KIMPLE #3	NEWTON	12.0	COLUMBIA GAS TRANSMI
8127023		3411925027	107	TIMOTHY KIMPLE #3	NEWTON	12.0	COLUMBIA GAS TRANSMI
8127083		3412724515	103	WALTER PETTET #3	PLEASANT	10.0	COLUMBIA GAS TRANSMI
8127083		3412724515	107	WALTER PETTET #3	PLEASANT	10.0	COLUMBIA GAS TRANSMI
8127082		3412724514	103	WALTER PETTET #4	PLEASANT	10.0	COLUMBIA GAS TRANSMI
8127082		3412724514	107	WALTER PETTET #4	PLEASANT	10.0	COLUMBIA GAS TRANSMI
8127084		3412724516	103	WALTER PETTET #5	PLEASANT	12.0	COLUMBIA GAS TRANSMI
8127084		3412724516	107	WALTER PETTET #5	PLEASANT	12.0	COLUMBIA GAS TRANSMI
8127085		3412724517	103	WALTER PETTET #6	PLEASANT	10.0	COLUMBIA GAS TRANSMI
8127085		3412724517	107	WALTER PETTET #6	PLEASANT	10.0	COLUMBIA GAS TRANSMI
8127046		3411925305	103	WANDA HARRIS #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127046		3411925305	107	WANDA HARRIS #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C

JOB NO	JA KT	API NO	SEC &	WELL NAME	FIELD NAME	PROD	PURCHASER
8127048		3411925304	103	WILLIAM HARRIS #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127048		3411925304	107	WILLIAM HARRIS #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127027		3411925031	103	WILLIAM HARRIS #2	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127027		3411925031	107	WILLIAM HARRIS #2	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127028		3411925032	103	WILLIAM HARRIS #3	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127028		3411925032	107	WILLIAM HARRIS #3	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127029		3411925033	103	WILLIAM HARRIS #4	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127029		3411925033	107	WILLIAM HARRIS #4	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127030		3411925034	103	WILLIAM HARRIS #5	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127030		3411925034	107	WILLIAM HARRIS #5	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127031		3411925035	103	WILLIAM HARRIS #6	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127031		3411925035	107	WILLIAM HARRIS #6	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127032		3411925036	103	WILLIAM HARRIS #7	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127032		3411925036	107	WILLIAM HARRIS #7	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127033		3411925037	103	WILLIAM HARRIS #8	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127033		3411925037	107	WILLIAM HARRIS #8	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127034		3411925038	103	WILLIAM HARRIS #9	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127034		3411925038	107	WILLIAM HARRIS #9	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127035		3411925039	103	WILLIAM HARRIS #10	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127035		3411925039	107	WILLIAM HARRIS #10	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127036		3411925040	103	WILLIAM HARRIS #11	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127036		3411925040	107	WILLIAM HARRIS #11	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127037		3411925041	103	WILLIAM HARRIS #12	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127037		3411925041	107	WILLIAM HARRIS #12	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127038		3411925042	103	WILLIAM HARRIS #13	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127038		3411925042	107	WILLIAM HARRIS #13	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127039		3411925043	103	WILLIAM HARRIS #14	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127039		3411925043	107	WILLIAM HARRIS #14	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127040		3411925044	103	WILLIAM HARRIS #15	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127040		3411925044	107	WILLIAM HARRIS #15	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127041		3411925045	103	WILLIAM HARRIS #16	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127041		3411925045	107	WILLIAM HARRIS #16	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127042		3411925046	103	WILLIAM HARRIS #17	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127042		3411925046	107	WILLIAM HARRIS #17	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127043		3411925047	103	WILLIAM HARRIS #18	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127043		3411925047	107	WILLIAM HARRIS #18	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127044		3411925048	103	WILLIAM HARRIS #19	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127044		3411925048	107	WILLIAM HARRIS #19	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127050		3411925424	103	WILLIAM HARRIS #20	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127050		3411925424	107	WILLIAM HARRIS #20	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127051		3411925426	103	WILLIAM HARRIS #21	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127051		3411925426	107	WILLIAM HARRIS #21	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127052		3411925427	103	WILLIAM HARRIS #22	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127052		3411925427	107	WILLIAM HARRIS #22	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127053		3411925428	103	WILLIAM HARRIS #23	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127053		3411925428	107	WILLIAM HARRIS #23	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127054		3411925429	103	WILLIAM HARRIS #24	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127054		3411925429	107	WILLIAM HARRIS #24	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127055		3411925430	103	WILLIAM HARRIS #25	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127055		3411925430	107	WILLIAM HARRIS #25	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127056		3411925431	103	WILLIAM HARRIS #26	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127056		3411925431	107	WILLIAM HARRIS #26	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127060		3411925432	103	WILLIAM HARRIS #27	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127060		3411925432	107	WILLIAM HARRIS #27	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127061		3411925433	103	WILLIAM HARRIS #28	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127061		3411925433	107	WILLIAM HARRIS #28	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127062		3411925434	103	WILLIAM HARRIS #29	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127062		3411925434	107	WILLIAM HARRIS #29	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127063		3411925435	103	WILLIAM HARRIS #30	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127063		3411925435	107	WILLIAM HARRIS #30	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127064		3411925436	103	WILLIAM HARRIS #31	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127064		3411925436	107	WILLIAM HARRIS #31	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127065		3411925437	103	WILLIAM HARRIS #32	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127065		3411925437	107	WILLIAM HARRIS #32	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127066		3411925438	103	WILLIAM HARRIS #33	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127066		3411925438	107	WILLIAM HARRIS #33	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127067		3411925439	103	WILLIAM HARRIS #34	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127067		3411925439	107	WILLIAM HARRIS #34	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127068		3411925440	103	WILLIAM HARRIS #35	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127068		3411925440	107	WILLIAM HARRIS #35	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127069		3411925441	103	WILLIAM HARRIS #36	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127069		3411925441	107	WILLIAM HARRIS #36	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127070		3411925442	103	WILLIAM HARRIS #37	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127070		3411925442	107	WILLIAM HARRIS #37	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127071		3411925443	103	WILLIAM HARRIS #38	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127071		3411925443	107	WILLIAM HARRIS #38	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127072		3411925444	103	WILLIAM HARRIS #39	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127072		3411925444	107	WILLIAM HARRIS #39	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127073		3411925445	103	WILLIAM HARRIS #40	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127073		3411925445	107	WILLIAM HARRIS #40	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127074		3411925446	103	WILLIAM HARRIS #41	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127074		3411925446	107	WILLIAM HARRIS #41	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127075		3411925447	103	WILLIAM HARRIS #42	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127075		3411925447	107	WILLIAM HARRIS #42	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127076		3411925448	103	WILLIAM HARRIS #43	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127076		3411925448	107	WILLIAM HARRIS #43	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127077		3411925449	103	WILLIAM HARRIS #44	SPRINGFIELD	10.0	NATIONAL GAS & OIL C
8127077		3411925449	107	WILLIAM HARRIS #44	SPRINGFIELD	10.0	NATIONAL GAS & OIL C

JD NO	DA RT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127052		3411925402	103		WILLIAM W MILL #1	SPRINGFIELD	10.8	NATIONAL GAS & OIL C
8127052		3411925402	107		WILLIAM W MILL #1	SPRINGFIELD	10.8	NATIONAL GAS & OIL C
-JANCO LTD PART 80-6			RECEIVED: 04/23/81 JA: OH					
8126918		3405520310	103		#1 BLAINE KAUFMAN ET AL	BURTON	650.8	EAST OHIO GAS CO
8126918		3405520310	107		#1 BLAINE KAUFMAN ET AL	BURTON	650.8	EAST OHIO GAS CO
8126919		3405520313	103		#2 BLAINE KAUFMAN ET AL	BURTON	650.8	EAST OHIO GAS CO
8126919		3405520313	107		#2 BLAINE KAUFMAN ET AL	BURTON	650.8	EAST OHIO GAS CO
-JOHN C MASON			RECEIVED: 04/23/81 JA: OH					
8126912		3403123866	103		JOHN MASON ETAL #1	CLARK	12.8	NATIONAL GAS CO
8126912		3403123866	107		JOHN MASON ETAL #1	CLARK	12.8	NATIONAL GAS CO
8126917		3403123988	103		JOHN MASON ETAL #2	CLARK	15.8	NATIONAL GAS CO
8126917		3403123988	107		JOHN MASON ETAL #2	CLARK	15.8	NATIONAL GAS CO
-KIMBELL PRODUCTION CO			RECEIVED: 04/23/81 JA: OH					
8126913		3403123908	103		DAUGHERTY #1	MILL CREEK	28.8	
8126913		3403123908	107		DAUGHERTY #1	MILL CREEK	28.8	
8126907		3403123586	103		KASER	MILL CREEK	28.8	
8126907		3403123586	107		KASER	MILL CREEK	28.8	
-L & M OPERATING INC			RECEIVED: 04/23/81 JA: OH					
8127091		3412724730	103		JOE M HUTT #1	READING	12.8	FORAKER GAS CO INC
8127091		3412724730	107		JOE M HUTT #1	READING	12.8	FORAKER GAS CO INC
-LANZER OIL CO			RECEIVED: 04/23/81 JA: OH					
8126964		3409921301	103		HAWKINS #1	SMITH	28.8	
8126964		3409921301	107		HAWKINS #1	SMITH	28.8	
8126899		3402920811	103		HOFER #1	KNOX	28.8	
8126899		3402920811	107		HOFER #1	KNOX	28.8	
8126896		3402920613	103		KANDEL #1	KNOX	28.8	
8126896		3402920613	107		KANDEL #1	KNOX	28.8	
8126965		3409921306	103		ROGERS- BAYLESS #1	SMITH	28.8	
8126965		3409921306	107		ROGERS- BAYLESS #1	SMITH	28.8	
8126902		3402902895	103		WALBORN #1	KNOX	28.8	
8126902		3402902895	107		WALBORN #1	KNOX	28.8	
-LOMAK PETROLEUM INC			RECEIVED: 04/23/81 JA: OH					
8127154		3415123143	103		J SMUCKER #1	TUSCARAWAS	20.8	COLUMBIA GAS TRANS C
8127154		3415123143	107		J SMUCKER #1	TUSCARAWAS	20.8	COLUMBIA GAS TRANS C
-MB OPERATING CO INC			RECEIVED: 04/23/81 JA: OH					
8127112		3415123015	103		B&M ROTTMAN U #1	TUSCARAWAS	73.2	REPUBLIC STEEL CORP
8127112		3415123015	107		B&M ROTTMAN U #1	TUSCARAWAS	73.2	REPUBLIC STEEL CORP
8127122		3415123068	103		BIXLER UNIT #1-A	BETHLEHEM	65.9	REPUBLIC STEEL CORP
8127122		3415123068	107		BIXLER UNIT #1-A	BETHLEHEM	65.9	REPUBLIC STEEL CORP
8127118		3415123050	103		C ROSE #1	SANDY	31.1	REPUBLIC STEEL CORP
8127118		3415123050	107		C ROSE #1	SANDY	31.1	REPUBLIC STEEL CORP
8127190		3415723376	103		EBERHART COAL INC U #1	LAWRENCE	32.9	REPUBLIC STEEL CORP
8127190		3415723376	107		EBERHART COAL INC U #1	LAWRENCE	32.9	REPUBLIC STEEL CORP
8127187		3415723289	103		ELIZ MARKLEY ESTATE #8	SANDY	12.8	REPUBLIC STEEL CORP
8127187		3415723289	107		ELIZ MARKLEY ESTATE #8	SANDY	12.8	REPUBLIC STEEL CORP
8127113		3415123019	103		H FIERSTOS #2	BETHLEHEM	43.9	REPUBLIC STEEL CORP
8127113		3415123019	107		H FIERSTOS #2	BETHLEHEM	43.9	REPUBLIC STEEL CORP
8127191		3415723377	103		HEID UNIT #1	LAWRENCE	128.1	REPUBLIC STEEL CORP
8127191		3415723377	107		HEID UNIT #1	LAWRENCE	128.1	REPUBLIC STEEL CORP
8127198		3415723432	103		HELWIG #1	DOVER	14.6	REPUBLIC STEEL CORP
8127198		3415723432	107		HELWIG #1	DOVER	14.6	REPUBLIC STEEL CORP
8127193		3415723379	103		J & C SEAMON #1	DOVER	11.8	REPUBLIC STEEL CORP
8127193		3415723379	107		J & C SEAMON #1	DOVER	11.8	REPUBLIC STEEL CORP

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JO NO	JA KT	API NO	SEC D	WELL NAME
8127116		3415123040	103	MEHAFFIE #1
8127116		3415123040	107	MEHAFFIE #1
8127192		3415723378	103	NOTZ UNIT #1
8127192		3415723378	107	NOTZ UNIT #1
8127195		3415723421	103	R & D NEWTON UNIT #1
8127195		3415723421	107	R & D NEWTON UNIT #1
8127189		3415723375	103	T & F FELGENHAUER U #1
8127189		3415723375	107	T & F FELGENHAUER U #1
8127194		3415723386	103	WEIGAND UNIT #1
8127194		3415723386	107	WEIGAND UNIT #1
8127188		3415723352	103	WINDSOR UNIT #2
8127188		3415723352	107	WINDSOR UNIT #2
-MINUTEMAN EXPLORATION COMPANY			RECEIVED:	04/23/81 JAS OH
8126987		3411521897	103	ELOISE MAUTZ #3
8126987		3411521897	107	ELOISE MAUTZ #3
8126989		3411521915	103	ELOISE MAUTZ #4
8126989		3411521915	107	ELOISE MAUTZ #4
8126986		3411521850	103	G L & F M FOX #2
8126986		3411521850	107	G L & F M FOX #2
8126985		3411521841	103	T D & V M ROBERTS #4
8126985		3411521841	107	T D & V M ROBERTS #4
-NEW FRONTIER EXPLORATION INC			RECEIVED:	04/23/81 JAS OH
8127126		3415123188	103	ARVINE WOLF UNIT #1
8127126		3415123188	107	ARVINE WOLF UNIT #1
8126920		3405922435	103	B BLAINE LOWE #1
8126920		3405922435	107	B BLAINE LOWE #1
8126925		3405922500	103	B BLAINE LOWE #2
8126925		3405922500	107	B BLAINE LOWE #2
8127196		3415723423	103	BILLY HOFFMAN #1
8127196		3415723423	107	BILLY HOFFMAN #1
8127128		3415123193	103	BRUCKNER-CRUM UNIT #1
8127128		3415123193	107	BRUCKNER-CRUM UNIT #1
8127197		3415723426	103	DALLAS CLARKE #1
8127197		3415723426	107	DALLAS CLARKE #1
8127107		3413322170	103	DONALD MONTGOMERY #1
8127107		3413322170	107	DONALD MONTGOMERY #1
8127109		3413322388	103	DONALD MONTGOMERY #2
8127109		3413322388	107	DONALD MONTGOMERY #2
8126947		3406720352	103	EDIE-RUTH UNIT #1
8126947		3406720352	107	EDIE-RUTH UNIT #1
8127137		3415123399	103	F HENRY #1
8127137		3415123399	107	F HENRY #1
8127136		3415123398	103	F HENRY #2
8127136		3415123398	107	F HENRY #2
8127141		3415123407	103	F HENRY #3
8127141		3415123407	107	F HENRY #3
8127135		3415123369	103	FRED TABACCHI #2
8127135		3415123369	107	FRED TABACCHI #2
8126943		3405922759	103	FRED UMSTOTT #1
8126943		3405922759	107	FRED UMSTOTT #1
8126944		3405922760	103	FRED UMSTOTT #2
8126944		3405922760	107	FRED UMSTOTT #2
8127110		3415122926	103	GRIMES-GANSLEIN UNIT #1
8127110		3415122926	107	GRIMES-GANSLEIN UNIT #1

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FIELD NAME	PROD	PURCHASER
PLAIN	40.3	REPUBLIC STEEL CORP
PLAIN	40.3	REPUBLIC STEEL CORP
LAWRENCE	14.6	REPUBLIC STEEL CORP
LAWRENCE	14.6	REPUBLIC STEEL CORP
FAIRFIELD	14.6	REPUBLIC STEEL CORP
FAIRFIELD	14.6	REPUBLIC STEEL CORP
WARREN	18.3	REPUBLIC STEEL CORP
WARREN	18.3	REPUBLIC STEEL CORP
DOVER	27.5	REPUBLIC STEEL CORP
DOVER	27.5	REPUBLIC STEEL CORP
WARREN	25.6	REPUBLIC STEEL CORP
WARREN	25.6	REPUBLIC STEEL CORP
BLOOM	2.2	EAST OHIO GAS CO
BLOOM	2.2	EAST OHIO GAS CO
BLOOM	5.1	EAST OHIO GAS CO
BLOOM	5.1	EAST OHIO GAS CO
BLOOM	2.2	EAST OHIO GAS CO
BLOOM	2.2	EAST OHIO GAS CO
BLOOM	2.2	EAST OHIO GAS CO
BLOOM	2.2	EAST OHIO GAS CO
BETHLEHEM	40.0	BARTLO OIL & GAS CO
BETHLEHEM	40.0	BARTLO OIL & GAS CO
LIBERTY	26.0	EAST OHIO GAS CO
LIBERTY	26.0	EAST OHIO GAS CO
LIBERTY	40.0	EAST OHIO GAS CO
LIBERTY	40.0	EAST OHIO GAS CO
JEFFERSON	12.0	EAST OHIO GAS CO
JEFFERSON	12.0	EAST OHIO GAS CO
NIMISHILLEN	32.0	
NIMISHILLEN	32.0	
RUSH	28.0	EAST OHIO GAS CO
RUSH	28.0	EAST OHIO GAS CO
DEERFIELD	34.0	BARTLO OIL & GAS CO
DEERFIELD	34.0	BARTLO OIL & GAS CO
DEERFIELD	33.0	
DEERFIELD	33.0	
MONROE	29.0	
MONROE	29.0	
WASHINGTON	28.0	
WASHINGTON	28.0	
WASHINGTON	32.0	
WASHINGTON	32.0	
WASHINGTON	32.0	
WASHINGTON	32.0	
NIMISHILLEN	32.0	
NIMISHILLEN	32.0	
LIBERTY	38.0	BARTLO OIL & GAS CO
LIBERTY	38.0	BARTLO OIL & GAS CO
LIBERTY	35.0	BARTLO OIL & GAS CO
LIBERTY	35.0	BARTLO OIL & GAS CO
WASHINGTON	26.0	COLUMBIA GAS OF OHIO
WASHINGTON	26.0	COLUMBIA GAS OF OHIO

JO NO	JA KT	API NO	SEC D	WELL NAME
8126897		3402920743	103	H PETERSON #1

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FIELD NAME	PROD	PURCHASER
WEST	27.0	

JO NO	JA DKT	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8126897		3402920743	103	H PETERSON #1	WEST	27.0	
8126897		3402920743	107	H PETERSON #1	WEST	27.0	
8126901		3402920814	103	J LAPP #1	WEST	32.0	
8126901		3402920814	107	J LAPP #1	WEST	32.0	
8126900		3402920812	103	J MILTON #1	WEST	27.0	
8126900		3402920812	107	J MILTON #1	WEST	27.0	
8126948		3406720400	103	J PALMER #1	MONROE	28.0	
8126948		3406720400	107	J PALMER #1	MONROE	28.0	
8126949		3406720401	103	J PALMER #2	MONROE	28.0	
8126949		3406720401	107	J PALMER #2	MONROE	28.0	
8127208		3415723466	103	JAMES FISHER #1	LAWRENCE	28.0	AMERICAN ENERGY SERV
8127208		3415723466	107	JAMES FISHER #1	LAWRENCE	28.0	AMERICAN ENERGY SERV
8127199		3415723464	103	LELAND COPE #1	LAWRENCE	30.0	AMERICAN ENERGY SERV
8127199		3415723464	107	LELAND COPE #1	LAWRENCE	30.0	AMERICAN ENERGY SERV
8126934		3405922638	103	LOUIS LINCH #1	CENTER	28.0	
8126934		3405922638	107	LOUIS LINCH #1	CENTER	28.0	
8127129		3415123215	103	MICHAEL BRUCKNER #1	NIMISHILLEN	29.0	
8127129		3415123215	107	MICHAEL BRUCKNER #1	NIMISHILLEN	29.0	
8127099		3413322057	103	MURPHY #1	DEERFIELD	35.0	EAST OHIO GAS CO
8127099		3413322057	107	MURPHY #1	DEERFIELD	35.0	EAST OHIO GAS CO
8127104		3413322084	103	MURPHY-BOIVIN UNIT #1	DEERFIELD	34.0	EAST OHIO GAS CO
8127104		3413322084	107	MURPHY-BOIVIN UNIT #1	DEERFIELD	34.0	EAST OHIO GAS CO
8127106		3413322134	103	MURPHY-BOIVIN UNIT #2	DEERFIELD	32.0	BARTLO OIL & GAS CO
8127106		3413322134	107	MURPHY-BOIVIN UNIT #2	DEERFIELD	32.0	BARTLO OIL & GAS CO
8127105		3413322133	103	MURPHY-WALTZ UNIT #1	DEERFIELD	25.0	BARTLO OIL & GAS CO
8127105		3413322133	107	MURPHY-WALTZ UNIT #1	DEERFIELD	25.0	BARTLO OIL & GAS CO
8127127		3415123192	103	PYLE-SWIFT UNIT #1	WASHINGTON	30.0	
8127127		3415123192	107	PYLE-SWIFT UNIT #1	WASHINGTON	30.0	
8126923		3405922476	103	R L SHEPHERD #1	LIBERTY	22.0	EAST OHIO GAS CO
8126923		3405922476	107	R L SHEPHERD #1	LIBERTY	22.0	EAST OHIO GAS CO
8127097		3413321226	103	ROSS-MONTGOMERY UNIT #1	DEERFIELD	30.0	BARTLO OIL & GAS CO
8127097		3413321226	107	ROSS-MONTGOMERY UNIT #1	DEERFIELD	30.0	BARTLO OIL & GAS CO
8127111		3415122968	103	RUSSELL PARRISH #1	WASHINGTON	24.0	COLUMBIA GAS OF OHIO
8127111		3415122968	107	RUSSELL PARRISH #1	WASHINGTON	24.0	COLUMBIA GAS OF OHIO
8127103		3413322072	103	S R S UNIT #1	DEERFIELD	30.0	EAST OHIO GAS CO
8127103		3413322072	107	S R S UNIT #1	DEERFIELD	30.0	EAST OHIO GAS CO
8127100		3413322069	103	S R S UNIT #2	DEERFIELD	35.0	EAST OHIO GAS CO
8127100		3413322069	107	S R S UNIT #2	DEERFIELD	35.0	EAST OHIO GAS CO
8127101		3413322070	103	S R S UNIT #3	DEERFIELD	32.0	BARTLO OIL & GAS CO
8127101		3413322070	107	S R S UNIT #3	DEERFIELD	32.0	BARTLO OIL & GAS CO
8127102		3413322071	103	S R S UNIT #4	DEERFIELD	35.0	BARTLO OIL & GAS CO
8127102		3413322071	107	S R S UNIT #4	DEERFIELD	35.0	BARTLO OIL & GAS CO
8126898		3402920804	103	SIMEON TIBREA #1	WEST	22.0	
8126898		3402920804	107	SIMEON TIBREA #1	WEST	22.0	
8126928		3405922564	103	WILLIAM ENOS #1	LIBERTY	28.0	
8126928		3405922564	107	WILLIAM ENOS #1	LIBERTY	28.0	
8126927		3405922563	103	WILLIAM ENOS #2	LIBERTY	34.0	
8126927		3405922563	107	WILLIAM ENOS #2	LIBERTY	34.0	
8126946		3405922797	103	WILLIAM ENOS #3	LIBERTY	26.0	
8126946		3405922797	107	WILLIAM ENOS #3	LIBERTY	26.0	
-OHIO NATURAL FUEL CO				RECEIVED: 04/23/81 JA: OH			
8126904		3403122926	103	CRIDER #1	CLARK	14.0	COLUMBIA GAS TRANSMI
8126904		3403122926	107	CRIDER #1	CLARK	14.0	COLUMBIA GAS TRANSMI

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JO NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER	
8126967		3410322181	103		DOROTHY MILLER #1	LIVERPOOL	7.0	COLUMBIA GAS TRANSMI	
8126967		3410322181	107		DOROTHY MILLER #1	LIVERPOOL	7.0	COLUMBIA GAS TRANSMI	
8127155		3416922095	103		HODGEN #1	PLAIN	2.0	COLUMBIA GAS TRANSMI	
8127155		3416922095	107		HODGEN #1	PLAIN	2.0	COLUMBIA GAS TRANSMI	
8126915		3403123861	103		MACKENZIE #1	BETHLEHEM	20.0	COLUMBIA GAS TRANSMI	
8126915		3403123861	107		MACKENZIE #1	BETHLEHEM	20.0	COLUMBIA GAS TRANSMI	
8126916		3403123862	103		MACKENZIE #2	BETHLEHEM	20.0	COLUMBIA GAS TRANSMI	
8126916		3403123862	107		MACKENZIE #2	BETHLEHEM	20.0	COLUMBIA GAS TRANSMI	
8126966		3410322127	103		MASTNEY #1	LIVERPOOL	7.0	COLUMBIA GAS TRANSMI	
8126966		3410322127	107		MASTNEY #1	LIVERPOOL	7.0	COLUMBIA GAS TRANSMI	
8127157		3416922345	103		MEDICK #4	CHESTER	30.0	COLUMBIA GAS TRANSMI	
8127157		3416922345	107		MEDICK #4	CHESTER	30.0	COLUMBIA GAS TRANSMI	
-OHIO PARTNERS OIL CO					RECEIVED: 04/23/81 JA: OH				
8127040		3411925294	103		#1-80A KEFFER	HOPEWELL	50.0	NEWZANE GAS CO	
8127040		3411925294	107		#1-80A KEFFER	HOPEWELL	50.0	NEWZANE GAS CO	
-OXFORD OIL CO					RECEIVED: 04/23/81 JA: OH				
8126910		3403123684	103		C ASHCRAFT OR RUSSELL #1-C	BEDFORD	10.0	NATIONAL GAS & OIL	C
8126910		3403123684	107		C ASHCRAFT OR RUSSELL #1-C	BEDFORD	10.0	NATIONAL GAS & OIL	C
8126914		3403123837	103		CHARLES SELDERS #1	BEDFORD	10.0	NATIONAL GAS & OIL	
8126914		3403123837	107		CHARLES SELDERS #1	BEDFORD	10.0	NATIONAL GAS & OIL	
8127038	OX-3721	3411925270	103		DONALD MINA #1	NEWTON	10.0	NATIONAL GAS & OIL	
8127038	OX-3721	3411925270	107		DONALD MINA #1	NEWTON	10.0	NATIONAL GAS & OIL	
8127036	OX-3722	3411925243	103		EDGAR MINA #1	NEWTON	12.0	NATIONAL GAS & OIL	
8127036	OX-3722	3411925243	107		EDGAR MINA #1	NEWTON	12.0	NATIONAL GAS & OIL	
8126909		3403123609	103		FIVE SPRINGS FARM #2	BEDFORD	10.0	NATIONAL GAS & OIL	C
8126909		3403123609	107		FIVE SPRINGS FARM #2	BEDFORD	10.0	NATIONAL GAS & OIL	C
8127004		3411924901	103		FLOYD ANDERSON #1	CLAY	10.0	NATIONAL GAS & OIL	C
8127004		3411924901	107		FLOYD ANDERSON #1	CLAY	10.0	NATIONAL GAS & OIL	C
8127034		3411925196	103		FRED HARDESTY #2	UNION	10.0	COLUMBIA GAS TRANS	
8127034		3411925196	107		FRED HARDESTY #2	UNION	10.0	COLUMBIA GAS TRANS	
8127037	OX-3572	3411925244	103		GLEN WATERS #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL	
8127037	OX-3572	3411925244	107		GLEN WATERS #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL	
8127039	OX-3817	3411925280	103		HERBERT BEARDSLEY #1	UNION	12.0	COLUMBIA GAS TRANS	
8127039	OX-3817	3411925280	107		HERBERT BEARDSLEY #1	UNION	12.0	COLUMBIA GAS TRANS	
8126903		3403122382	103		HILTON EPPLEY #1	CLARK	12.0	COLUMBIA GAS TRANS	
8126903		3403122382	107		HILTON EPPLEY #1	CLARK	12.0	COLUMBIA GAS TRANS	
8126988		3411522206	103		J KOMAROMY #1-A	YORK	10.0	COLUMBIA GAS TRANS	
8126988		3411522206	107		J KOMAROMY #1-A	YORK	10.0	COLUMBIA GAS TRANS	
8126908		3403123597	103		JOHN GRAHAM #4	VIRGINIA	10.0	NATIONAL GAS & OIL	C
8126908		3403123597	107		JOHN GRAHAM #4	VIRGINIA	10.0	NATIONAL GAS & OIL	C
8127005		3411924902	103		KINKADE-SWINGLE UNIT #2	WAYNE	9.0	NATIONAL GAS & OIL	C
8127005		3411924902	107		KINKADE-SWINGLE UNIT #2	WAYNE	9.0	NATIONAL GAS & OIL	C
8127002		3411924875	103		LOREN REED #1	PERRY	10.0	COLUMBIA GAS TRANS	
8127002		3411924875	107		LOREN REED #1	PERRY	10.0	COLUMBIA GAS TRANS	
8126990		3411923978	103		MELVIN DUTCHER #2	CLAY	10.0	NATIONAL GAS & OIL	C
8126990		3411923978	107		MELVIN DUTCHER #2	CLAY	10.0	NATIONAL GAS & OIL	C
8126994		3411924272	103		MURPHY FARM #2	PERRY	12.0	COLUMBIA GAS TRANS	C
8126994		3411924272	107		MURPHY FARM #2	PERRY	12.0	COLUMBIA GAS TRANS	C
8126906		3403123552	103		PAUL ROBINSON #1	BETHLEHEM	11.0	COLUMBIA GAS TRANS	
8126906		3403123552	107		PAUL ROBINSON #1	BETHLEHEM	11.0	COLUMBIA GAS TRANS	
8126992		3411924262	103		RICHARD WATSON #4	PERRY	9.0	COLUMBIA GAS TRANS	
8126992		3411924262	107		RICHARD WATSON #4	PERRY	9.0	COLUMBIA GAS TRANS	

JO NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER	
8127033		3411925195	103		RUSSELL #1	UNION	10.0	COLUMBIA GAS TRANS	
8127033		3411925195	107		RUSSELL #1	UNION	10.0	COLUMBIA GAS TRANS	
8126911		3403123685	103		SAMUEL MCCLELLAND #1	BEDFORD	10.0	NATIONAL GAS & OIL	C
8126911		3403123685	107		SAMUEL MCCLELLAND #1	BEDFORD	10.0	NATIONAL GAS & OIL	C
8126913		3403123836	103		SAMUEL MCCLELLAND #2	BEDFORD	10.0	NATIONAL GAS & OIL	
8126913		3403123836	107		SAMUEL MCCLELLAND #2	BEDFORD	10.0	NATIONAL GAS & OIL	
8126912		3403123835	103		SAMUEL MCCLELLAND #3	BEDFORD	10.0	NATIONAL GAS & OIL	
8126912		3403123835	107		SAMUEL MCCLELLAND #3	BEDFORD	10.0	NATIONAL GAS & OIL	
8126907		3403123598	103		SAMUEL MCCLELLAND #4	BEDFORD	10.0	NATIONAL GAS & OIL	C
8126907		3403123598	107		SAMUEL MCCLELLAND #4	BEDFORD	10.0	NATIONAL GAS & OIL	C
8126905		3403123551	103		SAMUEL MCCLELLAND #5	BEDFORD	10.0	NATIONAL GAS & OIL	C
8126905		3403123551	107		SAMUEL MCCLELLAND #5	BEDFORD	10.0	NATIONAL GAS & OIL	C
8126904		3403123550	103		SAMUEL MCCLELLAND #6	BEDFORD	10.0	NATIONAL GAS & OIL	C
8126904		3403123550	107		SAMUEL MCCLELLAND #6	BEDFORD	10.0	NATIONAL GAS & OIL	C
8126987		3411522205	103		SAMUEL MCCLELLAND #7	YORK	10.0	COLUMBIA GAS TRANS	
8126987		3411522205	107		SAMUEL MCCLELLAND #7	YORK	10.0	COLUMBIA GAS TRANS	
8126989		3411522207	103		SAMUEL MCCLELLAND #8	YORK	10.0	COLUMBIA GAS TRANS	
8126989		3411522207	107		SAMUEL MCCLELLAND #8	YORK	10.0	COLUMBIA GAS TRANS	
8126993		3411924263	103		SAMUEL MCCLELLAND #9	PERRY	9.0	COLUMBIA GAS TRANS	
8126993		3411924263	107		SAMUEL MCCLELLAND #9	PERRY	9.0	COLUMBIA GAS TRANS	
8126995		3411924273	103		SAMUEL MCCLELLAND #10	PERRY	12.0	COLUMBIA GAS TRANS	C
8126995		3411924273	107		SAMUEL MCCLELLAND #10	PERRY	12.0	COLUMBIA GAS TRANS	C
8126996		3411924274	103		SAMUEL MCCLELLAND #11	PERRY	12.0	COLUMBIA GAS TRANS	C
8126996		3411924274	107		SAMUEL MCCLELLAND #11	PERRY	12.0	COLUMBIA GAS TRANS	C
8126997		3411924275	103		SAMUEL MCCLELLAND #12	PERRY	12.0	COLUMBIA GAS TRANS	C
8126997		3411924275	107		SAMUEL MCCLELLAND #12	PERRY	12.0	COLUMBIA GAS TRANS	C
8126998		3411924276	103		SAMUEL MCCLELLAND #13	PERRY	12.0	COLUMBIA GAS TRANS	C
8126998		3411924276	107		SAMUEL MCCLELLAND #13	PERRY	12.0	COLUMBIA GAS TRANS	C
8126999		3411924277	103		SAMUEL MCCLELLAND #14	PERRY	12.0	COLUMBIA GAS TRANS	C
8126999		3411924277	107		SAMUEL MCCLELLAND #14	PERRY	12.0	COLUMBIA GAS TRANS	C
8127000		3411924278	103		SAMUEL MCCLELLAND #15	PERRY	12.0	COLUMBIA GAS TRANS	C
8127000		3411924278	107		SAMUEL MCCLELLAND #15	PERRY	12.0	COLUMBIA GAS TRANS	C
8127001		3411924279	103		SAMUEL MCCLELLAND #16	PERRY	12.0	COLUMBIA GAS TRANS	C
8127001		3411924279	107		SAMUEL MCCLELLAND #16	PERRY	12.0	COLUMBIA GAS TRANS	C
8126985		3411522203	103		SAMUEL MCCLELLAND #17	YORK	10.0	COLUMBIA GAS TRANS	
8126985		3411522203	107		SAMUEL MCCLELLAND #17	YORK	10.0	COLUMBIA GAS TRANS	
8126986		3411522204	103		SAMUEL MCCLELLAND #18	YORK	10.0	COLUMBIA GAS TRANS	
8126986		3411522204	107		SAMUEL MCCLELLAND #18	YORK	10.0	COLUMBIA GAS TRANS	
8126984		3411522202	103		SAMUEL MCCLELLAND #19	YORK	10.0	COLUMBIA GAS TRANS	
8126984		3411522202	107		SAMUEL MCCLELLAND #19	YORK	10.0	COLUMBIA GAS TRANS	
8126983		3411522201	103		SAMUEL MCCLELLAND #20	YORK	10.0	COLUMBIA GAS TRANS	
8126983		3411522201	107		SAMUEL MCCLELLAND #20	YORK	10.0	COLUMBIA GAS TRANS	
8126982		3411522200	103		SAMUEL MCCLELLAND #21	YORK	10.0	COLUMBIA GAS TRANS	
8126982		3411522200	107		SAMUEL MCCLELLAND #21	YORK	10.0	COLUMBIA GAS TRANS	
8126981		3411522199	103		SAMUEL MCCLELLAND #22	YORK	10.0	COLUMBIA GAS TRANS	
8126981		3411522199	107		SAMUEL MCCLELLAND #22	YORK	10.0	COLUMBIA GAS TRANS	
8126980		3411522198	103		SAMUEL MCCLELLAND #23	YORK	10.0	COLUMBIA GAS TRANS	
8126980		3411522198	107		SAMUEL MCCLELLAND #23	YORK	10.0	COLUMBIA GAS TRANS	
8126979		3411522197	103		SAMUEL MCCLELLAND #24	YORK	10.0	COLUMBIA GAS TRANS	
8126979		3411522197	107		SAMUEL MCCLELLAND #24	YORK	10.0	COLUMBIA GAS TRANS	
8126978		3411522196	103		SAMUEL MCCLELLAND #25	YORK	10.0	COLUMBIA GAS TRANS	
8126978		3411522196	107		SAMUEL MCCLELLAND #25	YORK	10.0	COLUMBIA GAS TRANS	
8126977		3411522195	103		SAMUEL MCCLELLAND #26	YORK	10.0	COLUMBIA GAS TRANS	
8126977		3411522195	107		SAMUEL MCCLELLAND #26	YORK	10.0	COLUMBIA GAS TRANS	
8126976		3411522194	103		SAMUEL MCCLELLAND #27	YORK	10.0	COLUMBIA GAS TRANS	
8126976		3411522194	107		SAMUEL MCCLELLAND #27	YORK	10.0	COLUMBIA GAS TRANS	
8126975		3411522193	103		SAMUEL MCCLELLAND #28	YORK	10.0	COLUMBIA GAS TRANS	
8126975		3411522193	107		SAMUEL MCCLELLAND #28	YORK	10.0	COLUMBIA GAS TRANS	
8126974		3411522192	103		SAMUEL MCCLELLAND #29	YORK	10.0	COLUMBIA GAS TRANS	
8126974		3411522192	107		SAMUEL MCCLELLAND #29	YORK	10.0	COLUMBIA GAS TRANS	
8126973		3411522191	103		SAMUEL MCCLELLAND #30	YORK	10.0	COLUMBIA GAS TRANS	
8126973		3411522191	107		SAMUEL MCCLELLAND #30	YORK	10.0	COLUMBIA GAS TRANS	
8126972		3411522190	103		SAMUEL MCCLELLAND #31	YORK	10.0	COLUMBIA GAS TRANS	
8126972		3411522190	107		SAMUEL MCCLELLAND #31	YORK	10.0	COLUMBIA GAS TRANS	
8126971		3411522189	103		SAMUEL MCCLELLAND #32	YORK	10.0	COLUMBIA GAS TRANS	
8126971		3411522189	107		SAMUEL MCCLELLAND #32	YORK	10.0	COLUMBIA GAS TRANS	
8126970		3411522188	103		SAMUEL MCCLELLAND #33	YORK	10.0	COLUMBIA GAS TRANS	
8126970		3411522188	107		SAMUEL MCCLELLAND #33	YORK	10.0	COLUMBIA GAS TRANS	
8126969		3411522187	103		SAMUEL MCCLELLAND #34	YORK	10.0	COLUMBIA GAS TRANS	
8126969		3411522187	107		SAMUEL MCCLELLAND #34	YORK	10.0	COLUMBIA GAS TRANS	
8126968		3411522186	103		SAMUEL MCCLELLAND #35	YORK	10.0	COLUMBIA GAS TRANS	
8126968		3411522186	107		SAMUEL MCCLELLAND #35	YORK	10.0	COLUMBIA GAS TRANS	
8126965		3411522185	103		SAMUEL MCCLELLAND #36	YORK	10.0	COLUMBIA GAS TRANS	
8126965		3411522185	107		SAMUEL MCCLELLAND #36	YORK	10.0	COLUMBIA GAS TRANS	
8126964		3411522184	103		SAMUEL MCCLELLAND #37	YORK	10.0	COLUMBIA GAS TRANS	
8126964		3411522184	107		SAMUEL MCCLELLAND #37	YORK	10.0	COLUMBIA GAS TRANS	
8126963		3411522183	103		SAMUEL MCCLELLAND #38	YORK	10.0	COLUMBIA GAS TRANS	
8126963		3411522183	107		SAMUEL MCCLELLAND #38	YORK	10.0	COLUMBIA GAS TRANS	
8126962		3411522182	103		SAMUEL MCCLELLAND #39	YORK	10.0	COLUMBIA GAS TRANS	
8126962		3411522182	107		SAMUEL MCCLELLAND #39	YORK	10.0	COLUMBIA GAS TRANS	
8126961		3411522181	103		SAMUEL MCCLELLAND #40	YORK	10.0	COLUMBIA GAS TRANS	
8126961		3411522181	107		SAMUEL MCCLELLAND #40	YORK	10.0	COLUMBIA GAS TRANS	
8126960		3411522180	103		SAMUEL MCCLELLAND #41	YORK	10.0	COLUMBIA GAS TRANS	
8126960		3411522180	107		SAMUEL MCCLELLAND #41	YORK	10.0	COLUMBIA GAS TRANS	
8126959		3411522179	103		SAMUEL MCCLELLAND #42	YORK	10.0	COLUMBIA GAS TRANS	
8126959		3411522179	107		SAMUEL MCCLELLAND #42	YORK	10.0	COLUMBIA GAS TRANS	
8126958		3411522178	103		SAMUEL MCCLELLAND #43	YORK	10.0	COLUMBIA GAS TRANS	
8126958		3411522178	107		SAMUEL MCCLELLAND #43	YORK	10.0	COLUMBIA GAS TRANS	
8126957		3411522177	103		SAMUEL MCCLELLAND #44	YORK	10.0	COLUMBIA GAS TRANS	
8126957		3411522177	107		SAMUEL MCCLELLAND #44	YORK	10.0	COLUMBIA GAS TRANS	
8126956		3411522176	103		SAMUEL MCCLELLAND #45	YORK	10.0	COLUMBIA GAS TRANS	
8126956		3411522176	107		SAMUEL MCCLELLAND #45	YORK	10.0	COLUMBIA GAS TRANS	
8126955		3411522175	103		SAMUEL MCCLELLAND #46	YORK	10.0	COLUMBIA GAS TRANS	
8126955		3411522175	107		SAMUEL MCCLELLAND #46	YORK	10.0	COLUMBIA GAS TRANS	
8126954		3411522174	103		SAMUEL MCCLELLAND #47	YORK	10.0	COLUMBIA GAS TRANS	
8126954		3411522174	107		SAMUEL MCCLELLAND #47	YORK	10.0	COLUMBIA GAS TRANS	
8126953		3411522173	103		SAMUEL MCCLELLAND #48	YORK	10.0	COLUMBIA GAS TRANS	
8126953		3411522173	107		SAMUEL MCCLELLAND #48	YORK	10.0	COLUMBIA GAS TRANS	
8126952		3411522172	103		SAMUEL MCCLELLAND #49	YORK	10.0	COLUMBIA GAS TRANS	
8126952		3411522172	107		SAMUEL MCCLELLAND #49	YORK	10.0	COLUMBIA GAS TRANS	
8126951		3411522171	103		SAMUEL MCCLELLAND #50	YORK	10.0	COLUMBIA GAS TRANS	
8126951		3411522171	107		SAMUEL MCCLELLAND #50	YORK	10.0	COLUMBIA GAS TRANS	
8126950		3411522170	103		SAMUEL MCCLELLAND #51	YORK	10.0	COLUMBIA GAS TRANS	
8126950		3411522170	107		SAMUEL MCCLELLAND #51	YORK	10.0	COLUMBIA GAS TRANS	
8126949		3411522169	103		SAMUEL MCCLELLAND #52	YORK	10.0	COLUMBIA GAS TRANS	
8126949		3411522169	107		SAMUEL MCCLELLAND #52	YORK	10.0	COLUMBIA GAS TRANS	
8126948		3411522168	103		SAMUEL MCCLELLAND #53	YORK	10.0	COLUMBIA GAS TRANS	
8126948		3411522168	107		SAMUEL MCCLELLAND #53	YORK	10.0	COLUMBIA GAS TRANS	
8126947		3411522167	103		SAMUEL MCCLELLAND #54	YORK	10.0	COLUMBIA GAS TRANS	
8126947		3411522167	107		SAMUEL MCCLELLAND #54	YORK	10.0	COLUMBIA GAS TRANS	
8126946		3411522166	103		SAMUEL MCCLELLAND #55	YORK	10.0	COLUMBIA GAS TRANS	
8126946		3411522166	107		SAMUEL MCCLELLAND #55	YORK	10.0	COLUMBIA GAS TRANS	
8126945		3411522165	103		SAMUEL MCCLELLAND #56	YORK	10.0	COLUMBIA GAS TRANS	
8126945		3411522165	107		SAMUEL MCCLELLAND #56	YORK	10.0	COLUMBIA GAS TRANS	
8126944		3411522164	103		SAMUEL MCCLELLAND #57	YORK	10.0	COLUMBIA GAS TRANS	
8126944		3411522164	107		SAMUEL MCCLELLAND #57	YORK	10.0	COLUMBIA GAS TRANS	
8126943		3411522163	103		SAMUEL MCCLELLAND #58	YORK	10.0	COLUMBIA GAS TRANS	
8126943		3411522163	107		SAMUEL MCCLELLAND #58	YORK	10.0	COLUMBIA GAS TRANS	
8126942		3411522162	103		SAMUEL MCCLELLAND #59	YORK	10.0	COLUMBIA GAS TRANS	
8126942		3411522162	107		SAMUEL MCCLELLAND #59	YORK	10.0	COLUMBIA GAS TRANS	
8126941		3411522161	103		SAMUEL MCCLELLAND #60	YORK	10.0	COLUMBIA GAS TRANS	
8126941		3411522161	107		SAMUEL MCCLELLAND #60	YORK	10.0	COLUMBIA GAS TRANS	
8126940		3411522160	103		SAMUEL MCCLELLAND #61	YORK	10.0	COLUMBIA GAS TRANS	
8126940		3411522160	107		SAMUEL MCCLELLAND #61	YORK	10.0	COLUMBIA GAS TRANS	
8126939		3411522159	103		SAMUEL MCCLELLAND #62	YORK	10.0	COLUMBIA GAS TRANS	
8126939		3411522159	107		SAMUEL MCCLELLAND #62	YORK	10.0	COLUMBIA GAS TRANS	
8126938		3411522158	103		SAMUEL MCCLELLAND #63	YORK	10.0	COLUMBIA GAS TRANS	
8126938		3411522158	107		SAMUEL MCCLELLAND #63	YORK	10.0	COLUMBIA GAS TRANS	
8126937		3411522157	103		SAMUEL MCCLELLAND #64	YORK	10.0	COLUMBIA GAS TRANS	
8126937		3411522157	107		SAMUEL MCCLELLAND #64	YORK	10.0	COLUMBIA GAS TRANS	
8126936		3411522156	103		SAMUEL MCCLELLAND #65	YORK	10.0	COLUMBIA GAS TRANS	
8126936		3411522156	107		SAMUEL MCCLELLAND #65	YORK	10.0	COLUMBIA GAS TRANS	
8126935		3411522155	103		SAMUEL MCCLELLAND #66	YORK	10.0	COLUMBIA GAS TRANS	
8126935		3411522155	107		SAMUEL MCCLELLAND #66	YORK	10.0	COLUMBIA GAS TRANS	
8126934		3411522154	103		SAMUEL MCCLELLAND #67	YORK	10.0	COLUMBIA GAS TRANS	
8126934		3411522154	107		SAMUEL MCCLELLAND #67	YORK	10.0	COLUMBIA GAS TRANS	
8126933		3411522153	103		SAMUEL MCCLELLAND #68	YORK	10.0	COLUMBIA GAS TRANS	
8126933		3411522153	107		SAMUEL MCCLELLAND #68	YORK	10.0	COLUMBIA GAS TRANS	
8126932		3411522152	103		SAMUEL MCCLELLAND #69	YORK	10.0	COLUMBIA GAS TRANS	
8126932		3411522152	107		SAMUEL MCCLELLAND #69	YORK	10.0	COLUMBIA GAS TRANS	
8126931		3411522151	103		SAMUEL MCCLELLAND #70	YORK	10.0	COLUMBIA GAS TRANS	
8126931		3411522151	107		SAMUEL MCCLELLAND #70	YORK	10.0	COLUMBIA GAS TRANS	
8126930		3411522150	103		SAMUEL MCCLELLAND #71	YORK	10.0	COLUMBIA GAS TRANS	
8126930		3411522150	107		SAMUEL MCCLELLAND #71	YORK	10.0	COLUMBIA GAS TRANS	
8126929		3411522149	103		SAMUEL MCCLELLAND #72	YORK	10.0	COLUMBIA GAS TRANS	
8126929		3411522149	107		SAMUEL MCCLELLAND #72	YORK	10.0	COLUMBIA GAS TRANS	
8126928		3411522148	103		SAMUEL MCCLELLAND #73	YORK	10.0	COLUMBIA GAS TRANS	
8126928		3411522148	107		SAMUEL MCCLELLAND #73	YORK	10.0	COLUMBIA GAS TRANS	
8126927		3411522147	103		SAMUEL MCCLELLAND #74	YORK	10.0	COLUMBIA GAS TRANS	
8126927		3411522147	107		SAMUEL MCCLELLAND #74	YORK	10.0	COLUMBIA GAS TRANS	
8126926		3411522146	103		SAMUEL MCCLELLAND #75	YORK	10.0	COLUMBIA GAS TRANS	
8126926		3411522146	107		SAMUEL MCCLELLAND #75	YORK	10.0	COLUMBIA GAS TRANS	
8126925		3411522145	103		SAMUEL MCCLELLAND #76	YORK	10.0	COLUMBIA GAS TRANS	
8126925		3411522145	107		SAMUEL MCCLELLAND #76	YORK	10.0	COLUMBIA GAS TRANS	
8126924		3411522144	103		SAMUEL MCCLELLAND #77	YORK	10.0	COLUMBIA GAS TRANS	
8126924		3411522144	107		SAMUEL MCCLELLAND #77	YORK	10.0	COLUMBIA GAS TRANS	
8126923		3411522143	103		SAMUEL MCCLELLAND #78	YORK	10.0	COLUMBIA GAS TRANS	
8126923		3411522143	107		SAMUEL MCCLELLAND #78	YORK	10.0	COLUMBIA GAS TRANS	
8126922		3411522142	103		SAMUEL MCCLELLAND #79	YORK	10.0	COLUMBIA GAS TRANS	
8126922		3411522142	107		SAMUEL MCCLELLAND #79	YORK	10.0	COLUMBIA GAS TRANS	
8126921		3411522141	103		SAMUEL MCCLELLAND #80	YORK	10.0	COLUMBIA GAS TRANS	
8126921		3411522141	107		SAMUEL MCCLELLAND #80	YORK	10.0	COLUMBIA GAS TRANS	
8126920		3411522140	103		SAMUEL MCCLELLAND #81	YORK	10.0	COLUMBIA GAS TRANS	
8126920		3411522140	107		SAMUEL MCCLELLAND #81	YORK	10.0	COLUMBIA GAS TRANS	
8126919		3411522139	103		SAMUEL MCCLELLAND #82	YORK	10.0	COLUMBIA GAS TRANS	
8126919		3411522139	107		SAMUEL MCCLELLAND #82	YORK	10.0	COLUMBIA GAS TRANS	
8126918		3411522138	103		SAMUEL MCCLELLAND #83	YORK	10.0	COLUMBIA GAS TRANS	
8126918		3411522138	107		SAMUEL MCCLELLAND #83	YORK	10.0	COLUMBIA GAS TRANS	
8126917		3411522137	103		SAMUEL MCCLELLAND #84	YORK	10.0	COLUMBIA GAS TRANS	
8126917		3411522137	107		SAMUEL MCCLELLAND #84	YORK	10.0	COLUMBIA GAS TRANS	
8126909		3403123609	103		FIVE SPRINGS FARM #2	BEDFORD	10.0	NATIONAL GAS & OIL	C
8126909		3403123609	107		FIVE SPRINGS FARM #2	BEDFORD	10.0	NATIONAL GAS & OIL	C
8127004		3411924901	103		FLOYD ANDERSON #1	CLAY	10.0	NATIONAL GAS & OIL	C
8127004		3411924901	107		FLOYD ANDERSON #1	CLAY	10.0	NATIONAL GAS & OIL	C
8127034		3411925196	103		FRED HARDESTY #2	UNION	10.0	COLUMBIA GAS TRANS	
8127034		3411925196	107		FRED HARDESTY #2	UNION	10.0	COLUMBIA GAS TRANS	
8127037	OX-3572	3411925244	103		GLEN WATERS #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL	
8127037	OX-3572	3411925244	107		GLEN WATERS #1	SPRINGFIELD	10.0	NATIONAL GAS & OIL	
8127039	OX-3817	3411925280	103		HERBERT BEARDSLEY #1	UNION	12.0	COLUMBIA GAS TRANS	
8127039	OX-3817	3411925280	107		HERBERT BEARDSLEY #1	UNION	12.0	COLUMBIA GAS TRANS	
8126903		3403122382	103		HILTON EPPLEY #1	CLARK	12.0	COLUMBIA GAS TRANS	
8126903		3403122382	107		HILTON EPPLEY #1	CLARK	12.0	COLUMBIA GAS TRANS	
8126988		3411522206	103		J KOMAROMY #1-A	YORK	10.0	COLUMBIA GAS TRANS	
8126988		3411522206	107		J KOMAROMY #1-A	YORK	10.0	COLUMBIA GAS TRANS	
8126908		3403123597	103		JOHN GRAHAM #4	VIRGINIA	10.0	NATIONAL GAS & OIL	C
8126908		3403123597	107		JOHN GRAHAM #4	VIRGINIA	10.0	NATIONAL GAS & OIL	C
8127005		3411924902	103		KINKADE-SWINGLE UNIT #2	WAYNE	9.0	NATIONAL GAS & OIL	C
8127005		3411924902	107		KINKADE-SWINGLE UNIT #2	WAYNE	9.0	NATIONAL GAS & OIL	C
8127002		3411924875	103		LOREN REED #1	PERRY	10.0	COLUMBIA GAS TRANS	
8127002		3411924875	107		LOREN REED #1	PERRY	10.0	COLUMBIA GAS TRANS	
8126990	

JOB NO	JA INT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8126993		3411924270	103		ROBERT CHANEY #3	PERRY	10.0	COLUMBIA GAS TRANS
8126993		3411924270	107		ROBERT CHANEY #3	PERRY	10.0	COLUMBIA GAS TRANS
8127003		3411924878	103		ROSS WISE #1	HOPEWELL	10.0	NATIONAL GAS & OIL
8127003		3411924878	107		ROSS WISE #1	HOPEWELL	10.0	NATIONAL GAS & OIL
8126905		3403123324	103		WALTER ADAMS #2	CLARK	9.0	COLUMBIA GAS TRANS C
8126905		3403123324	107		WALTER ADAMS #2	CLARK	9.0	COLUMBIA GAS TRANS C
8127032		3411925059	103		WALTER DERRY #1	NEWTON	10.0	NATIONAL GAS & OIL C
8127032		3411925059	107		WALTER DERRY #1	NEWTON	10.0	NATIONAL GAS & OIL C
-PETROLEUM ENERGY DEVELOPMENT CORP					RECEIVED: 04/23/81 JA: OH			
8127051		3411925380	103		JOHN REVENNAUGH #1	RICH HILL	30.0	
8127051		3411925380	107		JOHN REVENNAUGH #1	RICH HILL	30.0	
-POMINEX INC					RECEIVED: 04/23/81 JA: OH			
8126951		3409921002	103		AUGUSTAS C & ELSIE A RIGAS WELL #1	CANFIELD PROSPECT	20.0	REPUBLIC STEEL CORP
8126951		3409921002	107		AUGUSTAS C & ELSIE A RIGAS WELL #1	CANFIELD PROSPECT	20.0	REPUBLIC STEEL CORP
8126950		3409921001	103		AUGUSTUS C & ELSIE A RIGAS WELL #2	CANFIELD PROSPECT	20.0	REPUBLIC STEEL CORP
8126950		3409921001	107		AUGUSTUS C & ELSIE A RIGAS WELL #2	CANFIELD PROSPECT	20.0	REPUBLIC STEEL CORP
8126952		3409921038	103		RAY K & NELDA P ANDERSON WELL #1	CANFIELD PROSPECT	20.0	REPUBLIC STEEL CORP
8126952		3409921038	107		RAY K & NELDA P ANDERSON WELL #1	CANFIELD PROSPECT	20.0	REPUBLIC STEEL CORP
8126953		3409921040	103		RAY K & NELDA P ANDERSON WELL #3	CANFIELD PROSPECT	20.0	REPUBLIC STEEL CORP
8126953		3409921040	107		RAY K & NELDA P ANDERSON WELL #3	CANFIELD PROSPECT	20.0	REPUBLIC STEEL CORP
8126957		3409921227	103		ROBERT C & GRACE K MOFF WELL #1	CANFIELD PROSPECT	20.0	REPUBLIC STEEL CORP
8126957		3409921227	107		ROBERT C & GRACE K MOFF WELL #1	CANFIELD PROSPECT	20.0	REPUBLIC STEEL CORP
-ROWLEY & BROWN PETROLEUM CORP					RECEIVED: 04/23/81 JA: OH			
8126911		3403123762	103		BECK #1	CLARK	61.0	COLUMBIA GAS TRANSMI
8126911		3403123762	107		BECK #1	CLARK	61.0	COLUMBIA GAS TRANSMI
-SUPERIOR PETROLEUM SERVICES INC					RECEIVED: 04/23/81 JA: OH			
8126962		3409921271	103		BRICKER #3	GOSHEN	20.0	EAST OHIO GAS CO
8126962		3409921271	107		BRICKER #3	GOSHEN	20.0	EAST OHIO GAS CO
8126963		3409921272	103		MOTORCYCLE CLUB #1	GOSHEN	20.0	EAST OHIO GAS CO
8126963		3409921272	107		MOTORCYCLE CLUB #1	GOSHEN	20.0	EAST OHIO GAS CO
8126960		3409921241	103		OKEEFE #1	GOSHEN	20.0	EAST OHIO GAS CO
8126960		3409921241	107		OKEEFE #1	GOSHEN	20.0	EAST OHIO GAS CO
-TIGER OIL INC					RECEIVED: 04/23/81 JA: OH			
8126938		3405922688	103		KAPOLKA #1	VALLEY	0.0	COLUMBIA GAS TRANSMI
8126938		3405922688	107		KAPOLKA #1	VALLEY	0.0	COLUMBIA GAS TRANSMI
8126939		3405922689	103		KAPOLKA #2	VALLEY	0.0	COLUMBIA GAS TRANSMI
8126939		3405922689	107		KAPOLKA #2	VALLEY	0.0	COLUMBIA GAS TRANSMI
-TOWNER PETROLEUM CO					RECEIVED: 04/23/81 JA: OH			
8127067		3412122101	107		BEHM #1 PPG-65	WAYNE	0.0	
8127067		3412122101	103		BEHM #1 PPG-65	WAYNE	0.0	
8127072		3412122211	107		BIG C RANCH J-44	ENOCH	0.0	
8127072		3412122211	103		BIG C RANCH J-44	ENOCH	0.0	
8126945		3405922787	103		BLANEY #1	WILLS	0.0	
8126945		3405922787	107		BLANEY #1	WILLS	0.0	
8127066		3412122039	107		BURNS #1 PPG-66	WAYNE	0.0	
8127066		3412122039	103		BURNS #1 PPG-66	WAYNE	0.0	
8126940		3405922730	103		DAUNE DAMFIELD #1	CENTER	0.0	
8126940		3405922730	107		DAUNE DAMFIELD #1	CENTER	0.0	
8126922		3405922469	107		J HALE #1 W-58	LONDONBERRY	0.0	
8126922		3405922469	103		J HALE #1 W-58	LONDONBERRY	0.0	
8126930		3405922589	103		J TUCKER #1 W-57	MADISON	0.0	
8126930		3405922589	107		J TUCKER #1 W-57	MADISON	0.0	
8126929		3405922574	103		KELLER #3 J-93	JEFFERSON	0.0	
8126929		3405922574	107		KELLER #3 J-93	JEFFERSON	0.0	

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JC [illegible]	W [illegible]	API NO	SEC	WELL NAME	FIELD NAME	PROD	PURCHASER
8127071		3412122199	107	KRESS J-46	OLIVER	0.0	
8127071		3412122199	103	KRESS J-46	OLIVER	0.0	
8126942		3405922756	103	LARRICK/LATCHIC #1	CENTER TOWNSHIP	0.0	
8126942		3405922756	107	LARRICK/LATCHIC #1	CENTER TOWNSHIP	0.0	
8126921		3405922464	103	LINLEY #2 PPG-67	RICHLAND	0.0	
8126921		3405922464	107	LINLEY #2 PPG-67	RICHLAND	0.0	
8126924		3405922479	103	MCCORMICK USS-35 #2	CENTER	0.0	
8126924		3405922479	107	MCCORMICK USS-35 #2	CENTER	0.0	
8126931		3405922591	103	MULINIX J-91	WASHINGTON	0.0	
8126931		3405922591	107	MULINIX J-91	WASHINGTON	0.0	
8126932		3405922593	103	MULINIX-CARTER J-92	WASHINGTON	0.0	
8126932		3405922593	107	MULINIX-CARTER J-92	WASHINGTON	0.0	
8127073		3412122212	107	R CROCK #1 J-47	ENOCH	0.0	
8127073		3412122212	103	R CROCK #1 J-47	ENOCH	0.0	
8127074		3412122213	107	R CROCK #2 J-48	ENOCH	0.0	
8127074		3412122213	103	R CROCK #2 J-48	ENOCH	0.0	
8127075		3412122214	107	R CROCK #3 J-49	ENOCH	0.0	
8127075		3412122214	103	R CROCK #3 J-49	ENOCH	0.0	
8126936		3405922657	103	R LARRICK #2 USS-37	CENTER	0.0	
8126936		3405922657	107	R LARRICK #2 USS-37	CENTER	0.0	
8126926		3405922509	103	RAYMOND LARRICK #1 USS-34	CENTER	0.0	
8126926		3405922509	107	RAYMOND LARRICK #1 USS-34	CENTER	0.0	
8126935		3405922646	107	STEWART NICHOLS #2 W-59	MADISON	0.0	
8126935		3405922646	103	STEWART NICHOLS #2 W-59	MADISON	0.0	
8127070		3412122197	107	TONNOUS J-45	OLIVE	0.0	
8127070		3412122197	103	TONNOUS J-45	OLIVE	0.0	
8126941		3405922732	103	W LARRICK #3 USS-38	CENTER	0.0	
8126941		3405922732	107	W LARRICK #3 USS-38	CENTER	0.0	
8126937		3405922679	103	W LARRICK USS-36	CENTER	0.0	
8126937		3405922679	107	W LARRICK USS-36	CENTER	0.0	
-VIKING RESOURCES CORPORATION				RECEIVED: 04/23/81 JA: OH			
8127138		3415123403	107	DERENZO-FIMPLE UNIT #2	PARIS	30.0	
8127138		3415123403	103	DERENZO-FIMPLE UNIT #2	PARIS	30.0	
8127140		3415123406	107	FORESTER #3	PARIS	30.0	
8127140		3415123406	103	FORESTER #3	PARIS	30.0	
8127139		3415123404	107	H MILLER #1	PARIS	30.0	
8127139		3415123404	103	H MILLER #1	PARIS	30.0	
8127142		3415123410	107	MIKES-MILLER UNIT #1	PARIS	30.0	
8127142		3415123410	103	MIKES-MILLER UNIT #1	PARIS	30.0	
8127143		3415123411	107	MIKES-MILLER UNIT #2	PARIS	30.0	
8127143		3415123411	103	MIKES-MILLER UNIT #2	PARIS	30.0	
8127133		3415123343	107	MILLER-SMITH UNIT #3	PARIS	30.0	
8127133		3415123343	103	MILLER-SMITH UNIT #3	PARIS	30.0	
8127131		3415123305	107	SLAGLE UNIT #1	PARIS	30.0	
8127131		3415123305	103	SLAGLE UNIT #1	PARIS	30.0	
8127132		3415123337	107	SPEAKMAN UNIT #2	PARIS	30.0	
8127132		3415123337	103	SPEAKMAN UNIT #2	PARIS	30.0	
8127134		3415123363	107	WAYNE FARMS UNIT #3	PARIS	30.0	
8127134		3415123363	103	WAYNE FARMS UNIT #3	PARIS	30.0	

BILLING CODE 6450-01-C

The [illegible] were [illegible] jurisdic[illegible] Energy [illegible] to the [illegible] and 18 [illegible] determ[illegible] after th[illegible] produc[illegible] feet (M[illegible] control[illegible] purchas[illegible] notice.

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days after the date of publication of this notice in the Federal Register.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14826 Filed 5-14-81; 8:45 am]

BILLING CODE 6450-01-M

Notice of Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 8, 1981.

JD NO	JA DAT	API NO	SEC T WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION						
-ADOBE OIL & GAS CORPORATION			RECEIVED: 04/17/81 JA: TX			
8126037		4213331005 102	WALKER NO 1	MANGUM NORTH (3200)	12.0	ODESSA NATURAL CORP
-AKERS AND FULTZ INC			RECEIVED: 04/17/81 JA: TX			
8126004	30103	4223700000 103	ROY CHERRYHOMES G-1	MARINA-MAG (CONGLOMERATE	360.0	CITIES SERVICE GAS C
-AMERICAN PETROFINA COMPANY OF TEXAS			RECEIVED: 04/17/81 JA: TX			
8126091	32065	4217531242 103	JABLONSKI UT WELL #2	BRANDT (2750)	24.0	TEXAS EASTERN TRANSM
-AMNEX PETROLEUM CORP			RECEIVED: 04/17/81 JA: TX			
8125961	28461	4214930505 102	BABE UNIT #1	GIDDINGS (AUSTIN CHALK 6	108.7	CLAJON GAS CO
8125961	28461	4214930505 103	BABE UNIT #1	GIDDINGS (AUSTIN CHALK 6	108.7	CLAJON GAS CO
-AMOCO PRODUCTION CO			RECEIVED: 04/17/81 JA: TX			
8126101	32101	4222732278 103	CORA LEE ECHOLS C #4	IATAN EAST (HOWARD)	0.4	GETTY OIL CO
8125927	25623	4243530569 108	EDWIN S MAYER JR /G/81	SAWYER/CANYON/	0.4	LONE STAR GAS CO
8125929	25651	4241330291 108	EDWIN S MAYER JR /L/83	SAWYER/CANYON/	0.5	LONE STAR GAS CO.
8126062	31825	4200332442 103	FULLERTON SAN ANDRES UNIT #55	FULLERTON SAN ANDRES	11.0	AMOCO PRODUCTION CO
8126105	32111	4200332414 103	FULLERTON SAN ANDRES UNIT #61	FULLERTON SAN ANDRES	7.7	AMOCO PRODUCTION CO
8126041	31136	4234930917 102	INA K CARROLL OIL UNIT /C/ #1	CHENEYBORO/COTTON VALLEY	110.0	LONE STAR GAS CO
8126015	30277	4229732053 103	PEARL HARRIS A MACKHANK GAS UNIT #4	HARRIS/WILCOX-MACKHANK/	14.0	TRANSCONTINENTAL GAS
8125928	25625	4213730325 108	STANLEY B MAYFIELD #5	SAWYER/CANYON/	1.2	LONE STAR GAS CO
8126042	31137	4207330383 102	TEMPLE-EASTEX GAS UNIT WELL NO 1	WHITE OAK CREEK /TRAVIS	365.0	TEXAS UTILITIES FUEL
8126057	31703	4222731957 103	TEXAS LAND & MORTGAGE A R/A A #108	IATAN EAST (HOWARD)	0.4	GETTY OIL CO
-ARCO OIL AND GAS COMPANY			RECEIVED: 04/17/81 JA: TX			
8126107	32129	4200332519 103	EMMA COWDEN (26134) #91	EMMA	20.0	EL PASO NATURAL GAS
8126123	32176	4213133181 103	HAGIST RANCH A #14	HAGIST RANCH (WILCOX GAS	275.0	NATURAL GAS PIPELINE
8125879	18237	4213133941 103	PETERS A WELL #2	PETERS (1650)	50.0	VALERO TRANS CO
-ARGEE OIL COMPANY			RECEIVED: 04/17/81 JA: TX			
*8126152	32263	4210332384 103	J B TUBB A #1	SAND HILLS (MCKNIGHT)	2.7	WARREN PETROLEUM CO
*8126153	32264	4210332385 103	J B TUBB B #1	SAND HILLS (MCKNIGHT)	166.3	WARREN PETROLEUM CO
-ARIES PETROLEUM INC			RECEIVED: 04/17/81 JA: TX			
8126106	32123	4213332335 103	D A THOMPSON #1 (16653)	FOSTER (MARBLE FALLS)	7.0	ODESSA NATURAL CORP
-ART MACHIN & ASSOCIATES INC			RECEIVED: 04/17/81 JA: TX			
8126005	30112	4240130932 102	DORSEY ESTATE NO 1	HENDERSON NORTH (COTTON	350.0	UNITED GAS PIPE LINE
8126005	30112	4240130932 107	DORSEY ESTATE NO 1	HENDERSON NORTH (COTTON	350.0	UNITED GAS PIPE LINE
-AZTEC GAS SYSTEMS INC			RECEIVED: 04/17/81 JA: TX			
8126026	30757	4210500000 108	SHANNON ESTATE #1	TODD NW (SAN ANDRES)	15.0	EL PASO NATURAL GAS
-B J BIERMART INC			RECEIVED: 04/17/81 JA: TX			
8125934	26676	4229700000 103	ARNOLD L MCCRAW NO 1	SLIVA SOUTHWEST (3300)	55.0	DELHI GAS PIPELINE C
-BASS ENTERPRISES PRODUCTION CO			RECEIVED: 04/17/81 JA: TX			
8125919	24633	4210130267 102	C N MAVINS GAS UNIT NO 2	STESCOTT (ATOKA) FIELD	180.0	PALO DURO PIPELINE C
8125919	24633	4210130267 103	C N MAVINS GAS UNIT NO 2	STESCOTT (ATOKA) FIELD	180.0	PALO DURO PIPELINE C
8126108	32099	4247532165 103	W D JOHNSON A NO 17	NORTH WARD ESTES	87.0	CABOT CORP
-BORDER EXPLORATION CO			RECEIVED: 04/17/81 JA: TX			

JD NO	JA DAT	API NO	SEC T WELL NAME	FIELD NAME	PROD	PURCHASER
*8126038	30086	4210330675 103	DILLINGHAM-EWERS NO 2			

JR NO	JA DIST	API NO	RRC D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8125958	30886	4214338675	103	DILLINGHAM-FULFER NO 2	X-RAY (MARBLE FALLS)	75.0	VALERO ENERGY CORP
-BOURNE OIL CO				RECEIVED: 04/17/81 JAS TX			
8126972	29660	4213100000	103	J D TYREE #1-822	LABBE W (1600)	64.0	TENNESSEE GAS PIPELI
-CAYMAN PRODUCTION CO				RECEIVED: 04/17/81 JAS TX			
8125980	29407	4216700000	103	JOE BLACK TRUSTEE WELL NO 1	ALTA LOMA SW (BANFIELD)	450.0	HOUSTON PIPELINE CO
-CEDAR OIL CO				RECEIVED: 04/17/81 JAS TX			
*8125984	30186	4218532177	102	M R HALFF ESTATE WELL NO 1 (086698)	NOELKE WEST (FELKER) 865	72.0	KIBO COMPRESSOR CORP
-CITIES SERVICE COMPANY				RECEIVED: 04/17/81 JAS TX			
8125935	25983	4233930441	102	HEINTZ A #1	DOBBIN	236.0	
8125938	25983	4233930441	107	HEINTZ A #1	DOBBIN	236.0	
8126043	31216	4246530326	102	WEST-A #1	MASSIE (STRAWN)	365.0	
-CLEMCO INC				RECEIVED: 04/17/81 JAS TX			
8126033	30960	4249930863	102	CAIN NO 1	QUITMAN (PETTIT)	28.0	
-COATES ENERGY TRUST				RECEIVED: 04/17/81 JAS TX			
8126049	31463	4204730850	102	PARSHALL BROS NO 6	KELSEY DEEP	219.0	VALERO INTERSTATE TR
-CONOCO INC				RECEIVED: 04/17/81 JAS TX			
8126130	32186	4238900000	108	G E RAMSEY JR-A-811 ID 081020	GERALDINE FORD	2.1	EL PASO NATURAL GAS
8126127	32183	4215100000	108	J D TERRELL-A-810 ID 013687	ROUND TOP	6.5	LONE STAR GAS CO
8126126	32182	4213500000	108	KLOH-A-87 ID 000010	COWDEN N	0.5	AMOCO PROD CO
8126131	32188	4240500000	108	TJ & JL WAGGONER 032 ID 010376	WICHITA COUNTY REGULAR	0.1	EAGLE PETROLEUM CO
8126132	32189	4200300000	108	W T FORD 030 ID001660	FUHRMAN-NIX	0.1	PHILLIPS PETROLEUM C
8126128	32184	4200300000	108	W T FORD 042 ID 001665	FUHRMAN-NIX	0.4	PHILLIPS PETROLEUM C
8126129	32185	4213500000	108	WIGHT UNIT #86 ID 020661	COWDEN N	1.3	AMOCO PROD CO
-COTTON PETROLEUM CORPORATION				RECEIVED: 04/17/81 JAS TX			
8126067	31923	4248130846	107	SANDY NO 1	OAK HILL	350.0	UNITED GAS PIPELINE
-CRD OIL & GAS INC				RECEIVED: 04/17/81 JAS TX			
8126032	30935	4205131110	102	HARRIS NO 1	SIDDINGS (AUSTIN CHALK A	730.0	CLAJON GAS CO
-D & M ENTERPRISES				RECEIVED: 04/17/81 JAS TX			
8126086	31988	4208130899	103	D & M ENTERPRISES - JOHNSON	JAMESON (STRAWN)	48.0	
-D M HUNT				RECEIVED: 04/17/81 JAS TX			
8126065	31912	4212331934	103	DOROTHY FAYE JOSHLIN #1	ARNECKEVILLE S	258.0	TEXAS EASTERN TRANSM
-DAVID A SCHLACHTER OIL & GAS				RECEIVED: 04/17/81 JAS TX			
8125991	29881	4236500000	108	L H CHANDLER 1-X RRC ID 076726	BETHANY (TRAVIS PEAK)	6.7	UNITED GAS PIPELINE
-DAWSON EXPLORATION INC				RECEIVED: 04/17/81 JAS TX			
8125947	28188	4224531400	102	COTTON NO 1 REHENDING	MILDEBRANDT BAYOU SE	1190.0	UNITED TEXAS TRANSMI
8125947	28188	4224531400	103	COTTON NO 1 REHENDING	MILDEBRANDT BAYOU SE	1190.0	UNITED TEXAS TRANSMI
-DELTA DRILLING CO				RECEIVED: 04/17/81 JAS TX			
8125995	29947	4236500000	107	F M MARKEY #1 85138	CARTHAGE (COTTON VALLEY)	182.5	TEXAS GAS TRANSMISSI
-DESCO OIL CO				RECEIVED: 04/17/81 JAS TX			
8125924	29412	4224531399	102	BEAUMONT RICE MILL #1 WELL 88338	ELIZABETH NORTH	91.0	UNITED TEXAS TRANSMI
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 04/17/81 JAS TX			
8126058	32396	4229530960	108	IRA W. SOLLOCK NO.1	HORSE CREEK N W	14.0	NATURAL GAS PIPELINE
8126062	19437	4200500000	108	IVON CASE NO 1-810	LIPSCOMB	13.0	SOUTHWESTERN PUBLIC
-DYNE OIL & GAS INC				RECEIVED: 04/17/81 JAS TX			
8126116	32149	4206500000	103	BURNETT NO 4 WELL LEASE NO 84464	PANHANDLE CARSON COUNTY	0.0	PHILLIPS PETROLEUM C
8126118	32147	4206530807	103	BURNETT NO 5 WELL LEASE NO 84464	PANHANDLE CARSON COUNTY	0.0	PHILLIPS PETROLEUM C
-ECHO PRODUCTION INC				RECEIVED: 04/17/81 JAS TX			
8125950	29414	4236300000	108	A M BRACKEEN #1 #1 RRC #17362	BRAD SW (BIG SALINE CONG	0.4	LONE STAR GAS CO
8125960	29417	4236300000	108	JERT SLEMMONS #1 RRC #17362	BRAD SW (BIG SALINE CONG	1.2	LONE STAR GAS CO
8125958	29419	4236300000	108	CHARLSIE ORME #1 RRC #17359	BRAD SW (BIG SALINE CONG	1.0	LONE STAR GAS CO
8125957	29418	4236300000	108	NAPIER GAS UNIT #1 RRC #17938	LONE CAMP (BEND CONGLOME	1.0	LONE STAR GAS CO
-EL PASO NATURAL GAS COMPANY				RECEIVED: 04/17/81 JAS TX			

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JD NO	DA NBT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8125967	28977	4217923691	108		BEASLEY #2	PANHANDLE WEST	36.0	EL PASO NATURAL GAS
8126023	30560	4243532237	103		BERGER GAS UNIT #4	SONORA CANYON UPPER	83.0	EL PASO NATURAL GAS
8126122	32173	4243530610	108		NECKEL #9	SONORA CANYON UPPER	7.3	EL PASO NATURAL GAS
8125932	25897	4243532188	108		SHURLEY #13	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-ELFCO INC					RECEIVED: 04/17/81 JA: TX			
8125920	24671	4216100000	108		PATRICK UNIT GAS ID #51090	TATE (COTTON VALLEY)	12.0	TEJAS GAS CO
-ENERGY RESERVES GROUP INC					RECEIVED: 04/17/81 JA: TX			
8126020	30544	4238331683	103		ONA WELLS B #2	CALVIN (DEAN)	21.2	UNION TEXAS PETROLEU
8126025	30698	4246131603	103		ROSA H BARNET F #2	AMACKER-TIPPETT (SW WOLF	169.2	EL PASO NATURAL GAS
-ENERTEX EXPLORATION INC					RECEIVED: 04/17/81 JA: TX			
8126078	31952	4223733140	103		W R GARRETT #1 (90671)	GRAN NE (CONGL)	551.0	TEXAS UTILITIES FUEL
-ENSERCH EXPLORATION INC					RECEIVED: 04/17/81 JA: TX			
8125987	29699	4249700000	103		B P VAUGHT NO 4	BOONSVILLE	684.0	LONE STAR GAS CO
*8125877	07453	4221330101	103		TEXIE YOUNG B NO 5	TRI-CITIES (TRAVIS PEAK	168.0	LONE STAR GAS CO
-ESPERANZA ENERGY CORP					RECEIVED: 04/17/81 JA: TX			
8126021	30548	4235330892	103		WHITE #3	WHITE (GARDNER SAND) FIE	14.6	ESPERANZA PIPELINE C
-ESTATE OF WM D MCBEE					RECEIVED: 04/17/81 JA: TX			
8126096	32084	4206730309	103		SALLIE LOFFER #1	EAST LINDEN (COTTON VALL	108.0	NATURAL GAS PIPELINE
8126096	32084	4206730309	107		SALLIE LOFFER #1	EAST LINDEN (COTTON VALL	108.0	NATURAL GAS PIPELINE
8126095	32083	4245930426	103		SPENCER GAS UNIT #1 WELL #1	ROSEWOOD (HOSSTON-COTTON	450.0	WESTERN GAS CORP
8126095	32083	4245930426	107		SPENCER GAS UNIT #1 WELL #1	ROSEWOOD (HOSSTON-COTTON	450.0	WESTERN GAS CORP
-EXXON CORPORATION					RECEIVED: 04/17/81 JA: TX			
8126145	32223	4229530822	103		ARNOLD P JOHNSON #1	KELLN (TONKAWA-OIL)	22.0	PHILLIPS PETROLEUM C
*8126097	32086	4240130964	107		BERTHA BURTON GAS UNIT 1 #1	OAK HILL NW (COTTON VALL	488.0	ARMCO STEEL CORP
*8126097	32086	4240130964	103		BERTHA BURTON GAS UNIT 1 #1	OAK HILL NW (COTTON VALL	488.0	ARMCO STEEL CORP
8125983	29631	4249500000	108		BROWN AND ALTMAN GAS UNIT 3 #2	EMPEROR (WOLFCAMP)	1.0	WEST TEXAS GATHERING
8126008	30155	4210332331	103		J B TUBB A/C 1 #228L	SAND HILLS (TUBB)	14.0	EL PASO NATURAL GAS
*8125903	22513	4239131338	103		J M OBRIEN A-103-D 85929	GRETA (C-5)	57.0	ARMCO STEEL CORP
*8125904	22514	4239131338	103		J M OBRIEN A-103-F 86779	GRETA (800)	58.0	ARMCO STEEL CORP
8125982	29457	4247531854	103		JOHN H WILSON TRUSTEE B #6	RHODA WALKER (CANYON 590	31.0	CLAJON GAS CO
*8125898	22243	4224930999	103		KING RANCH TIJERINA J-135 (82313)	TIJERINA-CANALES-BLUCHER	986.0	ARMCO STEEL CORP
*8125895	21844	4227331198	103		KING RANCH WEST BORREGOS M-104-C	BORREGOS WEST	100.0	ARMCO STEEL CORP
8126024	30692	4200332323	103		MEANS SAN ANDRES UNIT #7414	MEANS	0.9	PHILLIPS PETROLEUM C
8126060	31751	4247531812	107		MONROE GAS UNIT NO 2 #1	SODA LAKE/ FUSSELMAN	1001.0	TRANSCONTINENTAL GAS
8126147	32235	4204730871	103		SCOTT AND HOPPER 35 (91687)	SCOTT AND HOPPER (7080)	285.0	TENNESSEE GAS PIPELI
*8125897	22017	4204730657	103		VIBORAS FIELD G U #1 G-88-D (80623)	VIBORAS	475.0	ARMCO STEEL CORP
*8125896	22016	4204730657	103		VIBORAS FIELD GU #1 G-88-F (78278)	VIBORAS	102.2	ARMCO STEEL CORP
-FISHER-WEBB INC					RECEIVED: 04/17/81 JA: TX			
8126142	32214	4235330910	103		COMPTON NO 3	JMM (CANYON)	308.0	SUN GAS CO
8126125	32180	4235330934	103		MCLAUGHLIN NO 12	JMM (CANYON)	308.0	SUN GAS CO
-FLAG-REDFERN OIL CO					RECEIVED: 04/17/81 JA: TX			
8126030	30684	4247730337	102		ROBERT D JAMESON NO 1 WELL	OXBOW (WILCOX)	219.0	PRODUCERS GAS CO
8126031	30685	4247730367	102		ROBERT D JAMESON NO 3 WELL	OXBOW (WILCOX)	219.0	PRODUCERS GAS CO
-GENERAL PRODUCTION CORP					RECEIVED: 04/17/81 JA: TX			
8126002	30097	4205131164	103		FRANK C ANDERSON WELL #4	WILLARD (NAVARRO) FIELD	0.0	FERGUSON CROSSING PI
8126003	30098	4205131165	103		OLEN P HOLLIMAN #3	WILLARD (NAVARRO) FIELD	0.0	FERGUSON CROSSING PI
-GEODYNAMICS OIL & GAS					RECEIVED: 04/17/81 JA: TX			
8126046	31343	4205130768	102		GRAFF UNIT NO 1	GIDDINGS (AUSTIN CHALK)	154.0	CLAJON GAS CO
8126009	30187	4205131075	102		J MEJL UNIT A	GIDDINGS (AUSTIN CHALK)	151.0	CHAMPLIN PETROLEUM C
8126047	31342	4205131147	102		PATTERSON C NO 1	STONE CITY (AUSTIN CHALK	65.0	CLAJON GAS CO
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125911	23907	4210500000	108		J R BAILEY ESTATE #2	OZONA N E	28.9	NORTHERN NATURAL GAS

JD NO	DA NBT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8125912	23908	4210500000	108		J R BAILEY ESTATE #3	OZONA N E	28.9	NORTHERN NATURAL GAS
8125913	23909	4210500000	108		J R BAILEY ESTATE #4	OZONA N E	28.9	NORTHERN NATURAL GAS
8125914	23910	4210500000	108		J R BAILEY ESTATE #5	OZONA N E	28.9	NORTHERN NATURAL GAS
8125915	23911	4210500000	108		J R BAILEY ESTATE #6	OZONA N E	28.9	NORTHERN NATURAL GAS
8125916	23912	4210500000	108		J R BAILEY ESTATE #7	OZONA N E	28.9	NORTHERN NATURAL GAS
8125917	23913	4210500000	108		J R BAILEY ESTATE #8	OZONA N E	28.9	NORTHERN NATURAL GAS
8125918	23914	4210500000	108		J R BAILEY ESTATE #9	OZONA N E	28.9	NORTHERN NATURAL GAS
8125919	23915	4210500000	108		J R BAILEY ESTATE #10	OZONA N E	28.9	NORTHERN NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125910	23906	4210500000	108		J R BAILEY ESTATE #1	OZONA N E	28.9	NORTHERN NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125921	24672	4216100000	108		PATRICK UNIT GAS ID #51091	TATE (COTTON VALLEY)	12.0	TEJAS GAS CO
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125922	24673	4216100000	108		PATRICK UNIT GAS ID #51092	TATE (COTTON VALLEY)	12.0	TEJAS GAS CO
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125923	24674	4216100000	108		PATRICK UNIT GAS ID #51093	TATE (COTTON VALLEY)	12.0	TEJAS GAS CO
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125924	24675	4216100000	108		PATRICK UNIT GAS ID #51094	TATE (COTTON VALLEY)	12.0	TEJAS GAS CO
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125925	24676	4216100000	108		PATRICK UNIT GAS ID #51095	TATE (COTTON VALLEY)	12.0	TEJAS GAS CO
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125926	24677	4216100000	108		PATRICK UNIT GAS ID #51096	TATE (COTTON VALLEY)	12.0	TEJAS GAS CO
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125927	24678	4216100000	108		PATRICK UNIT GAS ID #51097	TATE (COTTON VALLEY)	12.0	TEJAS GAS CO
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125928	24679	4216100000	108		PATRICK UNIT GAS ID #51098	TATE (COTTON VALLEY)	12.0	TEJAS GAS CO
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125929	24680	4216100000	108		PATRICK UNIT GAS ID #51099	TATE (COTTON VALLEY)	12.0	TEJAS GAS CO
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125930	24681	4216100000	108		PATRICK UNIT GAS ID #51100	TATE (COTTON VALLEY)	12.0	TEJAS GAS CO
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125931	24682	4216100000	108		PATRICK UNIT GAS ID #51101	TATE (COTTON VALLEY)	12.0	TEJAS GAS CO
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125933	25898	4243532188	108		SHURLEY #14	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125934	25899	4243532188	108		SHURLEY #15	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125935	25900	4243532188	108		SHURLEY #16	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125936	25901	4243532188	108		SHURLEY #17	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125937	25902	4243532188	108		SHURLEY #18	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125938	25903	4243532188	108		SHURLEY #19	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125939	25904	4243532188	108		SHURLEY #20	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125940	25905	4243532188	108		SHURLEY #21	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125941	25906	4243532188	108		SHURLEY #22	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125942	25907	4243532188	108		SHURLEY #23	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125943	25908	4243532188	108		SHURLEY #24	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125944	25909	4243532188	108		SHURLEY #25	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125945	25910	4243532188	108		SHURLEY #26	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125946	25911	4243532188	108		SHURLEY #27	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125947	25912	4243532188	108		SHURLEY #28	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125948	25913	4243532188	108		SHURLEY #29	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125949	25914	4243532188	108		SHURLEY #30	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125950	25915	4243532188	108		SHURLEY #31	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125951	25916	4243532188	108		SHURLEY #32	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125952	25917	4243532188	108		SHURLEY #33	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125953	25918	4243532188	108		SHURLEY #34	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125954	25919	4243532188	108		SHURLEY #35	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125955	25920	4243532188	108		SHURLEY #36	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125956	25921	4243532188	108		SHURLEY #37	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125957	25922	4243532188	108		SHURLEY #38	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125958	25923	4243532188	108		SHURLEY #39	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125959	25924	4243532188	108		SHURLEY #40	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125960	25925	4243532188	108		SHURLEY #41	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125961	25926	4243532188	108		SHURLEY #42	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125962	25927	4243532188	108		SHURLEY #43	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125963	25928	4243532188	108		SHURLEY #44	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125964	25929	4243532188	108		SHURLEY #45	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125965	25930	4243532188	108		SHURLEY #46	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125966	25931	4243532188	108		SHURLEY #47	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125967	28977	4217923691	108		BEASLEY #2	PANHANDLE WEST	36.0	EL PASO NATURAL GAS
8126023	30560	4243532237	103		BERGER GAS UNIT #4	SONORA CANYON UPPER	83.0	EL PASO NATURAL GAS
8126122	32173	4243530610	108		NECKEL #9	SONORA CANYON UPPER	7.3	EL PASO NATURAL GAS
8125932	25897	4243532188	108		SHURLEY #13	SAWYER CANYON	22.3	EL PASO NATURAL GAS
-ELFCO INC					RECEIVED: 04/17/81 JA: TX			
8125920	24671	4216100000	108		PATRICK UNIT GAS ID #51090	TATE (COTTON VALLEY)	12.0	TEJAS GAS CO
-ENERGY RESERVES GROUP INC					RECEIVED: 04/17/81 JA: TX			
8126020	30544	4238331683	103		ONA WELLS B #2	CALVIN (DEAN)	21.2	UNION TEXAS PETROLEU
8126025	30698	4246131603	103		ROSA H BARNET F #2	AMACKER-TIPPETT (SW WOLF	169.2	EL PASO NATURAL GAS
-ENERTEX EXPLORATION INC					RECEIVED: 04/17/81 JA: TX			
8126078	31952	4223733140	103		W R GARRETT #1 (90671)	GRAN NE (CONGL)	551.0	TEXAS UTILITIES FUEL
-ENSERCH EXPLORATION INC					RECEIVED: 04/17/81 JA: TX			
8125987	29699	4249700000	103		B P VAUGHT NO 4	BOONSVILLE	684.0	LONE STAR GAS CO
*8125877	07453	4221330101	103		TEXIE YOUNG B NO 5	TRI-CITIES (TRAVIS PEAK	168.0	LONE STAR GAS CO
-ESPERANZA ENERGY CORP					RECEIVED: 04/17/81 JA: TX			
8126021	30548	4235330892	103		WHITE #3	WHITE (GARDNER SAND) FIE	14.6	ESPERANZA PIPELINE C
-ESTATE OF WM D MCBEE					RECEIVED: 04/17/81 JA: TX			
8126096	32084	4206730309	103		SALLIE LOFFER #1	EAST LINDEN (COTTON VALL	108.0	NATURAL GAS PIPELINE
8126096	32084	4206730309	107		SALLIE LOFFER #1	EAST LINDEN (COTTON VALL	108.0	NATURAL GAS PIPELINE
8126095	32083	4245930426	103		SPENCER GAS UNIT #1 WELL #1	ROSEWOOD (HOSSTON-COTTON	450.0	WESTERN GAS CORP
8126095	32083	4245930426	107		SPENCER GAS UNIT #1 WELL #1	ROSEWOOD (HOSSTON-COTTON	450.0	WESTERN GAS CORP
-EXXON CORPORATION					RECEIVED: 04/17/81 JA: TX			
8126145	32223	4229530822	103		ARNOLD P JOHNSON #1	KELLN (TONKAWA-OIL)	22.0	PHILLIPS PETROLEUM C
*8126097	32086	4240130964	107		BERTHA BURTON GAS UNIT 1 #1	OAK HILL NW (COTTON VALL	488.0	ARMCO STEEL CORP
*8126097	32086	4240130964	103		BERTHA BURTON GAS UNIT 1 #1	OAK HILL NW (COTTON VALL	488.0	ARMCO STEEL CORP
8125983	29631	4249500000	108		BROWN AND ALTMAN GAS UNIT 3 #2	EMPEROR (WOLFCAMP)	1.0	WEST TEXAS GATHERING
8126008	30155	4210332331	103		J B TUBB A/C 1 #228L	SAND HILLS (TUBB)	14.0	EL PASO NATURAL GAS
*8125903	22513	4239131338	103		J M OBRIEN A-103-D 85929	GRETA (C-5)	57.0	ARMCO STEEL CORP
*8125904	22514	4239131338	103		J M OBRIEN A-103-F 86779	GRETA (800)	58.0	ARMCO STEEL CORP
8125982	29457	4247531854	103		JOHN H WILSON TRUSTEE B #6	RHODA WALKER (CANYON 590	31.0	CLAJON GAS CO
*8125898	22243	4224930999	103		KING RANCH TIJERINA J-135 (82313)	TIJERINA-CANALES-BLUCHER	986.0	ARMCO STEEL CORP
*8125895	21844	4227331198	103		KING RANCH WEST BORREGOS M-104-C	BORREGOS WEST	100.0	ARMCO STEEL CORP
8126024	30692	4200332323	103		MEANS SAN ANDRES UNIT #7414	MEANS	0.9	PHILLIPS PETROLEUM C
8126060	31751	4247531812	107		MONROE GAS UNIT NO 2 #1	SODA LAKE/ FUSSELMAN	1001.0	TRANSCONTINENTAL GAS
8126147	32235	4204730871	103		SCOTT AND HOPPER 35 (91687)	SCOTT AND HOPPER (7080)	285.0	TENNESSEE GAS PIPELI
*8125897	22017	4204730657	103		VIBORAS FIELD G U #1 G-88-D (80623)	VIBORAS	475.0	ARMCO STEEL CORP
*8125896	22016	4204730657	103		VIBORAS FIELD GU #1 G-88-F (78278)	VIBORAS	102.2	ARMCO STEEL CORP
-FISHER-WEBB INC					RECEIVED: 04/17/81 JA: TX			
8126142	32214	4235330910	103		COMPTON NO 3	JMM (CANYON)	308.0	SUN GAS CO
8126125	32180	4235330934	103		MCLAUGHLIN NO 12	JMM (CANYON)	308.0	SUN GAS CO
-FLAG-REDFERN OIL CO					RECEIVED: 04/17/81 JA: TX			
8126030	30684	4247730337	102		ROBERT D JAMESON NO 1 WELL	OXBOW (WILCOX)	219.0	PRODUCERS GAS CO
8126031	30685	4247730367	102		ROBERT D JAMESON NO 3 WELL	OXBOW (WILCOX)	219.0	PRODUCERS GAS CO
-GENERAL PRODUCTION CORP					RECEIVED: 04/17/81 JA: TX			
8126002	30097	4205131164	103		FRANK C ANDERSON WELL #4	WILLARD (NAVARRO) FIELD	0.0	FERGUSON CROSSING PI
8126003	30098	4205131165	103		OLEN P HOLLIMAN #3	WILLARD (NAVARRO) FIELD	0.0	FERGUSON CROSSING PI
-GEODYNAMICS OIL & GAS					RECEIVED: 04/17/81 JA: TX			
8126046	31343	4205130768	102		GRAFF UNIT NO 1	GIDDINGS (AUSTIN CHALK)	154.0	CLAJON GAS CO
8126009	30187	4205131075	102		J MEJL UNIT A	GIDDINGS (AUSTIN CHALK)	151.0	CHAMPLIN PETROLEUM C
8126047	31342	4205131147	102		PATTERSON C NO 1	STONE CITY (AUSTIN CHALK	65.0	CLAJON GAS CO
-GEOTEK HOLDING CO INC					RECEIVED: 04/17/81 JA: TX			
8125911	23907	4210500000	108		J R BAILEY ESTATE #2	OZONA N E	28.9	NORTHERN NATURAL GAS

JD NO	DA NBR	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8125912	23908	4210500000	108		J R BAILEY ESTATE #4	OZONA N E	20.9	NORTHERN NATURAL GAS
8125909	23904	4210500000	108		J R BAILEY ESTATE #5	OZONA N E	20.9	NORTHERN NATURAL GAS
8125910	23905	4210500000	108		J R BAILEY ESTATE #6	OZONA N E	20.9	NORTHERN NATURAL GAS
-GETTY OIL COMPANY					RECEIVED: 04/17/81 JA: TX			
8125946	28407	4241700000	108		G R DAVIS NO 1	NORTH WINDHAM	14.8	LONE STAR GAS CO
-GLENN COPE					RECEIVED: 04/17/81 JA: TX			
8125894	21589	4248300000	108		JOHNSON #1	EAST PANHANDLE	5.8	EL PASO NATURAL GAS
-GULF OIL CORPORATION					RECEIVED: 04/17/81 JA: TX			
8125940	27655	4239330577	108		B A BYRUM ETAL #3-4	RED DEER	8.0	TRANSWESTERN PIPELIN
8125918	24351	4223700000	108		FAYETTE YATES NO 4	BOONSVILLE (BEND CONGL)	19.5	NATURAL GAS PIPELINE
8125917	24315	4250530557	108		FERNANDO CUELLAR ESTATE #3 #72835	UREBENO (LOBO)	21.0	TENNESSEE GAS PIPELI
8126038	31022	4221530405	102		MINOJOSA ET AL WELL NO 1	EL STAGG (7330)	125.0	VALERO INTERSTATE TR
8125939	27654	4239300000	108		JOHN HAGGARD #24	QUINDUNO/LOWER ALBANY DO	3.0	NATURAL GAS PL CO OF
8125945	28006	4239330633	108		RALPH A BYRUM #1-7	RED DEER/PENN 6	18.0	MICHIGAN WISCONSIN P
8125987	23262	4210332196	103		W N WADDELL ET AL NO 1143	SAND HILLS (JUDKINS)	566.0	H & T GATHERING
8126071	31934	4210332307	103		W N WADDELL ET AL TR A NO 1152	SAND HILLS (JUDKINS)	267.0	H & T GATHERING
-H-M OIL CO					RECEIVED: 04/17/81 JA: TX			
8125880	18391	4217531230	103		MARY ELIZABETH MARTIN #2-T	GOLIAD N (2968)	188.0	DELHI GAS PIPELINE C
-HARRISON INTERESTS LTD					RECEIVED: 04/17/81 JA: TX			
8126070	31932	4210533012	102		NO 3 JOHN LEE HENDERSON JR A	SEAWOLF (STRAWN)	365.0	INTRATEX GAS CO
-HELMERICH & PAYNE INC					RECEIVED: 04/17/81 JA: TX			
8126001	30084	4248330493	102		PLETCHER NO 1 WELL ID NO 77301	WHEELER-PAN (HUNTON NW)	8.0	MICHIGAN WISCONSIN P
-HILL PRODUCTION CO					RECEIVED: 04/17/81 JA: TX			
8126077	31948	4225331558	102		L S KLEMCKE #1 (16377)	CULLERS & BAILEY (CANYON	34.0	PALO DURO PIPELINE C
8125931	25882	4240100000	103		MAUDE LAIRD GAS UNIT NO 1	OAK HILL (COTTON VALLEY)	660.0	DELHI GAS PIPELINE C
8125931	25882	4240100000	107		MAUDE LAIRD GAS UNIT NO 1	OAK HILL (COTTON VALLEY)	660.0	DELHI GAS PIPELINE C
-HILLIN PRODUCTION CO					RECEIVED: 04/17/81 JA: TX			
8126104	32105	4230150252	103		JOHNSON 76 #1	WHEAT	148.3	
-HNG OIL COMPANY					RECEIVED: 04/17/81 JA: TX			
8125977	29403	4247932255	102		BRUNI MINERAL A #1 82565	JUANITA (LOBO)	146.0	HOUSTON PIPE LINE
8125977	29403	4247932255	103		BRUNI MINERAL A #1 82565	JUANITA (LOBO)	146.0	HOUSTON PIPE LINE
8125981	29409	4247932323	102		BRUNI MINERAL A #2	JUANITA (LOBO)	133.0	HOUSTON PIPELINE
8125980	29408	4247932410	102		BRUNI MINERAL A #3	JUANITA (LOBO)	544.0	HOUSTON PIPE LINE
8125980	29408	4247932410	103		BRUNI MINERAL A #3	JUANITA (LOBO)	544.0	HOUSTON PIPE LINE
8125978	29405	4247932649	102		BRUNI MINERAL A NCT #4 88967	JUANITA (LOBO)	523.0	HOUSTON PIPE LINE
8125978	29405	4247932649	103		BRUNI MINERAL A NCT #4 88967	JUANITA (LOBO)	523.0	HOUSTON PIPE LINE
8125979	29406	4247932514	102		BRUNI MINERAL B #1 87821	JUANITA (LOBO)	247.0	HOUSTON PIPELINE
8125979	29406	4247932514	103		BRUNI MINERAL B #1 87821	JUANITA (LOBO)	247.0	HOUSTON PIPELINE
8125976	29402	4247932516	102		BRUNI MINERAL B #5 88968	JUANITA (LOBO)	203.0	HOUSTON PIPELINE
8125976	29402	4247932516	103		BRUNI MINERAL B #5 88968	JUANITA (LOBO)	203.0	HOUSTON PIPELINE
8125975	29401	4247932636	102		BRUNI MINERAL D #1	JUANITA (LOBO)	768.5	HOUSTON PIPE LINE
8125975	29401	4247932636	103		BRUNI MINERAL D #1	JUANITA (LOBO)	768.5	HOUSTON PIPE LINE
-HOME PETROLEUM CORPORATION					RECEIVED: 04/17/81 JA: TX			
8126103	32103	4216130464	103		O B UTLEY #2	MIMMS CREEK (BOSSIER)	111.2	UNITED TEXAS TRANSMI
8126102	32102	4216130417	103		UTLEY UNIT NO 1	MIMMS CREEK (COTTON VALL	98.6	UNITED TEXAS TRANSMI
-HUMBLE EXPLORATION CO INC					RECEIVED: 04/17/81 JA: TX			
8126056	31649	4214930672	102		THELMA SOLOMON #1	GIDDINGS	30.0	PHILLIPS PETROLEUM C
8126056	31649	4214930672	103		THELMA SOLOMON #1	GIDDINGS	30.0	PHILLIPS PETROLEUM C
-HUNT OIL COMPANY					RECEIVED: 04/17/81 JA: TX			
8126124	32177	4221330290	103		FAIRWAY (JAMES LIME) UNIT #449-2	FAIRWAY (JAMES LIME) UNI	30.0	LONE STAR GAS CO
8126084	31977	4221330296	103		FAIRWAY (JAMES LIME) UNIT #644-3	FAIRWAY (JAMES LIME) UNI	65.0	LONE STAR GAS CO
8126083	31976	4221330825	103		FAIRWAY (JAMES LIME) UNIT #821-2	FAIRWAY (JAMES LIME) UNI	700.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-INTERNATIONAL OIL & GAS CORP					RECEIVED: 04/17/81 JA: TX			
8125943	27808	4210532963	103		PERNER 43 #1 086611	DEVONIAN	23.9	EL PASO NATURAL GAS
8125973	29214	4210533013	103		PERNER 43 #2	INGHAM DEVONIAN	194.0	EL PASO NATURAL GAS
					RECEIVED: 04/17/81 JA: TX			
-J CLEO THOMPSON								
8126017	30302	4210533033	102		UNIVERSITY 9 #1	UNIVERSITY 31 (QUEEN)	22.0	PHILLIPS PETROLEUM C
					RECEIVED: 04/17/81 JA: TX			
-JACKSON EXPLORATION INC								
8125992	29849	4246131604	103		CONNELL ESTATE #3	SPRABERRY (TREND AREA)	36.0	PHILLIPS PETROLEUM C
					RECEIVED: 04/17/81 JA: TX			
-JENNINGS EXPLORATION CO								
8126051	31558	4250731374	102		NO 1 H&F PROPERTIES EB UNIT 06428	ALLIGATOR SLOUGH (ELAINE	96.0	VALERO TRANSMISSION
8126050	031549	4250731377	102		NO 2 H&F PROPERTIES A 90240	AIRSTRIP (3690)	156.0	VALERO TRANSMISSION
					RECEIVED: 04/17/81 JA: TX			
-JERRY E WYLIE								
8126076	31944	4209330607	103		BURNS #1 (15177)	DUSTER N E (MARBLE FALLS	8.0	LONE STAR GAS CO
8126075	31942	4209330586	103		TED UNDERWOOD #1 (15772)	DUSTER N E (MARBLE FALLS	2.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-JOHN DEETER								
8125923	25300	4235531429	102		KOENNING NO 1 (09347)	AGUA DULCE-EASH YEHUDE	1708.0	HOUSTON PIPELINE CO
8125921	24718	4235531575	102		KOENNING NO 3 (NO ID ASSIGNED)	AGUA DULCE STRAY (6400)	308.0	HOUSTON PIPELINE CO
					RECEIVED: 04/17/81 JA: TX			
-JOSEPH F CORPENING								
8126114	32146	4223733436	103		WALTERS NO 1 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-K&H LTD								
8125994	29881	4250530922	102		L E VELA WELL NO 2	EL GRULLO (7780)	0.0	INTRASTATE GATHERING
8125993	29880	4250530980	102		L E VELA WELL NO 3	EL GRULLO (7780)	0.0	INTRASTATE GATHERING
					RECEIVED: 04/17/81 JA: TX			
-KILLAM & HURD LTD								
8125964	28671	4247932800	102		LILIA BRUNI SLAUGHTER WELL NO 3	JUANITA (LOBO)	0.0	TRANSCONTINENTAL GAS
					RECEIVED: 04/17/81 JA: TX			
-LONAX EXPLORATION COMPANY								
8125922	24924	4231330264	102		LOEX ET AL M Y VICK NO 1	M Y VICK FIELD	120.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-LYONS PETROLEUM INC								
8126011	30243	4223931519	103		W B MOODY NO 1	LAWARD NORTH (6500 MOODY	91.0	UNITED TEXAS TRANSMI
					RECEIVED: 04/17/81 JA: TX			
-M R JOHNSON JR								
8126146	32227	4236308000	103		GRAGG-FINLEY 181 / #20125	GENESIS (3050)	110.0	SUN GAS GATHERING CO
					RECEIVED: 04/17/81 JA: TX			
-M-T PETROLEUM INC								
8126094	32081	4237133077	103		OLIX #2	PAYTON	14.4	EL PASO NATURAL GAS
					RECEIVED: 04/17/81 JA: TX			
-MAGNUM RESOURCES INC								
8126157	32284	4250334123	103		NESBITT -B- #1 --- 20643	YOUNG COUNTY REGULAR	29.2	SUN GAS GATHERING CO
8126156	32283	4250334124	103		NESBITT A #1 --- 20642	YOUNG COUNTY REGULAR	36.5	SUN GAS GATHERING CO
					RECEIVED: 04/17/81 JA: TX			
-MARATHON OIL COMPANY								
8126155	32271	4210533096	103		UNIVERSITY O WELL NO 5	AMIGO (SAN ANDRES)	28.0	BIG LAKE GAS CORP
					RECEIVED: 04/17/81 JA: TX			
-MARSHALL EXPLORATION INC								
8125913	23967	4236332378	102		ALLEN B #3	BRANSON N (BIG SALINE)	388.0	SOUTHWESTERN GAS PIP
					RECEIVED: 04/17/81 JA: TX			
-MARTIN OIL & GAS CO					DELAMETER-ENGLEMANN UNIT NO 1 WELL			
8126040	31035	4205130813	102		WALSH-ENGLEMAN UNIT NO 1 WELL	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
8126039	31032	4205130683	102		RECEIVED: 04/17/81 JA: TX	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
-MAY PETROLEUM INC								
8125937	27122	4229530773	103		ELMORE #1T	FOLLETT (MORROW)	365.0	NORTHERN NATURAL GAS
					RECEIVED: 04/17/81 JA: TX			
-MAYNARD OIL COMPANY								
8126089	32060	4235531277	103		MILTON GABRIEL ET AL NO 2	CLARKWOOD S (FRIO M-2)	0.0	DELMI GAS PIPELINE C
8126090	32061	4235531277	102		MILTON GABRIEL ET AL NO 2	CLARKWOOD S (FRIO M-2)	0.0	DELMI GAS PIPELINE C
					RECEIVED: 04/17/81 JA: TX			
-MCCORMICK OPERATING CO								
8125978	29014	4240130775	107		DELTA GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
8125970	29014	4240130775	103		DELTA GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
8125969	29011	4240130742	107		ROGERS GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
8125969	29011	4240130742	103		ROGERS GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
8125968	29010	4240130767	107		SOONER GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	310.0	HYDROCARBON TRANSFER
8125968	29010	4240130767	103		SOONER GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	310.0	HYDROCARBON TRANSFER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8125971	29019	4240130872	107		VINSON GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
8125971	29019	4240130872	103		VINSON GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
8125967	29009	4240130766	107		WILLIAMS GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
8125967	29009	4240130766	103		WILLIAMS GAS UNIT NO 2	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
8125966	29008	4240130765	107		WILLIAMS GAS UNIT NO 1	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
8125966	29008	4240130765	103		WILLIAMS GAS UNIT NO 1	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
8125965	29007	4240130764	107		MCCORMICK GAS UNIT NO 1	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
8125965	29007	4240130764	103		MCCORMICK GAS UNIT NO 1	OAK HILL (COTTON VALLEY)	388.0	HYDROCARBON TRANSFER
-MCCULLOCH OIL CORP OF OKLA								
8126107	32139	4210533107	103		RECEIVED: 04/17/81 JA: TX			
					MCCULLOCH-MCCOLLUM NO 1			
-MCGUIRE & MCGUIRE					RECEIVED: 04/17/81 JA: TX			
8126104	32138	4210533106	103		MCGUIRE-MCCOLLUM NO 1			
					RECEIVED: 04/17/81 JA: TX			
-MCKEE OIL CO								
8126105	32137	4210533105	103		MCKEE-MCCOLLUM NO 1			
					RECEIVED: 04/17/81 JA: TX			
-MCMORAN EXPLORATION CO								
8125988	29870	4250530977	102		MCMORAN 1 (09347)	AGUA DULCE-EASH YEHUDE	1708.0	HOUSTON PIPELINE CO
8125987	29869	4250530978	102		MCMORAN 2 (09347)	AGUA DULCE-EASH YEHUDE	1708.0	HOUSTON PIPELINE CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126120	32150	4223733440	103		WALTERS NO 2 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126121	32151	4223733441	103		WALTERS NO 3 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126122	32152	4223733442	103		WALTERS NO 4 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126123	32153	4223733443	103		WALTERS NO 5 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126124	32154	4223733444	103		WALTERS NO 6 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126125	32155	4223733445	103		WALTERS NO 7 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126126	32156	4223733446	103		WALTERS NO 8 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126127	32157	4223733447	103		WALTERS NO 9 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126128	32158	4223733448	103		WALTERS NO 10 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126129	32159	4223733449	103		WALTERS NO 11 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126130	32160	4223733450	103		WALTERS NO 12 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126131	32161	4223733451	103		WALTERS NO 13 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126132	32162	4223733452	103		WALTERS NO 14 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126133	32163	4223733453	103		WALTERS NO 15 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126134	32164	4223733454	103		WALTERS NO 16 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126135	32165	4223733455	103		WALTERS NO 17 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126136	32166	4223733456	103		WALTERS NO 18 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126137	32167	4223733457	103		WALTERS NO 19 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126138	32168	4223733458	103		WALTERS NO 20 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126139	32169	4223733459	103		WALTERS NO 21 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126140	32170	4223733460	103		WALTERS NO 22 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126141	32171	4223733461	103		WALTERS NO 23 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126142	32172	4223733462	103		WALTERS NO 24 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126143	32173	4223733463	103		WALTERS NO 25 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126144	32174	4223733464	103		WALTERS NO 26 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126145	32175	4223733465	103		WALTERS NO 27 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126146	32176	4223733466	103		WALTERS NO 28 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126147	32177	4223733467	103		WALTERS NO 29 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126148	32178	4223733468	103		WALTERS NO 30 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126149	32179	4223733469	103		WALTERS NO 31 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126150	32180	4223733470	103		WALTERS NO 32 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126151	32181	4223733471	103		WALTERS NO 33 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126152	32182	4223733472	103		WALTERS NO 34 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126153	32183	4223733473	103		WALTERS NO 35 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126154	32184	4223733474	103		WALTERS NO 36 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126155	32185	4223733475	103		WALTERS NO 37 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126156	32186	4223733476	103		WALTERS NO 38 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126157	32187	4223733477	103		WALTERS NO 39 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126158	32188	4223733478	103		WALTERS NO 40 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126159	32189	4223733479	103		WALTERS NO 41 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126160	32190	4223733480	103		WALTERS NO 42 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126161	32191	4223733481	103		WALTERS NO 43 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126162	32192	4223733482	103		WALTERS NO 44 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126163	32193	4223733483	103		WALTERS NO 45 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126164	32194	4223733484	103		WALTERS NO 46 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126165	32195	4223733485	103		WALTERS NO 47 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126166	32196	4223733486	103		WALTERS NO 48 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126167	32197	4223733487	103		WALTERS NO 49 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126168	32198	4223733488	103		WALTERS NO 50 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126169	32199	4223733489	103		WALTERS NO 51 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126170	32200	4223733490	103		WALTERS NO 52 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126171	32201	4223733491	103		WALTERS NO 53 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126172	32202	4223733492	103		WALTERS NO 54 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126173	32203	4223733493	103		WALTERS NO 55 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126174	32204	4223733494	103		WALTERS NO 56 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126175	32205	4223733495	103		WALTERS NO 57 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126176	32206	4223733496	103		WALTERS NO 58 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126177	32207	4223733497	103		WALTERS NO 59 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126178	32208	4223733498	103		WALTERS NO 60 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126179	32209	4223733499	103		WALTERS NO 61 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126180	32210	4223733500	103		WALTERS NO 62 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126181	32211	4223733501	103		WALTERS NO 63 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126182	32212	4223733502	103		WALTERS NO 64 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126183	32213	4223733503	103		WALTERS NO 65 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126184	32214	4223733504	103		WALTERS NO 66 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126185	32215	4223733505	103		WALTERS NO 67 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126186	32216	4223733506	103		WALTERS NO 68 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126187	32217	4223733507	103		WALTERS NO 69 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126188	32218	4223733508	103		WALTERS NO 70 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126189	32219	4223733509	103		WALTERS NO 71 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126190	32220	4223733510	103		WALTERS NO 72 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126191	32221	4223733511	103		WALTERS NO 73 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126192	32222	4223733512	103		WALTERS NO 74 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126193	32223	4223733513	103		WALTERS NO 75 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126194	32224	4223733514	103		WALTERS NO 76 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126195	32225	4223733515	103		WALTERS NO 77 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126196	32226	4223733516	103		WALTERS NO 78 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126197	32227	4223733517	103		WALTERS NO 79 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126198	32228	4223733518	103		WALTERS NO 80 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126199	32229	4223733519	103		WALTERS NO 81 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126200	32230	4223733520	103		WALTERS NO 82 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								
8126201	32231	4223733521	103		WALTERS NO 83 WELL ID NO 91196	JACK COUNTY REGULAR	0.0	LONE STAR GAS CO
					RECEIVED: 04/17/81 JA: TX			
-MEDALLION OIL CO								

JD NO	JA DKT	API NO	SEC	D	WELL NAME
8125971	29019	4240130872	107		VINSON GAS UNIT NO 2
8125971	29019	4240130872	103		VINSON GAS UNIT NO 2
-MCMAHON-BULLINGTON DRLG CO					RECEIVED: 04/17/81 JA: TX
8126058	31722	4236700000	108		GAINES #1 60230
-MGF OIL CORP					RECEIVED: 04/17/81 JA: TX
8126098	32087	4211531422	103		DEAN #1
8125963	28619	4211531406	103		MATHIS #1 (630831)
-MITCHELL ENERGY CORPORATION					RECEIVED: 04/17/81 JA: TX
8125883	19875	4232130878	107		ABEL H PIERCE #1 82699
8125946	28870	4236731914	103		R R HOWARD #2
8126149	32240	4214930748	103		ROY BUCEK #1
8125926	25611	4249700000	108		S F PEEK #1 28774
-MITCHELL ENERGY OFFSHORE CORP					RECEIVED: 04/17/81 JA: TX
8125881	18843	4216700000	108		STATE TRACT 179-S #2 74424
-MOBIL OIL CORP					RECEIVED: 04/17/81 JA: TX
8125878	15405	4221100000	108		LESTER R URSCHEL NO 14
-MOLE OPERATING COMPANY INC					RECEIVED: 04/17/81 JA: TX
8126081	31963	4222100000	108		ODOM-LOE 1
-MONOCO OIL CORP					RECEIVED: 04/17/81 JA: TX
8126019	30530	4242388000	103		NONA FRIED LANDER #1
-MONSANTO COMPANY					RECEIVED: 04/17/81 JA: TX
8126138	32203	4200332308	103		FISHER #1
8126137	32202	4200332410	103		FISHER #2
8126136	32201	4200332411	103		FISHER #3
8126135	32200	4200332412	103		FISHER #4
8126134	32199	4200332413	103		FISHER #5
8126133	32198	4200332447	103		FISHER #6
8126139	32204	4249531236	103		HOGG #1
8126140	32205	4249531241	103		MITCHELL #1
8126016	30293	4207931264	103		STARNES #1-27
-MOODY ENERGY CO					RECEIVED: 04/17/81 JA: TX
8126113	32144	4221131273	103		GRACIE-117 NO 1 WELL ID NO 91094
8126112	32143	4221131262	103		JOHN T WRIGHT SEC 116 NO 1 WELL
-MORAN EXPLORATION INC					RECEIVED: 04/17/81 JA: TX
8126034	30983	4238330225	108		ROCKER B A #1
8126108	32132	4238330249	103		ROCKER B B #3
8126109	32133	4238330252	108		ROCKER B G #4
8126110	32134	4238300000	108		ROCKER B D #4
8126027	30767	4223530206	108		ROCKER B E WELL NO 6
-NATURAL GAS ANADARKO INC					RECEIVED: 04/17/81 JA: TX
8126029	30844	4235731010	102		HERMANN SEC 1017 NO 1
8126080	31961	4237531026	103		MATILDA #1-49
-NORTH CENTRAL OIL CORPORATION					RECEIVED: 04/17/81 JA: TX
8125935	26885	4249700800	108		J R HEFLEY #1 ID NO 29381
8125936	26886	4249700800	108		L F MATTINGLY ID NO 35079
-OMEGA MINERALS INC					RECEIVED: 04/17/81 JA: TX
8125899	22262	4256731287	103		E E PLUMLY NO 1
-PALO-PLACER					RECEIVED: 04/17/81 JA: TX
8126022	30552	4246131522	103		AMACKER 46-4
8126143	32220	4246131494	103		UNIVERSITY 10-2
8126144	32221	4246131495	103		UNIVERSITY 3-2
-PERRYMAN & MURCHISON					RECEIVED: 04/17/81 JA: TX

FIELD NAME	PROD	PURCHASER
OAK HILL (COTTON VALLEY)	325.0	HYDROCARBON TRANSFER
OAK HILL (COTTON VALLEY)	325.0	HYDROCARBON TRANSFER
REEKER (2288)	3.0	TEXAS UTILITIES FUEL
FELKEN S (SPRABERRY)	19.0	
TEX-MAMON (DEAN)	32.5	ADOBE OIL & GAS CORP
PALACIOS (FRIO 15000)	280.0	FLORIDA GAS TRANSMIS
LAKE MINERAL WELLS (CONG	210.0	
GIDDINGS (AUSTIN CHALK)	25.0	
BOONESVILLE (BEND CONGL	11.0	NATURAL GAS PIPELINE
BLOCK 176-S/HIOC S-4 FBI	15.0	NATURAL GAS PIPELINE
CANADIAN NE (DOUGLAS)	15.9	PIONEER NATURAL GAS
BRAZOS E (CADDO)	28.0	NORTHERN GAS PRODUCT
CHAPEL HILL	38.0	TEXAS PRODUCERS GAS
SHAFTER LAKE	12.0	PHILLIPS PETROLEUM C
SHAFTER LAKE	18.0	PHILLIPS PETROLEUM C
SHAFTER LAKE	9.0	PHILLIPS PETROLEUM C
SHAFTER LAKE	5.0	PHILLIPS PETROLEUM C
SHAFTER LAKE	5.0	PHILLIPS PETROLEUM C
SHAFTER LAKE	18.0	PHILLIPS PETROLEUM C
MONAHANS NE (PENN DETRIT	7.0	EL PASO NATURAL GAS
MONAHANS N E (PENN DETRI	75.0	EL PASO NATURAL GAS
LEVELLAND	18.5	CITIES SERVICE CO
HUMPHREYS (DOUGLAS)	0.0	DIAMOND SHAMROCK COR
HUMPHREYS (DOUGLAS)	0.0	DIAMOND SHAMROCK COR
SPRABERRY (TREND AREA)	9.0	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	4.1	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	1.8	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	5.4	NORTHERN NATURAL GAS
SPRABERRY (TREND AREA)	13.5	NORTHERN NATURAL GAS
HERMANN (MORROW UPPER)	240.0	PHILLIPS PETROLEUM C
ELLIS RANCH (CLEVELAND)	220.0	NORTHERN NATURAL GAS
BOONESVILLE (BEND CONGLO	19.0	NATURAL GAS PIPELINE
HALL SOUTH	8.0	NATURAL GAS PIPELINE
PLUMLY (NAVARRO)	73.0	VALERO TRANSMISSION
SPRABERRY (TREND AREA)	50.0	PHILLIPS PETROLEUM C
SPRABERRY (TREND AREA)	30.0	EL PASO NATURAL GAS
SPRABERRY (TREND AREA)	30.0	EL PASO NATURAL GAS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8125925	25584	4202500000	102		F W HELDENFELS NO A-2	YOUGEEN S E FIELD	37.0	UNITED GAS PIPE LINE
-PETRUS OPERATING CO INC			RECEIVED: 04/17/81 JA: TX					
8125915	24082	4224531378	102		GALLAGHER NO 3 WELL	BIG HILL NE (MARG 8400)	365.0	WINNIE PIPELINE CO
8125915	24082	4224531378	103		GALLAGHER NO 3 WELL	BIG HILL NE (MARG 8400)	365.0	WINNIE PIPELINE CO
-PHILLIPS PETROLEUM COMPANY			RECEIVED: 04/17/81 JA: TX					
8125914	24040	4200304694	108		(01270) UNIVERSITY ANDREWS NO 87	EMBAR (PERMIAN)	24.0	EL PASO NATURAL GAS
8126092	32073	4222700934	108		BELLNOLIA #1	IATAN EAST HOWARD	0.4	GETTY OIL CO
*8126059	31745	4234100000	108		BERAW NO 1	WEST PANHANDLE	0.0	EL PASO NATURAL GAS
8126073	31938	4213503224	108		GS ANDECTOR #B-03	GOLDSMITH (CLEARFORK)	16.0	EL PASO NATURAL GAS
8126088	32035	4213521550	108		HOLT BB #1	COWDEN NORTH	2.2	AMOCO PRODUCTION CO
8126150	32246	4236530971	107		MAUDE 2 NO 2	CARTHAGE COTTON VALLEY	300.0	UNITED GAS PIPE LINE
8126074	31941	4213503815	108		M PENWELL #82	PENWELL	1.0	EL PASO NATURAL GAS
8126151	32249	4236531033	107		PITTS A NO 1	CARTHAGE COTTON VALLEY	365.0	UNITED GAS PIPELINE
-PIONEER PRODUCTION CORPORATION			RECEIVED: 04/17/81 JA: TX					
8126082	31965	4229500000	108		FRY-WHEATLEY #1	MAMMOTH CREEK NORTH/CLEV	0.0	NORTHERN NATURAL GAS
-PITTS OIL CO & DALLAS PROD INC			RECEIVED: 04/17/81 JA: TX					
8126063	31848	4216130532	107		M C WELLS NO 1 ID#86158	SIMSBORO N (COTTON VALLE	1697.0	UNITED TEXAS TRANSMI
8126036	31002	4207330390	102		TRAVIS NO 2 RRCID#90859	PERCY WHEELER (TRAVIS PE	643.0	UNITED GAS PIPELINE
-R H ENGELKE			RECEIVED: 04/17/81 JA: TX					
8126006	30132	4223931169	102		UNITED METHODIST GU WELL #1-C	LA SALLE EAST	243.4	TENNESSEE GAS PIPELI
8126007	30133	4223931169	102		UNITED METHODIST GU WELL #1-T	LA SALLE	172.6	TENNESSEE GAS PIPELI
-R L BURNS CORP			RECEIVED: 04/17/81 JA: TX					
8125953	28282	4247931308	108		RETTIG NO 12	SEGUNDO (OLMOS)	10.2	HOUSTON PIPE LINE CO
8125954	28287	4247931222	108		RETTIG NO 4	SEGUNDO (OLMOS)	6.0	HOUSTON PIPE LINE CO
-R LACY INC			RECEIVED: 04/17/81 JA: TX					
8126068	31929	4236530723	103		BURNETT UNIT 2 WELL NO 4 RRC# 91224	CARTHAGE (TRAVIS PEAK LO	146.0	ARKANSAS LOUISIANA G
-REALITOS ENERGY CORP			RECEIVED: 04/17/81 JA: TX					
8126028	30822	4248132025	102		E MOLUB NO 1-C	WILDCAT-PROPOSED EL CAMP	0.0	DOW CHEMICAL CO
8125966	28886	4229732409	103		H L MCEACHERN NO 1	SLIVA SOUTHWEST (2900)	100.0	ESPERANZA TRANSMISSI
-REITA OIL CO			RECEIVED: 04/17/81 JA: TX					
8126085	31982	4236931740	103		CLEMENS #1-C (91008)	WHISKEY FLAT (LOWER ATOK	219.0	SOUTHWESTERN GAS PIP
-RICKS EXPLORATION CO			RECEIVED: 04/17/81 JA: TX					
8125908	23556	4235730971	102		GARLAND 1114-A		50.0	HIGH PLAINS NATURAL
-RIO BRAVO OIL CO INC			RECEIVED: 04/17/81 JA: TX					
8126044	31218	4228531370	102		O L MENKING #1	MENKING (WILCOX 7250)	400.0	VALERO TRANSMISSION
-ROBERT L MCMILLAN			RECEIVED: 04/17/81 JA: TX					
8126061	31787	4236332284	102		IRSFELD ET AL (NA)	IRSFELD (CONGLOMERATE)	949.0	SOUTHWESTERN GAS PIP
-RUTHERFORD OIL CORP			RECEIVED: 04/17/81 JA: TX					
8126055	31619	4205730988	102		WELDER PATRICK WELL NO 3-U 89028	BARGE CANAL (FRIO 5940)	180.0	HOUSTON PIPE LINE CO
-RYDER SCOTT OIL CO			RECEIVED: 04/17/81 JA: TX					
8126010	30195	4207731888	102		WINKLER #5	WINKLER (CONGL)	81.0	TEXAS UTILITIES FUEL
-SEAGULL INTERNATIONAL EXPLORATION I			RECEIVED: 04/17/81 JA: TX					
8126035	30994	4236500000	102		JOHN G GRUBENMAN UNIT WELL NO 1	PINEHILL SE (RODESSA GLO	0.0	UNITED GAS PIPELINE
-SHELL OIL CO			RECEIVED: 04/17/81 JA: TX					
8125990	29704	4213500000	108		EAST HARPER UNIT #114	HARPER	0.2	PHILLIPS PETROLEUM C
8125986	29694	4213500000	108		EAST HARPER UNIT #213	HARPER	0.3	PHILLIPS PETROLEUM C
8125930	25764	4213500000	108		EAST HARPER UNIT #341	HARPER	1.0	PHILLIPS PETROLEUM C
8125985	29665	4238300000	108		RICKER -27- #2	SPRAY BERRY (TREND AREA)	11.9	EL PASO NATURAL GAS
8125989	29702	4213500000	108		SLATOR -E- #11	TXL (SAN ANDRES)	8.9	SHELL ET AL
8125988	29700	4213500000	108		TXL -N- #4	GOLDSMITH W (SAN ANDRES)	3.9	SHELL ET AL
8126000	30080	4213500000	103		TXL NORTH UNIT #696	TXL (TUBB)	57.3	SHELL ETAL
8125999	30079	4213533330	103		TXL NORTH UNIT #724	TXL (TUBB)	68.4	SHELL ETAL

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-SIMPSON-MANN OIL PRODUCERS					RECEIVED: 04/17/81 JA: TX			
8126064	31902	4210532967	103		J M BAGGETT EST ET AL #2-3	ADAMS-BAGGETT RANCH (CAN	48.0	VALERO TRANSMISSION
8126864	31902	4210532967	107		J M BAGGETT EST ET AL #2-3	ADAMS-BAGGETT RANCH (CAN	48.0	VALERO TRANSMISSION
-SOHIO PETROLEUM CO					RECEIVED: 04/17/81 JA: TX			
8126066	31915	4238831749	103		SPRABERRY DRIVER UNIT WELL NO 873	SPRABERRY (TREND AREA)	39.0	EL PASO NATURAL GAS
-SOUTHLAND ROYALTY CO					RECEIVED: 04/17/81 JA: TX			
8126087	31989	4210300000	103		EUDALY #6	TROPORO	15.0	P&P GAS PRODUCTS INC
-SPINDLETOP OIL & GAS CO					RECEIVED: 04/17/81 JA: TX			
8125886	20485	4236731231	103		CAHOON-WHITWORTH #1 (84664)	RENO (CONGL)	60.0	LONE STAR GAS CO
8125887	20486	4236731492	103		DOSS FOUNDATION #1-C (84938)	MALES (4650)	16.0	LONE STAR GAS CO
8125885	20484	4236731492	103		DOSS FOUNDATION #1-T (84928)	DOSS (4900)	168.0	LONE STAR GAS CO
8125889	20492	4236731001	103		HARMS #1-C (78827)	RENO (CONGL)	0.0	LONE STAR GAS CO
8125891	20785	4236731727	103		LONG JONES #2 (86168)	MALES (4300)	0.0	LONE STAR GAS CO
8125892	21027	4236731787	103		MCKEON #2 - T	MALES (4650)	38.0	LONE STAR GAS CO
8125893	21028	4236731787	103		MCKEON #2-C	MALES (4300)	70.0	LONE STAR GAS CO
8125888	20483	4236731079	103		MEASURES #2 (77210)	COLEEN (MARBLE FALLS)	245.0	TEXAS UTILITIES FUEL
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 04/17/81 JA: TX			
8125974	299369	4233531468	103		B ANDERSON -A- NO 7	JAMESON NORTH (STRAWN)	26.0	LONE STAR GAS CO
8126128	32169	4219931495	103		GULF FEE LOT 13 NO 1	SARATOGA WEST	192.0	
*8126119	32160	4235330830	103		SOUTHWEST MENA LUCIA #38-18	MENA LUCIA (STRAWN REEF)	122.0	LONE STAR GAS CO
8126121	32170	4219931463	103		SUN FEE LOT 14 NO 1	SARATOGA WEST	77.0	
-SUPERIOR OIL CO					RECEIVED: 04/17/81 JA: TX			
8126079	31953	4247532177	103		UNIVERSITY 20-18 WELL NO 2	WAR-WINK S (WOLFCAMP)	0.0	
-TARINA OIL CO					RECEIVED: 04/17/81 JA: TX			
8126018	30485	4212732057	102		STUMBERG RANCH NO 2	STUMBERG (OLMOS 4150)	0.0	VALERO TRANSMISSION
-TAURUS OIL CORP					RECEIVED: 04/17/81 JA: TX			
8125938	27367	4214330405	108		FOSS #2 - RRC #81598	MORGAN MILLS (MARBLE FAL	7.3	NORTHERN GAS PRODUCT
-TENNECO OIL COMPANY					RECEIVED: 04/17/81 JA: TX			
8126111	32142	4250131847	103		PRENTICE CLEARFORK UNIT #719	PRENTICE	12.4	AMOCO PRODUCTION CO
-TEXACO INC					RECEIVED: 04/17/81 JA: TX			
8125944	27837	4221932713	103		MONTGOMERY ESTATE-DAVIES NCT-2 37-A	LEVELLAND	12.4	AMOCO PRODUCTION CO
8126013	30252	4237133897	103		PECOS F FEE #2	GOMEZ (WOLFCAMP)	0.0	TRANSCONTINENTAL GAS
-TEXAS ENERGY EXPLORATION INC					RECEIVED: 04/17/81 JA: TX			
8126148	32236	4221530996	103		TX ENERGY EXPL #1 MINOJOSA ID#91525	LA REFORMA E (FRIO E SAN	138.7	VALERO INTERSTATE TR
-TEXAS OIL & GAS CORP					RECEIVED: 04/17/81 JA: TX			
8126052	31575	4216130445	102		BAUM ESTATE #1	SIMSBORO N (COTTON VALLE	183.0	UNITED TEXAS TRANSMI
8125901	22411	4228531428	102		HANCOCK G U 1 #1	PROVIDENT CITY (WILCOX 1	788.0	TEXAS EASTERN GAS PI
8126048	31408	4216130479	102		WHATLEY #1	SIMSBORO N (COTTON VALLE	160.0	UNITED TEXAS TRANSMI
8126048	31408	4216130479	103		WHATLEY #1	SIMSBORO N (COTTON VALLE	160.0	UNITED TEXAS TRANSMI
-TEXLAND PETROLEUM INC					RECEIVED: 04/17/81 JA: TX			
8125898	20506	4244500000	102		GULF-COONS NO 8-A	WARHORSE (CLEARFORK UPPE	26.0	AMOCO PRODUCTION CO
-TEXLAND-RECTOR & SCHUMACHER					RECEIVED: 04/17/81 JA: TX			
8125965	28795	4221932759	103		D B BRYAN NO 5	SLAUGHTER	12.8	AMOCO PRODUCTION CO
-THE MAURICE L BROWN COMPANY					RECEIVED: 04/17/81 JA: TX			
8126054	031581	4220300000	108		F W BLOCKER ESTATE GAS UNIT #2	BLOCKER	16.0	UNITED GAS PIPELINE
8126053	031578	4220300000	108		NEWTON GAS UNIT #2	BETHANY T P	19.0	UNITED GAS PIPE LINE
-THOMAS D COFFMAN INC					RECEIVED: 04/17/81 JA: TX			
8126141	32210	4205131143	102		MADDOX A NO 2 898642	GIDDINGS (AUSTIN CHALK)	36.5	FERGUSON CROSSING PI
-TRANS-AMERICAN DEVELOPMENT CORP					RECEIVED: 04/17/81 JA: TX			
8125962	28593	4204932267	102		J M PECK #1 (89036)	MIKLAR (STRAWN)	1496.0	ODESSA NATURAL CORP
-U S OPERATING INC					RECEIVED: 04/17/81 JA: TX			
8126812	30244	4247730359	102		HMK FISCHER NO 1 RRC ID N/A	GIDDINGS (AUSTIN CHALK G	91.0	P&P GAS PRODUCTS INC

JD NO	JA ENT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8126045	31295	4247730363	102		KIM NO 1	GIDDINGS (AUSTIN CHALK G	33.0	P&P GAS PRODUCTS INC
-UNIVERSAL RESOURCES CORPORATION					RECEIVED: 04/17/81 JA: TX			
8126014	30253	4229530878	102		TERREL UNIT 1-1125	MAY (BASAL MORROW)	142.7	DIAMOND SHAMROCK COR
-W B TRAMMELL					RECEIVED: 04/17/81 JA: TX			
8125996	29980	4215131071	102		W B TRAMMELL FEE #6	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
8125997	29981	4215131090	102		W B TRAMMELL FEE #7	JUDY GAIL EAST (CANYON)	0.0	PALO DURO PIPE LINE
-WALTER EXPLORATION INC					RECEIVED: 04/17/81 JA: TX			
8126099	32092	4249700000	108		BIRDWELL NO 1 ID NO 40015	BOONSVILLE (BEND CONGL G	13.0	NATURAL GAS PIPELINE
8126093	32075	4249700000	108		PUGH GAS UNIT NO 1 ID NO 42827	BOONSVILLE (BEND CONGL G	12.0	NATURAL GAS PIPELINE
8126117	32155	4249700000	108		SWAFFORD NO 1 ID 835542	BOONSVILLE (BEND CONGL G	7.0	NATURAL GAS PIPELINE
-WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 04/17/81 JA: TX			
8126072	31935	4210332307	103		W N WADDELL ET AL NO 1152	RUNNING W (TUBB)	0.0	EL PASO NATURAL GAS
8125955	28344	4210332269	103		W N WADDELL ET AL TR A NO 1171	SAND HILLS (WOLFCAMP)	0.0	EL PASO NATURAL GAS
8125950	28215	4210332262	103		W N WADDELL TR 1 NO 1130	DUNE	12.0	EL PASO NATURAL GAS
8125951	28216	4210332263	103		W N WADDELL TR 1 NO 1131	DUNE	30.0	EL PASO NATURAL GAS
8125948	28213	4210332259	103		W N WADDELL TR 1 NO 1132	DUNE	1.0	EL PASO NATURAL GAS
8125949	28214	4210332275	103		W N WADDELL TR 1 NO 1133	DUNE	7.0	EL PASO NATURAL GAS
8125952	28217	4210332260	103		W N WADDELL TR 1 NO 1134	DUNE	16.0	EL PASO NATURAL GAS
-WAY & MILLS					RECEIVED: 04/17/81 JA: TX			
8126069	31931	4238331458	103		UNIVERSITY 11 #12	FARMER (SAN ANDRES)	34.9	NORTHERN NATURAL GAS
-WINDSOR PRODUCING CO					RECEIVED: 04/17/81 JA: TX			
8125942	27725	4228730510	103		CAMERON #2	GIDDINGS (AUSTIN CHALK)	70.0	P&P GAS PRODUCTS INC
8125941	27719	4205130934	102		T-O #1	GIDDINGS (AUSTIN CHALK)	100.0	P&P GAS PRODUCTS INC
8125941	27719	4205130934	103		T-O #1	GIDDINGS (AUSTIN CHALK)	100.0	P&P GAS PRODUCTS INC
-WORLD PRODUCERS INC					RECEIVED: 04/17/81 JA: TX			
8125906	22949	4236731340	102		EDITH L GANDEE #1	KUZELL (CONGLOMERATE)	11.0	NATURAL GAS PIPELINE
8125905	22658	4223732470	102		HALSELL C #2	KEVIN (ATOKA)	70.0	SOUTHWESTERN GAS PIP
-WY-VEL CORP					RECEIVED: 04/17/81 JA: TX			
8126154	32269	4206530859	103		BURNETT #6 (04270)	PANHANDLE CARSON COUNTY	20.0	PHILLIPS PETROLEUM C
-ZEPHYR OIL CO					RECEIVED: 04/17/81 JA: TX			
8125902	22484	4248100000	108		BERRY-CHIM #1 (RRC #16143)	HENDERSON (RUSK CO TRAVI	1.3	UNITED GAS PIPE LINE
-ZONERGY INC					RECEIVED: 04/17/81 JA: TX			
8125916	24313	4228730404	102		ALCOCER #1	GIDDINGS	105.1	P&P GAS PRODUCTS INC
-6-BAR OPERATIONS INC					RECEIVED: 04/17/81 JA: TX			
8126118	32158	4204932446	103		BOWDEN #1-B (91075)	BROWN COUNTY REGULAR (MA	189.0	SOUTHWESTERN GAS PIP

OTHER PURCHASERS

8125877	DELHI GAS P L CORP
8125884	EL PASO NATURAL GAS CO
8125895	HOUSTON LIGHTING & POWER CO
8125896	HOUSTON LIGHTING & POWER CO
8125897	HOUSTON LIGHTING & POWER CO
8125898	HOUSTON LIGHTING & POWER CO
8125903	HOUSTON LIGHTING & POWER CO
8125904	HOUSTON LIGHTING & POWER CO
8125998	LONE STAR GAS CO
8126059	PANHANDLE EASTERN P L CO
8126097	HOUSTON LIGHTING & POWER CO
8126119	WESTLAKE NATURAL GAS CO
8126152	EL PASO NATURAL GAS CO
8126153	EL PASO NATURAL GAS CO

BILLING CODE 6450-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days after the date of publication of this notice in the Federal Register.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14997 Filed 5-14-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[EN-FRL-1926-7]

Environmental Impact Statements; Availability

AGENCY: Office of Federal Activities (A-104), Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EIS's) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR 1506.9) during the week of May 4, 1981 to May 8, 1981.

REVIEW PERIODS: The 45-day review period for Draft EIS's listed in this notice is calculated from May 15, 1981 and will end on June 29, 1981. The 30-day review period for Final EIS's as calculated from May 15, 1981 will end on June 15, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the federal agency which prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 245-3006.

Dated: May 12, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

FS: Draft—Craggy Mountain Wilderness Designation, Pisgah NF, Buncombe County, North Carolina; the review period for this EIS has been extended until July 14, 1981 (EIS Order #810341)

FS: Final—Lake Tahoe Basin Land Management Plan, Eldorado, Tahoe and Toiyabe National Forests, El Dorado, Placer and Alpine Counties, California and Washoe and Douglas Counties, Nevada; the review period for this EIS has been extended until June 29, 1981 (EIS Order #810340)

FS: Final—Stibnite Gold Mine and Mill, Operation Approval, Payette National Forest, Valley County, Idaho (EIS Order #810333)

REA: Draft—Antelope Valley Station to Charlies Creek Substation 345 kV Transmission Line, Billings, Dunn, McKenzie and Mercer Counties, North Dakota (EIS Order #810342)

REA: Draft—Choctaw to Waynesboro 230 kV Transmission Intertie, Washington County, Alabama to Wayne County, Mississippi (EIS Order #810335)

SCS: Draft—Richland Creek Watershed Flood Prevention, Rankin County, Mississippi (EIS Order #810345)

Army Corps of Engineers

Draft—St. Paul Island Small Boat Harbor Construction, Alaska (EIS Order #810349)

Draft—Port Gibson Port Construction, Mississippi River, Claiborne County, Mississippi (EIS Order #810338)

Draft—Bethel Bank Stabilization, Kuskokwim River, Alaska (EIS Order #810336)

Final—Cane Creek Water Supply Reservoir, Permit, Orange County, North Carolina (EIS Order #810348)

Final—Labette Creek Local Flood Protection, Labette County, Kansas (EIS Order #810339)

Final—Haikey Creek Local Flood Protection, Tulsa County, Oklahoma (EIS Order #810351)

Final—Cedar Point Navigation Improvement, McIntosh County, Georgia (EIS Order #810364)

Draft Supplement—Mankato-Le Hillier Flood Control, Blue Earth River Railroad Bridge Relocation, Blue Earth and Nicolette Counties, Minnesota (EIS Order #810347)

DEPARTMENT OF THE ARMY

Final—Fort Richardson Land Withdrawal, Alaska (EIS Order #810352)

Final—Fort Greely Land Withdrawal, Alaska (EIS Order #810353)

Final—Fort Wainwright Land Withdrawal, Alaska (EIS Order #810354)

DEPARTMENT OF COMMERCE

NOAA: Final—Incidental Take of Dall Porpoise in the Japanese Salmon Fishery, Pacific Ocean; the review period for this EIS has been reduced and will terminate on June 8, 1981 (EIS Order #810355)

DEPARTMENT OF TRANSPORTATION

FHWA: Draft—Springfield Bypass and Extension, Route 7 to US 1, Fairfax County, Virginia (EIS Order #810344)

FHWA: Draft—MD-3 Corridor Upgrading US 50/301 to MD-32, Prince George's and Anne Arundel Counties, Maryland (EIS Order #810346)

FHWA: Final—27th Street Improvement, Potter Street to Arbor Road, Lancaster County, Nebraska (EIS Order #810356)

FHWA: Final—Oregon Coast Highway/US 101 Improvement, Lane County, Oregon (EIS Order #810343)

NHTSA: Draft—Motor Vehicle Occupant Crash Protection, Amendment (EIS Order #810350)

ENVIRONMENTAL PROTECTION AGENCY

EPA: Draft—Limestone Electric Generating Station and Jewett Mine, NPDES Permit, Limestone, Freestone and Leon Counties, Texas (EIS Order #810358)

EPA: Final—Bemidji Wastewater Treatment System, Beltrami County, Minnesota (EIS Order #810357)

NUCLEAR REGULATORY COMMISSION

Draft—Enrico Fermi Atomic Power Plant, Unit 2, Operating License, Monroe County, Michigan (EIS Order #810337)

Draft—Waterford Steam Electric Station, Unit 3, License, St. Charles Parish, Louisiana (EIS Order #810358)

[FR Doc. 81-14739 Filed 5-14-81; 8:45 am]
BILLING CODE 6560-37-M

[OPTS-51258; TSH-FRL-1828-3]

Disubstitutednaphthalenol; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of a PMN and provides a summary.

DATE: Written comments by June 8, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, D.C. 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-125, 401 M St. SW., Washington, D.C. 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the **Federal Register** nonconfidential information on the identity and use(s) of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use(s), and the potential exposure descriptions in the **Federal Register.**

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before June 8, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51258]" and the PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: May 6, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-176

The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 8, 1981.

Manufacturer's Identity. Claimed confidential business information

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disubstitutednaphthalenol.

Use. Claimed confidential business information. Generic use information provided: Site-limited chemical intermediate for the manufacture of another chemical intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	200	800
2d year	1,000	2,500
3d year	2,000	5,000

Physical/Chemical Properties

Solubilities—Water—<0.00003%. Octanol—<0.1%

Melting point—67°C.

Toxicity Data

Acute oral LD_{50} (rats)—>3,000 mg/kg.
Acute dermal LD_{50}—>1,000 mg/kg.
Skin irritation—Slight.
Repeated 10-day skin application—Slight exacerbation of the irritative response.
Skin sensitization potential—High.
Eye irritation—Slight.
Repeated 2-week feeding study (rats) 1.0% and 0.1% in diet—Normal weight gain and feed intake.

Environmental Test Data

Chemical oxygen demand (COD)—2.32 g/g.
Secondary waste treatment compatibility study—A solution of 60 ppb (calculated concentration) did not affect microbiological carbon metabolism.
Acute effects on six aquatic species—A solution of 250 ppb (measured concentration) did not affect any of the six test species.

Exposure. The manufacturer states that during manufacture and processing of the PMN substance, a maximum of 26 workers could have skin and inhalation exposure .5–1.5 hr/da, 3–6 da/yr at average and peak concentrations of 0–1 and 1–10 mg/m³ respectively.

Environmental Release/Disposal. The submitter claims that during manufacture, none of the new substance will be released to land, a negligible amount may be released to the atmosphere, and less than 10 kg/yr to water.

Process waste water is pretreated prior to discharge in accordance with a NPDES permit, sludge and other combustible wastes are incinerated.

[FR Doc. 81-14624 Filed 5-14-81; 8:45 am]
BILLING CODE 6560-01-M

[WH-FRL-1829-2]

Superfund Contracting; Meetings

AGENCY: The Environmental Protection Agency.

ACTION: Notice of Meetings on Superfund Contracting.

SUMMARY: The Office of Hazardous Emergency Response of the EPA announces two Superfund Contracting Symposiums. The symposiums will provide EPA the opportunity to communicate the scope and nature of the Superfund Program to potential contractors and to receive suggestions from industry on our approach. The symposiums are being sponsored by the American Institute of Chemical Engineers.

DATES: The symposiums are scheduled as follows:

1. May 27, 1981, 8:00 a.m. to 4:30 p.m., Atlanta, Georgia
2. May 29, 1981, 8:00 a.m. to 4:30 p.m., Denver, Colorado

ADDRESSES: The symposiums will be held at the following locations:

1. May 27, 1981—Atlanta Hilton and Towers, 255 Courtland Street, NE., Atlanta, GA 30043
2. May 29, 1981—Denver Hilton, 1550 Court Place, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Mr. William Kaschak, Office of Hazardous Emergency Response (WH-548E), 401 M Street, SW., Washington, D.C. 20460, (202) 382-2339.

SUPPLEMENTARY INFORMATION: The Comprehensive Environmental Response, Compensation and Liability Act of 1980 provides for the cleanup and emergency response for hazardous substances released into the environment and the clean up of inactive hazardous waste disposal sites. Both the Emergency and Remedial Response Programs will be conducted with a series of large management contracts with extensive subcontracting opportunities. The Request for Proposals for these contracts are expected to be released in July. The symposiums will consist of formal presentations followed by separate question and answer sessions. Contractors will provide EPA with evaluation, cleanup, and management services for emergency response, site inspections and evaluations, field investigations, feasibility studies, engineering design, remedial action implementation, and post-closure assistance at hundreds of waste sites around the nation.

Registration will cost $50.00 and will be on a first come first served basis. Participants can register in advance by sending a check or money order made out to AIChE by May 22, 1981 to: Mr. Gerard Chiffriller, Staff Director, Professional Services, American Institute of Chemical Engineers, 345 E. 47th Street, New York, New York 10017, (212) 644-8011. Advanced registration is urged since the attendance is limited to 500 participants at each symposium because of hotel requirements. Registration at the door will be from 7:30 a.m. to 9:00 a.m.

Michael B. Cook,

Deputy Assitant Administrator, Office of Hazardous Emergency Response.

[FR Doc. 81-14708 Filed 5-14-81; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket Nos. 81-304, 81-305; File Nos. 5519-CM-P-80, 10379-CM-P-80]

Northstar Communications and Kravetz Media Corp.; Consolidated Hearing on Stated Issues

In re applications of Northstar Communications, CC Docket No. 81-304, File No. 5519-CM-P-80; and Kravetz Media Corporation, CC Docket No. 81-305, File No. 10379-CM-P-80; For Construction Permits in the Multipoint Distribution Service for a New Station at Hagerstown, Maryland.

Memorandum Opinion and Order

Adopted: April 29, 1981.
Released: May 4, 1981.

1. The Commission has before it the above-referenced application of Northstar Communications, filed on April 28, 1980 (accepted on Public Notice of May 20, 1980) and the application of Kravetz Media Corporation, filed on July 21, 1980 (accepted on Public Notice of August 12, 1980). These applications are for a construction permit in the Multipoint Distribution Service and they propose operations on Channel 1 in Hagerstown, Maryland. The applications are therefore mutually exclusive under present procedures and require comparative consideration. These applications have been amended as a result of informal requests by the Commission staff for additional information, and no petitions to deny or other objections to the applications have been filed.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 CFR 309(e) and § 0.291 of the Commission's rules, 47 CFR 0.291 the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making

such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, that Northstar Communications, Kravetz Media Corporation and the Chief, Common Carrier Bureau, are made parties to this proceedings.

5. It is further ordered, that parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 81-14668 Filed 5-14-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-327, 81-328; File Nos. 22602-CD-80, 22529-CD-P-80]

Radio Electronics Service Company, Inc., et al.

In re applications of Radio Electronics Service Company, Inc. d/b/a Mobilfone, CC Docket No. 81-327, File No. 22602-CD-P-80, for a construction permit for an additional frequency on 158.70 MHz for Station KLF639 in the Domestic Public Land Mobile Radio Service at Fort Walton Beach, Florida; Radio Telephone Communications, CC Docket No. 81-328, File No. 22529-CD-P-80, for a construction permit for an additional frequency on 158.70 MHz for Station KUO605 in the Domestic Public Land Mobile Radio Service near Panama City, Florida.

Memorandum Opinion and Order

Adopted: May 7, 1981.

Released: May 12, 1981.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Radio Electronics Service Company, Inc. d/b/a Mobilfone (Radio Electronics) and Radio Telephone Communications (Radio Telephone). Neither of these applications has been protested nor is either of them electrically mutually exclusive with any other applications. However, our review of these applications has raised a question concerning whether either of the applicants has demonstrated a need for an additional paging frequency. We find the applicants to be otherwise qualified.

2. Each applicant has submitted a traffic loading study pursuant to § 22.518 of our rules in an attempt to demonstrate a need for the additional one-way frequency it requests. However, neither of the loading studies shows sufficient traffic to justify an additional one-way frequency. The Radio Electronics and Radio Telephone traffic loading studies show average peak hour usage of only 13 minutes and 19 minutes respectively. As a result, we will designate an issue as to whether either of the applicants has adequately demonstrated a need for an additional frequency.

3. Accordingly, it is ordered, that the application of Radio Electronics Service Company, Inc., File No. 22602-CD-P-80, and the application of Radio Telephone Communications, File No. 22529-CD-P-80, are designated for hearing in a consolidated proceeding,[1] pursuant to Section 309(e) of the Communications Act of 1934, as amended, upon the following issues:

(a) To determine whether Radio Electronics Service Company, Inc. has demonstrated a need for an additional frequency;

(b) To determine whether Radio Telephone Communications has demonstrated a need for an additional frequency; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of these applications would best serve the public interest, convenience, and necessity.

4. It is further ordered, That with respect to issue (a) the burden of proof and the burden of proceeding with the introduction of evidence is placed upon Radio Electronics Service Company, Inc., that with respect to issue (b) these burdens are placed on Radio Telephone Communications, and that with respect to issue (c) the ultimate burden of proof is placed on each of the applicants as the issue affects them.

5. It is further ordered, that the hearing shall be held at the Commission offices at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

6. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to this proceeding.

7. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for a hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

8. The Secretary shall cause a copy of this Order to be published in the Federal Register.

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-14669 Filed 5-14-81; 8:45 am]

BILLING CODE 6712-01-M

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[1] Consideration of these factors shall be in light of the Commission's discussion in *Applications of Frank K. Spain*, 77 FCC 2d 20 (1980).

[1] Although these applications are not directly tied together, these applications are being designated in a consolidated proceeding, rather than in separate proceedings, for the convenience of the parties since the applicants share the same parent corporation, principals, and counsel.

FEDERAL RESERVE SYSTEM

Citizens Bancorp.; Acquisition of Bank

Citizens Bancorporation, Sheboygan, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the voting shares of Gillett State Bank, Gillett, Wisconsin. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14667 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

Community Banks, Inc.; Acquisition of Bank

Community Banks, Inc., Middleton, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C.

1842(a)(3)) to acquire 90 percent or more of the voting shares of The American Exchange Bank of Madison, Wisconsin, Madison, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 11, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14699 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

Bancindependent Inc.; Formation of Bank Holding Co.

BancIndependent Incorporated, Sheffield, Alabama, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First Colbert National Bank, Sheffield, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14697 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens State Financial Corp.; Formation of Bank Holding Co.

Citizens State Financial Corporation, Corrigan, Texas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The Citizens State Bank, Corrigan, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14698 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

Crown Bancshares, Inc.; Formation of Bank Holding Company

Crown Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Lawrence, Lawrence, Kansas, and has applied for the Board's approval to acquire up to 20 percent of the outstanding voting shares of The Merchants National Bank of Topeka, Topeka, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 11, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14699 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

First Abilene Bankshares, Inc.; Acquisition of Bank

First Abilene Bankshares, Inc., Abilene, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank, Sweetwater, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14695 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

First Bunker Hill Bancshares; Formation of Bank Holding Company

First Bunker Hill Bancshares, Bunker Hill, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) become a bank holding company by acquiring 51.2 percent or more of the voting shares of First National Bank of Bunker Hill, Bunker Hill, Illinois. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 11, 1981.

Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14780 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

First Broken Arrow Corp.; Formation of Bank Holding Co.

First Broken Arrow Corporation, Broken Arrow, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Broken Arrow, Broken Arrow, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14682 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

First Mabel BanCorporation, Inc.; Formation of Bank Holding Co.

First Mabel BanCorporation, Inc., Mabel, Minnesota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Mabel, Mabel, Minnesota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14681 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

First Security Bancshares, Inc.; Formation of Bank Holding Co.

First Security Bancshares, Inc., Lake Park, Iowa, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act at (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Security State Bank, Lake Park, Iowa, and 80 percent or more of the voting shares of Security State Bank, Hartley, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14683 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

Grove Bancshares, Inc.; Formation of Bank Holding Co.

Grove Bancshares, Inc. Grove, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company at (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 89.24 percent of the voting shares of State Bank of Grove, Grove, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 7, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14684 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

Guaranty Bancorp; Formation of Bank Holding Company

Guaranty Bancorp, Zachary, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Guaranty Bank & Trust Company, Zachary, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 11, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14701 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

Moore Financial Group Inc.; Formation of Bank Holding Co.

Moore Financial Group Inc.; Boise, Idaho, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger to The Idaho First National Bank, Boise, Idaho. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14694 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

Chemical New York Corp.; Bank Holding Company; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons of a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than June 8, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President): 33 Liberty Street, New York, New York 10045:

CHEMICAL NEW YORK CORPORATION, New York, New York (financing and insurance activities; North Carolina): to continue to engage through its subsidiary, Sunamerica Financial Corporation, in the previously approved activities of making direct loans, purchasing installment sales finance contracts, and acting as agent or broker for the sale of life, accident and health, and property and casualty insurance directly related to such extensions of credit. These activities are currently conducted from an office in Greensboro, North Carolina, serving Greensboro and surrounding areas. This application is for the relocation of an office within Greensboro.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14705 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

Nortonville Bancshares, Inc.; Acquisition of Northeast Kansas Agency, Inc.

Nortonville Bancshares, Nortonville, Kansas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Northeast Kansas Agency, Inc., Nortonville, Kansas.

Applicant states that the proposed subsidiary would perform the activities of a general insurance agency in a community with a population not exceeding 5,000 persons. These activities would be performed from offices of Applicant's subsidiary in Nortonville, Kansas, and the geographic area to be served is a seven to ten mile radius of Nortonville, Kansas, and the geographic area to be served is a seven to ten mile radius of Nortonville, Kansas, including portions of Jefferson and Atchison Counties. Such activities have been specified by the Board in section 225.4(a) of Regulaton Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 7, 1981.

Board of Governors of the Federal Reserve System, May 7, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14695 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

Wilber State Co.; Formation of Bank Holding Company

Wilber State Company, Wilber, Nebraska, has applied for the Board's approval under section 3(a) of the Bank Holding Company Act (12 U.S.C. 1842(a)) to become a bank holding company by acquiring 100 per cent of the voting shares of The Bank of Wilber, Wilber, Nebraska. The factors that are

considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 8, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14669 Filed 5-14-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81F-0145]

American Feed Manufacturers Association, Inc.; Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the American Feed Manufacturers Association, Inc., has filed a petition (FAP-2186), proposing that the regulations be amended to provide for safe use of selenium as a nutrient in duck feeds at a level not to exceed 0.1 part per million in complete feeds.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP-2186) has been filed by the American Feed Manufacturers Association, Inc., 1701 N. Ft. Meyer Dr., Arlington, VA 22209, proposing that § 573.920 *Selenium* (21 CFR 573.920) be amended to provide for the safe use of 0.1 part per million selenium as a nutrient in complete duck feeds.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: May 7, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-14670 Filed 5-14-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0134]

Dow Chemical Co.; Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Dow Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 2,2-dibromo-3-nitrilopropionamide for the control of microorganisms in cane-sugar and/or beet-sugar mills.

FOR FUTHER INFORMATION CONTACT: Vir D. Anand, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1A3555) has been filed by the Dow Chemical Co., Midland, MI 48640, proposing that § 173.320 (21 CFR 173.320) be amended to provide for the safe use of 2,2-dibromo-3-nitrilopropionamide for the control of microorganisms in cane-sugar and/or beet-sugar mills.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: May 4, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-14670 Filed 5-14-81; 8:45 am]

BILLING CODE 4110-03-M

Merck Sharp & Dohme Research Laboratories; Cyclaine (Hexylcaine Hydrochloride) Injection; Withdrawal of Approval of Nada

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) withdraws approval of a new animal drug application (NADA) providing for use of Cyclaine (hexylcaine hydrochloride) injections as local anesthetics in cattle, horses, and dogs. The sponsor, Merck Sharp & Dohme Research Laboratories, requested the action.

EFFECTIVE DATE: Effective on May 25, 1981.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1840.

SUPPLEMENTARY INFORMATION: Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, NJ 07065, is the sponsor of NADA 8-018 which provides for use of 1 and 5 percent hexylcaine hydrochloride solutions for epidural anesthesia of mature cattle, horses, and dogs; for infiltration anesthesia (field blocking) of cattle, horses, and dogs; and for nerve block anesthesia of cattle and horses. The NADA was originally approved May 2, 1951. In a letter dated December 23, 1980, the sponsor requested that approval of the NADA be withdrawn because the products are no longer being marketed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that NADA 8-018 and all supplements for Cyclaine 1 and 5 percent are hereby withdrawn, effective on May 25, 1981.

In a document published elsewhere in this issue of the **Federal Register**, § 522.1143 *Hexylcaine hydrochloride injection* is removed.

Dated: May 7, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-14377 Filed 5-14-81; 8:45 am]

BILLING CODE 4110-83-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Loren Y. Johnson, District Director, Philadelphia District Office, Philadelphia, PA.

DATE: The meeting will be held from 10 a.m. to 12:30 p.m., Thursday, June 4, 1981.

ADDRESS: The meeting will be held at the Federal Bldg., Rm. 2214, 1000 Liberty Ave., Pittsburgh, PA 15222.

FOR FURTHER INFORMATION CONTACT: Louise A. Dvorchak, Consumer Affairs Officer, Food and Drug Administration, 7 Parkway Center, Rm. 645, Pittsburgh, PA 15220, 412-644-2858.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Philadelphia District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 8, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-14473 Filed 5-14-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Alan L. Hoeting, District Director, Detroit District Office, Detroit, MI.

DATE: The meeting will be held at 9:30 a.m., Tuesday, June 2, 1981.

ADDRESS: The meeting will be held at the George Potter Larrick Building, Conference Rm., 1560 E. Jefferson, Detroit, MI 48207.

FOR FURTHER INFORMATION CONTACT: Diane M. Place, Consumer Affairs Officer, Food and Drug Administration, 1560 East Jefferson, Detroit, MI 48207, 313-226-6260.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's Detroit District Office, and to contribute to the agency's policymaking decisions on vital issues.

The agenda will include discussion concerning the status of irradiated foods, allergenic extracts, and color additives.

Dated: May 8, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-14474 Filed 5-14-81; 8:45 am]

BILLING CODE 4110-03-M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Miscellaneous Internal Drug Products Panel

Date, time, and place. June 5, 10 a.m., Conference Rm. B., Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and executive secretary. Open public hearing, 10 a.m. to 11 a.m.; open committee discussion, 10 a.m. to 2 p.m.; John R. Short, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6156.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Agenda—Open committee discussion. The Panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this Panel (see also 21 CFR § 330.10(a)(2)), specifically restricted to menstrual and diuretic drug products. The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Applications for reimbursement. Must be received by May 28, 1981.

Oncologic Drugs Advisory Committee

Date, time, and place. June 25, 9 a.m., Conference Rm. M., Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and executive secretary. Open committee discussion, 9 a.m. to 3 p.m.; open public hearing, 3 p.m. to 4 p.m.; open committee discussion, 4 p.m. to 5 p.m.; Ann Greenstein, Bureau of Drugs (HFD-150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5197.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of cancer.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss M-AMSA for Group C distribution by the National Cancer Institute (NCI) for treatment of leukemia; THC for Group C distribution by NCI as an antiemetic used adjunctively with radiotherapy; status report on Group C distribution of THC as an adjunct to chemotherapy; estramustine (NDA 18-045 Hoffmann-LaRoche) for treatment of prostatic cancer; and Cisplatin (NDA 18-057 Bristol Laboratories) for additional indication of bladder cancer.

Applications for reimbursement. Must be received by June 5, 1981.

Drug Abuse Advisory Committee

Date, time, and place. June 29, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and executive secretary. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4:30 p.m.; Robert C. Nelson, Bureau of Drugs (HFD-123), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3504.

General function of the committee. The committee advises the Commissioner of Food and Drugs regarding the scientific and medical evaluation of all information gathered

by the Department of Health and Human Services and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs and other substances and recommends actions to be taken by the Department of Health and Human Services with regard to the marketing, investigation, and control of such drugs or other substances.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Any interested person who wishes to submit written data regarding Δ-9-THC for the committee to consider may do so. To ensure that the committee has adequate time to review such data, it must be submitted by May 29, 1981 to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Such data are to be identified with the following docket number [81N–0168]. Four copies of any data are to be submitted, except that individuals may submit one copy. The background information assembled by FDA and the data received as a result of this notice will be made available for review in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Open committee discussion. A new drug application (NDA) for delta-9-tetrahydrocannabinol (Δ-9-THC) is to be submitted to FDA with a proposed indication as an antiemetic for patients receiving cancer chemotherapy. Δ-9-THC is currently in Schedule I of the Controlled Substances Act (CSA). If and when the NDA for THC is found approvable, a Schedule I status is no longer appropriate. Thus, the committee will be asked to conduct a medical and scientific abuse potential liability evaluation of Δ-9-THC and advise FDA what schedule under the CSA is appropriate if and when an NDA is approved.

Applications for reimbursement. Must be received by June 9, 1981.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR § 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301–443–5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: May 11, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-14611 Filed 5-14-81; 8:45 am]

BILLING CODE 4110-88-M

Health Care Financing Administration Privacy Act of 1974; Report of New System

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of New System of Records.

SUMMARY: This notice describes a new system of records, The Evaluation of the Long-Term Home Health Care Program, HCFA No. 09–70–0025, in accordance with the requirements of the Privacy Act of 1974. The purpose of this system is to provide a valid and reliable research base which is essential for an accurate evaluation of this program. The new system of records will contain patient-specific information about the health status and the service utilization and cost for Long-Term Home Health Care Program (LTHHCP) participants. In addition, the system will contain information necessary to evaluate the health status and service utilization and costs of a selected comparison group of patients who meet the eligibility requirements for the LTHHCP but are not enrolled in the program. There is a more detailed explanation of both the evaluation and the records system under the section entitled "Supplementary Information." HCFA invites public comments by June 15, 1981, with respect to routine uses of the system.

DATES: HCFA filed a new system report with the Speaker of the House, the President of the Senate and the Director, Office of Management and Budget, on May 11, 1981. The new system of records, including routine uses, will become effective July 10, 1981, provided HCFA does not receive comments which would result in a contrary determination.

ADDRESS: The public should address comments to Shirley Mulhall, Privacy Officer, Office of Management and Budget, Health Care Financing Administration, Bay B–4, 1710 Gwynn Oak Avenue, Baltimore, Maryland 21207. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Kathy Ellingson, Office of Research, Demonstrations and Statistics, Health Care Financing Administration, Room 1E6, Oak Meadows Building, 6340 Security Boulevard, Baltimore,

Maryland 21235, Telephone (301) 597–2306.

SUPPLEMENTARY INFORMATION: HCFA proposes to initiate a new system of records collecting data under the authority of Section 402 of the 1967 Amendments to the Social Security Act, Pub. L. 90–248, as amended by section 222(b) of the 1972 Amendments to the Social Security Act, Pub. L. 92–603, and section 1115(a) of the Social Security Act, as amended by section 404 of the Social Security Amendments of 1977, Pub. L. 95–216.

The LTHHCP is currently operating at nine sites in New York State. The nine LTHHCPs offer several innovative home care features not available from New York State's 120 certified home health agencies. Each of the LTHHCPs has been authorized to offer up to ten home care services not covered under the current Medicaid program. To permit this, HCFA has waived certain provisions of the Medicaid laws for the nine LTHHCPs. While the waivers will permit reimbursement to all nine LTHHCPs for these ten services, not all LTHHCPs will offer the same services. Three of the services are offered by all LTHHCPs, while the other seven are optional. In addition to these home care services, the LTHHCPs also provide (1) coordinated case management with single sources funding, (2) continuous reassessment (every 120 days) of patients and their support environment, and (3) 24 hour/day accessibility to services. A primary goal of the program is to offer a community based substitute for institutional care rather than to augment home care programs already in place.

The proposed new system of records will provide a valid and reliable research data base which is essential for an accurate evaluation of this program. The new system of records will contain patient-specific information about health status, service utilization, and cost of past and current LTHHCP participants from the program's inception until approximately sixteen months after the commencement of data collection. Measurements of service utilization and cost will be made by use of a system of records which will include data from major benefit programs, namely, Medicaid, Medicare, Title XX social services, Food Stamps, public assistance, fuel assistance, and Supplemental Security Income. Measures of health status will be made from the DMS–1, an assessment instrument currently in use in New York State to determine eligibility for Medicaid reimbursement for skilled nursing facility and health related facility levels of care. Measures of home environment will be made from a condensed version of the Home Assessment Abstract, an assessment instrument widely used in New York State to determine the type and cost of home care needs.

To more clearly understand the effects of the LTHHCP, HCFA will also gather the same patient-specific information for a group of comparison patients. Comparison patients will be chosen who meet all the criteria for LTHHCP participation but are not LTHHCP patients because (1) they rejected the program, or (2) they had no access to the program (were not within a LTHHCP catchment area). Sources of these comparison patients will be hospitals, nursing homes, community agencies and home health agencies. This comparison information will be collected over the same time period as the treatment (LTHHCP) group.

HCFA will obtain the written informed consent of every comparison patient surveyed before obtaining information directly from the patient, or indirectly from staff or family.

The proposed new system of records will include this information about the health status and the service utilization and cost for both the (1) past and current LTHHCP participants, and (2) the comparison patients. This new system of records, along with selected aggregated service utilization information for New York State, will allow HCFA to answer a number of important questions about the LTHHCP, namely:

1. How will the LTHHCP affect participants with respect to health status and service utilization and cost?
2. Does the LTHHCP serve as a substitute for institutional nursing home care, or does it augment home health care programs already available?
3. What is the demand for the LTHHCP's unique services? Is the service population large enough to warrant the expansion of this type of program?
4. Does implementation of the LTHHCP result in a reduction of the number of days which Medicaid patients spend in hospitals awaiting admission to lower levels of care?
5. Does the LTHHCP reduce the Medicaid utilization and expenditures for hospital and nursing home care?

Results of the evaluation will provide the Department of Health and Human Services and the Congress with important information regarding the cost of home health care as it compares to institutional care, its impact on health status, and the services most necessary in providing home health care as a viable alternative to institutionalization.

Dated: May 11, 1981.

Paul Willging,

Deputy Administrator, Health Care Financing Administration.

09–70–0025

SYSTEM NAME:

Evaluation of the Long-Term Home Health Care Program.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Abt Associates, Inc., 55 Wheeler Street, Cambridge, Massachusetts 02138.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Past and current participants of the LTHHCP.
2. Comparison patients who meet the eligibility requirements for the LTHHCP and have signed the consent form for this evaluation but are not participants. To participate in the LTHHCP, individuals must fulfill the following four requirements:
   1. Be Medicaid eligible.
   2. Have a DMS–1 score of at least 60.
   3. Annual cost of health care services required by the individual must not exceed 75% of the cost of alternative long-term care, i.e., nursing home care.
   4. Have an adequate home situation in which he/she can be maintained.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Records of health status measured by the New York State Medical Assessment Abstract, the DMS–1. These assessments will specify the nature of disabilities, diagnosis, as well as the type of rehabilitation required and the level of care needed.
2. Records of home environment that contain information regarding the potential of the patient's residence for home care, the motivation of the patient and his/her family to retain the patient at home, and various demographic data about the patient.
3. Reports of projected cost of home care that contain information about the projected types and cost of home care services required by the patient.
4. Records of service utilization and cost that include data from major benefit programs, namely, Medicaid, Medicare, Food Stamps, public assistance, Title XX social services, fuel assistance, and Supplemental Security Income.
5. LTHHCP discharge summary reports that contain information about

the patient's health status and service needs upon discharge from the LTHHCP.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the 1967 Amendments to the Social Security Act, Pub. L. 90–248, as amended by section 222(b) of the 1972 Amendments to the Social Security Act, Pub. L. 92–603, and section 1115(a) of the Social Security Act, as amended by section 404 of the Social Security Amendments of 1977, Pub. L. 95–216.

PURPOSE(S):

The purpose of this system of records is:

1. To develop national policy recommendations to the Congress and the Department of Health and Human Services,

2. To validate the work of the independent evaluator,

3. To determine whether the LTHHCP is meeting its programmatic goals, and

4. To determine the population characteristics, cost and effectiveness of LTHHCP relative to those of programs with similar goals operating elsewhere in the United States.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Abt Associates, Inc., the independent evaluator, will receive all information in the system about health status, service utilization, and cost on either hard copy, magnetic tape, or flexible diskette form, and store it in the master evaluation file, a magnetic tape. The evaluator will use this information to assess changes in health status, in addition to service utilization and cost for patients in the LTHHCP and in the comparison group.

2. HCFA may make disclosures to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hardcopy health status and home environment reports will be stored at Abt Associates, Inc. in a secured storage area. Service utilization and cost information on magnetic tape as well as data tapes created from hardcopy forms, will be stored in locked tape libraries and computer rooms maintained by Abt Associates, Inc. The information from these records will be merged and stored in the master evaluation file.

RETRIEVABILITY:

Information stored on magnetic tape will be retrievable by Medicaid or Social Security number. Information stored on the master evaluation file will also be retrievable by Medicaid number.

SAFEGUARDS:

Abt Associates will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. For computerized records Abt Associates, Inc., will initiate automated data processing (ADP) systems security procedures required by the Department's ADP Systems Manual, Part 6, ADP Systems Security. Data files will be accessed and searched with the authorized user password only.

RETENTION AND DISPOSAL:

Abt Associates, Inc., will retain the records for the life of the evaluation and then transfer to HCFA. HCFA will then destroy all patient identifiers in records from the evaluation, whether in hard copy records or on magnetic tapes or flexible diskettes.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Research, Demonstrations and Statistics Health Care Financing Administration Room 4228, HHS Building 330 Independence Avenue, S.W. Washington, D.C. 20201

NOTIFICATION PROCEDURE:

Individuals should address inquiries and requests concerning system records to the system manager indicated above, specifying name and Medicaid number. An individual who requests notification or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. These notification and access procedures are in accordance with Department Regulations (45 CFR 5b).

RECORD ACCESS PROCEDURE:

Individuals who participate in the demonstration project may request their data records in writing. Access procedure is the same as the notification procedure. Requester should reasonably specify the record contents being sought. These access procedures are in accordance with Department Regulations (45 CFR 5b).

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the contents of any record in this system should contact the system manager, reasonably identify the record, and specify the information to be contested and the reason for contesting it, e.g., why it is inaccurate or incomplete. These procedures are in accordance with Department Regulations (45 CFR 5b).

RECORD SOURCE CATEGORIES:

Sources of information contained in this record system include individual patients, their families and their primary care givers, participating health care facilities and agencies, cooperating Medicare and Medicaid intermediaries and carriers, and selected Medicare and Medicaid enrollment and claim files. Selected social service claim and enrollment information will be abstracted from supplemental security income, public assistance, fuel assistance, Title XX social services, and food stamps.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A—Operating Long-Term Home Health Care Program

Programs—Upstate and Location

Cattaraugus County, Department of Health, Olean, New York—Cattaraugus County
Erie County, Department of Health, Buffalo, New York—Erie County
Onondaga County, Department of Health, Syracuse, New York—Onondaga County
24 Rhode Island Street, Nursing Home Company, Inc., Buffalo, New York—Erie County

Programs—New York City

Metropolitan Jewish Geriatric Center, New York, New York—Kings County
Montefiore Hospital & Medical Center, New York, New York—Bronx County
St. Vincent's Hospital, Chelsea-Village, New York, New York—New York County
Visiting Nurse Service of New York, New York, New York—Queens County

[FR Doc. 81-14703 Filed 5-14-81; 8:45 am]
BILLING CODE 4110-85-M

National Institutes of Health

Board of Scientific Counselors, Division of Cancer Biology and Diagnosis

Notice is hereby given of the *location* change of the meeting of the Board of Scientific Counselors, Division of Cancer Biology and Diagnosis, National Cancer Institute, published Thursday, April 30, 1981, 46 FR 25201. Only the evening portion of the first day, May 14,

will be changed. The place has been changed from Building 37, Conference Room 4E–06, National Institutes of Health, to Building 10, Conference Room 4B36, National Institutes of Health. The other times and places remain the same, beginning with May 14 from 1:00 p.m. to 5:30 p.m.; May 15, from 9:00 a.m. to 5:00 p.m. (both of which are open); and May 16 from 9:00 a.m. to adjournment (which is closed). All of these meetings are being held in Building 37, Conference Room 4E–06, National Institutes of Health.

Dr. Alan S. Rabson, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31A, Room 3A–03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–4345) will furnish substantive program information.

Dated: May 8, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–14697 Filed 5–14–81; 8:45 am]

BILLING CODE 4110–08–M

Board of Scientific Counselors, Division of Resources, Centers, and Community Activities; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Resources, Centers, and Community Activities, National Cancer Institute, National Institutes of Health, June 4–5, 1981, Building 31, Conference Room 8, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. on June 4 through adjournment on June 5, to discuss the current and future programs of the Division of Resources, Centers, and Community Activities. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of meetings and rosters of committee members upon request.

Dr. Robert G. Burnight, Executive Secretary, National Cancer Institute, National Institutes of Health, Blair Building, Room 3A01A, Silver Spring, Maryland 20910 (301/427–8830) will furnish substantive program information.

Dated: May 8, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81–14698 Filed 5–14–81; 8:45 am]

BILLING CODE 4110–08–M

Public Health Services

National Toxicology Program Board of Scientific Counselors; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Toxicology Program Board of Scientific Counselors, U.S. Public Health Service, in the auditorium of Building 101, South Campus, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina, on June 23, 1981.

The meeting will be open to the public from 9 a.m. until adjournment for the purpose of completing peer reviews on draft technical reports of toxicology and carcinogenesis bioassays from the National Toxicology Program (NTP). Reviews will be conducted by the Technical Reports Review Subcommittee of the Board in conjunction with an *ad hoc* panel of experts.

Draft technical reports on the following chemicals (and routes of administration) will be peer reviewed June 23:

Chemical and Route

Polybrominated biphenyls (Firemaster FF1)—Feed
Asbestos, amosite—Feed
Abestos, chrysotile—Feed
Allyl isothiocyanate—Gevage
Pentachloroethane—Gevage
2-Biphenylamine—Feed
Stannous chloride—Feed

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541–3971, FTS 629–3971, will furnish summary minutes of the reviews, rosters of Subcommittee and panel members, and other program information.

Dated: May 11, 1981.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 81–14699 Filed 5–14–81; 8:45 am]

BILLING CODE 4110–08–M

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently in pertinent part at 45 FR 47240, July 14, 1980) is amended to reflect the following changes in the National Cancer Institute:

(1) Establish the Biological Response Modifiers Program in the Division of Cancer Treatment, and

(2) Revise the Division of Cancer Treatment Functional statement to include the functions of the new program.

The establishment of the program both recognizes the potential value of biological response modifiers in the treatment of cancer, and provides an organizational context that will emphasize and encourage a more organized and cohesive approach to the research effort in this area.

Sec. HN–B, Organization and Functions, is amended as follows: Under the heading *National Cancer Institute (HNC),* make the following changes:

(1) Delete the functional statement for the *Division of Cancer Treatment (HNC8)* in its entirety and substitute the following:

Division of Cancer Treatment (HNC8)

(1) Plans, directs, and coordinates an integrated program of cancer treatment activites with the objective of curing or controlling cancer in man by utilizing combination modalities including chemical, biological, surgical, radiological, nutritional, antiemetic research, and certain immunological techiques, through intramural laboratory and clincial studies, contract and grant research, and research conducted in cooperation with other Federal agencies; (2) administers total drug and biological development programs encompassing all phases from acquisition up to and including clinical trials; and (3) serves as the national focal point for information and data on experimental and clincial studies related to cancer treatment and for the distribution of such information to appropriate scientists and physicians.

(2) After the statement for the *Developmental Therapeutics Program (HNC67),* insert the following heading and functional statement:

Biological Response Modifiers Program (HNC68)

(1) Plans, directs, coordinates and evaluates basic and applied research on interferons and other bilogical response modifiers; (2) established program priorities, allocates resources, maintains project integration, evaluates program effectiveness and represents the program area in management and scientific decision-making meetings in the Institute; (3) provides supplies of biologicals for research through a coordinated contract supported program and the maintenance of in-house production capability; (4) administers

and encourage grant-supported research related to biological response modifiers; and (5) advises the Director of the Division, the National Cancer Advisory Board and other scientific advisory committees in matters related to the program area.

Dated: April 24, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-14700 Filed 5-14-81; 8:45 am]

BILLING CODE 4110-88-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California Desert District; Preparation of an Environment Impact Statement Regarding North Salton Sea Proposed Oil and Gas Lease; Scoping Meeting

AGENCY: Bureau of Land Management.

ACTION: California; North Salton Sea Proposed Oil and Gas Lease Intent to Prepare an Environment Impact Statement and Conduct Scoping Meeting.

SUMMARY: An Environmental Impact Statement (EIS) is being prepared by the Indio Resource Area of the California Desert District, Bureau of Land Management (BLM).

The proposal is the issuing of non-competitive leases of federally owned potential oil and gas resources under the northern section of the Salton Sea. The study area in the EIS is approximately 48,640 acres, of which 17,861 acres are under application for lease by Chevron Oil Company.

The EIS will analyze anticipated environmental consequences, which would result from the implementation of the applicant's proposal or a no leasing alternative.

A scoping meeting will be held to identify potential impacts from the proposed action. The BLM will contact interested groups, agencies and local landowners.

DATE: The meeting will be held: June 20, 1981, 1:00–4:00 pm, in the Oasis School Auditorium, 88775 Ave. 76, Thermal, California.

Further information on the North Salton Sea Oil and Gas lease may be obtained from: Brian Booher, Indio Resource Area Manager, Bureau of Land Management, 3623 Canyon Crest Drive, Suite H–101, Riverside, California 92507.

Dated: May 12, 1981.

James R. Rush,

State Director, Bureau of Land Management.

[FR Doc. 81-14691 Filed 5-14-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Availability of Unsuitability Assessment Report

AGENCY: Bureau of Land Management.

ACTION: Notice of Availability—Unsuitability Assessment Report.

SUMMARY: The Bureau of Land Management, in accordance with Federal Regulation 43 CFR 3461, has prepared a coal unsuitability assessment report for the Deserado Logical Mining Unit (LMU). The LMU consists of two existing leases and three Preference Right Lease Applications. The unsuitability report focuses its discussions on those area of the LMU which were assessed as being unsuitable for mining. The report is contained in the Final Environmental Impact Statement (FEIS) for the Moon Lake Power Plant Project.

DATE: Review of the unsuitability report will run concurrently with the review of the FEIS. Comments should be received on or before June 1, 1981.

ADDRESS: Interested parties may submit comments on the unsuitability report to the Colorado State Director (CO–922), 1600 Broadway, Room 700, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Further information on the report is available by contacting: Chief, Division of Planning and Environmental Coordination, Bureau of Land Management, Colorado State Office, 1600 Broadway, Room 700, Denver, Colorado 80202, Telephone: (303) 837–3515 or (FTS) 327–3515.

Bob Moore,

Acting State Director, Colorado.

[FR Doc. 81-14692 Filed 5-14-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit Emergency Exemption; Take of Peregrine Falcon Eggs

On May 8, 1981, a letter waiving the 30 day public comment period required prior to the issuance of a permit was granted to the Oregon Department of Fish and Wildlife, Portland, Oregon, authorizing emergency actions to enhance the survival of the only active clutch of peregrine falcon (*Falco peregrinus anatum*) eggs in Oregon located at Crater Lake National Park. This waiver was granted to allow the issuance of Endangered Species permit PRT 2–7986 to take the clutch of eggs from the wild for placement at the Predatory Bird Research Group, University of California at Santa Cruz, California, for hatching. Past clutches have failed due to egg thinning and infertility induced by pesticide poisoning.

It was determined by the U.S. Fish and Wildlife Service that an emergency does in fact exist and that the health and survival of the clutch is threatened, and that no reasonable alternate to the proposed action is available to the applicant.

A copy of the letter of waiver is herewith presented. This emergency waiver is provided for public record in accordance with the Endangered Species Act of 1973 (Sec 10[c]), as amended by Pub. L. 95–632 (92 Stat. 3751).

Dated: May 8, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-14697 Filed 5-14-81; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Mr. and Mrs. James C. Ringling, Fort Madison, Iowa

The applicant requests a permit to import two wild cheetahs (*Acinonyx jubatus*) from Namibia for enhancement of propagation and survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2-7628. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: May 7, 1981.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 81-14666 Filed 5-14-81; 8:45 am]
BILLING CODE 4310-55-M

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Billing Code 4310-31

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
CONSERVATION DIVISION

Proposed Revision to the Failure and Inventory Reporting System (FIRS) Instruction Booklet and the FIRS Forms 9-1994 and 9-1995

AGENCY: U.S. Geological Survey, Department of the Interior

ACTION: Request for Comments

SUMMARY: This notice advises the public of the U.S. Geological Survey's intent to revise both the FIRS Inventory Report (form 9-1994) and the FIRS Failure Report (form 9-1995). It is also intended to revise the FIRS Instruction Booklet to reflect the revised forms.

DATE: Comments must be received by 4:30 p.m. EST, June 5, 1981.

ADDRESS: Responses should identify specific concerns and be directed to the Deputy Division Chief, Offshore Minerals Regulation, U.S. Geological Survey, Conservation Division, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION: Mr. M. L. Courtois, U.S. Geological Survey, Conservation Division, National Center, Mail Stop 640, Reston, Virginia 22092.

Robert L. Rioux — 5-11-81
Robert L. Rioux
Deputy Division Chief,
Offshore Minerals Regulation
Conservation Division

Date

FAILURE AND INVENTORY REPORTING SYSTEM (FIRS)

INSTRUCTION BOOKLET

To be used with USGS Safety Device Inventory Report form 9-1994 and USGS Safety Device Failure Report form 9-1995

United States
Department of the Interior
Geological Survey
Conservation Division

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FAILURE AND INVENTORY REPORTING SYSTEM

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FAILURE AND INVENTORY REPORTING SYSTEM

GENERAL

A. INTRODUCTION

The Failure and Inventory Reporting System (FIRS) is applicable to safety and pollution prevention devices used on offshore structures under USGS jurisdiction which produce, process, or transport hydrocarbons. This includes the attendant portion of hydrocarbon pipelines under USGS jurisdiction when physically located on the structure for whatever purpose.

The FIRS program is composed of two distinct yet interrelated systems. The Inventory Reporting System is designed to provide information depicting the number of safety and pollution prevention devices which are in service on the offshore platforms by type, manufacturer, and model. The Failure Reporting System is designed to provide information relative to failures of these devices by failure causes, corrective measures, device type, manufacturer, model, and frequency of failure.

The purpose of the FIRS program is to contribute to the safety and reliability of offshore production platforms and to the prevention of environmental pollution. In order to fulfill this purpose, the USGS has established the following objectives:

1. To provide information for upgrading the quality and reliability of safety and pollution-prevention devices used in production operations on the OCS.

a. Establish and maintain an Inventory and Failure data base as outlined in paragraph 6 of OCS Order No. 5.

b. Analyze data to derive quality and reliability trends, failure percentages, common failure modes, and other statistical information.

c. Prepare and provide reports and recommendations in accordance with USGS written operating procedures.

2. To provide information to USGS management for their use in formulating policies and actions.

a. Revisions to existing and proposed OCS Orders and other regulatory documentation.

b. Revision to the inspection program.

c. Input to the Best Available and Safest Technologies (BAST) program.

d. Recommended changes to existing standards.

e. Development of new standards.

f. Issue Safety Alerts and Notices to Lessees (NTL's).

g. Inputs to Research and Development efforts.

B. "FAILURE" AND "REPAIR" DEFINITIONS

1. Failure:

A failure is the inability of a device to perform its designed function within specified limits. Limits for a particular device and installation are specified in OCS Order No. 5 and the applicable API documents referenced therein.

a. There are two types of failures - See page G-7 for table giving the applicable critical and noncritical failure modes for each device type.

(1) Critical Failure: Inability of the device to perform its safety and pollution-prevention function.

(2) Noncritical Failure: Improper operation that does not prevent the device from performing its safety and pollution-prevention function.

2. Repair:

A repair is any disassembly/reassembly of a device to any extent for the purpose of overhauling, modifying, or otherwise performing internal maintenance. External work such as adjustment, lubrication, etc., is not considered to be a repair.

C. DEVICE TYPES

1. The devices on which both inventory and failure reports are to be submitted are identified below and in List 2 of the Appendix.

Subsurface Safety Valve		(SSSV)
Surface Safety Valve		(SSV)
Valve Actuator on: the shutdown valve, the blowdown valve, and the surface safety valve		(VA)
Pressure Sensor	High	(PSH)
	Low	(PSL)
	Hi/Lo	(PSHL)
Level Sensor	High	(LSH)
	Low	(LSL)
	Hi/Lo	(LSHL)
Temperature Sensor	High	(TSH)
	Low	(TSL)
	Hi/Lo	(TSHL)
Emergency Shutdown Valve		(ESD)
Relief Valve		(PSV)
Check Valve		(FSV)

Shutdown Valve	(SDV)
Combustible Gas Detector (Heads only)	(ASH)
Burner Flame Detector	(BSL)
Blowdown Valve	(BDV)

2. Listed below are examples of devices which are not included in the FIRS program.

Rupture discs.

Cement plug in wells.

Kibdy covers.

Plastic fireloops, fusible plugs, etc.

Relays (example: CRRPM).

Sand probes.

Spark arrestors.

Vents (thief hatches) on atmospheric vessels.

D. GENERAL INFORMATION

1. Data to be collected by the FIRS program are on active safety devices used as part of the production safety and pollution-prevention system. A device must have some opportunity to fail in order to be considered active. Also included are safety devices located on a component (e.g., separator, scrubber) that is out of service, but which are periodically tested. Safety devices which are on a component (vessel) which is put out of service and blind flanged off shall be removed from the inventory.

2. Extra safety devices added at the discretion of the operator, even though the USGS does not require their presence, are included in the FIRS program (e.g., a redundant relief valve on a flowline).

3. Check valves, relief valves, and other such safety devices which are part of ancillary systems, such as the instrument air system and the fire fighting system, are excluded from the FIRS program.

4. When pressure, level, and temperature contol devices are used as a part of the production system only and not as part of the safety system, they are excluded from the FIRS program.

5. When performing an initial inventory on a temporarily abandoned well, the tubing plug or subsurface-safety valve used as a tubing plug must be inventoried. Inactive safety devices between the plug and manual header valve must not be inventoried. If at a later date the well is put back into service, the plug must be deleted and the active safety devices must be add-

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to the inventory. When a producing well which has already been inventoried is temporarily plugged for more than 90 days, an inventory update is required

In this example failure report is required for pressures greater than 630 psi

to the inventory. When a producing well which has already been inventoried is temporarily plugged for more than 90 days, an inventory update is required (i.e., adding the plug, and deleting the inactive safety devices between the plug and the manual header valve). If the well is put back into production in less than 90 days, no update is required. (See instructions on inventory updating, pages G-10, I-14, I-15 and I-17).

6. An injection valve installed in the tubing string open to a hydrocarbon bearing zone is considered to be a subsurface-safety valve (SSSV) and is included in the FIRS program. In reporting the inventory and failure data, use the following codes: Device Type = "SSSV" for subsurface-safety valve, Component Type = "R" for tubing string, Component Modifier = "AR" for gas injection or "AT" for water injection.

7. The following are examples for which a failure report is required:

a. A relief valve (PSV) which does relieve a high pressure condition but does not reseat properly (i.e., close) is considered to have "failed to close." (This is a noncritical failure.)

b. Subsurface controlled subsurface-safety valves are not tested, but are inspected at intervals as required by OCS Order No. 5. If upon the inspection of any safety device it is found that the device would have failed to perform its designed function had it been called upon to operate, then the device is considered to have failed.

c. A failure report is required whenever a safety device initially trips "OUT OF TOLERANCE" during testing (see Failure Report sample on page F-16). If a device trips within its specified tolerance on subsequent tests after failing the first test, the device is still considered to have failed "OUT OF TOLERANCE" and a failure report must be submitted.

d. The criteria for determining the need for failure reports for PSH/PSL's is derived from API RP 14C, Appendix D, as referenced in OCS Order No. 5, paragraph 5.5, and is depicted below.

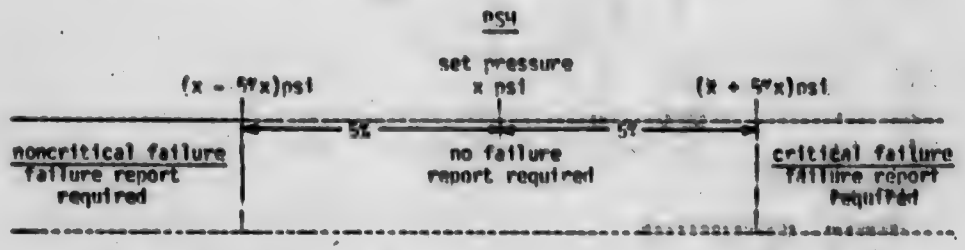

Example: set pressure = 600 psi
critical failure point = 600 + (0.05) 600 = 630 psi
noncritical failure point = 600 - (0.05) 600 = 570 psi

In this example failure report is required for pressures greater than 630 psi or less than 570 psi. For an illustration of this example, see page F-6.

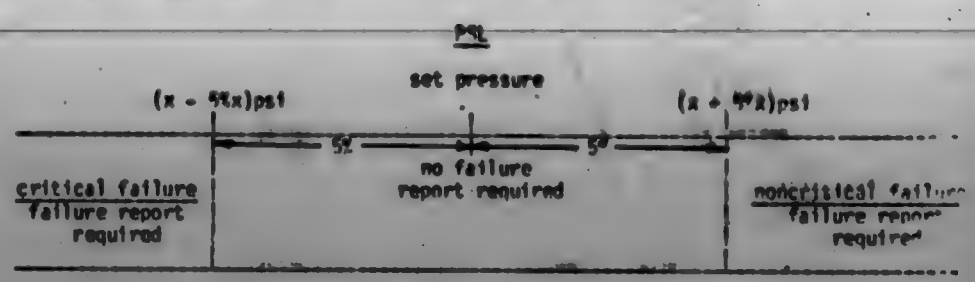

Example: set pressure = 200 psi
critical failure point = 200 - (0.05) 200 = 190 psi
noncritical failure point = 200 + (0.05) 200 = 210 psi

In this example a failure report is required for pressures greater than 210 psi or less than 190 psi. For an illustration of this example, see page F-6.

e. The diagrams on page F-6 depict the failure reporting requirements for PSH/PSL's.

8. The following are examples for which a failure report is not required:

a. When adjustments are made within specified tolerances.

b. When adjustments are made due to changes in operating conditions.

c. When repair or preventive maintenance is performed on a safety device which would not have failed had it been called upon to operate.

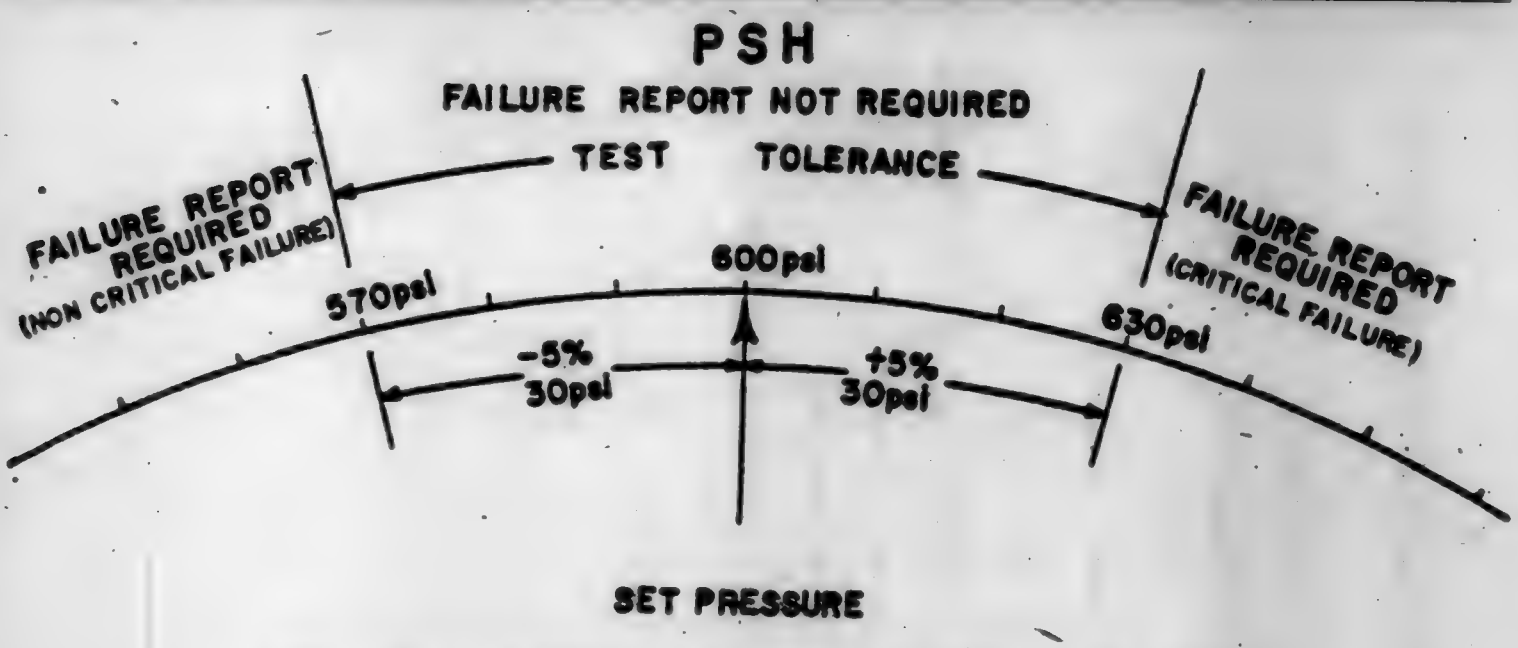

Note: This is an example of when a failure report is (and is not) required for high pressure sensors (PSH's) and low pressure sensors (PSL's).

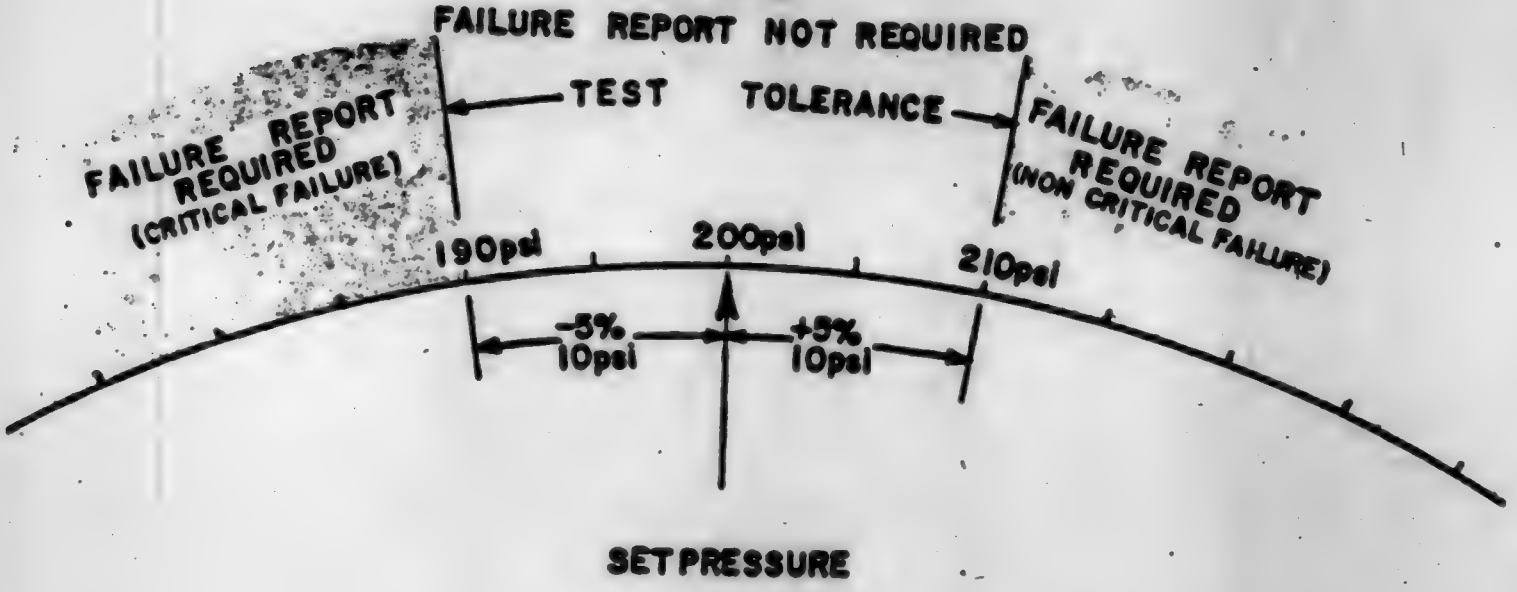

CRITICAL/NONCRITICAL FAILURE MODES

CRITICAL/NONCRITICAL FAILURE MODES

FAILURE MODE CODES -------->	A	B	C	D	E	F	G	H	J	K
DEVICE TYPE	Fails to open	Fails to remain open	Fails to close	Fails to remain closed	Internal leak	External leak	Out of range	Fails to operate	Premature operation	Fails to lock
Subsurface Safety Valve (SSSV)	NC	NC	C	C	C	C			NC	C
Surface Safety Valve (SSV)	NC	NC	C	C	C	*			NC	
Valve Actuator (VA)					NC	*		***	NC	
Hi Pressure Sensor (PSH)					C	*	**	C	NC	
Low Pressure Sensor (PSL)					C	*	**	C	NC	
Hi/Low Pressure Sensor (PSHL)					C	*	**	C	NC	
Hi Level Sensor (LSH)						*		C	NC	
Low Level Sensor (LSL)						*		C	NC	
Hi/Low Level Sensor (LSHL)						*		C	NC	
Hi Temperature Sensor (TSH)								C	NC	
Low Temperature Sensor (TSL)								C	NC	
Hi/Low Temperature Sensor (TSHL)								C	NC	
Emergency Shutdown Device (ESD)						*		C	NC	
Relief Valve (PSV)	C	C	NC	NC	NC	*	**		NC	
Check Valve (FSV)	NC	NC	C	C	C	*			NC	
Shutdown Valve (SDV)	NC	NC	C	C	C	*			NC	
Gas Detector (ASH)							C	C	NC	
Burner Flame Detector (BSL)								C	NC	
Blowdown Valve (BDV)	C	C	NC	NC	NC	*			NC	

C - Critical: Inability of the device to perform its safety and pollution-prevention function.
NC - Noncritical: Improper operation that does not prevent the device from performing its safety and pollution-prevention function.
* - C hydrocarbon leak; NC non-hydrocarbon leak.
** - C the safety function is affected; NC the safety function is not affected.
*** - C the valve safety function is impaired; NC the valve safety function is not impaired.

UMI 1 8 - 5 1 Y M 4 9 / 6 4 V

E. REPORTING REQUIREMENTS

To derive the maximum benefits from the FIPS program, complete and accurate reporting by the operators is mandatory. To accomplish this, detailed instructions are included herein for inventory reporting/updating and failure reporting/updating. Adherence to these reporting instructions is required.

All required reports and/or data (i.e., initial inventory, failure and update reports) which are submitted to the Geological Survey Regional Office must be accompanied by a cover letter signed by a representative of the operator. A single cover letter will suffice in those cases where inventory and failure data are submitted together. The monthly cover letter should include a list of all the platforms operated by the operator and the status of inventory and failure data being submitted for each platform. A form letter containing the platform list is acceptable for each reporting period. In the event where there is no device failure or inventory update on a platform for a particular month, the platform listings should so indicate. The cover letter should include the following statement and the operator's platform listing in the format given below:

In compliance with FIPS program requirements of OCS Order No. 5, (Company Name) submits the enclosed reports for the month of _____, 19____.

AREA	BLOCK	LEASE	PLATFORM	FAILURES	UPDATES	INITIAL INVENTORY ON NEW PLATFORM
PA	104	G 1632	A	13	Y	
EC	056	20557	B	5		
ST	314	P 0001	F	N	Y	
WI	076	0257	H	N		Y
MO	300	G 1640	F	N	Y	
MO	300	G 1640	F	2		Y
MO	30	G 1675	B	N		

TOTAL FAILURES = 20

F. DATA FORMAT

The detailed failure and inventory reports must contain the required information, be submitted in the standard format as indicated on the Safety Device Inventory Report Form (Form 9-1994) and the Safety Device Failure Report Form (Form 9-1995), and must adhere to the applicable instructions. The operator has the option to select and use one or more of the following means for submitting the required data:

1. Forms:

Inventory Form 9-1994 and Failure Form 9-1995 (see pages I-15 and F-11, respectively) are furnished to the operator by the appropriate Geological Survey Regional Office. In filling out the forms the operator shall use standard coding convention (e.g., all letters capitalized, number 0, letter Ø, number 1, letter I, letter Z). The original (top) copy of the form shall be sent to the appropriate Geological Survey Regional Office, the other two copies are for the operator's retention. When the FIPS Failure Form 9-1995 is submitted, the form shall be signed in the lower right corner by the person initiating/approving the report.

2. ADP card decks:

All card deck submittals shall be on standard 80 column cards. The operator must also provide a count of the total number of cards submitted.

3. Magnetic tapes:

a. The magnetic tapes shall conform to the following specifications:

(1) Record size: 80 characters
(2) Bits per inch (BPI): 800
(3) Track: 9
(4) Unlabeled.
(5) Blocked not to exceed 1040 characters (13 records).
(6) Odd parity.
(7) Single gap.
(8) EBC DIC code.

b. The container (case) cover must have a sticker tag which includes the following information:

(1) Number of records (number of lines of information).
(2) Blocking factor.

G. REPORTING INTERVALS

1. Inventory Data:

a. Initial Inventory on New Platform:

A complete inventory must be submitted to the appropriate Geological Survey Regional Office not later than one month after the initial platform production date.

b. Inventory Updates:

2. Failure Data:

b. Inventory Updates:

An update to the latest inventory shall be submitted to the appropriate Geological Survey Regional Office no later than the last day of the month following the month in which the device change was made. The inventory must be updated using the contents of the Inventory Report Form (Form 9-1994).

An inventory update report is required whenever:

1. A device is added.
2. A device is deleted.
3. A device is changed (either due to preventive maintenance or other reasons, excluding failures).
4. An error is discovered among the data previously submitted.

Special codes ("F", "A", "D", "P", and "blank") are used in column 79 of the Inventory Form 9-1994 to update or correct FIRS inventory (see pages I-14, I-15, and I-17). Page I-19 explains the use of these codes. The information must be submitted by the operator either on Form 9-1994, card deck, or magnetic tape as described in paragraph F, DATA FORMAT.

A device listed in columns 46-50 on a Failure Form as replacing a failed device need not be reported on an Inventory Form. The inventory will be updated by the Geological Survey using the contents of the Failure Form, except in those cases where the code "Y" is used in column 61 of the Failure Form.

2. Failure Data:

a. Failure Report Submittal:

The device failure data shall be recorded as soon as possible after detecting the failure in the safety and pollution prevention system. The information shall be submitted to arrive at the appropriate Geological Survey Regional Office not later than the last day of the month following the month in which the failure was detected. The complete data must be submitted using standard format (Form 9-1995, punched cards, or magnetic tape as described in paragraph F). The information submitted on the failed device must match the latest master inventory. Each failed device shall undergo sufficient test/disassembly to establish the cause(s) of failure.

b. Failure Report Corrections:

The operator may correct errors or add clarifying data in previously submitted failure reports by use of a special code "F" in column 79 of the Remarks Section as discussed in page F-10 and shown on the example on page F-13.

c. Failure Report Deletions:

Deletion of a failure report can be done only by the appropriate GS Regional Office. If after submitting a failure report an operator discovers that the device did not actually fail, the failure report must be voided as follows:

1. Notify the appropriate Geological Survey Regional Office in writing.
2. Give the failure report reference number.
3. Give the reason for deletion.

4. RESUBMISSION OF CORRECTED FIRS REPORTS

If the initial safety device inventory reports, failure reports, or update reports are found to contain errors, the USGS will return these reports or computer edit error listings to the submitting operator for correction. The operator shall resubmit the corrected data to the appropriate Geological Survey Regional Office the within 14 calendar days of receipt. The reference number for the corrected failure report and the original failure report (being corrected) shall be identical.

5. INVENTORY VERIFICATION BY THE OPERATORS

Periodically, the safety device inventory data must be verified so as to ensure that all of the monthly inventory changes and failures have been incorporated into the inventory data base. The frequency of the inventory verification will be no less than once every six months and no longer than every two years.

Depending upon the operator's reporting method, the appropriate Geological Survey Regional Office will provide a computer printout, ADP card deck, or magnetic tape containing the latest inventory information. The operator must review the information and either submit a letter stating that the information is correct, or return:

a. The printout with corrections marked thereon, or
b. Punched cards containing the necessary corrections, or
c. A magnetic tape containing only the necessary corrections.

The letter or appropriate corrections must be received by the appropriate Geological Survey Regional Office not later than the last day of the month following the month in which the inventory data to be verified were received by the operator.

J. FAILURE VERIFICATION BY THE MANUFACTURERS

After receipt of the complete failure data from the operator, the USGS will make a printout of all the failures. The printout will include the manufacturer's name, the model, and the reported cause of failure. Each manufacturer will be furnished a copy of the printout containing the reported failures of his devices only. If he disagrees with the reported failure causes, he is invited to investigate the questioned causes in coordination with the reporting operator and provide a coordinated reply within 6 weeks after receipt of the printout. If no reply is received within that time period, the originally reported causes will be considered to be correct, and the data will be evaluated accordingly.

K. NONCOMPLIANCE

30 CFR 250.40-2 (a)(1) states that "any person who fails to comply with any provision of the Act or any term of a lease, license, or permit issued pursuant to the Act, or any provision of any regulation or order issued under the Act, shall be liable for a civil penalty of not more than $10,000 for each day of continuance of such failure." The Act means the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 ET SEQ.).

USER'S INSTRUCTION BOOKLET

FOR THE

SAFETY DEVICE INVENTORY REPORT

FORM 9-1994 ( )

The following pages contain instructions for completing the United States Geological Survey's Safety Device Inventory Report Form (Form 9-1994).

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General Information:

COLUMN	HEADING	INSTRUCTIONS

General Information:

a. Indicate by checking the appropriate box on the Inventory Form 9-1994 whether the data is an initial platform inventory or an inventory update.

b. When recording the Area, Block, and Lease, be sure that the information provided is for the surface location and NOT the bottom hole location.

c. REPORT DATE: date report is filled out.

d. OPERATOR: name of designated operator for the platform.

e. The arrows appearing in the headings of the Inventory Form 9-1994 point in the direction in which the data must be shifted. Any blank space must be left at the tail of the arrow. For example: one-letter platform names go in column 13, not column 20.

f. Schematic flow diagrams and Safety Analysis Function Evaluation (SAFE) charts are useful in preparing the Safety Device Inventory Report, but may not represent the total complement of safety devices on a platform.

COLUMN	HEADING	INSTRUCTIONS
1 - 2	AREA	Enter the two letter Area identification ("2") code in columns 1-2 for the surface location of the well or platform. These codes are given in List 1 on page A-1. DO NOT USE FIELD NAMES. Example: The Area ID for the South Timbalier Area in the Gulf of Mexico is "ST" .....

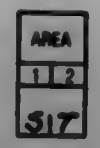

3 - 6	BLOCK	Enter the block number of the surface location in columns 3-6. Examples:

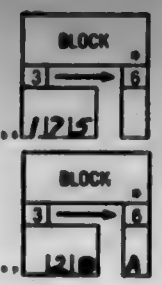

Block 175 .....

Block 828 .....

* Note: For those blocks having a letter prefix or suffix as part of the block number, enter the letter in column 4. Otherwise, leave column 6 blank.

COLUMN	HEADING	INSTRUCTIONS
7 - 12	LEASE	1) Enter the Federal lease number for the platform site. This number is divided into three parts. a. Column 7 PREFIX. This will identify the area. G or blank = Gulf of Mexico area * P = Pacific area A or G = Atlantic area Y = Alaska area b. Columns 8-11 BODY. This will always be a 4-digit number. c. Column 12 SUFFIX. This will usually be blank, but may be the letter "A" or "C". 2) For platforms located in State leases but producing out of Federal leases, enter "S" in column 7 followed by the first four digit State lease number in columns 8-11. Examples: Lease 0420..... Lease G1523..... Lease 0593C..... State Lease 1356.....

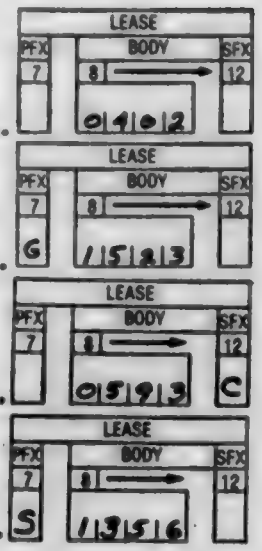

* NOTE:

For the Gulf of Mexico OCS Region, any lease number greater than 0897 must have a "G" in column 7. When the lease number is smaller or equal to 0897, column 7 must be left blank.

COLUMN	HEADING	INSTRUCTIONS
13 - 20	PLATFORM	This is the platform or structure designation on the identifying sign of the structure and verified by the USGS. Enter the exact platform designation starting in column 13 leaving any unused spaces blank. Examples: Platform A-PROD..... Platform E-AUX 1..... Platform P.....
21 - 25	DEVICE TYPE/NO.	Obtain the proper code name for the device from List 2, "Device Type Code", on page A-2, and enter it starting in column 21. If two or more devices of the same type are installed on a single component, the devices shall be numbered consecutively, and the numbers shown in column 25. The same number shown on the schematic flow diagram may be used. If there are more than 9 devices, use letters (e.g., 1, 2, 3, ..., 8, 9, A, B, C, ...). If only one device is installed on a component, the device number may be omitted; however, the USGS will assign the number one (1) to the device. Multiple string one-piece SSV's must be inventoried as separate valves. Well identification can be given in columns 29-34 to distinguish the individual well string.

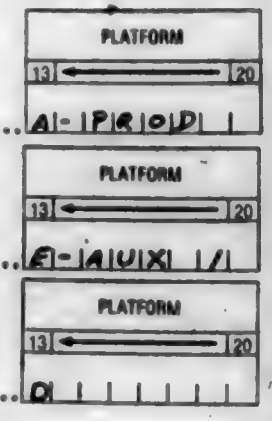

NOTES PERTAINING TO COLUMNS 26-34:

INSTRUCTIONS

For all shutdown valves, blowdown valves, and surface safety valves, be sure that the actuator is listed as a device separate from the valve itself; except for those cases in which the actuator is built as an integral part of the valve.

When two or more devices of the same type are located on the same component, make sure the entries are not duplicated. For example, when an SDV and a BDV are located on a compressor, there is no duplication problem with the valves since they are of a different device type (i.e., one is a BDV and the other is a SDV). However, their actuators are of the same device type (viz, VA) and they must be individually numbered or lettered in column 25. (For example: The actuator for the BDV could be numbered "1" and the actuator for the SDV numbered "2"). This is necessary to distinguish between two devices of the same type installed on a single component.

If two or more like device types are located on one component, distinguishing explanation must be given for each device in the Remarks column.

When two sensing devices are connected to a common manifold or yoke (e.g., an Axelson YHP), list each device as a separate entry on the Inventory Form.

Examples:

Enter LSH for a High Level Sensor .....

	DEVICE TYPE	NO
1	LSHH	

Enter PSHL2 for the No. 2, Hi/Lo Pressure Sensor located on a particular component .....

	DEVICE TYPE	NO
1	PSHL	2

NOTES PERTAINING TO COLUMNS 26-34:

1. The next three data fields located in columns 26-34 contain component information which is used to fix the location of the device being reported. For the code names applicable to Component Type, Modifier, and Identifier, refer to list 3, "Component Identification", on page A-3. The same codes in the schematic diagrams may be used in filling columns 26-34.

2. Enter the Component Type, Modifier and Identifier of the component on which the device is located. If the device is located on a line between two components, enter the information for the first component being protected by the device.

3. If the device is not located on a component (whether the device is protecting one or more components), enter the Component Type, Modifier and Identifier of the first component being protected by the device.

4. The Component Modifier of a subsurface safety valve used as a tubing plug is "TP" and not "SS" or "SC".

5. For injection valves installed in a tubing string which is opened to a hydrocarbon bearing zone, use "R" as Component Type and "AR" as Component Modifier for gas injection or "AT" for water injection.

6. For check valves (FSV) installed at the intersection of a flowline and a header, use Component Type "F" and Component Modifier, A1 thru A9.

7. For gas detectors (ASH) installed in an open space, use Component Type "L". When it is installed inside a building (enclosure), use Component Type "D".

COLUMN	HEADING	INSTRUCTIONS
26	COMPONENT TYPE	Column 26 is used to identify the component on which the device is located or the component protected by the device. (See Notes above). Select the one-letter code taken from List 3 in the Appendix or from the Information Code List insert card. If the component is not listed, enter the code "Z" for "OTHER", and provide explanatory information under Remarks, columns 58-78.

Enter A for Atmospheric Vessel (Unheated) .....

	COMPONENT TYPE	
1	A	

MAY 1 8 1981 5 1 M 4 9 / 9 4 V

27 - 28 COMPONENT MODIFIER (next two letters)

The Component Modifier is used to provide additional information about the component on which the device is located or the component protected by the device. (See Notes 2 and 3). Select the two-letter Component Modifier code from List 3 in the Appendix or from the Information Code List insert card. If the Component Modifier code is not listed, enter the code "ZZ" for "OTHER" and provide explanatory information under Remarks, columns 58-78.

Example: If the component is an unheated atmospheric vessel, the common modifiers from List 3 in the Appendix are AD, AH, AY, BD, BF, BH, BJ, BM.

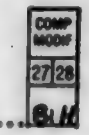

Enter BH if the protected component is a Sump .....

Enter BM if the protected component is a Water Treater .....

29 - 34 COMPONENT OR WELL IDENTIFIER

Each operator may use up to six (6) characters to uniquely identify the specific component on each platform or processing complex. The same component or well identifier shall not be used for like components on the same platform or processing complex. If the component is replaced, the same identification code will be applied to the replacement component. The combination of "ZZ...Z" will not be allowed as an identifier.

When the component on which the safety device is located is the flow line, wellhead, or tubing string, the operator's own Well Identification Number will be used in lieu of a Component ID. The Well ID should already be assigned, and may be up to six (6) characters in length.

Enter the Component ID or Well ID beginning with Column 29 and leave any extra spaces blank.

Examples:

Component 10.....

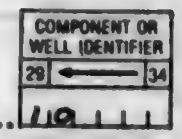

Well Number 20 .....

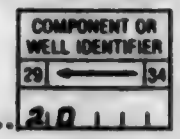

Component 00015 .....

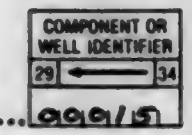

General Example:

To record the No. 2 check valve on unheated production separator 1000, enter:

FROM LIST 2

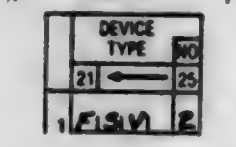

FROM LIST 3

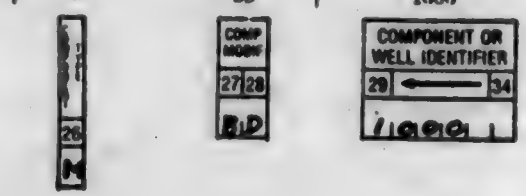

General Example:

For a subsurface safety valve, use "SSSV" as Device Type in columns 21-24, use "R" for tubing string in column 26 under Component Type. For Component Modifier, use "SC" for surface controlled, "SS" for subsurface controlled, or "TP" for tubing plug in columns 27 and 28. Enter the operator's well identification in columns 29-34 under Component or Well Identifier.

To record a subsurface-controlled subsurface safety valve installed in the

COLUMN	HEADING	INSTRUCTIONS

To record a subsurface-controlled subsurface safety valve installed in the tubing string of well number A-1, enter:

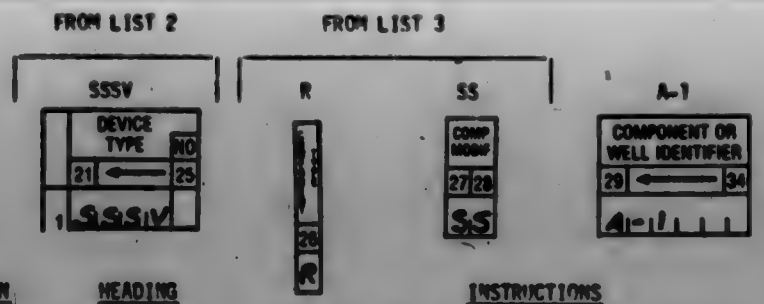

COLUMN	HEADING	INSTRUCTIONS
35 - 39	MANUFACTURER'S DEVICE MODEL CODE	Obtain the code name for the manufacturer and model of the device from List 4 in the Appendix, "Manufacturer's Device Model Codes", and enter it in columns 35-39. If the manufacturer is listed in List 4, but the model number is not listed, enter the Manufacturer Code in columns 34 and 35 and "ZZZ" in columns 37-39. Show the model in the Remarks, columns 58-78. If the manufacturer is unlisted, call the appropriate USGS Regional Office for the proper code. If the manufacturer is unknown, enter the code "UKXXX". No remarks are required for this code. DO NOT MAKE UP MANUFACTURER DEVICE MODEL CODES.

Examples:

1. For a combustible gas detector, ASH model 160, manufactured by General Monitors, enter GMZZZ..... 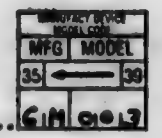

COLUMN	HEADING	INSTRUCTIONS
40 - 45	DEVICE INSTALLATION OR DELETION DATE	Enter the date, in order of month, day, and year, that the device was installed or deleted. Enter the best estimate of the month and year in which the device was installed, and if the specific day is unknown, put "15" as day in columns 42 and 43. Use zeros before the numbers 1-9. When a change is made (for example: deletion, preventive maintenance, or other reason), enter the date the device was changed and not the original installation date. (See pages I-14 and I-18).

2. Enter UKXXX if manufacturer is unknown. ..... 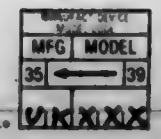

3. For a combustible gas detector, ASH, manufactured by General Monitors but the model is unlisted, enter GMZZZ (explain in Remarks). ..... 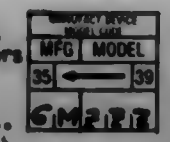

Examples:

October 6, 1976 .....

September 12, 1976 .....

October 1976 .....

(If the specific day is unknown, enter "15" in columns 42 and 43).

COLUMN	HEADING	INSTRUCTIONS
46	SERVICE TYPE	Enter the letter code from the following list which best describes the composition to which the device will most often be exposed. For sensors exposed to both control fluid and monitored flow, record the monitored flow.

C Control Fluid. Use only in valve actuators (VA) and emergency shutdown valves (ESD).
E Electrical
G Gas
H Heat Transfer Fluid - Therminol, Methanol, etc.
O Oil
R Glycol
T Temperature/Flame/Heat
W Water
Z Other (provide explanatory information in Remarks)*

Examples:

Enter W for Water .....

Enter G for Gas .....

* NOTE:

When entering a remark in columns 58-78 for a combination of Service Type (column 46), the letter codes (e.g., W = Water, O = Oil, G = Gas, etc.) are acceptable abbreviations.

COLUMN	HEADING	INSTRUCTIONS
47	SEVERE CONDITION	The Severe Condition is for recording any significant abnormal conditions which could cause an early failure of a safety device. Almost all wells normally produce some sand and water. The key word is abnormal. If in the operator's judgment, the existing conditions are sufficiently severe to cause abnormal failures, then they should be listed as severe condition. This information is an important factor in the data analysis, and the operator is therefore discouraged from using code 9 meaning "no Severe Conditions" unless it applies.

1 Sand
2 Hydrogen Sulfide (H_2S)
3 Paraffin
4 Water
5 Deposited Material (Scale, Salt, etc.)
6 Carbon Dioxide (CO_2)
7 Multiple (list in Remarks)*
8 Other (explain in Remarks)*
9 None

Examples:

Enter 1 for Sand .....

Enter 3 for Paraffin .....

* NOTE:

When entering a remark in columns 58-78 for Severe Conditions (column 47), the number codes as shown (e.g., 1 = sand, 2 = hydrogen sulfide, 3 = paraffin, etc.) are acceptable abbreviations.

48	ANSI/ASME-SPPE-1 Certified Device	Enter "Y" for YES in column 48 if the device being reported is ANSI/ ASME-SPPE-1 certified, otherwise, enter "N" for NO.

COLUMN	HEADING	INSTRUCTIONS

In order to have adequate space for Inventory Remarks (columns 58-78),

COLUMN	HEADING	INSTRUCTIONS
49 - 57	DEVICE SERIAL NUMBER	Enter the device manufacturer's serial number for the device in columns 49-57 leaving unused spaces before (to the left end) the serial number blank. The serial number is that number required by the applicable equipment standard. In those cases where a safety device is not covered by an equipment standard, there may not be a serial number. In this instance enter "NONE". The only safety devices which are required to have a Device Serial Number are those valves and associated actuators which conform to the ANSI/ASME-SPPE-1 Program. Examples: Device Serial No. 953210..... 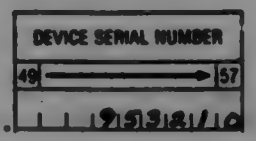 Device Serial No. GM160628.. 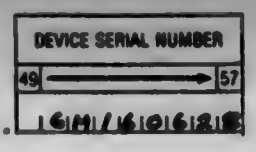 No Device Serial Number..... 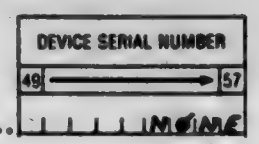
58 - 78	REMARKS	Use columns 58-78 under the heading Remarks as they are needed to further explain any entry where the code for "Other" was used to add clarifying information for a device. DO NOT USE COLUMN 79 FOR REMARKS! When entering a remark, always record the column number first under the heading of the entry to be commented on followed by the remark.

In order to have adequate space for inventory Remarks (columns 58-78), abbreviations are acceptable. When entering a REMARK on Service Type (column 46), the letter codes as shown on page I-11, (e.g., C = control fluid, O = oil, G = gas, etc.) are acceptable abbreviations. When entering a REMARK on Severe Conditions (column 47), the number codes as shown on page I-12, (e.g., 1 = sand, 2 = hydrogen sulfide, 3 = paraffin, etc.) are acceptable abbreviations. Use a dash (-) to separate the column number to which the REMARK applies from the code abbreviations. For example, 47-1 & 3 is an acceptable REMARK meaning that sand and paraffin are multiple-severe conditions.

Example: A device is exposed to a multiple severe condition of both sand and paraffin. Under SEVERE CONDITION,

enter: "7" (Multiple).....

and under REMARKS, enter: "47 - 1 & 3"

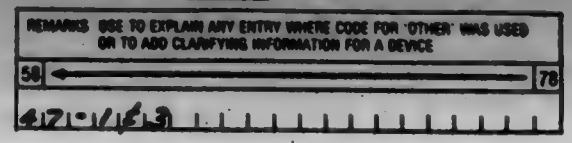

COLUMN	HEADING	INSTRUCTIONS
79	UPDATE CODE	1. Column 79 is used only for inventory updating. Use the proper code in column 79 which represents the type of inventory updating transaction (see example on pages I-17 and I-18). 2. Codes "blank", "E", "D", "P" and "R" are all one line entries. 3. Do not use the codes "blank", "E", "D", "P" and "R" to update an inventory due to a failure. The submitted failure report will automatically update the inventory except in the case where the code "Y" is used in column 61 of the Failure Form.

4. The "F" code is used to erase erroneous device information completely from the computer, and requires either a two line entry, viz., the original line of erroneous data followed by the line of correct data; or a one line entry if the purpose is to erase an incorrect inventory record only.

   To correct an error in the inventory, copy the entire device information from the inventory and enter an "F" in column 79. Be sure the line has the original installation date. Fill in the next line with the corrected information with a "blank" in column 79.

   If the purpose is to remove an incorrect inventory record, copy the entire device information from the inventory and enter an "F" in column 79. Be sure the line has the original installation date.

5. Leave column 79 blank when the device is being added to the inventory.

6. Enter a "D" in column 79 when the device is being deleted from the inventory. Enter the deletion date and not the original installation date in columns 40-45. The "D" code is not used to correct an error.

7. Enter a "P" in column 79 when the device is replacing another device because of preventive maintenance. Put the new installation date in columns 40-45, and the new device serial number in columns 49-57. If the manufacturer/model has changed, enter the new codes in columns 35-39. Do not use the original installation date.

8. Enter an "R" in column 79 when the device is replacing another device because of any reasons other than preventive maintenance. Put the new installation date in columns 40-45, and the new device serial number in columns 49-57. If the manufacturer/model has changed, enter the new codes in columns 35-39. Do not use the original installation date.

9. When using codes "P" and "R", columns 21-34 of the replacement device must be identical to the device being replaced (i.e., same Device Type, Component Type, Component Modifier, and Component or Well Identifier).

REPORT DATE: ____ MONTH ____ DAY ____ YEAR OPERATOR: _____ PAGE ____ OF ____

UNITED STATES GEOLOGICAL SURVEY
SAFETY DEVICE INVENTORY REPORT

AREA	BLOCK	LEASE			PLATFORM
		KEY	BODY	SEG	

REPORT DATE: ____ MONTH ____ DAY ____ YEAR OPERATOR: _____ PAGE ____ OF ____

UNITED STATES GEOLOGICAL SURVEY
SAFETY DEVICE INVENTORY REPORT

THIS REPORT IS REQUIRED BY OCS ORDER NO 5 PARAGRAPH 6 EFFECTIVE JANUARY 1 1980 30 CFR 250 80 (b)(1) STATES THAT ANY PERSON WHO FAILS TO COMPLY WITH ANY PROVISION OF THE ACT OR ANY TERM OF A LEASE LICENSE OR PERMIT ISSUED PURSUANT TO THE ACT OR ANY PROVISION OF ANY REGULATION OR ORDER ISSUED UNDER THE ACT SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN $10 000 FOR EACH DAY OF CONTINUANCE OF SUCH FAILURE
THE ACT MEANS THE OUTER CONTINENTAL SHELF LANDS ACT AS AMENDED (43 U S C 1331 ET SEQ)

AREA (1 2) | BLOCK (3 → 6) | LEASE (PFX 7 | BODY 8 → 12 | SFX) | PLATFORM (13 ← 20)

*If prefix or suffix, enter in column 6.

☐ INITIAL PLATFORM INVENTORY ☐ INVENTORY UPDATE

	DEVICE TYPE (21 ← 25)	NO		COMP MODIF (27 28)	COMPONENT OR WELL IDENTIFIER (29 ← 34)	MFG (35 ← 39)	MODEL	MO (40)	DA	YR (45)		IS THE DEVICE ANSI/API SPPE-1 CERTIFIED? Y = YES N = NO (48)	DEVICE SERIAL NUMBER (49 → 57)	REMARKS. USE TO EXPLAIN ANY ENTRY WHERE CODE FOR 'OTHER' WAS USED OR TO ADD CLARIFYING INFORMATION FOR A DEVICE (58 ← 78)		
1																
2																
3																
4																
5																
6																
7																
8																
9																
10																
11																
12																
13																
14																
15																

FORM 9-1994
( )
PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

NOTE: [0] = zero [O] = letter O [1] = one [I] = letter I [Z] = letter Z

FORM APPROVAL OMB NO. EXPIRES

REPORT DATE: 05 (MONTH) 30 (DAY) 77 (YEAR) OPERATOR: XYZ

PAGE 1 OF 1

UNITED STATES GEOLOGICAL SURVEY
SAFETY DEVICE INVENTORY REPORT

THIS REPORT IS REQUIRED BY OCS ORDER NO 5 PARAGRAPH 6 EFFECTIVE JANUARY 1 1980 30 CFR 250 80-2(a)(1) STATES THAT ANY PERSON WHO FAILS TO COMPLY WITH ANY PROVISION OF THE ACT OR ANY TERM OF A LEASE LICENSE OR PERMIT ISSUED PURSUANT TO THE ACT OR ANY PROVISION OF ANY REGULATION OR ORDER ISSUED UNDER THE ACT SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN $10 000 FOR EACH DAY OF CONTINUANCE OF SUCH FAILURE THE ACT MEANS THE OUTER CONTINENTAL SHELF LANDS ACT AS AMENDED (43 U S C 1331 ET SEQ)

AREA: BIM | BLOCK: 1137 | LEASE: PFX G / BODY 19815 / SFX | PLATFORM: B

☐ INITIAL PLATFORM INVENTORY ☒ INVENTORY UPDATE

	DEVICE TYPE (21-25)	NO	COMP MODIF (27-28)	COMPONENT OR WELL IDENTIFIER (29-34)	MANUFACTURER DEVICE MODEL CODE MFG (35-36)	MODEL (37-39)	DEVICE INSTALLATION OR DELETION DATE MO (40-41)	DA (42-43)	YR (44-45)	IS THE DEVICE AMSE/ASME SPPE 1 CERTIFIED? Y = Yes N = NO (48)	DEVICE SERIAL NUMBER (49-57)	REMARKS USE TO EXPLAIN ANY ENTRY WHERE CODE FOR OTHER WAS USED OR TO ADD CLARIFYING INFORMATION FOR A DEVICE (58-78)	(79-80)
1	SSSIV		SS	14D	CA	TI	05	07	77	N	NONE	417-1153	1
2	SSIV		AY	14D	MK	0013	05	15	77	Y	HY4827116	417-1153	1
3	WAI		AY	14D	BK	005	05	18	77	Y	6251103		1
4	PSIG		AI	14D	GT	001	05	21	77	N	NONE		1
5	PSHL		A2	14D	CT	001	05	13	77	N	NONE		1
6	FSIV		AY	14D	WH	PBIS	05	28	77	N	NONE		1
7	PSV	1	BD	10D	AS	018	05	12	77	N	NONE	27 MADE L UNKNOWN	1
8	PSV	2	BD	10D	FS	018	05	12	77	N	NONE		1
9													
10	ESD	1	SD	B001SW	GT	011	05	04	77	N	NONE	29 MEAS PSAT	1
11	ESD	2	SD	B002NE	GT	011	05	14	77	N	NONE	29 PSAT LANDING	1
12	ESD	3	AS	B003N	CI	017	05	09	77	N	NONE		1
13													
14	SDV		BJ	1200	GR	002	11	15	76	N	GR7248		1
15	SDV		BD	1200	GR	003	11	15	76	N	GR7245		1

FORM D-1924 ( ) PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

NOTE: [0] = zero [O] = letter O [1] = one [I] = letter I [Z] = letter Z

FORM APPROVAL OMB NO. EXPIRES

REPORT DATE: ___ (MONTH) ___ (DAY) ___ (YEAR) OPERATOR: ___

PAGE ___ OF ___

UNITED STATES GEOLOGICAL SURVEY

REPORT DATE: ____ MONTH ____ DAY ____ YEAR OPERATOR: _____ PAGE ____ OF ____

UNITED STATES GEOLOGICAL SURVEY
SAFETY DEVICE INVENTORY REPORT

AREA (1-2) | BLOCK (3-6) | LEASE PTR (7) BODY (8-12) SFX | PLATFORM (13-20)

* prefix or suffix, enter in block 6.

☐ INITIAL PLATFORM INVENTORY ☒ INVENTORY UPDATE

DEVICE TYPE (21-25) | COMP MODEL (27-28) | COMPONENT OR WELL IDENTIFIER (29-34) | MFG MODEL (35-39) | MO DA YR (40-45) | DEVICE SERIAL NUMBER (49-57) | REMARKS: USE TO EXPLAIN ANY ENTRY WHERE CODE FOR "OTHER" WAS USED OR TO ADD CLARIFYING INFORMATION FOR A DEVICE (58-78) | 79 | 80

UPDATING USING CODE E (For Error Correction)

Copy Inventory From Master Inventory (All Of This Data Must Match The Inventory Record In Error)
Fill This Line With Corrected Information With Column 79 Blank;
Or Leave This Line Blank If Purpose Is To Erase Wrong Inventory Record.

| | | |

USER'S INSTRUCTION BOOKLET

FOR THE

SAFETY DEVICE FAILURE REPORT

FORM 9-1995 ( )

The following pages contain instructions for completing the United States Geological Survey's Safety Device Failure Report Form (Form 9-1995).

General Information:

a. When recording the Area, Block, Lease, Platform, Device Type, Component Type, Component Modifier, and Failed Device, make sure that this information matches the inventory on which the failure is being reported.

b. REPORT DATE: date report is filled out.

c. OPERATOR: name of designated operator for the platform.

d. The arrows appearing in the headings of the Failure Form 9-1995 point in the direction in which the data must be shifted. Any blank space must be left at the tail of the arrow. For example: one-letter platform names go in column 13, not column 20.

COLUMN	HEADING	INSTRUCTIONS
1-2	AREA	Enter the area code.
3-5	BLOCK	Enter the block number.
6-10	LEASE	Enter the lease number.
11-12	PLATFORM	Enter the platform code.
13-14	DEVICE TYPE	Enter the device type code.
15-16	COMPONENT TYPE	Enter the component type code.
17	COMPONENT MODIFIER	Enter the component modifier code.
18-19	FAILED DEVICE	Enter the failed device code.
20-21	MONTH	Enter the month of the failure.
22-23	DAY	Enter the day of the failure.
24-25	YEAR	Enter the year of the failure.
26-27	HOUR	Enter the hour of the failure.
28-29	MINUTE	Enter the minute of the failure.
30	AM/PM	Enter A for AM or P for PM.
31-32	MONTH	Enter the month of the repair.
33-34	DAY	Enter the day of the repair.
35-36	YEAR	Enter the year of the repair.
37-38	HOUR	Enter the hour of the repair.
39-40	MINUTE	Enter the minute of the repair.
41	AM/PM	Enter A for AM or P for PM.
42-43	CAUSE	Enter the cause code.
44-45	ACTION	Enter the action code.
46-47	REMARKS	Enter the remarks code.
48-49	OPERATOR	Enter the operator code.
50-55	REPORT DATE	Enter the date the report is filled out.

COLUMN	HEADING	INSTRUCTIONS
56-60	SERIAL NUMBER	Enter the serial number of the failed device.
61-62	MANUFACTURER	Enter the manufacturer code.
63-64	MODEL	Enter the model code.
65-66	SIZE	Enter the size code.
67-68	RATING	Enter the rating code.
69-70	MEASURED VALUE	Enter the measured value code.
71-72	SET POINT	Enter the set point code.
73-74	UNITS	Enter the units code.
75-76	TEST METHOD	Enter the test method code.
77-78	TEST INTERVAL	Enter the test interval code.
79-80	TEST PERIOD	Enter the test period code.

F-2

COLUMN	HEADING	INSTRUCTIONS
1 - 2	AREA	Copy information from Master Inventory.
3 - 6	BLOCK	Copy information from Master Inventory.
7 - 12	LEASE	Copy information from Master Inventory.
13 - 20	PLATFORM	Copy information from Master Inventory.

F-3

COLUMN	HEADING	INSTRUCTIONS
21 - 26	DATE FAILURE DETECTED	Enter the date the failure was detected in the following order: month/day/year. Use zeros before the numbers 1 - 9. Example: Failure was detected January 9, 1977 .....
27-31	DEVICE TYPE/NO.	1. Copy information from Master Inventory. 2. Circle the letter code on the form.

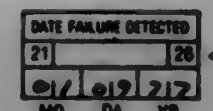

NOTE:

Whenever the codes "Z" or "ZZ" are used (columns 32, 33-34, 41-45, 46-50, 51, 54, 55-56, 57-58, 59-60 and 61), explanatory information must be provided in the Remarks Section preceded by the appropriate column number referred to.

32	COMPONENT TYPE	1. Copy information from Master Inventory. 2. Circle the letter code on the form.

COLUMN	HEADING	INSTRUCTIONS
33 - 34	COMPONENT MODIFIER	1. Copy information from Master Inventory. 2. Circle the two-letter code on the form.
35 - 40	COMPONENT OR WELL IDENTIFIED	Copy information from Master Inventory.
41 - 45	MANUFACTURER DEVICE MODEL CODE FAILED DEVICE	Copy information from Master Inventory.
46 - 50	MANUFACTURER DEVICE MODEL CODE REPLACEMENT DEVICE	Fill in columns 46-50 whenever the failed device is replaced (i.e., Action Taken is to replace a device - see code "R" under column 61). These columns must be filled in whenever "R" is used in column 61. If the Manufacturer is unknown, enter the code "UKXXX". No remark is necessary for this code.

If the manufacturer is not included in the "Manufacturer's Device Model Codes" list, contact the appropriate Geological Survey Regional Office for the proper code.

If a remark is required because of using Zs and the remark applies to both the Failed Device (columns 41-45) and the Replacement Device (columns 46-50), do not repeat the remark. Indicate the first column number of each data field for which the remark applies.

Examples:

An Otis QC tubing retrievable surface controlled SSSV failed and was replaced by an Otis QC wireline retrievable surface controlled SSSV:

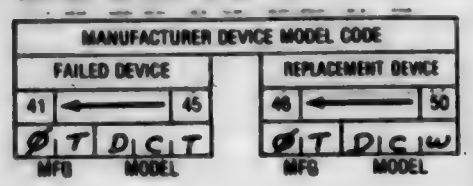

A failed combustible gas detector ASH Model 160, manufactured by General Monitors, was replaced by the same type of device.

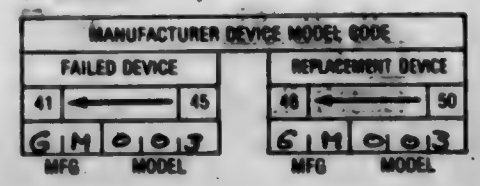

A failed unknown model Fisher relief valve was replaced with a Fisher type 98

COLUMN	HEADING	INSTRUCTIONS

A failed unknown model Fisher relief valve was replaced with a Fisher type 98 relief valve.

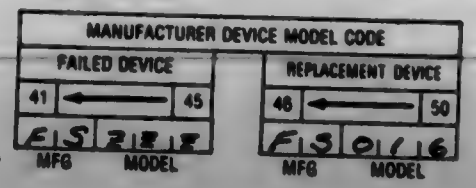

COLUMN	HEADING	INSTRUCTIONS
51	SERVICE TYPE	1. Copy information from Master Inventory. 2. Circle the letter code on the form.
52	USGS TECH.	If a USGS technician witnessed the failure enter "Y" for YES in column 52, otherwise enter "N" for NO.
53	PRIOR REPAIRS	If the device has ever been repaired, enter "Y" for YES in column 53. Otherwise enter "N" for NO. A repair is any disassembly/reassembly of a device to any extent for the purpose of overhauling, modifying, or otherwise performing internal maintenance. External work such as adjustment, lubrication, etc., is not considered to be a repair.

COLUMN	HEADING	INSTRUCTIONS
54	FAILURE MODE	Enter in column 54, and circle the letter code which best describe the device failure mode. The letter code selected must be taken from the parenthesis ( ) beside the failed device under the Device Type heading in columns 27-30.
55 - 56	FAILED PART	Enter in column 55, and circle the letter code which best identifies the primary failed part. If there exists an additional failed part, enter its letter code in column 56, and circle that letter also.
57 - 58	FAILED CONDITION	Enter in column 57, and circle the letter code which best describes the primary failure condition. If there exists an additional failure condition, enter its letter code in column 58, and circle that letter also.
59 -60	CONTRIBUTING CONDITION	Enter in column 59, and circle the letter code which best describes the primary condition which contributed to the device failure. If there exists an additional contributing condition, enter its letter code in column 60, and circle that letter also.
61	ACTION TAKEN	Normal corrective action for a failed safety device is to repair, adjust/reset, service/clean/lube, or replace the device. These are described by the use of codes "A", "C", "E", and "H", respectively. Enter in column 61, and circle the letter code which best describes the action taken. Whenever code "H" is used, columns 41-45 and columns 46-50 must be completed.

COLUMN	HEADING	INSTRUCTIONS
		Two other actions may also be taken whenever a device fails: a. The device may be eliminated because it is no longer needed or because it is redundant. In this case code "X" must be circled and entered in column 61. b. The device may be replaced with a device or devices of a different type (e.g., replace a high/low pressure sensor (PSHL) with a high pressure sensor (PSH) and a low pressure sensor (PSL), or replace a failed surface controlled SSSV with a subsurface controlled SSSV). In such case code "Y" must be circled and entered in column 61. Submit the replacement devices (e.g., PSH, PSL) on an Inventory Form (Form 9-1994).
62	IS DEVICE PLACED IN SERVICE ANSI/ASME SPPE-1 CERTIFIED?	If the device placed in service is an ANSI/ASME SPPE-1 certified device, enter "Y" for YES; otherwise, enter "N" for NO. Leave column 62 blank if the failed device is eliminated (column 61 = "X"), or the device type or Component Modifier is changed (column 61 = "Y").
63 - 71	SERIAL NUMBER OF DEVICE PLACED IN SERVICE	Copy information from master inventory if the failed device has been "fixed" and put back into service (column 61 = "A", "C" or "E"). If the failed device is replaced (column 61 = "H"), enter the serial number of the new device or enter "NONE" if there is no serial number. Leave columns 63-71 blank only if codes "X" or "Y" are used in column 61. The only safety devices required to have a device serial number are those valves and associated actuators which conform to the ANSI/ASME-SPPE-1 Program.

COLUMN	HEADING	INSTRUCTIONS
		Examples: Device Serial No. 953210..... Device Serial No. GM1606283..... 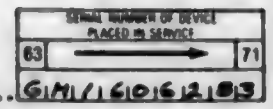 No Device Serial Number..... 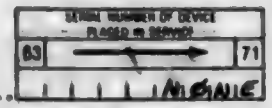
	SERIAL NUMBER OF FAILED DEVICE IF DIFFERENT FROM ABOVE	If the serial number of the failed device is different from that shown in columns 63-71, fill in the unnumbered columns entitled "Serial Number of Failed Device". NOTE: ANSI/ASME-SPPE-1, paragraphs OE-2529 and OE-2670, requires that all certified SPPE (Safety Pollution Prevention Equipment) devices which fail must have a failure report. To meet this requirement, copies of Failure Form 9-1995 may be used.
72	CRITICAL FAILURE	If failure is critical enter "Y" in column 72. otherwise, enter "N" if it is noncritical (see the definition of critical and noncritical failure on page F-2).
74 - 80	REFERENCE NUMBER	These columns will contain a preprinted form reference number for use by the USGS. Operators reporting safety device failure data by means other than the Safety Device Failure Report Form (Form 9-1995) must use a reference number assigned by the USGS in these columns.

REMARKS SECTION (CARD 2)

REMARKS SECTION (CARD 2)

COLUMN	HEADING	INSTRUCTIONS
1 - 72	REMARKS (IF REQUIRED)	Use the spaces under the heading of Remarks as they are needed to explain any entry where the code "2" was used or to add clarifying information for a failed device. When entering a Remark, always record the first column number under the heading of the entry to be commented on, followed by the Remark.
73	FAILURE UPDATE (IF REQUIRED)	If a previously submitted Failure Report contains an error or must be changed for some other reason (e.g., additional clarifying information), resubmit the Failure Report with the correct data and place an "E" in column 73 of the Remarks section (bottom of form). Make certain that the resubmitted Failure Report carries the same reference number (columns 74-79) as the original Failure Report. If the original Safety Device Failure Report was submitted on Form 9-1995 it is preferable to submit a marked-up copy showing the changes and adding an "E" in column 73 of the Remarks section. (See example on page F-17.)
74 - 80	REF. NO.	Do not write in these columns.

NOTE:

1. If a previously submitted Failure Report was found not to be a failure, it should be deleted from the USGS records as described on page G-11, paragraph G.2.c - "Failure Report Deletions."

2. For examples see pages F-12 through F-17.

F-11

REPORT DATE MO DA YR

UNITED STATES GEOLOGICAL SURVEY
SAFETY DEVICE FAILURE REPORT

OPERATOR _____

AREA 1 2 | BLOCK * 3 6 | LEASE 7 PFX 8 BODY 12 SFX | PLATFORM 13 20 | DATE FAILURE DETECTED 21 26 MO DA YR

*If prefix or suffix, enter in column 6

DEVICE TYPE FAILURE MODE IN ( ) 27 31 NO

SUBSURFACE SAFETY VALVE SSSV
SURFACE SAFETY VALVE SSV
VALVE ACTUATOR VA
PRESSURE SENSOR PSH PSL PSHL
LEVEL SENSOR LSH LSL LSHL
TEMP SENSOR TSH TSL TSHL
EMERGENCY SHUTDOWN VALVE ESD
RELIEF VALVE PSV
CHECK VALVE CV
SHUTDOWN VALVE SDV
GAS DETECTOR GD
BURNER FLAME DETECTOR BFD
BLOW DOWN VALVE BDV

COMPONENT TYPE 32

NOTE: Letters in ( ) are modifiers to be used with that component type.

ATMOSPHERIC VESSEL A
UNHEATED
HEATED
COMPRESSOR C
ENCLOSURE E
FIRED COMPONENT F
FLOW HE
HEADER H
HEAT EXCHANGER X
INJECTION LINE J
PIPELINE L
PLATFORM P
PRESSURE VESSEL V
UNHEATED
HEATED
PUMP P
SEPARATOR S
TANK T
TURBINE U
WELLHEAD W
TUBING STRING
OTHER *(2)

COMPONENT MODIFIER 33 34

COMPONENT OR WELL IDENTIFIER 35 40

DIRECTIONAL
ELBOWS
BOILER
DEHEATER
COMPRESSOR
CONTACTOR
CONTROL UNIT
DEHEATING
FILTER
FILTER-SEPARATOR
FIRED DRAFT
FIREWATER ASSEMBLY
GENERATOR
HEATER
INCOMING
INJECTION
GAS
GAS LIFT
WATER
METER
METERING HEADS
NATURAL DRAFT
PIPELINE
PRODUCTION
HYDROCARBON
WATER
FLOW SWITCH
GLYCOL
PRESSURE
PUMP
REGULATOR
SEPARATOR
SERVICE
SCRUBBER
SHELL/TUBE
SUMP
TANK
TREATER
VOLUME BOTTLE
WATER TREATER
FUEL/SUPPLY/RETURN GAS
HEAT TRANSFER FLUID
NO MODIFIER
QUARTERS/KITCHEN-SERVICE
GLYCOL
CSO SHUTDOWN STATION
SURFACE CONTROLLED
SUBSURFACE CONTROLLED
TUBING PLUG
OTHER *(2)

MANUFACTURER DEVICE MODEL CODE
FAILED DEVICE 41 45 MFG MODEL
REPLACEMENT DEVICE 46 50 MFG MODEL

SERVICE TYPE 51
CONTROL FLUID C
ELECTRICAL E
GAS G
HEAT TRANSFER FLUID H
OIL O
GLYCOL Y
TEMPERATURE/FLAME/HEAT T
WATER W
OTHER *(2) 4

USGS TECH V = YES N = NO 52

PRIOR REPAIRS V = YES N = NO 53

FAILURE MODE 54
Select letter code listed in ( ) under device type (Cols. 27-30)
FAILS TO OPEN A
FAILS TO REMAIN OPEN B
FAILS TO CLOSE C
FAILS TO REMAIN CLOSED D
LEAK INTERNAL E
LEAK EXTERNAL F
OUT OF TOLERANCE G
FAILS TO OPERATE H
PREMATURE OPERATION J
FAILS TO REMAIN LOCKED K
OTHER *(2) 4

FAILED PART 55 56 *(1)
BALL/GATE/FLAPPER A
BEAN B
BEARING C
CONTROL SYSTEM (PNEUMATIC) D
CYLINDER E
DIAPHRAGM F
ELECTRICAL SYSTEM G
EQUALIZING SYSTEM H
FLOAT I
FLOW TUBE/VANE J
HOUSING K
LINKAGE L
LOCK M
MANDREL N
ORIFICE NOZZLE O
PISTON/POPPET P
CAGE Q
SEAL INTERNAL (O-RING) R
SEAL EXTERNAL (PACKING) S
SEAT T
SENSING ELEMENT U
SPRING V
PILOT OPERATED VALVE W
STEM/SHAFT X
OTHER *(2) 4

FAILED CONDITION 57 58 *(1)
BENT A
BROKEN B
COLLAPSED C
DAMAGED D
DENTED E
PLUGGED F
PUNCTURED G
RELEASED H
STUCK I
WASHED J
WORN K
CUT L
SAND CUT M
FROZEN N
LOOSE O
BURNT P
BUILD-UP Q
OTHER *(2) 4

CONTRIBUTING CONDITION 59 60 *(1)
FOREIGN MATERIAL A
HANDLING B
SEALANT C
LUBRICANT D
WATER E
HYDRATES F
SAND G
SCALE H
PARAFFIN I
OVER PRESSURE J
OVER TEMP K
IMPROPER ASSEMBLY L
IMPROPER INSTAL M
IMPROPER MAINT N
FAILED TO EQUALIZE P
CORROSION INT Q
CORROSION EXT R
DRIFT S
VIBRATION T
SWELLING U
CARBON DIOXIDE V
HYDROGEN SULFIDE W
OTHER *(2) 4

ACTION TAKEN 61
REPAIRED A
READJUSTED/RESET C
SERVICED/CLEANED/LUBE E
REPLACED DEVICE R
(list in columns 66-70)
DEVICE ELIMINATED S
CHANGED DEVICE TYPE OR COMPONENT TYPE (Submit inventory form 9-1804) V
OTHER *(2) 4

IS DEVICE PLACED IN SERVICE ANSI/ASME SPPE-1 CERTIFIED? 62
Y = Yes N = No

CRITICAL FAILURE 72
Y = YES N = NO

CRITICAL Inability of the device to perform its safety and pollution prevention function

NON CRITICAL Improper operation that does not prevent the device from performing its safety and pollution prevention function

SERIAL NUMBER OF DEVICE PLACED IN SERVICE 63 71

SERIAL NUMBER OF FAILED DEVICE IF DIFFERENT FROM ABOVE

NOTES •(1) Enter primary failure causes in columns 55, 57 & 59. If more than one cause exists, enter secondary failure causes in columns 56, 58 & 60.
•(2) Whenever the codes 2 or 22 are used in columns 32, 33-34, 41-45, 46-50, 51, 54, 55-56, 57-58, 59-60 & 61I, explanatory information must be provided in the remarks section preceded by the appropriate column number referred to.

FAILURE REFERENCE NUMBER 74 80 F

0 = zero Ø = letter O 1 = one I = letter I 2 = letter Z

REMARKS (IF REQUIRED) 1 40

41 72 73 74 REF NO. 80 R

THIS REPORT IS REQUIRED BY OCS ORDER NO 5 PARAGRAPH 6 EFFECTIVE JANUARY 1 1980 30 CFR 250 60 2 (a)(1) STATES THAT ANY PERSON WHO FAILS TO COMPLY WITH ANY PROVISION OF THE ACT OR ANY TERMS OF A LEASE LICENSE OR PERMIT ISSUED PURSUANT TO THE ACT OR ANY PROVISION OF ANY REGULATION OR ORDER ISSUED UNDER THE ACT SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN $10 000 FOR EACH DAY OF CONTINUANCE OF SUCH FAILURE THE ACT MEANS THE OUTER CONTINENTAL SHELF LANDS ACT AS AMENDED (43 U S C 1331 ET SEQ)

FORM 9-1805
( )
PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

FORM APPROVAL
OMB NO
EXPIRES

SIGNATURE _____

F-12

REPORT DATE 02 (MO) 12 (DA) 77 (YR)

UNITED STATES GEOLOGICAL SURVEY
SAFETY DEVICE FAILURE REPORT

OPERATOR XYZ

AREA (1-2)	BLOCK (3-6)	LEASE (7-12)	PLATFORM (13-20)	DATE FAILURE DETECTED (21-26)
WD	311	P 0 1 1 6 (PFX / BODY / SFX)	B	02 (MO) 12 (DA) 77 (YR)

*If prefix or suffix, enter in column 6

DEVICE TYPE (FAILURE MODE IN ( )) (27-31)	NO	COMPONENT TYPE (32)	COMPONENT MODIFIER (33-34)	COMPONENT OR WELL IDENTIFIER (35-40)
SSSV		R	SC	A 1 1 4 D 1

NOTE: Letters in ( ) are modifiers to be used with that component type.

MANUFACTURER DEVICE MODEL CODE — FAILED DEVICE (41-45)		REPLACEMENT DEVICE (46-50)		SERVICE TYPE (51)	USGS TECH Y = YES N = NO (52)	PRIOR REPAIRS Y = YES N = NO (53)
MFG	MODEL	MFG	MODEL			
CA	B0W	0T	D1K	0	Y	Y

FAILURE MODE (54)	FAILED PART (55-56)	FAILED CONDITION (57-58)	CONTRIBUTING CONDITION (59-60)	ACTION TAKEN (61)
C	Z *(1)	Z *(1)	Z *(1)	H

IS DEVICE PLACED IN SERVICE ANSI/ASME SPPE-1 CERTIFIED? Y = Yes N = No (62): N

SERIAL NUMBER OF DEVICE PLACED IN SERVICE (63-71): 2 0 4 7 3 1 6

SERIAL NUMBER OF FAILED DEVICE IF DIFFERENT FROM ABOVE: 9 3 1 2 6

CRITICAL FAILURE Y = YES N = NO (72): Y

CRITICAL Inability of the device to perform its safety and pollution-prevention function.
NON-CRITICAL Improper operation that does not prevent the device from performing its safety and pollution-prevention function.

FAILURE REFERENCE NUMBER (74-80): 024736 F

NOTES *(1) Enter primary failure causes in columns 55, 57 & 59. If more than one cause exists, enter secondary failure causes in columns 56, 58 & 60.
*(2) Whenever the codes Z or ZZ are used in columns 32, 33 34, 41-45, 46-50, 51, 54, 55-56, 57-58, 59-60 & 61I, explanatory information must be provided in the remarks section preceded by the appropriate column number entered in.

0 = zero Ø = letter O 1 = one I = letter I Z = letter Z

REMARKS (IF REQUIRED) (1-40)

41 — 72 | 73 | 74 REF NO. 80: 0 2 4 7 3 1 6 R

THIS REPORT IS REQUIRED BY OCS ORDER NO 5, PARAGRAPH 6 EFFECTIVE JANUARY 1, 1980. 30 CFR 250.50-2 (a)(1) STATES THAT "ANY PERSON WHO FAILS TO COMPLY WITH ANY PROVISION OF THE ACT OR ANY TERM OF A LEASE, LICENSE OR PERMIT ISSUED PURSUANT TO THE ACT, OR ANY PROVISION OF ANY REGULATION OR ORDER ISSUED UNDER THE ACT, SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN $10,000 FOR EACH DAY OF CONTINUANCE OF SUCH FAILURE." THE ACT MEANS THE OUTER CONTINENTAL SHELF LANDS ACT, AS AMENDED (43 U.S.C. 1331 ET SEQ.)

FORM 9-1000
( )
PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

FORM APPROVAL
OMB NO
EXPIRES

SIGNATURE

F-13

REPORT DATE 03 (MO) 01 (DA) 77 (YR)

UNITED STATES GEOLOGICAL SURVEY
SAFETY DEVICE FAILURE REPORT

OPERATOR XYZ

AREA (1-2)	BLOCK (3-6)	LEASE (7-12)	PLATFORM (13-20)	DATE FAILURE DETECTED (21-26)
SM	1128	G 21567 (PFX / BODY / SFX)	A1-PRIOD1	02 (MO) 10 (DA) 77 (YR)

*If prefix or suffix, enter in column 6

DEVICE TYPE (FAILURE MODE IN ( )) (27-31)	MD	COMPONENT TYPE (32)	COMPONENT MODIFIER (33-34)	COMPONENT OR WELL IDENTIFIER (35-40)
SDV		M	B D	1210 1

NOTE: Letters in ( ) are modifiers to be used with that component type.

MANUFACTURER DEVICE MODEL CODE — FAILED DEVICE (41-45) MFG / MODEL	REPLACEMENT DEVICE (46-50) MFG / MODEL	SERVICE TYPE (51)	USGS TECH Y = YES N = NO (52)	PRIOR REPAIRS Y = YES N = NO (53)
ØR 013	ØR 013	Ø	N	N

FAILURE MODE (54)	FAILED PART (55-56)	FAILED CONDITION (57-58)	CONTRIBUTING CONDITION (59-60)	ACTION TAKEN (61)
C	A *(1)	N *(1)	G *(1)	H

Select letter code listed in ( ) under device type (Cols. 27-30)

62	IS DEVICE PLACED IN SERVICE ANSI/ASME SPPE-1 CERTIFIED? Y = Yes N = No
N	

SERIAL NUMBER OF DEVICE PLACED IN SERVICE (63-71)	SERIAL NUMBER OF FAILED DEVICE IF DIFFERENT FROM ABOVE
MAKE	

72	CRITICAL FAILURE Y = YES N = NO
Y	

CRITICAL Inability of the device to perform its safety and pollution-prevention function.
NON CRITICAL Improper operation that does not prevent the device from performing its safety and pollution-prevention function.

74	FAILURE REFERENCE NUMBER	80
	003904	F

NOTES *(1) Enter primary failure causes in columns 55, 57 & 59. If more than one cause exists, enter secondary failure causes in columns 56, 58 & 60.
*(2) Whenever the codes Z or ØZ are used (columns 32, 33-34, 41-45, 46-50, 51, 54, 55-56, 57-58, 59-60, & 61), explanatory information must be provided in the remarks section preceded by the appropriate column number referred to.

0 = zero Ø = letter O 1 = one I = letter I 2 = letter Z

REMARKS (IF REQUIRED) (1-40)

(41-72) (73) (74) REF NO. (80) R

THIS REPORT IS REQUIRED BY OCS ORDER NO 5 PARAGRAPH 6 EFFECTIVE JANUARY 1 1980 30 CFR 250 80-2 (a)(1) STATES THAT ANY PERSON WHO FAILS TO COMPLY WITH ANY PROVISION OF THE ACT OR ANY TERM OF A LEASE LICENSE OR PERMIT ISSUED PURSUANT TO THE ACT OR ANY PROVISION OF ANY REGULATION OR ORDER ISSUED UNDER THE ACT SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN $10,000 FOR EACH DAY OF CONTINUANCE OF SUCH FAILURE THE ACT MEANS THE OUTER CONTINENTAL SHELF LANDS ACT AS AMENDED (43 U S C 1331 ET SEQ)

FORM 9-1000
( )
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FORM APPROVAL
OMB NO
EXPIRES

SIGNATURE

F-14

REPORT DATE 03 / 14 / 79 (MO / DA / YR)

UNITED STATES GEOLOGICAL SURVEY
SAFETY DEVICE FAILURE REPORT

OPERATOR XYZ

AREA (1-2)	BLOCK * (3-6)	LEASE * (7-12)	PLATFORM (13-20)	DATE FAILURE DETECTED (21-26)
EI	383	G A6610	A	03 12 79 (MO DA YR)

PFX / BODY / SFX

*If prefix or suffix, enter in column 6

DEVICE TYPE FAILURE MODE (-) (27-31)	NO
LSHH	

COMPONENT TYPE (32)
A

NOTE: Letters in ( ) are modifiers to be used with that component type.

COMPONENT MODIFIER (33-34)
BH

COMPONENT OR WELL IDENTIFIER (35-40)
32681

MANUFACTURER DEVICE MODEL CODE				SERVICE TYPE (51)	USGS TECH Y = YES N = NO (52)	PRIOR REPAIRS Y = YES N = NO (53)
FAILED DEVICE (41-46)		REPLACEMENT DEVICE (48-50)				
MFG	MODEL	MFG	MODEL			
FS	0110				N	Y

FAILURE MODE (54)	FAILED PART (55-56)	FAILED CONDITION (57-58)	CONTRIBUTING CONDITION (59-60)	ACTION TAKEN (61)
A	I	D G	N	A

IS DEVICE PLACED IN SERVICE ANSI/ASME-SPPE-1 CERTIFIED? Y = Yes N = No (62)	CRITICAL FAILURE Y = YES N = NO (72)
N	Y

CRITICAL Inability of the device to perform its safety and pollution prevention function

NON CRITICAL Improper operation that does not prevent the device from performing its safety and pollution-prevention function

SERIAL NUMBER OF DEVICE PLACED IN SERVICE (63-71)
NONE

SERIAL NUMBER OF FAILED DEVICE IF DIFFERENT FROM ABOVE

FAILURE REFERENCE NUMBER (74-80)
091537 F

NOTES *(1) Enter primary failure causes in columns 55, 57 & 59. If more than one cause exists, enter secondary failure causes in columns 56, 58 & 60.

*(2) Whenever the codes Z or ZZ are used (columns 32, 33 34, 41 46, 48-50, 51, 54, 55 56, 57 58, 59-60 & 61), explanatory information must be provided in the remarks section, preceded by the appropriate column number referred to.

0 = zero Ø = letter O I = one Ī = letter I Z = letter Z

REMARKS (IF REQUIRED) (1-40)

33 CLOSED SIGMA

41 (72 73 74 REF NO. 80) 091537 R

THIS REPORT IS REQUIRED BY OCS ORDER NO 5, PARAGRAPH 6. EFFECTIVE JANUARY 1, 1980, 30 CFR 250.80-2 (a)(1) STATES THAT ANY PERSON WHO FAILS TO COMPLY WITH ANY PROVISION OF THE ACT OR ANY TERM OF A LEASE, LICENSE OR PERMIT ISSUED PURSUANT TO THE ACT, OR ANY PROVISION OF ANY REGULATION OR ORDER ISSUED UNDER THE ACT, MEANS THE OUTER CONTINENTAL SHELF LANDS ACT, AS AMENDED (43 U.S.C. 1331 ET SEQ.)

FORM 9-1859
( )
PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

FORM APPROVAL
OMB NO
EXPIRES

SIGNATURE

P-15

REPORT DATE 06 | 25 | 80 (MO DA YR)

UNITED STATES GEOLOGICAL SURVEY
SAFETY DEVICE FAILURE REPORT

OPERATOR XYZ

AREA (1-2)	BLOCK (3-6)	LEASE (7-12)	PLATFORM (13-20)	DATE FAILURE DETECTED (21-26)
GI	195	PFX: / 00173 / SFX: (BODY)	B	05 / 21 / 80 (MO DA YR)

*If prefix or suffix, enter in column 6

DEVICE TYPE (FAILURE MODE IN ( )) (27-31)	COMPONENT TYPE (32)	COMPONENT MODIFIER (33-34)	COMPONENT OR WELL IDENTIFIER (35-40)
SSSV	R	SC	GA

NOTE: Letters in ( ) are modifiers to be used with that component type.

MANUFACTURER DEVICE MODEL CODE		SERVICE TYPE (51)	USGS TECH Y = YES N = NO (52)	PRIOR REPAIRS Y = YES N = NO (53)
FAILED DEVICE (41-45)	REPLACEMENT DEVICE (46-50)			
ØTDR (MFG MODEL)	ØTF (MFG MODEL)	Ø	N	N

FAILURE MODE (54)	FAILED PART (55-56)	FAILED CONDITION (57-58)	CONTRIBUTING CONDITION (59-60)	ACTION TAKEN (61)
E	R *(1)	L *(1)	G *(1)	Y

IS DEVICE PLACED IN SERVICE ANSI/ASME-SPPE-1 CERTIFIED? Y = Yes N = No (62)	CRITICAL FAILURE Y = YES N = NO (72)
N	Y

CRITICAL: Inability of the device to perform its safety and pollution prevention function.

NON CRITICAL: Improper operation that does not prevent the device from performing its safety and pollution prevention function.

SERIAL NUMBER OF DEVICE PLACED IN SERVICE (63-71)	SERIAL NUMBER OF FAILED DEVICE IF DIFFERENT FROM ABOVE	FAILURE REFERENCE NUMBER (74-80)
76318	79913	088912 F

NOTES *(1) Enter primary failure causes in columns 55, 57 & 59. If more than one cause exists, enter secondary failure causes in columns 56, 58 & 60.

*(2) Whenever the codes Z or ØZ are used in columns 32, 33 34, 41-45, 46-50, 51, 54, 55-56, 57-58, 59-60 & 61, explanatory information must be provided in the remarks section preceded by the appropriate column number referred to.

Ø = zero Ø = letter Ø I = one I = letter I Z = letter Z

REMARKS (IF REQUIRED) (1-40)

GI REPLACED FAILED DEVICE WITH SAFE-SUBSEA

41 RIGID CONTROLED TYPE 72 73 74 REF NO. 80

03Ø9117 R

THIS REPORT IS REQUIRED BY OCS ORDER NO 5 PARAGRAPH 8 EFFECTIVE JANUARY 1 1980 30 CFR 250 80-2 (a)(1) STATES THAT ANY PERSON WHO FAILS TO COMPLY WITH ANY PROVISION OF THE ACT OR ANY TERM OF A LEASE LICENSE OR PERMIT ISSUED PURSUANT TO THE ACT OR ANY PROVISION OF ANY REGULATION OR ORDER ISSUED UNDER THE ACT SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN $10 000 FOR EACH DAY OF CONTINUANCE OF SUCH FAILURE THE ACT MEANS THE OUTER CONTINENTAL SHELF LANDS ACT AS AMENDED (43 U S C 1331 ET SEQ)

FORM 9-1986
( )
PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

FORM APPROVAL OMB NO
EXPIRES

SIGNATURE

V. 46 / 94 / M. MAY 15 1981

P-16

REPORT DATE 10 / 19 / 80 (MO / DA / YR)

UNITED STATES GEOLOGICAL SURVEY
SAFETY DEVICE FAILURE REPORT

OPERATOR XYZ

AREA (1-2)	BLOCK (3-6)	LEASE (7-12)	PLATFORM (13-20)	DATE FAILURE DETECTED (21-26)
WC	1273	G 8186 (PFX / BODY / SFX)	G	10 / 10 / 80 (MO / DA / YR)

*If prefix or suffix, enter in column 6

DEVICE TYPE (27-31)	COMPONENT TYPE (32)	COMPONENT MODIFIER (33-34)	COMPONENT OR WELL IDENTIFIER (35-40)
PSH	F — NOTE: Letters in ( ) are modifiers to be used with that component type.	A1	7

MANUFACTURER DEVICE MODEL CODE — FAILED DEVICE (41-45)	REPLACEMENT DEVICE (46-50)	SERVICE TYPE (51)	USGS TECH Y = YES N = NO (52)	PRIOR REPAIRS Y = YES N = NO (53)
MFG A / MODEL X 012	MFG / MODEL	Ø	Y	N

FAILURE MODE (54)	FAILED PART (55-56)	FAILED CONDITION (57-58)	CONTRIBUTING CONDITION (59-60)	ACTION TAKEN (61)
6 — Select letter code listed in ( ) under device type (Cols. 27-30)	U °(1)	I °(1)	S °(1)	C

IS DEVICE PLACED IN SERVICE AMSV/ASME-SPPE-1 CERTIFIED? Y = Yes N = No (62)	CRITICAL FAILURE Y = YES N = NO (72)
N	Y

CRITICAL Inability of the device to perform its safety and pollution-prevention function

NON CRITICAL Improper operation that does not prevent the device from performing its safety and pollution prevention function

SERIAL NUMBER OF DEVICE PLACED IN SERVICE (63-71): N/A

SERIAL NUMBER OF FAILED DEVICE IF DIFFERENT FROM ABOVE:

FAILURE REFERENCE NUMBER (74-80): 025617 F

NOTES °(1) Enter primary failure causes in columns 55, 57 & 59. If more than one cause exists, enter secondary failure causes in columns 56, 58 & 60.

°(2) Whenever the codes Z or ZZ are used in columns 32, 33-34, 41-45, 46-50, 51, 54, 55-56, 57-58, 59-60 & 61), explanatory information must be provided in the remarks section preceded by the appropriate column number referred to

[0] = zero [Ø] = letter O [1] = one [I] = letter I [Z] = letter Z

REMARKS (IF REQUIRED) (1-40)

72 DEVICE FAILED ABOVE SET PRESSURE

(41-72, 73, 74 REF NO. 80) 025617 R

THIS REPORT IS REQUIRED BY OCS ORDER NO 5 PARAGRAPH 6 EFFECTIVE JANUARY 1 1980 30 CFR 250 80-2 (a)(1) STATES THAT ANY PERSON WHO FAILS TO COMPLY WITH ANY PROVISION OF THE ACT OR ANY TERM OF A LEASE LICENSE OR PERMIT ISSUED PURSUANT TO THE ACT OR ANY PROVISION OF ANY REGULATION OR ORDER ISSUED UNDER THE ACT SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN $10 000 FOR EACH DAY OF CONTINUANCE OF SUCH FAILURE THE ACT MEANS THE OUTER CONTINENTAL SHELF LANDS ACT AS AMENDED (43 U S C 1331 ET SEQ)

Form 0 1000
( )
PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

FORM APPROVAL OMB NO EXPIRES

SIGNATURE

P-17

REPORT DATE 06 02 80 (MO DA YR)

UNITED STATES GEOLOGICAL SURVEY
SAFETY DEVICE FAILURE REPORT

OPERATOR XYZ

AREA	BLOCK	LEASE	PLATFORM	DATE FAILURE DETECTED
WC	192	G 3360	A	05 10 80 (MO DA YR)

*If prefix or suffix, enter in column 6

DEVICE TYPE (FAILURE MODE IN)	NO
V A	

COMPONENT TYPE	
32	NOTE: Letters in ( ) are modifiers to be used with that component type
Q	

COMPONENT MODIFIER	COMPONENT OR WELL IDENTIFIER
A Y	4 A

MANUFACTURER DEVICE MODEL CODE		SERVICE TYPE	USGS TECH Y = YES N = NO	PRIOR REPAIRS Y = YES N = NO
FAILED DEVICE	REPLACEMENT DEVICE			
W K 0 0 0 8 (MFG MODEL) 0 1 3	MFG MODEL	G	N	N

FAILURE MODE	FAILED PART	FAILED CONDITION	CONTRIBUTING CONDITION	ACTION TAKEN
E	Z *(1)	K *(1)	G *(1)	A

Select letter code listed in ( ) under device type (Cols. 27-30)

IS DEVICE PLACED IN SERVICE AS AS SAFE SPPE ? CERTIFIED? Y = Yes N = No	CRITICAL FAILURE Y = YES N = NO
N	N

CRITICAL Inability of the device to perform its safety and pollution prevention function

NON CRITICAL Improper operation that does not prevent the device from performing its safety and pollution prevention function

SERIAL NUMBER OF DEVICE PLACED IN SERVICE: NONE

SERIAL NUMBER OF FAILED DEVICE IF DIFFERENT FROM ABOVE:

NOTES: *(1) Enter primary failure causes in columns 55, 57, or 59. If more than one code exists enter secondary failure causes in columns 56, 58 or 60.

*(2) Whenever the codes Z or ZZ are used in columns 12, 13, 34, 41, 45, 46, 50, 51, 54, 55, 56, 57, 58, 59, 60, or 61, explanatory information must be provided in the remarks section preceded by the appropriate column number referred to.

FAILURE REFERENCE NUMBER	
039307	F

0 = zero Ø = letter O 1 = one I = letter I Z = letter Z

REMARKS (IF REQUIRED)

SID WEAR

REF NO E 0 3 9 3 0 7 R

THIS REPORT IS REQUIRED BY OCS ORDER NO. 5 PURSUANT TO 30 CFR 250.40 (2 and 3). STATES THAT ANY PERSON WHO FAILS TO COMPLY WITH ANY PROVISION OF THE ACT OR ANY TERM OF A LEASE, LICENSE OR PERMIT ISSUED PURSUANT TO THE ACT OR ANY PROVISION OF ANY REGULATION OR ORDER ISSUED UNDER THE ACT SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN $10,000 FOR EACH FAILURE. THE ACT DEFINES THE OUTER CONTINENTAL SHELF LANDS ACT AS AMENDED (43 U.S.C. 1331 ET SEQ.)

FORM 9-1000
PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE

FORM APPROVED
OMB NO
EXPIRES

SIGNATURE

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APPENDIX

INFORMATION CODE LISTS

THE FOLLOWING INFORMATION CODE LISTS ARE FOR USE IN FILLING OUT THE SAFETY DEVICE INVENTORY REPORT FORM (FORM 9-1994) AND THE SAFETY DEVICE FAILURE REPORT FORM (FORM 9-1996).

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List 1

AREA ID'S

Area	Area ID
GULF OF MEXICO AREAS	
ALAMINOS CANYON	AC
APALACHICOLA	AP
ATWATER	AT
BAY MARCHAND	BM
BRAZOS	BA
BRETON SOUND	BS
CHANDELEUR	CA
CHANDELEUR SOUND	CS
CHARLOTTE HARBOR	CH
COON POINT	CP
CORPUS CHRISTI	CC
DESOTO CANYON	DC
DESTIN DOME	DD
DRY TORTUGAS	DT
EAST BREAKS	EB
EAST CAMERON	EC
EUGENE ISLAND	EI
FLYING BANK	FM
FLORIDA MIDDLE GROUND	FM
GAINESVILLE	GV
GALVESTON	GA
GARDEN BANKS	GB
GRAND ISLE	GI
GREEN CANYON	GC
HENDERSON	HE
HIGH ISLAND	HI
HOWELL HOOK	HH
HEATHLEY CANYON	KC
KEY WEST	KW
LIGHTHOUSE POINT	LP
LLOYD	LL
LUND	LU
MAIN PASS	MP
MARQUESAS	MQ
MATAGORDA ISLAND	MI
MISSISSIPPI CANYON	MC
MOBILE	MB
MUSTANG ISLAND	MU
NORTH PADRE ISLAND	NP
PENSACOLA	PE
PORT ISABEL	PI
PULLEY RIDGE	PR
SABINE PASS, LOUISIANA	SA
SABINE PASS, TEXAS	SX
SHIP SHOAL	SS
SOUTH MARSH ISLAND	SM
SOUTH PADRE ISLAND	PS
SOUTH PASS	SP
SOUTH PELTO	PL
SOUTH TIMBALIER	ST
ST PETERSBURG	PB
TARPON SPRINGS	TP
THE FLOWS	FL
TIGER SHOAL	TS
VERMILION	VR
VERNON	VN
VIOSCA KNOLL	VK
WALKER RIDGE	WR
WEST CAMERON	WC
WEST DELTA	WD
WILD	WI
ALASKA AREAS	
AREA IDENTIFICATION WILL BE FURNISHED UPON REQUEST.	
ATLANTIC AREAS	
AREA IDENTIFICATION WILL BE FURNISHED UPON REQUEST.	
PACIFIC AREAS	
SAN PEDRO BAY	SP
SANTA BARBARA CHANNEL	SC
SANTA BARBARA ISLAND	BI
SANTA ROSE ISLAND	RI
TANNER BANKS	TR
POINT CONCEPTION	PC

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List 2

DEVICE TYPE CODE

Device Type	Code	List 4 Page No.
Blow Down Valve	BDV	A-21 - A-25
Burner Flame Detector	BSL	A-5
Check Valve	FSV	A-9 - A-11
Combustible Gas Detector	ASH	A-4
Emergency Shutdown Valve	ESD	A-6 - A-7
Level Sensor - High	LSH	A-12 - A-13
Low	LSL	A-12 - A-13
Hi/Lo	LSHL	A-12 - A-13
Pressure Sensor - High	PSH	A-14 - A-16
Low	PSL	A-14 - A-16
Hi/Lo	PSHL	A-14 - A-16
Relief Valve	PSV	A-17 - A-20
Shutdown Valve	SDV	A-21 - A-25
Subsurface Safety Valve	SSSV	A-26 - A-27
Surface Safety Valve	SSV	A-21 - A-25
Temperature Sensor - High	TSH	A-28 - A-29
Low	TSL	A-28 - A-29
Hi/Lo	TSHL	A-28 - A-29
Valve Actuator on SDV, SSV, or BDV	VA	A-30 - A-33

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List 3
COMPONENT IDENTIFICATION

A-4

List 4

List 3
COMPONENT IDENTIFICATION

FIRST LETTER — NEXT TWO LETTERS XX

COMPONENT TYPE CODES	COMPONENT	COMMON MODIFIERS
A	Atmospheric Vessel (Unheated)	AD,AM,AV,BD, BF,BH,BJ,BM
B	Atmospheric Vessel (Heated)	AP,BC,BK,BM
C	Compressor	MM,NM
D	Enclosure	AE,AG,AN,AU, BB,DW
E	Fired Comp.	AL,AW,BC
F	Flowline	A1 thru AQ
G	Header	AR,AS,AT,AY, AZ,FG,HT,PR
H	Heat Exchanger	BC,BG
J	Injection Line	AR,AS,AT
K	Pipeline	AA,AH,AO,SD
L	Platform	AG,AY,SD
M	Pressure Vessel (Unheated)	AR,AD,AF,AJ, AK,AM,AV,BD, BF,BH,BJ,BK, BL,BM
N	Pressure Vessel (Heated)	AC,AF,AM,AP, BC,BD,BG,BJ, BK,BM
P	Pump	AT,AX,AY,BA, BF,BH,BM,BR, HT
Q	Wellhead	AR,AT,AY,AZ
R	Tubing	AR,AT,SC,SS, TP
Z	Other	ZZ

COMPONENT MODIFIER CODES	COMPONENT
AA	Bidirectional
AB	Blowcase
AC	Boiler
AD	Coalescer
AF	Compressor
AG	Contactor
AH	Control Unit
AJ	Departing
AK	Filter
AL	Filter-Separator
AM	Forced Draft
AN	Freewater Knockout
AP	Generator
AQ	Heater
AR	Incoming
AS	Injection, Gas
AT	Injection, Gas lift
AU	Injection, Water
AV	Meter
AW	Metering Vessel
AX	Natural Draft
AY	Pipeline
AZ	Production, Hydrocarbon
A1thruAQ	Production, Water
BA	Flowline Segment
BB	Process (Other)
BC	Pump
BD	Reboiler
BE	Separator
BF	Service
BG	Scrubber
BH	Shell and Tube
BJ	Sump
BK	Tank
BL	Treater
BM	Volume Bottle
FG	Water Treating
HT	Fuel/Supply/Instrument Gas
MM or NM	Heat Transfer Fluid
OK	No Modifier
PR	Quarters/Kitchen/Office
SD	Glycol
SC	ESD Shutdown Station
SS	Surface Controlled
TP	Subsurface Controlled
ZZ	Tubing Plug
	Other

Operator assigned identification unique to equipment at location

List 4

MANUFACTURER'S DEVICE MODEL CODES*

DEVICE TYPE CODE: ASH - COMBUSTIBLE GAS DETECTOR

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
BACHARACH	CD800	BC	001
BIOMARINE INC.	model 900R	BT	001
	model 900RS	BT	002
	model 901R	BT	003
	model 902	BT	004
GAS TECHNOLOGY	series 1008/1014/1020/1061	GT	001
	series 1220/1220A	GT	002
	series 1221	GT	003
GENERAL MONITORS	model 4000	GM	001
	model 180	GM	002
	model 160	GM	003
	model 520	GM	004
	model 170	GM	005
INTERNATIONAL		IN	001
MINE SAFETY APPLIANCE	series 1500	MS	001
	series 1500	MS	002
	Infrared Analyzers model 303	MS	003
	model 202	MS	004
PHOTOHELIC		PT	001
REXNORD		RX	002
SCOTT	9000 series	SC	001

*If the manufacturer is not listed, call the appropriate USGS Regional Office for the proper manufacturer code. If the manufacturer is unknown, enter the code "UKXXX".

List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: BSL - BURNER FLAME DETECTOR

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
ASCO TRIPOINT	Series SD	AS	006
BARTON	Barton	BA	002
BASO	6419NA-4/08-10-04000	WG	001
CE INVALCO	model CMA-100	CE	001
DETRONICS		ME	001
ELECTRONIC CORP. OF AMERICA	Fireye Sep. UVP-2	EC	001
	Fireye Sep. model 6152	EC	002
	U.V. Eye model UVP. 45	EC	003
	model 45RMI	EC	004
	model UVP.55	EC	005
FENWAL	series 05-14	FW	001
FLAME SENTRY		FY	001
FOXBORO	Foxboro	FX	003
HONEYWELL	Honeywell	HN	001
MICROSWITCH	Microswitch	MT	002
NATIONAL (See CE INVALCO)			
NORRISEAL	series 5030	NS	006
TAYLOR COMPANY	Taylor	TA	002

List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: ESD - EMERGENCY SHUTDOWN VALVE

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
APOLLO	emergency shutdown valve	AD	001
BELLOWS VALVE AIR	3320 thru 3322 series	BL	001
CE INVLACO	38 series	CE	016
	316 series	CE	017
CONANT	models B2L/R5L	CQ	001
	models A2L/A5L	CQ	002
	models BR2TSL/BR5TSL	CQ	003
	models AL2TSL/AL5TSL	CQ	004
	model 1808	CQ	005
	model 3608	CQ	006
CROUSE HINDS	electric	CU	001
GEMINI	series 76/86/96	GA	001
HLR CONTROLS	models 7830 & 7835	HL	001
HOKE	series 1513 & 1533	HO	001
	1523 series	HO	002
	6500 series	HO	003
JAMESBURY	emergency shutdown valve	JA	001
JENKINS	ball valve	JK	009
LANCE	ball valve	LC	001
MICRO-VALVE		MV	001
OTIS	emergency shutdown valve	OT	011
PARKER		PH	001
SALSBERRY	quarter turn valve		
	emergency shutdown valve	SL	001
SIGMA		SG	001

List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: ESD - EMERGENCY SHUTDOWN VALVE

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
SKINNER	emergency shutdown valve	SK	001
VERSA	series VAR emergency shutdown valve	VE	001
WATTS		WS	001
WHITEY	emergency shutdown valve	WT	001
WKM (PROFLO)	Proflo type F-1 safety valve	WK	010
WORCESTER	quarter turn ball valve	WO	004

List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: FSV - CHECK VALVE

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
ARMCO NATIONAL SUPPLY	model C1536	AR	002
ARMSTRONG	swing check	AD	001
ARROW	swing check	AW	001
BROWN OIL TOOLS	ball check	BR	001
CAMERON	type R	CM	007
CATAHISSA	swing check	CH	001
CHAMPION	swing check	CH	001
CHECK-ALL VALVE MANUFACTURER CO.	swing check	ZO	001
CIRCLE SEAL	model 119	CI	001
	model 249/259	CI	002
	series 2100	CI	003
CLAYTON MARK	handle-bar petro check valve	CM	001
	hydro check valve	CM	002
	petro check valve	CM	003
	swing check valve	CM	004
CRANE	crane check	CR	003
DANIEL	piston check Cat. 300	DA	001
	chexter Cat. 1600	DA	002
ECLIPSE	series 1005/1040/1030F/1080F	EL	001
	series 1020/1040	EL	002
	series 2505/2510	EL	003
ED JOHN	swing check	EJ	001
EDWARD	ball check	ED	001
	piston check	ED	002
	tilting disc swing check	ED	003

List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: FSV - CHECK VALVE

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
FITZPATRICK	lift check		FP001
	water check		FP002
FLO LOK	check valve stainles steel		F0001
GRAY	graycheck		GY001
GULF	swing check		GU001
HAMMAND	model IR322		HM001
HANCOCK	swing check		HK001
JENKINS	model 92-A		JK001
	model 352		JK002
	models 830 & 832		JK003
	model 966		JK004
JUDO VALVE	types 2A/2W & 1G/1W		JD001
	wafer check model 3S		JD002
LESLIE			LE001
LUNKENHEIMER	swing check		LU002
	ball check		LU003
	lift check		LU004
MARLIN	swing check		MM001
MISSION (TRW)	ball check		MW002
	duo-check		MW005
MUELLER	screwed end A26008		MU001
	lev. & wgt. oper. A2600801		MU002
	lev. & spg. oper. A2600 series		MU003
NORRISEAL	series 7100		NS014
PACIFIC	swing check		
	pacific check		PI001

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List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: FSV - CHECK VALVE

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
FITZPATRICK	lift check		FP001
	water check		FP002
FLO LOK	check valve stainles steel		F0001
GRAY	graycheck		GY001
GULF	swing check		GU001
HAMMAND	model IR322		HM001
HANCOCK	swing check		HK001
JENKINS	model 92-A		JK001
	model 352		JK002
	models 830 & 832		JK003
	model 966		JK004
JUDO VALVE	types 2A/2W & 1G/1W		JD001
	wafer check model 3S		JD002
LESLIE			LE001
LUNKENHEIMER	swing check		LU002
	ball check		LU003
	lift check		LU004
MARLIN	swing check		MM001
MISSION (TRW)	ball check		MW002
	duo-check		MW005
MUELLER	screwed end A26008		MU001
	lev. & wgt. oper. A2600801		MU002
	lev. & spg. oper. A2600 series		MU003
NORRISEAL	series 7100		NS014
PACIFIC	swing check		
	pacific check		PI001

List 4

List 4

List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: FSV - CHECK VALVE

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
POWELL	swing check valve 70560TD	PW001	
	horizontal check 70158	PW002	
	model star 70116	PW003	
PRINCE	PA series	PR001	
	PF series	PR002	
	PT series	PR003	
	swing check valve type G	PR004	
REXNORD	hydro-check 110000	RX001	
SCHERTLER	swing check valve	SH001	
STOCKHAM	swing check valve	ST001	
TAYLOR TOOLS	T-1900 swing check	TT003	
TEXSTEAM (TXT)	line check	TX001	
	series C-1, C-9 ball check	TX002	
	series C-7, C-3 swing check	TX003	
TOM WHEATLEY	swing check	WY001	
TOM WHEATLY	swing check	WH003	
TRIANGLE	swing check	TG001	
VITAS	swing check	VI001	
VOGT	hor. piston check SW701-15701	V0001	
	hor. ball check SWB701-15701	V0002	
	hor. swing check SW4835	V0003	
	hor. & vert. swing check SW574	V0004	
	hor. piston check SW9091	V0005	
	hor. ball check SWB9091	V0006	
	spring piston check SW2610/2622	V0007	
	hor. & vert. ball check SW54853	V0008	
	hor. piston check 573/15593	V0009	
	hor. piston check 7063 & 6453	V0010	
	hor. ball check B7063 & B6453	V0011	
WAFER	swing check	WF001	

List 4

MANUFACTUREP'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: FSV - CHECK VALVE

MANUFACTUPER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
WALWORTH	check valve	WA001	
WHEATLEY-GEOSOURCE (FWI)	frank-flo (FWI)	WH001	
	steam-flo - Charles W.	WH002	
	wheatley plugaroo	WH004	
WHEELER	swing check	WR001	

List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: LSH, LSL, LSHL - LEVEL SENSOR

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MANUFACT DEVICE MODEL CODE MODEL	APPLICABLE DEVICE CODE
BARTON	models 199 & 274 D/P	BA001		LSH, LSL, LSHL
BELL		BE001		LSH
CE INVALCO (NATIONAL)	models CADM-201 & CADMEX-201	CE002		LSH, LSL
	model CTD-101	CE003		LSH, LSL
	CTM series flextube	CE004		LSHL
	CT series flextube	CE005		LSHL
	models CM-2501 & CM-3001	CE006		LSH, LSL
	model CT-2501	CE007		LSH, LSL
	model CEXD-401	CE008		LSH, LSL
	model CMS-109	CE009		LSH, LSL
	models CMEAQX & CMEAFX	CE010		LSH, LSL
	models CMAD & CMAF	CE011		LSH, LSL
DELTA CONTROL CORP.	model 710/717	DC001		LSHL
	model 730/760	DC002		LSH, LSL
	model R20	DC003		LSHL
	models 760 & 770	DC004		LSH, LSL
	models 775 thru 777	DC005		LSHL
DUAL SNAP	type 646T	DS007		LSHL
FISHER	type 4140	FS010		LSH, LSL
	type 2900	FS011		LSH, LSL
	type 2500	FS012		LSH, LSL
	type 2900	FS013		LSH, LSL
	type 2100	FS014		LSH, LSL
FOXBORO	model E-13	FX002		LSH, LSL, LSHL
FRANK W. MURPHY	L-1000 series	FM002		LSH
JO-BELL	DA-300 series	JB001		LSHL
	S-1000 series	JB002		LSHL
	F-200 series	JB003		LSH, LSL
	F-1500 series	JB004		LSH
KIMRAY	PF series	KM001		LSH
	PL and PLC series	KM002		LSH
	12 PI	KM003		LSH
	L series - 12 PI	KM006		LSH

List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: LSH, LSL, LSHL - LEVEL SENSOR

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MANUFACT DEVICE MODEL CODE MODEL	APPLICABLE DEVICE CODE
LIQUID LEVEL LECTRONICS	model T10R	LL003		LSH, LSL, LSHL
	models PT265 & PT966	LL004		LSH, LSL
	model PT475	LL005		LSH, LSL
	model PT476	LL006		LSH, LSL
	models T101 & T102	LL007		LSH, LSL
	series LV471	LL008		LSH, LSL
	series L971	LL009		LSH, LSL
MAGNETROL	pneumatic level control	MA001		LSH, LSL
	models D-751, F-751 & H-751	MA002		LSH
MERCOID	electric switch level control	ME001		LSH, LSL, LSHL
	series P pneumatic	ME002		LSH, LSL
MICROSWITCH	liquid level sensing type FX-AR-1R	MI001		LSH
		MI002		LSH
MSU	pneumatic level control	MA001		LSH, LSL
	series 100, 200, 300, 400	MA002		LSH, LSL
	models 730 to 737	MA003		LSHL
MORRISEAL	series 1004	MS007		LSH, LSL
	series 1001 and 1001-A	MS008		LSH, LSL
	series 1002-A	MS009		LSH, LSL
OMNITROL	series 2800	OM001		LSH, LSL, LSHL
	liquid level systems	OM002		LSH
		OM002		LSL
	pneumatic	OM002		LSHL
ONTRO	type CAGACY 0001P	OA001		LSHL
REFRIGERATING SPECIALITES	series LL-LLAX	RE001		LSH, LSL
ROBERTSHAW	series SL-100 & SL-200	RS001		LSH, LSL, LSHL
	series SL-300 & SL-400	RS001		LSHL
SENSALL (NATIONAL SONICS)	model 501	SE001		LSH, LSL
	model 601	SE002		LSH, LSL

List 4

List 4

List 4

MANUFACTURER'S DEVICE MODEL CODES*

DEVICE TYPE CODE: PSH, PSL, PSHL - PRESSURE SENSOR

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL	APPLICABLE DEVICE CODE
ALLEN BRADLEY	Bulletin 836-T	AB001		PSHL
AMETEK	model 47	AK002		PSH, PSL
AMOT	model 1672	AM004		PSH, PSL
	model 4023	AM005		PSH, PSL
ASCO TRIPOINT	series SA10A/SA42A & TA/TV	AS001		PSH, PSHL
	series SR10.A & SR40.A	AS002		PSH, PSHL
	series SD10A & SD42A	AS003		PSH, PSHL
AUTOCON	model HBT-V vacuum	AU001		PSHL
	model HBT-CX	AU002		PSH, PSL
	model HBT-PS	AU003		PSH, PSL
	706-HL series	AU004		PSHL
	model HBT-TSHL	AU005		PSH, PSL
AUTOMATION CONTROL		AC001		PSHL
AXELSON (BARRETT)	ESP-10	AX002		PSH, PSL
	YL, Y5 & Y-10	AX006		PSH, PSL
	type ESP-20	AX021		PSH, PSL
BAILEY	model 175	BJ001		PSHL
BAKER	type DA pilot	BK001		PSH, PSL, PSHL
	type DE	BK002		PSH, PSL
	type D	BK002		PSHL
BARKSDALE	elect. D1S, & CD1S series	BD001		PSH, PSL
	elect. DPD1T series	BD003		PSH, PSL
	elect. D2S & CD2S series	BD002		PSHL
	elect. DPD2T series	BD004		PSHL
BOURNS	elect. 5020-3100 series	BO001		PSH, PSL
BS&B	BS&B 72-74	BS001		PSH, PSL
BMB CONTROLS	R pilot	BM001		PSH, PSL
CALIFORNIA CONTROLS	B-4400 series	CC001		PSH, PSL
	model B-5040	CC005		PSL

List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: PSH, PSL, PSHL - PRESSURE SENSOR

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL	APPLICABLE DEVICE CODE
CAMERON	block and bleed pilot	CM007		PSH, PSL
	kinetic pilot	CM008		PSH, PSL
CHICAGO SAFETY PRODUCTS		CY001		PSHL
CONTROL PILOTS	HI/Lo Joe Control	CP001		PSH, PSL
CONTROLTRONICS	HI/Lo pilot	CT001		PSHL
CUSTOM CONTROL SENSOR	models 6A10 & 6A12 - DuSnap	DS003		PSHL
	models 6A60 thru 6A64 - DuSnap	DS004		PSHL
DEFSSER	types C-100/C-200	DR001		PSHL
	model C-200	DR002		PSHL
	model A-400	DR003		PSHL
	model B-700	DR007		PSHL
DIAL-SNAP	6A4P series	DS001		PSH, PSL
	611 series	DS002		PSH, PSL
DYNAGHARD		DG001		PSL
FISHER	type 41002 series - Wizard I	FS022		PSH, PSL
	types 4150 & 4160	FS023		PSH, PSL
	type 4180	FS024		PSH, PSL
FRANK W. MURPHY	OPC pressure switch	FM001		PSH, PSL, PSHL
GIBSON		GB001		PSH
MERCOID	series F	ME006		PSH, PSL, PSHL
	series A	ME007		PSH, PSL, PSHI
NEO-DYN	P series (electrical)	NN001		PSH, PSL
	PV series (pneumatic)	NN002		PSH, PSL
OTIS	type P control (only HI or Lo)	OT001		PSHL
	type R	OT002		PSL
	type D	OT003		PSH
	type RE	OT004		PSHL
	type F	OT005		PSH, PSL, PSHI
	type P (both HI and Lo)	OT006		PSH, PSL, PSHI
	type PA	OT019		PSH, PSL, PSHI
HLR CONTROLS	Model 7470	HL002		PSH, PSL
	Model 8070	HL002		PSH, PSL

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MANIFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: PSH, PSL, PSHL - PRESSURE SENSOR

MANIFACTURER	MODEL	MANIFACT DEVICE MODEL CODE MFG	MODEL	APPLICABLE DEVICE CODE
PENN		PN001		PSL
ROBERTSHAW	9A941 pressure control	RS002		PSH, PSL
ROSE-MONT	type rose-mont	RT001		PSHL
SIGMANETICS		SI001		PSHL
SOLON		SO001		PSHL
SQUARE D	class 9013 series F	SQ001		PSL, PSH, PSHL
	class 9013 type HRG	SQ002		PSH, PSL, PSHL
	class 9013 type HSG	SQ002		PSL, PSH, PSHL
	class 9013 series A	SQ003		PSH, PSL, PSHL
	class 9013 type R	SQ004		PSH, PSL, PSHL
STATHAM		SA001		PSHL
STATIC "O" RING	Dressure switch	SR001		PSH, PSL, PSHL
U. S. GAUGE	pressure control	US001		PSH, PSL, PSHL
UNITED ELECTRIC CONTROL	300 series	UE001		PSH, PSL
	type PH302 & PJ302	UE001		PSHL
	type 550 all 500 series	UE003		PSHL
	type J110 model 250	UE004		PSH, PSL
UNITED METER		UM001		PSHL
UNIVERSAL		US001		PSL
WKM	model 2000	WK015		PSH, PSL
WKM (PROFLO)	Proflo type A and AH	WK001		PSH, PSL
	Proflo type D	WK009		PSH, PSL

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: PSV - RELIEF VALVE

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
ABEX CORP.	model R2V12 & R2V24	AE001	
ANDERSON GREENWOOD (AGCO)	pilot operated relief valve	AG001	
	series 80 spring relief	AG002	
ARMCO NATIONAL SUPPLY		AR001	
ASHTON		AH001	
AXELSON (GARRETT)	types GD and GF	AX003	
	types HD and HE	AX004	
	series D3 and E	AX022	
	series F	AX023	
BAIRD	7150-1-50 HP2000	BI001	
	7601-1 series/7601-2 series	BI002	
	7601-1-TB-LLP/7601-1-TB-HP	BI003	
	7601-2 series	BI004	
	low pressure	BI005	
	type 1905.JCI	BI006	
	type 1910.HCI	BI007	
	type 1905.LC	BI008	
	type 975C-3-XMX36	BI009	
BECKER		BF001	
BOSCO		BR001	
CAMERON	shear relief valve	CN001	
	TB reset relief	CN008	
	reset relief valves	CN009	
CE INVALCO (NATIONAL)	series 518	CE018	
CHALPIN-FULTON		CF001	
CIRCLE SEAL	models 520 thru 562	CI004	
	type 375349T-ZPP	CI005	
CLAY BAILEY		CL001	
CONSOLIDATED (DRESSER)	flanged type, series 1900	CS001	
	SCH type, ser. 1970,1975 & 1980	CS002	

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: PSV - RELIEF VALVE

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
CONTINENTAL	B shear relief valve	C0001	
CONTROL VAPOR EQUIPMENT		CV001	
CRAWFORD		CD001	
CROSBY	Crosby JO	CR001	
	Crosby JR	CR002	
DEMCO	used on water flood system	DM004	
DUOSEAL		D0001	
FARRIS	spring relief	FA001	
	pilot relief	FA002	
FISHER	design D & DA bodies	FS004	
	type 98	FS016	
	type 29 series	FS017	
	type 630R	FS018	
	type 289 series	FS019	
	type 1805 series	FS020	
	type 1807	FS021	
FLUID MECHANICS VALUE		FL001	
GROVE	flexflo	GR001	
HYDRO-SEAL	series 1,2,3,4	HY001	
	series 5,6,7	HY002	
	flanged relief valve	HY003	
JAYCO	models 250 & 252	JC001	
	models 149 thru 152	JC002	
	models 312 thru 326	JC003	
KINGSTON		KG001	
KUNKEL		KU001	

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: PSV - RELIEF VALVE

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
LONERGAN	bellows series D & DR	LG001	
	series DH & DHR liquid relief	LG002	
	W - series	LG003	
	V - series	LG004	
LONGERGAN	spring relief	LN001	
LUNKENHEIMER	relief valve	LU001	
MECHANICAL MARINE		MM001	
MISSION (TRW)	spring relief	MM003	
NASVI	D70-J-model	NA001	
NORRISEAL		NS002	
NUPRO	safety relief valve type R	NP001	
OTECO	shear type relief valve	OE001	
PRESSURE EQUIPMENT AND CONTROLS		PE001	
ROCKWELL	rollout diaphragm 257S	ED005	
	rollout diaphragm 285	ED006	
SAFETY EQUIPMENT AND CONTROLS		SV001	
SAGE		SA001	
SENTINEL		SM001	
SHAND AND JURS		SJ001	
SINGER		SN001	
TASCO		TS001	
TAYLOR CO.	relief valve T76011L-76014P	TA003	

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: PSV - RELIEF VALVE

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
TAYLOR TOOLS	T-7800 spring type T-7601 relief valve	TT001 TT002	
TEEL		TL001	
TEXSTEAM (TXT)	spring relief valve	TX004	
VAREC	relief valve	VR001	
VILTER		VC001	

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: SSV, SDV, BDV - SURFACE SAFETY, SHUTDOWN AND BLOWDOWN VALVES

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL	APPLICABLE DEVICE CODE
AMOT	model 2180 valve body	AM006		SSV, SDV, BDV
ARMCO NATIONAL SUPPLY	series B-2000 & B-3000	AR001		SSV
	model B-1536	AR001		SDV
ASCO TRIPOINT	model 8262C2/8040A17	AS007		SDV
	model A215A13/9042C35	AS008		SDV
	model 804337/8262C232B	AS009		SDV
ATKOMATIC	type SLW 2000 series	AT001		SDV
	type BD & AA 3000 series	AT002		SDV
	type B & AA 4000 series	AT003		SDV
	type F series 5000	AT004		BDV
	TOSCO 6000 series	AT005		SDV
	SLPW 7000 series	AT006		SDV
	SSN, HP, SS 8000 series	AT007		SDV
	type SSN series 8711 & 8710	AT007		BDV
	dymo 15000 series	AT008		SDV
	type SNR 16000 series	AT009		SDV
	Uramic series 30000	AT010		SDV
	type JJ-200 to JJ-600	AT011		SDV
	type mango series 500	AT012		SDV
AXELSON (GARRETT)	safomatic (A-1)	AX007		SSV, SDV, BDV
	DCB valve body	AX008		SSV, SDV, BDV
	type DC	AX010		SSV, SDV, BDV
	pneumatic AG-AM Hydr. AG-MHA	AX011		SSV
	AG-MA-HYDR	AX011		SDV
	AG-MHA-HYDR	AX011		BDV
	series DG1	AX012		SDV, BDV
	series DG2	AX013		SDV, BDV
BALON	F series ball valve	BN001		SDV, BDV
	L series ball valve	BN002		SDV, BDV
	S series ball valve	BN003		SDV, BDV
	W series wafer ball valve	BN004		SDV, BDV
CALIFORNIA CONTROLS	T2900 & T3000 series	CC004		SSV, SDV, BDV
CAMERON	type F gate valve	CM005		SSV, SDV, BDV
	ball valve	CM006		SSV, SDV, BDV

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: SSV, SDV, BDV - SURFACE SAFETY, SHUTDOWN AND BLOWDOWN VALVES

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL	APPLICABLE DEVICE CODES
CE INVALCO (NATIONAL)	all 400 series	CE015		SSV, SDV, BDV
CEMCO		CK001		SDV
CGM VALUE AND GAUGE		CG001		SSV
CLAYTON MARK	mark ball valve	CM007		SSV, SDV, BDV
CONTROMATICS	Class 150 & 300	CX002		SDV
CRANE	gate valve	CR001		SSV, SDV, BDV
	ball valve	CR002		SSV, SDV, BDV
DEMCO	butterfly valve no model #	DM001		SDV
	series DM gate valve	DM002		SDV
	series F ball valve	DM003		SDV
EDWARD (ROCKWELL)	globe or angle body	ED004		SSV, SDV, BDV
FISHER	butterfly control valve body	FS001		SSV, SDV, BDV
	design HSC body	FS002		SSV, SDV, BDV
	design U and UR bodies	FS003		SSV, SDV, BDV
	design D and DA bodies	FS004		SSV, SDV, BDV
	E series body	FS005		SSV, SDV, BDV
	type P and PA bodies	FS006		SSV, SDV, BDV
	type 528-T series body	FS026		SSV, SDV, BDV
	type PT series	FS030		SSV, SDV, BDV
FMC - WELLHEAD EQUIPMENT (OCT)	model 20 balanced stem	OC001		SSV, SDV, BDV
	model 30	OC002		SSV, SDV, BDV
	model 20 unbalanced stem	OC003		SSV, SDV, BDV
	acid service type 40	OC006		SSV, SDV, BDV
GRAHAM		GH001		SDV
GRAY	graygate	GY003		SSV, SDV, BDV
GROVE	G-3 gate valve	GR003		SSV, SDV, BDV
	G-4 gate valve	GR004		SSV, SDV, BDV
	ball valve	GR005		SSV, SDV, BDV
HALLIBURTON	type K safety valve	HU001		SDV

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: SSV, SDV, BDV - SURFACE SAFETY, SHUTDOWN AND BLOWDOWN VALVES

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL	APPLICABLE DEVICE CODE
HAMMOND	type IR329, solid wedge	HM002		SSV
	model IR329, gate valve	HM002		SDV
	IR329 U.S.&Y, gate valve	HM002		BDV
JAMESBURY	series 5000 double seat ball	JA002		SDV
	double-seal seat ball valve	JA002		BDV
	series 8000 wafer sphere	JA003		SDV
	wafer-sphere butterfly valve	JA003		BDV
JENKINS	class 600 bolted bonnet	JK005		SDV
	class 600 U.S.&Y bolted bonnet	JK005		BDV
	model 651-A	JK006		SSV
	model 651-A gate valve	JK006		SDV
	iron gate valve 651-A	JK006		BDV
KIMRAY	motor valve	KM007		SSV, SDV, BDV
KOBE	ceramic gate	KO001		SSV
	ceramic gate no model #	KO001		SDV
	ceramic gate valve	KO001		BDV
KTM	ED 100 fule bore ball valve	KT001		SDV
	full bore ball valve ED 100	KT001		BDV
	ED 800 reduced bore ball	KT002		SDV
	reduce bore ball ED 800	KT002		BDV
LIQUID LEVEL LECTRONICS	series 8900	LL010		SSV
LUNKENHEIMER	shutdown valve	LU005		SSV, SDV, BDV
M-J	gate valve	MJ001		SSV, SDV, BDV
MAGNATROL	magnatrol valve	MG001		SSV, SDV, BDV
MASONEILAN	series 4100 globe valve	ML002		SDV
MAXON	series 700 & 800 manual rst.	MX001		SDV
	series 4000/5000/7000	MX002		SDV
MCEVOY	model R	MV001		SSV, SDV, BDV
	model F	MV002		SSV, SDV, BDV
	model C	MV003		SSV, SDV, BDV

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: SSV, SDV, BDV - SURFACE SAFETY, SHUTDOWN AND BLOWDOWN VALVES

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MANUFACT DEVICE MODEL CODE MODEL	APPLICABLE DEVICE CODE
MISSION (TRW)	plug valve	MN004		SSV, SDV, BDV
NATIONAL SUPPLY	ARMCO SSV, SDV	AR002		SSV, SDV
NORDSTROM	plug valve	NR001		SSV, SDV, BDV
NORRISEAL	series 2700 & 2720	NS001		SSV, SDV, BDV
	series 2200 & 2220	NS002		SSV, SDV, BDV
	series 2070	NS003		SSV, SDV, BDV
	series 2400 & 2420	NS011		SSV, SDV, BDV
	series 2026	NS012		SSV, SDV, BDV
	series 2060	NS013		SSV, SDV, BDV
ORBIT	gate valve	OR002		SSV, SDV, BDV
	ball valve	OR003		SSV, SDV, BDV
OTIS	type K	OT007		SSV, SDV, BDV
	type AD	OT013		SSV
PACIFIC	ball valve	PC001		SSV, SDV, BDV
	model 173G & 163-RJ	PI002		SDV
	150 solid wedge	PI003		SSV, SDV, BDV
	2150 split wedge	PI004		SSV, SDV, BDV
	2155 flexible wedge	PI005		SDV, BDV
POSI-SEAL	no model # wafer style	PO001		SDV
RUCKER	type P gate	RO001		SSV, SDV, BDV
STOCKHAM	shutdown valve	ST002		SSV, SDV, BDV
TEXAS CARBIDE		TC001		SDV
TEXSTEAM (TXT)	texseal plug valve	TX005		SSV, SDV, BDV
TK	ball valve	TK001		SSV, SDV, BDV
VERSA	series V & B	VE001		BDV
VERTEX		VT001		SDV
WALWORTH	ball valve	WA002		SSV, SDV, BDV
	gate valve	WA003		SSV, SDV, BDV

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: SSV, SDV, BDV - SURFACE SAFETY, SHUTDOWN AND BLOWDOWN VALVES

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MANUFACT DEVICE MODEL CODE MODEL	APPLICABLE DEVICE CODE
WECO		WE001		SDV
WELLIS	C auto shutoff	WC001		SSV, SDV, BDV
WKM (PROFLO)	dynaseal ball valve	WK002		SSV, SDV, BDV
	pow-r-seal gate	WK003		SSV, SDV, BDV
	pow-r-seal stem gate	WK004		SSV, SDV, BDV
	pow-r-seal "model M"	WK005		SSV, SDV, BDV
	saf-t-seal gate valve	WK006		SSV, SDV, BDV
	plug valve	WK007		SSV, SDV, BDV
	integrated wellhead	WK011		SSV, SDV, BDV
WORCHESTER	series 38 pneumatic actuator	WO001		SDV
	series 73 electric actuator	WO002		SDV
	series 31 electric actuator	WO003		SDV

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: SSSV - SUBSURFACE SAFETY VALVE

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
BAKER	SS other model A	BKA	
	SCE method of ret. unknown	BKE	
	SCE tubing retrievable	BKET	
	SCE wireline retrievable	BKEW	
	SS FSA	BKFSA	
	TP tubing plug	BKOTP	
CAMCO	SS A such as A-3	CAA	
	SC TRB-6 tubing ret.	CAR6T	
	SC TRB-7 tubing ret.	CAR7T	
	SC TRB-8 tubing ret.	CAB8T	
	SC B-6 wireline ret.	CAR6W	
	SC B-7 wireline ret.	CAR7W	
	TP C	CAC	
	TP other type tubing plug	CAOTP	
	SC PC	CAPC	
	SS T such as T-4	CAT	
	SC tubing pack off PC	CATPO	
D & D WIRELINE COMPANY	TSPPI	DDTSP	
GERHART OWENS		GE001	
HYDRIL	model HDTFL	HDTFL	
	SC wellguard II - ret. unknown	HDWG	
	SC wellguard II - thru fline	HDWGL	
	SC wellguard II - tubing ret.	HDWGT	
	SC wellguard II - wireline ret.	HDWGW	
MACCO (UDELL)	SS HPB	MCHPB	
	SSP8HL-2PB's,-1,HI,1LO	MCPBX	
	SS PB	MCPB	
	SS PC	MCPC	
	SC TF	MCTFT	
	SC TMF	MCTMF	
	SC WF	MCWF	
OTIS	TP D	OTD	
	SC DC method of ret. unknown	OTDC	
	SC DC tubing retrievable	OTDCT	
	SC DC wireline retrievable	OTDCW	
	SC DE	OTDE	
	SC DK	OTDK	

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: SSSV - SUBSURFACE SAFETY VALVE

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
OTIS	SC DO	OTDO	
	SC other type series D	OTDOT	
	SC DR	OTDR	
	SS F	OTF	
	SS H	OTH	
	SS J	OTJ	
	TP F modified to be A.TP	OTMF	
	TP other type tubing plug	OTOTP	
	SC QO	OTQO	
PAGE	SCF (including FO)	PGF	
	SC PR (including RO & RTLR)	PGPR	

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: TSH, TSL, TSHL - TEMPERATURE SENSOR

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MANUFACT DEVICE MODEL CODE MODEL	APPLICABLE DEVICE CODE
ALLEN BRADLEY	Bulletin 837	AB002		TSH
ALNOR INSTRIMENT	series 4000	AL001		TSHL
AMETEK	model 47	AK001		TSHL
AMOT	model 4075	AM001		TSHL
	model 2230	AM002		TSH, TSL, TSHL
	models 4102 & 4103	AM003		TSH, TSL, TSHL
ASCO TRIPOINT	model SA10A-SA12A	AS004		TSH, TSL
	model SC10A-SC12A	AS005		TSH, TSL
BARBER COLEMAN	model 799L	BH001		TSH
	model 792R	BH002		TSH
BS&B	BSAB	BS002		TSH, TSL
CALIFORNIA CONTROLS	A2850,A3100, A3500 series	CC003		TSH
	A2851, A3501 series	CC003		TSL
CF INVALCO (NATIONAL)	models CTS-5025-TIS & 5025R	CF012		TSH, TSL
	models CTS-5025-DIS & 5025R	CF012		TSL, TSH
	models CXMA-LT & CXMA-HT	CF013		TSH
CUSTOM CONTROL SENSOR	646TF & 646TUF - see DU-SNAP	DS005		TSH
	models 6213 & 6214 - DU-SNAP	DS006		TSH
ELECTRICAL MECHANICAL		EM001		TSH
EXLINE	310228-204 & 310230-204	EX001		TSL
	310228-404 & 310230-404	EX002		TSL
	300417-1050 & 300418-1050	EX003		TSH
FOXBORO	series 43	FX001		TSH, TSL, TSHL
	series 44	FX004		TSH, TSL, TSHL
FULTON SYLPHON	model T87-119-RTD Robertshaw	RS004		TSH, TSL
HONEYWELL	type R-7351	HN002		TSH, TSL
KIMRAY	series T-12, T-18	KM004		TSH, TSL

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: TSL, TSH, TSHL - TEMPERATURE SENSOR

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MANUFACT DEVICE MODEL CODE MODEL	APPLICABLE DEVICE CODE
LIQUID LEVEL LECTRONICS	8300 series	LL001		TSH, TSL
	8400 series	LL002		TSH, TSL
MERCOID	series FM-437	ME003		TSH, TSL, TSHL
	series D	ME004		TSH, TSL, TSHL
	type DA series	ME005		TSH, TSL, TSHL
NELSON		NE001		TSH
NEO-DYN	series 100	ND003		TSH, TSL
NORRISEAL	series 5010	NS004		TSH, TSL
	series 5000	NS005		TSH, TSL
PARTLOW	temperature controls	PA001		TSH
ROBERTSHAW	series 85026,83197-A,99610-A	RS003		TSH
	series 85026 & 99610-A	RS003		TSL
TAYLOR COMPANY	Taylor	TA001		TSH, TSL
UNITED ELECTRIC CONTROL	series 800E	UE002		TSH, TSL
	type 802PE	UE002		TSHL
WEST	series 801M	WI001		TSH
	series 803M	WI001		TSL

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: TSL, TSH, TSHL - TEMPERATURE SENSOR

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MANUFACT DEVICE MODEL CODE MODEL	APPLICABLE DEVICE CODE
LIQUID LEVEL LECTRONICS	8300 series	LL001		TSH, TSL
	8400 series	LL002		TSH, TSL
MERCOID	series FM-437	ME003		TSH, TSL, TSHL
	series D	ME004		TSH, TSL, TSHL
	type DA series	ME005		TSH, TSL, TSHL
NELSON		NE001		TSH
NEO-DYN	series 100	ND003		TSH, TSL
NORRISEAL	series 5010	NS004		TSH, TSL
	series 5000	NS005		TSH, TSL
PARTLOW	temperature controls	PA001		TSH
ROBERTSHAW	series 85026,83197-A,99610-A	RS003		TSH
	series 85026 & 99610-A	RS003		TSL
TAYLOR COMPANY	Taylor	TA001		TSH, TSL
UNITED ELECTRIC CONTROL	series 800E	UE002		TSH, TSL
	type 802PE	UE002		TSHL
WEST	series 801M	WI001		TSH
	series 803M	WI001		TSL

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MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: VA - VALVE ACTUATOR

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MANUFACT DEVICE MODEL CODE MODEL
AMOT	model 2190 valve and actuator assembly	AM007	
AXELSON (GARRETT)	manumatics	AX005	
	diaphragm actuators	AX009	
	series AG-MHA-pneumatic	AX014	
	series AG-MHA-1-diaphragm	AX015	
	series AG-AM-1-diaphragm	AX016	
	series AG-MHA-hydraulic	AX017	
	series AG-AM-hydraulic	AX018	
	series DG	AX019	
	series DC	AX020	
BAKER (CAC)	models 885-06 thru 885-09	BQ001	
	models 885-10 thru 885-24	BQ002	
	models 885-71 thru 885-73	BQ003	
	models 885-67 thru 885-69	BQ004	
BAKER (HAROLD BROWN)	multimatic	BK003	
	hydramatic	BK004	
	duomatic	BK005	
BETTIS	robotarm	BE001	
CAMCO	hitork	CA001	
	V4	CA002	
CAMERON	LC & LCR	CN002	
	HLC & HLCR	CN003	
	type F operator	CN004	
	LCP & LCRP	CN010	
CE INVALCO (NATIONAL)	series 595	CE014	
	valve actuator (400)	CE019	
CLAYTON MARK	marktron	CM005	
	markair	CM006	
CONTROMATIC	models 200 thru 800 (pneumatic)	CX001	

List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: VA - VALVE ACTUATOR

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
EIM	electric E-series		EI001
	G-series gas pipeline app.		EI002
	A-series air or gas pwrd.		EI003
	type RC-unit		EI004
	type ER-unit combination		EI005
FISHER	type 125		FS007
	type 667		FS008
	type 657 & 657-8		FS009
	type 650 & 656		FS025
	type 528 on T body		FS027
	type 126		FS028
	type 127		FS029
FMC-WELLHEAD EQUIPMENT (OCT)	hydraulic fail-close		OC004
	subsea hydraulic fail-close		OC005
GEMINI	spring return 412SR & 422SR		GA002
	double acting 411.D to 422.D		GA003
GRAY	graysafe		GY002
GRINNELL	rotomotor		GI001
	rotomotor SM		GI002
	rotomotor SMA & SMB		GI003
	model A-40A & A-41A		GI004
	model A-46A & A-47A		GI005
GROVE	cylinder operator		GR002
HILLS-MCCANNA			HC001
JAMESBURY	double acting ST-20-ST2400		JA004
	failsafe ST13MS to ST175MS		JA005
JENKINS	pneumatic model 330/333		JK007
	failsafe model 330F & 331F		JK008
	electric model 212		JK010
JOHNSON CONTROLS	rotary valve 7800 series		J0001
KIMRAY	valve actuator		KM006

List 4

MANUFACTURER'S DEVICE MODEL CODES* (con't)

DEVICE TYPE CODE: VA - VALVE ACTUATOR

MANUFACTURER	MODEL	MANUFACT DEVICE MODEL CODE MFG	MODEL
LANCE	double acting 200-RMS series		LC002
	spring return 200-SRP series		LC003
LIMITORQUE			LM001
LIQUID LEVEL LECTRONICS	series 8000		LL010
LUNKENHEIMER	valve actuator		LU006
MAGNATROL	valve actuator		MG002
MASONEILAN	flt. stem diaphragm model 33		ML001
MATRYX	cylinder tape		MX001
	vane tape		MX002
ML SHAFFER	type DB		ML001
MORRISEAL	valve actuator		MS010
ORBIT	fail closed		OR001
OTIS	type U, auto shut off		OT008
	type UX		OT009
	type X		OT010
PANTEX	type G (gate or globe)		PX001
	type R (rotating stem)		PX002
	type S (HD rotating stem)		PX003
PNEU-TROL			PR001
RAMCON	electric 88-3 thru 4502RR-7		RC001
	pneumatic CFS series		RC002
	pneumatic DFS series		RC003
ROTORK	electric syncropak 1400		RK001
SCHAFFER			SF001

List 4

List 4

"MANUFACTURER'S DEVICE MODEL CODES" (con't)

DEVICE TYPE CODE: VA - VALVE ACTUATOR

MANUFACTURER	MODEL	"MANUFACT DEVICE MODEL CODE	
		MFG	MODEL
SHAFER	rotary bulletin RV-120		SS001
	linear bulletin LV-130		SS002
	rotary piston bulletin RP-140		SS003
STOCKHAM	valve actuator		ST003
TBN INDUSTRY (or TNB)			TN001
TELEDYNE MERLA	merla matic		TE001
TK	valve actuator		TK002
WILLIS	C auto shut off		WL002
WKM	dynaseal II electric actuator		WK012
	dynaseal III pneumatic actuator		WK013
	dynaseal IV electirc actuator		WK014
WKM (PROFLO)	saf-t-guard		WK008
XACT	type 7125		XA001

[FR Doc. 01-14000 Filed 5-14-01; 8:45 am]
BILLING CODE 4910-01-C

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-19 (Sub-No. 54)]

Baltimore & Ohio Railroad Co.; Abandonment Between Heath and National Road in Licking County, Ohio; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903, that an administratively final certificate and decision was issued by the Commission, Review Board Number 3 on May 4, 1981, finding that public convenience and necessity permit the Baltimore and Ohio Railroad Company to abandon 6.49 miles of railroad between Heath and National Road in Licking County, Ohio. The abandonment is subject to the following conditions: (1) the employee protective conditions in *Oregon Short Line R. Co. Abandonment-Goshen*, 360 I.C.C. 91 (1979); and (2) the Baltimore and Ohio Railroad Company shall keep intact all of the rail properties, including the track, the right of way underlying the track, and all the bridges and culverts, for a period of 120 days from the decided date of this certificate and decision to permit any State or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the rail properties. The certificate and decision authorizing abandonment is being served on the Baltimore and Ohio Railroad Company concurrently with publication of this notice, and will become effective 30 days thereafter, unless the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable rail service involved to be continued. The offer must be filed with the Commission and served concurrently on applicant, with copies to Ms. Ellen Hanson, Rm. 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice and;

(2) It is likely that such proffered assistance would:

(a) cover the difference between revenues which are attributable to the line of railroad and the avoidable cost of providing rail service on the line, together with a reasonable return on the value of the line, or (b) cover the acquisition cost of all or any portion of the line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offeror may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer and no request is made for the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after this notice is published. When the Commission is notified that an assistance or acquisition or operating agreement is executed, it will postpone the issuance of the certificate for the period of time the agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained in the statute as well as the instructions contained in the Commission's decision in this proceeding.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14736 Filed 5-14-81; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-No. 38)]

Chesapeake & Ohio Railway Co.; Abandonment Between Montague and Hart, MI; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision entered May 8, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 2, that the public convenience and necessity permit the abandonment by the Chesapeake and Ohio Railway Company (C&O) of the line of railroad extending between milepost 72.25 (Valuation Station 3815+00) at Montague and milepost 95.12 (Valuation Station 193+85.7) at Hart, a distance of 22.87 miles in Muskegon and Oceana Counties, MI, subject to the conditions for the protection of employees developed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), and provided that except to the extent C&O may have transferred these properties to carrier patrons or other responsible persons for continued rail service, C&O shall keep intact all of the right-of-way underlying the track, including all bridges and culverts, for 120 days to permit any State or local government agency or other interested party to negotiate the acquisition for public (other than rail) use of all or any portion of the properties. A certificate of abandonment will be issued to the C&O ;based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 15 days from the date of publication the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. (The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this notice.)

(2) it is likely that such proferred assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the aquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 90 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later then 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14737 Filed 5-14-81; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-18 (Sub-No. 41F)]

Chesapeake & Ohio Railway Co.; Abandonment Between Armitage and Athens, Ohio; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided May 6, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), and subject to the further condition that C&O shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts, for a period of 120 days from the decided date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Chesapeake and Ohio of the following line of railroad known as: Athens Branch, from railroad valuation station 3043+45, at or near Armitage, to railroad valuation station 4014+71, at or near Athens, OH, a distance of 1.85 miles in Athens County, OH. A certificate of public convenience and necessity permitting abandonment was issued to the Chesapeake and Ohio Railway Company. Since no investigation was instituted, the requirement of section 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on C&O, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14731 Filed 5-14-81; 8:45 am]
BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Behm's Propane, Inc., P.O. Box 1369, Minot, ND 58701.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

A. Behn's Truck Stop, P.O. Box 1369, Minot, ND 58701
B. Minot Coleman., P.O. Box 1369, Minot, ND 58701
C. Behm's Propane, Inc., P.O. Box 1369, Minot, ND 58701
D. Power Fuels, Inc., P.O. Box 1369, Minot, ND 58701
E. Behm's LP Gas, Inc., P.O. Box 895, Devils Lake, ND 58301
F. Sun Behm Gas, Inc., P.O. Box 1369, Minot, ND 58701
G. Deka Minerals, P.O. Box; 1369, Minot, ND 58701

1. Parent Corporation and address of principal office: Burlington Industries, Inc., 3330 West Friendly Avenue, Post Office Box 21207, Greensboro, North Carolina 27420.

2. Wholly-owned subsidiary which will participate in the operation, address of its principal office, and state of incorporation: B. I. Transportation, Inc., Tucker Street Extension, Post Office Box 691, Burlington, North Carolina 27215.

Incorporated in the State of Delaware.

1. Parent corporation (natural person) and address of principal office: Byron L. Walker, 3826 Depot Road, Hayward, California 94544.

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation:

(i) Odyssey Transportation, Inc.—California

(ii) Petro-Chem Recovery, Inc.—California

1. Parent corportion and address of principal office: Campbell Taggart, Inc., 6211 Lemmon Avenue, Dallas, Texas 75209.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

Rainbo Baking Company of Corpus Christi, P.O. Box 4207, Corpus Christi, Texas 78408
Rainbo Baking Company of El Paso, P.O. Box 9277, El Paso, Texas 79983
Rainbo Baking Company of Fort Smith, P.O. Box 64, Ft. Smith, Arkansas 72902
Rainbo Bakeries of San Joaquin Valley, Inc., P.O. Box 832, Fresno, California 93712
Colonial Baking Company of Huntsville, P.O. Box 5147, Huntsville, Alabama 35805
Rainbo Baking Company of Johnson City, P.O. Box 2387, Johnson City, Tennessee 37601
Evansville Colonial Baking Company, P.O. Box 1066, Owensboro, Kentucky 42301
Paducah Colonial Baking Company, P.O. Box 3100, Paducah, Kentucky 42001
Rainbo Baking Company of Sacramento Valley, P.O. Box 5387, Secramento, California 95817
Rainbo Bread Company of Saginaw, P.O. Box 3286, Saginaw, Michigan 48605
Kilpatrick's Bakeries, Inc., 2030 Folsom Street, San Francisc, California 94110
El Chico Corporation, 1925 Valley View Lane, Farmers Branch, Texas 75234
Rainbo Baking Company of Lexington, P.O. Box 86, Lexington, Kentucky 4051
Rainbo Baking Company of Louisville, P.O. Box 8245, Station E, Louisville, Kentucky 40208
Ramtag, Inc., 6211 Lemmon Avenue, Dallas, Texas 75209
Rainbo Baking Company of Lubbock, P.O. Box 459, Lubbock, Texas 79408
Subsidiary of El Chico Corporation, Larry's Food Products, Inc., 14725 S. Broadway, Gardena, California 90248
Bel-Art Advertising, Inc., 6211 Lemmon Avenue, Dallas, Texas 75209

1. Name of parent corporation and address of principal office: Inco United States, Inc., One New York Plaza, New York, N.Y. 10004.

2. The following is a list of wholly-owned subsidiaries which will participate in the operations and their states of incorporation:

Inco ElectroEnergy Corporation, Pennsylvania (1975)
Exide Corporation, Delaware (1973)
ESB Incorporated, New Jersey (1966)
Exide Electronics Corporation, Delaware (1979)
Ray-O-Vac Corporation, Delaware (1979)
Universal Electric Company, Delaware (1949)
The International Metals Reclamation Co., Inc., Delaware (1976)

Pittsburgh Pacific Processing Company, Delaware (1976)
MPD Technology Corporation, Delaware (1976)
MPD Plastics, Inc., Delaware (1977)
Novamet, Inc., Delaware (1977)
Inco Safety Products Company, Delaware (1979)
Inco Research & Development Center, Inc., Delaware (1979)
The International Nickel Company, Inc., Delaware (1974)
Huntington Alloys, Inc., Delaware (1928)
Exide Management & Technology Company, Delaware (1977)
Refined Metals Corporation, Delaware (1976)
ESB Materials Company, Delaware (1977)

1. Parent Corporation and address of principal office: National Distribution Systems, 1051 South Industrial Parkway, Clearfield, Utah 84015.

2. Wholly-owned subsidiary which will participate in the operations, and address of principal office: N.D.S. Freight Systems, 1051 South Industrial Parkway, Clearfield, Utah 84015.

1. Name of the parent corporation and address of principal office is: NCR Corporation, World Headquarters, 1700 South Patterson Blvd., Dayton, Ohio 45479.

2. Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices are:

(1) Applied Digital Data Systems, 100 Marcus Blvd., Hauppauge, New York 11787.
(2) Applied Digital Data Systems, 12953 South State Street, Draper, Utah 84020.
(3) NCR Corporation, Micrographic Systems Division, 520 Logan Avenue, Mountain View, California 94043.
(4) Comten, Inc., 1950 West County Road B–2, St. Paul, Minnesota 55113.

1. Name and address of parent corporation: Nucorp Energy, Inc., an Ohio Corporation, Fifth Avenue Financial Center, 2550 Fifth Avenue, Suite 1100, San Diego, California 92103.

2. Wholly-owned subsidiaries which will participate in the operations and State of incorporation:

(i) Nucorp Energy, Inc., a Texas Corporation.
(ii) Nucorp Supply, Inc., a Texas Corporation.
(iii) Nucorp Compressor, Inc., a Texas Corporation. (A wholly owned subsidiary of Nucorp Supply, Inc.,)
(iv) Nucorp Energy Company, an Ohio Corporation.
(v) Maverick Tube Corp., a Missouri Corporation.
(vi) Crowder Tank, Inc., an Oklahoma Corporation.

1. Parent corporations and address of principal office: SetloWear, Incorporated, Indian River Road, Orange, Connecticut 06477.

2. Wholly-owned subsidiaries which will participate in the operations and States of incorporation:

M. Setlow & Son, Inc., Connecticut
Claire Manufacturing Co., Inc., South Carolina
Old School Manufacturing Co., Inc., South Carolina
Marcar Industrial Uniform Co., Inc., Connecticut
SetloWear/Ravenswood, Inc., West Virginia
Chemset, Inc., Connecticut

1. Parent corporation and address of principal office: Uniroyal, Incorporated, World Headquarters, Middlebury, Connecticut 06749,

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(a) UTF Carriers, Inc. (Delaware)
(b) Alpine Laboratories, Inc. (Alabama)
(c) Interbel Trading, Inc. (Florida)
(d) The Masland Duraleather Co. (Pennsylvania)
(e) Royalite Plastics, Inc. (California)
(f) Synpol, Inc. (Delaware)
(g) Uniroyal Merchandising Co., Inc. (Delaware)
(h) USCO Services, Inc. (Delaware)
(i) USCO Services, Inc. of Massachusetts (Massachusetts)
(j) Uniroyal Ltd. (Ontario, Canada)
(k) Office Functions, Inc. (Texas)
(l) Naugatuck Treatment Company (Connecticut)

1. Parent Corporation and Address of Principal Office: Yellow Freight Systems, Inc., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

Adley Canada, Ltd., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207; A Federally-Chartered Canadian Corporation
Overland Energy, Inc., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207; A Texas Corporation
Yellow Forwarding Co., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207; A Delaware Corporation
Yellow Redevelopment Corporation, 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207; A Missouri Corporation

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14728 Filed 5-14-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 80]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 12, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 6461 (Sub-26)X, filed May 1, 1981. Applicant: B–LINE TRANSPORT CO., INC., P.O. Box 13366, Spokane, WA 99213. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions from groceries to "such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses"; from petroleum and petroleum products, in packages and containers, to "petroleum, natural gas and their products"; from ore (not including coal) to "ores and minerals"; from binder twine to "textile mill products"; from boats to "transportation equipment"; from poles to "lumber and wood products"; from piling to "construction materials", and from agricultural products and livestock

to "farm products"; and (2) broaden the territorial scope by replacing city-wide with county-wide authority: Spokane, WA, and Missoula, MT, with Spokane County, WA, and Missoula County, MT.

MC 7840 (Sub-40)X, filed April 29, 1981. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, NY 13601. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its lead and Sub-No. 7 certificates to: (1) broaden its commodity descriptions from general commodities (with exceptions), to "general commodities (except classes A and B explosives)," in the lead and Sub-No. 7; from prepared foods, dried fruits and vegetables to "food and related products," and from curtain rods and fixtures to "furniture and fixtures" in the lead; (2) obtain authority to serve all intermediate points on its regular route between Ogdensburg, NY and New York, NY, and between New York, NY and Auburn, NY; (3) in its irregular route authority, expand city-wide to county-wide authority from (a) Albany, NY, to Albany, Saratoga, Schenectady, and Rensselaer Counties, NY; (b) Watertown, NY, to Jefferson County, NY; (c) Ogdensburg, NY to St. Lawrence County, NY; and (4) change its one-way authority on its regular route to two-way authority between specified points in NY; and its one-way authority on its irregular route to radial authority between specified points in NY, PA, and NJ.

MC 52657 (Sub-759)X, filed May 4, 1981. Applicant: ARCO AUTO CARRIERS, INC., 16 West 151 Shore Court, Burr Ridge, Ill. 60521. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, Ill. 60603. Applicant seeks to remove restrictions in its Sub-No. 757 certificate to (1) broaden the commodity description from new automobiles to "transportation equipment," and (2) remove the restriction "in secondary movements, in truckaway service."

MC 58035 (Sub-35)X, filed May 4, 1981. Applicant: TRANS WESTERN EXPRESS, LTD., 5231 Monroe Street, Denver, CO 80216. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restrictions in its Sub-No. 34F certificate to broaden the commodity description from general commodities (except household goods as defined by the Commission, and Classes A and B explosives), in containers to "general commodities (except classes A and B explosives)."

MC 95876 (Sub-390)X, filed March 19, 1981, noticed in the Federal Register on April 10, 1981, republished as corrected this issue. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 73, 90, 96, 135, 145 and 176 certificates to (1) broaden the commodity descriptions in (a) Sub-No. 73, from valves and cocks and related parts and accessories therefor, to "metal products", (b) Sub-No. 90, from doors, and, pallets and wooden dividers used in material handling, to "building materials and lumber and wood products", (c) Sub-No. 96, from anti-freeze and de-icing compounds, anti-freese and de-icing pressure tanks and vaporizers, to "chemicals and related products, metal products and machinery", (d) Sub-No. 145, from gypsum and gypsum products to "building materials" and (e) Sub-No. 176, from rubber tires and tubes (except those used in motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act), to "rubber and plastic products"; (2) replace city-wide authority with county-wide authority as follows: in Sub-No. 73, Stearns and Benton Counties, MN, and Warren County, TN, for Sartell, MN, and McMinnville, TN; in Sub-No. 90, Waupaco and Outagamie Counties, WI, for New London, WI; in Sub-No. 96, Stearns and Benton Counties, MN, for Sauk Rapids, MN; in Sub-No. 145, Webster County, IA, for Fort Dodge, IA; and, in Sub-No. 176, Eau Claire and Chippewa Counties, WI for Eau Claire, WI; (3) eliminate the (a) size or weight restriction, in Sub-No. 135, and (b) commodities in bulk exception, in Sub-Nos. 96, 135 and 145; (4) eliminate the restriction limiting service to the transportation of traffic originating at named plantsites, in Sub-Nos. 73, 145 and 176; (5) eliminate the restriction prohibiting service to AK and HI, in Sub-Nos. 73, 96 and 135; and (6) authorize radial authority to replace existing one-way service between points in specified counties in TN, WI, MN and IA, and, points in various combinations of States throughout the U.S., in Sub-Nos. 73, 90, 96, 145 and 176. The purpose of this republication is to indicate the proper county-wide expansion for Sartell, MN, New London, WI, Sauk Rapids, MN and Eau Claire, WI.

MC 95876 (Sub-392)X, filed March 19, 1981, noticed in the Federal Register on April 1, 1981, republished as corrected this issue. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 162 and 232F certificates to (1) broaden the commodity descriptions from hydrants, accessories and parts, and iron and steel articles to "metal products" in each certificate; (2) eliminate the facilities limitation in Sub-No. 232F; (3) expand city-wide authority and authorize radial in place of one-way service between (a) Hennepin, Ramsey, Anoka, Washington, Dakota, Scott and Carver Counties, MN, and St. Croix and Pierce Counties, WI (St. Paul, MN) and points in the United States in Sub-No. 162; and (b) between Jersey, Monroe, Madison, and St. Clair Counties, IL and St. Louis, St. Charles and Jefferson Counties, MO (St. Louis, MO) and points in IA, MN, MT, NE, ND, SD, WI (except points in Ozaukee, Sheboygan, Calumet, Manitowoc, Kewaunee and Door Counties), and WY in Sub-No. 232F; and (5) remove the restriction against service to AK and HI in Sub-No. 162. The purpose of the republication is to indicate the proper county-wide expansion for St. Paul, MN and St. Louis, MO.

MC 106920 (Sub-131)X, filed May 1, 1981. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 28, New Bremen, OH 45869. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 45, 47, 49, 58, 59, 60 and 97F certificates to (1) broaden the commodity descriptions (a) in Sub-Nos. 45, 47 and 97 from fabricated fire place logs to "lumber and wood products"; (b) in the Sub-Nos. 47 and 97F from charcoal and charcoal products to "food and related products, petroleum, natural gas and their products and coal and coal products"; (c) in Sub-No. 49 from plastic containers to "rubber and plastic products"; (d) in Sub-Nos. 58 and 60 from plastic, burlap and paper articles and materials, supplies and equipment used in the sale, manufacture and distribution of plastic, burlap and paper articles to "rubber and plastic products, textile mill products, waste and scrap materials, pulp, paper and related products and materials, equipment and supplies used in the sale and distribution of those commodities"; (e) in Sub-No. 59 from plastic bags, liners, sheeting and film, burlap bags and tubing and paper cartons to "rubber and plastic products, textile mill products, waste and scrap materials, pulp, paper and related products"; (2) replace cities with county-wide authority as follows: Orange with

Orange County, VA, in Sub-No. 45; Bradford with McKean County, PA, Scotia and Stamford with Schenceady and Delaware Counties, NY, in Sub-No. 47; Mount Carmel with Northumberland County, PA, in Sub-No. 48; Garden City with Finney County, KS, in Sub-No. 60; and Scotia with Schencetady County, NY, in Sub-No. 97F; (3) remove the plantsite restrictions at or near Newark, NJ, in Sub-No. 58 and Atlanta, GA, in Sub-No. 58; (4) change its one-way authorities to radial authorities between points in several states in the above named sub-numbers; (5) eliminate the except in bulk restrictions in Sub-Nos. 59 and 60; and (6) eliminate the originating at and/or destined to restrictions in Sub-Nos. 49, 58 and 60.

MC 109101 (Sub-12)X, filed April 29, 1981. Applicant: J. H. MARKS TRUCKING CO., INC., P.O. Box 2192, Odessa, TX 79760. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Applicant seeks to remove the territorial restriction from its Sub-No. 11F certificate requiring movement to be in foreign commerce only on its authority to transport oilfield equipment between points in Texas.

MC 110563 (Sub-327)X, filed April 8, 1981. Applicant: COLDWAY FOOD EXPRESS, INC., State Route 29, North Sidney, OH 45365. Representative: Steven L. Weiman, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in the lead and Sub-Nos. 10, 16, 17, 18, 19, 20, 21, 22, 25, 27, 29, 31, 33, 34, 38, 41, 43, 45, 46, 47, 48, 52, 54, 56, 58, 60, 63, 64, 67, 70, 71, 72, 73, 76, 84, 85, 87, 93, 94, 98, 101, 104, 106, 109, 110, 112, 113, 114, 116, 117, 119, 121, 122, 126, 135, 137, 138, 139, 140, 141, 142, 146, 149, 150, 151, 154, 159, 161, 163, 167, 170, 171, 175, 176, 177, 179, 181, 184, 186, 187, 190, 191, 193, 199, 202, 205, 206, 208, 209, 210, 211, 213, 215, 216, 217, 219, 222, 227, 229, 230, 231, 234, 235, 236, 237, 238, 239, 240, 245, 247, 249, 250, 251, 252, 253, 255, 259, 260, 261, 262, 263, 266, 268, 269, 270, 271, 273, 274, 278, 282, 283, 284, 285, 286, 287, 288, 289, 290, 293, 294, 295, 296, 298, 300, 301, 302, 305, 306, 308, 314, 315, 316 and 372 certificates (1) by broadening the commodity description in (a) Sub-Nos. 94 and 316 from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", (b) Sub-Nos. 186 and 209 from compressed fireplace logs and charcoal briquettes to "such merchandise as is dealt in by wholesale and retail department and grocery stores and food business houses", (c) Sub-No. 219 from paper and paper products to "pulp, paper, and allied products", (d) Sub-No. 269 from plastic articles and accessories to "miscellaneous plastic products", (e) Sub-No. 287 from dry fertilizer to "chemicals or allied products", (f) Sub-No. 294 from welding equipment and welding supplies to "building equipment", (g) Sub-No. 296 from paper, paper products, plastic products, chemicals, and building materials and materials, supplies in part (1) to "paper and paper products, rubber and plastic products, chemicals and related products, and building materials and supplies", (h) Sub-No. 302 from food, animal foods and animal food ingredients meat by-products and commodities requiring mechanical refrigeration to "food and related products", (i) Sub-No. 314 from charcoal briquettes and barbeque accessories and supplies to "such merchandise as is dealt in by wholesale and retail grocery and food business houses", and (j) in the lead and Sub-Nos. 10, 16, 17, 18, 19, 20, 21, 22, 25, 27, 29, 31, 33, 34, 38, 41, 43, 45, 46, 47, 48, 52, 54, 56, 58, 60, 63, 64, 67, 70, 71, 72, 73, 76, 84, 85, 87, 93, 98, 101, 104, 106, 109, 110, 112, 113, 114, 116, 117, 119, 121, 122, 126, 135, 137, 138, 139, 140, 141, 142, 146, 149, 150, 151, 154, 159, 161, 163, 167, 170, 171, 175, 176, 177, 179, 181, 184, 186, 187, 190, 191, 193, 199, 202, 205, 206, 208, 209, 210, 211, 213, 215, 216, 217, 222, 227, 229, 230, 231, 234, 235, 236, 237, 238, 239, 240, 245, 247, 249, 250, 251, 252, 253, 255, 259, 260, 261, 262, 263, 266, 268, 269, 270, 271, 273, 274, 278, 282, 283, 284, 285, 286, 287, 288, 289, 290, 293, 295, 296, 300, 301, 305, 306, 308, and 315, such as meat, meat by-products, fruits, cheese, confectionary, bakery goods, etc., to "food and related products", (2) by eliminating special equipment restrictions such as "in tank" or "in dump" vehicles in Sub-Nos. 10, 16, 20, 22, 29, 33, 34, 72, 76, 84, 94, 114, 126, 140, 141, 142, 175, 179, 184, 186, 193, 205, 211, 213, 217, 234, 235, 240, 247, 255, 261, 278, 284 and 288, (3) by providing two-way

authority in place of one-way authority in all subs except Sub-Nos. 302 and 318, (4) by permitting service at all intermediate points in the regular route authority of Sub-No. 237, and (5) by expanding the authority to serve named facilities or cities with county or city-wide authority in the lead from Barker, Sodus, Williamson, Webster, Holley, Westfield, NY, Braddock, Bridgeton, Hightstown, NJ and Wilkes Barre, PA, to Monroe, Niagara, Wayne, Chatauqua Counties, NY, Camden, Cumberland, Mercer Counties, NJ and Luzerne County, PA; in Sub-No. 10 from Sunbury, OH to Delaware County, OH; in Sub-No. 16 from Hightstown, NJ, to Mercer County, NJ; in Sub 17 from Kennett Square, West Chester, Kelton, PA to Chester County, PA; in Sub-No. 18 from Collinsville, IL, Mt. Summit, IN, Bridgeton, NJ to Madison County, IL, Henry County, IN, Cumberland County, NJ; in Sub-No. 20 from Flemington, NJ to Hunterdon County, NJ; in Sub-No. 21 from Kennett Square, West Chester, Bloomsburg, PA, to Chester and Columbia Counties, PA; in Sub-No. 22 from facilities at or near Grand Island, NE to Holley County, NE; in Sub-No. 25 from facilities at or near Hackettstown, NJ, to Warren County, NJ; in Sub-No. 27 from facilities at or near Bedford, MA to Middlesex County, MA; in Sub-No. 29 from facilities near Garden City, KS to Finney County, KS; in Sub 31 from West Richfield, OH to Summit County, OH; in Sub-No. 33 from Reading and Lititz, PA to Berks and Lancaster Counties, PA; in Sub-No. 34 from facilities at or near Duryea, PA to Luzerne County, PA; in Sub-No. 41 from facilities at or near Pitman, NJ to Gloucester County, NJ; in Sub-No. 43 from facilities at or near Moosic and Pittston, PA and at or near West Chester, PA to Lackawanna, Luzerne, and Chester Counties, PA; in Sub-No. 45 from facilities at Salem, OH and Philadelphia, PA to Columbiana County, OH and Philadelphia, PA; in Sub-No. 47 from Wapakoneta and Lima, OH to Auglaize and Allen Counties, OH; in Sub-No. 48 from facilities in North Aurora, IL to Kane County, IL; in Sub-No. 52 from facilities at or near Salem, OH to Columbiana County, OH; in Sub-No. 54 from facilities at or near Whitehall and Eau Claire, WI to Trempealeau and Eau Claire Counties, WI; in Sub-No. 56 from Hockessin, DE and Kelton, PA to New Castle County, DE and Chester County, PA; in Sub-No. 58 from Watertown and Gloucester, MA, West Chester, PA, named facilities at or near Pittston, PA, Swoyersville and Bridgeport, PA, to Middlesex and Essex County, MA, Chester, Luzerne, Montgomery Counties, PA; in Sub-No. 60 from facilities at or near Monmouth, IL to Warren County, IL; in Sub-No. 63 from facilities at Fort Madison, IA, to Lee County, IA; in Sub-No. 64 from facilities at or near Ainsworth, Norfolk, Brunswick, Gering, and Crete, NE to Brown, Madison, Antelope, Scotts Bluff, and Saline Counties, NE; in Sub-No. 67 from facilities at Joslin, IL to Rock Island County, IL; in Sub-No. 70 from facilities at or near Denison, Fort Dodge, LeMars, and Mason City, IA, Emporia, KS, Luverne, MN, West Point, NE to Crawford, Webster, Plymouth and Cerro Gordo Counties, IA, Lyon County, KS, Rock County, MN and Cuming County, NE; in Sub-No. 71 from Chelsea, MI, to Washtenaw County, MI; in Sub-No. 72 from facilities at or near Temple, and King of Prussia, PA to Berks and

Montgomery Counties, PA; in Sub-No. 73 from York, NE to York County, NE; in Sub-No. 76 from facilities at Gering, NE to Scotts Bluff County, NE; in Sub-No. 84 from facilities at Elizabethtown, PA to Lancaster County, PA; in Sub-No. 85 from facilities at Chippewa Falls, Eau Claire, and Green Bay, WI to Chippewa, Eau Claire and Brown Counties, WI; in Sub-No. 87 from facilities at or near Grand Island and Park, NE to Hall and Dundy Counties, NE; in Sub-No. 93 from Coldwater, MI to Branch County, MI; in Sub-No. 94 from Aurora, NE to Hamilton County, NE; in Sub-No. 96 from Newman Groven, NE to Madison County, NE; in Sub-No. 101 from Hastings, NE to Adams County, NE; in Sub-No. 104 from facilities at Cleveland, OH to Cleveland, OH; in Sub-No. 106 from Westbury, NY to Nassau County, NY; in Sub-No. 109 from facilities at or near Mankato, KS to Jewell County, KS; in Sub-No. 110 from Allentown and Nazareth, PA to Lehigh and Northampton Counties, PA; in Sub-No. 112 from facilities at or near Sioux City, IA, to Sioux City, IA; in Sub-No. 113 from named facilities at or near Madison, NE to Madison County, NE; in Sub-No. 114 from facilities at or near Chicago, IL to Chicago, IL; in Sub-No. 116 from Freehold, NJ to Monmouth County, NJ; in Sub-No. 117 from Boroughs of Oxford and Lower Oxford Township in Chester County, PA to Chester County, PA; in Sub-No. 119 from facilities at Denison, Carroll, and Iowa Falls, IA to Crawford, Carroll and Hardin Counties, IA; in Sub-No. 121 from facilities at or near Wellston, OH, to Jackson County, OH; in Sub-No. 122 from Minden, NE to Kearney County, NE; in Sub-No. 126 from facilities at or near Cincinnati, OH to Cincinnati, OH; in Sub-No. 135 from facilities at or near Imlay City, Bridgeport and Memphis, MI to Lapier, Saginaw, and St. Claire Counties, MI; in Sub-No. 137 from facilities at or near Plymouth, WI, and Van Wert, OH to Sheboygan County, WI, and Van Wert County, OH; in Sub-No. 138 from facilities at or near Kenosha, WI, and Hebron, IL to Kenosha County, WI and McHenry County, IL; in Sub-No. 139 from facilities at or near Marysville, PA to Perry County, PA; in Sub-No. 141 from facilities at or near Wapakoneta, OH and Chelsea, MI, to Auglaize County, OH and Washtenaw County, MI; in Sub-No. 142 from facilities at or near St. Louis, MO and East St. Louis, IL, to St. Louis, MO and East St. Louis, IL; in Sub-No. 146 from facilities at Wellston, OH to Jackson County, OH; in Sub-No. 149 from facilities at Hazelton, PA to Luzerne County, PA; in Sub-No. 150 from facilities at Hazelton, PA to Luzerne County, PA; in Sub-No. 151 from facilities at or near Wichita, KS, to Wichita, KS; in Sub-No. 154 from facilities at or near New Haven, Greenwich and Stamford, CT to New Haven and Fairfield Counties, CT; in Sub-No. 159 from facilities at or near Decatur, IN to Adams County, IN; in Sub-No. 161 from Booker, TX to Lipscomb County, TX; in Sub-No. 163 from facilities at or near Booker, TX to Lipscomb County, TX; in Sub-No. 167 from Chelsea, MI to Washtenaw County, MI; in Sub-No. 170 from facilities at or near Fort Wayne, IN to Allen County, IN; in Sub-No. 171 from Clark, SD to Clark County, SD; in Sub-No. 175 from facilities at or near St. Louis, MO to St. Louis, MO; in Sub-No. 176 from facilities at or near Eau Claire and Whitehall, WI to Eau Claire and Trempealeau Counties, WI; in Sub-No. 177 from the facilities at or near Plymouth, WI, East Hartford, CT, Springfield, Westwood, and Woburn, MA to Sheboygan County, WI, Hartford County, CT, Norfolk, Middlesex and Hampden Counties, MA from Edison, Florence and Secaucus, NJ, Garden City, NY, Cleveland and Salem, OH, Altoona and Yeadon, PA, and Richmond, VA to Middlesex, Hudson and Camden Counties, NJ, Nassau County, NY, Cleveland, OH and Columbiana County, OH, Blair and Delaware Counties, PA, and Richmond, VA; in Sub-No. 179 from the facilities at or near New London, WI to Waupaca County, WI; in Sub-No. 181 from facilities at or near Kenosha, WI and Hebron, IL to Kenosha County, WI and McHenry County, IL; in Sub-No. 184 from the facilities at Decatur, IL to Macon County, IL; in Sub-No. 186 from the facilities at Marion, OH to Marion County, OH; in Sub-No. 190 from facilities at Kennett Square and West Chester, PA to Chester County, PA; in Sub-No. 191 from facilities at Sioux City, IA to Sioux City, IA; in Sub-No. 193 from facilities at or near Carol Stream, IL, to Cook County, IL; in Sub-No. 199 from facilities at or near Detroit, MI, to Detroit, MI; in Sub-No. 202 from facilities at Sioux City, IA, to Sioux City, IA; in Sub-No. 205 from facilities at or near Jacksonville, IL, to Morgan County, IL; in Sub-No. 206 from facilities at Allentown and Chambersburg, PA and Frankfort, MI, to Allentown, PA, Franklin County, PA, and Benzie County, MI; in Sub-No. 208 from facilities at Marshall, Macon, Moberly and Carrolton, MO, to Saline, Macon, Randolph, and Carrol Counties, MO; in Sub-No. 210 from facilities at or near Buffalo, NY to Buffalo, NY; in Sub-No. 211 from facilities at Springfield, MO to Springfield, MO; in Sub-No. 213 from facilities at or near North Norwich and Ontario Center, NY to Chenango and Wayne Counties, NY; in Sub-No. 215 from facilities at Defiance, OH to Defiance County, OH; in Sub-No. 216 from facilities at or near Fort Atkinson and Jefferson, WI to Jefferson County, WI; in Sub-No. 227 from facilities at or near Baltimore, MD to Baltimore, MD; in Sub-No. 229 from facilities at Omaha, NE to Omaha, NE; in Sub-No. 230 from Newman Grove, NE to Madison County, NE; in Sub-No. 231 from facilities at Chicago, IL to Chicago, IL; in Sub-No. 234 from Terre Haute, IN to Vigo County, IN; in Sub-No. 235 from facilities in Baltimore, MD and Anne Arundel, Baltimore, Howard, and Prince George's Counties, MD to Baltimore, MD and Anne Arundel, Baltimore, Howard and Prince George's Counties, MD; in Sub-No. 236 from facilities at or near Scottsbluff and Fremont, NE, Ottumwa, IA, and Austin, MN to Scotts Bluff and Dodge Counties, NE, Wapello County, IA and Mower County, MN; in Sub-No. 237 from Camden, Jersey City, Elizabeth, New Brunswick, Newark, Paterson, and Trenton, NJ to Camden, Hudson, Union, Middlesex, Essex, Passaic, and Mercer Counties, NJ; in Sub-No. 239 from facilities in Gloucester County, NJ to Gloucester County, NJ; in Sub-No. 240 from facilities at Albert Lea, MN to Freeborn County, MN; in Sub-No. 247 from facilities at or near Cincinnati, OH to Cincinnati, OH; in Sub-No. 249 from facilities at or near Hackettstown, NJ and Elizabethtown, PA to Warren County, NJ and Lancaster County, PA, in Sub-No. 250 from facilities at or near Pittsburgh, PA to Pittsburgh, PA; in Sub-No. 252 from Freehold, NJ, Franklin Park, Elk Grove Village, and Itasca, IL, Dearborn, MI, and Hazelwood, MO to Monmouth County, NJ, Arlington Heights and Dupage Counties, IL, Wayne County, MI, and St. Louis County, MO; in Sub-No. 255 from Cambridge and Mansfield, MA and North Grosvenordale, CT to Middlesex and Bristol Counties, MA and Windham County, CT; in Sub-No. 260 from facilities at or near Plymouth, WI to Sheboygan County, WI; in Sub-No. 261 from facilities at or near East St. Louis, IL to East St. Louis, IL; in Sub-No. 262 from facilities at or near East St. Louis, IL, to East St. Louis, IL; in Sub-No. 266 from Saugatuck and Holland, MI to Allegan and Ottawa Counties, MI; in Sub-No. 269 from facilities at or near Kent, OH to Portage County, OH; in Sub-No. 271 from facilities at or near Sioux City, IA to Sioux City, IA; in Sub-No. 282 from North East, PA to Erie County, PA; in Sub-No. 283 from Wapakoneta, OH to Auglaize County,

OH; in Sub-No. 284 from facilities at Decatur, IL to Macon County, IL; in Sub-No. 285 from facilities at or near Findley, OH to Hancock County, OH; in Sub-No. from facilities at Jacksonville, IL to Morgan County, IL; in Sub-No. 287 from facilities at or near Maumee, OH to Lucas County, OH; in Sub-No. 288 from facilities at or near Columbus, OH to Columbus, OH; in Sub-No. 289 from facilities at or near Hackettstown and Elizabeth, NJ and Elizabethtown, PA to Warren County, and Union Counties, NJ and Lancaster County, PA; in Sub-No. 293 from facilities at or near Sioux City, IA to Sioux City, IA; in Sub-No. 294 from Troy, OH to Miami County, OH; in Sub-No. 295 from Van Wert, OH to Van West County, OH; in Sub-No. 298 from Edgewater, Ridgefield and Fairview, NJ to Bergen and Monmouth Counties, NJ; in Sub-No. 301 from New Hyde Park, NY to Nassau County, NY; in Sub-No. 302 from Fogelsville, PA to Lehigh County, PA; in Sub-No. 305 from facilities at Syracuse, Avon and Fulton, NY to Onondaga, Livingston and Oswego Counties, NY; in Sub-No. 306 from Cudahy, WI to Milwaukee County, WI; in Sub-No. 308 from facilities at Horseheads and Waverly, NY to Tioga and Chemung Counties, NY; in Sub-No. 314 from Salem, MO and Kenbridge, VA to Dent County, MO and Lunenburg County, VA; in Sub-No. 315 from LeMars, IA to Plymouth County, IA; in Sub-No. 316 from facilities in Miami County, OH to Miami County, OH.

MC 111231 (Sub-365)X, filed May 4, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same address as applicant). Applicant seeks to remove restriction in its Sub-Nos. 31, 153, 167, 180 and 185 certificates to (1) broaden the commodity descriptions from general commodities with exceptions to "general commodities, except classes A and B explosives"; (2) replace off-route point facilities limitations with county-wide authority: in Sub-No. 31, Loring, KS with Wyandotte County, KS; in Sub-No. 153 facilities in DuPage Township, Will County, IL with Will County, IL; in Sub-No. 167 Lonoke, AR with Lonoke County, AR; in Sub-No. 180 Mellington, TN with Shelby County, TN; in Sub-No. 185 Goddard, KS with Sedgewick County, KS; (3) in Sub-No. 31 remove the restriction to pickup of shipments only and that limiting transportation to traffic originating at and destined to named facilities; and in Sub-No. 153 remove the restriction against transportation of traffic moving between Will County, IL and points in the Chicago, IL commercial zone.

MC 113678 (Sub-911)X, filed April 17, 1981. Applicant: CURTIS, INC., 4810 Pontiac St. Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 133–4th granting para., 292, 337, 369, 397, 407, 431-part (2), 438, 451, 464, 473, 477, 479, 489, 490-last granting para., 496, 506, 528M–1, 529, 534, 547, 556, 566, 591, 602, 611, 631, 653, 661, 680, 689, 690, 697, 713, 717, 722, 746, 754, 763, 771, 773, 784, 786, 789, 798, 818, 821, 822, 848, 853, 859, 864, 865, 866, 872, 874, 885 to (1) remove facilities limitations at Carlstadt, NJ in Sub-No. 133; at Wilmington, MA in Sub-No. 438; at or near Harrison and Jersey City, NJ in Sub-No. 464; at Cheswick, PA, Houston, TX and Compton, CA in Sub-No. 473; at Scottsboro, AL in Sub-No. 489; at Dickinson, ND in Sub-No. 496; at City of Commerce and Pico Rivers, CA in Sub-No. 506, at Lexington, KY and Aurora, IL in Sub-No. 528 (M1)F; at Putnam County, FL in Sub-No. 529; at Branson, MO in Sub-No. 534; at Kansas City, KS in Sub-No. 547; at Muscatine, IA in Sub-No. 566; at Bradford, PA in Sub-No. 602; at Dallas, TX and Shelbyville, TN in Sub-No. 611; at Menasha, Appleton, Combined Locks, Portage, Peshtigo, Neenah, Rhinelander, Green Bay, Columbus, Eau Claire, Ladysmith, Menomonee Falls, Park Falls, Tomahawk, Oshkosh, Kimberly, Kaukana, Merrill, Brokaw, Rothschild, Biron, Stevens Point and Wisconsin Rapids, WI, in Sub-No. 631; at Philadelphia, PA in Sub-No. 661; at Los Angeles, CA in Sub-No. 680; at Cheswick, PA and Baltimore, MD in Sub-No. 746F; at Pocatello, ID in Sub-No. 754; at Los Angeles, CA in Sub-No. 763; at Dallas and Denison, TX and Denver, CO in Sub-No. 771F; at Columbus, OH in Sub-No. 773F; at Aberdeen, NC in Sub-No. 784F; at Irving, TX in Sub-No. 789; at Columbus, OH in Sub-No. 798F; at White City, OR in Sub-No. 818F; at Cochran and Conyers, GA and Crawfordsville, IN in Sub-No. 848F; at Shreveport, LA, Toledo, OH and Mira Lomca in Sub-No. 853F; at Columbus, OH in Sub-No. 866F; and at New Orleans, LA in Sub-No. 874F; (2) remove "except in bulk" restrictions in Sub-Nos. 289, 369, 464, 477, 556, 566, 591, 602, 631, 653, 661, 680, 690, 746F, 763F, 771F, 773F, 786F, 798F, 822F, 853F, 859F, 864F, 866F, 874F and 885F; and "except in bulk in tank vehicles" restrictions in Sub-Nos. 451, 547, 697, 713F, 717F and 789F; (3) remove "originating at" restrictions in Sub-Nos. 292, 393, 438, 464, 490, 547, 602, 611, 680, 689 and 697; "destined to" restrictions in Sub-Nos. 431 and 722F and "originating at and/or destined to" restrictions in Sub-Nos. 397, 407, 473, 479, 534, 566, 661, 717F, 746F, 754F, 763F, 773F and 864F; (4) remove restrictions against service to AK and HI in Sub-Nos. 407, 451, 479, 489, 547, 653, 689, 713F and 746F, to AK, HI and IL in Sub-No. 653, to AK, HI and CA in Sub-No. 680, to AK, HI and UT in Sub-No. 722F, to AK, HI and CO in Sub-No. 885F; (5) remove "mixed load" limitations in Sub-Nos. 407, 431, 477 and 496; (6) remove exceptions to various named commodities in Sub-Nos. 292, 397, 407, 477, 690, 746F and 872F; and (7) remove equipment restrictions in Sub-Nos. 337, 680, 689 and 722F and 773F and "in container" restrictions in Sub-No. 337.

MC 118806 (Sub-74)X, filed May 4, 1981. Applicant: ARNOLD BROS. TRANSPORT, LTD., 851 Lagimodiere Blvd., Room 200, Winnipeg, Manitoba Canada R2F 3K4. Representative: Bernard J. Kompare, 10 S. La Salle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 49 certificate to (A) broaden the commodity description to "machinery and transportation equipment" from self-propelled articles, in part (4); (B) eliminate the restriction limiting service to the transportation of (a) specified commodities under the same bill of lading and from the same consignor, in part (3), and (b) traffic originating at or destined to named Canadian points; (C) eliminate the restriction prohibiting (a) the transportation of tractors, road-making machinery, contractors' equipment and supplies, and farm machinery, and (b) service to AK and HI; and (D) expand the territorial authority to substitute all ports of entry on the U.S.-Canada international boundary line in ND and MN, in lieu of ports of entry located at or near Portal and Pembina, ND and Noyes, MN.

MC 121596 (Sub-18)X, filed April 17, 1981. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Avenue, Shelbyville, TN 37160. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 4, 9, 10 and 11 certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", in Sub-Nos. 4, 9, and 10, and from such commodities as are dealt in or used by a manufacturer of agricultural chemicals and fertilizers to "chemicals and related products, in Sub-No. 11, (2) authorize service at all intermediate points in connection with its regular-route operations, in Sub-No. 4, (3) remove the restriction against the

transportation of traffic originating at or destined to named points, in Sub-No. 4, (4) remove the "in bulk" restriction, in Sub-No. 11 and (5) change (a) points within five miles of Shelbyville, TN as off-route points to Bedford County, TN, in Sub-No. 4 and (6) change Sterlington, LA to Union and Ouachita Parishes, LA, as an off-route point in Sub-No. 10F.

MC 125113 (Sub-5)X, filed May 6, 1981. Applicant: CHRISTMAN TRUCKING CORPORATION, P.O. Box 776, Washington, PA 15301. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 3 and 4 certificates to (1) broaden the commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)" in each certificate; (2) expand (a) Greater Pittsburgh Airport in Moon Township, and Allegheny County Airport in West Mifflin Borough, Allegheny County, to Pittsburgh, PA, in the lead and Sub-Nos. 1 and 3; (b) Ohio County Airport at Ohio County, WV, to Wheeling, WV, in the lead and Sub-Nos. 1 and 3; (c) Wood County Airport at Wood County, To Parkersburgh, WV; Kanawha County Airport at Kanawha County to Charleston, WV; Morgantown Municipal Airport at Monongalia County to Morgantown, WV; and Benedum Airport at Harrison County to Clarksburg, WV, in Sub-No. 3; and (d) Cleveland-Hopkins Airport at Cuyahoga County to Cleveland, OH, in Sub-Nos. 3 and 4; (3) remove the restriction against shipments having a prior or subsequent movement by air; and (4) remove the exception of Kanawha County Airport in Sub-No. 3.

MC 128473 (Sub-24)X, filed April 22, 1981. Applicant: MONTANA EXPRESS, INC., P.O. Box 3346, Butte, MT 59701. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 5, 8, 9, 12, 13, 16, 17, 18 and 20 certificates to (1) broaden the commodity descriptions to: (a) "food and related products" and such commodities dealt in by grocery and food business houses from articles dealt in and distributed by wholesale grocers in Sub-No. 5; (b) "food and related products" from meat, meat products and meat by-products in Sub-Nos. 8, 9 and part (1) of 17, and from hides in Sub-No. 12; and, (c) "such commodities as are dealt in by grocery and food business houses" from articles dealt in and distributed by wholesale grocers in Sub-No. 16; from canned or preserved foodstuffs, malt beverages, wine, bananas, frozen foods, and agricultural commodities in mixed loads in Sub-No. 13, and from frozen foodstuffs in Sub-No. 20, (2) remove mechanical refrigeration restrictions in Sub-Nos. 5, 16 and 18 and in bulk restrictions in Sub-Nos. 17 and 18; (3) change city to county-wide authority from Billings, Bozeman, Butte, Great Falls, and Missoula, MT to Yellowstone, Gallatin, Silver Bow, Cascade, and Missoula Counties, MT in Sub-No. 5 and Sub-No. 12 from Great Falls, MT to Cascade County, MT in Sub-No. 9; from Glasgow, Harve, Helena, Kalispell, Lewistown, Miles City and Sidney, MT, and Worland, WY to Valley, Hill, Lewis and Clark, Flathead, Fergus, Custer, Richland Counties, MT and Washakie County, WY in Sub-No. 12; from Nyssa, OR and Walla Walla, WA to Malheur County, OR and Walla Walla County, WA in Sub-No. 13; and from Billings, MT to Yellowstone County, MT in Sub-No. 17, (4) remove the facilities limitation (a) in Sub-No. 8 and replace Williston, ND with Williams County, ND (b) in Sub-No. 17 and replace Billings, MT with Yellowstone County, MT, (c) in Sub-No. 18 and replace Pocatello, ID with Bannock County, ID and (d) in Sub-No. 20 and replace American Falls, Burley, Nampa, and Twin Falls, ID and Clearfield and Ogden, UT with Power, Cassia, Canyon, and Twin Falls, Counties, ID and Davis and Weber Counties, UT, (5) remove the originating at and/or destined to restrictions in Sub-Nos. 8, 9, 13, 17 and 18 and (6) change one way to radial authority between various points throughout the U.S. in all Subs.

MC 129744 (Sub-3)X, filed April 27, 1981. Applicant: ENSMINGER MOTOR LINES, INC., 645 Center Road, Frankfort, IL 60425. Representative: William D. Brejcha, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restriction in its MC 129744, and Sub-No. 2 certificates and its MC 145404F Permit to (A) broaden the commodity descriptions from plastic articles to "rubber and plastic articles and chemicals and related products" and from plastic trays and plastic egg cartons to "rubber and plastic articles;" (B) remove "in bulk" restriction from applicant's permit and lead certificate, and remove an "originating at and destined to" restriction from its lead certificate, (C) replace Frankfort, IL with Will County, IL in its lead and Sub-No. 2 certificates; (D) replace one-way authority with radial authority between specified points in IL and points in several States in its lead and Sub-No. 2 Certificates; and (E) authorize "between points in the United States" authority under contract(s) with a named shipper in its permit.

MC 133333 (Sub-9)X, filed May 1, 1981. Applicant: P L TRUCK SERVICE, INC., 626 N Columbia Blvd., Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. Applicants seeks to remove restrictions in its Sub-Nos. 1 and 8F certificates to (1) broaden the commodity description from used automobile and truck parts, and uncrated, used automobiles and truck parts to "transportation equipment"; and (2) remove the "except rebuilt parts" and "uncrated" restrictions in Sub-No. 1.

MC 134716 (Sub-15)X, filed May 4, 1981. Applicant: RUSH TRUCKING, INC., 200 Southwest 19th St., Ft. Lauderdale, FL 33315. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions from its Sub-Nos. 8, 9, 10F and 11F permits to: (1) broaden the commodity description from radio and electronic component parts and accessories to "machinery" in Sub-No. 8; from general commodities with the usual exceptions to "general commodities (except classes A and B explosives)" in Sub-No. 9; and from cosmetics, toilet preparations, toilet articles and premiums, and equipment and supplies used in connection with the foregoing commodities to "such commodities as are dealt in or used by manufacturers of cosmetics and toilet preparations" in Sub-Nos. 10F and 11F; (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers in each of the above numbered permits; and (3) remove the "ex-air" restriction in each permit.

MC 134783 (Sub-78)X, filed May 4, 1981. Applicant: DIRECT SERVICE, INC., P.O. Box 2491, 940 East 66th St., Lubbock, TX 79408. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Applicant seeks to remove retrictions in its MC-136309 permit to: (1) eliminate the commodities in bulk, foodstuffs, meat, meat products, meat by-products, and articles distributed by meat packinghouses, bakery products, refined copper and commodities of unusual value exceptions to the commodity description "commodities dealt in by farm and home supply stores"; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 143277 (Sub-5)X, filed May 6, 1981. Applicant: PRINTERS EXPRESS, INC., 1 Hackensack Ave., S. Kearny, NJ 07032. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410.

Applicant seeks to remove restriction, Sub-Nos. 1 and 3F permikts to (1) broaden the commodity descriptions from printed matter, advertising materials, business forms, and similar material, and materials, equipment and supplies, in Sub-No. 1, and printed matter, magazines, records, advertising media, educational materials, film strips, other material, and materials, equipment and supplies, in Sub-No. 3F to "pulp, paper and related products, printed matter, instruments and photographic goods, and machinery" and (2) expand the territiorial scope to include all points in the United States, under contract(s) with named shippers.

MC 143884 (Sub-5)X, Filed May 4, 1981. Applicant: PERSONALIZED AGENT SERVICE, INC., P.O. Box 45111, Atlanta, GA 30320. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions from its Sub-No. 2 certificate to: (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; (2) broaden the territorial scope by replacing the Atlanta, GA Airport with Atlanta, GA; and (3) remove the restriction limiting transportation to that having a prior or subsequent movement by air.

MC 144036 (Sub-1)X, Filed May 4, 1981. Applicant: J.R. PHILLIPS TRUCKING LTD., R.R. #2, Maidstone, Ontario, CA, NOR 1KO. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street, N.W., Washington, DC 20005. Applicant seeks to remove restrictions in its lead certificate to (1) broaden its commodity description from scrap metals, in bulk, to "commodities in bulk"; (2) expand ports of entry at Port Huron and Detroit, MI to ports of entry in MI and (3) change its one-way to radial authority between points in MI on and south of MI Hwy. 55, and ports of entry of the United States-Canada boundary line in MI.

MC 145950 (Sub-93)X, Filed April 23, 1981. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Drive, Waco, TX 76706. Representative: Donald C. Horne (same address as above). Applicant seeks to remove restrictions from its Sub-Nos. 11F, 14F, 15F,22F, 27F, 37F, 40F, 50F, 52F, 53F, 54F, 55F, 56F, 64F and 84F certificates to (1) broaden the commodity description from specified foodstuffs and foodstuffs to "food and related products" in Sub-Nos. 11F, 14F, 15F, 27F, 37F, 50F, 52F, 53F, 54F, 56F, 64F and 84F; from soy products, paste and flour products and dairy based products to "food and related products" in part (1) (b) of Sub-No. 22F; from glass containers and fibreboard materials to "clay, concrete, glass or stone products and pulp, paper and related products" in Sub-No. 40F; from foodstuffs and paper and paper products to "food and related products and pulp, paper and related products" in Sub-No. 55F; (2) remove the facilities limitations in Sub-Nos. 11F, 14F, 15F, 22F, 27F, 40F, 50F, 52F, 53F, 54F, 55F, 56F, and 64F; (3) replace specific points authority with county-wide authority as follows: Pittsburgh with Allegheny County, PA in Sub-No. 11F; Elizabeth with Union County, NJ in Sub-No. 14F; Albany with Dougherty County, GA in Sub-No. 15F; San Diego with San Diego County, CA, Sparks with Washoe County, NV, Denver with Denver County, CO, Flagstaff with Coconino County, AZ, Oklahoma City with Oklahoma County, OK in Sub-No. 22F; Ontario with San Bernandino County, CA in Sub-No. 27F; Tampa with Hillsboro County, FL in Sub-No. 37F, Waco with McLennan County, TX in Sub-No. 40F; Sherman with Grayson County, TX in Sub-No. 50F; Fresno with Fresno County, CA in Sub-No. 52F; Humboldt with Gibson County, TN in Sub-No. 53F; Ft. Worth with Tarrant County, TX in Sub-No. 54F; Dallas with Dallas County, TX, Lithonia with DeKalb County, GA in Sub-No. 55F; Mayville with Dodge County, WI in Sub-No. 56F; Oak Creek with Milwaukee County, WI in Sub-No. 64F; Mobile with Mobile County, AL, Gulfport with Harrison County, MS, Charleston with Charleston County, SC, Galveston with Galveston County, TX in Sub-No. 84F; (4) remove all restrictions on the commodity descriptions such as "except commodities in bulk, and in vehicles equipped with mechanical refrigeration" wherever they appear in each of the above numbered certificates; (5) eliminate the restrictrions against service to "AK and HI" wherever they appear in each of the above numbered certificates; (6) remove the "originating at and/or destined to" restrictions wherever they appear in each of the above numbered certificates; (7) remove the restriction limiting service to the transportation of traffic having a prior movement by water in Sub-No. 37F and 84F; and (8) expand its one-way authority to radial authority between combinations of points throughout the US.

MC 146516 (Sub-7), filed April 30, 1981. Applicant: ALEXANDER TRUCKING, INC., 1209 South Woodland Drive, Dothan, AL 36301. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 4F certificate to (1) broaden the commodity descriptions from non-alcoholic beverages to "food and related products", (2) replace named plantsites at or near Houston, TX, with city-wide authority, (3) change its one-way authority to radial authority between Houston, TX, and, points in LA in Sub-No. 2F; and between Houston, TX, and, points in AL, AR, and MS in Sub-No. 4F; (4) remove the restriction against the transportation of commodities in bulk in tank vehicles and (5) remove the restriction limiting service to the transportation of traffic originating at the named facilities and destined to the named destinations.

MC 146700 (Sub-8)X, filed May 1, 1981. Applicant: TRAVELERS TRANS CO., INC., Room 8/Commonwealth Pier 5, Boston, MA 02210. Representative: J. Albert Johnson, 8 Whittier Place, Boston, MA 02114. Applicant seeks to remove restrictions in its Sub-Nos. 3F, 5F, 6F, and 7F permits to: (1) expand the commodity description from frozen foods, and materials, equipment and supplies (except commodities in bulk), used in the manufacture and sale of frozen foods, meats, meat products and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 to "food and related products" in Sub-No. 3F, 5F, and 6F; and (2) broaden the territorial authority to "between points in the United States" under continuing contract(s) with named shippers in each of the above permits.

MC 149057 (Sub-4)X, filed April 30, 1981. Applicant: C & M TRUCKING, INC., 3500 North Monroe, Monroe, MI 48161. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Applicant seeks to remove restrictions in its lead and Sub-No. 1F certificates to (1) broaden the commodity description to "metal products" from iron and steel articles, in both certificates; (2) replace facilities with county-wide authority: (a) facilities at or near Monroe, MI, with Monroe County, MI, in both certificates, and (b) facilities at or near Wilton, IA, and St. Paul, MN, with Muscatin County, IA, and Ramsey County, MN, in the lead certificate; and (3) authorize radial authority to replace existing one-way service between various combinations of generally northeastern States and specified counties in (a) MI, IA and MN, in the lead certificate and (b) MI, in Sub-No. 1F.

MC 149500 (Sub-5)X, filed April 28, 1981. Applicant: INTERMODAL SERVICES, INC., 11050 Courthouse Boulevard, Inver Grove Heights, MN 55075. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description from (a) metal building construction wall sections in part (1) of its authority to "fabricated metal products" (2) replace the facilities restriction with city-wide authority to authorize service between Minneapolis, MN, and points in the U.S. and (3) remove the AK and HI exceptions.

MC 150299 (Sub-3)X, filed April 24, 1981. Applicant: WARREN OIL TRANSPORTATION CO., INC., 727 South 13th Street, Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to modify its Sub-No. 1F permit to (1) change the commodity description to add "chemicals and related products" to its authority to transport such commodities as are dealt in or used by manufacturers, distributors, or retailers of automotive service, repair and care products, and livestock care products, and (2) expand the territorial description to between points in the U.S. under contract(s) with named shippers.

MC 150746 (Sub-6)X, filed April 30, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, P.O. Box 929, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F and 3F certificates and MC-141721 Sub-No. 4F permit, to (1) broaden the commodity descriptions from (a) windows and doors, and parts and accessories to "building materials" in Sub-No. 1F; (b) coffee, tea, and dry beverage preparations to "food and related products" in Sub-Nos. 2F and 3F; and (c) peppers in containers, cheese sauce, tortilla chips, paper bowls, and food warmers to "food and related products and paper and related products" in MC-141721 Sub-No. 4F; (2) eliminate the facilities limitation in Sub-No. 2F; (3) change city to county-wide authority from Plainview to Nassau County, NY; Ephrata to Lancaster County, PA; Troy to Oakland County, MI; Pittsburg to Crawford County, KS; and Schaumburg to Cook County, IL, in Sub-No. 1F; (4) expand one-way to radial authority between (a) Nassau County, NY, Lancaster County, PA, Oakland County, MI, and Crawford County, KS, and, Cook County, IL, in Sub-No. 1F; and (b) Omaha, NE, and, points in IA, and WI, in Sub-No. 2F; (5) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper, in MC-141721 Sub-No. 4F; and (6) remove the restriction against service to AK and HI in Sub-No. 3F and MC-141721 Sub-No. 4F.

MC 150875 (Sub-2)X, filed April 29, 1981. Applicant: CENTRAL INTERMODAL CORP., 2801 Spring Grove Ave., Cincinnati, OH 45225. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from its lead certificate by (a) deleting the "except motor vehicles and commodities in bulk" restriction to the general commodities grant, (b) deleting the "rail terminals" territorial limitation, and (c) deleting the restriction to traffic having a prior or subsequent movement by rail; and in its Sub-No. 1 certificate by (a) deleting the "except commodities in bulk" restriction, (b) changing one-way to radial authority in part (1) between points in IL, IN, KY, MI, and OH, and, points in AR, CO, IL, IA, KS, MN, MO, NE, OK, and WI; and (c) deleting the restriction to traffic moving on bills of lading of freight forwarders.

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[Volume No. OP5-81]

Motor Carriers; Permanent Authority Decisions, Decision-Notice

Decided: May 6, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any applicaton, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 121508 (Sub-16), filed February 4, 1981. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Ave., Shelbyville, TN 37160. Representative: James G. Caldwell (same address as applicant), 615-242-5552. Transporting *general commodities* (except classes A and B explosives), between the facilities of American Can Company at points in the U.S. on the one hand, and, on the other, points in the U.S. Applicant

intends to tack with its existing regular-route authority.

MC 147748 (Sub-1), filed January 13, 1981. Initially published in the **Federal Register** on February 9, 1981. Applicant: R.C. KERCHEVAL & J. J. RIEDINGER, A PARTNERSHIP, d.b.a. OVERLAND COMMERCIAL COMPANY, 2214 46th Ave., South, Seattle, WA 98134. Representative: J. J. Riedinger (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in WA, and those points in ID in and north of Nez, Perce, Lewis, and Clearwater counties. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 6370.

MC 148619 (M1) (Notice of filing of petition to modify permit.) Filed February 8, 1981. Petitioner: A T & E MOTOR LINES, INC., P.O. Box 160, Glen Burnie, MD 21061. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20006. Petitioner holds a motor *contract carrier* permit in No. MC-148619 issued July 31, 1980, authorizing the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Atlantic Terminals & Equipment, Inc., in MD and WV, on the one hand, and, on the other, points in OH, IN, KY, WV, NC, SC, GA, PA, MD, NY, NJ, DE, VA, TN, IL, MO, and DC, under continuing contract(s) with Atlantic Terminal & Equipment, Inc. By the instant petition, petitioner seeks to add Burlington Industries, Inc., of Burlington, NC, Laurens Glass Company, of Laurens, SC, Super X Drugs, Inc., of Cincinnati, OH, Travenol Laboratories, Inc., of Deerfield, IL, National Fruit Products, Inc., of Winchester, VA, The Clorox Company, of Oakland, CA, Pyrmind Chemicals, of Fort Washington, PA, Container Corporation of America, of Philadelphia, PA, Chattanooga Glass Company, of Keyser, WV, Schenley Distillers, Inc., of Cincinnati, OH, Atlantic Containers Lines, Inc., of New York, NY, Owens Illinois, Inc., of Toledo, OH, Dart Drug Corporation, of Landover, MD, and Chesapeake Corporation, of Baltimore, MD, as contracting shippers.

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Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 6, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR § 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR § 1100.252. Applicants may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all suppporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-2-069

Decided: May 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier. (Parker not Participating)

MC 155523 (Sub 4), filed April 27, 1981. Applicant: PHOENIX MOTOR EXPRESS, INC., P.O. Box 246, Hasbrouck Heights, NJ 07604. Representative: Gerald K. Gimmel, Esq., Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. 301-840-8585. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-2-071.

Decided: May 7, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 99493 (Sub-11), filed April 30, 1981. Applicant: CENTRAL STORAGE & TRANSFER CO. OF HARRISBURG, P.O. Box 2821, Harrisburg, PA 17105. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101 (717) 236-9318. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensititive weapons and munitions), between points in the U.S.

MC 146143 (Sub-3), filed April 30, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant) 417–862–7460. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155172, filed April 8, 1981. Applicant: JOHN W. DANNER, Box 304, Barrow, AK 99723. Representative: John W. Danner (same address as applicant) 907–852–6673. Transporting (1) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–3–065

Decided: May 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 154685, filed April 30, 1981. Applicant: BEDDER PRODUCE CO., INC., 330 Bliss Street, West Springfield, MA 01089. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103 (413) 732–1136. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, and (4) as a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–3–071

Decided: May 11, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 135524 (Sub-162), filed April 30, 1981. Applicant: G. F. TRUCKING COMPANY, 1028 W. Rayen Ave., P.O. Box 229, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509. Transporting *general commodities* between Knox, Elk City, Callersburg, Bruin, Petrolia, Karns City, Chicora, North Oakland, St. Joe and Dudley, PA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor service for abandoned rail service.

Volume No. OPS–57

Decided: May 7, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 151159, filed April 24, 1981. Applicant: EDWARD HAROLD RYAN, d.b.a. ED RYAN ENTERPRISES, 6431 Hummingbird Lane, Las Vegas, NV 89103. Representative: Mike Soumbeniotis, 402 N. Division St., Carson City, NV 89701, 702–882–0202. transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 154888, filed April 20, 1981. Applicant: HARTNETT MOVING & STORAGE CO., INC., 3227 Rear South Kingshighway Blvd., St. Louis, MO 63139. Representative: Thomas J. Hartnett, 5306 Neosho, St. Louis, MO 63109, 314–832–4682. Transporting *used household goods*, for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 155519, filed April 27, 1981. Applicant: CHARLES F. BURBAGE, 15300 Magnolia St., No. 46, Westminster, CA 92683. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701, 208–336–5955. To operate as a broker of *general commodities* (except household goods), between points in the U.S.

MC 155639, filed April 30, 1981. Applicant: CHARLES S. GRAY d.b.a. G & H ENTERPRISES, INC., Route 224, Marbury, MD 20658. Representative: Charles S. Gray (same address as applicant), 301–753–6991. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–14728 Filed 5–14–81; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29630]

Mt. Vernon Railway Co., Inc.; Purchase Consolidated Rail Corp. Between Columbus and Howard, Ohio

AGENCY: Interstate Commerce Commission.

ACTION: Notice of intent to purchase.

SUMMARY: Mt. Vernon Railway Co., Inc. (MVRC) hereby gives notice of its intent to purchase certain trackage of the Consolidated Rail Corporation (Conrail). The purpose of the proposed acquisition is to acquire certain rail trackage prior to its abandonment, and to preserve it as a regional "feeder" line for the benefit of continued service to customers located on the line.

DATES: MVRC's application may be filed no earlier than June 23, 1981, and comments and competing applications are due no later than 30 days after the application is filed. All statements and applications should refer to Finance Docket No. 29630.

ADDRESS: An original and 10 copies of all statements should be sent to: Section of Finance, Room 5417, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Ernest B. Abbott, (202) 275–3002;
or
Ellen D. Hanson, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Mt. Vernon Railway Co., Inc. (MVRC) has notified the Commission of its intent to apply to purchase certain trackage of the Consolidated Rail Corporation (Conrail) under the feeder line acquisition provisions of 49 U.S.C. 10910 and the interim rules of the Commission in Ex Parte No. 395, served October 24, 1980, and published in the Federal Register November 4, 1980, 45 FR 73106.

In its prospective application MVRC will seek to purchase the Conrail line segment between milepost 142.5 in Columbus, OH to milepost 90.1 in Howard, OH, a distance of 52.4 miles, (referred to as the Mt. Vernon Secondary Tract Industrial Track) and the Conrail line segment continuing on from milepost 0.0 at Howard, OH to milepost 4.5 at Millwood, OH, referred to as the Howard Industrial, making a total distance of 56.9 miles. The portion of the line from milepost 142.5 in Columbus to milepost 131 at Westerville, OH has not been designated for abandonment and is not for sale. MVRC intends to show that the public convenience and necessity require Conrail to sell MVRC this portion of the line. The remainder of the line, from Westerville to Howard and on

to Millwood, is currently listed in Category 1 of Conrail's system diagram map as under study for future abandonment pursuant to 49 CFR 1121.20(b)(2) and is thus eligible for acquisition as a feeder line without a finding of public convenience and necessity. MVRC believes that its acquisition of the Westerville-Millwood line must be tied to the proposed acquisition of the Columbus-Westerville line.

MVRC seeks to acquire this line segment to allow continued service to customers located on the line at no increase in cost to them. MVRC believes that the acquisition will actually increase revenues to Conrail on the same traffic now generated by customers in the Westerville to Columbus segment of the line. Upon acquisition of the line, MVRC intends to provide regular 5-day per week service to customers on the line with connections to three competing truck line carriers in Columbus.

MVRC is presently considering imposition of the following preconditions on service: (a) customers served by the line must accept ownership of their sidings (at no cost) and assume thereafter the continuing maintenance cost of the siding, (b) customers must accept a zone rate concept of revenue collection, paid by the truck line carrier directly to MVRC, and (c) customers must sign a written contact committing them to a minimum annual activity and agreeing to pay a surcharge assuring MVRC revenues adequate to continue service. MVRC intends to elect the complete exemption from Title 49, United States Code permitted under current legislation.

Any interested party may submit comments or recommendations to the Commission with respect to the Notice and application, and any interested and financially responsible persons may also propose to acquire the property through a competing application.

Persons wishing to contact MVRC regarding this matter should do so at the following address: James J. Cullers, Zelkowitz, Barry & Cullers, 121 East High Street, Mount Vernon, OH 43050, (614) 397–5262.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14732 Filed 5-14-81; 8:45 am]
BILLING CODE 7035-01-M

[I.C.C. Order No. 79 Under Service Order No. 1344]

Consolidated Rail Corp.; Rerouting Traffic

Service Date: May 13, 1981.

In the opinion of Joel E. Burns, Agent, Consolidated Rail Corporation is unable to transport promptly all traffic to, from, or via its Cairo Branch, south of Lawrenceville, Illinois, due to termination of its Designated Operators Agreement with the State of Illinois between Lawrenceville and Paris, Illinois.

It is ordered,

(a) *Rerouting traffic.* Consolidated Rail Corporation, being unable to transport promptly all traffic to, from, or via its Cairo Branch, south of Lawrenceville, Illinois, due to termination of its Designated Operators Agreement with the State of Illinois between Lawrenceville and Paris, Illinois, is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 3:30 p.m., May 5, 1981.

(g) *Expiration date.* This order shall expire at 11:59 p.m., May 13, 1981, unless otherwise modified, amended or vacated.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and on the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 5, 1981.

Interstate Commerce Commission.

Joel E. Burns,
Agent.

[FR Doc. 81-14725 Filed 5-14-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major

Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficent opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–4–119

Decided: May 4, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 42487 (Sub-1040), filed April 24, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: W. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4892. Transporting *general commodities* (except classes A and B explosives), serving points in Carbon and Emery Counties, UT, as off-route points in connection with carrier's otherwise authorized regular-route operations.

Note.—Applicant intends to tack with its existing authority.

MC 60087 (Sub-23), filed April 24, 1981. Applicant: CURRY MOTOR FREIGHT LINES, INC., P.O. Box 1190, Amarillo, TX 79105. Representative: Grady L. Fox, 222 Amarillo Bldg., Amarillo, TX 79101, (806) 372–6575. Over a regular route, transporting *general commodities* (except classes A and B explosives), between Amarillo, TX and the OK–TX State line, over U.S. Hwy 60, serving all intermediate points.

Note.—Applicant intends to tack with existing authority.

Volume No. OPY–4–124

Decided: May 7, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 49387 (Sub-62), filed April 29, 1981. Applicant: ORSCHELN BROS. TRUCK LINES, INC., Hwy 24 East, P.O. Box 658, Moberly, MO 65270. Representative: George A. Vitt (same address as applicant), (816) 263–2345. Transporting *general commodities* (except classes A and B explosives), between points in AR, CO, IL, IN, IA, KS, KY, MN, MO, NE, OH, OK, TN, TX, and WI.

MC 70557 (Sub-51), filed May 1, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Sunoco Products Company of Hartsville, SC.

MC 96607 (Sub-23), filed April 28, 1981. Applicant: RUCKER BROTHERS TRUCKING, INC., 1820 Stewart Street E., Tacoma, WA 98421. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104, (206) 622–3220. Transporting *pulp, paper and related products,* between points in Cowlitz, Grays Harbor and Snohomish Counties, WA, on the one hand, and, on the other, points in Clark, Cowlitz, King, Pierce, and Snohomish Counties, WA, and Multnomah County, OR.

MC 105007 (Sub-79), filed April 30, 1981. Applicant: MATSON TRUCK LINES, INC., P.O. Box 328, 1407 St. John Ave., Albert Lea, MN 56007. Representative: Robert S. Lee, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Weyerhaeuser Company of Tacoma, WA.

MC 105447 (Sub-5), filed April 28, 1981. Applicant: C. SCHLEI DRAY LINE, INC., 936 So. 18th St., Manitowoc, WI 54220. Representative: Michael S. Varda, 121 So. Pinckney St., Madison, WI 53703, (414) 684–6675. Transporting (1) *furniture and fixtures,* between points in Manitowoc County, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, NY, ND, OH, PA, SD, and WI, and (2) *household goods,* between points in Brown, Calumet, Door, Fond du Lac, Kewaunee, Manitowoc, Outagamie, Ozaukee, Sheboygan, and Washington Counties, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, and OH.

MC 106207 (Sub-16), filed April 30, 1981. Applicant: NEW YORK-KEANSBURG-LONG BRANCH BUS CO., INC., 50 Hwy 36, Leonardo, NJ 07737. Representative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022, (212) 759–3700. Transporting *passengers and their baggage,* between points in Richmond and New York Counties, NY, under continuing contract(s) with Village Hills Riders Association of Staten Island, NY.

MC 109647 (Sub-36), filed May 1, 1981. Applicant: BOSS-LINCO LINES, INC., 3909 Genesee St., Cheektowaga, NY 14225. Representative: Harold G. Hernly, Jr., 110 S. Columbus St., Alexandria, VA 22313, (703) 836–6115. Transporting *general commodities* (except classes A and B explosives), serving points in Luzerne and Lackawanna Counties, PA, as intermediate and off-route points in connection with carrier's otherwise authorized regular route operations between Binghamton, NY and Allentown, PA.

MC 141167 (Sub-14), filed April 17, 1981. Applicant: BLUFF CITY TRANSPORTATION, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Clarence R. Haar (same address as applicant), (901) 396–2201. Transporting *general commodities* (except classes A and B explosives), which are at the time moving on bills of lading issued by Acme Fast Freight, Inc., a freight forwarders as defined in Section 10102(8), between points in the U.S.

MC 141367 (Sub-3), filed April 28, 1981. Applicant: PUBLIX TRANSPORT, INC., 11740 So. LaPorte St., Worth, IL 60482. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106 (402) 392–1220. Transporting *such commodities* as are dealt in by manufacturers of electrical equipment, between points in Cook County, IL, Bell County, TX, and Bibb County, GA.

MC 143537 (Sub-2), filed April 16, 1981, previously noticed in the Federal Register of April 27, 1981. Applicant: CHARLES W. HOLTCAMP, d.b.a. C Bar S Farms, 15731 North County Rd. 17, Wellington, CO 80549. Representative: Lee E. Lucero, 450 Capitol Life Center, Denver, CO 80203, (303) 861–8046. Transporting (1) *building materials,* and (2) *those commodities which because of size or weight require the use of special handling or equipment,* between points

in the U.S., under continuing contract(s) with Tri-State Steel Co., of Cheyenne, WY.

Note.—The purpose of this republication is to reflect correctly the addresses of the applicant and the representative, and the telephone number of the representative.

MC 144027 (Sub-24), filed April 30, 1981. Applicant: WARD CARTAGE & WAREHOUSING, INC., P.O. Box 685, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004, (202) 347–8862. Transporting *general commodities* (except clases A and B explosives), between points in the U.S.

MC 144117 (Sub-75), filed April 28, 1981. Applicant: TLC LINES, INC., 1666 Fabick Dr., Fenton, MO 63026. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Teneco West, Inc., of Bakersfield, CA.

MC 146837 (Sub-3), filed April 30, 1981. Applicant: SOUTHERN MINNESOTA GROCERY COMPANY, a corporation, 202 Southwest 2nd, P.O. Box 201, Waseca, MN 56093. Representative: Andrew R. Clark, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products*, between points in AR, CO, KS, IA, ID, IL, OK, MN, MO, NE, ND, SD, TN, TX, UT and WI.

MC 147137 (Sub-2), filed May 1, 1981. Applicant: BARNETS, INC. 1619 Barnets Mill Rd., Camden, OH 45311. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, (614) 288–1541. Transporting (1) *such commodities* as are dealt in or used by agricultural businesses, between Louisville, KY, Chicago, IL, and points in Dearborn, Jasper, Floyd and Vigo Counties, IN, Clinton, Eaton, Ingham, Mason and Midland Counties, MI, Campbell County, KY, and points in OH, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, PA and WV, (2) *food and related products*, between Cincinnati, OH, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, PA, SC, TN, TX, VA, WV and WI, and (3) *furniture and fixtures*, between Cincinnati, OH, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, PA, SC, TN, TX, VA, WV and WI.

MC 148847 (Sub-27), filed May 1, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 W. 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 No. LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Johnson & Johnson of New Brunswick, NJ and its subsidiaries.

MC 148737 (Sub-10), filed May 1, 1981. Applicant: SUNSET EXPRESS CORP., P.O. Box 27043, Salt Lake City, UT 84125. Representative: Michael A. Clark (same address as applicant), (801) 484–4307. Transporting *food and related products*, between points in CA and OR, on the one hand, and, on the other, points in CT, MA, ME, NJ, NY and PA.

MC 152827 (Sub-1), filed April 30, 1981. Applicant: YEAGER TRUCKING, INC., 1552 So. Pennsylvania Ave., Morrisville, PA 19067. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561–1030. Transporting (1) *chemicals and related products*, between points in Bucks County, PA, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK and TX, and (2) *metal products*, between points in the U.S. in and east of MN, IA, MO, OK and TX.

MC 153277, filed April 28, 1981. Applicant: TRINITY TRUCKING Co., Inc., 105 Clubhouse Dr., Town Bank, NJ 08204. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkinstown, PA 19046 (215) 576–0131. Transporting *building materials*, between points in the U.S., under continuing contract(s) with The Celotex Corporation, of Tampa, FL.

MC 153677 (Sub-2), filed April 30, 1981. Applicant: BILLY HARRIS TRUCKING CO., Rt. 4, Box 139 A, Henderson, NC 27536. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Rose's Stores, Inc. of Henderson, NC and Henderson Fiber Co., a division of Harriet and Henderson Yarn, Inc., of Henderson, NC.

MC 154477, filed April 28, 1981. Applicant: GEORGE K. LYNCH, d.b.a. TRI STATE DISTRIBUTING CO., 6999 Commerce, El Paso, TX 79915. Representative: George K. Lynch (same address as applicant), (915) 778–6287. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Tri State Associated Grocers, Inc., Economy Cash & Carry, and Grocery Exports, Inc., all of El Paso, TX.

Volume No. OPY4–128

Decided: May 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 48958 (Sub-22), filed May 1, 1981. Applicant: JAMES FLEMING TRUCKING, INC., East Street, Suffield, CT 06078. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, and RI, on the one hand, and, on the other, points in the U.S.

MC 108676 (Sub-165), filed April 28, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., Knoxville, TN 37917. Representative: Michael S. Teets (same address as applicant), (617) 637–2660. Transporting *construction and maintenance machinery and equipment*, between points in the U.S.

MC 108676 (Sub-166), filed April 28, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., Knoxville, TN 37917. Representative: Michael S. Teets (same address as applicant), (615) 637–2660. Transporting *Mercer commodities*, between the facilities of Plasti-Line, Inc. and points in the U.S.

MC 110656 (Sub-21), filed April 28, 1981. Applicant: PARKER MOTOR FREIGHT, INC., 1505 Steele Avenue SW., Grand Rapids, MI 49507. Representative: Ronald J. Mastej, 900 Guardian Bldg., Detroit, MI 48226, (313) 963–3750. Transporting *general commodities* (except classes A and B explosives), between points in Kalkaska County, MI, on the one hand, and, on the other, points in the U.S.

MC 111496 (Sub-41), filed April 28, 1981. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *general commodities* (except classes A and B explosives), between points in MN, ND, SD, MT, WY, CO, ID, OR, and WA.

MC 125996 (Sub-97), filed May 1, 1981. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–6855. Transporting *pulp, paper and related products*, between points in Black Hawk County, IA, on the

one hand, and, on the other, points in UT.

MC 14136 (Sub-5), filed April 30, 1981. Applicant: TRIANGLE TRANSPORTATION & WAREHOUSING SYSTEMS, INC., 5051 Still Creek Ave., Burnaby, BC, Canada V5C 4H6. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235–4730. Transporting (1) *building materials*, and (2) *lumber and wood products*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

Volume No. OPY–4–127

Decided May 8, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher and Williams.

MC 150756 (Sub-2), filed April 28, 1981. Applicant: GUTHMILLER TRUCKING, INC., P.O. Box 206, 30700 Dyer St., Union City, CA 94587. Representative: Eldon M. John, 650 California St., San Francisco, CA 94108, (415) 986–6696. Transporting *containers and container closures*, between points in Los Angeles County, CA, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and the Republic of Mexico, at points in Imperial County, CA.

MC 152056 (Sub-3), filed April 28, 1981. Applicant: RHETT BUTLER TRUCKING, INC., Rt. 6, Box 83, Andalusia, AL 36420. Representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2681. Transporting *food and related products*, (1) between points in Fresno and Merced Counties, CA, Morgan County, IL, Gibson County, TN, Grayson County, TX, and Dodge, Green, and Waupaca Counties, WI, and (2) between points in (1) above, on the one hand, and, on the other, points in the U.S.

MC 154966, filed May 4, 1981. Applicant: EARNEST H. KIENE & LAWRENCE E. KIENE, d.b.a. KIENE BROTHERS, 508 Crossbow Rd., Huntsville, AR 72740. Representative: Lawrence E. Kiene (same address as applicant), (501) 738–6381. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift Dairy & Poultry Company of Huntsville, AR.

MC 155066, filed April 30, 1981. Applicant: ANTHONY P. LUONGO, d.b.a. LUONGO TRUCK LEASING, 704 Belleville Ave., Belleville, NJ 07109. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting (1) *roofing and roofing materials* and (2) *machinery* used in the manufacture, distribution and packaging of roofing materials, between the facilities of Owen-Corning Fiberglas Corporation, at points in the U.S. in and east of MN, IA, KS, OK, and TX.

MC 155666, filed April 28, 1981. Applicant: MID-WAY TRANSPORTATION, INC., P.O. Box 756, Hewitt, TX 76643. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768, (512) 476–6083. Transporting (1) *chemicals and related products*, (2) *building materials*, (3) *gypsum and gypsum products*, (4) *metal products*, (5) *paper and paper products* and (6) *refractory and refractory products*, between the facilities of United States Gypsum Company and its subsidiaries in AR, LA, MO, MS, NM, OK and TX, on the one hand, and, on the other, points in AR, LA, MO, MS, NM, OK and TX.

MC 155726, filed April 30, 1981. Applicant: THOMAS & HOWARD COMPANY, INCORPORATED, 5710 Old Concord Rd., P.O. Box 30155, Charlotte, NC 28230. Representative: Bruce E. McRoy, 1845 No. Church St., P.O. Drawer 2427, Rocky Mount, NC 27801 (919) 446–6151. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Quality Beers, Inc. of Hickory, NC, Stewart Supply Company, Inc. of Charlotte, NC and Thomas & Howard Company, Inc. of Newton, NC.

Volume No. OPY–4–128.

Decided: May 8, 1981, by the Commission Review Board No. 2, members Carlton, Fisher and Williams.

MC 139006 (Sub-28), filed May 5, 1981. Applicant: RAPIER SMITH, Rural Route 5, Loretto Rd., Bardstown, KY 40004. Representative: William P. Whitney, Jr. (same address as applicant), (502) 348–5966. Transporting *general commodities* (except classes A and B explosives), between the facilities of Rand McNally & Company and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143336 (Sub-1), filed May 4, 1981. Applicant: BAY RAPID TRANSIT COMPANY, INC., 441 W. Market St., P.O. Box 3258, Salinas, CA 93912. Representative: John Paul Fischer, 256 Montgomery St., 5th Fl., San Francisco, CA 94104 (415) 421–6743. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter round-trip and one way operations, beginning and ending at points in Monterey, San Benito, Santa Cruz and Santa Clara Counties, CA and extending to points in the U.S. (including AK and excluding HI).

MC 152256 (Sub-3), filed April 28, 1981. Applicant: GRAMMER INDUSTRIES, INC., Box 51, Grammer, IN 47236. Representative: Robert B. Herbert, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204, (317) 639–4511. Transporting *Chemicals and related products*, (1) between points in Floyd County, IN, on the one hand, and, on the other, points in TN, and (2) between points in Henderson and Daviess Counties, KY, and Lucas County, OH, on the one hand, and, on the other, points in IN.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14503 Filed 5-14-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-89]

Certain Apparatus for the Continuous Production of Copper Rod; Commission Request for Comments Concerning Settlement Agreements

AGENCY: U.S. International Trade Commission.

ACTION: Request for public comments on proposed settlement agreements.

SUMMARY: On April 10, 1981, Southwire Co. of Carrollton, Ga., and Krupp GmbH and Krupp International, Inc. entered into settlements which, if approved, would result in termination of this investigation. This notice contains a synopsis of those agreements and seeks public comments upon them.

DATES: Comments will be considered if received on or before June 15, 1981. Comments should conform with Commission Rule 201.8 (19 CFR 201.8) and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–0359.

SUPPLEMENTARY INFORMATION: In connection with the Commission's investigation, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), of alleged unfair methods of competition in the importation or sale of certain apparatus for the continuous production of copper rod in the United States, the complainant, the Commission investigative attorney, and the respondents moved on April 21, 1981, for

an order approving a settlement agreement.

This investigation began with publication by the Commission of a notice in the **Federal Register** on August 13, 1980 (45 FR 53923), stating that an investigation was being instituted to determine:

whether there is a violation of subsection (a) of section 337 in the unauthorized importation of certain apparatus for the continuous production of copper rod, or in their sale, by reason that such apparatus are made in accordance with the claims of U.S. Letters Patent 4,129,170, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Fried. Krupp GmbH of Essen, Federal Republic of Germany and Krupp International, Inc., of Harrison, N.Y. (collectively "Krupp"), were named as respondents. On October 29, 1980, the Commission issued a temporary exclusion order on apparatus that infringe the patent in question, except under a bond of 100 percent *ad valorem*. On February 3, 1981, the Commission voted to suspend this investigation until the date on which the U.S. Court of Customs and Patent Appeals makes its final decision in Appeals Nos. 80-19 and 80-21.

On April 10, 1981, the complainant and respondents entered into settlement agreements which could have the effect of terminating this investigation and settling other outstanding litigation between the parties. On April 21, 1981, the Krupp respondents, complainant Southwire Co., and the Commission investigative attorney filed a joint motion for an order approving the settlement entered into by Krupp and Southwire. A nonconfidential synopsis of that settlement follows:

Synopsis of Settlement Agreements

The two settlements agreement entered into by the parties cover any patent, related technology, or trade secrets of the parties relating to apparatus for the continuous manufacture of copper rod. Under the terms of Agreement #1 Southwire and Krupp grant to each other mutual worldwide licenses for a specified amount of money for each copper rod line of 3000 sq. mm. (5 sq. in.) cast bar area and larger, which either company contracts for during the term of the agreement. Mutual worldwide royalty-free licenses are granted for systems of less than 3000 sq. mm cast bar area.

Agreement #1 also provides that customers of both parties shall be granted royalty-free licenses for such copper rod systems for the full life of the patents, related technology, and trade secrets. Krupp agrees to a credit payment of a specified amount of money on the date that the agreement comes into force. The term of Agreement #1 is 10 years, renewable for 5-year periods by mutual consent. The agreement comes into force upon approval of the United States International Trade Commission, the Commission of the European Community, and, if necessary, the German authorities.

Agreement #2 provides that, as regards copper rod lines contracted for prior to the Agreement, Southwire will not bring suit against Krupp or any of its customers with respect to the use of copper rod lines under any of the Southwire patents now existing or now pending or for misappropriation of Southwire trade secrets. Southwire also agrees to dismiss with prejudice all complaints and appeals against Krupp now pending before any judicial tribunal. Krupp likewise agrees to dismiss all of its complaints and appeals pending against Southwire. Southwire further agrees to take all reasonable actions necessary to permit Krupp's customers or third party suppliers to purchase, install, or import spare or replacement parts for copper rod lines.

In consideration for the convenants and promises, Krupp agrees to pay Southwire a specified amount of money within 15 days of the effective date of the agreement. An addendum to Agreement #2 provides that, if for any reason any governmental authority rejects either of the agreements, the parties agree to return to good faith negotiations to reach a new settlement in light of the position taken by such authority. The addendum also provides that, if Southwire activates any legal or administrative proceedings prior to the settlement coming into force, Southwire will return to Krupp the above-mentioned amount. If Krupp reactivates such proceedings, however, Southwire need not return that money.

COMMENTS REQUESTED: In light of the Commission's duty to consider the public interest in this investigation, the Commission requests written comments from interested persons concerning the effect of the termination of this investigation based upon the settlement agreements upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. These written comments must be filed with the Secretary to the Commission on or before June 15, 1981. The Commission will consider requests for oral argument or oral presentation on this matter if such requests are received in the Office of the Secretary on or before June 1, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept such submission in confidence or return it. All nonconfidential written submissions will be open for public inspection at the Secretary's office.

By order of the Commission.

Issued: May 11, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-14804 Filed 5-14-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Attorney General

Council on the Role of Courts; Notice of Renewal

In accordance with the provisions of the Federal Advisory Committee Act [5 U.S.C. App. I (Supp. II, 1972)], the Office of Management and Budget (OMB) Circular A-63, and after consultation with OMB, the Attorney General has determined that the renewal of the Council on the Role of Courts is in the public interest in connection with the performance of duties imposed on the Department by law.

The Council will advise the Attorney General on principles for use in determining what disputes should be decided by courts.

The Council will consist of 25 members, with a balanced representation of the judiciary, academia, and the legal profession, all appointed by the Attorney General.

The Council will function solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act. Its charter will be filed under the Act, 15 days from the date of the publication of this notice.

Interested persons are invited to submit comments regarding the renewal of the Council on the Role of Courts to the Committee Management Liaison Officer, Maurice Rosenberg, Special Assistant to the Attorney General, U.S. Department of Justice, Washington, D.C. 20530 Phone (202) 633–2922.

Bruce E. Fein,

Associate Deputy Attorney General.

May 8, 1981.

[FR Doc. 81-14709 Filed 5-14-81; 8:45 am]

BILLING CODE 4410-01-M

Attorney General's Task Force on Violent Crime; Meeting

The Attorney General's Task Force on Violent Crime will meet from 9:00 am until 5:00 pm on June 2 and 3, 1981 in the Ballroom of the Hyatt Wilshire Hotel, 3515 Wilshire Boulevard, Los Angeles, California.

The first day of the meeting will be devoted to taking public testimony on the issue of the exclusionary rule and how it affects successful prosecution of violent crimes. Persons interested in testifying should contact the Committee Management Liaison Officer, Attorney General's Task Force on Violent Crime, U.S. Department of Justice, Washington, D.C. 20530 (telephone 202/633–1617). On the second day of the meeting the Task Force members will discuss and arrive at recommendations to the Attorney General on ways in which the federal government could do more to aid in combatting violent crime within present statutory limitations and resource allocations.

The meeting will be open to the public. Approximately 300 seats will be available for the public and the press on a first-come first-served basis.

Inquiries may be addressed to the Committee Management Liaison Officer at the above address.

Jeffrey Harris,

Executive Director, Attorney General's Task Force on Violent Crime.

[FR Doc. 81-14670 Filed 5-14-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated January 19, 1981, and published in the Federal Register on January 27, 1981; (46 FR 8798) Ganes Chemicals, Inc., Lessee of Siegfried Chemicals, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of dextropropoxyhene, a basic class of controlled substances listed in schedule II.

No comments or objections having been received, and pursuant to Section 303 of the comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations § 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: May 11, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-14695 Filed 5-14-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 18, 1980, M.D. Pharmaceutical, Inc., 3501 West Garry Avenue, Santa Ana, California 92704, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Methylphenidate (1724)	II
Diphenoxylate (9170)	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR § 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than June 18, 1981.

Date: May 11, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-14696 Filed 5-14-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in

other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 8th day of May 1981.

Luis Sepulveda,

Acting Director, Office of Program Services.

Applications Received During the Week Ending May 8, 1981

Name of Applicant, Location of Enterprise, and Principal Product or Activity

The J. B. Hunt Company, Lowell, Arkansas—Truck & trailer service, warehouse, sales, transportation of goods.
Sylmar Corp., Rifle, Colorado—Construction of a small shopping plaza.
Northern Steel Castings, Inc., Kankakee, Illinois—Manufacture of carbon and low alloy steel castings.
St. Lawrence Pulp and Paper Corp., City of Ogendsburg, New York—Manufacture or recycled wood pulp.
Trinity Foundries, Inc., Syracuse, New York—Manufacture of castings for water mains and other foundry products.

[FR Doc. 81-14515 Filed 5-14-81; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-20-M]

ASARCO, Inc.; Petition for Modification of Application of Mandatory Safety Standard

ASARCO, Inc., P.O. Box 440, Wallace, Idaho 83873 has filed a petition to modify the application of 30 CFR 57.11-37 (ladderways; requirements) to its Galena Mine located in Shoshone County, Idaho. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the standard that requires a minimum ladderway opening of 24 inches by 24 inches measured from the face of the ladder.

2. Petitioner states that the standard cannot be met in several raises at the mine due to physical size restrictions; enlargement of future raises would significantly increase ground control problems in the highly stressed rock encountered at the mine. In addition, petitioner states that enlargement would result in a substantial diminution of health and safety to miners in the raises.

3. Existing raises are subjected to ground squeeze necessitating constant repair; larger raises would expose repair crews and stope miners to more hazards.

4. For the above reasons, petitioner requests a modification of the present standard to allow a ladderway opening 18 inches by 20 inches.

5. Petitioner states that this proposed modification will provide the same measure of protection to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 15, 1981. Copies of the petition are available for inspection at that address.

Dated: May 6, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-14516 Filed 5-14-81; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-81-107-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Maitland Mine located in McDowell County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be examined in their entirety on a weekly basis.

2. The relevant entries of the mine were driven numerous years ago; roof falls have resulted in deteriorated roof conditions. Rehabilitation of these entries would expose miners to hazardous conditions.

3. The return airways are not designated as return escapeways.

4. As an alternate method petitioner proposes to establish and maintain two air monitoring stations at specified locations, and record the results of daily examinations in a book at each location. An increase of 0.5 percent in the methane reading or a reduction in air quantity of 10 percent will result in an immediate investigation.

6. Petitioner states that this proposed alternate method will provide the same measure of protection to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 15, 1981. Copies of the petition are available for inspection at that address.

Dated: May 6, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-14517 Filed 5-14-81; 8:45 am]
BILLING CODE 4510-43-M

[Docket No. M-81-19-M]

Occidental Oil Shale, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Occidental Oil Shale, Inc., Post Office Box 2887, Grand Junction, Colorado 81502 has filed a petition to modify the application of 30 CFR 57.4-58 (underground fires; requirements) to its Logan Wash Operations located in Garfield County, Colorado. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fires shall not be built underground.

2. Petitioner is under contract with the U.S. Department of Energy (DOE) for engineering development and technical feasibility demonstration of a vertical modified in situ oil shale retorting process (MIS process) at the mine.

3. As an alternate method, petitioner proposes to operate Retort 7 and 8 using a number of safeguards, including

monitoring for various gases such as nitrogen, hydrogen and methane; ventilation proposals; rescue equipment and training; and evacuation and contingency plans.

4. Based on extensive experience over the years, petitioner states that all anticipated relevant factors have been taken into account to guarantee the greatest degree of safety during retort operations and that these will provide miners the same degree of safety as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 15, 1981. Copies of the petition are available for inspection at that address.

Dated: May 6, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-14648 Filed 5-14-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-0294]

Cal Custom Accessories, Inc., Hawk Division of Cal Custom/Hawk, Carson, California; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 14, 1980 in response to a petition which was filed by the International Brotherhood of Teamsters, Chauffers, Warehousemen and Helpers of America, Local 495 on behalf of workers at the Hawk Division of Cal Custom/Hawk, Cal Custom Accessories, Incorporated, Carson, California. The workers produced diagnostic equipment for autos.

U.S. imports of gauges, which include oil and water gauges, increased both absolutely and relative to domestic shipments in 1979 compared to 1978.

U.S. imports of testing and measuirng instruments, which include ammeters, tachometers, tuning lights and exhaust analyzers, increased both absolutely and relative to domestic shipments in 1979 compared to 1978.

Company imports of diagnostic equipment increased in 1979 compared to 1978 and increased in the first half of 1980 compared to the first half of 1979. Company imports of diagnostic equipment, as a percentage of sales, increased in 1979 compared to 1978 and increased in the first half of 1980 compared to the first half of 1979. Production of diagnostic equipment at the Carson plant ceased by the end of May 1980.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with diagnostic equipment for autos produced at the Hawk Division of Cal Custom/Hawk, Cal Custom Accessories, Incorporated, Carson, California contributed importantly to the decline in sales or production and to the total or partial separation of workers of that Division. In accordance with the provisions of the Act, I make the following certification:

All workers of the Hawk Division, Cal Custom/Hawk, Cal Custom Accessories, Incorporated, Carson, California who became totally or partially separated from employment on or after October 28, 1979 and before May 31, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of May 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-14650 Filed 5-14-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-6768]

Haspel Brothers, Inc., Tylertown, Mississippi; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on June 16, 1980, in response to a worker petition received on May 28, 1980, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers at Haspel Brothers, Inc., Tylertown, Mississippi. The workers produce men's and ladies' suits.

In a letter dated April 6, 1981, the petitioner requested withdrawal of the petition. On the basis of this withdrawal, continuing the investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed in Washington, D.C., this 7th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-14651 Filed 5-14-81; 8:45 am]

BILLING CODE 4510-28-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 26, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than May 26, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 11th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Boonton Molding Co. (workers)	Boonton, N.J.	5/4/81	4/22/81	TA-W-12,681	Plastic.
Christopher Dyeing & Finishing (Teamsters)	Paterson, N.J.	5/4/81	4/22/81	TA-W-12,682	Dyeing & finishing fabrics.
Ely & Walker of Yazoo, Inc. (company)	Yazoo City, Miss.	5/5/81	4/29/81	TA-W-12,683	Men's & boys' jeans & overalls.
Keds Corp. (workers)	Lawrence, Mass.	5/5/81	4/24/81	TA-W-12,684	Sport footwear.
Libbey Owens Ford Co. (Wkrs., & United Glass Wkrs.).	Lathrop, Calif.	4/30/81	4/15/81	TA-W-12,685	Laminated glass.
Lloyd's Electronics, Inc. (company)	Edison, N.J.	5/1/81	5/1/81	TA-W-12,686	Speakers boxes, turntables.
Mayflower Coat Mfg. Company (workers)	Brockton, Mass.	5/5/81	4/30/81	TA-W-12,687	Men's rain coats & topcoats.
Bohrer Manufacturing Co., Inc., (workers)	Faribault, Minn.	5/5/81	5/1/81	TA-W-12,688	Tilt-A-Whirl amusement riding device & parts.
Avondale Mills (company)	Pell City, Ala.	5/5/81	5/1/81	TA-W-12,689	Unfinished woven apparel fabrics.
Ely & Walker of Monterey, Inc. (company)	Monterey, Tenn.	5/5/81	4/29/81	TA-W-12,690	Men's & boys' jackets & men's painter jeans.
Engel Industries, Inc. (workers	Merrimack, Mass.	5/6/81	5/4/81	TA-W-12,691	Shoe counters—reinforcements.
H. W. Gossard (Lingerie Div.) (workers)	Piggott, Ark.	5/5/81	4/22/81	TA-W-12,692	Lingerie.
Prestolite Battery (UAW)	Vincennes, Ind.	5/7/81	5/4/81	TA-W-12,693	Lead acid storage batteries, office & plant clerical unit.
Unique Leather, Inc. (ACTWU)	New York, N.Y.	5/5/81	4/30/81	TA-W-12,694	Outerwear.
Ford Motor Co., Pittsburg Dealer Development Office (company).	Pittsburgh, Pa.	5/8/81	5/4/81	TA-W-12,695	Cars, trucks, vans & general utility vehicles.

[FR Doc. 81-14660 Filed 5-14-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-10, 220]

Markay Handbags, Inc., Plainfield, New Jersey, New York, New York; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on August 18, 1980 in response to a petition which was filed on behalf of workers at Markay Handbags, Incorporated, Plainfield, New Jersey and New York, New York. The workers produced handbags.

U.S. imports of handbags increased absolutely and relative to domestic production in 1980 compared to 1979. U.S. imports increased relative to domestic production in 1979 compared to 1978. The ratio of U.S. imports of handbags to domestic production was over 220 percent in each year from 1978 to 1980.

A Department survey revealed that customers accounting for a significant proportion of Markay's sales decline either increased their purchases of imported handbags or increased their reliance on imported handbags in 1980 compared in 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with handbags produced at Markay Handbags, Incorporated, Plainfield, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Markay Handbags, Incorporated, Plainfield, New Jersey and sales offices located in New York, New York who became totally or partially separated from employment on or after January 31, 1980 and before October 31, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of May 1981.

C. Michael Aho,

Director, Office of Foreign Economic Research.

[FR Doc. 81-14662 Filed 5-14-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,180]

Millington Screw Products, Inc., Millington, Mich.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 30, 1981, in response to a petition received on January 26, 1981, which was filed on behalf of workers at Millington Screw Products, Inc., Millington, Michigan.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-9738). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 7th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-14663 Filed 5-14-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,638]

National Mines Corp., Beaver Creek Division, Wayland, Kentucky; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on November 10, 1980, in response to a petition received on October 31, 1980, which was filed by the United Mine Workers of America on

behalf of workers at National Mines Corporation, Beaver Creek Division, Wayland, Kentucky.

The petitioning group of workers are subject to an ongoing investigation for which a determination has not yet been issued (TA-W-11,208). Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 7th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-14654 Filed 5-14-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,522]

VRN International Division of Vernitron Corp., St. Petersburg, Fla.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on October 31, 1980 in response to a petition which was filed on behalf of workers at the St. Petersburg, Florida plant of VRN International, a Division of Vernitron Corporation. The workers of the St. Petersburg plant of VRN produce potentiometers.

The investigation revealed that criterion (3) has not been met.

A certification applicable to the petitioning group of workers expired on September 18, 1980. Average sales, production, and employment at the subject firm increased in 1980 compared to 1979. Also, average employment increased during the period September to December, 1980 compared to the like period in 1979. Variations in production and employment levels at the St. Petersburg plant in 1980 are attributable to normal business fluctuations.

The petitioners allege that Vernitron assembled potentiometers in Barbados. Vernitron has operted a plant in Barbados since 1976. There was no evidence that company imports from Barbados adversely affected production and employment at the St. Petersburg plant in 1980.

U.S. imports of total variable resistors (the category includes potentiometers) decreased in quantity in 1979 compared to 1978 and in the first nine months of 1980 compared to the like period in 1979.

Conclusion

After careful review, I determine that all workers of the St. Petersburg, Florida plant of VRN International, a Division of Vernitron Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 7th day of April 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-14656 Filed 5-14-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-12,061]

Walter Dyer Leather, Inc., Lynn, Mass.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 19, 1981, in response to a worker petition received on January 12, 1981, which was filed on behalf of workers at Walter Dyer Leather, Inc., Lynn, Massachusetts.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C., this 7th day of May 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-14655 Filed 5-14-81; 8:45 am]

BILLING CODE 4510-28-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 81-37]

Exemption From the Prohibitions for Certain Transactions Involving the Hastings Construction Co., Inc. Profit-Sharing Plan. Located in Hastings, Minn. (Exemption Application No. D-1632)

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This temporary exemption permits, for a period of three years, the sales by the Hastings Construction Co., Inc. (the Employer), the sponsor of the Hastings Construction Co., Inc., Profit Sharing Plan (the Plan) of its interests in contracts for deed or residential first mortgage loans (collectively, the Contracts) to the Plan. The exemption also permits the guarantee of the obligation of the Employer in such sales by Paul W. Lawrence (Lawrence), his wife and Donald W. Gustafson (Gustafson).

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, (202) 523-88881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 17, 1981, notice was published in the **Federal Register** (46 FR 17166) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a period of three years to the sales by the Employer of its interest in the Contracts to the Plan and for the guarantee of the obligation of the Employer in such sales by Lawrence and his wife and Gustafson. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written

request that a public hearing be held relating to this exemption. The applicants have represented that they have met the notice provisions as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply for a period of three years to (1) the sales by the Employer of its interest in the Contracts to the Plan; provided that the terms of the sales are at least as favorable to the Plan as those which the Plan could receive in the same transaction with an unrelated party; and (2) to the guarantee of the obligation of the Employer in such sales by Lawrence and his wife and Gustafson.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 12th day of May, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-14627 Filed 5-14-81; 8:45 am]
BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-39]

Exemption From the Prohibitions for Certain Transactions Involving the Employee Group Term Life Plan Maintained by the International Harvester Co., Located in Chicago, Ill. (Exemption Application No. D-2162)

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption exempts, under certain conditions, the reinsurance by the Association Life Insurance Company, Inc. (ALIC) of a group term life insurance contract sold to the International Harvester Company (the Employer) on behalf of the Employee Group Term Life Plan (the Plan). ALIC is a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 9, 1981, notice was published in the **Federal Register** (46 FR 2420) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406 (a) and (b) of the Employee Retirement Income Security Act of 1974 (the Act), for transactions described in an application filed on behalf of the Employer and ALIC. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicants informed the Department that they would be unable to notify interested persons of their right to comment and request a hearing within the time period set forth in the proposed exemption. Pursuant to discussions with the Department, the applicants notified interested persons that the period for written comments and requests for a public hearing would be extended until April 9, 1981. The applicants have represented that interested persons were notified, in the manner set forth in the notice of pendency, on or before March 9, 1981.

The Department received four comments from interested persons with respect to the proposed exemption. Two commentators requested a hearing. One of the requests for a hearing was subsequently withdrawn. The Department has declined to hold a hearing in response to the second request since the request raised no issues relevant to the proposed exemption. Two commentators requested information relative to the proposed exemption, and such information was provided by the Department. A comment was submitted by the applicants to correct an error in their application. The application as filed and the exemption proposed by the Department state that the group term life insurance contract was purchased by the Employer from the Aetna Life and

Casualty Company (Aetna). The applicants have informed the Department that the contract had in fact been purchased from the Aetna Life Insurance Company (Aetna Life), a wholly-owned subsidiary of Aetna. The Department has modified the exemption to correct this error.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

(2) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and (b) of the Act shall not apply to the reinsurance of risks and the receipt of premiums thereform by ALIC from the group term life insurance contract sold by Aetna Life to the Employer to provide benefits to the Plan, subject to the conditions set forth in the notice of proposed exemption.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 12th day of May 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81–14628 Filed 5–14–81; 8:45 am]

BILLING CODE 4510–29–M

[Prohibited Transaction Exemption 81–38]

Exemption From the Prohibitions for Certain Transactions Involving Lovell's Profit-Sharing Trust Located in Astoria, Oreg. (Exemption Application No. D–2083)

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption would exempt the cash sale of two parcels of real property by the Lovell's Profit Sharing Trust (the Plan) to Robert S. Lovell (the Plan Administrator).

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523–8884. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On March 20, 1981, notice was published in the **Federal Register** (46 FR 17933) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed by the Plan Administrator. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471,

April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale of two parcels of real property by the Plan to Mr. Robert S. Lovell for $3,100, provided that this amount is not less than the fair market value at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 12th day of May 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-14629 Filed 5-14-81; 8:45 am]
BILLING CODE 4510-29-M

[Application Nos. D-2199 and 2200]

Proposed Exemption for Certain Transactions Involving the Gordon Food Service, Inc. Pension Plan and the Gordon Food Service, Inc. Profit Sharing Plan and Trust Located in Grand Rapids, Mich.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed temporary exemption would exempt (1) for a period of 5 years the proposed loans of money by the Gordon Food Service, Inc. Pension Plan and Trust (the Pension Plan) and the Gordon Food Service, Inc. Profit Sharing Plan and Trust (the Profit Sharing Plan), collectively, (the Plans) to Gordon Food Service, Inc. (the Employer), the sponsor of the Plan; and (2) for the term of such loans the personal guarantees of Paul B. Gordon and John M. Gordon of the obligation of the Employer in such loans. The proposed exemption, if granted would affect the Employer, participants and beneficiaries of the Plans and other persons participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Department on or before June 25, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application Nos. D-2199 and D-2200. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the trustees (the Trustees) of the Plan, pursuant to section 406(a) of the Act and section 4975 (c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Fact and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. As of August 2, 1980, the Pension Plan had assets of $2,060,880 and 278 participants. As of August 2, 1980, the Profit Sharing Plan had assets of $5,305,850 and 222 participants. The Trustees are Paul B. Gordon, John M. Gordon and Daniel A Gordon, all of whom are officers and shareholders of the Employer.

2. Since 1967 and continuing to the present, it has been the practice of the Plans to make equipment loans (the Existing Loans) to the Employer. At the present time, there are Existing Loans outstanding in the amount of $484,000 from the Pension Plan and $1,132,000 from the Profit Sharing Plan. All of the Existing Loans were entered into prior to July 1, 1974 and are continuing pursuant to the original loan contract or a renewal thereof. The applicants are not requesting exemptive relief for the Existing Loans as they represent the Existing Loans are subject to the relief provided by section 414 of the Act. All payments of principal and interest on the Existing Loans have been paid in a timely manner. The Existing Loans are secured by security interests in over-the-road, commerical tractors and trailers purchased by the Employer for use in its wholesale distribution business and, at times, hi-lo and fork lift trucks and pallet trucks. The Employer has granted to the Plans security interests in a sufficient amount of equipment so that the fair market value of the collateral is at least equal to 125% of the Existing Loans outstanding. The specific items of equipment used as collateral are adjusted annually and the security interests in any new collateral are perfected annually. The Existing Loans are evidenced by demand promissory notes from the Employer, and are guaranteed by Paul B. Gordon and John M. Gordon.

3. The Trustees are requesting a temporary exemption for a period of 5 years during which time the Plans would be permitted to make additional equipment loans (the Proposed Loans) to the Employer. The 5-year period will begin on the date the exemption for the Proposed Loans is published in the **Federal Register** and the Proposed Loans would be subject to the following conditions.

4. The Proposed Loans will have a maximum length of 5 years and will have quarterly payments of principal and interest. The interest rate on the Proposed Loans will be at a rate equal to 1½% above the prime rate of the Michigan National Bank (the Bank) of Grand Rapids, Michigan and will be adjusted on a quarterly basis. The Proposed Loans will be secured by a security interest in certain equipment (the Equipment). The Equipment will be

over-the-road, commercial tractors and trailers, hi-lo and fork lift trucks and pallet trucks. The applicants represent that the dollar value of the Equipment will always be maintained at an amount at least equal to 150% of the dollar value of the outstanding balance of the Proposed Loans. In addition the Proposed Loans will be backed by the full faith and credit of the Employer and will be personally guaranteed by the principal shareholders of the Employer, Paul B. Gordon and John M. Gordon. The applicants represent that Paul B. Gordon and John M. Gordon each have a net worth in excess of $2,000,000. In addition, no Proposed Loan will be made by a Plan if at the time of the making of the Proposed Loan the total dollar amount of such Proposed Loan together with the dollar amount outstanding on the Existing Loans in such Plan would be greater than 25% of the dollar value of the assets of the Plan making the Proposed Loan.

5. Prior to the Plans entering into any Proposed Loan, an independent fiduciary, the Bank, will certify that such Proposed Loan would be an appropriate investment for the Plan and that the terms of such Proposed Loan are equal to or better than those which the Plan would receive in dealing with an unrelated party. The Bank will also be responsible for monitoring the fair market value of the collateral used in securing the Proposed Loans, for monitoring the payments on the Proposed Loans and for enforcing any rights the Plans have in the Proposed Loans.

6. In summary, the applicants represent that the proposed transactions meet the statutory criteria for an exemption under section 408(a) of the Act because (1) the Trustees represent that the Proposed Loans are in the best interests of the Plans; (2) the Proposed Loans will be approved and monitored by an independent party; (3) it is a temporary exemption; and (4) the Plans will receive a favorable rate of return on an adequately secured investment.

Notice to Interested Persons

Within ten days of its publication in the **Federal Register** a copy of the notice of pendency and a statement advising interested persons of their right to comment or request a hearing will be mailed to all participants and beneficiaries of the plans.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees or the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply: (1) For a period of 5 years to the Proposed Loans by the Plans to the Employer; and (2) for the term of the Proposed Loans to the personal guarantees of Paul B. Gordon and John M. Gordon of the obligation of the Employer in the Proposed Loans provided that the terms and conditions of the Proposed Loans are at least as favorable as those which the Plans would receive from an unrelated party in similar transactions.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 11th day of May 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-14628 Filed 5-14-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2039]

Proposed Exemption for Certain Transactions Involving the Semtner Companies, Inc. Profit Sharing Plan Located in Dallas, Tex.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed $500,000 loan by the Semtner Companies, Inc. Profit Sharing Plan (the Plan) to the Semtner Companies, Inc. (the Employer), the sponsor of the Plan. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the Employer and other persons participating in the transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before June 25, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D–2039. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Small of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a non-contributory profit sharing plan. As of May 27, 1980, the Plan had assets of $1,959,504 and 80 participants. The trustee of the Plan is the First National Bank in Dallas (the Trustee). The Trustee has the responsibility for making the investment decisions for the Plan.

2. Presently, the Employer has a line of credit with the Trustee in the amount of $600,000 for the construction of additional warehouse space (the Addition) which would be used in the business of the Employer. The Employer has arranged for a loan (the Trustee Loan) of $600,000 on such line of credit although no funds have been received to date. The Trustee Loan is collateralized by a first lien on certain real property (the Property) located at 400 S. Hall St. Dallas, Texas. The Property is a warehouse-office building owned by the Employer. Construction has begun on the Addition and since no funds have been advanced on the Trustee Loan the Employer is spending its own funds to meet obligations due on the construction of the Addition.

3. Since the Employer has chosen not to use any funds from the Trustee Loan, the Employer is requesting an exemption that would permit the Employer to borrow $500,000 (the Plan Loan) from the Plan to pay off the expenses it incurred in the construction of the Addition. The Plan Loan would be a 10 year loan with a repayment rate of $50,000 per year plus interest on the unpaid balance. The interest rate on the Plan Loan will be set in accordance with the rate that is normally charged in the Dallas, Texas area by lenders making similar loans, but will never be less than 12% per annum. Such interest rate will be adjusted every six months and will be determined by an independent party. Prior to the Plan entering into the Plan Loan, a party unrelated to the Plan or the Employer, Mr. John B. Gilman (Gilman) of Dallas, Texas will determine whether the Plan should enter into such loan and, if approval is given, will accept the responsibility for approving the 6 month interest adjustments as well as the monitoring of the payments on such loan. Mr. Gilman is the past president of W. D. Felder Cotton Company, Inc. located in Dallas, Texas and presently acts as a corporate agent in Dallas, Texas. In addition, the Trustee must certify that the Plan Loan is in the best interests of the participants and beneficiaries of the Plan and certify that the terms of the Plan Loan are at least equal to those which the Plan could receive in a similar transaction with an unrelated party. On April 15, 1980, the Property was appraised by an independent appraiser, Mr. G. William Maguire, M.A.I. (Maguire) located in Dallas, Texas. Maguire represented that on such date the Property had a fair market value of $1,400,000. The Employer represents that at all times during the Plan Loan, the Employer will maintain collateral for such loan in an amount equal to at least 150% of the outstanding balance of such loan.

5. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because (1) the Trustee represents that the Plan Loan is in the best interests of the Plan; (2) an independent party will approve and monitor the terms of the Plan Loan; (3) the Plan will receive a high rate of interest on the Plan Loan; and (4) the Plan Loan will be adequately collateralized.

Notice to Interested Persons

Within ten days of its publication in the **Federal Register** a copy of the notice of pendency and a statement advising interested persons of their right to comment or request a hearing will be mailed to all participants and beneficiaries of the Plan.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the code shall not apply to the Plan Loan of $500,000 by the Plan to the Employer provided that the terms of such loan are at least equal to those which the Plan could receive in a similar transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 11th day of May 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor

[FR Doc. 81-14630 Filed 5-14-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2447]

Proposed Exemption for Certain Transactions Involving the Truman Arnold Distributing Company, Inc. Retirement Trust Located in Texarkana, Tex.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the contribution of a parcel of real property and improvements thereon by the Truman Arnold Distributing Company, Inc. (the Employer) to the Truman Arnold Distributing Company, Inc. Retirement Trust (the Plan). The property would then be leased back to the Employer. The proposed exemption, if granted, would affect the Plan, its participants and beneficiaries, the Employer and others participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before July 1, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D–2447. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Pograms, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Elliot Arditti of the Department of Labor, telephone (202) 523–8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined contribution plan with 80 participants as of March 12, 1980. Plan assets as of September 30, 1979 were $692,797 with over $410,000 of marketable securities and other liquid assets.

2. The Employer, whose home office is in Texarkana, Texas, owns and operates an interstate chain of convenience stores as well as distribution centers for petroleum products, and is the largest distributor of Conoco petroleum products in the world. Prior to July 1, 1974, the Plan purchased the land and buildings where the home office is located. Since that acquisition, the Employer and its sister corporation, Truman Arnold Transport Company, Inc. have leased this property from the Plan. In 1979, the Employer purchased a parcel of property contiguous with the original parcel of property owned by the Plan. In October of that year, the Employer finished construction of a building on that site. The purchase price of the property was $33,667 and construction costs for the building were $219,372.

3. It is now requested that the Employer be allowed to donate both the land and building to the Plan as a portion of its annual contribution, and then subsequently lease the property back to the Employer at an initial rate of $37,800 per year on a triple net basis. Any taxes, insurance, or other cost of ownership of the property will result in a corresponding increase in the amount of the lease payment. An independent appraisal of the property (discussed below) estimates the gross fair rental value of the property at $38,405 and the net rental value (after expenses) of the property at $34,560. The initial net rental income to the Plan of $37,800 exceeds the net income estimate of the appraiser.

4. An independent fiduciary, the Commercial National Bank in

Shreveport, Louisiana, (the Bank) has been appointed to monitor both the contribution and subsequent leaseback. It will have full authority and responsibility to take all actions necessary to protect the interests of the Plan. The Bank, through its President and Chief Executive Officer, James E. Burt III represents that it is a metropolitan financial institution with over $700 million in assets. It maintains no financial or other relationship with either the Employer or Mr. Truman Arnold individually. The Bank has reviewed the proposed transaction and has determined that the transaction is in the best interests of the Plan and its participants and beneficiaries.

5. An appraisal of the subject property was prepared by Jim Freeman, ASA, CA–S, of P. M. Brown Realtors, Inc. of Texarkana, Texas. Mr. Freeman appraised the property as of November 17, 1980, at $270,000 with the land being valued at $42,300 and the improvements being valued at $227,700. This is an increase of $15,000 over an appraisal completed by Mr. Freeman in February, 1980 covering the same parcel and the improvements on it. In an addendum to the updated appraisal, it was represented by P. M. Brown Realtors, Inc. that the subject property is a multipurpose property that can be easily converted to other uses should the need arise.

6. It is requested that the new facilities be leased to the Employer until September 30, 1984, with three additional five year renewable options exercisable solely at the discretion of the Bank. The monthly lease payment will be established by an independent appraisal conducted once every three years. The Bank will be responsible for selecting the independent appraiser to conduct these appraisals. In no event will the lease payment be less than that of the preceding three year period or less than 14% of the fair market value of the property as established by the independent appraisal. The Employer and Mr. Truman Arnold, individually, agree to indemnify the Plan against any decline in the market value of the property below the Plan's original historical cost basis.

7. The applicant states that this proposed exemption relates solely to the lease of the property to be contributed to the Plan and in no way affects the lease of any property owned by the Plan prior to July 1, 1974. It is fully understood that appropriate action relating to the property under lease prior to July 1, 1974 will have to be taken prior to June 30, 1984 due to the transitional rules contained in section 414 of the Act.

8. In summary, the applicant represents that the proposed contribution of a parcel of real property and the improvements thereon, to the Plan, and the subsequent leaseback of the property to the Employer meets the statutory criteria for an exemption under section 408(a) of the Act because (a) the Bank, as fiduciary for the Plan will take all actions necessary to protect the interest of the Plan, and will have sole and absolute control over the property including, but not limited to the collection of lease payments and the sale or other disposition of the property; (b) the monthly lease payment will be set pursuant to an appraisal conducted once every three years by an independent appraiser who will be selected by the Bank; (c) the lease payments are guaranteed not to fall below those of the preceding three year period or, at a minimum, below 14% of the fair market value of the property; and (d) the Bank represents that the proposed transaction is in the best interest of the Plan and its participants and beneficiaries.

Notice to Interested Persons

Within fifteen days of publication in the Federal Register, notice of the proposed exemption will be sent to all Plan participants and beneficiaries with their payroll checks or by U.S. Mail. The notice will include a copy of this notice as published in the Federal Register and will be accompanied with a statement that any interested person may comment and/or request that a hearing be held.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the contribution of a parcel of property and the improvements thereon located at South Robison Road, Texarkana, Texas, to the Plan by the Employer, and the subsequent leaseback of that property to the Employer, provided the contribution is valued at its fair market value on the date contributed and the terms of the lease are no less favorable to the Plan than

terms obtainable in an arms-length transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 11th day of May, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-14651 Filed 5-14-81; 8:45 am]
BILLING CODE 4510-29-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street NW., Washington, DC 20506:

Date: June 1-2, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications submitted for Elementary and Secondary Education Program, for projects beginning October 1, 1981.

Date: June 4-5, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications submitted for Elementary and Secondary Education Program, for projects beginning October 1, 1981.

Date: June 9-10, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications submitted for Elementary and Secondary Education Program, for projects beginning October 1, 1981.

Date: June 11-12, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023.
Program: This meeting will review applications submitted for Pilot Grants, Division of Education, for projects beginning after October 1, 1981.

Date: June 15-16, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023.
Program: This meeting will review applications submitted for Pilot Grants, Division of Education, for projects beginning after October 1, 1981.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 81-14737 Filed 5-14-81; 8:45 am]
BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Minority Programs in Science Education; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Minority Programs in Science Education.
Date and Time: May 28, 1981—1:30 to 5:00 p.m.
Place: National Science Foundation, Room 540, 1800 G Street NW., Washington, D.C. 20550.
Type of Meeting: Open.
Contact Person: Dr. Alphonse Buccino, Director, Office of Program Integration, Directorate for Science and Engineering Education, National Science Foundation, Washington, D.C. 20550 (202) 282-7947.
Summary Minutes: May be obtained from the Contact Person, Dr. Alphonse Buccino, at the above stated address.
Purpose of Meeting: To provide advice regarding minority programs in science education.
Agenda: Consideration of issues regarding Minority Programs in Science Education of interest to the new NSF Committee on Equal Opportunities in Science and Technology.

Reason for late notice: This meeting is planned to immediately follow the first meeting of the new Committee on Equal Opportunities in Science and Technology in order to optimize coordination of the two committees and facilitate transfer of responsibilities.

M. Rebecca Winkler,

Committee Management Coordinator.

May 12, 1981.

[FR Doc. 81-14704 Filed 5-14-81; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Metal Components; Addition to Agenda

The following changes have been made to the agenda of the ACRS Subcommittee on Metal Components scheduled for May 19, 1981 which was published Wednesday, April 29, 1981 (46 FR 24047).

(1) The meeting will start at 9:30 a.m. instead of 8:30 a.m.

(2) The Subcommittee will discuss the failures of safety related bolts and bolt assemblies in operating plants as well as discussion of bolt design criteria for plants under construction or plants being designed. In addition, safety issue TASK A-12, Fracture Toughness of Supports will also be discussed. The Subcommittee will also discuss with the NRC Staff thermal shock considerations with regards to reactor pressure vessel integrity.

All other items regarding this meeting remain the same as announced in the Federal Register published Wednesday, April 29, 1981, including the location (Room 1046, 1717 H Street NW., Washington, D.C.).

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: May 11, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-14697 Filed 5-14-81; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Nuclear Safety Research Program; Meeting

The ACRS Subcommittee on the Nuclear Safety Research Program will hold a meeting on June 3, 1981, 8:30 a.m., in Room 1046, 1717 H Street, NW., Washington, D.C. The Subcommittee will discuss the fiscal year 1983 NRC Safety Research Programs and the associated budget. The Subcommittee will discuss also the draft chapters of the ACRS Report to the Commission on NRC's fiscal year 1983 Safety Research Program and Budget.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which the Subcommittee finds it necessary to discuss information regarding the fiscal year 1983 NRC Safety Research Program and Budget (Sunshine Act Exemption (9)(B)). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, June 3, 1981, 8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting. The authority for such closure is Exemption (9)(B) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

Dated: May 12, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-14698 Filed 5-14-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Meeting

The ACRS Subcommittee on the Reliability and Probabilistic Assessment will hold a meeting on June 3, 1981, 3:30 p.m., in Room 1167, 1717 H Street, NW., Washington, DC. The Subcommittee will discuss the portions of the proposed NRC Safety Research Program relating to reliability and probabilistic assessment and the associated budget for FY 1983.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which the Subcommittee finds it necessary to discuss information regarding the FY 1983 NRC Safety Research Program and Budget (Sunshine Act Exemption (9)(B)). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, June 3, 1981, 3:30 p.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. J. Michael Griesmeyer (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. Gary Quittschreiber.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting. The authority for such closure is Exemption (9)(B) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

Dated: May 12, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-14699 Filed 5-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341]

Availability of the Draft Environmental Statement for the Enrico Fermi Atomic Power Plant, Unit No. 2

Notice is hereby given that the Draft Environmental Statement (NUREG-0769) related to the operation of the Enrico Fermi Atomic Power Plant, Unit No. 2 by the Detroit Edison Company has been prepared by the Commission's Office of Nuclear Reactor Regulation. The Enrico Fermi Atomic Power Plant is located on Lake Erie in Monroe County, Michigan.

The Draft Environmental Statement (NUREG-0769) is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the Monroe County Library System, Reference Department, 3700 South Custer Road, Monroe, Michigan 48161. The Draft Environmental Statement is also being made available at the Office of Intergovernmental Relations, Department of Management and Council of Governments, 6th Floor, Book Building, 1249 Washington,

Boulevard, Detroit, Michigan 48226. Request for copies of NUREG–0769 should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Interested persons may submit comments on this statement for the Commission's consideration. Federal, State and specified local agencies are being provided with copies of this Draft Environmental Statement (local agencies may obtain these documents upon request).

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and in the Monroe County Library System, Reference Department, 3700 South Custer Road, Monroe, Michigan 48161. Upon completion of comments submitted with respect to the Draft Environmental Statement, NUREG–0769, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register**. Comments are due by June 29, 1981.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of May, 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-14660 Filed 5-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–382]

Availability of the Draft Environmental Statement for Waterford Steam Electric Station, Unit 3

Notice is hereby given that a Draft Environmental Statement (NUREG–0779) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Waterford Steam Electric Station, Unit 3 by the Louisiana Power and Light Company. The proposed station is located in St. Charles Parish, Louisiana.

This Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economic costs and benefits associated with normal station operation. Also considered are station accidents, their likelihood of occurrence and their consequences. Finally, the statement presents an updated discussion of need for the facility based on information available in 1980.

This DES is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana. Request for copies of the DES should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Interested persons may submit comments on this DES for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the DES (local agencies may obtain these documents upon request).

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Comission's Public Document Room in Washington, D.C. and the University of New Orleans Library. After consideration of the comments submitted on the DES the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register**. Comments are due by June 29, 1981.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of May, 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-14661 Filed 5-14-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395 OL]

South Carolina Electric and Gas Co., et al. (Virgil C. Summer Nuclear Station, Unit 1); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(2), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding: Alan S. Rosenthal, Chairman, Dr. John H. Buck, Christine N. Kohl.

Dated: May 11, 1981.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 81-14662 Filed 5-14-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Employees Health Benefits Program; Termination of Group Health of El Paso's Participation in the Program

AGENCY: Office of Personnel Management.

ACTION: Notice of health plan termination.

SUMMARY: Pursuant to the authority contained in Section 8902 of Title 5, United States Code, the Office of Personnel Management hereby announces that the participation of Group Health of El Paso, Incorporated, El Paso, Texas, in the Federal Employees Health Benefits (FEHB) Program has been terminated.

EFFECTIVE DATE: April 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mary Saunders, Compensation Group, Comprehensive Plans Division, Washington, D.C. 20415, 202–632–6177.

SUPPLEMENTARY INFORMATION: Due to the termination of Group Health of El Paso effective April 18, 1981, each Federal employee or annuitant enrolled in the plan who wishes to continue coverage under the FEHB Progam must change to another plan offered in the enrollment area of the plan, which is El Paso County, Texas. The effective date of the change will be the first day of the first pay period beginning on or after April 18, 1981. To effect this change in health plans, the employee or annuitant should submit a completed Standard Form 2809 to his or her personnel office or retirement system.

Office of Personnel Management.

Kurt M. Springmann,

Assistant Issuance System Manager.

[FR Doc. 81-14664 Filed 5-14-81; 8:45 am]

BILLING CODE 6325-01-M

Federal Employees Health Benefits Program; Termination of South County Health Care Plan's Participation in the Program

AGENCY: Office of Personnel Management.

ACTION: Notice of health plan termination.

SUMMARY: Pursuant to the authority contained in Section 8902 of Title 5, United States Code, the Office of Personnel Management hereby announces that the participation of the South County Health Care Plan, Annapolis, Maryland, in the Federal Employees Health Benefits (FEHB) Program has been terminated. The South County plan was a participating plan under the Blue Cross and Blue Shield Comprehensive Medical Plans Network.

EFFECTIVE DATE: April 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mary C. Workman, Compensation Group, Comprehensive Plans Division, Washington, D.C. 20415, 202-632-6177.

SUPPLEMENTARY INFORMATION: Due to the termination of the South County Health Care Plan effective April 18, 1981, each Federal employee or annuitant enrolled in the plan who wishes to continue coverage under the FEHB Program must change to another plan offered in the area. The effective date of the change will be the first day of the first pay period beginning on or after April 18, 1981. To effect this change in health plans, the employee or annuitant should submit a completed Standard Form 2809 to his or her personnel office or retirement system.

OFFICE OF PERSONNEL MANAGEMENT.

Kurt M. Springmann,

Assistant Issuance System Manager.

[FR Doc. 81-14600 Filed 5-14-81; 8:45 am]

BILLING CODE 6325-01-M

Privacy Act of 1974; Amendment to an Existing Routing Use

AGENCY: Office of Personnel Management.

ACTION: Notice; proposed amendment to a routing use for an existing system of records.

SUMMARY: The purpose of this document is to propose an amendment to a routine use for the Office's General Personnel Records system (OPM/GOVT-1). The amended routine use, once in effect, will permit the disclosure of data from the Official Personnel Folder (or other record covered by OPM/GOVT-1) to an agency, either in response to an agency's request, or at the initiation of the agency maintaining the record, when information is needed for a lawful, statutory, administrative, or investigative purpose of either agency.

COMMENT DATE: Any interested party may submit written comments regarding this proposal. To be considered, comments must be received on or before June 15, 1981.

ADDRESS: Address comments to: Deputy Assistant Director for Work Force Information, Office of Personnel Management (Room 6429), 1900 E Street, N.W., Washington, D.C. 20415. Comments received will be available for public inspection at the above address from 9 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: John Sanet, Work Force Records Management Branch (202) 254-9790.

SUPPLEMENTARY INFORMATION: The published description of the affected system, General Personnel Records (OPM/GOVT-1), appears in the Federal Register of November 25, 1980 (45 FR 78415) as routine use "m" (45 FR 78417.

Background

Recently the General Counsel's office of the Federal Aviation Administration (FAA), U.S. Department of Transportation, informed OPM that the National Transportation Safety Board (NTSB) has encountered difficulty in obtaining the Official Personnel Folders (OPFs) of Air Traffic Controllers employed by FAA. These OPFs are needed by the NTSB in order to carry out its lawful investigative functions concerning transportation accidents. While the FAA recognizes NTSB's need to review the records of the Air Traffic Controllers (training records in particular), FAA believes that these records currently cannot be provided due to the disclosure prohibitions of the Privacy Act.

As system manager for OPM/GOVT-1 General Personnel Records system that includes the OPF, OPM was requested by FAA to determine whether records within that system of records could be disclosed at the present time. If these records currently could not be disclosed, FAA requested that OPM publish a routine use to permit the disclosure of information in these types of situations.

OPM determined that the disclosure prohibitions of the Privacy Act do not presently permit the FAA to make the OPFs of its employees available to the NTSB. The FAA proffered language to OPM to establish a routine use that would allow a Federal agency to provide an official of another Federal agency information needed to perform his or her official duties regarding the investigation of any transportation accident within its jurisdiction.

It is OPM's judgement that, rather than establish a specific routine use to only cover investigations of transportation accidents, a revision of routine use "m" to OPM/GOVT-1 is appropriate. At the present time, routine use "m" permits and agency to disclose information to a requesting agency in connection with the hiring of an individual, the issuing of a security clearance, the conducting of a security or suitability investigation, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency when the information is relevant and necessary to the requesting agency's decision on the involved matter before it.

Under the proposed amendment to the existing routine use, and agency will be permitted to provide to another agency in the executive, legislative, or the judicial branch, or the District of Columbia Government, information it possesses, either in response to a request or at the initiation of the agency maintaining the material, information in connection with the lawful statutory, administrative, or investigative purposes of the agency.

By amending routine use "m," an agency will be able to either provide to, or obtain from, another agency information from those records located with the OPM/GOVT-1 system, when it is needed to accomplish a lawful purpose of that agency if that disclosure of this record (i.e., the use of the record) is compatible with the purpose for which it is collected.

This proposed amendment is designed to cover those instances where an agency is charged with investigating a situation and needs access to certain material within OPM/GOVT-1 system of records, or where the agency possessing the record does not have authority to investigate a particular situation, but knows of another agency that has such authority, yet the level of the situation is not at such a stage that a potential violation of civil or criminal law is evident. (In the latter circumstance, routine use "k" for this system of records would permit disclosure of material without the data subject's prior consent.)

Amendment to an existing routine use: The language that follows will be substituted for the present routine use "m" (which will be amended by the adoption of this notice) in the Office of Personnel Management's General Personnel Rcords system (OPM/GOVT-1). The current notice of this sysem is published at 45 FR 78378 et seq. and routine use "m" is specifically published at 45 FR 78417 (November 25, 1980). The amended routine use "m" reads as follows:

* * * * *

m. To disclose to an agency in the executive, legislative, or judicial branch, or the District of Columbia Government in response to its request, or at the initiation of the agency maintaining the records, information in connection with the hiring of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract; the issuance of a license, grant, or other benefit by the requesting agency; or the lawful statutory, administrative, or investigative purpose of the agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

The comment period on this change to an existing routine use ends at the close of business 30 days after the date of this notice (June 15, 1981). Unless a notice to the contrary is published, this amendment to routine use "m" will become effective 30 days after the end of the comment period. When this change to an existing routine use becomes effective, the present routine use "m" for this system of records will cease to exist.

Office of Personnel Management.

Kurt M. Springmann,

Assistant Issuance System Manager.

[FR Doc. 81-14742 Filed 5-14-81; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11788; 812-4868]

Active Assets Government Securities Trust; Filing of Application for Order Exempting Applicant

May 11, 1981.

Notice is hereby given that Active Assets Government Securities Trust ("Applicant"), Five World Trade Center, New York, New York 10048, an open-end, diversified, management company registered under the Investment Company Act of 1940 ("Act"), filed an application on application on April 7, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 2c-1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized as a Massachusetts business trust on March 30, 1981, and that its investment adviser is Dean Witter Reynolds InterCapital Inc. ("Adviser"). Applicant further states that its shares will be offered exclusively to participants in the Active Assets Account program ("AAA") of Dean Witter Reynolds Inc. ("Dean Witter"), a broker-dealer registered under the Securities Exchange Act of 1934. According to the application, an AAA account will be an integrated financial services account offered by Dean Witter to its customers, which will permit a customer to effectively utilize the free credit cash balances in his or her Dean Witter securities margin account ("Securities Account") by automatically investing such balances on a daily basis in the fund (three will be offered one of which is the Applicant) of his or her choice and earning a return on the investment pending utilization of such monies either in the Securities Account or through a VISA check/credit card account maintained by Bank One of Columbus, N.A., Columbus, Ohio.

Applicant represents that its investment objective is to provide as high a level of current income consistent with preservation of capital and maintenance of liquidity by investing in a variety of money market instruments maturing in one year or less. Applicant states that it intends to invest in securities guaranteed or issued by the United States Government or its agencies or instrumentalities and certificates of deposit issued by United States regulated banks and savings and loan associations and fully insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. According to the application, Applicant may also enter into repurchase agreements with respect to its portfolio securities, but that any repurchase agreements maturing in more than seven days are limited to 10% of Applicant's total assets. Applicant further states that it may enter into reverse repurchase agreements with respect to its portfolio securities.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c-1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a-4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant requests an exemption from the provisions of Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit it to value its portfolio securities using the amortized cost method of valuation. In support of its request, Applicant represents that its board of trustees has determined that, absent unusual circumstances, amortized cost value represents fair value of its portfolio securities and that the amortized cost method of valuation is preferable and appropriate for the Applicant. Applicant states that valuation of its assets on the amortized cost basis enables the maintenance of a stable price per share while at the same time allows a flow of investment income less subject to fluctuation than under procedures whereby dividends are to be adjusted by realized and unrealized gains and losses, and thus will benefit its shareholders. Applicant further states that maintaining a constant net asset value per share by utilizing the amortized cost method of valuation will facilitate the proper functioning of the

AAA program. In addition, Applicant states that it is the Adviser's experience with respect to securities within the Applicant's investment policy, that there is a negligible discrepancy between market value and the amortized cost value of a security maturing in 120 days or less.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that its application meets the standards of Section 6(c) of the Act in light of its management policies, and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees of the Applicant shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share: *Provided, however,* That Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the boards of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than June 5, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–14573 Filed 5–14–81; 8:45 am]
BILLING CODE 8010–01–M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 11770; 812–4857]

Active Assets Money Trust; Filing of Application for Order Exempting Applicant

May 11, 1981.

Notice is hereby given that Active Assets Money Trust ("Applicant"), Five World Trade Center, New York, New York 10048, an open-end, diversified, management company registered under the Investment Company Act of 1940

("Act"), filed an application on April 7, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized as a Massachusetts business trust on March 30, 1981, and that its investment adviser is Dean Witter Reynolds InterCapital Inc. ("Adviser"). Applicant further states that its shares will be offered exclusively to participants in the Active Assets Account program ("AAA") of Dean Witter Reynolds Inc. ("Dean Witter"), a broker-dealer registered under the Securities Exchange Act of 1934. According to the application, an AAA account will be an integrated financial services account offered by Dean Witter to its customers, which will permit a customer to effectively utilize the free credit cash balances in his or her Dean Witter securities margin account ("Securities Account") by automatically investing such balances on a daily basis in the fund of his or her choice (three will be offered one of which is the Applicant) and earning a return on the investment pending utilization of such monies either in the Securities Account or through a VISA check/credit card account maintained by Bank One of Columbus, N.A., Columbus, Ohio.

Applicant represents that its investment objective is to provide as high a level of current income as is consistent with preservation of capital and maintenance of liquidity by investing in a variety of money market instruments maturing in one year or less. Applicant states that it intends to invest in United States Government securities, bank obligations, commercial paper and corporate obligations maturing in one year or less and certificates of deposit issued by United States regulated banks and savings and loan institutions and which are fully insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation. According to the application, Applicant may also enter into repurchase agreements with respect to its portfolio securities, but that any repurchase agreements maturing in more than seven days are limited to 10% of Applicant's total assets.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount that reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant requests an exemption from the provisions of Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit it to value its portfolio securities using the amortized cost method of valuation. In support of its request, Applicant represents that its board of trustees has determined that, absent unusual circumstances, amortized cost value represents fair value of its portfolio securities and that the amortized cost method of valuation is preferable and appropriate for the Applicant. Applicant states that valuation of its assets on the amortized cost basis enables the maintenance of a stable price per share while at the same time allows a flow of investment income less ma, and thus will benefit its shareholders. Applicant further states that maintaining a constant net asset value per share by utilizing the amortized cost method of valuation will facilitate the proper functioning of the AAA program. In addition, Applicant states that it is the Adviser's experience with respect to securities within the Applicant's investment policy, that there is a negligible discrepancy between market value and the amortized cost value of a security maturing in 120 days or less.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that its application meets the standards of Section 6(c) of the Act in light of its management policies, and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to applicant's investment adviser, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees of the Applicant shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share.

and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfail results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments, withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share: *Provided, however,* That Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the boards of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than June 5, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14674 Filed 5-14-81; 8:45 am]

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[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or values obtained from yield data relating to classes of money market instruments published by suitable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 11771; 812-4966]

Active Assets Tax-Free Trust; Filing of Application for Order

May 11, 1981.

Notice is hereby given that Active Assets Tax-Free Trust ("Applicant"), Five World Trade Center, New York, New York 10048, an open-end, diversified, management company registered under the Investment Company Act of 1940 ("Act"), filed an application on April 7, 1981, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized as a Massachusetts business trust on March 30, 1981, and that its investment adviser is Dean Witter Reynolds Inter Capital Inc. ("Adviser"). Applicant further states that its shares will be offered exclusively to participants in the Active Assets Account program ("AAA") of Dean Witter Reynolds Inc. ("Dean Witter"), a broker-dealer registered under the Securities Exchange Act of 1934. According to the application, an AAA account will be an integrated financial services account offered by Dean Witter to its customers that will permit a customer to effectively utilize the free credit cash balances in his or her Dean Witter securities margin account ("Securities Account") by automatically investing such balances on a daily basis in the fund (three will be offered one of which is the Applicant) of his or her choice and earning a return on the investment pending utilization of such monies either in the Securities Account or through a VISA check/credit card account maintained by Bank One of Columbus, N.A., Columbus, Ohio.

Applicant represents that its investment objective is to provide as high a level of daily income exempt from Federal income tax as is consistent with stability of principal and maintenance of liquidity. Applicant states that it intends to invest at least 80 percent of its assets in municipal bonds with remaining maturity of less than one year and which are rated, on the date of purchase, Aaa or Aa by Moody's Investors Service, Inc. "Moody's") or AAA or AA by Standard & Poor's

Corporation ("S&P"); municipal notes rated MIG–1 or MIG–2 by Moody's on the date of purchase; and municipal commercial paper rated P–1 or P–2 by Moody's or A–1 or A–2 by S&P. Applicant further states that should any of these securities be not rated, Applicant will only invest in them if they are determined to be of comparable quality as determined by its board of trustees. According to the application, Applicant may also enter into repurchase agreements with respect to its portfolio securities, but that any repurchase agreements maturing in more than seven days are limited to 10 percent of Applicant's total assets. Applicant further states that it may purchase securities on a "when-issued" basis. Applicant states that it may invest in taxable securities under one or more of the following circumstances: to maintain a defensive posture, to maintain liquidity for the purpose of meeting redemptions, pending settlement of purchases of portfolio securities and pending investment of proceeds of sale of its shares or of portfolio securities.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security.

Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with references to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments with over 60–day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant requests an exemption from the provisions of Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit it to value its portfolio securities using the amortized cost method of valuation. In support of its request, Applicant represents that its board of trustees has determined that, absent unusual circumstances, amortized cost value represents fair value of its portfolio securities and that the amortized cost method of valuation is preferable and appropriate for the Applicant. Applicant states that valuation of its assets on the amortized cost basis enables the maintenance of a stable price per share while at the same allows a flow of investment income less subject to fluctuation than under procedures whereby dividends are to be adjusted by realized and unrealized gains and losses; and thus will benefit its shareholders. Applicant further states that maintaining a constant net asset value per share by utilizing the amortized cost method of valuation will facilitate the proper functioning of the AAA program. In addition, Applicant states that it is the Adviser's experience with repect to securities within the Applicant's investment policy, that there is a negligible discrepancy between market value and the amortized cost value of a security maturing in 120 days or less.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that its application meets the standards of Section 6(c) of the Act in light of its management policies, and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees of the Applicant shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[3]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the boards of trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than June 5, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14875 Filed 5-14-81; 8:45 am]

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[3] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 17786; SR-Amex-81-5]

American Stock Exchange, Inc.; Order Approving Proposed Rule Change

May 8, 1981.

On April 7, 1981, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends its rules to provide for the implementation and operation of the Opening Automated Report Service ("OARS"), an electronic system to store and automatically report executions of market orders for equity securities received before the opening of trading.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17710, April 13, 1981), and by publication in the **Federal Register** (46 FR 22519, April 17, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requriements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof, in that the system proposed by the Amex is identical to one proposed and implemented by the New York Stock Exchange, Inc. ("NYSE") which previously was published for public comment for the requisite number of days.[1] No comments were received with respect to that filing.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14876 Filed 5-14-81; 8:45 am]

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[Release No. 11768; 812-4828]

Anchor National Life Insurance Co. and Interplan Variable Account; Application for an Order Granting Exemptions

May 8, 1981.

Notice is hereby given that Anchor National Life Insurance Company (the "Company"), a stock life insurance company established under the laws of the State of California, and Interplan Variable Account (the "Variable Account"), Camelback at 22nd Street, Phoenix, Arizona, a separate account of the Company registered under the Investment Company Act of 1940 ("Act") as an open-end management investment company, (hereinafter "Applicants") filed an application on February 23, 1981 and an amendment thereto on April 14, 1981 for an order of the Commission pursuant to Section 6(c) of the Act granting exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 27(c)(1), 27(c)(2), 27(d) of the Act and Rule 22c-1 thereunder, to the extent necessary, to permit the transactions described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

[1] Notice of the NYSE proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-17014, July 30, 1980) and by publication in the Federal Register (45 FR 51326, August 1, 1980). Notice of the order approving the NYSE rule change was given by a Commission Release (Securities Exchange Act Release No. 17132, September 8, 1980).

Background

Anchor National Life Insurance Company is a stock life insurance company organized under the laws of the State of California in April, 1965. The Company established the Variable Account on November 18, 1977 pursuant to the provisions of California law. The Variable Account was established to act as the funding entity for the individual Single Purchase Payment Variable Annuity Contracts ("Contracts") to be issued by the Company.

Purchase payments under the Contracts will be allocated to the Variable Account. The Variable Account invests in an internationally diversified portfolio of fixed income securities denominated in foreign currencies as well as the U.S. dollar.

The Contracts may be purchased under a Single Purchase Payment Plan for a minimum purchase payment of $5,000. Subsequent purchase payments may be made only with the consent of the Company.

The Contracts will be offered without the imposition of a sales charge deduction at time of sale. However, the Contracts contain a provision which imposes a deferred sales charge in the event there is a surrender in the early years of the Contract. The charge is referred to as a Contingent Deferred Sales Charge ("Charge") and is intended to reimburse the Company for expenses incurred which are related to Contract sales. The Charge is deducted, except as noted below, in the event of a partial or complete surrender.

It is equal to five percent (5%) of the lesser of purchase payments made during the seven (7) years immediately preceding the valuation period during which request for surrender is received by the Company or the amount surrendered. During any Contract Year on a non-cumulative basis the Contract Owner may, not more frequently than annually, surrender an amount up to ten percent (10%) of the Contract Value without incurring a Charge; any surrender in excess thereof will be subject to the applicable Charge.

The Contracts will be sold by licensed insurance agents in those states where the Contracts may be lawfully sold. Such agents will be registered representatives of broker-dealers registered under the Securities Exchange Act of 1934 which are members of the National Association of Securities Dealers, Inc. The Bank of New York, or its London branch, acts as custodian of all securities and cash of the Variable Account purchased or obtained outside the United States, except securities purchased in the Pacific Basin which will be held by a sub-custodian.

The Company has primary responsibility for all administration of the Contracts. The Company purchases Contract administrative services from Bradford Trust Company of Boston ("Contract Administrator"). As compensation for its services, the Contract Administrator is paid on a monthly basis a Contract Administrative Charge by the Variable Account at an annual rate of $25 per Contract in force. The Company also deducts premium taxes where applicable. Finally, a Mortality Risk Premium is charged against the Variable Account and deducted on a daily basis which is equal on an annual basis to 1.25% of the average net asset value of the Variable Account.

Applicants agree that if the exemptions requested in the application are granted they shall remain in effect only so long as there is no increase in such charges.

Contingent Deferred Sales Charge

Section 2(a)(35)

Section 2(a)(35) defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer less any portion of such difference deducted for trustees' or custodians' fees, insurance premiums, issue taxes or administrative expenses or fees which are not properly chargeable to sales or promotional expenses.

Applicants submit that the proposed Charge is consistent with the intent of the definition of sales load contained in the Act. The Charge would be imposed by the Company to reimburse it for expenses related to the sale of the Contracts, which the Applicants submit is within the Section 2(a)(35) definition of sales load but for the timing of the imposition of the charge.

Nevertheless, Applicants have requested an exemption from the provisions of Section 2(a)(35) to the extent such exemption may be necessary to implement the proposed pricing of their Contracts.

Section 22(c) and Rule 22c-1

Rule 22c-1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security. When the Contract Owner withdraws all or a part of the Contract Value, the proceeds paid on such surrender will be based on the current net asset value. The Charge will be deducted at the time of redemption in arriving at the Contract Owner's proportionate share or account value.

While Applicants do not believe that the imposition of the Charge is violative of Section 22(c) or Rule 22c-1, they have requested an exemption from the provisions of Section 22(c) and Rule 22c-1 thereunder, to the extent necessary, to offer the Contracts as proposed.

Sections 26(a)(2)(C) and 27(c)(2)

Section 27(c)(2) prohibits a registered investment company or depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, on such certificates are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) and are held by such trustee or custodian under an agreement containing substantially the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act.

Section 26(a)(2)(C) of the Act provides, in substance, that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services normally performed by the custodian.

Applicants allege that the Charge to be imposed (if any) upon the surrender of the Contracts issued with respect to the Separate Account is designed to recover distribution costs relating to the sales of the Contracts. The Contracts merely defer the time when the sales charge may be imposed.

Applicants further allege that since there is nothing in the Act to suggest that if Contingent Defferred Sales Charges were being used at the time the Act was promulgated, that deductions for such sales charges would not have been permitted, and, since it is in the Contract Owners' best interests that the entire amount of their purchase payments be invested at the time when made, they have requested an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) of the Act, to the extent necessary, in order to permit the offer and sale of the Contracts subject to the Charge as described above.

Sections 2(a)(32) and 27(d)

Section 2(a)(32) of the Act, in pertinent part, defines "redeemable security" as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets or the cash equivalent thereof.

Section 27(d) of the Act, in pertient part, requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges. Applicants assert that the Contracts offered are not periodic payment contracts but request exemption from such Sections, to the extent necessary, to offer the Contracts. Applicants submit that the imposition of the Charge does not violate Sections 2(a)(32) and 27(d).

Applicants assert that Sections 2(a)(32) and 27(d) contemplate the assessment of an initial sales load and that under the Contracts the net amount invested is the gross purchase payments. Thus, the owner's proportionate share or account value would be the gross purchase payments, plus or minus any increase or decrease in value less the charge. Applicants assert that deferring the imposition of the charge in no way restricts the contract owner from receiving his proportinate share or account value upon surrender. Applicants contend that the charge is contingent upon an event which might never occur, and that the purchaser's initial amount invested is maximized, thus providing a benefit to the purchaser. Applicants have requested an exemption from the provisions of Sections 2(a)(32) and 27(d), to the extent necessary, to permit the imposition of the Contingent Deferred Sales Charge and to offer the Contracts.

Section 27(c)(1)

27(c)(1) of the Act, in pertinent part, prohibits any registered investment company issuing periodic payment certificates, or depositor or underwriter of such company, from selling any such certificate unless it is a redeemable security. Applicants assert that the Contracts issued are not periodic payment plans but nevertheless request an exemption, to the extent necessary, to offer the Contracts.

Applicants submit that the Charge is not a restriction on redemption within the meaning of Section 2(c)(1) since it does not operate to restrict contract redeemability during the accumulation period. Applicants assert that deferring the imposition of the sales charge in no way restricts the Contract Owner from receiving his proportionate share or current value on surrender and has the effect, through deferral of sales charge until Contract Value is withdrawn, of increasing the Contract Value available for redemption. However, Applicants have requested an exemption from the operation of the provisions of Section 27(c)(1), to the extent necessary, to permit the Charge to be imposed only upon redemption or partial withdrawal of contract value.

Annual Administrative Charge

As previously noted, the Contracts are subject to an annual administrative charge of $25. In addition, the Variable Account will reimburse the Contract Administrator for certain out-of-pocket expenses (i.e., postage, envelopes, forms and telephone charges). If the value of a Contract is surrendered for its full value, the administrative charge, in most instances, will be deducted from the owner's redemption proceeds.

Because the provisions of the Act discussed above under the heading "Contingent Deferred Sales Charge" may be said to be equally applicable in this situation Applicants hereby request an exemption from the provisions of Sections 2(a)(32), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), 27(d) and Rule 22c–1, to the extent necessary, to permit the deduction of the annual administrative charge under the circumstances described.

Payment of Contract Fees and Charges

Sections 26(a) and 27(c)(2)

Section 26(a)(2)(C) of the Act, as here pertinent, provides, in substance, that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services normally performed by the custodian.

Section 26(a)(2)(D) further provides that the custodian have possession of all securities and other property in which the funds of the trust are invested subject only to the charges and collections allowed under clauses (A), (B) and (C) of Section 26(a)(2) until distribution thereof to the security holders of the trust. Section 27(c)(2) applies the same restrictions to periodic payment plan certificates.

The Applicants request an exemption from the provisions of Sections 26(a) and 27(c)(2), to the extent necessary, to permit the deduction by the Company and the payment to the Company of an annual administrative charge, the Mortality Risk Premium and any premium tax, as set forth above.

The Applicants consent that the foregoing requested exemptions from Sections 26(a) and 27(c)(2) may be made subject to the following conditions: (1) That the deductions under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe and the Commission may reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of the Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order: *Provided*, That the Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and the Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c)

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transactions or any class or classes or persons, securities, or transactions from any provision of the Act or any rule or regulation under the Act if, and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, no later than May 29, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As

provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following May 29, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered will receive any notice and orders in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14577 Filed 5-14-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17787; SR-CBOE-81-2]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

May 8, 1981.

On February 18, 1981, the Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change to amend certain rules relating to its GNMA options program, including the supervision and testing of sales personnel, separate account approval and the surveillance of corporate affiliates of GNMA options market makers.

Notice of the proposed rule change together with the terms of substance was given by publication of a Commission release (Securities Exchange Act Release No. 17646, March 20, 1981) and by publication in the **Federal Register** (46 FR 19125, March 27, 1981). Comments were solicited on the proposed rule change but none were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14578 Filed 5-14-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22043; 70-6563]

Colonial Gas Energy System, et al.; Proposed Corporate and Financial Simplification of System

May 8, 1981.

In the matter of Colonial Gas Energy System, 73 East Merrimack Street, Lowell, Massachusetts 01853; Lowell Gas Company, 73 East Merrimack Street, Lowell, Massachusetts 01853; Cape Cod Gas Company, P.O. Box 1360, Hyannis, Massachusetts 02601.

Colonial Gas Energy System, ("Colonial"), a holding company and Massachusetts business trust, Cape Cod Gas Company ("Cape Cod"), a wholly owned Massachusetts retail gas utility and Lowell Gas Company ("Lowell"), a Massachusetts retail gas utility (93 percent of its common stock owned by Colonial), have applied under Sections 6(a), 7, 9(a)(2), 10 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") for the necessary authorizations under the Act to consolidate Colonial with Lowell and Cape Code on the terms described herein.

On October 7, 1977, Colonial filed an application for exemption under Section 3(a)(1) of the Act (File No. 31–763), which is pending. There will be no holding company if the proposed transactions are consummated.

The following table sets forth the capital structure of Colonial, Lowell, Cape Cod, and Colonial consolidated as of December 31, 1980:

	Colonial (parent)	Lowell	Cape Cod	Consolidated
Long term debt—subs[1]		$24,855	$13,278	$38,448
Term loan	$7,000			7,000
Short term debt		12,250	4,020	16,270
Funded debt[1]	7,000	36,905	17,298	62,754
Redeemable preferred		3,014	1,070	4,084
Convertible preferred	5,560			5,560
Minority interest		1,256		[2]1,256
Owned by Colonial		[3]18,130	12,291	
Common equity	23,081			23,081
	35,647	59,342	30,669	96,781

[1] Includes $3.5 million of 1981 maturities.
[2] Includes $1.1 million of junior preferred stock.
[3] Would be offered 2 shares of common stock or $18.65 cash.

To comply with the laws governing merger and consolidation of public utilities, Colonial will become a public utility corporation under Massachusetts law. Colonial will be merged into Lowell, which will assume the term loan and Colonial's other liabilities. Holders of Colonial convertible preferred stock, will become Lowell preferred stockholders junior to Lowell's redeemable preferred stock. The Colonial common shareholders will receive Lowell common shares, without other change in terms or status. The Lowell common shares issued to the six holders of an aggregate of 691,860 shares of Colonial common stock who have waived, through 1988, a portion of the dividends which may be declared in that period, will be designated Class A shares, and the terms of the waiver will be incorporated into the articles of merger.

Upon merger, present minority shareholders of Lowell will receive two shares of common stock in the surviving corporation for each present Lowell share, unless they elect to have Lowell purchase their shares for $18.65 per share. The application requests approval for the acquisition of these minority shares by Lowell.

After the merger into Lowell, Cape Cod will merge into Lowell and Lowell's name will be changed to Colonial Gas Company ("Colonial Gas"). The redeemable preferred stock of Cape Cod would rank on a parity with the existing redeemable preferred of Lowell both as to dividends and liquidation rights, but senior to the shares of convertible preferred stock and common stock issued to the Colonial shareholders. Colonial Gas will have a Lowell Gas Division and Cape Cod Gas Division to carry on the present operations of Lowell and Cape Cod, respectively. The merger of Colonial into Lowell is not conditioned upon the consummation of the Cape Cod merger.

Both mergers require the approval of the Massachusetts Department of Public Utilities and the requisite vote of the shareholders of the merging companies.

Colonial proposes to effectuate through the transactions described

herein the corporate and financial simplification contemplated by the program filed on June 30, 1978, pursuant to a requirement of the Stipulation entered into with the Division of Corporate Regulation which provided that Colonial file a program for financial simplification.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 1, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14679 Filed 5-14-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 11, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Bairnco Corporation, Common Stock, $.05 Par Value (File No. 7-5915)

National Convenience Stores Inc., Common Stock, $41 ⅔ Par Value (File No. 7-5914)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 2, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintainance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14680 Filed 5-14-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17791; File No. SR-NASD-81-6]

National Association of Securities Dealers, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Proposed rule change by National Association of Securities Dealers, Inc., relating to changes in plans and specifications of certain NASD examinations. Comments requested on or before June 5, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 27, 1981, the National Association of Securities Dealers, Inc., filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The plans and specifications of the Series 6—Investment Company Products/Variable Contracts Representative Examination, and Series 22—Direct Participation Programs Representative Examination are modified to provide for an extension of testing time from two hours to two hours, fifteen minutes.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filling with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change will provide persons seeking qualification in the two classes of limited representatives with additional time to complete the examinations. The Association's Board of Governors believes that NASD Qualification Examinations should not be speed tests, and, based on past candidate performances, that this additional time will permit the great majority of candidates to terminate their sessions on their own accord.

B. Self-Regulatory Organization's Statement on Burden on Competition

Since this amendment only extends the time for taking the Series 6 and 22 qualification examinations, the Association does not envision an impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments,

all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commisison's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before June 5, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 11, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14681 Filed 5-14-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17779; SR-NYSE-81-12]

New York Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

May 8, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), notice is hereby given that on May 5, 1981, the New York Stock Exchange, Inc. ("NYSE") Eleven Wall Street, New York, New York 10005, filed with the Commission copies of a proposed rule change which would amend paragraph .40 of the NYSE's Rule 103A, the "sunset" provision, to extend the rule's effectiveness from May 15, 1981 to August 15, 1981. [1] Rule 103A provides for the evaluation of specialist performance and establishes a non-disciplinary procedure for the reallocation of stocks due to substandard specialist performance. The NYSE previously filed with the Commission a proposal (SR-NYSE-81-11) to delete the "sunset" provision of Rule 103A in order to make the rule permanent. [2] This proposal is now under consideration by the Commission.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Reference should be made to File No. SR-NYSE-81-12.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6, and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the dat of publication of notice of filing thereof, in that the two-year pilot program under Rule 103A expires on May 15, 1981, unless extended. The Commission believes that it is appropriate to continue the program on a pilot basis while it considers the NYSE's proposal (SR-NYSE-81-11) to make Rule 103A permanent.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14682 Filed 5-14-81; 8:45 am]

BILLING CODE 8010-01-M

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[1] Rule 103A was approved by the Commission as a two-year pilot program, terminating on May 15, 1981. 44 FR 100 (May 22, 1979).

[2] Notice of publication of this filing was given by a Commission release (Securities Exchange Act Release No. 17750, April 23, 1981) and by publication in the Federal Register (46 FR 24351, April 30, 1981).

[1] Rule 103A was approved by the Commission as a two-year pilot program, terminating on May 15, 1981. 44 FR 100 (May 22, 1979).

[2] Notice of publication of this filing was given by a Commission release (Securities Exchange Act Release No. 17750, April 23, 1981) and by publication in the Federal Register (46 FR 24351, April 30, 1981).

[Release No. 22041; 70-6280]

Northeast Nuclear Energy Co.; Proposal To Increase Borrowing Levels Under Existing Nuclear Fuel Financing Arrangements

May 8, 1981.

Northeast Nuclear Energy Company ("NNEC"), P.O. Box 270, Hartford, Connecticut 06101, a subsidiary of Northeast Utilities, a registered holding company, has filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to Sections 6(a), 7, 9(a), 10 and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44 and 50(a)(2) promulgated thereunder.

By an order dated May 24, 1979 (HCAR No. 21060) in this matter, NNEC was authorized to enter into a trust arrangement with Manufacturers Hanover Trust Company, not in its individual capacity but solely as trustee ("Trustee"). NNEC assigned to the Trustee all of its rights in certain nuclear fuel and nuclear fuel contracts. The Trustee agreed either to reimburse NNEC for payments made to fuel vendors under the nuclear fuel contracts or to make such payments directly to the vendors. The Trustee finances such payments through the sale of the Trust's commercial paper notes, backed by irrevocable letters of credit of Manufacturers Hanover Trust Company, acting in its individual capacity ("Bank"). If the Trustee cannot sell the commercial paper notes, the Bank is obligated to make loans to the Trustee which are sufficient to enable the Trustee to make nuclear fuel payments to NNEC or to fuel vendors.

The Bank's commitment to extend credit to the Trustee is presently limited to a total commitment of $50,000,000 aggregate principal outstanding at any one time. It is proposed that such commitment be increased to $80,000,000 in order to accommodate increased nuclear fuel expenses. It is also proposed that the amount of certain secured obligations of the Trustee to the Bank be increased to $80,000,000 to reflect the increase in the Bank's commitment.

The application-declaration and amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 1, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address

specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14623 Filed 5-14-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11787; 812-4778]

Philadelphia Life Insurance Co. and Philadelphia Life Separate Account A; Application for an Order Granting Exemptions

May 8, 1981.

Notice is hereby given that Philadelphia Life Insurance Company ("Philadelphia Life") a legal reserve stock life insurance company incorporated under the laws of the Commonwealth of Pennsylvania and Philadelphia Life Separate Account A ("Separate Account A"), 111 North Borad Street, Philadelphia, Pennsylvania 19107, a separate account of Philadelphia Life registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust (collectively "Applicants"), filed an application on December 5, 1980 and an amendment thereto on February 4, 1981, pursuant to Section 6(c) of the Act, for an order granting exemptions from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 26(a)(1), 26(a)(2)(C), 26(a)(2)(D), 27(c)(1), 27(c)(2) and 27(d) of the Act, and Rule 22c-1 thereunder, and pursuant to Section 11 of the Act with respect to certain offers of exchange, insofar as such exemptions are necessary to permit the transactions described below. All interested persons are referred to the Application on file with the Commission for a statement of representations contained therein which are summarized below.

Separate Account A will initially issue only single premium deferred variable annuity contracts ("Contracts"), without an initial sales charge, but which will provide for a Contingent Sales Charge Reimbursement ("Contingent Sales Charge"). The Contracts will allow the purchaser ("Contract Owner") to direct that the single premium payment made under the terms of the Contract be invested in shares of one or more of four open-end, diversified investment companies known as Pliyield Fund, Inc., Pltrend Fund, Inc., Pligrowth Fund, Inc., and Plimoney Fund, Inc. (hereinafter collectively referred to as the "PLI Funds").

A minimum single purchase payment of $3,000 is required to purchase a Contract. Contract purchasers will not pay a sales charge at the time of purchase but will pay a Contingent Sales Charge if a full or partial redemption of a Contract is made within a specified period of time after purchase, except in the case of a partial surrender of up to eight percent (8 percent) of the single premium payment as hereinafter described. The Contingent Sales Charge will be applied against the proceeds of redemption at a rate starting at six percent (6 percent) during the first full Contract year, and declining one percent (1 percent) per year thereafter until the sixth year. At no time will the Contingent Sales Charge ever exceed six percent (6%) of the purchase payment. During the seventh and subsequent full Contract year(s), there is no charge in the event of a redemption. After a Contract has been in force for a full Contract year (12 months) a Contract Owner may surrender up to eight percent (8%) of the single premium purchase payment each Contract year without the proceeds of redemption being subject to the Contingent Sales Charge which would otherwise be applicable. This right of surrender is noncumulative. The Contingent Sales Charge is retained by Philadephia Life to reimburse it for the expenses incurred in connection with the sale of the Contracts. These expenses include commissions, promotional costs, administration and the like.

Prior to annuitization, the Contracts will be subject to a fixed annual Administrative Expense Deduction of $25. This Administrative Expense Deduction will reimburse Philadelphia Life for its administrative expenses incident to contract issue and maintenance. Such charge is solely to reimburse Philadelphia Life for accumulated administrative expenses. Philadelphia Life will also deduct a daily asset charge against Separate Account A equal on an annual basis to 1.0% per annum for the assumption of the mortality and administrative expense risks. Philadelphia Life has allocated .4% of the asset charge to mortality risk premium and the remaining .6% to expense risk.

Section 2(a)(35)

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or "administrative expenses or fees which are not properly chargeable to sales or promotional activities."

Applicants state that the definition of sales load contained in Section 2(a)(35) contemplates that any deduction therefor will be made from the security purchaser's investment at the time when the Contract is purchased. However, the Contingent Sales Charge (if any) that would be made upon the surrender of a Contract for redemption would be applied to pay sales expenses including the administrative expenses and fees which are properly chargeable to sales or promotional activities theretofore incurred in connection with the offer and sale of the Contracts. Applicants contend that the fact that the sales charge is deducted from the Contract proceeds of redemption rather than from the purchase payment initially made to acquire the Contract, does not change its essential character. Accordingly, Applicants have requested an exemption from the provisions of Section 2(a)(35) of the Act, to the extent necessary, in order to permit the offer and sale of the single premium contracts with a Contingent Sales Charge.

Section 22(c) and Rule 22c-1

Section 22(c) of the Act and Rule 22c-1 thereunder prohibit a registered investment company issuing redeemable securities from selling, redeeming, or repurchasing any such security except at a price based upon the current net asset value of such security. Because the Contingent Sales Charge is deducted from the amount that the Contract Owner receives upon redemption, it may be said that the Contract Owner does not receive an amount equal to the current net asset value of his Contract. Applicants submit, however, that the deduction of a Contingent Sales Charge at the time the Contract is submitted for redemption, as opposed to the deduction of such charge at the time that the investment is initially made, does not prevent the Contract Owner from receiving the current net asset value of his Contract upon redemption. The entire amount of the Contract purchase payment will be invested until the Contract is annuitized or until redemption. By virtue of the fact that no

sales charge will be made if the Contract is annuitized under an annuity option involving life contingencies or if redemption, in whole or part, is effected after six full Contract years, the proposed arrangement is more beneficial to the Contract Owner. Finally, the maximum amount to which such charge may apply is the single premium payment paid for the Contract.

Applicants have requested an exemption from the provisions of Section 22(c) and Rule 22c–1 thereunder, to the extent necessary, in order to permit the offer and sale of the Contracts with a Contingent Sales Charge.

Sections 26(a)(1), 26(a)(2)(D) and 27(c)(2)

In pertinent part, Section 27(c)(2) of the Act prohibits a registered investment company and any depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a trustee or custodian having the qualifications prescribed in Section 26(a)(1) and held under an agreement containing, in substance, the provisions required by Sections 26(a)(2) and 26(a)(3) of the Act.

Section 26(a)(1) requires the trustee or custodian to be a bank which meets certain financial standards. Section 26(a)(2)(D) of the Act requires, in part, that the custodian shall have possession of all the securities and other property in which the funds of the unit investment trust are invested. Applicant proposes to hold in custody for safekeeping the property and assets of Separate Account A and is therefore requesting an exemption from the cited provisions of the Act in order that it may do so.

In support of the requested exemptions from the foregoing provisions of the Act, Applicant states that it is subject to extentive supervision and control by the Pennsylvania Insurance Commissioner and the comparable official of each state in which it does business. Such supervision requires Philadelphia Life to file complete and detailed periodic reports. Applicant also states that the activities of Philadelphia Life are subject to review by the Pennsylvania Insurance Department and its representatives at all times and are subject to comprehensive examinations periodically. Further, Philadelphia Life, under the arrangement for recordkeeping will either maintain itself or through an agent a record of all purchases and redemptions of PLI Fund shares with respect to Separate Account A.

Under the foregoing circumstances, the Applicants contend that the dangers against which Section 26(a) and 27(c)(2) are directed are not present. Applicant has thus requested an exemption from the provisions of Sections 26(a)(1), 26(a)(2)(D) and 27(c)(2) of the Act in order that Philadelphia Life may perform the safekeeping and other functions normally performed by a custodian with respect to Separate Account A.

Sections 26(a)(2)(C) and 27(c)(2)

As stated above, Section 27(c)(2) of the Act provides, in part, that a periodic payment plan certificate company or a depositor or underwriter for such a company are prohibited from selling any such certificates unless, among other things, the proceeds of all payments, other than the sales load, on the certificates are deposited with a trustee or custodian.

Section 26(a)(2)(C) of the Act provides that no payment to the depositor of, or principal underwriter for, a registered unit investment trust (or to any affiliated person or agent of such depositor or principal underwriter) shall be allowed the trustee or custodian as an expense except for payment of a fee, not exceeding such reasonable amount as the Commission may prescribe as compensation for performing bookkeeping and other administrative services of a character normally performed by the trustee or custodian.

Applicants allege that the Contingent Sales Charge to be imposed (if any) upon the surrender of the Contracts is designed to recover distribution costs relating to the sales of the Contracts. The Contracts merely defer the time (if any) when the sales charge may be imposed. Applicants further contend that it is in the Contract Owners' best interests that the entire amount of their purchase payments be invested at the time when made. Therefore, Applicants have requested an exemption from the provisions of Section 26(a)(2)(C) and 27(c)(2) of the Act, to the extent necessary, in order to permit the offer and sale of the single premium Contracts subject to the Contingent Sales Charge described.

Sections 26(a) and 27(c)(2)

Section 26(a)(2)(D) further provides that the Custodian have possession of all securities and other property in which the funds of the trust are invested subject only to the charges and collections allowed under clauses (A), (B) and (C) of Section 26(a)(2) until distribution thereof to the security holders of the trust.

The Contracts provide that there shall be deducted a fixed, annual Administrative Expense Deduction of $25. There shall also be deducted a 1% asset charge which will be paid to Philadelphia Life for providing mortality and expense guarantees.

Applicants have requested an exemption from the provisions of Sections 26(a) and 27(c)(2) to the extent necessary to permit (1) the deduction by Philadelphia Life of the annual Administration Expense Deduction, to be paid to Philadelphia Life, and the fee of Philadelphia Life for providing the mortality and expense undertakings, and (2) depending on the requirements of the particular state, either (a) the deduction from purchase payments where made and payment of applicable annuity premium taxes to such state by Philadelphia Life or (b) the deduction of such taxes by Philadelphia Life from the value of the Contract account and the payment of such taxes to such state at the time when an annuity is effected.

Applicant has consented that all of the foregoing requested exemptions from Sections 26(a)(1), 26(a)(2) and 27(c)(2) be made subject to the following conditions:

(a) the charges to Contract Owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and

(b) the payment of sums and charges out of Separate Account A shall not be deemed to be exempted from regulation by the Commission by reason of the requested order; provided, that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicant reserves the right in any proceeding before the Commission, or in any suit or action in any court, to asset that the Commission has not authority to regulate the payment of such other sums or charges.

Section 27(c)(1)

Section 27(c)(1) of the Act, in pertinent part, makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter of such company, to sell any such certificate unless it is a redeemable security.

Applicants contend that the imposition of a Contingent Sales Charge upon the proceeds of redemption is not a restriction on redemption within the meaning of Section 27(c)(1). The Contract Owner is not prohibited in any way from tendering his Contract for redemption. The absence of an initial

sales charge on the Contracts and the presence of a Contingent Sales Charge upon a redemption during the years that the charge is applicable has no meaningful bearing on the subject of redeemability. Applicants further assert that the redemption price of the Contracts is based upon a determination of the Separate Account's net asset value in a manner consistent with the provisions of the Act, and the contingency of the sales charge feature can operate as a benefit to the Contract Owner.

Nevertheless, Applicants have requested an exemtion from the provisions of Section 27(c)(1) to the extent that one is deemed necessary, in order to permit the offer and sale of the Contracts with a Contingent Sales Charge.

Section 2(a)(32) and Section 27(d)

Section 2(a)(32) of the Act, in substance, defines a redeemable security as a security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(d) of the Act, in substance, requires that the holder of a periodic payment plan certificate be able to surrender his certificate within a specified time and receive the value of his account and the return of sales charges in excess of a certain percentage. Section 2(a)(32) and 27(d) therefore, contemplate the deduction of sales charges from purchase payments at the time they are made.

Applicants state that the fact that the sales charges are not deducted from the amount initially invested does not change the essential nature of the deduction being made and does not alter the fact that the investor in fact receives his proportionate share of the issuer's current net assets and the value of his account upon redemption. Applicants maintain that the Contingent Sales Charge pricing structure will be advantageous to the Contract purchaser since it will permit the entire purchase payment (except where state premium tax deduction is required) to be invested through Separate Account A. Accordingly, the purchaser will have the opportunity to have his entire purchase payment benefit from any investment growth in the Separate Account. Applicants believe that this arrangement is preferable to that which imposes an initial sales charge upon a variable annuity contract purchase price since the effect of such charge is to reduce the amount initially invested. Applicants further state that Contract purchasers will have the advantage of never having their accumulations subject to the Contingent Sales Charge if they make no withdrawals under their Contracts during the periods for which the charges are applicable or if they annuitize. Finally, Applicants state that the Contract Owner is, upon redemption, entitled to his proportionate share of interest at the time of redemption. The Contingent Sales Charge arrangement defers the timing of the sales charge and further makes it possible that such charge will never be imposed. Applicants believes that this is an obvious benefit to the Contract purchaser, as compared to a contract with an initial sales charge.

Therefore, Applicants have requested, to the extent necessary, an exemption from the provisions of Section 2(a) (32) and 27(d) of the Act to permit the offer and sale of the Contracts with a Contingent Sales Charge.

Sections 11(a) and 11(c)

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made, an offer to the holder of a security of such company, or of any other open-end investment company, to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of a registered unit investment trust for the securities of any other investment company.

The purchaser of a Contract has the right, from time to time and at any time, to exchange that part of the value of his account represented by shares of one of the PLI Funds for the shares of any of the other PLI Funds at net asset value. Therefore, because the shares of one PLI Fund may be freely exchanged for the shares of another PLI Fund at net asset value, Applicants believe that the provisions of Section 11(a) are inapplicable to any such exchange. Further, the Contract Owner physically retains the same variable annuity contract after any such exchange that he had before the exchange was made; thus, there is no exchange of the variable annuity contract itself and, therefore, Applicants are of the view that the provisions of Section 11(c) of the Act are inapplicable to the right of exchange described above.

However, it may be said that a different Contract is involved after an exchange of the Contract's underlying investment medium and, therefore, an exchange of variable annuity contracts has technically taken place.

Applicants disagree and do not believe that the facts surrounding an exchange of the underlying investment medium causes any such exchange of Contracts to occur. However, in order to avoid any question, Applicants have requested an exemption from the provisions of Section 11, to the extent necessary, in order that Applicants may offer Contracts with the above stated transfer provisions without any deductions being made.

Conclusion

Section 6(c) of the Act provides, in part, that the Commission, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provisions of the Act and the Rules promulgated thereunder if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the above stated reasons, the Applicants submit that the exemptions requested hereunder pursuant to Section 6(c) and the approval requested under Section 11 are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 1, 1981 at 5:30 p.m., submit to the Commission, in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exhange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following

June 1, 1981 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14695 Filed 5-14-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17792; SR-PDTC-81-1]

Philadelphia Depository Trust Co. ("PDTC"); Order Approving Proposed Rule Change

May 8, 1981.

On March 18, 1981, the Philadelphia Depository Trust Company, 17th Street and Stock Exchange Place, Philadelphia, PA 19103, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change that would establish a $15.00 fee for providing to issuers a securities position listing requested under Rule 17Ad-6.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-17668, March 30, 1981) and by publication in the Federal Register (46 FR 20356, April 3, 1981). No written comments were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies and, in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above mentioned rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14694 Filed 5-14-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17793; SR-SCCP-81-1]

Stock Clearing Corporation of Philadelphia ("SCCP"); Order Approving Proposed Rule Change

May 8, 1981.

On March 16, 1981, the Stock Clearing Corporation of Philadelphia, 17th Street and Stock Exchange Place, Philadelphia, PA 19103, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change that would establish a $15.00 fee for providing to issuers a securities position listing requested under Rule 17Ad-6.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-17669, March 30, 1981) and by publication in the Federal Register (46 FR 20357, April 3, 1981). No written comments were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies and, in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above mentioned rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14693 Filed 5-14-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 757]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its April 1981 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV(c)(4) of the guidelines published in the Federal Register on August 24, 1978.

Dated: May 8, 1981.

John W. Kimball,

Director, Office of International Conferences.

United States Delegation to the Joint Working Party of Committees on Capital Movements and Invisibles Transactions and Insurance Organization for Economic Cooperation and Development (OECD) Paris, April 23-24, 1981

Representative

Albert N. Alexander, Director, International Services Division, Department of Commerce

Alternate Representative

Stephen Altheim, U.S. Mission to the OECD, Paris

Private Sector Adviser

Ronald K. Shelp, Vice President, American International Underwriters Corporation, New York, New York

United States Delegation to the Annual Meeting of the North Pacific Fur Seal Commission (NPFSC) Tokyo, April 13-17, 1981

Representative

The Honorable Carmen J. Blondin, United States Commissioner and Director, Office of International Fisheries Affairs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representative

Charles H. Meacham, Deputy United States Commissioner, Anchorage, Alaska

Advisers

Raymond V. Arnaudo, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Charles W. Fowler, Program Manager, Fur Seal Research, National Marine Mammal Laboratory, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Seattle, Washington

Robert Iverson, Regional Fisheries Attache, United States Embassy, Tokyo

Douglas W. McCaleb, Foreign Affairs Officer, Office of International Fisheries Affairs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

Adrian Malovidov, Vice President, Aleut Community, St. Paul, Minnesota

Pamela Williams, Center for Environmental Education, Washington, D.C.

United States Delegation to the International Tin Council Commodities London, April 7-10, 1981

Representative

Ralph Johnson, Chief, Industrial and Strategic Minerals, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Marc Santucci, Office of the U.S. Trade Representative, Executive Office of the President

Advisers

Paul Pilkauskas, American Embassy, London
William Sugg, Office of Commodity Policy, Department of Commerce

Private Sector Advisers

Daniel McEvoy, Amalgament Incorporated, New York, New York
William A. Silverstein, Vice President, Associated Metals and Minerals Corporation, New York, New York
Roy S. Somogye, American Iron and Steel Institute, Washington, D.C.

United States Delegation to the 10th Meeting of the North Atlantic Systems Planning Group of the International Civil Aviation Organization (ICAO) Paris, March 30–April 10, 1981

Representative

John Matt, Office of Intenational Aviation, Federal Aviation Administration

Advisers

Ward J. Baker, Colonel, Headquarters, United States Air Force, Washington, D.C.
Allen C. Busch, Federal Aviation Administration Technical Center, Atlantic City, New Jersey
Jerald Davis, Office of Flight Operations, Federal Aviation Administration
Kenneth L. Fisher, Air Traffic Service, Federal Aviation Administration
Howard Rubinstein, Federal Aviation Administration Air Traffic Service, New York, New York

Private Sector Adviser

Neil W. Polhemus, Professor, Princeton University

United States Delegation to the Forty-Fourth Session of the Maritime Safety Committee (MSC), Intergovernmental Maritime Consultative Organization (IMCO), London, March 30–April 3, 1981

Representative

Henry H. Bell, Rear Admiral, USCG, Chief, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representatives

Clyde T. Lusk, Jr., Rear Admiral (Selectee), USCG, Deputy Chief, Office of Merchant Marine Safety, United States Coast Guard, Department of the Treasury
Daniel F. Sheehan, Technical Adviser, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

Ronald K. Kiss, Assistant Administrator for Shipbuilding and Operations, Maritime Administration, Department of Commerce
Gerard P. Yoest, International Affairs Staff, United States Coast Guard, Department of Transportation

Private Sector Advisers

John F. Fay, Acting Secretary-Treasurer, Seafarers International Union of North America, Brooklyn, New York
William H. Hannan, Vice President, American Bureau of Shipping, New York, New York
Donald C. Hintze, Captain USCG (Ret.), National Ocean Industries Association, Washington, D.C.
Edward H. Middleton, Technical Adviser, Maritime Institute for Research and Industrial Development, Washington, D.C.

United States Delegation to the International Coffee Organization, Council Commodities, London, March 26–April 2, 1981

Representative

Rollinde Prager, Office of the U.S. Trade Representative, Executive Office of the President

Alternate Representative

Paul Pilkauskas, American Embassy, London

Advisers

Ralph Ives, Office of Commodity Policy, Department of Commerce
James Woolwine, Tropical Products Division, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

George Boecklin,, President, National Coffee Association, New York, New York
Edward Rosen, President, Coffee Division, ACLI International, Inc., White Plains, New York
Andrew Scholtz, President, Scholtz and Company, New York, New York
Marvin Schur, President, J. Aron and Company, New York, New York

United States Delegation to the Fourth Session, United Nations Conference on an International Code of Conduct For the Transfer of Technology, United Nations Conference On Trade and Development (UNCTAD), Geneva, March 23–April 10, 1981

Representative

William R. Brew, Deputy Director, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

David L. Stewart, Office of the Legal Adviser, Department of State

Advisers

W. David Braun, Antitrust Division, Department of Justice
Edith Bruce, United States Mission, Geneva
Dieter Hoinkes, United States Patent and Trademark Office, Department of Commerce
Richard P. Schepard, Special Consultant, Department of State

Private Sector Advisers

Robert Muir, National Association of Manufacturers, Washington, D.C.
Lawrence Pearson, Council of the Americas, New York, New York

[FR Doc. 81-14022 Filed 5-14-81; 8:45 am]
BILLING CODE 4710-10-M

[Public Notice 758]

Revocation of Certain Nonimmigrant Visas

Notice is hereby given that on this date I, Diego C. Asencio, Assistant Secretary of State for Consular Affairs, acting in pursuance of the authority conferred by section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) and by delegation of authority No. 74 have revoked all nonimmigrant visas issued to nationals of Libya pursuant to section 101(a)(15)(A) of the Immigration and Nationality Act.

This action has been taken because of the general pattern of unacceptable conduct by the People's Bureau of the Socialist People's Libyan Arab Jamahiriya which is contrary to United States interests and in violation of acceptable norms of diplomatic behavior. It is also based on the refusal of Libyan authorities to agree to our request for a protective power to represent United States interests in Tripoli.

Dated: May 6, 1981.

Diego C. Asencio,

Assistant Secretary of State for Consular Affairs.

[FR Doc. 81-14023 Filed 5-14-81; 8:45 am]
BILLING CODE 4710-06-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 14-81]

Bonds of 2006–2011; Interest Rates

May 8, 1981.

The Secretary announced on May 7, 1981, that the interest rate on the bonds designated Bonds of 2006–2011 described in Department Circular—Public Debt Series—No. 14–18 dated April 30, 1981, will be 13–7/8 percent. Interest on the bonds will be payable at the rate of 137/8 percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-14000 Filed 5-14-81; 8:45 am]
BILLING CODE 4810-40-M

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 81-2; REF: ATF O 1130.122A]

Delegation by the Director of Certain Authorities Relating to the Right to Financial Privacy Act of 1978; Delegation Order

1. *Purpose.* This order delegates certain authorities vested in the Director by Treasury Department Directive TD 90-22.A To Regulatory Enforcement, Criminal Enforcement, Internal Affairs, and administrative personnel.

2. *Scope.* This directive applies to the Office of Regulatory Enforcement, the Office of Animal Enforcement, the Office of Internal Affairs, and the Office of Administration.

3. *Cancellation.* ATF O 1100.122, dated 3/21/80, is cancelled.

4. *Background.* The Right to Financial Privacy Act of 1978, 12 U.S.C. 3401-3422, Title XI of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, Public Law No. 95-630, 92 Stat. 3641, imposes new requirements on Government access to financial information from financial institutions and other government agencies. Previously, authority to perform functions under the ACT had been delegated only to Regulatory Enforcement and administrative personnel. This order further delegates such authority to Regulatory Enforcement auditors and to Criminal Enforcement and Internal Affairs personnel.

5. *Delegations.* Under the authority vested in the Director by Treasury Department Directive TD 90-22.A, dated March 28, 1979, the authority to take final action on the following matters is delegated to:

a. *Regional Regulatory Administrators.* The following acts should be carried out with the advice of regional counsel:

(1) To apply to the appropriate U.S. attorney who may petition in the United States district court for delay in notice to the customer and to issue post-notice to the consumer that there has been a court-ordered delay under 12 U.S.C. 3409.

(2) To certify that delay in obtaining access to customer financial records as required by the special procedures provision in 12 U.S.C. 3414(b) would create imminent danger of (a) physical injury to any person, (b) serious property damage, or (c) flight to avoid prosecution, so that governmental access to customer account records may lawfully be provided by the financial institution.

(3) To issue administrative summonses, otherwise within the regional regulatory administrator's authority, and proper notice to the customer under 12 U.S.C. 3405.

(4) To issue formal written requests and proper notice to the customer under 12 U.S.C. 3408 and 31 CFR Part 14.

(5) To issue notice to the customer regarding judicial subpoenas as required by 12 U.S.C. 3407.

(6) To transfer customer record information to another agency or department and to issue proper notice to the customer concerning such matters under 12 U.S.C. 3412.

(7) To request account information under 12 U.S.C. 3413(g).

(8) To issue notice to the customer that no legal proceeding is contemplated as required in 12 U.S.C. 3410(d).

(9) to certify in writing to a financial institution that all applicable provisions of the right to Financial Privacy Act of 1978 have been complied with under 12 U.S.C. 3403(b).

(b.) *Inspectors and Auditors (Regulatory Enforcement).* To obtain customer authorizations given under 12 U.S.C. 3404(a) and to certify in writing under 12 U.S.C. 3403(b) that all applicable provisions of the Right to Financial Privacy Act of 1978 have been complied with regarding customer-authorized disclosures.

c. *Special Agents in Charge.* The following acts should be carried out with the advice of the regional director of investigations and regional counsel:

(1) To apply to the appropriate U.S. attorney who may petition in the United States district court for delay in notice to the customer and to issue post-notice to the customer that there has been a court-ordered delay under 12 U.S.C. 3409.

(2) To certify that delay in obtaining access to customer financial records as required by the special procedures provision in 12 U.S.C. 3414(b) would create imminent danger of (a) physical injury to any person, (b) serious property damage, or (c) flight to avoid prosecution, so that governmental access to customer account records may lawfully be provided by the financial institution.

(3) To issue formal written requests and proper notice to the customer under 12 U.S.C. 3408 and 31 CFR Part 14.

(4) To issue notice to the customer regarding judicial subpoenas as required by 12 U.S.C. 3407.

(5) To transfer customer record information to another agency or department and to issue proper notice to the customer concerning such matters under 12 U.S.C. 3412.

(6) To request account information under 12 U.S.C. 3413(g).

(7) To issue notice to the customer that no legal proceeding is contemplated as required in 12 U.S.C. 3410(d).

(8) To certify in writing to a financial institution that all applicable provisions of the Right to Financial Privacy Act of 1978 have been complied with under 12 U.S.C. 3403(b).

(9) To obtain customer authorizations given under 12 U.S.C. 3404(a).

(10) To issue notice to the customer regarding search warrants as required by 12 U.S.C. 3406(b).

(11) To issue delayed notice to the customer regarding search warrants under 12 U.S.C. 3406(c).

d. *Regional Inspectors (Internal Affairs).* To carry out the same responsibilities as those delegated to the special agents in charge in paragraph 5c. These acts should be carried out with the advice of the Chief, Internal Investigations Division, and regional counsel.

e. *Chief, Planning and Budget Branch (Administration).* To gather and submit to the Assistant Secretary (Enforcement and Operations), for inclusion in the annual report to Congress required by 12 U.S.C. 3421(b), information concerning the number of requests for records made during the preceding calendar year according to type, and other related information pertinent to the implementation of the Right to Financial Privacy Act of 1978.

6. *Redelegation.* a. The authorities in paragraphs 5a(1), 5a(2), 5a(3), 5b, 5c, 5d and 5e may not be redelegated.

b. The authorities in paragraphs 5a(4), 5a(5), 5a(6), 5a(7), 5a(8) and 5a(9) may be redelegated but not lower than the position of chief, technical services, or chief, field operations.

7. *For information contact.* Regulations and Procedures Division, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, (202) 566-7626.

8. *Effective Date.* This order becomes effective on May 15, 1981.

9. *Approval.*

G. R. Dickerson,
Director.

May 11, 1981.

[FR Doc. 81-14712 Filed 5-14-81; 8:45 am]
BILLING CODE 4810-31-M

VETERANS ADMINISTRATION

Cooperative Studies Evaluation Committee; Meeting

The Veterans Administration gives notice under Public Law 92-463 that a meeting of the Cooperative Studies

Evaluation Committee, authorized by 38 U.S.C. 4101, will held in Room 119 of the Veterans Administration, 810 Vermont Avenue, NW, Washington, DC, 20420, on July 9 and 10, 1981. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, the scientific validity and the propriety of technical details, including involvement of human subjects. The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program, on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 8:30 a.m., on July 9 and 10, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator of the Committee, Veterans Administration Central Office, Washington, DC (202–389–3702) prior to June 26.

The meeting will be closed from 8:30 a.m. to 4:15 p.m. on July 9, and from 8:30 a.m. to 1:45 p.m on July 10, for consideration of specific proposals in accordance with provisions set forth in subsection 10(d) of Pub. L. 92–463, as amended by section 5(c) of Pub. L. 94–409, and subsections (c)(6) and (c)(9)(B) of section 552b, title 5, United States Code. During this portion of the meeting, discussions and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: May 8, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81–14640 Filed 5–14–81; 8:45 am]

BILLING CODE 3320–01–M

Education Addition to Building No. 2 Veterans Administration Medical Center St. Louis, Mo.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of an Education Addition to Building No. 2, at the Veterans Administration Medical Center (VAMC), St. Louis, Missouri.

This project proposes construction of a building addition to the Research and Education Building No. 2 and Interior Renovations for Education and Medical Media Production. New construction will provide 6,300 gross square feet of space for an auditorium convertible to a series of conference classrooms. Renovation of Building No. 2 will provide facilities to alleviate the space deficiency at the present time.

No alternatives were considered. The site chosen is the only available land adjacent to Building No. 2. If the NO-ACTION alternative was selected, the existing space deficiency for education facilities would continue to hamper the effective operation of this station.

Development of the project will have impacts on the human and natural environment affecting air quality relative to construction dust, soil erosion and visual effects related to building design. In relation to both construction and operation, the project will be built in accordance with applicable federal, state, and local air quality standards.

Mitigation will occur during project development. Construction contract documents will include environmental protection specifications. This section specifically addresses the actions which will be undertaken to avoid adverse environmental effects and the impacts identified above.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR § 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, NW., Washington, D.C., (202–389–2528). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: May 8, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81–14639 Filed 5–14–81; 8:45 am]

BILLING CODE 3320–01–M

Laundry Consolidation, Veterans Administration Medical Center, St. Albans Division, Brooklyn, N.Y.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the new laundry building of approximately 50,000 gross square feet proposed for construction at the Veterans Administration Medical Center (VAMC), St. Albans Division, Brooklyn, New York.

The project will include construction of a two story laundry building, service drive area, and a new service entrance road. In addition, new connections to existing utilities, including water supply and electrical supply, will be provided for. Total project costs are currently placed at approximately 12.3 million dollars, with an additional 1.1 million for technical services.

Three different sites were considered for location of the laundry at the Medical Center. Site A, located near the existing boiler plant, has good utility availability and access. This area compliments the existing service area and offers good security. Site B, southwest of the main hospital building would require a longer service road and is not directly adjacent to utility service connections. Site C, directly west of the main hospital, is furthest removed from the service area of the Medical Center requiring long utility connections and would generate the need for the laundry service vehicles to travel onsite and would require widening of existing roads and relocation of utilities.

Site A is considered the most desirable site functionally and would have the fewest disruptions to the existing operations of the VA Medical Center.

The proposed project will create an increased demand on water supply and electricity. Additional truck traffic will occur, with three (3) tractor trailer deliveries daily. These vehicles will create additional vehicle noise on Baisley Boulevard, but not in excess of the New York City's noise ordinance requirements.

Mitigation incorporated into the project development will include actions to avoid temporary air quality degradation due to construction and limited soil erosion. Construction contract documents will include Environmental Protection Specifications, Section EP, which specifically addresses the actions which will be undertaken to avoid adverse environmental effects.

In addition, operational/design mitigation includes the use of a high

efficiency recycling laundry system to conserve on water usage.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR § 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street NW., Washington, D.C., (202)-389-2528. Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue NW., Washington, D.C. 20420.

Dated: May 8, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-14699 Filed 5-14-81; 8:45 am]

BILLING CODE 3320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 94
Friday, May 15, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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Occupational Safety and Health Review Commission	5
Securities and Exchange Commission	6, 7
Nuclear Regulatory Commission	8

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Tuesday, May 19, 1981, members of the Board of Directors of the Federal Deposit Insurance Corporation will meet to hear oral argument on the findings of fact, conclusions of law, and recommended decision of an administrative law judge issued in connection with cease-and-desist proceedings pending against an insured State nonmember bank pursuant to section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, D.C.

The meeting will be closed to public observation pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (d)(4) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (d)(4)).

Dated: May 12, 1981.

Federal Deposit Insurance Corporation.

Noyle L. Robinson,

Executive Secretary.

[S-784-81 Filed 5-13-81; 10:33 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:00 a.m. on Wednesday, May 20, 1981, members of the Board of Directors of the Federal Deposit Insurance Corporation will meet to hear oral argument on the findings of fact, conclusions of law, and recommended decision of an administrative law judge issued in connection with termination-of-insurance proceedings pending against an insured State nonmember bank pursuant to section 8(a) of the Federal Deposit Insurance Act (12 U.S.C. 1818(a)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

The meeting will be closed to public observation pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (d)(4) of the "Goverment in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (d)(4)).

Dated: May 12, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-783-81 Filed 5-13-81; 10:33 am]

BILLING CODE 6714-01-M

3

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10:00 A.M., Thursday, May 21, 1981.

PLACE: 1700 G St. N.W., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: The following items are to be considered for the open meeting.

Proposed Merger—Security Savings and Loan Association, Kent, Washington into Pacific First Federal Savings and Loan Association Tacoma, Washington.

Request for Futher Extension of Time to Comply with the Conditions of FHLBB RES. No. 79-466 RE: Bank Membership and Insurance of Accounts—County Savings and Loan Association (In Organization) Santa Barbara, California.

Application for Bank Membership—Stoneham Co-operative Bank, Stoneham, Massachusetts.

Final Branch Location—Roosville Federal Savings and Loan Association Roosville, Georgia.

Branch Office Application—Security Federal Savings and Loan Association Pampa, Texas.

Request for a Commitment to Insure Accounts—Great Western Savings and Loan Association Grand Junction, Colorado (New Stock Association).

Change of Name—San Diego Federal Savings and Loan Association, San Diego, California.

Branch Office Application—First Federal Savings and Loan Association of Fayetteville, Fayetteville, Arkansas.

Modification of Merger Condition—Orangeburg Savings and Loan Association Orangeburg, South Caroline into Standard Federal Savings and Loan Association, Columbia, South Carolina.

Limited Facility Application—Morsemere Federal Savings and Loan Association Fort Lee, New Jersey.

Preliminary Application for Conversion on Basis of Merger; Maintenance of Branch Office; Cancellation of Membership and Insurance—Sheldon Building and Loan Association, Sheldon, Illinois, into Iroquois Federal Savings and Loan Association, Watseska, Illinois.

Proposed Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance and Transfer of Stock—Jefferson Federal Savings and Loan Association Louisville, Kentucky, into Future Federal Savings and Loan Association, Louisville, Kentucky.

Branch Office Application—First Federal Savings and Loan Association of Hanover, Hanover, Pennsylvania.

Amendment to Resolution No. 79-244 Service Corporation—Pennsylvania Mortgage Insurance Company (PAMICO) Blue Bell, Pennsylvania.

Service Corporation Activity (Underwriting Credit Life, Mortgage Life, Title Health and Accident Insurance)—Pennsylvania Mortgage Insurance Company (PAMICO), Blue Bell, Pennsylvania.

Reconsideration of Board Denial of Charter Amendment—Pioneer Federal Savings and Loan Association, Hopewell, Virginia.

Change of Name—American Federal Savings and Loan Association of Central Iowa, Des Moines, Iowa.

Request to Operate Branch Office in Temporary Location—Midwest Federal Savings and Loan Association, Minot, North Dakota.

Conversion to Federal Association Merger and Retention of Facilities—Melrose Savings Melrose Park, Illinois, into The Talman Home Federal Savings and Loan Association of Illinois, Chicago, Illinois.

Holding Company Acquisition and Merger—Imperial Corporation of America, San Diego, California, to acquire, USLIFE

Savings and Loan Association Los Angeles, California, and merge said savings and loan with Imperial Savings and Loan Association, San Francisco, California.

No. 434, May 13, 1981.

[S-762-81 Filed 5-13-81; 9:21 am]

BILLING CODE 6720-01-M

4

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10:00 a.m., Wednesday, May 20, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph P. Coyne, Assistant to the Board; (202) 452-3204.

James McAfee,

Assistant Secretary of the Board.

May 12, 1981.

[S-763-81 Filed 5-13-81; 10:33 am]

BILLING CODE 6210-01-M

5

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 23868, April 28, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. on May 21, 1981.

CHANGES IN THE MEETING: This meeting has been rescheduled for 10 a.m. on May 22, 1981.

Dated: May 13, 1981.

[S-765-81 Filed 5-13-81; 12:44 pm]

BILLING CODE 7600-01-M

6

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provision of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of May 18, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, May 19, 1981, at 10:00 a.m. An open meeting will be held on Thursday, May 21, 1981, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Friedman, and Thomas determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, May 19, 1981, at 10:00 a.m., will be:

Formal orders of investigation.
Institution of injunctive actions.
Settlement of injunctive actions.
Litigation matters.
Institution of administrative proceeding of an enforcement nature.
Institution and settlement of administrative proceedings of an enforcement nature.
Settlement of administrative proceeding of an enforcement nature.
Freedom of Information Act appeals.
Proposed order in administrative proceeding, opinion.

The subject matter of the open meeting scheduled for Thursday, May 21, 1981, at 10:00 a.m., will be:

1. Consideration of whether to affirm action, taken by the Duty Officer, authorizing Richard J. Kanyon, Director of the Commission's Office of Administrative Services, to testify and produce documents in response to a subpoena served upon the Commission by the plaintiff in *James H. Schropp* v. *Halifax Engineering, Inc., et al.* For further information, please contact Douglas J. Scheidt at (202) 272-2454.

2. Consideration of whether to grant the appeal of Karen L. Smith from the determination of the Freedom of Information Act Officer denying her access to certain investigatory files concerning OKC Corporation and its chief executive officer, Cloyce K. Box, pursuant to Exemption 7(a) of the FOIA, 5 U.S.C. 552(b)(7)(A). For further information, please contact Andrew W. Sidman at (202) 272-2454.

3. Consideration of whether to affirm action, taken by the Duty Officer, authorizing the staff to file its comments, as *amicus curiae*, in *Danmar Associates* v. *Porter*, in response to a request by the Court for Commission comments regarding the reasonableness of the size of an award of attorney's fees after settlement of class action litigation. For further information, please contact Stephen E. Cavan at (202) 272-2454.

4. Consideration of whether to affirm action, taken by the Duty Officer, authorizing a response to a request for comments on H.R. 2512, the "Nuclear Powerplant Property Damage Insurance Act of 1981," made by Chairman Dingell of the House Energy and Commerce Committee. For further information, please contact Alan Rosenblat at (202) 272-2428.

5. Consideration of what response to make to Congressman Green's request for its comments on H.R. 1397, a bill to encourage savings and capital formation by offering a bonus payment to modest-income people who purchase certain savings certificates or make certain investments. For further information, please contact Diane G. Klinke at (202) 272-2419.

6. Consideration of whether to issue an order declaring that Panhandle Eastern Pipe Line Company and certain of its subsidiaries are not gas utility companies pursuant to Section 2(a)(4) of the Public Utility Holding Company Act of 1935. For further information, please contact Aaron levy at (202) 523-5691.

7. Consideration of whether to grant the application filed by Georgia Power Company, an electric utility subsidiary of The Southern Company, a holding company registered under the Public Utility Holding Company Act of 1935, seeking authorization to issue and sell at competitive bidding up to $125,000,000 principal amount of first mortgage bonds. A request for hearing and other relief with respect to the proposal has been filed by three shareholders of The Southern Company. For further information, please contact Kenneth D. Israel at (202) 523-5686.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272-2468.

May 12, 1981.

[S-760-81 Filed 5-13-81; 4:00 pm]

BILLING CODE 8010-01-M

7

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [46 FR 25594 5/7/81].

STATUS: Closing meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, May 5, 1981.

CHANGES IN THE MEETING: Additional item.

The following additional item will be considered at a closing meeting scheduled for Wednesday, May 13, 1981, following the 2:30 p.m. open meeting:

Litigation matter.

Chairman Shad and Commissioners Loomis, Evans, Friedman, and Thomas determined that Commission business required the above change and that no earlier notice thereof was possible.

AT TIMES CHANGES IN COMMISSION PRIORITIES REQUIRE

ALTERATIONS IN THE SCHEDULING OF MEETING ITEMS. FOR FURTHER INFORMATION AND TO ASCERTAIN WHAT, IF ANY, MATTERS HAVE BEEN ADDED, DELETED OR POSTPONED, PLEASE CONTACT: Art Delibert at (202) 276–2467.

May 12, 1981.

[S–791–81 Filed 5–13–81; 4:45 pm]

BILLING CODE 6310–01–M

8

NUCLEAR REGULATORY COMMISSION.

DATE: Tuesday, May 19, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Tuesday, May 19.

10:00 a.m.—1. Discussion of Revised Licensing Procedures.

2:00 p.m.—1. Discussion and Possible Vote on Full-Power Operating License for Salem-2.

ADDITIONAL INFORMATION: By a vote of 4–0 on May 12, 1981, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules, that Commission business required that affirmation of Goldsmith FOIA Appeal, FOIA Appeal—Attorney Conduct in Diablo Canyon Proceeding, and Review of ALAB–637 (partially closed—Exemption 10), held that day, be held on less than one week's notice to the public.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

May 12, 1981.

[S–797–81 Filed 5–13–81; 3:05pm]

BILLING CODE 7590–01–M

federal register

Friday
May 15, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alaska: AK81–5110	Apr. 10, 1981.
Arizona: AZ81–5101	Jan. 30, 1981.
Florida: FL79–1118	Aug. 17, 1979.
Hawaii: HI81–5106	Mar. 6, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

California:
CA80-5114(CA81-5118)..... Apr. 10, 1980.
CA80-5147(CA81-5120)..... Nov. 28, 1980.
Connecticut: CT80-3074(CT81-3032)..... Aug. 15, 1980.
Kansas: KS79-4107(KS81-4033)..... Nov. 14, 1979.
Maryland: MD81-3005(MD81-3031)..... Feb. 6, 1981.
Ohio: OH80-3002(OH81-3004)..... Feb. 1, 1980.

Signed at Washington, D.C. this 8th day of May 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATION PAGE 1

DECISION NUMBER AK81-5110 Mod. #2
(46 FR 21526 - April 10, 1981)

STATEWIDE, ALASKA	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Sprinkler Fitters	$ 22.51	.95	1.40		.08

DECISION NUMBER AZ81-5101 Mod. #5
(46 FR 10078 - January 30, 1981)

STATEWIDE, ARIZONA					
CHANGE:					
Sprinkler Fitters	$16.65	.95	1.40		.08

DECISION NO. FL79-1118 - MOD. #8
(44 FR 48564 - August 17, 1979)
Pinellas County, Florida

Change:					
Bricklayers	12.25	.60	.80	.10	
Plumbers; Pipefitters & A/C Heating Mechanics	14.03	.70	1.10	.10	

MODIFICATION PAGE 2

DECISION NUMBER HI81-5106 Mod. # 2
(46 FR 15650 - March 6, 1981)

STATEWIDE, HAWAII	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DELETE:					
POWER EQUIPMENT OPERATORS:					
ASPHALT PAVING GROUP:					
Asphalt Raker	$ 9.80	1.35	2.80	a	
Asphalt Roller	10.76	1.35	2.80	a	
Asphalt Spreader	11.08	1.35	2.80	a	
ADD:					
POWER EQUIPMENT OPERATORS:					
ASPHALT PAVING GROUP:					
Asphalt Spreader Oper.	12.58	1.35	2.75	a	
Roller Operator:					
Over 5 tons	12.26	1.35	2.75	a	
5 tons and under	11.03	1.35	2.75	a	
Screedman	11.61	1.35	2.75	a	
Asphalt Raker	11.30	1.35	2.75	a	
Hand Roller	10.80	1.35	2.75	a	
CHANGE:					
POWER EQUIPMENT OPERATORS:					
DREDGING: Hydraulic					
Suction Dredges;					
Clamshell Dredges;					
Boat Opers; Derricks.					
Group 1	13.75	1.35	2.80	.95	.05
Group 2	13.24	1.35	2.80	.95	.05
Group 3	12.69	1.35	2.80	.95	.05
Group 4	11.03	1.35	2.80	.95	.05
Group 5	11.03	1.35	2.80	.95	.05
Group 6	11.03	1.35	2.80	.95	.05
Group 7	13.50	1.35	2.80	.95	.05
Group 8	12.58	1.35	2.80	.95	.05
Group 9	13.20	1.35	2.80	.95	.05
Group 10	11.03	1.35	2.80	.95	.05
Sprinkler Fitters	15.80	.95	1.40		.08

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Humboldt,

DECISION NO. CA81-5119 Page 2

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tuolumne, Yolo, and Yuba

DECISION NUMBER: CA81-5119

DATE: Date of Publication

Supersedes Decision No. CA80-5114 dated April 18, 1980, in 45 FR 26610

DESCRIPTION OF WORK: Residential Projects consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$20.11	$1.25	$1.45		.11
BOILERMAKERS	17.11	1.30	1.25	1.00	.04
BRICKLAYERS; Stonemasons:*					
Area 1	14.42	1.50	2.13	1.18	.05
Area 2	17.05	1.50	1.40		
Area 3	16.70	1.70	1.30		
Area 4	16.11	1.30	1.71		.25
Area 5	15.18	1.82	1.45		
Area 6	14.45	1.65	1.25		.05
Area 7	15.79	1.41	2.10		.05
BRICK TENDERS:*					
Area 1	12.14	1.15	1.90		
Area 2	12.13	1.15	1.90		
Area 3	13.73	1.30	1.75		
CARPENTERS:					
Carpenters	15.35	1.605	1.95	1.35	.09
Hardwood Floor Layers; Power Saw Operator; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	15.50	1.605	1.95	1.35	.09
Millwrights	15.85	1.605	1.95	1.35	.09
Calaveras, Mariposa, Merced and Tuolumne Cos.: Carpenters	15.35	1.605	1.95	1.35	.09
CEMENT MASONS:					
Cement Masons	13.70	1.65	1.75	1.90	.08
Mastic; Magnesite; All Composition Masons	13.95	1.65	1.75	1.90	.08
Men working from swinging or Slip Form Scaffolds	13.95	1.65	1.75	1.90	.08
DRYWALL INSTALLERS	15.88	1.605	1.95	1.35	.09

*See AREA Descriptions - Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:*					
Area 1:					
Electricians	$19.46	$1.30	3%+2.90		.082
Cable Splicers	21.89	1.30	3%+2.90		.082
Area 2:					
Electricians	13.60	1.25	3%+3.50		.10
Cable Splicers	20.46	1.25	3%+3.50		.10
Area 3:					
Electricians	17.43	.99	3%+1.37		.08
Cable Splicers	19.07	.99	3%+1.37		.08
Area 4:					
Electricians	18.06	1.34	3%+2.40		1/4%
Cable Splicers	20.12	1.34	3%+2.40		1/4%
Area 5:					
Electricians	18.61	1.40	3%+2.50		.10
Cable Splicers	20.61	1.40	3%+2.50		.10
Area 6:					
Electricians	15.16	1.10	3%+3.33		.04
Cable Splicers	16.37	1.10	3%+3.33		.04
Area 7:					
Electricians	17.85	1.26	3%+1.50		.04
Cable Splicers	19.64	1.26	3%+1.50		.04
Area 8:					
Electricians	17.57	1.15	3%+2.00		1/4%
Cable Splicers	19.33	1.15	3%+2.00		1/4%
Area 9:					
Electricians	17.51	1.15	3%+2.00		.15
Cable Splicers	19.70	1.15	3%+2.00		.15
Area 10:					
Cable Splicers	17.57	1.47	3%+2.10		.05
Cable Splicers	19.77	1.47	3%+2.10		.05
Area 11:					
Electricians	18.90	1.62	3%+3.00		.13
Cable Splicers	21.26	1.62	3%+3.00		.13
Area 12:					
Electricians	17.51	1.15	3%+4.38		.15
Cable Splicers	19.70	1.15	3%+4.38		.15
Area 13:					
Electricians	20.77	1.42	3%+1.935		.10
Cabel Splicers	23.36	1.42	3%+1.935		.10
Area 14:					
Electricians	19.35	1.32	3%+2.75		.05

*See AREA Descriptions - Page 3

MAY 15 1981

AREA DESCRIPTIONS

BRICKLAYERS; Stonemasons:
Area 1: Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma Counties
Area 2: Alameda and Contra Costa Counties
Area 3: Mariposa and Merced Counties
Area 4: El Dorado, Nevada, Placer, Sacramento, Sutter, Yolo, and Yuba Counties
Area 5: Monterey and Santa Cruz Counties
Area 6: San Benito and Santa Clara Counties
Area 7: Amador, Calaveras, San Joaquin, and Tuolumne Counties

BRICK TENDERS:
Area 1: Amador, El Dorado, Nevada, Placer, Sacramento, and Yolo Counties
Area 2: San Francisco and San Mateo Counties
Area 3: Calaveras and San Joaquin Counties

ELECTRICIANS:
Area 1: Alameda County
Area 2: Amador, Sacramento, Sutter, Yolo, and Yuba Counties; El Dorado, Nevada, and Placer Counties (those portions west of the Main Sierra Mountain Watershed)
Area 3: Lake Tahoe Area
Area 4: Calaveras and San Joaquin Counties
Area 5: Contra Costa County
Area 6: Del Norte and Humboldt Counties
Area 7: Marin and Sonoma Counties
Area 8: Mariposa, Merced, and Tuolumne Counties
Area 9: Monterey County
Area 10: Napa and Solano Counties
Area 11: Santa Clara County
Area 12: San Benito and Santa Cruz Counties
Area 13: San Francisco County
Area 14: San Mateo County

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTRORS:					
Elevator Constructors	$19.99	1.195	.95	a	.035
Helpers	70%JR	1.195	.95	a	.035
Probationary Helpers	50%JR				
GLAZIERS:*					
Area 1	17.72	1.13	2.71		.10
Area 2	15.111	1.40	2.10	1.854	
Area 3	12.90	1.00	1.38	1.47	.05
IRONWORKERS:					
Fence Erectors	13.46	1.39	3.11	2.15	.07
Reinforcing; Ornamental; Structural	14.35	1.39	3.11	2.15	.07
LATHERS:*					
Area 1	14.51	1.31	2.00		.10
Area 2	12.35	.86	1.30		.01
Area 3	13.70	.93	.55		.01
Area 4	15.71	1.02	1.35		.01
Area 5	11.30	.68	.55		.04
Area 6	15.93	1.36	2.50	1.00	.035
Area 7	15.27	1.20	1.30		.05
Area 8	11.85				
Area 9	11.92	.82	2.50	1.50	.02
PAINTERS:*					
Area 1:					
Brush	12.49	1.10	3.24	1.11	
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel	12.89	1.10	2.34	1.11	
Area 2:					
Brush	12.51	1.55	1.00	1.00	.02
Swing Stage, Paperhangers, Bosun Chair, Steam Cleaning and Water Blasting	14.51	1.55	1.00	1.00	.02
Spray, Sandblasting	14.01	1.55	1.00	1.00	.02
Area 3:					
Brush	18.34	1.50	2.00		
Spray	18.84	1.50	2.00		
Tapers	19.14	1.50	2.00		

*See AREA Descriptions - Page 6

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AREA DESCRIPTIONS

GLAZIERS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 4:					
Brush	$14.43	.70	.75		.02
Spray; Structural Steel; Tapers	14.93	.70	.75		.02
Area 5:					
Brush	17.40	1.50	2.00	1.00	.06
Spray	17.54	1.50	2.00	1.00	.06
Tapers	17.84	1.50	2.00	1.00	.06
Area 6:					
Brush; Por Tender; Rollers	9.35	.65	.70		
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers	9.60	.65	.70		
Area 7:					
Brush	17.89	1.50	2.00	1.00	.04
Spray	17.59	1.50	2.00	1.00	.04
Tapers	17.89	1.50	2.00	1.00	.04
Area 8:					
Brush	10.10	1.00	.50		
Spray; Sandblasters; Structrual Steel; Swing Stage; Tapers; Paperhangers	10.35	1.00	.50		
PLASTERERS:*					
Area 1	14.32	1.20	2.80		.03
Area 2	12.40	1.45	1.75	1.75	
Area 3	14.51	1.00	1.35		.01
Area 4	13.21	1.21	2.15		.03
Area 5	11.60	1.13	.95	1.25	.01
Area 6	12.75	1.20	2.75	2.00	
Area 7	16.08	1.15	3.90		.06
Area 8	12.45	1.31	2.20	1.65	.03
PLUMBERS:*					
Area 1	18.85	1.05	2.74		.16
Area 2	19.92	1.65	2.84		.26

*See AREA Descriptions - Page 6

AREA DESCRIPTIONS

GLAZIERS:
Area 1: Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, and Santa Cruz Counties; Solano County (southwest from East of Fairfield); and Sonoma County
Area 2: Amador, Calaveras, El Dorado, and Mariposa Counties; Merced County (north of the City of Livingston); Nevada, Placer, Sacramento, Yolo, and Yuba Counties
Area 3: Remaining portions of Merced County

LATHERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Humboldt, Nevada, Placer, and Tehama Counties
Area 3: Calaveras and San Joaquin Counties
Area 4: Marin and Sonoma Counties
Area 5: Monterey and Santa Cruz Counties
Area 6: San Francisco and San Mateo Counties
Area 7: San Benito and Santa Clara Counties
Area 8: Mariposa, Merced and Tuolumne Counties
Area 9: Amador, El Dorado, Sacramento, and Yolo Counties

PAINTERS:
Area 1: Amador, Calaveras, and San Joaquin Counties
Area 2: Mariposa, Merced, and Tuolumne Counties
Area 3: Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of the Lake Tahoe Area)
Area 4: Lake Tahoe Area
Area 5: Marin, San Francisco, and Sonoma Counties
Area 6: Sutter and Yuba Counties
Area 7: Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano, and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)
Area 8: Del Norte and Humboldt Counties

PLASTERERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Fresno County
Area 3: Monterey County
Area 4: Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Yolo, and Yuba Counties
Area 5: Del Norte, Humboldt, Marin, Napa, Solano, and Sonoma Counties
Area 6: Mariposa, Merced, and Tuolumne Counties
Area 7: San Francisco and San Mateo Counties
Area 8: San Benito, Santa Clara, and Santa Cruz Counties

PLUMBERS:
Area 1: Alameda County
Area 2: Contra Costa County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:*					
Area 1	$17.69	$1.56	$2.10		.14
Area 2	16.09	1.13	1.00		.10
Area 3	21.21	2.76	2.58		.20
Area 4	19.99	1.30	2.39		.16
Area 5	18.01	1.44	2.75		.25
Area 6	17.50	1.88	2.42		.10
Area 7	20.74	1.65	2.39		.22
Area 8	15.35	1.27	3.15		.10
ROOFERS:*					
Area 1:					
Roofers	13.82	1.27	2.10	1.50	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps)	14.07	1.27	2.10	1.50	.10
Bitumastic; Enamelers; Pipewrappers; Coal tar built up	15.82	1.27	2.10	1.50	.10
Area 2:					
Roofers (slate, tile and composition and built up)	15.35	1.34	1.25		
Felt Machine Operator	12.30	.98	.67		
Area 3:					
Roofers	14.51	1.32	1.00		.10
Area 4:					
Roofers	13.44	1.10	1.65	2.43	.10
Mastic Workers; Kettlemen (2 kettle w/o pumps)	13.69	1.10	1.65	2.43	.10
Bitumastic; Enamelers; Pipewrappers; Coal tar Pitch	15.44	1.10	1.65	2.43	.10
Area 5:					
Roofers	10.32	.40	.75	.35	
Area 6:					
Roofers	13.30	1.40	1.15		
Area 7:					
Roofers	13.54	1.06	1.70	2.45	.10
Mastic Workers; Kettlemen (2 kettles w/o pumps)	13.79	1.06	1.70	2.45	.10
Bitumastic; Enamelers; Pipewrappers; Coal tar	15.54	1.06	1.70	2.45	.10

*See AREA Descriptions - Page 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:* (Cont'd)					
Area 8:					
Roofers	$13.80	$1.19	$1.70	$2.00	.10
Enamelers and Pitch	15.80	1.19	1.70	2.00	.10
Area 9:					
Roofers; Kettleman (1 kettle)	12.88	.99	1.68		
SHEET METAL WORKERS:*					
Area 1	13.10	1.23	2.52	12%	.05
Area 2	14.23	1.23	2.00		.01
Area 3	13.68	1.23	2.21		.13
Area 4	15.71	1.23	2.33		.04
Area 5	16.06	1.30	3%+2.46		.16
Area 6	19.51	1.23	2.47		.20
Area 7	14.78	1.38	2.00		.16
SOFT FLOOR LAYERS:*					
Area 1:	14.76	.89	1.60	1.25	.10
Area 2	16.16	1.00	1.75	1.55	.17
Area 3	16.16	1.00	1.75	1.55	.17
SPRINKLER FITTERS:*					
Area 1	20.73	1.65	2.60		.14
Area 2	20.03	.95	1.40		.08
STEAMFITTERS:*					
Area 1	15.68	1.51	2.60		.02
Area 2	12.75	1.12	2.65		.10
TERRAZZO WORKERS:					
Area 1	17.05	1.50	1.40		.05
Area 2	11.80	.80	.90		.25
TILE SETTERS:*					
Area 1	15.25	1.19	1.62	2.00	1.15
Area 2	16.64	1.41	1.35		.04
Area 3	14.75	1.50	1.00		.05
Area 4	16.73	1.64	1.79		
TILE FINISHERS:*					
Area 1	13.10	1.25	.89	1.31	.03
Area 2	9.40	.95		1.00	

*See AREA Descriptions - Pages 9 and 10

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service.

AREA DESCRIPTIONS (Cont'd)

SOFT FLOOR LAYERS:

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A thru F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA DESCRITPIONS

PLUMBERS; Steamfitters:
Area 1: Amador County (northern half); El Dorado, Sacramento, Yolo, Nevada and Placer Counties (excluding Lake Tahoe Area)
Area 2: Lake Tahoe Area
Area 3: Marin, San Francisco, and Sonoma Counties
Area 4: San Benito, and Santa Clara Counties
Area 5: San Mateo County
Area 6: Amador County (southern half); Calaveras, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Sutter, Tuolumne, and Yuba Counties
Area 7: Napa and Solano Counties
Area 8: Del Norte and Humboldt Counties

ROOFERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Calaveras, Mariposa, Merced, San Joaquin, and Tuolumne Counties
Area 3: El Dorado, Placer, Sutter, and Yuba Counties
Area 4: Marin, Napa, Solano, and Sonoma Counties
Area 5: Del Norte and Humboldt Counties
Area 6: Monterey and Santa Cruz Counties
Area 7: San Francisco and San Mateo Counties
Area 8: Amador, Sacramento, and Yolo Counties
Area 9: San Benito and Santa Clara Counties

SHEET METAL WORKERS:
Area 1: Alameda, Contra Costa, Napa, and Solano Counties
Area 2: Calaveras and San Joaquin Counties
Area 3: Amador, El Dorado, Nevada, Placer, Sacramento, Sutter, Yolo, and Yuba Counties
Area 4: Mariposa, Merced, and Tuolumne Counties
Area 6: San Mateo County
Area 7: Del Norte, Humboldt, Marin, San Francisco, and Sonoma Counties

AREA DESCRIPTIONS (Cont'd)

SOFT FLOOR LAYERS:
Area 1: Amador, Calaveras, and Merced Counties (east of the San Joaquin River); San Joaquin, Sacramento, Sutter, Tuolumne, Yolo, and Yuba Counties; El Dorado, Nevada, and Placer Counties (those portions excluding the Lake Tahoe Area)
Area 2: Lake Tahoe Area
Area 3: Alameda, Contra Costa, Marin, Merced, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma Counties

SPRINKLER FITTERS:
Area 1: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties
Area 2: Remaining Counties

STEAMFITTERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Del Norte and Humboldt Counties

TERRAZZO WORKERS:
Area 1: Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma Counties
Area 2: El Dorado, Nevada, Placer, Sacramento, Sutter, Yolo, and Yuba Counties

TILE SETTERS:
Area 1: Alameda, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Solano, Sonoma, Sutter, Yolo, and Yuba Counties
Area 2: Amador, Calaveras, San Joaquin, and Tuolumne Counties
Area 3: Mariposa and Merced Counties
Area 4: Monterey and Santa Cruz Counties

TILE FINISHERS:
Area 1: Alameda, Contra Costa, Del Norte, Humboldt, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Sonoma, and Solano Counties
Area 2: Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Yolo, and Yuba Counties

LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.19	$1.30	$ 1.75	$1.40	.10
Group 1(a)	12.415	1.30	1.75	1.40	.10
Group 1(b)	12.69	1.30	1.75	1.40	.10
Group 1(c)	12.24	1.30	1.75	1.40	.10
Group 1(d)	12.44	1.30	1.75	1.40	.10
Group 1(e)	12.74	1.30	1.75	1.40	.10
Group 1(f)	12.775	1.30	1.75	1.40	.10
Group 1(g)	12.39	1.30	1.75	1.40	.10
Group 2	12.04	1.30	1.75	1.40	.10
Group 3	11.94	1.30	1.75	1.40	.10
GUNNITE					
Group 1	12.65	1.30	1.75	1.40	.10
Group 2	12.06	1.30	1.75	1.40	.10
Group 3	11.94	1.30	1.75	1.40	.10

LABORERS

Group 1: Asphalt Ironers and Rakers; Barko, Wacker and similar type Tampers; Buggymobile; Chainsaw, Faller, Logloader and Bucker; Compactors of all types; Concrete and Magnesite Mixer, 1/2 yard and under; Concrete Pan work; Concrete Saw; Concrete Sander; Cribber and/or Shoring; Cut Granite Curb Setter; Form Raisers; Slip Forms; Green Cutters, Headerboardmen, Hubsetters, Aligners; Jackhammer Operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen, and men applying asphalt, lay-kold, creosote, lime, caustic and similar type materials; Lagging, Sheeting, Whaling, Bracing, Trenching-jacking, Hand-guided Lagging Hammer; Magnesite, Epoxyresin, Fibergalss, and Mastic Workers (wet or dry); Pavement Breakers and Spaders, including Tool Grinder; Pipelayers, Caulkers; Banders; Pipewrappers, Conduit Layers, Plastic Pipelayers; Post Hole Diggers - air, gas and electric; Power Broom Sweepers; Power Tampers of all types (except as shown in Group 2); Ram Set Gun and Stud Gun; Riprap/Stonepaver and Rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary Scarifier, Multiple Head Concrete Chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and Ditch Witch; Roto-tiller; Sandblasters, Potman, Gunman; Nozzleman; Signalling and Rigging; Tank Cleaners; Tree Climbers; Vibra-screed - Bull Float in connection with Laborer's work; Vibrators; Dri-pak-it Machine; High Pressure Blow Pipe (1¼" or over, 100 lbs. pressure or over); Hydro Seeder and similar type; Laser Beam in connection with Laborer's work

Group 1(a): Joy Drill Model TWM-2A; Gardener-Denver Model DH143 and similar type Drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers - all types regardless of type or method of power; Multiple unit Drills; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High Scalers (including drilling of same); Tree Topper; Bit Grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

Group 1(d): Repair Trackmen and Rod Beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on General Construction work on or in Bell Hole Footings and Shaft

Group 1(f): Wire Winding Machine in connection with Guniting or Shotcrete - Aligner

LABORERS: (Cont'd)

Group 1(g): Contra Costa County Only: Pipelayers; Caulkers,

LABORERS: (Cont'd)

Group 1(g): Contra Costa County Only: Pipelayers; Caulkers, Banders; Pipewrappers, Conduit Layers and Plastic Pipelayers; Pressure Pipe Tester, no joint pipe and stripping of same, including repair of voids, Precast Manhole Setters, Cast-in-place, Manhole Form Setters

Group 2: Asphalt Shovelers; Cement Dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete Bucker Dumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Drillers' Tenders; Chuck Tender; Nozzleman, Adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type Brush Shredders; Sloper, Singlefoot, hand held, Pneumatic Tamper; All Pneumatic, air, gas, and electric tools; Jacking of pipe under 12 inches

Group 3: All Cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction Laborers including bridge and General Laborers; Dumpman, Load Spotter; Fire Watcher; Street Cleaners; Gardeners; Horticultural and Landscape Laborers; Jetting; Limbers; Brush Loaders; Pilers, Maintenance Landscape Laborers on new construction; Maintenance, Repair Trackmen and Road Beds; Streetcar and Railroad construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool Room Attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (Button Setters)

GUNNITE

Group 1: Nozzleman (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 2: General Laborers

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefit Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$12.08	$14.08	$2.09*	$3.00	$1.55	.34
Group 2	12.49	14.49	2.09*	3.00	1.55	.34
Group 3	12.74	14.74	2.09*	3.00	1.55	.34
Group 4	13.39	15.39	2.09*	3.00	1.55	.34
Group 5	13.64	15.64	2.09*	3.00	1.55	.34
Group 6	13.82	15.82	2.09*	3.00	1.55	.34
Group 7	14.00	16.00	2.09*	3.00	1.55	.34
Group 8	14.52	16.52	2.09*	3.00	1.55	.34
Group 9	14.78	16.78	2.09*	3.00	1.55	.34
Group 10	15.04	17.04	2.09*	3.00	1.55	.34
Group 10-A	15.18	17.18	2.09*	3.00	1.55	.34
Group 11	15.39	17.39	2.09*	3.00	1.55	.34
Group 11-A	16.75	18.75	2.09*	3.00	1.55	.34
Group 11-B	17.09	19.09	2.09*	3.00	1.55	.34
Group 11-C	17.46	19.46	2.09*	3.00	1.55	.34

*Includes $.44 per hour to Pensioned Health and Welfare Fund.

See AREA Descriptions following TRUCK DRIVERS

POWER EQUIPMENT OPERATORS
AREAS I and II

Group 1: Assistant to Engineers (Brakeman; Fireman; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screed); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (Signalman); Motorman; Locomotive; Oiler, Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (maximum digging capacity 3 feet depth); Tugger Hoist, single drum; Truck Crane Oiler

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttleear; Tie spacer; Towermobile

Group 5: Compressor Operator (over 2); Concrete Mixers (over 2 yards); Concrete Pumps or Pumperete Guns; Generators; Grouting Machine; Press-weld (air operated); Pumps (over 2); Welding Machines (powered other than by electricity)

POWER EQUIPMENT OPERATORS (Cont'd)
(Areas I and II) (Cont'd)

Group 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon Drills or Jackhammers); Gradesetter, Grade Checker (mechanical or other-wise); Highline Cableway Signalman; Locomotives (steam or over 30 tons); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete); (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burn, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar)(asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine; Perault, CBC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small rubber tired Tractor; Surface Heater

Group 7: Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-hammer (or similar); Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Minermobile; Pavement Breaker with or without compressor combination; Pavement Breaker, truck mounted with compressor combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled Elevating Grade Plane; Slusher Operator; Small tractor (with boom); Soil Tester; Truck type loader; Instrumentman

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Dozer; Heading Shield Operator; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yards); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber tired earth moving equipment (up to and including 45 cu. yds. "struck" m.r.c.); Euclids, T-Pulls, DW-10, 20, 21 and similar; Rubber tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar pugmill equipment)

POWER EQUIPMENT OPERATORS (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)
(Areas I and II) (Cont'd)

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POWER EQUIPMENT OPERATORS (Cont'd)
(Areas I and II) (Cont'd)

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (Gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom)(D-6 or larger and similar)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Carylift or similar); Chemical Grouting Machine, truck mounted; Combination Backhoe and Loader (up to and including 1/2 cu. yd. m.r.c.); Derrick (2 operators required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-more Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill (including caisson foundation work and Euclid Loader and similar type; Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine; (Vagtborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive (100 tons) (single or multiple units); Multiple engine earthmoving Machine (Euclids, Dozers, etc.)(no tandem scraper); Pre-stress Wire Wrapping Machine; Reservoir-debris tug (self-propelled.floating); Rubber-tired Scraper, self-loading (paddle wheels, etc.); Shuttle Car (reclaim station); Single engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, compressor drill combination; Track Laying type earth moving machine (single engine with Tandem Scrapers); Train Loading Station; Trenching Machine, multi-engine with sloping attachment, Jeffco or similar; Vacuum Cooling Plant; Whirley Crane up to and inlcuidng 25 tons); Chief of Party

Group 10-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); Backhoe (cable) (up to and including 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 3/4 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and including 1 cu. yd.)(Crane attached); cranes (not over 25 tons, Hammerhead and Gantry); Gradealls (up to and including 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and including 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled boom-type lifting device (center-mount)(over 10 tons); Rubber-tired Scraper, self-loading (paddle wheel twin engine); CMI Dual Lane Auto Grader SP30 or similar

POWER EQUIPMENT OPERATORS (Cont'd)
(Areas I and II) (Cont'd)

Group 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Trimmer; Canal Trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (including crane); Drott Travelift 650-A-1 or similar (45 tons or over); Euclid Loader when controlled from the Pullcat; Highline Cableway (over 5 tons); Loader (over 4 yds. up to and including 12 cu. yds.); Miller Formless M900 Sloper Paver or similar; Power blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. m.r.c.); Rubber tired earth moving machines (multiple propulsion power units and two or more scrapers)(up to and including 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine rubber-tired earthmoving machines (with Tandem Scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile, including rail mounted; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Crane (over 25 tons)

Group 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and including 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds. m.r.c.); Rubber Tired multi-purpose earth moving machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel Excavator (over 750 cu. yds. per hour)

Group 11-B: Loader (over 18 cu. yds.)

Group 11-C: Operator of Helicopter (when used in erection work); Remote controlled Earthmoving equipment

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or Manhaul Driver; Concrete Pump Machine; Concrete Pump Truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumperete truck (under 4 yds. water level); Escort or Pilot Car Driver; Hipper Truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team Drivers; Trucks (dry pre-batch Concrete Mix, under 4 yds. water level)	$10.725	$1.395	.75	$1.00	
TEAMSTER Oiler and/or Greaser	10.80	1.385	.75	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumperete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (debris box 4 yds. and under 6 yds. water level); Single unit flat rack (2 axle unit); Industrial Lift truck (mechanical tailgate); Trucks (dry pre-batch concrete mix, 4 yds. and under 6 yds. water level)	10.82	1.395	.75	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
JETTING TRUCK and WATER TRUCK (under 2,500 gallons)	$10.825	$1.395	.75	$1.00	
ROAD OIL TRUCK OR BOOT Man	10.845	1.395	.75	1.00	
LIFT JITNEYS, Fork Lift	10.855	1.395	.75	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	10.875	1.395	.75	1.00	
FUEL AND/OR GREASE TRUCK Driver or Fuelman	10.89	1.395	.75	1.00	
VACUUM TRUCK under (3,500 gallons)	10.905	1.395	.75	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	10.92	1.395	.75	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gallons under 4,000 gallons)	10.935	1.395	.75	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit, Mix Agitator (6 yds. and under 8 yds.)	10.975	1.395	.75	1.00	
VACUUM TRUCK (3,500 gallons and under 8,500 gallons)	10.985	1.395	.75	1.00	

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumperete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (debris box 6 yds. and under 8 yds. water level); Single unit flat rack (3 axle unit); Industrial Lift truck (mechanical tailgate); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level)	$10.84	$1.395	.75	$1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and under 10 yds. water level); Dump (8 yds. and under 10 yds. water level); Dumperete (8 yds. and under 10 yds. water level); Dumpster (8 yds. and under 10 yds. water level); Skids (debris box 8 yds. and under 10 yds. water level); Trucks (dry pre-batch concrete mix, 8 yds. and under 10 yds. water level)	10.86	1.395	.75	1.00	
BULK CEMENT SPREADER (w/wo auger, 10 yds. and under 12 yds. water level); Dump (10 yds. and under 12 yds. water level); Dumperete (10 yds. and under 12 yds. water level); Dumpster (10 yds. and under 12 yds. water level); Skids (debris box 10 yds. and under 12 yds. water level); Trucks (dry pre-batch concrete mix, 10 yds. and under 12 yds. water level)	10.88	1.395	.75	1.00	
BULK CEMENT SPREADER (w/wo auger, 12 yds. and under 14 yds. water level); Dump (12 yds. and under 14 yds. water level); Dumperete (12 yds. and under 14 yds. water level); Dumpster (12 yds. and under 14 yds. water level); Skids (debris box 12 yds. and under 14 yds. water level); Trucks (dry pre-batch concrete mix, 12 yds. and under 14 yds. water level)	10.90	1.395	.75	1.00	

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, 14 yds. and under 16 yds. water level); Dump (14 yds. and under 16 yds. water level); Dumperete (14 yds. and under 16 yds. water level); Dumpster (14 yds. and under 16 yds. water level); Skids (debris box 14 yds. and under 16 yds. water level); Trucks (dry pre-batch concrete mix, 14 yds. and under 16 yds. water level)	$10.92	$1.395	.75	$1.00	
BULK CEMENT SPREADER (w/wo auger, 16 yds. and under 18 yds. water level); Dump (16 yds. and under 18 yds. water level); Dumperete (16 yds. and under 18 yds. water level); Dumpster (16 yds. and under 18 yds. water level); Skids (debris box 16 yds. and under 18 yds. water level); Trucks (dry pre-batch concrete mix, 16 yds. and under 18 yds. water level)	10.94	1.395	.75	1.00	
BULK CEMENT SPREADER (w/wo auger, 18 yds. and under 20 yds. water level); Dump (18 yds. and under 20 yds. water level); Dumperete (18 yds. and under 20 yds. water level); Dumpster (18 yds. and under 20 yds. water level); Skids (debris box 18 yds. and under 20 yds. water level); Trucks (dry pre-batch concrete mix, 18 yds. and under 20 yds. water level)	10.96	1.395	.75	1.00	
BULK CEMENT SPREADER (w/wo auger, 20 yds. and under 22 yds. water level); Dump (20 yds. and under 22 yds. water level); Dumperete (20 yds. and under 22 yds. water level); Dumpster (20 yds. and under 22 yds. water level); Skids (debris box 20 yds. and under 22 yds. water level); Trucks (dry pre-batch concrete mix, 20 yds. and under 22 yds. water level)	10.98	1.395	.75	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefit Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
RUBBER-TIRED MUCK CAR (not self-loaded)	$10.995	$1.395	.75	$1.00	
BULK CEMENT SPREADERS (w/wo auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level)	11.02	1.395	.75	1.00	
A-FRAME, WINCH TRUCKS; Buggymobile; Jetting and water truck (4,000 gals. and under 5,000 gals); Rubber tired Jumbo	11.035	1.395	.75	1.00	
HEAVY DUTY TRANSPORT (high bed)	11.04	1.395	.75	1.00	
ROSS HYSTER and SIMILAR STRADDLE CARRIER	11.065	1.395	.75	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	11.075	1.395	.75	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	11.085	1.395	.75	1.00	
JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.)	11.135	1.395	.75	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefit Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
COMBINATION BOOTMAN and ROAD OILER	$11.165	$1.395	.75	$1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	11.175	1.395	.75	1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. and including 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and including 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level	11.26	1.395	.75	1.00	
HEAVY DUTY TRANSPORT (Gooseneck Lowbed)	11.27	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	11.275	1.395	.75	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AMMONIA NITRATE DISTRIBUTOR DRIVER and Mixer; Bulk Cement Spreader (w/wo auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and inlcuding 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and including 18 yds. water level)	$11.30	$1.395	.75	$1.00	
DOUBLE GOOSENECK (7 or more axles); Heavy Duty Transport Tiller Man	11.32	1.395	.75	1.00	
P.B. OR SIMILAR TYPE SELF-LOADING TRUCK	11.36	1.395	.75	1.00	
TRANSIT MIX AGITATOR (over 14 yds. through 16 yds.)	11.375	1.395	.75	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, over 18 yds. and including 24 yds. water level); Combination dump and dump trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (debris box, over 17 yds. and including 24 yds. water level); Transit Mix Agitator (over 12 yds. through 15 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level)	$11.405	$1.395	.75	$1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd)					
BULK CEMENT SPREADER (w/wo auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar Cat type, Terra Cobra, LeTourneapulls, Tournarocker, Euclid and similar type equipment when pulling fuel and/or grease trailers or other misc. trailers; Skids (debris box, over 24 yds. and including 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. and including 35 yds. water level)	$11.46	$1.395	.75	$1.00	
TRUCK REPAIRMAN	11.395	1.395	.75	1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS: (Cont'd)					
BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level)	$11.61	$1.395	.75	$1.00	
DW 10's, 20's, 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournorocker, Euclid and similar type equipment when pulling Aqua/Pak or water tank trailers	11.71	1.395	.75	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER w/wo auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level)	$11.76	$1.395	.75	$1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and including 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level)	11.91	1.395	.75	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BULK CEMENT SPREADER (w/wo auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. and including 95 yds. water level)	$12.06	$1.395	.75	$1.00	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

CALIFORNIA

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CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundray of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (Cont'd)

Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.E. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the State of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the State of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 27N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Easterly to the S. E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (Cont'd)

AREA 1: (Cont'd)

Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 12W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Daiblo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
AREA 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N, to the S.W. corner of township 2N, range 1W,

CARIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd)

Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E. corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, range 1E,
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
AREA 1 also includes that portion of Northern California included within the following line:
Commencing at the NOrtherly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and Meridian:
Thence Southerly to the S.E. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

**AREA 2: All areas not included within AREA 1 as defined.

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SUPERSEDEAS DEICISON

STATE: California COUNTIES: Imperial, Kern, Los

SUPERSEDEAS DEICISON

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo Santa Barbara and Ventura

DECISION NUMBER: CA81-5120 DATE: Date of Publication

Supersedes Decision No. CA80-5147, dated November 28, 1980, in 45 FR 79275

DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$17.74	$1.30	$1.45	$1.00	.07
BOILERMAKERS	17.61	1.30	1.25	1.00	.04
BRICKLAYERS: Stoneamsons:*					
Area 1	16.09	1.13	1.34		.12
Area 2	15.45	1.15	1.65		.07
Area 3	15.25	1.15	2.20		.05
Area 4	15.89	1.50	2.35		.10
Area 5	15.47	1.45	2.00		.06
BRICK TENDERS	11.23	1.25	2.90	1.20	.12
CARPENTERS:					
Carpenters	13.81	1.63	2.21	1.00	.10
Saw Filers	13.89	1.63	2.21	1.00	.10
Table Power Saw Operators Shinglers; Piledrivermen, bridge or dock Carpenters; Derrick Bargemen; Rock Slinger	13.91	1.63	2.21	1.00	.10
Hardwood Floor Layers	13.94	1.63	2.21	1.00	.10
Pneumatic Nailer	14.01	1.63	2.21	1.00	.10
Millwrights	14.06	1.63	2.21	1.00	.10
CEMENT MASONS:	14.31	1.63	2.21	1.00	.10
Cement Masons	13.61	1.30	1.85	1.25	.08
Cement Floating and Troweling Machine	13.86	1.30	1.85	1.25	.08
DRYWALL INSTALLERS	14.63	1.63	2.21	1.00	.09
ELECTRICIANS:*					
Area 1:					
Electricians	15.98	.75	3%+1.71		.09
Cable Splicers	16.28	.75	3%+1.71		.09
Area 2:					
Electricians; Technicians	22.05	1.10	3%+2.15		.15
Cable Splicers	24.26	1.10	3%+2.15		.15
Area 3:					
Electricians; Technicians	18.30	1.10	3%+2.15		.15
Cable Splicers	20.13	1.10	3%+2.15		.15
Area 4:					
Electricians	15.67	1.15	3%+2.70		.12
Cable Splicers	15.97	1.15	3%+2.70		.12

*See AREA Descriptions - Page 4

DECISION NO. CA81-5120 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:* (Cont'd)					
Area 5:					
Electricians	$18.09	.81	3%+1.45		.02
Cable Splicers	18.92	.81	3%+1.45		.02
Area 6:					
Electricians	16.41	.85	3%+2.60		.04
Cable Splicers	16.91	.85	3%+2.60		.04
Area 7:					
Electricians	14.90	1.21	3%+2.90		.04
Cable Splicers	15.40	1.21	3%+2.90		.04
Area 8:					
Electrcians	18.18	1.23	3%+1.50		.03
Cable Splicers	20.00	1.23	3%+1.50		.03
Area 9:					
Electricians	20.80	1.30	3%+1.50		.03
Cable Splicers	22.30	1.30	3%+1.50		.03
Area 10:					
Electricians	18.05	1.30	3%+1.50		.03
Cable Splicers	19.55	1.30	3%+1.50		.03
Area 11:					
Electricians	19.11	1.20	3%+2.25		.02
Cable Splicers	21.02	1.20	3%+2.25		.02
ELEVATOR CONSTRUCTORS:*					
Area 1:					
Elevator constructors	15.41	1.045	.82	a	.035
Helpers	70%JR	1.045	.82	a	.035
Probationary Helpers	50%JR				
Area 2:					
Elevator Constructors	16.37	.895	.82	a	.035
Helpers	70%JR	.895	.82	a	.035
Probationary Helpers	50%JR				
GLAZIERS:*					
Area 1	14.18	1.10	3.00	.07	
IRONWORKERS:					
Fence Erectors	13.46	1.39	3.26	2.15	.07
Ornamental; Reinforcing; Structural	14.35	1.39	3.26	2.15	.07
IRRIGATION and LAWN SPRINKLERS:*					
Area 1	11.12	10%	16%	13%	1%

*See AREA Descriptions - Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:*					
Area 1	$12.58	$1.15	$1.85	.90	.05
Area 2	14.00	1.26	1.99		.03
Area 3	15.63	1.63	2.21	1.00	.10
Area 4	13.60	.95	1.70	1.00	.03
Area 5	14.11	.90	1.41	1.03	.01
PAINTERS:*					
Area 1:					
Brush; Paint Burners Iron, steel and bridge (swing stage); Sheet Rock Taper	15.06	1.23	1.53	.75	.07
Brush (swing Stage); Spray	16.06	1.23	1.53	.75	.07
Steeplejack	15.30	1.23	1.53	.75	.07
Area 2:	16.71	1.23	1.53	.75	.07
Brush	14.31	1.29	1.33	.75	.10
Structural steel; Painter Burner	14.43	1.29	1.33	.75	.10
Tapers	14.91	1.29	1.33	.75	.10
Brush swing stage (13 stories or less); Paperhangers; Sandblasters	14.56	1.29	1.33	.75	.10
Area 3:					
Brush	11.53	.80	1.00	1.10	.03
Brush or Roller, swing stage; Paperhangers; Taping Joint Sheet Rock	11.78	.80	1.00	1.10	.03
Spray; Sandblasters	12.28	.80	1.00	1.10	.03
Area 4:					
Brush; Pot Tender Paperhangers; Paste Machine Operators; Iron and steel	14.98	1.25	1.83		.03
Spray; Taper; Sandblasters	15.23	1.25	1.85		.03
Steeplejack	15.48	1.25	1.83		.03
	15.98	1.25	1.83		.03

*See AREA Descriptions - Page 4

AREA DESCRIPITONS

BRICKLAYERS; Stonemasons:
Area 1: Imperial County
Area 2: Los Angeles and Orange Counties
Area 3: Riverside and San Bernardino Counties
Area 4: Santa Barbara and San Luis Obispo Counties
Area 5: Ventura County

ELECTRICIANS:
Area 1: Imperial County
Area 2: Kern County (China Lake Naval Ordnance Test Station, Edwards Air Force Base)
Area 3: Kern County (Remainder of County)
Area 4: Los Angeles County
Area 5: Orange County
Area 6: Riverside County
Area 7: San Bernardino County
Area 8: San Luis Obispo County
Area 9: Santa Barbara County (Vandenberg Air Force Base)
Area 10: Santa Barbara (Remainder of County)
Area 11: Ventura County

ELEVATOR CONSTRUCTORS:
Area 1: Imperial County; Kern County (south of Tehachapi Range); Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Kern County (north of Tehachapi Range)

GLAZIERS:
Area 1: Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo, and Ventura Counties

IRRIGATION and LAWN SPRINKLERS:
Area 1: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Brabara, and Ventura Counties

LATHERS:
Area 1: Kern County
Area 2: Los Angeles County (except City of Lancaster)
Area 3: Ventura County
Area 4: Orange County
Area 5: Riverside County

PAINTERS:
Area 1: Imperial, Orange, and Riverside Counties; Los Angeles County (Pomona Area); San Bernardino County (excluding western portion)
Area 2: Kern County (Lancaster, Mohave, Palmdale, China Lake Naval Ordnance Test Station and Edwards Air Force Base); Los Angeles County (except Pomona Area); San Bernardino (west of a line north of Trono including China Lake Area, Johannesburg, Boron, south including the Wrightwood area)
Area 3: Kern County (Remainder of County)
Area 4: San Luis Obispo, Santa Barbara, and Ventura Counties

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AREA DESCRIPTIONS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:*					
Area 1	$16.495	$1.08	$1.85		.12
Area 2	19.70				
Area 3	16.73	1.30	3.00		.02
Area 4	16.15	1.25	2.00		
Area 5	18.28				
PLASTERERS' TENDERS:*					
Area 1	13.77	1.25	2.90	1.40	
Area 2	14.25	1.25	2.90	1.20	
Area 3	11.25	1.25	2.90	1.20	
Area 4	13.625	1.25	2.90	1.20	
Area 5	12.48	1.25	2.90	1.20	
Area 6	13.83	1.25	2.90	1.20	
Area 7	15.73	1.25	2.60	1.20	
PLUMBERS:*					
Area 1	15.25	10%	16%	13%	3/4%
Area 2	15.88	1.05	2.25	1.45	.17
REFRIGERATION and AIR CONDITIONING:*					
Area 1	10.70	.96	.85	1.00	.05
Area 2	13.82	2.00	2.00	1.52	.30
ROOFERS:*					
Area 1	12.79	.80	1.05	1.00	
Area 2	12.55	.90	.60		.05
Area 3	13.68	1.17	2.60		.065
Area 4	13.68	1.17	1.20		.065
Area 5	14.65	.80	1.25	1.50	
SHEET METAL WORKERS:*					
Area 1	16.34	1.20	2.64		.04
Area 2	16.73	1.20	2.13		.04
Area 3	16.70	1.20	2.62		.10
Area 4	14.16	1.14	2.64		.09
Area 5	15.30	1.14	1.91		.16
Area 6	16.37	1.20	2.52		.06
SOFT FLOOR LAYERS:*					
Area 1	11.52	.81	1.45		.10
Area 2	14.72	.86	1.30	.88	.08
Area 3	13.40	.90	.90	1.25	.09
SPRINKLER FITTERS:*					
Area 1	20.03	.95	1.40		.08
Area 2	16.83	.83	1.05		.09

*See AREA DESCRIPTIONS Page 6

AREA DESCRIPTIONS

PLASTERERS:
Area 1: Los Angeles and Orange Counties
Area 2: Imperial, Riverside, and San Bernardino Counties
Area 3: Ventura County
Area 4: Santa Barbara County
Area 5: San Luis Obispo County

PLASTERERS' TENDERS:
Area 1: Imperial, Riverside, and San Bernardino Counties
Area 2: Kern County (China Lake Naval Ordnance Test Station, Edwards Air Force Base)
Area 3: Kern County (Remainder of County)
Area 4: Los Angeles and Orange Counties
Area 5: San Luis Obispo County
Area 6: Santa Barbara County
Area 7: Ventura County

PLUMBERS; Steamfitters:
Area 1: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties
Area 2: Kern County

REFRIGERATION and AIR CONDITIONING:
Area 1: Riverside and San Bernardino Counties
Area 2: Los Angeles and Orange Counties

ROOFERS:
Area 1: Imperial County
Area 2: Kern County
Area 3: Los Angeles, Orange, and Ventura Counties
Area 4: San Luis Obispo and Santa Barbara Counties
Area 5: Riverside and San Bernardino Counties

SHEET METAL WORKERS:
Area 1: Imperial County
Area 2: Kern County (Remainder of County); and Los Angeles County (that portion north of a straight line drawn between Gorman and Big Pines)
Area 3: Los Angeles County (Remaining portion)
Area 4: Orange County
Area 5: Riverside and San Bernardino Counties
Area 6: San Luis Obispo, Santa Barbara, and Ventura Counties

SOFT FLOOR LAYERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, Riverside, Santa Barbara, San Luis Obispo, San Bernardino, and Ventura Counties
Area 3: Kern County

SPRINKLER FITTERS:
Area 1: Imperial and Kern Counties; Orange County (except Santa Ana); Riverside County; San Bernardino County (except Ontario); San Luis Obispo, Santa Barbara, and Ventura Counties (except Santa Paula, Point Mugu and Port Hueneme)
Area 2: Los Angeles County(Los Angeles City and area within 25 miles, and Pomona); Orange County (Santa Ana); San Bernardino (Ontario); and Ventura County (Santa Paula, Point Mugu and Port Hueneme)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS:*					
Area 1	$12.69	.81	$1.17		.08
Area 2	13.81	1.06	1.40		.10
Area 3	15.89	1.50	2.35		.10
Area 4	14.60	1.15	2.20		
Area 5	14.15	.65	.65		
TILE FINISHERS:*					
Area 1	9.96	1.39	1.30		.13
*See AREA Descripitons - below					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A thru F.

AREA DESCRIPTIONS

TILE SETTERS:
Area 1: Imperial County
Area 2: Los Angeles, Orange, and Ventura Counties
Area 3: San Luis Obispo and Santa Barbara Counties
Area 4: Riverside and San Bernardino Counties
Area 5: Kern County

TILE FINISHERS:
Area 1: Los Angeles, Orange, and Ventura counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
General Clean-up Laborers	$ 9.63	$1.25	$2.90	$1.20	
Group 1	10.63	1.25	2.90	1.20	.12
Group 2	10.78	1.25	2.90	1.20	.12
Group 3	10.98	1.25	2.90	1.20	.12
Group 4	11.28	1.25	2.90	1.20	.12
Group 5	11.48	1.25	2.90	1.20	.12
GUNNITE LABORERS:					
Nozzlemen and Rodmen	12.62	1.25	2.90	1.20	
Gunmen	11.97	1.25	2.90	1.20	
Reboundmen	10.91	1.25	2.90	1.20	
Vandenberg Air Force Base, Point Arguello, Camp Roberts, Naval Ordnance Test Station, Edwards Air Force Base:					
General Clean-up Laborer	11.63	1.25	2.90	1.20	
Group 1	12.63	1.25	2.90	1.20	.12
Group 2	12.78	1.25	2.90	1.20	.12
Group 3	12.98	1.25	2.90	1.20	.12
Group 4	13.28	1.25	2.90	1.20	.12
Group 5	13.48	1.25	2.90	1.20	.12
GUNITE LABORERS:					
Nozzlemen and Rodmen	12.62	1.25	2.90	1.20	
Gunmen	11.97	1.25	2.90	1.20	
Reboundmen	10.91	1.25	2.90	1.20	

Group 1: Boring Machine Tender (outside); Cleaning and handling of panels Forms; Concrete Screeding for rough strike-off; Concrete, water curing; Demolition Laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging or Shee-bolt Holes; Fire Watcher, Limbers, Brush Loaders, Pilers and Debris Handlers; Flagman, gas, oil and/or water Pipe Line Laborer; Laborer, general or construction; Laborer, Landscaping; Laborer, Jetting; Laborer, temporary water and air lines; Material Houseman (walls, slabs, floors and decks); Rigging and Signaling Scaler; Slip Form Raisers; Slurry Seal Crews (Mixer Operator, Applicator Operator, Squeegee Man, Shuttle Man, Top Man); Striper asphalt, concrete or other paved surfaces; Tarman and Mortar Man; Tool Crib or Tool House Laborer; Traffic Dolineating Device Applicator; Window Cleaner; Wire Mesh Pulling, all concrete pouring operations

LABORERS (Cont'd)

Group 2: Asphalt Shoveler; Cement Dumper (on 1 yard or larger Mixer

LABORERS (Cont'd)

Group 2: Asphalt Shoveler; Cement Dumper (on 1 yard or larger Mixer and handling bulk cement); Cesspool Digger and Installer; Chuck-tender; Chute Man, pouring concrete, the handling of the Chute from Readymix Trucks, such as walls, slabs, decks, floors, foundations, footings, curbs, gutters and sidewalks; Concrete Curer-Impervious Membrane and Form Oiler; Cutting Torch Operator (demolition); Fine Grader, highways and street paving, airport, runways, and similar type heavy construction; Gas, oil and/or water pipeline Wrapper - Pot Tender and Form Man; Guinea Chaser; Headerboard Man - asphalt; Laborer, packing rod steel and pans; Power Broom Sweepers (small); Riprap Stonepaver, placing stone or wet sacked concrete; Roto Scraper and Tiller; Sandblasters (Pot Tender); Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders; Underground Laborer, including Caisson Bellower

Group 3: Asphalt Raker, Luteman, Ironer and Asphalt Spreader Boxes (all types); Buggymobile Man; Concrete Core Cutter, Grinder or Sander; Concrete Cutting Torch; Concrete Saw Man, cutting, scoring old or new concrete; Driller; Jackhammer, 2½ ft. drill steel or longer; Dri-Pak-it Machine; Gas, oil and/or Water Pipe-line Wrapper, 6" pipe and over by any method, inside and out; Hydro Seeder and similar type; Impact Wrench, multi-plate; Kettle-men, Potmen, and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Operators of pneumatic, gas electric tools, Vibrating Machines, Pavement Breakers, Air Blasting, Come-alongs, and similar mechanical tools not seperately classified herein; Pipelayer's Backup Man, coating, grouting, making of joints, sealing, caulking, diapering and including Rubber Gasket Joints, Pointing and any and all other services; Rock Slinger; Rotary Scarifier or Multiple Head Concrete Chipping Scarifier; Steel Headerboard Man and Guideline Setter; Tampers, Barko, Wacker and similar type; Trenching Machine, hand propelled

Group 4: Cribber, Shorer, Legging, Sheeting and Trench Bracing, hand-guided Lagging Hammer; Head Rock Slinger; Laser Beam; Over-size Concrete Vibrator Operator, 70 lbs. and over; Pipelayer, including water, sewage, solid, gas or air; Prefabricated Manhole Installer; Sandblaster (Nozzleman), water blasting; Welding in connection with Laborer's work

Group 5: Blasters Powderman, all work of loading holes, placing and blasting of all powder and explosives of whatever type, re-gardless of method used for such loading and placing; Driller: All power drills, excluding Jackhammer, whether Core, Diamond, Wagon, Track, Multiple Unit, and any and all types of mechanical drills

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.60	$1.10	$2.65	.90	.14
Group 2	13.88	1.10	2.65	.90	.14
Group 3	14.17	1.10	2.65	.90	.14
Group 4	14.31	1.10	2.65	.90	.14
Group 5	14.53	1.10	2.65	.90	.14
Group 6	14.64	1.10	2.65	.90	.14
Group 7	14.76	1.10	2.65	.90	.14
Group 8	14.93	1.10	2.65	.90	.14
Group 9	15.06	1.10	2.65	.90	.14

Group 1: Brakeman; Compressor (less than 600 C.F.M.); Engineer Oiler; Generator; Heavy Duty Repairman; Helper; Pump; Signal-man; Switchman

Group 2: Compressor (600 C.F.M. or larger); Concrete Mixer, skip type, Conveyor; Fireman; Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator; Generator, Pump or compressor; Rotary Drill Helper (Oilfield); Skiploader, wheel type up to 3/4 yard without attachments; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equip-ment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power driven Jumbo Form Setter; Ross Carrier (job site); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixer-man (apshalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Loco-motive or Motorman (up to and including 10 tons); Equipment Greaser (Greaser Truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer-Aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 feet)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yard); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrick Man(Oilfield type); Drilling Machine Operator (including water wells); Forklift (under 5 ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanic Berm, Curb or Gutter (asphalt or concrete); Mechanical Finisher (concrete-Clary, Johnson, Bidwell, or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Skiploader (Crawler and wheel type, over 3/4 yard and up to and including 1¼ yards); Stinger Crane (Austin-Western or similar type); Tractor, Bulldozer, Tamper Scraper (single engine, up to 100 HP, flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist, 1 drum; Tunnel Locomotive (over 10 tons up to and including 30 tons); Welder-general

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridge Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (Gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator up to and including 25 ton capacity)(Long-boom pay applicable); Crushing Plant; Drill Doctor; Elevating Grader Forklift (over 5 tons); Grade Checker; Grade-all; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist Operator (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile; Lift Slab Machine (Vagtborg and similar types); Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yard rubber tired, rail or track or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment (single engine, Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments, over 25 yards struck); Rubber-tired Scraper (self-loading paddle wheel type, John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type, over 1¼ yards, up to and including 6¼ yards); Surface Heaters and Planer; Trenching Machine (over 6 feet depth capacity); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel HP and over, or similar); Bulldozer, Tamper, Scraper and Push Tractor (single engine); Tractor (boot attachments); Traveling Pipe Wrapping, Cleaning and Bending Machine; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cu. yds. M.R.C.) (Long-boom pay applicable); Self-propelled Curb and Gutter Machine

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Crane, over 25 ton up to and including 100 tons M.R.C. (Long boom pay applicable); Derrick Barge (Long boom pay applicable); Dual Drum Mixer; Heavy Duty Repairman, Welder combination; Hoist, Stiff-legs, Guy Derrick or similar type, up to and including 100 tons (Long boom pay applicable); Monorail Locomotive (diesel, gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yards and up to 5 cu. yds. struck); Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds. M.R.C.) (Long boom pay applicable); Tower Crane Repairman; Tractor Loader (Crawler and wheel type, over 6¼ yards); Welder, certified; Woods Mixer and similar Pugmill Equipment

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (Long-boom pay applicable); Hoist, Stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more) (Long boom pay applicable); Mass Excavator, less than 750 cu. yds.; Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol, multi-engine; Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type, over 50 cu. yds. struck); Rubber-tired Self-loading Scraper (paddle wheel, auger type self-loading, 2 or more units); Rubber-tired Scraper, pushing one another without Push Cat. Push-pull (50¢ per hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; High-line Cableway; Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate); Wheel Excavator (over 750 cu. yds.)

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TRUCK DRIVERS (Cont'd)

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$12.91	$1.25	$1.33	$1.35	.15
Group 2	12.99	1.25	1.33	1.35	.15
Group 3	13.05	1.25	1.33	1.35	.15
Group 4	13.14	1.25	1.33	1.35	.15
Group 5	13.17	1.25	1.33	1.35	.15
Group 6	13.19	1.25	1.33	1.35	.15
Group 7	13.23	1.25	1.33	1.35	.15
Group 8	13.24	1.25	1.33	1.35	.15
Group 9	13.29	1.25	1.33	1.35	.15
Group 10	13.32	1.25	1.33	1.35	.15
Group 11	13.37	1.25	1.33	1.35	.15
Group 12	13.39	1.25	1.33	1.35	.15
Group 13	13.44	1.25	1.33	1.35	.15
Group 14	13.69	1.25	1.33	1.35	.15
Group 15	13.94	1.25	1.33	1.35	.15
Group 16	14.04	1.25	1.33	1.35	.15
Group 17	14.14	1.25	1.33	1.35	.15
Group 18	14.44	1.25	1.33	1.35	.15
Group 19	14.94	1.25	1.33	1.35	.15

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (including all vehicles less than 6 tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load

Group 3: Truck mounted power Broom

Group 4: Drivers of vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement Distributor; Fuel Truck; Road Oil Spreader Truck; Water Truck, 2 axle

Group 6: Dump, or less than 16 yards

Group 7: Transit-mix, under 3 yards, Dumperete, less than 6½ yards

Group 8: Truck Repairman Helper

Group 9: Water Truck, 3 or more axles

TRUCK DRIVERS (Cont'd)

Group 10: PB and similar type truck when performing within the Teamsters' jurisdiction; Pipeline and Utility working Truck including Winch, but limited to truck applicable to Pipeline and Utility work, where a composite crew is used; Slurry Driver; Truck Greaser and Tireman (50¢ per hour addition for Tireman)

Group 11: Transit-Mix, 3 yards or more; Dumpcrete, 6½ yards and over

Group 12: Driver or vehicle or combination of vehicles of 4 or more axles

Group 13: Dump, 16 yards but less than 25 yards

Group 14: A-Frame or Swedish Crane, or similar type of equipment Driver; Fork Lift Driver; Ross Carrier, highway

Group 15: All off-highway equipment within Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yds. or more; Truck Repairman

Group 16: Truck Repairman Welder

Group 17: Low Bed Driver, 9 axle or over

Group 18: Water Pull, single engine with attachments

Group 19: Water Pull, twin engine with attachments

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Connecticut

COUNTIES: Hartford, Middlesex, New Haven, New London, and Tolland

DECISION NUMBER: CT81-3032

DATE: Date of Publication

Supersedes Decision No. CT80-2074 dated August 15, 1980, in 45 FR 54602

DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including 4 stories); Heavy Projects (excluding tunnel construction); and Highway Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:*					
Area 1	$14.04	.85	$1.46		
Area 2	11.5[illegible]	1.04	1.40		.01
Area 3	13.1[illegible]	1.45	1.63		
BOILERMAKERS	14.63	1.275	1.46		.03
BRICKLAYERS; CEMENT MASONS; FINISHERS; MARBLE MASONS; PLASTERERS; STONEMASONS; TERRAZZO WORKERS and TILE SETTERS:*					
Building Construction:					
Area 1	11.05	.75	.75		
Area 2	11.05	.75	.75		
Area 3	11.05	.75	.75		
Area 4	11.05	.75	.75		
Area 5	11.05	.75	.75		
Area 6	11.05	.75	.75		
Area 7	11.05	.75	.75		
Area 8	11.05	.75	.75		
Heavy and Highway Construction	12.15	.75	.75	b	
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; RESILIENT FLOOR LAYERS:					
Area 1:					
Building Construction	12.75	.90	.90		.10
Heavy and Highway Construction	12.55	.90	.90		.10
Area 2:					
Building Construction	12.95	.90	.65		.05
Heavy and Highway Construction	12.80	.90	.65		.05
Area 3:					
Building Construction	12.90	.90	.65	c	e
Heavy and Highway Construction	12.80	.90	.65	c	e
Area 4:					
Building Construction:					
Carpenters	12.90	.90	.65		.03
Millwrights	13.40	.90	.65		.03
Heavy and Highway Construction	12.80	.90	.65		.03

*See AREA Descriptions Pages 2 and 3

AREA DESCRIPTIONS

ASBESTOS WORKERS:
Area 1: HARTFORD COUNTY: Avon, Berlin, Bloomfield, Bristol, Burlington, Canton, East Hartford, West Windsor, Farmington, Glastonbury, Hartford, Manchester, Marlborough, New Britain, Newington, Plainville, Rocky Hill, Simsbury, Southington, South Windsor, West Hartford, Wethersfield, and Windsor Townships; MIDDLESEX and NEW HAVEN COUNTIES; NEW LONDON COUNTY: Bozrah, Colchester, East Lyme, Franklin, Groton, Lebanon, Lyme, Montville, New London, Norwich, Old Lume, Salem, Sprague, and Waterford Townships; TOLLAND COUNTY: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Tolland, Vernon, and Willington Townships
Area 2: HARTFORD COUNTY: East Granby, Enfield, Granby, Hartland, Suffield, and Windsor Locks Townships; TOLLAND COUNTY: Somers, Stafford and Union Townships
Area 3: NEW LONDON COUNTY: Griswold, Ledyard, Lisbon, North Stonington, Preston, Stonington, and Voluntown Townshps

BRICKLAYERS; CEMENT MASONS; GINISHERS; MARBLE MASONS; PLASTERERS; STONEMASONS; TERRAZZO WORKERS and TILE SETTERS:
(Building Construction):
Area 1: HARTFORD COUNTY: Avon, Bloomfield, Burlington, Enfield, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Marlborough, Rock Hill, Simsbury, South Windsor, Suffield, Thompsonville, West Hartford, Wethersfield, Windsor, and Windsor Locks Townships; TOLLAND COUNTY: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon and Willington Townships
Area 2: HARTFORD COUNTY: Berlin, New Britain, Newington, and Southington Townships; NEW HAVEN COUNTY: Meriden, Wallingford, Cheshire (north of Route 68)
Area 3: HARTFORD COUNTY: Canton Township
Area 4: MIDDLESEX and NEW LONDON COUNTIES
Area 5: NEW HAVEN COUNTY: Bethany, Branford, East Haven, Guilford, Hamden, Madison, New Haven, North Brandford, North Haven, Orange, West Haven, Woodbridge, Remainder of Milford and Cheshire Townships
Area 6: NEW HAVEN COUNTY: Ansonia, Derby, Oxford, Seymour, and Southbury Townships
Area 7: HARTFORD COUNTY: Bristol and Plainville Townships; NEW HAVEN COUNTY: Beacon Falls, Middlebury, Nixville, Naugatuck, Prospect, Waterbury, and Wolcott Townships
Area 8: NEW HAVEN COUNTY: Milford (west of Indian River to the Orange Town Line)

AREA DESCRIPTIONS (Cont'd)

CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; RESILENT FLOOR LAYERS:
Area 1: HARTFORD COUNTY: Hartford, West Hartford, Avon, Farmington, Simsbury, Bloomfield, Windsor, East Granby, Granby, Windsor Locks, Suffield, Enfield, East Windsor, South Windsor, East Hartford, Manchester, Glastonbury, Rocky Hill, Wethersfield, and Hartland Townships; TOLLAND COUNTY: Stafford, Somers, Tolland, Ellington, Bolton and Vernon Townships
Area 2: HARTFORD COUNTY: New Britain, Newington, Berlin, Southington, Plainville, Burlington, Canton and Bristol Townships; NEW HAVEN COUNTY: Meriden, Wallingford, New Haven, East Haven, Branford, Guilford, Madison, North Branford, North Haven, Hamden, West Haven, Orange (east of Orange Center Road and North of Route 1; also north of Route 1 and east of the Oyster River), Cheshire, Waterbury, Wolcott, Middlebury, Southbury, Naugatuck, Prospect, Bethany, Beacon Falls, and Woodbridge Townships; and MIDDLESEX COUNTY
Area 3: NEW HAVEN COUNTY: Milford, Oxford, Derby, Seymour, Ansonia, Orange (that part south of Route 1 and West of the Oyster River
Area 4: NEW LONDON COUNTY; TOLLAND COUNTY: Mansfield, Union, Willington, Coventry, Hebron, Columbia, and Andover

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:*					
Area 1	$14.55	$1.20	3%+1.25		1/4%
Area 2	13.28	.85	3%+.40		.03
Area 3	12.80	1.22	3%+.60		1/8%
Area 4	13.05	1.50	3%+1.60		1/2%
Area 5	14.85	1.07	3%+.65		1/4%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	12.74%	1.195	.95	a+b+h	.035
Helpers	8.92	1.195	.95	a+b+h	.035
Probationary Helpers	6.37				
GLAZIERS:*					
Area 1	12.33	1.10	.47	i	.01
Area 2	11.66	.84	2.15	.35+i	
IRONWORKERS:					
Ornamental; Reinforcing; Structural and Precast Concrete Erection	14.75	1.03	1.45	j	.10
LATHERS:*					
Area 1	11.15	.50	.40		.01
Area 2	10.60	.50	.50		.01
Area 3	9.90	.50	.30		.01
Area 4	10.85		.25		.01
Area 5	10.00	.75	.50		.01
LINE CONSTRUCTION:					
Linemen	13.50	.70	3%+.75	1	
Equipment Operators	11.55	.70	3%+.75	1	
Driver Groundman	10.35	.70	3%+.75	1	
TRAFFIC CONTROL and HIGHWAY LIGHTING:					
Lineman and Cable Splicer	12.95	.70	3%+.75		
Groundman	8.90	.70	3%+.75		
Groundman Truck Driver	9.92	.70	3%+.75		
Equipment Operator	11.07	.70	3%+.75		
PAINTERS:					
Bridge; Structural Steel	14.20				
Sandblasting or power tools	15.20				
Spray	17.70				

*See AREA Descriptions Page 5

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AREA DESCRIPTIONS

ELECTRICIANS:
Area 1: NEW HAVEN COUNTY: Milford Township
Area 2: HARTFORD COUNTY: Suffield, and Enfield (portion of Thompsonville West of George Washington Road and north of Hazard Avenue)
Area 3: HARTFORD COUNTY: Hartland Township; NEW HAVEN COUNTY: Beacon Falls, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, and Wolcott Townships
Area 4: HARTFORD COUNTY: Remainder of County; MIDDLESEX COUNTY: Cromwell, Middlefield, Middletown and Portland Townships; NEW LONDON COUNTY: Bozrah, Colchester, Franklin, Lisbon, Montville, North Stonington, Norwich, Griswold, Lebanon, Ledyard (except Submarine Base), Preston, Salem, Sprague, Stonington, and Voluntown Townships; and TOLLAND COUNTY
Area 5: MIDDLESEX COUNTY: Remainder of County; HARTFORD COUNTY: Berlin, Bristol, New Britian, Newington, Plainville, and Southington Townships; NEW HAVEN COUNTY: Remainder of County; NEW LONDON COUNTY: Fishers Island, Sound Old Lyme, Groton, Waterford, and Ledyard (Submarine Base Only)

GLAZIERS:
Area 1: NEW HAVEN COUNTY: Except Wallingford Township
Area 2: HARTFORD COUNTY; MIDDLESEX COUNTY: New Haven and Wallingford Townships; NEW LONDON and TOLLAND COUNTIES

LATHERS:
Area 1: HARTFORD COUNTY: Windsor Locks, Granby, Windsor, New Britain, and Plainville Townships; NEW LONDON COUNTY: Groton, Mystic, and Norwick Townships; MIDDLESEX COUNTY: Deep River, Middletown, and Haddam Townships; TOLLAND COUNTY: Tolland and Rockville Townships
Area 2: HARTFORD COUNTY: Bristol, Southington, New Haven, Cheshire, Meriden, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Waterbury and Wolcott Townships
Area 3: HARTFORD COUNTY: Avon, Berlin, Bloomfield, Burlington, Canton, E. Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, New Britain, Newington, Plainville, Rocky Hill, Simsbury, South Windsor, West Hartford, Windsor, and Windsor Locks Townships; MIDDLESEX COUNTY: Cromwell, East Haddam, East Hampton, Middlefield, Middletown, and Portland Townships; NEW LONDON COUNTY: Bozrah, Colchester, East Lyme, Franklin, Grofton, Lebanon, Lisbon, Lyme, Salem, Sprague, and Waterford Townships; TOLLAND COUNTY: Andover, Bolton, Columbia, Coventry, Hebron, Mansfield, and Vernon Townships
Area 4: HARTFORD COUNTY: Broad Brook, Enfield, Hazardville, Melrose, Suffield, Thompsonville, and Warehouse Point Townships; TOLLAND COUNTY: Crystal Lake, North Somers, Somers, Stafford, Stafford Springs, Straffordville, and Union Townships
Area 5: MIDDLESEX COUNTY: Chester, Clinton, Deep River, Durham, Essex, Haddam, Killingworth, Old Saybrook, and Westbrook Townships; NEW HAVEN COUNTY: Ansonia, Branford, Derby, East Haven, Guilford, Hamden, Madison, Milford, New Haven, North Branford, North Haven, Orange, Seymour, Wallingford, West Haven, and Woodbridge Townships

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 1:					
Brush	$11.05	.50	.65	n	
Taping	11.55	.50	.65	n	
Spray and Epoxy	13.55	.50	.65	n	
Area 2:					
Brush; Tapers	11.00	1.20	1.10		
Paperhangers	11.50	1.20	1.10		
Riding Steel; Steam-gleaning; Sandblasting; Tank; Towers; and Hazardous Work	11.58	.95	.70		
Spray	14.00	.95	.70		
Area 3:					
Brush, Roller; Taping	10.85	1.10	.80		
Spray	13.50	1.10	.80		
Epoxy	10.45	1.10	.80		
Paperhanging	11.35	1.10	.80		
Work over 60' and Boat-swain Chair; Open Steel	16.28	.80	.45		
Swing Stage 40-60	11.85	.80	.45		
Area 4:					
Brush	13.00	.50	1.00	n	.01
Hand Roller; Paperhangers	13.50	.50	1.00	n	.01
Epoxy	15.00	.50	1.00	n	.01
Structural Steel	14.00	.50	1.00	n	.01
Spray	17.00	.50	1.00	n	.01
Area 5:					
Brush; Sandblasting	11.45	.50	.60		.02
Tapers	11.80	.50	.60		.02
Paperhangers	11.95	.50	.60		.02
Spray	14.10	.50	.60		.02
Structural steel	11.70	.50	.60		.02
Area 6:					
Brush	9.20	.50	.70		
Paperhangers and Tapers	9.45	.50	.70		
Spray	14.18	.50	.70		

*See AREA Descriptions Page 7

AREA DESCRIPTIONS

AREA DESCRIPTIONS

PAINTERS:
Area 1: NEW HAVEN COUNTY: Milford Township (up to Gulf Street)
Area 2: HARTFORD COUNTY: Avon, Bloomfield, Broad Brook, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Rocky Hill, Poquonock, Simsbury, South Windsor, Suffield, South Manchester, West Hartford, West Simsbury, Wetherfield, Windsor, and Windsor Locks Townships; TOLLAND COUNTY: Andover, Ashford, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Rockville, Strafford, Somers, Tolland, Union, Vernon, and Willington Townships
Area 3: HARTFORD COUNTY: Berlin, Bristol, East Berlin, Forestville, Hartland, Kensington, Milldale, New Britain, Plainville, Plantsville, Southington, and Unionville Townships; NEW HAVEN COUNTY: Cheshire, Guilford, Madison, Meriden, and Wallingford Townships; MIDDLESEX COUNTY: Chester, Clinton, Cromwell, Deep River, Durham, East Haddam, East Hampton, Essex, Haddam, Higganum, Ivoryton, Killingworth, Middlefield, Middletown, Moodus, Norfolk, Portland, Saybrook, and Westbrook Townships
Area 4: NEW HAVEN COUNTY: Ansonia, Beacon Falls, Derby, Oxford, and Seymour Townships
Area 5: NEW HAVEN COUNTY: Bethany, Branford, East Haven, Hamden, Milford, (south on Gulf Street), New Haven Orange, West Haven, Woodbridge, and Woodmount Townships
Area 6: NEW HAVEN COUNTY: Middlebury, Naugatuck, Prospect, Roxbury, Southbury, Thomaston, Washington, Waterbury, Watertown, Wolcott and Woodbury Townships

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 7:					
Brush	$12.95	.80	.90		.01
Paperhangers	13.91	.80	.90		.01
Sign	13.91	.80	.90		.01
Taping	13.91	.80	.90		.01
Roller	13.46	.80	.90		.01
Structural Steel	13.76	.80	.90		.01
Spraying Oil Paint	16.11	.80	.90		.01
Spraying Epoxy	18.64	.80	.90		.01
Residential	10.95	.80	.90		.01
PLUMBERS:*					
Area 1	12.76	1.10	1.39		.15
PLUMBERS; Steamfitters:*					
Area 1	13.34	.75	.80	n	.01
Area 2	12.85	.75	.80	o	.02
Area 3	11.03	.75	.70	p	.03
Area 4	13.90	.75	.80	q	.07
Area 5	14.77	.80	1.00	r	.05
Area 6	11.60	.88	.70	s	.05
ROOFERS:*					
Area 1	14.15	1.35	.45		
Area 2:					
Composition	11.85	.575	.85	.55	
Slate, Tile	11.35	.575	.85	.55	
SHEET METAL WORKERS	13.24	.81	1.28		.09
SPRINKLER FITTERS	14.00	.85	1.20		.08
STEAMFITTERS:*					
Area 1	13.57	1.16	1.51		.13
TILE, MARBLE, and TERRAZZO FINISHERS	9.55	.50	.50		

*See AREA Descriptions - Page 9

AREA DESCRIPTIONS

PAINTERS: (Cont'd)
Area 7: NEW LONDON COUNTY: Colchester, East Lyme, Montville, New London, Norwich, and Stonington Townships

PLUMBERS:
Area 1: HARTFORD COUNTY: Avon, Bloomfield, Burlington, Canton, East Granby, East Hartford, East Windsor, East Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, West Hartford, Wethersfield, Windsor, and Windsor Locks Townships; MIDDLESEX COUNTY: Chester, Cromwell, Deep River, East Haddam, East Hampton, Haddam, Maromas (Atomic River Project); Middlefield, Middletown, and Portland Townships: TOLLAND COUNTY: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Strafford, Storrs, Tolland, Union, Vernon, and Wellington Townships

PLUMBERS; Steamfitters:
Area 1: NEW HAVEN COUNTY: Milford Township
Area 2: HARTFORD COUNTY; Southington Township; MIDDLESEX COUNTY: Durham Township; NEW HAVEN COUNTY: Cheshire, Mer Wallingford Townships
Area 3: HARTFORD COUNTY; Berlin, Bristol, East Berlin, Kensington, New Britain, Newington, and Plainville Townships
Area 4: MIDDLESEX COUNTY: Clinton, Killingworth, and South Westbrook Townships; NEW HAVEN COUNTY: Branford, Derby, East Haven, Orange, West Haven, and Woodbridge Townships
Area 5: MIDDLESEX COUNTY; Essex, Ivoryton, Old Saybrook, and Saybrook Townships; NEW LONDON COUNTY: Bosrah, Colchester, East Lyme, Montville, New London, North Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Voluntown, and Waterford Townships
Area 6: NEW HAVEN COUNTY: Ansonia, Beacon Falls, Bethany, Naugatuck, Oxford, Prospect, and Seymour Townships; NEW HAVEN COUNTY: Middlebury, Southbury, South Britain, Waterbury, and Wolcott Townships; HARTFORD COUNTY: Hartland Township

ROOFERS:
Area 1: NEW HAVEN COUNTY: Ansonia, Beacon Falls, Bethany, Brandford, Derby, East Haven, Guilford, Hamden, Madison, Milford, Middlebury, Naugatuck, New Haven, North Branford, North Haven, Orange, Oxford, Seymour, Union City, West Haven, and Woodbridge Townships
Area 2: HARTFORD and MIDDLESEX COUNTIES; NEW HAVEN COUNTY: Cheshire, Meriden, Prospect, Wallingford, and Wolcott Townships; NEW LONDON and TOLLAND COUNTIES

STEAMFITTERS:
Area 1: HARTFORD COUNTY: Avon, Bloomfield, Burlington, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, West Hartford, Wethersfield, Windsor, and Windsor Locks Townships; MIDDLESEX COUNTY: Chester, Cromwell, Deep River, East Haddam, Hampton, Haddam, Maromas (Atomic River Project), Middlefield, Middletown, and Portland Townships; TOLLAND COUNTY: Andover, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Somers, Stafford, Storrs, Tolland, Union, Vernon, and Wellington Townships

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 7 Paid Holidays: A through F, and Good Friday
b. 1 Paid Holiday: Good Friday. Employee must work 3 days during the work week in which the holiday falls, if scheduled, and if scheduled, the working day before and the working day after the holiday
c. 4 Paid Holidays: B, C, D, and Good Friday. Employee must be employed 14 consecutive days immediately, prior to the holiday
d. 3 Paid Holidays: C, D, and E
e. $100.00 per year
f. 3 Paid Holidays: B, C, and D
g. 6 Paid Holidays: A through F
h. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
i. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday, and Columbus Day
j. The last 4 hours on Christmas Eve is a paid half day, if employee has worked 5 consecutive days prior to Christmas Eve
k. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve provided the employees has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the day preceding and following the holiday.
l. 9 Paid Holidays: A through F, Washington's Brithday, Good Friday, and a floating holiday per year provided the employee has been employed for a period of 3 working days prior to the holidays and works the scheduled work days immediately preceding and following the holidays.
m. 2 Paid Holidays: C and D providing the employee works the day before and the day after the holiday.
n. 6 Paid Holidays: A, B, C, D, E, and Good Friday, providing the employee works the day before and the day after the holiday
o. 1 Paid Holiday: D
p. Paid Holidays: D and the Friday after Thanksgiving is a paid half day, and December 24th, provided it falls on a working day, is a paid half day.
q. 3½ Paid Holidays: C, D, E, and the half day Friday after Thanksgiving
r. 1 Paid Holiday: D
s. 2 Paid Holidays: B, D, and half day paid holiday the Friday after Thanksgiving, and the last working day before Christmas, and Good Friday paid half day.

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	Prime Benefit Payments	
	Basic Hourly Rate	Fringe Benefits

	Prime Benefit Payments	
	Basic Hourly Rate	Fringe Benefits

DECISION NO. CT81-3032	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS (Building Construction):					
Laborer	8.65	.65	.80		.10
Asphalt rakers, concrete & power buggy ops, concrete saw ops, chain saw ops, fence & guard rail erectors, form setters, pipelayers, dry stone wall builders, mason tenders, pneumatic drill ops, pneumatic gas & electric drill ops, powdermen & wagon drill operators and Precast erectors	8.90	.65	.80		.10
Air track operators, block pavers; and curb setters, sandblasters, wagon drill operators	9.15	.65	.80		.10
Open air caisson, cylindrical work and boring crew:					
Top man	8.65	.65	.80		.10
Bottom man	9.15	.65	.80		.10

DECISION NO. CT81-3032	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS (Heavy and Highway Construction):					
Laborers	10.00	.65	.80		.10
Acetylene burners; Asphalt raker; chain saw operator; Concrete & power buggy operators; Concrete saw operators; fence & guard rail erectors; form setters; hand operated concrete vibrator operators; hand operated vibratory compactor operators; Mason tenders; pipelayers; pneumatic gas & electric drill operators; powdermen & wagon drill operators	10.25	.65	.80		.10
Air track operators; block paver; curb setters	10.50	.65	.80		.10
Blasters	10.75	.65	.80		.10
Open air caisson, cylindrical work and boring crew:					
Top man	8.65	.65	.80		.10
Bottom man	9.15	.65	.80		.10

DECISION NO. CT81-3032	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Building Construction					
Derrick, hoisting engineer 2 drums and over, hoisting structural steel, pile driver & setting stone	15.29	1.20	1.25	a	.20
Dragline forklift - over 5' lift, front end loader - 7 cy. or over, gradall, hoisting engineer (all types of equipment where a drum and cable are used to hoist, pull, motive power or operation), Koehring scooper loader and/or hoe, master mechanic, shovel, & tower crane	15.14	1.20	1.25	a	.20
Maintenance engineer	15.00	1.20	1.25	a	.20
Central mix operator, Coleman loader and screening plant or similar equipment, combination hoe and loader over ¼ yd, conveyoes - regardless of motive power, front end loader 3 cy. up to 7 cy. joy drill limited to joy heavy weight champion or equivalent, mucking machine, post hole digger, pumpcrete machine, rock boring machine, vibratory hammer, welder & well digger	14.65	1.20	1.25	a	.20
Asphalt spreader	14.35	1.20	1.25	a	.20
Bulldozer, Carry-all Operators, Grader, & Scraper pan	14.26	1.20	1.25	a	.20
Combination hoe and loader machine, concrete mixer - 5 bags and over, front end loader under 3 cy., power-stone spreader	14.20	1.20	1.25	a	.20

DECISION NO. CT81-3032	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fork lift not over 4', & Steam Jenny	14.05	1.20	1.25	a	.20
Mechanical Heater	12.82	1.20	1.25	a	.20
Roller	13.91	1.20	1.25	a	.20
Dinky machine, power pavement breaker	13.68	1.20	1.25	a	.20
Fireman (High Pressure)	12.53	1.20	1.25	a	.20
Oiler	11.88	1.20	1.25	a	.20

Crane with boom, excluding jib, over 150' - $.25 extra

Crane with boom, excluding jib, over 200' - $.50 extra

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Good Friday

DECISION NO. CT81-3032	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Heavy Construction					
Derrick, hoisting engineer 2 drums and over, hoisting structural steel, pile driver & setting stone	15.29	1.20	1.25	a	.20
Dragline forklift - over 5' lift, front end loader - 7 cy. or over, gradall, hoisting engineer (all types of equipment where a drum and cable are used to hoist, pull, motive power or operation), Koehring scooper loader and/or hoe, master mechanic, shovel, & tower crane	15.14	1.20	1.25	a	.20
Maintenance engineer	15.00	1.20	1.25	a	.20
Central mix operator, Coleman loader and screening plant or similar equipment, combination hoe and loader over ¼ yd, conveyoes - regardless of motive power, front end loader 3 cy. up to 7 cy. joy drill limited to joy heavy weight champion or equivalent, mucking machine, post hole digger, pumpcrete machine, rock boring machine, vibratory hammer, welder & well digger	14.65	1.20	1.25	a	.20
Asphalt spreader	14.35	1.20	1.25	a	.20
Bulldozer, Carry-all Operators, Grader, & Scraper pan	14.26	1.20	1.25	a	.20
Combination hoe and loader machine, concrete mixer - 5 bags and over, front end loader under 3 cy., power-stone spreader	14.20	1.20	1.25	a	.20

DECISION NO. CT81-3032	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fork lift not over 4', & Steam Jenny	14.05	1.20	1.25	a	.20
Mechanical Heater	12.82	1.20	1.25	a	.20
Roller	13.91	1.20	1.25	a	.20
Dinky machine, power pavement breaker	13.68	1.20	1.25	a	.20
Fireman (High Pressure)	12.53	1.20	1.25	a	.20
Oiler	11.88	1.20	1.25	a	.20

Crane with boom, excluding jib, over 150' - $.25 extra

Crane with boom, excluding jib, over 200' - $.50 extra

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Good Friday

DECISION NO. CT81-3032

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Heavy & Highway					
CLASS 1	15.33	1.20	1.25	a	.20
CLASS 2	15.11	1.20	1.25	a	.20
CLASS 3	14.67	1.20	1.25	a	.20
CLASS 4	14.40	1.20	1.25	a	.20
CLASS 5	14.18	1.20	1.25	a	.20
CLASS 6	13.93	1.20	1.25	a	.20
CLASS 7	13.63	1.20	1.25	a	.20
CLASS 8	12.40	1.20	1.25	a	.20
CLASS 9	12.55	1.20	1.25	a	.20
CLASS 10	13.04	1.20	1.25	a	.20
CLASS 11	13.53	1.20	1.25	a	.20
CLASS 12	11.91	1.20	1.25	a	.20
CLASS 13	12.95	1.20	1.25	a	.20
CLASS 14	7.88	1.20	1.25	a	.20
Crane with 150' boom $.25 extra					
Crane with 200' boom $.50 extra					

CLASS 1: Erecting and handling structural steel; front end loader (7 cy. or over)
CLASS 2: Piledriver; power shovel and crane; dragline; gradall; trenching machine; lighter derrick; paver (concrete); derrick (stiff leg and guy); steel pile sheeting; koehring loader (scooper) master machine
CLASS 3: Drill (joy heavy weight champion or equivalent); side boom; loader (euclid); mucking machine; pumpcrete; rock and earth boring machine; Post hole digger; well digger; & hammer (vibratory) central mix; combination hoe & loader (over ½ yd.)
CLASS 4: Asphalt spreader
CLASS 5: Front end loader (3 yds. or over); grader; power stone spreader; combination hoe and loader
CLASS 6: Asphalt roller; bulldozer; carryall; maintenance engineer; concrete mixer (5 bags and over); welder
CLASS 7: Front end loader (under 3 yds.); roller; power chipper; fork lift; finishing machine; asphalt plant; power pavement breaker; dinky machine
CLASS 8: Compressor; pump
CLASS 9: Fireman (high pressure)
CLASS 10: Well point system
CLASS 11: Compressor battery
CLASS 12: Oiler
CLASS 13: Batch plant; bulk cement plant
CLASS 14: Track backhoe oiler

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Good Friday

DECISION NO. CT81-3032

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	10.26	1.14	1.20	a	
CLASS 2	10.36	1.14	1.20	a	
CLASS 3	10.46	1.14	1.20	a	
CLASS 4	10.41	1.14	1.20	a	
CLASS 5	10.51	1.14	1.20	a	
CLASS 6	10.56	1.14	1.20	a	

CLASS 1: Two axle trucks; helpers
CLASS 2: Three axle trucks; two axle ready mix
CLASS 3: Four axle trucks; heavy duty trailer-up to 40 tons
CLASS 4: Three axle ready mix
CLASS 5: Four axle ready-mix; specialized earth moving equipment other than conventional tye on-the road trucks and semi-trailer (including Euclids)
CLASS 6: Heavy duty trailer-40 tons and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, CHristmas Day, and Good Friday

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SUPERSEDEAS DECISION

STATE: KANSAS

COUNTIES: DOUGLAS, JEFFERSON, LEAVENWORTH, MIAMI & SHAWNEE

DECISION NO. KS81-4033

DATE: Date of Publication

Supersedes Decision No. KS79-4107, dated November 14, 1979, in 44 FR 72816

DESCRIPTION OF WORK: Highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Zone 1	$ 9.15	.40	.75		.05
Zone 2	12.80	.60	.50		.07
Zone 3	9.40	.40	.75		
AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES:					
Zone 1 - Douglas, Shawnee & Jefferson Counties.					
Zone 2 - Leavenworth County					
Zone 3 - Miami County					
CEMENT MASONS:					
Zone 1 - Leavenworth & Miami Counties	10.20	.40	.50	1.25	
Zone 2 - Douglas & Shawnee Counties	10.25	.40	.35		
Zone 3 - Jefferson County	8.85	.40	.35		
ELECTRICIANS:					
Zone 1 - Leavenworth County (Delaware, High Prairie, Kickapoo & Leavenworth Twps.)	14.68	.69	3%+.90	7%	.12
Zone 2 - Douglas, Jefferson Miami, Shawnee & the remainder of Leavenworth Co.	14.50	.75	3%+.70		.10
IRONWORKERS	12.35	.80	1.50	1.00	.05
LABORERS:					
Areas covered by laborers:					
Zone 1 - Jefferson County					
Zone 2 - Douglas & Shawnee Counties					
Zones 3 - Leavenworth County					
Zone 4 - Miami County					
Group 1					
Zone 1	7.00	.70	.50	.50	.05
Zone 2	7.80	.70	.50	.50	.05
Zone 3	7.80	.60	.60	.50	.05
Zone 4	7.00	.70	.50	.50	.05
Group 2					
Zone 1	7.15	.70	.50	.50	.05
Zone 2	7.95	.70	.50	.50	.05
Zone 3	7.95	.60	.60	.50	.05
Zone 4	7.15	.70	.50	.50	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 3					
Zone 1	$ 7.25	.70	.50	.50	.05
Zone 2	8.05	.70	.50	.50	.05
Zone 3	8.05	.60	.60	.50	.05
Zone 4	7.25	.70	.50	.50	.05
Group 4					
Zone 1	7.40	.70	.50	.50	.05
Zone 2	8.20	.70	.50	.50	.05
Zone 3	8.20	.60	.60	.50	.05
Zone 4	7.40	.70	.50	.50	.05

CLASSIFICATION DEFINITIONS - Laborers:

Group 1 Board Mat Weavers & Cable Tiers, Georgia Buggy (manually operated), Mixerman--no skip lift, Salamander Tenders, Track Men, Tractor Swamper, Truck Pumper, Wire Mesh Setter, Water Pump up to 4 inches, and all other general laborers.

Group 2: Air Tool Operators, Cement Handlers, (bulk), Chain Saw, Georgia Buggy (mechanically operated), Grademen, Hot Mastic Kettlemen, Crusher Feeder, Joint Man, Jute Man, Mason Tender, Material Batch Hopper & Scale Man, Mixer Man, Pier Hole Man working 10 feet deep, Pipelayer--Drainage (concrete and/or corrugated metal), Signal Man (crane), Truck Dumper--dry batch, Vibrator Operator, Wagon & Churn Drill Operator.

Group 3: Asphalt Raker, Barco Tamper, Concrete Saw, Creosote Material--Handling, and Applying, Nozzle Burner (Cutting Torch and Burning Bar).

Group 4: Conduit Pipe, Water and Gas Distribution Lines, Tile & Duct Line Setter, Form Setter & Liner on Concrete Paving, Powderman, Sandblasting & Gunite Nozzleman, Sanitary Sewer Pipe Layer, Steel Plate Structure Erectors.

CLASSIFICATION DEFINITIONS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LINE CONSTRUCTION:					
Zone 1 - Leavenworth County - north of Fairmont Stranger, and Tanganoxie Townships					
Lineman	$14.32	.45	.25+3%		½%
Lineman Operator	13.33	.45	.25+3%		½%
Groundman powderman	9.94	.45	.25+3%		½%
Groundman	9.44	.45	.25+3%		½%
Zone 2 - Douglas, Jefferson, Miami, Shawnee Counties & remainder of Leavenworth County:					
Lineman	13.17	.45	3%		½%
Cable Splicers	13.83	.45	3%		½%
Groundman	8.19	.45	3%		½%
Powderman	10.91	.45	3%		½%
Line Truck & Equipment Operator	10.91	.45	3%		½%
POWER EQUIPMENT OPERATORS:					
Zone 1 -Leavenworth County:					
Group 1	13.10	1.00	1.25	1.05	.15
Group 2	12.85	1.00	1.25	1.05	.15
Group 3	12.15	1.00	1.25	1.05	.15
Mechanic's helper	10.65	1.00	1.25	1.05	.15
Oiler	9.03	1.00	1.25	1.05	.15
Oiler Driver, all types	11.15	1.00	1.25	1.05	.15

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
Group 1 - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boiler-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator-central mix; concrete mixer paver; crane operator; derrick or derrick trucks; Ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary , self-propelled, high loader-fork lift; locomotive operator, standard gauge; Mechanics and welders; maintenance operator; mucking machine; pile driver operator, pitman crane operator; pump-2; quad-trac;

CLASSIFICATION DEFINITIONS (CONT'D)

POWER EQUIPMENT OPERATORS: Group 1 Cont'd
scoop operator-all types; scoops in tandem; self-propelled rotar; drill (Leroy or equal-not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator, slip-form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator-2; hoisting engine-2;active drums.

Group 2 - "A" frame truck, asphalt hot mix silo, asphalt plant fireman, drum or boiler, asphalt plant mixer operator, asphalt plant man, asphalt roller backfiller operator; chip spreader, concrete batch plant, dry-power operated, concrete mixer operator, skip loader, concrete pump operator, crusher operator; elevating grader operator, greaser, hoisting engine-1 drum, Latourneau rooter, multiple compactor, pavement breaker, self-propelled of the hydra-hammer or similar type, power shield, pug mill operator, stump cutting machine, towboat operator, tractor operator-over 5 h.p..

Group 3 - Boilers-1; chip spreader (front man) churn drill operator, compressor maintenance operator-1; concrete saws, self-propelled, conveyor operator, distributor operator, finishing machine operator, fireman, rig, float operator, form grader operator, pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor-50 h.p. or less without attachments; vibrating machine operator, hot hand; welding machine maintenance operator-1.

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Jefferson & Miami Counties					
Group 1	$8.60	.50	1.00	.75	.10
Group 2	8.35	.50	1.00	.75	.10
Group 3	8.10	.50	1.00	.75	.10
Group 4	7.85	.50	1.00	.75	.10
Group 5	7.50	.50	1.00	.75	.10
Group 6	7.60	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
Group 1 - Master Mechanic.
Group 2 - Asphalt paver and spreader, backhoe, boring machine, blades, all types, clamshell, concrete mixer paver operator, concrete plant operator (automatic), crane, truck crane, pitman crane, hydro crane or any machine with power swing, derrick or derrick trucks, dragline operator, dredge operator, dozer, ditching machine, euclid loader, hoist-2 active drums; loader, all types, mechanic or welder, mixermobile, mulit-unit scraper, piledriver operator, power shovel operator, quad track; scoop operators, all types; sideboom cat-cherry picker; skimmer scoop operator; pushcat operators.
Group 3 - Asphalt plant operator, elevating grader operator.

Group 4 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman, backfiller operator, barber green loader, boiler-other than asphalt, bull float operator, churn drill operator, compressor operator (1); concrete central plant operator, concrete mixer operator, skip; concrete pump operator, crusher operator, distributor operator, finish machine operator-concrete; fireman other than asphalt, flex plane operator, fork lift, form grader operator; greaser; hoist-1 drum; jeep ditching machine; pavement breaker, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge screening and wash plant operator, small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt siphons and jets; subgrading machine operator, tank car heater operator, combination booster and boilers, towboat operator, vibrating machine operator, not hand.
Group 5 - Concrete gang saw, self-propelled (con-cut); conveyor operator; harrow, disc. seeder; oiler, tractor operator, 50 h.p. or less without attachments.
Group 6 - Oiler, motor crane.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Douglas & Shawnee Counties:					
Group 1	$11.80	.85	1.00		.15
Group 2	11.55	.85	1.00		.15
Group 3	11.30	.85	1.00		.15
Group 4	11.05	.85	1.00		.15
Group 5	10.70	.85	1.00		.15
Group 6	10.80	.85	1.00		.15

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
Group 1 - Master Mechanic.
Group 2 - Asphalt paver and spreader, backhoe, boring machine, blades, all types, clamshell, concrete mixer paver operator, concrete plant operator (automatic), crane, truck crane, pitman crane, hydro crane or any machine with power swing, derrick or derrick trucks, dragline operator, dredge operator, dozer, ditching machine, euclid loader, hoist-2 active drums; loader, all types, mechanic or welder, mixermobile, mulit-unit scraper, piledriver operator, power shovel operator, quad track; scoop operators, all types; sideboom cat-cherry picker; skimmer scoop operator; pushcat operators.
Group 3 - Asphalt plant operator, elevating grader operator.

Group 4 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman, backfiller operator, barber green loader, boiler-other than asphalt, bull float operator, churn drill operator, compressor operator (1); concrete central plant operator, concrete mixer operator, skip; concrete pump operator, crusher operator, distributor operator, finish machine operator-concrete; fireman other than asphalt, flex plane operator, fork lift, form grader operator; greaser; hoist-1 drum; jeep ditching machine; pavement breaker, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge screening and wash plant operator, small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt siphons and jets; subgrading machine operator, tank car heater operator, combination booster and boilers, towboat operator, vibrating machine operator, not hand.
Group 5 - Concrete gang saw, self-propelled (con-cut); conveyor operator; harrow, disc. seeder; oiler, tractor operator, 50 h.p. or less without attachments.
Group 6 - Oiler, motor crane.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Zone 1 - Leavenworth County:					
Group 1	$8.89	.75	1.00	.75	
Group 2	9.09	.75	1.00	.75	
Group 3	9.40	.75	1.00	.75	
Group 4	9.55	.75	1.00	.75	
Group 5	8.665	.75	1.00	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle.

SUPERSEDEAS DECISION

STATE: MARYLAND COUNTIES: ALLEGANY AND GARRETT
DECISION NO.: MD81-3031 DATE: DATE OF PUBLICATION

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle.
Group 2 - Material trucks, tandem, two teams, semi-trailers, winch trucks-fork trucks; distributor drivers and operators; agitator and transit mix tank wagon drivers, single axle; tank wagon drivers; tandem or semi-trailer; insley wagons, dump trucks, excavator 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment.
Group 3 - A-frame, lowboy, boom truck drivers.
Group 4 - Mechanics and welders.
Group 5 - Mechanics' helpers, oilers and greasers.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: Cont'd)					
Douglas & Shawnee Counties:					
Group 1	$ 8.25	.40	.50		
Group 2	8.35	.40	.50		
Group 3	8.50	.40	.50		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - Pickups, panel trucks, station wagons, flat beds, dump and batch trucks single axle.
Group 2 - Tandem trucks, warehousemen or partsmen, mechanic helpers and servicemen.
Group 3 - Lowboys; semi-trailers, all transit mixer trucks, (single or tandem axle); A-frame and winch trucks when used as such; euclid, end and bottom dump; tourna ockers; atheys, dumpsters and similar off-road equipment and mechanics on such equipment.

Zone 3 - Miami County	8.35	.75	1.00	.75	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: MARYLAND COUNTIES: ALLEGANY AND GARRETT
DECISION NO.: MD81-3031 DATE: DATE OF PUBLICATION
Supersedes Decision No. MD81-3005 dated February 6, 1981 in 46 FR 11479
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	13.47	.85	1.25		
BOILERMAKERS	14.275	1.275	1,00		.04
BRICKLAYERS, MARBLE MASONS, STONE MASONS, TERRAZZO WORKERS, AND TILE SETTERS	12.29	.80	1.00		
CARPENTERS	12.29	.80	1.15		.04
CEMENT MASONS AND PLASTERERS	14.26	.75			
ELECTRICIANS:					
Allegany County	12.70	.90	3%+.70		.75%
Garrett County	13.10	.90	3%+.70		.75%
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	11.70	1.195	.82	a+b	.035
Elevator Constructors' Helpers	8.19	1.195	.82	a+b	.035
Elevator Constructors' Helpers (Probationary)	5.85				
GLAZIERS	12.44	1.02	1.35	1.23	.02
IRONWORKERS:					
Structural, Ornamental, & Reinforcing	13.61	.80	1.55		
LATHERS	9.25		.35		.01
LINEMEN-Allegany and Garrett (east of Rte. 219) Counties					
Linemen	13.70	.90	3%+.70		.75%
Equipment Operator	13.02	.90	3%+.70		.75%
Truck Driver	8.91	.90	3%+.70		.75%
Groundmen	8.91	.90	3%+.70		.75%
LINEMEN-Garrett County (west of Rte. 219)					
Linemen	14.10	.90	3%+.70		.75%
Equipment Operator	13.42	.90	3%+.70		.75%
Truck Driver	9.31	.90	3%+.70		.75%
Groundmen	9.31	.90	3%+.70		.75%
MILLWRIGHTS	12.72	.80	1.15		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
PAINTERS:					
Brush, rollers, wall covering hangers, & installation of seamless type floors	8.95		.50		
Spray, sandblasting & use of flame burning & power tools	9.95		.50		
Toxic materials-bush & roller	9.45		.50		
Toxic materials-spray	10.45		.50		
PILEDRIVERMEN	12.66	.80	1.15		.04
PLUMBERS & STEAMFITTERS	12.80	.50	.85	1.00	.05
ROOFERS:					
Composition	11.90	.75	.40		
Mopmen-composition	12.15	.75	.40		
Slaters	12.05	.75	.40		
SHEET METAL WORKERS	14.64		.36		.12
SPRINKLER FITTERS	13.90	.85	1.20		.08

FOOTNOTES:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

b. Employer contributes 4% of basic hourly rate for 5 years of service or more and 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS:					
Group I	10.40	.90	1.55		
Group II	10.43	.90	1.55		
GRoup III	10.56	.90	1.55		
Group IV	10.63	.90	1.55		
Group V	10.70	.90	1.55		
Group VI	10.80	.90	1.55		
Group VII	11.38	.90	1.55		
Group VIII	10.93	.90	1.55		
Group IX	10.93	.90	1.55		

LABORERS CLASSIFICATION DEFINITIONS

Group I - Unskilled & landscape workers
Group II - Handy man, tool checker, dump men & spotter
Group III - Power tool operators, mortar mixer by hand, scaffold builder, hod carrier, concrete puddler, rammer, pipelayers, chainman - rodman, grade checker, masons' & plasterers' tenders, tampers, & gunnite laborers on scaffolds
Group IV - Mortar mixer by machine
Group V - Large wacker
Group VI - Blaster/dynamite, & wagon drill operators (air track)
Group VII - Tunnel workers: Caisson, driller, & mucker
Group VIII - Tunnel workers: Unskilled laborers
Group IX - Gunnite workers: Nozzlemen & gun operators

POWER EQUIPMENT OPERATORS:					
Group I	11.14	.95	1.00		.13
Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads:					
130' to 169' plus $ .40					
170' to 209' plus .60					
210' to 249' plus .80					
250' to 299' plus 1.00					
300' and over plus 1.25					
Group II	10.71	.95	1.00		.13
Group III	10.37	.95	1.00		.13
Group IV	10.37	.95	1.00		.13
Group V	10.01	.95	1.00		.13
Group VI	9.66	.95	1.00		.13
Group VII	11.54	.95	1.00		.13

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Group I	11.14	.95	1.00		.13
Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads:					
130' to 169' plus $ .40					
170' to 209' plus .60					
210' to 249' plus .80					
250' to 299' plus 1.00					
300' and over plus 1.25					
Group II	10.71	.95	1.00		.13
Group III	10.37	.95	1.00		.13
Group IV	10.37	.95	1.00		.13
Group V	10.01	.95	1.00		.13
Group VI	9.66	.95	1.00		.13
Group VII	11.54	.95	1.00		.13

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard guage locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (1 3/4 yds. and over), over 4 welders top scale (more than 6, another man), Eimco type overhead loader, wellpoint system, mighty with compressor, twin engine scraper (25 yds. and over), mechanic, mechanic's welder, grader

Group II - Tractor with attachments (2 or more), bulldozer

Group III - Concrete mixer, concrete pump, one drum hoist, narrow guage locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine drivern welders (not exceeding 4) single compressors (over 210 C.F.M.), steam hammer, pile extractor, conveyor, stone crushed, hi-lift, front end loader (under 1 3/4 yards), excavating scoop

Group IV - Finishing machine, bull float, longitudinal float, screeding machine concrete spreader, sub grader

Group V - Fireman, truck crane oiler, wheel tractor, grease truck operator

Group VI - Oiler, greaser, mechanic's helpers, single compressor (up to 210 C.F.M.)

Group VII - Operators handling or setting steel, stone, prestressed concrete or machinery, tower cranes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS:					
Group I	10.49	1.10	1.35		
Group II	10.67	1.10	1.35		
Group III	10.91	1.10	1.35		
Group IV	11.13	1.10	1.35		
Group V	11.41	1.10	1.35		

DECISION NO. MD81-3031

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

Group I - Dumpmen and flagmen

Group II - Pick-ups, dump (under 5 yds., capacity), stright trucks

Group III - Helpers, panel trucks, straight trucks with multiple axle, dumpsters (under 5 yds., capacity, transit mix, dumps (5 to 9 yds., capacity), flatbody material trucks (straight jobs), greasers, tiremen, mechanics' helpers, rubber-tired (towing & pushing flatbody vehicles), form trucks

Group IV - Dump trucks (10 to 15 yds., capacity)

Group V - Dump trucks (over 15 yds., capacity), bottom and end dump euclids, all other euclid type trucks, turnarockers, ross carriers, athey wagons, A-frame, mechanics, semi-trailers or tractor-trailers, low boys, asphalt distributors, agitator mixer, dumpcretes, or batch trucks, specialized earth moving equipment, off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NO.: OH81-2024
COUNTIES: *SEE BELOW
DATE: Date of Publication
Supersedes Decision No. OH80-2002 dated February 1, 1980 in 45 FR 7470
DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

*GREENE, MIAMI, MONTGOMERY, & PREBLE

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$6.63				
BRICKLAYERS; Blocklayers	8.50				
CARPENTERS	6.30				
CEMENT MASONS	8.44				
DRYWALL HANGERS	7.55				
DRYWALL FINISHERS/TAPERS	7.00				
ELECTRICIANS	6.40				
INSULATORS	5.47				
LABORERS	5.54				
PAINTERS, Brush	5.80				
PLUMBERS; Pipefitters	7.29				
ROOFERS	6.00				
SHEET METAL WORKERS	6.66				
SOFT FLOOR LAYERS	7.10				
TILE SETTERS	7.60				
TRUCK DRIVERS	5.54				
POWER EQUIPMENT OPERATORS:					
Backhoes	7.80				
Bulldozers	7.00				
Front End Loaders	7.02				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

[FR Doc. 81-14623 Filed 5-14-81; 8:45 am]

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federal register

Friday
May 15, 1981

Part III

Department of Commerce

National Oceanic and Atmospheric Administration

Taking of Marine Mammals Incidental to Commercial Fishing Operations

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

Taking of Marine Mammals Incidental to Commercial Fishing Operations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final decision, issuance of permit and final rule.

SUMMARY: This final decision establishes regulations to govern the taking of marine mammals incidental to Japanese high seas salmon fishing in the North Pacific Ocean, and in the U.S. Fishery Conservation Zone (FCZ). The regulation provides for a general permit to be issued under the Marine Mammal Protection Act allowing the taking of 5,500 Dall porpoise, 450 northern fur seals, and 25 northern sea lions each year for the period 1981–1983. The National Marine Fisheries Service will monitor the affected fishery to insure that the quotas are not exceeded. A permit allowing such taking is issued.

DATES: The decision and revised § 216.24 becomes effective June 10, 1981. The general permit becomes effective on June 10, 1981.

ADDRESSES: Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Richard B. Roe, Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235. Telephone: 202–634–1792; office location: Room 412, Page Building 2, 3300 Whitehaven Street, NW., Washington, D.C.

A Final Environmental Impact Statement (FEIS) has been filed with the Environmental Protection Agency simultaneously with this decision and can be reviewed by contacting Richard B. Roe at the addresses given.

SUPPLEMENTARY INFORMATION: On February 4, 1981 (46 FR 10785) NOAA published a Notice of Receipt of Permit Application, Notice of Formal Hearing, Notice of Formal Hearing Procedures, and a Notice of Proposed Regulation. The proposal and other relevant available information were reviewed in a formal hearing before Administrative Law Judge (ALJ) Frank W. Vanderheyden in Seattle, Washington, on March 5 and 6, 1981, in accordance with 5 U.S.C. 556 and 557 and 16 U.S.C. 1373(d) and the rules published at 46 FR 10785, February 4, 1981. Opening briefs were filed on March 20, 1981, reply briefs on March 31, 1981, oral argument held on April 1, 1981, and exceptions filed on April 29, 1981.

The following parties participated in the hearing: The Federation of Japanese Salmon Fisheries Cooperative Association (FJS); the Marine Mammal Commission (MMC); the Environmental Defense Fund (EDF); and the Assistant Administrator for Fisheries of NOAA. The recommended decision of the ALJ was issued on April 24, 1981.

I am now publishing the final decision and regulation governing the taking of marine mammals incidental to commercial fishing operations, and issuing the related MMPA permit. As provided in 50 CFR 216.24(c)(6)(v), I am waiving the usual fee for certificates of inclusion issued under this permit.

I have determined that the requirements of Executive Order 12291 are inapplicable to this regulation since it is an administrative action governed by the provisions of 5 U.S.C. 556 and 557.

I have also determined according to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that this action does not impose significant economic impacts on a substantial number of small entities. To the extent that an impact exists, it would be beneficial to the entities involved because it permits fishing operations to continue in the U.S. FCZ.

The permit authorized by this action imposes reporting requirements on foreign nationals. These reports are needed to determine when the quota established in this regulation is reached as well as to obtain important information regarding Dall porpoise and the fishery interaction with this marine mammal. I am submitting the appropriate information under Section 3507(g) of the Paperwork Reduction Act, 44 U.S.C. 3507(g), to obtain an expedited review and approval of these reporting requirements by the Office of Management and Budget before the permit becomes effective on June 10, 1981. Authorization of this collection of information prior to expiration of the 60-day review period is necessary because the regulation and accompanying permit must be effective on June 10, 1981 to allow the Japanese mothership fishery to continue its salmon gill net operations in the U.S. FCZ this season. We were unable to comply with the 60-day review period because of the schedule for the formal rulemaking.

Because of this emergency and because this regulation has been subject to formal rulemaking procedures pursuant to 5 U.S.C. 556 and 557 and 45 FR 10785 in which the applicant and members of the public have fully participated, I for good cause find that a delay of 30 days in effectiveness under 5 U.S.C. 553 is impracticable and contrary to the public interest. This regulation, therefore, becomes effective on June 10, 1981.

(Marine Mammal Protection Act (16 U.S.C. 1361 et seq.))

Dated: May 8, 1981.

James P. Walsh,
Acting Administrator.

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

§ 216.24 [Amended]

1. 50 CFR 216.24(d)(5) is amended by adding a new subdivision (vii) reading as follows:

* * * * *

(d) * * *
(5) * * *

(vii) The number of Dall porpoise *(Phocoenoides dalli)* killed or seriously injured by Japanese vessels shall be limited to 5,500 animals per year. Any permit issued under this regulation shall indicate the measures by which the permit holder shall comply with the reporting requirements of paragraph (d)(5)(v) of this section. Any incidental take permit issued under this regulation shall allow retention of marine mammals for scientific research purposes and not require a separate permit under paragraph (d)(5)(iv).

Decision of the Administrator

A. Background

This decision concerns taking by the Japanese commercial salmon fishery of marine mammals, primarily Dall Porpoise *(Phocoenoides dalli)*, incidental to its gill net operations within and outside the United States fishery conservation zone (FCZ) in the North Pacific Ocean and Bering Sea.

In 1952, the United States, Japan, and Canada executed the International Convention for the High Seas Fisheries of the North Pacific Ocean (INPFC). (*1*) Under this agreement, Japan agreed to abstain from fishing for salmon in certain areas of the North Pacific Ocean and in the Bering Sea. In 1978, the INPFC was renegotiated in recognition of the authority of the United States, Japan and the Soviet Union to manage their fishery resources within their respective 200-mile fishing conservation zones. The Protocol amending the INPFC (*2*) permitted the Japanese mothership fishery to fish for salmon inside the U.S. FCZ. The North Pacific Fisheries Act of 1954, (*3*) implementing the INPFC, was

amended in 1978 to reflect the Protocol and exempted Japanese vessels fishing for salmon within the U.S. FCZ from the incidental take permit requirements of the Marine Mammal Protection Act of 1972 (MMPA) until June 9, 1981. The Act also provided that after June 9, 1981, the taking of marine mammals incidental to Japanese fishing operations within the U.S. FCZ would be regulated by the MMPA.

The Protocol called for a program of coordinated scientific research on marine mammals caught while fishing for anadromous fish species. In 1978, the United States and Japan entered into a cooperative research program to assess the status of Dall porpoise and the extent of incidental take, as well as to develop methods to minimize such taking. Reports on the research conducted through 1979 are now available.

1. *MMPA Requirements.* The MMPA is based on a concern that certain species of marine mammals are depleted or are in danger of depletion (*4*) and the belief that those animals should not be allowed to diminish below their optimum sustainable population (OSP). (*5*) The Act establishes a moratorium on the taking of marine mammals in the United States FCZ which the Secretary of Commerce may waive for takings incidental to commercial fishing operations.

The taking of marine mammals must be in accordance with permits issued by the National Oceanic and Atmospheric Administration pursuant to Section 1374 and regulations promulgated in accordance with Section 1373 of the Act. (*6*) A permit may be granted only if the Secretary finds it would not be to the disadvantage of those species or population stocks. (*7*)

This determination must be based on the best scientific evidence available and must be consistent with the purposes and policies of the Act. The determination of disadvantage to a porpoise stock is based on OSP. When a population is below OSP, it is depleted. No takings may be permitted on depleted stocks. If a stock is not depleted, before takings are permitted, the Secretary must publish and make publicly available certain information on the stocks and the impact of taking on the OSP of the affected stocks. (*8*) If takings are allowed, the Act directs that "[i]n any event it shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate." (*9*) The authority of the Secretary of Commerce to administer the Act and to make these determinations has been delegated to the NOAA Administrator. (*10*)

2. *The Permit Application and Proceedings.* On January 19, 1981 the Federation of Japan Salmon Fisheries Cooperative Associations (*11*) (Federation) submitted an application for an incidental take permit, Category 5, "Other Gear" salmon drift gill net. The permit application requests a three (3) year term (1981–1983) and estimates that the maximum number of marine mammals the Japanese salmon fishery expects to take incidentally on a yearly basis in the U.S. FCZ is as follows: Dall porpoise, 5,500; harbor porpoise (*Phocoena phocoena*), 50; Pacific white-sided dolphin (*Lagenorynchus obliquidens*), 25; killer whale (*Orcinus orca*), 25; Steller sea lion (*Eumetopias jubatus*), 25; and northern fur seal (*Callorhinus ursinus*), 450.

On February 4, 1981, the Agency published a proposed regulation that included statements required by the Act. (*12*) Simultaneously, a Draft Environmental Impact Statement (DEIS), filed with the Environmental Protection Agency on January 15, 1981, was made available to other Federal agencies and the general public for comment. The February 4, 1981, proposal contemplated granting the Japanese Salmon fishery a general permit for an annual incidental take of 5,500 Dall porpoise in the U.S. FCZ over the next three years. In addition, the Agency announced its determination that a formal hearing before an Administrative Law Judge (ALJ) was necessary to review the population status of Dall porpoise. (*13*) Formal reviews on the other mammals were found unnecessary or not possible: The Steller sea lion and northern fur seal had been previously reviewed, (*14*) and insufficient information existed in the permit application and in scientific literature to attempt review of the other animals. Absent a review, NMFS is unable to grant incidental take permits under the MMPA, and consequently the Applicant's request for a permit covering harbor porpoise, Pacific white-sided dolphin, and killer whale remains unprocessed.

The proposed regulation and all relevant information were reviewed on the record in a hearing held pursuant to 5 U.S.C. 556 and 557. (*15*) The hearings were conducted in Seattle, Washington, on March 5 and 6, 1981. The Assistant Administrator for Fisheries of NOAA, the Marine Mammal Commission, the Federation, and the Environmental Defense Fund (EDF) participated in the hearings.

3. *Issues Considered at the Formal Hearing.* The hearings focused on the following issues and facts: (a) Estimates of existing population levels of Dall porpoise; and (b) the expected impact of the proposed regulations on the OSP of Dall porpoise. These issues involved consideration of (1) whether the scientific evidence was sufficient to make any of the required MMPA findings, (2) future scientific research needs, and (3) the means available to the applicant, if any, to reduce further the mortality of Dall porpoise.

4. *Recommended Decision.* The ALJ issued his recommended decision on April 24, 1981 concluding that:

> Based upon the substantial evidence in the record as a whole, it is the Recommended Decision in this matter that the proposed amendment to the regulations of the National Marine Fisheries Service permitting the taking of Dall porpoise incidental to the commercial salmon fishing operations for the gill net salmon fishing season within the U.S. fishery conservation zone beginning 1981, and continuing through the same fishing season for 1983, be adopted as the final regulations, as amended by any finding of fact, conclusions of law, recommendations, and conditions herein.

The Environmental Defense Fund and the Japan Salmon Fisheries Cooperative Association submitted exceptions to the Assistant Administrator for Fisheries on April 29, 1981. On May 5, 1981, the Marine Mammal Commission filed a motion to strike ex parte communications in the Federation's response to the recommended decision.

B. Decision

1. *Summary of the Decision.* I find, based on the record of the hearing, the ALJ's recommended decision, the exceptions filed thereto and the Final Environmental Impact Statement (FEIS), that the Dall porpoise stock is not depleted and that an allowable take of these animals will not be to the disadvantage of the stock. The record before me indicates that an annual incidental take quota of 5,500 Dall porpoise over the next three years will maintain the stock at or above the minimally acceptable OSP level, and is consistent with the policies and purposes of the Act.

I further find that an annual quota of 5,500 Dall porpoise is economically and technologically feasible and should be set for the three-year period, 1981–1983. The record does not indicate that the 5,500 quota can be reduced technologically at this time. I am directing NMFS to monitor the incidental take of Dall porpoise by the Federation pursuant to the permit issued

today. This permit directs the Federation to conduct research and to report to NOAA on an annual basis regarding its gear research efforts.

The permit and accompanying regulations allow no takings of harbor porpoise, Pacific white-sided dolphin, or killer whale. Takings of these marine mammals are in violation of and subject to prosecution under the MMPA.

The permit directs the applicant to allow monitoring of its incidental take of marine mammals in U.S. waters, conduct gear research, and close its fishing season in U.S. waters when its quota is reached.

2. *Detailed findings.* The recommended decision of the ALJ is attached. In reaching my decision, I adopt and incorporate by reference, unless specifically noted otherwise, the findings of fact, conclusions of law and accompanying rationale of the ALJ. My comments on the recommended decision and the supporting evidence specifically address only points of difference between my decision and that of the ALJ, and issues of importance requiring further elaboration. My discussion follows the format of the recommended decision beginning with Part II of that decision.

a. *Population Estimates*

I adopt the ALJ's approach in determining whether the allowed incidental taking will be to the disadvantage of the marine mammal population stocks. It is consistent with the approach NOAA has taken in a previous rulemaking under the Act (*17*) and, based on the record, is the best scientific method available. (*18*)

(1) Present Population Level

Stock Classification

I adopt the ALJ's finding and supporting rationale that the best scientific evidence available supports the conclusion that only the North Pacific/Bering Sea/Gulf of Alaska stock (North Pacific stock) is affected by the Japanese mothership fishery. (*19*) My decision on Dall porpoise concerns only this stock.

Area

I adopt the ALJ's finding and supporting rationale that the best estimate of area is 3,262,663 square miles. (*20*)

Density

I adopt the ALJ's finding and supporting rationale that the 1978 data is more reliable than that for 1979 and that the line transect model will produce the more reliable estimate of the density of Dall porpoise. (*21*)

The ALJ found that the density figure equals 0.2818 Dall porpoise per square nautical mile throughout the entire region. This figure, based on NOAA data, represents the 1978 density of Dall porpoise in the west-central North Pacific. (*22*) NOAA's evidence indicates that densities varied between the four areas surveyed within the region. (*23*) Utilizing area specific density factors when available provides more accurate population estimates and is consistent with NOAA's approach in previous rulemakings under the Act. (*24*) I find, therefore, that the NOAA area specific density estimates represent the best scientific evidence available on Dall porpoise density.

Present Population of Dall Porpoise

Despite the above finding on density, I adopt the ALJ's 1978 population estimate of 919,424 for the Northern Pacific stock. Utilizing the differing densities for each of the four survey areas, NOAA's expert witness calculated the 1978 Dall porpoise population to be 920,000. (*25*) This result varies insignificantly with the ALJ's figure and has no effect on the outcome of the decision. (*27*)

(2) Initial Population Level

I adopt the finding and supporting rationale of the ALJ that estimating the initial population level requires back calculation—beginning with the present estimated population level, adding the estimated annual incidental kill and subtracting the estimated net annual reproduction. (*28*)

Natural Mortality Rate (M)

I adopt the ALJ's finding of 0.13 natural mortality rate. I find on the record, however, that 0.13 is based on an analogy of body sizes among various stocks of animals not on empirical data. (*29*)

Gross Annual Reproductive Rate (rmax)

Maximum Net Reproductive Rate (Rmax)

I adopt the ALJ's finding that the maximum net reproductive rate (Rmax) of the Northern Pacific stock of Dall porpoise is 0.04. (*30*) This rate is consistent with the range of possible values NOAA suggested (.02 to .12) (*31*) and is supported by the overall testimony in the record.

I note that NOAA found a 0.04 Rmax for *Stenella* dolphins in the Eastern Tropical Pacific in a previous rulemaking. (*32*) The record suggests that Rmax may vary among Dall porpoise and the various *Stenella* dolphins. My decision today does not imply that such variation does not exist.

In addition, one witness suggested using a Rmax of 0.057 based on work done by International Whaling Commission scientists on large whales. (*33*) I find the evidence supporting this value insufficient for its use in the calculations. Moreover, this witness utilized 0.04 in his calculations to determine the initial population level for Dall porpoise. (*34*) I recognize that further research is necessary to determine more accurately the Rmax for Dall porpoise and direct NMFS to continue efforts to assess this parameter.

Incidental Kill Rate (Ki)

Mothership Fishery

I adopt the ALJ's finding and supporting rationale regarding the Japanese mothership salmon fishery incidental kill rate of 0.94 porpoise per set of gill net. (*35*)

Land-based Salmon Gill Net Fishery

I adopt the ALJ's finding and supporting rationale that the land-based salmon fishery incidental kill rate is 0.94 porpoise per set of gill net. No independent observations of the land-based fishery operations exist and evidence estimating the amount of take within this fishery is weak. Dr. Ohsumi's testimony (*36*) suggests that this rate is 60% of the mothership salmon fishery. NOAA's evidence indicated that the rate may equal the mothership fishery but recognized problems in applying a uniform rate over the entire fishery. Conversely, no evidence suggested the rates were not uniform. Absent independent observations of the land-based fishery operations, I find that the land-based salmon fishery incidental kill rate is 0.94 porpoise per set of gill net. (*37*)

Constancy of Ki

I adopt the ALJ's finding and supporting rationale concerning the consistency of the incidental take rate. (*38*)

Calculated Initial Population

I adopt the ALJ's initial population estimate of 1,354,000. (*39*)

b. *Optimum Sustainable Population*

I adopt the ALJ's finding and supporting rationale that the population of the Northern Pacific stock of Dall porpoise is not depleted and that it is permissible to allow some taking of Dall porpoise. (*40*) The current 1980 population of this stock is 66.8 percent of its preexploitation population and above the minimally acceptable OSP level.

c. *Quota and the Projected Impact of Allowed Takings*

I adopt the ALJ's finding and supporting rationale that it is technologically feasible for the Federation to operate a full-effort fishing season while not exceeding the requested quota of 5,500. (*41*)

I further adopt the ALJ's finding and supporting rationale that the total allowable incidental kill of Dall porpoise within the United States FCZ which would maintain at its current level the population of the Northern Pacific stock is greater than the requested quota. This indicates that the allowable take of 5,500 Dall porpoise will not only maintain the stock at its current level, but will also allow it to grow.

Upon making a finding of non-depletion, the MMPA requires me to determine whether the requested quota can be further reduced. (*42*)

Based on the record, I find that the requested quota cannot be further reduced at this time. I am directing, however, the permit applicant to engage in gear research aimed at reducing Dall porpoise mortality and to report annually on its findings to NMFS.

d. *Conditions*

I concur with the ALJ that to make more accurate future determinations and to maintain the North Pacific Ocean stock of Dall porpoise within the range of OSP, a greater research effort is needed to obtain more and precise data. Mindful of this need and of my authority under the Act to impose terms and conditions on incidental take permits, I adopt, unless specifically stated otherwise, the conditions recommended by the ALJ.

(1) Research and Implementation of Modifications

I adopt the ALJ's findings, recommendations and supporting rationale regarding further research including, but not limited to:

(a) Improved survey coverage over the entire range of the affected Dall porpoise stock;

(b) More information on gross annual reproductive rates, natural mortality rates, the maximum net productivity level, and the rate of incidental kill;

(c) Studies on the ecology of Dall porpoise; and

(d) Research and reporting on, as well as implementation of gear modifications to reduce the take of marine mammals.

I have directed NMFS to make every effort to satisfy these research needs and expect full cooperation from the applicant. The conditions in the permit issued today are designed to develop this information.

I also adopt the ALJ's recommendation regarding reporting requirements; condition 9 of the permit issued today specifically covers these requirements in detail.

(2) Monitoring

The issue of extent of observer coverage is a difficult one. The ALJ based his recommendation for 10% observer coverage upon the testimony of a NOAA scientist who stated such coverage would provide a 95% confidence level that the quota would not be exceeded. The record provides no evidence concerning the confidence levels other observer coverage might provide. I agree that better data on incidental take by the mothership fleet is essential and find that an effective monitoring program must be conducted to obtain this data. The MMPA, however, does not dictate that the management regime implemented by the Agency attain a specific confidence level, and I believe that the appropriate confidence level should be determined by the Agency. The Agency should have the discretion to determine what confidence level and coverage is necessary for it effectively to monitor compliance with the quota. Accordingly, I am directing the National Marine Fisheries Service to implement an effective monitoring program to ensure that the quota is not exceeded. The permit can be conditioned on an annual basis to require the appropriate observer coverage. Due to funding constraints placed on the Agency, I also adopt the ALJ's recommendation that the applicant fund the observer program.

The ALJ recommended that the Federation consent to placing observers on its vessels in the land-based fleet. I reject this finding because there is no evidence in the record that the Federation has responsibility or authority over the land-based fishery. (*43*)

(3) Incidental Take Reporting Requirements

I adopt the ALJ's recommendation regarding incidental take reporting requirements. The requirements are incorporated into the permit issued today.

e. *Seabirds*

Judge Vanderheyden strongly recommended that monitorings and research be carried out to ascertain more precisely the magnitude and significance of the incidental seabird mortality associated with the gill net fishery.(*44*) The record indicates that the Japanese salmon gill net fishery takes large numbers of many species of seabirds. The takings may be threatening some of the populations.

In view of the primary marine mammal management objective of the MMPA—to maintain the health and stability of the marine ecosystem, (*45*) I concur with the ALJ's research recommendation.

I recognize, however, the difficulty in establishing such a research program for 1981. A scientifically valid seabird mortality monitoring system may require much experimentation and, thus, months to develop and implement. Although I am not making seabird research a condition of the permit, I strongly encourage the applicant to cooperate with the U.S. and Japanese governments in development and implementation of an appropriate research program. NMFS is prepared to participate, to the extent possible, in developing such a program.

f. *Duration of the Permit*

Finally, I adopt the ALJ's finding and supporting rationale that a three-year permit will best serve to improve the data base while allowing sufficient time for research aimed at improving the fishing gear to reduce the incidental kill and serious injury rate to levels approaching zero. No evidence shows that it is economically and technologically feasible at this time to reduce the incidental take quota below 5,500 over the next three years. Although the 1981 observation and research data is expected to contribute important information on this question, more data are needed to obtain meaningful answers. Issuing the three-year permit will also significantly reduce the costs and administrative burdens involved in the required permit proceedings. Furthermore, if subsequent research results reveal that it is economically and technologically feasible to reduce the quota, the quota will be modified accordingly and the regulation and permit amended before initiation of the 1982 and 1983 fishing seasons.

C. Required Statements

Section 103(d) of the MMPA requires the publication of the following statements: (a) Estimated existing levels of the species and population stocks of the marine mammals concerned; (b) a statement of the expected impact on the optimum sustainable population (OSP) of such species or population stocks; (c) a statement describing the evidence before the agency; and (d) any studies made by or for the agency and any recommendations made by or for the agency or the Marine Mammal Commission, if any. The following table satisfies the first two requirements.

Stock	Present population	Present OSP status	OSP status at end of 1993
Dall porpoise	920,000	Within	Within.

The reference noted in the February 4, 1981 **Federal Register** notice (*46*) and the record compiled in this administrative proceeding satisfy the final two statements.

D. Regulation

The regulation proposed by the Agency on February 4, 1981 (46 FR 10785) is hereby adopted, based on full consideration of the record, the recommended decision and my foregoing final decision. I have considered the alternatives contained in the FEIS and the DEIS and have concluded that the regulation adopted is the environmentally preferred alternative and represents the best approach of permitting the incidental take under the MMPA.

E. Consultation

The Act requires that I consult with the Marine Mammal Commission (MMC) in promulgating regulations. The MMC was consulted prior to publication of the proposal, was a party to the proceedings, and filed briefs with the ALJ.

Additionally, I have consulted with the Secretary of Commerce on this decision.

F. Attachments

The permit to be issued to the Federation of Japan Salmon Fisheries Cooperative Association as a result of this decision and the recommended decision of ALJ Frank Vanderheyden is attached.

G. Effective Date

The permit issued today becomes effective June 10, 1981.

Dated: May 7, 1981.

James P. Walsh,

Acting Administrator.

References

(*1*) 4 U.S.T. 380, T.I.A.S. 2786; 205 U.N.T.S. 65.

(*2*) T.I.A.S. 9842.

(*3*) 16 U.S.C. 1021 *et seq.*

(*4*) The term "depletion or depleted" means any case in which the Secretary, after consultation with the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals determines that the number of individuals within a species or population stock—

(A) has declined to a significant degree over a period of years;

(B) has otherwise declined and that if such decline continues, or is likely to resume, such species would be subject to the provisions of the Endangered Species Act of 1973; or

(C) is below the optimum carrying capacity for the species or stock within the environment.

16 U.S.C. 1362(1).

(*5*) The Act defines optimum sustainable population (OSP) as:

* * * With respect to any population stock, the number of animals which will result if the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which form a constituent element.

16 U.S.C. 1362(9).

A working definition of this term was published in 50 CFR 216.3 (1977) by the National Marine Fisheries Service:

* * * 'Optimum sustainable population' is a population size which falls within a range from the population level of a given species or stock which is the largest supportable within the ecosystem to the population level that results in maximum net productivity. Maximum net productivity is the greatest net annual increment in population numbers or biomass resulting from additions to the population due to reproduction and/or growth losses due to natural mortality.

(*6*) 16 U.S.C. 1374; 16 U.S.C. 1373, 50 CFR Part 216 (1979).

(*7*) 16 U.S.C. 1373(a).

(*8*) 16 U.S.C. 1373(d). These procedural requirements have been complied with and are published below.

(*9*) 16 U.S.C. 1371(a)(2).

(*10*) DOO 25–5A, Section 301.V., June 3, 1977.

(*11*) 9th Floor, San Kaido Building, 9–13, Alaska 1–Chrome, Minato-ku, Tokyo, Japan.

(*12*) 46 FR 10785 (February 4, 1981).

(*13*) *Id.*

(*14*) 44 FR 1540 (January 11, 1979); 45 FR 21844 (December 10, 1980).

(*15*) The hearings were also conducted pursuant to procedural rules published on February 4, 1981, 46 FR 10785.

(*16*) Footnote omitted.

(*17*) 45 FR 72178 (October 31, 1980).

(*18*) Recommended Decision, at 14 [hereinafter cited as R.D.].

(*19*) R.D., at 15. Contrary to the ALJ's recommendation, I find based on evidence in NOAA Exhibit 3 and NOAA Exhibit 7, that there are at least three stocks of Dall porpoise.

(*20*) R.D., at 16.

(*21*) R.D., at 20–21.

(*22*) NOAA Exhibit 4, at 20, Table 5.

(*23*) *Id.*

(*24*) See 45 FR 72178, 72181–82 (October 31, 1980).

(*25*) NOAA Exhibit 4, at 20, Table 5. Other estimates of present population suggested were: 837,480 (Federation Exhibit 6, at 20); 1,500,000 (Tr., pp. 140–42); 5,080,000 (Federation Exhibit 4, at 6).

(*26*) Footnote omitted.

(*27*) R.D., at 21.

(*28*) R.D., at 22.

(*29*) R.D., at 23.

(*30*) R.D., at 28.

(*31*) NOAA Exhibit 3.

(*32*) 45 FR 72184, October 31, 1980.

(*33*) Federation Exhibit 4, at 12.

(*34*) *Id.*

(*35*) R.D., at 28.

(*36*) Federation Exhibit 4.

(*37*) R.D., at 29.

(*38*) R.D., at 31.

(*39*) R.D., at 32.

(*40*) R.D., at 32.

(*41*) R.D., at 33.

(*42*) 16 U.S.C. 1371(a)(2).

(*43*) Federation exceptions to the recommended decision, at 13.

(*44*) R.D., at 42.

(*45*) 16 U.S.C. 1361(6).

(*46*) 46 FR 10785, February 4, 1981.

Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C.; General Permit; Category 5: Other Gear

The Federation of Japan Salmon Fisheries Cooperative Association, Sankaido Building, 9–13 Akasaka 1-chome, Minato-ku, Tokyo, Japan, is hereby issued a General Permit for the taking of marine mammals incidental to the course of commercial fishing, in Category 5: Other Gear, subject to the provisions of the Marine Mammal Protection Act of 1972 as amended (16 U.S.C. 1374(h)); the regulations governing the incidental taking of marine mammals (50 CFR Section 216.24); and the terms and conditions hereinafter set out.

A. Limitations on Take

1. The annual incidental take of marine mammals by certificate holders is limited to the following number and species:

a. 5,500 Dall's porpoise (*Phocoenoides dalli*)

b. 450 northern fur seals (*Callorhinus ursinus*)

c. 25 northern (Steller) sea lions (*Eumetopias jubatus*)

2. No marine mammals of a species listed as threatened or endangered under the endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), or designated as depleted under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), or for which a take limit has not been authorized, may be taken.

3. No marine mammal may be taken under this permit unless a Memorandum of Understanding between the Government of the United States of America and the Government of Japan and supporting Agreements, as required, have been approved and signed by both Governments.

B. Conditions

1. Marine mammals may only be taken under the authority of this permit by operators of vessels that have been granted a Certificate of Inclusion by the Assistant Administrator for Fisheries, National Marine Fisheries Service, in accordance with 50 CFR 216.24. A Certificate and a translated copy of this permit must be in the possession of the vessel operator at all times while fishing within the U.S. Fishery Conservation Zone.

2. This permit shall be valid for a 3-year period from 0001 hours, June 10, 1981, to 2400 hours, June 9, 1984, subject to annual review by the Assistant Administrator for Fisheries. This review will be based in part on reports required herein and on other information available to the Assistant Administrator for

Fisheries. The terms, conditions, limitations on take, number of observers, and duration may be modified by the Assistant Administrator for Fisheries in such manner as he deems consistent with and necessary to carry out the purposes of the Marine Mammal Protection Act of 1972.

3. At any time the Assistant Administrator for Fisheries has reason to believe that the date on which the allowed take set forth in the General Permit can be determined, he will notify the Permit Holder by any appropriate means and prohibit the further take of the affected species after that date. The Permit Holder shall be responsible for notifying all Certificate Holders of the date upon which no further take is authorized.

4. Marine mammals taken as authorized herein may be taken in the North Pacific Ocean and Bering Sea incidental to the Japanese mothership salmon gillnet fishery within the Fishery Conservation Zone of the United States as provided for in the Annex To The Protocol Amending The International Convention For The High Seas Fisheries Of The North Pacific Ocean.

5. Each Certificate Holder shall:

a. Return dead marine mammals incidentally entangled in gillnets of catcher boats for collection of biological data samples, when feasible and consistent with the laws of both countries.

b. Take every possible step to minimize the killing or serious injury of marine mammals during fishing operations.

c. Maintain a log of all instances in which marine mammals are taken. The log must include for each set:

(i) The location, time, and date of each taking of a marine mammal;

(ii) The species and number of all marine mammals that become entangled and are lost (drop out) as gillnets are hauled, become entangled but escape alive or are released alive during hauling, or captured and brought on board during hauling;

(iii) A description of the circumstances which led up to and caused death or injury; and

(iv) Any other information requested of the Certificate Holder by the Permit Holder.

d. Submit records required by B.5.c. above on a daily basis to the U.S. Government observer onboard each mothership operating within the U.S. Fishery Conservation Zone, or

e. Submit records required by B.5.c. above on a daily basis to the duly authorized Japanese national onboard each mothership operating outside the U.S. Fishery Conservation Zone.

f. Accept a duly authorized representative of the United States Government onboard the certificated vessel to make observations of incidental take and to record data on environmental conditions and on gear characteristics.

6. The Permit Holder shall assist the U.S. Government observers to report by radio on a daily basis to the United States, information on the take of marine mammals and any other data collected under B.5. herein.

7. The Permit Holder shall assist as requested in meeting the objectives of the research program agreed to by the Governments of the United States of America and Japan.

8. The Permit Holder shall provide for and fund marine mammal observers to allow for monitoring and research activities.

9. Reports:

a. Within 30 days of the close of each mothership salmon fishery season, the Permit Holder will submit to the Assistant Administrator for Fisheries, a report detailing what gear modifications were tested either by operating catcherboats or by research vessels performing under actual fishing conditions; the percentage of the catcherboats which operated with modified gear; the effect such modified gear had on both the incidental taking of Dall porpoise and other marine mammals; the effect the modified gear had on the catch of the various target species of salmon; the cost of producing the modified equipment for that season; and a best estimate of the cost for making the modified gear which produced the most favorable results in quantity great enough to outfit the entire fleet.

b. Within 30 days of the close of each mothership salmon fishery, the Permit Holder will submit to the Assistant Administrator for Fisheries the number and species of all marine mammals taken by each mothership fleet.

10. The Holder of this General Permit, and of each Certificate of Inclusion issued hereunder, shall not transfer or assign the General Permit or Certificate of Inclusion to any other person.

Dated: May 7, 1981.

William H. Stevenson,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

Department of Commerce

National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C.

Recommended Decision [1] of Frank W. Vanderheyden, Administrative Law Judge

In the matter of proposed regulations to govern the taking of marine mammals incidental to commercial Salmon fishing operations Docket No. MMPAH 1981-1.

Appearances:

Ronald S. Naveen, Esquire, Office of the General Counsel, 3300 Whitehaven Street, NW., Washington, D.C. 20235, for the National Marine Fisheries Service and the National Oceanic and Atmospheric Administration.

John A. Hodges, Esquire, Peabody, Rivlin, Lambert & Meyers, 1150 Connecticut Avenue, NW., Suite 1200, Washington, D.C. 20036, for the Federation of Japan Salmon Fisheries Cooperative Association.

Robert Eisenbud, Esquire, General Counsel, Marine Mammal Commission, 1625 I Street, NW., Washington, D.C. 20006, for the Marine Mammal Commission.

Curtis N. Epperson, Esquire, Epperson and O'Shea, Suite 300, The Globe Building, 9725 SE. 36th Street, Mercer Island, Washington 98040, for the Environmental Defense Fund.

[1] In keeping with the expedited nature of this proceeding, any exceptions to this Recommended Decision, together with supporting briefs, must be filed with the Director, National Marine Fisheries Service, within five (5) days of the service date shown above. An original and one copy of the Exceptions shall be served on the Director, with copies to all parties and the undersigned.

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Introduction

Public hearings, concerning the application of the Federation of Japan Salmon Fisheries Cooperative Association (Federation) for a general permit under the Marine Mammal Protection Act to allow the taking of marine mammals incidental to this commerical fishery, were held before the undersigned administrative law judge appointed pursuant to 5 U.S.C. 3105 of the Administrative Procedure Act (APA). The hearings took place in Seattle, Washington, on March 5 and 6, 1981. They were conducted in accordance with §§ 556 and 557 of the APA, and with regulations promulgated for an expedited proceeding. 46 FR 10705 (February 4, 1981.) The record consists of 475 pages of transcript and 28 exhibits. Interpreters were used in these instances where some witnesses spoke only the Japanese language.

Opening briefs were served on March 20, 1981, reply briefs on March 31, 1981, and oral argument was had on April 1, 1981. The Recommended Decision is sought within 20 days thereafter. All parties who appeared filed briefs and participated in oral argument. Matters raised in briefs have been

considered, and unless discussed specifically below are either rejected or not considered of sufficient import for particular mention in resolving the issues concerned in the proposed regulations.

Findings of Fact and Conclusions of Law

I. Background

A. Salmon Fishery

The Dall porpoise mortality question is interrelated with the Japanese salmon fishery. This fishery has a history in Japan extending from the 19th centry, with its beginnings off the Sakhalin and Kurile Islands and the Maritime Provisions of Siberia. It developed into both coastal and factory-ship type operations. Following the hostilities of World War II, and with the signing of the United States/Japanese Peace Treaty in May, 1952, Japan resumed the salmon fishery. However, due to the loss of its historical inshore fishery sites in Siberia, Japan developed a high seas salmon fishery in the form of mothership and land-based fisheries. Also in May, 1952, the United States, Japan and Canada executed the International Convention for the High Seas Fisheries of the North Pacific Ocean (INPFC).[2] At this time, there was no Pacific salmon fishery in international waters except for U.S. and Canadian offshore troll fishing, and little was known about the oceanic migration, and exploitation on the high seas of Asiatic and North American salmon stocks. Among other purposes, the INPFC was to examine these questions. Additionally, Japan agreed to abstain from fishing for salmon in the North Pacific Ocean east of a line at 175° W. longitude and in the Bering Sea. Japan and the U.S.S.R. entered into a Fisheries Treaty in 1956, which provided for annually negotiated catch quotas for salmon caught on the high seas adjacent to Soviet territorial waters, for the mothership and land-based fisheries. Stemming from this Treaty, Japan was prohibited from salmon fishing throughout the Sea of Okhotsh in 1959, and in 1962 this exclusion was extended to all Northwest Pacific waters.

In 1970, Congress passed the Fishery Conservation and Management Act (FCMA), 16 U.S.C. 1801, *et seq.*, which established a 200 mile fishery conservation zone (FCZ). Japan and the Soviet Union also established similar conservation zones. As a result, the INPFC was renegotiated in recognition of the authority of these coastal nations to manage their fishery resources within the FCZ, and also to consider the known distribution of salmon of North American origin. This Protocol,[3] amending the INPFC, permitted fishing by the Japanese mothership inside the FCZ of the U.S. The abstention line was moved to 175° E. longitude, with the exception of a portion of the North Central Bering Sea outside the U.S. FCZ. Additional areas where North American salmon and marine mammals were protected included approximately 775,000 square miles outside the U.S. FCZ. The Protocol also called for a scientific program of coordinated scientific research on marine mammals caught while fishing for anadromous fish species. The Japanese fleet, in return, was allowed to fish for salmon in 70,000 square miles inside the U.S. FCZ.

An Annex to the Protocol provided that the requirement by the U.S. of Japanese vessels engaged in the salmon fishery within the U.S. FCZ to have on board a Certificate of Inclusion relating to the incidental taking of marine mammals be suspended until June 9, 1981. During this period the U.S. and Japan were to conduct research to determine the effect of Japanese salmon fishery on the marine mammal population, and to work to reduce or eliminate the incidental catch of marine mammals in the fishery. The North Pacific Fisheries Act of 1954, 16 U.S.C. 1021, *et seq.*, implemented the INPFC and was amended in 1978 to reflect the Protocol and its Annex concerning marine mammal research. This Act also provided that after June 9, 1981, the taking of marine mammals incidental to fishing operations by Japanese vessels within the U.S. FCZ shall be regulated by the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361, *et seq.*

B. Scientific Cooperation

Scientific cooperation between the U.S. and Japan has been carried out, in part, in the following manner:

Scientific teams, each composed of one marine biologist and one salmon observer were assigned to four Japanese motherships in the 1978 fishing season, to gather information on incidental take of porpoise and to obtain biological specimens for estimating life history.

A U.S.-Japanese Cooperative Research Program on Dall porpoise is conducted under the auspices of the INPFC. The project investigates abundance, food habits, population dynamics and other related aspects of the biology of Dall porpoise. In 1979 and 1980, in addition to eight vessels for salmon research, the Japanese dedicated a vessel to porpoise research at their own expense.

The cost of the dedicated vessel for the years 1979 and 1980, borne by the Japanese, has totaled about $700,000. In addition, the cost to the Japanese for observers from 1978–1980 has been $187,936.

During the 1980 fishing season, some experimental operations were carried out with modified nets into which nylon air-tube threads were partially interwoven. By such procedure, it was thought the porpoise may more easily detect the presence of the gill nets. However, the data collected to date has been inconclusive on the effectiveness of such a procedure. Additional research by the Japanese is planned for 1981 and onward.

C. Socio-Economic Importance of Salmon to Japan

For many years, salmon has been a traditional seafood for the Japanese people. It is a necessary festive fish for the New Year's season. In Japan's northern climate, it is an important fat and protein resource for weathering the cold; in the warm weather, salted salmon is favored as an appetizer. Concerning the economic importance of the salmon fishery to Japan, the production of the mothership salmon fishery in recent years has ranged between $60 and $90 million annually, representing approximately 14 to 17 percent of Japan's total salmon fishery. Additionally, approximately 280,000 Japanese workers and their families are involved directly or indirectly with the mothership salmon fishery. Their 1977 total annual earnings amounted to $1.7 billion.

D. Permit Application

By letter dated January 14, 1981, and attachment, the Federation, pursuant to Section 1374 of the Marine Mammal Protection Act (MMPA)[4] and the appropriate regulations promulgated in accordance with Section 1373, filed an application for an incidental take permit, Category 8, "Other Gear" salmon drift gill net. The permit application requests a three year term (1981–1983) and estimates that the maximum number of marine mammals expected to be incidentally taken on a yearly basis by the Japanese salmon fishery within the U.S. FCZ as follows: Dall porpoise (*Phocoenoides dallii*), 5,500; harbor porpoise (*Phocoena phocoena*), 50; Pacific white-sided dolphin (*Lagenorynchus obliquidens*), 25; killer whale (*Orcinus orca*), 25; Steller sea lion (*Eumetopias jubatus*), 25; and northern fur seal (*Callorhinus ursinus*), 450. (46 FR 10765, Feb. 4, 1981; NOAA Ex. 1.)

Only the Dall porpoise is substantively involved in this proceeding, because of the minimal incidental takings of the other marine mammals. If the permit application is granted as requested for the Dall porpoise, 50 CFR 216.24(d)(5) would be amended by adding a new subparagraph (vii) reading as follows:

(5) * * *

(vii) The number of Dall's porpoise (*Phocoenoides dallii*) killed or seriously injured by Japanese vessels shall be limited to 5,500 animals per year. Any permit issued under this regulation shall indicate the measures by which the permit holder shall comply with the reporting requirements of paragraph (d)(5)(v) of this section. Any incidental take permit issued under this regulation shall allow retention of marine mammals for scientific research purposes and not require a separate permit under paragraph (d)(5)(iv).

In addition, should the application be granted, it must include certain conditions enumerated hereafter.

II. Marine Mammal Protection Act

The Act establishes a moratorium on the taking[5] and importing of marine mammals which may be waived to allow marine mammals to be incidentally taken in the course of commercial fishing operations. The taking of marine mammals is to be in accordance with permits issued by the National Marine Fisheries Service (NMFS)

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[2] 4 U.S.T. 380; T.I.A.S. 2786; 205 U.N.T.S. 65.

[3] T.I.A.S. 9042.

[4] 16 U.S.C. 1361, *et seq.* (Hereinafter, the title number of the U.S. Code, and the word "Act" will be omitted in referencing sections of the statute.)

[5] The term "take" has a meaning much broader than killing a marine mammal. "Take" means to "harass, hunt, capture or kill, or to attempt to harass, hunt, capture or kill any marine mammal." 16 U.S.C. 1362 (13).

pursuant to Section 1374, subject to regulations promulgated in accordance with Section 1373. In pertinent part, subsection (a) of the latter section directs that the Secretary (of Commerce) "on the basis of the best scientific evidence available" shall prescribe such regulations concerning the taking of marine mammals which will "insure that such taking will not be to the disadvantage of those species and population stocks * * *." Section 1373(b) provides that in prescribing regulations full consideration shall be given to all factors which may affect marine mammals including, but not limited to, the effect of such regulations on:

(1) Existing and future levels of marine mammal species and population stocks;

(2) Existing international treaty and agreement obligations of the United States;

(3) The marine ecosystem and related environmental considerations;

(4) The conservation, development, and utilization of fishery resources; and

(5) The economic and technological feasibility of implementation.

Section 1371(a)(2) declares, in part, that an immediate goal is to reduce the incidental kill or serious injury of marine mammals permitted in the course of commercial fishery operations to insignificant levels approaching a zero mortality and serious injury rate.

Congress, in pertinent part, found in Section 1361(2) of the Act that marine mammals should not be permitted to diminish below their "optimum sustainable population" (OSP). This term is defined in Section 1362(9) to mean that with respect to any population stock, the number of animals which will result in the "maximum productivity" of the population, keeping in mind the "optimum carrying capacity" of the habitat and the health of the ecosystem of which they form a constituent element. In Section 1362(8) "optimum carrying capacity" is defined to mean the ability of a given habitat to support the OSP of a species or stock in a healthy state without diminishing the ability of the habitat to continue that function. In further clarification, OSP is defined as "a population size which falls within a range from the population level of a given species or stock which is the largest supportable within the ecosystem to the population level that results in maximum net productivity." (41 FR 55536, Dec. 21, 1976; 50 CFR 216.3.) In further refinement, "maximum net productivity" (MNP or MNPL) is said to be the greatest annual increment to the population due to reproduction and growth less losses due to natural mortality. MNP is interpreted as being the lower limit of the range of OSP. (45 FR 72178, Oct. 31, 1980.)

III. The Incidental Take of Marine Mammals in the Salmon Fishery

A. Generally

The types of Japanese salmon fisheries which affect the Dall porpoise are the mothership and land-based operations. Both fisheries utilize salmon gill nets. In such method, a salmon gill net, 8 meters deep and 15 kilometers long, is set along the surface of the water at dusk and retrieved in the morning, in order to take advantage of the nature of salmon to approach the surface at night to feed. It is known that salmon feed on zooplankton, myctophid fish and small squid which come up near the surface at dark. The normal soaking time of the nets in the sea is an average of 11 to 12 hours. The evidence is strong that Dall porpoise, seeking to feed on some of the same food as the salmon, become accidentally entangled in the drift gill net and drown or suffocate. Mortality from the gill nets also results to sea birds on a large scale, and to some other marine mammals on a much smaller level than to Dall porpoise.

The following restrictions are placed on mothership gill nets as a result of a Protocol to the Japan/U.S.S.R. Fishery Cooperative Agreement:

(1) The length of the gill net set by each catcher boat is not to exceed 15 kilometers (8.2 nautical miles.)

(2) The interval between any two net sets should be at least 8 kilometers (4.37 nautical miles) in any direction.

(3) Under normal conditions the drift gill net hangs from the surface to about 6 to 8 meters (about 19 to 26 feet) deep in the water. The mesh size is to be at least 65 mm. (2.6 inches) for about 60 percent of the total number of nets, and the remainder 60 mm. (2.4 inches).

The salmon are caught by entangling their gills in the meshes of the net. One or more radio beacons are attached to the gill net, as well as light buoys and flags, to aid in locating it for retrieval. The use of gill nets is a passive fishing method to be distinguished from the tuna purse seine fishery in the eastern tropical Pacific Ocean where tuna fish are actively encircled by nets.

Dall porpoise comprise by far the largest part of the marine mammals incidentally taken by gill net fisheries. As a result of both the salmon fishery period and areas being reduced under the INPFC, and the Japan/U.S.S.R. Agreement, it is difficult for the Japanese gill net fishery to select fishing grounds or to adjust the periods of fishing operations to avoid some incidental taking of Dall porpoise.

The entanglement in gill nets of Dall porpoise, or other marine mammals, reduces the efficiency of the Japanese salmon fishery operations because the entanglement of the marine mammals: (1) Damages the nets, (2) disentangles or scares away salmon which otherwise may have been caught, (3) increases the difficulty of hauling in the nets due to the added weight of the entangled marine mammals.

B. Mothership Fishery

The Japanese mothership salmon fishery has as its objective salmon originating in the Asian continent, mainly from the U.S.S.R. At the peak of its operation in the 1950's, Japan utilized 16 motherships and 577 catcher boats. However, with area and seasonal restrictions, these operations have been reduced drastically. Currently, there are a total of 172 catcher boats directly engaged in fishing for salmon, and four motherships which receive their catches. These vessels make up four fleets, each fleet consisting of one mothership and 43 catcher boats operating as a unit.

The total catch of salmon by the Japanese mothership salmon fishery, in the period from 1952–1980 is estimated to be over 678 million fish, ranging from a high in 1957 of over 50 million, to a low in 1980 of over 7 million salmon.

C. Land-based Fishery

The major ports of the Japanese land-based salmon fishery are located on the islands of Hokaido, Kushiro and Nemuro. The fleet operates in the northwest Pacific waters for about a month before returning to their home ports. This fleet generally fishes south of the motherships' area. Another major distinction between the land-based and that of the mothership fleets is that in the case of the latter, the catch is returned every day to the mothership where it is quickly frozen. In the land-based fishery, all the catch taken during the month is stored on the vessel until taken to port. the most common vessels used in this fleet range from 60 to 80 tons in weight, while the catcher boats in the mothership weigh around 98 tons. In this fishery, the space between the nets is 6 kilometers, as distinguished from 8 in the mothership endeavors. Also, in the land-based fishery, the mesh size of the gill net should be over 55 mm. Though the figure was higher in previous years, there were 209 medium sized vessels in the land-based fleet in 1980.

In the land-based fishery, the total number of salmon caught from 1952 to 1980 was about 844 million, with a high in 1959 of over 46 million. In 1980, the estimated catch was about 16½ million fish.

IV. Population Estimates

In order to grant a permit to allow the Japanese mothership salmon fishery to take Dall porpoise incidental to its commercial fishing operation, Section 1373(a) commands that it must be determined, based on the best scientific evidence available, that incidental takings of the marine mammals will not be disadvantageous to the population stock. Determining the effect of the regulations on existing and future levels of marine mammals and population stocks requires an assessment of: (1) Present abundance of Dall porpoise, (2) its pre-exploitation stock size, (3) OSP, and (4) the projected impact of the allowed takings.

A. Present Population Level

(1) *Stock Classification.* In order to ascertain the impact that the Japanese mothership salmon fishery's permitted kill of Dall porpoise will have on the species, it is necessary to make a finding concerning what porpoise-types comprise these stocks and whether the fishery involved affects one or more stocks. It also must be determined how many stocks are affected in order to calculate both the present and the pre-exploitation population levels of the Dall porpoise.

The evidence supports the conclusion that there are three stocks of Dall porpoise: (1) Japanese Pacific coastal stock composed mostly of *Phocoenoides dallii truei,* (2) the Sea of Japan and Okhotsk Sea stock consisting of *Phocoenoides dallii,* and (3) the west-central North Pacific/Bering Sea/Gulf of Alaska stock composed of *Phocoenoides dallii.*

There is an assertion that the Sea of Japan/Okhotsk Sea stock commingle with the North Pacific/Bering Sea/Gulf of Alaska stock.

However, this contention is not supported by evidence which would indicate the extent of purported commingling or that these groups of Dall porpoise do not belong to separate stocks that occasionally overlap in their range, but do not interbreed. More research needs to be conducted in order to more competently ascertain the stock situation. There is a dearth of evidence for including the Japanese Pacific coastal stock in the population calculations.

It is found that the best scientific evidence available supports the conclusion that only the North Pacific/Bering Sea/Gulf of Alaska stock (North Pacific stock) is affected by the Japanese mothership salmon fishery.

(2) *Area.* The area inhabited by Dall porpoise affected by the Japanese salmon gill net fishery has been estimated from a low of 3,262,663 square miles to a high of 4,300,000 square miles. The lower figure rests upon the premise that only Dall porpoise inhabiting the North Pacific, the Bering Sea and the Gulf of Alaska are affected by the Japanese mothership salmon fisheries. The higher number is based upon the argument that not only are the North Pacific stock affected, but also those Dall porpoise occupying the Okhotsk Sea.

It is found that the lower figure of 3,262,663 square miles is the best estimate. This finding is based not only upon the finding that only the North Pacific stock is affected, but also on an acceptance on the part of one of the Federation's expert witnesses of excluding porpoise in the Seas of Japan and Okhotsk from his population estimates. (FJS Ex. 6, p. 20).

(3) *Density.* The next step in assessing the present population level is to determine the density of porpoise in the area affected by the Japanese mothership salmon fishery. This is done by multiplying the area occupied by the North Pacific stock of Dall porpoise by their density in that region. Two methods of statistical analysis were utilized to determine density of the porpoise in their inhabited space: A strip transect and a line transect. Both of these models are based on certain assumptions, and both introduce certain biases due to observer efficiency and undetected movement of the porpoise.

(a) *Strip Transect Model.* The strip transect model functions by counting all of Dall porpoise sighted within a strip extending a certain distance from the survey ship. During the 1978 and 1979 surveys, 100 meter, 200 meter, and 400 meter strips were used. By determining how many of these porpoise were sighted within a certain strip, it is possible to statistically extrapolate the total number of Dall porpoise present in the total area which they inhabit.

One assumption upon which the strip transect model is based is that all of the porpoise within the strip are sighted. If this supposition is not met, then the estimates obtained from this method are invalid. A factor related to the possibility of not sighting porpoise within a strip is that the sighting efficiency decreases with an increase in distance from the vessel. If the probability of sighting animals decreases with distance from the survey ship, the assumption of the strip transect model that all animals within the defined strip-width are sighted is violated. As a result, using a strip-width greater than 200 meters may result in a density estimate which is biased downwards, and therefore a lower estimate of abundance is obtained. Thus, a strip-width of 200 meters would yield a less biased estimate of abundance.

Another premise upon which the strip transect model rests is that the porpoise do not move before being sighted. However, there is much evidence that Dall porpoise do move and are, indeed, attracted to vessels. Such an occurrence decreases the confidence one can place in the strip transect model for estimating the present population of Dall porpoise.

(b) *Line Transect Model.* The line transect model functions by recording the number of Dall porpoise sighted and their right angle distance to the line, the line being the path of the survey vessel. The line transect model does not rely upon strips; any and all porpoise sighted are used in the model. Again, by using this data it is possible to statistically extrapolate the total number of Dall porpoise which occur in the total area which they inhabit.

The line transect model is based on the following four assumptions, listed in the order of their importance:

(a) All animals within the range of vision of the vessel are seen;

(b) The animals do not move before being detected and none is counted twice;

(c) Distances and angles are measured exactly, so that neither measurement nor rounding errors are introduced;

(d) Sightings are independent events. For example, the sighting of one porpoise or one school does not increase the probability of sighting another.

Examination discloses that assumptions (a), (b) and (d) are common to both the strip and the line transect model. As such, none of these three assumptions can be utilized to suggest that one model is superior to the other. Further, the degree to which any of these three assumptions may or may not be breached is equal for both models.

Assumption (c), that distances and angles are measured exactly, is critical. The measurement of distance at sea is extremely difficult. Dall porpoise swim swiftly, sometimes attaining speeds as high as 30 knots. Also to be weighed are the speed and yawing of the vessel, and the lack of resolution of rangefinders at distances in excess of a few hunderd meters. The aforementioned all combine to increase the possibility that this assumption is violated to some degree.

It is contended that these measurement problems will tend to increase the variance (reliability) of the estimate, but will not necessarily change the magnitude. Notwithstanding, one great advantage that the line transect model holds over the strip transect method is that all data can be utilized in the line transect model while some data must be discarded when using the strip transect procedure.[6] This data is disregarded within the strip. In theory, the line transect model does not have this disadvantage.

Clearly, the estimation of the density of Dall porpoise from shipboard surveys is not without problems. The waters are further muddied by alleged problems concerning the quality of the 1978, as opposed to the 1979, data. Observers in 1978 were, ostensibly, less trained and experienced than those in 1979. However, there was much less survey effort in 1979 than 1978. The data base in 1978 was four times greater than that of 1979. Such a sizeable difference is a salient consideration, with variance (reliability) sensitive to data base size. An estimate resting upon the 1979 data is less reliable than that for 1978, due to the former's smaller base.

It is found that the line transect model minimizes the bias introduced by observer inefficiencies and permits the use of all the sighting information in the survey, and that such method will produce the optimum estimate in terms of reliability. It is also found that the density determined by the 1978 line transect model analysis is the more reliable figure. Using the 1978 data, it is further found that based upon the best scientific evidence available, the density figure equals 0.2618 Dall porpoise per square nautical mile. (NOAA Ex. 4, p. 20, Table 5.)

It should be noted that this finding does not discredit the strip transect model as a scientific population estimation technique. Further research in years ahead may demonstrate much improvement in the reliability of population estimates derived from the strip transect model. The finding here that the line transect model produces the optimum estimate in terms of reliability is based upon the evidence within the record, and should in no way prejudice the consideration of strip transect estimates in future proceedings.

(4) *Present Population of Dall Porpoise.* The population of Dall porpoise is equal to the area times the density of Dall porpoise in that area. Having found the area inhabited by the North Pacific stock to be 3,262,663 square nautical miles, and the density to be 0.2618 porpoise per square nautical mile within that region, the calculated 1978 population of Dall porpoise equals 919,424.

At this point, it is important to consider how this figure compares with the estimates produced by the other analyses. A calculated present low population of 460,100 was determined by employing the 1978 strip transect model, based upon a 400 meter strip. At the other end of the range is an estimated population of 5,000,400, resting upon witness Ohsumi's 1980 estimate extrapolated to 4,300,000 square nautical miles. This is a range in population by a factor of about 10. The spread, however, was much narrower according to other estimates: 575,000 to 2,327,100 porpoise. The great discrepancy existing between the estimates is understandable considering the task. However, the calculated 1978 figure of 919,424 is supported by the weight of the evidence, and this is found to be the population of the Dall porpoise in 1978. Using the data upon which the 1978 population finding is made, the 1980, or more current

[6] For example, utilizing a 400 m strip, a porpoise sighted at a 450 m right angle distance will not be included in the data. Such a sighting, however, would be included in the line transect method.

population is found to be approximately 931,500.[7]

B. *Initial Population Level.* In order to estimate the initial population level, one must calculate backwards, starting with the present estimated population level, adding the recorded annual incidental kill rate (k_t) and subtracting the net annual recruitment rate (R_{max}). The reliability of such a back calculation is directly related to the reliability of the factors involved in the equation: present population estimate (N_t), discussed above, natural mortality rate (M), gross annual reproductive rate (r_{max}) and maximum net reproductive rate (R_{max}), and incidental kill rate (k_t). These last four factors will be treated individually.

(1) *Natural Mortality Rate (M).* The record supports a rate of 13 percent for natural mortality of the Dall porpoise. The foundation for this declared rate rests with witness Ohsumi (1979). Though widely accepted and utilized in calculations, this 13 percent figure is not derived from direct study of species mortality. Rather, it is information based upon empirical data of Dall porpoise by body size and body count.

The figure is of critical importance to the back calculation and the final determination of the status of the stock. However, one witness to this proceeding testified that "[o]ur data do not lend themselves to clear estimates of the rate of natural mortality, so we rely on Dr. Ohsumi's estimate that the natural mortality is about 13 percent of the population per year." (NOAA Ex. 8, p. 8.) Though the figure is not a "clear estimate," it is assumed to have been constant for the past 28 years in order to calculate the initial (1952) population. The reliability of this figure is in doubt, especially as to its constancy over the years from 1952. Notwithstanding this weakness, and in light of the need for further research into the question of the natural mortality rate, the record evidence supports this figure. It is observed further that the 13 percent is not unreasonable, and the record does not contain any allegation to that effect. It is found that the natural mortality rate for Dall porpoise is 13 percent. This is based on the only scientific evidence available in the record which, with more research, may or may not disclose to be the "best" evidence available.

(2) *Gross Annual Reproductive Rate* (r_{max}). *Maximum Net Reproductive Rate* (R_{max}).— The gross annual reproductive rate is the ratio of the total of all individuals added to a population by birth or immigration to the total number of individuals in that population. The maximum net reproductive rate (R_{max}) is derived by subtracting the natural mortality rate (M) from the gross annual recruitment rate (r_{max}), or $R_{max}=r-M$.

Once again there is a wide range in the suggested values of the gross annual reproductive rates. The gross annual reproductive rates presented in the evidence varied from 0.15 to 0.36. This results in a range of R_{max} from 0.02 to 0.23.

This high estimate of 0.36, derived from the 1979 survey, is higher than gross annual reproductive rates estimated for other species of porpoise. This may be due to an overrepresentation in the incidental take of pregnant females, who may be concentrating in the fishing area, or may possible indicate an annual reproductive cycle. There is some evidence that the oceanic areas employed by the Japanese motherships salmon fishery overlap with the calving grounds of Dall porpoise. If this is the case, a bias would be introduced which would tend to increase the calculated rate. A 36 percent rate of gross annual reproduction was not accepted by the National Marine Mammal Laboratories because " * * * it resulted in an unrealistic maximum net recruitment rate of 0.23." This high rate was also criticized as being unacceptable when compared to *Stenella* porpoise which inhabit the eastern Tropical Pacific. There was no credible evidence in support of using this high rate.

The next lower rate, that derived from the 1978 Japan-U.S. research program, is 0.25, which results in an R_{max} of 0.12, by subtracting natural mortality (M) from the gross annual reproductive rate (r_{max}). This figure was accepted by the Federation as being the upper bound in estimating the pre-exploitation population level of Dall porpoise. It was also accepted by the NMFS as being the most reasonable rate, based on comparisons with other porpoise, especially the *Stenella*.

However, this same witness testified that "[g]iven the quantity and quality of the data we had, we are almost certain—grasping for straws." (Tr. 488.) This witness went on to testify, "We purposely used a value that we knew, or assumed to be biased, on the high side, to represent the upper limits of the range." The evidence shows that 0.25 for the gross annual reproductive rate with the resultant 0.12 maximum net recruitment rate is the upper bound of the possible reproductive range for Dall porpoise.

The lower bound of the gross annual reproductive rate range was alleged to be 0.15, or a maximum net reproductive rate of 0.02. This rate, however, is lower than what was administratively found for the net reproductive rate for porpoise in the eastern Tropical Pacific. (45 FR 72184, Oct. 31, 1980.) An R_{max} of 0.04, was also utilized by witness Ohsumi in his calculations to determine the initial population level for Dall porpoise, referring to this rate as "conservative but previously accepted rate" for the R_{max} for tropical porpoise and great whales.

There was some testimony concerning the similarities and differences between *Stenella* porpoise of the eastern Tropical Pacific, which has an R_{max} of 0.04, and Dall porpoise. However, there is no convincing evidence that the differences between these two species support utilizing the other end of the extreme, an R_{max} of 0.12, for the back calculation. In fact, the one witness arguing in favor of this high rate of R_{max} 0.12, acknowledged that he did not have an estimate based on the data for recruitment. (Tr. 405.)

Many witnesses indicated some willingness to accept an R_{max} rate of 0.04, and a key witness for the Federation utilized this rate in his calculations. Keeping in mind the lack of reliable data on this critical factor in population dynamics, and the conservative approach of the Act, it is found that the gross annual reproduction rate for the Dall porpoise is 0.17 with a resultant R_{max} (net reproductive rate) of 0.04.

(3) *Incidental Kill Rate* (k_t). While a consideration of maximum net reproductive rate measures births and deaths from natural causes, it does not account for removals from the population caused by fishing mortality. This factor requires an estimate of the number of animals killed in the salmon gill net fisheries since its initiation in 1952. The chosen estimate is then utilized in the back calculations according to the population dynamics model set forth in NOAA Exhibit 14, and accepted by the Federation.[8]

Both the Japanese mothership and land-based salmon fishery affect the Dall porpoise population by incidentally taking Dall porpoise of the North Pacific stock.

(a) *Mothership Fishery.* The estimate of incidental take of Dall porpoise per set of gill net (k_t) range from a low of 0.06 to 0.10, to a high of 2.6. The low reported rates stem from a misunderstanding of the word "take" as used in the Act and the Memorandum of Understanding negotiated and signed by the U.S. and Japan in 1976. As a result, the Japanese did not report animals as "taken" animals that were shaken or dropped out of the gill nets. (FJS Ex. 1, p. 11.) The animals reported taken were only those actually returned on board the mothership for examination by U.S. biologists. It is expected that such a misunderstanding will not be repeated. However, it must be made clear at this point, that a porpoise which gets entangled in the net is presumed not to survive the ordeal. Taking this into consideration, the Federation readjusted its k_t rate, and derived a mothership rate of 0.94 porpoise killed per set of net. (FJS Ex. 4, p. 17.)

The high estimate of 2.6 porpoise killed per set was determined from data collected by U.S. observers aboard the vessel dedicated to marine mammal research. The reliability of this k_t rate is questionable, however. For example, the net was set in three separate pieces rather than in one piece as is the normal commercial practice. The additional pieces or ends allegedly caused a higher rate of entanglement per set. Further, the 2.6 figure was derived from a very few observations, 10 sets, resulting in an extremely high variance associated with this estimate.

There is a lack of convincing evidence to support the 2.6 rate. It is found that the best estimate for the incidental take rate of Dall porpoise by the Japanese mothership salmon fishery is 0.94 porpoise taken per set of gill net.

(b) *Land-based Salmon Gill Net Fishery.* There have been no independent observations of the land-based fishery operations, and therefore no reliable

[7] See Appendix A, Part (b), for formulae used in these calculations.

[8] The formula shown on FJS Ex. 4, p. 11, for a back calculation of initial population is the same as the formula shown in NOAA Ex. 3, p. 38. However, it is noted that these formulae are different from that shown in NOAA Ex. 14. It appears that the first two formulae are apparently for future year calculations, while the last formula is designed for back calculation, and has been utilized in this proceeding. (Appendix A, part (a).)

estimates of incidental take of Dall porpoise in this fishery. A k_i rate of 0.564 was utilized by the Federation, based on the assumption that the landbased k_i is 60 percent of the mothership rate.[9] However, there was an absence of evidence concerning whether the land-based fishery employed different gear than that used in the mothership fishery. Without this knowledge, there is no support for the 0.564 assumption in the land-based fishery. Also, because the take and effort of the land-based fishery in 1978 was concentrated in the area adjacent to and south of the mothership fishery, similar take levels in the two fisheries are not unlikely. Since there has been no independent observations of the land-based fishery operations, the differences in the incidental take levels cannot be explained. If there were reporting inaccuracies of the incidental take rate as in the mothership fishery, then the take may be higher—similar to that of the mothership fishery.

In light of the aforementioned, it is found, (1) both fisheries should be taken into account when determining the total take rate of Dall porpoise for purposes of the back calculation, and (2) the take rate of the mothership and land-based fisheries is the same: 0.94 porpoise per set of gill net.[10]

(c) *Constancy of* k_i. It is open to question whether the take rate has remained constant from 1952 to the present. In that no evidence was submitted concerning how this assumption should be modified, the undersigned is constrained to accept the constancy of the rate while recognizing the frailty of it. The same observation applies to much of the other data and assumptions in the record.

(4) *Calculated Initial Population.* Based upon these findings, N_{max}=931,500 (rounded), R_{max}=0.04, r_{max}=0.17, M=0.13, and k_i=0.94 times the total number of sets for both the land-based and the mothership gill net fisheries (Appendix B), the calculated initial population (1952) of the North Pacific stock of Dall porpoise was approximately 1,354,000.[11]

V. Optimum Sustainable Population

The statutory definitions of OSP and MNPL have been noted earlier. The issue presented by the definition of the latter is determining what population level results in the MNPL. In the specifics of this proceeding, what is the MNPL for the North Pacific stock of Dall porpoise? The NMFS has assumed that the MNPL level for the North Pacific stock of Dall porpoise is 60 percent. This figure has also been accepted by the Federation, and employed by it in making back calculations.

The validity of 60 percent did not go unquestioned, however. At one point, it was characterized as "expeditious." (Tr. 413.) Elsewhere, the same witness admitted that in the final analysis, 60 percent may not be the correct figure for Dall porpoise. (Tr. 417.) Notwithstanding the doubts expressed concerning the 60 percent level, it remains the only credible evidence in the record. It is found that the maximum net productivity level for the North Pacific stock of Dall porpoise is 60 percent of its initial, preexploitation, population.

The current population (1980) of approximately 931,500 is .688 of the Dall porpoise preexploitation (1952) population of 1,354,000, and therefore 8.8 percent above the MNPL of 60 percent. As such, the North Pacific Ocean stock of Dall porpoise is not depleted.

VI. Quota and the Projected Impact of Allowed Takings

Having found that the best estimate of the stock is 8.8 percent above the maximum net productivity level of 60 percent, it is permissible to allow some taking of Dall porpoise. The Federation has requested a quota of 5,500 for each of the next three years. Close scrutiny must be paid to this request. The Federation concedes that "• • • more than 60 percent of the annual catches (of the mothership fleet) in 1976–80 were made within the United States FCZ". (FJS Ex. 2, p. 8.) Reference is made to Table 6 of that Exhibit, and calculations of the data provided there show that for the years 1976–80, an average of 68 percent of the mothership fleet's annual catches occurred within the U.S. FCZ.

The most recent data submitted by the Federation (FJS Ex. 4, p. 17) discloses that there were 8,729 boat-days of fishing effort by the mothership fleet for the entire 1979 season. Assuming that the boat-days of effort for 1981 will be substantially similar as that of 1979, then 68 percent of the 8,729 boat-days should occur within the United States FCZ. This projects to approximately 5,930 boat-days of effort in the United States FCZ. Using the methodology presented in FJS Exhibit 4, page 17, this amount of effort should be multiplied by 0.94, the kill rate per boat-day of effort, resulting in an estimated kill total of 5,575 Dall porpoise. This is slightly greater than the Federation's permit request of 5,500. Based upon the Federation's data, it is technologically feasible for it to operate a full-effort fishing season while not exceeding this requested quota of 5,500.

Section 1373(a) requires that the taking "not be to the disadvantage" of the species, and further, that such a taking "will be consistent with the purposes and policies set forth" in the section of Congressional findings and declaration of policy set forth in Section 1361. Further, Section 1373(d)(2) states that the Secretary of Commerce is required to publish, *inter alia*, a statement of the expected impact of the proposed regulations on the optimum sustainable population of such species or population stock. Accordingly, it is necessary to determine what degree of impact the 5,500 take-rate will have on the North Pacific Ocean stock of Dall porpoise.

Having found that the best estimate of the stock is 8.8 percent above its maximum net productivity level of 60 percent of the initial population, the calculated number of Dall porpoise that may be allowed to be taken, *without causing the current population to decline*, is approximately 21,768 (Appendix C). This represents a total take from the entire stock population, and both the land-based and mothership gill net fisheries will incidentally take from this stock.

If the fishing effort (boat-days) for the land-based fishery and the mothership fishery will be the same in 1981 as it was in 1979, as shown in the most recent data available in FJS Exhibit 4, page 17, that is, the mothership fishery accounting for approximately 54 percent of the total effort, then the mothership fishery should not exceed 54 percent of 21,768, *in order to keep the population from decreasing.* This results in a Japanese mothership salmon fishery total incidental take of 11,752. However, it is necessary to break this down further, for this 11,752 figure is calculated for the entire mothership fishery effort for the full season, in areas 1, 2, 3, 4, and 5 as shown in FJS Ex. 1, Figure 1. The permit request is only for fishing conducted within the U.S. FCZ, however, which is area 4. (Transcript, Oral Argument, page 15.)[12]

As noted previously, the anticipated fishing effort of the Japanese mothership salmon fishery within the United States FCZ is 68 percent of the total fishing effort for this fleet. When calculated, 68 percent of 11,752 allows a take of 7,991 Dall porpoise within the United States FCZ *in order to keep the population from decreasing.* This is some 45 percent larger than the requested quota. Thus, according to the findings based upon the best scientific evidence available in the record, the total allowable incidental kill, within the United States FCZ, of Dall porpoise which would maintain the population of the North Pacific Ocean stock at its current level, is greater than the requested quota. I find, therefore, that by allowing a total of 5,500 Dall porpoise to be taken, within the U.S. FCZ, the population is expected to increase. I further find and conclude that the expected impact of these regulations will not be to the disadvantage of this popuation stock of Dall porpoise, and that they are consistent with the purposes and policies set forth in the Act.

VII. Conditions

A. Continued Efforts to Reduce the Rate of Incidental Take of Dall Porpoise

A three-year U.S.-Japanese research program was established in 1978 to study the effects of the incidental take by the Japanese high seas salmon fisheries on marine

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[9] This value is based upon a report that the taking of porpoise by salmon research vessels in the land-based fishing area is 60 percent of that recorded in the mothership area. (FJS Ex. 4, p. 2.) The evidence offered to support this value, however, is less than persuasive.

[10] In order to compute the back-calculation based upon k_i (kill rate) of 0.94 porpoise per set of gill net by both the land-based and mothership salmon fisheries, the table presented in FJS Exhibit 4, p. 17, was adjusted to reflect this finding. Further, because the Okhotsk Sea stock was found to be separate from the North Pacific stock, and unaffected by the Japanese mothership salmon fishery, the "boat-days" of effort in the Okhotsk Sea, years 1955–1958, were not included in the adjusted k_i rate. See Appendix B for a list of the adjusted k_i rate used for this decision.

[11] See Appendix A, part (a) for the formula used in these back calculations.

[12] Note that the maps presented in FJS Exhibit 2, Figure 2 and FJS Exhibit 1, Figure 1, number the fishing areas involved differently. Area 2 of FJS Exhibit 2, Figure 2 is the same as Area 4 of FJS Exhibit 1, Figure 1 and is the area inside the U.S. FCZ.

mammal populations, and methods to reduce or eliminate the incidental take. The program included estimating an annual take rate in the Japanese motherships fishery, and collecting of marine mammal sighting data aboard Japanese salmon research vessels and U.S. Platforms of Opportunity Program vessels to determine the distribution, movements and abundance of Dall porpoise. Also involved were a collection of biological samples and information from all Dall porpoise incidentally taken by the Japanese mothership salmon fishery, and studies of entanglement, gear and marine mammal behavior aboard a dedicated vessel chartered by the Japanese Fisheries Agency. The NMFS can be assured of the continued abundance and health of the North Pacific Ocean stock of Dall porpoise only if the Federation, in cooperation with the Japanese government and its fisheries agency, and the United States Government, continue this joint research effort.

The findings made in this decision rely upon numerous variables: R_{max}, r_{max}, M, k_i, density of porpoise, area inhabitated by the stock, and MNPL. However, the quality of this available scientific data, while adequate to make findings, is something less than ideal. In order to more accurately make future determinations and to ensure the maintenance of the North Pacific Ocean stock of Dall porpoise within the range of OSP, as required by the Act, a greater effort is needed to obtain more and precise data. With this objective in mind, and in accordance with Section 1374(b)(2)(D) of the Act, the following conditions should be attached to the granting of the permit to the Federation:

(1) *Research.* Further research is necessary in order to determine with reasonable certainty that there is only one stock of Dall porpoise affected by the Japanese mothership salmon fishery. At a very minimum, and among other steps to be taken, available skeletal materials must be examined and similar specimens must be collected from areas of the fishery where sample sizes are inadequate, such as the Bering Sea and the land-based salmon fishery area. In addition to skeletal analysis, tissue samples from incidentally taken Dall porpoise must be collected for electrophoretic analysis.

Additionally, there must be improved survey coverage over the entire range of the affected stock(s) of Dall porpoise in order to improve the estimates of the density of these porpoise, on an area-by-area basis. Improved estimates of density will result in improved estimates of present population levels.

More and exact information is needed on gross annual reproductive rates, natural mortality rates, the maximum net productivity level, and the rate of incidental kill for both the mothership and land-based salmon gill net fisheries. Also, research must continue on the question of whether the Dall porpoise are attracted to vessels. This introduces problems of biases which need to be answered in order to gather reliable data.

Further and *immediate* studies on the ecology of Dall porpoise are needed to provide information on behavioral factors that will improve the design of net gear that would reduce the rate of entanglement. The studies should be carried out within a fixed time frame, and experimental tests should be conducted immediately thereafter.

The record is devoid of solid evidence concerning whether it is technologically feasible to reduce the 5,500 annual quota, and a finding cannot be made in this regard. However, the Federation must give great emphasis to research into the modification of salmon fishing gear to reduce the incidental take of not only the Dall porpoise, but all marine mammals.

Only by research into gear modification and implementation will the NMFS be able to make progress towards the goal of reducing the rate of serious injury and mortality to insignificant levels approaching zero. It is a disturbing observation that the coefficient of incidental kill rate utilized in this proceeding was assumed constant throughout the 26-year history of this fishery. This is directly contra to the statutory goal. The Federation is strongly directed to employ modified gear which will reduce incidental kill rates in the mothership fishery, and encouraged to do likewise in its land-based fishery.

As a further condition to issuing the permit, the Federation must supply the NMFS with a report, within one month of the close of each mothership salmon fishery season, concerning: what gear modifications were tested either by operating catcher boats or by research vessels performing under actual fishing conditions, the percentage of the catcher boats which operated with modified gear, the effect such modified gear had on both the incidental taking of Dall porpoise and other marine mammals, the effect the modified gear had on the catch of the various target species of salmon, the cost of producing the modified equipment for that season, and a best estimate of the cost for making the modified gear which produced the most favorable results in quantity great enough to outfit the entire fleet.

(2) *Monitoring.* Better data on incidental take by both the mothership and land-based fleets are essential. As a minimum, there should be observers on 10 percent of the catcher boats of the mothership fleet. The Federation should consent to a similar arrangement for its vessels in the land-based fleet, operating outside the FCZ. However, presently only $60,000 is budgeted through June 1981, by the NMFS for the observer program and activities related to Dall porpoise. This sum is woefully inadequate for any monitoring scheme and guarantees the impossibility of a NMFS mechanism for advising the permittee when the 5,500 level has been reached, or to determine the level of take outside the FCZ in order to assess the cumulative impact of taking upon the affected population. Considering the paucity of present funds, and the apparent absence of funds for 1982 or 1983, the financial burden at this time of providing for monitoring must fall to the Federation. The granting of a permit to the Federation is conditioned upon its funding the aforementioned 10 percent observer program. As an additional condition to the permit, Federation is charged with notifying the NMFS concerning the total kill of Dall porpoise at the end of the annual fishing season.

(3) *Seabirds.* The record shows that there are a large number of seabirds taken each year as a result of the salmon gill net fishery. Possibly sixteen species[13] are incidentally taken, with a yearly take estimated to be between 200,000 and 700,000 birds. Since 1952, an estimated 4.7 million seabirds have been killed in Japanese gill nets. In that the primarily affected species of birds have low reproductive rates, this high estimated mortality rate could have serious impact on the populations of some sea-birds. Such a situation could have a significant effect on their ecosystem as a whole, including both the salmon species and Dall porpoise, of which these seabirds are an integral part.

In prescribing regulations, the Act directs that full consideration shall be given to all factors which may affect the extent to which these marine mammals may be taken. One factor to be considered is existing international treaty and agreement obligations of the United States. (Section 1373(b)(2)). The Convention for the Protection of Migratory Birds and Birds in Danger of Extinction, and their Environment[14] (Convention) is just such an international obligation. This Convention, in force between Japan and the United States, prohibits the taking of any migratory birds which are listed in its Annex. Thirteen of the species listed in footnote 13 are on the Annex.

Although full consideration is to be given to this treaty, this consideration is to be given with a view toward setting a take quota for marine mammals-in this instance, Dall porpoise. Consideration has been given. However, while the Secretary of Commerce must consider relevant international agreements, he is without jurisdiction under the Act to promulgate regulations concerning seabirds. This jurisdiction lies within the Department of Interior. (16 U.S.C. 704.)

Notwithstanding, it is strongly recommended that monitorings and research be carried out to ascertain more precisely the magnitude and significance of the incidental seabird mortality associated with the gill net fishery. This research should include a systematic sampling effort to determine the magnitude and species composition of the seabird mortality. Further, cooperation between the Governments of Japan and the United States should be encouraged to implement a banding program to determine which populations or breeding colonies are being affected, and to what degree. This suggested research and monitoring, however, cannot be made a condition of the permit being granted.

(4) *Attainment of Quota.* In order to enforce the allowed limit of incidental take of Dall porpoise, there must be a central reporting office, upon one of the motherships, manned by a U.S. observer, to which each of the observers must report their observations of incidental take rate. The skippers of catcher boats without observers must also report the number of Dall porpoise incidentally taken

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[13] These are the Layean Albatross, Northern Fulmar, Flesh-footed Shearwater, Sooty Shearwater, Short-tailed Shearwater, Fork-tailed Storm-petrel, Common Murre, Thick-billed Murre, Ancient Murrelet, Parakeet Auklet, Cassin's Auklet, Least Auklet, Crested Auklet, Rhinoceros Auklet, Horned Puffin and Tufted Puffin.

[14] 25 U.S.T. 3329; T.I.A.S. 7990 (1972).

by that boat's gill net. Thus, each catcher boat should report to a central office aboard a mothership its total incidental take. Reports should be made daily to this central office. If circumstances make daily reporting impossible, reports should be made as frequently as possible.

Upon the attainment of 5,500 incidentally taken Dall porpoise within the U.S. FCZ, the Japanese mothership salmon gill net fishery is to immediately cease its operations within the U.S. FCZ.

VIII. Duration of Permit

The Federation has requested a three year term in which to operate under the permit. Various reasons are presented by two of the parties concerning why the duration of the permit should be limited to a shorter time period. The thrust of these reasons is that the Federation has not made an effort to test specific gear modification to reduce the rate of incidental kill of Dall porpoise, that the data base upon which the determinations of present, initial and optimum sustainable populations and the permitted quota are based is weak, and that the commitment of the Federation to improve the data base and the fishing gear with a view to reducing the incidental kill and serious injury rate to insignificant levels approaching zero is irresolute.

I am not persuaded to so limit the duration of the permit. Concededly, the data base is weak. However, it will not be sufficiently improved with a single year's additional data. If the permit process were to be repeated in one year, many of the same weaknesses would continue to exist because much reliance would still be placed upon old and incomplete data, while at the same time the same issues would be repetitively, and redundantly, litigated. Little would be gained. Further, the conditions attached to this permit which call for continued and increased research into the population dynamics and ecology of Dall porpoise will assure an improved data base. The same holds true for the conditions which call for continued and increased monitoring of the kill and serious injury rate of Dall porpoise incidental to this fishery, and for those which call for continued and increased research into fishing gear modifications with a view to the reduction of the mortality and serious injury rate to insignificant levels approaching zero.

Granting the permit, with the aforementioned conditions, for three years will give both the Governments of Japan, and the United States, and the Federation more time to devote to research, while providing long-term stability coupled with intelligent planning. Finally, if for any reason it is found that modifications to the regulations must be made in midcourse, a statutory basis in Section 1373(e) exists for such revision. It is found and concluded that the three year permit applied for will best serve improving the data base while allowing sufficient time for research aimed at improving the fishing gear in order to reduce the incidental kill and serious injury rate to insignificant levels approaching zero.

IX. Recommended Decision

Based upon the substantial evidence in the record as a whole, it is the Recommended Decision in this matter that the proposed amendment to the regulations of the National Marine Fisheries Service permitting the taking of Dall porpoise incidental to the commercial salmon fishing operations for the gill net salmon fishing season within the U.S. fishery conservation zone beginning 1981, and continuing through the same fishing season for 1983, be adopted as the final regulations, as amended by any findings of fact, conclusions of law, recommendations, and conditions herein.

Decided at Washington, D.C., this 24th day of April 1981.

Frank W. Vanderhoyden,

Administrative Law Judge.

Appendix A

Part (a)

The equation (NOAA Ex. 14) accepted to compute backward in time to determine the initial, pre-exploitation, population is:

$$N_t = \frac{N_{t+1} + k_t + \frac{(r_t - M)(k_t)}{2}}{1 + (r_t - M)} \quad (1)$$

Where:

$$r_t = r_{max} - (r_{max} - M)\left[\frac{N_t}{N_{max}}\right]^{2.39} \quad (2)$$

And:
k_t = insidental kill rate
M = natural mortality
t = year being calculated
N_{max} = Maximum population the ecosystem can support.[1]

Part (b)

In order to calculate forward in time, equation (1) above is solved for N_{t+1}:

$$N_{t+1} = N_t + N_t(r_t - M) - k_t - \frac{(r_t - M)(k_t)}{2}$$

where r_t is the same as equation (2) above.

Appendix B

Year	Effort (boat-days)[1]		Estimated take (k_t)[2]
	Mothership	Land-based	Excluding Okhotsk
1952	4,308	2,669	6,557
1953	9,329	8,766	17,089

[1] In order for this back-calculation to be accurate, it is important that the calculated 1952 population (N_t where t=1952) be equal to the estimated maximum population which the ecosystem can support (N_{max}). Thus, in the equation for r_t when t=1952, (N_t/N_{max}) must equal 1.0, which results in $(N_t/N_{max})^{2.39}$ also equalling 1.0.

Appendix B—Continued

Year	Effort (boat-days)[1]		Estimated take (k_t)[2]
	Mothership	Land-based	Excluding Okhotsk
1954	18,127	8,478	25,947
1955	31,991	14,969	44,115
1956	38,697	10,166	46,515
1957	23,707	10,686	34,163
1958	35,478	11,086	43,798
1959	25,408	14,990	37,871
1960	23,123	15,940	36,625
1961	17,619	14,559	32,178
1962	21,297	14,589	33,668
1963	21,578	16,990	36,245
1964	25,340	17,990	40,345
1965	22,654	16,782	38,871
1966	18,185	16,016	32,960
1967	17,578	15,016	31,484
1968	20,206	16,394	34,403
1969	20,631	16,508	34,906
1970	19,430	12,998	30,464
1971	19,598	12,525	30,126
1972	19,662	13,517	31,207
1973	19,521	15,087	32,906
1974	18,253	13,784	31,966
1975	18,732	15,709	32,375
1976	21,248	16,990	34,026
1977	12,948	8,781	21,226
1978	8,395	8,841	16,192
1979	8,729	7,546	15,299

[1] Mothership and Land-Based effort as shown in FJS Exhibit 4, page 17, Table 2.
[2] Estimated take equals (Mothership effort×0.94) plus (Land-Based effort×0.98).

Appendix C

In order to determine the number of porpoise which can be taken without causing a reduction in their population level, N_{t+1} is considered equal to N_t. Equation (1), Appendix A, Part (a), is then solved for k_t:

If:

$$N_t = \frac{N_t + k_t + \frac{(r_t - M)(k_t)}{2}}{1 + r_t - M}$$

then, solving for k_t:

$$k_t = \frac{N_{t+1}[r_t - M]}{1 + \frac{(r_t - M)}{2}}$$

where r_t is computed according to Equation (2) of Appendix A, Part (a).
Because:
$N_{t+1} = N_t = 931,410$
M = 0.13
$r_t = 0.1536417$

$$k_t = \frac{931,410\ (0.1536417 - 0.13)}{1 + \frac{(0.1536417 - 0.13)}{2}}$$

$k_t = 21763.$

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federal register

Friday
May 15, 1981

Part IV

Department of Agriculture

Federal Grain Inspection Service

Fees for Original Inspection, Official Weighing, and Supervision of Weighing Services

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Fees for Original Inspection, Official Weighing, and Supervision of Weighing Services

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Emergency final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is reducing the fees for original inspection, official weighing, and supervision of weighing services performed by FGIS in the United States. Recent estimates of cost and revenue indicate that FGIS has adequate operating reserves to operate through the end of fiscal year 1981.

EFFECTIVE DATE: May 31, 1981.

FOR FURTHER INFORMATION CONTACT: John W. Marshall, Director, Inspection Division, telephone, (202) 447–8497, or George T. Lipscomb, Director, Weighing Division, telephone, (202) 382–1731, USDA, FGIS, 1400 Independence Avenue SW., Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: This emergency final action is issued in conformance with Executive Order 12291 and has been determined to be "nonmajor."

David R. Galliart, Acting Administrator, FGIS, has determined that a situation exists which warrants the publication of this final action without the opportunity for a public comment period in order to effectuate, at the earliest possible date, a reduction in fees for original inspection, official weighing, and supervision of weighing services performed by FGIS in the United States. It is in the public interest to effect this reduction at the earliest possible date. The authorization to establish such fees is prescribed in Sections 7(j) and 7A(1) of the United States Grain Standards Act, as amended (7 U.S.C. 79(j), 79a(1))(Act). The reduction in fees is based on facts within the knowledge of FGIS.

Pursuant to the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this final action are impracticable, unnecessary, and contrary to the public interest; and good cause is found for making this final action effective May 31, 1981.

David R. Galliart, Acting Administrator, FGIS, has also determined that this action will not have a significant economic impact on a substantial number of small entities because most users of the service do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164–1170). Further, this action reduces the cost of these official services to all users.

Fees for Original Inspection, Official Weighing, and Supervision of Weighing

Effective January 4, 1981, (see 45 FR 79736) FGIS increased the fees for original inspection, official weighing, and supervision of weighing services for contract hourly services, services performed on a unit basis, and noncontract hourly services. In publishing the fees, it was indicated that FGIS would maintain an ongoing evaluation of the fees to determine: (1) if the level of the fees reflects the cost of service: (2) if the fees are adequate to maintain a reasonable operating reserve; and (3) the impact of the amendment to the Act, which affected the scope of the inbound weighing program (Pub. L. 96–437, 94 Stat. 1870).

Based on these evaluations and the projected impact of cost reduction measures recently implemented, FGIS has determined a sufficient operating reserve will exist to operate through the end of fiscal year 1981. Therefore, the fees for original inspection, official weighing, and supervision of weighing services performed by FGIS in the United States are being reduced. The effect of this action is to reduce by approximately one-half the January 4, 1981, increase in fees.

These changes will not affect the FGIS fees for original inspection or official weighing services performed in Canada; or reinspection, appeal inspection, and Board appeal inspection services performed in the United States or Canada.

Accordingly, 7 CFR 800.71(a) (which appears at 45 FR 15822–15824) is hereby amended to read as follows:

§ 800.71 Fees assessed by the Service.

(a) *Official inspection and weighing services.* The fees shown in schedules A and B apply to official grain inspection and weighing services performed by the Service in the United States and Canada.

Schedule A.—Fees for Official Inspection and Weighing Services Performed by the Service in the United States [1]

Table 1

Inspection services (bulk or sacked grain)	Original inspection service	Reinspection and appeal inspection service [2] [3]
(1) Official sample-lot inspection service (white certificate):		
(i) For official grade and official factor determinations:		
(A) Online inspection services (per man-hour per Service representative): [4]		
(1) Contract service:		
(a) Regular workday	$12.00	(*)
(b) Nonregular workday	15.40	(*)
(2) Noncontract service:		
(a) Regular workday	14.40	(*)
(b) Nonregular workday	19.00	(*)
(B) Other than online inspection services:		
(1) Truck or trailer (per truck or trailer or part truck or part trailer)	7.15	$16.00
(2) Boxcar (per car or part car)	11.00	19.80
(3) Hopper car (per car or part car)	14.85	23.80
(4) Barge (per 1,000 bushels or fraction thereof)	2.75	3.50
(5) Ship, bin, and all other lots of grain (per 1,000 bushels or fraction thereof) (but see 2 below)	(*)	3.50
(C) Based on official file sample (any lot or part lot)	(*)	[10] 13.50
(ii) For official factor or official criteria determinations:		
(A) Based on a sample used for official grade and official factor determinations not obtained during loading or unloading:		
(1) Factor determination (per factor)	4.60	5.45
(2) Protein test (per sample)	3.85	4.35
(B) Based on new sample (any lot or part lot)	(*)	(*)
(2) Special inspection services (sampling, stowage examination, testing of inspection equipment, demonstrating official inspection functions, furnishing standard illustrations, and related services) (per man-hour per Service representative): [9]		
(i) Regular workday	14.40	21.80
(ii) Nonregular workday	19.00	21.80

Table 1—Continued

Inspection services (bulk or sacked grain)	Original inspection service	Reinspection and appeal inspection service [2] [3]
(3) Warehouseman's sample-lot inspection service (yellow certificate) or submitted sample inspection service (pink certificate):		
(i) For official grade and official factor determinations (per sample)	6.90	10.60
(ii) For official factor or official criteria determinations:		
(A) Factor determinations (per factor)	4.60	6.45
(B) Protein test (per sample)	3.65	4.95
(4) Minimum fee per service request (applicable when the request for service is cancelled after the Service representative(s) arrives at the point of service or when the service is performed in 2 hours or less when hourly rates apply—fee does not include standby):		
(i) Grain in trucks, trailers, boxcars, or hopper cars	(*)	(*)
(ii) All other lots of grain and special services (per man-hour per Service representative) (2 hour minimum):		
(a) Regular workday	14.40	21.60
(b) Nonregular workday	18.00	21.60
(5) Standby (per man-hour per Service representative): [9]		
(i) Regular workday	14.40	21.60
(ii) Nonregular workday	18.00	21.60
(6) Extra copies of certificates (per copy): [11]	2.50	2.50

NOTE.—The footnotes for table 1 are shown at the end of table 2.

Table 2

Weighing services (bulk or sacked grain)	Official weighing services					
	Specified inspection point				Noninspection point	
	Contract service		Noncontract service		Contract service	
	Regular workday	Nonregular workday	Regular workday	Nonregular workday	Regular workday	Nonregular workday
(1) Official weighing or supervision of weighing services (per man-hour per Service representative)	$12.00	$15.40	$14.40	*$18.00	$12.00	$15.40
(2) Special weighing services, (stowage examination, testing of weighing equipment, checkweighing sacked grain, checkloading sacked grain, demonstrating official weighing functions, and related services) (per man-hour per Service representative) [6]	12.00	15.40	14.40	18.00	12.00	15.40
(3) Minimum fee per service request is 2 hours per Service representative (applicable when the request for service is cancelled after the Service representative(s) arrives at the point of service or when the service is performed in 2 hours or less when hourly rates apply—fee does not include standby) (per man-hour per Service representative)	(*)	(*)	14.40	18.00	(*)	(*)
(4) Standby (per man-hour per Service representative) [9]	(*)	(*)	14.40	18.00	(*)	(*)
(5) Extra copies of certificates and reports (per copy) [11]	2.50	2.50	2.50	2.50	2.50	2.50

[1] The fees include the cost of performing official inspection and official class X or class Y weighing functions by Service representatives. For incidental costs included in the fees, and fees in addition to the unit and the hourly fees, see § 800.72, paragraphs (a) and (b).

[2] If it is found that there was a material error in the inspection from which a reinspection, and appeal inspection, or a Board appeal inspection is taken, the specified reinspection, appeal inspection, or Board appeal inspection fee shall not be assessed, but see § 800.72(b) for fees that are assessed in all instances. For definition of a material error see § 800.0(b)(45) and § 800.73(h).

[3] Board appeal inspections are based on file samples. The fee for Board appeal inspection service shall be $34.00 per sample during a regular workday and $40.00 per sample during a nonregular workday except for protein which shall be $15.00 per sample.

[4] Online inspection services include all inspection services which are based on official samples obtained from a flowing stream of grain during the loading or unloading of grain.

[5] Not applicable.

[6] The unit fee.

[7] Same fees as in (1)(i)(B), plus applicable sampling charge—see (2).

[8] Only one inspection or weighing fee, as applicable, will be charged for these services whether performed singly or concurrently.

[9] For application of fee for standby, see § 800.72(b).

[10] If at the request of the Service a file sample is located and forwarded by an agency for official appeal, the agency may, upon request, be reimbursed at the rate of $2.50 per sample by the Service for the cost of locating and forwarding the sample(s).

[11] For application of fee for extra copies of certificates see § 800.160(c)(3).

Schedule B.—Fees for Official Inspection and Weighing Services Performed by the Service in Canada [1]

Table 1

Services (bulk or sacked grain)	Regular workday	nonregular workday
(1) Original inspection, or official weighing, or special services: [2]		
(i) Contract service (per man-hour per Service representative)	$20.00	$24.00
(ii) Nohcontract service (per man-hour per Service representative)	30.00	36.00
(2) Reinspection and appeal inspection (per man-hour per Service representative) [3] [4]	32.00	38.00
(3) Board appeal inspection (per sample) [3] [4]	34.00	40.00
(4) Minimum fee per Service request:		
(i) Noncontract, original inspection, or original weighing, or special services (per Service representative) [5]	90.00	108.00
(ii) Reinspection, or appeal inspection (per Service representative) [3] [6]	96.00	114.00
(5) Standby (per man-hour per Service representative) [7]	30.00	36.00
(6) Extra copies of certificates (per copy) [8]	2.50	2.50

[1] The fees include the cost of performing official inspection and official class X or class Y weighing functions by Service representatives. For incidental costs included in the fees, and fees in addition to the unit and the hourly fees, see § 800.72, paragraphs (a) and (b).

[2] Special services include, but are not limited to the following: sampling, stowage examination, testing of inspection or weighing equipment, demonstrating official inspection or weighing functions, furnishing standard illustrations, checkweighing of sacked grain, checkloading of sacked grain, and related services.

[3] If it is found that there was a material error in the inspection from which a reinspection, an appeal inspection, or a Board appeal inspection is taken, the specified reinspection, appeal inspection, or Board appeal inspection fee shall not be assessed, but see § 800.72(b) for fees that are assessed in all instances. For definition of a material error see § 800.0(b)(45) and § 800.73(h).

[4] Appeal inspections are based on file samples. Board appeal inspections for protein shall be $16.00 per sample.
[5] Applicable when the requested service is performed in 3 hours or less, or the request for service is cancelled after the Service representative(s) arrives at the point of service.
[6] Not applicable if the reinspection or appeal inspection is performed concurrently with an original inspection.
[7] For application of fee for standby, see § 800.72(b).
[8] For application of fee for extra copies of certificates see § 800.160(c)(3).

(Sections 8 and 9, Pub. L. 94-582, 90 Stat. 2873, 2877 (7 U.S.C. 79(j), 79a(1)))

Done at Washington, D.C., on May 12, 1981.

D. R. Galliart,

Acting Administrator.

[FR Doc. 81-14773 Filed 5-14-81; 8:45 am]

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federal register

Friday
May 15, 1981

Part V

Veterans Administration and Department of Health and Human Services

Increase in Pension Rates and Income Limitations and Cost of Living Increase in Social Security Benefits Under Title II and XVI

VETERANS ADMINISTRATION

38 CFR Part 3

Increase in Pension Rates and Income Limitations

AGENCY: Veterans Administration.

ACTION: Final regulation change.

SUMMARY: The Veterans Administration has amended its regulations setting forth the annual rates of improved pension and parents' dependency and indemnity compensation (DIC), the annual income limitations applicable to receipt of section 306 pension, old-law pension and parents' DIC, and the annual amount of a spouse's income that is excludable from a veteran's annual income under the section 306 pension program. The need for this action results from the forthcoming social security cost-of-living increase. The effect of this action is to increase the rates and income limitations by the same percentage as social security benefits.

DATES: These regulation changes are effective June 1, 1981, the effective date of the social security cost-of-living increase.

FOR FURTHER INFORMATION CONTACT:
T. H. Spindle, Jr. (202) 389-3005

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. 3112 the Veterans Administration is required to increase the rates of improved pension and parents' dependency and indemnity compensation (DIC), the income limitations applicable to section 306 pension, old-law pension and parents' DIC, and the amount of a spouse's income that is excludable from the amount of a veteran's annual income under the section 306 pension program whenever there is a social security cost-of-living increase. The benefits are to be increased by the same percentage as social security benefits are increased and at the same time.

The Social Security Administration reports that there will be a cost-of-living increase of 11.2 percent in social security benefits effective June 1, 1981. Accordingly, we are amending §§ 3.23, 3.24, 3.25, 3.26 and 3.262(b)(2) to implement this increase.

We are not providing for public participation since no useful purpose would be served by doing so. The Veterans Administration has no discretion in this matter. The statute requires that we increase our benefits by the percentage amount determined by the Social Security Administration and at the same time as the social security increase is effective.

The agency has determined that this regulation is nonmajor in accordance with Executive Order 12291, Federal Regulation. The agency has also determined as required by Pub. L. 96-354, the Regulatory Flexibility Act, that it imposes no compliance costs or reporting burdens on the public and has no effect on businesses or State and local governments.

Approved: May 6, 1981.

Rufus H. Wilson,

Acting Administrator.

1. In § 3.23, paragraphs (a) and (c) are revised to read as follows:

§ 3.23 Improved pension rates.

(a) *Maximum annual rates of improved pension—(1) Veterans permanently and totally disabled (38 U.S.C. 521).*

(i) Veteran with no dependents, $4,960.

(ii) Veteran with one dependent, $6,490.

(iii) For each additional dependent, $840.

(2) *Veterans in need of aid and attendance.*

(i) Veteran with no dependents, $7,930.

(ii) Veteran with one dependent, $9,474.

(iii) For each additional dependent, $840.

(3) *Veterans who are housebound.*

(i) Veteran with no dependents, $6,084.

(ii) Veteran with one dependent, $7,602.

(iii) For each additional dependent, $840.

(4) *Two veterans married to one another; combined rates.*

(i) Neither veteran in need of aid and attendance or housebound, $6,499.

(ii) Either veteran in need of aid and attendance, $9,474.

(iii) Both veterans in need of aid and attandance, $12,449.

(iv) Either veteran housebound, $7,602.

(v) Both veterans housebound; $8,705.

(vi) One veteran housebound and one veteran in need of aid and attendance, $10,577.

(vii) For each dependent child, $840.

(5) *Surviving spouse alone and with a child or children of the deceased veteran in custody of the surviving spouse (38 U.S.C. 541).*

(i) Surviving spouse alone, $3,324.

(ii) Surviving spouse and one child in his of her custody, $4,354.

(iii) For each additional child in his or her custody, $840.

(6) *Surviving spouses in need of aid and attendance.*

(i) Surviving spouse alone, $5,318.

(ii) Surviving spouse with one child in his or her custody, $6,347.

(iii) For each additional child in his or her custody, $840.

(7) *Surviving spouses who are housebound.*

(i) Surviving spouse alone, $4,064.

(ii) Surviving spouse and one child in his of her custody, $5,092.

(iii) For each additional child in his or her custody, $840.

(See § 3.24 for entitlement criteria and rate applicable to a child of a deceased veteran not in custody of a surviving spouse who has basic eligibility to receive improved pension. The term "basic eligibility to receive improved pension" is defined in § 3.24)

* * * * *

(c) *Mexico border period and World War I veterans.* The applicable maximum annual rate payable to a Mexican border period or World War I veteran under this section shall be increased by $1,119.

(38 U.S.C. 521(g))

* * * * *

2. In § 3.24, paragraphs (b) and (c) revised to read as follows:

§ 3.24 Improved pension rates; surviving children.

* * * * *

(b) *Child with no personal custodian or in the custody of an institution.* In cases in which there is no personal custodian, i.e., there is no person who has the legal right to exercise parental control and responsibility for the child's welfare (See § 3.57(d)), or the child is in the custody of an institution, pension shall be paid to the child at the annual rate of $840 reduced by the amount of the child's countable annual income.

(c) *Child in the custody of person legally responsible for support.* (1) *Single child.* Pension shall be paid to a child in the custody of a person legally responsible for the child's support at an annual rate equal to the difference between the rate for a surviving spouse and one child under § 3.23(a)(5)(ii), and the sum of the annual income of such child and the annual income of such person. The amount payable, however, may not exceed the amount by which $840 exceeds the child's countable annual income.

(2) *More than one child.* Pension shall be paid to children in custody of a person legally responsible for the children's support at an annual rate equal to the difference between the rate

for a surviving spouse and an equivalent number of children (but not including any child who has countable annual income equal to or greater than $840) and the sum of the countable annual income of the person legally responsible for support and the combined countable annual income of the children (but not including the income of any child whose countable annual income is equal to or greater than $840). The combined amount payable, however, may not exceed the amount by which $840 times the number of eligible children exceeds the sum of the children countable annual income.

(38 U.S.C. 542)

3. In § 3.25, paragraphs (a), (c), (d) and (e) are revised to read as follows:

§ 3.25 Parent's dependency and indemnity compensation rates.

Dependency and indemnity compensation (DIC) shall be paid monthly to parents of a deceased veteran in the following amounts. (38 U.S.C. 415)

(a) *One parent.* Except as provided in paragraph (b) of this section, if there is only one parent the monthly rate of DIC paid to such parent shall be $230 reduced on the basis of the parent's annual income according to the following formula:

For each $1 of annual income		
The $230 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	—	$800
.05	$800	900
.07	900	1,100
.08	1,100	5,842

No DIC is payable under this paragraph if annual income exceeds $5,842.

* * * * *

(c) *Two parents not living together.* The rates in this paragraph apply to (1) two parents who are not living together, or (2) an unremarried parent when both parents are living and the other parent has remarried. The monthly rate of DIC paid to each such parent shall be $163, reduced on the basis of each parent's annual income, according to the following formula:

For each $1 of annual income of each parent		
The $163 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	0	$800
.03	$800	1,000
.06	1,000	1,200
.07	1,200	1,600
.08	1,600	5,842

No DIC is payable under this paragraph if annual income exceeds $5,642.

(d) *Two parents living together or remarried parents living with spouses.* The rates in this paragraph apply to (1) each parent living with another parent; and (2) each remarried parent, when both parents are alive. The monthly rate of DIC paid to such parents will be $154, reduced on the basis of the combined annual income of the two parents living together or the remarried parent or parents and spouse or spouses, as computed under the following formula:

For each $1 of combined annual income		
The $154 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	0	$1,000
.02	$1,000	1,400
.03	1,400	2,000
.04	2,000	2,600
.05	2,600	3,100
.06	3,100	3,700
.07	3,700	7,567

No DIC is payable under this paragraph if combined annual income exceeds $7,567.

The rates in this paragraph are also applicable in the case of one surviving parent who has remarried, computed on the basis of the combined income of the parent and spouse, if this would be a greater benefit than that specified in paragraph (a) of this section for one parent.

(e) *Aid and attendance.* The monthly rate of DIC payable to a parent under this section shall be increased by $121 if such parent is (1) a patient in a nursing home, or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

* * * * *

4. Section 3.26 is revised to read as follows:

§ 3.26 Section 306 and old law pension annual income limitations.

(a) *Section 306 pension income limitations.*

(1) Veteran or surviving spouse with no dependents, $5,642.

(2) Veteran with no dependents in need of aid and attendance (38 U.S.C. 521(d), as in effect on December 31, 1978), $6,142.

(3) Veteran or surviving spouse with one or more dependents, $7,567.

(4) Veteran with one or more dependents in need of aid and attendance (38 U.S.C. 521(d), as in effect on December 31, 1978), $8,067.

(5) Child (no entitled veteran or surviving spouse), $4,610.

(b) *Old-law pension income limitations.*

(1) Veteran or surviving spouse without dependents or an entitled child, $4,938.

(2) Veteran or surviving spouse with one or more dependents, $7,123.

5. In § 3.262, paragraph (b)(2) is revised to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(b) *Income of spouse.* Income of the spouse will be determined under the rules applicable to income of the claimant.

* * * * *

(2) *Veterans.* The separate income of the spouse of a disabled veteran who is entitled to pension under laws in effect on June 30, 1960, will not be considered. Where pension is payable under section 306(a) of Pub. L. 95–588, to a veteran who is living with a spouse there will be included as income of the veteran all income of the spouse in excess of whichever is the greater, $1,797 ($1,616 after May 31, 1980 and prior to June 1, 1981) or the total earned income of the spouse, which is reasonably available to or for the veteran, unless hardship to the veteran would result. The presumption that inclusion of such income is available to the veteran and would not work a hardship on him or her may be rebutted by evidence of unavailability or of expenses beyond the usual family requirements.

(38 U.S.C. 521(f); sec. 306(a)(2)(B) of Pub. L. 95–588 (92 Stat. 2497)

* * * * *

[FR Doc 81-14699 Filed 5-13-81; 11:00 a.m.]
BILLING CODE 3320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Social Security Benefit Increases; Notice of Cost-of-Living Increase in Benefits Under Titles II and XVI of the Social Security Act and in Income Limitations for Beneficiaries Under the Supplemental Security Income Program

I hereby determine and announce a cost-of-living increase of 11.2 percent in benefits under titles II and XVI of the Social Security Act.

Under title II, old-age, survivors, and disability insurance benefits will increase by 11.2 percent beginning with the June 1981 benefits which are payable on July 2, 1981. This increase is based on the authority contained in section 215(i) of the Social Security Act (42 U.S.C. 415(i)), as amended by section 201 of Pub. L. 95–216 enacted December 20, 1977.

Under title XVI, supplemental security income payment levels will increase by 11.2 percent effective for payments made on July 1, 1981. This is based on the authority contained in section 1617 of the Social Security Act (42 U.S.C. 1382f).

Title II Benefits

Title II benefits are payable under the Federal old-age, survivors, and disability insurance program. Individuals entitled under this program include insured workers, wives, husbands, children, widows, widowers, mothers, fathers, and parents.

In accordance with section 215(i)(4) of the Social Security Act (the Act), the primary insurance amounts and the maximum family benefits shown in columns IV and V of the revised benefit table (table 1) set forth below were obtained by increasing by 11.2 percent the corresponding amounts established by: (1) The last cost-of-living increase; and (2) the extension of the benefit table made under section 215(i)(4) and published on November 18, 1980 at 45 FR 76252. The table applies only to those persons who attained age 62, became disabled or died before January 1979 and is deemed to appear in section 215(a) of the Act. Note that this table does not apply to those individuals who reach age 62, become disabled, or die after 1978; their benefits will generally be determined by a new benefit formula provided by the Social Security Amendments of 1977 (Pub. L. 95–216). For such persons first eligible for benefits in the period 1979–1981, the 11.2 percent increase will apply beginning June 1981; but the 11.2 percent increase will not apply for persons first becoming eligible for benefits after 1981.

Section 215(i)(2)(D) of the Act also requires that, when the Secretary determines a cost-of-living increase in social security benefits, the Secretary shall publish in the Federal Register a revision of the range of the primary insurance amounts and corresponding maximum family benefits based on the dollar amount and other provisions described in section 215(a)(1)(C)(i)(II). These benefits are referred to as "special minimum benefits" and are payable to certain individuals with long periods of relatively low earnings. In accordance with section 215(a)(1)(C)(i)(II), the attached table 2 shows the revised range of primary insurance amounts and corresponding maximum family benefit amounts after the 11.2 percent benefit increase.

Section 227 of the Act provides limited benefits to a worker who became age 72 before 1969 and was not insured under the usual requirements, and to his wife or widow. Section 228 of the Act provides similar benefits at age 72 for certain uninsured persons. The current monthly benefit amounts of $105.20 for an individual and $52.70 for a wife established under sections 227 and 228 of the Act are increased by 11.2 percent to obtain the new amounts of $117.00 and $58.70.

Title XVI Benefits

Section 1617 of the Act provides that whenever title II benefits are increased under section 215(i), the amounts in sections 1611(a)(1)(A), 1611(a)(2)(A), 1611(b)(1) and 1611(b)(2) of the Act and in section 211(a)(1)(A) of Pub. L. 93–66 shall be increased. The new amounts are effective for months after the month in which the title II increase is effective. The percentage increase is the same as the title II benefit increase and the annual payment amount is rounded, when not a multiple of $1.20, to the next higher multiple of $1.20.

In accordance with section 1617, Federal Supplemental Security Income (SSI) guarantees for the aged, blind, and disabled are increased effective with July 1981 by 11.2 percent. The current yearly Federal SSI guarantees of $2,856.00 for an eligible individual and $4,284.00 for an eligible individual with an eligible spouse are thereby increased to $3,176.40 and $4,764.00 respectively. The monthly payment is determined by dividing the yearly guarantee by 4, subtracting quarterly countable income, and dividing the remainder by 3. In the case of an eligible individual with an eligible spouse, the amount payable is further divided equally between the two spouses. The amount by which the Federal SSI guarantee amount is increased because of the presence of an essential person in the home, currently $1,430.40 per year for each essential person under section 211(a)(1)(A) of Pub. L. 93–66, is also increased by 11.2 percent to obtain a new amount of $1,591.20.

Automatic Benefit Increase Determination

Section 215(i) of the Act requires that when certain conditions are met in the first calendar quarter of a year, the Secretary shall determine that a cost-of-living increase in benefits is due. Section 215(i) of the Act also specifies the formula for determining the amount of any cost-of-living increase in benefits. This formula utilizes the Consumer Price Index for urban wage earners and clerical workers reported by the Department of Labor.

Section 215(i)(2)(A) of the Act requires the Secretary to determine each year whether there is a cost-of-living computation quarter in that year. If the Secretary so determines, the Secretary shall, effective with June of that year, increase benefits for individuals entitled under section 227 or 228 of the Act, shall increase the primary insurance amounts of all other individuals entitled under title II of the Act, and shall also increase the maximum benefits payable to a family. Section 1617 of the Act requires that SSI benefits be increased by the same percentage increase as title II benefits, whenever title II benefits are increased under section 215(i). The percentage increase is equal to the percentage increase in the Consumer Price Index for the cost-of-living computation quarter over the index for the most recent cost-of-living computation quarter.

Section 215(i)(1) of the Act defines a base quarter as a calendar quarter ending on March 31 in each year after 1974, or any other calendar quarter in which occurs the effective month of a general benefit increase. Section 215(i)(1) also defines a cost-of-living computation quarter as a base quarter in which the Consumer Price Index prepared by the Department of Labor exceeds by not less than 3 percent the index in the later of (1) the last prior cost-of-living computation quarter or (2) the most recent calendar quarter in which a general benefit increase was effective. However, there shall be no cost-of-living computation quarter in any calendar year if in the prior year a general benefit increase was enacted or became effective. Section 215(i)(1) of the Act also provides that the Consumer

Price Index for a cost-of-living computation quarter shall be the arithmetical mean of such index for the 3 months in that quarter.

The Department of Labor's revised Consumer Price Index for urban wage earners and clerical workers for each month in the quarter ending March 31, 1980 was: For January 1980, 233.3; for February 1980, 236.5; and for March 1980, 239.9. The arithmetical mean for the calendar quarter was 236.6. The corresponding Consumer Price Index for each month in the quarter ending March 31, 1981 was: For January 1981, 260.7; for February 1981, 263.5; and for March 1981, 265.2. The arithmetical mean for this calendar quarter is 263.1. The increase for the calendar quarter ending March 31, 1981 is 11.2 percent. Thus, since the percentage of increase in the Consumer Price Index from the calendar quarter ending March 31, 1980 to the calendar quarter ending March 31, 1981 is not less than 3 percent, the quarter ending March 31, 1981 is a cost-of-living computation quarter. Consequently, a cost-of-living benefit increase of 11.2 percent is effective for benfits under title II of the Act beginning June 1981.

(Catalog of Federal Domestic Assistance Programs Nos. 13.802–5, and 13.807 Social Security Programs)

Dated: May 13, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

BILLING CODE 4110-07-M

TABLE 1

TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS BEGINNING JUNE 1981

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS—		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS—	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS—		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE—	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE—
AT LEAST—	BUT NOT MORE THAN—		AT LEAST	BUT NOT MORE THAN—		
	16.20	153.10		76	170.30	255.50
16.21	16.84	155.50	77	78	173.00	259.50
16.85	17.60	159.20	79	80	177.10	265.70
17.61	18.40	162.00	81	81	180.20	270.50
18.41	19.24	164.90	82	83	183.40	275.20
19.25	20.00	168.40	84	85	187.30	281.10
20.01	20.64	171.60	86	87	190.90	286.40
20.65	21.28	174.20	88	89	193.80	290.70
21.29	21.88	177.70	90	90	197.70	296.60
21.89	22.28	180.80	91	92	201.10	301.70
22.29	22.68	183.70	93	94	204.30	306.50
22.69	23.08	186.70	95	96	207.70	311.60
23.09	23.44	190.10	97	97	211.40	317.20
23.45	23.76	193.20	98	99	214.90	322.40
23.77	24.20	197.00	100	101	219.10	328.70
24.21	24.60	199.70	102	102	222.10	333.30
24.61	25.00	203.00	103	104	225.80	338.70
25.01	25.48	206.80	105	106	230.00	345.10
25.49	25.92	210.20	107	107	233.80	350.80
25.93	26.40	213.40	108	109	237.40	356.10
26.41	26.94	216.80	110	113	241.10	361.70
26.95	27.46	219.80	114	118	244.50	366.80
27.47	28.00	223.20	119	122	248.20	372.30
28.01	28.68	226.70	123	127	252.10	378.20
28.69	29.25	230.00	128	132	255.80	383.70
29.26	29.68	233.10	133	136	259.30	389.00
29.69	30.36	236.30	137	141	262.80	394.30
30.37	30.92	239.70	142	146	266.60	399.90
30.93	31.36	243.30	147	150	270.60	405.90
31.37	32.00	246.10	151	155	273.70	410.60
32.01	32.60	249.70	156	160	277.70	416.60
32.61	33.20	253.00	161	164	281.40	422.10
33.21	33.88	256.20	165	169	284.90	427.40
33.89	34.50	259.70	170	174	288.80	433.30

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS—		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS—	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS—		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE—	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE—
AT LEAST—	BUT NOT MORE THAN—		AT LEAST	BUT NOT MORE THAN—		
34.51	35.00	262.80	175	178	292.30	438.50
35.01	35.80	266.30	179	183	296.20	444.30
35.81	36.40	269.50	184	188	299.70	449.60
36.41	37.08	273.00	189	193	303.60	455.50
37.09	37.60	276.30	194	197	307.30	461.00
37.61	38.20	279.50	198	202	310.90	466.40
38.21	39.12	283.20	203	207	315.00	472.50
39.13	39.68	286.50	208	211	318.60	478.00
39.69	40.33	289.10	212	216	321.50	482.30
40.34	41.12	292.80	217	221	325.60	488.40
41.13	41.76	296.10	222	225	329.30	494.00
41.77	42.44	299.70	226	230	333.30	500.00
42.45	43.20	302.90	231	235	336.90	505.50
43.21	43.76	306.60	236	239	341.00	511.60
43.77	44.44	309.50	240	244	344.20	518.60
44.45	44.88	312.50	245	249	347.50	529.40
44.89	45.60	316.40	250	253	351.90	537.90
		319.50	254	258	355.30	548.40
		322.30	259	263	358.40	558.80
		326.30	264	267	362.90	567.30
		329.30	268	272	366.20	578.10
		332.90	273	277	370.20	588.40
		336.00	278	281	373.70	596.90
		339.30	282	286	377.40	607.60
		342.90	287	291	381.40	618.40
		345.70	292	295	384.50	626.70
		349.50	296	300	388.70	637.20
		352.70	301	305	392.30	648.10
		355.80	306	309	395.70	656.50
		359.40	310	314	399.70	667.00
		362.30	315	319	402.90	677.80
		365.70	320	323	406.70	686.20
		369.10	324	328	410.50	696.70
		372.20	329	333	413.90	707.30
		376.10	334	337	418.30	716.10
		378.70	338	342	421.20	726.40
		382.30	343	347	425.20	737.10
		385.90	348	351	429.20	745.50
		388.80	352	356	432.40	756.10
		392.60	357	361	436.60	766.80
		395.60	362	365	440.00	775.30
		398.70	366	370	443.40	785.90
		402.30	371	375	447.40	796.20
		405.70	376	379	451.20	805.10
		409.10	380	384	455.00	815.80
		412.10	385	389	458.30	826.20
		415.30	390	393	461.90	834.60
		419.00	394	398	466.00	845.50
		422.20	399	403	469.50	856.00
		425.80	404	407	473.50	864.30
		428.60	408	412	476.70	875.10
		431.60	413	417	480.00	885.50
		434.70	418	421	483.40	894.00
		438.20	422	426	487.30	904.70
		441.10	427	431	490.60	915.20
		443.80	432	436	493.60	925.90
		447.50	437	440	497.70	930.10

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS—		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS—	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS—		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE—	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE—
AT LEAST—	BUT NOT MORE THAN—		AT LEAST	BUT NOT MORE THAN—		
		450.30	441	445	500.80	935.70
		453.40	446	450	504.20	940.80
		456.70	451	454	507.90	944.80
		459.80	455	459	511.30	950.10
		462.70	460	464	514.60	955.30
		465.60	465	468	517.80	959.90
		469.30	469	473	521.90	965.00
		471.90	474	478	524.80	970.40
		475.00	479	482	528.20	974.70
		478.30	483	487	531.90	980.20
		481.40	488	492	535.40	985.50
		484.30	493	496	538.60	989.70
		487.80	497	501	542.50	994.80
		490.60	502	506	545.60	1000.00
		493.60	507	510	548.90	1004.40
		496.70	511	515	552.40	1009.70
		500.10	516	520	556.20	1015.30
		503.00	521	524	559.40	1019.20
		505.90	525	529	562.60	1024.60
		509.60	530	534	566.70	1029.80
		512.20	535	538	569.60	1034.10
		515.40	539	543	573.20	1039.50
		518.60	544	548	576.70	1044.80
		521.80	549	553	580.30	1050.10
		524.70	554	556	583.50	1053.20
		527.20	557	560	586.30	1057.50
		530.10	561	563	589.50	1060.80
		532.80	564	567	592.50	1065.00
		535.90	568	570	596.00	1068.00
		538.40	571	574	598.80	1072.20
		541.10	575	577	601.80	1075.70
		543.70	578	581	604.60	1079.70
		546.50	582	584	607.80	1083.00
		548.90	585	588	610.40	1087.30
		552.20	589	591	614.10	1090.40
		554.90	592	595	617.10	1094.60
		557.60	596	598	620.10	1097.50
		560.30	599	602	623.10	1102.20
		563.00	603	605	626.10	1105.30
		565.70	606	609	629.10	1109.30
		568.70	610	612	632.40	1112.70
		571.30	613	616	635.30	1116.90
		574.00	617	620	638.30	1121.20
		576.80	621	623	641.50	1124.30
		579.40	624	627	644.30	1128.60
		582.20	628	630	647.50	1132.60
		584.90	631	634	650.50	1138.20
		587.80	635	637	653.70	1143.50
		590.60	638	641	656.80	1149.00
		593.20	642	644	659.70	1154.10
		596.00	645	648	662.80	1159.60
		598.60	649	652	665.70	1164.80
		600.40	653	656	667.70	1168.10
		602.10	657	660	669.60	1171.30
		604.20	661	665	671.90	1175.70
		606.30	666	670	674.30	1179.90
		608.60	671	675	676.80	1183.80

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I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (B)) IS—		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS—	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS—		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE—	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE—
AT LEAST—	BUT NOT MORE THAN—		AT LEAST	BUT NOT MORE THAN—		
		$610.80	676	680	$679.30	$1188.10
		612.80	681	685	681.50	1192.30
		615.20	686	690	684.20	1196.30
		617.20	691	695	686.40	1201.00
		619.20	696	700	688.60	1205.00
		621.50	701	705	691.20	1209.20
		623.70	706	710	693.60	1213.50
		626.00	711	715	696.20	1217.50
		628.10	716	720	698.50	1221.80
		630.30	721	725	700.90	1226.00
		632.50	726	730	703.40	1230.40
		634.60	731	735	705.70	1234.60
		636.80	736	740	708.20	1238.70
		638.90	741	745	710.50	1243.20
		640.80	746	750	712.60	1247.00
		642.90	751	755	715.00	1250.90
		644.80	756	760	717.10	1254.20
		646.60	761	765	719.10	1257.90
		648.20	766	770	720.80	1261.50
		650.10	771	775	723.00	1264.80
		651.90	776	780	725.00	1268.30
		653.80	781	785	727.10	1271.80
		655.40	786	790	728.90	1275.30
		657.20	791	795	730.90	1278.80
		659.10	796	800	733.00	1282.40
		661.00	801	805	735.10	1286.00
		662.80	806	810	737.10	1289.40
		664.60	811	815	739.10	1293.10
		666.40	816	820	741.10	1296.40
		668.20	821	825	743.10	1300.10
		670.00	826	830	745.10	1303.50
		671.80	831	835	747.10	1307.20
		673.50	836	840	749.00	1310.50
		675.40	841	845	751.10	1314.30
		677.00	846	850	752.90	1317.40
		679.10	851	855	755.20	1321.20
		680.80	856	860	757.10	1324.60
		682.60	861	865	759.10	1328.20
		684.50	866	870	761.20	1331.70
		686.30	871	875	763.20	1335.20
		688.00	876	880	765.10	1338.60
		689.90	881	885	767.20	1342.30
		691.50	886	890	769.00	1345.60
		693.40	891	895	771.10	1349.60
		695.20	896	900	773.10	1352.70
		697.20	901	905	775.30	1356.40
		698.90	906	910	777.20	1359.90
		700.80	911	915	779.30	1363.50
		702.70	916	920	781.50	1366.70
		704.30	921	925	783.20	1370.50
		706.00	926	930	785.10	1373.80
		707.80	931	935	787.10	1377.40
		709.70	936	940	789.20	1380.90
		711.50	941	945	791.20	1384.50
		713.30	946	950	793.20	1387.90
		715.20	951	955	795.40	1391.60
		717.20	956	960	797.60	1395.10

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS—		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS—	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS—		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE—	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE—
AT LEAST—	BUT NOT MORE THAN—		AT LEAST	BUT NOT MORE THAN—		
		719.00	961	965	799.60	1398.40
		720.40	966	970	801.10	1402.10
		722.30	971	975	803.20	1405.70
		724.10	976	980	805.20	1409.00
		726.10	981	985	807.50	1412.50
		727.70	986	990	809.30	1416.10
		729.50	991	995	811.30	1419.70
		731.50	996	1000	813.50	1423.00
		733.10	1001	1005	815.30	1426.00
		734.40	1006	1010	816.70	1429.40
		736.30	1011	1015	818.80	1432.40
		738.00	1016	1020	820.70	1435.90
		739.50	1021	1025	822.40	1438.80
		740.90	1026	1030	823.90	1442.00
		742.80	1031	1035	826.00	1445.20
		744.30	1036	1040	827.70	1448.30
		746.00	1041	1045	829.60	1451.70
		747.80	1046	1050	831.60	1454.70
		749.10	1051	1055	833.00	1457.50
		750.80	1056	1060	834.90	1461.10
		752.60	1061	1065	836.90	1464.10
		754.20	1066	1070	838.70	1467.40
		755.80	1071	1075	840.50	1470.60
		757.30	1076	1080	842.20	1473.70
		759.10	1081	1085	844.20	1476.80
		760.60	1086	1090	845.80	1479.90
		762.30	1091	1095	847.70	1483.20
		764.10	1096	1100	849.70	1486.50
		765.40	1101	1105	851.20	1489.40
		767.10	1106	1110	853.10	1492.70
		768.80	1111	1115	855.00	1495.70
		770.40	1116	1120	856.70	1499.10
		772.10	1121	1125	858.60	1502.10
		773.60	1126	1130	860.30	1505.40
		775.20	1131	1135	862.10	1508.30
		776.90	1136	1140	864.00	1511.80
		778.70	1141	1145	866.00	1514.90
		780.30	1146	1150	867.70	1518.00
		781.60	1151	1155	869.20	1521.00
		783.50	1156	1160	871.30	1524.30
		785.10	1161	1165	873.10	1527.50
		786.70	1166	1170	874.90	1530.80
		788.40	1171	1175	876.80	1533.90
		789.90	1176	1180	878.40	1537.10
		791.30	1181	1185	880.00	1539.80
		792.90	1186	1190	881.80	1542.70
		794.30	1191	1195	883.30	1545.80
		795.90	1196	1200	885.10	1548.70
		797.40	1201	1205	886.80	1551.50
		799.00	1206	1210	888.50	1554.70
		800.40	1211	1215	890.10	1557.50
		801.90	1216	1220	891.80	1560.40
		803.50	1221	1225	893.50	1563.20
		805.10	1226	1230	895.30	1566.30
		806.40	1231	1235	896.80	1569.10
		807.90	1236	1240	898.40	1572.20
		809.50	1241	1245	900.20	1575.20

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I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS—		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS—	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS—		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE—	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE—
AT LEAST—	BUT NOT MORE THAN—		AT LEAST	BUT NOT MORE THAN—		
		$11.00	1246	1250	901.90	1578.10
		12.50	1251	1255	903.50	1580.90
		14.00	1256	1260	905.20	1583.90
		15.60	1261	1265	907.00	1586.90
		17.00	1266	1270	908.60	1589.80
		18.40	1271	1275	910.10	1592.50
		20.00	1276	1280	911.90	1595.70
		21.30	1281	1285	913.30	1598.30
		22.80	1286	1290	915.00	1601.10
		24.30	1291	1295	916.70	1603.80
		25.60	1296	1300	918.10	1606.60
		27.00	1301	1305	919.70	1609.30
		28.40	1306	1310	921.20	1612.10
		29.90	1311	1315	922.90	1614.80
		31.40	1316	1320	924.60	1617.60
		32.70	1321	1325	926.00	1620.20
		34.20	1326	1330	927.70	1623.20
		35.50	1331	1335	929.10	1625.90
		37.00	1336	1340	930.80	1628.70
		38.40	1341	1345	932.40	1631.40
		39.70	1346	1350	933.80	1634.10
		41.20	1351	1355	935.50	1636.80
		42.60	1356	1360	937.00	1639.60
		44.20	1361	1365	938.80	1642.30
		45.40	1366	1370	940.10	1645.10
		46.90	1371	1375	941.80	1647.80
		48.30	1376	1380	943.40	1650.60
		49.50	1381	1385	944.70	1653.10
		50.90	1386	1390	946.30	1655.80
		52.20	1391	1395	947.70	1658.40
		53.50	1396	1400	949.10	1661.00
		54.90	1401	1405	950.70	1663.50
		56.20	1406	1410	952.10	1666.20
		57.50	1411	1415	953.60	1668.80
		58.90	1416	1420	955.10	1671.50
		60.20	1421	1425	956.60	1674.10
		61.50	1426	1430	958.00	1676.70
		63.00	1431	1435	959.70	1679.20
		64.30	1436	1440	961.20	1681.80
		65.60	1441	1445	962.60	1684.30
		67.00	1446	1450	964.20	1687.20
		68.20	1451	1455	965.60	1689.60
		69.60	1456	1460	967.00	1692.30
		71.00	1461	1465	968.60	1694.80
		72.30	1466	1470	970.00	1697.40
		73.60	1471	1475	971.50	1700.00
		74.90	1476	1480	972.90	1702.50
		76.20	1481	1485	974.40	1705.10
		77.40	1486	1490	975.70	1707.30
		78.70	1491	1495	977.20	1709.90
		79.90	1496	1500	978.50	1712.30
		81.20	1501	1505	979.90	1714.90
		82.40	1506	1510	981.30	1717.10
		83.70	1511	1515	982.70	1719.60
		85.00	1516	1520	984.20	1722.10
		86.20	1521	1525	985.50	1724.70
		87.50	1526	1530	986.90	1726.90

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS—		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS—	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS—		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPH OF THIS SUBSECTION SHALL BE—	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE—
AT LEAST—	BUT NOT MORE THAN—		AT LEAST	BUT NOT MORE THAN—		
		888.70	1531	1535	988.30	1729.40
		890.00	1536	1540	989.70	1731.90
		891.20	1541	1545	991.10	1734.40
		892.50	1546	1550	992.50	1736.70
		893.80	1551	1555	994.00	1739.20
		895.00	1556	1560	995.30	1741.70
		896.30	1561	1565	996.70	1744.20
		897.50	1566	1570	998.10	1746.40
		898.80	1571	1575	999.50	1749.00
		900.00	1576	1580	1000.80	1751.40
		901.30	1581	1585	1002.30	1753.90
		902.60	1586	1590	1003.70	1756.20
		903.80	1591	1595	1005.10	1758.80
		905.10	1596	1600	1006.50	1761.20
		906.30	1601	1605	1007.90	1763.70
		907.60	1606	1610	1009.30	1766.00
		908.80	1611	1615	1010.60	1768.60
		910.10	1616	1620	1012.10	1771.00
		911.40	1621	1625	1013.50	1773.50
		912.60	1626	1630	1014.90	1775.80
		913.90	1631	1635	1016.30	1778.40
		915.10	1636	1640	1017.60	1780.70
		916.40	1641	1645	1019.10	1783.30
		917.70	1646	1650	1020.50	1785.60
		918.90	1651	1655	1021.90	1788.10
		920.20	1656	1660	1023.30	1790.50
		921.40	1661	1665	1024.60	1793.00
		922.70	1666	1670	1026.10	1795.40
		923.90	1671	1675	1027.40	1797.90
		925.20	1676	1680	1028.90	1800.30
		926.50	1681	1685	1030.30	1802.80
		927.70	1686	1690	1031.70	1805.20
		929.00	1691	1695	1033.10	1807.70
		930.10	1696	1700	1034.30	1810.10
		931.40	1701	1705	1035.80	1812.60
		932.60	1706	1710	1037.10	1814.90
		933.90	1711	1715	1038.50	1817.40
		935.10	1716	1720	1039.90	1819.80
		936.40	1721	1725	1041.30	1822.40
		937.70	1726	1730	1042.80	1824.70
		938.90	1731	1735	1044.10	1827.20
		940.20	1736	1740	1045.60	1829.60
		941.40	1741	1745	1046.90	1832.20
		942.70	1746	1750	1048.30	1834.50
		943.90	1751	1755	1049.70	1837.00
		945.20	1756	1760	1051.10	1839.40
		946.50	1761	1765	1052.60	1842.00
		947.70	1766	1770	1053.90	1844.20
		949.00	1771	1775	1055.30	1846.70
		950.20	1776	1780	1056.70	1849.20
		951.50	1781	1785	1058.10	1851.80
		952.70	1786	1790	1059.50	1854.00
		954.00	1791	1795	1060.90	1856.50
		955.30	1796	1800	1062.30	1859.00
		956.50	1801	1805	1063.70	1861.50
		957.80	1806	1810	1065.10	1863.80
		959.00	1811	1815	1066.50	1866.30

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I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS—		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS—	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS—		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE—	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE—
AT LEAST—	BUT NOT MORE THAN—		AT LEAST	BUT NOT MORE THAN—		
		960.30	1816	1820	1067.90	1868.80
		961.50	1821	1825	1069.20	1871.30
		962.80	1826	1830	1070.70	1873.50
		964.10	1831	1835	1072.10	1876.10
		965.30	1836	1840	1073.50	1878.60
		966.60	1841	1845	1074.90	1881.10
		967.80	1846	1850	1076.20	1883.30
		969.10	1851	1855	1077.70	1885.90
		970.30	1856	1860	1079.00	1888.30
		971.60	1861	1865	1080.50	1890.80
		972.90	1866	1870	1081.90	1893.10
		974.10	1871	1875	1083.20	1895.70
		975.40	1876	1880	1084.70	1898.10
		976.60	1881	1885	1086.00	1900.60
		977.90	1886	1890	1087.50	1902.90
		979.10	1891	1895	1088.80	1905.50
		980.40	1896	1900	1090.30	1907.90
		981.70	1901	1905	1091.70	1910.40
		982.90	1906	1910	1093.00	1912.70
		984.10	1911	1915	1094.40	1915.00
		985.20	1916	1920	1095.60	1917.40
		986.30	1921	1925	1096.80	1919.50
		987.50	1926	1930	1098.10	1921.80
		988.60	1931	1935	1099.40	1923.90
		989.80	1936	1940	1100.70	1926.30
		990.90	1941	1945	1101.90	1928.40
		992.10	1946	1950	1103.30	1930.70
		993.20	1951	1955	1104.50	1932.80
		994.30	1956	1960	1105.70	1935.20
		995.50	1961	1965	1107.00	1937.30
		996.60	1966	1970	1108.30	1939.60
		997.80	1971	1975	1109.60	1941.70
		998.90	1976	1980	1110.80	1944.00
		1000.10	1981	1985	1112.20	1946.20
		1001.20	1986	1990	1113.40	1948.50
		1002.30	1991	1995	1114.60	1950.60
		1003.50	1996	2000	1115.90	1952.90
		1004.60	2001	2005	1117.20	1955.10
		1005.80	2006	2010	1118.50	1957.40
		1006.90	2011	2015	1119.70	1959.50
		1008.10	2016	2020	1121.10	1961.80
		1009.20	2021	2025	1122.30	1964.00
		1010.30	2026	2030	1123.50	1966.30
		1011.50	2031	2035	1124.80	1968.40
		1012.60	2036	2040	1126.10	1970.70
		1013.80	2041	2045	1127.40	1972.80
		1014.90	2046	2050	1128.60	1975.20
		1016.10	2051	2055	1130.00	1977.30
		1017.20	2056	2060	1131.20	1979.60
		1018.30	2061	2065	1132.40	1981.70
		1019.50	2066	2070	1133.70	1984.10
		1020.60	2071	2075	1135.00	1986.20
		1021.80	2076	2080	1136.30	1988.50
		1022.90	2081	2085	1137.50	1990.60
		1024.10	2086	2090	1138.80	1993.00
		1025.20	2091	2095	1140.10	1995.10
		1026.30	2096	2100	1141.30	1997.40

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS—		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS—	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS—		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE—	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE—
AT LEAST—	BUT NOT MORE THAN—		AT LEAST	BUT NOT MORE THAN—		
		1027.50	2101	2105	1142.60	1999.50
		1028.60	2106	2110	1143.90	2001.90
		1029.80	2111	2115	1145.20	2004.00
		1030.90	2116	2120	1146.40	2006.30
		1032.10	2121	2125	1147.70	2008.40
		1033.20	2126	2130	1149.00	2010.80
		1034.40	2131	2135	1150.30	2012.90
		1035.50	2136	2140	1151.50	2015.20
		1036.60	2141	2145	1152.70	2017.30
		1037.80	2146	2150	1154.10	2019.70
		1038.90	2151	2155	1155.30	2021.80
		1040.10	2156	2160	1156.60	2024.10
		1041.10	2161	2165	1157.80	2026.10
		1042.10	2166	2170	1158.90	2028.00
		1043.10	2171	2175	1160.00	2030.00
		1044.10	2176	2180	1161.10	2031.90
		1045.10	2181	2185	1162.20	2033.90
		1046.10	2186	2190	1163.30	2035.80
		1047.10	2191	2195	1164.40	2037.80
		1048.10	2196	2200	1165.50	2039.70
		1049.10	2201	2205	1166.60	2041.70
		1050.10	2206	2210	1167.80	2043.60
		1051.10	2211	2215	1168.90	2045.60
		1052.10	2216	2220	1170.00	2047.50
		1053.10	2221	2225	1171.10	2049.50
		1054.10	2226	2230	1172.20	2051.40
		1055.10	2231	2235	1173.30	2053.40
		1056.10	2236	2240	1174.40	2055.20
		1057.10	2241	2245	1175.50	2057.20
		1058.10	2246	2250	1176.70	2059.10
		1059.10	2251	2255	1177.80	2061.10
		1060.10	2256	2260	1178.90	2063.00
		1061.10	2261	2265	1180.00	2065.00
		1062.10	2266	2270	1181.10	2066.90
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		1077.10	2341	2345	1197.80	2096.20
		1078.10	2346	2350	1198.90	2098.10
		1079.10	2351	2355	1200.00	2100.10
		1080.10	2356	2360	1201.10	2102.00
		1081.10	2361	2365	1202.20	2104.00
		1082.10	2366	2370	1203.30	2105.80
		1083.10	2371	2375	1204.50	2107.80
		1084.10	2376	2380	1205.60	2109.70
		1085.10	2381	2385	1206.70	2111.70

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I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS—		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS—	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS—		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE—	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE—
AT LEAST—	BUT NOT MORE THAN—		AT LEAST	BUT NOT MORE THAN—		
		1086.10	2386	2390	1207.80	2113.60
		1087.10	2391	2395	1208.90	2115.60
		1088.10	2396	2400	1210.00	2117.50
		1089.10	2401	2405	1211.10	2119.50
		1090.10	2406	2410	1212.20	2121.40
		1091.10	2411	2415	1213.40	2123.40
		1092.10	2416	2420	1214.50	2125.30
		1093.10	2421	2425	1215.60	2127.30
		1094.10	2426	2430	1216.70	2129.20
		1095.10	2431	2435	1217.80	2131.20
		1096.10	2436	2440	1218.90	2133.10
		1097.10	2441	2445	1220.00	2135.10
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		1103.10	2471	2475	1226.70	2146.80

TABLE 2

TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS UNDER SUBPARAGRAPH (C)(i)(II) OF SUBSECTION 215(a)(1) BEGINNING JUNE 1981

I	II	III
(Years of coverage)	(Primary insurance amount)	(Maximum family benefits)
If an individual's years of coverage (as determined under sec. 215(a)(1)(C)(ii) are--	The amount referred to in sec. 215(a)(1)(C)(i)(II) shall be--	And the maximum amount of benefits payable (as provided in sec. 215(i)(2)(D)) on the basis of his or her wages and self-employment income shall be-
11	16.30	24.50
12	32.30	48.50
13	48.40	72.70
14	64.40	96.70
15	80.40	120.70
16	96.60	144.90
17	112.60	168.90
18	128.70	193.10
19	144.70	217.10
20	160.70	241.10
21	176.90	266.40
22	192.90	289.40
23	209.10	313.70
24	225.10	337.70
25	241.10	361.70
26	257.30	386.00
27	273.30	410.00
28	289.30	434.00
29	305.40	458.10
30	321.40	482.10

Note: The amounts shown in the above table for years of coverage less than 19 are not payable for June 1981 through December 1981 because the corresponding values shown in column II are less than the $135.70 minimum primary insurance amount payable for that period. For months after December 1981, a special minimum primary insurance amount of $128.70 will be payable.

[FR Doc. 81-14808 Filed 5-14-81; 11:30 am]
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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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Highlights

27314 **Construction Grants** EPA proposes amendments to rules governing grants for construction of water treatment works. These amendments are designed to clarify and simplify the regulations, eliminate inequities and reduce project costs (Part IV of this issue).

27175 **Construction Grants** EPA defers date of applicability for the Women's Business Enterprise Policy for the Construction Grants Program.

27105 **Mortgage Insurance and Home Improvement Loans** HUD/FHC increases the maximum allowable finance charge

27090 **Federal Reserve—Discount Rates** FRS amends rules to adjust discount rates. In addition, a surcharge of 4 percentage points is adopted on frequent use of the discount window by large borrowers.

27090 **Federal Reserve—Interest on Deposits** FRS issues rules concerning deposits payable outside the United States. These rules subject deposits in denominations of less than $100,000 maintained at foreign branches to interest rate ceilings and reserve requirements.

27152 **Minority Business** Commerce/MBDA solicits applications under its program to operate one San Francisco Region project for a twelve month period.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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27148 **Hazardous Materials—Transportation** DOT/RSPA proposes to amend rules to authorize the use of nonspecification cargo tanks for the transportation of liquified petroleum gas in interstate commerce under certain conditions.

27178 **Indians in Alaska** HHS/HSA adopts administrative guidelines governing tribal clearances of Indian Self-Determination Contracts in the Alaska Area.

27219 **Privacy Act Documents** State

27225 **Sunshine Act Meetings**

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Rules and Regulations

Federal Register
Vol. 46, No. 95
Monday, May 18, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CFR Part 1098

[Milk Order No. 98]

Milk in the Nashville, Tenn., Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends certain order provisions affecting the regulatory status of milk plants under the Nashville, Tennessee, Federal milk order. The suspension removes the requirement that a distributing plant have route disposition of at least 50 percent of combined receipts and diversions to qualify as a pool plant. This action was requested by a handler operating a distributing plant in the regulated area to assure that producers regularly supplying a portion of the market's fluid milk requirements continue to share in the proceeds of the market's Class I sales.

EFFECTIVE DATE: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5443.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued April 20, 1981; Published April 23, 1981 (46 FR 23060).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291. It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the issuance of the suspension on the timely basis necessary to include May 1981 in the suspension period.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Nashville, Tennessee, marketing area.

Notice of proposed rulemaking was published in the Federal Register (46 FR 28060) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, or arguments thereon.

The proponent of the suspension, an individual producer, and a cooperative association filed written comments.

After considering all relevant material, including the proposal in the notice, comments received and other available information, it is hereby found and determined that for the months of May through August 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In Section 1098.7(a) the words "not less than 50 percent of the" and the words "that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to Section 1098.13."

The language suspended by this order contains the phrase "or diverted as producer milk to a nonpool plant" which was not included in the notice of proposed suspension. Inclusion of this phrase in the language to be suspended makes the remainder of Section 1098.7(a) easier to understand and administer. The intended effect of the suspension is not altered by inclusion of this language in the suspension order.

Statement of Consideration

The suspension makes inoperative for May 1981 through August 1981 the provision that a distributing plant each month must dispose of at least 50 percent of its milk receipts as route disposition to qualify as a pool plant. The suspension was requested by Kraft, Inc., which operates a pool distributing plant regulated under the Nashville order.

Under current operations, it is likely that the Kraft, Inc., plant will be unable to meet the 50 percent route disposition requirement because milk production has increased and Class I sales have been reduced due to the closing of a chain of grocery stores and a loss of school sales. In conjunction with a generally declining market situation, the loss of sales outlets by Kraft puts its distributing plant in a position where pool status cannot be maintained.

An indication of the changing supply-demand situation is that in March 1981 the market's Class I utilization percentage of 39.4 percent was down almost one percentage point from February and down 13.7 percentage points from one year ago. Total producer milk associated with the market in March 1981 was 28 percent above the deliveries of March 1980.

The suspension action is necessary to assure that producers regularly supplying a portion of the market's fluid milk requirements will continue to share in the proceeds of the market's Class I sales during May through August. If the Kraft, Inc., plant in Nashville, Tennessee, becomes partially regulated, other producers in the market will lose the benefit of Class I proceeds contemplated by the milk order program.

Dairymen, Inc., which represents a majority of the producers supplying the market indicates support for the suspension. One producer who regularly ships milk to the Kraft, Inc., plant in Nashville also commented in favor of the suspension. No opposition to the action was expressed.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and

to maintain orderly marketing conditions in the marketing area in that milk of some producers who regularly supply the market otherwise would be excluded from the pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register.**

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of May through August 1981.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 18, 1981.

Signed at Washington, D.C., on May 11, 1981.

John E. Ford,

Deputy Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-14774 Filed 5-15-81; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

Extensions of Credit by Federal Reserve Banks; Changes in Discount Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A, "Extensions of Credit by Federal Reserve Banks," for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country. In addition, the Board adopted a surcharge of 4 percentage points on frequent use of the discount window by large borrowers.

EFFECTIVE DATE: The changes were effective on the dates specified below.

FOR FURTHER INFORMATION CONTACT: James McAfee, Assistant Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452–3259).

SUPPLEMENTARY INFORMATION: Pursuant to the authority of 5 U.S.C. 553(b)(3)(B) and (d)(3), these amendments are being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that current economic and financial considerations required that these amendments must be adopted immediately.

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357) Part 201 is amended as set forth below:

1. Section 201.51 is revised to read as follows:

§ 201.51 Short-term adjustment credit for depository institutions.

The rates for short-term adjustment credit provided to depository institutions under § 201.3(a) of Regulation A are:

	Rate	Effective
Federal Reserve Bank of:		
Boston	14	May 5, 1981.
New York	14	May 5, 1981.
Philadelphia	14	May 5, 1981.
Cleveland	14	May 5, 1981.
Richmond	14	May 5, 1981.
Atlanta	14	May 5, 1981.
Chicago	14	May 8, 1981.
St. Louis	14	May 5, 1981.
Minneapolis	14	May 5, 1981.
Kansas City	14	May 5, 1981.
Dallas	14	May 5, 1981.
San Francisco	14	May 5, 1981.

A 4 percent surcharge is imposed additionally on borrowings for short-term adjustment purposes of institutions with deposits of $500 million or more.

2. Section 201.52 is revised to read as follows:

§ 201.52 Extended credit to depository institutions.

(a) The rates for seasonal credit extended to depository institutions under § 201.3(b)(1) of Regulation A are:

	Rate	Effective
Federal Reserve Bank of:		
Boston	14	May 5, 1981.
New York	14	May 5, 1981.
Philadelphia	14	May 5, 1981.
Cleveland	14	May 5, 1981.
Richmond	14	May 5, 1981.
Atlanta	14	May 5, 1981.
Chicago	14	May 8, 1981.
St. Louis	14	May 5, 1981.
Minneapolis	14	May 5, 1981.
Kansas City	14	May 5, 1981.
Dallas	14	May 5, 1981.
San Francisco	14	May 5, 1981.

(b) The rates for other extended credit provided to depository institutions where there are exceptional circumstances or practices involving a particular institution under § 201.3(b)(2) of Regulation A are:

	Rate	Effective
Federal Reserve Bank of:		
Boston	15	May 5, 1981.
New York	15	May 5, 1981.
Philadelphia	15	May 5, 1981.
Cleveland	15	May 5, 1981.
Richmond	15	May 5, 1981.
Atlanta	15	May 5, 1981.
Chicago	15	May 8, 1981.
St. Louis	15	May 5, 1981.
Minneapolis	15	May 5, 1981.
Kansas City	15	May 5, 1981.
Dallas	15	May 5, 1981.
San Francisco	15	May 5, 1981.

3. Section 201.53 is revised to read as follows:

§ 201.53 Emergency credit for other than depository institutions.

The rates for emergency credit to individuals, partnerships, or corporations other than depository institutions under § 201.3(c) of Regulation A are:

	Rate	Effective
Federal Reserve Bank of:		
Boston	17	May 5, 1981.
New York	17	May 5, 1981.
Philadelphia	17	May 5, 1981.
Cleveland	17	May 5, 1981.
Richmond	17	May 5, 1981.
Atlanta	17	May 5, 1981.
Chicago	17	May 8, 1981.
St. Louis	17	May 5, 1981.
Minneapolis	17	May 5, 1981.
Kansas City	17	May 5, 1981.
Dallas	17	May 5, 1981.
San Francisco	17	May 5, 1981.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, May 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14743 Filed 5-15-81; 8:45 am]

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12 CFR Parts 204 and 217

[Regulations D and Q; Docket No. R-0358]

Federal Reserve Requirements and Interest Rate Ceilings; Deposits Payable Outside the United States

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rules.

SUMMARY: The Board of Governors of the Federal Reserve System has amended its Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) and Regulation Q—Interest on Deposits (12 CFR Part 217) to subject deposits in denominations of less than $100,000 maintained at foreign branches to interest rate ceilings and reserve requirements. This action is taken in light of recent offerings that has

significant potential adverse implications for the viability of the existing interest rate ceiling structure, the flow of funds among depository institutions, and the conduct of monetary policy.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452–3625) or Paul S. Pilecki, Senior Attorney (202/452–3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: In recent days the Board has become aware of a deposit arrangement involving the use of foreign offices of depository institutions that can be used by such institutions to evade the reserve requirements of Regulation D (12 CFR Part 204) and the interest rate ceilings of Regulation Q (12 CFR Part 217). If allowed to proliferate, the arrangement would erode the effectiveness of reserve requirements and interest rate limitations on deposits. In order to preserve the effectiveness of Federal reserve requirements and interest rate ceilings, the Board has determined that it is essential to subject such arrangements to Regulations D and Q, effective immediately if the deposits are in denominations of less than $100,000. Under the account arrangement, the institution establishes accounts in denominations of less than $100,000 through its U.S. offices on behalf of its foreign office. Customers may direct the institution to transfer funds to the institution's foreign office for deposit in an account at the foreign office or direct the foreign office to transfer funds from the foreign office account to the customer's checking account at a U.S. office of the institution. Transfers may be effectuated by telephone or by other instruction. The account agreement provides that amounts on deposit in the foreign office account are payable only at the foreign office.

The Board has determined that funds deposited in the foreign office account arrangement described above and other arrangements involving the receipt of deposits at foreign offices that would otherwise likely be maintained in the United States should be subjected to deposit interest rate limitations under Regulation Q—Interest on Deposits (12 CFR Part 217) and to reserve requirements under Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) if they are in denominations of less than $100,000. In this connection, the Board has amended Regualtions D and Q to provide that deposits will be regarded as payable outside the United States if the depositor has a right to demand payment only outside the United States and only if the deposit is in denominations of $100,000 or more.

The Board believes that arrangements of the type described above serve no purpose other than as devices to evade Regulations D and Q. The account does not facilitate the conduct of the foreign office's or the customer's foreign business, and the depositor has no interest in maintaining funds in a foreign office other than as a device to obtain a rate of interest in excess of Regulation Q ceilings. The Board regards the foreign office involvement in such transactions as being limited to serving as an accounting convenience.

Under section 19 of the Federal Reserve Act, a deposit that is payable only outside the United States is not subject to basic reserve requirements (12 U.S.C. 461(b)(6)), interest rate limitations (12 U.S.C. 371b) or to the prohibition against payment of interest on demand deposits (12 U.S.C. 371a). The purpose of this exemption is to enable foreign branches of U.S. banks to compete on a more nearly equal basis with foreign banks.[1] The Board believes that foreign office accounts in denominations of less than $100,000 do not serve to further the competitive position of the foreign office *vis a vis* foreign banks and, thus, such accounts are not entitled to the exemptions in section 19. Moreover, Congress has expressed its will that rate ceilings on deposits of less than $100,000 should continue in effect until April 1, 1986, unless eliminated sooner by the Depository Institutions Deregulation Committee.[2] Proliferation of arragnements such as thos described above could abrogate the effectiveness of the interest rate ceiling structure, thereby presenting potential adverse implications for the flow of funds among depository institutions and provide an unfair competitive advantage to U.S. banks with foreign offices relative to depository institutions that do not maintian foreign branches. These arrangements also could have an adverse impact on the conduct of monetary policy. Consequently, the Board believes that if an institution subject to Regulations D and/or Q desires to accept deposits of less than $100,000 at a foreign office, such deposits must comply with all provisions of Regulations D and/or Q.

[1] See 35 FR 2709 (February 10, 1970) and Senate Report No. 1260, 73D Congress, 2d Session, June 6, 1934 (pp. 4, 6).

[2] Section 202 of the Depository Institutions Deregulation Act of 1980 (Pub. L. 96–221).

In considering this matter, the Board noted that the purpose of foreign branches of U.S. banks is to conduct a foreign and international business and not to function as a substitute for domestic banking facilities. However, the Board is concerned with the ability of U.S. depository institutions to compete with nondepository institutions and recognizes that additional instruments may be needed in order ot foster additional competition. The Board notes that the Depository Institutions Deregulation Committee may consider the possibility of creating new deposit instruments that would enhance the competitive position of depository institutions at its next meeting in connection with its consideration of the Committee's proposal to deregulate rate ceilings on deposits.

The Board believes that adoption of these amendments effective immediately is necessary in order to assure the effectiveness of reserve requirements and interest rate ceilings. Consequently, the Board, for good cause, finds that the notice and public procedure provisions of 5 U.S.C. § 553(b) with regard to this action are impracticable and contrary to the public interest, and that deferral of the effective date pursuant to 5 U.S.C. § 553(d) would be inconsistent with the effective enforcement of Regulations D and Q.

In view of the Board's finding that the amendments should be adopted immediately, notice of proposed rulemaking is not required by 5 U.S.C. § 553. Accordingly, section 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 603 and 604) are not applicable. However, the Board notes that its action will bolster the ability of small depository institutions, which do not have foreign branches, to compete for deposits with large institutions with foreign branches.

Effective May 14, 1981, pursuant to the Board's authority under § 19(a) of the Federal Reserve Act (12 U.S.C. 461(a)) to define the terms used in that section and to prescribe such regulations as the Board may deem necessary to effectuate the purposes of § 19 and to prevent evasions thereof, the Board amends Regulations D (12 CFR Part 204) and Q (12 CFR Part 217) as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

1. Section 204.2 of Regulation D (12 CFR Part 204) is amended by adding a new paragraph (t) as follows:

§ 204.2 Definitions.

For the purposes of this Part, the following definitions apply unless otherwise specified:

* * * * *

(t) "Any deposit that is payable only at an office located outside the United States" means (1) a deposit of a United States resident [1] that is an a denomination of $100,000 or more, and as to which the depositor is entitled, under the agreement with the institution, to demand payment only outside the United States or (2) a deposit of a person who is not a United States resident [1] as to which the depositor is entitled, under the agreement with the institution, to demand payment only outside the United States.

PART 217—INTEREST ON DEPOSITS

2. Section 217.1 of Regulation Q (12 CFR Part 217) is amended by adding a new paragraph (k) as follows:

§ 217.1 Definitions.

For purposes of this Part, the following definitions apply unless otherwise specified:

* * * * *

(k) "Any deposit that is payable only at an office located outside of the States of the United States and the District of Columbia" means (1) a deposit of a U.S. resident [2] (as defined in 12 CFR 204.2(s)) that is in a denomination of $100,000 or more, and as to which the depositor is entitled under the agreement with the institution, to demand payment only outside the States of the United States or the District of Columbia or (2) a deposit of a person who is not a United States resident [2] as to which the depositor is entitled under the agreement with the institution to demand payment, only outside the States of the United States or the District of Columbia.

[1] A deposit of a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affiliate") controlled by one or more domestic corporations is not regarded as a deposit of a United States resident if the funds serve a purpose in connection with its foreign or international business or that of other foreign affiliates of the controlling domestic corporation(s).

[2] A deposit of a foreign branch, office, subsidiary, affiliate or other foreign establishment ("foreign affiliate") controlled by one or more domestic corporations is not regarded as a deposit of a United States resident if the funds serve a purpose in connection with its foreign or international business or that of other foreign affiliates of the controlling domestic corporation(s).

By order of the Board of Governors, May 14, 1981.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 81-14982 Filed 5-15-81; 10:00 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 21491, Special Condition No. 25-100-NW-6]

Special Conditions; CASA Model C-212 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Special Conditions.

SUMMARY: These special conditions are issued pursuant to § 21.16 and § 21.101(b) of the Federal Aviation Regulations (FAR) to Construcciones Aeronautics for an amended type certificate for the CASA Model 212 series airplanes. The CASA 212 airplane will have novel or unusual design features, associated with an automatic takeoff power control system (ATPCS) for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. The ATPCS will permit the airplane to takeoff with less than maximum takeoff power approved for the airplane, and if an engine fails, the system will automatically provide maximum takeoff power on the operating engine. These special conditions contain safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations applicable to the CASA-212 airplane because of novel or unusual features.

DATES: Effective date: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: James Walker, Lead Region Staff, FAA Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108. Telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION:

Background

On July 23, 1980, Construcciones Aeronautics, S.A., Rey Francisco, 4, Madrid 8 Spain, applied for an amendment to United States Import Type Certificate No. A43EU for its CASA Model C-212 series airplane. The Model C-212 is a twin-engine, pressurized transport category airplane having a high wing and a maximum takeoff weight of 16,427 pounds. The airplane is equipped with two AiResearch TPE331-10-501C turbo-propeller engines, each producing 900 shaft horsepower; it has a maximum seating capacity of 30 persons, including the crew, and has a maximum altitude of 25,000 feet.

The modification covered under the amendment to the type certificate is the installation of an automatic takeoff power control system (ATPCS). With the ATPCS installed, takeoffs would normally be made with engine power set at less than the maximum takeoff power approved for the airplane under existing conditions. In the event of an engine failure on takeoff, the automatic system will reset the fuel control fuel metering schedule on the operating engine to provide the maximum takeoff power. Provisions are also made for the manual selection of the maximum takeoff power. The application of maximum takeoff power, whether set by the automatic system or manually, will not result in the takeoff operating limits of the engine being exceeded.

The CASA Model 212 airplane with the ATPCS installed contains a number of novel or unusual design features for which the applicable airworthiness requirements in effect for the airplane on the date of application for the change are inadequate or inappropriate. In view of this, special conditions were proposed [46 FR 16270; March 12, 1981] to provide a level of safety equivalent to that established by the regulations incorporated in the type certificate for the CASA Model 212 series airplanes. No comments were received as a result of publication of the proposed special conditions in the **Federal Register**.

Type Certification Basis

The type certification basis for the CASA Model 212 series airplanes are those regulations designated in accordance with § 21.29 for import products. The type certification basis with the ATPCS installed to be incorporated in Type Certificate No. A43EU is Part 25, Amendments 25-1 through 25-35; Part 36, Amendments 36-1 through 36-4; § 21.29; and the special conditions contained herein.

Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued to Construcciones Aeronautics, for the CASA Model 212 series airplanes, equipped with an automatic takeoff power control system:

A. General

With the automatic takeoff power control system (ATPCS) and associated

systems functioning normally as designed, all applicable requirements of FAR Part 25, except as provided in these special conditions, must be met without requiring any action by the crew to increase power. In addition, the ATPCS system must meet the following special conditions:

B. Definitions

An Automatic Takeoff Power Control System (ATPCS) is defined as the entire automatic system used on takeoff, including all devices, both mechanical and electrical, that sense engine failure, transmit signals, actuate fuel controls or power levers on operating engines to achieve scheduled power increase, and furnish cockpit information on system operation.

1. *Critical Time Interval.* When conducting an ATPCS takeoff, the critical time interval is the time interval between V_1 minus 1 second and a point on the minimum performance all-engine flight path where, assuming a simultaneous engine and ATPCS failure, the resulting minimum flight path thereafter intersects the FAR Part 25 required gross flight path at not less than 400 feet from the takeoff surface. This definition is shown in the following graph:

BILLING CODE 4910-13-M

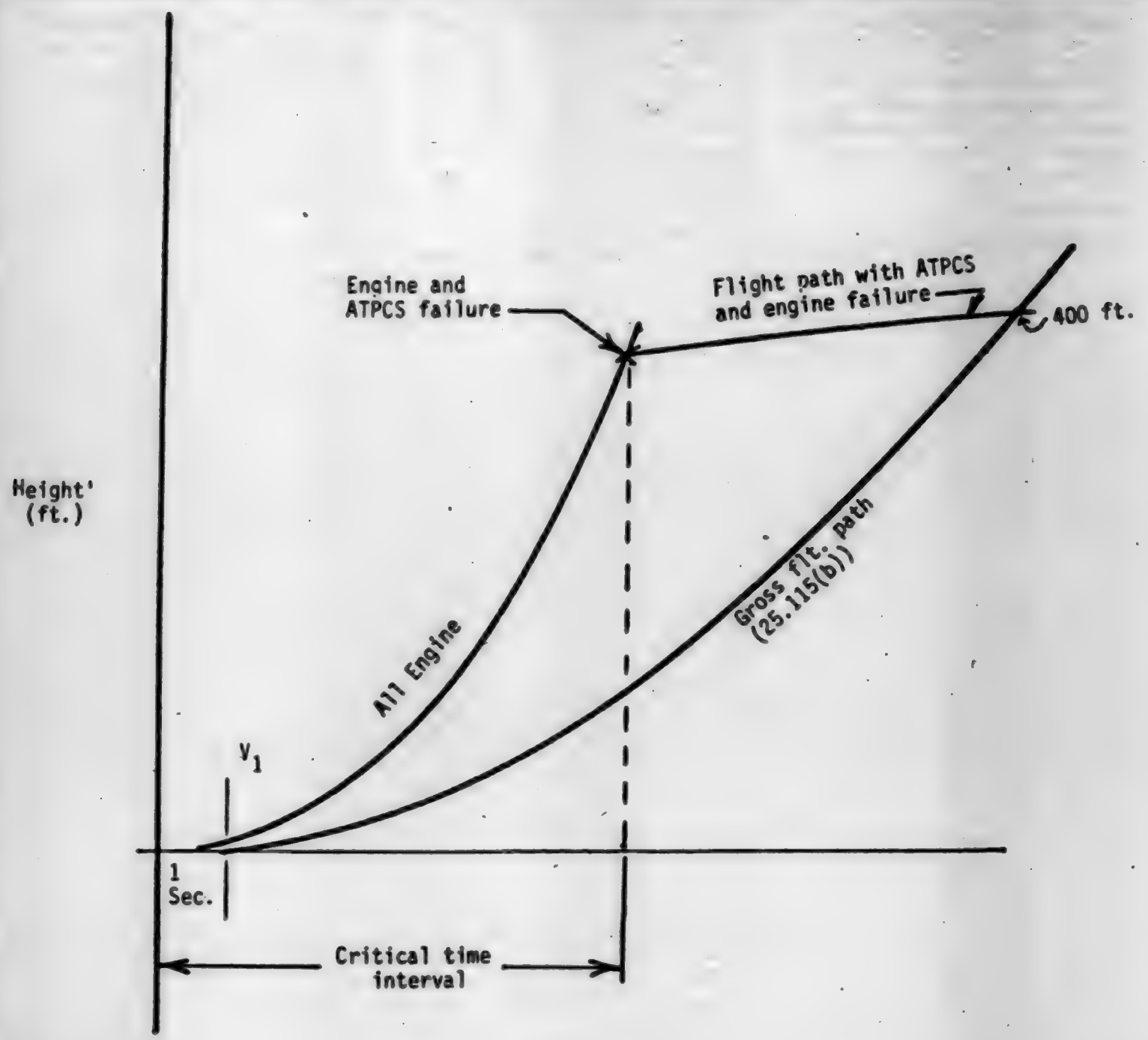

BILLING CODE 4910-13-C

2. *Takeoff Power.* Nothwithstanding the definition of "Takeoff Power" in Part 1 of the Federal Aviation Regulations, "Takeoff Power" means each power obtained from each initial power setting approved for takeoff under these special conditions.

C. Performance Requirements

The following reliability and performance criteria apply:

1. An ATPCS system failure during the critical time interval must be shown to be improbable.

2. The concurrent existence of an ATPCS failure and an engine failure during the critical time interval must be shown to be extremely improbable.

3. All applicable performance requirements of FAR Part 25 must be met with an engine failure occurring at the most critical point during takeoff with the ATPCS system functioning.

D. Power Setting

The initial takeoff power set on each engine at the beginning of the takeoff roll may not be less than—

1. Ninety (90) percent of the power level set by the ATPCS (the maximum takeoff power approved for the airplane under existing conditions);

2. That required to permit normal operation of all safety-related systems and equipment dependent upon engine power or power lever position; or

3. That shown to be free of hazardous engine response characteristics when power is advanced from the initial takeoff power level to the maximum approved takeoff power.

E. Powerplant Controls—General

1. In addition to the requirements of § 25.1141, no single failure or malfunction, or probable combination thereof, of the ATPCS system, including associated systems, may cause the failure of any powerplant function necessary for safety.

2. The ATPCS must be designed to—

(a) Apply power on the operating engine following an engine failure during takeoff to achieve the selected takeoff power without exceeding engine operating limits;

(b) Allow manual decrease or increase in power up to the maximum takeoff power approved for the airplane under existing conditions through the use of the power levers. For aircraft equipped with limiters that automatically prevent engine operating limits from being exceeded under existing conditions, however, other means may be used to increase the maximum level of power controlled by the power levers in the event of an ATPCS failure. In this case, the means must be located on or forward of the power levers, it must be easily identified and operated under all operating conditions by a single action of either pilot with the hand that is normally used to actuate the power levers, and must meet the requirements of § 25.777 (a), (b), and (c).

(c) Provide a means to verify to the flightcrew before takeoff that the ATPCS is in a condition to operate; and

(d) Provide a means for the flightcrew to deactivate the automatic function. This means must be designed to prevent inadvertent deactivation.

F. Powerplant Instruments

In addition to the requirements of § 25.1305—

1. A means must be provided to indicate when the automatic takeoff power control system is in the armed or ready condition; and

2. If the inherent flight characteristics of the airplane do not provide adequate warning that an engine has failed, a warning system that is independent of the ATPCS must be provided to give the pilot a clear warning of any engine failure during takeoff.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49)

Note.—This action is not a regulation under Executive Order 12291, President's Memorandum of January 20, 1981, or the Regulatory Flexibility Act.

Issued in Washington, D.C., on May 8, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-14615 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-CEF-2-AD; Amendment 39-4115]

Airworthiness Directives; British Aerospace, Aircraft Group, Scottish Division; Models HP.137 Jetstream MK-1 and Series 200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), AD 81-09-03, applicable to British Aerospace, Aircraft Group, Model HP.137 Jetstream MK-1 and Series 200 airplanes. The AD requires initial and repetitive inspections of mounting bracket P/N 13723E-5 for cracks and the replacement of cracked mounting brackets. This action is necessary to reduce the possibility of mounting bracket failure. Failure of this mounting bracket could cause the rudder pedals to suddenly move away from the pilot and result in his loss of control of the airplane.

DATES: Effective date: May 21, 1981, to all persons except those to whom it has already been made effective by airmail letter from the FAA dated April 17, 1981.

Compliance: As prescribed in the body of the AD.

ADDRESSES: British Aerospace, Aircraft Group Alert Service Bulletin No. 9/10, applicable to this AD, may be obtained from British Aerospace, Inc., P.O. Box 17414, Dulles International Airport, Washington, D.C. 20041; telephone number (202) 435-9100. A copy of the Alert Service Bulletin is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106; and/or Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30, or Earsa L. Tankesley, Chief, Airworthiness Standards Program, ACE-215, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6937.

SUPPLEMENTARY INFORMATION: There has been an incident involving a Jetstream Series 200 airplane where a mounting bracket (P/N 13723E-5) broke and caused the rudder pedals to suddenly move away from the pilot and gave the pilot the impression he had lost rudder control. Depending on the distance from the pilot's seat to the rudder pedals, failure of the mounting bracket during a critical flight regime could cause the pilot to be ineffective in maintaining rudder control and could result in a hazardous condition.

The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design, thereby requiring the issuance of an AD. It was also determined that an emergency condition existed, that immediate corrective action was required and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by this AD by letter dated April 17, 1981. The AD became effective immediately as to these individuals

upon receipt of that letter and is identified as AD 81-09-03.

The AD, which is applicable to British Aerospace Model Jetstream MK-1 and Series 200 airplanes, requires initial and repetitive inspections of mounting bracket P/N 13723E-5 for cracks and the replacement of any cracked mounting brackets. Since the unsafe condition described herein may still exist on other British Aerospace Model Jetstream MK-1 and Series 200 airplanes, the AD is being published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

British Aerospace, Aircraft Group, Scottish Division: Applies to Models HP.137 Jetstream MK-1 and Series 200 airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished.

To prevent the impression of lost rudder control, accomplish the following:

(A) Prior to further flight:

1. Refer to British Aerospace Illustrated Parts Manual, Chapter 9-1, page 12, Figure 4, item 8 for Model HP.137 Jetstream MK-1 aircraft, and Manual JS/3-1PC 3/79, Chapter 19.20, page 10, Figure 4, item 8 for model Jetstream Series 200 aircraft, and locate mounting bracket P/N 13723E-5 (magnesium castings). The area of inspection is on the aft face of the bracket extending from 0.1 inch to 1.5 inch above the bushing flange and across full width of the bracket.

2. Thoroughly clean the area of inspection and visually inspect the mounting bracket (P/N 13723E-5) for cracks using a magnifying glass of at least 5X magnification and a flashlight.

(B) Within the next 5 hours time-in-service after the effective date of this AD, unless paragraph C) has been accomplished, and thereafter at intervals not to exceed 25 hours time-in-service from the last inspection, inspect as follows:

1. Remove the paint from the inspection area described in paragraph A)1. above and conduct an inspection of the mounting bracket (P/N 13723E-5) for cracks using dye penetrant method.

2. If no cracks are found, clean and reprotect the area with temporary protective material such as lanolin resin.

(C) If cracks are found during the accomplishment of paragraphs A) or B), prior to further flight, repair that part in accordance with an FAA-approved repair or replace it with a serviceable part of the same part number and continue the repetitive dye penetrant inspections required by Paragraph B.

(D) Report any cracks or defects found during any inspection required by this AD within 7 days of said inspection to one of the persons at his applicable address under the title: FOR FURTHER INFORMATION CONTACT. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174).

(E) Any equivalent method of compliance with this AD must be approved by the chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: (02) 513.38.30.

British Aerospace, Jetstream MK-1 and Series 200 Aircraft Alert Service Bulletin No. 9/10 covers the subject matter of the emergency AD.

Note.—The AD, by letter dated April 17, 1981, erroneously referred to Alert Service Bulletin No. 9/18.

This amendment becomes effective on May 21, 1981, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated April 17, 1981, and is identified as AD 81-09-03.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89)).

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting one of the persons identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals of the District of Columbia.

Issued in Kansas City, Missouri, on May 5, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-14697 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NW-20-AD; Amdt. 39-4116]

Airworthiness Directives; McDonnell Douglas Model DC-9 and C-9 Military Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) which requires inspection, rework, and replacement, as necessary, of forward galley service doors. This AD is needed to prevent crack growth which could jeopardize the structural integrity of the door and result in possible loss of cabin pressurization.

DATES: Effective date May 28, 1981.

Compliance schedule as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: Harry Irwin, Aerospace Engineer, Airframe Branch, ANW-120L, Federal Aviation Administration, Northwest Region, Los Angeles Area Aircraft Certification Office, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6350.

SUPPLEMENTARY INFORMATION: One operator reported difficulty in opening the forward galley service door. Inspection revealed severe distortion and a crack approximately 17 inches long in the forward upper corner of the door pan. Cracks in the door internal structure, including the forward end of the horizontal beams, doublers, and clips, were also found. The affected airplane had approximately 49,000 landing cycles at the time of this occurrence. The cracks are caused by fatigue due to cabin preasurization cycles. If not corrected, this condition could result in possible failure of the door and loss of cabin preasurization. Accomplishment of the required inspections and repairs will ensure structural intergrity of the door.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires

initial and repetitive visual inspections of forward galley service door internal and external structure and repair or replacement of these structures, as necessary.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to all McDonnell Douglas Model DC-9 series and Military C-9 series airplanes, certificated in all categories. Compliance required as prescribed herein. To prevent fatigue cracking and possible structural failure of the forward galley service doors, P/N 5010084 and P/N 5010538, on airplanes with 12,000 or more landings accumulated on and after the effective date of this AD, accomplish the following:

A. Within the next 30 days after the effective date of this AD, unless already accomplished within the last 3,100 landings, perform an operational check of the door and perform a visual inspection for general condition of door, pan and seals, door stops and set screws. Note: Removal of seals and liner not required to perform this inspection.

B. Perform a close visual inspection of the door pan, forward and aft ends of horizontal beams (frames), including the bend radius along the upper and lower flanges, tee fittings and clips in accordance with the following inspection program. Note: Removal of seals is not required to perform this inspection.

1. Initial Inspection Schedule (unless accomplished within the last 3,100 landings):

Accumulated landings (on effective date of this AD)	Initial inspection (from effective date of this AD), landings
12,000 to 14,999	4,000
15,000 to 19,999	2,900
20,000 to 24,999	1,900
25,000 and over	900

Note.—If the total number of landings cannot be determined for a particular door, for the purpose of this AD it must be assumed the door has 25,000 or more landings.

2. For airplanes with less than 12,000 landings on the effective date of this AD, inspect in accordance with paragraph B before the accumulation of 16,000 landings.

3. Repeat the inspections in paragraph B above every 4,000 landings since last inspected until replaced with a new door of the same design. The repetitive inspections may be discontinued until the new door has accumulated 12,000 landings at which time the repetitive inspection requirements apply.

C. If a crack is found in any part of the door structure, before further flight, replace the cracked part with a serviceable part (new door, serviceable door, new part), or repair in accordance with the instructions in Douglas Structural Repair Manual, Chapter 52, or in accordance with a method approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region.

Note.—Douglas Aircraft Company Drawing No. 5039086 has been appproved as a means of compliance with this requirement.)

D. Special flight permits may be issued in accordance with FARs 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

E. Upon request of the operator, an FAA maintenance inspector, subject to prior approval by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the change for that operator.

F. For the purposes of complying with this AD, subject to the acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hour's time in service by the operator's fleet average time from takeoff to landing.

G. Alternative inspections, repairs, or other actions accomplished on or after the effective date of this AD, which provide an equivalent level of safety, may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, Northwest Region.

Note.—Previously FAA-approved equivalent repairs may be obtained from the McDonnell Douglas Corporation, Long Beach, California.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, or 15000 Aviation Boulevard, Hawthorne, California 90261.

This amendment becomes effective May 28, 1981.

(Secs 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impractical for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on May 8, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-14880 Filed 5-15-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-SO-78; Amdt. 39-4114]

Airworthiness Directives; Piper Models PA-31 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires the inspection of the nose wheel and replacement of wheels found with cracks on certain Piper Models PA-31, PA-31-325, and PA-31-350 airplanes. The AD is needed to prevent a possible wheel failure which could result in a potentially hazardous condition during landing.

EFFECTIVE DATE: Effective May 22, 1981.

ADDRESSES: The applicable Service Bulletin No. 700 may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lockhaven, Pennsylvania 17745.

A copy of the service bulletin is contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: W. H. Trammell, Systems and Equipment Section, ASO-213, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636,

Atlanta, Georgia 30320, telephone (404) 763-7781.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring inspection for cracks and replacement of the nose wheel on Piper PA-31 series airplanes was published in the **Federal Register** at 46 FR 9629. The proposal was prompted by reports of the failure of the Cleveland nose wheel P/N 40-76B, on certain Piper Models PA-31, PA-31-325 and PA-31-350 airplanes. The failure of the nose wheel during landing is considered to be potentially hazardous. Since this condition is likely to exist or develop on other airplanes of the same type design, the Airworthiness Directive requires inspection and replacement of nose wheels found to have cracks on certain Piper Model PA-31, PA-31-325, and PA-31-350 series airplanes.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One commenter recommended that the proposed AD be made applicable to the PA 31T airplanes using the Cleveland 40-120A nose wheel. Our investigation revealed that this was not necessary. Only approximately 30 airplanes were equipped with the 40-120A nose wheel. AD 76-12-06 required a visual inspection before each flight to detect cracks but permitted a discontinuance of this inspection when either of two Goodrich wheels was installed. It has been determined that all 40-120A wheels have been removed from the PA-31T airplanes. Accordingly, the proposal is adopted without change.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive (AD):

Piper Aircraft Corporation: Applies to Models PA-31, PA-31-325, serial numbers 31-2 through 31-8112038, and PA-31-350, serial numbers 31-5001 through 31-8152088 airplanes certificated in all categories with Cleveland nose wheel, P/N 40-76B installed.

Compliance required as indicated, unless already accomplished.

To prevent a potentially hazardous condition during landing due to the failure of Cleveland nose wheel, P/N 40-76B, accomplish the following:

a. Within the next 100 hours time in service after the effective date of this AD or before the accumulation of 2,000 hours time in service, whichever occurs later, and at each nose wheel tire change thereafter, inspect and replace, as necessary, the nose wheel in accordance with Piper Service Bulletin No. 700, dated December 12, 1980. After installation of Cleveland nose wheel, P/N 40-140, the repetitive inspections may be discontinued. Airplanes with Cleveland nose wheel, P/N 40-140, are not affected by the AD.

b. Make an appropriate maintenance record entry.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since it requires only a periodic inspection of the nose wheel and also provides for use of an alternate wheel which is not affected by the AD. An evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in East Point, Georgia, on May 5, 1981.

George R. Lacielle,

Acting Director, Southern Region.

[FR Doc. 81-14598 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-SO-16; Amdt. No. 39-4113]

Airworthiness Directives; Piper Model PA-31, PA-31-300, PA-31-325 and PA-31-350 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires repetitive inspections of the wing flap transmission on certain Piper Model PA-31, PA-31-300, PA-31-325 and PA-31-350 airplanes. This AD is needed to prevent excessive wear in the wing flap transmission which will result in wing flap asymmetric deployment and possible loss of aircraft control.

DATES: Effective May 22, 1981. Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable Service Bulletin No. 494B and Service Letter No. 784A, both dated July 17, 1979, may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

A copy of the service bulletin and service letter are also contained in the Rules Docket, Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia 30344.

FOR FURTHER INFORMATION CONTACT: W. H. Trammell, ASO-213, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7781.

SUPPLEMENTARY INFORMATION: This AD revokes that portion of AD 76-10-06 issued by the Eastern Region affecting Piper PA-31, PA-31-300, PA-31-325 and PA-31-350 airplanes now manufactured under Type Certificate (TC) A20SO. The TC for these airplanes was originally A8EA. Piper Aircraft Corporation in Lock Haven, Pennsylvania, transferred design and manufacturing responsibility to the Piper Lakeland Division in Lakeland, Florida. As a result, effective March 6, 1978, a new TC, No. A20SO, was issued for the PA-31, PA-31-300, PA-31-325 and PA-31-350 airplanes. AD 76-10-06 was issued by the Eastern Region before the TC was divided and applied to all PA-31 series airplanes. FAR 11.81(b) states: "* * * The authority of the Regional Director is limited to Airworthiness Directives for products for which a type certificate was issued in his Region * * *." This requires that each Region issue their own AD.

The original AD was issued to require repetitive inspections of the wing flap transmission on all Piper PA-31 series aircraft, including the PA-31P and PA-31T. This new AD applies only to the PA-31, PA-31-300, PA-31-325 and PA-31-350 and is being issued to add to the contents of the original AD a statement permitting adjustment of the inspection period and to add end serialization to the airplanes affected as subsequent airplanes have a different flap drive system.

This amendment relieves compliance for certain airplanes and makes possible a longer inspection period for affected airplanes. Therefore, it is found that notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended

by adding the following new Airworthiness Directive (AD):

Piper Aircraft Corporation: Applies to the following airplanes certificated in all categories.

Models Affected: Serial Numbers Affected

PA-31, PA-31-300 and PA-31-325; 31-2 through 31-7812129
PA-31-350; 31-5001 through 31-7852171

Compliance required as indicated, unless already accomplished under AD-76-10-06.

(a) Within the next 100 hours time in service and thereafter at intervals not to exceed 100 hours time in service, inspect the wing flap transmission for excessive wear which could cause failure of the flaps to operate properly. Accomplish the inspection, and rework or replace as necessary the wing flap transmission assembly, in accordance with the "Instructions" Number 1 of the Piper Service Bulletin 494B, dated July 17, 1979.

Note.—Those instructions are the same as those in Section II of Service Bulletin 494.

(b) If transmission or shaft is replaced or reworked, inspect to detect improper flap flexible drive shaft connections. Accomplish the inspection and correct as necessary in accordance with the "Instructions" No. 2 of Piper Service Letter No. 764A, dated July 17, 1979.

Note.—These instructions were contained in Section 1 of Service Bulletin 494 and were deleted when Service Bulletin 494B was issued. They were concurrently added to Service Letter 764A and reference made to this Service Letter in "Instructions" No. 2 of Service Bulletin No. 494B. To assure continuity of instructions, both documents were issued on the same date, July 17, 1979.

Upon submission of substantiating data by an owner or operator, through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, may adjust the inspection interval specified in the AD.

This AD supersedes and replaces that portion of AD 76-10-06 affecting Piper PA-31, PA-31-300, PA-31-325, and PA-31-350 airplanes now manufactured under TC A20SO.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

This amendment becomes effective May 22, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).

Note.—The FAA has determined that this regulation is relaxatory in nature since it provides a means whereby the inspection interval may be adjusted. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. An evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in East Point, Georgia, on May 5, 1981.

George R. LeCaille,
Acting Director, Southern Region.

[FR Doc. 81-14599 Filed 5-15-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AWE-9]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters a portion of the Victorville, California 700-foot transition area. This action redescribes the controlled airspace that will provide for uniformity of Minimum Vector Altitudes (MVA's) in the area.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; Telephone: (213) 536-6182.

SUPPLEMENTARY INFORMATION:

History

On March 31, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area for Victorville, California (46 FR 16901). Redesignation of this transition area will provide continuous controlled airspace for protection of instrument operations between Victorville, California and Palmdale, California. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 was republished in the Federal Register on January 2, 1981 (46 FR 540).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the transition area at Victorville, California. This transition area provides protection for instrument operations authorized between Victorville, California and Palmdale, California increases air traffic safety and improves flow control procedures.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901, June 11, 1981, as follows:

Victorville, California

Delete all following, "• • • north and south of TACAN, • • •." and add "and that airspace beginning at latitude 35°06'30" N., longitude 117°37'15" W., to latitude 34°52'45" N., longitude 117°17'15" W., to latitude 34°15'10" N., longitude 117°33'00" W., to latitude 34°28'00" N., longitude 117°54'45" W., to point of beginning."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Los Angeles, California, on May 6, 1981.

H. C. McClure,
Acting Director, Western Region.

[FR Doc. 81-14600 Filed 5-15-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-AAL-5]

Description Change of Federal Airway and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment changes the name of the "Humboldt" nondirectional beacon (NDB) to "Borland" and substitutes "Borland" for "Humboldt" in the description of Green Federal Airway G–12 and the Sand Point, Alaska, transition area. The name change is in memorial to Mr. William R. Borland, a well-known Alaskan pilot. There will be no change in the location identifier or in any air traffic procedures as a result of this name change.

DATES: Effective date: August 6, 1981. Comments must be received on or before June 17, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81–AAL–5, 701 C Street, Box 14, Anchorage, Alaska 99513.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: John Watterson, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Ave. SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves an editorial name change of a nondirectional beacon, there is no change in airspace assignment and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to §§ 71.103 and 71.161 of the Federal Aviation Regulations (14 CFR Part 71) is to substitute the nondirectional beacon name "Borland" for "Humboldt" in the description of designated controlled airspace. Sections 71.103 and 71.161 of the Federal Aviation Regulations were republished in the Federal Register on January 2, 1981 (46 FR 407 and 540).

The name "Borland NDB" is substituted for "Humboldt NDB" in the description of G–12 and the Sand Point, Alaska, transition area. The location identifier is not changed. Mr. William R. Borland was instrumental in establishing navigational and lighting aids on the Alaskan Peninsula and the Aleutian Islands. Accordingly, this change is in memorial to that well-known Alaskan area pilot. Under the circumstances presented, the FAA concludes that this amendment is editorial in nature and there is no particular need for the public to comment. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impractical and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.103 and 71.161 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 407 and 540) are amended, effective 0901 GMT, August 6, 1981, by:

1. Deleting "Humboldt" and substituting "Borland" in G–12.

2. Deleting "Humboldt" and substituting "Borland" where it appears in the description of the Sand Point, Alaska, transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on May 11, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-14734 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81–ANW–3]

Establishment of Compulsory Reporting Point

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment establishes the TITON INT (Titon, Washington) as a compulsory reporting point. This action is needed to facilitate separation of traffic in this area. The Seattle Center is presently requesting aircraft to report this intersection.

DATES: Effective date: August 6, 1981. Comments must be received on or before June 17, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Northwest Region, Attention: Chief, Air Traffic Division, Docket No. 81–ANW–3, FAA Building, Boeing Field, Seattle, Wash. 98108.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves establishment of a compulsory point which is already being requested by ATC and needed for separation of traffic, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends,

the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.203 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to establish TITON INT as a compulsory reporting point. This designation is needed to facilitate separation of trafffic and is already being requested by ATC. Section 71.203 of Part 71 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 747).

Since this action involves designation of a reporting point which is already being requested by ATC, no additional impact will be incurred by the public. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impractical and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.203 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 747), is amended, effective 0901 GMT, August 6, 1981, by adding "Titon, Wash." to the list of reporting points.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "Major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on May 11, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-14708 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ARM-5]

Facility Name Change

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment changes the name of Butte VORTAC to Coppertown VORTAC. This action is necessary to eliminate problems encountered in pilot position reporting between the VORTAC and the associated airport. Confusion results because these two facilities, which have the same identifier, are located approximately 11.5 nautical miles apart.

DATES: Effective date: August 6, 1981. Comments must be received on or before June 17, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Rocky Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 81-ARM-5, 10455 East 25th Avenue, Aurora, Colo. 80010.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves only a name change and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to Sections 71.123, 71.171, and 71.181 of the Federal Aviation Regulations (14 CFR Part 71) is to amend the description of several VOR Federal Airways, a control zone, and a transition area that have Butte, Mont., in their text. The Butte VORTAC has been renamed Coppertown; therefore, it is necessary to alter the title and text of all descriptions where the word "Butte" appears, and substitute "Coppertown" in its place. Sections 71.123, 71.171, and 71.181 of Part 71 of the Federal Aviation Regulations were republished in the **Federal Register** on January 2, 1981 (46 FR 409, 455, and 540).

Since this amendment involves a name change involving no changes other than editorial, the FAA concludes the public would have no particular desire to comment. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impractical and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Sections 71.123, 71.171, and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409, 455, and 540) are amended, effective 0901 GMT, August 6, 1981, in each instance in which "Butte, Mont." is used in the description of the airspace by deleting the word "Butte" and substituting for it the word "Coppertown" in the following airspace descriptions:

Part 71

1. *Section 71.123*
   In the descriptions of Airways V-66, V-113, and V-257.
2. *Section 71.171*
   In the title and description of the Butte, Mont., control zone.
3. *Section 71.181*
   In the title and description of the Butte, Mont., transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec.

6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on May 11, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-14737 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 81-ARM-3]

Establishment of Jet Routes and Area High Routes; Extension of J-130 and J-44

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment extends Jet Route No. 130 and Jet Route No. 44 from Byson Intersection to Denver, Colo. The extension overlies existing Jet Route No. 10. This action will not only decrease pilot confusion of what route to fly after Byson, but also reduce controller workload and frequency congestion.

DATES: Effective date: August 6, 1981. Comments must be received on or before June 17, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Rocky Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 81-ARM-3, 10455 East 25th Avenue, Aurora, Colo. 80010.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves extension of two jet routes along an existing route and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to Section 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to extend Jet Route No. 130 and Jet Route No. 44 between Byson Intersection and Denver, Colo., VORTAC. The extension, which overlies existing J-10, reduces pilot and controller workload and frequency congestion. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1981 (46 FR 834).

Since this action involves an extension of two jet routes along an existing route, no additional airspace is being taken. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impractical and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Section 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834) is amended, effective 0901 GMT, August 6, 1981, as follows:

1. By amending Jet Route No. 44 by deleting the words "to INT Denver 225° and Kiowa 266° radials." and substituting for them the words "to Denver, Colo."

2. By amending Jet Route No. 130 by deleting the words "to INT Denver 238° and Kiowa 266° radials." and substituting for them the words "to Denver, Colo."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on May 12, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-14738 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 81-AWA-3]

Establishment of Jet Routes and Area High Routes; Revocation of Jet Route No. 132

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revokes Jet Route No. 132 from Mason City, Iowa, to Ft. Dodge, Iowa. The jet route is rarely used since it is such a short segment. This action also reduces chart clutter in this area.

DATES: Effective date: August 6, 1981. Comments must be received on or before June 17, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Central Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWA-3, 601 E. 12th Street, Kansas City, Mo. 64106.

The official docket and comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:
L. Jack Overman, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves revocation of a route which is not being used, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to revoke Jet Route No. 132 between Mason City, Iowa, VOR and Ft. Dodge, Iowa, VOR. This segment is not being filed, since it is such a short section, and only adds to chart clutter. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in the Federal Register on January 2, 1981 (46 FR 634).

Under the circumstances presented, the FAA concludes that the public has little or no use for this designated section of J-132. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is impractical and contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 634), is amended, effective 0901 GMT, August 6, 1981, by deleting the title and text of Jet Route No. 132.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Washington, D.C., on May 11, 1981.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-14793 Filed 5-15-81; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

[Supp. No. 1]

Amendments to the Commodity Control List

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Commodity Control List (CCL) is being amended following COCOM agreements governing the export of commmodities and technical data that are restricted for national security purposes. COCOM has agreed to multilateral restrictions on the export of certain commodities previously controlled only by the United States; therefore, two unilaterally-controlled entries of the CCL are deleted and another is amended, and the pertinent commodities are incorporated into multilaterally-controlled entries. In addition, an entry is amended to correct a printing error made in an earlier revision, and another is amended to insert a reference omitted from the present entry.

EFFECTIVE DATE: May 18, 1981.

FOR FURTHER INFORMATION CONTACT:
Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION: The United States participates in an international security export control system. The Coordinating Committee (COCOM) of this system reviews proposals to ship strategic commodities and technical data to certain communist countries. The Commodity Control List (CCL) includes all commodities multilaterally restricted for export by COCOM and those controlled unilaterally by the United States (except those specifically controlled for export by another department or agency of the U.S. Government). COCOM has agreed to U.S. proposals to extend multilateral controls over certain commodities previously controlled unilaterally by the U.S. The pertinent unilaterally-controlled entries of the CCL are deleted and related multilaterally-controlled entries are expanded to incorporate the commodities previously covered by the deleted unilaterally-controlled entries. In addition, a CCL entry on spectrum analyzers is amended to correct a printing error made in an earlier revision, and an entry on laser systems is amended to insert a reference which is omitted from the present version.

Rulemaking Requirements

Section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) (the "Act") exempts regulations promulgated under the Act from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose new controls on exports. This rule will not have a significant economic impact on a substantial number of small business entities because it does not impose any additional costs or other regulatory burdens upon them. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. *et seq.* This regulation is not a major rule within the meaning of Section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981). Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

§ 399.1 [Amended]

Accordingly, the Commodity Control List, Supplement No. 1 to § 399.1 of the Export Administration Regulations, is amended as follows:

1. Entry No. 1355A is amended by inserting a new entry (b)(1)(*i*), and by renumbering the former entries (b)(1) (*i*) through (*ix*) as (b)(1) (*ii*) through (*x*), and by inserting new entries (b)(1) (*xi*) and (*xii*) as follows:

1355A * * *

(b) * * *

(1) * * *

(*i*) Equipment for the deposition of electronic grade polycrystalline silicon in the form of rods (ingots, boules), pellets, sheets or small particles, from silane (SiH_4), silicon tetrachloride ($SiCl_4$), trichlorosilane ($SiHCl_3$), dichlorosilane (SiH_2Cl_2) or monochlorosilane (SiH_3Cl);

Note.—For the definition of electronic grade polycrystalline silicon, see Item 1757.

* * * * * *

(*xi*) Automatic sawing equipment, specially designed for the processing of semi-conductor wafers and capable of slicing ingots of 3 inches (76.2 mm.) or greater in diameter;

(*xii*) Surface finishing equipment, specially designed for the processing of semi-conductor wafers and having any of the following characteristics:

(*a*) Waxless or non-adhesive mounting;

(*b*) Double-sided simultaneous polishing;

(*c*) Capable of polishing wafers greater than 2 inches (50.8 mm.) in diameter.

2. Entry No. 4355B is deleted, and commodities formerly covered by that entry are reclassified under Entry No. 1355A as noted above.

3. Entry No. 4519B is deleted, and the commodities formerly covered by that entry are reclassified under Entry No. 1519A.

4. Entry No. 1522A is amended by revising paragraph (a) to read as follows:

1522A * * *

(a) Lasers and specially designed components and parts therefor, including amplification stages, active and passive components in semi-fabricated forms as well as in fabricated forms, *except the following when not contained in equipment:*

* * * * * *

5. Paragraph (b)(4) of Entry No. 1529A is revised to read as follows:

1529A * * *

(b) * * *

(4) Spectrum analyzers employing time compression of the input signal or FFT (Fast Fourier Transform) techniques;

* * * * * *

6. Entry No. 4757B is amended by deleting paragraphs (b) and (c). Commodities formerly covered by those paragraphs are reclassified under Entry No. 1757A.

(Sections 3, 5, 13 and 15, Pub. L. 96-72, 93 Stat 503, 50 U.S.C. app. § 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, February 22, 1980) and 41-4 (45 FR 65003, October 1, 1980))

Dated: May 13, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-14691 Filed 5-15-81; 8:45 am]

BILLING CODE 3510-25-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 201

[A.I.D. Reg. 1]

Eligibility of Commodities and Suppliers for Financing by A.I.D., Procurement Procedures, and Price Provisions

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The Agency for International Development (A.I.D.) is amending its regulations relating to commodity transactions financed by the Agency. Provisions concerning eligibility of commodities and suppliers for financing by A.I.D., procurement procedures, and price provisions are being amended. Changes to the Regulations are being made as a result of a periodic review of A.I.D. Procurement Policies and to incorporate recently approved changes in eligibility under A.I.D. geographic code 941.

EFFECTIVE DATE: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen O'Hara, Office of Commodity Management (SER/COM), Agency for International Development, International Development Cooperation Agency, Washington, D.C. 20523, telephone 235-2173.

SUPPLEMENTARY INFORMATION: This amendment makes several changes in the identification of the principal geographic codes which are used to specify authorized source countries for A.I.D.-financed procurement. Code 940 "The Americas", Code 910 "Selected Less Developed Countries", and Code 901 "Limited Free World" are being removed because they are no longer used in A.I.D.-financed procurements. Several changes are being made to Code 941 "Selected Free World", one of the principal codes used by A.I.D. Congo (Brazzaville) and Somalia, or Somali Republic, are being made eligible source countries under Code 941. Afghanistan is being made ineligible under Code 941. The separate listing of West Berlin as ineligible under Code 941 is being dropped since West Berlin is included in the Federal Republic of Germany which is also listed as ineligible.

Minor amendments are made in the provisions concerning componentry requirements to permit A.I.D. to modify its componentry requirements for individual procurements where appropriate, for example, by limiting the eligibility of components from Code 941 countries.

The provisions regarding supplier eligibility are amended to establish the eligibility of an entity which is composed solely of individuals or entities that meet A.I.D.'s eligibility requirements.

Formal competitive bid procedures are being amended so that the exemption from advertising requirements under the procedures applies when the estimated value of the particular transaction is less than $25,000. The current rule exempts purchases of similar commodities covered by one import license or other authority when the estimated landed cost is less than $25,000.

The price rule which stated that a price resulting in an award under a formal competitive bid procedure would satisfy A.I.D.'s price requirements in certain circumstances is deleted.

Subpart B—Conditions Governing the Eligibility of Procurement Transactions for A.I.D. Financing

§ 201.11 [Amended]

1. Section 201.11(b)(3) is amended by removing all of the words following "this paragraph" and inserting in their place the words "in appropriate cases."

(2) Section 201.11(b)(4) is amended by removing the geographic code numbers and summaries of Code 940 "The Americas", Code 901 "Limited Free World", and Code 910 "Selected Less Developed Countries"; by removing "Congo (Brazzaville)", "Somali Republic", and "West Berlin" from the list of ineligible countries in the summary of Code 941 "Selected Free World"; by adding "Afghanistan" at the beginning of the list of excluded countries in the summary of Code 941; and by changing "West Germany" to "Federal Republic of Germany" in the summar of Code 941.

(3) Section 201.11(j)(3) is amended by removing the period after "corporation", inserting a semicolon in its place and adding after the semicolon the words "or a joint venture or unincorporated

association consisting entirely of individuals, corporations or partnerships which fit any of the foregoing categories."

Subpart C—Procurement Procedures—Responsibilities of Importers

4. Section 201.22(f) is revised as follows:

§ 201.22 Formal competitive bid procedures.

* * * * *

(f) *Exemption for small value procurement.* With respect to transactions for which the estimated value does not exceed $25,000, the importer is exempted from the advertising requirements of prargraph (b) of this section. This exemption does not apply to procurement undertaken in amounts not exceeding $25,000 for the purpose of evading the requirements of paragraph (b) of this section.

* * * * *

Subpart G—Price Provisions

§ 201.63 [Amended]

5. Section 201.63 is amended by removing paragraph (i).

(Sec. 621, Foreign Assistance Act of 1961, as amended, 75 Stat. 424; (22 U.S.C. 2381), 22 CFR 201.85)

Dated: May 1, 1981.

John F. Owens,

Acting Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 81-14879 Filed 5-15-81; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203, 205, 207, 213, 220, 221, 232, 234, 235, 236, 241, 242, and 244

[Docket No. R-81-820]

Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This change in the regulations increases the maximum allowable finance charge on insured home and project loan programs. This action by HUD is designed to bring the maximum financing charges into line with other competitive market rates and help assure an adequate supply of and demand for FHA financing.

EFFECTIVE DATE: May 8, 1981.

FOR FURTHER INFORMATION CONTACT: John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 (202-426-4667).

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on HUD/FHA mortgage insurance programs has been raised from 14.50 percent to 15.50 percent for level payment insured home mortgage programs (including operative builder home loan programs), and from 15.00 percent to 16.00 percent for graduated payment home loan programs (GPM). For insured multifamily project mortgage loan programs the maximum interest rate has been raised from 14.50 percent to 15.50 percent for permanent financing loans. The maximum interest rate for multifamily construction and for Title X land development loans is raised from 17.00 percent to 19.00 percent.

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD's environmental procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. Section 203.20 paragraph (a) is revised to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 15.50 percent per annum with respect to mortgages insured on or after May 8, 1981.

* * * * *

2. Section 203.45 paragraph (b) is revised to read as follows:

§ 203.45 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.00 percent per annum with respect to mortgages insured on or after May 8, 1981.

* * * * *

3. Section 203.46 paragraph (c) is revised to read as follows:

§ 203.46 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.00 percent per annum with respect to mortgages insured on or after May 8, 1981.

* * * * *

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

4. Section 205.50 is revised to read as follows:

§ 205.50 Maximum interest rate.

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 19.00 percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 8, 1981.

* * * * *

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

5. Section 207.7 paragraph (a) is revised to read as follows:

§ 207.7 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after

May 8, 1981, which rate shall not exceed:

(1) 15.50 percent per annum with respect to permanent financing;

(2) 19.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

6. Section 213.10 paragraph (a) is revised to read as follows:

§ 213.10 Maximum interest rate.

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, with respect to mortgages or supplementary loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 8, 1981, which rate shall not exceed:

(1) 15.50 percent per annum with respect to permanent financing;

(2) 19.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

7. Section 213.511 paragraph (a) is revised to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 15.50 percent per annum with respect to mortgages insured on or after May 8, 1981.

* * * * *

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

8. Section 220.576 paragraph (a) is revised to read as follows:

§ 220.576 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 8, 1981, which rate shall not exceed:

(1) 15.50 percent per annum with respect to permanent financing;

(2) 19.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

9. Section 221.518 paragraph (a) is revised to read as follows:

§ 221.518 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in mortgages involving insurance upon completion) on or after May 8, 1981, which rate shall not exceed:

(1) 15.50 percent per annum with respect to permanent financing;

(2) 19.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

* * * * *

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

10. Section 232.29 paragraph (a) is revised to read as follows:

§ 232.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 8, 1981, which rate shall not exceed:

(1) 15.50 percent per annum with respect to permanent financing;

(2) 19.00 percent per annum with respect to construction financing prior to and including the cutoff date of cost certification.

* * * * *

Subpart C—Eligibility Requirement—Supplemental Loans To Finance, Purchase, and Installation of Fire Safety Equipment

11. Section 232.560 paragraph (a) is revised to read as follows:

§ 232.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 15.50 percent per annum with respect to loans insured on or after May 8, 1981.

* * * * *

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

12. Section 234.29 paragraph (a) is revised to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 15.50 percent per annum with respect to mortgages insured on or after May 8, 1981.

* * * * *

13. Section 234.75 paragraph (b) is revised to read as follows:

§ 234.75 Eligibility of graduated payment mortgages.

* * * * *

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.00 percent per annum with respect to mortgages insured on or after May 8, 1981.

* * * * *

14. Section 234.76 paragraph (c) is revised to read as follows:

§ 234.76 Eligibility of modified graduated payment mortgages.

* * * * *

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 16.00 percent per annum with respect to mortgages insured on or after May 8, 1981.

* * * * *

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

15. Section 235.540(a) is revised to read as follows:

§ 235.540 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 15.50 percent per annum with respect to mortgages insured on or after May 8, 1981.

* * * * *

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

16. Section 236.15(a) is revised to read as follows:

§ 236.15 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 8, 1981, which rate shall not exceed:

(1) 15.50 percent per annum with respect to permanent financing;

(2) 19.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

17. Section 241.75 is revised to read as follows:

§ 241.75 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower with respect to loans insured on or after May 8, 1981, which rate shall not exceed:

(1) 15.50 percent per annum with respect to permanent financing;

(2) 19.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

* * * * *

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

18. Section 242.33(a) is revised to read as follows:

§ 242.33 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 8, 1981, which rate shall not exceed:

(1) 15.50 percent per annum with respect to permanent financing;

(2) 19.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

Interest shall be payable in monthly installments on the principal then outstanding.

* * * * *

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

19. Section 244.45(a) is revised to read as follows:

§ 244.45 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after May 8, 1981, which rate shall not exceed:

(1) 15.50 percent per annum with respect to permanent financing;

(2) 19.00 percent per annum with respect to construction financing prior to and including the cutoff date for cost certification.

* * * * *

(Section 3(a), 82 Stat. 113; 12 USC 1709–1; Section 7 of the Department of Housing and Urban Development Act, 42 USC 3535(d))

Issued at Washington, D.C., May 7, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81-14777 Filed 5-15-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 25

[CGD 80-033]

Claims Regulations

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising its claims regulations by (1) changing the delegation of authority to settle claims; (2) deleting unnecessary or duplicative regulations; and (3) modfying certain regulations to be consistent with those of the other armed services.

A revision of the regulations is necessary to facilitate the handling of claims, to delete unnecessary regulations, and to provide conformity with the procedures of the other armed services. The revision will allow for the faster and easier handling of claims.

EFFECTIVE DATE: This amendment is effective on June 1, 1981.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander William K. Bissell, Room 4314, Coast Guard Headquarters, 2100 2nd Street, S.W., Washington, D.C. 20593. (202–426–2245).

SUPPLEMENTARY INFORMATION: Since this amendment relates only to agency procedure, it is exempted from the requirements of notice and comment by 5 USC 553(b), and it may be made effective in less than thirty days after publication in the Federal Register because the Coast Guard has determined in accordance with 5 USC 553(d) that these regulations will relieve the public of burdens in the filing of claims.

Evaluation

The Coast Guard has reviewed this amendment under Executive Order 12291 and DOT Order 2500.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," and has determined that it is neither major nor significant. These changes relate to internal Coast Guard procedures and do not directly affect the public. Although the paperwork burden on the public in submitting claims is essentially unchanged, claimants should benefit from quicker disposition of claims. Waiving previously required written estimates in certain cases will be a minor reduction in paperwork burdens. Since the required claim forms are part of a quasi-judicial or adjudicative administrative action, these regulations are exempt from Executive Order No. 12174. Therefore, the impact

is considered to be minimal and an economic evaluation has not been conducted. Since this amendment relates to agency procedure only, the requirement of notice and comment is not required, and the Regulatory Flexibility Act of 1980 (94 Stat. 1164, Pub. L. 96-354, September 19, 1980) does not apply. This amendment will have no significant economic impact on a substantial number of small entities.

Drafting Information

The principal persons involved in drafting this rule are: LCDR William K. Bissell, Project Manager, and LT George J. Jordan, Project Attorney, both of the Office of Chief Counsel.

Discussion of the Rules

The Coast Guard is authorized by various statutes to administratively settle claims against the United States caused by the activities of the Coast Guard. These procedures for claims settlement have been located in Part 25.

The Coast Guard has reviewed these procedures and is now revising them to allow for easier settlement of claims and eliminate redundancy.

Previously, Part 25 contained sections dealing with claims by members or employees of the Coast Guard and with the collection of claims on behalf of the government. The introduction of a new claims manual makes the publication in the Code of Federal Regulations of internal procedures that have little effect on the public, duplicative and unnecessary. Therefore, regulations that deal with internal procedures are being deleted.

Also the procedures dealing with military and foreign claims and claims under Article 139 of the Uniform Code of Military Justice are being revised to be consistent with the procedures of the other armed services.

A subpart-by-subpart analysis of Part 25 follows:

Subpart A—General Procedures (Former Subpart A)

This subpart is the one most extensively revised. The most important change is a change in the delegation of authority to settle claims and to establish settlement authorities.

All delegation authority has now been centralized in subpart A, §§ 25.131 and 25.133.

The Commandant gives the Chief Counsel the authority to settle all administrative claims. This delegation is consistent with the long established practice of the other armed services. The present system, which distributes settlement authority among the Commandant, Chief Counsel, and various other staff components and commands within the Coast Guard often results in needless duplication of effort and delay in the settlement of meritorious claims. The Chief Counsel is also authorized by § 25.133 to redelegate this authority to commands which the Chief Counsel designates as settlement authorities. These redelegations are contained in the Coast Guard Claims Manual and are intended to facilitate the prompt and efficient handling of claims at a local level.

Also, the delegation of authority sections in the other subparts have been deleted as necessary.

Section 25.113 is a new section, which lists what information must be included in claims that are not presented on standard claim forms.

Sections 25.115, 25.117, and 25.119, concerning the evidence which must be presented to prove a claim, replace old §§ 25.113 and 25.115 and have been rewritten for clarity. Also § 25.119 allows waiver, in appropriate circumstances, by the settlement authority of the requirement for two written estimates or appraisals. This is due to the frequent inability of claimants to secure two estimates or the high cost of the estimates, when compared to the amount of the damage being estimated.

Section 25.123 requires that a claimant be notified of disapproval of a claim by certified or registered mail, return receipt requested.

Section 25.129 concerning multiple claims is deleted as duplicative because § 25.109 covers this area.

There are no other substantive changes in subpart A; however, several sections have been rewritten or rearranged for easier use.

Subpart B—Admiralty Claims (Former Subpart F)

The claims payable section is rewritten to reflect the difference between Admiralty Claims arising from tort and claims arising from towage and salvage services. The section dealing with notification to claimant of action concerning a claim is deleted because this requirement is addressed in the general procedures for all claims. Also, two typographical errors are corrected in the authority citation.

Subpart C—Federal Tort Claims (Former Subpart B)

Most of this section is deleted because the Coast Guard uses the Department of Justice regulations in 28 CFR Part 14 and the procedure in subpart A in the settlement of these claims. Users are referred to the Department of Justice regulations.

Subpart D—Military Claims (Former Subpart C)

The authority citation has been corrected and the sections dealing with claims payable and claims not payable rewritten to parallel the rules applied by the other armed services.

The former section on procedure, which is now entitled Appeal, is rearranged to mesh with the general procedures in subpart A which provide for reconsideration of all claims.

Subpart E—Foreign Claims (Former Subpart D)

The subpart is rewritten to parallel the rules applied by the other armed services. Consistency is important since a single service often handles all claims arising in a particular foreign country. Section 25.505 is changed by deleting the 90 day residence requirement of former § 25.405. Section 25.511 is changed to allow the presentation of oral claims in appropriate circumstances.

Subpart F—Claims Not Cognizable Under Other Law (Former Subpart E)

The title of the subpart is changed to reflect the purpose of the statute. There are no significant changes to this subpart.

Subpart G—Article 139—Uniform Code of Military Justice (Former Subpart I)

The claims payable and not payable sections, §§ 25.703 and 25.705, are changed to reflect the practice of other armed services. Section 25.707 extends the time limitation on claims from 60 days to 90 days. Section 25.709 sets a limit on the amount assessed against a member's pay to one-half of one month's basic pay for the offender instead of the $1,000 limit presently set. This conforms to the procedures of the other armed services. This ceiling is consistent with the similar ceilings placed on other administrative forums which can directly affect a military member's pay. Those sections dealing with the internal procedures for the settlement of a claim are deleted because the procedures are promulgated in other Coast Guard directives.

Subpart H—Pollution Removal Damage Claims (Former Subpart J)

There are no significant changes to this subpart. In § 25.803(a) the types of activities which may give rise to a claim are listed rather than merely referencing the National Contingency Plan as in the former subpart.

Deleted Subparts

The former subparts dealing with the Military Personnel and Civilian

Employees' Claims Act as amended (former subpart G) and Auxiliary Claims (former subpart H) are entirely deleted.

These subparts affected only Coast Guard military personnel, civilian employees and Auxiliarists. The procedures for these claims are found in other Department and Coast Guard directives which are available to potential claimants.

Former subparts N, O and P are entirely deleted. These procedures for handling claims on behalf of the Coast Guard are found in other Department and Coast Guard directives.

There have also been nonsubstantive changes to the headings of various sections and the order in which subsections and paragraphs appear. These changes merely provide consistency within Part 25.

Accordingly, Chapter I to Title 33, Code of Federal Regulations in amended by revising the entire Part 25 to read as follows:

PART 25—CLAIMS

Subpart A—General

Sec.

25.101 Purpose.
25.103 Information and assistance.
25.105 Definitions.
25.107 Who may present claims.
25.109 Insurance and other subrogated claims.
25.111 Action by claimant.
25.113 Contents of claim.
25.115 Evidence supporting a claim.
25.117 Proof of amount claimed for personal injury or death.
25.119 Proof of amount claimed for loss of, or damage to, property.
25.121 Effect of other payments to claimant.
25.123 Settlement and notice to claimant.
25.125 Appeal.
25.127 Reconsideration.
25.129 Acceptance of offer of settlement.
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Source: CGD 80-033 unless otherwise noted.

Subpart A—General

Authority: 14 U.S.C. 633; 49 CFR 1.45(a); 49 CFR 1.45(b); 49 CFR 1.46(b).

§ 25.101 Purpose.

This subpart prescribes the requirements for the administrative settlement of claims, other than contract claims, against the United States, including claims arising from acts or omissions of employees of nonappropriated fund activities within the United States, its territories, and possessions.

§ 25.103 Information and assistance.

Any person who desires to file a claim against the United States arising out of the activities of the Coast Guard may obtain information and assistance from Commandant (G-LCL), United States Coast Guard, Washington, D.C. 20593 or from the Commander of any Coast Guard District listed in 33 CFR Part 3.

§ 25.105 Definitions.

Accrual date. The day on which the alleged wrongful act or omission results in injury or damage for which a claim is made or when the claimant discovers, or in the exercise of reasonable diligence should have discovered, the alleged wrongful act or omission.

Claim. A written notification of an incident accompanied by demand for the payment of a certain sum of money, other than for ordinary obligations incurred for services, supplies, or equipment.

Settle. To consider, ascertain, adjust, determine, compromise (when specifically authorized by law), and dispose of a claim by disapproval or approval, in whole or in part.

Settlement authority. A person authorized to settle a claim.

§ 25.107 Who may present claims.

(a) General rules:

(1) A claim for property loss or damage may be presented by anyone having an interest in the property, including an insurer or other subrogee, unless the interest is barred under § 25.109(a).

(2) A claim for personal injury may be presented by the person injured.

(3) A claim based on death may be presented by the executor or administrator of the decedent's estate, or any other person legally entitled to assert such a claim under local law. The claimant's status must be stated in the claim.

(4) A claim for medical, hospital, or burial expenses may be presented by any person who by reason of family relationship has, in fact, incurred the expenses.

(b) A joint claim must be presented in the names of and signed by, the joint claimants, and the settlement must be made payable to the joint claimants.

(c) A claim may be presented by a duly authorized agent, legal representative or survivor, if it is presented in the name of the claimant. If the claim is not signed by the claimant, the agent, legal representative, or survivor shall indicate their title or legal capacity and provide evidence of their authority to present the claim.

(d) Where the same claimant has a claim for damage to or loss of property and a claim for personal injury or a claim based on death arising out of the same incident, they must be combined in one claim.

§ 25.109 Insurance and other subrogated claims.

(a) The claims of an insured (subrogor) and an insurer (subrogee) for damages arising out of the same incident constitute a single claim. The total award of combined claims may not exceed the monetary jurisdiction of the settlement authority. If the total award of the combined claims exceeds, or is expected to exceed, a settlement authority's limits, the settlement authority is not permitted to consider either, and the claim file will be forwarded to an appropriate settlement authority.

(b) An insured (subrogor) and an insurer (subrogee) may file a claim jointly or separately. If the insurer has fully reimbursed the insured, payment

will only be made to the insurer. If separate claims are filed, the settlement will be made payable to each claimant to the extent of that claimant's undisputed interest. If joint claims are filed, the settlement will be sent to the insurer.

(c) Each claimant shall include with a claim, a written disclosure concerning insurance coverage including:

(1) The names and addresses of all insurers;

(2) The kind and amount of insurance;

(3) The policy number;

(4) Whether a claim has been or will be presented to an insurer, and, if so, the amount of that claim; and whether the insurer has paid the claim in whole or in part, or has indicated payment will be made.

(d) Each subrogee shall substantiate an interest or right to file a claim by appropriate documentary evidence and shall support the claim as to liability and measure of damages in the same manner as required of any other claimant. Documentary evidence of payment to a subrogor does not constitute evidence of liability of the United States or conclusive evidence of the amount of damages. The settlement authority makes an independent determination on the issues of fact and law based upon the evidence of record.

(e) An insurance or other subrogated claim is not payable under Subparts E, F, or G of this Part.

§ 25.111 Action by claimant.

(a) *Form of claim.* The claim must meet the requirements of § 25.113. Authorized forms are available from the offices indicated in § 25.103.

(b) *Presentation.* The claim may be presented to:

(1) The commanding officer of the Coast Guard unit involved;

(2) A Coast Guard unit convenient to the claimant; or

(3) Chief, Claims and Litigation Division, Office of Chief Counsel, United States Coast Guard, Washington, DC, 20593.

In a foreign country, where there is no Coast Guard unit, the claim is considered presented to the Coast Guard if it is presented to the military attache of any United States embassy or consulate or to the commanding officer of any unit of the armed services of the United States.

(c) *Time.* The time limits for presenting claims are contained in the following subparts addressing particular claim statutes.

§ 25.113 Contents of claim.

(a) A claim under the Federal Tort Claims Act must be presented using Standard Form 95, Claim for Damage, Injury, or Death.

(b) A claim under any other Act may be presented using Standard Form 95. Any claim which is not presented using Standard Form 95 shall include:

(1) The identity of the department, agency, or activity whose act or omission gave rise to the claim;

(2) The full name and mailing address of the claimant. If this mailing address is not claimant's residence, the claimant shall also include residence address;

(3) The date, time, and place of the incident giving rise to the claim;

(4) The amount claimed, supported by independent evidence of property damage or loss, personal injury, or death, as applicable;

(5) A detailed description of the incident giving rise to the claim;

(6) A description of any property damage or loss, including the identity of the owner, if other than the claimant, as applicable;

(7) The nature and extent of the injury, as applicable;

(8) The full name, title, if any, and address of any witness to the incident and a brief statement of the witness' knowledge of the incident;

(9) A description of any insurance carried by the claimant or owner of the property and the status of any insurance claim arising from the incident; and

(10) An agreement by the claimant to accept the total amount claimed in full satisfaction and final settlement of the claim.

(c) A claimant or duly authorized agent or legal representative must sign in ink a claim and any amendment to that claim. If the person's signature does not include the first name, middle initial, if any, and surname, that information must be included in the claim. A married woman must sign her claim in her given name, e.g., "Mary A. Doe," rather than "Mrs. John Doe."

§ 25.115 Evidence supporting a claim.

The claimant shall present independent evidence to support a claim. This evidence may include, if available, statements of witnesses, accident or casualty reports, photographs and drawings.

§ 25.117 Proof of amount claimed for personal injury or death.

The following evidence must be presented when appropriate:

(a) Itemized medical, hospital, and burial bills.

(b) A written report by the attending physician including:

(1) The nature and extent of the injury and the treatment,

(2) The necessity and reasonableness of the various medical expenses incurred,

(3) Duration of time injuries prevented or limited employment,

(4) Past, present, and future limitations on employment,

(5) Duration and extent of pain and suffering and of any disability or physical disfigurement,

(6) A current prognosis,

(7) Any anticipated medical expenses, and

(8) Any past medical history of the claimant relevant to the particular injury alleged.

Note.—An examination by an independent medical facility or physician may be required to provide independent medical evidence against which to evaluate the written report of the claimant's physician. The settlement authority determines the need for this examination, makes mutually convenient arrangements for such an examination, and bears the costs thereof.

(c) All hospital records or other medical documents from either this injury or any relevant past injury.

(d) If the claimant is employed, a written statement by the claimant's employer certifying the claimant's:

(1) Age,

(2) Occupation,

(3) Hours of employment,

(4) Hourly rate of pay or weekly salary,

(5) Time lost from work as a result of the incident, and

(6) Claimant's actual period of employment, full-time or part-time, and any effect of the injury upon such employment to support claims for lost earnings.

(e) If the claimant is self-employed, written statements, or other evidence showing:

(1) The amount of earnings actually lost, and

(2) The federal tax return if filed for the three previous years.

(f) If the claim arises out of injuries to a person providing services to the claimant, statement of the cost necessarily incurred to replace the services to which claimant is entitled under law.

§ 25.119 Proof of amount claimed for loss of, or damage to, property.

The following evidence must be presented when appropriate:

(a) For each particular lost item, evidence of its value such as a bill of sale and a written appraisal, or two written appraisals, from separate disinterested dealers or brokers, market quotations, commercial catalogs, or other evidence of the price at which like

property can be obtained in the community. The settlement authority may waive these requirements when circumstances warrant. The cost of any appraisal may be included as an element of damage if not deductible from any bill submitted to claimant.

(b) For each particular damaged item which can be economically repaired, evidence of cost of repairs such as a receipted bill and one estimate, or two estimates, from separate disinterested repairmen. The settlement authority may waive these requirements when circumstances warrant. The cost of any estimate may be included as an element of damage if not deductible from any repair bill submitted to claimant.

(c) For any claim which may result in payment in excess of $20,000.00, a survey or appraisal shall be performed as soon as practicable after the damage accrues, and, unless waived in writing, shall be performed jointly with a government representative.

(d) If the item is so severely damaged that it cannot be economically repaired or used, it shall be treated as a lost item.

(e) If a claim includes loss of earnings or use during repairs to the damaged property, the following must also be furnished and supported by competent evidence:

(1) The date the property was damaged;

(2) The name and location of the repair facility;

(3) The beginning and ending dates of repairs and an explanation of any delay between the date of damage and the beginning date;

(4) A complete description of all repairs performed, segregating any work performed for the owner's account and not attributable to the incident involved, and the costs thereof;

(5) The date and place the property was returned to service after completion of repairs, and an explanation, if applicable, of any delay;

(6) Whether or not a substitute for the damaged property was available. If a substitute was used by the claimant during the time of repair, an explanation of the necessity of using the substitute, how it was used, and for how long, and the costs involved. Any costs incurred that would have been similarly incurred by the claimant in using the damaged property must be identified;

(7) Whether or not during the course of undergoing repairs the property would have been used, and an explanation submitted showing the identity of the person who offered that use, the terms of the offer, time of prospective service, and rate of compensation; and

(8) If at the time of damage the property was under charter or hire, or was otherwise employed, or would have been employed, the claimant shall submit a statement of operating expenses that were, or would have been, incurred. This statement shall include wages and all bonuses which would have been paid, the value of fuel and the value of consumable stores, separately stated, which would have been consumed, and all other costs of operation which would have been incurred including, but not limited to, license and parking fees, personnel expenses, harbor fees, wharfage, dockage, shedding, stevedoring, towage, pilotage, inspection, tolls, lockage, anchorage and moorage, grain elevation, storage, and customs fees.

(f) For each item which is lost, actual or constructive, proof of ownership.

§ 25.121 Effect of other payments to claimant.

The total amount to which the claimant may be entitled is normally computed as follows:

(a) The total amount of the loss, damage, or personal injury suffered for which the United States is liable, less any payment the claimant has received from the following sources:

(1) The military member or civilian employee who caused the incident;

(2) The military member's or civilian employee's insurer; and

(3) Any joint tort-feasor or insurer.

(b) No deduction is generally made for any payment the claimant has received by way of voluntary contributions, such as donations of charitable organizations.

§ 25.123 Settlement and notice to claimant.

(a) If the settlement authority determines that the full amount claimed should be paid, the settlement authority forwards the claim to the disbursing officer for payment. If the time involved in settling the claim has been extensive, the settlement authority notifies the claimant.

(b) If the settlement authority determines that less than the full amount claimed should be paid, the settlement authority:

(1) Notifies the claimant in writing of the proposed settlement.

(2) Obtains from the claimant written acceptance and release for payment of the claim in the reduced amount.

(3) Advises the claimant, in the event claimant does not desire to accept the offer, to reply within 45 days giving reasons for rejection.

(4) Except upon a showing of good cause for delay in accepting a proposed settlement within 45 days, treats the non-acceptance as a rejection. Rejection by a claimant of an offer of settlement renders the offer void.

(5) If a claimant rejects a proposed settlement or fails to reply within 45 days, the settlement authority may make further efforts to settle the claim. When the settlement authority determines that further efforts to settle the claim are not warranted, the settlement authority notifies the claimant in writing by registered or certified mail, return receipt requested, that the claim has been denied because the amount claimed is excessive.

(c) If the claim is denied, the settlement authority notifies the claimant in writing by registered or certified mail, return receipt requested.

§ 25.125 Appeal.

The final denial of a claim by a settlement authority or a partial approval by a settlement authority is not subject to appeal except under the procedures prescribed for Military Claims in Subpart D of this Part.

§ 25.127 Reconsideration.

(a) The settlement authority may reconsider a claim upon the authority's own initiative or upon request of the claimant or someone acting on the claimant's behalf.

(b) A request for reconsideration must be in writing and include the legal or factual grounds for the relief requested.

(c) Following any investigation or other action deemed necessary for reconsideration of the original action, the settlement authority reconsiders the claim and if warranted attempts to settle it. When further settlement efforts appear unwarranted, the settlement authority notifies the claimant in writing by certified or registered mail, return receipt requested, that the relief requested is denied.

(d) For the effect of reconsideration under the Federal Tort Claims Act see 28 CFR Part 14.

§ 25.129 Acceptance of offer of settlement.

Claimant's acceptance of an offer of settlement is a complete release of any claim against the United States and against the military or civilian personnel of the Coast Guard whose act or omission gave rise to the claim.

§ 25.131 Delegation of authority.

(a) The Chief Counsel is delegated the following authority:

(1) To carry out the functions of the Secretary and to exercise the Commandant's authority as commanding officer for all Coast Guard personnel in regard to claims brought

under Article 139, Uniform Code of Military Justice (10 U.S.C. 939);

(2) To carry out the functions of an officer designated by the Secretary under the so-called "Foreign Claims Act", as amended (10 U.S.C. 2734);

(3) To request that the Department of Defense pay any meritorious claims arising under International Agreements in accordance with Title 10 U.S.C. 2734a and 2734b;

(4) To carry out the functions of the Secretary under the Act of October 9, 1962, as amended (10 U.S.C. 2737);

(5) To carry out the functions of the Secretary under the Act of August 16, 1937, as amended (14 U.S.C. 642);

(6) To carry out the functions of the Secretary under the Act of June 15, 1936, as amended (14 U.S.C. 646);

(7) To carry out the functions of the Secretary under the Act of August 4, 1949, as amended (14 U.S.C. 647);

(8) To carry out the functions of the Secretary under the Act of February 19, 1941, as amended (14 U.S.C. 830);

(9) To carry out the functions of the head of a Federal agency's designee under the Federal Tort Claims Act, as amended (28 U.S.C. 2672);

(10) To carry out the functions of the Secretary under the Military Personnel and Civilian Employees' Claims Act, as amended (31 U.S.C. 240–243);

(11) To carry out the functions of the head of an agency under the Federal Claims Collection Act of 1966 (31 U.S.C. 951–953);

(12) To carry out the functions of the head of the department under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653);

(13) To review and approve for payment any voucher for payment of a claim for $25 or less the authority for payment of which is questioned by a certifying or disbursing officer.

(14) To establish procedures consistent with the applicable statutes and regulations for the administration of all claims.

Note:—Under the Military Claims Act (10 U.S.C. 2733), the Secretary has authorized the Chief Counsel to settle and pay claims, see 49 CFR 1.46(j).

(b) The Comptroller is delegated authority to carry out the functions of the head of an agency under the Federal Claims Collection Act of 1966 (31 U.S.C. 951–953).

§ 25.133 Redelegation of authority.

The authority delegated in § 25.131 and in 49 CFR 1.46(j) to the Chief Counsel may, unless otherwise limited, be redelegated in whole or in part to settlement authorities established by the Chief Counsel. Information concerning current settlement authorities is available from the offices indicated in § 25.103.

§ 25.135 Processing and settlement of claims in foreign countries.

(a) In certain countries, the Department of Defense has assigned single-service responsibility for the settlement of claims arising under the Foreign Claims Act, Military Claims Act, Nonscope of Employment Claims Act, Federal Medical Care Recovery Act, and Federal Claims Collection Act.

(b) In a country where single-service claims responsibility has been assigned, claims against the United States cognizable under the acts referenced in paragraph (a) of this section are processed and settled by the service assigned responsibility.

(c) A list of countries assigned to a single-service is available from the military attache at any United States embassy or consulate.

(d) In a country not assigned to a single-service, the rules for presenting claims may be found in § 25.111, and the claim will be settled by the Coast Guard.

Subpart B—Admiralty Claims

Authority: 14 U.S.C. 640; 14 U.S.C. 633; 49 CFR 1.46(b).

§ 25.201 Scope.

This subpart prescribes the requirements for the administrative settlement of maritime tort claims against the United States for death, personal injury, damage to or loss of property caused by a vessel or other property in the service of the Coast Guard, or a maritime tort committed by an agent of the Coast Guard, and for claims for towage and salvage services rendered to a Coast Guard vessel or property.

§ 25.203 Claims payable.

A claim is payable under this subpart if it is:

(a) A claim for death, personal injury, damage to or loss of real or personal property arising from a maritime tort caused by an agent or employee of the Coast Guard, or a vessel or other property in the service of the Coast Guard, including an auxiliary facility operated under specific orders and acting within the scope of such orders; or

(b) A claim for compensation for towage and salvage services rendered to a vessel in the service of the Coast Guard or to other property under the jurisdiction of the Coast Guard.

§ 25.205 Claims not payable.

A claim is not payable under this subpart if it:

(a) Results from action by an enemy, or directly or indirectly from an act of the armed services of the United States in combat;

(b) Is purely contractual in nature;

(c) Is for death or personal injury of a United States employee for whom benefits are provided under the Federal Employees' Compensation Act, or any other system of compensation where contribution is made or insurance premiums paid directly or indirectly by the United States on behalf of the injured employee;

(d) Is one for which a foreign country is responsible under Article VIII of the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty, or other similar treaty agreement;

(e) Arises from private or domestic obligations as distinguished from governmental transactions; or

(f) Is for damage to or loss of personal property of military personnel or civilian employees which is cognizable under the Military Personnel and Civilian Employees' Claims Act, as amended.

§ 25.207 Time limitation on claims.

(a) A settlement authority may administratively settle and approve a claim for final payment within two years from the date that the cause of action accrues. Otherwise, the claim is barred. This two year period is not extended by presenting a claim nor by negotiations or correspondence. The existence of an administrative claim does not extend the two year statute of limitations in 46 U.S.C. 745.

(b) If a complaint is filed in a Federal District Court before the expiration of the two year period, an administrative settlement may be negotiated by the settlement authority only with the consent of the Department of Justice. Payment is made upon final dismissal of the complaint.

Subpart C—Federal Tort Claims

Authority: 28 U.S.C. 2672; 28 CFR 14.11; 49 CFR 1.45(a)(2); 49 CFR 1.45(a)(3).

§ 25.301 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States arising out of Coast Guard activities under the Federal Tort Claims Act.

§ 25.303 Procedure.

A claim shall be presented and processed in accordance with 28 CFR

Part 14. Should there be a conflict between the provisions of 33 CFR Part 25, Subpart A and the Department of Justice regulations in 28 CFR Part 14, the Department of Justice regulations govern.

Subpart D—Military Claims

Authority: 10 U.S.C. 2733; 49 CFR 1.46(j).

§ 25.401 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States arising out of the activities of the Coast Guard under the Military Claims Act.

§ 25.403 Claims payable.

A claim arising at any place caused by military personnel or civilian employees of the Coast Guard acting within the scope of their employment, or otherwise incident to noncombat activities of the Coast Guard, whether or not negligence or intentional tort is shown, is payable under this subpart for:

(a) Damage to or loss of real property, including damage or loss incident to the use and occupancy of real property by the Coast Guard;

(b) Damage to or loss of personal property, including property bailed to the Coast Guard;

(c) Damage to or loss of registered or insured mail while the mail is in the possession of the Coast Guard even though damaged or lost by criminal act; or

(d) Death or personal injury.

§ 25.405 Claims not payable.

A claim is not payable under this subpart if it:

(a) Results from action by an enemy or directly or indirectly from an act of the armed services of the United States in combat;

(b) Is purely contractual in nature;

(c) Results wholly or partly from the negligent or wrongful act of the claimant, claimant's agent, or claimant's employee, unless comparative negligence is applicable under local law;

(d) Is for death or personal injury of a United States employee for whom benefits are provided under the Federal Employees' Compensation Act, Longshoremen's and Harbor Workers' Compensation Act, or any other system of compensation where contribution is made or insurance premiums paid directly or indirectly by the United States on behalf of the injured employee;

(e) Is cognizable under Subparts C or E of this Part;

(f) Is for reimbursement for medical, hospital, or burial services furnished at the expense of the United States;

(g) Is one of the following exceptions to the Federal Tort Claims Act, 28 U.S.C. 2680 (a), (b), (c), (e), (f), (h), (j), or (k), (However, a claim falling within the exception contained in 28 U.S.C. 2680(b) is payable when not prohibited by § 25.405(i).);

(h) Results from a specific risk which the claimant assumed in writing before the incident giving rise to the claim;

(i) Is for damage to or loss of a letter or postal matter while in the possession of the Postal Service;

(j) Is for rent, or other payments involving the acquisition, use, possession, or disposition of real property or interests therein by and for the Coast Guard except as provided in § 25.403(a);

(k) Is for the taking of private property by trespass except for actual physical damage; or

(l) Is for personal injury or death of a member or civilian employee of the armed services of the U.S. whose death or injury was incident to service.

§ 25.407 Time limitation on claims.

(a) A claim may be settled only if presented in writing within two years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within two years after it accrues, and if good cause is shown, the claim may be presented not more than two years after the termination of the war or armed conflict.

(b) For the purposes of this section, a war or armed conflict is one in which an armed service of the United States is engaged. The dates of commencement and termination of an armed conflict will be as established by concurrent resolution of Congress or by determination of the President.

§ 25.409 Appeal.

(a) A claimant may submit an appeal, in writing, through the settlement authority disapproving the claim or approving the claim in part.

(1) The appeal shall set forth fully the legal or factual bases asserted as grounds for the appeal; and

(2) The appeal is permitted only if it is postmarked within 45 days after receipt of (i) notice of disapproval of the claim or (ii) offer of settlement in a reduced amount.

(b) The disapproval of a claim is final unless the claimant submits a request for reconsideration or an appeal in writing.

(c) Upon receipt of an appeal, the settlement authority examines it and forwards it with the claim file, opinions, and recommendations to the next higher settlement authority.

Subpart E—Foreign Claims

Authority: 10 U.S.C. 2734; 49 CFR 1.46(b).

§ 25.501 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States by a foreign country, political subdivision or inhabitant thereof, for death, personal injury, damage to or loss of property occurring outside the United States, its territories, commonwealths, or possessions, caused by a military member or civilian employee of the Coast Guard, or otherwise incident to noncombat activities of the Coast Guard.

§ 25.503 Proper claimants.

(a) The claimant, or the decedent in a death case, must have been an inhabitant of a foreign country at the time of the incident giving rise to the claim and must not be otherwise excluded by § 25.505. It is not necessary that a claimant be a citizen of, or legal domiciliary of the foreign country.

(b) A corporation or other organization doing business in a foreign country on a permanent basis may qualify as a proper claimant although organized under United States law.

(c) The government of a foreign country or a political subdivision thereof is a proper claimant unless excluded by waiver provisions of applicable international agreements.

§ 25.505 Claimants excluded.

(a) Civilian employees of the United States and members of the armed services of the United States and their dependents, who are in a foreign country primarily because of their own or their sponsor's duty status.

(b) Other citizens of the United States, its territories, commonwealths, or possessions, unless they can establish their status as inhabitants of the foreign country.

(c) An insurer or other subrogee.

§ 25.507 Claims payable.

(a) A claim is payable under this subpart if it was incident to a nonoombat activity of the Coast Guard or was caused by:

(1) A military member of the Coast Guard;

(2) A civilian employee of the Coast Guard who is not a national of the country in which the incident occurred; or

(3) A civilian employee of the Coast Guard who is a national of the country in which the incident occurred if:

(i) The employee was within the scope of employment, or

(ii) An employer or owner of the property involved would be liable under local law.

(b) The fact that the act giving rise to a claim may constitute a crime does not, by itself, bar relief.

(c) Local law or custom pertaining to contributory or comparative negligence, and to joint tort-feasors, are applied to the extent practicable.

§ 25.509 Claims not payable.

A claim is not payable under this subpart if it:

(a) Results from action by an enemy or directly or indirectly from an act of the armed services of the United States in combat;

(b) Is purely contractual in nature;

(c) Is for death or personal injury of a United States employee for whom benefits are provided under the Federal Employees' Compensation Act, the Longshoremen's and Harbor Workers' Compensation Act, or any other system of compensation where contribution is made or insurance premiums paid directly or indirectly by the United States on behalf of the injured employee;

(d) Is one for which a foreign country is responsible under Article VIII of the Agreement Regarding the Status of Forces of Parties to the North Atlantic Treaty, or other similar treaty agreement;

(e) Arises from private or domestic obligations as distinguished from governmental transactions;

(f) Is a bastardy claim; or

(g) Involves a patent or copyright infringement.

§ 25.511 Time limitation on claims.

A claim may be settled only if presented in writing within two years after it accrues. Under appropriate circumstances, a claim presented orally may be considered.

§ 25.513 Amount claimed.

The claimant shall state the amount claimed in the currency of the country where the incident occurred or where the claimant resided at the time of the incident.

§ 25.515 Settlement and notice to claimant.

If a claim is determined to be meritorious in any amount, a written acceptance and release or a claim settlement agreement shall be signed by the claimant before payment. The release executed by the claimant shall release the United States and also release the tort-feasor or the person who occasioned the damage, injury, or death.

Subpart F—Claims Not Cognizable Under Other Law

Authority: 10 U.S.C. 2737; 49 CFR 1.45(a)(2).

§ 25.601 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States under 10 U.S.C. 2737 incident to use of property of the United States and not cognizable under other law.

§ 25.603 Claims payable.

A claim for death, personal injury, or damage to or loss of real or personal property under this subpart is payable when caused by a military member or a civilian employee of the Coast Guard:

(a) Incident to the use of a vehicle of the United States at any place; or

(b) Incident to the use of any other property of the United States on a government installation.

§ 25.605 Claims not payable.

A claim is not payable under this subpart if it:

(a) Is legally recoverable by the claimant under a compensation statute or an insurance policy;

(b) Results wholly or partly from the negligent or wrongful act of the claimant, claimant's agent or employee;

(c) Is a subrogated claim;

(d) Is cognizable under any other provision of law or regulation administered by the Coast Guard; or

(e) Is for any element of damage pertaining to death or personal injury, other than the cost of reasonable medical, hospital, and burial expenses actually incurred and not otherwise furnished or paid by the United States.

§ 25.607 Time limitation on claims.

A claim may be settled only if presented in writing within two years after it accrues.

§ 25.609 Settlement and notice to claimant.

If a claim is determined to be meritorious in any amount, the claimant must sign a written acceptance and release or a claim settlement agreement before payment. Although larger claims may be considered, no claim may be approved or paid in an amount that exceeds $1,000.00.

Subpart G—Article 139, Uniform Code of Military Justice

Authority: 10 U.S.C. 939; 49 CFR 1.46(b).

§ 25.701 Scope.

This subpart prescribes the requirements for the administrative settlement of claims under Article 139, Uniform Code of Military Justice, 10 U.S.C. 939, against military members of the Coast Guard for damage to property willfully caused by them or loss of property wrongfully taken by them.

§ 25.703 Claims payable.

A claim for damage to or loss of real or personal property caused by a military member of the Coast Guard is payable under this subpart when the damage or loss results from:

(a) Willful or intentional acts;

(b) Wrongful taking; or

(c) Riotous, violent, and reckless conduct or acts of depredation by an individual or group that evidences willfulness.

§ 25.705 Claims not payable.

A claim is not payable under this subpart if it:

(a) Is for death or personal injury;

(b) Results wholly or partly from the grossly negligent, or reckless act of the claimant, claimant's agent or employee;

(c) Is a subrogated claim;

(d) Is for damage to or loss of property owned by the United States or property of a Nonappropriated Fund Activity;

(e) Results from negligence;

(f) Is for indirect or remote damages;

(g) Is for damage to or loss of property resulting from the act or omission of a member of the Coast Guard acting within the scope of the member's employment;

(h) Extends to damage or loss that results from the owner's failure to mitigate damages; or

(i) Has been paid by a third party.

§ 25.707 Time limitation on claims.

A claim may be settled only if presented within 90 days after it accrues unless good cause is shown for the delay.

§ 25.709 Assessment limitation on claims.

A claim is permitted in any amount; however, this subpart prohibits any assessment that exceeds one-half of one month's basic pay against the pay of any offender.

Subpart H—Pollution Removal Damage Claims

Authority: 33 U.S.C. 1321(j)(1)(A); 33 U.S.C. 1321(1); E.O. 11735, Sec. 8(a), (b)(3); 49 CFR 1.46(m).

§ 25.801 Scope.

This subpart prescribes the requirements for the administrative

settlement of claims against the United States for damage to or loss of property resulting from containment or removal activities during Phase III or IV of the National Contingency Plan, under the Federal Water Pollution Control Act, as amended. 33 U.S.C. 1321.

§ 25.903 Claims payable.

A claim for damage to or loss of real or personal property is payable under this subpart if:

(a) Caused by the United States, its employees, agents or contractors during containment, countermeasures, cleanup, mitigation, and disposal activities under the National Contingency Plan; and

(b) In the exercise of care reasonable under the circumstances, the incident giving rise to the claim was necessary and the damage unavoidable.

§ 25.905 Claims not payable.

A claim is not payable under this subpart if it:

(a) Is for death or personal injury; or

(b) Arises out of activities to contain or remove a discharge of oil or other hazardous polluting substance from a United States or foreign public vessel or federally controlled facility.

Dated May 11, 1981.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 81-14605 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1916-7]

Approval and Promulgation of Implementation Plans; California Rule Revisions for Five Air Pollution Control Districts

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on revisions to rules of the Amador, El Dorado (Lake Tahoe Air Basin Portion), Nevada, Placer, and Tuolumne County Air Pollution Control Districts (APCDs) submitted by the Governor's designee for incorporation into the California State Implementation Plan (SIP). The intended effect of this action is to update rules and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: June 17, 1981.

ADDRESS: A copy of the revisions is located at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION: On May 23, August 21, and October 15, 1979 and February 11, 1980, the California Air Resources Board (CARB) submitted to EPA revisions to the rules of five APCDs for inclusion in the California SIP. Revised rules which are being acted upon by this notice include the following subjects: Coverage, Definitions, Validity, Enforcement, Effective Date, Visible Emission, Emission Discharge Exceptions, Incinerators, Particulate, Fossil Fuel-Fired Steam Generator, Specific Contaminants, Process Weight, Sulfur Content of Fuel, Volatile Organic Compounds, Abrasive Blasting, Compliance, Open Burning, Permits, Fees, Mechanized Burners, Penalties, Equipment Malfunction, Circumvention, Public Records, Public Notice, Public Hearings, Reduction of Animal Matter, and Sampling and Testing.

A list of the rules being considered by this action can be found in the Notice of Proposed Rulemaking published on November 6, 1980 (45 FR 73698). As described in the Notice of Proposed Rulemaking, the rules were evaluated and found consistent with 40 CFR Part 51 requirements, with certain exceptions. Public comments were invited on the proposed rulemaking. No comments were received. Therefore, it is the purpose of this notice to take final action on the rule revisions as described in the November 6 notice. Thus, all rules listed in the proposed notice are approved and incorporated into the California SIP, with the following exceptions:

The following rules are disapproved as they are inconsistent with the requirements of the Clean Air Act: In Amador County, Section G of Rule 203, *Exceptions,* Section G of Rule 205, *Exceptions,* Rule 209, *Fossil Fuel-Steam Generator Facility,* Rule 210, *Specific Contaminants,* Section G of Rule 302, *Exceptions to Rule 301,* and Rule 322, *Mechanized Burners;* in El Dorado County (Lake Tahoe Air Basin Portion), Rule 104, *Effective Date,* Section C of Rule 302, *Exceptions to Rule 301,* Rule 318, *Open Burning of Wood Waste on Property Where Grown,* Rule 321, *Mechanized Burners,* and deletion of Rule 102 LL, *Definition* (ppm); in Nevada County, Rule 207, *Exceptions to Rule 306;* in Placer County (Lake Tahoe Basin Portion), Rule 316, *Land Development Open Burning;* in Placer County (Mountain Counties Air Basin Portion), Rule 202, *Visible Emissions,* Rule 207, *Particulate Matter,* Rule 210, *Specific Contaminants,* Rule 211, *Process Weight.* Rule 303, *Exceptions to Rule 302,* Rule 306, *Exceptions to Rule 305,* Rule 316, *Land Development Burning,* Rule 322, *Mechanized Burners,* and Rule 323, *Open Burning of Nonindustrial Wood Waste at Designated Disposal Sites;* and in Tuolumne County, Rule 210, *Specific Contaminants.*

No action is being taken on the following rules as they are not appropriate for incorporation into the SIP: In Amador County, Rule 205, *Nuisance,* and Rule 211, *Process Weight Per Hour;* in El Dorado County (Lake Tahoe Air Basin Portion), Rule 216, *New Source Performance Standards,* Rule 205, *Nuisance,* and Rule 311, *Wind Direction;* in Nevada County, Rule 211, *Process Weight Per Hour;* in Placer County (Lake Tahoe Basin), Rule 205, *Nuisance,* and Rule 309, *Wind Direction;* in Placer County (Mountain Counties Air Basin Portion), Rule 311, *Wind Direction;* in Tuolumne County, Rule 211, *Process Weight Per Hour.*

No action is being taken on the following rules at this time: El Dorado County APCD's "Best Available Control Technology" section of Rule 102, and Rule 306. They will be acted upon in a later Federal Register notice.

In addition, this notice rescinds Amador County from the requirements of 40 CFR 52.224(b), since Rule 409, *Public Records,* provides equivalent provisions.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1980.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The miscellaneous SIP approvals announced today are not Major because they only approve state actions. They impose no new regulatory requirements. The disapprovals are also not Major because they preserve the status quo. Sources will remain subject to existing requirements that were previously adopted by the state and approved by EPA. In addition, each of these disapprovals involves only a

minor change to the SIP which is not expected to have a major economic effect.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Secs. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)))

Dated: May 12, 1981.

Walter C. Barber,

Acting Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraphs (c)(51)(xiv) and (xv), (52)(xi), (xii), (xiii) and (xiv), (80), and (81) are added as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(51) * * *

(xiv) El Dorado County APCD—Lake Tahoe Air Basin Portion.

(A) New or amended Rules 101, 102 (except LAER, stationary source, modification definitions), 103, 104, 201–203, 206A–212, 217, 301–305, 307–310, 312–321, 404, 702–704, 706–710, and 801–804. Deleted Rules 59(g)(1), 102I, 102S, 102BB, 102FF, 102GG, 102LL, 102RR, 208, 214, 601, 602, and 700.

(xv) Placer County APCD—Mountain Counties Air Basin Portion.

(A) New or amended Rules 404, 602, and 603.

* * * * *

(52) * * *

(xi) Amador County APCD.

(A) New or amended Rules 102, 103, 107, 203, 206B, 207, 209–211, 213, 215, 216, 301–313, 315–324, 401, 402, 404, 407, 409, Regulation VI, 700–704, 710, and 711.

(xii) Nevada County APCD.

(A) New or amended Rules 207, 210, 211, 218, 306, 307, and 404.

(xiii) Placer County APCD—Mountain Counties Air Basin Portion.

(A) New or amended Rules 101, 102, 104, 201, 202, 207, 210, 211, 220–222, 301–310, and 312–323.

(xiv) Tuolumne County APCD.

(A) New or amended Rules 207, 210, 218, and 404.

* * * * *

(80) The following amendments to the plan were submitted on August 21, 1979 by the Governor's designee.

(i) Revised regulations for Placer County APCD—Lake Tahoe Air Basin Portion.

(A) New or amended Rules 101–104, 201–204, 206–211, 215, 217, 301–308, and 310–319.

(81) Revised regulations for the following APCD, submitted on February 11, 1980 by the Governor's designee.

(i) El Dorado County APCD—Lake Tahoe Air Basin Portion.

(A) New or amended Rules 507, 511–515, and 519–528.

2. Section 52.224, paragraph (a)(1)(ix) is added as follows:

§ 52.224 General requirements.

(a) * * *

(1) * * *

(ix) Amador County APCD.

* * * * *

3. In § 52.236, paragraphs (b)(9), (c)(2), and (g)(2) are added as follows:

§ 52.236 Rules and regulations.

* * * * *

(b) * * *

(9) Amador County APCD.

(i) Rules 203(G), submitted on October 15, 1979, and 205(G), submitted on June 30, 1972.

* * * * *

(c) * * *

(2) El Dorado County APCD.

(i) Rule 102(LL), submitted on November 4, 1977, previously approved at 43 FR 51632, and deleted by the May 23, 1979 submittal, is retained.

* * * * *

(g) * * *

(2) El Dorado County APCD.

(i) Rule 104, submitted on May 23, 1979.

* * * * *

4. In § 52.273, paragraphs (a)(1)(iii), (a)(4)(ii), (a)(13)(iii), (a)(15)(ii), and (b)(19) are added as follows:

§ 52.273 Open burning.

(a) * * *

(1) * * *

(iii) Rules 302(G) and 322, submitted on October 15, 1979.

* * * * *

(4) * * *

(ii) Rules 302 (C), 318, and 321, submitted on May 23, 1979.

* * * * *

(13) * * *

(iii) Rule 307, submitted on October 15, 1979.

* * * * *

(15) * * *

(ii) Rules 303, 306, and 322, submitted on October 15, 1979.

* * * * *

(b) * * *

(19) Placer County APCD.

(i) Rule 316, submitted on August 21, 1979.

(ii) Rules 318 and 323, submitted on October 15, 1979.

* * * * *

5. Section 52.275, paragraph (b)(10)(ii) is added as follows:.

§ 52.275 Particulate matter control.

* * * * *

(b) * * *

(10) * * *

(ii) Rules 202, 207, and 211, submitted on October 15, 1979; and Section 61, and Rules 202 and 207, previously approved in the June 30, 1972, January 10, 1975, and October 13, 1977 submittals, are retained.

* * * * *

6. In § 52.280, paragraph (a)(1)(i)(A) is revised to read as follows, and paragraphs (a)(1)(i)(B), (iii), and (iv) are added as follows:

§ 52.280 Fuel burning equipment.

(a) * * *

(1) * * *

(i) * * *

(A) Rules 209, submitted on April 21, 1976 and October 15, 1979, are disapproved; and Regulation V, Rule 19, previously approved in the June 30, 1972 submittal, is retained. (B) Rule 210(B)(1), submitted on October 15, 1979, is disapproved; and Rules 11 and 210, previously approved in the June 30, 1972 and April 21, 1976 submittals, are retained.

* * * * *

(iii) Tuolumne County APCD.

(A) Rule 210, submitted on October 15, 1979, is disapproved; and Rule 407, previously approved in the June 30, 1972 submittal, is retained.

(iv) Placer County APCD.

(A) Rule 210, submitted on October 15, 1979, is disapproved, and Rule 210, previously approved in the October 13, 1977 submittal, is retained.

* * * * *

[FR Doc. 81-14849 Filed 5-15-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 52

[A-9-FRL 1816-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on changes to the San Luis Obispo County, Santa Barbara County, and Monterey Bay Unified Air Pollution Control Districts (APCDs) and the South Coast Air

Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: June 17, 1981.

FOR FURTHER INFORMATION CONTACT: Louise P. Gierach, Director, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION: On November 7, 1980 (45 FR 73967) EPA published a notice of proposed rulemaking for revisions to the San Luis Obispo County, Santa Barbara County, and Monterey Bay Unified APCDs and the SCAQMD rules and regulations submitted on January 2, May 7, May 23, October 18, November 19, and December 17, 1979, and February 25, March 4, and June 2, 1980 by the California Air Resources Board for inclusion in the California SIP.

As discussed in the November 7 Notice, all the revisions were evaluated, found to be in conformance with the requirements of 40 CFR Part 51 and EPA policy with certain exceptions. The Notice of Proposed Rulemaking provided for a 60-day public comment period. Comments were received from the Santa Barbara County APCD.

Comment: Since Rule 206.B allows the APCD to require applicants to install and maintain facilities for sampling and testing, the district deleted Rule 8, *Provisions of Sampling and Testing*, from their rule modification of 1978.

Response: EPA agrees with this comment and the deletion of Rule 8 is approved.

Comment: The District disagrees with EPA's decision to take no action on Rule 303, *Nuisance*, and Rule 310, *Odorous Organic Sulfides*, since dust or smoke enforcement are common through the use of this rule.

Response: EPA has taken the position that nuisance regulations are not specifically directed at the attainment and maintenance of the NAAQS, and are therefore not approvable as part of state implementation plans. Further, nuisance regulations are too general in application and thus do not constitute approvable emission limitations under Section 110 of the Clean Air Act.

Comment: The District states that the typos contained in Rules 513, *Evidence*, and 519, *Lack of Permit*, are minor, and that the County Counsel opinion is that the changes can be made by errata sheet for typos. Also, the District states that this will be corrected in the month of December 1980 with certified copies to EPA/ARB.

Response: EPA agrees with these comments and both Rules 513 and 519 are approved.

Comment: Regarding EPA's proposed disapproval of Rule 602, *Episodes/Disasters*, the District states that EPA's comments are not true and that mandatory inspections are covered in Rule 603.

Response: EPA agrees that Rule 603 provides for inspections. However, since the District did not specifically comment on the other deficiencies of Rule 602 listed by EPA, the rule is disapproved in this notice.

This notice takes final action to approve the revisions contained in the January 2, May 7, May 23, October 18, November 19, and December 17, 1979, and February 25, March 4, and June 2, 1980 submittals, and incorporate them into the California SIP, except as discussed below.

Santa Barbara

Rule 303, *Nuisance*, and Rule 310, *Odorous Organic Sulfides*, are not appropriate for inclusion in the SIP because they are not specifically directed at the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). Therefore, EPA is taking no action on these rules.

Paragraphs B and C of Rule 312, *Open Fires*, permit the burning of residential dry vegetation and right-of-way clearance material under certain conditions. Since burning this material is not allowed under the current SIP rules, it could result in an emissions increase. Because no control strategy demonstration was submitted to show that this revision will not interfere with the attainment and maintenance of the NAAQS, these paragraphs are disapproved.

Paragraphs D.1 and D.2 of Rule 401, *Agricultural Burning*, permit range improvement burning and burning of empty pesticide sacks on "no-burn days". As no control strategy demonstration was submitted to show that this potential emission increase would not interfere with the attainment and maintenance of the NAAQS, these paragraphs are disapproved.

Rule 602, *Episodes/Disasters*, is disapproved because it does not include a contingency plan for the avoidance of significant harm from elevated levels of total suspended particulates as required by 40 CFR 51.16, Emergency Episode. The rule does not mandate prompt acquisition of forecasts and updating of stagnation; does not mandate source inspections; and allows for the implementation of preplanned emission reduction strategies only after a special session with the Air Pollution Board instructing the Air Pollution Control Officer to implement those plans.

Monterey Bay Unified

Rule 212, *Public Availability of Emission Data*, does not provide for the correlation of emission data with applicable emission limitations as mandated by 40 CFR 51.10(c). The rule is approved since it partially meets the requirements of 40 CFR 51.10(c). However, since the correlation requirement is not met, paragraph (b)(4) of 40 CFR 52.224—General Requirements is retained as applicable to the Monterey Bay Unified District.

Paragraph f(1) of Rule 300, *Permit Fees*, allows the District to recover its legal and other costs pertaining to the "issuance of permits and inspections thereof." This provision is disapproved pursuant to Section 110(a)(2)(K) of the Clean Air Act because it could allow recovery of legal expenses associated with permit enforcement actions. While Section 110(a)(2)(K) does not prohibit the recovery of reasonable legal expenses associated with permit administration through permit fees, it specifically excludes recovery of costs associated with enforcement actions.

Rule 402, *Nuisance*, is not appropriate for inclusion in the SIP because it is not specifically directed toward the attainment and maintenance of the NAAQS. Therefore, EPA is taking no action on this rule.

No action is being taken on Rule 416, *Organic Solvents*, since this rule references rules which have not been submitted to EPA for approval and may, therefore, be unenforceable.

Rule 214, *Breakdown Conditions*, and Rule 617, *Emergency Variance*, do not provide sufficient assurance that the NAAQS will not be violated during an equipment breakdown and a subsequent emergency period. Due to the lack of sufficient NAAQS assurance in the breakdown conditions and in the emergency variance procedures, both rules are disapproved.

South Coast Air Quality Management District (SCAQMD)

Rules 67, *Fuel Burning Equipment*, and 72, *Fuel Burning Equipment*, specify emission limits for new sources of fuel burning equipment in the SCAQMD. Since the emission requirements for new fuel burning sources are being replaced by equivalent or better control requirements contained in the SCAQMD nonattainment area plan, the recission

of Rules 67 and 72 is approved, as applied to new sources. However, in order to prevent existing sources from removing control equipment, the emission limits of Rules 67 and 72 are also partially retained, applicable only to (existing) sources granted permits prior to final recission of Rules 67 and 72 by EPA.

In addition, a correction is being made for a clerical error in the January 21, 1981 (46 FR 5979) Notice of Proposed Rulemaking.

The Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been met.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The miscellaneous SIP approvals announced today are not "Major" because they only approve state actions. They impose no new regulatory requirements. The disapprovals are also not Major because they preserve the status quo. Sources will remain subject to existing requirements that were previously adopted by the state and approved by EPA. In addition, each of these disapprovals involves only a minor change to the SIP which is not expected to have a major economic effect.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Secs. 110 and 301(a), Clean Air Act as amended (41 U.S.C. 7410 and 7601(a)))

Note.—Incorporation by reference of the State Implementation Plan for the state of California was approved by the Director of the Federal Register on July 1, 1980.

Dated: May 8, 1981.

Walter C. Barber,

Acting Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220 is amended by adding paragraphs (c)(47)(vii), (50)(viii), (51)(ii)(B), (51)(xiii), (58)(i)(B), (59)(i)(B), (77), (78), and (79); and paragraph (c)(54) is revised as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(47) * * *

(vii) San Luis Obispo County APCD.

(A) Rule 407.

* * * * *

(50) * * *

(viii) Monterey Bay Unified APCD.

(A) Rules 403 and 602.

* * * * *

(51) * * *

(ii) * * *

(B) Rule 617.

* * * * *

(xiii) Santa Barbara County APCD.

(A) New or amended rules 101, 102, 103, 104, 201(A, B, D, E, F, and G), 202, 203, 204, 205(A and B), 206, 207, 208, 209, 210, 211, 301, 302, 304, 305, 306, 307, 308, 309, 311, 312, 313, 314, 315, 317, 319, 322, 324, 328, 401, 402, 403, 501, 502, 503, 504, 505, 505–A, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 601, 602, 603, 604, 605, 606, 607, 608, 609, and 610.

* * * * *

(54) Revised regulations for the following APCD's submitted on February 25, 1980, by the Governor's designee.

(i) Ventura County APCD.

(A) Rules 150, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, and 162.

(ii) Monterey Bay Unified APCD.

(A) Rule 422 and deletion of Rule 506.

(iii) San Luis Obispo County APCD.

(A) Rules 301, 302, 303, and 304.

* * * * *

(58) * * *

(i) * * *

(B) New or amended rules 300, 405, and 601.

* * * * *

(59) * * *

(i) * * *

(B) New or amended rules 205, 211, 212, 213, and 214.

* * * * *

(77) The following amendments to the plan were submitted on October 18, 1979, by the Governor.

(i) San Luis Obispo County APCD.

(A) New or amended rules 415, 416, 420, and 422.

(78) Revised regulations for the following APCD submitted on November 19, 1979, by the Governor's designee.

(i) South Coast AQMD.

(A) Deletion of rules 67 and 72.

(79) Revised regulations for the following APCD's submitted on June 2, 1980, by the Governor's designee.

(i) Monterey Bay Unified APCD.

(A) Rule 427.

* * * * *

§ 52.224 [Amended]

2. Section 52.224 is amended by removing paragraph (a)(1)(ix)(A).

* * * * *

3. Section 52.233 is amended by revising paragraph (a)(3)(iii) to read as follows:

§ 52.233 Review of new sources and modifications.

(a) * * *

(3) * * *

(iii) In Rule 1307(a) submitted on April 3, 1980, the following portion of the rule is disapproved: "Greater than 68 kilograms (150 pounds) per day except carbon monoxide, for which the value is an increase greater than 340 kilograms (750 pounds) per day."

* * * * *

4. Section 52.236 is amended by adding paragraph (g) as follows:

§ 52.236 Rules and regulations.

* * * * *

(g) The following Air Pollution Control District (APCD) rules are disapproved pursuant to Section 110(a)(2)(K) of the Clean Air Act because they could allow recovery of legal expenses associated with permit enforcement actions.

(1) Monterey Bay Unified APCD.

(i) Rule 300 (i)(1), *Permit Fee,* submitted on December 17, 1979.

* * * * *

5. Section 52.271 is amended by adding paragraph (a)(9) as follows:

§ 52.271 Malfunction regulations.

(a) * * *

(9) Monterey Bay Unified APCD.

(i) Rule 214, submitted on March 4, 1980.

(ii) Rule 617, submitted on May 23, 1979.

* * * * *

6. Section 52.273 is amended by adding paragraphs (a)(6)(ii)(D) as follows:

§ 52.273 Open burning.

(a) * * *

(6) * * *

(ii) * * *

(D) Rules 312 (B) and (C), and 401 (D.1) and (D.2).

* * * * *

7. Section 52.280 is amended by adding paragraph (c) as follows:

§ 52.280 Fuel burning equipment.

* * * * *

(c) The emission limits of Rules 67 and 72 are partially retained, applicable only to (existing) sources granted permits prior to June 17, 1981.

(1) South Coast Air Quality Management District.

(i) Rules 67, *Fuel Burning Equipment,* and 72, *Fuel Burning Equipment,* submitted on November 19, 1979.

* * * * *

[FR Doc. 81-14697 Filed 5-15-81; 8:45 am]
BILLING CODE 6560-26-M

40 CFR Part 86

[EN-H-FRL 1827-1]

Assessment and Collection of Noncompliance Penalties; Denial of Petition for Reconsideration and Postponement of Effective Date

AGENCY: Environmental Protection Agency.

ACTION: Denial of Petition for Reconsideration and postponement of effective date.

SUMMARY: On September 28, 1980, the Utility Air Regulatory Group (UARG) petitioned the U.S. Environmental Protection Agency (EPA or the Agency) for reconsideration of EPA's noncompliance penalty regulations and postponement of their effective date. These regulations were promulgated to implement Section 120 of the Clean Air Act (the Act) on July 28, 1980, FR 50085.

On May 7, 1981, the Acting Administrator denied UARG's request, finding that: (1) the petition did not raise issues which could not have been raised during the comment period or which arose during the period for judicial review, within the meaning of Section 307(d)(7)(B) of the Act; and (2) the petition did not raise issues centrally relevant to the Administrator's determination regarding promulgation of the noncompliance penalty regulations.

EFFECTIVE DATE: May 18, 1981.

ADDRESSES: EPA will make copies of the Acting Administrator's decision available upon request. Copies may be obtained from Robert Homiak, Attorney, Division of Stationary Source Enforcement (En-341), U.S. Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460, (202) 755-2580.

Availability of Related Information: A docket (En-79-1) containing the information used by EPA in reaching this decision is available for public inspection and copying during normal business hours at EPA's Central Docket Section, Gallery 1, West Tower, 401 M St. S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Homiak, Attorney, Division of Stationary Source Enforcement, (202) 755-2580.

Conclusion

This is a final Agency action of nationwide scope and effect, and jurisdiction to review this action lies exclusively in the U.S. Court of Appeals for the District of Columbia Circuit. Section 307(b)(1), 42 U.S.C. 7606(b)(1). Under Section 307(b)(1) judicial review of this action is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit on or before July 17, 1981. Under Section 307(b)(2) today's action may *not* be challenged later in any proceeding to assess or collect noncompliance penalties.

Dated: May 8, 1981.

Richard D. Wilcox,

Acting Assistant Administrator for Enforcement.

[FR Doc. 81-14680 Filed 5-15-81; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Parts 264 and 265

[SWH-FRL-1815-3]

Financial Requirements Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Deferral of Effective Date

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deferral of Effective Date.

SUMMARY: On January 12, 1981, the Environmental Protection Agency issued an interim final rule which amended regulations applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities. Under the financial requirements, owners and operators must (1) provide financial assurance that applicable closure and post-closure requirements will be met and (2) maintain liability coverage of certain types and amounts during the operating life of the facilities (§§ 264.143, 264.145-151, 265.143, and 265.145-151). This notice defers the effective date for these requirements from July 13, 1981, to October 13, 1981, since the Agency is seriously considering making revisions to the requirements in the next several months.

EFFECTIVE DATE: The new effective date for the regulations covered by this notice is October 13, 1981.

FOR FURTHER INFORMATION CONTACT: George A. Garland, Chief, Economic and Policy Analysis Branch, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), 401 M Street, SW., Washington, D.C. 20460, (202) 755-9190.

SUPPLEMENTARY INFORMATION:

Deferral of Effective Date

Financial requirements applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities were promulgated on January 12, 1981, as part of the interim final rule amending 40 CFR Parts 264 (standards to be applied in issuing permits) and 265 (standards for interim status facilities) (46 FR 2802-2887). These standards are part of the hazardous waste regulatory program required by the Resource Conservation and Recovery Act (RCRA).

Based on its analyses and comments from the public, the Agency is seriously considering making revisions to the financial requirements, including additions to the alternative mechanisms that owners and operators may use to satisfy the requirements for financial assurance of closure and post-closure care and for liability coverage. The Agency expects to promulgate the revised regulations by August 1981. The effective date is therefore postponed until October 13, 1981, so that owners and operators will have time to review the revisions and make any indicated changes in their plans for implementing the requirements.

The regulations on estimating the costs of closure and post-closure care—§§ 264.142, 264.144, 265.142, and 265.144—are not affected by this deferral. Owners or operators with interim status must have closure and, if applicable, post-closure cost estimates on May 19, 1981, in accordance with an amendment published October 30, 1980 (45 FR 72040).

Compliance With Executive Order 12291

Executive Order 12291 (46 FR 13193, February 19, 1981) requires that EPA prepare a Regulatory Impact Analysis for each major rule. The Order defines a "major rule" as any regulation that is likely to result in:

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or
- Significant adverse effects on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action is a postponement of the effective date of a regulation and as such has none of the effects noted above. Accordingly, EPA concludes that this action is not a major rule under E.O. 12291.

This notice was submitted to the Office of Management and Budget for review as required by E.O. 12291.

Dated: May 13, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-14880 Filed 5-13-81; 8:45 am]

BILLING CODE 6560-30-M

40 CFR Part 762

[OPTS-66007; TSH-FRL 1815-1]

Fully Halogenated Chlorofluoroalkanes; Temporary Exemption for Automatic Timed-Release Insecticide Dispensing System Used in Long-Term Storage of Tobacco

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is amending its chlorofluoracarbon aerosol propellant rule to add a temporary essential use exemption for an automatic timed-release insecticide dispensing system for long-term tobacco storage. This action allows persons engaged in long-term storage of tobacco to avoid a possible significant economic loss due to insect infestation of stored tobacco. This action also provides additional time for EPA to conduct a more thorough investigation into the essentiality of chlorofluorocarbons for this particular use.

DATES: The exemption is effective from May 18, 1981 to December 31, 1981.

ADDRESS: The official record for this rulemaking is available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays, from: Document Control Officer, Management Support Division (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency; Rm. E-107, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Toxic Substances (TS-799), Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (202-554-1404), Outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

In 1978, the Environmental Protection Agency (EPA) promulgated a rule under 40 CFR Part 762, which prohibited almost all manufacturing, processing, and distribution in commerce of fully halogenated chlorofluoroalkanes (hereinafter referred to as chlorofluorocarbons or CFCs) for aerosol propellant uses. This rule was published in the Federal Register of March 17, 1978 (43 FR 11318). In that rule, and in subsequent rulemaking, the Agency has granted exemptions for aerosol propellant uses which were determined to be essential.

On January 6, 1981, EPA received a letter (dated December 29, 1980) from Virginia Chemicals, Inc. (the Company) requesting that the use of CFCs in its timed-release insecticide dispensing system for long-term storage of tobacco be exempt from the 1978 chlorofluorocarbon rule. Their system uses a CFC-propelled spray to dispense insecticide from containers located throughout the warehouse in order to provide protection against insect infestation of the tobacco.

II. The Rationale for the Exemption Request

The primary customer of the product in question is the Flue-Cured Tobacco Cooperative Stabilization Corporation (the Cooperative). The Cooperative is owned and operated by the producers of flue-cured tobacco—approximately 700,000 growers. The Cooperative borrows money from the Commodity Credit Corporation (a wholly-owned subsidiary of the United States Department of Agriculture) to administer the mandatory Federal Price Support Program for flue-cured tobacco as provided for in the Agricultural Adjustment Act passed by Congress in 1938. The Cooperative operates 86 warehouses in Virginia, North Carolina, and South Carolina which require timed-release pesticide applications.

The Cooperative had used the CFC-propelled system for 16 years prior to the promulgation of EPA's rule prohibiting the use of CFCs as an aerosol propellant. During the 1979 season, the Cooperative relied on its inventory of CFC products manufactured prior to the effective date of the ban. For the 1980 season, the Company developed and the Cooperative used a combination of methylene chloride/carbon dioxide (MC/CO_2) as a substitute for CFCs in the timed-release system. Based on this one-year trial, the Cooperative found that the new system was malfunctioning. The Company indicated that because its additional efforts to develop another non-CFC alternative have proved unsuccessful, it petitioned EPA for relief from the CFC rule.

The process EPA uses in evaluating requests for essential use exemptions is described in "Essential Use Determinations—Revised," a support document to the March 17, 1978 rule. In making these determinations, EPA considers: the availability of alternative products, including their performance capabilities; the possibility of severe economic consequences if a CFC product cannot be used; the health and environmental impact of the alternative products; and, the health and environmental consequences of the additional CFCs which would be released if the exemption is approved. Decisions to grant or deny exemptions are based on all these criteria. In particular, the non-availability of an alternative does not by itself qualify a product for an essential use exemption.

Representatives of the Company met with EPA staff on several occasions to provide information concerning the factors enumerated above. Information received on these issues (including dates and summaries of meetings) is contained in the Public Record.

The Company and the Cooperative jointly presented evidence that the non-CFC propellant system used during 1980 was not an effective substitute for the CFC automatic dispensing system. First, there was a high degree of mechanical failure (27.5% of all cylinders in operation); i.e., the devices fail to properly fire and deliver the insecticide throughout the warehouse area. In contrast, the CFC-propelled system demonstrated essentially a zero rate of mechanical failure over many years of operation. This failure was caused because the dichlorovos (the active pesticidal ingredient) tends to decompose when mixed with methylene chloride and this decomposition resulted in the clogging of the nozzle on many dispensers. Second, polymerization resulted when the dichlorovos separated from the solvent. When the pesticide mixture is not in solution the material immediately polymerizes when expose to air, producing a black carbon-like solid which affixes itself to all surfaces contacted. Third, sediment pickup in the specially Teflon®-coated valve reduces mechanical separation efficiency and causes the spray to decrease to a simple leakage stream providing no dispersal. During the 1980 season these failures were alleged to result in substantially increased bug counts. The Cooperative indicated that these failures would eventually be expected to result in substantially increased insect damage to the stored tobacco, although it was impossible at this time to quantify the exact extent of such damage.

The Cooperative stated that without the CFC system it would be necessary to increase the fumigation frequency in an effort to limit insect damage. This action would add hundreds of thousands of

dollars to the annual operating costs of its system of warehouses. This increase in fumigation frequency would also result in an increased risk of exposure to phosphine for persons working in the vicinity of the warehouse.

In addition, the petitioner presented evidence that the use of the MC/CO_2 system resulted in the potential for increased risks to human health as a result of exposure to harmful chemicals. First, the failure of the MC/CO_2 systems often led to "puddling" (forming small pools) of the solvent/insecticide mixture on the floor of the warehouse. As a result, workers can be exposed to direct contact with the dichlorovos. Also, "puddling" leads to wetness and slickness on the floor, creating a safety hazard to persons working with heavy equipment in the warehouse.

The petitioner also presented evidence on other alternative methods all of which they believe to be ineffective for long-term storage, and cost-prohibitive or a threat to human health. These alternatives include refrigeration of the warehouses, repeated fumigation with phosphine gas, "Alleghany Systems," cold fogging, and thermal fogging (the latter three are variations of fog spray applications which are released from containers in the warehouse as a "drifting fog" or propelled from portable compressors by means of vaporization or heating of compressed air).

EPA independently contacted a variety of sources concerning the availability of alternative systems. These contacts indicated that other companies in the tobacco storage business are relatively satisfied with alternative, non-CFC systems. However, the length of time tobacco is to be stored may be an important factor. The Cooperative indicated that its storage needs are significantly different from that of other tobacco firms which generally store tobacco from six months to one year. Long-term storage (3–7 years) compounds the potential for insect infestation. For short-term storage, even if the tobacco becomes infested, the damage to the tobacco is slight because the tobacco is taken out of storage and processed before the infestation becomes critical.

The Company indicated that if the exemption is granted annual production of the timed-release product for use of the Cooperative would involve approximately 9,000 kilograms (20,000 pounds) of CFCs.

III. Agency Decision

A. Granting a Temporary Exemption

On the basis of the available evidence as previously discussed, EPA has decided to grant a temporary essential use exemption to permit the manufacturing, processing, and distribution of CFCs for automatic systems which have a timed-release of pesticide for use in long-term tobacco storage (greater than three years). This temporary exemption is effective from May 18, 1981 to December 31, 1981, the 1981 season for potential insect infestation. Virginia Chemicals, Inc. originally requested an exemption for its entire production for timed-release insecticide for tobacco storage, with sales to the Cooperative (the only entity involved in long-term storage) accounting for about 75 percent of the total. As stated above, EPA's research indicates that persons engaging in short-term storage are generally satisfied with alternative systems. Also, while some of the rationales provided by the petitioner are applicable to all tobacco storage, it is apparent that the evidence supporting the essential use exemption fully applies only to long-term storage.

EPA is granting this exemption for a single insect season for several reasons. First, although factual data is limited, the petitioner has provided sufficient information for EPA to conclude that the potential economic loss and the risk to employees from using alternative systems may be greater than the risk to human health and the environment from the release of approximately 9,000 kilograms of CFCs into the atmosphere. Second, EPA cannot grant or deny a permanent exemption for this use until it completes a more thorough investigation of the particular use. The information available at this time concerning the effect of substitutes on human health and the environment and on the potential damage to the tobacco and on the subsequent possible financial loss is incomplete, and EPA believes it must collect and evaluate additional information. Third, EPA believes that before granting a permanent exemption it should provide an opportunity for public comment, something it is unable to do with respect to use of the CFC system for the 1981 season because of the need for immediate action. Fourth, the Company has indicated that it is actively continuing to explore alternative propellants, and the one-season exemption will provide the Company with a fuller opportunity to study the problem.

If EPA's further analysis of the exemption request indicates that a permanent exemption is warranted, the Agency will publish a proposed rule, probably by the fall of 1981.

B. Reason For Not Providing Public Comment Period

Under the Administrative Procedures Act, an agency generally must publish a rule in proposed form, and solicit public comment, prior to promulgating the rule in final form. However, the APA also provides that an agency may dispense with such procedures when the agency finds that notice and public comment are "impracticable, unnecessary, or contrary to the public interest" and includes in the rule a brief statement explaining the basis for this finding (5 USC Sec. 553(b)(B)). Under this authority, EPA is publishing this rule without opportunity for public comment for the reasons stated below.

The petitioner has indicated that in order to be prepared for the 1981 season (running approximately six months from mid-spring to mid-autumn) the Company must begin processing the CFC-propelled insecticide by no later than early April 1981. This is necessary to allow the Company to complete its processing of the product, and for the product to be installed in the various tobacco storage facilities maintained by the Cooperative. Failure to commence processing during this period would prevent the use of the CFC-propelled system for the upcoming growing season.

Opportunity for public comment at this time is not possible given these time constraints. Further, under the circumstances, EPA was unable to make its decision to grant the exemption at an earlier time so as to provide an opportunity for public comment prior to the date that the exemption is required. Following receipt of the request in January, EPA undertook an investigation of the request, considering the nature of the use and the availability of substitutes. This included efforts to obtain independent information bearing on the merits of the exemption request. This investigation raised a number of questions which EPA was required to resolve on the basis of letters and discussions with the Company and the Cooperative.

In view of these facts, and considering the likely health and economic impact if this exemption is not effective for the 1981 season, EPA finds that it is in the public interest to promulgate this rule without an opportunity for comment.

Although the circumstances of this case may have made it difficult for the Company to contact EPA earlier, as a general matter filing a petition further in advance of the time when action was

required would make it possible for EPA to provide an opportunity for public comment. Therefore, persons who seek an exemption from the CFC rule should contact the Agency no later than six months before the date such exemption is required to be in effect.

If in the future EPA rules upon exemption requests that would require expedited action, it will consider the timing of the request, and the petitioner's rationale for not contacting the Agency sooner.

C. Rulemaking Record

EPA has established a Public Record for this rulemaking (OPTS 66007) that is available for inspection in Rm. E-107. This record includes all information considered by the Agency.

1. Application for Exemption, Virginia Chemicals, Inc.—dated December 29, 1980.

2. "Essential Use Determinations, Revised"—EPA, March 17, 1973.

3. All information received from Virginia Chemicals, Inc. and the Flue-Cured Tobacco Cooperative Stabilization Corporation.

4. Memoranda of all Meetings.

5. Records of all other contacts with persons outside of the Agency.

V. Regulatory Impacts

A. Compliance With Executive Order 12291

Section 8(a)(1) of Executive Order 12291 exempts regulations that respond to emergency situations. In this instance, compliance with the Executive Order is impractical because delay in promulgating the rule would significantly reduce the value of the relief the petitioner seeks, as set forth above. Moreover, this regulation is not a "major" rule as set forth in the Executive Order. It has a relatively small impact on the economy and its primary impact is to decrease the costs imposed on the Cooperative as a result of the pre-existing CFC regulations. Accordingly, no Regulatory Impact Analysis is required for it.

B. Certification of no Significant Small Entity Impact

As mandated by the Regulatory Flexibility Act, EPA is certifying that this regulation will not have a significant impact on a substantial number of small entities. The effect of the rule is to reduce the burden on the Cooperative, and increase the safety of the tobacco crop it holds; overall, this should result in only a minor effect on the 700,000 members of the Cooperative, the majority of whom are small businessmen.

Dated: May 11, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

(Sec. 6 Toxic Substances Control Act (TSCA), Pub. L. 94-469; 90 Stat. 2020 (15 U.S.C. 2605))

EPA is amending 40 CFR Part 762 by adding a new paragraph (i) to § 762.56 to read as follows:

§ 762.56 Essential use exemptions.

* * * * *

(i) Automatic timed-release insecticide dispensing system for facilities in which tobacco is stored for three or more years, for use from May 18, 1981 to December 31, 1981.

[FR Doc. 81-14661 Filed 5-15-81; 8:45 am]
BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 5A-1, 5A-3, and 5A-16

[APD 2800.3 CHGE 25]

Forms for Purchase Orders and Requests for Quotations

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration Procurement Regulations, Chapter 5A, are amended to prescribe two purchase order forms and a request for quotation form. These forms are required for use in the Federal Supply Service's new automated supply system. The intended effect is to improve the supply system through automation.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

PART 5A-1—GENERAL

Subpart 5A-1.73—Preparation and Distribution of Contract Documents

1. Section 5A-1.7301 is amended by revising paragraphs (b) and (c), and adding paragraph (d) as follows:

§ 5A-1.7301 Purchase order forms.

* * * * *

(b) GSA Form 3184, GSA Stock Item Direct Delivery Order, illustrated in § 5A-16.950-3184, is a 7-part form for use when ordering stock items that are to be delivered by the vendor direct to the consignee.

(c) GSA Form 3186, Order for Supplies or Services, illustrated in § 5A-16.950-3186, is a 7-part form used primarily for stock replenishment and nonstock direct delivery purchase orders.

(d) GSA Form 3433, Marking and Shipping Instructions, illustrated in § 5A-16.950-3433, is provided for use as an attachment to GSA Forms 3184 and 3186 when marking and shipping instructions are not otherwise specified.

2. Section 5A-1.7301-1 is revised to read as follows:

§ 5A-1.7301-1 General.

The document numbering system prescribed below shall apply to all orders issued by FSS except for those issued by the Special Programs Division (FCGA) of the General Products Center, Office of Contracts. FCGA may use the incoming agency requisition number in lieu of the numbering system prescribed below.

3. Section 5A-1.7301-2 is amended by revising the introductory sentence and paragraph (a) to read as follows:

§ 5A-1.7301-2 Consolidated purchases.

When feasible, orders for related national stock numbers (NSN's) purchased at the same time and from the same contract source shall be combined as follows:

(a) On a single suffix document number, e.g., 6PN-E-54390-1, only when the following elements of the requisitions are the same: Requisitioner; Julian date; consignee (final consignee when shipped through an export packing facility); fund code; project code; priority group; and billed office. Each line item should be priced separately.

* * * * *

PART 5A-3—PROCUREMENT BY NEGOTIATION

Subpart 5A-3.6—Small Purchases

4. Section 5A-3.603-1 is amended by revising paragraphs (a) and (b) as follows:

§ 5A-3.603-1 Solicitation.

(a) *Forms.*

(1) When written solicitations are required (see § 1-3.603-1), one of the following forms shall be used.

(i) *Standard Form 18, Request for Quotations.* (See § 1-16.201). Except as provided in (ii), below, this form shall be used for requesting written quotations. The form may not be used when it is considered advantageous to obtain a firm offer which, upon acceptance by the Government, results in a bilateral contract.

(ii) *GSA Form 3186, Request for Quotation.* (See § 5A-16.950-3186). GSA Form 3186 is authorized for use with the

FSS–19 system in lieu of Standard Form 18.

(iii) *GSA Form 2097, Offer and Acceptance—Small Purchase.* GSA Form 2097, Offer and Acceptance—Small Purchase (illustrated in § 5A–16.950–2097), may be used when firm offers are to be solicited.

(A) Buyers shall complete the Request for Offer part of GSA Form 2097. If additional space is needed, Standard Form 36, Continuation Sheet, shall be used.

(B) Upon receipt of offers, the purchase from the successful offeror will be completed by executing the Acceptance portion of GSA Form 2097 and returning to the offeror one manually signed copy of the completed form.

(2) *GSA Form 300, Purchase Order.* When this form is used for small purchases (see § 5A–1.7301(a)), the following provision shall be included:

Supplemental Terms and Conditions

This purchase is also subject to the clause entitled Disputes in § 1–7.102–12 of the Federal Procurement Regulations (see FPR Temporary Regulation 55, May 23, 1980). In addition, if the purchase exceeds $5,000, the following clauses are also applicable: (a) Changes (41 CFR 1–7.102–2), (b) Default (41 CFR 1–8.707), and (c) Termination for Convenience of the Government (41 CFR 1–8.705–1). These clauses are incorporated by reference as fully as if set forth at length herein.

(End of Provision.)

(b) *Competition.*

(1) The criteria set forth below are designed to provide interested small business concerns an opportunity to participate in small purchases (see §§ 1–3.602(f) and 1–3.603–3). Individual price quotations need not be requested each time a purchase is contemplated if standing price quotations have been established and can be used to assure reasonableness of price.

(2) When the estimated dollar amount does not exceed $500, competitive quotations are desirable but not required. These purchases may be accomplished on the basis of a currently verified quotation from a single supplier, if the price is reasonable and no significant advantage would result from soliciting additional suppliers. However, such purchases shall be distributed equitably among qualified suppliers.

(3) When the estimated dollar amount of the purchase exceeds $500, quotations should be requested from at least five qualified sources, if that number of sources is available. If more than five qualified sources are normally in active competition and expect to be included in price solicitations, the firms solicited shall be rotated or the number solicited should be increased to include the additional sources to the extent commensurate with the value of the purchase, the potential for additional price savings, and the additional administrative costs involved.

* * * * *

PARTS 5A–16—PROCUREMENT FORMS

5. The table of contents for Part 5A–16 is amended by removing §§ 5A–16.950–2875 and 5A–16.950–3014, and adding §§ 5A–16.950–3184, 5A–16.950–3186, 5A–16.950–3188, and 5A–16.950–3433, as follows:

Sec.
5A–16.950–2875 [Removed]
5A–16.950–3014 [Removed]
5A–16.950–3184 GSA Form 3184, GSA Stock Item Direct Delivery Order.
5A–16.950–3186 GSA Form 3186, Order for Supplies or Services.
5A–16.950–3188 GSA Form 3188, Request for Quotation.
5A–16.950–3433 GSA Form 3433, Marketing and Shipping Instructions.

Subpart 5A–16.9—Illustrations of Forms

§ 5A–16.950–2875 and 5A–16.950–3014 [Removed]

6. Sections 5A–16.950–2875 and 5A–16.950–3014 are removed.

7. Section 5A–16.950–3184 is added to read as follows:

§ 5A–16.950–3184 GSA Form 3184, GSA Stock Item Direct Delivery Order.

Note.—The form illustrated in this § 5A–16.950–3184 is filed with the original document and does not appear in this volume.

8. Section 5A–16.950–3186 is added to read as follows:

§ 5A–16.950–3186 GSA Form 3186, Order for Supplies or Services.

Note.—The form illustrated in this § 5A–16.950–3186 is filed with the original document and does not appear in this volume.

9. Section 5A–16.950–3188 is added to read as follows:

§ 5A–16.950–3188 GSA Form 3188, Request for Quotation.

Note.—The form illustrated in this § 5A–16.950–3188 is filed with the original document and does not appear in this volume.

10. Section 5A–16.950–3433 is added to read as follows:

§ 5A–16.950–3433 GSA Form 3433, Marking and Shipping Instructions.

Note.—The form illustrated in this § 5A–16.950–3433 is filed with the original document and does not appear in this volume.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: April 29, 1981.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 81–14848 Filed 5–15–81; 8:45 am]
BILLING CODE 6820–61–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6069]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program, (202) 755–5581 or EDS Toll Free Line 800–638–6620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that

as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100, "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Connecticut:					
Tolland	Bolton, town of	0901098	Sept. 4, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	June 7, 1974 and Aug. 20, 1976.	June 1, 1981.
Hartford	Burlington, town of	0901468	Apr. 14, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	July 19, 1974 and Nov. 12, 1976.	Do.
Georgia: Gwinett	Duluth, city of	1300888	Dec. 17, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	May 24, 1974 and May 21, 1976.	Do.
Hawaii: Maui	Unincorporated areas	1500038	Sept. 19, 1970, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Dec. 6, 1977	Do.
Illinois:					
Cook	Burnham, city of	1700708	Mar. 4, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Mar. 24, 1974 and Jan. 30, 1976.	Do.
Dupage	Chicago, city of	1700748	Aug. 23, 1974, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Aug. 23, 1974 and Dec. 31, 1976.	Do.
Cook	Invemess, village of	1701118	Nov. 27, 1974, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Mar. 22, 1974 and Aug. 6, 1976.	Do.
Do	Lansing, village of	1701188	Jan. 13, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Feb. 1, 1974, Apr. 23, 1976, July 23, 1976 and Dec. 30, 1977.	Do.
Louisiana: Acadia and St. Landry Parishes.	Eunice, city of	2201888	June 5, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	May 31, 1974 and Nov. 7, 1975.	Do.
Massachusetts: Hampden.	Monson, town of	250145A	May 1, 1981, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Sept. 14, 1974	Do.
Minnesota: Brown	Unincorporated areas	2700348	Jan. 28, 1972, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Aug. 15, 1977	Do.
New Jersey:					
Burlington	Medford Lakes, borough of	3401038	Jan. 3, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	May 31, 1974 and Apr. 23, 1976.	Do.
Morris	Morris, township of	3403608	May 21, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	May 31, 1974 and Aug. 20, 1976.	Do.
Do	Morris Plains, borough of	3403618	July 23, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	June 28, 1974 and July 2, 1976.	Do.
New York:					
Livingston	Caledonia, village of	360381A	July 7, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Feb. 7, 1975	Do.
Do	Caledonia, town of	361411A	July 7, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Jan. 10, 1975	Do.
North Caroline: Mecklenburg.	Unincorporated Areas	370158A	May 17, 1973, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Oct. 22, 1976	Do.
Oklahoma: Craig	Vinita, city of	4000508	June 19, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	May 24, 1974 and May 28, 1976.	Do.
Pennsylvania:					
Perry	Centre, township of	422488A	Aug. 12, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Jan. 31, 1975	Do.
Lycoming	Fairfield, township of	4206728	Sept 25, 1973, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Mar. 1, 1974 and Oct. 8, 1976	Do.
South Caroline: Florence.	Lake City, city of	450078C	Aug. 6, 1974, emergency, June 1, 1981, regular, June 1, 1981, suspended.	May 31, 1974, Apr. 30, 1976 and June 27, 1980.	Do.
Tennessee:					
Fayette	Moscow, city of	4700468	May 2, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	May 10, 1974 and Mar. 19, 1976.	Do.
Do	Rossville, city of	4700038	Feb. 12, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	July 19, 1974 and June 11, 1976.	Do.
Texas:					
Maverick	Eagle Pass, city of	4804718	Sept. 23, 1974, emergency, June 1, 1981, regular, June 1, 1981, suspended.	May 24, 1974 and June 2, 1976.	Do.
Bell	Nolanville, city of	4800328	Sept. 8, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	May 24, 1974 and Mar. 26, 1976.	Do.
Cameron	Rio Hondo, town of	4801128	Apr. 3, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	May 10, 1974 and Apr. 9, 1976.	Do.
Bell	Troy, city of	480709A	July 20, 1977, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Nov. 29, 1976	Do.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Vermont:					
Chittenden	Jericho, town of	500087B	July 16, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	June 14, 1974 and Nov. 19, 1976.	Do.
Wisconsin:					
Dodge	Mayville, city of	550108B	July 21, 1975, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Nov 30, 1973 and Aug. 15, 1975.	Do.
Buffalo	Mondovi, city of	550031B	May 28, 1974, emergency, June 1, 1981, regular, June 1, 1981, suspended.	Jan. 9, 1974 and Apr. 23, 1976.	Do.

[1] Certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: May 7, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-14573 Filed 5-15-81; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 46, No. 95
Monday, May 18, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

Almonds Grown in California; Proposed Change in Administrative Rules and Regulations for Creditable Advertising; Extension of Time for Filing Comments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the period for filing written comments on a proposed rule to change the amount of credit available to handlers for foreign advertising. The extension allows interested persons additional time to review the proposal and prepare comments.

DATE: The time period for filing written comments is extended to August 7, 1981.

ADDRESS: Written comments should be submitted in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: Notice was published in the April 22, 1981, Federal Register (46 FR 22901) to change the foreign creditable advertising provisions of § 981.441(e)(2) of Subpart—Administrative Rules and Regulations (7 CFR 981.401–981.474; 45 FR 68630). This subpart is issued under the marketing agreement and Order No. 981, both as amended (7 CFR 981), regulating the handling of almonds grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice gave interested persons an opportunity to file written comments until May 8, 1981. However, a producer and two handlers of California almonds requested additional time to review the proposal. Therefore, the time for filing written comments is extended to August 7, 1981.

Dated: May 12, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-14775 Filed 5-15-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-SO-22]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area, St. George, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will designate the St. George, South Carolina, Transition Area. A standard instrument approach procedure has been developed for the St. George Municipal Airport. Controlled airspace is required to protect aircraft Instrument Flight Rule (IFR) operations and must be designated before IFR flight procedures can become effective.

DATES: Comments must be received on or before: July 27, 1981.

ADDRESSES: Send comments on the proposal to:

Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320;

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before July 27, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763–7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation regulations (14 CFR Part 71) to designate the St. George, South Carolina, 700-foot Transition Area. This action will provide controlled airspace protection for aircraft executing the NDB A standard instrument approach procedure at St. George Municipal Airport. The Indian Field NDB (nonfederal, nondirectional radio beacon), which will support the approach procedure, is proposed for establishment in conjunction with the

designation of the transition area. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (46 FR 540), of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

St. George, South Carolina

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of St. George Municipal Airport (Lat. 33°11'35" N., Long. 80°30'30" W.); within 3 miles each side of the 166° bearing from the Indian Field RBN (Lat. 33°11'24" N., Long. 80°30'26" W.), extending from the 5.5-mile radius area to 8.5 miles south of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed amendment involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on May 7, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-14601 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-17]

Proposed Alteration of Transition Area; Baton Rouge, Louisiana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes alteration of the transition area at Baton Rouge, Louisiana. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing new instrument approach procedures to the False River Airport, New Roads, Louisiana. Also, a review of the controlled airspace for aircraft executing instrument approach procedures to the Ryan Airport revealed it is not adequate. This action is necessary to provide controlled airspace for the two airports and installation of a proposed nondirectional radio beacon (NDB) approximately 5.5 miles south of the False River Airport.

DATES: Comments must be received on or before June 17, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procerdures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G 71.181 as republished in the Federal Register on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Baton Rouge, Louisiana, will necessitate an amendment to this subpart. This amendment will be required at Baton Rouge, Louisiana, since there is a proposed change in IFR procedures to the False River Airport, New Roads, Louisiana.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-17." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Baton Rouge, Louisiana

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Ryan Airport (latitude 30°31'57" N., longitude 91°09'59" W.), and within 4.5 miles each side of the northwest localizer course extending from the 9-mile radius area to 14 miles northwest of the airport; and within 4 miles north and 7 miles south of the northeast localizer course extending from the 9-mile radius area to 10.5 miles northeast of the airport within a 6.5-mile radius of the False River Airport (latitude 30°42'55" N., longitude 91°28'43" W.) and within 2 miles each side of 325° radial of the Baton Rouge VORTAC extending from the 6.5-mile radius area to 10 miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C 1655(c)); and 14 CFR 11.61(c))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small intities under the criteria of the Regulatory Flexibility Act.

Issued in Forth Worth, Texas, on May 7, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-14736 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-ASW-50]

Alteration of Control Zone, San Antonio, Tex. (Kelly AFB)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to withdraw a notice of proposed rulemaking which was to alter the control zone at San Antonio, Texas (Kelly AFB). The intent of the notice was to alter the control zone to provide controlled airspace for the protection of aircraft arriving/departing Kelly AFB using a new VORTAC facility to be established on the airport. However, the United States Air Force (USAF) has advised the FAA that the facility will not be installed at the planned location and that a new site will be designated in the future.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Federal Register Document 81-3661 was published on February 2, 1981, (46 FR 10164) proposing to alter the control zone at San Antonio, Texas (Kelly AFB). The USAF has since advised FAA that the proposed VORTAC on the airport could not be installed at the planned location and has requested that the proposed alteration of the control zone be withdrawn. Therefore, the FAA withdraws the notice of proposed rulemaking and will submit at a later date a notice of proposed rulemaking which will properly designate the required controlled airspace for aircraft arriving/departing Kelly AFB when the definite location of the VORTAC is sited. This is a minor matter upon which the public would have no particular desire to comment. Therefore, notice and public procedure are not necessary.

Adoption of the Withdrawal

Accordingly, pursuant to the authority delegated to me by the Administrator, the notice of proposed rulemaking, Docket No. 80-ASW-50, published in the **Federal Register** Document 81-3661, is withdrawn, effective upon publication. (May 18, 1981).

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

Note.— The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current.

It, therefore (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Issued in Fort Worth, Texas, on May 7, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-14735 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 81-AWE-11]

Proposed Temporary Restricted Areas, Twenty Nine Palms, Calif.

Correction

In FR Doc. 81-12775 appearing at page 24196, in the issue of Thursday, April 30, 1981 make the following change:

On page 24197 in the second column the entries under paragraph 1. now reading:

"R-2514 A Twenty Nine Palms, Calif.
R-2514 B Twenty Nine Palms, Calif.
R-2514 C Twenty Nine Palms, Calif.
R-2514 D Twenty Nine Palms, Calif."

should read:

"R-2514 A Twenty Nine Palms, Calif.
R-2514 B Twenty Nine Palms, Calif.
R-2514 D Twenty Nine Palms, Calif.
R-2514 E Twenty Nine Palms, Calif."

BILLING CODE 4910-01-M

Coast Guard

33 CFR Part 95

[CGD 80-115]

Lights for Barges at Bank or Dock

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to exempt two riverside facilities of Ingram Materials, Inc. of Nashville, Tennessee from the barge lighting requirements in Part 95. The facilities are located on the Cumberland River, and will be adequately lighted by the installation of bank lights that will enhance the safety of navigation on the river, improve working conditions at night, and ease maintenance costs.

DATES: Comments must be received on or before July 2, 1981.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/24) [CGD 80-115], U.S. Coast Guard, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Ensign Edward G. LeBlanc, Office of Marine Environment and Systems (G-WWM-2), Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426-4958.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Commenters should include their name and address, reference the docket number (80-115), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the **Federal Register** if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in drafting this proposal are: Ensign Edward G. LeBlanc, Office of Marine Environment and Systems, and Lieutenant Walter J. Brudzinski, Project Counsel, Office of the Chief Counsel.

Discussion of the Proposed Regulations

Ingram Materials, Inc., of Nashville, Tennessee, has petitioned the Coast Guard for an exemption from the barge lighting requirements in the Pilot Rules for Western Rivers (33 CFR 95.36). Ingram Materials proposes to install bank lights that the Coast Guard has found meets or exceeds the lighting standards of barge lights or the standards of other exempted facilities. Before this exemption becomes effective, the Captain of the Port, Nashville, Tennessee will verify that the bank lights have been installed in accordance with specifications submitted to the Coast Guard by Ingram Materials, Inc. additionally, data obtained from the Corps of Engineers indicates that the expected traffic at the two Ingram Materials locations is less than the traffic at the already exempted facilities in the Chicago area. The Coast Guard finds that these bank lights will have no adverse environmental or Economic impact.

Evaluation

The proposed regulation has been evaluated under Executive Order 12291 and DOT Order 2100.5, "Policies and Procedures for Simplification Analysis, and Review of Regulations," and has been determined to be neither major nor significant. It does not place any new requirements or burdens on the public, but would merely replace the source of lighting at two docking facilities along the Cumberland River. This exemption has been requested by Ingram Materials, Inc. and will have no adverse economic effect on any other entity. It will relieve affected barge owners and operators of the burden of insuring that their barges are properly lighted when moored at these facilities. For these reasons, pursuant to § 605(b) of the Regulatory Flexibility Act [94 Stat. 1164, Publ. L. 96-354, September 19, 1980] it is certified that this proposed amendment will not have a significant economic impact on a substantial number of small entities.

In consideration of the above, it is proposed that Part 95 of Title 33 of the Code of Federal Regulations is amended by adding § 95.36(f) as follows:

* * * * *

§ 95.36 Lights for barges at bank or dock.

* * * * *

(f) Barges moored in well-illuminated areas of the Cumberland River, at Ingram Materials' facilities at mile 126.8 and mile 191, are not required to display the lights prescribed in paragraph (c) of this section.

* * * * *

(33 U.S.C. 353; 49 CFR 1.46)

Dated: April 21, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc. 81-14901 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-1819-5]

Approval and Promulgation of State Implementation Plans; Utah TSP and Lead Plans

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rulemaking.

SUMMARY: This notice proposes to approve, with certain exceptions, Utah's State Implementation Plan (SIP) for total suspended particulates and lead. The notice also proposes to remove several existing EPA regulations for Utah and to eliminate the current construction moratorium in Davis, Utah and Weber Counties.

DATES: Comments due on or before June 17, 1981.

ADDRESSES: Written comments should be addressed to: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

Copies of the revision and EPA's evaluation report are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Marius J. Gedgaudas, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-6131.

SUPPLEMENTARY INFORMATION: On February 19, 1980 (45 FR 10761) EPA disapproved, with certain exceptions, the total suspended particulate (TSP) plan submitted by Utah in January, 1979. The 1979 SIP was required by the Clean Air Act as amended in 1977 to implement measures designed to attain and maintain the National Ambient Air Quality Standards (NAAQS) in the nonattainment areas designated in Utah. These nonattainment areas were designated on March 3, 1978 (43 FR 8962) and September 11, 1978 (43 FR 40412) pursuant to the requirements of Section 107 of the Act. The requirements for an approvable nonattainment area SIP were described in a Federal Register notice published on April 4, 1979 (45 FR 20372).

In response to EPA's actions, the State developed a revised TSP SIP as well as a SIP for lead. These plans were submitted to EPA on March 11, 1980. The TSP plan addressed all of the nonattainment areas in Utah except for Utah County because the State and EPA were in the process of negotiating a consent decree with U.S. Steel for the Corporation's Geneva Works, located in Utah County. EPA's initial review of the State's submittal identified a number of deficiencies which could not be approved. Following several meetings and communications with EPA, the State submitted supplemental information to the SIP on July 25, 1980, which clarified some of the issues raised by the Agency and committed the State to correct most of the deficiencies through its regulatory process.

On November 13, 1980, the State submitted its revised TSP SIP for Utah County which contained the final consent decree with U.S. Steel. On December 26, 1980, the State submitted additional information on demonstration of reasonable further progress toward attainment of the TSP standards, as well as additional diffusion modelling estimates which were requested by EPA. In addition, on January 5-6, 1981, the State conducted public hearings on various SIP changes which had been developed as a result of EPA's review of the March 11, 1980, submittal. These changes, along with SIP revisions which EPA is presently reviewing, were submitted to EPA on April 6, 1981.

In total, the State's TSP plan includes specific regulations for all major sources (those with actual emissions of 25 tons per year or greater) in the TSP nonattainment areas in Utah (the designated portions of Davis, Salt Lake, Utah and Weber Counties).

The TSP plan contains a demonstration of attainment of the primary NAAQS by 1982 and, in the interim, reasonable further progress toward attainment. The SIP for lead indicates that the standard will be attained in the only nonattainment area (Salt Lake City) by 1982 through the Federal program to reduce the lead content of gasoline and the prohibition of leaded gasoline in catalyst-equipped vehicles. The plan also includes the addition of several general requirements (compliance testing, air quality models,

stack heights and dispersion techniques, and fees for major sources), and revisions to the visible emissions regulations and new source review requirements.

The State has requested that the TSP nonattainment area boundaries be modified to reflect the actual areas of nonattainment on the basis of the most recent ambient monitoring or diffusion modeling estimates. EPA proposed on January 29, 1981 (46 FR 9661) to approve these modifications. On March 11, 1980, the State also requested an 18-month extension to submit a plan for attainment of the secondary TSP Standards.

Proposed Action

EPA has reviewed the State submittal. Further explanation of the bases for today's proposed action appears in the Evaluation Report and a summary of EPA's major concerns appears in the Detailed Comments section of this notice. On the basis of its detailed review, EPA is proposing the following actions on the Utah SIP revisions for TSP and lead, and the additions and revisions to the general requirements:

A. Approved Portions

1. The TSP control strategies for Davis, Utah, and Weber Counties and the control strategy for attainment of the primary annual TSP standard in Salt Lake County.
2. The specific regulations for major TSP sources in the nonattainment areas, except as indicated below.
3. General requirements, except as indicated below.
4. The SIP for lead.

B. Disapproved Portions

1. The TSP control strategy for attainment of the primary 24-hour standard in Salt Lake County.
2. Mass emission limitation and test methods for the main stack at the Kennecott Copper Corporation smelter in Salt Lake County and opacity provisions for the main stack, bypass stacks, fuguitive emissions, concentrator dryers and roasting circuits, power plant and lime plant.
3. Opacity regulations for the Utah Power and Light Company Gadsby and Hale power plants.
4. Extension request to submit a plan for attainment of the secondary TSP standards.

The State also submitted a nonferrous smelter order (NSO) regulation which appears to provide an adequate basis for issuing NSOs. However, since there is no requirement in the Clean Air Act that such a regulation be part of the SIP EPA is taking no action on this regulation. Under Section 119 of the Act, EPA will review any order issued by the State under its NSO Regulation and take appropriate action on a case-by-case basis.

The proposed actions, when finalized, will remove the current moratorium on constuction of major new or modified stationary sources of TSP (except in Salt Lake County) which is required by Section 110 (a)(2)(I) of the Act, and which is currently in effect in Davis, Salt Lake, Utah and Weber Counties. In addition, EPA is proposing to remove the existing Federal regulations applicable to particulate matter sources in the Wasatch Front Intrastate Region (40 CFR 52.2330), except for the Kennecott stack regulation, and the corresponding compliance schedule requirements (40 CFR 52.2327) and new source review procedures (40 CFR 52.2334). These regulations will be removed following receipt and approval of the SIP revisions discussed in Section E.6. of the detailed comments.

Detailed Comments

The detailed comments which appear below summarize the rationale for the proposed actions identified above. A more detailed explanation supporting EPA's proposed actions appears in the Evaluation Report.

A. TSP Control Strategy

The TSP attainment demonstrations for Davis, Salt Lake, Utah, and Weber Counties are approvable for the primary annual standard. However, EPS's review of the attainment demonstration for the 24-hour primary standard indicated a significant problem for the Magna area in Salt Lake County.

Proper application of Larsen's model to relate the annual TSP concentration to the second highest 24-hour concentration indicates that the 24-hour standard will be violated at Magna in 1982. EPA's calculations indicated a second 24-hour concentration well in excess of the 24-hour standard of 260 $\mu g/m_3$. EPA conducted a detailed analysis of the Magna data because the monitor at this location has been significantly affected by point and fugitive sources from Kennecott and the actual monitoring data in the SIP for 1977 suggested that the 24-hour attainment demonstration developed by the State was inappropriate for this area. Consequently, EPA is proposing to disapprove the 24-hour attainment demonstration for Salt Lake County.

B. Kennecott Copper Corporation

1. The main stack emission limitation cannot be approved because it:

a. Is unenforceable due to the use of an inaccurate and unapproved test method for determining 24-hour emissions;

b. Allows 24-hour emissions well in excess of current levels which could result in increased violations of the primary 24-hour TSP standard;

c. Does not consider each incident in excess of the short term emission limitation as a separate violation;

2. The opacity provisions for all Kennecott sources except the refinery, concentrate dryer, and crushing, conveyor and transfer operations at the concentrators are unenforceable, and the main smelter stack, bypass stacks, and fugitive emission sources have no opacity requirements. Enforceable opacity limitations for all emission points are essential in determining continuous compliance and for enforcement purposes under 40 CFR Part 51.19(c). Lacking such limitations, these Kennecott opacity regulations cannot be approved. In addition, the procedure for obseving opacity for the Kennecott sources cannot be approved since it requires advance notification to the Corporation.

C. Utah Power and Light Company

The opacity provisions applicable to the Gadsby and Hale power plant stacks are unenforceable and cannot be approved (see discussion on Kennecott opacity problems above).

D. Extension Request for Secondary TSP Plan

Section 110(b) of the Clean Air Act authorizes EPA to extend the date for submission of plans for attainment of secondary TSP standards to no later than July, 1980. Therefore, the State's request of March 11, 1980, for an eighteen-month extension (i.e. to September 1981) cannot be approved.

E. Other Deficiencies

1. Compliance Schedules—the emission limitations in Section 3.2.1 do not include compliance schedules for the regulated sources. Section 3.2.2 requires sources not meeting the specified emission limits to submit compliance schedules within 180 days after the effective date of the regulations.

Since the regulations were adopted in February, 1980, the State should have received all necessary schedules. The State has agreed to submit these schedules, or reasonable summaries thereof, to EPA.

2. Section 3.2.1.b needs to specify whether method 5 full train or front half is to be used for compliance testing, and specify the procedures for evaluating

compliance with the opacity limitations of Section 3.2.1. The State will consider these corrections in future changes to these regulations.

3. Section 4.6 (Continuous Emission Monitoring) does not contain a provision requiring sources to keep continuous emission monitoring (CEM) data for two years as required by paragraph 4.6, Appendix P, 40 CFR Part 51. In Addition, Section 4.6.1.a specifies that CEM requirements apply to steam generators rated at 250 million BTU/hr for each boiler without specifying the basis for determining BTU/hr as "heat input" or that applicability is to boilers with capacity "equal to or greater than" 250 million BTU/hr heat input. The State has agreed to make the required corrections in a future SIP revision.

4. Section 3.4 (Emmission Testing) should specify that federally approved stack testing methods must be used, either directly or by reference to Sections 3.2.3. and 4.1.9. since it is the only section addressing mass testing for new sources. The State has agreed to reference the necessary sections in the future.

5. Visible Emissions Limitations—Although Utah's opacity requirements and observation procedures are generally approvable, EPA has identified several areas which present enforceability problems and should be corrected.

a. Section 4.1 indicates that " " "opacity limitations in the section 4.1 shall not apply to any sources for which emission limitations are assigned pursuant to Section 3.2 or Section 4.3 of these regulations." The applicability of this section to both *sources* not listed in Section 3.2.1 but owned by a company with another "source" which is listed in Section 3.2.1, and/or *installations* not addressed with a listed source of which they are a part, is unclear. The State's definition for "source" does not cover an entire operation by a company at a contiguous location, and an "installation" is defined as "a discrete process with identifiable emissions " " " These definitions allow a number of emitting facilities to be exempt from any opacity requirements. Although the State's intent may be that Section 4.1 applies to all *emission points* (not specifically listed in Section 3.2.1) of all sources/installations covered by Section 3.2.1, the State has not made the necessary language changes recommended by EPA on several occasions. However, the State has agreed to either modify the regulations or provide EPA with a clear explanation of how these regulations are being interpreted.

b. Section 4.1.9 (Opacity Observation) states that for mobile and intermittent sources, opacity observers shall use procedures similar to EPA method 9, but the requirement for observations to be made at 15-second intervals over a six-minute period shall not apply. The regulation does not state what procedures will apply to such sources. In addition, the phrase "intermittent sources" is not defined. Because of the enforcement problems raised by these deficiencies, the State has initially agreed to provide EPA with a clear description of its enforcement procedures for these sources.

EPA believes that the deficiencies noted in paragraphs E1–5 do not have a major effect on the approvability of the respective regulations. In addition, the State has agreed to correct these problems. Therefore, EPA proposes to take no action on these deficiencies at this time.

The Evaluation Report containing EPA's detailed review of the State submittal and further explanation of the bases for this proposed rulemaking is available for public inspection at the addresses indicated above.

Interested persons are invited to comment on the revisions to the Utah SIP and EPA's proposed actions. Comments should be submitted to the address listed in the front of this notice. Public comments received by June 17, 1981, will be considered in EPA's final decision on the SIP revisions. EPA believes the available period for comments is adequate because:

1. The issues involved in the SIP revisions are sufficiently clear to allow comments to be developed in the available 30 day period; and

2. EPA has a responsibility under the Act to take final action on the portion of the SIP which addressed Part D requirements as soon as possible.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it imposes no new requirements. It only proposes action on requirements adopted by the State.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant number of small entities. 46 FR 8709 (January 27, 1981). The attached rule if promulgated constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

(Sec. 110 of the Clean Air Act (42 USC 7410))

Dated: March 24, 1981.

Roger L. Williams,
Regional Administrator.

[FR Doc. 81-14652 Filed 5-15-81; 8:45 am]
BILLING CODE 6560-26-M

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40 CFR Part 81

[A4-FRL 1813-2]

Designation of Areas for Air Quality Planning Purposes; Alabama: Proposed Redesignation of Marion, Lamar, and Fayette Counties

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposed rulemaking sets forth the attainment status of Marion, Lamar, and Fayette Counties in Alabama. Data submitted by the Alabama Air Pollution Control Commission for one ozone season showed no violations of the National Ambient Air Quality Standard (NAAQS) for ozone. The data submitted are representative of an area 50 kilometers from the monitoring site, which is in Guin, Alabama. EPA today is proposing to change the designation of these counties for ozone from unclassified to attainment.

DATE: To be considered, comments must be submitted on or before June 17, 1981.

ADDRESSES: The Alabama submittal may be examined during normal business hours at the following offices:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460;

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365;

Alabama Air Pollution Control Commission, 645 South McDonough Street, Montgomery, Alabama 36130.

Comments may be sent to Mr. Jerry Preston, Air Program Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT:

Mr. Jerry Preston at the EPA Region IV address or telephone 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: Pursuant to the Clean Air Act Amendments (CAAA) of 1977, the Alabama Air Pollution Control Commission (AAPCC) implemented regulations requiring reasonable available control technology (RACT) be used to control sources of volatile organic compounds (VOC). The AAPCC adopted these regulations to be effective statewide and followed the guidelines established by the U.S. Environmental Protection Agency (EPA) in the Control Techniques Guidelines (CTG) documents.

3M has a manufacturing facility in Guin, Alabama (Marion County) which produces various types of pressure-sensitive and heat-activated adhesive coated retroflective sheeting. Since 3M was subject to the statewide RACT for VOC regulation, they subsequently submitted an alternative compliance schedule under Part 6.15 of the Commission's *Rules and Regulations*, which allows sources employing low solvent technology an extended schedule for compliance. In addition, 3M established an ambient monitoring site for ozone to determine if the area was attainment or nonattainment from the current status of unclassified for ozone.

3M began monitoring for ozone on April 15, 1980 and terminated measurements on October 31, 1980. The monitor was checked periodically by 3M and audited by the State agency. After close inspection of the data by EPA, it was determined that the data generated between April 15, 1980 and September 27, 1980 would be acceptable for making a determination on the status of the three counties involved.

The data generated between September 27, 1980 to October 31, 1980 was determined to be invalid because of problems in the data acquisition system. 3M has committed to operate the ozone site for two additional ozone seasons (April–October, 1982 and 1983).

The data submitted is the only ozone data available for the area. The guidelines for assessing compliance with the ozone standard, EPA 450/4-79-003, states that one oxidant season of ambient data is allowed for the assessment if that is the only available data, no data has been arbitrarily excluded, and the data is valid by having been subjected to an acceptable quality assurance plan. The data has met these criteria.

The acceptable data generated from April 15, 1980 to September 27, 1980 showed no violations of the NAAQS for ozone. From these results, EPA is proposing to redesignate Marion, Lamar and Fayette counties from unclassified for ozone to attainment. Upon final promulgation of the redesignation of these counties, 3M Company in Guin will no longer be required to install RACT, unless the area status changes to nonattainment for ozone.

PROPOSED ACTION: Based on the one season of ozone data collected at Guin, Alabama and the representativeness of the particular sampling site, EPA is proposing to approve Alabama's request for redesignation of Marion, Lamar, and Fayette Counties from a status of unclassified for ozone to attainment.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator certified (46 FR 8709) that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely ratifies State actions and imposes no new burden on sources.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Section 107, Clean Air Act (42 U.S.C. 7407)).

Dated: February 20, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-14870 Filed 5-15-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 123

[A-3-FRL-1829-4]

Virginia Application for Interim Authorization, Phase I; Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region III.

ACTION: Notice of public Hearing and Public Comment Period.

SUMMARY: EPA regulations to protect human health and the environment from the improper management of hazardous waste were published in the **Federal Register** on May 19, 1980 (45 FR 33063). These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Virginia application for Phase I Interim Authorization, inviting public comment, and giving notice of a Public hearing to be held on the application.

DATES: Comments on the Virginia Interim Authorization application must be received by June 24, 1981.

EPA will conduct a Public hearing on the Virginia Interim Authorization application at 1:00 p.m. on Wednesday, June 17, 1981. EPA reserves the right to cancel the Public hearing if significant public interest in a hearing is not expressed. The Commonwealth of Virginia will participate in any Public hearing held by EPA on this subject.

ADDRESSES: Copies of the Virginia Interim Authorization application are available at the following addresses for inspection and copying by the public:

Virginia Department of Health, James Madison Building, 109 Governor Street, Richmond, Virginia 23219, (804) 930-5272.

U.S. EPA, Region III, Air and Hazardous Materials Division, Hazardous Materials Branch, 6th and Walnut Streets, Philadelphia, PA 19106, (215) 597-7938

The public hearing will be held at: Highway Department Building, 1221 East Broad Street, Main Auditorium, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Robert L. Allen, U.S. EPA, Air and Hazardous Materials Division, 6th and Walnut Streets, Philadelphia, Pa. 19106, (215) 597-0860.

SUPPLEMENTARY INFORMATION: In the May 19 1980 **Federal Register** (45 FR 33063 the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted Interim Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for issuance of Interim Authorization, the State hazardous waste program must:

(1) have been in existence prior to August 17, 1980, and

(2) submit evidence to EPA showing that the existing State program is substantially equivalent to the Federal program.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123 Subpart F, (45 FR 33479). As noted in the May 19, 1980 Federal Register copies of complete State submittals for Phase I Interim Authorization are to be made available for public inspection and comment. In addition, a Public hearing is to be held on the submittal, unless significant interest is not expressed.

Jack Schramm,

Regional Administrator.

[FR Doc. 81-14804 Filed 5-15-81; 8:45 am]

BILLING CODE 6560-30-M

40 CFR Part 180

[PP 9E2225/P168; PH FRL 1769-8]

Ethephon; Proposed Tolerance

Correction

FR Doc. 81-6936 which appeared at page 15182 in the issue of Wednesday, March 4, 1981 was corrected on page 23773 in the issue of Tuesday, April 28, 1981. In the second line, second paragraph of the correction on page 23773, Tuesday, April 28, 1981, "§ 180.000 Ethephon; tolerance for residues." should be corrected to read "§ 180.300 Ethephon; tolerance for residues."

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6053]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9060, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968) (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Nebraska	(V) Hickman, Lancaster County	Hickman Branch	About 0.27 mile downstream of State Highway 477	*1236
			Just upstream of State Highway 477	*1242
			Just upstream of Chestnut Street	*1252
			About 0.48 mile upstream of Chestnut Street	*1253
		Hickman Branch Tributary	Mouth at Hickman Branch	*1244
			Just upstream of Main Street	*1248
			About 120 feet upstream of 7th Street	*1256
			About 0.17 mile upstream of 7th Street	*1256
Maps available for inspection at the City Hall, Hickman, Nebraska.				
Send comments to Honorable Robert Archer, Chairman of the Board of Trustees, Village of Hickman, Box 127, Hickman, Nebraska 68372.				
Nebraska	(Uninc.) Lancaster County	North Oak Creek	About 2100 feet downstream of West Agnew Road	*1256
			About 1800 feet upstream of West Agnew Road	*1257
			About 700 feet upstream of Northwest 70th Street	*1265
		Oak Creek	About 300 feet upstream of West Bluffs Road	*1192
			About 400 feet upstream of Village of Raymond extra-territorial limits.	*1204
		Salt Creek	About 5000 feet downstream of North 148th Street	*1108
			At City of Lincoln northeastern extraterritorial limits	*1119
			About 1.5 miles downstream of City of Lincoln southern extraterritorial limits.	*1193
			Just upstream of Saltillo Road	*1196
		South Branch Middle Creek	Mouth at Middle Creek	*1205
			Just upstream of U.S. Highway 6	*1224
		Middle Creek	About 10,100 feet upstream of Southwest 126th Street	*1238
			About 550 feet downstream of Northwest 98th Street	*1204
			About 600 feet upstream of Northwest 98th Street	*1205

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Stevens Creek	About 3600 feet downstream of Van Dorn Street	*1200
			Just upstream of Pioneer Boulevard	*1216
			Just upstream of Old Cheney Road	*1241
			About 5700 feet upstream of Pine Lake Road	*1269
		Haines Branch	At City of Lincoln-extraterritorial limits	*1199
			Just downstream of West Old Cheney Road	*1211
Maps available for inspection at the City-County Building, 555 South 10th Street, Lincoln, Nebraska.				
Send comments to Honorable Joseph Edward, Chairman of the County Board of Commissioners, Lancaster County, City-County Building, 555 South 10th Street, Lincoln, Nebraska 68508.				
New Jersey	Hamilton (Township), Mercer County	Assunpink Creek	Enterprise Avenue 25 feet upstream from centerline	*47
			Chester Bridge Road 50 feet upstream from centerline	*57
		Miry Run	Sweet Briar Road 50 feet upstream from centerline	*50
			Hughes Drive 50 feet upstream from centerline	*58
		Shady Brook	Lilly Street 25 feet upstream from centerline	*62
			Arena Drive centerline	*68
		Delaware River	500 feet south of the intersection of Interstate Highway 295 and State Route 29.	*16
		Crosswicks Creek	U.S. Route 206 50 feet upstream from centerline	*14
			Groveville-Allentown Road 50 feet upstream from centerline.	*16
			Church Street 50 feet upstream from centerline	*26
			Edgeville Road 50 feet upstream from centerline	*29
		Back Creek	South Broad Street 25 feet upstream from centerline	*29
			Yardville Road 50 feet upstream from centerline	*30
		Doctors Creek	Groveville-Yardville Road 50 feet upstream from centerline.	*16
			Tattletown Road 50 feet upstream from centerline	*44
		Pheasant Run	Edgeville Road 15 feet upstream from centerline	*48
Maps available for inspection at Engineer's Office, 2090 Greenwood Avenue, Hamilton, New Jersey.				
Send comments to the Honorable John K. Rafferty, 2090 Greenwood Avenue, Hamilton, New Jersey 08690.				
New Jersey	Tenafly, Borough, Bergen County	Tenakill Brook	Downstream Corporate Limits	*39
			Somerset Road (extended)	*41
			Norman Place	*48
Maps available for inspection at the Office of the Borough Clerk, Municipal Center, 401 Tenafly Road, Tenafly, New Jersey.				
Send comments to Honorable Richard K. Van Nostrand, Mayor of the Borough of Tenafly, Municipal Center, 401 Tenafly Road, Tenafly, New Jersey 07670.				
New Jersey	Burlington, Township, Burlington County	Delaware River	Entire shoreline within Corporate Limits	*11
		Mill Creek	Downstream Corporate Limits	*81
			Confluence of Tributary No. 2	*84
			Interstate Route 295 (downstream side)	*87
Maps available for inspection at the Office of the Township Engineer, 851 Old York Road, Burlington, New Jersey.				
Send comments to Honorable Frank J. Caulfield, Mayor of the Township of Burlington, 851 Old York Road, Burlington, New Jersey 08016.				
New York	Geddes, Town, Onondaga County	Seneca River	Downstream Corporate Limits	*371
			Upstream Corporate Limits	*371
		Onondaga Lake Outlet	Entire Shoreline	*372
		Onondaga Lake	Entire Shoreline	*372
		Ninemile Creek	Confluence with Onondaga Lake	*372
			Upstream Interstate 690	*374
			Upstream State Fair Boulevard	*378
			Upstream Corporate Limits	*380
		Geddes Brook	Confluence with Ninemile Creek	*389
			Downstream Corporate Limits of the Village of Solvay	*392
			Upstream Corporate Limits of the Town of Camillus	*435
			State Route 5	*443
			Upstream Corporate Limits	*448
		Harbor Brook	Downstream Corporate Limits	*412
			Grand Avenue Upstream	*424
			Approximately 1,210' upstream of Grand Avenue	*429
			Approximately 2,210' upstream of Grand Avenue	*436
			Approximately 3,010' upstream of Grand Avenue	*449
			Sewer Pipe	*456
			Upstream Corporate Limits	*464
Maps available for inspection at the Town Hall, 1000 Woods Road, Solvay, New York.				
Send comments to Honorable Manuel Martinez, Town Supervisor of Geddes, Town Hall, 1000 Woods Road, Solvay, New York 13209.				
New York	Nichols, Town, Tioga County	Susquehanna River	Corporate Limits (downstream)	*774
			State Route 282	*791
			Corporate Limits (upstream)	*814
Maps available for inspection at the Town Clerk's Office, Cady Library Building, 17 River Street, Nichols, New York 13812.				
Send comments to Honorable Louis W. Antadel, Town Supervisor of Nichols, Box 296, Nichols, New York 13812.				
New York	Phoenix, Village, Oswego County	Oswego River	Downstream Corporate Limits	*364
			Upstream Corporate Limits	*367
Maps available for inspection at the Sweet Municipal Building, 821 Main Street, Phoenix, New York.				
Send comments to Honorable Patricia Gonzales, Mayor of the Village of Phoenix, Sweet Municipal Building, 821 Main Street, Phoenix, New York 13135.				
New York	Salina, Town, Onondaga County	Beartrap Creek	Confluence with Ley Creek	*374
			Downstream N.Y. State Thruway	*376
			Upstream Interstate Route 81 Ramp (Downstream)	*376
			Upstream Interstate Route 81 Ramp (Upstream)	*391

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			100' downstream culvert of Route 81	*381
			Downstream Lawrence Road	*400
			Upstream Corporate Limits	*407
		Bloody Brook	Confluence with Onondaga Lake	*372
			Upstream Oswego Street	*374
			Upstream Sunflower Drive	*376
			1,300' upstream of Alderwood Drive	*386
			Downstream N.Y. State Thruway	*398
			Upstream N.Y. State Thruway	*409
			Upstream County Routes 148 and 48	*407
			360' upstream of North Street	*409
		Ley Creek	Downstream Corporate Limits	*374
			Upstream Lemoyne Street	*376
			Upstream Corporate Limits	*380
		Sawhill Creek	Confluence with Onondaga Lake	*372
			Downstream State Route 370/Cold Springs Road	*381
			Duwr Road (Upstream)	*389
			Upstream State Route 57	*396
			Upstream Corporate Limits	*400
		Seneca River183Corporate Limits (Downstream).	*371	
			Corporate Limits (Upstream)	*372

Maps available for inspection at the Town Office Building, 913 Liverpool Road, Liverpool, New York.

Send comments to Honorable Darrel Weston, Supervisor of the Town of Salina, 913 Liverpool Road, Liverpool, New York 13088.

Oregon	Harrisburg (City), Linn County	Willamette River	150 feet west of the intersection of 1st Street and Macy Street.	*307

Maps available for inspection at City Hall, Harrisburg, Oregon.

Send comments to Honorable Dick Peterson, City Hall, Harrisburg, Oregon.

Pennsylvania	Brownsville, Township, Fayette County	Monogahela River	Downstream Corporate Limits	*770
			Upstream Corporate Limits	*771
		Dunlap Creek	Downstream Corporate Limits	*771
			Upstream Corporate Limits	*771
		Redstone Creek	Downstream Corporate Limits/confluence with Monogahela River.	*770
			Upstream Corporate Limits	*770

Maps available for inspection at the residence of the Township Secretary, Ms. Patricia Peters, 123 Lynn Road, Brownsville, Pennsylvania.

Send comments to Honorable Robert E. Azaro, Chairman of the Brownsville Board of Supervisors, 143 Lynn Road, Brownsville, Pennsylvania 15417.

Pennsylvania	Collier, Township, Allegheny County	Chartiers Creek	Downstream Corporate Limits	*776
			Downstream of Conrail upstream of Grant Avenue	*779
			Corporate Limits downstream of Chartiers Creek Diversion Channel.	*786
			Conrail approximately 1,730 feet downstream of Washington Avenue.	*786
			Downstream Diversion Channel Cutoff Culvert	*804
			Upstream Diversion Channel Cutoff Culvert	*815
			Upstream Corporate Limits in Collier	*821
		Robinson Run (Lower)	Confluence with Chartiers Creek	*777
			Upstream Interstate Route 79 (Northbound)	*784
			Downstream Penn Lincoln Parkway	*792
			Upstream Conrail approximately 1,760 feet downstream of confluence of Scotts Run.	*807
			Approximately 180 feet downstream of Scotts Run Road extended.	*818
			Upstream Walkers Mill Road	*827
			Upstream Conrail approximately 1,340 feet upstream Walkers Mill Road.	*835
		Robinson Run (Upper)	Upstream Conrail approximately 4,800 feet downstream of confluence of Pinkertons Run.	*862
			Confluence of Pinkertons Run	*868
			Old Noblestown Road	*878
		Campbells Run	Upstream Interstate 79 culvert	*877
			Upstream Robinson Township Water Pollution Control Plant Drive.	*884
			Downstream Corporate Limits in Robinson Township	*903
			Upstream Corporate Limits in Robinson Township	*918
			Approximately 600 feet upstream of upstream Corporate Limits in Robinson Township.	*925
			Approximately 1,400 feet upstream of upstream Corporate Limits in Robinson Township.	*940
			Downstream culvert approximately 2,760 feet downstream of Corporate Limits.	*955
			Upstream culvert approximately 2,760 feet downstream of Corporate Limits.	*973
			Upstream culvert approximately 840 feet downstream of Corporate Limits.	*981
			Upstream Corporate Limits	*998

Maps available for inspection at the Collier Municipal Building, 61 Noblestown Road, Carnegie, Pennsylvania.

Send comments to Honorable Charles Love, Commission President of Collier, 61 Noblestown Road, Carnegie, Pennsylvania 15106.

Pennsylvania	Exeter, Township, Berks County	Schuylkill River	Downstream Corporate Limits	*164
			Conrail (Upstream)	*168
			Confluence of Antietam Creek	*173

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Gibraltar Road (Upstream)	*175
			Upstream Corporate Limits	*181
		Antietam Creek	Confluence with Schuylkill River	*173
			U.S. Route 422 (Downstream)	*189
			Sixth footbridge (Upstream)	*210
			Confluence of Tributary 1	*217
			Fairlane Road (Upstream)	*225
			Confluence with Tributary 2	*236
			St. Lawrence-Exeter downstream Corporate Limits	*280
			St. Lawrence-Exeter upstream Corporate Limits	*321
			Butler Lane Road (Upstream)	*332
			Heidelberg Lane (Upstream)	*366
			Upstream Corporate Limits	*386
		Trout Run	Confluence with Schuylkill River	*177
			Painted Sky Road (Upstream)	*186
			Birchmont Drive (Upstream)	*192
			Approximately 750' upstream of 2nd Neversink Road crossing.	*197
		Tributary 1	Confluence with Antietam Creek	*217
			Dam (Downstream)	*226
			Approximately 2,770' upstream of Dam	*246
			Approximately 4,520' upstream of Dam	*267
		Tributary 2	Confluence with Antietam Creek	*236
			Shellbourne Road (Downstream)	*246
			Private Drive (Downstream)	*272
			Schoffers Road (Downstream)	*286
			Otey Turnpike Road (Downstream)	*360
		Tributary 3	Confluence with Schuylkill River	*171
			Approximately 1,380' upstream of Lincoln Road	*198
			Approximately 2,250' upstream of Lincoln Road	*218
Maps available for inspection at the Exeter Township Municipal Building, Reading, Pennsylvania.				
Send comments to Honorable Marcel C. Bernier, Chairman of the Exeter Board of Supervisors, R. D. 3, Reading, Pennsylvania 19606.				
Pennsylvania	Murrysville, Municipality, Westmoreland County	Pucketa Creek	Downstream Corporate Limits	*852
			Upstream Merwin Road	*866
			Upstream Greensburg Road (first crossing)	*884
			Upstream Plan Road	*917
			Downstream State Route 380	*928
			Downstream Greensburg Road (third crossing)	*945
			Approximately 630' downstream Ludwig Road	*977
			Upstream Saddlepack Trail	*1,019
			Upstream Ashbaugh Road	*1,046
			Upstream Private Drive	*1,071
		Turtle Creek	At first downstream Corporate Limits	*832
			Confluence of Abers Creek	*844
			Confluence of Haymakers Run	*868
			Upstream Conrail	*887
			Confluence of Tributary No. 6	*918
			Upstream Haymaker Farm Road	*937
			Upstream U.S. Route 22	*940
			At first upstream Corporate Limits	*970
			At second downstream Corporate Limits	*996
			Downstream Boreland Farm Road	*1,016
			Downstream Private Road (to bus garage)	*1,032
			Upstream Ringer Avenue	*1,076
			Upstream Morosini Farm Road	*1,102
			Upstream Third Street	*1,123
			Downstream Conrail culvert	*1,146
		Haymakers Run	Confluence of Turtle Creek	*868
			Upstream U.S. Route 22 (William Penn Highway)	*874
			Downstream Franklintowne Drive	*895
			Upstream Sardis Road	*919
			Upstream Cal Ken Drive	*925
			Upstream Pine Tree Lane	*931
			Downstream School Road North	*966
			Upstream School Road North	*972
			Downstream Crowfoot Road	*998
			Confluence of Tributary No. 4	*1,008
			Upstream Private Road (approximately 2,500' downstream of Christy Road.	*1,030
			Upstream Christy Road	*1,050
			Confluence of Tributary No. 5	*1,066
			Upstream Private Road (approximately 950' upstream Tributary No.5).	*1,079
			Approximately 1,800' upstream Tributary No. 5	*1,086
		Steels Run	Confluence with Turtle Creek	*861
			Confluence of Tributary No. 1	*867
			Approximately 2,600' upstream Kemerer Hollow Road	*880
			Approximately 6,810' upstream Kemerer Hollow Road	*1,010
			Approximately 1,080' downstream Bollinger Road	*1,026
			Upstream Bollinger Road	*1,041
			Downstream of Farm Road	*1,085
		Tributary No. 1	Confluence with Steels Run	*867
			Approximately 1,500' upstream Second Private Drive	*880
			Upstream third Private Drive	*998
			Approximately 1,250' upstream third Private Drive	*1,007
			Approximately 3,320' upstream third Private Drive	*1,031

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Tributary No. 2	Downstream of Kemerer Road	*1,042
			Confluence with Haymakers Run	*901
			Upstream Forbes Trail Road	*906
			Upstream Trout Haven Drive	*916
			Confluence of Trubutary No. 3	*937
			Approximately 1,800' upstream Tributary No. 3	*952
			Upstream sixth Private Drive	*974
			Approximately 1,400' upstream sixth Private Drive	*983
			Downstream seventh Private Drive	*1,012
			Aproximately 450' upstream Eighth Private Drive	*1,024
		Tributary No. 3	Confluence with Tributary No. 2	*937
			Upstream Private Street	*943
			Upstream Glenshire Court	*964
			Downstream Gun Club Road	*986
		Tributary No. 4	Confluence with Haymakers Run	*1,008
			Upstream Mamont road	*1,011
			Approximately 1,290' upstream Mamont Road	*1,026
			Approximately 2,100' upstream Mamont Road	*1,037
		Tributary No. 5	Upstream Mamont Road	*1,066
			Approximately 720' upstream Mamont Road	*1,074
			Approximately 2,200' upstream Mamont Road	*1,109
		Tributary No. 6	Upstream William Penn Highway	*924
			Upstream Old William Penn Highway	*932
			Upstream Tarr Hollow Road	*944
			Upstream second Private Drive	*951
			Upstream third Private Drive	*967
			Upstream fifth Private Drive	*987
			Upstream sixth Private Drive	*1,006
			Approximately 500' upstream sixth Private Drive	*1,018
			Approximately 1,210' upstream sixth Private Drive	*1,045
		Tributary No. 7	Approximately 400' downstream of downstream Corporate Limits.	*994
			Approximately 1,140' upstream abandoned dam	*1,016
		Tributary No. 8	Confluence with Turtle Creek	*1,016
			Upstream Boreland Farm Road	*1,020
			Approximately 950' upstream Boreland Farm Road	*1,036
			Approximately 2,330' upstream Boreland Farm Road	*1,051
		Lyons Run	Upstream Pleasant Valley Road	*915
			Approximately 1,600' upstream Pleasant Valley Road	*930
			Approximately 5,900' upstream Pleasant Valley Road	*981
	Maps available for inspection at the Municipal Building, Murrysville, Pennsylvania.			
	Send comments to Honorable John M. Lynch, Manager of Murrysville, Box 127, Murrysville, Pennsylvania 15668.			
Texas	Town of Pattison, Waller County	Bell Bottom Creek	Just upstream of FM 359	*146
			Just downstream of Royal Road	*150
	Maps available for inspection at Town Hall, 3511 Avenue F, Pattison, Texas 77466.			
	Send comments to Mayor Allen M. Taylor or Mr. M. M. Norton, City Secretary, Town Hall, 3511 Avenue F, Pattison, Texas 77466.			
Washington	Milton (Town), King and Pierce Counties	Hylebos Creek	Intersection of 5th Avenue and Hylebos Creek	*15
		Hylebos Creek Tributary	25 feet upstream of intersection of Birch Street and Hylebos Tributary.	*22
	Maps available for inspection at Town Hall, 11 Park Way, Milton, Washington.			
	Send comments to the Honorable Leonard E. Sanderson, P.O. Box D, Milton, Washington 98354.			
Wisconsin	(Uninc.), Kenosha County	Pike River	About 1100 feet downstream of State Highway 32	*891
			Just upstream of State Highway 32	*894
			Just downstream of confluence of Unnamed Tributary	*901
			Just upstream of abandoned railroad	*904
			Just upstream of County Highway Y	*908
			Just upstream of County Highway G	*917
			Just downstream of County Highway A	*919
			Just upstream of County Highway A	*924
			About 100 feet upstream of Petrifying Springs Park Road.	*933
			Just upstream of County Highway A (near confluence of South Branch Pike River).	*945
		North Branch Pike River	About 300 feet upstream of confluence of South Branch Pike River.	*946
			Just upstream of State Highway 31	*954
			Just downstream of corporate limit	*957
		Unnamed Tributary to Pike River	At confluence with Pike River	*901
			About 3600 feet upstream of confluence with Pike River.	*902
			About 50 feet of downstream of corporate limits	*911
			At corporate limits	*914
		South Branch Pike River	At confluence with Pike River	*945
			About 2500 feet downstream of confluence of Somers Tributary.	*958
			About 300 feet downstream of County Highway E	*964
			About 400 feet upstream of County Highway E	*967
			Just downstream of Chicago and North Western railroad.	*973
			Just upstream of County Highway L	*976
			Just upstream of State Highway 43	*979
			About 2800 feet upstream of State Highway 158	*990

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		School Tributary	At confluence with South Branch Pike River	*846
			About 700 feet upstream of confluence with South Branch Pike River.	*847
			Just downstream of County Highway A	*906
			Just upstream of County Highway A	*961
			Just downstream of Chicago and North Western railroad.	*957
			Just upstream of Chicago and North Western railroad	*963
			Just upstream of County Highway EA	*962
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*696
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*706
		Somers Tributary	About 600 feet upstream of confluence of South Branch Pike River.	*961
			Just downstream of Chicago and North Western railroad.	*976
			Just upstream of Chicago and North Western railroad	*974
			Just upstream of County Highway EA	*979
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*985
			Just downstream of County Highway H	*708
		Tributary to Somers Tributary	At Confluence with Somers Tributary	*979
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad bridge.	*981
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad bridge.	*986
		Unnamed Tributary to South Branch Pike River.	At Confluence with South Branch Pike River	*875
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*877
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*889
		Barnes Creek South Outlet	At Confluence with Lake Michigan	*584
			About 1000 feet upstream of Third Avenue	*586
			About 400 feet downstream of divergence from Barnes Creek North Outlet.	*589
		Barnes Creek North Outlet	At Confluence with with Lake Michigan	*584
			Just upstream of First Avenue	*588
			Just downstream of Chicago and North Western railroad.	*590
			Just downstream of State Highway 32	*601
			About 200 feet upstream of State Highway 32	*607
		Des Plaines River	Just upstream of Wisconsin-Illinois State boundary	*674
			Just upstream of County Highway C	*680
			Just upstream of County Highway MB	*686
			Just upstream of State Highway 60	*692
			About 200 feet upstream of County Highway K	*695
			About 3100 feet upstream of State Highway 43	*700
			Just downstream of northern corporate limit	*706
		Kilbourn Road Ditch	At Confluence with Des Plaines River	*680
			Just upstream of State Highway 60	*683
			Just upstream of County Highway K	*697
			About 200 feet upstream of State Highway 158	*700
			Just upstream of State Highway 43	*707
			About 0.8 miles downstream of County Highway E	*719
			Just upstream of County Highway E	*720
			Just downstream of County Highway KR	*727
		Brighton Creek	At confluence with Des Plaines River	*686
			Just upstream of Gravel Pit Road	*698
			Just upstream of County Highway K	*706
			Just upstream of State Highway 45	*714
			About 600 feet upstream of Farm Road (near confluence of Salem Branch Brighton Creek).	*721
		Mud Lake Outlet	At confluence with Dutch Gap Canal	*757
			About 200 feet upstream of State Highway 45	*762
			About 1700 feet upstream of State Highway 45 (near Gravel Road).	*763
		Fox River	Just upstream of Wisconsin-Illinois State boundary	*743
			Just upstream of Wilmot Dam	*745
			Just upstream of State Highways 50 and 83	*750
			Just downstream of northern corporate limit	*752
		Peterson Creek	At confluence with Fox River	*751
			Just downstream of 308th Avenue	*752
		Bassett Creek	At confluence with Fox River	*749
			Just upstream of County Highway J1	*758
			About 1.6 miles upstream of County Highway J1	*768
		Lake Michigan	Shoreline	*584

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tributary to Kilbourn Road Ditch	At confluence with Kilbourn Road Ditch	*734		
	About 2700 feet upstream of confluence with Kilbourn Road Ditch.	*735		

Maps available for inspection at the Office of the Director of Planning and Zoning, County Courthouse, 912 56th Street, Kenosha, Wisconsin.

Send comments to Honorable Ronald J. Frederick, County Board Chairman, Kenosha County, County Courthouse, 912 56th Street, Kenosha, Wisconsin 53140.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator.)

Issued: April 27, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-14681 Filed 5-15-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6062]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Show Low (City), Navajo County	Patricks Wash	40 feet upstream from center of North 9th Street	*6,324
			70 feet upstream from center of East McNeil	*6,376
		Whipple Wash	At intersection of Whipple Wash and center of North 13th Street.	*6,231
			At intersection of Whipple Wash and center of East Whipple.	*6,299
		Fools Hollow Wash	At intersection of Fools Hollow Wash and center of West Sylvester.	*6,279
			50 feet upstream from center of State Highway 260	*6,305
		Fools Hollow Wash East Branch	50 feet upstream from center of South 22nd Avenue	*6,359
			At intersection of Fools Hollow Wash East Branch and center of West Stratton.	*6,295
		Navajo Pines Wash	At intersection of Navajo Pines Wash and center of West Cooley.	*6,372
		Show Low Creek	At intersection of Show Low Creek and center of Deuce of Clubs Avenue.	*6,334

Maps available for inspection at Department of Planning and Zoning, 541 East Deuce of Clubs, Show Low, Arizona.

Send comments to the Honorable Ellis Custis, P.O. Box 488, Show Low, Arizona 85901.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	Town of Hackett, Sebastian County	Big Branch	Just upstream of Arkansas Highway 10	*516
			Just upstream of Henderson Street	*516

Maps available for inspection at Town Hall, Hackett, Arkansas 72937.

Send comments to Mayor Chester Miller or Ms. Melba Brale, Town Secretary, P.O. Box 256, Hackett, Arkansas 72937.

Arkansas	City of Hartford, Sebastian County	West Creek	Just upstream of Green Street	
			Just downstream of Northern Corporate Limits	*624
				*648

Maps available for inspection at City Hall, Hartford, Arkansas 72938.

Send comments to Mayor Norma Michael, City Hall, Hartford Arkansas.

Arkansas	Town of Lavaca, Sebastian County	Cox Creek	Just upstream of Arkansas Highway 350	*409
			Just downstream of N. Davis Street	*408

Maps available for inspection at Town Hall, Main Street, Lavaca, Arkansas 72941.

Send comments to Mayor Lloyd Serrar, or Ms. Linda Hild, City Recorder, Town Hall, P. O. Box 8, Lavaca, Arkansas 72941.

Arkansas	City of Lonoke, Lonoke County	Bayou Two Prairie	Just upstream of State Route 31	*228
		Pack Branch	Just downstream of Dismukes Avenue	*229
			Just upstream of W. 3rd Street	*232

Maps available for inspection at City Hall, 209 West Front Street, Lonoke, Arkansas 72086.

Send comments to Mayor Jack Smith, or Ms. Carol Tafteller, City Collector, City Hall, 209 West Front Street, Lonoke, Arkansas 72086.

Arkansas	City of Morrilton, Conway County	Arkansas River	Just upstream of State Highway 9	*276
		Cherokee Creek	Just upstream of Missouri Pacific Railroad	*318
			Just downstream of First Street	*328
		Park Creek	Just upstream of Interstate 40	*310
			Just upstream of St. Joseph Street	*351
		Carney Creek	Just upstream of State Highway 247	*310

Maps available for inspection at City Hall, 210 North Moose, Morrilton, Arkansas 72110.

Send comments to Mayor Gerald Lasx, or Ms. Sheila Wilson, Community Development Coordinator, City Hall, P.O Box 583, Morrilton, Arkansas 72110.

Arkansas	City of Ozark, Franklin County	Arkansas River	Just upstream of State Highway 23	*376
		Gar Creek	Just upstream 2nd Street	*390
			Just upstream of State Highway 23	*488
			Just upstream of confluence of South Branch Gar Creek.	*526
		North Branch Gar Creek	Just downstream of State Highway 23	*570
		South Branch Gar Creek	Just upstream of U.S. Highway 64	*535
		East Fork Gar Creek	Just downstream of Yates Road	*425

Maps available for inspection at City Hall, 607 West College Street, Ozark, Arkansas 72949.

Send comments to Mayor Gary Briley, or Ms. Clara Smith, City Clerk, City Hall, P.O. Box 553, Ozark, Arkansas 72949

California	Lincoln (City), Placer County	Auburn Ravine	20 feet upstream from the intersection of State Highway 65 and Auburn Ravine.	*150
			100 feet upstream from the intersection of State Highway 193 (Newcastle Highway) and Auburn Ravine.	*167

Maps available for inspection at City Clerk's Office, 511 6th Street, Lincoln, California.

Send comments to the Honorable Michael McCartney, 511 6th Street, Lincoln, California 95648.

Connecticut	Andover, Town, Tolland County	Hop River	Downstream Corporate Limits	*283
			Intersection of Willimantic Road and Jonathan Trumbill Highway.	*291
			Upstream of Bunker Hill Road	*298
			Upstream of Long Hill Road	*305
			Confluence with Bumap Brook	*314
			Upstream of Handee Road	*320
			Upstream of Timex Farm Road	*324
			Upstream Corporate Limits	*328
		Skungamaug River	Confluence with Hop River	*321
			1,700' upstream of confluence with Hop River	*330
			Upstream Corporate Limits	*343

Maps available for inspection at the First Selectman's Office, Andover Town Hall, School Road, Andover, Connecticut 06232.

Send all comments to the Honorable J. Russell Thompson, First Selectman of Andover, Andover Town Hall, School Road, Andover, Connecticut 06232.

Connecticut	Killingworth, Town, Middlesex County	Hammonasset River	Chestnut Hill Road	*52
			3,800' upstream of Chestnut Hill Road	*90
			6,200' upstream of Chestnut Hill Road	*130

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			4,450' downstream of State Route 80	*170
			2,075' downstream of of State Route 80	*190
			State Route 80	*214
		Pond Meadow Brook	Upstream of of Kroopa Pond Dam	*325
			1,750' upstream of Kroopa Pond Dam	*350
			Confluence with Lane District Brook	*362
			900' downstream of Schnoor Road	*382
			Upstream of of Schnoor Road	*402
		Lane District Brook	Confluence with Pond Meadow Brook	*362
			Upstream of State Route 148 (downstream crossing)	*368
			Upstream of State Route 148 (upstream crossing)	*372
			Alders Bridge Road	*377

Maps available for inspection at the Killingworth Town Office Building, Route 81, Killingworth, Connecticut.

Send comments to Honorable H. E. Bruce, First Selectman of Killingworth, Town Office Building, Route 81, Killingworth, Connecticut 06417.

Connecticut	Marlborough, Town, Hartford County	Blackledge River	Downstream Corporate Limits	*159
			Downstream State Route 2	*174
			2,400' upstream State Route 2	*184
			Upsteam South Main Street	*195
			2,300' upstream South Main Street	*205
			4,850' downstream J. Daniels Road	*215
			2,300'downstream J. Daniels Road	*226
			Upstream J. Daniels Road	*239
			2,200' upstream J. Daniels Road	*250
			3,700' upstream J. Daniels Road	*260
			5,800' upstream J. Daniels Road	*270
			Downstream Hebron Road	*275
			Upstream Hebron Road	*284
			2,100' upstream Hebron Road	*295
			3,250' upstream Hebron Road	*305
			Downstream Parker Road	*315
			1,800' upstream Parker Road	*328
			4,000' upstream Parker Road	*338
			Upstream West Road	*342
		Dickinson Creek	1,000' downstream Flood Road	*360
			Upstream Flood Road	*368
			Downstream Hebron Road	*373
			3,800' upstream Hebron Road	*383
			5,000 upstream Hebron Road	*398
			Downstream Chapman Road	*407
			Upstream North Main Street	*416
			Downstream Sarah Lane	*425
			Upstream West Road	*437
			550' upstream West Road	*450
			950' upstream West Road	*460
			1,200' upstream West Road	*470
			1,550' upstream West Road	*479
			1,850' upstream West Road	*489
			2,200' upstream West Road	*499
			2,400' upstream West Road	*510
			1,200' downstream Old Stagecoach Road	*515
			900' downstream Old Stagecoach Road	*525
			650' downstream Old Stagecoach Road	*535
			350' downstream Old Stagecoach Road	*547
			Upstream Old Stagecoach Road	*564
			350' upstream Old Stagecoach	*585
			550' upstream Old Stagecoach	*575
			900' upstream Old Stagecoach	*584
		Flat Brook	Downstream Standish Drive	*359
			Downstream Jones Hollow Road	*362
			Upstream Jones Hollow Road	*369
			750' upstream Jones Hollow Road	*380
			1,050' upstream Jones Hollow Road	*390
			Downstream Finley Hill Road	*405
			350' upstream Finley Hill Road	*418
			850' upstream Finley Hill Road	*430
			1,200' upstream Finley Hill Road	*439
			1,550' upstream Finley Hill Road	*450
			1,900' upstream Finley Hill Road	*462
			2,100' upstream Finley Hill Road	*472
			2,300' upstream Finley Hill Road	*482
			2,500' upstream Finley Hill Road	*491
			2,700' upstream Finley Hill Road	*501
			Upstream Corporate Limits	*511
		Foot Sawmill Brook	Confluence with Blackledge River	*351
			300' upstream South Buckboard Lane	*361
			1,550' upstream South Buckboard Lane	*369
			2,200' upstream South Buckboard Lane	*381
			2,700' upstream South Buckboard Lane	*390
			3,200' upstream South Buckboard Lane	*400
			3,600' upstream South Buckboard Lane	*408
			900' downstream Stony Brook Road	*419
			Downstream Stony Brook Road	*426
			500' upstream Stony Brook Road	*434
		Lyman Brook	550' downstream Private Drive	*206
			Downstream Private Drive	*218
			250' upstream Private Drive	*229

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			550' upstream Private Drive	*241
			1,900' upstream Private Drive	*250
			Downstream State Route 2	*258
			3,300' downstream State Route 2	*266
			Downstream State Route 2	*277
			600' downstream Johnson Road No. 1	*290
			Downstream Johnson Road No. 1	*302
			400' upstream Johnson Road No. 1	*315
			650' upstream Johnson Road No. 1	*325
			1,050' upstream Johnson Road No. 1	*335
			1,350' upstream Johnson Road No. 1	*345
			1,850' upstream Johnson Road No. 1	*355
			1,100' downstream State Route 66	*365
			600' downstream State Route 66	*373
			400' downstream State Route 66	*385
			75' downstream State Route 66	*396
Maps available for inspection at the Office of the Town Clerk, Town Assessor, and Town Planner, Marlborough Town Hall, Marlborough, Connecticut.				
Send all comments to the Honorable Anthony Matrosne, First Selectman of Marlborough, Marlborough Town Hall, Marlborough, Connecticut 06447.				
Connecticut	New Hartford, Town, Litchfield County	Farmington River	Downstream Corporate Limits	*316
			Upstream U. S. Route 44	*351
			Confluence of West and East Branch Farmington River.	*356
		West Branch Farmington River	Confluence with East Branch Farmington River	*356
			Upstream of Black Bridge Road	*376
			Upstream State Route 219	*381
			Upstream Corporate Limits	*395
		East Branch Farmington River	Confluence with West Branch Farmington River	*356
			Approximately 250' upstream of State Route 219	*370
		Nepaug River	Confluence with Nepaug Reservoir	*496
			Upstream 1st crossing U. S. Route 202	*525
			Upstream 3rd crossing U. S. Route 202	*554
			Upstream State Route 219	*556
			Upstream of Maple Hollow Road	*575
			Confluence of Bakersville Brook	*609
		Bakersville Brook	Confluence with Nepaug River	*609
			Upstream of Winchester Road	*614
			Upstream of Eisendrath Road	*705
			Confluence of Torringford Brook	*716
		Torringford Brook	Confluence with Bakersville Brook	*716
			Approximately 100' downstream of Gillette Road	*729
Maps available for inspection at the First Selectman's Office, City Hall, Main Street, New Hartford, Connecticut.				
Send comments to Honorable Robert H. La Goy, First Selectman of New Hartford, City Hall, Main Street, New Hartford, Connecticut 06057.				
Connecticut	Salem, Town, New London County	East Branch Eightmile River	Downstream Corporate Limits	*154
			Upstream of Darling Road	*165
			Approximately 4,470' upstream from Darling Road	*200
			Approximately 2,100' upstream from State Route 82	*210
			At the confluence of Harris Brook	*215
		Harris Brook	At the confluence with East Branch Eightmile River	*215
			Approximately 2,400' downstream from the most downstream Dam.	*235
			Upstream side of the most downstream Dam	*258
			1,200' upstream from State Route 85	*270
			Upstream side of Music Vale Road Bridge	*285
			Upstream side of the most upstream Dam	*301
			Approximately 4,400' upstream from the most upstream Dam.	*308
Maps available for inspection at the Office of the First Selectman, Salem Town Office Building, Route 85, Salem, Connecticut.				
Send all comments to the Honorable H. C. Teal, First Selectman of Salem, Salem Town Office Building, Route 35, RFD #3, Salem, Connecticut 06415.				
Connecticut	Windham, Town, Windham County	Shetucket River	Downstream Corporate Limits	*117
			Downstream of Scotland Hydro Dam	*117
			Upstream of Scotland Hydro Dam	*136
			Approximately 6,000' upstream of Scotland Hydro Dam.	*139
			Approximately 3,000' downstream of Windham Center Road.	*142
			Upstream of Windham Center Road	*145
			Upstream of Conrail crossing	*150
			Confluence of Natchaug River	*155
		Natchaug River	Confluence with Shetucket River	*156
			Upstream of North Windham Road	*160
			Upstream of Interstate Route 84	*167
			Downstream of Willimantic Dam	*168
			Upstream of Willimantic Dam 183	*183
			Approximately 1,000' downstream of Mansfield Hollow Dam.	*186
			Downstream of Mansfield Hollow Dam	*197
Maps available for inspection at the Town Clerk's Office, Windham Town Hall, Willimantic, Connecticut.				
Send comments to Honorable Kenneth W. Williams, First Selectman of Windham, Windham Town Hall, Willimantic, Connecticut 06226.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Unincorporated Areas of Osceola County	Reedy Creek	Approximately 1,500 feet downstream of State Highway 531.	*84
			Just downstream of U.S. Highways 17 and 92 (State Highway 600).	*86
		Mill Slough	Just upstream of U.S. Highways 441 and 192 (State Highway 500).	*58
			Just downstream of Mill Slough Road	*85
		Boggy Creek	Just downstream of State Road 530	*88
		Shingle Creek	Just downstream of State Road 531	*91
			Just downstream of State Road 600	*74
	Maps available for inspection at Osceola County Courthouse, Planning Department, Kissimmee, Florida 32741.			
	Send comments to Mr. Larry Whaley, Chairman or Mr. Gary Suld, Vice-Chairman, Osceola County Courthouse, P.O. Box 2107, Kissimmee, Florida 32741.			
Idaho	Coeur d'Alene (City), Kootenai County	Lake Coeur D'Alene	Intersection of Mullan Avenue and Park Drive	*2,167
			Intersection of College Drive and River Avenue	*2,137
			Intersection of the shoreline and corporate limits near East Lakeshore Drive.	*2,137
	Maps available for inspection at City Clerk's Office, 6th & Mullen, Coeur d'Alene, Idaho.			
	Send comments to the Honorable Donald E. Johnston, 6th & Mullen, Coeur d'Alene, Idaho 83814.			
Idaho	Spirit Lake (City), Kootenai County	Spirit Lake	Intersection of Tesemini Drive and Salishan Way	*2,444
	Maps available for inspection at City Hall, Spirit Lake, Idaho.			
	Send comments to the Honorable Theodore Schultz, Box 308, Spirit Lake, Idaho 83869.			
Illinois	(V) Port Byron, Rock Island County	Mississippi River	At Downstream corporate limits	*579
			At upstream corporate limits	*581
	Maps available for inspection at the Clerk's Office, Municipal Building, 120 South Main Street, Port Byron, Illinois.			
	Send comments to Honorable Hans E. Thornbloom, Village President, Village of Port Byron, Municipal Building, 120 South Main Street, Port Byron, Illinois 61275.			
Iowa	(C) Hiawatha, Linn County	Dry Creek	About 3,300 feet downstream of Northwood Drive	*816
			About 300 feet downstream of Northwood Drive	*819
			Just downstream of Illinois Central Gulf Railroad	*830
	Maps available for inspection at the City Hall, 301 Emmonge Street, Hiawatha, Iowa.			
	Send comments to Honorable Dale Guthridge, Mayor, City of Hiawatha, City Hall, 301 Emmonge Street, Hiawatha, Iowa 52233.			
Louisiana	Town of Elton, Jefferson Davis Parish	Unnamed Tributary of Bayou Blue	Just upstream of Powell Street	*44
			Just downstream of LaFleur Street	*46
	Maps available for inspection at Town Hall, Highway 190 East, Elton, Louisiana 70532.			
	Send comments to Mayor Mildred LaFleur or Ms. Vertan Guillory, Town Hall, P. O. Box 27, Elton, Louisiana 70532.			
Louisiana	Town of Glenmora, Rapides Parish	Johnson's Bottom	Just upstream of 16th Street	*127
			Just upstream of 9th Street	*130
			Just downstream of the Missouri Pacific Railroad	*134
			Approximately 100 feet upstream of U.S. Highway 165	*136
			Just downstream of 9th Avenue	*141
	Maps available for inspection at Town Hall, 7th Avenue, Glenmora, Louisiana 71433.			
	Send comments to Mayor Lewis Germany or Garnet Sharpe, Town Clerk, Town Hall, P.O. Box 366, Glenmora, Louisiana 71433.			
Louisiana	Town of Westlake, Calcasieu Parish	Calcasieu River	Just upstream of U.S. Highway 90	*8
		Bayou Verdine	The intersection of St. John Bosco and Clarence Streets.	*14
	Maps available for inspection at Town Hall, Building Inspector Office, 701 Johnson Street, Westlake, Louisiana 70669.			
	Send comments to Mayor Doucet or Ms. Peggy McGee, Town Clerk, Town Hall, P.O. Box 636, Westlake, Louisiana 70669.			
Maine	Baring Plantation, Washington, County	St. Croix River	Downstream Corporate Limits	*75
			Just upstream of Maine Central Railroad	*87
			Upstream Corporate Limits	*93
	Maps available for inspection at the Baring Plantation Town Building, Route 1, Box 222, Baring Plantation, Maine.			
	Send all comments to the Honorable Bertha Johnson, First Assessor of Baring Plantation, Route 1, Box 222, Baring Plantation, Maine 04694.			
Massachusetts	Dunstable, Town, Middlesex County	Nashua River	State Boundary	*177
			Upstream Corporate Limits	*182
	Maps available for inspection at the Town Hall Library, Dunstable Town Hall, Main Street, Dunstable, Massachusetts.			
	Send comments to the Honorable Herman Kunreinoyer, Chairman of the Dunstable Board of Selectmen, Dunstable Town Hall, Main Street, Dunstable, Massachusetts 01827.			
Massachusetts	Easton, Town, Bristol County	Mulberry, Brook	Downstream of Highland Street, Downstream of South Street.	*89
				*94
		Poquanticut Brook	Approximately 1,800' upstream South Street	*100
			Downstream of State Route 106	*125
			Upstream New Pond Dam	*128
			Downstream of Chestnut Street	*148
			Upstream of footbridge	*155
			Approximately 460' upstream Massapoag Avenue	*166
			Approximately 540' downstream Rockland Street (downstream of Private Dam).	*176
			Approximately 1,050' upstream of Rockland Street	*187
		Black Brook	Downstream of Foundry Street	*75

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Downstream of Prospect Street	*97
			Approximately 1,280' Downstream of Depot Street	*105
			Downstream of Depot Street	*116
			Approximately 400' downstream of Summer Street	*145
			Upstream of Randall Street	*168
			Approximately 1,300' upstream of Randall Street	*178
		Queset Brook	Downstream of Turnpike Street	*92
			Upstream of Dean Pond Dam	*98
			Upstream of Central Street	*104

Maps available for inspection at the Easton Planning and Zoning Offices, Town Hall, Easton, Massachusetts.

Send comments to Honorable Donald E. Anderson, Chairman of the Easton Board of Selectmen, 136 Elm Street, Easton, Massachusetts 02356.

Massachusetts	Egremont, Town Berkshire County	Green River	Approximately 1,000' downstream of downstream Corporate Limits.	*730
			Downstream Corporate Limits	*741
			Private Road (Upstream)	*770
			Baico Road (Upstream)	*778
			Rowe Road (Upstream)	*785
			Upstream Corporate Limits	*810
		Kerner Brook	Corporate Limits	*696
			Second Footbridge (Upstream)	*705
			Dam (Upstream)	*734
			Mount Washington Road upstream crossing (Upstream).	*750
			Approximately 1,500' downstream of Jug End Road	*762
			Jug End Road	*829

Maps available for inspection at the Egremont Town Hall, Route 71, Egremont, Massachusetts.

Send all comments to the Honorable Ronald E. Hohman, Chairman of the Egremont Board of Selectmen, Egremont Town Hall, Route 71, Egremont, Massachusetts 01258.

Massachusetts	Erving, Town Franklin County	Connecticut River	Confluence of Millers River	*182
			Upstream Corporate Limits	*209
		Millers River	East Mineral Road	*182
			Gunn Street	*224
			Central Vermont Railway	*229
			Mill Road	*239
			Breached Dam	*255
			Approximately 1.0 mile upstream Breached Dam	*300
			Approximately 1.5 miles downstream Farley Road	*329
			Farley Road	*364
			Boston and Maine Railroad	*426
			North Street	*456
			Upstream Corporate Limits	*477
		Keyup Brook	Confluence with Millers River	*408
			Boston and Maine Railroad	*464
			State Route 2	*469

Maps available for inspection at the Erving Town Hall, Erving, Massachusetts.

Send comments to Honorable Edward Black, Chairman of the Erving Board of Selectmen, Town Hall, Erving, Massachusetts 01344.

Massachusetts	Framingham, Town Middlesex County	Sudbury River	Downstream Corporate Limits	*104
			Approximately 550' downstream of Central Street (Downstream crossing).	*130
			Approximately 100' upstream of Central Street (Downstream crossing).	*148
			1,200' upstream of Central Street (Upstream crossing)	*158
			Upstream of Reservoir No. 1 Dam	*167
			Upstream of Reservoir No. 2 Dam	*174
			Upstream Corporate Limits	*175
		Reservoir No. 1—North Branch	Upstream of Reservoir No. 1 Dam	*167
			Approximately 200' upstream of Boston Worcester Turnpike.	*174
		Reservoir No. 2	Upstream of Reservoir No. 2 Dam	*188
			Upstream Corporate Limits	*188
		Angelica Brook	Confluence with Reservoir No. 2	*188
			Just downstream of Aqueduct (Downstream crossing)	*192
			190' downstream of Pleasant Street	*201
			Upstream of Waverley Street	*214
			600' downstream of upstream Corporate Limits	*224
		Beaverdam Brook	Downstream Corporate Limits	*161
			Upstream Corporate Limits	*168
		Cochituate Brook	Confluence with Sudbury River	*128
			Conrail (Upstream crossing)	*128
		Hop Brook	Downstream Corporate Limits	*134
			700' upstream of downstream Corporate Limits	*144
			1,420' upstream of downstream Corporate Limits	*154
			30' upstream of Conrail (furthest downstream crossing)	*165
			110' downstream of Hemenway Road (Downstream crossing).	*175
			270' downstream of Hemenway Road (Upstream crossing).	*185
			60' downstream of Hemenway Road (Upstream crossing).	*193
			90' downstream of School Drive	*201
			65' upstream of Edgell Road	*208
			95' downstream of Edmands Road	*214
			25' upstream of Edmands Road	*221

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Baiting Brook	Confluence with Sudbury River	*165
			Upstream of Salem End Road	*179
			Upstream of Pleasant Street	*189
			360' downstream of Bellrap Street	*195
			1,200' upstream of Bellrap Street	*205
		Brook from Waushakum Pond	Confluence with Beaverdam Brook	*156
			Upstream Corporate Limits	*160

Maps available for inspection at the Planning Department, Framingham Town Offices, Union Avenue and Concord Street, Framingham, Massachusetts.

Send comments to Honorable John King, Chairman of the Framingham Board of Selectmen, Framingham Town Offices, Union Avenue and Concord Street, Framingham, Massachusetts 01701.

Massachusetts	North Brookfield, Town, Worcester County	Meadow Brook	Downstream Corporate Limits Prouty Road (downstream).	*709
				*709
		Bucker Brook	Confluence with Meadow Brook	*700
			Murphey Road (downstream)	*737
			Footbridge (upstream)	*751
			Mill Road (upstream)	*791
		Coys Brook	Downstream Corporate Limits	*817
			State Route 67 (upstream)	*822
			Farm road (upstream)	*827
			Cider Mill Road (upstream)	*843
			Tucker Road (downstream)	*852
		Lake Lashaway	Entire Shoreline	*818

Maps available for inspection at the Town Clerk's Office, North Brookfield Town Office, North Brookfield, Massachusetts.

Send comments to Honorable Eugene V. Calley, Jr., Chairman of the North Brookfield Board of Selectmen, Town Office, Main Street, North Brookfield, Massachusetts 01536

Massachusetts	Orange, Town, Franklin County	Millers River	Downstream Corporate Limits	*477
			1,850' upstream of Boston and Maine Railroad (second crossing).	*487
			Downstream of Boston and Maine Railroad (third crossing).	*487
			Upstream of New Hope Dam	*507
			Upstream County Boundary	*511
		East Branch Tully River	Downstream County Boundary	*518
			1,950' upstream of Tully Road	*528
			1,135' downstream of Fryeville Road	*538
			800' downstream of Fryeville Road	*548
			460' upstream of Fryeville Road	*558
			840' downstream of first Dam	*565
			Downstream of first Dam	*574
			Upstream of first Dam	*583
			Downstream of second Dam	*604
			1,840' upstream of second Dam	*604
			800' downstream of upstream County Boundary	*614
			Upstream County Boundary	*623

Maps available for inspection at the Town Administrator's Office, Orange Town Hall, Orange, Massachusetts.

Send comments to Honorable Richard P. Hamel, Chairman of the Orange Board of Selectmen, Orange Town Hall, 6 Prospect Street, Orange, Massachusetts 01364

Massachusetts	Rochester, Town Plymouth County	Mattapoisett River	Wolf Island Road (upstream side)	*22
			New Bedford Road (upstream side)	*30
			Approximately 2,700' upstream of Rounseville Road	*48
			Cultivation Dam in Rochester Wildlife Management Area (upstream side).	*51
			Snipatuit Pond Spillway (downstream side)	*95

Maps available for inspection at the Rochester Town Hall, Rounseville Road, Rochester, Massachusetts.

Send comments to Honorable Julia S. Enroth, Chairwoman of the Rochester Board of Selectmen, Rochester Town Hall, Rounseville Road, Rochester, Massachusetts 02770.

Michigan	(C) Allen Park, Wayne County	North Branch Ecorse Creek	Just downstream of eastbound Interstate 94	*597
			Just upstream of westbound Interstate 94	*599
			Just downstream of Southfield Service Drive	*600
		Russell Avenue Diversion	Just downstream of Shenandoah Street	*598
			About 240 feet upstream of Lorne Street	*609
		Euclid Avenue Diversion	Just downstream of Shenandoah Street	*598
			About 140 feet upstream of Watson Street	*609

Maps available for inspection at the Clerk's Office, Village Hall, 16850 Southfield Road, Allen Park, Michigan.

Send comments to Honorable Frank J. Lada, Mayor, City of Allen Park, Village Hall, 16850 Southfield Road, Allen Park, Michigan 48101.

Michigan	(C) Lincoln Park, Wayne County	South Branch Ecorse Creek	About 350 feet upstream Fort Street	*563
			About 700 feet upstream Hazel Avenue	*566
		North Branch Ecorse Creek	At confluence of South Branch Ecorse Creek	*578
			Just downstream Southfield Road	*581
			About 150 feet upstream Interstate 75	*587
			About 100 feet upstream Conrail	*590
			About 130 feet upstream Frank Avenue	*592

Maps available for inspection at the Clerk's Office, City Hall, 1355 Southfield Road, Lincoln Park, Michigan.

Send comments to Honorable Charles Paddock, Mayor, City of Lincoln Park, City Hall, 1355 Southfield Road, Lincoln Park, Michigan 48146.

Minnesota	(C) Brooklyn Center, Hennepin County	Shingle Creek	Just upstream of 53rd Avenue North	*842
			Just upstream of 69th Avenue North	*846
			Just upstream of Brooklyn Boulevard	*859
		Mississippi River	About 1.3 miles downstream of Interstate 694	*816
			About 1.2 miles upstream of Interstate 694	*820

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Twin Lakes	Shoreline	*936
		Ryan Lake	Shoreline	*956
Maps available at City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota.				
Send comments to the Honorable Dean Nyquist, Mayor, City of Brooklyn Center, City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota 55430.				
Minnesota	(Uninc.) Washington County	Mississippi River	At the confluence with the St. Croix River	*691
			About 0.8 mile upstream of Lock and Dam No. 2	*695
			Just upstream of the upstream corporate limits of College Grove.	*697
			Just downstream of the downstream corporate limits of St. Paul Park.	*701
		St. Croix River	Just upstream of the confluence of Trout Brook	*691
			Just upstream of the Chicago and North Western Railroad.	*692
			Just upstream of the upstream corporate limits of Stillwater.	*693
			Just downstream of the downstream corporate limits of Marine-on-St. Croix.	*696
			Just upstream of the upstream corporate limits of Marine-on-St. Croix.	*696
			About 3,500 feet downstream of the upstream county boundary.	*701
		Browns Creek	About 2,200 feet upstream of the confluence of the St. Croix River.	*705
			About 4,550 feet upstream of the confluence of the St. Croix River.	*709
			About 200 feet upstream of County Highway 5	*840
			Just upstream of the downstream crossing of the Burlington Northern railroad.	*855
			Just downstream of the upstream crossing of the Burlington Northern railroad.	*862
			Just upstream of the upstream crossing of the Burlington Northern railroad.	*868
			Just upstream of abandoned dam	*882
			About 1,650 feet downstream of State Highway 95	*895
			Just downstream of State Highway 95	*896
		Big Marine Lake	At shoreline	*943
		Big Carnelian Lake	At shoreline	*906
		Long Lake	At shoreline	*903
		Halfbreed Lake	At shoreline	*939
Maps available for inspection at the Washington County Courthouse, 14900 61st Street, North, Stillwater, Minnesota.				
Send comments to Honorable A. E. Schaefer, County Board Chairman, Washington County, Washington County Courthouse, 14900 61st Street, North, Stillwater, Minnesota 55082.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: April 27, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-14582 Filed 5-15-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 173

[Docket No. HM-168-I; Notice No. 81-2]

Transportation of Liquefied Petroleum Gas in Intrastate Commerce

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) proposes to amend Part 173 of 49 CFR to authorize the use of nonspecification cargo tanks for the transportation of liquefied petroleum gas (LPG) in intrastate commerce under certain conditions. This action is necessary because individual States have adopted the Department's Hazardous Materials Regulations which require the use of DOT Specification MC–330 or MC–331 cargo tanks. The intended effect of this action is to allow continued use of nonspecification cargo tanks for the transportation of LPG in intrastate commerce until they are taken out of service and replaced with new tanks that meet DOT requirements.

DATES: Comments must be received by June 16, 1981.

ADDRESS: Address comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 7th Street, SW., Washington, D.C. 20590. (202) 472–2726.

SUPPLEMENTARY INFORMATION: Since passage of the Hazardous Materials Transportation Act (HMTA) of 1974 (49 USC 1801 et seq.) the MTB has encouraged the adoption of the Hazardous Materials Transportation Regulations 49 CFR Parts 170 to 179) by the States in order to promote uniformity in safety regulation throughout the nation. Certain areas of transportation safety demand a strong, predominant Federal role. In the HMTA's Declaration of Policy and in the Senate Committee language reporting out what became § 112 of the HMTA, Congress indicated a desire for uniform national standards in the field of hazardous materials transportation and, with the HMTA, gave the Department of Transportation the authority to promulgate those standards. Although the HMTA has not totally precluded State or local action in this area, it is the

MTB's opinion that, to the extent possible, Congress intended to make such State or local action unnecessary.

It has come to the attention of the MTB that the adoption by individual States of the Hazardous Materials Transportation Regulations has created an anomalous situation in certain States for certain cargo tank owners and operators. DOT regulations require cargo tanks for LPG to be constructed in compliance with either DOT Specifiction MC–330 or MC–331. However, a number of cargo tanks not subject to DOT regulations (nor ICC regulations prior to 1967) have been constructed and used in intrastate commerce for many years. While they were manufactured in accordance with certain consensus standards and were otherwise qualified for use, they do not meet the standards now required in DOT regulations. The result of a State's adoption and enforcement of DOT regulations is to immediately require that all cargo tanks in that jurisdiction comply with DOT specifications without provision for an adequate transition period.

MTB also has been advised of a difficulty encountered by a carrier based in Nevada. For a number of years, this carrier operated only small cargo tank trucks (commonly referred to as "bobtails") in intrastate commerce. Due to a change in business conditions, it became necessary for the carrier to acquire a cargo tank semitrailer (meeting DOT requirements) for carriage of LPG from California to its base in Nevada. Upon entering interstate operations, all of the carrier's operation, including operation of the small cargo tanks, came under DOT jurisdiction. The MTB believes that appropriate relief should be provided to remedy a situation that may not be uncommon and believes the conditions proposed in this NPRM, in association with allowing use of non DOT specification cargo tanks, assure an adequate level of safety for the transportation of LPG in small cargo tanks during the transition period.

This proposal is limited in its applicability to intrastate commerce, including a cargo tank operated by a motor carrier that may operate other motor vehicles in interstate commerce.

The proposed revision would allow the continued use of a cargo tank for transportation of LP gas that is not marked according to Specification MC–330 or MC–331, provided it (1) is marked and conforms to the edition of the ASME Code in effect when it was manufactured; (2) has a minimum design pressure of 250 psig; (3) has a capacity of 3500 gallons or less; (4) was manufactured prior to January 1, 1981; (5) conforms to NFPA Pamphlet 58; (6) has been inspected and tested in accordance with § 173.33 as specified for Specification MC–330 or MC–331; and (7) it is operated in conformance with the regulations except the specification requirements.

The procedure proposed in this NPRM will allow the continued safe use of cargo tanks constructed in conformance with the ASME Code when a State upgrades its regulatory program by adopting the Hazardous Materials Transportation Regulations, as well as allowing continued use of such tanks for local shipments by interstate carriers. MTB has been advised by industry representatives that all new tanks are being manufactured in compliance with DOT specifications; therefore, new construction after January 1, 1981, is not covered by this NPRM.

It is also proposed to update the reference in § 171.7(d)(6) to Pamphlet 58 of the National Fire Protection Association since this is the edition currently available from that organization.

The MTB has determined that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities.

If this proposed regulation is not adopted, there will be a serious economic hardship on small LPG carriers because their nonspecification cargo tanks will no longer be authorized for transportation of LP gas in several States. New DOT specification tanks would have to be purchased and delivery to LPG customers would be severly disrupted.

In consideration of the foregoing, 49 CFR Parts 171 and 173 would be amended to read as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.7, paragraph (d)(6) would be revised to read:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(6) NFPA Pamphlet No. 58 is titled, "Standard for the Storage and Handling of Liquefied Petroleum Gases," 1979 edition.

* * * * *

2. In § 173.315, Note 2 following the table and paragraph (k) would be revised to read:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

Note 1. * * *

Note 2.—See § 173.32 for authority to use other portable tanks and for manifolding cargo tanks, see § 173.301(d).

* * * * *

(k) A nonspecification cargo tank meeting, and marked in conformance with the edition of the ASME Code in effect when it was fabricated may be used for the transportation of liquefied petroleum gas if it—

(1) Has a minimum design pressure of 250 psig;

(2) Has a capacity of 3,500 gallons or less;

(3) Was manufactured prior to January 1, 1981, as verified by its ASME certificate;

(4) Conforms to NFPA Pamphlet 58;

(5) Has been inspected and tested in accordance with § 173.33 as specified for Specification MC–330 or MC–331;

(6) Is operated exclusively in intrastate commerce, including its operation by a motor carrier otherwise engaged in interstate commerce; and

(7) Is operated in conformance with the other requirements of this subchapter (e.g. Part 172).

* * * * *

(49 U.S.C. 1803, 1804, 1808; (49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of Appendix A to Part 106).

Note.—The Materials Transportation Bureau has determined that this proposed regulation is not a major rule under the Terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the Docket. I certify that this proposed regulation if published as a final rule, will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C. on May 5, 1981.

Alan I. Roberts,

Associate Director for Office of Hazardous Regulation, Materials Transportation Bureau.

[FR Doc. 81-14745 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

South Atlantic Fishery Management Council; Public Hearing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Public Hearing.

SUMMARY: The South Atlantic Fishery Management Council announces two special hearings to receive comments on the proposed fishery management plan for Atlantic Sea Scallops (Placopecten magellanicus) prepared by the New England Fishery Management Council.

DATES: Comments must be received on or before June 11, 1981. Individuals or organizations wishing to comment on the Draft Environmental Impact Statement/Fishery Management Plan (DEIS/FMP) may do so at public hearings to be held as follows:

June 4, 1981—Manteo, N.C.
June 5, 1981—Morehead City, N.C.

All of the public hearings will begin at 7:30 PM. The meetings may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: Send comments to: Chairman, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, S.C. 29407 Public hearing locations:

June 4, 1981—Marine Resources Center Auditorium, Manteo, N.C.

June 5, 1981—Carteret Technical Institute, Morehead City, N.C.

FOR FURTHER INFORMATION CONTACT: David H. G. Gould, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 20407. Telephone (803) 571–4366.

SUPPLEMENTARY INFORMATION: These hearings are being held in accordance with Section 301(h)(3) of the Magnuson Act and Section 1506.6(c) of the Council on Environmental Quality's National Environmental Policy Act regulations. They are being held to provide an opportunity to comment for members of the public unable to attend the May 7, 1981, hearing at the Marine Resources Center Auditorium in Manteo, North Carolina. Comments received at these hearings and on the DEIS/FMP, as well as any written comments received, will be submitted to the New England Fishery Management Council and taken into account and addressed in the preparation of the Final Environmental Impact Statement/Fishery Management Plan.

The draft management plan provides for: (1) The immediate adoption of a control on the size (age) at which a sea scallop may be retained in a fishery, (2) the licensing of all participating vessels, and (3) the requirement that licensed vessels be subject to mandatory data reporting. A concise written summary of the proposed sea scallop management plan will be provided at each public hearing as well as being available at Coastal County Agents' Offices, Marine Advisory Agents, North Carolina Marine Resources Centers, and National Marine Fisheries Service Laboratory in Beaufort, N.C., on or about May 15, 1981.

Dated: May 13, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-14672 Filed 5-15-81; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 95
Monday, May 18, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Order 81-5-32; Docket 39166]

Application of Eastern Air Lines, Inc.; Order Granting Exemption

Issued under delegated authority, May 6, 1981.

In the matter of application of Eastern Air Lines, Inc. for an exemption from section 416(b) of the Federal Aviation Act of 1958.

By application filed April 15, 1981, Eastern Air Lines, Inc. requests that the exemptions granted by the Board [1] be amended to the extent necessary to permit it to furnish free round-trip transportation to three persons and/or immediate family members directly involved in the Iranian hostage episode and rescuse attempt to attend memorial ceremonies in Niagara Falls, New York. The event will take place during the period between May 15–17, 1981.

We find that this request is consistent with the public interest, and therefore we will approve the exemption. We will also extend this exemption to all other U.S. air carriers.

Accordingly, acting under authority delegated by the Board in the Board's Regulations, 14 CFR 385.16,

1. We exempt all U.S. air carriers from the provisions of section 403 of the Federal Aviation Act of 1958, and Parts 221 and 223 of the Board's Economic Regulations, insofar as the enforcement of section 403 and Parts 221 and 223 would prevent them from providing the free transportation as described herein.

2. We will serve a copy of this order on Eastern Air Lines, Inc. and on all other U.S. air carriers.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50 may file such petitions within ten days after the date of this service.

This order shall be effective immediately and the filing of a petition for review shall not preclude its effectiveness.

This order will be published in the Federal Register.

Phillis T. Kaylor,
Secretary.

[FR Doc. 81-14608 Filed 5-15-81; 8:45 am]
BILLING CODE 6320-01-M

[1] Order 81-1-114, January 22, 1981, 81-1-122, January 26, 1981, 81-2-33, February 6, 1981, 81-2-105, February 24, 1981, and 81-3-73, March 20, 1981.

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations (see, 14 CFR 302.1701 et seq.); Week Ended May 8, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
May 6, 1981	39606	Luftransport-Unternehmen KG. (LTU), c/o Frederick S. Hird, Jr. Kaler, Worsley, Daniel & Hollman, 710 Ring Building, Washington, D.C. 20036. Application of Luftransport-Unternehmen KG. (LTU), pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests authority to engage in charter foreign air transportation of persons and/or property, separately or in combination, as follows: A. Between any point or points in the Federal Republic of Germany and any point or points in the United States, including intermediate and beyond points; B. Between a point or points in the United States and a point or points in neither the Federal Republic of Germany nor the United States, provided such charters stop over for at least two consecutive nights in the Federal Republic of Germany; and C. Between any point or points in the United States and any point or points in neither the Federal Republic of Germany nor the United States which charters do not stop over in the Federal Republic of Germany for at least two consecutive nights. Answers may be filed by June 8, 1981.
May 18, 1981	39618	Air New England, Inc., Logan International Airport, Boston, Massachusetts 02128. Application of Air New England, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests amendment of its certificate of public convenience and necessity for Route 172 so as to add the following points: Presque Isle, Maine, Bangor, Maine, Albany, New York, Norfolk, Virginia, Syracuse, New York, Minneapolis, Minnesota, Manchester, New Hampshire, Newport, Rhode Island. Conforming Applications, motions to modify scope, and Answers may be filed by June 5, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-14611 Filed 5-15-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-5-31; Docket 35084]

Application of United Air Lines, Inc.; Order Granting Exemption

Issued under Delegated Authority, May 6, 1981.

In the matter of application of United Air Lines, Inc. for an exemption pursuant to section 403 of the Federal Aviation Act of 1958.

By Order 80-4-221, April 28, 1980, and 79-5-89, May 10, 1979, the Board granted all scheduled domestic and foreign flag carriers blanket exemptions to provide alternate transportation on scheduled service to certain charter passengers of

other carriers for a one-year period. The transportation was applicable to emergency situations, including mechanical problems, weather difficulties, late delivery of aircraft and similar problems.

United Air Lines, Inc. (United) by application, April 7, 1981, has requested that the exemption authority be extended until the Board's sunset.

In support of its application, United states that the types of problems—mechanical, weather, and aircraft scheduling—continue to exist; and that the ultimate benefactor of the exemption is the consumer who otherwise may not be able to take advantage of low charter rates that the tour operator has negotiated with the carrier if his charter does not operate.

Upon consideration of the reasons set forth in United's application, we find that grant of the request is consistent with the public interest, and therefore we shall approve it. Originally, in Order 79-5-89, May 10, 1979, the Board required the carriers to file with the Docket Section monthly reports relating to the number of charter passengers carried, the reason for the emergency transportation on scheduled service, and/or the type of emergency situation. In that, in our opinion, since approval of the blanket exemption caused no revealing abuse over the past approximate two year period, we see no need for the carriers to continue to file such monthly reports.

Accordingly, under authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.16(1),

1. We exempt all scheduled certificated air carriers and foreign air carriers from the provisions of section 403 of the Federal Aviation Act of 1958 and Part 221 of the Board's Economic Regulations, insofar as the enforcement of section 403 and part 221 would prevent them from providing emergency transporation to the passengers as described in Docket 35084.

2. The exemption granted here shall expire at the Board's sunset unless sooner cancelled or changed.

3. We will serve a copy of this order on all certificated air carriers and foreign air carriers.

This order will be published in the Federal Register.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-14929 Filed 5-15-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33363, 36237, 36238]

Former Large Irregular Air Service Investigation and Applications of International Air Cargo, Inc.; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 26, 1981 at 9:30 a.m. (local time) in Room 1003, Hearing Room "B", 1875 Connecticut Avenue, N.W., Universal North Building, Washigton, D.C.

Dated at Washington, D.C., May 11, 1981.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 81-14930 Filed 5-15-81; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Georgia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Georgia Advisory Committee to the Commission will convene at 2:00p and will end at 5:00p, on June 5, 1981, at the Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303. The purpose of this meeting is to orient new members; report progress on the Voting Rights Project; and discuss a proposed project on Bigorty and Violence.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clayton St. Clair, Jr., 5095 Dublin Drive, N.W., Atlanta, Georgia, (404) 681-0797; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, (404) 242-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 13, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-14945 Filed 5-15-81; 8:45 am]

BILLING CODE 6335-01-M

Illinois Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 10:00a and will end at 3:00p, on June 1, 1981, at the Midwestern Regional Office, Room 3280, 230 South Dearborn Street, Chicago, Illinois 60604. The purpose of this meeting is to report on the following projects: Chicago Desegregation Update, Special Education Handbook, Impact of Federal Budget cut-backs on civil rights activities, and status of Advisory Committee's rechartering.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Miss Theresa F. Cummings, 2636 W. Lawrence Avenue, Springfield, Illinois 62704. (217) 788-0751; or the Midwestern Regional Office, 230 South Dearborn Street, Chicago, IL 60604 (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 13, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-14946 Filed 5-15-81; 8:45 am]

BILLING CODE 6335-01-M

Virginia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia Advisory Committee to the Commission will convene at 2 p.m. and will end at 9 p.m., on June 4, 1981, at the Federal Building, Room 237, 200 Granby Mall, Norfolk, Virginia 23510. The purpose of this meeting is to introduce new members of the Advisory Committee; reports from officials and community leaders concerning education unemployment, and bigotry and hate groups; and an open session for citizens to bring civil rights problems to the attention of the Advisory Committee.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Rev. Curtis W. Harris, 209

Terminal Street, Hopewell, Virginia 23860, (804) 458–7404; or the Mid-Atlantic Regional Office, 2120 L Street NW., Room 510, Washington, D.C. 20037, (202) 254–6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 13, 1981.

John L. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-14697 Filed 5-15-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Countervailing Duty Investigation; Lamb Meat From Australia

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigation.

SUMMARY: We are initiating a countervailing duty investigation of allegations that the Australian producers and exporters of lamb meat receive subsidies. If the investigation proceeds normally, we will announce a preliminary determination by July 17, 1981.

EFFECTIVE DATE: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Miquel Pardo de Zela, Import Administration Specialist, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202–377–5050).

SUPPLEMENTARY INFORMATION:

On April 23, 1981, we received a petition from counsel for the National Wool Growers Association, Inc. ("NWGA"), of Salt Lake City, Utah. Complying with the filing requirements of 19 CFR 355.26, the petition alleges that Australian producers and exporters of lamb meat receive subsidies. Section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Act") applies to this investigation, as Australia is not a "country under the Agreement" within the meaning of section 701(b) of the Act (19 U.S.C. 1671).

Scope of Investigation

The merchandise covered by this investigation is lamb meat, provided for in item number 106.30 of the Tariff Schedules of the United States.

The petitioner alleges that Australian producers and exporters of lamb meat receive the following subsidies:

(a) The promotion and control of the export of meat and livestock from Australia through the Australian Meat and Live-Stock Corporation ("AMLC"). AMLC maintains an office in New York, N.Y., whose main activity is the promotion of lamb meat imports from Australia.

(b) Assistance under the Export Market Development Grants Act of 1974 which is designed to encourage exporters and potential exporters to seek out and develop overseas markets by granting a partial compensation for expenditures incurred in those markets.

(c) Assistance under the Export Expansion Grants Act of 1978 which is designed to reward improved export performance.

(d) The Export Finance and Insurance Corporation ("EFIC") which provides insurance and export financing at preferential rates for the exportation of a variety of products, including meats.

(e) The public ownership of slaughterhouses and meat works.

(f) The allocation of funds by the Australian Department of Trade and Resources for overseas sales promotion, including trade missions and displays.

The petition requests that we initiate a full investigation of all the programs listed above as well as any additional bounties or grants discovered during the investigation.

After conducting a summary review of the petition we have found that its information reasonably supports its allegations. Therefore, in accordance with section 702(b) of the Act, we are initiating a countervailing duty investigation to determine whether the Government of Australia is giving its producers and exporters of lamb meat certain benefits that are bounties or grants within the meaning of section 771(5) of the Act. If our investigation proceeds normally, we will announce our preliminary determination by July 17, 1981.

B. Waring Partridge,

Acting Deputy Assistant Secretary for Import Administration.

May 13, 1981.

[FR Doc. 81-14698 Filed 5-15-81; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Lamb Meat From New Zealand

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: We are initiating a countervailing duty investigation to determine whether the Government of New Zealand is subsidizing its producers and exporters of lamb meat. If the investigation proceeds normally, we will announce a preliminary determination by July 17, 1981.

EFFECTIVE DATE: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Roland MacDonald, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202) 377–4087.

SUPPLEMENTARY INFORMATION: On April 23, 1981, we received a petition from counsel for the National Wool Growers Association, Inc. ("NWGA"), Salt Lake City, Utah. Complying with the filing requirements of 19 CFR 355.26, the petition alleges that New Zealand is not a "country under the Agreement" within the meaning of section 701(b) of the Act (19 U.S.C. 1671).

Scope of Investigation

The merchandise covered by this investigation is lamb meat provided for in item number 106.30 of the Tariff Schedules of the United States.

The petition alleges that the Government of New Zealand provides the following subsidies to its domestic producers and exporters of lamb meat:

1. Tax Incentives

a) Export Performance Tax Incentive Scheme (Section 156A Income Tax Amendment Act of 1979)

b) Export Market Development Incentive (Section 154 of New Zealand Income Tax Act of 1976, as amended)

c) Increased Export of Goods (Section 156 of the New Zealand Income Tax Act of 1976, as amended)

2. Production Assistance

a) Fertilizer Price Subsidy (Ministry of Agriculture and Fisheries)

b) Fertillizer Aerial Spreading Bounty (Ministry of Agriculture and Fisheries)

c) Transport Subsidies on Fertilizer (Ministry of Agriculture and Fisheries)

d) 'Nil' Livestock Values for Taxation

e) Meat Export Prices Act 1955, consolidated and amended by the Meat Export Prices Act 1976 (Meat Export Prices Committee)

3. Export Promotional Assistance

a) Meat Export Control Act of 1921–22, as amended, 1956, 1959, 1960, 1962, 1965, 1966, 1969, 1970, and 1978 (New Zealand Meat-Producers Board)

b) Meat Export Control Amendment Act 1966 Amendment to the Meat Export Control Act of 1921–22 (Market Development Committee)

c) Assistance with respect to Exchange Rates

d) Meat Export Development Company (N.Z.) Limited

4. Preferred Loans and Loan Guarantees

a) Livestock Incentive Scheme
b) Interest-free Suspensory Loans (New Zealand Rural Banking and Finance Corporation)
c) Export Guarantee Act 1964 (Export Guarantee office)

The petition requests that we initiate a full investigation of all the programs listed above as well as any additional bounties or grants discovered during the investigation.

After conducting a summary review of the petition we have found that its information reasonably supports its allegations. Therefore, in accordance with section 702(b) of the Act, we are initiating a countervailing duty investigation to determine whether the Government of New Zealand is giving its producers and exporters of lamb meat certain benefits that are bounties or grants within the meaning of section 771(5) of the Act. If our investigation proceeds normally, we will announce our preliminary determination by July 17, 1981

B. Waring Partridge,

Acting Deputy Assistant Secretary for Import Administration.

May 13, 1981.

[FR Doc. 81-14667 Filed 5-15-81; 8:45 am]
BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency announces that it is seeking applications under its program to operate one San Francisco Region project for a twelve month period. The total cost of the project is $430,000.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grants and Cooperative Agreements Act of 1977, will be a grant.

Program Description: The General Business Services Program (GBS) of the Minority Business Development Agency (MBDA) provides technical assistance to minority business persons and firms for the purpose of improving their stability by increasing their management and marketing capabilities. MBDA offers competitive grants to consulting firms (either profit or non-profit). These firms must be capable of providing such services as:

- Preparation of business plans
- Financial packaging
- Industrial management assistance
- Personnel management services
- Marketing planning

and a broad range of other business services excluding legal services.

Applications are invited for the following project under this program: One grant for a management and technical assistance project to operate in the San Jose and Salinas-Seaside-Monterey, California SMSAs consisting of the counties of Santa Clara and Monterey. The project will operate at a cost not to exceed $430,000 for an initial budget period of 12 months beginning September 1, 1981. The Project I. D. Number is 09-10-80008-01.

A pre-application conference for this project will be held on May 28, 1981, at 151 West Mission, Room 161, San Jose, California 95110 from 10:00 A.M. to 1:00 P.M.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for this project may be requested by writing the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 450 Golden Gate Avenue, Box 36014, San Francisco, California 94102.

In requesting an application kit, the applicant must specify its profit status, i.e., State of local government, Federally recognized Indian tribe, educational institution, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit. Questions regarding this announcement should be referred to the San Francisco Grants Administration Unit at (415) 556-3090.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated are included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of June 18, 1981.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

This program is not subject to the requirements of OMB Circular A-95.

Carl A. Ricceri,

Grants Management Specialist.

May 12, 1981.

[FR Doc. 81-14654 Filed 5-15-81; 8:45 am]
BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Issuance of a General Permit to Incidentally Take Marine Mammals

On April 17, 1981, a general permit in Category 1: Towed or Dragged Gear, was issued to the Republic of Korea for the incidental taking of 50 phocid seals, 50 otariid seals and 25 small cetaceans while conducting fishing operations within the fishery conservation zone of the United States. The general permit is available for public review in the Office of the Assistant Administrator for Fisheries, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: May 11, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species.

[FR Doc. 81-14666 Filed 5-15-81; 8:45 am]
BILLING CODE 3510-22-M

Issuance of Permit To Take Marine Mammals and Endangered Species

On March 30, 1981, Notice was published in the Federal Register (46 FR 19292), that an application had been filed with the National Marine Fisheries Service by Ms. Sarah Hinckley, Seattle, Washington, for a Scientific Research and Scientific Purposes permit to take up to 25 humpback whales by harassment.

Notice is hereby given that on May 8, 1981, the National Marine Fisheries Service issued a Scientific Research and Scientific Purposes Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) to Ms. Sarah Hinckley subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this Permit; (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with, and is subject to Parts 220-222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802; and

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Dated: May 8, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-14665 Filed 5-15-81; 8:45 am]

BILLING CODE 3510-22-M

Notice of Modification

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR 216), Permit No. 305 issued to the State of Washington, Department of Game, 53 Portway Street, Astoria, Oregon 97103 on October 10, 1980 (45 FR 69533) as modified on March 16, 1981 (46 FR 16065) is modified as follows:

(1) Section A–1 is changed to read:

One hundred and forty-three (143) Pacific harbor seals (*Phoca vitulina richardii*) may be taken by killing. The killing shall cease when either ninety-five (95) animals have been killed and retrieved or a total of 143 have been struck whichever occurs first. These authorizations are subject to compliance with Conditions B–2 and B–3 of Permit 305 as modified on March 16, 1981; and

(2) Section A–2 is changed to read:

One hundred (100) Pacific harbor seals may be restrained, blood sampled, marked and tagged with pelage dye and flipper tags. Of these thirty (30) adult seals may be instrumented with radio transmitters.

Dated: May 12, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-14666 Filed 5-15-81; 8:45 am]

BILLING CODE 3510-22-M

Permit Modification Request

Notice is hereby given that Knie's Kinderzoo, 8640 Rapperswil, Switzerland, has requested a modification to Public Display Permit No. 321 issued on March 12, 1981 (46 FR 17072), under the authority of Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

The Permit Holder is requesting to take an additional Atlantic bottlenose dolphin (*Tursiops truncatus*) as a replacement for an animal which died during capture operations. The animal will be taken by the means, in the area, and for the purposes set forth in the original permit application.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above request are available for review in the following offices:

Assistant Administrator for Fisheries, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: May 12, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-14667 Filed 5-15-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Scoping Meetings for the Proposed Garrison-Spokane 500-kV Transmission Line

The Bonneville Power Administration (BPA) recently expanded the scope of the proposed Hot Springs-Bell 500-kV transmission project to consider the alternative of interconnecting the Federal Columbia River Transmission System to the Colstrip Transmission System at a point east of Missoula, Montana, rather than west of Missoula as originally proposed. To reflect this expanded scope, BPA changed the title to the proposed action to "Garrison-Spokane 500-kV Transmission Project."

In late 1979 and early 1980, BPA held public scoping meetings in the project area to identify significant issues related to the Hot Springs-Bell project. BPA will hold additional scoping meetings to identify issues related to the new alternative. Six meetings are planned, all to begin at 7:15 p.m. with doors open at 7:00 p.m., scheduled as follows:

Monday, May 18, 1981, Drummond Community Center, Drummond, Montana
Tuesday, May 19, 1981, Clinton School, Clinton, Montana
Wednesday, May 20, 1981, Potomac School, Potomac, Montana
Thurday, May 21, 1981, Lolo Community Center, Lolo, Montana
Wednesday, May 27, 1981, Frenchtown School, Elementary Multi-Purpose Room, Frenchtown, Montana
Thurday, May 28, 1981, Village Red Lion Motor Inn, 100 Madison Street, Missoula, Montana

BPA welcomes comments by June 15, 1981, so that issues and concerns can be identified early and fully considered in the preparation of the draft environmental impact statement (EIS). Any suggestions or questions regarding the proposed action and EIS should be directed to John E. Kiley, Environmental Manager, Bonneville Power Administration, P.O. Box 3621—SJ, Portland, Oregon 97208; telephone (503) 234–3361, extension 5137.

Dated: May 12, 1981.

M. Klinger,

Acting Administrator.

[FR Doc. 81-14662 Filed 5-15-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Houston Oil and Minerals Corp.; Proposed Consent Order; Correction

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Consent Order and Opportunity for comment: correction.

SUMMARY: This document corrects a Notice Published on May 8, 1981 (46 FR 25679. This action is necessary to correct errors in the heading, action line, effective date, comment period, and supplementary information.

DATES: Comments by June 17, 1981.

ADDRESSES: Send comments to Wayne I Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Economic Regulatory

Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone 214/767–7745.

SUPPLEMENTARY INFORMATION: The following corrections are made:

• Delete the caption: "EFFECTIVE DATE: April 24, 1981."

• In the Supplementary information, first paragraph, the second sentence should read: "Under 10 CFR 205.199J (b) and (c) a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order."

The second paragraph should be amended to read: "Although the ERA has signed and tenatively accepted the Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order."

Section III B, second paragraph, second sentence is change to read "We will consider all comments we receive by 4:30 p.m. local time June 17, 1981.

Issued in Dallas, Texas, this 8th day of May 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81–14639 Filed 5–15–81; 8:45 am]

BILLING CODE 6450–01–M

[ERA Case No. 51998–2322–08–22; Clark Unit No. 8]

Nevada Power Co.; Decision and Order Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues this Decision and Order to Nevada Power Company (Nevada Power) granting a permanent peakload exemption from the prohibitions against (1) the use of petroleum or natural gas as a primary energy source by new powerplants and (2) the construction of new powerplants without the capability to use an alternate fuel as a primary energy source, which are contained in Section 201 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act).

Background

On October 27, 1980, Nevada Power filed a petition with ERA for a permanent peakload powerplant exemption to enable it to use oil or natural gas as a primary energy source in an 86,566 kilowatt oil or natural gas-fired combustion turbine powerplant to be known as Clark Unit No. 8 and which is to be located in Clark County, Nevada. ERA accepted the petition on December 10, 1980, and published a Notice of Acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the **Federal Register** on December 17, 1980 (45 FR 82992). Publication of the Notice of Acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. During this period, which ended on February 2, 1981, interested parties were also afforded an opportunity to request a public hearing. No comments or requests for a public hearing were received.

ERA's staff reviewed the information contained in the record of the proceeding. A Tentative Staff Analysis (TSA) recommended that ERA issue an order granting Nevada Power a permanent peakload powerplant exemption to use oil/natural gas in Clark Unit No. 8 subject to certain terms and conditions. A Notice of Availability of the TSA was published in the **Federal Register** on March 13, 1981 (46 FR 16709). The publication of the Notice of Availability opened a 14-day public comment period which ended March 27, 1981. No comments were received.

On the basis of ERA's review of the entire record of this proceeding ERA has determined to grant the exemption requested by Nevada Power to use oil/natural gas in Clark Unit No. 8, subject to the terms and conditions enumerated below.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent exemption by certification for peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. Nevada Power has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under this exemption. The Environemtal Checklist completed and certified to by Nevada Power pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. Nevada Power's responses to the questions contained therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments relating to this action which raise a substantial question regarding the applicability of the categorical exclusion in this case. Therefore, no additional environmental review is deemed to be required.

DATES: This order will take effect on July 17, 1981.

ADDRESSES: FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, Phone (202) 653–4055

Louis T. Krezanosky, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3012 B, Washington, D.C. 20461, Phone (202) 653–4206

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Ave. SW., Room 6B–178, Washington, D.C. 20585, Phone (202) 252–2967

SUPPLEMENTARY INFORMATION: The Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), prohibits the use of natural gas or petroleum in certain new major fuel burning installations and powerplants unless an exemption for such use has been granted by ERA.

Nevada Power Company (Nevada Power) plans to install an 86,566 KW natural gas or oil-fired combustion turbine unit to be called Clark Unit No. 8 in Clark County, Nevada. Based upon estimates by Nevada Power, the proposed unit is expected to consume the equivalent of approximately 236,089 barrales of No. 2 fuel oil per year (647 bbl/day). Clark Unit No. 8 is scheduled for commercial operation in May 1981.

Nevada Power submitted a sworn statement with the petition signed by Mr. J. H. Zornes, Vice President, Generation, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Zornes certified that Clark Unit No. 8 will be operated solely as a peakload powerplant and to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the unit is 86,566 KW and

that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 129,849,000 Kwh.

Order

ERA hereby grants to Nevada Power a permanent exemption from the prohibitions of FUA with respect to the use of oil/natural gas in Clark Unit No. 8 provided that the powerplant is operated solely as a peakload powerplant and to meet peakload demand subject to the following terms and conditions imposed pursuant to the authority granted to ERA by section 214(a) of the Act:

Terms and Conditions

A. Nevada Power shall not produce more than 129,849,000 Kwh during any 12-month period with the proposed unit. Nevada Power shall provide annual estimates of the expected periods (hours during specific months) of operation of Clark Unit No. 8 for peakload purposes (e.g., 8:00–10:00 a.m. and 3:00–6:00 p.m. during the June–September period, etc.) Estimates of the hours during which Nevada Power expects to operate Clark Unit No. 8 during the first 12-month period shall be furnished on or before June 17, 1981.

B. Nevada Power shall comply with the reporting requirements set forth in 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in this unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. This order shall take effect on July 17, 1981.

Issued in Washington, D.C. on May 7, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-14707 Filed 5-15-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 52970-8039-01, 02, 03, 04-82]

Tucson Electric Power Co.; Powerplant and Industrial Fuel Use Act of 1978; Notice of Intention To Proceed with Prohibition Order Proceedings and Availability of Tentative Staff Analysis

Notice of Intention to Proceed

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of its intention to continue with the pending prohibition order proceedings relating to the Tucson Electric Power Company's Irvington Generating Station Units 1, 2, 3 and 4 (hereafter referred to as Irvington), located in Tucson, Arizona.

Irvington is owned and operated by the Tucson Electric Power Company (TEP). TEP's headquarters is located at 220 West Sixth Street, Tucson, Arizona.

The proposed prohibited orders for the Irvington units were issued on December 31, 1980, pursuant to sections 301(c) and 701(b) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA), and notice of the orders was published in the Federal Register on January 7, 1981 (46 FR 1769).

Description of Prohibition Orders Proceedings

In accordance with 10 CFR 501.51(b) of the FUA procedural regulations applicable to existing powerplants, the publication of the proposed prohibition orders to Irvington commenced an initial public comment period of three months, during which period interested parties, including the utility, were given the opportunity to challenge ERA's initial finding that it is technically feasible for the Irvington units to use a mixture of petroleum or natural gas and coal (alternately burned) as a primary energy sources. During this period, the proposed order recipient and any other interested parties were required to furnish ERA with any evidence bearing upon the other statutory findings which section 301(c) of FUA requires ERA to make prior to the issuance of final prohibition orders. The recipient of the proposed orders was also required, during this period, to identify any exemptions for which the Irvington units might qualify, but was not required during the period to submit evidence supporting the claim of entitlement to an exemption. The initial public comment period on the Irvington proposed prohibition orders expired on April 7, 1981. No comments were received nor did the proposed order recipient assert qualifications for an exemption from the prohibition of the proposed orders.

ERA has determined to continue with the order proceeding on the basis of the evidence now available to it, and is hereby issuing a Notice of Intention to Proceed pursuant to 10 CFR 501.51(b)(4). This would normally begin a second three-month comment period. However, TEP has requested, by letter dated April 20, 1981, that the remaining public comment periods provided for by 10 CFR 501.51 be combined and reduced to a single comment period of 45 days, as permitted by 10 CFR 501.51(b)(8). ERA is granting this request and is hereby giving notice that a 45-day public comment period shall commence with this publication.

Notice of Availability of Tentative Staff Analysis

The proposed orders, if finalized, would prohibit the units from burning petroleum (or natural gas) in a *mixture* with an alternate fuel (coal) in amounts in excess of the minimum amounts necessary to maintain reliability of operation of the units consistent with maintaining reasonable fuel efficiency.

ERA staff has prepared a Tentative Staff Analysis in which it has concluded that the findings required by section 301(c) of FUA can be made. The findings that must be made before ERA can issue final prohibition orders are required to be based upon reliable, probative and substantial evidence on the complete administrative record. ERA must find that it is technically and financially feasible to use a mixture of petroleum or natural gas and coal or other alternate fuel as a primary energy source. The criteria which ERA would use in making the required findings were described in the proposed prohibition orders issued on December 31, 1980 (46 FR 1769, January 7, 1981).

ERA staff's conclusion that the findings of technical and financial feasibility for the Irvington units to use a mixture of petroleum or natural gas and coal as a primary energy source is based on a review of the information provided by the Utility and its stipulations regarding technical and financial feasibility. In support of the findings of technical feasibility the utility provided two reports, one prepared by Combustion Engineering, Incorporated, and entitled "Engineering Report, Coal Conversion, Tucson Electric Power Company, Irvington Units No. 1, No. 2, and No. 3," dated October 1980, and the other by Foster Wheeler Energy Corporation, entitled "Conversions to Coal Firing, Tucson Electric Power Company, Irvington Station Unit No. 4," dated October 7, 1980.

The Utility has stipulated that these reports indicate the ability of the units, from the point of fuel intake to physically sustain coal combustion and maintain heat transfer. In addition, the Utility, by letter dated May 4, 1981, has furnished information which indicates that approximately 52 percent of the annual generation of the converted units will be from coal, and that this quantity of generation from coal results in a 24.8 percent annualized derating of the converted units. ERA does not regard a derating of a unit of less than 25 percent as substantial. In order to prevent a capacity derating for any of the units

from exceeding 25 percent, on an annualized basis, ERA staff recommends that units 1 and 2 be limited to no more than 51.5 percent of the operating hours on petroleum or natural gas, and units 3 and 4 be limited to no more than 36 percent of the operating hours on petroleum or natural gas. This is based upon the anticipated deratings of each unit; if the realized deratings should differ, then "minimum" operational hours on coal could be greater without exceeding the 25 percent annualized derating criteria.

In considering reliability of operation, ERA indicated that it would assess among other things, seasonal peak load reserve margin requirements, so that the reserve margin would not be less than 15 percent of peak load during any period of the year. The Utility expects to revert to oil or gas firing during the months of June, July, August, and half of September, when its system load is on peak. In view of the substantial reserves in the region during the non-peak months (approximately 70–80 percent) and the ability to achieve full capacity during peakload periods, ERA staff has determined that the reserve margin will not be less than 15 percent of peak load requirements during any period of the year.

The Utility further stipulated that the physical modifications to the units would not be substantial and not impact severely upon operations at the site.

In support of the findings of financial feasibility, the Utility computed the general cost calculation described in 10 CFR 504.12. It resulted in a determination that the cost of using an alternate fuel would not exceed the cost of using imported petroleum.

The Tentative Staff Analysis concludes with the recommendation that final prohibition orders should be issued to TEP.

The Tentative Staff Analysis does not constitute a decision by ERA to issue the final prohibition orders. Rather, such a decision will be made in accordance with 10 CFR 501.51(c) on the basis of the entire record of this proceeding, including any comments received in response to this notice and the Tentative Staff Analysis.

The provisions of section 701(d) of FUA and 10 CFR 501.51(b) afford any interested person an opportunity to request a public hearing on the proposed prohibition orders and Tentative Staff Analysis relating to Irvington. Interested persons wishing a hearing must make their request, in writing, no later than 45 days after publication of this Notice of Availability of the Tentative Staff Analysis. If a hearing is requested, the hearing will be held in accordance with Subpart C of 10 CFR Part 501. Interested persons may also submit written comments on the proposed prohibition orders and the Tentative Staff Analysis during this 45-day period.

After the comment period closes, ERA will determine whether the final prohibition orders will be issued, based upon its review of the entire administrative record. Any final prohibition orders issued, together with a summary of the basis therefor, will be published in the **Federal Register**. The final orders may not take effect earlier than sixty days after such publication.

DATES: Written comments on the proposed prohibition orders and the Tentative Staff Analysis are due on or before July 2, 1981. A request for a public hearing must also be made within the same 45-day comment period.

ADDRESSES: Fifteen copies of written comments or a request for public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street N.W., Washington, D.C. 20461.

Case No. 52970–0039–01, 02, 03, 04–82 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT: Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street N.W., Room B–110, Washington, D.C. 20461, (202) 653–4055.

Robert L. Davies, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street N.W., Room 3002C, Washington, D.C. 20461, (202) 653–3649.

Peter S. Burns, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street N.W., Room 3302H, Washington, D.C. 20461, (202) 653–4184.

Marilyn L. Ross, Office of General Counsel, Department of Energy, 1000 Independence Avenue S.W., Room 6B–178, Washington, D.C. 20585, (202) 252–2967.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available for inspection upon request at: The Economic Regulatory Administration, Room B–110, 2000 M Street N.W., Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m.

(Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*); Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq.*); E.O. 12009, 42 FR 46267, September 15, 1977.)

Issued in Washington, D.C. on May 15, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–15014 Filed 5–15–81; 11:26 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ER81–437–000]

Arkansas Power & Light Co.; Filing

May 12, 1981.

The filing company submits the following:

Take notice that on May 1, 1981, Arkansas Power & Light Company (AP&L) tendered for filing a letter Agreement dated March 16, 1981 between AP&L and the City of Ruston, Louisiana (Ruston) for transmission services through the system of AP&L to the system of Louisiana Power & Light Company to permit a sale by Southwestern Power Administration to Ruston of 6 MW capacity and associated energy. AP&L requests an effective date of July 1, 1981 for the Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–14812 Filed 5–15–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ER81–429–000]

Boston Edison Co.; Filing

May 12, 1981.

The filing company submits the following:

Take notice that Boston Edison Company on May 1, 1981, tendered for filing a supplement to its Tariff for Non-Firm Transmission Service. The supplement consists of an unexecuted

service agreement for service to Cambridge Electric Company. It is estimated that this service will result in transmission revenues of $70,246 over the twelve-month period beginning July 1, 1981, which is the proposed effective date of the service agreement.

This filing was made in order to provide a rate for the transmission of Cambridge Electric Company's entitlement in Yankee Atomic Electric Company's nuclear power plant which is located at Rowe, Massachusetts.

Copies of the filing were served upon Cambridge Electric Company and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14813 Filed 5-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-443-000]

Boston Edison Co.; Filing

May 12, 1981.

The filing company submits the following:

Take notice that Boston Edison Company (BECo), on April 31, 1981, tendered for filing a proposed change in its Rate Schedule FERC No. 123, a contract for the exchange of capacity between BECo and the Hartford Electric Light Company, the Connecticut Light and Power Company, and the Western Massachusetts Electric Company. The proposed change would increase capacity revenues under the contract by $1,658,525 based on the 12-month period ended May 31, 1980.

BECo requests that the proposed rate schedule change be made effective as of May 31, 1980. BECo requests waiver of the 60-day notice requirement for this purpose.

BECo states that it has served the filing on the affected customers and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the ¶¶ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14814 Filed 5-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1887-001]

E. James Ferland; Application

May 12, 1981.

The filing individual submits the following:

Take notice that on April 27, 1981, E. James Ferland filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Maine Yankee Atomic Power Company.

Director, Vermont Yankee Nuclear Power Corporation.

Director, Yankee Atomic Electric Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 27, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14815 Filed 5-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-53-000]

East Tennessee Natural Gas Co.; Restatement of Base Tariff Rate

May 11, 1981.

Take notice that on April 30, 1981, East Tennessee Natural Gas Company (East Tennessee) tendered for filing a restatement of its Base Tariff Rates effective May 1, 1981, on Thirty-Sixth Revised Sheet No. 4 and a supporting cost study, pursuant to § 154.38(d)(4)(vi) of the Commission's Regulations. East Tennessee states that this filing reflects no change in the level of East Tennessee's jurisdictional rates but is being made for the sole purpose of justifying such rates, as required by the 36-month review procedures contained in the Commission's Regulations governing PGA clauses.

East Tennessee states its agreement that as of May 1, 1981, the expiration date of the 36-month period prescribed in the Regulations, the restated Base Tariff Rates are automatically subject to refund as provided by § 154.38(d)(4)(vi) (a) and (c) of the Regulations.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 1981. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14817 Filed 5-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-442-000]

Florida Power & Light Co.; Filing

May 12, 1981.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) on May 4, 1981, tendered for filing revised Cost Support Schedules C, F and G which support the revised daily capacity charge for services under Service Schedule B of FPL's interchange contracts with Florida Power Corporation, the City of Gainesville, Florida, Jacksonville Electric Authority, Tampa Electric Company and the Orlando Utilities Commission. FPL states that the revised capacity charge has been calculated in accordance with the provisions of Service Schedule B and represents an updating of the currently effective capacity charge to reflect more current costs. FPL requests an effective date of May 1, 1981 for this revised capacity charge for each of the interchange contracts. According to FPL, a copy of this filing was served upon all of the above named parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14815 Filed 5-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-441-000]

Idaho Power Co.; Filing

May 12, 1981.

The filing company submits the following:

Take notice that on May 4, 1981, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's order of October 7, 1976, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during March, 1981, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14814 Filed 5-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-61-000]

Michigan Wisconsin Pipe Line Co.; Proposed Changes in FERC Gas Tariff

May 11, 1981.

Take notice that on May 1, 1981, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1 and First Revised Volume No. 2 to become effective June 1, 1981. Michigan Wisconsin states that the proposed rates will result in increased charges of approximately 4.3% to Michigan Wisconsin's customers, or $97 million annually over those currently effective excluding the PGA surcharge of 15.15¢ per dekatherm. However, since this surcharge expires on October 31, 1981, the rate change to be implemented on November 1, 1981, assuming the normal suspension period, will result in decreased charges of about $1 million before recognition of the November 1, 1981 PGA filing.

Michigan Wisconsin further states that the principal reasons for the proposed rate changes are: (1) substantial investments in facilities related to the attachment of new gas supplies and installation of additional compression and mainline looping; (2) increased costs of capital; (3) increased depreciation; (4) increased levels of operation and maintenance expenses; and (5) a reduction in sales level.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests must be filed on or before May 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14820 Filed 5-15-81; 8:45am]

BILLING CODE 6450-85-M

[Docket No. ER81-439-000]

New England Power Co.; Filing

May 12, 1981.

The filing company submits the following:

Take notice that New England Power Company (NEP) on April 31, 1981 filed service agreements under its FERC Electric Tariff, Original Volume No. 3, a transmission services tariff. The service agreements provide for the transmission of the output of the Yankee Atomic generating unit in Rowe, Massachusetts to the following companies: Boston Edison Company, Cambridge Electric Light Company, Central Vermont Public Service Corporation, The Connecticut Light and Power Company, The Hartford Electric Light Company, Montaup Electric Company, Commonwealth Electric Company (formerly New Bedford Gas and Edison Light Company), Public Service Company of New Hampshire, and Western Massachusetts Electric Company. Transmission of the plant's output is now provided under contract dated June 30, 1959.

NEP states that the present contract for Yankee Atomic transmission service expires on June 30, 1981, and NEP requests that the filed service agreements become effective July 1, 1981.

Any person desiring to be heard or to make any protest with reference to this filing should submit to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 1, 1981, petitions to intervene or protest according to the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests will be considered by the Commission in determining the appropriate action to be taken, but protests will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of the application are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14620 Filed 5-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-440-000]

Southern California Edison Co.; Filing

May 12, 1981.

The filing company submits the following:

Take notice that on May 1, 1981, Southern California Edison Company (Edison) tendered for filing a Letter Agreement with the Washington Water Power Company (Washington) which sets forth the terms and conditions for the purchase and/or storage and return of energy between Washington and Edison.

Edison requests waiver of the Commission's prior notice requirement and an effective date of January 1, 1981 for this agreement.

Copies of this filing were served upon the Public Utilities Commission of the State of California, and The Washington Water Power Company.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14621 Filed 5-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP81-54-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Filing of Changes in Rates

May 11, 1981.

Take notice that on April 30, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing changes in its FERC Gas Tariff to be effective June 1, 1981, consisting of the following revised tariff sheets.

Original Volume No. 1: Original Sheet No. 226, First Revised Sheet Nos. 20, 21, 22, and 225;

Sixth Revised Volume No. 2: First Revised Sheet Nos. 277B, 299V6, 299W5, 299X6, 299Y6, 299EE6, 299FF5, 299GG7, 299JJ5 and 322D; Second Revised Sheet Nos. 266J, 266C, 287E, 288D, 289E, 290E, 291E, 292E, 299L6, 299M6, 299N5, 299Q5, 299R5, 299S6, and 299S10; Third Revised Sheet Nos. 266I and 274E; Fifth Revised Sheet No. 141A; Sixth Revised Sheet Nos. 249H and 249I; Seventh Revised Sheet No. 245D; Eighth Revised Sheet Nos. 76 and 215; Ninth Revised Sheet Nos. 53, 54, and 77; Tenth Revised Sheet No. 141; and Twelfth Revised Sheet Nos. 11 and 12.

The changes would increase revenues from jurisdictional sales and services by $197,535,053 based on a test period consisting of the twelve months ended January 31, 1981, adjusted for known and measurable changes through October 31, 1981.

Tennessee states that the increased rates are required to reflect an increase in rate of return and related income taxes, an increase in the depreciation rate for offshore facilities to 12.50%, increased plant and related expenses, and increases in the cost of materials, supplies, wages, taxes, and the transportation of gas by others.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14622 Filed 5-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. RP81-55-000 and RP80-97]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Tariff Filing To Implement Dekatherm, Billing and Other Miscellaneous Tariff Changes

May 11, 1981.

Take notice that on April 30, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing Original Volume No. 1 to its FERC Gas Tariff and the following revised tariff sheets to Sixth Revised Volume No. 2 to be effective June 1, 1981:

First Revised Sheet Nos. 425, 432, 433, 434, 435, 436, 437, 438, 439, 440 and 441
Second Revised Sheet Nos. 430 and 431
Third Revised Sheet No. 428
Sixth Revised Sheet No. 429
Seventh Revised Sheet No. 426
Eighth Revised Sheet No. 427

Tennessee states that the purpose of the filing is to implement dekatherm billing for its sales and to make certain other miscellaneous changes in its tariff.

Tennessee states that it intends to implement dekatherm billing by use of a three-part rate, with the traditional demand and commodity reflecting all costs other than gas costs and a new gas component based solely on the cost of gas which will be billed on a dekatherm basis. Tennessee also states that it is revising the quality standard for the minimum Btu content of its gas to 967 Btu per cubic foot measured on a dry basis. As a result of the change to a dekatherm billing basis, Tennessee states that it has made conforming changes in its rate schedules and its PGA provision.

Tennessee states that the rates reflected on Original Sheet Nos. 20, 21, and 22 are based on the same costs which underlie Tennessee's currently effective rates in Docket No. RP80-97 and are different only in form. Accordingly, Tennessee requests that those tariff sheets become effective on June 1, 1981, subject to refund in Docket No. RP80-97 and that the remainder of the filing become fully effective on the same date.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington,

D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14832 Filed 5-13-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1705-001]

Walter F. Fee; Application

May 12, 1981.

The filing individual submits the following:

Take notice that on April 27, 1981, Walter F. Fee filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Connecticut Yankee Atomic Power Company
Director, Maine Yankee Atomic Power Company
Director, Vermont Yankee Nuclear Power Corporation
Director, Yankee Atomic Electric Company

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protest should be filed on or before May 27, 1981. Protest will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14823 Filed 5-13-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-27-000]

Westinghouse Electric Corp.; Application for Staff Adjustment Pursuant to Sections 502(c) and 206(d) of the NGPA

May 5, 1981.

On April 15, 1981, Westinghouse Electric Corporation, Porcelain Park, Derry, Pennsylvania 15627 (Applicant) filed an application for a Staff Adjustment from incremental pricing surcharges pursuant to sections 502(c) and 206(d) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3413 and 3348. In addition, Applicant requests interim relief pending final review of its application.

Applicant asserts that assessing incremental pricing surcharges to its boiler gas used to generate steam for process drying causes it to suffer a special hardship, inequity, and unfair distribution of burdens. Applicant also asserts that the same reasons that support its adjustment request support its request for interim relief.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, 18 CFR 1.41.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before June 2, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-14824 Filed 5-13-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-55-000]

East Tennessee Natural Gas Co.; Tariff Filing To Implement Dekatherm Billing and Other Miscellaneous Tariff Changes

May 11, 1981.

Take notice that on April 30, 1981, East Tennessee Natural Gas Company (East Tennessee), tendered for filing Original Volume No. 1 to its FERC Gas Tariff to be effective June 1, 1981.

East Tennessee states that the purpose of the filing is to implement dekatherm billing for its sales and to make certain other miscellaneous changes in its tariff.

East Tennessee states that it intends to implement dekatherm billing by use of a three-part rate, with the traditional demand and commodity reflecting all costs other than gas costs and a new gas component based solely on the cost of gas which will be billed on a dekatherm basis. East Tennessee also states that it is revising the quality standard for the minimum Btu content of its gas to 967 Btu per cubic foot measured on a dry basis. As a result of the change to a dekatherm billing basis, East Tennessee states that it has made conforming changes in its rate schedules and its PGA provision.

East Tennessee states that the rates reflected on Original Sheet No. 4 is based on the same costs which underlie East Tennessee's currently effective rates in Docket No. RP78-12 and are different only in form. Accordingly, East Tennessee requests that this tariff sheet become effective on June 1, 1981, subject to the outcome of the proceeding on its concurrent filing under the 36-month review procedures of § 154.38(d)(4)(vi) of the Commissions Regulations and that the remainder of the filing become fully effective on the same date.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14825 Filed 5-13-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-408]

El Paso Natural Gas Co.; Petition To Amend

May 13, 1981.

Take notice that on April 28, 1981, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77-408 a petition to amend the order, issued August 29, 1977, as amended,[1] in said docket so as to authorize certain revisions in

[1] This proceeding was commenced before the FPC. By the joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

Petitioner's transportation and delivery agreement with Southwest Gas Corporation (Southwest) under Petitioner's Rate Schedule T-8, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition indicates that the currently effective revised Rate Schedule T-8 is comprised of a gas transportation agreement, dated July 3, 1978, which provides the means whereby the gas supplies to be purchased by Southwest can be made available to serve the Priority 1, 2, and 3 requirements of Southwest's customers. Petitioner may gather, process or dehydrate when necessary and transport on a best efforts basis up to 10,000 Mcf of gas per day for the account of Southwest and redeliver equivalent quantities, less shrinkage and fuel use, to Southwest at existing delivery points located on Petitioner's interstate system.

Petitioner states that it has been advised by Southwest that it desires to modify the arrangements under Rate Schedule T-8 to provide for (1) removal of the end-use restrictions that prevent Southwest from having natural gas transported and delivered to lower priority resale customers, (2) construction of additional facilities for the benefit of Southwest and others necessary to provide adequate transportation capacity on Applicant's system, if Southwest so elects that such incremental facilities should be constructed, (3) the delivery of natural gas, when appropriate, by Applicant to a third party for the account of Southwest, (4) the addition of the Ignacio delivery point to the transportation agreement, and (5) certain miscellaneous changes to the transportation agreement. Applicant and Southwest have entered into an amendatory agreement, dated December 22, 1980, providing for the proposed modifications.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14625 Filed 5-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP81-57-000 and RP81-17-002]

Midwestern Gas Transmission Co.; Tariff Filing To Implement Dekatherm Billing and Other Miscellaneous Tariff Changes

May 11, 1981.

Take notice that on April 30, 1981, Midwestern Gas Transmission Company (Midwestern), tendered for filing Original Volume No. 1 to its FERC Gas Tariff to be effective June 1, 1981.

Midwestern states that the purpose of the filing is to implement dekatherm billing for its sales and to make certain other miscellaneous changes in its tariff.

Midwestern states that it intends to implement dekatherm billing by use of a three-part rate, with the tranditional demand and commodity reflecting all costs other than gas costs and a new gas component based solely on the cost of a gas which will be billed on a dekatherm basis. Midwestern also states that it is revising the quality standard for the minimum Btu content of its gas to 967 Btu per cubic foot measured on a dry basis. As a result of the change to a dekatherm billing basis, Midwestern states that it has made conforming changes in its rate schedules and its PGA provision.

Midwestern states that the rates reflected on Original Sheet Nos. 5 and 6 are based on the same costs which underlie Midwestern's currently effective rates in Docket No. RP81-17 and are different only in form. Accordingly, Midwestern requests that those tariff sheets become effective on June 1, 1981, subject to the outcome of Docket No. RP81-17 and that the remainder of the filing become fully effective on the same date.

Midwestern states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Comission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14627 Filed 5-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP81-59-000]

Ringwood Gathering Co.; Proposed Changes in FERC Gas Tariff

May 11, 1981.

Take notice that Ringwood Gathering Company (formerly Oklahoma Natural Gas Gathering Corporation), on Apr. 30, 1981, tendered for filing proposed changes in its FERC Tariff, Original Volume No. 1, consisting of the following tariff sheets:

Twenty-Fourth Revised Sheet PGA-1
Seventh Revised Sheet No. 4
Sixth Revised Sheet No. 59
Fourth Revised Sheet No. 60
Fourth Revised Sheet No. 61

The proposed changes would increase the level of its jurisdictional rates by 1.46 cents per Mcf, which would provide an increase in revenues from jurisdictional sales of $156,318 based on the 12-month period ending December 31, 1980 as adjusted. Ringwood Gathering Company states that this increase amounts to a .9 percent increase over revenues which would result from annualized effective rates that are in effect at this time.

Ringwood Gathering Company states that this filing is being made in compliance with § 154.63(b)(3) of the Commission's regulations and seeks to change its rate of return to 11.542 and to adjust the base sales rate to enable it to earn that rate of return. Ringwood Gathering Company states that increased cost of service (labor, supplies, expenses, and construction) have caused its earned rate of return to decline to 8.47 percent. Thus, the company request waiver of the five-month suspension period because it only serves to further erode that return and increase the risk to the company's stockholders.

Ringwood Gathering Company proposes an effective date of June 1, 1981, and states that copies of this filing were served on each of its customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, DC

20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 1.0). All such petitions or protests should be filed on or before May 20, 1981.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14626 Filed 5-13-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-4229-000, et al.]

Terra Resources, Inc., et al; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

May 12, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. where a petition for leave to intervene is timely filed, or where the commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
G-4229-000 D, Apr. 24, 1981	Terra Resources, Inc., P.O Box 2329, Tulsa, Oklahoma 74101.	Trunkline Gas Company, Cage Ranch Field, Brooks County, Texas.	(²)	
G-11551-000 D, May 4, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	El Paso Natural Gas Company, Emma Field, Andrews County, Texas.	(²)	
G-3913-001 D, Apr. 22, 1981	Ashland Exploration, Inc., P.O. Box 391, Ashland, Kentucky 41101.	Columbia Gas Transmission Corporation, Floyd County, Kentucky.	(²)	
G-3913-002, D, Apr. 22, 1981	Ashland Exploration, Inc., P.O. Box 391, Ashland, Kentucky 41101.	Columbia Gas Transmission Corporation, Martin County, Kentucky.	(²)	
G-8820-002 D, Apr. 23, 1981	Texaco, Inc. (Operator), *et al*, P.O. Box 3420, Tulsa, Oklahoma 74102.	Natural Gas Pipe Line Company of America, Carrick S.E. Field, Texas County, Oklahoma.	(²)	
CI81-749-000 D, Apr. 22, 1981	Ashland Exploration, Inc., P.O. Box 391, Ashland, Kentucky 41101.	Columbia Gas Transmission Corporation, Pike County, Kentucky.	(²)	
CI66-919-003 C, Apr. 27, 1981	Mobil Oil Exploration & Producing Southeast, Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Texas Eastern Transmission Corporation, Rayne Field, Acadia Parish, Louisiana.	(²)	15.025
CI67-381-000, Apr. 27, 1981	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	Northern Natural Gas Company, NW Fargo Field, Woodward and Ellis Counties, Oklahoma.	(²)	14.65
CI68-1255-000 C, Apr. 20, 1981	Conoco, Inc., P.O. Box 2197, Houston, Texas 77001	El Paso Natural Gas Company, East Half (E/2) of Section 23, Township 26 North, Range 8 West, San Juan County, New Mexico.	(¹⁰)	14.73
CI73-689-000 C, Apr. 20, 1981	do	El Paso Natural Gas Company, Fowler Pool, Mellix 2 and 3 Wells, Devonian Formation, Lea County, New Mexico.	(¹¹)	14.73
CI78-936-000 C, Apr. 15, 1981	Conoco, Inc., P.O. Box 2197, Houston, Texas 77001	El Paso Natural Gas Company, Southwest Quarter of the Southeast Quarter (SW/4 SE/4) of Section 18, Township 26 North, Range 8 West, San Juan County, New Mexico.	(¹²)	14.73
CI77-41-001 C, Apr. 17, 1981	Mobil Oil Exploration & Producing Southeast, Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Sea Robin Pipeline Company, NE/4 Eugene Island Block 337, Offshore Louisiana.	(¹³)	15.025
CI78-450-002 C, May 4, 1981	Conoco Inc., P.O. Box 2197, Houston, Texas 77001	El Paso Natural Gas Company, Northwest Quarter (NW/4) of Section 32, Township 31 North, Range 8 West, San Juan County, New Mexico.	(¹⁴)	14.73
CI78-450-003 C, May 4, 1981	do	El Paso Natural Gas Company, East Half (E/2) of Section 29, Township 29 North, Range 7 West, Rio Arriba County, New Mexico.	(¹⁴)	14.73
CI81-239-001 C, May 1, 1981	do	Southern Natural Gas Company, Main Pass Block 312, Offshore Louisiana.	(¹⁵)	15.025
CI81-316-000 B, Apr. 17, 1981	Southwestern Investments, Inc., P.O. Box 782, Winfield, Kansas 67156.	Kansas Nebraska Natural Gas Company, Inc., Kiowa County, Kansas.	(¹⁷)	

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
C81-317-000 E, Apr. 23, 1981 [25]	McMoRan Offshore Exploration Co. (Succ. in interest to McMoRan Production Co.), P.O. Box 6508, Metairie, Louisiana 70009.	Transcontinental Gas Pipe Line Corporation, Blocks A-447 and A-448, High Island Area, Offshore, Texas.	[12]	14.65
C81-318-000 A, Apr. 28, 1981	The Superior Oil Company, Post Office Box 1521, Houston, Texas 77001.	United Gas Pipe Line Company, Block 2, Sabine Pass Area, Offshore Louisiana.	[13]	15.025
C81-319-000 E, Apr. 27, 1981 [26]	Getty Oil Company (Succ. in to Getty Reserve Oil, Inc.), P.O. Box 1404, Houston, Texas 77001.	El Paso Natural Gas Company, Spraberry Trend Field, Glasscock County, Texas.	[21]	14.65
C81-320-000 A, Apr. 28, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Northern Natural Gas Company, West Cameron Block 248, Offshore Louisiana.	[22]	15.025
C81-321-000 A, Apr. 29, 1981	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001.	Valero Interstate Transmission Company, Kelsey Deep Field, Brooks County, Texas.	[23]	14.73
C81-322-000 F, May 1, 1981	Phillips Petroleum Company, 336 H&A. Building, Bartlesville, Oklahoma 74004.	Transwestern Pipeline Company, M. J. Basham Unit, Winkler County, Texas.	[24]	14.65

[1] Terra Resources, Inc. has held no interest under the contract since October 27, 1977.
[2] Lease expired by its own terms on July 5, 1980, due to lack of production. ARCO no longer holds any interest in the property.
[3] Not Used.
[4] Applicant seeks release of approximately 400 Mcf annually from its January 11, 1994, contract with Columbia Gas Transmission Corporation, in order to continue furnishing gas to the existing domestic users.
[5] Applicant seeks release of approximately 5,000 Mcf annually from its November 1, 1990, contract with Columbia Gas Transmission Corporation, in order to continue furnishing gas to the existing domestic users.
[6] Acreage being deleted was released and/or assigned.
[7] Applicant seeks release of approximately 9,000 Mcf annually from its February 28, 1990, contract with Columbia Gas Transmission Corporation, in order to continue furnishing gas to the existing domestic users.
[8] Applicant and Texas Eastern have agreed, by Agreement dated 7-18-80, establishing a new delivery point known as the Conoco Acadia Plant.
[9] Applicant is filing under Gas Purchase Contract dated September 7, 1966, amended by Amendment Gas Purchase Contract dated February 19, 1981, for the purpose of amending the pricing provisions and deleting the take-or-pay obligations for the Hagaman #1 and Miller Unit "D" wells only.
[10] Applicant is filing under Gas Purchase and Sales Agreement dated April 3, 1968, amended by Supplemental Gas Purchase Agreement dated March 1, 1977.
[11] Applicant is filing under Casinghead Gas Contract dated February 21, 1973, amended by Letter Agreement dated August 10, 1977.
[12] Applicant is filing under Gas Purchase and Sales Agreement dated May 17, 1972, amended by Supplemental Gas Purchase and Sales Agreement dated March 1, 1977.
[13] Applicant is filing under Gas Sales Contract dated September 20, 1978, amended by amendment dated December 10, 1980.
[14] Applicant is filing under Gas Purchase Agreement dated January 9, 1978, amended by Supplement Gas Purchase Agreement dated December 7, 1978.
[15] Applicant is filing under Gas Purchase Agreement dated January 9, 1978, amended by Supplemental Gas Purchase Agreement dated November 8, 1978.
[16] Applicant is filing under Gas Purchase Agreement dated August 1, 1980 amended by Letter Agreement dated February 25, 1981.
[17] Depletion of reserves and expiration of basic leases by reason of termination of production and plugging of the well.
[18] Applicant agrees to accept the Certificate being applied for herein in such Certificate authorizes the initial sale of gas thereunder at the maximum lawful price at the time of initial deliveries thereunder; provided, however, Applicant reserves the right to reject such Certificate if its contains other conditions that are unacceptable, in Applicant's judgment.
[19] Applicant is willing to accept an initial rate consistent with that prescribed by the Natural Gas Policy Act of 1978.
[20] Effective August 1, 1980, Getty Reserve Oil, Inc. assigned all of its oil, gas and mineral properties, assets and rights to Getty Oil Company.
[21] Applicant is filing under Gas Purchase Contract dated December 16, 1978.
[22] Applicant is filing under Gas Purchase Contract dated March 10, 1981.
[23] Applicant agrees to accept a permanent Certificate of Public Convenience and Necessity covering the subject sale conditioned in accordance with the Natural Gas Policy Act of 1978 and the Commission's Regulations under said Act.
[24] Applicant is filing to cover its own interest, which was previously covered under a certificate issued to Socony Mobil Oil Company in Docket No. C61-1431.
[25] McMoRan Production Co., assigned the properties to McMoRan Offshore Exploration Co., effective 4-1-81 and Applicant requests that the certificate be effective as of 4-1-81.
Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-14833 Filed 5-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. CP80-454, CP80-496]

Town of Gunnison, Miss., et al.; Rescheduling Technical Conference

May 8, 1981.

In the matter of Town of Gunnison, Mississippi, Applicant, and Texas Gas Transmission Corporation, Respondent, Docket No. CP80-454; Town of Winstonville, Mississippi, Applicant, and Texas Gas Transmission Corporation, Respondent, Docket No. CP80-496.

Take notice that the technical conference in the above-captioned docket, originally scheduled for 10 a.m. May 12, 1981, by Notice issued April 28, 1981, will be held at 10 a.m. June 10, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14834 Filed 5-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. RP78-136, et al]

Transcontinental Gas Pipe Line Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

May 11, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The dates of filing are also shown in the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 22, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

Appendix

Filing date	Company	Docket No.	Type filing
4/16/81	Transcontinental Gas Pipe Line Corporation.	RP76-136	Report.
4/22/81	Eastern Shore Natural Gas Company.	RP72-134-001.	Report.
4/22/81	Eastern Shore Natural Gas Company.	RP72-134-002.	Report.
4/24/81	National Fuel Gas Supply Corporation.	RP80-126-006.	Report.
4/29/81	Texas Eastern Transmission Corporation.	RP78-67-014.	Report.
4/30/81	Valero Interstate Transmission Corporation.	RP78-58-018.	Report.

[FR Doc. 81-14835 Filed 5-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. RP81-60-000 and TA81-2-58-000]

Valero Interstate Transmission Co.; Proposed Rate Changes

May 11, 1981.

Take notice that on April 30, 1981, Valero Interstate Transmission Company (VITCO) tendered for filing notice of change in rate for sale of gas under VITCO's FERC Gas Rate Schedule No. 1, Supplement No. 32; FERC Gas Rate Schedule No. 2, Supplement No. 110; FERC Gas Rate Schedule No. 14, Supplement No. 2; and FERC Gas Rate Schedule T-1. VITCO states that the proposed changes would increase revenues from jurisdictional sales and service by $2,430,687 based on the twelve month period ending December 31, 1980, as adjusted. In addition, VITCO states that it has revised the methodology used in its PGA clause.

VITCO states that the proposed increase is required to offset declining natural gas production from dedicated reserves and added costs as shown in supporting data accompanying the notice of change in rate.

The proposed effective date is June 1, 1981. VITCO states that copies of the filing have been served on its jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14826 Filed 5-15-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of April 6 Through April 10, 1981

During the week of April 6 through April 10, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Cambridge Systematics, Inc., 4/6/81; BRA-0015

Cambridge Systematics, Inc. filed an Appeal from a partial denial by the Acting Assistant Administrator of the Department of Energy's Oak Ridge, Tennessee Operations Facility of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA) for a contract proposal regarding economic analysis of future automobile demand in the United States. In considering the Appeal, the DOE found that the Assistant Manager properly withheld all items pursuant to Exemption 4 of the FOIA with the exception of one chart which the submitter agreed could be released. Important issues considered in the Decision and Order included whether submitting a bid on a government contract demonstrates a willingness to place the information in the bid in the public domain. The DOE determined that it did not.

Exxon Company, U.S.A., 4/7/81; BFA-0004

On February 11, 1981, Exxon Company, U.S.A. (Exxon) filed an Appeal from a denial by the DOE Deputy General Counsel for Enforcement and Litigation (Deputy) of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that th Deputy's explanation of his reasons for refusing to release certain documents which he claimed to fall within Exemptions 1, 4, 5, or 7 was inadequate, and that those documents should therefore be remanded to the Deputy with instructions to furnish the requester with a detailed index. The DOE further noted that the Deputy had agreed to release certain documents to Exxon. Finally, the DOE determined that those documents which were originally withheld under Exemption 5 and not subsequently released to Exxon were pre-decisional, deliberative, and nonfactual, that disclosure of those documents would be contrary to the public interest, and that these documents were therefore properly withheld. Important issues that were considered in the Decision and Order were:

(1) the requirements for a finding that documents contain "secret law;"

(2) The requirements for an adequate determination with respect to documents withheld under Exemptions 2, 4, 5, or 7; and

(3) The appropriateness of withholding drafts of documents.

Sheilah Kast, 4/7/81; BFA-0024

Sheilah Kast filed an Appeal from a denial by the General Counsel of a Request for Information which she had submitted under the Freedom of Information Act. She had requested a copy of the Transition Team Report concerning DOE. The General Counsel had determined that the DOE did not have custody of any document responsive to her request. In considering the Appeal, the DOE contacted the Office of General Counsel and was informed that the report had received only limited circulation within the Office of the Secretary and that all copies of it had been either discarded or returned to the Transition Team. Accordingly, the DOE found that the General Counsel's determination was correct and denied the Appeal.

Leonard L. Kleinman, Apex Oil Company, 4/9/81; BFA-0009, BFA-0005

Leonard L. Kleinman and Apex Oil Company filed Appeals from denials by the District Manager of the Central Enforcement District of the Economic Regulatory Administration and the Director of the Special Investigations Division of the Office of General Counsel, respectively, of requests for information which the appellants had submitted under the Freedom of Information Act (FOIA). In considering the Appeals, the DOE found that certain categories of internal DOE documents withheld by the denying officials pursuant to Exemption 7(A) of the FOIA should not generally be the subject of generic determinations of the applicability of Exemption 7(A) and should not be generically indexed. Accordingly, the DOE determined that the Kleinman and Apex Appeals should be granted in part and that the matters should be remanded to the respective denying officials for document-by-document indices with respect to certain categories of internal DOE memoranda withheld by the denying officials in their initial determinations.

Marathon Oil Company, 4/8/81; BEA-0162, BEA-0163, BEA-0164

Marathon Oil Company filed several Appeals of Redirection Orders issued to the firm pursuant to the provisions of 10 CFR 205.90 *et seq.* and 211.107(c) on the grounds that the Redirection Orders were factually and legally insufficient. In considering the Appeals, the DOE determined that Marathon's contentions were without merit. Accordingly, the DOE concluded that Marathon's Appeals should be denied.

Shell Oil Company, 4/10/81; DEA-0517, DEA-0512, DEA-0531

Shell Oil Company filed three Appeals in which it requested the rescission of three Assignment Orders issued by the Economic Regulatory Administration in August 1979 and restitution to return Shell to the position which it occupied prior to the issuance of the Assignment Orders. The DOE found that the Orders failed to state even the minimal factual and legal considerations required by § 205.96. Accordingly, the Orders were rescinded. Restitution, however, was not ordered because of the lack of information in the record regarding the restitution issue and of Shell's failure to demonstrate that the return of any product is necessary to its well-being, or that equitable considerations otherwise favor restitution.

Remedial Order

Henry Petroleum Corporation, 4/10/81; DRO-0250

Henry Petroleum Corporation (Henry) filed a Statement of Objections to a Proposed Remedial Order (PRO) which the DOE

Economic Regulatory Administration (ERA) issued to the firm on May 29, 1979. In the PRO, the ERA found that Henry had sold crude oil from the Haggard Lease and the Henry-Epley Tract at prices that exceeded the maximum lawful first sale prices. Specifically, the ERA found that Henry had received exempt prices for the Haggard production when that lease did not qualify for stripper well status and that Henry had misclassified the Henry-Epley Tract as a separate property with a base production control level (BPCL) of zero.

In considering the Objections, the DOE found that Henry had not contested the finding that it had received stripper well prices for production from the Haggard Lease although it did not qualify for stripper well status. The DOE further stated that the operator of a crude oil producing property bears the ultimate responsibility for the correct certification of its production. The DOE concluded that interest payments on the Haggard overcharges should not be waived. The DOE also determined that the Henry-Epley Tract was not a separate property, but part of a larger property with an established BPCL. The DOE found Henry's argument that the proceeding was barred by a Texas statute of limitations to be without merit. Finally, the DOE rejected an attempt by the Office of Enforcement to modify the interest provisions of the PRO as untimely filed. Accordingly, the DOE denied Henry's Statement of Objections and issued the PRO as a final Remedial Order.

Requests for Exception

American Petrofina, Inc., 4/9/81; BEE–1318

American Petrofina, Inc. filed an Application for Exception in which it sought exception relief from 10 CFR § 211.67(b)(2)(iii) for its entitlements purchase obligation for July, 1980 with respect to a certain quantity of Alaskan North Slope crude oil which it purchased in May 1980. In considering the firm's request, the DOE found that Fina had not shown that it was so uniquely and disproportionately affected by the regulation of which it complained as to justify the approval of exception relief. Accordingly, the firm's Application for Exception was denied.

Bud Antle, Inc., 4/7/81; BEO–0462

Bud Antle, Inc., filed an Application for Exception in which the firm sought an increased base period allocation. With the implementation of decontrol the Application for Exception became moot and the Application was dismissed.

Conoco Inc., 4/8/81; BEE–1542

Conoco Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm sought permission to sell the crude oil that is produced and sold for the benefit of the working interest owners from the 7400 SUA; Jeanerette L & S 5 Lease at market price levels. Exception relief was granted to permit Conoco Inc. to sell at market prices 47.22 percent of the crude oil produced from that lease.

Copano Refining Company, 4/8/81; BEE–1325

Copano Refining Company filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought to be issued additional entitlements to compensate for increases in the firm's necessary, permanent inventory of crude oil. In considering the request, the DOE found that Copano had already received, pursuant to a prior ERA "adjustment," entitlement benefits in excess of the gross inequity cost of not earning a runs-credit for purchase of its expanded inventory of crude oil. Accordingly, exception relief was denied.

C. C. Hall, 4/6/81; BEE–1213

C. C. Hall filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm sought permission to sell the crude oil that is produced and sold for the benefit of the working interest owners from the Dean Ward Well at market price levels. In considering the request, the DOE determined that the firm will be able to operate that well on a profitable basis even if the crude oil produced from the property is sold at the applicable upper tier ceiling and market price levels pursuant to the provisions of Section 212.74. Accordingly, the DOE concluded that exception relief should be denied.

The Henry Petroleum Corporation; 4/6/81; DEE–1400

The Henry Petroleum Corporation (Henry) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the issuance of an Order reclassifying the firm's Epley B Lease as a new property effective February 1, 1975. In considering the exception request, the DOE found that the history, purpose and language of the ceiling price provisions of 10 CFR 212.73 should have made it clear to Henry that the 1974 subdivision of the original Epley Lease did not create a new property. The DOE also found that no compelling reasons existed for granting the firm retroactive exception relief, and that Henry had not shown that it would experience a serious hardship or gross inequity in the absence of exception relief. The Henry Application for Exception was therefore denied.

J–W Operating Company, 4/9/81; BEE–1139

J–W Operating Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm sought permission to classify on a retroactive basis the crude oil produced from its two State of Wyoming Leases as "heavy crude oil" and to sell that crude oil produced from those two leases at market price levels. In considering J–W Operating Company's exception request, the DOE determined that the application of the provisions of 10 CFR 212.131 to the firm's two State of Wyoming Leases does not result in a gross inequity and it failed to provide any other basis that would warrant the approval of exception relief. Accordingly, the DOE concluded that exception relief should be denied.

Onyx Corporation, 4/8/81; BEE–0013

Onyx Corporation filed an Application for Exception from the provisions of 10 CFR Part 211. In this application the firm seeks the assignment of lower-priced suppliers for its base period allocation of motor gasoline. In considering the firm's request the DOE determined that Onyx had made the showing necessary for "price-disparity" related exception relief. Accordingly, the Onyx application was granted.

Page Petroleum, Inc., 4/9/81; BEE–1227, BEE–1228, BEE–1229

Page Petroleum, Inc. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D in which the firm sought to sell crude oil produced from certain Ute Tribe leases located in the Altamont Field in Duchesne County, Utah, at market price levels. In considering the request, the DOE found that exception relief was necessary to provide an incentive for continued crude oil production from those leases. Accordingly, exception relief was granted effective as of the date upon which the firm supplied data necessary for the DOE to process its Application for Exception.

Plateau, Inc., 4/7/81; BEE–1480

Plateau, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought entitlement exception relief under the *Delta* standards for the period October 1980 through March 1981. In considering the request, the DOE found that exception relief was necessary to relieve the inequity of requiring the firm to reduce its historical access to price-controlled crude oil. Accordingly, exception relief was granted.

Roarda, Inc., 4/9/81; DEE–3342

Roarda, Inc. (Roarda) filed an Application for Exception in which the firm sought the replacement of one of its base period suppliers of motor gasoline (Citadel Corporation). In an Order issued on December 4, 1979, Roarda's exception request was approved on an interim basis with respect to the period from December 1979 through April 1980. In the final Decision and Order in this proceeding, the DOE considered the objections of the Gulf Oil Corporation (Gulf), one of the firms assigned by the DOE to supply Roarda as a result of the December 4, 1979 Interim Order. In considering Gulf's objections, the DOE found that: (1) the exceptions process was more appropriate for a consideration of Roarda's request than the possible administrative alternatives; and (2) the gross inequity experienced by Roarda was clearly related to the DOE allocation program. Based upon these considerations, the DOE found no basis for sustaining Gulf's objections. Accordingly, the relief specified in the December 4, 1979 Interim Order issued to Roarda was issued as a final order of the Department of Energy.

Sun Production Company, 4/7/81; DEE–2100

Sun Production Company (Sun) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D in which the firm sought to reduce the base period production control level of the Delhi Unit, a crude oil and natural gas producing property. The firm claimed that in the absence of exception relief, the working interest owners would not have a financial incentive to reduce the rate of crude oil production in order to avoid damage to the producing formation underlying the Unit. In considering the request, the DOE conducted a financial analysis of the production methods available

to the firm. It was found that Sun did have a substantial economic incentive to continue production at a reduced rate which would maximize total crude oil recovery from the Unit. Accordingly, exception relief was denied.

Requests for Modification and/or Rescission

Office of Enforcement, 4/9/81; BER-0112, BER-0114 through BER-0117

The Office of Enforcement of the Economic Regulatory Administration filed a Motion for Reconsideration in which it requested that the Office of Hearings and Appeals reconsider its previous determinations to reject a number of Petitions for the implementation of Special Refund Procedures (10 CFR Part 205, Subpart V). In reversing its previous determinations with respect to five petitions, the Office of Hearings and Appeals held that Subpart V proceedings may be an effective and cost efficient means of making restitution to overcharged persons in those five cases. The Office of Hearings and Appeals therefore granted the Office of Enforcement Motion and accepted jurisdiction over the five funds placed under the fiduciary control of the DOE.

Trealer Oil Company, Boswell Oil Company, Transit Oil Company, 4/6/81; BER-0111

In a Decision and Order issued to the Atlantic Richfield Company, Mobil Oil Corporation, Chevron U.S.A. Inc., Texaco, Inc., Marathon Oil Company (the Petitioners) and Ashland Oil, Inc., the DOE granted in part the Petitioners' request for discovery in connection with the objection phase of an exception proceeding in which Ashland was granted an allocation of crude oil to replace the supplies lost when former President Carter banned the importation of crude oil from Iran. On March 26, 1981, the Trealer Oil Company, the Boswell Oil Company, and the Transit Oil Company filed a Motion for Reconsideration and Rescission of Order. The DOE granted their request to be relieved of their obligation to disclose Ashland's allocation fractions for the period January 1979 through November 1979. In all other respects, the DOE denied their Motion on the grounds that the information the firms had been directed to supply the Petitioners was relevant and that the probative value of that information outweighed any burden that gathering the information would impose on the firms.

Motion for Discovery

Cities Service Company, Mallard Resources, Inc., 4/10/81; BRD-0132, BRJ-0132, BRD-1277

Mallard Resources, Inc. filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Remedial Order which the ERA Office of Enforcement issued to the firm. In considering Mallard's Motion, the DOE determined that the requested discovery was not relevant to Mallard's claim that the ERA had unlawfully discriminated against the firm by not permitting it to exclude frm its crude oil receipts the amount of crude oil which comprised its starting inventory. Accordingly, Mallard's Motion for Discovery was denied.

Cities Service Company also filed a Motion for Discovery in which it sought certain information which was deleted from the public copy of the Mallard Proposed Remedial Order. The DOE concluded that Cities was entitled to have access to this information and noted that Mallard had not opposed Cities' request. Accordingly, Cities' Motion for Discovery was granted, and the firm's Motion for Protective Order was dismissed.

Interlocutory Order

Office of Enforcement, Economic Regulatory Administration, 4/6/81; BRZ-0091

The Office of Enforcement of the Economic Regulatory Administration filed 31 Petitions for the Implementation of Special Refund Proceedings between November 5, 1980 and March 20, 1981. The petitions, filed pursuant to the provisions of 10 CFR, Part 205, Subpart V, request the Office of Hearings and Appeals to formulate and implement procedures to distribute funds received as a result of 31 consent orders with oil and gas companies. In considering the petitions, the DOE found that the cases presented a sufficient degree of difficulty in identifying overcharged parties and making restitution to those parties. Accordingly, the petitions were granted.

Supplemental Orders

Dow Chemical U.S.A., 4/10/81; BEX-0169

On December 15, 1980, the DOE issued a Decision and Order to Dow Chemical U.S.A. (Dow) which granted the firm $20,809,120 in entitlements exception relief for the firm's acquisition of permanent inventory at its new refinery located in Freeport, Texas. *Dow Chemical U.S.A.*, 7 DOE ¶ 81,188 (1980). In the present proceeding, the DOE reviewed operating data from the Freeport facility for the period April 1980 through January 28, 1981 in order to determine whether the level of relief was appropriate. In reviewing the operating data the DOE found that Dow had generally maintained less crude oil in inventory than had been anticipated in the December 15 decision and that the firm's actual inventory at the end of the Entitlements Program (January 28, 1981) was substantially less than the level upon which the relief had been based. Accordingly, the DOE concluded that the starting inventory exception should be based on the firm's on-site inventory on the final day of the Entitlements Program. The exception relief was therefore reduced to $10,563,154 and Dow was ordered to return the balance to the Entitlements Program on the first Entitlements Notice published subsequent to the issuance of the Order.

J&W Refining, Inc., 4/8/81; FEX-0172, DEX-0010

The DOE reviewed the entitlements exception relief granted to J&W in the August 13, 1976 and April 13, 1977 Proposed Decision and Orders covering crude oil receipts and runs to stills for the period June 1976 through September 1977. DOE found that excessive relief in the amount of $583,720 had been granted and that the excessive relief should be repaid by Mr. Joseph Schero, controlling shareholder (and ultimately sole owner) of the firm during the period under review.

Lunday-Thagard Oil Company, 4/9/81; BEX-0190

The DOE issued a Supplemental Order to Lunday-Thagard Oil Company which modified the ordering paragraphs of a Decision and Order issued to Lunday-Thagard on August 27, 1980. As modified, the Decision and Order requires the firm to submit actual financial and operating data for its 1980 fiscal year.

Marina South Car Wash, 4/8/81; BEX-0092

On October 22, 1980, Marina South Car Wash filed a Statement of Objections to a Supplemental Order which was issued by the Office of Hearings and Appeals of the Department of Energy. In that Supplemental Order, the Office of Hearings and Appeals tentatively determined that exception relief from the Mandatory Petroleum Allocation Regulations that had been previously extended to Marina South Car Wash should be rescinded. However, On January 28, 1981, the President issued an Executive Order which immediately exempted crude oil, motor gasoline and propane from the provisions of those regulations. Consequently, the Office of Hearings and Appeals found that the Supplemental Order and the Statement of Objections are moot. Therefore, the Office of Hearings and Appeals determined that the Supplemental Order which was issued to Marina South Car Wash would not be issued as a final Order of the DOE, and that the Marina South Car Wash Statement of Objections should be dismissed.

Navajo Refining Company, 4/7/81, BEX-0014

The DOE reviewed the exception relief from the Entitlements Program (10 CFR 211.67) which Navajo Refining Company received during its 1979 fiscal year. In its determination, the DOE concluded that it was not necessary to make any further adjustments to the amount of exception relief which Navajo received for its 1979 operations. The Decision includes a discussion of the appropriate method for allocating overhead costs to the firm's resale activity. In addition, the DOE sets forth the basis upon which two different controlling tests were employed in arriving at the appropriate amount of exception relief for the firm under the *Delta* standards.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Company Name and Case No.

Asamera Oil (U.S.) Inc., Chevron U.S.A. Inc., BEJ-0196.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor

Gasoline Allocation Regulations. The DOE issued Decisions and Orders which determined that the requests be dismissed without prejudice:

Company Name and Case No.

Southern Colorado, Agri-Fuel Company, DEE-7078.

Dismissals

The following submissions were dismissed without prejudice:

Company Name and Case No.

Damours Service Station, BRR-0110.
Gary Energy Corporation, BEE-1648.
Highway Oil, Inc., BEO-1300.
Tommy Oil Company, Inc., BEO-1301.
Hi-Lo Oil Company, Inc., BEO-1302.
Workingmen's Friend, BEO-1303.
Kendall Associates, BRA-0648.
Texaco, Inc., DEE-1391, DEE-1392, DEE-1393.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

May 12, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 81-14630 Filed 5-15-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of April 10 Through April 17, 1981

During the week of April 10 through April 17, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

May 12, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of April 10 Through April 17, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 10, 1981	Southland Oil Company, Jackson, Mississippi	BYX-0194	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Southland Oil Company during its fiscal year ended December 31, 1980 to determine whether the level of relief accorded the firm was appropriate.
Apr. 13, 1981	Borton, Petrini & Conron (Lough), Bakersfield, California	BFA-0656	Appeal of Information Request Denial. If granted: The March 13, 1981 Information Request Denial issued by the Economic Regulatory Administration would be rescinded and Borton, Petrini & Conron would receive access to documents pertaining to netting.
Apr. 13, 1981	Clark Oil, Inc., Washington, D.C	BEG-0063; BES-0150	Petition for Special Redress; Request for Stay. If granted: Clark Oil, Inc. would receive access to all workpapers and documents pertaining to the Notice of Probable Violation issued to Clark Oil, Inc. on January 6, 1981. Clark Oil, Inc. would receive a stay of the requirements of the Notice of Probable Violation pending a determination on its Petition for Special Redress.
Apr. 13, 1981	Jeffries Banknote Company, Los Angeles, California	BFA-0658	Appeal of Information Request Denial. If granted: The March 31, 1981 Information Request Denial issued by Procurement & Assistance Management would be rescinded and Jeffries Banknote Company would receive access to information relative to Contract No. DE-AC01-78ET14278.
Apr. 13, 1981	Southwestern Refining Company, Inc., Salt Lake City, Utah.	BYX-0200	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Southwestern Refining Co., Inc. during its partial fiscal year ended January 1981 to determine whether the level of relief accorded the firm was appropriate.
Apr. 14, 1981	Christopher B. Cohen, Chicago, Illinois	BFA-0660	Appeal of Information Request Denial. If granted: The March 16, 1981 Information Request Denial issued by the Director of Personnel would be rescinded and Christopher B. Cohen would receive access to information regarding announcement EFM 80-103.
Apr. 14, 1981	Gleason Oil Company, Lewiston, Idaho	BEE-1657	Exception from reporting requirements. If granted: Gleason Oil Company would not be required to file form EIA-9A ("No. 2 Distillate Price Monitoring Report").
Apr. 14, 1981	Gulf Oil Corporation, Washington, D.C	BRD-0112	Motion for Discovery. If granted: The Office of Special Counsel would be required to release certain documents withheld from discovery on privilege grounds in connection with a Proposed Remedial Order issued to Gulf Oil Corporation on May 1, 1979.
Apr. 15, 1981	Arizona Fuels Corporation, Washington, D.C	BEH-0528; BED-0528	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to the March 16, 1981, Proposed Decision and Order (Case No. BEE-0528) issued to Arizona Fuels Corporation.
Apr. 15, 1981	Ayers Oil Company, Washington, D.C	BRD-0113	Motion for Discovery. If granted: Discovery would be granted to Ayers Oil Company in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-1178) issued to the firm by the Office of Enforcement.
Apr. 15, 1981	Caribou Four Corners, Inc., Afton, Wyoming	BYX-0195	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Caribou Four Corners, Inc. during its partial fiscal year from April 1, 1980 to January 27, 1981 to determine whether the level of relief accorded the firm was appropriate.
Apr. 15, 1981	Laketon Asphalt Refining, Inc., Evansville, Indiana	BYX-0196	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Laketon Asphalt Refining, Inc. during its partial fiscal year from April 1, 1980 to January 27, 1981 to determine whether the level of relief accorded the firm was appropriate.
Apr. 15, 1981	Lunday-Thagard Oil Company, South Gate, California	BYX-0201	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Lunday-Thagard Oil Company during its fiscal year ended June 30, 1980 to determine whether the level of relief accorded the firm was appropriate.
Apr. 15, 1981	Warrior Asphalt Refining Company of Alabama, Inc., Washington, D.C.	BYX-0197	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Warrior Asphalt Refining Company of Alabama, Inc. during its partial fiscal year from April 1, 1980 to January 27, 1981 to determine whether the level of relief accorded the firm was appropriate.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of April 10 Through April 17, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 16, 1981	Young Refining Corporation, Washington, D.C.	BYX-0166	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Young Refining Corporation during its partial fiscal year from April 1, 1980 to January 27, 1981 to determine whether the level of relief accorded the firm was appropriate.
Apr. 16, 1981	Texco Corp./Chevron, U.S.A., Washington, D.C.	BEJ-0167	Motion for Protective Order. If granted: Texco Corp. would enter into a Protective Order with Chevron, U.S.A. regarding the exchange of proprietary information in connection with Texco Corporation's Application for Exception (Case No. BEE-1640).
Apr. 17, 1981	Squire, Sanders & Dempsey (McCrea), Washington, D.C.	BFA-0061	Appeal of an Information Request Denial. If granted: The February 20, 1981 Information Request Denial issued by Assistant Administrator for Enforcement, Economic Regulatory Administration would be rescinded and Squire, Sanders, & Dempsey would receive access to certain DOE information.

Notices of Objection Received

[Week of April 10, 1981 through April 17, 1981]

Date	Name and location of applicant	Case No.
Apr. 13, 1981	Moore Holding, Inc., Washington, D.C.	BEE-1594.
Apr. 14, 1981	J.E. DeWitt, Inc., Los Angeles, California.	BEE-1598

Notices of Objection Received—Continued

[Week of April 10, 1981 through April 17, 1981]

Date	Name and location of applicant	Case No.
Apr. 14, 1981	Kentucky Oil & Refining Company, Betsy Layne, Kentucky.	BEE-1625
Apr. 14, 1981	Lakeside Asphalt Refining, Inc., Evansville, Indiana.	BXE-1578.

Dismissed Cases Reopened

[Week of April 13, 1981 to April 17, 1981]

Date	Case name	Case No.	Location city/state
Apr. 16, 1981	Mobil Oil Corporation	BEA-6045	Scarsdale, New York.

[FR Doc. 81-14607 Filed 5-15-81; 8:45 am]
BILLING CODE 6450-01-M

Freedom of Information Act; Confidentiality of Certain Coal Conversion Reports

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy (DOE) hereby solicits comments from interested parties as to whether certain data submitted to the Federal Energy Administration (FEA) for use in the Major Fuel Burning Installation Coal Conversion Report are exempt from mandatory public disclosure pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

DATE AND ADDRESS: Comments should be submitted to the address below on or before June 8, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph E. Ronan, Jr., Office of Hearings and Appeals, 2000 M Street NW., Room 8014, Washington, D.C. 20461, (202) 653-3054.

SUPPLEMENTARY INFORMATION: This Notice solicits comments from interested parties as to whether certain information submitted to the Federal Energy Administration, a predecessor agency to the DOE, should be released to the public under the FOIA. The information in question was obtained during 1973–74 from facilities that used large amounts of fuel in their operations. The information was intended to be used by the agency in determining the feasibility of conversion by those facilities to coal as their primary fuel. The information includes data specifying by facility for that period the type and amount of fuel used, combustor capacity, and other commercial information. That information was supplied to FEA pursuant to the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. § 791. The agency first required all major fuel burning installations (MFBIs) to identify themselves. 40 FR 12706 (March 20, 1975). The FEA subsequently required MFBIs to submit an MFBI Coal Conversion Report form FEA C-602-S-0, providing information concerning the firms' fuel use and combustor capacities. 40 FR 17328 (April 18, 1975). On April 22, 1976, FEA announced that it had tentatively determined to release all data on form FEA C-602-S-0 to the public in response to FOIA requests. 41 FR 17819 (April 28, 1976). However, FEA recognized that such release under some circumstances could cause substantial competitive harm to submitters of such data, and therefore requested comments from interested parties concerning the treatment under the FOIA of the information in question. *Id.* After evaluating those comments, FEA revised its original position and decided to withhold from the public certain information included in the MFBI Coal Conversion Report.

On July 1, 1980, in *Foster Associates, Inc.*, 8 DOE ¶80,121 (1980), the Office of Hearings and Appeals held that the following data from form FEA C-602-S-0 must be released to the public upon request: (1) Combustor capacity; (2) Fuel Use (heat content and volume of each fuel consumed during 1973 and 1974); (3) Coal sulfur content; and (4) Four-digit Standard Industrial Classification Code (SIC Code). The decision to order the release of that information was based on findings that

> In view of the large number of other factors involved in the determination of a plant's productive capacity . . ., there appears to be only a tenuous relationship between a plant's combustor capacity and its productive capacity. Similarly, with regard to the release of the 1973 and 1974 fuel use and coal sulfur content data, although it is conceivable that the release of this information could enable a competitor to estimate a firm's historical fuel costs, there are many other variable costs involved in a firm's production operations such as the cost of labor and raw materials. Moreover, the fuel use characteristics of most firms have changed in the six year interval since 1973–74. We have therefore determined that the release of this information will not enable rival firms to estimate a plant's costs of production more accurately than they could using other sources already in the public domain.

Id. at 80,574. The Decision also noted that, with respect to the SIC Code, "this information is purely factual, is generally known to the public, and is not generally considered proprietary." *Id.* at 80,574. It was further observed that information similar to the information at issue pertaining to 30 percent of the MFBIs had previously been released to the public as a result of the National Emissions Data System of the

Environmental Protection Agency. *Id.* at 80,575 n.*.

On October 17, 1980, the Administrators of the Economic Regulatory Administration and of the Energy Information Administration filed a Petition for Reconsideration of the *Foster Associates* decision. *Economic Regulatory Administration & Energy Information Administration*, Case No. BER-0066. In that Petition, the Office of Hearings and Appeals is requested to modify its decision in *Foster Associates* and to direct the release of only the SIC Code (item (4)). The Petitioners request that the OHA reconsider its conclusion that items (1) through (3) above are not exempt from mandatory disclosure pursuant to Exemption 4 of the FOIA. The Petition states that since the facilities involved in the MFBI report have a long useful life, MFBI data from 1973–74 are not stale, but can be used to closely estimate present plant capacities. Further, it is contended that knowledge of the combustor capacity and fuel use data, when combined with information already publicly available, would allow competitors to estimate very closely the fuel costs of the submitters. Therefore, the Petition maintains that release of that information could likely result in substantial competitive harm to the submitters.

In the interest of reaching an equitable result on the Petition for Reconsideration, the Office of Hearings and Appeals wishes to obtain comments from interested parties concerning the proper treatment under the FOIA of the four categories of information listed above. This approach is in keeping with the DOE FOIA regulations, which provide for DOE's consideration of submitters' views on the treatment of material that is claimed to fall within Exemption 4. *See* 10 CFR 1004.11. Accordingly, we request that interested parties, including both the original submitters of information and those parties interested in obtaining that information, submit comments to the Office of Hearings and Appeals concerning that issue. We particularly solicit comments on the following questions:

(1) Is the information contained in form FEA C–602–S–0 pertaining to 1973–74 outdated or stale so that its release would not be likely to cause substantial competitive harm to the submitter at the present time?

(2) In which specific ways could the information contained in form FEA C–602–S–0 be used by competitors to cause substantial competitive harm to submitters of that information?

Copies of the Petition for Reconsideration may be obtained through the Public Docket Room of the Office of Hearings and Appeals, Room B–210, 2000 M Street, NW., Washington, D.C. 20461. The Public Docket Room is open Monday through Friday between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. Comments must be submitted in duplicate, unless confidential information is contained, in which case two additional copies with such confidential information deleted must also be submitted. Comments should be sent to the Office of Hearings and Appeals at the address provided above, and copies of all comments received will be available for inspection in the Public Docket Room.

If the Office of Hearings and Appeals determines that the ERA/DIA Petition should be denied and any of the information claimed to be confidential by its submitters should be released to the public, the DOE will provide pursuant to 10 CFR 1004.11 direct mail notice to submitters of that information no less than seven (7) days prior to the intented release of the information in question.

Issued in Washington, D.C on May 11, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 81–14263 Filed 5–15–81; 8:45 am]

BILLING CODE 6450–01–M

Office of the Secretary

Proposed Subsequent Arrangements

In the Federal Register of May 12, 1981, the following notices appearing on Pages 46 FR 26370 and 26371, respectively, are hereby rescinded.

Proposed Subsequent Arrangements designated as RTD/EU(SD)–34 and RTD/EU(SD)–33, FR Docs. 81–14264 and 81–14265, respectively.

Dated: May 12, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–14780 Filed 5–15–81; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement; Government of Spain

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Spain Concerning Civil Uses of Atomic Energy, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the transfer of special nuclear material of United States origin from Spain to the United Kingdom for the purpose of reprocessing. The material consists of 24 irradiated fuel elements containing 4,366 kilograms of uranium enriched to 0.66% in U–235, and 25 kilograms of plutonium, from the Santa Maria de Garona Power Plant. This subsequent arrangement is designated as RTD/EU(SP)–13.

The Department of Energy has received a letter of assurance from the Government of Spain that the recovered uranium and plutonium will not be transferred from the reprocessing site, nor put to any use, without the prior approval of the United States Government.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice, and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: May 12, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81–14780 Filed 5–15–81; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement; Government of Sweden

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government

of Sweden Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the transfer of special nuclear material of United States origin from Sweden to the United Kingdom for the purpose of reprocessing. The material consists of 340 irradiated fuel elements containing 60,686 kilograms of uranium enriched to 0.93% in U-235, and 510 kilograms of plutonium, from the Oskarshamn Nuclear Power Plants No. 1 and No. 2. This subsequent arrangement is designated as RTD/EU(SW)-57.

The Department of Energy has received a letter of assurance from the Government of Sweden that the recovered uranium and plutonium will not be transferred from the reprocessing site, nor put to any use, without the prior approval of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangment will take effect no sooner than fifteen days after the date of publication of this notice, and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: May 12, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-14701 Filed 5-15-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51259; TSH-FRL-1830-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of seven PMN's and provides a summary of each.

DATE: Written comments by June 14, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, D.C. 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT:

PMN, Notice Manager, Telephone and Room No.

81-180, 81-181 and 81-182, Kirk Maconaughey; (202-426-2601), E-210
81-183, 81-184, 81-185 and 81-186, Kathleen Ehrensberger; (202-755-1150), E-335

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Initial Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 8, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the

substance is added to the inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51259]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: May 12, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-180

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 14, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—$100,000,000 to $499,999,999.

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—2891.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkadiene.

Use. The manufacturer states that the PMN substance will be used in polymer production.

Production Estimates

	Kilograms per year
1st year	6
2d year	10
3d year	20

Physical/Chemical Properties. No data were submitted.

Toxicity Data. The submitter states that there are no known data and none were submitted.

Exposure. No data were submitted. The manufacturer states that there is potential skin and inhalation exposure to workers during the distillation and subsequent handling of the PMN substance.

Environmental Release/Disposal. No data were submitted. The manufacturer states that none of the PMN substance is anticipated to be released into the environment and that scrap material will be disposed of in accordance with RCRA standards.

PMN 81-181

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 14, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—$100,000,000 to $499,999,999.

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—2891.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of alkene and diene.

Use. No data were submitted.

Production Estimates

	Kilograms per year
1st year	50
2d year	100
3d year	200

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. No data were submitted. The manufacturer states that there is potential skin exposure to workers during the precipitation and subsequent handling of the PMN substance.

Environmental Release/Disposal. No data were submitted. The manufacturer states that none of the PMN substance is anticipated to be released into the environment and that scrap material will be disposed of in accordance with RCRA standards.

PMN 81-182

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 14, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Annual sales—$100,000,000 to $499,999,999.

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—2891.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkadiene.

Use. The manufacturer states that the PMN substance will be used in polymer production.

Production Estimates

	Kilograms per year
1st year	6
2d year	10
3d year	20

Physical/Chemical Properties. No data were submitted.

Toxicity Data. The submitter states that there are no known data and none were submitted.

Exposure. No data were submitted. The manufacturer states that there is potential skin and inhalation exposure to workers during the distillation and subsequent handling of the PMN substance.

Environmental Release/Disposal. No data were submitted. The manufacturer states that none of the new chemical is anticipated to be released into the environment and that scrap material will be disposed of in accordance with RCRA standards.

PMN 81-183

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 14, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Isocyanate modified polyester/polyether.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used in an open use that will release more than 50 but less than 5,000 kg per year into the environment with a very low potential for skin and eye exposure to chemical employees and a potential for skin and eye exposure to nonchemical industrial employees frequently during working hours. Use will involve exposure to consumers as part of an article with no direct consumer contact with the new chemical.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	0	2,000
2d year	2,000	10,000
3d year	10,000	100,000

Physical/Chemical Properties.

% Total solids—50.7% at 105°C; 46.3% at 150°C.
Viscosity—>Z-10
Color—3-4*
Acid value—3.93
Weight/gallon—8.69
(* On solution of the new substance at solids shown).

Toxicity Data. No data were provided.

Exposure. The manufacturer states that at 3 sites, 70 manufacturing and processing workers have potential skin and eye exposure to the new substance for 6 to 12 hr/da, 2 to 18 da/yr, during extraction of samples for quality control and filling of mixing equipment and shipment drums. At the site of a typical user, 150 workers using the new chemical have potential skin and eye exposure for 8 hr/da, 200 da/yr.

Environmental Release/Disposal. The manufacturer states that at three sites, less than 60 kg/yr of the new chemical will be released into the air and water and up to 200 kg/yr into the land. Reactor vapors are cleaned by a scrubber; sludge from distilled cleaning solvents is incinerated. At the site of a typical user, less than 30 kg/yr will be released into the air, land, and water. Landfill is used for waste disposal.

PMN 81-184

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 14, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: silicone polyol.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 50 but less than 5,000 kg per year into the environment with potential skin and eye exposure for chemical employees less than five times per week and potential skin and eye exposure for non-chemical industry employees frequently during working hours.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	2,000
2d year	2,000	4,000
3d year	4,000	8,000

Physical/Chemical Properties

% Total solids—91.2% at 105°C.
Acid value—0.3
Hydroxyl value—282
Viscosity (stokes)—153
Color—5-6
Flash point—>190°F.
Density—9.14
(Values on a solution of the new substance at % solids shown).

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 2 sites, 52 manufacturing and processing workers have potential skin and eye exposure to the new substance for 4 hr/da, 9 to 40 da/yr, during filtering, cleaning up, tank filling, and quality control sampling. At the site of a typical user, five workers using the new chemical have potential skin and eye exposure for 12 hr/da, 250 da/yr.

Environmental Release/Disposal. The manufacturer states that at two sites, less than 40 kg/yr of the new chemical will be released into the air and water and up to 1,100 kg/yr into the land. Reactor vapors are cleaned by a scrubber; sludge from distilled cleaning solvents is incinerated. At the site of a typical user, less than 20 kg/yr will be released into the air and water and up to 100 kg/yr into the land; cleanup solvents and wasted substrates are incinerated or landfilled.

PMN 81-185

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 14, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of alkanediol, carbomonocyclic anhydride, and substituted alkanoic ester.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the PMN substance will be used in an open use that will release more than 50 but less than 5,000 kg per year into the environment with potential skin and eye exposure to chemical industry employees more than once per week and potential skin, eye, and inhalation exposure to nonchemical industry employees frequently during working hours.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	10,000
2d year	5,000	50,000
3d year	8,000	80,000

Physical/Chemical Properties

% Total solids—83.6% at 150°C.
Free hexanediol—4%
Acid value—9-12
Hydroxyl value—180-250
Viscosity (stokes)—10.6
Color—1
Flash point—102°F.
(Based on solution at 90% solids).

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 3 sites, 208 manufacturing and processing workers have potential skin and eye exposure to the new chemical for 4 to 6 hr/da, 3 to 15 da/yr, during cleanup, mixing tank and container filling, and quality control sampling. At the site of a typical user, two workers using the new substance have potential skin, eye, and inhalation exposure for 1 hr/da, 200 da/yr.

Environmental Release/Disposal. The manufacturer states that at three sites, less than 60 kg/yr of the new substance will be released into the air and water and up to 1,100 kg/yr into the land. Reactor vapors are cleaned by a scrubber; sludge from distilled cleaning solvent and other organic wastes are incinerated, sold as fuel, or landfilled. At the site of a typical user, up to 1,000 kg/yr will be released into the land.

PMN 81-186

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. July 14, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester polyurethane.

Use. Claimed confidential business information. Generic use information provided: The submitter states tht the PMN substance will be used in an open use that will release more than 50 but less than 5,000 kg per year into the environment with a very low potential for skin and eye exposure to chemical employees and a potential for skin and eye exposure to non-chemical industrial employees frequently during working hours. Use will involve exposure to consumers as part of article with no direct consumer contact with the new chemical.

Production Estimates

	Kilogram per year	
	Minimum	Maximum
1st year	37,500	270,000
2d year	37,500	760,000
3d year	37,500	760,000

Physical/Chemical Properties

Percent Total solids—65% at 105° F.
Acid value—0.8
Hydroxyl value—5
Flash point—77° F.
Viscosity—Z–3
(Values are on solids in solution).

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 3 sites, 102 manufacturing and processing workers have potential skin and eye exposure to the new substance for 6 hr/da, 18 to 121 da/yr, during filtering, cleaning up, filling shipping containers and mixing tanks, and quality control sampling. At the site of a typical user, 150 workers using the new chemical have potential skin and eye exposure for 8 hr/da, 200 da/yr.

Environmental Release/Disposal. The manufacturer states that at the three sites, less than 60 kg/yr of the new chemical will be released into the air and water and up to 1,200 kg/yr into the land. Reactor vapors are cleaned by a scrubber; sludge from distilled cleaning solvents is incinerated. At the site of a typical user, less than 20 kg/yr will be released into the air and water and from 10 to 100 kg/yr into a landfill.

[FR Doc 81-14609 Filed 5-15-81; 8:45 am]
BILLING CODE 6560-31-M

[A-10-FRL-1826-6]

Standards of Performance for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation to the State of Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is today approving a request dated October 14, 1980 from the Washington State Department of Ecology for delegation of additional source categories under the new Source Performance Standards (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) as approved in their WAC 173–400–115 and WAC 173–400–075. The additional source categories are: (NSPS) kraft pulp mills, lime manufacturing plants and grain elevators, (NESHAPS) vinyl chloride. This delegation will amend the February 28, 1975 and July 7, 1977 delegations to the State of Washington.

DATE: Effective May 1, 1981.

ADDRESS: The related material in support of this delegation may be examined during normal business hours at the following locations:

Central Docket Section, (10A–81–5), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Streets, S.W., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101

Department of Ecology, 4224 Sixth Avenue, S.E., Lacey, Washington 98503

FOR FURTHER INFORMATION CONTACT: Kenneth A. Lepic, Air Programs Branch M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442–1125, FTS: 399–1125

SUPPLEMENTARY INFORMATION: On February 28, 1975, the Regional Administrator of EPA, Region 10, delegated to the State of Washington the authority to implement and enforce NSPS for eleven categories of stationary sources as promulgated by EPA prior to January 1, 1975 and three categories for NESHAPS as promulgated on June 1, 1974. A Notice announcing this delegation was published in the **Federal Register** on April 1, 1975 (40 FR 14632). On July 7, 1977 the Regional Administrator further delegated to the State of Washington an additional twelve categories under NSPS as promulgated by EPA prior to November 1, 1976. This Notice was published in the **Federal Register** on October 17, 1977 (42 FR 55492).

The State of Washington in a letter dated October 14, 1980 requesting delegation of three additional source categories under NSPS and one source category under NESHAPS as promulgated by EPA prior to May 1980. The letter granting this additional delegation of authority to the State of Washington was dated May 1, 1981 and is as follows:

Honorable John Spellman,
Governor of Washington,
Olympia, Washington 98504

Dear Governor Spellman: On October 14, 1980, Jonn Spencer, Acting Director of the Department of Ecology, requested that EPA extend the delegation of authority to enforce additional source categories under the New Source Performance Standards (NSPS) and the National Emissions Standards for Hazardous Air Pollutants (NESHAPS) granted to the State of Washington on February 28, 1975. We have reviewed that request and hereby delegate to DOE the authority to enforce the source categories listed under NSPS and NESHAPS as follows:

(1) NSPS—kraft pulp mills, lime manufacturing plants and grain elevators as listed under WAC 173–400–115

(2) NESHAPS—vinyl chloride as listed under WAC 173–400–075

This delegation is subject to the conditions outlined in the original letter of delegation dated February 28, 1975 and published in the Federal Register on April 1, 1975 (40 FR 14632). In addition, EPA hereby delegates to the State of Washington the authority to enforce revisions to NSPS and NESHAPS which have been promulgated through May 1, 1980.

A Notice announcing this delegation will be published in the **Federal Register** in the future. The Notice will state, among other things, that effective immediately, all reports required pursuant to the federal NSPS (Except fossil fuel-fired steam generators) and NESHAPS from sources located in the State should be submitted to the State of Washington Department of Ecology, Olympia, Washington, as well as the EPA Region 10 Office. However, reports required pursuant to 40 CFR Section 60.7(c) [excess emissions and malfunctions] will be submitted to the State Agency only. Any reports which have been or may be received in this office prior to the publication of the Notice will be forwarded to the Department of Ecology.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State will be deemed to have accepted all the terms of the delegation.

An advance copy of this **Register** is enclosed for your information.

Sincerely,
Donald P. Dubois,
Regional Administrator.

Enclosure
cc: D. Moos, Director

Incorporation by reference of the State Implementation Plan for the State of Washington was approved by the Director of the Office of the Federal Register on July 1, 1980.

(Section 110, Clean Air Act (42 U.S.C. 7410(a) and 7502))

Dated: April 30, 1981.

Donald P. Dubois,
Regional Administrator.

[FR Doc. 81-14799 Filed 5-15-81; 8:45 am]
BILLING CODE 6560-38-M

[TSH-FRL-1830-4; OPTS-59050]

Substitutedthiol Salt; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by June 13, 1981. Persons should submit written comments on the application no later than June 2, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M Street, SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2266) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to the PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before June 2, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59050]. Comments received may be seen in Rm. E-401 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: May 12, 1981.

Edward A. Klein,
Director, Chemical Control Division.

TM 81-11

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. June 13, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substitutedthiol salt.

Use. Site-limited chemical intermediate.

Production Estimates. The submitter states that up to 210 kilograms of this new chemical will be produced for test market purposes.

Physical/Chemical Properties

Melting point—125°C

Solubilities—Water: > 10%; Octanol: 0.1–1.0%

Toxicity Data

Acute oral LD_{50}—1,300–1,900 mg/kg
Acute dermal LD^{50}—> 1,000 mg/kg
Skin irritation—Strong

Exposure. The submitter states that during manufacture, a maximum of two workers may have skin and inhalation exposure one hour a day for two days with potential maximum concentration of 1–10 mg/m^3 when transferring the damp chemical to a drying equipment and a potential maximum concentration of 10–30 mg/m^3 during transfer of the dried chemical to containers. During use of the new chemical, a maximum 2 workers may have skin and inhalation exposure 3 hours a day for up to 15 days each with potential maximum concentration of 1–10 mg/m^3.

Local and general exhaust, dust masks, gloves, safety glasses and protective clothing will be worn to minimize exposure in both manufacturer's and user's sites.

Environmental Release/Disposal. The manufacturer states that wastes from manufacture containing the new substance will be incinerated; that the amount of the new substance released to the air will be negligible.

[FR Doc. 81-14601 Filed 5-15-81; 8:45 am]
BILLING CODE 6560-31-M

[AS-FRL 1813-3; (PRM 80-4)]

Women's Business Enterprise Policy for the Construction Grants Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of deferral of date of applicability of Construction Grants Program Requirements Memorandum PRM No. 80–4.

SUMMARY: This notice defers the date of applicability of PRM No. 80–4 (Women's Business Enterprise Policy for the Construction Grants Program), 45 FR 51490 (August 1, 1980), from June 1, 1981 until October 1, 1981. This action is necessary to allow for uniform national procedures for implementing the policy to be developed and published in final.

FOR FURTHER INFORMATION CONTACT: Robert J. Knox, U.S. Environmental Protection Agency, Office of Small and Disadvantaged Business Utilization, 401 M Street SW., Washington, D.C. 20460, (202) 755–0393.

Notice of Deferral

The policies and requirements of Program Requirements Memorandum No. 80–4, Women's Business Enterprise Policy for the Construction Grants Program shall be applicable to all projects for which assistance is awarded after September 30, 1981. This defers the date of applicability from June 1, 1981 to October 1, 1981. The date of applicability was previously deferred from February 1, 1981 to June 1, 1981. 46 FR 10588 (February 3, 1981). This notice does not preclude a grantee, contractor, or consultant from voluntarily implementing the policy set forth in PRM No. 80–4 for projects funded prior to September 30, 1981, and EPA encourages such action.

Dated: May 12, 1981.

Walter C. Barber, Jr.,
Acting Administrator.

[FR Doc. 81-14797 Filed 5-15-81; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justification offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Office located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 8, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 5600–42.

Filing party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Summary: Agreement No. 5600–42 would amend the Philippines North America Conference Agreement to (1) authorizes agreement on intermodal through and joint rates, charges and regulations from inland points in the Republic of the Philippines to ports or inland points in the U.S. and any of its districts, territories or possessions, and Canada; (2) provide for the right of independent action by the member lines to file intermodal rates individually or in concert with other members; (3) provide for individual independent action on other rates, except surcharges; (4) permit substituted overland service at origin of within established Groups to ports or inland points in the U.S. and any of its districts, territories or possessions, and Canada; (5) establish two new trade area Groups designated as the Hawaii & Alaska Group and the Interior Point Intermodal Group; (6) remove intermodal rate parity restrictions on competing trade area Groups; (7) reduce from 60 to 30 days the notice period required for non-penalty withdrawal from the Conference; (8) place voting restrictions on withdrawing members and members delinquent in paying Conference expenses; (9) interpose a cargo-lifting requirement in lieu of a sailing requirement in order to maintain voting privileges; (10) permit any Conference member to participate in the discussion of any Group even though not affiliated with that particular Group; (11) change the voting requirements and procedures for effecting conference actions; and (12) amend the self-policing provisions to conform to the requirements of the Commission's self-policing rules as contained in Revised General Order 7 (46 CFR Part 528, effective January 1, 1979).

Agreement No. 5660–30.

Filing party: John R. Attanasio, Esquire, Billig, Sher & Jones, P.C., 2033 K Street NW., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 5660–30 among the members of Marseilles North Atlantic U.S.A. Freight Conference would amend Article III of the basic agreement to clarify voting requirements.

Agreement No. 6090–19.

Filing party: John R. Attanasio, Esquire, Billig, Sher & Jones, P.C., 2033 K Street NW., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 6090–19, entered into by the member lines of the Mediterranean North Pacific Coast Freight Conference, would amend the scope of the basic agreement for the purposes of authorizing intermodal services to points in the United States and Canada, including the Hawaiian Islands via Atlantic and Gulf Coast ports.

Agreement No. 10360–1.

Filing party: John R. Attanasio, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Summary: Agreement No. 10360–1 amends the basic agreement of the Mediterranean/U.S. Pacific Coast Force Majeure Agreement

to extend the effectiveness through November 8, 1984.

By Order of the Federal Maritime Commission.

Dated: May 13, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-14736 Filed 5-15-81; 8:45 am]

BILLING CODE 6730-01-M

[Agreements Nos. 10414 and 10416]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decisions on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 10414, which permits American President Lines, Ltd.; Lykes Brothers Steamship Company, Inc.; Sea-Land Service, Inc.; United States Lines, Inc.; and Waterman Steamship Corporation to enter into a rate agreement in the eastbound Peoples Republic of China/United States trade.

Agreement No. 10416, between Trailer Marine Transport Corporation and Puerto Rico Maritime Shipping Authority, covers the establishment of any tariff rules, regulations, provisions and charges (except ocean freight rates) on cargoes moved by the parties in the Puerto Rican and Virgin Island trades.

The Findings of No Significant Impact (FONSI) will become final within 20 days unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI's and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-14744 Filed 5-15-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than June 11, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President) 30 Pearl Street, Boston, Massachusetts 02106:

Correction

Industrial National Corporation, Providence, Rhode Island (consumer finance and insurance activities; Illinois, Iowa). This notice corrects a previous **Federal Register** document FR Doc. 81-14133) published at page 26176 of the issue for Monday, May 11, 1981. The end of the coment period was incorrect. Comments on this application must be received not later than June 4, 1981.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Hawkeye Bancorporation, Des Moines, Iowa (mortagage banking, insurance agency; Iowa, Illinois, Wisconsin, Minnesota, South Dakota, Nebraska, Kansas and Missouri to engage thru its subsidiary Hawkeye Mortgage Company, in mortgage banking and related activities including origination, servicing, selling, buying first and second lien real estate loans, and acting as an agency for the sale of credit life and credit accident and health insurance directly related to the extension of credit. These activities would be conducted from offices in West Des Moines, Iowa, serving Iowa, Illinois, Wisconsin, Minnesota, South Dakota, Nebraska, Kansas and Missouri. Comments on this application must be received not later than June 8, 1981.

C. *Federal Reserve Bank of Dallas* (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

Northest United Bancorp, Inc., of Texas, Fort Worth, Texs (data processing activities; Texas): to engage in data processing for its subsidiaries and one other bank in Arlington, Texas. These activities would be conducted from a data center at 1600 East Pioneer Parkway, Arlington, Texas, serving the counties of Tarrant and Dallas, Texas.

D. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Bankamerica Corporation, San Francisco, California (travelers check activities; London): to engage through a *de novo* office of its subsidiary, BA Cheque Corporation, in activities incidental to the sale of travelers checks, including claims for refunds for lost or stolen travelers cheques directly from purchasers, as well as those claims from Bank of America NT&SA's European branches and other authorized sales offices which exceed a particular office's refund limit. These activities would be conducted from an office in London, England, and would service all of England. Comments on this application must be received not later than June 3, 1981.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, May 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14783 Filed 5-15-81; 8:45 am]

BILLING CODE 6210-01-M

Eaton Capital Corp.; Formation of Bank Holding Company

Eaton Capital Corporation, Loup City, Nebraska, a Colorado corporation, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The Eaton Bank, Eaton,

Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Eaton Capital Corporation, Loup City, Nebraska, a Colorado corporation, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to establish *de novo* a general insurance agency in Eaton, Colorado.

Applicant states that the proposed subsidiary would engage in the activities by acting as general insurance agent in a community with a population not exceeding 5,000 inhabitants. These activities would be performed from offices of Applicant's subsidiary in Eaton, Colorado, and the geographic areas to be served is an area within a 25 mile radius of Eaton, Colorado. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than June 12, 1981.

Board of Governors of the Federal Reserve System, May 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14770 Filed 5-15-81; 8:45 am]

BILLING CODE 6210-01-M

Harvard Tower Holding Corp.; Formation of Bank Holding Company

Harvard Tower Holding Corporation, Tulsa, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Harvard Tower Bank, Tulsa, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14770 Filed 5-15-81; 8:45 am]

BILLING CODE 6210-01-M

Lafourche Bancshares, Inc.; Formation of Bank Holding Company

Lafourche Bancshares, Inc., Larose, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of South Lafourche Bank & Trust Company, Larose, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reseve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14771 Filed 5-15-81; 8:45 am]

BILLING CODE 6210-01-M

Mountain Bancshares, Inc.; Formation of Bank Holding Company

Mountain Bancshares, Inc., Tracy City, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First Bank and Trust, Tracy City, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 11, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14781 Filed 5-15-81; 8:45 am]

BILLING CODE 6210-01-M

Winthrop Bancshares, Inc.; Formation of Bank Holding Company

Winthrop Bancshares, Inc., Winthrop, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 84 percent or more of the voting shares of Winthrop State Bank, Winthrop, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June

12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14782 Filed 5-15-81; 8:45 am]

BILLING CODE 6210-01-M

United Vermont Bancorporation; Formation of Bank Holding Company

United Vermont Bancorporation, Rutland, Vermont, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Proctor Trust Company, Proctor, Vermont. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 3, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-16016 Filed 5-15-81; 12:02 pm]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Services Administration

Alaska Area Guidelines for Tribal Clearances for Indian Self-Determination Contracts

Notice is hereby given that the Indian Health Service (IHS) has adopted administrative guidelines governing tribal clearances of Indian Self-Determination Contracts in the Alaska Area. Publication as a notice was decided upon because of the large number of tribes affected, the wide geographical dispersal of the tribes and the key importance of the guidelines to the successful implementation of the Indian Self-Determination Act in Alaska. The guidelines have been developed in cooperation and consultation with the Alaska Tribes and tribal organizations.

The following administrative guidelines will also be incorporated into the administrative circular system of the Alaska Area Native Health Service (AANHS).

Alaska Area Native Health Service Circular

Administrative Guidelines: Tribal Clearances for Pub. L. 93-638 Contracts

Contents:

1. Purpose
2. Statutory Authority
3. Definitions
4. Requirements
A. Tribal Clearances—Initial Contracts
B. Contents of the Resolution
C. Absence of Resolutions
D. Tribal Clearances—Renewal Contracts
E. Existing Resolutions
F. Adoption of Resolutions
5. Supercession
6. Attachments

1. Purpose

Public Law 93-638 (25 U.S.C. 450 et seq.) directs the Secretary of Health and Human Services, upon the request of any Indian tribe, to enter into a contract or contracts with duly authorized tribal organization or any Indian tribe to carry out any or all of his functions, authorities, and responsibilities.

The purpose of this circular is to set forth the policies and procedures for the tribal clearances necessary for Pub. L. 93-638 contracting in the Alaska Area. This circular is an interpretative supplement to and does not replace or change the existing regulations which govern contracting under Pub. L. 93-638.

2. Statutory Authority

A. The Alaska Native Claims Settlement Act (ANCSA) (Public Law 92-203, 43 U.S.C. 1601-1628).

B. The Indian Self-Determination Act (Public Law 93-638, Section 103, 25 U.S.C. 450g).

C. The Code of Federal Regulations (CFR) Title 42, Sections 36.201-36.228.

3. Definitions

A. "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

B. "Tribal organization" means the recognized governing body of any Indian tribe; or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities. Under this policy, for example, the tribal organization which contracts with the Indian Health Service (IHS) may be the regional non-profit corporation, or an independent organization of Indians established for the purpose of providing health care services, or the village governing body.

C. "Initial contract" means a contract application or proposal for any program or portion of a program authorized by the Secretary not presently being carried out by the tribal organization.

D. "Renewal contract" means an application for continuance of any program or portion of a program which is presently a part of an existing Pub. L. 93-638 contract.

E. "Modification—Amendment" means any change in the cost, conditions, or scope of work for a program under contract.

F. "Resolution" means a formal expression of opinion, will, or intent by the tribal governing body or by an official having legal authority to speak for the tribal governing body.

4. Requirements

A. Tribal Clearances—Initial Contracts

Any tribal organization is eligible to apply for contracts under the Indian Self-Determination Act (42 CFR 36.205(a)). However, before the IHS may enter into a contract with a tribal organization, it must be requested to do so by the tribe or tribes which will be benefited by the contract (42 CFR 36.206(a)). The tribe's request shall be in the form of a resolution issued by the tribal governing body (See Section F below). If the tribal organization is applying for a contract benefitting more than one tribe, the approval of each tribal governing body must be obtained before submitting the application to AANHS (42 CFR 36.206(a)).

The tribal approval required before an IHS function can be contracted will vary depending upon the benefits provided by the contractor. Section 4(c) of the Indian Self-Determination Act requires "That in any case where a contract is let or a grant made to an organization to perform services benefitting more than one Indian tribe, *the approval of each such Indian tribe* shall be a prerequisite to the letting or making of such contract or grant."

Villages, as the smallest tribal units under the ANCSA must approve contracts which will benefit their members. The actual benefit of proposed contracts for IHS functions accrues to residents of individual villages as recipients of the health services. The IHS has determined, therefore, that the statute requires village approval, either directly or by Delegation to a tribal organization.

In the case of a regional or sub-regional facility or service, resolutions are required from all of the Alaska Native villages in the local area that will use the facility or receive the service. In the case of the Alaska Native Medical Center (ANMC), which functions both as a local service unit facility as well as a referral center for patients throughout the State, the scope of village approval will vary

depending upon the functions to be contracted. Service Unit functions need receive approval only from the villages in the Anchorage Service Unit. However, the ANMC also provides certain specialized health services and programs for all of the villages in the Alaska Area. Before these programs or portions of programs can be contracted, the contractor must show evidence of support for contracting from *each* village throughout the State. The support may be in the form of village resolutions or resolutions from tribal organizations which have been delegated the authority to approve contracting for statewide services by the villages. (See Section B for an explanation of delegation of authority for statewide functions.)

For the purposes of contracting under Pub. L. 93-638, the Alaska Area will recognize as the village governing body the following entities in order of precedence:

If there is an Indian Reorganization Act (IRA) Council, and it provides governmental functions for the village, it will be recognized.

If there is no IRA Council, or it does not provide governmental functions, then the traditional village council will be recognized.

If there is no IRA Council and no traditional village council, then the village profit corporation will be recognized.

If there is no IRA Council, no traditional village council, and no village profit corporation, then the regional profit corporation will be recognized for that particular village.

B. Contents of the Resolution

The resolution of the tribal governing body shall authorize the applicant tribal organization to apply for, negotiate and contract with the IHS (42 CFR 36.206 (b) and (c)), subject to the terms of the resolution and any applicable tribal laws, codes, regulations and customs. The resolution must also include the following:

1. The name of the tribal organization to which the resolution is given, such as a particular regional health corporation;

2. The date the resolution was approved, and the signature of the person authorized to certify the accuracy of the information in the resolution; and

3. A statement of the scope of contracting authority. It is the administrative interpretation of the AANHS that the "specific terms, conditions, and limitation" of the resolution allow either a broad or narrow statement of contract scope, whichever the village desires.

Regulations at 42 CFR 36.206(a) allow a tribal organization to apply for and negotiate more than one contract pursuant to an authorizing resolution. Therefore, villages are encouraged by AANHS to adopt broad, flexible language for this statement.

Narrow Scope Resolution

If a village issues a resolution that is narrow in scope, the tribal organization must obtain additional resolutions specific to any other services it wishes to provide. Any proposed increase in the responsibility of the tribal organization is considered an "initial contract proposal" under this option. The benefit of a narrow resolution is that it vests continuing control over the tribal organization in the village by requiring affirmative action on the part of the village council before any expansion in services is possible. The disadvantage of a narrow resolution is that it greatly increases the paperwork and overhead involved in contracting under Pub. L. 93-638 for the tribal organization and discourages comprehensive regional planning. The village council is called upon repeatedly to issue nearly identical formal resolutions of support for the tribal organization, a difficult task where the villagers may be dispersed for several months each year. An example of a limited resolution is found at Attachment A.

Broad Scope Resolution

If a village provides a broad resolution of support for a tribal organization's health care activities the organization can contract with the IHS to provide comprehensive services to the village. The advantages to this approach are reduction of the considerable administrative costs associated with multiple resolutions, increased flexibility and expedited health planning. The disadvantage of the broad resolution is that if a village is dissatisfied with the tribal organization's performance, it is incumbent upon the village to express its dissatisfaction by issuing a resolution on its own initiative withdrawing its support of the organization or limiting the scope of services the organization can provide.

It is incumbent upon each village to choose the type of resolution that best meets its needs. This decision will be based upon many factors, including the competency and expertise in health matters of both the village and the tribal organization, and the ease with which the village could issue numerous resolutions which may be required throughout the year.

The village resolution in support of a tribal organization must also include:

The extent and procedure, if any, for village council review of the contract, and any resulting amendments thereto, prior to execution;

The village council official to whom AANHS should send correspondence and copies of contract documents;

The proposed term of the contracts and date of commencement. Many tribes leave the term of the contract open-ended in support of what are expected to be on-going health services; and

Any other limitations the village may wish to impose on authorities granted in the resolution.

Delegation of Authority

The resolution may include at the option of the village a delegation of authority. The delegation of authority allows the tribal organization to issue resolutions on behalf of the village in support of Pub. L. 93-638 contracts for the functions listed in the resolution. These may include any health care services provided by the AANHS both locally and on a statewide basis. For example, all the villages in a region may authorize the regional health corporation to act on their behalf in requesting or approving contracts for any health care program run on a statewide basis such as a renal dialysis, burn care unit, or other specialized medical care. In that case, the regional health corporation would have the authority to issue a resolution of support to a third tribal organization or nonprofit Indian organization on behalf of member villages. Villages are encouraged by AANHS to adopt flexible delegation clauses for any health activities or services not provided locally. However, the village may allow the tribal organization to exercise only the authority that the village wishes to delegate. Sample delegation clauses, broad and narrow in scope, are found at Attachments B and C.

C. Absence of Resolutions

In cases of original contracts and renewals where all of the village(s) to be served do not provide resolutions of support, the matter will be resolved by the AANHS Director. The Area Director, in conjunction with the Service Unit Director and program chiefs, will determine if the program is administratively divisible and if it is feasible to apportion the program or services to be delivered. Possible ways to apportion the program or services to be delivered include:

1. Contract with the tribal organization for service to the tribes supporting that tribal organization for one portion of the program, *and*

Contract *directly* with the tribe(s) that have objected to having the tribal organization contracts on their behalf, *or*

2. The objecting tribe(s) may nominate by resolution a second tribal organization to provide the divisible portion of the service; or

3. At his discretion, the Director may decide to contract with the tribal organization to provide service to those villages which support the contractor and to offer alternative arrangements for the services to the villages which object.

If an administrative determination is made by the AANHS that the program or service is not divisible and that no other arrangements are administratively feasible, then the tribal organization will not be allowed to contract to run the program. This is not a formal "declination" giving rise to the remedy of an administrative hearing, but a threshold question of organizational eligibility based on the statutory requirement that each village benefitting from the contract must approve the contract.

D. Tribal Clearances—Renewal Contracts

For renewal contracts a tribal organization must send a copy of the renewal application (or at a minimum an abstract of the complete scope of work) to the tribal governing body (council) of each village provided services under the existing contract, at least 75 calendar days before the existing contract expires (42 CFR 36.207(b)).

The copies should be sent by certified mail, return receipt requested. The tribal organization should inform the tribe that, if the council has no objection to the renewal, it need not take any action except to send the organization a notice of receipt. When the tribal organization submits its contract renewal application to IHS, verification of submission of the contract renewal

application to the tribes served for their review will be required.

If the village council decides to object to the contract renewal application, it must pass a formal resolution to that effect and send it to the Area Director within 45 days after receiving the renewal contract. If no such resolution is received, the absence of a resolution shall constitute the village's acquiescence in renewal of the contract. If one or more of the tribal governing bodies involved object to the renewal, the contract will not be finalized until the tribal governing bodies have approved the request or the matter is otherwise resolved (42 CFR 36.207(b)).

E. Existing Resolutions

Existing resolutions will be considered valid evidence of support for existing Pub. L. 93–638 contracts within tribal organizations.

However, when these contracts expire tribal organizations must acquire resolutions that are consistent with this circular. Tribal organizations contemplating expansion of services are encouraged by AANHS to obtain new village resolutions which are broader in scope, so that they will have the necessary resolutions prior to submitting contract proposals. This will enhance the tribal organization's ability to add and delete programs or services as necessary under the broader authority delegated by member villages. An example of a village council broad resolution may be found at Attachment D.

F. Adoption of Resolutions

Regulations require that the tribe's request be in the form of a resolution by the tribal governing body (42 CFR 36.208(a)). However, the resolution may be adopted in whatever manner the tribal governing body chooses. It must be submitted to the AANHS as a written document, containing the date the resolution was approved and the signature of the person authorized to certify the accuracy of the information contained in the resolution. The document may be in the form of a letter. However, letters of support from individual tribal officials must show that the official is authorized under the bylaws of the tribe to act on its behalf. The letter can either relate to the adoption of a resolution by the tribal governing body or show that the individual has authority under tribal bylaws to represent tribal interests.

5. Supercession

None.

6. Attachments

A. *Sample Resolution. (Narrow Scope)*

———— Village Council Resolution No.

Whereas the ———— Tribal IRA Council is authorized under Public Law 93–638 to request the Indian Health Service to enter into contracts for programs benefitting Alaska Natives in the ———— Village: (Other phrases as deemed appropriate by the Village) NOW THEREFORE, be it resolved that:

The ———— Village Council hereby requests the Indian Health Service to enter into a contract with the ———— (tribal organization-regional health corporation) to conduct the following enumerated programs in the ———— Village:

Inpatient (Hospital) Care, Community Health Aide, Community Health Representative

Term

The proposed term of the contract is ————, and the proposed date for contract commencement is ————. The authority granted by this resolution shall remain in effect until the expiration of the contract.

Powers

The Executive Director of the ———— tribal organization is authorized to initiate all action necessary to conduct the programs including but not limited to: submitting the application, negotiating and signing the contract and any amendments thereto, on behalf of ———— Village Council, and delegated responsibility and authority for all of the day-to-day operation and direction of the programs.

B. *Delegation of Authority:* (Board)

The ———— Village delegates to the ———— Health Corporation the authority to issue resolutions of approval pursuant to the Indian Self-Determination Act to health care organizations or health care providers serving the State of Alaska to provide any of the services authorized by this resolution. This delegation means that the ———— Health Corporation may act on the behalf of the ———— Village to authorize regional health corporations or other statewide organizations to provide services under Pub. L. 93–638 contract which benefit this village and all other Alaska Native Villages.

The authority granted by this resolution is effective immediately and remains in effect until withdrawn by the ————Village IRA Council through issuance of a resolution of nonsupport.

Title ————

President ————

This resolution was adopted at a duly convened meeting of the ———— Village Council of the Community of ———— this —— day of ————, 198 by a vote of —— to ——.

Attest: ————

Secretary

C. *Delegation of Authority* (Narrow)

The authority of this resolution with respect to provision of Inpatient (Hospital) Care is delegated to the ———— tribal organization with powers of delegation of this authority by the contractor. The contractor may issue resolutions of support for the provision of the above-mentioned services by ———— (regional or statewide tribal organization) representing health concerns of the Native people in Alaska.

Title ————

President ————

The foregoing resolution was adopted at a duly convened meeting of the ———— (village council) of the Community of ———— this —— day of ————, 198 . By vote of —— to ——.

Attest: ————

Secretary

D. *Sample Resolution:* (Broad Scope)

The ———— Village IRA Council hereby requests that the Indian Health Service enter into a contract with the ———— Regional Health Corporation to conduct comprehensive health programs under contract with the IHS for the benefit of Alaska Natives in the ———— Village. The authority granted by the resolution gives the Regional Health Corporation the power to act on behalf of the ———— Village in all matters necessary for the provision of comprehensive health services to the ———— Village.

Powers

The Tribal organization is authorized to make arrangements to provide the following categories of services:

EXAMPLE I:

Core Clinical Services

Hospital (Inpatient) Care
Ambulatory Patient Care
Field Medical Services
Dental Care
Preventive Health Services
Mental Health Services
Alcoholism and Drug Abuse Services
Community Health Nursing
Health Education Programs

or

EXAMPLE II:

"Any and all health care currently being provided by the Indian Health Service, and any additional health care services that the organization can provide".

Dated: May 8, 1981.

John H. Kelso,

Acting Administrator

[FR Doc. 81-14804 Filed 5-15-81; 8:45 am]
BILLING CODE 4110-84-M

National Institutes of Health

Availability of Reports

In March 1978 at the request of the Secretary, the HEW Ethics Advisory Board agreed to consider the merits of seeking a limited exemption from the disclosure requirements of the Freedom of Information Act for ongoing clinical trials conducted by the National Institutes of Health. A final report entitled, The Request of the National Institutes of Health for a Limited Exemption from the Freedom of Information Act was submitted to Secretary Harris on May 21, 1980. A copy of that report is available from the office cited below.

In March 1978 at the request of the Secretary, the HEW Ethics Advisory Board agreed to consider the merits of seeking a limited exemption from the disclosure requirements of the Freedom of Information Act to protect the identity of hospitals cooperating with the Center for Disease Control investigations of hospital acquired infections. A final report entitled, The Request of the Center for Disease Control for a Limited Exemption from the Freedom of Information Act was submitted to Secretary Harris on May 21, 1980. A copy of that report is available from the office cited below. Address: Roberta H. Garfinkle, Administrative Officer, Office for Protection from Research Risks, National Institutes of Health, 5333 Westbard Avenue, Room 3A–18, Bethesda, Maryland 20205, Telephone: (301) 496–7163.

Dated: May 10, 1981.

Thomas E. Malone,

Acting Director, National Institutes of Health.

[FR Doc. 81-14780 Filed 5-15-81; 8:45 am]

BILLING CODE 4110-08-M

Breast Cancer Task Force Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Breast Cancer Task Force Committee, National Cancer Institute, June 29–30, 1981, Bethesda Holiday Inn, Versailles Rooms I and II, Bethesda, Maryland 20014. The entire meeting will be open to the public from 8:30 a.m. on June 29 through adjournment on June 30. Meeting will be open to the public on June 29 from 8:30 a.m. to 5:00 p.m. for the Workshop on Monoclonal Antibodies and Breast Cancer. On June 30 from 8:30 a.m. to adjournment the committee will divide into working groups to discuss research projects related to diagnosis, experimental biology, epidemiology, and treatment of breast cancer. Attendance by the public will be limited to space available. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meetings and rosters of committee members, upon request.

Dr. D. Jane Taylor, Executive Secretary, National Cancer Institute, Landow Building, Room 8C09D, 7910 Woodmont Avenue, Bethesda, Maryland 20205 (301/496–6718) will furnish substantive program information.

Dated: May 10, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-14781 Filed 5-15-81; 8:45 am]

BILLING CODE 4110-08-M

National Cancer Advisory Board Subcommittee on Centers and Construction; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Centers and Construction, May 18, 1981, National Cancer Institute, Building 31C, Conference Room 6, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. The meeting will be from 8:00 p.m. through adjournment and will be closed to the public.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will furnish summaries of the meeting and rosters of committee members, upon request.

Dr. Donald Fox, Executive Secretary, National Cancer Institute, Blair Building, Room 3A07A, 8300 Colesville Road, Silver Spring, Maryland 20910 (301/427–8804) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Numbers 13.392, project grants in cancer construction, National Institutes of Health)

(NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 6(b) (4) and (5) of that Circular)

Dated: May 12, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-14785 Filed 5-15-81; 8:45 am]

BILLING CODE 4110-08-M

National Institute for Occupational Safety and Health

Safety and Occupational Health Study Section; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health (NIOSH) committee meeting:

Name: Safety and Occupational Health Study Section

Date: June 10–11, 1981

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Time: 8:30 a.m. to 5:00 p.m.

Type of Meeting: Closed

Contact Person: Mark R. Green, Ph. D., Executive Secretary of Study Section, Parklawn Building, Room 8–63, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: 301/443–4493

Purpose: The committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs

Agenda: The Study Section will be performing the initial review of research, demonstration and training grant applications for Federal assistance, and will not be open to the public, in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination of the Director, Centers for Disease Control, pursuant to Public Law 92–463

Dated: May 11, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-14808 Filed 5-15-81; 8:45 am]

BILLING CODE 4110-87-M

Workshop on Engineering Control Technology; Open Meeting

The following workshop will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Workshop on Engineering Control Technology

Date: June 11–12, 1981

Time: June 11, 8:30 a.m. to 4:30 p.m., June 12, 8:30 a.m. to 12 noon

Place: Room 807 J. Earl Rudder Center, Texas A&M University, College Station, Texas 77843

Purpose: To discuss the increasing need for engineering control technology educational and research programs in universities.

Additional information may be obtained from: Mr. John T. Talty, Division of Training and Manpower Development, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, OH 45226, Telephone: (513) 684-8231.

Dated: May 11, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-14607 Filed 5-15-81; 8:45 am]

BILLING CODE 4110-87-M

Public Health Service

Health Resources Administration

List of Health Manpower Shortage Areas Designated Under Ser Section 332 of the Public Health Service Act

Correction

In FR Doc. 81-13543 appearing on page 25774 in the issue of Friday, May 8, 1981, make the following change:

In the fourth line of the second complete paragraph in the middle column of page 25774, the date now given as "April 15, 1981" should have read "December 31, 1980". As corrected, the sentence reads, "The list below includes all those areas, population groups, and facilities which had been so designated by the Bureau of Health Professions as of December 31, 1980." * * *"

BILLING CODE: 1505-01-M

INTERIOR DEPARTMENT

Bureau of Land Management

[U-48578]

Utah; Notice of Invitation To Participate in Coal Exploration Program—Valley Camp of Utah, Inc.

May 5, 1981.

Valley Camp of Utah, Inc., a wholly owned subsidiary of Valley Camp Coal Company is inviting all qualified parties to participate in a program for the exploration of coal reserves on Miller Creek near Scofield, Utah. The lands are located in Carbon County, Utah and are described as follows:

T. 13 S., R. 7 E., SLM, Utah,
Sec. 8, SE¼SW¼;
Sec. 10, SW¼NW¼, SW¼SW¼, SW¼SE¼.
Containing 160.00 acres.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, and to Trevor G. Whiteside, Valley Camp of Utah, Inc., Scofield Route, Helper, Utah 84526. Such written notice must be received within 30 days after the publications in the **Federal Register**.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all costs on a pro rata basis. A copy of the exploration plan, as submitted by Valley Camp of Utah, Inc., is available for public review during normal business hours, in the following office, under Serial No. U-48578. Bureau of Land Management, Room 1400, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Robert E. Anderson,

Chief, Division of Technical Services.

[FR Doc. 81-14751 Filed 5-15-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 403]

Cargo Liability Study; Report to Congress

AGENCY: Interstate Commerce Commission.

ACTION: Extension of Time for Comments and Replies.

SUMMARY: By notice in the Federal Register of March 20, 1981 (46 FR 17693), the Commission requested comments on whether 49 U.S.C. 11707 should be modified or eliminated with respect to rail carriers. Comments were due May 15, 1981, and replies were due June 12, 1981. The United Fresh Fruit and Vegetable Association has petitioned for a two week extension of these dates. The petition shall be granted. An extension is warranted since parties have encountered delays in their information gathering from computer breakdowns and slow mail service. A short extension should enable the parties to present valuable information to aid this study without prejudicing the interests of other parties. Since under Section 211 (d) of the Staggers Rail Act of 1980, Pub. L. 96-448, this study must be completed by October 1, 1981, this will be the only extension granted in this proceeding.

DATES: Comments are now due May 29, 1981, and replies are due June 26, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7693.

Decided: May 11, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14748 Filed 5-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: May 12, 1981.

In our recent decisions, an 18.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.4 percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.5 percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.2-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 2.1-percent surcharge for United Parcel Service, or the 6.9-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m., May 15, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

May 11, 1981.

Appendix—Fuel Surcharge

Base date and price per gallon (including tax)	
January 1, 1978	63.5¢
Date of current price measurement and price per gallon (including tax)	
May 11, 1981	132.8¢

	Transportation performed by—			
	Owner operator [1]	Other [2]	Rail carrier	UPS
	1	2	3	4
Average percent fuel expenses (including taxes) of total revenue	14.9	2.9	6.9	3.3
Percent surcharge developed	15.4	3.2	6.9	[3] 2.9
Percent surcharge allowed	15.5	3.2	6.9	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 51 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (2.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-14727 Filed 5-13-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

Important Notice

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-129

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 155749 (Sub-1-1TA), filed May 5, 1981. Applicant: HWD CARRIERS, a division of HAZARDOUS WASTE DISPOSAL, INC., 11 A Picone Blvd., Farmingdale, NY 11735. Representative: George C. Pezold, Esq., P.O. Box Z, Huntington, NY 11743. *Hazardous waste materials (except radioactive waste)* between all points in the U.S. east of the Mississippi River. Supporting shipper(s): There are five supporting shippers' statements which may be examined at the I.C.D. Regional Office in Boston, MA.

MC 45630 (Sub-1-2TA), filed May 5, 1981. Applicant: OSAR TRUCKING CO., INC., 94 Sylvan Ave., Clifton, NJ 07011. Representative: Harold L. Reckson, 33-28 Halsey Road, Fair Lawn, NY 07410. *Solidified carbon dioxide (dry ice),* from Gibbstown, NJ to Enfield, CT. Supporting shipper: Esquire Gas Products, 156 Spring St., Enfield, CT 06082.

MC 138950 (Sub-1-2TA), filed April 28, 1981. Applicant: FOR-TRUCKS, INC., P.O. Box 297, Kennniker, NH 03242. Representative: John F. O'Donnell, Barrett and O'Donnell, 60 Adams Street, P.O. Box 238, Milton, MA 01287. *Lumber and wood products, machinery and supplies, primary metal products* between points in the US in and east of MN, IA, MO, AR, and LA. Supporting shipper(s): There are six shippers' statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 148203 (Sub-1-3TA), filed April 28, 1981. Applicant: COPPER CITY TRANSPORT, INC., Old Route 5S, RD #2, Frankfort, NY 13340. Representative: Murray J. S. Kirshtein, Esq., 118 Bleecker Street, Utica, NY 13501. *Contract carrier:* irregular routes: *Toilet preparations, cutlery, drugs, medicines and shampoos* from points in Nassau and Suffolk Counties, NY on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Del Laboratories, Inc., 163 E. Bethpage Road, Plainview, NY 11803.

MC 154051 (Sub-1-2TA), filed April 29, 1981. Applicant: FRANKLIN PUMPING SERVICE, INC., Industrial Road, P.O. Box 617, Wrentham, MA 02093. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. *Toxic and hazardous waste materials* between points in RI, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and LA. Supporting shipper: New England Container Co., Inc., RFD 8, George Washington Hwy., Smithfield, RI 02917.

MC 115371 (Sub-1-6TA), filed May 6, 1981. Applicant: LIQUID CARGO LINES, LIMITED, 452 Southdown Road, Clarkson, Ontario, Canada L5J 2Y4. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Fabric softener, in bulk, in tank vehicles,* from the facility of Procter & Gamble in Green Bay, WI to ports of entry on the U.S.-Canada Boundary line in MI on the Detroit and St. Clair Rivers. Supporting shipper: Procter & Gamble, Inc., 2 St. Clair West, P.O. Box 355, Terminal A, Toronto, Ontario Canada M5W 1C3.

MC 146119 (Sub-1-4TA), filed April 29, 1981. Applicant: WINSTON COACH CORP., 1650 Sycamore Avenue, Bohemia, NY 11716. Representative: Sidney J. Leshin, Esq., 575 Madison Avenue, New York, NY 10022. *Passengers and their baggage,* beginning and ending between points in the Counties of Nassau and Suffolk, NY and extending to Atlantic City, NJ. Supporting shipper: Golden Nugget Casino Hotel, Atlantic City, NJ.

MC 151193 (Sub-1-20TA), filed May 4, 1981. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam, Three Commerce Drive, Cranford, NJ 07016. *Contract carrier:* irregular routes: *(1) Canned or preserved foodstuffs and related commodities, (2) and equipment, materials, and supplies used in the manufacture, sale and distribution of such commodities, (except commodities in bulk),* between NJ, NY, MA, MD, IL, CA, GA, TX, FL, OR, and MI, under continuing contract(s) with S. Gumpert Company, Inc. and subsidiary, American Kitchen Products Company. Supporting shipper: S. Gumpert Company, Inc., and subsidiary American Kitchen Products Company, 612 Jersey Avenue, Jersey City, NJ 07303.

MC 151193 (Sub-1-19TA), filed May 4, 1981. Applicant: PAULS TRUCKING CORPORATION, Three Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam, Three Commerce Drive, Cranford, NJ 07016. *Contract carrier:* irregular routes: *(1) Sweeteners, sweetner by-products (except commodities in bulk), and (2) equipment, materials and supplies used*

in the manufacture, sale and distribution of such commodities, (except commodities in bulk), between IL, CA, TX, OK, GA, WI, IN, KY, OH, PA, NY and NJ, under continuing contract(s) with Fin-Cal Sweetner Company. Supporting shipper: Fin-Cal Sweetner Company, P.O. Box 488, Thomson, IL 61285.

MC 45721 (Sub-1–2TA), filed April 28, 1981. Applicant: WHITE BUS COMPANY, INC., 907 South Orange Avenue, East Orange, NJ 07018. Representative: Larsh B. Mewhinney, Esq., Moore, Berson, Lifflander & Mewhinney, 555 Madison Avenue, New York, NY 10022. *Passengers and their baggage,* between points in New York, NY, Nassau and Suffolk Counties, NY, and Bergen and Somerset Counties, NJ, on the one hand, and, on the other, Atlantic City, NJ. Supporting shipper: Alexander's Travel Service, 31 W. 34th Street, New York, NY 10001.

MC 155597 (Sub-1–1TA), filed April 29, 1981. Applicant: GOLD STAR TRANSPORTATION SERVICE, INC., Delsea Drive, Sewell, NJ 08012. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *General commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special handling), between points in CT, DE, MA, MD, NJ, NY, PA, RI, VA and DC. Supporting shipper(s): There are six statements in support of this application which may be examined at the ICC Regional Office in Boston, MA.

MC 148893 (Sub-1–7TA), filed April 29, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Road, Cheektowaga, NY 14212. Representative: John M. Panara, 4388 Clark Street, Hamburg, NY 14075. *Contract carrier:* irregular routes: *Heavy industrial machinery and equipment,* between Syracuse, NY on the one hand, and, on the other, Schenectady, Binghamton, Rochester, Lancaster, Jamestown, Maspeth, NY; Burlington, VT, Berea, KY, Evansville, Crawfordsville, IN, Danville and Bellwood, IL, under continuing contract with Syracuse Supply Company, Syracuse, NY. Supporting shipper: Syracuse Supply Company, P.O. Box 4814, Syracuse, NY 13221.

MC 155658 (Sub-1–1TA), filed May 4, 1981. Applicant: D. F. SYSTEM, INC., 875 Providence Highway, P.O. Box 242, Dedham, MA 02026. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. *Contract carrier:* irregular routes: *(1) Plastic articles and (2) equipment, material and supplies used in the manufacture of the commodities names in (1) above,* between points in MA and NH, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Sweetheart Plastics, Inc., Wilmington, MA. Supporting shipper: Sweetheart Plastics, Inc., 1 Burlington Ave., Wilmington, MA 01887.

MC 150731 (Sub-1–2TA), filed April 29, 1981. Applicant: JEFFREY D. EDMISTON TRUCKING, 73 Sunny Brae Blvd., Yardville, NJ 08620. Representative: Jeffrey D. Edmiston (same as applicant). *Contract carrier:* irregular routes: *Steel office furniture,* from Bronx, NY to points in DE, MD, NJ, PA, VA under continuing contract(s) with Art Steel Company, Inc., Bronx, NY. Supporting shipper: Art Steel Company, Inc., 170 W. 233rd St., Bronx, NY 10463.

MC 150509 (Sub-1–2TA), filed April 29, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren, Bullet Express, Inc., 5600 First Avenue, Brooklyn, NY 11220. *Contract carrier:* irregular routes: *Meat, meat products, meat by-products, and articles distributed by meat packing houses,* between Denver, Fort Morgan and Sterling, CO, on the one hand, and, on the other, points in the US (except AK and HI) under continuing contract(s) with Sterling Colorado Beef Co. and its wholly owned subsidiary Circle C Beef Co. of Sterling CO. Supporting shipper: Sterling Colorado Beef Co., Circle C Beef Co., P.O. Box 1728, 1500 Right of Way Road, Sterling, CO 80751.

MC 155645 (Sub-1–1TA), filed April 30, 1981. Applicant: LAND-LINK TRUCKING CORP., 807 Ocean Road, Point Pleasant, NJ 08742. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Chemicals and dyes and materials and supplies used in the manufacturing and distribution thereof, except in bulk* between Newark, NJ, on the one hand, and, on the other, points in the US under continuing contract(s) with Royce Chemcial Co. of East Rutherford, NJ. Supporting shipper: Royce Chemical Company, Carlton and Herrick Street, East Rutherford, NJ 076073.

MC 155598 (Sub-1–1TA), filed April 29, 1981. Applicant: SOCRATES MAKRIS, d.b.a. SIRKAM MOTORS, 545 Coolidge Avenue, Manchester, NH 03102. Representative: John E. Russell, 62 Rundlett Hill Road, Bedford, NH 03102. *General commodities,* between points in CT, MA, ME, NH, and RI. Supporting shipper(s): There are five statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 155648 (Sub-1–1TA), filed April 30, 1981. Applicant: TRADITIONAL TRANSPORT, INC., Prospect Road, Blooming Grove, NY 10914. Representative: John L. Alfano, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528. *Malt beverages and supplies, equipment and material used in the distribution of malt beverages,* between points in NJ and NY in the New York, NY Commercial Zone, on the one hand, and, on the other, points in NY. Supporting shipper(s): There are five statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 107012 (Sub-II–164TA), filed May 1, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Furniture and parts and accessories for furniture* from Pawtucket, RI to points in the U.S. (except AL, IL, IN, MI, MS, OH, and WI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Xey Corporation of America, 500 Narragausett Park Dr., Pawtucket, RI 02861.

Note.—Common control may be involved.

MC 155575 (Sub-II–1TA), filed April 30, 1981. Applicant: K & L TRUCKING, INC., 511 Wood St., Delta, OH 43515. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Such commodities* as are dealt in or used by manufacturers of brass and brass products, between the facilities of Chase Brass & Copper Unit of Kennecott Corporation at or near Montpelier, OH on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kennecott Engineered Systems Co., Div. of Kennecott Corp., 20600 Chagrin Blvd., Cleveland, OH 44122.

MC 154713 (Sub-II–10TA), filed April 30, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Metal products, construction equipment, welders, generators, compressors and tool houses,* between points in Allegheny, Bucks and Warren Counties, PA; Jefferson County, AL; LaSalle County,

IL; Polk County, IA and Baltimore, MD, on the one hand, and, on the other, points in and east of ND, SD, NE, CO, OK and TX, for 270 days. Supporting shipper: Pittsburgh Des Moines Corporation, 3400 Grand Avenue, Pittsburgh, PA 15225.

MC 146820 (Sub-II–9TA), filed April 30, 1981. Applicant: B & G TRUCKING, INC., 579 High St., P.O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Contract—Irregular: General commodities* (except Classes A and B explosives) between points in the United States, under a continuing contract(s) with International Paper Company of New York, NY, for 270 days. Supporting shipper: International Paper Company, 77 W. 45th St., New York, NY 10036.

MC 151706 (Sub-II–3TA), filed April 30, 1981. Applicant: JAN–AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601. *General commodities* having a prior or subsequent movement in rail piggyback service between railroad piggyback facilities located in Chicago, IL on the one hand, and, on the other, points in IL, IN, KY, MI and OH for the account of White Motor Corporation for 270 days. Supporting shipper: White Motor Corporation, 34500 Grand River Ave., Farmington Hills, MI 48025.

MC 50069 TA (Sub-II–11TA), filed April 30, 1981. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, OH 43616. Representative: William P. Fromm (Address same as applicant). Corrosive cleaning and rust preventive chemicals, in bulk, in tank vehicles from Redford Township, MI to points in AR for 270 days. Supporting shipper: Detrex Chemical Industries, Inc., 28000 Capitol Ave., Redford, MI 48239.

MC 147076 (Sub-II–1TA), filed April 30, 1981. Applicant: COMMERCIAL ZONE CARTAGE, INC., 9940 Cincinnati-Dayton Rd., West Chester, OH 45069. Representative: James M. Durham (same as applicant). *Contract Irregular: Clothing and any related articles used in the manufacture and distribution* thereof, between Florence, KY, Neunan, GA, Chicago, IL, Denver, CO, Baltimore, MD, Brockton, MA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Levi Strauss & Co., 7950 Dixie Highway, Florence, KY 41042.

MC 110563 (Sub-II–6TA), filed May 4, 1981. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, OH 45365. Representative: Mrs. Sigrun Ambos (same address as applicant). *Cheese and Cheese Food,* from the facilities of Borden, Inc. at or near Plymouth, WI to points in AL, AR, FL, GA, LA, MS, NC, SC, and TN, for 270 days. Supporting shipper: Borden, Inc., Consumer Products Division, 180 E. Broad St., Columbus, OH 43215. An underlying ETA seeks 120 days authority.

MC 142559 (Sub-II–23TA), filed May 4, 1981. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. *General commodities (except classes A and B explosives)* between College Park, GA, including points in its Commercial Zone, on the one hand, and, on the other, pts. in the U.S. in and east of IL, MO, AR and TX for 270 days. Supporting shipper: Mid-South Warehousing & Distribution Services, Inc., 2051 Boston Drive, College Park, GA 30337.

MC 144672 (Sub-II–3TA), filed April 30, 1981. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard Schaefer, P.O. Box 26189, Trotwood, OH 45426. *Contract Irregular: General commodities* (except classes A and B explosives) those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities which, because of their size and weight, require the use of special equipment between points in the U.S. (except AK and HI) for 270 days. Restricted to the transportation of shipment originating at, or destined to the facilities of Ralston Purina Company under continuing contracts with the Ralston Purina Company of St. Louis, MO. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

Note.—Applicant holds common authority in No. MC 144672 and subnumbers therefore dual operations may be involved.

MC 143394 (Sub-II–25TA), filed May 4, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). *Contract: Irregular: 1) Jute carpeting backing and 2) synthetic carpet yarns,* from 1) Savannah, GA and 2) from Rome, GA and McAdenville, NC; to Little Falls, NJ under continuing contract(s) with The Beattie Manufacturing Co., Little Falls, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Beattie Manufacturing Co., 242 Main St., Little Falls, NJ 07424.

MC 128302 (Sub-II–6TA), filed May 5, 1981. Applicant: THE MANFREDI MOTOR TRANSIT CO., 14841 Sperry Road, Newbury, OH 44065. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. *Contract: irregular: liquid sugars, in bulk, in tank vehicles,* from Yonkers, NY to pts. in MI and IN for the account of Refined Syrups & Sugars, Inc. of Yonkers, NY for 270 days. Supporting shipper: Refined Syrups & Sugars, Inc., One Federal Street, Yonkers, NY 10702.

MC 149541 (Sub-II–4TA), filed May 5, 1981. Applicant: LEBARNOLD, INC., 625 South 5th Ave., P.O. Box 630, Lebanon, PA 17042. Representative: Francis W. McInerny, 1000 16th St., NW, No. 502, Washington, DC 20036. *Contract: irregular: carpeting, insulation materials, textiles and materials used in the manufacture and distribution thereof,* between Dalton, Ringgold and Chatsworth, GA; Winchester, TN; Marietta, Beech Creek, PA; Braintree, MA on the one hand, and, on the other, pts. in and east of MN, IA, MO, AR and LA, under continuing contract(s) with Armstrong World Industries, Inc., Lancaster, PA and its subsidiaries, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Armstrong World Industries, Inc., Liberty & Charlotte Streets, Lancaster, PA 17604.

MC 488 (Sub-II–10TA), filed May 5, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (Same as applicant). *Petroleum and coal products,* between points in Allegheny County, PA, on one hand, and, on the other, points in MA, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: H & H Distributors Inc., 5101 Baum Blvd., Pittsburgh, PA 15225.

MC 146732 (Sub-II–1–TA), filed May 5, 1981. Applicant: JOHN LAUBENTHAL d.b.a. LAUBENTHAL REFRIGERATED TRANSPORT, 1421 Garford Ave, Elyria, OH 44035. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract Irregular: Food and related products* between Chicago, IL on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA, under continuing contracts with Columbus Foods Company, Interstate Food Corporation, a Division of CFS Continental, Inc., Mullins Food Products Company, and Re-Mi Foods, Inc. Supporting shippers: Columbus Foods Company, 324 North Bell Ave, Chicago, IL, 60612, Interstate Food Corporation, a Division of CFS Continental, Inc., 3600

South Morgan St, Chicago, IL, 60609, Mullins Food Products Company, 2759 South 25th Ave, Broadview, IL, 60153, and Re-Mi Foods, Inc., 1201 Tonne Road, Elk Grove Village, IL, 60007 for 270 days.

MC 145235 (Sub-II–3TA), filed May 5, 1981. Applicant: DUTCH MAID PRODUCE, INC., Rte. No. 2, Willard, OH 44890. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Contract: Irregular: General commodities (except classes A and B explosives, commodities in bulk, and those requiring special equipment)* between pts. in the US (except AK and HI) under continuing contract(s) with United Coatings, Inc. of Chicago, IL for 270 days. Supporting shipper: United Coatings, Inc. 3050 N. Rockwell, Chicago, IL 60618.

MC 109448 (Sub-II–5TA), filed May 5, 1981. Applicant: PARKER TRANSFER CO., P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 East Broad St, Columbus, OH 43215. *Such commodities as are dealt in or distributed by plumbing supply houses (except commodities in bulk)* between Lorain County, OH, on the one hand, and, on the other, pts. in the U.S. (except AK and HI) for 270 days. Supporting shipper: Ridge Tool Company, Division of Emerson Electric Co., 400 Clark St., Elyria, OH 44035.

MC 52861 (Sub-II–5–TA), filed May 5, 1981. Applicant: WILLS TRUCKING CO., INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: James W. Moore (same as applicant). *General commodities* (except classes A & B explosives) which have a prior or subsequent movement by water between Lucas County, OH, on the one hand, and, on the other points in the states of IL, IN, KY, MI, MO, OH, PA, WI, and WV for 270 days. Supporting shipper(s): Toledo World Terminal, 3319 St. Lawrence Dr., Toledo, OH 43605.

MC 124111 (Sub-2–II–TA), filed May 6, 1981. Applicant: OHIO EASTERN EXPRESS, INC., 300 W. Perkins Ave. Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St. Columbus, OH 43215. *Contract: Irregular:* (1) *Food and related products* (2) materials, equipment and supplies used in the processing and distribution of food and related products between pts in the U.S. (except AK an HI) for 270 days for the account of Swift & Company. Supporting Shipper: Swift & Company, 115 W. Jackson Blvd, Chicago, IL 60604.

MC 140302 (Sub-II–1TA), filed May 1, 1981. Applicant: AMERICAN TANK TRANSPORT, INC., 6350 Ordnance Point Road, Baltimore, MD 21225. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. *Waste liquid products,* in bulk, in tank vehicle (1) From CT, ME, MA, NH, IN, RI and VT to New York, NY, Baltimore, MD, Philadephia and Chester, PA, and (2) From DE, MD, NJ, NY, NC, OH, PA, SC, VA and WV to New York, NY, and Philadelphia and Chester, PA. Supporting shipper: Chem-Clear of Baltimore, Inc., 1910 Russell St., Baltimore, MD 21230.

MC 155727 (Sub-II–1TA), filed May 4, 1981. Applicant: ROBERT D. YODER, RD 1, Box 101-B, Grantsville, MD 21536. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Contract: *Irregular: Building materials,* between points in MD and Springs, PA, including its commercial zone, on the one hand, and, on the other, points in OH, PA, MD, VA, WV, DC, NC, SC, GA, NJ, DE, IN, CT, RI, NY and FL, under a continuing contract with Otto Brick & Tile Works, Inc., Springs, PA and Casselman Valley Ledgestone, Grantsville, MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Otto Brick & Tile Works, Inc., P.O. Box 217, Springs, PA 15562; Casselman Valley Ledgestone, P.O. Box 92, Grantsville, MD 21536.

MC 138438 (Sub-II–28TA), filed May 5, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Food and related products,* between Wayne County, MI, on the one hand, and, on the other, points in Franklin County, PA, for 270 days. Supporting shipper: D. M. Evans Beer Distributor, 474 Grant St., Chambersburg, PA 17201.

MC 154569 (Sub-II–2TA), filed May 5, 1981. Applicant: LEYDIG TRUCKING, INC., P.O. Box 217, Corriganville, MD 21524. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Contract: *Irregular: Brick, tile and concrete products,* between Allegheny and Garrett Counties, MD, on the one hand, and, on the other, points in OH, VA and PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Super Concrete Company, Inc., P.O. Box 3365, La Vale, MD 21502.

MC 155748 (Sub-II–1TA), filed May 5, 1981. Applicant: PRESSON AND WARTHAN, INC., 211 West Main St., Waverly, VA 23890. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Contract,* irregular: (1) *fertilizer, fertilizing compounds, ammonium nitrate and limestone* and (2) *materials, supplies and equipment used in the manufacture, distribution and sales of commodities in (1) above,* (1) between Chesapeake, VA (and points in its commercial zone) on the one hand, and, on the other, points in DE, MD, NC and PA and (2) between points in Washington County, PA on the one hand, and, on the other, points in DE, MD and VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Royster Company, P.O. Box 1940, Norfolk, VA 23501.

MC 143348 (Sub-II–2TA), filed May 5, 1981. Applicant: PROFESSIONAL DELIVERY SYSTEMS, INC., 8408 Zell Lane, Richmond, VA 23229. Representative: Paul C. Anderson (same address as applicant). *Contract:* Irregular: *Such commodities as are dealt in or used by manufacturer of cosmetics and cleaning, scouring and washing compounds,* (1) from Norcross, GA, to Richmond, VA, and/or Wytheville, VA, (2) between Richmond, VA, and/or Wytheville, VA, and points in Accomack, Albemarle, Alleghany, Amelia, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetort, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Craig, Culpeper, Cumberland, Dickenson, Dinwidddie, Essex, Fauquier, Floyd, Fluyanna, Franklin, Giles, Gloucester, Goochland, Grayson, Greene, Greenville, Halifax, Hanover, Henrico, Highland, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Lee, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Montgomery, Nansemond, Nelson, New Kent, Northampton, Northumberland, Nottoway, Orange, Page, Patrick, Powhatan, Prince Edward, Prince George, Pulaski, Rappahannock, Richmond, Roanoke, Rockingham, Rockbridge, Russell, Scott, Shenandoah, Smyth, Southhampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell, Warren, Washington, Westmoreland, Wise, Wythe, and York counties in VA, and points in Camden, Caswell, Chowan, Currituck, Gates, Granville, Halifax, Hertford, Northampton, Pasquotank, Perquimans, Person, Vance, Warren counties in NC, points in Barbour, Boone, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbrier, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Upshur, Wayne, Webster, Wirt, Wood, Wyoming counties in WV, and points in Hawkins, Hancock, Claiborne, Grainger, Union, Hamblen, Greene, Washington, Sullivan,

Carter, Johnson, Unicoi, Jefferson, Knox, Cocke, Sevier counties in TN, and Bertie, Durham, Edgecombe, Franklin, Nash, Orange and Wilson counties in NC for 270 days. Under continuing contract wth Amway Corp. of Norcross, GA. An underlying ETA seeks 30 days authority. Supporting shipper: Amway Corp., 6450 Jimmy Carter Blvd, Norcross, GA 30071.

MC 146187 (Sub-II–2TA), filed May 5, 1981. Applicant: VIERON, INC., 1700 Cherry Hill Road, Baltimore, MD 21230. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *Contract* irregular: *Hazardous waste materials* from points in PA, NJ, VA, CT, RI, MA, NH, DE, and DC to Baltimore, MD, for 270 days. Supporting shipper: American Recovery Co., Inc., 1901 Birch St., Baltimore, MD 21226.

MC 155747 (Sub-II–1TA), filed May 5, 1981. Applicant: CHASTEEN E. WILLIS, d.b.a. WILLIS TRUCKING SERVICE, 619 Broad St., Harrisonburg, VA 22801. Representative: Robert R. Harris, 1730 M St., N.W., Suite 501, Washington, DC 20036. *Printed matter and materials, equipment and supplies used in the manufacture, sale and distribution of printed matter* (except commodities in bulk) between Harrisonburg, VA, on the one hand, and, on the other, points in DC, MD, VA, PA, DE, NJ, NY, CT, and MA, for 270 days. Supporting shipper: R. R. Donnelley & Sons Co., 1400 Kratzer Road, Harrisonburg, VA 22801.

MC 155727 (Sub-II–2TA), filed May 5, 1981. Applicant: ROBERT D. YODER, RD 1, Box 101–H, Grantsville, MD 21536. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Contract: *Irregular: Meat, meat products, meat by-products, dairy products and articles distributed by meat packinghouses,* as described in Sections A, B, and C of Appendix I to the report in *Decisions in Motor Carrier Certificates* in 61 M.C.C. 209 and 766, between Grantsville, MD, including its commercial zone, on the one hand, and, on the other, points in NY, NJ, PA, and DE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Yoders, Inc., Grantsville, MD 21536.

MC 152313 (Sub-II–2TA), filed May 6, 1981. Applicant: DON'S TRUCKING, INC., P.O. Box 34422, Richmond, VA 23234. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, DC 20036. *Contract* irregular, *ocean containers,* with prior or subsequent movement by water, *of general commodities* (except classes A and B explosives) between Richmond, VA, on the one hand, and, on the other, points in NY, NJ, PA, DE, and Chattanooga, TN for the account of E. I. DuPont de Nemours & Company, Wilmington, DE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: E. I. DuPont de Nemours & Company, T&D Department, Room D 2046, 12th and Market, Wilmington, DE 19898.

MC 146856 (Sub-II–7TA), filed May 6, 1981. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representatives: Gerald K. Gimmel, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. *Contract,* irregular, such merchandise as is dealt in by department stores (except commodities in bulk), from Jersey City, NJ to the facilities of May Department Stores T/A Hecht's in Washington, D.C. under a continuing contract with May Department Stores T/A Hecht's, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: May Department Stores Corp. T/A Hecht's, P.O. Box 227, Silver Spring, MD 20907.

MC 138714 (Sub-II–6TA), filed May 6, 1981. Applicant: VIRGINIA TRANSPORTATION, INC., Box 26449, Richmond, VA 23261. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW, Washington, DC 20005. Contract; irregular: *office furniture, and materials and supplies used in the manufacture and distribution thereof,* between Richmond, VA, and points in its commercial zone, on the one hand, and, on the other, points in and east of MS, TN, KY, IL and WI, under continuing contract(s) with Stancraft Corporation for 270 days. Supporting shipper(s): Stancraft Corporation, Route 5 and Stancraft Way, P.O. Box 7652, Richmond, VA 23231.

MC 113666 (Sub-II–16TA), filed May 6, 1981. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (same address as applicant). *Coke, in bulk, in tank vehicles,* from Monroe, MI to Brackenridge, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hickman Williams & Co., 600 Grant St., Suite 2972, Pittsburgh, PA 15219.

MC 149484 (Sub-II–17), filed May 6, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: E. J. Mumma, Jr. (same as applicant). *Pet Foods and Pet Supplies* between the facilities of Choice Pet Food Distributor Inc., Norwalk, CT on the one hand, and on the other, points in and east of WI, IL, KY, TN, and MS for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Choice Pet Food Distributor, Inc., 352 Westport Ave., Norwalk, CT 06851.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 155724 (Sub-3–1TA), filed May 4, 1981. Applicant: H & S TRUCKING, Route 1, Crandall, GA. Representative: Allan Hawkins (same). *Contract, irregular; Fertilizer and Ammonia Nitrate in bags and bulk,* from Hanceville, AL, and Tyner, TN to points in GA. Supporting shipper: Gold Kist Corp., 224 Perimeter Center Parkway NE., P.O. Box 2210, Atlanta, GA 30301.

MC 151009 (Sub-3–3TA), filed May 4, 1981. Applicant: ATLANTA CARRIERS, INC., 1260 Southern Rd., Morrow, GA 30260. Representative: Bruce E. Mitchell, fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326. *Such commodities as are dealt in by wholesale or retail grocery houses* from the facilities of Peninsular Warehouse Co., Inc. at or near Jacksonville, FL to points in GA, NC, SC, TN, VA and AL. Supporting shipper: Peninsular Warehouse Co., Inc., 1610 Industrial Boulevard, Jacksonville, FL 32206.

MC 140484 (Sub-3–23TA), filed May 4, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). *Contract carrier: irregular routes, meats, meat products, meat by-products and articles distributed by meat packing houses,* between points in the U.S. Supporting shipper: Swift & Company, 115 West Jackson Boulevard, Chicago, IL 60604.

MC 148620 (Sub-3–6TA), filed May 4, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 6202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Building, 127 Peachtree Street, NW., Atlanta, GA 30303. *Contract carrier,* irregular routes: *general commodities (except household goods as defined by the Commission and Classes A and B explosives and other hazardous materials),* between points in the U.S., under continuing contract(s) with Service Merchandise Company, Inc. Supporting shipper(s): Service Merchandise Company, Inc., P.O. Box 24600, Nashville, TN 37202.

MC 59150 (Sub-3–18TA), filed May 4, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202.

Fabricated reinforcing bars, from Welcome, NC to Russelville, KY, and from Welcome, NC to St. Francisville, LA. Supporting shipper: Trans-American Steel Corporation, P.O. Box 879, Welcome, NC 27374.

MC 118370 (Sub-3–3TA), filed May 4, 1981. Applicant: BANANA TRANSPORT, INC., 12712 North Oregon Ave., Tampa, FL 33612. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. *Such commodities as are dealt in by distributors of bananas*, between Charleston County, SC, on the one hand, and, points in AL, FL, GA, KY, NC, MS, MO, IA, WI, MN, WV, IL, IN, OH, MI, PA and TN, on the other. Supporting shipper(s): Del Monte Banana Co., P.O. Box 011940, Miami, FL 33101.

MC 144999 (Sub-3–1TA), filed May 4, 1981. Applicant: JEM TRUCKING CO., INC., P.O. Box 326, Wilkesboro, NC 28697. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39201. *Contract carrier;* irregular routes; *Meat and meat products, meat by-products and related products distributed by meat packing houses* from the facilities of Fisher Packing Company, Louisville, KY to points in VA under a continuing contract(s) with Wilson Foods Corporation, Oklahoma City, OK. Supporting shipper: Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105.

MC 139958 (Sub-3–13TA), filed May 4, 1981. Applicant: R. T. TRUCK SERVICE, INC., 2334 Millers Lane, Louisville, KY 40216. Representative: Jerry D. Kidd, 2334 Millers Lane, Louisville, KY 40216. *Plastic Film, Plastic bags, Materials, Supplies and Equipment Used in The Manufacture Thereof:* Between the facilities of American Cellophane and Plastic Film Company Jefferson County Ky. On the one hand, and On the other, points in IL, IN, GA, AL, MI, OH, PA, NY, LA, SC, NC, TN, and NJ. Supporting shipper: American Cellophane and Plastic Film Company, 7641 National Turnpike, Louisville, KY.

MC 145541 (Sub-3–3TA), filed May 4, 1981. Applicant: SUNWAY CORPORATION, 118 West Main Street, Thomasville, NC 27360. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlottee, NC 28204. *Contract* carrier: irregular: *general commodities (except classes A & B explosives and hazardous materials)*, between all points in the United States, under continuing contract with Streamline Shipper's Association, Inc. Supporting shipper: Streamline Shipper's Association, Inc., 970 East Third Street, Los Angeles, CA 90013 .

MC 144225 (Sub-3–5TA), filed May 1, 1981. Applicant: JADEEL TRUCKING, INC., 8333 W. McNab Road, Tamarac, FL 33321. Representative: Raymond P. Keigher, Esquire, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. *Contract:* irregular: (1) *metal and vinyl products*, from Miami, FL, to those points in the U.S. in or east of TX, AR, MO, IA and MN, and (2) *materials, equipment and supplies*, used in the manufacture or distribution of metal and vinyl products, from Chicago, IL, Nashville, TN, and points in Schley County, GA, to Miami, FL, under continuing contract(s) with A.D.M. Industries, Inc., of Miami, FL. Supporting shipper: A.D.M. Industries, Inc., 3270 N.W. 119th St., Miami, FL 33167.

MC 115311 (Sub-3–2TA), filed May 1, 1981. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. (1) *Slag, in bags*, (a) from Tampa, FL (and its commercial zone) to Atlanta, GA (and its commercial zone); (b) from Carrollton and Atlanta, GA (and their commercial zones) to points in AL, FL, TN and SC; (2) *Sand, in bags*, (a) from Davenport, FL (and its commercial zone) to Atlanta, GA (and its commercial zone) and (b) from Marion County, FL to Columbus, GA (and its commercial zone). Supporting shipper: Standard Sand and Silica Company, 4555 Federic Ct., Atlanta, GA 30336.

MC 107515 (Sub-3–115TA), filed May 1, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Rd., NE., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Small Arms Ammunition and Related Components* from facilities of Federal Cartridge, Inc. at or near Anoka, MN to points in LA, FL, GA, KY, MS, NC, SC, and TN. Supporting shipper: Federal Cartridge, Inc., 9th and Tyler Street, Anoka, MN 55303.

MC 140334 (Sub-3–4TA), filed May 1, 1981. Applicant: AM–CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717–17th St., Ste. 2600, Denver, CO 80202. *Contract carrier,* irregular routes: (1) *Laminated plastic and plastic articles,* and (2) *materials, supplies and equipment used in the production and distribution of the commodities named in part (1) above,* from Hampton and Pendleton, SC to points in IL, IN, MI, OH, KY, TN, NC, VA, WV, MD, DE, NJ, PA, NY, CT, MA and DC under continuing contract(s) with Westinghouse Electric Corporation. Supporting shipper: Westinghouse Electric Corporation, Micarta Division, Hwy 601 N., Hampton, SC 29924.

MC 106074 (Sub-3–26TA), filed April 30, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221, S., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Such articles as are dealt in by retail and wholesale hardware stores and home improvement stores* between points in TX on the one hand, and, on the other, points in AL, FL, and GA. Supporting shipper: Handy Dan Home Improvement Centers, Inc., Suite 134, 7909 Fredericksburg Rd., San Antonio, TX 78229.

MC 91306 (Sub-3–10TA), filed April 30, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue, NE., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. *Food and related products*, between points in NY, on the one hand, and, on the other, points in NC, SC, and GA. Supporting shipper(s): Curtice-Burns, Inc., Lent Avenue, LeRoy, NY 14482.

MC 146646 (Sub-3–42TA), filed May 1, 1981. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355–A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *Such commodities as are dealth in or used by Retail, Department Catalogue Sales, Hardware, Appliance, Home Improvement, Drug and Variety Stores;* between points in the U.S.; restricted to shipments originating at or destined to the facilities of T. G. & Y. Stores Co. Supporting shipper: T. G. & Y. Stores Co., 3815 N. Santa Fe, Oklahoma City, OK 73125.

MC 149563 (Sub-3–14TA), filed May 1, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg. Birmingham, AL 35203. *Metal products* between the facilities of Nucor Steel Corporation and Vulcraft, Inc. at or near Jewett, TX, Plymouth, UT, Norfolk, NE and Darlington, SC and the facilities of Vulcraft, Inc. at or near Grapeland, TX, St. Joe, IN, Fort Payne, AL and Florence, SC, and points in the U.S. Supporting shipper: Nucor Steel Corporation, P.O. Box 126, Jewett, TX 74846.

MC 124154 (Sub-3–26TA), filed May 1, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate (same address as applicant). *General commodities.* Between points in the US (except AK and HI), restricted to

shipments originating at or destined to Calabrian International Corp., suppliers, warehouses or other facilities. Supporting shipper: Calabrian International Corp., 26 Broadway, New York, NY 10004.

MC 145704 (Sub-3-6TA), filed May 1, 1981. Applicant: ARDS TRUCKING COMPANY, INC., P.O. Box 362, Darlington, SC 29532. Representative: Martin S. Driggers, P.O. Box 1439, Hartsville, SC 29550. *Materials used in the manufacture of iron and iron articles, and steel and steel articles, including but not limited to alloys, electrodes, lime, scrap, coiled and bundled steel, shot and slurry* between the facilities of Nucor Corp., located in Darlington and Florence Counties, SC on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, MA, ME, MD, MI, NC, NH, NJ, OH, PA, RI, SC, NY, TN, VA, VT, WI, MS, LA, TX, and WV. Supporting shipper: Nucor Steel, Division of Nucor Corp., P.O. Box 525, Darlington, SC 29532.

MC 1441187 (Sub-3-3TA), filed May 1, 1981. Applicant: BLUFF CITY TRANSPORTATION, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Clarence R. Haar (same as above). *Contract carrier;* irregular routes; *Paper, chemicals, rubber, plastic and fabricated metal products, and related materials and supplies,* between points in the US, under a continuing contract(s) with Wallpaper To Go, Inc. of Dayton, OH. Supporting shipper(s): Wallpaper To Go, Inc., 3700 Inpark Circle, Dayton, OH 45414.

MC 146944 (Sub-3-2TA), filed May 4, 1981. Applicant: LYKES TRANSPORT, INC., P.O. Box 97, Dade City, FL 33525. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601. *Contract carrier,* irregular routes, *juice, beverages, beverage preparations, citrus products, and other commodities manufactured or processed by citrus processing plants,* from the facilities of Lykes Pasco Packing Co., Dade City, FL to all points in the U.S. (except AK and HI) under continuing contract with Lykes Pasco Packing Co. Supporting shipper: Lykes Pasco Packing Co., P.O. Box 97, Dade City, FL 33525.

MC 146699 (Sub-3-2TA), filed May 1, 1981. Applicant: DESOTO TRAIL, INC., 282 East Main Street, Franklin, NC 28734. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd. NE., Atlanta, GA 30326. *Contract carrier:* irregular: *General commodities (except Classes A and B explosives and hazardous waste)* between the facilities of Georgia Duck & Cordage Mill, Inc. at or near Scottdale, GA on the one hand, and, on the other, points in the US, under contract or continuing contract with Georgia Duck & Cordage Mill of Scottdale, GA. Supporting shipper: Georgia Duck & Cordage Mill, Inc., 21 Lardeo Drive, Scottdale, GA 30079.

MC 155667 (Sub-3-1TA), filed May 1, 1981. Applicant: COASTLINE TRUCKING, INC., 401 North Seventh St., P.O. Box 2464, Lake City, FL 32055. Representative: Felix A. Johnston, Jr., 1030 E. Lafayette St., Suite 112, Tallahassee, FL 32301. *Fertilizer and dolomite products, road building and construction aggregates,* between points in Jefferson County, Taylor County, Alachua County, FL and points in Grady County, Thomas County, Decatur County and Clinch County, GA and returning to points in Jefferson, Taylor, Alachua and Columbia Counties in FL. Supporting shipper(s): AAA Septic Tank Company, 201 Old Jacksonville Highway, Lake City, FL 32055 and Florida Crushed Stone Company, P.O. Box 317, Leesburg, FL 32748.

MC 155688 (Sub-3-1TA), filed May 1, 1981. Applicant: JOHN BYRUM ROUNTREE, JR., Rt. 1, Box 100, Gatesville, NC 27938. Representative: Robert C. Jenkins, P.O. Box 188, Ahoskie, NC 27910. *Lumber,* from Gates and Hertford Counties, NC to DC, MD, and VA. Supporting shippers: Ashton Lewis Lumber Company, Court Street, Gatesville, NC 27938; and H. T. Jones Lumber Company, Inc., P.O. Box 608, 204 C. C. Road, Ahoskie, NC 27910.

MC 155677 (Sub-3-1TA), filed April 30, 1981. Applicant: AMERICAN TRANSPORTATION ASSOCIATES, INC., P.O. Box 34545, Louisville, KY 40232. Representative: Joseph Murdock, 9000 Keystone, Indianapolis, IN 46204. *General Commodities (except household goods as defined by the Commission, Classes A and B explosives and commodities in bulk),* between Clark and Floyd Counties in IN and Jefferson County in KY, on the one hand, and, on the other, all points in the states of AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV and WI. NOTE: Applicant intends to interline at Cincinnati, OH, Louisville, KY, St. Louis, MO, and Memphis, TN. Supporting shipper: There are seven shipper statements which may be examined at the ICC office in Atlanta, GA.

MC 155722 (Sub-3-1TA), filed May 4, 1981. Applicant: HORRELL ENTERPRISES, INC., 210 Hemingway Road, Louisville, KY 40207. Representative: E. Bruce Neikirk, 1521 Citzens Plaza, Louisville, KY 40202. *Salt, salt products, and materials and supplies used in the manufacture, packaging, marketing, and distribution thereof,* from the plantsite of Cargill, Inc., in Clarksville, IN to points in KY. Supporting shipper: Cargill, Inc., Salt Division, P.O. Box 9300, Minneapolis, MN 55440.

MC 155678 (Sub-3-1TA), filed May 1, 1981. Applicant: G & P TRANSPORT, INC., 130 Maple Street, Hendersonville, TN 37075. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Such commodities as are dealt in or used by manufacturers and distributors of frames, doors, windows and shelving,* between points in Sumner and Davidson Counties, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Dallas Glass, Inc., Hendersonville, TN 37075.

MC 147452 (Sub-3-2TA), filed May 4, 1981. Applicant: W. D. W. TRUCKING, INC., 2620 S.W. 66th Terrace, Miramar, FL 33023. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, N.E., Atlanta, GA 30326. *Contract carrier:* irregular: *General commodities, except commodities in bulk, classes A and B explosives and hazardous waste* between points in the U.S. (except AK and HI) under contract or continuing contracts with United Freight, Inc. of Morrow, GA. Supporting shipper: United Freight, Inc., 1260 Southern Rd., Morrow, GA 30260.

MC 147452 (Sub-3-1TA), filed May 4, 1981. Applicant: W. D. W. TRUCKING, INC., 2620 S.W. 66th Terrace, Miramar, FL 33023. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract* carrier: irregular: *General commodities (except classes A and B explosives and hazardous waste)* between points in the U.S. under continuing contract or contracts with Distribution Services of America. Supporting shipper: Distribution Services of America, 666 Sumner Street, Boston, MA 02210.

MC 124835 (Sub-3-9TA), filed May 4, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). *Concrete mix, dry, in bulk, and in bags,* from Franklin, TN, to all points in AL, AR, IL, IN, KY, MI, MO, MS, OH, and TN. Supporting shipper: W. R. Bonsal, P.O. Box 824, Franklin, TN 38064.

MC 107912 (Sub-3-9TA), filed May 4, 1981. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Rd., Memphis, TN 38118. Representative: Tommie J. Perkins, Sr., (same as above).

(1) New furniture; (2) Materials, equipment and supplies used in the manufacture and distribution of commodities in (1) above, from the facilities of S.K. Products Corporation, located at or near Houston, TX to points in the states of AR, LA and MS. Supporting shipper: S. L. Products Corporation, 5355 Buckeell Dr., SW., Atlanta, GA 30336.

MC 116300 (Sub-3–10TA), filed May 4, 1981. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. *Sand,* from Walthall County, MS to points in LA. Supporting shipper: Mississippi Mining & Marketing Co., P.O. Box 390, Magnolia, MS 39652.

MC 95540 (Sub-3–23TA), filed May 5, 1981. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Jackie Hill (same address as applicant). *(1) Small arms ammunition and related components thereof and advertising and (2) materials, equipment and supplies used in the manufacture and distribution of items named in (1) above;* from Anoka, MN to points in AL, GA, FL, KY, NC, SC, and TN. Supporting shipper: Federal Cartridge Corporation, 9th & Tyler, Anoka, MN 55303.

MC 146927 (Sub-3–6TA), filed May 5, 1981. Applicant: DIXIE TRANSPORT, INC., Post Office Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Sugar,* from the facilities of Supreme Sugar Company, Inc., in Assumption Parish, LA, to points in MS, AL, FL, GA, TN, NC and SC. Supporting shipper: Supreme Sugar Company, Inc., One Shell Square, Suite 320, New Orleans, LA 70139.

MC 148780 (Sub-3–3TA), filed May 5, 1981. Applicant: ENGINEERED TRANSPORT SERVICES, INC., 3001 Ponce de Leon Boulevard, Suite 201, Coral Gables, FL 33134. Representative: Charles R. Stiller, Esq., 3001 Ponce de Leon Boulevard, Suite 201, Coral Gables, FL 33134. *Contract,* Irregular: *Flavoring syrups; beverages preparations; beverages, carbonated, flavored or phosphated; bottler's flavoring compounds; and flavoring compounds including materials and supplies utilized in the manufacture thereof and including such commodities in bulk,* between Portland, OR and points in MT, WY, ID, OR and WA, under a continuing contact with The Coca-Cola Company. Applicant intends to interline at Great Falls, MT and Billings, MT. Supporting shipper: The Coca-Cola Company, 310 North Avenue, NW., Atlanta, GA 30313.

MC 150467 (Sub-3–2TA), filed May 5, 1981. Applicant: LAVERGNE EXPRESS, INC., P.O. Box 857, Lavergne, TN 37086. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Houseboats* between points in TN on the one hand and points in AZ and CA on the other. Supporting shipper: Delta Clipper, Inc., 5270 Murfreesboro Rd., Lavergne, TN 37086.

MC 110678 (Sub-3–10TA), filed May 5, 1981. Applicant: ARGO TRUCKING COMPANY, INC., P.O. Box 955, Elberton, GA 30635. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Building materials,* between Elbert County, GA and points in the U.S. (except AK and HI). Supporting shipper: Martin Fireproofing Company, Inc., P.O. Box 788, Elberton, GA 30635.

MC 155757 (Sub-3–1), filed May 5, 1981. Applicant: PIEDMONT CAROLINA TRANSPORTATION, INC., P.O. Box 187, Randleman, NC 27317. Representative: Steven E. Davis (same address as applicant). *Furniture and fixtures,* from points in Guilford and Randolph Counties, NC to all counties within FL and TX. Supporting shippers: Dawl Furniture, 1500 Bethel Dr., High Point, NC; Preview Furniture Corp., 300 Fraley Rd., High Point, NC 27263.

MC 151173 (Sub-3–9TA), filed May 6, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: J. Harold Wright (Same address as applicant). *Malt beverages, and materials, equipment and supplies used in the production and distribution of malt beverages (except commodities in bulk),* between points in GA, AL, FL, MD, MI, MO, NJ, NY, NC, OH, SC, TN, TX and VA. Supporting shipper(s): Gusto Brands, 707 Douglas St., Lagrange, GA 30240; City Beverage Co., 565 Western Ave., Atlanta, GA 30314; Premium Beverage, Inc., 2235 Defoor Hills Rd., Atlanta, GA 30318.

MC 139009 (Sub-3–3TA), filed May 6, 1981. Applicant: R & W EXPRESS, INC., 6861 Main Street, Lithonia, GA 30058. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Cranes, Booms and accessories,* between Hamilton County, TN and Milwaukee County, WI (2) From Hamilton County, TN to Chatham County, GA, Orleans County, LA, Baltimore County, MD, Garfield County, OK, Calhoun County, SC, Harris County and Cameron County, TX. Supporting shipper: Koehring Southern Co., P.O. Box 349, Chattanooga, TN 37401.

MC 145906 (Sub-3–3TA), filed May 5, 1981. Applicant: GENERAL TRUCKING CO., INC., P.O. Box 269, Columbia, TN 38401. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN. 37064 *Metal products, ores, and minerals* between points in TN, AL, LA, GA, KY, OH, PA, IL, IN, NC, SC, AR, and MS. Supporting shipper: There are six supporting shippers. Their statements may be examined at the I.C.C. Regional Office, Atlanta, Georgia.

MC 135606 (Sub-3–25TA), filed May 8, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *(1) pulp, paper, and paper products; (2) metal products; (3) containers and fittings and closures therefor; and (4) equipment, materials and supplies used in the manufacture, assembly, sale and distribution of commodities described in (1)–(3) above;* between points in the U.S. in and east of ND, SD, NE, CO and NM: Restricted to the transportation of traffic originating at or destined to facilities of Boise Cascade Corporation. Supporting shipper(s): Boise Cascade Corporation, P.O. Box 7747, Boise, ID 83707.

MC 117956 (Sub-3–16TA), filed May 8, 1981. Applicant: SCOTT TRANSFER CO., INC., 1134 Sylvan Road SW., Atlanta, GA 30310. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Contract carrier;* irregular routes: (1) *New furniture and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Houston, TX; Chicago, IL; Clifton, NJ; and Atlanta, GA on the one hand, and, on the other, points in the U.S., in and east of ND, SD, NE, KS, OK & TX, restricted to traffic moving under continuing contract(s) with SK Products Corporation. (2) (a) *Vermiculite, other than crude, (b) potting soil, and (c) materials, equipment and supplies used in the manufacture, sale and distribution of a & b,* between the facilities of the Verlite Co., located at or near Tampa, FL on the one hand, and, on the other, points on and east of the Mississippi River, restricted to traffic moving under continuing contract(s) with The Verlite Co. (3) *Metal and glass articles,* between Hampton, FL on the one hand, and, on the other, points in the U.S., in and east of ND, SD, NE, KS, OK & TX, restricted to traffic moving under continuing contract(s) with U.S. Solar Corporation. (4) *General commodities, except Class A and B explosives,* between points in the United States, under continuing contract(s) with (a) United Freight, Inc. and (b)

Distribution Services of America, Inc. There are five (5) supporting shippers whose appendices may be reviewed at the Atlanta Regional Office.

MC 155769 (Sub-3–1TA), filed May 7, 1981. Applicant: A. G. S. TRANSPORT, INC., 8428 Southampton Drive, Mirimar, FL 33025. Representative: Richard B. Austin, 320 Rochester Building, 8380 N.W. 53rd St., Miami, FL 33166. *(1) Plastic and related products; and (2) equipment and supplies used in the manufacture and sale of (1) above,* between points in the U.S. Supporting shipper: Hoffner, Carnes & Co., Inc., Suite 800, 224 Datura Street, West Palm Beach, FL 33401.

MC 142161 (Sub-3–6TA), filed May 7, 1981. Applicant: LIBERTY CONTRACT CARRIER, INC., 214 Hermitage Avenue, Nashville, TN 37202. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, TN 37219. *Contract Carrier:* Irregular: *Such commodities as are dealt in by a manufacturer of iron and steel articles* between Pulaski, TN, on the one hand, and, the U.S.-Canada border at Champlain, NY, on the other, under continuing contracts with American Magotteaux Corporation of Pulaski, TN. Supporting shippers: American Magotteaux Corporation, P.O. 410, Pulaski, TN 38478.

MC 144964 (Sub-3–7TA), filed May 17, 1981. Applicant: ESSEX EXPRESS, INCORPORATED, 1200 Hammondville Road, Pompano Beach, FL 33060. Representative: Don A. Allen, 2550 M Street, N.W. Washington, D.C. 20037. *Contract carrier:* Irregular. *General Commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between Jersey City, NJ and points in NH, MA, ME, VT, CT, NY and RI under continuing contract with Foremost-McKesson, Inc., San Francisco, CA through its subsidiary, C.F. Mueller Co. Supporting shipper: Foremost-McKesson: C.F. Mueller Company, 180 Baldwin Ave., Jersey City, NJ 07306.

MC 151985 (Sub-3–4TA), filed May 7, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Room 100, Atlanta, GA 30318. Representative: John C. Bach, Bovis, Kyle & Burch, 53 Perimeter Center East, Suite 350, Atlanta, GA 30346. *Contract carrier,* irregular routes, *canned pet food, containers, container ends, and materials, equipment and supplies used in the manufacture and distribution of containers and container ends,* between points in the US (except AK and HI) under a continuing contract with Allied Foods, Inc., Atlanta, GA. Supporting shipper: Allied Foods, Inc., 1970 Hills Ave. N.W., Atlanta, GA 30318.

MC 151985 (Sub-3–3TA), filed May 7, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Room 100, Atlantia, GA 30319. Representative: John C. Bach, Bovis, Kyle & Burch, 53 Perimeter Center East, Suite 350, Atlanta, GA 30346. *Containers, container ends, and materials, equipment and supplies used in the manufacture and distribution of containers and container ends,* between Darlington County, SC, on the one hand, and, on the other hand, New Orleans, LA; Sparrows Point, MD; and Birmingham, AL. Supporting shipper: Palmetto Can Corporation, P.O. Box 1361, Hartsville, SC 29550.

MC 2900 (Sub-3–30TA), filed May 7, 1981. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: R. E. Allish (same address as applicant). *Contract carrier:* irregular: *Plastic materials, products and articles used in the manufacture and distribution thereof* between Beaumont, Crockett, Houston, La Porte, Orange and Port Arthur, TX, on the one hand, and on the other, points in AL, FL, GA, KY, MO, MS, NC, SC, TN and VA under a continuing contract(s) with Arco Polymers, Inc. Supporting shipper: Arco Polymers, Inc., 1500 Market Street, Philadelphia, PA 19101.

MC 91306 (Sub-3–11TA), filed May 7, 1981. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Avenue NE., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue N.W., Washington, DC 20005. *Food and related products,* between points in Union, Snyder and Northumberland Counties, PA, on the one hand, and, on the other, points in NC, SC and GA. Supporting shipper(s): American Home Foods, Division of American Home Products Corp., 685 3rd Avenue, New York, NY 10017.

MC 147870 (Sub-3–2TA), filed May 7, 1981. Applicant: MEMPHIS LEASING COMPANY, INC., 611 Florida Avenue, Memphis, TN 38101. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. (1) *Metal products and (2) materials, equipment and supplies used in the manufacture, assembly, sale and distribution of metal products* between points in AL, AR, IA, MO, MS and TN: Restricted to traffic originating to or destined to facilities used by Waterloo Industries, Inc. Supporting shipper(s): Waterloo Industiries, Inc. 300 Ansborough, Waterloo, IA 50704.

Note.—Common control may be involved.

MC 145274 (Sub-3–2TA), filed May 7, 1981. Applicant: SERVICE MOTOR FREIGHT, INC., P.O. Box 243, Alcoa, TN 37701. Representative: J. Greg Hardeman, 618 United American Bank Building, Nashville, TN 37219. *Pulp, paper and related products and plastic products* between points in TN, on the one hand, and, points in NC, on the other. Supporting shipper: Container corp. of America, P.O. Box 1225, Stone Mountain, GA 30086.

MC 154661 (Sub-3–1TA). Applicant: D. L. CABLE, d.b.a. RED LINE EXPRESS, P.O. Box 6637, 2501 E Bessmer Avenue (C) Office, Greensboro, N.C. 27405. Representative: (same as applicant). *Contract:* Irregular: *General Commodities (Except Classes A and B Explosives)* between all points in the United States pursuant to continuing contract with F.M.S., Inc: Supporting Shipper: F.M.S., Inc, 1000 Connecticut Avenue, Suite 1200, Washington, D.C. 20036.

MC 114334 (Sub-3–24TA), filed May 6, 1981. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Metal and metal articles* between points in FL, on the one hand, and on the other, points in AL, MS, LA, TX, OK, AR, KY, MO, IL and IN. Supporting shipper: Berg Steel Pipe Corporation, P.O. Box 2029, Panama City, FL 32401.

MC 146782 (Sub-3–16TA), filed May 6, 1981. Applicant: ROBERTS CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: James Rex Raines, 300 First Avenue, South, Nashville, TN 37201. *Metal and metal articles,* between points in Greenville County, SC on the one hand, and, on the other points in the U.S. in and East of ND, SD, NE, KS, OK, and TX. Supporting shipper: Amico Cold Drawn (Division of Alabama Metal Industries Corp.), P.O. Box 126, Taylors, SC 29687.

MC 146701 (Sub-3–1TA), filed May 6, 1981. Applicant: WEAVER TRUCKING CO., INC., P.O. Box 45, Eton, GA, 30724. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Meat, fresh or frozen, meat products or by-products and articles used or distributed by meatpacking houses,* between points in Adams, Arapahoe, Denver, Jefferson, Logan and Morgan Counties, CO, on the one hand, and, on the other, points in AL, FL, GA, KY, MS, NC, SC, TN, VA, CT, DC, MD, MA, NY and PA. Supporting shippers: Sterling Colorado Beef Co. and Circle C Beef Company,

P.O. Box 1728, 1500 Right of Way Rd., Sterling, CO 80751.

MC 144776 (Sub-3–3TA), filed May 6, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner Street SW., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between the facilities of Southeastern Bonded Warehouses, Inc. at or near Atlanta, GA and points in AL, FL, KY, VA, TN, NC, SC, LA, and MS. Supporting shipper: Southeastern Bonded Warehouses, Inc., 5180 Phillip Lee Drive, SW, Altanta, GA 30378.

MC 155771 (Sub-3–1TA), filed May 8, 1981. Applicant: P & S TRUCKING, INC., P.O. Box 112, Millport, AL 35576. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39201. *Contract carrier;* irregular routes; *Forest products, lumber, lumber products, wood products, paper, paper products and wood pulp and materials, equipment and supplies used in the manufacture of, sale and distribution of the commodities named above* between points in the United States under a continuing contract or contracts with Weyerhaeuser Company. Supporting shipper: Weyerhaeuser Company, 105 Alabama Street, Columbus, Mississippi, 39701.

MC 140040 (Sub-3–1TA), filed May 7, 1981. Applicant: WILLIE E. PETTY, d.b.a. PETTY TRUCKING, Route 2, Lafayette, TN 37083. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Contract:* irregular: *General Commodities, except Classes A & B Explosives,* between points in the U.S., under continuing contract(s) with Central Soya Company, Inc. Supporting shipper: Central Soya Company, Inc., 1300 Ft. Wayne National Bank Bldg., Ft. Wayne, IN 46802.

MC 136155 (Sub-3–2TA), filed May 8, 1981. Applicant: GAY TRUCKING COMPANY, P.O. Box 7179, Savannah, GA 31408. Representative: William P. Sullivan, 818 Connecticut Avenue NW., Washington, DC 20006. *Chemically coated steel pipe* from NC points to FL points. Supporting shipper: L. B. Foster, P.O. Box 47367, Doraville, GA 30362.

MC 150573 (Sub-3–4TA), filed May 7, 1981. Applicant: BEN KENNEDY TRUCKING COMPANY, INC., Weston Rd., P.O. Box 13, Preston, GA 31824. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. *(1) Ammonium nitrate, diammonium and monammonium phosphate, triple phosphate, fertilizer and fertilizer materials, and agricultural lime, lime granulars and landplaster,* between Taylor, Hamilton, Jackson, Santa Rosa, Polk, Hillsborough and Levy Counties, FL, on the one hand, and, on the other, points in GA and AL, *(2) Soybean meal and hulls, peanut meal and hulls, cotton seed meal, sunflower meal,* from Edgecombe, Wake and Cumberland Counties, NC and Kershaw, Darlington, Calhoun and Hampton Counties, SC to points in GA, FL and AL, and *(3) Basic slag,* from Jefferson County, AL to points in GA, in dump vehicles. Supporting shipper(s): There are five statements in supporting of this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 146180 (Sub-3–3TA), filed May 7, 1981. Applicant: QUALITY EXCHANGE, INC. Route 4, Box 459-A, Kings Mountain, NC 28086. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue NW., Washington, DC 20005. *Contract carrier;* irregular: *machinery and metal products, and materials and supplies used in the manufacture and distribution thereof,* between points in Cleveland and Rowan Counties, NC, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Carmet, Inc., and Chemetron Fire Systems (subsidiaries of Allegheny International). Supporting shipper(s): Carmet, Inc., P.O. Box 312, Kings Mountain, NC 28086; and Chemetron Fire Systems, P.O. Box 249, Rowan and South Oak Streets, Granite Quarry, NC 28072.

MC 149563 (Sub-3–15TA), filed May 8, 1981. Applicant: SUPER TRUCKERS, INC. 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Common, irregular; *lumber and wood products,* between points in WI, MI, IN, IL, MO, IA, MN, NE, ND, SD, OH, WV and PA, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Amerhart Ltd., P.O. Box 3068, Green Bay, WI 54303, Northwest Wholesale Lumber Company, Inc. P.O. Box 2256, LaCrosse, WI 54601, Midwest Lumber Associates, P.O. Box 187, Sun Prairie, WI 53590.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 29886 (Sub-4–10TA), filed April 28, 1981. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314–39th Avenue, Kenosha, WI 53142. Representative: Carl G. Van Dyke (same address as applicant). *Metal products* from points in Clinton County, IA to points in and east of MN,NE, KS, OK, and TX. Supporting shipper: Central Steel & Tube Box 441, Clinton, IA 52732.

MC 61779 (Sub-4–1TA), filed May 4, 1981. Applicant: PAUL JOHNSON, INC., 340 West Adams, Waterman, IL 60556. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Metal products,* between points in Putnam County, IL, on the one hand, and, on the other, points in IA, MO, MI, and IN. Supporting shipper: Jones & Laughlin Steel Corporation, Box 325, Hennepin, IL 61327.

MC 105269 (Sub-4–4TA), filed May 4, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *(1) Textiles and textile products, and (2) materials, equipment and supplies used in the manufacture, distribution and sale of the commodities in (1) above (except commodities in bulk)* between points in States on and East of the MS River within the Continental U.S. Supporting shipper: Leshner Corp., 1010 Eaton Ave., Hamilton, OH 45013.

MC 111310 (Sub-4–10TA), filed May 4, 1981. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Glass* from the facilities of AFG Industries, Inc. located in Hawkins and Sullivan Counties, TN to points in AR, IL, IN, IA, KS, MI, MN, MO, NE, ND, OK, SD, and WI. An underlying ETA seeks 120 days authority. Supporting shipper: AFG Industries, Inc., P.O. Box 929, Kingsport, TN 37664.

MC 111812 (Sub-4–32TA), filed May 1, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). *Pulp, paper or allied products, materials, equipment and supplies used in the manufacture, distribution and sale of the commodities there of* between the facilities of Wausau Paper Mills Co. located at Brokaw and Rhinelander, WI and Little Falls, MN on the one hand, and, on the other, points in the U.S. Supporting shipper: Wausau Paper Mills Co., Brokaw, WI 54417.

MC 123074 (Sub-4–2TA), filed May 4, 1981. Applicant: M. L. ASBURY, INC., 141 South Main St., Romeo, MI 48065. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI

48084. *Asphalt and asphalt products,* from Detroit, MI and the commercial zone thereof to Chicago, IL and the commercial zone thereof. Supporting shipper: Trumbull Asphalt, 59th and Archer Road, Summit, IL 60501.

MC 127505 (Sub-4–2TA), filed May 4, 1981. Applicant: R. H. BOELK d.b.a. R. H. BOELK TRUCK LINES, INC., Rural Route 2, Mendota, IL 61342. Representative: A. Doyle Cloud, Jr., 2006 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Fiber corrugated shipping containers,* between points in IL on the one hand, and on the other, points in MI and WI. Supporting shipper: Western Kraft Paper Co., 1001 Knell St., Montgomery, IL 60538.

MC 128235 (Sub-4–1TA), filed May 4, 1981. Applicant: AL JOHNSON TRUCKING, INC., 1516 Marshall NE, Minneapolis, MN 55413. Representative: EARL HACKING, 1700 New Brighton Blvd., Minneapolis, MN 55413. *Malt Beverages* from St. Louis, MO to Chester, MN and Superior, WI. Supporting shippers: Schott Dist. Co., Inc., 6735 Hwy 14-East, Rochester, MN 55901. Northern States Distributing, Inc., #2 Bud St.-Industrial Park, Superior, WI 54880.

MC 128927 (Sub-4–2TA), filed April 27, 1981. Applicant: MARTIN TRUCKING COMPANY, INC., Box 406, Tomah, WI 54660. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Common;* irregular; *malt beverages and related advertising materials, premiums, and dispensing equipment in mixed loads with malt beverages* from Peoria County, IL, to points in WI. An underlying ETA seeks 120 days authority. Supporting shipper: Pabst Brewing Company, Box 766, Milwaukee, WI 53201.

MC 135410 (Sub-4–23TA), filed May 1, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th Street Road, Monmouth, IL 61462. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068. *Plastic pellets,* from Monaca, PA and points in its commercial zone to the facilities of Dart Container Corporation at or near N. Aurora, IL, Horse Cave, KY and Mason, MI. Supporting shipper: Dart Container Corporation, 432 Hogsback Road, Mason, MI 48854.

MC 140101 (Sub-4–1TA), filed April 24, 1981. Applicant: I. T. A. TRUCKING, INC., P.O. Box 219, Amherst, WI 54406. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. *Contract carrier:* Irregular routes: *Food and related products* between points in the U.S. under a continuing contract(s) with Great Lakes Food Brokers, Inc. Supporting shipper: Great Lakes Food Brokers, Inc., P.O. Box 4, Pewaukee, WI 53702.

MC 146419 (Sub-4–1TA), filed May 4, 1981. Applicant: SCHWANEBECK FREIGHT LINES, INC., Box 342C, Rural Route No. 3, Mauston, WI 53948. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Contract* Irregular: *Food and related products, materials, equipment and supplies used in the manufacture and distribution of food and related products* between Menomonie and Vesper, WI on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA and WY, restricted to a service to be performed under a continuing contract(s) with Sanna a Subsidiary of Beatrice Foods Company. Underlying ETA seeks 120 days authority. Supporting shipper: Sanna a Subsidiary of Beatrice Foods Company, P.O. Box 8046, Madison, WI 53708.

MC 147179 (Sub-4–1TA), filed May 6, 1981. Applicant: JET SERVICES, INC., 1946 South First Street, Milwaukee, WI 53204. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *(1) General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which require the use of special equipment) in containers or trailers having an immediate prior or subsequent movement by rail or water and (2) empty containers, empty trailers, and empty trailer chassis* between points in the Chicago, IL, and Milwaukee, WI, Commercial Zones on the one hand, and, on the other, points in WI. Supporting shippers: There are eight (8) supporting shippers.

MC 147499 (Sub-4–6TA), filed May 4, 1981. Applicant: D. H. TRANSFER INC., 671 M–73, Iron River, MI 49935. Representative: Esther Hooper/Donald Hooper, 671 M–73, Iron River, MI 49935. *Plywood panels, plain or finished with decorative or protective materials, furniture stock panels, wooden with or without veneer facings, molding, No. 1 particle board; Hardboard, composition board and lumber* between the plant and warehouse facilities of the Iron Wood Products Corporation, at or near Bessemer, MI to points in the U.S. Supporting shipper: Iron Wood Products Corporation, Box 167, Bessemer, MI 49911.

MC 148389 (Sub-4–1), filed May 1, 1981. Applicant: MILBAX TRUCKING LINES, INC., 807 Rathbone Ave., Aurora, IL 60507. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. *Contract irregular such commodities as are dealt in or used by manufacturers of chemicals,* between points in the U.S. (except AK and HI) under continuing contract with Mazer Chemicals, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Mazer Chemicals, Inc., 3938 Porette Drive, Gurnee, IL 60031.

MC 149282 (Sub-4–4TA), filed May 1, 1981. Applicant: CLIFFORD A. PARKHURST, 1229 Dakota N, Huron, SD 57350. Representative: Thomas J. Simmons, 5301 N. Cliff, P.O. Box 480, Sioux Falls, SD 57101. *Motorcycles, snowmobiles, and related parts and accessories,* between points in IL and MN on the one hand, and, on the other, points in SD. Supporting shippers: Dakota Cycles, RR 5, Box 172, Huron, SD 57350, and Yamaha Aberdeen, Inc., W. Hwy. 12, Aberdeen, SD 57401.

MC 150248 (Sub-4–4), filed May 4, 1981. Applicant: BERGER BROS. TRUCKING, P.O. Box 20, Rural Route 4, Mandan, ND 58554. Representative: William J. Gambucci, 525 Lumber Exchange Building, Ten South Fifth St., Minneapolis, MN. 55402. *Metal products* from ND, MN, IL, OH and the Kansas City, KS commercial zone to points in ND, SD, MN, MT, MI, IL, IN, WY, ID and the Kansas City, KS commercial zone. Under continuing contracts with Mid-America Steel, Inc. of Bismarck, ND. Supporting shipper: Mid-America Steel, Inc., P.O. Box 2299, Bismarck, ND 58501.

MC 151119 (Sub-4–2TA), filed May 5, 1981. Applicant: OVERLAND TRANSPORTATION SYSTEM, INC., 2025 English Avenue, Indianapolis, IN 46206. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. *General commodities, (except Classes A and B explosives),* Between IN; Madison, Montgomery, Franklin, Hamilton, Clark, Butler and Greene Counties, OH; and Henderson and Daviess Counties, KY. Supporting shippers: There are 57 statements of support attached.

MC 151899 (Sub-4–7TA), filed May 5, 1981. Applicant: BLACKHAWK EXPRESS, INC., 89 North Main Street, Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract; showcases and materials, equipment and supplies used in the manufacture and distribution of showcases* between Belleville, WI on the one hand, and, on the other, points in the U.S. under continuing contracts with Federal Industries, Ltd. An underlying ETA seeks 120 days authority. Supporting shipper: Federal

Industries, Ltd., 215 Federal Avenue, Belleville, WI 53508.

MC 152441 (Sub-4-4TA), filed May 4, 1981. Applicant: WILSON LEASING, INC., P.O. Box 6946, 2014—14th St. N.W., Rochester, MN 55901. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth St., Minneapolis, MN 55402. (1) *Alcoholic beverages* from CA, FL, IL, KY, MI, MO, OH and TN to Nicollet County, MN, and (2) *dairy products,* and such merchandise as is handled by the wholesale-retail chain grocery business from Olmsted County, MN to Los Angeles, CA. An underlying ETA seeks 120 days authority. Supporting shippers: State Distillers, Inc., 1119 Center St., North Mankato, MN 56001; The Kroger Co., 1014 Vine St., Cincinnati, OH 45201.

MC 154887 (Sub-4-2), filed April 30, 1981. Applicant: DON BASS TRUCKING, INC., 2044 W. Willow Road, Palatine, IL 60067. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. *Contract;* Irregular: *(1) Grain Conveying Machinery, Grain Bins, Silos, and related equipment and parts; also, (2) materials, supplies, and equipment used in the manufacture of commodities in (1) above,* Between Assumption and West Chicago, IL, and South Bend, IN, on the one hand, and, on the other, points in the U.S., except AK and HI, under continuing contract(s) with Neuro Corporation located in West Chicago, IL. Supporting shipper: Neuero Corporation, 1201 Hawthorne Lane, West Chicago, IL 60185.

MC 154953 (Sub-4-2TA), filed May 4, 1981. Applicant: DOKE TRANSPORT CO., INC., P.O. Box 109, Clarks Hill, IN 47930. Representative: Richard A Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. *Rubber and plastic products,* from Maywood, IL, to Stillwater, MN. Supporting shipper: Dahl-Tech, Inc., 5805 St. Croix Trail North, Stillwater, MN 55082.

MC 155007 (Sub-4-1TA), filed April 28, 1981. Applicant: FOUR STAR FREIGHTWAYS, INC., 5350 West 39th St. (Rear), Cicero, IL 60650. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601. *General commodities (except classes A and B explosives),* between Chicago, IL, on the one hand, and, on the other, Monroe, Boscobel and Platteville, WI and Wartburg, TN. An underlying ETA seeks authority for 120 days. Supporting shipper: Advance Transformer Co., 2301 Lively Boulevard, Elk Grove Village, IL 60007.

MC 155561 (Sub-4-2TA), filed May 5, 1981. Applicant: OLD MAIN TRANSPORT, INC., P.O. Box 436, Winfield, IL 60190. Representative: Stephen C. Herman, 20 North Wacker Drive, Chicago, IL 60606. *Fertilizer and fertilizer ingredients,* between points in IL and IN, on the one hand, and, on the other, points in IL, IN, IA, MI, MO, OH, and WI. Supporting shippers: Agrico Chemical Company, P.O. Box 3166, Tulsa, OK 74101; Royster Company, P.O. Drawer 1940, Norfolk, VA 23501; W. R. Grace Co., Ag Chem. Group Central Gr., P.O. Box 742, New Albany, IN 47150; Smith-Douglass Division of Borden Chemical, Borden, Inc., 5100 Virginia Beach Blvd., P.O. Box 419, Norfolk, VA 23501.

MC 155716 (Sub-4-1TA), filed April 29, 1981. Applicant: BELL'S TRUCKING, INC., Route 1, Denmark, WI 54208. Representative: Eugene Bell (same address as applicant). *Contract* irregular: *Bulk food products, cable television, telephone installation and transmission equipment materials and supplies used in connection therewith* between points in the U.S. Supporting shipper: Anixter-Pruzan, 1301 Morse Ave., Elk Grove Village, IL 60007.

MC 155737 (Sub-4-1TA), filed April 30, 1981. Applicant: DONALD J. MITRZYK, d.b.a. PAUL DEE COMPANY, 2949 Hillcrest Road, West Branch, MI 48661. Representative: (Same address as applicant.) *Food and related products* from various points in MN to various points in MI. Supporting shipper: Atlas Bakery Supplies, Inc., 525 Hupp Avenue, Jackson, MI 49203.

The following applications were filed in region 5. Send Protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 35831 (Sub-5-3TA), filed May 4, 1981. Applicant: E. A. HOLDER, INC., P.O. Box 69, Kennedale, TX 76060. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Urethane foam insulation panels,* from Dallas, TX to points in MS. Supporting shipper: Panelera Mfg. Corporation, 8001 Carpenter Fwy., Dallas, TX 75247.

MC 41432 (Sub-5-10TA), filed May 4, 1981. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 10125, Dallas, TX 75207. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *General commodities, except Classes A & B explosives;* serving the plantsite of Safway Steel Products, Inc., Div. of A.T.O., Inc. at or near Rochester, IN as an off-route point in connection with carrier's otherwise authorized regular route operations. Supporting shipper(s): Safway Steel Products, Inc., Div of A.T.O., Inc., 6228 W. State St., Milwaukee, WI 53201.

MC 75320 (Sub-5-7TA), filed May 4, 1981. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. Common, regular. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* serving Henry County, GA as an off-route point. Supporting shippers: Hoyne Industries, Inc., 840 Hwy 155S, McDonough, GA 30253; Simmons Manufacturing, Conyers Rd., McDonough, GA 30253.

Note.—Applicant intends to tack and interline.

MC 117792 (Sub-5-2TA), filed May 4, 1981. Applicant: J. C. JACKSON, JR., d.b.a. Farm Products Co., P.O. Box 189, East Prairie, MO 63845. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. *Bananas,* from Gulfport, MS and Galveston, TX, to points in IA, MO, IL and IN. Supporting shippers: Castle & Cooke Foods, 2900 Veterans Blvd., Metairie, LA 70002.

MC 119399 (Sub-5-67TA), filed May 4, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, Joplin, MO 64802. Representative: Thomas P. O'Hara (same address as applicant). *Starch, cleaning and scouring compounds and articles used in the manufacture, sale and distribution thereof,* from Kansas City, MO to Atlanta and Columbus, GA; Knoxville, Nashville and Memphis, TN; Denver, CO; Phoenix, AZ; Minneapolis, MN; Louisville, KY; and Springfield, VA. Supporting shipper: Faultless Starch—Bon Ami Company, Kansas City, MO 64101.

MC 124141 (Sub-5-11TA), filed May 4, 1981. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Foodstuffs* from Bonner Springs, KS to points in OK and TX. Supporting shipper: Dawn Food Products, Inc., 2021 Micor Drive, Jackson, MI 49203.

MC 129576 (Sub-5-2TA), filed May 4, 1981. Applicant: HORNER TRUCK SERVICE, INCORPORATED, P.O. Box 5097, Coralville, IA 52241. Representative: Melvin M. Porter (same address as applicant). *Anhydrous Ammonia* from Washington, County, IA to points in IL and from Marshall, Peoria and Putnam Counties, IL to points in IA. Supporting shipper: Vistron Corporation, 614 Superior Avenue, Cleveland, OH 44113.

MC 140665 (Sub-5–66TA), filed May 4, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Clothing and materials and supplies used in the manufacture and distribution of clothing* between points in the commercial zone of El Paso, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Brittania Sportswear—Division of Schoenfeld Industries, Post Office Box 24347, Seattle, WA 98124.

MC 148143 (Sub-5–2TA), filed May 4, 1981. Applicant: MID-AMERICA FARM LINES, INC., P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant). *Steel, vinyl, and aluminum siding, styrofoam insulation, trim, and materials and supplies used in the installation thereof* from Jackson and Wayne Counties, MI, and Summit County, OH to points in Greene and Jackson Counties, MO, Sedgwick County, KS, and Benton County, AR. Supporting shipper: C & W Wholesale Supply, Inc., P.O. Box 925 C.S.S., Springfield, MO 65801.

MC 151118 (Sub-5–11TA), filed May 4, 1981. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *(1) Food and related products, and (2) materials, equipment and supplies used in the manufacture, assembly, sale and distribution of commodities described in (1) above* between Craighead County, AR on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, CO, and NM. Supporting shipper: The Fasweet Company, 215 North Culberhouse Street, Jonesboro, Craighead County, AR 72401.

MC 151660 (Sub-5–3TA), filed May 4, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same address as applicant). Contract: Irregular; *Plastic and plastic articles,* between Grand Prairie, TX, and all points in the U.S., under continuing contract with Roper Plastics, Inc., Grand Prairie, TX. Supporting shipper: Roper Plastics, Inc., 1101 Ave. M, Grand Prairie, TX.

MC 153963 (Sub-5–2TA), filed May 4, 1981. Applicant: MID-STATES MOTOR TRANSIT, INC., P.O. Box 4231, Wichita, KS 67204. Representative: Patricia F. Scott, P.O. Box 258, Liberty, MO 64068. *Food and related products,* between Dodge County, WI on the one hand, and, on the other hand, points in CO, IN, KS, KY, MS, OH, OK, and TX. Between Peoria County, IL on the one hand, and, on the other hand, points in AL, AR, CO, IA, KS, KY, MS, MO, OH, OK, and TX. Between Vermilion County, IL on the one hand, and, on the other hand, points in AL, AR, CO, IN, IA, KS, KY, MS, MO, OH, OK, TN, TX, and WI. Supporting shipper: Joan of Arc Company, Inc., 2231 W. Altorfer, Peoria, IL 61615.

MC 155595 (Sub-5–4TA), filed May 4, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert Street, Dallas, TX 75212. Representative: Daniel C. Sullivan, 10 S. La Salle Street, Suite 1600, Chicago, IL 60603. *Such commodities* as are dealt in or used by wholesale grocery or grocery distribution warehouses, between Davidson County, TN, on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI. Supporting shipper: Bi-Rite Foods, Inc., 601 Amory Drive, P.O. Box 207, Nashville, TN 37204.

MC 155718 (Sub-5–1TA), filed May 4, 1981. Applicant: FONTENELLE CARRIER CORPORATION, 1419 So. Saddle Creek Road, Omaha, NE 68106. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Contract: irregular. *General commodities, (except Classes A & B Explosives),* Between points in the U.S., except AK and HI under a continuing contract with Fontenelle Springs, Inc. of Omaha, NE. Supporting shipper: Fontenelle Springs, Inc., 1419 So. Saddle Creek Road, Omaha, NE 68106.

MC 155719 (Sub-5–1TA), filed May 4, 1981. Applicant: DAN RODRIGUEZ, d.b.a. BIG D TRUCKING CO., P.O. Box 142, Edinburg, TX 78539. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Forth Worth, TX 76112. *Foods and related items,* from Cameron and Hidalgo counties, TX, to points in the U.S. Supporting shippers: Texsun Corp., P.O. Box 327, Weslaco, TX 78596; and Right Away Foods Corp., P.O. Box 184, Edinburg, TX 78539.

MC 155720 (Sub-5–1TA), filed May 4, 1981. Applicant: DOYLE V. LOOT, d.b.a. LOTT MOBILE HOME MOVERS, Highway 1 By-Pass, Natchitoches, LA 71457. Representative: R. Raymond Arthur, 616 Front St., Natchitoches, LA 7145. *Mobile homes and modular housing* between points and places in LA, TX, AR, and MS. Supporting shipper: Skyline Mobile Homes, P.O. Box 5811, Swan Lake Road, Bossier City, LA. Supporting shipper: Durr's Mobile Home Service, General Delivery, Marthaville, LA. Supporting shipper: Peachtree Homes, P.O. Box 883, Ruston, LA.

MC 155728 (Sub-5–1TA), filed May 4, 1981. Applicant: MANGUM OIL & GAS COMPANY, P.O. Box 430, Mangum, OK 73554. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Liquified petroleum gas,* from Thomas, OK to Hutchinson, KS. Supporting shipper(s): United LP Gas Marketing, Inc., 2829 West Northwest Highway, Suite 227, Dallas, TX 75220.

MC 35320 (Sub-5–58TA), filed March 30, 1981. Applicant: T.I.M.E.–DC, INC., 2598 74th Street, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same as applicant). Common, regular. *General commodities, except Classes A and B explosives,* serving points in Chatham County, GA., as off-route points in connection with carrier's otherwise authorized regular-route operations. Supporting shippers: Boyd Nursey & Garden Center, 7804 Abercorn Expressway, Savannah, GA 31406; Great Southern Parts Distributors, 1302 Bay Street, Savannah, GA 31401; Bill Moore Supply Co., 1121 Old Louisville Rd., Savannah, GA 31401; Savannah Industrial Supply Co., Inc., 1119 Louisville Rd., Savannah, GA 31402.

Note.—Applicant intends to tack and interline.

MC 11740 (Sub-5–1TA), filed May 5, 1981. Applicant: OIL TRANSPORT COMPANY, INC., P.O. Box 2679, Abilene, TX 79604. Representative: Dan V. West (same as applicant). *Petroleum products, in bulk, in tank vehicles,* from Artesia, NM, to Pecos, TX. Supporting shipper: Pecos Products Company, P.O. Box 552, Pecos, TX 79772.

MC 117954 (Sub-5–3TA), filed May 6, 1981. Applicant: H. L. HERRIN, JR., P.O. Box 1106, Metairie, LA 70004. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Foodstuffs,* from IL, IA, and WI to points and places in AR, LA and MS. Supporting shipper(s): Oscar Mayer, P.O. Box 7188, Madison, WI, 53707, and Reisfeld & Son, Inc., Box 32176, New Orleans, LA 70183.

MC 119176 (Sub-5–2TA), filed May 6, 1981. Applicant: THE SQUAW TRANSIT COMPANY, P.O. Box 9368, Tulsa, OK 74107. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Forth Worth, TX 76104. *Metal products,* between points in the U.S. restricted to shipments originating at or destined to the facilities of Van Pelt Corporation, and its Divisions. Supporting shipper: Van Pelt Corporation (Russell Steel

Division), 2930 North Florence, Tulsa, OK 74110.

MC 119789 (Sub-5-47TA), filed May 6, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). *Machinery, including but not limited to commodities which because of size or weight require the use of special equipment,* from Longview, TX, to points in the U.S. (except AK and HI). Supporting shipper: Marathon LeTourneau Company, P.O. Box 2307, Longview, Texas 75606.

MC 124141 (Sub-5-12TA), filed May 6, 1981. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Welding rods, coils and spools* from Skokie, IL, Monticello, IN, and Hanover, PA, to points in the U.S. except AL, AK, CA, GA, HI, OR, NC, TX, and WA. Supporting shipper: Mid-Arc, Inc., 7201 Linder Avenue, Skokie, IL 60077.

MC 150612 (Sub-5-5TA), filed May 6, 1981. Applicant: FROST TRANSPORTATION, INC., P.O. Box 3400, Shreveport, LA 71103. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Contract; irregular; *General Commodities (except household goods as defined by the Commission, Classes A and B Explosives, Commodities in Bulk and those requiring special equipment)* between Los Angeles, CA, and points in the U.S. under continuing contract(s) with Automotive Battery Products Co., Los Angeles, CA. Supporting shipper(s): Automotive Battery Products Co., 3211 E. 26th St., Los Angeles, CA 90023.

MC 152406 (Sub-5-3TA), filed May 6, 1981. Applicant: TEXAS WESTERN EXPRESS, INC., 5713 Azle Avenue, Fort Worth, TX 76114. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Alcoholic beverages,* from points in the U.S. to Dallas, TX. Supporting shipper: Max Golman Wholesale Liquors, 2835 Congressman Lane, Dallas, TX 75101.

MC 153341 (Sub-5-3TA), filed May 6, 1981. Applicant: CUSTOM BUS LEASING, INC., 645 Highway 1378, Wylie, TX 75098. Representative: Robert Q. Stanton, 3800 Republic Bank Tower, Dallas, TX 75201. *Passengers and their luggage on sleeper buses, round-trip pleasure tours and charter operations are proposed* between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in Bossier Parish, LA. Supporting shippers: Dara LaForce, 8420 Abrams, Suite 204, Dallas, TX 75243; Safari Club of Texas, #16 Spring Valley Village, Suite 8, Richardson, TX 75080; OL' Blue's Bar & Grill, 2211 N. Collins, Arlington, TX 76011; Dixon Travel Services, Cotton Exchange Bldg., 606 N. St. Paul Street, Dallas, TX 75201.

MC 155425 (Sub-5-1TA), filed May 6, 1981. Applicant: SECURITY INTERNATIONAL, INC., 4622 South 68th Street, Omaha, NE 68127. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *(1) Cancelled checks; electronic data processing tapes, cards, and print outs; and documents and business records used in the operation of banks, banking institutions, computer centers, (except coins, currency, and negotiable securities), (2) Biological, medical, diagnostic, and test equipment, materials, supplies, and specimens, and (3) Dental equipment, materials, and supplies; optical equipment and supplies; exposed and processed film and prints; and human blood, blood derivatives, blood specimens, urine and human tissue samples,* between all points in the following counties: Sioux and Scottsbluff, NE, and Niobrara and Goshen, WY. Supporting shippers: Stat Labs of Nebraska, Medical Village, Lower Level, 48th & A, Lincoln, NE 68510; Central Biological Company, 8937 J Street, Omaha, NE 68127; Lingle State Bank, 3rd & Main, P.O. Box 555, Lingle, WY 82223; Citizen's National Bank, 2000 Main, Torrington, WY 82240; Lusk State Bank, P.O. Box 1088, Lusk, WY 82225.

MC 155768 (Sub-1TA), filed May 6, 1981. Applicant: ENVIRONMENTAL INTERNATIONAL, INC., 912 Scott, Kansas City, KS 66105. Representative: Ted T. Topolski, Senior, 7308 Hedges, Raytown, MO 64135. *Toxic and hazardous waste and miscellaneous materials in bulk, boxes, and drums,* between points and places in the states of AL, AZ, AR, CO, IL, IN, IA, KS, MS, MO, NE, NV, OH, OK, TN, and UT. Supporting shipper: Ted Topolski Company, P.O. Box 7257, Overland Park, KS 66207.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14784 Filed 5-15-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OPY 5-59]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: May 11, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related

thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

MC-F-14621, filed April 20, 1981. Applicant: TELECOM CORPORATION (Telecom) (1200 Travis, Suite 2424, Houston, TX 77002)—continuance in control—CONTRUX, INC. (Contrux) (P.O. Box 309, Stephens St. at Canal, Lemont, IL 60439). Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603. Telecom seeks authority to continue control of Contrux upon the institution by Contrux of operations, in interstate or foreign commerce, as a motor contract carrier. Telecom is the sole stockholder of Contrux, and seeks authority to acquire control of said rights and property through the transaction. Telecom, a publicly held non-carrier corporation controls Spector Red Ball, Inc., a motor common carrier, authorized in certificates No. MC-2229 and sub-numbers thereunder. Spector Red Ball, Inc., in turn controls ET&WNC Transportation Company, a motor common carrier, authorized in certificates No. MC-52953 and sub-numbers thereunder. Through ET&WNC Transportation Company, Spector Red Ball, Inc., controls East Tennessee and Western North Carolina Railroad, a rail carrier operating between Johnson City, TN, and a point outside of Elizabethton, TN. C. B. Weller, a director of Telecom is an officer and director of Refrigerated Transport, Inc., a motor common carrier, pursuant to certificates issued in No. MC-97998. W. Brogan Lord, a director of applicant is also a director of Frozen Food Express, operating as a motor common carrier pursuant to certificates issued in No. MC-106207, and sub-numbers thereunder.

Note.—Contrux has filed a directly-related application its initial contract carrier application. This application, docketed No. MC-153448 Sub 1, is published in this same Federal Register issue.

MC 153448 (Sub-1), filed April 20, 1981. Applicant: CONTRUX, INC., P.O. Box 309, Stephens St. and Canal, Lemont, IL 60439. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603, (312) 236-0375. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with W. W. Grainger, Inc., of Chicago, IL.

Note.—This application is directly related to MC-F-14621 published in this same Federal Register issue.

[FR Doc. 81-14795 Filed 5-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 303]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 11, 1981.

The following applications filed on or before February 28, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). For applications filed before March 1, 1979, these rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that it proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that

the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

MC 136844 (Sub-2F), filed January 19, 1979, previously noticed in the **Federal Register** on May 2, 1979. Applicant: HENRY BRISTOL, d.b.a. B & B TRANSPORT & LEASE, P.O. Box 149, Route 1, Reinking Rd., Hampshire, IL 60140. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *materials, equipment, and supplies* used in the manufacturing of electrical devices and products, (except commodities in bulk), between the facilities of TriBoro Electric Corp., at or near Warminster, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with TriBoro Electric Corp., of Warminster, PA.

Note.—This republication is to reflect a change in shipping points from Doylestown, PA, and Hightstown, NJ, to Warminster, PA. Issuance of authority is conditioned upon a request, in writing, for the coincidental cancellation of Permit No. MC 136844 (Sub-No. 2), issued December 19, 1980.

[FR Doc. 81-14796 Filed 5-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5-96]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.252 addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

MC 7228 (Sub-46)F (republication), filed November 29, 1980, published in the **Federal Register** issue of December 17, 1980, and republished this issue. Applicant: COAST TRANSPORT, INC., 1906 S. E. 10th Ave., Portland, Oregon. Representative: Jerry Cinnera (address same as applicant). A decision of the Commission, Review Board 2, decided April 1, 1981, and served April 15, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting such merchandise as is dealt in or used by grocery and food business houses, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

[FR Doc. 81-14797 Filed 5-15-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications

for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-2-870

Decided: May 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Parker not participating).

MC 29643 (Sub-20), filed April 24, 1981. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Ave., Massena, NY 13662. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, 212–466–0220. Transporting *general commodities*, (except classes A and B explosives), between points in Oswego, Onondaga, Jefferson, St. Lawrence, Madison, Oneida, Lewis, Herkimer, Montgomery, Fulton, Hamilton, Franklin, Albany, Schenectady, Clinton, Essex, Warren, Saratoga, Washington and Rensselaer Counties, NY, on the one hand, and, on the other, points in VT, NH, MA, RI, CT, NY, NJ, PA, DE, MD, and DC.

MC 44913 (Sub-21), filed May 4, 1981. Applicant: E. ROSCOE WILLEY, INC., P.O. Box 116, Secretary, MD 21664. Representative: Walter T. Evans, 7961 Eastern Avenue, Silver Spring, MD 20910, (301) 587–8656. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Guida Clothing Company, Inc., of Milford, DE, (b) Maryland Plastics, Inc., of Federalsburg, MD, (c) Major Distributing Co., Inc., of New Castle, DE, and (d) Purity Products, Inc., of Baltimore, MD.

MC 107012 (Sub-702), filed April 24, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429–2110. Transporting *general commodities* (except classes A and B explosives), between the facilities utilized by Marathon Carey-McFall, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107323 (Sub-69), filed April 23, 1981. Applicant: GILLILAND TRANSFER CO. 7180 West 48th St. Fremont, MI 49412. Representative: Donald B. Levine, 39 South LaSalle St., Chicago, IL 60603, 312–236–0375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Grand Rapids Shippers League, Inc., and (b) Meijer, Inc., both of Grand Rapids, MI.

MC 115798 (Sub-39), filed April 24, 1981. Applicant: CALDWELL FREIGHT LINES, INC., P.O. Box 620, Lenoir, NC 28645. Representative: C. Douglas Woods (same address as applicant), 800–438–6244. Transporting *metal products*, between points in Randolph County, IL, on the one hand, and, on the other, points in NC.

MC 116362 (Sub-9), filed April 27, 1981. Applicant: AIME BELLAVANCE & SONS, INC., Boyton St., Barre, VT 05641. Representative: John P. Monte P.O. Box 568, Barre, VT 05641, 802–476–6671. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of coal and wood burning stoves, between points in PA, MA, MD, NH, NJ, NY, VA, and VT.

MC 124263 (Sub-6), filed April 28, 1981. Applicant: SUN MOTOR LINE, INC., P.O. Box 32546, Oklahoma City, OK 73123. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 696–2235. Transporting *such commodities* as are dealt in by department stores, between points in OK and TX, on the one hand, and, on the other, points in the U.S. (part (2) is embraced in part (1)).

MC 127042 (Sub-306), filed April 27, 1981. Applicant: HAGEN, INC., P.O. Box 3206, Sioux City, IA 51102. Representative: Joseph B. Davis (same address as applicant), 712–255–8866. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Rand McNally & Company, of Skokie, IL, and (b) General Business Equipment, Ltd., of Sioux City, IA.

MC 136553 (Sub-106), filed April 23, 1981. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, IA 52001. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Transporting *clay, concrete, glass or stone products*, between points in Marion County, IA, and Breckinridge County, KY, on the one hand, and, on the other, points in the U.S.

MC 141443 (Sub-67), filed April 23, 1981. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: William L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, 405–848–7946. Transporting *petroleum, natural gas and their products*, between points in Tulsa County, OK, on the one hand, and, on the other, points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 142703 (Sub-33), filed April 28, 1981. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 W. Third St., Cincinnati, OH 45203. Representative: Robert E. Tucker (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, OH, PA, WV, and WI.

MC 144293 (Sub-22), filed April 27, 1981. Applicant: DUANE McFARLAND, P.O. Box 1006, Austin, MN 55912. Representative: Thomas J. Beener, 67 Wall St., New York, NY 10005, (212) 269–2540. Transporting *petroleum, natural gas and their products*, between Cincinnati, OH and points in Butler County, OH, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, NE, ND, SD, and WI. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 145302 (Sub-1), filed April 24, 1981. Applicant: GULF STATES CORPORATION, P.O. Box 7598, Trenton, NJ 08628. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, 703–893–4924. Transporting *clay, concrete, glass or stone products, and ores and minerals* between points in the U.S. Condition: Issuance of a certificate in this proceeding is conditioned upon prior or coincidental cancellation, at applicant's written request, of permit No. MC–145302.

MC 146812 (Sub-2), filed April 28, 1981. Applicant: GEORGE ROMINGER, d.b.a. GEORGE ROMINGER TRUCKING, 200 Lincoln, Ellensburg, WA 98926. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, 206–235–1111. Transporting *meats, meat products, and meat by-products, and articles distributed by meat-packing houses*, between points in the U.S., under continuing contract(s) with Superior Packing Company, of Ellensburg, WA.

MC 151443 (Sub-1), filed April 21, 1981. Applicant: EDWARD E. SCHULTZ, d.b.a. ECS TRUCKING, 13471 Mickey St., Garden Grove, CA 92644. Representative: Edward E. Schultz (same address as applicant), (714) 537–7293. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of petroleum products, chemical products, and auto replacement parts and accessories, between points in the U.S., under continuing contract(s) with Union Oil

Company of California, of Los Angeles, CA.

MC 151533 (Sub-12), filed April 28, 1981. Applicant: BESTWAY FREIGHT LINES, INC., 1749 Wilbur Cross Hwy., Berlin, CT 06037. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728-0700. Transporting *general commodities* (except classes A and B explosives), between New York, NY, points in CT, Hampden County, MA, and Dutchess County, NY, on the one hand, and, on the other, points in the U.S.

MC 153673, filed April 24, 1981. Applicant: KENTUCKY SPECIALIZED HAULERS, INC., Route 3, Box 156A, Hardinsburg, KY 40143. Representative: Shirley Hill (same address as applicant). Transporting *such commodities as are dealt in or used by manufacturers of tanks, pressure and storage vessels, and conveying and feeding equipment for bulk materials*, between points in the U.S., under continuing contract(s) with Matt Corcoran Company, Inc., of Louisville, KY.

MC 154792F, filed April 22, 1981. Applicant: SWIM TRUCKING, INC., Route 4, Box 719, Princeton, WV 24740. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629-2818. Transporting (1) *lumber and wood products*, and (2) *forest products*, between points in WV, on the one hand, and, on the other, points in AR, GA, IN, KY, MD, MI, NC, OH, PA, SC, TN, and VA.

MC 155053, filed April 28, 1981. Applicant: B & S TRANSPORTATION, A Division of Bryant's Trucking, Inc. of Franklinton, Route 2, Box 175B, Franklinton, LA 70438. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601-335-3576. Transporting (1) *lumber and wood products*, and (2) *pulp, paper, and related products*, between points in the U.S., under continuing contract(s) with Crown Zellerbach Corporation, of Bogalusa, LA.

MC 155523 (Sub-2), filed April 27, 1981. Applicant: PHOENIX MOTOR EXPRESS, INC., P.O. Box 246, Hasbrouck Heights, NJ 07604. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, 301-840-8565. Transporting *general commodities* (except classes A and B explosives), between the facilities of American Can Company, its subsidiaries or suppliers, at points in the U.S., on the one hand, and, on the other, points in the U.S.

Volume No. OPY-2-072

Decided: May 7, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 20722 (Sub-43F), filed April 28, 1981. Applicant: M & G CONVOY, INC., 590 Elk St., Buffalo, NY 14240. Representative: Eugene C. Ewald, 100 W. Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013, (313) 645-9600. Transporting *motor vehicles*, between points in the U.S.

MC 139482 (Sub-188), filed May 4, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, (same address as applicant), 507-354-8540. Transporting *food and related products*, between points in the U.S.

MC 141932 (Sub-46), filed April 30, 1981. Applicant: POLAR TRANSPORT, INC., 176 King St., Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant), (617) 871-2550. Transporting *general commodities* (except classes A and B explosives), between the facilities of Distribution Services of America, Inc., and its member/affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146402 (Sub-33), filed April 28, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske, (same address as applicant), (901) 423-2406. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lonza, Inc., of Fairlawn, NJ.

MC 146602 (Sub-7), filed April 28, 1981. Applicant: BAKKEN TRUCK LINE, 1301 Third Ave. South, Northwood, IA 50459. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *food and related products*, (1) between points in Hancock and Cerro Gordo Counties, IA, on the one hand, and, on the other, points in TX, AR, LA, OK, NC, SC, TN, and KY, and (2) between points in Polk County, IA, and Nobles County, MN, on the one hand, and, on the other, points in AR, CT, DE, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC.

MC 146762 (Sub-51), filed May 4, 1981. Applicant: ROBERTS CARRIER CORPORATION, 300 First Ave., South, Nashville, TN 37201. Representative: James Rex Raines (same address as applicant), (615) 256-4196. Transporting *metal products*, between points in Greenville County, SC, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 146992 (Sub-6), filed May 1, 1981. Applicant: PHIL-MART TRANSPORTATION, INC., P.O. Box 126, Braselton, GA 30517. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521, 312-629-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Provimi, Inc., and Delft Blue-Provimi, Inc., of Watertown, WI.

MC 147062 (Sub-7), filed May 1, 1981. Applicant: KMC TRANSPORT, INC., P.O. Box 962, Caldwell, ID 83605. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting (1) *such commodities* as are dealt in or used by distributors of motorcycles, under continuing contract(s) with Motorcycles of Idaho, Inc., of Caldwell, ID, and (2) *such commodities* as are dealt in or used by foundries, under continuing contract(s) with Gem State Alloys, Inc., of Caldwell, ID, between points in the U.S.

MC 149333 (Sub-3), filed April 30, 1981. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC., 500 Bennington, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 641414, (816) 842-8600. Transporting *rubber and plastic products*, between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 155523 (Sub-1), filed April 27, 1981. Applicant: PHOENIX MOTOR EXPRESS, INC., P.O. Box 246, Hasbrouck Heights, NJ 07604. Representative: Gerald K. Gimmel, Esq., Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, 301-840-8565. Transporting *general commodities* (except classes A and B explosives), between the facilities of Stauffer Chemical Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155642, filed April 28, 1981. Applicant: MURDOCH & BRANTON VENTURES LTD., 1355 Bay Ave., Trail, BC, Canada V1R 4A7. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101, (206) 624-7373. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at ports of entry on the international boundary line between the U.S. and Canada, in WA and ID, and extending to points in WA, ID, OR, CA, NV, and MT.

MC 155673, filed May 1, 1981. Applicant: GREATER TEXAS WAREHOUSE & TRANSPORT, INC.,

709 Bradfield St., Houston, TX 77060. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, 512-476-6000. Transporting *such commodities* as are dealt in, and manufactured and distributed by drug and hospital supply companies, between points in the U.S.

MC 155693, filed April 30, 1981. Applicant: THE VALLEY AUTOMOBILE CLUB, INC., P.O. Box AAA, Wilkes-Barre, PA 18703. Representative: Clifford W. Bigelow (same address as applicant), (717) 824-2444. Transporting as a *broker*, at Wilkes-Barre, PA, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in Luzerne, Columbia, and Montour Counties, PA, and extending to points in the U.S.

MC 155723, filed May 4, 1981. Applicant: SYSTEM 81 EXPRESS, INC., P.O. Box 305, Clinton, TN 37716. Representative: Jerry A. Farmer, P.O. Box 1708, Knoxville, TN 37901, (615) 637-5600. Transporting *such commodities* as are dealt in by chain grocery and food business houses, between points in the U.S., under continuing contract(s) with The Keebler Company, of Elmhurst, IL.

Volume No. OPY-3-063

Decided: May 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 1824 (Sub-132), filed May 1, 1981. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same address as applicant), (301) 673-7151. Over regular routes, transporting *general commodities* (except classes A and B explosives), serving points in Hunterdon, Morris, Somerset, Sussex, and Warren Counties, NJ, as off-route points in connection with the other authorized regular route operations of applicant.

MC 31245 (Sub-7), filed April 30, 1981. Applicant: ESTATE OF MAURICE L. ROGERS, RFD #1, South Windham, ME 04062. Representative: Donald F. Rogers (same address as applicant), (207) 892-4532. Transporting *building materials, prefabricated homes, machinery, snow removal equipment*, and *fertilizer*, between points in ME, on the one hand, and, on the other, points in VT, RI, and CT.

MC 36754 (Sub-4), filed April 24, 1981. Applicant: LEO FIX TRANSFER & STORAGE CO., INC., P.O. Box 24403, Seattle, WA 98124. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101, (206) 624-7373. Transporting *general commodities* (except classes A and B explosives), between points in WA, OR, and ID.

MC 39065 (Sub-7), filed April 24, 1981. Applicant: CUSTOM CARTAGE COMPANY, a corporation, 351 10th Ave., New York, NY 10001. Representative: S. S. Eisen, 370 Lexington Ave., New York, NY 10017, (212) 532-5100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 59264 (Sub-77), filed May 1, 1981. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, Suite 2373, One World Trade Center, New York, NY 10048, (212) 432-0940. Transporting *printed matter*, between the facilities of William Byrd Press, at Richmond, VA, on the one hand, and, on the other, points in PA, NY, NJ, and CT.

MC 78684 (Sub-3), filed April 30, 1981. Applicant: CENTRAL IND-ILL TRUCKING, INC., P.O. Box 67, Rochester, IN 46975. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Globe Industries, Inc., of Chicago, IL.

MC 105045 (Sub-160), filed April 17, 1981, previously noticed in Federal Register on May 1, 1981. Applicant: R. L. JEFFRIES TRUCKING COMPANY, INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005, (202) 347-3987. Transporting (1) *machinery*, and (2) *metal products*, between the facilities of Hesston Corporation, its suppliers and dealers, at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the territorial description.

MC 106594 (Sub-7), filed April 30, 1981. Applicant: KIRKPATRICK TRUCKING CO., 11317 Route 14, North, Harvard, IL 60033. Representative: Richard A. Westley, 4506 Regent St., Madison, WI 53705, (608) 238-3119. Transporting (1) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United States Gypsum Company, of Chicago, IL, and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Durabond Products Company, of Rosemont, IL.

MC 112595 (Sub-98), filed April 7, 1981, previously published in the Federal Register issue of April 23, 1981. Applicant: FORD BROTHERS, INC., Box 727, Ironton, OH 45638. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215, (614) 464-4101. Transporting *commodities in bulk*, between points in Sullivan County, TN, on the one hand, and, on the other, points in AL, GA, IL, KY, IN, MI, MS, MO, NJ, NY, NC, OH, PA, SC, VA, WV, and WI.

Note.—This republication includes the State of NY.

MC 114334 (Sub-93), filed April 30, 1981. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3710 Tulane Rd., Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103, (901) 525-6781. Transporting (1) *metal products*, and (2) *building materials*, between points in AR, on the one hand, and, on the other, points in OK and TX.

MC 119634 (Sub-53), filed April 24, 1981. Applicant: DICK IRVIN, INC., Hwy. 2 West, P.O. Box F, Shelby, MT 59474. Representative: Joe Gerbase, 100 Transwestern Bldg., Billings, MT 59101, (406) 248-2611. Transporting *such commodities* as are dealt in or used by agriculture, construction and natural resource related industries, between those points in the U.S. in and west of MN, IA, MO, AR, and LA, on the one hand, and, on the other, points in the U.S.

MC 119634 (Sub-54), filed April 30, 1981. Applicant: DICK IRVIN, INC., Hwy. 2 West, P.O. Box F, Shelby, MT 59474. Representative: Joe Gerbase, 100 Transwestern Bldg., Billings, MT 59101, (406) 248-2611. Transporting *petroleum, natural gas and their products*, between ports of entry on international boundary line between the U.S. and Canada, in the U.S., on the one hand, and, on the other, points in MT and ID.

MC 120145 (Sub-2), filed April 27, 1981. Applicant: WILLIAM J. MESSIER TRUCKING, INC., 50 Mill St., Cumberland, RI 02864. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742-3530. Transporting *general commodities* (except classes A and B explosives), (1) between points in RI, and (2) between points in RI, on the one hand, and, on the other, points in CT, ME, MA, NH, RI, and VT. Condition: Issuance of a certificate is subject to coincidental cancellation of Certificate of Registration No. MC 120145 Sub 1.

Note.—Part (1) seeks conversion of applicant's Certificate of Registration No. MC 120145 Sub 1 into a certificate of public convenience and necessity.

MC 126305 (Sub-157), filed April 30, 1981. Applicant: BOYD BROTHERS

TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 135895 (Sub-128), filed April 24, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335–3570. Transporting *chemicals and related products*, between points in Madison Parish, LA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO and NM.

MC 136315 (Sub-143), filed April 30, 1981. Applicant: OLEN BURRAGE TRUCKING, INC., P.O. Box 706, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355–3543. Transporting (1) *building materials*, and (2) *metal products*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 136635 (Sub-55), filed April 24, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *such commodities as are dealt in or used by manufacturers of electrical equipment, mechanical equipment and telecommunication equipment*, between the facilities of Reliance Electric Company and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 136774 (Sub-22), filed May 1, 1981. Applicant: MC–MOR–HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Marc J. Blumenthal, 39 South LaSalle Street, Chicago, IL 60603, (312) 236–9375. Transporting *food and related products*, between points in FL, on the one hand, and, on the other, points in the U.S.

MC 144054 (Sub-18), filed April 30, 1981. Applicant: BILL LITTLEFIELD TRUCKING, INC., 775 E. Vilas Rd., Medford, OR 97501. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *lumber and wood products*, between points in OR and WA, on the one hand, and, on the other, points in the U.S.

MC 144595 (Sub-7), filed May 1, 1981. Applicant: ROBERT D. ANTHOLZ, d.b.a. PAWNEE GRAIN COMPANY, Route 3, P.O. Box 42, Pawnee City, NE 68420. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *building materials*, between points in the U.S. under continuing contract(s) with Payless Cashways, Inc., of Kansas City, MO.

MC 144964 (Sub-9), filed May 1, 1981. Applicant: ESSEX EXPRESS, INCORPORATED, 1200 Hammondville Rd., Pompano Beach, FL 33060. Representative: Don A. Allen, 2550 M St., NW., Washington, DC 20037, (202) 457–6495. Transporting *such commodities* as are dealt in or used by retail stores, between points in the U.S., under continuing contract(s) with Allied Stores Marketing Corporation, of New York, NY.

MC 145494 (Sub-11), filed March 16, 1981, previously published in the Federal Register of April 1, 1981 as MC 145106 Sub 15. Applicant: EDINA CARTAGE COMPANY, a corporation, P.O. Box 42, Mauricetown, NJ 08329. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, (609) 825–1400. Transporting *clay, concrete, glass or stone products*, between points in the U.S.

Note.—This republication indicates the correct docket number and that applicant is a common carrier.

MC 145544 (Sub-9), filed April 3, 1981, previously published in the FR issue of April 23, 1981. Applicant: W. & M., INC., P.O. Box 2237, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263–2306. Transporting *such commodities* as are dealt in or used by industrial machinery dealers, between points in the U.S.

Note.—This republication corrects the commodity description.

MC 145664 (Sub-27), filed April 30, 1981. Applicant: STALBERGER, INC., 223 South 50th Ave. West, Duluth, MN 55807. Representative: Joyce L. Donaldson (same address as applicant), (218) 624–3641. Transporting *general commodities* (except classes A and B explosives), between Minneapolis and St. Paul, MN, on the one hand, and, on the other, points in the U.S.

MC 145944 (Sub-9), filed April 30, 1981. Applicant: H & N TRANSPORT, INC., P.O. Box 148, Main St., Cottage Grove, WI 53527. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *agricultural equipment, materials and supplies*, between points in the U.S., under continuing contract(s) with Hartung Brothers, Inc., of Arena, WI.

MC 146464 (Sub-8), filed April 30, 1981. Applicant: NEVADA GENERAL TRANSPORTATION, INC., 469 Idaho St., Elko, NV 89801. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701, (208) 336–3565. Transporting *metal products*, between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY.

MC 147275 (Sub-5), filed April 30, 1981. Applicant: K–W EXPRESS, INC., 6576 East Belding Rd., Belding, MI 48809. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting (1) *metal products*, and (2) *machinery*, between points in Ionia County, MI, on the one hand, and, on the other, points in the U.S.

MC 148525 (Sub-2), filed April 28, 1981. Applicant: THE PEERLESS TRANSPORTATION COMPANY, a corporation, 214 S. Perry St., Dayton, OH 45402. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), (1) between points in Montgomery, Miami, Greene, Clark and Warren Counties, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, PA, TN, and WV, and (2) between Cincinnati, OH and points in Franklin, Madison, Pickaway, Fairfield, Union, Delaware, and Licking Counties, OH, on the one hand, and, on the other, points in OH.

MC 149365 (Sub-3), filed May 1, 1981. Applicant: WOOD DALE LEASING & TRUCKING CO., INC., 212 Frederick Place, Wood Dale, IL 60191. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 151644 (Sub-2), filed April 30, 1981. Applicant: WILDCAT TRUCKING COMPANY, a corporation, 6810 Dollarway Rd., Pine Bluff, AR 71602. Representative: M. Doug Wood, 2500 McCain Blvd., Suite 103, North Little Rock, AR 72116, (501) 758–1058. Transporting *electric transformers*, between points in Jefferson County, AR, on the one hand, and, on the other, points in the US.

MC 152745 (Sub-1), filed March 24, 1981, previously published in the FR issue of April 13, 1981. Applicant: LYLE OIL CO., a corporation, 111 South Fairway, Fairfield, TX 75840. Representative: Larry G. Berkman, 900 Washington, P.O. Box 1470, Waco, TX 76703, (817) 754–1421. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Texas Utilities Generating Company, of Dallas, TX.

Note.—This republication indicates that applicant is a contract carrier.

MC 155605, filed April 28, 1981. Applicant: WENZEL'S DELIVERY SERVICE, INC., 810 Cross St., Lakewood, NJ 08701. Representative: James A. Wenzel, 810 Cross St., Lakewood, NJ 08701, (201) 364–6416. Transporting *general commodities* (except classes A and B explosives), between Philadelphia, PA, points in Bucks, Montgomery, and Delaware Counties, PA, and NJ.

MC 155614, filed April 29, 1981. Applicant: ALL CARGO TRANSPORTATION, INC., P.O. Box 100301, Nashville, TN 37210. Representative: Francis J. Orschein, 1736 Parkwood Drive, Moberly, MO 65270, (816)–263–1066. Transporting (A) *pulp, paper and related products, chemicals and related products* and *rubber and plastic products*, between points in Davidson, Hamilton, Knox and Shelby Counties, TN, and Jefferson County, AL, on the one hand, and, on the other, points in the U.S.; (B) *building materials*, between points in Duval County, FL, Tippecanoe County, IN, and Davidson County, TN, on the one hand, and, on the other, points in the U.S.; and (C) *general commodities* (except classes A and B explosives), (1) between points in Logan and Clay Counties, IL, Somerset County, NJ, and Lucas, Shelby and Stark Counties, OH, on the one hand, and, on the other, points in the U.S.; and (2) between points in Lee County, IA and Randolph County, MO, on the one hand, and, on the other, points in LA, OK and TX.

MC 155665, filed April 30, 1981. Applicant: COMFORT TRANSIT CO., INC., 179–20 146th Drive, Springfield Gardens, NY 11424. Representative: Sidney J. Leskin, 575 Madison Ave., New York, NY 10022, (212) PL9–3700. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, beginning and ending in New York, NY, and extending to points in the U.S.

MC 155694, filed April 30, 1981. Applicant: DYNASTY CORP., R.D. 1, Box 1097, Nescopeck, PA 18635. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717)–233–5731. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Peter Paul Cadbury, Inc., of Naugatuck, CT.

Volume No. OPY–3–084

Decided May 11, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 59124 (Sub-23), filed April 30, 1981. Applicant: MAIERS MOTOR FREIGHT COMPANY, 675 East Huron Avenue, Vassar, MI 48768. Representative: Wayne D. Fox (same address as applicant), (517) 823–8503. Over regular route transporting *general commodities* (except classes A and B explosives), (1) between Mount Pleasant, MI and Cleveland, OH; From Mount Pleasant over U.S. Hwy 27 to junction U.S. Hwy 127, then over U.S. Hwy 127 to West Unity, OH, then over U.S. Hwy 20 to Cleveland, and return over the same route; (2) between Bay City, MI and Cleveland, OH; From Bay City over MI Hwy 15 to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction OH Hwy 2, then over OH Hwy 2 to Cleveland, and return over the same route; (3) between junction MI Hwys 46 and 52 and junction U.S. Hwy 20 and OH Hwy 109; From junction MI Hwys 46 and 52 over MI Hwy 52 to the MI–OH State line, then over OH Hwy 109 to junction U.S. Hwy 20 and OH Hwy 109, and return over the same route; (4) between Lansing, MI and Flint, MI over Interstate Hwy 69; (5) between Lansing, MI and Detroit, MI over Interstate Hwy 96; (6) between Jackson, MI and Detroit, MI, over Interstate Hwy 94; (7) between Mount Pleasant, MI and Bay City, MI; From Mount Pleasant over MI Hwy 20 to junction U.S. Hwy 10, then over U.S. Hwy 10 to junction MI Hwy 15, then over MI Hwy 15 to Bay City, and return over the same route; (8) between junction MI Hwy 46 and U.S. Hwy 27 and junction MI Hwy 46 and U.S. Hwy 23, over MI Hwy 46; (9) between junction MI Hwy 57 and U.S. Hwy 27 and junction MI Hwy 57 and U.S. Hwy 23 over MI Hwy 57; (10) between St. Johns, MI and Flint, MI, over MI Hwy 21; (11) between junction U.S. Hwy 127 and U.S. Hwy 12, and Detroit, MI, over U.S. Hwy 12; (12) between junction U.S. Hwy 127 and U.S. Hwy 223 and junction U.S. Hwy 223 and U.S. Hwy 23; over U.S. Hwy 223; (13) between junction U.S. Hwy 127 and U.S. Hwy 20, and junction U.S. Hwys 23 and 20, over U.S. Hwy 20, serving in (1) through (14) points in MI, IN, and OH as off-route points.

Note.—Applicant intends to tack and interline this authority with its existing authority.

MC 125535 (Sub-28), filed April 30, 1981. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Heim (same address as applicant), (314) 569–1161. Transporting *steel tubing and pipe*, between points in the U.S., under continuing contract(s) with Maverick Tube Corporation, of St. Louis, MO.

MC 136635 (Sub-129), filed April 30, 1981. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3095, Gastonia, N.C. 28052. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, D.C. 20005, (202) 347–0332. Transporting *general commodities* (except classes A and B explosives), between points in FL, GA, and AL, on the one hand, and, on the other, points in the U.S.

MC 145664 (Sub-28), filed April 30, 1981. Applicant: STALBERGER, INC., 223 South 50th Avenue West, Duluth, MN 55807. Representative: Joyce L. Donaldson (same address as applicant), (218) 624–3641. Transporting *construction, mining, railroad, forestry, and industrial equipment*, between points in the U.S.

MC 150954 (Sub-27), filed April 30, 1981. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 6918 Tesoro Drive, Suite 215, San Antonio, TX 78217, (512) 826–6490. Transporting *such commodities* as are dealt in by retail grocery, drug and department stores, between points in the U.S., under continuing contract(s) with Lever Brothers Company, of St. Louis, MO.

MC 155604, filed April 28, 1981. Applicant: TOM BISHOP TRUCKING CO., INC., 1367 East Main Street, Newark, OH 43055. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215, (614) 224–3161. Transporting *general commodities* (except classes A and B explosives), between points in Licking County, OH, on the one hand, and, on the other, points in the U.S.

MC 155654, filed April 30, 1981. Applicant: L. PATRICK CRANDALL, R.D. #2, Box 243, Valatie, NY 12184. Representative: Neil D. Breslin, 600 Broadway, Albany, NY 12207, (518) 465–3391. Transporting *lime*, between points in the U.S., under continuing contract(s) with Agway Inc., of DeWitt, NY.

Volume No. OPY4–129

Decided: May 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 61977 (Sub-40), filed April 28, 1981. Applicant: ZERKLE TRUCKING COMPANY, a corporation, Rt. 6, Box 18, South Point, OH 45680. Representative: N. W. Bowen, Jr. (same address as applicant), (614) 894–7777. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with West Virginia-Birmingham Bolt, of Charleston, WV; Chandler's Plywood

Products, Inc., of Huntington, WV; Hamer Lumber Co., a div. of Celotex Corporation, of Kenova, WV; Ravens Metal Products, Inc., of Parkersburg, WV; Service Pipe Co., of Marietta, OH; Southwest Supply of Va., Inc., of Bluefield, VA, and Union Forge Company, of Noblestown, PA.

MC 84687 (Sub-6), filed May 4, 1981. Applicant: VETERANS TRUCK LINE, INC., P.O. Box 218, Bristol, WI 53104. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840-8565. Transporting *food and related products*, between Chicago, IL and points in Kenosha County, WI, on the one hand, and, on the other, points in WI.

MC 86247 (Sub-31), filed April 28, 1981. Applicant: ICL, INTERNATIONAL CARRIERS LIMITED, 1333 College Ave., Windsor, Ontario, Canada. Representative: S. B. Lederer (same address as applicant), (519) 259-9200. In foreign commerce only, transporting *general commodities* (except classes A and B explosives), between points in MI and NY, on the one hand, and, on the other, points in NY, PA, NJ, MA, DE, MD, OH, MI, IN, IL, WI, MN, CT, and MO.

MC 146927 (Sub-23), filed April 28, 1981. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *general commodities* (except classes A and B explosives), between the facilities of Bowater Southern Paper Company, at points in the U.S., on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 151557 (Sub-1), filed May 4, 1981. Applicant: BLAZER TRUCK LINES, INC., 23845 Ecorse Rd., Taylor, MI 48180. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649-6650. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Chrysler Corporation, of Detroit, MI.

MC 154917, filed May 1, 1981. Applicant: R&R SANITATION SERVICE, division of SCA CHEMICAL SERVICES, INC., R.D. 4, Box 422, Randolph, NJ 07869. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting (1) *waste or scrap materials not identified by industry producing* and (2) *hazardous materials*, between points in the U.S.

MC 155607, filed April 27, 1981. Applicant: BUS PLUS, INC., 640 Burlington Ave., Logansport, IN 46947. Representative: John C. Mushlhausen, 325 Court St., Logansport, IN 46947, (219) 722-4272. Transporting *passengers and their baggage*, in special and charter operations, between points in the U.S. (except HI).

Volume No. OPY-4-130

Decided: May 11, 1981.

By The Commission, Review Board No. 2. Members Carleton, Fisher and Williams.

MC 155367, filed April 13, 1981. Applicant: SUNSHINE TRAVEL COMPANY, INC., 8452 133rd St., Apple Valley, MN 55124. Representative: Robert H. Rydland, 720 Northstar Center, Minneapolis, MN 55402, (612) 339-6841. Transporting *passengers and their baggage*, in special operations, between points in MN, on the one hand, and, on the other, points in the U.S.

MC 139577 (Sub-48), filed April 21, 1981. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677-2566. Transporting *general commodities* (except classes A and B explosives), between the facilities of Cupery & De Young Storage Corp., at points in the U.S., on the one hand, and, on the other, points in the U.S.

Volume No. OPY-4-131

Decided: May 12, 1981.

By The Commission, Review Board No. 2. Members Carleton, Fisher and Williams.

MC 125037 (Sub-21), filed May 4, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209, (205) 942-9116. Transporting (1) *pulp, paper and related products*, and (2) *printed matter*, between points in Greene County, AL, on the one hand, and, on the other, points in the U.S.

MC 133327 (Sub-5), filed May 4, 1981. Applicant: MELBURN TRUCK LINES (TORONTO) CO., LTD., 2215 Royal Windsor Dr., Mississauga, Ontario, Canada L5J 1K5. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011, (717) 761-0520. In foreign commerce only, transporting *general commodities* (except classes A and B explosives), between ports of entry on the international boundary line between the U.S. and Canada, in MI and NY, on the one hand, and, on the other, points in the U.S.

MC 141617 (Sub-4), filed May 4, 1981. Applicant: EUGENE McDONALD, d.b.a., McDONALD TRUCKING, Box 94, Selby, SD 57472. Representative: THOMAS J. SIMMONS, 5301 N. Cliff Ave., P.O. Box 490, Sioux Falls, SD 57101, (605) 339-3629. Transporting (1) *beer and malt beverages*, and (2) *calcium carbide*, between points in Brown, Day, Perkins, and Walworth Counties, SD, on the one hand, and, on the other, points in IA, MO, MN, and WI.

MC 141867 (Sub-28), filed May 4, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101, (206) 624-7373. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of aircraft, aircraft assemblies, aerospace craft, hydrofoil boats, asphalt plants, wind turbine systems and water purification systems, between those points in the U.S. in and west of ND, SD, NE, MO, AR, and LA.

MC 142407 (Sub-4), filed April 17, 1981. Applicant: ROLL-ON, INC., P.O. Box 1962, Clovis, NM 88101. Representative: Richard Hubbert, P.O. Box 10238, Lubbock, TX 79408, (806) 763-9555. Transporting *food and related products*, between points in Finney County, KS, on the one hand, and, on the other, points in the U.S.

MC 147127 (Sub-4), filed May 5, 1981. Applicant: McLAURIN TRUCKING COMPANY, P.O. Box 26506, Charlotte, NC 28213. Representative: Donald J. Balsley, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except classes A and B explosives), between points in Mecklenburg County, NC and York County, SC, on the one hand, and, on the other, points in MD and DC.

MC 148107 (Sub-5), filed May 4, 1981. Applicant: JESSE J. MESA, d.b.a. J. J. MESA TRUCKING CO., 1500 So. Zarzamora St., San Antonio, TX 78207. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768, (512) 476-6063. Transporting *batteries*, between points in Bexar County, TX, on the one hand, and, on the other, New Orleans, LA and points in Benn Hill County, GA.

MC 152687, filed May 4, 1981. Applicant: CASCADE EXPRESS, INC., 10416 N.E. 19th Ave., Vancouver, WA 98665. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228-3807. Transporting *food and related products*, between points in WA, OR, and CA.

MC 153077, filed May 4, 1981. Applicant: TOTAL TRANSPORTATION, INC., 1601 99th Lane N.E., Minneapolis, MN 55434. Representative: Stanley Co. Olsen, Jr.,

5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–6855. Transporting (1) *food and related products*, between points in Seward County, KS, on the one hand, and, on the other, those points in the U.S. in and west of MN, IN, IL, MO, AR, and LA, and (2) *rubber and plastic products*, between Minneapolis, MN and points in St. Croix County, WI, and Morrison County, MN, on the one hand, and, on the other, those points in the U.S. in and west of WI, IL, MO, AR, and LA.

MC 154987 (Sub-1), filed April 16, 1981. Applicant: SQUARE 'B' TRUCKING (1979) LTD., 2720 Barlow Trail NE., Calgary, Alberta, Canada T1Y 1A1. Representative: Harry McPhee (same address as applicant), (403) 276–8309. Transporting *Mercer commodities*, between ports of entry on the international boundary line between the U.S. and Canada at WA, ID, MT, and ND, on the one hand, and, on the other, those points in the U.S. in and west of ND, SD, NE, KS, OK, and TX.

Volume No. OPY–4–133

Decided: May 12, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 3217 (Sub-3), filed May 4, 1981. Applicant: SCENIC STAGE LINES, INC., 606 Portland Ave., Morrison, IL 61270. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Jackson, Clinton, Scott, Muscatine, Johnson, Polk, Pottawattamie, Harrison, and Warren Counties, IA, and extending to points in the U.S. (including AK, but excluding HI).

MC 125037 (Sub-20), filed May 4, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209, (205) 942–9116. Transporting *general commodities* (except classes A and B explosives), between points in Winona County, MN, and Buffalo and Trempealeau Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 153417, filed May 4, 1981. Applicant: I & D TRUCKING COMPANY, 2915 Edwardsville Rd., Granite City, IL 62040. Representative: Edward A. Winter, 235 Rosewood Dr., Metairie, LA 70005, (504) 835–4724. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Starline, Inc., of Carencro, LA.

MC 155177, filed May 4, 1981. Applicant: LAWRENCE C. JENKINS and RALPH OSBORNE, d.b.a. JENKINS & OSBORNE PICK-UP & DELIVERY SERVICE, P.O. Box 356, Cleveland, TN 37311. Representative: Robert B. Wilson, 63 Broad St., Cleveland, TN 37311, (615) 472–1573. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with Scholl, Inc., of Memphis, TN.

Volume No. OPY–4–134

Decided: May 12, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 142847 (Sub-1), filed April 16, 1981. Applicant: LESLIE OAKLEY and BARRY D. OAKLEY, a Partnership, d.b.a. OAKLEY BROTHERS TRUCKING, Fairfield, MT 59436. Representative: William E. Seliski, Nr. 2 Commerce, P.O. Box 8255, Missoula, MT 59807, (406) 543–6369. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–4–135

Decided: May 12, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 125037 (Sub-22), filed May 4, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209, (205) 942–9116. Transporting *shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds*, between points in the U.S.

Volume No. OPS–58

Decided: May 8, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 2908 (Sub-28), filed April 29, 1981. Applicant: CAPITAL MOTOR LINES, d.b.a. CAPITAL TRAILWAYS, 520 North Court St., P.O. Box 1427, Montgomery, AL 36102. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Suite 1032, Washington, DC 20004, (202) 628–4600. To operate as a *broker*, at Montgomery, AL, in arranging for the transportation of *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 98979 (Sub-5), filed April 23, 1981. Applicant: MILLER BROS, INC., 305 North 8th Ave., Greeley, CO 80631. Representative: Jack B. Wolfe, 655 Capitol Life Center, 1600 Sherman St., Denver, CO 80203 (303) 839–5856. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Denver and Pueblo, CO, over Interstate Hwy 25, serving all intermediate points and the off-route points of Manitou Springs, Woodland Park, and Pueblo West, CO.

MC 133979 (Sub-6), filed April 24, 1981. Applicant: MONTANA BRAND PRODUCE CO., 1507 N. Beck St., Salt Lake City, UT 84116. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111 (801) 531–1306. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Huish Chemical Company, of Salt Lake City, UT.

MC 142266 (Sub-45), filed March 25, 1981 Published initially in the Federal Register on April 17, 1981. Applicant: GORSKI BULK TRANSPORT, INC., Rural Route No. 4, Harrow, Ontario, CD N0R 1G0. Representative: William H. Shawn, 1730 M Street NW., Washington, D.C. 20036, 202–296–2900. Transporting *latex*, between (1) points in Beaver County, PA and Hamilton County, TN, and the ports of entry on the International Boundry line between the U.S. and Canada in MI and NY, and (2) between points in (1) above on the one hand, and, on the other, points in the U.S. This application is republished to show the specific commodity to be transported.

MC 145149 (Sub-13), filed April 10, 1981. Applicant: MATADOR SERVICE, INC., P.O. Box 2256, Wichita, KS 67201. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612 (913) 233–8629. Transporting *coal and coal products*, (1) between points in WI and MN, and (2) between points in WI and MN, on the one hand, and, on the other, points in IA.

MC 146148 (Sub-18), filed April 24, 1981. Applicant: B-RIGHT TRUCKING CO., 7087 West Blvd., Suite 8, Youngstown, OH 44512. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 614–228–1541. Transporting *hides, leather and leather products*, between points in the U.S.

MC 146758 (Sub-10), filed March 31, 1981. Initially published in the Federal Register on April 20, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie (Same address as applicant.) 800–533–6038. Transporting *food and related products*

between the facilities of World Services, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. This application is republished to change the territorial description from nonradial to radial, and to include the facilities of the supporting shipper.

MC 146798 (Sub-6), filed April 24, 1981. Applicant: SULLIVAN TRUCKING, INC., 1340 Umatilla St., Denver, CO 80204. Representative: Dale E. Isley, 50 S. Steele St. Suite 330, Denver, CO 80209, 303-320-6100. Transporting *such commodities* as are dealt in and used by breweries, between points in Jefferson County, CO on the one hand, and, on the other, points in TX.

MC 147318 (Sub-7), filed April 20, 1981. Applicant: DEEP SOUTH TRUCKING, INC., P.O. Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, P.O. Box 696, Purvis, MS 39475 (601) 794-8003. Transporting *chemicals and related products*, between points in Harrison County, MS, on the one hand, and, on the other, points in OH, MD, NJ, and TN.

MC 147348 (Sub-13), filed April 20, 1981. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201 (501) 375-3022. Transporting *general commodities* (except classes A and B explosives) between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in AR.

MC 151008 filed April 23, 1981. Applicant: STEWART C. SILVER, Rural Route No. 2, Hardwick, VT 05843. Representative: William G. Congleton, 10 Pearl St., Essex Junction, VT 05452, 802-879-0424. Transporting *lumber and wood products* between points in Caledonia County, VT, on the one hand, and, on the other, points in St. Lawrence County, NY, Norfolk County, MA, Coos County, NH, and Fairfield County, CT, and points in NJ.

MC 151158 (Sub-3), filed April 30, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064 (615) 790-2510. Transporting *food and related products*, between points in AR and Tarrant and Smith Counties, TX, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14798 Filed 5-15-81; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Literature Panel (Residencies for Writers Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Literature Panel (Residencies for Writers Section) to the National Council on the Arts will be held on June 4-5, 1981, from 9:00 a.m.-6:00 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E St. NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on June 4, 1981, from 5:00 p.m.-6:00 p.m. to have a question and answer period with the public.

The remaining sessions of this meeting on June 4, 1981 from 9:00 a.m. to 5:00 p.m. and June 5, 1981, from 9:00 a.m.-6:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5 United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

May 8, 1981.

[FR Doc. 81-14801 Filed 5-15-81; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Forums Section); Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Forums Section) to the National Council on the Arts will be held on June 4-5, 1981, from 9:00 a.m. to 5:30 p.m. in the Law Library of the Columbia Plaza Office Complex, 2401 E St., N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

May 7, 1981.

[FR Doc. 81-14800 Filed 5-15-81; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence; Inadvertent Disconnection of Station Batteries

Section 208 of the Energy Reorganization Act of 1974, as amended, requires the NRC to disseminate information on abnormal occurrences (i.e., unscheduled incidents or events which the Commission determines are significant from the standpoint of public health and safety). The following incident was determind to be an abnormal occurrence using the criteria published in the Federal Register on February 24, 1977 (42 FR 10950). One of the general criteria of the Policy Statement notes that major degradation of essential safety-related equipment can be considered an abnormal occurrence. The following description of the event also contains the remedial action taken.

Date and Place—On January 6, 1981, the NRC was notified by Consumers Power Company that the breakers from both station batteries to their 125-volt DC buses at the Palisades Nuclear Power Plant had been inadvertently opened for about one hour. The Palisades plant untilizes a pressurized water reactor and is located in Van Buren County, Michigan.

Nature and Probable Consequences—On January 6, 1981, while performing monthly surveillance tests on both station batteries, maintenance personnel inadvertently opened the breakers from both station batteries to their 125-volt

DC buses and left them open for approximately one hour.

When the event occured, the plant was operating at 99 percent power. Since the plant was in a normal mode of operation, DC power was being supplied by the AC system via the battery chargers; therefore, DC power was never interruped during the period the battery breaker were left open. Nevertheless, the safety of the plant was degraded. A loss of offsite power during this period would, in the absence of manual action, result in the loss of all control power, thus blocking the automatic transfer of power to the onsite diesel generators and resulting in a complete station blackout. The station black our would persist until the battery breakers were manually reclosed or manual actions taken (e.g., manually closing the breakers from the diesel generators to the emergency buses and then additionally closing the load breakers for the required safety systems). During this time the ability of the plant to remove decay heat would be severely restricted. Since the tripping of the battery breakers is not annunciated in the Palisades control room, a subsequent loss of offsite power could lead to an undetected common mode failure.

Such a failure would be difficult to diagnose, thereby limiting the operator's ability to take timely corrective action. Consequently, and inordinate amount of time could be required to bring the plant to a normal mode of decay heat removal.

Cause or Causes—The batteries were disconnected because of the failure of two electricians to follow the surveillance test procedure. The procedure involved placing the two battery chargers, which had been in standby, in service and placing the two operating battery chargers in standby. The electricians incorrectly disconnected the batteries, while connecting the two additional battery chargers. This resulted in an incorrect operating configuration where all four battery chargers were in service supplying the two 125-volt DC buses (two battery chargers connected to each bus) and the batteries were disconnected.

The test procedure was examined by the NRC and found to be adequate. The two electricians who performed the test procedure has a copy of the procedure, had performed the test previously, and had been briefed on the work by their supervisor prior to beginning the test.

Actions Taken To Prevent Recurrence

Licensee—When the error was discovered by the licensee at the conclusion of the test procedure, the batteries ware again connected to the plant's DC buses. Additionally, the licensee is planning to install annunciators in the control room that will alert the operator whenever a station battery has been disconnected from its bus.

NRC—The personnel error and possible consequences were investigated by the NRC resident inspectors at the Palisades plant. In addition to this event, there have been several previous incidents of personnel errors by the licensee's staff, which involved safety-system valve positioning. Because of the licensee's history of personnel errors, several short-term measures were required by the NRC including a verification by a second qualified individual of work in safety-related areas; daily checks of plant operations by a member of licensee corporate management staff; a review of procedures for work in safety-related areas; additional training of plant personnel; and review of the possible need for control room indication to show battery circuit operability. These measures were agreed to by the licensee and confirmed by an Immediate Action Letter issued by NRC Region III (Chicago) on January 9, 1981. Further enforcement measures for this event are under review.

Based on this event, and previous regulatory performance and personnel errors, the NRC concluded that continued operation of the plant over the long-term requires significant changes in the control of licensed activities. The NRC (Region III office) met with the licensee on February 18, 1981 to discuss short- and long-term actions which the licensee has taken, or intends to take, to upgrade the regulatory performance of the Palisades facility. Conformation of the licensee's commitments was forwarded by an Order to the licensee dated March 9, 1981.

IE Information Notice. 81-05, "Degraded DC Systems at Palisades," was issued on March 13, 1981 to all holders of operating licenses and construction permits to provide them with early notification of a possibly significant matter.

Dated at Washington, D.C. this 12th day of May 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-14669 Filed 5-15-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

May 13, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

Reinstatements

• Science and Education Administration
Plant Introduction Evaluation Report
S-138 (FLA) 6-77
On occasion
Individuals or households/businesses or other institutions
Plant nurseries, scientists, individual cooperators
SIC: 018
Agricultural research and services, 1,000 responses, $1,250 Federal cost, 250 hours, 1 form, not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

This form is used to report back to the scientists information on survival, growth, flowering, fruiting, etc. of plants received from USDA through this station. This information helps the USDA scientists evaluate these new species for new crops.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627

New

• Maritime Administration
Disadvantaged and Women's Business Enterprise Report
On occasion, quarterly
Businesses or other institutions
Ship builders and operators
SIC: 373,440
Water transportation, 280 responses, 520 hours, $861.99 Federal cost, 1 form, not applicable under 3504(h)
William T. Adams, 202-395-4814

This report provides a mechanism by which the agency can monitor and evaluate the success of efforts initiated an supported by both the maritime community and the Federal Government to increase the utilization of disadvantaged and women owned business firms as suppliers and contractors to the maritime industry.

Revisions

• Bureau of the Census
Women's, Misses', and Junior' Apparel (Cuttings)
M-23H
Monthly
Businesses or other institutions
Manufacturers and jobbers of women's apparel
SIC: 233
Small Businesses or organizations
Other advancement and regulation of commerce, 5,400 responses, 1,350 hours, $3,315,000 Federal cost, 1 form, not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

These data are used by both the Office of Textiles and Apparel, Department of Commerce, and the International Trade commission to monitor the effect of imports on domestic production. There are a number of bilateral agreements limiting imports of apparel and these date are necessary to monitor the effectiveness of these agreements.

• Bureau of the Census
Report of Building or Zoning Permits Issued and Local Public Construction
C404
Monthly, annually
State or local governments
Local government building permit officials
SIC: 953
Other advancement and regulation of commerce, 120,000 responses, 24,500 hours, $1,295,000 Federal cost, 1 form, not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

This form is used to collect data on the number of residential and nonresidential building authorized by building permits. Building permit authorization are one of the 12 leading economic indicators. The data also are used in the compilation of housing starts estimates.

• Bureau of the Census
Cotton, Manmade Fiber Staple and Raw Linters—consumption and Stocks, and Spindle Activity
M-22P
Monthly, annually
Business or other institutions
Fiber spinning mills
SIC: 221, 222, 223, 224, 228
Small businesses or organizations
Other advancement and regulation of commerce, 7,035 responses, 1,770 hours, $3,315,000 Federal cost, 1 form, not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

This survey began in 1912 to measure consumption, stocks, and spindle activity on the cotton spinning system. In addition to measuring spinning activity, it is used by the Department of Agriculture in monitoring the supply and distribution of cotton and by analysts of the cotton commodity market.

Extensions (Burden Change)

• Bureau of the Census
Survey of Assessed Values
GP-33
Annually
State or local governments
State government agencies that tabulate assessed value data
Other advancement and regulation of commerce, 53 responses, 133 hours, $30,000 Federal cost, 1 form, not applicable under 3504(h)
Off. of Federal Statistical Policy and Standard, 202-673-7974

sample selection for taxable property values suvey to be conducted as part of 1982 Census of Governments, (2) Advisory commission on Intergovernmental Relations employs data in calculating its measures of fiscal capacity of State and local governments, (3) census publication, property values

subject to local general property taxation in the United States.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5090

New

• Office of Vocational and Adult Education
Demonstration and Validation of a comprehensive elementary/secondary career education project in a local setting
830(1)
Nonrecurring
Individuals or households/State or local governments
Students, parents, LEA personnel, employers/comm. indivs.
Elementary, secondary, and vocational education, 1,310 responses, 1,965 hours; $176,990 Federal cost, 1 form, not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

Pre and post-test data for the school year 1981–82 are needed to assess processes and outcomes of the project's career education activities.
If findings are positive, data will be submitted to the joint dissemination review panel for project approval as a replicable "exemplary career education model."
Office of Postsecondary Education
Student confirmation report for guaranteed student loan program Pub. L. 89–329
ED 1072
Semiannually
Businesses or other institutions
Institutions of higher ed., prof., voc., & corres. schools
SIC: 822 824
Higher education, 22,500 responses, 22,500 hours; $90,000 Federal cost, 1 form, not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

Data from this form is used to update the student status field in the computer system. This information is then provided to the lenders on the loan transaction statement which will indicate if and when a student cease attendance. The lender then establishes a repayment schedule with the student.

• Office of Educational Research and Improvement
1981 survey of 1979–80 college graduates
Ed (NCES) 2385
Biennially
Individuals or Households
1979–80 college graduates in households
Research and general education aids, 15,000 responses, 3,750 hours; $437,226 Federal cost, 1 form, not applicable under 3504(h)
Federal education data acquisition council, 202–426–5030

This survey is needed in order for NCES to meet the requirements of Pub. L. 93–380, section 406(b)(1) and (5). It will be used as such to produce a report on the supply and demand of persons newly qualified to teach as well as several reports on new college graduates in the job market.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202–633–9464

New

• Economic Regulatory Administration
Emergency interconnection of electric facilities and transfer of electricity
ERA–737R
On occasion, monthly
Businesses or other institutions
Utilities that generate, transmit or distribute elec. energy
SIC: Multiple
Small businesses or organizations
Energy information, policy, and regulation, 40 responses, 1,208 hours; 1 form, not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

Data will be used to approve or deny application to make permanent connections for emergency use only by persons engaged in the transmission or sale of electric energy where the applicant is not otherwise subject to the jurisdiction defined in section 201 of the Federal power act and to order temporary connections of facilities during times of war or national emergency to meet the emergency and serve the public interest.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Care Financing Administration
Blood bank inspection checklist and report
HCFA–282
Annually
Businesses or other institutions
Hospitals and labs wishing certification for medicare reimb.
SIC: 806 807
Small businesses or organizations
Health, 800 responses, 200 hours; $32,500 Federal Cost, 1 form, not applicable under 3504(h)
Richard Eisinger, 202–395–6880

This form is used by State survey agency inspectors to determine compliance with medicare standards for obtaining, handling, and storing blood and blood products used in connection with treatment of medicare patients.

• Health Resources Administration
An evaluation of the effects of national health service corps physician placement delivery in rural areas upon
medical care
nonrecurring
Individuals or households
Adults living in hlth. man. short. areas served by NHSC phy.
Health, 600 responses, 222 hours; $112,000 Federal cost, 1 form, not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

This community survey is part of an evaluation intended to define and measure the impact of NHSC practices on patterns of service delivery and access to services in the areas of placement. The survey is expected to yield hitherto undocumented information about community knowledge acceptance and use of NHSC physicians. This information is to be used by policymakers to pinpoint ways in which NHSC physicians placement might be more effective. In providing health care in rural areas.

• Food and Drug Administration
Measuring Timeliness and Responsiveness of Letters to Consumers
Nonrecurring
Individuals or households
Consumers
Consumer and occupational health and safety, 192 responses, 6 hours; $215 Federal cost, 1 Form; not applicable under 3504(H)
Gwenolyn Pla, 202–395–6880

The agency need to measure the efficiency of agency components in answering consumer concerns, and the quality of the agency replies.

Revisions

• National Institutes of Health
Biomedical Research Support Grant and Annual Progress Report
NIH–147–1 & NIH–147–2
Annually
Businesses or other institutions, universities, hospitals, research institutes
SIC: 822 806
Health, 1,040 responses, 9,880 hours; $64,000 Federal cost, 2 forms; not applicable under 3504(H)
Federal Education Data Acquisition Council, 202–426–5030

The application (NIH 147–1) provides information to determine eligibility and the award amount the progress report (NIH 147–2) provides information that enables staff to evaluate effectiveness and conformance to guidelines.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

Revisions

• Bureau of Labor Statistics
Consumer Expenditure Surveys
CE-300, 301, 302, 303 (L1-L5), CE-801, 802, & CE-803(L)
Other—See SF83
Individuals or households
Hhlds. in SMSAS & PSUS repres. rural pop. of the country
Other labor services, 95,550 responses, 95,550 hours; $7,627,000 Federal cost, 5 forms; not applicable under 3504(H)
Off. of Federal Statistical Policy & Standard, 202-673-7974

The forms are to be used to gather information on expenditures, income, and other related subjects to be used to update periodically the Nation's Consumer Price Index (CPI) in order that the buying habits of the entire population are accurately reflected in the index.

ACTION

Agency Clearance Officer—Mr. Dana Rodgers—202-254-8501

New

• Action/Vista Pre Application Inquiry
On occasion
State or local governments/businesses or other institutions
Spon. organ. may be Fed., State, or local agencies, etc.
SIC: 944 953
Small businesses or organizations
Social services, 500 responses, 5,000 hours; $50,000 Federal cost, 1 form; not applicable under 3504(H)
Diane Wimberly, 202-395-6880

Prospective sponsors of Vista volunteers and projects use this form to initially request volunteers.

• Action/Vista Pre Application Inquiry
On occasion
State or local governments/businesses or other institutions
Spon. organ. may be Fed., State, or loc. agencies, etc.
SIC: 944 953
Small businesses or organizations
Social services, 5,000 responses, 5,000 hours; $50,000 Federal cost, 1 form; not applicable under 3504(H)
Diane Wimberly, 202-395-6880

Prospective sponsors of Vista volunteers and projects use this form to initially request volunteers.

CIVIL AERONAUTICS BOARD

Agency Clearance Office—Clifford M. Rand—673-5942

Revisions

• Report of Ownership of Stock and Other Interests by Officers and Directors Under Section 407(C) of the Federal Aviation Act
CAB for M 27
Annually
Individuals of households
Officers and directors of certificated air carriers
Air transportation, 1 response, 1 hour; 1 form; NPRM under 3504(H)
Terry Grindstaff, 202-395-7340

Would eliminate the requirement in section 407(C) of the Federal Aviation Act that each officer and director of an air carrier report. Any interest held in an air carrier, common carrier, or aeronautical enterprises. This information is no longer needed by the board. (See attached NPRM EDR-425.)

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns

New

• Moving Service Questionnaire
OCP-100A
Nonrecurring
Individuals or households
Consumers who employ moving companies to move their household goods.
Ground transportation, 1 response, 1 hour; $6,351 Federal cost, 1 form; not applicable under 3504(H)
Corrinne Hayward, 202-395-7340

Consumers who employ interstate household goods motor carriers to move their personal household goods.

Reinstatements

• Annual Performance Report
OCP-101
Annually
Businesses or other institutions
Annual performance report
Ground transportation 125 responses, 125 hours; $2,775.90 Federal cost, 1 form; not applicable under 3504(H)
Corrinne Hayward, 202-395-7340

This form is required to be filed by moving companies. The purpose of this report is to provide prospective shippers with information concerning a mover's performance record relating to overestimates, underestimates, late pick-ups and deliveries and loss and damage claims.

NUCLEAR REGULATORY COMMISSION

Agency Clearance Officer—Stephen Scott—492-8585

New

• Letter Request for Information Regarding Station Blackout at Operating Nuclear Power Plants
Nonrecurring
Businesses or other institutions
Electrical utilities licensed to operate nuclear power plants
SIC: 483
Energy information, policy, and regulation, 67 responses, 13,936 hours; $38,000 Federal cost, 1 form; not applicable under 3504(H)
Jefferson B. Hill, 202-395-7340

NRC plans to issue a questionnaire requesting information in tabular form and solicits data for the 1976 and 1980 regarding licensee's operational experiences with diesel generators. The purpose of this work is to provide NRC technical staff with data to evaluate safety significance and possible specific changes needed.

C. Louis Kincannon,
Assistant Administrator for Reports Management.

[FR Doc. 81-14696 Filed 5-15-81; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Docket No. MC81-2]

Attached Mail Proceeding, 1981

May 13, 1981.

Take notice that pursuant to the "Presiding Officer's Order Establishing Procedural Schedule", dated May 12, 1981, a prehearing conference is scheduled to be held on June 25, 1981, at 9:30 a.m., Hearing Room, Postal Rate Commission, 2000 L Street NW., Suite 500, Washington, D.C. 20268.

Copies of the complete procedural schedule in the above-referenced proceeding are available to all interested parties in the Commission's Docket Room at the above-listed address, or by calling the Docket Room at Area Code 202-254-3800.

David F. Harris,
Secretary.

[FR Doc. 81-14695 Filed 5-15-81; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11773; (811-1083)]

Columbia Ventures, Inc.; Filing of an Application Pursuant to Section 8(f) of the Act for an Order Declaring That Applicant Has Ceased To Be an Investment Company

May 11, 1981.

Notice is hereby given that Columbia Ventures, Inc. ("Applicant"), Suite 215, 809 North State Street, Jackson, Mississippi 39201 registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, filed an application on March 6, 1981, and an amendment thereto on April 27, 1981, for order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant was incorporated in New York on April 24, 1959, was licensed under the Small Business Investment Act of 1958 to operate as a small business investment company on May 24, 1960, and was registered under the Act as a closed-end, diversified, management investment company on November 8, 1961. Applicant states that following its registration it engaged primarily in the business of investing in small business concerns.

Applicant states that on May 25, 1973, it acquired certain oil and gas mineral rights and real estate in exchange for all the securities it held of a small business company which was in financial difficulty. Applicant represents that by December 31, 1974, those assets constituted approximately 52 percent of the fair value of its assets, and that accordingly, at the 1975 annual meeting of stockholders, amendments to its fundamental policies were adopted to permit certain concentrations in industries.

Applicant states that in June 1976, the Small Business Administration ("SBA") took the position that Applicant's capital was impaired, thus giving the SBA the right to accelerate the approximately $7,500,000 indebtedness of Applicant to the SBA and to declare it due and payable. Applicant represents that it then entered into an agreement with the SBA ("First SBA Agreement"), which was approved at the 1976 annual meeting of stockholders, which provided, in general, that Applicant would begin an orderly liquidation of its assets to prepay its indebtedness to the SBA and that it would not engage in certain securities transactions unless it had the SBA's written consent. Applicant represents that since 1976, in accordance with the First SBA Agreement, it has disposed of most of the securities which it had previously held in its portfolio.

Accordingly to Applicant, in March, 1980, it did not pay an installment of the SBA indebtedness which had become due and as a result the entire SBA indebtedness under the First SBA Agreement became due and payable. Applicant states that on December 16, 1980, it entered into a second agreement with the SBA ("Second SBA Agreement") which was approved at the April 3, 1981, annual meeting of stockholders. The Second SBA Agreement provides, in summary, that Applicant: (1) must repay $1.5 million of the SBA loan immediately, with the remainder due in scheduled installments; (2) will not engage in certain transactions unless it receives SBA's written consent; (3) will attempt to liquidate its assets and use the proceeds to prepay the SBA's indebtedness; and (4) will surrender its license as a small business investment company to the SBA upon request or upon repayment of the SBA indebtedness.

Applicant represents that as of December 31, 1980, the fair value of its total assets was $17,193, 345, with over 96 percent of such assets comprised of patents, land and mineral rights and leases and less than 4 percent representing notes receivable. Applicant further represents that during 1980 over 80 percent of its income was derived from mineral leases and patent royalties, while less than 20 percent of its income was derived from investment securities. Applicant submits that as a result of the acquisition of its patents, land and mineral rights and leases and the disposition of its investments, it is now primarily engaged in the business of managing its real property interests. Applicant further submits that it does not intend in the foreseeable future to engage in the business of investing, reinvesting or trading in securities, or to engage more actively than at present in the business of owning or holding securities. Moreover, Applicant states that under the Second SBA Agreement, it is specifically precluded from making any additional investments without the consent of the SBA and must apply any funds received by it in excess of amounts needed to pay its operating expenses to repay the SBA indebtedness, therefore, its financial position leaves it without funds to engage in the business of investing, reinvesting or trading in securities in the foreseeable future.

Section 3(a)(1) of the Act defines an investment company to include any issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities. Section 3(a)(3) of the Act defines the term investment company to include any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Applicant submits that it is no longer an investment company as defined by Section 3(a)(1) of the Act, since it is incapable, as a result of the conditions of the Second SBA Agreement, of engaging primarily in the business of investing, reinvesting or trading in securities and since it no longer holds itself out as being so engaged and intends to continue to engage in the business of managing its real property and mineral interests for the foreseeable future. Applicant also submits that it is no longer an investment company as defined by Section 3(a)(3) of the Act, since over 96 percent of its assets is currently represented by patents, land and mineral rights and leases. Accordingly, Applicant requests that the Commission issue an order pursuant to Section 8(f) of the Act declaring that it has ceased to be an investment company.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than June 5, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary,

Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14700 Filed 5-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 6317; (18-71)]

Frazee, Thomas and Tate; Filing of an Application Pursuant to Section 3(a)(2) of the Securities Act of 1933 for an Order Exempting From the Provisions of Section 5 of the Act Interests or Participations Issued in Connection With the Frazee, Thomas and Tate Retirement Plan

May 11, 1981.

Notice is hereby given that the accounting firm of Frazee, Thomas and Tate ("Applicant" or "Firm"), 5100 Poplar Avenue, Suite 420, Memphis, Tennessee 38137, a Tennessee partnership, has by letter dated February 12, 1980 and supplemented by letters dated March 10, 1980 and January 19, 1981, applied for an exemption from the registration requirements of the Securities Act of 1933 ("Act") for any participations or interests issued in connection with its Retirement Plan ("Plan") for qualifying partners and employees. All interested persons are referred to the application, which is on file with the Commission, for the facts and representations contained therein, which are summarized below.

I. Introduction

The Plan covers all of Applicant's qualifying partners and employees, of whom there were 6 and 12 respectively as of December 1, 1979. The Plan provides that all partners and employees of the Firm who have attained age 25 and completed three years of Credited Service (as defined in the Plan), are entitled to become participants in the Plan. Each partner or employee becomes a Plan "participant" on the first day of the month, after January 1, 1979, following his or her satisfaction of the eligibility requirements.

The Plan is an employee pension benefit plan, which covers persons (in this case partners) who are "employees" within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954, as amended ("Code"). The Plan is a prototype employee pension benefit plan qualified under Section 401 of the Code, but the exemption provided by section 3(a)(2) is inapplicable to interests in the Plan, absent an order of the Commission.

In relevant part, section 3(a)(2) provides that the Commission may exempt from the provisions of Section 5 of the Act and interest or participation issued in connection with a pension or profit-sharing plan which covers employees, some or all of whom are employees within the meaning of section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

II. Description and Administration of the Plan

The Plan became effective on January 1, 1979. Applicant states that the Internal Revenue Service ("IRS") has issued a ruling to the effect that the prototype plan is a qualified one under section 401(a) of the Code. Applicant further states that an application is in process with the Internal Revenue Service for approval of the individual Plan. The individual Plan is an employee pension benefit plan subject to the full fiduciary, reporting and disclosure requirements of the Employee Retirement Income Security Act of 1974 ("ERISA").

The Plan permits participants to make voluntary contributions by payroll deduction in an amount which may not exceed 10% of total eligible compensation under the Plan or the annual addition limit imposed by ERISA. For each Plan year, the Firm contributes to the trust fund an amount as determined annually by formula to provide a retirement benefit of 30% of annual compensation. However, no participant's contribution to the Plan may exceed $7,500 annually and all amounts contributed to the trust are fully vested immediately.

The Plan is administered by an Administrative Committee and an Investment Committee each consisting of the same four partners. All contributions are held by a trustee and invested in accordance with a funding policy and method established by the Administrative Committee or by one or more investment managers appointed by the Investment Committee; at present, the investment manager is Lincoln National Life Insurance Company, Inc. The Firm may at any time amend the Plan, provided that no amendment may divest a participant or beneficiary of a vested interest under the Plan. Also, the Firm may terminate the Plan at any time provided the Administrative Committee is required to disburse to each participant and beneficiary the value of his or her interest in the trust.

Applicant contends that were the Firm a corporation, rather than a partnership, interests or participations issued in connection with the Plan would be exempt from registration under section 3(a)(2) of the Act, because no person who would be an "employee" within the meaning of section 401(c)(1) of the Code would participate in the Plan. Applicant argues that the mere fact that it conducts its business as a partnership rather than a corporation should not result in a requirement that interests in the Plan be registered under the Act.

Applicant also states that it is engaged in furnishing accounting services which involve financially sophisticated and complex matters, exercises administrative control over the Plan, and believes that it is able to represent adequately its own interest and those of its partners and employees without the protection of the registration requirements of the Act. Applicant believes that the rigorous disclosure requirements of ERISA and the fiduciary standards and duties imposed thereunder are adequate to provide full protection to Plan participants.

Finally, Applicant argues that the characteristics of the Plan are essentially typical of those maintained by many single corporate employers and that the legislative history of the relevant language in section 3(a)(2) of the Act does not suggest any intent on the part of Congress that interests issued in connection with single employer Keogh plans necessarily should be registered under the Act. Applicant states that even though the Plan as adopted is a qualified prototype, it was adopted principally to save time and expenses of qualifying a separate plan of its own. Also, Applicant states that the Plan, as adopted, has a benefit formula which is designated by the Firm.

For all of the foregoing reasons, Applicant believes that the Commission should issue an order finding that an exemption from the provisions of Section 5 of the Act for interests or participations issued in connection with the Plan is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that all interested persons may, not later than June 5, 1981, at 5:30 P.M., submit to the Commission a request for a hearing on the matter, accompanied by a statement of the nature of his or her interest, the reasons for such interest, and the issues, if any, of fact or law proposed to be controverted, or he or she may request to be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by Certificate) shall be filed contemporaneously with the request. An order disposing of the matter will be issued as of course following June 5, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any other postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14791 Filed 5-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11772; (812-4826)]

Winthrop Residential Associates I, One Winthrop Properties, Inc., and Linnaeus-Hampshire Realty Co.; Filing of Application Pursuant to Section 6(c) of the Act for Exemption From All Provisions of the Act

May 11, 1981.

Notice is hereby given that Winthrop Residential Associates I ("Partnership"), a Maryland limited partnership and its general partners, One Winthrop Properties, Inc. ("One Winthrop") and Linnaeus-Hampshire Realty Company ("Linnaeus") ("General Partners" and, together with the Partnership, collectively referred to hereinafter as "Applicants"), 225 Franklin Street, Boston, Massachusetts 02110, filed an application on February 20, 1981, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order exempting the Partnership from all provisions of the Act and rules thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Partnership was formed under the Maryland Uniform Limited Partnership Act on January 30, 1981 as a vehicle for equity investment in government-assisted rental housing in accordance with the policies and objectives of Title IX of the Housing and Urban Development Act of 1968 ("Title IX"). Applicants state that the Partnership will operate as a "two-tier" entity, i.e., the Partnership, as a limited partner, will invest in other limited partnerships ("Local Limited Partnerships"), that in turn, will engage in the development, rehabilitation, ownership and operation of government-assisted apartment complexes. Applicants state that in approximately 25% to 50% of the Local Limited Partnerships, an affiliate of the Artery Organization, Inc., ("Artery"), affiliates of which have previously sponsored four private real estate limited partnerships jointly with affiliates of One Winthrop, will participate as a limited partner initially with the right to become a general partner upon the withdrawal of the local general partner. Applicants state that the Partnership is organized as a limited partnership because that form of organization is the only one that provides an investor with both liability limited to his capital investment and the ability to claim on his individual tax return the deduction, losses, credits, and other tax items that originate from the housing projects in which the limited partnership invests. Applicants represent that the Partnership is requesting a private ruling from the Internal Revenue Service that the Partnership will be classified as a partnership and not as an association taxable as a corporation. It is stated, however, that the public offering is not contingent upon receipt of a favorable ruling on this issue.

Applicants further state that the Partnership's investment objectives are to preserve and protect the Partnership's capital, provide capital appreciation through appreciation in value of the projects of the Local Limited Partnerships, provide "tax losses" during the early years of the Partnership's operations that the Limited Partners may use to offset income from other sources, provide quarterly or monthly cash distributions that will not constitute taxable income and which may increase over time, and build additional equity through amortization of mortgage loans of the Local Limited Partnerships.

Applicants state that on February 6, 1981, the Partnership filed a registration statement under the Securities Act of 1933 (the "Securities Act"), pursuant to which the Partnership intends to offer publicly 25,000 units of limited partnership interest ("Units") at $1,000 per Unit with a minimum investment of $5,000 per investor. Purchasers of Units will become limited partners ("Limited Partners") of the Partnership. In the event that subscriptions for more than 25,000 Units are received, the Partnership has registered a total of 35,000 Units and has granted to Winthrop Securities Co., Inc. ("Selling Agent"), a right, to sell up to 10,000 additional units. It is estimated that the Partnership will have as net proceeds of its public offering, a minimum of $1,305,000 and a maximum of $22,625,000 ($31,875,000 if the Selling Agent exercises its right to sell an additional 10,000 Units) available for investment after deductions for sales commissions, anticipated offering expenses, acquisition fees and expenses, and the establishment of a contingency reserve.

Applicants state that subscriptions for Units must be approved by One Winthrop (the "Managing General Partner"), and that such approval will be made conditional upon representations as to suitability of the investment for each subscriber. Applicants further state that the partnership agreement pursuant to which the Partnership is formed ("Partnership Agreement") will require that, at least for the first five years of the Partnership's operation, transfers of Units will be prmitted only if the transferee meets the same suitability standards as had been imposed upon the transferor Limited Partner.

Applicants state that the Partnership will be controlled by the General Partners, and the Limited Partners, consistent with their limited liability status, will not be entitled to participate in the control of the business of the Partnership. Limited Partners owning a majority of Partnership interests will have the right to amend the Partnership Agreement, dissolve the Partnership, remove any General Partner and elect a replacement therefore, and to dissolve the Partnership. Any amendment to the

Partnership Agreement, however, may not allow the Limited Partners to take part in the control of the Partnership's business or otherwise affect their limited liability.

According to the application, the Partnership will receive an opinion of counsel to the effect that the Partnership's liability in respect of each Local Limited Partnership will be limited to the Partnership's capital contribution to the Local Limited Partnership. Applicants represent, in addition, that under the Partnership Agreement, each Limited Partner is entitled to review all books and records of the Partnership at any and all reasonable times.

Applicants state that Partnership intends to invest only in Local Limited Partnerships in which an experienced real estate developer will agree to serve as the managing general partner for at least 10 years. If the local general partner is unwilling to serve in such capacity for at least 10 years, Applicants state that the Partnership will invest in that Local Limited Partnership only if an entity affiliated with Artery ("Artery Affiliate") participates as a limited partner, with the right to become the managing general partner under specified circumstances. Applicants also state that the Partnership expects to be able to negotiate more favorable prices for its investment in those Local Limited Partnerships in which an Artery Affiliate participates as a partner than otherwise would be possible, since the participation of the Artery Affiliate will allow the local general partner to withdraw following completion of construction or rehabilitation of the project.

Applicants state that Artery and its affiliates have previously participated with First Winthrop Corporation ("First Winthrop") the parent of the Managing General Partner, in four private limited partnerships. Applicants further state that the Partnership's relationship with Artery will be the subject of an agreement between them ("W–A Agreement"), under the terms of which the Partnership will normally acquire at least a 95% interest in the profits, losses and cash flow, and a 50% to 90% interest in the proceeds of a refinancing or sale of a project of a Local Limited Partnership. The Artery Affiliate, Applicants state, would be expected to receive a 3% to 5% interest in profits, losses, and cash flow from the operations of the Local Limited Partnership; up to 99% of the losses from the Local Limited Partnership which would have been allocated to the Partnership prior to the admission of the Partnership as a limited partner; a 3% to 5% interest in the proceeds of any sale or refinancing of the Local Limited Partnership; a standby managing general partner fee equal to approximately 3% of the Partnership's capital contribution to the Local Limited Partnership; and, in the event the Artery Affiliate becomes the managing general partner, a supplemental management fee payable under the Local Limited Partnership Agreement. Applicants represent that compensation to be paid to Artery Affiliates under the W–A Agreement will be negotiated at arm's lenth by the respective parties. It is further represented that compensation (including fees and interests in cash distributions, profits, losses and sale or refinancing proceeds) will be paid to an Artery Affiliate, which would not otherwise be paid to a local general partner in a comparable transaction in which the local general partner had agreed to serve as the managining general partner for at least ten years.

Applicants state that the Selling Agent will receive commissions equal to 8% of the offering proceeds ("Gross Proceeds") of Units sold by the Selling Agent. It is assumed that 5% of the Units will be sold by the Selling Agent and 95% of the Units will be sold by other members of the national Association of Securities Dealers, Inc. ("NASD") authorized by the Selling Agent to sell Units ("Soliciting Dealers"). The Selling Agent will pay a concession to each Soliciting Dealer of 8% of the Gross Proceeds of all sales of Units by such Soliciting Dealer. Applicants assert that selling commissions based on 8% of the gross offering proceeds are customarily charged in securities offerings of this type and are consistent with the guidelines of the NASD.

Applicants further state that during the offering and organizational stage, the Managing General Partner will receive from the Partnership non-recurring fees equal in the aggregate to 4% of the Gross Proceeds. Winthrop Financial Co., Inc., ("Winthrop Financial"), an wholly-owned subsidiary of First Winthrop, will receive non-recurring fees equal to 6% of the Gross Proceeds payable by the local general partners for services rendered to the Local Limited Partnership.

Applicants represent that organizational stage fees payable to the Managing General Partner and Winthrop Financial, and any other fees payable to Partners in connection with the acquisition of interest in Local Limited Partnerships, will not exceed the least of: (1) the compensation customarily changed in arm's length transactions by others rendering similar services as an on-going public activity in the same geographical location and for comparable investments, (2) an amount equal to 18% of the allocable portion of the Gross Proceeds invested in each Local Limited Partnership, or (3) 6% of the sum of (a) the amount of the Partnership's total investment in each Local Limited Partnership, plus (b) the Partnership's allocable share of all liens and mortgages secured by the project of the Local Limited Partnership. During the Partnership's operating stage, Applicants state that WP Management Co., Inc. ("WP Management"), also a wholly-owned subsidiary of First Winthrop, will receive an annual management fee from the Partnership equal to the greater of $25 for each dwelling unit owned by a Local Limited Partnership, or 10% of the Partnership's share of cash distributions from such Local Limited Partnership. Applicants state that compensation to the General Partners during the liquidating stage will be in the form of distributions of the proceeds of the sale or refinancing of Local Limited Partnership projects or interests, or of real or personal property of the Partnership. The General Partners and their affiliates will receive 15% of such sales or refinancing proceeds after the Limited Partners have received sale or refinancing proceeds equal to the amount of their capital contributions, plus a 6% cumulative annual return. Applicants state that, in addition to the foregoing fees and interests, the General Partners and their affiliates will be compensated through a 5% interest in Partnership profits and losses. They will also receive, it is stated, not less than 1% of profits, for tax purposes, resulting from a sale or refinancing of Partnership assets.

Applicants state that the substantial fees and other forms of compensation that will be paid to the General Partners and their affiliates will not have been negotiated through arm's length negotiations. They represent, however, that terms of all such compensation will be fair and not less favorable to the Partnership than would be the case if such terms had been negotiated with independent third parties. In addition, compensation in various forms will be paid to the local general partner of each Local Limited Partnership, in amounts estimated to equal 10% to 15% of the cost of each Local Limited Partnership project.

Applicants state that all proceeds of the public officering of Units will initially by placed in an escrow account with United States Trust Company ("Escrow Agent"). Pending release of offering proceeds to the Partnership, the

Escrow Agent will have the right, at the direction of the Partnership, to invest escrowed funds in United States government securities, securities issued or fully guaranteed by United States government agencies, certificates of deposit and time or demand deposits in commercial banks having a net worth of at least $25,000,000, and in commercial paper rated P–1 by Moody's Investors Service, Inc. ("Moody's"). Applicants state that when a prescribed minimum number of subscriptions had been received, funds in escrow will be released to the Partnership and held in trust pending investment in Local Limited Partnerships.

Applicants state that after the Partnership has made an initial capital contribution to a Local Limited Partnership, other funds allocated for subsequent investment in that Local Limited Partnership will be temporarily invested by the Partnership in tax-exempt securities. It is represented that all such tax-exempt investments made by the Partnership will be rated MIG–2 or better by Moody's and have maturities not exceeding one year.

Applicants state that the Partnership expects to file with the Commission, pursuant to section 15(d) of the Securities Exchange Act of 1934 ("Exchange Act"), all required annual reports, quarterly reports, and current reports on Forms 10–K, 10–Q and 8–K, respectively, as well as any other reports required by such act. In addition to these reporting requirements, Applicants state that the Partnership will, under the terms of the Partnership Agreement, be required to provide comprehensive reports to Limited Partners on a periodic basis. Applicants further state that if the Units are not registered pursuant to section 12 of the Exchange Act, the Partnership will distribute unaudited six-month financial statements to the Limited Partners for the first two complete quarters of the Partnership's operations and for the first six months of each year of the Partnership's operations thereafter, together with a report of the Partnership's activities during such period. Applicants state that if the Units are registered under the Exchange Act, the Partnership will distribute to the Limited Partners unaudited quarterly financial statements for each of the first three quarters of each year of the Partnership, together with a report of the Partnership's activities during such quarter. Applicants also state that until the net proceeds of the Partnership's public offering have been fully invested or returned to the Limited Partners, the Partnership will furnish each Limited Partner, at least quarterly with a report concerning the investments of the Partnership.

Applicants state that the Partnership Agreement provides that the Partnership shall indemnify the General Partners for losses sustained by them or their affiliates in connection with the business of the Partnership. Applicants further state, however, that insofar as indemnification for liabilities under the Securities Act may be permitted to the General Partners, the Partnership has been advised that in the opinion of the Commission, such indemnification is contrary to public policy as expressed in said Act and is therefore unenforceable. Therefore, the Partnership Agreement further provides that there shall be no indemnification in connection with (1) any claim or settlement involving the Securities Act unless (a) the persons seeking indemnification are successful in defending such action and (b) such indemnification is specifically approved by a court that has been advised as to the current position of the Commission regarding such indemnification, or (2) any liability imposed by law, including liability for fraud, bad faith or negligence.

Without conceding that the Partnership is an investment company as defined in the Act, Applicants request that the Partnership be exempted from the provisions of the Act pursuant to section 6(c). Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of the Act and rule thereunder if, and to the extent that, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants contend that the exemption of the Partnership from all provisions of the Act is both necessary and appropriate in the public interest.

They assert that investment in low and moderate income housing in accordance with the national policy expressed in Title IX is not economically suitable for private investors without the tax and organizational advantages of the limited partnership form. Applicants assert that the limited partnership structure provides the only means of bringing private equity capital into government-assisted housing, particularly because public investors typically consider investment in low and moderate income housing programs as involving greater risk than real estate investment generally. Applicants state that the limited partnership form insulates each limited partner from personal liability and limits financial risk incurred by the limited partner to the amount he has invested in the program, while also allowing the limited partner to claim on his individual tax return his proportionate share of the income and losses from the investment.

Applicants assert that despite the advantages it affords investors in government-assisted housing, the limited partnership form of organization is incompatible with fundamental provisions of the Act, such as the requirement that all shares of management investment company stock be voting securities; that disinterested persons be on the board of directors; and that the company's directors, its advisors, auditors and underwriters be chosen, and its policies be changed, only by vote of shareholders. In addition, real estate limited partnerships such as the Partnership generally cannot comply with the asset coverage limitations imposed by section 18 of the Act.

Thus, an exemption from these basic provisions is necessary, and, Applicants contend, it is appropriate that such exemption be granted so as not to discourage use of the two-tier limited partnership entity. To do so, Applicants assert, would frustrate the public policy established by the housing laws.

Applicants further state that interests in the Partnership will be sold only to relatively sophisticated investors who must meet specified suitability standards which the Partnership believes are consistent with the securities laws of all states where the Units will be sold, and these investors will receive extensive reports concerning the Partnership's business and operations. Applicants also cite the extensive periodic reports that the Partnership will be required to file with the Commission as providing additional protection for Limited Partners.

Applicants further state that, although the interests of the General Partners and their affiliates, and of the Artery Affiliates, may conflict in various ways with the interests of Limited Partners, Limited Partners are adequately protected through disclosure in the Prospectus. Further protection for the interests of Limited Partners is provided, Applicants assert, by the numerous provisions of the Partnership Agreement designed to prevent overreaching by the General Partners and to assure fair dealing by the General Partners vis-a-vis the Limited Partners.

Notice is further given that any interested person may, not later than June 5, 1981, at 5:30 p.m., submit to the Commission in writing a request for a

hearing on the application accompanied by a statement as to the nature of his or her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or be mailed upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14782 Filed 5-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22048; 70-6594]

Consolidated Natural Gas Co.; Proposal To Issue Debentures at Competitive Bidding

May 13, 1981.

Consolidated Natural Gas Company ("Consolidated"), 100 Broadway, New York, New York 10005, a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

Consolidated proposes to issue and sell at competitive bidding up to $100,000,000 principal amount of debentures maturing in twenty or fewer years. The debentures will be sold not later than December 31, 1981 and will be issued under a Ninth Supplemental Indenture to the Indenture between Consolidated and Manufacturers Hanover Trust Company, as Trustee, dated as of May 1, 1971. The bidding range will be not less than 99% nor more than 102% of the principal amount and the interest rate will be a multiple of ⅛ of 1%. The debentures will be subject to a sinking fund commencing in the sixth year of the term of the debentures, having the issue fully paid out at maturity. Consolidated will have the noncumulative option to redeem, on any sinking fund date, at the current sinking fund redemption price, an additional amount of debentures of up to 150% of the amount retired through operation of the sinking fund. Consolidated further states that it may request by amendment that the proposed debenture sale be excepted from the competitive bidding requirements of Rule 50.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 5, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14859 Filed 5-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11774; 812-4763]

Eberstadt Energy-Resources Fund, Inc.; Filing of Application

May 13, 1981.

Notice is hereby given that Eberstadt Energy-Resources Fund, Inc. (the "Fund" or "Applicant") 61 Broadway, New York, New York 10006, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application for an order of the Commission on November 10, 1980, and an amendment thereto on April 1, 1981, pursuant to Section 6(c) of the Act declaring that Stephen W. Houghton shall not be deemed an "interested person" of its principal underwriter, Putnam Fund Distributors, Inc. ("Putnam"), as defined in Section 2(a)(19) of the Act, (except for the purposes of Section 15(c) of the Act where Mr. Houghton will be deemed an "interested person" of Putnam), by reason of his status as Chairman of the Board and President of Houghton Capital Corporation ("Houghton Capital"), which is registered as a broker-dealer under the Securities Exchange Act of 1934 ("Exchange Act") and as sole shareholder, Chairman of the Board and President of Houghton & Company, Inc., of which Houghton Capital is a wholly-owned subsidiary. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Fund is a Maryland corporation with an investment objective of capital appreciation through investment primarily in the stock of companies in energy, natural resources and related areas. Mr. Houghton served as a director of the Fund until September 7, 1980, when he resigned as a result of advice of counsel to the Fund that Mr. Houghton could be deemed an "interested person" of Putnam, which became the principal underwriter of the Fund on September 8, 1980 and that, if so, the composition of the Fund's Board of Directors might not be in compliance with Section 10(b)(2) of the Act, which requires that a majority of directors of a registered investment company not be "interested persons" of a principal underwriter of such investment company. The Board of Directors of the Fund intends to re-elect Mr. Houghton in the event that the order requested in the subject application is granted by the Commission.

The Fund represents that Houghton & Co. is the holding company for Houghton Capital, which provides corporate finance services to clients, most of which are start-up companies in the oil and gas and energy-related fields. Houghton Capital renders advice on companies that offer opportunities for investments of the venture capital type. Once a financing program is established for a client company of Houghton Capital, the officers and directors of Houghton Capital, including Mr. Houghton, may individually invest in the client, or Houghton Capital may arrange either a private placement or public distribution of a client's securities.

In addtion, Houghton Capital acts on behalf of clients as a finder of companies in the oil and gas and energy-related areas to be acquired by the clients. Houghton Capital evaluates companies in connection with mergers and acquisitions and, since registering as a broker-dealer under the Exchange Act, occasionally renders opinions as to

the fairness of certan financial arrangements.

Applicant states that in the future, Houghton & Co. may sponsor a venture capital fund or limited partnership, for which its other wholly-owned subsidiary, Houghton Management Company, would act as manager or general partner and which would invest in start-up companies in the oil and gas and energy-related areas. In such case, Mr. Houghton has advised the Fund that the securities of such venture would be distributed by an underwriting firm other than Houghton & Co. or its subsidiaries or the Distributor.

Because it renders opinions as to the fairness of merger and acquisition transactions and introduces clients to potential purchasers or underwriters of the clients' securities, Houghton Capital has registered as a broker-dealer under the Exchange Act. According to the application, Houghton Capital does not otherwise act, directly or indirectly, as a broker or dealer. It does not effect transactions for the account of others, and it buys and sells securities for its own account only to the extent of modest purchases or sales of money market fund shares from time to time as a temporary use of its capital.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of any principal underwriter for an investment company, to include, *inter alia*, a broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an "affiliated person" of another person to include *inter alia*, a director, officer or employee of such other person. Applicants state that Mr. Houghton, because of his position with Houghton Capital, a registered broker-dealer, could be deemed an affiliated person of Houghton Capital and thus, an interested person of Putnam, the Fund's principal underwriter. Based on the present composition of the Fund's Board of Directors, were Mr. Houghton to be deemed an interested person of the Fund's principal underwriter, the Fund would be in violation of section 10(b) of the Act, which prohibits a registered investment company from using as principal underwriter any person of which any director is an interested person, unless a majority of the board of directors of such investment company are persons who are not interested persons of such principal underwriter.

The Fund agrees to the condition in any order granting the requested relief that Mr. Houghton will be treated as an "interested person" of Putnam for the purposes of section 15(c) of the Act. Section 15(c) requires, in part, that any contract between a registered investment company and an investment adviser or a principal underwriter, and any renewal thereof, be approved by the vote of a majority of the board of directors, who are not parties to such contract or interested persons of such party.

Section 6(c) of the Act provides, in part, that the Commission may upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any of the provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of its application, the Fund states that (1) neither Houghton & Co. nor Houghton Capital has ever engaged or ever will engage in securities transactions on behalf of the Fund, or in the distribution of securities by the Fund or in any other business relationship with the Fund or Putnam; and (2) the Fund will treat Mr. Houghton as an "interested person" of the Fund for all purposes of the Act.

The Fund further states that Mr. Houghton was selected to serve as a director because of his extensive background in the energy industry and that, because of the specialized nature of the investment objective and policies of the Fund, it would be difficult to find a qualified replacement for Mr. Houghton. The Fund submits, therefore, that it is in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to declare that Mr. Houghton is not an "interested person" of Putnam except for the purposes of Section 15(c) of the Act.

Notice is further given that any interested person may, not later than June 8, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14590 Filed 5-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22048; 70-6589]

National Fuel Gas Co. and Seneca Resources Corp.; Proposed Issuance and Sale of Short-Term Notes to Bank by Subsidiary Company and Guaranty Thereof by Holding Company

May 13, 1981.

National Fuel Gas Company ("National") 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, and Seneca Resources Corporation ("Seneca") 10 Lafayette Square, Buffalo, New York 14203 a wholly-owned subsidiary have filed an application-declaration with this Commission pursuant to Sections 6(a), 7 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(2) thereunder.

Seneca was authorized by a Commission order dated June 20, 1980 (HCAR No. 21633) to issue and sell up to $25,000,000 outstanding at any one time of short-term notes due on June 15, 1981, to the Houston National Bank ("Bank"). The note is secured by a portion of Seneca's timber acreage and the payment of principal and interest on the note is unconditionally guaranteed by National.

Seneca proposes to issue a similar note of up to $25,000,000 in principal amount to mature on or before June 15, 1982, to the Bank pursuant to a loan agreement. The note would be dated as of the date of issue and would be prepayable, in whole or in part, without penalty or premium. The note would be secured by a first mortgage in favor of the Bank covering approximately 23,000 acres of hardwood timber acreage

owned by Seneca in Cameron, Elk and McKean Counties, Pennsylvania. This acreage was appraised by an independent appraiser in 1978 and, at that time, the timber was estimated to be worth approximately $14,00,000. National proposes to unconditionally guarantee the payment of principal and interest on the note. Funds from the borrowing will be primarily used to continue Seneca's oil and gas exploration program.

The note will bear interest at the prime rate of interest at the Bank as it fluctuates from time to time. However, Texas state law sets a maximum allowable interest rate that the Bank's interest rate cannot exceed. Consequently, if the prime rate exceeds the set rate, but is subsequently reduced below that rate, Seneca would continue to pay the set rate until interest accrued equals the interest that would have accrued at the prime rate. Interest shall accrue only on sums actually advanced and outstanding pursuant to the terms of the loan agreement. In addition, Seneca has agreed to maintain deposits equal to 10% of the amount available under the loan agreement in its account at the Bank ("Average Daily Available Balance"). In the event that the Average Daily Available Balance is less than the required amount for a specified period, Seneca has agreed to pay the Bank a fee equal to the greater of (a) the average prime rate of the Bank for the period, or (b) the average rate paid by the Bank for 90-day certificates of deposit (with certain adjustments), multiplied by the amount of the deficiency in the Average Daily Available Balance.

Assuming Seneca borrows the full $25,000,000 but decides not to maintain the required Average Daily Available Balance, at a 19% prime rate and a 18% rate for 90-day certificates of deposit, Seneca's effective interest cost would be 20.9%. Seneca would pay $4,750,000 in interest on the principal plus $475,000 as the payment in lieu of the Average Daily Available Balance at a prime rate of 19%.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 5, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14661 Filed 5-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 17799; SR-PSE-81-6]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

May 13, 1981.

On March 17, 1981, the Pacific Stock Exchange, Incorporated ("PSE") 301 Pine Street San Francisco, CA 94104 filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change, relating to registered specialist assistants, to provide that its Rule II, section 2(f) will no longer be effective at the termination of the exchange's pilot program for the appointment and evaluation of specialists and the creation of new specialist posts.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–17672, March 30, 1981) and by publication in the **Federal Register** (46 FR 20347, April 3, 1981). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

[1] The PSE proposed pilot program for the appointment and evaluation of specialists and the creation of new specialist posts was filed with the Commission on March 13, 1981 (SR–PSE–81–5; Release No. 17647, March 20, 1981; 46 FR 19372, March 30, 1981). This proposal has not yet been approved by the Commission and the subject rule change does not become effective until the pilot program is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14662 Filed 5-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22047; 70-6466]

Southern Ohio Coal Co. and Ohio Power Co.; Proposed Financing for Coal Mining Subsidiary

May 13, 1981.

Ohio Power Company ("Ohio Power"), 301 Cleveland Avenue, S.W. Canton, Ohio 44702 an electric utility subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, and Southern Ohio Coal Company ("SOCCO"), P.O. Box K, Moundsville, West Virginia 26041, a coal mining subsidiary of Ohio Power, have filed with this Commission a post-effective amendment to the application-declaration previously filed in this proceeding pursuant to Sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(3) thereunder.

By order dated April 25, 1980 (HCAR No. 21537), Ohio Power and SOCCO were authorized to finance the installation of coal preparation facilities at SOCCO's Meigs Mine No. 1 and Racoon Mine No. 3 through capital contributions and long term loans by Ohio Power to SOCCO of $40,000,000. A post-effective amendment has now been filed seeking authorization to finance an additional $14,000,000 for an additional coal preparation facility at the Meigs Mine.

The additional funds will be used specifically to construct a fine refuse dewatering and disposal system ("dewatering system") at Meigs Mine No. 1. This dewatering system is necessary due to increased plant capacity and additional coal treatment made possible by the modifications to the preparation plant at Meigs Mine No. 1. Such increased capacity and treatment will increase the fine coal refuse produced at the Meigs Mine No. 1 sixfold (from 37.3 tons per hour to 244). Furthermore, the physical and chemical characteristics of the refuse will be substantially different than at present, with the material being comprised almost exclusively of clays and clay shales. The dewatering system is planned to be in accordance with the applicable enviromental laws.

It is proposed that the dewatering system will be financed through a combination of long-term loans and cash

capital contributions by Ohio Power to SOCCO of $14,000,000. It is expected that Ohio Power will make its investment in SOCCO in one or more increments prior to June 30, 1982. In return for the loans, SOCCO will issue to Ohio Power long-term promissory notes. Each of the notes will mature and become payable on Decmeber 31, 2011.

The investments made by Ohio Power in SOCCO will be made in the same proportion as the debt-equity ratio of Ohio Power at the end of the year prior to the investment. As of December 31, 1980, the debt-equity ratios of Ohio Power were 55.9% long-term debt, 11.8% preferred stock, and 32.3% common equity. The interest rate on long-term debt will be equal to the effective interest cost of Ohio Power's last issue of First Mortgage Bonds prior to the investment, the preferred dividend rate will be equal to the dividend rate of Ohio Power's last issue of preferred stock prior to the investment, and the return on common equity will not exceed the rate of return on common equity specified by the Federal Energy Regulatory Commission ("FERC") in the most recent wholesale rate proceeding involving Ohio Power. In the absence of such a determination at this time, it is proposed that the cost of common equity capital of SOCCO be set at 13% until such time as FERC should take action specifying a rate of return in a wholesale rate proceeding involving Ohio Power. In the absence of such a determination at this time, it is proposed that the cost of common equity capital of SOCCO be set at 13% until such time as FERC should take action specifying a rate of return in a wholesale rate proceeding involving Ohio Power, in which case the rate then established by FERC shall then become applicable on a prospective basis to the then total common equity investment of Ohio Power in SOCCO. The allowed rate of return on common equity shall not be applied to any of SOCCO's retained earnings. No return allowance will be applied to such retained earnings.

The application-declaration and any amendment thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 5, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-14563 Filed 5-15-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0287]

Bay Venture Group; Issuance of a License To Operate as a Small Business Investment Company

On March 23, 1981, a notice was published in the Federal Register (46 FR 18133), stating that Bay Venture Group, located at 601 Montgomery Street, Suite 1125, San Francisco, California 94111, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1981), for a license to operate as a small business investment company, under the provisions of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business April 7, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 09/09-0287 to Bay Venture Group, on April 30, 1981.

(Catalog of Federal Domestic Assistance Program No. 59.111, Small Business Investment Companies)

Dated: May 11, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-14565 Filed 5-15-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0295]

BT Capital Corp.; Application for Approval of Conflict of Interest Transaction

Notice is hereby given that BT Capital Corporation (BTC), 280 Park Avenue, New York, N.Y. 10017, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has filed an application with the Small Business Administration pursuant to Section 312 of the Act and covered by Section 107.3(g) and Section 107.1004(b)(4) of the Regulations governing small business investment companies (SBICs) (13 FR 107.1004 (1980)), for approval of two conflict of interest transactions falling within the scope of the above Sections of the Act and Regulations.

BTC proposes (1) to discharge an obligation ($579,500 notes of Wholesale Industries, Inc.) to an Associate of the Licensee. The Associate is Bankers Trust New York Corporation, 280 Park Avenue, New York, N.Y. 10017 and owns 90% of BTC; (2) to purchase 72 warrants of Elva Enterprises, Inc. presently owned by Bankers Trust New York Corporation, an Associate of the Licensee, for $7.20. The proposed financings by BTC fall within the perview of Section 107.1004(b)(4) of the Regulations and require a written exemption from SBA. SBA is considering a request for such exemptions.

Notice is hereby given that any interested person may, not later than May 28, 1981, submit written comments on the proposed transactions to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in New York, N.Y.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 8, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-14743 Filed 5-15-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 758]

Privacy Act of 1974; Proposed New System of Records

Notice is hereby given that the Department of State proposes to establish a new system of records pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a(0)) and the Office of Management and Budget Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975 (40 FR 45877, October 3, 1975).

This new system is entitled "Records of the Inspector General of the

Department of State and the Foreign Service, STATE–53." The records contained in this system will consist of documentation of allegations of waste, fraud, and mismanagement reported to the Office of the Inspector General of the Department of State and the Foreign Service; the authority for conducting investigations of such complaints is derived from section 209 of the Foreign Service Act of 1980. Present and former employees of the Department of State (including foreign nationals), individuals or firms doing business with the Department, individuals who have purchased USG employees' property overseas, and members of the foreign affairs community who come under the direction and coordination of chiefs of mission may be the subject of these investigations. While all files in the Office of the Inspector General are maintained by a coded case number (which indicates the type of violation or deficiency involved, the date, the geographic location, category of source and incident number), only those cases which will be referred to the Director General of the Foreign Service and Director of Personnel, the Office of Security, Medical Services, or the Department of Justice for review and possible action involving an individual will be retrievable by name and subject to the provisions of the Privacy Act of 1974; in such instances, a cross-reference to the case file code number will be maintained as a retrieval aid.

Any persons interested in commenting on the new system of records may do so by submitting comments in writing to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street NW., Washington, D.C. 20520. If no comments are received by July 8, 1981, the Department will implement the new record system.

The proposed "Records of the Inspector General of the Department of State and the Foreign Service, STATE–53" will read as set forth below.

Dated: April 30, 1981.

For the Secretary of State.

Richard T. Kennedy,

Under Secretary for Management.

STATE–53

SYSTEM NAME:

Records of the Inspector General of the Department of State and the Foreign Service.

SYSTEM LOCATION:

Department of State, 2201 C Street NW., Washington, D.C. 20520.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees of the Department of State (including foreign nationals); individuals (or firms) doing business with State, including contractors and grantees; individuals who have purchased USG employees' property overseas; members of the foreign affairs community who come under the direction, coordination and supervision of chiefs of mission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Foreign Service Act of 1980, 22 U.S.C. 3901.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory material relating to any category of individual described above. Results of investigations, inquiries or audits conducted by the Inspector General and reports of investigations conducted by other departmental, Federal, state and local investigative agencies under the direction of, or on behalf of, the Inspector General.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The information contained in the Records of the Inspector General is collected and maintained in the administration of the Department of State, Federal Criminal Statutes, Uniform Code of Military Justice, Executive Orders, and the Code of Federal Regulations to oversee and enforce Federal laws and regulations. Material gathered is used in the enforcement of the aforementioned laws and regulations. These records may be disseminated, depending on jurisdiction, to: Department of State officials in the administration of their responsibilities; other Federal, state, local or foreign agencies or administrations having interest or jurisdiction in the matter; any source from which information is requested in the course of investigation, to the extent necessary to identify the individual, to inform the source of the nature and purpose of the investigation, and to identify the type of information requested. Also see the "Routine Uses" paragraph of the Prefatory Statement published in the Federal Register (42 FR 49699, September 27, 1977).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy, computer media.

RETRIEVABILITY:

Normally by coded case number which indicates the type of violation or deficiency involved, the date, the geographic location, category of source and the incident number. Cases are cross-indexed by individual's name pending referral for review and action to the Department of Justice, the Director General of the Foreign Service and Director of Personnel, or the Attorney General.

SAFEGUARDS:

All employees of the Department of State have undergone a thorough background security investigation. Access to the Department of State and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secure file cabinets or in restricted areas, access to which is limited to authorized personnel. Access to computerized files is password protected and under the direct supervision of the system manager. Inspector General reports are disseminated only by the Inspector General and only to the immediate Department principals or offices with a clear need to know the matter being reported. No secondary distribution is permitted without the expressed written permission of the Inspector General.

RETENTION AND DISPOSAL:

These records will be maintained until they become inactive, then retired and destroyed seven (7) years thereafter in accordance with published schedules of the Department of State. More specific information may be obtained by writing to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

SYSTEM MANAGER AND ADDRESS:

The Inspector General, Office of the Inspector General, Room 6821, Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

NOTIFICATION PROCEDURE:

Individuals who have reason to believe that the Records of the Inspector General might have information pertaining to them, should write to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street, N.W., Washington, D.C. 20520. The individual must specify that he/she wishes the Records of the Inspector General to be checked. At a minimum, the individual should include: name,

date and place of birth, current mailing address and zip code, and signature.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or amend records pertaining to themselves should write to the Information and Privacy Coordinator, Foreign Affairs Information Management Center (address above).

RECORD SOURCE CATEGORIES:

These records contain information obtained from interviews, review of records, and other authorized investigative techniques.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Certain records contained within this system of records may be exempted from the requirements of any part of the Act except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i) to the extent necessary to assure the effective completion of the investigative and judicial processes. See Department of State rules published in the Federal Register.

[FR Doc. 81-14608 Filed 5-15-81; 8:45 am]

BILLING CODE 4710-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 80-152]

Texas Offshore Port License Application; Public Hearing

AGENCY: Coast Guard, DOT.

ACTION: Notice of Public Hearing.

SUMMARY: This notice announces a public hearing to be held on the Texas Offshore Port, Inc. (TOP) license to build and operate a deepwater port facility in the Gulf of Mexico, approximately 12 miles south of Freeport, Texas. The public hearing is required by law as part of the federal deepwater port license application review process. The purpose of the hearing is to provide an opportunity for all interested persons to present their final views on the proposed TOP project to the application review staff.

DATES: 1. The public hearing will be held on June 23, 1981, beginning at 9:00 a.m. local time. 2. The hearing record closing date is July 8, 1981.

ADDRESSES: 1. The hearing will be held in the Houston Lighting and Power Company Auditorium, 202 Highway 332 West, Clute, Texas. 2. The TOP license application review process is being conducted by the Deepwater Port Application Review Staff, Commandant (G-WF/2110), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Capt. G. P. Sherburne, Manager, Deepwater Port Application Review Staff, (202) 472-5052, between the hours of 8:30 a.m. and 5 p.m., Monday through Thursday.

SUPPLEMENTARY INFORMATION: The hearing announced in this notice is being conducted under the authority in section 5(g) of the Deepwater Port Act of 1974 [33 U.S.C. 1504(g)]. Procedurally, this hearing begins the final stage of the TOP license application review process, by triggering the statutory time frame in section 5(i) of the Act that requires the Secretary of Transportation to approve or deny the pending license request of TOP not later than 90 days after the hearing.

Notice of the filing of the TOP deepwater port license application, including a description of the proposed deepwater port plans, announcement of locations where the application is available for public inspection, and call for public comment on the proposal, appeared in the Federal Register issue of January 15, 1981 (46 FR 5158). As explained in that notice, a general public comment closing deadline was to be established at a later time and published in a future Federal Register notice. That date is July 8, 1981, as shown under "Dates" at the beginning of this notice.

Factual Issues

The Coast Guard does not intend to limit the public hearing to any specific issues. All relevant information concerning all aspects of the proposed TOP deepwater port facility will be welcome. Comments, data, and views previously submitted in response to the Environmental Impact Statement development process associated with the TOP application and earlier notices and meetings on this project need not be resubmitted at the hearing to receive consideration. Of particular interest in this final hearing will be views regarding the issuance or denial of, or imposing conditions on, a license for the proosed TOP deepwater port or any of the related federal and state authorizations required under the Act.

Procedural Matters

The hearing will be informal and presided over by a Coast Guard official, accompanied by a member of the application review staff, and a representative from the Office of the Secretary of Transportation.

Any person desiring to appear and be heard at this hearing will be permitted to do so. Persons planning to make presentations are encouraged to have their views available in writing. Registration for the hearing will take place at the door, immediately before the hearing begins.

Prepared statements and arguments relevant to the subject matter of the hearings may be submitted at any time during the hearing. Time limitations on speakers, if necessary, will be imposed by the Presiding Officer, at his sole discretion, at any time during the hearing. The order of speakers will generally be in the sequence of registration cards filled out at the door. The Presiding Officer may recess or extend the hearing at his discretion at any time during the hearing.

A verbatim transcript will be made of the hearing. Interested persons may examine this record in Room 4402 at Coast Guard Headquarters.

Members of the general public unable to attend the hearing, or those in attendance who wish to submit supplemental information, may do so within 15 days after the date of the hearing at which time the hearing record will be closed. This material must be submitted to the Manager, Deepwater Port Application Review Staff, at the address shown at the beginning of this notice under "Addresses".

Federal and State agencies having duties and responsibilities under the Act have a period of 45 days from the public hearing, until August 7, 1981, to submit their final recommendations, including recommended license conditions, as appropriate, to the application staff. The Secretary of Transportation will thereafter approve or deny within 45 days, by September 21, 1981, the license application under consideration.

(88 Stat. 2134, 33 U.S.C. 1504(g); 49 CFR 1.46)

Dated: May 12, 1981.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 81-14630 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement; Hennepin County, Minn.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FWHA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Hennepin County, Minnesota.

FOR FURTHER INFORMATION CONTACT: Stephen Bahler, Area Engineer, Federal Highway Administration, Suite 490,

Metro Square Building, St. Paul, Minnesota 55101, Telephone: (612)725-5956. C.E. Weichselbaum, District State Aid Engineer, District 5, Minnesota Department of Transportation, 2055 North Lilac Drive, Golden Valley, Minnesota 55422, Telephone: (612) 545-3761. Vern Genzlinger, Design Engineer, Hennepin County Department of Transportation, 320 Washington Avenue South, Hopkins, Minnesota 55343, Telephone: (612) 935-3381.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Minnesota Department of Transportation (Mn/DOT) and the Hennepin County Department of Transportation (HC/DOT), will prepare an environmental impact statement on a proposal to extend County State Aid Highway 62 (CSAH 62) in Hennepin County. The proposed improvement will extend CSAH 62 from CSAH 61 to CSAH 4 (a distance of about 2½ miles), as a multi-lane, limited access facility. The major objective of the proposed construction is to complete the metropolitan highway system and provide a more direct route between Minneapolis and the southwestern suburbs. The proposed project is identified as Federal project M 5168 ( ). State projects 27-862-37 and 27-862-38, and County project 6839. Some features necessary for the extension of CSAH 62 have already been constructed: the bridge and east ramps of a future diamond interchange with CSAH 61 and a full diamond interchange at the future I-494 intersection.

Alternatives under consideration include: (1) taking no action; (2) widening the existing two-lane highway between I-494 and CSAH 4 to four lanes; (3) constructing a four lane, limited access highway on a new location. The build alternatives will be studied with various design options for access, grade and types and structures for the stream and railroad crossings located in the highway corridor.

A Project Development Report was prepared for the proposed project in accordance with the State of Minnesota Action Plan Guidelines.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies and to private organizations and citizens who have previously expressed interest in this proposed project. Public information meetings for the scoping process were held in April, 1981 in Eden Prairie and Minnetonka, Minnesota. A formal scoping meeting will be held in early July, 1981. A public hearing on the location and design of the proposed project will be held in winter, 1981-82. Public notice will be given of the time and place of meetings and hearing.

To ensure that the full range of issues related to this proposed action are addressed and all signficant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA, MN/DOT, or the Hennepin County Department of Transportation at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on May 8, 1981.

James E. St. John,

Staff Specialist for Environment, St. Paul, Minn.

[FR Doc. 81-14749 Filed 5-13-81; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

Applicants for Exemptions

AGENCY: Materials Transportation Bureau, RSPA, DOT.

ACTION: List of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATE: Comment period closes June 17, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services division Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, D.C.

New Exemptions

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8620-N	Polar Manufacturing Co., St. Cloud, MN	49 CFR 173.119(a)(17), 173.245(a)(30), (31), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1).
8621-N	Sealand Terminal Corp., Gulfport, MS	49 CFR 176.415(c)	To authorize loading of ammonium nitrate mixtures containing more than 60% ammonium nitrate with no organic coating contained in combustible packagings on a break-bulk basis at a non-isolated facility. (Mode 3).
8622-N	Department of Defense, Washington, DC	49 CFR 173 Subpart C	To de-regulate or classify other than an explosive, Triaminotrinitrobenzene (TATB) and munitions containing TATB. (Modes 1, 2).
8623-N	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.352(a)(5)	To authorize shipment of sodium cyanide solution, class 6 poison in DOT Specification MC-304, MC-307 or MC-312 cargo tanks. (Mode 1).
8624-N	General American Transportation Corp., Massury, OH.	49 CFR 173.180	To manufacture, mark and sell DOT Specification 51 portable tanks for shipment of yellow phosphorus, in water. (Modes 1, 2, 3).
8625-N	Airco, Inc., Ohio Medical Products, Madison, WI.	49 CFR 173.314	To authorize shipment of nitrous oxide, classed as a nonflammable gas, in DOT Specification 105A500W and 105A800W tank cars. (Mode 2).
8626-N	Fiber Industries, Inc., Charlotte, NC	49 CFR 173.245	To authorize shipment of orthochlorophenol, classed as a corrosive liquid, n.o.s. in non-DOT specification stainless steel portable tanks. (Mode 1).

New Exemptions—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8627-N	Boxon Chemical Co., Houston,TX	49 CFR 173.119, 173.245	To authorize shipment of various flammable liquids or corrosive materials (oil well treating compounds) contained in 6 separate 80 gallon steel tanks firmly mounted on the chasis of a truck. (Mode 1).
8628-N	E. I. du Pont de Nemours & Co., Inc., Wilmington, DE.	49 CFR 173.314(c)	To authorize a mixture of dimethylamine, anhydrous and (mono)methylamine, anhydrous, classed as a flammable gas in DOT Specification 105A300W, 112T340W and 112T400W tank cars; in addition, to authorize DOT Specification 112A340W and 112A400 until July 1, 1982. (Mode 2).
8629-N	Fabricated Metals, Inc., San Leandro, CA	49 CFR 173.289	To manufacture, mark, and sell DOT Specification 57 stainless steel portable tanks for shipment of formic acid or solutions thereof. (Modes 1, 2).
8630-N	Cal Gas Corp., Sacramento, CA	49 CFR 173.315, 173.33	To authorize shipment of liquefied petroleum gas (propane) in two non-DOT specification cargo tanks constructed in accordance with the ASME code. (Mode 1).
8631-N	Fabricated Metals, Inc., San Leandro, CA	49 CFR 173.154	To manufacture, mark and sell DOT Specification 56 steel portable tanks for shipment of a flammable solid, n.o.s. (catalytic materials). (Modes 1, 2).
8632-N	Lorenz Barrel & Drum Co., Inc., San Jose, CA.	49 CFR 173.28(o), 178.118-10(a)	To authorize coversion of non-DOT specification tight head 16 gauge steel 55 gallon drums to DOT Specification 17H except for marking location for shipment of all commodities authorized in a DOT Specification 17H drum. (Modes 1, 2, 3, 4).
8633-N	Altus Corp., San Jose, CA	49 CFR 172.101, 173.206, 173.247	To authorize shipment of large batteries containing lithium metal and thionyl chloride enclosed in a fiberglass/polyester housing reinforced with an aluminum supporting structure overpacked in specially designed boxes. (Mode 1).
8634-N	International Minerals & Chemical Corp., Allentown, PA.	49 CFR 173.77(b)	To authorize shipment of pentaerythrite tetranitrate containing at least 25% water, by weight packed in bags overpacked in a non-DOT specification fiberboard box complying with IMCO requirements. (Modes 1, 2, 3).
8636-N	Ethyl Corp., Baton Rouge, LA	49 CFR 172.101	To authorize stowage of drums, containing motor fuel antiknock compound, underdeck, aboard cargo vessel when carried under exclusive company charter. (Mode 3).
8637-N	HTL Industries, Inc., Duarte, CA	49 CFR 173.302(a), 175.3, 178.44	To manufacture, mark and sell non-DOT specification girth welded stainless steel cylinders otherwise similar to DOT Specification 3HT for shipment of compressed air, classed as a flammable gas. (Modes 1, 2, 4, 5).
8638-N	Scientific Gas Products, Inc., South Plainfield, NJ.	49 CFR 173.305(c)(1)	To authorize shipment of DOT Specification 2P containers filled with flammable or nonflammable, nonpoisonous and nonliquefied gases or gas mixtures at a pressure of 120 psig at 70 degrees Fahrenheit. (Modes 1, 2).
8640-N	Freiheuf Corp., Omaha, NE	49 CFR 173.119(a)(17), 173.245(a)(30), (31), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transport of flammable or corrosive waste liquids or semi-solids. (Mode 1).
8642-N	Gard, Inc., Niles, IL	49 CFR 173.119, 178.340	To manufacture, mark and sell non-DOT specification steel portable tanks having a capacity not exceeding 950 gallons for shipment of gasoline and combustible liquids. (Modes 1, 2, 3, 4).
8643-N	Lely Corp. of Delaware, Wilson, NC	49 CFR 173.119(a)(17), 173.245(a)(30)(31), 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT specification MC-307/312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids (Mode 1).
8644-N	Richmond Lox Equipment Co., Livermore, CA	49 CFR 173.315	To authorize shipment of liquid nitrogen and liquid oxygen in non-DOT specification tank motor vehicles. (Mode 3).
8645-N	Mining Services International, Salt Lake City, UT.	49 CFR 173.154(a)(16)	To authorize shipment of a viscous oxidizing material in DOT Specification MC-307/311 insulated tank motor vehicles at ambient temperature. (Mode 1).
8647-N	Marine Technical Services, Inc., Houston, TX	49 CFR 172.101	To authorize the transportation of pressurized liquid oxygen in 4L cylinders by cargo only aircraft. (Mode 4).

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on May 7, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-14643 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, RSPA, DOT.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application To Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Comment period closes June 2, 1981.

ADDRESS: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT:

Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, D.C.

Application No.	Applicant	Renewal of exemption
2905-X	Allied Chemical Corp., Petersburg, VA	2905
3109-X	U.S. Department of Defense, Washington, DC	3109
3134-X	Hooker Chemical Co., Houston, TX	3134
3630-X	Allied Chemical Corp., Morristown, NJ	3630
4719-X	Dow Chemical Co., Freeport, TX	4719
5062-X	Dow Chemical Co., Midland, MI	5062
5248-X	Rockwell International Corp., Anaheim, CA	5248
5600-X	Amoco Oil Co., Whiting, IN	5600
5662-X	Great Lakes Chemical Corp., El Dorado, AR	5662
5665-X	Explosive Technology, Fairfield, CA	5665
6092-X	Fisher Scientific Co., Fair Lawn, NJ	6092
6253-X	Eurotainer, Paris, France	6253
6253-X	Brostrom Shipping Co., Gothenberg, Sweden	6253
6253-X	IBEX Industrienwerke Braunschweig, Braunschweig, Germany	6253
6253-X	Contrans, Hamburg, West Germany	6253
6267-X	Coastal Industries, Inc., Carlstadt, NJ	6267
6267-X	Hill Brothers Chemical Co., Orange, CA	6267
6531-X	Tavco, Inc., Chatsworth, CA	6531
6543-X	M & T Chemicals, Inc., South San Francisco, CA	6543
6616-X	C. A. Sabah and Co., Inc., Concord, CA	6616
6736-X	El Paso Products Co., Odessa, TX	6736
6826-X	McDonnell Douglas Astronautics Co., Huntington Beach, CA	6826
6858-X	Compagnie des Containers Reservoirs, Paris, France	6858
6904-X	Aldrich Chemical Co., Inc., Milwaukee, WI	6904
6923-X	El Paso Products Co., Odessa, TX	6923
6939-X	Warren Petroleum Co., Tulsa, OK	6939
7010-X	Ameribrom, Inc., New York, NY	7010
7052-X	Duracell International, Inc., Elmsford, NY [1]	7052
7082-X	Born Free Plastics Inc., Gardena, CA	7082
7269-X	U.S. Department of Energy, Washington, DC	7269
7440-X	Roux Laboratories, Inc., Jacksonville, FL	7440
7466-X	Firmenich Inc., Princeton, NJ [2]	7466
7469-X	Micor Co., Inc., Milwaukee, WI	7469
7628-X	Chemtech Industries, Inc., Saint Louis, MO	7628
7822-X	Air Products and Chemicals, Inc., Allentown, PA	7822
7835-X	Airco Industrial Gases, Murry Hill, NJ	7835
7906-X	The Enterprise Companies, Wheeling, IL	7906
8005-X	United Tank Containers, Inc., New York, NY	8005
8016-X	U.S. Department of Agriculture, Washington, DC	8016
8108-X	Allied Chemical Corp., Morristown, NJ	8108
8127-X	Societe Nationale Des Poudres et Explosifs, Bergerac, France	8127
8129-X	RAD Service, Inc., Laurel, MD	8129
8151-X	Ropak West, Inc., La Mirada, CA	8151
8152-X	Allied Chemical Corp., Morristown, NJ	8152
8156-X	Air Products and Chemicals, Inc., Allentown PA [3]	8156
8167-X	Manostat Corp., New York, NY	8167
8169-X	Container Corp. of America, Wilmington, DE	8169
8181-X	Labelmaster, Chicago, IL	8181
8188-X	Owens-Illinois (Plastic Products Division), Toledo, OH	8188
8203-X	Pennwalt Corp., Philadelphia, PA	8203
8203-X	Eastern Mediteraneen (Containers) Co. Ltd., London, England	8203
8208-X	Jet Propulsion Laboratory, Pasadena, CA	8208
8218-X	E. I. du Pont de Nemours & Co. Inc., Wilmington, DE	8218
8222-X	M1 Engineering, Ltd., Bradford, England	8222
8236-X	Talley Industries of Arizona, Inc., Mesa, AZ	8236
8273-X	Hamill Manufacturing Co., Washington, MI	8273
8306-X	Caspersen, Inc., Glencoe, IL	8306
8618-X	Alaska International Air, Inc., Anchorage, AK [4]	8618

[1] To authorize passenger carrying aircraft as an additional mode of transportation for shipments of lithium batteries.
[2] To renew and to authorize a 5 pound and 15 pound can size.
[3] To authorize shipment of sulfur hexafluoride in DOT Specification 3B cylinders.
[4] To authorize the transportation of low flash point aviation fuel in prescribed metal drums exceeding the quantity limitations for one outside container.

Application No.	Applicant	Parties to exemption
2000-P	Los Alamos Scientific Laboratory, Los Alamos, NM	2000
3569-P	NL Basin Surveys, Inc., Buckhannon, WV	3569
6530-P	Big Three Industries, Inc., Houston, TX	6530
6984-P	Civil Constructors Inc., Freeport, IL	6984
6984-P	Miller's Blasting Service, Inc., Chana, IL	6984
7743-P	Airco, Inc., Murray Hill, NJ	7743
7840-P	Weber Aircraft, Burbank, CA	7840
7869-P	Suffolk Chemical Co., Chapin, SC	7869
7943-P	Action Chemical Co., Phoenix, AZ	7943
8035-P	NL Basin Surveys, Inc., Buckhannon, WV	8035
8116-P	Shell Oil Co., Houston, TX	8116
8144-P	ICI Americas Inc., Wilmington, DE	8144
8244-P	Otis Engineering Corp., Dallas, TX	8244
8445-P	Tennessee Eastman Co., Kingsport, TN	8445
8465-P	Bemis Company, Inc., Chicago, IL	8465
8522-P	Foamco, Oakland, CA	8522
8556-P	Liquid Air Corp., San Francisco, CA	8556
8590-P	Compagnie des Containers Reservoirs, Paris, France	8590
8591-P	Compagnie des Containers Reservoirs, Paris, France	8591
8604-P	Compagnie des Containers Reservoirs, Paris, France	8604
8605-P	Compagnie des Containers Reservoirs, Paris, France	8605
8613-P	Cosden Oil & Chemical Co., Dallas, TX	8613
8645-P	Austin Powder Co., Cleveland, OH	8645

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on May 7, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-14642 Filed 5-15-81; 8:45 am]

BILLING CODE 4910-60-M

VETERANS ADMINISTRATION

Station Committee on Education Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on June 22, 1981, at 10:00 AM, the Montgomery, Alabama Station Committee on Educational Allowances shall at 474 South Court Street, Montgomery, Alabama, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Napier Air Service, Dothan, Alabama, shall be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: May 11, 1981.

James W. Conway,

Acting Director, VA Regional Office, 474 S. Court Street, Montgomery, AL 36104.

[FR Doc. 81-14730 Filed 5-15-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 95
Monday, May 18, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Nuclear Regulatory Commission	4
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Uniformed Services University of the Health Sciences	6

1

FEDERAL ENERGY REGULATORY COMMISSION.

Notice of meeting.

May 13, 1981.

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

TIME AND DATE: May 20, 1981, 10 a.m.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

The consent agendas, power and miscellaneous agendas will be considered on Wednesday, May 20, 1981. The gas agenda will be considered on Thursday, May 21, 1981.

Consent Power Agenda—490th Meeting, May 20, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 3763, Rocky Brook Electric Corp.
CAP-2. Docket No. ER81-391-000, Western Massachusetts Electric Co.
CAP-3. Docket Nos. ER79-543-001, ER79-546-001, ER79-547-001, ER79-548-001 and ER79-552-001, Pacific Power & Light Co.
CAP-4. Docket No. ER81-249-000, Duquesne Light Co.
CAP-5. Docket Nos. E-9606, ER77-485 and ER77-551, Carolina Power & Light Co.
CAP-6. Docket No. ER80-297, Wisconsin Power & Light Co.
CAP-7. Docket Nos. ER80-378 and ER80-549, Arkansas Power & Light Co.
CAP-8. Docket Nos. ER80-572, et al., Dayton Power & Light Co. et al.
CAP-9. Docket Nos. ER80-569 and ER80-570, Yankee Atomic Electric Co. and Public Service Co. of New Hampshire
CAP-10. Docket No. EL81-5-000, Edison Electric Institute.
CAP-11. Docket No. EL78-21, Seminole Electric Cooperative, Inc. v. Florida Power Corp.
CAP-12. Docket No. ES81-43-000, Pacific Power & Light Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM81-2, Small power production and cogeneration facilities—Eligibility, rates and exemptions for qualifying and utility—owned geothermal small power production facilities.
CAM-2. Docket No. QF81-14-000, University of Massachusetts Medical Center
CAM-3. Docket No. QF81-16-000, Cogeneration Development Corp.
CAM-4. Public Service Electric & Gas Co.
CAM-5. Potomac Electric Power Co.
CAM-6. Docket No. RM79-76 (Colorado-7), high-cost gas produced from tight formations
CAM-7. Docket No. RM79-76 (Colorado-8), high-cost gas produced from tight formations
CAM-8. Docket No. RM79-76, (Colorado-9), high-cost gas produced from tight formations
CAM-9. Docket No. GP81- , Oil and Gas Division, West Virginia Department of Mines, Charleston, West Virginia, Section 102 NGPA Determination and Union Drilling, Inc., William F. Osburn #2-1488-UC. WV File No. 791107-102-097-1946. FERC Control No. JD80-37951
CAM-10. Docket No. SA80-82, Callon Petroleum Co.

Consent Gas Agenda

CAG-1. Docket No. CP80-570, Frontier Gas Storage Co.; Docket Nos. CP80-571 and CP80-572, Montana-Dakota Utilities Co.
CAG-2. Docket No. RI63-44 (FERC Gas Rate Schedule No. 6), W. J. Coppinger (operator), et al.
CAG-3. Docket No. CP80-494, Southern Natural Gas Co., Florida Gas Transmission Co., Michigan Wisconsin Pipe Line Co., Northern Natural Gas Co., Division of Internorth, Inc. and Transcontinental Gas Pipe Line Corp.
CAG-4. Docket No. CP79-172-001, Florida Gas Transmission Co.
CAG-5. Docket No. CP81-165-000, Cities Service Gas Co.
CAG-6. Docket No. CP81-153-000, Columbia Gas Transmission Corp.
CAG-7. Docket No. CP81-90-000, Tennessee Gas Pipeline Co., a division of Tenneco Inc.
CAG-8. Docket No. CP81-113, Northern Natural Gas Co.
CAG-9. Docket No. CP81-109-000, Columbia Gas Transmission Corp.
CAG-10. Docket No. CP81-46-000, Trunkline Gas Co.
CAG-11. Docket No. CP81-7-000, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Docket No. CP81-67-000, Northern Natural Gas Co., Division of Internorth, Inc.
CAG-12. Docket No. CP80-562, Columbia Gulf Transmission Co.
CAG-13. Docket No. CP80-568, National Fuel Gas Supply Corp.
CAG-14. Docket No. CP80-443, Michigan Wisconsin Pipe Line Co. and United Gas Pipe Line Co.
CAG-15. Docket No. CP80-436, Colorado Interstate Gas Co.
CAG-16. Docket No. CP80-420, Panhandle Eastern Pipe Line Co.
CAG-17. Docket No. CP80-360, Great Lakes Gas Transmission Co.
CAG-18. Docket No. CP81-321, Transcontinental Gas Pipe Line Corp.
CAG-19. Docket No. CP79-498-001, Michigan Wisconsin Pipe Line Co.
CAG-20. Docket No. CP81-62-000, Transcontinental Gas Pipe Line Corp., Southern Natural Gas Co. and United Gas Pipe Line Co.
CAG-21. Docket No. CP80-349, Michigan Wisconsin Pipe Line Co. and United Gas Pipe Line Co.

Regular Power Agenda

I. Licensed Project Matters

P-1. Project No. 2030, Portland General Electric Co.

II. Electric Rate Matters

ER-1. Docket No. ER81-316-000, Southwestern Electric Power Co.
ER-2. Docket No. ER81-308-000, New England Power Co.
ER-3. Docket No. ER81-380-000, the Dayton Power & Light Co.
ER-4. Docket No. ER81-379-000, Mississippi Power Co.
ER-5. Docket No. ER81-386-000, Virginia Electric Power Co.
ER-6. Docket No. ER81-397-000, Commonwealth Edison Co.
ER-7. Docket No. ER81-12-000, State of Arkansas v. Middle South Utilities Inc.

Regular Miscellaneous Agenda

M-1. Memorandum of Understanding on Joint Participation in non-Federal hydro-power developments between the Federal Energy Regulatory Commission and the Water & Power Resources Service, Department of Interior
M-2. Docket No. RM79-54-001, diesel and duel fuel cogeneration—qualifying status
M-3. Reserved
M-4. Reserved

M-5. Docket No. RM79-34, Transportation certificates for natural gas for the displacement of fuel oil docket No. RM81-22, transportation of oil displacement gas by pipelines pursuant to blanket certificates of public convenience and necessity

M-6. Resource Exploration, Inc., State of Ohio, section 108 NGPA determinations (FERC Nos. JD80-00512, JD80-00365, JD80-06510, JD80-00515 and JD80-06503)

Regular Gas Agenda

I. Pipeline Rate Matters

RP-1. Reserved

II. Producer Matters

CI-1. Docket No. RI64-315, RCA Investment Corp. (OPERATOR), et al., (FERC Gas Rate Schedule No. 1)

III. Pipeline Certificate Matters

CP-1. (A) Docket Nos. CP80-43, CP66-110, et al., CP70-19, et al., CP70-100, et al., CP71-222, et al., and CP71-299, et al., Great Lakes Gas Transmission Co.

CP-1. (B) Docket Nos. CP79-332 and CP79-332-001, Natural Gas Pipeline Co. of America, Michigan Wisconsin Pipe Line Co., Tennessee Gas Pipeline Co., a division of Tenneco, Inc., and Texas Eastern Transmission Corp.; Docket Nos. CP79-462, CP79-462-001, CP66-110, et al., CP66-110-020, CP70-19-007, CP70-00-002, CP71-222-005, CP71-299-001, CP71-223-003, Great Lakes Gas Transmission Co.; Docket Nos. CP79-467 and CP79-467-001, Michigan Wisconsin Pipe Line Co.

CP-2. Docket No. CP80-341-002, Northern Natural Gas Co.; Division of Internorth, Inc.; Docket No. CP80-397-001, Black Marlin Pipeline Co.

CP-3. Docket No. CP75-83 (Remand), Black Marlin Pipeline Co.

CP-4. Docket No. TC81-23, Alabama-Tennessee Natural Gas Co Docket No. TC81-24, Algonquin Gas Transmission Co.; Docket No. TC81-25, Arkansas-Louisiana Gas Co., Docket No. TC 81-26, Cities Service Gas Company.; Docket No. TC81-27, Colorado Interstate Gas Co.; Docket No. TC81-28, Columbia Gas Transmission Corp.; Docket No.TC81-29, Consolidated Gas Supply Corp.; Docket No. TC81-30, East Tennessee Natural Gas Co.; Docket No. TC81-31, Eastern shore Natual Gas Co.; Docket No., TC81-32, El Paso Natural Gas Co.; Docket No. TC81-33, Florida Gas Transmission Co.; Docket No.TC81-34, Michigan-Wisconsin Pipe Line Co.; Docket No. TC81-35, Midwestern Gas Transmission Co.; Docket No. TC81-36, Mississippi River Transmission Corp.; Docket No. TC81-37, National Fuel Gas Supply Corp.; Docket No.TC81-8, Natural Gas Pipeline Co. of America; Docket No. TC81-39, Northern Natural Gas Co.; Docket No. TC81-40, Northwest Pipeline Corp.; Docket No. TC81-41, Panhandle Eastern Pipe Line Co.; Docket No. TC81-42, Southern Natural Gas Co.; Docket No. TC81-43, Tennessee Gas Pipeline Co.; Docket No. TC81-44, Tennessee Natural Gas Lines, Inc.; Docket No. TC81-45, Texas Eastern Transmission Corp.; Docket No. TC81-46, Texas Gas Transmission Corp.; Docket No TC81-47, Transcontinental Gas Pipe Line Corp.; Docket No. TC81-48, Transwestern Pipeline Co.; Docket No. TC81-49, Truckline Gas Co.; Docket No. TC81-50, United Gas Pipe Line Co.

Kenneth F. Plumb,

Secretary.

[S-709-81 Filed 5-14-81; 9:49 am]

BILLING CODE 6450-85-M

2

FEDERAL MARITIME COMMISSION.

TIME AND DATE: May 21, 1981.

PLACE: Hearing Room 1, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Investigation of Ramon Arguelles and Ramon E. Arguelles d/b/a/ Miami Cargo Services—FMC Independent Ocean Freight Forwarder License No. 1464.

2. Agreement No. 8080-17 and Agreement No. 8240-15: Modifications of the Atlantic and Gulf-Singapore, Malaya and Thailand Conference to Provide for Substituted Service.

3. Docket No. 80-56—Temporary Tariff Filing Regulations Applicable to Carriers and Conferences of Such Carriers in the Foreign Commerce of the United States—Consideration of comments.

4. Implementation of the Regulatory Flexibility Act.

5. Implementation of Executive Order 12291; Regulatory Relief.

Portions closed to the public:

1. Docket No. 80-43—Behring International, Inc.—Independent Ocean Freight Forwarder License No. 910—Review of Initial Decision.

2. Docket No. 80-52—Agreements Nos. 10186, As Amended, 10332, As Amended, 10371, As Amended, 10377, 10364 and 10329—Discussion of the Record.

3. Intermodal Legislation.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Acting Secretary (202) 523-5725

[S-708-81 Filed 5-14-81; 9:49 am]

BILLING CODE 6730-01-M

3

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, May 20, 1981.

PLACE: 1776 G Street N.W., Washington, D.C., 7th Floor Board Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.

2. Proposed revised protracted credit policy statement.

3. Proposed Rule—Section 701.20 of the NCUA Rules and Regulations regarding surety bond and insurance coverage for Federal Credit Unions.

4. Preliminary review of Section 701.21-6 of the NCUA Rules and Regulations regarding insured and guaranteed loans.

5. Review of Section 701.35 of NCUA Rules and Regulations regarding rate limitations on regular share and share certificate accounts.

6. Report of actions taken under delegations of authority.

7. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Wednesday, May 20, 1981.

PLACE: 1776 G Street N.W., Washington, D.C., 7th Floor Board Room.

STATUS: CLOSED.

MATTERS TO BE CONSIDERED:

1. Administrative adjudication. Closed pursuant to exemptions (8) and (10).

2. Proposed conversion. Closed pursuant to exemptions (8) and (9)(A)(ii).

3. Proposed charter application. Closed pursuant to exemptions (8) and (8).

4. Administrative Action under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).

5. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

6. Requests for mergers with special assistance under Section 208 of the Federal Credit Union Act. Closed pusuant to exemptions (8) and (9)(A)(ii).

7. Administration of Central Liquidity Facility discount note program. Closed pursuant to exemptions (4) and (9)(B).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-770-81 Filed 5-14-81; 11:09 am]

BILLING CODE 7535-01-M

4

NUCLEAR REGULATORY COMMISSION.

DATE: Week of May 18, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Tuesday, May 19

10 a.m. 1. Discussion of revised licensing procedures (public meeting) (as announced).

2 p.m. 1. Discussion and possible vote on full-power operating license for Salem-2 (public meeting) (as announced).

Wednesday, May 20

10 a.m. 1. Briefing on 10 CFR 60, disposal of high-level radioactive wastes in geologic

repositories: Technical criteria (public meeting).

2 p.m. 1. Discussion of application of the hearing process to pending proceedings (closed meeting).

Thursday, May 21

2 p.m. 1. Briefing on draft NUREG reports 0771 and 0772 relating to accident source term assumptions (approximate 1-½ hrs) (public meeting).

2. Affirmation/discussion session (public meeting).

Affirmation and/or discussion and vote:

a. Financial protection for TMI units 1 and 2.

b. Motion for stay of certain aspects of final rule on fire protection for operating nuclear power plants.

c. Proposed response to honicker petition.

d. Commission reivew of ALAB–603, St. Lucie.

e. Conforming change to emergency planning rule.

f. Petitions for stay of uranium Mill Lic. Requirements.

Automatic telephone answering service for schedule update: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

May 13, 1981.

Walter Magee,

Office of the Secretary.

[S–772–81 Filed 5–14–81; 3:40 pm]

BILLING CODE 7590–01–M

5

PAROLE COMMISSION.

[1P0401]

AGENCY HOLDING MEETING: United States Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters).

TIME AND DATE: Wednesday, May 20, 1981, 9:30 a.m.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 10 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492–5926.

[S–771–81 Filed 5–14–81; 11:33 am]

BILLING CODE 4410–01–M

6

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Meeting notice.

AGENCY HOLDING THE MEETING: Uniformed Services University of the Health Sciences.

TIME AND DATE: 10:00 a.m., May 23, 1981.

PLACE: Uniformed Services University of the Health Sciences, Room D3–001, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

STATUS: Open.

MATTERS TO BE CONSIDERED:

10:00 a.m.—Meeting, Board of Regents

(1) Approval of Minutes, March 2, 1981; (2) Faculty Appointments; (3) Report—Admissions—(a) Summary of Admissions Process & Fact Sheet, (b) Public Health Service—Participation in the Class of 1985; (4) Report—Financial; (5) Report—Acting President; (6) Report—Dean, School of Medicine—(a) Certification of Graduates, School of Medicine, (b) Certification of Graduates, Masters Program, (c) Faculty Compensation, (d) USUHS Awards.

New Business.

SCHEDULED MEETINGS: October 15, 1981.

CONTACT PERSON FOR MORE INFORMATION: Frank M. Reynolds, Executive Secretary of the Board, 202/295–3025.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

May 14, 1981.

[S–773–81 Filed 5–14–81; 12:00 pm]

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federal register

Monday
May 18, 1981

Part II

Department of Energy

Administrative Procedures and Sanctions; Interpretations of the General Counsel

DEPARTMENT OF ENERGY

10 CFR Chapter II

Administrative Procedures and Sanctions; Interpretations of the General Counsel

AGENCY: Department of Energy.

ACTION: Notice of interpretations.

SUMMARY: Attached are interpretations (Appendix A) and responses to petitions for reconsideration (Appendix B) issued by the Office of General Counsel of the Department of Energy (DOE) during the period December 1, 1980, through April 30, 1981.

Appendix C identifies those requests for interpretation which have been dismissed during the same period.

FOR FURTHER INFORMATION CONTACT: Diane Stubbs, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 5E052, Washington, D.C. 20585, (202) 252–2931.

SUPPLEMENTARY INFORMATION: Interpretations issued by the DOE are published in the **Federal Register** in accordance with the editorial and classification criteria set forth in 42 FR 7923 (February 8, 1977), as modified in 42 FR 46270 (September 15, 1977).

These interpretations respond to formal written requests for interpretation. They depend for their authority on the accuracy of the factual statement used as a basis for the interpretation and may be rescinded or modified at any time. Only the persons to whom interpretations are addressed and other persons upon whom interpretations are served are entitled to rely on them. An interpretation is modified by a subsequent amendment to the regulation or ruling interpreted thereby to the extent that the interpretation is inconsistent with the amended regulation or ruling. The interpretations published below are not subject to administrative appeal.

Certain of the interpretations published below pertain to provisions of the Mandatory Petroleum Allocation and Price Regulations. Effective at 12:01 a.m., January 28, 1981, Executive Order 12287, 46 FR 9909 (January 30, 1981) exempted all crude oil and refined petroleum products from controls imposed by these regulations. However, because the various issues presented for review involved past years governed by these regulations or provisions specifically exempted from decontrol, it was both appropriate and necessary to resolve the issues for the parties requesting the interpretation.

The responses to petitions for reconsideration published herein have been issued in accordance with the provisions set forth in 10 CFR 205.85(f). It should be emphasized that the reconsideration procedure is not the equivalent of an administrative appeal, but merely provides a mechanism to insure that no inadvertent errors are made which affect the validity of the interpretation.

Issued in Washington, D.C., May 11, 1981.

Lena L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

Appendix A.—*Interpretations*

Number	To	Date	Category	File No.
1980–48	The Goodyear Tire & Rubber Co	Dec. 4	FUA	A–681.
1980–49	Farmers Union Central Exchange, Inc	Dec. 9	Price	A–663.
1980–50	McCulloch Gas Processing Corp	Dec. 10	Price	A–361.
1980–51	Cities Service Co	Dec. 12	Allocation and Price.	A–639.
1980–52	C. M. Dining, Inc	Dec. 23	Allocation	A–366.
1980–53	Tauber Oil Co	Dec. 29	Price	A–679.
1981–1	Union Oil Co. of California	Jan. 6	Price	A–684.
1981–2	Giant Industries, Inc	Jan. 6	Allocation	A–639.
1981–3	Exxon Oil Co	Feb. 13	Price	A–618.
1981–4	Shell Oil Co	Feb. 13	Price	A–681.
1981–5	ENPEX Corp	Feb. 18	Price	A–623.
1981–6	Bighart Pipe Line Corp	Feb. 24	Price	A–466.
1981–7	Southwestern Refining Co., Inc	Mar. 12	Allocation	A–621.
1981–8	The Standard Oil Co	Mar. 16	Price	A–643.
1981–9	Conoco Inc. and Monsanto Co	Mar. 17	Allocation and Price.	A–680.
1981–10	Mobil Oil Corp	Mar. 23	Allocation	A–630.
1981–11	Sun Oil Co	Mar. 26	Price	A–658.
[1] 1981–12	Amerlent Petroleum Co., California	Mar. 26	Allocation and Price.	A–662.
1981–13	Inexco Oil Co	Mar. 31	Price	A–634.
1981–14	Northville Industries Corp	Apr. 7	Allocation	A–463.

[1] The deletions in the text of this interpretation reflect the confidential treatment requested by Amerlent Petroleum Co.

[Interpretation 1980–48]

To: The Goodyear Tire & Rubber Company

Statute and Regulations Interpreted: Powerplant and Industrial Fuel Use Act of 1978, §§ 103(a)(1)(A)(ii) and 202(a); 10 CFR 500.2 and 503.3(a)

Code: GCW—FU—Definition of major fuel-burning installation; prohibitions

Facts

The Goodyear Tire & Rubber Company (Goodyear) owns a synthetic rubber plant located at Harrison Station, Houston, Texas (Goodyear plant). The total electricity and steam requirement of the Goodyear plant is currently supplied by Petro-Tex Chemical Corporation (Petro-Tex), a separate corporation, under a supply contract which continues through December 31, 1981. The Goodyear plant and the Petro-Tex plant are contiguous and connected by electric power lines, steam lines, fire lines and a * * * pipeline. * * *

* * * * *

Goodyear is now considering installing three 81.3 to 83.3 million British thermal units (Btu's) per hour steam generating units at its plant at Harrison Station that would supply the total steam requirements of the plant.[1]

In its request for interpretation, Goodyear asks whether these proposed boilers would be located "at the same site" as Petro-Tex's existing boilers and therefore would be aggregated with Petro-Tex's existing boilers for purposes of the definition of major fuel-burning installation (MFBI) set forth in 10 CFR 500.2. Goodyear argues that the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (Fuel Use Act), Pub. L. 95–620 (November 9, 1978), do not authorize the Department of Energy to aggregate units that are not under common ownership

Issue

Would Goodyear's proposed boilers be aggregated with Petro-Tex's existing boilers for purposes of 10 CFR 500.2, thereby qualifying the proposed boilers as new MFBI's for purposes of the Fuel Use Act and 10 CFR Part 500?

Interpretation

Because Goodyear's proposed boilers and Petro-Tex's existing boilers would not be "in a combination," these units would not be aggregated for purposes of the definition of MFBI set forth in 10 CFR 500.2. Therefore, the proposed

[1] These steam generating units, or boilers, would be oil or gas fired. Goodyear is also considering whether to install power-receiving equipment at its plant to permit it to receive the plant's total electricity requirement from Houston Lighting & Power.

boilers would not be new MFBI's subject to the prohibitions against the use of petroleum or natural gas as a primary energy source established by section 202(a) of the Fuel Use Act as implemented by 10 CFR 503.3(a).

Section 503.3(a) of CFR implements the prohibition established by section 202(a) of the Fuel Use Act against the use of petroleum or natural gas as a primary energy source in a new MFBI that is a boiler. "Major fuel-burning installation" is defined in 10 CFR 500.2[3] as:

* * * A stationary unit consisting of a boiler, gas turbine unit, combined cycle unit, or internal combustion engine that:

* * * * *

(ii) *Is in a combination* of two or more such units that are located *at the same site* and that in the aggregate have a design capability of consuming any fuel (or mixture thereof) at a fuel heat input rate of 250 million Btu's per hour or greater. [Emphasis added.]

Thus, for boilers to be aggregated for purposes of the 250 million Btu's per hour threshold set forth in the definition of MFBI, the boilers must be both "in a combination" and "at the same site." The meaning of the term "in a combination" is further described in paragraph (C) of the note to the definition of MFBI in section 500.2 as follows:

For purposes of clause (1)(ii) of this definition, the term "in a combination" means functionally integrated. In determining if units are functionally integrated, ERA will consider the following factors:

(1) Whether the units are contributing to the same end product, blend stock, or intermediate product;

(2) Whether the units are part of the same plant or facility producing different products;

(3) Whether the units have a physical connection with common energy or power systems, other than provided by a public utility; and

(4) Any other factors which would indicate that the units are functionally integrated.

The Goodyear plant and the Petro-Tex plant are not "in a combination" as described in 10 CFR 500.2. The plants do not contribute to the same end product, blend stock, or intermediate product.* * * * * * * * * * *

* * * and therefore Petro-Tex does not provide a component of the product produced at the Goodyear plant. Moreover, the Goodyear plant and the Petro-Tex plant are clearly not part of the same plant. Although the Goodyear plant and the Petro-Tex plant are connected by steam and electricity lines, once the proposed boilers are completed the plants will no longer share a common source of steam.[5] Finally, the fact that Goodyear and Petro-Tex are not part of the same "firm"[4] as that term is defined in 10 CFR 500.2 is a factor further indicating that the Goodyear's proposed boilers would not be "in a combination" with Petro-Tex's existing boilers.

Accordingly, because Goodyear's proposed boilers would not be "in a combination" with Petro-Tex's existing boilers within the meaning of 10 CFR 500.2, Goodyear's proposed boilers would not be aggregated with Petro-Tex's existing boilers for purposes of the definition of "major fuel-burning installation"[5] and would not be subject to the prohibition against the use of petroleum or natural gas as a primary energy source set forth in 10 CFR 503.3(a).

Issued in Washington, D.C. on December 4, 1980.

Lona L. Feldman,

Acting Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1980–49]

To: Farmers Union Central Exchange, Inc.

Rules and Regulations Interpreted: 10 CFR 212.72 and 212.79; Rulings 1977–1, and 1980–3

Code: GCW—PI—Property, def.; Newly Discovered Crude Oil, def.

Facts

Farmers Union Central Exchange, Inc. (Cenex) is a crude oil producer subject to the provisions of 10 CFR Part 212. On August 6, 1975, it was assigned a Federal Oil and Gas lease to property in the Elkhorn Ranch Field in Billings County, North Dakota. The assignor, David Sorenson, reserved a 5 percent overriding royalty interest in the lease. Sorenson obtained the lease on August 1, 1975. An oil and gas lease to the same property had previously become effective February 1, 1965, and was held by Earnest Ashley who assigned it to Colorado Oil and Gas Corporation on March 1, 1965. The lease expired on January 31, 1975. No wells were drilled on the 1965 premises prior to expiration of the lease.

Both the previous lease and the current lease encompass three sections of land located in Billings County, North Dakota: Section 7, Section 9 (excluding the NE ¼), and Section 17. These sections constitute the entire premises subject to the 1965 and 1975 lease. No section subject to the lease has a common border with any other section subject to the lease. In July 1977, Cenex, as assignee of the lease, entered a farmout agreement with Apache Corporation (Apache) of Denver, Colorado, for Section 17 of the lease. The agreement provides that Apache is entitled to 100 percent of production until payout (the recovery from production of costs of drilling and equipping a well), after which Cenex will be assigned a 50 percent working interest. In November 1978, Apache completed well #1–17 located in the NE ¼ of Section 17. The crude oil produced from well #1–17 has been classified as "new" crude oil entitled to upper tier ceiling prices under 10 CFR 212.74. Subsequently, (for the joint account of Apache, Cenex, et al.) Apache completed well #2–17 in the SE ¼ of Section 17 in November 1979. During 1978, there was no production from either Section 7 or Section 9.

In a different farmout agreement dated January 15, 1979, Cenex granted Apache the option to drill a well in the SW ¼ of Section 9. Drilling for the well was initiated in January 1979, and was completed in July 1979. The production from this well, #1–9, has been classified as "newly discovered crude oil" as defined in 10 CFR 212.79.

In February 1980, Cenex completed well #5–9 on Section 9. Each well concerned (#1–17 and #1–9 drilled by Apache, #2–17 operated by Apache for a joint account, and #5–9 drilled by Cenex) has its own tank batteries. The production from each well is individually metered and is accounted for separately. The crude oil from the storage tanks is pumped through a network of pipes into the Mandan, North Dakota pipeline.

According to the submission, no steps have been taken as yet to prepare Section 7 for production and to date, Section 7 has had no crude oil production.

Issue

(1) Are the two sections described in the 1975 lease separate properties for

[3] The definition of "MFBI" in 10 CFR 500.2 parallels the definition set forth in section 103(a)(10)(A)(ii) of the Fuel Use Act.

[5] We do not find the fact that Petro-Tex may continue to supply electricity to the Goodyear plant to be significant.* * *

[4] "Firm" is defined in 10 CFR 500.2 as "a parent company and the consolidated or unconsolidated entities (if any) that it directly or indirectly controls."

[5] Because the requirement of 10 CFR 500.2 that units to be aggregated be "in a combination" and "at the same site" is conjunctive, it is unnecessary to reach the question raised by Goodyear's request as to whether the Goodyear plant and the Petro-Tex plant are located at the same site for purposes of 10 CFR 500.2.

purposes of the Mandatory Petroleum Price Regulations?

(2) Is crude oil produced from Section 9 newly discovered crude oil pursuant to 10 CFR 212.79?

Interpretation

Cenex may treat Section 9 and Section 17 as separate properties for purposes of the Mandatory Petroleum Price Regulations. The production from Section 9 qualifies as newly discovered crude oil pursuant to 10 CFR 212.79 and the production from Section 17 as new crude oil pursuant to 10 CFR 212.74 of the Mandatory Petroleum Price Regulations.

The term property is defined in 10 CFR 212.72 in part as:

* * * The right to produce domestic crude oil, which arises from a lease or from a fee interest. . . .

In Ruling 1977–1,[1] 42 FR 3628 (January 19, 1977) the agency discussed the property concept as it applied to non-contiguous tracts subject to the same lease. The Ruling specifically states:

In all cases in which it can be shown that non-contiguous tracts were developed and produced separately, and where they have historically and consistently been accounted for as separate properties, FEA will continue to permit them to be so regarded.

As stated in its submission, Cenex has consistently accounted for production from Sections 17 (which began production in November 1978) and 9 (which began production in July 1979) on a separate basis, never commingling production from these sections or from one or both sections with other properties. Each well on Section 17 and Section 9 has its own tank battery and production is individually metered and accounted for separately. This separate accounting procedure began with the initial production and has continued to the present time. Therefore, production from each section has historically been accounted for separately. The checkerboard configuration of sections 9 and 17 as set forth in Cenex's submission shows non-contiguous tracts.[2] Therefore, sections 9 and 17 can be treated as separate properties. Section 7 would also constitute a separate property if it is developed separately and if any crude oil produced from that Section is treated as separate from sections 9 and 17 for accounting purposes. The DOE has consistently permitted non-contiguous tracts to constitute separate properties at the election of the leaseholder or assignee. However, the election cannot be reversed by the leaseholder at a later date.

The newly discovered crude oil ceiling price rule is set forth in § 212.79. Section 212.79(a) provides:

Notwithstanding the provisions of § 212.73(a), first sales of newly discovered crude oil on or after June 1, 1979 are not subject to the ceiling price limitations of this subpart.

The term "newly discovered crude oil" [3] is defined in § 212.79(b) as:

* * * Domestic crude oil which is: (1) Produced from a new lease on the Outer Continental Shelf; or (2) produced (other than from the Outer Continental Shelf) from a property from which no crude oil was produced in calendar year 1978.

In its submission, Cenex states that Apache began preliminary drilling on well #1–9 on Section 9 in January 1979. The well was completed in July 1979, and began producing crude oil. A second well, #5–9, was completed on Section 9 in February 1980. Pursuant to § 212.79, crude oil produced from a property subsequent to calendar year 1978 qualifies as newly discovered crude oil and may be sold at incentive prices on or after June 1, 1979.[4] The two wells on Section 9 were not producing crude oil in 1978. Thus, production from Section 9 qualifies as newly discovered crude oil.

Accordingly, Sections 9 and 17 of the 1975 lease assigned to Cenex each constitute a separate property as that term is defined in 10 CFR 212.72. Furthermore, crude oil produced from Section 9 qualifies as newly discovered crude oil pursuant to 10 CFR 212.79.

Issued in Washington, D.C., on December 9, 1980.

Lona L. Feldman,

Acting Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1980–50]

To: McCulloch Gas Processing Corporation

Rules and Regulations Interpreted: 10 CFR 212.83(c)(2)(iii)(D); 212.161; 212.167(b)

Code: GCW—PI—Natural Gas Liquids, Increased Product Costs; Refiner Price Formula, "Y" Factor

Facts

McCulloch Gas Processing Corporation (McCulloch) is an independent natural gas processor operating in Wyoming and Montana extracting natural gas liquids (NGL's) from casing-head gas and selling the NGL's and natural gas liquid products (NGLP's) to wholesale distributors. McCulloch states that its residue gas is sold in interstate commerce. McCulloch acquires natural gas for its processing plants under netback sale contracts with natural gas producers in its area of operation. McCulloch's operations are limited exclusively to processing. McCulloch recently began to purchase a raw NGL stream from another gas processing plant to fractionate it and to sell the NGLP's produced from the stream.

Sales of NGL's and NGLP's are regulated under 10 CFR Subpart K of the Mandatory Petroleum Price Regulations. Prior to January 1, 1975, 39 FR 44407 (December 24, 1974), sales of NGL's and NGLP's were regulated under 10 CFR Subpart E. Hence, McCulloch's prices charged in sales of NGL's and NGLP's have been consistently subject to regulation by the Department of Energy and its predecessors (DOE). Pursuant to the provisions of Subpart K, McCulloch has calculated its first sale price of NGL's and NGLP's to reflect increased product costs since May 1973. According to its submission, McCulloch has computed its increased product costs on the basis of natural gas shrinkage as provided by 10 CFR 212.167(b)(3) as follows:

Increased product costs are . . . (3) the difference between the weighted average cost of natural gas shrinkage per thousand cubic feet (MCF) of natural gas processed in the month of May 1973, and the weighted average cost of natural gas shrinkage per thousand cubic feet (MCF) of natural gas processed in the current month, multiplied by the number of thousand cubic feet (MCF's) of natural gas processed in the current month.

McCulloch states that it did not purchase NGL's during May 1973 or at any time prior to November 1, 1978, when it first acquired a raw NGL stream. Therefore, McCulloch has no May 1973 cost of NGL's with which to compare the cost of NGL's purchased in the current month to calculate increased

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[1] *See generally Campbell H. Elkins and El Ran, Inc.*, Interpretation 1978–58, 43 FR 46519 (October 10, 1978); *Joseph J. C. Paine & Associates*, Interpretation 1977–37, 42 FR 54270 (October 5, 1977).

[2] *See* DOE Enforcement Manual, pp. 83,530; 83,531.

[3] Effective January 1, 1980, the definition of "newly discovered crude oil" will be defined as:

"Newly discovered crude oil" means: (1) prior to January 1981, domestic crude oil which is (i) produced from a new lease on the Outer Continental Shelf, or (ii) produced (other than from the Outer Continental Shelf) from a property from which no crude oil was produced in calendar year 1978; or (2) after December 1980, domestic crude oil which is produced from a newly discovered crude oil property. (45 FR 78588 (November 25, 1980).)

[4] The production from Section 17 clearly does not constitute newly discovered crude oil as stated in the submission because production began from well #1–17 upon its completion in November 1978. Production from Section 17 appears to have been properly classified by Cenex as new crude oil.

product costs for purchased NGL's pursuant to 10 CFR 212.167(b)(1) for its sales of NGLP's.[1]

Issue

Where a firm did not purchase NGL's in May 1973 and has no May 1973 cost of NGL's, how must that firm calculate its increased product costs pursuant to 10 CFR 212.167(b)?

Interpretation

The development of the price regulations governing sales of NGL's and NGLP's first under Subpart E, and subsequently under Subpart K, indicates that the "Y_i" factor of the refiner price formula set forth in § 212.83(c)(2)(iii)(D) should be used to impute a May 1973 cost of purchased NGL's where no actual May 1973 costs are otherwise available. Therefore, McCulloch must use the "Y_i" factor of the refiner price formula to compute its increased product costs under § 212.167(b). McCulloch may not use its weighted average costs of natural gas shrinkage per thousand cubic feet (MCF) of all natural gas processed in May 1973 as its basis of comparison for computing increased product costs on current purchases of raw NGL's.

Part 212, Subpart K applies to sales of NGL's and NGLP's by firms, such as gas plant operators like McCulloch.[2] The general price rule applicable to McCulloch's sales is set forth in § 212.163(a):

> A royalty owner, producer, gas plant owner, gas plant operator or other entity may not charge to (or receive from) any class of purchaser a price in excess of the weighted average price at which natural gas liquids or natural gas liquid products were lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, except to the extent permitted by this subpart.

Thus in any first sale regulated by Subpart K, McCulloch may add to its May 15, 1973 first sale price for the NGLP's it sells: increased processing costs pursuant to § 212.165, increased marketing costs pursuant to § 212.166, increased product costs pursuant to § 212.167 and § 212.170, and the carry-forward of increased costs or corrections for overrecovery of increased costs pursuant to § 212.169.

The provisions of § 212.167(b) require the comparison of the cost of products in May 1973 with the cost of those products in the current month to compute the increased product costs which may be added to May 15, 1973 prices. Since McCulloch had never purchased any NGL's prior to its recent purchases and only acquired natural gas, McCulloch states that it calculated its increased product costs by the increased cost approximation method under § 212.167 (b)(3) that permits the comparison of the costs of natural gas shrinkage in May 1973 and in the current month. To compute increased product costs for its pruchases of NGL's however, McCulloch must determine the difference in the weighted average cost per gallon of purchased NGL's in May 1973 and in the current month, pursuant to § 212.167(b)(1). Where a firm, such as McCulloch, has no May 1973 cost of NGL's, Subpart K does not specify any method for imputing a May 1973 cost NGL's.[3] However, McCulloch must impute a May 1973 cost of NGL's in order to recover any increased product costs in its sales of NGLP's and to comply with the requirements of Subpart K.

Prior to the promulgation of Subpart K, McCulloch processed natural gas to extract and sell NGL's and NGLP's and therefore was a "refiner" as that term is defined in § 212.31. *McCulloch Gas Processing Corp.*, Interpretation 1974–13, 42 FR 25664 (July 25, 1974). Thus, McCulloch previously operated under the Mandatory Petroleum Price Regulations applicable to refiners set forth in Part 212, Subpart E.

A coordinated system of price regulations continues to exist between Subpart K, Natural Gas Liquids, and its forerunner, Subpart E. The prices of products sold by processors of natural gas were previously controlled pursuant to Subpart E. The Subpart K regulation governing "Applicability and relationship to other Subparts," § 212.161, continues to refer to processors of natural gas as "refiners."[4] Indeed, the preamble to the adoption of the final rules for Subpart K clearly stated that one of "[t]he principal features of the revised cost-based system with respect to the pricing of natural gas liquids being adopted today [is]: (1) the continuation of May 15, 1973 as the reference point from which increased costs and lawful prices are to be determined . . ." 39 FR 44407, 44408 (December 24, 1974).

The Subpart K regulations envision the continued use of May 1973 costs to compute increased product costs pursuant to § 212.167(b). McCulloch is a refiner that operated under the price regulations set forth in Subpart E prior to the adoption of Subpart K. Since the provisions of § 212.167(b) require the continued use of May 1973 costs, McCulloch must refer back to the refiner price rule at § 212.83 (to which it was subject prior to the adoption of Subpart K) to provide May 1973 product costs for calculating the increased product costs that it may add to its May 15, 1973 NGLP prices.

The refiner price formula provides a method for imputing May 1973 product costs. The "Y_i" factor is an element of the "B" factor of the refiner price formula, which is used to compute the total increased cost of the specific covered product or products of the type "i" and not included in computing the increased costs of crude oil. The "Y_i" factor is used to calculate increased product costs by providing an imputed May 1973 product cost where, in the period "o" (the month of May 1973), no covered product or products of the type "i" were purchased or landed.[5] The "Y_i" factor is set forth in § 212.83(c)(2)(iii)(D) as follows:

> Y_i = The lowest *price* at or [below] [6] which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973, or, if no transactions occurred in that month, the month next preceding May 1973 in which such transactions occurred. [Emphasis added.]

Thus, May 1973 prices are used to impute a May 1973 cost.[7]

Since McCulloch previously operated under Part 212, Subpart E, applicable to refiners, and, presumably, sold NGL's in or before May 1973, it could calculate an imputed May 1973 cost pursuant to the "Y_i" Factor. Therefore, the "Y_i" imputed cost calculation to which McCulloch

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[1] 10 CFR 212.167(b)(1) provides as follows:

> (b) Increased product costs are (1) the difference between the weighted average cost per gallon of natural gas liquids purchased in the month of May 1973, and the weighted average cost per gallon of natural gas liquids purchased in the current month multiplied by the number of gallons of natural gas liquids purchased in the current month. . . .

[2] Natural gasoline and butane components of NGL's are exempt from price controls effective January 1, 1980. 10 CFR 212.62.

[3] However, Subpart K does provide methods for imputing adjusted May 15, 1973 first sale *prices* in § 212.164.

[4] Section 212.31 defines "refiner as follows:

> "Refiner" means a firm (other than a reseller or retailer) or that part of such a firm which refines covered products or blends and substantially changes covered products, or refines liquid hydrocarbons from oil and gas field gases, or recovers liquefied petroleum gases incident to petroleum refining and sells those products to resellers, retailers, reseller-retailers or ultimate consumers. "Refiner" includes any owner of covered products which contracts to have those covered products refined and then sells the refined covered products to resellers, retailers, reseller-retailers or ultimate consumers.

[5] Y_i is also used when c_i^o/q_i^o is greater than Y_i.

[6] "Above" in the actual definition of Y_i. The context requires "below" to achieve the lowest tenth percentile price in May 1973.

[7] The DOE clarified the proper historical and current calculation and use of the "Y_i" factor in Clarification No. 77–1, February 2, 1977, Federal Energy Guidelines Enforcement Manual ¶50,101.

was subject under Subpart E is carried with McCulloch into Subpart K to fulfill the regulatory goal of consistent use of 1973 costs when Subpart K provides no method for imputing May 1973 costs of NGL's in McCulloch's case.[8]

Inexco Oil Co., Interpretation 1976–5, 42 FR 7928 (February 8, 1977), reviewed a similar problem involving the establishment of May 1973 costs. That interpretation discussed the application of imputed May 15, 1973 base prices and May 1973 costs arising from a business arrangement involving McCulloch and Inexco Oil Co. with respect to sales of propane prior to the effective date of Subpart K, January 1, 1975. In this case Inexco produced a wet natural gas stream which it sold to McCulloch subject to a net-back agreement, and Inexco received a percentage of the NGL's as part of the compensation. In January 1974 McCulloch began to sell propane to Inexco, which Inexco began to resell on January 15, 1974. *Inexco* states that:

> An imputed May 15, 1973 selling price having been so determined [pursuant to § 212.111(b)], the use of that same price for purposes of applying the Subpart K price rules is both appropriate and necessary to ensure continuity in the implementation of FEA's price regulations. Similarly, the continued use of the imputed May 1973 costs determined pursuant to § 212.111(b) is appropriate for purposes of determining increased product costs in accordance with the Subpart K price rules except where the specific provisions contained in Subpart K call for or permit the use of some other May 1973 cost figure.

[8] *Class Exception—Retroactive Application of Subpart K*, 2 FEA ¶84,901 (August 29, 1975), extended certain retroactive exception relief to natural gas processors from the provisions of Subpart E. However, the Class Exception is also consistent with this interpretation requiring McCulloch to use the "Y_i" factor to impute May 1973 costs for NGL's. The Class Exception confirms that increased product costs under Subpart K are to be passed through "in a manner analogous to that provided in Subpart E for the passthrough of increased costs of crude oil and petroleum products . . . ." The Class Exception corrected several inequities that existed during the period in which Subpart E applied to gas processors: by applying the provisions of § 212.164 (a) and (b) relating to adjusted May 15, 1973 selling prices retroactively from August 19, 1973; by permitting natural gas processors to disregard several requirements set forth in §§ 212.11, 212.83(c)(1)(iii)(A)(IV) and (e)(5); by interpreting the non-product cost provisions applicable to natural gas processors, and by specifying the proper calculation and recovery of unrecouped costs. Although the Class Exception extended certain retroactive exception relief for the period August 19, 1973 through December 31, 1974, the continuing requirement to compute increased product costs based upon May 1973 costs remained unchanged. Therefore, the use of McCulloch's "Y_i" calculations to calculate increased product costs relating to McCulloch's recent sales of NGL's and NGLP's is entirely consistent with the Class Exception.

Although *Inexco* resolved an issue concerning the use of a May 15, 1973 selling price for propane imputed pursuant to the provisions of § 212.111, the *Inexco* interpretation is consistent with the instant interpretation to McCulloch because it stated that the imputed May 15, 1973 price and costs determined under § 212.111(b) are to be used to determine maximum lawful selling prices under Subpart E and Subpart K.[9] Therefore, to insure continuity in the application of the Mandatory Petroleum Price Regulations where Subpart K does not specify a particular method, McCulloch must impute May 1973 costs using § 212.111 as was appropriate in *Inexco* or using the "Y_i" factor as is appropriate in this case.

In its submission, McCulloch proposes to impute a May 1973 cost basis for its purchased NGL's through the use of its weighted average cost of natural gas shrinkage in May 1973. This method of calculating increased product costs does not compare similar product costs for NGL's. McCulloch states that it will compare its weighted average cost of natural gas shrinkage per thousand cubic feet (MCF) of all natural gas processed in May 1973 with its actual cost per gallon of recent purchases of raw NGL's to calculate its increased product costs on sales of NGL's and NGLP's. This proposal would thus compare the decrease in value of natural gas with the acquisition cost of NGL's. Section 212.167(b) does not permit such a comparison between intrinsically incomparable values. Only three methods for computing increased product costs are permitted under § 212.167(b). These are:

> (1) the difference between the weighted average cost per gallon of natural gas liquids purchased in the month of May 1973, and the weighted average cost per gallon of natural gas liquids purchased in the current month multiplied by the number of gallons of natural gas liquids purchased in the current month, (2) the difference between the weighted average cost per gallon of each natural gas liquid product purchased in the month of May 1973, and the weighted average cost per gallon of that natural gas liquid product purchased in the current month multiplied by the number of gallons of the natural gas liquid product purchased in the current month, plus (3) the difference between the weighted average cost of natural gas shrinkage per thousand cubic feet (MCF) of natural gas processed in the month of May 1973, and the weighted average cost of natural gas shrinkage per thousand cubic feet (MCF) of natural gas processed in the current month, multiplied by the number of thousand cubic feet (MCF's) of natural gas processed in the current month.

[9] Section 212.111(b) will not provide a May 1973 cost for McCulloch's purchased NGL's because, even if the new item rule applied to McCulloch's first sales of NGLP's prior to January 1, 1975, McCulloch was permitted to and has calculated increased product costs on the basis of natural gas shrinkage. Therefore no per gallon "cost of the item first offered for sale" is available to McCulloch as envisioned by § 212.111(b)(1)(ii).

Section 211.167(b) therefore provides for the calculation of increased product costs based not only upon comparisons between the May 1973 and the current month's costs of NGL's and NGLP's, but also upon comparisons between the May 1973 and the current month's cost of natural gas shrinkage attributable to the production of NGL's. The purpose and operation of this section was explained in the preamble at the time of its adoption as follows:

> For natural gas processing, the equivalent of increased product cost is the increase in the cost of the "shrinkage" which occurs in the natural gas stream from which the liquids are extracted, as a result of the extraction of the liquids. The "cost" of such shrinkage is the reduction in sales revenues received from the natural gas because of the reduced gas volume or BTU content of the gas after processing. Where the price permitted to be charged for natural gas has increased since May 15, 1973, an increased cost of "shrinkage" resulting from extraction of the liquids has been the result. The FEA has determined that *this cost increase is the equivalent of increased product cost*, and shall therefore be permitted to be passed through in the prices charged for natural gas liquid products so that the economic incentive to remove the liquids from the natural gas stream will not be lost.
>
> 39 FR 44407, 44409 (December 24, 1974) (Emphasis added.) Thus, it is the natural gas shrinkage cost increase per thousand cubic feet (MCF) determinations, not individual May 1973 or current values, that are deemed to be equivalent to NGL or NGLP costs per gallon for the purposes of computing increased product costs pursuant to § 212.167. No mixture of cost increase calculation methods is authorized.

Ruling 1975–6, 40 FR 23272 (May 29, 1975), supports this interpretation. The ruling was issued:

> to make clear that increased costs of natural gas shrinkage could be passed through as increased product costs pursuant to the provisions of Subpart E, and, generally, to more clearly describe the application of the price rules of Subpart E in determining natural gas liquid product prices, before Subpart K became effective on January 1, 1975.
>
> * * * * *
>
> Accordingly, where the natural gas sales revenues are reduced by processing, and where the selling price of the natural gas that has been processed has increased since May 15, 1973, the cost of shrinkage resulting from

extraction of the liquids will also have increased. The FEA considers this *increased shrinkage* to be an "increased product cost" under § 212.82 . . . [Emphasis added.]

Thus, it is the product cost increase computed on the basis natural gas shrinkage that may be retroactively used in lieu of actual cost increases per gallon of NGL's and NGLP's pursuant to Ruling 1975–6. Therefore, McCulloch may not use a combination of cost increase calculation methods by comparing its May 1973 cost of natural gas shrinkage with its current actual cost of raw NGL's.

The proper increased product cost computation method for McCulloch to use for the situation in which it has a current monthly weighted average cost per gallon of NGL's, but has no actual May 1973 cost of NGL's, is the method set forth in § 212.167(b)(1). Since McCulloch has an imputed May 1973 cost of NGL as provided by the "Y_i" factor, it must compute its increased product costs for NGL's by ascertaining the difference between the weighted average cost per gallon of NGL's purchased in the month of May 1973 (using the "Y_i" factor), and the weighted average cost per gallon of NGL's purchased in the current month multiplied by the number of gallons of NGL's purchased in the current month. Only in this manner can McCulloch impute a May 1973 cost of NGL's that will enable it to calculate increased product costs using comparable NGL costs.

Accordingly, the proper application of the provisions of the Mandatory Petroleum Price Regulations set forth in 10 CFR Part 212 to the factual situation presented requires McCulloch to use the "Y_i" factor of § 212.83(c)(2) (iii) (D) to impute a May 1973 cost of NGL's, where McCulloch did not purchase NGL's during May 1973 or at any time prior to November 1, 1978, for McCulloch's calculations of increased product costs of NGL's pursuant to § 212.167(b).[10]

Issued in Washington, D.C. on December 10, 1980.

Lona L. Feldman,

Acting Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1980–51]

To: Cities Service Company
Regulations Interpreted: 10 CFR 211.67(d) (2), 212.53, 211.51, EPAA §§ 4(a), 3(5)

Code: GCW–AI–PI—Part 211, Entitlements Program, Export Sales Deduction, Refined Petroleum Product def., Petroleum Coke, def.; the Emergency Petroleum Allocation Act of 1973

Facts

Cities Service Company (Cities) is a refiner subject to the Mandatory Petroleum Allocation and Price Regulations and a participant in the domestic crude oil allocation (entitlements) program under § 211.67. Cities produces petroleum coke, as defined in 10 CFR 211.51 at its Lake Charles, Louisiana refinery. Petroleum coke is a solid residue resulting from condensation in the crude oil cracking process. Some of Cities' petroleum coke is sold at Lake Charles for export to European purchasers.

Issue

Whether 10 CFR 211.67(d) (2) of the Mandatory Petroleum Allocation Regulations requires Cities Service Company to reduce its volume of crude oil runs to stills for purposes of the entitlements program based upon export sales of petroleum coke produced at its Lake Charles, Louisiana refinery?

Interpretation

Section 211.67(d) (2) of the Mandatory Petroleum Allocation Regulations does not require Cities Service Company to reduce its volume of crude oil runs to stills for purposes of the entitlements program based upon export sales of petroleum coke produced at its Lake Charles, Louisiana refinery. The export sales deduction under the entitlements program applies to export sales of all refined petroleum products. Petroleum coke is not included in the definition of refined petroleum products contained in the Emergency Petroleum Allocation Act or the Mandatory Petroleum Allocation Regulations.

In its capacity as a refiner Cities is required to participate in the entitlements program under § 211.67. The entitlements program was established to equalize substantially the benefits of access to lower priced domestic crude oil among all segments of the petroleum industry. *See* 39 FR 42246 (December 4, 1974). Under the program, each domestic crude oil refiner is issued "entitlements" for a particular month based upon its volume of crude oil runs to stills and the mix of lower tier, upper tier and uncontrolled crude oil. Approximate cost equalization is achieved by requiring the purchases and sales of entitlements among refiners. Several provisions of the entitlements regulations require adjustments to the volume of crude oil runs to stills. A deduction from the crude oil runs to stills has a direct bearing on the number of entitlements a refiner receives and ultimately on the refiner's obligation to buy, or right to sell, entitlements. One such adjustment is provided for in § 211.67(d)(2):

> *The volume of a refiner's crude oil runs to stills in a particular month* for purposes of the calculations in paragraph (a)(1) of this section and the calculations for the national domestic crude oil supply ratio *shall be reduced by that refiner's volume of export sales under § 212.53 of Part 212 of this chapter in that month of refined petroleum products* (including aviation fuels as defined in § 211.142 of this part, but excluding refined lubricating oils) *and residual fuel oil, including sales to a domestic purchaser which certifies the product is for export; provided,* however, that the volume of a refiner's crude oil runs to stills for a month shall not be reduced by that refiner's volume of export sales of Bunker C and Navy Special fuel oils and No. 4 diesel, which are sold for use as a marine fuel on a voyage departing from a United States port. [Emphasis added.]

The export sales deduction applies to exports of refined petroleum products and residual fuel oil. Petroleum coke is not residual fuel oil. Therefore, the issue for resolution is whether the term "refined petroleum product" as used in § 211.67(d)(2) includes petroleum coke. Refined petroleum product is defined in the allocation regulations as meaning" . . . gasoline, kerosene, middle distillate (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel." 10 CFR 211.51. Petroleum coke is defined in the same section of the allocation regulations as:

> a solid residue, the final product of a condensate process in cracking, consisting mainly of highly polycyclic aromatic hydrocarbons very poor in hydrogen, including petroleum coke which when calcinated yields almost pure carbon or artifical graphite suitable for production of carbon or graphite electrodes, structural graphite, motor brushes, dry cells, etc. It includes both forms listed below:
>
> (a) *Marketable.* Those grades of coke produced in delayed or fluid cokers which may be recoveted as relatively pure carbon. This "green" coke may be further purified by calcinating or may be sold in the "green" state.
>
> (b) *Catalyst.* In many catalytic operations (i.e., catalytic cracking) carbon is deposited on the catalyst, deactivating the catalyst. The catalyst is reactivated by burning off the carbon, using it as a fuel in the refinery

[10] If McCulloch had no sales of NGL's in or before May 1973 from which it can determine an imputed May 1973 cost of NGL's pursuant to the "Y_i" factor under § 212.83(c) (2) (iii) (D), McCulloch may seek an exception from the provisions of the Mandatory Petroleum Price Regulations under 10 CFR Part 205, Subpart D, § 205.50 *et seq.*

process. This carbon or coke is not recoverable in a concentrated form. For statistical purposes, the amount of catalyst coke may be estimated by using an average weight percent (1.5 percent) of charging stock.[1]

Thus, petroleum coke is not included in the definition of the term refined petroleum product.

The Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. No. 93-159 (November 27, 1973) (EPAA)[2] also supports this result. The Act provides for the mandatory allocation of crude oil, residual fuel oil and each refined petroleum product. *See* section 4 (a). The term refined petroleum product is defined in the statute as meaning "... gasoline, kerosene, distillates, (including Number 2 fuel oil), LPG, refined lubricating oils or diesel fuel."[3] *See* section 3(5). In promulgating the regulations which implemented the EPAA, the Federal Energy Administration (FEA), a predecessor agency of the Department of Energy (DOE), amended the definition of covered product utilized under the Economic Stabilization Act of 1970, as amended, Pub. L. No. 91-379 (August 15, 1970).[4] The FEA noted in a preamble to those regulations:

> the authority under the Emergency Petroleum Allocation Act of 1973 only extends to crude oil, residual fuel oil and refined petroleum products. Certain products such as asphalt, road oil, refinery gas, petroleum wax and *petroleum coke* are not subject to the provisions of the Allocation Act. Previously, prices of these products have only been controlled under the authority of the Stabilization Act. [Emphasis added.]

(39 FR 12353-54 (April 5, 1974). *See also* 10 CFR 210.34(a).)

Accordingly, Cities is not required by § 211.67(d)(2) of the Mandatory Petroleum Allocation Regulations to reduce its volume of crude oil runs to stills for purposes of the entitlements program based upon export sales of petroleum coke, which meets the definition of that product set forth in 10 CFR 211.51 produced at its Lake Charles, Louisiana refinery.

[1] 10 CFR 210.34 (b) of the General Allocation and Price Rules contains the identical definition of petroleum coke.

[2] 15 U.S.C. 751 *et. seq.* (1970).

[3] In *Shell Oil Company*, Interpretation 1978-42, 43 FR 29551 (July 10, 1978), the DOE concluded that the term refined petroleum product in § 211.67(d)(2) is coextensive with the definition of that term as defined in the EPAA. *See also Atlantic Richfield Company*, Interpretation 1978-54, 43 FR 40208 (September 11, 1978).

[4] 12 U.S.C. 1904 note (1976) (expired April 30, 1974).

Issued in Washington, D.C., December 12, 1980.

Lona L. Feldman,

Acting Assistant General Counsel for Interpretations and Rulings.

Interpretation 1980-52

To: C.M. Dining

Regulation Interpreted: 10 CFR 211.9(a)(2)(i)

Code: GCW-AI—Part 211, Subpart A, Supplier-Purchaser Relations

Facts

C.M. Dining, Incorporated ("Dining") of Exeter, New Hampshire, is a wholesale purchaser-reseller[1] of propane and is thus subject to the Mandatory Petroleum Allocation Regulations, 10 CFR Part 211. Section 211.9(a) requires that each supplier of an allocated product supply all wholesale purchaser-resellers that purchased the allocated product from the supplier during the base period. During the base period,[2] Dining purchased propane from Shell Oil Company ("Shell"), and accordingly, established a supplier-purchaser relationship with Shell. Dining currently purchases three million gallons of propane from Shell. Dining would like to terminate its supplier-purchaser relationship with Shell and establish a relationship with Warren Petroleum Company ("Warren") and Atlantic Richfield Company ("Arco"). Shell has agreed in writing to release gallons of its annual supply obligation to Warren and gallons to Arco. Warren and Arco have agreed to the substitution.

Issue

May a supplier and a wholesale-purchaser reseller, who have a supplier-purchaser relationship, mutually agree to terminate that relationship pursuant to the terms of 10 CFR 211.9(a)(2)(i) if the relationship will be assumed by two other suppliers?

Interpretation

Dining and Shell may mutually agree to terminate their supplier-purchaser relationship pursuant to 10 CFR 211.9(a)(2)(i). Dining's allocation of propane may then be supplied by Warren and Arco pursuant to their agreements.

[1] "Wholesale purchaser-reseller" means any firm which purchases, receives through transfer, or otherwise obtains (as by consignment) an allocated product and resells or otherwise transfers it to other purchasers without substantially changing its form. 10 CFR 211.51.

[2] The base period for natural gas liquids is "each calendar quarter during the period April 1, 1972, through March 31, 1973, which corresponds to the present calendar quarter." 10 CFR 211.62.

Under the Mandatory Petroleum Allocation Regulations, supplier-purchaser relationships for certain covered products established during the base period must be maintained for the duration of the allocation program. Section 211.9 in pertinent part provides as follows:

> (a) *Supplier/wholesale purchaser relationship.* (1) Each supplier of an allocated product shall supply all wholesale purchaser-resellers and all wholesale purchaser-consumers which purchased or obtained that allocated product from that supplier during the base period as specified in Subparts D through K of this part.
>
> (2)(i) Unless otherwise provided in this part or directed by FEO, the supplier/wholesale purchaser-reseller relationships defined by specific dates or base periods or otherwise imposed pursuant to this part shall be maintained for the duration of the Mandatory Petroleum Allocation Program and may not be waived or otherwise terminated without the express written approval of FEO.

Section 211.9(a)(2)(i) requires the written approval of the Department of Energy (DOE) prior to the termination of a base period relationship. Regional Offices of the DOE[3] may in their discretion grant such approval if the wholesale purchaser-reseller and its base period supplier agree in writing to a termination of the base period supplier-purchaser relationship and the prospective new supplier agrees in writing to assume a permanent supply obligation. In the instant case Dining would like to terminate its supplier-purchaser relationship with Shell and establish a relationship with Warren and Arco. Although two firms, rather than one, have agreed to assume Shell's supply obligation to Dining, the mutual termination provisions of § 211.9(a)(2)(i) are still applicable.[4] As required by that section, Dining has obtained the agreement of other suppliers to supply it with its base period allocation of propane.[5]

Accordingly, since the wholesale purchaser-reseller and its supplier have

[3] Dining filed its request with Region 1 of the DOE, which transferred it to the Office of Interpretations and Rulings in Washington, D.C.

[4] The provisions of 10 CFR 211.65(b)(1) would permit Dining to terminate its supplier-purchaser relationship for a calendar quarter by giving written notice to its base period supplier provided the affected supply obligation will be assumed by another supplier. In view of the fact that Dining desires to terminate its relationship with Shell permanently, this provision is not pertinent.

[5] See *Mobil Oil Corp.*, Interpretation 1977-28, 42 FR 40271 (September 15, 1977); aff'd, 1 DOE ¶ 80,220 (1978).

mutually agreed to terminate their base period supplier-purchaser relationship and since two new suppliers have agreed to undertake the obligation, the DOE will approve the termination of the relationship between Dining and Shell pursuant to § 211.9(a)(2)(i) and the assumption of the base period supply obligation by Warren and Arco.

Issued in Washington, D.C., December 23, 1980.

Lona L. Feldman,
Acting Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1980–52]

To: C.M. Dining
Regulation Interpreted: 10 CFR 211.9(a)(2)(i)
Code: GCW–AI—Part 211, Subpart A, Supplier-Purchaser Relationships

Facts

C.M. Dining, Incorporated ("Dining") of Exeter, New Hampshire, is a wholesale purchaser-reseller [1] of propane and is thus subject to the Mandatory Petroleum Allocation Regulations, 10 CFR Part 211. Section 211.9(a) requires that each supplier of an allocated product supply all wholesale purchaser-resellers that purchased the allocated product from the supplier during the base period. During the base period,[2] Dining purchased propane from Shell Oil Company ("Shell"), and accordingly, established a supplier-purchaser relationship with Shell. Dining currently purchases gallons of propane from Shell. Dining would like to terminate its supplier-purchaser relationship with Shell and establish a relationship with Warren Petroleum Company ("Warren") and Atlantic Richfield Company ("Arco"). Shell has agreed in writing to release gallons of its annual supply obligation to Warren and gallons to Arco. Warren and Arco have agreed to the substitution.

Issue

May a supplier and a wholesale-purchaser reseller, who have a supplier-purchaser relationship, mutually agree to terminate that relationship pursuant to the terms of 10 CFR 211.9(a)(2)(i) if the relationship will be assumed by two other suppliers?

Interpretation

Dining and Shell may mutually agree to terminate their supplier-purchaser relationship pursuant to 10 CFR 211.9(a)(2)(i). Dining's allocation of propane may then be supplied by Warren and Arco pursuant to their agreements.

Under the Mandatory Petroleum Allocation Regulations, supplier-purchaser relationships for certain covered products established during the base period must be maintained for the duration of the allocation program. Section 211.9 in pertinent part provides as follows:

(a) *Supplier/wholesale purchaser relationship.* (1) Each supplier of an allocated product shall supply all wholesale purchaser-resellers and all wholesale purchaser-consumers which purchased or obtained that allocated product from that supplier during the base period as specified in Subparts D through K of this part.

(2)(i) Unless otherwise provided in this part or directed by FEO, the supplier/wholesale purchaser-reseller relationships defined by specific dates or base periods or otherwise imposed pursuant to this part shall be maintained for the duration of the Mandatory Petroleum Allocation Program and may not be waived or otherwise terminated without the express written approval of FEO.

Section 211.9(a)(2)(i) requires the written approval of the Department of Energy (DOE) prior to the termination of a base period relationship. Regional Offices of the DOE [3] may in their discretion grant such approval if the wholesale purchaser-reseller and its base period supplier agree in writing to a termination of the base period supplier-purchaser relationship and the prospective new supplier agrees in writing to assume a permanent supply obligation. In the instant case Dining would like to terminate its supplier-purchaser relationship with Shell and establish a relationship with Warren and Arco. Although two firms, rather than one, have agreed to assume Shell's supply obligation to Dining, the mutual termination provisions of § 211.9(a)(2)(i) are still applicable.[4] As required by that section, Dining has obtained the agreement of other suppliers to supply it with its base period allocation of propane.[5]

Accordingly, since the wholesale purchaser-reseller and its supplier have mutually agreed to terminate their base period supplier-purchaser relationship and since two new suppliers have agreed to undertake the obligation, the DOE will approve the termination of the relationship between Dining and Shell pursuant to § 211.9(a)(2)(i) and the assumption of the base period supply obligation by Warren and Arco.

Issued in Washington, D.C., December 23, 1980.

Lona L. Feldman,
Acting Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1980–53]

To: Tauber Oil Company
Regulations Interpreted: 10 CFR 212.92; 212.93(a)(4)
Code: GCW–PI—Reseller Price Rule; Definition of Acquisition Cost

Facts

Tauber Oil Company (Tauber) is a reseller of refined petroleum products as that term is defined in 10 CFR § 212.31 of the Mandatory Petroleum Price Regulations. Prior to May 1, 1980, as required under the applicable price regulations in effect at that time, Tauber calculated its increased product costs on the basis of a single firm-wide inventory. The cost of product in its inventory was determined by calculating the weighted average cost of product in inventory based on delivery dates. Tauber states that it determined its cost of product in inventory based upon instruction from personnel of the Department of Energy.

Tauber states that prior to instructions from the agency, it utilized a different accounting system for establishing costs for its inventory. The method employed was the "back-to-back" inventory accounting method, a procedure by which inventory was costed on a transaction-by-transaction basis. Tauber's purchase and sale operations were carried on through traders paid on a commission basis. Tauber's traders bought and sold identified product volumes in barge, pipeline, or book transfer lots. The traders calculated the cost of each lot on in-house transaction summaries, and each sale invoice pertaining to an identified lot was costed by both product and transportation costs. The use of the

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[1] "Wholesale purchaser-reseller" means any firm which purchases, receives through transfer, or otherwise obtains (as by consignment) an allocated product and resells or otherwise transfers it to other purchasers without substantially changing its form. 10 CFR 211.51.

[2] The base period for natural gas liquids is "each calendar quarter during the period April 1, 1972, through March 31, 1973, which corresponds to the present calendar quarter." 10 CFR 211.62.

[3] Dining filed its request with Region 1 of the DOE, which transferred it to the Office of Interpretations and Rulings in Washington, D.C.

[4] The provisions of 10 CFR 211.65(b)(1) would permit Dining to terminate its supplier-purchaser relationship for a calendar quarter by giving written notice to its base period supplier provided the affected supply obligation will be assumed by another supplier. In view of the fact that Dining desires to terminate its relationship with Shell permanently, this provision is not pertinent.

[5] See *Mobil Oil Corp.*, Interpretation 1977–38, 42 FR 46271 (September 15, 1977); aff'd, 1 DOE ¶ 80,220 (1978).

"back-to-back" method permitted Tauber to calculate the commissions accruing to its traders on each individual lot sale. These commissions were based upon the profitability of each transaction. According to Tauber, the "back-to-back" inventory cost accounting method is an accepted accounting practice, and the certified public accounting firm that audits Tauber fully approves that methodology.

After receiving instructions from the agency that it must use the weighted average cost method in calculating the maximum lawful price for resales of motor gasoline, Tauber discontinued the use of the back-to-back method for that purpose. However, the firm has nevertheless continued to use the back-to-back method for establishing costs as a basis for internal business decisions. Tauber seeks a determination that as a result of recent changes in the rules for the reseller pricing of motor gasoline, it may now revert to its historical back-to-back method in calculating the acquisition cast of its inventory.

Issue

For purposes of 10 CFR § 212.93(a)(4) as amended effective May 1, 1980, may Tauber use a back-to-back method of establishing a cost for its inventory to determine its acquisition cost, rather than its weighted average cost of product in inventory?

Interpretation

For the reasons set forth below, in determining its maximum lawful selling price for motor gasoline as required under 10 CFR 212.93(a)(4), Tauber may utilize a historical method of establishing its cost of product in inventory to calculate its acquisition costs. If, as Tauber contends, the back-to-back method qualifies as a consistent historical accounting practice of Tauber, then that method rather than the weighted average cost method, may be used in complying with 10 CFR 212.93(a)(4) as amended effective December 15, 1980.[1]

The rule for determining the maximum lawful selling price for non-retail sales of motor gasoline is set forth in 10 CFR 212.93(a)(4):

> . . . [A] seller may not charge a price in a sale for any type or grade of gasoline which exceeds *the most recent acquisition cost*, plus 8.6 cents per gallon, plus tax costs attributable to sales of that type or grade of gasoline . . . (Emphasis added).

[1] The method selected must, however, be consistent and compatible with the provisions of and policies underlying the applicable price regulations. *See Laise Gas Company*, 4 DOE ¶ 83,019 (July 11, 1979) at 88,258.

The term "acquisition cost" is defined in 10 CFR 212.92(b) in pertinent part as:

> For resellers and reseller-retailers, the cost of product in inventory *computed pursuant to the seller's historical accounting practices consistently applied*. . . . Emphasis added.[2]

Under the acquisition cost definition in 10 CFR 212.92, calculation of the acquisition cost of a reseller's product depends upon the cost of its product in inventory. That term is defined in § 212.92 as:

> "Product in inventory" means, at the option of the seller concerned, either: (1) the entire, undivided stock of a product, no matter where located, purchased and held for resale by the seller concerned; or (2) that portion of the total stock of a product purchased and held for resale by the seller concerned which constitutes a separate inventory *under generally accepted accounting principles consistently and historically applied by the seller concerned*. . . . (Emphasis added).

Moreover, a firm may employ more than one method of cost accounting for distinct purposes. As stated in a final rulemaking proceeding for the resellers' and reseller-retailers' price rule for motor gasoline:

> If a firm has consistently and historically used more than one accounting practice for determining the cost of product in inventory (e.g., one for DOE's price rules and one for income tax purposes), the firm may choose either of these accounting practices to determine the cost of product in inventory under the new, fixed margin reseller and reseller-retailer rule. The firm, of course, must consistently apply the practice under the new rule.

(45 FR 40104 n. 2 (June 13, 1980).)

Thus, the clear language of each provision, as well as the regulatory preamble, supports Tauber's contention that a reseller may utilize a historical accounting practice in determining its acquisition cost under § 212.93(a)(4).

Tauber also expresses concern that its temporary use of the weighted average cost method to comply with the Mandatory Petroleum Price Regulations will now be deemed to have made that method, rather than the back-to-back method, its historical method. If Tauber had consistently used the back-to-back method prior to the agency's directive to apply the weighted average cost method and has continued to use the back-to-back method subsequently to generate data upon which to base its internal business decisions, it may now use that method in determining its acquisition cost under § 212.93(a)(4).

Accordingly, under the reseller price rule in 10 CFR 212.93(a)(4) Tauber may utilize the back-to-back accounting method to determine its acquisition cost if that method qualifies as a historical method which it has consistently applied.

[2] 45 FR 40104 (June 13, 1980) effective May 1, 1980.

Issued in Washington, D.C., on December 22, 1980.

Lona L. Feldman,

Acting Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1981-1]

To: Union Oil Company of California
Regulation Interpreted: § 212.78
Code: GCW-PI—Tertiary Incentive Program; Allowed Expenses

Facts

Union Oil Company of California (Union) is presently conducting an enhanced oil recovery (EOR) project in Wyoming which qualifies as a "[s]elf-certifiable EOR technique," as that term is defined in § 212.78(c). Union intends to recoup certain costs of this project under the Tertiary Incentive Program set forth at § 212.78 of the Mandatory Petroleum Price Regulations of the Department of Energy (DOE).

The request for interpretation submitted by Union concerns an unconventional steam drive EOR technique. The project employs electric-powered surface boilers which generate steam. Electricity for the boilers is purchased from a local utility.

Union requests an interpretation determining that the cost of electricity for the boilers is an "allowed expense" under § 212.78, Appendix. Union contends that the wording of Item 2(d) of the appendix is unclear and ambiguous as to whether electricity is included or excluded. Union states that Item 2(d) generally provides that the cost of fuel is an allowed expense but specifically excludes either, (1) crude oil, refined petroleum products, natural gas and electricity, or (2) only crude oil and refined petroleum products. Union contends that Item 2(d) is susceptible to these two constructions but that only the latter is correct. In support of this conclusion, Union asserts that the four fuels specified are the only ones available and that it is unreasonable to construe this provision in a manner that would make it impossible to recoup any boiler fuel costs. As an example, Union states that coal-fueled boilers for EOR applications do not exist and will not be fully developed for use until after September 1981.

In addition, Union contends that the regulations did not intend to treat projects unequally with respect to the allowed expenses, and that since the regulations permit any fuel to be an allowed expense with respect to *in situ* combustion and miscible fluid flooding

techniques, the same benefit should be provided for an unconventional steam drive project. Union also argues that pollution from the use of crude oil or refined petroleum products as a fuel, conservation of crude oil and reduction of reliance on crude oil imports are considerations that support the proposed interpretation.

Issue

Does § 212.78 permit the cost of electricity to be recouped as an allowed expense when used to power a surface boiler in an unconventional steam drive EOR project?

Interpretation

Union may not recoup the cost of electricity purchased to power surface boilers in an unconventional steam drive EOR project because the regulations governing the Tertiary Incentive Program specifically exclude the cost of electricity as an allowed expense at § 212.78, Appendix, Item 2(d).

Section § 212.78(c) defines "allowed expenses," in pertinent part, as "seventy-five percent of an expense listed . . . in the appendix to this section." [1] The appendix provides, with respect to the unconventional steam drive technique, that allowed expenses may be based in part, on "[t]he costs of fuel, excluding crude oil or refined petroleum products, natural gas and/or electricity, used by surface boilers for steam generation." § 212.78, Appendix.

Union states that the language of Item 2(d) does not exclude all four fuels listed in that provision. Union contends that if all four fuels were excluded they would have been listed in a series, separated by commas, with only the third and fourth joined by a conjunctive term. Union concludes that the regulation identifies crude oil and refined petroleum products as a series of only two excluded items, joined by the conjunction "or," and that natural gas and electricity are specified as fuels upon which allowed expenses may be based. The use of a conjunctive term does not necessarily indicate the end of a series of items. Crude oil and refined petroleum products are closely related and the conjunction "or" merely reflects that fact. The provision in question is a general one permitting recoupment for all costs not specifically excluded. Therefore, the inclusion of natural gas and electricity would have been implicit if that had been the intent of the regulation.

Union's principal argument that the regulation did not intend to exclude existing methods of powering boilers is not persuasive. The provisions of § 212.78 are expressly designed to permit recoupment of allowed expenses of EOR techniques to encourage their use and thereby advance the technology of crude oil recovery. *See* 44 FR 51148 (August 30, 1979). Therefore, exclusion of the fuels that might be utilized by existing EOR technology is not inconsistent with the overall intent of the program.

The preamble to the amendments that created the program also made it clear that allowed expenses were determined for each technique in order to make that particular technique an attractive investment. There was no intent to uniformly permit the recoupment of identical expenses for all techniques that come within the program. [2] Union's final arguments with respect to pollution, conservation and reduced reliance on imports have no support in the language of the regulations, or in the preamble, that would compel the conclusion that Item 2(d) intended to specify natural gas and electricity as items on which allowed expenses might be based.

Accordingly, Union may not recoup the cost of electricity used to power its surface boilers for steam generation in connection with its unconventional steam drive EOR project.

Issued in Washington, D.C., on January 6, 1981.

Lona L. Feldman,

Acting Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1981–2]

To: Giant Industries, Inc.

Rules Interpreted: 10 CFR 211.63

Code: GCW–AI—Supplier/Purchaser Relationship

Facts

Giant Industries, Inc. (Giant), is a small and independent refiner, within the meaning of 10 CFR 211.62, and is therefore subject to the Mandatory Petroleum Allocation Regulations set forth in 10 CFR Part 211. On January 22, 1979, Giant entered into a contract with The Crude Company (T.C.C.), a reseller of crude oil, for the purchase of approximately two thousand barrels per day of Powder River Basin, Wyoming, sweet crude oil. [1] The agreement contained a clause in paragraph 3 providing that the contract would "continue month to month thereafter unless cancelled by either party giving thirty days notice."

The contract also included the following provision in paragraph 8.

> All of the terms and conditions of this Contract shall be subject to the applicable laws, statutes, directives, orders, rules and regulations (including interpretations thereof) of all governmental authorities having jurisdiction hereof. However, no present or future Federal, State, County or Municipal law, rule, regulation or ordinance shall have the effect of perpetuating the relationship created hereby beyond the limited scope and term contemplated and agreed upon herein. Thus, it is expressly understood and agreed hereto that, upon termination of this contract, any crude oil supplier/purchaser relationship created hereby pursuant to the Department of Energy's Mandatory Regulatory Administration shall be automatically terminated. If it is deemed necessary, the parties hereto also agree to execute any and all written instruments required to evidence the termination, by mutual relationship created hereby.

On June 15, 1979, T.C.C. notified Giant of its intent to terminate Giant's crude oil supply effective July 15, 1979, in accordance with the termination clause found in paragraph 3 of the agreement. Since July 15, 1979, T.C.C. has refused to supply Giant with crude oil.

Relying principally on *Arizona Fuels Corporation,* Interpretation 1979–18, 44 FR 60266 (October 19, 1979), Giant contends that sales between it and T.C.C. gave rise to a supplier/purchaser relationship pursuant to 10 CFR 211.63. Giant further contends that the termination clause contained in paragraph 3 of the agreement does not satisfy the consent requirements outlined in § 211.63, and that T.C.C. must therefore continue to supply Giant with crude oil. In its comments, T.C.C.

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[1] Section § 212.78(c) defines "allowed expense" as:

> [S]eventy-five percent of an environmental expense or seventy-five percent of an engineering and laboratory expense or seventy-five percent of an expense listed either in the appendix to this section or in an order issued pursuant to either subsection (e)(2) or (e)(3) of the section: provided, that an allowed expense may not be based on an expense incurred and paid prior to August 22, 1979. No more than one million dollars or twenty-five percent, whichever is less, of the total amount of allowed expenses with respect to a particular project may be based on engineering and laboratory expenses. The allowed expenses of a particular project shall be attributable to the qualified producer(s) with respect to that project. Where there is more than one qualified producer, the qualified producers shall allocate these expenses among themselves in whatever manner they determine. With respect to a particular property, the total amount of allowed expenses may not exceed twenty million dollars.

[2] The preamble to the amendments implementing the Tertiary Incentive Program, stated:

> In order to permit producers to recoup costs on the basis of their self-certifications, we have reviewed each EOR technique for which self-certification is permitted and identified, *for each technique,* those items on which allowed expenses should be based. [Emphasis added.] (44 FR 51149.]

[1] The contract was the most recent in a series of contracts, the first of which was effective in October 1977.

does not dispute the existence of a supplier/purchaser relationship with Giant or the insufficiency of paragraph 3 asserted by Giant. T.C.C. contends, however, that paragraph 8 provides for a "waiver" of any benefits of the supplier/purchaser rule under a line of authority distinct from that relied on by Giant. Giant urges in response that not only does T.C.C. misconstrue the agency's earlier interpretations of the term "waiver," but that these interpretations are not inconsistent with Giant's position. Giant insists that paragraph 8, like paragraph 3, is a termination clause insufficient on its face to constitute advance consent to terminate the supplier/purchaser relationship between Giant and T.C.C.

Issue

Do provisions in the January 22, 1979, contract between Giant and T.C.C. constitute consent by Giant to terminate their supplier/purchaser relationship in accordance with 10 CFR 211.63(d)(1)?

Interpretation

The termination clause contained in paragraph 8 of the agreement between Giant and T.C.C. does not constitute consent to terminate that supplier/purchaser relationship in accordance with § 211.63.

The history and purposes of the crude oil supplier/purchaser rule have been examined in the past to assist in the application of its provisions. A brief review provides the proper framework for the conclusion reached here. As originally adopted in January 1974 [2] the rule basically provided that all contracts for sales, purchases, and exchanges of domestic crude oil in effect on December 1, 1973, were to be maintained for the duration of the crude oil allocation program. Section 211.63 was amended on February 12, 1976, to substitute January 1, 1976, for December 1, 1973, as the relevant date for determining supplier/purchaser relationships. (41 FR 7368 (February 18, 1976).)

The rule was promulgated to further certain objectives of the Emergency Petroleum Allocation Act of 1973 (EPAA), as amended, Pub. L. 93–159 (November 27, 1973),[3] including, "[the] preservation of . . . the competitive viability of independent refiners, [and] small refiners. . . ."[4] Despite significant changes in the crude oil supply situation, the various amendments to the supplier/purchaser rule have continued to afford protection to the small and independent refiner. In the preamble to the most recent amendments to the rule issued on August 18, 1980, the DOE stated its general purpose for relaxing certain restrictions imposed on supplier/purchaser relationships:

> [To] decrease regulatory restrictions with regard to supplier/purchaser relationships, so long as the diminishing volumes of price-controlled crude oil currently being supplied to small and independent refiners are protected. In light of this general purpose of the amendment, . . . we have determined to loosen restrictions on [waiver and advance termination] clauses, *but in light of small refiners' concerns we are not eliminating all restrictions.*[5] [Emphasis added.]

Thus, the amended rule reaffirms as its primary focus the protection of small and independent refiners from disruptions in their refinery operations.

On January 22, 1979, the date of the agreement between Giant and T.C.C., and, at the time that T.C.C. gave notice and subsequently cancelled its crude oil deliveries to Giant, § 211.63(b) provided that all supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976, were to remain in effect for the duration of the allocation program unless terminated in compliance with the specific provisions of § 211.63(d).

Section 211.63(d)(1) read in pertinent part:

> Any supplier/purchaser relationship established under paragraph (b) of this section may be terminated as follows: (i) at the option of the purchaser, as evidenced by its written consent thereto together with notice of the termination date given to the producer provided all subsequent purchasers of the crude oil involved have consented to such termination in writing. * * *

The August 1980 amendments to the supplier/purchaser rule have not altered its application to the facts in this case or, as noted above, its fundamental objectives.[6] Giant has the right to insist that its supply of crude oil be continued without interruption. The option to terminate this supply relationship in § 211.63(d)(1)(i) belongs to the purchaser alone, based in part upon the recognition of the pressure that suppliers may apply by conditioning a supply agreement on the purchaser's advance consent to terminate.[7]

In *Arizona Fuels Corporation, supra,* the DOE concluded that the purchaser may waive its option to terminate by giving its advance consent but only if the express regulatory requirements set forth in § 211.63(d)(1)(i) are satisfied. The agreement in question contained a clause providing for written notice a minimum of sixty-five days prior to cancellation. Since no specific termination date was indicated, the termination clause was found to be insufficient on its face to constitute consent.

T.C.C. does not dispute that, in failing to provide a specific termination date,

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[2] The rule was originally set forth in 10 CFR 211.64, 39 FR 1924 (January 15, 1974), but was amended and redesignated 10 CFR 211.63 on May 10, 1974, 39 FR 17287 (May 14, 1974).

[3] 15 U.S.C. 751 *et seq.* (1976).

[4] EPAA section (b)(1)(D).

[5] 45 FR 56737 (August 25, 1980). This particular statement prefaced the description of the proposals finally adopted relating to waiver and advance termination clauses.

[6] Section 211.63 was amended on August 18, 1980, effective October 1, 1980, and provides in relevant part:

> (a) *Scope.* This section provides for the allocation of crude oil produced in the United States the first sale of which is subject to the ceiling price limitations of Part 212 of this chapter, other than crude oil which is the subject of (1) purchases and sales made to comply with § 211.66 of this subpart; (2) sales of crude oil made pursuant to Parts 225 and 225a, Chapter II of Title 30 of the Code of Federal Regulations; (3) a sale to other than a reseller, small refiner or independent refiner; and (4) the first sale of any domestic crude oil produced and sold from a property from which domestic crude oil was not produced and sold prior to January 1, 1976.
>
> (b) *General rule.* (1) All supplier/purchaser relationships with respect to crude oil within the scope of paragraph (a) of this section which were in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976 shall remain in effect for the duration of this program; *provided however,* that any such supplier/purchaser relationship to which this section is applicable may be terminated as provided in paragraph (d) of this section.
>
> (2) Once any first sale, purchase or exchange of domestic crude oil is made which is exempt from this rule pursuant to paragraph (a)(4) of this section, or once the sale, purchase or exchange of any domestic crude oil that has at anytime been the subject of a supplier/purchaser relationship under paragraph (b)(1) of this section is made in accordance with this section to a firm that was not the purchaser thereof on January 1, 1976, or has not continued to purchase that crude oil without interruption since December 31, 1975, a supplier/purchaser relationship between the seller and purchaser shall be established thereafter under this section as though it had been in effect on January 1, 1976.
>
> . . . . .
>
> (d) *Termination of supplier/purchaser relationships.* Any supplier/purchaser relationship established under paragraph (b) of this section may be terminated as follows:
>
> (1) *Mutual Consent.* (i) A purchaser and supplier may mutually agree to terminate their relationship, as evidenced by their written consent thereto, together with notice of the termination date, if all subsequent purchasers of the crude oil involved that have a supplier/purchaser relationship with respect to such crude oil have consented to such termination in writing;
>
> (ii) With respect to any new supplier/purchaser relationship created after September 30, 1980, other than a relationship created pursuant to paragraph (d)(3) of this section, a purchaser and supplier may mutually agree to terminate their relationship, as evidenced in a contract entered into on or after October 1, 1980, expressly waiving the requirements of paragraphs (b) and (c) of this section or providing for the termination of a supplier/purchaser relationship.

[7] 45 FR 56732, 56735 (August 25, 1980).

paragraph 3 of the contract is similarly deficient and therefore does not constitute consent to terminate under § 211.63(d)(1)(i). However, it argues that the second sentence in paragraph 8 operates as a waiver of any rights otherwise available under the rule and precludes application of the restrictive provisions of § 211.63(d). In support of its position, T.C.C. cites three interpretations issued by the DOE or a predecessor agency which it contends permit crude oil purchasers to waive the benefits of the rule completely. *See The Permian Corporation* (Permian), Interpretation 1978–45, 43 FR 34436 (August 4, 1978); *Alaska Petrochemical Co.* (Alpetco), Interpretation 1978–1, 43 FR 5797 (February 10, 1978); and *State of Alaska*, Interpretation 1977–7, 42 FR 31143 (June 20, 1977).

T.C.C. is not correct. All three interpretations involved the validity of agreements incorporating the purchaser's advance consent and are distinguishable on their facts. Moreover, they did not conclude that the purchaser could waive its right to consent to terminate the supplier/purchaser relationship.

By consenting in advance to a termination of the supplier/purchaser relationship, the purchaser is waiving its right to continued supplies of crude oil. The vehicle provided by the regulations for effecting such a waiver is the purchaser's option to terminate. By requiring that this option be exercised in strict accordance with § 211.63(d), the DOE protects the purchaser from the unexpected interruption of its crude oil supplies at the discretion of its supplier. A purchaser's advance consent to terminate *is* a limited waiver of its rights and the only waiver allowed under the rule as it applies to supplier/purchaser relationships entered into before October 1, 1980.

Accordingly, *Arizona Fuels* is dispositive of the present case. Paragraph 8 of the agreement between Giant and T.C.C. fails to specify a termination date and as a consequence Giant has not affirmatively consented to termination of that relationship in a manner consistent with the strict requirements of § 211.63(d)(1)(i). Therefore, the provisions in paragraph 8 do not constitute consent by Giant to a termination of its supplier/purchaser relationship with T.C.C. in accordance with § 211.63(d)(1).

Issued in Washington, D.C., on January 8, 1981.

Lona L. Feldman,

Acting Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1981–3]

To: Eason Oil Company
Regulation Interpreted: 10 CFR 212.78
Code: GCW—PI—Definition of Qualified Producer; Tertiary Incentive Crude Oil Program

Facts

Eason Oil Company (Eason) is a producer of crude oil as that term is defined at 10 CFR 212.31. Eason owns crude oil production and intends to participate in a qualified tertiary enhanced oil recovery (EOR) project under the Tertiary Incentive Program.[1]

Under the terms of a proposed agreement, Firm X will convey to Eason all or part of a working interest owned by Firm X in a property on which an EOR project is presently being conducted or will soon be initiated. The working interest conveyed to Eason will constitute a property interest under applicable State law, and will give Eason the option to receive in kind its proportionate share of the crude oil produced from the project or to receive its share of the proceeds from the sale of such crude oil. Although Eason's ownership interest in the tertiary EOR project will be of limited duration, it will extend beyond the period of crude oil price regulation. The agreement between Eason and Firm X will also provide for a portion of the recoupable allowed expenses of the project to be attributed to Eason pursuant to § 212.78(c) and recovered through sales of Eason's otherwise price controlled crude oil at uncontrolled prices as permitted by § 212.78(a)(2). Under the agreement, Firm X will receive the tertiary incentive revenue from such sales and pay a portion of that revenue to Eason as a fee.

In its submission, Eason emphasizes that it will fulfill a principal objective of the Tertiary Incentive Program by contributing to the initiation or expansion of the project. Eason also states that the transaction with Firm X will not in any way result in greater benefits to the parties than the program intended. Eason therefore requests an interpretation that the interest which it intends to acquire will fulfill the requirement that a qualified producer possess an interest in the property on which the project is located.

Issue

Would Eason be a qualified producer as defined in § 212.78(c) based upon its proposed acquisition of a working interest of limited duration in a qualified EOR project?

Interpretation

Eason would be a qualified producer as that term is defined in § 212.78(c), as a result of its proposed acquisition of a working interest in the property on which the project is located.

The Tertiary Incentive Program set forth in § 212.78 permits a qualified producer to sell crude oil which would otherwise be subject to a ceiling price at uncontrolled prices in order to recover recoupable allowed expenses of a qualified tertiary EOR project. The regulations governing the program also permit recoupable allowed expenses to be attributed only to a qualified producer, and only a producer to whom such expenses are attributable may sell otherwise controlled crude oil at uncontrolled prices. Section 212.78(c) defines qualified producer, in pertinent part, as "a producer that possesses an interest in the property on which the project is located[.]"

In *Barber Oil Corporation*, Interpretation 1980–22, 45 FR 61563 (September 16, 1980) the Department of Energy (DOE) interpreted the definition of qualified producer to permit Barber to obtain a working interest in a property that produced price controlled crude oil even though that interest was only for the remaining period of price controls and for the specific purpose of gaining access to such crude oil and selling it at uncontrolled prices to recoup tertiary EOR expenses. That interpretation was based on the fact that Barber fulfilled the requirements of § 212.78, including ownership of an interest in a property on which the EOR project was located and ownership of a producing interest in the tertiary incentive crude oil property. Having thus qualified, the duration and purpose of its working interest in the price controlled crude oil property did not affect Barber's participation in the Tertiary Incentive Program.

The working interest to be acquired by Eason satisfies the definition of a

[1] Effective January 28, 1981, 12:01 a.m., all crude oil and refined petroleum products were exempted from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. No. 93–159 (November 27, 1973), 15 U.S.C. 751 *et seq.* (1976), by Executive Order No. 12287, 46 FR 9909 (January 30, 1981). Because the regulations permit a producer to recertify crude oil which was sold prior to Executive Order No. 12287, and to recover its allowed expenses in February and March 1981, respectively, by recertifying price controlled crude oil sold in December 1980 and January 1981, respectively, it is appropriate to consider the question raised in Eason's request for interpretation. *See* Ruling 1981–1, (issued February 12, 1981).

qualified producer because it constitutes an interest in property under the applicable State law and because it is an interest in the property on which the EOR project will be located. Although the interest will be for a limited period of time, and will be acquired by Eason for the purpose of permitting Firm X to recoup allowed expenses of the EOR project, these aspects of the transaction do not affect Eason's status as a qualified producer. Eason may sell tertiary incentive crude oil and use the revenues received without further restriction. This is, of course, dependent on Eason's compliance with all other requirements of the definition of qualified producer.

The DOE specifically expressed its intent not to impose limitations with respect to the disposition of expenses recouped through the sale of tertiary incentive crude oil. The preamble to the regulations establishing the Tertiary Incentive Program stated:

> Participating producers with respect to a particular project may attribute the recoupable allowed expenses among themselves in whatever proportion they determine, regardless of their actual interest in the project. This flexibility will permit participants in a project to agree upon internal business arrangements with minimal governmental interference.

(44 FR 51148, 51149 (August 30, 1979).)

Accordingly, the acquisition by Eason of the proposed working interest in the property on which the EOR project is located will satisfy the requirement of § 212.78(c) that a qualified producer must possess an interest in the property on which a project is located.

Issued in Washington, D.C., on February 13, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1981–4]

To: Shell Oil Company
Regulation Interpreted: 10 CFR 212.78
Code: GCW—PI—Tertiary Incentive Crude Oil Program; Definition of Qualified Tertiary Enhanced Recovery Project

Facts

Shell Oil Company (Shell) is a crude oil producer subject to the Mandatory Petroleum Price Regulations of the Department of Energy (DOE) at 10 CFR Part 212, Subpart D. Shell is presently evaluating a large scale tertiary enhanced oil recovery (EOR) project on the Denver Unit, a single property under DOE regulations (a "DOE property") which is located in the Wasson (San Andres) Field in West Texas. The project employs a miscible fluid displacement (flooding) technique which will produce approximately 280 million additional barrels of crude oil from the unit. Shell also has price controlled crude oil production on properties other than the Denver Unit that may be sold at uncontrolled prices under § 212.78 to recoup certain expenses of the EOR project.[1]

The Denver Unit Project employs CO_2 as an injectant fluid. However, full scale implementation will require a larger volume of CO_2 than is presently available to Shell. Shell has located a potential source of the required CO_2 on eight DOE properties in southern Colorado (the "source properties"), consisting of seven properties at McElmo Dome and one at Doe Canyon. Test wells on the source properties indicate that they will produce CO_2 in the volume and of the quality required. Shell proposes to drill production wells on the source properties and to construct a 500 mile pipeline to transport the CO_2 from these properties to the Denver Unit. Thirteen separate facilities will be constructed on the source properties to dehydrate the CO_2 and pressurize it to 2000 psi for transport through the pipeline.

In its request for interpretation, Shell asserts that the eight CO_2 source properties and the Denver Unit, a single property, constitute an EOR project of nine properties. Shell therefore argues that allowed expenses may be generated on each of the nine properties and recouped through sales of tertiary incentive crude oil. In support of its request, Shell emphasizes that under § 212.78 an EOR project may encompass more than one DOE property. Shell acknowledges that the EOR technique concerned is being applied only on the Denver Unit and that the Denver Unit Project will not produce crude oil from the CO_2 source properties. According to the request, Shell owns the right to produce crude oil from the source properties but has never produced crude oil from them and does not presently intend to do so. Nevertheless, Shell contends that the source properties are part of the Denver Unit Project because they are needed to provide the volumes of CO_2 required for implementation of the EOR technique being applied there.

Issue

Are Shell's CO_2 source properties part of a qualified tertiary enhanced recovery project, as that term is defined in § 212.78(c)?

Interpretation

The source properties which supply CO_2 for Shell's Denver Unit tertiary EOR project are not part of the qualified tertiary enhanced recovery project, as that term is defined in § 212.78(c).

The Tertiary Incentive Program is set forth in § 212.78 and is designed to stimulate increased domestic crude oil production and to promote the advancement of EOR technology. 44 FR 51148 (August 30, 1979). The program provides a financial incentive for implementation of certain high risk EOR projects by permitting investors in such projects to recoup seventy-five percent of certain project expenses which have been incurred, paid and reported.

The program permits recoupment of allowed expenses by a qualified producer of price controlled crude oil when that producer possesses an interest in the property on which the EOR project is located. Recoupment is accomplished by implementing § 212.78(a)(2) which provides that first sales of crude oil by or for the behalf of the qualified producer are not subject to the ceiling price limitations of 10 CFR Part 212, Subpart D. With respect to such sales, the excess of the market-clearing price over the otherwise applicable ceiling price, less any *ad valorem*, severance or windfall profit tax attributable to this excess, constitutes tertiary incentive revenue and represents the recoupment of project expenses. Section 212.78(a)(2) provides that tertiary incentive revenue from such sales may not exceed the recoupable allowed expenses attributable to that producer.

"Qualified tertiary enhanced recovery project" is defined in § 212.78(c) as "a project for the recovery of crude oil, to the extent that such project involves the *application of an enhanced oil recovery technique;* provided that, with respect to *that project,* a producer has complied with the requirements of either subsection (d)(1) or (e)(1) of this section, whichever is applicable." (Emphasis added).[2] Thus, Shell may recoup its

[1] Effective January 28, 1981, 12:01 a.m., all crude oil and refined petroleum products were exempted from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. No. 93–159 (November 27, 1973), 15 U.S.C. § 751 *et seq.* (1976), by Executive Order No. 12287, 46 FR 9909 (January 30, 1981). Because the regulations permit a producer to recertify crude oil which was sold prior to Executive Order No. 12287, and to recover its allowed expenses in February and March 1981, respectively, by recertifying price controlled crude oil sold in December 1980 and January 1981, respectively, it is appropriate to consider the question raised in Shell's request for interpretation. *See* Ruling 1981–1, (issued February 12, 1981).

[2] Section 212.78(d)(1) and (e)(1) provide for certification of self-certifiable EOR projects and all other EOR projects, respectively. The miscible fluid

Continued

allowed expenses provided they are incurred in the application of an enhanced oil recovery technique.

Although the appendix[3] to § 212.78 specifies that costs of injected fluids are allowed expenses of a miscible fluid flooding technique, Shell's submission does not address the question of whether CO_2 production expenses might qualify under this item. Instead, Shell seeks to include its eight source properties within the scope of its Denver Unit Project which would then consist of nine DOE properties instead of only the Denver Unit. The effect of establishing nine properties as the project area is that Shell would then be entitled to generate allowed expenses from each of the nine properties up to a maximum of twenty million dollars per property.[4]

Shell has failed to examine fully the criteria governing the inclusion of a property in an EOR project. Under § 212.78, a property or a portion of a property may become part of an EOR project if the application of an enhanced oil recovery technique to that property or portion of a property is designed to result in crude oil production. Thus, both the intended recovery of crude oil and the application of an enhanced oil recovery technique are required before a property or portion or a property can be designated as a qualified tertiary enhanced recovery project. In Shell's case, the CO_2 production operations will not yield crude oil on the source properties. In fact, Shell has never produced crude oil on the source properties and has stated that it does not presently intend to do so. The role of the source properties, with respect to the Denver Unit Project, is to produce a volume of CO_2 which will then be transported to and used on the Denver Unit. No EOR techniques are used on the source properties. As stated in the definition of a qualified tertiary enhanced recovery project, a project is qualified only to the extent that it involves the application of an EOR technique for recovery of crude oil. Thus, the project extends to those properties or parts of properties where the technique is applied for the recovery of crude oil. Recoupment of allowed expenses up to the twenty million dollar limitation relates to only those properties or parts of properties.

The source properties may be essential for their capacity to produce the needed volume of CO_2, but they do not come within the scope of the EOR project. As a prerequisite to recovering the cost of the CO_2 produced on the source properties, Shell must relate that expense to a project property where its EOR technique is applied. Under the facts presented, seventy-five percent of the cost of CO_2 supplied by the source properties to be used as an injectant fluid may be recouped by Shell as an allowed expense of the Denver Unit property, if the full cost has been incurred, paid and reported.

Accordingly, the eight CO_2 source properties are not included in Shell's Denver Unit Project because the EOR technique concerned is not applied on those properties for the recovery of crude oil as required by the definition of a qualified tertiary enhanced recovery project in § 212.78(c).

Issued in Washington, D.C. on February 13, 1981.

Lona L. Feldman,
Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1981–5]

To: ENPEX Corporation
Regulation Interpreted: § 212.78
Code: GCW—PI—Tertiary Incentive Crude Oil

Facts

ENPEX Corporation (ENPEX), is a crude oil producer that was subject to the provisions of 10 CFR Part 212, Subpart D.[1] As part of its operations, ENPEX operates a qualified tertiary enhanced oil recovery project (EOR project), an unconventional steam drive project, in Maverick County, Texas. The Maverick County project is operated in partnership with an individual, Mr. Ray M. Southworth, an individual leaseholder.[2] During the initial stages of the project, ENPEX will receive no fee or profit in its role as operator of the project.

As part of the Maverick County project, ENPEX will use a fluidized-bed coal steam generator. ENPEX states that it has encountered difficulties in arranging financing for the nonrecoupable share of the generator. Therefore ENPEX arranged supplier financing of the nonrecoupable share of the generator with the supplier, that guaranteed the performance of the fluidized-bed steam generator through the supplier's financing of the generator. ENPEX states that it will also enter into a contract for coal to operate the generator. ENPEX states that it is not a normal business practice to fully prepay a coal contract since performance by the coal operator cannot be guaranteed unless partial payment is withheld contingent upon the delivery of the coal.

Issue

Must the full value of an expense, of which 75 percent is an "allowed expense," be incurred and actually paid by the qualified producer of an EOR project prior to recoupment of 75 percent of that expense as a recoupable allowed expense under § 212.78?

Interpretation

Pursuant to § 212.78, an expense, of which 75 percent is an "allowed expense," must be incurred, paid, and reported by the qualified producer of an EOR project prior to recoupment of 75 percent of that expense by the producer as a recoupable allowed expense. Thus, in order for a qualified producer of a qualified tertiary enhanced recovery project to recoup $750,000 of expense, that producer must have incurred and paid $1 million of that expense.

"Allowed expense" is defined in § 212.78(c):

> . . . seventy-five percent of an environmental expense or seventy-five percent of an engineering and laboratory expense or seventy-five percent of an expense listed either in the appendix to this section or in an order issued pursuant to either subsection (e) (2) or (e) (3) of this section; provided that, an allowed expense may not be based on an expense incurred and paid prior to August 22, 1979. . . .

"Recoupable allowed expenses" are defined in § 212.78(c) as:

> . . . those allowed expenses that have been paid and reported pursuant to subsection (h)

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displacement, or flooding, technique of Shell's Denver Unit Project is defined in § 212.78(c) as a self-certifiable technique.

[3] Allowed expense is defined in § 212.78(c), in part, as "seventy-five percent of an expense listed . . . in the appendix to this section [.]"

[4] The definition of allowed expense provides, in part: "With respect to a particular property, the total amount of allowed expenses may not exceed twenty million dollars." § 212.78(c).

[1] Executive Order 12287, 46 FR 9909 (January 28, 1981) exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*). This Order was effective at 12:01 a.m., January 28, 1981. Because the regulations permit a producer to recertify crude oil which was sold prior to Executive Order No. 12287, and to recover its allowed expenses in February and March 1981, respectively, by recertifying price controlled crude oil sold in December 1980 and January 1981, respectively, it is appropriate to consider the question raised in ENPEX's request for interpretation. *See* Ruling 1981–4, 46 FR 12946 February 20, 1981 (issued February 12, 1981).

[2] Because of the financial burdens entailed in the project, ENPEX states that it entered into an agreement with Superior Oil Company. Pursuant to that agreement, ENPEX and Southworth were required to transfer a 50 percent working interest in the total leasehold to Superior, in return for an estimated 57 million of crude oil to be used in the recovery of the estimated allowed expenses incurred in the construction and operation of the project. During the initial stages of the project, ENPEX will receive no fee or profit in its role as operator of the project.

of this section and, with respect to a particular producer, those allowed expenses that are attributable to that producer; provided that (1) such expenses that are incurred and paid prior to December 29, 1980, are incurred in arm's-length transactions and for fair market value, or (2) such expenses that are incurred or paid on or after December 29, 1980, are incurred in arm's-length transactions or do not exceed the price that the producer would have paid in an arm's-length transaction.

In its submission, ENPEX alleges that the definitions of "allowed expense" and "recoupable allowed expenses" only require a qualified producer to incur and pay 100 percent of the allowed expense prior to recouping that expense. ENPEX argues that a producer may only recover allowed expenses. Thus, ENPEX contends that, since an allowed expense constitutes 75 percent of certain expenses incurred in a qualified project, the definitions of "allowed expense" and "recoupable allowed expenses" mean that a qualified producer must pay only 100 percent of the allowed expense" as a condition for the full recovery of those allowed expenses.

ENPEX's analysis of the terms "allowed expense" and "recoupable allowed expenses" is incorrect. While the definition of the term "allowed expense" does not expressly state that an expense, 75 percent of which is "allowed," must be incurred and paid, the regulatory history and framework compel the conclusion that such expenses must be incurred and paid.

It is clear that the underlying expense, of which an "allowed expense" is a percentage, must be quantifiable. Otherwise a percentage of that expense could not be obtained. While an "incurred" expense may be measurable, the regulatory history of § 212.78 does not suggest that the underlying expense, of which an "allowed expense" is a percentage, could merely be incurred, rather than incurred and paid.

The proposed § 212.78 (44 FR 18677, March 29, 1979) only used the term "incurred" to describe expenses. Commenters raised questions concerning the meaning of "incurred." In order to clarify this aspect of the regulations, wherever the term "incurred" had been used, the final regulation specified that the expense had to be incurred *and* paid. Thus, DOE would not have provided that the underlying expense, of which an "allowed expense" is a percentage, would merely have to be incurred but not paid, especially without expressly drawing attention to a differing treatment.

The preamble to the final regulation, moreover, explicitly indicated that the underlying expense had to be *paid*. The preamble noted:

> Recoupable allowed expenses are the "allowed expenses" for a particular tertiary project that have actually been paid and reported to ERA pursuant to the applicable provisions of this program. (Allowed expenses are seventy-five percent of certain *expenses paid* after August 21, 1979.) [Emphasis added.] (44 FR 51148,9 (August 30, 1979).)

Later, in generally describing the tertiary incentive program the preamble to an amendment to the program on an unrelated issue stated:

> This program permits producers to sell at market prices crude oil that would otherwise be subject to lower tier or upper tier ceiling price limitations as long as the tertiary incentive revenue from such sales does not exceed seventy-five percent of *the money that the producer has spent* on certain expenses associated with EOR projects. 45 FR 40106 (June 13, 1980) (Emphasis added).)

Thus, the regulatory history and framework demonstrate the agency's intent to permit a percentage recovery of costs only after such costs have been incurred, fully paid, and reported. No language in the definitions or the preambles demonstrates a contrary purpose.

However, ENPEX also asserts that even if it is incorrect in its interpretation of the term "allowed expense," it should be able to recoup 75 percent of the full value of a good or service as allowed expenses if it enters into an agreement with a supplier through a supplier financing agreement or through a guaranteed note, to pay the additional 25 percent of the expense either upon delivery of the item, or at some later date.

Although the financing agreement described by ENPEX would certainly benefit both ENPEX and the operators of the EOR project, a financing agreement or guaranteed note is not considered actual payment under § 212.78. The agency addressed the difference between actual payment and an obligation to pay in a preamble to amendments to the tertiary incentive program. The agency stated at 45 FR 40106,7 at note 1 (June 13, 1980):

> The definitions of allowed expense and recoupable allowed expense do establish as a condition precedent to the recovery of an expense the requirement that the expense must have been incurred and paid. An expense is incurred when its payment is due under a binding and enforceable written contract. An expense is paid when a producer satisfies its obligation to pay by transferring money to the supplier of the good or service. Thus, a producer cannot recover an expense unless and until it has a legal obligation to pay the expense and it actually pays the expense.
>
> A written obligation to pay, no matter how secured, is not a transfer of money to the supplier of the good or service required by § 212.78. Therefore, a qualified producer must actually pay for the full value of a good or service prior to the recoupment of the price for that good or service as an allowed expense. If the requirement for actual payment of the full value of a good or service results in ENPEX incurring a serious financial hardship or gross inequity, ENPEX may submit an application for exception relief pursuant to 10 CFR Part 205, Subpart D.

Issued in Washington, D.C., on February 18, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

Interpretation 1981-6

To: Bigheart Pipe Line Corporation
Regulations Interpreted: 10 CFR 212.182, 212.183, 212.184
Code: GCW—PI—Acquisition Cost def., Inventory Rule, Permissible Average Markup

Facts

Bigheart Pipe Line Corporation (Bigheart) is a reseller of crude oil and therefore was subject to 10 CFR Part 212, Subpart L of the Mandatory Petroleum Price Regulations.[1] Bigheart has been engaged in the crude oil reselling and transporting business since 1953. Through its affiliated common carrier pipeline and trucking companies, Bigheart owns and operates in excess of * * * miles of pipeline gathering lines located, for the most part, in Oklahoma and Texas. Bigheart gathers and transports more than 1.4 million barrels of crude oil per month from about leases. Bigheart maintains storage tank inventories ranging from * * * * * barrels of crude oil on a daily basis.

[1] Executive Order 12287, 46 FR 9909 (January 30, 1981) exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*). This Order was effective at 12:01 a.m., January 28, 1981. Because the accounting method, presented here for review, pertains to past years governed by the Mandatory Petroleum Price Regulations, it is necessary to resolve these issues in order for Bigheart to determine whether it correctly complied with the regulations during the period prior to January 28, 1981.

In May 1973, Bigheart states that it valued its ending inventory of crude oil at the average acquisition cost for the month (the May 1973 cost method). For its fiscal year beginning on August 1, 1973, Bigheart states that it began to use the last-in-first-out (LIFO) method of inventory valuation, for tax and financial purposes. Bigheart asserts that at the time of its submission, it computed its acquisition cost for both the month of May 1973, and for each current month starting with January 1978, on the LIFO method of inventory valuation for purposes of Part 212, Subpart L.

In its submission, Bigheart contends that its LIFO method of inventory valuation begun in August 1973 was not in conflict with the acquisition cost definition in 10 CFR Part 212, Subpart L.

Issue

Could Bigheart have used the LIFO method of inventory valuation to value its sales of crude oil from inventory for purposes of determining its acquisition cost under § 212.182?

Interpretation

The crude oil reseller price rule,[1] at 10 CFR § 212.183, was adopted to permit crude oil resellers to charge any price in their sales of crude oil as long as a reseller's average markup for a month did not exceed its permissible average markup. Section 212.183 (a) provides:

> A reseller may charge any price in a sale of crude oil, provided that the reseller's average markup for each month shall not exceed the reseller's permissible average markup, and provided that a reseller shall not unreasonably discriminate or grant unreasonable preferences in the pricing of crude oil among its purchasers.

Thus, the price charged in a sale of crude oil was limited only by the requirement that the reseller's average markup in any month could not exceed its permissible average markup. Those terms are defined in § 212.182 in pertinent part, as follows:

> "Average mark up" means the total revenues in sales (other than those to which the pricing restrictions of section 212.186 apply) of properly certified crude oil in a particular month by the reseller, less the costs and expenses associated with such sales of crude oil in the month, divided by the number of barrels of crude oil sold by the reseller in such sales in the month.
>
> * * * * *
>
> "Costs and expenses associated with sales of crude oil" means the sum of the following items determined in accordance with generally accepted accounting practices consistently and historically applied by the reseller:
>
> (a) the acquisition cost of the crude oil sold in the month; * * *
>
> * * * * *
>
> "Permissible average markup" means, for the period January 1978 through November 1980, with respect to a reseller that sold crude oil before or during May 1973, the total lawful revenues in all sales of crude oil by the reseller in May 1973 less all allowed costs and expenses associated with sales of crude oil in that month, divided by the number of barrels of crude oil sold by the reseller in that month. * * * With respect to a reseller that first sold crude oil before December 1, 1977, "permissible average markup" means, effective December 1, 1980, 20 cents per barrel.

The average markup charged for crude oil in a month was based upon the difference between the total revenues in properly certified lawful crude oil sales in a particular month and the acquisition cost of that crude oil sold during the month. The acquisition cost of crude oil is defined in § 212.182 as:

> * * * the total of the lawful prices actually paid by the reseller for crude oil sold by the reseller in a particular month, determined in accordance with generally accepted accounting practices consistently and historically applied by the reseller; less the amounts received in exchanges and the amounts received in excess of the amounts paid in matching purchase and sale transactions having the same effect as exchanges, plus the amounts paid in exchanges and the amounts paid in excess of the amounts received in matching purchase and sale transactions having the same effect as exchanges.

In its submission, Bigheart contends its historical accounting practice may have conflicted with the definition for acquisition cost because its May 1973 accounting practice did not necessarily reflect lawful prices actually paid for crude oil sold in a given month. Bigheart states that its May 1973 inventory valuation method had valued each month's ending inventory based upon the average acquisition cost for the month. As a result, the cost of product purchased in a prior month but sold in the month of measurement would not have been reflected in its average acquisition cost for the month of measurement. Thus, Bigheart's historical accounting practice would not have necessarily reflected the "lawful prices actually paid" for the crude oil sold in a particular month, as required by § 212.182. However, in August 1973, Bigheart changed from the May 1973 accounting practice to its accounting practice, employed at the time of decontrol, using the last-in-first-out (LIFO) method of accounting.

The LIFO method permitted Bigheart to calculate its permissible average markup using current month costs that reflected the prices actually paid for crude oil. This method had been applied by Bigheart consistently since August 1973. However, because Bigheart sold crude oil during May 1973, that month was Bigheart's base period. Thus, in order to determine its historical accounting practice, a firm should have determined the practice in use in May 1973. Section 212.184(a) provides:

> *The cost of crude oil sold by a reseller* in a month *shall be determined in accordance with the same accounting practice used by the reseller to determine the cost of crude oil sold during (i) May 1973 in the case of a reseller which sold crude oil before or during May 1973,* (ii) November 1977 in the case of a reseller which sold crude oil before December 1, 1977, but not before or during May 1973, or (iii) the reseller's first month of sales in the case of a reseller which did not sell crude oil before December 1, 1977. [Emphasis added.]

Bigheart has stated that at the time of its submission it used the LIFO accounting method despite the provisions of § 212.184, for its computation of crude oil costs. Bigheart asserts that it was required to use the LIFO method, as its May 1973 inventory valuation method would have led to a violation of the general provisions of Part 212, Subpart L.

The May 1973 accounting procedure used by Bigheart could not have been used in computing a monthly acquisition cost under Subpart L, since it did not reflect prices actually paid by the reseller for crude oil sold during the month. Instead, this cost valuation method reflected average prices paid for crude oil in a month and did not consider the cost of crude oil sold in a particular month that was not purchased in that month. Therefore, regardless of the fact that this method constituted Bigheart's May 1973 accounting practice pursuant to 10 CFR 212.184, it was contrary to the general reseller price rule at 10 CFR 212.183 and the definition of "acquisition costs" as defined in § 212.182 and could not have been used to determine the cost of crude oil.

On the other hand, Bigheart states that it had consistently applied the LIFO inventory valuation method since August 1973. Use of the LIFO method conformed with the definition of acquisition costs in § 212.182 in that it recognized all costs actually incurred in

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[1] 42 FR 64846 (December 28, 1977), effective January 1, 1978. *See also Basin, Inc.*, Interpretation 1978–25, 43 FR 25062 (June 9, 1978). The reseller price rule was amended to permit a reseller like Bigheart to have a permissible average markup of 20 cents per barrel, effective December 1, 1980, 45 FR 74432 (November 7, 1980). This interpretation request was filed before the 20 cent rule went into effect.

establishing a "cost" for crude oil in a month. Moreover, this method reflected the type of historical accounting practice intented to be used in § 212.184. Thus, the LIFO method should have been employed by Bigheart for crude oil pricing purposes.[5]

Accordingly, until 12:01 a.m., January 28, 1981, Bigheart Pipe Line Corporation should have utilized the LIFO inventory valuation method for crude oil resales in order to conform to the reseller price rule of 10 CFR Part 212, Subpart L as long as the crude oil was certified separately according to its classification pursuant to 10 CFR 212.131 and was accounted for separately in the inventory methodology in accordance with the price requirements of 10 CFR 212.183 and 10 CFR 212.184.

Issued in Washington, D.C. on February 24, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1981–7]

To: Southwestern Refining Co., Inc.
Rule Interpreted: 10 CFR 211.63
Code: GCW—AI—Supplier/Purchaser Relationship

Facts

Southwestern Refining Company, Inc. (Southwestern) is a small independent crude oil refiner. The company owns and operates a refinery in LaBarge, Wyoming, which has a capacity in excess of 1,000 barrels per day.

The present owners of Southwestern purchased the stock of Southwestern on August 11, 1975 from Reland and Wilma Johnson, stockholders of Johnson Oil Company, Inc. (Johnson). Paragraph eight (8) of this contract,[1] in which "sellers" refers to Johnson and "purchaser" refers to the present owners of Southwestern provided that:

> 8. Sellers have informed Purchaser that Mobil Oil Company and Mountain Fuel Supply Company have terminated their supply arrangement with the Company or with the Company's supplier Johnson Oil Company. Purchaser has informed Sellers that he intends to obtain his own supply of crude oil or condensate for the operation of the refinery. Purchaser and Sellers hereby agree that all rights, title and interest to any crude oil that Southwestern Refinery may have be and the same are hereby transferred to Sellers. Purchaser agrees that Sellers have not represented to Purchaser that Sellers will obtain a supply of crude oil or condensate for the use of the refinery. However, Sellers hereby grant to Purchaser a right of first refusal to purchase crude oil from Sellers in the event that the Sellers are able to obtain crude oil to resale [sic]. Such right of first refusal shall be predicated on Purchaser's agreement to purchase said oil from Sellers at the highest legal price Sellers would be able to obtain for the crude oil from any other source whatsoever. The term "crude oil" in this Agreement shall mean the same as "condensate."

In November 1978 and November 1978, respectively, Johnson reobtained its supply of crude oil from Mobil Oil Company (Mobil) and Mountain Fuel Supply Company (Mountain Fuel).[2] By December 1978 Johnson was reselling this crude oil to Southwestern.[3]

On December 12, 1978, Johnson informed Southwestern that, effective January 1, 1979, Johnson would reduce the supply of crude oil to Southwestern to 60 percent of the crude oil Johnson received from Mobil and Mountain Fuel, and on April 1, 1979, Johnson intended to terminate all supplies of crude oil to Southwestern.

On February 15, 1979, the Department of Energy (DOE) issued *Southwestern Refining Company, Inc.*, 3 DOE ¶ 82,018 (February 15, 1979), which effectively terminated the obligations of Mobil and Mountain Fuel to supply certain quantities of crude oil to Johnson and required these quantities of crude oil to be supplied directly to Southwestern. On February 28, 1979, Johnson obtained a preliminary injunction from the United States District Court for the District of Utah. *Johnson Oil Co.* v. *DOE*, Civil No. NC–79–0018 (D. Utah 1979). This injunction prevented the DOE from ordering the termination of the supply of crude oil from Mobil and Mountain Fuel to Johnson and required that Johnson continue the supply of the Mobil and Mountain Fuel crude oil to Southwestern, subject to certain conditions.

Subsequently, in *Southwestern Refining Company, Inc.*, 8 DOE ¶ 81,035 (June 18, 1980), the DOE rejected Johnson's contention that no supplier/purchaser relationship existed between Johnson and Southwestern with respect to the Mobil and Mountain Fuel crude oil and provided additional relief to Southwestern.

However, Johnson contends that paragraph 8 of its contract with Southwestern is sufficient expression of mutual consent to have permitted Johnson to terminate unilaterally its supplier/purchaser relationship with Southwestern under the Mandatory Petroleum Allocation Regulations.

Issue

Does paragraph 8 of the contractual agreement between Johnson and Southwestern permit Johnson to unilaterally terminate its supplier/purchaser relationship with Southwestern in accordance with 10 CFR 211.63(d)(1)?

Interpretation

Paragraph 8 of the contractual agreement between Southwestern and Johnson did not permit Johnson to terminate its supplier/purchaser relationship with Southwestern in accordance with § 211.63.[4]

After Johnson reobtained its supply of crude oil from both Mobil and Mountain Fuel, it sold volumes from both sources to Southwestern by December 1978. In December 1978, the time at which Johnson resumed supplying Southwestern with quantities of both Mobil and Mountain Fuel crude oil, and in January 1979, the time at which Johnson sought to terminate Southwestern's supply of Mobil and Mountain Fuel crude oil, § 211.63 provided in pertinent part:

> (b) *General rule.* (1) All supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976 shall remain in effect for the duration of this program; *provided, however,* that any such supplier/

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[5] It should be noted that although Subpart L requires the aggregation of all crude oil costs for a month in order to determine the acquisition cost in that month, only costs and not crude oil certifications may be combined under the Mandatory Petroleum Allocation and Price Regulations. The provisions of 10 CFR 212.131(b) specifically prohibit the aggregation of crude oil certifications during a month. Instead, the certification provisions of § 212.131(b) require that each barrel of crude oil retain its original certification each time it is sold. *See also* §§ *212.184(b) and 212.185(c).*

[1] Paragraph 8 was subsequently incorporated by reference in unmodified form in a settlement agreement that resolved litigation between the contracting parties in September 1978.

[2] In 1978 Wexpro Company (Wexpro), a fully-owned subsidiary of Mountain Fuel, assumed Mountain Fuel's supply obligation to Johnson.

[3] Factual discrepancies exist in the submissions of Johnson and Southwestern regarding the date by which Johnson began to supply Southwestern with crude oil it received from Mobil. *See* Johnson's submissions dated July 19, 1979, at 3 and October 11, 1979, at 20; Southwestern's submission dated July 19, 1979, Exhibit IV at 8 and 19. Southwestern may have been supplied with Mobil crude oil by Johnson as early as November 1978. However, all the submissions of both Johnson and Southwestern are in agreement that Johnson was selling both Mobil and Mountain Fuel crude oil to Southwestern by December 1978.

[4] Executive Order 12287, 46 FR 9909 (January 30, 1981), exempted effective January 28, 1981, all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, as amended. Because Southwestern's request involves matters occurring prior to January 28, 1981, under § 211.63, which are the subject of pending litigation, *Johnson Oil Co.* v. *Southwestern Refining Co.*, Civil No. 79–0018 (D. Utah), the request has not become moot by the issuance of the Executive Order.

purchaser relationship to which this section is applicable may be terminated as provided in paragraph (d) of this section.

(2) Once any first sale, purchase or exchange of domestic crude oil is made which is exempt from this rule pursuant to paragraph (a)(4) of this section, or once the sale, purchase or exchange of any domestic crude oil that has at any time been the subject of a supplier/purchaser relationship under subparagraph (1) of this paragraph (b) is made in accordance with this section to a firm that was not the purchaser thereof on January 1, 1976, or has not continued to purchase that crude oil without interruption since December 31, 1975, a supplier/purchaser relationship beween the seller and purchaser shall be established thereafter under this section as though it had been in effect on January 1, 1976.[6]

Thus, Johnson supplied Southwestern with Mobil crude oil as well as with Mountain Fuel crude oil by December 1976 and has established a supplier/purchaser relationship with Southwestern pursuant to § 211.63(b).[6] Accordingly, Johnson was required by § 211.63 to continue this supplier/purchaser relationship for the duration of the Federal crude oil allocation program unless terminated in compliance with the specific provisions of § 211.63.

In January and April 1979, the times at which Johnson intended to terminate by stages its supply of crude oil to Southwestern, the regulations governing termination of supplier/purchaser relationships were set forth in § 211.63(d)(1) as follows:

Any supplier/purchaser relationship established under paragraph (b) of this section may be terminated as follows:

(i) at the option of the purchaser, as evidenced by its written consent thereto together with notice of the termination date given to the producer, provided all subsequent purchasers of the crude oil involved have consented to such termination in writing. . . .[7]

Southwestern had the right to insist that its supply of crude oil be continued without interruption. The option to terminate this relationship belonged to the purchaser alone in recognition of its relative weakness within the supplier/purchaser relationship and the pressure that suppliers could apply by conditioning a supply agreement on the purchaser's advance consent to terminate.

In *Arizona Fuels Corporation*, Interpretation 1979–18, 44 FR 60286 (October 19, 1979), the DOE concluded that the purchaser may waive its option to terminate by giving its advance consent, but only if the express regulatory requirements set forth in § 211.63(d)(1)(i) are satisfied. The agreement there in question contained a clause providing for written notice a minimum of 65 days prior to cancellation. Since no specific termination date was indicated, the termination clause was found to be insufficient on its face to constitute consent.

Further, in *Giant Industries, Inc.*, Interpretation 1981–2 (issued January 6, 1981), the DOE concluded that provisions under which a crude oil supply contract could be "cancelled by either party giving thirty days notice" and under which "it is expressly understood and agreed hereto that, upon termination of this contract, any crude oil supplier/purchaser relationship created hereby . . . shall be automatically terminated" did not constitute consent to terminate the supplier/purchaser relationship in accordance with § 211.63. Relying on *Arizona Fuels, Giant* also found the contractual provisions ineffective due to the failure to specify a termination date as required by § 211.63(d)(1)(i). Consequently, the purchaser did not affirmatively consent to the termination in the required manner. Thus, the crude oil supplier/purchaser rule was interpreted to maintain its focus on the protection of small and independent refiners from disruption in their refinery operations.[8]

Paragraph 8 of the agreement between Johnson and Southwestern did not give notice of a specific termination date. Therefore, this clause was insufficient on its face to constitute an expression of consent to terminate pursuant to § 211.63(d)(1)(i). However, Johnson argues that paragraph 8 operates as a waiver of any rights otherwise available under the rule which would entitle Southwestern to a continuation of the Mobil and Mountain Fuel crude oil supply.[9] Johnson is not correct in this argument.

The interpretation issued to *Giant* made very clear that:

[b]y consenting in advance to a termination of the supplier/purchaser relationship, the purchaser is waiving its right to continued supplies of crude oil. The vehicle provided by the regulations for effecting such a waiver is the purchaser's option to terminate. By requiring that this option be exercised in strict accordance with § 211.63(d), the DOE protects the purchaser from the unexpected

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[6] Section 211.63 was amended on August 18, 1980, effective October 1, 1980. However, the August 1980 amendments have not altered its application to the facts in this case. The pertinent portions of § 211.63 are as follows:

(b) *General rule.* (1) All supplier/purchaser relationships with respect to crude oil within the scope of paragraph (a) of this section which were in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976 shall remain in effect for the duration of this program; *provided, however,* that any such supplier/purchaser relationship to which this section is applicable may be terminated as provided in paragraph (d) of this section.

(2) Once any first sale, purchase or exchange of domestic crude oil is made which is exempt from this rule pursuant to paragraph (a)(4) of this section, or once the sale purchase or exchange of any domestic crude oil that has at any time been the subject of a supplier/purchaser relationship under subparagraph (1) of this paragraph (b) is made in accordance with this section to a firm that was not the purchaser thereof on January 1, 1976, or has not continued to purchase that crude oil without interruption since December 31, 1975, a supplier/purchaser relationship between the seller and purchaser shall be established thereafter under this section as though it had been in effect on January 1, 1976.

[6] The DOE reached this conclusion previously in a letter dated December 19, 1979, from Alfred Kleinfeld, Regional Administrator, DOE Region II, to Steven G. Crockett, Esq., representing Southwestern. In addition, DOE concluded that a supplier/purchaser relationship existed in *Southwestern Refining Co., Inc.*, 6 DOE ¶ 81,026 (June 18, 1980).

[7] 42 FR 64291 (October 5, 1977), effective December 1, 1977. Section 211.63(d)(1) was amended by 45 FR 56732 (August 25, 1980), effective October 1, 1980, as follows:

(d) *Termination of supplier/purchaser relationships.* Any supplier/purchaser relationship established under paragraph (b) of this section may be terminated as follows:

(1) Mutual Consent.

(i) A purchaser and supplier may mutually agree to terminate their relationship, as evidenced by their written consent thereto, together with notice of the termination date, if all subsequent purchasers of the crude oil involved that have a supplier/purchaser relationship with respect to such crude oil have consented to such termination in writing;

(ii) With respect to any new supplier/purchaser relationship created after September 30, 1980, other than a relationship created pursuant to paragraph (3) of this paragraph, a purchaser and supplier may mutually agree to terminate their relationship, as evidenced in a contract entered into on or after October 1, 1980, expressly waiving the requirements of subsections (b) and (c) of this section or providing for the termination of a supplier/purchaser relationship.

[8] The rule was promulgated to further the "preservation of . . . the competitive viability of independent refiners, [and] small refiners . . . ." Emergency Petroleum Allocation Act of 1973, as amended, section 4(b)(1)(D); Pub. L. 93–159 (November 27, 1973).

[9] Prior to the amendment effective June 11, 1976, 41 FR 24338 (June 16, 1976), § 211.63 provided in paragraph (a)(1) that "any supplier/purchaser relationship may be terminated by the mutual consent of both parties . . . ." Assuming, arguendo, that paragraph 8 addresses the relative rights of parties to a supplier/purchaser relationship established under the Mandatory Petroleum Allocation Regulations set forth in Part 211, § 211.63 did not expressly provide for termination by "mutual consent" at the time Johnson notified Southwestern regarding a termination of their supplier/purchaser relationship. Therefore, Johnson cannot rely on the language of outdated regulations to justify its actions.

interruption of its crude oil supplies at the discretion of its supplier. A purchaser's advance consent to terminate *is* a limited waiver of its rights and the only waiver allowed under the rule as it applies to supplier/purchaser relationships entered into before October 1, 1980.[10]

The effectiveness of paragraph 8 of the agreement between Johnson and Southwestern to terminate their supplier/purchaser relationship is governed by *Giant.* Paragraph 8 is clearly not in strict accordance with § 211.63(d) because it fails to specify a termination date. Consequently, Southwestern did not affirmatively consent to a termination of that relationship in a manner consistent with the strict requirements of § 211.63(d)(1)(i). The Doe regulations protected Southwestern from interruption of its crude oil supply from Johnson. Therefore, Johnson could not unilaterally terminate its supplier/purchaser relationship with Southwestern based on the provisions of paragraph 8.

Issued in Washington, D.C., on March 12, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1981–8]

To: The Standard Oil Company
Regulations Interpreted: 10 CFR 212.54, 212.74(c), 212.131(a)(1)(ii)
Code: Stripper Well Crude Oil; Retroactive Price Increases; Crude Oil Certification

Facts

The Standard Oil Company (Sohio), an Ohio Corporation, is the operator of several leases of crude oil producing properties in the Katz Field in Texas. In June 1979 production from two of these leases, the H.D. Dozier "B" lease and the S.S. Dozier "B" lease, was certified as marginal crude oil. However, based upon the production per well per day over the period from June 1978 through May 1979, the two leases could have been certified as stripper well properties in June 1979. Due to an oversight, the office which prepares the certification certified the production from those two leases as marginal crude oil. The properties were not certified as stripper well properties until early December 1979.

On December 21, 1979, Sohio furnished Koch Oil Company (Koch), the crude oil purchase, with revised invoices for the period June through October 1979. Sohio claimed that Koch owed it the difference between the prices that Koch had actually paid Sohio for crude oil produced and sold from the H.D. Dozier "B" and S.S. Dozier "B" leases for the period June through October 1979 and the amounts that Sohio could have charged Koch for crude oil produced and sold from a stripper well property. The invoices retroactively repriced 3,943 barrels of crude oil and assessed Koch an additional $59,694.

Koch agreed to pay Sohio $20,223 for crude oil produced in October 1979. However, Koch refused to recognize the June through September adjustments based upon § 212.131(a)(1)(ii).[1]

Issue

Was Sohio entitled to receive additional revenue for the months of June through September 1979 for the sale of crude oil production from properties which had qualified as stripper well crude oil properties but were not so certified until December 1979?

Interpretation

Sohio was not entitled to receive additional revenue for the months of June through September 1979 for the sale of crude oil produced from a property which had qualified as a stripper well property in June 1979 but was not certified as such until December 1979.

Section 212.54(a) provided that "prices charged in the first sale of crude oil (excluding condensate recovered in non-associated production), produced and sold from any stripper well property are exempt from the provisions of this part."

However, in order for a producer to have received exempt prices for production from a stripper well property, the property must have been properly certified under § 212.131(a)(1) which provided in relevant part:

> With respect to each stripper well property, the producer shall certify in writing to each purchaser of crude oil produced from that property:
>
> (i) that the property concerned has qualified as a stripper well property; and
>
> (ii) the average daily production per well for the 12 month period during which the property qualified as a stripper well property.
>
> The certification required under this paragraph (a)(1) of this section shall be made (i) within the consecutive two-month period immediately succeeding the month of September 1979, with respect to any property which qualified as a stripper well property during or before the month of September 1979, and (ii) with respect to any property which qualifies as a stripper well property during or after the month of October 1979, within the two-month period immediately succeeding the first month that such property qualifies as a stripper well property.

No producer could have obtained exempt prices for crude oil produced from a stripper well property unless a proper certification had been delivered to the purchaser of the crude oil.

Although prices charged in first sales of crude oil produced from a stripper well property were exempt from ceiling prices pursuant to § 212.54(a), § 212.131(a)(1) expressly required a producer to make certain certifications to the first purchaser of crude oil produced and sold from a stripper well property in order to sell the purchaser crude oil produced from that property at uncontrolled prices. Specifically, § 212.131(a)(1) required a producer to certify a property which qualified as a stripper well property after October 1979 within the two-month period immediately succeeding the first month that such property qualified as a stripper well property. According to the facts presented, Sohio did not certify the crude oil produced from the Dozier leases as crude oil produced and sold from a stripper well property in accordance with the express language of § 212.131(a)(1). Rather, during the period of June through September 1979 Sohio expressly certified all of the crude oil produced from the Dozier leases as marginal. Therefore, Sohio did not comply with the two-month certification requirements of § 212.131(a)(1) with respect to the crude oil produced and sold from the Dozier leases during the June through September 1979 period.

This position was discussed in *F. J. & F. Oil,* 6 FEA ¶ 83,035 (July 15, 1977). In that case, the Office of Exceptions and Appeals of the Federal Energy Administration (FEA), a predecessor agency to the DOE, found that even though prices charged in first sales of crude oil produced and sold from a stripper well property were exempt from the ceiling prices, the certification requirements of § 212.131 were validly imposed as a condition precedent to a producer's first sale of crude oil from a

[10] *Giant. Compare The Permian Corporation,* Interpretation 1978–45, 43 FR 34438 (August 4, 1978); *Alaska Petrochemical Co.,* Interpretation 1978–1, 43 FR 5797 (February 10, 1978), and *State of Alaska,* Interpretation 1977–7, 42 FR 31143 (June 20, 1977). These Interpretations involved the validity of agreements incorporating the purchaser's advance consent and are distinguishable on their facts. Moreover, they did not conclude that the purchaser could waive its right to consent to terminate the supplier/purchaser relationship.

[1] Executive Order 12287, 46 FR 9908 (January 30, 1981) exempted all crude oil and refined petroleum products from the price and allocation controls adpoted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*). This Order was effective at 12:01 a.m., January 28, 1981. Because the issue of the additional revenue presented here for review pertains to a period governed by the Mandatory Petroleum Price Regulations, it is necessary to resolve the issue in order to determine whether Sohio complied with the regulations during the period prior to January 28, 1981.

stripper well property at uncontrolled prices.

Section 212.74(c) permitted a producer to charge its purchaser a retroactive increase in price for crude oil in limited situations.

Section 212.74(c) provided:

(c) *Retroactive increase in price.* No producer may charge or accept a retroactive increase in price for crude oil, other than crude oil which is exempt from this Subpart pursuant to § 212.54 and is sold on September 1, 1979, or thereafter, or crude oil which is exempt from this Subpart pursuant to § 212.55 and is sold on April 5, 1979, or thereafter. Retroactive increase in price means any price charged or offered after the close of the calender month in excess of the highest price prevailing for that grade of crude oil, in first sales between the producer of the domestic crude oil, during the calender month in which it was produced and sold.

Thus, a producer could have increased its price retroactively for crude oil which was produced from a properly certified stripper well property.[2] In this case, the Sohio properties were not certified as stripper well properties during the June through September 1979 period, although Sohio certified them as stripper well properties for the period after September 1979.

Sections 212.54 and 212.74(c) applied only to a property which had been properly certified as a stripper well property. The Dozier leases were not lawfully certified as stripper well properties during the period June through September 1979. Accordingly, § 212.74(c) prohibited Sohio from retroactively charging Koch uncontrolled prices for the crude oil that was produced and sold from the Dozier leases during the time that the properties were not certified as stripper well properties.

Accordingly, because the Dozier leases were not properly certified as stripper well properties for the period June through September 1979, Sohio was not entitled to receive the additional revenue attributable to uncontrolled crude oil prices for the months of June through September 1979 for the sale of crude oil from those properties.

Issued in Washington, D.C. on March 16, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1981–6]

To: Conoco Inc. and Monsanto Company
Regulations Interpreted: 10 CFR 211.51, 211.62, 212.31 and 212.62

[2] The other situation in which a producer could have charged a retroactive increase in price for crude oil is irrelevent for purposes of this interpretation.

Code: GCW—AI and PI—Definitions of Firm, Reseller and Refinery

Facts

On October 1, 1977, Conoco Inc. (Conoco) and the Monsanto Company (Monsanto) entered into an agreement which created a joint venture for the primary purpose of managing an ethylene production project that consists of Monsanto's present ethylene facility located on Chocolate Bayou near Alvin, Texas; a new, jointly-owned ethylene facility to be completed by 1981 at the same site; and a new, jointly-owned feedstock preparation unit also to be completed in 1981 at Lake Charles, Louisiana. Conoco is a refiner as defined in 10 CFR 211.51 and 212.31 and is therefore subject to the Mandatory Petroleum Allocation and Price Regulations, 10 CFR Part 210, Part 211 and Part 212.[1] Monsanto, by virtue of its existing petrochemical facility that processes lease condensate, which is defined as crude oil in 10 CFR 211.51 and 212.31, and its production of some refined petroleum products, qualifies as a small refiner under 10 CFR 211.62 and as a refiner under 10 CFR 212.31 and is therefore subject to the Mandatory Petroleum Allocation and Price Regulations.[2]

The joint venture will ultimately involve the manufacture of ethylene and related products and the processing of feedstock for the ethyene facilities. The project is divided into two phases. During the current or construction phase, Monsanto has continued to own, manage and operate its existing ethylene facility at Chocolate Bayou, but has shared with Conoco the profits generated at the facility. During this phase, Conoco and Monsanto have overseen the construction of the new, jointly-owned ethylene facility through a joint management committee. The new ethylene facility at Chocolate Bayou will have the capacity to run * * * barrels per day (bpd) of unfinished oils. Although the feedstock of the new ethylene facility will not be crude oil, one of the product streams to be produced at the facility will be pyrolysis gasoline, which the parties have indicated is within the definition of "gasoline" set forth in the Mandatory Petroleum Price Regulations. While the new ethylene facility was being constructed, a jointly-owned feedstock preparation unit has been started at Conoco's Lake Charles, Louisiana refinery site. The new feedstock preparation facility will have a capacity to process * * * bpd of crude oil and will produce feedstock and certain co-products, including light ends, heavy vacuum gas oil, No. 6 fuel oil, and sulfur. Conoco and Monsanto will provide their own feedstocks and will market their own products.

Upon the completion of the new ethylene facility, the second or operating phase will begin. When all of the facilities are complete, the new and the existing ethylene facilities and the feedstock preparation unit will be managed by separate management committees, with an equal number of representatives from each company. However, Monsanto will operate the existing ethylene facility and the new ethylene facility at Chocolate Bayou, and Conoco will operate the new feedstock preparation unit at Lake Charles, Louisiana.

The joint venture will not have title to any of the facilities. The parties have projected that each will own an aggregated 50 percent interest in all of the facilities to be managed by the joint venture. Monsanto will retain title to its existing ethylene facility at Chocolate Bayou; however, new or replacement capital projects for the facility will be paid for and owned equally by Conoco and Monsanto. The parties have estimated that Monsanto will own a 90 percent interest in the existing ethylene facility and that Conoco will own the remaining 10 percent interest. Conoco and Monsanto will jointly own the feedstock preparation unit and the new ethylene facility in direct proportion to their respective contributions to the capital costs of the facilities. Although the final ownership percentages of each party will not be fixed for the new ethylene facility and the new feedstock preparation unit until immediately prior to the time each facility is placed in service, the parties have indicated that Monsanto will have a somewhat greater than 50 percent interest in the new ethylene facility at Chocolate Bayou.

[1] Executive Order 12287, 46 FR 9909 (January 30, 1981) exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*). This Order was effective at 12:01 a.m., January 28, 1981. Because Conoco and Monsanto must continue compliance with refinery reporting requirements imposed by the Mandatory Petroleum Allocation and Price Regulations, it is necessary to resolve the issues presented in this request.

[2] Monsanto currently operates a heavy cracker unit at Texas City, Texas, that is not included in the joint venture. However, that refinery will be closed prior to the commencement of the second or operating phase of the joint venture. Therefore, Monsanto's continued status as a refiner for purposes of the Mandatory Petroleum Allocation and Price Regulations will depend on its interest in the joint venture and its ownership interest in the facilities managed by the joint venture.

Conoco is a major integrated refiner based upon its ownership of facilities that are outside the scope of this request.

and Conoco will have a somewhat greater than 50 percent interest in the new feedstock preparation unit at Lake Charles, Louisiana.

In *Monsanto Company*, Interpretation 1979–22, 44 FR 60271 (October 19, 1979), the Department of Energy (DOE) determined that during the construction phase, Monsanto was the proper firm to report the operations of the existing ethylene facility at Chocolate Bayou. The parties have now jointly requested an interpretation, with regard to the operating phase of the project, that Conoco and Monsanto are separate firms for purposes of the Mandatory Petroleum Allocation and Price Regulations and that the firms may continue to report their crude oil receipts, sales volumes, and other pertinent information to the DOE on a separate firm basis.[3]

Issues

(1) During the operating phase of the project, what is the proper "firm" to report the operations of the existing ethylene facility at Chocolate Bayou and the new feedstock preparation unit at Lake Charles for purposes of the Mandatory Petroleum Allocation and Price Regulations?

(2) Is the new ethylene facility at Chocolate Bayou a "refinery" for purposes of the Mandatory Petroleum Allocation Regulations?

Interpretation

Conoco and Monsanto are each separate firms for purposes of the Mandatory Petroleum Allocation and Price Regulations. Monsanto is a refiner under 10 CFR Part 211 based upon its ownership of the majority interest in, and operation of, its existing ethylene facility. Conoco is the refiner under Part 211 based upon its ownership of the majority interest in, and operation of the new feedstock preparation unit. Because the new ethylene facility will not utilize a crude oil feedstock, it is not a refinery for purposes of Part 211 and does not, in itself, convey refiner status upon its owner. Conoco and Monsanto are each a refiner for purposes of 10 CFR Part 212 to the extent that they take title to refinery feedstock and market covered products which they refine or which is refined for their account.

I. *Existing Ethylene Facility and Feedstock Preparation Unit.* In their submission, Conoco and Monsanto assert that they should be treated as separate firms for purposes of reporting the operations of the existing ethylene facility at Chocolate Bayou and the new feedstock preparation unit at Lake Charles, Louisiana. The firm also asserts that the joint venture does not constitute a separate firm or a new refiner under DOE regulations.

10 CFR 211.6 imposes a reporting requirement upon all refiners.[4] "Refiner" is defined in 10 CFR 211.62 as "a firm which owns, operates or controls the operations of one or more refineries." "Firm" is defined in 10 CFR 211.51[5] as:

> any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational or other eleemosynary institutions, and the Federal Government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. The [DOE] may in regulations and forms issued in this part, treat as a firm: (a) *a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls*, (b) a parent and its consolidated entities, (c) an unconsolidated entity, or (d) any part of a firm. [Emphasis added.]

For general allocation and price control purposes, the DOE has selected the first and most expansive of the four meanings listed above[6] and has implemented that meaning in 10 CFR Part 212 as well as in the report forms required to be filed by all refiners. *See* instructions to Forms ERA–49 and FEA–P302–M–1. *E.g., Northern Natural Gas Co.*, Interpretation 1978–63, 44 FR 3023 (January 15, 1979).

Both of these definitions are consistent with the definition of "small refiner" which includes:

> a refiner, the sum of the capacity of the refineries of which (including the capacity of any person who controls, or is controlled by, or is under common control with such refiner) does not exceed 175,000 barrels per day.

10 CFR 211.62. The element of control is therefore the critical factor in any determination of whether Conoco and Monsanto are separate firms for purposes of reporting the operations of the existing ethylene facility and the feedstock preparation unit.

Generally, the joint venture established by contract between Conoco and Monsanto allows each venture party, unless otherwise provided in the agreement, to have a 50 percent interest in the ethylene production project, and to share equally in control and direction of, and in the benefits, operating expenses, rights and liabilities relating to, the venture. Each party must provide a certain proportion of the feedstock and, in turn, will be entitled to the same proportion of the products. Each facility will be managed by a separate management committee that will consist of six members, three appointed by and representing Conoco and three appointed by and representing Monsanto. The management committees shall have the power and authority to make major decisions and set policy in regard to the operation of each facility. However, the venture will not hold title to any of the facilities and will not control marketing activities, raw material acquisition or profit sharing.

As the requesting parties have pointed out, the principal cases in which DOE has addressed the issue of "control" and its importance in determining the relevant firm for regulatory purposes are inapposite to the facts presented for our consideration in the present case.[7]

The status of a joint venture under DOE regulations was addressed in *Commonwealth Oil Refining Company* (CORCO), Interpretation 1977–45, 43 FR 1480 (January 10, 1978), in which the DOE applied 10 CFR 211.67(d)(5), which provides for entitlements benefits for naphtha imported into Puerto Rico. In that case, the DOE determined that where CORCO and PPG Industries, Inc. (PPG) each had a 50 percent ownership interest in the Puerto Rico Olefins (PRO) facility, an independent firm which was managed by a committee on which CORCO and PPG were equally represented, CORCO did not "control" PRO and therefore could report its naphtha imports separately from PRO.

In the present case, the joint venture has no independent identity or existence

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[3] Such an interpretation could affect Monsanto's status as a small refiner for purposes of the domestic crude oil allocation program (entitlements program). *See* 10 CFR 211.67(e).

[4] Section 211.66 requires refiners to report on a monthly basis their crude oil runs to stills to the DOE.

[5] The definition of firm found in § 211.51 parallels that in 10 CFR 212.31.

[6] The second and third meanings under the general definition of firm in 10 CFR 212.31 were used by the Cost of Living Council and the Federal Energy Administration primarily in connection with profit margin regulations that are no longer effective. The fourth meaning has been used only in special circumstances, e.g., in connection with the consideration of requests for exception. *Ball Marketing Enterprise*, Interpretation 1977–14, 42 FR 30980, 30981 (June 13, 1977).

[7] *See Ball Marketing Enterprise, supra* note 6, in which a producer of crude oil and a refiner constituted a single firm based on the producer's greater than 50 percent ownership interest in the refinery; *Tesoro Petroleum Corp.*, Interpretation 1975–32, 42 FR 23743 (August 21, 1975), in which Tesoro, a refiner, was found to control CORCO, a refiner in Puerto Rico, after Tesoro acquired 38 percent of CORCO's outstanding shares where ownership of the remaining outstanding shares was widely dispersed; *Enterprise Products Co.*, Interpretation 1975–8, 42 FR 23724 (February 12, 1975), in which Enterprise, a propane reseller, and two retailers affiliated with Enterprise were found to constitute a single firm because the common owners of the firms protected their control by the veto power they held over any attempts the majority of the board might take toward independent action.

separate from Conoco and Monsanto. The joint venture here does not hold title to any of the facilities, the feedstocks or the covered products after refining, and indeed constitutes no more than a management or processing agreement [8] between Conoco and Monsanto. Conoco and Monsanto are providing separate feedstock, are individually marketing their share of the products and are assuming full financial risk for their share of the operations with respect to the joint venture. Because the joint venture does not constitute a separate firm under § 211.51, Conoco and Monsanto maintain their separate status as refiners based upon their majority ownership interests in, and operation of, the new feedstock preparation unit and the existing ethylene facility respectively. Crude oil refined by one party to the joint venture at the refinery of the other must be reported as crude oil processed under a processing agreement.

II. *New Ethylene Facility.* The second issue raised by the requesting parties is the status of the new ethylene facility for purposes of the Mandatory Petroleum Allocation Regulations. "Refineries" is defined for purposes of the allocation regulations in 10 CFR 211.51 as "those industrial plants, regardless of capacity, *processing crude oil feedstock* and manufacturing refined petroleum products, except when such plant is a petrochemical plant." (Emphasis added.) "Refinery" is defined for purposes of the entitlements program in 10 CFR 211.62 as "an industrial plant, regardless of capacity, *processing crude oil feedstock* and manufacturing refined petroleum products, residual fuel oil or petrochemicals, and shall include a petrochemical plant." (Emphasis added.) Because the new ethylene facility processes unfinished oils rather than crude oil, it is not a refinery for purposes of the allocation regulations or the entitlements program.

"Refiner" is defined for purposes of the price regulations in 10 CFR 212.31 [9] as:

> a firm (other than a reseller or retailer) or that part of such a firm which refines covered products or blends and substantially changes covered products, or refines liquid hydrocarbons from oil and gas field gases, or recovers liquified petroleum gases incident to petroleum refining and sells those products to resellers, retailers, reseller-retailers or ultimate consumers. "Refiner" includes any owner of covered products which contracts to have those covered products refined and then sells the refined covered products to resellers, retailers, reseller-retailers or ultimate consumers.

"Covered products" as defined in § 212.31 includes gasoline. "Gasoline" is defined in § 212.31 to include:

> all of the various grades, other than aviation gasoline, of refined petroleum naphtha which, by its composition, is suitable for use as a carburant in internal combustion engines.

One of the product streams to be produced at the new ethylene facility is pyrolysis gasoline. Because pyrolysis gasoline is suitable for use as a carburant in internal combustion engines, it is included in the definition of "gasoline" and therefore was a covered product for purposes of the price regulations. *See Good Hope Refineries, Inc.*, Interpretation 1978–47, 43 FR 34438 (August 4, 1978).

In *Devon Corporation; Eason Oil Company*, Interpretation 1979–3, 44 FR 16891 (March 20, 1979), the DOE determined that where several parties had interests in a facility that refined covered products prior to their first sale, each party was a refiner as defined in § 212.31 and was therefore subject to the Mandatory Petroleum Price Regulations. *See also Crystal Oil Company*, Interpretation 1979–14, 44 FR 44475 (July 30, 1979). Thus, Conoco and Monsanto, which will each own respectively the feedstock and the products refined at the new ethylene facility, including half of the pyrolysis gasoline, are refiners. Each firm shall separately comply with the reporting requirements of Parts 211 and 212.

III. *Conclusion.* Accordingly, the proper application of the Mandatory Petroleum Allocation and Price Regulations to the facts presented by Conoco and Monsanto is as follows:

(1) Conoco and Monsanto remain separate firms notwithstanding their participation in the joint venture. Monsanto remains a small refiner by virtue of its majority ownership in and control of the existing ethylene facility located on Chocolate Bayou near Alvin, Texas. However, Monsanto may not earn small refiner bias entitlements with respect to the crude oil run for its account at Conoco's refinery. Conoco is a refiner based upon its ownership of the majority interest in and operation of the new feedstock preparation unit. Each refiner is responsible for reporting all crude oil receipts run at their refineries and at other refineries for their account on the proper DOE reporting forms.

(2) The new ethylene facility at Chocolate Bayou is not a refinery for purposes of 10 CFR Part 211 because it does not utilize a crude oil feedstock. However, Conoco and Monsanto are both refiners subject to 10 CFR Part 212 for purposes of complying with the recordkeeping and reporting requirements of 10 CFR Part 212.

Issued in Washington, D.C. on March 17, 1981.

Lona L. Feldman,
Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1981–18]

To: Mobil Oil Corporation
Regulations Interpreted: 10 CFR 211.62, 211.66(h), 211.67
Code: GCW—AI—Accounting Practices, Entitlements Program

Facts

Mobil Oil Corporation (Mobil) is a refiner of crude oil subject to 10 CFR Part 211, Subpart C of the Mandatory Petroleum Allocation Regulations.[1] Upon the institution of the Domestic Crude Oil Allocation Program (the entitlements program) at § 211.67, Mobil adopted a system of accounting for and

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[8] The joint venture agreement meets the literal definition of "processing agreement" which is defined in § 211.62 as meaning "any agreement pursuant to which an owner of crude oil agrees to have that crude oil processed or refined by another person and retains ownership in some or all of the petroleum products so processed or refined from the crude oil." The DOE reporting form ERA–49, Domestic Crude Oil Entitlements Program Refiners Monthly Report, requires separate line entries for volumes of crude oil refined at a refiner's own refineries for its own account and for volumes of crude oil refined for its own account at refineries owned by others.

In this regard it should be noted that § 211.67(e)(2) prohibits a small refiner such as Monsanto from receiving small refiner bias entitlements for the crude oil processed at a refinery owned by another refiner. Thus, the crude oil processed by Monsanto at Conoco's new feedstock preparation unit under the joint venture agreement (which is noted above qualifies as a "processing agreement") would not earn Monsanto small refiner bias entitlements.

[9] *See Tristate Oil & Asphalt Sales, Inc.*, Interpretation 1979–22, 43 FR 25079 (June 9, 1978) for a discussion of "refiner" as defined in the price regulations.

[1] Executive Order 12287, 46 FR 9909 (January 30, 1981) exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended, 15 U.S.C. 751 *et seq.* (1978). This Order was effective at 12:01 a.m., January 28, 1981.

Section 3 of the Order specifies that:

> The Secretary of Energy may, pursuant to Executive Order No. 11790, as amended by Executive Order No. 12038, adopt such regulations and take such actions as he deems necessary to implement this Order, including the promulgation of entitlements notices for periods prior to this Order and the establishment of a mechanism for entitlements adjustments for periods prior to this Order.

Pursuant to section 3, Mobil remains subject to regulations and actions of the Secretary of Energy regarding the entitlements program. Therefore, it is necessary to resolve the issue presented here in order for Mobil to comply properly with the continuing requirements of the entitlements program.

reporting its "crude oil receipts" to comply with the regulatory requirements of the program.[2] Mobil has consistently reported as crude oil receipts its domestic crude oil acquisitions at the point and time of purchase.

Mobil acquires title to domestic crude oil through two basic mechanisms: upon the passage of the crude oil through Lease Automatic Custody Transfer (LACT) meters or the measurement of the crude oil by lease tank gauges or upon the delivery of the crude oil to Mobil in pipeline systems. Crude oil which Mobil reports as crude oil receipts at the time it is acquired travels through various collection points into inventory storage at various locations prior to the time it travels to and is received at Mobil's refineries. In its submission, Mobil states that, "[i]f it were possible to trace a particular barrel of crude through the Mobil system from the LACT meter or lease tank to receipt at a particular refinery, approximately 12 days may have elapsed between these two events."[3]

Mobil contends that on January 28, 1981, the date the President signed Executive Order 12287, its system of accounting for and reporting crude oil receipts at the time of acquisition ceased to operate equitably. Under Mobil's system, the cumulative volume of Mobil's price-controlled crude oil receipts is greater than the volumes of price-controlled crude oil that were actually received at Mobil's refineries. Mobil contends that the regulations governing the determination and reporting of crude oil receipts for January 1981 should permit the exclusion of the cumulative volume of price-controlled crude oil included in Mobil's net increase in inventory since November 1, 1974,[4] which has already been reported as "crude oil receipts" but was not received at Mobil's refineries prior to January 28, 1981. Accordingly, Mobil desires to adjust its January 1981 crude oil receipts by the proportion of its increase in inventory equal to the volume of price-controlled crude oil receipts that would be reported pursuant to Mobil's customary accounting and reporting methodology.

Issue

May Mobil change its generally accepted and consistently and historically applied accounting procedures for determining and reporting crude oil receipts as required by the entitlements program for the month of January 1981?

Interpretation

Mobil may not change in the month of January 1981 the accounting practices which it has consistently and historically used to determine and report its crude oil receipts. It is necessary for the proper operation of the entitlements program and of the regulations governing refiners set forth in 10 CFR Part 211 that crude oil receipts be determined and reported in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned.

The issuance of entitlements is governed by § 211.67(a). Under this regulation refiners are issued a number of entitlements equal to the number of barrels of "crude oil runs to stills"[5] for that month, multiplied by the national domestic crude oil supply ratio[6] for that month and subject to certain adjustments and other special provisions set forth in § 211.67. Refiners are required to purchase entitlements issued to other refiners pursuant to § 211.67(b). Generally, a refiner must purchase entitlements if that refiner "has been issued fewer entitlements for that month than the number of barrels of deemed old oil (as calculated under paragraph (b)(2) of this section) included in its adjusted crude oil receipts."

To comply with the entitlements program a refiner determines its crude oil receipts pursuant to the definition set forth in § 211.62:

"Crude oil receipts" means, as to a particular refiner, the volume of crude oil (i) booked into its refineries in accordance with *accounting procedures generally accepted and consistently and historically applied by the refiner concerned*, for its own account or for the account of a firm other than a refiner or (ii) if not previously so booked into its refineries, delivered by that refiner for its account to another refiner pursuant to a processing agreement with that other refiner. Crude oil receipts shall not include crude oil received by a refiner for the purpose of processing at its refineries for the account of another refiner. *A particular crude oil receipt shall be deemed to have occurred when the related cost is booked into refinery inventory in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned, whether or not such crude oil has been actually received by that refiner*, except that crude oil delivered by one refiner to another refiner pursuant to a processing agreement will be deemed to have been delivered by the delivering refiner to the other refiner when the risk of loss passes to the other refiner under the particular processing agreement or when the crude oil is received at the refinery of the other refiner, whichever occurs first. Crude oil which has been added by a refiner to its inventory and which is thereafter sold or otherwise disposed of without processing for the account of that refiner shall be deducted from its crude oil receipts at the time when the related cost is deducted from refinery inventory in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned. The volume of domestic crude oil included in a refiner's crude oil receipts shall be evidenced by and consistent with invoices received with respect to such crude oil receipts. [Emphasis added.]

Thus, the determination of crude oil receipts is explicitly subject to generally accepted as well as consistently and historically applied accounting procedures.[7]

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[2] The definition of "crude oil receipts" is set forth in § 211.62 and is quoted in full, *infra*.

[3] Mobil Oil Corporation, Request for Interpretation, received February 10, 1981, p. 3.

[4] The Federal Energy Administration (a predecessor agency to the Department of Energy) commenced the issuance of entitlements with the month of November 1974.

[5] Section 211.62 defines "crude oil runs to stills" as follows:

"Crude oil runs to stills," means, in the case of a refiner other than a petrochemical producer, the total number of barrels of crude oil input to distillation units processed by a refiner and measured in accordance with Bureau of Mines Form 6-1300-M and, in the case of a petrochemical producer, the total number of barrels of crude oil input to processing units for conversion into petrochemicals.

[6] Section 211.62 defines "national domestic crude oil supply ratio" as follows:

"National domestic crude oil supply ratio" means, for a particular month, the volume of deemed old oil (as defined in § 211.67(b)) included in the aggregate adjusted crude oil receipts of all refiners, decreased by a number of barrels of deemed old oil equal to the number of entitlements issuable to small refiners under § 211.67(e), the number of entitlements issuable pursuant to orders under subpart D of part 205, and the number of entitlements issuable under § 211.67(a)(4), § 211.67(a)(6), and § 211.67(a)(7), divided by the sum of the total volume of the crude oil runs to stills for all refiners for that month, the number of barrels considered as crude oil under § 211.67(a)(5) for that month, and fifty percent (50%) of the total volume of imports of eligible products by eligible firms for that month. The calculation of the national domestic crude oil supply ratio for each month shall take into account entitlement purchase or sale requirements resulting from the correction of reporting errors pursuant to paragraph (j) of § 211.67.

[7] In *Bigheart Pipe Line Corporation*, Interpretation 1981-6, (issued February 24, 1981) a change during 1973 in the accounting method used to value the firm's inventory each month did not contravene the requirement set forth in 10 CFR 212.182 to determine the acquisition cost of crude oil "in accordance with generally accepted accounting practices consistently and historically applied by the reseller." Since the previously used accounting method was not an acceptable one pursuant to the crude oil reseller price rule set forth in 10 CFR 212.183, the Mandatory Petroleum Price Regulations required Bigheart to change its unacceptable accounting method and to adopt an acceptable one, even though this change violated the additional regulatory requirement that accounting practices be applied consistently and historically. It should be noted, however, that Bigheart consistently applied the acceptable method of accounting for the value of the firm's inventory each month since August 1973.

After determining its crude oil receipts, a refiner must report its determinations to the Department of Energy (DOE) pursuant to the provisions of § 211.66. Although the monthly reports required by § 211.66(h) [8] prescribe the reporting of crude oil receipts in terms of "estimated volumes," this reporting requirement does not modify a refiner's obligation to report its crude oil receipts in accordance with accounting procedures generally accepted and consistently and historically applied. Therefore, the reference to "estimated volumes" in § 211.66(h) does not permit Mobil to change its customary accounting and reporting methodology by estimating and excluding from its reports the cumulative volume of price-controlled crude oil included in its net increase in inventory of crude oil since November 1, 1974, which has already been reported as "crude oil receipts" but was not received at Mobil's refineries prior to January 28, 1981.

Indeed, the regulatory requirement to continue to apply accounting procedures consistently and historically pervades the Mandatory Petroleum Allocation Regulations. This requirement relates to the accounting procedures used by individual firms. It is not designed to impose uniform accounting procedures on all firms governed by the regulations. Thus, the unified system of Federal energy regulations affects differently the accounting system used by individual firms.

However, the requirement to use accounting procedures generally accepted and consistently and historically applied by the refiner concerned incorporates an underlying concept of financial accounting because it ensures the comparability of data. Changes in the manner of determining crude oil receipts would result in changes in obligations to purchase entitlements, thus affecting the refiner's financial situation. Moreover, any such changes would retroactively change the data used to determine the refiner's maximum lawful selling prices for refined petroleum products during the period of price controls.

In addition, by requiring that a refiner consistently and historically account for its crude oil receipts, the DOE can more capably audit a refiner's compliance with the Mandatory Petroleum Allocation Regulations. The consistent application of acceptable accounting procedures by each refiner also prevents the non-reporting or double reporting of volumes of crude oil in a refiner's crude oil receipts.

Mobil's accounting system is not designed to track crude oil acquisitions and to measure them as the crude oil is received at each refinery. Therefore, Mobil's historically and consistently applied system of determining and reporting as its crude oil receipts its acquisition of domestic crude oil at the point and time of purchase must continue without adjustment. The one-time compensating proportional adjustment to crude oil receipts that Mobil suggests does not permit the accuracy in reporting crude oil receipts which the regulations require and of which Mobil's present accounting procedures are capable. Further, the change in accounting procedures to adjust the determination of crude oil receipts for January 1981 proposed by Mobil is exactly the sort of manipulation of the entitlements program regulations that the requirement to apply accounting procedures consistently and historically is designed to prohibit.

Moreover, Mobil's present accounting system is perfectly acceptable under and clearly envisioned by § 211.62. Even though the first sentence of § 211.62 defines crude oil receipts as "the volume of crude oil . . . booked into . . . refineries", subsequent language further interprets this initial expression of the definition by stating that:

> [a] particular crude oil receipt shall be deemed to have occured when the related cost is booked into refinery inventory in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned, *whether or not such crude oil has been actually received by that refiner.* [Emphasis added.]

Accordingly, Mobil's system of determining crude oil receipts at the time the crude oil comes into inventory at the point and time of purchase is in accordance with this regulatory requirement.

The regulations governing the determination of crude oil receipts operate in a manner that is blind to the nature of the accounting procedures used by the refiner. No penalty or inequity has been imposed upon Mobil by the regulations. If Mobil's inventory of crude oil had shown a greater volume of crude oil exempt from price controls, then its accounting procedures may have operated more to Mobil's advantage under the entitlements program.

Therefore, for the month of January 1981 Mobil may not change the accounting practices which it has consistently and historically used to determine and report its crude oil receipts. The regulations governing the determination and reporting of crude oil receipts for January 1981 do not permit the exclusion of the cumulative volume of price-controlled crude oil included in Mobil's net increase in inventory since November 1, 1974, which has already been reported as "crude oil receipts" but was not received at Mobil's refineries prior to January 28, 1981. Accordingly, Mobil may not adjust its January 1981 crude oil receipts by the proportion of its increase in inventory equal to the volume of price-controlled crude oil receipts that would be reported pursuant to Mobil's customary accounting and reporting methodology.

Issued in Washington, D.C. on March 23, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1981–11]

To: Sun Oil Company
Regulation Interpreted: 10 CFR § 212.78
Code: GCW—P1—Tertiary Incentive Crude Oil Program; Recoupable Allowed Expenses

Facts

Sun Oil Company (Delaware) (hereinafter "Sun") is a crude oil producer, as that term is defined in 10 CFR 212.31. Sun has self-certified one enhanced crude oil recovery (EOR) project under the Tertiary Incentive Program of the Mandatory Petroleum Price Regulations at 10 CFR Part 212, Subpart D, and is currently preparing to certify another. In addition, Sun is evaluating other projects for possible certification under the program. Sun intends to recoup allowed expenses of these projects by selling otherwise price controlled crude oil production at uncontrolled prices as permitted by § 212.78(a)(2).[1]

Sun states that because of the timing of shipment, delivery and payment of purchase orders, a major part of its allowed expenses became legal

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[8] Refiners Monthly Report, Form ERA–48, provides the means by which refiners report pursuant to § 211.66(h) for purposes of the domestic crude oil entitlements program. Note that items 4, 5, and 6 of this Form require the reporting of "actual barrels" of crude oil receipts.

[1] Effective January 28, 1981, 12:01 a.m., all crude oil and refined petroleum products were exempted from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended, Pub. L. No. 93–159 (November 27, 1973), 15 U.S.C. 751 *et seq.* (1976), by Executive Order No. 12287, 46 FR 9909 (January 30, 1981). Because a producer may recertify crude oil which was sold prior to Executive Order No. 12287, and thus recover its allowed expenses in February and March 1981, respectively, by the recertification of price controlled crude oil sold in December 1980 and January 1981, respectively, it is appropriate to consider the questions raised in Sun's request for interpretation. *See* Ruling 1981–1, 46 FR 12945 (February 19, 1981).

obligations under purchase order contracts entered into prior to the decontrol of crude oil prices on January 28, 1981, but these purchase orders did not require payment before that date. In other instances, the purchase order required payment prior to that date but under the terms of the order the item purchased was not to be delivered or used in the EOR project until some time afterward.

Issues

1. Does § 212.78 permit Sun to recoup allowed expenses as of the time they are contracted under a purchase order when the terms of that order require payment to be made at a later date?

2. Does § 212.78 permit Sun to recoup allowed expenses when actually paid under the terms of the purchase order contract, if the expense items are not yet delivered or used?

3. Does the exemption of crude oil prices from the Mandatory Petroleum Price Regulations on January 28, 1981, prevent Sun from recouping the expenses of items which were not paid, or which were not delivered or used, as of that date?

Interpretation

Sun's purchase order contract for an allowed expense item does not qualify for recoupment of the cost of the item because the definition of recoupable allowed expenses requires that an expense be actually paid before it may be recouped. Sun may recoup allowed expenses which are actually incurred, paid and reported as required by that definition even though the item purchased will not be delivered or used until after the date on which payment is made.[2]

The Tertiary Incentive Program set forth at § 212.78 permits a qualified producer to recoup certain expenses of an EOR project by its release of controlled crude oil from the ceiling price provisions of 10 CFR Part 212, Subpart D. Section 212.78(a)(2) provides:

Tertiary incentive crude oil. Nothwithstanding the provisions of § 212.73(a), beginning January 1, 1980, first sales of crude oil by or for the behalf of a producer are not subject to the ceiling price limitations of this subpart, provided that the tertiary incentive revenue from such sales does not exceed the recoupable allowed expenses attributable to that producer.

[2]The Economic Regulatory Administration has given notice that it intends to issue a Notice of Proposed Rulemaking to rescind the Tertiary Incentive Program at 10 CFR 212.78 with respect to any allowed expenses that have not been incurred and paid as of March 19, 1981. Advance Notice of Proposed Rulemaking, 46 FR 17566 (March 19, 1981).

Expenses become eligible for recoupment when they qualify under the definition of recoupable allowed expenses. Section 212.78(c) defines "recoupable allowed expenses" as:

. . . those allowed expenses that have been paid and reported pursuant to subsection (h) of this section and, with respect to a particular producer, those allowed expenses that are attributable to that producer; provided that (1) such expenses that are incurred and paid prior to December 29, 1980, are incurred in arm's-length transactions and for fair market value, or (2) such expenses that are incurred or paid on or after December 29, 1980, are incurred in arm's-lenght transactions or do not exceed the price that the producer would have paid in an arm's-length transaction.

Thus, an allowed expense must be both incurred and paid in order to qualify as a recoupable allowed expense.[3]

The term "incurred" does not require that an expense relate to an item which is in the possession of a producer or which the producer has used in connection with a tertiary project. Rather, "incurred" means that a producer is under an obligation to pay for an item. Thus, in the preamble to a subsequent amendment of the incentive program, an expense was described as being incurred when payment was due under a binding and enforceable written contract. 45 FR 40106 (June 13, 1980). The preamble to the amendment which established the Tertiary Incentive Program stated:

Recoupable allowed expenses are the "allowed expenses" for a particular tertiary project that have actually been paid and reported to ERA [Economic Regulatory Administration] pursuant to the applicable provisions of this program. (Allowed expenses are seventy-five percent of certain *expenses paid* after August 21, 1979.) [Emphasis added.]

[3]Section 212.78(c) defines an "allowed expense" as: . . . seventy-five percent of an environmental expense or seventy-five percent of an engineering and laboratory expense or seventy-five percent of an expense listed either in the appendix to this section or in an order issued pursuant to either subsection (e)(2) or (e)(3) of this section; provided that, an allowed expense may not be based on an expense incurred and paid prior to August 22, 1979. No more than one million dollars or twenty-five percent, whichever is less, of the total amount of allowed expenses with respect to a particular project may be based on engineering and laboratory expenses. The allowed expenses of a particular project shall be attributable to the qualified producer(s) with respect to that project. Where there is more than one qualified producer, the qualified producers shall allocate these expenses among themselves in whatever manner they determine. With respect to a particular property, the total amount of allowed expenses may not exceed twenty million dollars.

An allowed expense does not become recoupable until reported. Because the definition of recoupable allowed expenses requires that they be "incurred" and "paid" before being reported, Sun's request requires interpretation of these two terms.

45 FR 51148, 51149 (August 30, 1979). An expense has also been described as being paid "when a producer satisfies its obligation to pay by transferring money to the supplier of the good or service." 45 FR 40108, 40107, n. 1. Accordingly, the term "paid" means actually paid. *See ENPEX Corporation*, Interpretation 1981–5 (issued February 18, 1981).

In its request, Sun asks whether § 212.78 permits recoupment of an expense at the time a producer contracts for an item through a purchase order. The expense is not deemed paid at that time because Sun states that actual payment is not made until shipment or delivery, depending on the type of item purchased. Since payment must be made before an expense may be recouped, Sun's expenses do not become recoupable allowed expenses until Sun fulfills that condition. The preamble to the final regulation, quoted above, explicitly supports this conclusion. Therefore, a qualified producer must actually pay for a good or service prior to the recoupment of the allowed expense of that good or service.

Sun also asks whether § 212.78 permits recoupment of expenses when the item concerned is not delivered or used until some time after the date of payment. The Tertiary Incentive Program does not require that the item purchased be delivered or used prior to recoupment. Thus, if an expense is otherwise qualified as a recoupable allowed expense, Sun may recover that expense although the item concerned has not been delivered or used. However, the use of an item in connection with a tertiary project is a condition subsequent to the recoupment of the cost of that item under the incentive program. 45 FR 40106, 40107.

Moreover, the exemption of crude oil from the Mandatory Petroleum Allocation and Price Regulations does not prevent Sun from recouping allowed expenses which were incurred and paid prior to January 28, 1981. *See* Ruling 1981–1, 46 FR 12945 (February 19, 1981). Neither delivery nor use of an allowed expense item is a prior condition to recoupment and, therefore, such items need not be delivered or used prior to January 28, 1981 in order for the allowed expenses to be recouped.

Accordingly, Sun's obligation under a purchase order contract to pay on a future date does not fulfill the requirement of § 212.78(c) that a recoupable allowed expense must be actually paid. Thus, Sun may not recoup the cost of an item prior to actual payment for the item. However, if Sun actually pays for an item that is an

allowed expense, it may recoup that expense, prior to the delivery or use of the item concerned. The allowed expense of an item may be recouped regardless of the fact that the item is not delivered or used prior to January 28, 1981, or prior to the date of payment.

Issued in Washington, D.C., on March 26, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1981-12]

To: Amorient Petroleum Company, California

Rules and Regulations Interpreted: § 211.67(d)(2); § 212.53(a)

Code: GCW—AI—PI—Export Sales Deduction

Facts

Amorient Petroleum Company, California, (APCC) is a reseller of petroleum products subject to the Mandatory Petroleum Allocation and Price Regulations.[1] APCC was formed in * * * Amorient Inc., through its two stockholders, also operates (D) * * * which conducts petroleum business on an international basis, excluding the United States. APCC claims that (D) is its overseas affiliate. Although (B) directly and through its subsidiary, owns X percent of APCC, (A) has been given full responsibility for the executive and administrative management of the firm. According to APCC's submission, (A) manages APCC's business in an independent manner, although it uses the (B) and (C) corporations to guarantee APCC's major contractual obligations and borrowing commitments from time to time.[2]

In April of 1980, the Department of Defense's Defense Fuel Supply Center solicited proposals for supplies of Product (M) to be used in U.S. Military * * * based in * * *. (D) was awarded a contract for the delivery of Product (M). During the * * * APCC and (D) discussed a business arrangement with the * * * (E) * * * located in * * *. Pursuant to that arrangement, APCC would export and sell Product (N) to (E) if (E) would, in turn, sell a similar quantity of military Product (M) to (D) for resale to the Department of Defense. However, because of delays in obtaining an export license, APCC and (D) did not consummate this arrangement with (E).

In order to fulfill its obligations to the Department of Defense, however, (D) conducted further negotiations with (E). Pursuant to those negotiations it was agreed that (E) would accept a cargo of Product (O) in lieu of the Product (N). It was further agreed that the transaction would be treated as a single exchange rather than two matching purchases and sales. (E) was further willing to supply the Product (M) to (D) prior to (E)'s receipt of the Product (O), if (D) could provide security, satisfactory to (E) with respect to the future Product (O) delivery by (D).

According to APCC, (D) was unable to obtain sufficient volumes of Product (O), on its own credit. Therefore, it entered into a financing agreement with (C). Under that agreement (C) agreed to acquire Product (O) and resell it to (D) on extended credit terms. (C) agreed to supply the Product (O), in advance, and wait for payment until the Department of Defense paid (D) for the Product (M). The * * * barrels of Product (M) delivered by (D) to the Department of Defense at approximately the same time (D) shipped the naphtha to (E). However, in order to satisfy (E)'s security requirement, (C) further agreed to guarantee (D)'s performance under the Product (O) exchange agreement between (E) and (D). As consideration for (C) providing the guarantee and selling the Product (O) to (D) on extended credit terms, (C) was to receive, in addition to any profit it made on the Product (O) resale to (D), the right on (B)'s behalf to purchase the Product (N) from APCC when APCC obtained its export license and exported the Product (N). As a consequence of this arrangement, (B) was named as the purchasing party on APCC's application for export license.

Soon after APCC's export license was granted, discussion with (E) personnel indicated that (E) was in need of the Product (N). Therefore, * * * barrels of Product (N) were purchased from two small refiners by APCC and exported by APCC and sold to (B).[3] (B) then sold the Product (N) at a profit to (D) for subsequent delivery to (E). Finally, (D) entered into an exchange agreement with (E) in which (D) received Product (P) in exchange for the Product (N) cargo.

In its request for interpretation, APCC contends that the entire volume of Product (N) should not be subject to the provisions of 10 CFR 211.67(d)(2). APCC states that the Product (O) for Product (M) exchange of (E) and the subsequent sale of the Product (M) to the Department of Defense could not have occured without (C)'s financing. The financing agreement required APCC's efforts to successful export the Product (N) cargo. APCC states that its continuing determination to export the Product (N) and use this fuel to acquire Product (M) was a common link throughout the whole transaction. APCC contends that at the inception of the transaction, it intended that the Product (N) would be sold directly to (E) in exchange for (E) supplying the Product (M) required for resale to the Department of Defense. However, substantial timing and logistics problems arose and thus APCC needed some other means of obtaining the Product (M). Nevertheless, APCC asserts that the complex arrangement involving APCC, (D), (E), (C) and (B) constituted the type of exchange in which no volumes of domestic petroleum products were actually exported for purposes of § 211.67(d)(2).

Issue

Was APCC's sale of the Product (N) to (B) an export sale within the meaning of § 212.53(a) which would require the refiners of the Product (N) to deduct the volume of the sale from their crude oil runs to stills pursuant to 10 CFR 211.67(d)(2)?

Interpretation

APCC's sale of Product (N) to (B) constituted an export sale within the meaning of § 212.53(a). Therefore, the exported volumes of Product (N) must be deducted from each refiner's crude oil runs to stills under § 211.67(d)(2). Since the export of the Product (N) has already occurred, the refiners of the Product (N) will be required to deduct those volumes of Product (N) from their crude oil runs to stills under the entitlements program through an adjustment made pursuant to § 211.67(j)(1).

Section 211.67(d)(2) provides in pertinent part:

> The volumes of the refiner's crude oil runs to stills in a particular month for purposes of calculations in paragraph (a)(1) of this section and the calculations of the national domestic crude oil supply ratio shall be reduced by that refiner's volume of export sales under § 212.53 of Part 212 of this chapter in that

[1] Executive Order 12287, 46 FR 9909 (January 30, 1981) exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*). This Order was effective at 12:01 a.m. January 28, 1981. Because the issue presented here for review involved transactions subject to the Mandatory Petroleum Allocation and Price Regulations, it is necessary to resolve the issue in order to determine the compliance of all firms involved in these transactions with the regulations prior to January 28, 1981.

[2] For purposes of this interpretation, it would appear that APCC, (A) and (D) constitute a single firm, as that term is defined in 10 CFR 211.51 and 212.31.

[3] APCC purchased the residual fuel oil from two small * * * refiners, (F) and (G). Both refiners have authorized APCC to represent them in this request for interpretation.

month of refined petroleum products (including aviation fuel as defined § 211.142 of this part, but excluding refined lubricating oils) and residual fuel oil including sales to a domestic purchaser which certifies the product is for export; . . .

Export sales of petroleum products are exempt from the Mandatory Petroleum Price Regulations under § 212.53(a) which provides:

The prices charged for export sales, including sales to a domestic purchaser which certifies the product is for export, are exempt.

In its submission, APCC states that its sale of Product (M) to the Department of Defense in * * * when coupled with its export of its Product (N) to (B) did not constitute an export sale as that term is used in § 211.67(d)(2). APCC states that the original two party exchange concept involving it and (E) merely was expanded into a three party transaction. Thus, according to APCC although five firms and four products were involved in the complex transaction, the essence of the agreement was to obtain Product (M) for sale to the Department of Defense in exchange for the Product (N). APCC urges a finding that these transactions not be deemed to be export sales pursuant to § 211.67(d)(2).

The DOE has addressed the meaning of the export sale deduction of § 211.67(d)(2) and the concept of export sale at § 212.53(a) on several occasions. "Export sale" was discussed in *Mobil Oil Corp.*, Interpretation 1977–16, 42 FR 31151 (June 20, 1977). In that Interpretation, the agency determined that a sale is an "export sale" if it produces revenues from foreign sources. Thus, the direct sale of petroleum products to an entity of the United States government in a foreign country, would not constitute an "export sale," since the seller has not obtained revenues from foreign sources. In *Guam Oil and Refinery Co.*, Interpretation 1977–36, 42 FR 54270 (October 5, 1977), the export sale deduction of § 211.67(d)(2) was again reviewed. In *Guam*, the agency found that a direct exchange of residual fuel oil between Guam and a foreign corporation would not require an adjustment under § 211.67(d)(2). The agency stated that:

. . . The export deduction provision of the entitlements program is designed first to insure that cost equalization benefits are not granted to the extent that a firm exports refined petroleum products or residual fuel oil and sells these products in the world market at uncontrolled prices and further to preserve the advantages of these cost benefits for domestic purchasers of petroleum products (*Id.* at 13902). Allowing exported refinery products to earn entitlements would, in effect, constitute a subsidy to foreign oil consumers.

Id. at 54270. *See also Western Trading Co.*, Interpretation 1980–41, 45 FR 76048 (November 17, 1980); *Tesoro Petroleum Corp.*, Interpretation 1978–10, 43 FR 15621 (April 14, 1978). Thus, to the extent that a firm does not realize foreign revenues in its sale of petroleum products, the benefits of the entitlements program remain in the domestic economy and do not subsidize prices to foreign consumers.

In the present case, APCC has realized revenues from both foreign and domestic sources in its transactions with (B), (C) and (E). APCC sold Product (N) to (B), a * * * corporation and obtained foreign revenues for that sale. Accordingly, unlike the firms involved in the *Mobil, Guam, Tesoro* and *Western* interpretations, APCC has not foregone any foreign revenues and has actually engaged in an export sale subject to the provisions of § 211.67(d)(2). Thus, the benefits of the entitlements program could be spread to foreign consumers, an outcome not contemplated by the regulations, if the export sale deduction were not applied.

Moreover, the firms involved in the *Guam, Tesoro* and *Western* interpretations engaged in transactions that were directly related to one another. Each of the involved firms in those cases engaged in direct exchanges with foreign companies in order to obtain product for use in the domestic economy. There was a clear link between the exchanges, both volumetrically and contractually. APCC, on the other hand, has engaged in numerous transactions which although perhaps indirectly related, were not directly related either by volume or by contract. The exchange between (D) and (E) of Product (M) for Product (O) was contractually independent of APCC's later export of Product (N) to (B). The bare financial linkage of the two transactions through (C) does not create the type of direct nexus needed to exempt export transactions from the provisions of § 211.67(d)(2).

Accordingly, APCC's sale of Product (N) to (B) constituted an export sale under § 212.53(a). Thus, the volumes of Product (N) which APCC purchased from two small refiners and exported must be deducted from each refiner's crude oil runs to stills pursuant to § 211.67(d)(2). Because the Product (N) has already been exported, the refiners of the Product (N) must deduct those volumes of Product (N) from their crude oil runs to stills through an adjustment made under § 211.67(j)(1).

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Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

[Interpretation 1981–13]

To: Inexco Oil Company

Regulations Interpreted: 10 CFR 210.62, 10 CFR Part 212, Subpart D, 10 CFR 212.131

Code: GCW—PI—Sequence of sale of crude oil; Normal business practices; Crude oil certification

Facts

Inexco Oil Company (Inexco) is a Delaware corporation engaged in crude oil and natural gas exploration and production. Inexco owned production from crude oil producing properties in January 1981 and was, therefore, a crude oil producer pursuant to 10 CFR 212.31.[1]

In January 1981, Inexco sold crude oil for its own account and for the account of others from properties which it operated. It also received crude oil in kind from its interests in properties operated by others and it sold this crude oil for its own account. The crude oil sold by Inexco from all of these properties, for its own account and for the account of others, comes within three regulatory categories under the Mandatory Petroleum Price Regulations: lower tier (old) crude oil; upper tier (new) crude oil; and market level new crude oil.

Inexco states that it has the following normal business practice with respect to the sale of crude oil from a property when that crude oil is sold to more than one purchaser in a month. After the total number of barrels in each regulatory category has been determined for such a property in a particular month, Inexco's consistent normal business practice has been to allocate to each purchaser a percentage of the barrels of each regulatory category that is equal to the percentage of total production for the month which was sold to that purchaser. This normal business practice allocates each regulatory category among purchasers in proportion to each

[1] Executive Order 12287, 46 FR 9909 (January 30, 1981) exempted all crude oil and refined petroleum products from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973 (EPAA), as amended, Pub. L. No. 93–159 (November 27, 1973), 15 U.S.C. 751 *et seq.* (1976). This Order was effective at 12:01 a.m., January 28, 1981. On March 30, 1981, the DOE issued a final rule revoking prospectively those regulations made unnecessary by the Executive Order. Because the regulations permit a producer to recertify crude oil which was sold prior to Executive Order No. 12287, it is appropriate to consider the question raised in Inexco's request for interpretation. *See* Ruling 1981–1, 46 FR 12946 (February 19, 1981).

purchaser's percentage of total sales in the month. For example, if purchasers X, Y, and Z purchased 50 percent, 30 percent and 20 percent, respectively, of the total volume of crude oil sold in a month, then Inexco would allocate 50 percent of the volume in each regulatory category for the month as a whole to purchaser X, 30 percent of each category to Y, and 20 percent of each category to Z. Inexco's practice also allocates all regulatory categories of crude oil produced and sold from the property concerned in a month to each purchaser in the same proportion that the regulatory categories bear to each other for the month as a whole before allocation to purchasers. If one of Inexco's multi-purchaser properties produced and sold a total volume of crude oil in a month that is determined to be 40 percent lower tier, 35 percent upper tier and 25 percent market level new crude oil, then Inexco's historical normal business practice described in its submission is to allocate the crude oil so that the volume sold to each purchaser in the month is comprised of 40 percent lower tier, 35 percent upper tier and 25 percent market level new crude oil.

Inexco states that it has no historical normal business practice that would allocate crude oil according to a sequence of sale of the various regulatory categories from either multi-purchaser properties or single purchaser properties. In any month, all crude oil in each regulatory category was distributed proportionately and therefore, each purchaser received its proportional share of each price category.

Inexco proposes to recertify crude oil which it sold in January 1981 for its own account and for the account of others, specifying to all purchasers that deliveries of such crude oil in the month as a whole are deemed to have been made in the following order: first, market level new crude oil; second, upper tier (new) crude oil; and last, lower tier (old) crude oil. Inexco requests an interpretation that this proposed action does not constitute a failure to deal with purchasers in accordance with its normal business practices, as required by § 210.62 (a).

Issue

Does the normal business practices rule of § 210.62(a) permit Inexco to recertify all of its crude oil sales for the entire month of January 1981 to specify that market level new crude oil is deemed to have been delivered to purchasers first, upper tier crude oil second and lower tier crude oil last?

Interpretation

Inexco's proposed recertification of crude oil sold in January 1981, would be inconsistent with its normal business practice, in violation of § 210.62(a). Thus, Inexco must continue its normal business practice by apportioning the crude oil sold to each purchaser during the first 27 days of January 1981 among the regulatory categories of crude oil for the month in the same proportion that those regulatory categories bear to each other for the month as a whole.

Inexco's sales of crude oil from January 1, through 27, 1981 were subject to the Mandatory Petroleum Allocation and Price Regulations. Sales after January 27, 1981 were exempted by Executive Order No. 12287, 46 FR 9909 (January 30, 1981).

The Mandatory Petroleum Price Regulations at 10 CFR Part 212, Subpart D, set forth the rules governing first sales of domestic crude oil. The price rules establish regulatory categories, and § 212.131 establishes certification requirements, which are relevant to Inexco's request for interpretation.

Neither the price nor the certification requirements specify any sequence of sale of the various regulatory categories nor identify which particular barrels of crude oil belong to a particular category of crude oil. *See* Ruling 1981–1, 46 FR 12946, 12947 (February 19, 1981). Section 212.131(a) permits a producer to certify the regulatory category of a first sale of crude oil within the consecutive 2-month period immediately following the month of production and sale. *See* ruling 1981–1. 46 FR 12946, 12947. However, § 210.62(a) provides that suppliers will deal with purchasers of an allocated product, such as crude oil, according to the normal business practices in effect during the base period for the particular sale. In the case of first sales of crude oil, the base period is defined in § 211.63 as January 1, 1976 or, if no first sale to a particular purchaser occurred on January 1, 1976, the date of the first sale of the crude oil to a particular purchaser from a particular property.

Inexco states that its proposed recertification does not constitute a change in its normal business practices, in violation of § 210.62(a), because it would continue to maintain its only relevant business practice. Inexco contends that its only normal business practice was to distribute to each purchaser in a month the percentage of crude oil in each regulatory category that was equal to the percentage of total sales for the month that was sold to the purchaser. Inexco states that it has no normal business practice with respect to the sequence in which the various regulatory categories of crude oil are sold.

Inexco's proposed action would violate the provisions of § 210.62(a), since it would alter the firm's normal business practice of certifying the volume of crude oil sold to each purchaser so that it was comprised of all regulatory categories of crude oil produced and sold from the property in the month in the same proportion that the regulatory categories bear to each other for the month as a whole. Inexco's proposal would also reduce the volume of price-controlled crude oil sold during the month in a manner that is an alteration of the firm's normal sequence of sale procedures.[8]

Inexco's normal business practice of allocating proportional shares of the different regulatory categories of crude oil to its purchasers each month resulted in normal months in each purchaser being treated equitably with regard to the benefits of price controlled crude oil. Inexco's proposal for the month of January 1981, however, alters the firm's normal business practice by introducing a sequence of sale.

While Inexco styles its normal business practice as allocating regulatory categories of crude oil proportionately among its purchasers *over the entire month*, the essence of its practice has been to allocate the benefits of price controlled crude oil among its purchasers on a proportionate basis generally. The monthly accounting system was incidental, although appropriate and convenient where crude oil was controlled for the entire month. However, January 1981 is not comparable to other months in that price controls were only in place for the first 27 days of the month. Thus, in order to maintain its normal business practice Inexco must maintain its normal business practice and allocate a proportion of each regulatory category of crude oil to its sales in the first 27 days of January 1981 by assuring that the proportion of regulatory categories represented at the end of the month also applies to the first 27 days of the month. Thus, for example, if Inexco sold 40 percent lower tier crude oil, 35 percent upper tier crude oil and 25 percent market level crude oil) from a particular property for the full month of January 1981, it was required to sell 40 percent

[8] It should also be noted that Inexco's proposal could result in a violation of § 210.62(c), which prohibits any practice which constitutes a means to obtain a price higher than is permitted by the regulations, since Inexco could receive a higher price for crude oil sold during the first 27 days of January 1981 by imposing a sequence of sale of regulatory categories of crude oil.

lower tier crude oil, 35 percent upper tier crude oil and 25 percent market level crude oil from the property for the first 27 days of January 1981. In this way, Inexco would have dealt with its purchasers of crude oil in accordance with its normal business practices.[8]

Accordingly, Inexco's proposal with respect to crude oil sold in January 1981 would violate § 210.62(a) because the crude oil sold to each purchaser during the first 27 days would not be apportioned among the regulatory categories in a manner consistent with the firm's normal business practices. Inexco must determine its regulatory categories of crude oil for January 1981 as a whole and then apportion the regulatory categories to the volume of crude oil sold to each purchaser from the first through the 27th of the month.

Issued in Washington, D.C., on March 31, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Ruling.

[Interpretation 1981–14]

To: Northville Industries Corp.
Regulations Interpreted: 10 CFR 211.9(a)(1), 211.10, 211.10(b), 211.12, 211.23, 211.51, 211.103; Ruling 1974–21
Code: GCW—AI—Allocation Entitlement; Base Period Volume; Exchange Agreements; Part 211, Subpart F; Supplier/Purchaser Relationship; Unlike Product Exchange Transactions

Facts

During July and September 1978, Exxon Company U.S.A. (Exxon) supplied Northville Industries Corp. (Northville) with certain volumes of motor gasoline in exchange for No. 2 heating oil. At that time, and at all times thereafter until Executive Order No. 12287 became effective on January 28, 1981, motor gasoline was subject to allocation controls under 10 CFR Part 211.[1] No. 2 heating oil has not been

[8] Unless all purchasers of crude oil from a property in January 1981 received an equal proportion of each regulatory category in the first 27 days, and also received equal proportions of crude oil during the last 4 days, then Inexco's proposed action would discriminate among purchasers in violation of § 210.62(b).

[1] Executive Order No. 12287, 46 FR 9900 (January 30, 1981), exempted all crude oil and refined petroleum products, including motor gasoline, from the price and allocation controls adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (EPAA), Pub. L. No. 93–159 (November 27, 1973), 15 U.S.C. 751 *et seq.* (1976). Because Northville's request involves matters occurring prior to January 28, 1981, which are the subject of an ongoing dispute between Northville and Exxon, the request has not been mooted by the issuance of the Executive Order.

1, 1976. 10 CFR 211.1(b)(5), 41 FR 24516 (June 16, 1976).

In its request for interpretation, and at a conference convened at the request of Exxon on January 29, 1981, Northville argued that it is entitled to purchase motor gasoline from Exxon based on the July and September 1978 exchange transactions.[2] Northville argued further that under the Mandatory Petroleum Allocation Regulations it did not need to supply No. 2 heating oil to Exxon in order to obtain the allocation of motor gasoline. Exxon contended in its submissions, and at the January 29 conference, that unlike product exchanges involving a controlled product did not give rise to mandatory supplier/purchaser relationships. Exxon has apparently refused to sell to Northville the volumes of motor gasoline that Northville contends it was entitled to purchase under an allocation based on the base period exchanges.

Issues

Under the Mandatory Petroleum Allocation Regulations, was a firm that received motor gasoline during the motor gasoline base period in an unlike product exchange entitled to an allocation of that product during subsequent allocation periods based on the exchange transaction?

If so, was receipt of this allocation contingent upon the firm supplying the other petroleum product which it supplied in the exchange if that product was exempt from the Mandatory Petroleum Allocation Regulations?

Interpretation

Prior to Executive Order No. 12287, Northville was entitled to receive an allocation of motor gasoline from Exxon based upon its receipt of that product pursuant to the exchange transactions which took place during the base period for motor gasoline. Northville's entitlement to an allocation of motor gasoline from Exxon was not conditioned upon Northville supplying Exxon with No. 2 heating oil. This result is consistent with *Standard Oil Company (Indiana)*, Interpretation 1980–39, 45 FR 76045 (November 17, 1980).

Exxon's comments opposing Northville's request for interpretation [3] make the following arguments:

[2] The base period for motor gasoline is set forth in 10 CFR 211.102 as "the month of the period November 1977 through October 1978 corresponding to the current month." 44 FR 42849 (July 19, 1979).

[3] Exxon's submissions consist principally of copies of documents submitted by Exxon to the Department of Energy's (DOE) offices of Special Counsel and Hearings and Appeals in another proceeding involving similar facts. *In the Matter of Exxon Company, U.S.A.*, Case No. BRO–1271 (Department of Energy, Office of Hearings and Appeals, Statement of Objections filed by Exxon on September 24, 1980).

(A) Under the Mandatory Petroleum Allocation Regulations, the receipt of motor gasoline in an unlike product exchange during the motor gasoline base period did not create a mandatory supplier/purchaser relationship for this product;

(B) even if certain allocation regulations did so provide, § 211.23 exempted suppliers from such supplier/purchaser obligations; and

(C) a rule that unlike product exchanges created mandatory supplier/purchaser relationships would have been inconsistent with the goals of the EPAA.

A. *Under the Mandatory Petroleum Allocation Regulations base period unlike product exchanges involving motor gasoline created mandatory supplier/purchaser relationships for this product.*

Since under the facts stipulated in Northville's request for interpretation, Northville obtained more than —— gallons of motor gasoline from Exxon under the unlike product exchanges in calendar year 1978, Northville was either a "wholesale purchaser-consumer," or, if it resold or otherwise transferred this product, a "wholesale purchaser-reseller," or both, under the definitions of these terms contained in § 211.51. Since Exxon transferred or otherwise furnished this motor gasoline to Northville under the 1978 unlike product exchanges, Exxon was a "supplier" of this product, as that term is defined in § 211.51.

Prior to the exemption of all petroleum products from allocation controls, under the general supplier/purchaser rule, each supplier of an allocated product was required to supply all wholesale purchaser-resellers and all wholesale purchaser-consumers which *purchased or obtained* that allocated product from that supplier during the base period as specified in 10 CFR Part 211, Subparts D through K. 10 CFR 211.9(a)(1). In general, the amount of an allocated product which a wholesale purchaser-reseller or wholesale purchaser-consumer was entitled to purchase from a supplier under an allocation was a function of its "base period use" of that product obtained from that supplier. 10 CFR 211.12(b), 211.10(b)(2)(iii).[4]

"Base period use" is defined in § 211.10(b)(2)(ii) in relevant part, as:

> . . . base period volume or adjusted base period volume, as appropriate. A wholesale purchaser's base period volume of a particular allocated product is the volume of

[4] *See Standard Oil*, 45 FR at 76048.

that allocated product *purchased or obtained* during the appropriate base period . . . . [Emphasis added].[5]

Thus, under the general rule, a wholesale purchaser's base period use with respect to a particular supplier of motor gasoline included all volumes of that product obtained by that purchaser from that supplier during the appropriate base period, including volumes of the product obtained pursuant to unlike product exchanges. 45 FR at 76046; *and see Pester Refining Company*, 4 DOE ¶ 80,164 (October 5, 1979) at 80,859–60.

Section 211.10(b)(2)(ii) provided one limited exception from the general rule that all volumes of motor gasoline obtained by a wholesale purchaser from a supplier during the base period were included in the purchaser's base period use of that product. This exception further supports the conclusion that volumes of motor gasoline obtained in unlike product exchanges formed part of a wholesale purchaser's base period use of that product. As stated in § 211.10(b)(2)(ii):

. . . Base period volume, *however, does not include any amounts of an allocated product obtained pursuant to in kind exchange agreements involving a single product* which are normal business operating procedures *except the difference between the total amounts received under exchange agreements and the total amounts supplied to customers through exchange agreements.* . . . [Emphasis added.]

By expressly limiting the exception to exchanges involving a single product this provision requires the conclusion that volumes of motor gasoline received in unlike product exchanges were included within the general base period use rule.

B. *Section 211.23 did not exempt a supplier of motor gasoline under a base period product exchange from mandatory supply obligations.*

Exxon cites § 211.23 in support of its contention that base period unlike product exchanges did not give rise to mandatory supplier/purchaser relationships and that volumes of an allocated product thus obtained did not form part of a wholesale purchaser's base period use.

Section 211.23 provides that:

Nothing in this part is intended to *exclude or supersede* exchange or borrow/payback operations which are normal operating procedures provided these procedures are not used to circumvent the intent of this part. [Emphasis added.]

As indicated by the plain language of § 211.23, exchanges which were normal operating procedures and which did not circumvent the intent of Part 211 were not excluded or superseded by the supply obligations to which a supplier may have been subject under that Part. Thus, exchanges of like or unlike products were expressly permitted and were not prevented by the operation of §§ 211.10 and 211.12 which provided for allocations to certain base period customers of a supplier, and which prescribed the method of calculating these allocations.[6] Such exchanges were also not superseded by these provisions, since under § 211.10(b)(1) the volumes of an allocated product supplied under exchange agreements were deducted from the supplier's "allocable supply" and accordingly, were not subject at the time of the exchange to reduction by application of the supplier's allocation fraction. By its own terms § 211.23 provides only that exchanges of allocated products which were normal operating procedures and which did not circumvent the intent of Part 211 were not excluded or superseded by other provisions of Part 211 even though such exchanges could have resulted in reduced allocations to the base period customers of a supplier in the allocation period during which these exchanges took place.

C. *Providing that base period unlike product exchanges involving motor gasoline created a mandatory supplier/purchaser relationship for that product was consistent with the purposes of the EPAA.*

By requiring that each supplier include in its wholesale purchaser's base period use the volume of an allocated product which it transferred to the wholesale purchaser under an unlike product exchange during the base period for that product, the Mandatory Petroleum Allocation Regulations implemented the express congressional directive contained in § 4(c) of the EPAA, that required, to the extent practicable and consistent with the objectives of EPAA § 4(b), that any allocation program for a refined petroleum product based on a historical base period reflect volumes of that product "sold or otherwise supplied" to each independent marketer and refiner during that base period.

Furthermore, to give effect to the purpose of an allocation system based on a historical base period, all of the volumes of an allocated product transferred to a wholesale purchaser during the base period were included in the purchaser's base period use in order to prevent a disruption in the supply of the allocated product to wholesale purchasers that purchased or obtained, and resold, transferred or consumed it in the ordinary course of their business. *See* EPAA section 4(b)(1)(F); *Standard Oil Company (Indiana)*, Interpretation 1980–11, 45 FR 42250 (June 24, 1980) at 42251.[7]

While motor gasoline obtained by Northville from Exxon during the base period under an unlike product exchange does form part of Northville's base period use of motor gasoline, the Mandatory Petroleum Allocation Regulations did not require that Northville supply Exxon with No. 2 heating oil, a petroleum product that was no longer subject to allocation controls. This conclusion is supported by Ruling 1974–21, 39 FR 24359 (July 2, 1974) and is consistent with the determination in *Standard Oil*, 45 FR at 76047. Ruling 1974–21 explained the nature of supplier/purchaser relationships created by base period exchanges of crude oil for refined petroleum products, stating that the party to an exchange that supplied crude oil during the base period was required to maintain that supplier/purchaser relationship for the duration of the crude oil allocation program. 39 FR at 24359. Under Ruling 1974–21 an exchange partner that supplied an allocated product in exchange for crude oil was required to maintain that

[5] *See* 10 CFR 211.12(c); 211.103(e).

[6] Under § 211.10(b), a supplier's "allocable supply" for purposes of determining its allocation fraction for an allocated product in any given month represented the volume of that product which the supplier had available for distribution to its customers. Section 211.10(b)(1) states in relevant part:

Allocable supply. Each supplier's allocable supply of an allocated product for a period which corresponds to a base period shall be equal to its total supply for that period, which is the sum of its estimated production, *including amounts received under processing and exchange agreements . . . less . . . any amounts supplied to customers through exchange agreements.* . . . [Emphasis added.]

This subtraction of volumes of an allocated product supplied under an exchange agreement from a supplier's allocable supply resulted in an exemption of exchanges from application of the supplier's allocation fraction, thus facilitating such transactions.

[7] *Accord*, Ruling 1974–25, 39 FR 32801 (September 12, 1974), holding that spot purchases of motor gasoline during the base period are included in a wholesale purchaser's base period use:

Section 211.10(b)(2)(ii) provides that a ". . . wholesale purchaser's base period volume of a particular allocated product is the volume of that allocated product purchased or obtained during the appropriate base period . . .". The language in this section does not distinguish between purchases made on the basis of a continuing relationship and those made on a spot basis in a base period. In addition, *exclusion of spot sales from base period volume would conflict with the purpose of the Mandatory Petroleum Allocation Regulations to assure supplies to wholesale purchaser-consumers and end-users with reference to their supply levels in the appropriate base period, since such exclusion would result in a base-period volume which might not accurately reflect actual supply levels in the base period.* [Emphasis added.]

supplier/purchaser relationship as prescribed in the allocation regulations applicable to that particular product. However, a non-allocated product was not required to be supplied in exchange for the crude oil allocation. As stated in Ruling 1974–21:

> To the extent that refined petroleum products are the subject of exchange agreements for domestic crude oil . . . the delivery thereof in exchange for crude oil would be governed by provisions of the regulations which regulate the allocation of such products. . . . To the extent non-allocated products (such as, for example, asphalt) are involved in any such exchanges, the exchange of such products would be governed by the terms of the . . . contract in effect between the parties. . . . Therefore, upon expiration of any such contract the exchange of the non-allocated products would no longer be a condition to deliveries of crude oil under § 211.63(a). Compensation for these deliveries of crude oil would thereafter be governed by the price regulations in Part 212.

Id.[8]

Accordingly, Northville was entitled to purchase motor gasoline from Exxon, based on its allocation for the months corresponding to the base period months of July and September of 1978. Moreover, Northville was not required to supply Exxon with No. 2 heating oil in exchange for obtaining this motor gasoline.

Issued in Washington, D.C. on April 7, 1981.

Lona L. Feldman,

Assistant General Counsel for Interpretations and Rulings.

Appendix B—Response to Petitions for Reconsideration

Petitioner	Interpretation	Date of response
Chevron U.S.A.	*Standard Oil Company*, 1980–39, 45 FR 76045 (November 17, 1980).	Jan. 16.
McCulloch Gas Processing, Inc.	*McCulloch Gas Processing Corp.*, 1980–50, issued on December 10, 1980.	April 10.

Petition for Reconsideration

Interpretation: Standard Oil Co. 1980–39
Petitioner: Chevron U.S.A., Inc.
Date: January 16, 1981

This responds to Chevron U.S.A., Inc.'s (Chevron) petition seeking reconsideration of *Standard Oil Company*, Interpretation 1980–39, 45 FR 76045 (November 17, 1980). For the reasons discussed below, we have concluded that the petition for reconsideration must be denied.

Interpretations issued by the Office of General Counsel of the Department of Energy (DOE) may be reconsidered only in certain limited circumstances. In such cases, the burden is on the petitioner to demonstrate that the interpretation was erroneous in fact or in law, or that the result reached in the interpretation was arbitrary or capricious. 10 CFR 205.85(f).

Interpretation 1980–39 concluded that Standard Oil Company (Indiana) (Amoco) is entitled to receive an allocation of motor gasoline from Chevron based upon Amoco's receipt of that product from Chevron pursuant to a matching purchase and sale or exchange transaction which took place between the firms during the base period for motor gasoline. Moreover, even through Amoco supplied No. 2 heating oil to Chevron in return for Chevron's sale of motor gasoline to Amoco during the base period, Amoco's entitlement to an allocation of motor gasoline from Chevron is not conditioned upon its continued sale of No. 2 heating oil to Chevron.

Chevron's petition for reconsideration raises several arguments to support its view that Interpretation 1980–39 is erroneous in fact and in law, and arbitrary and capricious. Chevron contends that based on 10 CFR 211.23, unlike product exchanges do not give rise to mandatory supplier/purchaser relationships. Chevron also argues that Interpretation 1980–39 conflicts with several of the policy objectives of the Emergency Petroleum Allocation Act of 1973, as amended. 15 U.S.C. 751 *et seq.*

Section 211.23 sanctions exchange operations, but does not specifically address nor exempt base period unlike product exchanges from the Mandatory Petroleum Allocation Act. Section 211.9 provides that a mandatory supplier/purchaser relationship arises by virtue of the fact that a wholesale purchaser-reseller or wholesale purchaser-consumer purchases or otherwise obtains an allocated product during the specified base period. In addition, because § 211.10(b)(2)(ii) expressly provides that like product exchanges of equal volume do not create a mandatory supplier/purchaser relationship, those exchanges which fall outside the parameters of the exemption do create mandatory supplier/purchaser relationships.

We also disagree that Interpretation 1980–39 contravenes the stated policy objectives of the Emergency Petroleum Allocation Act. To give effect to the purpose of an allocation system based on a historical base period, all of the volumes of an allocated product transferred to a wholesale purchaser during the base period, including volumes of the product obtained pursuant to exchanges, should be included in the purchaser's base period use.

Because Chevron has failed to demonstrate that the Interpretation is erroneous in fact or in law, or that the Interpretation is arbitrary or capricious, the petition for reconsideration is denied. The denial of Chevron's petition for reconsideration is a final order of the Department of Energy from which the petitioner may seek judicial review.

Petition for Reconsideration

Interpretation: McCulloch Gas Processing Corp. 1980–50
Petitioner: McCulloch Gas Processing Co.
Date: April 10, 1981

This responds to McCulloch Gas Processing Inc.'s (MGPC) petition seeking reconsideration of *McCulloch Gas Processing Corporation*, Interpretation 1980–50, 45 FR 82572 (issued on December 10, 1980). For the reasons discussed below, the petition for reconsideration must be denied.

Interpretations issued by the Office of General Counsel of the Department of Energy (DOE) may be reconsidered only in certain limited circumstances. In such cases, the burden is on the petitioner to demonstrate that the interpretation was erroneous in fact or in law, or that the result reached in the interpretation was arbitrary or capricious. 10 CFR 205.85(f).

Interpretation 1980–50 concluded that the development of the price regulations governing sales of NGL's and NGLP's, first under Subpart E, and subsequently under Subpart K, indicates that the "Y_i" factor of the refiner price formula set forth in § 212.83(c)(2)(iii)(D) should have been used to impute a May 1973 cost of purchased NGL's where no actual May 1973 costs are otherwise available. Therefore, MGPC was required to use the "Y_i" factor of the refiner price formula to compute its increased costs under § 212.167(b). MGPC was not permitted to use its weighted average costs of natural gas shrinkage per thousand cubic feet of all natural gas processed in May 1973 as its basis of comparison for computing increased product costs on current purchases of raw NGL's

MGPC's petition for reconsideration raises several arguments to support its view that Interpretation 1980–50 is erroneous in fact and in law. MGPC contends that the primary error of fact in Interpretation 1980–50 is the assumption that MGPC produces natural gas liquids (NGL's) at its processing plants and that it did so during or prior

[8] *Accord, U.S.A. Petroleum Corporation*, Interpretation 1978–20, 42 FR 7940 (February 8, 1977), *aff'd* 5 FEA ¶ 80,555 (February 18, 1977); *Union Oil Company of California*, 2 FEA ¶ 83,017 (January 17, 1975).

to May 1973. MGPC contends that it does not and has not produced NGL's.

MGPC also argues that the Interpretation incorrectly concluded that the pricing of natural gas liquid products produced and sold after January 1, 1975 could be partially governed by 10 CFR, Subpart E of the Mandatory Petroleum Price Regulations. MPGC contends that only Subpart K could be used to calculate maximum lawful prices of NGLP's produced and sold since January 1, 1975.

Interpretation 1980–50 is not premised upon an error of fact. MGPC sold an unfractionated butane-natural gasoline stream. Although MGPC contends that this depropanized mixture is an NGLP, under the regulations this mixture was defined as an NGL. *See* 10 CFR 212.31. However, if MGPC did not sell NGL's in or before May 1973, Part 212, Subparts E and K were silent regarding a method for recovering increased product costs. Accordingly, no increased product costs could have been recovered.

Moreover, Interpretation 1980–50 is legally correct. The proper application of the provisions of the Mandatory Petroleum Price Regulations set forth in 10 CFR Part 212 required MGPC to use the "Y_i" factor of § 212.86(c)(2)(iii)(D) to impute a May 1973 cost of NGL's for MGPC's calculations of increased product costs of NGL's pursuant to § 212.167(b).

Because MGPC has failed to demonstrate that the Interpretation is erroneous in fact or in law, or that the Interpretation is arbitrary or capricious, the petition for reconsideration is denied. The denial of MGPC's petition for reconsideration is a final order of the Department of Energy from which the petitioner may seek judicial review.

Appendix C—*Cases Dismissed*

File No.	Requester	Category	Date dismissed
A-618	Remote Services, Inc.	Allocation and Price.	Dec. 1.
A-599	Bonray Energy Corp.	Price	Dec. 16.
A-567	Way Oil Co	Allocation	Jan. 8.
A-601	Petroleum Systems, Inc.	Allocation	Jan. 16.
A-448	Norman Oil Co., Inc	Allocation	Jan. 22.
A-580	SRI International	Allocation and Price.	Jan. 30.
A-541	Illinois Petroleum Marketers Association.	Allocation	Jan. 28.
A-622	State of North Caroline.	Allocation	Feb. 2.
A-627	Schroeder Fuel Co	Allocation and Price.	Feb. 3.
A-618	E-Z Serve	Allocation	Feb. 3.
A-609	Transportation Concepts and Techniques, Inc.	Price	Feb. 3.
A-596	Enterprise Products Co.	Price	Feb. 3.
A-441	Husky Oil Co	Price	Feb. 3.
A-604	Koch Industries, Inc	Allocation	Feb. 6.
A-590	The New York State Energy Office.	Allocation	Feb. 6.
A-461	Franklin Oil Co	Price	Feb. 10.
A-465	Chevron Agents Association, Inc.	Allocation	Feb. 18.
A-592	Army and Air Force Exchange Service,	Allocation and Price.	Feb. 18.

Appendix C—*Cases Dismissed*—Continued

File No.	Requester	Category	Date dismissed
A-575	Jacobus Quickfleet/ Janesville, Inc.	Allocation	Feb. 18.
A-609	The Gulf Companies.	Price	Feb. 19.
A-618	Arkansas Power & Light Co.	FUA	Feb. 19.
A-514	The Parswex Co	Price	Feb. 19.
A-610	Combustion, Inc	Price	Feb. 19.
A-585	Apex Oil Co	Price	Feb. 19.
A-522	Nederland Processing Co.	Allocation and Price.	Feb. 19.
A-616	Jim Haley Production Co.	Price	Feb. 19.
A-577	Marathon Oil Co	Price	Feb. 24.
A-607	Cornell Oil Co	Price	Feb. 26.
A-405	Amoco Oil Co	Allocation	Mar. 2.
A-617	West Texas Marketing Corp.	Price	Mar 9.
A-594	Standard Oil Co. of Indiana.	Price	Mar. 9.
A-600	Powerine Oil Co	General	Mar. 25.
A-515	Standard Oil Co. (Indiana).	Price	Mar. 5.
A-591	The Standard Oil Co.	FUA	Mar. 6.
A-532	Sergeant Oil & Gas Co., Inc.	Price	Mar. 16.
A-626	Gary Energy Corp	Price	Mar. 17.
A-376	Minerals, Inc	Price	Mar. 18.
A-624	The Superior Oil Co	Price	Mar. 18.
A-529	Brubart Realty Corp	Allocation	Mar. 24.
A-627	Schroeder Fuel Co	Allocation and Price.	Mar. 24.
A-560	Chevron U.S.A., Inc	Price	Mar. 25.
A-612	Kern County Refinery, Inc.	Price	Mar. 31.
A-608	National Association of Truck Stop Operators.	Allocation	Apr. 10.
A-632	State of Illinois	Price	Apr. 24.
A-366	Mustang Fuel Corp	Price	Apr. 28.

[FR Doc. 81-14736 Filed 5-15-81; 8:45 am]
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federal register

Monday
May 18, 1981

Part III

Department of Education

Office of the Secretary

Education Appeal Board

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Part 78

Education Appeal Board

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: These regulations will replace final regulations for the Education Appeal Board which were published on April 4, 1980 and amended on January 5, 1981. These regulations delete a provisions authorizing the Board Chairperson to grant an extension of time to an appellant to submit an application for review of an audit determination, delete provision authorizing the Board to hear cease and desist orders in certain student financial assistance programs under Title IV of the Higher Education Act, and make other minor changes.

EFFECTIVE DATES: These regulations are expected to take effect 45 days after they are transmitted to Congress. Regulations are usually transmitted to Congress several days before they are published in the **Federal Register**. For information concerning the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. David Pollen, Chairperson, Education Appeal Board, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 2141 FOB–6), Washington, D.C. 20202. Telephone: (202) 245–7835.

SUPPLEMENTARY INFORMATION: Section 451 of the General Education Provisions Act (GEPA), as amended by the Education Amendments of 1978, Pub. L. 95–561, 20 U.S.C. 1234, required the Commissioner (now the Secretary) of Education to establish the Education Appeal Board and establish rules of conduct for the Board's operation. In accordance with the statute, the Board has the authority to review specified final audit determinations, and to conduct specified withholding, termination, cease and desist, and other proceeding designated by the Secretary.

Interim final regulations were published on May 25, 1979 (44 FR 30528) to establish the Education Appeal Board by designating the existing Title I Audit Hearing Board as the Education Appeal Board, and to establish procedures for the conduct of Board proceedings. Public comment was invited on those regulations. Final regulations governing the conduct of proceedings before the Board and designating certain types of cases to be heard by the Board were published on April 4, 1980 as 45 CFR Part 100d (45 FR 22634). These regulations were redesignated as 34 CFR Part 78 (45 FR 77368). Amendments to these regulations which designated additional cases to be heard by the Board were published on January 5, 1981 (46 FR 881), and became effective on March 30, 1981 (See 46 FR 19000).

When the regulations published today take effect, they will supersede the final regulations published on April 4, 1980, which provided final rules for the conduct of proceedings before the Board (45 FR 22634) and supersede the amendments published to those regulations on January 5, 1981 (46 FR 881). After the effective date, future proceedings in all cases pending before the Education Appeal Board will be governed by these procedures.

a. *Change in the Requirement for Filing an Application for an Audit Appeal.* Section 78.13 of the Board's current regulations contains the procedures for filing an application with the Board for the review of a final audit determination made by the Department. Section 78.13(b) requires an appellant to submit, as part of its application, a copy of the written final audit determination, a satisfactory notice identifying the issues and facts in the dispute, and a satisfactory statement of the appellant's position together with pertinent facts and reasoning supporting that position. Section 78.13(c), requires the application for review to filed within 30 calendar days of receipt of the written final audit determination "unless the Board Chairperson grants an extension of time for a good reason." The provision for the extension of time for filing contained in § 78.13(c) is similar to provisions in the previously published interim final regulations of the Board (44 FR 30528) and in the rules governing the conduct of audit disputes before the Board's predecessor, the Title I Audit Hearing Board (37 FR 23002, as amended by 41 FR 28568). Section 78.13(c) was issued under the Secretary's authority in section 451 of GEPA, to issue regulations necessary to carry out the functions of the Board.

After further review of this provision and the comments received in response to both the interim final and the final regulations, the Secretary has decided to amend § 78.13(c) of the final regulations. The amended regulations in § 78.13(c) will conform more closely with the specific language contained in section 452 of GEPA which provides that a recipient wishing to submit an application for review in an audit dispute shall do so not more than thirty days from its receipt of the Department's final determination letter. Accordingly, the Secretary is amending § 78.13(c) of the Board's regulations to delete the language in that paragraph authorizing the Board Chairperson to grant an extension of time to an applicant to submit its application for review.

b. *Amendments to the Board's Jurisdiction and Other Related Provisions.* In amendments to the Board regulations published on January 5, 1981 (46 FR 881) the Secretary designated certain types of proceedings to be subject to Board review and made other technical changes. These provisions took effect on March 30, 1981. After further review of these and related provisions, and consideration of inquiries received, the Secretary is amending the regulations by making certain minor changes to these provisions.

Section 78.2 of the Board's current regulations set forth the Board's jurisdiction. The amendment being made to the regulations eliminates from the Board's jurisdiction the authority contained in the January 5, 1981 amendments to conduct cease and desist hearings in matters pertaining to student financial assistance programs authorized by Title IV, and governed by regulations promulgated under Section 487, of the Higher Education Act of 1965, as amended.

While the Secretary is given broad discretion under section 451 of GEPA to designate types of cases to be heard by the Board, and has the statutory authority to designate these higher education cases, the change is being made to be consistent with the literal language contained in the legislative history of the Education Amendments of 1978 (Pub. L. 95–561) (See H. Rept. 95–1137, p. 141).

The amendments to the regulations also will delete from § 78.83 (The Secretary's decision) all references to a recipients's rights to judicial review from the Panel's or Secretary's final decision since the regulations are intended only to cover topics directly related to the conduct of proceedings before the Education Appeal Board.

Section 455 of GEPA contains provisions for obtaining judicial review that apply to recipients that are adversely affected by a decision of the Board or Secretary arising under section 452 (Audit Determinations), section 453 (Withholdings), and section 454 (Cease and Desist Orders) of GEPA. The resolution of such issues as whether the provisions contained in section 455 apply to proceedings that the Secretary

designated as subject to Board review is beyond the scope of these regulations.

Additionally, in response to the Board regulations published on January 5, 1981 (46 FR 861), the Department received comments that expressed uncertainty about the rights of an appellant whose application for review was rejected twice by the Board Chairperson under § 78.24 of the Board regulations. The Board Chairperson will continue to treat the provision governing applications under § 78.24 for Board review in a manner that assures that no appellant is denied an appeal merely because of technical problems with the application. However, since § 78.24 (Rejection of the Application) and § 78.15 (Rejection of the Application for Review) provide that after two rejections the Department may take administrative action, at that point the appellant has no further right to an appeal before the Board.

The Department also received comments that questioned whether the amendments to the Board regulations published on January 5, 1981 give the Board jurisdiction to review appeals from audit findings and other determinations in programs administered by the Department under the Indian Education Act (Pub. L. 92-318, 20 U.S.C. 241aa *et seq.*) The preamble to the January 5, 1981 amendments designating additional jurisdiction to the Board did not refer specifically to these determinations. Those amendments, however, like the regulations that appear in this notice, provide the Board with jurisdiction to review any determination that arises from an applicable program as defined in § 78.3 of these regulations.

Consequently, the jurisdiction designated to the Board in the January 5, 1981 amendments, and repeated in this Notice, establishes the Board's authority to review not only determinations in discretionary grant programs, but also determinations arising in any other applicable program including those under the Indian Education Act.

In order to avoid confusion, the Board regulations are being republished in their entirety along with the revisions described in this preamble.

Because the revisions make relatively minor changes in the previously published regulations of the Board, it is clear that no party to a case before the Board will be prejudiced by republication of the regulations with these revisions, and that all cases currently before the Board can proceed without interruption.

Public comment on these regulations is not being invited. The regulations in question have been the subject of public comment following the issuance of interim final regulations on May 25, 1979 and final regulations on April 4, 1980.

In particular, extensive public comment has been received by the Department regarding § 78.13 of the regulations and the issue of extensions of the thirty-day period for submission of applications for review. Public comment has also been received on the other issues with respect to which changes are made in the Board regulations by this Federal Register document. For these reasons and because the regulations in question are procedural, and therefore exempt from the rulemaking requirements in 5 U.S.C. 553, the Department has concluded that further public participation is not necessary with regard to these regulations.

Citation of Legal Authority

A citation of legal or other authority for each section has been placed in parentheses on the line following each substantive provision of these regulations.

Dated: May 11, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. not applicable)

The Secretary revises Part 78 of the Code of Federal Regulations to read as follows:

EDUCATION APPEAL BOARD

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Authority: Sec. 1222 of the Education Amendments of 1978, Pub. L. 95-561, 92 Stat. 2247-2261 (20 U.S.C. 1234).

Subpart A—General

§ 78.1 Purpose.

These regulations contain rules for the conduct of proceedings before the Education Appeal Board which was

established in accordance with Section 451 of the General Education Provision Act.

(20 U.S.C. 1234 (a) and (e))

§ 78.2 Jurisdiction.

(a) The Board has jurisdiction to—

(1) Review final audit determinations concerning any applicable program (See § 78.3 *(Definitions)* for the definition of an applicable program.).

(2) Conduct withholding or termination hearings initiated by Department of Education (ED) officials in connection with any applicable program (See § 78.3 *(Definitions)* for the definition of an applicable program.).

(3) Conduct cease and desist proceedings initiated by authorized ED officials in connection with any applicable program (See § 78.3 *(Definitions)* for the definition of an applicable program.).

(4) Conduct hearings, in connection with an applicable program (See § 78.3 *(Definitions)* for the definition of an applicable program), which involve—

(i) A determination that a grant is void;

(ii) The disapproval of a recipient's written request for permission to incur an expenditure during the term of a grant; or

(iii) A determination made by an authorized ED official with respect to cost allocation plans negotiated with State and local units of government, and indirect cost rates, computer, fringe benefit, and other special rates negotiated with institutions of postsecondary education, State and local government agencies, hospitals, and other nonprofit institutions (except for determinations which are the subject of an appeal filed by the grantee to the Grant Services Contract Appeal Board or to the Armed Services Board of Contract Appeals regarding a contract with the Department); and

(5) Conduct other proceedings as designated by the Secretary of Education (the Secretary) in the **Federal Register.**

(b) The Board also has jurisdiction under Section 182 of Title I of the Elementary and Secondary Education Act of 1965, as amended, to hear an appeal from each State educational agency (SEA) that has received written notice that the Secretary intends to disapprove the SEA's application for Title I funds. An appeal under section 182 shall be conducted as a withholding hearing.

(20 U.S.C. 1234(a), 2832(b))

§ 78.3 Definitions.

"Appellant" means an SEA or other recipient that requests—

(a) A review of a final audit determination;

(b) A witholding or termination hearing; or

(c) A hearing regarding a matter described in § 78.2(a)(4) *(Jurisdiction)*.

"Applicable program" means any program administered by an authorized ED official except the following student financial assistance programs authorized by Title IV, and governed by regulations promulgated under Section 487, of the Higher Education Act of 1965, as amended:

(a) National Direct Student Loan Program.

(b) College Work-Study Program.

(c) Pell Grant Program, formerly known as the Basic Educational Opportunity Grant Program.

(d) Supplemental Educational Opportunity Grant Program.

(e) Guaranteed Student Loan Program.

(f) Parent Loans for Undergraduate Students Program.

(g) State Student Incentive Grant Program.

"Authorized ED official" means—

(a) The Secretary; or

(b) A person employed by ED who has been designated to act under the Secretary's authority.

"Board" means the Education Appeal Board of ED.

"Board Chairperson" means the Board member designated by the Secretary to serve as administrative officer of the Board.

"Cease and desist" means to discontinue a prohibited practice or initiate a required practice.

"Final audit determination" means a written notice issued by an authorized ED official disallowing expenditures made by a recipient.

"Hearing" means any review proceeding conducted by the Board. A hearing may include a conference, a review of written submissions, an oral argument, or a full evidentiary hearing.

"Panel" means an Education Appeal Board Panel (See § 78.5, (*Panels*)).

"Panel Chairperson" means the person designated by the Board Chairperson to serve as the presiding officer of a Panel.

"Party" means—

(a) The recipient requesting or appearing at a hearing under these regulations;

(b) The authorized ED official who issued—

(1) The final audit determination being appealed, the notice of an intent to withhold or terminate funds, or the cease and desist complaint; or

(2) Any other determination that is the subject of a proceeding before the Board (See § 78.2(a)(4) *(Jurisdiction)* for a list of these determinations.); and

(c) Any person, group, or agency that files an acceptable application to intervene (See § 78.43 (*Intervention*)).

"Recipient" means the named party or entity that initially receives Federal funds under an ED grant or cooperative agreement. For example, for a State-administered program conducted under Title I of the Elementary and Secondary Education Act of 1965, as amended, the SEA is the recipient. This definition does not extend to procurement contracts.

"Suspension" means temporarily stopping payment of Federal funds to a recipient and stopping the recipient's authority to charge costs to a program pending the outcome of a withholding or termination hearing.

"Termination" means ending the payment of Federal funds to a recipient and ending the recipient's authority to charge costs to a program before the recipient's authority to charge costs to a program expires.

"Withholding" means stopping payment of Federal funds to a recipient and stopping the recipient's authority to charge costs to a program, for the period of time the recipient is in violation of a requirement.

(20 U.S.C. 1234 (a) and (e))

§ 78.4 Board membership.

The Board consists of 15 to 30 members. Not more than one-third of the Board members may be employees of ED.

(20 U.S.C. 1234(c))

§ 78.5 Panels.

(a)(1) For each proceeding before the Board, the Board Chairperson selects a Panel, consisting of at least three members of the Board, and designates one of the Panel members as Panel Chairperson.

(2) The Board Chairperson may designate the entire Board to sit as a Panel for any case or class of cases.

(b) A majority of the members of a Panel must be members of the Board who are not full-time employees of the Federal Government.

(c) No Board member who is a party to, or has had any responsibility for the particular matter assigned to a Panel, may serve on that Panel.

(20 U.S.C. 1234 (a) and (e))

§ 78.6 Eligibility for review.

(a) Review under these regulations is available to a recipient that receives a written notice from an authorized ED official of—

(1) A final audit determination;

(2) An intent to withhold or terminate funds;

(3) A cease and desist complaint;

(4) A determination that a grant is void;

(5) The disapproval of a recipient's written request for permission to incur an expenditure during the term of a grant;

(6) A determination with respect to cost allocation plans negotiated with State and local units of government, and indirect cost rates, computer, fringe benefits, and other special rates negotiated with institutions of postsecondary education, State and local government agencies, hospitals, and other nonprofit institutions (except for determinations which are the subject of an appeal filed by the grantee to the Grant Services Contract Appeal Board or to the Armed Services Board of Contract Appeals regarding a contract with the Department); or

(7) Any other proceeding designated by the Secretary.

(b) Review under these regulations is also open to an SEA that has received written notice that the Secretary intends to disapprove the SEA's application for funds under Title I of the Elementary and Secondary Education Act of 1965, as amended. The review shall be conducted as a withholding hearing.

(20 U.S.C. 1234 (a) and (e), 20 U.S.C. 2832(b))

§ 78.7 Exhaustion of remedies.

(a) If a recipient receives a written notice referred to in § 78.6 (*Eligibility for review*) and brings a lawsuit to challenge that notice, the recipient has failed to exhaust administrative remedies and the Secretary may move for dismissal of the lawsuit on that basis.

(b) If the Panel assigned to hear an appeal finds that there are no issues in the appeal within the Board's jurisdiction, the Panel may, at the request of a party or Panel member, issue a decision or order to that effect (See Subpart F—Decisions and Orders).

(20 U.S.C. 1234 and 1234(d))

Subpart B—Final Audit Determination

Written Notice

§ 78.11 Written notice of a final audit determination.

(a) An authorized ED official may issue a written notice of a final audit determination to a recipient in connection with an applicable program (See § 78.3 for the definition of applicable program.)

(b) In the written notice, the authorized ED official—

(1) Lists the disallowed expenditures made by the recipient;

(2) Indicates the reasons for the final audit determination in sufficient detail to allow the recipient to respond—for example, by referring to the relevant parts of a separate document, such as an audit report; and

(3) Advises the recipient that it must repay the disallowed expenditures to ED or, within 30 calendar days of its receipt of the written notice, request a review by the Board of the final audit determination.

(c) The authorized ED official sends the written notice to the recipient by certified mail with return receipt requested.

(20 U.S.C. 1234 (a) and (e), 1234a(a))

§ 78.12 Review of the written notice.

(a) The Board Chairperson reviews the written notice of the final audit determination after an application for review is received (See § 78.13 (*Filing an application for review*)) to insure that the written notice meets the requirements of §78.11(b) (*Written notice of a final audit determination*).

(b) If the Board Chairperson decides that the written notice does not meet the requirements of §78.11(b) (*Written notice of a final audit determination*), the Board Chairperson returns the determination to the official who issued it so that the determination may be properly modified.

(c) If the official makes the appropriate modifications and the recipient wishes to pursue its appeal to the Board, the recipient shall amend its application for review within 30 calendar days of the date it receives the modification.

(20 U.S.C. 1234 (a) and (e), 1234a(b))

Application for Review

§ 78.13 Filing an application for review.

(a) An appellant seeking review of a final audit determination by the Board shall file a written application for review with the Board Chairperson.

(b) The appellant shall attach a copy of the written notice of a final audit determination to the application for review, and shall, to the satisfaction of the Board Chairperson—

(1) Identify the issues and facts in dispute; and

(2) State the appellant's position, together with the pertinent facts and reasons supporting that position.

(c) The appellant shall file the application for review no later than 30 calendar days after the date it receives the written notice of the final audit determination.

(20 U.S.C. 1234 (a) and (e), 1234a(b))

§ 78.14 Acceptance of the application for review.

(a) If the Board Chairperson decides that an application for review satisfies the requirements of § 78.13 (*Filing an application for review*), the Board Chairperson issues a notice of the acceptance of the application to the appellant and the authorized ED official who issued the final audit determination.

(b) The Board Chairperson publishes a notice of acceptance of the application in the **Federal Register** prior to the scheduling of initial proceedings.

(c) If an acceptable application is filed, the Board Chairperson refers the appeal to a Panel, arranges for the scheduling of initial proceedings, and forwards to the Panel and parties an initial hearing record that includes—

(1) The final audit determination;

(2) The application for review; and

(3) Other relevant documents, such as audit reports.

(20 U.S.C. 1234 (a) and (e), 1234a(b))

§ 78.15 Rejection of the application for review.

(a) If the Board Chairperson determines that an application for review does not satisfy the requirements of § 78.13 (*Filing an application for review*), the Board Chairperson returns the application to the appellant, together with the reasons for the rejection, by certified mail with return receipt requested.

(b) The appellant has 20 calendar days after the date it receives the notice of rejection to file an acceptable application.

(c) If an application for review is rejected twice, ED may take appropriate administrative action to collect the expenditures disallowed in the final audit determination.

(20 U.S.C. 1234 (a) and (e), 1234a(b))

Burden of Proof

§ 78.16 Burden of proof.

The appellant shall present its case first and has the burden of proving the allowability of the expenditures disallowed in the final audit determination.

(20 U.S.C. 1234 (a) and (e), 1234a(b))

Subpart C—Withholding, Termination, Voiding, and Other Cost Determinations

Written Notice

§ 78.21 Written notice of an intent to withhold or terminate funds, void a grant, or of other cost determinations.

(a) An authorized ED official may issue a written notice to a recipient under any applicable program (See § 78.3 (*Definitions*) for the definition of applicable program) of—

(1) An intent to withhold or terminate funds; or

(2) A determination, as described in paragraphs (a)(4) through (a)(6) of § 78.6 (*Eligibility for review*) that a grant is void, that a request to incur an expenditure during the term of a grant is denied, or a determination with respect to cost allocation plans, indirect cost rates, or other special rates.

(b) In the written notice, the authorized ED official—

(1) In the case of an intent to withhold or terminate funds, states the facts that indicate the recipient failed to comply substantially with a requirement that applies to the funds;

(2) In the case of a determination that a grant is void, that an expenditure may not be incurred, or a determination with respect to cost allocation plans, indirect cost rates, or other special rates, states the reasons for the determination;

(3) Cites the requirement that is the basis for the alleged failure to comply or for the determination; and

(4) Advises the recipient that it may request a hearing before the Board.

(c) The authorized ED official sends the written notice to the recipient by certified mail with return receipt requested.

(20 U.S.C. 1234 (a) and (e), 1234b(a) and (b))

Application for a Hearing

§ 78.22 Filing an application for a hearing.

(a) An appellant seeking a withholding or termination hearing, or a hearing regarding a determination described in paragraphs (a)(4) through (a)(6) of § 78.6 (*Eligibility for review*), shall file a written application with the Board Chairperson not later than 30 calendar days after the date it receives the written notice.

(b) In the application for a hearing, the appellant shall attach a copy of the written notice and shall, to the satisfaction of the Board Chairperson—

(1) Identify the issues and facts in dispute; and

(2) State the appellant's position, together with the pertinent facts and reasons supporting that position.

(20 U.S.C. 1234 (a) and (e), 1234b(b))

§ 78.23 Acceptance of the application.

(a) If the appellant files an application that meets the requirements of § 78.22 (*Filing an application for a hearing*), the Board Chairperson issues a notice of the acceptance of the application to the appellant and to the authorized ED official who issued the notice of the intent to withhold or terminate, or the determination that is the subject of the appeal.

(b) The Board Chairperson publishes a notice of acceptance of the application in the **Federal Register**, prior to the scheduling of initial proceedings.

(c) If the appellant files an acceptable application, the Board Chairperson refers the appeal to a Panel, arranges for the scheduling of a hearing, and forwards to the Panel and the parties an initial hearing record that includes—

(1) The written notice;

(2) The application for a hearing; and

(3) Other relevant documents.

(20 U.S.C. 1234 (a) and (e), 1234b(b))

§ 78.24 Rejection of the application.

(a) If the Board Chairperson determines that an application for a hearing does not satisfy the requirements of § 78.22 (*Filing an application for a hearing*), the Board Chairperson returns the application to the appellant, together with the reasons for the rejection, by certified mail with return receipt requested.

(b) The appellant has 20 calendar days after the date it receives the notice of rejection to file an acceptable application.

(c) If an application is rejected twice, ED takes appropriate administrative action to withhold or terminate funds, or to enforce the final determination in question.

(20 U.S.C. 1234 (a) and (e), 1234b(b))

Suspension of Payments

§ 78.25 Written notice of an intent to suspend funds.

(a) An authorized ED official may issue to the recipient a written notice of an intent to suspend funds during the course of the withholding or termination hearing.

(b) In the written notice, the authorized ED official—

(1) Indicates the reasons for the suspension; and

(2) Advises the recipient that the suspension becomes effective 10 calendar days after the date the recipient receives the written notice, unless within those 10 calendar days the recipient requests an opportunity to show cause why payments should not be suspended.

(c) The authorized ED official sends the written notice to the recipient by certified mail with return receipt requested.

(20 U.S.C. 1234 (a) and (e), 1234b(c))

§ 78.26 Request to show cause.

A recipient seeking an opportunity to show cause why payments should not be suspended shall submit a written request for a show cause hearing to the authorized ED official who issued th written notice.

(20 U.S.C. 1234 (a) and (e), 1234b(c))

§ 78.27 Show cause hearing.

(a) If a show cause hearing is requested, the authorized ED official—

(1) Notifies the recipient of the time and place for the hearing; and

(2) Designates a person to conduct the show cause hearing. The designee does not have to be a member of the Board but may not be a party to, or have had any responsibility for, the matter before the Board.

(b) At the show cause hearing, the designee considers matters such as—

(1) The necessity for the suspension of payments;

(2) Possible factual errors in the written notice of the intent to withhold or terminate;

(3) The nature of the violation charged in the written notice of the intent to withhold or terminate; and

(4) Hardship resulting from the suspension.

(20 U.S.C. 1234 (a) and (e), 1234b(c))

§ 78.28 Decision.

(a) The designee who conducts the show cause hearing—

(1) Decides whether there should be a suspension during the course of the withholding or termination hearing;

(2) Issues a written decision which includes a statement of findings;

(3) Submits the decision to the Board Chairperson; and

(4) Sends a copy of the decision to the recipient by certified mail with return receipt requested.

(b) The designee's decision is effective on receipt by the recipient and is not subject to review by the Secretary.

(c) The Board Chairperson retains the designee's decision as part of the record of the withholding or termination hearing.

(20 U.S.C. 1234 (a) and (e), 1234b(c))

Subpart D—Cease and Desist

Written Notice

§ 78.31 Written notice of a cease and desist complaint.

(a) An authorized ED official may issue a written notice of a cease and

desist complaint to a recipient receiving funds under an applicable program (See § 78.3 (*Definitions*) for the definition of an applicable program.). The cease and desist proceeding may be used as an alternative to a withholding or termination hearing.

(b) In the written notice, the authorized ED official—

(1) States the facts that indicate the recipient failed to comply substantially with a requirement that applies to the funds;

(2) Cites the requirement that is the basis for the alleged failure to comply; and

(3) Gives notice of a hearing that is to be held at least 30 calendar days after the date the recipient receives the written notice.

(c) The authorized ED official sends the written notice to the recipient by certified mail with return receipt requested.

(20 U.S.C. 1234 (a) and (e), 1234c(a))

Hearing

§ 78.32 Right to appear at the cease and desist hearing.

The recipient has the right to appear at the cease and desist hearing, which is held before a Panel of the Board on the date specified in the complaint.

(20 U.S.C. 1234 (a) and (e), 1234c(b))

§ 78.33 Opportunity to show cause.

At the hearing the recipient shall have the opportunity to present reasons why a cease and desist order should not be issued by the Board based on the violation of law stated in the compliant.

(20 U.S.C. 1234 (a) and (e), 1234c(f))

Order

§ 78.34 Written report and order.

If, after the hearing, the Panel decides that the recipient has violated a legal requirement as stated in the complaint, the Panel—

(a) Makes a written report stating its findings of fact; and

(b) Issues a cease and desist order (See § 78.85 (*The cease and desist report and order.*)).

(20 U.S.C. 1234 (a) and (e), 1234c(c))

Subpart E—Practice and Procedure

General Rules

§ 78.41 Applicability of this subpart.

This subpart applies only to proceedings before the Board.

(20 U.S.C. 1234(e))

78.42 Applicability of other laws.

(a) Sections 554, 556, and 557 of the Administrative Procedure Act (5 U.S.C.) apply to proceedings before the Board with respect to—

(1) The receipt of oral or written testimony;

(2) Notice of the issues to be considered;

(3) The right to counsel;

(4) Intervention of third parties; and

(5) Transcripts of proceedings.

(b) Other provisions of the Administrative Procedure Act and the Federal Rules of Civil Procedure do not apply to proceedings before the Board.

(20 U.S.C. 1234(e))

§ 78.43 Intervention.

(a) A person, group, or agency with an interest in and having relevant information about a case before the Board may file with the Board Chairperson an application to intervene.

(b) The application to intervene shall contain—

(1) A statement of the applicant's interest; and

(2) A summary of the relevant information.

(c)(1) If the application is filed before a case is assigned to a Panel, the Board Chairperson decides whether approval of the application to intervene will aid the Panel in its disposition of the case.

(2) If the application is filed after the Board Chairperson has assigned the case to a Panel, the Panel decides whether approval of the application to intervene will aid the Panel in its disposition of the case.

(d) The Board Chairperson notifies the applicant seeking to intervene and the other parties of the approval or disapproval of the application to intervene.

(e) If an application to intervene is approved, the intervenor becomes a party to the proceedings.

(f) If an application to intervene is disapproved, the applicant may submit to the Board Chairperson an amended application to intervene.

(20 U.S.C. 1234(e))

§ 78.44 Representation by counsel.

Parties may be represented by counsel.

(20 U.S.C. 1234(e))

§ 78.45 Filing of documents.

(a) An applicant shall file with the Board Chairperson one copy of an application for review or to intervene.

(b) Once a Panel has been assigned, parties shall—

(1) File with the Board Chairperson five copies of all written motions, briefs—including cited materials that are not readily available—and other documents; and

(2) Provide a copy to each of the other parties to the proceedings.

(c) Parties have 25 calendar days from the date of receipt of any motion to file a response with the Board Chairperson, unless the Panel Chairperson grants an extension for a good reason.

(d) The date of filing is the date the document is postmarked or hand-delivered to the Office of the Board Chairperson. If a scheduled filing date occurs on a Saturday, Sunday, or Federal holiday, the next business day is the date of filing.

(20 U.S.C. 1234(e))

§ 78.46 Availability of decisions.

The Board Chairperson maintains the files of the Board. The decisions of the Board are available to the public on request and with payment of reproduction costs.

(20 U.S.C. 1234(e))

§ 78.47 Communications.

No party shall communicate with the Panel or Board Chairperson on matters under review, except minor procedural matters, unless all parties to the case are given—

(a) Timely and adequate notice of the communication; and

(b) Reasonable opportunity to respond.

(20 U.S.C. 1234(e))

§ 78.48 Transcripts.

(a) The Board Chairperson—

(1) Arranges for the preparation of a transcript of each hearing;

(2) Retains the original transcript as part of the record of the hearing; and

(3) Provides one copy of the transcript to each party and Panel member.

(b) Additional copies of the transcript are available on request and with payment of the reproduction fee.

(20 U.S.C. 1234(e))

§ 78.49 Subpoenas.

(a) The Panel does not have authority to issue subpoenas.

(b) The Panel may ask a party to provide for oral or written examination one or more available witnesses who have knowledge about the matter under review.

(20 U.S.C. 1234(e))

§ 78.50 Exchange of information.

There is no discovery as conducted under the Federal Rules of Civil Procedure, but the parties are encouraged to exchange relevant documents and information.

(20 U.S.C. 1234(e))

§ 78.51 Evidence.

The Panel accepts any evidence that it finds is relevant and material to the proceedings. Parties may object to evidence they consider to be irrelevant, immaterial, or unduly repetitious.

(20 U.S.C. 1234(e))

§ 78.52 Panel decisions.

Decisions of the Panel are made by a majority of the Panel members.

(20 U.S.C. 1234(e))

§ 78.53 Intermediate review.

The parties may not file comments with the Secretary regarding matters under review on any rulings of a Panel until the Panel has reached its decision (See § 78.81 (*The Panel's decision*).).

(20 U.S.C. 1234(e))

Panel Proceedings

§ 78.61 Authority and responsibilities of Panels.

(a) The Panel may regulate the course of proceedings and the conduct of the parties during the proceedings. The Panel takes all steps necessary to conduct a fair and impartial proceeding, to avoid delay, and to maintain order, including the following:

(1) The Panel may hold conferences or other types of appropriate proceedings to clarify, simplify, or define the issues or to consider other matters that may aid in the disposition of an appeal.

(2) The Panel may require parties to state their positions and to provide all or part of the evidence in writing.

(3) The Panel may require parties to present testimony through affidavits and to conduct cross-examination through interrogatories.

(4) The Panel may direct the parties to exchange relevant documents or information and lists of witnesses, and to send copies to the Panel.

(5) The Panel may receive, rule on, exclude, or limit evidence at any stage of the proceedings.

(6) The Panel may rule on motions and other issues at any stage of the proceedings.

(7) Although hearings are open to the general public, the Panel may establish reasonable rules for public attendance and media coverage of the proceedings.

(8) The Panel may examine witnesses.

(9) The Panel may set reasonable time limits for submission of written documents.

(10) The Panel may end an appeal and issue a decision against a party if that party does not meet the time limits set by the Panel or otherwise delays the Panel.

(b) The Panel may interpret applicable statutes and regulations but may not waive them or rule on their validity.

(20 U.S.C. 1234(e))

§ 78.62 Conferences.

(a) The Board Chairperson may schedule a prehearing conference of the Panel members and parties.

(b) A Panel member or party may request a conference of the Panel members and parties except in the case of a show cause proceeding. The Panel Chairperson decides whether a conference is necessary.

(c) At a prehearing or other conference the Panel and the parties may consider subjects such as—

(1) Narrowing and clarifying issues;

(2) Assisting the parties in reaching agreements and stipulations;

(3) Clarifying the positions of the parties;

(4) Presenting the direct case of the parties in writing, in whole or in part, or conducting an oral argument or evidentiary hearing;

(5) Setting dates for the exchange of written documents, the receipt of comments from the parties on the need for an oral argument or evidentiary hearing, and further proceedings before the Panel; and

(6) Requesting the names of witnesses each party wishes to present at an evidentiary hearing and estimates of time for each presentation.

(d) At a prehearing or other conference the parties shall be prepared to respond to the subjects listed in paragraph (b) of this section.

(e) Following a prehearing or other conference the Panel may issue a written statement describing the issues raised, the action taken, and the stipulations and agreements reached by the parties.

(20 U.S.C. 1234(e))

Presentation of Case

§ 78.71 Written submission normally required.

The parties shall present their positions through briefs and the submission of other documents but may request an oral argument or evidentiary hearing. The Panel shall determine whether an oral argument or evidentiary hearing is needed to clarify the position of the parties.

(20 U.S.C. 1234(e))

§ 78.72 Notice of an oral argument or evidentiary hearing.

If the Panel decides that an oral argument or evidentiary hearing is necessary, the Panel Chairperson sends written notice of this decision to all parties. The notice states the time and place of the proceeding and the issues to be considered. The notice may be published in the Federal Register upon the request of a party or Panel member.

(20 U.S.C. 1234(e))

§ 78.73 Conduct of a hearing.

A hearing is generally conducted by all the Panel members, but, if circumstances require, a hearing may be conducted by one or more Panel members. All the Panel members shall participate in the Panel's decision.

(20 U.S.C. 1234(e))

Subpart F—Decision and Orders

Final Audit Determinations, Withholdings, Terminations, and Other Cost Determinations

§ 78.81 The Panel's decision.

The Panel issues a decision in the appeal from the final audit determination, or the intent to withhold or terminate funds, or other determinations that are the subject of the proceedings. The Board Chairperson submits the Panel's decision to the Secretary and sends a copy to each party by certified mail with return receipt requested.

(20 U.S.C. 1234 (a) and (e), 1234a(d), 1234b(d))

§ 78.82 Opportunity to comment on the Panels decision.

(a) *Initial comments and recommendations.* Each party has the opportunity to file comments and recommendations on the Panel's decision with the Board Chairperson within 15 calendar days of the date the party receives the Panel's decision.

(b) *Responsive comments and recommendations.* The Board Chairperson sends a copy of a party's initial comments and recommendations to each of the other parties by certified mail with return receipt requested. Each party may file responsive comments and recommendations with the Board Chairperson within seven days of the date the party receives the initial comments and recommendations.

(c) The Board Chairperson forwards the parties' initial and responsive comments on the Panel's decision to the Secretary.

(20 U.S.C. 1234 (a) and (e), 1234a(d), 1234b(d))

§ 78.83 The Secretary's decision.

(a) The Panel's decision becomes the final decision of the Secretary 60 calendar days after the date the recipient receives the Panel's decision, unless the Secretary, for good cause shown, modifies or sets aside the Panel's decision.

(b) If the Secretary modifies or sets aside the Panel's decision within the 60

days, the Secretary issues a decision that—

(1) Includes a statement of the reasons for this action; and

(2) Becomes the Secretary's final decision 60 calendar days after it is issued.

(c) The Board Chairperson sends a copy of the Secretary's final decision and statement of reasons, or a notice that the Panel's decision has become the Secretary's final decision, to the panel and to each of the parties.

(d) The final decision of the Secretary is the final decision of the Department.

(20 U.S.C. 1234 (a) and (e), 1234a(d), 1234b(d), 1234d)

§ 78.84 Collection.

If the final decision of the Secretary sustains the final audit determination, the intent to withhold or terminate funds or other determination, ED takes immediate steps to collect the debt, withhold or terminate funds, or to effect the determination that was the subject of the Board proceedings.

(20 U.S.C. 1234 (a) and (e), 1234a(e), 1234b)

Cease and Desist

§ 78.85 The cease and desist report and order.

(a) If the Panel issues a cease and desist report and order (described in § 78.34 (*Written report and order*)), the Board Chairperson sends the report and order to the recipient by certified mail with return receipt requested.

(b) The order becomes final 60 calendar days after the date the order is received by the recipent. The order is not subject to review by the Secretary.

(20 U.S.C. 1234 (a) and (e), 1234c(d), 1234d)

§ 78.86 Enforcement.

(a) If the Panel issues a cease and desist report and order, the recipient shall take immediate steps to comply with the order.

(b) If, after a reasonable period of time, the Secretary determines that the recipient has not complied with the cease and desist order, the Secretary may—

(1) Withhold funds payable to the recipient under the affected program, including funds payable for administrative costs, without any further proceedings before the Board; or

(2) Certify the facts of the matter to the Attorney General for enforcement through appropriate proceedings.

(20 U.S.C. 1234 (a) and (e), 1234c(e))

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Part IV

Environmental Protection Agency

Grants for Construction of Water Treatment Works

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[WH-FRL 1796-8]

Grants for Construction of Treatment Works

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This document proposes several changes to the regulations governing grants for construction of treatment works. Some of the changes implement the provisions of the October 21, 1980 amendments to the Clean Water Act. Others are designed to clarify and simplify the regulations, eliminate inequities and reduce project costs.

DATES: Comments by July 2, 1981. If adopted, we expect to publish a final regulation by August 31, 1981, and we expect it to be effective for grant assistance awarded after September 30, 1981. After the amendments are published in final form, any grantee may implement provisions it finds desirable before the effective date.

ADDRESSES: Comments should be addressed to: Central Docket Section (A-130), Attention: Docket No. G-81-1, Environmental Protection Agency, Washington, D.C. 20460.

The public may inspect the comments received on the proposed rules at: Central Docket Section, Gallery 1 West Tower Lobby, Environmental Protection Agency, 401 M Street, SW., Washington, D.C., between 8 a.m. and 4:30 p.m., business days.

FOR FURTHER INFORMATION CONTACT: Mr. Harold P. Cahill, Director, Municipal Construction Division (WH-547), Environmental Protection Agency, Washington, D.C. 20460, 202-426-8986.

SUPPLEMENTARY INFORMATION: On October 21, 1980, President Carter signed Pub. L. 96-483, an amendment to the Clean Water Act. The Director, Grants Administration Division, approved a class deviation on December 5, 1980, which implemented the more straight-forward of the new law's provisions. The deviation (1) increased the Step 3 cost below which award of a Step 2 + 3 grant is permitted, (2) extended the reallotment date for FY 1979 funds, and (3) changed the basis for the 205(g) reserve from two percent of each State's allotment based on the actual appropriation to two percent of each State's allotment based on the amount authorized to be appropriated. In this document we are proposing to amend the regulation to eliminate the need for the class deviation and to implement the remaining provisions of Pub. L. 96-483.

Further, the Environmental Protection Agency's (EPA) construction grant program operating experience has indicated the need for several changes in EPA's regulations which we believe would improve administration of the program. We are also proposing these changes.

The narrative explanation of each change or group of changes is presented first, followed by the specific changes in the regulations which we propose to make. The regulation changes are numbered consecutively.

This program is listed in the Catalog of Federal Domestic Assistance as number 66.418—Construction Grants for Wastewater Treatment Works. Applicants must comply with all applicable requirements of the Office of Management and Budget (OMB) Circular A-95.

Step 2 + 3 Grants

Section 6 of Pub. L. 96-483 increased the limits for award of Step 2 + 3 grants. Before the amendment, Step 2 + 3 grants were limited to projects with an estimated total Step 3 construction cost of $2 million or less (or $3 million or less in States with high construction costs). Those limits are now $4 million and $5 million respectively. The Director, Grants Administration Division, approved a class deviation December 5, 1980, implementing this provision.

1. We propose to revise paragraph (b)2) of § 35.909 to read as follows:

§ 35.909 Step 2 + 3 grants.

* * * * *

(b) * * *

(2) The treatment works has an estimated total Step 3 construction cost of $4 million or less, as determined by the Regional Administrator. For any State that the Assistant Administrator for Water and Waste Management finds to have unusually high costs of construction, the Regional Administrator may make Step 2 + 3 awards where the estimated total Step 3 construction costs of such treatment works does not exceed $5 million. The project must consist of all associated Step 2 and Step 3 work; segmenting is not permitted; and

* * * * *

Extension of the FY 1979 Reallotment Date

We are proposing to amend § 35.910-10 to extend the reallotment date for Fiscal Year 1979 funds from September 30, 1980 to September 30, 1981. Section 7 of Pub. L. 96-483 extended the reallotment date, and EPA has already implemented it in a December 5, 1980 class deviation.

2. We propose to revise paragraph (a) of 40 CFR 35.910-10 to read as follows:

§ 35.910-10 Allotment of fiscal year 1979 appropriations.

(a) Title II of Pub. L. 95-302 appropriated $4.2 billion. These allotments are available until expended but must be obligated by September 30, 1981. After that date, unobligated balances will be reallotted under Section 205(d) of the Act (see § 35.910(b)).

* * * * *

Priority List Reserves

Recent questions have highlighted an ambiguity in the determination of reserves under § 35.915-1. When grant funds are deobligated (for example, when actual project costs are less than the estimated amount reflected in the grant award), those deobligated funds remain available to the program, are added to that State's most recent allotment, and take the character of that allotment. The reserves under § 35.915-1 are based on the amount of each allotment. If we permit the allotment to constantly fluctuate, the reserves would vary as well. As a result, the reserves would be difficult to administer, and a State which believed it had fully exhausted a reserve, might find that was not the case, due to an unexpected administrative deobligation late in the fiscal year. This proposed amendment in § 35.915-1 reflects EPA's established policy and interpretation that the amount of the reserves will be based on each State's allotment from the annual appropriation. This means they will not be based on reallotment or deobligation amounts.

Also, Pub. L. 96-483 changed the basis for determining the amount available for State Management Assistance grants under section 205(g) of the Clean Water Act. Each State can now reserve up to 2 percent of its allotment for 205(g) based on the amount authorized to be appropriated, rather than on the actual allotment. We are proposing to revise § 35.915-1(a) accordingly.

3. We propose to revise the first paragraph and paragraph (a) of § 35.915-1 to read as follows:

§ 35.915-1 Reserves related to the project priority list.

In developing the fundable portion of the priority list, the State shall provide for the establishment of the several reserves required or allowed under this section. The amount of each reserve shall be based on the allotment to each

State from the annual appropriation (see § 35.910 *et seq.*). The State shall submit a statement specifying the amount to be set aside for each reserve with the final project priority list.

(a) *Reserve for State management assistance grants.* Each State may (but need not) propose that the Regional Administrator reserve, from the State's allotment based on the amount appropriated, up to 2 percent of the State's allotment based on the amount authorized to be appropriated, or $400,000, whichever is greater, for State management assistance grants under subpart F of this part. Grants may be made from these funds to cover the reasonable costs of administering activities delegated to a State. Funds reserved for this purpose that are not obligated by the end of the allotment period will be added to the amounts last allotted to a State. These funds shall be immediately available for obligation to projects in the same manner and to the same extent as the last allotment.

* * * * *

Industrial Cost Exclusion

Public Law 96–483 repealed the industrial cost recovery (ICR) provisions of the Clean Water Act, but prohibited Step 3 funding of treatment works capacity to treat, store or convey the flow of any industrial user in excess of a flow equivalent to 50,000 gallons per day of sanitary waste. The law provides that this "industrial cost exclusion" (ICE) will not apply to Step 3 grants where EPA awarded the Step 2 grant before May 15, 1980, or to Step 3 grants that EPA awards before November 16, 1981, regardless of when EPA awarded the Step 2 grant. In developing a proposed regulation, we considered three main issues:

- How should we define "industrial users" and how should we apply the 50,000 gallon per day flow limitation?
- How should we apply ICE to segmented projects?
- How should we handle capacity for future industrial growth?

Industrial Users. Neither the Clean Water Act not Pub. L. 96–483 define industrial flow. However, Section 502(18) of the Act does define industrial user and EPA had refined that definition for purposes of ICR. We have decided to use the same definition of industrial user under ICE. Under ICR, flow from sanitary conveniences was exempt; it will be exempt under ICE also. However, EPA will determine the quantity of an industrial user's flow by considering both its strength and volume compared to the strength and volume of domestic discharges.

Segmented Projects. Many grantees design and construct treatment works in "segments." A segment may be any portion of a complete treatment works. Since projects that received Step 2 grants before May 15, 1980, and projects that receive Step 3 grants before November 16, 1981 are exempt from ICE, we discussed two options for segmented projects.

- First, we considered applying ICE to each segment. This would result in different levels of Federal participation for different segments of a treatment works, depending on when EPA awarded the grant for each segment.
- Second, we considered exempting the entire treatment works from ICE if EPA awarded a grant for a segment of the treatment works before the appropriate dates.

We chose the second option in order to avoid confusion and to maintain consistency. We did provide, however, that EPA could only exempt future segments already on the FY 81 five-year priority list. Further, we required the Regional Administrator to identify the scope of the total treatment works exempt from ICE in the grant agreement.

Future Industrial Capacity. EPA's cost-effectiveness analysis guidelines (Appendix A to 40 CFR Part 35 Subpart E) allow a certain amount of capacity for unspecified industrial growth. Grantees were required to apply ICR when an industry used that capacity. Under ICE, however, EPA must determine if ICE applies before awarding the grant. We believe the simplest way which is in keeping with Congressional intent is to exclude the cost of industrial growth capacity if that capacity is more than 50,000 gallons per day.

We are also proposing to remove ICR requirements of the regulations and make several other related changes. Although we did not change the substance of § 35.925–15, we revised it to clarify the current regulation. The most important requirement of this section is that the principal purpose of both a project and the complete waste treatment system of which it is a part, must be to treat domestic waste, so we moved it to the beginning. We moved the two special situations addressed in the current regulation to a secondary position. We then defined two terms already used in § 35.925–15. We defined "industrial source" as any nongovernmental, nonresidential treatment works users identified in Standard Industrial Classification Manual division A, B, D, E, and I. The other new definition, "domestic user", describes the existing category of nonindustrial users who introduce sanitary wastes into a treatment works. This category includes residential, commercial, non-Federal governmental and other nonindustrial users. These two new definitions make decisions on the allowability of industrial capacity in general under ICE and in specific projects and complete waste treatment systems under § 35.925–15 compatible.

4. We propose to revise paragraph (k) of § 35.903 to read as follows:

§ 35.903 Summary of Construction Grant Program.

* * * * *

(k) Under section 204(b) of the Act, the grantee must comply with applicable user charge requirements; see §§ 35.925–11, 35.929 et seq., 35.935–13, and Appendix B to this subpart.

* * * * *

5. We propose to amend § 35.905 by adding the definition of "Domestic user" after the definition of "construction" to read as follows:

§ 35.905 Definitions.

* * * * *

"Domestic user." Any governmental (non-Federal), residential or nonindustrial wastewater source.

* * * * *

6. We propose to amend § 35.905 by removing the definitions of "Industrial cost recovery" and "Industrial cost recovery period", by amending the definition of "Industrial user," and by adding a definition of "Industrial source" to read as follows:

§ 35.905 Definitions.

* * * * *

"Industrial source." Any nongovernmental, nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A. Agriculture, Forestry, and Fishing.

Division B. Mining.

Division D. Manufacturing.

Division E. Transportation, Communications, Electric, Gas, and Sanitary Services.

Division I. Services.

"Industrial user." Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 50,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended

and supplemented under one of the following divisions:

Division A. Agriculture, Forestry, and Fishing.

Division B. Mining.

Division D. Manufacturing.

Division E. Transportation, Communications, Electric, Gas, and Sanitary Services.

Division I. Services.

(a) In determining the amount of an industrial source's discharge for purposes of industrial cost exclusion, the grantee shall exclude discharges from sanitary conveniences.

(b) After applying the exclusion in paragraph (a) of this section, dischargers in the above divisions that have a volume exceeding 50,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 50,000 gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from domestic users. The grantee, with the Regional Administrator's approval, shall define the strength of the domestic users' discharges in terms of parameters including, as a minimum, BOD and SS per volume of flow.

7. We propose to revise paragraph (g) of § 35.918–1 to read as follows:

§ 35.918–1 Additional limitations on awards for individual systems.

* * * * *

(g) Establish a system of user charges in accordance with § 35.929 et seq. and § 35.935–13.

* * * * *

§ 35.920–3 [Amended]

8. We propose to remove paragraph (b)(8)(ii) of § 35.920–3.

9. We propose to revise § 35.925–11 to read as follows:

§ 35.925–11 User charges.

That, in the case of grant assistance for a project involving Step 2 or Step 3, the grantee has complied or will comply with the requirements for user charge systems. (See § 35.929 et seq. and § 35.935–13.)

(a) *Grants awarded before July 1, 1979.* Grantees shall submit an implementation schedule to show that their user charge systems will be approved in accordance with the requirements of § 35.935–13.

(b) *Grants awarded after June 30, 1979.* The grantee's user charge system must be approved before the award of Step 3 grant assistance.

10. We propose to revise § 35.925–15 to read as follows:

§ 35.925–15 Treatment of wastes from industrial sources.

(a) That the project must be included in a complete waste treatment system. The principal purpose of both the project (as defined by the Regional Administrator (see §§ 35.903(d) and 35.905)) and the system must be for the treatment of domestic users' discharges of the entire community, area, region or the district concerned.

(b) That allowable project costs do not include:

(1) Costs of interceptor or collector lines constructed exclusively, or almost exclusively, to serve industrial sources; or

(2) Costs allocable to the treatment for control or removal of pollutants in wastewater introduced into the treatment works by industrial sources, unless the applicant is required to remove such pollutants introduced from nonindustrial sources. See the pretreatment regulations in Part 403 of this chapter and § 35.907.

11. We propose to add a new § 35.925–22 to read as follows:

§ 35.925–22 Industrial cost exclusion.

That, if the award is for a Step 3 or Step 2 + 3 grant after November 15, 1981, the allowable project cost does not include the cost of treating flow of an industrial user as defined in § 35.905 unless the grant is exempt under § 35.928(a). The method for computing the cost to be excluded under this section is provided under § 35.928.

§ 35.935–15 [Reserved]

12. We propose to remove and reserve § 35.935–15.

§§ 35.928–1 through 35.928–4 [Removed]

13. We propose to remove §§35.928–1 through 35.928–4 and to revise § 35.928 to read as follows:

§ 35.928 Industrial cost exclusion.

Step 3 costs of treating discharges from industrial users are not allowable (see § 35.925–22). This section establishes a method for computing the eligible cost of Step 3 projects serving industrial users (see definition in § 35.905). It applies to all Step 2 + 3 grant assistance awarded after November 15, 1981. It applies to all Step 3 grant assistance awarded after November 15, 1981, if Step 2 grant assistance for the treatment works was awarded after May 14, 1980, except as provided under paragraphs (a)(1) and (a)(2) of this section.

(a) *Exceptions.* (1) *Segmented projects.* If construction of a treatment works is segmented and EPA awarded either the grant for the first Step 2 segment before May 15, 1980, or the grant for the first Step 3 segment before November 16, 1981, future segments of the same treatment works which are included on the FY 1981 five-year priority list will not be subject to the industrial cost exclusion limitation of § 35.925–22. The Regional Administrator shall define the scope of the future works exempt from the provisions of § 35.925–22 in the appropriate grant agreement.

(2) *Combined sewer overflow and infiltration/inflow projects.* The industrial cost exclusion provisions of § 35.925–22 do not apply to combined sewer overflow or infiltration/inflow correction projects.

(b) *Computing allowable cost.* EPA will compute allowable cost for any Step 3 project subject to the industrial cost exclusion provision of § 35.925–22 as follows:

$$Ce = Cp\ (1 - \frac{Fi}{Ft})$$

Ce = Total cost of project allowable for Step 3 funding, excluding the costs of combined sewer overflow and infiltration/inflow correction;

Cp = Total cost of allowable Step 3 project including industrial capacity, but excluding the cost of combined sewer overflow and infiltration/inflow correction;

Fi = Sum of all equivalent design flow introduced by industrial users as defined in § 35.905 and all reserve capacity for future industrial use when it exceeds the equivalent of 50,000 gallons per day of sanitary waste; and

Ft = Total equivalent design flow of the treatment works.

Uniform Lower Federal Share

Public Law 96–483 amends sections 201(a)(1) and 202(a)(2) of the Clean Water Act (CWA) to permit a Governor, with the concurrence of the Administrator, to uniformly reduce the Federal grant share throughout a State. Before the amendment all construction grants had to be 75 percent of the eligible cost of the project or 85 percent of the eligible cost of that part of projects employing innovative and alternative technologies. Although the amendment does not limit the amount the Governor can reduce the Federal share, it does require assistance for innovative and alternative projects to be at least 15 percent greater than the reduced Federal share.

In developing the proposed regulation, we considered whether the Federal share can be reduced for some project needs categories and not others or for any step (Step 1, 2, 3 or 2+3) of grant assistance but not all steps, or if the reduction must be uniform for all

categories and steps. Based on our understanding of Congressional intent and the legislative history, we determined that the reduced Federal share should be uniform for all project steps and categories throughout a State.

A closely-related issue is whether we should permit the Federal share to vary among project segments of a proposed overall waste treatment system where the segments are funded in different fiscal years. We propose to allow variations because waste treatment systems are often divided for funding in project segments in different fiscal years as grant funds become available. We anticipate that some States will reduce the Federal share when they have adequate State funds to make up the difference; thus, requiring States to maintain the same Federal share to each segment of an entire waste treatment system would inhibit, or even preclude effectiveness of the amendment. However, for increases to a single project, the Federal share shall be the same as the share of the initial award for that project.

We also considered whether States, as a prerequisite to lowering the Federal share, must provide the difference from State funding. We propose to reject that requirement because it could prevent a State from reducing the Federal share to enable funding of more projects from a given Federal allotment. Nevertheless, the State should consider other available sources of funds, including State and other Federal funds, and the financial impact on grantees of the Federal share reduction. EPA may disapprove a proposed Federal share reduction if the Regional Administrator finds the additional financial burden for grantees is unreasonable.

Another significant issue is whether the State must lower the Federal share for an extended period (say two or more fiscal years). An argument against this requirement is that States should have flexibility to reinstate the 75 percent Federal share if grantee costs are found excessive or if State funding is reduced. On the other hand, if EPA permits States to immediately reinstate the 75 percent share, some grant applicants may hold back grant applications for needed facilities with the expectation of later receiving a higher Federal share. To assure some stability without being unduly restrictive, we propose that a Federal share reduction shall remain in effect for a minimum of two fiscal years.

We also considered whether the State should hold a public hearing before requesting the Regional Administrator to approve a reduced Federal share. We propose to require a hearing before, or as a part of, the public hearing on the State project priority list. A hearing will provide grantees which may be financially affected an opportunity to comment on the proposal.

14. We propose to revise paragraph (b) of § 35.915–1 to read as follows:

§ 35.915–1 Reserves related to the project priority list.

* * * * *

(b) *Reserve for innovative and alternative technology project grant increase.* Each State shall set aside from its annual allotment a specific percentage to increase the Federal share of grant awards by 10 percent of the eligible cost above a 75 percent share to 85 percent, or by 15 percent of the eligible cost above a reduced Federal share (under § 35.930–5(d)(3)) for construction projects which use innovative or alternative wastewater treatment processes and techniques. The set-aside amount shall be 2 percent of the State's allotment for each of fiscal years 1979 and 1980, and 3 percent for Fiscal Year 1981. Of this amount not less than one-half of 1 percent of the State's allotment shall be set aside to increase the Federal grant share for projects using innovative processes and techniques. Funds reserved under this section may be expended on projects for which facilities plans were initiated before Fiscal Year 1979. These funds shall be reallotted if not used for this purpose during the allotment period.

* * * * *

15. We propose to revise § 35.930–5 by adding a new paragraph (d) to read as follows:

§ 35.930–5 Federal share.

* * * * *

(d) *Uniform lower Federal share.* (1) Notwithstanding the provisions of paragraphs (b) and (c) of this section, the Governor of a State may request the Regional Administrator's approval to reduce uniformly throughout the State the Federal share of grant assistance for all projects. The uniform lower Federal share must apply to all steps (Steps 1, 2, 3 and 2+3) and all needs categories (see § 35.915(a)(1)(iii)).

(2) The Regional Administrator may approve the Governor's request for reduced Federal grant assistance share only if:

(i) The reduction will apply to all grant assistance awarded during at least two fiscal years;

(ii) The request identifies sources of other Federal and non-Federal assistance including any additional State funding;

(iii) The State issues a public notice of its proposal to reduce the Federal share. The notice must include the proposed State project priority list; and

(iv) The State holds a public hearing on the proposed request at least 45 days after the public notice, but before, or as a part of, the required public hearing on the State's proposed project priority list.

(3) If the State reduces the Federal share under paragraph (d)(1) of this section, the Federal share for innovative and alternative wastewater treatment processes and techniques under § 35.930–5(b), will be 15 percent (of the eligible cost) greater than the approved Federal share up to a maximum of 85 percent.

(4) After EPA awards grant assistance for a project, the Federal share shall be the same for any grant increase for that project.

(5) The Governor may reinstate the 75 percent Federal share for any new fiscal year without EPA approval by issuing a public notice of the change, with a copy to the Regional Administrator and by holding a public hearing on the reinstatement at least 45 days after the public notice but before, or as a part of, the required public hearing on the State's proposed project priority list.

Reimbursement

Public Law 96–483 revised section 206(f) of the Clean Water Act to allow EPA to reimburse a grantee for up to 75 percent of a project's eligible cost. EPA drafted a concept paper to implement the reimbursement provision under the assumption that the standing restriction in the appropriations bill which prohibits the use of construction grants funds for section 206 projects would be removed. However, the subsequent appropriations bill for FY 81 (Pub L. 96–526) did not remove the restriction. Until this restriction is removed, or until Congress enacts a separate appropriation for 206(f) projects, EPA cannot implement section 206(f). To do so would mislead grantees into assuming that EPA could fund reimbursable construction grant projects. Interested persons may obtain copies of the draft concept paper by contacting Mr. Albert Pelmoter, WH–547, 401 "M" Street, S.W., Washington, D.C. 20460, tel. no. (202) 426–8820.

Value Engineering

This proposed change would revise § 35.926 to emphasize that it is EPA's policy to encourage grantees to voluntarily use value engineering (VE) on all projects. In 1975 and 1976, EPA had a voluntary VE program for construction grants. Based on our experience with the voluntary program, we instituted a mandatory program in

1977 for projects having a projected total Step 3 grant eligible cost, excluding the cost of sewers, of $10 million or more. During the first four years of the mandatory program, EPA grantees conducted VE analyses on 105 projects. These analyses produced net capital savings of $157 million and averaged about $13 return for each dollar invested in VE. Weighed against the total project costs of $3.2 billion, we achieved net capital savings of 5 percent. Grantees voluntarily conducted some of the 105 analyses on projects below the $10 million limit with good results. Further, some of those analyses have shown that substantial cost savings can also be obtained by studying sewer systems (i.e., raising sewer elevations and modifying pumping arrangements). Based on this experience we are proposing a policy encouraging VE on more projects.

We are also considering lowering the present limits to require VE for all projects with Step 3 costs of $5 million or more. With this proposal we are soliciting comments concerning whether the limits should be reduced.

16. We propose to amend § 35.926 by adding a new paragraph before paragraph (a) to read as follows:

§ 35.926 Value engineering.

It is EPA policy to encourage grantees to voluntarily perform VE analyses on all projects, including sewers, where savings might be expected (generally, projects with Step 3 costs in excess of $5 million). Projects, excluding sewers, with Step 3 costs in excess of $10 million are subject to the VE requirements of paragraphs (a) through (c) of this section.

* * * * *

Progress Payments

We proposed to amend § 35.938–6, relating to progress payments for specifically manufactured equipment, in two ways. The changes to paragraphs (a) and (b), which would make progress payments mandatory unless prohibited by State law or exempted by the Regional Administrator, are designed to achieve several objectives. First, we expect to reduce the cost of equipment to the grantee and EPA by reducing the interest component of equipment prices. Manufacturers normally must borrow substantial sums at high interest rates during the course of manufacture if progress payments are not made. These interest costs are included in the bid price and passed along to the grantee and EPA. Second, we believe that progress payments will increase competition in the equipment field by allowing more small firms with minimal capitalization to compete. Third, we hope to achieve a leveling out of cash outlays for larger projects and for the program as a whole if progress payments are made for undelivered equipment as the work progresses.

The change to paragraph (c) would eliminate the requirement for recordation under the Uniform Commercial Code and replace it with a statement of the paramount interest of the Federal Government in the items or equipment. This change is being proposed to further reduce paperwork burdens on grantees, contractors and suppliers.

17. We propose to revise paragraphs (a), (b)(3) and (c) of § 35.938–6 to read as follows:

§ 35.938–6 Progress payments to contractors.

(a) *Policy.* EPA policy is that except as State law otherwise provides, grantees shall make prompt progress payments to prime contractors and prime contractors shall make prompt progress payment to subcontractors and suppliers for eligible construction, material, and equipment costs, including those of undelivered specifically manufactured equipment, incurred under a contract under an EPA construction grant.

(b) * * *

(3) Payments for undelivered specifically manufactured items or equipment (excluding off-the-shelf or catalog items), as work on them progresses. Such payments must be made, and provision therefor must be included in the project specifications, bid and contract documents, unless prohibited by States or local law or exempted in advance by the Regional Administrator, when all of the following conditions exist:

(i) The value of the equipment is greater than $200,000;

(ii) The equipment to be specifically manufactured for the project could neither be readily used on nor diverted to another job; and

(iii) A fabrication period of more than 6 months is anticipated.

(c) *Protection of progress payments made for specifically manufactured equipment.* The financial interest of the Federal government in the specifically manufactured items or equipment for which progress payments are made is paramount to any other interest under State or local law. In addition, the subcontractor or supplier must provide protection acceptable to the grantee, which may take the form of securities negotiable without recourse, condition, or restrictions; a progress payment bond; or an irrevocable letter of credit provided to the grantee through the prime contractor by the subcontractor or supplier.

* * * * *

Sewage Collection System

Determination of substantial human habitation. We are proposing to amend § 35.925–13 to delete the discussion of how to make the determination of substantial human habitation in the funding of sewage collection systems. As written, it requires and evaluation by city blocks or parcels of 5 acres or less. We now believe that detailing how this determination is to be made is inappropriate for national program regulations. This amendment will give the Regions flexibility and discretion to make the determination of substantial human habitation in the manner best suited to their circumstances. This change is consistent with the proposed Facility Planning 81 guidance.

18. We propose to revise the first paragraph of § 35.925–13 to read as follows:

§ 35.925–13 Sewage collection system.

That, if the project involves sewage collection system work, such work (a) is for the replacement or major rehabilitation of an existing sewer system under § 35.927.3(a) and is necessary to the total integrity and performance of the waste treatment works serving the community, or (b) is for a new sewer system in a community in existence on October 18, 1972, which has sufficient existing or planned capacity to adequately treat such collected sewage. Replacement or major rehabilitation of an existing sewer system may be approved only if cost-effective; the result must be a sewer system design capacity equivalent to that of the existing system plus a reasonable amount for future growth. For purposes of this section, a community would include any area with substantial human habitation on October 18, 1972. No award may be made for a new sewer system in a community in existence on October 18, 1972, unless the Regional Administrator further determines that:

* * * * *

Crossover sewers. We are also proposing to revise § 35.905 to include crossover service connections when they are more cost-effective than installing parallel sewers.

19. We propose to revise the definition of "sewage collection system" in § 35.905 to read as follow:

§ 35.905 Definitions.

* * * * *

"Sewage collection system." For the purpose of § 35.925–13:

(a) Each, and all, of the common lateral sewers, within a publicly owned treatment system, which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities;

(b) Crossover sewers connecting more than one property on one side of a major street, road, or highway to a lateral sewer on the other side when more cost-effective than parallel sewers; and

(c) Pumping units and pressurized lines serving individual structures or groups of structures when such units are cost-effective and are owned and maintained by the grantee. Other facilities which convey wastewater from individual structures, from private property to the public lateral sewer, or its equivalent, are specifically excluded from the definition.

Sewer System Evaluation and Rehabilitation

Recently EPA completed a study of 18 sewer systems for which a comprehensive rehabilitation program had been completed. The study indicates that the present infiltration/inflow (I/I) program is less cost-effective than anticipated. Subsequently, we conducted a series of I/I program review workshops across the country to solicit public comments on the program. It was clear from these workshops that we should permit more flexibility in the program to ensure better performance and results.

This proposed change would amend § 35.927 as follows:

- The I/I analysis requirement will be deleted;
- The State certification of I/I conditions will be the first determination of the need for a sewer system evaluation survey; and
- The reporting requirements will be limited to specific results, cost information, and, if appropriate, a proposed sewer system rehabilitation program.

These changes will simplify the I/I program and provide more flexibility and accountability.

20. We propose to revise paragraph (b)(2) and to remove paragraph (b)(3) of § 35.927 to read as follows:

§ 35.927 Sewer system evaluation and rehabilitation.

* * * * *

(b) * * *

(2) A sewer system evaluation survey and report, and, if appropriate, a sewer system rehabilitation program to reduce excessive infiltration/inflow.

* * * * *

21. We propose to revise §§ 35.927–1, 35.927–2 and 35.927–6 to read as follows:

§ 35.927–1 State certification.

The State agency shall certify that excessive infiltration/inflow does or does not exist. State certification must be on a project-by-project basis. The Regional Administrator will determine that excessive infiltration/inflow does not exist on the basis of State certification. The State shall adequately establish the basis for its certification by requiring the grantee to submit the minimum information necessary to enable the State to make a judgement. Such information could include a preliminary review by the applicant or State, for example, of such parameters as per capita design flow, ratio of flow to design flow, flow records or flow estimates, bypasses or overflows, or summary analysis of hydrological, geographical, and geological conditions. If, on the basis of State certification, the Regional Administrator determines that the treatment works is or may be subject to excessive infiltration/inflow, no Step 2 or Step 3 grant assistance may be awarded except as § 35.927–5(b) provides.

§ 35.927–2 Sewer system evaluation survey report.

If the State determines that excessive infiltration/inflow may exist, the grantee shall conduct a sewer system evaluation survey. Upon completion of the sewer system evaluation survey, the grantee shall submit a report including the following information:

(a) (1) Total infiltration;

(2) Total inflow; and

(3) Total flow.

(b) Estimated infiltration/inflow from service laterals.

(c) Total excessive infiltration/inflow (see § 35.905).

(1) Estimated transport and treatment cost for excessive infiltration/inflow.

(2) Estimated rehabilitation costs to eliminate excessive infiltration/inflow.

(d) A proposed sewer system rehabilitation program, if appropriate.

(e) Non-excessive infiltration/inflow to be included in design capacity of the treatment works.

(f) A commitment to develop an effective sewer system operation and maintenance program (see § 35.935–12(b)(7)) to ensure that infiltration/inflow will not hydraulically overload the treatment works after completion of the rehabilitation program.

§ 35.927–6 Project procedures.

(a) *Pre-award sewer system evaluation.* Except as otherwise provided in paragraph (b) of this section, an adequate sewer system evaluation is an essential element of Step 1 facilities planning. It is a prerequisite to the award of Step 2 or Step 3 grant assistance. If the Regional Administrator determines through State certification that excessive infiltration/inflow does not exist, Step 2 or Step 3 grant assistance may be awarded. If, on the basis of State certification, the Regional Administrator determines that possible excessive infiltration/inflow exists, the grantee must submit a report, including a sewer system rehabilitation program before EPA can award Step 2 or Step 3 grant assistance except as set forth in paragraph (b) of this section. Step 1 grant assistance may be awarded for the completion of this segment of Step 1 work, and, upon completion on Step 1, grant assistance for a Step 2 or Step 3 project (for which priority has been determined under § 35.915) may be awarded.

(b) *Exception.* If the Regional Administrator determines that the treatment works would be regarded (in the absence of an acceptable rehabilitation program) as being subject to excessive infiltration/inflow, grant assistance may be awarded if the applicant establishes to the Regional Administrator's satisfaction that the treatment works project for which grant application is made will not be significantly changed by any subsequent rehabilitation program or will be a component part of any rehabilitated system. The applicant must agree to complete the sewer system evaluation and any resulting rehabilitation on an implementation schedule the State accepts (subject to approval by the Regional Administrator), which shall be inserted as a special condition in the grant agreement.

Patent Policy

Many commenters have raised questions concerning the extent to which the Agency's patent policy might inhibit the development of innovative technologies. In response to those concerns, we have reviewed EPA's patent program. We have found that no grantee has filed an invention notice for an invention under any construction grant including projects which incorporated innovative technologies. We concluded, therefore, that it is appropriate, under the terms of the President's patent policy, to waive the patent requirements in EPA's general grant regulations (40 CFR Part 30) with

respect to the construction grants program. To make this change quickly, we are proposing to add a section to the general procurement requirements of the construction grant regulations under § 35.936. We are currently revising the general grant regulations and will propose a permanent change during that process.

22. We propose to add a new § 35.936–23 to read as follows:

§ 35.936–23 Patent policy.

The patent policy under 40 CFR Part 30, Subpart D is not applicable to grants awarded under this subpart.

Appendices C–1 and C–2 [Amended]

23. We propose to remove paragraph 17 from Appendix C–1 and paragraph 14 from Appendix C–2.

Relocation of Utilities

Two changes are necessary to clarify EPA's position on the allowability of utility removal, relocation or replacement costs. For purposes of this discussion the three types of utility costs will be referred to as "relocation" costs.

The Second Edition of the Construction Grants Handbook of Procedures (MCD–03, 1980) states on page VII–2 that utility "relocation" costs are allowable when "necessary for and incident to acquisition of real property and the construction of the eligible facility". The Handbook also states that such "relocation" costs are not allowable where there is no "loss of a property right by the utility." The crucial issue of EPA's decision to disallow certain "relocation" costs is whether the grantee acquires real property. In most States where utilities locate their facilities (e.g. pipes, wires, etc.) on the land's surface or underground, the States require the utilities to relocate the facilities at their own expense because the privilege, such as a franchise of the utility, is considered subservient to the police powers of the local government. Thus, local governments which require utilities to "relocate" their facilities are not acquiring real property.

This distinction is important under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (see § 35.940–1(g)). The U.S. Court of Appeals for the Sixth Circuit recently upheld an EPA decision not to allow utility "relocation" costs under URA because EPA found that no real property rights were acquired. The URA only requires payments to persons dislocated as a result of real property acquisitions. The court agreed with our decision that the utility's relocation, although due to EPA funded sewer construction in the same right of way, was not an acquisition of real property. The case is *Consumers Power Co. v. Costle*, 615 F. 2d 1147 (6th Cir. 1980). To clarify our regulations based on this case and the Handbook, we are adding a new paragraph (o) to § 35.940–2.

The change to § 35.940–1(k) recognizes that EPA will allow utility "relocation" costs when the grantee is obligated to pay under State or local law. State or local law includes constitutional requirements, statutes, and judicial and administrative decisions. With respect to judicial and administrative decisions, we will examine a grantee's posture concerning the cases to determine whether the costs are allowable.

When "relocation" costs are allowable, we will take into account a fair allocation of costs between the grantee and the utility based on factors such as betterment (e.g., pipes with expanded capacity), cost of contracting (e.g., a cost-effective approach to choosing the "relocating" contractor), and useful life (e.g., useful life of pipe being "relocated" versus the pipe to be substituted in its place).

24. We propose to revise paragraph (k) of § 35.940–1 to read as follows:

§ 35.940–1 Allowable project cost.

* * * * *

(k) Removal and relocation replacement of utilities for which the grantee is legally obligated to pay under state or local law, taking into account such factors as betterment, cost of contracting, and useful life;

* * * * *

25. We propose to add a new paragraph (o) to § 35.940–2 to read as follows:

§ 35.940–2 Unallowable cost.

* * * * *

(o) Removal, relocation, or replacement of utilities located on land by privilege, such as a franchise.

Interpretation of Required Contract Clauses

Sections 35.937–9(c) and 35.936–6 require the use of the clauses in Appendixes C–1 and C–2. Clause 1 of both Appendix C–1 and Appendix C–2 provides that these required clauses supersede and conflicting contractual provisions. The purpose of this requirement was to achieve uniformity of interpretation on the relatively few clauses required to protect the Federal interest or implement Federal statutory requirements.

Some contractors and grantees appear to be unaware that these clauses are based on Federal provisions and that there is substantial Federal precedent available to interpret them. We believe that this clarification will be beneficial in administering contracts under grants.

26. We propose to revise paragraph (c) of § 35.937–9 to read as follows:

§ 35.937–9 Required solicitation and subagreement provisions.

* * * * *

(c) *Required subagreement provisions.* Each consulting engineering contract must include the provisions set forth in Appendix C–1 to this subpart. These contract clauses shall be interpreted consistently with Federal precedent interpreting comparable Federal provisions and without regard to conflicting State and local clauses or requirements.

27. We are proposing to revise § 35.936–6 to read as follows:

§ 35.936–6 Required construction contract provisions.

Each construction contract must include the "Supplemental General Conditions" set forth in Appendix C–2 to this subpart. These contract clauses shall be interpreted consistently with Federal precedent interpreting comparable Federal provisions and without regard to conflicting state and local clauses or requirements.

Ad Valorem Tax User Charge Systems

The 1977 Clean Water Act Amendments permitted grantees to use ad valorem tax systems to collect user charges. EPA's regulations (40 CFR 35.935–13(a)(2)) required grantees which received Step 3 awards after February 10, 1974 and before April 25, 1978, to submit evidence, by July 24, 1978, demonstrating that their systems were dedicated (§ 35.929–1 (b)(3)(i) and (b)(3)(ii)). we established the July 24, 1978, deadline to provide Regions time to review grantees' ad valorem systems and to provide grantees time to make necessary amendments to their systems before July 1, 1979. (If the systems were not approved by July 1, 1979, EPA could not make further payments on the projects.)

After July 24, 1978, several Regional Offices refused to consder grantees' requests for review of ad valorem tax systems since all grantees received adequate notice of the deadline in the Federal Register. Other Regional Offices submitted requests for approval of deviations from the deadline. We turned down all but one very unusual request because we concluded approval would result in inconsistent treatment of grantees.

However, because of the number of deviation requests, we have now reviewed the deadline and have

concluded it may be unnecessarily restrictive. Therefore, we are proposing to eliminate the deadline.

Because of a restriction in § 35.929–1(b)(2), that change will not help grantees which missed the deadline but which have since had an actual use user charge system approved. To eliminate that inequity, we are also proposing to amend that provision.

These changes, if approved, will not affect the statutory requirement that a grantee's ad valorem system was dedicated on December 27, 1977.

28. We propose to revise paragraph (b)(2) of § 35.929–1 to read as follows:

§ 35.929–1 Approval of user charge system.

* * * * *

(b) * * *

(2) The grantee (or subscriber) did not have a user charge system based on actual use approved before July 24, 1978, or after (insert the effective date of this regulation).

* * * * *

29. We propose to revise paragraph (a)(2) of § 35.935–13 to read as follows:

§ 35.935–13 Submission and approval of user charge systems.

(a) * * *

(2) A grantee which desires approval of a user charge system based on ad valorem taxes in accordance with § 35.929–1(b) shall submit to the Regional Administrator evidence of compliance of its system with the criteria in § 35.929–1 (b)(1) through (b)(3). As soon as possible, the Regional Administrator shall advise the grantee if the system complies with § 35.929–1 (b)(1). The Regional Administrator's determination may be appealed in accordance with Subpart J, "Disputes," of Part 30 of this subchapter.

* * * * *

Innovative and Alternative Facility Planning

This amendment to § 35.930–5(b) would make Step 1 facility planning which meets the innovative and alternative criteria in Appendix E to the regulations eligible for the 10 percent innovative and alternative bonus. This amendment does not apply to facilities planning completed before December 10, 1980, the date when the Director, Grants Administration Division, first approved a class deviation permitting facilities planning to receive the 10 percent bonus. Instead, it is an incentive to encourage innovative facility planning in facilities plans that are not yet complete and in future facilities plans.

30. We propose to revise paragraph (b) of § 35.930–5 to read as follows:

§ 35.930–5 Federal share.

* * * * *

(b) *Innovative and alternative technology* (1) In accordance with § 35.908(b), the amount of any Step 1, Step 2, Step 3, or Step 2 and 3 grant assistance awarded from funds allotted for Fiscal Years 1979, 1980, and 1981 shall be 85 percent of the estimated cost of construction for those eligible treatment works or significant portions of them that the Regional Administrator determines meet the criteria for innovative or alternative technology in Appendix E. These grants depend on the availability of funds from the reserve under § 35.915–1(b). The proportional State contribution to the non-Federal share of construction costs for 85 percent grants must be the same as or greater than the proportional State contribution (if any) to the non-Federal share of eligible construction costs for all treatment works which receive 75 percent grants in the State.

(2) For Step 1 grant assistance, the 10 percent innovative and alternative technology bonus will be awarded by grant amendment for completed portions of the project.

* * * * *

Preaward Costs

We are proposing to revise § 35.925–18 (a)(2) and (a)(3) to provide Regional Administrators flexibility to extend the time limits for eligibility of preaward costs. EPA developed these provisions to encourage grantees to apply for grants, and to complete projects, they began several years ago.

EPA's Grants Administration Division has received many requests for deviations under these provisions. We believe we can accomplish the same purpose by giving the Regional Administrators authority to extend the dates if circumstances justify the extension.

31. We propose to revise paragraphs (a)(2) and (a)(3) of § 35.925–18 to read as follows:

§ 35.925–18 Limitation upon project costs incurred prior to award.

* * * * *

(a) * * *

(2) Step 1 or Step 2 work begun after October 31, 1974, but before June 30, 1975, in accordance with an approved plan of study or an approved facilities plan, as appropriate, if a grant is awarded before April 1, 1981. The Regional Administrator may approve a date after April 1, 1981, if he determines there is adequate justification for the extension.

(3) Step 1 or Step 2 work begun before November 1, 1974, if a grant is awarded before April 1, 1980. The Regional Administrator may approve a date after April 1, 1980, if he determines there is adequate justification for the extension.

Regulation Development Process

Under Executive Order 12291 EPA is required to judge whether a regulation is "major" and therefore subject to the regulatory impact analysis requirements of the Order or whether it may follow other development procedures. We are proposing some of these changes to implement Pub. L. 96–483, the October 21, 1980, amendments to the Clean Water Act and others to reduce the complexity of the regulations. These changes will not have a substantial impact on the economy. Therefore, I have determined this regulation is not a major regulation, and thus it is not subject to the impact analysis requirements of Executive Order 12291.

This regulation was submitted to the Office of Management for review as required by Executive Order 12291.

(Sections 101(e), 109(b), 201 through 204, 207, 208(d), 210 through 212, 215 through 217, 304(d)(3), 312, 501, 502, 511, and 516(b) of the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.)

Dated: May 12, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81–14883 Filed 5–15–81; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing May 5, 1981

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federal register

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Highlights

Briefings on How To Use the Federal Register—For details on briefings in Washington, D.C., see announcement in the Reader Aids section at the end of this issue.

27357 **Income Tax** Treasury/IRS proposes regulations relating to the voluntary withholding of income tax from annuity payments.

27437 **Government Securities** Treasury/Secy invites tenders for approximately $4,250,000,000 of United States securities, designated Treasury Notes of May 31, 1983, Series R-1983.

27358 **Exposure to Lead** Labor/OSHA proposes to permit the use of specified forms of qualitative fit testing to measure the adequacy of the fit of negative pressure respirators under the occupational health standard regulating exposure to lead.

27333 **Water Pollution Control** EPA provides guidance on how States may apply for approval and the criteria for approval and disapproval of applications under section 1425 for the State Underground Injection Control Programs.

27363 **Hazardous Materials** EPA announces the availability of a report describing a study of waste characterization on the emissions control dusts from gray and ductile iron foundries, in order to determine if these wastes should be listed as hazardous.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

27324 **Consumer Protection** DOE/CRE changes the test procedures for clothes dryers.

27355 **Natural Gas** DOE/ERA gives notice that the appropriate action be provided for the continued authorization of the transportation of natural gas supplies purchased by end users to displace fuel oil.

27462 **Manpower Training Programs** Labor/ETA provides for the distribution of Title VII incentive bonus funds through a competitive process which takes into account prime sponsors' efforts in coordinating CETA private sector activities with Federal, State or locally funded economic development activities. (Part II of this issue)

27328 **Pensions** PBGC simplifies the definition of "participant" and streamlines the reporting requirements under the Employee Retirement Income Security Act.

27330 **Pensions** PBGC establishes procedures for a special election concerning multiemployer plan status.

27361 **Insurance** VA proposes to allow higher interest rates to be paid to beneficiaries of the United States Government Life Insurance (USGLI) and National Service Life Insurance (NSLI) where proceeds are paid in equal monthly installments over a limited period of months.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 4, Amdt. 13]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Amendment of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action lowers the minimum grade requirement for domestic shipments of Florida white seedless grapefruit and imports of white seedless grapefruit from Improved No. 2 to U.S. No. 2 Russet. It also lowers the minimum grade requirement for domestic shipments of Florida Temple oranges and Valencia oranges, including other late type oranges, from U.S. No. 1 to U.S. No. 2 Russet. These changes recognize current and prospective demand for such grapefruit and oranges and are consistent with the remaining crop in the interest of growers and consumers.

EFFECTIVE DATE: May 13, 1981 for Florida white seedless grapefruit and Florida Temple oranges. June 8, 1981, for Florida Valencia oranges.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250. telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. The regulation with respect to Florida white seedless grapefruit, Temple oranges, and Valencia and other late type oranges is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

The agreement and order are effective under the Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee and upon other information. The minimum grade requirements for imported seedless grapefruit are consistent with Section 8e of the act. This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirement as those in effect for the domestically produced commodity. The grade requirements specified for imported white seedless grapefruit are the same as those for domestic shipments of Florida white seedless grapefruit. It is hereby found that this regulation will tend to effectuate the declared policy of the act.

It is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 533). It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified. This amendment relieves restrictions on shipments of Florida seedless grapefruit, imports of seedless grapefruit, Florida Temple oranges and Florida Valencia and other late type oranges.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

Accordingly, it is found that the provisions of § 905.304 Orange, Grapefruit, Tangerine and Tangelo Regulation 4 (45 FR 67047; 76651; 79002; 80289; 81199; 83192; 46 FR 5859; 1089; 11655; 11656; 14115; 16237; 23916), should be and are amended by revising Table I paragraph (a), applicable to domestic shipments, to read as follows:

§ 905.304 Orange, Grapefruit, Tangerine and Tangelo Regulation 4.

(a) * * *

Table I

(1) Variety	(2) Regulation period	(3) Minimum grade	(4) Minimum diameter (inch)
Oranges:			
Valencia and Other Late Type	June 8, 1981, through August 23, 1981.	U.S. No. 2 Russet	2 1/16
		U.S. No. 1	2 4/16
	August 24, 1981, through October 18, 1981.		
Temple	May 13, 1981, through August 23, 1981.	U.S. No. 2 Russet	2 1/16
		U.S. No. 1	2 4/16
	August 24, 1981, through October 18, 1981.		
Grapefruit: Seedless, white	May 13, 1981, through August 23, 1981.	U.S. No. 2 Russet	3 1/16
		Improved No. 2	3 4/16
	August 24, 1981, through October 18, 1981.		

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated: May 13, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-14922 Filed 5-18-81; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy, Office of Assistant Secretary

10 CFR Part 430

Energy Conservation Program for Consumer Products; Amendments To Test Procedures for Clothes Dryers

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) hereby prescribes amendments to its test procedures for clothes dryers. These test procedures are part of the energy conservation program for consumer products established pursuant to the Energy Policy and Conservation Act, (Pub. L. 94–163), as amended by the National Energy Conservation Policy Act, (Pub. L. 95–619), which requires that standard methods of testing be prescribed for covered products. Manufacturers, when voluntarily making energy representations, are required to use DOE test procedures.

The purpose of these amendments is to clarify sections concerning automatic termination controls, test cloths, dryer preconditioning, and to include technical revisions. These amendments reflect the fact that energy savings for automatic temperature sensing controls are equal to those for automatic moisture sensing controls. The amendments are designed to further reduce test variability under these procedures.

EFFECTIVE DATE: June 18, 1981.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, U.S. Department of Energy, Office of Conservation and Renewable Energy, Consumer Products Efficiency Branch, Room GH–065, CS 113.1, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B–128, GC–33, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–9510

SUPPLEMENTARY INFORMATION:

A. Background

On October 1, 1977, the Department of Energy (DOE) assumed the authority of the Federal Energy Administration (FEA) for the energy conservation program for consumer products, pursuant to Section 301 of the Department of Energy Organization Act (DOE Act) (Pub. L. 95–51). The energy conservation program for consumer products was established by FEA, pursuant to title III, Part B of the Energy Policy and Conservation Act (Act) (Pub. L. 94–163).[1] Section 323 (42 U.S.C. 6293) of the Act requires that standard methods of testing be prescribed for covered products. Test procedures appear at 10 CFR Part 430, Subpart B.

Test procedures for clothes dryers were originally proposed by notice issued April 21, 1977 (42 FR 21589, April 27, 1977). Public hearings on the proposed test procedures were held on June 13, 1977. A final rule was prescribed on September 14, 1977 (42 FR 46145, September 14, 1977).

On December 26, 1978 (44 FR 49, January 2, 1979), DOE published an advance notice of proposed rulemaking which invited interested persons to present written data, views and arguments with respect to establishing energy efficiency standards for nine types of consumer products, including clothes dryers. On August 17, 1979 (44 FR 49696, August 24, 1979), DOE issued a Notice of Opportunity for Further Comment. Several comments were received recommending changes to the clothes dryer test procedure.

On the basis of analyses performed by the National Bureau of Standards (NBS) and additional information furnished by the Association of Home Appliance Manufacturers (AHAM), DOE published a proposed rule to amend its test procedures for clothes dryers on July 10, 1980 (45 FR 46762). A hearing was held on September 4, 1980, and comments were received. Comments on the clothes dryer test procedures were also received during the public comment period for the proposed rule for energy efficiency standards for nine types of consumer products (45 FR 43976, June 30, 1980).

B. Discussion

Comments were received from industry, trade associations and members of the public. The major issues raised are discussed below.

1. Automatic Termination Controls

A "Temperature Sensing Control" is a system which monitors dryer exhaust air temperature and automatically terminates the drying cycle. A "Moisture Sensing Control" is a system which utilizes a moisture sensing element within the dryer drum that monitors the amount of moisture in the clothes and automatically terminates the drying cycle.

The field use factor (FU in section 4 of Appendix D) is a multiplier to modify laboratory test results for energy use that approximates actual consumer use. Commenters stated that the field use factor unfairly penalizes temperature sensing automatic termination control systems, as opposed to moisture sensing automatic controls. Data from AHAM Dryer Energy Field Tests for the years 1977 through 1979 confirm these comments by indicating that the energy savings for clothes dryers, having either temperature sensing or moisture sensing automatic termination control systems, are approximately the same.

An NBS analysis of field test data on automatic termination controlled dryers shows that dryers with indicators or marks on their controls had a 13% energy savings over dryers without indicators or marks. This analysis also showed that the automatic controls, when available on the dryers, are used 90% of the time. Based on this usage DOE amends the field use factor to: $1.18(1-(0.13\times 0.9))=1.04$ for both temperature and moisture sensing automatic controls. The field use factor for time termination controlled dryers remains at 1.18.

Section 3.5 in today's notice states that the field use factor for automatic termination controls can be used for any dryer which has an automatic termination control and an appropriate mark or detent, where the mark or detent indicates a preferred automatic termination setting for reducing energy consumption. Also, definitions of the two types of automatic termination controls—"temperature sensing control" and "moisture sensing control"—have been added as sections 1.12 and 1.13.

2. Test Cloth Specification

Today's notice changes the current test procedure by adding a tolerance to the weight factor specified for "energy test cloths" used in testing. A 10 percent variation in density still allows an accurate prediction of the resulting energy factor.

NBS conducted a number of tests on 12 samples of cloth furnished by various manufacturers and textile suppliers. Results from these tests indicated that the conditioned cloth density varied by more than 10% from 5.75 ounces per square yard and that the spin time required to reach the initial moisture content of between 66.5% and 73.5% varied from 12 to 150 seconds. Even with these wide test cloth variations, the resulting energy factor was within a spread of ±1.5%. Results from the above tests can be used to modify the existing test procedures to improve the

[1] Subsequently, the Act was amended by the National Energy Conservation Policy Act (NECPA) (Pub. L. 95–619). References in this notice to "the Act" or to sections of the Act refer to the Energy Policy and Conservation Act is amended by NECPA.

repeatability of the results. In order to maintain the same density, today's notice also specifies that for the test cloths, one energy test cloth can replace six energy stuffer cloths. (No more than five energy stuffer cloths can be used in one test load.)

3. Dryer Preconditioning

Today's notice adds a section to require the operation of dryers to be tested in the nonheat mode in order to bring them to the ambient termperature and humidity of the test area.

AHAM and other commenters pointed out that the temperature of the dryer at the start of a test run will have a measurable effect on test to determine the dryer energy use. NBS has been following the procedure in section 2.8 and has experienced an extremely small variation in test results, even for the first run of the day.

4. End Point Moisture Retention

The majority of the comments received stated that clothes dryers with automatic termination controls adjusted to satisfy the criterion proposed for use of the field use factor would not satisfactorily dry a typical household laundry load. That is, a clothes dryer which terminated a standard test load at an end point moisture content greater than 1.8% would leave a typical household load of mixed items feeling wet to the touch. ("Moisture content" means the ratio of the weight of water contained by the test load to the bone-dry weight of the test load, expressed as a percent.) With the test cloth used in the existing test procedure, it would be necessary to specify an end point moisture content of less than 1% in order for mixed household loads, including collars, cuffs, and waistbands, to be reliably dried to the point that all items feel dry. Placing the end point at 1% or less (defined as bone dry in section 1.2) would result in an unacceptably high level of uncertainty in test repeatability. Therefore, this proposal was rejected.

NBS also investigated the feasibility of a test procedure based on the use of a specifically defined "typical household load." However, the additional requirement would increase the burdensomeness of the test procedure and considerable effort by both NBS and the industry has led to no clear indication of what the content of the ideal test cloth or test load should be. Therefore, DOE is not including in today's notice of final rulemaking the end point moisture content requirement of 1.8% which was proposed in section 3.5 of Appendix D of the July 10, 1980 proposed rule.

5. Test Load Preparation

One commenter suggested that the tolerance for the initial moisture content of the test cloth load be reduced. On the basis of NBS tests, the variation in energy factor resulting from the existing tolerance and use of the correction factor for the initial moisture content is within 0.5%. Further, an experienced technician can easily obtain an initial moisture content within the existing tolerance by following the test procedure. NBS also determined that a procedure of over extraction of moisture by spinning and then rewetting to obtain the moisture content required by section 2.7 can produce a ±5% variation in test results. Rewetting does not disperse the moisture throughtout the test load as uniformly as does spinning. Based upon NBS analysis of the above matters, DOE concludes that the tolerance for the initial moisture content of the test load cannot be reduced without making the test procedure unduly burdensome. Therefore, DOE has not changed the tolerance.

An issue closely related to initial moisture content retention (after wetting and spinning) is that of test cloth preconditioning prior to wetting. NBS determined, while investigating the effects of rinse water temperature on energy use, that the initial moisture content of the cloth prior to wetting affects the value of the energy factor resulting from the test procedure. It is possible to obtain repeatable results only when starting from the bone dry condition. When a bone dry test cloth is stored overnight or longer, its moisture content will come into equilibrium with that of the surrounding air. It must be again bone dried immediately preceding wetting in order to obtain repeatable results.

6. Laboratory Temperature and Relative Humidity Levels

Several commenters recommended that, in order to reduce the burdensomeness of the test procedure, larger tolerances for laboratory temperature and relative humidity be specified and that the test results be adjusted by correction factors, as is currently done for the initial and final moisture retention.

The NBS test results show that for the specified test condition tolerance on temperature, the uncertainty interval (or band) is less than ±1% on energy factor, and for relative humidity the uncertainty interval on energy factor is less than ±.5%. However, NBS does not presently have a data base adequate to develop universally applicable correction factors and therefore no change is made in the test procedure.

7. Overall Test Procedure Uncertainty

One manufacturer supplied data that indicated that a 9% variation in test results could result if all of the test conditions were taken to the extremes. An NBS uncertainty analysis indicates that it is highly unlikely that all test conditions will be in the most adverse state allowed by the test procedure. Further, NBS's analysis indicates that the resulting uncertainty would be approximately ±2%. No changes to the test procedures have been made regarding this comment.

8. Number of Test Runs on a Single Machine

Several commenters suggested that the test procedures be changed to require three test runs on each machine and the results averaged. DOE does not require any more than one test to characterize to given machine and sees no reason to change this requirement.

9. Miscellaneous

After careful consideration of all the comments and further consultation with NBS, DOE has made some editorial and minor technical changes (for example, the insertion of the word "meter" after the word "Kilowatt-hour" in section 2.4.2 and the deletion in section 2.4.2 of "for any demand greater than 0.16 kilowatt-hours per hour" and in section 2.4.3 of "for any demand greater than 0.2 cubic feet per hour"—references to ranges in which the meter accuracy requirements do not apply), and incorporated them in the final rule prescribed today.

C. Regulations Prescribed

1. Test Procedures

The amendments to the test procedures for clothes dryers prescribed today are included in Subpart B of Part 430 and are substantially the same as those proposed, with the exception of the changes discussed above.

2. Regulatory and Environmental Review

In accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.), DOE has evaluated this rulemaking amending test procedures for clothes dryers to determine if an environmental assessment or an environmental impact statement is required. The test procedures will be used only to standardize the measurement of energy usage for clothes dryers. The action of prescribing these

amended test procedures will not result in any environmental impact. Because it is clear that the rulemaking is not a major Federal action significantly affecting the quality of the human environment, DOE has determined that neither an environmental assessment nor an environmental impact statement is required.

This rule has been reviewed in accordance with Executive Order 12291. It was determined that this rule was not significant and did not have major impacts to manufacturers and consumers imposing annual economic costs of $100 million or more.

In consideration of the foregoing, Part 430 of Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective June 18, 1981.

Issued in Washington, D.C., May 12, 1981.

Frank DeGeorge,

Acting Assistant Secretary, Conservation and Renewable Energy.

Appendix D to Subpart B of Part 430 is revised to read as follows:

Appendix D to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Clothes Dryers

1. Definitions

1.1 "AHAM" means the Association of Home Appliance Manufacturers.

1.2 "Bone dry" means a condition of a load of test clothes which has been dried in a dryer at maximum temperature for a minimum of 10 minutes, removed and weighed before cool down, and then dried again for 10-minute periods until the final weight change of the load is 1 percent or less.

1.3 "Compact" or compact size" means a clothes dryer with a drum capacity of less than 4.4 cubic feet.

1.4 "Cool down" means that portion of the clothes drying cycle when the added gas or electric heat is terminated and the clothes continue to tumble and dry within the drum.

1.5 "Cycle" means a sequence of operation of a clothes dryer which performs a clothes drying operation, and may include variations or combinations of the functions of heating, tumbling and drying.

1.6 "Drum capacity" means the volume of the drying drum in cubic feet.

1.7 "HLD–1" means the test standard promulgated by AHAM and titled "AHAM Performance Evaluation Procedure for Household Tumble Type Clothes Dryers", June 1974, and designated as HLD–1.

1.8 "HLD–2EC" means the test standard promulgated by AHAM and titled "Test Method for Measuring Energy Consumption of Household Tumble Type Clothes Dryers," December 1975, and designated as HLD–2EC.

1.9 "Standard size" means a clothes dryer with a drum capacity of 4.4 cubic feet or greater.

1.10 "Moisture content" means the ratio of the weight of water contained by the test load to the bone-dry weight of the test load, expressed as a percent.

1.11 "Automatic termination control" means a dryer control system with a sensor which monitors either the dryer load temperature or its moisture content and with a controller which automatically terminates the drying process. A mark or detent which indicates a preferred automatic termination control setting must be present if the dryer is to be classified as having an "automatic termination control." A mark is a visible single control setting on one or more dryer controls.

1.12 "Temperature sensing control" means a system which monitors dryer exhaust air temperature and automatically terminates the dryer cycle.

1.13 "Moisture sensing control" means a system which utilizes a moisture sensing element within the dryer drum that monitors the amount of moisture in the clothes and automatically terminates the dryer cycle.

2. Testing Conditions

2.1 *Installation.* Install the clothes dryer in accordance with manufacturer's instructions. The dryer exhaust shall be restricted by adding the AHAM exhaust simulator described in 3.3.5 of HLD–1. All external joints should be taped to avoid air leakage. Disconnect all console light or other lighting systems on the clothes dryer which do not consume more than 10 watts during the clothes dryer test cycle.

2.2 *Ambient temperature and humidity.* Maintain the room ambient air temperature at 75 ±5° F and the room relative humidity at 50±10 percent relative humidity.

2.3 Energy supply.

2.3.1 *Electrical supply.* Maintain the electrical supply at the clothes dryer terminal block within 1 percent of 120/240 or 120/208Y or 120 volts as applicable to the particular terminal block wiring system and within 1 percent of the nameplate frequency as specified by the manufacturer. If the dryer has a dual voltage conversion capability, conduct test at the highest voltage specified by the manufacturer.

2.3.2 *Gas supply.*

2.3.2.1 *Natural gas.* Maintains the gas supply to the clothes dryer at a normal inlet test pressure immediately ahead of all controls at 7 to 10 inches of water column. If the clothes dryer is equipped with a gas appliance pressure regulator, the regulator outlet pressure at the normal test pressure shall be approximately that recommended by the manufacturer. The hourly Btu rating of the burner shall be maintained within ±5 percent of the rating specified by the manufacturer. The natural gas supplied should have a heating value of approximately 1,025 Btu's per standard cubic foot. The actual heating value, H_a2, in Btu's per standard cubic foot, for the natural gas to be used in the test shall be obtained either from measurements made by the manufacturer conducting the test using a standard continuous flow calorimeter as described in 2.4.6 or by the purchase of bottled natural gas whose Btu rating is certified to be at least as accurate a rating as could be obtained from measurements with a standard continuous flow calorimeter as described in 2.4.6.

2.3.2.2 *Propane gas.* Maintain the gas supply to the clothes dryer at a normal inlet test pressure immediately ahead of all controls at 11 to 13 inches of water column. If the clothes dryer is equipped with a gas appliance pressure regulator, the regulator outlet pressure at the normal test pressure shall be approximately that recommended by the manufacturer. The hourly Btu rating of the burner shall be maintained within ±5 percent of the rating specified by the manufacturer. The propane gas supplied should have a heating value of approximately 2,500 Btu's per standard cubic foot. The actual heating value, H_a, in Btu's per standard cubic foot, for the propane gas to be used in the test shall be obtained either from measurements made by the manufacturer conducting the test using a standard continuous flow calorimeter as described in 2.4.6 or by the purchase of bottled gas whose Btu rating is certified to be at least as accurate a rating as could be obtained from measurement with a standard continuous calorimeter as described in 2.4.6.

2.4 *Instrumentation. Perform all test measurements using the following instruments as appropriate.*

2.4.1 *Weighing scale for test cloth.* The scale shall have a range of 0 to a maximum of 30 pounds with a resolution of at least 0.2 ounces and a maximum error no greater than 0.3 percent of any measured value within the range of 3 to 15 pounds.

2.4.1.2 *Weighing scale for drum capacity measurements.* The scale should have a range of 0 to a maximum of 500 pounds with resolution of 0.50 pounds and a maximum error no greater than 0.5 percent of the measured value.

2.4.2 *Kilowatt-hour meter.* The kilowatt-hour meter shall have a resolution of 0.001 kilowatt-hours and a maximum error no greater than 0.5 percent of the measured value.

2.4.3 *Gas meter.* The gas meter shall have a resolution of 0.001 cubic feet and a maximum error no greater than 0.5 percent of the measured value.

2.4.4 *Dry and wet bulb psychrometer.* The dry and wet bulb psychrometer shall have an error no greater than ±1°F.

2.4.5 *Temperature.* The temperature sensor shall have an error no greater than ±1°F.

2.4.6 *Standard Continuous Flow Calorimeter.* The Calorimeter shall have an operating range of 750 to 3,500 Btu per cubic feet. The maximum error of the basic calorimeter shall be no greater than 0.2 percent of the actual heating value of the gas used in the test. The indicator readout shall have a maximum error no greater than 0.5 percent of the measured value within the operating range and a resolution of 0.2 percent of the full scale reading of the indicator instrument.

2.5 *Lint trap.* Clean the lint trap thoroughly before each test run.

2.6 *Test cloths.*

2.6.1 *Energy test cloth.* The energy test cloth shall be clean and consist of the following:

(a) Pure finished bleached cloth, made with a momie or granite weave, which is a blended fabric of 50 percent cotton and 50 percent polyester and weighs within +10 percent of 5.75 ounces per square yard after test cloth preconditioning and has 65 ends on the warp and 57 picks on the fill. The

individual warp and fill yarns are a blend of 50 percent cotton and 50 percent polyester fibers.

(b) Cloth material that is 24 inches by 36 inches and has been hemmed to 22 inches by 34 inches before washing. The maximum shrinkage after five washes shall not be more than four percent on the length and width.

(c) The number of test runs on the same energy test cloth shall not exceed 25 runs.

2.6.2 *Energy stuffer cloths.* The energy stuffer cloths shall be made from energy test cloth material and shall consist of pieces of material that are 12 inches by 12 inches and have been hemmed to 10 inches by 10 inches before washing. The maximum shrinkage after five washes shall not be more than four percent on the length and width. The number of test runs on the same energy stuffer cloth shall not exceed 25 runs after test cloth preconditioning.

2.6.3 *Test Cloth Preconditioning.*

A new test cloth load and energy stuffer cloths shall be treated as follows:

(1) Bone dry the load to a weight change of ±1 percent, or less, as prescribed in Section 1.2.

(2) Place test cloth load in a standard clothes washer set at the maximum water fill level. Wash the load for 10 minutes in soft water (17 parts per million hardness or less), using 6.0 grams of AHAM Standard Test Detergent, IIA, per gallon of water. Wash water temperature is to controlled at 140°±5°F (60°±2.7°C). Rinse water temperature is to be controlled at 100°±5°F (37.7±2.7°C).

(3) Rinse the load again at the same water temperature.

(4) Bone dry the load as prescribed in Section 1.2 and weigh the load.

(5) This procedure is repeated until there is a weight change of one percent or less.

(6) A final cycle is to be a hot water wash with no detergent, followed by two warm water rinses.

2.7 *Test loads.*

2.7.1 *Compact size dryer load.* Prepare a bone-dry test load of energy cloths which weighs 3.00 pounds ±.03 pounds. Adjustments to the test load to achieve the proper weight can be made by the use of energy stuffer cloths, with no more than five stuffer cloths per load. Dampen the load by agitating it in water whose temperature is 100°±5°F and consists of 0 to 17 parts per million hardness for approximately two minutes in order to saturate the fabric. Then, extract water from the wet test load by spinning the load until the moisture content of the load is between 66.5 percent to 73.5 percent of the bone-dry weight of the test load.

2.7.2 *Standard size dryer load.* Prepare a bone-dry test load of energy cloths which weighs 7.00 pounds ±.07 pounds. Adjustments to the test load to achieve the proper weight can be made by the use of energy stuffer cloths, with no more than five stuffer cloths per load. Dampen the load by agitating it in water whose temperature is 100°±5°F and consists of 0 to 17 parts per million hardness for approximately two minutes in order to saturate the fabric. Then, extract water from the wet test load by spinning the load until the moisture content of the load is between 66.5 percent to 73.5 percent of the bone-dry weight of the test load.

2.7.3 *Method of loading.* Load the energy test cloths by grasping them in the center, shaking them to hang loosely and then dropping them in the dryer at random.

2.8 *Clothes dryer preconditioning.* Before any test cycle, operate the dryer without a test load in the non-heat mode for 15 minutes or until the discharge air temperature is varying less than 1°F for 10 minutes, which ever is longer, in the test installation location with the ambient conditions within the specified rest condition tolerances of 2.2.

3. Test Procedures and Measurements

3.1 *Drum capacity.* Measure the drum capacity by sealing all openings in the drum except the loading port with a plastic bag, and ensure that all corners and depressions are filled and that there are no extrusions of the plastic bag through the opening in the drum. Support the dryer's rear drum surface on a platform scale to prevent deflection of the dryer, and record the weight of the empty dryer. Fill the drum with water to a level determined by the intersection of the door plane and the loading port. Record the temperature of the water and then the weight of the dryer with the added water and then determine the mass of the water in pounds. Add or subtract the appropriate volume depending on whether or not the plastic bag protrudes into the drum interior. The drum capacity is calculated as follows:

$C = w/d$

C = capacity in cubic feet.
w = weight of water in pounds.
d = density of water at the measured temperature in pounds per cubic feet.

3.2 *Dryer loading.* Load the dryer as specified in 2.7.

3.3 *Test cycle.* Operate the clothes dryer at the maximum temperature setting and, if equipped with a timer, at the maximum time setting and dry the test load until the moisture content of the test load is between 2.5 percent to 5.0 percent of the bone-dry weight of the test load, but do not permit the dryer to advance into cool down. If required, reset the timer or automatic dry control.

3.4 *Data recording.* Record for each test cycle:

3.4.1 Bone-dry weight of the test load described in 2.7.

3.4.2 Moisture content of the wet test load before the test, as described in 2.7.

3.4.3 Moisture content of the dry test load obtained after the test described in 3.3.

3.4.4 Test room conditions, temperature and percent relative humidity described in 2.2.

3.4.5 For electric dryers—the total kilowatt-hours of electric energy, E_e, consumed during the test described in 3.3.

3.4.6 For gas dryers:

3.4.6.1 Total kilowatt-hours of electrical energy, E_{te}, consumed during the test described in 3.3.

3.4.6.2 Cubic feet of gas per cycle, E_{tg}, consumed during the test described in 3.3.

3.4.6.3 On gas dryers using a continuously burning pilot light—the cubic feet of gas, E_{pg}, consumed by the gas pilot light in one hour.

3.4.6.4 Correct the gas heating value, GEF, as measured in 2.3.2.1 and 2.3.2.2, to standard pressure and temperature conditions in accordance with U.S. Bureau of Standards, circular C417, 1938. A sample calculation is illustrated in Appendix E of HLD–1.

3.5 *Test for automatic termination field use factor credits.* Credit for automatic termination can be claimed for those dryers which meet the requirements for either temperature-sensing control, 1.12, or moisture sensing control, 1.13, and having present the appropriate mark or detent feed defined in 1.11.

4. Calculation of Derived Results From Test Measurements

4.1 *Total per-cycle electric dryer energy consumption.* Calculate the total electric dryer energy consumption per cycle, E_{te}, expressed in kilowatt-hours per cycle and defined as:

$E_{te} = [66/W_w - W_d)] \times E_e \times FU$

E_e = the energy recorded in 3.4.5.
66 = an experimentally established value for the percent reduction in the moisture content of the test load during a laboratory test cycle expressed as a percent.
FU = Field use factor.
= 1.18 for time termination control systems.
= 1.04 for automatic control systems which meet the requirements of the definitions for automatic termination controls in 1.11.1, 1.12 and 1.13.
W_w = the moisture content of the wet test load as recorded in 3.4.2.
W_d = the moisture content of the dry test load as recorded in 3.4.3.

4.2 *Per-cycle gas dryer electrical energy consumption.* Calculate the gas dryer electrical energy consumption per cycle, E_{ge}, expressed in kilowatt-hours per cycle and defined as:

$E_{ge} = [66/(W_w - W_d)] \times E_{ee} \times FU$

E_{ee} = the energy recorded in 3.4.6.4
FU, 66, W_w, W_d as defined in 4.1

4.3 *Per-cycle gas dryer gas energy consumption.* Calculate the gas dryer gas energy consumption per cycle, E_{gg}, expressed in Btu's per cycle as defined as:

$E_{gg} = [66/(W_w - W_d)] \times E_{tg} \times FU \times GEF$

E_{tg} = the energy recorded in 3.4.6.2
GEF = corrected gas heat value (Btu per cubic feet) as defined in 3.4.6.4
FU, 66, W_w, W_d as defined in 4.1

4.4 *Per-cycle gas dryer continuously burning pilot light gas energy consumption.* Calculate the gas dryer continuously burning pilot light gas energy consumption per cycle, E_{pg}, expressed in Btu's per cycle and defined as:

$E_{pg} = E_{pg} \times (8760 - 140/416) \times GEF$

E_{pg} = the energy recorded in 3.4.6.3
8760 = number of hours in a year
416 = representative average number of clothes dryer cycles in a year
140 = estimated number of hours that the continuously burning pilot light is on during the operation of the clothes dryer for the representative average use cycle for clothes dryers (416 cycles per year)
GEF as defined in 4.3

4.5 *Total per-cycle gas dryer gas energy consumption expressed in Btu's.* Calculate the total gas dryer energy consumption per cycle, E_g, expressed in Btu's per cycle and defined as:

$E_g = E_{gg} + E_{sg}$

E_{gg} as defined in 4.3

E_{sg} as defined in 4.4

4.6 *Total per-cycle gas dryer energy consumption expressed in kilowatt-hours.* Calculate the total gas dryer energy consumption per cycle, E_{cg}, expressed in kilowatt-hours per cycle and defined as:

$E_{cg} = E_{gr} + (E_g/3412\ Btu/k\ Wh)$

E_{gr} as defined in 4.2

E_g as defined in 4.5

[FR Doc. 81-14776 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2602

Payment of Premiums

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation ("PBGC") issued a final rule on August 5, 1976 relating to the payment of premiums by pension plans covered under Title IV of the Employee Retirement Income Security Act ("ERISA"). This amendment is intended to simplify and clarify the definition of "participant" without substantively altering its meaning, to streamline the reporting requirements of ERISA by changing the filing deadline of the PBGC premium payment form (PBGC–1) to conform, where possible, with the date by which the Form 5500 series (Annual Report) must be submitted to the Internal Revenue Service, and to update the rate of interest for late payment of premiums. Other minor technical changes are made to clarify filing requirements.

EFFECTIVE DATE: This regulation is effective on May 19, 1981.

FOR FURTHER INFORMATION CONTACT: David Weingarten, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; 202–254–3010. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Employee Retirement Income Security Act, 29 U.S.C. 1001, *et seq.*, as amended by the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96–364, 94 Stat. 1208, provides for a comprehensive pension plan insurance program in Title IV. Under the statutory scheme, plans pay a stated dollar amount per participant in premiums annually to help finance the program. At plan termination, the PBGC guarantees payment of benefits in accordance with §§ 4022, 4022A and 4022B.

To implement these statutory requirements, the PBGC published the Payment of Premiums regulation on August 5, 1976, 41 FR 32710, which prescribes the form for payment of premiums (PBGC–1) and sets forth rules relating to premium payment and the penalties and interest for failure to comply with these requirements. The regulation was last amended on December 8, 1980, 45 FR 80822, to reflect a statutory increase in the rate of premiums for multiemployer plans.

The definition of "participant" in § 2602.2 has been reorganized and clarified in this amendment, although it is not substantively changed. It is rewritten here and in the instructions to the form prescribed by the regulation, the PBGC–1 form, to make it easier for plan administrators to understand. The number of participants counted under the amended definition will still be the same as it would have been under the prior regulation, and, as the instructions to the PBGC–1 form make clear, the same as the number recorded on the Annual Report Form 5500 series, filed with the Internal Revenue Service for use by the IRS, the Department of Labor and the PBGC. We note that the definition of the term "participant" as defined in this regulation is not necessarily the same as the definition of "participant" in section 3(7) of ERISA, or the definition of "participant" under the Internal Revenue Code.

Another change made in the rule allows a plan administrator to file the PBGC–1 form at the same time he or she makes his or her Form 5500 series filing. Under the current regulation, the deadline for filing the PBGC–1 form is precisely 7 months after the last day of the prior plan year. The Form 5500 series filing must be made by the last day of the seventh month following the close of the prior plan year. Thus, for example, if a plan year ends on December 15, a plan currently must file the PBGC–1 form by July 15 of the following year, and must make its Form 5500 series filing by July 31 of that year. Because much of the information needed to complete both forms is the same, the PBGC has determined that to minimize the administrative burden on plan administrators, the forms should have the same filing deadline. Accordingly, § 2602.3 is amended to permit the forms to be filed concurrently on the date the Form 5500 series is due. However, an extension of the due date granted by the IRS for filing the IRS/DOL/PBGC Form 5500 (Annual Return/Report of Employee Benefit Plan) will not result in an extension of the due date for the PBGC–1 premium filing.

A new provision has been added to clarify the filing dates for plans which change plan years. The rule provides that the filing deadline is the later of seven months following the close of the short plan year or 30 days after the date on which an amendment was adopted to change the plan year. For example, a plan that changes its plan year from a calendar year plan year to a plan year beginning on July 1, must file its PBGC–1 form by the later of seven months after June 30, the close of the short plan year, or 30 days after the adoption of the amendment changing the plan year. In addition, a new § 2602.5(d) is added to clarify that plans that change their plan year must pay an annual premium based on the number of plan participants on the last day of the short plan year. Section 2602.3 has also been amended to make clear that the obligation to pay premiums continues until a plan's assets are distributed under a termination procedure or a trustee is appointed under section 4042 of the Act, whichever occurs earlier. A technical change has been made in § 2602.5(c) to clarify the filing deadline for newly covered plans.

Three changes are made to clarify the filing deadlines in the regulation. In § 2602.10, the current regulation treats the PBGC–1 form and premium payment as being filed on the date on which it is postmarked by the United States Postal Service or three days prior to the date it is received by the PBGC if it is not postmarked. The PBGC has interpreted the "three days prior to receipt" standard to apply when the form or payment is either not postmarked or when the postmark is illegible. This section of the regulation is amended to add the circumstance of an illegible postmark to the three day standard set forth in the regulation in order to advise the public of the agency's interpretation. The other changes are in § 2602.11, which relates to computation of time for determining the filing deadline and other purposes. To conform this regulation to other PBGC regulations and to clarify the filing deadline, the section is amended to specify that: (1) in counting days, every calendar day is counted, including federal holidays and Saturdays and Sundays, but where a due date falls on a federal holiday or Saturday or Sunday, the deadline for filing is the next business day, and (2) Saturdays, Sundays and federal holidays are counted after the due date

for purposes of computing late payment charges.

The final changes in the regulation relate to late payment interest charges. In the current regulation, interest imposed on the unpaid amount is specified for each of the past years in which premium payments were due. The PBGC has determined that this is not the most appropriate method of informing the public of the applicable interest rates because of changes in the rates and the corresponding necessity to amend the regulation continually. Accordingly, § 2602.7, relating to late payment interest charges, is changed to parallel the statutory language in section 4007(b) of the Act which references the rate established under section 6601(a) of the Internal Revenue Code. That rate is readily available to the public and updated periodically. In addition, Appendix A is added to the regulation to specify the interest rates in effect for specific time periods in the past (*e.g.*, the current late payment interest charge is 12%).

This amendment makes only technical changes to clarify the final rule, and does not substantively affect the public except to extend filing deadlines. Because this regulation relates to agency procedures and practices, it is being issued in final form without notice and opportunity for public comment. In addition, the PBGC has determined that it would be impractical and contrary to the public interest to delay the effective date of the regulation because the forms that must be filed for the 1981 plan year are due as early as July 31, 1981. Accordingly, the PBGC finds that good cause exists for making this regulation effective immediately.

The PBGC has also determined that this rule is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; nor will it create a major increase in costs or prices for consumers, individual industries, or geographic regions; nor will it have significant adverse effects on competition, employment, investment, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

In consideration of the foregoing, Part 2602 of Chapter XXVI of Title 29, Code of Federal Regulations, is hereby amended as follows:

1. Section 2602.2 is amended by revising the definition of "Participant" to read as follows:

§ 2602.2 Definitions.

* * * * *

"Participant" means any individual who is included in one of the categories below:

(a) *Active.* (1) Any individual who is currently in employment covered by the plan and who is earning or retaining credited service under the plan. This category includes any individual who is currently below the integration level in a plan that is integrated with Social Security.

(2) Any non-vested individual who is not currently in employment covered by the plan but who is earning or retaining credited service under the plan. This category does not include a non-vested former employee who has incurred a break in service the greater of one year or the break in service period specified in the plan.

(b) *Inactive.*—(1) *Inactive Receiving Benefits.* Any individual who is retired or separated from employment covered by the plan and who is receiving benefits under the plan. This category does not include an individual to whom an insurance company has made an irrevocable commitment to pay all the benefits to which the individual is entitled under the plan.

(2) *Inactive Entitled to Future Benefits.* Any individual who is retired or separated from employment covered by the plan and who is entitled to begin receiving benefits under the plan in the future. This category does not include an individual to whom an insurance company has made an irrevocable commitment to pay all the benefits to which the individual is entitled under the plan.

(c) *Deceased.* Any deceased individual who has one or more beneficiaries who are receiving or entitled to receive benefits under the plan. This category does not include an individual if an insurance company has made an irrevocable commitment to pay all the benefits to which the beneficiaries of that individual are entitled under the plan.

Provided that, for plan years beginning before September 2, 1975, a retiree or former employee for whom a fully paid-up immediate or deferred annuity has been purchased shall be treated as a "participant" if such individual retains a legal claim against the plan for benefits or if the plan retains a participating interest in the annuity policy.

* * * * *

2. In § 2602.3, paragraphs (a)(3), (a)(4), (a)(5), and (a)(6) are revised to read as follows:

§ 2602.3 Filing requirement.

(a) * * *

(3) For any plan year beginning on or after January 1, 1976 and ending on or before December 30, 1981: seven months after the close of the prior plan year.

(4) For any plan year beginning on or after January 1, 1981: the last day of the seventh month following the close of the prior plan year.

(5) Notwithstanding the provisions of paragraphs (1), (2), (3) and (4), for any plan newly covered by § 4021 of the Act, the later of:

(i) Seven months after the beginning of the plan year;

(ii) 30 days after the date of the plan's adoption;

(iii) 30 days after the date on which the plan became effective for benefit accruals for future service; or

(iv) 30 days after the date on which the plan becomes covered by § 4021 of the Act.

(6) Notwithstanding the provisions of paragraphs (1), (2), (3) and (4), for any plan which changes its plan year, the later of:

(i) The last day of the seventh month following the close of the short plan year; or

(ii) 30 days after the date on which an amendment was adopted to change the plan year.

* * * * *

3. In § 2602.3, paragraph (d) is redesignated as paragraph (e), paragraph (c) is redesignated as paragraph (d) and a new paragraph (c) is added to read as follows:

§ 2602.3 Filing requirement.

* * * * *

(c) The obligation to file the form prescribed by this part and pay any premiums due continues until plan assets are distributed under a termination procedure or until a trustee is appointed under § 4042 of the Act, whichever occurs earlier.

4. In § 2602.5, paragraph (c) is revised and a new paragraph (d) is added to read as follows:

§ 2602.5 Premium rate.

* * * * *

(c) For any plan not previously covered by § 4021 of the Act, the plan shall pay the applicable premium under paragraphs (a) or (b) of this section for each individual who is a participant in such plan on the date the plan becomes covered by § 4021 of the Act.

(d) For any plan that changes its plan year, the plan shall pay the applicable premium under paragraphs (a) or (b) of this section for each individual who is a

participant in such plan on the last day of the short plan year.

5. In § 2602.7, paragraph (a) is revised to read as follows:

§ 2602.7 Late payment interest charges.

(a) If any premium payment due under this part is not paid by the last date prescribed for payment in § 2602.3, an interest charge shall be imposed on the unpaid amount at the rate imposed under § 6601(a) of the Internal Revenue Code of 1954, for the period from the date payment is due to the date payment is made.

* * * * *

§ 2602.10 [Amended]

6. Section 2602.10 is amended in paragraph (b), by removing the words "if not postmarked by the United States Postal Service" and substituting the words "if it does not contain a legible United States Postal Service postmark".

7. Section 2602.11 is revised to read as follows:

§ 2602.11 Computation of time.

In computing any period of time prescribed by this part, the day of the act, event, or default from which the designated period of time begins to run is not counted. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or federal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a federal holiday. For the purpose of computing late payment interest charges under § 2602.7 and late payment penalty charges under § 2602.8, a Saturday, Sunday or federal holiday referred to in the previous sentence shall be included.

8. Part 2602 is amended by adding an Appendix at the end thereof to read as follows:

Appendix A—Late Payment Interest Charges

The following table lists the late payment interest charges under § 2602.7(a) for the specified time periods:

Time period	Interest rate (percent)
Sept. 2, 1974 to June 30, 1975	6
July 1, 1975 to Jan. 31, 1976	9
Feb. 1, 1976 to Jan. 31, 1978	7
Feb. 1, 1978 to Jan. 31, 1980	6
Feb. 1, 1980 to Jan. 31, 1982	12

(Secs. 4002(b)(3) and 4007, Pub. L. 93-406, 88 Stat. 1004, as amended by Secs. 403(1), 402(a)(3) and 403(b), Pub. L. 96-364, 94 Stat. 1208, 1302, 1298, 1300 (1980) (29 U.S.C. 1302(b), 1307))

Issued at Washington, D.C., on this 1st day of May 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-14886 Filed 5-18-81; 8:45 am]

BILLING CODE 7708-01-M

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29 CFR Parts 2670 and 2671

Election of Single-Employer Plan Status

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule establishes implementing procedures for a special election concerning multiemployer plan status which may be made under Title IV of the Employee Retirement Income Security Act of 1974 (ERISA), as amended by the Multiemployer Pension Plan Amendments Act of 1980. Under these procedures, an eligible single-employer plan, whose plan status would otherwise change to multiemployer due to the new definition of that term in ERISA, may irrevocably elect to be considered a single-employer plan for all purposes under ERISA and the Internal Revenue Code.

In the Multiemployer Act, Congress expanded the definition of "multiemployer plan" to include some plans which under prior law were single-employer plans. The election permits certain plans affected by this change in definition to elect single-employer status.

EFFECTIVE DATE: May 19, 1981.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning, Suite 7300, 2020 K Street, N.W., Washington, D.C. 20006; 202-254-4860.

SUPPLEMENTARY INFORMATION: The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96-364, 94 Stat. 1208 (the "Multiemployer Act"), became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974. (The Act as amended is hereafter referred to as "ERISA".)

The Statute

An Expanded Definition of "Multiemployer Plan"

In the Multiemployer Act, Congress amended ERISA to expand the definition of "multiemployer plan". The basic Congressional purpose was to eliminate uncertainties created by prior law, and to ensure that all collectively bargained plans which have more than one contributing employer are treated as multiemployer plans.

As amended, sections 3(37)(A) and 4001(a)(3) of ERISA define a "multiemployer plan" as a plan—

(1) To which more than one employer must contribute;

(2) Which is maintained under one or more collective bargaining agreements between one or more unions and more than one employer; and

(3) Which satisfies other requirements established by the Secretary of Labor.

The new definition deletes previous limitations on the annual contributions made to a plan by one employer. Under the prior definition, a plan was not a multiemployer plan if one of its employers contributed 50% or more of the total annual contributions (section 3(37)(A)(iii)). There was an exception to that rule. Section 3(37)(B)(i) provided that if a plan was multiemployer within the meaning of section 3(37)(A) for any plan year, the 50% cap was raised to 75% for subsequent plan years. Thus, once a plan passed the 50% test, it would remain a multiemployer plan as long as no employer contributed 75% or more of the total contributions for a single plan year.

As a determinant of plan status, the percentage cap created uncertainty: a plan might be classified multiemployer one year, then single-employer the next, depending on how the level of contributions by each employer varied. The new definition eliminates this problem.

Election of Plan Status

Under ERISA, section 4303 provides that a single-employer plan,[1] which would otherwise become multiemployer under the new definition, can elect to continue its single-employer status. Under section 4303 of ERISA, such a plan may elect to be a single-employer plan for all purposes under ERISA and the Internal Revenue Code, provided that PBGC procedures are followed and the election is made on or before September 26, 1981. The election is irrevocable. If such a plan does not make the election, it automatically becomes a multiemployer plan on the first day of the first plan year that begins after September 26, 1980 (ERISA section 3(37)(D)).

In order to be eligible for the election, a plan must meet two tests. The first test requires that, for each of the last three plan years ending before September 26,

[1] The term "single-employer plan" was added to ERISA by the Multiemployer Act. It includes both single employer and multiple employer plans.

1980, the plan must show that it was not a multiemployer plan because the contributions of one of its employers met or exceeded the annual contribution limit, either 50% or 75% as applicable. Section 4303(a)(1).

The second test for eligibility also concerns plan status before enactment of the Multiemployer Act. Section 4303(a)(2) requires that, for each of the last three plan years ending before September 26, 1980, the plan must have identified itself as a non-multiemployer plan (*i.e.*, as either a single employer or multiple employer plan) in substantially all its filings with the PBGC, the Department of Labor and the Internal Revenue Service.

If a plan is eligible for the election, certain procedures must be followed pursuant to section 4303(b). First, the plan must be amended on or before September 26, 1981 to provide that it shall be treated as a single-employer plan for all purposes under ERISA and the Internal Revenue Code. Second, the plan must file a written notice of the amendment with the PBGC within 60 days after the amendment is adopted.

Once approved by the PBGC, section 4303(c) provides that an election shall be treated as being effective as of September 26, 1980. Thus, from that date on, the plan would treated as having been a single-employer plan for all purposes, including payment of premiums.

The Regulation

Election Requirements

Section 2671.2(a) of this regulation provides that a plan which is eligible to make an election and which complies with the procedures and time limits set forth in this rule shall be deemed to be a single-employer plan for all purposes under ERISA and the Internal Revenue Code.

Section 2671.2(b) restates the statutory qualifications for making an election under section 4303 of ERISA. In order to be eligible for the election, a plan must show that it was not a multiemployer plan under ERISA prior to the Multiemployer Act amendments. In that regard, the plan must satisfy the contributions test discussed above.

In applying the contributions test to determine plan status during the 3 plan years before September 26, 1980, employer contributions in prior years may also be relevant. For example, if in the first year of the 3 plan year period, the plan had a 75 percent or greater contributor, and a 50 percent or greater contributor in each of the two subsequent years, then the plan may qualify for the election without regard to the contributions in prior plan years. That is so, because under prior law, once a plan met or exceeded the 75 percent limit, it was a single-employer plan until a plan year in which no one employer contributed 50 percent or more of the total contributions. On the other hand, if during the relevant 3 year period, the plan had a 50 percent or greater contributor, but less than a 75 percent contributor, the statute requires that PBGC look to contributions in prior years to determine if the plan was in fact a single-employer plan during each of the relevant 3 years. In other words, one must know the plan status in years prior to the statutory 3 year period in order to know what the applicable contribution limitation is during the period. If under this example, a plan was a multiemployer plan prior to the relevant 3 year period, that status would not have changed until one employer contributed 75% or more in a single year. Thus, a strict application of 4303(a)(1) could necessitate an examination of the contribution records for all years of a plan's existence.

PBGC recognizes that requiring plans to produce contribution records for the entire life of the plan would impose a significant burden. Many plans may not have the necessary records, and it may be very difficult, if not impossible, to reconstruct the records. Such a requirement might also result in plans not being eligible for the election solely because they do not have records on contributions over the entire plan history. Therefore, for the purpose of the election, the regulation requires information on employer contributions only for the plan years since enactment of ERISA, *i.e.* for plan years ending after September 2, 1974.

In addition to the contribution test, in order to be eligible under § 2671.2(b), a plan must show that it identified itself as a non-multiemployer plan in substantially all of its ERISA filings in the three year period before September 26, 1980. Therefore, a mistaken filing is permitted. Provided that it was an exception, and that in a substantial number of filings the plan designated itself as single-employer, the plan would not be disqualified from the election on that basis alone.

Section 2671.2(c) of the regulation provides that, in order for an election to be effective, certain procedures must be followed. First, the plan must adopt on or before September 26, 1981 a plan amendment providing that it shall be treated as single-employer plan for all purposes under ERISA and the Code. Second, a written notice of the election that conforms with the requirements of § 2671.3 must be filed with the PBGC within 60 days after the amendment is adopted. The election must thereafter be approved by the PBGC.

Notice to PBGC

Section 2671.3 prescribes the procedures for giving notice of an election to the PBGC. Paragraph (a) of the section provides that a plan must give written notice to the PBGC of a plan amendment electing single-employer status. That notice must be received by the PBGC within 60 days after the adoption of the amendment.

Paragraph (d) of § 2671.3 lists the information which must accompany the notice to the PBGC. Under § 2671.3(d)(7), a plan must submit a list showing the name of each contributing employer, the amount of the contribution by each employer, and percentage of the contribution of each to the total annual contributions. This information generally must be provided for each plan year ending on or after September 2, 1974 but before September 26, 1980. However, if in the third plan year ending before September 26, 1980 or in an earlier year, a plan had one employer who contributed 75 percent or more of the total contributions, then the contribution information need only be submitted for that and each subsequent plan year.

PBGC Action

Section 2671.4(a) provides that the PBGC shall approve an election if the PBGC determines that a plan is eligible to make the election under § 2671.2(b) and that the procedures under § 2671.2(c) (1) and (2) have been followed. The PBGC will issue a written decision on a plan's request for approval of an election. If the PBGC disapproves an election, the decision will state the grounds on which the PBGC based its determination.

Adjusting Premium Payments Due to Election

The year following the date of enactment of the multiemployer Act will be a transition period for some plans. In that time, due to the new definition of "multiemployer plan" and the election process, some plans will become multiemployer only until such time as they elect to be single-employer plans. This change in plan status may necessitate some adjustment in premium payments.

Section 2671.5 covers the two possible situations where a premium adjustment will be required. The first involves a plan that pays its premium at the multiemployer rate and thereafter elects

single-employer status. In that case, the plan has underpaid its premium and owes the PBGC the difference between the lower multiemployer rate and the higher single-employer rate. PBGC will bill the plan for this amount. The amount shall be due 30 days after the date of the PBGC bill. Failure to pay within that time shall result in the assessment of penalties and interest accruing from the due date at the rates prescribed in section 4007 of the Act and Part 2602 of this chapter.

The second situation calling for adjustment of the premium payment is when a plan pays at the single-employer rate, but its election of single-employer status is thereafter disapproved by the PBGC. In that case, the plan has paid too much, and the PBGC will refund to the plan the difference between the single-employer rate and the multiemployer rate. If as a result of the disapproval of the election, a plan believes it made a premium overpayment in a prior plan year, it may request a refund by writing to the Branch of General Accounting, Division of the Controller, Pension Benefit Guaranty Corporation.

Under section 3(b) of Executive Order 12291, the Pension Benefit Guaranty Corporation has determined that this regulation is not a "major rule" for the purposes of the Order, because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because this regulation deals only with matters of procedure, no general notice of proposed rulemaking is required. Because of the need to provide prompt guidance to plan sponsors who wish to exercise their statutory right of election before the deadline of September 26, 1981 and because this regulation does not require any action by plans, the PBGC finds that good cause exists for making this regulation effective immediately. Further, since no general notice of proposed rulemaking is required, the Regulatory Flexibility Act of 1980 has no application to this regulation. (5 U.S.C. 601(2)).

In consideration of the foregoing, Chapter XXVI of Title 29, Code of Federal Regulations is amended by adding new Parts 2670 and 2671, as follows:

PART 2670—DEFINITIONS

Sec.
2670.1 Purpose and scope.
2670.2 General definitions.

Authority: Sec. 4002(b)(3), Pub. L. 93-406, as amended by sec. 403(1), Pub. L. 96-364, 94 Stat. 1208, 1302 (1980) (29 U.S.C. 1302).

§ 2670.1 Purpose and scope.

This part sets forth the definitions of the terms used in Part 2671 of this chapter.

§ 2670.2 General definitions.

For purposes of Part 2671:

"Act" means the Employee Retirement Income Security Act of 1974, as amended.

"Code" means the Internal Revenue Code of 1954, as amended.

"Multiemployer Act" means the Multiemployer Pension Plan Amendments Act of 1980.

"Multiemployer plan" means a pension plan described in section 4001(a)(3) of the Act.

"PBGC" means the Pension Benefit Guaranty Corporation.

"Plan year" means the calendar, policy or fiscal year on which the records of the plan are kept.

"Single-employer plan" means a plan described in section 4001(b)(2) of the Act.

PART 2671—ELECTION OF SINGLE-EMPLOYER PLAN STATUS

Sec.
2671.1 Purpose and scope.
2671.2 Eligibility and requirements for election.
2671.3 Notice of election.
2671.4 PBGC action on election.
2671.5 Adjustment of premium payments due to election.

Authority: Sections 4002(b)(3) and 4303, Pub. L. 93-406, as amended by sections 403(1) and 106, Pub. L. 96-364, 94 Stat. 1208, 1302 and 1207 (1980) (29 U.S.C. 1302 and 1453).

§ 2671.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to establish procedures whereby certain plans that become "multiemployer plans" solely because of the change in the definition of that term under the Multiemployer Pension Plan Amendments Act of 1980 may irrevocably elect to be single-employer plans for all purposes under the Employee Retirement Income Security Act of 1974, as amended, and the Internal Revenue Code.

(b) *Scope.* This part applies to any plan covered under section 4021(a) of ERISA that was not a multiemployer plan under ERISA prior to enactment of the Multiemployer Act, and whose plan status changed to multiemployer because the new definition of "multiemployer plan" under the Multiemployer Act deleted the percentage limitation on contributions by one employer (section 3(37) (A)(iii) and (B)(i) of ERISA, prior to amendment).

§ 2671.2 Eligibility and requirements for election.

(a) *General rule.* A plan that is eligible to make an election under paragraph (b) of this section and makes a valid election in accordance with the procedures and within the time limits specified in paragraph (c) of this section shall be deemed to be a single-employer plan for all purposes under the Act and the Code. An election made under this part is irrevocable.

(b) *Eligibility for election.* A plan may elect to be a single-employer plan if, for each of the last three plan years ending prior to September 26, 1980—

(1) The plan was not a multiemployer plan because it was not a plan described in section 3(37)(A)(iii) of the Act, as such provision was in effect before it was amended by the Multiemployer Act; and

(2) The plan had been identified as a plan that was not a multiemployer plan in substantially all its filings with the PBGC, the Department of Labor and the Internal Revenue Service.

(c) *Requirements for an effective election.* An election under this part is effective only if—

(1) The plan is amended on or before September 26, 1981 to provide that it shall be treated as a single-employer plan for all purposes under the Act and the Code;

(2) A written notice of the election that conforms with the requirements of § 2671.3 is filed by the plan with the PBGC on or before 60 days after the amendment is adopted; and

(3) The election is thereafter approved by the PBGC.

(d) *Effect of election.* An election approved by the PBGC shall be effective for all purposes under the Act and the Code as of September 26, 1980.

§ 2671.3 Notice of election.

(a) *General.* A written notice of election shall be filed with the PBGC no later than 60 days after the adoption of the plan amendment electing single-employer status.

(b) *Who shall file.* The plan sponsor, or a duly authorized representative acting on behalf of the plan sponsor, shall sign the notice.

(c) *Where to file.* The notice shall be delivered by mail or submitted by hand to the Division of Case Classification

and Control, Office of Program Operations, Pension Benefit Guaranty Corporation, Room 5300A, 2020 K Street, NW., Washington, D.C. 20006.

(d) *Content.* Each notice shall contain the following information:

(1) The name of the plan.

(2) The name, address and telephone number of the plan sponsor, and of the duly authorized representative, if any, of the plan sponsor.

(3) The date the amendment was adopted.

(4) A copy of the executed amendment.

(5) For each of the last three plan years ending prior to September 26, 1980, a copy of the plan's Form 5500 (Annual Report Form) (without attachments).

(6) A list showing the name of each employer who contributed to the plan, the amount of the contribution of each, and the percentage of the contribution of each to the total annual contributions made to the plan. Except as provided in the next sentence, this information shall be provided for each plan year ending on or after September 2, 1974 but before September 26, 1980. If in the third plan year ending before September 26, 1980 or in one of the prior plan years ending on or after September 2, 1974, one employer contributed 75 percent or more of the plan's total contributions, the information on contributions need not be provided for plan years prior to that year. In that situation, the information on contributions will be provided for the year in which the 75 percent contribution occurred and for each subsequent year.

(e) *Additional information.* In addition to the information described in paragraph (d) of this section, the PBGC may require the plan sponsor to submit any other information the PBGC determines it needs to review a notice of election.

(f) *Date of filing.* The notice of election is considered filed on the date of the United States postmark stamped on the cover in which the notice is mailed, *Provided,* That—

(1) The postmark was made by the United States Postal Service; and

(2) The notice was mailed postage prepaid, properly packaged and addressed to the PBGC. If the conditions stated in both paragraphs (1) and (2) are not met, the notice is considered filed on the date it is received by the PBGC. Notices received after regular business hours are considered filed on the next regular business day.

§ 2671.4 PBGC action on election.

(a) *General.* The PBGC shall approve an election if the PBGC determines that the plan is eligible to make the election under § 2671.2(b) and that the plan has complied with the procedures set forth in § 2671.2(c).

(b) *PBGC decision.* PBGC's decision approving or disapproving an election shall be in writing. If the PBGC disapproves the election, the decision shall state the reasons for the determination.

§ 2671.5 Adjustment of premium payments due to election.

(a) *Underpayment.* If a plan has paid its premium for its first plan year beginning on or after September 26, 1980 at the rate payable for a multiemployer plan and thereafter effectively elects to be a single-employer plan, the plan will have underpaid its premium. In this case, the PBGC shall bill the plan for the amount due at the higher rate payable for a single-employer plan. The amount shall be due 30 days after the date of the PBGC bill. Failure to pay within that time shall result in the assessment of penalties and interest accruing from the due date at the rates prescribed in section 4007 of the Act and Part 2602 of this chapter.

(b) *Overpayment.* If a plan has paid its premium for its first plan year beginning on or after September 26, 1980 at the rate payable for a single-employer plan and thereafter makes an election which is not approved by PBGC, the plan will have overpaid its premium. In this case, the PBGC shall refund to the plan an amount equal to the difference between the amount owed by the plan for that plan year at the single-employer rate and the amount owed at the lower mutiemployer rate.

Issued at Washington, D.C. on this 21st day of April 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-14917 Filed 5-18-81; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[WH-FRL-1826-8]

State Underground Injection Control Programs

AGENCY: Environmental Protection Agency.

ACTION: Interim Final Guidance and Request for Public Comment.

SUMMARY: The Safe Drinking Water Act of 1974 (SDWA) was amended on December 5, 1980. Among other changes, the amendments added a new Section 1425 to the Act. Section 1425 establishes an alternative method for a State to obtain primary enforcement responsibility for those portions of its Underground Injection Control (UIC) program related to the recovery and production of oil and gas. More specifically, "* * * in lieu of the showing required under subparagraph (A) of section 1422(b)(1) the State may demonstrate that such portion of the State program meets the requirements of subparagraphs (A) through (D) of section 1421(b)(1) and represents an effective program * * * to prevent underground injection which endangers drinking water sources."

Section 1422(b)(1) of the SDWA specifies that a State, in order to obtain approval for its UIC program, must make a satisfactory showing that it has adopted and will implement a program that meets the requirements of regulations issued by the Administrator. Such regulations have been promulgated at 40 CFR Parts 122, 123, 124 and 146.

This notice is intended to provide guidance for the implementation of the alternative demonstration provided for in the new Section 1425. It contains information on: (1) how States may apply for approval under Section 1425; and (2) the criteria the Environmental Protection Agency (EPA) will use in approving or disapproving applications under Section 1425.

DATES: Effective date: This guidance is issued as interim final. It becomes effective upon May 19, 1981.

COMMENT DATE: EPA will accept public comments on this document until July 20, 1981.

ADDRESS: Comments should be sent to Mr. Thomas E. Belk, Chief, Ground Water Protection Branch, Office of Drinking Water (WH-550), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Such comments, together with other relevant materials, will be maintained at the same address.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas E. Belk (202) 426-3934.

OMB Approval: This guidance has been cleared for publication by the Office of Management and Budget.

Dated: May 11, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

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1.0 Purpose and Scope

The 1980 amendments to the Safe Drinking Water Act (SDWA) added a new Section 1425 which provides an alternative means for States to acquire primary enforcement responsibility for the control of underground injection related to the recovery and production of oil and natural gas. This document contains guidance on: (1) how States may apply for approval under Section 1425; and (2) the criteria EPA will use in approving or disapproving applications under Section 1425.

EPA is mindful of the fact that, in enacting Section 1425, Congress intended that States be offered an alternative to the detailed requirements of the regulations promulgated at 40 CFR Parts 122, 123, 124 and 146, and that State programs to control injections related to oil and gas production be considered on their merits. Nevertheless, Section 1425 does require a State to demonstrate that such portion of its Underground Injection Control (UIC) program: (1) meets the requirements of Section 1421(b)(1) (A) through (D); and (2) represents an effective program to prevent injection which endangers drinking water sources. Further, Section 1425 requires the Administrator of EPA to approve or disapprove such portion of a State's UIC program for primary enforcement responsibility based on his judgment of whether the State has succeeded in making the required demonstrations.

Consequently, EPA believes that States are entitle to guidance on the implementation of Section 1425. The procedures and criteria contained in this document were developed in consultation with interested States. They represent a "model" State application and program which, in EPA's view, meet the requirements of the amended SDWA. A State application which conforms to these procedures and meets the suggested criteria should be approvable under Section 1425.

A State may choose to apply in a different form and make demonstrations different from those suggested in this document. EPA will consider such applications. However, they will have to be reviewed on a case-by-case basis to determine whether they meet the requirements of the Act. Such reviews may involve additional requests for information, more time and less assurance of ultimate approval.

This guidance and the regulations promulgated at 40 CFR Parts 122, 123, 124 and 146 are both aimed at achieving the same fundamental objective: the protection of underground sources of drinking water from endangerment by well injection. There are, however, some significant differences between them.

The most immediate difference is that one is a regulation and the other is guidance. This was a deliberate choice on the part of the Agency because it does not view the new Congressional mandate as requiring another set of detailed regulations for its implementation. In any event, there is insufficient time to develop such regulations in light of the short time remaining before State program submissions are due under Section 1422(b)(1)(A) of the SDWA.

A further difference is that State program submissions under Section 1422(b)(1) of the SDWA are required to meet a different legal standard from State program submissions under Section 1425. Under Section 1422(b)(1)(A), the State is required to make a showing that its UIC program "meets the requirements of regulations in effect under section 1421; * * *" Under Section 1425, the State is required to demonstrate that the Class II portion of its UIC program meets the requirements of Section 1421(b)(1) (A) through (D) and represents an effective program to prevent underground injection which endangers drinking water sources.

As a consequence of these differences, this guidance is much less detailed than the regulations and leaves a great deal more discretion to the State to develop and EPA to approve State UIC programs under Section 1425.

2.0 Applications

2.1 Definition

For the purposes of Section 1425 of the SDWA:

1. The underground injection of brine or other fluids which are brought to the surface in connection with oil or natural gas production; and

2. Any underground injection for the secondary or tertiary recovery of oil or natural gas; and

3. Any injection for the storage of hydrocarbons which are liquid at standard temperature and pressure; shall be defined as "Class II" injections or wells.

2.2 Need for an Underground Injection Control (UIC) Program

Any State which has Class II wells must have an UIC program to assure that such wells do not endanger underground sources of drinking water (USDWs). A State may submit its Class II program to EPA for approval. If EPA approves the program, the State has primary enforcement responsibility for that portion of its UIC program.

If a State chooses not to apply, or if its program is disapproved, or if subsequent to approval the State loses primary enforcement responsibility because the Administrator determines, under Section 1425(c)(2), that the demonstration is no longer valid, EPA must prescribe and implement a program in that State. When EPA implements a Class II program for a State, it will do so in accordance with the requirements of 40 CFR Parts 122, 124 and 146.

A State which does *not* have any Class II wells *need not* develop a Class II control program in order to qualify for primacy under the UIC program. Under the regulations at 40 CFR 123.51(d), such a State only needs to demonstrate that Class II wells cannot legally occur until the State has developed an approved program to regulate such injections.

2.3 Applications Under Section 1425

Any State which has Class II wells may, at its option apply for primary for its Class II UIC program either: (1) under the regulations at 40 CFR Parts 122, 123, 124 and 146; or (2) under Section 1425 of the SDWA.

2.4 When Should Application be Made?

House Report No. 96–1348, accompanying the 1980 amendments, states on page 5 that: "The Committee expects that alternative demonstrations will be submitted on the same schedule. Accordingly, as demonstrations required for state programs meeting Federal regulations promulgated under Section

1421(b)." States have 270 days from July 24, 1980 to submit applications, or until *April 20, 1981.*

This period may be extended by up to another 270 days by the Regional Administrators for "good cause", or until *January 15, 1982.*

A State need not wait until it is ready to submit its application for all classes of wells. EPA will entertain partial applications for primacy as long as the program for which approval is sought covers: (1) all elements of a program to regulate a particular class or classes of injection practices even if the class or classes involve the jurisdiction of more than one State agency; or (2) all elements of a program to regulate all the classes or types of wells within the jurisdiction of a single State agency. However, if a State submits a partial application, the alternative demonstration under Section 1425 may be used only for the Class II portion of the application. The portion of the program covering types of practices other than Class II will have to meet the requirements of 40 CFR Parts 122, 123, 124 and 146.

2.5 Effects of a Partial Application

The recent amendments have changed Section 1443 of the SDWA so that a State may receive grant support until July 1982. After that date, it must have achieved full primacy in order for grant eligibility to continue. As a consequence, a State may receive partial primacy for its Class II control program and continue to receive grants: (1) if it has obtained an extension for submitting the remainder of its application; (2) until it declares its intention not to file any further applications; (3) until EPA terminates its grant for cause; or (4) until July 1982, whichever is soonest.

If a State receives full primacy, its eligibility for grants will, of course, continue.

3.0 Elements of an Application for Primacy under Section 1425

3.1 Elements of a State Application

A complete State submission should contain the following elements:

a. a letter from the Governor;

b. a description of the program;

c. a statement of legal authority;

d. copies of the pertinent statutes and regulations;

e. copies of the pertinent State forms; and

f. a signed copy of a Memorandum of Agreement.

The nature of these elements is described further below.

3.2 Letter From the Governor

The letter from the Governor should:

a. request approval of the State's program for primacy under the UIC program;

b. specify whether approval is sought under Section 1425 of the SDWA or under 40 CFR Parts 122, 123, 124, and 146; and

c. affirm that the State is willing and able to carry out the program described.

3.3 Program Description

A State's application is expected to contain a full description of the program for which approval is sought, in sufficient detail to enable EPA to make the judgments outlined in Section 5 below. Such a description should:

a. Specify the structure, coverage and scope of the program;

b. Specify the State permitting process and address, to the extent applicable, the following elements:

1. Who applies for the permit or the authorization by rule;

2. Signatories required for permit application and reports;

3. Conditions applicable to permits, including: duty to comply with permit conditions, duty to reapply, duty to halt or reduce activity, duty to mitigate, proper operation and maintenance, permit actions, property rights, inspection and entry monitoring, record keeping, and reporting requirements;

4. Compliance schedules;

5. Transfer of permits;

6. Termination of permits;

7. Whether area permits or project permits are granted;

8. Emergency permits;

9. The availability and use of variances and other discretionary exemptions to programmatic requirements; and

10. Administrative and judicial procedures for the modification of permits.

c. Describe the operation of any rules used by the State to regulate Class II wells;

d. Describe the technical requirements applied to operators by the State program;

e. Include a description of the State's procedures for monitoring, inspection and requiring reporting from operators;

f. Discuss the State's enforcement program, e.g.:

1. Administrative procedures for dealing with violations;

2. Nature and amounts of penalties, fines and other enforcement tools;

3. Criteria for taking enforcement actions; and

4. If the State is seeking approval for an existing program, summary data on:

A. Past practice in the use of enforcement tools;

B. Current compliance/non-compliance with State requirements;

C. Repeat violations at the same well or by the same operator at different wells;

D. Well failure rates; and

E. USDW contamination cases based on actual field work and citizen complaints.

g. Detail the State's staffing and resources, and demonstrate that these are sufficient to carry out the proposed program;

h. If more than one State agency is involved in the Class II program, describe their relationships with regard to carrying out the Class II program;

i. Contain a reasonable schedule for completion of an inventory of Class II wells in the State;

j. Include the procedures for exempting aquifers, a list of the aquifers or portions of aquifers proposed for exemption at the time of application, and the reasons for the proposed exemptions, unless these have been described in the partial applications made by the State;

k. Contain a plan (including the basis for assigning priorities) for the review of all existing Class II wells in the State within five years of program approval to assure that they meet current non-endangerment requirements of the State (this may include permit modification and reissuance, if appropriate);

l. Describe State requirements for ensuring public participation in the process of issuing permits and modifying permits in the case of substantial changes in the project area, injection pressure or the injection horizon; and

m. Describe State procedures for responding to complaints by the public.

3.4 Statement of Legal Authority

The statement of legal authority is intended to assure EPA that the State has the legal authority to carry out the program described. It may be signed by a competent legal officer of the State, for example, the Attorney General, the Counsel for the responsible State agency, or any other officer who represents the Agency in legal matters.

The statement may, at the option of the State, consist of a full analysis of the legal basis for the State program, including case law as appropriate. Or the statement may consist of a simple certification by the legal representative that the State has adequate authority to carry out the described progam. If the State chooses to submit a certification, the program description should detail

the legal authority on which the various elements of the State's program rest.

3.5 Copies of Statutes and Regulations

The application should contain copies of all applicable State statutes, rules and regulations, including those governing State administrative procedures.

3.6 Copies of State Forms

The application should contain examples of all forms used by the State in administering the program, including application forms, permit forms and reporting forms.

3.7 Memorandum of Agreement

The head of the cognizant State agency and the EPA Regional Administrator shall execute a memorandum of agreement which shall set forth the terms under which the State will carry out the described program and EPA will exercise its oversight responsibility. A copy of such an agreement signed by the Director of the State agency, shall be submitted as part of the application.

At a minimum, the memorandum of agreement should:

a. Include a commitment by the State that the program will be carried out as described and be supported by an appropriate level of staff and resources;

b. Recognize EPA's right of access to any pertinent State files;

c. Specify the procedures (e.g., notification to the State and participation by State officials) governing EPA inspections of wells or operator records;

d. Recognize EPA's authority to take Federal enforcement action under Section 1423 of the SDWA in cases where the State fails to take adequate enforcement actions;

e. Agree to provide EPA with an annual report on the operation of the State program, the content of which may be negotiated between EPA and primacy States from time to time;

f. Provide that aquifer exemptions for Class II wells be consistent with aquifer exemptions for the rest of the UIC program;

g. When appropriate, may include provisions for joint processing of permits by the State and EPA for facilities or activities which require permits from both EPA and the State under different programs; and

h. Specify that if the State proposes to allow any mechanical integrity tests other than those specified or justified in the program application, the Director will notify the cognizant Regional Administrator and provide enough information about the proposed test that a judgment about its usefulness and reliability may be made.

4.0 Process for Approval or Disapproval of Application

4.1 Public Participation by States

Section 1425 relieves States of the responsibility to hold public hearings or afford an opportunity for public comment prior to submitting an application to EPA. Therefore, when application is made by a State under Section 1425, it may, but need not, provide an opportunity for public hearings or comments.

4.2 Complete Applications

Within 10 working days of the receipt of a final application, EPA will determine whether the application is complete or not and so notify the State in writing. If the application is found to be incomplete it will be returned to the State with specific requests for additional material or changes. However, the State may, at its option, insist that EPA complete its review of an application as submitted.

4.3 EPA Review

a. EPA has 90 days to approve or disapprove an application. If EPA finds that the application is complete, the review period will be deemed to have begun on the date the application was received in the cognizant Regional Office. If an application has been found to be incomplete and the State insists that EPA proceed with its review of the application as submitted, the review period will begin on the date that EPA receives the State's request to proceed in writing. The review period may be extended by the mutual consent of EPA and the State.

b. Within the 90-day period, EPA will request public comments and provide an opportunity for public hearing on each application, in the applying State, in accordance with 40 CFR 123.54(c) and (d). If the State has not done so, EPA will hold at least one public hearing in the State.

c. If a State's application is approved, the State shall have primary enforcement responsibility for its Class II program.

d. If a State's application is disapproved, EPA intends within 90 days of disapproval or as soon thereafter as feasible, prescribe a Class II program for the State in accordance with Section 1422(c) of the SDWA and 40 CFR Parts 122, 124 and 146.

5.0 Criteria for Approving or Disapproving State Programs

5.1 General

Section 1425 of the SDWA states that: "* * * the State may demonstrate that [the Class II] portion of the State program meets the requirements of subparagraphs (A) through (D) of Section 1421(b)(1) and represents an effective program (including adequate recordkeeping and reporting) to prevent underground injection which endangers drinking water sources."

Thus Section 1425 requires that a State, in order to receive approval for its Class II program under the optional demonstration, make a successful showing that its program meets five conditions:

a. Section 1421(b)(1)(A) requires that an approvable State program prohibit any underground injection in such State which is not authorized by permit or rule.

b. Section 1421(b)(1)(B) requires that an approvable State program shall require that:

1. The applicant for a permit must satisfy the State that the underground injection will not endanger drinking water sources; and

2. No rule may be promulgated which authorizes any underground injection which endangers drinking water sources.

c. Section 1421(b)(1)(C) requires that an approvable State program include inspection, monitoring, recordkeeping, and reporting requirements.

d. Section 1421(b)(1)(D) requires that an approvable State program apply to: (1) underground injections by Federal agencies; and (2) underground injections by any other person, whether or not occurring on property owned or leased by the United States.

e. Section 1425(a) requires that an approvable State program represent an effective program to prevent underground injection which endangers drinking water sources.

The following sections provide guidance to EPA personnel for making the required judgments with respect to these five conditions in the review of an application for approval under Section 1425.

5.2 Section 1421(b)(1)(A)

The question of whether a State program prohibits unauthorized Class II injections is a function of the State's statutory and regulatory authority. A determination of whether the State program meets this condition should be made from a review of the coverage and scope of the program, the statement of

legal authority submitted by the State, and of the statutes and regulations themselves. One important consideration is whether the State has an appropriate formal mechanism for modifying permits in cases where the operation has undergone significant change.

5.3 Section 1421(b)(1)(B)

The determination of whether a State program is adequate in requiring that the applicant demonstrate that the proposed injection will not endanger drinking water sources turns on two elements: (1) whether the State program places on the applicant the burden of making the requisite showing; and (2) the extent of the information the applicant is required to provide as a basis for the State agency's decision. Whether the burden of making the requisite showing is on the applicant should be determined from the State's description of its permitting process. If the necessary information is available in State files, the Director need not require it to be submitted again. However, as a matter of principle, the applicant should not escape ultimate responsibility for assuring that the information about his operation is accurate and available. One consideration in this regard is whether the well operator has a responsibility to inform the permitting authority about any material change in his operation, or any pertinent information acquired since the permit application was made.

With regard to the extent of the information to be considered by the Director, the State program should require an application containing sufficiently detailed information to make a knowledgeable decision to grant or deny the permit. Such information should include:

a. A map showing the area of review and identifying all wells of public record penetrating the injection interval;

b. A tabulation of data on all wells of public record within the area of review which penetrate the proposed injection zone. Such data should include a description of each well's type, construction, date of drilling location, depth, record of plugging and/or completion, and any additional information the Director may require;

c. Data on the proposed operation, including:

1. Average and maximum daily rate and volume of fluids to be injected;

2. Average and maximum injection pressure; and

3. Source, and an appropriate analysis of injection fluid if other than produced water, and compatibility with the receiving formation;

d. Appropriate geological data on the injection zone and confining zones including lithologic description, geological name, thickness, and depth;

e. Geologic name, and depth to bottom of all underground sources of drinking water which may be affected by the injection;

f. Schematic drawings of the surface and subsurface construction details of the system;

g. Proposed stimulation program;

h. All available logging and testing data on the well; and

i. The need for corrective action on wells penetrating the injection zone in the area of review.

There are two circumstances under which the director may require less information from the applicant. First, the Director need not require an applicant to resubmit information which is up-to-date and readily available in State files. Second, a State's application may outline circumstances or conditions where certain items of information may not be required in a specific case. Such circumstances may include situations where, based upon demonstrable knowledge available to the director about a specific operation, the Director proposes to permit that operation without requiring corrective action or alternatives to it. Examples of such circumstances are gravity or vacuum injections and injections through zones of plastic heaving shales.

Section 1421(b)(1)(B) also requires a State which authorizes Class II injections by rule to show that such rules do not allow any underground injection which endangers drinking water sources. The determination of whether the State program meets this requirement may be made from the program description, statement of legal authority, the text of the rules themselves, and the manner in which the State has administered such rules.

5.4 Section 1421(b)(1)(C)

This section of the SDWA requires that an approvable State program contain elements for inspection, monitoring, recordkeeping and reporting. The adequacy of the State program in these respects may be assessed with the use of the following criteria.

a. *Inspection.*

An approvable State program is expected to have an effective system of field inspection which will provide for:

1. Inspections of injection facilities, wells, and nearby producing wells; and

2. The presence of qualified State inspectors to witness mechanical integrity tests, corrective action operations, and plugging procedures.

An adequate program should insure that, at a minimum, 25% of all mechanical integrity tests performed each year will be witnessed by a qualified State inspector.

b. *Monitoring, Reporting and Recordkeeping.*

1. The Director should have the authority to sample injected fluids at any time during injection operation.

2. The operator should be required to monitor the injection pressure and injection rate of each injection well at least on a monthly basis with the results reported annually.

3. The Director should require prompt notice of mechanical failure or downhole problems in injection wells.

4. The State should assure retention and availability of all monitoring records from one mechanical integrity test to the next (i.e., 5 years).

5.5 Section 1421(b)(1)(D)

An approvable State program must demonstrate the State's authority to regulate injection activities by Federal agencies and by any other person on property owned or leased by the United States. The adequacy of the State's authority in these regards may be assessed on the basis of the program description and statement of legal authority submitted by the State. Such authority and the programs to carry it out must be in place at a time no later than the approval of the program by EPA. EPA will administer the UIC program on Indian lands unless the State has the authority and is willing to assume responsibility.

5.6 Section 1425(a)

In addition to the four demonstrations discussed above, Section 1425 requires a State to demonstrate that the Class II program for which it seeks approval in fact "represents an effective program to prevent underground injection which endangers drinking water sources." Among the factors that EPA will consider in assessing the "effectiveness" of a State program are: (1) whether the State has an effective permitting process which results in enforceable permits; (2) whether the State applies certain minimum technical requirements to operators by permit or rule; (3) whether the State has an effective surveillance program to determine compliance with its requirements; (4) whether the State has effective means to enforce against violators; and (5) whether the State assures adequate participation by the public in the permit issuance process.

Evidence of the presence or absence of ground water contamination is important. However, it cannot serve as

the sole criterion of effectiveness. Not all States have collected such evidence systematically. More importantly, the absence of evidence of contamination, especially if based on an absence of complaints, is not necessarily proof that ground water contamination has not occurred.

Each of the five factors named above is discussed further in the following subsections. In its review of these factors, EPA is not necessarily looking for a minimum set or even any particular elements. The effectiveness of a State program will be assessed by reviewing the State's entire program. The absence of even an important element in a State program may not by itself mean that the program is ineffective as long as there is a credible program for detecting and eliminating injection practices which allow any migration which endangers drinking water sources.

a. *Permitting Process.*

Section 3.3b of the Program Description outlines the major elements of the permitting process. The listing of these considertions should not be viewed as Federally imposed minimum policy, but rather as an outline of the information which will be necessary for EPA to evaluate the effectiveness of the State's permitting process.

States may deal with permitting considerations, such as limitations on the transfer of permits, in a variety of ways. There are many permitting approaches which may be equally effective. EPA's review will turn on whether the permitting process, taken as a whole, represents an effective mechanism for applying appropriate and enforceable requirements to operators.

b. *Technical Criteria.*

Any approvable State program should have the authority to apply, by permit or rule, certain technical requirements designed to prevent the migration of injected or formation fluids into USDWs. Any State program adopting the language of 40 CFR 146 should be considered approvable on its face value for that portion of the program to which it applies. State applications not relying on the language of 40 CFR 146 should be reviewed for the presence and adequacy of the following kinds of technical requirements in the State program.

1. *Siting.*

Siting requirements should be considered in the placement and construction of any Class II disposal well. Such requirements should be designed to assure that disposal zones are hydraulically isolated from underground sources of drinking water (USDWs). Such isolation may be shown through information supplied by the applicant, or data, on file with the State, which would be analyzed by qualified State staff.

2. *Construction.*

A. Effective programs should require all newly drilled Class II wells to be cased and cemented to prevent movement of fluids into USDWs. Specific casing and cementing requirements should be based on:

i. the depth to the base of the USDW;

ii. the nature of the fluids to be injected; and

iii. the hydrologic relationship between the injection zone and the base of the USDW.

B. All newly converted Class II wells should be required to demonstrate mechanical integrity.

3. *Operation.*

A. Adequate operating requirements should establish a maximum injection pressure for a well which assures that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the confining zone. Limitations on injection pressure should also preclude the injection from causing the movement of fluids into an underground source of drinking water.

Acceptable methods for establishing limitations on injection pressures include:

i. Calculated fracture gradients;

ii. Injectivity tests to establish fracture pressure; or

iii. Other compelling geologic, hydrologic or engineering data.

B. An effective State program should have the demonstrated ability to detect and remedy system failures discovered during routine operation or monitoring so as to mitigate endangerment to USDWs.

4. *Plugging and Abandonment.*

Plugging and abandonment requirements should be reviewed for the presence of the following elements:

A. That appropriate mechanisms are available in the State program to insure the proper plugging of wells upon abandonment;

B. That all Class II wells are required, upon abandonment, to be plugged in a manner which will not allow the movement of fluids into or between USDWs; and

C. That operators are required to maintain financial responsibility in some form, for the plugging of their injection wells.

5. *Area of Review.*

An effective State program is expected to incorporate the concept of an area of review defined as a radius of not less than ¼ mile from the well, field, or project.

Alternatively, a State program may substitute a concept of a zone of endangering influence in lieu of this fixed radius. The zone of endangering influence should be determined for the estimated life of the well, field, or project through the use of an appropriate calculation, formula, or mathematical model that takes the relevant geologic, hydrologic, engineering and operational features of the injection well, field or project into account.

6. *Corrective Action.*

An approvable State program is expected to include the authority to require the operator to take corrective actions on wells within the area of review or zone of endangering influence.

A. Corrective action may include any of the following types of requirements:

i. recementing;

ii. workover;

iii. reconditioning; or

iv. plugging or replugging.

B. A State program may provide the Director the discretion to specify the following types of requirements *in lieu* of immediate corrective action:

i. Permit conditions which will assure a negative hydraulic gradient at the base of USDW at the well in question;

ii. Monitoring program (i.e., monitoring wells completed to the base of USDW within the zone of influence); or

iii. Periodic testing to determine fluid movement outside the injection interval at other wells within the area of review.

However, if monitoring or testing indicate the potential endangerment of any USDW, corrective action shall be required.

C. In cases where the Director has demonstrable knowledge of geologic, hydrologic, or engineering conditions, specific to a given operation, which assure that wells within the zone of endangering influence or area of review will not serve as conduits for migration of fluids into an USDW, a State program may provide the Director the discretion to permit a specific operation without requiring corrective actions or any of the alternatives specified in Subsection (B) above. Examples of such circumstances are gravity or vacuum injections and injections through zones of plastic heaving shales. However, under the statute the State program may, in no circumstances, authorize an injection which endangers drinking water sources.

7. *Mechanical Integrity.*

An approvable State program is expected to require the operator to demonstrate the mechanical integrity of a *new* injection well prior to operation and of *all* injection wells periodically, at least once every five years. For the purpose of assessing the State's mechanical integrity requirements:

A. An injection well has mechanical integrity if:

i. there is no significant leak in the casing, tubing or packer; and

ii. there is no significant fluid movement into an underground source of drinking water through vertical channels adjacent to the well bore.

B. The following tests are considered to be acceptable tests to demonstrate the absence of significant leaks:

i. a pressure test with liquid or gas;

ii. the monitoring of annulus pressure in those wells injecting at a positive pressure, following an initial pressure test; or

iii. all other tests or combinations of tests considered effective by the Director.

C. The following are considered to be acceptable tests to demonstrate the absence of significant fluid movement in vertical channels adjacent to the well bore:

i. cementing records (they need not be reviewed every five years);

ii. tracer surveys;

iii. noise logs;

iv. temperature surveys; or

v. any other test or combination of tests considered effective by the Director.

D. If the State program allows or specifies alternative tests under B(iii) or (C)(v) above, the program description should supply sufficient information so that the usefulness and reliability of such tests in the proposed circumstance may be assessed.

c. *Surveillance.*

The demonstration of an effective surveillance program has already been discussed in Section 5.4 above.

d. *Enforcement.*

A State's enforcement of its program is a crucial consideration in making the judgment of whether the State program is effective. States have used a number of enforcement tools to shift the economic incentive of operation more toward compliance with the law. Often State programs have employed civil penalties and, for repeat or willful violators, criminal fines or jail sentences. Other commonly used practices are administrative orders and court injunctions. In the area of oil and gas regulation, many States have found pipeline severance a powerful tool. In assessing a State's enforcement program, EPA will consider not whether a State has all or any particular enforcement tools but whether the State's program, taken as a whole, represents an effective enforcement effort. Certainly, there are many enforcement matrices which create effective programs. In addition, EPA will look at whether the State has exercised its enforcement authorities adequately in the past.

e. *Public Participation.*

One factor to be used by EPA in assessing the "effectiveness" of a State program is the degree to which it assures the public an opportunity to participate in major regulatory decisions. It is assumed that most States already have legislation that governs public participation in State decision-making and defines such processes as appeals, etc. Therefore, the following represents only a minimal list of elements that EPA will consider:

1. Public Notice of permit application:

A. The State may give such notice or it may require the applicant to give notice.

B. The method of giving notice should be adequate to bring the matter to the attention of interested parties and, in particular, the public in the area of the proposed injection. This may involve one or more of the following:

i. Posting;

ii. Publication in an official State register;

iii. Publication in a local newspaper;

iv. Mailing to a list of interested persons; or

v. Any other effective method that achieves the objective.

C. An adequate notice should:

i. Provide an adequate description of the proposed action;

ii. Identify where an interested party may obtain additional information. This location should be reasonably accessible and convenient for interested persons;

iii. State how a public hearing may be requested; and

iv. Allow for a comment period of at least 15 days.

2. The State program should provide opportunity for a public hearing if the Director finds, based upon requests, a significant degree of public interest.

A. The Director may hold a hearing of his own motion and give notice of such hearing with the notice of the application.

B. If a public hearing is decided upon during the comment period, notice of public hearing shall be given in a newspaper of general circulation. The hearing should be scheduled no sooner than 15 days after the notice.

3. The final State action on the permit application should contain a "response to comments" which summarizes the substantive comments received and the disposition of the comments.

6.0 Oversight

6.1 General

Once a Class II program is approved under Section 1425, the State has primary enforcement responsibility for such portion of its UIC program. The Class II program is a grant-eligible activity and is subject to the same EPA oversight as other portions of the UIC program (e.g., State/EPA Agreements, Mid-course Reviews, grant conditions, etc.).

6.2 Mid-Course Evaluation

EPA will conduct a mid-course evaluation of Class II programs as envisioned in 40 CFR 122.18(C)(4)(ii) and 146.25. However, *in lieu* of a special reporting requirement, additional requirements have been added to the State's annual report to EPA. Should this mechanism prove unable to provide the necessary data, a special reporting requirement may be negotiated with the primacy States at a later date.

6.3 Annual Reporting

As part of the Memorandum of Agreement, each State shall agree to submit an annual report on the operation of its Class II program to EPA. At a minimum the annual report shall contain:

a. An updated inventory;

b. A summary of surveillance programs, including the results of monitoring and mechanical integrity testing, the number of inspections, and corrective actions ordered and witnessed;

c. An account of all complaints reviewed by the State and the actions taken;

d. An account of the results of the review of existing wells made during the year; and

e. A summary of enforcement actions taken.

[FR Doc. 81-14790 Filed 5-18-81; 8:45 am]
BILLING CODE 6560-23-M

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40 CFR Part 52

[AS FRL 1807-2]

Approval and Promulgation of Indiana State Implementation Plan for Ozone and Carbon Monoxide

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On December 9, 1980 (45 FR 81070) the U.S. Environmental Protection Agency (EPA) proposed approval of an invited public comment on revisions to the Indiana State Implementation Plan (SIP). The revisions provide for the attainment of the ozone and carbon monoxide (CO) standards by December 31, 1982 in Marion County, Indiana. On

January 7, 1981 the State responded to the notice of proposed rulemaking. One other public comment was received. This notice announces EPA's final rulemaking action to approve the transportation control plan and the ozone and CO attainment demonstrations for Marion County, Indiana.

EFFECTIVE DATE: This rulemaking becomes effective on June 18, 1981.

ADDRESSES: Copies of the SIP revisions, EPA's evaluation and public comments received are available for inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

In addition, copies of the SIP revisions are available for inspection at the following addresses:

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

Indiana State Board of Health, Air Pollution Control Division, 1330 West Michigan Street, Indianapolis, Indiana 46206

FOR FURTHER INFORMATION CONTACT: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6029.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, EPA designated certain areas in each State as not meeting the National Ambient Air Quality Standards (NAAQS) for ozone and CO. Marion County, Indiana, was designated as not attaining the NAAQS for ozone, and a portion of Marion County was designated as not attaining the NAAQS for CO. Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standards as expeditiously as practicable, but no later than December 31, 1982. Under certain circumstances that date may be extended to no later than December 31, 1987, for ozone and CO.

On June 28, 1979, March 7, 1980, March 11, 1980, and May 19, 1980, and September 8, 1980, the State of Indiana submitted revisions to its SIP for ozone and CO. In addition, on October 9, 1980, and October 15, 1980, the State submitted additional information and clarifications. On December 9, 1980 (45 FR 81070), EPA proposed approval of and solicited public comment on the transportation control plan and ozone and CO attainment demonstrations for Marion County, Indiana. EPA will propose action on the stationary source portion of these plans in a separate Federal Register notice.

In the December 9, 1980 Federal Register (45 FR 81070), EPA discussed the requirements for an acceptable transportation control plan and the details of the SIP revisions submitted by the State. On January 7, 1981, the State responded to the notice of proposed rulemaking. One other comment was received. The comments and EPA's responses are discussed in the following section.

Comment: The Washington Street corridor project is not a committed strategy of the SIP since the resulting emission reductions were not included in reduction totals. The notice of proposed rulemaking (45 FR 81070, 81073) contains a reference to this project as having been committed to by the Indianapolis Department of Transportation through the Indianapolis Regional Transportation Plan.

EPA Response: Since the State did not include the projected emission reductions from the Washington Street corridor project in its reduction totals, EPA agrees that this project should not be considered as a committed strategy of the SIP.

Comment: The table identifying CO strategies includes as a project the "TIP" to be conducted by the IPTC (Indianapolis Public Transportation Corporation). This TIP refers to Transit Improvement Program, not Transportation Improvement Program. The footnote key (45 FR 81070, 81074) should also be corrected.

EPA Response: The commentor is correct. The table identifying transportation control measures to be implemented in the period 1977–1982 for the reduction of CO emissions is reprinted below.

Project	Responsible agency	CO emission reduction (tons/year)
Signal interconnection	DOT, SED	367
IUPUI express	IPTC, DMD, HHC, DMA.	13
Transit improvement program.	IPTC	34
Carpool program	DMD, DPZ	206
Flexible work hour program	DMD, DPZ	12
Teacab ordinance	IPD	5
Total CO emission reductions (tons/year).		667

DOT: Department of Transportation.
SED: Street Engineering Department.
IPTC: Indianapolis Public Transportation Corporation.
DMD: Indianapolis Department of Metropolitan Development.
HHC: Health and Hospital Corporation.
DMA: Downtown Merchants Association.
DPZ: Division of Planning and Zoning.
IPD: Indianapolis Police Department.

Comment: The City has committed itself to study and implement other projects, such as bicycle lanes and parking controls, *as necessary*, to demonstrate attainment of the NAAQS. The Federal Register should be amended to reflect this wording, as this was the language and intent of this portion of the SIP revision.

EPA Response: Since the City has committed itself to the implementation of transportation control measures which are sufficient to show the necessary emission reductions required to attain the ozone and CO standards by 1982, this language is acceptable.

Comment: In the notice of proposed rulemaking (45 FR 81070, 81073), EPA published a schedule for the adoption of reasonably available control measures. That schedule lists January 7, 1981 as the scheduled date for final adoption of the transportation control measures (TCMs). The Indianapolis Department of Metropolitan Development, the agency responsible for the comprehensive analysis of alternative control measures, secured a contractor to undertake this task. Due to delays in contract approval, the schedule has been delayed. The state's submittal of December 31, 1980, contained a modified schedule as follows:

Event	Responsible agency	Date
Completion of Draft TCM Study.	DMD	Dec. 12, 1980.
Review of Draft TCM Study.	IAPCD and other agencies.	Dec. 12, 1980–Jan. 7, 1981.
Preliminary Resolution Endorsing Draft TCM Study.	DMD	Dec. 17, 1980.
Preliminary Adoption of Draft TCM Study.	IAPCD	Jan. 7, 1981.
Policy Committee Selection of TCMs for Implementation.	DMD	Dec. 12, 1980–Jan. 7, 1981.

Event	Responsible agency	Date
Public Hearing	IAPCD	Mar. 4, 1981.
Final Adoption of TCMs.	IAPCD	Mar. 4, 1981.

DMD: Indianapolis Department of Metropolitan Development.
TCM: Transportation control measures.
IAPCD: Indiana Air Pollution Control Division.

EPA Response: The modified schedule is acceptable to EPA.

Conclusion: EPA approves the transporation control plans and the ozone and CO attainment demonstrations for Marion County, Indiana.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of (date of publication). Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings, brought by USEPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions. It imposes no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Note.—Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1980.

This notice of final rulemaking is issued under the authority of Sections 110 and 172 of the Clean Air Act, as amended.

Dated: April 23, 1981.

Walter C. Barber,

Acting Administrator.

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

1. Section 52.770(c) is amended by adding paragraph (20) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(20) On June 26, 1979, the State of Indiana submitted to EPA revisions to the ozone and carbon monoxide portions (section 3.3.24) of its Marion County State Implementation Plan. On March 11, 1980, the state submitted revisions to the Marion County technical appendix to section 3.3.24. On May 19, 1980, the state submitted ozone and carbon monoxide attainment demonstrations for Marion County (section 1.5). On September 8, 1980 the state submitted its memoranda of understanding. On October 9 and October 15, 1980, the state submitted documentation concerning interagency coordination and the analysis of transportation control measures. On January 7, 1981, the state submitted corrections and clarifications in response to EPA's notice of proposed rulemaking (45 FR 61070).

* * * * *

2. Section 52.783 is amended by revising the table to read as follows:

§ 52.783 Attainment dates for national standards.

* * * * *

Air quality control region	Pollutant: Particulate matter, Primary	Particulate matter, Secondary	Sulfur oxides, Primary	Sulfur oxides, Secondary	Nitrogen dioxide	Carbon monoxide	Ozone
East Central Indiana Intrastate (AQCR 76):							
a. Primary and Secondary	m	m	*h*	*l*	m	m	m
b. Remainder of AQCR	*a*	*a*	*a*	*a*	a	a	a
Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate (AQCR 77):							
a. Primary and Secondary	m	m	*l*	*l*	m	m	m
b. Remainder of AQCR	*a*	*a*	*d*	*a*	a	a	a
Louisville Interstate (AQCR 78):							
a. Primary and Secondary	m	m	*l*	*l*	m	m	m
b. Remainder of AQCR	*a*	*a*	*a*	*a*	a	*a*	a
Metropolitan Chicago Interstate (Indiana-Illinois) (AQCR 87):							
a. Primary and Secondary	m	m	*h*	*l*	m	m	m
b. Remainder of AQCR	*a*	c	*a*	a	*a*	*a*	*a*
Metropolitan Cincinnati Interstate (AQCR 79):							
a. Primary and Secondary	m	m	*l*	*l*	m	m	m
b. Remainder of AQCR	*a*	*a*	*d*	*a*	a	*a*	*a*
Metropolitan Indianapolis Interstate (AQCR 80):							
a. Primary and Secondary	m	m	*h*	*l*	m	h	h
b. Remainder of AQCR	*a*	*a*	*a*	*f*	*a*	*k,g*	k
Northeast Indiana Intrastate (AQCR 81):							
a. Primary and Secondary	m	m	*l*	*l*	m	m	m
b. Remainder of AQCR	*a*	*a*	a	a	a	a	a
South Bend-Elkhart (Indiana)-Benton Harbor (Michigan) Interstate (AQCR 82):							
a. Primary and Secondary	m	m	*l*	*l*	m	m	m
b. Remainder of AQCR	*a*	*a*	*a*	*a*	a	a	a
Southern Indiana Intrastate (AQCR 83):							
a. Primary and Secondary	m	m	*l*	*l*	m	m	m
b. Remainder of AQCR	*a*	*a*	*a*	*a*	a	a	a
Wabash Valley Intrastate (AQCR 84):							
a. Primary and Secondary	m	m	*h*	*l*	m	m	m
b. Remainder of AQCR	*a*	*a*	*a*	*a*	a	a	a

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the Plan did not provide a specific date or the date provided was not acceptable.
NOTE.—For actual nonattainment designations, refer to 40 CFP Part 81.
NOTE.—Sources subject to the plan requirement and attainment dates established under section 110(c)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.727.

[FR Doc. 81-15004 Filed 5-18-81; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Parts 60 and 61

[A-7-FRL-1830-2]

New Source Performance Standards; Delegation of Authority to the State of Missouri and Addition of Address

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The Missouri Department of Natural Resources (MDNR) has been delegated authority to implement and enforce the federal New Source Performance Standards (NSPS) regulations for 30 stationary source categories and national emission standards for five hazardous air pollutants. Notification of this delegation is published today elsewhere in the **Federal Register**. This document adds the address of the MDNR to which all reports, requests, applications, submittals, and communications to the Administrator, as required by 40 CFR Part 60 and 40 CFR Part 61, must also be addressed.

EFFECTIVE DATE: May 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Whitmore, Air, Noise and Radiation Branch, U.S. Environmental Protection Agency, Region VII, 324 E. 11th Street, Kansas City, Missouri 64106, (816) 374-6525; FTS 758-6525.

SUPPLEMENTARY INFORMATION: The MDNR has been delegated authority to implement and enforce the federal New Source Performance Standards (NSPS) regulations for 30 stationary source categories and national emission standards for five hazardous air

pollutants. Notification of this delegation is published today elsewhere in the Federal Register. The amended 40 CFR 60.4(b)(AA), and 40 CFR 61.04(b)(AA) adds the address of the MDNR to which all reports, requests, applications, submittals, and communications to the Administrator, as required by 40 CFR Part 60 and 40 CFR Part 61, must also be addressed.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an Administrative change and not one of substantive content. No additional burdens are imposed upon the parties affected.

The delegation which influenced this Administrative amendment was effective on December 16, 1980, and it serves no purpose to delay the technical change of this address in the Code of Federal Regulations. This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended, 42 U.S.C. § 7412.

Dated: May 4, 1981.

William W. Rice

Acting Regional Administrator, Region VII.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4, paragraph (b) is amended by revising subparagraph (AA) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(AA) Missouri Department of Natural Resources, Post Office Box 1368, Jefferson City, Missouri 65101.

* * * * *

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04, paragraph (b) is amended by revising subparagraph (AA) to read as follows:

§ 61.04 Address.

* * * * *

(b) * * *

(AA) Missouri Department of Natural Resources, Post Office Box 1368, Jefferson City, Missouri 65101.

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[FR Doc. 81-14606 Filed 5-18-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 62

[A-2-FRL-1629-1]

Approval and Promugation of State Plans for Designated Facilities and Pollutants; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rules; correction.

SUMMARY: This document corrects legal references contained in recently published final regulations which involve certification to exempt New Jersey, Puerto Rico and the Virgin Islands from the requirements of 40 CFR Part 60, Subpart B (Adoption and Submittal of State Plans for Designated Facilities) for the relevant pollutants. The regulations were published in the Federal Register on June 3, 1980 (45 FR 37431) for Puerto Rico and the Virgin Islands, and on December 8, 1980 (45 FR 80828) for New Jersey and the Virgin Islands, and erroneously cited "Part 62, Subpart A" instead of "Part 60, Subpart B."

FOR FURTHER INFORMATION CONTACT: William S. Baker, (212) 264-2517.

(Secs. 111, 301(a), Clean Air Act, as amended (42 U.S.C. 7413 and 7601))

Dated: May 7, 1981.

Dick Dowling,

Acting Regional Administrator, Environmental Protection Agency.

Accordingly, 40 CFR Part 62 is corrected as follows:

§§ 62.7601, 62.13101, 62.13351, and 62.13352 [Amended]

Sections 62.7601, 62.13101, 62.13351, and 62.13352 are corrected by removing the words "Part 62, Subpart A" and inserting "Part 60, Subpart B".

[FR Doc. 81-14608 Filed 5-18-81; 8:45 am]

BILLING CODE 6560-38-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 5)]

Rail General Exemption Authority; Miscellaneous Commodities

AGENCY: Interstate Commerce Commission.

ACTION: Final rule [exemption].

SUMMARY: The Commission adds to the list of exempt commodities identified in 49 CFR 1039.11 field seed beans, peas and lentils, onions sets and field dry ripe vegetable food seeds. This complements the exemptions in Ex Parte No. 346 (Sub-No. 2), *Rail General Exemption Authority—Miscellaneous Commodities*, served March 24, 1980, 45 FR 20484 (March 28, 1980).

EFFECTIVE DATE: The rule adopted here will take effect June 18, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: In the Notice instituting this proceeding, dated January 2, 1981 (46 FR 134, February 2, 1981), proposed to exempt, under authority of 49 U.S.C. 10505, *as amended* by the Staggers Rail Act of 1980, Pub. L. 96-448, field seed beans, peas and lentils, onion sets, and field dry ripe vegetable food seeds from regulation. The STCC numbers for these commodities are as follows:

01	159	46	Austrian winter pea seeds.
01	159	48	Peas (seeds), caley or edgbbury (wild) winter (seeds) peas.
01	159	70	Beans, velvet, dried, or in pods.
01	159	71	Seed beans.
01	159	74	Seed peas, nec.
01	349	———	Field dry ripe vegetable food seeds, nec.
01	917	10	Onion sets.

Comments were received from the Association of American Railroads (AAR), three individual railroads,[1] and from one shipper, Del Monte Corporation.

In Ex Parte No. 346 (Sub-No. 2) we exempted food seed beans, peas and lentils from regulation. Subsequently several railroads petitioned to include field seed beans, peas and lentils, onion sets and field dry ripe vegetable food seeds within the exemption provided in Sub-No. 2. Although we did not receive specific information pertaining to field seed in the Sub-No. 2 proceeding and could not therefore include these commodities within the exemption provided, the transportation characteristics of field seed were shown to be sufficiently similar to food seed to warrant this proceeding. This proceeding was instituted to consider whether field seed should similarly be made exempt.

As we stated in the notice opening this proceeding, the Staggers Rail Act of 1980 (Pub. L. 96-448) sets the new

[1] The three railroads are Burlington Northern, Inc., Union Pacific Railroad Company, and Consolidated Rail Corporation. Chessie System Railroads also filed a letter in support of Union Pacific's comments.

standards for exemptions. Section 10505 allows the Commission to exempt certain traffic from regulation where (1) regulation is not necessary to carry out the national transportation policy and (2) either the transaction or service involved is of limited scope or regulation is not necessary to prevent the abuse of market power.

There is no question that regulation is not necessary in this situation to carry out the national transportation policy. That issue has been effectively resolved in Ex Parte No. 346, Sub-Nos. 1 and 2. Rather, we are concerned in this proceeding with the second standard; that is, whether the transportation of field seed is of limited scope or will not be subject to market power abuse in the absence of regulation.

We conclude that movements of these commodities are limited in scope and also will not be subject to market power abuse if this exemption is granted.

The railroads emphasize that from their perspective field seed and food seed are virtually indistinguishable. The primary difference is the intended end use of the commodity. Carriers generally rely on the shipper's assertion of the intended use to which the seed will be put in assigning the rate to the movement. Prior to the exemption of food seed, both food and field seed moved under identical rates. There was no need to distinguish between them and, thus, no data was collected identifying the specific nature of these shipments. These commodities move from the same origins to the same destinations and share the same transportation characteristics.

Del Monte, which itself moved less than 9,000 tons of field seed by rail in 1980, argues that this traffic is not limited. It bases this argument on the fact that its shipments move across the United States and into Canada, utilizing eleven railroads in the process. While such evidence may be relevant in some situations to an exemption determination under the limited scope provision of § 10505, the insignificant rail share of field and food seed tonnages moved is much more significant here. In addition, the AAR has presented figures from a 1978 study by our Bureau of Accounts which indicate that the movement of field seed constituted less than 1 percent of total rail movements of agricultural products. Clearly, the movement of field seed is of limited scope. The fact that Del Monte was the only shipper that expressed an interest in this proceeding lends additional weight to this finding.

This exemption is also unlikely to facilitate market power abuse. Field seed can be as easily transported by truck as by rail. There is no indication that rail carriers are able to exert any significant market power over this traffic. It is apparent that regulation is not necessary to prevent market power abuse in this situation.

Del Monte points out that 69% of its shipments were moved by rail in 1980, but it does not state that this is representative of other shippers in the industry nor does it state that adequate motor carrier alternatives are not available. Del Monte has not presented evidence that rail carriers are in a position to abuse market power in dealings with Del Monte or any other shipper. In any event, we may correct abuses of market power, if they occur, after an exemption has been granted.

§ 1039.11 [Amended]

Section 1039.11 is amended by adding the following to the list of exempt commodities:

* * * * *

01	150	46	Austrian Winter Pea Seeds.
01	150	48	Peas (Seeds), Caley or Singletary (Wild) Winter (Seeds) Peas.
01	150	70	Beans, Velvet, Dried, or in Pods.
01	150	71	Seed Beans.
01	150	74	Seed Peas, nec.
01	340	———	Field Dry Ripe Vegetable Food Seeds, nec.
01	917	10	Onion Sets.

* * * * *

(49 U.S.C. 10505 and 5 U.S.C. 553)

Del Monte would have us delay this exemption to facilitate negotiations with its joint-line carriers, but such a delay is unnecessary in view of the fact that procedures for the movement of exempt food seed have already been placed in operation by rail carriers and these procedures can easily be extended to exempt field seed.

Finally, although we requested additional proposals for the exemption of related commodities in the Notice of this proceeding, none were received. We repeat that new proposals for exemptions are encouraged.

We do not believe that this action will significantly affect either the quality of the human environment or conservation of energy resources.

Dated: May 6, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14886 Filed 5-18-81; 8:45 am]
BILLING CODE 7035-01-M

49 CFR Part 1064

[Ex Parte No. MC-95 (Sub-No. 2)]

Practices of Motor Common Carriers of Passengers; Checked Baggage Liability Provisions; Deferral of Effective Date

AGENCY: Interstate Commerce Commission.

ACTION: Deferral of effective date of final rule.

SUMMARY: In a decision served April 22, 1981, and published in the **Federal Register**, 46 FR 22899, on that date, we adopted a final rule amending the present regulations at 49 CFR 1064.1 relating to the minimum permissible limitations for baggage liability. The final rule is to be effective May 22, 1981. We are granting a 90-day deferral of the effective date of the final rule.

EFFECTIVE DATE: The effective date of the final rule is now August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: In our decision served April 22, 1981 (46 FR 22899, April 22, 1981), we adopted a final rule amending the present regulations at 49 CFR 1064.1. The final rule is to be effective May 22, 1981, 30 days from the date of publication in the **Federal Register**. The National Bus Traffic Association, Inc., in a letter dated May 3, 1981, asserts that motor carriers of passengers will be unable to comply with our April 22 decision by May 22 because the carriers must print and distribute new baggage excess value declaration forms and take other actions in order to implement the declaration of excess value requirements. They request a 90-day deferral of the effective date of the final rule. We find the deferral request to be reasonable because of these compliance problems and we hereby defer the effective date of the final rule for 90 days until August 20, 1981.

This decision will not affect significantly the quality of the human environment or conservation of energy resources, nor will it have an adverse impact on small business.

(49 U.S.C. 10321, 5 U.S.C. 553)

Decided: May 6, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14878 Filed 5-18-81; 10:27 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 96
Tuesday, May 19, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Proposed Rescission of REA Bulletin 80–8: Construction, Operation, and Maintenance of Electric Lines on Lands Administered by the United States Forest Service

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration proposes to rescind REA Bulletin 80–8, " Construction, Operation and Maintenance of Electric Lines on Lands Administered by the United States Forest Service," issued May 9, 1956, and the File With to Bulletin 80–8 issued on January 27, 1964. The rescission of this bulletin is proposed since the material included in the bulletin is now obsolete and since the subject matter is not sufficiently useful to warrant revision of the bulletin.

DATE: Public comments must be received by REA no later than: July 20, 1981.

ADDRESS: Submit written comments to the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. James C. Dedman, telephone (202) 447–7040. A Draft Impact Analysis has been prepared and is available from the Director, Engineering Standards Division, at the above address.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A—REA Bulletins to provide for the rescission of REA Bulletin 80–8, "Construction, Operation and Maintenance of Electric Lines on Lands Administered by the United States Forest Service." This proposal has been issued in conformance with Executive Order No. 12291, Federal Regulations, and has been determined to be "not major." This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: May 12, 1981.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 81-14842 Filed 5-18-81; 8:45 am]

BILLING CODE 3410-15-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33–6316, 34–17790, 35–22045, IC–11768; File No. S7–885]

Separate Financial Statements Required by Regulation S–X; Proposed Revision of Rules

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Commission announces the proposal of amendments to Regulation S–X concerning the form and content of financial statements which would significantly modify requirements to include in filings with the Commission separate supporting financial statements of the parent company only; of unconsolidated subsidiaries and 50 percent or less owned persons accounted for by the equity method; and of consolidated subsidiaries engaged in diverse financial-type businesses. In addition, certain related amendments are proposed to revise the tests used for determination of a significant subsidiary. The proposed amendments would reduce the number of instances where separate supporting financial statements are required and are designed to place greater reliance on summarized and condensed financial information.

DATE: Comments should be received by the Commission on or before July 13, 1981.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Comment letters should refer to File No. S7–885. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Lawrence C. Best or John W. Albert, Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549 (202–272–2130).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission announces the proposal of amendments to Regulations S–X (CFR 17 Part 210), the regulation which prescribes the form and content of and requirements for financial statements, which would significantly revise the rules for filing separate supporting financial statements: (1) of the parent company only, (2) of subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, and (3) of consolidated subsidiaries engaged in diverse financial-type businesses. Also, certain related amendments are proposed to revise tests used for the determination of when an entity constitutes a significant subsidiary. The proposed revisions would reduce the number of instances where separate supporting financial statements are required and are designed to place greater reliance on the use of summarized and condensed financial information. If ultimately adopted, the proposed revisions would result in amendments to various provisions of Articles 1, 3, 4, 5 and 12 of Regulation S–X.

Background

In connection with its program to integrate disclosures required under the Securities Act of 1933 with those required under the Securities Exchange Act of 1934, the Commission initiated a broad project to reexamine its existing requirements for the preparation and presentation of financial statements. Designed to identify ways in which the rules may be improved, this project to date has resulted in significant changes to the disclosure system. A general revision of Articles 3, 5 and 12 of Regulation S–X has been accomplished and new uniform requirements governing the periods to be covered by financial statements have been adopted. Additionally, rules regarding the form and content of interim financial information included in both periodic

reports and registration statements have been standardized.

As an important part of this initiative, the Commission established a project to reconsider its requirements to file, in addition to consolidated financial statements, separate financial statements of various consolidated and unconsolidated entities. Currently, many registrants are required to include in their filings separate financial statements of the parent company only; of significant unconsolidated subsidiaries and 50 percent or less owned persons accounted for by the equity method; of significant consolidated subsidiaries engaged in diverse financial-type businesses; and of affiliated companies whose securities have been pledged as collateral. The requirements for these statements vary and many of them have not been reconsidered by the Commission in recent years.

The Commission, in connection with its January 1980 release on proposed uniform financial statement requirements, announced plans to revisit the requirements for separate financial statements.[1] In that release, the Commission identified the scope of the project and solicited the views of both users and preparers on the significance and utility of the various separate financial statements currently required. In response to this invitation to comment, the Commission received 49 letters of comment offering suggestions as to how the rules might be revised.[2] All comments received have been considered in the Commission's reconsideration of existing requirements.

The Commission has completed its review of the existing rules and is proposing in this release significant changes which it believes would simplify and improve the current disclosure system. The proposed amendments are designed to provide more meaningful disclosure in certain areas and to ease reporting burdens in general. In the following sections, existing requirements are described and proposed changes to them are discussed. Although many of the reporting issues regarding the significance and utility of the various separate statements have been addressed by commentators in responding to the initial request for comment, the Commission invites additional public comment on the specific amendments proposed herein.

[1] Securities Act Release No. 6179 (January 15, 1980) (45 FR 5963).

[2] Commentators responding to the invitation to comment on existing rules included members of industry (31), accounting firms or groups (9), and representatives of the banking community (9).

Parent Company Only Financial Statements

Under existing requirements of Regulation S–X many registrants are required to file, in addition to consolidated financial statements, separate financial statements of the parent company only. These separate statements are required when the parent company is a holding company with no substantial operations of its own or when consolidated subsidiaries of an operating parent have minority equity interests or indebtedness to unaffiliated persons which in the aggregate exceed 5 percent of total consolidated assets.[3]

Historically, these separate statements have been required when an understanding of the financial condition of the parent company has been considered necessary for an analysis of investment risk. They have been required when a parent is a holding company to highlight the dependency the parent has on subsidiary funds to meet shareholder and creditor obligations. When subsidiaries have minority equity interests or indebtedness to unaffiliated persons separate statements of the parent have been required to reflect the ability of the parent itself to meet its maturing obligations. In this latter situation, outside interests in subsidiaries have been viewed as potential restrictions on the availability of subsidiary funds to meet parent company needs.

Requirements for separate parent company statements were the subject of many of the comments received in response to the recent invitation to comment. Emphasizing that consolidated financial statements are considered as the primary statements for financial reporting purposes, commentators criticized the rules as being contrary to the underlying premise upon which consolidated financial statements are presented. Commentators point out that consolidated financial statements are prepared primarily for the benefit of shareholders and creditors of the parent company and are based on a presumption that the parent and its subsidiaries operate as a single economic unit. Consolidated statements, they argue, presume that the parent company controls the affairs of its constituent companies and has the ability to manage their resources in the best interests of shareholders and creditors.

Commentators contend that to require separate financial statements of the parent company when consolidated financial statements are presented is to deny the acceptability of the basic premise upon which consolidated financial statements are prepared. Commentators encouraged the Commission to reevaluate the need for separate parent company disclosures and to consider the elimination of existing rules.

In response to these views of commentators the Commission has reevaluated the disclosure value of parent company statements and has attempted to better identify the need for such statements where consolidated financial statements are presented. It has determined that in most cases when consolidated statements are presented separate parent company statements do not provide disclosures which are necessary for an investment decision. Generally, where consolidated statements are presented the parent company does exercise substantial control over the affairs and resources of its subsidiaries and as a consequence the presumption on the part of users of the consolidated statements that such control exists is warranted.

However, the Commission recognizes that not in all cases where consolidated statements are prepared does the parent company exercise the level of control presumed by users. In certain cases the level of control by the parent can be significantly restricted by the existence of outside interests.

The operations of subsidiaries engaged in banking or insurance, for instance, are in most cases subject to strict government regulation. The financial flexibility of these entities and the nature of their relationships with affiliated persons, including the parent company, are subject to broad regulatory restraints. Also, the operations of subsidiaries with indebtedness to unaffiliated persons many times are restricted by protective covenants of various financing arrangements. Subsidiaries are often restricted through such arrangements from transferring funds to a parent or other affiliated party or from entering into certain types of transactions with affiliates. And of course, where subsidiaries have significant minority equity interests, their operations may be subject to specified interests of these equity holders.

Because of the reliance users of consolidated financial statements in general place on the ability of a parent

[3] Section 210.3–05 (Regulation S–X) provides an exception for filing separate statements of the parent when the parent is so significant to the consolidated enterprise that it constitutes 75 percent of consolidated assets and consolidated sales and revenues.

to control the affairs of its subsidiary companies, the Commission believes disclosure should be made of certain events or circumstances which may partially render invalid the presumption of the parent company's ability to control. Where a parent company's ability to control may be restricted to the extent that substantial control over the flow of funds within an enterprise may be impaired, the Commission believes investors should be made aware of the significance of such restrictions. Also, investors under these circumstances should have information available to them regarding the financial condition of the parent company so as to enable them to better assess the impact of restrictions on the relative strength of the enterprise as a whole as well as on the security of their investments.

Under existing disclosure rules, the Commission does not believe adequate disclosure is being provided where significant restrictions exist on the ability of a parent company to control the flow of funds of its consolidated group. Also, existing rules do not appear to be triggering disclosures regarding the financial condition of parent companies in the appropriate circumstances. And where information regarding the financial condition of a parent company is deemed appropriate, the Commission believes that something less than complete financial statements of the parent may be adequate to meet needs of investors.

Accordingly, the Commission in this release is proposing significant changes to existing rules. A discussion of the specific disclosure requirements proposed is set forth in the following section.

Proposed Rules

To provide investors an understanding of restrictions which may exist on the flow of funds from subsidiary companies to the parent, the Commission is proposing disclosure requirements which, in certain circumstances, would impact the contents of footnotes to consolidated financial statements. Also, because of the impact restrictions may have on the ability of the parent company to meet its financial obligations to shareholders and creditors the Commission is proposing to require certain financial statement schedule information regarding the financial condition of the parent. Under the proposed amendments complete financial statements of the parent would no longer be required.

The proposed rules would require, among other things, that registrants identify and quantify restrictions on the ability of subsidiary companies to transfer funds to the parent through intercompany loans, advances and cash dividends. To determine whether additional footnote disclosure and schedule information would be required, registrants would compute the total amount of net assets of subsidiary companies (including unconsolidated subsidiaries) which is restricted from being loaned or advanced up to the parent company.[4] This amount would then be added to the amount of equity in undistributed earnings of 50 percent of less owned persons accounted for by the equity method.[5] and the total compared to total consolidated net assets as of the end of the most recent fiscal year. If the total amount of restricted net assets of subsidiaries and undistributed earnings of 50 percent or less owned persons exceeds 25 percent of total consolidated net assets, additional footnote disclosure regarding funds flow restrictions and schedule information regarding the parent company would be required.

The disclosure which would be required in the footnotes to the consolidated financial statement would include a description of the restrictions on the ability of consolidated and unconsolidated subsidiaries to transfer funds to the parent in the form of loans, advances and cash dividends indicating the sources of the restrictions (i.e., borrowing arrangement, regulatory restraint, etc.), their pertinent provisions, and the significance of the aggregate amount restricted relative to total consolidated net assets as of the end of the most recent fiscal year. In addition, the undistributed earnings of consolidated subsidiaries, unconsolidated subsidiaries and 50 percent or less owned persons accounted for by the equity method would be disclosed separately as well as the respective amounts of such undistributed earnings of consolidated and unconsolidated subsidiaries which are restricted as to the payment of dividends to the parent company. Amounts of undistributed earnings would be required to be reconciled to the total consolidated retained earnings as of the end of the most recently completed fiscal year.

Disclosures which would be required in the proposed schedule to the financial statements would encompass disclosure regarding the financial condition of the parent company. A new Schedule III "Condensed Financial Information of Registrant" would provide investors financial information as to the financial position, changes in financial position and results of operations of the parent company as of the same dates and for the same periods for which consolidated statements are required. The financial data required could be provided in a condensed form similar to that currently required for condensed statements on Form 10-Q. Detailed footnotes normally required for complete financial statements could be omitted except for disclosure regarding any material contingencies and disclosures regarding long term obligations and guarantees.

The schedule would require certain disclosures regarding the parent company's financial obligations. A schedule of maturities of the parent's long term obligations for the next five years would be required and, if the long term obligations and guarantees of the parent are not identified in the consolidated statements, specific identification of such obligations and guarantees would be required as well as a description of the significant provisions of each. Further, to provide users with an indication of the level of dividends which have been paid to the parent company by the consolidated subsidiaries, unconsolidated subsidiaries and 50 percent or less owned persons, cash dividends paid by each of the respective groups would be required to be disclosed in the schedule for each of the last three fiscal years.

In addition to proposing the additional footnote disclosures and schedule information discussed above, the Commission is considering the proposal of a new instruction to paragraph (a) of Item 11 of Regulation S-K, "Management's Discussion and Analysis of Financial Condition and Results of Operations." To ensure that registrants discuss restrictions on the flow of funds within an enterprise and the impact such restrictions may have on the parent, the Commission is considering proposing an instruction to specify the nature of the discussion which would be appropriate.

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[4] This computation would focus solely on those restrictions which impact the flow of funds from subsidiaries to the parent in the form of loans or advances. For this purpose, the restricted net assets of subsidiaries would be considered to be the amount of the parent's proportionate share of net assets (after intercompany eliminations) which, as of the end of the most recent fiscal year, may not be loaned or advanced to the parent by subsidiaries without the consent of a third party (i.e., lender, regulatory agency, etc.). It should be noted that for purposes of the test, restrictions on cash dividends are not considered. Also, where assets of a subsidiary may be pledged as collateral under the provisions of a loan agreement, such assets would not be considered restricted for purposes of this test.

[5] Because the registrant owns less than a controlling interest in 50 percent or less owned persons accounted for by the equity method the total amount of undistributed earnings of such persons would be considered outside its control for purposes of the test.

The instruction would provide that where footnote disclosure of restrictions on the ability of subsidiaries to transfer funds to the parent in the form of cash dividends, loans or advances is required by Regulation S–X, the required discussion of liquidity would include a discussion of the nature and extent of the restrictions disclosed as well as the impact such restrictions have on the ability of the parent company to meet its cash obligations. The Commission believes that, while the current requirements of Item 11 encompass a consideration of the liquidity of the parent, clarification may be needed to specifically identify the obligation to focus on cash flow restrictions which, under the proposed rules, would be required to be disclosed elsewhere in a filing. Commentators are specifically invited to comment on the merit of the instruction being considered by the Commission.

General

The Commission believes that the proposed rules outlined above may provide more meaningful disclosure to investors than the existing rules for separate parent company financial statements. With disclosure of significant restrictions on the ability of subsidiaries to transfer funds to the parent and with financial data regarding the financial condition of the parent when such restrictions exist, users should be in a better position to assess a parent's liquidity and financial flexibility in terms of its ability to meet its own financial obligations to shareholders and creditors and its ability to take advantage of new opportunities for the benefit of the enterprise as a whole.

Although the Commission believes the rules proposed may achieve its desired reporting results, it requests commentators to specifically address certain of the more critical aspects of the proposed requirements. Commentators are requested to specifically address the appropriateness of using a specified amount of total consolidated net assets as a basis for determining when restrictions on the transfer of funds from subsidiaries to the parent are so great as to warrant disclosure of the restrictions and the presentation of certain parent company financial data. Where commentators believe the use of consolidated net assets is inappropriate they are encouraged to provide suggested alternatives.

Commentators who believe net assets is a reasonable base for purposes of the proposed test are also requested to express their views regarding the use of 25 percent as the level above which restrictions would be viewed as significant. While the Commission recognizes that the use of any percentage test is arbitrary, such percentage tests have historically been used as a practical means by which to define significance for financial disclosure purposes.

In the proposed rules, the Commission has also made a judgment regarding the incremental value of disclosures which would be included with complete financial statements versus the level of disclosure in condensed statements. It believes that for purposes of achieving the reporting objectives of the proposed rules condensed financial information of the parent company may be appropriate. However, commentators are invited to comment on whether complete financial statements as opposed to condensed should be required along with the other disclosures proposed. Also, commentators are requested to comment on whether any parent company financial data should accompany disclosure of restrictions in the footnotes to the consolidated statements either in a summarized or condensed form.

Unconsolidated Subsidiaries and 50 Percent or Less Owned Persons

Current rules require separate financial statements to be filed of an unconsolidated subsidiary or of a 50 percent or less owned person accounted for by the equity method when an individual unconsolidated subsidiary or 50 percent or less owned person is considered significant to a registrant and its subsidiaries consolidated. The separate financial statements, which must be audited and prepared in full compliance with Regulation S–X, are required when any one of the following tests are met:

Asset tests—

- The registrant's and its other subsidiaries' investments in and advances to the subsidiary or 50 percent or less owned person exceed 10 percent of the registrant's consolidated assets.
- The registrant's and its other subsidiaries' proportionate share of the total assets (after intercompany eliminations) of the subsidiary or 50 percent or less owned person exceeds 10 percent of the registrant's consolidated assets.

Sales test—

- The registrant's and its other subsidiaries' proportionate share of total sales and revenues (after intercompany eliminations) of the subsidiary or 50 percent or less owned person exceeds 10 percent of the registrant's total sales and revenues.

Income test—

- The registrant's and its other subsidiaries' equity in income before income taxes, extraordinary items and cumulative effect of a change in accounting principle of the subsidiary or 50 percent or less person exceeds 10 percent of such income of the registrant consolidated.

Historically, these separate financial statements have been required by the Commission because they have been considered meaningful to a detailed analysis of the financial condition of a registrant and its affiliated companies. In the Commission's view, these separate financial statements are necessary to inform users as to the financial condition of entities which are not included in the consolidated group but are nonetheless significant to the financial condition of the reporting entity as a whole.

The proposed rules announced in this release would modify the existing requirements for separate financial statements of unconsolidated subsidiaries and 50 percent or less owned persons to increase the tests for reporting these separate statements to 20 percent. In addition, the conditions requiring these separate statements, which are based on a significant subsidiary test, are proposed to be modified to eliminate use of the sales test for reasons discussed in a later section of this release. Since separate financial statements of these entities are only considered necessary to satisfy the information needs of sophisticated users, they are proposed to be required in registration and reporting forms filed with the Commission but not required in annual reports to security holders.

Many commentators on the Commission's existing disclosure requirements addressed the rules for separate statements of significant unconsolidated subsidiaries and 50 percent or less owned persons. Certain commentators suggested that reporting practices under generally accepted accounting principles ("GAAP") are adequate to meet the needs of investors and that the Commission's rules should therefore be eliminated. Other commentators expressed support for the presentation of these separate financial statements under certain circumstances but suggested that the conditions for requiring such separate statements be modified.

In response to these comments, the Commission has considered the guidance provided under GAAP as to the disclosures necessary when a registrant's investment in unconsolidated subsidiaries or 50 percent or less owned persons is

material. Although GAAP calls for the presentation of either separate financial statements or summarized financial information, guidance is not provided as to when either of these alternatives may be more appropriate. In practice, these requirements are generally being met by the furnishing of summarized data.

Since the Commission recognizes that not all users demand the detailed information provided by separate financial statements, summarized financial data has generally been considered adequate for disclosure purposes in annual reports to security holders. The Commission also believes that such summarized data may be adequate for even sophisticated users up to a point at which the financial impact of a subsidiary or person becomes so significant that more detailed disclosure becomes necessary to an evaluation of the overall financial condition of a reporting entity.

As a result, rules are being proposed which would place greater reliance on summarized financial information for significant unconsolidated subsidiaries and 50 percent or less owned persons and would require separate financial statements only when a higher level of significance is met. Although the Commission recognizes that quantifying that level of significance, like many percentage tests, involves an arbitrary determination, it believes that 20 percent may be a more appropriate test for determining when the more detailed disclosures provided by complete financial statements become necessary.

Summarized Financial Information

Under the proposed rules, summarized financial information, rather than separate financial statements, would be required for those subsidiaries or persons which meet the significant subsidiary test as revised by this proposal.[6] Requirements would be established for summarized financial information in notes to consolidated financial statements and would apply not only to registration and reporting forms filed with the Commission but also to annual reports to security holders furnished pursuant to the proxy rules.

While summarized financial information is currently furnished in annual reports of many registrants in compliance with GAAP, the reporting of this information has been noted to vary significantly as to form and degree of detail provided. For example, some registrants present condensed "Form 10-Q type" financial statements while others provide disclosure of only net tangible assets. To improve consistency in reporting, the Commission is also proposing rules to establish minimum standards for the content of this information.

Content of Summarized Financial Information

The proposed rules would generally indicate that whenever summarized financial information is required under Regulation S-X it would consist of summarized information as to assets, liabilities and results of operations of the entity or entities for which the information is required.[7] Summarized financial information would be provided as of the same dates and for the same periods for which audited consolidated financial statements are required and would include certain minimum disclosures. A discussion of these disclosures follows.

The Commission has previously set forth its view as to the basic items to be included in a summarized results of operations through the adoption of rules requiring footnote disclosure of certain selected quarterly financial data.[8] The Commission has reevaluated the components of the summarized data prescribed under these rules and believes that they would be relevant to a presentation of summarized operating results for most entities. As a result, the proposed rules would require presentation of the following items in a summarized results of operations:

Net sales or gross revenues;

Gross profit (or alternatively, costs and expenses applicable to net sales or gross revenues);

Income or loss before extraordinary items and cumulative effect of a change in accounting principle;

Net income or loss.

For specialized industries in which gross profit is not computed, the proposed rules would permit the substitution of information which is more meaningful to the nature of an entity's operations. A bank, for example, could present total interest income, total interest expense, provision for loan losses, and security gains or losses in lieu of sales and related costs and expenses. Similarly, an insurance company could present information as to net premiums earned, net investment income, underwriting costs and expenses, and realized gains or losses on investments.

In proposing rules for summarized financial information as to assets and liabilities, the Commission recognizes that differences exist in balance sheet presentations among different industries. In industries in which classified balance sheets are presented, the proposed rules would require disclosure of the amounts of current and noncurrent assets and liabilities. For industries in which classified balance sheets are not presented, the proposed rules would require information as to the nature and amount of the major components of an entity's assets and liabilities. A finance company, for example, would disclose the portion of its total assets represented by net loan receivables when that item represents one of that company's largest assets. In addition, whenever an entity has outstanding redeemable preferred stock as defined in § 210.5-02.28, a total of long-term liabilities and redeemable preferred stock would be required regardless of the type of balance sheet presented.

The proposed rules would also require that summarized financial information be accompanied by footnote disclosure necessary to make the information not misleading. The nature and extent of disclosure necessary for summarized information will differ from that required in complete financial statements. Although the Commission believes that specifying the nature and extent of the footnote disclosure that would be appropriate in all circumstances would be impractical, certain conditions have been noted which, in its view, may warrant footnote disclosure regardless of the nature of the financial information presented.

For example, whenever an entity's obligations under long-term debt and redeemable preferred stock are material, the Commission believes that disclosure of the future maturities of these obligations is essential to an assessment of that entity's future cash flow requirements. In addition, whenever a material contingency exists, disclosure would appear to be necessary to make

[6] The proposed requirements for summarized financial information would be applied to the aggregate of all unconsolidated entities combined and therefore may require summarized information for entities which are individually nonsignificant. Where it is impracticable to furnish summarized information for all entities included in the aggregation, the proposed rules would permit the omission of information for one or more entities provided that the omitted entities, when aggregated, do not meet any of the tests using a 5 percent threshold. A foreign subsidiary, for example, which individually has only a 2 percent asset and a 1 percent income relationship based on these tests may be omitted.

[7] Where summarized financial information is referred to and required by § 210.10-01(b) for interim periods, it would consist of the proposed summarized information as to results of operations and related footnote disclosure.

[8] Adopted as § 210.3-16(i) in Accounting Series Release No. 177 (September 10, 1975). The rule has subsequently been transferred to Item 12 of Regulation S-K.

the financial information presented not misleading.

The proposed rules for footnote disclosure, therefore, would specify the presentation of a five year schedule of maturities and disclosure of any material contingencies as minimum disclosures. Although not specified within the proposed rules, other conditions such as an event of default or breach on a loan or similar covenant, the existence of restrictions on dividend distributions, or the existence of transactions with related parties may also warrant footnote disclosure whenever material amounts are involved. Commentators are specifically invited to express their views as to whether these or any other disclosures should be specified within any final rules resulting from this proposal.

Significant Subsidiary Test

The determination of when an entity is considered to be significant, and therefore to require additional financial disclosures, is based on certain conditions defined in Regulation S–X as the significant subsidiary test. The significant subsidiary test, which consists of certain 10 percent tests, was described in an earlier section of this release. In addition to its impact on the proposed rules already discussed, this test is used to trigger other financial disclosures including the separate financial statements of consolidated subsidiaries engaged in diverse financial activities and the financial statements of a business acquisition reported on in Form 8–K.

Amendments are being proposed which would eliminate use of the sales test from the definition of a significant subsidiary. These proposed amendments reflect the Commission's view that the presentation of additional financial disclosures of an affiliated entity may not be meaningful in instances in which the affiliate has a high sales volume but a relatively low profit margin, and therefore has little financial impact on the operating results of the consolidated group.

In addition the proposed rules would revise the existing definition to clarify the conditions under which an acquired entity is deemed to be significant. The proposed rules would indicate that whenever an entity has been or is proposed to be acquired in a business combination accounted for as a pooling of interests, that entity would constitute a significant subsidiary whenever the number of common shares exchanged by the registrant exceeds 10 percent of its total common shares outstanding at the date the combination is initiated.

General

The proposed rules reflect the Commission's view that 10 percent continues to be an appropriate test for determining a significant subsidiary and therefore whether additional financial disclosures are necessary. The Commission believes that the disclosure provided by summarized financial information may be adequate for unconsolidated subsidiaries and 50 percent or less persons meeting that test and that the more detailed disclosure provided by complete financial statements becomes necessary only at some higher level of significance. Commentators are specifically invited to express their views both as to the appropriateness of proposing dual levels of significance and as to the propriety of selecting 20 percent as a reporting threshold for separate statements.

The existing rules and proposed changes are both predicated on the view that conditions for determining when additional financial disclosures are necessary can be established under a uniform significant subsidiary test. Commentators also are specifically invited to express their views on this basic issue.

Consolidated Subsidiaries Engaged in Diverse Financial Activities

The Commission has long been an advocate of providing investors with financial information on a disaggregated basis to supplement the aggregated disclosures in consolidated financial statements. It has generally believed that disaggregated information regarding the various activities in which the enterprise participates can be useful to investors wishing to perform a detailed analysis of an enterprise. Such disclosures can provide users with a better understanding of the relative strengths and weaknesses of the various businesses which the enterprise operates and generally provide a better basis upon which to evaluate trends.

Despite its interest in such disclosures, however, the Commission has generally limited its requirements for the presentation of detailed disaggregated disclosures to registrants primarily engaged in diverse financial-type businesses.[9] For registrants with significant subsidiaries engaged in such businesses as life insurance, fire and casualty insurance, banking, securities brokerage, savings and loan or finance, the Commission has require separate supporting financial statements in filings with the Commission.

The Commission's principal reason for separating out registrants with diverse financial-type activities for purposes of requiring disaggregated disclosure has been that such enterprises generally are composed of businesses in a variety of specialized financial-type industries which often result in consolidated statements which are extremely complex and difficult to analyze. The operating characteristics of the various specialized companies many times are significantly different or unique and require separate presentation for purposes of a detailed analysis of the enterprise. Frequently contributing to the complexity of a consolidated presentation is the fact that certain of the consolidated entities operate in highly regulated environments. The portion of the consolidated entity to which regulatory restraints relate and the impact such restraints have on the enterprise as a whole are often difficult to ascertain from the consolidated statements.

The Commission's interest in disaggregated disclosures was clearly stated in Accounting Series Release ("ASR") No. 154 issued in April 1974. This release announced the Commission's decision to retain its requirments for separate statements of consolidated financial-type subsidiaries and indicated that line-of-business disclosures should be considered for purposes of annual reporting to security holders. The Commission recognized that detailed disaggregations for nonfinancial-type activities were not required under its rules but encouraged registrants to include such disclosures in their financial reports to provide users with a better understanding of their operations.

In ASR No 154, the Commission noted that the Financial Accounting Standards Board ("FASB") was currently studying the reporting by diversified companies and the disclosure of line-of-business type information. The release announced the Commission's intention to reconsider its requirements for separate statements after standards for reporting line-of-business information had been adopted by the FASB.

In 1976, the project on reporting by diversified companies was completed, resulting in the issuance of Statement of Financial Accounting Standards ("SFAS") No. 14, "Financial Reporting for Segments of a Business Enterprise." The standard now requires companies to provide in their footnotes to financial statements certain disaggregated

[9] Generally, financial-type subsidiaries engaged in such activities as insurance, banking or finance, operated by industrial concerns, are not included in consolidation. The rules for separate statements of consolidated subsidiaries have principally applied only to consolidated enterprises primarily engaged in providing diverse financial-type services.

disclosures regarding operations in different industries, foreign operations, export sales and major customers. Under the standard, companies are required to identify significant segments of their business and provide certain financial disclosures regarding each. The principal disclosures required for each reportable segment include revenues, operating profit or loss, identifiable assets, depreciation and capital expenditures. As stated by the FASB, the purpose of the required disclosures is to "assist financial statement users in analyzing and understanding an enterprise's financial statements by permitting a better assessment of the enterprise's past performance and future prospects."[10]

Commentators on the existing rules generally indicated that segments of business disclosures required by SFAS No. 14 are adequate for purposes of understanding the operations of the major segments of an enterprise's business and that the specific rules of the Commission requiring separate statements of significant consolidated financial-type subsidiaries should be eliminated.

The Commission believes that the disclosures required by SFAS No. 14 provide meaningful information regarding the principal segments of a business in which an enterprise operates and that the degree of disclosure provide is adequate for purposes of annual reports to security holders. However, the Commission does not regard the level of disclosure required by the standard as adequate to meet the needs of sophisticated investors wishing to undertake a more detailed analysis where the subject enterprise is engaged in providing diverse financial-type services.

As a consequence, the Commission is proposing to retain requirements for separate detailed disaggregated information for purposes of filings with the Commission where registrants, through their consolidated subsidiaires, are engaged in financial-type activities. The Commission recognizes that it can be argued that, if separate additional disclosures for financial-type entites are needed, similar disclosures should be required for nonfinancial-type businesses. The Commission believes, however, that important distinctions exist between these two general categories of registrants, due primarily to regulatory restraints and the unique operating characteristics of financial-type companies, and that it would be inappropriate because of these distinctions and relative needs of investors to propose to require any additional detail regarding nonfinancial-type companies at this time.

The Commission is, however, sensitive to the reporting burdens placed on registrants by the existing rules and has therefore questioned whether complete financial statements for the disaggregated presentations are necessary. Generally, the details which the Commission believes are most important to investors in performing a more detailed analysis appear on the face of the respective separate financial statements required. Considering that separate statements are required only when the underlying entities are significant to the total enterprise, the Commission believes that the most critical footnote disclosures are generally contained in the consolidated statements. The Commission further believes that such footnote disclosures, due to the inherent differences in the nature of the various activities, are usually distinguishable as to which activity they relate.

Therefore, the Commission believes that the separate financial disclosures needed to satisfy the needs of sophisticated investors may be able to be provided in condensed financial statements. Accordingly, the Commission is proposing to revise the existing rules to require the separate financial information regarding the various financial-type activities to be presented in a schedule to the consolidated financial statements in the form of condensed financial statements.

Under the proposal, the required schedule (or schedules, depending on the number of separate presentations necessary) would require condensed financial information as to financial position, changes in financial position and results of operations as of the same dates and for the same periods covered by the consolidated financial statements. The financial information would not have to be presented in any greater detail than is required for condensed statements in interim reports filed on Form 10–Q and in most registration statements. Detailed footnotes which would normally be required for complete financial statements could be omitted.

The Commission believes that the level of detail proposed may provide sophisticated investors the information needed for an analysis of the enterprise while reducing the reporting burdens on registrants. The Commission invites commentators to specifically address the appropriateness of condensed financial information for purposes of meeting the stated reporting objectives. Where commentators believe that complete statements are necessary, they are requested to identify their reasons for viewing the incremental disclosures which would accompany complete statements as significant considering the nature and scope of disclosure generally provided in consolidated statements.

Along with the comments received regarding the necessity for separate statements of consolidated subsidiaries, comments have been received regarding the complexity of the existing rules. Many have indicated that the rules are difficult to understand and continue to be a source of confusion to those attempting to understand what disclosures are required.

In response to these comments, the Commission has rewritten the requirements regarding the circumstances under which separate disclosures regarding financial-type subsidiaries are required. The Commission believes that the proposed rules are more simplified and should reduce the confusion associated with the current rules.

The only substantive changes proposed to the rules, in terms of the circumstances under which separate financial data is required, relate to individually nonsignificant subsidiaries not otherwise included in one of the other groupings of subsidiaries for which a separate presentation is provided and to the 90 percent asset, revenue and income test. The requirement to provide a separate presentation for all individually nonsignificant and diverse financial-type consolidated subsidiaries, when the registrant's investment in them exceeds 10 percent of its total assets, has been dropped. The Commission believes that this facet of the existing rules may not provide information which is critical to an analysis of the enterprise. Also, consistent with the proposal to remove the revenue test from the determination of a significant subsidiary, revenue is proposed to be eliminated from the existing "90 percent asset, revenue and income test."

As previously indicated, a new schedule, Schedule XIV, is proposed to require condensed financial information of the reporting entity for which the schedule is required to be filed. This new schedule would be required to be filed for each consolidated subsidiary or group of consolidated subsidiaries engaged in the busines of life insurance, fire and casualty insurance, banking, savings and loan, securities brokerage, or finance.[11] Under the proposed rules,

[10] SFAS No. 14, paragraph 5.

[11] For classification purposes the "finance" group would include subsidiaries in the business of

Continued

however, the schedule could be omitted if any one of the following conditions was met:

- The consolidated subsidiary is not "primarily" engaged in one of the above listed businesses (for purposes of this determination, a subsidiary is deemed to be primarily engaged in one of the above listed businesses if more than 50 percent of its revenues is derived from designated businesses);
- The consolidated subsidiary or group of consolidated subsidiaries in the designated business does not meet the tests of a significant subsidiary;
- The registrant and each of its consolidated subsidiaries are primarily engaged in the same business;
- The assets and pretax income (after intercompany eliminations) of the consolidated subsidiary or group of consolidated subsidiaries in the designated business each exceed 90 percent of the respective amounts reflected in the consolidated financial statements for the most recently completed fiscal year; or
- In excess of 90 percent of the sales and revenues of the consolidated subsidiary or group of consolidated subsidiaries in the designated business is derived from the registrant and its other subsidiaries.

Affiliates Whose Securities are Pledged as Collateral

Financial statements of affiliates are required under current rules to be included in filings with the Commission when the securities of the affiliate constitute a substantial portion of the collateral of any class of securities registered or being registered. For purposes of compliance with this rule, an affiliate's securities are deemed to constitute a substantial portion of collateral if the greater of aggregate principal amount, par value, book value as carried by the registrant, or market value of such securities equals 20 percent or more of the principal amount of the secured class of securities.

These financial statements are generally required to be audited as of the same dates and for the same periods as of the consolidated statements and must be presented in full compliance with Regulation S–X. However, financial statements of affiliates are not required when they are otherwise filed on an individual, consolidated or combined basis.

The filing of separate financial statements pursuant to this rule is relatively infrequent, being limited by the specific terms of a particular securities offering. Under these limited circumstances, the Commission has viewed the presentation of separate financial statements of affiliates whose securities are used as collateral as necessary for an assessment of the ability of that entity to satisfy its commitment in the event of default by the registrant.

The issue of presenting separate financial statements of affiliates under these circumstances was addressed by very few commentators on the existing disclosure requirements. Those commentators who did respond expressed support for the continued presentation of separate financial statements of affiliates but suggested that the specific financial statement requirements be modified. These commentators agree that such statements are necessary to provide information regarding the company's ability to satisfy its commitments

Having reexamined this requirement, the Commission continues to believe that when securities of affiliates are used as collateral for a securities offering, separate financial statements of the affiliates are necessary for an evaluation of the underlying collateral. The Commission further believes that when such financial statements are required, they should be as comprehensive as those presented by the registrant. As a consequence, the existing requirements for separate financial statements of affiliates whose securities are pledged as collateral are proposed to be retained.

Summarization of Existing Rules and Proposed Changes

The table which follows is presented as a guide to assist the reader in understanding the more significant changes proposed. This table should be used as a supplement to the discussion of the existing rules and proposed changes provided in earlier sections of the release.

Existing rules	Proposed changes
Parent company only	
When required	
—Parent is a holding company; or —Parent is an operating company whose consolidated subsidiaries have minority equity interests or indebtedness to unaffiliated persons in amounts which exceed 5 percent of total consolidated assets; however, if the parent's total assets, exclusive of investments in and advances to its consolidated subsidiaries, constitute 75% or more of total consolidated assets, and its total sales and revenues, exclusive of interest and dividends received from or its equity in earnings of consolidated subsidiaries, constitute 75 percent or more of total consolidated sales and revenues, separate statements may be omitted.	—The proposed rules would focus on the existence of restrictions on the ability of subsidiaries to loan or advance funds to the parent company. Under the proposed rules, disclosure requirements would be triggered when the proportionate share of net assets of subsidiaries (after intercompany eliminations) restricted from being loaned or advanced to the parent company and equity in undistributed earnings of 50 percent or less owned persons accounted for by the equity method, together, exceed 25 percent of consolidated net assets as of the end of the most recent fiscal year.
Information required	
—Separate audited financial statements as of the same dates and for the same periods as consolidated financial statements.	—Separate parent company financial statements (§§ 210.3-03, 3-04 and 3-05) would no longer be required. —Disclosure would be required in *footnotes to consolidated financial statements* of the existence of restrictions on the ability of both consolidated and unconsolidated subsidiaries to transfer funds to the parent company in the form of cash dividends, loans or advances (proposed § 210.4-08(e)). —Undistributed earnings of consolidated subsidiaries, unconsolidated subsidiaries, and 50 percent or less owned persons accounted for by the equity method would be shown separately and the amounts restricted as to dividends disclosed. Undistributed earnings amounts would be reconciled to total consolidated retained earnings. —The significance of the aggregate amount of restricted net assets to consolidated net assets as of the end of the most recent fiscal year would be disclosed. —Footnote disclosure would be supplemented by the presentation of *condensed financial information* as to financial position, changes in financial position and results of operations of the parent company only in a schedule to consolidated financial statements (proposed §§ 210.5-04 and 12-04).
Unconsolidated subsidiaries and 50 percent or less owned persons	
When required	
—When any one of the following tests are met: Asset tests—Registrant's investment in subsidiary or person, or registrant's proportionate share of total assets (after intercompany eliminations) of subsidiary or person exceed 10 percent of registrant's consolidated assets. Sales test—Registrant's proportionate share of total sales or revenues (after intercompany eliminations) of the subsidiary or person exceeds 10 percent of registrant's consolidated sales and revenues.	—When any one of the following tests are met: Asset tests—Registrant's investment in subsidiary or person, or registrant's proportionate share of total assets (after intercompany eliminations) of subsidiary or person exceed 10 percent of registrant's consolidated assets. [Deleted]

providing financing services including lease financing; however, subsidiaries with only nonfinancing leases would be excluded as well as those subsidiaries which are primarily engaged in one of the other industry groups identified.

Existing rules	Proposed changes
Income test—Registrant's equity in income before income taxes, extraordinary items and cumulative effect of an accounting change of the subsidiary or person exceeds 10 percent of such income of the registrant consolidated.	Income test—Registrant's equity in income before income taxes, extraordinary items and cumulative effect of an accounting change of the subsidiary or person exceeds 10 percent of such income of the registrant consolidated.
Information required	
—When the test is met by an individual subsidiary or person: —Separate audited financial statements as of the same dates and for the periods as consolidated financial statements —When the test is met on an aggregate basis by a group of unconsolidated subsidiaries or 50 percent or less owned persons: —Summarized financial information as to assets, liabilities and results of operations.	—When the test is met on an individual or aggregate basis, summarized financial information would be required in notes to *consolidated financial statements* (§ 210.4–06(g)). Separate financial statements would be required in filings only when an individual subsidiary or person meets the tests based on a 20 percent reporting threshold (§ 210.3–09). —To improve consistency in reporting, standard content requirements for summarized financial information would also be established (§ 210.1–02(w)).
Consolidated subsidiaries engage in diverse financial activities	
When required	
—Consolidated subsidiary or group of consolidated subsidiaries meet the significant subsidiary test and is engaged in the business of life insurance, fire and casualty insurance, banking, savings and loan, securities brokerage or finance. —Investment in all nonsignificant financial-type consolidated subsidiaries not included above exceeds 10 percent of registrant's total assets. —Notwithstanding above, no additional information required if any one of the following conditions are met: —Consolidated subsidiary or group does not meet the significant subsidiary test. —Consolidated subsidiary's or group's assets, revenues, and pre-tax income each exceed 90 percent of consolidated amounts. —Ninety percent of consolidated subsidiary's or group's revenues are derived from registrant and its other subsidiaries.	—Consolidated subsidiary or group of consolidated subsidiaries meet the significant subsidiary test and is engaged in the business of life insurance, fire and casualty insurance, banking, savings and loan, securities brokerage or finance. [Deleted] —Notwithstanding above, no additional information required if any one of the following conditions are met: —Consolidated subsidiary or group does not meet the significant subsidiary test. —Consolidated subsidiary's or group's assets and pre-tax income each exceed 90 percent of consolidated amounts. —Ninety percent of consolidated subsidiary's or group's revenues are derived from registrant and its other subsidiaries. —Consolidated subsidiary is not "primarily engaged in one of designated businesses" (would codify an administrative practice). —The registrant and each of its consolidated subsidiaries are primarily engaged in the same business (would codify an administrative practice).
Information required	
—Separate audited financial statements of the subsidiary or subsidiaries as of the same dates and for the same periods as the consolidated financial statements.	—Separate financial statements of consolidated subsidiaries would no longer be required. Disclosure would be provided of *condensed financial information* as to financial position, changes in financial position and results of operations of the consolidated subsidiary in a *schedule* (prescribed by § 210.12–30) to the consolidated financial statements. Footnote disclosure would not be required.
Affiliates whose securities are pledged as collateral	
When required	
—Securities of an affiliated company constitute a substantial portion of the collateral for any class of securities being registered. —An affiliate's securities are deemed to constitute a substantial portion of collateral if the greater of aggregate principal amount, par value, book value as carried by the registrant, or market value of such securities equals 20 percent or more of the secured class of securities.	—No changes proposed to existing rules.
Information required	
—Audited separate financial statements as of the same dates and for the same periods as the consolidated financial statements of the registrant.	—No changes proposed to existing rules.

Regulatory Flexibility Certification

Section 603(a) of the Administrative Procedure Act, as amended by the Regulatory Flexibility Act ("Flexibility Act"), generally requires the Commission to undertake a regulatory flexibility analysis of all proposed rules, or proposed rule amendments, to determine the impact of such rulemaking on small entities as defined under the Flexibility Act. Section 605(b) of the Flexibility Act, however, specifically exempts from this requirement and proposed rule, or proposed rule amendment, which, if adopted, would not "have a significant economic impact on a substantial number of small entities." The Commission believes that the proposed amendments announced in this release would not impose an additional regulatory burden on entities subject to the rules. Accordingly, the Chairman of the Commission has certified that the proposed amendments, if adopted, would not have a significant impact on a substantial number of small entities.

Text of Proposed Rules

Part 210 of Title 17 CFR Chapter II is proposed to be amended as follows:

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. By removing paragraph (f) of § 210.1–02, redesignating paragraphs (g) through (w) as paragraphs (f) through (v); revising redesignated paragraph (u) and adding new paragraph (w) as follows:

§ 210.1–02 Definitions of terms used in Regulation S–X.

* * * * *

(u) *Significant subsidiary.* The term "significant subsidiary" means a subsidiary, including its subsidiaries, which meets any of the following conditions:

(1) The registrant's and its other subsidiaries' investments in and advances to the subsidiary exceed 10 percent of the total assets of the registrant and its subsidiaries consolidated as of the end of the most recently completed fiscal year (where a company has been or is proposed to be acquired in a business combination accounted for as a pooling of interests, this condition is also met when the number of common shares exchanged by the registrant exceeds 10 percent of its total common shares outstanding);

(2) The registrant's and its other subsidiaries' proportionate share of the total assets (after intercompany eliminations) of the subsidiary exceeds 10 percent of the total assets of the registrant and its subsidiaries consolidated as of the end of the most recently completed fiscal year; or

(3) The registrant's and its other subsidiaries' equity in the income before income taxes, extraordinary items and cumulative effect of a change in accounting principle of the subsidiary exceeds 10 percent of such income of the registrant and its subsidiaries consolidated for the most recently completed fiscal year.

Computational note: For purposes of making the prescribed income test the following guidance should be applied:

1. When a loss has been incurred by either the parent and its subsidiaries consolidated or the tested subsidiary, but not both, the equity in the income or loss of the tested subsidiary should be excluded from the income of the registrant and its subsidiaries consolidated for purposes of the computation.

2. If income of the registrant and its subsidiaries consolidated for the most recent fiscal year is at least 10 percent lower than the average of the income for the last five fiscal years, such average income should be substituted for purposes of the computation. Any loss years should be omitted for purposes of computing average income.

* * * * *

(w) *Summarized financial information.* (1) With the exception of § 210.10–01, "summarized financial information" referred to in this regulation shall mean the presentation of summarized information as to the assets, liabilities and results of

operations of the entity for which the information is required. When required, the summarized financial information shall be provided as of the same dates and for the same periods for which audited consolidated financial statements are required (unless otherwise specified by this regulation) and shall include the following disclosures:

(i) Current assets, noncurrent assets, current liabilities, noncurrent liabilities, and, when applicable, redeemable stock (see § 210.5–02.28) (for specialized industries in which classified balance sheets are normally not presented, information shall be provided as to the nature and amount of the major components of assets and liabilities);

(ii) Net sales or gross revenues, gross profit (or alternatively, costs and expenses applicable to net sales or gross revenues), income or loss before extraordinary items and cumulative effect of a change in accounting principle, and net income or loss (for specialized industries, other information may be substituted for sales and related costs and expenses if necessary for a more meaningful presentation); and

(iii) Footnote disclosure necessary to make the information presented not misleading. Footnote disclosure shall, at a minimum, include a schedule of maturities of long-term obligations for each of the next five years as well as disclosure of any material contingencies.

(2) Summarized financial information referred to in and required by § 210.10–01(b) for interim periods shall include the information required by paragraphs (w)(1) (ii) and (iii) of this section applicable to summarized results of operations.

§§ 210.3–03, 210.3–04 and 210.3–05 [Removed]

2. By removing §§ 210.3–03, 210.3–04 and 210.3–05.

3. By revising § 210.3–09 to read as follows:

§ 210.3–09 Financial statements of subsidiaries not consolidated and 50 percent or less owned persons.

(a) If any of the conditions set forth below are met in relation to a majority-owned subsidiary not consolidated by the registrant or a subsidiary of the registrant, separate financial statements of such subsidiary shall be filed. Similarly, if any of the conditions set forth below are met in relation to a 50 percent or less owned person for which the investment is accounted for by the equity method either by the registrant or a subsidiary of the registrant, separate financial statements of such 50 percent or less owned person shall be filed. The conditions referred to above, to base the determination of whether separate financial statements are required, are as follows:

(1) The registrant's and its other subsidiaries' investments in and advances to the subsidiary or 50 percent or less owned person exceed 20 percent of the total assets as shown in the consolidated balance sheet as of the end of the most recently completed fiscal year;

(2) The registrant's and its other subsidiaries' proportionate share of the total assets (after intercompany eliminations) of the subsidiary or 50 percent or less owned person exceeds 20 percent of total assets as shown in the consolidated balance sheet as of the end of the most recently completed fiscal year; or

(3) The registrant's and its other subsidiaries' equity in income before taxes, extraordinary items and cumulative effect of a change in accounting principle of the subsidiary or 50 percent or less owned person exceeds 20 percent of such income as shown in the consolidated statement of income for the most recently completed fiscal year. For purposes of computing the above income test see computational note in § 210.1–02(u).

(b) Insofar as practicable, the separate financial statements required by this section shall be as of the same dates and for the same periods as the audited consolidated financial statements required by §§ 210.3–01 and 210.3–02. For purposes of a filing on Form 10–K, if the fiscal year of any majority-owned subsidiary not consolidated or any 50 percent or less owned person ends within 90 days before the date of filing, or after the date of filing, the required financial statements may be filed as an amendment to the report within 90 days after the end of such subsidiary's or person's fiscal year.

(c) Notwithstanding the requirements for separate financial statements in paragraph (a) of this section, where financial statements of two or more majority-owned subsidiaries not consolidated are required, combined or consolidated statements of such subsidiaries may be filed subject to principles of inclusion and exclusion which clearly exhibit the financial position, changes in financial position and results of operations of the combined or consolidated group. Similarly, where financial statements of two or more 50 percent or less owned persons are required, combined or consolidated statements of such persons may be filed subject to the same principles of inclusion or exclusion referred to above.

§ 210.3A–02 [Amended]

§§ 210.3A–03, 210.3A–05 and 210.3A–07 [Removed]

4. By removing paragraph (e) of § 210.3A–02, and removing §§ 210.3A–03, 210.3A–05 and 210.3A–07.

§§ 210.3A–04, 210.3A–06 and 210.3A–08 [Redesignated as §§ 210.3A–03—210.3A–05]

5. By redesignating §§ 210.3A–04, 210.3A–06 and 210.3A–08 as §§ 210.3A–03, 210.3A–04 and 210.3A–05, respectively.

6. By revising paragraph (e) of § 210.4–08, redesignating paragraphs (g) through (k) as paragraphs (i) through (m), and adding new paragraphs (g) and (h) as follows:

§ 210.4–08 General notes to financial statements.

* * * * *

(e) *Restrictions which limit the payment of dividends by the registrant.* (1) Describe the most significant restrictions, other than as reported under paragraph (d) of this section, on the payment of dividends by the registrant, indicating their sources, their pertinent provisions, and the amount of retained earnings or net income restricted or free of restrictions.

(2) Disclose the amount of consolidated retained earnings which represents undistributed earnings of 50 percent or less owned persons accounted for by the equity method.

(3) Where restrictions exist on the transfer of funds from subsidiaries to the registrant which would result in the conditions for filing Schedule III under § 210.5–04 to be met the following disclosure shall be provided:

(i) Describe the restrictions on the ability of both consolidated and unconsolidated subsidiaries to transfer funds to the registrant in the form of cash dividends, loans or advances indicating the sources of the restrictions (i.e., borrowing arrangements, regulatory restraint, etc.), their pertinent provisions, and the significance of the aggregate amount restricted relative to total consolidated net assets as of the end of the most recently completed fiscal year.

(ii) In addition to the disclosure of undistributed earnings of 50 percent or less owned persons required by paragraph (e)(2) of this section, disclose separately the undistributed earnings of consolidated subsidiaries and unconsolidated subsidiaries, respectively, as well as the portions of such undistributed earnings of subsidiaries which are restricted as to the payment of cash dividends to the registrant. The amounts of undistributed

earnings disclosed shall be reconciled to total consolidated retained earnings as of the end of the most recently completed fiscal year.

• • • • •

(g) *Summarized financial information.* (1) Summarized information as to assets, liabilities and results of operations shall be presented on an individual or group basis in notes to the financial statements for all subsidiaries not consolidated and for all 50 percent or less owned persons accounted for by the equity method by the registrant or a subsidiary of the registrant if any of the following conditions, applied to the aggregate of both subsidiaries not consolidated and 50 percent or less owned persons, are met:

(i) The registrant's and its other subsidiaries' investments in and advances to such subsidiaries and 50 percent or less owned persons exceed 10 percent of the total assets as shown in consolidated balance sheet as of the end of the most recently completed fiscal year;

(ii) The registrant's and its other subsidiaries' proportionate share of the total assets (after intercompany eliminations) of such subsidiaries and 50 percent or less owned persons exceeds 10 percent of the total assets as shown in the consolidated balance sheet as of the end of the most recently completed fiscal year; or

(iii) The registrant's and its other subsidiaries' equity in the income before income taxes, extraordinary items and cumulative effect of a change in accounting principle of such subsidiaries and 50 percent or less owned persons exceeds 10 percent of such income as shown in the consolidated statement of income for the most recently completed fiscal year. For purposes of computing the above income test see computational note in § 210.1–02(u).

(2) Summarized financial information shall be presented insofar as is practicable as of the same dates and for the same periods as the audited consolidated financial statments provided and shall include the disclosures prescribed by § 210.1–02(w). Summarized information of subsidiaries not consolidated shall not be combined with the summarized information of 50 percent or less owned persons. If the above conditions are met on an aggregate basis by any combination of subsidiaries not consolidated and 50 percent or less owned persons, the summarized financial information required by paragraph (g)(1) of this section shall be provided for all individually significant and nonsignificant subsidiaries and persons. Where it is impracticable to furnish summarized information for all subsidiaries and persons otherwise required information may be omitted for one or more entities provided that the omitted entities, when aggegrated, do not meet any of the tests set forth in paragraphs (g)(1) (i), (ii) or (iii) of this section applied using a 5 percent threshold.

(h) *Reconciliation of investment and related equity in net assets.* Disclosure shall be provided of the amount and accounting treatment of any difference between the carrying amount of the registrant's and its other subsidiaries' investments and their underlying equity in net assets of subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method.

• • • • •

7. By revising paragraph (a) of § 210.5–04, removing Schedule III, and adding new Schedules III and XIV as follows:

§ 210.5–04 What schedules are to be filed.

(a) Except as expressly provided otherwise in the applicable form—

(1) The schedules specified below in this section as Schedules I, VII, XI, XII and XIII shall be filed as of the date of the most recent audited balance sheet for each person or group.

(2) Other schedules specified below in this section as Schedules II, IV, V, VI, VIII, IX and X shall be filed for each period for which an audited income statement is required to be filed for each person or group.

(3) Schedule III and XIV shall be filed as of the dates and for the periods specified in the respective schedules.

• • • • •

Schedule III—Condensed financial information of registrant. The schedule prescribed by § 210.12–04 shall be filed when (1) the restricted net assets of subsidiaries and (2) equity in the undistributed earnings of, 50 percent or less owned persons accounted for by the equity method, together, exceed 25 percent of consolidated net assets as of the end of the most recently completed fiscal year. For purposes of the above test, restricted net assets of subsidiaries shall mean that amount of the registrant's proportionate share of net assets of subsidiaries (After intercompany eliminations) which as of the end of the most recent fiscal year may not be loaned or advanced to the registrant by subsidiaries without the consent of any third party (i.e., lender, regulatory agency, etc.).

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Schedule XIV—Condensed financial information of consolidated subsidiaries engaged in financial-type businesses. Subject to the provisions for omission set forth in this paragraph, the schedule prescribed by § 210.12–30 shall be filed for each consolidated subsidiary or group of consolidated subsidiaries engaged in the business of life insurance, fire and casualty insurance, banking, savings and loan, securities brokerage, or finance (for classification purposes the "finance" group shall include subsidiaries in the business of providing financing services, including lease financing; however, subsidiaries with only nonfinancing leases are excluded as well as those subsidiaries which are primarily engaged in one of the other industry groups identified). This schedule may be omitted if:

(1) The consolidated subsidiary is not "primarily" engaged in one of the above listed businesses (for purposes of this determination, a subsidiary is deemed to be primarily engaged in one of the above listed businesses if more that 50 percent of its revenues is derived from such designated business);

(2) The consolidated subsidiary or group of consolidated subsidiaries in the designated business does not meet the tests of a significant subsidiary (see § 210.1–02(u));

(3) The registrant and each of its consolidated subsidiaries are primarily engaged in the same business;

(4) The registrant's and its other subsidiaries's proportionate share of total assets and income before income taxes, extraordinary items and cumulative effect of a change in accounting principle (after intercompany eliminations) of the consolidated subsidiary or group of consolidated subsidiaries in the designated business exceed 90 percent of the corresponding amounts reflected in the consolidated financial statements for the most recently completed fiscal year. If the proportionate share of income (or loss) of the subsidiary or group of subsidiaries and the corresponding consolidated amount are not both income or loss, the schedule may not be omitted. Also, if the average income (or loss) amount on a consolidated basis for the last five fiscal years is less than such amount for the most recent fiscal year then the average income or loss may be used for purposes of the above computation; or

(5) In excess of 90 percent of the sales and revenues of the consolidated subsidiary or group of consolidated subsidiaries in the designated business is derived from the registrant and its other subsidiaries.

8. By removing § 210.12–04 and adding a new § 210.12–04 as follows:

§ 210.12–04 Condensed financial information of registrant.

(a) Provide condensed financial information as to financial position, changes in financial position and results of operations of the registrant as of the same dates and for the same periods for which audited consolidated financial statements are required. The financial information required need not be presented in greater detail than is required for condensed statements by § 210.10–01(a) (2), (3) and (4). Detailed footnote disclosure which would normally be included with complete financial statements may be omitted

with the exception of disclosures regarding material contingencies, long term obligations and guarantees. Descriptions of significant provisions of long term obligations and guarantees of the registrant shall be provided along with a five-year schedule of maturities. If the material contingencies, long term obligations and guarantees of the registrant have been separately disclosed in the consolidated statements, they need not be repeated in this schedule.

(b) Disclose separately the amounts of cash dividends paid to the registrant for each of the last three fiscal years by consolidated subsidiaries, unconsolidated subsidiaries and 50 percent or less owned persons accounted for by the equity method, respectively.

9. By adding § 210.12-30 as follows:

§ 210.12-30 Condensed financial information of consolidated subsidiaries engaged in financial-type businesses.

Provide condensed financial information as to financial position, changes in financial position and results of operations as of the same dates and for the same periods for which audited consolidated financial statements are required. The financial information required need not be presented in greater detail than is required for condensed statements by § 210.10-01(a) (2), (3) and (4). Detailed footnote disclosure which would normally be included with complete financial statements may be omitted. If the disclosures required by this schedule are included in the footnotes to the audited consolidated financial statements, such disclosures need not be repeated in this schedule.

(Secs. 6, 7, 8, 10 and 19(a) (15 U.S.C. 77f, 77g, 77h, 77j, 77s) of the Securities Act of 1933; secs. 12, 13, 15(d) and 23(a) (15 U.S.C. 781, 78m, 78o(d), 78w) of the Securities Exchange Act of 1934; Sections 5(b), 14 and 20(a) (15 U.S.C. 79e, 79n, 79t) of the Public Utility Holding Company Act of 1935; secs. 8, 30, 31(c) and 38(a) (15 U.S.C. 80e-8, 80e-29, 80e-30(c), 80e-37(a)) of the Investment Company Act of 1940)

The Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the adoption of the proposals published herein.

Pursuant to Section 23(a)(2) of the Securities Exchange Act of 1934, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

These amendments are proposed to be effective for filings made after December 15, 1981, with the provision that registrants may, at their option, apply the amended rules upon adoption.

By the Commission.

George A. Fitzsimmons,

Secretary.

May 11, 1981.

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed amendments contained in Securities Act Release No. 6316, "Separate Financial Statements Required by Regulation S-X; Proposed Revision of Rules," which would reduce the number of instances in which various types of separate financial statements are presented will not, if promulgated, have a significant economic impact on any entity subject to its provisions and, therefore, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that it is anticipated that the effects of the proposed amendments, if adopted, will not be significant for any class of registants because the compliance burden is not being increased and the required information is generally available from existing accounting records or otherwise available to the affected companies.

John S. R. Shad,

Chairman.

May 11, 1981.

[FR Doc. 81-15015 Filed 5-18-81; 8:45 am]

BILLING CODE 6010-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

18 CFR Part 284

Transportation Certificates for Natural Gas for the Displacement of Fuel Oil

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of a Rulemaking Proposal to the Federal Energy Regulatory Commission.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy pursuant to Section 403 of the Department of Energy Organization Act proposes that the Federal Energy Regulatory Commission (Commission) take appropriate action to provide for the continued authorization of the transporation of natural gas supplies purchased by end users to displace fuel oil. Transportation for these end-user purchases is currently authorized by the Commission's Order No. 30 program (18 CFR Part 284, Subpart F) which expires May 31, 1981. Unless the Order No. 30 or some similar program is adopted prior to May 31, 1981, the opportunity to use certified volumes of approximately 180 billion cubic feet of gas to displace up to 30 million barrels of fuel oil between June, 1981, and the expiration of the current ERA certificates of eligible use, will be lost and surplus natural gas deliverability will increase. Therefore, ERA is requesting the Commission to extend the Order No. 30 program the amount of time necessary for the Commission to establish a comprehensive long-term policy to deal with the disposal of surplus natural gas deliverability. The Commission will announce by Notice in the Federal Register the comment and public hearing procedures to be followed in connection with the promulgation of any regulations necessary to implement this proposal concerning transportation of fuel oil displacement gas.

DATES: Dates for comments and public hearings will be determined by the Commission and published in a notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT:

Albert F. Bass (Division of Natural Gas), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 7108, RG-55, Washington, D.C. 20461 (202) 653-3286;

Michael T. Skinker (Office of General Counsel), Department of Energy, 1000 Independence Avenue, S.W., Room 5E-064, GC-15, Washington, D.C. 20585 (202) 252-2900;

Jack C. Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, RG-91, Washington, D.C. 20461 (202) 653-4055.

I. Background

Because of an urgent national need to reduce reliance on oil imports and to increase stocks of middle distillate fuel oils, the economic Regulatory Administration (ERA) of the Department of Energy (DOE) on March 16, 1979, proposed a rule to the Federal Energy Regulatory Commission (Commission) under Section 403 of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91, 91 Stat. 585, 42 U.S.C. 7173) designed to encourage and facilitate the granting of applications filed by interstate pipelines requesting authorization to transport natural gas to displace fuel oil. The basic premise underlying that proposal was DOE's finding that there existed a temporary surplus of natural gas deliverability that

could be utilized for the dual purposes of reducing our reliance on foreign oil and helping to alleviate a middle distillate fuel oil shortage that existed at that time. DOE made that proposal only as a short-term response to the problem. The proposed rule provided that as a prerequisite to each authorization by the Commission ERA would certify to the Commission that the gas to be transported would be used to displace fuel oil and not coal.

On April 5, 1979, ERA published an interim-final rule (44 FR 20398) which established the procedures and criteria under which ERA would certify that the use of the gas was "eligible." On May 25, 1979, the Commission published Order No. 30 (44 FR 30323) authorizing transportation of certified fuel oil displacement gas until June 1, 1980 [18 CFR Part 284, Subpart F]. ERTA issued a final rule concerning certifications of eligible use on August 16, 1979 (10 CFR Part 595) (44 FR 47920). Order No. 30 was amended by Order No. 30–A, Order on Rehearing, published September 20, 1979 (44 FR 54472) and further rehearing was denied.

On May 22, 1980, the Economic Regulatory Administration proposed to the Commission that the Order No. 30 program be continued for another year because of a continuing need to reduce oil imports. The Commission issued Order No. 30–B on May 22, 1980 (45 FR 34284), providing for an interim extension of the program through August 31, 1980, pending receipt and review of public comments on the ERA proposed extension. An application for rehearing of Order No. 30–B, was filed by the Process Gas Consumers Group, *et al.*, and was denied by Commission Order No. 30–C, issued on July 14, 1980. After the receipt of comments and a public hearing, Order No 30–D was published on August 22, 1980 (45 FR 56046), which extended the program until May 31, 1981. The Process Gas Consumers Group, *et al.*, filed an appliction for rehearing of Order No. 30–D which are denied by the Commission on September 26, 1980 (45 FR 66784), in Order No. 30–E.

The Process Gas Consumers Group and the Georgia Industrial Group petitioned the United States Court of Appeals for the District of Columbia Circuit to review the Commission's fuel oil displacement orders (The Process Gas Consumers Group, *et al.* v. FERC, *el al.*, D.C. Cir., No. 79–2336). On March 6, 1981, the court affirmed the Commission's orders stating that these orders were "reasoned policy decisions under the Natural Gas Act and the Natural Gas Policy Act of 1978." Furthermore, the court asserted that "[t]he judgment adopted by the Commission . . . has not been shown to be arbitrary or capricious."

II. Need for Continuation of a Program Authorizing End-Use Purchases of Fuel Oil Displacement Gas

On August 15, 1980 the Commission, in Order No. 30–D, recognized the continuing need for a program using surplus natural gas supplies to displace fuel oil. The Commission stated that it expected "to implement more effective programs to dispose of excess natural gas deliverabilities." Furthermore, the Commission explained that its objective was to "reassess current policies and programs and to develop a comprehensive long term policy [to dispose of excess gas deliverabilities] prior to May 31, 1981."

The reasons expressed by the Commission in Order No. 30–D for extending the fuel oil displacement gas transportation program still exist. These reasons are essentially the national dependence on foreign oil and the existence of surplus natural gas supplies that can be utilized to displace fuel oil. Therefore, ERA is proposing that the Commission take the necessary action to continue authorization of the transportation of end-use purchases of excess natural gas to displace fuel oil. In order to provide continuity with the Order No. 30 program, ERA is requesting the Commission to extend the "fuel shortage emergency period" (18 CFR Chapter I, Subpart F, Section 284.201(e)) until such time as the Commission takes appropriate action to establish a comprehensive long-term policy to deal with disposal of excess natural gas deliverabilities.

The Nation has had some success in reducing its reliance on imported oil, but not the economic impact of these imports. During the four-week period ending March 14, 1979—the period immediately prior to ERA's initial proposal of a fuel oil displacement transportation rule—gross petroleum imports (crude oil and products) averaged 8.44 million barrels per day or 44 percent of our total average daily petroleum supply of 19.1 million barrels for that period. For the same four-week period in 1981, average daily imports were 6.2 million barrels or 27 percent less than in 1979. Total petroleum supply has decreased about 9 percent to 17.4 million barrels per day.[1]

However, imports are still approximately 35 percent of our total supply. Moreover, although imports of petroleum are lower in volume than a year ago, the economic impact of those imports on our balance of payments and national inflation rate is even greater. In 1979, the total cost of imported oil was about $57 billion, rising to nearly $74 billion in 1980.[2] Furthermore, the world price of internationally traded oil has increased by 143 percent from $14.55 per barrel in March 1979 to $35.47 per barrel in March 1981.[3] In light of these figures, it is clear that the need to reduce oil imports still exists.

On the other hand, the general picture of gas supply availability is relatively encouraging for the near future, thereby dispelling any concern that continuation of Order 30 type transactions may result in curtailing higher priority users. During 1980, the number of successful oil and gas wells drilled increased by 25 percent over the number of wells drilled during 1979. Almost 30 percent of the reported proved reserves of natural gas in the U.S. is associated or dissolved natural gas in oil reservoirs. The number of successful gas wells drilled during 1980 was over 7 percent higher than during 1979 and was the highest number of successful gas wells ever reported. Even greater drilling activity is predicted for 1981.

Furthermore, the Commission staff report concerning "The Impact of 1980–81 Winter Gas Supply for Twenty-Eight Pipeline Companies" that was issued in September, 1980, reported that the interstate natural gas pipeline companies and their customers estimated that curtailments of natural gas service would not result in any significant industrial or commercial dislocation or shutdown during the 1980–81 winter, even if weather was colder than normal. The report stated that these pipelines transport "approximately 99 percent of the gas handled by interstate pipelines." Monitoring of interstate pipelines by the FERC staff this past winter indicates that, except for a local problem in New England related to peak-shaving supply, none of the monitored pipelines reported any significant storage or curtailment problems.

Surveys of surplus natural gas conducted by ERA over the past two years have indicated the availability of surplus supplies of natural gas for short term sales. The most recent survey conducted during March 1981 of over 230 producers, local distribution

[1] Energy Information Administration—Weekly Petroleum Status Report, March 21, 1980, and March 20, 1981, "U.S. Petroleum Balance Sheet."

[2] Department of Commerce, Bureau of Economic Analysis—Survey of Current Business, March, 1981.

[3] Energy Information Administration—Weekly Petroleum Status Report, March 14, 1980, and May 1, 1981, "World Crude Oil Prices."

companies, and interstate and intrastate pipelines indicated that at least 437 billion cubic feet of surplus natural gas supplies would be available for sale during the six month period ending in September, 1981. If the Order No. 30 program is terminated, even larger volumes of surplus gas would exist.

ERA has issued 88 certifications and recertifications authorizing the displacement of fuel oil with natural gas purchased by end-users since the beginning of the Order No. 30 program in March, 1979. Through February, 1981, approximately 114 Bcf of natural gas was reported by certified users as displacing approximately 19 million barrels of fuel oil, much of which was very low sulfur residual fuel oil imported into the east coast states. A program for authorizing transportation of gas to displace fuel oil plays a particularly significant role in the Nation's overall oil displacement effort, because it allows large volume users who do not have access to enough gas supplies from their historic suppliers to purchase surplus gas to use in displacing large amounts of fuel oil. In many cases, the oil displacement has had the concurrent benefit of substantially reducing or preventing increases in the fuel bills of customers of these electric utilities participating in the program.

ERA has indications of a continuing desire of end-users to utilize an Order No. 30 type program. For example, on April 13, 1981, ERA granted Consolidated Edison Company of New York, Inc. (Consolidated Edison) a one year recertification (Docket No. 81-CERT-005, 46 FR 22425, April 17, 1981) for the use of 62 billion cubic feet of natural gas to displace approximately 10 million barrels of fuel oil over a one year period ending on April 26, 1982. Consolidated Edison's application states that the savings to the electric rate and steam consumers in Consolidated Edison's service territory since the inception of the fuel oil displacement program have exceeded 124 million dollars, while residual oil prices have doubled. Including the Consolidated Edison volumes, ERA has recently certified the use of approximately 180 billion cubic feet of natural gas which has the estimated potential to displace up to 30 million barrels of fuel oil between June 1, 1981, and the expiration date of the ERA certificates. Unless the transportation of this natural gas continues to be authorized after May 31, 1981, this potential for oil displacement will be lost.

III. Discussion of Proposal

The ERA is not proposing a specific rule to the Commission to authorize transportation of natural gas to end-users for the displacement of fuel oil. The Commission should have the flexibility to develop the appropriate regulatory structure to incorporate the policy behind the Order No. 30 program into a more comprehensive long term approach to deal with the disposal of surplus natural gas deliverability. The following, however, briefly outlines some of the elements that ERA believes should be included in any such regulatory program.

First, applicants for authorization to use natural gas transported under the program should still be required to certify that the gas will be used to displace fuel oil and not coal. Under the current Order No. 30 program, the Commission's regulations require certifications of "eligible use" from ERA as a prerequisite for granting authorization to transport gas for fuel oil displacement. ERA believes that it would be a simpler and less time consuming process if the Commission made whatever findings are appropriate to determine that fuel oil will be displaced. Eligible use certifications have been issued by ERA, for the most part, solely on the basis of affidavits filed by the applicants. This procedure could be easily adopted by the Commission and incorporated into the administrative procedures developed to authorize the transportation.

Second, in determining how to structure the continuation of an Order No. 30 type program, consideration should be given to the need of interstate pipelines for the short-term supplies of natural gas that are targeted for fuel oil displacement. Direct sales of natural gas for boiler fuel uses, such as those under the Order No. 30 program, are not appropriate if these sales would deprive interstate pipelines of capacity to transport gas for their regular customers. The system supplies of interstate pipelines should be adequately protected by providing that the direct end-user purchases are interruptible and that first priority is given to pipeline system supplies.

Third, to assure the maximum amount of fuel oil displacement, the program should provide for the transportation of gas to displace all types of fuel oil, including middle distillates and both high and low sulfur residual oil.

Fourth, the program should provide interstate pipelines with more incentives for transporting oil displacement gas.

Finally, the authorization for the transportation of the fuel oil displacement gas should be self-implementing or on a "blanket" certification basis in as many circumstances as possible to expedite action.

Issued in Washington, D.C., May 12, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-14694 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 31 and 32

[LR-157-80]

Voluntary Withholding From Annuity Payments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to voluntary withholding of income tax from annuity payments. Changes to the applicable tax law were made by the Tax Reform Act of 1980 and the Act of December 24, 1980 (Pub. L. 96-601). The regulations would provide guidance to payors and payees of annuities with respect to such withholding.

DATES: Written comments and requests for a public hearing must be delivered by July 20, 1981. The amendments to the regulations are proposed to be effective for payments of annuities made after December 31, 1970.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-157-80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3459).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed Employment Tax Regulations (26 CFR Part 31) under section 3402(o) of the Internal Revenue Code of 1954. The regulations are proposed to conform the existing regulations to section 805 (g) and (h)(3) of the Tax Reform Act of 1980 (83 Stat. 708, 709) and to the portions relating to annuities of section 4 of the Act of December 24, 1980 (Pub. L. 96-601; 94 Stat. 3495). The proposed regulations when adopted will supersede § 32.1 of the Temporary

Regulations under the Tax Reform Act of 1969 (T.D. 7056). Accordingly, 26 CFR Part 32 will be deleted upon adoption of the proposed regulations. These regulations are proposed to be issued under the authority contained in sections 3402(o) (3) and (4) and 7805 of the Internal Revenue Code (26 U.S.C. 3402(o) (3) and (4), 94 Stat. 3495; 26 U.S.C. 7805, 68A Stat. 917).

General Rule

The proposed regulations would permit a payee of an annuity to request that the payor of the annuity withhold a specific whole dollar amount from each annuity payment. The payor must comply with this request until the payee terminates the request.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Barry L. Wold of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

Proposed Regulations

The proposed amendments to 26 CFR Parts 31 and 32 are as follows:

PART 31—EMPLOYMENT TAXES: APPLICABLE ON AND AFTER JANUARY 1, 1955

Paragraph 1. Section 31.3402(o)–1 (relating to extension of withholding to certain payments other than wages) is amended by revising the caption for the section and for paragraph (a), to read as follows:

§ 31.3402(o)–1 Extension of withholding to supplemental unemployment compensation benefits.

(a) *In general.* * * *

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PART 32—TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

§ 32.1 [Redesignated as § 31.3402(o)–1]

Par. 2. Section 32.1 (relating to extension of withholding of income tax at source on wages to annuity payments if requested by payee) is redesignated as § 31.3402(o)–2, and such redesignated section is inserted after § 31.3402(o)–1. Section 31.3402(o)–2 as so redesignated is amended by deleting the word "payer" and inserting the word "payor" in every place where the word "payer" appears, and by revising the caption for the section to read as follows:

§ 31.3402(o)–2 Extension of withholding to annuity payments if requested by payee.

* * * * *

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

[FR Doc. 81-14824 Filed 5-19-81; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-049A]

Occupational Exposure to Lead; Quantitative Fit Testing Provision

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of proposed rulemaking on interim rule.

SUMMARY: The Occupational Safety and Health Administration proposes to issue an interim rule permitting the use of specified forms of qualitative fit testing to measure the adequacy of the fit of negative pressure respirators under the occupational health standard regulating exposure to lead. The present standard requires that quantitative fit testing be performed on all users of negative pressure respirators; however, the Agency will be undertaking a reevaluation and reconsideration of that requirement. The reconsideration has been prompted by new evidence concerning the comparative efficacy of the two types of fit testing, as well as by complaints that quantitative fit testing is unduly burdensome for some employers. The interim rule proposed herein would be in effect until the reconsideration process is completed.

DATES: Comments must be received no later than July 6, 1981.

ADDRESSES: Written comments should be submitted to the OSHA Docket Office, Docket No. H–049A, Room S–6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone 202–523–7894.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Tipton, Room N3718, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; telephone (202) 523–7174.

SUPPLEMENTARY INFORMATION:

1. Background

On November 14, 1978, the Occupational Safety and Health Administration (OSHA) promulgated a standard regulating occupational exposure to lead (43 FR 52952) pursuant to section 6(b) of the Occupational Safety and Health Act. The standard requires employers to provide employees with respirators where engineering and work practice controls do not reduce employee exposure below the permissible exposure level of 50 $\mu g/m^3$ (micrograms of lead per cubic meter of air). Respirators are a primary means of protecting employees under the rule because the engineering controls and work practice requirement is phased in over periods extending up to ten years. In order to help assure that respirators will provide employees with the necessary protection, the standard requires employers periodically to perform quantitative face fit tests (QNFT) on all users of negative pressure of respirators. Briefly, a quantitative fit test is a method for numerically measuring any leakage of the seal between the respirator facepiece and the wearer's face. The fit test is used to determine if the respirator assigned to the employee provides the protection factor specified in the rule's respirator selection table. 29 CFR 1910.1025(f)(3)(ii). The Agency chose to require QNFT rather than the alternative means of measuring fit, qualitative fit testing (QLFT), based on its conclusion

that the former is more accurate than the latter, which relies upon the employee's subjective response to pressure, an irritant fume, or a substance with a characteristic odor or taste.

While numerous parties sought pre-enforcement review of the lead standard, none of the petitioners challenged the QNFT provision on the merits.[1] In February 1980, however, the Minnesota Mining and Manufacturing Company (3M) petitioned OSHA to reconsider or modify the provision, and to stay its enforcement pending reconsideration. The Agency denied both requests on May 16, 1980.

For the reasons discussed below, OSHA has now concluded that the QNFT provision should be reconsidered. Accordingly, in a separate document, OSHA will announce its intention to conduct rulemaking pursuant to section 6(b) of the Occupational Safety and Health Act that will include consideration of QNFT and QLFT as part of a general revision of the respiratory protection provisions in § 1910.134. By this notice, OSHA proposes to issue an interim rule permitting employers to use specified forms of QLFT as alternatives to QNFT, pending the section 6(b) rulemaking. The rulemaking on this interim rule will be conducted in accordance with the requirements of sections 6 (b) (7) and 8 (g) of the Act, and Section 4 of the Administrative Procedure Act.

2. Reasons for Reconsidering the QNFT Requirement

Although the expert testimony in the original record amply supported the decision to require QNFT, OSHA has concluded that a fresh look at the issue is warranted in the particular circumstances presented. First, there are several new and conflicting studies on the subject. One of the studies, performed at the Lawrence Livermore Laboratories by Hardis, *et al.*, was submitted by 3M with its petition for reconsideration to support the contention that QLFT is essentially equivalent to QNFT. Another study performed by Dr. Nelson Leidel at Harvard University, concluded that QLFT is less accurate than QNFT in measuring the adequacy of the fit of a respirator. OSHA has concluded that these studies should be subjected to close scrutiny in a public proceeding. This will permit the Agency to resolve, on the basis of the best available evidence, the question of which type of fit testing should be required under different circumstances. Moreover, additional scientific studies on this issue—either by governmental or private organizations—may well be completed in the near future, and shed additional light on this issue.[2]

Second, reevaluation of the QNFT requirement is also appropriate because a recent study of the National Cancer Institute suggested that a substance which is used in one type of QNFT instrumentation, di-2-ethyl hexyl phthalate (DEHP), may be a potential carcinogen. Although OSHA's preliminary assessment is that there exist feasible substitutes to DEHP, OSHA has concluded that this issue should be fully aired in a public forum. Moreover, OSHA is concerned that, because the regulation does not preclude the use of DEHP, employers may continue to expose their employees to this substance. Thus, even if it is ultimately determined that QNFT alone should be permitted under some conditions, the question of whether to permit the continued use of DEHP needs to be resolved. The general rulemaking will address this question as well.

3. The Reasons for an Interim Rule

Whatever the ultimate outcome of the planned rulemaking on § 1910.134, including consideration of the merits of QNFT versus QLFT, OSHA has decided that it may be inappropriate to require employers to conduct QNFT pending completion of that rulemaking proceeding. QNFT is more expensive than QLFT because it requires sophisticated equipment and trained operators. The Agency believes that this burden should not be borne by employers unless and until the need for QNFT has been established on the basis of a more complete evidentiary record. Moreover, the Agency believes it is inappropriate to expose employees to the health hazard of DEHP—exposure which the present QNFT standard may inadvertently be encouraging—absent determinations either that (1) the health risk presented by DEHP is minimal, and far outweighed by the benefits of QNFT, or (2) that feasible substitutes to DEHP exist, and that the use of DEHP should not be permitted by the regulation.

Thus, by this notice, the Agency is proposing to permit alternatives to QNFT pending completion of the general section 6(b) rulemaking. However, OSHA believes that the qualitative fit testing which employers may use during this interim period must meet certain requirements. There are several different types of QLFT, which vary in sensitivity and reliability depending on how the tests are performed. For example, many types of QLFT depend on the user's detection of the odor or taste of substances such as isoamyl acetate or saccharin to determine whether the respirator fits properly. Because each individual's sense of smell or taste has a different threshold, some employees may falsely "pass" the QLFT (*i.e.*, not smell or taste the test agent while wearing the respirator) merely because they have high detection thresholds. For this reason, unless employees are pre-screened to ensure that they can detect the test agent at the tested concentrations, the results of the QLFT cannot be considered reliable. Similarly, if the airborne concentration of the test agent is too low when the respirator wearer is being tested, the wearer may falsely pass the test simply because an insufficient amount of the test agent was present for the wearer to detect it.

Because of these considerations, OSHA proposes to permit the use of QLFT as an alternative to QNFT only if the employer follows strict protocols which are designed to increase the accuracy of these tests. In brief, the Agency believes that an adequate QLFT protocol should contain the following steps: (1) a respirator selection procedure so that a respirator which fits most comfortably is selected (because respirators which fit comfortably are likely to be those which fit best); (2) an odor or taste sensitivity pre-screening (for the reasons discussed above); (3) a procedure to ensure constant generation of an adequate amount of the test atmosphere (for the reasons discussed above); and (4) test exercises, *e.g.* deep breathing, talking (to test whether the respirator still fits during the user's regular activities).

Two protocols which appear to meet these requirements have already been submitted to the Agency. Dupont has submitted a test protocol using isoamyl acetate as the test agent; 3M has submitted a protocol using saccharin as the test agent. These protocols are set forth as appendices to this notice. They may be included in the interim rule, and should be regarded as the primary reference point in submitting comments and data concerning the questions discussed below. Reference may also be made to any other protocol which is believed to provide a reliable indication of the adequacy of fit of respirators.

[1] Several parties alleged the provision was issued without adequate notice. The court of appeals rejected this contention. *United Steelworkers of America* v. *Marshall*, 1980 CCH OSHD ¶24,717 at p. 3,352 (D.C. Cir. 1980).

[2] For example, we are informed that Dupont is presently conducting such a study, and that the study will be completed shortly.

4. Public Participation

Interested persons are invited to submit written data, views, and arguments with respect to this proposal. Any hearing requests submitted will be given appropriate consideration. These comments must be submitted, in quadruplicate, to the Docket Officer, Docket H-049A, Room S-6212, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, and must be received in the Docket Office no later than July 6, 1980. The data, views and arguments that are submitted will be available for public inspection and copying at the above address. All timely submissions received will be made a part of the record of this proceeding and will be considered by the Assistant Secretary in making decisions on this proposal. Information previously submitted on fit testing of respirators will be considered by the agency and need not be resubmitted.

Specifically, OSHA invites comments on the following questions concerning the protocols in Appendices I and II, and any other possible protocols:

1. Will the implementation of these protocols for QLFT in lieu of QNFT in the lead industries provide less, more, or the same assurance of employee health protection as QNFT? Provide data and rationale to the extent possible.

2. How likely is it that the use of such QLFT protocols will result in the assignment of an inadequate respirator?

3. Are these improved QLFT protocols sufficiently precise to assure that the protection factors of assigned respirators will be in excess of the cut-off points assumed by the protocols?

4. Will the designed cut-off point assure that the in-use protection factors of assigned respirators are at least 10 for half mask facepieces and at least 100 for full facepiece respirators, as required by the lead standard?

5. Is the validation data now available on each of these improved QLFT protocols sufficient to establish that each protocol reliably distinguishes acceptable from unacceptable respirator fits?

6. Should the interim rule permit other protocols to be used that are deemed equivalent to the method specified in the stay by (a) the employer, (b) OSHA, (c) other specified organizations?

7. In view of the fact that concern has been raised about the use of DEHP in QNFT because of an NCI study that showed DEHP to be a potential carcinogen, is it advisable to employ saccharin in a substitute test method? What is the comparative health hazard posed by these agents? (OSHA will provide for the record the information on the probable exposure levels of the two agents).

8. What reasons are there to support the position that QNFT should not, or need not, be used for respirator fit testing under the lead standard?

9. What reasons are the there against such a position?

10. One of the major benefits of QNFT is the ability to select the best fitting facepiece. Can the improved QLFT also provide this capability?

11. Should the protocols specify a particular number of models from which employees may choose? If so, how many?

5. Regulatory Impact Analysis; Regulatory Flexibility Analysis

OSHA, in accordance with Executive Order 12291 (46 FR 13193), hereby states that this rulemaking does not constitute a "major rule" since its effect will not meet any of the definitional elements in § 1(b) of the Executive Order.

In particular, the cost of the imterim rule is expected to be lower than the present QNFT requirement. Available information indicates the minimum cost of a QNFT system is $7,000. OSHA recognizes that employers may choose not to purchase a QNFT system, and may use consultants, or rental systems. Since QLFT does not involve the purchase or rental of comparably sophisticated and expensive equipment, QLFT costs will be substantially lower. Specific costs of administering the QLFT protocols described herein are unavailable, but are expected to be relatively low. OSHA also certifies that this proposal does not require a regulatory flexibility analysis under the Regulatory Flexibility Act because, for the reasons stated above, it will not have a significant economic impact on a substantial number of small entities.

(Secs. 6(b) 8(g), Pub. L. 91-596, 84 Stat. 1593, 1600 (29 U.S.C. 655(b), 657(g); 5 U.S.C. 553; Secretary of Labor Order 8-70, 41 FR 25059))

Signed at Washington, D.C. this 14th day of May 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

Appendix I: Improved Isoamyl Acetate Test

This test protocol has been developed by the DuPont Company. Validation data are now being collected and the DuPont Company still considers the protocol subject to revision, as experience and data indicate. The protocol in summary form is described below. The complete text of the protocol as submitted to OSHA by the DuPont Co. can be obtained from the OSHA Docket Office.

Part I—Introduction

1. This test is designed for use with organic vapor filters.

2. The test depends on the detection of the odor of isoamyl acetate, so-called "banana oil" because of its odor, and also called isopentyl acetate.

3. The test chamber is a plastic enclosure about 24 inches in diameter that covers the head and upper body of the test subject. A clear 55 gallon drum liner suspended upside down on a suitable frame is adequate.

4. The test atmosphere is generated by evaporation of isoamyl acetate from a 4 in. by 5 in. piece of porous absorbent paper folded in half, wetted with one-half milliliter of isoamyl acetate, and hung inside the test chamber at the beginning of the test. The concentration will be approximately 150 ppm.

5. The test is performed on persons who have selected the most comfortable model from an array of several models of respirators. (DuPont used seven in evaluating the protocol.)

6. The test chamber should be in a well ventilated room separate from the room where the facepiece selection and sensitivity check are performed in order to avoid olfactory fatigue.

Part II—Respirator Selection Procedure

7. The user is first instructed in how to put a respirator on, how it should be positioned on the face, how to set strap tension and how to assess a "comfortable" respirator. A mirror should be available to assist the user in evaluating fit and positioning of the respirator.

8. The following points concerning assessment of comfort will be reviewed with the user:

—chin properly placed
—positioning of mask on nose
—strap tension
—fit across nose bridge
—compatibility with safety glasses and other required safety equipment
—distance from nose to chin
—room to talk
—tendency to slip
—cheeks filled out
—self observation in mirror
—adequate time for assessment.

9. The subject should understand that he is being asked to select the respirator which provides the most comfortable fit for him and that each model is slightly different in size and shape but will provide adequate protection if fitted properly.

10. The subject first holds each facepiece up to his face and eliminates those obviously not giving a comfortable fit.

11. The more comfortable facepieces are noted; the most comfortable model is donned and worn long enough to assess comfort. If the subject is not familiar with wearing a respirator, he should don the mask several times, adjusting the straps each time, to gain proficiency in adjusting strap tension.

12. The subject should also wear other required safety equipment to assess the compatibility.

13. The subject should perform a positive or negative pressure test after "Seating" the facepiece by rapidly moving the head side to side and up and down, taking a few deep breaths.

Part III—Odor Sensitivity Check

14. A stock solution of 1 milliliter of isoamyl acetate in 800 milliliter of odor free water is made up weekly.

15. A person is adequately sensitive to the odor of isoamyl acetate if he can correctly distinguish between two jars, one of which is a blank (i.e. 500 milliliters odor free water) and the other of which contains a solution of 0.5 milliliter of stock solution in 500 milliliters of water. Fresh jars are made up daily.

Part IV—Fit Check

16. The test subject (person taking the test) enters the test chamber and hangs the isoamyl acetate wetted paper on a hook in the top of the chamber.

17. Wait two minutes for the test agent concentration to build up. During this time explain the test and the exercises and demonstrate how to perform the exercises.

18. The test subject performs each of the test exercises for 30 seconds (see Part V).

19. The test is terminated if the odor of isoamyl acetate is detected at any time during the test because this indicates an inadequate fit.

20. The respirator fit is deemed adequate if the odor of isoamyl acetate is not detected at any time during the test.

21. If the test is not passed satisfactorily the entire test sequence is repeated with another facepiece. If the odor sensitivity check is failed, wait 5 minutes and recheck.

22. When the test subject leaves the test chamber, he should remove the wetted paper and put it in a closed container.

Part V—Test Exercises

Each exercise is performed for 30 seconds.

1. Normal breathing.

2 Deep breathing. Be certain breaths are *deep* and *regular*.

3. Turning head from side to side. Be certain movement is complete, with one turn about every second. Watch for bumping of the respirator on the shoulders.

4. Nodding head up and down. Be certain motions are complete and made about every second. Watch for bumping of the respirator on the chest.

5. Talking. Read a paragraph that incorporates the full range of speech sounds, such as the so-called "rainbow passage" of the speech therapists. Be certain the paragraph is read aloud and slowly.

6. Normal breathing.

Appendix II: Saccharin Test

This test protocol has been developed by the 3M Co. Validation data are now being collected and the 3M Co. still considers the protocol subject to revision, as experience and data indicate. The protocol in summary form is described below. The complete text of the protocol as submitted to OSHA by 3M Co. can be obtained from the OSHA Docket Office.

Part I—Introduction

1. This test is designed for use with particulate filters.

2. The test depends on the taste sensation of orally inhaled saccharin aerosol.

3. The test aerosol is produced by a hand operated medication nebulizer, such as DeVilbiss model 40 or equivalent. The size of the aerosol particles is approximately 2 microns.

4. The test agent is an aerosol of sodium saccharin in drinking water.

5. The test is performed on persons who have selected the most comfortable model from an array of several different models of respirators.

6. The test subject (person being fit tested) may not eat, drink, or chew gum for 15 minutes before the test.

7. The test is performed with the test subject wearing a hood-like enclosure approximately nineteen inches on a side that fits over the head and shoulders, or any other small enclosure that permits the head and neck movements required. The enclosure must have a ¾" hole located in front of the test subject's mouth and nose to accommodate the nebulizer nozzle.

Part II—Respirator Selection Procedure

8. See Appendix I, Part II, above.

Part III—Taste Sensitivity Check

9. The test subject dons the test enclosure without a respirator.

10. The test subject breathes through his mouth.

11. The sensitivity check aerosol is of a solution of 0.83 grams of sodium saccharin in 100 milliliters of drinking water.

12. With the enclosure wall about 6 inches in front of the test subject's face, the sensitivity check aerosol is injected into the enclosure with 10, 20 or 30 squeezes of the nebulizer bulb.

13. The nebulizer bulb must be collapsed fully and allowed to fully expand on each squeeze.

14. After each set of squeezes the test subject is asked if he can detect the taste of saccharin.

15. The required number of squeezes to elicit a taste response is noted.

16. If 30 squeezes is inadequate, another test or type of respirator must be used.

17. The test subject removes the test enclosure, dons the respirator, and dons the test enclosure again.

Part IV—Fit Check

18. The test subject again breathes through his mouth.

19. The test atmosphere is an aerosol of a solution of 83 grams of sodium saccharin in 100 milliliters of drinking water.

20. With the wall of the enclosure about 6 inches in front of the test subject's face, the test aerosol is injected from a second nebulizer using the same number of squeezes as required in the sensitivity check. One-half this number of squeezes is repeated each 30 seconds.

21. After the initial aerosol is injected, the test subject performs the test exercises (see Part V) for 30 seconds each.

22. The test is terminated at any time the taste of saccharin is detected by the test subject, because this indicates an inadequate fit.

23. If the entire test is completed without the test subject detecting the taste of saccharin, the test is successful and the respirator fit is deemed adequate.

Part V—Test Exercises

24. See Appendix I, Part V, above.

[FR Doc. 81-14083 Filed 5-15-81; 10:13 am]
BILLING CODE 4510-26-M

VETERANS ADMINISTRATION

38 CFR Parts 6 and 8

United States Government Life Insurance and National Service Life Insurance; Interest Rates and Dividends

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The Veterans Administration proposes new sections to allow higher interest rates to be paid to beneficiaries of United States Government Life Insurance (USGLI) and National Service Life Insurance (NSLI) where the proceeds are paid in equal monthly installments over a limited period of months. An amendment is also proposed to authorize the payment of dividends for Veterans Reopened Insurance. These proposed regulations are necessary to make the regulations conform to new legislation.

DATES: Comments must be received on or before June 18, 1981. It is proposed to make the amendments effective November 28, 1979.

ADDRESSES: Comments may be mailed to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until June 29, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Carey, Assistant Director for Insurance, Veterans Administration Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA 19101, (251-951-5260).

SUPPLEMENTARY INFORMATION: Proposed §§ 6.69c and 8.82 will allow a higher rate of interest to be paid to a beneficiary of United States Government Life Insurance and of National Service Life Insurance who receives the proceeds of such policy in equal monthly installments over a limited period of months. The higher rate will be paid on the unpaid balance of such monthly installments. The rates will be established by the Administrator of Veterans Affairs based upon what the Administrator determines to be administratively and actuarially sound for the program of insurance concerned. This change is authorized by sections 726 and 761, title 38, United States Code as added by Pub. L. 96-128.

Under present regulations affecting the payment of dividends for National Service Life Insurance, dividends are not payable for insurance issued under section 725 of title 38, United States Code. Policies under this insurance, commonly referred to as Veterans' Reopened Insurance, have the prefixes J, JR and JS. The proposed amendment to § 8.26(a) which implements Pub. L. 96-128 would authorize dividend payments.

The Agency has determined that this proposed regulation is non-major in accordance with the requirements of Executive Order 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until June 29, 1981. Any person visiting Veterans Administration Central Office in Washington, D.C. for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: April 10, 1981.

Rufus H. Wilson,

Acting Administrator.

The Veterans Administration proposes to amend 38 CFR Parts 6 and 8 as set forth below:

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

§ 6.58 [Amended]

1. Section 6.58 is amended by adding the words "or her" after the words "his" and "him" in the first sentence.

§ 6.60 [Amended]

2. Section 6.60 is amended by adding the words "or her" after the word "his" in the third sentence.

§ 6.62 [Amended]

3. Section 6.62 is amended by removing the word "his" and adding the words "such person's" in the first sentence and adding the citation "(38 U.S.C. 718)" at the end of paragraph (a).

4. Section 6.69c is added as follows:

§ 6.69c Higher interest rates for amounts payable to beneficiaries.

Notwithstanding section 744, title 38, United States Code, where the beneficiary of an insurance policy issued in accordance with the provisions of subchapter II, chapter 19, title 38, United States Code receives the proceeds of such policy under a settlement option under which such proceeds are paid in equal monthly installments over a limited period of months, the interest that may be added to each such installment may be at a rate that is higher than the interest rate prescribed in section 744 and that is established by the Administrator as, from time to time, the Administrator determines to be administratively and actuarially sound for the program of insured concerned. Such higher rates will be paid on the unpaid balance of such monthly installments. (38 U.S.C. 761)

§ 6.70 [Amended]

5. Section 6.70 is amended by adding the words "or her" after the word "his".

PART 8—NATIONAL SERVICE LIFE INSURANCE

6. In Part 8, § 8.26(a)(3) is revised as follows:

§ 8.26 How paid.

(a) Except as hereinafter provided in this paragraph, a National Service Life Insurance policy shall participate in and receive such dividends from gains and savings as may be determined by the Administrator of Veterans Affairs. Dividends becoming payable after January 1, 1952, shall be payable on the date preceding the anniversary of the policy unless the Administrator shall declare them payable on some other date. Dividends are not payable on insurance:

* * * * *

(3) Issued under sections 704(c), 722(a) and 723(b) of title 38, United States Code; (38 U.S.C. 725)

* * * * *

7. Section 8.82 is added as follows:

§ 8.82 Higher interest rates for amounts payable to beneficiaries.

Notwithstanding sections 702, 723 and 725 of title 38, United States Code, if the beneficiary of an insurance policy receives the proceeds of such policy under a settlement option under which such proceeds are paid in equal monthly installments over a limited period of months, the interest that may be added to each such installment may be at a rate that is higher than the interest rate prescribed in the appropriate section of subchapter I of chapter 19 of title 38, United States Code. The Administrator may from time to time establish a higher interest rate under the preceding sentence only in accordance with a determination that such higher rate is administratively and actuarially sound for the program of insurance concerned. Any such higher interest rate shall be

paid on the unpaid balance of such monthly installments. (38 U.S.C. 728)

[FR Doc. 81-14625 Filed 5-18-81; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH-FRL-1630-5]

Hazardous Waste and Hazardous Waste Management; Availability of Information

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of information and request for comments.

SUMMARY: The Environmental Protection Agency recently conducted a waste characterization study of the emissions control dusts from gray and ductile iron foundries, in order to determine if these wastes should be listed as hazardous under the Resource Conservation and Recovery Act of 1976. A report describing this study has been prepared and the purpose of this notice is to make the public aware of this report and to solicit comments on the meaning and significance of the data.

DATE: Comments on this report are due no later than July 20, 1981.

ADDRESS: Comments should be directed to David Friedman, Manager, Waste Analysis Program, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

Copies of the report described in this notice are available for reading at the EPA Public Information Reference Unit (Room 2404) and the Subtitle C Docket Room (Room 2711) both located at 401 M Street, SW., Washington, D.C. and at all EPA Regional Office Libraries during the hours of 9:00 a.m. to 4:30 p.m., Monday through Friday. A limited number of copies are available for free distribution. If the available copies run out, the Agency may have to charge $0.20 per page for photocopying. Copies may be obtained by writing or calling Mr. Ed Cox, Solid Waste Information, U.S. Environmental Protection Agency, 26 West St. Clair Street, Cincinnati, OH 45268, (513) 684-5362.

SUPPLEMENTARY INFORMATION: Emission control dusts from gray and dectile iron foundry furnaces are generated when the heavy contaminants, coke dust, ash, etc., found in the raw material or generated during the manufacturing process, are entrained in the furnace fumes. The particles are entrapped in air pollution control devices and the collected material disposed of. After evaluating the information available, the Agency tentatively determined that the dusts were hazardous wastes within the meaning of the RCRA. The Agency thus proposed on July 16, 1980 to list such material as hazardous waste.

In response to comments received and in acknowledgement of the impact of such a listing, EPA decided to postpone final action on this waste and to gather further information on these emissions control dusts, in order to determine if, in fact, the waste should not be listed. Thus, on January 16, 1981, the Agency deferred final action on listing these wastes pending the outcome of a joint EPA and American Foundrymens' Society characterization study of these wastes.

A report describing this study entitled *Sampling and Analysis of Wastes Generated by Gray Iron Foundries* has been prepared and is now available for public review and comment.

Dated: May 12, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-14626 Filed 5-18-81; 8:45 am]
BILLING CODE 6560-30-M

Notices

Federal Register
Vol. 46, No. 96
Tuesday, May 19, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration, Cooperative Power Association and United Power Association; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact in connection with proposed financing assistance to Cooperative Power Association and United Power Association (CU) headquartered in Minneapolis and Elk River, Minnesota, respectively.

The proposed financing assistance will be used by CU to complete construction of the Coal Creek Generating Station, Unit Nos. 1 and 2 (Project).

Construction of Unit No. 1 is complete and was put into commercial operation on August 1, 1979. Construction of Unit No. 2 is expected to be ready for commercial operation by July 1981.

In July of 1974, REA issued a Final Environmental Impact Statement (FEIS) On the Coal Creek Generating plant that considered a lesser generating capacity than that which was constructed. The larger generating capacity required modifications to be made to the boilers and stack design. Other changes were made to accommodate the environment.

The CU prepared a Borrower's Environment Report (BER) on the design change. The REA prepared an Environmental Assessent (EA) on the changes. After an independent evaluation of the BER and the EA, REA concluded that the design changes have not had and will not have a significant impact on the quality of the human envrionment and prepared a "Finding of No Significant Impact" (FONSI). This FONSI, REA's EA and CU's BER may be reviewed in the office of the Director, Power Supply Division, Rural Electrification Administration, Room 5168, South Agriculture Building, Washington, D.C., 20250, and at the offices of the cooperatives, Cooperative Power Association, 3316 West 66th Street, Minneapolis, Minnesota, 55435, and United Power Association, Elk River, Minnesota, 55330.

This Program is listed in the catalog of the Federal Domestic Assistance 10.850 Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 13th day of May, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-14693 Filed 5-18-81; 8:45 am]
BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 5-81]

Foreign-Trade Zone No. 22, Chicago; Application for Special-Purpose Subzone

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Chicago Regional Port District (Port District), grantee of Foreign-Trade Zone No. 22, requesting authority to establish a special-purpose subzone at a steel plant in Chicago, Illinois, within the Chicago Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 11, 1981.

The Chicago zone was authorized by the Board on October 29, 1975 (Board Order 108). The Port District, created as a municipal corporation to promote commerce through Chicago's ports, has authority to make zone and subzone proposals under Illinois Law (Act of June 6, 1951, Sec. 8.01).

The application calls for the establishment of a 46-acre subzone at the steel tube manufacturing facility of the Unarco-Leavitt Division, Unarco Industries, Inc. The facility, located at 1717 West 115th Street, Chicago, currently consists of a 500,000 square foot manufacturing plant on a 19.1-acre parcel owned by Unarco. The company has leased an adjacent 26.5-acre parcel from Holco Corporation, a subsidiary of Estel, N.V., a Dutch Steel Company, which is constructing a 240,000 square foot building on the site for Unarco-Leavitt operations. A Dutch subsidiary of Estel will supply at least 60 percent of the new facility's steel sheet requirements. Both parcels will be included in the proposed subzone.

The facility currently produces electric-welded steel tubing from carbon steel sheet and plate. The tubing consists of both mechanical and structural shapes and sizes up to 5 inches in width, or outer diameter, and up to .25 inches in the thickness. It is used in the manufacture of scaffolding, railings, agricultural machinery, automobiles, industrial boilers and condensers. The new 26.5-acre section of the plant will produce large, electric-welded structural steel tubing with diameters or widths ranging from 5 to 10 inches and thicknesses from .188 to .5 inches. The larger shapes are used in the production of farm and off-the-road equipment and in the construction of low and medium rise buildings. Plant capacity will be increased from the current 300,000 tons to 500,000 tons per year, and employment from 500 to 700 workers.

The applicant indicates that U.S. import duties are about $22 a ton less for steel tubing than for steel sheet and plate, based on an average sheet and plate price of $320 a ton. Subzone status would remove the cost disadvantage resulting from the inverted tariff and help Unarco-Leavitt compete in the domestic market with tubing imported directly from abroad at the lower rate, which in 1979 accounted for about one-third of U.S. consumption. In addition, the application indicates that there will be public economic benefits ranging from increased investment, business activity and employment in Chicago's depressed South-side area to positive effects on the U.S. balance of trade.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Ben L. Irvin, Deputy Director, Office of Compliance, Import Administration, U.S. Department of Commerce, Washington, D.C. 20230; Peter F. Gonzalez, Chicago District Director, U.S. Customs Service, Region IX, 610 South Canal Street, Chicago, Illinois 60607; and Lt. Colonel Christas A. Dovas, District Engineer, U.S. Army

Engineer District Chicago, 219 South Dearborn Street, Chicago, Illinois 60604.

As part of its investigation, the Examiners Committee will hold a public hearing on June 18, 1981, beginning at 9:00 a.m., in the Board Room of the Chicago Regional Port District Offices, 12800 Butler Drive, Chicago. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2662) by June 10, 1981. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through July 18, 1981. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

International Trade Administration
District Office, U.S. Department of Commerce, 1406 Mid Continental Plaza Building, 55 East Monroe Street, Chicago, Illinois 60603;
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2006, 14th and E Street NW., Washington, D.C. 20230.

Dated: May 11, 1981.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 81-14879 Filed 5-18-81; 8:45 am]
BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Proposed Amendments of the Delivery Differentials Under the Chicago Board of Trade's Soybean Meal Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule amendment.

SUMMARY: The Chicago Board of Trade ("CBT") has submitted amendments pertaining to its Soybean meal futures contract to amend existing fixed locational rates and to delete the variable freight rate component used in determining delivery differentials. The amendments were proposed in response both to anticipated effects of railroad deregulation and the current problems arising from frequent freight rate revisions, which have led to changes in delivery differentials and subsequent alteration in the value of shipping certificates. Therefore, the Commodity Futures Trading Commission ("Commission") has determined that the amendments are of major economic significance and that, accordingly, publication of the proposed amendments is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before June 18, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Reference should be made to CBT Soybean Meal Delivery Differentials.

FOR FURTHER INFORMATION CONTACT: Muriel A. Caplan, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, (202) 254–8955; or Blake Imel, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C., (202) 254–3201.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act, ("Act"), 7 U.S.C. § 7a(12) (Supp. III 1979), has determined that proposed amendments to the Chicago Board of Trade's ("CBT") regulation 1241.01 (a)–(g) and deletion of subsection (h) of that regulation, which concern delivery differentials under the CBT'S Soybean Meal futures contract, are of major economic significance. The CBT intends for the proposed revisions, if approved, to apply only to new contract months listed after Commission approval. The text of CBT's proposed amendments is printed below, using italics to indicate additions and brackets to indicate deletions:

Amend Regulation 1241.01. Shipping Plants—Soybean Meal Shipping Certificates shall specify shipment from one of the plants currently regular for delivery and located in Central Territory, Northeast Territory, Mid South Territory, Missouri Territory, Eastern Iowa Territory or Northern Territory as defined in this Regulation.

The Board may declare additional shipping plants regular for delivery which shall apply on all contracts outstanding or made thereafter.

Shipping Plants

(a) All loadings of soybean meal against Soybean Meal Shipping Certificates shall be in bulk free on board railroad cars at shipping plants.

(b) Payment for Shipping Certificates issued in "Central Territory" (viz.: shipping plants located in Illinois and Kentucky) will be at contract price.

(c) Payment for Shipping Certificates issued in "Northeast Territory" (viz.: shipping plants located in Indiana and Ohio) will be at a premium of *$3.50* [$2.00] per ton over contract price.

(d) Payment of Shipping Certificates issued in "Mid South Territory" (viz.: shipping plants located in all of Tennessee and Arkansas and that part of Mississippi and Alabama north of a line extending eastward from the Arkansas-Louisiana border) will be at a premium of *$4.50* [$1.00] per ton over contract price.

(e) Payment for Shipping Certificates issued in "Missouri Territory" (viz.: shipping plants located in Missouri) will be at a discount of *$2.50* [$2.00] per ton under contract price.

(f) Payment for Shipping Certificates issued in "Eastern Iowa Territory" (viz.: shipping plants located in Iowa on and South of the main line of the Illinois Central Gulf RR from Dubuque, Iowa to Iowa Falls, Iowa; and on and East of the main line of the Chicago Rock Island RR from Iowa Falls to Chicago, Northwestern RR from Des Moines' through Blockton, Iowa) will be made at a discount of *$7.00* [$3.00] under contract price.

(g) Payment for Shipping Certificates issued in "Northern Territory" (viz: shipping plants located in that portion of Iowa not included in "Eastern Iowa Territory") will be made at a discount of *$9.00* [$6.00] per ton under contract price.

[(h) When deliver is made at a point other than Decatur, Illinois, the Seller shall make an additional adjustment to the Buyer by increasing or decreasing the amount due on delivery notice by the difference between the current 2000 ton trainload export rate or the single car export rate, whichever is cheapest from the delivery point to the basing point, and the current 2000 ton trainload export rate or the single car export rate, whichever is cheapest from Decatur, Illinois to the basing point as compared to that differential that existed at the

time this Regulation went into effect. In the event that the 2000 ton trainload rate does not exist, the lowest multiple car export rate for a single shipment shall be used to make the additional adjustment. The basing point for plants located in Central, Mid South, Missouri, Eastern Iowa and Northern Terriroty shall be New Orleans, Louisiana and for plants located in Northeast Territory the basing point will be Baltimore, Maryland.

The Transportation Department of the Chicago Board of Trade will post on the Trading Floor the appropriate date to make the required adjustments as directed by the Soybean Meal Committee.] 2071

* * * * *

Other materials submitted by the CBT in support of its rule amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953–4 (April 22, 1980)), except to the extent they may be entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments, or with respect to other materials submitted by the CBT in support of its submission, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, by June 18, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on May 13, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-14910 Filed 5-18-81; 8:45 am]

BILLING CODE 6351-01-M

Proposed New Rules Relating to Minimum Capital Requirements for Clearing Members, the Guaranty Fund, Position Limits and Assessments of the CSC Clearing Corporation

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule proposals.

SUMMARY: The CSC Clearing Corporation is a recently organized corporation formed to take over the clearing functions now performed by the New York Coffee and Sugar Clearing Association and the New York Cocoa Clearing Association, thereby completing the merger of the Coffee, Sugar & Cocoa Exchange, Inc. As part of its new organization, CSC Clearing has proposed rules relating to minimum capital requirements for CSC Clearing members, the guaranty fund, position limits and assessments. The Commodity Futures Trading Commission ("Commission") has determined that those proposed rules are of major economic significance and that, accordingly, their publication is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before July 20, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to CSC Clearing Financial Protection Rules.

FOR FURTHER INFORMATION CONTACT: Muriel A. Caplan, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254–8955.

SUPPLEMENTARY INFORMATION: The CSC Clearing Corporation ("Corporation") has been formed to take over the clearing functions now performed by the New York Cocoa Clearing Association and the New York Coffee and Sugar Clearing Association, and thereby to complete the merger of the Coffee, Sugar & Cocoa Exchange, Inc. In this connection, a new rule book governing the CSC Corporation has been drafted and submitted to the Commission for its approval pursuant to section 5a(12) of the Commodity Exchange Act, ("Act") 7 U.S.C. 7a(12) (Supp. III 1979). The Corporation, in adopting its new rules, has revised many of the current rules and operating procedures now in effect on the New York Cocoa Clearing Association and the New York Coffee and Sugar Clearing Association.

Upon its initial review of the new rulebook, the Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act, ("Act"), 7 U.S.C. 7a(12) (Supp. III 1979), has determined that certain of the Corporation's proposed new "Financial Protection Rules," specifically rules 213, 215, 216 and 302, are of major economic significance. These new rule proposals relate to minimum capital requirements for clearing members, the guaranty fund, position limits and assessments against members.

The Corporation proposes to require that a clearing member have and maintain a minimum working capital of $1,000,000. The proposed rule would provide two ways for a clearing member to compute working capital, depending upon whether such member is, or is not a futures commission merchant ("FCM"). The Corporation also proposes to revise those rules currently imposed by the two separate Clearing Associations concerning clearing member position limits. Those proposed rules would set maximum position limits restricting the size of both net positions and offset positions which any clearing member could carry in all commodities and all delivery months combined and in any one commodity and in any one delivery month. These "basic" position limits would be set by the Board for each clearing member based on, among other factors, the Board's evaluation of the financial and operational capacity of each clearing member. Additionally, these "basic" position limits may not exceed a proposed schedule of maximum or "ceiling" limits, which levels would be based on a clearing member's working capital. Moreover, the Corporation is setting forth new rules pertaining to position limits for related organizations. In addition, the Corporation proposes to increase the deposits to the guaranty fund required of clearing members, such deposits to be equal to the lesser of (1) ten percent of a clearing member's working capital or (2) $500,000, plus any additional amount the Board may from time to time prescribe. Finally, the Corporation proposes to compute assessments against clearing members according to a formula revised from that currently in effect and, further, to limit the amount assessed against clearing members in the event of a default.

The Corporation's proposed rules 213, 215, 216 and 302 are printed below:

Minimum Working Capital

Rule 213 (a) Each clearing member shall have and maintain minimum Working Capital of $1,000,000.

(b) The term "Working Capital" shall mean:

(i) In the case of any clearing member which is a futures commission merchant, "adjusted net capital" computed in accordance with Commission regulation 1.17; and

(ii) In the case of any other clearing member, "adjusted net capital" as defined above or, at the election of the clearing member, the amount by which current assets exceed current liabilities, computed in accordance with generally accepted accounting principles.

Position Limits

Rule 215 (a) No clearing member may have a Total Combined Net Interest in excess of 21,000 contracts.

(b) No clearing member may have a Total Combined Offset Position in excess of 25,000 contracts.

(c) No clearing member may have an Aggregate Net Interest in excess of: 10,000 contracts, in the case of sugar futures contacts; 4,000 contracts, in the case of coffee futures contracts; and 7,000 contracts, in the case of cocoa futures contracts.

(d) No clearing member may have an Offset Position in excess of: 10,000 contracts, in the case of sugar futures contracts; 6,000 contracts, in the case of coffee futures contracts; and 9,000 contracts, in the case of cocoa futures contracts.

(e) No clearing member may have a Net Interest in any one delivery month in excess of: 4,000 contracts, in the case of sugar futures contracts; 1,500 contracts, in the case of coffee futures contracts; or 3,000 contracts, in the case of cocoa futures contracts.

(f) No clearing member may have a Total Combined Net Interest or Total Combined Offset Position in excess of the basic position limit established for such clearing member from time to time by the Board, except as provided in paragraph (g) of this Rule.

(i) Subject to paragraph (f)(ii) below, the basic position limit established for any clearing member shall be based on the Board's evaluation of the financial and operational capacity of such clearing member and such other factors as the Board, in its discretion, considers appropriate, including, but not limited to, (A) the business needs and financial; condition of the clearing member, (B) the number of memberships on other clearing organizations held by the clearing member and the average number of contracts cleared through other clearing organizations each day by the clearing member, (C) the extent to which the clearing member trades and clears for either customer accounts, proprietary accounts, or both, (D) the length of time the clearing member has held a membership with the Clearing Corporation, (E) the total opens positions of the clearing member regularly maintained with the Clearing Corporation and any other commodity clearing organizations, and (F) such other factors as the Board, in its discretion, considers appropriate.

(ii) The basic position limit established for any clearing member shall not exceed the maximum Total Combined Net Interest or Total Combined Offset Position set forth in the chart below opposite the line showing the range including such member's Working Capital:

Position Limits

Working capital	Total combined net interest [1]	Total combined offset position [1]
$25,000,001 and over	21,000	25,000
20,000,001 to 25,000,000	14,000	18,000
15,000,001 to 20,000,000	12,500	15,000
10,000,001 to 15,000,000	11,500	13,000
9,000,001 to 10,000,000	10,000	10,000
8,000,001 to 9,000,000	9,000	9,000
7,000,001 to 8,000,000	8,000	8,000
6,000,001 to 7,000,000	7,000	7,000
5,000,001 to 6,000,000	6,000	6,000
4,000,001 to 5,000,000	5,000	5,000
3,000,001 to 4,000,000	4,000	4,000
2,000,001 to 3,000,000	3,000	3,000
1,000,000 to 2,000,000	2,000	2,000

[1] Subject to the limitation in these Rules on the number of contracts that may be held in any one commodity or any one delivery month of a futures contract.

For purposes of this paragraph (f), the Board, in its discretion, may treat as Working Capital an irrevocable letter of credit payable to the order of the Clearing Corporation, in a form and from a bank acceptable to the Clearing Corporation, and having an expiration date specified by the Clearing Corporation, subject to such other limitations on the use of such letters of credit as the Board, in its discretion, may establish in any particular case.

(iii) Any clearing member whose basic position limit is set at a level less than the maximum Total Combined Net Interest or Offset Position set forth in the chart above opposite the line showing the range including such member's working capital may file a written request with the Board for an increase of such limits, supporting such request with such evidence as the clearing member may desire. Thereupon, the Board of Directors, with or without a hearing as it may consider proper, shall take such action thereon as it may deem appropriate.

(g) Subject to the maximum position limits prescribed in paragraphs (a) through (e) of this Rule, a clearing member may exceed his basic position limit established pursuant to paragraph (f) of this Rule and have an expanded position limit up to, but not in excess of, the maximum Total Combined Net Interest or Total Combined Offset Position one level above such clearing member's basic position limit, as shown in the chart in paragraph (f) of this Rule, if such clearing member deposits with the Clearing Corporation (in addition to all other deposits for margins, fees and other charges which may be required) a position deposit for each Net Interest or Offset Position in excess of such clearing member's basic position limit, as follows:

(i) Such position deposit shall be an amount equal to 50 percent of the original margin required for each contract in excess of the position limit (at the highest margin rate prescribed from time to time by the Clearing Corporation for any commodity futures contract carried by such clearing member).

(ii) Such position deposits may be made in cash or such other form as may be approved by the Board for deposits of original margin pursuant to Rule 404.

(iii) Such position deposits shall be deposited in a margin account.

(iv) Such position deposits shall be returned to the clearing member, upon request, when such clearing member no longer carries futures contracts in excess of its basic position limit or, subject to Rule 302, when such clearing member ceases to be a clearing member (whether as a result of voluntary withdrawal or expulsion).

The Board may at any time limit the right of any or all clearing members to exceed their basic position limits by making position deposits under this Rule.

(h) For purposes of this Rule:

(i) A clearing member's Total Combined Net Interest shall be determined by computing the number of futures contracts constituting such member's Aggregate Net Interest in any commodity (whether long or short) and then adding such number of futures contracts to the number of futures contracts constituting the member's Aggregate Net Interest in every other commodity.

(ii) The Aggregate Net Interest of a clearing member in any commodity shall be the difference between the Total Net Interest for the proprietary account of such clearing member and the Total Net Interest for the customer account of such clearing member in such commodity: *Provided, however,* That if the Total Net Interest for the proprietary account and the Total Net Interest for the customer account are both either net long or net short, the Total Net Interest shall be computed by adding the the Total Net Interest for the proprietary account to the Total Net Interest for the customer account.

(iii) The Total Net Interest for the proprietary account of a clearing member shall be computed by combining the Net Interest in each

delivery month of a futures contract carried for the proprietary account, setting off long Net Interest against short Net Interests. The Total Net Interest for the customer account shall be computed by combining the Net Interest in each delivery month of a futures contract carried for the customer account, setting off long Net Interests against short Net Interests.

(iv) The Net Interest in any delivery month of a futures contract carried for the proprietary or the customer account of a clearing member shall be the difference between the total number of long futures contracts and the total number of short futures contracts for each such delivery month carried in such account by the clearing member.

(i) For purposes of this Rule:

(i) A clearing member's Total Combined Offset Position shall be determined by computing the number of futures contracts constituting such member's Offset Position in any commodity (whether long or short) and then adding such number of futures contracts to the number of futures contracts constituting the member's Offset Position in every other commodity.

(ii) The Offset Position of a clearing member in any commodity shall be the smaller of the Aggregate Net Long Position or the Aggregate Net Short Position of the clearing member in any commodity.

(A) The Aggregate Net Long Position of a clearing member in any commodity shall be computed by adding the Net Long Position, if any, carried in the proprietary account of the clearing member and the Net Long Position, if any, carried in the customer account of the clearing member.

(B) The Aggregate Net Short Position of a clearing member in any commodity shall be computed by adding the Net Short Position, if any, carried in the proprietary account of the clearing member and the Net Short Position, if any, carried in the customer account of the clearing member.

(iii) The Net Long Position carried in any account of a clearing member shall be computed by adding the net number of long contracts for all delivery months in each futures contract.

(iv) The Net Short Position carried in any account of a clearing member shall be computed by adding the net number of short contracts for all delivery months in each futures contract.

(v) The net number of long or short contracts in any delivery month of a futures contract shall be determined in accordance with Rule 404(a)(i).

(j) In the case of clearing members which are related organizations, compliance with the position limits shall be determined by combining the positions held by all of the organizations, as follows:

(i) For purposes of paragraphs (a) through (g) of this Rule, the terms Total Combined Net Interest, Total Combined Offset Position, Aggregate Net Interest, and Offset Position shall mean, respectively, the "Group Total Combined Net Interest," "Group Total Combined Offset Position," "Group Aggregate Net Interest," and "Group Offset Position."

(A) Group Total Combined Net Interest shall be computed by combining the Total Combined Net Interest of each clearing member in the group of related organizations, without netting long positions held by one organization against short positions held by another organization.

(B) Group Total Combined Offset Position shall be computed by combining the Total Combined Offset Position of each clearing member in the group of related organizations, without netting long positions held by one organization against short positions held by another organization.

(C) Group Aggregate Net Interest or Group Offset Position in any one commodity or any one delivery month shall be computed by combining the Aggregate Net Interest or Offset Position of each clearing member in the group of related organizations in such commodity or delivery month, without netting long positions held by one organization against short positions held by another organization.

(ii) For purposes of paragraph (f) of this Rule, the term Working Capital shall mean either:

(A) The Working Capital of the clearing member in the group of related organizations which has the least Working Capital; or

(B) the Working Capital of all of the clearing members in the group of related organizations combined, provided that each clearing member has executed a guarantee in a form prescribed by the Clearing Corporation.

(k) The Clearing Corporation may refuse to clear any futures contracts of any clearing member in excess of the position limits for such clearing member established pursuant to this Rule: *Provided, however,* That the Clearing Corporation may clear such excess contracts if an officer of the Clearing Corporation determines that such excess is insubstantial in amount and a written report of any such event is prepared in accordance with Rule 103(b); *And provided further,* That where any such excess contracts have been so cleared, the clearing member involved shall eliminate such excess on the next business day within such time as the Clearing Corporation may prescribe and shall report to the Clearing Corporation when such excess has been reduced.

Guaranty Fund

Rule 216 (a) The Clearing Corporation shall establish and maintain a Guaranty Fund. Each clearing member shall deposit and maintain in the Guaranty Fund an amount equal to the lesser of (i) 10 percent of the Working Capital of such clearing member as shown on its last financial statement filed with the Clearing Corporation pursuant to Rule 214(a), or (ii) five hundred thousand dollars ($500,000), and any additional amount the Board may from time to time prescribe.

(b) Such deposit shall be made in the form of (i) a check payable to the order of the Clearing Corporation, certified by a bank acceptable to the Clearing Corporation, or (ii) certificates of deposit issued by a clearing bank, in a form acceptable to the Clearing Corporation, for delivery to the order of the Clearing Corporation of United States Treasury bills or Treasury notes which have a face value equal to at least 110 percent of the required amount of the Guaranty Fund deposit and have not less than twelve nor more than fifteen months to maturity at the time such certificate of deposit is issued, or (iii) an irrevocable letter of credit payable to the order of the Clearing Corporation, in a form and from a bank acceptable to the Clearing Corporation, and having an expiration date specified by the Clearing Corporation, or (iv) such other form as may be approved by the Board; *Provided, however,* That each clearing member shall deposit at least twenty thousand dollars ($20,000) in the form of a check as provided in clause (i) above.

(c) Such deposits shall be held by the Clearing Corporation, or for its account by a bank, separate and apart from all other funds and securities held by the Clearing Corporation. The Clearing Corporation shall have the sole right to withdraw funds and sell or authorize the sale of securities held in each such bank account.

(d) The Clearing Corporation may draw against any letter of credit and may apply any funds and the proceeds from the sale of any securities held in the Guaranty Fund to the satisfaction of the obligations of any clearing member of the Clearing Corporation in accordance with the Rules. A clearing member's Guaranty Fund deposits shall be subject to claims made during the time such person is a clearing member and during a period of nine months

following the date on which such person ceases to be a clearing member on account of transactions made while such person is a clearing member, including amounts charged against the Guaranty Fund deposits of all clearing members as a consequence of any clearing member's default.

(e) Funds and securities held in the Guaranty Fund by or subject to the instructions of the Clearing Corporation shall, subject to the rights of the Clearing Corporation in respect thereof, remain the property of the respective clearing members depositing such funds and securities.

(f) The Clearing Corporation may invest cash in the Guaranty Fund in the following investments: securities issued or guaranteed as to principal and interest by the United States, repurchase agreements for securities issued by the United States, certificates of deposit, and time deposits or demand deposits of a bank or trust company organized under the laws of the United States or any state and having a combined capital and surplus of at least $100 million, and such other investments as may be authorized by the Board from time to time. Any interest or gain received or accrued, and any loss incurred, on the investment of such funds shall belong to the Clearing Corporation and not to the clearing members making deposits in the Guaranty Fund.

Protection of Clearing Corporation

Rule 302 (a) If a clearing member fails promptly to discharge any obligation to the Clearing Corporation, its margins on deposit with the Clearing Corporation, its deposit in the Guaranty Fund, its position deposit, and any of its other assets under the control of the Clearing Corporation shall be applied by the Clearing Corporation to discharge the obligation. If the failure to discharge the obligation involves a default in the customer account of the clearing member, all of such assets (whether held for the proprietary or customer account) shall be available to discharge the obligation. If such failure involves a default in the proprietary account of the clearing member, only that portion of such assets as are held for the proprietary account shall be available to discharge the obligation. The clearing member shall immediately make up any deficiencies in its margin, its deposits in the Guaranty Fund or its position deposits resulting from such application.

(b) If the margin, deposits in the Guaranty Fund, position deposits and other assets of the clearing member under the control of the Clearing Corporation are insufficient to satisfy all of the clearing member's obligations to the Clearing Corporation, and if the clearing member fails to pay the Clearing Corporation the amount of any such deficiency within one business day, the amount of deficiency shall be paid from the following sources of funds, each such source to be completely exhausted before the next following source is applied:

(i) First, such assets of a default contingency fund as may be eligible; (ii) Second, the Guaranty Fund deposit of each clearing member in equal shares; and

(iii) Third, such assets as may be available from assessments made against clearing members pursuant to paragraph (c) of this Rule.

Any amount so paid shall be deemed a loss to the Clearing Corporation and shall be a liability of the defaulting clearing member to the Clearing Corporation.

(c) Except as provided in paragraph (d) of this Rule, if there is a deficiency remaining after the Guaranty Fund has been exhausted as provided in paragraph (b) of this Rule, each clearing member (except the defaulting clearing member and any insolvent clearing member) shall be required, subject to the limitations in this Rule, to pay an assessment in an amount determined by the Board, in accordance with the following procedure:

(i) If such deficiency is attributable to futures contracts involving a particular commodity, each clearing member (except the defaulting clearing member and any insolvent clearing member) shall be required to pay an amount equal to the sum of (A) and (B) below:

(A) An amount equal to fifty percent of such remaining deficiency multiplied by a fraction, the numerator of which is the number of futures contracts involving that commodity cleared by such clearing member during the nine-month period preceding the default, and the denonimator of which is the number of futures contracts involving that commodity cleared during such nine-month period by all clearing members (excluding the defaulting clearing member and any insolvent clearing member).

(B) An amount equal to fifty percent of such remaining deficiency multiplied by a fraction, the numerator of which is the average daily gross open position of such clearing member in futures contracts involving that commodity on each day during the nine-month period preceding the default, and the denominator of which is the average daily gross open position of all clearing members in futures contracts involving that commodity on each day during such nine-month period (excluding the defaulting clearing member and any insolvent clearing member).

(ii) If such deficiency is attributable to futures contracts involving more than one commodity, each clearing member (except the defaulting clearing member and any insolvent clearing member) shall be required to pay an amount equal to the sum of (A) and (B) below:

(A) An amount equal to fifty percent of such remaining deficiency multiplied by a fraction, the numerator of which is the number of futures contracts involving any commodity cleared by such clearing member during the nine-month preceding the default, and the denominator of which is the number of futures contracts involving any commodity cleared during such nine-month period by all clearing members (excluding the defaulting clearing member and any insolvent clearing member).

(B) An amount equal to fifty percent of such remaining deficiency multiplied by a fraction, the numerator of which is the average daily gross open position of such clearing member in all futures contracts on each day during the nine-month period preceding the default, and the denominator of which is the average daily gross open position of all clearing members in all futures contracts on each day during such nine-month period (excluding the defaulting clearing member and any insolvent clearing member).

(iii) Notwithstanding paragraphs (i) and (ii) of this Rule, no clearing member shall be required to pay, as an assessement, any amount in excess of (A) 25 percent of such clearing member's Working Capital as shown on its last financial statement filed with the Clearing Corporation pursuant to Rule 214(a), or (B) ten million dollars ($10,000,000), whichever is less, during any period of ten consecutive business days (the "Maximum Assessement"). The difference, if any, between the amount that would be assessed against any clearing member pursuant to paragraph (i) or (ii) of this Rule and the Maximum Assessment for any such clearing member, shall be considered a deficiency and shall be assessed against clearing members (excluding the defaulting clearing member, any insolvent clearing member and any clearing member which has paid the Maximum Assessment) in accordance with paragraphs (i) or (ii) and this paragraph (iii) until the entire deficiency is paid or every clearing member (except the defaulting clearing member and any insolvent clearing member) has paid the Maximum Assessment, and any such assessment shall be considered part of a single assessment, without regard to the times when they are made, for purposes of determining the Maximum Assessment.

(iv) Notwithstanding paragraphs (i) and (ii) of this Rule and Rule 202(f)(iii), a clearing member which timely pays an assessment made pursuant to this

paragraph (c) and gives the Clearing Corporation written notice of withdrawal from membership within ten business days after such assessment is made shall not be subject to any further assessment after the date such notice is received by the Clearing Corporation, except that such clearing member shall continue to be liable for any assessment made pursuant to the second sentence of paragraph (iii) of this Rule, up to the Maximum Assessment.

(v) Any assessments made pursuant to this Rule shall be paid by each clearing member not more than one business day after written notice of any such assessment shall have been delivered to such clearing member.

(d) Notwithstanding paragraph (c) of this Rule, no clearing member shall be assessed if there would be a deficiency after all clearing members (excluding the defaulting clearing member and any insolvent clearing member) pay the Maximum Assessment.

(e) In the event it shall become necessary as provided in paragraph (b)(ii) of this Rule to apply all or part of the Guaranty Fund to meet any clearing member's obligations to the Clearing Corporation, each clearing member shall be liable to make good any deficit in its deposit upon demand by the Clearing Corporation.

(f) In the event that clearing members are assessed as provided in paragraph (c) of this Rule, any insolvent clearing member who has been excluded from the assessment shall nonetheless be liable to the Clearing Corporation for the amount of the assessment that otherwise would have been imposed on such clearing member.

(g) If a loss for which Guaranty Fund deposits have been applied or clearing members have been assessed is afterward recovered by the Clearing Corporation in whole or in part, the net amount of such recovery (after deducting legal fees and any other costs of collection incurred by the Clearing Corporation) shall be paid as follows:

(i) First, to clearing members who made payments to the Clearing Corporation pursuant to paragraphs (c) or (f) of this Rule, whether or not they are still clearing members, in proportion to the amounts so assessed, until all such clearing members shall have been repaid the full amount so assessed or the net amount of such recovery shall have been exhausted;

(ii) Second, to clearing members against whose Guaranty Fund deposits the deficiency was charged pursuant to paragraph (b)(ii) of this Rule, whether or not they are still clearing members, in proportion to the amounts charged against their respective deposits but limited to the amounts so charged; and

(iii) The balance, if any, to any purpose the Board, in its discretion, may approve.

(h) For the purpose of this Rule, the term "clearing members" shall include any person from whom the Clearing Corporation accepted a futures contract for clearance within the nine-month period preceding the date on which the defaulting clearing member's contracts were closed, whether or not such person is a member of the Clearing Corporation at the time of the default or at the time when this Rule is applied to pay deficiencies or to allocate amounts recovered pursuant to paragraph (g) of this Rule.

* * * * *

In light of its responsibilities under sections 5a(12) and 15 of the Act,[1] the Commission invites comments from interested persons concerning the Corporation's proposed financial protection rules. Comments should be directed to whether the Corporation's proposed rules comply with the provisions of the Act and the Commission's regulations thereunder and should address specifically the manner in which these proposals would, or would not, further the public interest objectives and purposes of the act. The Commission also is soliciting comments on whether the proposals would represent the least anticompetitive means for the Corporation to achieve its objectives, and, if not, what other means the Corporation could employ to achieve its desired results. To the extent possible, comments should be supported by appropriate economic data and statistical or factual analysis which will demonstrate the effect of the Corporation's proposed rules on the business or financial operations of the commentator.

Interested persons should send written data, views or arguments on the rules proposed by the Corporation to Ms. Jane K. Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by July 20, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Finally, other materials submitted by the CSC Clearing in support of its rule proposals may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953–4 (April 22, 1980)), except to the extent they may be entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Issued in Washington, D.C., on May 13, 1981.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 81-14811 Filed 5-18-81; 8:45 am]
BILLING CODE 6351-01-M

[1] Pursuant to section 5a(12) of the Act, 7 U.S.C. 7a(12) (Supp. III 1979), the Commission is authorized to approve only those contract market rules which are "not in violation of the provisions of this Act or the regulations of the Commission."

Section 15 of the Act, 7 U.S.C. 19 (1979), directs the Commission "to take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of this Act, as well as the policies and purposes of this Act, in * * * approving any bylaw, rule, or regulation of a contract market * * *"

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; Amendments and Deletions of Systems of Records

AGENCY: Department of the Navy (DON).

ACTION: Amendment of two systems and deletion of five systems of records notices.

SUMMARY: The Department of the Navy is amending two notices and deleting five notices of systems of records from its inventory of systems of records subject to the Privacy Act of 1974, Title 5 U.S. Code 552a (Pub. L. 93–579).

DATES: The proposed actions will be effective without further notice on June 18, 1981, unless comments are received which would result in a contrary determination.

ADDRESS: Any comments, to include written data, views or arguments concerning the actions proposed should be addressed to the systems managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP–09B1P), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone: 202/694–2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act have been published in the Federal Register at:

FR Doc. 81-697 (46 FR 6666) January 21, 1981
FR Doc. 81-3277 (46 FR 9693) January 28, 1981
FR Doc. 81-10892 (46 FR 21226) April 9, 1981
FR Doc. 81-13008 (46 FR 25337) May 6, 1981

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.
May 13, 1981.

Department of the Navy—Deletions

N00011 J01

System name:

Administrative Personnel Management System (46 FR 6699), January 21, 1981

Reason:

This system has been consolidated with system #N00011 J09.

N00022CIVPERSADMSYS

System name:

Civilian Personnel Administrative Services Record System (46 FR 6731), January 21, 1981

Reason:

This system has been consolidated with system #N00011 J09.

N00063NC09PS

System name:

Personnel Information System (46 FR 6756) January 21, 1981

Reason:

This system has been discontinued.

N65872A14102

System name:

Project Analysis and Control System (PAC) (46 FR 6791) January 21, 1981

Reason:

This system has been discontinued.

N30460 (STUDENT)

System name:

Legal Diary (46 FR 6768) January 21, 1981

Reason:

This system has been discontinued.

Amendments

N00011 J09

System name:

Administrative Civilian Personnel Management System (46 FR 6702) January 21, 1981

Changes:

System name:

Delete the second word "* * *Civilian* * *"

System location:

At the end of the entry, add the following sentence: "Official mailing addresses are in the Navy's Address Directory in the appendix to the Navy Department's systems notices appearing in the **Federal Register**".

Categories of individuals covered by the system:

Delete the entire entry and substitute with the following: "All Civilian, (including former members and applicants for civilian employment), military and contract employees".

Categories of records in the system:

Delete the entire entry and substitute with the following: "Correspondence/records concerning identification, location, routine and emergency assignments, functional responsibilities, clearance, educational and experience characteristics, travel, retention group, vehicle parking, disaster control, community relations, (blood donor, etc.), employee recreation programs, grade and series or rank/rate, retirement category, awards, property custody, personnel actions/dates, violation of rules, physical handicaps and health data, veterans preference, mutual aid association memberships, union memberships, qualifications, and other data needed for personnel, line and security management, as appropriate."

Authority for maintenance of the system:

Delete entire entry and substitute with the following: "10 U.S.C., Section 5031"

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete the entire entry and substitute with the following: "Officials and employees of the Department of the Navy in the performance of their duties relating to the management, supervision and administration of all Navy civilian and military personnel such as preparing rosters/locators; contacting appropriate personnel in emergencies; training; determining clearance for access control; controlling the budget; travel claims; manpower and grades; maintaining statistics for minorities; employment; labor costing; watch bill preparation; projection of retirement losses; verifying employment to requesting banking; rental and credit organizations; name change location; checklist prior to leaving activity; payment of mutual aid benefits; and similar administrative uses requiring personnel data. Arbitrators and hearing examiners in civilian personnel matters relating to civilian grievances and appeals. Officials and employees of the Office of Personnel Management concerning information on civilian pay, leave, benefits, retirement deductions, and any other information necessary to carry out its legally authorized functions and studies.

Safeguards:

Delete the entire entry and substitute with the following: "Password controlled system, file, and element access based on predefined need to know. Physical access to terminals, terminal rooms, buildings and activities' grounds are controlled by locked terminals and rooms, guards, personnel screening and visitor registers".

Record source categories:

After the last word in the entry, add the following phrase: "* * * duty officer, investigators, OPM officials, and/or members of the American Red Cross".

N0001310

System name:

Physical Disability Evaluation Proceedings (46 FR 6718) January 21, 1981.

Changes:

Storage:

Add to the end of the entry, the following phrase: "* * * Office of Naval Disability Evaluation * * *" and substitute with the following: "* * * Disability Evaluation System, Naval Council of Personnel Boards * * *".

N00011 J00

SYSTEM NAME:

Administrative Personnel Management System.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy as indicated in the directory of Department of the Navy activities. Official mailing addresses are in the Navy's Address Directory in the appendix to the Navy Department's systems notices appearing in the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All civilian (including former members and applicants for civilian employment), military and contract employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence/records concerning identification, location, routine and emergency assignments, functional responsibilities, clearance, educational and experience characteristics, travel,

retention group, vehicle parking, disaster control, community relations (blood donor, etc.), employee recreation programs, grade and series or rank/rate retirement category, awards, property custody, personnel actions/dates, violation of rules, physical handicaps and health data, veterans preference, mutual aid association memberships, union memberships, qualifications, and other data needed for personnel, line and security management, as appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Section 5031.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their duties relating to the management, supervision and administration of all Navy civilian and military personnel such as preparing rosters/locators; contacting appropriate personnel in emergencies; training; determining clearance for access control; controlling the budget; travel claims; manpower and grades; maintaining statistics for minorities; employment; labor costing, watch bill preparation; projection of retirement losses; verifying employment to requesting banking, rental and credit organizations; name change location; checklist prior to leaving activity; payment of mutual aid benefits; and similar administrative uses requiring personnel data. Arbitrators and hearing examiners in civilian personnel matters relating to civilian grievances and appeals. Officials and employees of the Office of Personnel Management concerning information on civilian pay, leave, benefits, retirement deductions, and any other information necessary to carry out its legally authorized functions and studies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, card files, and/or punched cards, magnetic tape, magnetic disc.

RETRIEVABILITY:

Name, SSAN, case number, organization.

SAFEGUARDS:

Password controlled system, file, and element access based on predefined need to know. Physical access to terminals, terminal rooms, buildings and activities' grounds are controlled by locked terminals and rooms, guards, personnel screening and visitor registers.

RETENTION AND DISPOSAL:

Per SECNAV Records Disposal Manual.

SYSTEM MANAGER(S) AND ADDRESS:

Commanding Officer of the activity in question. See directory of Department of the Navy mailing addresses.

NOTIFICATION PROCEDURES:

Apply to system manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individual, employment papers, other records of the organization, official personnel jackets, supervisors, official travel orders, educational institutions, applications, duty officer, investigators, OPM officials, and/or members of the American Red Cross.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

N0001310

SYSTEM NAME:

Physical Disability Evaluation Proceedings

SYSTEM LOCATION:

Director, Naval Council of Personnel Boards, 801 North Randolph Street, Arlington, Virginia 22203

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy and Marine Corps personnel who have been considered by a Physical Evaluation Board for separation or retirement by reason of physical disability (including those found fit for duty by such boards).

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains medical board reports; statements of findings of physical evaluation boards; medical reports from Veterans Administration and civilian medical facilities; copies of military health records; copies of JAG Manual investigations; copies of prior actions taken in the case; transcripts of physical evaluation board hearings; rebuttals submitted by the party; intra- and interagency correspondence concerning the case; correspondence from and to the party, members of Congress, attorneys, and other interested parties; and documents concerning the appointement of trustees for mentally incompentent service members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1216 and 10 U.S.C. 5148

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of the Navy—Used by personnel in the performance of their official duties to determine fitness for duty or eligibility for separation or retirement due to physical disability of Navy and Marine Corps personnel, by establishing the existence of disability, the degree of disability, and the circumstances under which the disability was incurred.

Veterans Administration—To verify information of service connected disabilities in order to evaluate applications for veteran's benefits.

Office of the Judge Advocate General—Used by personnel in the performance of their official duties relating to legal review of disability evaluation proceedings; response to official inquiries concerning the disability evaluation proceedings of particular service personnel; to obtain information in order to initiate claims against third parties for recovery of medical expenses under the Medical Care Recovery Act (42 U.S.C. 2651–53); and to obtain information on personnel determined to be mentally incompetent to handle their own financial affairs, in order to appoint trustees to receive their retired pay. In addition, the information may be furnished to other components of the Department of Defense.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and microfiche.

RETRIEVABILITY:

Filed by year of initial disability processing, and alphabetically by name within that year. Veterans' Administration to verify information of service connected disabilities in order to evaluate applications for veterans' benefits.

SAFEGUARDS:

Files are maintained in file cabinets or other storage devices under the control

of authorized personnel during working hours; the office space in which the file cabinets and storage devices are located is locked outside official working hours.

RETENTION AND DISPOSAL:

Records are permanent. They are retained by the Naval Council of Personnel Boards for six years. After that time, they are sent to the Federal Records Center, Suitland, Maryland.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, 801 North Randolph Street, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

Information may be obtained from the Naval Council of Personnel Boards, 801 North Randolph Street, Arlington, Virginia 22203.

Written requests for information should contain the full name of the individual, military grade or rate, and date of birth. Written request must be signed by the requesting individual.

For personal visits, the individual should be able to provide some acceptable identification, such as a military identification card (active duty or retired) or a driver's license.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Director, Naval Council of Personnel Boards, 801 North Randolph Street, Arlington, Virginia 22203.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Military medical boards and medical facilities; Veterans Administration and civilian medical facilities; Physical Evaluation Boards and other activities of the Disability Evaluation System, Naval Council of Personnel Boards; the Bureau of Medicine and Surgery; the Fiduciary Affairs Section; Navy and Marine Corps local command activities; other activities of the Department of Defense; and correspondence from private counsel and other interested persons.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-14676 Filed 5-18-81; 8:45 am]
BILLING CODE 3810-71-M

Office of the Secretary

Defense Science Board Task Force on EW; Advisory Committee Meeting

The Defense Science Board Task Force on EW will meet in closed session 9 June 1981 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board Task Force is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of the electromagnetically controlled weapons employed or projected for employment by potentially hostile forces and identify electronic warfare countermeasures that might be of significant help if the Department of Defense were required to counter those forces.

In accordance with 5 U.S.C. App. I § 10(d) (1976), it has been determined that the Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.
May 13, 1981.

[FR Doc. 81-14677 Filed 5-18-81; 8:45 am]
BILLING CODE 3810-70-M

Privacy Act 1974; Deletion of Six Systems Notices

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletion of six systems notices.

SUMMARY: The Office of the Secretary of Defense proposes to delete the system notices for six systems of records: DWHS P17, "Assignment Folders"; DWHS P19, "General/Flag Officer Files"; DWHS P21, "Duty Status Cards"; DWHS P22, "General/Flag Officer Roster"; DWHS P23, "Roster of Military Personnel"; and DWHS P36, "Award Records for Military SecDef Personnel", subject to the Privacy Act of 1974. It has been determined that these systems of records are adequately covered under Army's system A0708.02DAPC, Navy's systems N00022ENLMAUSTSYS and N000220FFMAUSTSYS, Air Force's F01101DPXJB, and Marine Corps systems MMN00006 and MIS00001.

DATES: These deletions shall be effective June 18, 1981.

ADDRESS: Send any comments to the System Managers identified in the system notices (44 FR 74068) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Public Law 93-579 were published in the Federal Register.

FR Doc. 81-807 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 18, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7507 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 18, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981
FR Doc. 81-12892 (46 FR 23967) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981

M.S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.
May 13, 1981.

[FR Doc. 81-14678 Filed 5-18-81; 8:45 am]
BILLING CODE 3810-70-M

Privacy Act of 1974; Deletions of Six Systems Notices

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletion of six systems notices.

SUMMARY: The Office of the Secretary of Defense proposes to delete the system notices for six systems of records: DWHS P03, "DoD Program for Stability of Civilian Employment"; DWHS P05, "Roster of When Actually Employed Employees"; DWHS P08, "DoD-Wide Civilian Career Program for Comptroller/Financial Management Personnel"; DWHS P07, "Incentive Awards Records"; DWHS P13, "Management Intern File"; and DWHS P34, "Non-Career Personnel Job Files", subject to the Privacy Act of 1974. Records systems DWHS P08, DWHS P07, DWHS P13, and DWHS P34 are adequately covered by OPM/GOVT-1 system of records. DWHS P03 is adequately covered by DMRA&L 06, and DWHS is no longer being maintained.

DATES: These deletions shall be effective June 18, 1981.

ADDRESS: Send any comments to the System Manager identified in the system notice (44 FR 74068) December 17, 1979.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A) Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Pub. L. 93-579 were published in the Federal Register.

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 16, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22832) April 20, 1981

M. S. Healy,

OSD Federal Register Liaision Officer, Washington Headquarters Services, Department of Defense.

May 13, 1981.

[FR Doc. 81-14875 Filed 5-18-81; 8:45 am]

BILLING CODE 3810-70-M

DELAWARE RIVER BASIN COMMISSION

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, May 27, 1981, commencing at 1:30 p.m. The hearing will be a part of the Commission's regular May business meeting which is open to the public. Both the hearing and the meeting will be held in the Goddard Conference Room at the Commission's offices, 25 State Police Drive, West Trenton, New Jersey. The subject of the hearing will be applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to Section 3.8 of the Compact.

1. *Schwenksville Borough Authority (D-78-33 CP Revised).* A well water supply project to provide an emergency source of water to the system serving the Borough of Schwenksville and portions of Lower Frederick and Perkiomen Townships, Montgomery County, Pa. Interim approval to use this new well was granted by the Commission in May 1978. High dissolved solids prevail and the well water supply must be restricted to emergency use. Designated as Well No. 6, the new facility is designed to yield 280,000 gallons per day.

2. *Pennsgrove Water Supply Company (D-81-19 CP).* A well water supply project to augment public water supplies in the Company's service area in Carneys Point Township, Salem County, N.J. Designated as Well No. 4, the new facility has a capacity of 860,000 gallons per day and will supplement existing supplies to Penns Grove Borough and Carneys Point and Oldmans Townships.

3. *Palmer Water Company (D-81-24 CP).* A well water supply project to augment public water supplies in Palmerton Borough and portions of Lower Towamensing Township, Carbon County, Pa. Designated as Well A, the existing facility will be utilized as a replacement well. The well has a capacity of 430,000 gallons per day.

4. *Village of Jeffersonville (D-80-85 CP).* A sewage collection system and treatment plant to serve the Village of Jeffersonville, Sullivan County, New York. The treatment plant will be located in the Town of Delaware. The project is designed to remove 85% of BOD from a sewage flow of 120,000 gallons per day. Treated effluent will discharge to East Branch Callicoon Creek.

5. *City of Woodbury Water Department (D-80-62 CP).* A well water supply project in Woodbury, Gloucester County, N.J. The well, with a capacity of 1.44 million gallons a day, would replace an existing well and provide increased pressure in the northern section of the City.

6. *Three-O-Nine Investments, Inc. (D-80-79).* A sewage treatment plant serving the mobile home park known as Melody Lakes Country Club Estates in Richland Township, Bucks County, Pa. The existing facility provides removal of 97% of BOD from a sewage flow of 75,000 gallons per day. Treated effluent discharges to an unnamed tributary of Tohickon Creek.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the date of the hearing.

W. Brinton Whitall,

Secretary.

May 13, 1981.

[FR Doc. 81-14916 Filed 5-18-81; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Adult Education; Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: June 17, 1981, 6:00 p.m. to 10:00 p.m., Executive Committee meeting; June 18, 1981, 9:00 a.m. to 12:00 noon, full Council meeting; 1:30 p.m. to 6:00 p.m., joint meeting with State directors of adult education; June 19, 1981, 9:00 a.m. to 2:00 p.m., full Council meeting.

ADDRESSES: The Hotel Washington, 15th & Pennsylvania Ave., N.W., Washington, D.C., Executive Committee and Council meetings. Imprial 400 Motor Inn, 2201 Arlington Blvd., Arlington, Va., joint meeting with State directors of adult education.

FOR FURTHER INFORMATION CONTACT: Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th St., N.W., Washington, D.C. 20004, (202/376-8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is established to:

Advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council is open to the public. The proposed agenda includes: Joint Meeting with State Directors; Reauthorization Hearings; Block Grants and Consolidation; Federal

Appropriations; Presidential Reports; Council Budget; Election of Officers.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 425 13th St., N.W., Suite 323, Washington, D.C. 20004.

Signed at Washington, D.C. on May 14, 1981.

Gary A. Eyre,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 81-14660 Filed 5-18-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Intent To Prepare an Environmental Impact Statement on the Flathead Valley Reinforcement 230-kV Transmission Project

The Bonneville Power Administration (BPA) hereby gives notice of its intent to prepare and consider an environmental impact statement (EIS) on a proposal to reinforce the electrical transmission system serving northwest Montana. The draft EIS is tentatively planned for completion in August 1982.

BPA proposes to construct a 230-kV double-circuit transmission line and associated facilities to provide support for the existing transmission system in the upper Flathead Valley. There are three possible construction plans ranging from 57 to 85 miles in length. Possible alternatives to the proposed action are local electrical generation, conservation, and no action.

Scoping for this EIS will involve consultation with: (1) Flathead Electric Cooperative, Lincoln Electric Cooperative, Pacific Power & Light Company, Montana Power Company, and the Anaconda Aluminum Company; (2) affected Federal, State, regional, and local agencies; (3) landowners and environmental organizations; and (4) the Flathead Indian Tribe. BPA will also hold public scoping meetings June 16, 1981, in Polson, Montana, at the Lake County Courthouse; June 17, 1981, in Kalispell, Montana, at The Outlaw Inn; and June 18, 1981, in Columbia Falls, Montana, at the City Council Chambers. The meetings will begin at 7:30 p.m.

Those desiring further information or wishing to submit written comments on the scope of the environmental impact statement should address their correspondence to John E. Kiley, Environmental Manager, Bonneville Power Administration, P.O. Box 3621-SJ, Portland, Oregon 97208.

Dated: May 12, 1981.

M. Klinger,

Acting Administrator.

[FR Doc. 81-14661 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

T-C Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: May 6, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461, Telephone Number (202) 653-3517.

SUPPLEMENTARY INFORMATION: On July 10, 1979, the Office of Enforcement of the ERA published notification in the Federal Register that it executed a Consent Order with T-C Oil Company (TCO) of San Antonio, Texas on July 6, 1979, 44 FR 40378 (1979).[1] Interested persons were invited to submit comments concerning the terms, conditions or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by TCO pursuant to the Consent Order were requested to submit notice or their claims to the ERA.

One comment was received which criticized the special refund procedures. These arguments were previously answered in the Preamble to Subpart V, 44 FR 8562 (1979). The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, TCO refunded the sum of $395,000 by certified check made payable to the United States Department of Energy on August 31, 1979. This sum has been placed into a suitable account pending determination of its proper distribution.

The follwing person submitted a claim to the ERA: Exxon Company, U.S.A.

ACTION TAKEN: The ERA is unable readily to identify the persons entitled to receive the $395,000 or ascertain the amounts of refunds that such persons are entitled to receive. The ERA, therefore, has petitioned the Office of Hearings and Appeals (OHA) on May 6, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, DC on the 13th day of May, 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-14663 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-01-M

[1] The Federal Register Notice incorrectly states that the Consent Order was executed on June 25, 1979. The correct date is July 6, 1979.

Consolidated Edison Company of New York, et al.; Powerplant and Industrial Fuel Use Act Issuance of an Order Granting Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that on May 7, 1981, it extended the duration, until December 31, 1983, of previously issued orders granting temporary public interest exemptions pursuant to the authorities granted it by section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA or the Act) and the implementing regulations (10 CFR 501.68 and 10 CFR Part 508) from the prohibitions of section 301(a)(2) and (3) of the Act to the following powerplants in order to displace low sulfur residual fuel oil:

Docket number	Petitioner	Generating station	Powerplant identification number
50653-2491-01-41	Consolidated Edison Company of New York	Astoria	1
50653-2491-02-41			2
50653-2491-03-41			3
50653-2491-04-41			4
50653-2491-05-41			6
50653-2500-01-41		Ravenswood	1
50653-2500-02-41			2

Docket number	Petitioner	Generating station	Powerplant identification number
50653-2500-03-41			3
50653-2493-05-41		East River	5
50653-2493-06-41			6
50653-2493-07-41			7
50653-2502-04-41		Waterside	4
50653-2502-05-41			5
50653-2502-06-41			6
51685-2513-04-41	Long Island Lighting Company	Far Rockaway	4
50490-6190-01-41	Central Louisiana Electric Company	Rodemacher	1

The Order is set forth following this Notice and has been sent by certified mail to the Petitioners.

Petitions were received and filed with ERA, pursuant to 10 CFR Part 508 (Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230) for temporary public interest exemptions for the use of natural gas as a primary energy source. The original Orders granting the exemptions were issued on August 7, 1979 (44 FR 47398, August 13, 1979). A notice of the petitions and proposed order extending the duration of these temporary exemptions were issued on December 30, 1980, and published in the January 5, 1981, **Federal Register** (46 FR 1017). This presented an opportunity for public comments and for interested persons to request a hearing relating to extending the duration of these exemptions for a period of 3 years, from December 31, 1980, to December 31, 1983. No comments or requests for public hearings were received.

These temporary exemptions will allow the above-named units to burn natural gas, notwithstanding the prohibitions of section 301(a)(2) and (3) of FUA, to displace fuel oil.

Supplementary Information

On April 9, 1979, ERA issued a final rule implementing the authority granted to DOE by section 311(e) of FUA. This final rule, set forth in 10 CFR Part 508, establishes the policy ERA has adopted in implementing its authority under section 311(e) of FUA. Pursuant to section 311(e) of FUA and 10 CFR Part 508, the above listed petitioners filed for temporary public interest exemptions. Notices of the petitions and the proposed orders granting the temporary exemptions were published in the **Federal Register** on May 11 and June 1, 1979 (44 FR 27668 and 44 FR 31677). The Orders were issued on August 7, 1979, and noticed at 44 FR 47398, August 13, 1979. The previously issued temporary exemptions allowed the above-listed electric powerplants to use natural gas as a primary energy source in excess of the amounts which are permitted by section 301(a)(2) and (3) of FUA. The natural gas use permitted by these temporary exemptions is displacing low sulfur residual fuel.

To the extent that the *near-term* choice of fuels for existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred. The expanded use of natural gas in these powerplants will be a significant step toward reducing the Nation's oil consumption in the short term. This increased use of natural gas will help the United States meet its international commitments to reduce its demand for imported petroleum products, protect the Nation from the effects of oil shortages, and cushion the impact of increasing world oil prices, which have had a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that this increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency. This is in keeping with purposes of FUA and is in the public interest.

The previously issued orders were granted until December 31, 1980. The orders had a provision that the exemption will be automatically extended for an additional three-year period upon the written acceptance by ERA of a system-wide fuel conservation plan submitted pursuant to the third term and condition of the order. ERA has received and accepted system-wide fuel conservation plans from the above-listed owners/operators.

Since the increased use of natural gas for oil displacement is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have submitted acceptable system-wide fuel conservation plans, ERA has extended the exemptions until December 31, 1983.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-4288.

Decision and Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order extending the duration of previously issued temporary public interest exemptions from the prohibitions of section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA or the Act), pursuant to section 311(e) of FUA, and the implementing regulations (10 CFR 501.68 and 10 CFR Part 508) to the following powerplants:

Docket number	Petitioner	Generating station	Powerplant identification number	As extended maximum duration date
50653-2491-01-41	Consolidated Edison Company of New York.	Astoria	1	12-31-83
50653-2491-02-41			2	
50653-2491-03-41			3	
50653-2491-04-41			4	
50653-2491-05-41			5	
50653-2500-01-41		Ravenswood	1	12-31-83
50653-2500-02-41			2	
50653-2500-03-41			3	
50653-2493-05-41		East River	5	12-31-83
			6	
			7	
50653-2502-04-41		Waterside	4	12-31-83
50653-2502-05-41			5	
50653-2502-06-41			6	
51685-2513-04-41	Long Island Lighting Company	Far Rockaway	4	12-31-83
50490-6190-01-41	Central Louisiana Electric Company	Rodemacher	1	12-31-83

Duration of Temporary Exemptions

ERA extends the duration of these temporary public interest exemptions to December 31, 1983; however, the temporary exemptions are subject to termination upon six months written

notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following its publication in the Federal Register in accordance with section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by the exempted powerplants during the pendency period prior to the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to the authority of section 314 of FUA and 10 CFR 508.6, the termporary exemptions extended under this Decision and Order are conditioned upon, and shall remain in effect so long as each petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for each six-month period during which the petition was pending, or in effect, the actual monthly volumes of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1981, a report on progress achieved in implementing the pertinent fuel conservation plan.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C., on May 7, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-14827 Filed 5-18-81; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4442-000]

Capital Development Co.; Application for Preliminary Permit

May 13, 1981.

Take notice that Capital Development Company (Applicant) filed on March 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4442 to be known as Illabot Creek Project located on Illabot Creek in Skagit County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert L. Blume, President, Capital Development Company, #4 South Sound Center, P.O. Box 3487, Lacey, Washington 98503. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 10-foot high overflow concrete diversion dam; (2) an intake structure; (3) a 4-mile long covered canal; (4) a one-mile long steel penstock; (5) a powerhouse containing one generating unit rated at 28 MW; and (6) a one-mile long transmission line.

The Applicant estimates that the average annual energy output would be 111 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Seattle City Light Department.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, feasibility, and environmental studies, consult with agencies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $225,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4442. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory

Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14883 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4328-000]

City of Beatrice, Nebr.; Application for Preliminary Permit

May 14, 1981.

Take notice that City of Beatrice, Nebraska (Applicant) submitted on March 12, 1981, an application for prliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4328 to be known as Paper Mill Dam Power Project located on the Big Blue River in Gage County, Nebraska. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jim Bauer, General Manager, Board of Public Works, P.O. Box 279, Beatrice, Nebraska 68310. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed 12-foot high and 150-foot long earth filled dam to be constructed on an existing dam foundation; (2) a proposed reservoir with a nominal surface elevation of 1,232 feet, a 5 acre surface area and a 3,900 square mile drainage area; (3) a proposed powerhouse containing generating units having an installed capacity of 500 kW; (4) an existing 4.6-kV transmission line to be interconnected with an existing 12.5-kV transmission line passing within ½ mile of the project; and (5) appurtenant facilities. The proposed Project No. 4328 is not located on Federal lands. The Applicant estimates that the average annual energy output would be 2,500,000 kWh.

Purpose of Project—The Applicant proposes to utilize electric energy generated within the municipality to reduce their dependence on purchased energy.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantative issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 2, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 31, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 2, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4328. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14884 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4344-000]

City of Cedar Rapids; Application for Preliminary Permit

May 14, 1981.

Take notice that the City of Cedar Rapids (Applicant) submitted on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4344 to be known as the Five-In-One Dam located on the Cedar River in Linn County, Cedar Rapids, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Michael E. Ament, P.E., Shive-Hattery and Associates, P.O. Box 1803, 600 First Street N.W., Cedar Rapids, Iowa 52406. Any person who wishes to

file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 19.8-foot high and 880-foot long concrete dam consisting of four 16-foot high by 62-foot wide tainter gates and six 15-foot high by 60-foot wide liftgates; (2) an existing reservoir with a 367 acre surface area, a 3,100 acre-foot storage area, a 717.4 m.s.l. normal pool, and a 6,150 square-mile drainage area; (3) a proposed channel and headrace; (4) a proposed powerhouse, substructure, and superstructure containing generating units having an installed capacity of 3 MW; (5) a proposed tailrace channel leading to the powerhouse and discharged back to the Cedar River; (6) a proposed transmission line owned by Iowa Electric Light and Power Company to be interconnected to an existing 34.5-kV transmission line, 0.4 mile from the project site; and (7) appurtenant facilities. The proposed project is not located on Federal lands.

Purpose of Project—The Applicant proposes to sell the generated output of energy to the Iowa Electric Light and Power Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 2, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 31, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 2, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4344. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14605 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-43-000]

Navajo Refining Co.; Termination of Proceeding

May 13, 1981.

On April 13, 1981, Navajo Refining Company filed, pursuant to § 1.11(d) of the Commission's Rules of Practice and Procedure,[1] a notice of withdrawal of its petition for review of an order issued by the Secretary of Energy partially denying Navajo exception relief from § 211.67 of the Mandatory Petroleum Allocation Regulations. Navajo made its withdrawal subject to the preservation of its right to have the Commission decide in future proceedings certain issues which Navajo raised in this proceeding but which are now moot because of the withdrawal.

Since no hearing had been held or convened in this proceeding, withdrawal of Navajo's petition for review will become effective as of May 13, 1981, thus terminating this proceeding. Termination of this proceeding by Navajo's withdrawal of its petition for review does not, of course, constitute a determination by the Commission of any issue Navajo raised in that petition for review.

Under § 1.40(c) of the Commission's rules, Navajo requested the nondisclosure of financial information contained in certain filings with the Commission in this docket. Since the Commission has decided not to retain documents for which nondisclosure was requested in cases it does not decide on the merits,[2] Navajo's request for nondisclosure is moot and need not be decided by the Commission.

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[1] 18 CFR 1.11(d), which section is applicable to this proceeding pursuant to § 1.40(a)(2)(vi) of the Commission's regulations.

[2] See *Ron's Shell Station, Inc.*, Docket No. RA80-1, *et al.*, Order Dismissing Petitions for Review and Requests for Confidential Treatment of Documents, issued May 7, 1981.

By direction of the Commission.
Kenneth F. Plumb,
Secretary.
[FR Doc. 81-14656 Filed 5-18-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4459-000]

City of Marseilles, Ill.; Application for Preliminary Permit

May 14, 1981.

Take notice that the City of Marseilles (Applicant) filed on April 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791 (a)–825(r)] for proposed Project No. 4459 to be known as Marseilles Dam located on Illinois River in La Salle County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael A. Etscheid, City Engineer, City of Marseilles, 209 Lincoln Street, Marseilles, Illinois 61341. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse located northeast of the existing lock. The generating units would be installed at the main river dam and adjacent to the navigation lock. Four generators are proposed, each rated at 2.65 MW, for a total installed capacity of 10.6 MW; (2) proposed transmission lines; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located partly on U.S. lands. The Applicant estimates that the average annual energy output would be 60,700,000 kWh.

Purpose of Project—Energy produced at the project would be sold to Illinois Power Company, or used by the Applicant within their corporate limits.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months to study the feasibility of the project for industrial redevelopment, creation of new jobs, increased tax base, and improved public services. In addition, the engineering, environmental, and socio-institutional aspects of the project would be studied, along with consulting Federal, State, and local government agencies concerning the environmental effects of the project. Applicant estimates the cost of the studies would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Incorporated Project No. 3594 filed on October 22, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4459. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.
[FR Doc. 81-14658 Filed 5-18-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4279-000]

Energenics Systems, Inc.; Application for Preliminary Permit

May 14, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on March 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4279 to be known as Mississippi River Lock and Dam No. 14 located on Mississippi River in Scott County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice shold read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the south end of the existing dam, containing generating units having a total installed capacity of approximately 15 MW; (2) proposed penstocks and intake structures; (3) proposed transmission lines; and (4) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located on U.S. lands. The Applicant estimates that the average annual energy output would be 129,000 MWh.

Purpose of Project—Energy produced at the project would be sold to Iowa-Illinois Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time studies would be conducted to determine the engineering, economic, and environmental feasibility of the project, along with preparing an application for FERC license, and to develp preliminary and final designs of the project. In addition, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project. Applicant estimates the cost of the studies would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc. Project No. 3597 filed on October 22, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4279. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14697 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4231-000 and Project No. 4477-000]

Energenics Systems, Inc., Springfield Utility Board; Application for Preliminary Permit

May 13, 1981.

Take notice that Energenics Systems, Inc. and Springfield Utility Board (Applicants) filed on February 23, and April 3, 1981, competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Projects Nos. 4231 and 4477 respectively to be known as the Fern Ridge Project located on the Long Tom River in Lane County, Oregon. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009 and Mr. Steve L. Loveland, Springfield Utility Board, 250 North "A" Street, P.O. Box 300, Springfield, Oregon 97477. Any person who wishes to file a response to this notice should read the entire notice, must comply with the requirements specified for the particular kind of response that person wishes to file, and must indicate which application is being addressed.

Project Description—The proposed project would consist of: (1) a penstock joining the existing outlet structure to the Corps of Engineers' Fern Ridge Dam; (2) a powerhouse; and (3) associated electrical and transmission equipment. Project No. 4231 would have an estimated capacity of 3.6 MW and an average annual energy output of 6.040 MWh. Project No. 4477 would have an estimated capacity of 2.5 MW and an average annual energy output of 9,000 MWh.

Purpose of Project—Energy generated by Project No. 4231 would be sold. Energy generated by Project No. 4477 would be sold or used by the Springfield Utility Board.

Proposed Scope and Cost of Studies Under Permit—Applicants would conduct detailed studies to determine the technical, economic, financial, and environmental feasibility of the proposed project. The proposed studies and preparation of an application for license is estimated by Applicants to cost $35,000 for Project No. 4231 and $80,000 for Project No. 4477.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (A copy of the applications may be obtained directly from the Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—These applications were filed as competing applications to Cascade Waterpower Development Corporation's Project No.

3380 filed on August 25, 1980, and Blachy-Lane County Cooperative Electric Association's Project No. 3406 filed on August 27, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 16, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of applications for preliminary permit for Projects Nos. 4231 and 4477. Any comments, protests or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must must also be served upon each representative of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14668 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI81-29-001 et al.]

General American Oil Co. of Texas, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

May 12, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
CI81-29-001, Apr. 21, 1981	General American Oil Company of Texas Meadows Building, Dallas, Texas 75206.	United Gas Pipe Line Company and[1] Southern Natural Gas Company, West Cameron Area, South Addition, Block 537, Offshore Louisiana.	(2)	15.025
CI81-50-001, Apr. 21, 1981	do	United Gas Pipe Line Company and[1] Southern Natural Gas Company, West Cameron Area, South Addition, Block 552, Offshore Louisiana.	(2)	15.025
CI81-53-001, Apr. 21, 1981	do	United Gas Pipe Line Company and[1] Southern Natural Gas Company, West Cameron Area, Block 115, Offshore Louisiana.	(2)	15.025
CI81-54-001, Apr. 21, 1981	do	United Gas Pipe Line Company and[1] Southern Natural Gas Company, West Cameron Area, Block 116, Offshore Louisiana.	(2)	15.025
CI81-58-001, Apr. 21, 1981	do	United Gas Pipe Line Company and[1] Southern Natural Gas Company, West Cameron Area, Block 541, Offshore Louisiana.	(2)	15.025
CI81-61-001, Apr. 21, 1981	do	United Gas Pipe Line Company and[1] Southern Natural Gas Company, West Cameron Area, Block 560, Offshore Louisiana.	(2)	15.025

[1] Applicant is filing to indicate southern as an additional purchaser.
[2] By Assignment of Gas Purchase Contract dated January 8, 1981, United has assigned to Southern Natural Gas Company fifty percent of United's rights and obligations under the October 7, 1980, contract.
[3] By Assignment of Gas Purchase Contract dated January 20, 1981, United has assigned to Southern Natural Gas Company fifty percent of United's rights and obligations under the October 21, 1980, contract.
Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Fatal Succession. F—Partial Succession.

[FR Doc. 81-14669 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-50-000]

Navajo Refining Co.; Filing of Petition for Review

May 13, 1981.

Take notice that Navajo Refining Company on May 7, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before May 28, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before May 28, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14999 Filed 5-18-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4527-000]

North Valley Hydro, Inc.; Application for Preliminary Permit

May 13, 1981.

Take notice that North Valley Hydro, Inc. (Applicant) filed on April 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4527 to be known as the South Battle Creek Project located on South Fork Battle Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. C. Donald Nelson, 50 Wilshire Drive, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 4-foot high diversion structure located on South Fork Battle Creek; (2) a 15,000-foot long conduit; (3) a 3,200-foot long, 40-inch diameter penstock; (4) a powerhouse containing a sinle 3,600-kW generating unit; and (5) associated electrical and transmission equipment.

The Applicant estimates that the average annual energy output would be 18,500 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed study to determine the technical, economic financial, and environmental feasibility of the proposed project. Applicant estimates that the studies and preparation of a license application would cost $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before July 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4527. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plum, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14957 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-593-001]

Ohio Edison Co.; Filing

May 12, 1981.

The filing company submits the following:

Take notice that on March 17, 1981, Ohio Edison Company tendered for filing a revised Schedule B, Interchange Power and Energy to be substituted for Schedule B, Interchange Power and Energy, Amendment 9 to an Interchange Agreement dated October 17, 1968, transmitted October 20, 1980. The earlier filing, through clerical oversight, failed to include the provisions of §§ 1.2, 3.2, 3.21, and 3.22 which had been in effect since October 1, 1979 pursuant to an acceptance letter dated November 10, 1979 in Docket No. ER80-3. The parties did not intend to terminate these provisions and this filing corrects the clerical oversight.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14958 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No 90.4526-000]

Shasta Mountain Hydro; Application for Preliminary Permit

May 14, 1981.

Take notice that Shasta Mountain Hydro (Applicant) filed on April 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4526 to be known as Atkins Creek Hydroelectric Project located on Atkins Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. C. Donald Nelson, 50 Wilshire Drive, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of (1) a 3-foot high concrete diversion dam across Atkins Creek; (2) an intake structure within the west bank of the Creek; (3) a 960-foot long low pressure pipe and/or open ditch; (4) a 2,500-foot long, 30-inch diameter penstock; (5) a powerhouse containing a single generating unit with a rated capacity of 1,050 kW; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 15 million kWh.

Purpose of Project—Project energy would be sold to a private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested an 18-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistant with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980) Comments not in the nature of a protect may also be submitted by conforming to the procedures specified in § 1.10 for protest. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 23, 1981.

Filing and Service of Responsive Docments—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4526. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Engery Regulatory Commission, Room 208, 400 first Street, N.W., Washington, D.C. 20426. A copy of

any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14871 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4451-000]

Somersworth Hydropower Associates, the City of Somersworth, New Hampshire; Application for Short-Form License (Minor)

May 13, 1981.

Take notice that Somersworth Hydropower Associates and the City of Somersworth, New Hampshire (Applicant) filed on April 1, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Lower Great Falls Project No. 4451. The project would be located on the Salmon Falls River in Strafford County, New Hampshire and York County, Maine. Correspondence with the Applicant should be directed to: Somersworth Hydropower Associates, P.O. Box 240, Manchester, New Hampshire 03105; and the City of Somersworth, 157 Main Street, Somersworth, New Hampshire 03878.

Project Description—The proposed project would consist of: (1) an existing 32-foot-high, 270-foot-long stone masonry dam with a 182-foot-long spillway. The Applicant proposes to install 4-foot flashboards and to repair the dam; (2) a reservoir having a surface area of 32 acres and a net storage capacity of 68 acre-feet; (3) a new 210-foot-long penstock leading to; (4) a proposed powerhouse to be constructed along the south bank of the river, and to contain turbines and generators with an installed capacity of 1,289 kW; and (5) appurtenant works. The estimated average annual generation is 6,000,000 kWh.

Purpose of Project—Project energy would be sold to a local public utility.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 19, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before July 22, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14869 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. E-8953 and ER76-20]

Superior Water Light and Power Co.; Filing

May 13, 1981.

The filing company submits the following:

Take notice that on January 9, 1981, Superior Water Light and Power Company (Superior) filed with this Commission refund reports indicating refunds made by Superior to Daliberg Light and Power Company in Docket Nos. E-8953 and ER76-20. The refund reports show the calculation of the refunds by month for each docket and the calculation of the interest accrued to December 19, 1980, for each docket. Also included was a schedule of the interest rates used after October 1, 1979.

Any person desiring to be heard to protest said refund reports should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14870 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP70-185-009]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

May 12, 1981.

Take notice that on May 1, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP70-185-009 a petition to amend the order of June 22, 1970,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize Tennessee to continue to render natural gas service to Southern Connecticut Gas Company (Southern Connecticut), under a new gas sales contract, all as more fully set forth in the petition to amend on file with the

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Commission and open to public inspection.

It is indicated that pursuant to the order of June 22, 1970, as amended February 2, 1977, in the instant docket, Tennessee was granted authorization, *inter alia*, to render natural gas service to Southern Connecticut under Tennessee's Rate Schedule CD-6, pursuant to the terms of an associated gas sales contract dated February 2, 1977, between the two parties. Tennessee states that said contract provides for the sale and delivery by Tennessee of up to 38,178 Mcf of natural gas per day to Southern Connecticut, and for the delivery of natural gas at the following delivery points:

Delivery points	Daily volume limits (Mcf)
Westport	10,000
Bridgeport	30,000
Trumbull	12,000

Tennessee states that the total daily delivery volumes at these delivery points exceeds Southern Connecticut's contracted demand of 38,178 Mcf per day in order to provide Southern Connecticut with operational flexibility among delivery points; however, Southern Connecticut is not entitled to take on any day a total of more than 38,178 Mcf at all delivery points.

By letter dated April 11, 1980, Southern Connecticut requested that Tennessee increase the maximum daily volumes of gas which it delivers at the Westport delivery point from 10,000 Mcf per day to 15,000 Mcf per day. Southern Connecticut states that such increase is necessary in order to allow it to utilize more effectively the pipeline gas supply available to it from Tennessee. Therefore, Tennessee and Southern Connecticut entered into a precedent agreement dated April 1, 1981, whereby Tennessee agreed, upon receipt of Commission authorization, to increase its daily deliveries at the Westport delivery point pursuant to the terms of the new gas sales contract entered into between the two parties.

Consequently, Tennessee requests that the Commission amend the order of June 22, 1970, as amended, issued in the instant to provide for the above-mentioned change. Tennessee states that the revised service and the new gas sales contract would not permit Southern Connecticut to receive any more natural gas from Tennessee than Southern Connecticut is now authorized to receive under its present gas sales contract, and that the proposed change would not increase or decrease the annual volumetric limitation imposed on Tennessee's system. Tennessee also states that the proposed change would not alter the end use profile used by it in determining the level of curtailment to such company. Therefore, there would be no impact on Tennessee's other customers as a result of the change in service, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14988 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4482-000]

City of Highland, Illinois; Application for Preliminary Permit

May 13, 1981.

Take notice that the City of Highland, Illinois, (Applicant) filed on April 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4482 to be known as the Shelbyville Lake Dam Project located on the Kaskaskia River in Shelby County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Douglas G. Williams, City Manager, 1115 Broadway, Highland, Illinois 62249. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineer's dam. The project would consist of: (1) a proposed 100-foot penstock running from the existing outlet structure to the powerhouse; (2) a proposed 34.5-kV transmission line; (3) a proposed powerhouse with an installed generating capacity of 11.5 MW; and (4) appurtenant facilities. The project would be located on Federal lands. The Applicant estimates that the average annual energy output would be 20.7 GWh.

Purpose of Project—The Applicants market for the total energy output of the project is the existing demand and energy requirements of the Highland Electric Light Department.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, soils and foundation data. The cost of the aforementioned studies is estimated to be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for perliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Noah Corporation Project No. 3520 filed on October 2, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests of other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 16, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4482. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14934 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4484-000 and Project No. 4491-000]

Village of Winnetka, Illinois, and Commonwealth Edison Co.; Application for Preliminary Permit

May 14, 1981.

Take notice that the Village of Winnetka, Illinois and Commonwealth Edison Company (Applicants) both filed on April 6, 1981, applications for a mutually exclusive preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Projects Nos. 4484 and 4491, respectively, to be known as the Dresden Island Lock and Dam Project located on the Illinois River in Grundy County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: Mr. Gary L. Zimmerman, 510 Green Bay Road, Winnetka, Illinois 60093, Harlan Dellsy, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects would utilize the exsting U.S. Army Corps of Engineers' Dresden Island Lock and Dam. Both Proposed projects would consist of: (1) a proposed powerhouse containing an installed generating capacity of 17.6 MW; and (2) appurtenant facilities. Both projects would be located upon Federal lands.

The Village of Winnetka estimates that the average annual energy output would be 88.3 GWh. Commonwealth Edison Company estimates that the average annual energy output would be 93 GWh.

Purpose of Project—The Village of Winnetka, Illinois proposes to market the energy output of the project to supply municipal demand and energy requirements. Commonwealth Edison Company proposes to transmit all electrical energy generated from the proposed project to its customers.

Proposed Scope and Cost of Studies Under Permit—Both Applicants seek issuance of a preliminary permit for a period of 24 months, during which time the Applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the project and prepare an application for FERC license. The Village of Winnetka estimates the cost of studies under the permit would approximate $50,000. Commonwealth Edison Company estimates the cost of studies to be $41,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permitte, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—These applications were filed as competing applications to Mitchell Energy Company, Inc. Project No. 3569, filed on October 14, 1980 under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Projects Nos. 4484 and 4491. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each

representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14972 Filed 5-18-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4483-000]

Village of Winnetka, Illinois; Application for Preliminary Permit

May 13, 1981.

Take notice that Village of Winnetka, Illinois (Applicant) filed on April 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4483 to be known as Mississippi River Lock and Dam No. 14 located on Mississippi River in Rock Island County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary L. Zimmerman, 510 Green Bay Road, Winnetka, Illinois 60093. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located downstream of the existing non-overflow section of the existing dam, containing 22 generating units rated at 1.05 MW each. An additional generating unit, rated at 1.05 MW, would be located in the existing power tunnel adjacent to the lock, giving the proposed project a total installed capacity of 24.15 MW; (2) proposed 69-kV transmission lines; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. The Applicant estimates that the average annual energy output would be 152,200 MWh.

Purpose of Project—Energy produced at the project would be sold to the Applicant's customers within its own system.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months to perform the following studies: engineering and economic, hydraulic, transmission analysis, topographic and hydrographic surveys, cost estimates, and foundation investigations. In addition, Federal, State, and local agencies would be consulted concerning the environmental effects of the project, along with preparing an application for FERC license. Applicant estimates the cost of the studies would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc. Project No 3597 filed on October 22, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 16, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST" or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4483. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14981 Filed 5-18-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4447-000]

Village of Winnetka, Illinois; Application for Preliminary Permit

May 13, 1981.

Take notice that the Village of Winnetka (Applicant) filed on April 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4447 to be known as Starved Rock Lock and Dam located on the Illinois River in LaSalle County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary L. Zimmerman, 510 Green Bay Road, Winnetka, Illinois 60093. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Starved Rock Lock and Dam. The proposed project would consist of: (1) a proposed powerhouse containing an estimated installed generating capacity of 9 MW; and (2) appurtenant facilities.

The applicant estimates that the average annual energy output would be 57.7 GWh.

Purpose of Project—The Applicant proposes to market the total energy output of the project to meet existing municipal energy requirements.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time Applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the project and prepare an application for FERC license. Applicant estimates cost of studies under its permit would be about $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc. Project No. 3568 filed on October 14, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practices and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 16, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4447. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14982 Filed 5-18-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4507-000]

Washington Hydrogeneration Co.; Application for Preliminary Permit

May 14, 1981.

Take notice that Washington Hydrogeneration Co. (Applicant) filed on April 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4507, to be known as Lost Lake Waterpower Project located at Lost Lake, a natural impoundment in Kittitas County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Holveck, P.E., 468 S.W. 175th Place, Seattle, Washington 98166. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) the existing Lost Lake with a surface area of approximately 170 acres at elevation 3,089 feet (mean sea level); (2) an intake structure within the southeast embankment of the lake; (3) a 5,000-foot long, 30-inch diameter penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 2,000 kW, discharging into Keechelus Lake; and (6) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 5.6 million kWh.

Purpose of Project—Project energy would be sold to a public or private utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $25,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 23, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 21,

1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 23, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4507. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-14873 Filed 5-18-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-110-010]

Washington Natural Gas Co.; Petition To Amend

May 12, 1981.

Take notice that on April 29, 1981, Washington Natural Gas Company (Washington Natural), 8515 Mercer Street, Seattle, Washington 98111, filed in Docket No. CP75-110-010 a petition to amend the order of September 26, 1975,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an increase in the level of cushion gas in the Jackson Prairie Storage Project (Storage Project) in Lewis County, Washington, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Washington Natural participates with Northwest Pipeline Corporation (Northwest) and the Washington Water Power Company (Water Power) in the Storage Project, which project provides an underground gas storage facility to support the rendition by Northwest of storage service under its Rate Schedule SGS-1 and to assist Northwest in rendering a special winter service under its Rate Schedule WS, it is stated.

Washington Natural states that by order of September 26, 1975, as amended January 16, 1976, November 13, 1979, and March 20, 1980, it was granted authorization to operate the Storage Project at the following levels of storage and service:

	1,000 cu. ft.[2]
Seasonal Working Gas	10,800,000
Cushion Gas	18,100,000
Total Storage Gas	28,100,000
Firm Daily Delivery Rate	300,000
Daily "Best Efforts" Rate	71,800

It is stated that on September 20, 1979, in Docket No. CP79-404, Washington Natural was granted temporary certificate authorization to increase the seasonal working gas in the Storage Project to 12,800,000 Mcf, the total storage gas to 30,900,000 Mcf, and the firm daily delivery rate to 325,000 Mcf to assist Northwest in rendering a new winter service, beginning with the 1979/1980 winter season, under Rate Schedule WS as proposed by Northwest in Docket No. CP79-277.[2] It is further stated that on April 14, 1980, Washington Natural requested authorization in the instant docket to increase the cushion gas in the storage Project to 19,000,000 Mcf and the total storage gas to 29,800,000 Mcf on a permanent basis and 31,800,000 Mcf on a temporary basis. On August 12, 1980, the Commission granted Washington Natural temporary certificate authorization to increase the volume of cushion gas in the Storage Project from 18,100,000 Mcf to 19,000,000 Mcf.

By the instant petition, Washington Natural is requesting authorization to increase the level of cushion gas in the Storage Project to a level of not less than 19,300,000 in order to maintain the delivery capability of the Storage Project to meet the seasonal and daily delivery requirements authorized in this proceeding and in Docket No. CP79-404, and to provide for possible future increases in storage capacity. Total storage gas would, accordingly, be increased to a level of 30,100,000 Mcf of a permanent basis and 32,100,000 Mcf on a temporary basis, it is said. Washington Natural states that injections are presently planned to be made into the Storage Project to attain the stated levels by October 1, 1981, and that the additional cushion gas would be provided one-third each by Northwest, Water Power and Washington Natural, in accordance with the terms of the Storage Agreement.

An analysis of reservoir performance indicates that continuation of water withdrawal would require the injection of an additional 300,000 Mcf of cushion gas in the Storage Project during 1981 in order to sustain the delivery of the 12,800,000 Mcf seasonal working gas at the daily delivery rates previously approved in this proceeding and in Docket No. CP79-404, it is stated. Consequently, Washington Natural proposes to increase the volume of cushion gas of the Storage Project to no less than 19,300,000 Mcf by the fall of 1981.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[2] Washington Natural asserts that the applications which it files cover operation of the Storage Project, in accordance with the revised capabilities, and the applications filed by Northwest covers rendition of the services made possible by the expanded capability.

any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-14963 Filed 5-18-81; 8:45 am]
BILLING CODE 6450-85-M

Office of Nuclear Energy

State Planning Council on Radioactive Waste Management; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: The State Planning Council on Radioactive Waste Management
Date and time: Monday, June 8, 1981—8:00 a.m.–4:30 p.m.
Place: The Shoreham Americana Hotel, 2500 Calvert Street, NW., Washington, D.C.
Contact: Georgia Hildreth, Deputy Advisory Committee Management Officer, Department of Energy, 1000 Independence Avenue, SW., Forrestal Building, Room 8G087, Washington, D.C. 20585, Telephone: 202-252-5187

Purpose of the council: The State Planning Council on Radioactive Waste Management was established by Executive Order 12192 dated February 12, 1980, to provide advice and recommendations to the President and the Secretary of Energy on nuclear waste management (including interim management of spent fuel).

Tentative agenda: The agenda will include a discussion of a comprehensive national transportation policy resolution, storage capacity for spent nuclear fuel, a legislative action statement in the area of high-level waste disposal, and the Council's Report to the President.

Public participation: The meeting is open to the public. The Chairperson of the Council is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Council will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Transcripts are available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive summary: An executive summary is available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C., on May 14, 1981.

Georgia Hildreth,
Deputy Advisory Committee Management Officer.

[FR Doc. 81-14938 Filed 5-18-81; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-6-FRL-1829-6]

Approval of PSD Permit to Exxon Chemical Co.; Correction

This Federal Register notice is to correct a statement made in the February 11, 1981, Federal Register notice (at 46 FR 11865) which states that a Prevention of Significant Deterioration (PSD) permit, Number PSD-TX-302, had been issued by the Environmental Protection Agency to the Exxon Chemical Company for approval to expand the olefins plant located at 3525 Decker Drive in Baytown, Harris County, Texas. That statement was incorrect; no decision has been made by the Agency on this permit application. Notice of issuance of any final permit determination will be published in the Federal Register at a later date.

Dated: April 30, 1981.

Frances E. Phillips,
Acting Regional Administrator.

[FR Doc. 81-14923 Filed 5-18-81; 8:45 am]
BILLING CODE 6560-38-M

[A-4-FRL-1830-6]

Standards of Performance for New Stationary Sources; Delegation of Authority to the State of South Carolina

AGENCY: Environmental Protection Agency.

ACTION: Information notice.

SUMMARY: Section 111(c) of the Clean Air Act permits EPA to delegate to the States the authority to implement and enforce the standards set out in 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). On January 29, 1981, the State of South Carolina asked EPA to delegate to it authority for NSPS source categories promulgated between October 19, 1976 and January 29, 1981. EPA granted the request on March 17, 1981. The State now has authority to implement and enforce NSPS for ferroalloy production facilities, kraft pulp mills, lime manufacturing plants, grain elevators, electric utility boilers, stationary gas turbines, glass manufacturing plants, ammonium sulfate plants, and automobile surface coating facilities. Applications and reports required under these regulations should be sent to the State's Bureau of Air Quality Control rather than to EPA Region IV.

EFFECTIVE DATE: March 17, 1981.

ADDRESSES: Applications and reports required under all NSPS source categories promulgated prior to March 17, 1981, should be addressed to the South Carolina Department of Health and Environmental Control, Bureau of Air Quality Control, 2600 Bull Street, Columbia, South Carolina 29201, rather than to EPA Region IV.

FOR FURTHER INFORMATION CONTACT: Ray Gregory of the EPA Region IV, Air Programs Branch, telephone 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On October 19, 1976, EPA delegated to South Carolina authority to implement and enforce the NSPS and NESHAPS promulgated as of October 19, 1976 (see 42 FR 4168, January 24, 1977). On January 29, 1981 the State requested that EPA delegate to it authority for the NSPS promulgated between October 19, 1976, and January 29, 1981. Delegation of these standards was made by the following letter on March 17, 1981:

Mr. William G. Crosby,
Chief, Bureau of Air Quality Control, S.C. Dept. of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina.

Dear Mr. Crosby: On October 19, 1976, we delegated to the State of South Carolina the authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) that had been promulgated by EPA as of April 23, 1976.

In your letter of January 29, 1981, you requested that EPA delegate to the State of South Carolina the Authority for implementation and enforcement of specific NSPS source categories recently promulgated.

As stated in our letter of November 24, 1976, we have reviewed the pertinent laws of the State of South Carolina and your rules and regulations and have determined that they provide an adequate and effective procedure for implementing and enforcing NSPS in the State of South Carolina. Therefore, we hereby delegate our authority for the implementation and enforcement of the NSPS source categories to the State of South Carolina as follows:

Authority for all sources located or to be located in the State of South Carolina subject to the Standards of Performance for New Stationary Sources for ferroalloy production facilities, kraft pulp mills, lime manufacturing plants, grain elevators, electric utility boilers, stationary gas turbines, glass manufacturing plants, ammonium sulfate plants, and automobile and light-duty truck surface

coating facilities promulgated in 40 CFR Part 60 as of the date of this letter.

This delegation is based upon the same conditions as those stated in our letter of October 19, 1976, except for condition 4 regarding federal facilities. A copy of this letter was published in the Notices section of the **Federal Register** of January 24, 1977 (42 FR 4188), along with the associated rulemaking notifying the public that certain reports and applications required from operators of new sources shall be submitted to the State of South Carolina (42 FR 4124). All the conditions listed in the January 24, 1977 **Federal Register** except condition 4 are hereby incorporated into this delegation by reference. A notice announcing this delegation will be published in the **Federal Register** in the near future.

Since this delegation is effective immediately, there is no need for the State to notify EPA of its acceptance. Unless we receive from you written notice of objections within ten days of the date on which you received this letter, the State of South Carolina will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

Rebecca W. Hanmer,

Regional Administrator.

Effective immediately, all applications, reports, and other correspondence required under the NSPS for ferroalloy production facilities, kraft pulp mills, lime manufacturing plants, grain elevators, electric utility boilers, stationary gas turbines, glass manufacturing plants, ammonium sulfate plants, and automobile surface coating facilities should be sent to the South Carolina Department of Health and Environmental Control (see address above) rather than to the EPA Region IV Office in Atlanta.

(Sec. 111(c), Clean Air Act (42 U.S.C. 7411(c))

Dated: May 6, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-14949 Filed 5-18-81; 8:45 am]

BILLING CODE 6560-38-M

[A-7-FRL-1830-1]

Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); Delegation of Authority to State of Missouri

Through December 1, 1979, pursuant to Sections 111 and 112 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) has promulgated regulations establishing standards of performance for 30 categories of new stationary sources, and national emission standards for five hazardous air pollutants. Sections 111(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce the NSPS and NESHAPS to any state which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the state.

On April 16, 1980, the Director of the Missouri Department of Natural Resources (MDNR) submitted to the EPA Regional Office a request for delegation of authority. Included in that request were copies of the State of Missouri regulations which incorporate by reference the federal emission standards and testing procedures set forth in 40 CFR Parts 60 and 61, with certain exceptions. Also included were copies of statutes which provide the state with the requisite authority to enforce the NSPS and NESHAPS. After a thorough review of that request, the EPA regional office has determined that for the source categories set forth in paragraphs A and B of the attached official letter to the Director of the MDNR, delegation is appropriate subject to the conditions set forth in paragraphs 1 through 8 of that letter.

Therefore, in a letter dated December 16, 1980, the EPA regional office notified the MDNR that its delegation request had been granted. The delegation letter is reproduced below.

December 16, 1980.

Fred A. Lafser, *Director, Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Mo.*

Dear Mr. Lafser: This is in response to your letter of April 16, 1980, requesting delegation of authority for implementation and enforcement of the Standards of Performance for New stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the state of Missouri. This letter supercedes the delegation letter dated July 28, 1980. It contains a new set of conditions negotiated in meetings and telephone conversations with your staff since that date.

We have reviewed the pertinent laws of the State of Missouri, and the rules and regulations of the Missouri Ar Conservation Commission, Rules 10 CSR 10-6.070 and 10-6.080, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and MESHAPS by the Air Pollution Control Program. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of Missouri as follows:

A. Authority for all sources located in the State of Missouri subject to the NSPS promulgated in 40 CFR Part 60 as of December 1, 1979. The two sections of administrative procedures, the 30 source categories, and the test procedures and the performance specifications covered by the delegation are:

- General Provisions, Subpart A
- Emission Guidelines & Compliance Times, Subpart C
- Fosil-Fuel Fired Steam Generators, Subpart D
- Electric Utility Steam Generating Units, Which Commenced Construction After September 18, 1978 Subpart Da
- Incinerators, Subpart E
- Portland Cement Plants, Subpart F
- Nitric Acid Plants, Subpart G
- Sulfuric Acid Plants, Subpart H
- Asphalt Concrete Plants, Subpart I
- Petroleum Refineries, Subpart J
- Storage Vessels for Petroleum Liquids, Subpart K
- Storage Vessels for Petroleum Liquids Constructed After May 18, 1978, Subpart Ka
- Secondary Lead Smelters, Subpart L
- Secondary Brass & Bronze Ingot Production, Subpart M
- Iron & Steel Plants, Subpart N
- Sewage Treatment Plants, Subpart O
- Primary Copper Smelters, Subpart P
- Primary Zinc Smelters, Subpart Q
- Primary Lead Smelters, Subpart R
- Primary Aluminum Reduction Plants, Subpart S
- Phosphate Fertilizer Industry, Subparts T, U, V, W, X
- Coal Preparation Plants, Subpart Y
- Ferroalloy Production Facilities, Subpart Z
- Steel Plants; Electric Arc Furnaces, Subpart AA
- Kraft Pulp Mills, Subpart BB
- Grain Elevators, Subpart DD
- Gas Turbine Electric Generators, Subpart GG
- Lime Manufacturing Plants, Subpart HH
- Appendix A
- Appendix B

B. Authority for all sources located in the State of Missouri subject to the NESHAPS promulgated in 40 CFR Part 61 as of December 1, 1979, as follows:

- General Provisions, Subpart A
- Asbestos, Subpart B
- Beryllium, Subpart C
- Beryllium Rocket Motor Fuel, Subpart D
- Mercury, Subpart E
- Vinyl Chloride, Subpart F
- Appendix A

The EPA is in the process of repromulgating the work practice standards as a result of litigation. Until this repromulgation is finished, the work practice standards are not enforceable under Section 113 of the Clean Air Act as amended August 1977.

The delegation for NSPS and NESHAPS is based upon the following conditions:

1. All sources in the categories specified above shall provide all necessary notifications and conduct performance tests in accordance with the procedures specified at 40 CFR Part 60 Subpart A and 40 CFR Part 61 Subpart A. The Missouri Department of Natural Resources (MDNR) shall allow only the use of testing methods or procedures specified in each applicable Subpart of Part 60 and Part 61, unless the EPA has given prior approval to an alternative or equivalent method.

2. The MDNR will instruct each facility affected by the NSPS or NESHAPS to provide

copies of all required notifications, pursuant to 40 CFR Part 60 Subpart A and 40 CFR Part 61 Subpart A, to the Director of the Enforcement Division, EPA, Region VII, 324 East 11th Street, Kansas City, MO 64106.

3. All sources subject to the NSPS and NESHAPS must monitor emissions as specified by the applicable Subpart. In addition, continuous monitoring instruments must be tested according to the performance specifications at 40 CFR Part 60, Appendix B. If the MDNR finds that a testing method for emission monitoring equipment other than that specified in the applicable part of 40 CFR Part 60 or Part 61 is necessary, the EPA's concurrence shall be obtained prior to notifying the owner or operator of the acceptance of the alternative test method.

4. Upon prior approval of the Director of the Air and Hazardous Materials Division of the EPA, Region VII, the Director of the MDNR may sub-delegate the authority to implement and enforce the NSPS and NESHAPS to local air pollution control agencies in the state, when such agencies have demonstrated that they have equivalent or more stringent programs in force.

5. The MDNR shall notify the EPA of any request for a variance from the NSPS and NESHAPS requirments prior to any action on such request, and the MDNR will at no time grant a variance from any of the requirements of the NSPS or NESHAPS without the approval of the EPA.

6. Any requests for information pertaining to sources subject to the NSPS or NESHAPS with which the MDNR cannot comply because of its confidentiality requirements, must be forwarded to the EPA.

7. A new request for delegation will be required for any standards not included in the state's request of April 18, 1980. Any NSPS and/or NESHAPS promulgated by EPA, but not yet adopted by the state, will be enforced by the EPA.

8. If the Director of the Air and Hazardous Materials Division determines that a state procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. If deficiencies are found in the MDNR program, the EPA will notify the MDNR of these deficiencies, will specify appropriate corrective measures, and will allow the MDNR a reasonable time to implement those measures. If these deficiencies continue to exist after the allotted time, the EPA may then revoke this delegation. The EPA will notify the state of its intent to revoke this delegation, and the reasons for revocation, at least 15 days prior to the effective date of the revocation. Any such revocation shall be effective as of the date specified in a "Notice of Revocation" to the State of Missouri.

The MDNR should obtain the concurrence of the EPA prior to issuing any determination of the applicability of the NSPS or NESHAPS when there is no clear precedent and it is necessary to interpret the regulations.

A notice announcing this delegation will be published in the Federal Register in the near future.

This delegation is effective immediately. Please acknowledge acceptance of this delegation, in writing, within ten (10) days of receipt of this letter.

If the MDNR determines that it can no longer enforce or implement the NSPS and/or NESHAPS, it may request that the EPA revoke this delegation under Condition 8, above.

If you have any questions, please contact me at 816/374-5971. The member of my staff who is most familiar with this subject, Mr. Craig W. Smith, 816/374-6525, can also provide additional information.

Sincerely yours,

David A. Wagoner,

Director, Air and hazardous Materials Divisions

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri.

Effective immediately, all reports, requests, applications, submittals and other communications required pursuant to the NSPS and NESHAPS categories listed in the above letter should be submitted to the Missouri Department of Natural Resources, P.O. Box 1368, Jefferson City, Missouri 65101.

Copies of notifications required pursuant to 40 CFR Part 60, Subpart A and 40 CFR Part 61, Subpart A shall also be submitted to the Director, Enforcement Division at the EPA regional office mentionded above.

This Notice is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 7411 and 7412).

Dated: May 4, 1981.

William W. Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 81-14095 Filed 5-18-81; 8:45 am]

BILLING CODE 6560-38-M

[WH-FRL-1832-7]

The National Contingency Plan; Draft Revision: Postponement of Meetings

AGENCY: Environmental Protection Agency.

ACTION: Notice of postponement of Public Meetings on the draft revision of the National Contingency Plan.

SUMMARY: Meetings scheduled to discuss and accept comment on the draft proposed National Contingency Plan have been postponed pending publication of the proposed National Contingency Plan in the Federal Register. Meetings postponed were scheduled for Boston: May 18, Chicago: May 20, Dallas: May 21, San Francisco: May 22, and Washington D.C.: May 28.

FOR FURTHER INFORMATION CONTACT: Steven Cohen, Office of Hazardous Emergency Response (WH548D), 401 M Street, S.W., Washington, D.C. 20460, Telephone 202-382-2186.

May 11, 1981.

Michael B. Cook,

Deputy Assistant Administrator for Hazardous Emergency Response.

[FR Doc. 81-1536 Filed 5-18-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL RESERVE SYSTEM

American Ban Corp.; Formation of Bank Holding Company

American Ban Corporation, Boise, Idaho, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent, less directors' qualifying shares, of the voting shares of American Bank of Commerce, Boise, Idaho. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 13, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14099 Filed 5-18-81; 8:45 am]

BILLING CODE 6210-01-M

Springfield Bank Company, Inc.; Formation of Bank Holding Company

Springfield Bank Company, Inc., Springfield, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96.67 percent or more of the voting shares of Springfield State Bank, Springfield, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Springfield State Bank Company, Inc., Springfield, Nebraska, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C.

1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Springfield Insurance Agency, Springfield, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of providing general insurance services in a town with less than 5,000 total population. These activities would be performed from offices of Applicant's subsidiary in Springfield, Nebraska, and the geographic area to be served is Springfield, Nebraska. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consumation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, of unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than June 13, 1981.

Board of Governors of the Federal Reserve System, May 13, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-14951 Filed 5-18-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-4]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the New Mexico Public Service Commission involving an increase in natural gas rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the New Mexico Public Service Commission involving the application of the Gas Company of New Mexico for an increase in its natural gas rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall forward to the General Services Administration copies of its testimony and briefs within 60 days of formal submission.

Dated: May 8, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-14918 Filed 5-18-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. June 8 and 9, 9 a.m., Auditorium, 200 Independence Ave., SW., Washington, D.C.

Type of meeting and panel section leader. Open public hearing, June 8, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 11 a.m.; closed committee deliberations, 11 a.m. to 5 p.m.; open public hearing, June 9, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Max W. Talbott, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7536.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before May 22, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments. Time will be allocated to interested persons.

Open committee discussion. On June 8, the committee will discuss statistical/epidemiological questions pertaining to intraocular lenses. On June 9, the committee will discuss ultraviolet radiation and sunglasses, premarket approval applications, and other general issues relating to contact lens products.

Closed committee deliberations. The committee will conduct reviews of premarket approval applications for intraocular lenses on June 8. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by May 27, 1981.

Circulatory System Devices Panel

Date, time, and place. June 18 and 19, 8:30 a.m., Rm. 403A-425A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and executive secretary. Open public hearing, June 18,

8:30 a.m. to 9:30 a.m.; open committee discussion, 9:30 a.m. to 10:30 a.m.; closed committee deliberations, 10:30 a.m. to 4 p.m.; open committee discussion, June 19, 8:30 a.m. to 4 p.m.; Glenn A. Rahmoeller, Bureau of Medical Devices (HFK-450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

General function of the committee. The committee review and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the executive secretary before June 8, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On June 18, the Panel will review several premarket approval applications. On June 19, the Panel will review FDA's Pacemaker Registry with representatives from the Registry, the American Heart Association, the American College of Cardiology, the Veterans Administration, and the National Institutes of Health.

Closed committee deliberations. On June 18, the Panel will review several premarket approval applications. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by June 2, 1981.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determine will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Applications for reimbursement for participation in the meetings listed above should be sent to the Office of Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301-443-5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meetings announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meetings announced in this notice in the docket for this notice.

Dated: May 12, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-14740 Filed 5-18-81; 8:45 am]

BILLING CODE 4110-03-M

Ophthalmic Device Section; Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces cancellation of a meeting of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel scheduled for May 22, 1981. The meeting was announced by notice in the **Federal Register** of April 14, 1981 (46 FR 21623).

FOR FURTHER INFORMATION CONTACT: Max W. Talbott, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7536.

Dated: May 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-14673 Filed 5-18-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79P-0484]

Publication of "Paper NDA" Memorandum

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs is publishing a memorandum, previously prepared by Marion J. Finkel, M.D., Associate director for New Drug Evaluation, Bureau of Drugs, which sets forth the agency policy on "NDAs for Duplicate Drug Products of Post-1962 Drugs," popularly known as the "paper NDA" policy.

FOR FURTHER INFORMATION CONTACT: Carol A. Kimbrough, Bureau of Drugs (HFD-32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 12, 1980 (45 FR 82052), the Commissioner of Food and Drugs announced his decision denying a petition seeking the withdrawal of the agency policy described in an agency memorandum on "NDAs for Duplicate Drug Products of Post-1962 Drugs." The memorandum was originally prepared July 31, 1978, by Dr. Marion J. Finkel, Associate Director for New Drug Evaluation, Bureau of Drugs, for distribution to staff.

In the December 12, 1980, **Federal Register** notice, the Commissioner also announced his determination that the policy stated in the memorandum does not require rulemaking procedures. That determination was upheld by the United States Court of Appeals for the Fourth Circuit in *Burroughs Wellcome Co.* v. *Schweiker*, Nos. 81-1071, 81-1128 (4th Cir., May 11, 1981). Subsequently, in separate litigation, the United States District Court for the Northern District of Illinois directed that the memorandum setting forth the "paper NDA" policy be published in the **Federal Register**. *American Critical Care* v. *Schweiker*, No. 81 C 252 (N.D. Ill., May 13, 1981). The court ruled that upon the publication of the memorandum in the **Federal Register** in the form set forth below, the agency's "paper NDA" policy can be implemented without rulemaking procedures.

Accordingly, the memorandum is published as follows:

Date: July 31, 1978.

To: Division Directors/HFD-110-160

From: Associate Director for New Drug Evaluation/HFD-100

Subject: NDA's for Duplicate Drug Products of Post-1962 Drugs.

The purpose of this memorandum is to provide (1) guidance on the requirements that must be met by new manufacturers of approved post-62 drugs and (2) criteria for approval of such NDAs.

Duplicate drug products are defined as those which contain a drug(s) indentical to an already marketed drug product, are in the same or closely related dosage form, and are offered for the same indications as those of the already marketed drug products.

If the Drug Regulation Reform Act is approved in the near future, then the problem of post-62 duplicate drug products will disappear. Similarly, the problem will disappear if the Agency adopts a policy of bringing post-62 drugs into the current DESI-ANDA system. Until one of these occurs, however, an interim policy is necessary.

Policy

NDA's for duplicate Drug Products of Post-1962 Drugs. A drug marketed for the first time after 1962 under an approved New Drug Application may be marketed by a second firm only after the second firm has received the approval of a full New Drug Application for that product. Current Agency policy does not permit ANDAs for this purpose. Present interpretation of the law is that no data in an NDA can be utilized to support another NDA without express permission of the original NDA holder. Thus, in the case of duplicate NDAs for already approved post-62 drugs, the Agency will accept published reports as the main supporting documentation for safety and effectiveness. The Agency will not interpret the "full reports of investigations" phrase in the law as requiring either case reports or an exhaustive review of all published reports on the drug. Depending upon the quality of the published data, selected preclinical and perhaps additional clinical studies may be required of the new sponsor prior to NDA approval.

Attached are the following:

Attachment A: Recommendations for data to be submitted in duplicate NDAs for post-62 drugs. Attachment A may be sent as information to potential sponsors of such NDAs.

Attachment B: Criteria for approval of duplicate NDAs for post-62 drugs.

Marion J. Finkel, M.D.

Attachments:

Attachment A—Recommendations for Data To Be Submitted in Duplicate, NDAs For Post-62 Drugs.

A new manufacturer desiring to market a drug which is identical to one which is already marketed and the subject of an approved new drug application should submit a full new drug application for that product.

A. Safety and Effectiveness

The NDA must be accompanied by published literature providing substantial evidence of effectiveness and appropriate evidence of safety for the claimed indication(s). Unpublished reports may also be submitted, when available and necessary. Published reports from scientific journals should encompass papers in which adequate and well-controlled clinical studies are described in detail. Abstracts, reviews, and anecdotal reports are not useful. For drugs to be administered chronically, clinical evidence of long-term safety and effectiveness should be included, if available. In addition, pertinent animal information, if available from published or unpublished literature, should be included. The compilation of published reports (preclinical and clinical) should be the major papers in the literature relating to the drug and should be "balanced" and include those demonstrating negative as well as positive findings. Each submitted paper (or unpublished report) of a clinical trial offered in support of effectiveness should be accompanied by a summary describing the protocol, the results and how the study meets 21 CFR Sec. 314.111(a)(5)(ii), i.e., the essentials of a controlled clinical investigation. Attention should be given to the appropriateness of the statistical methods used by the authors (when known). Statements in medical textbooks relative to a drug may be considered as supporting, but not primary, evidence. If the applicant believes that adequate and well-controlled investigations are not required to provide substantial evidence for safety and effectiveness, then he may petition for such a waiver, as provided by 21 CFR Sec. 314.111(a)(5)(ii).

The published and unpublished reports should, in the main, be relevant to the following areas of interest:

1. Animal Studies: Pharmacologic, toxicologic, reproduction and carcinogenicity studies.

2. Clinical Studies: a. Evidence to evaluate safety:

1. Data on short-term and, if administered for prolonged periods, long-term adverse effects.

2. Data which would necessitate warnings or precautions in the use of the drug.

3. Data, if any, on outcome of pregnancy, if the drug is to be utilized in women of childbearing age.

4. Data, if any, on use in nursing mothers.

5. Data, if applicable, on use in children.

b. Effectiveness: Evidence to support the claimed indications for adults and, if applicable, for children.

c. Drug Disposition: Evidence relative to absorption, distribution, metabolism and excretion of the drug in adults and, if applicable, in children.

d. Drug interaction: Data on any known *clinical* interactions.

In addition to that outlined under A, above, the following information should be submitted to the NDA:

B. Bioavailability and Bioequivalence Studies

Data to meet 21 CFR Part 320 (Subpart B of the regulations—Procedures for Determining the Bioavailability of Drug Products) or information to support a request for waiver from in vivo bioavailability requirements.

If required by FDA, data to establish the bioequivalence of the drug product to a specified reference product.

C. Manufacturing and Controls Information Full Information as Outlined Under 21 CFR Sec. 314.1, FD–356H

D. Labeling

The required labels and other labeling should be submitted. The professional labeling should be annotated with references to the submitted data for support of the statements therein.

ATTACHMENT B—Criteria for Approval of Duplicate NDA's for Post-62 Drugs

I. NDAs

a. Animal data. Often there will be little in the way of animal toxicity and reproduction data in the published literature and such data as may be available may be inadequately described for in-depth analysis. It can be assumed, however, that for drugs that have been widely marketed for a prolonged period (or, in the case of drugs for uncommon diseases, that have been marketed for a reasonable time), sufficient clinical data are usually available to characterize the pharmacologic and potential toxic effects of a drug. Therefore, depending upon the quality of the clinical data submitted *and* the FDA medical reviewers' own knowledge from the published literature of the clinical safety of the drug at issue, clinical information can be substituted for full reports of animal data should such reports not be available in the published literature or in any unpublished data submitted by the duplicate sponsor.

If the published clinical data and any unpublished clinical data submitted by the applicant are inadequate to substitute for sparsely reported animal toxicology studies, then the applicant will be required to perform his own animal studies. The nature of these studies will be governed by such data as are already available (both preclinical and clinical) and by what animal studies the NDA holders of the marketed products performed.

No entirely new requirement for animal studies will be imposed upon a duplicate NDA sponsor unless such a requirement is imposed upon all manufacturers of the drug. For example, where a post-62 drug was approved at a time when carcinogenicity studies were not required, the duplicate NDA sponsor will not be required to perform such studies in order to obtain approval of his NDA. At any time that FDA decides that there is a requirement for such studies, then all approved NDA holders will be requested to participate in a mechanism for obtaining the studies.

b. Clinical data. Adequate published (and unpublished, if available) data derived ordinarily from two or more adequate and well-controlled clinical trials are required to support safety and effectiveness for the labeling claims. It is not necessary for each labeling claim to be supported by such data if the FDA has determined that it is reasonable to extrapolate safety and effectiveness data for one or more indications to other indications for use of the drug. For example, FDA has determined that data from studies of atopic dermatitis and psoriasis can be used to support safety and effectiveness for all corticosteroid-responsive dermatoses.

It may be possible to forego the requirement for at least two adequate and well-controlled individual studies in cases where the sponsor has submitted data from a multiclinic study and the data allow for separate analysis of several clinics. If these analyses are adequate to support the findings from the entire multiclinic study, then they may serve as the additional study required.

If the duplicate NDA sponsor has petitioned for a waiver from the requirement for submittal of data from adequate and well-controlled studies to support safety and effectiveness of a drug, and the reviewing Division is in agreement with this petition, then approval to grant a waiver must be obtained from the Bureau Director prior to approval of the NDA. If the reviewing Division is not in agreement with the petitioner, the petition must be forwarded to the Bureau Director for his decision on whether or not to grant the waiver.

In order to approve a duplicate NDA it is not necessary that the sponsor submit data which documents every adverse reaction, precaution and warning in the labeling for already marketed drug products of the same drug entity. The medical reviewer should utilize his own knowledge of the published literature and other sources to provide any missing information. This is consistent with current FDA policy which allows, in fact requires, that FDA utilize mechanisms which assure that all safety information pertinent to a drug, however such information is acquired, be included in the labeling of all manufacturers of that drug.

c. Bioavailability and Bioequivalence. Approval of the NDA is attendant upon approval of the required data to show that the drug is comparable in blood levels (or dissolution rate, as required) to the innovator's product, if applicable.

d. Manufacturing Controls. Approval of the NDA is attendant upon fulfillment of the requirements for a full NDA.

Dated: May 14, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-14994 Filed 5-18-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Receipt and Approval of Petition for Reassumption of Jurisdiction Over Indian Child Custody Proceedings by the Penobscot Indian Nation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Receipt and Approval of Petition for Reassumption of Jurisdiction over Indian Child Custody Proceedings.

SUMMARY: The Indian Child Welfare Act of 1978 provides that, subject to certain specified conditions, Indian tribes may petition the Secretary of the Interior for reassumption of jurisdiction over Indian child custody proceedings.

The Penobscot Indian Nation has filed a petition with the Department of the Interior to reassume exclusive jurisdiction over child custody proceedings involving Indian children who reside or are domiciled on the Penobscot Indian Reservation in Maine. The Assistant Secretary-Indian Affairs has reviewed the petition and determined that tribal exercise of jurisdiction is feasible and that the tribe has a suitable plan for exercising such jurisdiction. This notice constitutes the official approval of the Penobscot Indian Nation's petition by the Department of the Interior.

EFFECTIVE DATE: The Penobscot Indian Nation reassumes exclusive jurisdiction on or before July 17, 1981.

FOR FURTHER INFORMATION CONTACT: Bureau of Indian Affairs, Social Services, 18th & C Sts. N.W., Washington, D.C. 20240 (703) 235–2756.

SUPPLEMENTARY INFORMATION: The authority for the Assistant Secretary—Indian Affairs to publish this notice is contained in 25 U.S.C. 1918(c), 25 CFR 13.14, and 209 DM 8.

The principal author of this document is Louise Zokan-Delos Reyes, Division of Social Services, Bureau of Indian Affairs, Department of the Interior, Washington, D.C.

Section 108 of the Indian Child Welfare Act of 1978, Pub. L. 95–608, 92

Stat. 3074, 25 U.S.C. 1918, authorizes Indian tribes that occupy a reservation, as defined in 25 U.S.C. 1903(10), over which a state assets jurisdiction over Indian child custody proceedings, pursuant to federal statute, to reassume jurisdiction over such proceedings.

The reassume such jurisdiction, a tribe must first file a petition in the manner prescribed in 25 CFR Part 13. The petition is then reviewed by the Department of the Interior using criteria set out in 25 CFR 13.12. If the Department finds that the tribe has submitted a suitable plan and that tribal exercise of jurisdiction is feasible, the petition is approved by publication in the **Federal Register.**

The Penobscot Indian Nation has requested that the requirement in 25 CFR 13.14(a)(1), that the Department of the Interior wait at least 45 days after receipt of a petition before taking final action, not be applied to its petition. This requirement was established so that local agencies involved in child custody matters would have some advance notice that a change in jurisdiction was likely. With respect to the Penobscot Indian Nation, however, advance notice that such a change of jurisdiction was likely has been provided by Section 8 of the Maine Indian Claims Settlement Act of 1980, Pub. L. 96–420, 94 Stat. 1795, 25 U.S.C. 1727, which authorizes the Penobscot Indian Nation to assume exclusive jurisdiction over Indian child custody proceedings prusuant to the Indian Child Welfare Act. The Penobscot Indian Nation was exercising jurisdiction over Indian child custody proceedings prior to the effective date of the Maine Indian Claims Settlement Act, which granted exclusive jurisdiction to the state pending approval of the Secretary of the Nation's petition (25 U.S.C. 1727(f)). Expedited action on the petition has been requested in order to reduce the gap in tribal jurisdiction.

For these reasons, the requirement under 25 CFR 13.14(a)(1), that the Department of the Interior wait at least 45 days after receipt of a petition before taking final action, is waived. This waiver is granted pursuant to the authority of the Secretary of the Interior to waive Departmental regulations when such waiver is in the best interest of the Indians, 25 CFR 1.2, and pursuant to the delegation of that authority to the Assistant Secretary—Indian Affairs under 209 DM 8.

Notice: This is notice that a petition for tribal reassumption of jurisdiction over Indian child custody proceedings filed by the Penobscot Indian Nation is approved effective 60 days after publication of this notice in the **Federal Register.**

The geographic area subject to the reassumption of jurisdiction is the Penobscot Indian Reservation.

James F. Canan,

Acting Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 81–14915 Filed 5–18–81; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

Canon City District Advisory Council; Meeting Location Change

AGENCY: Bureau of Land Management.

ACTION: Canon City District Advisory Council Meeting Change of Location.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94–579, that a meeting of the Canon City District Advisory Council originally scheduled at the Lamplighter Motel, 418 Main Street, Alamosa, Colorado (FR Doc. 81–12612, on page 23818, April 28, 1981) has been changed to the Alamosa Inn, 1919 Main Street, Alamosa, Colorado, at the same time and date. The meeting will be from 1:00 p.m. to 5:00 p.m. on May 28th and from 8:00 a.m. to noon on May 29th.

Dated: May 11, 1981.

Melvin D. Clausen,

District Manager.

[FR Doc. 81–14920 Filed 5–18–81; 8:45 am]

BILLING CODE 4310–84–M

[OR 6817]

Oregon; Termination of Disposal Classification

1. By Order of the Oregon State Director, Bureau of Land Management, which was published in the **Federal Register** on November 11, 1970 (35 FR 17363), the following described public land was classified for disposal through exchange pursuant to Section 2 of the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1412):

Willamette Meridian

T. 1 N., R. 19 E.,
Sec. 2, SW¼SE¼.

The area described contains 40 acres in Gilliam County, Oregon.

2. The above-described public land has been eliminated from any exchange proposal; accordingly, pursuant to 43 CFR 2461.5(c)(2), the classification is terminated May 19, 1981.

3. At 10:00 a.m., on June 22, 1981, the above-described public land will be relieved of the segregative effect of the above-mentioned classification order.

Dated: May 11, 1981.

William G. Leavell,

State Director.

[FR Doc. 81–14919 Filed 5–18–81; 8:45 am]

BILLING CODE 4310–84–M

Roswell District Grazing Advisory Board; Meeting

AGENCY: U.S. Bureau of Land Management, Roswell District.

ACTION: Notice of advisory council meeting.

SUMMARY: In accordance with Pub. L. 94–579, this notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Roswell District Advisory Council.

DATE: June 18, 1981, beginning at 10 a.m. A public comment period will begin at 2 p.m.

ADDRESS: U.S. Bureau of Land Management, Roswell District Office, 1717 West Second Street, Roswell, New Mexico 88201.

FOR FURTHER INFORMATION CONTACT: Richard W. Bastin, Acting District Manager, or Tim Kreager, Chief, Planning and Environmental Staff, U.S. Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201 (505–622–7670).

SUPPLEMENTARY INFORMATION: The proposed agenda will include: (1) Presentation of the Bureau of Land Management-Department of Energy Cooperative Agreement concerning the Waste Isolation Pilot Plant (WIPP) site, (2) discussion of the Roswell District's fiscal year 1982 budget, (3) an update on activities at Fort Stanton, (4) an update on the current status of the MX missile proposal, (5) other items chosen by council members. This meeting is open to the public. Interested persons may make oral statements to the council during the public comment period, or may file written statements. Anyone wishing to make an oral statement must notify the acting district manager by June 15, 1981. Summary minutes will be maintained in the district office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: May 11, 1981.

Richard W. Bastin,

Acting District Manager.

[FR Doc. 81–14921 Filed 5–18–81; 8:45 am]

BILLING CODE 4310–84–M

Florida; Resource Management Planning, Pine Island Sound-Sanibel Resource Management Plan

Pursuant to the responsibilities outlined in 43 CFR 1601.3(f) and 1601.3(i), the Eastern States Office (ESO) of the Bureau of Land Management, U.S. Department of the Interior, announces a public meeting of the Pipe Island Sound-Sanibel Resource Management Plan (RMP) now being prepared for public lands and Federal mineral ownership under its jurisdiction in Lee, Charlotte, and Collier Counties, Florida.

The meeting will be held to inform interested parties of progress on the RMP, and to solicit public input into two current phases of the RMP process: analysis of the management situation, and formulation of management alternatives. Results of the initial wilderness inventory of the area also will be discussed, including designation of intensive wilderness study units.

The workshop is scheduled for June 3, 1981, in For Myers, Florida, at the Edison Junior College on College Parkway. For the convenience of the public, two sessions will be held, one from 2:00 p.m. to 3:30 p.m., the other from 7:00 p.m. to 8:30 p.m.

Further details regarding the public meeting or the RMP may be obtained from Ed Roberson, RMP Team Leader, Bureau of Land Management, 1315 McFarland Blvd., East, Tuscaloosa, AL 35405. Telephone: (205) 750–5441 or FTS 229–2933.

Roger L. Hildebeidel,

Eastern States Director.

[FR Doc. 81-14794 Filed 5-18-81; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before May 8, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by June 3, 1981.

Carol Shull,

Chief, Registration Branch.

ALASKA

Kodiak Island

Kodiak vicinity, *Uganik Island Archeological District (KOD–203)*

CONNECTICUT

Hartford County

Hartford, *Connecticut State Library and Supreme Court Building*, 231 Capitol Ave.

ILLINOIS

Cook County

Western Springs, *Western Springs Water Tower*, 914 Hillgrove Ave.

DuPage County

Wheaton, *Adams Memorial Library*, 102 E. Wesley St.

Edgar County

Paris, *Edgar County Courthouse*, Main St.

INDIANA

Allen County

Cedarville vicinity, *Hursh Road Bridge (Bridge No. 38)* W. of Cedarville on Hursh Rd.

Howard County

Kokomo, *Kokomo City Building*, 221 W. Walnut St.

NEVADA

Clark County

Las Vegas, *Tule Springs Ranch*, 9200 Tule Springs Rd.

WISCONSIN

Ashland County

Glidden vicinity, *Marion Park Pavilion*, Marion Park

[FR Doc. 81-14514 Filed 5-18-81; 8:45 am]

BILLING CODE 4310-03-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29633]

Burlington Northern, Inc.-Merger-Quanah, Acme & Pacific Railway Co.; Exemption

May 13, 1981.

On April 23, 1981, the Quanah, Acme & Pacific Railway Company (QAP) and Burlington Northern, Inc. (BN) jointly filed a notice of exemption of the proposed merger of QAP into BN, under 49 CFR 111.5(c)(3), as amended by *Railroad Consolidation Procedures*, 363 I.C.C. 200, 224, and 266 (1980), 45 FR 6299 (September 23, 1980).

QAP was a subsidiary of St. Louis-San Francisco Railway (SL–SF) prior to the November 21, 1980 merger of SL–SF into BN, pursuant to the decision of the Commission in *Burlington Northern, Inc.-Control and Merger-St. Louis-San Francisco Railway Company*, 360 I.C.C. 788 (1980). Now QAP is a wholly owned subsidiary of BN. BN operates the 37 miles of QAP's line between Quanah and Paducah, TX, as an integral part of BN's system. BN also operates the 7.9 miles of QAP's trackage rights over BN's line between the south bank of the Red River and Quanah, which will be extinguished upon the consummation of the BN–QAP merger.

The BN–QAP merger is intended to simplify the BN corporate structure. It will involve no changes in operations and will have no impact on shippers or rail service. The merger benefits are limited to administrative and incidental savings resulting from corporate simplification, the elimination of separate recordkeeping, intercompany billing and accounting, and the administrative burden of maintaining the separate corporate existence of QAP. However, because all of QAP's administrative functions (other than train, engine, agency and maintenance service functions) are presently performed by BN's non-scheduled managerial personnel, no savings due to the elimination of managerial employees or duplicate officers will be involved.

This is a transaction within a corporate family which is exempt because it does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family (49 CFR 1111.5(c)(3)).

Under 49 U.S.C. 10505, as amended by section 213 of the Staggers Rail Act of 1980, Pub. L. No. 96–448 (1980), the Commission cannot exempt a transaction if it will relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. The Commission has determined that the employee protective provisions found in *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), satisfy the statutory requirements for the protection of employees involved in merger transactions. Therefore, BN and QAP must comply with those provisions as a condition to exercise of this exemption.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14695 Filed 5-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29561]

Goodwin Railroad, Inc.; Petition for Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the discontinuance of service by Goodwin Railroad, Inc., of a line of railroad owned by the State of New Hampshire, from Concord to Lincoln, NH, from the requirements of prior Commission approval under 49 U.S.C. 10903.

DATES: This exemption is effective June 18, 1981. Petitions for reconsideration of this action must be filed on or before June 8, 1981.

ADDRESSES: Send pleadings to:

(1) Office of Proceedings, Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Daniel J. Callaghan, 1850 Elm Street, Box 719, Manchester, NH 03105

Pleadings should refer to Finance Docket No. 29561.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

The Proposal

On December 2, 1980, Goodwin sought exemption under 49 U.S.C. 10505 from the provisions of 49 U.S.C. 10903–10906 with respect to a proposed discontinuance of service over a line of railroad owned by the State of New Hampshire. This rail line extends from Concord to Lincoln, NH, in Merrimack, Belknap, and Grafton Counties, NH, a distance of 76.4 miles. Goodwin is presently the operator of the Concord-Lincoln rail line under the terms and conditions of a contract between Goodwin and New Hampshire, entitled the "Goodwin Railroad Co., Inc., Operating Agreement Under Rail Service Continuation Subsidy With New Hampshire Public Utilities Commission." This Operating Agreement became effective on February 12, 1977, and on August 25, 1978, a Certificate and Decision was served in Finance Docket No. 28531, authorizing Goodwin to operate the Concord-Lincoln rail line.

Under the terms and conditions of the Operating Agreement, Goodwin is entitled to regularly scheduled subsidy payments and management fees from New Hampshire and the New Hampshire Transportation Authority (NHTA).

Presently, Goodwin is providing rail carrier service, 3 days each week, between Concord and Plymouth, NH, which is only fifty-one (51) miles of the Concord-Lincoln railroad line. This rail carrier regularly serves thirteen (13) shippers and seven (7) additional shippers on an infrequent basis. Goodwin employs only four persons: the president, an office administrator, and 2 field employees.

Goodwin wants to discontinue service over the Concord-Lincoln railroad line, contending that New Hampshire and NHTA are in breach of their obligations under the Operating Agreement because they have failed to pay the subsidies and fees due to Goodwin under the terms and conditions of the contract. Goodwin states it is suffering unnecessary and continuous hardships and that it is operating at a substantial loss due to the State's failure to make the proper subsidy payments.

The Statute

Discontinuance of rail transportation requires approval under 49 U.S.C. 10903. To seek Commission approval, an application must be filed in compliance with *Abandonment of Railroad Lines and Discontinuance of Service*, 49 CFR Part 1121 (1979) (discontinuance of service regulations). Petitioner has requested an exemption from 49 U.S.C. 10903 so that it will not have to file a formal application under the discontinuance of service regulations.

Under 49 U.S.C. 10505, as modified by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96–448, 94 Stat. 1895, October 14, 1980), the Commission is authorized to exempt a transaction when it finds that (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or the regulation is not necessary to protect shippers from the abuse of market power.

Discussions and Conclusions

Goodwin is operating its limited rail carrier service over the Concord-Lincoln railroad line at a monthly loss of approximately twelve thousand dollars ($12,000). Under the terms of the operating agreement, Goodwin is entitled to receive regularly scheduled subsidy payments. Goodwin alleges that the State of New Hampshire and NHTA are in breach of that contract, and that from February 1977, through October 1980, payments in excess of two hundred twelve thousand dollars ($212,000) are due and owning to Goodwin.[1] Our grant of Goodwin's original certificate noted that Goodwin would "receive a rail continuance assistance payment from the State to cover operating deficits"; our finding that "the expenses of the operation would not impair the ability of applicant to perform its obligation" rested on the existence of the subsidy.

If we were to require this four-employee corporation to incur monthly losses after necessary monthly subsidies are discontinued, the result would be bankruptcy for the Goodwin Railroad and great reluctance on the part of small railroads to institute subsidized operations. Clearly such a policy would be contrary to the public interest and contrary to the provision of the rail transportation policy promoting "a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues." 49 U.S.C. 10101a(3).

We believe that a grant of Goodwin's petition will not have a significant adverse effect on shippers. First, in order to protect shipper interests, we will require Goodwin to serve a copy of the **Federal Register** publication within 5 days of that publication on all shippers it has served within the last six months and on the New Hampshire Transportation Authority. Goodwin shall certify to us that this notification has taken place. After the exemption is granted, but before it becomes effective, shippers can file a petition to reopen. Additionally, a new carrier theoretically could start operations immediately under the Commission's modified certificate procedures enunciated in *Common Carrier Status of States, State Agencies*, 363 I.C.C. 132 (1980), if a subsidy could be negotiated with New Hampshire or with the shippers.

Based on available information and particularly the fact that New Hampshire owns the subject rail line, our review of the proposal indicates that discontinuance of service will not significantly affect energy consumption or the quality of the human environment. However, in line with our recent decision in Finance Docket No. 29352, *Central of Georgia Railroad Company—Petition for Exemption from the Filing of an Abandonment Petition, 49 U.S.C. 10903–10906* (not printed), decided December 9, 1980, Goodwin

[1] Although a copy of Goodwin's petition was served on New Hampshire, we have not received its comments disputing Goodwin's allegations. In the event that New Hampshire wishes to comment on the exemption, they may do so, within the 20-day period following publication in the **Federal Register**, by filing a petition to reopen the proceeding for reconsideration.

shall notify the following state agencies, on or before May 26, 1981:

Mr. I. C. Goode, Railroad Planner, N.H. Dept. of Transportation, 85 Loriden Road, John O. Morton Building, Concord, NH 03301
Mr. Paul Doherty, Director, New Hampshire Division of Parks and Recreation, Post Office Box 856, Concord, NH 03301
Mr. Ronald Poltak, Director, New Hampshire State Planning Office, 2½ Beacon Street, Concord, NH 03301
Mr. Harold Norwell, Chief, Game Manager, Dept. of Fish and Game, 34 Bridge Street, Concord, NH 03301
Jack Mettee, Office of State Planning, 2½ Beacon Street, Concord, NH 03301
Mr. Howard Townsend, Commissioner, New Hampshire Dept. of Agriculture, Park Plaza, 85 Manchester Street, Concord, NH 03301
Mr. George Gilman, Commissioner, Dept. of Resources and Economic Development, Post Office Box 856, Concord, NH 03301

The notification shall advise the agencies of their right to file comments in this proceeding on environmental grounds. Copies of correspondence and memoranda of communications with these agencies should be submitted for the record and will serve as evidence of compliance with this condition.

At least 2 employees will be laid off as a result of the abandonment. In granting an exemption under section 10505, we may not relieve a carrier of its obligations to protect the interests of employees as required by 49 U.S.C. Subtitle IV (See 49 U.S.C. 10505(g)(2)). Therefore, we will afford the same level of labor protection as is usually required in abandonment and discontinuance transactions and impose the employee protective conditions developed in *Oregon Short Line, R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

As noted above, we believe our detailed scrutiny of this proposal under the criteria of 49 U.S.C. 10903 is not necessary to carry out the objectives of section 10101a. Indeed, our approval of the exemption will be consistent with at least one of these objectives; to reduce regulatory barriers to entry into the exit from the industry. Therefore, we will grant Goodwin's petition, with the conditions stated above.

The exemption granted here will become effective June 18, 1981. Any party may file a petition to reopen this proceeding for reconsideration in accordance with 49 CFR 1100.98(d). Such petition must be filed no later than 20 days following the date of publication. The filing of a petition will not automatically stay the effect of this action; we may, on our own motion or on petition, stay the effective date. A petition to stay must be filed no later than 10 days following the date or publication.

We find:

(1) The application of the requirements of 49 U.S.C. 10903 to discontinue service of a railroad line of Goodwin is not necessary to carry out the transportation policy of 49 U.S.C. 10101a.

(2) This transaction is of limited scope.

(3) This decision will not operate to (a) relieve any rail carrier from an obligation to provide contractual terms for liability and claims which are consistent with the provisions of 49 U.S.C. 11707, or (b) relieve a carrier of its obligation to protect the interests of its employees as required by 49 U.S.C., Subtitle IV.

(4) In light of the conditions imposed in the first ordering paragraph below, this decision will not significantly affect either energy consumption or the quality of the human environment.

It is ordered:

(1) Pursuant to 49 U.S.C. 10505, we exempt Goodwin Railroad, Inc., from the requirements of 49 U.S.C. 10903 for the limited purpose of discontinuing service over a line of railroad owned by the State of New Hampshire, extending from Concord to Lincoln, NH, in Merrimack, Belknap, and Grafton Counties, NH, a distance of 76.4 miles, subject to the conditions for the protection of employees embodied in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979), and subject to the further condition that all shippers served by Goodwin within the last six months, and the state agencies named in the body of this decision, be notified within 5 days of the date of publication in the Federal Register. Copies of correspondence and memoranda of communications with these shippers and agencies should be submitted for the record and will serve as evidence of compliance with this condition.

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, Federal Register, for publication.

(3) This exemption will lapse if unexercised within one year from the effective date of this decision. Goodwin must discontinue service over the line during that time in order to take advantage of this exemption.

(4) This decision shall be effective June 18, 1981.

(5) Petitions to stay the effective date of this decision must be filed no later than May 28, 1981.

(6) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than June 8, 1981.

Decided: May 8, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14686 Filed 5-18-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OPY-2-075]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 11, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where

noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 155052, filed March 31, 1981. Applicant: RICHARD R. BARCUS, 68 Warren St., Glens Falls, NY 12801. Representative: Richard R. Barcus (same address as applicant). Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S., under continuing contract(s) with Medline Corporation, of Chicago, IL.

MC 155603, filed April 28, 1981. Applicant: ANTHONY P. FERMO, d.b.a. TRANSPORTATION AND DISTRIBUTION ASSOCIATES, 19 Montowese Ave., North Haven, CT 06473. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, 413–781–6205. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 155663, filed April 30, 1981. Applicant: ROGER T. BENCH, Brownfield Star Route, Richland, MO 65556. Representative: Roger T. Bench (same address as applicant). Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle between points in the U.S.

[FR Doc. 81–14668 Filed 5–18–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OP3–231]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this Federal Register notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the Federal Register of July 3, 1980, at 45 FR 45539.

MC 152955 (republication), filed December 1, 1980, published in the Federal Register issue of December 18, 1980, and republished this issue. Applicant: HEAVY HAULERS TRANSPORTATION, INC., 3822 La. Hwy. North, Port Allen, LA 70767. Representative: Roy Maughan, 1755 Wooddale Blvd., Baton Rouge, LA 70806. A Decision of the Commission, Review Board Number 2, finds that the performance by applicant of the service described will serve a useful purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *commodities*, the transportation of which by reason of size or weight require the use of special equipment, between points in LA, TX, OK, AR, MS, AL, and FL; that applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to indicate that applicant has been granted radial authority.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–14662 Filed 5–18–81; 8:45 am]
BILLING CODE 7035–01–M

[Permanent Authority Vol. OPY–2–073]

Motor Carriers; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The aplications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Finding

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major

regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: May 7, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC 155523, filed April 27, 1981. Applicant: PHOENIX MOTOR EXPRESS, INC., P.O. Box 246, Hasbrouck Heights, NJ 07604. Representative: Gerald K. Gimmel, Esq., Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840–8565. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except classes A and B explosives), between the facilities of Excell-Carson Chemical Corp., at points in the U.S., on the one hand, and, on the other, those points in the United States east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada.

Note.—(1) This application is directly-related to MC–F–14627, published in this same Federal Register issue.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: May 7, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

MC F–14627, filed April 27, 1981. CARRIER INDUSTRIES, INC. (Carrier) 1454 Main Ave., Wallington, NJ 07057)—Continuing in control—PHOENIX MOTOR EXPRESS, INC. (Phoenix) (P.O. Box 246, Hasbrouck Heights, NJ 07604). Representative: Gerald K. Gimmel, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. (301) 840–8565. Carrier seeks authority to continue in control of Phoenix upon the institution by Phoenix of operations, in interstate or foreign commerce, as a motor common carrier. Myron P. Shevell, the sole stockholder of Carrier, seeks authority to acquire control of said rights through the transaction. Carrier is a non-carrier, but it controls New England Motor Freight, Inc., which holds authority issued by the Commission in Docket No. MC–112107 and subs thereto which authorizes the transportation of general and specified commodities, over regular, alternate, and irregular routes, in points in NJ, RI, CT, MA, NY, PA, and DE.

Note.—Phoenix has filed as a directly related application its initial common carrier application. That application, docketed No. MC–155523 is published in this same of Federal Register issue. It also seeks authority in No. MC–155523 (Sub-Nos. 1, 2, 3, and 4).

Condition: So far as can be ascertained from the evidence of record in this proceeding, Carrier Industries, Inc. is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized in this proceeding, Carrier Industries, Inc. will be considered a motor carrier within the meaning of 49 U.S.C. 11348. It will therefore, be subject to the applicable provisions of 49 U.S.C. Subtitle IV, subchapter III of chapter III relating to reporting and accounting, and of 49

U.S.C. 11302 relating to the issuance of securities.

Impediment: The operating rights of Phoenix Motor Express, Inc. would duplicate to a certain extent the operations authorized in the New England Motor Freight, Inc. certificates. Approval and authorization of this transaction is, therefore, conditioned upon applicants setting forth all duplications. In order to comply with the Commission's regulations at 49 CFR 1134.51, applicants will be required to submit cogent and acceptable reasons why the duplicate operating rights under common control should be permitted to continue, or submit a plan for the elimination of such duplications.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-14690 Filed 5-18-81; 8:45 am]
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[Volume No. OPY 5-60]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 12, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 40978 (Sub-86), filed April 30, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Dr., Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, 414-273-7410. Transporting *general commodities* (except classes A and B explosives), between the facilities of K.W. Muth Company, Inc., at Sheboygan, WI, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 67306 (Sub-6), filed April 29, 1981. Applicant: COLONIAL TRAILWAYS, 400 South Royal St., P.O. Box 2712, Mobile, AL 36601. Representative: Lawrence E. Lindeman, 425 13th St., N.W., Washington, DC 20004, 202-628-4600. To operate as a *broker*, at Mobile, AL in arranging for the transportation of passengers and their baggage, in special and charter operations, between points in the U.S.

MC 83539 (Sub-543), filed April 28, 1981. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, Dallas, TX 75227. Representative: Thomas E. James, P.O. Box 270535, Dallas, TX 75227, 214-288-3000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Ingersoll-Rand Company of New York, NY, and its subsidaries.

MC 98478 (Sub-11), filed May 1, 1981. Applicant: ROBBINS TRUCK LINE, INC., Route 1, Hardinsburg, KY 40143. Representative: Peter A. Greene, 1920 N Street N.W., Suite 700, Washington, DC 20036, 202-331-8800. Transporting (1) *machinery*, (2) *furniture and fixtures*, (3) *rubber and plastic products*, and (4) *automotive accessories*, between points in Henry and Daviess Counties, KY; Hempstead County, AR; Leflore and Marshall Counties, MS; and Los Angeles and San Francisco Counties, CA.

MC 104149 (Sub-216), filed May 4, 1981. Applicant: OSBORNE TRUCK LINE, INC., 516 North 31st St., Birmingham, AL 35202. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, 703-525-4050. Transporting (1) *building materials*, (2) *forest products*, (3) *metal products*, (4) *ores and minerals*, (5) *lumber and wood products*, (6) *furniture and fixtures*, (7) *rubber and plastic products*, (8) *clay, concrete, glass or stone products*, (9) *machinery*, (10) *transportation equipment*, and (11) *chemicals and related products*, between points in TX, OK, LA, AR, MO, IA, MN, WI, MI, IL, IN, OH, KY, TN, MS, AL, GA, FL, SC, NC, NY, VA, WV, MD, DE, PA, NJ, MA, CT, RI and DC.

MC 105269 (Sub-99), filed April 22, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, 616-459-6121. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Simplex Industries, Inc. of Constantine, MI, at points in the U.S. on the one hand, and, on the other points, in IL, IA, KY, MD, MI, MN, MO, NJ, OH, PA, WV and WI.

MC 109449 (Sub-59), filed May 1, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th St., Winona, MN 55987. Representative: Francis Ciesewski (same address as applicant), 507-452-1032. Transporting *general commodities* (except classes A and B explosives),

between points in St. Louis County, MN and Douglas County, WI on the one hand, and, on the other, points in AR, IL, IN, IA, KY, KS, LA, MI, MO, MS, NE, ND, OH, OK, SD, TN, TX and WI.

MC 112989 (Sub-141), filed April 28, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy 99 S., Eugene, OR 97405. Representative: John T. Morgans (same address as applicant), 503–747–1283. Transporting *automotive air, oil and fuel filters*, and *pollution control devices*, between points in Salt Lake County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 113908 (Sub-524), filed April 28, 1981. Applicant: ERICKSON TRANSPORT CORPORATION, 2255 North Packer Rd., P.O. Box 10068 G.S., Springfield, MO 65804. Representative: John E. Jandera, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, 913–234–0585. Transporting *clay, concrete, glass and stone products*, between the facilities of Master Builders Division, Martin Marietta Corporation at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 114028 (Sub-38), filed April 28, 1981. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Blvd., Dubuque, IA 52001. Representative: Carl L. Steiner, 39 LaSalle St., Chicago, IL 60603, 312–236–9375. Transporting *general commodities* (except classes A and B explosives), between the facilities of Dayco Corporation and its affiliates in the U.S. on the one hand, and, on the other, points in the U.S.

MC 114028 (Sub-39), filed April 28, 1981. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Blvd., Dubuque, IA. 52001. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, 312–236–9375. Transporting *pulp, paper and related products*, between points in the U.S. under continuing contract(s) with Sherwood Paper Corporation of New York City, NY.

MC 118838 (Sub-83), filed April 30, 1981. Applicant: GABOR TRUCKING, INC., RR #4, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting *building materials*, between points in ID, MT, OR, ND, SD, WA and WY on the one hand, and, on the other, points in IA, IL, IN, KS, MI, MN, MO, ND, NE, NY, OH, PA, SD and WI.

MC 118838 (Sub-84), filed April 30, 1981. Applicant: GABOR TRUCKING, INC., RR #4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Husky Industries, Inc., of Atlanta, GA.

MC 121489 (Sub-24), filed April 2, 1981. Published initially in the Federal Register on April 29, 1981. Applicant: NEBRASKA–IOWA XPRESS, INC., 3219 Nebraska Ave., Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, (612) 227–7731. Transporting *general commodities* (except classes A and B explosives), between points in Richardson and Nemaha Counties, NE, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this irregular-route authority with its existing regular-route authority so as to provide direct operations. This application is republished to include tacking of authority.

MC 121589 (Sub-8), filed April 29, 1981. Applicant: N & W TRANSFER, INC., P.O. Box 188, Nehawka, NE 68413. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, 402–397–9900. Transporting *equipment, materials, parts, and supplies dealt in or used in the construction, operation, and maintenance of railroads*, between points in NE, on the one hand, and, on the other, points in IL, IN, WI and IA.

MC 123389 (Sub-61), filed April 29, 1981. Applicant: CROUSE CARTAGE COMPANY, P.O. Box 151, Carroll, IA 51401. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, 712–792–1234. Transporting *food and related products*, between points in IA, IL, KS, MN, MO, NE, SD, Potter County County, TX and WI, on the one hand, and, on the other, points in the U.S.

MC 126899 (Sub-141), filed April 28, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Rd., Paducah, KY 42001. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601, 502–227–7384. Transporting *petroleum, natural gas and their products*, between points in KY and TN.

MC 128798 (Sub-9), filed April 28, 1981. Applicant: GALASSO TRUCKING, INC., 8 Kilmer Rd., Larchmont, NY 10538. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, 212–838–0800. Transporting *steam turbines, electric generators, and steam reducing machinery*, between points in the U.S., under continuing contract(s) with General Electric Company, of Lynn, MA.

MC 130089 (Sub-1), filed April 29, 1981. Applicant: PRAIRIELAND TOURS AND TRAVEL, INC., 202 Eldorado Rd., Bloomington, IL 61701. Representative: Lewis White (same address as applicant), 309–662–0515. To operate as a *broker* at Bloomington, IL, arranging for the transportation of *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 130799 (Sub-1), filed April 29, 1981. Applicant: TRAVEL ASSOCIATES, INC., P.O. Box 1608, Signal Hill Mall, Statesville, NC 28677. Representative: Dorothy J. Pendleton, 389 Oakwood Drive, Statesville, NC 28677, 704–873–7725. To operate as a *broker*, at Statesville, NC, arranging for the transportation of *passengers and their baggage*, beginning and ending at points in NC and SC and extending to points in the U.S.

[FR Doc. 81–14693 Filed 5–18–81; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. OPY–2–074]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 11, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to

perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-2-074

Decided: May 11, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 6092 (Sub-16), 1981. Applicant: AMERICAN RED BALL TRANSIT CO., INC., 1335 Sadlier Circle, East Dr. Indianapolis, IN 46239. Representative: Andrus E. Bates (same address as applicant), (317) 353-8331. Transporting *such commodities* as are dealt in or used by manufacturers of household applicances, between points in the U.S., under continuing contract(s) with Roger Appliance, of Kankakee, IL.

MC 107012 (Sub-705), filed May 5, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *such commodities as are dealt in or used by retail drug stores*, between points in Brevard County, FL, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-706), filed May 5, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *general commodities* (except Classes A and B explosives), between the facilities of Schwinn Bicycle Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-707), filed May 5, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *furniture and fixtures*, between New York, NY, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, PA, RI, VT, and DC.

MC 107012 (Sub-708), filed May 5, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant), 219-429-2224. Transporting *rubber and plastic products*, between points in CA and Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

MC 127972 (Sub-4), filed April 30, 1981. Applicant: CAMPAGNE TRUCKING CO., INC., P.O. Box 222, Bethpage, NY 11714. Representative: Douglas Miller, The Corporate Center, 35 Pinelawn Rd., Melville, NY 11746, 212-466-0220. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Fairchild Republic Company, of Farmingdale, NY.

MC 135052 (Sub-40), filed May 1, 1981. Applicant: ASHCRAFT TRUCKING, INC., 675 Webster St., Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204, 317-639-4511. Transporting *general commodities* (except classes A and B explosives) (1) between Philadelphia, PA, Secaucus, NJ, and New York, NY, on the one hand, and, on the other, points in PA, OH, MI, IN, KY, TN, IL, MO, and WI, and (2) between Chicago, IL, on the one hand, and, on the other, points in IN, IL, KY, PA, WV, TN, and AL.

MC 139643 (Sub-15), filed April 22, 1981. Applicant: VERNON G. SAWYER, P.O. Drawer G, Bastrop, LA 71220. Representative: Harry E. Dixon, Jr., P.O. Box 4319, Monroe, LA 71203, 318-322-5252. Transporting *such commodities* as are dealt in by retail, wholesale, discount department, drug, and grocery stores, between points in AL, AR, AZ, CA, CO, FL, GA, KY, LA, MS, MO, NM, OK, TN, and TX.

MC 139643 (Sub-16), filed April 22, 1981. Applicant: VERNON G. SAWYER, P.O. Drawer B, Bastrop, LA 71220. Representative: Harry E. Dixon, Jr., P.O. Box 4319, Monroe, LA 71203, 318-322-5252. Transporting *such commodities* as are dealt in or used by manufacturers of paper and paper products, between points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, KS, LA, MS, MO, NM, OK, TN, and TX. Condition: Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of Certificate No. MC-139643 Sub 13, issued December 1, 1980.

MC 140163 (Sub-4), filed May 4, 1981. Applicant: POST & SONS TRANSFER, INC., 2326 Milwaukee Rd., Tacoma, WA 98421. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, 206-228-3807. Transporting (1) *construction materials, lumber and wood products, and metal products*, between points in WA, OR, ID, MT, AZ, NV, CA, NM, UT, CO, and WY, and (2) *food and related products*, between the facilities of Sexton Co., at points in the U.S., on the one hand, and, on the other, points in OR and CA.

MC 141443 (Sub-66), filed May 5, 1981. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, 405-848-7946. Transporting *general commodities* (except classes A and B explosives), between the facilities of Fort Howard Paper Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 141962, filed April 29, 1981. Applicant: NORTHEAST REFRIGERATED DISTRIBUTING CO., INC., 1650 Shawsheen St., Tewksbury, MA 01876. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109 (617) 523-0800. Transporting *food and related products*, between points in MA, RI and NH.

MC 142823F, filed April 24, 1981. Applicant: CROSBY TRUCKING SERVICE, INC., P.O. Box 125, New Hope Rd., Staunton, Va 24401. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411-D Backlick Rd., Springfield, VA 22151, (703) 941-

8200. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building and roofing insulation and insulation materials, between points in Shenandoah County, VA, on the one hand, and, on the other, points in MD, PA, OH, NY, VA, WV, DE, and DC.

MC 143713 (Sub-12), filed April 30, 1981. Applicant: AGRICULTURAL TRANSPORTATION ASSOCIATION OF ILLINOIS, 37 Forest Ridge, Springfield, IL 62701. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *clay, concrete, glass or stone products*, between points in Saint Lawrence County, NY, on the one hand, and, on the other, points in McDonough County, IL.

MC 145122 (Sub-4), filed April 30, 1981. Applicant: SKYLAND, INC., 256 Celia St., SW., Wyoming, MI 49508. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Leslie Metal Products Company, of Grand Rapids, MI.

MC 146293 (Sub-84), filed April 28, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, P.O. Box 720434, Atlanta, GA 30328, 404–256–4320. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Distribution Services of America, Inc., of Boston, MA.

MC 146402 (Sub-32), filed April 28, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant), 901–423–2408. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Teknor Apex Company, of Pawtucket, RI.

MC 146592 (Sub-3), filed April 29, 1981. Applicant: AVERY TRANSPORT, INC., 11026 Roswell, Pomona, CA 91766. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, 805–872–1108. Transporting *transportation equipment* (1) between points in CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY, and (2) between points in ID, on the one hand, and, on the other, points in AZ and NV.

MC 148143 (Sub-4), filed May 4, 1981. Applicant: MID-AMERICA FARM LINES, INC., M.P.O. Box 71, Springfield, MO 65801. Representative: John M. Ringenberg (same address as applicant), 417–862–7460. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building material between points in Jackson and Wayne Counties, MI, and Summit County, OH, on the one hand, and, on the other, points in Greene and Jackson Counties, MO, Sedgwick County, KS, and Benton County, AR.

MC 150093 (Sub-4), filed April 28, 1981. Applicant: THE TOM DAVIS CORP., d.b.a. DAVIS LINES, 5335 N.W. 111th Dr., Grimes, IA 50111. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *metal products*, between points in Polk County, IA, on the one hand, and, on the other, points in the U.S.

MC 153113, filed May 5, 1981. Applicant: MENASHA TRANSPORT, INC., P.O. Box 367, Neenah, WI 54956. Representative: C. H. Kraus (same address as applicant), (414) 729–0380. Transporting *containers and container closures, food and related products, lumber and wood products, pulp, paper and related products, printed matter, rubber and plastic products, metal products, machinery, and building materials*, between those points in the U.S. east of MT, WY, CO, and NM.

MC 155523 (Sub-3), filed April 27, 1981. Applicant: PHOENIX MOTOR EXPRESS, INC., P.O. Box 246, Hasbrouck Heights, NJ 07604. Representative: Gerald K. Gimmel, Esq., Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, 301–840–8565. Transporting *general commodities* (except classes A and B explosives), between New York, NY, Boston, MA, Philadelphia, PA, Baltimore, MD, and Norfolk, VA, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, and WV.

MC 155552, filed April 24, 1981. Applicant: RAVENA TRANSPORTATION CORP., 10 Van Buren Ave., Ravena, NY 12143. Representative: D. A. Holtz, 316 South Sixteenth St., Philadelphia, PA 19102, 215–732–6450. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Penn Jersey Subaru, Inc., of Moorestown, NJ.

MC 155582F, filed April 28, 1981. Applicant: TULLAROAN TOURS, INC., P.O. Box 248, Jerome Avenue Station, Bronx, NY 10468. Representative: Robert E. Goldstein, 370 Lexington Avenue, New York, NY 10017. To engage in operations as a *broker* at New York, NY, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations between New York, NY, and points in Nassau, Suffolk, Westchester and Rockland Counties, NY, on the one hand, and, on the other, points in the U.S.

MC 155622F, filed April 30, 1981. Applicant: CLASSIC YACHT TRANSPORT, INC., 4810 S.W. 18th St., Ft. Lauderdale, FL 33317. Representative: William P. Fritz (same as applicant), (305) 584–7670. Transporting (1) *boats and boat parts*, supplies and equipment, and (2) *such commodities*, which because of size or weight require the use of special handling, between points in the U.S., under continuing contract(s) with Conquest Yachts, of Pompano Beach, FL.

MC 155633, filed April 29, 1981. Applicant: WILLIAM J. VENDETTI, d.b.a. VENDETTI TRUCKING COMPANY, 616 Camelot Dr., Bel Air, MD 21014. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910, 301–587–8656. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract with Mid-Atlantic Coca Cola Company, of Baltimore, MD.

Volume No. OPY–4–132

Decided: May 11, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 141328 (Sub-8), filed May 4, 1981. Applicant: C. C. SALTER, d.b.a. SALTER TRUCKING COMPANY, P.O. Box 67, Eufaula, AL 36207. Representative: Donald B. Sweeney, Jr., 512 Massey Bldg., Birmingham, AL 35203, (205) 254–3880. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ocean Spray Cranberries, Inc. and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 142126 (Sub-14), filed May 4, 1981. Applicant: FOAM TRANSPORT, INC., 201 Ballardvale St., Wilmington, MA 01887. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Dart Container Corporation of Mason, MI, Dart Container Corporation of Georgia of Lithonia, GA, Dart Container Corporation of Illinois of North Aurora, IL, Dart Container Corporation of California of Corona, CA, Formed Products, Inc. of Leola, PA, Dart Container Corporation of Texas of Waxahachie, TX, Dart Container

Corporation of Kentucky of Horse Cave, KY, and Formed Products, Inc. of North Aurora, IL.

MC 143776 (Sub-24), filed May 5, 1981. Applicant: G.D.B. INCORPORATED, 155 Spaulding Avenue SE., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant) (800 253-9507). Transporting *food and related products*, between the facilities of Foulds, Incorporated and its subsidiaries at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144776 (Sub-12), filed May 4, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner Street SW., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Bldg. Atlanta, GA 30349, (404) 996-6266. Transporting *general commodities* (except classes A and B explosives), between points in Fulton County, GA, on the one hand, and, on the other, points in FL, AL, TN, NC, SC, LA, KY and MS.

MC 145716 (Sub-7), filed May 5, 1981. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., Suite 1-M, 3300 Northeast Expressway, N.E., Atlanta, GA 30341. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street NE., Atlanta, GA 30309, (404) 892-8020. Transporting *food and related products*, between points in the U.S. in and east of ND, SD, NE, CO, OK and TX.

MC 153487, filed May 4, 1981. Applicant: QUALITY DELIVERY COMPANY, a Corporation, P.O. Box 19181, Columbus, OH 43219. Representative: John L. Alden 1396 W. 5th Ave., Columbus, OH 43212. Transporting *home and office furnishings, appliances*, and *carpeting*, between points in Franklin County, OH, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MS, MO, NC, NY, OH, PA, SC, TN, TX, VA, and WV.

MC 154907 (Sub-1), filed May 4, 1981. Applicant: THE BUCK COMPANY, a Corporation, 631 W. Cherry St., Wayland, MI 49348. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Koeze Co., of Wyoming, MI, Spartan Stores, Inc., of Grand Rapids, MI, and Holland American Wafer Co., of Grand Rapids, MI.

MC 155606, filed April 28, 1981. Applicant: FICK & SONS, INC., Litchville, ND 58461. Representative: Harold H. Fick (same address as applicant), (707) 762-4447. Transporting (1) *lumber and wood products*, and (2) *building materials*, between points in IA, ID, MN, MT, NE, ND, OR, SD, WA, WI, and WY.

Volume No. OPY-4-136

Decided: May 12, 1981.

By the Commission, Review Board No. 2 Members Carleton, Fisher, and Williams.

MC 29456 (Sub-5), filed April 17, 1981. Applicant: OREGON TRANSFER CO., P.O. Box 2804, Portland, OR 97208. Representative: John A. Anderson, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224-5525. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Amstar Corporation of New York, NY.

MC 42487 (Sub-1037), filed April 17, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: W. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226-4692. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kaiser Aluminum & Chemical Corporation, of Oakland, CA.

MC 121766 (Sub-2), filed May 4, 1981. Applicant: S. ROSS TRUCKING COMPANY, INC., 2660 Dunn Rd., Hayward, CA 94545. Representative: Ann M. Pougiales, 100 Bush—21st Floor, San Francisco, CA 94104, (415) 986-5778. Transporting *general commodities* (except classes A and B explosives), between points in CA, OR, and WA.

Note.—The purpose of this application is to convert applicant's Certificate of Registration in MC-121766 Sub 1, to a Certificate of Public Convenience and Necessity.

MC 123367 (Sub-32), filed April 16, 1981. Applicant: E. E. HENRY, INC., 1128 S. Military Highway, Chesapeake, VA 23320. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830, (814) 765-9611. Transporting *general commodities* (except classes A and B explosives), between points in Carter County, TN, on the one hand, and, on the other, points in the U.S.

MC 133877 (Sub-4), filed April 16, 1981. Applicant: FRACON TRUCKING CO., INC., 1052 Park Lane North, Franklin Square, NY 11010. Representative: Roy A. Jacobs, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835-4411. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with LNK International, Inc., of Hauppauge, NY.

MC 147676 (Sub-5), filed April 16, 1981. Applicant: KEATON TRUCK LINES, INC., 1000 So. Lelia St., P.O. Box 1187, Texarkana, TX 75504. Representative: Patsy R. Washington (same address as applicant), (214) 793-3991. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with National Beef Packing Co. of Liberal, KS.

MC 153266 (Sub-1), filed March 16, 1981, previously noticed in the Federal Register issue of April 1, 1981, and republished this issue. Applicant: STEVEN CRAIN TRUCKING, INC., P.O. Box 324, Owasso, IL 74055. Representative: Michael H. Lennox, 8903 North Western, Oklahoma City, OK 73114, (405) 840-9805. Transporting *Mercer commodities*, and those *commodities* which because of their size or weight require the use of special handling or equipment, between points in the U.S., under continuing contract(s) with Big Four Foundries, Corp., of Tulsa, OK.

Note.—The purpose of this republication is to correctly reflect the application as that of contract authority in lieu of common as previously noticed.

MC 155356 filed April 16, 1981. Applicant: FRANK R. MOODY, d.b.a. FRANK MOODY'S TOWING, 1005 No. Broadway, Rochester, MN 55901. Representative: Richard H. Bins, Suite 350, 100 First Ave. Bldg., Rochester, MN 55901 (507) 288-7402. Transporting *wrecked or disabled motor disabled vehicles*, between points in Olmsted County, MN, on the one hand, and, on the other, points in ND, SD, NE, IA, WI, IL and IN.

Volume No. OPY5-61

Decided: May 12, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 133058 (Sub-2), filed April 28, 1981. Applicant: CENTRAL CAB COMPANY, 285 South East St., Waynesburg, PA 15370. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, 412-627-6267. Transporting *passengers and their baggage* in special and charter operations, beginning and ending at points in Washington, Greene, and Fayette Counties, PA, Hancock, Brooke, Monongalia, Marshall, Preston, Marion, Wetzel, Ohio, Harrison, and Taylor Counties, WV, and Jefferson County, OH, and extending to points in the U.S., (including AK but excluding HI).

MC 133589 (Sub-2), filed April 28, 1981. Applicant: BCT, INC., One Jefferson Square, Boise, ID 83728. Representative: Irene Warr, Suite 280, Western Home Bank Bldg., 311 S. State

St., Salt Lake City, UT 84111, 801–531–1300. Transporting *lumber and wood products* between points in the U.S., under continuing contract(s) with KRR, Inc., of Boise, ID.

MC 134609 (Sub-2), filed May 4, 1981. Applicant: OILFIELD SERVICE & TRUCKING, INC., d.b.a., OST TRUCKING, INC., 2951 North Ventura Ave., Ventura, CA 93001. Representative: Ronald C. Chauvel, 100 Pine St., No. 2550, San Francisco, CA 94111, (415) 986–1414. Transporting (1) *Mercer commodities*, (2) *iron and steel articles*, and (3) *commodities which because of size or weight require the use of special equipment*, between points in CA, OR, WA, NV, and AZ.

MC 138438 (Sub-106), filed April 29, 1981. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, 301–739–4860. Transporting *petroleum, natural gas and their products*, between points in DE, MD, NJ, NY, NC, OH, PA, VA, WV, and DC.

MC 141108 (Sub-15), filed May 1, 1981. Applicant: D & C EXPRESS, INC., P.O. Box 746, Wilton, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, 515–682–8154. Transporting *metal products* between points in IL, IN, IA, KS, CO, MI, MN, MO, NE, NJ, NY, OH, PA, and WV.

MC 141899 (Sub-3), filed April 28, 1981. Applicant: BILL & GENE'S TRUCKING, INC., W. Hwy. 34, Box 303, Madison, SD 57042. Representative: Thomas J. Simmons, 5301 N. Cliff Ave., P.O. Box 480, Sioux Falls, SD 57101, 605–339–3629. Transporting *clay, concrete, glass or stone products*, between the facilities used by Sioux City Brick and Tile, Inc., and its subsidiaries, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 142629 (Sub-3), filed May 1, 1981. Applicant: ED HOPSON PRODUCE COMPANY, INC., P.O. Box 3287, Oxford, AL 36203. Representative: John W. Cooper, P.O. Box 56, Mentone, AL 35984, 205–634–4885. Transporting *furniture and fixtures* between points in the U.S., under continuing contract(s) with Wellborn Cabinets, Inc., of Ashland, AL.

MC 144858 (Sub-43), filed May 4, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102, (402) 348–0832. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Standard Brands Incorporated, of Lake Success, NY, and its subsidiaries.

MC 144969 (Sub-33), filed April 29, 1981. Applicant: WHEATON CARTAGE COMPANY, Third & G Sts., Millville, NJ 09332 Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332, 609–825–1400, Ext. 2414. Transporting *food and related products* between the facilities used by Little Brownie Bakers in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146149 (Sub-20), filed March 27, 1981, previously noticed in the Federal Register issue of April 27, 1981. Applicant: KENNEDY FREIGHT LINES, INC., 4989 Vulcan Ave., Columbus, OH 43228. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *metal products* between points in Oswego County, NY, on the one hand, and, on the other, points in VA and NC.

Note.—Applicant is relying on traffic studies rather than shipper support for the authority sought. This republication changes the radial state of DC to NC.

MC 146449 (Sub-2), filed May 1, 1981. Applicant: ALL CITIES TRANSFER, INC., 1567 East Hamilton Ave., East Point, GA 30344. Representative: William J. McCann (same address as applicant), 404–768–7780. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Freight, Inc., of Morrow, GA.

MC 147388 (Sub-6), filed May 1, 1981. Applicant: EARLY BIRD FREIGHT LINES, INC., Route 1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501, 402–476–1144. Transporting *metal products* between points in IA, NE, WY, CO, KS, OK, and TX.

MC 150499 (Sub-5), filed April 10, 1981, previously noted in the (republication) Federal Register issue of April 27, 1981. Applicant: ENGELS TRUCK SERVICE, INC., RR 3, Box 58, Worthington, MN 56187. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, SD 57101, (605) 335–1777. Transporting *food and related products*, between points in Nobles County, MN, Beadle County, SD and Madison County, NE, on the one hand, and, on the other, points in AL, AR, AZ, CO, CT, DE, GA, ID, IN, KS, KY, LA, MA, MD, ME, MI, MS, MT, NC, NH, NJ, NM, NV, NY, OH, OK, PA, RI, SC, TN, TX, UT, VA, VT, WV, WY, and DC.

Note.—Purpose of republication is modify the authority as above.

MC 150509 (Sub-6), filed May 1, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren (same address as applicant) 212–492–7332. Transporting *food and related products*, between Denver, CO, and points in Morgan and Logan Counties, CO., on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Sterling Colorado Beef Co., of Sterling, CO, and its wholly-owned subsidiary Circle C Beef Co., of Denver, CO.

MC 151158 (Sub-2), filed April 28, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave. Memphis, TN 38137, (901) 767–5600. Transporting *food and related products*, between points in ID, on the one hand, and, on the other, points in AR. *Condition:* The person or person who appear to be in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343(A) or submit an affidavit, indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 5 Room 6370.

MC 155429 (Sub-1), filed April 23, 1981. Applicant: BRUCE E. LAMBERT AND ALAN J. MACKEY, d.b.a. LAMBERT-MACKEY TRUCKING, 1225 South Galena, Dixon, IL 61021. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Transporting (1) *chemicals and related products*, between points in IL, IN, IA and WI, and (2) *clay, concrete, glass or stone products*, between Ogle and Cook Counties, IL, on the one hand, and, on the other, points in IN, IA and WI.

MC 155549, filed April 24, 1981. Applicant: AIRWAY-INDUSTRIES, INC., d.b.a. TRANSPORTATION SERVICES, Airway Park, Ellwood City, PA 16117. Representative: Ronald G. Backer, 300 Grant Bldg., Pittsburgh, PA 15219, (412) 281–0705. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hansen & Tideman, Inc. of Baltimore, MD, and Grief Brothers, Inc., of Washington, PA.

MC 155568, filed April 28, 1981. Applicant: MID-WISCONSIN COACHES, INC., Route 3 Box 64, Antigo, WI 54409. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *passengers and their*

baggage, in special or charter operations, beginning and ending at points in Forest, Langlade, Lincoln, Oneida, and Vilas Counties, WI, and extending to points in IL, IN, IA, MI, and MN.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14867 Filed 5-18-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 394]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 13, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication or the application shall stand denied.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 8535 (Sub-169), filed December 27, 1979, previously published in the Federal Register of April 15, 1980. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INC., P.O. Box 500, Parkton, MD 21120. Representative: John Guandolo, 1000 Sixteenth St., NW., Washington, DC 20036 Transporting *iron and steel articles* (except in dump vehicles), from the facilities of Raritan River Steel Company, at Perth Amboy, NJ, to those points in the U.S. in and east of MN, IA, MO, AR, and LA (except points in DE, KY, MD, NJ, NY, OH, PA, VA, WV, and DC).

Note.—This republication indicates the correct destinations.

[FR Doc. 81-14580 Filed 5-18-81; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decision Volume No. 425]

Republications of Grants of Operating Rights; Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broader grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 49544 (Sub-1F) (republication), filed August 28, 1979, published in the Federal Register issue of March 27, 1980 and republished this issue. Applicant: BOYER-ROSENE MOVING & STORAGE, INC., 2512 So. Clearbrook Dr., Arlington Heights, IL 60005. Representative: Michael F. Sheehan, Jr., 29 South La Salle St., Suite 830, Chicago, IL 60603. A Decision of the Commission, Division 1, Acting as an Appellate Division, finds on further consideration that performance by applicant of the service described will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods*, as defined by the Commission, between points in OH, IN, MI, IL, and WI, on the one hand, and, on the other, points in GA, FL, KS, OK, and TX. Applicant is authorized to tack the above-described authority with its existing irregular-route authority in Docket No. MC 49544; that applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission regulations. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-14581 Filed 5-18-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 81]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 12, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 41406 (Sub-175)X, filed April 30, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 6400 Westlake Drive, Merrillville, IN 46410. Representative: Ralph D. Artim (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 30, 83F, 137F, 145F and 150F certificates to (1) broaden the commodity descriptions (a) to "metal products and machinery" from iron and steel articles, and contractor's machinery, equipment, supplies and materials (except commodities in bulk), in Sub-No. 30; from grain storage and grain drying bins, grain dryers, parts and accessories and materials and supplies, in Sub-No. 83F; (b) from furnaces and materials, supplies and equipment to "clay, concrete, glass or stone products, metal products and machinery," in Sub-No. 137F; (c) from iron and steel wood burning stoves, agricultural implements and materials, equipment and supplies to "clay, concrete, glass or stone products, metal products, and machinery", in Sub-No. 145F, and (d) from coke oven component parts and materials, supplies and equipments to "metal products and electrical machinery", in Sub-No.150F, (2) remove restrictions limiting service to the transportation of shipments originating at or destined to named facilities and facilities limitations in Sub-Nos. 30, 137F, 83F and 145F, (3) broaden the territorial description from one-way authority to radial authority and to replace specified plantsites and cities with county-wide authority to authorize service (a) between points in Kankakee County (for Indian Oak, IL) and points in 9 states, in Sub-Nos. 30; (b) between points in McHenry County, IL (for Marengo, IL) and points in 24 states, in Sub-No. 83F; (c) between points in Randolph County, IL (for Red Bud, IL) and points in 11 States, in Sub-No. 137F; (d) between points in Wayne County, IN (for Richmond, IN) and points in the U.S., in Sub-No. 145F and (e) between points in Union County, KY (for Sturgis, KY) and points in the U.S. in and east of ND, SD, NE, KS, CO, OK and TX in Sub-No. 150F and (4) remove the AK and HI exception in Sub-No. 145F.

MC 95876 (Sub-394)X, filed March 20, 1981, noticed in the Federal Register of April 16, 1981, republished as corrected this issue. Applicant: ANDERSON TRUCKING SERVICE, 203 Cooper Ave. No., St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 165, 196, 200, 209, 216, 260F, 278F, 288F, 295F, 296F, 299F, 322F and 367F certificates to (1) broaden the commodity descriptions as follows: (a) in Sub-No. 165, part (1), from contractors, construction and mining machinery, equipment and parts, to "machinery"; (b) in Sub-No. 196, part 1(a), from machinery and equipment and attachments, accessories, and supplies, and material, equipment and supplies used in the building, repair or outfitting of marine vessels, to "machinery" and "transportation equipment"; (c) in Sub-No. 200, from tractors, agricultural implements and farm machinery, parts,

attachments and accessories for such commodities, and equipment designed for use with tractors, to "machinery"; (d) in Sub-No. 209, from fertilizer handling equipment, front end loaders, and, chassis for fertilizer handling equipment, to "machinery"; (e) in Sub-No. 216, part (1) from trailers and trailer chassis (other than those designed to be drawn by passenger automobiles), to "transportation equipment"; (f) in Sub-No.260F, from materials, equipment and supplies used in the manufacture and distribution of refrigerators, freezers, and cooling units to "machinery"; (g) in Sub-No. 286F, parts (1) and (2), from road machinery and self-propelled articles, and parts, attachments and accessories for such commodities, to "machinery"; (h) in Sub-No. 295F, part (1), from turbines, motors, and generators, to "machinery"; (i) in Sub-No. 296F, part (1), from contractor's construction and mining machinery, equpment and parts, to "machinery"; (j) in Sub-No. 299F, part (1), from cranes and excavators, and parts to "machinery"; and (k) in Sub-No. 322F, from vehicles designed for off-highway use and parts, attachments and accessories, to "machinery"; and (2) replace city-wide authority with county-wide authority: in Sub-No. 196, Manitowoc and Door Counties, WI (for Manitowoc and Sturgeon Bay, WI); in Sub-No. 200, Winnebago County, WI (for Winneconne and Neenah, WI); in Sub-Nos. 209 and 367F, Kandiyohi County, MN (for Willmar, MN); in Sub-No. 216, Stearns County, MN (for Opole, MN); in Sub-Nos. 260F and 295F, Stearns, Benton and Sherburne Counties, MN (for St. Cloud, MN); in Sub-No. 286, Bannock and Power Counties, ID (for Pocatello, ID); in Sub-No. 299F, Linn and Johnson Counties, IA (for Cedar Rapids, IA); and in Sub-No. 322F, Macomb, Oakland, Wayne, Washtenaw, Livingston and Monroe Counties, MI (for Detroit, MI). Applicant also seeks to (1) change its one-way authorities to radial authorities between named points in the U.S. in Sub-Nos. 196, 200, 209, 216, 260F, 278F, 286F, and 322F; (2) eliminate the except AK and HI and/or MN restriction in Sub-Nos. 196, 200, 209, 216, 260F, 278F, 286F, 295F, 296F, 299F, and 322F; (3) remove the "except commodities in bulk" restriction in Sub-Nos. 165, 196, 216, and 260F and the "in tank vehicle" restriction in Sub-No. 216; (4) eliminate the originating at or destined to restriction in Sub-Nos. 165, 196, 200, 260F, 278F, 286F, 295F, and 299F; and (5) remove the restriction limiting service to the transportation of traffic in initial movements, in truckaway service in Sub-No. 216. The purpose of this republication is to indicate that Livingston County is included in the expansion of Detroit, MI.

MC 111496 (Sub-40)X, filed April 23, 1981. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its lead and Sub-Nos. 8, 9, 10, 11, 12, 17, 20, 21, 22, 25, 28, 29, 30, 32, 35, 37 certificates and authority acquired in MC-F-7270, MC-F-9465 and MC-F-12296 to (1) remove all exceptions except Classes A and B explosives from its general commodities authority in part of the lead, Sub-Nos. 8, 9, 10, 12, 20, 21, 22, 25, 26, 30, 32, 35, 36, 37 and authority acquired in MC-F-12296, MC-F-7270 and MC-F-9465, (2) broaden the commodity description from motion picture films and theatre supplies, fresh fruits and vegetables, malt and malt syrup to "such commodities as are dealt in or used by motion picture theatres, and food and related products" in part of the lead; from sugar to "food and related products" in Sub-No. 22; from salt to "chemicals and related products" in MC-F-12296; and, from charcoal and charcoal briquettes to "food and related products, lumber and wood products, chemicals and related products, and petroleum products" in Sub-No. 28, (3) allow service to all intermediate points in connection with its regular routes between (a) Gary, MN and Grand Forks, ND in Sub-No. 9, (b) Fargo, and Williston, ND; and, Minot and Fortuna, ND in Sub-No. 12, (c) Turtle Lake and Pick City, ND; and, Moorehead, MN and Grand Fork, ND in Sub-No. 22, (d) Minneapolis, and Mora, MN in Sub-No. 25, (e) St. Cloud and Minneapolis/St. Paul, MN in Sub-No. 35, (f) Williston, ND and Billings, MT in Sub-No. 37; (g) Thief River Falls, and Baudette, MN; Moorehead and Crookston, MN; Bismarck, ND and Sidney, MT in MC-F-12296; (h) St. Paul, MN and Fargo, ND in MC-F-7270, and the lead (i) Gary, MN and Grand Forks, ND in MC-F-9465 and (j) Fargo, ND and a specific MN point; St. Paul, MN and Wahpeton, ND; in the lead, (4) remove plantsite limitations or termini site restrictions in Sub-Nos. 8, 11, 17, and 30, (5) replace city with county-wide authority in the irregular portions as follows in the indicated Sub-Nos. from (a) Minot and Williston, ND to Ward and Williams Counties, ND in Sub-No. 12, (b) Williston, ND and points within 10 miles thereof to Williams and McKenzie Counties, ND in MC-F-12296, (c) Dickson, ND to Stark County, ND in Sub-No. 28; (d) Grand Forks, ND to Grand Forks County, ND and Polk County, MN and Fargo, ND to Cass County, ND and Clay County, MN in the lead, Sub-Nos. 12 and 17, (6) remove restriction to serve at termini for purpose of joinder only in the lead, (7) remove restriction against service to points on U.S. Hwy 52 (except Minot, ND) in connection with regular route operation between Minot and Fortuna, ND in Sub-No. 12, (8) remove the "originating at and destined to" named points in Sub-No. 17, (9) change one-way to radial authority between the above mentioned counties and points in various States in Sub-Nos. 17, and 28 and the authority in MC-F-12296.

MC 112989 (Sub-142)X, filed April 29, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99S, Eugene, OR 97405. Representative: John A. Anderson, Suite 1600, One Main Place, 101 SW Main St., Portland, OR 97204. Applicant seeks to remove restrictions from its Sub-Nos. 36, 44, 45, 46, 47, 50, 58, 60F, 69F, 91F, 104F, 106F, 112F, 123F, 129F and 130F certificates to (1) broaden the commodity descriptions (a) to "rubber and plastic products" from engineered kiln stickers in Sub-No. 36, from plastic pipe and fittings in Sub-No. 50, from plastic pipe and accessories for plastic pipe in Sub-No. 58, from plastic pipe, fittings and accessories for plastic pipe in Sub-No. 60F, from plastic articles in Sub-No. 69F, from plastic articles in Sub-No. 106F, and from rubber and rubber compound in Sub-No. 129F; (b) to "lumber and wood products" from bark products in Sub-No. 44, from lumber and lumber products, wood products and particleboard in Sub-No. 45, from lumber, lumber mill products, wood products and particleboard in Sub-No. 46, from lumber, lumber mill products and wood products in Sub-Nos. 47 and 112F, from lumber and lumber mill products in Sub-No. 91F, and from fiberglass reinforced plywood in Sub-No. 104F; (c) to "chemicals and related products" from adhesives in Sub-No. 129F, from paint and paint products in Sub-No. 123F, and from paint and paint products in Sub-No. 130F; (2) eliminate the facilities restrictions in Sub-Nos. 36, 44, 50, 58, 69F, 104F, 106F, 129F and 130F; (3) broaden the territorial scope to authorize countywide service in place of specific points or city-wide authority as follows: (a) in Sub-No. 36, Multnomah, Clackamas and Washington Counties, OR and Clark County, WA (for Portland, OR); (b) in Sub-No. 44, Lane County, OR (for Coburg, OR); (c) in Sub-No. 50, Lane County, OR (for Springfield, OR); (d) in Sub-No. 58, Lane County, OR and Yakima County, WA (for Eugene, OR and Sunnyside, WA); (e) in Sub-No. 60F, Marion County, OR (for Turner, OR); (f) in Sub-No. 91F, Buchanan and Andrew

Counties, MO and Doniphan County, KS (for St. Joseph, MO); (g) in Sub-No. 104F, Fayette County, OH (for Washington Court House, OH); (h) in Sub-No. 108F, Los Angeles County, CA (for Terrence, CA); (i) in Sub-No. 129F, Muscatine County, IA and Rock Island County, IL (for Muscatine, IA); and (j) in Sub-No. 130F, Orange, San Bernadino and Los Angeles Counties, CA and Canadian, Oklahoma, Cleveland Counties, OK (for Anaheim, CA and Oklahoma City, OK); (4) authorize radial service in place of one-way authority between: (a) Multnomah, Clackamas and Washington Counties, OR and Clark County, WA and points in WA and CA in Sub-No. 36; (b) Lane County, OR and AZ, CA, ID, MT, NV, NM, UT and WA in Sub-No. 44; (c) OR and WA, and, points in AZ and NV in Sub-No. 46; (d) Lane County, OR, and, points in ID in Sub-No. 50; (e) Marion County, OR and points in AZ, CO, ID, MT, NV, NM, OR TX, UT, WA and WY in Sub-No. 60f; (f) Buchanan and Andrew Counties, MO and Doniphan County, KS and points in AZ, CA, ID, MT, NV, OR, UT, WA and WY in Sub-No. 91F; (g) Los Angeles County, CA and points in AZ, NV, OR, WA and ID in Sub-No. 108F; and (h) (CA, OR and WA and points in UT in Sub-No. 112F; (5) eliminate the restriction against the transportation of shipments between points in WA in Sub-No. 45; (6) eliminate the restriction limiting service on shipments moving in foreign commerce to those moving through the ports of entry at or near Blaine, WA in Sub-No. 45; (7) eliminate the restriction against the transportation of commodities in bulk in Sub-Nos. 69F, 104F, 123F, 129 and 130F; and (8) eliminate the restriction against service to AK and HI in Sub-Nos. 104F and 129F.

MC 117956 (Sub-No. 20)X, filed April 23, 1981. Applicant: SCOTT TRANSFER CO., INC., P.O. Box 11248, Atlanta, GA 30310. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 2, 8, 11F, and 12F certificates to (1) broaden the commodity descriptions to (a) "food and related products" from salt, and pepper, when shipped with salt in Sub-No. 2 (sheets 1 and 2); (b) "pulp, paper and related products" from commercial paper in Sub-Nos. 2 (sheet 2) and 8; (c) "machinery" from lighting fixtures and lighting equipment in Sub-No. 11F, and mechanical creepers in Sub-No. 12F; (2) replace cities or plantsite restrictions with county-wide authority: Avery Island and Weeks Island with Iberia Parish, LA in Sub-No. 2; Cornelia with Habersham County, GA in Sub-Nos. 2 and 8; Clarkesville with Habersham County, GA in Sub-No. 8; Eufaula with Barbour County, AL and Americus with Sumter County, GA in Sub-No. 11F; Westville with Gloucester County, NJ, West Jordan with Salt Lake County, UT and Greenwood with LeFlore County, MS in Sub-No. 12F; (3) eliminate the "except AK and HI and commodities in bulk" restrictions in Sub-No. 11F; and (4) change its one-way authorities to radial authorities between: (a) points in Iberia Parish, LA, and, points in AL, FL, GA, SC, and TN in Sub-No. 2; and (b)(i) points in Gloucester County, NJ, and, Chicago, IL, St. Paul, MN, Salt Lake County, UT, Memphis, TN, Atlanta, GA and LeFlore County, MS, and, (b)(ii) points in SC, and points in Gloucester County, NJ in Sub-No. 12F. Applicant also seeks to remove restrictions in its MC-116947 Sub-Nos. 7, 11, 20, 29, 33, 40, 47, 48, 50, 53, 56F, 58F, 66F, 74F, 78F, 82F, 83, 84F, 86F, 87F, and 88F permits to (1) broaden the commodity descriptions to (a) "metal products, lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, and, chemicals and related products" from metal containers and container ends, pallets, paper shrouds, chipboard, lacquer in drums, decorated tin plates, in sheets, sheet plastic and bottle caps in Sub-No. 7; (b) "clay, concrete, glass or stone products," from tile, in cartons, and ceramic tile, bath accessories in Sub-No. 29; (c) "chemicals and related products and food and related products" from bleach, cleaning, scouring, and washing compounds, chopped alfalfa pellets and cooking oils in Sub-No. 33; (d) "rubber and plastic products" from plastic buckets in Sub-No. 40; (e) "food and related products and metal products" from canned goods and metal containers, and parts for metal containers in Sub-No. 66F; (f) "food and related products, metal products, and pulp, paper and related products" from foodstuffs, metal containers, pallets, paper shrouds, and clipboard in Sub-No. 86F; (g) "such commodities as are dealt in and used by a printing company" from boxes (except corrugated), store display racks and stands, signs, plastic film and sheeting, printing ink, varnish, machinery and machinery parts, printing plates, printing rolls and rollers, adhesives and glue, pulpboard or fiberboard O/T corrugated, in Sub-No. 88F; (h) "metal products and pulp, paper and related products" from steel drums, fiberboard or pulpboard drums, and corrugated fiberboard boxes and fiberboard boxes in Sub-No. 20; and fiberboard cans and metal closures, in Sub-No. 58F; (i) "food and related products" from: bread making ingredients, cooking oil, and flour, in containers in Sub-No. 48, and salad dressing, peanut butter, preserves and jellies in Sub-No. 74F; (j) "chemicals and related products" from cleaning compounds, drug and toilet preparations, and naphtha in Sub-No. 53, paints and caulking compounds in Sub-No. 78F, industrial cleaners, deodorizers, weed killers and insecticides in Sub-No. 82F; and paints and paint products in Sub-No. 84F; (k) "metal products, and rubber and plastic products" from metal containers, container closures, lacquer (in containers), decorated tin plate (in sheets and sheet plastic), in Sub-No. 11; (l) "rubber and plastic products" from plastic drums in Sub-No. 47; (m) "metal products, and lumber and wood products" from fibre cans, materials and supplies, and aluminum, steel, and tin can ends, and wooden pallets, platform and skids, in Sub-No. 50; (n) "general commodities (except classes A and B explosives)" from general commodities (with the usual exceptions), in Sub-Nos. 83F and 87F; and (o) "such commodities as are dealt in or used by grocery and food business houses" from such commodities as are dealt in by grocery and food business houses, and deodorants (except medicinal and toilet preparations), in Sub-No. 56F; (2) remove the "except commodities in bulk" restriction in Sub-Nos. 11, 33, 50, 58F, 70F, 74F, 78F, and 82F; and (3) broaden the territorial descriptions to between points in the U.S., under continuing contract(s) with named shippers, in the above named permits.

MC 123065 (Sub-13)X, filed May 4, 1981. Applicant: STX INC., d.b.a. SPOTSWOOD TRAIL EXPRESS, Redbone Road, Chester Springs, PA 19425. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, and 12 certificates to (1) broaden the commodity descriptions to (a) "lumber and wood products, metal products, building materials, and furniture and fixtures" from prefabricated houses and parts there of and new furniture, in the lead (part 1); (b) "furniture and fixtures" from furniture parts, in the lead (part 2); new furniture, in the lead (part 5) and Sub-No. 12; and new furniture, uncrated, in Sub-No. 3 (part 2; (c) "containers" from empty shipping cartons, in the lead (part 3); empty containers for poultry and eggs, in Sub-No. 4 (part 2 and 14), and empty dressed poultry containers, in Sub-No. 4 (part 16); (d) "farm products" from poultry and eggs, in Sub-No. 4 (part 1) and livestock, in Sub-No. 4 (part 21); (e) "lumber and wood products" from lumber, in Sub-No. 4

(part 3); (f) "food and related products" from apples and peaches (part 4), sugar (part 7), corn (part 8), cottonseed meal (part 9), dressed poultry (parts 12, 13, and 15), eggs, fresh or frozen (part 17), fresh and frozen dressed poultry (part 19), and feed materials (except liquid commodities in bulk), and excluding dump trucks, as a means of transportation (part 22), all in Sub-No. 4; (g) "chemicals and related products and food and related products" form fungicides and insecticides and materials used in the manufacture thereof, fertilizer and fertilizer materials, and feed and feed materials, in Sub-No. 4 (part 5); (h) "coal and coal products" from coal, in Sub-No. 4 (part 6); (i) "machinery" from carnival equipment, in Sub-No. 4 (part 11); (j) "food and related products and machinery" from dressed poultry and such supplies and machinery as are used in poultry dressing plants, in Sub-No. 4 (part 18); and (k) "general commodities" from general commodities (with exceptions), in Sub-No. 4 (part 20); (2) remove the plantsite limitation in Sub-No. 4 (part 12); (3) eliminate the restriction "except from Broadway and points within 2 miles thereof to Miami and Miami Beach, FL," in Sub-No. 4 (part 19); (4) replace cities with authority to serve the county as follows: McGaheysville with Rockingham County, VA, Lexington and Hudson with Davidson and Caldwell Counties, NC, and Darlington with Darlington County, SC, in the lead; Windber and Johnstown with Somerset and Cambria Counties, PA, and Randolph with Cattaraugus County, NY, in Sub-No. 3; Broadway, Bridgewater, Elkton, Timberville, Brooks Gap, Chilhowie, Wytheville, Crozet, Lovington, Amherst, Crimora, Weyers Cave, Washington Courthouse, Stanley, Strasburg, Mt. Jackson and New Market with Rockingham, Smyth, Wythe, Albermarle, Nelson, Amherst, Augusta, Rappahannock, Page, and Shenandoah Counties, VA, Pottsville with Schuykill County, PA, Hagerstown and Cumberland with Washington and Allegany Counties, MD, Charlestown, Martinsburg, and Moorefield with Jefferson, Berkeley, and Hardy Counties, WV, Weldon and Kinston with Halifax and Lenoir Counties, NC, Newfield with Gloucester County, NJ, and Lewes with Sussex, County, DE, in Sub-No. 4; and (5) change its one-way authority to radial authorities between points in the eastern part of the U.S., in the above named certificates.

MC 128383 (Sub-89)X, filed April 27, 1981. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Rd., Sharon Hill, PA 19079. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Applicants seeks to remove restrictions in its Sub-Nos. E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-20, E-21, E-22, E-23, E-24, E-25, E-26, E-27, E-28, E-29, E-30, E-31, E-32, E-33, E-34, E-35, E-36, E-37, E-38, E-40, E-41, E-42, E-44, E-45, E-48, E-49, E-50, E-51, E-52, E-53, E-54, E-55, E-56, E-57, E-58, E-60, E-61, E-63, E-64, E-65, E-67, E-68, E-69, E-70, E-71, E-72, E-73, E-74, E-75, E-76, E-77, E-78, E-79, E-80, E-81, E-86, E-87, E-88, E-89, E-83F, and 84F letter-notices to (1) broaden its commodity descriptions (a) from general comodities (with exceptions not including classes A & B explosives), to "general commodities", in Sub-Nos. E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-20, E-21, E-22, E-23, E-24, E-25, E-26, E-27, E-28, E-29, E-30, E-31, E-32, E-33, E-34, E-35, E-36, E-37, E-38, E-40, E-41, E-42, E-44, E-45, E-48, E-49, E-50, E-51, E-52, E-53, and E-53, and E-79, and (b) from general commodities (with exceptions including classes A & B explosives), to "general commodities (except classes A and B explosives)", in Sub-Nos. E-55, E-56, E-57, E-58, E-60, E-61, E-63, E-64, E-65, E-67, E-68, E-69, E-70, E-71, E-72, E-73, E-74, E-75, E-76, E-77, E-78, E-80, E-81, E-86, E-87, E-88, E-89, 83F, and 84F; (2) replace airports and cities with city or county-wide authority; airport at Albany County, NY, with Albany County, NY, in Sub-Nos. E-1, E-2, E-3, E-6, E-8, E-9, and E-15; airports at Anne Arundel County, MD, with Anne Arundel County, MD, in Sub-Nos. E-1, E-13, E-20, E-24, E-29, E-37, E-40, E-57, E-65, E-75, E-88, and E-89; airport at Newark, NJ, with Newark, NJ, in Sub-Nos. E-3, E-12, E-22, E-32, E-33, E-41, E-42, E-61, E-79, E-81, E-86, E-87, E-88, E-89, and 83F; airport at Monoroe County, NY, with Monroe County, NY, in Sub-Nos. E-4, E-17, E-19, E-20, E-21, E-31, and E-33; airport at New York, NY, with New York, NY, in Sub-Nos. E-2, E-4, E-11, E-14, E-15, E-16, E-19, E-23, E-27, E-44, E-45, E-49, E-50, E-52, E-60, E-61, E-74, E-79, E-81, E-86, E-87, E-88, and E-89; Washington National Airport with Washington DC, in Sub-Nos. E-5, E-6, E-10, E-21, E-26, E-30, E-51, E-56, E-65, E-75, E-77, E-80, E-88, and E-89; airport at Broome County, NY, with Broome County, NY, in Sub-Nos. E-5, E-36, and E-37; airport at Boston, MA, with Boston, MA, in Sub-Nos. E-7, E-10, E-11, E-12, E-13, E-52, E-53, E-86, E-87, E-88, and E-89; airport at Fairfax and Loudon Counties, VA, with Washington, DC, in Sub-Nos. E-7, E-8, E-25, E-31, E-34, E-36, E-38, E-54, E-65, E-73, and E-75; airport at Philadelphia, PA, with Philadelphia, PA, in Sub-Nos. E-6, E-17, E-18, E-28, E-35, E-48, E-53, E-55, E-56, E-64, E-79, E-86, and E-87; airport at Onandaga County, NY, with Onandaga County, NY, in Sub-Nos. E-14, E-16, E-24, E-30, E-32, E-34, and E-35; airport at Erie County, NY, with Erie County, NY, in Sub-Nos. E-16, E-22, E-23, E-25, E-26, E-27, and E-29; airport at Cleveland, OH, with Cleveland, OH, in Sub-Nos. E-28, E-79, E-86, E-88, and E-89; airport at Hartford County, CT, with Hartford County, CT, in Sub-Nos. E-38, E-40, E-41, E-44, E-48, E-50, and E-51; airport at Oneida County, NY, with Oneida County, NY, in Sub-Nos. E-42, E-45, and E-49; airport at or near Miami, FL, with Miami, FL, in Sub-Nos. E-54, E-56, E-57, E-60, E-63, E-71, E-78, E-86, E-89, and 83F; airport at Chicago, IL, in Sub-Nos. E-55, E-56, E-61, E-67, E-70, E-86, E-88, E-89, and 83F; airports at or near Atlanta, GA and Charlotte, NC, with Atlanta, GA and Mecklenburg County, NC, in Sub-Nos. E-60, E-63, E-71, E-88, and E-89; airport at or near Detroit, MI, with Detroit, MI, in Sub-Nos. E-61, E-67, E-87, E-88, and E-89; Milford, PA with Pike County, PA, in Sub-No. E-67; Atlantic City, NJ, with Atlantic County, NJ, in Sub-No. E-66; airports at Dayton, OH, and Indianapolis, IN, with Dayton, OH, and Indianapolis, IN, in Sub-Nos. E-76, E-79, E-88, and E-89; airports at Fairfax and Loudon Counties, VA, with Fairfax and Loudon Counties, VA in Sub-Nos. E-77, E-88, and E-89; airports at the following cities with Cincinnati, OH, and Pittsburgh, PA, in Sub-No. E-86; airports at the following cities with Indianapolis, IN, Kansas City, MO, and Minneapolis, St. Paul, MN, in Sub-Nos. E-86, and E-87; airports at the following cities with Los Angeles, San Francisco, and Oakland, CA, Little Rock, AR, Tulsa, and Oklahoma City, OK, Austin, Waco, San Antonio, and El Paso, TX, Kansas City, MO, and Memphis, TN, in Sub-No. 83F; and airports at the following cities with Charlotte, NC, Greenville, SC, and Atlanta, GA, in Sub-No. 84F; (3) change its one-way to radial authority (a) between Philadelphia, PA and Chicago, IL, in Sub-No. E-55, and (b) between Chicago, IL and Philadelphia, PA, in Sub-No. E-56; and (4) eliminate the restrictions, wherever they appear, (a) against the transportation of aircraft engines and parts from specified airports, and (b) limiting service to the transportation of traffic having a prior or subsequent movement by air.

MC 133384 (Sub-6)X, filed May 6, 1981. APPLICANT: BARBERTON RECON CENTER, INC., 5075 Wooster Road, Barberton, OH 44203. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH

43017. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to (1) broaden its commodity description to "transportation equipment" from motor vehicles, in truckaway service; and (2) remove the facilities restriction and authorize radial authority between Wayne County, MI, and points in the U.S.

MC 133534 (Sub-15)X, filed April 27, 1981. Applicant: ROBERT V. MARKT, d.b.a. ROBERT V. MARKT TRUCKING, 1707 Garfield Ave., St. Joseph, MO 64503. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. Applicant seeks to remove restrictions in its lead certificate, Sub-Nos. 3, 5, 6, 8, 9, 10, 13F and 14F to (1) broaden the commodity description in lead certificate, Sub-Nos. 3, 5, 8, from feed, feed ingredients, animal health aids and/or livestock feeders to "farm products" and in Subs 6, 9, 10, 13F and 14F from meats, meat by-products, packinghouse products, etc., to "food and related products"; (2) replace one-way with two-way authority in the lead certificate and radial authority in Subs 3, 5, 6, 9, 10, 13F and 14F between specified points located primarily in the midwestern U.S.; (3) replace plant site and/or city-wide authority with county-wide authority in Subs 3, 5, 6, 9, 10, 13F, and 14F as follows: St. Joseph with Buchanan County, MO; Carroll with Carroll County, IA; Denison with Crawford County, IA; Iowa Falls with Hardin County, IA; Elwood with Doniphan County, KS; Rockport with Atchinson County, MO; Crete with Saline County, NE; Lexington with Fayette County, KY; Covington with Kenton County, KY; Massillon with Stark County, OH; and Nebraska City with Otoe County, NE; (4) remove "originating at or destined to" restrictions in lead certificate and Subs 6, 8, 10, 13F and 14F; (5) eliminate intermediate point restriction in lead certificate, and allow service at all intermediate points between St. Joseph, MO, and Hiawatha, KS; and (6) delete restrictions on commodities, such as "in bulk, in bags".

MC 133591 (Sub-144)X, filed May 4, 1981. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. Applicant seeks to remove restrictions in its Sub-Nos. 4, 12, 19, 20, 21, 22, 26, 27F, 29, 31, 35MIF, 41F, 44, 53F, 56F, 70F, 71F, 74F, 76F, 77F, 80F, 91F, 95F, 98F, 104F, 106F, 107F, 108F, 110F, 112F, and 115 certificates to: (1) broaden the commodity descriptions from (a) animal and pet food, breading compounds, canned foodstuffs, frozen fruits, berries, vegetables, and potatoes, packaged food seasoning and treating compounds, bakery goods and products, foodstuffs, confectionery products, and snack foods, to "food and related products" in Sub-Nos. 12, 19, 20, 21, 27, 35MIF, 44, 53F, 56F, 80F, 98F, 106F and 110F; (b) paper bags, paper articles, disposable diapers, paper and paper products, paper dishes, plates and napkins, to "pulp, paper, and related products" in Sub-Nos. 21 (pg. 2), 76, 91, 106, and 107; (c) drugs, insecticides, pesticides, animal care products and paint, to "chemicals and related products" in Sub-Nos. 19 and 27; (d) vehicle suspension systems, parts, attachments, accessories, bicycles and tricycles to "transportation equipment" in Sub-Nos. 31, 95 and 104; (e) swimming and wading pools and gymnasium apparatus to "sporting and athletic goods" in Sub-No, 104; (f) electrical applicances, household applicances and fixtures, heating and cooling systems, electric motors, radios, televisions, stereophonic and videotape equipment to "machinery" in Sub-Nos. 4, 26, 41F, 70F, 71F and 74F; (g) heating and cooling systems, tools, tool boxes, scrap metals, steel and blowers, to "metal products" in Sub-Nos. 22, 26, 31, 41F, and 74F; (h) furniture parts to "furniture and fixtures" in Sub-No. 29; (i) insulation to "mineral products" in Sub-No. 41F; (j) textile products to "textile mill products" in Sub-No. 91F; and (k) plastics, plastic products, plastic articles, to "rubber and plastic products" in Sub-Nos. 76F, 77F, and 107F; (2) eliminate the facilities limitations in Sub-Nos. 4, 53F, 56F, 71F, 76F, 106F, 107F and 115; (3) replace city-wide with county-wide authority as follows: Girardeau County for Cape Girardeau, MO in Sub-No. 4; Phelps County for Rolla, MO in Sub-Nos. 12 and 21; Benton County for Siloam Springs and Gentry, AR in Sub-No. 20; Lawrence County for Aurora, MO in Sub-Nos. 22 and 31; Boone County for Columbia, MO in Sub-No. 26; Pettis County for Sedalia, MO in Sub-No. 26; Jasper County for Carthage, MO in Sub-No. 29; Lawrence County for Mt. Vernon, MO in Sub-Nos. 31 and 41F; Hempstead County for Hope, AR in Sub-No. 44; Bradley County for Cleveland, TN in Sub-No. 53F; Greene County for Springfield, MO in Sub-Nos. 20, 70F, 71F and 115; Cooper, Cole, Callaway, Adair, Shebly, Randolph and Macon Counties for Kirksville, Jefferson City, Boonville, Macon, Moberly and Clarence, MO and White County for Searcy, AR in Sub-No. 74F; Sebastian County for Ft. Smith, AR in Sub-No. 76F; Benton County for Rogers, AR in Sub-No. 77F; Ouachit and Pulaski Counties for East Camden and North Little Rock, AR in Sub-No. 91F; Phillips and Pulaski Counties for West Helena and Little Rock, AR in Sub-No. 104F; Nez Perce County for Lewiston, ID in Sub-No. 106F; Wilson County for Fredonia, KS in Sub-No. 31; Adair and Delaware Counties, OK for Proctor and Kansas, OK in Sub-No. 20; and Riley and Harvey Counties for Manhattan and Newton, KS in Sub-No. 20. (4) change one-way to radial authority between points in numerous States; and (5) remove the restrictions (a) in bulk in Sub-Nos. 12, 19, 20, 21, 26, 41F, 53F, 76F, and 77F; (b) in tank vehicles Sub-Nos. 20 and 53F; (c) size and weight in Sub-Nos. 22, 26, and 41F; (d) except frozen food, meat and meat products in Sub-No. 35MIF; (e) unfrozen in Sub-No. 44; (f) requiring mechanical refrigeration in Sub-No. 53F; (g) except frozen in Sub-No. 80F; and (h) against service to AK and HI in Sub-Nos. 56F and 74F.

MC 141249 (Sub-5)X, filed April 21, 1981. Applicant: WEEKS CARTAGE, INC., 1900 Dahlia Road, Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (A) remove all restrictions in its general commodities authority "except classes A and B explosives," (B) remove the restrictive phrase "in intermodal containers," and the restriction limiting traffic to that having a prior or subsequent movement by water; and (C) expand Jacksonville, FL to county-wide authority, to serve between Duval County, FL, and points in FL and GA.

MC 143234 (Sub-3)X, filed April 22, 1981. Applicant: PHILLIPS BROTHERS WAREHOUSING & DISTRIBUTING CORPORATION, 25 Thomas Avenue, Baltimore, MD 21225. Representative: Walter T. Evans, 7961 Eastern Avenue, Silver Spring, MD 20910. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (A) eliminate all restrictions in its general commodities authority "except classes A and B explosives," and (B) remove the restriction limiting traffic to that having a prior or subsequent movement by water or rail, on service between Baltimore, MD, and, points in six States and DC.

MC 144337 (Sub-4)X, filed May 6, 1981. Applicant: KENNETH HENDERSON TRUCKING CO., INC., Route 66, Cullowhee, NC 28723. Representative: Erick Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 3F permit to (1) broaden the commodity description to "rubber

and plastic products" from molded plastic articles, and (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper.

MC 145105 (Sub-2)X, filed April 20, 1981. Applicant: WEBBER TRANSPORT CO., 855 U.S. Route 1, Avenel, NJ 07001. Representative: Eugene C. Ewald, Suite 102, 100 West Long Lake Road, Bloomfield Hills, MI 48013. Applicant seeks to remove restrictions in No. MC-87928 and Sub-Nos. 40, 41, 42, 44, 45, 46, 47, 48, and 51 certificates, acquired in docket MC-FC-78578, to (1) broaden some commodity descriptions to: "motor vehicles" from automobiles, trucks, bodies, cabs, chassis, truck tractors, and buses, new and used, and motor homes, and new motor vehicles (except trailers); and "machinery" from farm tractors; (2) remove service restrictions limiting traffic to that: "in initial, subsequent or secondary movements" "in truckaway and driveaway service," "moving at the same time and with the vehicles of which they are a part and on which they are to be installed," or "when moving in mixed loads with trucks and automobiles," and also remove restrictions limiting service during certain seasons, and to that having an immediately prior movement by rail wherever they appear; (3) remove plantsite restrictions in the lead, and Sub-Nos. 40, 41, 45, 46, and 47; remove exceptions excluding service in AK and HI in the lead, and Sub-Nos. 47 and 51; replace one-way authority with radial authority; and replace the specified plantsites and cities with county-wide authority to serve: lead certificate, St. Louis County, MO (plantsites near Airport in St. Louis County, MO, and near Robertson and Hazelwood, MO); Washtenaw County, MI (Willow Run, MI); Middlesex County, NJ (Edison Township, NJ); Wayne County, MI (Dearborn and Highland Park, and plantsites in Wayne County, MI); Ottawa County, OK (Quapaw, OK); Macomb County, MI (Warren Township, MI); Sub-No. 40, Bergen County, NJ (Mahway, NJ); Sub-No. 48, Wayne County, MI (Dearborn, MI); Cerro Gordo County, IA (Mason City, IA); Scott County, MN (Shakopee, MN); and Sub-No. 51, Calhoun County, MI (Battle Creek, MI).

MC 145955 (Sub-23)X, filed May 4, 1981. Applicant: CENTRAL TRUCK SERVICE, INC., P.O. Box 7154, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 8F, 10F, 12F, 13F, 14F, 15F,16F, and 17F certificates to (1) broaden the commodity descriptions to (a) "machinery and related products" from electrical appliances and accessories, in Sub-No. 2F; (b) "food and related products" from meats, meat products, meat by probducts, and articles distributed by meat packing houses, in Sub-Nos. 8F and 13F, foodstuffs in Sub-No. 14F, and pet food and pet supplies, in Sub-No. 16F; (c) "chemicals and related products, petroleum, natural gas and their products, rubber and plastic products, and clay, concrete, glass or stone products" from cleaning and polishing compounds, textile softener, lubricants, deodorants, disinfectants, hydrochlorite solutions, paints, plastic bags and filters in Sub-No. 10F; (d) "such commodities as are dealt in by manufacturers and distributors of containers and paper and paper products" from containers and paper and paper products, in Sub-No. 12F; (e) "chemicals and related products" from adhesives, in Sub-No. 15F; and (f) "such commodities as are dealt in by manufacturers or distributors of paper products" from paper products, in Sub-No. 17F; (2) eliminate "except hides and commodities in bulk" restrictions, in Sub-No. 8F; (3) replace Franklin, IL, and Topeka and Wichita, KS with authority to serve Cook County, IL, and Shawnee and Sedgwick Counties, KS, in Sub-No. 2F; and (4) change its one-way authorities to radial authorities between Cook County, IL and named points in IA, NE, KS, and MO, in Sub-No. 2F, and between Chicago, IL, and Milwaukee, WI, and, points in the U.S., in Sub-No. 14F.

MC 146068 (Sub-9)X, filed May 7, 1981. Applicant: CONSOLIDATED CARRIERS CORPORATION, P.O. Box 426, Hemingway, SC 29554. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425-13th Street, N.W., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-No. 8F to (1) broaden the commodity description to "general commodities (except classes A and B explosives)" from general commodities (with the usual exceptions), and (2) remove the restriction limiting service to the transportation of traffic moving on freight forwarder bills of lading.

MC 146472 (Sub-1)X, filed April 23, 1981. Applicant: LEHMAN TRANSPORT, INC., 155 East Acker St., St. Paul, MN 55117. Representative: Val M. Higgins, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its lead certificate to (A) broaden the commodity description to "petroleum, natural gas and their products" from petroleum and petroleum products (except gasoline and liquefied petroleum gas); and (B) change one-way service to radial service, between Minneapolis, MN, and, points in ND, SD, IA and WI.

MC 147943 (Sub-3)X, filed April 29, 1981. Applicant: E.W.K. CARTAGE, INC., 4865 South Leamington, Chicago, IL 60638. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden the commodity description to "general commodities (except classes A and B explosives)" from general commodities (with exceptions); and (2) remove the restriction to traffic moving on bills of lading of freight forwarders.

[FR Doc. 81-14696 Filed 5-18-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Joint Committee on Agricultural Development (JCAD) of the Board for International Food and Agricultural Development (BIFAD) on June 8-9, 1981.

The meeting on June 8, 1981 will convene in the form of Work Groups. The Regional Work Groups will meet from 9:00 a.m. to 12:00 noon as follows: Africa RWG in Room 2941, New State Department Building, Washington, D.C. (Mr. Lane E. Holdcroft, A.I.D. Federal Designee for this meeting can be contacted at (202/632-3650); Latin America RWG in Room 2242 New State Department Building (Mr. Albert Brown, A.I.D. Federal Designee for this meeting can be contacted at (202/632-8126); Near East RWG in Room 6484 New State Department Building (Mr. Keith Sherper, A.I.D. Federal Designee for this meeting can be contacted at (202/632-9256); and the Asia RWG in Room 609 Rosslyn Plaza "C" Building, 1601 North Kent Street, Rosslyn, Virginia (Mr. David Lundberg, A.I.D. Federal Designee for this meeting can be contacted at (703/235-8670).

On June 8, 1981 from 1:30 p.m. to 4:30 p.m. the Work Groups on Training and Education, Women in Development, and Procurement Process will meet in Room

1406, Room 4914, and Room 2248, respectively of the New State Department Building, Washington, D.C.

The full JCAD Committee will meet on June 9, 1981, from 9:00 a.m. to 1:00 p.m. to receive and discuss reports on: activities of the Regional and Procurement Process Work Groups; follow-up on Strengthening Grant activities; review of Training in A.I.D., the Professional Personnel Roster, and Registry of Institutional Resources. This meeting will be in Room 3524 New State Department Building, Washington, D.C.

The meetings are open to the public. Any interested person may attend, may file written statements with the Committee before or after the meetings, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meetings permit.

Mr. John C. Rothberg, BIFAD Support Staff, is designated A.I.D. Advisory Committee Representative at the June 8 and 9 meetings. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (202) 632-7937.

Dated: May 13, 1981.

John C. Rothberg,

A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 81-14874 Filed 5-18-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated March 18, 1981, and published in the Federal Register on March 26, 1981, (46 FR 18822), Knoll Pharmaceutical Company, Production Department, 30 North Jefferson Road, Whippany, New Jersey 07981, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug and Schedule
Dihydromorphine (9145)—I
Hydromorphone (9150)—II

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations § 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: May 11, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-14887 Filed 5-18-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal Committee on Apprenticeship; Meetings

Pursuant to section 10(a) of the Federal Advisory Committed Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship will conduct open meetings at the Grand Traverse Hilton, 6300 North US 31, Acme, Michigan, June 3, through June 5, 1981.

The opening of the full Committee meeting will be preceded by the Following *FCA Subcommittee meetings* on *June 3, 1981:*

Equal Apprenticeship Opportunity—1:00–2:15 p.m.
Federal-State Relations—2:30–3:45 p.m.
Goals—3:45–5:00 p.m.

The Committee's full meeting will begin on Thursday, *June 4, 1981,* from 8:30 a.m. to 12 noon with the following agenda:

1. Overview of New Initiatives
2. Report on CETA: The View from Apprenticeship
3. Briefing on State and National Apprenticeship Systems (SNAPS)
4. Briefing on the Impact of Budget Cuts on Apprenticeship and Outreach Programs

On the afternoon of *June 4, 1981,* the following FCA Subcommittee meetings will be held:

Relationship of Apprenticeship to Other Training Systems—1:00–2:30 p.m.
Quality of Training—3:00–4:30 p.m.

The FCA will continue their general meeting on Friday, *June 5, 1981,* from 8:30 a.m. to 12 noon. The agenda for the meeting includes:

5. Apprenticeship and Vocational Education
6. Procedure and Criteria for Determining Apprenticeability of Occupations
7. Report on the Status of the Bureau of Apprenticeship and Training and State Apprenticeship Agencies
8. Status Report on the FCA's Recommendations to the Secretary of Labor

The agendas are subject to change due to time constraints and priority items which may come before the Committee between the time of this publication and the scheduled date of the FCA meetings.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agendas may do so by furnishing it to the Executive Secretary at any time prior to the meetings. Thirty Copies are needed for the members and for the inclusion in the minutes of the meetings.

Any member of the public who wishes to speak at the meetings should so indicate in a written statement, also the nature of the intended presentation and amount of time needed. The Chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

Mrs. M. M. Winters, Burearu of Apprenticeship and Training, ETA, U.S. Dept. of Labor, 601 D Street, NW., (Room 5434), Washington, D.C. 20213.

Signed at Washington, D.C. this 15th day of May 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-15017 Filed 5-18-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-12-M]

The Bunker Hill Co.; Petition for Modification of Application of Mandatory Safety Standard

The Bunker Hill Company, P.O. Box 29, Kellogg, Idaho 83837 has filed a petition to modify the application of 30 CFR 57.4-61-B (fire doors) to its Bunker Hill Mine located in Shoshone County, Idaho. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fire doors be installed in the petitioner's underground shop.

2. Petitioner states that because the underground shop is limited in size (when a diesel truck is in the shop for repairs, because of its length, it extends beyond the position in which a fire door would be located), it is not possible to construct a fire door or bulkhead as required by the regulation.

3. Because of unstable roof conditions, expending the shop to an adequate size

to permit the installation of fire doors would expose miners to hazardous conditions.

4. As an alternate method, petitioner proposes to use a twin-agent, manually operated fire suppression system which applies both dry chemical and foam on any fire. Petitioner would place two of these systems in the shop, one at each end of the shop.

5. Petitioner states that this proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 18, 1981. Copies of the petition are available for inspection at that address.

Dated: May 12, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-14829 Filed 5-18-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-65-C]

Crescent Energy, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Crescent Energy, Inc., 113 Main Street, Whitesburg, Kentucky 41858 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. 1 located in Latcher County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's cutting machine.

2. Petitioner states that the coalbed height is such that a canopy would diminish the visibility of the equipment operator to such an extent that he or she would endanger the lives of other miners and not have adequate visibility to properly control the equipment.

3. Petitioner further states that a canopy installed on the cutting machine could strike the roof supports, creating the danger of a roof fall.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 18, 1981. Copies of the petition are available for inspection at that address.

Dated: May 12, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-14830 Filed 5-18-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-22-M]

International Salt Co.; Petition for Modification of Application of Mandatory Safety Standard

International Salt Company, 12841 Sanders Street, Detroit, Michigan 48217 has filed a petition to modify the application of 30 CFR 57.4-61B (fire doors) to its Detroit Mine located in Wayne County, Michigan. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that fire doors be installed in the petitioner's underground shop.

2. The petitioner's shop contains nine openings ranging from 50-55 feet in width and 22-24 feet in height; the shop area is locate in the return air system approximately two miles updraft from the preparation station.

3. Petitioner states that with the mine's present evacuation plan and ventilation sytem, all miners working updraft would not be affected by the spread of toxic gases; miners working downdraft of the shop area would be able to safely exit the mine or enter into the fresh air system before any toxic gases could reach them.

4. Petitioner further states that constructing airtight doors as required would:

a. Seriously restrict air flow through the shop area;

b. Reduce the amount of fresh air presently available to properly cleanse the working face parameters of any potentially toxic gases and vehicle exhaust fumes;

c. Possibly create a concentrated toxic environment as well as a potentially explosive one.

5. As an alternate method, petitioner proposes to:

a. Use a recently installed phone paging system as a quicker and additional means of notifying miners throughout the mine that a fire or disaster is present and follow established evacuation procedures;

b. Install one set of air doors located approximately 75 feet from the shop, which would allow miners working in the area to enter into the fresh air system in less time than it would take to close all fire doors and contain the spread of toxic fumes and gases.

6. Petitioner states that this proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be post marked or received in that office on or before June 18, 1981. Copies of the petition are available for inspection at that address.

Dated: May 12, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-14831 Filed 5-18-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-9644]

Clothing Factory, Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on July 28, 1980 in response to a petition which was filed on behalf of workers at Clothing Factory, Incorporated, Tamaqua, Pennsylvania. The workers produced ladies' knit tops and blouses.

U.S. imports of women's misses' and children's blouses and shirts (including knit tops) increased absolutely and relative to domestic production in 1978 compared to 1977. U.S. imports increased absolutely in 1979 compared to the average level of imports for the period 1975 through 1978.

Clothing Factory, Incorporated, which closed in August, 1979, was a contractor, producing women's knit tops and blouses. The Department conducted a survey of the manufacturers for whom the Clothing Factory worked. The survey revealed that manufacturers accounting for a significant proportion of the Clothing Factory's orders in 1978 and in the first half of 1979 decreased their business with the Clothing Factory and increased their business with foreign contractors in the fiscal year ending April 30, 1980 as compared to the fiscal year ending April 1979.

The survey also revealed that another manufacturer reported a substantial decline in contract business with Clothing Factory, Incorporated in the latter part of 1978. This manufacturer, itself, reported declining company sales. Customers of the manufacturer decreased purchases from the manufacturer and increased purchases of imported women's apparel. Workers of this manufacturing firm were certified as eligible to apply for trade adjustment assistance in November 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' knit tops and blouses produced at the Clothing Factory, Incorporated, Tamaqua, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Clothing Factory, Incorporated, Tamaqua, Pennsylvania, who became totally or partially separated from employment on or after May 14, 1979 and on or before September 15, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of May 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-14692 Filed 5-18-81; 8:45 am]

BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period May 4–8, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–9949; The Valeron Corp., Modco Tools Division, Oak Park, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9267; Frezzolini Electronics Inc., Hawthorne, NJ

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,945; Evans Product Co., Minneapolis Electric Steel Castings Co. Div., Minneapolis, MN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–11,446; Vulcan Corporation, Blanchester, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of shoe lasts are negligible.

TA–W–11,977; W. E. Stephens Mfg., Inc., Watertown, TN

Investigation revealed that criterion (3) has not been met. The evidence indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9681; Metal Craft Co., Inc., Marlette, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9980; Marlette Coatings, Inc., Marlette, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,867; Pine Tool Co., Inc., Standish, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. Additionally, U.S. imports of tools, dies and fixtures for automative use are negligible.

TA–W–10,516; The General Tire and Rubber Co., Batesville, AR

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–12,393; Allied Chemical Corp., Semet Solvay Div., Ashland, KY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–11,743; Chrysler Corporation, Supply Sales and Marketing Office, Highland Park, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,885; Minnesota Rubber Co. Quadee Rubber Co. Watertown, SD

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,283; B&C Machine Co., Barberton, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9639; Simpson Industries, Inc., Gladwin Machine Products Div., Gladwin, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9622; U.S. Steel Corp., Christy Park Works, McKeesport, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9556 & 9556A; McGraw-Edison Co., Bussman Mfg. Div., Ellisville and St. Louis, MO

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to workers separations at the firm.

TA–W–9529 & 11,218; National Gypsum Co., Clement Div., Alpena, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9460; Sies Re-Fab-Co. Inc., Troy, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9337; Lear Siegler, Inc., Metal Products Div., Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9322; Swepco Tube Corp., Clifton, NJ

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9142; Federal Forge, Inc., Federal Div. and Lansing Div., Lansing, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9214; ITT Thompson Industries, Division, Plant #2, Madison, FL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to workers separations at the firm.

TA–W–9217; ITT Thompson Industries, Division, Plant #8, Holly Springs, MS

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9218; ITT Thompson Industries, Division, Plant #10, Valdosta, GA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9469; ITT Hancock Industries, Inc., Roscommon, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–12,355; Soptra Fabrics Corp., New York, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of finished fabric did not increase as required for certification.

TA–W–10,511; U.S. Pattern Co., Inc., Richmond, MI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of industrial patterns and core boxes (including models) are negligible.

TA–W–10,176; Twin City Leather Co., Gloversville, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of tanned and finished sheepskins and cattle hides did not increase as required for certification. U.S. imports of tanned deerskins are negligible.

TA–W–10,212; Wisconsin Bridge and Iron Co., Milwaukee, WI

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of fabricated structural steel did not increase as required for certification.

TA–W–10,568; Illinois Slag and Ballast Co., Chicago, IL

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of iron and steel scrap are negligible.

TA–W–11,984; Target Togs, Inc., Garfield, NJ

Investigation revealed that criterion (3) has not been met. Since December 1, 1980, the date of expiration of the old certification, no declines in sales, production, or employment have occurred at Target Togs, Inc.

TA–W–9680 & 11,204; Ford Motor Co., Ford Tractor Operations, Detroit Supply and Central Parts Depot, Troy, MI and Albany Supply Depot, Albany, NY

Investigation revealed that criterion (3) has not been met. The majority of the parts which Ford Tractor Operations sells through the supply depots are manufactured by unaffiliated domestic and foreign firms. Therefore, the depots are not substantially integrated into the production of import-impacted farm tractors and tractor-loader-backhoes.

TA–W–10,151; Farmington Mfg. Co., Farmington, MO

Investigation revealed that criterion (3) has not been met. In the period in which significant employment declines occurred, the subject firm's customers relied almost exclusively on domestic sources.

TA–W–11,946; Dover Corp., Blackmer Pump Division, Grand Rapids, MI

Investigation revealed that criterion (3) has not been met. The only significant employment declines at the plant were attributable to a strike by workers at the plant.

TA–W–9239 & 9244; ATF-Davidson Co., Whitinsville, MA and Whitin Machine Works, Whitinsville, MA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA–W–9294; Cal Custom Accessories, Inc., Hawk Division of Cal Custom/ Hawk, Carson, CA

A certification was issued covering all workers of the firm separated on or after October 28, 1979 and before May 31, 1980.

TA–W–10,687; L&S Fashions, Inc., Amityville, NY

A certification was issued covering all workers of the firm separated on or after August 18, 1980.

TA–W–10,684; General Electric Co., Fort Smith, AR

A certification was issued covering all workers of the firm engaged in employment related to the production of electric heaters separated on or after January 1, 1980.

With respect to workers engaged in employment related to the production of air conditioning equipment, the investigation revealed that criterion (3) has not been met. U.S. imports of unitary air conditioners and dehumidifiers are negligible.

TA–W–10,631; Double-Z Knitwear Corp., Brooklyn, NY

A certification was issued covering all workers of the firm separated on or after September 3, 1979.

TA–W–12,507; Ford Motor Co., Ford Tractor Operations, Northeastern District Sales Office, Cohoes, NY

A certification was issued covering all workers of the firm separated on or after November 1, 1980.

TA–W–12,506; Ford Motor Co., Ford Tractor Operations, Southwestern District Sales Office, Dallas, TX

A certification was issued covering all workers of the firm separated on or after November 1, 1980.

TA–W–12,508; Ford Motor Co., Ford Tractor Operations, South Central Dsitrict Sales Office, Memphis, TN

A certification was issued covering all workers of the firm separated on or after November 1, 1980.

TA–W–9213; ITT Thompson Industries, Division, Plant #1, Valdosta, GA

A certification was issued covering all workers of the firm engaged in employment related to the production of exterior moldings, back panels, and grilles separated on or after June 12, 1979.

With respect to workers producing bumpers, the investigation revealed that criterion (3) has not been met.

TA–W–9215; ITT Thompson Industries, Division, Plant #3, Adel, GA

A certification was issued covering all workers of the firm engaged in employment related to the production of exterior moldings separated on or after June 12, 1979.

With respect to workers producing trim rings, hub caps, and retainers, criterion (3) has not been met.

TA–W–9216; ITT Thompson Industries, Division, Plant #4, Lake City, FL

A certification was issued covering all workers of the firm separated on or after June 12, 1979.

TA–W–9613; ITT Thompson Industries, Division, Plant #7, North Vernon, IN

A certification was issued covering all workers of the firm engaged in employment related to the production of exterior moldings, back panels and fuel tank straps separated on or after July 2, 1979.

With respect to workers producing hub caps, bill crank parts, door frames, and retainers, the investigation revealed that criterion (3) has not been met.

TA–W–11,950; Ford Motor Co., Ford Tractor Operations, General Office, Troy, MI

A certification was issued covering all workers of the firm separated on or after December 11, 1979.

TA–W–11,951; Ford Motor Co., Ford Tractor Operations, Northwestern District Sales Office, Bloomington, MN

A certification was issued covering all workers of the firm separated on or after February 1, 1980.

I hereby certify that the aforementioned determinations were issued during the period May 4–8, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: May 12, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81–14618 Filed 5–18–81; 8:45 am]
BILLING CODE 4510–28–M

[TA–W–10,251]

New Jersey Zinc Co.; Negative Determination Regarding Application for Reconsideration

By an application dated April 21, 1981, the union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing slab zinc, zinc dust and zinc oxide at New Jersey Zinc Company's facility located at Palmerton, Pennsylvania. The determination was published in the Federal Register on March 31, 1981 (46 FR 19633).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The union claims that the workers at the Palmerton, New Jersey refinery should be certified since the Department certified workers at New Jersey Zinc mines in Gordonsville, Tennessee and St. Joe Zinc in Monaca, Pennsylvania which produced the same products as the Palmerton refinery.

The union also questions the adequacy of the Department's customer survey.

The Department's review showed the worker petition did not meet the "contributed importantly" test for slab zinc or the increased import criterion for slab zinc and zinc dust. The Department's survey of New Jersey Zinc's customers which represented some 40 percent and 75 percent of its 1979 and 1980 sales of slab zinc, respectively, showed that most customers did not reduce purchases of zinc from New Jersey Zinc in favor of imports. The Department's survey found that many of its customers reported that New Jersey Zinc was unable to supply all of their requirements for zinc prior to the shutdown of the metal circuit at the Palmerton refinery. U.S. imports of slab zinc declined both absolutely and relative to domestic production in 1979 compared to 1978 and declined absolutely in 1980 compared to 1979. U.S. imports of zinc dust declined absolutely and relative to domestic production in 1979 compared to 1978 and remained stable in 1980 compared to 1979. The review also showed that the worker petition did not meet the decreased production and/or sales criterion of the Act for zinc oxide since sales and production of zinc oxide and chemical products remained relatively stable in quantity and increased in value in 1979 compared to 1978 and during the January to August 1980 period compared to the same period in 1979. Also, the decreased production and/or sales criterion of the Act was not met for zinc dust in 1979 compared to 1978.

The Department's certification for workers at St. Joe Zinc's smelter at Monaca, Pennsylvania, TA–W–3455, was based largely on import data prior to the 1979 period. The St. Joe petition was filed more than two years before that of New Jersey Zinc. The Department's negative determination for workers at Palmerton was based on more recent import data and customer data because of the later filing date, i.e., June 25, 1980.

The Department's certifications for workers at the Jersey Miniere Zinc Company's mines at Gordonsville and Elmwood, Tennessee, TA–W–6162 and TA–W–6162A, were based mainly on company imports of zinc ore. Workers at New Jersey Zinc's Palmerton facility, however, produced slab zinc, zinc dust and zinc oxide. For certification purposes, the Trade Act only permits increased imports of articles "like or directly competitive" with those produced at the workers' firm or appropriate subdivision.

The decision to terminate slab zinc production at Palmerton was made by New Jersey Zinc's parent company. Slab Zinc production at an affiliated new refinery in Tennessee, which incorporates the most advanced technology, has been at near capacity levels.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 11th day of May 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81–14893 Filed 5–18–81; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–6686]

TRW-United Carr Division, Knoxville, Tennessee; Negative Determination Regarding Application for Reconsideration

By an application dated March 2, 1981, petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing automotive rear window defroster relays and switches at TRW-United Carr Division, Knoxville, Tennessee. The determination was published in the **Federal Register** on February 2, 1981 (46 FR 12362).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioners claim that because of the reduced sale of domestically produced automobiles, production of auto relay switches for near window defrosters at the Knoxville plant ceased and production was transferred to the parent company's Canadian facility and subsequently exported back to its U.S. customers. The petitioners also cited the fact that many auto workers have been certified and, further workers producing auto components in a different firm were certified.

The Department's review of the investigative file revealed that TRW-United Carr Division manufactured relay switches for rear window defrosters exclusively at its Canadian subsidiary. In 1978, some relay switch production was initiated at the Knoxville plant. When relay orders from the automobile manufacturers declined in 1980, TRW consolidated production at United Carr of Canada and shut down the operation at Knoxville. A Department of Labor survey of domestic automobile manufacturers showed that these customers who purchased the predominant portion of electrical relays produced at Knoxville did not purchase imported electrical switches and relays. Surveyed customers that increased purchases of imported electrical switches and relays also increased purchases of domestically produced electrical switches and relays in the first four months of 1980 compared to the same period in 1979.

The Department found that a strike occurred at the Knoxville plant from January 28, 1980 to April 14, 1980. During the strike, Knoxville's production of relay switches was transferred back to United Carr's Canadian facility in order to fulfill its obligation to its U.S. customers. Production at Knoxville was restored on a reduced scale after the strike because of the normal phase-out of production for the specific model year (in this case MY 1980) which usually occurs in May. Contracts for automotive parts are made on a year-to-year basis, and production start-ups for the new model year usually begin in June or July.

Most of the former employees who are available for work have been rehired. Reportedly, the Knoxville plant has broadened its produced mix and is increasing its production.

In an economic sense, it is recognized that workers who are employees of independent parts-producing firms can be seriously affected by increased imports of automobiles. Under the Trade Act of 1974, however, in such circumstances, the Department is not able to take into account increased auto imports in determining whether workers in independent firms producing parts can be certified.

With respect to the claim that other component workers (seat belts) have been certified, it should be noted that each case must be evaluated on its own merits and each worker group must satisfy all the criteria in the Act.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of the law which justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C. this 11th day of May 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81–14894 Filed 5–18–81; 8:45 am]

BILLING CODE 4510–28–M

[TA–W–6,660]

Unelco Electronics Corp.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in the case that all of the requirements have been met.

The investigation was initiated on July 28, 1980 in response to a petition which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers at Unelco Electronics Corporation, Columbia, Maryland. The

workers produce stereo phonographs and phono/radio combinations.

U.S. imports of audio combinations increased in quantity both absolutely and relative to domestic production in 1980 compared to 1979 and increased absolutely in value in 1980 compared to 1979. The quantity of U.S. imports as a percentage of domestic shipments exceeded 370 percent in 1980.

As in virtually all consumer electronics, the low-price end of the audio combinations' market consists almost entirely of imports.

The audio combinations produced by Unelco Electronics were in the price range dominated by imports.

Major retailers, including several of the former customers of Unelco, rely on imported audio combinations for a significant portion of their requirements for audio combinations.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with stereo phonographs and phono/radio combinations produced at Unelco Electronics Corporation, Columbia, Maryland contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Unelco Electronics Corporation, Columbia, Maryland who became totally or partially separated from employment on or after July 14, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of May 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-14826 Filed 5-18-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-49)]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Safety, Human Factors and Operating Systems.

DATE AND TIME: June 3, 1981, 9 a.m.; June 4, 1981, 9 a.m. to 5 p.m; June 5, 1981; 9 a.m. to 2 p.m.

ADDRESS: National Aeronautics and Space Administration, Building 10B, Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Herman A. Rediess, National Aeronautics and Space Administration, Code RTE-6, Washington, DC 20546 (202/755-2243).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Safety, Human Factors and Operating Systems was established to review, critique and assess the NASA program and plans relating to aviation safety and the solution of human factors and operational problems in all aspects of aviation. The Subcommittee, chaired by Captain J. D. Smith, is comprised of 13 members. The meeting will be open to the public up to the seating capacity of the room (approximately 35 persons including the Subcommittee members and participants).

TYPE OF MEETING: Open.

AGENDA:

June 3, 1981

9 a.m.—Introductory Remarks.

9:30 a.m.—Overview of NASA/Office of Aeronautics and Space Technology (OAST) Aeronautics Long Range Plan.

11 a.m.—Aircraft Safety and Operating Systems Technology Long Range Plan.

3 p.m.—Human Factors Long Range Plan.

5 p.m.—Adjourn.

June 4, 1981

9 a.m.—NASA Technology Demonstration and Validation Proposed Programs.

10 a.m.—Review of Selected NASA Ongoing Programs in Safety, Human Factors and Operating Systems.

5 p.m.—Adjourn.

June 5, 1981

9 a.m.—Subcommittee Deliberations and Recommendations on Safety, Human Factors and Operating Systems Programs and Plans.

2 p.m.—Adjourn.

Russell Ritchie,

Acting Associate Administrator for External Relations.

May 12, 1981.

[FR Doc. 81-14875 Filed 5-18-81; 8:45 am]

BILLING CODE 7510-01-M

[Notice (81-46)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces the forthcoming meeting of NASA Advisory Council, Informal Ad Hoc Solar System Exploration Committee.

DATE AND TIME: June 1, 1981, 8:30 a.m. to 4:30 p.m., June 2, 1981, 8:30 a.m. to 4:00 p.m.

ADDRESS: National Academy of Sciences, 2101 Constitution Avenue, NW., Room 280, Washington, D.C. 20418.

FOR FURTHER INFORMATION CONTACT: Mrs. Diane M. Mangel, National Aeronautics and Space Administration, Code SL-4, Washington, D.C. 20546 (202/755-3728).

SUPPLEMENTARY INFORMATION: The Informal Ad Hoc Solar System Exploration Committee was established under the NASA Advisory Council to translate the scientific strategy developed by the Committee on Planetary Exploration (COMPLEX) into a realistic, technically sound sequence of missions consistent with that strategy and with resources expected to be available for solar system exploration. The committee will report its findings to the Council and to NASA. The committee is chaired by Dr. John E. Naugle and is composed of four other members of the Council and its standing committees, who will meet with about 9 other invited participants and certain NASA personnel.

The meeting of the subcommittee is necessary at this time in order to conduct preliminary discussions and provide sufficient preparation time before the subcommittee's principal study period. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons, including committee members and invited meeting participants). Visitors will be requested to sign a visitor's register.

TYPE OF MEETING: Open.

AGENDA:

June 1, 1981

8:30 a.m.—Comment and Discussion.

1:00 p.m.—Discussion of Planetary Exploration Program.

4:30 p.m.—Adjourn.

June 2, 1981

8:30 a.m.—Mission Sequences.

1:00 p.m.—Plans for Summer Study.
4:00 p.m.—Adjourn.

Gerald D. Griffin,
Acting Associate Administrator for External Relations.
May 12, 1981.
[FR Doc. 81-14676 Filed 5-18-81; 8:45 am]
BILLING CODE 7510-01-M

[Notice (81-46)]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Advisory Subcommittee on Space Electronics.

DATE AND TIME: June 9, 1981, 8:30 a.m. to 5 p.m.; June 10, 1981, 8:30 a.m. to 5 p.m.; June 11, 1981, 9 a.m. to 2 p.m.

ADDRESS: NASA Goddard Space Flight Center, Building 8, Management Conference Center, Greenbelt, MD.

FOR FURTHER INFORMATION CONTACT: Dr. Herman A. Rediess, National Aeronautics and Space Administration. Code RTE-6, Washington, DC 20546, (202/755-2243).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Space Electronics was established to review and make recommendations on NASA research and technology programs and plans in space electronics which includes microelectronic devices, sensors, information systems, automation and guidance and control technology. The Subcommittee chaired by Dr. Edward Gerry, is comprised of 7 members. The meeting will be open to the public up to the seating capacity of the room (approximately 35 persons including the Subcommittee members and participants).

TYPE OF MEETING: Open.

AGENDA:

June 9, 1981
8:30 a.m.—Open Remarks.
9 a.m.—Overview of NASA/Office of Aeronautics and Space Technology (OAST) Space Research and Technology Long Range Plan.
10:30 a.m.—Information Systems Long Range Plan.
3 p.m.—Electronics Long Range Plan.
5 p.m.—Adjourn.

June 10, 1981
8:30 a.m.—Space Technology Requirements.
10 a.m.—Automation Long Range Plan.
1 p.m.—Control and Guidance Long Range Plan.
5 p.m.—Adjourn.

June 11, 1981
9 a.m.—Subcommittee Deliberations and Recommendations.
2 p.m.—Adjourn.

Gerald D. Griffin,
Acting Associate Administrator for External Relations.
May 12, 1981.
[FR Doc. 81-14677 Filed 5-18-81; 8:45 am]
BILLING CODE 7510-01-M

[Notice (81-47)]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Advisory Subcommittee on Space Power and Electric Propulsion.

DATE AND TIME: June 11, 1981, 9 a.m. to 4:30 p.m.; June 12, 1981, 9 a.m. to 12:30 p.m.

ADDRESS: NASA Headquarters, 600 Independence Avenue SW., Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Lynwood P. Randolph National Aeronautics and Space Administration, Code RTS-6, Washington, DC 20546 (202/755-3278).

SUPPLEMENTARY INFORMATION: The Subcommittee for Space Power and Electric Propulsion was established to assist NASA in assessing, reviewing, and evaluating the Space Power and Electric Propulsion Program for a proper balance between near-term and far-term technology, between basic research and technology demonstration, and among the various specific objectives of the program. The Subcommittee, chaired by Mr. Harrison J. Killian, is comprised of 8 members. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons including Subcommittee members and participants).

TYPE OF MEETING: Open.

AGENDA:

June 11, 1981
9 a.m.—Introductory Remarks.
9:15 a.m.—Long Range Plan Overview.
10:30 a.m.—Center Managers Meeting Report.
10:45 a.m.—Key Mission Drivers.
2:30 p.m.—Electric Propulsion—National Capability.
3:15 p.m.—Committee Discussion.
4:30 p.m.—Adjourn.

June 12, 1981
9 a.m.—NASA's Nickel Hydrogen Plan.
9:45 a.m.—Overview.
10 a.m.—Alkaline Technology.
10:30 a.m.—Acid Technology.
11 a.m.—Committee Discussion and Recommendations.
12:30 p.m.—Adjourn.

Gerald D. Griffin,
Acting Associate Administrator for External Relations.
May 12, 1981.
[FR Doc. 81-14678 Filed 5-18-81; 8:45 am]
BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the Full Commitee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published April 21, 1981 (46 FR 22839). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommitee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated b an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to

whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the June 1981 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Transportation of Radioactive Materials*, May 20, 1981, Washington, DC. The Subcommittee will review NRC's package certification procedures. Notice of this meeting was published May 5

**Class 9 Accidents*, May 21 and 22, 1981, Washington, DC. The Subcommittee will discuss the use of the Battelle MARCH code and the German KESS code. Notice of this meeting was published May 4

Reactor Radiological Effects, May 26–27, 1981, Ontario, Toronto, Canada. The Subcommittee will discuss siting, waste management and disposal, emergency procedures and other nuclear safety matters of common interest with representatives of the Advisory Committee on Radiological Protection of the Atomic Energy Control Board of Canada. Notice of this meeting was published April 21

**Electrical Power Systems*, May 28, 1981, Washington, DC. The Subcommittee will discuss inadequate core cooling instrumentation, with emphasis on the core water-level indicator instrumentation presently being proposed, and the ongoing NRC and Industry work in this area. Notice of this meeting was published April 21

**Regulatory Activities*, June 2, 1981, Postponed

**NRC Safety Research Program*, June 3, 1981, Washington, DC. The Subcommittee will discuss the draft ACRS Report to the Commission on the NRC FY-83 Research Program and Budget. Notice of this meeting was published April 21

**Reliability and Probabilistic Assessment*, June 3, 1981, Washington, DC. The Subcommittee will discuss the draft ACRS Report to the Commission on the NRC FY-83 Research Program and Budget related to the Systems and Reliability Analysis Research Programs. Notice of this meeting was published May 19

**Waterford Unit 3*, June 18–19, 1981, New Orleans, LA. The Subcommittee will review the Operating License application. Notice of this meeting was published April 21

**Advanced Reactors*, June 22–23, 1981, Chicago, IL. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria. Notice of this meeting was published April 21

**Emergency Core Cooling Systems*, June 23–25, 1981, Idaho Falls, ID. The Subcommittee will review the Research Programs on the Loss-of-Coolant-Accident, Transients, and LOFT

**Class-9 Accidents*, June 24, 1981, Washington, DC. The Subcommittee will review the research budget associated with the Severe Accident Research Program

**Three Mile Island Unit 1*, June 25-26, 1981, Washington, DC. The Subcommittee will review the restart modifications required as a results of the TMI-2 accident. Notice of this meeting was published April 21

**Comanche Peak Units 1 and 2*, June 25–26, 1981, Texas location to be announced later.The Subcommittee will review the Operating License application. Notice of this meeting was published April 21

**Class-9 Accidents*, June 30, 1981, Albuquerque, NM. The Subcommittee will review the program to determine the Feasibility of the use of a filtered-vented containment

**Regulatory Activities*, July 7, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations. Notice of this meeting was published April 21

NRC Safety Research Program, July 8, 1981, Washington, DC. The Subcommittee will disuss the ACRS Report to the Commission on the NRC FY-83 Research Program and Budget. Notice of this meeting was published April 21

**Fermi Unit 2*, July 16, 1981, Detroit MI. The Subcommittee will review the application of Detroit Edison for an Operating License

**Shoreham Nuclear Power Station* Unit 1, July 21, 1981, Riverhead, NY. The Subcommittee will discuss the applicant's request for an Operating License

**Emergenncy Core Cooling Systems*, July 21,–22, 1981, postponed

**Susquehanna Steam Electric Station Units 1 and 2*, July 23–24, 1981, Wilkes-Barre, PA. The Subcommittee will discuss the applicant's request for an Operating License

**Reliability and Probabilistic Assessment*, July 28–29, 1981, Los Angeles, CA. The Subcommittee will review some of the techniques being used and will discuss the future of risk assessment on the nuclear power licensing process. Notice of this meeting was published April 21

ACRS Full Committee Meetings

June 4–6, 1981—Items are *tentatively* scheduled.

**A. NRC Safety Research Program and Budget*—proposed ACRS Report to NRC re the proposed NRC Budget for FY-83

**B. Consideration of Class-9 Accidents in Nuclear Plant Design and Operation*—NRC Staff report regarding issues being considered in connection with NRC rulemaking activities

**C. NRC Safety Research Program*—reply to questions regarding NRC Safety Research Program from the Subcommittee on Nuclear Regulation of the U.S. Senate Committee on Environment and Public Works

**D. Safety Assessment of DOE Nuclear Reactors*—report by DOE representatives re application of TMI-2 lessons learned to DOE facilities

**E. Thermal Shock of Reactor Pressure Vessels*—report by NRC Staff regarding probability and consequences of thermal shock to reactor pressure vessels from overcooling transients

**F. Double-Ended Pipe Break*—report by NRC Staff re proposed NRC position regarding use of a leak-before-break criteria in lieu of a double-ended pipe break as a design basis for nuclear plants

**G. Standardization of Nuclear Power Plant Designs*—report by representative of OTA re the benefits/disadvantages of nuclear power plant standardization

**H. Siting Criteria for Nuclear Facilities*—ACRS comments re proposed NRC rule changes regarding siting of nuclear power plants

**I. Seismic Qualification of Nuclear Power Plant Equipment*—report by NRC Staff re proposed criteria for the seismic qualification of nuclear power plant equipment

**J. Meeting with NRC Chairman and Commissioners*—discuss items relating to safety and regulation of nuclear facilities

**K. ACRS Activities*—discuss qualifications of candidates proposed for appointment to the ACRS and arrangements for obtaining the services of ACRS members

**L. ACRS Subcommittee Reports*—hear and discuss reports of designated ACRS Subcommittees regarding current activities

July 9–11, 1981: Agenda to be announced

August 6–8, 1981: Agenda to be announced

Dated: May 14, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-14936 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 54 and 37 to Facility Operating License Nos. DPR-53 and DPR-69 issued to the Baltimore Gas and Electric Company (the licensee), which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2 (the facility) located in Calvert County, Maryland. The amendment is effective on June 1, 1981.

The amendments add operability trip setpoint and surveillance requirements for automatic initiation of the auxiliary feedwater system and increase the surveillance requirements on the auxiliary feedwater pumps and related flow paths.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated January 22 and November 10 and 25, 1980, (2) Amendments Nos. 54 and 37 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of May 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-14937 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-237]

Commonwealth Edison Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Provisional Operating License No. PPR-19 issued to Commonwealth Edison Company, which revised the Technical Specifications for operation of the Dresden Nuclear Power Station, Unit No. 2, located in Grundy County, Illinois. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to allow removal of thirty-five hydraulic shock suppressors (snubbers) located within the containment and their replacement by twenty-six mechanical snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated March 27, 1981, (2) Amendment No. 60 to License No. DPR-19 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois. A copy of items (2) (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of May 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-14938 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 414A]

Duke Power Co.; Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Duke Power Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns a proposed additional ownership participant, the Piedmont Municipal Power Agency, for the Catawba Nuclear Station, Unit 2. The current holders of the construction permit are Duke Power Company and North Carolina Municipal Power Agency Number 1.

The information was filed in connection with the application by Duke Power Company for construction permits and operating licenses for two pressurized water reactors. Construction was authorized on August 7, 1975 at the Catawba site located in York County, South Carolina. Although the Catawba facilities consist of two nuclear power plants, the proposed action affects only Catawba Nuclear Station, Unit 2.

The original application was dated November 10, 1972. The Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters was published in the Federal Register on December 7, 1972 (37 FR 26053). Previously, the Notice of Hearing had been published in the Federal Register on December 1, 1972 (37 FR 25560).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina.

Any person who wishes to have his views on the antitrust matters with

respect to the Piedmont Municipal Power Agency presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before July 21, 1981.

Dated at Bethesda, Md., this 8th day of May 1981.

For the Nuclear Regulatory Commission.

E. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-14939 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. DPR-31, and Amendment No. 57 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments incorporate the requirement that control rods be maintained within ±12 steps indicated and that the rod position indication system be verified to be accurate within 12 steps.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated February 27, 1980, (2) Amendment Nos. 65 and 57 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of May 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-14938 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-245]

Northeast Nuclear Energy Co., et al.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 76 to Provisional Operating License No. DPR-21, issued to The Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees), which revised the Technical Specifications for operation of the Millstone Nuclear Power Station, Unit 1 (the facility), located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment approves Appendix A Technical Specifications relating to the (1) Multiplier Average Power Range Monitor (APRM) rod block monitor settings, (2) surveillance testing of the ECCS and Standby Liquid Control Equipment, and (3) Rod Worth Minimizer Diagnostic test. The amendment also involves several editorial changes.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment, dated September 9, 1980, (2) Amendment No. 73 to License No. DPR-21 dated March 11, 1981, (3) Amendment No. 76 to License No. DPR-21, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. 20555 and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Divison of Licensing.

Dated at Bethesda, Maryland, this 16th day of April 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-14940 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensee), which revised the license for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment approves the use of two modified fuel assemblies containing three stainless steel rods for fuel cycle 4 and one subsequent fuel cycle.

The application for the amendment complies with the standards and

requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 5, 1981, as supplemented March 20, 1981, (2) Amendment No. 60 to License No. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of May 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-14941 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Granting of Relief From Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment revises the inservice inspection program.

The Commission has also granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the licensees. The relief relates to the inservice inspection program for the facility. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance, and expires on May 20, 1986.

The relief consists of exemption from performing certain pressure vessel, piping and other weld inspections in the inservice inspection program.

The application for the amendment and request for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment, the Safety Evaluation, and letter granting relief. Prior public notice of this action was not required since neither this amendment nor the granting of this relief involves a significant hazards consideration.

The Commission has determined that the issuance of this amendment and the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the application for amendment dated April 22, 1977, as amended March 20, 1979 and supplemented December 28, 1979 and February 5, 1981, (2) Amendment No. 61 to License No. NPF-1 and (3) the Commission's related Safety evaluation and letter. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Multnomah County, Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of May 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-14942 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, FP 027-5 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 1 to Regulatory Guide 3.1 and is entitled "Use of Borosilicate-Glass Raschig Rings as a Neutron Absorber in Solutions of Fissile Material." The guide is being developed to describe procedures acceptable to the NRC staff for the prevention of criticality accidents by use of borosilicate-glass raschig rings as a neutron absorber in solutions of fissile material. It endorses ANSI/ANS 8.5-1979, "Use of Borosilicate-Glass Raschig Rings as a Neutron Absorber in Solutions of Fissile Material."

This draft guide and the associated value/impact statement are being issued to involve the public in early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by July 15, 1981.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1)

items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 13th day of May 1981.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 81-14943 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Provisional Operating License No. DPR-18, to Rochester Gas and Electric Corporation (the licensee), which revised the license and its appended Technical Specifications for operation of the R. E. Ginna Plant (facility) located in Wayne County, New York. This amendment is effective as of its date of issuance.

The amendment incorporates Technical Specifications to assure operation of the plant within the limits determined acceptable following the implementation of the Three Mile Island Unit 2 Lessons Learned Category "A" items.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 13, 1980, (2) Amendment No. 42 to License No. DPR-18, including the Commission's letter of transmittal and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of May 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-14944 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361 and 50-362]

Southern California Edison Co., et al.; Availability of Final Environmental Statement for San Onofre Nuclear Generating Station, Units 2 and 3

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement (NUREG-0490) has been prepared by the Commission's Office of Nuclear Reactor Regulation, on the proposed operation of the San Onofre Nuclear Generating Station, Units 2 and 3, in San Diego County, California by the Southern California Edison Company. The holders of the construction permits are Southern California Edison Company, San Diego Gas and Electric Company, The City of Riverside, California and the City of Anaheim, California. Copies of NUREG-0490 are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California. The Final Environmental Statement is also being made available at the Office of the Governor, Office of Planning and Research, 1400 Tenth Street, Sacramento, California, and at the San Diego County Comprehensive Planning Organization, Security Pacific Plaza, 1200 Third Avenue, San Diego, California.

The notice of availability of the Draft Environmental Statement for the San Onofre Nuclear Generating Station, Units 2 and 3 and request for comments from interested persons was published in the **Federal Register** on December 6, 1978 (43 F.R. 57200). Subsequently, a Supplement to the Draft Environmental Statement was issued. Notice of its availability and request for comments from interested persons was published in the **Federal Register** on January 27, 1981 (46 F.R. 8811)

Comments received from Federal, State, and local agencies and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (NUREG-0490) may be purchased at current rates, from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, and by GPO deposit account holders by calling (301) 492-9530 or by writing to the U.S. Nuclear Regulatory Commission, Division of Technical Information and Document Control, Washington, D.C. 20555 Attn.: Publication Sales Manager.

Dated at Bethesda, Maryland, this 12th day of May 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-14945 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co., Yankee Nuclear Power Station; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised the Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located in Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment modifies Technical Specification Figure 3.2.1 "Core XIV Allowable Peak Rod LHGR versus Cycle Burnup" by extending the end of cycle burnup to 16,300 MWD/MTU.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 13, 1981, (2) Amendment No. 67 to License No. DPR-3 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22d day of April 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-14967 Filed 5-18-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17795, File Nos. SR-Amex-81-1, SR-CBOE-80-8, SR-NYSE-81-5]

Exchange Proposals To Trade Options on U.S. Treasury Securities

AGENCY: Securities and Exchange Commission.

ACTION: Request for additional comments.

SUMMARY: The Commission previously has published notice of proposed rule changes submitted by the American Stock Exchange, Chicago Board Options Exchange, and New York Stock Exchange to provide for exchange trading of standardized options on U.S. Treasury securities. In view of the significance and scope of the issues raised by these proposals, the Commission is inviting commentators to address generally issues relating to the structure and characteristics of the proposed markets for options on U.S. Treasury securities, focusing particularly on the issues discussed in this release. In addition, the Commission is extending the period for public comment to July 1, 1980.

DATES: Comments should be received by July 1, 1981.

ADDRESSES: Interested persons should submit 15 copies of their views and comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File Nos. SR-Amex-81-1, SR-CBOE-80-8, and SR-NYSE-81-5. All submissions will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: D. Michael Lefever, Esq., Office of Self-Regulatory Oversight, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-3117.

SUPPLEMENTARY INFORMATION: Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), and Rule 19b-4 thereunder, the American Stock Exchange, Inc. ("Amex"),[1] Chicago Board Options Exchange, Incorporated ("CBOE") [2] and New York Stock Exchange, Inc. ("NYSE")[3] each have submitted proposed rule changes designed to create an exchange market for trading standardized options on debt obligations of the U.S. Government. Although the rules proposed by each exchange could accommodate options trading on a range of debt securities issued or guaranteed by the U.S. Government,[4] the actual authorization sought at this time is limited to the initiation of options trading on certain classifications of U.S. Treasury securities.[5] Specifically, Amex proposes to introduce options classes on 13-week Treasury bills and "long-term" Treasury bonds,[6] CBOE proposes to trade options classes on Treasury notes and Treasury bonds, and NYSE contemplates trading separate classes of options on Treasury bills, notes and bonds.[7]

Each of the Treasury options proposals has been published previously by the Commission for general comment.[8] This release focuses on specific issues with respect to which public comment can be particularly helpful to the Commission both in evaluating the individual proposals and in formulating an overall policy concerning the development of a Treasury options market. In particular, the Commission is soliciting views and comments on matters relating to: (I) the specifications of the proposed Treasury options contracts; (II) position and exercise limits; (III) customer margin terms; (IV) surveillance of the proposed Treasury options market; and (V) the appropriate structure of the Treasury options market and the relationship of the proposed options market to the underlying cash market for Treasury

[1] Notice of the proposed rule change by the Amex, which was submitted on March 4, 1981, was given by Securities Exchange Act Release No. 17832 (March 16, 1981) and by publication in the Federal Register (46 FR 17930, March 20, 1981).

[2] Notice of the proposed rule change by the CBOE, which was submitted on August 8, 1980, was given by Securities Exchange Act Release No. 17325 (November 21, 1980) and by publication in the Federal Register (45 FR 79612, December 1, 1980).

[3] Notice of the proposed rule change by the NYSE, which was submitted on February 5, 1981, was given by Securities Exchange Act Release No. 17831 (March 16, 1981) and by publication in the Federal Register (46 FR 17930, March 20, 1981).

[4] CBOE and NYSE expressly exclude from the coverage of their proposed rules "debt securities guaranteed as to timely payment of principal and interest by the Government National Mortgage Association." CBOE rules governing GNMA options previously have been approved by the Commission. *See* Securities Exchange Act Release No. 17577 (February 26, 1981). NYSE has submitted a separate rule proposal concerning GNMA options. *See* Securities Exchange Act Release No. 17578 (March 26, 1981).

[5] In delineating among Treasury securities, the rules proposed by the exchanges generally reflect the conventional classifications employed by the U.S. Treasury, with the term "bills" referring to instruments with terms to maturity at the time of original issuance not exceeding one year, "notes" referring to instruments with maturities at the time of original issuance of from two to ten years, and "bonds" referring to instruments with maturities at the time of original issuance of greater than ten years. *See* proposed Amex Rules 900(a)(29), (30) and (31), proposed CBOE Rules 1.1(ff), (gg) and (hh) and proposed NYSE Rules 700(b)(22), (23) and (24).

[6] Amex has indicated that the term "long-term" Treasury bond refers to bonds with a minimum of 20-¼ years to maturity at the time of expiration of the options contract.

[7] A proposal by an exchange to expand the scope of its options program to encompass options trading on classifications of Treasury securities in addition to those initially proposed, to add additional options classes within a classification in which an options class previously was approved, or to initiate options trading on other types of U.S. Government securities will require the filing of a proposed rule change pursuant to Section 19(b)(1) of the Act and Rule 19b-4 thereunder.

[8] *See* notes 1-3, *supra*.

instruments. Interested persons, of course, need not limit their comments to those areas specifically identified and are invited to address any other issues related to the proposed Treasury options programs. To permit sufficient time for the formulation of comments, the Commission is extending the period for public comment on the proposals until July 1, 1981.

In evaluating these proposals in accordance with the standards set forth in the Act, the Commission intends to examine carefully the regulatory environment in which the respective contracts are proposed to be traded. Consistent with the Commission's approach in approving the CBOE's proposal to trade options on Government National Mortgage Association pass-through securities ("GNMAs"), however, the Commission is not inclined to substitute its judgment for that of a self-regulatory organization with respect to such matters of business judgment as optimal contract design, unless it determines that the specifications of the options contract render the proposed market inappropriately susceptible to regulatory problems.[9] Rather, the Commission believes that the marketplace generally should be permitted to determine whether a particular contract meets the needs of market participants.

I. Contract Specifications

Each of the proposals to trade options on Treasury notes and bonds contemplates that the security underlying the options contract would be the product of a single Treasury auction occurring prior to the commencement of options trading. In contrast, the securities underlying the proposed Treasury bill options contracts would include Treasury bills issued at an auction occurring subsequent to the commencement of trading in the options contract.[10] For all of the proposed Treasury options contracts, the deliverable supply of the underlying security would be limited to specific issues of Treasury securities bearing the same maturity date and, for options on Treasury notes and bonds, a common coupon rate.[11] In this latter respect, the Treasury options proposals differ from the "market basket" delivery approach taken both by the CBOE in its recently approved GNMA options contract [12] and by the NYSE in its proposed GNMA options contract,[13] which specify that a delivery obligation can be satisfied by tendering GNMA certificates from within a range of coupon rates with an adjustment in the value of the underlying security to maintain yield equivalence.[14]

The terms of the proposed Treasury note and bond options contracts also diverge from those of the Treasury note and bond futures contracts that currently are traded on the boards of trade, which also utilize a "market basket" delivery approach by defining the deliverable grade to include all notes or bonds within a specified range of maturity or call dates, with a price adjustment to account for the delivery of instruments with coupon rates that deviate from the nominal coupon rate.[15] On the other hand, the delivery specifications for the proposed Treasury bill options contracts correspond closely to those of existing Treasury bill futures contracts.[16] Accordingly, in evaluating the proposed Treasury bill options contracts, commentators may find it useful to refer to the experience of the futures markets.

To facilitate the evaluation of the proposed Treasury options, the terms of the proposed options contracts and certain other aspects of the proposed options programs are described below in some detail. Because of the structural differences between the proposed Treasury note and bond options contracts and the proposed Treasury bill options contracts, they are discussed separately.

A. Treasury Note and Bond Options

The Amex, CBOE and NYSE each have proposed options contracts on Treasury bonds. The CBOE and NYSE also propose to trade options on Treasury notes.

According to the plan submitted by the CBOE, separate options contracts would be established on specific issues of Treasury bonds and notes.[17] The contracts would entitle the holder to purchase (in the case of a call) or sell (in the case of a put) a principal amount of the underlying instrument equal to $100,000.[18] To be eligible for options trading, a Treasury bond issue would be required to have an original public issuance of at least $400,000,000 principal amount, and a Treasury note issue would have to have an original public issuance of at least $750,000,000.[19] If as a result of Treasury or Federal Reserve Board ("FRB") activity the public float of a Treasury bond or note issue which has been approved for options trading declines to a principal amount of less than $300,000,000 or $600,000,000, respectively, the opening of additional options series on the particular issue would not be permitted.[20] The CBOE has stated that options trading normally would be commenced shortly after the underlying bond or note was issued by the Treasury. Since trading activity generally diminishes the longer a Treasury issue is outstanding, the CBOE has indicated that it ordinarily would not introduce an options series that would expire more than one year after the underlying bond or note was issued by the Treasury. Instead, new options series would be introduced on a more recent issue of bonds or notes.[21] CBOE contemplates that options series would be introduced with terms of three, six and nine months, on a March, June, September and December expiration cycle. Exercise prices would be established close to the market price of the underlying security at the time the options series is opened for trading, with new series opened at intervals equal to one percentage point of the principal amount.[22] No additional exercise prices would be established with less than 60 days remaining before expiration of an options series.[23]

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[9] *See* Securities Exchange Act Release No. 17577 (February 20, 1981) at 6–7. Among the regulatory concerns which the Commission discusses, *infra*, in connection with the terms of the proposed Treasury options contracts are the sufficiency of the deliverable supply of the underlying instruments and the establishment of uniformity of regulation among the exchanges in areas such as position limits and margin.

[10] Specifically, as discussed in more detail *infra*, both the Amex and NYSE Treasury bill proposals provide for delivery of 13-week Treasury bills issued pursuant to the weekly Treasury auction which corresponds to the date on which the options contract is exercised, as well as previously issued 26-week and one-year Treasury bills that have a remaining term to maturity of 13 weeks at the time of delivery.

[11] *See* proposed Amex Rule 901, proposed CBOE Rule 5.1, and proposed NYSE Rule 701.

[12] *See* Securities Exchange Act Release No. 17577 (February 20, 1981).

[13] *See* Securities Exchange Act Release No. 17578 (February 20, 1981).

[14] *See* CBOE Rules 20.1(d) and 20.1(*l*), Interpretation .02.

[15] As of April 1, 1981, futures contracts on Treasury notes were traded on the Chicago Board of Trade ("CBT") (4 to 6 year notes), the Chicago Mercantile Exchange ("CME") (3½ to 4½ year notes) and the Commodity Exchange, Inc. ("COMEX") (2-year notes). Futures contracts on Treasury bonds are traded on the CBT (minimum 15-year bonds) and the New York Futures Exchange ("NYFE") (minimum 20-year bonds).

[16] Treasury bill futures contracts currently are traded on the CME (90-day and 1-year bills), COMEX (90-day bills) and NYFE (90-day bills).

[17] Proposed CBOE Rule 5.1.

[18] CBOE, "A Market in Options on Government Securities," [undated] at 1 ("CBOE Treasury Options Plan").

[19] Proposed CBOE Rule 5.3.

[20] Proposed CBOE Rule 5.4, Interpretation .03.

[21] CBOE Treasury Options Plan at 12–13.

[22] Proposed CBOE Rule 5.6 and CBOE Treasury Options Plan at 10.

[23] CBOE Treasury Options Plan at 10.

The NYSE indicates in its submission that its proposed rules with respect to Treasury options "derive principally" from the Treasury options filing of the CBOE. Thus, holders of options contracts would be entitled to purchase or sell $100,000 principal amount of the specific underlying Treasury issue. Options would be traded on Treasury note and bond issues of at least $750,000,000 and $400,000,000, respectively.[24] The criteria for withdrawing eligibility also would be the same as those proposed by CBOE.[25] In contrast to CBOE, however, options series would be introduced with terms of three, six, nine and twelve months, and on a February, May, August, and October expiration cycle which corresponds to the Treasury's quarterly refunding cycle. Initially, options exercise prices would be introduced bracketing the current cash market price of the underlying Treasury note or bond, with additional exercise prices introduced at three point intervals, or possibly at greater intervals if warranted by significant price volatility.[26]

The Amex proposal to trade options on "long-term" Treasury bonds also is substantially similar to the CBOE proposal, with some minor variations. Amex intends to select as the basis for options trading a specific issue of Treasury bonds with a maturity at the time of the expiration of the options contract of at least 20¼ years. To be eligible for options trading, the original public sale, combined with any subsequent reissuance, would be required to exceed a principal amount of one billion dollars, and the original issue or reissue must have occurred within 18 months of the initiation of trading on a new options series.[27] Options would be introduced at three, six, and nine month intervals with a February, May, August and November expiration cycle.[28] Amex intends to introduce initial options series bracketing the current cash market price of the underlying Treasury bond, with additional exercise prices at intervals of two percentage points of the principal amount.[29]

Commentators are invited to discuss the relative merits of establishing separate contracts on specific Treasury issues, as compared to the "market basket" approach which CBOE adopted for its GNMA options contract and which is currently employed by the boards of trade for futures contracts on both GNMAs and Treasury notes and bonds. Commentators also may wish to evaluate these alternative approaches in terms of their utility for hedging purposes. Moreover, commentators are invited to discuss whether combined options/futures trading strategies would be impaired by differing contract designs in the options and futures markets. In addition, commentators may wish to analyze the relative pricing efficiencies of these approaches, as well as the potential for abuses or regulatory problems to which either approach may be susceptible.

In reviewing the proposed single issue delivery options contracts, the Commission is particularly concerned that the proposed initial and maintenance listing standards, when considered in conjunction with the position and exercise limits that have been proposed by the various exchanges,[30] may not be set at levels sufficient to ensure an adequate deliverable supply. In this context, commentators should note the substantial disparity between the initial listing standards of the CBOE and NYSE ($400,000,000) and Amex ($1 billion) with respect to options on Treasury bonds. In addition, commentators may wish to address the ramifications of a determination by two or more options exchanges to initiate options trading on the same underlying Treasury issue. In this regard, commentators should note that, since CBOE has proposed an expiration cycle that is different from those proposed by Amex or NYSE, contracts on the same underlying issue may be traded by two or more exchanges either on the same expiration cycle or on different cycles. Commentators also should take into consideration the existence of futures contracts that in the event of delivery would draw upon the same deliverable supply.

With regard to the criteria proposed by the exchanges for opening new options series, commentators should note that the longest term options contract outstanding at any given time would be twelve months, as proposed by NYSE, with contracts with maximum durations of nine months proposed by Amex and CBOE. This contrasts with the financial futures contracts traded on the boards of trade that currently extend as far as 23 months. Commentators may wish to consider the impact of this feature on the usefulness of the proposed contracts for hedging positions in the cash or futures markets and for employing trading strategies involving options series having varying expiration dates.

In evaluating the proposed Treasury note and bond contracts, commentators also are urged to discuss the proposed exercise price intervals, which range from three percentage points or greater as proposed by NYSE to one percentage point as proposed by CBOE. In this regard, commentators should consider the appropriate balance between permitting market participants to fine-tune trading strategies to accomplish hedging and investment objectives and possible liquidity problems or other regulatory concerns that may result from the aggregate number of options series relating to the same underlying security that would be open at any given time.

B. Treasury Bills

Options on Treasury bills have been proposed by both the Amex and NYSE. The terms of the proposed contracts are substantially identical. Both proposals would entitle the holder, upon exercise, to purchase or sell 13-week Treasury bills with a principal amount equal to one million dollars.[31] Deliverable securities would consist of Treasury bills issued at the Treasury's weekly auction of 13 week bills that corresponds to the date on which the options contract is exercised, as well as previously issued 26-week and one-year bills which have 13 weeks remaining to maturity at delivery.[32] Accordingly, unlike the proposed Treasury note and bond options contracts, where options series are opened subsequent to issuance of the underlying instrument and the deliverable supply generally remains constant over the term of the options contract, the deliverable supply

[24] Proposed NYSE Rule 715.

[25] Proposed NYSE Rule 710, Supplementary material .20.

[26] NYSE, "New York Stock Exchange Bond, Note, and Bill Options: Contract Specifications and Background," April 3, 1981 ("NYSE Treasury Options Plan") at 55.

[27] Proposed Amex Rule 917. In its proposed rules Amex does not provide as a maintenance standard a specific threshold level of publicly outstanding Treasury bonds. *See* proposed Amex Rule 910.

[28] Amex, "The Amex Plan for Trading Options on U.S. Treasury Department Securities" at 22, attached as Exhibit 3 to Amex rule filing SR-Amex-81-1 ("Amex Treasury Options Plan").

[29] *Id.* at 26.

[30] *See* discussion at pages 19–23, *infra*.

[31] Although the specific terms of the rules proposed by Amex encompass options trading on both 13-week and 26-week Treasury bills, Amex initially is proposing to trade options only on the 13-week bills. Nevertheless, commentators also are invited to address the terms of the Amex proposal as they would apply to a 26-week Treasury bill options contract.

[32] Specifically, 13-week Treasury bill auctions are held each Monday with the auctioned bills issued on Thursday. All exercise notices received by the Options Clearing Corporation through Tuesday would result in the delivery of 13-week Treasury bills issued the preceding Monday. Settlement of the options exercise would occur either on Thursday or Friday.

of the proposed Treasury bill contracts would shift on a weekly basis depending on the size of the auctions that produced the particular bills that could be delivered during a given week.

Both Amex and NYSE would introduce options series of three, six and nine months, with an expiration cycle of March, June, September and December. Initially, options series would be introduced with exercise prices bracketing the annualized discount rate of the most recently auctioned 13-week Treasury bills. Amex proposes exercise price intervals of one point, while NYSE contemplates two point intervals.

Commentators are invited to address the utility of Treasury bill options contracts designed in the manner proposed. In this regard, the Commission is concerned that the deliverable supply may not be of sufficient size to support the potential volume of options contract exercises,[35] thereby raising potential regulatory concerns.[36] In this connection, it should be noted that the Amex and NYSE contracts would draw on the same deliverable supply of Treasury bills. Commentators also should consider the impact on deliverable supply of the coincidence of the proposed options expiration cycles and current Treasury bill futures cycles. Commentators who believe deliverable supply may be deficient are urged to discuss measures which could alleviate this concern. In this regard, commentators may wish to address the relative merits of the following:

1. *Expansion of the settlement period.* The current proposals provide that settlement may occur over a two-day period. Expansion of the settlement period theoretically would facilitate redeliveries both in the options market and between the options market and the spot, forward and futures markets, and thereby effectively expand the deliverable supply. In evaluating the merits of an expanded settlement period, however, commentators should consider whether the efficacy of such a modification would be vitiated by the proposed method for determining delivery prices. Under both proposals, the delivery price, including accrued interest, would be calculated as of a Thursday delivery date regardless of the date of actual settlement, thereby creating an economic incentive to effect delivery on Thursday.[35]

2. *Optional cash settlement.* Affording those holding short positions the alternative of settling Treasury bill options contracts by the delivery of cash likely would alleviate some of the problems associated with a potential squeeze on the deliverable supply of the underlying instrument. In addressing this possible alternative, commentators should consider whether optional cash settlement would diminish the utility of the Treasury options market by introducing an element of uncertainly as to whether the underlying security would be delivered. Commentators also may wish to consider the feasibility of an approach whereby the optional cash settlement alternative would be triggered by circumstances indicating that satisfaction of the anticipated exercises with the available deliverable supply could cause price dislocation.[36] Finally, commentators may wish to address any other possible methods of cash settlement.

In addition to the deliverable supply concerns associated with the Treasury bill options proposals, commentators also may wish to address the appropriate interval between exercise prices. As noted previously, Amex proposes to establish two point intervals, and NYSE one point intervals. In this regard, commentators should take into consideration the volatility of short-term interest rates, the business and investment needs of market participants, and the effect on liquidity in open options series, as well as any other factors which they consider relevant.

II. Position Limits

The CBOE proposes to establish position and exercise limits for Treasury note and bond options at 1,000 contracts for issues with an initial public issuance of $2 billion or less, and 2,000 contracts for larger issues.[37] Since each options contract would represent $100,000 principal amount of the underlying security, the proposed position and exercise limit levels would permit a single entity to hold and exercise options positions corresponding to $100 million and $200 million, respectively, of the underlying security. In contract, the NYSE proposes position and exercise limits of 2,000 contracts irrespective of the size of the original public issuance for its Treasury note and bond contracts, as well as for its Treasury bill contract.[38] The Amex Treasury bond options proposal provides for a position limit of 2,000 contracts, and an exercise limit of either 1,000 contract, if the initial public issuance, combined with any public reissuance, is less than $1 billion, or 2,000 contracts, if the combination of initial issuance and reissuance is greater than $1 billion.[39] With respect to options on Treasury bills, Amex proposes position and exercise limits of 500 contracts.[40] Since each Treasury bill options contract represents $1 million in principal amount, the Amex proposal would permit the establishment and exercise of options positions representing $500 million in terms of the underlying Treasury bills.

As indicated above, the Commission is particularly concerned that the proposed position and exercise limits may have been set at a level which is disproportionate to the quantity of the underlying instrument that is available for delivery. In this regard, commentators are invited to discuss the appropriate level at which position and exercise limits should, at least as an initial matter, be established. In addressing this question, commentators should take into consideration factors including the business and investment needs of market participants, the creation of a sufficiently liquid options market, and the potential for market disruption if options market participants have an opportunity through the purchase and exercise of options contracts to acquire a substantial percentage of the deliverable supply of the underlying security. With regard to the latter factor, commentators should note that, based on the proposed eligibility standards that would qualify a Treasury instrument for options trading, the position and exercise limits proposed by the NYSE for Treasury bond options would enable a single market participant to acquire as much as 50 percent of the underlying security, while the CBOE and Amex proposals would permit a market participant to acquire 25 and 20 percent, respectively,

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[34] Amex has represented that the principal value of 13-week bills and 26-week bills issued at the weekly Treasury auction each equals approximately $4 billion. Moreover, the principal amount of one-year bills which are issued on a four-week cycle also is approximately $4 billion. Amex Treasury Options Plan at 16.

[35] These concerns may be of even greater significance in connection with the 26-week Treasury bill contract under consideration by Amex, the deliverable supply for which would consist only of 26-week bills and, when available, one-year bills with 26 weeks remaining to maturity.

[36] Amex Treasury Options Proposal at 20.

[37] In this regard, it might be noted that the rules of the Options Clearing Corporation ("OCC") empower the OCC to impose restrictions on exercises and to prescribe settlement in cash in lieu of the underlying security if OCC deems it advisable "in the interests of maintaining a fair and orderly market in options contracts or in underlying securities or otherwise deems [it] advisable in the public interest or for the protection of investors." *See* Art. VI, Sec. 17 of the OCC Rules.

[38] Proposed CBOE Rule 4.11 and 4.12.

[39] Proposed NYSE Rule 704 and 705. As indicated previously, the NYSE's proposed listing standards for options on Treasury notes and bonds are identical to those proposed by CBOE.

[40] Proposed Amex Rules 904 and 905.

[41] *Id.*

of the underlying Treasury bond issue. Assuming 13-week and 26-week Treasury bill auctions each average approximately $4 billion,[41] in weeks that do not correspond to the one-year Treasury bill auction cycle the Amex Treasury bill options proposals would enable market participants to acqure 6.25 percent of the underlying security, whereas the NYSE, which proposes a position limit four times larger than Amex, would permit positions equal to approximately 25 percent of the maximum deliverable supply.[42] In commenting on the appropriate levels for position and exercise limits relative to the deliverable supply, commentators also should take into consideration, particularly with respect to the Treasury bill options proposals, the opportunity of market participants to acquire or effectively control the same underlying security by establishing positions in the futures market. In addition, since Amex, CBOE and NYSE have common members, commentators should focus on the desirability of uniform position and exercise limits for options on the same underlying instrument.

III. Margin

With respect to options on securities, Federal Reserve Board ("FRB") margin regulations provide that long put or long call positions have no loan value,[43] thus effectively establishing a 100 percent margin requirement for the purchase of options on securities. An uncovered options writer must deposit at least 30 percent of the value of the underlying security, plus or minus the amount the option is in or out of the money. Fully covered positions require no margin, while partially covered positions are adjusted accordingly. Unless expressly modified by the FRB, these initial margin requirements also would apply to options on Treasury instruments. Although the FRB also is authorized to prescribe maintenance margin standards, it has left the establishment of maintenance margin to the exchanges and the National Association of Securities Dealers, Inc., subject to Commission review.[44]

In its Treasury options filing, CBOE propose initial and maintenance margin for uncovered short positions ranging from one to three percent of the value of the underlying security, depending on the remaining term to maturity of the instrument.[45] These figures are based on the "haircuts" broker-dealers currently are required to take on proprietary positions in Government securities for purposes of calculating their net capital pursuant to Rule 15c3–1 under the Act.[46]

In contrast to CBOE's Treasury options margin proposal, Amex and NYSE have proposed methods for calculating margin on uncovered short positions in Treasury options that to some extent are based on the market value of the options premium, as well as the market value of the underlying security. Amex, in support of its margin proposal,[47] contends that the margin applicable to stock options would be excessive for options on Treasury instruments and, as a result "would seriously impede participation by public customers as writers of such options," thereby impairing market liquidity and reducing "the utility of the markets for risk transfer purposes."[48]

The NYSE also has asserted that margins of 30 percent of the market price of the underlying security for uncovered short positions in Treasury options contracts would be "greatly in excess of those needed to properly protect all parties concerned when risk and sound credit practices are taken into account."[49] Accordingly, NYSE has proposed margin for uncovered short positions calculated in accordance with the following formula: (1) 100 percent of the current market value of the options premium, *plus* (2) a constant dollar amount that varies according to the type of instrument and the remaining term to maturity,[50] *less* the dollar amount by which options contract is out-of-the-money. The formula is subject to a minimum margin of $1,000 per contract.

In focusing on the market value of the options premium rather than the underlying security, the methods for calculating margin proposed by Amex and NYSE are similar in form to the initial and maintenance margin proposed to the FRB and the Commission by CBOE for GNMA

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[41] See Amex Treasury Options Plan at 14.

[42] The percentage calculations provided above may understate the maximum positions obtainable in Treasury options under the various proposals because they do not exclude from the deliverable supply FRB, official foreign and non-competitive purchases, as well as purchases by other entities that intend to retain the securities acquired in Treasury auctions. These purchases may, particularly in the context of Treasury bills, constitute a sizeable proportion of the potential deliverable supply.

[43] 12 CFR 220.8(f) and (j).

[44] *See, e.g.*, CBOE Rule 12.3(a) which specifies "the minimum amount of margin which must be maintained in margin accounts."

[45] Specifically, CBOE proposes margin of three percent of the market value of the underlying security when the remaining term to maturity is five years, two percent when the remaining term to maturity is three years or more but less than five, and one percent when the remaining term to maturity is two years or more but less than three. Options positions would be marked to market on a daily basis, requiring an immediate recognition of losses and the posting of additional margin to cover adverse market movements. Proposed CBOE Rule 12.3(a)(5).

[46] 17 CFR 240.15c3–1. Commentators should note, however, that the Commission recently has proposed to increase haircuts on broker-dealer proprietary positions in debt securities. *See* Securities Exchange Act Release No. 17309 (October 9, 1980), 45 FR 69011 (October 22, 1980). Commentators may wish to consider this factor in evaluating the proposed margin requirements.

[47] Specifically, Amex proposes that for options carried in an uncovered short position, margin would be calculated as follows:

(a) If the underlying security is a Treasury bond or Treasury note, the dollar amount of the option premium plus 30 percent thereof, plus 2½ percent of the principal amount of the underlying security, adjusted as follows: (1) by adding, in the case of a call, or subtracting, in the case of a put, any excess of the current market price of the underlying security over the aggregate exercise price of the option, or (2) by subtracting, in the case of a call, or adding, in the case of a put, any excess of the aggregate exercise price of the option over the current market price of the underlying security; provided, however, that the maximum margin on each such put or call contract shall be the amount of the options premium plus 5 percent of the principal amount of the underlying security, and the minimum margin on each such put or call contract shall be $250.

(b) If the underlying security is a Treasury bill with a remaining term to maturity of 92 days or less, the lesser of the amount of (1) the option premium plus ½ percent of the principal amount of the underlying security or (2) the option premium plus 30 percent thereof, plus the amount, if any, by which ½ percent of the principal amount of the underlying security exceeds (A) in the case of a call, any excess of the current market price of the underlying security over the aggregate exercise price of the option, or (B) in the case of a put, any excess of the aggregate exercise price of the option over the current market price of the underlying security; provided, however, that the minimum margin on each put or call contract shall be $250.

(c) If the underlying security is a Treasury bill with a remaining term to maturity of more than 92 days, the lesser of the amount of (1) the option premium plus 1 percent of the principal amount of the underlying security, or (2) the option premium plus 30 percent thereof, plus the amount, if any, by which 1 percent of the principal amount of the underlying security exceeds (A) in the case of a call, any excess of the current market price of the underlying security over the aggregate exercise price of the option, or (B) in the case of a put, any excess of the aggregate exercise price of the option over the current market price of the underlying security; provided, however, that the minimum margin on each put or call contract shall be $250.

[48] Amex Treasury Options Plan at 33.

[49] NYSE Treasury Options Plan at 57.

[50] The proposed schedule of constant dollar amounts is as follows:

Treasury security	Per contract
Bills ($1,000,000 principal amount)	
90 days or less to maturity	$3,500
91 days but less than 6 months to maturity	5,000
6 months or more to maturity	7,500
Notes ($100,000 principal amount)	
2 years but less than 5 years to maturity	2,000
5 years or more to maturity	3,000
Bonds ($100,000 principal amount)	3,500

options.[51] CBOE offered several justifications in support of a premium-based margin for GNMA options. First, it indicated that premium-based margin would simplify the calculation of margin by eliminating the need to determine the current market price of the underlying security.[52] Second, to the extent options premiums reflect the price volatility of the underlying instrument, margin calculated on the basis of options premiums would correspondingly increase or decrease in response to the volatility of the underlying security. Finally, CBOE indicated that, based on its projection of expected GNMA options premiums, the coverage provided by its proposed premium-based margin would exceed that of a three percent margin based on the value of the underlying GNMA which CBOE originally had proposed and, in most circumstances, the five percent margin suggested by the Federal Reserve Bank of New York in its comment letter responding to CBOE's original proposal.[53] The CBOE premium-based margin for GNMA options, insofar as it related to maintenance margin, was approved by the Commission, subject to reexamination in the event the FRB determines that the CBOE's proposed initial margin requirement is inappropriate.[54]

In evaluating the foregoing margin proposals, the Commission intends to consult actively with the FRB to ensure that initial and maintenance margins are established at levels which ensure that the regulatory objectives of each agency are satisfied. Moreover, the Commission is concerned that having different methods for calculating margin on similar or identical Treasury options contracts, depending upon the exchange on which the options are traded, may be an unnecessary burden on market participants. Accordingly, commentators are urged to address the relative merits of margin requirements based on the value of the underlying security, margin based on the amount of the options premium, and margin based on a combination thereof. In so doing, commentators are urged to bear in mind the need both for a level of margin that provides appropriate protection for market participants and for a method of calculating margin that is administratively workable.

In considering the margin proposed by CBOE, commentators should address whether it is appropriate to base margin requirements for options on Treasury securities on the haircuts broker-dealers currently must take on proprietary positions in government securities.[55] In this regard, commentators should consider whether margin levels based on the haircut provisions of the net capital rule would encourage excessive speculation. Correspondingly, consideration also should be given to whether and to what extent margin exceeding the proposed levels would discourage hedger or speculator participation in the Treasury options market, or possibly divert participation into other derivative markets, and thereby impair the depth and liquidity of the proposed markets or the usefulness of the proposed contracts.

In addressing the merits of a premium-based margin, commentators should consider whether it may result in excessive margin for deep-in-the-money options positions, where the predominant portion of the premium is attributable to the intrinsic value of the option, and, if so, the appropriate method for alleviating this concern. In addition, commentators should consider the appropriate level of premium-based margin, as well as whether the proposed minimum margin amounts are sufficient for deep-out-of-the-money options.

IV. Surveillance of the Treasury Options Markets

Section 6(b)(5) of the Act requires an exchange, as a condition of registration, to promulgate rules which are designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade. Section 6(b)(1) of the Act requires that an exchange also be organized and have the capacity to comply and enforce compliance with the provisions of the Act, the rules thereunder, and the rules of the exchange. Accordingly, an exchange has the obligation to develop and administer a comprehensive surveillance program designed to detect manipulation and other improper trading activities.

In connection with the trading of options on non-equity securities the Commission is particularly concerned that the exchanges have access to sufficient data regarding trading activity in the cash and futures markets to enable them to conduct surveillance for inter-market manipulation. Commentators are invited to discuss the potential for manipulation of the options market prices induced by trading in the cash and futures markets for Treasury instruments. In examining the possibility of inter-market manipulation, commentators should discuss factors that may render the Treasury options market conducive to manipulation caused by trading activity in a related market, as well as factors that may militate against such manipulation.

Based on their assessment of the prospects for inter-market manipulation, commentators should consider whether sufficient data, especially with respect to cash and futures market trading activity, would be available to the options markets to enable them to conduct an adequate surveillance program. In this regard, commentators should note that CBOE, in connection with its GNMA options program, has submitted a proposed rule change which would expand the routine reporting requirements of GNMA options marketmakers to include all accounts in which GNMA marketmakers, directly or indirectly, engage in GNMA futures and forward trading, all orders entered by the marketmakers for the purchase and sale of GNMA futures and forwards, and the opening and closing positions in all reported accounts.[56] Commentators may wish to discuss whether a similar reporting requirement would be necessary to permit adequate surveillance of the Treasury options market, or whether a more comprehensive reporting requirement would be necessary, either in terms of the information requested or the market participants included.

In addition, commentators are urged to focus on whether participation in the Treasury options market by government securities dealers and, in particular, dealers recognized by the FRB for the purpose of conducting its open market

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[51] Specifically, CBOE proposed a margin for short put and call options positions of 120 percent of the options premium plus a base amount of $1,500, with a ceiling on the amount of the margin deposit equal to the amount of the premium plus $6,000. *See* CBOE Rule 20.24.

[52] This feature of a premium-based margin appears to be particularly attractive in the context of an options contract such as the CBOE GNMA contract where the contract specifications provide for a market basket delivery mechanism and a cap on the coupon rates of deliverable certificates. In this situation, calculation of margin based on the market value of the underlying security also requires a determination of the coupon rate most likely to be delivered.

[53] *See* letter to Douglas Scarff, Director, Division of Market Regulation, SEC, from Peter D. Sternlight, Senior Vice President, Federal Reserve Bank of New York, dated September 17, 1980. File No. SR–CBOE–80–7.

[54] Securities Exchange Act Release No. 17577 at 8–9. As of the date of this release, the FRB has not yet responded to the CBOE's proposal with respect to initial margin.

[55] In this regard, commentators should note that the current customer margin for uncovered short positions in equity options equal to 30 percent of the market value of the underlying security is the same as the haircut which must be taken by broker-dealers maintaining proprietary positions in equity securities. Securities Exchange Act Rule 15c3–1(c)(2)(vi)(J).

[56] Proposed CBOE Rule 20.30, File No. SR–CBOE–81–2.

operations, would be a source of concern. Commentators are urged to discuss the potential for abuse if, while acting as recognized dealers, they simultaneously participated as marketmakers in the Treasury options market, either directly or through corporate affiliates. For example, commentators might consider whether recognized dealers, in the course of participating in the FRB's open market activities, may gain access to relevant pricing information prior to its public dissemination. If this dual status in considered susceptible to abuse, commentators should evaluate how best to alleviate this concern. In particular, commentators should consider whether it would be appropriate to circumscribe in some manner the participation in the Treasury options market of government securities dealers with access to information regarding the open market activities of the FRB. This could be accomplished by proscriptions of varying degrees, ranging from a complete prohibition to a requirement that certain government securities dealers refrain from trading for a certain period of time following the commencement of FRB open market activities.

Alternatively, commentators might consider the feasibility of also subjecting government securities dealers that are corporate affiliates of options marketmakers to reporting requirements with respect to their trading and quotation activities in the cash and futures markets for Treasury securities. Correspondingly, commentators might consider whether it would be sufficient to provide that, as a condition of becoming an options marketmaker, an exchange, upon request, would be entitled to examine any books and records or other information maintained by a corporate affiliate of a Treasury options marketmaker that pertain to transactions by the affiliate for its own account in the cash market for Treasury securities, the Treasury futures market or the Treasury options market. In evaluating these various alternatives, commentators should consider the burden imposed on government securities dealers and the possible impact on options market liquidity relative to the value to the exchanges of the data received.

V. Market Structure

A. Multiple Trading

In the order approving the CBOE proposal to trade options on GNMAs, the Commission stated that it "does not believe that its decision to defer consideration of whether to permit expansion of multiple trading in equity options should apply to multiple trading of options on non-equity securities." [47] In this regard, the Commission stated that, in contrast to the equity options market, there are only a limited number of non-equity instruments which are considered appropriate for options trading and therefore the possibility of devising an equitable allocation among the competing exchanges was substantially diminished. In addition, the Commission indicated that a prohibition on multiple trading would eliminate the potential for competition between exchanges on the basis of factors including contract design and market characteristics, thereby substituting regulatory intervention for market forces as the arbiter of contract and market design. Moreover, the Commission stated that it believed, at least as a preliminary matter, that allowing multiple trading in the limited area of non-equity options would not have the potential for jeopardizing the viability of existing marketplaces or impairing the ability of such marketplaces to participate in other areas of the securities markets.

Commentators are invited to address these issues in the context of the Treasury options proposals, as well as any other factors they deem relevant to a determination regarding multiple trading of options on non-equity securities. In particular, the Commission is interested in receiving the views of commentators regarding what, if any, adverse impact multiple trading might have on the cash market for Treasury securities, which may not have been reflected previously in the discussion of deliverable supply concerns. [48]

B. Impact on Underlying Cash Markets

A significant issue to be considered in connection with the Commission's deliberation with respect to the Treasury options proposals concerns the impact of trading in Treasury options on the cash market. Commentators are invited to discuss whether the proposed options contracts would have a stabilizing or destabilizing effect on the underlying market. If they believe the proposal would adversely affect the quality of those markets, commentators are invited to suggest possible modifications in the proposed regulatory structure that might avert such consequences. Of particular importance in evaluating the proposals is the impact of Treasury options trading on the public debt management activities of the Treasury Department. In this regard, the CBOE and NYSE would retain explicit authority to halt trading in Treasury options when bidding is about to commence for newly-issued Treasury securities. [49] Although this provision is designed primarily for the protection of options traders, commentators are invited to discuss the impact exercise of this authority might have on the auction activities of the Treasury. Moreover, commentators are asked to consider whether any particular measures should be undertaken to ensure that options trading would not disrupt the auction of new Treasury issues.

In discussing the structure of the Treasury options market, commentators also may wish to consider the appropriate location for Treasury options trading. In this regard, the Commission understands that the NYSE intends to trade its Treasury options on the floor of its New York Futures Exchange subsidiary where trading in Treasury bond and 90-day Treasury bill futures contracts is currently conducted. In considering this aspect of the NYSE proposal commentators should balance the potential gains to be derived from centralizing both futures and options pricing information in a single location against the competitive and market information advantages that may accrue to certain market participants, the opportunities to engage in manipulative and other improper trading advantages that may be created, possible conflicts between the obligations accompanying trading on an options floor of a national securities exchange and trading in futures, and potential difficulties in conducting adequate market surveillance.

All interested persons are invited to submit in writing no later than July 1, 1981, 15 copies of their views concerning the proposed rule change to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All communications should refer to File Nos. SR–Amex–81–1, SR–CBOE–80–6, and SR–NYSE–81–5 and will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

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[47] Securities Exchange Act Release No. 17577 at 11. The Commission also solicited comments on the question of multiple trading of options on non-equity securities in connection with its publication of the NYSE's GNMA options proposal. *See* Securities Exchange Act Release No. 17578 (February 26, 1981).

[48] For example, commentators may wish to consider the fragmentation concerns raised not only by multiple trading among market centers, but also by the existence of multiple expiration cycles.

[49] *See* proposed CBOE Rule 8.3 and proposed NYSE Rule 717. Amex would reserve the general authority to suspend options trading when "unusual conditions or circumstances are present." *See* proposed Amex Rule 918.

By the Commission.
George A. Fitzsimmons,
Secretary.
May 11, 1981.
[FR Doc. 81-14698 Filed 5-18-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

[Department Circular Public Debt Series—No. 15-81]

Treasury Notes of May 31, 1983; Series R-1983

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,250,000,000 of United States securities, designated Treasury Notes of May 31, 1983, Series R-1983 (CUSIP No. 912827 LX 8). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated June 1, 1981, and will bear interest from that date, payable on a semiannual basis on November 30, 1981, and each subsequent 6 months on May 31 and November 30, until the principal becomes payable. They will mature May 31, 1983, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 20, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, May 19, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be

accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Monday, June 1, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, May 28, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-14695 Filed 5-18-81; 10:20 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 96
Tuesday, May 19, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Mine Safety and Health Review Commission	1
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National Railroad Passenger Corporation	3
National Transportation Safety Board	4, 5
Postal Rate Commission	6

1

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

May 13, 1981.

TIME AND DATE: 10 a.m., Wednesday, May 20, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The commission will consider and act upon the following:

1. Fred Bradley v. Belva Coal Company, WEVA 80–706–D (Petition for Discretionary Review; issues include effect of state agency adjudication of discrimination complaint on resolution of complaint under section 105(c) of the 1977 Mine Act).
2. Secretary of Labor on behalf of William Johnson v. Borden, Inc., SE 80–46–DM (Petition for Discretionary Review; issues include whether back pay award was adequate.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S-776-81 Filed 5-15-81; 2:00 pm]

BILLING CODE 6820-12-M

2

[USITC SE–81–12]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, May 27, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary: a. Sonar Units (Docket No. 728).
5. Investigation 337–TA–75 (Video Matrix Display System)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S-774-81 Filed 5-14-81; 2:45 pm]

BILLING CODE 7020-02-M

3

NATIONAL RAILROAD PASSENGER CORPORATION.

Board of Directors Meeting.

In Accordance with Rule 4(a) of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on May 27, 1981.

A. The meeting will be held on Wednesday, May 27, 1981, in the Pierre Suite, Loew's L'Enfant Plaza Hotel, 480 L'Enfant Plaza, S.W., Washington, D.C. beginning at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda—National Railroad Passenger Corporation

Meeting of the Board of Directors—May 27, 1981

Closed session (9:30)

1. Internal Personnel Matters.
2. Litigation Matters.

Open session (10:30)

3. Approval of Minutes of Regular Meeting of April 30, 1981.
4. Commitment Approval Requests:
81–93 Retirement and Sale of One Hundred Ninety-five (195) Passenger Cars.
79–28–S1 Supplemental Funding for Installation of Vacuum Impregnation Equipment-Wilmington Maintenance Facility.
81–96 New Station—Hammond, Indiana.
5. Resolution Authorizing Corporate Officers to Execute Washington Terminal Company Agreements.
6. Economic Outlook Briefing.
7. Board Committee Reports: Equipment, Finance, Northeast Corridor Improvement Project, and Organization and Compensation.
8. President's Report.
9. New Business.
10. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383–3754.

Sandra Spence,
Corporate Secretary.

May 15, 1981.

[S-775-81 Filed 5-15-81; 11:27 am]

4

[NM–81–18]

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9 a.m., Wednesday, May 27, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Continental Airlines/Air Micronesia, Inc., Boeing 727, N18479, Yap, Western Caroline Islands, November 21, 1980.
2. *Recommendation* to the Federal Aviation Administration regarding Flight Attendant Training and Ventral Airstair Door Control Markings on Boeing 727–100 models.
3. *Pipeline Accident Report*—Colonial Pipeline Company Petroleum Product Pipeline Failures, Manassas and Orange County, Virginia, March 6, 1980, and *Recommendations* to the Research and Special Programs Administration, the Colonial Pipeline Company, and the American Petroleum Institute and the American Gas Association.
4. *Railroad Accident Report*—Head-on Collision Between Baltimore & Ohio Railroad Company Train No. 66 and Brunswick Helper 7603–7545 near Germantown, Maryland, February 9, 1981, and *Recommendations* to the Baltimore & Ohio Railroad Company.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202–382–6525.

May 15, 1981.

[S-777-81 Filed 5-15-81; 2:13 pm]

BILLING CODE 4910-58-M

5

[NM–81–19]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Friday, May 29, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first 3 items will be open to the public; item 4 will be closed to the public under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Highway Accident Report*—Illinois Central Gulf Railroad Freight Train/Mobil Oil Company Tractor Cargo Tank Semitrailer Grade Crossing Collision and Fire, Kenner, Louisiana, November 25, 1980, and *Recommendations* to the State of Louisiana, the City of Kenner, Louisiana, and the Illinois Central Gulf Railroad.
2. *Special Study Proposal*—Major Marine Collisions and Effects of Preventive Recommendations.
3. *Discussion* of whether to grant the Air Line Pilots Association's request for oral argument in the aircraft accident involving Pacific Southwest Airlines, Inc., Boeing 727, N533PS, and Gibbs Flite Center, Inc., Cessna 172, N7711G, San Diego, California.
4. *Opinion and Order*—Petition of Abrams, Dkt. SM–2538.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–382–6525.

May 15, 1981.

[S–770–81 Filed 5–15–81; 2:16 pm]

BILLING CODE 4910–58–M

6

POSTAL RATE COMMISSION.

TIME AND DATE: 2:30 p.m., Tuesday, May 19, 1981.

PLACE: Conference Room, Room 500, 2000 L Street NW., Washington, D.C. 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Personnel matters. [Closed pursuant to 5 U.S.C. § 552b(c)(2)(6)]

CONTACT PERSON FOR MORE INFORMATION:
D. Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–770–81 Filed 5–15–81; 3:36 pm]

BILLING CODE 7715–01–M

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federal register

Tuesday
May 19, 1981

Part II

Department of Labor

Employment and Training Administration

Comprehensive Employment and Training Act Regulations; Amendments to Title VII and PSE Base Average Annual Wage Provisions

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 676 and 679

Comprehensive Employment and Training Act Regulations; Amendments to Title VII and PSE Base Average Annual Wage Provisions

AGENCY: Employment and Training Administration, Labor.

ACTION: Revised proposed rule.

SUMMARY: This document withdraws the proposed rule implementing the December 23, 1980 statutory extension and amendment to Title VII of the Comprehensive Employment and Training Act which was published on Friday, May 8, 1981 (46 FR 25645 *et seq.*) and substitutes a new proposal. The new proposal, which is published here in its entirety and supersedes the document published on May 8, differs from the original proposal in that it provides for distribution of Title VII incentive bonus funds through a competitive process which takes into account prime sponsors' efforts in coordinating CETA private sector activities with Federal, State or locally funded economic development activities, rather than by the formula allocation proposed in the May 8 document. The purpose of this publication is to request comments on the revised proposal.

DATE: Comments on the proposed rule must be submitted on or before June 8, 1981.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, Room 5014, 601 D Street N.W., Washington, D.C. 20213. Attention: Mr. Robert Anderson, Administrator, Office of Comprehensive Employment Development.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Anderson, 202–376–6254.

SUPPLEMENTARY INFORMATION: Public Law 96–583, enacted on December 23, 1980, extended Title VII of the Comprehensive Employment and Training Act (CETA) through fiscal year 1982 and made various substantive changes in the provisions governing Private Sector Initiative Programs (PSIP) under this Title. Pub. L. 96–583 also amended Section 122(i)(2) of the Act to increase the base average annual wage for Public Service Employment (PSE) under Titles II–D and VI from $7,200 to $8,000 per year.

The statutory amendment sets aside ten percent of the funds under Title VII for incentive bonuses to encourage prime sponsors and Private Industry Councils (PICs) to develop programs which link employment and training efforts with economic development activities. The amendment retains the current statutory set-aside of five percent of Title VII funds for Native American PSIP programs and for prime sponsors who establish joint (multijurisdictional) PICs. Provision is also made for use of 15 percent of prime sponsors' Title VII money for upgrading and retraining activities in accordance with the provisions of Title II–C of the Act, with the requirement that employers hire one economically disadvantaged person for each person retrained or upgraded with CETA funds, unless the Secretary waives this requirement where compliance would be impractical.

This document proposes to amend the CETA regulations published on May 20, 1980 (45 FR 33846 *et seq.*) to implement these and other minor changes made by Pub. L. 96–583.

In order to facilitate review and comment, the following is a brief summary of each of the proposed changes:

Private Sector Initiatives

Secton 679.3–2(a)(1) adds local economic development organizations as one of the required groups from which PIC members shall be drawn.

Section 679.3–2(c)(3) is amended to indicate that representatives of educational agencies and institutions with expertise in on-site, industry-specific vocational training should be included in the PIC membership.

A new section 679.3–2(c)(4) has been added requiring that at least one representative of local economic development organizations, such as those formed under the Public Works and Economic Development Act of 1965 (PWEDA), be on the PIC. The Department recognizes that active PWEDA groups may not exist in all prime sponsors' jurisdictions and has used broad language in this provision to permit representatives from other appropriate economic development organizations to be selected for the PIC where necessary.

Section 679.4(a) is amended to specify that 85 (rather than 95) percent of the funds available under Title VII of the Act will be available for prime sponsor basic allocations.

Section 679.4(b) has been changed to indicate how the remaining 15 percent of the funds will be distributed. The current § 679.4(b) (1) and (2), which provide for use of five percent of Title VII funds for Native American private sector programs and for prime sponsors with multijurisdictional PICs, is retained.

A new § 679.4(b)(3) has been added specifying that ten percent of the available Title VII funds shall be used for incentive bonuses to prime sponsors that engage in efforts to promote coordination of employment and training programs with economic development activities supported by Federal, State or local funds. It is proposed in the rulemaking to distribute such incentive funds through a competitive process.

Section 679.5(b) is amended to specify that a copy of the Title VII Annual Plan Subpart shall be transmitted to local economic development organizations, including those authorized under PWEDA.

Section 679.6(b)(3) is amended and a new § 679.6(b)(3)(ii) is added to specify that 15 percent of the funds allocated under Title VII may be used for upgrading and retraining persons eligible under Title II–C (§ 675.5–3), provided that employers participating in such programs agree to hire one economically disadvantaged person for each such person being upgraded or retrained. The Department recognizes that it may not always be possible for employers participating in upgrading or retraining programs to satisfy this one-for-one hiring requirement, as in the case of small businesses with few employees or in situations where the employer's workforce is declining. Provision is made for waivers of the requirement by Regional Officers under such circumstances.

Section 679.6(b)(3)(ii) has been renumbered as (b)(4).

In § 679.7(c), paragraph (16) has been renumbered as paragraph (17). A new paragraph (16) has been added specifying as an allowable activity under Title VII the development of on-site industry specific training programs in cooperation with State vocational education boards.

Public Service Employment Programs

Section 676.26–1(c) is amended to reflect the legislative increase in the base average annual wage for Public Service Employment under Titles II–D and VI from $7,200 to $8,000.

Regulatory Impact. The financial and other impact of this regulation is less than specified in Section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), for designation as a major rule which requires a regulatory impact analysis. The proposed regulations merely implement technical amendments designed to improve the

operation of private sector initiative programs, by providing financial incentives for recipients who coordinate CETA activities with local economic development efforts, specifying the conditions under which Title VII funds may be used for upgrading and retraining, and the like. No increase in planning or compliance costs is anticipated for State and local government prime sponsors or participating private businesses; instead, financial benefits will result from the changes. Therefore, a regulatory analysis was not prepared for this regulation.

The Secretary has certified, pursuant to 5 U.S.C. 605(b), that the amendments in this document will not have a significant economic impact on a substantial number of small entities, because the regulations are related primarily to the conditions of federal grants received by State and local governments with populations of more than fifty thousand who are the primary recipients of CETA funds. To the extent that small businesses are affected, the proposed regulation will facilitate receipt of CETA funds for upgrading and retraining activities.

The program for which these amendments are proposed is listed in the Catalog of Federal Domestic Assistance as No. 17.232 "Comprehensive Employment and Training Programs."

Accordingly, the regulations at Parts 676 and 679 of Title 20 of the Code of Federal Regulations are proposed to be amended as set forth below:

PART 676—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. Section 676.26–1 is amended by revising paragraph (c)(1)–(3).

§ 676.26 Payments to participants.

§ 676.26–1 Payment of Wages.

* * * * *

(c) *Wages for Public Service Employment*—(1) *Minimum wage rates.* A participant in PSE shall be paid wages not less than the highest of the rates specified in (a) (1) through (6) (sec. 124(b)).

(2) *Maximum wage rates payable with CETA funds.* (i) The wages (including those received for overtime work and leave taken during the period of employment) paid to any PSE participant from funds under the Act shall be limited to a full-time rate of $10,000 per year (or the hourly, weekly, or monthly rate which, if full-time and annualized would equal a rate of $10,000 per year), unless the Secretary adjusts this maximum upward by the area wage adjustment index. In areas where the maximum wage rate for a fiscal year is decreased from the rate for the previous fiscal year, participants hired in the previous fiscal year may receive the maximum rate from that previous year in the current fiscal year. For school employees whose work is done only during the school year, that school year shall be considered a full year for wage rate annualization purposes.

(ii) Fringe benefits payable from funds under the Act to any PSE participants may not exceed those regularly afforded to similarly employed non-CETA workers, and shall never exceed those afforded to non-CETA workers earning an amount equal to the maximum wage.

(3) *Average wage rates payable with CETA funds.* The average annual wage rate for PSE participants hired on or after April 1, 1979, shall not exceed $8,000 as adjusted upward or downward by the Secretary on an area basis by the area wage adjustment index. In no case shall this wage be adjusted downward to a level that is less than 10 percent above the annualized Federal minimum wage rate.

* * * * *

2. Part 679 is added as follows:

PART 679—PRIVATE SECTOR INITIATIVE PROGRAM FOR THE ECONOMICALLY DISADVANTAGED UNDER TITLE VII OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.

679.1 Scope and purpose.
679.2 Participant eligibility.
679.3 Private Industry Councils (PIC's).
679.3–1 Purpose.
679.3–2 Appointment of PIC members.
679.3–3 Chairperson.
679.3–4 Organizational position.
679.3–5 Staff.
679.3–6 Multijurisdictional PICs.
679.3–7 Functions of the PIC.
679.3–8 Accountability.
679.3–9 Conflict of interest.
679.4 Allocation of funds.
679.5 Annual plan subpart.
679.6 Administrative standards and procedures.
679.7 Allowable activities.

Authority. Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq., Pub. L. 95–524, 92 Stat. 1907), unless otherwise noted.

§ 679.1 Scope and purpose.

This Part contains the regulations for activities under Title VII of the Act, known as the Private Sector Initiative Program.

(a) Title VII of the Act is a demonstration Title. It authorizes a variety of approaches to increase the involvement of the business community in employment and training activities under the Act.

(b) Title VII is designed to increase private sector employment and training opportunities for persons eligible under this Part.

(c) As a primary vehicle to assist prime sponsors in meeting these goals, Title VII provides for the establishment of Private Industry Councils (PIC's) which are to participate jointly with the prime sponsor in the local development and implementation of programs under this Part, and to consult with the prime sponsor on other employment and training activities. Title VII encourages the formulation of a local partnership between the private sector and the prime sponsor in order to meet its purposes.

(d) The ultimate goal of Title VII is to increase private sector employment and training opportunities under all Titles of the Act, commensurate with reduced emphasis on public and private nonprofit subsidized employment.

(e) An important thrust of the Act is to provide for maximum feasible coordination of programs under the Act with related functions supported by the Department and by other Federal, State and local agencies. Accordingly, PIC's formed by prime sponsors to assist in Title VII implementation are encouraged to work with Job Service Employer Committees (JSEC's), the Bureau of Apprenticeship and Training, and State Apprenticeship Councils, as well as the Economic Development Administration, Small Business Administration, Community Services Administration, and U.S. Department of Housing and Urban Development among others, in order to increase the effectiveness of programs under this Part and under the Act in securing employment for economically disadvantaged persons (sec. 701).

(f) This Part, in conjunction with Parts 675 through 677, Subpart C, comprise the regulations for Title VII of the Act.

§ 679.2 Participant eligibility

Eligibility requirements applicable to this Part may be found in § 675.5–7.

§ 679.3 Private Industry Councils (PIC's).

§ 679.3–1 Purpose.

(a) To receive financial assistance under this Part, each prime sponsor shall establish a Private Industry Council (PIC). Its purpose shall be to increase the involvement of the business community, including small business, minority business enterprises, and labor organizations in employment and

training activities under the Act, and to increase private sector employment opportunities for economically disadvantaged persons (secs. 701 and 704(a)(1)).

(b) Given the diversity of local circumstances and the differing environments in which PIC's will operate, the structure, level of activity, and composition of PIC's may vary considerably from one prime sponsor jurisidiction to another.

(c) Generally, meetings of the PIC shall be open and accessible to the general public, and minutes shall be maintained.

§ 679.3-2 Appointment of PIC members

Each prime sponsor shall appoint the members of the PIC (sec. 704).

(a) *General.* (1) A majority of the PIC membership shall be representatives of industry and business (including small business and minority business enterprises). The PIC shall also include members representing organized labor, community-based organizations, educational agencies and institutions, and local economic development organizations.

(2) Existing local councils or committees may be designated or adapted to serve as the PIC (sec. 704(a)).

(3) The prime sponsor shall make ultimate decisions regarding the membership of the PIC after soliciting and considering the recommendations of the business and industrial community. Additionally, the prime sponsor should consult with labor organizations, community-based organizations, educational agencies and institutions, the appropriate apprenticeship agency, the State employment security agency (SESA), and women's organizations, existing councils and committees, and other organizations expressing an interest in the Title VII program (sec. 704(a)).

(4) In prime sponsor jurisdictions in which a National Alliance of Business (NAB) metro organization exists, it should be given consideration in the establishment of the PIC.

(5) Nothing in this section is meant to give a presumptive role to any particular organization in the establishment of the PIC (sec. 704(d)).

(b) *Business and industry members.* (1) The prime sponsor shall make every effort to recruit business and industry members for the PIC who will be representative of the private for profit employment community in terms of the types of business represented, such as small businesses, minority-owned businesses, businesses owned by women and others reflective of the commercial and industrial makeup of the area (sec. 704(a)(1)).

(2) Where possible, at least half of the industry and business representatives shall be representatives from small business. For purposes of this requirement, "small business" means any private for profit enterprise employing five hundred or fewer employes (sec. 704(a) (1) and (2)).

(3) Minority business enterprises shall be represented on the PIC, at least consistent with their representation in the business community (sec. 704(a)(1)).

(4) Prime sponsors may consider either the residence of the prospective PIC member or the location of the business or organization with which that person is associated in considering appointments to the PIC.

(c) *Other required members.* At least one representative of each of the following shall be included among the PIC membership:

(1) Organized labor. In appointing members from organized labor, the prime sponsor should consult State or central labor bodies, building and construction trades councils, the Human Resources Development Institute (HRDI), appropriate apprenticeship agencies, and unions representing major occupations in the area.

(2) Community-based organizations that have demonstrated to the prime sponsor a record of effectiveness in their relationships with the business community.

(3) Educational agencies and institutions (particularly those with expertise with on-site, industry-specific vocational education) that have demonstrated to the prime sponsor a record of effectiveness in providing education or vocational training oriented toward the needs of the business community.

(4) Local economic development organizations such as those authorized under the Public Work and Economic Development Act of 1965.

(d) *Other members.* Prime sponsors may also appoint to the PIC other members, such as representatives of persons eligible to participate in activities under this Part and representatives of organizations having unique relationships to both the CETA system and the private sector, such as SESA's and appropriate apprenticeship agencies (sec. 704(a)(1)).

§ 679.3-3 Chairperson.

(a) A chairperson pro tem from the business and industrial community should be appointed by the prime sponsor to assist in identifying potential members and in establishment of the PIC.

(b) Once established, the PIC shall have a permanent chairperson selected by the members of the PIC, who should be a representative of business and industry.

§ 679.3-4 Organizational position.

(a) The organizational position occupied by the PIC within the overall employment and training delivery system shall be determined by the prime sponsor in consultation with the PIC. Such position and relationship shall be designed to enable the PIC to carry out its responsibilities.

(b) To carry out its duties, the PIC should appoint subcommittees to deal with particular areas of concern and secure, either through its staff or other means, the expertise of persons in the private sector having knowledge of business practices and policies (sec. 704(c)).

(c) PIC relationship to the prime sponsor's planning council.

(1) The activities of the PIC shall be coordinated by the prime sponsor with those of the prime sponsor's planning council, and area planning bodies in the case of State prime sponsors. The planning council shall be consulted in the development of the Title VII program, and shall be afforded the opportunity to review and comment on the Title VII Annual Plan subpart (sec. 703(b)(4)).

(2) For purposes of Title VII, the PIC shall not be subordinate in its authority to the prime sponsor's planning council.

(3) The PIC chairperson (or designee) shall, at a minimum, serve as an ex officio, nonvoting member of the prime sponsor's planning council, and the chairperson (or designee) of the prime sponsor's planning council shall, at a minimum, serve as an ex officio, nonvoting member of the PIC. However, the prime sponsor may assign either chairperson the status of a full voting member on the respective councils (sec. 704(b)).

(d) Due to the unique nature of Balance-of-State organizational structures, such prime sponsors are authorized to develop alternate measures regarding the organization and structure of PIC's such as PIC's covering sub-State planning areas, a single PIC for the entire prime sponsor jurisdiction with a decentralized staff, and other special arrangements.

§ 679.3-5 Staff.

The PIC shall be appropriately staffed, commensurate with its responsibilities. The staffing composition of the PIC shall be determined through mutual

agreement between the PIC and the prime sponsor.

(a) When the PIC is a subgrantee or contractor of the prime sponsor, staff shall be hired in a manner consistent with that status and with the terms of the PIC's subgrant or contract with the prime sponsor.

(b) If the PIC is other than a subgrantee or contractor, it shall be consulted by the prime sponsor on the matter of its staffing. To the extent possible, consistent with applicable personnel rules, the PIC should be party to decisions on staff selection or hiring.

§ 679.3–6 Multijurisdictional PIC's.

A PIC may be established to cover more than one prime sponsor area, pursuant to arrangements and written agreements between the prime sponsors and the PIC.

(a) A PIC may be established to cover a multijurisdictional area with the affected prime sponsors submitting and reporting upon separate Title VII Annual Plan subparts.

(b) The above approach does not preclude other arrangements. Prime sponsors may propose alternatives as part of their Title VII Annual Plan subpart. The RA may approve such arrangements after considering the desirability of the proposed arrangements in view of the purposes of Title VII and after reviewing their feasibility in terms of reporting and otherwise meeting Comprehensive Employment and Training Plan requirements of § 676.9, § 676.10 and § 676.11.

(c) Financial incentives shall be provided to prime sponsors establishing multijurisdictional PIC's that meet criteria discussed in § 679.4(b)(2) (secs. 702(b) and 704(a)(1)).

§ 679.3–7 Functions of the PIC.

The prime sponsor and the Private Industry Council shall determine those functions that the PIC will perform, based upon local conditions, the interests of the private sector, and the needs of the community. Those functions include the following, among others:

(a) *General.* (1) The PIC shall serve as an intermediary to assist the local employment and training structure to become more responsive to the business community.

(2) The PIC shall serve as the business and industry contact point in the local employment and training system, to present the private sector's view and recommendations for making programs more responsive to local employment needs.

(3) The PIC shall advise and provide direction to the local employment and training system on ways to increase private sector job placements for persons eligible under this Part (secs. 701 and 704(c)).

(b) *Planning and coordination.* (1) The PIC shall, in conjunction with the prime sponsor, design and develop the Title VII program and subpart to the prime sponsor's Annual Plan (sec. 703(b)).

(2) In designing the plan, and on a continuing basis, the PIC shall analyze private sector job opportunities, including estimates by occupation, industry, and location. The analysis should survey employment demands in the private sector and training possibilities, such as apprenticeship, in order to develop projections of short and long range labor needs, and to refine employment and training programing so that it becomes increasingly responsive to private sector labor needs. In undertaking such analysis, the PIC should assess and utilize information contained in economic development plans for the area and currently available labor market information from sources already in place, such as the SESA and appropriate apprenticeship agencies (sec. 703(b)(3)).

(3) The PIC should, in conjunction with the prime sponsor, develop specific private sector employment and training projects.

(4) The PIC should, in conjunction with the prime sponsor, develop criteria for the types of occupations to be selected for the expenditure of training funds.

(5) The PIC should, in conjunction with the prime sponsor, develop standards and specifications for training in particular occupations.

(6) In designing the plan, the PIC and prime sponsor should, to the extent possible, ensure that the plan is consistent with plans, funding applications and grants for programs related to private sector employment and training which are funded by other Federal agencies. For planning purposes and to coordinate with activities under other Federal programs, the PIC and prime sponsor should where possible review and comment on such plans and funding applications, especially regarding ways in which they affect employment and training, including apprenticeship, in the private sector (including those of the Economic Development Administration, Department of Housing and Urban Development, Small Business Administration and Community Services Administration) (secs. 103(a)(20), 704(c) and 705(a)(4)).

(7) The PIC should consult with the prime sponsor and its planning council during the development of, and shall have the opportunity to review and comment on, other Annual Plan subparts under the Act (sec. 704(c)).

(8) In undertaking activities under this Part, the requirements of § 676.24, "Labor organization consultation and/or concurrence", shall be observed.

(c) *Operational functions.* (1) The PIC should actively solicit public and private support for and participation in the Private Sector Initiative Program and other programs and activities designed to increase private sector employment and training opportunities for persons who are economically disadvantaged.

(2) The prime sponsor may involve the PIC through arrangements and written agreements so that the PIC can carry out its responsibilities. In particular, the PIC should be involved with the SESA, Job Service Employer Committees (JSEC's), local WIN sponsors and other private sector intermediaries in marketing and disseminating information on the Targeted Jobs Tax Credit, created by the Revenue Act of 1978 (Pub. L. 95–600), and the WIN Tax Credit.

(3) The prime sponsor and the PIC may decide that the PIC will administer and directly operate local private sector employment and training programs. Such an operational function could involve directly marketing on-the-job and other training agreements with private employers, developing training programs, entering into contracts with private firms, community-based organizations, educational agencies and institutions and SESA's and other related activities. Consistent with State and local law, PIC's may incorporate for these purposes.

(4) Organizations represented on the PIC may be directly involved in the operation of employment and training programs funded under this Part, consistent with the conflict of interest provisions of § 679.3–9.

(5) In accordance with § 676.36(b), the PIC may participate with the prime sponsor in developing criteria for the selection of any nongovernmental organization, association, firm or other entity for the conduct of programs or activities under this Part (secs. 121(o) and 704(c)).

(d) *Review and Assessment.* (1) The PIC shall participate with the prime sponsor in overseeing activities under this Part. Programs under this Part are subject to the prime sponsor's monitoring responsibilities (sec. 704(c)).

(2) The PIC may, in consultation with the prime sponsor, identify the factors to be addressed in an assessment of the

effectiveness of activities under this Part.

(3) In consultation with existing groups, such as Job Service Employer Committees (JSEC's) and prime sponsor's planning and youth councils, the PIC may examine the performance of the local CETA and SESA delivery system to determine how to better meet the needs of business and industry and increase private sector employment opportunities for the economically disadvantaged, and advise the prime sponsor and the SESA of its observations and recommendations (sec. 704(c)).

(e) Nothing in this section is intended to limit the functions of the PIC, with respect to assisting the prime sponsor to improve the responsiveness of employment and training programs to employment opportunities in the private sector. The business community should be involved in determining the functions of the PIC so that these will be responsive to the needs and interests of business and industry.

§ 679.3–8 Accountability.

The Department holds the prime sponsor accountable for activities conducted and funds expended under this Part.

(a) The PIC, in working with the prime sponsor to develop activities under this Part, must recognize the prime sponsor's ultimate liability for all of the PIC's activities. The PIC and the prime sponsor are thus both responsible for program performance, and the Department in assessing the Title VII program will take both the prime sponsor's and the PIC's performance of functions into account.

(b) Where the PIC is a contractor or subgrantee of the prime sponsor, it is financially liable to the prime sponsor for funds received.

§ 679.3–9 Conflict of interest.

(a) Except for voting on the Title VII Annual Plan Subpart, no member of the PIC may cast a vote on any matter which has a direct bearing on services to be provided by that member or by any organization which such member directly represents on any matter which would financially benefit such member or any organization such member represents.

(b) Contracts in excess of $10,000 between the PIC and any private organization with which a PIC member is associated as an officer, member or employee shall be subject to the final written approval of the prime sponsor, prior to execution of the contract or subgrant.

(c) In addition, the provisions of § 676.62 (b) and (c) apply.

§ 679.4 Allocation of funds.

(a) *Prime sponsor basic allocations.* Eighty-five percent of funds available under Title VII of the Act shall be allocated to prime sponsors as provided in section 202(a) of the Act except that:

(1) In order to ensure that every prime sponsor receives an allocation of sufficient size to mount a viable program, a minimum allocation level may be established; and

(2) In the case of Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Northern Marianas, these shall be allocated the same percentage of Title VII funds as the percentage of Title II Parts A, B and C funds allocated to them

(b) *Other allocations.* The remaining fifteen percent of the funds shall be allocated in the following manner:

(1) *Assistance to Native American entities.* No less than two percent of the total funds available under Title VII of the Act will be used to support Title VII programs for Native American entities described in sections 302(c)(1) (A) and (B) of the Act.

(2) *Assistance to prime sponsors who establish a single Private Industry Council.* Additional funds shall be provided to prime sponsors that establish a single Private Industry Council that serves a substantial portion of a functioning labor market area, as determined by the Secretary. Included may be:

(i) An existing consortium covering a substantial portion of a functioning labor market area that qualifies for incentive funds under § 676.4(c);

(ii) Two or more prime sponsors establishing a PIC that serves at least 75% of a functioning labor market area; and

(iii) To the extent that funding is available, other combinations of prime sponsors forming a single PIC (sec. 702(b)).

(3) *Incentives to promote coordination with economic development activities.* Ten percent of the funds available shall be used for incentive bonuses to be awarded by competitive process to prime sponsors that engage in efforts to promote coordination with economic development activities supported by Federal, State or local funds.

(c) Funds may be reallocated pursuant to the provisions of § 676.47 (sec. 106).

§ 679.5 Annual plan subpart.

(a) *General.* To receive financial assistance under this Part, a prime sponsor shall submit the following information, which will become part of the Annual Plan as described in § 676.11. This subpart shall consist of a Narrative Description, Statement of Concurrence, Program Planning Summary, and Budget Information. Summary, specific to Title VII (sec. 103(b)).

(b) The prime sponsor shall transmit a copy of the Title VII Annual Plan subpart to the prime sponsor's planning council, to appropriate labor organizations, community-based organizations, educational agencies and institutions, local economic development organizations (including those authorized under the Public Works and Economic Development Act of 1965), and to such other parties as are required by § 676.12(d). The comment and publication procedures of § 676.12 apply to this Part (secs. 703(b) (4) and (5)).

(c) The Annual Plan subpart shall have the concurrence of both the PIC and the prime sponsor in order to be approved. Therefore, a Statement of Concurrence shall be submitted, signifying the concurrence of the PIC and the prime sponsor with the contents of the Annual Plan subpart or any modifications thereto.

(d) *Narrative Description.* The narrative description shall include:

(1) *Objectives and need for assistance.* State the objectives and need for funding under this Part, including an identification of private sector occupations where there are labor shortages.

(2) *Results and benefits.* Provide a statement on:

(i) Specific quantified performance and placement goals, by program activity.

(ii) Any performance and placement goals with respect to groups designated to be served (sec. 103(b)(4)).

(iii) Explain any variation between such performance and placement goals and the Secretary's performance standards (sec. 103(b)(4)).

(iv) Any nonquantifiable goals or outcomes.

(3) *Approach.* Provide a description of:

(i) The specific activities to be conducted, and how these activities will be integrated with other training and placement activities under the Act (sec. 703(a)).

(ii) The procedures and standards to be used for the selection of occupations in which training is to be provided.

(iii) The system that will be used to review and assess the success of activities, including a description of the role of the PIC.

(4) *Private Industry Council (PIC).* Provide the following:

(i) The responsibilities assumed and the functions to be performed by the Private Industry Council in the planning, operation and review of programs.

(ii) A list of the PIC Membership indicating representation from among those membership categories identified in § 679.3–2.

(iii) Staffing arrangements for support of the PIC agreed upon the PIC and the prime sponsor.

(iv) A description of procedures established to ensure periodic consultation and coordination of activity between the PIC and the prime sponsor's planning council and other appropriate agencies in the labor market area.

(v) For multijurisdictional PIC's (except for existing consortia) identify the geographic area to be served, the prime sponsors participating, administrative and programmatic relationships between the PIC and the participating prime sponsors and the functions to be performed by each. A copy of the written agreement cited in § 679.3–6 must be included as an attachment to the Annual Plan Subpart.

(e) *Statement of Concurrence.* This statement documents the concurrence of the PIC and the prime sponsor with the contents of the Annual Plan Subpart.

(f) *Program Planning Summary (PPS).* The PPS reflects the goals, objectives and activities planned under Title VII for the program year.

(g) *Budget Information Summary (BIS).* The BIS contains the planned budget under Title VII for the program year.

§ 679.6 Administrative limitations.

(a) *General.* The General Provisions of Part 676 shall apply except as otherwise indicated.

(b) *Allowable costs and cost allocation.* The provisions of § 676.40 and § 676.41 shall apply to programs under Title VII except as follows:

(1) *Employment generating services.*

(i) For programs funded under Title VII only, costs for activities which are not directly related to the immediate provision of training or employment for participants but which are intended to result in the creation or expansion of employment opportunities for persons eligible under this Part may be classified as employment generating services and charged to the "Services" cost category. Examples are:

(A) Those items enumerated in paragraphs (c) (1), (2), (3), (4), (6), (7), (9), (10), (12), (13), (14) and (15) of § 679.7, Allowable Activities.

(B) The costs for the salaries and fringe benefits of labor market and program analysts, for consultants under contract for employment generating services, and for technical assistance to contractors and subgrantees.

(ii) While such activities are allowable and desirable under Title VII, no more than 30 percent of a prime sponsor's Title VII funds may be used for employment generating services.

(iii) The program activity against which the costs for employment generating services are to be allocated is "Other Activities."

(iv) No costs attributable to the general administration of the Title VII program shall be charged to the "Services" cost category.

(2) *Administrative costs.* (i) For purposes of Title VII, administrative costs are those costs which fall within the category of administration as defined in § 676.41–1(f), exclusive of employment generating services.

(ii) The total amount of funds expended for administration by all prime sponsors in carrying out programs under this Part shall not exceed 20 percent of the total expenditures for all prime sponsor Title VII programs. Each prime sponsor and PIC must make every effort to limit administrative costs to only those that are necessary to assure the effective operation of programs under this Part. If the prime sponsor and PIC determine that more than 20 percent is necessary to operate the planned program, a higher amount may be requested by providing a satisfactory explanation of the need for such amount in the Title VII Annual Plan Subpart. The special needs of urban and rural areas and other relevant factors shall be considered by the RA in reviewing requests for administrative costs in excess of 20 percent (sec. 705(b)).

(iii) It is recognized that startup and initial implementation of programs under this Part may require administrative expenditures greater than those necessary for the operation of established program. Thus, it should subsequently become possible for administrative costs to be reduced such that they are brought to a more appropriate level of 10 percent. Prime sponsors and PIC's should therefore plan to reduce administrative costs after startup and initial implementation.

(3) Up to 15 percent of funds allocated under Title VII may be used to enroll persons using the § 675.5–3 criteria into upgrading and/or retraining programs provided that:

(i) Participating employers agree to hire at least one economically disadvantaged person for each participant being upgraded and/or retrained.

(ii) Prime sponsors may request a waiver to paragraph (b)(3)(i) of this section in situations where it is impracticable to implement such requirement, e.g., in cases of small businesses with few employees or in businesses where the work force is declining. The request, which shall include a brief statement of the facts (*i.e.*, why the requirement cannot be met), may accompany or be submitted subsequent to submission of the Annual Plan.

Such request should be acted upon by the Regional Office within one calendar week of receipt. Regional offices are expected to exercise maximum possible flexibility in the granting of such waivers to insure that the skill needs of community employers are met and new employment and career opportunities for workers are opened.

(4) Payments to private-for-profit employers through methods not specifically authorized under Parts 676 through 677, Subpart B shall not be allowable unless and until the method of payment is explained in advance and authorization for its use is specifically granted. Prime sponsors shall transmit to the RA requests to permit such new payment methods. The RA shall transmit such requests, with comments and recommendations, to the Assistant Secretary for Employment and Training. Action on a request shall be taken within 60 days after the prime sponsor's submission of the request to the RA. Nothing in this paragraph authorizes wage subsidies (sec. 703(c)).

§ 679.7 Allowable activities.

Funds under this Part shall be used to augment private sector-related activities under Part 677, including on-the-job training with private employers (sec. 703(b)(2)). Funds shall be used to provide employment and training and related activities consistent with the purposes of Title VII including:

(a) Activities and services authorized in § 677.13;

(b) Upgrading and retraining in accordance with § 675.5–7, and Subpart C of Part 677, and

(c) The following:

(1) Coordinating programs of jobs and training and education enabling individuals to work for a private employer while attending an education or training program;

(2) Developing a small business intern program to provide practical training enabling youths and other individuals to work in small business firms to acquire first-hand knowledge and management experience about small business;

(3) Developing relationships between employment and training programs,

educational institutions, and the private sector;

(4) Developing useful methods for collecting information about Federal Government procurement contracts with private employers, new and planned publicly supported projects such as public works, economic development and community development programs, transportation revitalization, alternative energy technology development, demonstration, and utilization projects, energy conservation projects, and rehabilitation of low-income housing as part of a community revitalization or stabilization effort, which provide work through private sector contractors;

(5) Conducting innovative cooperative education programs for youths in secondary and postsecondary schools designed to coordinate educational programs with work in the private sector;

(6) Developing and marketing model contracts designed to reduce the administrative burden on the employer and model contracts to meet the needs of specific occupations and industries;

(7) Coordinating programs under this Part with other job development, placement, and employment and training activities carried out by public and private agencies;

(8) Providing on-the-job training subsidies on a declining ratio to wages over the period of training;

(9) Providing followup services with employees placed in private employment and employers who hire recipients of services under the Act;

(10) Encouraging employers to develop job skill requirement forecasts and to coordinate such forecasts with prime sponsors;

(11) Using direct contracts for training and employment programs with private for profit and private nonprofit organizations;

(12) Developing apprenticeship or comparable high-skill training programs for workers regardless of age in occupations where such programs do not presently exist in the area;

(13) Increasing opportunities for upgrading from entry level jobs by providing counseling and other services to employees and employers beyond initial training periods;

(14) Providing technical assistance to private employers to reduce the administrative burden of employment and training programs;

(15) Disseminating information to private employers so that they may more fully utilize programs under the Act;

(16) Developing on-site, industry specific training programs supportive of industrial and economic development in cooperation with State vocational education boards, provided that, where feasible, funds made available under this Act for such programs are supplemented by Federal, State or local vocational education funds or by non-governmental funds made specifically available for such programs, or both; and

(17) Other program activities which demonstrate effective approaches to the training and employment of persons eligible to participate in programs under this Part (sec. 705(a)).

(Sec. 126 of the Comprehensive Employment and Training Act (Pub. L. 96-524, 92 Stat. 1909, 29 U.S.C. 801 *et seq.*))

Signed at Washington, D.C. this 14th day of May 1981.

Raymond J. Donovan,

Secretary of Labor.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing May 5, 1981.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: June 12, 1981, at 9 a.m.

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202-523-5235.

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Highlights

27599 **Nuclear Safety** NRC is completing development of a number of internationally acceptable codes of practice and safety guides for nuclear power plants. Draft copies are available to the public.

27501 **Energy Conservation** Commerce/NOAA announces the availability of a draft technical support document for the environmental requirements under the regulations for licensing ocean thermal energy conservation facilities and plantships.

27523 **Fuel** DOE/EIA publishes notice of publication of alternative fuel price ceilings and incremental price threshold for high cost natural gas.

27614 **Polychlorinated Biphenyls (PCBs)** EPA clarifies issues that have arisen in connection with the Interim Measures Program. (Part III of this issue)

27615 **Polychlorinated Biphenyls (PCBs)** EPA publishes regulation regarding PCBs in concentrations below fifty pars per million. (Part III of this issue)

27617 **Polychlorinated Biphenyls (PCBs)** EPA publishes advance notice of proposed rulemaking regarding manufacture of PCBs in concentrations below fifty parts per million. (Part III of this issue)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Highlights

27519 **Polychlorinated Biphenyls (PCBs)** EPA publishes advance notice of proposed rulemaking relating to manufacture, processing, distribution in commerce and use of PCBs in concentrations below fifty ppm to which people or the environment may be exposed. (Part III of this issue)

27608 **Grant Programs** HHS/HDSO announces availability of grant funds for projects of National significance in Developmental Disabilities under the Special Project Grants Program. (Part II of this issue)

27560 **Grant Programs—Wastewater Treatment** EPA publishes comprehensive guidance document for preparation of facilities plans funded through EPA's construction grants program.

27507 **Steel** Commerce/ITC announces third quarter 1981 trigger price levels.

27586 **Antidumping** ITA releases a determination on the secondary aluminum alloy in unwrought form from the United Kingdom.

27516 **Textiles** CITA establishes a new export visa and exempt certification mechanism for certain cotton, wool and man-made fiber textile and apparel products exported from Mexico.

27518 **Privacy Act Document** DOD/Army

27592 **Sunshine Act Meetings**

Separate Parts of This Issue

27608 **Part II, HHS/HDSO**

27614 **Part III, EPA**

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 915 and 944

[Florida Avocado Regulation 23; Avocado Import Regulation 29]

Avocados Grown in South Florida and Imported Avocados; Grade and Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule.

SUMMARY: These regulations specify minimum grade and maturity requirements for shipments of fresh avocados grown in south Florida, and for avocados imported into the United States. Such action is necessary to assure the shipment of ample supplies of mature avocados of acceptable quality in the interests of producers and consumers.

DATES: Interim rule effective May 25, 1981; comments which are received by June 19, 1981, will be considered.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

The Florida avocado regulation would be issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The avocado import regulation would be issued under section 8e (7 U.S.C. 608e–1) of this act. The grade and maturity requirements applicable to Florida avocado shipments were recommended by the Avocado Administrative Committee, which locally administers this marketing order program.

The regulations would establish U.S. No. 3 as the minimum grade, and prescribe minimum weights or diameters by specified dates as the maturity requirements for the various varieties of avocados. Minimum weights or diameters and picking dates are used as indicators during harvest to determine which avocados are sufficiently mature to complete the ripening process. Skin color would also be authorized as a method of determining maturity, for those varieties which turn red or purple when mature. The requirements are designed to assure that the various varieties of avocados will be of suitable quality and maturity so they provide consumer satisfaction, which is essential for the successful marketing of the crop. They are also designed to provide the trade and consumers with an adequate supply of mature avocados of acceptable quality, in the interest of producers and consumers pursuant to the declared policy of the act.

The import requirements would be issued under section 8e of the act, which requires that when specified commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

For the 1981–82 season, the Avocado Administrative Committee estimates fresh shipments at a record 1,150,000 bushels (55 pounds net weight), 3 percent more than the 1,113,951 bushels shipped fresh in 1980–81 and 13 percent more than the 1,016,862 bushels shipped fresh in 1979–80. Shipments of fresh avocados from California are expected to reach a record 7,760,000 bushel equivalents during the California season ending in late October 1981. Relatively small amounts of avocados are imported into the United States, mostly from the Dominican Republic. Shipment of this season's crop is expected to begin with light shipments of early varieties in late May, but volume shipments will not begin until late June or early July.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date of these regulations until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) shipment of the current crop of avocados is expected to begin May 25, 1981; (2) the current Florida avocado and avocado import regulations (45 FR 36350) expired April 30, 1981; (3) the Florida avocado regulation was recommended by the committee following discussion at a public meeting on April 8, 1981; (4) Florida avocado handlers have been apprised of these requirements for Florida avocados and the effective date; (5) the requirements for Florida avocados and imported avocados are basically the same as those currently in effect; (6) the avocado import requirements are mandatory under § 8e of the act, and they become effective at the same time as the domestic requirements; (7) the import regulation imposes the same grade requirement as is being made applicable to the shipment of avocados grown in Florida under Florida Avocado Regulation 23; (8) the import regulation imposes the same maturity requirements for Pollock, Catalina, and Trapp varieties and comparable maturity requirements for other varieties of avocados as are being made applicable under Florida Avocado Regulation 23; and (9) three days notice, the minimum prescribed by section 8e, is provided with respect to this import regulation.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, new sections 915.323 and 944.21 are added to read as follows: (sections 915.323 and 944.21 expire August 16, 1981, and will not be

published in the annual Code of Federal Regulations).

§ 915.323 Florida Avocado Regulation 23.

(a) *Order.* (1) During the period May 25, 1981, through August 16, 1981, no handler shall handle any avocados unless such avocados grade at least U.S. No 3 grade: *Provided,* That avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR Part 915), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective date of this regulation, except as otherwise provided in paragraphs (a)(8) and (9) of this section, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, and thereafter each such variety shall be handled only in conformance with paragraphs (a)(3), (4), (5), (6), and (7) of this section;

(3) From the date listed for the respective variety in Column 2 of Table I to the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column, 3;

(4) From the date listed for the respective variety in Column 4 of Table I to the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) From the date listed for the respective variety in Column 6 of Table I to the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is at least the diameter specified for such variety in said Column 7;

(6) Except as otherwise provided in paragraphs (a)(8) and (9) of this section, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to June 29, 1981.

(ii) From June 29, 1981, through July 26, 1981, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From July 27, 1981, through August 30, 1981, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From August 31, 1981, through September 27, 1981, individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(7) Except as otherwise provided in paragraphs (a)(8) and (9) of this section, varieties of avocados not covered by paragraphs (a)(2) through (6) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 14, 1981.

(ii) From September 14, 1981, through October 11, 1981, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 12, 1981, through December 13, 1981, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(8) Notwithstanding the provisions of paragraphs (a)(2) through (7) of this section regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the indiyidual fruit contained in each lot may weigh less than the minimum specified weight and be less than the miminum specified diameter: *Provided,* That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in paragraphs (a)(6) and (7) of this section. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(9) The provisions of paragraphs (a)(2) through (8) of this section shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

Table I

Variety—(1)	Date—(2)	Minimum weight or diameter—(3)	Date—(4)	Minimum weight or diameter—(5)	Date—(6)	Minimum weight or diameter—(7)	Date—(8)
Kosel	5-25-81	16 oz	6-8-81	13 oz	6-22-81		
Arao	5-25-81	16 oz	6-8-81	14 oz., 3⅛ in	7-13-81		
Roland 2-2	6-8-81	22 oz	6-22-81	20 oz	7-13-81		
J. M. Poropat	6-15-81	20 oz	6-22-81	18 oz	7-13-81	16 oz	7-27-81.
Fuchs	6-15-81	14 oz., 3⅛ in	6-29-81	12 oz., 3⅛ in	7-13-81		
Dr. DuPuis #2	6-15-81	16 oz., 3⅛ in	6-29-81	14 oz., 3⅛ in	7-13-81	12 oz., 3⅛ in	7-27-81.
K-6	6-22-81	16 oz., 3⅛ in	7-6-81	14 oz., 3⅛ in	7-20-81		
Hardee	6-29-81	16 oz., 3⅛ in	7-6-81	14 oz., 2¹⅞ in	7-27-81		
Pollock	6-29-81	16 oz., 3¹⅞ in	7-13-81	16 oz., 3⅛ in	7-27-81	14 oz., 3⅛ in	8-10-81.
Simmonds	6-29-81	16 oz., 3⅛ in	7-13-81	14 oz., 3⅛ in	7-27-81	12 oz., 3⅛ in	8-10-81.
Nadir	6-29-81	14 oz., 3⅛ in	7-6-81	12 oz., 3⅛ in	7-13-81	10 oz., 3¹⅞ in	7-27-81.
Katherine	6-29-81	16 oz	7-13-81	14 oz	7-27-81		
Halle	6-29-81	20 oz	7-13-81	18 oz	7-20-81	14 oz	8-10-81.
Donnie	7-6-81	16 oz., 3⅛ in	7-20-81	14 oz., 3⅛ in	8-17-81		
Pushie	7-13-81	16 oz., 3¹⅞ in	7-20-81	16 oz., 3⅛ in	7-27-81	14 oz., 3⅛ in	8-24-81.
			8-10-81	12 oz., 3⅛ in	8-17-81	10 oz., 3⅛ in	
Dawn	7-13-81	12 oz., 3⅛ in	7-27-81	10 oz., 3⅛ in	8-10-81		
Webb-2	7-13-81	16 oz	7-27-81	16 oz	8-10-81		
Cash	7-13-81	16 oz	8-28-81				
Gretchen	7-13-81	14 oz	7-27-81	12 oz	8-10-81		
Alpha	7-20-81	16 oz., 3⅛ in	8-10-81				
Biondo	7-20-81	13 oz	8-24-81				
Peterson	7-20-81	14 oz., 3⅛ in	7-27-81	12 oz., 3⅛ in	8-3-81	10 oz., 3⅛ in	8-17-81
232	7-27-81	14 oz	8-10-81	12 oz	8-24-81		
Trapp	7-27-81	14 oz., 3¹⅞ in	8-10-81	12 oz., 3⅛ in	8-24-81		
B&B	7-27-81	16 oz., 3⅛ in	8-31-81				
Pinelli	7-27-81	18 oz., 3¹⅞ in	8-10-81	16 oz., 3¹⅞ in	8-24-81		
Miguel	7-27-81	22 oz., 3¹⅞ in	8-10-81	20 oz., 3¹⅞ in	8-24-81	18 oz., 3¹⅞ in	9-7-81.
Nesbitt	7-27-81	22 oz., 3¹⅞ in	8-10-81	18 oz., 3⅛ in	8-17-81	14 oz., 3⅛ in	8-31-81.
Chapple	7-27-81	18 oz	8-24-81				
Bernacher	7-27-81	18 oz., 3⅛ in	8-24-81				
Waldin	8-10-81	16 oz., 3⅛ in	8-24-81	14 oz., 3⅛ in	9-7-81	12 oz., 3⅛ in	9-21-81.
Mills-D	8-10-81	18 oz	9-7-81				
Shute	8-10-81	22 oz	8-31-81				
Tonnage	8-10-81	16 oz., 3⅛ in	8-24-81	14 oz., 3⅛ in	8-31-81	12 oz., 3⅛ in	9-7-81.
Beta	8-10-81	18 oz., 3⅛ in	8-17-81	16 oz., 3⅛ in	9-7-81		
K-9	8-10-81	18 oz	8-31-81				
Gorham	8-10-81	29 oz., 4⅛ in	8-24-81	27 oz., 4⅛ in	9-7-81		
Tower-2	8-10-81	14 oz., 3⅛ in	8-24-81	12 oz., 3⅛ in	9-14-81		
The Frenwee	8-17-81	23 oz	9-14-81				
Lisa	8-17-81	12 oz., 3⅛ in	8-24-81	11 oz., 3⅛ in	8-31-81		
Fairchild	8-24-81	16 oz., 3¹⅞ in	9-7-81	14 oz., 3⅛ in	9-21-81	12 oz., 3⅛ in	9-28-81.
Nirody	8-24-81	18 oz., 3¹⅞ in	9-7-81	16 oz., 3¹⅞ in	9-21-81		
Loretta	8-24-81	26 oz., 4⅛ in	10-5-81				
Catalina	8-24-81	24 oz	9-7-81	22 oz	9-28-81		
Booth 6	9-7-81	16 oz., 3⅛ in	9-28-81	14 oz., 3⅛ in	10-12-81	10 oz., 3⅛ in	10-26-81.
Black Prince	9-7-81	23 oz., 3¹⅞ in	9-21-81	18 oz., 3⅛ in	10-12-81		
Blair	9-7-81	16 oz., 3⅛ in	9-21-81	14 oz., 3⅛ in	10-12-81		
Booth 7	9-7-81	18 oz., 3¹⅞ in	9-21-81	16 oz., 3¹⅞ in	10-5-81	14 oz., 3⅛ in	10-19-81.
Csonka	9-14-81	22 oz	10-12-81				
Brooks 1978	9-14-81	12 oz	9-21-81	10 oz., 3¹⅞ in	9-28-81	8 oz	10-19-81.
Booth 5	9-14-81	14 oz., 3⅛ in	9-28-81	12 oz., 3⅛ in	10-12-81		
Marcus	9-14-81	32 oz., 4¹⅞ in	9-28-81	24 oz., 4⅛ in	11-9-81		
Collinson	9-21-81	16 oz., 3¹⅞ in	10-19-81				
Chica	9-21-81	12 oz., 3⅛ in	10-5-81	10 oz., 3⅛ in	10-19-81		
Rue	9-21-81	30 oz., 4⅛ in	9-28-81	24 oz., 3¹⅞ in	10-12-81	18 oz., 3⅛ in	10-26-81.
Hickson	9-21-81	12 oz., 3⅛ in	10-5-81	10 oz., 3⅛ in	10-19-81		
Simpson	9-28-81	16 oz., 3⅛ in	10-19-81				
Vaca	9-28-81	16 oz., 3⅛ in	10-19-81				
Sherman	9-28-81	16 oz	10-12-81	14 oz	10-26-81	10 oz	11-16-81.
Choquette	9-28-81	24 oz., 4⅛ in	10-12-81	20 oz., 3¹⅞ in	10-26-81	16 oz., 3⅛ in	11-9-81.
Booth 10	10-5-81	16 oz., 3¹⅞ in	11-2-81				
Avon	10-5-81	15 oz., 3¹⅞ in	10-26-81				
Booth 11	10-5-81	16 oz., 3¹⅞ in	10-26-81				
Leone	10-5-81	18 oz., 3¹⅞ in	10-19-81				
Winstowson	10-5-81	18 oz., 3¹⅞ in	10-26-81				
Nelson	10-5-81	14 oz., 3⅛ in	10-19-81	12 oz., 3⅛ in	11-2-81	10 oz., 3⅛ in	11-23-81.
Hall	10-5-81	20 oz., 3¹⅞ in	10-19-81	20 oz., 3⅛ in	11-2-81	16 oz., 3⅛ in	11-16-81.
Lute	10-12-81	16 oz., 3¹⅞ in	10-26-81	14 oz., 3⅛ in	11-9-81	12 oz., 3⅛ in	11-23-81.
Herman	10-12-81	16 oz., 3⅛ in	10-26-81	14 oz., 3⅛ in	11-9-81		
Murphy	10-12-81	16 oz	10-26-81	14 oz	11-9-81	11 oz	11-30-81.
Ajax (8-7)	10-19-81	18 oz., 3¹⅞ in	11-9-81				
Booth 9	10-19-81	16 oz., 3⅛ in	10-26-81	14 oz., 3⅛ in	11-9-81		
Taylor	10-19-81	14 oz., 3⅛ in	11-2-81	12 oz., 3⅛ in	11-16-81		
Dunedin	11-2-81	16 oz., 3¹⅞ in	11-16-81	14 oz., 3⅛ in	11-30-81	10 oz., 3⅛ in	12-21-81.
Byers	11-9-81	18 oz., 3¹⅞ in	11-30-81				
Monroe	11-9-81	24 oz., 4⅛ in	11-23-81	20 oz., 3¹⅞ in	12-7-81	16 oz., 3⅛ in	12-21-81.
Linda	11-9-81	18 oz., 3¹⅞ in	11-30-81				
Mabel	11-9-81	14 oz., 3⅛ in	11-30-81				
Booth 1	11-16-81	16 oz., 3¹⅞ in	11-30-81	12 oz., 3⅛ in	12-14-81		
Zio	11-23-81	12 oz., 3⅛ in	12-7-81	10 oz., 2¹⅞ in	12-21-81		
Mardin	11-23-81	28 oz., 4⅛ in	12-21-81				
Wagner	11-30-81	12 oz., 3⅛ in	12-14-81	10 oz., 3⅛ in	12-28-81		
Schmidt	11-30-81	16 oz	12-28-81				
Moya	12-21-81	13 oz., 3⅛ in	1-4-82	11 oz., 3⅛ in	1-18-82		
Brooksiate	12-14-81	18 oz., 3¹⅞ in	12-28-81	14 oz., 3⅛ in	1-18-82	12 oz., 3⅛ in	
					2-1-82	10 oz	2-15-82.
Itzenna	2-8-82	12 oz	2-15-82				

(b) The term "diameter" shall mean the greatest dimension measured at right angles to a straight line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the United States Standards for Florida Avocados (7 CFR 2851.3050–2851.3069).

(c) The provisions of this regulation shall become effective May 25, 1981.

§ 944.21 Avocado Import Regulation 29.

(a) *Applicability to imports.* Pursuant to section 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any avocados is prohibited during the period May 25, 1981, through August 16, 1981, unless such avocados meet the following minimum grade and maturity requirements:

(1) All avocados imported during the period May 25, 1981, through August 16, 1981, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to June 29, 1981; (ii) from June 29, 1981, through July 12, 1981, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3 1/16 inches in diameter; (iii) from July 13, 1981, through July 26, 1981, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least 3 1/16 inches in diameter; and (iv) from July 27, 1981, through August 9, 1981, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3 1/16 inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to August 24, 1981, (ii) from August 24, 1981, through September 6, 1981, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 7, 1981, through September 27, 1981, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to July 27, 1981; (ii) from July 27, 1981, through August 9, 1981, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3 9/16 inches in diameter; and (iii) from August 10, 1981, through August 23, 1981, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 1/16 inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) prior to June 29, 1981; (ii) from June 29, 1981, through July 26, 1981, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iii) from July 27, 1981, through August 30, 1981, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from August 31, 1981, through September 27, 1981, unless the individual fruit in each lot of such avocados weighs at least 14 ounces: *Provided,* That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 14, 1981; (ii) from September 14, 1981, through October 11, 1981, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 12, 1981, through December 13, 1981, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of paragraphs (a)(2) through (6) of this section regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified and be less than the specified diameter: *Provided,* That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Certification (7 CFR Part 944.400).

(c) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds, may be imported without regard to the restrictions specified herein.

(d) It is hereby found that the application of the maturity restrictions being imposed pursuant to Order No. 915 (7 CFR Part 915), upon avocados grown in south Florida to imported avocados, other than of the Pollock, Catalina, and Trapp varieties is not practicable because of variations in characteristics between the domestic and imported avocados; and the maturity restrictions applicable to imported avocados other than of the Pollock, Catalina, and Trapp varieties are comparable to those imposed upon the domestic commodity. The quality restrictions for all imported avocados and the maturity restrictions for imported avocados of the Pollock, Catalina, and Trapp varieties are the same as those being imposed upon the domestic commodity.

(e) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(f) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(g) The terms relating to grade, as used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (7 CFR 2851.3050–2851.3069). "Diameter" shall mean the greatest dimension measured at right angles to a straight line from the stem to the blossom end of the fruit. "Importation" means release from custody of the United States Customs Service.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 15, 1981, to become effective May 25, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81–15000 Filed 5–19–81; 8:45 am]

BILLING CODE 3410–02–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Monthly and Confirmation Statements; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule; Correction.

SUMMARY: This document corrects the omission of Section 4g of the Act in the statutory authority section of § 1.33 published on May 8, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Stern, Special Counsel, Front Office Audit Unit, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8955.

The following corrections should be made:

1. On page 26000, third column, the third line of the second paragraph should read "2(a)(1), 4b, 4c, 4g, 4*l*, 4m, 4n, 4*o*, 8a and 19 of", and

2. On page 26000, third column, the fifth line of the second paragraph should read "2, 6b, 6c, 6g, 6*l*, 6m, 6n, 6*o*, 12a and 23, as".

Issued in Washington, D.C. on May 15, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-15028 Filed 5-19-81; 8:45 am]

BILLING CODE 6351-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 260, 261, 264, and 265

[SWH-FRL 1815-2]

Hazardous Waste Management System; Corrections

AGENCY: Environmental Protection Agency.

ACTION: Corrections to interim final and final rules.

SUMMARY: Between October 30, 1980 and January 16, 1981, the Agency published a series of amendments to the May 19, 1980 hazardous waste management regulations issued under Sections 3001 through 3006 and 3010 of the Resource Conservation and Recovery Act, as amended (40 CFR Parts 260 through 267 and 122 through 124 and 45 FR 12746). In reviewing these amendments, the Agency has identified a number of typographical and other errors requiring correction. This notice makes these changes and modifies the previous publications accordingly.

DATE: These regulations become effective on May 20, 1981.

FOR FURTHER INFORMATION CONTACT: Matthew Straus, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460, (202) 755-9187.

SUPPLEMENTARY INFORMATION: In the matter of hazardous waste management system; corrections to the following provisions: general hazardous waste standards; identification and listing of hazardous waste; standards for owners and operators of hazardous waste treatment, storage and disposal facilities and interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities; and hazardous waste permit program. On May 19, 1980, as part of its regulations implementing Subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended, EPA promulgated a series of regulations defining solid waste and hazardous waste and establishing requirements applicable to generators, transporters, treaters, storers and disposers of hazardous waste. These regulations also required owners and operators of hazardous waste treatment, storage and disposal facilities to obtain RCRA permits.

The Agency received a number of questions and comments concerning various aspects of the May 19th hazardous waste regulations, and published a series of amendments in response. See 45 FR 72024 (October 30, 1980); 45 FR 72029 (October 30, 1980); 45 FR 72039 (October 30, 1980); 45 FR 74489 (November 10, 1980); 45 FR 74884 (November 12, 1980); 45 FR 76074 (November 17, 1980); 45 FR 76618 (November 19, 1980); 45 FR 76620 (November 19, 1980); 45 FR 76624 (November 19, 1980); 45 FR 76626 (November 19, 1980); 45 FR 76630 (November 19, 1980); 45 FR 78524 (November 25, 1980); 45 FR 78530 (November 25, 1980); 45 FR 78532 (November 25, 1980); 45 FR 80286 (December 4, 1980); 45 FR 86966 (December 31, 1980); 46 FR 2344 (January 9, 1981); and 46 FR 4614 (January 16, 1981).

In reviewing these amendments, the Agency has identified a number of typographical and other errors requiring correction. Also, a number of changes and announcements are deemed appropriate in order to notify the regulated community of the availability of support documents and to facilitate the use of the regulations. These corrections and changes are described below.

A. Definitions (§ 260.10)

A set of definitions applicable to the regulations in 40 CFR Parts 260 through 267 is provided in 40 CFR 260.10(a). These definitions were individually numbered, to provide an easy method of referencing. However, it has become apparent that individual numbering makes it more difficult to add to the set of definitions. Since the regulations are expected to evolve over the next several years, the Agency believes it is simpler to delete the numbering for each individual definition and to rely solely upon alphabetical ordering. In doing this, additional changes are also necessary, within certain specific definitions, to conform the internal number structure to the standards of the Federal Register.

B. Renumbering of Exclusions (§ 261.4)

On November 19, 1980 (45 FR 76620) and November 25, 1980 (45 FR 78531), certain paragraphs in the Federal Register which amended § 261.4 were misnumbered. To correct this error, § 261.4 (b)(6) and (b)(7) at 45 FR 76620 (November 19, 1980) will be renumbered as (b)(7) and (b)(8), respectively, while § 261.4(b)(8) (45 FR 78531 (November 25, 1980)) will be renumbered as (b)(9).

C. Small Quantity Generator Regulation (§ 261.5)

On November 19, 1980 (45 FR 76620), the small quantity generator regulation was amended and clarified. One of the clarifications (§ 261.5(e)(1)) indicates that for acutely hazardous wastes, the 1 kg per month exclusion level applies to the aggregate of all of the acutely hazardous wastes subject to a particular exclusion. The promulgated regulation, however, accidentally included the word "a" when referring to acutely hazardous wastes. This mistake is both confusing and ungrammatical. The regulation therefore is being revised accordingly.

D. Hazardous Wastes from Non-Specific and Specific Sources (§§ 261.31 and 261.32)

1. Availability of Background Documents for Hazardous Waste Listings

On November 12, 1980, EPA finalized the listings of eighty hazardous wastes from nonspecific (§ 261.31) and specific sources (§ 261.32). A revised background document which supports these listings is now available for viewing in the public docket (and indeed, has been available since early December). (As was indicated in the preamble to the

November 12, 1980 publication (45 FR 74885), the Agency finalized the listings before all support documentation was available to the public since the Agency felt it was important to provide notice on the final waste listings before November 19, 1980, the effective date of the regulations.) This background document includes a detailed explanation of any changes which were made to the listings and addresses all public comments which were received during the comment period. Copies of the background document are also available for viewing at all EPA libraries, including the EPA headquarters library, Room 2404, 401 M St., SW., Washington, D.C. 20460.

2. Changes to §§ 261.32 and 261.32

On November 12, 1980, § 261.32 was amended at 45 FR 74890 and 45 FR 74891. The section number § 261.32 was misprinted as § 262.32 on both pages. This typographical error is corrected by this notice.

On January 16, 1981, EPA published the complete list of hazardous wastes, which included a recodification of the hazardous waste list promulgated on November 12, 1980 (45 FR 74884). In reprinting the complete list of wastes, the Agency erroneously included certain wastes from the exploration, mining, milling, smelting and refining of ores and minerals, namely wastes F014, F015 and K064–K068. These wastes were provisionally excluded from regulation on November 19, 1980 (45 FR 76618), when the Agency promulgated an exclusion implementing and interpreting Section 7 of the recently enacted Solid Waste Disposal Act Amendments of 1980 (Pub. L. 94–482, October 21, 1980), which states that solid wastes from the extraction, beneficiation, and processing of ores and minerals (including coal) are excluded from regulation under Subtitle C of RCRA. To clear up this confusion, the Agency is now removing these wastes from the hazardous waste list. However, after reviewing the applicable legislative history and public comments filed in response to the November 19, 1980 notice, the Agency may amend the exclusion to bring one or more of these wastes back under Subtitle C control.

E. Discarded Commercial Chemical Products, Off-Specification Species, Containers, and Spill Residues Thereof (§ 261.33)

1. Deletion of Indomethacin

The Agency, at 45 FR 78533, indicated that the drug indomethacin would continue to be regulated as hazardous waste U245 when discarded. This action was a mistake, and resulted from the confusion of indomethacin's generic chemical name (1-(p-chlorobenzoyl)-5-methoxy-2-methlindole-3-acetic acid) with a very similar compound appearing on the Agency's Carcinogen Assessment Group's list of substances exhibiting substantial evidence of carcinogenicity. Since indomethacin does not otherwise appear to pose a substantial threat to human health and the environment if managed improperly, the Agency is deleting it from § 261.33(f).

2. Regulation of Containers Which Formerly Held Acutely Hazardous Off-Specification Materials, and Regulation of Cleanup Residues of Spilled Off-Specification Materials

Questions have been raised as to whether §§ 261.33(c) and (d) of the regualtions apply to containers which formerly held acutely hazardous off-specification materials (as well as to containers which formerly held commercial products and manufacturing chemical intermediates) and to cleanup residues of spilled off-specification materials (as well as to cleanup residues of spills of commercial products and manufacturing chemical intermediates). These provisions do in fact apply when off-specification materials are involved, but the regulatory language is somewhat confusing. §§ 261.33(c) and (d) apply to materials listed in §§ 261.33(e) and (f). Both of these provisions cover by reference, among other materials, the off-specification materials referred to in § 261.33(b). However, to avoid any confusion, the Agency has decided to amend §§ 261.33 (c) and (d) to refer explicitly to off-specification materials. A conforming amendment also has been added to § 261.5(e)(2) to make clear that the 100 kg cut-off limit for cleanup residues of spills of § 261.33(e) materials applies to spills of acutely hazardous off-specification materials.[1]

3. Correction of Non-Substantive Errors

In the November 25, 1980 **Federal Register**, the wrong EPA Hazardous Waste Number was used to reference a specific chemical in the preamble to this section of the November 25, 1980 **Federal Register** (45 FR 78535). Specifically, toxaphene listed in the table at 45 FR 78535 as EPA Hazardous Waste No. U244 is incorrect; the number should read U224. This typographical error is corrected by this notice.

Finally, a number of mistakes and typographical errors were noted in §§ 261.33(e) and (f) after reviewing this section (45 FR 78541–78544). These are discussed in the following table:

EPA hazardous waste No.	Compound name	Action Taken	Reason
P001	3-(alpha-acetonylbenzyl)-4-hydroxycoumarin and salts	Spelling corrected	Compound should read: 3-(alpha-Acetonyl-benzyl)-4-hydroxycoumarin and salts.
P008	Aluminum phosphide	Corrected reason for listing	Compound should read: Aluminum phosphide (R,T).
P009	4-aAminopyridine	Spelling corrected	Compound should read: 4-Aminopyridine.
P043	Phosphorofluoric acid, bis-(1-methylethyl)-ester	do	Compound should read: Phosphorofluoridic acid, bis(1-methylethyl) ester.
P047	Phenol, 2,4-dinitro-6-methyl-	Listing corrected	On May 19, 1980, the compound was originally listed as 2,4-Dinitrocresol and salts. On Nov. 25, 1980, this compound was listed as Phenol, 2,4-dinitro-6-methyl-. The words "and salts" were inadvertently left out. The listing should read: Phenol, 2,4-di-nitro-6-methyl-, and salts.
P060	Hexachlorohexahydro-endo,exo-dimethanonaphthalene	Spelling corrected	Compound should read: Hexachlorohexahydro-endo, endo-dimethanonaphthalene.
P089	Phosphorothioci acid, O,O-diethyl O-(p-nitrophenyl)	do	Compound should read: Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester.
P114	Thallium (I) selenite	do	Compound should read: Thallium (I) selenide.
U026	2-Naphthylamine, N,N'-bis(2-chloromethyl)-	do	Compound should read: 2-Naphthylamine, N,N-bis(2-chloroethyl)-.
U035	Butanoic acid, 4-[Bis(2-choroethyl)amino]benzene-	do	Compound should read: Butanoic acid, 4-[bis(2-chloroethyl)amino]benzene-.
U058	2H-1,3,2-Oxazaphosphorine, 2-[bis(2-chlore-ethyl)amino]-tetrahydro-, oxide-2	do	Compound should read: 2H-1,3,2-Oxazaphosphorine, 2[bis(2-chloroethyl)amino]tetrahydro-, 2-oxide.
U067	Etylene dibromide	do	Compound should read: Ethylene dibromide.
U087	Phosphorodithioic acid, O,O-diethyl-, S-methylester	do	Compound should read: Phosphorodithioic acid, O,O-diethyl S-methyl ester.

[1] A revised version of § 261.33(c), which clarifies the status of residues of § 261.33(c) materials in containers, is slated to become effective on May 23, 1981. See 45 FR at 78529 (November 25, 1980). The Agency will conform the text of that amendment with the regulatory language adopted today at the time of final promulgation.

EPA hazardous waste No.	Compound name	Action Taken	Reason
U093	Benzenamine, N,N'-dimethyl-4-phenylazo-	...do	Compound should read: Benzenamine, N,N-dimethyl-4-(phenylazo)-
U105	Benzene, 1-methyl-2,4-dinitro-	...do	Compound should read: Benzene, 1-methyl-2,4-dinitro-.
U111	Di-N-propylnitrosamine	...do	Compound should read: Di-n-propylnitrosamine.
U111	N-Nitroso-N-propylamine	...do	Compound should read: N-Nitrosodi-n-propylamine.
U114	Ethylenebis(dithiocarbamic acid)	Change to Ethylenebis(dithiocarbamic acid), salts and esters.	On May 19, 1980, the compound was originally listed as Ethylenebisdithiocarbamate. The November 25, 1980 Federal Register changed this compound to Ethylenebis(dithiocarbamic acid), without giving a reason for this change. The correct listing of U114, is Ethylenebis(dithiocarbamic acid), salts and esters; which is a clarification of the May 19, 1980 listing.
U115	Ethlene oxide	Spelling corrected	Compound should read: Ethylene oxide.
U118	Ethylmethacrylate	...do	Compound should read: Ethyl methacrylate.
U121	Methane, trichlorofluoro-	One listing deleted	The compound was inadvertently listed twice.
U137	1,10-(1,2-phenylene)pyrene	Spelling corrected	Compound should read: 1,10-(1,2-Phenylene)pyrene.
U145	Phosphoric acid, Lead salt	...do	Compound should read: Phosphoric acid, lead salt.
U148	1,2-Dihydro-3,6-pyradizine-dione	...do	Compound should read: 1,2-Dihydro-3,6-pyridazinedione.
U155	Pyridine, 2-[(2-dimethylamino)-2-thenylamino]-	...do	Compound should read: Pyridine, 2-[(2-dimethylamino) ethyl]-2-thenylamino-.
U163	Guanidine, N-nitroso-n-methyl-N'nitro-	...do	Compound should read: Guanidine, N-nitroso-N-methyl-N'-nitro-
U166	1,4-Naphthaquinone	...do	Compound should read: 1,4-Naphthoquinone.
U182	1,3,5-Trioxane,2,4,6-trimethyl-	...do	Compound should read: 1,3,5-Trioxane, 2,4,6-trimethyl-.
U185	Benzene, pentachloro-nitro-	...do	Compound should read: Benzene, pentachloronitro-.
U189	Phosphorous sulfide	...do	Compound should read: Phosphorus sulfide.
U202	1,2-Benzisothiazolin-3-one, 1-1-dioxide	Listing corrected	On November 25, 1980, the compound was correctly listed as Saccharin and salts, however in the listing under its chemical name, the words "and salts" were inadvertently left out. Compound should read 1,2-Benzisothiazolin-3-one, 1,1-dioxide, and salts.
U222	O-Toluidine hydrochloride	Spelling corrected	Compound should read: o-Toluidine hydrochloride.
U234	Benzene, 1,3,5-trinitro-	Hazardous waste number corrected.	Hazardous waste number appears as "O234" and should be U234.
U237	Uracil, 5[bis(2-chloromethyl)-amino]-	Spelling corrected	Compound should read: Uracil, 5[bis(2-chloroethyl)amino]-.
U240	2,44-D, salts and esters	...do	Compound should read: 2,4-D, salts and esters.
U247	Methoxychlor, also known as Ethane, 1,1,1-trichloro-2,2-bis(p-methoxy phenyl)	Added to § 261.33(f)	This compound was omitted mistakenly from § 261.33(f). Methoxychlor is an EP Toxicity constituent and is also one of the materials regulated by a National Interim Primary Drinking Water Standard; its toxicity therefore is well recognized. The background document for § 261.33 indicated that all compounds for which a National Interim Primary Drinking Standard has been established are to be included under § 261.33 (Background Document for § 261.33, April 30, 1980, at pp. 18, 70), and all of the other pesticides covered by a Primary Drinking Water Standard are included under § 261.33. In fact, comments were received questioning the (unintended) omission of methoxychlor. The Agency therefore believes that it has provided adequate notice for inclusion of this compound in § 261.33, and is taking this opportunity to add it to § 261.33(f).

F. Appendix VIII

Appendix VIII to Part 261 contains a list of chemical constituents which have been shown in scientific studies to have toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms. In reviewing this section of the regulations, the Agency identified a number of additional toxic chemicals which were indicated as being toxic either in the respective listing background documents, or in §§ 261.24, 261.33 or Appendix VII to Part 261, but were omitted inadvertently from Appendix VIII. We are correcting these omissions by adding the following toxic constituents to Appendix VIII:

Acetophenone
Benzene, (dichloromethyl)-
Carbon oxyfluoride
Chloral
o-Dichlorobenzene
m-Dichlorobenzene
p-Dichlorobenzene
1,4-Dichloro-2-butene
Dichlorodifluoromethane
Ethyl methacrylate
Formic Acid
Hydroxydimethylarsine oxide
Maleic hydrazide
Mercury fulminate
Methacrylonitrile
Methanethiol
Methyl chlorocarbonate
Paraldehyde
Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester (Phorate)
n-Propylamine
Tetranitromethane
Trichloromonofluoromethane

A set of deletions should be made to Appendix VIII to accommodate those chemicals which were either doubly listed or were listed in error. These conforming changes are shown on the following list:

Substance	Reason for deletion
Acetaldehyde	U001 has only (I) designation.
Benzo[a]anthracene	Same as Benz[a]anthracene
Alpha-Chlorotoluene	Same as Benzyl chloride
Cresylic acid	Same as Cresol
Dibenzo[a,h]anthracene	Same as Dibenz[a,h] anthracene
Trans-2, 3-Dichloroethene	Compound does not exist, typographical error made during typesetting
O,O-Diethyl-S-[2-ethylthio]ethyl ester of phosphorothioic acid.	Same as Disulfoton
Dimethylnitrosamine	Same as N-Nitrosodi- methylamine
Epichlorohydrin	Same as 1-Chloro-2,3-epoxypropane
Nitrogen peroxide	Same as Nitrogen dioxide
Nitrogen tetroxide	Same as Nitrogen dioxide
N-Nitrosodi-N-propylamine	Same as Di-n-propylnitrosamine
Phenyldichloroarsine	Same as Dichloro- phenylarsine
Propionitrile	Same as Ethyl cyanide
Vinylidene chloride	Same as 1,1-Dichloroethylene.

Finally, a further set of changes should be made to correct typographical errors and other minor changes to eliminate some potential ambiguities. These are summarized as follows:

As listed now	Should be changed to	Reason for change
Chlorinated fluorocarbons	Chlorinated fluorocarbons, N.O.S	Need N.O.S. since some chlorinated-fluorocarbons are listed separately.
Chloroalkyl ethers	Chloroalkyl ethers, N.O.S	Need N.O.S. since some chloroalkyl ethers are listed separately.
Trans-1,2-Dichloroethene	Trans-1,2-Dichloroethane	Mistakenly listed as such 5/19.
Dichloropropene	Dichloropropene, N.O.S.	Need N.O.S. since 1,2-Dichloropropene is listed separately.
Ethylenebisdithiocarbamate	Ethylenebisdithiocarbamic acid, salts and esters	U114 listing being corrected.

As listed now	Should be changed to	Reason for change
2,4-Dichlorophenoxyacetic acid	2,4-Dichlorophenoxyacetic acid, salts and esters	U240 listing corrected 11/25.
Benzoquinone and isomers	p-Benzoquinone	U197 listing corrected 11/25.
O,O-Diethyl-S-methylester phosphorodithioic acid	O,O-Diethyl-S-methyl ester of phosphorodithioic acid.	Space needed between methyl and ester of inserted after ester.
N-Nitrosodi-n-butylamine	N-Nitrosodi-N-butylamine	n refers to normal-butyl.
1-Chloro-2,3-epoxypropane	1-Chloro-2,3-epoxybutane	U197 mistakenly listed as such 5/19.
Phosphorothioic acid, O,O-dimethyl ester, O-ester with N,N-dimethyl benzenesulfonamide.	Phosphorothioic acid, O,O-dimethyl O-(p-(dimethylamino-sulfonyl)phenyl)ester.	P087 Listing corrected 11/25.
Saccharin	Saccharin and salts	U202 Listing corrected 11/25.

G. Purpose, Scope and Applicability (§§ 264.1 and 265.1)

On November 17, 1980 (45 FR 76081) and December 31, 1980 (45 FR 86968), two paragraphs in the **Federal Register** which amended § 264.1 were given the same number, namely § 264.1(g)(6). To correct this error, § 264.1(g)(6) at 45 FR 86968 will be renumbered (g)(9).

Additionally, on November 17, 1980 (45 FR 76081) and December 31, 1980 (45 FR 86968) two other paragraphs in the **Federal Register** which amended § 265.1 were also given the same number, namely § 265.1(c)(10). To correct this error, § 264.1(c)(10) at 45 FR 86968 will be renumbered (c)(12).

H. Content of Contingency Plan (§§ 264.52 and 265.52)

On May 19, 1980 (45 FR 33225 and 33237) a typographical error in paragraph (b) of both §§ 264.52 and 265.52 resulted in an incorrect reference. "Part 151" should read "Part 1510 of Chapter V". This amendment corrects the typographical error in both places.

I. Purpose and Scope of Subpart B (§ 122.21)

On November 17, 1980 (45 FR 76075) and December 31, 1980 (45 FR 86968) two paragraphs in the **Federal Register** which amended § 122.21 were given the same number, namely § 122.21(d)(2)(vi). To correct this error, § 122.21(d)(2)(vi) at 45 FR 86968 will be renumbered (d)(2)(vii).

In the November 19, 1980 **Federal Register** (45 FR 76630) a typographical error in § 122.21(d)(3) resulted in the omission of several words. The present notice corrects this error by inserting the words "After the immediate response activities are completed" before the words "any treatment, storage or disposal * * * or interim status." This insertion is necessary in order to make it clear that EPA does not require a person to obtain a permit before completing immediate response activities.

For the reasons set out in the preamble, Parts 260, 261, 264, 265 and 122 of Chapter I of Title 40 of the *Code of Federal Regulations* are amended as follows:

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This notice simply corrects typographical and other errors and does not change the previously approved final rule.

This notice was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: May 13, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

Title 40 of the Code of Federal Regulations is amended as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM; GENERAL

1. The authority citation for Part 260 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 through 3007, 3010, and 7004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, and 6974).

§ 260.10 [Amended]

2. Amend 40 CFR 260.10(a) by removing the numbers ((1), (2), (3) * * *) in front of each defined term and by making the following changes to the definitions:

(a) "Existing hazardous waste management facility" (formerly (20))—change (i), (ii)(*a*), and (ii)(*b*) to (1), (2)(i), and (2)(ii), respectively.

(b) "Incompatible waste" (formerly (30))—change (i) and (ii) to (1) and (2), respectively.

(c) "Open burning" (formerly (49))—change (i), (ii), and (iii) to (1), (2), and (3), respectively.

(d) "Elementary neutralization unit" (formerly (15a))—change (i) and (ii) to (1) and (2), respectively.

(e) "Wastewater treatment unit" (formerly (76a))—change (i), (ii), and (iii) to (1), (2), and (3), respectively.

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

3. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921 and 6922).

§ 261.4 [Amended]

4. In FR Doc. 80-36129, appearing at page 76620 in the issue of November 19, 1980, 40 CFR 261.4(b) is corrected by redesignating paragraphs (6) and (7) as (7) and (8), respectively.

5. In FR Doc. 80-36883, appearing at page 78531 in the issue of November 25, 1980, 40 CFR 261.4(b) is corrected by redesignating paragraph (8) as (9).

6. Revise 40 CFR 261.5(c) (1) and (2) to read as follows:

§ 261.5 Special requirements for hazardous wastes generated by small quantity generators.

* * * * * * *

(c) * * *

(1) A total of one kilogram of commercial chemical products and manufacturing chemical intermediates having the generic names listed in § 261.33(e), and off-specification commercial chemical products and manufacturing chemical intermediates which, if they met specifications, would have the generic names listed in § 261.33(e).

(2) A total of 100 kilograms of any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any commercial chemical products or manufacturing chemical intermediates having the generic names listed in § 261.33(e), or any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any off-specification commercial chemical products or manufacturing chemical intermediates which, if they met specifications, would have the generic names listed in § 261.33(e).

* * * * * * *

7. In FR Doc. 80-35243 appearing at pages 74890 and 74891 in the issue of November 12, 1980, § 262.32 is corrected to read § 261.32 in both places.

§ 261.31 [Amended]

8. Amend § 261.31 by removing the following waste streams:

F014—Cyanidation wastewater treatment tailing pond sediment from mineral metals recovery operations.
F015—Spent cyanide bath solutions from mineral metals recovery operations.

§ 261.32 [Amended]

9. Amend § 261.32 by removing the following waste streams:

K064—Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production.
K065—Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.
K066—Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production.
K067—Electrolytic anode slimes/sludges from primary zinc production.
K068—Cadmium plant leachate residue (iron oxide) from primary zinc production.

10. Amend § 261.33 by revising the first sentence of paragraphs (c), (d), (e) and (f) to read as follows:

§ 261.33 Discarded commercial chemical products, off-specification species, containers, and spill residues thereof.

* * * * *

(c) Any container or inner liner removed from a container that has been used to hold any commercial chemical product or manufacturing chemical intermediate having the generic names listed in paragraph (e) of this section, or any container or inner liner removed from a container that has been used to hold any off-specification chemical product and manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraph (e) of this section, unless: * * *

(d) Any residue or contaminated soil, water or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraph (e) or (f) of this section, or any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any off-specification chemical product and manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraph (e) or (f) of this section. * * *

(e) The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in paragraphs (a) through (d) of this section, are identified as acute hazardous wastes (H) and are subject to be the small quantity exclusion defined in § 261.5(e). * * *

(f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in paragraphs (a) through (d) of this section, are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in § 261.5 (a) and (f). * * *

* * * * *

11. Amend § 261.33(f) by removing the following waste stream:

Hazardous waste No.	Substance
U245	1-(p-Chlorobenzoyl)-5 methoxy-2-methylindole-3-acetic acid.
U246	Indomethacin.

12. Amend § 261.33(f) by adding the following waste stream:

Hazardous waste No.	Substance
U247	Methoxychlor.
U247	Ethane,1,1,1,-trichloro-2,2-bis(p-methoxyphenyl).

Appendix VII [Amended]

13. Amend Appendix VII of 40 CFR 261 by removing the following "Hazardous constituents for which listed" from the "Basis for Listing Hazardous Waste:"

F014—cyanide (complexed)
F015—cyanide (salts)
K064—lead, cadmium
K065—lead, cadmium
K066—lead, cadmium
K067—lead, cadmium
K068—lead, cadmium

14. Appendix VIII of 40 CFR 261 is revised to read as follows:

Appendix VIII

Hazardous Constituents

Acetonitrile (Ethanenitrile)
Acetophenone (Ethanone, 1-phenyl)
3-(alpha-Acetonylbenzyl)-4-hydroxycoumarin and salts (Warfarin)
2-Acetylaminofluorene (Acetamide, N-(9H-fluoren-2-yl)-)
Acetyl chloride (Ethanoyl chloride)
1-Acetyl-2-thiourea (Acetamide, N-(aminothioxomethyl)-)
Acrolein (2-Propenal)
Acrylamide (2-Propenamide)
Acrylonitrile (2-Propenenitrile)
Aflatoxins
Aldrin (1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a,8b-hexahydro-endo,exo-1,4:5,8-Dimethanonaphthalene)
Allyl alcohol (2-Propen-1-ol)
Aluminum phosphide
4-Aminobiphenyl ([1,1'-Biphenyl]-4-amine)
6-Amino-1,1a,2,8,8a,8b-hexahydro-8-(hydroxymethyl)-8a-methoxy-5-methylcarbamate azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, (ester) (Mitomycin C) (Azirino[2'3':3,4]pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-[((amino-carbonyl)oxy)methyl]-1,1a,2,8,8a,8b-hexahydro-8amethoxy-5-methy-)
5-(Aminomethyl)-3-isoxazolol (3(2H)-Isoxazolone, 5-(aminomethyl)-)4-aminopyridine (4-Pyridinamine)
Amitrole (1H-1,2,4-Triazol-3-amine)
Aniline (Benzenamine)
Antimony and compounds, N.O.S.*
Aramite (Sulfurous acid, 2-chloroethyl-, 2-[4-(1,1-dimethylethyl)phenoxy]-1-methylethyl ester)
Arsenic and compounds, N.O.S.*
Arsenic acid (Orthoarsenic acid)
Arsenic pentoxide (Arsenic (V) oxide)
Arsenic trioxide (Arsenic (III) oxide)
Auramine (Benzenamine, 4,4'-carbonimidoylbis[N,N-Dimethyl-, monohydrochloride)
Azaserine (L-Serine, diazoacetate (ester))
Barium and compounds, N.O.S.*
Barium cyanide
Benz[c]acridine (3,4-Benzacridine)
Benz[a]anthracene (1,2-Benzanthracene)
Benzene (Cyclohexatriene)
Benzenearsonic acid (Arsonic acid, phenyl-)
Benzene, dichloromethyl- (Benzal chloride)
Benzenethiol (Thiophenol)
Benzidine ([1,1'-Biphenyl]-4,4'diamine)
Benzo[b]fluoranthene (2,3-Benzofluoranthene)
Benzo[j]fluoranthene (7,8-Benzofluoranthene)
Benzo[a]pyrene (3,4-Benzopyrene)
p-Benzoquinone (1,4-Cyclohexadienedione)
Benzotrichloride (Benzene, trichloromethyl-)
Benzyl chloride (Benzene, (chloromethyl)-)
Beryllium and compounds, N.O.S.*
Bis(2-chloroethoxy)methane (Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-])
Bis(2-chloroethyl) ether (Ethane, 1,1'-oxybis[2-chloro-])
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornaphazine)
Bis(2-chloroisopropyl) ether (Propane, 2,2'-oxybis[2-chloro-])
Bis(chloromethyl) ether (Methane, oxybis[chloro-])
Bis(2-ethylhexyl) phthalate (1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester)
Bromoacetone (2-Propanone, 1-bromo-)
Bromomethane (Methyl bromide)
4-Bromophenyl phenyl ether (Benzene, 1-bromo-4-phenoxy-)
Brucine (Strychnidin-10-one, 2,3-dimethoxy-)
2-Butanone peroxide (Methyl ethyl ketone, peroxide)
Butyl benzyl phthalate (1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester)
2-sec-Butyl-4,6-dinitrophenol (DNBP) (Phenol, 2,4-dinitro-6-(1-methylpropyl)-)
Cadmium and compounds, N.O.S.*
Calcium chromate (Chromic acid, calcium salt)
Calcium cyanide
Carbon disulfide (Carbon bisulfide)
Carbon oxyfluoride (Carbonyl fluoride)
Chloral (Acetaldehyde, trichloro-)
Chlorambucil (Butanoic acid, 4-[bis(2-chloroethyl)amino]benzene-)

* The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this appendix.

Chlordane (alpha and gamma isomers) (4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3,4,7,7a-tetrahydro-) (alpha and gamma isomers)
Chlorinated benzenes, N.O.S.*
Chlorinated ethane, N.O.S.*
Chlorinated fluorocarbons, N.O.S.*
Chlorinated naphthalene, N.O.S.*
Chlorinated phenol, N.O.S.*
Chloroacetaldehyde (Acetaldehyde, chloro-)
Chloroalkyl ethers, N.O.S.*
p-Chloroaniline (Benzenamine, 4-chloro-)
Chlorobenzene (Benzene, chloro-)
Chlorobenzilate (Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester)
p-Chloro-m-cresol (Phenol, 4-chloro-3-methyl)
1-Chloro-2,3-epoxypropane (Oxirane, 2-(chloromethyl)-)
2-Chloroethyl vinyl ether (Ethene, (2-chloroethoxy)-)
Chloroform (Methane, trichloro-)
Chloromethane (Methyl chloride)
Chloromethyl methyl ether (Methane, chloromethoxy-)
2-Chloronaphthalene (Naphthalene, beta-chloro-)
2-Chlorophenol (Phenol, o-chloro-)
1-(o-Chlorophenyl)thiourea (Thiourea, (2-chlorophenyl)-)
3-Chloropropionitrile (Propanenitrile, 3-chloro-)
Chromium and compounds, N.O.S.*
Chrysene (1,2-Benzphenanthrene)
Citrus red No. 2 (2-Naphthol, 1-[(2,5-dimethoxyphenyl)azo]-)
Coal tars
Copper cyanide
Creosote (Creosote, wood)
Cresols (Cresylic acid) (Phenol, methyl-)
Crotonaldehyde (2-Butenal)
Cyanides (soluble salts and complexes), N.O.S.*
Cyanogen (Ethanedinitrile)
Cyanogen bromide (Bromine cyanide)
Cyanogen chloride (Chlorine cyanide)
Cycasin (beta-D-Glucopyranoside, (methyl-ONN-azoxy)methyl-)
2-Cyclohexyl-4,6-dinitrophenol (Phenol, 2-cyclohexyl-4,6-dinitro-)
Cyclophosphamide (2H-1,3,2,-Oxazaphosphorine, [bis(2-chloroethyl)amino]-tetrahydro-, 2-oxide)
Daunomycin (5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-)
DDD (Dichlorodiphenyldichloroethane) (Ethane, 1,1-dichloro-2,2-bis(p-chlorophenyl)-)
DDE (Ethylene, 1,1-dichloro-2,2-bis(4-chlorophenyl)-)
DDT (Dichlorodiphenyltrichloroethane) (Ethane, 1,1,1-trichloro-2,2-bis(p-chlorophenyl)-)
Diallate (S-(2,3-dichloroallyl) diisopropylthiocarbamate)
Dibenz[a,h]acridine (1,2,5,6-Dibenzacridine)
Dibenz[a,j]acridine (1,2,7,8-Dibenzacridine)
Dibenz[a,h]anthracene (1,2,5,6-Dibenzanthracene)
7H-Dibenzo[c,g]carbazole (3,4,5,6-Dibenzcarbazole)
Dibenzo[a,e]pyrene (1,2,4,5-Dibenzpyrene)
Dibenzo[a,h]pyrene (1,2,5,6-Dibenzpyrene)
Dibenzo[a,i]pyrene (1,2,7,8-Dibenzpyrene)
1,2-Dibromo-3-chloropropane (Propane, 1,2-dibromo-3-chloro-)
1,2-Dibromoethane (Ethylene dibromide)
Dibromomethane (Methylene bromide)
Di-n-butyl phthalate (1,2-Benzenedicarboxylic acid, dibutyl ester)
o-Dichlorobenzene (Benzene, 1,2-dichloro-)
m-Dichlorobenzene (Benzene, 1,3-dichloro-)
p-Dichlorobenzene (Benzene, 1,4-dichloro-)
Dichlorobenzene, N.O.S.* (Benzene, dichloro-, N.O.S.*)
3,3'-Dichlorobenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-)
1,4-Dichloro-2-butene (2-Butene, 1,4-dichloro-)
Dichlorodifluoromethane (Methane, dichlorodifluoro-)
1,1-Dichloroethane (Ethylidene dichloride)
1,2-Dichloroethane (Ethylene dichloride)
trans-1,2-Dichloroethene (1,2-Dichloroethylene)
Dichloroethylene, N.O.S.* (Ethene, dichloro-, N.O.S.*)
1,1-Dichloroethylene (Ethene, 1,1-dichloro-)
Dichloromethane (Methylene chloride)
2,4-Dichlorophenol (Phenol, 2,4-dichloro-)
2,6-Dichlorophenol (Phenol, 2,6-dichloro-)
2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (Acetic acid, 2,4-dichlorophenoxy-, salts and esters)
Dichlorophenylarsine (Phenyl dichloroarsine)
Dichloropropane, N.O.S.* (Propane, dichloro-, N.O.S.*)
1,2-Dichloropropane (Propylene dichloride)
Dichloropropanol, N.O.S.* (Propanol, dichloro-, N.O.S.*)
Dichloropropene, N.O.S.* (Propene, dichloro-, N.O.S.*)
1,3-Dichloropropene (1-Propene, 1,3-dichloro-)
Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo,exo-1,4:5,8-Dimethanonaphthalene)
1,2:3,4-Diepoxybutane (2,2'-Bioxirane)
Diethylarsine (Arsine, diethyl-)
N,N-Diethylhydrazine (Hydrazine, 1,2-diethyl)
O,O-Diethyl S-methyl ester of phosphorodithioic acid (Phosphorodithioic acid, O,O-diethyl S-methyl ester
O,O-Diethylphosphoric acid, O-p-nitrophenyl ester (Phosphoric acid, diethyl p-nitrophenyl ester)
Diethyl phthalate (1,2-Benzenedicarboxylic acid, diethyl ester)
O,O-Diethyl O-2-pyrazinyl phosphorothioate (Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
Diethylstilbesterol (4,4'-Stilbenediol, alpha,alpha-diethyl, bis(dihydrogen phosphate, (E)-)
Dihydrosafrole (Benzene, 1,2-methylenedioxy-4-propyl-)
3,4-Dihydroxy-alpha-(methylamino)methyl benzyl alcohol (1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-)
Diisopropylfluorophosphate (DFP) (Phosphorofluoridic acid, bis(1-methylethyl) ester)
Dimethoate (Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester
3,3'-Dimethoxybenzidine ([1,1'-Biphenyl]-4,4'diamine, 3-3'-dimethoxy-)
p-Dimethylaminoazobenzene (Benzenamine, N,N-dimethyl-4-(phenylazo)-)
7,12-Dimethylbenz[a]anthracene (1,2-Benzanthracene, 7,12-dimethyl-)
3,3'-Dimethylbenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-)
Dimethylcarbamoyl chloride (Carbamoyl chloride, dimethyl-)
1,1-Dimethylhydrazine (Hydrazine, 1,1-dimethyl-)
1,2-Dimethylhydrazine (Hydrazine, 1,2-dimethyl-)
3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino) carbonyl]oxime (Thiofanox)
alpha,alpha-Dimethylphenethylamine (Ethanamine, 1,1-dimethyl-2-phenyl-)
2,4-Dimethylphenol (Phenol, 2,4-dimethyl-)
Dimethyl phthalate (1,2-Benzenedicarboxylic acid, dimethyl ester)
Dimethyl sulfate (Sulfuric acid, dimethyl ester)
Dinitrobenzene, N.O.S.* (Benzene, dinitro-, N.O.S.*)
4,6-Dinitro-o-cresol and salts (Phenol, 2,4-dinitro-6-methyl-, and salts)
2,4-Dinitrophenol (Phenol, 2,4-dinitro-)
2,4-Dinitrotoluene (Benzene, 1-methyl-2,4-dinitro-)
2,6-Dinitrotoluene (Benzene, 1-methyl-2,6-dinitro-)
Di-n-octyl phthalate (1,2-Benzenedicarboxylic acid, dioctyl ester)
1,4-Dioxane (1,4-Diethylene oxide)
Diphenylamine (Benzenamine, N-phenyl-)
1,2-Diphenylhydrazine (Hydrazine, 1,2-diphenyl-)
Di-n-propylnitrosamine (N-Nitroso-di-n-propylamine)
Disulfoton (O,O-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate)
2,4-Dithiobiuret (Thioimidodicarbonic diamide)
Endosulfan (5-Norbornene, 2,3-dimethanol, 1,4,5,6,7,7-hexachloro-, cyclic sulfite)
Endrin and metabolites (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene, and metabolites)
Ethyl carbamate (Urethan) (Carbamic acid, ethyl ester)
Ethyl cyanide (propanenitrile)
Ethylenebisdithiocarbamic acid, salts and esters (1,2-Ethanediylbiscarbamodithioic acid, salts and esters
Ethyleneimine (Aziridine)
Ethylene oxide (Oxirane)
Ethylenethiourea (2-Imidazolidinethione)
Ethyl methacrylate (2-Propenoic acid, 2-methyl-, ethyl ester)
Ethyl methanesulfonate (Methanesulfonic acid, ethyl ester)
Fluoranthene (Benzo[j,k]fluorene)
Fluorine
2-Fluoroacetamide (Acetamide, 2-fluoro-)
Fluoroacetic acid, sodium salt (Acetic acid, fluoro-, sodium salt)
Formaldehyde (Methylene oxide)
Formic acid (Methanoic acid)
Glycidylaldehyde (1-Propanol-2,3-epoxy)
Halomethane, N.O.S.*
Heptachlor (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-)
Heptachlor epoxide (alpha, beta, and gamma isomers) (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-2,3-epoxy-3a,4,7,7-tetrahydro-, alpha, beta, and gamma isomers)

Hexachlorobenzene (Benzene, hexachloro-)
Hexachlorobutadiene (1,3-Butadiene, 1,1,2,3,4,4-hexachloro-)
Hexachlorocyclohexane (all isomers) (Lindane and isomers)
Hexachlorocyclopentadiene (1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-)
Hexachloroethane (Ethane, 1,1,1,2,2,2-hexachloro-)
1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonaphthalene (Hexachlorohexahydro-endo,endo-dimethanonaphthalene)
Hexachlorophene (2,2'-Methylenebis(3,4,6-trichlorophenol))
Hexachloropropene (1-Propene, 1,1,2,3,3,3-hexachloro-)
Hexaethyl tetraphosphate (Tetraphosphoric acid, hexaethyl ester)
Hydrazine (Diamine)
Hydrocyanic acid (Hydrogen cyanide)
Hydrofluoric acid (Hydrogen fluoride)
Hydrogen sulfide (Sulfur hydride)
Hydroxydimethylarsine oxide (Cacodylic acid)
Indeno(1,2,3-cd)pyrene (1,10-(1,2-phenylene)pyrene)
Iodomethane (Methyl iodide)
Iron dextran (Ferric dextran)
Isocyanic acid, methyl ester (Methyl isocyanate)
Isobutyl alcohol (1-Propanol, 2-methyl-)
Isosafrole (Benzene, 1,2-methylenedioxy-4-allyl-)
Kepone (Decachlorooctahydro-1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one)
Lasiocarpine (2-Butenoic acid, 2-methyl-, 7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester)
Lead and compounds, N.O.S.*
Lead acetate (Acetic acid, lead salt)
Lead phosphate (Phosphoric acid, lead salt)
Lead subacetate (Lead, bis(acetato-O)tetrahydroxytri-)
Maleic anhydride (2,5-Furandione)
Maleic hydrazide (1,2-Dihydro-3,6-pyridazinedione)
Malononitrile (Propanedinitrile)
Melphalan (Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-, L-)
Mercury fulminate (Fulminic acid, mercury salt)
Mercury and compounds, N.O.S.*
Methacrylonitrile (2-Propenenitrile, 2-methyl-)
Methanethiol (Thiomethanol)
Methapyrilene (Pyridine, 2-[(2-dimethylamino)ethyl]-2-thenylamino-)
Metholmyl (Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester
Methoxychlor (Ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-)
2-Methylaziridine (1,2-Propylenimine)
3-Methylcholanthrene (Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-)
Methyl chlorocarbonate (Carbonochloridic acid, methyl ester)
4,4'-Methylenebis(2-chloroaniline) (Benzenamine, 4,4'-methylenebis-(2-chloro-)
Methyl ethyl ketone (MEK) (2-Butanone)
Methyl hydrazine (Hydrazine, methyl-)
2-Methyllactonitrile (Propanenitrile, 2-hydroxy-2-methyl-)
Methyl methacrylate (2-Propenoic acid, 2-methyl-, methyl ester)
Methyl methanesulfonate (Methanesulfonic acid, methyl ester)
2-Methyl-2-(methylthio)propionaldehyde-o-(methylcarbonyl) oxime (Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime)
N-Methyl-N'-nitro-N-nitrosoguanidine (Guanidine, N-nitroso-N-methyl-N'-nitro-)
Methyl parathion (O,O-dimethyl O-(4-nitrophenyl) phosphorothioate)
Methylthiouracil (4-1H-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-)
Mustard gas (Sulfide, bis(2-chloroethyl)-)
Naphthalene
1,4-Naphthoquinone (1,4-Naphthalenedione)
1-Naphthylamine (alpha-Naphthylamine)
2-Naphthylamine (beta-Naphthylamine)
1-Naphthyl-2-thiourea (Thiourea, 1-naphthalenyl-)
Nickel and compounds, N.O.S.*
Nickel carbonyl (Nickel tetracarbonyl)
Nickel cyanide (Nickel (II) cyanide)
Nicotine and salts (Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts)
Nitric oxide (Nitrogen (II) oxide)
p-Nitroaniline (Benzenamine, 4-nitro-)
Nitrobenzine (Benzene, nitro-)
Nitrogen dioxide (Nitrogen (IV) oxide)
Nitrogen mustard and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)
Nitrogen mustard N-Oxide and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)
Nitroglycerine (1,2,3-Propanetriol, trinitrate)
4-Nitrophenol (Phenol, 4-nitro-)
4-Nitroquinoline-1-oxide (Quinoline, 4-nitro-1-oxide-)
Nitrosamine, N.O.S.*
N-Nitrosodi-n-butylamine (1-Butanamine, N-butyl-N-nitroso-)
N-Nitrosodiethanolamine (Ethanol, 2,2'-(nitrosoimino)bis-)
N-Nitrosodiethylamine (Ethanamine, N-ethyl-N-nitroso-)
N-Nitrosodimethylamine (Dimethylnitrosamine)
N-Nitroso-N-ethylurea (Carbamide, N-ethyl-N-nitroso-)
N-Nitrosomethylethylamine (Ethanamine, N-methyl-N-nitroso-)
N-Nitroso-N-methylurea (Carbamide, N-methyl-N-nitroso-)
N-Nitroso-N-methylurethane (Carbamic acid, methylnitroso-, ethyl ester)
N-Nitrosomethylvinylamine (Ethenamine, N-methyl-N-nitroso-)
N-Nitrosomorpholine (Morpholine, N-nitroso-)
N-Nitrosonornicotine (Nornicotine, N-nitroso-)
N-Nitrosopiperidine (Pyridine, hexahydro-, N-nitroso-)
Nitrosopyrrolidine (Pyrrole, tetrahydro-, N-nitroso-)
N-Nitrososarcosine (Sarcosine, N-nitroso-)
5-Nitro-o-toluidine (Benzenamine, 2-methyl-5-nitro-)
Octamethylpyrophosphoramide (Diphosphoramide, octamethyl-)
Osmium tetroxide (Osmium (VIII) oxide)
7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid (Endothal)
Paraldehyde (1,3,5-Trioxane, 2,4,6-trimethyl-)
Parathion (Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester
Pentachlorobenzene (Benzene, pentachloro-)
Pentachloroethane (Ethane, pentachloro-)
Pentachloronitrobenzene (PCNB) (Benzene, pentachloronitro-)
Pentachlorophenol (Phenol, pentachloro-)
Phenacetin (Acetamide, N-(4-ethoxyphenyl)-)
Phenol (Benzene, hydroxy-)
Phenylenediamine (Benzenediamine)
Phenylmercury acetate (Mercury, acetatophenyl-)
N-Phenylthiourea (Thiourea, phenyl-)
Phosgene (Carbonyl chloride)
Phosphine (Hydrogen phosphide)
Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester (Phorate)
Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)sulfonyl)phenyl] ester (Famphur)
Phthalic acid esters, N.O.S.* (Benzene, 1,2-dicarboxylic acid, esters, N.O.S.*)
Phthalic anhydride (1,2-Benzenedicarboxylic acid anhydride)
2-Picoline (Pyridine, 2-methyl-)
Polychlorinated biphenyl, N.O.S.*
Potassium cyanide
Potassium silver cyanide (Argentate(1-), dicyano-, potassium)
Pronamide (3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide)
1,3-Propane sultone (1,2-Oxathiolane, 2,2-dioxide)
n-Propylamine (1-Propanamine)
Propylthiouracil (Undecamethylenediamine, N,N'-bis(2-chlorobenzyl)-, dihydrochloride)
2-Propyn-1-ol (Propargyl alcohol)
Pyridine
Reserpine (Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester)
Resorcinol (1,3-Benzenediol)
Saccharin and salts (1,2-Benzoisothiazolin-3-one, 1,1-dioxide, and salts)
Safrole (Benzene, 1,2-methylenedioxy-4-allyl-)
Selenious acid (Selenium dioxide)
Selenium and compounds, N.O.S.*
Selenium sulfide (Sulfur selenide)
Selenourea (Carbamimidoselenoic acid)
Silver and compounds, N.O.S.*
Silver cyanide
Sodium cyanide
Streptozotocin (D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-)
Strontium sulfide
Strychnine and salts (Strychnidin-10-one, and salts)
1,2,4,5-Tetrachlorobenzene (Benzene, 1,2,4,5-tetrachloro-)
2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) (Dibenzo-p-dioxin, 2,3,7,8-tetrachloro-)
Tetrachloroethane, N.O.S.* (Ethane, tetrachloro-, N.O.S.*)
1,1,1,2-Tetrachlorethane (Ethane, 1,1,1,2-tetrachloro-)
1,1,2,2-Tetrachlorethane (Ethane, 1,1,2,2-tetrachloro-)
Tetrachlorethane (Ethene, 1,1,2,2-tetrachloro-)
Tetrachloromethane (Carbon tetrachloride)
2,3,4,6,-Tetrachlorophenol (Phenol, 2,3,4,6-tetrachloro-)
Tetraethyldithiopyrophosphate (Dithiopyrophosphoric acid, tetraethyl-ester)
Tetraethyl lead (Plumbane, tetraethyl-)
Tetraethylpyrophosphate (Pyrophosphoric acide, tetraethyl ester)

Tetranitromethane (Methane, tetranitro-)
Thallium and compounds, N.O.S.*
Thallic oxide (Thallium (III) oxide)
Thallium (I) acetate (Acetic acid, thallium (I) salt)
Thallium (I) carbonate (Carbonic acid, dithallium (I) salt)
Thallium (I) chloride
Thallium (I) nitrate (Nitric acid, thallium (I) salt)
Thallium selenite
Thallium (I) sulfate (Sulfuric acid, thallium (I) salt)
Thioacetamide (Ethanethioamide)
Thiosemicarbazide (Hydrazinecarbothioamide)
Thiourea (Carbamide thio-)
Thiuram (Bis(dimethylthiocarbamoyl) disulfide)
Toluene (Benzene, methyl-)
Toluenediamine (Diaminotoluene)
o-Toluidine hydrochloride (Benzenamine, 2-methyl-, hydrochloride)
Tolylene diisocyanate (Benzene, 1,3-diisocyanatomethyl-)
Toxaphene (Camphene, octachloro-)
Tribromomethane (Bromoform)
1,2,4-Trichlorobenzene (Benzene, 1,2,4-trichloro-)
1,1,1-Trichloroethane (Methyl chloroform)
1,1,2-Trichloroethane (Ethane, 1,1,2-trichloro-)
Trichloroethene (Trichloroethylene)
Trichloromethanethiol (Methanethiol, trichloro-)
Trichloromonofluoromethane (Methane, trichlorofluoro-)
2,4,5-Trichlorophenol (Phenol, 2,4,5-trichloro-)
2,4,6-Trichlorophenol (Phenol, 2,4,6-trichloro-)
2,4,5-Trichlorophenoxyacetic acid (2,4,5-T) (Acetic acid, 2,4,5-trichlorophenoxy-)
2,4,5-Trichlorophenoxypropionic acid (2,4,5-TP) (Silvex) (Propionoic acid, 2-(2,4,5-trichlorophenoxy)-)
Trichloropropane, N.O.S.* (Propane, trichloro-, N.O.S.*)
1,2,3-Trichloropropane (Propane, 1,2,3-trichloro-)
O,O,O-Triethyl phosphorothioate (Phosphorothioic acid, O,O,O-triethyl ester)
sym-Trinitrobenzene (Benzene, 1,3,5-trinitro-)
Tris(1-azridinyl) phosphine sulfide (Phosphine sulfide, tris(1-aziridinyl-)
Tris(2,3-dibromopropyl) phosphate (1-Propanol, 2,3-dibromo-, phosphate)
Trypan blue (2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(azo)]bis(5-amino-4-hydroxy-, tetrasodium salt)
Uracil mustard (Uracil 5-[bis(2-chloroethyl)amino]-)
Vanadic acid, ammonium salt (ammonium vanadate)
Vanadium pentoxide (Vanadium (V) oxide)
Vinyl chloride (Ethene, chloro-)
Zinc cyanide
Zinc phosphide

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND FACILITIES

15. The authority citation for Part 264 reads as follows:

Authority: Secs. 1006, 2002(a) and 3004, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a) and 6924).

§ 264.1 [Amended]

16. In FR Doc. 80-40647 appearing at page 86968 in the issue of December 31, 1980, 40 CFR 264.1(g) [Amended] is corrected by redesignating paragraph (6) as (9).

17. Section 264.52 is amended by inserting the following words in paragraph (b) after the number "112" and by deleting the words "or Part 151 of this Chapter:"

§ 264.52 Content of Contingency Plan.

* * * * *

(b) * * * of this Chapter, or Part 1510 of Chapter V, * * *

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

18. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a) and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a) and 6924).

§ 265.1 [Amended]

19. In FR Doc. 80-40647 appearing at page 86968 in the issue of December 31, 1980, 40 CFR 265.1(c) [Amended] is corrected by redesignating paragraph (10) as (12).

20. Section 265.52 is amended by inserting the following words in paragraph (b) after the number "112" and by deleting the words "or Part 151 of this Chapter:"

§ 265.52 Content of contingency plan.

* * * * *

(b) * * * of this Chapter, or Part 1510 of Chapter V, * * *

* * * * *

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM; THE HAZARDOUS WASTE PERMIT PROGRAM; AND THE UNDERGROUND CONTROL PROGRAM.

21. The authority citation for Part 122 reads as follows:

Authority: Secs. 1006, 2002(a), 3004 and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924 and 6925).

§ 122.21 [Amended]

22. In FR Doc. 80-40647 appearing at page 86968 in the issue of December 31, 1980, 40 CFR 122.21(d)(2) is corrected by redesignating paragraph (vi) as (vii).

23. Amend 40 CFR 122.21(d)(3) by inserting the following words in the twelfth line after the sentence which ends with the word "spill" before the words "any treatments, storage or disposal * * * or interim status:"

§ 122.21 Purpose and scope of Subpart B.

* * * * *

(d) * * *

(3) * * * After the immediate response activities are completed, * * *

[FR Doc. 81-13045 Filed 5-19-81; 8:45 am]
BILLING CODE 6560-30-M

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40 CFR Part 180

[PP 6F1741/PP OF2373/PP OF2401/R 321; PH-FRL 1801-7]

N-(1-Ethylpropyl)-3,4-Dimethyl-Dinitrobenzenamine; Tolerance Residues

Correction

In FR Doc. 81-11061 appearing at page 21770 in the issue of Tuesday, April 14, 1981, make the following changes:

1. On page 21771, middle column, third complete paragraph, tenth line, "1 X 10 ^{6}" should be changed to read "1 X 10^{-6}"

2. On page 21771, third column, first complete paragraph, eighth line, "milk, fat or meat byproducts." should be changed to read "milk, meat, fat or meat byproducts."

BILLING CODE 1505-01-M

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40 CFR Part 180

[PP 9F2198/R303; PH-FRL 1790-3]

Tolerances and Exemptions From Tolerances; Pesticide Chemicals in or on Raw Agricultural Commodities; Fluchloralin

Corrections

In FR Doc. 81-9325 appearing at page 18978 in the issue of Friday, March 27, 1981, in the heading, "Fluchloralin" was inadvertently omitted and should have read as set forth above; and on page 18979, first column, third full paragraph, seventh line, "June 15 * * *" should have read "June 25 * * *".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

Experimental, Auxiliary, and Special Broadcast, and Other Program Distributional Services; Editorial Order Amending the Commission's Rules for TV Broadcast Auxiliary Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order conforms the FCC broadcast rules to the existing Table of Frequency Allocations notes giving the conditions under which certain microwave frequency bands are shared between Government and non-Government stations. This editorial order is necessary because the broadcast rules contains obsolete and incorrect information which conflicts with the Table of Allocations as amended in September 1980.

EFFECTIVE DATE: June 10, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Linn, Broadcast Bureau, (202) 632-7698.

SUPPLEMENTARY INFORMATION:

Adopted: April 23, 1981.

Released: April 30, 1981.

By the Chief, Broadcast Bureau.

1. On September 25, 1980, the Commission by Order, FCC 80-574, amended Footnote U.S. 111 to the Table of Frequency Allocations contained in § 2.106 of the Rules. The footnote concerns the shared use of certain frequency in the band 1990-2120 MHZ by Government space research stations and non-Government stations, including TV broadcast auxiliary stations. This same footnote as worded prior to the amendment is included in paragraph (a)(2) of § 74.602 of the Rules for TV broadcast auxiliary stations. This paragraph was not concurrently amended in Order 74-574.

2. Since it is essential that the provisions of the broadcast rules conform to the Table of Frequency Allocations in § 2.106, this editorial amendment is necessary. The revisions in § 74.602 being made by this Order does not change the substantive purpose or application of the rule, impose any additional burdens, or remove any provisions relied upon by licensees. However, the amended rule will advise TV broadcast auxiliary station licensees of the potential interference at locations where Government research stations may be operating.

3. We conclude that the adoption of the editorial order as described above will serve the public interest. Prior notice of rule making, effective date provisions, and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 533(b)(3)(B), inasmuch as the revision imposes no additional burdens and raises no issue upon which comments would serve any useful purpose.

4. Therefore, it is ordered, That pursuant to §§ 4(i), 303(r), and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, Section 74.602 is amended as set forth in the attached Appendix effective June 10, 1981.

5. For further information concerning this Order contact Steve Linn, Broadcast Bureau, (202) 632-7698.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

Section 74.602, is amended by revising subparagraph US 111 in paragraph (a)(2) to read as follows:

§ 74.602 Frequency assignment.

(a) * * *

* * * * *

(2) * * *

US 111 In the band 1990-2120 MHz, Government space research earth station may be authorized to use specific frequencies at specific locations for earth-to-space transmissions. Such authorizations shall be secondary to non-Government use of this band and subject to such other conditions as may be applied on a case-by-case basis.

* * * * *

[FR Doc. 81-15011 Filed 5-19-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 79-315; RM-2001]

Amendment To Provide for Operation of Tactile Paging Devices for the Deaf, Blind, or Physically Handicapped; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule, correction.

SUMMARY: The Commission adopted rules providing for the use of two frequencies by persons having hearing impairments, visual deficiencies, and other physical disabilities for paging purposes. The Federal Communications Commission published regulations at 46 FR 15273, March 5, 1981, updating the private land mobile rules covering this service. This document makes necessary corrections because of omissions and inaccuracies which occurred in the preparation and printing.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Rules Division, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 90 of the Commission's rules to provide for operation of tactile paging devices for the deaf, blind, or physically handicapped; correction.

Released: May 8, 1981.

The Appendix to the Report and Order in this proceeding (46 FR 15273, FCC 80-673, adopted 11/18/80) should have revised § 90.33 to include handicapped persons among those eligible to hold licenses in the Special Emergency Radio Service. It also assigned a number to a frequency limitation that had already been used in a prior rulemaking. This errata corrects the omission and errors.

A. On pages 15276-15277, the amendatory instructions numbered 1 through 7 should be redesignated as 2 through 8 and a new amendment number 1 should appear in column 2 as follows:

1. In § 90.33, the opening paragraph is revised to read as follows:

§ 90.33 Scope.

The Special Emergency Radio Service covers the licensing of the radio communications of the following categories of activities: Medical services, rescue organizations, veterinarians, handicapped persons, disaster relief organizations, school buses, beach patrols, establishments in isolated areas, communications standby facilities, and emergency repair of public communication facilities. Rules as to eligibility for licensing, permissible communications, classes and number of stations, and any special requirements as to each of these categories are set forth in the following sections. Frequencies available for these categories of services are shown in a separate frequency table.

B. On page 15276, in the table in § 90.53(a), new limitations (26) and (27) were added to frequencies 35.02 and 43.04 MHz respectively. During the pendancy of this rule making proceeding however, limitation (26) was also used

in the Report and Order to Docket 79-192. The entries for frequencies 35.02 and 43.64 in the frequency table in § 90.53(a) should therefore read as follows:

§ 90.53 Frequencies available.

(a) * * *

Special Emergency Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
* * *	* * *	* * *
35.02	Mobile	27
* * *	* * *	* * *
43.64	Base	4.28
* * *	* * *	* * *

C. On page 15276, § 90.53(b) (27) and (28) are revised to read as follows:

(b) * * *

(27) This frequency is available in this service only to persons eligible under the provisions of § 90.38(a) for operation of transmitters having a maximum power output of three watts using A2, F2, A9Y or F9Y emission. This frequency is also available in the Business Radio Service on a co-equal basis with the Special Emergency Radio Service users.

(28) No new licenses will be granted for one-way paging under Section 90.487 for use on this frequency after August 1, 1980. This frequency is available to persons eligible for station licenses under the provisions of § 90.38(a) on a co-equal basis with one-way paging users under § 90.487 prior to August 1, 1985, and on a primary basis after August 1, 1985. Only A2, F2, A9Y, and F9Y emission and power not exceeding 10 watts will be authorized. Antennas having gain greater than 0 dBd will not be authorized. Transmissions shall not exceed two seconds duration.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-15113 Filed 5-19-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Tuna Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of delayed opening of purse seine fishing season.

SUMMARY: The opening of the school-size Atlantic bluefin tuna fishery by purse seine vessels is changed from January 1, 1981, to July 15, 1981. This delay will allow necessary scientific research on the status of the bluefin tuna resource but will not prevent the purse seine quota from being completely harvested.

EFFECTIVE DATE: May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Jerome, Jr., National Marine Fisheries Service, Northeast Regional Office, State Fish Pier, Gloucester, MA 01930, Tel: 617-281-3600, ext. 325.

SUPPLEMENTARY INFORMATION: 50 CFR 285.29(a)(1) of the regulations governing fishing for Atlantic bluefin tuna establishes January 1 of each calendar year as the opening date for fishing for school-size Atlantic bluefin tuna by vessels using purse seine nets. The fish normally are expected to arrive off the mid-Atlantic states between the 1st and 3rd weeks of June. The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), may change the opening date by notice in the **Federal Register**, provided that the change will promote scientific research on the status of the stock, and, based upon historical catch data and other relevant factors, will not prevent the purse seine quota for school tuna from being caught.

The Assistant administrator has determined that the delay in opening the purse seine fishery until July 15, 1981, will provide the opportunity to tag large numbers of school-sized tuna and allow more accurate estimates of fishing mortality and stock size. These estimates are essential to the Atlantic bluefin tuna management program. Section 285.30(c) of the regulations reserves 225 short tons of Atlantic bluefin tuna for scientific research. In 1981, this will be utilized entirely for these tagging studies. Out of this research quota, approximately 3,000 fish (30 tons) will be tagged and released. Purse seine vessels participating in this program will be allowed to retain the remaining portion of the research quota as compensation.

The agency deems it necessary to publish this notice as soon as possible in order to allow the participants in the Atlantic bluefin tuna purse seine fishery for school-sized fish to: develop and finalize plans for their 1981 seining operations within a reasonable time frame; take their allocations during the open season with a minimum of expense (time and fuel) prior to the dispersal of the schools; and utilize the research quota of 225 short tons of fish, valued at approximately $250,000, which would not otherwise be available. This action would also: prevent negating the value of the experimental tagging data collected in 1980; maintain our commitment to ICCAT to gather the necessary data to monitor the status of the Atlantic bluefin tuna stocks; and provide the only opportunity to accurately estimate the abundance of age II bluefin tuna.

Regulations governing fishing for Atlantic bluefin tuna require 60 days' notice of a delay in commencement of the fishery. Further, it is necessary for planning the scientific research activity by the Government, and for planning commercial operations by the fishing vessels involved, to give notice of the delay as soon as possible. Because it is impracticable to comply with all of the procedural requirements of Executive Order (E.O.) 12291 prior to publication of this notice, these procedures are being complied with concurrent to publication. The Acting Administrator, NOAA, has determined that this action is not a major rule requiring the preparation of a regulatory impact analysis under E.O. 12291, since delaying the commercial season and conducting the tagging program should not result in any decrease in revenue from the fishery, nor will it affect employment, product prices, competition, or investments.

The Acting Administrator also determined under 5 U.S.C. 601 *et seq.*, that this action will not have a significant impact on a substantial number of small entities, and therefore, does not require a regulatory flexibility analysis. Impacts will be minimal since this is only a delay of the commercial season and will provide the opportunity for the industry to harvest the quota reserved for scientific purposes. Further, only six vessels are involved in this fishery and would be affected by this action.

No additional information is being sought from the industry as a result of this program. Therefore, the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, do not apply

In the event that tagging operations are concluded and the tagged fish have had a period of at least two weeks to intermingle with untagged fish before July 15, the Assistant Administrator or his designee may notify the purse seine vessel operators in the fishery by telegram of an earlier opening date.

(Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971-971h)

Signed this 15th day of May, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-15070 Filed 5-19-81; 10:39 am]

BILLING CODE 3510-22-M

50 CFR Part 611

Foreign Fishing Regulations; Northeast Pacific Ocean

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Final regulations.

SUMMARY: These regulations amend 50 CFR Part 611 (foreign fishing regulations) and implement Amendment No. 4 to the Preliminary Fishery Management Plan for the Trawl Fisheries off Washington, Oregon, and California (PMP), which was first approved by the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) on March 10, 1981. These regulations establish new foreign fishing surpluses, consolidate the in-season adjustment to the total allowable level of foreign fishing (TALFF), add a procedure for in-season modifications to incidental catch percentages, and clarify gear restrictions. The regulations also set the amount of U.S.-harvested shortbelly rockfish which may be received by foreign vessels in an exploratory joint venture.

EFFECTIVE DATE: May 15, 1981.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, Telephone (206) 442-7575.

SUPPLEMENTARY INFORMATION: The Assistant Administrator approved Amendment No. 4 to the PMP on March 10, 1981. Proposed regulations governing this fishery were published on April 3, 1981 (46 FR 20237). A public hearing was held on the amendment on March 20, 1981, in Monterey, California; comments on the proposed regulations were accepted until April 23, 1981.

Amendment No. 4 to the PMP is the basis for these regulations and is available at the Northwest Regional Office of the National Marine Fisheries Service (NMFS) (address above). For convenience, all of 50 CFR 611.70 is reprinted incorporating the proposed amendments for 1981. The changes to the 1980 regulations are summarized here:

(1) The estimated domestic annual harvest (DAH) of Pacific whiting is increased from 40,000 metric tons (mt) in 1980 (12,000 mt U.S. caught/U.S. processed; 28,000 mt U.S. caught/foreign processed) to 80,000 mt in 1981 (5,000 mt U.S. caught/U.S. processed; 75,000 mt U.S. caught/foreign processed). Since the optimum yield/total allowable catch (OY/TAC) for Pacific whiting is unchanged (175,000 mt) and the reserve is 35,000 m.t., the initial TALFF is 60,000 mt in 1981—40,000 mt lower than in 1980.

The estimate of shore-based processing (domestic annual processing, or DAP) of whiting was decreased from 12,000 mt in 1980 to 5,000 mt in 1981. Although the 1981 DAP estimate of whiting is reduced, it is 2.5 times greater than the 1980 domestic shore-based production. The 1981 DAP was determined by a NMFS survey in December of domestic industry's intentions for 1981 and a review of past expectations and performance. Although domestic processing firms indicated that they may produce about 10,000 mt of whiting during 1981, this amount seems overly optimistic. Shore-based producers made similar projections in 1979 (15,000 mt) and 1978 (12,000 mt), but no more than 2,000 mt was processed in either year according to the NMFS survey. The 1981 DAP estimate is considered a more realistic approximation of domestic activities than has been used in previous years.

(2) In 1981, TALFF may be increased only once during the season, near August 1. Initial OY and DAH estimates will be reevaluated on the basis of a whiting larval count in the spring and a June NMFS survey of domestic performance and intentions. Only the amount of the reserve and DAH not needed by domestic industry may be added to TALFF, so that the OY/TAC for whiting is not exceeded. In 1980, two actions were used: one in July to determine the reserve release and another in August to reapportion excess DAH. The criteria used to determine the amounts of reserve and DAH available for release or reallocation to TALFF are the same as in 1980.

(3) An exploratory joint venture for shortbelly rockfish will be allowed in 1981 which is subject to the same conditions and restrictions as the whiting joint venture. A NMFS survey indicates that domestic annual processing (DAP) of shortbelly rockfish will not exceed 7,500 mt in 1981, and thus will be less than the 10,000 mt DAH. Consequently, joint venture processing (JVP) for shortbelly rockfish will be 2,500 mt. Whiting received incidentally in the shortbelly joint venture will be counted against the whiting JVP allocation. The incidental catch retention allowances of other species will be calculated in proportion to the amount of shortbelly rockfish received, and will be based on the same percentages as in the directed whiting fishery. The impacts of this fishery on incidentally caught species are expected to be insignificant.

(4) A procedure for in-season adjustments of incidental catch percentages is added in the event of unexpected changes in species availability or abundance.

(5) Gear restrictions are clarified and incorporated into the regulations.

Except for the changes above, all the management measures remain the same as in 1980.

Changes to proposed regulations. After the proposed regulations were published (46 FR 20237), additional applications to participate in the whiting joint venture were received. The estimates for JVP and DAH each have been increased by 20,000 mt to accommodate these applications, and TALFF has been decreased by the same amount. Consequently, the initial whiting estimates for 1981 are: JVP=75,000 mt, DAH=80,000 mt, DAP=5,000 mt (as in the proposed regulations), Reserve=35,000 mt, and TALFF=60,000 mt.

Changes in the federal regulatory review process have delayed processing these regulations, preventing the shortbelly rockfish joint venture from operating as proposed. The applicant has subsequently expressed interest in a shortbelly joint venture subject to the same conditions and restrictions as the whiting joint venture.

There is no reason the conditions and restrictions for the shortbelly joint venture should be different than those for the whiting joint venture. Since the major difference between the two joint ventures is only the species involved and the amount of JVP (2,500 mt for shortbellies and 75,000 mt for whiting), information from past whiting joint ventures provides a reasonable data base for analyzing the impacts of the shortbelly operation conducted under similar conditions and restrictions; e.g., the same incidental catch percentages, seasons, and areas are appropriate. Although the shortbelly joint venture may use smaller mesh cod ends than the whiting operation, the amounts of incidentally caught species should not negatively impact stocks or fishermen. Preemption of grounds will not be a problem since the foreign vessels permitted to operate in the shortbelly joint venture would also be permitted in the whiting joint venture; thus there will be no increase in the number of permitted vessels in the area. The number of domestic vessels involved in the shortbelly joint venture will be fewer than 5. Even if the shortbelly joint venture did not operate, the U.S. vessels involved could fish in the same area

(north of 39° N. latitude) in another fishery. Much of the information included in the 1981 PMP amendment and environmental assessment concerning a shortbelly joint venture south of 39° N. latitude also applies to a shortbelly joint venture conducted north of 39° N. latitude. Given the current estimates of OY, DAH, and DAP for shortbelly, and available biological data, there appears to be no conservation basis for disapproving the revised joint venture application.

The scientific name for shortbelly rockfish was incorrect in the proposed rulemaking. The correct name is published in the final regulations. The final regulations also include "discard weights" in the description of logging requirements, and drop one of the criteria for making in-season adjustments to incidental catch allowances.

Comments and Responses

The public comments resulting from the hearing on Amendment #4 to the PMP and from the comment period on the proposed regulations are addressed below. Comments 1 through 3 are comments from the public hearing and concern the proposed shortbelly rockfish joint venture. Although the time and place of this joint venture have changed, most of the comments received on the initial proposal are relevant. Comments 4 and 5 are taken from the only letter received during the public comment period. This letter from the National Food Processors Association (NFPA) addresses the 1981 DAP estimate for whiting and the procedures required under Executive Order 12291 (E.O. 12291).

Comment 1. Shortbelly rockfish are important forage for other species, especially species of commercial value such as bocaccio and chilipepper rockfish and salmon. Consequently, shortbelly rockfish should not be harvested, especially in view of the presence of salmon in the area south of 39° N. latitude in April and May and the poor economic and biological condition of the salmon fishery.

Response. The limited data available indicate that shortbellies may be a major component in the diet of other species, and, in particular, chinook (king) salmon off central and southern California. However, this joint venture will be conducted north of 39° N. latitude where ecological relationships are uncertain. There is no documented evidence that chinook salmon have problems finding food despite the significant fisheries for northern anchovy, Pacific herring, and squid—species which constitute about half of the chinook diet. Euphausiids are a common food of both shortbellies and chinooks, implying potential competition for food.

The magnitude of the proposed joint venture is small, particularly in relation to the estimated maximum sustainable yield (MSY) of shortbellies (44,250 mt). As discussed in Amendment #4 to the PMP and its environmental assessment, the shortbelly optimum yield (OY) of 10,000 mt has been set well below MSY, in part to allow for the uncertainty of the role of shortbellies in the ecosystem. In so doing, it was determined that harvesting 10,000 mt of shortbellies would not negatively impact the stocks of shortbellies and associated species. The shortbellies joint venture accounts for one quarter of OY and in one-third the amount that shore-based processors are expected to produce. Consequently, the harvest destined for shore-based production would have greater impact than the joint venture harvest. If severe negative impacts result from a shortbelly fishery, OY may be further reduced, and limiting foreign and domestic harvest of the species could be considered under the groundfish fishery management plan which is expected to be implemented in 1982. Observers on foreign processing vessels and biologists on domestic trawlers will facilitate the gathering of more information on the role of shortbellies in the ecosystem.

Comment 2. Serious concern was expressed over the bycatch of important commercial species such as rockfish and salmon, and the inability of the NMFS to control the bycatch. Commenters believe that the ability to target on shortbellies with hydroacoustic equipment is extremely limited and that acoustic differences between shortbellies, small chilipeppers, and small bocaccios are not clear. The opinion also was expressed that taking salmon is a definite problem, even if held to the level of the 1979 Polish trawl fishery of 0.045 salmon per metric ton of Pacific whiting (or 113 salmon for the 2,500 mt of shortbelly requested), due to the poor condition of the salmon fishery.

Response. Bocaccio, chilipepper, and salmon are not expected to be readily intercepted north of 39° N. latitude as evidenced by whiting joint venture operations in recent years. Even though the shortbelly joint venture may use one and one-half (1½) inch mesh (compared with 3" mesh in the whiting joint venture) the incidence of salmon interceptions in the shortbelly joint venture is not expected to be larger than in the whiting joint venture; small salmon vulnerable to 1½" mesh but which would escape through a 3" mesh net are found near shore and thus will not be found in areas where shortbelly operations will occur. The approximately 100 salmon that may be encountered do not threaten the health of salmon stocks or the livelihood of salmon fishermen. Moreover, there are indications that shortbellies can be harvested with little bycatch. One of the intents of a limited joint venture is to give domestic fishermen the opportunity to develop expertise in targeting on this species.

Since domestic fisheries are not governed under a PMP, amounts of fish caught by U.S. vessels are not and cannot be regulated. The PMP can control only the amounts received and retained by foreign vessels. Generally, the fact that U.S. fishermen sell directly to the foreign processor in a joint venture arrangement creates a disincentive to harvest unsaleable species, which are usually discarded.

Comment 3. A potential for gear conflicts exists because the area to be used by a shortbelly joint venture is already used by domestic trawlers, trollers, pot fishermen, and charterboats. Sablefish fishermen were especially concerned over the possible damage of their gear by trawlers at a time they can least afford such expense.

Response. The five domestic trawlers that would be involved in this fishery are not restricted by a PMP and would be at liberty to fish in the same area even if the shortbelly joint venture did not occur. The foreign processors involved would not substantially contribute to congestion of the fishing area since they also would be permitted, and probably operating, in the whiting joint venture at the same time. Consequently, the shortbelly joint venture allows diversification of operation but not a substantial increase (if any) in the number of vessels on the grounds.

Comment 4: The NFPA requested that the basis for decreasing the 1981 "domestic processor's allocation of whiting" should be detailed. It also stated that additional comment on this issue should be allowed.

Response: As described in Amendment #4 to the PMP, its environmental assessment, and repeated in this preamble, the 1981 DAP estimate for whiting was decreased to more accurately describe shore-based production of whiting. The 1981 DAP estimate is 2.5 times the actual whiting production in 1980 (as reported by industry in NMFS' between-season survey of domestic processors) and thus includes substantial growth in shore-based production. DAP is an estimate

and in no way limits the amount of fish which may be harvested and processed domestically. Consequently, DAP does not allocate between foreign and domestic processors.

The DAP estimate may be refined in-season either by adding any portion of the 35,000 mt reserve which will be taken for shore-based processing or by subtracting amounts of DAP that will not be taken (based on an in-season survey of domestic processors' intentions and on a reassessment of larval whiting abundance in the spring). Thus, there is opportunity for increasing shore-based processing.

Because the determination of DAP was discussed in Amendment #4 to the PMP and its environmental assessment, and because the amendment and environmental assessment were available to interested parties as stated in 46 FR 20237, the time for public review of this determination was in compliance with the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Comment 5: The NFPA notes that a cost-benefit analysis is required under Executive Order 12291, and that this analysis is particularly critical regarding the allocation of whiting between foreign and domestic processors. They also felt that the effects of the increased JVP should be analyzed with respect to "all of the species which form part of the same market as these whiting."

Response: A review of the biological, social, and economic impacts of Amendment #4 to the PMP was presented in the environmental assessment. (The environmental assessment was available as stated in the proposed rulemaking in 46 FR 20237 and also was distributed to the public on February 3, 1981.) The costs and benefits of Amendment #4 to domestic entities were examined in the assessment and the requirements listed in section 2 of E.O. 12291 were satisfied. A separate cost-benefit analysis is not required for a non-major rule under E.O. 12291. These modifications to the proposed regulations expand potential benefits to society without imposing additional costs.

A large part of the NFPA's objection is based on the premise that, by increasing JVP and decreasing DAP for whiting in 1981, shore-based processors are denied access to the groundfish resource. This is not the case, as discussed in the response to the previous comment.

Allowances of incidental species which may be retained by joint venture processors are sufficiently small so as not to adversely impact the incidental species or other domestic fisheries. There is no economic incentive for domestic fishermen to harvest species which they cannot sell.

Since the joint venture product does not directly compete with the domestic product, these regulations provide an overall benefit to the national balance of payments by providing domestic fishermen who do not have substantial domestic markets with a direct sales market to foreign processors. Consequently, these regulations provide substantial benefit to domestic fishermen but do not preclude competitive development of shore-based processors.

Classification

The Assistant Administrator has determined that this amendment to the PMP is necessary and appropriate to the conservation of Pacific groundfish, and that it is consistent with the national standards and other provisions of the Magnuson Act, as well as other applicable law.

E.O. 12291 defines a "major rule" as "Any regulation that is likely to result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with the foreign-based enterprises in domestic or export markets." This proposed rule would allow U.S. harvest of Pacific whiting and shortbelly rockfish to increase by about 35,000 mt, worth about $5,000,000. Without the amendment, foreign processing vessels could not enter the FCZ and purchase shortbelly rockfish directly from U.S. fishing vessels, thus depriving the United States of an opportunity to increase exports of fishery products. The Acting Administrator, NOAA, therefore has determined that this is not a "major rule" under E.O. 12291.

The Acting Administrator also has determined, under the Regulatory Flexibility Act, that the amendment and implementing regulations will not have a significant economic impact on a substantial number of small domestic entities; less than 30 U.S. trawlers are expected to participate in the joint venture fishery and they should be beneficially affected.

In compliance with the National Environmental Policy Act of 1969, an examination of environmental impacts was made; no significant environmental impacts will result from the proposed action. A copy of the environmental assessment is available for review at the Northwest Regional office (address above).

These regulations impose a reporting burden on foreign fishermen. The information collections are not new activities. In the past, reporting burdens imposed on foreign fishermen operating in the FCZ were not subject to Office of Management and Budget (OMB) clearance. Consequently, at the time these regulations were proposed, NOAA did not forward to the Director of the OMB an information collection request under section 3504 of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). However, after the comment period closed, OMB decided that collecting information from foreigners is covered by the Paperwork Act. Therefore, NOAA is submitting under section 3507(g) the final regulations and revised logbook forms to OMB for a 60-day review at this time. The Acting Administrator, NOAA, has determined under section 3507(g) that completing the logbooks is necessary to provide information essential to the day-to-day management of the foreign groundfish fishery, to prevent overfishing, and to determine the fees that must be collected from foreign nations every three months, as required under 50 CFR 611.20. Under section 3507(g), the information and logbook sheets will be collected for a maximum of 90 days or until OMB approves the forms, whichever comes first.

The Assistant Administrator also finds that the 30-day implementation delay required by section 553(c) of the Administrative Procedures Act and the OMB review required by section 3(c)(3) of E.O. 12291 are contrary to the public interest. These regulations authorize receipt of U.S.-caught fish by the foreign vessels. For each day past May 15, U.S. fishermen will lose over $25,000 in sales of Pacific whiting to foreign vessels. Without these regulations, the receipt of U.S.-caught fish would not be lawful under the Magnuson Act. A copy of these regulations has been sent to OMB as required by section 8(a)(1) of E.O. 12291.

Dated: May 14, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

50 CFR 611 is amended to read as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 611.9, Appendix I, add species code 850 for shortbelly rockfish to section B as follows:

§ 611.9 Reports and recordkeeping.

* * * * *

Appendix I—*Species Codes*

B. Pacific Ocean Fishes; Finfishes

Code	Common English name	Scientific name
850	Shortbelly rockfish	*Sebastes jordani*

3. In § 611.20, the caption and section 5 of Appendix I are revised to read as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

APPENDIX I.—Optimum yield (OY), estimated domestic annual harvest (DAH), estimated domestic annual processing (DAP), joint venture processing (JVP), domestic nonprocessed fish (DNP), reserve, and total allowable level of foreign fishing (TALFF), all in metric tons.

	Species	Species code	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
5. Northeast Pacific Ocean Fishery: Washington, Oregon, and California fisheries.	Pacific whiting	704	175,000	80,000	5,000	[10]75,000		35,000	80,000
	Shortbelly rockfish	850	10,000	10,000	7,500	2,500		0	[11]0
	Flounders	128	38,400	38,400	38,400	[11]0		0	[11]0
	Jack mackerel	208	55,000	55,000	55,000	[11]0		0	[11]0
	Rockfishes, excluding Pacific ocean perch	840	43,300	43,300	43,300	[11]0		0	[11]0
	Pacific ocean perch	780	1,000	1,000	1,000	[11]0		0	[11]0
	Sablefish	703	13,400	13,400	13,400	[11]0		0	[11]0
	Other species	400	26,100	26,100	26,100	[11]0		0	[11]0

Footnotes:

[10] Includes 200 mt taken incidentally in shortbelly joint venture.

[11] See § 611.70(b)(1)(ii) for incidental catch allowances.

4. § 611.70 is revised to read as follows:

Subpart E—Northeast Pacific Ocean

§ 611.70 Washington, Oregon, and California trawl fishery.

(a) *Purpose.* This subpart regulates all foreign fishing conducted under a Governing International Fishery Agreement in the fishery conservation zone seaward of Washington, Oregon, and California.

(b) *Authorized fishery.*—(1) *TALFF.*—(i) *Initial TALFF.* The total allowable level of foreign fishing (TALFF), the amounts of fish set aside as reserves, and the estimated domestic annual harvest (DAH) are set forth in Appendix 1 of 50 CFR § 611.20.

(ii) *In-season increase to TALFF.* As soon as possible after August 1, the Northwest Regional Director of the National Marine Fisheries Service (Regional Director) shall apportion to TALFF all or part of the reserve and that portion of the estimated DAH which will not be harvested by U.S. fishermen during the rest of the fishing year. The Regional Director may withhold all or part of the Pacific whiting reserve and DAH based on the criteria in paragraph (b) (1) (ii) (A) of this section. Except as provided in paragraph (b)(2) of this section, incidental catch allowances for other species shall be based on the following maximum incidental catch rates expressed as a percentage of the Pacific whiting TALFF:

Incidental Catch

Species	Percentage
Flounders	0.1
Jack mackerel	3.0
Rockfishes (excluding Pacific ocean perch)	0.736
Pacific ocean perch	0.062
Sablefish	0.173
Other species	0.5

(A) *Criteria.* The Regional Director may withhold from TALFF all or part of the Pacific whiting reserve and DAH if, as of July 1:

(*1*) All or part of the Pacific whiting reserve and DAH will be harvested by vessels of the United States during the rest of the fishing year, as determined by one or more of the following factors—

(*i*) Actual U.S. catch and effort compared to previous projections;

(ii) Projected U.S. catch and effort for the rest of the fishing year;

(*iii*) Projected processing of the U.S. harvest for the rest of the fishing year; or

(*2*) The spring Pacific whiting larvae assessment establishes that the total allowable catch (TAC) of whiting should be less than 175,000 m.t.

(B) *Procedure.* (*1*) *Publishing the proposal.* On or about July 1, the Regional Director shall publish in the **Federal Register** and disseminate to local media the amount of reserve and excess DAH, if any, proposed to be apportioned to TALFF.

(*2*) *Public comment.* Comments on the proposed action may be submitted to the Regional Director within 15 days after publication. Any relevant and timely comment filed under this section will be considered in making a final determination. The reports the Regional

Director used to make the proposed determinations will be available for public inspection (consistent with 50 CFR 603 on Confidentiality of Statistics) during business hours, during the public comment period at the National Marine Fisheries Service, Northwest Regional Office, 1700 Westlake Avenue North, Seattle, WA 98109.

(3) *Promulgating the determination.* On or about August 1, but not less than 15 days after publication of the proposal, the Regional Director shall publish in the Federal Register and disseminate to local media the amount of the reserve and excess DAH apportioned to TALFF, the reasons for the determination, and responses to comments received.

(2) *In-season modifications to incidental catch percentages.* (i) The Regional Director may modify an incidental catch percentage for any species at any time. The Regional Director shall consider the following factors when modifying the incidental catch percentages set forth in paragraph (b)(1)(ii) of this section:

(A) Observed rates of incidental catches in previous foreign (or joint venture) operations;

(B) Current estimates of the relative abundance and availability of species caught incidentally in the whiting fishery;

(C) Ability of the U.S. fishery to attain JVP or of the foreign fishery to attain TALFF;

(D) Past and projected U.S. and foreign fishing effort;

(E) Status of the stock, so that an increased allowance will not contribute to declining stock status;

(F) Impact on domestic industry;

(G) Any other relevant scientific information.

(ii) *Procedure.*—(A) *Publishing the proposal.* The Regional Director shall publish any proposed modification in the Federal Register and disseminate it to local media.

(B) *Public comment.* Comments on the proposed modification may be submitted to the Regional Director within 15 days after publication. Any relevant and timely comment filed under this section shall be considered. The reports the Regional Director used to propose a modification shall be available for public inspection (consistent with 50 CFR 603 on Confidentiality of Statistics) during business hours during the public comment period at the National Marine Fisheries Service, Northwest Regional Office, 1700 Westlake Avenue North, Seattle, WA 98109.

(C) *Promulgating the modification.* As soon as possible following the public comment period, the Regional Director shall publish in the Federal Register and disseminate to local media any modification to incidental catch percentages, the reasons for the determination, and responses to comments received.

(3) *Fishing permitted.* The catching the retention of any species for which a nation has an allocation is permitted, provided that:

(i) The vessels of that nation have not caught:

(A) The allocation of that nation for the directed fishery species; or

(B) The maximum allowable incidental catch of that nation for any species or species group (e.g., "other species"). When vessels of a foreign nation have caught a maximum incidental catch allowance, all further fishing (as defined in § 611.2(r)(1)) by vessels of that nation must cease, except as otherwise authorized by permit, even if the allocation of the directed fishery species has not been reached. Therefore, it is essential that a foreign nation plan its fishing strategy to ensure that an incidental catch allowance is not exceeded, thereby closing its directed fishery;

(ii) A directed fishery is not conducted for species or species groups except as authorized for Pacific whiting and as otherwise specifically authorized by permit; or

(iii) The fishery has not been closed for other reasons under § 611.15.

(c) *Open season.* Foreign fishing under this subpart is authorized from 0700 G.m.t. on June 1 and will terminate not later than 0800 G.m.t. on November 1, except as specified otherwise in a permit.

(d) *Open areas.* Except as prohibited in paragraph (e) of this section, foreign fishing under this subpart in permitted seaward of twelve nautical miles from the baseline used to measure the U.S. territorial sea between 39°00′ N. latitude and 47°30′ N. latitude, and as otherwise specifically authorized by permit.

(e) *Closed areas.* Foreign fishing is prohibited in the following areas except as otherwise specificially authorized by permit:

(1) "Columbia River Recreational Fishery Sanctuary"—that area between 46°00′ N. latitude and 47°00′ N. latitude and east of a line connecting the following coordinates in the order listed: 46°00′ N. latitude, 124°55′ W. longitude; 46°20′ N. latitude, 124°40′ W. longitude; and 47°00′ N. latitude, 125°20′ W. longitude.

(2) "Klamath River Pot Sanctuary"—that area between 41°20′ N. latitude and 41°37′ N. latitude and east of a line connecting the following coordinates in the order listed: 41°20′ N. latitude, 124°32′ W. longitude; and 41°37′ N. latitude, 124°34′ W. longitude.

(f) *Gear restrictions.* (1) Gear other than a pelagic trawl with a minimum mesh size of 100 mm, stretched inside measure when wet after use, is prohibited. No liners are permitted in the codend of the trawl. An outer protective mesh covering (chafing gear or outer bag) may be used if:

(i) The mesh size of the chafing gear is at least two times larger than the mesh size of the inner codend;

(ii) The thread size of the chafing gear is no greater than four times the diameter of that used in the inner codend;

(iii) The coded has four riblines (spaced equi-distant around the bag) running fore and aft longitudinally to which both the chafing gear and inner codend are lashed (sewed) knot-to-knot; and

(iv) The outer stretch mesh webbing is at least 10% longer than the ribline to which it is hung.

(2) Attaching any device to pelagic fishing gear or using any other means that would, in effect, make it possible to fish on the bottom is prohibited.

(3) Using any device or method which would have the effect of reducing mesh size of the codend is prohibited.

(g) *Statistical reporting.*—(1) *Daily fishing log (daily logbook).* The basis for all reports is a daily fishing log. This logbook shall be supplied by NMFS prior to entry into the fishery. Daily catch data shall be recorded in duplicate. On-deck estimates of catch shall be made for each haul and logged before the next haul is on deck. The processed weight of each haul (factory weights) and discard weights shall be recorded accurately within 24 hours of each haul, and shall be accumulated for the fishing day (0001 G.m.t.—2400 G.m.t.) before the end of the next fishing day. The following information shall be included in the log:

(i) Date.

(ii) Times of commencement and completion of each set (when the net is at fishing depth).

(iii) Vessel's positions in degrees and minutes of latitude and longitude at the time of commencement and completion of each set (when the net is at fishing depth).

(iv) Bottom depth, averaged over length of tow.

(v) Depth of gear, averaged over length of tow.

(vi) Catch to the nearest tenth of a metric ton (0.1 m.t.) of Pacific whiting *in each haul.*

(vii) Catch to the nearest hundredth of a metric ton (0.01 m.t.) of the following species *in each haul:*

(A) Jack mackerel.

(B) Pacific Ocean perch.

(C) Rockfishes (excluding Pacific ocean perch).

(D) Sablefish.

(E) Flounders.

(F) Other species.

(viii) Catch, in numbers of fish, of the following prohibited species:

(A) Pacific halibut.

(B) Salmon.

(2) In addition to the requirements of § 611.9, the owner or operator of each foreign fishing vessel shall be responsible for maintaining catch and effort statistics and shall submit reports as follows to the Regional Director, Northwest Region (address: National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109).

(i) *Daily report.* From the time the NMFS estimates that 90 percent of a nation's allocation of any species (directed or incidental) has been reached, and so notifies the designated representative of that nation, the information required under § 611.9(e) (Weekly Catch Report) shall be submitted on a daily basis and shall reach the Regional Director no later than three days after the reported fishing day.

(ii) *Annual report.* Each nation whose fishing vessels operate in the fishery shall report annual catch and effort statistics by May 31 of the following year in tabular form as follows:

(A) *Effort* in hours trawled, by vessel-class, by gear-type, by month, by ½° latitude by 1° longitude statistical areas.

(B) *Catch* by vessel-class, by gear-type, by month, by ½° latitude by 1° longitude statistical areas:

(1) To the nearest tenth of a metric ton (0.1 m.t.) for the following species or species groups: Pacific whiting, jack mackerel, Pacific ocean perch, rockfishes (excluding Pacific ocean perch) sablefish, flounders, and other species; and

(2) In numbers of fish for Pacific halibut and salmon.

(iii) *Daily logbook.* The logbook shall be available for inspection by the NMFS or U.S. Coast Guard personnel who at any time may remove the original copy. All original entries in the daily logbook (excluding those removed by the NMFS or U.S. Coast Guard personnel) shall be submitted to the Regional Director within three weeks after termination of a fishery. Duplicate copies shall be retained on the foreign vessel during the permit period or until all fishing or fish products produced under a permit for the Washington, Oregon, California FCZ are transferred, whichever is longer.

(iv) *Report of fish on board when entering fishery.* Before operating in this fishery, the owner or operator of each foreign vessel with fish on board shall report to the Regional Director the species and amounts of fish on board which were harvested in any other fishery. Such reports shall be submitted in accordance with the procedures specified in § 611.4(b). Any fish on board not so reported will be presumed to have been harvested in this fishery.

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50 CFR Parts 611 and 658

Shrimp Fishery of the Gulf of Mexico

AGENCY: National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Final rule.

SUMMARY: NOAA issues final regulations for shrimp fishing in the Gulf of Mexico. These regulations implement the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico. The intended effect of these regulations is to encourage harvest of larger and more valuable shrimp.

EFFECTIVE DATE: May 15, 1981.

ADDRESSES: A copy of the Regulatory Impact Review may be obtained from Mr. Harold Allen, Acting Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Mr. Harold Allen, 813–893–3141.

SUPPLEMENTARY INFORMATION: These regulations implement the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP). The Secretary of Commerce approved the FMP and published on November 7, 1980, a proposed rulemaking for a comment period ending January 1, 1981 (45 FR 74178). On January 22, 1981, the comment period was extended until January 31, 1981.

a. Background

The notice published on November 7, 1980 contained information on the shrimp fishery and its economic value, and specified loss of habitat as the chief threat to continuance of the major species of shrimp (brown, white, and pink). There is no current evidence of overfishing on any species of shrimp.

The notice also described the minimum legal sizes of shrimp which may be caught and landed under different regulations established by Gulf Coast States. Small shrimp are culled from the catch and discarded because of the States' size limits. The notice also described the categories of vessels in the Gulf shrimp fishery and the various fisheries in which shrimp are harvested.

b. Probelms in the Fishery

The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and identified eight problems affecting the shrimp fishery which require both Federal regulation and State and Federal actions. Problems 1, 5, and 8 require Federal regulations to resolve. Problems 1, 2, and 4 require State administrative and legislative actions. Problems 3 and 7 require Council coordination with governmental entities and the fishing industry. Problem 6 requires Federal action in cooperation with the Council and the assistance of the operators of shrimp fishing vessels. These problems and their proposed solutions are identified below.

1. *Differences among user groups as to areas and sizes at which shrimp are to be harvested.* The FMP establishes a permanent closure to trawl fishing of an area off the State of Florida to protect small pink shrimp and a seasonal closure off the State of Texas to protect small brown shrimp. Both require Federal regulation in the fishery conservation zone (FCZ) to implement the closures in cooperation with the respective States.

The Council recommends that the States establish State sanctuaries in shrimp nursery areas under State jurisdiction to protect small shrimp.

2. *The wasteful discard of small shrimp at sea.* The Council recommends elimination of State restrictions on landing of small shrimp taken during open seasons in open areas to increase the overall yield from the resource and the economic returns to the shrimp fishermen.

3. *Continuing decline in the quality and quantity of shrimp habitat.* The Council established a committee to review and assess the status of shrimp habitat and interact with Federal and State agencies to promote habitat protection and abatement and control of pollution.

4. *Lack of comprehensive and coordinated management of shrimp resources throughout their range.* The Council recommends the Gulf States adopt shrimp management procedures that provide for adjustment of seasonal State closures by State administrative action. The Council recommends the Gulf States adopt procedures to allow joint management with other States and the National Marine Fisheries Service to reduce disputes among users, reduce waste of shrimp, and facilitate enforcement.

5. *Conflicts with other fisheries.* The FMP includes the seasonal closure of a portion of fishing grounds off Florida to avoid conflict between the shrimp and stone crab fishermen. This closure is currently in effect under regulations implementing the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico.

6. *Incidental capture of sea turtles.* The area closures established by the FMP provide direct and coincidental benefits for sea turtles that are caught incidentally during shrimp fishing. Also, the Council recommends that an educational program be implemented by the National Marine Fisheries Service to inform shrimp fisherman about proper methods of resuscitation and return to the sea of sea turtles.

7. *Loss of fishing gear and grounds due to manmade underwater obstructions.* The Council established a committee to reduce, where feasible, the loss of offshore fishable grounds by monitoring and reviewing the construction of offshore reefs with special attention to the needs of shrimp fishermen.

8. *Partial lack of data needed for management.* The Council recommends a mandatory reporting system for obtaining data from the harvesting and processing sectors that are needed for management of the fishery. Only a portion of shrimp fishermen, dealers, and processors are to be selected for reporting to reduce the user reporting burden. This system is being prepared and is to be implemented when the forms and procedures are completed and approved.

c. The Management Regime.

1. *Optimum Yields.* Optimum yield (OY) is a concept that depends on the biological, economic, and social characteristics of a fishery. In most fishery management plans, OY is specified as an upper limit on the quantity of fish harvested during a specified time period, or as the amount of fish in excess of a minimum size (such as carapace length for shellfish). The Council determined that specifying a fixed quota or an amount dependent on the quantity of a legal-sized catch was not appropriate for controlling the harvest in the shrimp fishery.

The growth rate, size of shrimp at harvest, and varying preferences of processors are special factors in specifying that OY. Shrimp resources in the Gulf of Mexico have a life expectancy of less than one year, and therefore provide an annual crop. The size of the annual crop is determined by early spring environmental conditions, such as temperature and salinity in the estuarine nursery waters. The level of catch in one year does not affect the size of the stock in the following year. Since shrimp are an annual crop, the yield and value depend on whether they are

caught early or late in their period of growth.

The catch is also influenced by market conditions and by State and Federal regulatory regimes. State regulations set open seasons, open areas, and minimum sizes of shrimp designed to provide the processing industry within a State its preferred size of shrimp. Louisiana processors need small shrimp for canning, while Florida and Texas processors prefer larger shrimp as fresh or frozen products. A State may use a closed season to protect small shrimp until they attain the size considered acceptable by the processing industry of that State. Thus, the State of Texas closes the waters of the Gulf of Mexico under its jurisdiction (zero to nine miles off its coast) for a period of 45 to 60 days each year while small brown shrimp are in that area. However, some small shrimp move beyond that area into the fishery conservation zone (FCZ) before the closed season is over. The State of Florida prohibited shrimp fishing in the Tortugas Shrimp Sanctuary, an area in which pink shrimp are generally less than the minimum legal size in Florida. Because of modification of the seaward boundary of Florida's fishery jurisdiction, Florida no longer has complete jurisdiction over this nursey area, part of which is now in the FCZ.

In specifying OY for shrimp, the Council wanted to supplement State closure laws to encourage the catch of larger shrimp in some areas of the FCZ. The Council did not close the entire FCZ during the fast-growth period, in recognition of the preference for smaller shrimp by Louisiana canners and the Louisiana, Alabama, and Mississippi shrimpers who supply them. The Council rejected the option of extending State minimum-size laws, because it considered the culling of undersized shrimp a wasteful and inefficient practice.

In the shrimp FMP, then, the OY is defined as the amount of shrimp that can be caught under recommended State management measures and under the regulations implementing the FMP. That amount is expected to be larger in terms of poundage and total value than in the absence of Federal regulations. It will also produce an optimal mix of large and small shrimp.

Another way of expressing the OY is the actual catch that can be taken each year during open seasons in open areas with existing fishing gear and technolgy. It is not a quota or minimum size limit. The amount harvested will be determined by biological conditions, and by the fishing effort of the existing shrimp fleet in response to market and other economic conditions under the regulatory regimes established by State and Federal governments. The anticipated economic benefits of this OY on an annual basis are an increased yield of shrimp of 3.7 million pounds with a dockside value of $11.5 million.

The OY for royal red shrimp was specified as a fixed annual quota, because it is a longer-lived species. Optimum yield is equal to maximum sustainable yield (177.8 metric tons (tails)).

2. *Area Closures.* The FMP establishes a permanent closure to trawl fishing for shrimp in an area off the State of Florida known as the "Tortugas Shrimp Sanctuary" to protect small pink shrimp until most have reached a size larger than 69 shrimp tails to the pound. This measure prohibits all shrimp trawling by U.S. vessels within the proposed sanctuary.

A closure to trawl fishing for shrimp in the FCZ off the State of Texas for a 45-day period (normally June 1 through July 15) to protect small brown shrimp is also established. This controversial closure, which is a "trial measure," is expected to benefit the shrimp industry.

The State of Texas traditionally closes its nine-nautical-mile State waters to shrimp fishing for a 45-day period, during which brown shrimp generally are smaller than the size of 39 whole shrimp to the pound. The purpose is to allow for further growth that will increase the weight and value of the harvest when the area is reopened.

The State measure has not been completely effective because small shrimp move beyond State jurisdiction into the FCZ and because many shrimp vessels are alleged to enter State waters at night when most brown shrimp fishing occurs. Many small shrimp are taken which, because of the Texas size limit, cannot be landed in Texas and are culled from the catch and discarded.

Six Council members filed two minority reports stating their opposition to the Texas closure. The statements cite the importance of Texas eliminating its size limitation and the possible adverse impact of the closure on Louisiana shrimp fishermen. Louisiana shrimp fishermen protested that more vessels will move to the Louisiana coast during the 45-day period of the closure.

The Council believes that the cooperative Texas closure (see 50 CFR § 658.24, Figure 3) will result in an increase in exvessel value of at least $8.1 million (rather than the $7.1 million published on November 7). Because this is a trial measure, the Council will study the effect of the Texas closure on fishermen from all States and consider alternatives which would prevent undue adverse impact. A baseline study comparing the 1980 season (closure of Texas waters only) and the 1981 season (cooperative closure of both fishery conservation zone (FCZ) and Texas waters) will assist the Council in this evaluation. Provision is made for adjusting the normal closure dates of June 1 to July 15 by as much as 15 days. The Regional Director, Southeast Region, National Marine Fisheries Service (NMFS), must base the adjustment on certain biological and ecological data.

The FMP also incorporates the seasonal closure of a portion of the Tortugas shrimp grounds on the west coast of Florida to prevent damage to stone crab gear and increase the size and value of shrimp harvested outside the line.

3. *Sea Turtles.* The actions implemented through the FMP are not likely to jeopardize species listed on the Federal endangered species list or to adversely affect their habitat. Implementation of closure recommended by the FMP will have direct and coincidental benefits for sea turtles by reducting the level of mortality.

4. *Data Reporting.* Better information is needed for effective management of this valuable fishery. Because of the complex and diverse nature of the commercial and recreational shrimp fisheries, the cost of obtaining specific biological, environmental, social, and economic information from each user would be prohibitively high. Therefore, the FMP recommends that NMFS develop a system specifying which methods should be used to collect representative samples that will be comparable and reduce sampling error. The Director of the Southeast Fisheries Center, NMFS, will determine the number of shrimp fishermen, dealers, and processors who will be required to keep records and report, based on the data required for specific management needs. When only a portion of such individuals are needed to provide information, the Center Director will select those individuals through use of standard statistical sampling procedures.

Because this system has not been completely developed and forms not yet prepared, the final regulations reserve Section 658.5. It is anticipated that the mandatory reporting system will be reproposed as soon as sampling procedures and reporting forms are developed and approved. The forms will be submitted to the Office of Management and Budget for clearance under section 3507 of the Paperwork Reduction Act, Pub. L. 96-511. Until such

time, current methods of data collection based on port agent contact with dealers and fishermen will be used.

5. *Permits.* No permit is required for vessels of the United States fishing for shrimp in the FCZ.

6. *Foreign Fishing.* A surplus of royal red shrimp of 66.2 mt is identified in the FMP and is made available for foreign fishing.

7. *Jurisdiction.* The shrimp regulations apply only in the Gulf of Mexico Council's area of authority. Both the northern and eastern boundaries of this area have been subject to dispute.

The boundary line separating the geographic areas of authority of the Gulf of Mexico and the South Atlantic Fishery Management Councils has been settled only recently. NOAA had originally set the boundary as an eastward extension of the line dividing Dade and Monroe counties off the east coast of Florida. That boundary was based on a legal opinion that fishery management considerations could be taken into account in establishing the dividing line.

In a legal opinion to NOAA, the Department of Justice stated that the boundary line should be based only upon geographical factors. In response to that opinion, NOAA has proposed that the boundary line dividing the Gulf of Mexico from the Atlantic, which was accepted by the United States Supreme Court in *United States* v. *Florida*, separates the areas of authority of the two Councils. Proposed regulations to establish that boundary were published at 45 FR 58632.

The jurisdiction over certain waters off the States of Alabama and Mississippi is in litigation between those States and the Federal Government. These include four enclaves in Mississippi Sound between the three-mile line drawn from the mainland and the three-mile line drawn around the barrier islands, and some "wingtips" between the barrier islands. The Justice Department and the States are trying to negotiate a stipulation that the shrimp FMP will not be enforced in those disputed waters during 1981. Alabama has accepted that stipulation. Because promulgation of these regulations will not affect resolution of the jurisdictional dispute, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has denied the State of Alabama's request to postpone implementation of the FMP and Alabama's and Mississippi's requests to hold a hearing on the regulations.

None of the disputed enclaves is part of the closed areas prescribed by the FMP. Nonenforcement of the FMP in the enclaves would not interfere with attaining the FMP's objectives.

d. Response to Comments

1. *Comments on the FMP Tortugas Shrimp Sanctuary.* One organization requested that the proposed boundaries of the Tortugas Shrimp Sanctuary be change to exclude waters landward of "Point F" (see 50 CFR 658.22, Figure 1). This organization had proposed the "Key West Plan" in hearings on the draft FMP. In the final FMP, the Council modified the line proposed in the draft FMP to exclude deeper waters containing larger shrimp, as the commenters requested. The Council declined, however, to move the line as far landward as the organization wanted, because smaller shrimp are found in these shallower waters.

Texas closure

Many commenters supported the Texas closure. All but one of those in favor of the closure were from Texas, although some commenters from Texas opposed the closure. The primary reason for supporting the closure was to enhance harvest of brown shrimp at an optimal commercial size.

Many of the commenters opposed to the Texas closure reiterated concerns expressed during development and review of the FMP. These comments are treated in the FMP, the final Environmental Impact Statement, and in the preamble to the proposed rulemaking. Specific new points raised by opponents of the Texas closure are set out in this section.

Two commenters questioned the FMP's inclusion of data published in 1964 showing the natural mortality rate per week of brown shrimp to be 0.21 (Table 4.1–4 at 45 FR 74268). They compared that information with the analysis of the impact of the Texas closure on weight and value of brown shrimp at various rates of natural mortality (Tables 8.3–3 and 8.3–4 at 45 FR 74296). At a rate of 0.05, the weight of brown and white shrimp increases by 2.7 million pounds (tails) and the value increases by $9.2 million. At a rate of 0.20, however, the weight decreases by 1.7 million pounds and the value decreases by $2.3 million.

The Council implicitly rejected the 1964 data contained in Table 4.1–4 (45 FR 74268, see discussion in FMP at 45 FR 74297). The values accepted by the Council (2.1 million pounds and $8.1 million) [1] are based on unpublished data provided by Louisiana State University, under contract with the Council, that the natural mortality rate of brown shrimp is 0.05. The Southeast Fisheries Center has verified that the rate is between 0.025 and 0.075 based on recently available information. Two new studies show that the net increase in value, even at mortality rates around 0.1, would be $4–5 million.

One commenter disputed the rationale underlying the Texas closure, that increase in size corresponds to increase in price. He believes the closure may disrupt the current market for a variety of sizes of shrimp and lead to an oversupply of large shrimp, which are subject to greater price flexibility. The Council acknowledges that prices for large shrimp are more elastic than those for small shrimp; the Regulatory Impact Review takes account of the effect on price of the increased supply of larger shrimp. In general, however, larger shrimp command higher prices. The FMP is designed to preserve an adequate supply of smaller shrimp by keeping open the FCZ off Louisiana, Mississippi, and Alabama, and urging all States to repeal their count laws so that smaller shrimp may be landed, and not be discarded.

Other commenters complained that the Council's Scientific and Statistical Committee did not evaluate the Texas closure. The Committee met twice to consider proposed management measures, but the proposal to close the Texas FCZ had not been prepared prior to those meetings. As soon as the Texas closure material was available, it was sent with the entire FMP to Committee members for review; only one or two comments were received. The Council approved the FMP before the next meeting of the Committee, but Committee members did have an opportunity to comment prior to Council approval.

Several commenters alleged that the Texas closure violates several of the national standards in Section 301(a) of the Magnuson Act (16 U.S.C. 1801 *et seq.*) National Standard 1 is met because the Council has determined the "greatest overall benefit to the Nation" will result from an "optimum yield" that provides a mix of small shrimp preferred by canners and large shrimp preferred by freezer processors.

The measure does not violate National Standard 4. It does not discriminate among residents of different States; no one may shrimp in the FCZ off Texas during the closure.

[1] The FMP at 45 FR 74297 estimates the exvessel value of the increased brown shrimp landings as $7.1 million. There was a mathematical error in using numbers from Table 8.3–4; the correct estimate at .05 mortality is $8.1 million (22.3+2.0−17.1).

and residents of any State may benefit from fishing there after the closure. The closure is not an allocation of fishing privileges because it is not a direct distribution of privileges among discrete classes of fishermen. It has conservation purposes as well as economic motivations, so it does not violate National Standard 5.

National Standard 7 is not violated because the closure improves the enforceability of the State closure. The enforcement and compliance costs of the measure are outweighted by the increased value to the industry of the larger shrimp. One commenter raised the possibility that royal red shrimpers allowed outside the 100-fathom curve during the closure might actually fish for brown shrimp within the 20-fathom zone. A letter from the Texas Parks and Wildlife Department refuted that possibility; the areas are at least 30 miles apart, and the State has radar-detection capabilities in the 20-fathom zone.

Two commenters were concerned about the monitoring system that NMFS will use to evaluate effects of the closure on fishermen in Louisiana, Mississippi, and Alabama. The Southeast Fisheries Center acknowledges that each segment of data alone will not establish a cause-and-effect relationship, but the entirety of the analysis should allow the Council to judge whether the closure has unexpected adverse effects on the small shrimp segment of the fishery. The Council is currently preparing an amendment to the FMP which would allow modification or removal of the closure in 1982 or subsequent years, depending on results of the monitoring. The data collection system will be expanded this year to cover fishermen from Alabama and Mississippi as well as Louisiana.

Sea Turtles

Two commenters requested that Management Measure 8 (see FMP, 45 FR 74190) be revised to provide additional protection for sea turtles by requiring mandatory excluder devices in shrimp trawls. The FMP supports research efforts to develop turtle excluder mechanisms, which would be required under the turtle recovery plan administered by NMFS. As yet, however, excluder gear has not been commerically proven in the Gulf.

Groundfish

Other commenters suggested management measures designed to reduce the incidental catch of finfish in shrimp trawls, or to encourage development of markets for this incidental catch. The Council is now developing a groundfish plan which contains these proposed measures.

Research

One commenter requested that there be research programs addressing the destruction of seagrass beds by bottom trawls and the extent of harvest by recreational shrimpers in estuaries and enclosed areas. Data relating to shrimp fishery activities in State waters, which are obtained by the States and other sources, are utilized by NMFS in assessing the impact on habitat of users of the resource. Management Measure 4 of the FMP and the above "data reporting" section encourage this sort of research.

2. *Comments on the Regulations.*

General

The States of Alabama and Mississippi expressed concern over implementation of the FMP in waters that are currently disputed between those States and the United States. This problem is addressed above, in item 7 of the management regime.

The description and approximate acreage of the Flower Garden Banks closed to foreign fishing differs between the proposed and final rulemaking. Corrections were made to comply with proposed marine sanctuary descriptions (45 FR 43205).

Section 658.4

One commenter suggested that the terminology in the proposed regulations referencing depth contours be made consistent to read "100-fathom depth contour." That change was made in § 611.62(b).

In the proposed regulations, § 658.4(b), (c), and (d) required a vessel intending to fish for royal red shrimp during the Texas closure in the area otherwise closed to trawl fishing to have on board a letter of authorization signed by the Regional Director. In order to reduce the Federal paperwork burden for individuals and small business and to carry out the intent of the Paperwork Reduction Act of 1980, the requirement to have a letter of authorization before fishing for royal red shrimp seaward of the 100-fathom depth contour off Texas is not implemented as a final rule.

Section 658.5

In the proposed regulations, § 658.5 required all dealers and processors to provide certain information to NMFS. One commenter requested that implementation of this provision be delayed, pending the outcome of a lawsuit challenging similar regulations in another fishery. That suit has been dismissed, but the plaintiff has appealed. The Assistant Administrator has determined not to delay implementation pending final resolution of the litigation, but the final regulations reserve this section (see item 4 of the management regime).

Sections 658.22 and 658.24

One commenter requested that §§ 658.22 and 658.24 be changed to apply only to those who participate in a directed fishery for shrimp, and that those who catch shrimp incidental to fishing for other species should not be prohibited from fishing. The commenter further requested that § 658.7(b) be changed to conform to this intent. In addition, he requested that those taking shrimp as an incidental catch to finfish be permitted to retain the shrimp.

The final regulations prohibit all trawling in the closed areas except for royal red shrimp seaward of the 100-fathom depth contour. A provision distinguishing between trawling for species of shrimp other than royal red shrimp and trawling for other species would be too hard to enforce. A prohibition of all trawling except for royal red shrimp in closed areas is not inconsistent with the management measures in the FMP and is not expected to have any serious effect in other trawl fisheries.

Three commenters wanted to improve enforceability of the closed-area provisions by prohibiting possession of trawl gear above deck on vessels in the closed areas. This suggestion was rejected as too harsh a measure, as it is quite difficult to dismantle the gear and store it below deck.

The Coast Guard requested that the word "approximately" be deleted from the geographic description of the Tortugas Shrimp Sanctuary line. Section 658.22 was rewritten in response to this comment.

Section 658.23

The Gulf of Mexico Council suggested that § 658.23(b) titled "Exception" in the proposed regulations be deleted, because this provision conflicted with the FMP. The final regulations do not contain this exception, and thus prohibit live bait fishing within the stone crab closed area between January 1 and May 20. The Council will amend the stone crab plan to make it consistent with this FMP.

Section 658.26

The Council also requested that the regulations provide a mechanism to allow scientific research activities by commercial fishing vessels in areas

closed to shrimp fishing. The final regulations contain a new section, § 658.26, which provides for authorization by the Regional Director of such activities.

e. Other Matters

The Assistant Administrator, after considering all comments received on the FMP and proposed regulations, has determined that the FMP and the final regulations comply with the national standards, other provisions of the Magnuson Act, and other applicable law.

The adoption and implementation of the FMP is a major Federal action that will have a significant impact on the quality of the human environment. Under the National Environmental Policy Act and NOAA Directive 02-10, a draft environmental impact statement was filed with the Environmental Protection Agency. The notice of availability was published on November 6, 1979 (44 FR 64114). The final environmental impact statement was filed and the notice of availability was published on March 13, 1981 (46 FR 16720).

The final shrimp regulations are not subject to the provisions of the Regulatory Flexibility Act. The provisions of this Act apply only to rules for which a notice of proposed rulemaking was issued on or after January 1, 1981. The proposed rules for shrimp were published on November 7, 1980.

The NOAA Acting Administrator has determined that these regulations are not a major rule under Executive Order 12291. A Regulatory Impact Review has been prepared which analyzes the expected benefits and costs of the regulatory action. The review supports the determination that the final regulations will not likely result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, the shrimp industry, government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. There are increases expected in shrimp landings and shrimp vessel productivity in the Gulf of Mexico, as well as an increase in Federal costs of management. No significant change is expected with regard to the other identified factors.

The Assistant Administrator has determined that the full 30-day period of delayed effectiveness required under the Administrative Procedures Act is unnecessary and contrary to the public interest. The closure of the FCZ (9–200 miles) off the State of Texas is intended to occur concurrently with the closure of the State waters (0–9 miles) by the State of Texas. The State closure usually occurs from June 1 through July 15. Because of the unusually warm weather in the northern Gulf of Mexico this spring, the shrimp in the bays and estuaries are expected to reach 90 mm at an earlier date than usual. The State of Texas is expected to close its waters on May 22 and the FCZ off Texas must be closed to shrimp fishing at the same time to achieve the anticipated benefits of $8.1 million in increased value by harvesting larger shrimp after the expiration of the closed season.

Dated: May 15, 1981.

Terry L. Leitzell,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

50 CFR Parts 611 and 658 are amended as follows:

1. The authority citation for Parts 611 and 658 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

PART 611—FOREIGN FISHING

2. In Part 611, Subpart D is amended by revising § 611.60 including the caption and by adding new §§ 611.61 and 611.62 as follows:

Subpart D—Atlantic, Caribbean, and Gulf of Mexico

§ 611.60 General provisions.

(a) *Purpose.* This subpart regulates:

(1) All foreign fishing conducted under a Governing International Fishery Agreement (GIFA) within the fishery conservation zone (FCZ) in the Atlantic Ocean south of 35°00′ N. latitude, in the Gulf of Mexico, and in the Caribbean Sea; and

(2) All foreign longline fishing conducted under a GIFA which involves the catching of any species of billfishes, sharks, or other fish in the FCZ in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

(b) *Authorized fishery.* (1) *Allocations.* Foreign vessels may engage in fishing only in accordance with applicable national allocations.

(2) *TALFF.* The TALFFs are set forth in Appendix 1 to § 611.20.

(3) *Permitted fishing.* Foreign fishing authorized under this subpart may be conducted only during the seasons, in the open areas, and with the gear specified in §§ 611.61 and 611.62.

(c) *Prohibited species.* (1) All species of fish over which the United States exercises exclusive fishery management authority and for which there is no applicable allocation are prohibited species and shall be treated in accordance with § 611.13. Fish caught in excess of an applicable national allocation are prohibited species.

(2) As a means of rebutting the presumption of § 611.13(c), a vessel may store all prohibited species caught outside the FCZ in a separate part of the hold that can be sealed, and may have its holds inspected and sealed before commencing fishing in the FCZ. Seals affixed during such inspection shall be maintained in an unbroken condition during the time the fishing vessel is in the FCZ. Such inspections may be obtained at Venice or New Orleans, La., Key West, Fla., Mayaguez, P.R., or Norfolk, Va., upon 48 hours advance notification to: Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702 Telephone: 813–893–3141.

(3) Additional ports for hold inspection may be arranged with the Regional Director.

(4) The designation of ports for hold inspections does not modify the port entry arrangements or requirements (if any) of GIFAs or the notification requirements of any other laws or regulations of the United States.

(d) *Open area.* Except for the closed area set forth in paragraph (e) of this section, and paragraph 611.62(b), foreign fishing authorized under this subpart may be conducted in that portion of the FCZ in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea beyond 12 nautical miles from the baseline used to measure the U.S. territorial sea.

(e) *Closed area.* The area known as East and West Flower Garden Banks is closed to foreign fishing. The Flower Garden Banks are located in the Gulf of Mexico approximately 110 nautical miles southeast of Galveston, Texas, and 120 nautical miles south of Cameron, Louisiana. The area encloses a proposed national marine sanctuary, which consists of approximately 257 square nautical miles and comprises the waters overlaying and surrounding those banks to a distance of 4 nautical miles from the 100 meter isobath of each bank. The boundary of the closed area is described by rhumb lines connecting the following points:

Point	Latitude	Longitude
1	27°46.5′N.	93°57.0′W.
2	27°56.0′N.	93°57.0′W.
3	28°04.0′N.	93°32.0′W.
4	27°51.0′N.	93°28.0′W.
5	27°47.0′N.	93°45.5′W.
6	27°46.5′N.	93°57.0′W.

§ 611.81 Atlantic billfish and sharks fishery.

(a) *Purpose.* This section regulates all foreign fishing conducted under a GIFA which involves the catching of any species of billfish or sharks in the FCZ in the Atlantic Ocean, Gulf of Mexico, or Caribbean Sea.

(b) *Open season and closures.* Foreign fishing under this section may be conducted throughout the year, except that any retention of sharks shall terminate when the applicable national allocation has been reached. The closure provisions of § 611.15(a) do not apply to this section.

(c) *Prohibited species.* Unless otherwise specifically instructed by a U.S. observer or Authorized Officer, all billfish and all prohibited sharks must be released by cutting the line (or by other appropriate means) without removing the fish from the water.

(d) *Gear restrictions.* Foreign vessels participating in a directed fishery for sharks must use a minimum sized hook of 7 inches shank length and 2.5 inches gap (distance between tip and shank) when fishing inside the 100-fathom depth contour. There is no hook size restriction seaward of the 100-fathom depth contour.

(e) *Statistical reporting.* (1) In addition to the requirements of § 611.9, a vessel of a nation with an applicable allocation shall submit the following additional quarterly reports:

(i) Catch and effort data, summarized weekly by one degree squares, containing the following information:

(A) Number of hooks set.

(B) Number of sharks caught under allocation.

(C) Number of prohibited species (by species code from Appendix I to § 611.9) caught and released.

(D) Number of prohibited species (by species code) released alive.

(ii) Summary of vessel activities containing the following information:

(A) Permit number of each vessel fishing.

(B) For each successive day of the reporting period, the noon-day location (within 0.1 degree of latitude and longitude) of each vessel in the fishery.

(2) A vessel of a nation with no applicable allocation is exempt from the requirements of § 611.9 (d) and (e), but shall provide the reports required by § 611.9 (f) and (g), when applicable. In addition, a vessel of a nation with no applicable allocation shall submit the quarterly reports described in paragraph (e)(1)(i)(A), (C), and (D), only, and (e)(1)(ii) of this section.

(3) The quarterly reports required by paragraphs (e)(1) and (2) of this section shall be submitted not later than 60 days from the end of the quarter for which the report is being made, to: Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149. Telephone: 305–361–5761.

§ 611.82 Royal red shrimp fishery.

(a) *Purpose.* This section regulates all foreign fishing conducted under a GIFA which involves the catching of royal red shrimp in the FCZ of the Gulf of Mexico.

(b) *Closed areas.* Fishing by foreign vessels for royal red shrimp is prohibited in depths less than 100 fathoms.

(c) *Gear restrictions.* No foreign vessel may use gear other than trawl gear to fish for royal red shrimp, except as specifically authorized in writing by the Regional Director.

3. Appendix 1, section A to 50 CFR 611.9, is amended by adding an entry for royal red shrimp, as follows:

§ 611.9 Reports and recordkeeping.

* * * * *

Appendix I—Species Codes

A. Atlantic Ocean Fishes (Including the Gulf of Mexico)

Code	Common English name	Scientific name
•	•	•
Invertebrates		
630	Shrimp, royal red	Hymenopenaeus robustus.
•	•	•

4. Appendix II to 50 CFR 611.9 is amended by revising the title of statistical area C and of Figure 4 as follows:

* * * * *

Appendix II—Area Codes

* * * * *

C. Gulf of Mexico, and Atlantic fisheries for billfish and sharks.

* * * * *

Figure 4—Gulf of Mexico, and Atlantic fisheries for billfish and sharks.

* * * * *

5. Appendix IV to 50 CFR 611.9, is amended by adding an entry for Royal Red Shrimp as follows:

* * * * *

Appendix IV—Weekly catch report

* * * * *

D. Submission instructions

1. * * *

Fishery	Address	Report received by
•	•	•
Royal red shrimp.	Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Dr., Miami, Florida 33149.	Wednesday, 1900 G.m.t. following reporting period.
•	•	•

6. Appendix I to 50 CFR § 611.20 is amended by adding the following entry "2.B. Royal Red Shrimp Fishery" as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

Appendix I—Optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), domestic nonprocessed fish (DNP), and total allowable level of foreign fishing (TALFF), all in metric tons.

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
2. Atlantic and Gulf Fisheries:									
B. Royal red shrimp fishery.	630		177.8	111.6				0	66.2

7. 50 CFR is amended by adding new Part 658 to read as follows:

PART 658—SHRIMP FISHERY OF THE GULF OF MEXICO

Subpart A—General Measures

Sec.

658.1 Purpose and scope.
658.2 Definitions.
658.3 Relation to other laws.
658.4 Vessels, permits, and fees.
658.5 Recordkeeping and reporting.
[Reserved]
658.6 Vessel identification.
658.7 Prohibitions.
658.8 Enforcement.
658.9 Penalties.

Subpart B—Management Measures

658.20 Fishing year.
658.21 Allowable levels of harvest.
658.22 Tortugas Shrimp Sanctuary.
658.23 Stone crab area closure.
658.24 Texas closure.
658.25 Size restrictions.
658.26 Specifically authorized activities.

Authority: 16 U.S.C. 1801 *et seq.*

Subpart A—General Measures

§ 658.1 Purpose and scope.

(a) The purpose of this Part is to implement the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, developed by the Gulf of Mexico Fishery Management Council under the Magnuson Fishery Conservation and Management Act.

(b) The regulations in this Part govern fishing for brown shrimp, white shrimp, pink shrimp, royal red shrimp, seabob shrimp, and rock shrimp by vessels of the United States within that portion of the Gulf of Mexico over which the United States exercises exclusive fishery management authority.

(c) Regulations governing foreign fishing for royal red shrimp appear in 50 CFR Part 611. Appendix I to § 611.20 contains the total allowable level of foreign fishing for royal red shrimp.

§ 658.2 Definitions.

In addition to the definitions in the Act, the terms used in this Part shall have the following meanings:

Act means the Magnuson fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

Authorized Officer means:

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any certified enforcement officer or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the Coast Guard to enforce the provisions of the Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Center Director means the Center Director, Southeast Fisheries Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149. Telephone 305–361–5761.

Catch, take, or harvest includes, but is not limited to, any activity which results in bringing any shrimp on board a vessel.

Fishery conservation zone (FCZ) means that area adjacent to the territorial sea of the constituent States of the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishery management plan (FMP) means the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico.

Fishing means any activity, other than scientific research conducted by a scientific research vessel, which involves:

(a) The catching, taking, or harvesting of shrimp;

(b) The attempted catching, taking, or harvesting of shrimp;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of shrimp;

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraph (a), (b), or (c) of this definition.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for:

(a) Fishing; or

(b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Gulf of Mexico means the geographic area of authority of the Gulf of Mexico Fishery Management Council.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of that vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer, including, but not limited to, parties to a management agreement, operating agreement, or other similar arrangement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by any person described in paragraph (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen or national of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Regional Director means the Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702, or a designee.

Shrimp means the following species:

Brown shrimp, *Penaeus aztecus*
White shrimp, *P. setiferus*
Pink shrimp, *P. duorarum*
Seabob shrimp, *Xiphopeneus kroyeri*
Rock shrimp, *Sicyonia brevirostris*
Royal red shrimp, *Hymenopenaeus robustus*

United States harvested shrimp means shrimp caught, taken, or harvested by vessels of the United States in the Gulf of Mexico, whether or not such shrimp is landed in the United States.

Vessel of the United States means:

(a) A vessel documented or numbered by the U.S. Coast Guard under United States law; or

(b) Any vessel under five net tons registered under the laws of any State.

§ 658.3 Relation to other laws.

(a) Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities.

(b) The regulations found in this Part are intended to be compatible with regulations pertaining to the Everglades National Park in the State of Florida and Fort Jefferson National Monument. These regulations which prohibit commercial shrimping are found at 36 CFR 7.45 and 36 CFR 7.27, respectively.

(c) Certain responsibilities relating to data collection and enforcement may be performed by authorized State personnel under a cooperative agreement entered into by the State, the U.S. Coast Guard, and the Secretary.

§ 658.4 Vessel permits and fees.

No permit is required for vessels of the United States fishing for shrimp under this Part.

§ 658.5 Recordkeeping and reporting. [Reserved]

§ 658.6 Vessel identification.

(a) *Offical number.* Each vessel of the United States engaged in the shrimp fishery in the Gulf of Mexico FCZ shall:

(1) Display its official number on the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be clearly visible from enforcement vessels and aircraft. The official number is the documentation number issued by the Coast Guard for documented vessels or the registration number issued by a State or the Coast Guard for undocumented vessels.

(2) The official number must be in block arabic numerals in contrasting color to the background.

(3) The official number shall be at least 18 inches in height for fishing vessels over 65 feet in length and at least 10 inches in height for all other vessels.

(4) The official number shall be permanently affixed to or painted on the vessel.

(b) *Duties of operator.* The operator of each fishing vessel shall:

(1) Keep the registration number clearly legible and in good repair, and

(2) Insure that no part of the fishing vessel, its rigging, or its fishing gear obstructs the view of the official number from any enforcement vessel or aircraft.

§ 658.7 Prohibitions.

It is unlawful for any person to:

(a) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, land, or export any shrimp taken or retained in violation of the Act, this Part, or of any other regulation promulgated under the Act;

(b) Trawl in a closed area or during a closed season within the FCZ, except as allowed under § 658.24(a);

(c) Transfer directly or indirectly, or attempt to so transfer, any United States harvested shrimp to any foreign fishing vessel, while such vessel is within the FCZ, unless the foreign fishing vessel has been issued a permit under section 204 of the Act which authorizes the receipt by such vessel of United States harvested shrimp;

(d) Falsify or fail to affix and maintain vessel markings as required by § 658.6;

(e) Refuse to permit an Authorized Officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Act, this Part, or any other regulation issued under the Act;

(f) Fail to comply immediately with enforcement and boarding procedures specified in § 658.8;

(g) Forcibly assault, resist, oppose, impede, intimidate, threaten, or interfere with any Authorized Officer in the conduct of any search or inspection under the Act;

(h) Resist a lawful arrest for any act prohibited by this Part;

(i) Interfere with, delay, or prevent by any means the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this Part;

(j) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search in the process of enforcing this Part;

(k) Interfere with, obstruct, delay, or in any other manner prevent the seizure of illegally taken shrimp or the final disposition of such shrimp through the sale of the shrimp; or

(l) Violate any other provision of this Part, the Act, or any regulation issued under the Act.

§ 658.8 Enforcement.

(a) *General.* The owner or operator of any fishing vessel subject to this Part shall immediately comply with instructions issued by an Authorized Officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for purposes of enforcing the Act and this Part.

(b) *Signals.* Upon being approached by a U.S. Coast Guard vessel or aircraft, or any other vessel or aircraft authorized to enforce the Act, the operator of a fishing vessel shall be alert for communications conveying enforcement instructions. The VHF–FM radiotelephone is the normal method of communicating between vessels. Should radiotelephone communications fail, however, other methods of communicating between vessels, including visual signals, may be employed. The following signals extracted from the International Code of Signals are among those which may be used, and are included here for the safety and information of fishing vessel operators:

(1) "L" meaning "You should stop your vessel instantly,"

(2) "SQ3" meaning "You should stop or heave to; I am going to board you,"

(3) "AA AA AA etc." which is the call to an unknown station, to which the signaled vessel should respond by illuminating the number required by § 658.6, and

(4) "RYCY" meaning "You should proceed at slow speed, a boat is coming to you."

(c) *Boarding.* A vessel signaled to stop or heave to for boarding shall:

(1) Guard Channel 16, VHF–FM, if so equipped;

(2) Stop immediately and lay to or maneuver in such a way as to permit the Authorized Officer and his party to come aboard;

(3) Provide a safe ladder, if required, for the Authorized Officer and his party to come aboard;

(4) When necessary, to facilitate the boarding and/or when requested by an Authorized Officer, provide a man rope or safety line and illumination for the ladder; and

(5) Take such other actions as necessary to ensure the safety of the Authorized Officer and his party and to facilitate the boarding.

§ 658.9 Penalties.

Any person or fishing vessel found to be in violation of this Part is subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act, and to 50 CFR Parts 620 (Citations) and 621 (Civil Procedures), and other applicable law.

Subpart B—Management Measures

§ 658.20 Fishing year.

The fishing year for all species of shrimp, except royal red shrimp, begins on May 1 and ends on April 30. The fishing year for royal red shrimp begins on January 1 and ends on December 31.

§ 658.21 Allowable levels of harvest.

(a) *Catch quotas.* The domestic quota for royal red shrimp is 111.6 metric tons. There is no domestic quota for other species of shrimp.

(b) *Territorial waters.* These regulations do not limit the harvest of shrimp resources in waters landward of the FCZ. However, harvest from these waters will be taken into account in the calculation of the maximum sustainable yield and optimum yield from the fishery.

(c) *Closure.* When the domestic quota for royal red shrimp is reached, the Regional Director shall close the fishery by publishing a notice in the Federal Register.

§ 658.22 Tortugas shrimp sanctuary.

The area commonly known as the "Tortugas Shrimp Sanctuary," off the State of Florida, is closed to all trawl fishing. The area is that part of the fishery conservation zone shoreward of a line connecting the following points (see Figure 1):

Point	Latitude	Longitude	Common name
N	25°52.9'N	81°37.95'W	Coon Key Light.
F	24°50.7'N	81°51.3'W	
Q	24°40.1'N	82°26.7'W	New Grounds Shoals Light.
H	24°34.7'N	82°36.1'W	Rebecca Shoals Light.
P	24°35'N	82°08'W	Marquesas Keys.

§ 658.23 Stone crab area closure.

Between January 1 and May 20, the area described in this paragraph is closed to trawl gear, including live bait gear. The area is that part of the fishery conservation zone shoreward of a line connecting the following points (see Figure 2):

Point	Latitude	Longitude	Common name
B	26°16'N	81°58.5'W	
C	25°00'N	82°04'W	
D	25°09'N	81°47.6'W	
E	24°54.5'N	81°30.5'W	
M	24°41.9'N	81°40.5'W	Snipe Point.

§ 658.24 Texas closure.

(a) *Area and season restrictions.* Between June 1 and July 15, the area described in this paragraph is closed to all trawl fishing, except that a vessel may fish for royal red shrimp beyond

the 100-fathom depth contour. The area is that part of the fishery conservation zone off the State of Texas west of a line connecting point A (29°32.1'N. lat., 93°47.7'W. long.) to point B (26°11.4'N. lat., 92°53'W. long.) (see Figure 3).

(b) *Adjustment of dates.* The Regional Director may adjust the closing or opening date by as much as 15 days, to provide an earlier, later, or longer closure; but the duration of the closure may not exceed 60 days, nor be less than 45 days.

(1) The Regional Director must base an adjustment of the closing or opening date on the following criteria:

(i) Biological data collected by the Texas Parks and Wildlife Department (TPWD) and used to predict when brown shrimp in the central and northern bays of Texas will reach a total length of 80 to 90 mm; and

(ii) The strength of outgoing tides at the time predicted under paragraph (b)(1)(i) of this section; and

(iii) Other ecological data relevant to the timing or duration of the closure.

(2) The Regional Director, after consulting with the TPWD, may adjust the closing or opening date by issuing a field order. The order will specify the adjusted date and the reasons for the adjustment.

(3) A field order advancing the closing date or delaying the opening date must be available to the public for 72 hours before its effective date. A field order delaying the closing date or advancing the opening date must be available to the public for 24 hours before its effective date.

(4) A field order may be made available to the public by any of the following methods:

(i) Procedures customarily used by the TPWD for posting and publicizing similar notices of opening or closure;

(ii) Publication of a notice in a newspaper of major circulation in each of the following cities: Brownsville, TX; Aransas Pass, TX; Galveston, TX; Corpus Christi, TX; Freeport, TX; Port Arthur, TX; Cameron, LA; and Morgan City, LA;

(iii) Notification of shrimp fishery organizations in all the States bordering the Gulf of Mexico;

(iv) Broadcast of a notice at time intervals, channels, and frequencies customarily used by the TPWD to broadcast similar notices of opening or closure.

§ 658.25 Size restrictions.

There are no minimum size requirements for shrimp harvested in the fishery conservation zone.

§ 658.26 Specifically authorized activities.

The Regional Director may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

BILLING CODE 3510-22-M

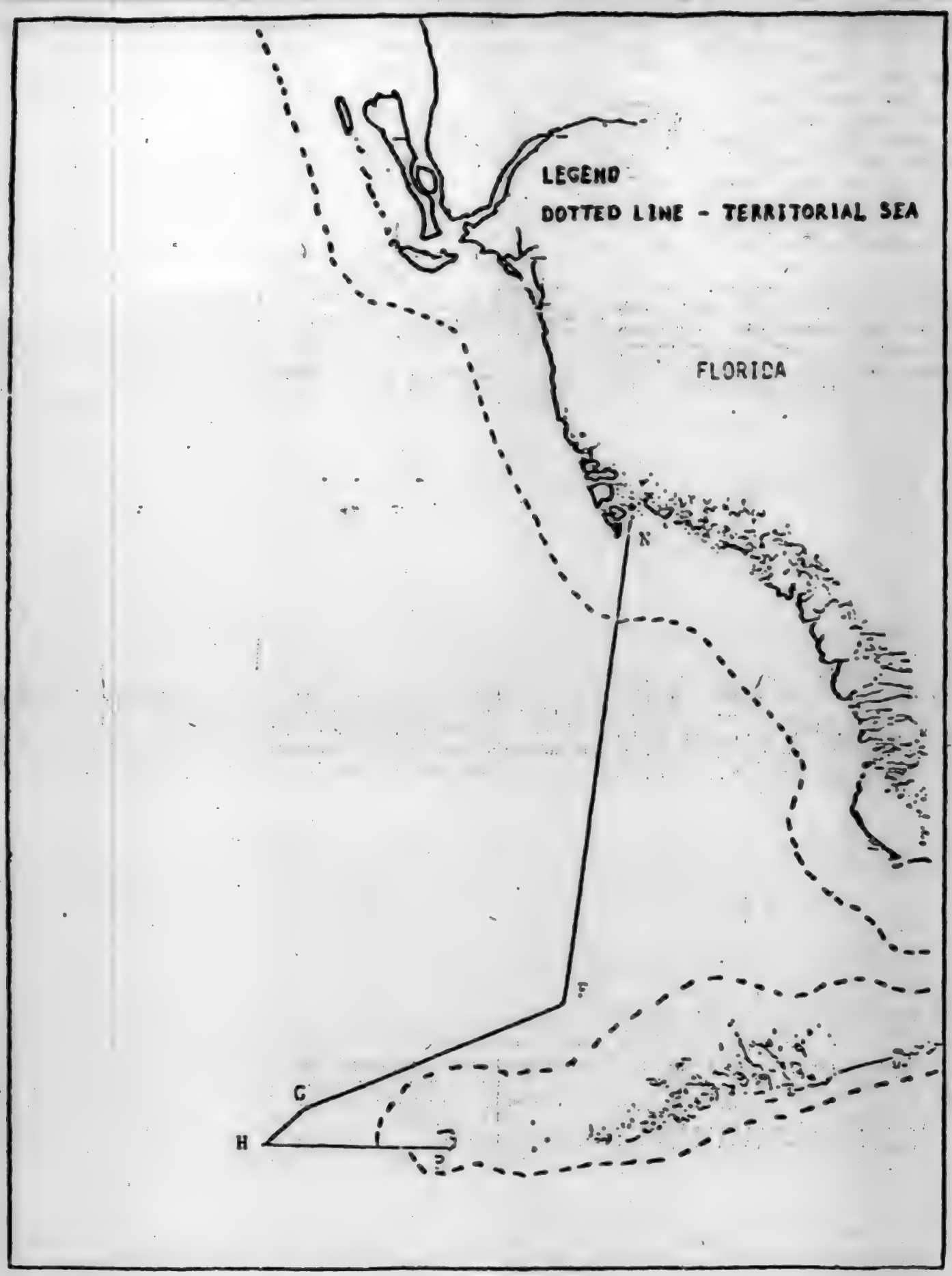

FIGURE 1. LOCATION OF TORTUGAS SHRIMP SANCTUARY.

V 46 / 97 MAY 20 81 UMI

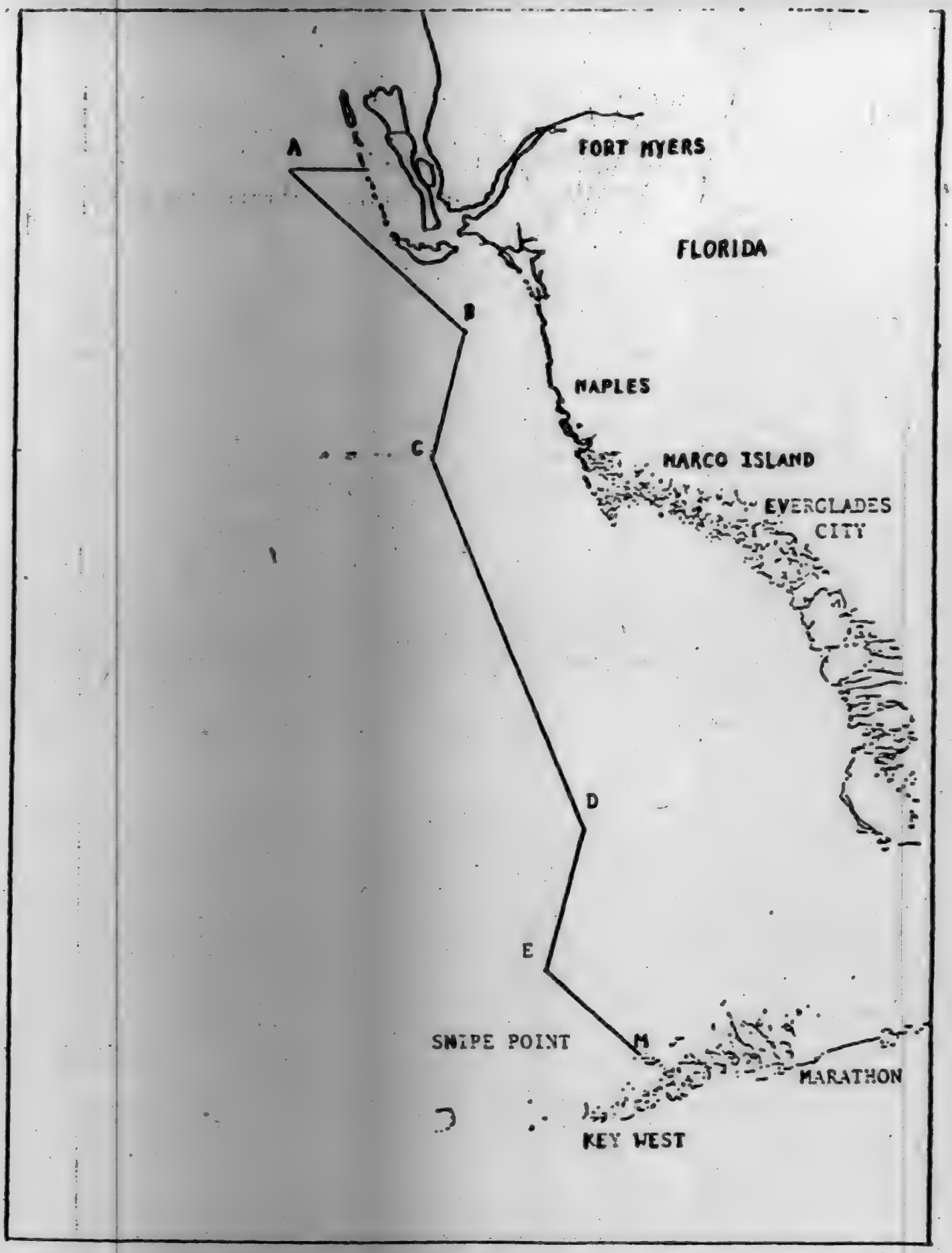

FIGURE 2. AREA CLOSED TO SHRIMPING BETWEEN JANUARY 1 AND MAY 20.

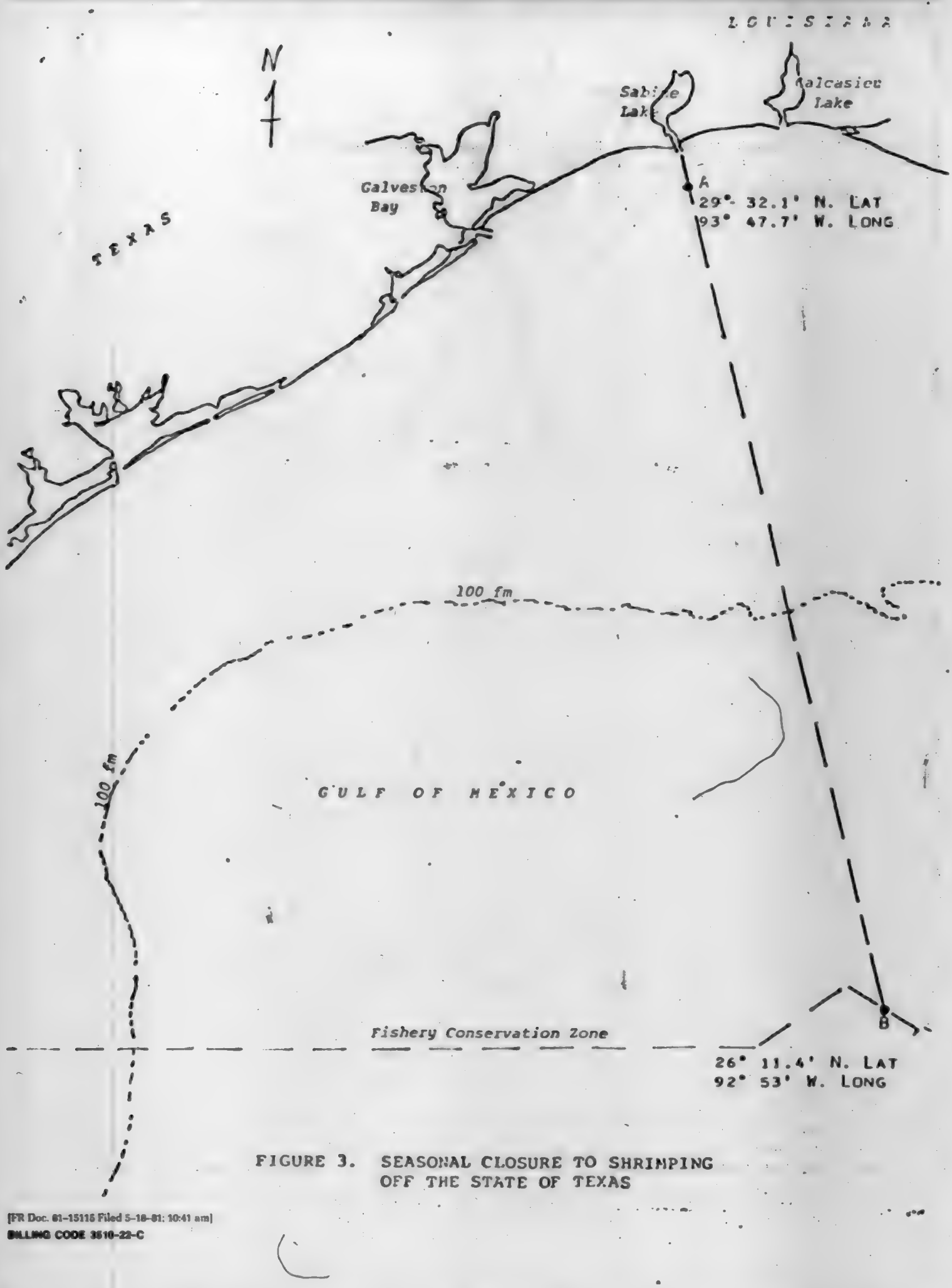

FIGURE 3. SEASONAL CLOSURE TO SHRIMPING OFF THE STATE OF TEXAS

[FR Doc. 81-15115 Filed 5-18-81; 10:41 am]
BILLING CODE 3510-22-C

Proposed Rules

Federal Register
Vol. 46, No. 97
Wednesday, May 20, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1068

[Docket No. AO-178-A37]

Milk in the Upper Midwest Marketing Area; Extension of Time for Filing Briefs

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing briefs.

SUMMARY: This notice extends the time for filing briefs on the hearing held April 14–15, 1981, at Minneapolis, Minnesota, concerning proposals to amend the Upper Midwest milk marketing order. A producers' cooperative association requested more time to review the hearing record and to prepare a brief.

DATE: Briefs are now due on or before June 1, 1981.

ADDRESS: Briefs (4 copies) should be filed with the Hearing Clerk, Room 1077 South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Hearing issued March 9, 1981, published March 13, 1981 (46 FR 16689).

Notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held April 14–15, 1981, at Minneapolis, Minnesota, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Midwest marketing area pursuant to notice issued March 9, 1981 (46 FR 16689) is hereby extended to June 1, 1981.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C. on: May 15, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-15049 Filed 5-19-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 1001

Availability, Public Comment Period, and Workshop on Technical Support Document for the Environmental Requirements Under the Regulations for Licensing Ocean Thermal Energy Conversion (OTEC) Facilities and Plantships

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of availability, public comment period, and workshop on technical support document.

SUMMARY: Pub. L. 96–320, the Ocean Thermal Energy Conversion Act of 1980 ("the Act") is intended to provide a stable legal system and streamlined licensing process to facilitate development of ocean thermal energy conversion (OTEC) facilities and plantships. The National Oceanic and Atmospheric Administration (NOAA) has lead responsibility for implementing the Act and has issued proposed regulations for comment (46 FR 19418, March 30, 1981). Among other things, the proposed regulations require an applicant for an OTEC license to prepare an environmental assessment of potential affects of OTEC operations (§ 1001.260). NOAA has prepared a draft Technical Support Document (TSD) that is intended to provide guidance on the types of specific information and analyses an applicant might wish to provide to satisfy this requirement. This notice announces the availability of the draft TSD, a public comment period and a workshop on the document. Interested persons are invited to request a copy of the draft TSD and to participate in its refinement.

DATES: (1) In order to allow NOAA time to consider comments and prepare a final TSD by the time of issuance of the final OTEC regulations, public comments on the draft TSD should be submitted by June 30, 1981.

(2) NOAA will hold a workshop to discuss issues identified in the draft TSD and to improve its content on Friday, June 12, 1981, between 9:00 a.m. and 12 noon.

ADDRESSES: (1) Requests for copies of the draft TSD should be directed to the Office of Ocean Minerals and Energy, NOAA, Page 1 Building, Room 410, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235 (telephone 202–254–3483).

(2) Written comments on the draft TSD should be directed to Robert W. Knecht, Director, Office of Ocean Minerals and Energy (address above).

(3) The location of the June 12 public workshop on the draft TSD will be Room 6802, Department of Commerce Building, 14th Street between Pennsylvania and Constitution Avenues, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Richard Norling or Edward P. Myers, Office of Ocean Minerals and Energy, NOAA, Telephone: 202–254–3483.

Dated: May 14, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 81-15038 Filed 5-19-81; 8:45 am]

BILLING CODE 3510-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A2-FRL-1831-6]

Approval and Promulgation of Implementation Plans; Proposed Revision to the New York State Implementation Plan; Reopening of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: General notice to reopen comment period.

SUMMARY: Today's notice reopens for an additional 30 days the comment period on a July 31, 1980 notice of proposed rulemaking (45 FR 50832). This notice concerned a request from the State of New York to revise its State Implementation Plan to allow the Long Island Lighting Company to continue using fuel oil with a maximum sulfur content of 2.8 percent, by weight, in units 1, 2, and 3 of its Northport generating facility and in units 3 and 4 of its Port Jefferson generating facility. The public comment period is being reopened to allow additional comment on an air quality modeling analysis recently submitted by the New York State Department of Environmental Conservation in support of its request.

DATES: The comment period is extended to June 19, 1981.

ADDRESSES: Written comments should be addressed to: Richard T. Dewling, Ph. D., Acting Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION: This notice reopens for an additional 30 days the comment period on a July 31, 1980 notice (45 FR 50832) proposing approval of a request from the State of New York to revise its State Implementation Plan (SIP). The revision would allow the Long Island Lighting Company (LILCO) to continue using fuel oil with a maximum sulfur content of 2.8 percent, by weight, in units 1, 2, and 3 of its Northport generating facility and in units 3 and 4 of its Port Jefferson generating facility, for a maximum period of three years from the date that a final rulemaking notice is published. The current fuel oil sulfur content regulatory limitation applicable to these facilities is 1.0 percent, by weight. The Environmental Protection Agency (EPA) has not taken final action on the New York State request.

On August 28, 1980 the State of Connecticut filed a petition pursuant to Section 126 of the Clean Air Act, objecting to the proposed approval of the New York SIP revision and claiming that approval would violate the provisions of Section 110(a)(2)(E) of the Clean Air Act. Section 126 of the Clean Air Act provides a mechanism for any state or political subdivision to petition the EPA to determine, after public hearing, whether emissions from a major pollution source in another state would prevent the petitioning state from attaining or maintaining ambient air quality standards or would interfere with measures required to be included in the petitioning state's SIP to prevent significant deterioration of air quality or protect visibility. In response to several air quality modeling issues identified by the Connecticut Department of Environmental Protection during proceedings on its Section 126 petition, on April 16, 1981 the New York State Department of Environmental Conservation submitted a supplemental air quality modeling analysis. The public comment period is being reopened today to allow additional comments on this supplemental analysis of LILCO's sulfur oxide impact on Connecticut.

EPA's final action on the pending New York SIP revision will consider the additional information being made available today and comments received on this additional information.

Dated: May 13, 1981.

(Section 110, 172 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601))

Richard T. Dewling,

Acting Regional Administrator, Environmental Protection Agency.

[FR Doc. 81-15040 Filed 5-19-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1824-L 1]

Approval and Promulgation of Implementation Plans; Florida: Revision to Opacity Limits at Monsanto Textile Co., Pensacola, Fla.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On December 19, 1979, the State of Florida submitted to EPA, as a plan revision, an amendment to Section 17–2.05 (6) Table II, E, Florida Administrative Code. The amendment allows increasing the opacity emission limit for two boilers owned by Monsanto Textile Company, Pensacola, Florida from 20% to 30% during times when the boilers are burning organic waste materials. EPA proposes to approve the revision and the public is invited to comment on the proposed action.

DATES: To be considered, comments must be received on or before June 19, 1981.

ADDRESSES: Written comments should be addressed to Archie Lee of EPA Region IV's Air Programs Branch (See EPA Region IV address below). Copies of the materials submitted by Florida may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

Florida Bureau of Air Quality Management, Department of Environmental Regulations, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301.

FOR FURTHER INFORMATION CONTACT: Archie Lee, Air Programs Branch, EPA Region IV of the above address, 404/881–3286 or FTS 257–3286.

SUPPLEMENTARY INFORMATION: For the past several years, Monsanto has been disposing of organic wastes by injection well. The company has been conducting an extensive research and development program over the past several years to find an alternative to such disposal. Of the alternatives investigated by the company, most appear to be either less environmentally sound or less practicable than combustion as proposed. Monsanto has conducted test burns of the waste in existing oil-fired boilers at the plant. These tests indicate that existing mass emission rates will not be violated when the waste materials are burned in the boilers; in fact the amounts of total suspended particulates (TSP) and NO_x discharged are expected to be at the same levels as those resulting when oil alone burned. However, the existing standard of 20% opacity cannot be met. Therefore, Monsanto filed a petition to initiate rulemaking with the Florida Department of Environmental Regulation, seeking an amendment of the limitation for visible emissions to allow disposal as boiler fuel. The amendment proposed today does not relax any mass emission limits, but allows the higher visible emission limit of 30% opacity during the time that boilers are burning organic waste material previously disposed of in injection wells (a density of 40% opacity is permitted not more than two minutes in any one hour). This amendment was passed by the Florida Environmntal Regulation Commission on October 17, 1979.

Economic benefits indicated by the tests show that burning a portion of the waste will remove approximately 50% of the acid content and 40% of the organics at a cost of 6 million dollars; this opposed to a projected cost of 95 million dollars to treat 100% of the waste by

increasing industrial waste operations. In addition, an estimated 30,000 barrels of oil per year will be conserved.

Since the mass emission limits will not be violated when burning the waste material and since the burning of the material in the boilers will not cause an increased impact on the ambient air quality around the Monsanto plant, it is EPA's position that the revised opacity limit should be approved. Therefore, EPA is today proposing to approve the Florida revision.

It should also be noted that EPA has recently received and soon will be proposing action on testing methods and procedures for the State of Florida which would also apply to this facility. EPA will process both of these actions on a schedule as concurrently as possible.

The public is invited to participate in this rulemaking action by submitting written comments. After reviewing pertinent comments and all other information available to him, the Administrator will take final action on the Florida revision.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator certified 46 FR 8709 that this proposal rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements. In addition, this action only applies to one facility.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only eases the burden of control on a single plant.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: April 24, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-15047 Filed 5-19-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR PART 52

[A-4-FRL 1824-4]

Approval and Promulgation of Implementation Plans; Georgia: Order on Units 1 and 2 of Georgia Power Co.'s Plant Bowen

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing approval of a State implementation plan revision submitted by the Georgia Environmental Protection Division pursuant to section 110 of the Clean Air Act. The revision consists of a modified order which imposes special operating conditions (including reduced load) and a correlated opacity limit (25% initially) on Units 1 and 2 of Georgia Power Company's Plant Bowen, at Taylorsville, Georgia, until such time as additional control equipment can be installed at the two units. This order is a modification of the previous order in that it requires the company to determine compliance with the visible emission limitation by a modified calculation procedure. The order is designed to assure that these units will remain in compliance with the State's particulate limiting regulations while the new control equipment is being installed. Under the order, installation is to be complete on Unit 1 by January 1, 1982, and on Unit 2 by July 1, 1981.

DATE: Comments must be received by June 19, 1981, to be considered.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the material submitted by Georgia may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Georgia Department of Natural Resources, Environmental Protection Division, 270 Washington Street SW., Atlanta, Georgia 30334.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Barry Gilbert at the EPA Region IV address above or call 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: Following notice and public hearing in conformity with 40 CFR 51.4, the Georgia Environmental Protection Division on May 16, 1979, issued an order to the Georgia Power Company for coal-fired Units 1 and 2 of its Plant Bowen; the Company had consented to the order on May 11, 1979. The order was submitted to EPA as a proposed implementation plan revision on the date of its issuance. On January 3, 1980, EPA approved the order (45 FR 781).

On December 18, 1980, the EPD submitted a revised order to EPA for approval. The revised order was signed by Georgia Power Company on November 5, 1980, and issued by EPD on November 17, 1980. The revision modifies the May 16, 1979, order (approved by EPA on January 3, 1980). The modification affects only the method used to calculate the opacity limit and the number of exceedances of the limit. The significant modifications to the order are outlined herein.

The following sentence was in the May 16, 1979, order but was not included in the November 17, 1980, modified order: "Each individual six (6) minute opacity value is to be used for determining compliance with the forty (40) percent six (6) minute period opacity limitation of Reg. 391-3-1-.02(2)(b)."

The word "unexcluded" was added to the following sentence in the November 17, 1980, order: "An hourly period opacity (which shall be used to determine compliance with the applicable correlated opacity limit) shall be determined every six (6) minutes by averaging the last ten (10) unexcluded six (6) minute opacity values."

The following paragraphs from the order explain the method used to determining compliance with the visible emission limit:

"For the purpose of determining compliance with the applicable correlated opacity limit, and thus, compliance with Rule 391-3-1-.02(2)(d), a running hourly average of the previous ten (10) six (6) minute opacity values shall be used until a violation of the correlated hourly opacity limit occurs."

"After a violation occurs, the maximum six (6) minute opacity value within the hour of the violation will be excluded from all subsequent hourly opacity calculations which would normally include that value. Subsequent hourly opacities shall be based on the ten (10) most recent unexcluded six (6) minute opacity values. With each succeeding violation of the hourly correlated opacity limit, the next highest six (6) minute opacity value of the ten (10) six (6) minute opacity values used, shall also be excluded from subsequent hourly opacity calculations. This procedure shall be used until ten (10) consecutive six (6) minute opacity values are once again used to determine the hourly opacity."

The Agency has carefully reviewed the November 17, 1980, modified order and has determined its terms are adequate to assure compliance.

ACTION: EPA is today proposing to approve the SIP revision and is soliciting public comment on the revision.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has

certified (46 FR 8709) I hereby certify that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the Federal-State relationship, Federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper. In addition, this action only applies to one facility.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it affects only the manner in which a single source is to demonstrate compliance.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 110 of the Clean Air Act, as amended (42 U.S.C. 7410))

Dated: April 24, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-15046 Filed 5-19-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1823-6]

Approval and Promulgation of Implementation Plans; Kentucky: Bubble Action for National Distillers Co., Old Crow Plant, in Woodford County, Ky.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The Kentucky Department for Natural Resources and Environmental Protection has submitted a State Implementation Plan (SIP) revision according to U.S. EPA's Alternative Emission Reduction Policy (bubble policy).

Kentucky proposes to alter the allowable particulate emission limits for three boilers at the National Distillers Company, Old Crow Plant, in Woodford County. After reviewing Kentucky's request, EPA finds that the altered emission limits provide a net air quality benefit, and is consistent with EPA's bubble policy. EPA herein proposes to approve the Kentucky SIP revision.

DATE: Comments must be received by June 19, 1981, to be considered.

ADDRESSES: The Kentucky submittal may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Environmental Protection Agency, Air Programs Branch, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution Control, W. Frankfort Office Complex, 1050 U.S. 127 South, Frankfort, Kentucky 40601

FOR FURTHER INFORMATION CONTACT: Melvin Russell of the Air Programs Branch at the EPA, Region IV address above or call (404) 881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On December 24, 1980, EPA received a SIP revision from the Commonwealth of Kentucky, proposing to use the bubble concept for particulate emissions from three boilers at the National Distillers Company, Old Crow Plant in Woodford County. The three boilers are presently required to meet an allowable emission limit of 0.4 lb/MBTU. The proposed plan would lower the allowable emission limit for two 25 MBTU/hr boilers from 0.4 lb/MBTU to 0.3 lb/MBTU, and raise the emission limit for one 100 MBTU/hr boiler from 0.4 lb/MBTU to 0.413 lb/MBTU. The following table and analysis further clarifies the effect of Kentucky's proposal:

Boiler size	Pounds per MBtu		
	Present allowable emissions	Proposed allowable emissions	Actual emissions
25 MBtu/hr	0.4	0.3	0.25
25 MBtu/hr	0.4	0.3	0.25
100 MBtu/hr	0.4	0.413	0.413
Total plant allowable	0.4	0.375	
Total actual			0.345

The new total plant allowable of 0.375 lb/MBTU is less than the old total plant allowable of 0.4 lb/MBTU, and air quality modeling submitted by Kentucky indicates that enacting this bubble proposal will provide a net air quality benefit. The plant was modeled at the proposed allowables and the previous allowables used in the CRSTER model. The modeling revealed a decrease and the maximum annual mean concentration and the maximum 24-hour concentration. There was no consumption of increment since there is no increase in actual emissions. Under conditions of the permit to be issued by Kentucky to the National Distillers Company: (1) Particulate emissions from the 100 MBTU/hr boiler shall not exceed .413 lb/MBTU (2) particulate emissions from either 25 MBTU/hr boiler shall not exceed 0.3 lb/MBTU.

ACTION: EPA is today proposing to approve the SIP revision submitted by Kentucky and is soliciting public comment on the revision. (See *Dates* above for comment period.)

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified (46 FR 8709) (NMS) that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements. Moreover, due to the nature of the Federal-State relationship, Federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not result in additional costs to the industry or consumers. Moreover, only one plant is affected, and it makes no additional demands on the resources of the industry or any government entity.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: March 24, 1981.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 81-15046 Filed 5-19-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-1-FRL-1822-3]

State Implementation Plan (SIP); Massachusetts Revisions; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The purpose of this Notice is to propose to supplement the rulemaking published on September 16, 1980 (45 FR 61293) approving the State Implementation Plan (SIP) revisions for Massachusetts which were submitted by the Massachusetts Department of Environmental Quality Engineering on December 31, 1978; May 16, September

19 and November 13, 1979; and March 20, 1980. Certain regulations which were included in these revisions, but not specifically referenced in the September 16 publication, are the subject of this correction. EPA is proposing to approve Regulation 310 CMR 7.18(1)(a) and (b), and 310 CMR 7.18(2)(a) and (c), and is proposing to take no action on Regulation 310 CMR 7.18(2)(b). In addition, EPA is proposing to include as part of the official Massachusetts SIP materials dated December 7, 1979 and April 7, 1980 which were inadvertently not included by EPA in the September 16, 1980 final rulemaking package submitted to the Federal Register.

DATE: Comments are due on or before June 19, 1981.

ADDRESSES: Send comments to Harley F. Laing, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203.

Copies of the SIP revisions are available for public inspection during normal business hours at the Air Branch, Air and Hazardous Materials Division, Room 1903, J. F. Kennedy Building, Boston, Massachusetts 02203; the Public Information Reference Unit, Room 2404 (EPA Library), 401 M Street, SW, Washington, DC 20460; and the Division of Air Quality Control, Department of Envrionmental Engineering, One Winter Street, Boston, Massachusetts 02110.

FOR FURTHER INFORMATION CONTACT: John L. Hanisch, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, (617)223-5630.

SUPPLEMENTARY INFORMATION: On September 16, 1980 (45 FR 61293) EPA published final rulemaking approving, in part, SIP revisions for the Commonwealth of Massachusetts, which were designed to meet the requirements of Part D (Plan Requirements for Non-Attainment Areas) and certain other sections of the Clean Air Act (the Act), as amended in 1977. In that rulemaking, EPA either approved or conditionally approved, among other things, Regulations 310 CMR 7.18 (3) through (9); however, EPA did not specifically address Regulations 310 CMR 7.18 (1) and (2). Regulation 310 CMR 7.18 deals with the control of volatile organic compounds (VOCs), which was discussed extensively. The subject of this proposed rulemaking is subsections (1) and (2) of that regulation.

Regulation 310 CMR 7.18(1)(a) states that all of Regulation 7.18 is applicable throughout Massachusetts. Because the entire Commonwealth has been designated non-attainment for ozone, statewide application of the regulation is appropriate. Subsection (1)(b) of this regulation exempts from state control methane, ethane, 1,1,1-Trichloroethane (Methyl chloroform), and trichlorotrifluoroethane (Freon 113). These volatile organic compounds, while not appreciably affecting ambient ozone levels, are potentially harmful in other respects. Both methyl chloroform and methylene chloride have been identified as mutagenic in bacterial and mammalian cell test systems, which raises the possibility of human mutagenicity and/or carcinogenicity.

With the exemption of these compounds, some sources, particularly existing degreasers, will be encouraged to utilize methyl chloroform in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl chloroform in amounts far exceeding those of other solvents. Endorsing the use of methyl chloroform by exempting it in the SIP revision can only further aggravate the problem by increasing the emissions produced by the existing primary degreasers and other sources.

EPA is concerned that the State has chosen this course of action without full consideration of the total environmental and health implications. EPA does not intend to disapprove the State SIP submittal if, after due consideration, the State chooses to maintain these exemptions. However, the Agency is concerned that this policy not be interpreted as encouraging either the increased use of these compounds or compliance by substitution. EPA does not endorse such approaches. Furthermore, State officials and sources should be advised that there is a strong possibility of future regulatory action to control these compounds. Sources which choose to comply by substitution may well be required to install control systems as a consequence of these future regulatory actions.

Proposed Action

EPA is proposing to approve Regulation 310 CMR 7.18, subsections (1) (a) and (b).

Regulation 310 CMR 7.18(2), Compliance with Emission Limitations, is divided into three subsections. Subsection (a) stipulates that source categories that surface coat metal furniture, metal cans, large appliances and magnet wire (regulations which were discussed in the proposal and the final rulemaking cited above) must achieve full compliance with the applicable emission limitations no later than July 1, 1980 or provide adequate justification for an extended schedule.

This schedule specified in Regulation 310 CMR 7.18(2)(a) is consistent with EPA policy.

Proposed Action

EPA is proposing to approve Regulation 310 CMR 7.18(2)(a). Regulation 310 CMR 7.18(2)(b) provides for owners of VOC categories covered by subsections (3) through (7) to propose a plan containing a mix of emission limits so that the total emissions that would result from adding together each of the individual coating lines is less than or equal to the sum of emissions which result from the application of emission limitations specified in subsections (3) through (7). In EPA parlance, this procedure is called "bubbling". On January 23, 1980 the Massachusetts Department of Environmental Quality Engineering notified EPA of its intent to hold public hearings in mid-February on revisions to Regulation 310 CMR 7.18. Among other actions, Massachusetts is proposing to make other VOC source categories eligible for "bubbling". Because of the broader category applicability of this proposed new regulation, EPA and the State have agreed that EPA should take no action on this subsection at this time and will be proposing rulemaking on the revised bubble regulation in the near future.

Proposed Action

EPA is proposing to take no action on 310 CMR 7.18(2)(b) at this time.

Regulation 310 CMR 7.18(2)(c) requires sources regulated under Regulation 310 CMR 7.18 in its entirety to perform testing, at the request of the state, to demonstrate compliance with the Regulation. This requirement is consistent with other state compliance assurance regulations and is a mechanism acceptable to EPA.

Proposed Action

EPA is proposing to approve Regulation 310 CMR 7.18(2)(c). The December 7, 1979 submittal includes a list of Reasonably Available Control Measures with completion dates as well as the official submittal of the State's enabling legislation for the automobile Inspection/Maintenance Program. The April 7, 1980 submittal includes a revised list of Reasonably Available Control Measures with revised completion dates. Both submittals were

inadvertently left out of the official revision package materials submitted to the **Federal Register** with the September 16, 1980 Final Rulemaking Notice (45 FR 61293), but the information contained in these submittals was discussed in the notice.

Proposed Action:

EPA is proposing to include these two supplemental submittals in the official Massachusetts SIP revision record.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements. Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the state actions would serve no practical purpose and could well be improper.

Under Executive Order 12291 EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves state actions and imposes no new requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: April 6, 1981.

Leslie Carothers,

Acting Regional Administrator.

[FR Doc. 81-15140 Filed 5-19-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Docket No. 80-756]

Digital Communications Protocols; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry, extension of reply comment period.

SUMMARY: The Commission extends the date for the filing of reply comments to the Notice of Inquiry in General Docket No. 80-756, Digital Communications Protocols, released December 8, 1980. This action is taken in response to a motion filed by Computer and Bureaus Equipment Manufacturers Association.

DATES: Reply comments are now due on or before July 1, 1981.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael J. Marcus, Technical Planning Staff, Office of Science and Technology, 2025 M Street NW., Washington, D.C. 20554, (202) 632-7073, room 7002.

Order Extending Time for Filing Comments

Adopted: May 4, 1981.

Released: May 6, 1981.

1. On May 1, 1981 the Computer and Bureaus Equipment Manufacturer Association (CBEMA), by its attorneys, pursuant to Section 1.46 of the Commission's rules and Regulations, 47 CFR § 1.46, filed a request to extend the time for filing replies to comments to June 1, 1981 in the above-captioned matter. Replies to comments on the Notice of Inquiry in this matter, released by the Commission on December 8, 1980 General Docket No. 80-756 (45 FR 84140; 12-22-80)[1] are currently due on or before May 15, 1981.

2. CBEMA argues that the sixteen entities commenting on the above-captioned matter addressed several extremely complex issues and therefore more time is needed to analyze them, refocus the comments on the issues at hand, review the results with technical experts, and draft, disseminate and review the subsequent reply. In particular, a trade association of manufacturers of data processing and office equipment and data processing services, CBEMA is less able to respond as rapidly as a single entity. CBEMA and its members also have vital interest in the final Commission decision in this matter. CBEMA therefore requested a delay of two weeks in reply comments stating it would not work a hardship on any of the parties involved.

3. In our preliminary review of the comments we have observed that several address the questions of the Inquiry in great technical detail, while others do not directly address the questions that were specifically asked. The Commission feels that extending the reply period would give all parties adequate time to reply to the very technical comments in the record and to focus on the questions addressed in the Inquiry. Therefore, for the above reasons and because we do not anticipate harm to any party, the request for extension of the comment period is granted.

Therefore, It is ordered, pursuant to § 0.241(d) of the Commission's Rules and Regulations, That the date for filing replies to comments in this proceeding is extended. The deadline for filing reply comments is now July 1, 1981.

Federal Communications Commission.

S. J. Lukasik,

Chief Scientist.

[FR Doc. 81-14990 Filed 5-15-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Editorial note: This document was originally published in the notices section of the **Federal Register** and should have appeared in the proposed rule section.

Notices

Federal Register
Vol. 46, No. 97
Wednesday, May 20, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Barstow Sales Yard, Barstow, California, et al.; Proposed Posting of Stockyards

The Chief, Rates and Registrations Branch, Packers and Stockyards, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

CA–175—Barstow Sales Yard, Barstow, California
KY–167—Tri County Stockyard, Smithfield, Kentucky
MO–253—Charleston Auction Company, Charleston, Missouri
TX–323—Jay Rippy, Inc., d/b/a Cattleman's Livestock Commission Co., Dalhart, Texas
VA–153—Blackstone Livestock Market, Blackstone, Virginia

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Rates and Registrations Branch, Packers and Stockyards, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, by June 4, 1981.

All written submissions made pursuant to this notice shall be made available for public inspection in the Office of the Chief of the Rates and Registrations Branch during normal business hours.

Done at Washington, D.C., this 15th day of May, 1981.

Jack W. Brinckmeyer,
Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81–15861 Filed 5–19–81; 8:45 am]

BILLING CODE 3410–02–M

Reed's Auction, Hayward, Calif., et al.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
CA–131—Reed's Auction, Hayward, California.	May 19, 1961.
CA–147—Del Stoneburner Livestock Auction, Petaluma, California.	May 1, 1964.
TX–148—G. & J. Cattle, Inc., d/b/a Corsicana Livestock Market, Inc., Corsicana, Texas.	Jan. 11, 1957.
VA–103—Blackstone Livestock Market, Blackstone, Virginia.	Mar. 9, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly depositing a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register**. This notice shall become effective May 20, 1981.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 15th day of May 1961.

Jack W. Brinckmeyer,
Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81–15862 Filed 5–19–81; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF COMMERCE

International Trade Administration

Imported Steel Mill Products Trigger Price Mechanism: Third Quarter 1981 Trigger Prices

AGENCY: International Trade Administration, Commerce.

ACTION: Announcement of Third Quarter 1981 Trigger Price Levels.

SUMMARY: The Department of Commerce announces that third quarter 1981 trigger price bases and extras for most steel mill products covered by the steel trigger price mechanism (TPM) will be unchanged from their second quarter levels. The Department uses trigger prices to monitor the prices of steel mill product imports for possible initiation of dumping investigations.

FOR FURTHER INFORMATION CONTACT: F. Lynn Holec, Director, Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, (202) 377–3793.

SUPPLEMENTARY INFORMATION: On October 8, 1980 (45 FR 66833), the Department of Commerce published its intention to reinstate the TPM. The Department began its monitoring of all imported basic steel mill products entering the United States on October 21, 1980.

Third quarter 1981 trigger price bases and extras for those steel mill products manufactured principally by integrated steel producers will not change from their second quarter 1981 trigger price levels (see Table 3 for a list of third quarter trigger prices).

Base trigger prices and extras of those steel mill products manufactured principally by electric furnace producers will decline depending on the product, from 1.0 percent to 2.6 percent from their second quarter levels: base trigger prices and extras for Group A (Equal Angle) electric furnace products will be 1.0 percent lower than the second quarter levels; Group B (Flat Bars) will decline 1.3 percent; and Group C (Rebars) will decline 2.6 percent. The base trigger prices and extras for wire nails and for stainless steel wire products will be 0.9 percent higher than the second quarter 1981 levels.

For its calculation of trigger price levels, the dollar/yen exchange rate the

Department uses to convert Japanese steel producers' yen-denominated production costs to dollars is the average of the 36 months preceding the calculation and publication of the quarter's trigger price levels. On this basis, the exchange rate used in the Department's third quarter 1981 production cost estimate is 216 yen to the dollar (the yen/dollar exchange rate average for May 1978 through April 1981). The Department used a 218 yen/dollar exchange rate average (the average for February 1978 through January 1981) for the second quarter 1981 trigger price calculation.

Production Costs

Integrated Producers

The estimated average production cost for the six major Japanese integrated steel producers calculated for third quarter 1981 was 0.3 percent higher than for the previous quarter. This slight increase did not justify a change in third quarter trigger prices over their second quarter levels (see Table 1 for a comparison of second and third quarter production costs).

The 0.3 percent increase in the average production cost of basic steel mill products reflects offsetting changes in the components of steel production costs as well as a slight appreciation of the Japanese yen relative to the U.S. dollar. A major change in the basic raw materials component was a decrease in the usage rate for fuel oil as the Japanese mills have continued to convert to oil-less blast furnaces. The cost saved by this movement away from the use of fuel oil was partly offset by an increased usage of coking coal. Because new contract prices for iron ore and for labor were largely accounted for in the second quarter revisions, only minor adjustments in these factor prices were necessary for the third quarter calculations. The changes to these input costs appear to be consistent with published information.

The negotiations for new coking coal contracts have not been completed between the Japanese steel companies and their major suppliers. Consequently, the Department's second quarter estimate for coking coal costs, which reflected an estimate for the new contract price, has remained unchanged for the third quarter calculations.

Electric Furnace Producers

The decreases in the production costs of the main Japanese electric furnace producers result mainly from decreases in the purchased scrap component of basic raw materials. This decrease was moderated somewhat by the slight appreciation of the yen relative to the dollar and by an increase in hourly labor costs reflecting the completion of labor contract negotiations.

The larger decrease in Group C production costs compared to the smaller decreases for Group A and Group B results from an adjustment in the yield factor in addition to the changes mentioned above. This adjustment was necessary in order to correct an error in the first quarter and second quarter 1981 calculations.

Stainless Steel Wire and Wire Nail Production Costs

Commerce's dollar-valued estimate of the current production costs of Japan's stainless steel wire and wire nail producers increased by 0.9 percent over the second quarter 1981 level. The third quarter 1981 production cost increase is due entirely to the appreciation of the yen relative to the dollar.

Other Charges

TPM trigger prices are an estimate of the production costs of Japanese steel manufacturers plus the cost of transporting and landing the steel in the United States; hence, to the production costs described above and reflected in trigger price bases and extras must be added charges for freight, interest, handling and insurance. These charges have not changed from their second quarter 1981 levels.

Trigger Prices for Products Added, April 8

On April 8, 1981 (46 F.R. 21045) the Department announced its decision to extend trigger price coverage to grain oriented electrical steel sheets with widths greater than 34 inches, music spring quality wire, and ERW standard pipe in sizes not previously covered. These products will be covered by trigger prices beginning with third quarter 1981 and their trigger price levels are provided in Table 4.

Adjustment of the Levels of Certain Trigger Price Extras and Clarification of Trigger Price Coverage

The Department is making certain clarifications to trigger price coverage in the *Third Quarter TMP Price Manual* and minor corrections to the levels of trigger price extras for certain products. The Department adjusted the level of certain trigger price extras to correspond with adjustments it made to the level of the trigger price bases for these products in the second quarter of 1981. Revised pages from the new Manual are issued as part of this notice (see Table 4).

Third Quarter 1981 Trigger Price Manual

Copies of the *Third Quarter 1981 TPM Price Manual* may be purchased from the Publications Sales Branch, Room 1617, U.S. Department of Commerce, Washington, D.C., 20230 for $10.00.

Table 1.—*Japanese Production Cost Estimate: Integrated Steel Producers, Second and Third Quarters, 1981*

(U.S. dollars per metric ton of finished product)

	2d quarter	3d quarter
Basic raw material	168.08	167.69
Other raw material	83.77	84.56
Labor	104.13	108.70
Other expenses	30.47	30.54
Depreciation	33.99	33.13
Interest	28.66	27.88
Profit [1]	30.92	31.16
Yield credit	(13.60)	(13.84)
Total cost ($/M.T.)	466.22	467.81
Total cost ($/N.T.)	422.96	424.39

[1] Profit = .08 (All raw materials plus labor plus "other expenses")

Table 2.—*Japanese Steel Production Cost Estimates: Electric Furnace Products Third Quarter 1981 and Second Quarter 1981*

	Group A [1]		Group B [2]		Group C [3]	
	2d quarter	3d quarter	2d quarter	3d quarter	2d quarter	3d quarter
Basic raw materials	$191.81	$186.12	$203.94	$198.97	$196.34	$187.45
Other raw materials	41.75	41.94	44.49	44.70	40.41	39.76
Labor	30.63	33.00	33.74	36.10	27.90	29.27
Other expenses	12.63	12.75	17.38	17.54	15.64	15.78
Depreciation	7.56	7.63	8.03	8.11	8.19	8.26
Interest	10.91	11.01	10.88	10.98	10.71	10.81
Profit [4]	22.16	21.90	23.96	23.69	22.42	21.76
Scrap credit	(3.20)	(3.07)	(2.93)	(2.80)	(2.76)	(2.65)
Total ($/M.T.)	314.45	311.28	340.49	336.23	318.85	310.47
Total ($/N.T.)	285.27	282.39	308.89	305.02	289.26	281.66

[1] Group A products are equal angles, unequal angles, channels, and I-beams.
[2] Group B products are hot rolled strip from bar mills; merchant quality flat bars, hot rolled round bars, squares, and round cornered squares; and bar size channels.
[3] Group C products are concrete reinforcing bars, plain and deformed.
[4] Profit = .08 (Raw materials + labor + other expenses).

Table 3.—*Product Base Prices for Shipment Exported During Third Quarter 1981*

[All figures in dollars per metric ton]

Page [1]	Product	Third quarter 1981 base prices
2-1	Wire Rods Commercial Quality	360
2-2	Wire Rods Welding Quality	368
2-3	Wire Rods High Carbon	429
2-6	Wire Rods Cold Heading Quality	448
2-7	Wire Rods Cold Finished Bar Quality	465
2-9	Mo Alloy Steel Wire Rod	662
2-12	High Carbon Steel Wire Rod	634
3-1	Wide Flange Beams and Bearing Piling	366
3-5	Standard Carbon Steel Channels ASTM A36 [2]	317
3-6	Unequal Leg Carbon Steel Angles ASTM A-36 [2]	334
3-7	Equal Leg Carbon Steel Angles ASTM A-36 [2]	300
3-8	Standard Carbon Steel "T" Beams ASTM A-36 [2]	366
4-1	Sheet Piling	405
5-1	Steel Plates	378
6-1	Heavy Carbon Steel Rails AREA 115, 132 or 136	421
6-2	Light Rails	414
6-3	Tie Plates	422
8-1	Plain and Deformed Carbon Steel Concrete Reinforcing Bars ASTM A-615 [2]	296
9-1	Hot Rolled Carbon Steel Bar Size Channel ASTM A-36 [4]	425
10-1	Hot Rolled Carbon Bars Special Quality	476
10-3	Merchant Quality Hot Rolled Carbon Steel Squares and Round Cornered Squares ASTM-36 or AISI 1020 [4]	366
10-4	Merchant Quality Hot Rolled Carbon Steel Round Bar ASTM A-36 or AISI 1020 [4]	356
10-5	Merchant Quality Carbon Steel Flat Bars ASTM A-36 or AISI 1020 [4]	323
11-1	Hot Rolled Ni-Cr-Mo Alloy Steel Roung Bar, Round Cornered Square Bar and Spring Steel Flat Bar	536
11-5	Spheroidize Annealed High Carbon Cr Steel Round Bar	621
12-1	Cold Finished Carbon Steel Round Bar AISI 1008 through 1029	557
12-2	Cold Finished Round Steel Bar AISI 1212 through 1215	629
12-3	Cold Finished Round Steel Bar AISI 12L14 and 12L15	660
12-4	Cold Finished, Ni-Cr-Mo Alloy Steel Round Bar	556
12-5	Cold Finished Spheroidized Annealed, High Carbon Cr Steel Round Bar, AISI 52100, 50100, 51100	621
14-1	ERW Carbon Steel Pressure Tubing for use in Boilers, Heat Exchangers, Condensers, Etc.	621
14-6	Continuous Butt Welded Standard Pipe	472
14-8	ERW Pipe, Excluding Oil Well Casing, Without Coupling	466
14-12	Submerged Arc Welded Pipe	536
14-14	ERW Structural Tubing to ASTM A-500 Grades, A, B and C	462
14-20	ERW Standard Pipe	479
14-22	Piling Pipe ASTM A-252	417
14-26	ERW Mechanical Tubing ASTM A-513	557
15-1	Seamless Carbon Steel Oil Well Casing, Not Threaded, up to 7" in Outside Diameter	557
15-2	Seamless Carbon Steel Oil Well Casing, Not Threaded 7 inches and over in Outside Diameter	568
15-4	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, 7 inches and over in Outside Diameter	648
15-6	Seamless Carbon Steel Oil Well Casing, Threaded and Coupled, up to 7 inches in Outside Diameter	556
15-8	Electric Resistance Welded Carbon Steel Oil Well Casing, Not Threaded	518
15-11	Seamless Carbon Steel Pressure Tubing Suitable for use in Boilers, Superheaters, Heat Exchangers, Condensers, Refining Furnaces, Feed Water Heaters, Cold Finish.	1,014
15-31	Seamless Carbon Steel Oil Well Tubing	614
15-33	Seamless Carbon Steel Line Pipe	570
15-36	Hot Rolled High Carbon Cr Steel Tube Suitable for use in Manufacture of Ball or Roller Bearings AISI 52100	757
15-37	Cold Rolled High Carbon Cr Steel Tube Suitable for use in Manufacture of Ball or Roller Bearings AISI 52100	1,126
15-38	Seamless Stainless Steel Round Ornamental Tube AISI TP 304, 1⅛ × 0.049"	2,568
15-39	Seamless Stainless Steel Square Ornamental Tube AISI TP 304, 1⅛ × 1⅛ × 0.065"	2,783
16-1	Cold Heading Round Wire Hard Drawn	568
16-1	Cold Heading Drawn from Annealed Rods	644
16-1	Cold Heading Drawn from Spheroidized Annealed Rods	660
16-1	Cold Heading Anneal in Process	664
16-1	Cold Heading Spheroidize Anneal in Process	676
16-1	Cold Heading Anneal in Process and Drawn from Annealed Rods	717
16-1	Cold Heading Spheroidize Anneal in Process and Drawn from Annealed Rods	730
16-1	Cold Heading Anneal at Finish Size	644
16-1	Cold Heading Spheroidize Anneal at Finish Size	660
16-1	Cold Heading Anneal at Finished Size and Drawn from Annealed Rods	697
16-1	Cold Heading Spheroidize Anneal at Finished Size and Drawn from Annealed Rods	712
16-4	Bright Basic Round Wire	467
16-5	Galvanized Iron Round Wire	586
16-6	Round Baling Wire 14½ Gauge	653
16-9	Cold Finished SI-Mn-Cr High Carbon Steel Wire	634
16-11	Cold Finished Mo Alloy Steel Wire	662
16-15	Upholstery Spring Wire Automatic Coiling and Knotting Type	584
16-16	Mechanical Spring Wire ASTM A-227 and A-648	616
New	Music Quality Spring Wire ASTM A-228 [3]	1,360
16-17	Oil Tempered Steel Spring Wire ASTM A-229	620
16-18	Carbon Steel Valve Spring Quality ASTM A-230	1,030
16-19	Automobile Tire Bead Wire	722
16-20	Galvanized Core Wire for A.C.S.R. ASTM B 498 Class "A"	771
16-21	Stainless Steel Wire	(*)
19-1	Field Fence	704
20-1	Wire Nails	481
21-1	Barbed Wire 2 Ply	741
22-1	Black Plate ASTM A625	482
23-1	Electrolytic Tin Plate	656
25-1	Hot Rolled Steel Sheets	391
25-2	Hot Rolled Steel Band	516
26-1	Electrical Steel Sheets Grain Oriented in Coil	1,220
26-2	Electrical Steel Sheets Non Oriented in Coil	716

Table 3.—*Product Base Prices for Shipment Exported During Third Quarter 1981—Continued*

[All figures in dollars per metric ton]

Page[1]	Product	Third quarter 1981 base prices
26–9	Cold Rolled Sheets ASTM A-366	416
27–1	Electro Galvanized Sheets	460
27–4	Galvanized Sheet ASTM A525	484
28–1	Hot Rolled Carbon Steel Strip Produced on Bar Mills Cut Lengths [4]	360
28–2	Hot Rolled Carbon Steel Strip Produced on Sheet Mills, Coils Only	323
32–1	Tin Free Steel Sheets	580

[1] Page references are to the Second Quarter, 1981 Trigger Price Manual published by the Department of Commerce. The first figure of each page reference corresponds to the AISI product category of that product.
[2] Electric Furnace, Group A.
[3] Electric Furnace, Group C.
[4] Electric Furnace, Group B.
[5] All Base/Grade Prices Increased by 0.9% over Second Quarter Prices.

Table 4—Pages From the Trigger Price Manual Third Quarter 1981

AISI category and TPM manual page reference	Product description	Revision
2–8	Cold Finished Bar Quality Rod	Correction of size extras to reflect a change in base price structure.
3–2 to 3–4	Wide Flange Beams & H-Piles	Correction of profile sizes to reflect changes in industry standards.
5–9	Plate	Correction of description on ultrasonic testing extras.
12–6	Stainless Steel Drawn Round Bar in Sizes Under 0.703" Diameter	Clarification that this coverage applies only to bar produced by drawing.
14–20, 14–21	ERW Standard Pipe	Addition of light wall sizes & clarification of cut length extras.
Cat. 16, new page	Music Spring Quality Wire	New product coverage.
23–2	Electrolytic Tin Plate	Correction of some coating extras.
26–1	Electrical Sheets—Grain Oriented	Correction of thickness for grades M–21—M–4/.
26–2	Electrical Sheets—Non-Oriented	Correction of size extras to reflect a change in base price structure.

2. Grade/Size.

Wire Rods-Cold Finished Bar Quality

2–8 Rev. May 1981

Grade AISI No.	Sizes: 5/16" through 9/64"	Sizes: Over 9/64" to under 9/64"	Sizes: 9/64" to under 1/2"	Sizes: 1/2" and over
1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026	−46	32	14	−11
1029, 1030, 1035, 1037, 1038, 1039, 1040, 1042, 1043, 1044, 1045, 1046, 1049, 1050	−24	32	14	−9
1117, 1115, 1118	−5	71	52	25
1141	Nil	52	37	24
1144	Nil	58	43	14
1151	2	63	44	18
1212, 1213, 1215	Base	58	43	14
10L18	−20	72	53	27
10L38, 10L45	2	58	43	14
11L17	32	112	84	63
11L37	23	79	60	33
12L14, 12L15	23	82	67	37

3. Tolerance Extra: If bar tolerances are specified or required for over 9/64" to under 3/4"—14.

1. Size:

Wide Flange Beams

3–2 Rev. May 1981

Series	Lbs./foot	Extras
4 x 4	13	52
5 x 5	18–19	49
6 x 4	9	74
6 x 4	12–16	55
6 x 6	15	37
6 x 6	20–25	26
8 x 4	10	57
8 x 4	13–15	42
8 x 5¼	18–21	30
8 x 6½	24–28	22
8 x 8	31–67	16
10 x 4	12	50
10 x 4	15–19	43
10 x 5¾	22–30	26
10 x 8	33–45	16
10 x 10	49–112	7
12 x 4	14	54
12 x 4	16–22	43
12 x 6½	26–35	19
12 x 8	40–50	9
12 x 10	53–58	7
12 x 12	65–190	(1)

Wide Flange Beams—Continued

3–2 Rev. May 1981

Series	Lbs./foot	Extras
14 x 6	22–26	26
14 x 6¾	30–38	13
14 x 8	43–53	7
14 x 10	61–74	(2)
14 x 10	82	(2)
14 x 14½	90–132	(2)
14 x 16	145–426	(2)
14 x 16	455	[3] 108
14 x 16	500	[3] 109
14 x 16	550	[4] 110
14 x 16	605	[4] 111
14 x 16	665	[4] 114
14 x 16	730	[4] 119
16 x 5½	26–31	19
16 x 7	36–50	8
16 x 7	57	(2)

[1] Base.
[2] Nil.
[3] Web Thickness is over 1⅛" thru 2⅛".
[4] Web Thickness is over 2⅛".
Use appropriate extra from Grade/Web Thickness Chart on Page 3–3.

Wide Flange Beams—Continued

3–3 Rev. May 1981

Series	Lbs./foot	Extras
16 x 10½	67–77	(1)
16 x 10½	89–100	(1)
18 x 6	35–40	21
18 x 6	46	7
18 x 7½	50–60	7
18 x 7½	65–71	(1)
18 x 11	76–85	(1)
18 x 11	97–119	(1)
21 x 6½	44–50	13
21 x 6½	57	(1)
21 x 8¼	62–73	(1)
21 x 8¼	83–93	(1)
21 x 12½	101–147	(1)
24 x 7	55–62	13
24 x 9	68–94	(1)
24 x 12¾	104–117	(1)
24 x 12¾	131–162	14
27 x 10	84–114	(1)
27 x 14	146–178	14
30 x 10½	99–132	(1)
30 x 15	173–211	23

Series	Lbs./foot	Extras
33 x 11½	118–152	16
33 x 15¾	201–241	25
36 x 12	135–210	16
36 x 16½	230–300	25

[1] Nil.

NOTE: All sizes have web thickness through 1⅛" unless otherwise noted.

2. Grade/Web Thickness:

ASTM	Web thickness in inches: Through 1⅛	Over 1⅛ through 2⅛	Over 2⅛
A36	(1)	46	46
A242	157		
A441	70	126	126
A588	157	178	178
A690	110		
A572:			
G42	57	121	121
G50	70	126	
G60	86		

[1] Base.

3. Cut Length Extras:

Wide Flange Beams

3-4 Rev. May 1981

Length	Extras
From 10 up to 20 feet	14
From 20 up to 30 feet	9
From 30 up to 40 feet	7
40 feet	(1)
Over 40 up to 50 feet	4
50 feet	(1)
Over 50 up to 60 feet	7
60 feet	(1)
Over 60 thru 70 feet	7

[1] Base.

1. Size:

Bearing Piling (H Piles)

Series	Lbs./foot	Extras
8 x 8	36	16
10 x 10	42–57	7
12 x 12	53–84	(1)
14 x 14⅛	73–117	(1)

[1] Base.

2. Grade/Web Thickness: Use Wide Flange grade extras for 1⅛" Web Thickness.

3. Cut Length: Use Wide Flange extras.

5–9 Rev. May 1981

3. Killed	28
4. Fine Grain	8
5. Heat Treatment:	
Normalize	97
Quench and Temper	165
Normalize and Temper	165
6. Testing:	
Charpy Test:	
+40 F & up:	
Longitudal	21
Transverse	28
Longitudal and Transverse	34
Under +40 F:	
Longitudal	28
Transverse	34
Longitudal and Transverse	41
Ultrasonic Test:	
A578 L1 (over ½")	54
A435, A578 L2:	
(9" or higher grid) (over ¾")	21
(under 9" grid or 100% scanning) (over ¾")	34
7. Checker	28
8. Pickled and Oiled	19

Round Stainless Steel Drawn Bar in Sizes Under 0.703" Diameter AISI Category 12

12-6 Rev. May 1981

[2nd quarter base prices per metric ton—use pages 16–22 to 16–31]

Charges to CIF	Ocean freight	Handling	Interest (percent)
Pacific Coast	$102	$9	3.2
Gulf Coast	124	5	4.1
Atlantic Coast	124	4	4.1
Great Lakes	161	4	5.0

Interest charge equals F.O.B. trigger base price including size extra times interest factor.

Insurance 1% of base price + extras + ocean freight

Extras ($/M.T.):

Use pages 16–18 to 16–26.

Note.—This coverage applies to stainless steel bar produced by drawing. Bar, in these sizes, if produced by hot rolling is not covered by published prices.

Electric Resistance Welded Standard Pipe AISI Category 14

14-20 Rev. Feb. 1981.

[2nd quarter base price per metric ton—use page 14-21]

Charges to CIF	Ocean freight	Handling	Interest
West Coast	Use freight table on page 14-2.	$9	$13
Gulf Coast		5	16
Atlantic Coast		4	16
Great Lakes		4	20

Insurance 1% of base price + extras + ocean freight.

Base Prices and Extras ($/M.T.):

1. Base Prices Including N.B./W.T. and O.D./W.T. Extras for Black, Plain End Pipe—Use page 14–21.

2. Threading and Coupling—Use page 14–21.

3. Galvanizing—Use page 14–21.

4. Galvanizing plus Threading and Coupling—Use page 14–21.

5. Cut Length: Under 18', 5%; 18' thru 24', Base; Over 24', 5%.

6. Swaging at One End, 5%.

Note.—This coverage applies to ERW pipe ASTM A120, ERW fence tubing and ERW sprinkler pipe. The ⅛" to 1½" Nominal Bore coverage also applies to ASTM A53. ASTM A53 in sizes over 2" Nominal Bore is covered on pages 14–8 through 14–11.

1. Base Prices Including N.B./W.T. and O.D./W.T. Extras for Black, Plain End Pipe:

ERW Standard Pipe

14-21 Rev. May 1981

Wall thickness	Nominal bore: ⅛	¼	⅜	1	1¼	1½	2
.049	645	627	623	613	613		
.065	568	555	550	541	541	541	
.083	568	555	518	508	508	498	
.095	568	555	518	508	508	498	
.105	568	555	518	508	508	498	
.109	517	555	518	508	508	498	
Schedule 40	517	504	495	489	489	479	

Wall thickness	Outside diameter: 2⅜	2½	3½	4	4½	5⅝	6⅝	8⅝	10¾	12¾	14	16
.065	541	541										
.083	498	498										
.095	498	498										
.105	498	498	498									
.109	498	498	498									
.120	498	498	498	498	508							
.134	498	498	498	498	508	508	508					
Schedule 40	479	479	479	489	489	498	498	498	498	498	498	498
Schedule 80						503	503	482	482	482	482	482

2. Galvanzing—Use 25% of base price for specific O.D./W.T.

3. Threading and Coupling—Use 10% of base price for specific O.D./W.T.

4. Galvanizing plus Threading and Coupling—Use 35% of base price for specific O.D./W.T.

Note.—Schedule 40 is Standard Wall, Schedule 80 is Extra Heavy Wall.

Music Spring Quality Wire, ASTM A-228, AISI Category 16

New May 1981

[3rd quarter base price per metric ton—$1,350]

Charges to CIF	Ocean freight[1]	Handling	Interest (percent)
Pacific Coast	$106	$8	3.2
Gulf Coast	129	5	4.1
Atlantic Coast	128	4	4.1
Great Lakes	132	4	5.0

[1] Ocean Freight represents Container Vessel Rate.

Interest charge equals F.O.B. trigger base price including size extra times interest factor.

Insurance 1% of base price + extras + ocean freight.

Extras

[Dollars per metric ton]

1. Coating:	
Phosphate	([1])
Lime	([1])
Tinned	666
Cadmium Zinc Alloy	906
Bright (White Liquor Finish)	824
2. Packaging: Wrapped Coils	([1])
3. Torsion Straightening (Straightened in Coil)	152
4. Size:	Extras
0.106"–0.250"	[2]247
0.090"–0.105"	[2]229
0.080"–0.089"	[2]204
0.070"–0.079"	[2]186
0.063"–0.069"	[2]134
0.055"–0.062"	[2]94
0.054"	[2]82
0.048"–0.053"	[2]44
0.044"–0.047"	[2]19
0.040"–0.043"	([1])
0.038"–0.039"	30
0.037"	43
0.036"	61
0.034"–0.035"	92

Extras—Continued

[Dollars per metric ton]

0.032"–0.033"	122
0.031	185
0.030	216
0.029	246
0.028	277
0.027	308
0.026	370
0.025	432
0.024	493
0.023	556
0.022	617
0.021	709
0.020	803
0.019	864
0.018	926
0.017	1,111
0.016	1,235
0.015	1,606
0.014	1,914
0.013	2,408
0.012	2,903
0.011	3,397
0.010	3,892

[1] Base.
[2] Minus.

1. Coating And Base Weight: A. Single Reduced ETP.

Electrolytic Tin Plate

23-2 Rev. May 1981

	Coating											
	#10	#20	#25	#35	#50	#75	#100	#50/25	#75/25	#100/25	#100/50	#135/25
Base weight:												
70 lbs.	−6	20	34	57	94	162	222	70	100	135	186	186
73 lbs.	−25	0	13	36	71	128	186	47	76	112	142	159
75 lbs.	−38	−13	([1])	25	58	111	176	35	62	97	125	144
78 lbs.	−47	−23	−10	13	42	96	158	22	48	80	108	126
80 lbs.	−52	−30	−18	4	35	87	147	14	41	72	98	116
83 lbs.	−60	−40	−29	−4	23	66	126	2	29	57	86	103
85 lbs.	−68	−46	−35	−22	16	57	121	−3	19	48	75	92
88 lbs.	−75	−52	−42	−28	3	80	108	−14	8	40	62	77
90 lbs.	−79	−56	−48	−29	−1	43	97	−21	2	32	52	71
93 lbs.	−87	−67	−54	−37	−8	35	87	−29	−4	22	43	57
95 lbs.	−91	−71	−60	−42	−17	26	77	−35	−13	16	37	50
100 lbs.	−97	−78	−70	−56	−29	14	62	−42	−23	2	23	36
103 lbs.	−104	−86	−75	−55	−35	4	51	−49	−31	−3	16	29
107 lbs.	−108	−90	−79	−66	−42	−2	42	−56	−36	−13	6	19
112 lbs.	−112	−96	−86	−71	−49	−19	31	−67	−46	−23	−9	7
118 lbs.	−120	−106	−96	−79	−57	−25	16	−75	−56	−35	−17	−4
123 lbs.	−125	−110	−103	−87	−60	−34	4	−79	−66	−42	−26	−16
128 lbs.	−127	−112	−106	−92	−72	−41	−2	−87	−70	−48	−34	−22
135 lbs.	−128	−117	−117	−110	−76	−46	−13	−92	−76	−55	−42	−31

[1] Base.

Electrical Steel Sheets—Grain Oriented in Coil, AISI Category 26

26-1 Rev. May 1981

[3rd quarter base price per metric ton—$1,320]

Charges to CIF	Ocean freight	Handling	Interest
Pacific Coast	$36	$8	$37
Gulf Coast	42	5	47
Atlantic Coast	40	4	47
Great Lakes	56	4	58

Insurance 1% of base price+extras+ocean freight.
1. Grade:

Extras

[Dollars per metric ton]

Grade	Thickness	Grade extra, including base; multiply base by
M-2H	0.011", 0.012" and 0.014"	1.039
M-3H	0.011", 0.012" and 0.014"	1.015
M-4H	0.011", 0.012" and 0.014"	1.000
M-4	0.011"	1.000
M-5	0.012" and 0.014"	0.984
M-6	0.014"	0.969

2. Surface Insulation or Coating.
3. Size:

Base

Grade	Width (inches)				
	Over 1 through 2	Over 2 through 6	Over 6 through 17	Over 17 through 31	Over 31
M-2H	103	71	66	62	Base.
M-3H	101	70	66	61	Base.
M-4H	99	70	65	60	Base.
M-4	99	70	65	60	Base.
M-5	95	67	65	77	Base.
M-6	91	66	63	76	Base.

Electrical Steel Sheets—Nonoriented in Coil, AISI Category 28

28-2 Rev. May 1981

[3rd quarter base price per metric ton—$718]

Charges to CIF	Ocean freight	Handling	Interest
Pacific Coast	$35	$9	$29
Gulf Coast	42	6	26
Atlantic Coast	49	4	28
Great Lakes	56	4	32

Insurance 1% of base price+extras+ocean freight.
1. Grade:

Extras

[Dollars per metric ton]

	Fully-processed multiply base by	Semi-processed multiply base by
M-47		.947
M-46	1.000	1.000
M-43	1.052	1.053
M-36	1.177	1.18
M-27	1.23	1.235
M-22	1.282	1.287
M-19	1.331	
M-16	1.396	

2. Surface Insulation or Coating.
3. Size:

Base

Gauge No. (thickness)	Width					
	Over 2" through 6"	Over 6" through 16"	Over 16" through 24"	Over 24" through 28"	Over 28" through 36"	Over 36" through 40"
22, 23 and 24 (.0310"-.0250")	22	16	34	−10	−21	2
25 and 26 (.0220"-.0165")	46	34	58	19	(1)	22

Bases—Continued

Gauge No. (thickness)	Width					
	Over 2" through 6"	Over 6" through 15"	Over 15" through 24"	Over 24" through 28"	Over 28" through 36"	Over 36" through 40"
27 (.0170")	87	98	78	38	22	47

[1] Base.

Dated: May 14, 1981.

B. Waring Partridge,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-14661 Filed 5-19-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Withdrawal of the Lease of Aircraft for Flying Aerial Photography From NOAA's Inventory of Commercial and Industrial Activities and Service Contracts

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Withdrawal.

SUMMARY: NOAA is hereby notifying interested parties of the withdrawal of the Notice of Intent to conduct a feasibility or cost comparison study of the lease of aircraft for flying aerial photography listed in the tabulation of Service Contracts of the Notice of Intent published August 7, 1980, in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Samuel A. Lawrence, Assistant Administrator for Management and Budget, 6010 Executive Boulevard, Rockville, Maryland 20852, 443–8134.

Dated: May 14, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 81-14660 Filed 5-19-81; 8:45 am]

BILLING CODE 3510-12-M

Intent To Prepare an Environmental Impact Statement on the Proposed Maine Estuarine Sanctuary

Summary

In accordance with the provisions of the National Environmental Policy Act and Section 315 of the Federal Coastal Zone Management Act, the Office of Coastal Zone Management in the National Oceanic and Atmospheric Administration intends to prepare and distribute a draft environmental impact statement (DEIS) on proposed estuarine sanctuary sites along the coast of Maine. Designation of the sanctuary would serve to provide management and protection to approximately 52,250 acres of estuarine habitat (land and water) for purposes consistent with the establishment of estuarine sanctuaries; namely, research and education.

Discussion

The State of Maine plans to submit an application for a grant from OCZM to establish an estuarine sanctuary on the Maine coast. This would be the first estuarine sanctuary in the Arcadian biogeographic region. The proposed sanctuary, when complete, would include three separate sites that typify the three major kinds of estuaries on the Maine coast. The State Planning Office asked local coastal towns to nominate coastal natural areas that would qualify as estuarine sanctuary sites. A site selection committee determined that three areas meet the selection criteria including strong local support. Out of the thirty-two potential sites, the three which were considered the best candidates include: (1) Machias Bay near the town of Machiasport, and consists of five land masses, fifteen islands and their surrounding waters for a total area of approximately 50,000 acres of land and water; (2) Marsh River/Sheepscot River near the town of Newcastle, would consist of approximately 2,000 acres of land, including islands and water in an upper estuarine area in Mid-Coast Maine; and (3) Webhannet River/Little River near the town of Wells consisting of approximately 250 acres of uplands, marsh and sandy beach behind Drake Island on the South coast of Maine. The proposed Maine sites will be evaluated separately on their merits as sanctuary sites through the NEPA process. Impacts associated with sanctuary designation normally consist of the purchase or donation of private property within the sanctuary boundaries, prohibition or regulation of uses which have been determined to be incompatible with the primary purposes of the sanctuary (i.e., industrial uses adversely impacting water quality), increased public access, some potential for decreasing local government tax rolls (this is a function of the amount of private land purchased), and the potential for conflicting with surrounding land use practices.

Scoping Process

Interested parties who wish to submit inquiries, suggestions, comments or substantive information regarding the proposal or potential impacts are invited to write or call Mr. Frank Christilf, Estuarine Sanctuary Project Officer, Office of Coastal Zone Management, 3300 Whitehaven St., N.W., Washington, D.C. 20235, 202/653–7301, should do so prior to June 19, 1981. Because of limited travel funds, no scoping meeting will be held in the State of Maine. Local governments in the vicinity of the sanctuary sites will be notified and comments requested. A scoping meeting will be held on Monday, June 8 at 10:00 a.m., in Room B100 of the Page #1 Bldg, 2001 Wisconsin Ave., N.W., Washington, D.C., for all interested Federal agency representatives, public and private interest groups. The project will be described and interested parties are invited to provide input at that time.

(Federal Domestic Assistance Catalog No. 11–420 Coastal Zone Management-Estuarine Sanctuaries)

Dated: May 15, 1981.

William Matuszeski,

Acting Deputy Assistant Administrator for Office of Coastal Zone Management.

[FR Doc. 81-15030 Filed 5-19-81; 8:45 am]

BILLING CODE 3510-08-M

Issuance of Permit

On April 3, 1981, Notice was published in the Federal Register (46 FR 20254), that an application had been filed with the National Marine Fisheries Service by Dr. James R. Gilbert, Associate Professor, Wildlife Resources, 216 Nutting Hall, University of Maine, Orono, Maine 04469, to tag 100 harbor seals of which 30 adults may be radio-tagged; to census harbor seal populations which may inadvertently cause harassment, and to salvage marine mammals found dead on the beach.

Notice is hereby given that on May 13, 1981, the National Marine Fisheries Service issued a Scientific Research Permit, as authorized by the provisions of the Marine Mammal Protection Act of

1972 (16 U.S.C. 1361–1407) to Dr. James R. Gilbert subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: May 13, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-15111 Filed 5-19-81; 8:45 am]

BILLING CODE 3510-22-M

Notice of Permit Modification Request

Notice is hereby given that Mr. Randall Davis, Scripps Institution of Oceanography, University of California, San Diego; La Jolla, California 92093, has requested a modification to Scientific Research Permit No. 312 issued on December 2, 1980, (45 FR 81248) as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 18).

The Permit Holder is requesting to take an additional 20 Weddell seals (*Leptonychotes weddelli)* by attachment of depth recorders and radio tags as described in the original application. Recaptures would be necessary for instrument recovery. In addition, the importation of specimen material taken by the New Zealand research team or as authorized by Permit No. 312 is requested.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this request to the Marine Mammal Commission and the Committee of Scientific Advisory.

Written data or views, or requests for a public hearing on this request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice.

Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in the request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above request are available for review in the following office:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: May 13, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-15112 Filed 5-19-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to:

Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

U.S. Department of Agriculture, Program Agreements and Patent Branch, Administrative Services Division,, Federal Building, Science and Education Administration, Hyattsville, MD 20782

Patent application 6,212,297: Process for Producing Transfer Printed Cotton and Cotton Blends; filed Dec. 3, 1980

Patent 4,226,600: Process for Producing Transfer Printed Cotton and Cotton Blends; filed June 7, 1978, patented Dec. 2, 1980; not available NTIS

Patent 4,246,289: Novel Aroid Products; filed July 5, 1979, patented Jan. 20, 1981; not available NTIS.

U.S. Department of Energy, Assistant General Counsel for Patents, Washington, DC 20545

Patent application 6,101,368: Flash Protection Controller; filed Dec. 7, 1979

Patent application 6,101,369: Waveform Synthesizer; filed Dec. 7, 1979

Patent 4,197,285: Regeneration of Lime from Sulfates for Fluidized-Bed Combustion; filed Dec. 7, 1977, patented Apr. 8, 1980; not available NTIS.

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent application 6,186,735: Anti Thy 1.2 Monoclonal Antibody-Ricin Hybrid Utilized as a Tumor Suppressant; filed Sept. 30, 1980.

Patent application 6,210,044: Acoustically Transparent Hydrophone Probe; filed Nov. 24, 1980.

U.S. Department of the Interior, Branch of Patents, 18th and C Streets, NW., Washington, DC 20240

Patent application 6,184,851: Multi-Chromatographic Materials; filed Sept. 8, 1980.

[FR Doc. 81-15010 Filed 5-19-81; 8:45 am]

BILLING CODE 3510-04-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, July 7, 1981, at 10:00 a.m. in the Commission's offices at 708 Jackson Place NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., May 14, 1981.

Charles H. Atherton,

Secretary.

[FR Doc. 81-15023 Filed 5-19-81; 8:45 am]

BILLING CODE 6330-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing a New Export Visa Requirement and Exempt Certification for Cotton, Wool, and Manmade Fiber Textile Products From Mexico

May 15, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing a new export visa and exempt certification mechanism for certain cotton, wool and man-made fiber textile and apparel products exported from Mexico.

SUMMARY: The Governments of the United States and Mexico have exchanged notes dated March 24 and March 31, 1981, establishing a new visa and exempt certification mechanism pursuant to the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of February 26, 1979, as amended, between the two governments.

EFFECTIVE DATE: July 1, 1981 for textile and apparel products exported on and after that date. Textile and apparel products that have been exported before July 1, 1981 shall not be denied entry for lack of a visa or certification.

FOR FURTHER INFORMATION CONTACT: William Boyd, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On and after July 1, 1981 cotton, wool and man-made fiber textile and apparel products in Categories 300–369, 400–469 and 600–669 which are subject to the terms of the bilateral agreement shall be visaed with a circular stamp in order to be entered or withdrawn from warehouse for consumption in the United States. Shipments of textile and apparel products which are exempt from the quantitative limits of the bilateral agreement shall be certified by the Government of Mexico prior to exportation using a rectangular-shaped stamp. The basis for exemption shall be stated on the certification by use of a description such as, "Handloomed fabric," "Handmade cottage industry products made of handloomed fabric," "$250 or less," or the name of a particular traditional folklore handcraft textile product or products which have been mutually agreed to and so designated for exemption. Invoices for certified exempt items shall not include and textile or apparel products that are not agreed to be exempt. Shipments of textile products that are certified for exemption do not require an export visa.

Merchandise imported for the personal use of the importer, and not for resale, does not require a visa or exempt certification for entry, regardless of value.

Shipments shall be visaed or certified by the placing of original stamped markings (the visa or certification) in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commerical invoice, when such form is used). Each visa and certification will include its number and date and the signature of the issuing offical. The visa shall also state the correct categories and quantities in the shipment in the applicable category units, except that if the quantity indicated on the export visa is more than that of the shipment, entry shall be permitted despite the inaccuracy.

Facisimiles of the visa and exempt certification stamps are published as enclosures to the letter to the Commissioner of the Customs which follows this notice. A list of items that are currently identified for exemption is also published as an enclosure to that letter. Further items may be added to this list upon agreement between the two governments.

The Government of Mexico has authorized the following officals to issue visas and exempt certifications:

Leopoldo Diaz Aldecoa
Javier Inzunza Angulo
Ruben Ramirez Banda
Jorge Luisa Robles Contreras
Serafin Martinez Cruz
Ernesto B. Ascencio Esparza
Carlos McGregor Garate
Angel Francisco Marroquin Garza
Bolivar Hernandez Garza
Argimiro Reyes Genis
Jose Serralta Hernandez
Jorge Mendez Juarez
Gerardo Solis Laredo
Rafael Ney Lizardi A.
Pedro Lechuga Lopez
Rogelio Lopez Lucio
Jose Luis Ferretis Martinez
Alfredo Ortega Mena
Hector M. Pastrana Mendivil
Gerardo Pesqueira Mendoza
Yolanda Perez Munoz
C. P. Delfino Gonzalez Munoz
Guillermo Teutli Otero
Octavio Ascencio Reynoso
Carlos E. Martinez Rivera
Miguel A. Rivera V.
Hedilberto Cobos Rodriguez

The signatures of the foregoing officials are filed as part of the original document with the Office of the Federal Register.

Interested persons are advised to take all necessary steps to insure that textile and apparel products, produce or manufactured in Mexico which are to be entered into the United States for consumption, or withdrawn from warehouse for consumption on and after July 1, 1981, will meet the stated visa and certification requirements.

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

May 15, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended, between the Governments of the United States and Mexico; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on July 1, 1981 and until further notice, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in Categories 300–369, 400–469 and 600–669, produced or manufactured in Mexico, and exported on and after July 1, 1981, which are not visaed or certified for exemption in accordance with the procedures outlined below. Cotton, wool and man-made fiber textile products which have been exported before July 1, 1981 shall not be denied entry for lack of a visa or certification.

Cotton, wool and man-made fiber textile products exported from Mexico on and after July 1, 1981 other than exceptions specified below, shall be visaed with a circular stamp in order to be entered into the United States for consumption, or withdrawn from warehouse for consumption.

Certain cotton, wool and man-made fiber textile products which are exempt from the levels of restraint shall be certified by the Government of Mexico prior to exportation using a rectangular-shaped stamp. The basis for exemption shall be stated on the certification by use of a description, such as, "Handloomed fabric," "Handmade cottage industry products made of handloomed fabric," "$250 or less," or the name of a particular traditional folklore handicraft textile product, as listed on the enclosure to this letter.

Merchandise shall be visaed or certified by the placing of original stamped markings (the visa or certification) in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice, when such form is used). Each visa and certification shall include its number and date and the signature of the issuing official. The visa shall also state the correct categories and quantities in the shipment in the applicable category units, except that if the quantity indicated on the export visa is more than that of the shipment, entry shall be permitted despite the inaccuracy. The

categories and quantities shall be those determined by the U.S. Customs Service, or the shipment shall be denied entry. Facsimiles of the visa and certification stamps are enclosed.

Merchandise imported for the personal use of the importer and not for resale, does not require a visa or certification for entry, regardless of value.

Merchandise covered by an invoice which has an exempt certification but contains both exempt and non-exempt textile products shall not be permitted entry. Merchandise which is certified exempt does not require an export visa.

You are directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of textile products, produced or manufactured in Mexico and exported to the United States, notwithstanding the designated merchandise does not fulfill the aforementioned visa and certification requirements, whenever requested to do so in writing by the Chairman of the Committee for the Implementation of Textile Agreements.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27483), August 12, 1980 (45 FR 53508) and December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton, wool and man-made fiber textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Edward Gottfried,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Enclosures.

EXEMPT CERTIFICATION

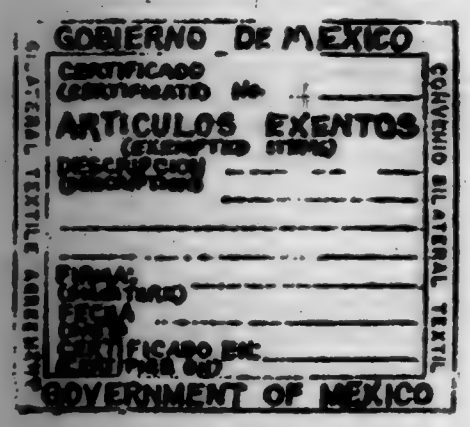

EXPORT VISA

[FR Doc. 81-15094 Filed 5-19-81; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

May 15, 1981.

The USAF Scientific Advisory Board Ad Hoc Committee on Potential New Methods of Detection and Identification of Chemical Warfare Agents will meet at the Systems Planning Corporation, Arlington, VA, on June 17–19, 1981. The meeting will convene at 9:00 a.m. each morning; adjourn at 5:00 p.m. on June 17–18, and at 1:00 p.m., June 19.

The committee will 1) define chemical problems involved in detection and identification; 2) describe present state of technical developments/weaknesses; 3) identify new technologies, and 4) interest university/industrial scientists in the problems to develop research in this field. The briefings and discussions will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (4).

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–8404.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-14997 Filed 5-19-81; 8:45 am]
BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

May 15, 1981.

The USAF Scientific Advisory Board Chief's Technical Advisory Group will meet at the Air Force Test and Evaluation Center, Kirtland AFB, New Mexico on June 10–11, 1981 from 8:30 a.m. to 5:00 p.m. each day.

The Group will meet to review selected AFTEC programs and the technical/scientific methods associated with those activities. The briefings and discussions will be classified and closed to the public in accordance with section 5526(c) of Title 5, U.S.C., specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-14998 Filed 5-19-81; 8:45 am]
BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

May 15, 1981.

The USAF Scientific Advisory Board Foreign Technology Division Advisory Group will hold meetings on June 15, 1981 from 8:00 a.m. to 5:00 p.m. and June 16, 1981 from 8:00 a.m. to 1:00 p.m. at Wright-Patterson AFB, Ohio.

The Group will receive classified briefings and hold classified discussions on automated data processing as it relates to the Foreign Technology Division analytic process and foreign materiel assessments. The meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-14668 Filed 5-19-81; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

May 14, 1981.

The USAF Scientific Advisory Board Logistics Cross-Matrix Panel will meet at the Pentagon, Washington, D.C. on June 9–10, 1981. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The Panel will review the problem of effectively deploying and employing aircraft and the required support functions in a highly combat-intense environment. The briefings and discussions will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–6845.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-13000 Filed 5-19-81; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Advisory Panel on ROTC Affairs; Meeting

ACTION: Notice of Open Meeting.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Panel meeting:

Date: June 17–18 1981.
Time: 1330 hours to 1630 hours (June 17, 1981)
0800 hours to 1200 hours (June 18, 1981)
Address: Gaffey Hall, Class Room No. 2, Fort Knox, Kentucky 40121.

Proposed Agenda:

The meeting will be primarily dedicated to workshop activities where topics concerning the Army Senior ROTC program will be discussed. Initially, the Panel will meet in a general session. Then the Panel members will participate in three workshops; namely, Program of Instruction, Enrollment/Retention, and Scholarships; current issues/problem areas associated with these subjects will be considered. Following the workshops, the Panel will again meet in a general session to act on workshop responses. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Panel at the time and in the manner permitted by the panel.

FOR FURTHER INFORMATION CONTACT:
LTC LeGare, Headquarters, U.S. Army Training and Doctrine Command, ATTN: ATRO-PR, Fort Monroe, VA 23651 (804–727–3828).

John O. Roach II,

Army Liaison Officer With the Federal Register.

[FR Doc. 81-13002 Filed 5-19-81; 8:45 am]

BILLING CODE 3710-08-M

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Army.

ACTION: Proposed deletions and amendment of systems of records.

SUMMARY: The Department of the Army proposes to amend its inventory of systems notices by deleting 4 and amending 1 systems of records subject to the Privacy Act of 1974. Specific changes to the system of records being amended are set forth below, followed by the system printed in its entirety as amended.

DATE: Actions shall be effective as proposed on June 19, 1981 unless comments are received which would result in a contrary determination and require republication for further comments.

ADDRESS: Written public comments are invited and may be submitted to Headquarters, Department of the Army, ATTN.: DAAG–AMR–R, Room 1146, Hoffman Building I, Alexandria, VA 22331, prior to June, 1981.

FOR FURTHER INFORMATION CONTACT:
Mrs. Dorothy Karkanen, Office of The Adjutant General (DAAG–AMR–R), HQDA, at the above address; telephone: (703) 325–6163.

SUPPLEMENTARY INFORMATION:
Department of the Army systems of records appear in the following editions of the **Federal Register:**

FR Doc 79–37052 (44 FR 73729), December 17, 1979
FR Doc 81–85 (46 FR 1002), January 5, 1981
FR Doc 81–897 (46 FR 6460), January 21, 1981
FR Doc 81–3374 (46 FR 9692), January 29, 1981
FR Doc 81–5885 (46 FR 13544), February 23, 1981
FR Doc 81–7250 (46 FR 15531), March 6, 1981
FR Doc 81–7621 (46 FR 16111), March 11, 1981
FR Doc 81–10724 (46 FR 21220), April 9, 1981
FR Doc 81–10791 (46 FR 21221), April 9, 1981
FR Doc 81–12660 (46 FR 23523), April 27, 1981

System being amended does not fall within the criteria of 5 U.S.C. 552a(o), as implemented by Transmittal Memoranda 1 and 3 to OMB Circular A–108.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

May 15, 1981.

Deletions

A0225.06bDACS

System name: MISO Management (TWV) (44 FR 73779), December 17, 1979.

Reason: Records are described in A0309.05aDAAG, Resource Management and Cost Accounting Files.

A0225.09bDARCOM

System name: Visual Information System (VIS) Utilization (44 FR 73781), December 17, 1979.

Reason: Records are described in A0309.05aDAAG, Resource Management and Cost Accounting Files.

A1010.07bAMC

System name: AMC School Files (44 FR 73952), December 17, 1979.

Reason: Records are described in proposed amended system notice A1012.03bAMC appearing in this edition of the **Federal Register.**

A1205.30bMTMC

System name: Individual Travel Files (44 FR 73993), December 17, 1979.

Reason: Records are described in A1205.30aDAAG, Individual Travel Files.

Amendment

A1012.03bAMC

System name: AMC School Student Files (44 FR 73956), December 17, 1979.

Changes:

System ID: Delete "AMC" and substitute therefor: "DARCOM".

System name: Delete entry and substitute therefor: "Student/Faculty Records—DARCOM Schools System".

System location: Delete "Army Materiel Command (AMC) school student files are maintained at the following geographical locations:".

Categories of individuals covered by the system: Delete entry and substitute the following: "Students enrolled/attending schools identified under "System location"; faculty, instructors, and guest speakers."

Categories of records in the system: Delete entries and substitute therefor: "Student academic records consisting of course completions and results, aptitudes and personal qualities, grades/ratings assigned; instructor/guest speaker qualifications and evaluations, including biographical data;

class historical/academic achievement; and related information."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry and substitute therefor: "To determine applicant eligibility, monitor individual's progress, maintain record of student/faculty achievements, and to provide bases for management assessment of curricula and faculty effectiveness and class standing."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the sytem:

Storage: Change entry to read: "Paper records and cards photographs, computer magnetic tapes and printouts."

Safeguards: Change entry to read: "Records are maintained in locked cabinets within secured areas accessible only to authorized persons having an official need-to-know."

Retention and disposal: Change entry to read: "Individual academic records are retained for 40 years, 3 of which are at the school which created them; they are subsequently transferred to the National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132. Faculty/instructor qualifications records are retained until individual transfers from the facility, held for 5 years, and then destroyed. Other records are retained until no longer needed, at which time they are destroyed."

Record access procedures: "After 'appropriate', delete remainder of sentence and substitute the following: '* * * training facility, giving information listed under 'Notification procedure'."

Contesting record procedures: Delete period and add: "(32 CFR Part 505)."

Record source categories: Change entry to read: "From the individual student, faculty, instructor, guest speaker, and management analyses of class performance."

A1012.03bDARCOM

SYSTEM NAME:

Student/Faculty Records—DARCOM, Schools System.

SYSTEM LOCATION:

U.S. Army Logistics Management Center, Ft. Lee, VA; U.S. Army Management Engineering Training Agency, Rock Island, IL; Joint Military Packaging Training Center, Aberdeen Proving Grounds, MD; USAMC Ammunition Center/School, Savanna, IL; USAMC Field Safety Agency, Charlestown, IN.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students enrolled/attending schools identified under "System location": faculty, instructors, and guest speakers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student academic records, consisting of course completions and results, aptitudes and personal qualities, grades/ratings assigned; instructor/guest speaker qualifications and evaluations, including biographical data; class historical/academic achievements; and related information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine applicant eligibility, monitor individual's progress, maintain record of student/faculty achievements, and to provide bases for management assessment of curricula and faculty effectiveness and class standing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and cards, photographs, computer magnetic tapes and printouts.

RETRIEVABILITY:

By name, social security number (SSN), military service number.

SAFEGUARDS:

Records are maintained in locked cabinets within secured areas accessible only to authorized persons having an official need-to-know.

RETENTION AND DISPOSAL:

Individual academic records are retained for 40 years, 3 of which are at the school which created them; they are subsequently transferred to the National Personnel Records Center, 9700 Page Boulevard, St. Louis, MO 63132. Faculty/instructor qualifications records are retained until individual transfers from the facility, held for 5 years, and then destroyed. Other records are retained until no longer needed, at which time they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant, U.S. Army Logistics Management Center, Ft. Lee, VA 23801; Director, U.S. Army Management Engineering Training Agency, Rock Island, IL 61201; Director, Joint Military Packaging Training Center, Aberdeen Proving Grounds, MD 21105; Director, USAMC Ammunition Center/School, Savanna, IL 61074; Director, USAMC Field Safety Agency, Charlestown, IN 47111.

NOTIFICATION PROCEDURE:

Information may be obtained from the Commandant/Director of the appropriate School/Agency. Requests should contain individual's full name, rank/grade, SSN, course title/class number, and date of attendance or, if a faculty member: name, course(s) taught, and period in which instructed at named training facility.

RECORD ACCESS PROCEDURES:

Written requests should be made to the Commandant/Director of the appropriate training facility, giving information listed under "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual student, faculty, instructor, guest speaker, and management analyses of class performance.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-15109 Filed 5-19-81; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

National Electric Reliability Study: Extension of Period of Comments

AGENCY: Department of Energy.

ACTION: Notice of extension of period for comments on the National Electric Reliability Study.

SUMMARY: The Department of Energy gives notice that the period for comments has been extended due to unforeseen circumstances.

ADDRESS: Written comments should be addressed to Department of Energy, Room 4002, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Richard E. Weiner, Director, Division of Power Supply and Reliability, Room 4002, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653–3949.

SUPPLEMENTARY INFORMATION: On April 30, 1981, the Department of Energy gave notice that the prepared National Electric Reliability Study prepared pursuant to Section 209(a) of the Public Utility Regulatory Policies Act of 1978 was available for public comment. At the time that the **Federal Register** Notice was issued, the subject study was not available to the public. This study is now available for review in the DOE Reading Room, 1E–190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Comments received by June 15, 1981, at the address specified above will be submitted to the President and the Congress.

Dated: May 13, 1981.

Barton R. House,

Acting Assistant Secretary for Environmental Protection, Safety and Emergency Preparedness.

[FR Doc. 81-14893 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Coordinating Subcommittee of the Committee on Arctic Oil and Gas Resources; Meeting

Notice is hereby given that the Coordinating Subcommittee of the Committee on Arctic Oil and Gas Resources will meet in June 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Arctic Oil and Gas Resources will analyze the various issues bearing on expeditious resource development of this promising frontier area. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Coordinating Subcommittee meeting follows:

The sixth meeting of the Coordinating Subcommittee will be held on Tuesday, June 9, 1981, starting at 9:00 a.m., in the Yukon/Pacific Room, Atlantic Richfield Company, 515 South Flower Street, Los Angeles, California.

The tentative agenda for the meeting follows:

1. Introductory remarks by the Chairman and Government Cochairman.
2. Review of the draft reports of the task groups.
3. Discussion of the timetable of the study.
4. Discussion of any other matters pertinent to the overall assignment from the Secretary

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on May 11, 1981.

Roger A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

May 11, 1981.

[FR Doc. 81-14891 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Hazardous Wastes Task Group of the Committee on Environmental Conservation; Rescheduled Meeting

This notice is given to advise of the rescheduling of the fifth meeting of the Hazardous Wastes Task Group of the Committee on Environmental Conservation. The meeting will be on Thursday, May 28, 1981, at 10:00 a.m., in Room 3748 of the Standard Oil Company (Indiana) Building, 200 East Randolph Drive, Chicago, Illinois, in lieu of the date, time, and place announced in the April 24, 1981, issue of the **Federal Register** (46 FR 23287).

Issued at Washington, D.C. on May 11, 1981.

Roger W. A. LeGassie,

Acting Assistant Secretary for Fossil Energy.

May 11, 1981.

[FR Doc. 81-14892 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-80-091; ERA Case No. 52418-9195-21, 22-22]

Puget Sound Power and Light Company, Frederickson Generating Station Units 1 and 2; Decision and Order Granting Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues this Decision and Order to Puget Sound Power and Light Company (Puget Sound) granting two permanent peakload powerplant exemptions from the prohibitions against (1) the use of petroleum or natural gas as a primary energy source by new powerplants and (2) the construction of new powerplants without the capability of use an alternate fuel as a primary energy source, which are contained in section 201 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C 8301 et seq. (FUA or the Act).

Background:

On August 5, 1980, Puget Sound filed two petitions with ERA for two permanent peakload powerplant exemptions to enable it to use oil or natural gas as a primary energy source in two 81,000 kilowatt oil or natural gas-fired combustion turbine powerplants to be known as Frederickson Generating Station Units 1 and 2 (Frederickson 1 and 2) and which are to be located in Pierce County, Washington. ERA accepted the petitions on October 2, 1980, and published notice of the acceptance, together with a statement of the reasons set forth in the petitions for requesting the exemptions, in the **Federal Register** on October 9, 1980 (45 FR 67128). Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. Interested persons were also afforded an opportunity to request a public hearing. The comment period ended November 24, 1980.

Comments on Puget Sound's petitions were received from the Washington Utilities and Transportation Commission, Dr. J. Nichol Roehr of Heath-Arnold Radiologists Inc., and the Oil Heat Institute of Washington (OHIW). OHIW also requested that a public hearing be held in Seattle, Washington.

ERA's staff reviewed the information contained in the record of the proceeding and prepared a Tentative Staff Analysis (TSA) which recommended that ERA issue an order granting Puget Sound two permanent peakload powerplant exemptions to use

oil or natural gas in Frederickson 1 and 2, subject to certain terms and conditions. A notice of availability of the TSA was published in the Federal Register on January 26, 1981 (46 FR 8077). The publication of the notice of availability opened a 14-day public comment period which ended February 9, 1981. Additional persons submitting comments on the petitions included the Boeing Company; Georgia-Pacific Corporation, Bellingham Division; and the Criton Corporation.

A notice of order granting a public hearing was published in the Federal Register on February 24, 1981 (46 FR 13758). A notice of public hearing to be held in Seattle, Washington, beginning on April 1, 1981, was published in the Federal Register on March 19, 1981 (46 FR 17584). At the request of OHIW, the date of the public hearing was changed to April 10, 1981, notice of which was published in the Federal Register on April 1, 1981 (46 FR 19648). Participants in the hearing included Puget Sound, OHIW and ERA. OHIW and ERA staff made presentations at the public hearing. Participants were provided an opportunity to question ERA staff and other participants in the hearing. The concerns and issues raised by OHIW at the public hearing are addressed below. Following the public hearing, the record remained open for a period of 14 days, during which time the Presiding Officer extended the period to May 4, 1981, due to the late receipt of the hearing transcript. On May 7, 1981, the Presiding Officer certified the record.

On the basis of ERA's review of the entire record of this proceeding, ERA has determined to grant the exemptions requested by Puget Sound to use oil or natural gas in Frederickson 1 and 2, subject to the terms and conditions enumerated below.

On August 11, 1980, DOE published in the Federal Register (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. Puget Sound has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new units under exemption. The Environmental Checklist completed and certified to by Puget Sound pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. Puget Sound's responses to the questions contained therein indicate that the operation of the peakload powerplants will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. ERA has not received any public comments relating to this action which raise a substantial question regarding the categorical exclusion status in this case. Therefore, no additional environmental review is deemed to be required.

DATES: This order will take effect on June 20, 1981.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055.

Louis T. Krezanosky, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3012 B, Washington, D.C. 20461, Phone (202) 653-4206.

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Ave., S.W., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted by ERA. Final rules applicable to new facilities issued by ERA on May 30, 1980, were published in the Federal Register on June 6, 1980 (45 FR 38278) and became effective August 5, 1980.

Puget Sound submitted a sworn statement with its petitions signed by Mr. Robert V. Meyers, Vice President, General Resources as required by 10 CFR 503.41(b)(1). In his statement, Mr. Meyers certified that each of the units will be operated solely as peakload powerplants only to meet peakload demand for the life of the plants. He also certified that the maximum design capacity of each unit is 81,000 KW and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 121,500,000 Kwh.

A number of issues were raised by OHIW in its written comments and during the public hearing. These issues are discussed below.

First, OHIW challenged the sufficiency and acceptability of Puget Sound's certification that Frederickson 1 an 2 will be operated solely as peakload powerplants. OHIW alleges that (1) Puget Sound has impermissively conditioned its certifications and (2) that the representation to ERA that the units will be used soley for peakload purposes for the life of the powerplants is inconsistent with other representations made by Puget Sound.

Puget Sound's certifications are qualified by remarks that such certifications do not apply with respect to operation of the units "which * * * (ii) is in accordance with any other exemption which may be obtained, or (iii) is not in violation of applicable laws and regulations from time to time in effect." ERA does not believe that this language is inconsistent with the certification requirement. The regulations implementing FUA provide that a petition for a peakload exemption may be submitted in addition to a petition for a reliability exemption for a proposed unit, providing that eligibility and evidentiary requirements for each exemption are satisfied. Moreover, there are other provisions in the regulations and the statute which may, in specifically defined circumstances, allow use of the units in addition to operation under the peakload exemption. For these reasons, ERA did not feel that the qualifications to Puget Sound's certification indicated an intended use of the proposed units which is in conflict with the provisions of the statute or the implementing regulations. ERA concludes that Puget Sound has met the requirements of 10 CFR 503.41(b)(1)(i).

In support of its contention that Puget Sound does not intend to operate the proposed units in consonance with the requirements of the Act, at the public hearing OHIW presented testimony by Mr. Jim Lazar, a consulting economist. Mr. Lazar asserted that Puget Sound does not need the combustion turbines in order to meet its peakload requirements. Mr. Lazar also pointed to Puget Sound's testimony at a rate proceeding before the Washington Utilities and Transportation Commission (WUTC), which, he asserted, implied that Puget Sound intended to operate the Frederickson units in excess of the 1500 hours per

year permitted under the peakload exemptions.

In response to Mr. Lazar's testimony, Puget Sound submitted postbearing comments containing data which forecasts peakload deficits through the year 2000. Puget Sound also noted that the testimony cited my Mr. Lazar dealt solely with the development of power costs and in no way reflects planned or actual operation of a powerplant under a FUA peakload powerplant exemption.

FUA does not require a demonstration of need for a peakload powerplant exemption; in light of the disputed nature of the date, ERA cannot accept the assertion by OHIW that Puget Sound's failure to demonstrate need for additional peakload capacity is an indication of its intent to operate the units in excess of 1500 hours.

Second, in both its comments and in testimony at the public hearing, OHIW argued that Puget Sound's petitions failed to provide adequate assurances that the proposed units would be operated on natural gas rather than petroleum as a primary energy source. OHIW argued that Puget Sound should be required to supplement its petition with information regarding its intentions as to the use of petroleum as a primary fuel. In the absence of such information, OHIW claimed there is no justification for granting the exemptions for any fuel other than natural gas. With regard to these contentions, ERA concludes that neither FUA nor ERA's regulations require use of natural gas rather than petroleum, nor do they condition the granting of a peakload powerplant exemption on the availability of supply of natural gas or petroleum. The grant of the exemption merely relieves the exemption recipient from the statutory prohibitions on oil and gas use.

OHIW's third comment was that Puget Sound's petitions (including the EIS) failed to supply adequate information regarding the availability of alternate fuels, i.e. fuels other than petroleum or natural gas. OHIW contended that ERA should, by independent staff work, determine the availability of alternate fuels in the near-term future in order to assess the feasibility of requiring Puget Sound to construct the proposed powerplants with alternate fuel capability. Neither FUA nor ERA's regulations require Puget Sound to spply such information, or to conduct an independent staff effort to determine the future availability of alternate fuels in order to determine eligibility for peakload powerplant exemption. ERA, in connection with the proposed use of natural gas, has determined that there are no available alternate fuels which may be used in the proposed powerplants.

Fourth, OHIW alleged that the description of Puget Sound's actual conservation program in its petitions and attached environmental reports is inaccurate and inadequate. To support this contention, OHIW referred to the previous Whitehorn proceeding (Docket No. ERA–FC–80–001) and testimony received at the public hearing in that case. Mr. Lazar also testified to this issue at the public hearing. Mr. Lazar testified that Puget Sound did not meet goals it had set for its conservation program as described to ERA in the Whitehorn proceeding. However, ERA notes that neither FUA nor the FUA regulations require a petitioner or a permanent peakload powerplant exemption to submit information concerning conservation programs to ERA in order to establish eligibility for an exemption. Puget Sound voluntarily submitted information on its conservation program as an attachment to its exemption petitions.

Fifth, OHIW questioned the adequacy of the environmental analysis submitted by Puget Sound. On the basis of the determination made by the DOE office of NEPA Affairs with consultation by the Office of General Counsel, ERA concludes that Puget Sound has fully complied with the requirements contained in 10 CFR 503.15, relating to the submission to ERA of information necessary for the agency to comply with NEPA.

Both OHIW's comments and presentation at the public hearing focused on terms and conditions which OHIW recommended be imposed on Puget Sound in order to limit its use of middle distillate. OHIW requested that ERA impose additional terms and conditions including a requirement that Puget Sound maintain a 14-day supply of low-sulfur residual oil or of liquified natural gas, a requirement that Puget Sound institute various conservation measures and a requirement that Puget Sound purchase power from cogeneration at rates equal to the fully distributed cost of running these turbines. Additionally, OHIW requested clarification of the terms and conditions proposed by ERA in the Tentative Staff Analysis, in order to restrict Puget Sound's operation of the Frederickson units on middle distillates.

Section 214(a) of the Act gives ERA the authority to include in any order granting an exemption, appropriate terms and conditions "requiring the use of effective fuel conservation measures which are practicable and consistent with the purposes of this Act." ERA has carefully considered OHIW's recommendations in the proceeding along with the comments furnished by other interested persons and the information provided by Puget Sound throughout the proceeding. ERA concludes that at present, there is no need to impose further conditions upon Puget Sound other than those recommended by ERA staff. There is a financial incentive to minimize the use of the proposed units. To the extent that they are used, Puget Sound has indicated that it intends to use natural gas as long as it is available. With respect to OHIW's request that Puget Sound be required to burn residual oil instead of middle distillate, under present circumstances, there is no economic or other justification for requiring the storage of or use of residual fuel or liquified natural gas as a backup fuel instead of middle distillate. Under current economic conditions, the lowest grade of petroleum available which is technically capable of being burned in these units is middle distillate.

ERA believes that setting specific goals and the content of utility conservation plans in the absence of strong support for such action by the appropriate state regulatory agency would be inappropriate.

ERA by this order, grants Puget Sound permanent peakload powerplant exemptions from the prohibitions of FUA with respect to the use of petroleum or natural gas in the Federickson 1 and 2 combustion turbines, provided each powerplant is operated solely as a peakload powerplant and to meet peakload demand subject to the terms and conditions stated below:

Terms and Conditions

Based upon information submitted by Puget Sound and other persons and the results of ERA's analysis, this order is granted on the following terms and conditions:

A. Puget Sound shall not produce more than 121,500,000 kWh during any 12-month period with either of the proposed units, Frederickson 1 or 2.

B. Puget Sound shall comply with the reporting requirements set forth in 10 CFR Part 503.41(d).

C. The quality of any petroleum to be burned in the units will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. Puget Sound shall maintain at least a 14-day inventory of oil for each unit whenever a condition of gas curtailment is anticipated together with hydro conditions or other anticipated events

that are expected to require the use of petroleum. Puget Sound shall make all reasonable efforts to meet its anticipated needs for oil with minimal disruption to the needs of other users and to obtain any necessary inventories before a gas curtailment.

E. This order shall take effect on June 20, 1981.

Issued in Washington, D.C., on May 15, 1981.

Robert L. Davies,

Office Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-15008 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204 (e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective June 1, 1981. These prices are based on the prices of alternative fuels.

FOR FURTHER INFORMATION CONTACT: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th & Pa. Ave., N.W., Room 4121, Washington, D.C. 20461, (202) 633-9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million Btu's
Alabama	$3.92
Arizona [1]	3.27
Arkansas [1]	3.71
California	3.18
Colorado [1]	3.30
Connecticut [1]	4.94
Delaware [1]	4.44
Florida	4.21
Georgia	4.26
Idaho [1]	3.30
Illinois	2.91
Indiana [1]	3.80
Iowa [1]	3.90
Kansas	3.80
Kentucky [1]	3.80
Louisiana [1]	3.71
Maine [1]	4.94
Maryland [1]	4.44
Massachusetts	4.85
Michigan [1]	3.80
Minnesota [1]	3.90
Mississippi	4.12
Missouri	3.75
Montana	3.30
Nebraska [1]	3.80
Nevada [1]	3.27
New Hampshire [1]	4.94
New Jersey [1]	4.44
New Mexico	3.80
New York	4.30
North Carolina [1]	4.45
North Dakota [1]	3.90
Ohio [1]	3.80
Oklahoma [1]	3.71
Oregon [1]	3.27
Pennsylvania [1]	4.44
Rhode Island [1]	4.94
South Carolina [1]	4.45
South Dakota	3.90
Tennessee	4.07
Texas	3.51
Utah [1]	3.30
Vermont [1]	4.94
Virginia [1]	4.45
Washington [1]	3.27
West Virginia [1]	3.80
Wisconsin	3.87
Wyoming	3.71

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79-21

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during March 1981 was $42.06 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as indentified in the NGPA, Title II, Section 203 (a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective June 1, 1981, is $9.43 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 61, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of January 1981, February 1981, and March 1981.[2] All reports of volumes sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) Calculation of Volume-Weighted Average Price.—The prices which will become effective June 1, 1981, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, January 1981, February 1981, March 1981. Reported prices for sales in January 1981 were adjusted by the percent change in the nationwide volume-weighted average price from January 1981, to March 1981. Prices for February 1981 were similarly adjusted by the precent change in the nationwide volume-weighted average price from February 1981 to March 1981. The volume-weighted 3-month average of the adjusted January 1981 and February 1981, and the reported March 1981 prices was then computed for each State.

(2) Adjustment for Price Variation.—States were grouped into the regions indentified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B. (1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

[2] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

(3) Calculation of Ceiling Prices.—The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower or these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) Lag Adjustment.—The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending May 13, 1981, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of March 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

C. Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region B: Delaware, Maryland, New Jersey, New York, Pennsylvania.

Region C: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Region D: Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, Wisconsin.

Region E: Iowa, Kansas, Missouri, Minnesota, Nebraska, North Dakota, South Dakota.

Region F: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Region G: Colorado, Idaho, Montana, Utah, Wyoming.

Region H: Arizona, California, Nevada, Oregon, Washington.

Issued in Washington, D.C. on May 15, 1981.

Albert H. Linden, Jr.,

Acting Administrator, Energy Information Administration.

[FR Doc. 81-15192 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Availability of Federal Power Commission Reports; Volume No. 51

May 15, 1981.

Notice is hereby given that Volume No. 51 of the *Federal Power Commission Reports* is on sale at the United States Government Printing Office Bookstore. Volume No. 51 contains Federal Power Commission (Federal Energy Regulatory Commission's predecessor) opinions, orders, and precedential procedural orders for the period January 1, 1974 through June 30, 1974. Persons interested in purchasing this two volume set may remit $28.00 for GPO Stock 071-001-0061-6 to the following address: Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15193 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3385-001]

Carlton H. Noyes and John E. Phipps; Application for Preliminary Permit

May 18, 1981.

Take notice that Carlton H. Noyes and John E. Phipps (Applicants) filed on April 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3385 to be known as Oxbow Ranch located on Hawley, Ten Mile, and Clear Creeks in Lemhi County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: Mr. Carlton H. Noyes, Oxbow Ranch, Leadore, Idaho 83464. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) three concrete diversion dams which will replace the three existing earth-rock diversion dams, Hawley Creek Dam, Ten Mile Creek Dam, and Clear Creek Dam; (2) a 5.9-mile long, 30-inch diameter penstock from Hawley Creek Dam to the powerhouse; (3) a 2.1-mile long, 18-inch diameter penstock from Clear Creek Dam to Ten Mile Creek Dam; (4) a 5.65-mile long, 30-inch diameter penstock from Ten Mile Creek Dam to the powerhouse; (5) a powerhouse containing generating equipment with a combined capacity of 1,800 kW; and (6) a 7-mile long, 12-kV transmission line. The Applicant estimates that the average annual energy output would be 12 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to a utility company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would perform hydrological and economic studies; select materials and equipment; and prepare plans and specifications. The cost of studies is estimated by the Applicant to be $47,100.

Purpose of Preliminary Permit—A preliminary permit does not authorize

construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application and license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3385. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15071 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-445-000]

Carolina Power & Light Co.; Filing

May 14, 1981.

The filing company submits the following:

Take notice that Carolina Power & Light Company on May 4, 1981, tendered for filing changes outlined below in its agreements with certain electric membership corporations, the Town of Ayden, and the City of Lumberton.

1. *Town of Ayden*—Purchase of Relaying Facilities.

2. *City of Lumberton*—The establishment of a new point of delivery at 115 kV to be known as City of Lumberton Point of Delivery No. 2.

3. *Pee Dee EMC*—The establishment of a temporary point of delivery at 23 kV to be known as North Rockingham Point of Delivery.

4. *Pitt & Greene EMC*—The establishment of a new point of delivery at 115 kV to be known as Arba Point of Delivery.

5. *Pitt & Greene EMC—Relocation of Davenport Point of Delivery.*

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15085 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-455-000]

Central Louisiana Electric Co.; Filing

May 14, 1981

The filing Company submits the following:

Take notice that on May 11, 1981, Central Louisiana Electric Company (CLECO) tendered for filing a letter agreement dated April 20, 1981, which provides for the sale of 150 MW of unit capacity from CLECO's Rodemacher Unit No. 1 to Cajun Electric Power Cooperative, Inc. (CAJUN) for the 12-month period commencing January 1, 1981, and an additional 130 MW for the 12-month period commencing May 26, 1981.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8, 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15086 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4500-000]

City of New Ulm, Public Utilities Commission; Application for Preliminary Permit

May 18, 1981.

Take notice that City of New Ulm, Public Utilities Commission (Applicant) filed on April 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4500 to be known as Mississippi River Lock and Dam No. 8 located on Mississippi River in Houston County, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard D. Salvati, City Manager, City Hall, 100 North Broadway, New Ulm, Minnesota 56073. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the right abutment of the existing dam, containing generating units having a total installed capacity of approximately 20 MW; (2) proposed transmission lines; (3) a proposed earth dike and tailrace; and (4) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. The Applicant estimates that the average annual energy output would be approximately 70,000,000 kWh.

Purpose of Project—Energy produced at the project would be sold to the customers of the Applicant and to the Northern States Power Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the Applicant would study the river flows, dependable capacity, transmission line connections, cost estimates, environmental impacts, and preliminary and final design drawings. Federal, State, and local government agencies would be consulted concerning the environmental effects of the project and to enlist their corporation in support of a FERC license. Applicant estimates the cost of the studies would be $300,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc. Project No. 3622 filed on October 31, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests or petition to intervene must be received on or before June 19, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4500. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15971 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4524-000]

City of Portland, Oregon; Application for Preliminary Permit

May 15, 1981.

Take notice that the City of Portland, Oregon (Applicant) filed on April 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4525 to be known as the Tioga Creek Hydroelectric Project located on the South Fork of the Coos River in Coos County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Honorable Francis J. Ivancie, Mayor, City Hall, Room 303, 1220 S.W. 5th Avenue, Portland, Oregon 97204, with a copy to Mr. James L. Doane, Manager, Bureau of Hydroelectric Power, 1800 S.W. 6th Avenue, Portland, Oregon 97201. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a new 300-foot high by 1,300-foot long dam creating; (2) a reservoir with a surface area of 2,070 acres with a storage capacity of 330,000 acre-feet at normal maximum surface elevation of 650 feet; (3) a powerhouse to contain two turbine-generating units with a total rated capacity of 44 MW; and (4) approximately 17 miles of transmission line to connect to an existing Bonneville Power Administration (BPA) transmission line.

The Applicant estimates that the average annual energy output would be 192.9 million kWh.

Purpose of Project—The Applicant proposes to sell the project energy to a

Northwest Power Pool member, namely the Pacific Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months during which it would study the engineering, environmental, and economic feasibility of the project. Applicant states that the portions of the study which would include land disturbing activities would be held to a minimum and that the required surveys and drillings would be performed close to existing roads to avoid additional disturbances except for minor brush cutting. No new road would be required to carry out the above activities. Applicant estimates that the cost of the feasibility studies would be about $330,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4524. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15088 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-451-000]

Cleveland Electric Illuminating Co.; Filing

May 14, 1981.

The filing company submits the following:

Take notice that on May 8, 1981, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 30 MW of power from the 345 kV interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on May 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 4, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15087 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP78-20, et al.]

Columbia Gas Transmission Corp.; Filing of Post Audit Review Data

May 13, 1981.

Take notice that Columbia Gas Transmission Corporation (Columbia) on November 13, 1980, tendered for filing the jurisdictional revenue and cost of service data as required for purposes of the Post Audit Review pursuant to Article V–B of the approved Stipulation and Agreement in Docket Nos. RP78–20, *et al.*

Columbia states that this data has been prepared in accordance with Article V–C of the aforementioned Settlement Agreement.

Columbia further states that it has eliminated all costs, direct and indirect, associated with new gas [1] production, and in lieu thereof, has included its actual new gas production for the Post Audit period priced at rates specified in Opinion 770–A, or in accordance with Order 96, as applicable.

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[1] New Gas is defined as gas produced from leases acquired after October 7, 1969 and gas from all wells spudded after December 31, 1972, regardless of lease acquisition.

Columbia notes that a copy of the Post Audit Review data (excluding detailed working papers relating to New Gas) was served on all parties.

Any person wishing to do so may submit comments in writing concerning the subject Post Audit Review data. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 22, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15085 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-44-001]

Commercial Pipeline Co. Inc.; PGA Filing

May 13, 1981.

Take notice that on April 30, 1981 Commercial Pipeline Co., Inc. (Commercial) tendered for filing Substitute Thirty-Fifth Revised Sheet No. 3A reflecting Purchased Gas Adjustments and effective dates as set out below:

Sheet No.	Adjustments			Effective date
	Current	Surcharge	Cumulative	
Substitute 35th Revised Sheet No. 3A.	.2366	0	.2366	May 23, 1981.

Commercial states that these revisions track precisely similar revisions in the tariff of Cities Service Gas Company, it's sole supplier. Commercials requests waiver of notice to the extent required to permit said tariff sheets to become effective as proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission 825 Capitol St., N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 22, 1981. Protests will be considered by the Commission in determining the appropriate action be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15086 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-25-000]

Conoco Inc.; Request for Withdrawal

May 14, 1981.

State of New Mexico, Section 108 NGPA Determination, Conoco Inc., Wantz No. 9, Nolan-Wantz-State 10 Field, Lea County, New Mexico, JD No. 79-4332.

Take notice that on June 4, 1980, Conoco Inc. (Conoco) filed with the Federal Energy Regulatory Commission (Commission) a request to withdraw its application for a section 108 well category determination under the Natural Gas Policy Act of 1978 (NGPA) for the above-listed well. The determination for the subject well became final by operation of § 275.202 of the Commission's regulations before the date on which the request was made.

Conoco states that a review of its records disclosed that the well in question has completions in more than the formation on which the application was based. Conoco further states that the production data qualifying the well did not constitute the total well production.

Any person desiring to be heard or to make any protests with reference to said request should on or before June 1, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, D.C. 20426, a petition to intervene or a protest inaccordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to beocome a party to the proceeding must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15088 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-453-000]

Consumers Power Co.; Proposed Tariff Change

May 14, 1981.

The filing Company submits the following:

Take notice that Consumers Power Company on May 11, 1981, tendered for filing a revision to the annual charge rate for charges due Consumers Power Company from Wolverine Electric Cooperative, Inc. ("Wolverine"), under the terms of the Blendon Interconnection Facilities Agreement (designated Supplement No. 16 to Consumers Power Company Rate Schedule FERC No. 34).

Consumers Power Company states that Article 1.054 of the Blendon Interconnection Facilities Agreement provides for an annual redetermination of the annual charge rate to be charged by Consumers Power Company under the Blendon Interconnection Facilities Agreement and that, according to Article 1.054, the redetermination is to be made as of January 1 of each year, effective on the following May 1.

Consumers Power Company states that, effective May 1, 1981, the redetermination increases the annual charge rate from 17.30% to 17.57%. Consumers Power Company states that this increase reflects an increase in the embedded cost of debt and preferred and preference stock.

Consumers Power Company states that the annual effect of the increase in fixed charge rate is an increase of approximately $1,200.

Consumers Power Company states that copies of the filing were served on Wolverine, Northern Michigan Electric Cooperative, Inc., the cities of Grand Haven and Traverse City, Michigan, and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said revision should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed by or before June 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of said revision are on

file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15086 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP72-6, et al.]

El Paso Natural Gas Co.; Tariff Filing

May 13, 1981.

Take notice that on May 1, 1981, El Paso Natural Gas Company ("El Paso") tendered for filing, in compliance with ordering paragraph (C) of the Federal Energy Regulatory Commission ("Commission") "Order Accepting Compliance Tariff Filing, Rejecting Tariff Sheet, Granting Motion, and Permitting Withdrawal of Tariff Filing" issued April 30, 1981 at Docket No. RP72-6 *et al.*, Third Revised Sheet No. 101 and Original Sheet No. 101-A to its FERC Gas Tariff, Original Volume No. 1.

El Paso states that the tendered tariff sheets establish separate monthly average day end use profiles for the ASARCO Incorporated ("ASARCO") delivery points in El Paso, Texas, and Hayden, Arizona, respectively, to be utilized in implementing El Paso's Permanent Allocation Plan. Said plan was proposed in the Stipulation and Agreement dated December 24, 1980, which El Paso filed with the Commission on December 29, 1980. The Stipulation and Agreement was accepted and approved by the Commission's order issued March 26, 1981 at Docket No. RP72-6, *et al.* El Paso states that the Commission's order issued April 30, 1981, *inter alia*, accepted, effective May 1, 1981, for incorporation in El Paso's FERC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, all the tariff sheets save one of which El Paso filed with the Commission on March 31, 1981 at Docket Nos. RP72-6-032 and CP77-289-025, in order to place the Permanent Allocation Plan into effect as of May 1, 1981. The one tariff sheet not accepted for filing was Third Revised Sheet No. 101 to El Paso's Original Volume No. 1 Tariff. The Commission, however, noted that the *pro forma* tariff sheets containing the Permanent Allocation Plan appended under Appendix A, Tab 1, of the approved Stipulation and Agreement reflected separate end use profiles for the ASARCO delivery points. For this reason, the Commission, in ordering paragraph (B) of said order issued April 30, 1981, rejected Third Revised Sheet No. 101 which contained the combined monthly average day end use profile for the ASARCO delivery points. Such rejection was without prejudice to El Paso's right to resubmit such sheet at a later date.

Ordering paragraph (C) of the order issued April 30, 1981, directed El Paso to immediately refile revised tariff sheets identical to *pro forma* Sheet Nos. 25 and 26 filed as a part of the Stipulation and Agreement to replace the rejected Third Revised Sheet No. 101. El Paso states that the tendered Third Revised Sheet No. 101 and Original Sheet No. 101-A are being filed in compliance with said ordering paragraph (C) in order to reflect the separate monthly average day end use profiles for ASARCO's delivery points in El Paso, Texas, and Hayden, Arizona, respectively.

El Paso requests that the Commission accept the tendered tariff sheets and permit them to become effective as of May 1, 1981 which is the effective date provided by the Commission in ordering paragraph (C) of said order issued April 30, 1981.

El Paso further states that copies of the filing have been served upon all parties of record in Docket No. RP72-6, *et al.*, and, otherwise, upon all of El Paso's interstate system customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before May 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15087 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-33-001]

El Paso Natural Gas Co.; Revised Purchased Gas Cost Adjustment Filing

May 13, 1981.

Take notice that on May 1, 1981, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act and in compliance with ordering paragraph (B) of the Commission's "Order Accepting for Filing and Suspending Proposed Tariff Sheets Subject to Refund and Conditions" issued March 31, 1981 at Docket No. TA81-2-33-000, the following revised tariff sheets to become effective April 1, 1981:

Original Volume No. 1

Fourth Substitute Twenty-seventh Revised Sheet No. 3-B

Third Revised Volume No. 2

Fourth Substitute Eighteenth Revised Sheet No. 1-D

Original Volume No. 2A

Fourth Substitute Nineteenth Revised Sheet No. 1-C

These tariff sheets reflect a net decrease of 0.82¢ per Mcf in the rates for jurisdictional gas service[1] which El Paso proposed in its February 27, 1981 notice of change in rates.

El Paso states that the Commission's order issued March 31, 1981 conditionally accepted, effective April 1, 1981, subject to refund, certain tariff sheets to El Paso's FERC Gas Tariff which were tendered as a part of El Paso's February 27, 1981 PGAC filing. El Paso states that this rate reduction has been made pursuant to ordering paragraph (B) of the Commission's order issued March 31, 1981, in which El Paso was ordered to file revised tariff sheets to be effective April 1, 1981, reflecting the removal of costs and volumes relating to current exchange transactions from the PGAC adjustment. Accordingly, El Paso states that the tendered revised tariff sheets serve to eliminate said current exchange transactions resulting in an overall revised net adjustment of 15.58¢ per Mcf above El Paso's currently effective rates, as compared with an increase of 16.41¢ per Mcf initially proposed in El Paso's February 27, 1981 PGAC filing.

Ordering paragraph (C) of the Commission's order issued March 31, 1981 further conditioned the acceptance of El Paso's rates upon El Paso filing revised tariff sheets to be effective April 1, 1981 reflecting the removal from Account 191 of all unpaid accruals of purchased gas costs. El Paso states that on April 27, 1981 it filed a motion for a

[1] Such service is rendered under rate schedules affected by and subject to Section 19, Purchased Gas Cost Adjustment Provision ("PGAC"), and Section 22, Louisiana First-Use Tax Tracking Provision, contained in the General Terms and Conditions applicable to El Paso's FERC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A.

further forty-five (45) day extension of time to comply with ordering paragraph (C) or, if later, until fifteen (15) days after the issuance of an order by the Commission clarifying the scope and intent of ordering paragraph (C) in response to El Paso's application for rehearing or clarification being filed concurrently with the instant filing. The Commission's action on El Paso's application for rehearing or clarification should resolve uncertainties that have arisen concerning the unpaid accrual issue and afford El Paso the guidance it needs to tender the revised tariff sheets required to be filed by ordering paragraph (C), if such filing is deemed necessary upon rehearing.

Ordering paragraph (D) of the Commission's order issued March 31, 1981 further required that El Paso file information responsive to the data request of the Director of the Office of Pipeline and Producer Regulation issued by letters dated March 18, 1981 and March 25, 1981. El Paso states that concurrently with the instant tender it is filing information responsive to such data request demonstrating that the pricing of company-owned production included in the subject PGAC adjustment does not exceed the amount paid in comparable first sales between persons not affiliated with El Paso as required by Section 601(b)(1)(E) of the Natural Gas Policy Act of 1978.

El Paso requests that the revised tariff sheets reflecting the adjusted rates in compliance with said ordering paragraph (B) be subsituted for their respective counterparts tendered on February 27, 1981 at Docket No. TA81-2-33-000. El Paso further requests that the revised tariff sheets be permitted to become effective as of April 1, 1981 which is the effective date provided by the Commission in ordering paragraph (B) of said order issued March 31, 1981.

El Paso states that copies of the instant tender have been served upon all parties of record in Docket No. TA81-2-33-000, and, otherwise, upon all interstate pipeline system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before May 22, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15073 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4132-000]

Energenics Systems, Inc., Washington; Application for Preliminary Permit

May 15, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on February 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4132 to be known as Scootnay Wasteway located on the Scootnay Wasteway in Franklin County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing inlet to the Scootnay Wasteway; (2) a penstock; (3) a powerhouse containing generating units with a combined capacity of 0.989 MW; and (4) a 1-mile long transmission line.

The Applicant estimates that the average annual energy output would be 5.20 GWh.

Purpose of Project—The power generated by the proposed project would be sold to local institutions, industrial users, or a utility.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would perform hydrologic and engineering studies; study marketing and financing; assess environmental impacts and safety hazards; consult with the appropriate agencies; determine the feasibility of the project; and develop a schedule for putting power on line. The cost of these studies is estimated by the Applicant to be $30,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Premittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit.(A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of

intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", opr "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4132. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15100 Filed 5-19-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4171-000]

Energenics Systems, Inc.; Application for Preliminary Permit

May 15, 1981.

Take notice that ENERGENICS SYSTEMS, INC. (Applicant) filed on February 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4171 to be known as the Crane Prairie Project located on the Deschutes River in Deschutes County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a penstock diverting flows from the existing outlet works of the Water and Power Resources Service's Crane Prairie Dam; (2) a powerhouse containing a single generating unit with a rated capacity of 605 kw; (3) a tailrace discharging into the existing stilling basin; and (4) associated electrical and transmission equipment.

The Applicant estimates that the average annual energy output would be 2,200 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed study to determine the technical, economic, financial, and environmental feasibility of the proposed project. Applicant estimates that the study would cost $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies for examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Cascade Waterpower Development Corporation's Project No. 3446 filed on September 8, 1981, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 18, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4171. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15074 Filed 5-19-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-456-000]

Florida Power & Light Co.; Filing

May 14, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on May 11, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement for Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Ecomony Interchange Service) and D (Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibit, FPL will transmit power and energy for the City of Homestead (Homestead) as is required by Homestead in the implementation of its interchange agreement with the City of St. Cloud.

FPL requests that waiver of Section 35.3 of the Commission's Regulations be

granted and that the proposed Exhibit be made effective immediately. FPL states that copies of the filing were served on the Utilities Director of Homestead.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15088 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-454-000]

Florida Power & Light Co.; Termination of Delivery Point

May 14, 1981.

The filing company submits the following:

Take notice that on May 11, 1981, Florida Power & Light Company tendered for filing an Exhibit A to its FERC Electric Tariff, Revised Volume No. 1, for the termination of service to Lee County Electric Cooperative, Inc. at its Lee Switching Station Delivery Point. In accordance with the terms of the Exhibit A, all load previously served at that delivery point has been transferred to a different existing delivery point as of April 16, 1981.

The proposed effective date for the Exhibit A is April 16, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15089 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-449-000]

Florida Power & Light Co.; Filing

May 14, 1981.

The filing company submits the following:

Take notice that on May 7, 1981, Florida Power & Light Company (FPL) tendered for filing four (4) Exhibits A which provide for the contract demands for the Utilities Authority; Florida Keys Electric Cooperative, Inc.; and City of Homestead.

The proposed effective date for the contract demands for New Smyrna Beach and Florida Keys is March 1, 1981; the proposed effective date for the contract demand for Fort Pierce is April 1, 1981; and the proposed effective date for the contract demand for Homestead is June 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 2, 1981. Protests will be considered by the Commission in determining the apropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15091 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4501-000]

Frankfort Electric and Water Plant Board; Application for Preliminary Permit

May 15, 1981.

Take notice that Frankfort Electric and Water Plant Board (Applicant) filed on April 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4501 to be known as the Kentucky River Lock and Dam No. 4 Project located on the Kentucky River in Franklin County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Rodney R. Tatliff, Board Chairman, Frankfort Electric and Water Plant Board, P.O. Box 308, Frankfort, Kentucky 40602. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Kentucky River Lock and Dam No. 4. The proposed project would consist of: (1) a proposed powerhouse containing an estimated installed generating capacity of 6 MW; (2) a proposed 300-foot long 69-kV transmission line to tie into an existing, Plant Board's 69-kV transmission line; and (3) appurtenant facilities. The project would be located on Federal lands.

The Applicant estimates that the average annual energy output would be 40 GWh.

Purpose of Project—Electric power output from this project would be integrated into the existing electric system of the Plant Board and sold to their customers.

Proposed Scope and Cost of Studies Under Permit—The Applicant has requested a 36-month permit to prepare a definitive project report. Studies will include determination of size and configuration of generating equipment, field investigations including ground surveys and borings if needed, and hydrological, financial and legal analysis. The cost of the aforementioned activities is estimated to be $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and

consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Dam Four Development Ltd. and ENERGENICS SYSTEMS, INC. Projects Nos. 3675 and 3977 respectively, filed on November 5, 1980, and January 12, 1981, respectively, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 and 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 18, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4501. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-15101 Filed 5-19-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3865-000]

Guadalupe-Blanco River Authority; Application for Preliminary Permit

May 18, 1981.

Take notice that Guadalupe-Blanco River Authority (Applicant) filed on December 11, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3865 to be known as Canyon Dam Hydroelectric Project located on the Guadalupe River in Comal County, Texas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John H. Specht, General Manager, Guadalupe-Blanco River Authority, P.O. Box 271, Sequin, Texas 78155. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utlize the existing Canyon Dam and Reservoir and would consist of two types of developments: (1) a conventional development consisting of; (a) a powerhouse with units having a rated capacity of 5, 280 kW; (b) a 9-mile long transmission line; and (c) appurtenant facilities. The Applicant estimate that the average annual energy output would be 22 million kWh; (2) a pumped-storage development utilizing Canyon Reservoir as the lower reservoir and comprising (a) an upper reservoir to be located during the permit term; (b) a powerhouse with reversible units having a rated capacity of 4,770 kW and; (c) appurtenant facilities. The Applicant estimates that the average annual energy output would be 35.6 million kWh.

Purpose of Project—Energy produced by the conventional development at Canyon Dam would be sold to Pendernales Electric Cooperative or the City of New Braunfels Utilities. Energy generated at the pumped storage development would be sold to the Lower Colorado River Authority or the City of San Antonio Public Service Board.

Proposed Scope and Cost of Studies Under Permit—The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be preformed under the preliminary permit would be $15,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion if an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3635 submitted on October 31, 1980, under 18 CFR (1980). Anyone desiring to file a competing application must submit to the Commission, on or before, April 27, 1981, either competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about the application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to

the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before June 19, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable.

Any of these filing must also state that it is made in response to this notice of application for preliminary permit for Project No. 3865. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15075 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-44-000]

Gulf States Utilities Co.; Application

May 14, 1981.

Take notice that on May 6, 1981, Gulf States Utilities Company (Applicant) filed an application seeking authorization to negotiate the placement of up to 6,000,000 shares of Common Stock, without par value.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15002 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4401-000]

Hennepin County Park Reserve District; Application for Preliminary Permit

May 18, 1981.

Take notice that Hennepin County Park Reserve District (Applicant) filed on March 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4401 to be known as Coon Rapids Dam located on Mississippi River in Hennepin and Anoka Counties, Minnesota. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicants should be directed to: Mr. Clifton E. French, Superintendent, Hennepin County Park Reserve District, 3800 County Road 24, Maple Plain, Minnesota 55359. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing reservoir approximately 6.5 miles long with a storage capacity of 2,700 acre-feet and an area of 600 acres at power pool elevation of 830.1 feet m.s.l.; (2) an existing powerhouse containing space for several generating units. The proposed installed capacity of the powerhouse would be 9.0 MW; (3) an existing concrete dam consisting of a north and south section. The north section is approximately 450 feet long and 10 feet high and the south section is 75 feet long and 20 feet high; (4) proposed 7.3 kV transmission lines; and (5) appurtenant facilities. The Coon Rapids dam is owned by the Hennepin County Park Reserve District. The project's facilities would be located mostly on land owned by the Applicant. The Applicant estimates that the average annual energy output would be 53.5 GWh.

Purpose of Project—Energy produced at the project would be sold to the Northern States Power Company, the United Power Association Cooperation, and the Elk River Municipal Utilities.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time engineering, economic, and environmental studies would be conducted to examine the feasibility of the project. In addition, cost estimates for rehabilitating the existing structure to correct deficiencies would be determined. Applicant estimates the cost of the studies would be $50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Coon Rapids Development Ltd. Project No. 3613 filed on October 27, 1980. Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and

Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before June 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4401. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15075 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-45-001 (PGA81-1)]

Inter-City Minnesota Pipelines Ltd., Inc.; Proposed Rate Change Pursuant to Purchased Gas Cost Adjustment Provisions

May 13, 1981.

Take notice that Inter-City Minnesota Pipelines Ltd., Inc., (Inter-City) on March 30, 1981, tendered for filing Fourteenth Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1, proposed to be effective April 1, 1981.

Inter-City states that the filing reflects a request for a purchased gas adjustment cost pursuant to § 154.38(d)(4) of the Commission's regulations. Inter-City further states that the instant filing is a result of recent increases in the border price of Canadian gas. In order to effect this increase, Inter-City requests waiver of the provisions of Order No. 13 (18 CFR 154.38(d)(4)) to the extent necessary to allow this filing to become effective on April 1, 1981, or in the alternative, that the request be permitted to become effective following a one-day suspension.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15080 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-51-000]

J & W Refining, Inc.; Filing of Petition for Review

May 14, 1981.

Take notice that J & W Refining, Inc. on May 8, 1981, filed a Petition for Review under 42 U.S.C. 7194(b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before May 29, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before May 29, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15056 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-31-000]

Jerry Chambers; Application for Adjustment

May 14, 1981.

On April 30, 1981, Jerry Chambers, 3401 West Pershing Road, Chicago, Illinois 60632 (Applicant), filed with the Federal Energy Regulatory Commission an application for an adjustment under Section 107(d) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3317(d). Applicant requested that the Commission deem the election required under NGPA section 107(d) regarding the applicability of incentive pricing and deregulation, which was filed by Applicant on November 3, 1980, to have been filed on or before May 2, 1980. Applicant stated that he spudded a well on July 25, 1980, but an election required under NGPA section 107(d) was not filed on or before May 2, 1980, by his key employees as a result of their diminished concern for his affairs or attention to their competing interests preceding their termination of employment with Applicant.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to

intervene must be filed on or before June 4, 1981.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-15089 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4289-000]

Lake Chelan Reclamation District; Application for Preliminary Permit

May 15, 1981.

Take notice that Lake Chelan Reclamation District (Applicant) filed on February 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4289 to be known as the Manson Hydroelectric Project located on Antilon Lake in Chelan County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John R. Beebe, Jr., AER Engineers, 203 Harper Building, Seattle, Washington 98101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an intake structure constructed at Applicant's existing Antilon Lake Dam; (2) a 4-mile long penstock; (3) a powerhouse containing a single generating unit rated at 1.8 MW; and (4) associated electrical and transmission equipment. The Applicant estimates that the average annual energy output would be 14,200 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed study to determine the technical, economical, financial, and environmental feasibility of the proposed project. Applicant estimates that the studies would cost $34,323.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 6, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4289. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15088 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-225-000]

Louisiana Intrastate Gas Corp.; Application

May 14, 1981.

Take notice that on April 8, 1981, Louisiana Intrastate Gas Corporation (LIG), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST81-225-000 an application pursuant to Section 284.123(b)(2) of the Commission's Regulations under the Natural Gas Policy Act of 1978 for approval of rates charged for the transportation of natural gas for Entex, Inc. (Entex), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

LIG states that on July 28, 1980, it entered into a transportation agreement with Entex to provide transportation service for a two-year period commencing the date of initial deliveries of gas. It is stated that pursuant to the agreement, LIG is to accept gas from Entex for its account at a specified point of interconnection and redeliver thermally equivalent volumes to Intex for its system supply for resale. Applicant proposes to perform the transportation service through its facilities at no fee to Entex.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules

of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary

[FR Doc 81-15085 Filed 5-19-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-240-000]

Louisiana Intrastate Gas Corp.; Application

May 14, 1981.

Take notice that on April 20, 1981, Louisiana Intrastate Gas Corporation (LIG), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST81-240-000 an application pursuant to § 284.123(b)(2) of the Commission's Regulations under the Natural Gas Policy Act of 1978 for approval of rates charged for the transportation of natural gas for Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

LIG states that it and Tennessee have entered into an agreement dated March 12, 1981, wherein LIG would provide a transportation service for Tennessee. It is stated that pursuant to the agreement, LIG is to accept gas from Tennessee for its account at specified points of interconnection and redeliver thermally equivalent volumes of gas to Tennessee for resale less gas consumed as compressor fuel, company use and unaccounted for gas. LIG proposes to charge Tennessee a base transportation charge of 20.0 cents per million Btu of gas redelivered by LIG to Tennessee at the redelivery points specified in the transportation agreement.

LIG states that the transportation service would be for a term of two years commencing the date of initial deliveries and that the gas to be transported hereunder is owned by Tennessee and is for Tennessee's system supply for resale.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc 81-15081 Filed 5-19-81, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-54-000]

Louisiana-Nevada Transit Co.; Proposed Changes in FERC Gas Tariff

May 13, 1981.

Take notice that Louisiana-Nevada Transit Company on April 30, 1981 tendered for filing proposed changes in its FERC Gas Tariff, Volume I. The proposed changes are to reflect changes in purchased gas cost as provided in the Company's Purchase Gas Adjustment Clause applicable to its Rate Schedule No. G-1. The change provides for a total adjustment of 15.93¢ per mcf including a deferred gas cost adjustment of 03.64¢ per mcf, to amortize a defferred balance, and a cumulative cost of gas adjustment of 12.29¢ per mcf.

Copies of the filing were served upon the Company's jurisdictional customer and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15082 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-2-55-000 (PGA 81-2)]

Mountain Fuel Resources, Inc.; Change in Rates Pursuant to Purchased Gas Cost Adjustment Provision

May 13, 1981.

Take notice that on May 1, 1981, Mountain Fuel Resources, Inc. (Resources) tendered for filing a proposed change in rates applicable to service rendered under Rate Schedule No. 1 affected by and subject to Resources' *Purchased Gas Cost Adjustment Provision* contained in its FERC Gas Tariff, Original Volume No. 1. Resources filed Thirteenth Revised Sheet No. 7 and Third Revised Sheet No. 7-A of its FERC Gas Tariff, Original Volume No. 1.

The current adjustment to Resources rates results in an increase of $0.2505 per Mcf to be effective June 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15083 Filed 5-19-81, 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4462-000]

North Valley Land Corp.; Application for Preliminary Permit

May 18, 1981.

Take notice that North Valley Land Corporation (Applicant) filed on April 2, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4462 to be known as Limedyke located on Indian Valley Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sam E. Nelson, North Valley Land Corporation, 50 Wilshire Drive, Redding, California 96002. Any person who wishes to file a

response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A 2-foot high diversion structure; (2) a concrete intake structure; (3) a 5,200-foot long, 48-inch diameter low pressure conduit; (4) a 48-inch diameter high pressure conduit; (5) a powerhouse containing a 2,500 kW generating unit; and (6) a 2.5 mile long, 12-kV transmission line. The Applicant estimates that the average annual energy output would be 7.2 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of applicantion for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petiton to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments file, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4462. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15077 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4551-000]

North Valley Land Corp.; Application for Preliminary Permit

May 15, 1981.

Take notice that North Valley Land Corporation (Applicant) filed on April 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4551 to be known as Mill Creek Project located on Mill Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: C. Donald Nelson, 50 Wilshire Drive, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A 6-foot high concrete diversion structure; (2) an intake structure; (3) a 16,000-foot long conduit; (4) a 2,300-foot long and 60-inch diameter steel penstock; (5) a powerhouse containing one generating unit rated at 3,000 kW; and (6) a 10-mile long transmission line.

The Applicant estimates that the average annual energy output would be 17.7 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, feasibilty, and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the

Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4551. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-15078 Filed 5-19-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4513-000]

Northwest Electric Power Co.; Application for Preliminary Permit

May 15, 1981.

Take notice that Northwest Electric Power Company (Applicant) filed on April 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4513 to be known as the North Canaan Hydroelectric Project located on the Blackberry River in Litchfield County, Connecticut. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Anthony J. Nania, Northwest Electric Power Company, P.O. Box 101, Canaan, Connecticut 06018. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would consist of: (1) An existing dam 15 feet high and 100 feet long; (2) a small reservoir covering 2 acres; (3) a new penstock 1,965 feet long and 3 feet in diameter; (4) a new powerhouse; (5) a new turbine/generator unit rated at 228 kW and operating under a head of 25 feet; (6) a new 13.2–kV and 1,190-foot long primary transmission line and; (7) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 600,000 kWh.

Purpose of Project—All project power would be sold to the Harford Electric Light and Power Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $70,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set forth below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petiton to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to

the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4513. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-13103 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-19593, etc.]

Oklahoma Natural Gas Co., A Division of ONEOK, Inc.; Redesignation

April 24, 1981.

On December 22, 1980, Oklahoma Natural Gas Company, a Division of ONEOK, Inc., filed a petition requesting that applications, tariffs, certificates and all filings and proceedings now in the name of Oklahoma Natural Gas Company be amended to substitute the name of Petitioner pursuant to a corporate name change.

Accordingly, the authorizations [1] issued by this Commission and by the Federal Power Commission, the FERC Gas Tariff on file, and any other records or proceedings relating to Oklahoma Natural Gas Company are redesignated as those of Oklahoma Natural Gas Company, a Division of ONEOK, Inc.

This action is taken pursuant to 18 CFR 375.302(s) of the Commission's rules.

Kenneth F. Plumb,

Secretary.

Appendix

Oklahoma Natural Gas Company, a Division of Oneok, Inc.

Docket No. and Date of Commission Order:

G-19593, Withdrawn.
C13-605, June 18, 1963.
CP64-273, November 8, 1965.
CP70-261, August 10, 1970.
CP71-220, August 23, 1971.
CP72-245, June 19, 1972.
CP74-93, February 19, 1974.
CP76-23, April 9, 1976 and May 10, 1976.
CP76-404, August 20, 1976.
SA79-3, Pending.
GP80-75, Pending.
CP80-200, May 7, 1980.

[FR Doc. 81-13094 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4380-000]

Patapsco Associates; Application for Preliminary Permit

May 18, 1981.

Take notice that Patapsco Associates (Applicant) filed on March 20, 1981, an application for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r) for proposed Project No. 4380 to be known as the W.J. Dickey Project located on the Patapsco River in Baltimore County, Maryland. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Peter G. Ruff, Patapsco Associates, 840 Oella Avenue, Ellicott City, Maryland 21043. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed rehabilitated project would consist of: (1) The existing state-owned W. J. Dickey Dam, 24 feet high and 355 feet wide; (2) an impoundment with a surface area of 10 acres and a storage capacity of 48 acre-feet at a maximum pool elevation of 180 feet m.s.l.; (3) an existing power canal 70 feet wide and 1.6 miles long; (4) intake and gate works; (5) a penstock 7 feet in diameter and 60 feet long; (6) an existing powerhouse containing one 600-kW turbine/generator unit; (7) a short, 13.2-kV transmission line and (8) appurtenant facilities. The Applicant estimates that the average annual energy output would be 4.2 million kWh.

Purpose of Project—It is anticipated that all project power would be sold to Baltimore Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $41,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 25, 1981. A notice of intent must conform

[1] Set forth in Appendix below.

with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4380. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Stree: NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15079 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4517-000]

Power Resources, Inc.; Application for Preliminary Permit

May 18, 1981.

Take notice that Power Resources, Inc. (Applicant) filed on April 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4517 to be known as the Coffee Creek Project located on Coffee Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. C. Donald Nelson, Power Resources, Inc., 50 Wilshire Drive, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—the proposed project would consist of: (1) A 4-foot high diversion structure on Coffee Creek; (2) an 11,000-foot long, 54-inch diameter conduit; (3) a 1,500-foot long, 54-inch diameter penstock; (4) a powerhouse discharging into Coffee Creek and containing a single generating unit with a capacity of 2,500 kW; and (5) associated electrical and transmission equipment.

The Applicant estimates that the average annual energy output would be 8,800 MWh.

Purpose of Project—Project energy would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct detailed studies to determine the technical, economic, financial, and environmental feasibility of the proposed project. Applicant estimates that the studies and preparation of a license application would cost $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4517. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North

Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15080 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4516-000]

Power Resources Inc.; Application for Preliminary Permit

May 18, 1981.

Take notice that Power Resources Incorporated (Applicant) filed on April 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4516 to be known as Swift Creek Power Project located on Swift Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. C. Donald Nelson, 50 Wilshire Drive, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements speicified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A diversion structure within the north bank of Swift Creek; (2) a 14,500-foot long combination open ditch and low head pipeline; (3) a 5,200-foot long, 48-inch diameter penstock; (4) a powerhouse containing a single-generating unit with a rated capacity of 4,300 kW; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 16.5 million kWh.

Purpose of Project—Project energy would be sold to a public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested an 18-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activites, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A pemit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 27, 1981, either the competing application itself or a notice of intent to fill a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specifed in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before July 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capitals letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4516. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydorpower licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15081 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-444-000]

Public Service Company of Oklahoma; Filing

May 14, 1981.

The filing company submits the following:

Take notice that Public Service Company of Oklahoma, on May 4, 1981, tendered for filing the Second Amendment to the Interconnection Agreement between Western Farmers Electric Cooperative and Public Service Company of Oklahoma.

This Second Amendment provides for the establishment of additional transmission interconnect points between Western Farmers Electric Cooperative and Public Service Company of Oklahoma. This Amendment further provides for Public Service Company of Oklahoma to provide certain transmission deliveries for Western Farmers Electric Cooperative until 1984.

Copies of this filing were served upon the Oklahoma Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15091 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-448-000]

Public Service Electric and Gas Co.; Filing

May 14, 1981.

The filing company submits the following:

Take notice that on May 5, 1981, Public Service Electric and Gas Company (PS), on behalf of the signatories to the Lower Delaware Valley Transmission System Agreement (LDV Agreement) filed new Schedules 13 and 14 supplementing the LDV Agreement which is on file with the Commission, to become effective on October 1, 1980. PS states that the parties to this Agreement are :

Atlantic City Electric Company
Delmarva Power & Light Company
Jersey Central Power & Light Company
Philadelphia Electric Copmpany
Public Service Electric and Gas Company

PS states that all of the parties to the LDV Agreement have approved the new Schedules and the filing by PS.

PS states that the new schedules set forth methods and procedures for determining use, use entitlements, and charges for use of the LDV Transmission System for uses, by either signatories or non-signatories, compatible with but other than the delivery of energy and capacity from Peach Bottom, Salem and Forked River Generating Stations for the respective owners thereof to their underlying transmission systems; and for allocating payments among the signatories. There is no provision for any change in the monthly rate for excess of investment responsibility as previously filed.

PS states that this filing has been sent to the Regulatory Commissions of Pennsylvania, New Jersey, Maryland, Delaware and Virginia for their information.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regularty Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before June 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15085 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4546-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

May 15, 1981.

Take notice that Rust Hydro Generation Co. (Applicant) filed on April 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4546 to be known as the Rock Creek Power Project located on Rock Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Terrance A. Rust, 2315 N. Bechelli Lane, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) A 3-foot high, 30-foot long natural rock diversion structure and catch basin which would divert water into; (2) a 36-inch diameter, 5,750-foot long steel penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 1,500 kW; and (4) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 10.5 million kWh.

Purpose of Project—Project energy would be sold to a public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Federal, State, and local agencies, preparing a license application, conduting final field surveys, and preparing designs is estimated by the Applicant to be $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Consolidated Hydroelectric, Inc.'s Project No. 4073 filed on March 18, 1981, under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before June 11, 1981, either the cometing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this

application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate actions to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4546. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15104 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4320-000]

South Barre Hydro Electric Company, Inc.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

May 15, 1981.

Take notice that the South Barre Hydro Electric Company, Inc. (Applicant) filed with the Federal Energy Regulatory Commission on March 12, 1981, an application for exemption for its South Barre Mill Pond Project No. 4320 from all or part of Part F of the Federal Power Act pursuant to 18 CFR Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Ware River in the Town of South Barre, Worcester County, Massachusetts. Correspondence with the Applicant should be directed to: Stephen W. Rider, Haussermann, Davison and Shattuck, One Boston Place, Boston, Massachusetts 02108.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) An 18-foot-high, 180-foot-long, dual-crested, concrete, Ogee-type spillway topped by 4-foot-high flashboards on the north section, creating an overall crest elevation of 615.0 feet m.s.l.; (2) a mill pond with a total storage capacity of 115-acre feet; (3) a penstock intake structure; (4) a 10-foot diameter, 490-foot-long steel penstock dead-ended with a steel cap; (5) a powerhouse located about 323 feet downstream from the intake structure containing a single 150-kW turbine-generator; (6) a transmission line; and (7) appurtenant facilities. Applicant proposes to rehabilitate the existing facilities to operating condition.

Applicant estimates that the average annual energy output would be 788,000 kWh.

Purpose of Project—Project energy would be sold to Massachusetts Electric Company.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service and the Massachusetts Department of Fish and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance to this notice, the agency will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 6, 1981.

Filing and Service of Responsive Documents—Any comments, protests or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for exemption for Project No. 4320. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15105 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

[Docket No. ER81-447-000]

Southern California Edison Co.; Filing

May 14, 1981.

The filing company submits the following:

Take notice that on May 4, 1981, Southern California Edison Company (Edison) tendered for filing a notice of change of rates for transmission service as embodied in Edison's agreements with the following entities:

	Rate Schedules FERC No.
City of Los Angeles	102, 116
San Diego Gas & Electric Co.	107
Pacific Gas & Electric Co.	109, 110, 117
City of Burbank	114
City of Pasadena	115
Western Area Power Administration	120
Arizona Power Pooling Association	93

Edison requests waiver of the Commission's prior notice requirement and an effective date of January 1, 1981 for these rate changes.

Copies of this filing were served upon the Public Utilites Commission of the State of California and all interested parties.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15086 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4480-000]

Suncook Leathers, Inc.; Application for Preliminary Permit

May 15, 1981.

Take notice that Suncook Leathers, Inc. (Applicant) filed on April 6, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4480 to be known as Suncook Leathers Hydro Project located on the Suncook River in Merrimack County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Peter B. Clark, Swift River Company, Inc., 148 State Street, Boston, Massachusetts 02109. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of the following existing works: (1) A 21-foot-high, 421-foot-long concrete and stone gravity dam, known as the Pittsfield Mill Dam and currently owned by the State of New Hampshire; (2) a reservoir having a surface area of 76 acres and a storage capacity of 1,800 acre-feet; (3) a penstock, turbine case, tailrace, and powerhouse area located in the basement of the tannery. The powerhouse area contains two turbines. The Applicant proposes to rehabilitate the turbines and install new generators having a total installed generating capacity of 450 kW; and (4) appurtenant works. The Applicant estimates that the average annual energy output would be 1,400,000 kWh.

Propose of Project—Project energy would be sold to a local public utility.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time Applicant would investigate the engineering, economic and environmental aspects of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for license or exemption from licensing. Applicant estimates the cost of studies under the permit would be $32,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 24, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 22, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 24, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4480. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15106 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-116-000]

Tri-County Electric Association, Inc.; Application for Exemption

May 5, 1981.

Take notice that Tri-County Electric Association, Inc. (Tri-County), on April 24, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58887, October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, information on the costs of providing electric service as specified in Subparts B, C, D and E.

In its application for exemption, Tri-County states that it should not be required to file the specified data for the following reasons:

1. Tri-County exceeds the threshold for reporting because of large steady loads to mines and oil fields. The total residential load was 14 percent of energy consumption and consists of only 6984 meters.

2. Tri-County is a distribution cooperative with no generation capacity.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or othe comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45-day period such person must also serve a copy of such comments on: Tri-County Electric Association, Inc., Attention: Mr. Warren H. Fraser, General Manager, P.O. Box 930, Sundance, Wyoming 82729.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15097 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-450-000]

Union Electric Co.; Filing

May 14, 1981.

The filing company submits the following:

Take notice that Union Electric Company (Union) on May 8, 1981 tendered for filing proposed changes in its FPC Electric Service Tariffs Nos. W-3, 88 and 49. The proposed changes would increase revenues from jurisdictional sales and service by $19,140,000 based on the twelve-month period ending June 30, 1982.

Union states that its proposed increase in rates is due to the increased costs of construction, capital, wages, property and payroll taxes and other similar increases in costs, and Union contends that the rate increases are necessary in order to provide a fair return to Union and its investors and at the same time generate sufficient cash to insure Union's ability to continue to provide adequate and reliable service to its customers. Copies of the filing were served upon Union's jurisdictional customers, the Missouri Public Service Commission, and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 4, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15096 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-448-000]

Union Electric Co.; Filing

May 14, 1981.

The filing company submits the following:

Take notice that on May 6, 1981, Union Electric Company (Union) tendered for filing Fourth Amendment and Fourth Revised Schedule II to the Interchange Agreement dated April 11, 1967 between Union and Missouri Public Service Company.

Said agreements provide for revisions in reservation charges for Short-Term Power and System Participation Power under said Interchange Agreement.

Union requests an effective date of June 1, 1981 for the Amendment and revised Schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 2, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15097 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-452-000]

Union Electric Co.; Filing

May 14, 1981.

The filing Company submits the following:

Take notice that on May 7, 1981, Union Electric Company (Union) tendered for filing an Amendment to the Electric Service Agreement dated December 15, 1955 between Missouri Power & Light Company and Union. Said Amendment primarily provides for three additional delivery points, and additional facility use charges.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of

practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15000 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. TA81-2-58-000 and RP81-60-000]

Valero Interstate Transmission Co.; Purchased Gas Cost Adjustment Filing

May 13, 1981.

Take notice that on April 30, 1981, Valero Interstate Transmission Company (VITCO) tendered for filing Original Supplement No. 1 (purchased gas cost adjustment) to Rate Schedule 14 superseding previous purchased gas cost. VITCO stated that Exhibit A to Original Supplement No. 1 reflected the annualized change in purchased gas costs based on the twelve months ended February 28, 1981. VITCO requested waiver of any Commission regulation which would prohibit implementation of Supplement No. 1. The change in rate provided in Exhibit A to original Supplement No. 1 includes an increase in purchased gas costs of 13.45 cents/Mcf. It is stated that these rates include no incremental pricing feature because VITCO was granted an exemption from certain filing and accounting requirements in Docket No. SA80-42.

The proposed effective date for Original Supplement No. 1 is June 1, 1981. VITCO states that copies of the filing have been served on the only customer served under Rate Schedule 14, El Paso Natural Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15001 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4284-001]

Vidler Tunnel Water Co.; Application for Preliminary Permit

May 18, 1981.

Take notice that Vidler Tunnel Water Company (Applicant) filed on April 9, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 4284 to be known as the Georgetown Project located near the Town of Georgetown on South Clear Creek in Clear Creek County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young, 75 Manhattan Drive, Suite 201, Boulder, Colorado 80303. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would affect lands of the United States under the jurisdiction of the Bureau of Land Management and would consist of: (1) A diversion structure; (2) an 18-inch diameter 4,750-foot long penstock; (3) a powerhouse containing a generating unit having a rated capacity of 186-kW at a head of 550 feet; (4) a one-half-mile long 14.4-kV transmission line; and (5) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 1,621,550 kWh.

Purpose of Project—Project energy would be sold to several small municipalities or to the Public Service Company of Colorado.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would complete feasibility, engineering, and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before, either July 27, 1981 the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be received on or before July 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE

COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4284. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15082 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4271-001]

Vidler Tunnel Water Co.; Application for Preliminary Permit

May 18, 1981.

Take notice that Vidler Tunnel Water Company (Applicant) filed on April 8, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4271 to be known as the Vidler Tunnel Project located on Peru Creek in Summit County and on Leavenworth Creek in Clear Creek County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young, 75 Manhattan Drive, Suite 201, Boulder, Colorado 80303. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would affect lands of the United States under the jurisdiction of the Forest Service and would consist of three new developments:

A. The East Portal Development on Leavenworth Creek comprising: (1) A diversion structure located 60 feet downstream of the existing tunnel outlet; (2) an 18-inch diameter 1,380-foot long penstock; (3) a powerhouse containing a generating unit having a rated capacity of 50–kW at a head of 200 feet; (4) a 6-mile long 14.4–kV transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 161,553 kWh.

B. The Upper Development on Peru Creek comprising: (1) A small diversion structure; (2) a 27-inch diameter 6,100-foot long penstock; (3) a powerhouse containing a generating unit having a rated capacity of 250–kW at a head of 400 feet; (4) a 4-mile long 14.4–kV transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,126,807 kWh.

C. The Lower Development on Peru Creek comprising: (1) A rebuilt 40-foot long and 4-foot high concrete dam with crest elevation 11,000. m.s.l. owned by the Pennsylvania Gold & Silver Mines, Inc.; (2) a 42-inch diameter 9,850-foot long penstock; (3) a powerhouse containing a generating unit having a rated capacity of 1,927–kW at a head of 800 feet; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 8,389,829 kWh.

Purpose of Project—Project energy would be sold to several small municipalities or to the Public Service Company of Colorado.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would complete feasibility, engineering, and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an aplication for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before, either July 27, 1981 the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4271. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C.

20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15283 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4259-001]

Vidler Tunnel Water Co.; Application for Preliminary Permit

May 18, 1981.

Take notice that Vidler Tunnel Water Company (Applicant) filed on April 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4259 to be known as the Lower Georgetown Project located near the Town of Georgetown on Clear Creek in Clear Creek County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young, 75 Manhattan Drive, Suite 201, Boulder, Colorado 80303. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would affect lands of the United States under the jurisdiction of the Bureau of Land Management and would consist of: (1) A diversion structure; (2) a 36-inch diameter 1,200-foot long penstock; (3) a powerhouse containing a generating unit having a rated capacity of 335-kW at a head of 60 feet; (4) a tailrace; (5) a one-half-mile long 14.4-kV transmission line; and (6) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 2,792,700 kWh.

Purpose of Project—Project energy would be sold to several small municipalities or to the Public Service Company of Colorado.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would complete feasibility, technical and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before, either July 27, 1981 the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 25, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before July 27, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4259–001. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15284 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP72-41-010 (TA81-2-57)]

Western Transmission Corp.; Proposed Changes

May 13, 1981.

Take notice that Western Transmission Corporation (Western), on April 30, 1981, tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, the following sheet: Fifteenth Revised Sheet No. 3–A, superseding Fourteenth Revised Sheet No. 3–A.

The proposed changes would decrease the monthly charges for purchased gas to Colorado Interstate Gas Company, Western's sole jurisdictional customer, pursuant to the provisions of Section 18 of Western's FPC Gas Tariff, Original Volume No. 1.

The proposed effective date of the above tariff sheet is June 1, 1981.

Copies of this filing have been served upon Colorado Interstate Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 22, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15069 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

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SUMI

[Volume 425]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 13, 1981.

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION								
-TENNECO OIL COMPANY					RECEIVED: 04/27/81 JA: CA			
R127312	81-4-0021	0402957822	103		TENNECO ET AL BENNETT 66	YOWLUMNE	12.0	ARCO OIL & GAS CO
R127313	81-4-0022	0402957363	103		TENNECO ET AL BENNETT 68X	YOWLUMNE	156.0	ARCO OIL & GAS CO
R127314	81-4-0023	0402959180	103		TENNECO ET AL BENNETT 84	YOWLUMNE	2.0	ARCO OIL & GAS CO
R127315	81-4-0024	0402958025	103		TENNECO ET AL BENNETT 86	YOWLUMNE	51.0	ARCO OIL & GAS CO
R127316	81-4-0025	0402956695	103		TENNECO ET AL BENNETT 88X	YOWLUMNE	202.0	ARCO OIL & GAS CO
R127318	81-4-0027	0402958038	103		TENNECO-TEXACO JAMIESON 68	YOWLUMNE	13.0	ARCO OIL & GAS CO
R127317	81-4-0026	0402959786	103		TENNECO-TEXACO JOHNSON 55X	YOWLUMNE	1.0	ARCO OIL & GAS CO
KENTUCKY DEPARTMENT OF MINES & MINERALS								
-THE WISER OIL COMPANY					RECEIVED: 04/27/81 JA: KY			
R127265	501887	1612100000	108		CHESTER HAMMONS #1 • 6119-B	KNOX COUNTY FIELD	2.2	WISER OIL CO
R127268	501890	1612100000	108		CORBIN EQUIPMENT (GREGORY) 1-8084	CAMPBELL CHURCH FIELD	2.6	WISER OIL CO
R127260	501882	1612100000	108		J M WARREN #1 LENSE #6630	KNOX COUNTY FIELD	1.5	WISER OIL CO
R127262	501884	1612100000	108		JOHN CAMPBELL #1 LEASE #D-98152	KNOX COUNTY FIELD	9.6	WISER OIL CO
R127266	501888	1612100000	108		JOHN SPURLOCK #1 WELL LEASE #7414	KNOX COUNTY FIELD	5.2	WISER OIL CO
R127273	501895	1612100000	108		JOHNSON & MASON #1 LEASE #7788	CAMPBELL CHURCH FIELD	4.0	WISER OIL CO
R127272	501894	1612100000	108		PARKER-FRY #1 LEASE #8125	CAMPBELL CHURCH FIELD	2.7	WISER OIL CO
R127267	501889	1612100000	108		R B HEWSLEY & R E VIALL COMM #1	CAMPBELL CHURCH FIELD	4.1	WISER OIL CO
R127271	501893	1612100000	108		R E VIALL #1 LEASE #8074	CAMPBELL CHURCH FIELD	5.9	WISER OIL CO
R127269	501891	1612100000	108		R E VIALL #6 WELL LEASE #8074	CAMPBELL CHURCH FIELD	4.2	WISER OIL CO
R127270	50189	1612100000	108		R E VIALL #7 WELL LEASE #8074	CAMPBELL CHURCH FIELD	4.2	WISER OIL CO
R127259	501881	1612100000	108		S CAMPBELL-WHITNER #1 LEASE #6124	KNOX COUNTY FIELD	4.8	WISER OIL CO
R127263	501885	1612100000	108		STRATTON CAMPBELL-LOCKE #1 6006	KNOX COUNTY FIELD	8.2	WISER OIL CO
R127261	501883	1612100000	108		W J CAMPBELL #1 WELL LEASE #4861	KNOX COUNTY FIELD	1.7	WISER OIL CO
R127264	501886	1612100000	108		WILL CARNES #1 WELL LEASE #6214	KNOX COUNTY FIELD	3.2	WISER OIL CO
-W W LINDSEY & W E ELLIOTT					RECEIVED: 04/27/81 JA: KY			
R127284	501907	1619500000	108		BETHLEHEM MINES CORP #1	DORTON CREEK	10.0	COLUMBIA GAS TRANSMI
R127278	501901	1619500000	108		CONSOLIDATION COAL (DAMRON FORK) 2	CANEY CREEK	1.0	COLUMBIA GAS TRANSMI
R127277	501900	1619500000	108		CONSOLIDATION COAL (DAMRON FORK) 1	CANEY CREEK	1.0	COLUMBIA GAS TRANSMI
R127279	501902	1619500000	108		G C ROVE WELL #1	MAXON	6.0	COLUMBIA GAS TRANSMI
R127283	501906	1619500000	108		GEORGE CHRISTOPHER ETAL #1	SHELBY CREEK	7.0	COLUMBIA GAS TRANSMI
R127274	501896	1619500000	108		W M COLEMAN #1 (BIG SANDY #1)	BITHE HOLLOW	3.0	COLUMBIA GAS TRANSMI
R127275	501897	1619500000	108		W M COLEMAN #2 (BIG SANDY #2)	MARROWBONE CREEK	12.0	COLUMBIA GAS TRANSMI
R127282	501905	1619500000	108		HENRY JOHNSON #1	SHELBY CREEK	7.0	COLUMBIA GAS TRANSMI
R127280	501903	1619500000	108		ISAAC PRATER WELL #1	GREASY CREEK	7.0	COLUMBIA GAS TRANSMI
R127276	501899	1619500000	108		JOHN GREER HEIRS #2	BEEFHIDE CREEK	7.0	COLUMBIA GAS TRANSMI
R127286	501898	1619500000	108		JOHN GREERS HEIRS #1	BEEFHIDE CREEK	7.0	COLUMBIA GAS TRANSMI
R127285	501908	1619500000	108		MALVRAY JOHNSON #1	DORTON CREEK	5.0	COLUMBIA GAS TRANSMI
R127281	501904	1619500000	108		TROY SANDERS #1	DORTON	5.0	COLUMBIA GAS TRANSMI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION								
-GOLDKING PRODUCTION COMPANY			RECEIVED: 04/24/81 JA: LA					
R127202	80-4020	1702321473	102		MERMENTAU M&L D NO 1	LITTLE CHENIERE	511.0	
-SUPERIOR OIL CO			RECEIVED: 04/24/81 JA: LA					
R127201	80-4150	1702321534	102		S L 2030 NO 36	DEEP LAKE	1865.0	MICHIGAN WISCONSIN P
NEBRASKA OIL & GAS CONSERVATION COMMISSION								
-DOUBLE M OIL CO			RECEIVED: 04/20/81 JA: NB					
R127311		2603300000	102		#1 NIEMANN		200.0	
-DUFF & ASSOCIATES			RECEIVED: 04/20/81 JA: NB					
P127310		2603300000	103		OCONNELL #2	OCONNELL	0.0	MARATHON OIL CO
NORTH DAKOTA GEOLOGICAL SURVEY								
-AMERADA HESS CORPORATION			RECEIVED: 04/27/80 JA: ND					
R127320	367	3305301066	102		FEDERAL 33-3D	CHARLSON	505.0	MONTANA DAKOTA UTILI
-CHAMPLIN PETROLEUM COMPANY			RECEIVED: 04/27/80 JA: ND					
R127323	370	3305301143	102		#1 STATE ROGNESS 41-22	S MCKENZIE AREA	2190.0	
-PENNZOIL COMPANY			RECEIVED: 04/27/80 JA: ND					
R127322	369	3305301057	102		PENNZOIL-DEPCO LELAND #26-41	MONDAK	11.7	MONTANA-DAKOTA UTILI
-SHELL OIL CO			RECEIVED: 04/27/80 JA: ND					
R127325	372	3305301134	102		KLANDL 43-26	MONDAK	7.5	MONTANA DAKOTA UTILI
R127324	371	3305301115	102		KLANDL-STATE 11-36	MONDAK	10.5	MONTANA DAKOTA UTILI
-TEXACO INC			RECEIVED: 04/27/80 JA: ND					
R127319	366	3305301186	102		C M LOOMER WELL NO 12	BLUE BUTTES SOUTH	97.0	MONTANA DAKOTA UTILI
-TEXAS INTERNATIONAL PET CORP			RECEIVED: 04/27/80 JA: ND					
R127321	368	3305300000	102		STATE NO 1-36	YELLOWSTONE	1400.0	SHELL OIL CO
OKLAHOMA CORPORATION COMMISSION								
-ALAMO PETROLEUM COMPANY			RECEIVED: 04/27/81 JA: OK					
R127350	08433	3515321020	102		EREMAN NO 1	PERSIMMON CREEK	0.0	PANHANDLE EASTERN PI
-AN-SON CORPORATION			RECEIVED: 04/27/81 JA: OK					
R127351	8453	3500720370	108		BLAKEMORE HEIRS #1	S W FORGAN	15.0	NORTHERN NATURAL GAS
-ARCO OIL AND GAS COMPANY			RECEIVED: 04/28/81 JA: OK					
R127289	08463	3515121050	102		ENGLISH RANCH #1	CHEYENNE VALLEY	55.0	MICHIGAN WISCONSIN P
-CANADIAN EXPLORATION CORP			RECEIVED: 04/28/81 JA: OK					
R127287	08476	3501721684	103		HRDY NO 11-1	N W RICHLAND	105.0	PHILLIPS PETROLEUM C
-CHAMPLIN EXPLORATION INC			RECEIVED: 04/28/81 JA: OK					
R127297	08250	3504722279	103		SEMRAD 81-33	SOONER TREND	75.0	WELLHEAD ENTERPRISES
-COTTON PETROLEUM CORPORATION			RECEIVED: 04/27/81 JA: OK					
P127361	08160	3501121465	103		ROY KEITH BURNS NO 1	SQUAW CREEK	250.0	TRANSOK PIPE LINE CO
-F C B OIL CORP			RECEIVED: 04/27/81 JA: OK					
R127355	8458	3515121056	102		BOUZIDEN 1-31	N W NOEL	253.3	PANHANDLE EASTERN PI
R127356	07331	3507322484	103		MILL 2-12	SOONER TREND	36.5	EXXON CO USA
-HAP DRILLING CO			RECEIVED: 04/27/81 JA: OK					
R127354	08495	3507300000	108		ROECKMAN NO 1	SOONER TREND	0.0	CONOCO INC
R127343	08503	3507300000	108		BRITT NO 1	SOONER TREND	0.0	CONOCO INC
R127344	08504	3507300000	108		HILL NO 1	SOONER TREND	0.0	CONOCO INC
R127345	08500	3508300000	108		MACY NO 1	SOONER TREND	0.0	CONOCO INC
R127347	08498	3508300000	108		SMITH NO 1	SOONER TREND	0.0	CONOCO INC
R127352	08496	3507300000	108		SPENCER NO 1	SOONER TREND	0.0	CONOCO INC

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
R127348	08502	3507300000	108		BRITT NO 2	SOONER TREND	0.0	CONOCO INC
R127349	08497	3507300000	108		SMITH NO 2	SOONER TREND	0.0	CONOCO INC
R127353	08501	3507300000	108		BRITT NO 3	SOONER TREND	0.0	CONOCO INC
-HARKEN OIL & GAS INC			RECEIVED: 04/27/81 JA: OK					
R127357	08499	3515121055	102		MCCLAIN 1-32	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127358	08494	3515121054	102		MCCLAIN 1-29	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127359	08493	3515121053	102		MCCLAIN 1-28	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127360	08492	3515121052	102		MCCLAIN 1-21	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127362	08491	3515121051	102		MCCLAIN 1-20	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127363	08490	3515121050	102		MCCLAIN 1-17	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127364	08489	3515121049	102		MCCLAIN 1-16	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127365	08488	3515121048	102		MCCLAIN 1-9	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127366	08487	3515121047	102		MCCLAIN 1-8	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127367	08486	3515121046	102		MCCLAIN 1-5	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127368	08485	3515121045	102		MCCLAIN 1-4	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127369	08484	3515121044	102		MCCLAIN 1-3	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127370	08483	3515121043	102		MCCLAIN 1-2	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127371	08482	3515121042	102		MCCLAIN 1-1	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127372	08481	3515121041	102		MCCLAIN 1-33	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127373	08480	3515121040	102		MCCLAIN 1-34	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127374	08479	3515121039	102		MCCLAIN 1-35	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127375	08478	3515121038	102		MCCLAIN 1-36	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127376	08477	3515121037	102		MCCLAIN 1-27	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127377	08476	3515121036	102		MCCLAIN 1-26	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127378	08475	3515121035	102		MCCLAIN 1-25	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127379	08474	3515121034	102		MCCLAIN 1-24	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127380	08473	3515121033	102		MCCLAIN 1-23	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127381	08472	3515121032	102		MCCLAIN 1-22	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127382	08471	3515121031	102		MCCLAIN 1-15	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127383	08470	3515121030	102		MCCLAIN 1-14	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127384	08469	3515121029	102		MCCLAIN 1-13	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127385	08468	3515121028	102		MCCLAIN 1-12	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127386	08467	3515121027	102		MCCLAIN 1-11	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127387	08466	3515121026	102		MCCLAIN 1-10	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127388	08465	3515121025	102		MCCLAIN 1-7	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127389	08464	3515121024	102		MCCLAIN 1-6	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127390	08463	3515121023	102		MCCLAIN 1-18	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127391	08462	3515121022	102		MCCLAIN 1-19	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127392	08461	3515121021	102		MCCLAIN 1-30	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127393	08460	3515121020	102		MCCLAIN 1-31	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127394	08459	3515121019	102		MCCLAIN 1-32	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127395	08458	3515121018	102		MCCLAIN 1-21	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127396	08457	3515121017	102		MCCLAIN 1-28	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127397	08456	3515121016	102		MCCLAIN 1-29	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127398	08455	3515121015	102		MCCLAIN 1-20	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127399	08454	3515121014	102		MCCLAIN 1-17	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127400	08453	3515121013	102		MCCLAIN 1-16	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127401	08452	3515121012	102		MCCLAIN 1-9	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127402	08451	3515121011	102		MCCLAIN 1-8	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127403	08450	3515121010	102		MCCLAIN 1-5	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127404	08449	3515121009	102		MCCLAIN 1-4	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127405	08448	3515121008	102		MCCLAIN 1-3	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127406	08447	3515121007	102		MCCLAIN 1-2	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127407	08446	3515121006	102		MCCLAIN 1-1	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127408	08445	3515121005	102		MCCLAIN 1-33	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127409	08444	3515121004	102		MCCLAIN 1-34	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127410	08443	3515121003	102		MCCLAIN 1-35	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127411	08442	3515121002	102		MCCLAIN 1-36	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127412	08441	3515121001	102		MCCLAIN 1-27	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127413	08440	3515121000	102		MCCLAIN 1-26	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127414	08439	3515120999	102		MCCLAIN 1-25	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127415	08438	3515120998	102		MCCLAIN 1-24	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127416	08437	3515120997	102		MCCLAIN 1-23	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127417	08436	3515120996	102		MCCLAIN 1-22	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127418	08435	3515120995	102		MCCLAIN 1-15	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127419	08434	3515120994	102		MCCLAIN 1-14	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127420	08433	3515120993	102		MCCLAIN 1-13	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127421	08432	3515120992	102		MCCLAIN 1-12	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127422	08431	3515120991	102		MCCLAIN 1-11	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127423	08430	3515120990	102		MCCLAIN 1-10	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127424	08429	3515120989	102		MCCLAIN 1-7	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127425	08428	3515120988	102		MCCLAIN 1-6	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127426	08427	3515120987	102		MCCLAIN 1-18	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127427	08426	3515120986	102		MCCLAIN 1-19	N W NOEL	0.0	PANHANDLE EASTERN PI
-HARKEN OIL & GAS INC			RECEIVED: 04/28/81 JA: OK					
R127428	08425	3515120985	102		MCCLAIN 1-30	N W NOEL	0.0	PANHANDLE EASTERN PI

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127342	08502	3507300000	108		TERRELL NO 1	SOONER TREND	0.0	CONOCO INC
8127346	08501	3508300000	108		THARP NO 1	SOONER TREND	0.0	CONOCO INC
-JACK CUTBIRTH					RECEIVED: 04/28/81 JA: OK			
8127293	08313	3504722205	103		ERNEST M #1	SOONER TREND	64.0	PHILLIPS PETROLEUM
-JET OIL COMPANY					RECEIVED: 04/27/81 JA: OK			
8127341	08511	3508321242	103		HENKE #1	W MULHALL	29.0	EASON OIL CO
-L O WARD					RECEIVED: 04/28/81 JA: OK			
8127307	08418	3512320882	103		HERMAN #1	ADA	73.0	ARKANSAS LOUISIANA G
-LADD PETROLEUM CORPORATION					RECEIVED: 04/27/81 JA: OK			
8127360	08239	3504700000	108		TOEWS B NO 1	ENID NORTHEAST	15.5	CITIES SERVICE GAS C
-LAGUNA PETROLEUM CO					RECEIVED: 04/28/81 JA: OK			
8127292	8323	3501721582	102		ROTHER NO 1-14		86.0	PHILLIPS PETROLEUM C
8127291	8322	3501721581	102		VAN BUSKIRK NO 1		91.0	PHILLIPS PETROLEUM C
-LINCOLN ROCK CORP					RECEIVED: 04/28/81 JA: OK			
8127288	08464	3508920373	102		34-B #1	NORTHEAST MARIETTA	5.0	CIMARRON TRANSMISSIO
-NATURAL GAS ANADARKO INC					RECEIVED: 04/27/81 JA: OK			
8127336	08541	3500721864	102		BECK #2-21	MOCANE LAVERNE	360.0	NORTHERN NATURAL GAS
8127339	08505	3500721852	102		S A #1-22	SOUTH BALKO	360.0	TRANSWESTERN PIPELIN
8127340	08506	3500700000	102		S A #1-22	SOUTH BALKO	180.0	TRANSWESTERN PIPELIN
-PETROMARK EXPLORATION INC					RECEIVED: 04/27/81 JA: OK			
8127359	08352	3509321896	103		ZORRO 16-1	SOONER TREND	100.0	CITIES SERVICE GAS C
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 04/27/81 JA: OK			
8127357	08144	3513700000	108		DOYLE A #1	S E DOYLE	0.0	AMINOIL USA INC
8127326	08531	3500700000	108		MEHNERT A #2	COMO SE - TONKAWA	3.5	EL PASO NATURAL GAS
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 04/28/81 JA: OK			
8127298	8148	3513700000	108		DOYLE OCTAU #1-1		0.0	AMINOIL USA INC
-POST PETROLEUM COMPANY INC					RECEIVED: 04/28/81 JA: OK			
8127296	8251	3507322538	103		KOLLER A 1	REEDING SOUTH	73.0	CONOCO INC
8127294	08253	3507322517	103		TRINDLE #1	REEDING SOUTH	72.0	CONOCO INC
8127295	8252	3515321067	103		WHITE #1	CEDARDALE	255.0	
-RICK BUCK					RECEIVED: 04/28/81 JA: OK			
8127290	08353	3504722146	103		CLEMENTINE NO 2	SOONER TREND	7.0	PANHANDLE EASTERN PI
-SEARCH DRILLING CO					RECEIVED: 04/27/81 JA: OK			
8127337	08540	3500721895	103		HUGHES #1-28	W CLEARLAKE	15.0	PHILLIPS PETROLEUM C
8127328	08539	3502520435	103		PUGH #2-4	RICE S W	89.0	PANHANDLE EASTERN PI
8127327	08538	3500721827	103		THOMAS #1-21	W CLEARLAKE	13.0	PHILLIPS PETROLEUM C
-SENECA OIL CO					RECEIVED: 04/27/81 JA: OK			
8127349	08427	3509321916	102		MARTENS NO 1-26	S ORIENTA	96.0	PANHANDLE EASTERN PI
8127349	08427	3509321916	103		MARTENS NO 1-26	S ORIENTA	96.0	PANHANDLE EASTERN PI
-TENNECO OIL COMPANY					RECEIVED: 04/28/81 JA: OK			
*8127309	08416	3505920274	108		S HOVEY UNIT 1-16	MAY EAST	13.0	DELMI GAS PIPELINE C
*8127308	08417	3515320866	108		SHORELINE 2-34	CHESTER WEST	6.0	NATURAL GAS PIPELINE
-TEXACO INC					RECEIVED: 04/27/81 JA: OK			
8127332	08491	3511720644	103		W J LAUDERDALE NO 18	TERLTON NORTH	6.0	HJD CATTLE CO INC
8127333	08492	3511720688	103		W J LAUDERDALE NO 19	TERLTON NORTH	29.0	HJD CATTLE CO INC
8127348	08493	3511720806	103		W J LAUDERDALE NO 20	TERLTON NORTH	29.0	HJD CATTLE CO INC
8127338	08494	3511720807	103		W J LAUDERDALE NO 21	TERLTON NORTH	29.0	HJD CATTLE CO INC
8127330	08488	3511720808	103		W J LAUDERDALE NO 22	TERLTON NORTH	29.0	HJD CATTLE CO INC
8127335	08487	3511720871	103		W J LAUDERDALE NO 23	TERLTON NORTH	29.0	HJD CATTLE CO INC
8127331	08489	3511720872	103		W J LAUDERDALE NO 24	TERLTON NORTH	29.0	HJD CATTLE CO INC
8127334	08486	3511720893	103		W J LAUDERDALE NO 26	TERLTON NORTH	29.0	HJD CATTLE CO INC
-TEXAS PACIFIC OIL COMPANY INC					RECEIVED: 04/27/81 JA: OK			
8127329	08570	3508920345	103		TRAPP #1	S W ENVILLE	48.9	CIMARRON TRANSMISSIO
-W C PAYNE					RECEIVED: 04/27/81 JA: OK			
8127358	08334	3508300000	108		BRIDAL NO 1	SOONER TREND	0.0	CONOCO INC

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-W C PAYNE					RECEIVED: 04/28/81 JA: OK			
8127300	08425	3508300000	108		MCGUIRE NO 1	SOONER TREND	0.0	CONOCO INC
8127299	08426	3508300000	108		MOTIE NO 1	SOONER TREND	0.0	CONOCO INC
8127306	08415	3508300000	108		NIEMANN NO 1	SOONER TREND	0.0	CONOCO INC
8127302	08423	3508300000	108		POOL NO 1	SOONER TREND	0.0	CONOCO INC
8127303	08422	3507300000	108		SARAH B NO 1	SOONER TREND	0.0	CONOCO INC
8127304	08421	3508300000	108		SHERARD NO 1	SOONER TREND	0.0	CONOCO INC
8127305	08420	3507300000	108		STADLER NO 1	SOONER TREND	0.0	CONOCO INC
8127301	08424	3508300000	108		T-J NO 1	SOONER TREND	0.0	CONOCO INC
-WOODS PETROLEUM CORPORATION					RECEIVED: 04/27/81 JA: OK			
*8127353	08428	3512920466	102		SMITH A #3-1	S W LEEDY	1100.0	DELHI GAS PIPELINE C
**********								
** U.S. GEOLOGICAL SURVEY - DENVER,CO								
**********								
-AMERICAN PETROLEUM ENERGY CO INC					RECEIVED: 04/23/81 JA: CO 1			
8127241	CD 0071-81	0506706270	103		ARGENTA-UTE #10	IGNACIO-BLANCO	0.0	NORTHWEST PIPELINE C
8127246	CD0090-81-A	0506706318	103		ARGENTA-UTE #16	IGNACIO-BLANCO	0.0	NORTHWEST PIPELINE C
8127247	CD0090-81	0506706310	103		ARGENTA-UTE #16	IGNACIO-BLANCO	0.0	NORTHWEST PIPELINE C
8127248	CD 0092-81-A	0506706269	103		ARGENTA-UTE #9	IGNACIO-BLANCO	0.0	NORTHWEST PIPELINE C
8127249	CD 0092-81-B	0506706269	103		ARGENTA-UTE #9	IGNACIO-BLANCO	0.0	NORTHWEST PIPELINE C
-AMOCO PRODUCTION CO					RECEIVED: 04/23/81 JA: CO 1			
8127253	CD 0106-81	0506706277	103		SO UTE 1-12 GAS UNIT NO 1	IGNACIO BLANCO	91.0	NORTHWEST PIPELINE C
-ARCO OIL AND GAS COMPANY					RECEIVED: 04/23/81 JA: CO 1			
8127252	CD 0100-81	0506706428	103		SOUTHERN UTE 22-2 32-9 (MV)	IGNACIO BLANCO	351.0	WESTERN SLOPE GAS CO
8127250	CD 0099-81	0506706407	103		SOUTHERN UTE 22-3 32-9 (MV)	IGNACIO BLANCO	360.0	WESTERN SLOPE GAS CO
-CHANDLER & ASSOCIATES INC					RECEIVED: 04/23/81 JA: CO 1			
8127238	CD005A-81	0510308486	107		FORK UNIT FED 7-14-1-2	N DOUGLAS CREEK	113.0	NORTHWEST PIPELINE C
8127237	CD0057-81	0510308485	107		FORK UNIT FEDERAL 6-14-1-2	N DOUGLAS CREEK	102.0	NORTHWEST PIPELINE C
8127230	CD0049-81	0510308444	107		FORK UNIT 10-29-1-1		28.0	NORTHWEST PIPELINE C
8127235	CD0055-81	0510308466	107		FORK UNIT 13-19-1-1	DOUGLAS CREEK NORTH	49.0	NORTHWEST PIPELINE C
8127231	CD0052-81	0510308335	107		FORK UNIT 15-12-1-2	DOUGLAS CREEK NORTH	117.0	WESTERN SLOPE GAS CO
8127228	CD0047-81	0510308443	107		FORK UNIT 2-5-2-1	DRAGON TRAIL	65.0	NORTHWEST PIPELINE C
8127236	CD0056-81	0510308469	107		FORK UNIT 4-19-1-1	DOUGLAS CREEK NORTH	108.0	NORTHWEST PIPELINE C
8127229	CD0048-81	0510308571	107		FORK UNIT 4-25-1-2	N DOUGLAS CREEK	164.0	NORTHWEST PIPELINE C
8127232	CD0053-81	0510308468	107		FORK UNIT 8-19-1-1	DOUGLAS CREEK NORTH	73.0	NORTHWEST PIPELINE C
8127233	CD0054-81	0510308467	107		FORK UNIT 9-19-1-1	DOUGLAS CREEK NORTH	128.0	NORTHWEST PIPELINE C
8127234	CD0061-81	0510308421	107		N DOUGLAS CREEK 14-4-2-1		124.0	NORTHWEST PIPELINE C
8127240	CD0060-81	0510308463	107		N DOUGLAS CREEK 3-33-1-1		55.0	NORTHWEST PIPELINE C
8127239	CD0059-81	0510308462	107		N DOUGLAS CREEK 3-4-2-1		97.0	NORTHWEST PIPELINE C
-CONOCO INC					RECEIVED: 04/23/81 JA: CO 1			
8127242	CD 0080-81	0510305127	108		DRAGON TRAIL UNIT NO 2	DOUGLAS CREEK	20.0	MOUNTAIN FUEL SUPPLY
-MURCHISON TRUSTS					RECEIVED: 04/23/81 JA: CO 1			
8127245	CD 0089-81	0506705006	108		BLOCK 17 - #1-20	IGNACIO-BLANCO	18.7	EL PASO NATURAL GAS
8127244	CD0084-81	0506705579	108		BLOCK 8 WELL NO 1-26	IGNACIO-BLANCO	16.3	NORTHWEST PIPELINE C
-PALMER OIL & GAS COMPANY					RECEIVED: 04/23/81 JA: CO 1			
8127226	CC21-0	0504506109	102		FEDERAL #28-9	SOUTH CANYON	52.0	WESTERN SLOPE GAS CO
8127225	CC20-0	0504506138	102		FEDERAL #32-9	SOUTH CANYON	74.0	WESTERN SLOPE GAS CO
-TENNECO OIL COMPANY					RECEIVED: 04/23/81 JA: CO 1			
8127251	CD 0099-80	0504506191	103		FEDERAL 10-12	SOUTH CANYON	588.0	WESTERN SLOPE GAS CO
8127243	CD 0095-81	0504506274	102		GOVERNMENT 2-33-5-102	DOUGLAS PASS	912.5	NORTHWEST PIPELINE C
-ALLISON BROS DRILLING CO INC					RECEIVED: 04/23/81 JA: NB 1			
8127258	N 428-0	2603321919	102		ALLISON-RESERVE-FED SIOUX 326	TABLE	188.0	MARATHON OIL CO
-BELCO PETROLEUM CORPORATION					RECEIVED: 04/23/81 JA: UT 1			
8127255	UC 281-0	4304730684	102		STAGECOACH 15-27	STAGECOACH FIELD	0.0	NORTHWEST PIPELINE C
-BOARDWALK PETROLEUM INC					RECEIVED: 04/23/81 JA: UT 1			
8127254	UC 215-0	4301930395	108		BROWNDIRT #1	CISCO SPRINGS	1.9	NORTHWEST PIPELINE C

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127227	UD0029-81	4304730616	102		#11-9-15-23	WILDCAT	59.0	NATURAL GAS DEV CORP
8127259	UD0030-81	4304730617	102		#12-9-15-23	WILDCAT	0.0	NATURAL GAS DEV CORP
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 04/23/81 JA: WY 1			
8127257	WY 0-1	4900320000	104		CHAMPLIN 1-A	WILDCAT	0.0	NORTHWEST PIPELINE C
-MOBIL OIL CORPORATION					RECEIVED: 04/23/81 JA: WY 1			
8127256	WY 0-2	4900320000	104		MOBIL 1-A	WILDCAT	0.0	NORTHWEST PIPELINE C
-PETROLEUM INC					RECEIVED: 04/23/81 JA: WY 1			
8127260	WY 0-3	4900320000	104		PETROLEUM 1-A	WILDCAT	0.0	NORTHWEST PIPELINE C
-SUPERIOR OIL COMPANY					RECEIVED: 04/23/81 JA: WY 1			
8127261	WY 0-4	4900320000	104		SUPERIOR 1-A	WILDCAT	0.0	NORTHWEST PIPELINE C
-TEXACO INC					RECEIVED: 04/23/81 JA: WY 1			
8127262	WY 0-5	4900320000	104		TEXACO 1-A	WILDCAT	0.0	NORTHWEST PIPELINE C
-UNION OIL COMPANY OF CALIFORNIA					RECEIVED: 04/23/81 JA: WY 1			
8127263	WY 0-6	4900320000	104		UNION 1-A	WILDCAT	0.0	NORTHWEST PIPELINE C
-WESTERN GAS RESOURCES INC					RECEIVED: 04/23/81 JA: WY 1			
8127264	WY 0-7	4900320000	104		WESTERN 1-A	WILDCAT	0.0	NORTHWEST PIPELINE C

JI NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127227	UD0029-81	4304730616	102		#11-9-15-23	WILDCAT	54.0	NATURAL GAS DEV CORP
-SANTA FE ENERGY COMPANY					RECEIVED: 04/23/81 JA: UT 1			
8127256	UC 369-0	4301330424	102		TRIBAL FEDERAL #1-4	STARVATION	260.0	
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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM								
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-SANTA FE ENERGY COMPANY					RECEIVED: 04/23/81 JA: UT 4			
8127257	UC 370-0	4301320179	102		ODC TRIBAL GULF UTE #3-9	INDIAN RIDGE	27.0	
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** U.S. GEOLOGICAL SURVEY - CASPER,WY								
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-MIDLANDS GAS CORPORATION					RECEIVED: 04/23/81 JA: MT 8			
8127215	M92-1	2507121531	108		0871 FEDERAL 1	WILDCAT	20.0	KANSAS-NEBRASKA NATU
-AL-AQUITAINE EXPLORATION LTD					RECEIVED: 04/23/81 JA: ND 8			
8127211	ND 76-1	3300700509	102		U S WANNAGAN 1-9	WILDCAT	50.0	
8127212	ND 77-1	3300700474	102		U S 1-28	WHISKEY JOE	50.0	
-CONOCO INC					RECEIVED: 04/23/81 JA: ND 8			
8127209	NO 8-1	3300700569	102		CONOCO FEDERAL 14 NO 1	BIG STICK	25.0	KOCH HYDROCARBON CO
-GETTY OIL COMPANY					RECEIVED: 04/23/81 JA: ND 8			
8127216	ND93-1	3300700389	102		MYSTERY CREEK WELL NO 1-16	T R FIELD (FRYBURG)	29.2	WESTERN GAS PROCESSO
8127217	ND 307-0	3300700389	102		MYSTERY CREEK WELL NO 1-16	T R FIELD (DUPEROW)	36.5	KOCH HYDROCARBON CO
-SHELL OIL CO					RECEIVED: 04/23/81 JA: ND 8			
8127213	ND88-1	3305301075	102		USA 24-4	WILDCAT	378.0	MONTANA DAKOTA UTILI
-AMERICAN QUASAR PETROLEUM CO					RECEIVED: 04/23/81 JA: WY 8			
8127218	W 34-1	4900320564	103		DOBIE CREEK 11-3	DOBIE CREEK SEC 11 T49N	0.0	MONTANA-DAKOTA UTILI
-AMOCO PRODUCTION CO					RECEIVED: 04/23/81 JA: WY 8			
8127214	W91-1-T	4900720521	107		COAL GULCH UNIT E NO 1	COAL GULCH	265.0	CITIES SERVICE GAS C
8127224	W104-1 T	4902320286	107		WHISKEY BUTTES UNIT WELL NO 12	WHISKEY BUTTES UNIT	288.0	CITIES SERVICE GAS C
-BURTON/HAWKS INC					RECEIVED: 04/23/81 JA: WY 8			
8127207	W-480-0	4903721618	102		#18-1 BHI - MADEX	MARIANNE	600.0	
-CHAMPLIN PETROLEUM COMPANY					RECEIVED: 04/23/81 JA: WY 8			
8127206	W-473-0	4903720551	102		BRADY DEEP UNIT 14-W	BRADY	1300.0	MOUNTAIN FUEL SUPPLY
-CONOCO INC					RECEIVED: 04/23/81 JA: WY 8			
8127208	W501-9	4902906010	108		SOUTH ELK BASIN UNIT #27	SOUTH ELK BASIN SW 32-T5	3.5	MONTANA-DAKOTA UTILI
-INTERNORTH INC					RECEIVED: 04/23/81 JA: WY 8			
8127223	W102-1	4901320992	103		FEDERAL 193 #3-18	FULLER	73.0	INTERNORTH INC
8127222	W101-1	4901320930	103		FEDERAL 193 #2-18	FULLER	180.0	INTERNORTH INC
8127221	W99-1	4901320993	103		FEDERAL 886 1-17	FULLER	220.0	INTERNORTH INC
-MARATHON OIL COMPANY					RECEIVED: 04/23/81 JA: WY 8			
8127205	W-394-0	4903721421	102		WAMSUTTER #1-30	WAMSUTTER	1120.0	COLORADO INTERSTATE
-PACIFIC TRANSMISSION SUPPLY COMPANY					RECEIVED: 04/23/81 JA: WY 8			
8127220	W98-1	4902320392	103		PTS 14-6 FEDERAL	FONTENELLE	140.0	PACIFIC GAS TRANSMIS
8127219	W97-1	4902320376	103		PTS 33-24	FONTENELLE	19.5	PACIFIC GAS TRANSMIS
-TOM BROWN INC					RECEIVED: 04/23/81 JA: WY 8			
8127204	W 330-0	4901320947	102		TRIBAL #13-24	WILDCAT	20.5	MONTANA-DAKOTA UTILI
8127203	W 329-0	4901320959	102		TRIBAL #25-41	WILDCAT	28.9	MONTANA-DAKOTA UTILI
-WOODS PETROLEUM CORP					RECEIVED: 04/23/81 JA: WY 8			
8127210	W95-1	4903721653	102		RIM ROCK #1	RIM ROCK	261.0	

OTHER PURCHASERS VOLUME NO: 425

8127308 MICHIGAN WISCONSIN PIPE LINE
8127309 MICHIGAN WISCONSIN PIPE LINE CO
8127353 TRANSWESTERN PIPELINE COMPANY

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceeding the control number indicates that other pruchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extend such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 4, 1981.

Please reference the FERC Control Number (JD No.) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15107 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

[Volume 426]
Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978
Issued: May 13, 1981.

V.46/97 MAY 20 81 UMI

JD NO	DA NBR	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
WEST VIRGINIA DEPARTMENT OF MINES							
-ALLEGHENY LAND & MINERAL COMPANY			RECEIVED: 04/28/81	JA: WV			
R127400		4708300339	103 A - 903		MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRANSMI
R127396		4708300340	103 A - 907		MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRANSMI
R127395		4704102929	103 A- 909		COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS SUP
-BAY STATE ENERGY COMPANY INC			RECEIVED: 04/28/81	JA: WV			
R127399		4708501824	108 E C PARKS NO 1		MURPHY	8.3	CONSOLIDATED GAS SUP
R127398		4708503634	108 W T PARKS #5		MURPHY	13.0	CONSOLIDATED GAS SUP
-CARDINAL DRILLING FUND 79-6 LTD			RECEIVED: 04/28/81	JA: WV			
R127410		4702123622	103 MILTON ALLMAN M-980		TROY DISTRICT	20.0	CONSOLIDATED GAS SUP
R127403		4702123623	103 MILTON P ALLMAN M-981		TROY DISTRICT	20.0	CONSOLIDATED GAS SUP
-CARSON MRS GAS CO			RECEIVED: 04/28/81	JA: WV			
R127453		4702101818	108 CARSON MRS 480 #1		STEWARTS CREEK	1.5	EQUITABLE GAS CO
-CHASE PETROLEUM			RECEIVED: 04/28/81	JA: WV			
R127391		4701702611	102 R LEGGETT #1		SOUTHWEST DISTRICT	112.5	
-DENNIS D BLAUSER			RECEIVED: 04/28/81	JA: WV			
R127460		4702102385	108 MARY DAVIDSON #1		DEKALB	4.6	CONSOLIDATED GAS SUP
-FRANKLIN ADKINS			RECEIVED: 04/28/81	JA: WV			
R127371		4709901685	108 PENNINGTON #1		LINCOLN	14.0	COLUMBIA GAS TRANSMI
-GASOLEX			RECEIVED: 04/28/81	JA: WV			
R127397		4708503657	108 JAMES LAW #1		GRANT	16.0	CONSOLIDATED GAS SUP
-GENE STALNAKER INC			RECEIVED: 04/28/81	JA: WV			
R127388		4708101323	103 B-47-2		BARBOUR CO PARK & RECREA	0.0	COLUMBIA GAS TRANSMI
R127365		4702103445	108 I-001		SPROUSE	15.0	CABOT CORP
R127411		4701702457	103 MAXON B-33-1		WEST UNION	30.0	COLUMBIA GAS TRANSMI
R127362		4702103034	108 MESSENGER #2		R J MESSENGER	23.0	CONSOLIDATED GAS SUP
R127389		4708101325	103 PAYNE B-49-1		PAYNE	25.0	COLUMBIA GAS TRANSMI
-GILBERT EXPLORATION CO			RECEIVED: 04/28/81	JA: WV			
R127366		4705900942	107 GILBERT IMPORTED HARDWOODS #4		PIGEON CR	3.0	COLUMBIA GAS TRANSMI
-GULF OIL CORPORATION			RECEIVED: 04/28/81	JA: WV			
R127412		4702102862	108 KUR D #1		GLENVILLE WEST	14.0	CONSOLIDATED GAS SUP
-J & J ENTERPRISES INC			RECEIVED: 04/28/81	JA: WV			
R127448		4703301128	103 B-142		ELK	70.0	CONSOLIDATED GAS SUP
R127447		4703301955	103 B-217		COAL	500.0	CONSOLIDATED GAS SUP
R127373		4703302200	103 B-225		SARDIS	200.0	CONSOLIDATED GAS SUP
R127393		4703302175	103 B-235		UNION	200.0	CONSOLIDATED GAS SUP
R127452		4709701890	103 B-253		UNION	500.0	CONSOLIDATED GAS SUP
R127458		4708101184	103 B-284		ELK	500.0	CONSOLIDATED GAS SUP
R127375		4703302272	103 B-297		EAGLE	200.0	CONSOLIDATED GAS SUP
R127402		4703302191	103 B-305		SARDIS	200.0	CONSOLIDATED GAS SUP
R127392		4703302246	103 B-306		SARDIS	200.0	CONSOLIDATED GAS SUP

JC NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127386		4703322320	103		B-313	EAGLE	200.0	CONSOLIDATED GAS SUP
8127451		4709701771	103		B-90	UNION	70.0	CONSOLIDATED GAS SUP
8127449		4703301188	103		B-93	UNION	70.0	CONSOLIDATED GAS SUP
-J C BAKER AND SON INC					RECEIVED: 04/28/81 JA: WV			
8127416		4700714373	108		CHARLEY WILLISTON #1	SALT LICK	8.0	CONSOLIDATED GAS SUP
8127405		4700701379	108		L N LAKE NO 1	SALT LICK	18.0	CONSOLIDATED GAS SUP
8127404		4700701404	108		NOAH KING NO 1	SALT LICK	6.0	CONSOLIDATED GAS SUP
-KEITH CRINFIELD					RECEIVED: 04/28/81 JA: WV			
8127383		4702102376	108		STOUT WELL #4	CEDARVILLE	8.0	COLUMBIA GAS TRANSMI
-MOUNTAINEER 1979-B					RECEIVED: 04/28/81 JA: WV			
8127409		4708524759	103		JAMES SIMMONS H-978	GRANT DISTRICT	21.0	CONSOLIDATED GAS SUP
-M G & K E BUSCH					RECEIVED: 04/28/81 JA: WV			
8127369		4710500890	108		M RICHTER NO 1	BURNING SPRINGS DISTRICT	0.5	PENNZOIL CO
-PATRICK PETROLEUM CORP (MI)					RECEIVED: 04/28/81 JA: WV			
8127387		4700100724	103		JACOB DAUGHERTY #1	PHILIPPI	8.0	CONSOLIDATED GAS SUP
-PENNZOIL COMPANY					RECEIVED: 04/28/81 JA: WV			
8127418		4710500764	108		A B WILSON #8	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8127377		4702103134	108		A L WEAVER #1	DEKALB	8.0	CONSOLIDATED GAS SUP
8127363		4702103146	108		A L WEAVER #3	DEKALB	8.0	CONSOLIDATED GAS SUP
8127379		4701302788	108		B B FERRELL #1	SHERIDAN	8.0	CONSOLIDATED GAS SUP
8127413		4702103350	108		C W GOFF #5	DEKALB	8.0	CONSOLIDATED GAS SUP
8127390		4701300004	108		CAROLINE HAUGHT #3	SHERIDAN	8.0	CONSOLIDATED GAS SUP
8127364		4702103299	108		D HARDMAN #11	DEKALB	8.0	CONSOLIDATED GAS SUP
8127424		4710700837	108		DANIEL WHARTON #5	UNION	8.0	
8127376		4702103138	108		EUGENE WEAVER #1	DEKALB	8.0	CONSOLIDATED GAS SUP
8127388		4701302787	108		G W ELLIOTT #2	SHERIDAN	8.0	CONSOLIDATED GAS SUP
8127414		4704301525	108		HAMLIN-HILDERT #3	DUVAL	4.2	CONSOLIDATED GAS SUP
8127368		4708500480	108		HAUGHT-LAMBERT #17	MURPHY	8.0	CONSOLIDATED GAS SUP
8127425		4710700840	108		J D WALKER #11	WALKER	8.0	
8127417		4710500761	108		J J MILLS #3	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8127426		4710700898	108		J R BARRETT #3	UNION	8.0	
8127421		4710700833	108		L OGDIN #22	UNION	8.0	
8127385		4708702530	108		MARY FIELDS #1	HARPER	2.1	
8127422		4710700834	108		MR & WW PRATT #2	UNION	8.0	
8127423		4710700835	108		MR & WW PRATT #3	UNION	8.0	
8127382		4710500787	108		N J DAWSON #3	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8127381		4701300826	108		PELL-MONROE #1	SHERIDAN	8.0	CONSOLIDATED GAS SUP
8127370		4710500829	108		PELL-MONROE #3	BURNING SPRINGS	8.0	CONSOLIDATED GAS SUP
8127419		4710700830	108		R P INGRAHAM #1	UNION	8.0	
8127420		4710700832	108		R P INGRAHAM #25	UNION	8.0	
8127367		4708500249	108		SARAH LEMON #42	MURPHY	8.0	CONSOLIDATED GAS SUP
8127372		4702103250	108		W F WEAVER #6	DEKALB	8.0	CONSOLIDATED GAS SUP
8127378		4702103050	108		WEAVER HEIRS #1	DEKALB	8.0	CONSOLIDATED GAS SUP
8127374		4702103239	108		WEAVER HEIRS #9	DEKALB	8.0	CONSOLIDATED GAS SUP
-PETROLEUM DEVELOPMENT CORP					RECEIVED: 04/28/81 JA: WV			
8127458		4708101176	103		H HUDKINS #1	TAYLOR CRAIN	21.0	CONSOLIDATED GAS SUP
8127454		4708100989	103		LAULIS - LOAR #1	CLEMTOWN	17.3	CONSOLIDATED GAS SUP
8127455		4708101017	103		M KRACHT #1	CLEMTOWN	48.0	CONSOLIDATED GAS SUP
8127459		4708101190	103		V BOYLEN #2	TAYLOR CRAIN	57.0	CONSOLIDATED GAS SUP
8127457		4708101127	103		VEREAL MAYLE #1	CLEMTOWN	58.0	CONSOLIDATED GAS SUP
8127456		4708101119	103		WILSON-NICOLA #1	CLEMTOWN	17.0	CONSOLIDATED GAS SUP
-RAY RESOURCES CORP					RECEIVED: 04/28/81 JA: WV			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127445		4703902749	107		CLEMOIN CARNES #687			

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8127445		4703902749	107		CLEMOTH CARNES #697	ELK DIST	7.3	PENNZOIL UNITED INC
8127439		4703902582	107		G G REYNOLDS #414	BIG SANDY DIST	12.1	PENNZOIL UNITED INC
8127428		4703902746	107		GOSHORN #705	BIG SANDY	14.4	PENNZOIL UNITED INC
8127441		4703902664	107		GOSHOUN #383	BIG SANDY DIST	14.4	PENNZOIL UNITED INC
8127444		4703902683	107		GOSHOUN #467	ELK DIST	14.4	PENNZOIL UNITED INC
8127443		4703902682	107		GOSHOUN #471	ELK DIST	14.4	PENNZOIL UNITED INC
8127427		4703902687	107		GOSHOVE #466	ELK DIST	14.4	PENNZOIL UNITED INC
8127438		4703902536	107		KANAWHA BK & TR #156-10700	BIG SANDY DIST	12.1	PENNZOIL UNITED INC
8127434		4703902588	107		KANAWHA BK & TR #156-8388	BIG SANDY DIST	0.0	PENNZOIL UNITED INC
8127446		4703900008	107		KANAWHA BK & TR #372	BIG SANDY	12.1	PENNZOIL UNITED INC
8127432		4703902558	107		KANAWHA BK & TR #388	BIG SANDY DIST	12.1	PENNZOIL UNITED INC
8127440		4703902587	107		KANAWHA BK & TR #417	BIG SANDY DIST	12.1	PENNZOIL UNITED INC
8127431		4703902704	107		KANAWHA BK & TR #468	BIG SANDY DIST	12.1	PENNZOIL UNITED INC
8127442		4703902680	107		KANAWHA BK & TR #473	BIG SANDY	12.1	PENNZOIL UNITED INC
8127429		4703902708	107		KANAWHA BK & TR #530	BIG SANDY DIST	12.1	PENNZOIL UNITED INC
8127430		4703902709	107		KANAWHA BK & TR #531	ELK DIST	12.1	PENNZOIL UNITED INC
8127435		4703901045	107		KANAWHA BK&TR #156-11500	BIG SANDY DIST	12.1	PENNZOIL UNITED INC
8127436		4703901180	107		SEATEX OIL CO #156-11600	BIG SANDY DIST	12.1	PENNZOIL UNITED INC
8127437		4703902467	107		SEATEY OIL CO #156-8500	BIG SANDY DIST	12.1	PENNZOIL UNITED INC
8127433		4703902468	107		SEATEY OIL CO #156-93-DB	BIG SANDY DIST	12.1	PENNZOIL UNITED INC
-ROCKWELL PETROLEUM COMPANY					RECEIVED: 04/28/81 JA: WV			
8127415		4702123398	108		HARVEY-ELLYSON NO 1	TROY	0.0	EQUITABLE GAS CO
-UNION DRILLING INC					RECEIVED: 04/28/81 JA: WV			
8127462		4709702109	103		ROBERT B XANDER #1 1572	WARREN DISTRICT	0.0	COLUMBIA GAS TRANS C
-VANDERBILT RESOURCES CORPORATION					RECEIVED: 04/28/81 JA: WV			
8127384		4701302573	108		BENNETT I-374	ORMA	13.0	CONSOLIDATED GAS SUP
-WACO OIL AND GAS CO INC					RECEIVED: 04/28/81 JA: WV			
8127461		4708701468	103		GRACE KNIGHT #2		12.0	CONSOLIDATED GAS SUP
-WARREN R NAUGHT AGENT					RECEIVED: 04/28/81 JA: WV			
8127407		4708524124	108		ERNEST GOFF M-637	MURPHY DISTRICT	9.0	CABOT CORP
8127401		4708504889	103		J A COFFIELD #M-953	UNION DISTRICT	28.0	CONSOLIDATED GAS SUP
8127394		4708504894	103		M M WELCH #M-1048	MURPHY DISTRICT	28.0	CONSOLIDATED GAS SUP
8127406		4701722282	108		P B MICHAEL HEIRS #1	SOUTHWEST	2.2	COLUMBIA GAS TRANSMI
8127408		4708523865	108		SCOTT M-689	MURPHY DISTRICT	18.6	CONSOLIDATED GAS SUP
**********								
** U.S. GEOLOGICAL SURVEY - DENVER,CO								
**********								
-MAPCO PRODUCTION COMPANY					RECEIVED: 04/27/81 JA: UT 1			
8127463	UC1265-9	4304730410	102		RBU 11-14E	ISLAND FIELD	365.0	PACIFIC GAS & ELECTR
-MAPCO PRODUCTION COMPANY					RECEIVED: 04/28/81 JA: UT 1			
8127464	UC 493-B	4304730406	102		FED 7-25B	ISLAND FIELD	182.5	

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf). An (*) preceding the control number indicates that other purchasers are listed at the end of the notice.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before June 4, 1981.

Please reference the FERC Control Number (JD No) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-15108 Filed 5-19-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL-1832-1]

Municipal Wastewater Treatment Works

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: The Office of Water Program Operations has published a comprehensive guidance document for preparation of facilities plans funded through EPA's construction grants program. The guidance document, known as "Facilities Planning 1981 (FP81)," will apply to EPA grants awarded after May 31, 1981. FP81 is the first document in a series to be updated annually.

FP81 references existing regulations and summarizes all Program Requirements Memoranda and Program Operations Memoranda previously applicable to facilities planning. The memoranda have been discontinued for users of the new guidance. FP81 does not add new requirements and does not apply retroactively to Step 1 grants awarded prior to May 31, 1981, except at the option of the grantee.

FP81 does not replace facilities planning regulations. It is, however, intended to be a complete reference for consultants and grantees, defining requirements clearly in one place. No changes to the requirements for facilities planning are expected during the balance of fiscal year 1981. Future changes to facilities planning requirements will be incorporated into annual updates of "FP81" and will become effective only at the beginning of each fiscal year.

FP81 has been sent to the EPA Regional Offices and to State water pollution agencies which have received construction grant program delegation. Previous requests for draft or final copies of FP81 will be mailed, as supplies permit. New requests should be made to: General Services Administration (8BRC), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, Colorado 80225.

FP81 is being updated and renamed for fiscal year 1982. A review draft of "Facilities Planning 1982 (FP82)" will be available shortly from the EPA address below, and the final document will be available by September 1981. FP82 will apply to facilities planning started in fiscal year 1982 only.

ADDRESS: Comments on FP81 are encouraged. Comments and requests for review drafts of FP82 may be sent to: Director, Facility Requirements Division (WH-595), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. William Kramer, (202) 426-8973.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management (WH-556).

[FR Doc. 81-15135 Filed 5-19-81; 8:45 am]

BILLING CODE 6560-29-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Protection of Historic and Cultural Properties; Meeting

Notice is hereby given in accordance with § 800.6(d)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that a panel of members of the Advisory Council on Historic Preservation will meet on June 11, 1981, to consider the disposition and demolition of Lockefield Gardens, Indianapolis, Indiana, a property eligible for the National Register of Historic Places.

Pursuant to § 800.6(d)(2) of the Council's regulations, the Chairman of the Council decided on May 12, 1981, that a panel should consider this project in accordance with the May 1977 resolution of the Council under Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470f, as amended).

The Council was established by the National Historic Preservation Act to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places.

The Council's regulations require that the panel be composed of five members, three from the private sector with one chairing and two Federal members.

The Panel will meet in Washington, D.C. Place and time have yet to be set and may be obtained from the Executive Director.

The panel will consider written and oral statements from concerned parties. Written statements should be submitted to the Executive Director of the Council by June 4, 1981. Persons wishing to make oral statements should notify the Executive Director by June 9, 1981. Additional information concerning the meeting or the submission of statements to the panel is available from the Executive Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, NW, Washington, D.C. 20005, 202-254-3967.

Dated: May 14, 1981.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 81-15009 Filed 5-19-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Multiple Use Advisory Council; Correction of Meeting

A meeting of the Vale District Multiple Use Advisory Council originally scheduled for May 27, 1981 and as published in the **Federal Register** April 23, 1981 page 23124, has been rescheduled for June 3, 1981. All other conditions of the notice remain as published.

Pearl M. Parker,

District Manager.

[FR Doc. 81-14998 Filed 5-19-81; 8:45 am]

BILLING CODE 4310-84-M

[N-29850]

Public Lands in Lyon County, Nev.; Realty Action; Competitive Sale

May 19, 1981.

The following described lands have been identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701, 1713, at no less than the fair market value shown herein:

Parcel	Legal description	Acreage	Value
A	T. 11 N., R. 23 E., Mt. Diablo Mer., Nv.; Sec. 1: S½SE¼.	80	360,000
B	T. 11 N., R. 23 E., Mt. Diablo Mer., Nv.; Sec. 12: NW¼NE¼, S½NE¼.	120	120,000
C	T. 11 N., R. 24 E., Mt. Diablo Mer., Nv.; Sec. 7: Lots 1 and 2, NE¼, E½NW¼.	322.08	240,000
D	T. 11 N., R. 23 E., Mt. Diablo Mer., Nv.; Sec. 12: SE¼.	160	192,000

The public land sale will be held on Tuesday, July 28, 1981, at the Carson City District Office of the Bureau of Land Management, 1050 E. William Street, Suite 335, Carson City, Nevada. Registration of bidders will begin at 8:00 a.m. and the sale will start at 9:00 a.m.

The lands are being offered for sale through competitive bidding. The sale is consistent with Bureau planning and is compatible with County plans. The lands are not needed for any federal purpose and would best be managed in private ownership to allow for the expansion of the community and for economic development. The public interest will be well served by making these lands available for public sale.

Patent for each parcel, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1980, 26 Stat. 391; 43 U.S.C. 945.

2. All minerals with the right to explore, prospect for, mine, and remove under applicable law and such regulations as the Secretary may prescribe. "All minerals" is defined as, but not limited to, metaliferous and non-metaliferous locatable minerals, leasable minerals such as oil, gas, coal, sodium, potassium, and geothermal resources, and saleable minerals such as sand and gravel. However, upon filing of an application under 43 CFR Part 2720, the Secretary may convey the mineral interest if all requirements of the law are met.

3. The road right-of-way Nev-055377, 60 feet in width, to assure continued ingress and egress by the Nevada Department of Transportation to their material site. (Affects only Parcel C)

4. The road right-of-way Nev-054978, 150 feet in width, to assure continued access to adjacent lands. (Affects only Parcels A, B and C)

5. The road right-of-way N-31384, 50 feet in width, to assure continued access to adjacent property. (Affects only Parcels B and D)

6. An easement, 50 feet in width, along the entire length of the north-south quarter section line of Section 12, T. 11 N., R. 23 E., Mt. Diablo Mer., Nev., to assure continued ingress and egress to adjacent land. (Affects only Parcels B and D)

The lands, once sold, will remain subject to Lyon County planning and zoning.

Detailed information concerning the sale, including the planning documents, and the land report/environmental assessment, is available for review at the Bureau of Land Management, Carson City District Office, 1050 E. William Street, Suite 335, Carson City, Nevada. No bid will be accepted for less than the appraised value and bids for a parcel must include all the land in the parcel. Federal law requires that bidders be U.S. citizens or, in the case of corporations, subject to the laws of any state or the United States.

Bids must be made by a principal or his agent, either by sealed bid mailed or delivered to the Bureau of Land Management, Carson City District Office, or by oral bidding at the sale. Bids delivered or sent by mail will be considered only if received at the Bureau of Land Management, Carson City District Office, 1050 E. William Street, Suite 335, Carson City, Nevada 89701, prior to 4:15 p.m. on Monday, July 27, 1981. Each bid must be in a sealed envelope accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The envelopes must be marked in the lower left-hand corner with the parcel(s) bidded on properly identified by one or more of the following:

"Bid Parcel A, N–29850, Sale to be Held July 28, 1981."
"Bid Parcel B, N–29850, Sale to be Held July 28, 1981."
"Bid Parcel C, N–29850, Sale to be Held July 28, 1981."
"Bid Parcel D, N–29850, Sale to be Held July 28, 1981."

The highest sealed bid on the parcel will determine the base of the oral bidding conducted the day of the sale. If two or more envelopes are received containing valid bids of the same amount, the determination of which is to be considered the highest bid will be by drawing. The highest qualifying sealed bid will be publicly declared on the day of the sale and oral bids will then be invited. After oral bids, if any are received, the highest qualifying bid will be declared by the authorized officer. The person declared to have entered the highest qualifying oral bid shall submit payment by cash, personal check, bank draft, money order, or any combination for not less than one-fifth of the amount of the bid immediately following the close of the sale. The successful bidder shall submit the remainder of the full bid price within 30 days of the sale. Failure to submit the full bid price within 30 days shall result in cancellation of the sale of the parcel and the deposit shall be forfeited and disposed of as other receipts of sale. All bids will be either returned, accepted or rejected in writing within 30 days of the sale date.

On or before July 6, 1981, interested parties may submit comments to the Secretary of the Interior (LLM–320), Washington, D.C. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become a final determination of the Department of the Interior.

Thomas J. Owen,
District Manager.
May 19, 1981.

[FR Doc. 81-14680 Filed 5-19-81; 8:45 am]
BILLING CODE 4310-84-M

Spokane District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 95–579 and 43 CFR Part 1780 that a meeting of the Spokane District Advisory Council will be held on Thursday, June 11, 1981.

The meeting will begin at 9:00 a.m. in Room 752 of the U.S. Court House, West 920 Riverside, Spokane, Washington.

The agenda for the meeting is:

1. Discussion of the Oregon State Office Program Priority Guides.

2. Basin Area Manager's report on the Management Framework Plan, Step 2 proposals and discussion of the public meeting held April 30, in Pasco, Washington.

3. Discussion on District Manager's Management Framework Plan Draft decisions.

4. General discussion of unfinished and new business, as time allows.

5. Next meeting agenda.

The meeting is open to the public and news media. Interested persons may make oral statements to the council between 3:00 and 4:00 p.m., or file written statements for the council's consideration. Anyone wishing to make an oral statment should notify the District Manager, Bureau of Land Management, Room 551, U.S. Court

House, Spokane, WA, 99201, Telephone (509) 456–2570, by close of business, 4:30 p.m., May 29.

Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A report of the council meeting will be maintained at the District Office and made available for public inspection and reproduction at the cost of duplication.

Roger W. Burwell,

District Manager.

May 4, 1981.

[FR Doc 81-14669 Filed 5-19-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial Nos. A-15984, A-15985, A-15986]

Arizona; Classification of Public Lands for State Indemnity Selection

1. Pursuant to the Act of June 20, 1910 (the Enabling Act, as amended), the provisions of Section 7 of the Taylor Grazing Act and the regulations in 43 CFR Part 2400, the public lands described below are hereby classified for State Indemnity Selection. The State of Arizona has filed applications to acquire the described lands in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. These applications were assigned serial numbers A–15984, A–15985, A–15986.

2. The notice of proposed classification of these lands was published February 6, 1981 in **Federal Register**, Vol. 46, No. 25, 11368 and 11369 and was widely publicized. Nearly all comments received supported the proposed classification, and the land is being classified as proposed.

3. The lands lie in Maricopa County, Arizona in the Buckeye and Gila Bend vicinities. The lands are described as follows:

Application A–15984

Gila and Salt River Meridian, Arizona

T. 6 S., R. 5 W.,
- Sec. 7: Lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
- Sec. 8: SE¼NE¼, S½;
- Sec. 9: All;
- Sec. 10: SE¼NE¼, NW¼NW¼, SW¼NW¼, SE¼;
- Sec. 16: Lots 1, 2, NW¼NE¼, NE¼NW¼.

T. 6 S., R. 6 W.,
- Sec. 13: N½, N½SW¼, SW¼SW¼, NW¼SE¼;
- Sec. 15: All;
- Sec. 16: All;
- Sec. 17: E½;
- Sec. 19: E½;
- Sec. 21: All;
- Sec. 22: N½, N½SW¼, NW¼SE¼;
- Sec. 23: NW¼NE¼, N½NW¼, SW¼NW¼.

T. 6 S., R. 7 W.,
- Sec. 25: NE¼.

The area described contains 5,718.91 acres.

Application A–15985

Gila and Salt River Meridian, Arizona

T. 2 S., R. 4 W.,
- Sec. 22: S½SE¼;
- Sec. 23: All;
- Sec. 24: N½, SW¼;
- Sec. 25: N½, E½SW¼, E½W½SW¼, SE¼;
- Sec. 26: N½NE¼;
- Sec. 27: N½, SW¼, N½SE¼, SW¼SE¼;
- Sec. 28: N½;
- Sec. 29: S½NE¼, S½NW¼, N½SE¼, N½SW¼, SW¼SW¼;
- Sec. 30: Lots 2, 3, 4, SE¼NE¼, E½SE¼;
- Sec. 31: Lots 1, 2;
- Sec. 32: SE¼SE¼;
- Sec. 33: E½NE¼, S½SW¼, NE¼SE¼, S½SE¼;
- Sec. 34: NE¼, S½.

T. 3 S., R. 4 W.,
- Sec. 2: Lots 1, 2, 3, 4, S½N½, S½;
- Sec. 3: Lots 1, 3, 4, SE¼NE¼, S½;
- Sec. 10: N½, SE¼;
- Sec. 11: Lots 1–15, 25, 26, 27, 30–35, 37–42, 45, 46, 47, 64, 66–70, 74–78, 81–86, N½NE¼, SW¼, S½SE¼, S½S½SE¼;
- Sec. 12: S½SW¼SW¼;
- Sec. 13: W½NW¼, W½SW¼;
- Sec. 14: N½N½N½NW¼;
- Sec. 23: NE¼, W½SE¼;
- Sec. 24: W½NW¼;
- Sec. 26: Lots 2, 3, 4, 5, 6, 11, 12, 13, 14;
- Sec. 27: NE¼;
- Sec. 34: Lots 1–16;
- Sec. 35: Lots 3, 4, 5, 6, 11, 12, 13, 14.

T. 4 S., R. 4 W.,
- Sec. 2: Lots 3, 4, SW¼NW¼, W½SW¼;
- Sec. 3: S½;
- Sec. 10: E½;
- Sec. 11: W½W½;
- Sec. 14: W½W½, W½E½SW¼;
- Sec. 23: W½2E½NW¼, W½NW¼, W½NE¼SW¼, W½SW¼ SE¼ SW¼;
- Sec. 26: W½;
- Sec. 35: W½;

T. 5 S., R. 4 W.,
- Sec. 2: Lots 5–36, S½NE¼, S½NW¼, SW¼, S½SE¼, N½SE¼.

T. 2 S., R. 5 W.,
- Sec. 23: SE¼SW¼SW¼, SW¼SE¼SW¼;
- Sec. 25: S½N½, S½;
- Sec. 26: S½NE¼, N½NW¼, SE¼NW¼, E½SE¼;
- Sec. 27: N½NE¼, E½NE¼NW½.

The area described contains 11,608.37 acres.

Application A–15986

Gila and Salt River Meridian, Arizona

T. 5 S., R. 4 W.,
- Sec. 16: N½, NW¼SW¼, S½SW¼, SE¼;
- Sec. 27: N½, SW¼, N½SE¼, SW¼SE¼;
- Sec. 28: Lot 2;
- Sec. 33: N½NE¼;
- Sec. 34: All.

T. 6 S., R. 4 W.,
- Sec. 3: Lots 1, 2, 3, 4, S½N½, E½SW¼, SE¼;
- Sec. 4: Lots 1, 2, S½NE¼;
- Sec. 8: NE¼, W½SE¼;
- Sec. 9: All;
- Sec. 10: All.

T. 6 S., R. 5 W.,
- Sec. 12: N½SW¼.

The area described contains 4,250.96 acres.

4. This classification decision is based on the following disposal criteria set forth in Title 43, Code of Federal Regulations, Part 2400.

Transfer of the lands to the State will help fulfill the Federal government's common school land grant to the State, and constitutes a public purpose use of the land. Lands found to be valuable for a public purpose use will be considered chiefly valuable for public purposes (43 CFR 2430.2b).

5. The subject lands are under Section 3 grazing permits to Palomas Division of Cranco, Star Route 1, Box 175, Gila Bend, Arizona 85337; Ernie Jordan, 117 North Capitol, Gila Bend, Arizona 85337; James Parker, Box 265, Star Route, Buckeye, Arizona 85326; Art Arnold, Box 263E, Star Route, Buckeye, Arizona 85326; and Jolley Cattle Company, 5822 South Country Club Way, Tempe, Arizona 85283. There are various range improvements of record on the lands.

In the event these lands are clearlisted, this grazing use will be terminated at the time title to the land is transferred to the state.

Threatened and Endangered Species and Cultural Resources Evaluations have been performed and approved for subject classification. Any cultural resources on the above described parcels will be managed by the State of Arizona under the terms of the Memorandum of Agreement Regarding Cultural Resource Protection.

A study has been made of the area which indicates little potential for mineral exploration. There are no mining claims recorded with BLM for these lands, nor was any evidence of mining activity found on the ground.

Issued oil and gas leases on these lands will remain in effect. Rights-of-way will transfer with the land to the state.

6. The public lands classified by this notice are shown on maps on file and available for inspection in the Phoenix District Office, Bureau of Land

Management, 2929 West Clarendon, Phoenix, Arizona 85017.

7. For a period of 30 days from the date of publication in the Federal Register, this classification shall be subject to exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3 and 2462.3. Interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D. C. 20240

Dated: May 6, 1981.

William K. Barker,

District Manager.

[FR Doc. 81-15018 Filed 5-19-81; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF INTERIOR

Public Review of Draft Interim Management; Plan for ORV's in the Challis Planning Unit

Pursuant to 43 CFR Part 8340 (Management of Off-Road Vehicle Use on Public Lands), the Salmon, Idaho District announces that its proposed ORV plan for the Challis Planning Unit is not available for public review. Comments on the plan will be solicited until August 18, 1981.

The proposed plan designates areas as either open, limited, or closed to ORV use. Proposed designations are:

1. Closed Areas:

a. Malm Gulch Frail Lands, 9,905 acres: closed to all ORV use the entire year.

b. Sand Hollow drainage, 4,397 acres: closed to all ORV use the entire year.

c. Herd Creek Trail, 1 mile: closed to all ORV use the entire year.

2. Limited Areas:

a. Challis Wild Horse critical winter range, 11,200 acres: organized ORV events prohibited during winter season (November 15 to April 15), 4,615 acres of which are in WSA 46–11.

b. Willow Creek Summit elk critical winter range, 9,297 acres: ORV use prohibited during winter season (November 15 to April 15).

c. Wilderness Study Areas: ORV use limited the entire year to existing roads and trails in the following WSA's:

1. Corral-Horse Basin (46–11), 51,000 acres

2. Boulder Creek (46–13), 2,573 acres

3. Jerry Peak (46–14), 48,000 acres

4. Jerry Peak West (46–14a), 15,000 acres

3. Open Area:

a. All other federal lands within the Challis Planning Unit, 182,865 acres.

Copies of the proposed plan can be obtained by writing or calling BLM District Manager, P.O. Box 430, Salmon, Idaho 83467, (208) 756–2201.

Dated: May 12, 1981.

Jerry W. Goodman,

Acting District Manager.

[FR Doc. 81-15021 Filed 5-19-81; 8:45 am]

BILLING CODE 4310-84-M

Intergovernmental Planning Program, South Atlantic Regional Technical Working Group; Meetings

As authorized by the Secretary of the Interior and pursuant to 43 CFR Part 1784, meetings of the Outer Continental Shelf Advisory Board's South Atlantic Regional Technical Working Group will be held on June 11 and June 25, 1981. The purpose of the meeting is to participate in the environmental briefings, nominations, and tract selection process for proposed OCS Sale #78.

The meetings will be held in the Bureau of Land Management's New Orleans OCS Office, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Sessions are scheduled from 9:00 a.m. to 3:00 p.m. for both meetings. The meetings are open to the public and interested persons may make oral or written presentations.

A taped transcript and complete summary minutes of the meetings will be available for public inspection at the New Orleans OCS Office not later than 60 days after the June 25 meetings. Further information in regard to these meetings is available from Sydney Verinder in this office, telephone number (504) 589–6541, during normal business hours.

John L. Rankin,

Manager, New Orleans Outer Continental Shelf Office.

May 14, 1981.

[FR Doc. 81-15020 Filed 5-19-81; 8:45 am]

BILLING CODE 4310-84-M

Baker District Advisory Council; Meeting Postponement

The Baker District Advisory Council Meeting scheduled to be held on May 20, 1981 46 FR 17891, March 20, 1981 and 46 FR 25354, May 6, 1981 will be postponed until further notice. The delay will provide time to gather together a quorum so that business can be conducted.

Gordon R. Staker,

District Manager.

May 13, 1981.

[FR Doc. 81-15199 Filed 5-15-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[No. 37631]

Dunbar Armored Security, Inc.; Petition for Relief From Certain Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of petition for relief from filing requirements.

SUMMARY: Petitioner, Dunbar Armored Security, Inc., a motor contract carrier, has requested relief from the requirements in 49 U.S.C. 10702 that it file with the Commission schedules of actual rates and charges. Petitioner would continue to file schedules of minimum rates and charges. The sought relief is provisionally granted.

DATES: Comments are due within 20 days. The sought relief will become effective 30 days from the date of publication of this notice in the Federal Register, unless, in response to comments filed, the Commission issues a further decision withdrawing this relief.

ADDRESS: An original and six copies of comments should be sent to: Interstate Commerce Commission, Room 5356, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: The relief sought by petitioner is in connection with its authority to transport bank bills, bonds, securities, notes, drafts, and other valuable papers, between certain points in New England, for banks, banking institutions, insurance companies, and brokerage houses. The Commission granted this authority in No. MC–149330F, *Dunbar Armored Security, Inc., Contract Carrier Application (Hartford, CT)* (not printed), served January 26, 1981.

49 U.S.C. 10702(b) requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. The section also permits the Commission to grant relief from the subsection when relief is consistent with the public interest and the transportation policy of section 10101. In *Armored Carrier Corp. Petition for Relief, Section 218(a)*, 303 I.C.C. 761 (1958), the Commission granted such relief to 16 armored carriers by permitting them to file only minimum rates rather than schedules of actual rates. The relief was granted because the services provided by these carriers are so specialized that filing actual rates

would be impractical. The Commission has granted similar relief to other armored carriers since that decision.

Petitioner requests that it receive this same relief as: (1) it provides the same sort of very specialized service; and (2) otherwise it will be at a competitive disadvantage with other armored carriers. The request appears justified by the public interest and section 10101. We will grant the relief unless we receive, within 20 days, comments giving sufficient reason why it should be denied.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10701(b))

Decided: May 12, 1981.

By the Commission, Division 1, Commissioner Clapp, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-15003 Filed 5-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5-83]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 13, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note:—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 150578 (Sub-7), filed January 6, 1981, previously noticed in the **Federal Register** (Republication) issue of February 3, 1981. Applicant: STEVENS TRANSPORT, a division of STEVENS FOODS, INC., 2944 Motley Drive, Mesquite, TX 75150. Representative: E. Lewis Coffey (same address as applicant). Transporting *such commodities* as are dealt in by department and variety stores, between points in Ellis County, and Dallas, TX, on the one hand, and, on the other, points in the U.S.

Note.—Purpose of republication is to modify the authority as above.

[FR Doc. 81-15006 Filed 5-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5-82]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 13, 1981.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulaions. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and a Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The

unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 147329 (Sub-5) filed February 6, 1981. Applicant: ALL STATE TRANSPORT, INC., 5959 South Alameda St., Los Angeles, CA 90001. Representative: William Davidson, P.O. Box 58408, Los Angeles, CA 90058, 213–589–6073. Transporting, for or on behalf of the United States Government, *general commodities,* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

[FR Doc. 81-15007 Filed 5-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OPY-4-VOL-137]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 13, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 141136 (Sub-6), filed May 4, 1981. Applicant: TRIANGLE TRANSPORTATION & WAREHOUSING SYSTEMS, INC., 5051 Still Creek Ave., Burnaby, BC Canada. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235–4730. In foreign commerce only, transporting *general commodities* (except classes A and B explosives), between ports of entry on the international boundary line between the U.S. and Canada at WA, ID and MT, on the one hand, and, on the other, points in CA, ID, MT, OR, UT and WA.

MC 144036 (Sub-2), filed May 4, 1981. Applicant: J. R. PHILLIPS TRUCKING LTD., Rural Route No. 2, Maidstone, Ontario, Canada. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington, DC 20005 (202) 783–3525. In foreign commerce only, transporting *commodities in bulk,* between ports of entry on the international boundary line between the U.S. and Canada at MI, on the one hand, and, on the other, points in that part of MI north of MI Hwy 55.

MC 149546 (Sub-8), filed May 5, 1981. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. Transporting *electrical machinery, or equipment, or supplies,* between points in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, MN, on the one hand, and, on the other, points in the U.S.

MC 149546 (Sub-9), filed May 5, 1981. Applicant: D & T TRUCKING CO., INC., P.O. Box 12505, New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. Transporting (1) *rubber and plastics products,* and (2) *metal products,* between points in Kane County, IL, White County, IN, and Ashtabula County, OH, on the one hand, and, on the other, Minneapolis, MN.

MC 155746, filed May 5, 1981. Applicant: BROWN'S TOURS & TRAVEL SERVICE, INC., P.O. Box 6217, 2707 Alms Place, Cincinnati, OH 45206. Representative: Mary B. Brown, 1071 Celestial St., Apt. 1703, Cincinnati, OH 45202 (513) 721–1773. To engage in operation, in interstate or foreign commerce, as a broker, at Cincinnati, OH, to arrange for the transportation of *passengers and their baggage,* in round-trip and charter operations, beginning and ending at Cincinnati, OH, and extending to points in the U.S.

[FR Doc. 81-15008 Filed 5-19-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 82]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 14, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 7555 (Sub-81)X, filed April 17, 1981, notice in the **Federal Register** of May 1, 1981, republished as corrected this issue. Applicant: TEXTILE MOTOR FREIGHT, INC., P.O. Box 70, Ellerbe, NC 28338, Representative: Terrence D. Jones, 2033 K Street NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 52, 57, 74F, 76F, and 77F certificates to: (1) broaden the commodity description to (a) "such commodities as are dealt in or used by wholesale and retail grocery stores" from groceries in the lead; (b) "chemicals and related products" from cosmetics in the lead, and from paints and caulking compound in Sub-No. 74F; and (c) "food and related products" from canned goods in truckload lots in the 1st paragraph of sheet 3 of the lead, from foodstuffs and roasted peanuts in Sub-No. 76F and from foodstuffs in Sub-No. 77F; (2) broaden the territorial description from city to countywide service, in some cases, and authorize radial operations in place of existing one way service between Baltimore, MD and New York, NY and points in NC and SC; between Richmond and Norfolk, VA, and Scotland County (Laurinburg) and Charlotte, NC; between Philadelphia, PA, and Camden County, NJ, between Newark, NJ, and, points in NC, between Philadelphia and Adams County (Biglerville) PA and Cumberland County (Bridgeton) NJ and points in NC and SC in the lead; between Chemung County (facilities of Horseheads) NY, and points in NC, SC, GA, FL, and AL in Sub-No. 52; between Monroe County (facilities at Brockport) NY, and, points in NC, SC, GA, AL, and FL in Sub-No. 57; Dougherty County (Albany) GA, and points in FL, NC, SC, TN, MD, NJ, MA, OH, MI, IL, CT, DE, NY, PA, RI and IN; between Jacksonville, FL and points in GA, NC, SC, TN, MD, NJ, MA, OH, MI, IL, CT, DE, NY, PA, RI, and IN; between NJ, and FL, GA, NC, SC, TN, MD, MA, OH, MI, IL, CT, DE, NY, PA, RI and IN, between Worth County (Sylvester), GA and Bradley County (Cleveland) TN in Sub-No. 76F; (3) remove the facilities limitation in Sub-No. 57, 74F, and 76F and the "originating at" restriction in Sub-No. 52; (4) remove the exception of commodities in bulk in Sub-Nos. 57, 74F, 76F and 77F and the exception of frozen foods in Sub-Nos. 52 and 57; and (5) remove the equipment restriction in Sub-No. 76F. The purpose of this republication is to indicate the correct name of the carrier, to indicate expansion of a commodity description in Sub-No. 77F; remove a facilities limitation in Sub-No. 74F and 76F and removed an equipment restriction in Sub-No. 76F.

MC 26396 (Sub-398)X, filed April 30, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions from its Sub-Nos. 160, 186F, 215F, 217, 227, 240F, 259F, 268F, 270F, 271F, 276F, 282F, 319F, 323F, 336F, 344F, 345F, 347F, 351F, 360F, 362F, and 364F certificates to (A) broaden the commodity descriptions from various foodstuff items, such as pet foods, starch, etc., to (1) "food and related products" in Sub-Nos. 160, 186F, 240F, 270F, 323F and 347F; (2) from plastic pipe to "rubber and plastic products" in Sub-No. 215F; (3) from lumber to "lumber and wood products" in Sub-Nos. 227 and 259F; (4) from agricultural chemicals, etc. to "chemicals and related products" in Sub-No. 268F; (5) from petroleum products, etc., to "petroleum, natural gas and their products" in Sub-Nos., 336F and 362F; (6) from drilling mud and drilling mud additives to "*Mercer* commodities" in Sub-No. 344F; (7) from seed to "farm products" in Sub-No. 268F; and (8) from various iron or steel articles to "metal products" in Sub-Nos. 271F, 276F, 282F, 319F, 345F, 351F, 360F and 364F; (B) remove the "except frozen" commodity restriction in Sub-No. 160; (C) remove the "commodities in bulk" restrictions in Sub-Nos. 160, 186F, 240F, 268F, 336F and 347F; (D) remove the "originating at and destined to" restrictions in Sub-Nos. 160, 186F, 227 and 270F; (E) remove the plantsite restrictions in Sub-Nos. 160, 270F and 360F; (F) remove the "mixed loads" restriction in Sub-No. 186F; (G) remove the "in barrels" restriction in Sub 362F; (H) remove the "except AK and HI" restrictions in Sub-Nos. 319F, 344F, 351F; (I) authorize radial service between specified points located throughout the U.S. in all sub-numbers except Sub-No. 268; and (J) replace city-wide authority with county-wide authority wherever they appear in each certificate as follows: Rochelle with Ogle County, IL; Mendota with La Salle County, IL; DeKalb with DeKalb County, IL; Plover with Clinton County, IN; Markesan with Green Lake County, WI; Arlington with Columbia County, WI; Frankfort with Portage County, WI; Napoleon with Henry County, OH; Winnebego with Faribault County, MN; Keokuk with Lee County, IA; Franklin and Pulaski with Lawrence County, PA; Oil City with Venango County, PA; Atlantic with Cass County, IA; Union with Franklin County, MO; Staunton with Macoupin County, IL; Buffalo and Tonawanda with Erie County, NY; Emlenton with Venango County, PA; Farmers Valley with McKeen County, PA; New Kensington with Westmoreland County, PA; North Warren with Warren County, PA; Congo with Hancock County, WV; St. Marys with Pleasants County, WV; Jewett with Leon County, TX; Norfolk with Madison County, NW; and Grapeland with Houston County, TX.

MC 108589 (Sub-37)X filed April 24, 1981. Applicant: EAGLE EXPRESS COMPANY, 1333 West Seventh St., P.O. Box 14484, Cincinnati, OH 45203. Representative: Paul J. Lowry, 2029 Claudia Court, Cincinnati, OH 45230. Applicant seeks to remove restrictions in its Sub-No. 11 certificate to (A) change the commodity description to "textile mill products" from textile products, and materials, equipment, and supplies used in the manufacture of textile products, (B) broaden the

territorial description to authorized county-wide authority in place of the plantsite at Campbellsville, KY, and (C) change one-way service to authorize radial service, between Taylor County, KY, and, Cincinnati, OH.

MC 111401 (Sub-620)X, filed May 4, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Alvin J. Meiklejohn 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Applicant seeks to remove restriction in its Sub-Nos. 262, 264, 265, 266, 268, 269, 273, 276, 281, 283, 419G, 420G, 421G, and 425G certificates to (1) broaden its commodity descriptions (a) to "commodities in bulk", from sulphuric acid and phosphatic fertilizer solutions; chemicals; anhydrous ammonia; formaldehyde; sodium silicate; fertilizer, fertilizer ingredients, pesticides, and pesticide ingredients; anhydrous ammonia, and fertilizer solutions; wax; liquid and gaseous helium, and petrochemicals, petroleum products, liquid petrochemicals, such nitrogen fertilizer solutions as are derived from petroleum or petroleum products, lubricating oil, antifreeze preparations and insecticides, and petroleum treating compounds (all of the above commodities are in bulk and/or in tank vehicles), in Sub-Nos. 262, 266, 268, 269, 281, 419G parts (1) and (2), 420G, 421G, and 425G, (b) to "commodities in bulk, food and related products, and chemicals and related products", from liquid animal feeds, supplements and ingredients, and molasses and phosphatic acids, in Sub-No. 264, (c) to "machinery", from material handling devices, Sub-No. 265, (d) to "commodities in bulk, and chemicals and related products", from dry fertilizer and fertilizer materials, in Sub-No. 273, (e) to "food and related products", from meats, meat products, meat by-products, and articles distributed by meat packinghouses (with exceptions), in Sub-Nos. 276 and 283, (f) to "commodities in bulk, and food and related products," from tallow, in bulk, in tank vehicles, in Sub-No. 283, and (g) to "commodities in bulk, and chemicals and related products", from fumigants, in Sub-No. 419G, (2) replace facilities and cities with county-wide authority: in Sub-No. 262, facilities near Uncle Sam, St. James Parish, LA, with St. James Parish, LA; in Sub-No. 264, Liberal, KS, with Seward County, KS; in Sub-Nos. 265 and 283, facilities at or near Liberal, KS, with Seward County, KS; in Sub-No. 268, facilities at or near Borger, TX, with Hutchinson County, TX, facilities at or near Conway, KS, with McPherson County, KS, facilities at or near Greenwood, NE, with Cass County, NE, facilities at or near Whiting, Early, and Garner, IA, with Monona, Sac, and Hancock Counties, IA; in Sub-No. 269, Vicksburg, MS, with Warren County, MS; in Sub-No. 273, Beaumont, TX, with Jefferson County, TX; in Sub-No. 276, facilities at or near Great Bend, KS, with Barton County, KS; in Sub-No. 281, facilities at Pineville, LA, with Rapids Parish, LA; in Sub-No. 283, Decatur and Rockford, IL, with Macon and Winnebago Counties, IL; in Sub-No. 419G, Houge, NE, with Gage County, NE, and Clarksdale, MS, with Coahoma County, MS; in Sub-No. 425G, Kingsport, TN, with Sullivan County, TN; (3) change its one-way to radial authority in all of the above-sub numbers between several specified counties, cities and States throughout the U.S., (4) eliminate the originating at or destined to restrictions, in Sub-Nos. 264, 265, 268, 276, and 283, (5) remove commodity exceptions, such as except molasses, urea, fats, and oils in Sub-Nos. 264, wherever they appear in the above Sub-Nos; (6) remove the exceptions of Luling, LA in Sub-No. 264, Kingsport and Elizabethton, TN in Sub-No. 266; Kingsport, TN in Sub-No. 281; Lueders, TX Sub-No. 425G, and AK and HI; (7) remove the restriction against transportation of dry chemicals to St. Louis, MO—E. St. Louis, IL in Sub-No. 266; (8) remove the restriction against transportation of commodities in bulk to NM and CO in Sub-No. 273; (9) remove the restriction against transportation of (a) liquefied petroleum gases and natural gasoline to points in MS and (b) antifreeze preparations from Freeport, TX to CO or KS in Sub-No. 425G; and (10) remove the restriction to traffic destined to facilities near Longview, TX or which is interchanged in Longview, TX, in Sub-No. 425G.

MC 113855 (Sub-533)X, filed April 29, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions from authority acquired in MC–F–14421 to (1) broaden the commodity description from various commodities such as trailer, semi-trailer, and trailer chassis (except those designed to be drawn by passenger automobiles) to "machinery and transportation equipment and materials, equipment and supplies", (2) eliminate a restriction against interlining, (3) remove a restriction limiting service to transportation in secondary movements, and in truckaway service, and (4) remove the restriction against transportation to AK and HI in its authority between points in the U.S.

MC 119959 (Sub-262)X, filed April 20, 1981. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. This application seeks to remove restrictions in Sub-Nos. 35, 37, 49, 54, 60, 61, 62, 63, 76, 97, 100, 105, 122, 123, 140, 145, 168, 173, 190, 212, 225, 228, 240, 252, E–2, E–2(b), E–3, E–5, E–6, E–7, E–8, E–9, E–11, E–12, E–13, E–15, E–17, E–19, E–21, E–22, E–23, E–24, E–25, E–27, E–28, E–29, E–30, E–32, E–33, E–34, E–35, E–36, (c) and E–38 certificates to (1) broaden the commodity description to "pulp, paper and related products," in Sub-Nos. 35, 37, 49, 54, 60, 61, 62, 76, 97, 100, 105, 122, 123, 140, 145, 168F, 173F, 190F, 212F, 225F, 240F, 252F, E–2, E–2(b), E–3, E–5, E–6, E–9, E–11, E–12, E–13, E–15, E–17, E–19, E–21, E–22, E–25, E–27, E–28, E–30, E–32, E–33, E–34, E–35, E–36(b), E–36(c) and E–38, from paper and paper product and in most instances, related equipment, materials and supplies; in Sub-No. 49, cellulose materials; in Sub-Nos. 63, E–6, E–7, E–19, E–23, E–24 and E–29, honeycomb paper products; Sub-no. 100, woodpulp, paper and paper products, cellulose film and disposable diapers, tissue paper, wrappers and cellulose film wrappers, and checkbook covers, binders and book covers, and for each related materials, equipment and supplies on return; in Sub-No. 140, pulpboard, paper and paper products; and in Sub-No. 228F, paper products and cellulose products; (2) in Sub-Nos. 35, 37, 49, 54, 76, 100, 123, 145, 168, 173, 190F, E–9, E–11, E–12, E–13, E–17, E–21, E–22, E–23, E–24, E–25, E–27, E–28, E–29, E–30, E–32, E–33, E–34, E–35, E–36(c) and E–38, remove commodities in bulk exceptions; (3) in Sub-No. 37, remove a restriction limiting operations to foreign commerce only; (4) Sub-Nos. 37, 76, 100, 145, E–11, E–12, E–27, E–28, E–29, E–30, E–33, and E– 34, remove exceptions of articles which because of size or weight require the use of special equipment; (5) in Sub-Nos. 63, 100, 105, 123, 145, 190F, 225, 228F, and 252F, applicant seeks to remove restrictions limiting service to traffic originating at or destined to named points; (6) in Sub-No. 122, remove a restriction limiting service to traffic having a subsequent movement by rail or water; (7) broaden the territorial descriptions by placing city-wide and/or named facilities with county-wide authority as follows: in Sub-Nos. 35, E–2(b), E13, E–16, E–31, and E–35, Wickliffe, KY with Ballard County, KY; in Subs 37 and E–2, Cantonment and Yulee, FL with Escambia and Nassau

Counties, FL; in Subs 49, E–9, E–22, E–36(c) and 38, Neely's Landing, MO with Cape Girardeau County, MO; in Sub-54, Taylorville, IL with Christian County, IL; in Sub-60, Affton, MO with St. Louis County, MO; in Subs 61, E–2, E–5, E–25, and E–32, Franklin, VA; in Subs 62 and E–36(b), Normal, IL with McLean County, IL; in Subs 63, E–7, E–19, E–24, Kalamazoo, MI with Kalamazoo County, MI; in Subs 76, E–17, and E–34, Reading, PA with Berks County, PA; in Sub 97, Taylorville, IL with Christian County, IL; in Sub 100, Gilman, VT with Essex County, VT; Utica, Lyons Falls, and Plattsburg, NY with Oneida, Lewis and Clinton Counties; NY; Kalamazoo, MI with Kalamazoo County, MI; Taylorville, IL with Christian County, IL; Reading, PA with Berks County, PA; Woodland, ME with Washington County, ME; Warwick, NY with Orange County, NY; Tomahawk, WI with Lincoln County, WI; and Lawrenceville, GA with Gwinnett County, GA; in Subs 105 and E–3, Chillicothe, OH with Ross County, OH; Kingsport and Gray, TN with Sullivan and Hawkins Counties, TN; in Sub 122, Neely's Landing, MO with Cape Girardeau, MO; in Sub 123, Norwood, OH with Hamilton County, OH; in Sub 140, St. Mary's GA with Camden County, GA; in Sub-145, Muskogee, OK with Muskogee County, OK; in Sub 190, DePere, WI with Brown County, WI; in Subs 212 and 252 Cairo, IL with Alexander County, IL; in Sub 228F, Cheboygan, MI to Cheboygan County, MI; in Sub 240F, Marinette, Oconto Falls, Fond du Lac, and Green Bay, WI with Marinette, Oconto, Fond du Lac, and Brown Counties, WI in Sub E–2(b), Wickliffe, KY with Ballard County, KY and Cantonment, FL with Escambia County, FL; in Subs E–8, E–21, and E–27, Cantonment, FL with Escambia County, FL; and in Subs E–11, E–15, and E–33, Yulee, FL with Nassau County, FL; (8) replace one-way with radial authority in all of the named Sub-Nos between the above counties generally and points in various States, and (9) remove except AK and HI wherever they appear.

MC 115322 (Sub-205)X, filed April 30, 1981. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Ave., Orlando, FL 32801. Applicant seeks to remove restrictions in its Sub-Nos. 182F and 200 certificates to (1) broaden the commodity descriptions in both Sub-Nos. from general commodities (with exceptions) to "general commodities (except classes A and B explosives); (2) remove a restriction requiring traffic to move on bills of lading of freight forwarders in Sub-No. 182F; and (3) remove restrictions against traffic having a prior or subsequent movement by air in Sub-No. 182F and to traffic having a prior or subsequent movement by rail in Sub-No. 200.

MC 119160 (Sub-12)X, filed May 1, 1981. Applicant: H. E. SPANN AND COMPANY, INC., P.O. Box 111, Highway 67 East, Mt. Pleasant, TX 75455. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Applicant seeks to remove restrictions in its Sub-No. 7 certificate to (1) remove the "in bulk, in dump vehicles" restriction, (2) remove the restriction limiting service to the transportation of traffic having an immediately prior movement by water, and (3) broaden the territorial scope by replacing one-way with radial authority between points in LA and AR, and points in TX.

MC 119741 (Sub-300)X, filed April 30, 1981. Applicant: GREEN FIELD TRANSPORT CO., INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its authority acquired in MC–F–13773 (Sub-No. 124F) to (1) broaden the commodity descriptions from livestock and agricultural commodities to "farm products and agricultural commodities"; from farm machinery and parts to "machinery"; from livestock to "farm products"; from feed, wire, twine, coal, windmills and agricultural implements and parts to "food and related products, metal products, textile mill products, petroleum or coal products, and machinery"; from household goods, as defined by the Commission, and emigrant movables to "household goods"; and delete from the general commodity authority all exceptions but classes A and B explosives; (2) repace one-way with (a) radial authority between Marquoketa, IA, East St. Louis, IL, Elwood, IA, Jackson County, IL, Henry County, IL, and 2 WI Counties and (b) return authority in its regular routes between Elwood, IA, Marquoketa, IA and Chicago, IL, and East Mobile, IL, and Elwood, IA; (3) authorize service at all intermediate points in its regular routes; (4) in the irregular route portion, replace Marquoketa, IA with Jackson County, IA; and part of Henry County, IL, with all of that county.

MC 121298 (Sub-28)X, filed May 5, 1981. Applicant: SEAWAY TRANSPORT COMPANY, 1149 E. Fifth St., P.O. Box 101, Ashtabula, OH 44004. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (1) broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except classes A and B explosives)," (2) eliminate the restriction prohibiting service to HI, and (3) replace the facilities authority with county-wide authority: facilities at Ashtabula, OH, with Ashtabula County, OH.

MC 121332 (Sub-7)X, filed May 1, 1981. Applicant: STEVE J. DUNNE CARTAGE, INC., 1800 South Wolfe Road, Des Plaines, IL 60018. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. Applicant seeks to remove restrictions in its Sub-No. 3 certificate to (1) broaden the commodity description by removing exceptions in its general commodity authority, except classes A and B explosives, and (2) remove the restriction to traffic originating at or destined to be named facilities on radial authority Chicago, IL, and, points in several States.

MC 126528 (Sub-3)X, filed April 27, 1981. Applicant: BULK HAULERS, INC. Airport Road, Nashua, NH 03061. Representative: T. J. O'Loughlin, Jr., 18 Baker St., Hudson, NH 03051. Applicant seeks to remove restrictions to (1) broaden the commodity description in its lead permit to "metal products" from pig iron, in dump vehicles; and in its Sub-No. 2 permit to "food and related products" from alcoholic beverages; and (2) expand the territorial authority in both permits to authorize service between points in the U.S., under continuing contract(s) with named shippers.

MC 140464 (Sub-11)X, filed May 4, 1981. Applicant: D–X TRUCKING, INC., 5660 Southwyck Blvd., Ste. P, Toledo, OH 43614. Representative: Michael M. Briley, Esq., P.O. Box 2088, Toledo, OH 43603. Applicant seeks removal of restrictions in its Sub Nos. 1, 3, 5F and 8F certificates to (1) broaden the commodity description from glass and flat glass to "clay, concrete, glass or stone products" in all Sub-Nos.; (2) broaden the territorial description by removing restrictions which limit service to the transportation of traffic originating at or destined to named facilities replacing the specifically named facilities and cities with county-wide authority, and authorizing radial service between: (a) Navarro County, TX (Corsicana, TX) and Wyandot County, OH (Upper Sandusky, OH), and points in U.S., in Sub-Nos. 1 and 8; (b) Monroe County, MI (Carleton, MI) and points in the U.S. (except AZ, CA, ID,

NV, OR, UT, WA and WY) in Sub-No. 5; and (c) ports of entry on the international boundary line between the U.S. and Canada on the St. Clair, Detroit, Niagara and St. Lawrence Rivers, and points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI and DC in Sub-No. 3; and (3) remove restrictions in Sub-No. 3 limiting traffic to that having Ontario, Canada origins and destinations, and against service to AK, HI, and the origin state in Sub-Nos. 1, 5F, and 8F.

MC 140829 (Sub-371)X, filed April 20, 1981. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King (same as applicant). Applicant seeks to remove restrictions in its lead and sub-Nos. 1, 2, 4, 7, 11, 15, 21, 22, 24, 25, 26, 27, 31, 33, 35, 42, 45, 46, 50, 52, 53, 54, 55, 58, 61, 62, 63, 64, 66, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81F, 82F, 85F, 86F, 87F, 88F, 89F, 90F, 91F, 92F, 94F, 96F, 97F, 98F, 99F, 101F, 102F, 103F, 104F, 105F, 106F, 107F, 108F, 109F, 110F, 111F, 112F, 113F, 114F, 116F, 117F, 118F, 119F, 120F, 121F, 122F, 123F, 124F, 125F, 126F, 130F, 131F, 132F, 133F, 134F, 135F, 137F, 138F, 140F, 142F, 143F, 144F, 147F, 149F, 150F, 151F, 152F, 153F, 154F, 157F, 158F, 160F, 161F, 162F, 163F, 164F, 165F, 166F, 167F, 168F, 169F, 170F, 171F, 172F, 175F, 176F, 177F, 178F, 179F, 181F, 185F, 186F, 187F, 189F, 190F, 191F, 192F, 195F, 196F, 203F, 204F, 205F, 206F, 211F, 212F, 213F, 214F, 215F, 216F, 217F, 218F, 219F, 224F, 225F, 226F, 227F, 228F, 229F, 230F, 231F, 232F, 235F, 236F, 238F, 239F, 240F, 241F, 252F, 253F, 254F, 255F, 256F, 257F, 258F, 259F, 260F, 261F, 262F, 270F, 271F, 272F, 273F, 274F, 276F, 277F, 279F, 280F, 291F, 293F, 294F, 296F, 297F, 298F, 299F, 301F, 304F, 305F, 306F, 307F, 309F, 311F, 312F, 313F, 314F, 315F, 316F, 317F, 318F, 323F, 324F, 327F, 328F, 329F, 330F, 333F, 334F, 335F, 337F, 340F, 341F, 342F, 348F, 349F, 350F, 351F, 352F, 353F, 354F, 355F, 356F, 357F, 360F, 361F, 362F, 363F, 365F, 366F, 367F, and 369F, to (1) broaden the commodity descriptions in its lead and sub-nos. 2, 4, 7, 11, 21, 24, 25, 26, 27, 31, 33, 35, 42, 43, 45, 46, 50, 52, 53, 54, 61, 62, 63, 64, 67, 69, 70, 73, 75, 76, 79, 81F, 82F, 87F, 90F, 92F, 97F, 98F, 101F, 109F, 111F, 113F, 120F, 130F, 131F, 133F, 140F, 144F, 148F, 150F, 151F, 153F, 154F, 158F, 161F, 162F, 169F, 170F, 172F, 176F, 177F, 181F, 185F, 195F, 206F, 213F, 216F, 218F, 225F, 226F, 235F, 238F, 240F, 253F, 254F, 280F, 291F, 293F, 297F, 301F, 304F, 305F, 306F, 315F, 317F, 323F, 324F, 333F, 334F, 340F, 352F, 354F, 355F, 357F, and 369F to "food and related products" from commodities such as: meats, meat products, meat by-products, and articles distributed by meat packing houses as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, foodstuffs, bone chews, animal feed additives and supplements, food, food products, food ingredients, canned and preserved foodstuffs, foodstuffs and materials, equipment and supplies used in the manufacture, sale and distribution of, animal food, coffee and beverage preparations, spaghetti and macaroni, cooking oils, shortening and related products, frozen foods, confectionery, candy, orange juice, grapefruit juice, lemonade, packaged meats, alcoholic beverages, cereals, and malt beverages; (2) remove restrictions against bulk commodities, hides, skins and pieces thereof, frozen meats, frozen foods, mixed loads, tank vehicles, and the restriction for vehicles equipped with mechanical refrigeration in the Subs listed in (1); (3) broaden the commodity description in Sub-No. 5 from bananas and agricultural commodities in mixed loads to "farm products and food and related

products"; (4) broaden the commodity descriptions in Sub-Nos. 1, 15, 22, 55, 72, 88F, 89F, 103F, 112F, 114F, 116F, 117F, 124F, 134F, 152F, 163F, 166F, 178F, 212F, 214F, 227, 262, 295, 316, 342, 360, 362 and 367 from toilet preparations, deodorants, disinfectants, breath fresheners, cleaning compounds, swimming pool treatment compounds, insecticides and materials, equipment and supplies used by deodorant and cleaning compound manufacturers, medicine, chemicals and materials, equipment and supplies used in the business of a pharmaceutical company coal tar dye, cotton softeners, herbicides, soap, chemicals and materials, equipment and supplies used by manufacturers and distributors of chemicals, personal care products, agricultural herbicides, insecticides, fungicides, drugs, health care products, magnesium hydroxide, alumina calcined, washing compounds, scouring compounds, lime in packages, sodium bicarbonate, soap products and toilet preparations and materials, equipment and supplies used in the manufacture and distribution of soap products and toilet preparations, and paint and materials, equipment and supplies used in the manufacture, sale and distribution of paint to "chemicals and related products"; (5) remove bulk restrictions and the restriction for vehicles equipped with mechanical refrigeration in the Subs listed in 4; (6) broaden commodity descriptions in Sub-Nos. 58, 108F, 138F, 142F, 147F, 192F, 198F, 307F, 348F and 353F from plastic film and sheeting, plastic materials, plastic, plastic articles, rubber articles, rubber and plastic articles, materials, equipment and supplies used in the manufacture of, and synthetic resin granular to "rubber and plastic products"; (7) remove restrictions against cellulose, bulk commodities, tank vehicles, and for vehicles equipped with mechanical refrigeration in the Subs listed in (6); (8) broaden commodity descriptions in Sub-Nos. 66, 91F, 105F, 106F, 107F, 205F, 219F, 232F, 257F, 260F, 294F, 330F, 356F, 361F and 365F from paper, paper products, printed matter and materials, equipment and supplies used in the manufacture of paper products and printed matter, uncut greeting cards in sheets, stationery products and materials, equipment and supplies used in the manufacture and distribution of stationery products, pulpboard cores and tubes and such materials, equipment and supplies used in the manufacture of paper cores and tubes, paper articles, and computing machine paper to "pulp, paper and related products and printed matter"; (9) remove in bulk restrictions in the Subs in (8); (10) in Sub-Nos. 71, 94F, 125F, 164F, 189F, 224F, 230F, 233F, 241F, 256F, 314F and 350F to remove restrictions against bulk commodities and for vehicles equipped with mechanical refrigeration; (11) in Sub-Nos. 99F, 217F, 299F, 309F and 313F remove the exception of commodities of unusual value, household goods as defined by the Commission, bulk commodities, and those requiring special equipment; (12) in Sub-Nos. 149, 171, 236, 274 and 276 to broaden the commodity descriptions from battery acids, brake fluids, gasoline antifreeze, windshield washer solutions, lacquer, charcoal briquettes, petroleum and petroleum products, and materials, equipment and supplies used in the manufacture and distribution of petroleum and petroleum products, oil filters, and vehicle body sealers to "chemicals and related products, petroleum, natural gas and their products, coal and coal products, and machinery", and remove bulk restrictions; (13) in sub-Nos. 179F, 258F, 296F, 337F and 351F broaden the commodity descriptions from new kitchen cabinets and vanities, wooden doors, metal shelving, tables, check-out counters, display cases, wooden screens, wooden blinds, compressed wood fire logs, and wood products to "lumber and wood products, and furniture and fixtures"; (14) in Sub-Nos. 157F, 165F, 187F, 270F and 312F broaden the commodity descriptions from iron and steel articles, tin plate tubes, perforated tin plate, aluminum ingots, zinc alloy ingots, magnesium, furnace pipe, elbow duct work, register boots,

register boxes, well stack, gutters, and rain carrying accessories and materials, equipment and supplies used in the manufacture and distribution thereof to "metal products"; (15) in Sub-Nos. 126F, 204F, 273F and 279F broaden the commodity description from polishing and cleaning compounds, buffing pads, cleaning cloths, putty, paint, tools for repairing automobiles and parts and assessories for, swimming pools, swimming pool equipment and supplies used in the manufacture of, tools, fuel supplements, anti-freeze and containers to "chemicals and related products, metal products, waste or scrap materials not identified by industry producing, miscellaneous freight shipments, and miscellaneous products of manufacture", and remove bulk restrictions; (16) in Sub-Nos. 123F, 167F, 186F, and 190F, broaden the commodity descriptions from appliances, parts, accessories and attachments for appliances, lawn mowers, and household appliances to "machinery"; (17) in Sub-Nos. 143F, 328F and 329F broaden the commodity descriptions from paper, paper products, plastic, plastic products, and material, equipment and supplies used in the manufacture and distribution of paper and plastic products, bags, envelopes, packets, pouches, wrappers, bag ties, and materials, equipment and supplies used in the manufacture thereof to "pulp, paper and related products, rubber and plastic products, and metal products", and remove bulk restrictions; (18) in Sub-Nos. 137F, 277F and 335F broaden the commodity descriptions from medical and surgical supplies, animal health care products, dry goods, industrial tape, pipe coverings, coatings, adhesives, fabrics, chemicals, cleaning compounds, offset printing plate, rubber coated fabric, sealing and packing compounds, conveyor belts, gaskets, battery boxes, covers, and vents, and materials, equipment and supplies used in the manufacture, installation, distribution and sale of, to "textile mill products, chemicals and related products, petroleum, natural gas and their products, coal and coal products, rubber and plastic products, printed matter, clay, concrete, glass or stone products, and instruments and photographic goods", and remove bulk restrictions; (19) in Sub-Nos. 76F, 203F and 341F broaden the commodity description from wire, cable, aluminum, metal products and materials, equipment and supplies used in the manufacture and distribution of, and water heaters to "metal products and machinery", and remove bulk restrictions and those requiring the use of special equipment; (20) in Sub-Nos. 259F, 271F and 311F broaden the commodity descriptions from outdoor recreational equipment, heating and air conditioning apparatus, gasoline powered lawn mowers, edgers, mini-bikes, electric lawn edgers and trimmers, boat, motorcycle, snowmobile and utility trailers, and trailer parts to "machinery, metal products, transportation equipment, and miscellaneous products of manufacturing"; (21) in Sub-Nos. 119F, 121F and 239F broaden the commodity descriptions from artificial trees, light sets, display, artificial Christmas trees, Christmas novelties, Christmas tree accessories, decorations, and materials, equipment and supplies used in the manufacture of, to "miscellaneous products of manufacturing" and remove bulk restrictions; (22) in Sub-Nos. 166F and 188F broaden the commodity descriptions from chemicals, pigments, food products, electronic pianos and organs, and hides and materials, equipment and supplies used in the process of tanning to "food and related products, chemicals and related products, miscellaneous products of manufacturing, and waste or scrap materials not identified by industry producing", and remove bulk restrictions; (23) in Sub-Nos. 110F and 358F broaden the commodity descriptions from toilet preparations, foodstuffs, ferrous sulphate, fertilizer and animal feed to "chemicals and related products, and food and related products", and remove bulk restrictions; (24) in Sub-Nos. 104F and 118F broaden the commodity descriptions from chemicals and plastic materials to "chemicals and related products, and rubber and plastic products", and remove bulk restrictions; (25) in Sub-Nos. 77 and 231 broaden the commodity descriptions from wire and plastic products, and materials, equipment and supplies utilized by the manufacturer of wire and plastic products, batteries, battery acid, battery parts and materials, equipment and supplies used in the manufacture and distribution of, to "chemicals and related products, rubber and plastic products, metal products, machinery, and miscellaneous freight shipments", and remove bulk restrictions; (26) in Sub-Nos. 122F and 363F broaden the commodity descriptions from rubber mats, plastic and wire houseware articles, hand tools, and safety equipment to "rubber and plastic products, metal products, and machinery"; (27) in Sub-Nos. 316 and 327 broaden the commodity descriptions from wire, cable, and tape, and materials, equipment and supplies used in the manufacture and distribution of, to "textile mill products, pulp, paper and related products, metal products, and machinery", and remove bulk restrictions; (28) in Sub-Nos. 86F and 180F broaden the commodity descriptions from tape, tape products, materials, equipment and supplies used in the manufacture of tape and tape products, clothing and materials, equipment and supplies used in the sale of clothing to "textile mill products, pulp, paper and related products, and miscellaneous products of manufacturing", and remove bulk restrictions; (29) in Sub-Nos. 135F and 261F broaden the commodity descriptions from ground clay, floor sweeping compounds, absorbents, and vinyl siding to "chemicals and related products, and clay, concrete, glass or stone products", and remove bulk restrictions; (30) in Sub-Nos. 96 and 127 broaden the commodity descriptions from plumbing goods, bathroom fixtures and accessories, and equipment, materials and supplies used in the manufacture of bathroom accessories, traffic control products and equipment, materials and supplies used in the manufacture and installation of, to "rubber and plastic products, clay, concrete, glass or stone products, metal products, machinery, and miscellaneous mixed shipments", and remove bulk restrictions; (31) in Sub-Nos. 51 and 339F broaden the commodity descriptions from brick veneer, glazed quarry tile, grout and tile adhesives, concrete modular panels, fireplaces, man-made cultured marble, cabinets, vanities, and ceramic wall and floor tile to "clay, concrete, glass or stone products, and furniture and fixtures", and remove bulk restrictions; (32) in Sub-No. 74 broaden the commodity description from mops, brooms, brushes, wooden articles and plastic articles to "textile mill products, lumber and wood products, rubber and plastic products, and miscellaneous products of manufacturing"; (33) in Sub-No. 85 broaden the commodity description from abrasives and insulation to "ores and minerals, pulp, paper and related products, petroleum, natural gas and their products, coal and coal products, and clay, concrete, glass or stone products", and remove bulk restrictions; (34) in Sub-No. 102F broaden the commodity description from television sets, radios, phonographs, stereo systems, recorders and players, speaker systems, and audio equipment, and accessories, components and parts for, to "lumber and wood products, furniture and fixtures, pulp, paper and related products, clay, concrete, glass or stone

products, metal products, machinery, and waste or scrap materials not identified by industry producing", and remove the restriction against phonograph records; (35) in Sub-No. 191F broaden the commodity description from folding cartons, carton-forming machinery, and plastic film to "pulp, paper and related products, rubber and plastic products, and machinery"; (36) in Sub-No. 132F broaden the commodity description from malt beverages, malt beverage containers, packaging materials, pallets, and scrap malt beverage containers to "food and related products, pulp, paper and related products, rubber and plastic products, waste or scrap materials not identified by industry producing, and containers, carriers or devices, shipping, returned empty", and remove bulk restrictions; (37) in Sub-No. 175F broaden the commodity description from medicines, cosmetics, plastic boxes, weed killing compounds, animal feed supplements, and poultry feed supplements, and materials, equipment and supplies used in the manufacture of, to "food and related products, chemicals and related products, rubber and plastic products", and remove bulk restrictions; (38) in Sub-No. 211 broaden the commodity description from confectionery, dessert preparations, gum ball machines, and gum ball machine stands to "food and related products and machinery"; (39) in Sub-No. 215F broaden the commodity description from household products to "textile mill products, furniture and fixtures, metal products, machinery, and miscellaneous products of manufacturing"; (40) in Sub-No. 228F broaden the commodity description from wall and insulating boards, insulating materials and supplies used in the installation of, to "pulp, paper and related products, and clay, concrete, glass or stone products", and remove bulk restrictions; (41) in Sub-No. 229F broaden the commodity description from electric light bulbs, lighting fixtures, and materials, equipment and supplies used in the manufacture of, to "clay, concrete, glass or stone products and machinery", and remove bulk restrictions; (42) in Sub-No. 252F broaden the commodity description from retail store fixtures, and equipment, materials and supplies used in the manufacture of retail store fixtures to "furniture and fixtures, pulp, paper and related products, printed matter, and miscellaneous products of manufacturing", and remove bulk restrictions; (43) in Sub-No. 255F broaden the commodity description from dry fertilizer, ice melting compounds, and vermiculite to ores and minerals, chemicals and related products, and clay, concrete, glass or stone products, and remove bulk restrictions; (44) in Sub-No. 272F broaden the commodity description from zinc, zinc compounds, lead sheets, and metallic cadium, and materials, equipment and supplies used in the production of the commodities above to "ores and minerals, chemicals and related products, and metal products", and remove bulk restrictions; (45) in Sub-No. 298F broaden the commodity description from oxy-acetylene cutting and welding apparatus and medical gas pressure regulators to "instruments and photographic goods, and miscellaneous freight shipments"; (46) in Sub-No. 336F broaden the commodity description from foodstuffs, health and beauty aids, cleaning compounds, kitchen gadgets, dog food, and cheese to "food and related products, chemicals and related products, and metal products", and remove bulk restrictions; (47) in Sub-No. 349F broaden the commodity description from chemicals, chemical compounds, plastics, plastic products, naval stores, glass products, treated fiber products, and materials, equipment and supplies used in the manufacture, distribution, or sale of the commodities above to "chemicals and related products, rubber and plastic products, forest products, clay, concrete, glass or stone products, coal and coal products, petroleum, natural gas and their products, and textile mill products", and remove bulk restrictions; (48) in Sub-No. 366F broaden the commodity description from aluminum cots, rollaway beds, folding tables and chairs, polyfoam mattresses, stadium seats, trampolines, ping pong tables, weight lifting benches, and gym apparatus to "furniture and fixtures, rubber and plastic products, and miscellaneous products of manufacturing"; (49) remove facilities limitations at and/or replace Crete, NE, with Saline County, NE, in its lead; Morristown, NJ, with Morris County, NJ, in Sub-No. 1; Denison, and Fort Dodge, IA, with Crawford and Webster Counties, IA, Emporia, KS, with Lyon County, Luverne, MN, with Rock County, MN, Dallas City, and West Point, NE, with Dakota and Cuming Counties, NE, in Sub-No. 2; Amarillo, TX, with Potter County, TX, in Sub-No. 4; Brownsville, Hidalgo, Laredo, McAllen, Rio Grande City and Roma, TX, with Potter, Cameron, Hidalgo, Webb, and Starr Counties, TX, in Sub-No. 5; Hawarden, IA, with Sioux County, IA, in Sub-No. 7; Denison, IA, with Crawford County, IA, in Sub-No. 11; Carlstadt, NJ, with Bergen County, NJ, Maple Heights, OH, with Cuyahoga County, OH, St. Peters, MO, with St. Charles County, MO, and Stockton, CA, with San Joaquin County, CA in Sub-No. 15; Madison, NE, with Madison County, NE, in Sub-No. 21; Carlstadt, NJ, with Bergen County, NJ and St. Peters, MO, with St. Charles County, MO, in Sub-No. 22; Fort Dodge, Hartley, and Spencer, IA, with Webster, O'Brien, and Clay Counties, IA, in Sub-No. 25; Garden City, KS, with Finney County, KS, in Sub-No. 26; Cherokee, IA, with Cherokee County, IA, in Sub-No. 27; Whitehall and Eau Claire, WI, with Trempealeau and Eau Claire Counties, WI, in Sub-No. 31; Albert Lea, MN, with Freeborn County, MN, in Sub-No. 33; TX, with Lamar County, TX, in Sub-No. 35; Fremont and Schuyler, NE, with Dodge and Colfax Counties, NE, in Sub-No. 42; NE, with Saline County, NE, and Denison, Carroll and Iowa Falls, IA, with Crawford, Carroll, and Hardin Counties, IA, in Sub-No. 43; Greeley and Sterling, CO, with Weld and Logan Counties, CO, in Sub-No. 45; Menominee, Vesper, Cameron, Wisconsin Rapids, and Eau Claire, WI, with Dunn, Wood, Barron, and Eau Claire Counties, WI, in Sub-No. 46; Chicago Heights, IL, with Cook County, IL, in Sub-No. 50; Hamilton, Ironton, Minerva, and New Philadelphia, with Butler, Lawrence, Stark, and Tuscarawas Counties, OH, Brazil, IN, with Clay County, IN, Palatine, IL, with Cook County, IL, Wisconsin Rapids, WI, with Wood County, WI, Adrian, MI, with Lenawee County, MI, and Stanley, KS, with Johnson County, KS, in Sub-No. 51; Jacksonville, IL, with Morgan County, IL, in Sub-No. 53; Searcy, AR, with White County, AR, in Sub-No. 54; Barberton, OH, with Summit County, OH, Carlstadt, NJ, with Bergen County, NJ, Maple Heights, OH, with Cuyahoga County, OH, St. Peters, MO, with St. Charles County, MO, and San Diego, CA, with San Joaquin County, CA, in Sub-No. 55; Danville, KY, with Boyle County, KY, and South Durfield, MA, with Franklin County, MA, in Sub-No. 58; Kenosha, WI, with Kenosha County, WI, and North Chicago, IL, with Lake County, IL, in Sub-No. 61; Decatur, IL, with Macon County, IL, in Sub-No. 62; Achbold, OH, with Fulton County, OH, in Sub-No. 63; Joslin, IL, with Rock County, IL, in Sub-No. 64; Urbana, OH, with Champaign County, OH, in Sub-No. 66; Melrose Park and Millstadt, IL, with Cook and St. Clair Counties, IL, and Carrollton County, TX, with Dallas County, TX, in Sub-No. 67; Cedar Rapids, IA, with Linn County, IA, in Sub-No. 69; Lowell, MA, with Middlesex County, MA, in Sub-No. 70; Scranton, PA, with Lackawanna County, PA, in Sub-No. 71; Jersey City, Kenilworth, and

Dayton, NJ, with Hudson, Union, and Middlesex Counties, NJ, in Sub-No. 72; Edgewater, NJ, with Bergen County, NJ, in Sub-No. 73; Greenville, NC, with Pitt County, NC, in Sub-No. 74; Fort Atkinson and Jefferson, WI, with Jefferson County, WI, Jersey City, NJ, with Hudson County, NJ, in Sub-No. 76; Wilkes-Barre and Quakertown, PA, with Luzerne and Bucks Counties, PA, and Berkeley Heights, NJ, with Union County, NJ, in Sub-No. 77F; Linden and Hillside, NJ, with Union County, NJ, in Sub-No. 78F; Estherville and Humboldt, IA, with Emmet and Humboldt Counties, IA, in Sub-No. 79; Lowell, MA, with Middlesex County, MA, in Sub-No. 81; Allen Township, MI, with Hillsdale County, MI, in Sub-No. 82F; Niagara Falls, NY, with Niagara County, NY, in Sub-No. 85; Beacon, NY, with Dutchess County, NY, Passaic, NJ, with Passaic County, NJ, and Carbondale, IL, with Jackson County, IL, in Sub-No. 86F; Joliet, IL, with Will County, IL, in Sub-No. 87F; Fair Lawn and East Hanover, NJ, with Bergen and Morris Counties, NJ, in Sub-No. 88F; El Paso, IL, with Woodford County, IL, in Sub-No. 89F; Hammond, IN, with Lake County, IN, Somerset, PA,with Somerset County, PA, in Sub-No. 96F; Ft. Smith, AR, with Sebastian County, AR, Arkansas City, and Wichita, KS, with Cowley and Sedgewick Counties, KS, in Sub-No. 97F; Plover, WI, with Portage County, WI, in Sub-No. 98F; Berlin, CT, with Hartford County, CT, in Sub-No. 99F; Grand Junction, CO, with Mesa County, CO, in Sub-No. 101F; Bloomington, IN, with Monroe County, IN, in Sub-No. 102F; Elizabeth, Carteret, Hackettstown and Rockport, NJ, with Union, Middlesex and Warren Counties, NJ, Andover and Mansfield, MA, with Bristol and Essex Counties, MA, in Sub-No. 104F; Binghamton, NY with Broome County, NY, Scranton, PA, with Lackawanna County, PA, San Jose, CA, with Santa Clara County, CA, and Troy, MO, with Lincoln County, MO, in Sub-No. 105F; Marinette, WI, with Marinette County, WI, in Sub-No. 106F; Lancaster, PA, with Lancaster County, PA, Willard, OH, with Huron County, OH, Dwight, IL, with Livingston County, IL, Mattoon, IL, with Cole County, IL, Crawfordsville and Warren, IN, with Montgomery and Kosciusko Counties, IN, Glasgow, KY, with Barren County, KY, and Old Saybrook, CT, with Middlesex County, CT, in Sub-No. 107F; South Deerfield, MA, with Franklin County, MA, in Sub-No. 108F; Reading PA, with Berks County, PA, in Sub-No. 109F; Melrose Park, IL, with Cook County, IL, in Sub-No. 110F; Covington, TN, with Tipton County, TN, in Sub-No. 111F; Berkeley, MO, with St. Louis County, MO, in Sub-No. 112F; Carol Stream, IL, with DuPage County, IL, in Sub-No. 113F; Jamaica, NY, with Queens County, NY, in Sub-No. 114F; Birmingham, McIntosh, and Mobile, AL, with Jefferson, Washington, and Mobile Counties, AL and St. Gabrial, LA, with Iberville Parish, LA, in Sub-No. 116F; Lewes, DE, with Sussex County, DE, Lakewood, NJ, with Ocean County, NJ, Friendship, NC, with Duphin County, NC, San Leandro, CA, with Alameda County, CA, and Reno, NV, with Washoe, NV, in Sub-No. 117F; Freehold and Toms River, NJ, with Monmouth and Ocean Counties, NJ, in Sub-No. 118F; East Douglas, MA, with Worcester County, MA, in Sub-No. 119F; Darr, NE, with Dawson County, NE, in Sub-No. 120F; Autora, NE, with Kane County, NE, in Sub-No. 121F; Wooster, OH, with Wayne County, NE, in Sub-No. 122F; Newton, IA, with Jasper County, IA, in Sub-No. 123F; Elizabethton, TN, with Carter County, TN, in Sub-No. 124F; Canton, OH, with Stark County, OH, in Sub-No. 126F; Lufkin, TX, with Angelica County, TX, in Sub-No. 130F; Winston-Salem, NC, with Forsyth County, NC, in Sub-No. 131F; Golden, CO, with Jefferson County, CO, in Sub-No. 132F; Ochlocknee, GA, with Thomas County, GA, in Sub-No. 135F; Walpole, Coltrain and Griswoldville, MA with Norfolk and Franklin Counties, MA, Windham, CT, with Windham County, CT, Bethune, SC, with Kershaw County, SC, and Augusta, GA, with Richmond County, GA, in Sub-No. 137F; Florence, MA, with Hamsphire County, MA, in Sub-No. 138F; Landsdowne, MD, with Baltimore County, MD, in Sub-No. 140F; Lawrence and Coldwater, MA, with Essex and Branch Counties, MA, in Sub-No. 142F; Saginaw, TX, with Tarrant County, TX and Millville, NJ, with Cumberland County, NJ, in Sub-No. 143F; Warsaw, IN, with Kosciusko County, IN, and Ridgefield, NJ, with Bergen County, NJ, in Sub-No. 144F; East St. Louis, IL, with St. Clair County, IL, in Sub-No. 148F; Garland, TX, with Dallas County, TX, and Raytown, MO, with Jackson County, MO, in Sub-No. 149F; New Ulm, MO, with Jackson County, MO, in Sub-No. 151F; Bonner Springs, KS, with Wyandotte County, KS, in Sub-No. 153F; Dodge City, KS, with Ford County, KS, in Sub-No. 154F; Rock Falls and Sterling, IL, with Whiteside County, IL, in Sub-No. 157F; Newman Grove, NE, with Madison County, NE, in Sub-No. 158F; Secaucus, NJ, with Hudson County, NJ, in Sub-No. 160F; Poynette, WI, with Columbia County, WI, in Sub-No. 161F; Carrollton, Marshall, Macon, and Moberly, MO, with Carroll, Saline, Macon, and Randolph Counties, MO, in Sub-No. 162F; Des Plaines, IL, with Cook County, IL, in Sub-No. 163F; Holbrook, MA, with Norfolk County, MA and Kearney, NY, with Buffalo County, NY, in Sub-No. 165F; Manawa, WI, with Waupaca County, WI, in Sub-No. 167F; Bridgeview, IL, with Cook County, IL, in Sub-No. 168F; Perry, IA, with Dallas County, IA, Wookstock County, IL, with McHenry County, IL, Madison, WI, with Dane County, WI, in Sub-No. 169F; Dickerson, ND, with Stark County, ND, and Branson, MO, with Taney County, MO, in Sub-No. 171F; North Aurora, IL, with Kane County, IL, in Sub-No. 172F; Clinton and Lafayette, IN, with Vermillion and Tippecanoe Counties, IN, and Mendota, IL, with La Salle County, IL, in Sub-No. 175F; Benton Harbor, Frankfort, and Hart, MI, with Berrien, Benzie, and Oceana Counties, MI, in Sub-No. 176F; Kankakee, IL, with Kankakee County, IL, in Sub-No. 177F; Tuscaloosa, AL, with Tuscaloosa County, AL, in Sub-No. 178F; Goshen, IN, with Elkhart County, IN, in Sub-No. 179F; West Chicago, IL, with DuPage County, IL in Sub-No. 181F; Ripon and Wantoma, WI, with Fond Du Lac and Waushara Counties, WI, Madisonville, KY, with Hopkins County, KY, Albion, MI, with Calhoun County, MI, and Searcy, AR, with White County, AR, in Sub-No. 186F; Maple Heights, OH, with Cuyahoga County, OH, in Sub-No. 187F; San Diego, CA, with San Diego County, CA, Tampa, FL, with Hillsborough County, FL, and Macon, GA, with Bibb County, GA, in Sub-No. 189F; Bridgeport, CT, with Fairfield County, CT, in Sub-No. 189F; Arlington, TX, with Tarrant County, TX, in Sub-No. 196F; Carlstadt, NJ, with Bergen County, NJ, in Sub-No. 203F and 204F; Jacksonville, IL, with Morgan County, IL, and Sherman and Humboldt, TX, with Grayson and Gibson Counties, TX, in Sub-No. 206F; Lowell, MA, with Middlesex County, MA, in Sub-No. 213F; Waxdale and Racine, WI, with Racine County, WI, in Sub-No. 215F; Carroll, Denison, and Iowa Falls, IA, with Carroll, Crawford, and Hardin Counties, IA, Crete, NE, with Saline County, NE, and Cherokee, Ft. Dodge, and Des Moines, IA, with Cherokee and Webster Counties, IA, in Sub-No. 216F; Reading, PA, with Berks County, PA, in Sub-No. 218F; Alpena, MI, with Alpena County, MI, in Sub-No. 224F; Denison and Fort Dodge, IA, with Crawford and Webster Counties, IA, Emporia and Wichita, KS, with Lyon and Sedgewick Counties, KS, Lavern, MN, with Rock County, NM, Dakota City and West Point, NE, with Dakota and Cuming Counties, NE, in Sub-No. 226F; St. Marys and Montoursville, PA, with Elk and Lycoming Counties, PA,

Dyersburg, TN, with Dyer County, TN, and Versailles, KY, with Woodford, KY, in Sub-No. 229F; Charlotte, NC, with Mecklenburg County, NC, in Sub-No. 233F; Britt and Mason City, IA, with Hancock and Cerro Gordo Counties, IA, in Sub-No. 235F; Gibson City, Hoopeston, and Rochelle, IL, with Ford, Vermillion, and Ogle Counties, IL, Tipton, IN, with Tipton County, IN, Hart and Scottville, MI, with Oceana and Mason Counties, MI; Fairmont and Lakeland, MN, with Martin and Washington Counties, MN, Norwalk and Paulding, OH, with Huron and Paulding Counties, OH, and Columbus, Cumberland, Frederic, and Plymouth, WI, with Columbia, Barron, Polk, and Sheboygan Counties, WI, in Sub-No. 236F; Cheek, TX, with Jefferson County, TX, in Sub-No. 239F; Carol Stream, IL, with DuPage County, IL, in Sub-No. 240F; East Hampton, MA, with Hampshire County, MA, in Sub-No. 241F; Scottsboro, AL, with Jackson County, AL, and McClure, PA, with Snyder, PA, in Sub-No. 252F; Laramie, WY, with Albany, NY, in Sub-No. 254F; Kenosha, WI, with Kenosha County, WI, in Sub-No. 255F; Springfield, MA, with Hampden County, MA, in Sub-No. 257F; Wichita, KS, with Sedgewick County, KS, and New Braunfels, TX, with Comal County, TX, in Sub-No. 259F; Weatherford, TX, with Parker County, TX, in Sub-No. 261F; Saginaw, TX, with Tarrant County, TX, in Sub-No. 271F; Josephtown, PA, with Beaver County, PA, in Sub-No. 272F; Canton and Gnadenhutten, OH, with Stark and Tuscarawas Counties, OH, in Sub-No. 273F; Maryland Heights, MO, with St. Louis County, MO, in Sub-No. 274F; Vicksburg, MS, with Warren County, MS, North Tonawanda, NY, with Niagara County, NY, Emlenton, Farmer's Valley, New Kensington, and North Warren, PA, with Venango, McKean, Westmoreland, and Warren Counties, PA, Congo, WV, with Hancock County, WV, and St. Mary's PA, with Elk County, PA, in Sub-No. 276; Weatherford, TX, with Parker County, TX and Oil City, PA, with Venango County, PA, in Sub-No. 279F; Wethersfield, CT, with Hartford County, CT, in Sub-No. 280F; Palestine, TX, with Anderson County, TX, in Sub-No. 291F; Amarillo, TX, with Potter County, TX, in Sub-No. 293F; Syracuse, NY, with Onondaga County, NY, in Sub-No. 295F; Terrell, TX, with Kaufman County, TX, in Sub-No. 296F; Edgewater, NJ, with Bergen County, NJ, in Sub-No. 301F; Fairmont, MN, with Martin County, MN, and Clarie, WI, with Eau Claire County, WI, in Sub-No. 305F; Leominster, MA, with Worcester County, MA, and Illiopolis, IL, with Sangamon County, IL, in Sub-No. 307F; Berlin, CT, with Hartford County, CT, in Sub-No. 309F; Kenosha, WI, with Kenosha County, WI, and North Chicago, IL, with Lake County, IL, in Sub-No. 315F; Willimantic, CT, with Windham County, CT, in Sub-No. 316F; Hamilton, MI, with Allegan County, MI, in Sub-No. 317F; Rockport, MO, with Atchison County, MO, in Sub-No. 324F; Siloam Springs, AR, with Benton County, AR, in Sub-No. 327F; Tyler, TX, with Smith County, TX, in Sub-No. 329F; Boone, IA, with Boone County, IA, in Sub-No. 330F; Amarillo, Lubbock, and El Paso, TX, with Potter, Lubbock, and El Paso Counties, TX and Arkansas City and

Ft. Smith, AR, with Desha and Sebastian Counties, AR, in Sub-No. 333F; Ripon, WI, with Fond Du Lac County, WI in Sub-No. 334F; Lena and Portage, WI, with Oconto and Columbia Counties, WI, in Sub-No. 336F; Mt. Pleasant, TX, with Titus County, in Sub-No. 337F; Bedford Park, IL, with Cook County, IL, in Sub-No. 340; San Antonio with Bexar County, TX, in Sub-No. 342F; Alpena, MI, with Alpena County, MI, in Sub-No. 350F; Goshen, IN, with Elkhart County, IN, in Sub-No. 351F; Elk Rapids, MI, with Antrim County, MI, in Sub-No. 352F; Grand Prairie, TX, with Dallas County, TX, in Sub-No. 353F; Jacksonville, IL with Morgan County, IL, in Sub-No. 354F; Skokie, IL, with Cook County, IL, in Sub-No. 363F; Tyler, TX, with Smith County, TX, in Sub-No. 366F; and Holcomb, KS, with Finney County, KS, in Sub-No. 369F; (50) remove facilities limitations at Cook County, in Sub-No. 15, 55, and 342F; Dallas, TX, in Sub-Nos. 15, 55, 258F, 262F, 294F, 362F, and 365F; Detroit, MI, in Sub-Nos. 15, 55, and 125F; Milwaukee, WI, in Sub-Nos. 15, 55 and 212F; Minneapolis, MN, in Sub-Nos. 15 and 55; Omaha, NE, in Sub-Nos. 15, 51, 55, 101F, 191F, 225F, 252F and 254F; Sioux City, IA, in Sub-Nos. 24 and 79; Denver, Co, in Sub-Nos. 45 and 101F; Cleveland, OH, in Sub-No. 51; Owensboro, KY, in Sub-No. 51; Des Moines, IA, in Sub-No. 51 and 69; St. Louis, MO, in Sub-Nos. 51 and 94F; Dayton, OH, in Sub-No. 66; East St. Louis, IL in Sub-No. 67; Boston, MA in Sub-No. 67, 90F, 92F, 109F and 233F; Sioux Falls, SD, in Sub-Nos. 79 and 328F; Chicago, IL, in Sub-Nos. 87F, 107F, 113F, 143F, 152F, 184F, 191F, 193F, 211F, 233F, 240F, 254F, 260F, 309F, 336F and 367F; Indianapolis, IN, in Sub-Nos. 102F, 175F, 236F, and 304F; Philadelphia, PA, in Sub-Nos. 106F, 117F and 233F; Memphis, TN, in Sub-Nos. 116F and 333F; Los Angeles, CA, in Sub-No. 119F; Athens, GA, in Sub-No. 137F; Atlanta, GA, in Sub-No. 137F; Ft. Worth, TX, in Sub-Nos. 143F, 297F, 337F, and 339F; Irving, TX, in Sub-No. 147F; Davenport, IA, in Sub-Nos. 169F and 323F; Pittsburgh, PA, in Sub-No. 165F; Montgomery, IL, in Sub-No. 189F; Rochester, NY, in Sub-No. 189F; Cincinnati, OH, in Sub-No. 205F; New York, NY, in Sub-No. 233F; Appleton, WI, in Sub-No. 236F; Beaumont, TX in Sub-No. 238F; Baton Rouge, LA, in Sub-No. 238F; Kansas City, MO, in Sub-No. 252F; Snyder, TX, in Sub-No. 270F; Buffalo, NY, in Sub-No. 276F; Peoria, IL, in Sub-Nos. 286F and 312F; Louisville, KY, in Sub-No. 306F; Holland, MI, in Sub-No. 317F; Shreveport, LA, in Sub-No. 333F; Green Bay, WI, in Sub-No. 336F; Camden, Middlesex, and Somerset Counties, NJ, in Sub-Nos. 343F; Traverse City, MI, in Sub-No. 352F; Baltimore, MD, in Sub-No. 358F; and Columbia, GA, in Sub-No. 361F; (51) remove originating at or destined to restrictions in its lead and in Sub-Nos. 2, 4, 11, 15, 21, 22, 24, 25, 26, 27, 31, 33, 35, 42, 43, 45, 46, 50, 51, 52, 53, 54, 55, 58, 61, 62, 63, 64, 66, 67, 69, 70, 71, 72, 73, 74, 75, 76, 78F, 79, 81F, 85F, 86F, 87F, 88F, 89F, 91F, 94F, 97F, 98F, 99F, 101F, 104F, 105F, 106F, 107F, 108F, 109F, 110F, 111F, 112F, 113F, 114F, 116F, 117F, 118F, 119F, 120F, 121F, 123F, 124F, 125F, 126F, 127F, 130F, 131F, 132F, 133F, 135F, 137F, 140F, 142F, 143F, 147F, 148F, 149F, 154F, 160F, 162F, 163F, 164F, 165F, 168F, 170F, 172F, 175F, 176F, 185F, 186F, 187F, 190F, 192F, 195F, 196F, 203F, 204F, 205F, 206F, 211F, 212F, 213F, 215F, 216F, 217F, 218F, 219F, 224F, 225F, 226F, 229F, 230F, 231F, 232F, 233F, 235F, 236F, 238F, 239F, 240F, 241F, 253F, 254F, 255F, 256F, 257F, 258F, 259F, 260F, 261F, 262F, 270F, 271F, 272F, 273F, 274F, 276F, 277F, 279F, 280F, 291F, 293F, 294F, 295F, 296F, 297F, 298F, 299F, 301F, 304F, 305F, 306F, 307F, 309F, 312F, 313F, 314F, 315F, 316F, 317F, 318F, 323F, 324F, 327F, 328F, 329F, 330F, 333F, 334F, 335F, 336F, 337F, 339F, 340F, 341F, 342F, 348F, 349F, 350F, 351F, 352F, 353F, 354F, 355F, 356F, 357F, 358F, 360F, 361F, 362F, 363F, 365F, 366F, 367F; and (52) replace one-way with radial authority between the above the points and counties and various combinations of States.

MC 145356 (Sub-1)X, filed April 28, 1981. Applicant: L. E. MARKLAND, 655 Lion Court, Casper, WY 82601. Representative: Ward A. White, P.O. Box 566, Cheyenne, WY 82001. Applicant seeks to remove restrictions in its lead permit to (1) broaden the commodity description from (a) cement, in bulk, (b) fly ash, in bulk, and (c) sand, in bulk to "Mercer commodities" and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 148966 (Sub-6)X, filed April 28, 1981. Applicant: DROTZMANN, INC., P.O. Box 10170, Yakima, WA 98909. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions to (A) broaden the commodity description in its lead, and Sub-Nos. 1F and 2F certificates to "food and related products" from meats and meat products and byproducts (except hides and commodities in bulk), frozen bagels, and frozen potato products, and in Sub-No. 3F, to remove all exceptions in its general commodities authority "except classes A and B explosives"; (B) remove the restriction in the lead certificate limiting service to the transportation of traffic originating at or destined to a named shipper's facilities; and (C) expand the territorial descriptions to authorize country-wide authority in place of the facilities and city points, and change one-way service to radial service between: in lead certificate, Buena Vista and Cherokee Counties, IA (facilities at Storm Lake and Cherokee, IA), and, points in three States; Sub-No. 1, Erie County, NY (facilities at Buffalo, NY), and, points in eight States; Sub-No. 2, Morrow, Jefferson and Umatilla Counties, OR (facilities at Boardman, Metolius, and Hermiston, OR) and Walla Walla County, WA (Walla Walla, WA), and, points in 13 States and DC; and Sub-No. 3, (a) Boston, MA (facilities at Boston, MA), Hudson County, NJ (North Bergen, NJ), Philadelphia, PA, and Cleveland, OH, and, Seattle, WA, Portland, OR, Los Angeles, CA, and Bannock County, ID (Pocatello, ID), and (b) between Los Angeles, CA (facilities at Los Angeles, CA), and, Seattle, WA, Portland, OR, Bannock County, ID (Pocatello, ID), and Salt Lake County, UT (Murray, UT).

MC 149195 (Sub-14)X, filed April 4, 1981, noticed in the **Federal Register** of April 15, 1981, republished as corrected this issue. Applicant: ARCADIAN MOTOR CARRIERS, 1100 Sierra Street, P.O. Box 427, Kingsburg, CA 93631. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68510. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 3F, 4F, 5F, 6F, 7F, 8F, 9F, 10F, 11F and 12F certificates to (1) broaden the commodity descriptions: from charcoal and charcoal briquettes, lighten fluid hickory chips and equipment material and supplies to "such commodities used or dealt in by manufacturers and distributors of barbecue products" in Sub-No. 2F; from seat belts and seat belts parts, and materials to "such commodities as are used or dealt in by manufacturers and distributors of automotive products" in Sub-No. 3F; from recreation equipment and sporting goods and materials, equipment and supplies to "such commodities as are used or dealt in by manufacturers and distributors of recreational equipment and sporting goods" in Sub-No. 4F; from grape products and byproducts and commodities otherwise exempt from economic regulation in mixed shipments with those commodities to "food and related products" in Sub-No. 5F; from electronic equipment and parts, accessories, materials and supplies to "such commodities as are used or dealt in by manufacturers and distributors of electronic equipment" in Sub-no. 6F; from malt beverages and materials, equipment and supplies to "alcoholic beverages" in Sub-No. 7F; from labels, bottle filling and labeling machines and materials and supplies to "(1) such commodities as are used or dealt in by manufacturers and distributors of labels and (2) machinery" in Sub-No. 8F; from plastic expanded foam and products and materials, equipment and supplies to "rubber and plastic products" in Sub-No. 9F; from fiberboard to "pulp, paper, and related products" in Sub-No. 10F; from welders, welder parts, welder systems, welding compound and welding supplies and materials and supplies to "such commodities as are used or dealt in by manufacturers of metal articles" in Sub-No. 12F; (2) expand the territorial authority from named points to county-wide authority: Medford, OR to Jackson County, OR in Sub-No. 2F; Fresno, CA to Fresno County, CA, Palmyra, MO to Marion County, MO, and Brownsville, TX to Cameron County, TX in Sub-No. 3F; Sunnyvale, CA to Santa Clara County, CA, El Paso, TX to El Paso County, TX, Wheeling, IL to Cook County, IL, and Edison, NJ to Middlesex County, NJ in Sub-No. 6F; Aurora, IL to Kane and DuPage Counties, IL, Jefferson City MO to Cole and Calloway Counties, MO, Marceline to Lynn County, MO, Iola, KS to Allen County, KS, and Topeka, KS to Shawnee County, KS in Sub-No. 10F; (3) delete the facilities restriction in Sub-No. 10F; (4) remove "in bulk" and "in tank vehicle" restriction in Sub-Nos. 5F and 7F; and (5) authorize radial authority to replace existing one-way service between points in OR, CA, IL, and points in the US or specified portions thereof in Sub-Nos. 2f, 5F, 9F, and 10F. The purpose of republication is to indicate the expansion of Marceline to Lynn County, MO in Sub-No. 10F.

MC 149267 (Sub-1)X, filed April 27, 1981. Applicant: SUPER TRUCK LINES, INC., 801 North Pershing Road, Chicago, IL 60609. Representative: James A. Ahlf (same as applicant). Applicant seeks to remove restrictions in its lead certificate, which authorizes the transportation of general commodities (with exceptions), to (1) remove the exclusion of service in HI in its nation-wide authority, and (2) expand the plantsite facilities and cities to county-wide authority to serve between Oakland County, MI (facilities at Troy, MI) and Garland County, AR (Hot Springs, AR), and, points in the U.S.

MC 149591 (Sub-3)X, filed April 8, 1981, previously noticed in the **Federal Register** of April 28, 1981, republished as corrected this issue. Applicant: VALLEY EXPRESS, INC., P.O. Box 68, Glyndon, MN 56547. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) broaden the commodity description to "food and related products," from frozen potato products; (2) remove the facilities restriction; (3) remove the restriction prohibiting service to AK, HI, and ND; and (4) authorize radial, county-wide authority to replace existing one-way, city-wide service between points in Grand Forks County, ND (for Grand Forks, ND) and Polk County, MN (for East Grand Forks, MN), and, points in the U.S.

The purpose of this republication is to add Polk County, MN, to part (4) of the caption summary, as East Grand Forks, MN, is located in the Grand Forks, ND commercial zone.

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[Volume No. 83]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: May 15, 1981.

The following restriction removal applications filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 13777 (Sub-10)X, filed April 27, 1981. Applicant: AAA TRANSPORTATION, INC., 2957 South East St., Indianapolis, IN 46206. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions from the lead and Sub-Nos. 4, 5, 6 and 7 to (1) broaden the commodity description (a) from asphalt and asbestos building and paving materials and insulating materials to "building materials"; and scrap materials to "waste or scrap materials not identified by industry producing"; and from asphalt to "building materials" in the lead, (b) from iron and steel articles in part (1) to "metal products" in Sub-No. 4F, (c) from roofing and building materials in part (1) to "building materials" in Sub-No. 5, (d) from concrete slabs in part (1) to "building materials" in Sub-No. 7, (2) remove facilities limitations in Sub-No. 5 and replace Franklin, OH and Hampton, GA with Warren County, OH and Henry County, GA, (b) in Sub-No. 6 and replace Franklin, OH and St. Matthews, KY with Warren County, OH and Jefferson County, KY, (c) in Sub-No. 7 and replace Hamilton and Fairfield, OH with Butler County, Oh (3) change city to county-wide authority from Lockland, OH and Lawrenceville, IL to Hamilton County, OH and Lawrence County, IL in the lead, (4) remove the "originating at or destined to" named points restriction in Sub-No. 4 and (5) change one-way to radial authority between (a) points in Lawrence County, IL, and, points in IN in the lead, and (b) points in Hamilton County, OH, and, points in the US in Sub-No. 7.

MC 19416 (Sub-15)X, filed May 1, 1981. Applicant: DUNN BROS., INC., P.O. Box 1710, 1410 Mercantile Securities Bldg., Dallas, TX 75221. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. Applicant seeks to remove restrictions in its lead and Sub-Nos. 10 and 13 certificates to (1) broaden the commodity description from pipe, pipeline material, machinery, and equipment incidental to and/or used in connection with the construction, repairing, or dismantling of gas, gasoline, and oil pipelines in its lead and from machinery, equipment, materials, and supplies used in or in connection with the construction, operation, servicing, maintenance, and dismantling of pipelines in Sub-Nos. 10 and 13 to "pipe and pipeline machinery, equipment, materials and supplies"; and (2) to eliminate the restriction in its lead and Sub-No. 13 which limits service to the transportation of shipments moving to or from pipeline rights-of-way.

MC 74681 (Sub-15)X, filed May 11, 1981. Applicant: STEVENS VAN LINES, INC., 121 South Niagara St., Saginaw, MI 48602. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 7 certificate to broaden its commodity description from household goods to "household goods and furniture and fixtures".

MC 82063 (Sub-124)X, filed April 24, 1981. Applicant: KLIPSCH HAULING CO., 10795 Watson Road, Sunset Hills, MO 63127. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 39, 47, 52, 54, 59, 62, 82, 87, 94, 96, 106, 108, 111, 115, 116, 117, 118, and 120 certificates to (A) broaden the commodity descriptions: to "chemicals and related products" from printing ink and liquid chemicals, in bulk, in Sub-Nos. 39, 94, 111, and 117; and to "commodities in bulk" from hydrofluosilicic acid, chemicals (with some exceptions), phosphoric acid, liquid chemicals (with various exceptions), calcium bromide, petroleum oils and petrochemicals, cleaning and washing compounds, and bromine, all in bulk in Sub-Nos. 47, 52, 54, 59, 62, 82, 87, 96, 106, 108, 115, 116, 118, and 120; (B) remove exceptions excluding service in AK, HI, and IA in Sub-Nos. 52 and 62, and AK and HI in Sub-Nos. 87, 94, 106, 117, and 120; (C) delete restriction against service originating at a certain pipeline terminal near West Memphis, AR in Sub-No. 59, and delete "originating at and destined to" restrictions in Sub-Nos. 62 and 94; (D) expand plantsites and towns to city or county-wide authority, and change one-way service to radial service between: Sub-No. 39, Kansas City, KS-Kansas City, MO commercial zone (North Kansas City, MO), and, points in 12 States; Sub-No. 47, St. James Parish, LA (Uncle Sam, LA), and, points in four States; Sub-No. 52, Muscatine County, IA and Rock Island County, IL (facilities near Muscatine, IA), and, points in the U.S. (except the St. Louis, MO/East St. Louis, IL commercial zone); Sub-No. 54 (a) Muscatine and Scott Counties, IA (Montpelier, IA), and, points in eight States and IL (except the East St. Louis, IL commercial zone), and (b) Sequoyah and Muskogee Counties, OK (Gore, OK), and points in three States; Sub-No. 59, Shelby, Fayette and Tipton Counties, TN, Crittenden County, AR, and DeSoto County, MS (Memphis, TN), and, described parts of the U.S., and points in six States; Sub-No. 62 (sheet 2), Davidson, Williamson, Wilson and Sumner Counties, TN (Nashville, TN), and, points in a MS county and an AL county; Sub-No. 82, Johnson County, IA (facilities at Iowa City, IA), and, points in the U.S.; Sub-No. 87, Pettis County, MO (Sedalia, MO), and, points in the U.S. (except the St. Louis, MO/East St. Louis, IL commercial zone); Sub-No. 94, Brazoria County, TX (facilities in Brazoria County), and, points in the U.S.; Sub-No. 96, Harrison County, MS (facilities near Gulfport, MS), and, points in two States; Sub-No. 106, Haywood County, TN (Brownsville, TN), and, points in the U.S.; Sub-No. 108, Harris, Brazoria, Galveston, Chambers, Fort Bend, Montgomery and Waller Counties, TX (facilities near Chocolate Bayou, Texas City, and Houston, TX), and, those points in the U.S. in and east of five States; Sub-No. 111, Calcasieu Parish, LA (facilities at Lake Charles, LA), and Jefferson, Orange, Hardin and Harris Counties, TX (Beaumont and LaPorte, TX), and, points in the U.S.; Sub-No. 115, Adams County, MS (Natchez, MS), and, points in nine States; Sub-No. 116, Hamilton County, OH (facilities at Ivorydale, OH), and Chicago, IL, and Lee County, IA and Hancock County, IL (Fort Madison, IA); Sub-No. 117, Liberty County, TX (facility in Liberty County, TX), and, points in the U.S.; Sub-No. 118, Columbia County, AR (facilities near Magnolia, AR), and, those points in the U.S. east of Hwy 85; and Sub-No. 120, Orange and Victoria Counties, TX and Calcasieu and Cameron Parishes, LA (facilities near Orange and Victoria, TX).

MC 12551 (Sub-24)X, filed May 4, 1981. Applicant: K & W TRUCKING CO., INC., P.O. Box 1415, St. Cloud, MN 56301. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions

in its Sub-No. 16F certificate to (1) eliminate all exceptions to its general commodity authority (except classes A and B explosives), and (2) eliminate restriction requiring service to be performed in containers or trailers having a prior or subsequent movement by water.

MC 128427 (Sub-15)X, filed May 4, 1981. Applicant: L.P. TRANSPORTATION, INC., Cross & Main Streets, Chester, NY 10918. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Applicant seeks to remove restrictions in MC–109649 Sub-No. 18 certificate acquired in MC–F–13753 to broaden the commodity description from liquified natural gas, in bulk to "commodities in bulk".

MC 129927 (Sub-5)X, filed May 11, 1981. Applicant: PANTHER TRANSPORTATION, INC., 7301 West 15th Avenue, Gary, Indiana 46406. Representative: William H. Towle, 180 N. LaSalle Street, Chicago,IL 60601. Applicant seeks to remove restrictions in its Sub-Nos. 2 and 4F certificates to (1) remove the "in bulk, in tank" restriction; (2) broaden the commodity descriptions to "food and related products" from liquid sugar and corn syrup, in Sub-No. 2 and liquid sugar and corn syrup, and blends thereof, in Sub-No. 4F; (3) replace the plantsite at Ft. Wayne, IN, with authority to serve Allen County, in Sub-No. 4F; and (4) remove the plantside limitations at Charlestown, MA, Brooklyn, NY, and Chicago, IL, in Sub-No. 2.

MC 129790 (Sub-18)X, filed May 1, 1981. Applicant: JOSEPH A. BECKER d.b.a. BECKER, HI-WAY FRATE, Route 5 Box 10B Albert Lea, MN 56007. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in Sub-Nos. 13, 14 and 15 permits to broaden the territorial description to between points in the United States under continuing contract(s) with named shippers and to change the commodity description to "food and related products" from meat, meat products, meat by-products, articles distributed by meat packing houses and such commodities as are used by meat packers in Sub-No. 13 and from canned goods in Sub-No. 14; and, to "rubber and plastic products" from plastic articles in Sub-No. 15.

MC 134645 (Sub-46)X, filed April 30, 1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, MN 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-No. 34F certificate to (A) broaden the commodity description in part (1) to "transportation equipment" from rubber tires, tubes, wheels and rims, and remove the exception excluding commodities in bulk in part (2); and (B) broaden the territorial desceiption to authorize county-wide authority, and change one-way service to radial service, between Kansas City, MO, Chicago, IL, Memphis, TN, Franklin and Hancock Counties, OH (Columbus and Finley, OH), Muscatine County, IA (Muscatine, IA) and Multnomak County, OR (Portland, OR), and, Stearns County, MN (St. Joseph and St. Cloud, MN).

MC 135782 (Sub-20)X, filed April 27, 1981. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, Ft. Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, Ft. Smith, AR 72902. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 10 permits to broaden the territorial description to "between points in the U.S." under continuing contracts with named shippers in both, (2) change the commodity description (a) in Sub-No. 1 from home or office appliances and home entertainment products to "such commodities as are used or dealt with in the manufacture and distribution of home or office appliances and home entertainment products" and (b) in Sub-No. 10 from household appliances to "such commodities as are used or dealt in with the manufacture and distribution of household appliances."

MC 136636 (Sub-6)X, filed May 4, 1981. Applicant: MIKE'S TRUCKING, INC., Rural Route No. 2, Bourbonnais, IL 60914. Representative: Jack. H. Blanshan, 205 West Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2 and 5F certificates to (a) broaden commodity descriptions to "metal products and machinery" from animal waste storage tanks, steel, knocked down, glass lined, livestock scales, steel, knocked down, with weighing attachments, livestock feed bunkers, steel, knocked down, glass lined, forage metering devices, animal waste spreader tanks, steel, glass lined, and soil savers, steel, knocked down, glass lined and iron or steel silos, glass enameled or galvanized, knocked down or in sections, and component parts of iron or steel silos, including silo unloading devices, and materials incidental to the erection and completion of silos, when moving in connection with such silos in its lead; from enameled steel silos, loading and unloading devices, waste storage tanks, livestock tanks, livestock scales, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems, and parts and accessories for the above-named commodities in Sub-No. 2, and from (a) animal feed processing systems, (b) animal feed storage systems, (c) animal waste storage and spreader tanks, and (d) components of (a), (b), and (c) above in Sub-No. 5F; (2) broaden the territorial scope to county-wide authority from Kankakee, IL to Kankakee County, IL, in its lead: from De Kalb and Eureka, IL and Elkhorn, WI to De Kalb and Woodford Counties, IL and Walworth County, WI in Sub-No. 2: and from De Kalb and Eureka, IL to De Kalb and Woodford Counties, Il in Sub-No. 5F; (3) remove the facilities limitation in Sub-No. 2; (4) remove an originating at or destined to restriction in its lead; and (5) replace one-way with radial authority between Kankakee County, IL and NY and PA in its lead; between De Kalb and Woodford Counties, IL and Walworth County, WI, in Sub-No. 2; and between De Kalb and Woodford Counties, IL, and CT, DE, MD, MA, MI, NJ, OH, RI, VA and WV in Sub-No. 5F.

MC 138328 (Sub-135)X, filed May 6, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 & Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). Applicant seeks to remove restrictions in its MC–133233 Sub-Nos. 39 and 59F permits to (1) broaden the commodity descriptions from appliances to "furniture and fixtures", and (2) broaden the territorial authorities to between points in the United States, under continuing contract(s) with a named shipper.

MC 139482 (Sub-187)X, filed April 22, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. Applicant seeks to remove restrictions in its Sub-Nos. 2, 5, 7, 9, 11, 16, 19, 20, 22, 26, 27, 28, 30, 31, 32, 35F, 37F, 42F, 44F, 51F, 57F, 58F, 59F, 60F, 61, 62F, 63F, 64F, 66F, 68F, 70F, 73F, 75F, 76F, 77F, 78F, 79F, 80F, 81F, 82F, 84F, 85F, 86F, 87F, 88, 94F. 95F. 97F, 98F, 99F, 100F, 101F, 102, 103F, 104F, 115F, 117F, 121F, 123F, 124F, 125F, 126F, 128, 130F, 133F, 135F, 136F, 138F, 139F, 140F, 144F, 146F, 147F, 148F, 149F, 150F, 151F, 152F, 153F, 157F, 158F, 166F, 170F, 171, 172F, 174F, 176F, 177F, 178F, 179, 180, 181F, 182, 183, 185, and 186 to (1) broaden the commodity descriptions (a) in Sub-Nos. 16, 19, 26, 28, 31, 35F, 37F, 42F, 44F, 47F, 51F, 57F, 59F, 61, 62F, 64F, 70F, 73F, 75F, 76F, 80F, 81F, 84F, 88, 94F, 95F, 99F, 100F, 101F, 103F, 104F, 117F, 123F, 125F, 126F, 128, 135F, 140F, 150F, 166F, 170F, 171,

174F, 179, 180, and 186 to "food and related products" from foodstuffs, frozen foods, cheese, meat, candy, dairy products, butter, salt; (b) in Sub-Nos. 7, 32, 79F, 144F, and 161F to "building materials and related products" from building board, wall board, insulating board, ceiling tiles, composition board, glazed clay tile, mechanical construction forms and cellulose insulation, vermiculite and polyethelene; (c) Sub-No. 20 to "furniture and fixtures" from redwood furniture; (d) in Sub-Nos. 11, 60F, 68F, 147F, 149F, 152F, 172F, and 185 to "electrical appliances, supplies and related products" from electric ranges and microwave ovens, and such commodities as are used in the manufacture of electric ranges and microwave ovens, television sets, radios, and audio equipment, electric light bulbs, copper wire and household appliances and equipment; (e) in Sub-Nos. 22, 27, 77F, 78F, 85F, 102F, 130F, and 153F to "pulp, paper and related products" from cardboard boxes and sheets, paper and paper products and printed matter; (f) in Sub-Nos. 58F, 124F, 133F, 157F, 158F, and 178F to "chemicals and related products" from deodorants, disinfectants, breath fresheners, cleaning compounds, swimming pool treatment compounds and insecticides, drugs, agricultural chemicals, maintenance and industrial chemicals and dry fertilizer compound; (g) in Sub-No. 66F to "rubber and plastic products" from scrap rubber; (h) in Sub-No. 98F to "agricultural equipment" from turkey, poultry and hog feeding equipment; (i) in Sub-No. 115F to "rubber and plastic products" from plastic pellets; (j) in Sub-No. 177F to "coal and coal products, and lumber and wood products" from charcoal and charcoal briquets; (k) in Sub-No. 182 and 183 to "automotive supplies and related products" from automotive supplies and accessories and automotive fluids and cleaning compounds; (l) in Sub-Nos. 2 and 121F from "general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) remove "except AK and HI" in the territorial description in Sub-Nos. 5, 16, 20, 42F, 70F, 81F, 85F, 94F, 99F, 103F, 126F, 128, 133F, 138F, 140F, 151F, 170F, 174F, 178F, 179, and 180; (3) remove the restriction "in vehicles equipped with mechanical refrigeration" from Sub-Nos. 31, 32, 35F, 84F, 117F, and 135F; (4) remove the restriction limiting service to the transportation of shipments originating at or destined to the facilities of a named shipper in Sub-Nos. 2, 5, 9, 11, 16, 19, 22, 26, 27, 28, 30, 31, 35F, 42F, 44F, 47F, 57F, 61, 62F, 63F, 66F, 68F, 70F, 75F, 76F, 78F, 79F, 80F, 81F, 82F, 84F, 85F, 86F, 87F, 88 (parts 1 and 3), 94F, 95F, 100F, 102, 117F, 124F, 126F, 128, 130F, 135F, 136F, 140F, 148F, 151F, 170F, 174F, and 178F; (5) to expand one-way authority to radial authority in Sub-Nos. 2, 7, 9, 16, 19, 20, 22, 26, 27, 28, 31, 32, 35F, 37F, 42F, 44F, 47F, 51F, 57F, 59F, 60F, 61, 62F, 63F, 64F, 66F, 68F, 70F, 73F, 75F, 76F, 79F, 80F, 82F, 84F, 85F, 86F, 87F, 88, 94F, 95F, 97F, 98F, 99F, 100F, 101F, 102F, 103F, 104F, 115F, 117F, 123F, 124F, 125F, 126F, 128, 130F, 135F, 136F, 147F, 148F, 149F, 150F, 153F, 158F, 168F, 170F, 171, 172F, 174F, 177F, 178F, 181F, and 182 between various combinations of points and States; (6) remove a restriction requiring a prior to subsequent movement by water in Sub-Nos. 37F, 64F, and 73F; and (7) remove the restriction "except commodities in bulk, "in tank vehicles" and "requiring special equipment" where applicable in Sub-Nos. 2, 5, 7, 9, 16, 20, 26, 31, 35F, 37F, 42F, 44F, 47F, 58F, 62F, 63F, 75F, 76F, 77F, 78F, 80F, 81F, 82F, 86F, 87F, 88, 95F, 99F, 100F, 115F, 123F, 125F, 128, 133F, 138F, 144F, 151F, 152F, 170F, 174F, 179, 180, 181F, 182, and 183.

MC 142539 (Sub-9)X, filed May 1, 1981. Applicant: B.W.T. TRANSPORT, INC., 757 River Drive, Passaic, NJ 07055. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Applicant seeks to remove restrictions in its No. MC–142539 permit to (1) broaden the commodity description from (a) toys, pool supplies, chemicals, and cleaning compounds (except commodities in bulk), and (b) materials, equipment and supplies, used in the manufacture and sale of the commodities named in (a) (except commodities in bulk) to "(a) toys, pool supplies and chemicals and related products, and (b) materials, equipment and supplies used in the manufacture and sale of the commodities named in (a)", (2) broaden the territorial description to between points in the United States under continuing contract(s) with a named shipper.

MC 143551 (Sub-6)X, filed April 28, 1981. Applicant: TRIANGLE ENTERPRISES, INC., Route 2, Box 436, Delano, MN 55328. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Applicant seeks to remove restrictions to (A) broaden the commodity descriptions in its Sub-Nos. 2 and 3 permits to "textile mill products; lumber and wood products; furniture and fixtures; chemicals and related products; petroleum or coal products; rubber and plastic products; clay, concrete, glass or stone products; metal products; machinery; miscellaneous products of manufacturing; waste or scrap materials; and miscellaneous freight shipments," from floor coverings, stair treads, wall tile, counter top coverings, mouldings and materials and supplies used in the installation, maintenance and repair of the foregoing commodities, china bath accessories, and ceramic and quarry tile and tile setting products; and (B) broaden the territorial description in both permits to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 145478 (Sub-3)X, filed May 7, 1981. Applicant: RAY MABRY d.b.a. MABRY TRUCKING SERVICE, 307 Lime Street, Auburndale, FL 33823. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. Applicant seeks to remove restrictions in its lead and Sub-No. 2F certificates to (1) broaden its commodity description from frozen foodstuffs, in vehicles equipped with mechanical refrigeration, and frozen foods and food products (except commodities in bulk), to "food and related products" in both certificates; and (2) change its one-way to radial authority: in the lead, between Louisville, KY, and points in 10 eastern States in the U.S., and in Sub-No. 2F, between Louisville and Brooks, KY, and points in 8 eastern States in the U.S.

MC 147278 (Sub-3)X, filed April 29, 1981. Applicant: GARY WETHERELL, d.b.a. RANGER TRUCK, Route 2, Box 542, Hutchinson, MN 55350. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. Applicant seeks to remove restrictions in its Sub 2F certificate to (1) broaden the commodity descriptions from iron and steel articles and aluminum to "metal products"; and (2) replace one-way with radial authority between Minneapolis, MN, and IA, WI, 5 IL counties and 2 IN counties.

MC 149427 (Sub-1)X, filed April 30, 1981. Applicant: ROBERT L. OLSON d.b.a. OLSON TRUCKING, P.O. Box 777, Glasston, ND 58236. Representative: Andrew R. Clark, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in authority acquired in MC–FC–78505 to (1) broaden the commodity description to "food and related products" from meat, meat products, meat by-products and articles distributed by meat packinghouses, dry buttermilk, cheese, condensed whey and dried whey, and butter (2) remove the "originating at and destined to" named points restriction, (3) remove the facilities limitation and replace Fargo and West Fargo, IN with Cass County, IN, (4) change to county wide authority: from points in MN and WI within 100

miles of Bongarda, MN to Morrison, Tood, Pope, Stearns, Swift, Chippewa, Kandiyohi, Renville, Yellow Medicine, Lyon, Redwood, Murray, Cottonwood, Martin, Watonwan, Blue Earth, Faribault, Freeborn, Mankato, Nicollet, Sibley, McLeod, Scott, Dakota, Rice, Steele, Dodge, Olmstead, Kanabec, Mille Lacs, Sherburne, Benton, Wright, Anoka, Isanti, Jackson, Mower, Winona, Fillmore, Ramsey, Goodhue, Waseca, Wabasha, Carver, Washington, LeSuer, Brown, Hennepin, Meeker, Chisago Counties, MN, and Bernette, Baron, Polk, St. Croix, Dunn, Pierce, Peppin and Buffalo Counties, WI, and (5) change one-way to radial authority between points in the above named counties, and, AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

[FR Doc. 81-15032 Filed 5-19-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an orginal and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must indentify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-121

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 138438 (Sub-II-29TA), filed May 8, 1981. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Food and related products, between Essex County, NJ and Houston County, GA on the one hand and on the other points in MD, for 270 days. Supporting shipper: Filsinger Distributing, P.O. Box 39, Eckhart Mines, MD 21528.

MC 134639 (Sub-II-2TA), filed May 8, 1981. Applicant: ROSS TRANSFER & STORAGE, INC., P.O.Box 2164, Hagerstown, MD 21740. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Household goods as defined by the Commission,* between points in Morgan, Berkeley, and Jefferson Counties, WV; Frederick and Washington Counties, MD; and Franklin, Fulton and Adams Counties, PA on the one hand, and, on the other, points in NY,VT, NH, ME, MA, RI, CT, NJ, DE, MD, DC, PA, OH, WV, VA, NC and SC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 5 supporting shippers. Their statements may be examied at the ICC Reg. Ofc., Phila., PA.

MC 110683 (Sub-II-12TA), filed May 8, 1981. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St., N.W., Washington, D.C. 20036. *Common; regular: General commodities (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment)* serving the facilities of Robbins and Myers at or near Foley, AL, as an off-route point in connection with carrier's regular routes for 270 days. Applicant intends to tack the authority sought herein with existing authority held under MC110683. Applicant intends to interline at all present interchange points. An underlying ETA seeks 120 days authority. Supporting shipper(s): Robbins & Myers, Inc., 2919 Commonwealth Blvd., Tallahassee, FL.

MC 150817 (Sub-II-2TA), filed May 11, 1981. Applicant: HOFFMAN & DAVIS, Route #6, Box 69, Hagertown, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagertown, MD 21740. *Meat, meat by-products, materials, supplies and equipment used in the manufacture thereof* between Grantsville, MD on the one hand, and, on the other, Riverside, NJ and New York, NY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Yoder, Inc., Grantsville, MD 21536.

MC 152724 (Sub-II-2TA), filed May 11, 1981. Applicant: MID-ATLANTIC FREIGHT CARRIER, INC., 869 N. Liberty St., Harrisonburg, VA 22801. Representative: Charles D. Clinedinst (same as applicant). *Non-exempt food or kindred products* between San Antonio, TX and points in LA, TN, MS, AL, GA, NC, SC, VA, MD, WV, PA, NY, and NJ, for 270 days. Supporting shipper: C. H. Guenther Inc., d.b.a. Pioneer Flour Mills, P.O. Box 118, 129 E. Guenther St., San Antonio TX. 78291.

MC 152724 (Sub-II-3TA), filed May 11, 1981. Applicant: MID-ATLANTIC FREIGHT CARRIER, INC., 869 N. Liberty St., Harrisonburg, VA 22801. Representative: Charles D. Clinedinst (same as applicant). *Non-exempt food or kindred products* between Winchester, VA and points in and east of MT, WY, CO, and NM, for 270 days. Supporting shipper: The Zeropack Co., 562 N. Cameron St., Winchester, VA 22601.

MC 150339 (Sub-2-36TA), filed May 11, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr., (same as applicant). *Contract; irregular: Stirrups, concrete or plaster reinforcements,* from Defiance, OH, to Kresson, NJ, and Providence, RI, under continuing contract(s) with Defiance Welding Company P.O. Box 445, Defiance, OH 43512, for 270 days. Supporting shipper: Defiance Welding Company, P.O. Box 445, Defiance, OH 43512.

MC 149484 (Sub-II-18TA), filed May 8, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055 Representative: E. J. Mumma, Jr., 6495 Carlisle Pike, Mechanicsburg, PA 17055 *Loudspeakers and phonograph sound mechanism assembles and material, equipment and supplies used in the manufacture and distribution thereof:* Between the facilities of Fisher Corp., Milroy, PA on the one hand, and, on the other, pts, in IL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Fisher Corp., Fisher Park, Milroy, PA 17063.

MC 134798 (Sub-II-3TA), filed May 7, 1981. Applicant: BLAIR CARTAGE, INC., 11330 Kinsman Road, P.O. Box 252, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 88 East Broad Street, Columbus, OH 43215. *Contract, irregular: such commodities as are dealt in by grocery stores and agricultural feed business houses:* (1) between Dunkirk, NY, on the one hand, and, on the other, Circleville, OH and Mechanicsburg, PA; (2) between Circleville, OH, on the one hand, and, on the other, the commercial zones of Batavia, Clarence, Freedom, Hamburg, Jamestown, Sanborn, Spencerport, and Victor, NY for 270 days. Supporting shipper(s) Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 151706 (Sub-II-4TA), filed May 8, 1981. Applicant: JAN-AL SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601. *Chemicals and related products: washing, scouring, cleaning compounds, polishing and buffing compounds, disenfectants, deodorants, drugs and toilet preparations, insecticides, other household cleaning supplies, chemicals, hydraulic cement, sand, coal, tar, adhesive tape, plastic synthetics, paint solvents, rubber cement, caulking and brazing compounds, varnish, liquid paints, paste paints, dry paints, phosphoric acid and titanium dioxide, and materials, equipment and supplies used in the manufacture and distribution of the above described commodities,* commodities in bulk, between points in KS, AR, MS, AL, FL, KY, NC, SC, VA, WV, MD and DE for 270 days. Applicant intends to tack authority sought herein with authority held under MC 151706. Supporting shipper: Lehn & Fink Products, Division of Sterling Drug, Inc., 225 Summit Ave., Montvale, NJ 07645.

MC 135556 (Sub-II-3TA), filed May 7, 1981. Applicant: CARPENTER BROTHERS TRUCKING, INC., 3282 S.R. 98, Bucyrus, OH 44820. Representative: Raymond R. Carpenter, 3315 S.R. 98, Bucyrus, OH 44820. Contract, irregular: *general commodities* (except classes A and B explosives) between points in OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rail-Van of Bellevue, Inc., 130 McKim Street, Bellevue, OH 44811.

MC 140889 (Sub-II-14TA), filed May 11, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Type of service: *Contract, irregular:* textile mill products from points in GA to facilities located in Cuyahoga County, OH under continuing contract(s) with Regal Carpet Center, Inc. of South Euclid, OH for 270 days. An underlying ETA seeks 120 days authority. Shipper: Regal Carpet Center, Inc., 2104 Warrensville Center Rd., South Euclid, OH 44121.

MC 109448 (Sub-II-7TA), filed May 11, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of heating and air-conditioning units (except commodities in bulk)* between pts in Davidson, Marshall and Rutherford Counties, TN, on the one hand, and, on the other, pts in the U.S. (except AK and HI) for 270 days. Supporting shipper: Heil-Quaker Corp., 635 Thompson Lane, Nashville, TN 37204.

MC 109448 (Sub-II-6TA), filed May 11, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *such commodities as are dealt in or used by manufacturers and distributors of heating and air-conditioning units (except commodities in bulk)* between Columbus, and Bellevue, OH including pts in their respective commercial zones, on the one hand, and, on the other, pts in the U.S. (except AK and HI) for 270 days. Supporting shipper: Johnson Corporation, Division of Magic Chef, 851 W. Third Ave., Columbus, OH 43212.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 134105 (Sub-3-19TA), filed April 8, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Road, Chattanooga, TN 37419. Representative: James E. Elgin, (same address as applicant). *Meat, Meat Products, Meat By-Products* and other items produced by meat packing companys (except hides), between points in Bell County, KY, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: Cumberland Gap Provision Co., P.O. Box 429, Middlesboro, KY 40965

MC 140484 (Sub-3-21TA), filed April 8, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Meyers, Florida 33902. Representative: Frank T. Day (same as applicant). *Clay tile* from the facilities of Sikes Corp. at or near Lakeland, FL and Lawrenceburg, KY, to points in the U.S. (except AK and HI). Supporting shipper: Sikes Corp., P.O. Box 81, Lawerenceburg, KY 40342.

MC 115841 (Sub-3-52TA), filed April 8, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Foodstuffs (except commodities in bulk),* between Jackson, MS on the one hand, and, on the other, Atlanta, GA; Nashville, TN and Tampa, FL. Supporting shipper: Morco Food Dist., 146 Forest Parkway, Forest Park, GA 30050.

MC 115841 (Sub-3-51TA), filed April 8, 1981. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *General Commodities (except those of unusual value, Class A and B explosives and household goods as defined by the Commission),* between points in the US (except AK and HI). Restricted to traffic originating at or destined to the facilities utilized by ITOFCA, Inc. Supporting shipper: ITOFCA, Inc., Two Walker Avenue, Clarendon Hills, IL 60514.

MC 151975 (Sub-3-2TA), filed April 8, 1981. Applicant: DIRECT DELIVERY, INC., 1239 Willingham Drive, East Point, GA 30344. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Food and related products,* between Atlanta, GA, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, PA, SC, TN, KY and VA. Supporting shipper: Food King Stores of Atlanta, Inc., 417 Central Avenue, Hapeville, GA 30354.

MC 152783 (Sub-3-3TA), filed March 30, 1981. Applicant: EXPRESSCO, INC., 105 Rhine St., Madison, TN 37115. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Metal Buildings, parts thereof, and steel,* between Sumner County, TN, on the one hand, and, on the other, points in the U.S. Supporting shippper: Kirby Building Systems, P.O. Box 390 Kirby Drive, Portland, TN 37148.

MC 154899 (Sub-3-1TA), filed April 7, 1981. Applicant: FLORIDA LIMOUSINE SERVICE, INC., d.b.a. FLORIDA TOUR AND LIMO, 5400 McCoy Road, P.O. Box 30023, Orlando, Florida 32862. Representative: Gregory A. Presnell, Akerman, Senterfitt & Edison, 17th Floor, CNA Building, P.O. Box. 231, Orlando, Florida 32802. *Common carrier:* regular routes: *passengers and their baggage, and express and newspapers in the same vehicle with passengers (charter and special operations not involved)* (1) Between Orlando, FL and Ft. Pierce, FL: from Orlando over FL

Hwy 527 or 436 to junction FL Hwy 528, then over FL Hwy 528 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Ft. Pierce, and return over the same route, serving all intermediate points; (2) Between Cocoa, FL and Melbourne, FL: from Cocoa over FL Hwy 520 to junction U.S. Hwy A–1–A, then over U.S. Hwy A–1–A to Indialantic, then over U.S. Hwy 192 to Melbourne, and return over the same route, serving all intermediate points; (3) Between Cocoa, FL and Ft. Pierce, FL: from Cocoa over FL Hwy 520 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Ft. Pierce, as an alternate route, serving the intermediate points of Melbourne and Vero Beach via U.S. Hwy 192 and FL Hwy 60. Applicant intends to interline with other carriers at Ft. Pierce, Melbourne and Orlando, FL. There are approximately 15 statements of support to the application which may be examined at the ICC Regional Office Atlanta, GA.

MC 154942 (Sub-3–1TA), filed April 8, 1981. Applicant: MUSIC CITY TRANSPORT, 33 Cleveland Ave., Nashville, Tennessee 37210. Representative: Leslie B. Hall, 204 Norway Terrace, Nashville, Tennessee 37211. *Contract Carrier:* Irregular Routes: *Electric motors, controllers, transformers, capacitors and other products manufactured by or purchased by General Electric Corporation* between points in the United States, under a continuing contract with General Electric Corporation. Supporting shipper: General Electric Corporation, 2000 Taylor Street, Fort Wayne, Indiana, 46804.

MC 111302 (Sub-3–9TA), filed April 6, 1981. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Liquid Chemicals, in bulk, in tank vehicles,* from Los Angeles County, CA to points in TX, LA, TN, OH and Cranston, RI, Tonawanda, NY, Toms River, NJ and Cumberland, MD. Supporting shipper: Ferro Corp./ Productol Chemical Div., 10051 Romandel Ave., Santa Fe Springs, CA 90670.

MC 146610 (Sub-3–1TA), filed April 8, 1981. Applicant: CHARLES JOINER, 104 South Central, Tennille, GA 31087. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Contract:* (1) *Adhesives,* from Sandersville, GA to pts. in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NC, OH, OK, PA, SC, TN, TX, VA, WV, WI and DC; (2) *Materials and supplies* used in the manufacture of adhesives, from GA, IA, MS, NC, NJ, OH, SC, TX and VA to Sandersville, GA under continuing contract with Evans Adhesives Corporation; and (3) *Wooden veneer and plywood,* from Washington County, GA to pts. in FL, NC, TX, MI, OH, WI, VA and AL under a continuing contract with Corbett Plywood Corp. Supporting shippers: Evans Adhesive Corporation, P.O. Box 575, Sandersville, GA 31082 and Corbett Plywood Corp., Zeta Street, Tennille, GA 31078.

MC 154997 (Sub-3–1TA), filed April 8, 1981. Applicant: KIDDY ENTERPRISES, Route 2, Box 307, Corinth, MS 38834. Representative: W. Lee Whitman, Attorney, 4515 Poplar, Suite 500, Memphis, TN 38117. *Contract* carrier: Irregular; *paper, printed matter, ink, solvents, carton, pallets and tops, magazines, glue, drums, catalogues, printing cylinders, paper cores, & miscellaneous supplies,* between the facilities of W. F. Hall Printing Co. at Corinth, MS; Evans, GA; Dresden, TN; and Chicago, IL; on the one hand, and on the other, points in the U.S. (except AK and HI) under a continuing contract with W. F. Hall Printing Co. Restricted to traffic originating at or destined to facilities owned, utilized, or operated by W. F. Hall Printing Co., Hall of Mississippi and Mobil Corp. Supporting shipper: Hall of Mississippi, Golding Drive, Corinth, MS 38834.

MC 77972 (Sub-3–5TA), filed April 2, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. *Common: Regular routes: Wearing apparel* serving Ramer, TN, as an off-route point in connection with applicant's otherwise authorized regular routes. Supporting shipper: Levi Strauss & Co., 501 Denium Way, Canton, MS 39046. Applicant intends to tack.

MC 31675 (Sub-3–41TA), filed April 8, 1981. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Jay R. Hanson (same as above). *Plastic Pipe, Plastic Pipe Fittings and material, equipment and supplies used in the manufacture and installation thereof,* between Colfax, NC. on the one hand, and on the other, points in and east of MT, SD, NE, KS, OK and TX. Supporting shipper(s): Tridyn Industries, Inc., P.O. Box 156, Colfax, N.C. 27235.

MC 155170 (Sub-3–1TA), filed April 8, 1981. Applicant: PEACH STATE TRUCK BROKERS, INC., P.O. Box 2937, Gainesville, GA 30503. Representative: Frank D. Hall, Postell & Hall, P.C., Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract,* irregular, *(1) Frozen foods; and (2) materials, equipment, and supplies used, sold or dealt in by frozen food processors,* between all points in the US, under a continuing contract(s) with Dutch Quality House. Supporting shipper: Dutch Quality House, P.O. Box 2397, Old Oakwood Rd., Gainesville, GA 30503.

MC 151040 (Sub-3–4TA), filed April 7, 1981. Applicant: RTL HOLDINGS, INC., 2050 Kings Road, Jacksonville, FL 32209. Representative: S. E. Somers, Jr. (same address as applicant). *Contract carrier: Irregular routes: Such commodities as dealt in by wholesale/retail food stores* between Holland, MI, and points in FL, SC, and TX, under a continuing contract(s) with H. J. Heinz Company. Supporting shipper: Heinz USA, Div. of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230.

MC 111045 (Sub-3–5TA), filed April 8, 1981. Applicant: REDWING CARRIERS, INC., P.O. Box 420, Tampa, Florida 33601. Representative: L. W. Fincher (same address as applicant). *PETROLEUM PRODUCTS,* between points in Alabama and Mississippi. Supporting shipper: Vicks Oil Co., Fayette, Alabama 35555.

MC 149218 (Sub-3–17TA), filed April 3, 1981. Applicant: SUNBELT EXPRESS INC., U.S. Hwy. 78, W, Breman, GA 30110. Representative: Clyde W. Carver, Atty., P.O. Box 720434, Atlanta, GA 30328. *General Commodities (except household goods, and classes A and B explosives)* between Haralson County, GA on the one hand, and, on the other, pts. in the U.S. in and east of MN, IA, NE, KS, OK, and TX. Restricted to the transportation of traffic originating at the facilities utilized by King Packaging Company, Inc. Supporting shipper: King Packaging Company, Inc., 407 Sangamore Rd., Breman, GA 30110.

MC 149563 (Sub-3–11TA), filed April 3, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Contract,* Irregular; *Forest products, lumber and wood products,* between the facilities of Industrial Wood Products, Inc. Division Wrape Forest Industries, Inc. at or near Little Rock, AR, on the one hand, and, on the other, points in the U.S. under continuing contract with Industrial Wood Products, Inc. Division Wrape Forest Industries, Inc., P.O. Box 182, Little Rock, AR 72203.

MC 149218 (Sub-3–18TA), filed April 8, 1981. Applicant: SUNBELT EXPRESS INC., U.S. Hwy. 78, W., Bremen, GA 30110. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Paper and paper products,* from La Grange, GA to pts. in PA, NJ and NY. Supporting shipper: S.P.C. Company,

1707 Shorewood Drive, La Grange, GA 30240.

MC 99848 (Sub-3–1TA), filed April 8, 1981. Applicant: TERMINAL TRUCKING CO., INC., P.O. Box 562 Terminal Court, Concord, NC 28025. Representative: Charles Eugene Isenhour, Jr. (same as applicant). *General Commodities* between points in NC and SC. Applicant intends to tack with existing authority in MC–99848 and intends to interline at Greenville, Spartanburg and Charleston, SC and Charlotte, Wilmington, Greensboro and Statesville, NC. There are approximately 32 statements of support to the application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 55312 (Sub-3–1TA), filed April 10, 1981. Applicant: TRAILWAYS TENNESSEE LINES, INC., 327 Gayoso Street, Memphis, TN 38103. Representative: George W. Hanthorn, 1500 Jackson Street, Dallas, TX 75201. Common; Regular. *Passengers and their baggage, and express and newspapers in the same vehicle with passengers,* between Birmingham, AL, and junction AL Hwy. 157 and U.S. Alt. Hwy. 72 as follows: From Birmingham over Interstate Hwy. 65/U.S. Hwy 31 to junction AL Hwy. 157, then over AL Hwy. 157 to junction U.S. Alt. Hwy. 72 and return over the same route, serving all intermediate points. Supporting shipper: There are 26 supporting witnesses. Applicant intends to tack with existing authority and also intends to interline.

MC 124154 (Sub-3–25TA), filed April 6, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31703. Representative: W. B. Wingate (same address as applicant). *Iron or steel articles* between points in Chicago, IL, Norcross, GA, Irondale, AL, Butler, PA, Charlotte, NC, Lemont, IL, Denver, CO, Houston, TX, Kansas City, MO, Richmond, VA, Salt Lake City, UT, Auburn, WA, and Worcester, MA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Marmon/Keystone Corporation, Box 992, Butler, PA 16001.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 720 (Sub-4–1TA), filed May 5, 1981. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Tom Westerman, P.O. Box 227, Waupun, WI 53963. *Common, irregular, Fabricated Steel Products,* from Stevens Point and New London, WI to points in and East of ND, SD, KS, NE, OK, and TX, restricted to shipments originating at the facilities of Steel King Industries, Inc. Supporting shipper: Steel King Industries, Inc., 2700 Chamber Street, Stevens Point, WI 54481.

MC 97932 (Sub-4–4TA), filed May 7, 1981. Applicant: WREN, INC., d.b.a. LAKEVILLE MOTOR EXPRESS, 1665 West County Road C, St. Paul, MN 55113. Representative: Richard L. Gill, 1805 American National Bank, St. Paul, MN 55101. *Common, regular, General commodities (except those of unusual value and Classes A and B explosives),* between Minneapolis-St. Paul, MN and Rochester, MN, serving intermediate points: From Minneapolis-St. Paul over U.S. Highway 52 to Rochester, and return over the same route. Supporting shippers: There are nine supporting shippers. Tacking and Interlining intended.

MC 105501 (Sub-4–6TA), filed May 8, 1981. Applicant: TERMINAL TRANSPORT INC., formerly known as TERMINAL WAREHOUSE COMPANY, 1851 Raddison Road N.E., Blaine, MN. 55434. Representative: Joseph J. Dudley, Dudley and Smith, W–1260 First National Bank Building, Saint Paul, MN. 55101. *Commodities dealt in and sold through retail and wholesale building material stores* between points in MO, SD, ND and MN. Supporting shipper: Knox Lumber Co., 801 Transfer Rd., St. Paul, MN. 55114.

MC 118838 (Sub-4–9TA), filed May 6, 1981. Applicant: GABOR TRUCKING, INC., R.R. 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. *Contract,* irregular route, *Salt and salt products,* from Ogden and Saline, UT, to Chicago and Peoria, IL; Dillon, MT, and Seattle, Spokane and Tacoma, WA, under continuing contract(s) with Processed Minerals, Inc., First National Center, Hutchinson, KS 67501. An underlying ETA seeks 120 days authority. Supporting shipper: Processed Minerals, Inc., First National Center, Hutchinson, KS 67501.

MC 124159 (Sub-4–2TA), filed May 6, 1981. Applicant: DAGGETT TRUCK LINE, INC., Frazee, MN 56544. Representative: Robert N. Maxwell, P.O.B. 2471, Fargo, ND 58108. *Charcoal and charcoal briquettes,* from the facilities of Husky Industries, Inc., at Dickinson, ND, to Albany, Scotia and Stamford, NY. An underlying ETA seeks 120 days authority. Supporting shipper: Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA 30346.

MC 136899 (Sub-4–14TA), filed May 7, 1981. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Contract: General commodities (except classes A & B explosives)* from Salt Lake City and Ogden, UT; San Antonio, TX, Columbus, OH, Starke, FL, and Norfolk, VA to Madison and Camp Douglas, WI under a continuing contract(s) with the state of Wisconsin. Underlying ETA seeks 120 days authority. Supporting shipper: State of Wisconsin, 101 S. Webster Street, Madison, WI 53702.

MC 140276 (Sub-4–2TA), filed May 6, 1981. Applicant: LARRY SCHEFUS TRUCKING, INC., Route 1, P.O. Box 202, Redwood Falls, MN 56283. Representative: James B. Hovland, 525 Lumber Exchange Building, 10 South Fifth Street, Minneapolis, MN 55402. *(1) Fabricated metal products, and (2) equipment, materials and supplies used in the manufacture or fabrication of the commodities named in part (1) above* between points in the U.S. under continuing contract with Continental Custom Bridge Company, Inc., Alexandria, MN. Supporting shipper: Continental Custom Bridge Company, Inc., Rt. 5, Box 178, Alexandria, MN 56308.

MC 143500 (Sub-4–6TA), filed May 7, 1981. Applicant: R.B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Esq. Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Contract, irregular, Chemicals except in bulk),* from Louisville, KY, to points in CA, ID, MT, NV, NM, OR, UT, WA, WY. Supporting shipper: Chou Chen Chemicals, Inc., 901 S. 15th St., Louisville, KY 40210.

MC 148389 (Sub-4–2TA), filed May 6, 1981. Applicant: MILBAX TRUCKING LINES, INC., 807 Rathbone Ave., Aurora, IL 60507. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. *Insulation materials and materials used in the manufacture and distribution of insulation materials* between Aurora, IL, and Alliance, OH, on the one hand, and, on the other, points in the U.S. in and east of MT, WY, CO and NM. An underlying ETA seeks 120 days authority. Supporting shipper: Forty-Eight Insulation, Inc., P.O. Box 1148, Aurora, IL 60507.

MC 148966 (Sub-4–7TA), filed May 4, 1981. Applicant: DROTZMANN, INC., P.O. Box 667, Yankton, SD 57078. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Canned fruit juices and frozen concentrates,* from the facilities of Seneca Foods Corporation at or near Prosser, WA to points in and west of WI, IL, MO, OK and TX. Supporting

shipper(s): Seneca Foods Corporation, Western Division, P.O. Box 71, Prosser, WA 99350.

MC 149308 (Sub-4-4TA), filed May 7, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Box P, Sellerburg, IN 47172. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Contract;* irregular: *Such commodities as are dealt in, used or distributed by a manufacturer of concrete forms,* between Pima County, AZ, on the one hand, and, on the other, points in NM, TX, OK, LA, AR, MS, AL, GA, FL, SC, NC, TN, KY, VA, WV, IN, OH, PA, DE, MD, NJ and DC. *Restriction:* Restricted to the transportation of shipments handled under a continuing contract or contracts with Mortex Manufacturing Co., Inc. Supporting shipper: Mortex Manufacturing Co., Inc., 1818 W. Price Street, Tucson, AZ 85705.

MC 151899 (Sub-4-8TA), filed May 6, 1981. Applicant: BLACKHAWK EXPRESS, INC., 69 North Main Street, Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract: Food and related products* between Belleville, WI on the one hand, and, on the other, points in the U.S. under continuing contracts with Deltown Chemurgic Corporation. An underlying ETA seeks 120 days authority. Supporting shipper: Deltown Chemurgic Corporation, P.O. Box 69, Belleville, WI. 53508.

MC 153629 (Sub-4-17TA), filed May 7, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St., Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Envelopes* between the facilities of Tension Envelope Corporation located at or near Winston-Salem, NC, South Hackensack, NJ, Memphis, TN, St. Louis and Kansas City, MO, Des Moines, IA, Minneapolis, MN, Fort Worth, TX and Los Angeles, CA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Tension Envelope Corporation, 19th and Campbell Streets, Kansas City, MO.

MC 154970 (Sub-4-2TA), filed May 6, 1981. Applicant: HASBROUCK, ENTERPRISE, P.O. Box 328, Crookston, MN 56716. Representative: James B. Hovland, 525 Lumber Exchange Building, 10 South Fifth Street, Minneapolis, MN 55402. *Non-alcoholic beverages,* from Jamestown, ND to Crookston, MN. Supporting shipper: Crookston Coca-Cola Bottling Co., Crookston, MN 56716.

MC 155482 (Sub-4-1TA), filed May 4, 1981. Applicant: COMSTOCK TRUCKING, Caledonia, MN 55921. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601. *Fertilizer, in bulk, in dump vehicles (farm products)* between La Crosse County, WI and Houston, Winona and Fillmore Counties in MN. Supporting shippers: Houston Money Creek Creamery, Houston, MN 55943; Land O' Lakes, Inc., Caledonia, MN 55921; Wiebke Produce, Inc., Ritzen, MN 55931.

MC 155740 (Sub-4-1TA), filed May 5, 1981. Applicant: CROCUS, LTD., 2091 Highway W, Crafton, WI 53024. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Metal products* from Sheboygan, WI to Le Roy, MN. An underlying ETA seeks 120 day authority. Supporting shipper, Eclipse MFG., Co., 1828 Oakland Avenue, Sheboygan, WI 53081.

MC 155742 (Sub-4-1TA), filed May 5, 1981. Applicant: COBB TRANSPORT COMPANY, INC., d.b.a. THE COBB COMPANY, 10140 North Port Washington Road, Mequon, WI 53092. Representative: Daniel R. Dineen 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *Machinery and metal products; and materials, equipment, and supplies used in the manufacture and distribution of machinery and metal products,* between the facilities of the Rose Company of Milwaukee, WI, on the one hand, and, on the other, points in the U.S., under continuing contracts with the Rose Company of Milwaukee, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Rose Company, 7044 North Teutonia Avenue, Milwaukee, WI, 53209.

MC 155772 (Sub-4-1TA), filed May 6, 1981. Applicant: DETROIT REFRIGERATED EXPRESS, INC., 7336 W. 15th Ave., Gary, IN 46406. Representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle Street, Chicago, IL 60603. *Such commodities as are dealt in or used by manufacturers or distributors of foodstuffs (except in bulk),* between points in MI and OH, on the one hand, and on the other, points in and east of ND, SD, NE, KS, OK and TX. Supporting shippers: There are eight (8) supporting shippers.

MC 155773 (Sub-4-1TA), filed May 6, 1981. Applicant: GERALD J. GROB, d.b.a. JB & J TRUCKING, 5214 County Trunk P, Cross Plains, WI 53528. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Plastic forms and foodstuffs* from Cross Plains and Blue Mounds, WI to points in IL and SC. Underlying ETA seeks 120 days authority. Supporting shippers: Plastic Ingenuity, Inc., 1017 Park, Cross Plains, WI 53528; and Stauffer and Sons, Incorporated, P.O. Box 68, Blue Mounds, WI 53517.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Ofice Box 17150, Fort Worth, TX 76102.

MC 30378 (Sub-5-2TA), filed May 7, 1981. Applicant: ASSOCIATED TRANSPORTS, INC., 9050 Pershall Road, Hazelwood, MO 63042. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *Transportation Equipment,* between Detroit, MI, AR, OK, CO, and TX. Supporting shipper: Ford Motor Company, P.O. Box 1529-B, NAAO Bldg.; Dearborn, MI 48121.

MC 59444 (Sub-5-3TA), filed May 7, 1981. Applicant: WALLER TRUCK CO., INC., Highway 10 East, Box 5900, Richmond, MO 64085. Representative: Robert D. Waller (same as applicant). Common; regular: *General Commodities (except Classes A and B explosives and household goods as defined by the Commission),* (1) between Kansas City, MO and its commercial zone and Boonville, MO and its commercial zone: From Kansas City over Interstate Hwy 70 to Boonville and return over the same route, serving all intermediate points and serving the off-route point of Blackwater, MO and its commercial zone; and (2) between Kansas City, MO and its commercial zone and Maysville, MO and its commercial zone: From Kansas City over Interstate Hwy 35 to junction MO Hwy 33, then over MO Hwy 33 to Maysville, and return over the same route, serving all intermediate points and serving all points in DeKalb and Clinton Counties, MO as off-route points. Applicant intends to tack and interline. Supporting shipper: 26.

MC 123476 (Sub-5-6TA), filed May 8, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same as applicant). *Adhesives, Coatings, Plastic Resins & Chemicals (except in bulk in tank vehicles)* between points in the U.S., restricted to loads originating at or destined to the facilities of Estech Speciality Chemical Corporation. Supporting shipper: Estech Speciality Chemicals Corp., 30 North La Salle, St. Chicago, IL 60602.

MC 126118 (Sub-5-65TA), filed May 8, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant).

Synthetic products, cordage, cordage products, and scrap materials generated in the manufacture of cordage and cordage products, between points in KS and SC, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Exxon Chemical Americas, Gene Lamb, Business Manager, 100 S. Penalosa, Box 517, Kingman, KS 67068.

MC 136104 (Sub-5–10TA), filed May 7, 1981. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *(1) Primary metal products, (2) fabricated metal products, and (3) machinery and supplies, as described in items 33, 34 and 35 of the Standard Transportation Code Tariff,* between points in the U.S. Supporting shippers: There are 11 supporting shippers.

MC 142215 (Sub-5–1TA), filed May 7, 1981. Applicant: DUKE TRANSPORTATION, INC., Route 3, Box 29–A, Scott, LA 70583. Representative: Colleen McDaniel, P.O. Box 3959. Lafayette, LA 70502. *(1) Machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof,* between points in LA, MS, AR, TX and OK. Supporting shippers: (1) Dual Drilling, Inc., P.O. Box 52880, Lafayette, LA 70505; (2) Power Rig Drilling Co., P.O. Box 52808, Lafayette, LA 70505; (3) Cliffs Drilling Co., P.O. Box 888, Scott, LA 70583; (4) El Jay Drilling Corp., 8955 Katy Freeway, Suite 101; Houston, TX 77024.

MC 147248 (Sub-5–5TA), filed May 8, 1981. Applicant: CONTAINER SHUTTLE SERVICE CORP., Route 8, Box 139, Beaumont, TX 77705. Representative: Charles N. Driver (same as applicant). *General Commodities (excet Classes A & B Explosives, household goods as defined by the Commission, and hazardous wastes,)* Between points in the Dallas, TX, Commercial Zone, on the one hand, and on the other, points in the Commercial Zone of Houston, TX, having a prior or subsequent move to or from points beyond the state of Texas. Supporting shipper: Inter-City Trucking and Warehouse Co., Inc., P.O. Box 10044, Dallas, TX.

MC 148648 (Sub-5–2TA), filed May 8, 1981. Applicant: GREAT PLAINS TRANSPORTS, INC., P.O. Box 923, Clinton, OK 73601. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. *Oilfield commodities,* between points in TX and LA, on the one hand, and, on the other points in OK. There are 10 support shippers.

MC 149068 (Sub-5–5TA), filed May 7, 1981. Applicant: TRANSPORTATION, INC., P.O. Box 362, Ottawa, KS 66067. Representative: Clyde N. Christey, 1010 Tyler, Suite 110L, Topeka, KS 66612. *Bentonite,* Between all points and places in Weston County and Crook County, WY on the one hand and points and places in the State of KS and OK on the other hand. Supporting shipper: Industrial Supply of Wichita, Inc., P.O. Box 2139, Wichita, KS 67201.

MC 149147 (Sub-5–2TA), filed May 8, 1981. Applicant: DECKERT TRANSPORT, INC., 10104 S. 197th E. Ave., Broken Arrow, OK 74012. Representative: Elaine C. Deckert (same as above). *Frozen foodstuffs in cases* from the states of WA, OR and ID to the facilities of K & G Fish Co. in OK. Supporting shipper: K & G Fish Co., 2213 South Villa, Oklahoma City, OK 73108.

MC 150496 (Sub-5–17TA), filed May 8, 1981. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Robert W. Weaver, P.O. Box 188, Tontitown, AR 72770. *Furniture, lighting fixtures, paper and paper products, plastic articles, expanded; and equipment, materials, and supplies used in the manufacture and distribution of the above products,* between Rogers, AR; Cape Girardeau, MO; Cincinnati, OH; Columbus, OH; Green Bay, WI; Landisville, NJ; Marinette, WI; Philadelphia, PA; Chester, PA; and Newport, AR. Supporting shipper: Scott Paper Company, Scott Plaza I, Philadelphia, PA 19113.

MC 151314 (Sub-5–2TA), filed May 7, 1981. Applicant: B & W EXPRESS, INC., P.O. Box 2122, San Antonio, TX 78205. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768. *General Commodities, except Classes A and B explosives,* between Houston, TX, and its commercial zone and San Antonio, TX and its commercial zone, on the one hand, and, on the other, points in Gonzales, Lavaca, Caldwell, Comal, Bexar and Guadalupe Counties, TX. Restricted to traffic having a prior or subsequent movement by rail or water in TOFC Service or COS service. Shipping supporters: Robert F. Barnes Customsbroker and Airfreight Forwarder, 9327 E. Terminal Dr., San Antonio, TX. Welaire Corp., 10613, Sentinel, San Antonio, TX. Burch Traffic Service, 10205 Oasis, San Antonio, TX.

MC 151619 (Sub-5–3TA), filed May 8, 1981. Applicant: CARGO MASTER, INC., 917 S. Harwood, Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Food and related products,* betwen Anderson County, TX, on the one hand, and on the other, points in AL, AZ, AR, CA, CO, FL, GA, IL, IA, KS, KY, LA, MI, MN, MS, MD, NY, NM, NC, NE, OH, OK, PA, SC, TN, WI, VT and VA. Supporting shipper(s): Vernon Calhoun Packing Co., P.O. Box 709, Palestine, TX 75701.

MC 153463 (Sub-5–2TA), filed May 7, 1981. Applicant: ANTWEILER TRUCKING COMPANY, INC., Star Route, Montgomery City, MO 63361. Representative: David Earl Tinker, Esq., 1000 Connecticut Avenue, N.W., Suite 1112, Washington, D.C. 20036. *(1) paint and paint products, and (2) materials and supplies used in the manufacture and distribution of the commodities named in (1),* between Randolph County, MO and OK, TX, and LA. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, DE 19898.

MC 153773 (Sub-5–3TA), filed May 7, 1981. Applicant: NDC TRUCKING CO., A division of National Distributing Company, Inc., 829 McKesson Drive, Longview, TX 75601. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Outdoor Furniture* between Longview, TX; Alexandria, IN; Calhoun, GA; Potstown, PA; Riverside and Willits, CA, and Leominster, MA. Restricted to traffic originating at or destined to the facilities of Little Lake Industries. Supporting shipper: Little Lake Industries, P.O. Box 6555, Longview, TX 75604.

MC 153773 (Sub-5–4TA), filed May 7, 1981. Applicant: NDC TRUCKING CO., P.O. Box 7364, Longview, TX 75601. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *Building and Construction Materials,* between Dallas, TX, on the one hand, and, on the other, points in AR, AZ, CA, CO, FL, IL, IN, KY, MO, NM, OH, and PA. Restricted to traffic originating at or destined to the facilities of Spann Metals Corporation. Supporting shipper: Spann Metals Corporation, P.O. Box 26288, Worth Street, Dallas, TX 75226.

MC 155801 (Sub-5–1TA), filed May 7, 1981. Applicant: JAMES H. LONG d.b.a. SENECA EXPRESS, Route 2, Box 209–A, Seneca, MO 64865. Representative: Bruce McCurry, 910 Plaza Tower, Springfield, MO 65804. *General commodities (except Class A and B Explosives and commodities in bulk in*

tank vehicles) between points in Jasper and Newton Counties, MO on the one hand and Ottawa County, OK on the other hand.

MC 155804 (Sub-5–1TA), filed May 7, 1981. Applicant: OILFIELD HEAVY HAULERS, INC., Highway 95, Duson, LA. Representative: C. W. Ferebee, 720 North Post Oak Road, Suite 230, Houston, TX 77024. *Oil and gas well drilling rigs, their parts and accessories* between TX, on the one hand, and LA, on the other hand. Supporting shippers: Pernie-Bailey Drilling Co., P.O. Box 70, Port Barre, LA. Goldrus Drilling Co., 300 Midway St., Lafayette, LA.

MC 155805 (Sub-5–1TA), filed May 7, 1981. Applicant: GOVER TRANSPORT, INC., 206 West Jefferson, Clinton, MO 64735. Representative: Tom B Kretsinger, P.O. Box 258, Liberty, MO 64068. Contract irregular *Petroleum, natural gas and their products,* between all points in the U.S. Supporting shippers: G & G Oil Company, 206 W. Jefferson, Clinton, MO 64735; Lowe Oil Company, 510 Price Lane, Clinton, MO 64735.

MC 155830 (Sub-5–1TA), filed May 8, 1981. Applicant: B & S HEAVY HAULERS SERVICE COMPANY, Route 2, Box 251W, Abbeville, LA. 70510. Representative: John Schwab, P.O. Box 3036, Baton Rouge, LA. 70821. (1) *machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and* (2) *machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof,* between points in LA, TX, MS, and OK. Supporting shippers: There are fourteen supporting shippers.

MC 155832 (Sub-5–1TA), filed May 8, 1981. Applicant: CADDO OPERATING COMPANY, INC., 3050 South Post Oak, Suite 200, Houston, TX 77056. Representative: Robert A. Harris (same as applicant). Machinery and equipment, between Greenwood, LA and points in LA and TX. Supporting shipper: Lyon Petroleum Company, 1500 Beck Bldg., Shreveport, LA 71101.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 135865 (Sub-6–1TA), filed May 7, 1981. Applicant: APPLEGATE DRAYAGE COMPANY, 325 N. 5th St., Sacramento, CA 95814. Representative: Michael T. Applegate (same as applicant). *Common Carrier,* regular routes: *General commodities,* (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment and hazardous waste) between Stockton, CA and Fresno, CA along Hwy 99, serving all intermediate points and their commercial zones, for 270 days. Applicant intends to interline and tack this authority to existing authority. Supporting shippers: Golden Gate Periodical Distributors, 1400 6th St., San Francisco, CA 94107; The Learning Line, POB 577, Palo Alto, CA 94302; Sweetheart Cup Corp., 2155 E. 7th St., Los Angeles, CA 90023.

MC 149195 (Sub-6–13TA), filed May 7, 1981. Applicant: ARCADIAN MOTOR CARRIERS, 1100 Sierra St., Kingsburg, CA 93631. Representative: James F. Hauenstein (same as applicant). *(1) Carpet and fabric steam cleaning machinery and supplies. (2) Material, equipment and supplies used in the manufacture or distribution of commodities in (1) above.* (1) From: Fresno, CA. To: Fenton, MO and (2) From: Fenton, MO To: Nashville, TN and Dallas, TX for 270 days. Supporting shipper: Rug Doctor, Inc., 2788 Larkin Ave., Fresno, CA 93727.

MC 134387 (Sub-6–12TA), filed May 6, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., No. 1800, Los Angeles, CA 90017. *Food* and *foodstuffs,* from Portland, OR, to Spokane, WA, for 270 days. An underlying ETA seeks up to 120 days. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07936.

MC 155745 (Sub-6–1TA), filed May 4, 1981. Applicant: JOHN H. BURROWS, INC., d.b.a. BONANZA REFRIGERATED TRUCKING, 1925 Freeport Blvd., Sparks, NV 89431. Representative: Mike Pavlakis, P.O. B. 646 Carson City, NV 89701. *Contract Carrier,* irregular routes: *general commodities,* between points in Los Angeles, Sacramento, Santa Clara and San Francisco Counties, CA, and points in Washoe County, NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bender Warehouse Co., P.O. Box 11430, Reno, NV.

MC 151028 (Sub-6–61TA), filed May 6, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. B. 3062, Portland, OR 97208 *Contract carrier,* irregular routes: *General commodities, (except Classes A and B explosives),* from Taft, LA and Texas City, Houston and North Seadrift, TX and points in their Commercial Zones to points in IL, IN, OH and MI, for 270 days. (Hazardous materials involved from Taft, LA). Supporting shipper(s): Union Carbide Corporation, 270 Park Avenue New York, NY 10017.

MC 155756 (Sub-6–TA), filed May 1, 1981. Applicant: NEIL H. FULKERSON, INC., 3451 Losee Rd. Suite B, N. Las Vegas, NV. 89030. Representative: (same as applicant). *Contract Carrier,* Irregular routes: *Lumber, Building Materials, Gypsum Products; Gypsum Wallboard: Heavy Equipment and Machinery, between points in CA, OR, NV, UT, and AZ.* For the accounts of: Las Vegas Plywood & Lumber, Advance Equipment, Flintkote Corporation, for 270 days. Supporting shippers: Las Vegas Plywood & Lumber, 2810 N. Nellis Blvd., Las Vegas, NV; Flintkote Corporation, Star Route Box 2900, Blue Diamond, NV; and Advance Equipment, 4060 W. Tropicana, Las Vegas, NV.

MC 133779 (Sub-6–3TA), filed May 6, 1981. Applicant: FUNDIS COMPANY, P.O.B. 740, Lovelock, NV 89419. Representative: Pete Fundis (same as applicant). *Alcoholic beverages; including liquor, wine, beer and malt beverages, materials and supplies used in the packaging and shipping thereof:* in Sea-Van containers. From Alemeda, Colusa, Contra Costa, Fresno, Glenn, Humboldt, Kern, Madera, Marin, Mendocino, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, and Stanislaus counties in CA to Carson City, Churchill, Humboldt, and Washoe counties in NV for 270 days. An underlying ETA seeks authority for 120 days. Supporting shippers: Luce and Sons Inc., P.O.B. 2191, Reno, NV 89505, L. W. Peraldo Co., Inc., 405 W. Winnemucca Blvd., Winnemucca, NV 89445 Capitol Beverages, Inc., 2333 Fairview Dr., Carson City, NV 89701.

MC 155428 (Sub-6–1TA), filed May 6, 1981. Applicant: JOHN H. GARLAND, d.b.a. GARLAND TRANSPORTATION, 612 23rd St., Richmond, CA 94804. Representative: Arden Riess 4509 Pacific Ave, Suite "A", Stockton, CA 95207. (1) *candy and confectionery items* (not hollow mold) in packages; (2) *nuts* in packages; and (3) *raw material used in manufacture of candy and confectionery items* between points in the U.S., except AK and HI for 270 days. Supporting

shipper: California Peanut Co., P.O. Box 157, Point Station Richmond, CA 94807.

MC 155755 (Sub-6–1TA), filed May 4, 1981. Applicant: WILLIAM L. GARRETT, d.b.a., W. L. GARRETT TRUCKING, 2501 Blackstone Ct., Bakersfield, CA 93304. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Contract carrier;* irregular routes: (1) *Lumber Products* from Seattle and Tacoma, WA and Portland, Bend and Eugene, OR to points in CA and from Bakersfield, CA to Phoenix and Tucson, AZ. (2) *Plastic Pipe and Tubing* from Shafter, CA to points in AZ, ID, NV, NM, OR, UT and WA, for 270 days. Supporting shippers: Pacific Wood Preserving of Bakersfield, Inc., 5601 District Blvd., Bakersfield, CA 93309 and Wynn Plastics, Rt. 1, Bx. 640, Bakersfield, CA 93306.

MC 48958 (Sub-6–10TA), filed May 5, 1981. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., P.O.B. 16404, Denver, CO 80216. Representative: Robert A. Haddock (same as applicant). *Contract Carrier,* Irregular route: *Paper boxes and paper containers* between Kansas City, KS and Chicago, IL commercial zone for the account of Sealright Co., Inc. for 270 days. Supporting shipper: Sealright Co., Inc., 2925 Fairfax Rd., Kansas City, KS 66115.

MC 139906 (Sub-6–71TA), filed May 5, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Paper, fabric, cleaning and scouring products* (except in bulk) between the facilities of Chicopee, a Division of Johnson & Johnson, at or near East Camden and North Little Rock, AR; Benson, NC; Walhalla, SC; Gainesville, GA and East Brunswick, NJ on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: Chicopee, Div. of Johnson & Johnson, P.O.B. 1151, New Brunswick, NJ 08903.

MC 150290 (Sub-6–3TA), filed May 4, 1981. Applicant: MIDLAND TRANSPORTATION CO., INC., 801 W. Artesia Blvd., Compton, CA 90220. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. (1) *Sodium carbonate; sodium bicarbonate; cleaning, scouring or washing compounds,* and (2) *equipment and supplies used in the manufacture of (1) except in bulk;* Between points in the U.S. RESTRICTED to traffic originating at or destined to the facilities of or utilized by Church & Dwight Co., located in Sweetwater County, WY, Seneca and Sandusky Counties, OH, Syracuse, NY and Salt Lake City, UT, for 270 days. Supporting shipper: Church and Dwight Co., Inc., P.O Box 369, Piscataway, NJ 08854.

MC 127115 (Sub-6–4TA), filed May 7, 1981. Applicant: MILLERS TRANSPORT, INC., 510 W. 4th N., Hyrum, UT 84319. Representative: Bruce W. Shand, 311 S. State St., Salt Lake City, UT 84111. *Contract carrier,* irregular routes: *iron and steel articles,* between points in WA, OR, CA, NV, ID, UT, AZ, NM, CO, WY, and MT, under a continuing contract(s) with The David J. Joseph Co., for 270 days. An ETA seeks 120 days authority. Supporting shipper: The David J. Joseph Co., 801–A W. 8th St., Cincinnati, OH 45201.

MC 155760 (Sub-6–1TA), filed May 5, 1981. Applicant: RONALD S. YAROS, d.b.a. RMEX, P.O. Box 24806, Oakland, CA 94623. Representative: Same as applicant. *Contract Carrier,* Irregular routes: *General Commodities* (except those of unusual value, Classes A & B explosives, commodities in bulk, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between points in the Los Angeles and Oakland, CA commercial zones on the one hand, and on the other points in ID, MT, OR, UT and WA, for 270 days. Restriction: Restricted to traffic moving on bills of lading of freight forwarders operating under 49 U.S.C. Section 10102 (8) and further restricted to traffic moving on bills of lading of Rocky Mountain Express, Inc., and the transportation of hazardous waste materials. Supporting shipper: Rocky Mountain Express, Inc., 730 11th Ave., Oakland, CA 94660.

MC 151418 (Sub-6–2TA), filed May 6, 1981. Applicant: ROY L. T. TRUCKING, INC., 7117 E. Firestone Blvd., Downey, CA 90241. Representative: Roy Tyra (same as applicant). *Contract Carrier,* Irregular Routes: *Furniture; Plastic Articles, expanded; lighting fixtures; paper and paper products; equipment and supplies* used in the manufacture and distribution of the above commodities (except in bulk). Between points in AZ, CA, NV, OR, and WA, for 270 days. Supporting shipper: Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 155812 (Sub-6–1TA), filed May 6, 1981. Applicant: SEA-PAC FREIGHT LINES, INC., P.O. Box 3783, Seattle, WA 98124. Representative: Russell A. Evans, 410 Maynard Bldg., 119 1st Ave. S., Seattle, WA 98104. *Contract Carrier,* Irregular routes: *General commodities (except classes A and B explosives),* between points in WA, OR, CA, ID, MT, AZ, CO, UT, WY, AK, NV, NM, for the accounts of Pacific Food Products, Seneca Foods Corp., National Fruit Canning Co, Hi-Country Foods Corp., Wash-Oregon Shippers Association, Continental Mills, Inc., for 270 days. Supporting shippers: There are six (6) shippers. Their statements may be examined at the Regional office listed.

MC 138875 (Sub-6–53TA), filed May 4, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell, (same as applicant). *Boxes, paperboard, other than corregated, knocked down flat, pulpboard sheets, printed paper labels and various paper and pulpboard strips used in packaging bakery goods.* from Beacon, NY to Portland, OR, for 270 days. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07936.

MC 107576 (Sub-6–4TA), filed May 7, 1981. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 S.E. Water Ave., Portland, OR 97214. Representative: Ronald D. Browning, 1321 S.E. Water Ave., Portland, OR 97214. *Common Carrier:* Regular Route: *General Commodities* (except Classes A and B explosives) between Grants Pass, OR and Crescent City, CA, serving all intermediate points. From Grants Pass, OR via U.S. Hwy 199 to junction U.S. Hwy 101, then over U.S. Hwy 101 to Crescent City and return over the same route, for 270 days. Supporting shippers: There are twenty-one (21) shippers. Their statements may be examined at the Regional office listed.

MC 67015 (Sub-6–3TA), filed May 7, 1981. Applicant: TIGARD SHERWOOD TRUCK SERVICE, INC., 1618 S.E. 2nd St., Portland, OR 97214. Representative: F. Roger Price, (same as applicant). *Contract Carrier,* Irregular routes: *Electric storage batteries, lead pigs and waste or scrap* described by STC Code No. 40, Between Chloride Western Batteries, Beaverton, OR and Hayward and Los Angeles, CA; Seattle, Spokane and Pasco, WA, Salt Lake City, UT, Pocatello, Twin Falls and Kellogg, ID; for 270 days for the account of Chloride Western Batteries. An underlying ETA seeks 120 days authority. Supporting shipper: Chloride Western Batteries, 11155 S.W. Denny Rd. Beaverton, OR 97005.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–15010 Filed 5–19–81; 8:45 am]
BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-100]

Certain Thermal Conductivity Sensing Gem Testers and Components Thereof; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 13, 1981, and amended on May 6, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. sec. 1337), on behalf of Ceres Electronics Corp., at 411 Waverly Oaks Park, Waltham, Mass. 02154, Adams-Smith, Inc., at P.O. Box 130, 34 Tower Street, Hudson, Mass. 01749, and MSB Industries, Inc., at 1180 Avenue of the Americas, New York, N.Y. 10036. The amended complaint (hereinafter referred to as the complaint) alleges unfair methods of competition and unfair acts in the importation of certain thermal conductivity sensing gem testers and components thereof into the United States, or in their sale, by reason of alleged (1) infringement by said thermal conductivity sensing gem testers of claims 21, 22, and 26 of U.S. Letters Patent 4,255,962, (2) infringement of claims 1, 2, 23, and 24 of U.S. Letters Patent 4,255,962 in the operation of said thermal conductivity sensing gem testers and the inducement of and/or contribution to said infringement, and (3) false advertising. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, after a full investigation, the Commission issue an exclusion order and a cease and desist order.

AUTHORITY: The authority for institution of this investigation is contained in Section 337 of the Tariff Act of 1930 (19 U.S.C. sec. 1337) and in § 210.12 of the Commission's Rules of Practice and Procedure.

SCOPE OF THE INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission on May 13, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain thermal conductively sensing gem testers and components thereof into the United States, or in their sale, by reason of alleged (1) infringement by said thermal conductivity sensing gem testers of claims 21, 22, or 26 of U.S. Letters Patent 4,255,962, (2) infringement of claims 1, 2, 23, or 24 of U.S. Letters Patent 4,255,962 in the operation of said thermal conductivity sensing gem testers and the inducement of and/or contribution to said infringement, and (3) false advertising, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Ceres Electronics Corp., 411 Waverly Oaks Park, Waltham, Mass. 02154
Adams-Smith, Inc., P.O. Box 130, 34 Tower Street, Hudson, Mass. 01749
MSB Industries, Inc., 1180 Avenue of the Americas, New York, N.Y. 10036

(b) The following respondents are alleged to infringe claims 1, 2, 21, 22, 23, 24, and 26 of U.S. Letters Patent 4,255,962 and to induce and/or contribute to the infringement of claims 1, 2, 23, and 24 of said patent and are the parties upon which the compliant is to be served:

Presidium Diamonds Pte Ltd., P.O. Box 383, Benoni, Tvl., 1500, South Africa
Lien International Trading Pte Ltd., Suite 2104, Shaw Towers, Beach Road, Singapore, Singapore 0718
Gem Instruments Corp., P.O. Box 2147, 1735 Stewart Street, Santa Monica, Calif. 90406
Gemological Institute of America, P.O. Box 2110, 1660 Stewart Street, Santa Monica, Calif. 90406.

The latter two above-named respondents are also alleged to be engaged in false advertising.

(c) Although the complaint named as proposed respondents Rayner Optical Company Ltd., 17 Lorna Road, Hove, East Suffolk, England, BN3 3ET, and Gemological Instruments Ltd., St. Dunstan's House, Carey Lane, London, England EC2V 8AB, they are not so named in this investigation because they are not alleged to be involved in the importation of thermal conductivity sensing gem testers or components thereof which infringe the '962 patent.

(d) M. Brooke Murdock, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's rules of practice and procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: M. Brooke Murdock, Unfair Import Investigations Division, U.S. International Trade Commission, Telephone 202-523-0113.

Issued: May 15, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-15020 Filed 5-19-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-40 (Preliminary)]

Secondary Aluminum Alloy in Unwrought Form From the United Kingdom

Determination

On the basis of the record[1] developed in investigation No. 731-TA-40 (Preliminary), the Commission

[1] The record is defined in § 207.2(j) of the Commission's rules of practice and procedure (19 CFR 207.2(j)).

unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is no reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from the United Kingdom of secondary aluminum alloy in unwrought form, provided for in item 618.0650 of the Tariff Schedules of the United States Annotated, which are allegedly being sold in the United States at less than fair value (LTFV).

Background

On March 24, 1981, the U.S. International Trade Commission and the U.S. Department of Commerce each received a petition from the Aluminum Recycling Association, Inc., alleging that secondary aluminum alloy in unwrought form from the United Kingdom, is being, or is likely to be, sold in the United States at LTFV. Accordingly, the Commission instituted a preliminary antidumping investigation under section 733 of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the imports of such merchandise into the United States. The statute directs that the Commission make its determination within 45 days of its receipt of the petition, or in this case by May 8, 1981.

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and by publishing the notice in the Federal Register on April 8, 1981 (46 FR 21120). The public conference was held in Washington, D.C. on April 20, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

Determination

On the basis of the record in investigation No. 731–TA–40 (Preliminary), undertaken by the Commission under section 733(a) of the Tariff Act of 1930, we determine that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry is being materially retarded by reason of imports from the United Kingdom of secondary aluminum alloy in unwrought form,[2] which are allegedly sold at less than fair value (LTFV).

The domestic industry. In general the domestic industry is defined as consisting of all domestic producers of a like product or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[3] A like product is a product which is like, or in the absense of like, most similar in characteristics and uses with, the imported product which is the subject of the investigation.[4]

The imported product which is the subject of this investigation is secondary unwrought aluminum alloy from the United Kingdom (U.K.).[5] Secondary aluminum is included in a basket category under item 618.0650 of the TSUSA which also includes unwrought primary aluminum alloy.[6] The majority of U.S. imports of unwrought aluminum alloy consist of primary aluminum from Canada and Ghana.[7] Most of the remainder of the imports is of secondary aluminum, the majority of which is LM24 series alloy in the form of casting ingot from the U.K.[8] France and West Germany are also alleged to have exported small amounts of secondary aluminum to the United States.[9]

There are two forms of unwrought aluminum alloys, primary and seconary. Primary aluminum, produced from bauxite ore, has a high degree of purity and hence cannot be produced from scrap.[10] The majority of primary aluminum alloy production is converted into wrought aluminum mill products.[11]

Unwrought secondary aluminum generally differs from primary in composition, use and price. Secondary aluminum is recovered from scrap and is available in different grades determined by alloy content. The great majority of secondary alloy produced in the U.S. is used in the production of castings.[12] Primary aluminum alloys, which are of similar chemical composition, can be substituted for secondary aluminum alloys in many instances; however, primary alloys and secondary alloys are not generally used for the same purposes since primary alloys are more expensive.[13] It is possible, however, that, if the demand for primary were to drop significantly, causing the price of primary to decline, the primary and secondary markets could overlap. Our investigation did not reveal that any such overlap occurred during the period covered by the investigation. Therefore we do not consider primary alloy to constitute a like product.

With respect to secondary aluminum alloys, our investigation revealed no significant differences in quality, characteristics, or use between the domestic 380 series and the U.K. LM24 series.[14] Both the 380 series and the LM24 series are generally sold in ingot form, used almost exclusively in die casting and have a very similar chemical composition.[15] Therefore the 380 series, which constitues a majority of all casting alloy produced in the United States by independent smelters, is clearly like the imports of LM24 secondary aluminum alloy from the United Kingdom.[16] In addition, there are other casting alloys which, although distinguishable by alloy content from the 380 series, may be used for essentially the same purposes. In the absence of information suggesting otherwise, we believe that they also constitute products which are like the imported article.[17] We thus conclude that the domestic industry in this case consists of all producers of secondary aluminum alloy used for casting.

In normal circumstances we would have assessed the impact of the alleged LTFV imports on the domestic industry defined above. In connection with this, the staff requested separate information on casting alloys, which would have allowed us to assess the impact of the alleged LTFV sales on these products. However, we received complete data

[2] Classifiable under item 618.0650 of the Tariff Schedules of the United States Annotated (TSUSA).
[3] Section 771(4)(A) of the Tariff Act of 1930.
[4] Section 771(10).
[5] ARA Petition at 2.
[6] Staff Report at A–5.
[7] *Id.* at A–17.
[8] *Id.*
[9] Brief of U.K. Association of Aluminum Refiners of April 24, 1981, Appendices B–D.
[10] Staff report at A–2.
[11] *Id.*
[12] *Id.*

[13] The distinctions made between primary and secondary aluminum in the staff report are also supported by the conclusions reached by the second circuit in the landmark decision involving the Sherman Act in U.S. v. Aluminum Co. of America, 148 F.2d 416, 424 (2nd Cir. 1945).
[14] Staff Report at A–2.
[15] *Id.* at A–2 and A–5.
[16] Under section 771(4)(B) the Commission is given the discretion to exclude a domestic producer from the industry if it imports the dumped product. In this case one of the domestic producers imports a significant percentage of the LTFV imports. Thus, the Commission could have excluded it from the domestic industry. However, its exclusion would not have altered the Commission's determination.
[17] Vice Chairman Calhoun disassociates himself from this conclusion. In his view the like product should be unwrought secondary aluminum alloys used for die casting because there is insufficient evidence to support a conclusion that other casting alloys are like die casting alloys in characteristics and uses.

only for the broader category of all secondary aluminum alloys. which includes extrusion billets. alloys used for steel deoxidization and miscellaneous alloys. These products differ from casting alloys in composition and uses. In situations such as this. the statute requires us to assess the impact of the alleged LTFV imports on the narrowest group or range of products, which includes a like product, for which the necessary information can be provided.[18] Therefore, our determination in this case is based upon an examination of the impact of these imports on all secondary aluminum alloy production.

The petitioner alleges that this is an appropriate case for the Commission to find a regional industry[19] consisting of 10 states in the North central region of the United States.[20] We take no position as to whether there is a regional industry. The information gathered by staff suggest that the regional criteria may have been met, with the possible exception of the requirement that regional producers sell all or almost all of their production within the region. But assuming *arguendo* that this case satisfies the statutory criteria for consideration of a regional industry comprising the north-central United States, we have analyzed injury on the basis of both regional and nationwide data. This choice did not prove to be a determining factor, since the trends in the data collected on the regional industry are essentially the same as those of the nationwide industry.

No Reasonable Indication of Material Injury. We have determined on the basis of the best information available [21] that there is no reasonable indication that the domestic industry is being materially injured or threatened with material injury on either a nationwide or regional basis by reason of the alleged LTFV imports. Our conclusion is based on the extremely low level of penetration of the LTFV imports and the absence of any significant effect on domestic prices as a result of the low level of the LTFV imports. Thus there is no causal link between the declines experienced by the domestic industry and the LTFV imports.[22]

Despite the increase in imports from October to December. 1980 and in March 1981, the overall import penetration level remained extremely low throughout the period covered by this investigation. As a percentage of total domestic consumption, U.K. imports accounted only for 0.2 percent of apparent consumption in 1978, decreased to less than 0.05 percent in 1979, and then rose to 0.2 percent in 1980.[23] Penetration in the North Central region followed a similar trend.[24]

The low level of import penetration did not have a significant effect on domestic prices. First, although domestic prices did decline during the last three quarters of 1980,[25] prices began to increase by the end of the first quarter of 1981.[26] Second, the margins of underselling declined during this period while imports increased.[27] Third, the price decline in 1980 was due to factors other than the sales of U.K. imports such as low scrap prices[28] and the 16 percent drop in domestic consumption during 1980 brought on by declines in the auto industry.[29] The principal end use of secondary aluminum alloys is in auto production.[30] The relationship of the state of the auto industry and scrap prices to the domestic price is further demonstrated by the fact that, as auto sales increased and scrap prices rose in 1981, aluminum prices also increased. Thus, we have determined that the U.K. imports of secondary aluminum did not significantly affect the price of the domestic like product.

While we recognize that data on production, shipments, inventories capacity. and financial performance indicate that the domestic industry was depressed in 1980 and the first quarter of 1981, [31] we have found no causal link between this decline and the alleged LTFV imports. This conclusion is based on the very low level of import penetration and the presence of other factors which explain any injury such as the substantial decline in auto proudction and the resulting price drop in the aluminm market. As a result of these factors, total consumption fell by about 16 percent in 1980, while consumption in the North Central region fell by 18 percent.[32] The conclusion is further supported by the fact that the staff was able to confirm only four of the 11 instances of lost sales alleged by petitioner.[33] Additionally, all of the four firms reporting purchases of U.K. imports stated that their main concern was to maintain alternate supply sources and that the amount purchased was a very insignificant portion of their total secondary aluminum alloy purchases.[34]

No threat of material injury. The secondary aluminum alloy industry in the United Kingdom is a mature industry with no planned additions to capacity, in fact, some reductions are likely.[35] During 1980, only 3.6 percent of the United Kingdom's total exports of secondary aluminum alloy were shipped to the United States despite a depressed market in the United Kingdom and in Europe, the principle U.K. export market. Thus, there is no reason to expect increased exports to the United States in the future. U.S. producers have greatly increased their export shipments (U.S. producers responding to Commission questionnaires reported exports of 8 million, 16 million, and 62 million pounds, respectively. in 1978, 1979. and 1980).[36] Furthermore. U.S. producers' inventories are declining. Future prospects for the industry are bright as government forecasts call for increasing per unit usage of aluminum in automobiles in the 1980's. Information was presented at the public conference that some producers increased prices in March 1981 and planned further

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[18] Section 771(4)(C) of the Tariff Act of 1930 states that—in appropriate circumstances, the United States, for a particular product market, may be divided into 2 or more markets and the producers within each market may be treated as if they were a separate industry if--

(i) The producers within such market sell all or almost all of their production of the like product in question in that market, and

(ii) The demand in that market is not supplied, to any substantial degree, by producers of the product in question located elsewhere in the United States.

In such appropriate circumstances, material injury, the threat of material injury, or material retardation of the establishment of an industry may be found to exist with respect to an industry even if the domestic industry as whole, or those producers whose collective output of a like product constitutes a major proportion of the total domestic production of that product, is not injured, if there is a concentration of subsidized or dumped imports into such an isolated market and if the producers of all, or almost all, of the production within that market are being materially injured or threatened by material injury or if the establishment of an industry is being materially retarded, by reason of the subsidized or dumped imports

[19] The North Central region proposed by petitioner includes Nebraska, North and South Dakota, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota and Iowa. The ports of entry for these states are Chicago, Cleveland, Toledo, and Milwaukee.

[21] Section 733(a).

[22] Section 771(A), (B) and (C)

[23] Staff report at A-24

[24] Id.

[25] Id at A-26.

[26] Id. at A-29.

[27] Id at A-30

[28] During the Preliminary Conference, industry witnesses testified that the scrap market is highly competitive and that the cost of scrap accounts for 85 percent of U.S. producer s cost of goods sold. See Transcript of Conference at 27 and Staff Report at A-3

[29] Staff Report at A-20.

[30] Id. at A-8, A-20.

[31] Id at A-10 through A-24.

[32] Id at A-20

[33] Id at A-30-A-31

[34] Id at A-31 and Transcript of Preliminary Conference at 33 and 34

[35] Post-conference brief of respondent, app A.

[36] Staff report at A-14.

increases in April in response to increased automobile production.[37]

Conclusion

On the basis of the information developed in the course of this investigation, we have determined that there is no reasonable indication that an industry in the United States is materially injured or is threatened with material injury by reason of alleged LTFV imports of unwrought secondary aluminum alloy from the United Kingdom.

Issued: May 8, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-15020 Filed 5-19-81; 8:45 am]

BILLING CODE 7020-02-M

NATIONAL SCIENCE FOUNDATION

Physiology, Cellular and Molecular Biology Advisory Committee, Development Biology; Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Developmental Biology of the Advisory Committee for physiology, Cellular and Molecular Biology.

Date and time: June 4, 5, 6, 1981—starting at 9:00 A.M.

Place: Room 338, National Science Foundation, 1800 G Street N.W.

Type of Meeting: Closed.

Contract person: Dr. Mary E. Clutter, Program Director, Developmental Biology, Room 332-E, National Science Foundation, Washington, D.C., 20550, telephone 202/357-7989.

Purpose of subcommittee: To provide advice and recommendations concerning support of research in developmental biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-462. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

May 14, 1981.

[FR Doc. 81-14879 Filed 5-19-81; 8:45 am]

BILLING CODE 7555-01-M

[37] Transcript of Preliminary Conference at 13 and 24.

NUCLEAR REGULATORY COMMISSION

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is completing development of a number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides are in the following five areas: Government Organization, Design, Siting, Operation, and Quality Assurance. All of the codes and most of the proposed safety guides have been completed. The purpose of these codes and guides is to provide guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries in a specified safety area. Using this collation as a starting point, an IAEA working group of a few experts develops a preliminary draft of a code or safety guide which is then reviewed and modified by an IAEA Technical Review Committee corresponding to the specified area. The draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies as necessary the drafts of all codes and guides prior to their being forwarded to the IAEA Secretariat and thence to the IAEA Member States for comments. Taking into account the comments received from the Member States, the Senior Advisory Group then modifies the draft as necessary to reach agreement before forwarding it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-S7, "Nuclear Power Plant Siting—Hydrogeological Aspects," has been developed. An IAEA working group, consisting of Mr. Z. Dlouhy from the International Atomic Energy Agency, Vienna, Austria; Mr. K. Balu from India; and Mr. D. Schreiber from the U.S.A., developed this guide from an IAEA collation. The working group draft was modified by the IAEA Technical Review Committee, and we are now soliciting public comment on this draft (Rev. 2, 11/26/80). Comments received by June 12, 1981, will be particularly useful to the U.S. representatives to the Technical Review Committee and the Senior Advisory Group in developing their positions on its adequacy prior to their next IAEA meetings.

The NRC reviewed an earlier version of this safety guide and had some negative comments. This later version does not reconcile all of our differences; yet we are circulating it for public comment. We will resolve our problems along with those received from the public at the next scheduled review.

Single copies of this draft Safety Guide may be obtained by a written request to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Washington, D.C. this 12th day of May 1981.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 81-15037 Filed 5-19-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395 OL]

South Carolina Electric & Gas Co., et al. (Virgil C. Summer Nuclear Station, Unit 1); Scheduling of Evidentiary Hearing

May 14, 1981.

Please take notice that the evidentiary hearings are scheduled for 9:30 a.m. on June 22 and 23, 1981 at The Townhouse, 1615 Gervais Street, Columbia, South Carolina 29202. Limited appearance statements will be heard during the morning of June 22, 1981 under limitations to be imposed by the Board.

The hearing will continue at 9:30 a.m. on June 24, 1981 at a different location, the Carolina Inn, 937 Assembly Street, Columbia, South Carolina 29202, until July 2, 1981 if necessary.

If the hearing is not concluded by July 2, 1981, the Carolina Inn has been reserved from 9:30 a.m. on July 13, 1981 until July 24, 1981. If further sessions are necessary, they will be scheduled by the Board on July 24, 1981. The public is invited to all sessions.

Dated at Bethesda, Md., this 4th day of May 1981.

By order of the Board.

For the Atomic Safety and Licensing Board.

Herbert Grossman,

Chairman, Administrative Judge.

[FR Doc. 81-15038 Filed 5-19-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17796; File No. SR-NASD-81-7]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc.

Proposed rule change by National Association of Securities Dealers, Inc. Relating to Amendment to Schedule C of the NASD By-Laws.

Comments requested on or before June 10, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 27, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Association proposes to amend Schedule C of its By-Laws to delete an expiration date of May 31, 1981, for Parts I and II of Schedule C.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed amendment will delete an expiration date of May 31, 1981, for Parts I and II of Schedule C. As noted in File No. SR-NASD-79-16 (approved in Securities Exchange Act Release No. 15883) and in File No. SR-NASD-80-1 (approved in Securities Exchange Act Release No. 16936), Parts I and II were adopted as interim measures pending Commission approval of proposed Rule 15b7-1 (Securities Exchange Act Release No. 13679). While the Commission has not yet acted on proposed Rule 15b7-1, deletion of the May 31, 1981 expiration date for Parts I and II will insure continuous qualification and registration of persons associated with NASD members. The Association anticipates that upon Commission approval of proposed Rule 15b7-1, or an amended version thereof, it will submit any required conforming amendments to Schedule C. It is the responsibility of the Association under Section 15A(g)(3) of the Securities Exchange Act of 1934, as amended, to implement appropriate qualification standards for persons associated with a member or seeking entrance into the securities industry. Schedule C contains these standards.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association does not envision any impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before June 10, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 11, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-15110 Filed 5-19-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1987]

Oklahoma; Declaration of Disaster Loan Area

Tulsa County and adjacent counties within the State of Oklahoma constitute a disaster area as a result of damage caused by tornadoes which occurred on April 19, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 13, 1981, and for economic injury until the close of business on February 12, 1982, at: Small Business Administration, District Office, 200 N.W. 5th Street—Suite 670, Federal Building, Oklahoma City, Oklahoma 73102, or other locally announced locations.

For recent changes in disaster loan eligibility see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 12, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-15091 Filed 5-19-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Organization and Functions of the Office of the Assistant Secretary (Domestic Finance)

[Number: 103-1]

Dated: April 30, 1981.

Subject: Organization and Functions of the Office of the Assistant Secretary (Domestic Finance)..

By virtue of the authority vested in me as the Secretary of the Treasury, including the authority of Reorganization Plan No. 26 of 1950, the following constitutes the functions and the organizational structure of the Office of the Assistant Secretary (Domestic Finance).

1. *The following are the functions of the Office of the Assistant Secretary (Domestic Finance):*

a. Advises and assists the Secretary and Deputy Secretary of the Treasury, and the Under Secretary for Monetary Affairs, on debt management, Federal financing affairs, financing of non-Federal sectors of the economy, and general capital markets policy.

b. Directs the Treasury operations that relate to: (1) the Federal Financing Bank; (2) the development of legislative and administrative principles and standards for Federal credit programs; and (3) the determinations of interest rates for various Federal borrowing, lending, and investment purposes under pertinent statutes.

c. Administers Treasury operations under the New York City Loan Guarantee Act of 1978 (PL-95-339), as well as the formation of Treasury policy dealing with general problems of State and local finance and urban economics.

d. Administers Treasury operations under the Chrysler Corporation Loan Guarantee Act of 1979 (PL-96-185).

e. Administers the operations and responsibilities of the Treasury Department under the State and Local Fiscal Assistance Act of 1972 (PL 92-512, the Revenue Sharing Act), as amended and related statutes.

f. Also, exercises policy direction and control over Treasury staff work on the substance of proposed legislation relating to the general activities and regulation of private financial intermediaries, and coordinates Treasury activities relating to financing regulatory agencies.

2. The structural organization and functions of the Office are as follows:

a. The *Office of the Deputy Assistant Secretary (Federal Finance)*. Within this office are the following:

(1) The *Office of Government Financing* which provides the Assistant Secretary (Domestic Finance) with technical assistance, financial and economic data, and background briefing on matters related to government financing and public debt management.

(2) The *Office of Market Analysis and Agency Finance* which provides for: (1) and on-going review of Federal credit programs: (2) approving and coordinating the borrowings of Federal and federally-sponsored agencies, and federally guaranteed entities; (3) monitoring the volume of funds raised and supplied in the credit markets and preparing flow-of-funds projections; (4) determining interest rates to be used in loan programs throughout the government; and (5) administering the operation of the Federal Financing Bank.

b. The *Office of the Deputy Assistant Secretary (Financial Institutions and Capital Markets Policy)*. Within this office are the following:

(1) The *Office of Capital Markets Legislation* which coordinates the Treasury Department's legislative effort with regard to financial institutions legislation and legislation affecting the agencies of the Federal government that regulate financial institutions.

(2) The *Office of Securities Markets Policy* which develops the Treasury Department's policy on all matters relating to the rules and regulations of, and the investigations conducted by, the Securities and Exchange Commission.

c. The *Office of the Deputy to the Assistant Secretary (Corporate Finance)*. Within this office is the following:

The *Office of Corporate Finance and Special Projects* which provides a focal point for the comprehensive analysis of the Federal government's involvement in financing in the corporate sector of the economy.

d. The *Office of the Deputy Assistant Secretary (State & Local Finance)*. Within this office are the following:

(1) The *Office of Municipal Finance* which monitors, evaluates, and analyzes the impact of fiscal and financial conditions relating to the financial management policies and practices of State and local governements, and the municipal credit market.

(2) The *Office of Urban and Regional Economics*. The office monitors and evaluates State and local financial trends, particularly as they affect, or are affected by, Federal fiscal and grant-in-aid policies.

(3) The *Office of State and Local Fiscal Research and Evaluation* which provides evaluations of the effects on State and Local financial and economics conditions and practices of all existing Federal programs, pending legislation, and tax or regulatory proposals.

(4) The *Office of New York Finance* carries out the obligations under the New York City Loan Guarantee Act of 1978 (PL-95-339).

(5) The *Office of Revenue Sharing* administers the operations and responsibilities of the Treasury Department under the State and Local Fiscal Assistance Act of 1972 (PL-92-512), amended 1976 by (PL-94-488).

e. The *Office of Chrysler Finance* which provides support to the Chrysler Loan Guarantee Board and the Secretary of the Treasury in his role as Chairman of that Board on matters relating to the Chrysler Loan Guarantee Act of 1978 (PL-96-185).

This order supersedes Treasury Department Order No. 103-1 (dated September 15, 1980).

Donald T. Regan,

Secretary.

[FR Doc. 81-15301 Filed 5-19-81; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 97
Wednesday, May 20, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[M-316, Amdt. 2; May 13, 1981]

CIVIL AERONAUTICS BOARD.

Notice of deletion of items from the May 14, 1981 board meeting.

TIME AND DATE: 1:30 p.m., May 14, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

2. Docket 29044, Proposals to Amend 14 CFR Part 252 Smoking Aboard Aircraft. Instructions to staff. (OGC)

19. Docket 39285-Texas International-Continental Acquisition Case: petitions for reconsideration of Order 81-3-100 submitted by Air Florida and American Airlines (Memo 305-E, BIA, OGC, BDA, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-787-81 Filed 5-13-81; 4:00 pm]

BILLING CODE 6320-01-M

2

[M-316, Amdt. 1; May 13, 1981]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the May 14, 1981 board meeting.

TIME AND DATE: 1:30 p.m., May 14, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 17. Dockets 38885, 38979, 38418, 38570, 39115, 38978, 38720, 38816, 39524, 38586, 34562, 34711, 38883, 38184, 38193, 38196, 38884, 39013, 39032, 38571, 38882, and 39525, Employee Protection Program (BDA, OGC, OEA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, Secretary, (202) 673-5068.

[S-788-81 Filed 5-13-81; 4:00 pm]

BILLING CODE 6320-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, May 29, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-789-81 Filed 5-13-81; 9:30 am]

BILLING CODE 6351-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold a Closed Meeting on the subject listed below on Thursday, May 21, 1981, following the Open Meeting, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

HEARING—1—Authorized Appeal from an ALJ's interlocutory ruling in the Aurora, Illinois Section 307(b) proceeding. (BC Docket Nos. 80-432, 80-433).

GENERAL—1—Consideration of request for Remand of RKO Decision.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7074.

Issued: May 15, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary

[S-795-81 Filed 5-18-81; 11:22 am]

BILLING CODE 6712-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission held an Emergency Closed Meeting on Wednesday, May 13, 1981, at 1919 M Street, N.W., Washington, D.C. on the following subject:

Litigation Strategy—AT&T Tariffs.

The prompt and orderly conduct of Commission business did not permit announcement of this matter prior to the meeting.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: May 15, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S-796-81 Filed 5-18-81; 11:22 am]

BILLING CODE 6712-01-M

6

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, May 21, 1981, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*General Title:* Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979. *Summary:* The Commission is soliciting public comments, through a series of documents in this proceeding (Docket 80-739), on national implementation of the Final Acts of the 1979 World Administrative Radio Conference. This Second Notice of Inquiry considers frequency allocations for the portion of radio spectrum from 28 MHz through 1215 MHz.

General—2—*Title:* In re General Docket 80-366 for preparations for the 1983 ITU Conference on Region 2 Broadcasting-Satellite Service planning. *Summary:* The Commission will consider a further Notice of Inquiry in the ongoing preparations for this upcoming Western Hemisphere planning conference for DBS. Issues addressed include service requirements, technical parameters and planning approaches.

Issued: May 15, 1981.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Agenda, Item No., and Subject

General—3—*Title:* Waiver of rules requiring the submission of FCC Form 740 for importation of certain electronic equipment. *Summary:* The Commission has

relaxed its rules and waived the requirements for use of FCC Form 740 with entry papers of RF devices or subassemblies which are imported into the U.S. This requirement was originally established by the Report and Order in Docket No. 20194 adopted by the Commission on December 10, 1975 (FCC 75–1352). This waiver is intended to be temporary as dictated by the current funding and personnel limitations.

General—4—*Title:* Memorandum Opinion and Order addressing Petition for Reconsideration in General Docket No. 80–619. *Summary:* The Commission will consider the petition filed by ATS Mobile Telephone, Inc., and Telocator Network of America for reconsideration of its order of February 11, 1981, terminating the Section 403 inquiry in General Docket No. 80–619.

Private Radio—1—*Title:* Amateur radio transmitter power limitations in the 1800–2000kHz band. *Summary:* The Commission will consider changes to its Rules governing transmitter power limitations in the 1800–2000kHz band.

Private Radio—2—*Title:* Revision of Subpart 95(C), Radio Control (R/C) Radio Service Rules, into plain language. *Summary:* The Commission will consider whether or not to adopt a Report and Order revising the R/C Rules into plain language.

Private Radio—3—*Title:* Tentative Decision and Further Notice of Proposed Rule Making, Docket No. 18921. *Summary:* The Commission will consider whether to adopt a Tentative Decision and Further Notice of Proposed Rule Making dealing with the cooperative sharing and multiple licensing of facilities in the private land mobile radio service.

Private Radio—4—*Title:* Amendment of Part 90, of the Commission's rules to designate frequencies in the 806–821 MHz and 851–866 MHz bands for slow-growth land mobile radio systems of certain categories of users; to allocate frequencies in these bands for specific groups of radio services frequency pools; to facilitate authorization of wide-area mobile radio communications systems on frequencies allocated for trunked systems; and to allocate additional frequencies in these bands to loaded Specialized Mobile Relay-Trunked systems located in areas having all presently allocated trunked frequencies assigned (PR Docket Nos. 79–191 and 79–334; RM–3691). *Summary:* The FCC will consider whether to adopt a Further Notice of Proposed Rule Making that acts upon petitions for reconsideration of its Report and Order making special provision for slow-growth private land mobile radio systems in the 806–821 MHz and 851–866 MHz bands for certain categories of radio users (PR Docket No. 79–191, FCC 80–663, released December 10, 1980); whether to allocate frequencies in these bands, which have been held in reserve, for specific groups of radio services frequency pools; whether to adopt proposed rules facilitating authorization of wide-area mobile radio communications systems on frequencies in these bands allocated for trunked systems (PR Docket No. 79–334, FCC 79–855, released January 3, 1980); and whether to institute rule making to allocate additional frequencies in these bands to loaded Specialized Mobile Relay-Trunked systems located in areas having all presently-allocated trunked frequencies assigned (RM–3691).

Common Carrier—1—*Title:* Amendment of Section 22.521(b) of the Commission's rules to add Memphis, Tennessee to the table of assignments for air-ground stations in the Domestic Public Land Mobile Radio Service. *Summary:* The Commission will consider whether to propose adding Memphis, Tennessee to the Air-Ground Table of Assignments in response to a petition filed by Mobile/Comm, Inc.

Common Carrier—2—*Title:* Delegation of Authority to the Chief, Common Carrier Bureau. *Summary:* The Commission will consider whether to delegate authority to the Chief, Common Carrier Bureau to amend the table of assignments for air-ground stations in the Domestic Public Land Mobile Radio Service.

Common Carrier—3—*Title:* American Telephone and Telegraph Company, Revisions to Tariff F.C.C. Nos. 258 and 260, and the Establishment of Tariff F.C.C. No. 269, for Series 7000 Terrestrial Television Transmission Services. *Summary:* On Feb. 13, 1981, AT&T filed revisions to its Series 7000 TV transmission tariffs in response to the FCC MO&O, 67 FCC 2d 1134 (1978), which rejected an earlier filing. This decision was affirmed, ABC v. FCC, D.C. Cir., decided Oct. 6, 1980. The present transmittal proposes to increase and restructure rates. Petitions to reject and suspend have been filed by a number of customers for these services.

Common Carrier—4—*Title:* Investigation into proposed revisions filed by RCA American Communications to Tariff FCC Nos. 1 and 2. CC Docket No. 80–786. *Summary:* The Commission will consider the investigation of tariff revisions by RCA Americom for its domestic satellite service which seek to substantially restructure its service offering as well as to increase rates.

Common Carrier—5—*Title:* Applications of Comsat to participate in INTELSAT programs to procure up to six INTELSAT VA satellites. *Summary:* This item considers two Comsat applications. The first application concerns Comsat participation in an already approved INTELSAT procurement program. The second application concerns Comsat participation in a procurement program under consideration by INTELSAT.

Renewal—1—*Title:* Applications for renewal of licenses of Stations KEEE and KJCS(FM), Nacogdoches, Texas. *Summary:* The Commission considers the goals and timetables submitted by Stone Fort Broadcasting Company, licensee of Stations KEEE and KJCS(FM), Nacogdoches, Texas.

Aural—1—*Title:* Petition for reconsideration by Atlantic City Television Corporation, permittee of a new UHF television station in Atlantic City, New Jersey. *Summary:* This matter concerns the assignment of the call letters WWAC–TV to that facility.

Aural—2—*Title:* Memorandum Opinion and Order in re application of Billy G. Mize and Marshall W. Rowland d/b/a Mize & Rowland Radio for a new daytime AM station in Lawrenceburg, Tennessee, and a petition to deny it filed by the licensee of WDXE and WDXE–FM, Lawrenceburg, Tennessee. *Summary:* The Commission considers the petition's contentions that the application should be returned to the processing line because of ownership changes, that the applicant misrepresented its ascertainment efforts, and other matters.

Broadcast—1—*Title:* In the Matter of FM Subsidiary Communications Authorization use for Utility Load Management purposes. *Summary:* Use of SCA subcarrier signals for Utility Load Management purposes could improve the Nation's utilization of energy and thus be in the public interest, but is presently prohibited by Commission rules. The Commission will consider whether to amend its rules and allow such use.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

[S-782-81 Filed 5-18-81; 11:22 am]

BILLING CODE 6712-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (46 FR 26597, May 13, 1981.)

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: May 18, 1981, 10:00 a.m.

CHANGE IN THE MEETING: The following item has been rescheduled for May 19, 1981, at 9:00 a.m.

Item No., Docket No., and Company

6. CP80–435, Alaskan Northwest Natural Gas Transportation Company.

Kenneth F. Plumb,

Secretary.

[S-786-81 Filed 5-18-81; 2:30 pm]

BILLING CODE 6450-85-M

8

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 46, Issue No. 94, Page No. 26980, Date Published, Friday, May 15, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Thursday, May 21, 1981.

PLACE: 1700 G Street NW., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled for Thursday, May 21, 1981.

Merger: Maintenance of Branch Offices; Cancellation of Membership and Insurance; Transfer of Stock and Change of Name—First Federal Savings and Loan Association of Nashville, Nashville, Tennessee (Mutual) and First Franklin Federal Savings and Loan Association, Franklin, Tennessee (Mutual) into Home Federal Savings and Loan Association of Nashville, Nashville, Tennessee (Mutual).

No. 486, May 18, 1981.

[S-782-81 Filed 5-19-81; 10:17 am]

BILLING CODE 6720-01-M

9

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 8:30 a.m., Monday, May 18, 1981.

PLACE: 1700 G Street NW., Board Room, 6th Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED: Technical Regulatory Amendment Relating to Receiverships.

No. 485, May 18, 1981.

[S-783-81 Filed 5-19-81; 10:17 am]

BILLING CODE 6720-01-M

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federal register

Wednesday
May 20, 1981

Part II

Department of Health and Human Services

Office of Human Development Services

Administration on Developmental Disabilities, Special Project Grant Program; Projects of National Significance in Developmental Disabilities

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. 13631.811]

Administration on Developmental Disabilities, Special Project Grant Program, Projects of National Significance in Developmental Disabilities

AGENCY: Office of Human Development Services, HHS.

SUBJECT: Announcement of Availability of Grant Funds for Projects of National Significance in Developmental Disabilities Under the Special Project Grants Program.

SUMMARY: The Administration on Developmental Disabilities (ADD) announces that applications will be accepted for grants under the Special Project Grants Program, Projects of National Significance authorized by Title I, Section 145 of the Developmental Disabilities Assistance and Bill of Rights Act, Pub. L. 95–602, (42 U.S.C. 6001). Regulations applicable to this program include the Administration on Developmental Disabilities general regulations (45 CFR Part 1385) and the regulations governing Discretionary Grant Programs, (45 CFR Part 1387).

DATE: Closing date for receipt of applications is July 20, 1981.

Scope of This Announcement

This program announcement covers only projects of national significance authorized under the Special Project Grants Program of the Developmental Disabilities Assistance and Bill of Rights Act, Pub. L. 95–602.

Program Purpose

The Special Project Grants Program authorizes the Administration on Developmental Disabilities to award grants for a variety of purposes, among which are:

1. to demonstrate how to establish programs which will expand or improve services to developmentally disabled persons
2. to increase public awareness and public education programs
3. to demonstrate services for economically disadvantaged developmentally disabled persons
4. to gather and disseminate information

Projects of National Significance must be designed:

1. to have a direct impact on developmental disabilities programs throughout the country;
2. to have an objective(s), which if achieved, could be replicated, could result in an improved delivery system for developmental disabilities services; or could affect National policies and/or standards; or
3. to involve activities to be conducted in a number of sites in various parts of the country as part of a unified program.

Program Objectives and Project Information

The objectives for the Special Project Grants Program, Projects of National Significance are:

1. to strengthen and assist the State Developmental Disabilities Protection and Advocacy Agencies;
2. to assist the State Development Disabilities Councils and other agencies to further their deinstitutionalization planning and implementation;
3. to strengthen the National network of Developmental Disabilities University Affiliated Programs and related agencies; and
4. to improve the quality of deinstitutionalization efforts.

In order to achieve these objectives, the ADD will award grants in the following types of project areas:

Project Area #1: *Develop and Implement a Model Demonstration Training and Staff Development Program to Assist Employees in the Transition from State Residential Facilities to Community Programs*

A major concern of employees working in State residential facilities is that of continued employment when clients are deinstitutionalized and/or placed in community-based programs. Oftentime facility-based caregivers do not possess the necessary skills and background competencies to work in the community. The primary purpose of this project is to upgrade the skills and competencies of caregivers (i.e.: outreach workers, case managers, and direct service personnel). This project will focus on training and retraining activities that are specifically designed to facilitate employees' transition from State residential facilities to community-based programs.

It is estimated that two (2) grants for approximately $150,000 to $225,000 will be awarded for one year.

Special Considerations for Funding—Special consideration will be given to applicants with a demonstrated commitment to community-based programs and negotiated agreement(s) with organization representing Developmental Disabilities (DD) direct service workers that assures that the interests of employees will be protected.

Project Area #2: *To Increase the Number and Quality of Minority Professionals in the Development Disabilities Service System by Soliciting the Participation of Historically and Predominantly Black Colleges*

This project will demonstrate ways of maximizing desperately needed person power resources by tapping heretofore under-utilized skills and talents of Historically and Predominantly Black educational institutions. The focal points to be examines include: innovative ways of providing specialized training, career development, and the dissemination of program information, techniques and skills related to the provision of services for persons who are developmentally disabled. The primary goal of this project will be to encourage Black and minority students to choose careers within the developmental disabilities service system.

It is anticipated that one (1) grant for approximately $150,000 will be awarded for fifteen (15) months to a Historically or Predominantly Black College or University.

Project Area #3: *A Model Demonstration Program in the Provision of Services to Long Term Care Developmentally Disabled Individuals in Community Residences*

This project will demonstrate how to develop and implement model programs designed to assist States to improve the efficiency and effectiveness of meeting the differential needs of persons with developmental disabilities requiring long term care in community settings. Attention will be devoted to those persons who are no longer eligible for participation in day activity programs. It will identify the kinds of service models that will best serve the developmentally disabled population. Most program services provisions are skewed toward institutional as opposed to community-based care. Thus, this project will provide support for: demonstrating system changes and innovative methods for developing and providing residential and basic supportive personal care services at the community level; emergency and respite services to families in informal support systems; and the ability to monitor the suitability of placements for persons with developmental disabilities.

It is anticipated that one (1) grant for approximately $200,000 to $250,000 will be awarded for fifteen months.

Project Area #4: *A Model Demonstration Program that will Assist States Improve the Effectiveness and Efficiency of Providing Services to Hearing Impaired Developmentally Disabled (HIDD) Persons*

This project is a follow-up to a three year project of national significance that was awarded to the University of Arizona at Tucson which crystallized the needs of HIDD persons and identified the widespread lack of understanding and expertise in the area of education, habilitation, and rehabilitation programs. This model demonstration project will assist States to improve the efficiency and effectiveness of services to HIDD persons by:

1. Developing an action program to create national awareness among special education programs for the deaf at the State level of techniques and methodology currently available as a result of the Arizona Project and from other Developmental disabilities programs, including the UAF system;

2. Undertaking a similar awareness program directed toward university and college programs currently engaged in the preparation of teachers of deaf children;

3. Developing an information exchange system, including seminars between major national centers on deafness, such as Gallaudet College, and the UAF network, which will result in a two way flow of technical expertise between the two fields of specialization; and

4. Developing and managing a program of direct technical assistance to major programs for deaf children at state levels, including information dissemination as well as actual in-service type training seminars and/or workshops.

It is anticipated that one (1) grant for approximately $150,000 will be awarded for one (1) year.

Project Area #5: Develop Model Demonstrations of Protection and Advocacy with Institutionalized Developmentally Disabled Persons

A significant number of severely handicapped persons with DD are institutionalized without apparent ties or support from their families or their original communities. These persons are not cognizant of their rights and, in some cases, their environments militate against advocacy efforts on their behalf. These model projects will demonstrate strategies for achieving the following objectives:

- establishing external mechanisms and stimulating internal mechanisms for monitoring client welfare and habilitation;
- involving advocates in developing effective programs for institutionalized developmentally disabled persons;
- involving advocates in returning institutionalized DD persons to the community; and
- organizing and monitoring the provision of support services to appropriate community programs in order to prevent or minimize recidivism.

It is anticipated that three (3) grants for approximately $100,000 each will be awarded for (1) year to Protection and Advocacy Systems.

Project Area #6: *Determine to What Extent Economic, Social and Psychological Barriers Impact Upon Developmentally Disabled Family Units and Develop a Model for Alleviating Their Negative Effects*

Spiraling and inflationary medical costs plus the trend of placing more clients in community settings and/or at home has impacted negatively upon family life styles. Families that have attempted to keep a developmentally disabled child or adult at home have experienced a high degree of frustration. In many cases, their frustrations have resulted in disunity of the family structure.

The purpose of this project is to assist States by developing and demonstrating strategies for preserving families and promoting family stability.

This project will:

1. examine the impact of economic, social and psychological factors on developmentally disabled family units; and

2. identify/demonstrate ways of coping with the negative effects or problems associated with increased medical costs and barriers to services.

It is anticipated that one (1) grant for approximately $100,000 will be awarded for one year.

Project Area #7: *A Model Demonstration Project That Will Assess the Incidence, Degree of Severity and Service Needs of Developmentally Disabled Persons Pursuant to the New Functional Definition*

The shift from a categorical to a functional definition of developmental disabilities resulted in an increase in the types of disabilities eligible for services. Approximately 3.9 million developmentally disabled persons are now eligible for services and new handicapping conditions have been identified that must be addressed by the Developmental Disabilities program.

This project will assist States to improve the efficiency and effectiveness of services by demonstrating effective ways of identifying and delivering services to those persons who are now eligible for services as a result of the new functional definition.

An objective of this project will be to establish inter- or intra-agency agreements with agencies that are conducting needs assessments, screening activities, and providing information and referral services, to identify the new handicapping conditions and refer such DD persons to appropriate agencies for services.

It is anticipated that one (1) grant for approximately $100,000 will be funded for fifteen (15) months.

Eligible Applicants

Applications may be made by public or private non-profit agencies, organizations, and institutions. State(s) *without* an approved Developmental Disabilities State plan may not apply for a project of national significance under this grant announcement.

Available Funds

Of the amount available for this program, the ADD expects to award approximately $1.5 million in fiscal year 1981 for new grant awards under this announcement. (A new grant is the initial award made in support of a project for this program). It is expected that approximately ten grants will be awarded ranging from $100,000 to $250,000 each. Projects will be supported for a period of one (1) year to fifteen (15) months.

Applicants will compete for awards within priority areas for which the application has been submitted. However, the Commissioner may determine not to fund an application in any given priority area.

Grantee Share of Project

Grantees will be required to provide at least ten (10) percent of the total project costs. The non-Federal share of projects may be in the form of cash or in-kind contributions. Please refer to HHS regulation 45 CFR Part 74, Administration of grants (see 38 FR 26274, September 19, 1973) which is included in the application kit.

The Application Process

Availability of Application Forms—In order to be considered for a grant under the Developmental Disabilities Projects of National Significance program, all applications must be submitted on standard forms provided for this purpose and in accordance with established guidelines.

Please specify by *project area* and *title* which project(s) are contemplated so that more detailed information may be forwarded.

Application kits containing the prescribed application forms, project

descriptions, and other related information may be obtained by contacting:

Division of Management Service, Administration on Developmental Disabilities, Office of Human Development Services, Department of Health and Human Services, Room 3166H, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, Attn: 13631.811 Telephone: (202) 472-7227.

Application Submission—One signed original and two copies of the grant application, including all attachments must be submitted to the address specified in the application kit.

In addition, concurrently, one (1) copy of the application should be submitted to the applicant's State Planning Council and one (1) copy to the appropriate DHHS Regional Office for review and comment. (Addresses for the DHHS Regional Offices are included in the application kit). The application must be signed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award including the regulations for the Special Project Grants Program—Projects of National Significance.

A-95 Notification Process—Projects of National Significance are exempt from the A-95 Clearinghouse requirements.

Application Consideration—The Commissioner determines the final action to be taken with respect to each grant application.

Applications received by the closing date which are completed and conform to the requirements of this program announcement are subject to a competitive review and evaluation conducted by a panel of experts in the specific area being addressed or closely related program areas.

The Commissioner's decision takes into account the recommendation resulting from the competitive review by the panel members, the comments by the State Planning Council, and the Administration on Developmental Disabilities' Regional Program Directors, as well as any other persons qualified to give advice.

The Commissioner makes grant awards consistent with the purposes of the DD Act, the Regulations, and program announcements within the limits of Federal funds available. After the Commissioner has reached a decision either to disapprove or not to fund a competing grant application, unsuccessful applicants will be notified in writing of that decision. Successful applicants are notified through the issuance of a Notice of Financial Assistance Awarded which sets forth in writing the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the total grantee participation. The initial award, when applicable, also specifies the project period for which support is contemplated.

Criteria for Review and Evaluation of Applications

Competing grant applications will be reviewed and evaluated against the following criteria:

1. *Quality of the Application* (20 points)

The description of the purposes and objectives of the grant activities, the major tasks to be accomplished, and difficulties likely to be encountered are clearly stated and show that the applicant has a thorough understanding of the Developmental Disabilities program and the particular project area of the Developmental Disabilities program the project addresses.

2. *Technical Approach and Methodology* (30 points)

The proposed procedures and methodology for the project should be of high quality and technically sound. The methodology should be consistent with the applicant's stated purposes and objectives and show how the anticipated results of the project will be orderly and systematically achieved. Timetables for completion of the project should be definitive and realistic. Applicants should also include a discussion of how the procedures and results of the project will be evaluated.

3. *Applicant Qualifications* (30 points)

Qualifications and professional experience of staff should be appropriate and adequate to fulfill their proposed roles and functions. The facilities and resources available to the project should be adequate for fulfilling the objectives of the project. Applications should be accompanied by letters of support from agencies and organizations whose interests and/or responsibilities are relevant to the purpose of the proposed project.

4. *Relevance of Project Objectives to Program Goals* (10 points)

The objectives of the project should be clearly delineated. The discussion of the objectives should articulate the relevance of the project objectives to the objectives of the Special Project Grants Program—Projects of National Significance, and how the results of the proposed project will contribute to the achievement of those objectives.

5. *Budget* (10 points)

The proposed budget should be realistic, reasonable, and justifiable in terms of the project activities. If project costs are not within the range described in the program announcement, sufficient explanation should be provided to justify the discrepancies. Applications should include discussions of the feasibility and propriety of continuing the project after Federal funding ends, and plans for securing financial support, if appropriate.

The closing date for receipt of applications under this program announcement is (60 days from date of publication).

Applications may be mailed or hand delivered to the receiving office. Hand delivered applications will be accepted during the work hours of 9:00 a.m. to 5:00 p.m. An application will be considered to have arrived by the closing date if:

1. it was sent by registered or certified mail no later than (60 days from date of publication), as evidenced by the U.S. Postal Service;

2. it is sent by mail and received on or before the closing date in the Department of Health and Human Services or the Office of Human Development Services mail rooms as evidenced by the time date stamp or other documentary evidence of receipt maintained by such mail rooms; or

3. it is hand delivered to the office designated to receive the application in the application instructions. Hand delivered applications will be accepted no later than the close of business July 20, 1981, in any case.

Late Applications

Late applications will not be accepted and applicants will be notified accordingly.

(Catalog of Federal Domestic Assistance Program Number: 13.631 Special Project Grants, DD)

Dated: May 8, 1981.

Francis X. Lynch,

Acting Commissioner on Developmental Disabilities.

Approved: May 14, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 81-15027 Filed 5-19-81; 8:45 am]

BILLING CODE 4110-92-M

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federal register

Wednesday
May 20, 1981

Part III

Environmental Protection Agency

Polychlorinated Biphenyls (PCBs); Court Order, Clarification of Issues, and Proposed Rulemaking

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS-62015; TSH-FRL-1832-8]

Polychlorinated Biphenyls (PCBs); Use in Electrical Equipment Interim Measures Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule-related notice.

SUMMARY: On October 30, 1980, the United States Court of Appeals for the District of Columbia Circuit remanded to EPA regulations that had characterized intact, non-leaking transformers containing PCBs as "totally enclosed" uses of PCBs for purposes of section 6(e) of the Toxic Substances Control Act. On February 12, 1981, the Court issued an order staying issuance of the Court's mandate with respect to the use of PCBs in electrical equipment by persons who adhered to the terms of an inspection, maintenance, recordkeeping, and reporting program called the "Interim Measures Program." This notice clarifies issues that have arisen in connection with the Interim Measures Program.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. In Washington, D.C.: (554-1404). Toll free: (800-424-0065). Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: On February 12, 1981, the United States Court of Appeals for the District of Columbia Circuit entered an order temporarily staying issuance of its mandate in *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, D.C. Cir. No. 79-1580, as the mandate related to the use of electrical equipment containing PCBs. The February 12, 1981 order permitted the continued use of such electrical equipment for a period of eighteen months by persons adhering to the terms of an interim inspection, maintenance, recordkeeping and reporting program (the Interim Measures Program) which was made part of the Court's order. On March 10, 1981, the text of the Court's February 12, 1981 order, an explanation of the requirements of the Interim Measures Program, and an ANPR relating to future rulemaking with respect to the use of PCBs in electrical equipment appeared in the **Federal Register**, 46 FR 16090.

Questions have arisen with respect to a number of issues relating to the Interim Measures Program. Below are some of those questions and the Agency's responses to them.

Question 1: Does reporting a leak under the Interim Measures Program satisfy all my federal reporting requirements?

Answer: No. Reporting leaks in accordance with the terms of the Interim Measures Program does not relieve persons from whatever reporting responsibilities they may have under federal statutory authorities other than TSCA. Moreover, persons who do not have reporting responsibilities under the Interim Measures Program may nevertheless have such reporting responsibilities under other federal statutes. Such requirements are found in Section 311 of the Clean Water Act, 33 U.S.C. 1321 and regulations promulgated thereunder, 33 CFR Part 153, and 40 CFR Parts 116, 117 (applicable to spills of PCBs into the navigable waters), and Section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund), 42 U.S.C. 9603 (persons in charge of facilities, including equipment, containing PCBs must notify the National Response Center, established under the Clean Water Act, of releases of reportable quantities of PCBs).

Question 2: Are liquids considered food and feed products?

Answer: Yes, almost all liquids used for human or animal consumption (excluding drugs) are considered food and feed products.

Question 3: Are seeds considered food and feed products?

Answer: Seeds used to plant are not considered food and feed products for purposes of the Interim Measures Program. Seeds that are ingested by humans or animals are considered food and feed products.

Question 4: Are there any exceptions to the Interim Measures Program for food and feed products?

Answer: Yes, the requirements of the Interim Measures Program do not apply to transformers located in:

1. Retail establishments, such as grocery stores and restaurants,
2. Open fields where food and feed products are grown or stored, or
3. Animal grazing areas.

Question 5: Does the Interim Measures Program cover the food and feed products of farm facilities?

Answer: Yes, except for the open field and animal grazing area exclusions listed in the previous answer. Farm facilities where food or feed is held are subject to the weekly inspection requirement of the Interim Measures Program if a PCB exposure risk is posed to the food or feed. Farm facilities include barns, bins, sheds, silos, other structures, and feedlots holding food or feed products.

Question 6: The February 12, 1981, Court order states that the weekly inspection requirement does not apply if "the PCB Unit is in a location such that a discharge of the dielectric fluid cannot contaminate the food and feed products or processes." How does EPA interpret this exclusion?

Answer: Exposure risks from PCB Units (PCB Transformers and PCB-Contaminated Transformers) to food and feed products depend upon the locations of individual PCB Units. To determine whether a PCB Unit poses an exposure risk to food or feed products, one should hypothesize a situation in which all PCBs in the PCB Unit were discharged from the PCB Unit. Assuming this occurred, and considering the individual circumstances of the PCB Unit, might the PCBs contaminate food or feed products or processes? If contamination is possible, the PCB Unit is *not* "in a location such that a discharge of the dielectric fluid cannot contaminate the food and feed products or processes."

Question 7: Suppose I own a mineral-oil transformer that would pose an exposure risk to food and feed products if it contained PCBs. The transformer has never been tested for PCB concentration. Is the transformer subject to the weekly inspection and other requirements applicable to PCB Transformers and PCB-Contaminated Transformers posing an exposure risk to food or feed products?

Answer: Many transformers manufactured before July 1, 1979 are PCB-Contaminated Transformers. These transformers must be inspected weekly if they pose an exposure risk to food and feed products. If you have not tested for PCB concentration, you should comply with the requirements for PCB Transformers and PCB-Contaminated Transformers posing exposure risks to food and feed products.

Question 8: Are facilities which manufacture, process, package or hold human food or animal feed and also distribute the food or feed at the retail level on the same site exempt from the requirements of the Interim Measures Program for PCB Units posing an exposure risk to food or feed products?

Answer: Only the retail operation of the facility is excluded from the requirements of the Interim Measures Program applicable to PCB Units posing an exposure risk to food and feed products. The remainder of the facility must comply with those requirements.

Dated: May 14, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-15042 Filed 5-19-81; 8:45 am]

BILLING CODE 6560-31-M

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40 CFR Part 761

[OPTS-62012; TS-FRL-1832-4]

Polychlorinated Biphenyls (PCBs); Court Order Regarding PCBs in Concentrations Below Fifty Parts Per Million

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule-related notice.

SUMMARY: On October 30, 1980, the U.S. Court of Appeals for the District of Columbia Circuit ruled, in litigation brought by the Environmental Defense Fund, Inc., that EPA regulations which generally excluded from the purview of sections 6(e)(2) and 6(e)(3) of the Toxic Substances Control Act Polychlorinated Biphenyls (PCBs) in concentrations below fifty parts per million (ppm) were unsupported by the rulemaking record. On April 13, 1981, the Court issued an order staying issuance of the Court's mandate with respect to PCBs in concentrations below fifty ppm for a period of eighteen months while EPA commences certain activities directed towards further rulemaking. This notice contains the Court's April 13, 1981 Order.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20406, In Washington, D.C.: (554-1404), Toll free: (800-424-9065), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 6(e) of the Toxic Substances Control Act generally prohibits the manufacture of PCBs after January 1, 1979, the processing and distribution in commerce of PCBs after July 1, 1979, and the use of PCBs, other than totally enclosed uses, after July 1, 1978. The broad prohibitions of Section 6(e) are subject to certain exceptions.

EPA promulgated regulations implementing Section 6(e) on May 31, 1979. These regulations are codified at 40 CFR Part 761 and were published in the Federal Register of May 31, 1979 (44 FR 31514). Among other things, these regulations generally excluded PCBs in concentrations below fifty ppm from the purview of the prohibitions of Section 6(e).

The Environmental Defense Fund, Inc. (EDF) challenged the exclusion of PCBs in concentrations below fifty ppm and other aspects of the Agency's May 31, 1979 regulations. On October 30, 1980, the United States Court of Appeals for the District of Columbia Circuit upheld EDF's challenge to the fifty ppm threshold EPA had established for purposes of Section 6(e). *Environmental Defense Fund, Inc. v. Environmental Protection Agency*, D.C. Cir. No. 79-1560.

If the Court's mandate had issued, making effective immediately the part of its *EDF* decision that overturned the fifty ppm threshold, the broad prohibitions of Section 6(e) would have applied to PCBs in any concentration.

On February 20, 1980, EPA and EDF filed a Joint Motion with the Court, requesting that the Court withhold issuing its mandate with respect to the fifty ppm regulatory threshold for a period of eighteen months. During the eighteen-month period, EPA planned to conduct two activities relating to further rulemaking with respect to PCBs in low concentrations. First, EPA would publish an Advance Notice of Proposed Rulemaking (ANPR) requesting comments upon, and data with respect to, the possible exclusion from Section 6(e)'s manufacturing ban of PCBs generated in low concentrations when generation occurs in a manner which EPA believes presents little or no risk to health and the environment. This activity might result in EPA's promulgating a final rule within eighteen months from the date the Court issued the stay. Second, EPA would attempt to obtain information on the manufacture, processing, distribution in commerce, and use of PCBs in low concentrations which might present risk. This information-gathering effort would include EPA's publishing an ANPR requesting interested persons to submit such information. As part of this effort, the Chemical Manufacturers Association (CMA) and the Dry Color Manufacturers' Association (DCMA) would generate and supply EPA with relevant data and information.

On April 13, 1981, the Court granted the requested eighteen-month stay of mandate and entered an order requiring EPA to conduct the activities outlined in the February 20, 1981 Joint Motion. The text of the Court's April 13, 1981 order is set forth in Part II of this notice.

II. Text of the Court's April 13, 1981 Order

Upon consideration of the joint motion filed by Respondent and Petitioner on February 20, 1981, to stay further the issuance of the mandate in this case, it is

Ordered, by the Court, that the mandate of the Court is stayed for a period of eighteen months insofar as the decision of the Court set aside the regulation promulgated by the Environmental Protection Agency ("EPA") defining "PCBs" (for purposes of the statutory prohibition on further manufacture, processing, distribution in commerce, and use of PCBs) as PCBs in concentrations of 50 parts per million or greater, 40 CFR 761.2(x), (44 FR 31444).

Further ordered, that during the period of the stay Respondent EPA undertake two parallel activities as follows:

1. With respect to chemical manufacturing processes which generate PCBs but from which no PCBs are released ("closed manufacturing processes") and chemical manufacturing processes from which PCBs are released only as constituents of wastes which are incinerated or disposed of in EPA-approved landfills, or held for such disposal ("controlled wastes"):

A. Within thirty days after the date of this Order, publish in the Federal Register an Advance Notice of Proposed Rulemaking relating to the possible exclusion of these processes from the prohibition on further manufacturing, processing, distribution in commerce, and use of PCBs.

B. Within eighteen months after the date of this Order, promulgate a final rule with respect to the exclusion.

C. If EPA decides not to promulgate a final rule, promptly advise the Court of that decision, the reasons therefor, what action EPA proposes to take in lieu of the contemplated rulemaking, and the proposed schedule for any such action.

2. With respect to manufacturing, processing, distribution in commerce, and use of PCBs in concentrations less than 50 ppm, other than in closed manufacturing processes or in processes producing only controlled wastes:

A. Within thirty days after the date of this Order, publish in the Federal Register an Advance Notice of Proposed Rulemaking seeking comments and information relating to possible future regulatory action.

B. Within eleven months after the date

of this Order, advise the Court of EPA's plans for further action and of the schedule for such further action.

Further ordered, that if Respondent EPA fails to comply with the orders of this Court set out above, any party may apply to the Court for appropriate relief, including the immediate issuance of the Court's mandate.

Dated: May 14, 1981.

Per Curiam;

For the Court:
George A. Fisher,
Clerk.

Edwin H. Clark II,
Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-15043 Filed 5-19-81; 8:45 am]
BILLING CODE 6560-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS 62013; TS-FRL-1832-3]

Polychlorinated Biphenyls (PCBs); Manufacture of PCBs in Concentrations Below Fifty Parts Per Million; Possible Exclusion From Manufacturing Prohibition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: On April 13, 1981, the United States Court of Appeals for the District of Columbia Circuit entered an order staying, for eighteen months, issuance of the Court's mandate with respect to the part of the Court's decision in *Environmental Defense Fund, Inc.* v. *Environmental Protection Agency* (No. 79-1580) which overturned EPA's exclusion of PCBs in concentrations below fifty ppm from regulation under section 6(e)(3) of the Toxic Substances Control Act. In accordance with the Court's April 13, 1981 order, EPA is issuing this Advance Notice of Proposed Rulemaking relating to the possible exclusion of PCBs generated in processes which do not release PCBs or which release PCBs only in a manner EPA defines as "controlled wastes" from the manufacturing prohibitions of section 6(e)(3) of the Toxic Substances Control Act.

DATES: Comments upon the issues raised in this Notice should be submitted by Npvember 16, 1981.

ADDRESSES: All comments should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW, Washington, D.C. 20460.

EPA requests that comments be submitted in triplicate. Comments should include the docket number OPTS-62013. Comments received in connection with this Notice will be available for reviewing and copying from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays, in Rm. E-107, Environmental Protection Agency, 401 M St., SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, In Washington, D.C.: (554-1404), Toll free: (800-424-9065), Outside the U.S.A.: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 6(e)(3) of the Toxic Substances Control Act, 15 U.S.C. 2605(e)(3) ("Section 6(e)(3)") generally prohibits the manufacture of PCBs after January 1, 1979, and the processing and distribution in commerce of PCBs after July 1, 1979. The broad prohibitions of Section 6(e)(3) are subject to certain exceptions.

EPA promulgated regulations implementing Section 6(e)(3) on May 31, 1979. These regulations are codified at 40 CFR Part 761 and were published in the Federal Register of May 31, 1979 (44 FR 31514). Among other things, these regulations generally excluded PCBs in concentrations below fifty parts per million (ppm) from the purview of the prohibitions of Section 6(e)(3). The Environmental Defense Fund, Inc. (EDF) challenged the exclusion of PCBs in concentrations below fifty ppm and other aspects of the Agency's May 31, 1979 regulations. *Environmental Defense Fund, Inc. v. Environmental Protection Agency*, D.C. Cir. No. 79-1580. On October 30, 1980, the United States Court of Appeals for the District of Columbia Circuit (the D.C. Circuit or the Court) upheld EDF's challenge to the fifty ppm threshold EPA had established for purposes of Section 6(e)(3).

If the Court's mandate had issued, making effective immediately the part of its *EDF* decision that overturned the fifty ppm threshold, the broad prohibitions of Section 6(e)(3) would have applied to PCBs in any concentration. On February 20, 1981, EPA and EDF filed a Joint Motion with the Court, requesting that the Court withhold issuing its mandate with respect to the fifty ppm regulatory threshold for a period of eighteen months. During the eighteen-month period, EPA planned to conduct two activities relating to further rulemaking with respect to PCBs in low concentrations. The first of these activities, which is the subject of this Advance Notice of Proposed Rulemaking (ANPR), would be directed towards the possibility of excluding PCBs in low concentrations from Section 6(e)(3)'s manufacturing ban when generation occurs in a manner which EPA believes presents little or no risk to health and the environment. Another ANPR in this issue of the Federal Register addresses PCBs in low concentrations which may present risks.

On April 13, 1981, the D.C. Circuit granted the eighteen-month stay of mandate as had been requested and entered an order requiring EPA to conduct the activities outlined in the February 20, 1981 Joint Motion. The complete text of the Court's order is set forth elsewhere in this issue of the Federal Register.

This ANPR satisfies the portion of the Court's April 13, 1981 order which directed EPA to do the following:

1. With respect to chemical manufacturing processes which generate PCBs but from which no PCBs are released ("closed manufacturing processes") and chemical manufacturing processes from which PCBs are released only as constituents of wastes which are incinerated or disposed of in EPA-approved landfills, or held for such disposal ("controlled wastes"):

A. Within thirty days after the date of this Order, publish in the Federal Register an Advance Notice of Proposed Rulemaking relating to the possible exclusion of these processes from the prohibition on further manufacturing, processing, distribution in commerce, and use of PCBs.

As was noted in the February 20, 1981 Joint Motion, relatively-safe generation of PCBs may occur in two situations: First, PCBs may be generated in chemical manufacturing processes from which no PCBs are released ("closed manufacturing processes"). A "closed manufacturing process" would generate PCBs within closed reaction equipment, and the chemical reactions in the process would destroy those PCBs in a continuous cycle as they are produced. Second, PCBs may be generated in chemical manufacturing processes from which the PCBs are released only as constituents of wastes which are either incinerated or disposed of in EPA-approved landfills, or stored for such disposal ("controlled waste").

If factual information gathered in connection with this ANPR convinces EPA that generation of PCBs in low concentrations does occur in the hypothesized manner and that the situations in which it does occur can be described in a regulation that would be enforceable, EPA will promulgate a rule

excluding such generation of PCBs from Section 6(e)'s manufacturing prohibition. This ANPR is intended to elicit comments on the appropriateness of the regulatory approach described above as well as technical and factual information which could be used in rulemaking.

After the close of the ANPR comment period, the Agency will decide whether to proceed with the rulemaking. If the Agency decides not to proceed with rulemaking, the Agency must return to the Court and describe what actions the Agency would take and an estimate of the expected schedule for such actions. If the Agency decides to proceed with rulemaking, a proposal will be published as promptly as possible. The comment period for the proposal will include the time necessary for the informal public hearing required by section 6(e)(4) of the Toxic Substances Control Act, 15 U.S.C. 2605(e)(4). After the expiration of reasonable time to review comments on the proposal, the final rule would be published. Thus, a rule, if one is promulgated, will become final no later than October, 1982.

II. Requests for Comments and Further Information To Support Rulemaking

PCBs generated in closed manufacturing processes and PCBs generated in manufacturing processes which release PCBs only in controlled wastes are defined as follows:

Closed manufacturing process. Closed manufacturing processes are processes in which PCBs are generated but from which no PCBs are released. Such processes generate PCBs within closed reaction equipment and the chemical reactions within the processes destroy those PCBs continuously as they are produced.

Controlled waste process. Controlled waste processes are processes in which PCBs are generated and from which the PCBs are released only as constituents of wastes which are either incinerated, disposed of in EPA's approved chemical waste landfills, or stored for such incineration or landfilling.

Any rule excluding closed manufacturing processes or controlled waste processes from the prohibitions of Section 6(e)(3) must be based upon a substantial body of factual information. Any pertinent material contained in records of previous PCB rulemakings will be useful. The Chemical Manufacturers Association (CMA) and the Dry Chemical Manufacturers' Association (DCMA) will supply information.[1] Additional information must come from public comments. EPA therefore invites public comments and data relevant to:

1. The appropriateness of the suggested regulatory approach.
2. Technical information concerning the quantity of PCBs generated in such processes.
3. Methods of reducing PCB generation in such processes.
4. The nature of human and environmental exposure to PCBs generated in such processes. In particular, EPA seeks information related to worker exposure.
5. Methods used to control such processes to minimize human and environmental exposure to PCBs in such processes. In particular, EPA seeks information related to minimizing worker exposure.
6. Analytical problems associated with detecting PCBs in such processes and wastes.
7. How closed manufacturing and controlled waste processes should be identified; particularly, how "no PCBs are released" should be defined for purposes of defining "closed manufacturing processes."
8. What limits of PCB detection, if any, should be imposed as a standard for determining that closed manufacturing or controlled waste processes present little or no risk.
9. What methods of thermal destruction should be included within the term "incinerated" for purposes of defining "controlled waste processes," and what technical criteria the incinerators should be required to meet?
10. What monitoring or recordkeeping requirements might be appropriate with respect to closed manufacturing processes or controlled waste processes.
11. What worker protection requirements might be appropriate with respect to closed manufacturing processes of controlled waste processes.

III. Comment Period

The comment period for this ANPR is 180 days, until November 16, 1981.

After the close of the comment period, EPA will decide whether to proceed with rulemaking. If the Agency decides not to proceed with rulemaking, the Agency is required to notify the Court promptly. EPA also must advise the Court of what action EPA proposes to take in lieu of the contemplated rulemaking and provide the Court with a proposed schedule for any such action. If the Agency decides to proceed with rulemaking, a proposal would be published as quickly as possible. After a reasonable time to review the comments, the final rule would be promulgated. Promulgation would occur no later than October, 1982.

EPA will consider the need for public meetings during the rulemaking process and will entertain requests for such meetings from interested persons. The comment period for the proposed rule would include the time necessary for an informal public hearing in accordance with section 6(e)(4) of the Toxic Substances Control Act, 15 U.S.C. 2605(e)(4).

IV. Enforcement

The effect of the Court's order of April 13, 1981 is to leave intact for eighteen months EPA's Final PCB Ban Rule, 40 CFR Part 761, as it applies to the manufacture, processing, distribution in commerce and use (other than in transformers, capacitors and electromagnets) of PCBs. Thus, unless authorized or exempted, these activities are now prohibited if they involve any materials with PCB concentrations of 50 ppm or greater or materials containing less than 50 ppm PCBs because of any dilution. Activities that were permitted before the Court rendered its opinion, including activities for which timely exemption petitions had been submitted to EPA, may continue. The Agency intends to enforce vigorously the prohibitions that were in effect prior to the court's decision until these prohibitions are changed by Court order or by a final rule.

Manufacture of PCBs in concentrations of 50 ppm or greater at any point in any process is subject to the prohibitions of Section 6(e)(3). Process described as "closed manufacturing processes" and "controlled waste processes" in this notice remain subject to the manufacturing prohibitions.

Dated: May 14, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-15041 Filed 5-19-81; 8:45 am]

BILLING CODE 6560-31-M

[1] Information with respect to the CMA and DCMA studies may be obtained from EPA. Contact John Ritch, Jr., in EPA's Industry Assistance Office, whose address and telephone number appear before Part I of this ANPR.

40 CFR Part 761

[OPTS-62014 TS-FRL-1832-2]

Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; PCBs in Concentrations Below Fifty Parts Per Million

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: On April 13, 1981, the United States Court of Appeals for the District of Columbia Circuit entered an order staying, for eighteen months, issuance of the Court's mandate with respect to the part of the Court's decision in *Environmental Defense Fund, Inc. v. Environmental Protection Agency* (No. 79-1560) which overturned EPA's exclusion of Polychlorinated Biphenyls (PCBs) in concentrations below fifty parts per million (ppm) from regulation under Sections 6(e)(2) and 6(e)(3) of the Toxic Substances Control Act. In accordance with the Court's April 13, 1981, order, EPA is issuing this Advance Notice of Proposed Rulemaking relating to the manufacture, processing, distribution in commerce and use of PCBs in concentrations below fifty ppm to which people or the environment may be exposed.

DATES: Comments upon the issues raised in this Notice must be submitted by November 16, 1981.

ADDRESSES: All comments should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW, Washington, D.C. 20460.

Comments, preferably in triplicate, should include the docket number OPTS-62014. Comments received in connection with this Notice will be available for reviewing and copying from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays, in Rm. E-107, Environmental Protection Agency, 401 M St., SW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, In Washington, D.C.: (554-1404), Toll free: (800-424-9065), Outside the U.S.A.: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 6(e)(2) of the Toxic Substances Control Act (Section 6(e)(2)) prohibits the use of PCBs, other than totally enclosed uses, after January 1, 1978. Section 6(e)(3) of the Toxic Substances Control Act (Section 6(e)(3)) generally prohibits, subject to certain exceptions, the manufacture of PCBs after January 1, 1979 and the processing and distribution in commerce of PCBs after July 1, 1979.

EPA promulgated regulations implementing Section 6(e) on May 31, 1979. These regulations are codified at 40 CFR Part 761 and were published in the Federal Register of May 31, 1979 (44 FR 31514). Among other things, these regulations generally excluded PCBs in concentrations below fifty ppm from the purview of the prohibitions of Section 6(e).

The Environmental Defense Fund, Inc. (EDF) challenged the exclusion of PCBs in concentrations below fifty ppm from the prohibitions of Sections 6(e)(2) and 6(e)(3) and other aspects of the Agency's May 31, 1979 regulations. *Environmental Defense Fund, Inc. v. Environmental Protection Agency*, D.C. Cir. No. 79-1560. On October 30, 1980, the United States Court of Appeals for the District of Columbia Circuit upheld EDF's challenge to the fifty ppm threshold.

If the Court's mandate had issued, making effective the part of its *EDF* decision that overturned the fifty ppm threshold, the broad prohibitions of Sections 6(e)(2) and 6(e)(3) would have applied to PCBs in any concentration. On February 20, 1980, EPA and EDF filed a Joint Motion with the Court, requesting that the Court withhold issuing its mandate with respect to the fifty ppm regulatory threshold for a period of eighteen months. During the eighteen-month period, EPA committed itself to conducting two activities relating to further rulemaking with respect to PCBs in low concentrations which would lead to the publication of two Advance Notices of Proposed Rulemaking (ANPRs). First, EPA would publish an ANPR requesting comments upon, and data with respect to, the possible exclusion from Section 6(e)'s manufacturing ban of PCBs generated in low concentrations when generation occurs in a manner which EPA believes presents little or no risk to health and the environment. This activity might result in EPA's promulgating a final rule no later than eighteen months from the date the Court issued the stay. Second, EPA would attempt to obtain information on the manufacture, processing, distribution in commerce, and use of PCBs in low concentrations which might present risk. This information-gathering effort would include EPA's publishing an ANPR requesting such interested persons to submit such information. As part of these efforts, the Chemical Manufacturers Association (CMA) and the Dry Color Manufacturers' Association (DCMA) committed themselves to generating and supplying EPA with data and information relevant to the manufacture of PCBs in low concentrations.[1]

On April 13, 1981, the D.C. Circuit granted the eighteen-month stay which had been requested. The Court entered an order requiring EPA to conduct the activities outlined in the February 20, 1981 Joint Motion. The complete text of the Court's order appears elsewhere in this issue of the Federal Register. A companion ANPR initiating rulemaking with respect to the possible exclusion from the purview of Section 6(e)(3) of PCBs generated in a manner which presents little or no risk also appears elsewhere in this issue of the Federal Register.

This ANPR satisfies the following portion of the Court's April 13, 1981 order:

With respect to manufacturing, processing, distribution in commerce, and use of PCBs in concentrations less than 50 ppm, other than in closed manufacturing processes or in processes producing only controlled wastes:

A. Within thirty days after the date of this Order, publish in the Federal Register an Advance Notice of Proposed Rulemaking seeking comments and information relating to possible future regulatory action.

As was explained in the February 20, 1981 Joint Motion, a factual base must be developed before EPA can regulate appropriately the manufacture, processing, distribution in commerce and use of "uncontrolled" PCBs in low concentrations, *i.e.*, PCBs other than those generated in "closed manufacturing processes" and "controlled waste processes" as those terms are defined in the companion ANPR relating to the possible exclusion of certain low concentration PCBs from the purview of Section 6(e)(3). In the absence of such regulations, the absolute prohibitions of Section 6(e) will take effect at the time the Court's stay of mandate expires.

As part of the effort to develop a factual base for the regulation of PCBs in low concentrations that may present health and environmental risks, CMA and DCMA will gather and supply to the

[1] Information with respect to the CMA and DCMA studies may be obtained from EPA. Contact John Ritch, Jr., in EPA's Industry Assistance Office, whose address and telephone number appear before Part I of this ANPR.

Agency information with respect to the manufacture of PCBs in low concentrations. The CMA and DCMA studies will supply information principally with respect to the *manufacture* of PCBs in low concentrations and as to the companies and industries these trade associations represent. These studies may provide little information with respect to processing, distribution in commerce, and use of PCBs in concentrations below 50 ppm and as to other industries which might generate PCBs in low concentrations. This ANPR is intended to elicit from persons other than CMA and DCMA information on the manufacture, processing, distribution in commerce and use of PCBs in any manner which may result in human or environmental exposure to the PCBs. The Agency will need this information to enable it to identify the scope of the problem of PCBs in low concentrations which might present risk to health or the environment in order to determine whether additional rulemaking is warranted.

EPA will evaluate the information obtained in response to the ANPR, as well as the CMA and DCMA studies, and will determine what, if any, rulemaking or other action to take. In accordance with the Court's April 13, 1981 order, EPA will advise the Court of EPA's plan for further action and of EPA's schedule for such action by March 13, 1982.

II. Purpose of This Notice

By this ANPR and through information generated by CMA and DCMA (see below), EPA is compiling a factual record which may support further rulemaking excluding specific types of manufacturing, processing, distribution in commerce, or use of PCBs in low concentrations from the broad prohibitions of Sections 6(e)(2) and 6(e)(3). Any such exclusion, to withstand judicial scrutiny, must be well supported by factual data.

If the current effort to obtain information with respect to PCBs in low concentrations produces little information to support exclusions, the statutory ban of Sections 6(e)(2) and 6(e)(3) will apply to all uses of PCBs in low concentrations except for those uses which have been authorized pursuant to Section 6(e)(2)(B) and all manufacture, processing, and distribution in commerce of such PCBs except those for which exemptions have been granted pursuant to Section 6(e)(3)(B) or for which timely exemption petitions are pending.

III. Requests for Comments and Further Information

If EPA is to determine whether it should develop new regulations which establish generic exclusions from the broad statutory prohibitions of Section 6(e)(3), EPA must build a substantial rulemaking record which would document the facts concerning the manufacture, processing, distribution in commerce, and use of PCBs in low concentrations. This record will include pertinent material contained in the records of previous PCB rulemakings, the studies being conducted by CMA and DCMA, and public comments regarding PCBs in low concentrations received in response to this notice. Since the Agency currently has a limited amount of information on the circumstances under which PCBs in low concentrations are being produced or used, and since the scope of CMA and DCMA studies will be limited, it is essential that anyone who has any reason to believe he manufactures, processes, distributes in commerce, or uses PCBs in concentrations below fifty ppm submit comments to EPA in response to this ANPR. Otherwise, these activities, even permitted under the previous EPA regulations, may be prohibited when the Court's mandate takes effect. The terms "manufacture," "process," and "distribute in commerce" of PCBs are defined at 40 CFR 761.2(a), 40 CFR 761.2(bb), and 40 CFR 761.2(i), respectively.

It is essential that comments with respect to these matters be factual. Unsupported opinions will be of little value in further rulemaking.

In order to conduct further rulemaking which may lessen the impact of the statutory prohibitions, EPA will need facts on the following specific issues:

(1) Under what conditions or situations might PCBs in low concentrations be produced? What is the quantity of PCBs produced and the frequency with such situations occur? Such situations include, but are not limited to:

(a) contaminants in commercial chemical products whose normal processing generate PCBs as byproducts. PCBs are likely to be generated in processes in which chlorination is involved, processes that use chlorinated intermediates, and processes that use chlorinated solvents.

Note.—This is an area where CMA and DCMA will be providing information. The information obtained by CMA and DCMA, however, will not represent all possible manufacturers of PCBs as contaminants in chemical products. Persons who believe the CMA study will not reflect their processes in regard to the manufacture of PCBs in low concentrations should submit their comments with respect to these matters to EPA and may do so in either of two ways. The may submit comments in any convenient format directly to EPA, or they may submit responses to the CMA questionnaire to CMA to be included in the CMA survey.[3]

(b) products of combustion of municipal, commercial, and industrial waste. Such wastes are likely to contain materials required for PCB formation. The chlorine content of municipal waste is relatively high because of widespread use of polyvinyl chloride and other chlorinated polymers.

(c) byproducts of the chlorination of water and wastewater.

(2) What is the fate of low concentration PCBs that are generated? Are the low concentration PCBs found in final products? In wastes? If low concentration PCBs are in final products, may there be human or environmental exposure to the PCBs? If not, why not? If low concentration PCBs can be found in wastes, what is the PCBs' fate? Are they being disposed of by incineration, landfilling, or ground injection? Are they discharged into the air, or into surface waters?

(3) If PCBs are being produced in low concentrations, it is likely that these PCBs also are processed, distributed in commerce and used. Moreover, processing, distribution in commerce and use of PCBs may occur with respect to PCBs produced in the past. What activities involve processing, distribution in commerce, and use of PCBs in concentrations below fifty ppm? How many people are exposed to these PCBs, and what is the level of exposure? EPA is aware that PCBs have been widely used in the past as additives to products such as paints, inks, adhesives, sealants, textile coatings, and plastic products. Although most domestic sales of PCBs for these uses were discontinued in 1971, many of the PCBs so used in the past will continue to exist in commerce as a result of recycling and the long life of sealants, paints, and other products containing PCBs. Future rulemaking by EPA may therefore affect persons who recycle, process or otherwise use products such as waste

[3] Persons who elect to submit responses to the CMA questionnaire may contact CMA, directly or through their trade association, to arrange for participation in CMA's survey. Participating business organizations must submit survey responses to CMA's consultant by August 11, 1981, and must enter mutually agreeable financial arrangements with that Association. CMA is also conducting a survey relating to the so-called "totally enclosed" issue. 46 FR 16090 (March 10, 1981); 46 FR 16096 (March 10, 1981); business organizations can also arrange with CMA to participate in that survey project. For more information, contact David F. Zoll, Assistant General Counsel, CMA, 202-887-1150.

oil, contaminated rags, soil, pipes, and any items coated with PCB-impregnated substances.

(4) What quantities of PCBs exist in sewage sludges and dredging wastes, and what is the degree of exposure caused by the presence of PCBs in such materials? Unlike the May, 1979 PCB ban rule, the statutory prohibitions or new EPA regulations could apply to sewage sludges, and dredge spoils which contain low concentrations of PCBs (<50 ppm).

(5) What are the risks associated with the manufacturing processing, distribution in commerce, and use of low concentration PCBs. How many people are exposed to PCBs in these various kinds of activities? What is the level of exposure? What is the nature of environmental releases from various activities? How could these risks be lowered? What precautions are being taken now, or are planned to protect workers who may be exposed to PCBs?

(6) What are the possible regulatory approaches for dealing with PCBs in low concentrations, and what are the advantages and disadvantages of each?

(7) How might "ambient" PCBs be defined for purposes of excluding ambient PCBs from the prohibitions of Section 6(e)(3)? What are the background levels of PCBs currently present in air, water, and soil? In many areas of the country, the ground is contaminated with PCBs as the result of past practices. What should be done if such ground is excavated, for example, to build a structure? In such areas, should rain runoff be regulated?

(8) Could a regulatory cutoff be established such that uncontrolled PCBs below that cutoff would not significantly increase ambient PCB concentrations? What cutoff would be appropriate, and why?

IV. Comment Period

The comment period for responses to this ANPR will be six months. This comment period coincides with the schedule for completion of the CMA study.

EPA will consider the need for public meetings during the rulemaking process and will entertain requests for such meetings from interested persons.

V. Enforcement

The effect of the Court's April 13, 1981 order is to leave in place during the rulemaking EPA's regulations as they pertain to the manufacture, processing, distribution, and use of PCBs (other than in transformers, capacitors and electromagnets). Those rules appear at 40 CFR Part 761. With two exceptions, those rules do not regulate materials containing less than 50 ppm PCBs. The two exceptions are:

(1) Materials containing less than 50 ppm PCBs because of any dilution (whether intentional or accidental) must be treated as though they contained greater than 50 ppm PCBs.

(2) The use of waste oil containing any detectable amount of PCBs for road oiling, coating or dust control is prohibited.

The Agency intends to enforce vigorously the ban on the manufacture, processing, distribution in commerce, and use of PCBs in concentrations above 50 ppm. (See 46 FR 16090, March 10, 1981, concerning the use of PCBs in transformers, capacitors and electromagnets). Except as noted above, the 50 ppm cutoff will continue to be the basis for enforcement action until the Court order expires or is modified, or until the Agency promulgates a new final regulation in this area.

Dated: May 14, 1981.

Edwin H. Clark II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines or Comments on Proposed Rules for the Week of May 24 through May 30 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

23263 4–24–81 / Tobacco, U.S. Type 32, Maryland Broadleaf in untied form; comments by 5–29–81

[*See also* 46 FR 22002, 4–15–81]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

21793 4–14–81 / Atlantic Mackerel Fishery of the Northwest Atlantic Ocean , initial approval and availability of a plan; comments by 5–29–81

23070 4–23–81 / Deep seabed mining preliminary regulatory impact analysis and initial regulatory flexibility analysis; availability; comments by 5–30–81

18448 3–24–81 / Deep seabed mining regulations for exploration licenses; comments by 5–29–81

CONSUMER PRODUCT SAFETY COMMISSION

19247 3–30–81 / Refuse bins, unstable, front-loading, small capacity, and straight-sided; proposed ban; comments by 5–26–81

[*See also* 46 FR 23460, 4–27–81, and 46 FR 25638, 5–8–81]

COPYRIGHT ROYALTY TRIBUNAL

2566 4–6–81 / Copyright owner access to phonorecord players (jukeboxes) and certain establishments; reply comments by 5–26–81

DEFENSE DEPARTMENT

Defense Logistics Agency—

23070 4–23–81 / Environmental protection policy, proposed implementation; comments by 5–30–81

EDUCATION DEPARTMENT

2308 4–23–81 / Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance; comments by 5–20–81

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

9004 1–27–81 / Residential Conservation Service program; comments by 5–27–81

Federal Energy Regulatory Commission—

23487 4–27–81 / Expansion of list of agricultural uses of natural gas; exemption from incremental pricing by adding certain stages in the manufacture of gelatin, glue and carboxy methyl cellulose (CMC); comments by 5–29–81

ENVIRONMENTAL PROTECTION AGENCY

23768 4–28–81 / Air quality; Massachusetts State Implementation Plan; approval and promulgation; comments by 5–28–81

23770 4–28–81 / Air quality; Oregon State Implementation Plan; comments by 5–28–81

23772 4–28–81 / Air quality; Oregon State Implementation Plan; volatile organic compound emissions; comments by 5–28–81

26076 5–11–81 / Application from Subaru of America, Inc. (Subaru) for waiver of effective date of 1981 and 1982 model year carbon monoxide emission standard for light-duty motor vehicles; comments by 5–26–81

18322 3–24–81 / Biological control agents; certain proposed exemptions from regulations; comments by 5–26–81

14125 2–26–81 / Hazardous Waste Guidelines and Regulations; reopening of comment period on delisting petition of Stablex Corp.; comments by 5–27–81

23226 4–24–81 / Herbicide, oxyfluorfen in foods; soybean oil; comments by 5–26–81

23238 4–24–81 / Herbicide oxyfluorfen in or on raw agricultural commodities; soybeans and corn, grain; comments by 5–26–81

23063 4–23–81 / High-altitude emission standards for 1982 and 1983 model year light-duty motor vehicles (final regulations); compliance procedures; comments by 5–26–81

23237 4–24–81 / Plant growth regulator chemicals; 1-naphthaleneacetic acid in or on raw agricultural commodities apples, pears, olives, pineapples and quinces; comments by 5–26–81

25114 5–5–81 / Porcelain enameling; Point source category; effluent limitations guidelines pretreatment standards and new source performance standards; comments by 5–27–81

23955 4–29–81 / Washington State; Primary nonferrous smelter Orders; maintenance of pay provisions; comments by 5–29–81

FEDERAL COMMUNICATIONS COMMISSION

85125 12–24–80 / Direct broadcast satellites for the period following the 1983 Regional Administrative Radio Conference, development of regulatory policy (permanent regulatory issues); reply comments by 5–29–81

20708 4–7–81 / FM broadcast stations in Arroyo Grande and Pismo Beach, Calif.; changes in table of assignments; comments by 5–25–81

17811 3–20–81 / FM broadcast station in Bend, Oreg.; changes in table of assignments; reply comments by 5–25–81

20709 4–7–81 / FM broadcast stations in Powell, Wyo.; changes in table of assignments; comments by 5–25–81

20711 4–7–81 / FM broadcast stations in San Manuel, Miami, Claypool, and Summerhaven, Ariz.; changes in table of assignments; comments by 5–25–81

FEDERAL HOME LOAN BANK BOARD

24579 5–1–81 / Futures transactions; interest rate futures markets by insured institutions; comments by 5–29–81

22626 4–20–81 / Interservice sharing of frequencies in the private land mobile service below 470 MHz; reply comments by 5–29–81.

17813 3–20–81 / Land mobile radio stations; additional technologies which can improve efficiency of radio spectrum use; comment period extended to 5–26–81

[*See also* 45 FR 63306, 9–24–80]

21397 4–10–81 / Radio service-sharing of certain frequencies by the Forest Products Radio Service in Washington, Oregon and California; comments by 5–29–81

19599 3–31–81 / Privacy Act of 1974; establishment of records system for Office of Internal Evaluation and Compliance; comments by 5–30–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

23785 4–28–81 / General biological product standards for aluminum in biological products; comments by 5–26–81

23227 4–24–81 / Indirect food additives; polymers toluene; comments by 5–26–81

INTERSTATE COMMERCE COMMISSION

21618 4–13–81 / Classification of carriers in the uniform system of accounts for motor carriers of passengers; revision final rule; comments by 5–28–81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

18999 3–27–81 / Enforcement inspection; walkaround compensation for employee representatives; comments by 5–30–81

[*See also* 46 FR 3852, 1–16–81, and 46 FR 11253, 3–30–81]

PERSONNEL MANAGEMENT OFFICE

23262 4–24–81 / Retired Federal employees health benefits program; transfer of enrollment from Uniform Plan to Indemnity Benefit Plan; comments by 5–28–81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

21184 4–9–81 / New York Air petition for clarification of interpretation of the High Density Rule; summary; comments by 5–29–81

19245 3–30–81 / Petitions for rule making; summary of petitions received and dispositions of petitions denied; comments by 5–29–81

Office of the Secretary—

21205 4–9–81 / Federal motor vehicle safety standards; alternative amendments to automatic restraint requirements of occupant crash protection standard; comments by 5–28–81

VETERANS' ADMINISTRATION

23085 4–23–81 / Schedule for Rating Disabilities; proposed amendment of portion that deals with the endocume of the system; comments by 5–26–81

Deadlines for Comments on Proposed Rules for the Week of May 31 through June 6, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

19817 4–1–81 / Change in disease status of the Channel Islands and Great Britain (England, Scotland, Wales, and Isle of Man), because of foot-and-mouth-disease; comments by 6–1–81

Federal Grain Inspection Service—

19699 3–31–81 / U.S. standards for rough rice, brown rice for processing and milled rice; comments by 6–1–81

Food Safety and Quality Service—

25097 5–5–81 / U.S. standards for grades of canned ripe olives; comments by 6–4–81

Rural Electrification Administration—

19500 3–31–81 / Revision of REA Bulletin 80–11, "Reports of Progress of Construction and Engineering Sevices"; comments by 6–1–81

19500 3–31–81 / Revision of REA Specification DT–SC:PE–0, "Wood Poles, Stubs, and Anchor Logs and the Preservative Treatment of These Materials"; comments by 6–1–81

CIVIL AERONAUTICS BOARD

20563 4–6–81 / Liberalization of rules for indirect cargo air carriers; comments by 6–5–81

DEFENSE DEPARTMENT

Office of the Secretary—

24964 5–4–81 / Implementation of the Civilian Health and Medical Program of the Uniform Services; comments by 6–3–81

EDUCATION DEPARTMENT

19000 3–27–81 / Review of regulations and interpretations; comments by 5–31–81

ENERGY DEPARTMENT

25302 5–6–81 / Procurement regulations; comments by 6–5–81

Economic Regulatory Administration—

25315 5–6–81 / Tertiary incentive program in the Crude oil price regulations; comments by 6–5–81

Federal Energy Regulatory Commission—

25643, 25644 5–6–81 / High-cost natural gas produced from tight formations; price; Colorado (2 documents); comments by 6–3–81

17023 3–17–81 / Revision of Commission Rules of Practice; comments by 6–1–81

ENVIRONMENTAL PROTECTION AGENCY

24596 5–1–81 / Air pollution; stack height emission limitation control additional technical information; comments by 6–1–81

24597 5-1-81 / Air quality Connecticut State Implementation Plan; fuels with higher sulfur content; comments by 6-1-81
[Corrected at 46 FR 25650, 5-8-81]

20235 4-3-81 / Air quality, Iowa; designation of acres for planning purposes; comments by 6-2-81

24601 5-1-81 / Air quality, Maryland State Implementation Plan, amendments, comments by 6-1-81

24604 5-1-81 / Air quality, Missouri; redesignation of areas for planning purposes; comments by 6-1-81

25324 5-6-81 / Designation of areas for air quality planning purposes; Attainment status designations—Nevada and California; comments by 6-5-81

25325 5-6-81 / Designation of areas for air quality planning purposes; ozone attainment status—Utah; comments by 6-5-81

25322 5-6-81 / Georgia: Bubble action of the ITT Rayonier, Inc. in Jesup, Ga.; comments by 6-5-81

24948 5-4-81 / High-altitude emission standards for 1982 and 1983 model year light-duty motor vehicles; final rule; comments by 6-3-81

24968 5-4-81 / Kansas application for Interim Authorization, Phase I, Hazardous Wastes Management Program; comments by 6-3-81

25113 5-5-81 / National emission standards for hazardous air pollutants; Benzene emissions from Ethylbenzene/Styrene plants; comments by 6-1-81

24966 5-4-81 / Ohio State Implementation Plan; sulfur dioxide (SO2) for Lucas County; comments by 6-3-81

24605 5-1-81 / Pesticides; ammonium miocyanate; exemption from tolerance requirements when used for cotton and soybeans; comments by 6-1-81

24214 4-30-81 / Redisignation of attainment status for the District of Columbia; comments by 6-1-81

24967 5-4-81 / Revisions to New Hampshire State Implementation Plan; comments by 6-3-81

19829 4-1-81 / Revision to the New York State implementation plan; comments by 6-1-81

FEDERAL COMMUNICATIONS COMMISSION

152975 3-5-81 / Competitive common carrier services and facilities authorizations; rates and deregulatory approaches; reply comments period extended to 6-5-81
[*See also* 46 FR 10924, 2-5-81]

26509 5-13-81 / FM broadcast station in Ansley, Ala., change in table of assignments; comments extended to 6-3-81
[*See also* 46 FR 17809, 3-20-81]

22006 4-15-81 / FM broadcast Station in Bay City, Tex., changes in table of assignments; comments by 6-1-81

22008 4-15-81 / FM broadcast Stations in Beaumont, Lake Jackson and Port Lavaca, Tex., changes in table of assignments; comments by 6-1-81

26798 5-15-81 / FM broadcast stations in Fort Bragg and Mendocimo, Calif.; reply comments by 6-5-81
[*See also* 46 FR 17810, 3-20-81]

22769 4-21-81 / FM Broadcast Station in Freeport, Texas; changes in table of assignments; comments by 6-1-81

22770 4-21-81 / FM Broadcast Station in Lockhart, Texas; changes in table of assignments; comments by 6-1-81

22400 4-17-81 / FM broadcast stations in Montpelier, Stowe, Vergenoes, and Waterbury, Vermont; and Marish and Port Henry, N.Y.; changes in table of assignment; comments by 6-2-81

9048 1-26-81 / Petition to reallocate VHF-TV Channel 9 from New York, N.Y. to a city within the city grade contour of station WOR-TV; reply comments by 6-5-81

16682 3-13-81 / Radio services, special marine stations; Safety of Life at Sea Convention; operational standards; reply comments by 6-1-81

22624 4-20-81 / Talk-around in the Private Land Mobile Raido Services on shared conventional channels above a specific frequency band; comments by 6-4-81

19267 3-30-81 / TV broadcast stations in Arcata and Eureka, Calif.; changes in table of assignments; reply comments by 6-4-81

26663 5-14-81 / TV broadcast station in Santa Barbaru, Calif.; changes in table of assignments; reply comment period extended to 6-5-81
[*See also* 45 FR 26770, 4-11-80]

19269 3-30-81 / TV broadcast station in Orchard, Nebr.; changes in table of assignments; reply comments by 6-4-81

19005 3-27-81 / TV broadcast station in Conder, Wyo.; changes in table of assignments; reply comments by 6-1-81

INTERIOR DEPARTMENT

Indian Affairs Bureau—

16916 3-16-81 / Tribal regulation of reserved waters on Indian reservations; comment period extended to 6-6-81
[Originally published at 46 FR 944, 1-5-81]

Land Management Bureau—

24139 4-29-81 / Amendment to provide segregation for States indemnity lands; comments by 6-1-81

INTERSTATE COMMERCE COMMISSION

25826 5-6-81 / Changes in the fee schedule; comments by 6-5-81

JUSTICE DEPARTMENT

Attorney General—

24213 4-30-81 / Exemption of records systems under the Privacy Act; comments by 6-1-81

Drug Enforcement Administration—

24593 5-1-81 / Schedules of controlled substances; placement of fenethylline into schedule I; comments by 6-2-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

22764 4-21-81 / Reevaluation and reconsideration of the occupational health standards regulating exposure to lead; comments by 6-1-81

Wage and Hour Division, Employment Standards Administration—

25108 5-5-81 / Employment of homeworkers in certain industries; comments by 6-4-81

NATIONAL CREDIT UNION ADMINISTRATION

22003 4-15-81 / Federal Credit Union insurance and group purchasing activities; comments by 6-1-81

PERSONNEL MANAGEMENT OFFICE

20213 4-3-81 /Displaced employee program; revision and updating of basic provisions; comments by 6-2-81

POSTAL SERVICE

25109 5-5-81 / Third-class bulk rate merchandise samples; comments by 6-4-81

SECURITIES AND EXCHANGE COMMISSION

21020 4-8-81 / Financial statement requirements applicable to insurance companies, proposed revision; comments by 6-1-81

15178 3-4-81 / Records not obtained by the Commission; comments by 6-1-81

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

21044 4-8-81 / Coronado National Forest Grazing Advisory Board, Tucson, Ariz. (open), 5-19-81

25331 5-6-81 / Gospel-Hump Advisory Committee, Moscow, Idaho (open), 5-30-81

Rural Electrification Administration—

23276 4-24-81 / Colorado-Ute Electric Association, Inc., draft environment impact statement, Delta Colo. 5-27-81; Grand Junctions, Colo., 5-28-81 (both sessions open)

AIRCRAFT CREW COMPLEMENT, PRESIDENT'S TASK FORCE

20645 4-6-81 / Certification of "new generation" commercial airlines, Washington, D.C., 5-27 through 5-29-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

25379 5-6-81 / Music Panel (Solo Recitalists Section), Washington, D.C. (closed), 5-27-81

CIVIL RIGHTS COMMISSION

24978 5-4-81 / Maine Advisory Committee, Augusta, Maine (open), 5-28-81

24979 5-4-81 / Nebraska Advisory Committee, Omaha, Nebr. (open), 5-29-81

24221 4-30-81 / New York Advisory Committee, New York, N.Y. (open), 5-27-81

25867 5-8-81 / Texas Advisory Committee, San Antonio, Tex. (open), 5-29-81

COMMERCE DEPARTMENT

International Trade Administration—

26365 Computer Systems Technical Advisory Committee, Washington, D.C. (partially open), 5-27-81

National Oceanic and Atmospheric Administration—

24616 5-1-81 / Marine sanctuary sites in waters off of Puerto Rico, (open), 5-26, 5-28, and 5-29-81

24616 5-1-81 / Mid-Atlantic Fishery Management Council, Surf Clam/Ocean Quahog Resources Subpanel, Dover, Del. (open), 5-29-81

26093 5-11-81 / New England Fishery Management Council, Providence, R.I. (open), 5-26 and 5-27-81

25334 5-6-81 / North Pacific Fishery Management Council Scientific and Statistical Committee and Advisory Panel, Anchorage, Alaska (open), 5-26 through 5-29-81

DEFENSE DEPARTMENT

Air Force Department—

25679 5-8-81 / Scientific Advisory Board, Non-Nuclear Armanent Ad Hoc Committee, Eglin, AFB, Fla. (closed), 5-28 through 6-5-81

Army Department—

22789 4-21-81 / National Hydropower Study, Arlington, Va. (open), 5-26-81

Office of the Secretary—

22924 4-22-81 / Defense Science Board, Arlington, VA. (closed), 5-28 and 5-29-81

23968 4-29-81 / Defense Science Board Review on MX Missile Basing, San Francisco, Calif. (closed), 5-28, 5-29 and 5-30-81

22924 4-22-81 / Defense Science Board Task Force on Mapping, Charting and Geodesy (MC&G), Arlington, Va. (closed), 5-27-81

22790 4-21-81 / Electron Devices Advisory Group, San Diego, Calif. (closed), 6-25-81

17826 3-20-81 / Wage Committee, Washington, D.C. (closed), 5-26-81

EDUCATION DEPARTMENT

24960 5-4-81 / National Advisory Council on Bilingual Education, Boston, Mass. (open), 5-28-81

23968 4-29-81 / National Board of the Fund for the improvement of Postsecondary Education, Elkridge, Md. (closed), 5-28 through 5-30-81

EMPLOYMENT POLICY NATIONAL COMMISSION

26411 5-12-81 / Washington, D.C. (open), 5-28 and 5-29-81 (2 documents)

ENERGY DEPARTMENT

18784 3-26-81 / National Petroleum Council, Air Quality Task Group of the Committee on Environmental Conservation, Washington, D.C. (open), 5-27-81

[Rescheduled at 46 FR 26677, 5-14-81]

23285 4-24-81 / Pantex Plant operations, nuclear weapons facility; intent to prepare an environmental impact statement, Amarillo, Tex. (open), 5-26-81

Energy Information Administration—

25096 5-11-81 / American Statistical Association Ad Hoc Committee on Energy Statistics, Washington, D.C. (open), 5-29-81

FEDERAL COMMUNICATIONS COMMISSION

25545 5-7-81 / Advisory Committee for the 1983 region 2 DBS Planning Conference, Subcommittees (open), 5-21 and 5-22-81

23531 4-27-81 / International Telegraph and Telephone Consultative Committee, Study Group A of the U.S. organization, Washington, D.C. (open), 5-26-81

26174 5-11-81 / National Industry Advisory Committee, Domestic and International Common Carrier Communications Services Subcommittee, Washington, D.C. (open), 5-27-81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

23301 4-24-81 / Committee Meetings, Washington, D.C. (partially open), 5-26-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

19802 3-31-81 / Board of Scientific Counselors, Bethesda, Md. (partially open), 5-26 and 5-29-81

23118 4-23-81 / National Advisory Council on Alcohol and Alcoholism, Washington, D.C. (partially open), 5-27 and 5-28-81

[Amended at 45 FR 26699, 5-14-81]

23119 4-23-81 / Social Work Education Review Committee, Bethesda, Md. (partially open), 5-27 and 5-28-81

Food and Drug Administration—

21824 4-14-81 / Cardiovascular and Renal Drugs Advisory Committee, Bethesda, Md. (open), 5-28 and 5-29-81

26378 5-12-81 / Consumer participation, Buffalo, N.Y. (open), 5-27-81

23304 4-24-81 / Consumer exchange meeting, Honolulu, Hawaii (open), 5-28-81

Health Services Administration—

21448 4-10-81 / Maternal and Child Health Research Grants Review Committee, Rockville, Md. (partially open), 5-27 through 5-29-81

National Institutes of Health—

21449 4-10-81 / Aging National Advisory Council, Bethesda, Md. (partially open), 5-27 and 5-28-81

24712 5-1-81 / Cancer Research Manpower Review Committee, Madison, Wis. (partially open), 5-27 and 5-28-81

15778 3-9-81 / Cancer Institute, Scientific Counselors Board, Cancer Cause and Prevention Division, Bethesda, Md. (open), 5-28 and 5-29-81

18089 3-23-81 / Mandatory retirement age for commercial airline pilots; report; meeting, Bethesda, Md. (open), 5-27 through 5-29-81

24301 4-30-81 / National Advisory Allergy and Infectious Diseases Council, and its Subcommittees, Bethesda, Md. (partially open), 5-28 and 5-29-81

25701 5-8-81 / National Advisory Research Resources Council, Bethesda, Md. (partially open), 5-28 and 5-29-81

22463 4-17-81 / National Heart, Lung, and Blood Advisory Council, and Manpower and Research Subcommittees; Bethesda, Md. (partially open), 5-20 through 5-23-81

22464 4-17-81 / National Library of Medicine Board of Regents and Extremural Programs and Lister Hill Center National Medical Audiovisual Center Subcommittees; Bethesda, Md. (partially open) 5-28 and 5-29-81

24303 4-30-81 / National Toxicology Program Board of Scientific Counselors, Research Triangle Park, North Carolina, (open), 5-27 and 5-28-81

22465 4-17-81 / Neurological Disorders Program—Project Review A Committee, Washington, D.C. (partially open), 5-28 through 5-30-81

22465 4-17-81 / Neurological Disorders Program—Project Review B Committee, Washington, D.C. (partially open), 5-28 through 5-30-81

24712 5-1-81 / Research Grants Division, Behavioral & Neurosciences B Study Section, Bethesda, Md. (partially open), 5-29-81

24712 5-1-81 / Research Grants Division, Biomedical Sciences B Study Section, Bethesda, Md. (partially open), 5-26 and 5-27-81

24712 5-1-81 / Research Grants Division, Biomedical Sciences D Study Section, Bethesda, Md. (partially open), 5-28 and 5-29-81

24712 5-1-81 / Research Grants Division, Molecular Cytology Study Section, Bethesda, Md. (partially open), 5-28 through 5-30-81

24712 5-1-81 / Research Grants Division, Pathology A Study Section, Washington, D.C. (partially open), 5-27 through 5-30-81

24692 5-1-81 / Federal Council on the Aging, Washington, D.C. (open), 5-26 and 5-27-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

24007 5-1-81 / American alligators in Louisiana; change in legal status as an endangered or threatened species; Baton Rouge, La. (open), 5-28-81

Land Management Bureau—

24310 4-30-81 / Burley District Grazing Advisory Board, Malad, Idaho (open), 5-27-81

24310 4-30-81 / California Desert Conservation Area Advisory Committee, San Bernardino, Calif. (open), 5-27-81

23818 4-28-81 / Canon City District Advisory Council, Alamosa, Colorado (open), 5-28 and 5-29-81

23995 4-29-81 / Fort Union Regional Coal Team, Bismarck, N. Dak. (open), 5-28-81

23124 4-23-81 / Vale District Multiple Use Advisory Council, Vale, Oreg. (open), 5-27-81

21095 4-6-81 / Worland District Advisory Council, Worland, Wyo. (open), 5-20-81

National Park Service—

25799 5-8-81 / Cuyahoga Valley National Recreation Area Advisory Commission, Peninsula, Ohio (open), 5-28-81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

26402 5-12-81 / Board for International Food and Agricultural Development, Washington, D.C. (open), 5-28-81

LABOR DEPARTMENT

Employment and Training Administration—

25161 5-6-81 / Migrant and Seasonal Farmworker Programs, fiscal year 1982 State planning estimates, Washington, D.C., 5-27 and 5-28-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

25377 5-6-81 / NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on High Performance Aircraft Systems, Washington, D.C. (open), 5-26 through 5-28-81

NATIONAL SCIENCE FOUNDATION

21867 4-14-81 / Behavioral and Neural Sciences Advisory Committee, Linguistics Subcommittee, Washington, D.C. (partially open), 5-28 and 5-29-81

21868 4-14-81 / Behavioral and Neural Sciences Advisory Committee, Memory and Cognitive Processes Subcommittee, Swarthmore, Pa., 5-30 and 5-31-81

23354 4-24-81 / Equal Opportunities in Science and Technology Committee, Washington, D.C. (open), 5-27 and 5-28-81

23844 4-28-81 / Mathematical and Computer Sciences Advisory Committee; Subcommittee for Computer Sciences, Washington, D.C. (partially open), 5-27 thru 5-29-81

25732 5-6-81 / Mathematical and Computer Science Advisory Committee, Mathematical Sciences Subcommittee, Washington, D.C. (partially open), 5-28, 5-29 and 5-30-81

21866 4-14-81 / Physiology, Cellular, and Molecular Biology Advisory Committee, Molecular Biology, Group B Subcommittee, Washington, D.C. (closed), 5-28 and 5-29-81

21868 4-14-81 / Physiology, Cellular, and Molecular Biology Advisory Committee, Genetic Biology Subcommittee, Washington, D.C. (closed), 5-28, 5-29 and 5-30-81

NUCLEAR REGULATORY COMMISSION

26412 5-12-81 / Reactor Safeguards Advisory Committee, Subcommittee on Electrical Power Systems, Washington, D.C. (partially open), 5-28-81

24337 4-30-81 / Safety Goal Project, Boston, Mass. (open), 5-27-81

[Rescheduled at 46 FR 26721, 5-14-81]

STATE DEPARTMENT

23582 4-27-81 / International Telegraph and Telephone Consultative Committee, Washington, D.C. (open), 5-28-81

26593 5-13-81 / Secretary of State's Advisory Committee on Private International Law, International Business Transactions Study Group, Washington, D.C. (open), 5-28-81

25172 5-5-81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Washington, D.C. (open), 5-27-81

TRANSPORTATION DEPARTMENT

Coast Guard—

23583 4-27-81 / Ship Structure Committee, Washington, D.C. (open), 5-28-81

Federal Aviation Administration—

26212 5-11-81 / National Airspace Review, Washington, D.C. (open), 5-18 through 5-20-81 rescheduled to 5-27 through 5-29-81

[*See also* 46 FR 25027, 5-4-81]

VETERANS ADMINISTRATION

25387 5-6-81 / Station Committee on Educational Allowances, St. Petersburg, Fla., 5-27-81

23363 4-24-81 / Station Committee on Educational Allowances, Portland, Oreg. (open), 5-28-81

16174 3-11-81 / Wage Committee, Washington, D.C. (closed), 5-26-81

Next Week's Public Hearings

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

26083 5–11–81 / Chesapeake Bay Estuarine Sanctuary, draft environmental impact statement, Edgewater, Md. and Princess Anne, Md., 5–26 and 5–28–81 respectively

EDUCATION DEPARTMENT

24980 5–4–81 / National Advisory Council on Bilingual Education, Boston, Mass., 5–27–81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

26352 5–12–81 / Incremental pricing, adoption of single-tier alternative fuel price ceiling, Washington, D.C., 5–28–81

ENVIRONMENTAL PROTECTION AGENCY

24295 4–30–81 / National Contingency Plan, Boston, Mass., 5–18–81; Chicago, Ill., 5–20–81; Dallas, Tex., 5–21–81; San Francisco, Calif., 5–22–81 and Washington, D.C., 5–28–81

TREASURY DEPARTMENT

Internal Revenue Service—

22611 4–28–81 / Creditability of foreign taxes; proposed regulations, Washington, D.C., 5–28–81

22611 4–20–81 / Payments to foreign countries for oil and gas that are not considered taxes and limitation on foreign tax credit for foreign oil and gas taxes; proposed regulations, Washington, D.C., 5–29–81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing May 5, 1981.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

APPLICATIONS DEADLINES

26591 5–13–81 / Justice/NIJ—Correctional officers; Disabilities and organizational/administrative factors; competitive research grant; apply by 7–3–81

MEETINGS

26695 5–14–81 / HHS/ADAMHA—Advisory Committees, Washington, D.C. and various cities in Maryland (partially open), 6–22 through 6–27–81

26699 5–14–81 / HHS/ADAMHA—Basic Behavioral Processes Research Review Committee, Washington, D.C. (partially open), 6–29 and 7–1–81

26695 5–14–81 / HHS/ADAMHA—Epidemiologic and Services Research Review Committee, Washington, D.C. (partially open), 6–1 through 6–4–81

26718 5–14–81 / NFAH—Expansion Arts Panel, Washington, D.C. (partially open), 6–4 and 6–5–81

26957 5–15–81 / NFAH—Humanities Panel, Washington, D.C. (closed), 6–1, 6–2, 6–4, 6–5, 6–9, 6–10, 6–11, 6–12, 6–15 and 6–16–81

26718 5–14–81 / NFAH—Theater Panel (Intermediate Companies Section), Washington, D.C. (partially open), 6–4 and 6–5–81

26957 5–15–81 / NSF—Minority Programs in Science Education Advisory Committee, Washington, D.C. (open), 5–28–81

OTHERS ITEMS OF INTEREST

26301 5–12–81 / EPA—State Underground Water Source Protection Program; extension of fiscal year 1981 budget period from 9–30–81 to 12–31–81

26695 5–14–81 / HHS/ADAMHA—National advisory committees, Washington, D.C. and various cities in Md. (partially open), 6–8 through 6–12–81

26700 5–14–81 / HHS/HRA—Population figures used to determine amounts of grants to State Health Planning and Development Agencies

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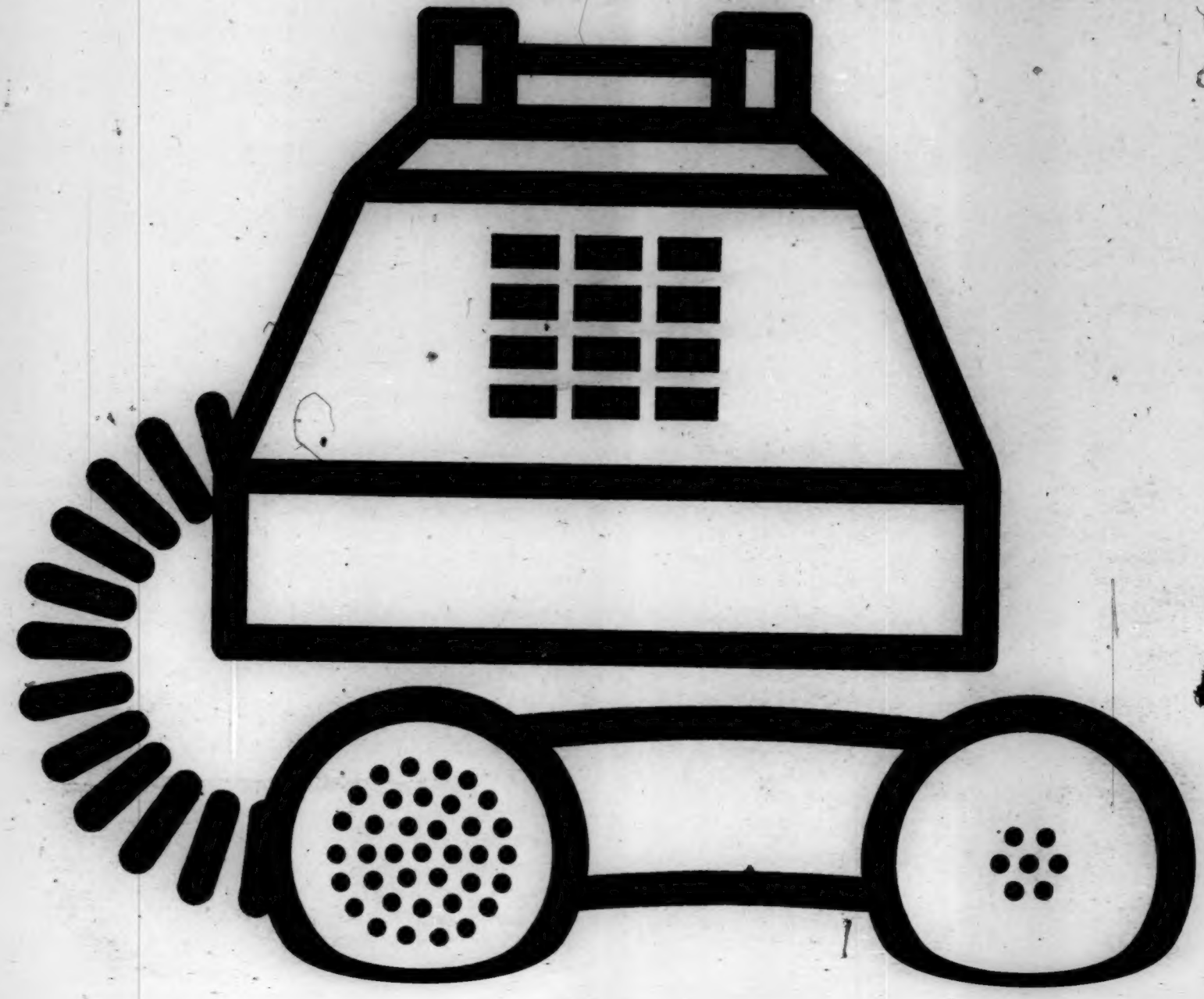

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